

ABSTRACT

Title of Dissertation: REGULATING PASSION: SEXUAL BEHAVIOR AND
CITIZENSHIP IN MASSACHUSETTS, 1740-1820

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“Regulating Passion” explores how sexual behavior affected the construction of citizenship and the body politic in Massachusetts between 1740 and 1820. Patriarchal regulation of the sexual behavior of Massachusetts residents facilitated the “sexual management of citizenship,” a term used in this dissertation to describe how sexual regulation reinforced subordinate statuses and created a debasing sexual rhetoric regarding Native Indians, African Americans, poor whites, young whites, and white women, and, in turn, denied each group access to citizenship. Elite white men’s regulation of sexual behavior constructed their subordinates as dependent, lustful, irrational, and immoral, which limited their ability to make claims to citizenship. Massachusetts residents also used sexual behavior and rhetoric as acts of resistance against and as a tool to enter the hierarchical body politic. This dissertation is based on my analysis of the court records of the General Sessions of the Peace and the Supreme Judicial Court, personal manuscripts, charitable organization records, government

records, and church records from Massachusetts. Tracts and newspapers emanating from Massachusetts were also extensively researched.

Part One focuses on the late colonial era and demonstrates how patriarchal sexual regulation assisted in constituting gender, race, and class. Elite white men's prosecution of illicit sexual behavior illustrated their subordinates' inability to fit within the patriarchal New England ideal of marriage and family. The identities created by sexual regulation were linked to the rights and responsibilities of citizenship, which in late colonial America was limited to propertied white men. Part Two explores the role of sexual behavior in the transformation to the republic. Colonists used sexual rhetoric and sexual behavior to distinguish between "virtuous" Americans and the "luxurious" and "debauched" British. White women cleansed their overly sexual reputations by blaming illicit sexual behavior on licentious white men. American Indians, African Americans, and poor whites continued to be hierarchically ordered in the body politic by derisive sexual rhetoric that defined them as dependant and sexually corrupt.

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MASSACUSETTS, 1740-1820

By

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Abbreviations

AAS	American Antiquarian Society
AHR	American Historical Review
BMC	Boston Municipal Court
BSMRIP	Boston Society for the Moral and Religious Instruction of the Poor
BPL	Boston Public Library
JAH	Journal of American History
MA	Massachusetts Archives
MAC	Massachusetts Archives Collection
MHS	Massachusetts Historical Society
NEHGS	New England Historic Genealogical Society
SCJ	Superior Court of Judicature
SPGAI	Society for Propagating the Gospel Among Indians and Others
SJC	Supreme Judicial Court
WMQ	William and Mary Quarterly

Introduction

The relationship between sexual behavior and citizenship is an important consideration in discovering the ways power was constructed, maintained, and contested in early America. All of the major institutions of early American life in New England were involved in the regulation of sexual behavior. Religious, legal, and cultural efforts to define proper sexual mores, and punish those who deviated from these mores, demonstrate that sexual behavior was fundamental to the creation of identities. Furthermore, only the most powerful individuals were endowed with the right to judge the sexual behavior of others. Patriarchs, slave owners, government officials, clergy, missionaries, and owners of printing presses regularly reckoned with the sexual behavior of those in a subordinate social status. A study of the connections between sexual behavior and citizenship in early America is an important topic of investigation because sexual behavior significantly informed people's conceptions of moral and mental worth, and hierarchy was inherent in these decisions.

“Regulating Passion” explores how sexual behavior affected the construction of citizenship and the body politic in Massachusetts between 1740 and 1820. Patriarchal regulation of Massachusetts residents' sexual behavior facilitated the “sexual management of citizenship,” a term used in this dissertation to describe how sexual regulation reinforced subordinate statuses and created a debasing sexual rhetoric that worked to deny Indians, African Americans, poor whites, young whites, and white women access to citizenship. Sexual regulation was practiced in courtrooms and churches, and through the messages relayed in print literature. However, elite white men did not control the ways sexual behavior could be used in citizenship debates. African

Americans, Indians, women, and the poor used sexual behavior and rhetoric as acts of resistance against and as a tool to enter the hierarchical body politic. Sexual behavior was essential in the evolution of ideas about and the constitution of citizenry and national identity in early Massachusetts history. Sexual behavior was used to create sexual subjectivities, as well as support and undermine the existing hierarchy of elite white men.

“Regulating Passion” is based upon my analysis of court, church, and charitable group records, as well as newspapers, tracts, and personal papers emanating from Massachusetts. The majority of my research was centered on the counties of Worcester, Middlesex, and Suffolk. These counties made up 33.5% of the population of the colony during the 1760s.¹ Suffolk and Middlesex Counties represented the coastal region of Massachusetts, while Worcester was part of the interior frontier. Specifically, I examined all General Sessions of the Peace records from Worcester, Middlesex, and Suffolk Counties between 1740-1804. This court was responsible for handling petty crimes, including prosecutions for fornication, keeping bawdy houses, and paternity disputes. In 1800, the Boston Municipal court began presiding over the petty crimes occurring in Boston. I analyzed these records through 1820. I also utilized all Supreme Judicial Court Record Books, which covered all of Massachusetts’ counties for the period between 1740 through the 1790s. The Superior Court of Judicature records for Worcester, Middlesex, and Suffolk counties between 1800 and 1820 were reviewed for the later period. These courts handled the most important cases from the state and colony, which included adultery, infanticide, and sodomy. To get a sense of the role of sexual behavior in religious life, I examined church records from 11 communities in Massachusetts, largely

¹ Robert V. Wells, The Population of the British Colonies in America before 1776: A Survey of Census Data (Princeton: Princeton University Press, 1975), 81

from the counties of Suffolk and Worcester, but also from Plymouth, Barnstable, and Middlesex. Tracts and newspapers printed in the entirety of Massachusetts were also extensively researched for the period between 1740 and 1820, but the majority of publications originated in Boston because most of the printing presses were there. Records of charitable organizations and personal papers were also important components in my research, particularly those papers and records dealing with African Americans, Indians, state officials, and judicial matters.

My analysis of these records establishes that the relationship of sexual behavior to citizenship varied over time. The effectiveness of sexual regulation in denying persons access to citizenship depended on elite white men's access and authority over the governmental, religious, judicial, and discursive apparatuses of the colony and, later, the state. Between 1740 and 1780, white men relied on the tenets of patriarchy to build institutions that allowed for the subjugation of others to their influence. The sexual regulation of family members, as well as servants and slaves, were central to the practice and bolstering of their authority. In this early period, religious and judicial prohibitions on illicit sexual behavior also distinguished the sexual mores of elite white men from those of all others. Elite white men's sexual behavior did not undermine their claims to independence, reason, virtue, and morality because they were not prosecuted for their illicit sexual behavior. The aforementioned qualities were essential to contemporary conceptions of responsible patriarchs and citizens. Sexual regulation buttressed the existent gender, class, and racial hierarchy because the focus of the regulation pointed out the illicit sexual behavior of the dis-empowered. This defined certain groups as

lascivious, which weakened their claims to rationality and morality, and thus citizenship and patriarchy.

The use of sexual behavior and rhetoric in resistance to hierarchical constructions of citizenship were also contingent on historical circumstances. In the late colonial era, women, African Americans, Indians, and the lower class attempted evasion of sexual regulation. Men of all races and classes asserted their claims to patriarchy and their different conceptions of citizenship to protect their sexual autonomy and families. Women and men created meaningful sexual relationships that contradicted degrading ideologies regarding their sexual behavior. Elite constructions of the body politic were attacked by these contestations and new considerations on citizenship emerged in the Revolutionary era.

The Revolution brought about changes in citizenship and its connection to sexual behavior. Several hierarchical institutions were undermined and elite white men's interference into families to regulate illicit sex was not tolerated. Sexual rhetoric replaced much of the religious and juridical regulation of sexual behavior. The Revolutionary era had taught residents of Massachusetts that sexual rhetoric was a powerful tool in undermining and creating authority. Patriots printed scathing critiques of English sexual morality during the Revolutionary War, which questioned the right of the English to govern.² After 1780, elites depended on charitable organizations and print

² Historians J.G.A Pocock and Bernard Bailyn have shown that revolutionary American rhetoric highlighted their fear that independence and virtue were threatened by an active English government, in which colonists did not participate. Both argue that Americans saw evidence of corruption in standing armies, the evolution to a lack of balanced power as was outlined in the English constitution, and through the establishment of religion by the state. This dissertation adds the sexual behavior of the English as a component in American thought regarding English corruption. Bailyn, The Ideological Origins of the American Revolution (Cambridge: The Belknap Press of Harvard University Press, 1967); and Pocock, Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition (Princeton: Princeton University Press, 1975), 506-548.

literature to construct their version of a healthy body politic. The explicit articulation of the importance of sexual morality in successful nations created an atmosphere wherein different sexual crimes were punished, including prostitution and bawdy houses. The cries for liberty during the Revolutionary War led to the enfranchisement of African Americans and Indians in Massachusetts. However, with this enfranchisement, came a new law rejecting interracial marriage between all non-whites and whites, and a new discourse on the lascivious behavior of African Americans and Indians.

Resistance to sexual rhetoric continued after the Revolution as well. White women refashioned their sexual image and carved out a space for themselves in the new republic. Women empowered themselves by claiming their “passionlessness,” which expanded their roles and increased their access to education.³ White women’s articulation of their seduction, rather than willing engagement in illicit sex led to criticism of white men’s sexual behavior in newspapers and magazines.⁴ Printers first published sexually derisive comments about the loyalists among Massachusetts’ elite and members of the British administration during the Revolutionary era. In the new republic, sexual behavior continued to be a tool of resistance. African men and Indian women formed interracial liaisons that gave African men access to Indian land and resources, while Indian women gained assistance in economic production. Sexually fulfilling and

³ Nancy Cott coined the term “passionless” in “Passionless: An Interpretation of Victorian Sexual Ideology, 1790-1850,” in A Heritage of Her Own, ed. Nancy F. Cott and Elizabeth Pleck (New York: Simon and Schuster, 1979).

⁴ Historians have emphasized how urbanity opened up new sexual opportunities for white men. For examples, Patricia Cline Cohen examines the young men who engaged in New York’s sexual underworld in The Murder of Helen Jewett: The Life and Death of a Prostitute in Nineteenth Century New York (New York: Vintage Books, 1999). Timothy Gilfoyle described men who partook in the pleasure culture of New York’s “Sporting Men” in City of Eros: New York City, Prostitution, and The Commercialization of Sex, 1790-1920 (New York: W.W. Norton and Company, 1992) 92-116.

emotionally intense relationships buttressed Africans and Indians from a racist culture and served as a contrast to derogatory depictions of African and Indian sexuality.

This dissertation adds to the historical literature that addresses how sexuality affected power relations in the colonial and Revolutionary eras. “Regulating Passion” uncovers the intersections of race, gender, class, sexuality, and power in Massachusetts, which, like the rest of the New England region, has not received this kind of historical analysis.⁵ This study also intersects with historical literature dealing with the effect of the first emancipation experience of African Americans, as well as works that address the sexualization of politics in the post-emancipation South.⁶ Historical literature is only now beginning to emerge to deal with these same issues on the first emancipation experience in New England.⁷ The sexualized politics of the Revolutionary era discussed in this dissertation demonstrate that struggles for power were often articulated through sexual rhetoric in United States history. Finally, this dissertation shares a space with

⁵ Currently, no historical literature addresses how sexual behavior influenced the construction of gender, race, and class-based hierarchies in late colonial and Revolutionary in New England. However, there are works addressing this issue for the southern and middle colonies. The most important works include: Kathleen Brown, Good Wives, Nasty Wenches, and Anxious Patriarchs: Gender, Race, and Power in Colonial Virginia (Chapel Hill: University of North Carolina Press, 1996); Kirsten Fischer, Sex, Race, and Resistance in Colonial North Carolina (Ithaca: Cornell University Press, 2002); and Clare Lyons Sex Among the Rabble: An Intimate History of Gender and Power in the Age of the Revolution, Philadelphia, 1730-1830 (Chapel Hill: University of North Carolina Press, 2006).

⁶ For examples, see Martha Hodes, White Women, Black Men: Illicit Sex in the 19th-Century South (New Haven: Yale University Press, 1997); Hannah Rosen, “Not that Sort of Women:” Race, Gender, and Sexual Violence during the Memphis Riot of 1866” in Sex, Love, Race: Crossing Boundaries in North American History ed. Martha Hodes (New York: New York University Press, 1999), 267-293; Tera Hunter, “To ‘Joy My Freedom: Southern Black Women’s Lives and Labors After the Civil War (Cambridge: Harvard University Press, 1997), 145-186; and Laura F. Edwards, Gendered Strife and Confusion: The Political Culture of Reconstruction (Urbana: University of Illinois Press, 1997).

⁷ Leslie M. Harris, “From Abolitionist Amalgamators to “Rulers of the Five Points’: The Discourse of Interracial Sex and Reform in Antebellum New York City,” in Sex, Love, Race: Crossing Boundaries in North American History ed. Martha Hodes (New York: New York University Press, 1999), 191-212; Joanne Pope Melish, Disowning Slavery: Gradual Emancipation and “Race” in New England, 1780-1860 (Ithaca: Cornell University Press, 1998), 119-162; John Wood Sweet, Bodies Politic: Negotiating Race in the American North, 1730-1830 (Baltimore: John Hopkins University Press, 2004).

other writings on the sexual behavior of Indians, whites, and African Americans in New England.⁸

Several other important contributions to historical knowledge are articulated in this dissertation. Historians have recently examined sexuality as a site of resistance to hierarchical structures and cultures. Historian Emily West has detailed that the marital relationships of enslaved African Americans were integral to their resistance strategies.⁹ This dissertation enlarges the discussion of sexuality as a form of resistance by exploring how sexual behavior and rhetoric were deployed to undermine existing power relations. For example, white women articulated new ideas regarding their sexual behavior after the Revolutionary War that challenged previous assumptions about their lascivious nature. As a result of white women's efforts, their roles were expanded in the new republic. Moreover, the sexual relationships of African Americans and Indians were counterpoints to white racist ideologies about their sexual behavior.

Sexuality was more than a method of resistance or a facet of the way citizenship was conceived, national identity was also influenced by the discourses on sexual ethics.

⁸ There is a dearth of scholarship on African American and American Indian sexuality from the 1740s through the 1820s. Two pertinent histories are Daniel R. Mandell, "Shifting Boundaries of Race and Ethnicity: Indian Black Intermarriage in Southern New England, 1760-1830," *JAH* 85 (Sept. 1988): 466-501; and Chapter four of John Wood Sweet's, *Bodies Politic: Negotiating Race in the American North, 1730-1830* (Baltimore: John Hopkins University Press, 2004). White women's and men's sexuality in this period has been explored most famously by Laura Ulrich in *A Midwife's Tale: The Life of Martha Ballard, Based on Her Diary, 1785-1812* (New York: Vintage Books, 1991), 102-203. A small sampling of other texts include Cornelia Hughes Dayton, *Women Before the Bar: Gender, Law, and Society in Connecticut, 1639-1789* (Chapel Hill : University of North Carolina Press, 1995); Ellen Rothman, "Sex and Self Control: Middle Class Courtship in America, 1770-1870," *Journal of Social History* 15 (1982): 409-425; Ruth Bloch, "Changing Conceptions of Sexuality and Romance in Eighteenth Century America," *WMQ* 3rd ser. 60 (Jan. 2003): 13-42; and Richard Godbeer, "The Cry of Sodom: Discourse, Intercourse, and Desire in Colonial New England," *WMQ* 3rd Ser. 52 (April 1995): 259-286.

⁹ Emily West, *Chains of Love: Slave Couples in Antebellum South Carolina* (Urbana: University of Illinois Press, 2004). The evolution of historical thought on this issue likely came from Herbert G. Gutman's foundational work on black family life, in which he argued that the black family was a bulwark against slavery. See Gutman, *The Black family in slavery and freedom, 1750-1925* (New York: Vintage Books, 1977).

The crisis of the Revolution led many writers to form an identity that was different from English, and this new identity was partly based on the espoused sexual purity of Americans versus the illicit sexual behavior of the English. After the Revolutionary War, the national identity advocated by writers and the rhetoric claiming that a tolerance of sexual corruption could doom the nation led to campaigns in rural and urban Massachusetts to cleanse the sexual behavior of the body politic. These efforts were part of a larger national trend that occurred in the United States. These campaigns against sexual vice began earlier than most historians have identified and were important moments of reform and attempts to fulfill national identity.¹⁰

While sexual behavior and citizenship are the central themes of this dissertation, other important ideas are expressed as crucial to the history of Massachusetts. Like other works influenced by Joan Scott's articulation of the importance of gender analysis in unveiling relationships of power, "Regulating Passion" argues that gender was integral in the creation of hierarchy.¹¹ In particular, patriarchy is posited as fundamental to citizenship and hierarchical institutional development in Massachusetts. Contemporaries conceptualized power in terms of the household, and thus, their efforts to manage the autonomy of white women, Indians, and Africans were based on the tenets of patriarchy.

¹⁰ Clare Lyons found efforts to cleanse Philadelphia of sex commerce in 1800. In contrast to this viewpoint, Thomas Gilfoyle, Barbara Meil Hobson, and Ruth Rosen focus on the later 1800s and early 1900s as critical to the campaigns for reformation of sexual morality. See Hobson, Uneasy Virtue: The Politics of Prostitution and the American Reform Tradition (New York: Basic Books, 1987), 6; Gilfoyle, City of Eros, 197-315; Lyons, Sex Among the Rabble 323-353; and Ruth Rosen, The Lost Sisterhood: Prostitution in America, 1900-1918 (Baltimore: John Hopkins University Press, 1982).

¹¹ Joan Wallach Scott, "Gender: A Useful Category of Historical Analysis," in Feminism & History ed. Joan Wallach Scott (Oxford: Oxford University Press, 1996), 152-180. Among the many historians whose work was influenced by Scott's article are Kathleen M. Brown, Good Wives, Nasty Wenches, & Anxious Patriarchs, Laura Edwards, Gendered Strife and Confusion; Kirsten Fischer, Suspect Relations; Glenda Elizabeth Gilmore, Gender and Jim Crow: Women and the Politics of White Supremacy in North Carolina, 1896-1920 (Chapel Hill: University of North Carolina Press, 1996); Clare Lyons, Sex Among the Rabble; Mary Beth Norton, Founding Mothers and Fathers: Gendered Power and the Forming of American Society (New York: Alfred A. Knopf, 1996); and Carol Patemen, The Sexual Contract (Stanford: Stanford University Press, 1988).

Another dimension of this study correlates to historical literature that addresses the contentiousness that existed in the late colonial era.¹² The time period between 1740 and 1786 were tumultuous, not only because of the Revolutionary war, but because of unsettling changes experienced by contemporaries in their economic, social, and political lives. A serious economic decline and the warfare with the French and Indians, even before the war with England, resulted in several crises in the sexual management of race. During the Revolutionary era, the emancipation of African Americans, the removal of overseers from Indian plantations, and the anxiety over white women coupling with Indians challenged patriarchal power. These events changed the body politic and sexual regulation. New discourses on sexual behavior emerged to counterbalance the loss of patriarchal power over Indians and Africans.

In “Regulating Passion,” Massachusetts is used as an entryway into discovering the connection between sexual behavior and citizenship in early America. The advantage of confining the geographical region of this study is in the way localized conflicts reveal new information about larger historical issues. For example, this dissertation expands on the scholarship that addresses the transformation of white women’s citizenship in post-Revolutionary America by providing detailed and localized evidence. The individual efforts of white women to defend themselves, both in local courtrooms and through their writing, from claims of lascivious behavior expose the many ways that the passionless rhetoric was created.¹³ This localized study contains fascinating evidence about the daily

¹² For examples of this literature, see Gary Nash, The Urban Crucible: Social Change, Political Consciousness, and the Origins of the American Revolution (Cambridge: Harvard University Press, 1979); Ronald Shultz, The Republic of Labor: Philadelphia Artisans and the Politics of Class, 1720-1830, (New York: Oxford University Press, 1993); and Clare Lyons, Sex Among the Rabble.

¹³ Historical literature has addressed how women’s identities after the Revolution transformed from that of licentious women to the safe guardians of morality. See Nancy Cott, “Passionless: An Interpretation of Victorian Sexual Ideology, 1790-1850,” in A Heritage of Her Own, ed. Nancy F. Cott and Elizabeth Pleck

lives of individuals and their interactions with the governmental, social, and religious institutions of the state. The transparency of these institutions—the way they were constructed to favor the elite and the resistance of those within it—becomes clear when focused on individual establishments.

Each chapter in this dissertation examines the way sexual regulation affected the ability of particular groups of Massachusetts residents to claim citizenship. Elite white persons' systematic efforts to de-legitimize persons are illustrated through this schematic. Rather than highlighting the stability of gender and racial identity in the late colonial through the early national era, these chapters prove the sexual management of citizenship was forced to respond to changing environments to maintain the hierarchy.

“Regulating Passion” is divided into two sections. Part One focuses on the late colonial era and demonstrates how patriarchal sexual regulation assisted in constituting gender (manhood and womanhood), race (white, Indian, and African American), and class. The prosecutions for illicit sexual behavior illustrated each groups' inability to fit within the New England ideal of marriage and family. The patriarchal tenets embedded within the ideals of marriage and family, as well as the practice of sexual regulation itself, highlighted the dependent status of each group. The Enlightenment emphasis on rationality and Protestant concerns with morality further de-legitimated men and women who easily succumbed to their passions and could not fulfill the rights and responsibilities of citizenship and patriarchy. In this way, the identities created by sexual regulation were linked to the rights and responsibilities of citizenship, which in late colonial America was limited to propertied white men who were usually the heads of

(New York: Simon and Schuster, 1979); and Linda Kerber, Women of the Republic: Intellect and Ideology in Revolutionary America (Chapel Hill: University of North Carolina Press, 1980).

households. Only they could vote in elections or fulfill the duties required of citizens, such as becoming a town officer or taking part in the militia.

In Part Two, I show how sexual behavior and mores continued to shape power relations during and after the transformation to the Republic. During the Revolutionary era, colonists used sexual rhetoric and sexual behavior to distinguish between the “virtuous” Americans and the “luxurious” and “debauched” British. These initial attempts at creating national identity illustrated the growing importance of the link between sexual behavior and national success. Men and women of Massachusetts also became increasingly aware of the importance of sexual character in power struggles in the early national era. White women began efforts to cleanse their overly sexual reputations by claiming white men were responsible for illicit sexual behavior. The racialization of Indians and African Americans was affected by their marriages to each other, the act forbidding whites from marrying non-whites, and the increased attention to what was characterized as non-white’s illicit sexuality. In addition, charitable group members’ efforts at aiding the poor subordinated the needy and publicized the white middle- and upper-class perception that illicit sex ran rampant among the lower class. The fights over sexual characterizations were ultimately about power in the newly formed state.

Sexual regulation was a malleable tool that was essential to the construction of citizenship in the republic. Understanding the importance of sexual behavior in the founding of the nation exemplifies how sexuality became wedded to the United States’ political process and the construction of who was a suitable citizen. This dissertation argues that the success of our nation was initially tied to the sexual character of its

citizenry. An understanding of how contemporaries used sexual behavior to distinguish between races, genders, and classes illustrates how unstable these categories were. A complete comprehension of power dynamics in the late colonial through the early republic depends upon an understanding of how sexual behavior influenced power.

Part One: Sexual Behavior and Citizenship in the Late Colonial Era

Chapter 1: Undesirable Citizens: White Women's Sexual Behavior and Citizenship, 1740-1780

On January 11th, 1779, Nabby Whitmore, a white single woman from Royalston, Massachusetts, confessed to Justice of the Peace Abel Wilder that she had fornicating and was pregnant with a child that “was likely to be born a bastard.” Nabby told Justice Wilder she had copulated with William Clements, a single white yeoman also from Royalston. After signing her confession, Nabby promised to appear at the next General Sessions of the Peace for Worcester County to confess publicly to fornication. William Clements’ role as Nabby’s partner in crime was merely incidental to Justice Wilder. Justice Wilder did not order William to show up in court to confess fornication or to discover whether he was legally responsible for the financial maintenance of Nabby’s child. During the colonial and Revolutionary eras, pregnant single white women and those white women who bore children within seven months of their marriage had to confess the crime of fornication to their local Justice of the Peace. By confessing, they avoided being indicted by their county’s grand jury. After a confession or indictment, white women were required to publicly confess their crime, for some a second time, in the General Sessions, where fornication prosecutions took place. During the March 1779 term of the General Sessions, Nabby was absent from the proceedings. She claimed to still be in bed after giving birth to her child. In lieu of Nabby’s presence, her confession was read aloud and she was charged 15 shillings for fornication. William’s presence was not required nor was there a fine for his fornication with Nabby.¹

¹ Nabby Whitmore’s Voluntary Examination, Jan. 11, 1779, Worcester General Sessions File Papers, Judicial Archives, MA, box 1. State v. Whitmore, Mar. 1779, Worcester General Sessions Record Book. The information presented in this chapter is based on my study of the existent General Sessions of all the Peace Record Books and File Papers for Middlesex, Suffolk, and Worcester Counties between 1740 and

The prosecution of fornication labeled white women, in particular, as “sexual sinners” in Massachusetts, and this discursive construction denied white women the ability to claim citizenship.² An examination of the racial and gendered evolution of fornication prosecutions reveals that the judiciary, which was an important part of Massachusetts Bay Colony’s governance, was actively engaged in bolstering white men’s power through its regulation of white women’s sexual behavior and its dismissal of African and Indian women’s. First, the judiciary of Massachusetts Bay Colony formed a sexual double standard in fornication prosecutions, which eventually decriminalized men’s fornication. Second, an analysis of non-white women’s absence from fornication prosecutions reveals that the judiciary actively protected white men’s patriarchal privileges. Third, white women’s experiences in their confessions of fornication bolstered elite white men’s authority over white women. Finally, prosecutions of white women for fornication and other sexual crimes informed discourses on womanhood and negated their ability to claim authority in the colony and state of Massachusetts.

By the second half of the eighteenth century, Massachusetts Bay colony sought to order white women within the hierarchical structure of the body politic of Massachusetts through the regulation of their sexual behavior. The purpose of fornication prosecutions,

1790. These counties made up 33.5% of the population of the state. Suffolk and Middlesex Counties represent the coastal region of Massachusetts, while Worcester was part of the interior frontier. I also analyzed the Supreme Judicial Court Record Books, which cover all Massachusetts counties, for the period between 1740 through 1790. The extant newspapers from Worcester, Middlesex, and Suffolk for the time period between 1760 and 1786 were also examined. I also reviewed many tracts published in Massachusetts between 1740 and 1790. Robert V. Wells, The Population of the British Colonies in America before 1776: A Survey of Census Data (Princeton: Princeton University Press, 1975), 81.

² Carol F. Karlsen also argues colonists in Massachusetts understood women to be “sexual sinners.” She maintains the understanding of women as sexual sinners and the challenge posed to the gender hierarchy in Salem, Massachusetts led, in part, to the gendered notions of women as witches and to their prosecution. This chapter argues the construction of women as sexual sinners became more pronounced by the late colonial era, as men were no longer criminally culpable for fornication. See Carol F. Karlsen, The Devil in the Shape of a Woman: Witchcraft in Colonial New England (New York: Vintage Books, 1987), 119-144 & 194-202.

the “ritual” of the proceedings, and the discursive context of the 1760s through the 1780s in which citizenship and sexual behavior were discussed, shows how women’s sexual behavior was managed to deny them political legitimacy. White women were exclusively targeted in fornication prosecutions by the 1760s, which enforced white women’s subordination to the elite white men who served as Justices of the Peace in their towns and patriarchs in general. The absolute focus on white women in fornication prosecutions bolstered the construction of a discourse that characterized white women as lustful, while white men’s sexual misdeeds went unpublicized. The discursive construction of white women as “sexual sinners” and the dependents of white men undercut their ability to constitute themselves as rational members of society who could disinterestedly engage in politics.

Why Prosecute Fornication in Massachusetts between 1650 and 1750?

To understand the importance of fornication prosecutions in Massachusetts, the reasons behind the legal prosecution of fornication must be explained. The prosecution of fornication was part of the transatlantic legal and religious heritage of North American colonists from England. Ecclesiastical courts in England began prosecuting fornicators in the thirteenth century as part of a program to minimize illicit sex.³ In 1576, the king’s courts began prosecuting poor mothers and fathers of bastard children to ensure that local parishes were not forced to pay for bastard children’s maintenance.⁴ The transition in

³ Historian James A. Brundage shows that prosecutions for fornication in England were punished more assiduously after the thirteenth century when ecclesiastical courts were formed. He argues these prosecutions were about enforcing sexual morality, not economic imperatives. See James A. Brundage, “Playing By the Rules: Sexual Behavior and Legal Norms in Medieval Europe,” in Desire and Discipline: Sex and Sexuality in the Premodern West, ed. Jacqueline Murray and Konrad Eisenbichler (Toronto: University of Toronto Press, 1996), 23-41.

⁴ N.E.H. Hull, Female Felons: Women and Serious Crime in Colonial Massachusetts (Urbana: University of Illinois Press, 1987), 25. Historian Garthine Walker has written that the initial prosecutions against fornication in England were “weighted against the poor,” in order to assure that bastard children were not

prosecuting fornication from religious to civil courts was supported by Puritans in England who wanted sexual immorality to be more uniformly prosecuted and severely punished.⁵ The British North American colonies also prosecuted all fornicators in civil, rather than ecclesiastical courts, which positioned the offense as an assault on the colonies' governance and the persons who lived there.

Fornication was illegal in every colony, but was much more frequently prosecuted in the northern colonies. Historian Marybeth Norton has demonstrated that in the seventeenth century, the northern colonies prosecuted fornication more assiduously because of the religious homogeneity of New England and the residents' common understandings of what constituted marriage, which was in contrast with the more secular and heterogeneous populations of the Chesapeake. New England's numerical predominance in prosecuting fornication shows that towns in Massachusetts took the crime of fornication seriously. Norton also found that New England prosecuted pre-marital fornication far more often than in the Chesapeake, where the judiciary was more focused on ensuring that single pregnant women posed no extra cost to their masters or the towns.⁶ The prosecution of men and women for engaging in premarital sex, rather than sex by single persons that did not lead to marriage, reveals that Massachusetts'

financially burdensome on towns. Garthine Walker, Crime, Gender, and Social Order in Early Modern England (Cambridge: Cambridge University Press, 2003), 227-228.

⁵ Puritans wanted indictments for fornication to be delivered by the civil courts to all who committed fornication. In particular, Puritans wanted the English elite to be prosecuted for fornication, instead of just the poor. Richard Adair, Courtship, Illegitimacy and Marriage in Early Modern England (Manchester: Manchester University Press, 1996), 152; Anne Laurence, Women in England, 1500-1760: A Social History (New York: St. Martin's Press, 1994), 47-48. Martin Ingram shows church courts in England were commonly used to prosecute Puritans in England, which may have been another reason behind colonists using civil rather than religious courts for fornication prosecutions. See Martin Ingram, Church Courts, Sex and Marriage in England, 1570-1640 (Cambridge: Cambridge University Press, 1987), 1-24

⁶ Norton found 2/5 of fornication prosecution in New England were for pre-marital sex, while in the Chesapeake only 1/5 of prosecutions were against those who had children within 7 months of marriage. Mary Beth Norton, Founding Mothers and Fathers: Gendered Power and the Forming of American Society (New York: Alfred A. Knopf, 1996), 66-72, 335-339, 336 fn. 47.

motivation in fornication prosecutions was not solely to ensure bastard children were financially cared for by the parents, rather than the towns. In premarital sex cases, adult men had married the women who bore them a child, which negated the economic motivation in fornication prosecutions because the man could provide for the child.⁷

The religious and social concerns of Massachusetts residents were critical in the government's decision to prosecute fornication. Marriage was of primary importance in religious life as well as in the social hierarchy of Massachusetts colony. Marriage was understood as a divinely inspired covenant between men and women, as well as a representation of the covenant between God and his church on earth. Marriage was also fundamental in the social positioning of men and women.⁸ In seventeenth and eighteenth century New England, marriage underpinned the patriarchal household, which was used to contain and govern all members of society.⁹ By prosecuting fornication, sexual activity was funneled into marriage and the institution of marriage was validated.

Marriage was important in the religious rhetoric and beliefs of ministers in Massachusetts. Ministers stressed the importance of marriage in their sermons because they believed it was a divinely ordained covenant that had symbolic parallels with man's

⁷ This argument is developed further in the later section of this chapter. Historians have generally accepted that fornication prosecutions in the British North American colonies were primarily about securing the financial maintenance of bastard children, much like the original law in England. See Robert V. Wells, "Illegitimacy and Bridal Pregnancy in Colonial America," in Bastardy and Its Comparative History: Studies in the History of Illegitimacy and Marital Nonconformism in Britain, France, Germany, Sweden, North America, Jamaica and Japan (Cambridge: Harvard University Press, 1980), 361; and Laura Thatcher Ulrich, A Midwife's Tale: The Life of Martha Ballard, Based on Her Diary, 1785 - 1812 (New York: Vintage Books, 1990), 147-155.

⁸ Clare Lyons argues marriage was deployed to secure the gender hierarchy in late colonial and revolutionary era Philadelphia, but this was not wholly successful in Sex Among the Rabble: An Intimate History of Gender and Power in the Age of the Revolution, Philadelphia, 1730-1830 (Chapel Hill: University of North Carolina Press, 2006), 14-58.

⁹ See Norton, Founding Mothers and Fathers; Roger Thompson, Sex in Middlesex; Stephanie Coontz, The Social Origins of Private Life: A History of American Families, 1600-1900 (London: Verso, 1988), 41-160; and Laura Thatcher Ulrich, Good Wives: Image and Reality in the Lives of Women in Northern New England, 1650-1750 (New York: Alfred A. Knopf, 1982).

relationship to God. In 1746, minister Jonathan Edwards explained this belief: “. . . one End why God appointed Marriage, and established so near a Relation between Husband and Wife, was that it might be a Type of the Union that is between Christ and the Church.”¹⁰ God made marriage, Edwards and others ministers argued, not only so that men would not be lonely, but so people would understand their own relationship with God. Ministers explained the union between husband and wife expressed in the marriage covenant was the same as God’s covenant with man. In 1718, Increase Mather described, “In a Marriage there is the Bridegroom and the Bride, the Bridegroom is Christ, and the Bride, the few that are chosen, are the Church of true Believers.”¹¹ Ministers posited that a courtship period existed between God and parishioners that was similar to that of men and women who were to be married. Gilbert Tennent asked believers to “Consider how Christ woos you... he bears with many Affronts, delays, Refusals, and yet repeats his Love Addresses, which considering his Majesty and our meanness, is very admirable!”¹² By explaining God’s relationship with people as symbolically similar to marriage, ministers were asking members of their religious communities to become truly wedded to the church of Christ on earth.

The importance of marriage rhetorically and religiously led ministers to insist that fornication was a terrible sin against God. Ministers contended that fornication sullied

¹⁰ Jonathan Edwards, The church’s marriage to her sons, and to her God: a sermon preached at the installment of the Rev. Mr. Samuel Buel as Pastor of the church and congregation at East-Hampton on Long Island, September 19, 1746 (Boston: Samuel Kneeland and Timothy Green, 1746), 13.

¹¹ Increase Mather, Practical truths, plainly delivered: wherein it is shewd, I. That true believers on Jesus Christ, shall as certainly enjoy everlasting life in heaven, as if they were there already. II. That there is a blessed marriage between Jesus Christ the son of God, & the true believer. III. That men are infinitely concerned, not only to hear the voice of Christ, but that they do it, to day. IV. The work of the ministry, described, in an ordination sermon (Boston: Bartholomew Green, 1718) 11.

¹² Gilbert Tennent, The espousals: or, A passionate perswasive to marriage with the Lamb of God &c. In a sermon upon Gen. XXIV (Boston, Thomas Fleet, 1741), 34-35. This was printed in 1735 and twice in 1741.

the covenant of marriage and the symbolic union between God and people on earth. The need for purity in marriage covenants was espoused because marriage was created and ordained by God before Adam's fall. Jonathan Edwards explained, "The young Man gives himself to his Bride in Purity, as undebauched by meretricious Embraces : and she also presents herself to him as a chaste virgin."¹³ The virginity of both spouses was necessary to show they entered the union of marriage without sinfulness in body or intent. Like marriage between men and women, people were expected to go to God with the purest of intentions and not seek gratification from God in return for the promise of marriage. The marriage covenant would be defiled if men and women engaged in sexual intercourse before marriage because this act would suggest the couples sought to marry for bodily gratification. Ministers believed that the consummation of the marriage between Christ and his church on earth was to occur during Christ's second coming, just as the consummation of marital ties was to be initiated after God's blessing on the couple.¹⁴ In the repeatedly published "A Wedding Ring," minister William Secker advised against having sex before marriage. He wrote, "It is strange that, *that* [sexual intercourse] *should* be a Pollution which was instituted before Corruption . . . Or that they should make that to be a Sin, which they make to be a Sacrament."¹⁵ As proof of the sinfulness of fornication, ministers pointed towards the unhappiness of those who abjured Christ's teaching and engaged in "the paths of forbidden pleasures" by fornicating. "It must be a painful mortification to a man of common honour . . . ," one minister preached, for a man "to reflect upon himself, when he is gratifying these stragling [base]

¹³ Jonathan Edwards, The church's marriage 14.

¹⁴ Cotton Mather, Practical Truths 54.

¹⁵ William Secker, A wedding ring, fit for the finger: or, The salve of divinity on the sore of humanity. With directions to those who want wives, how to choose them; and to those women that have husbands, how to use them. Laid open in a sermon at a wedding in Edmonton (Boston: John Draper, 1750), 8.

inclinations, that he knows himself to be a base man, that he is giving up all pretences to integrity, . . .but must necessarily sink and debase himself in his own thought and esteem, and in a little time becomes odious to himself and all good men.”¹⁶ Ministers indicated that men and women who engaged in fornication would lose their place alongside God in heaven and happiness on earth through the sickness and misery resulting from fornication.

The sacred understanding of marriage and sexual intercourse did not confine itself to the church meetinghouse. God's law was also the law of Massachusetts Bay, where sexual intercourse between a man and a woman was sanctioned to occur only after marriage. In 1699, the “Act for the Punishing of Criminal Offenders” defined fornication as men’s sex “with any single Woman.” The law provided that “upon due conviction thereof, they shall be Fined . . . or be Corporally punished by Whipping. . . .”¹⁷ Women were subject to prosecutions and punishments for committing fornication, even though they were linguistically constructed as the object or site of men’s sexual activity in this legal definition. Men and women who engaged in fornication were required to confess their sexual transgression at the General Sessions of the Peace. This law derived—in part—from religious beliefs that viewed sexual intercourse as a gift from God for married couples. Minister William Secker aptly described the beliefs of Massachusetts residents when he claimed, “*It is better to Marry than to Burn; to be lawfully Coupled, than to be lustfully Scorched.*”¹⁸ Massachusetts law ensured women and men were punished on

¹⁶ Thomas Humphreys, Marriage an honourable estate. A sermon preached at Driffield in Gloucestershire, on occasion of a marriage of Gabriel Hanger, Esq; and Ms. Elizabeth Bond, (Boston: Zechariah Fowle, 1752), 15.

¹⁷ Massachusetts Bay Colony, Acts and Laws of His Majesty’s Province of the Massachusetts-Bay, (Boston: Bartholomew Green and John Allen, 1699), 13. In 1692, new punishments were laid down for fornicators and marriage was no longer part of punishment. See Thompson, Sex in Middlesex 8.

¹⁸ William Secker, A Wedding Ring 9-10.

earth for committing the sin of fornication. In this way, they safeguarded the sacredness of the marriage covenant.

The fornication law of Massachusetts dictated the gender hierarchy. The legal definition of fornication as sex with “any single Woman” portrayed men as the dominant subject in sexual relations. This law highlighted the contemporary understanding of women’s subordination to men in sexual relations, and men’s superior position in the gender hierarchy. Historian Thomas Laquer has demonstrated contemporary understandings of the body accorded women the inferior role of dependency in reproduction and sexual fulfillment in sexual intercourse, even after discovery of the female egg.¹⁹ The conception of women as receptors of men’s sexual activity linguistically denied women their own sexual subjectivity and power in sexual relations. The legal construction of fornication mirrored contemporary beliefs and placed women as responders to men’s active and prominent position in sex. In this way, the legal definition of fornication linguistically brought women in line with men’s authority in sexual relations.

The fornication law of Massachusetts derived from a desire to secure the gendered hierarchy through the institution of marriage. In churches, the hierarchy between men and women within marriage was fundamental to ministers who explained the disparity between God and the people of Massachusetts. They argued that women and men were to be faithful servants to God, “as the Bride doth in Marriage cleave and deliver up

¹⁹ Laquer finds that constructions of reproduction conceptualized men as the active partner, who was responsible for “igniting the women” even after the discovery of the female egg. Although many contemporaries believed women’s orgasm was necessary to conceive, it was with men’s manipulations of women’s bodies that this was possible. See Thomas Laquer, *Making Sex, Body and Gender from the Greeks to Freud* (Cambridge: Harvard University Press, 1992), 142-175.

herself to her husband.”²⁰ Outside churches, marriage was also essential in ordering men and women within patriarchal households. Without marriage, no family or patriarch would exist, and patriarchs in New England were necessary for the proper governance of individuals. Massachusetts residents believed husbands and wives had their own duties and responsibilities in the family. Husbands were expected to protect and provide for their families, as well as govern them, and see to their welfare. On the other hand, women were helpmeets. Women were vital economic partners in the colonial economy, but were forced to defer to their husbands in major economic and legal decisions through *femme covert*.²¹ Fornication prosecutions punished women who fulfilled their sexual desires outside of marriage and publicized the actions of those who transgressed the legal norm. This legal mechanism emphasized women’s proper and subordinate place within the gender hierarchy because marriage was understood as an institution that required women’s subservience to men.

Fornication prosecutions preserved the social order by ensuring future generations were raised properly by married couples. In 1752, one minister warned that bastard children would be disregarded by both parents: “. . . the fathers, dubious whether they be their off-spring, will regard them with an unconcerned eye, and their mothers, stragling in their affections, and fond of new paramours, quickly will withdraw their compassion from them.”²² Marriage between the fathers and mothers of children was posited as the answer to this dangerous situation, in which children would be left without supervision. Ministers cherished those children born within the marriage covenant, or the “Fruit of this

²⁰ Jonathan Edwards, The church’s marriage 3.

²¹ Through *femme covert*, married women could not vote, hold property, or represent themselves in court. See Laura Ulrich, Good Wives 35-50; and Marybeth Norton, Founding Mothers and Fathers 72-102.

²² Humpheys, Marriage an honourable estate 11.

Union,” who represented the larger “spiritual *Offspring*” of Christ and his followers.²³

The importance of children to God and an ordered society meant they needed to be guided and nourished. Parents taught children societal structure and their place within it, by assigning children with an inferior status in the family until they reached adulthood or gained competencies and began their own families. Families were expected to stress the importance of religion and proper morals to ensure children did not upset community compacts. Criminalizing fornication was meant to minimize the threat of illegitimacy to Massachusetts’ ordered society.

Fornication prosecutions were critical to maintaining the social world of seventeenth and eighteenth century Massachusetts. Ministers and the judiciary promoted marriage as the idealized space for sexual intercourse because of the social necessity of teaching persons their proper roles in the family and society, the preservation of the gender hierarchy, and religious beliefs. Massachusetts residents believed engaging in sexual intercourse outside of marriage posed problems for the community by creating new members of society who had little connection to the ordered world in which they lived. Premarital and non-marital sex also threatened the symbol of marriage by removing the essential sacrament of sexual intercourse from its proper place.

Furthermore, communities could not hope to create a compact with God if they allowed fornication to go unpunished.

The Gendered Evolution of Fornication, 1650-1760

Fornication prosecutions in Massachusetts derived from their English legal, cultural, and religious heritage. In sixteenth century England, women began to bear the brunt of the prosecutions and punishments for fornication, which was different from

²³ Jonathan Edwards, The church’s marriage 17.

previous centuries. In thirteenth century England, the prosecution of fornication occurred in ecclesiastical courts and both men and women were required to pay fines, courts costs, and suffer “some type of ritual humiliation . . . to deter others from committing carnal offenses.”²⁴ The gender equity in punishment and prosecution eroded in the sixteenth century, when civil courts also began prosecuting fornicators. In 1576, the House of Commons passed a statute requiring mothers and fathers of bastard children to promise to financially support the child, which began the civil courts’ administration of justice to fornicators. During the late 1500s, both ecclesiastical and civil courts began punishing women more harshly than men for fornication, especially in regard to corporal punishment.²⁵ After this point, English law caught up with legal practice and the more severe punishment of women was codified. In 1610, a statute was passed that stipulated that bastard-bearing women were to be placed in the house of correction for a year. Rural areas throughout England were passing laws during the same time period that provided for the corporal punishment of fornicating women.²⁶ Historian Garthine Walker explains that by the 1650s, Justices of the Peace in England “regularly ordered the whipping and incarceration of women . . . ,” while also “clamp[ing] down on males, primarily in financial terms.” According to Walker, men’s “punishment” in seventeenth century England was the financial maintenance of their bastard children, even though charges of fornication were decreasingly brought against them.²⁷

²⁴ Brundage, “Playing by the Rules,” 33.

²⁵ Adair, Courtship, Illegitimacy and Marriage 152; Laurence, Women in England 48; and Walker, Crime, Gender, and Social Order 227.

²⁶ Anthony Fletcher, Gender, Sex, and Subordination in England, 1500-1800 (New Haven: Yale University Press, 1995), 276-277

²⁷ Walker, Crime, Gender, and Social Order 227-228.

The law forbidding fornication in Massachusetts was codified during the same time period that England began more harshly punishing women for fornication. In 1648, Massachusetts Bay required fornicators to marry, pay a fine, or suffer corporal punishment.²⁸ Massachusetts law did not stipulate differing penalties for men and women who fornicating in the legal code until the 1660s, which was later than in England. Historian Else L. Hambleton found that the 1668 law passed in Massachusetts Bay Colony allowing men to avoid prosecution for non-marital fornication, or sexual intercourse with a woman that did not lead to marriage, was actually codifying Massachusetts Bay's existing legal practice that began in 1660. The law specified that in cases where a single woman was pregnant, she was to name the father of her child while giving birth in front of a midwife. This law did not include any language about the legal status of the men named by women for paternity, which suggested that men were not going to be criminally culpable for non-marital sex unless they willingly confessed to fornicating in front of a Justice of the Peace. Indeed, during and after the 1660s, Hambleton found that the single men named by single women were decreasingly prosecuted for fornication and were instead engaged in battles over paternity.²⁹ Historian George Eliot Howard's statistics on Suffolk County's fornication prosecutions support Hambleton's argument. In Suffolk County, men were no longer prosecuted for non-marital fornication by 1680.³⁰

²⁸ Historian Roger Thompson found couples were fined or whipped, rather than being forced to marry in Middlesex County after 1650. See Roger Thompson, Sex in Middlesex: Popular Mores in Massachusetts County, 1649-1699 (Amherst: University of Massachusetts Press, 1986), 8.

²⁹ Else L. Hambleton, Daughters of Eve: Pregnant Brides and Unwed Mothers in Seventeenth-Century Massachusetts (New York: Routledge, 2004), 38-40.

³⁰ George Elliot Howard, A History of Matrimonial Institutions: Chiefly in England and the United States with an Introductory Analysis of the Literature and the Theories of Primitive Marriage and the Family, vol. 2 (New York: Humanities Press, 1964), 180-190.

While non-marital fornication prosecutions against men had been declining over the seventeenth century, Plymouth and Massachusetts Bay colonies did not stop demanding that husbands and wives appear before the court to be punished for premarital fornication. In practice, couples were prosecuted for premarital fornication when a child was born less than 32 weeks after their marriage.³¹ The prosecutions of men for premarital fornication did not decline until the 1740s and 1750s. Husbands and wives appeared together in court to confess fornication in Suffolk, Middlesex and Worcester Counties throughout the seventeenth and into the eighteenth century. The appearance of men in the courtroom on charges of premarital fornication was important in suggesting that some type of gender equity existed in fornication prosecutions. Fornication prosecutions had not become a completely gendered crime as long as men continued to be brought forward on charges of premarital fornication.

The waning gender equity began to disappear in the 1740s and 1750s. As shown above, prosecutions against men for non-marital sex had been dwindling since the late seventeenth century. By the 1750s, prosecutions against men for premarital sex also dramatically declined until they stopped in 1758, and men were entirely absent from fornication prosecutions by 1760.³² As prosecutions against men for premarital sex ended between 1740 and 1760, fornication transformed into a completely gendered crime for which only women were prosecuted. The evolution of fornication to a woman-only

³¹ Else Hambleton and Roger Thompson found that most couples were prosecuted for having children born under 32 weeks after they married. See Hambleton, *Daughters of Eve* 93-95; and Thompson, *Sex in Middlesex* 55.

³² Middlesex prosecuted the last man for fornication in April 1758. Middlesex General Sessions of the Peace Record Books, 1750-1759; Suffolk General Sessions of the Peace Record Books, 1750-1759; and Worcester General Sessions of the Peace Record books, 1750-1759.

crime ended the more egalitarian prosecution of fornication, when men could be found defending themselves alongside women.

The declining representation of men as defendants in fornication prosecutions in Middlesex and Worcester counties began in the 1740s. During the 1740s, 34% of the total prosecutions for fornication were against men in Worcester County. During the 1740s in Middlesex, 13% of prosecutions were against men, but in Suffolk County, no prosecutions of men for fornication occurred after 1732.³³ (See Table 1.1.) Before the late 1730s, men in Massachusetts could not evade punishment for premarital sex. Even during the 1740s in Middlesex and Worcester counties, persons conducting business in the courthouse, spectators, and other women charged with fornication saw men and women being prosecuted for fornication. However, by the 1750s, Worcester and Middlesex Counties even less frequently prosecuted men for fornication. These counties prosecuted only two men each, with the last prosecution of a man for fornication taking place in April 1758 in Middlesex County. By the late 1750s, the gendered context of fornication prosecutions had changed with the disappearance of men altogether from criminal prosecution. Women represented at least 97% of the total number of prosecutions for fornication during the 1750s in all three counties under study.³⁴ During the thirty-year period between 1730 and 1760, men's criminal culpability continually declined until they were no longer prosecuted for fornication.

³³ Worcester General Sessions of the Peace Record Books, 1740-1749; and Middlesex General Sessions of the Peace Record Books, 1740-1749. Historian George Elliot Howard found that between 1725-1732, Suffolk County prosecuted 7 couples for fornication after the grand jury indicted them. See Howard, History of Matrimonial Institutions 195

³⁴ Statistics derived from Worcester, Suffolk, and Middlesex Counties General Sessions Record Books, 1740-1759. The percentage of men prosecuted for fornication out of the total in the 1740s was 33.7% for Worcester, 12.8% for Middlesex, and 0% for Suffolk. In the 1750s, men's percentage of the total number of prosecutions was 2.7% in Worcester, 1.85% in Middlesex, and 0% in Suffolk. In 1750, the total number of fornication prosecutions in Suffolk was 52, in Middlesex it was 108, and in Worcester it was 76.

Table 1.1: Comparison of Men and Women Prosecuted for Fornication, 1740s-1750s

Decade		Middlesex	Worcester	Suffolk*
1740s	Men	30	9	0
	Women	89	70	39
	% of Men From Total # of Prosecutions	34%	13%	0%
1750s	Men	2	2	0
	Women	74	106	52
	% of Men From Total # of Prosecutions	3%	2%	0%
1760s	Men	0	0	0
	Women	153	112	42
	% of Men from Total # of Prosecutions	0%	0%	0%

Between 1740 and 1758, the majority of men prosecuted for fornication had premarital sexual intercourse with their wives that had resulted in the birth of a child less than seven months after they married. During the 1740s in Worcester and Middlesex Counties respectively, 93% and 67% of the men brought to court for fornication were prosecuted for having sexual intercourse before they married their spouse.³⁵ These men entered court to confess alongside their wives in overcoming the charge of fornication. Of these men, 33% were forced into court by a warrant from the Grand Jury to appear

* Suffolk County Records begin in 1743.

³⁵ Worcester and Middlesex General Sessions Record Books, 1740-1749. In the 1750s, at least 50% of the men from each county were married before prosecuted. In one case, a man charged with fornication defaulted, and the name of his partner was omitted. Presumably, he did not marry and absented himself from the community to avoid charges. See *King v. David Wheeler*, May 1750, Worcester Record Book.

and answer the charge of fornication, rather than voluntarily entering the courtroom after confessing fornication to their local Justice of the Peace.³⁶ In the 1740s, only two men out of thirty in Worcester and three out of nine in Middlesex were single and fined for committing fornication.³⁷ Grand juries or Justices of the Peace could have easily indicted men who engaged in non-martial sex. Justices regularly elicited the names of women's partners in non-marital fornication cases, so there was a record from which judges could force men to stand trial for non-marital fornication. Yet, communities and judges were more concerned about prosecuting men for premarital, rather than non-marital sex.

Beginning in the 1660s, communities and Justices of the Peace in Massachusetts allowed men to avoid prosecution for non-marital fornication and referred discussions of their criminality to issues of paternity. During the 1700s, fornication continued to be defined as sex with "any single Woman," but in practice, single men who engaged in non-marital sexual intercourse were not charged with fornication unless they confessed their crime to a Justice of the Peace.³⁸ Communities and Justices of the Peace would not subject men to the same sexual standards imposed on women by making men's non-marital fornication criminal. Single women identified single men as their partners in their confessions of fornication. However, these men were not prosecuted for fornication even though the evidence suggested they were fornicators. The court considered information regarding men's non-marital sexual behavior as relevant only to paternity hearings. In the 1740s, Middlesex prosecuted only three men for non-marital fornication, and nine

³⁶ Ten men out of thirty in Worcester and three out of nine in Middlesex were forced to answer the charge of fornication by an indictment. Nathaniel Coochunk, Zachariah Glazier, Timothy Warrin, Hezekiah, and Ephraim Holland were dismissed without confessing or being fined after being indicted. Worcester and Middlesex General Sessions Record Books, 1740-1749.

³⁷ Worcester and Middlesex General Sessions Record Books, 1740-1749.

³⁸ Massachusetts-Bay Colony, Acts and Laws 13

men evaded charges even though they were identified as fathers of bastard children by either promising to maintain children or being found to be the father by Justices of the Peace.³⁹ In Worcester, only two of the seven men who were identified as fathers of bastard children by women on trial for fornication were similarly prosecuted for fornication during the 1740s.⁴⁰ While the courts were willing to force men to pay for the maintenance of their offspring, they clearly did not view men's non-marital sexual liaisons as a criminal conduct warranting prosecution.

Historian Robert V. Wells has written that men's punishment for non-marital fornication was to pay for the illegitimate child's upkeep.⁴¹ However, women's punishment for fornication included being prosecuted, fined or whipped by the court, and supporting their illegitimate offspring. The law regarding paternity stated, ". . . And he that is Accused by any Woman, to be the Father of a Bastard Child Begotten of her Body...shall be adjudged the Reputed Father of such Child, notwithstanding his Denial; and stand charged with the Maintenance thereof."⁴² The law did not stipulate that men accused by women for paternity would also have to stand trial for fornication, neither did it exempt women. The courts' decision to have the father of an illegitimate child pay for its support was not commensurate with the prosecution of women. Had the court only been interested in getting financial security for children, women could have been brought

³⁹ The three prosecutions were King v. Nathaniel Coochunk, Dec. 1740 & King v. Phinehas Parker (he was indicted two times), Mar. 1749, Middlesex Record Books. Coochunk successfully argued he was innocent and charges were dismissed.

⁴⁰ King v. Timothy Madin, Aug. 1740 & King v. Abijah Child, Aug. 1749, Worcester Record Books. Both men were found guilty.

⁴¹ Robert V. Wells, "Illegitimacy and Bridal Pregnancy in Colonial America," in Bastardy and Its Comparative History: Studies in the History of Illegitimacy and Marital Nonconformism in Britain, France, Germany, Sweden, North America, Jamaica and Japan (Cambridge: Harvard University Press, 1980), 361.

⁴² Massachusetts-Bay Colony, Acts and Laws 13.

to the court without singling them out as the only criminally culpable party in non-marital sex relations.

By the 1740s, fornication prosecutions began emphasizing women's sexual criminality, not only by allowing men to evade indictments for non-marital sex, but also by prosecuting non-marital fornication much more often than it did premarital fornication. The number of non-marital fornication prosecutions increased dramatically in the eighteenth century. Between 1649 and 1686 in Middlesex County, non-marital fornication prosecutions against men and women made up only 8% of the fornication prosecutions. Between 1692 and 1725, the number of people being prosecuted for non-marital fornication jumped to 30%, and by the 1740s, 84% of fornication prosecutions were for non-marital sex.⁴³ The same pattern is visible in Suffolk County. Between 1671 and 1680 in Suffolk County, 58% of all persons prosecuted for fornication were indicted for non-marital sex, and between 1702 and 1725, 61% of the persons were prosecuted for non-marital sex. In contrast with these figures, during the 1740s, 97% of prosecutions for fornication were for non-marital sex.⁴⁴ Over the 1740s, prosecutions against people for non-marital fornication represented between 63% and 97% of all fornication prosecutions in Worcester, Middlesex, and Suffolk Counties (See Table 1.2). The increase in non-marital fornication prosecutions in the 1740s made women more visible as sexual criminals because women were prosecuted for non-marital sex much more often

⁴³ According to Howard, in Middlesex between 1649 and 1686, 5 persons were prosecuted for non-marital sex and 60 men and women were prosecuted for premarital sex. Between 1692-1725, 135 persons were prosecuted for non-marital sex and 310 men and women were prosecuted for premarital sex. Howard, A History of Matrimonial Institutions, vol. 2, 189-193. Middlesex General Sessions Record Books, 1740-1749.

⁴⁴ According to Howard, in Suffolk between 1671-1680, 63 men and women were prosecuted for non-marital sex and 40 men and women were prosecuted for premarital sex. Between 1702-1725, 148 women were prosecuted for non-marital sex and 96 men and women were prosecuted for premarital sex. See Howard, A History of Matrimonial Institutions, vol. 2, 187-192. Suffolk General Sessions Record Books, 1743-1749.

than men. Women represented between 95% and 100% of all non-marital fornication prosecutions against both genders in Suffolk, Middlesex, and Worcester Counties.⁴⁵ By the 1740s, the prevalence of non-marital fornication prosecutions suggested the court and communities were especially concerned with remedying the problem of disorderly single women.

Table 1.2 Prosecutions for Premarital and Non-Marital Fornication, 1740s

County	Premarital		Non-Marital		Percentage of Non-Marital Fornication Prosecutions
	Men	Women	Men	Women	
Middlesex	6	7	3	63	84%
Suffolk*	0	1	0	38	97%
Worcester	28	16	2	73	63%

While the court and communities reigned in disorderly single women who engaged in sex without the promise of marriage, they simultaneously allowed men to have sex with these women without any criminal consequences. The removal of men from fornication prosecutions had the effect of placing all the blame for illicit sexual behavior on women. From the 1660s until 1760, a woman's marital status as single was integral to the decision on whether or not to prosecute men. Community and court decisions not to prosecute men for non-marital sexual intercourse suggested that single women who did not marry after having sexual intercourse were sexually transgressive. By not prosecuting men for their engagement in sexual intercourse and not pressuring

⁴⁵ Middlesex, Suffolk, and Worcester County Record Books, 1740-1749.

* Suffolk County Records begin in 1743 rather than 1740.

men to marry, the judiciary set aside the women they had sex with as viable outlets for men to fulfill their sexual desire. As men disappeared from prosecutions and only women were criminally culpable for fornication, it appeared that all women, regardless of their status as to be married or never married, were sexually transgressive. While women were constructed passively in the law as the object of men's passion, in the courtroom they became active figures whose marital status defined men's criminal culpability. This active status in the courtroom revealed the primacy of suppositions of women's lustful sexual behavior in the conceptualization and prosecution of fornication.

Women's primacy in affecting the criminality of their partners did not reflect a concomitant power in sexual relations or community support for their illicit sexual behavior. Women's marital status did not always reflect their own desire. Some women prosecuted for non-marital fornication may have hoped that sexual intercourse with their partner would lead to marriage. However, fathers of bastard children made decisions about whom they were going to marry. Women could attempt to use community pressure to get a man to marry her after sexual intercourse, but ultimately men made the decision.⁴⁶ Women's marriage opportunities outside of her bastard child's father also declined after being indicted for fornication. Historian Else Hambleton found that in seventeenth century Massachusetts, when men were more culpable for non-marital fornication, only one-third of the women prosecuted for fornication in Essex County married their partner before the birth of the child. Furthermore, she also discovered that only one-third of women who bore illegitimate children married after the birth of that

⁴⁶ Nancy Cott, "Passionless: An Interpretation of Victorian Sexual Ideology, 1790-1850," in *A Heritage of Her Own*, ed. Nancy F. Cott and Elizabeth Pleck (New York: Simon and Schuster, 1979), 169.

child and that these women often married men beneath their own status.⁴⁷ These figure worsened in the eighteenth century as men were considered even less responsible for their role in sexual intercourse. Between 1750 and 1789, when only four men were prosecuted for fornication, my analysis revealed a meager 33 women, or 6% of the women entering court in Suffolk, Middlesex, and Worcester Counties, married before the birth of their child.⁴⁸ Women carried the brunt of responsibility in communities and in the courtroom for sexual intercourse, despite the obvious fact that both men and women engaged in illicit sex.

By 1760, the major intent of fornication prosecutions was to correct disorderly women's sexual behavior. Women's status as married or unmarried was the major factor in the decision to prosecute a man or woman for fornication. Women's sexual behavior was targeted for regulation for many reasons. First, by regulating women's sexual behavior before marriage, the court prevented young men and women from co-opting the role of the parents, who were to play a vital role in choosing women's marriage partners. Second, fornication prosecutions were a vital part of the gender hierarchy that sought to confine women within patriarchal households to preserve order. Third, the laws to regulate sex showed a commitment by the government to uphold sexual standards. These efforts, although aimed primarily at women, soothed the minds of those believing God disfavored and would punish communities where sexual sin ran rampant. In this sense, sexual regulation protected communities from God's wrath, while it simultaneously denied the criminality of men engaging in fornication.

⁴⁷ Else Hambleton, *Daughters of Eve* xiv and 45.

⁴⁸ Worcester, Suffolk, and Middlesex General Sessions Record Books, 1750-1769.

The decision of courts and communities to decriminalize men's non-marital and premarital fornication strengthened the sexual authority of men in Massachusetts. The legal construction of fornication as sex "with any single Woman" codified Massachusetts' communities understanding of men's authority in sexual relations. By the late 1750s, men would not be made criminally culpable for sexual intercourse with or without the promise of marriage, which encouraged their ability to make promises and engage in sexual intercourse without reprisal. Men's authority in sexual relations increased when women were the only persons criminally responsible for fornication. Men ultimately decided whether to legitimate their sexual partners by marrying them or leaving them to become one of the disorderly women brought before the Justices of the Peace. Women would need to be the stopgaps in sexual exploration because only they were criminally culpable for sex. However, since the decision to marry was made by men, women would be desirous of being sexually pleasing. The power that was given to men in making fornication a gendered crime left women in a sexually susceptible position.

The gender bias in fornication prosecutions also bolstered the political power of men in Massachusetts. The judicial stress on single women who engaged in non-marital fornication pressured on all single women who experienced sexual desire to marry first, rather than fulfill their yearnings before marriage. The stain of fornication prosecutions on Massachusetts women likely pushed them to marry. When women married, the legal practice of *femme covert* subsumed their property rights and legal standing under their husband. The loss of women's property and legal rights lessened their ability to affect local decisions that were made by men in town meetings across Massachusetts. The

transfer of property to men would have especially affected the power of older women, who were widowed and had been left holdings by their parents and husbands' deaths. On the other hand, men's authority was strengthened with their increased property holdings and their standing as a household head and patriarchal figure.

The prosecution of women for fornication enhanced the sexual and political power of men by emphasizing men's authority over women in sexual relations and by pressuring women to marry. The removal of men in the 1750s from fornication prosecutions changed the context within which women were punished by making fornication a gendered crime. Even during the 1740s, when the inclusion of men in fornication prosecutions was declining, a more egalitarian understanding of gendered culpability in fornication was evident. The removal of men from fornication prosecutions removed the veneer of evenhandedness. Men's ability to evade criminality in sexual intercourse increased the importance of women's marital status in sexual relationships and pressured them to marry rather than suffer being prosecuted for fornication.

The Racial Evolution of Fornication Prosecutions, 1740-1785

Between 1740 and 1780, only two African women and one Indian woman were prosecuted for fornication in Worcester, Suffolk, and Middlesex Counties.⁴⁹ Prior to the 1740s, women of African descent, both enslaved and free, were prosecuted for fornication. Indeed, according to historian Lorenzo Green, "bondage," in the early colonial period, "gave no sexual license to the New England slave." He cites several

⁴⁹ The cases against women of color were: King v. Hannah Hammond, Middlesex Record Book, Mar 1742; King v. Ameer, Dec. 1752, Middlesex Record Book; King v. Elizabeth Abrams, Feb. 1750, Worcester Record Book. Historian Edward Byers has similarly noted a lack of inclination by Nantucket jurists to bring Indians to justice for fornication. Yashuhide Kawashima also found only a few cases of Indians prosecuted for fornication in Plymouth and Barnstable counties between 1689 and 1763. See Byers, The Nation of Nantucket: Society and Politics in an Early American Commercial Center, 1660-1820 (Boston: Northeastern University Press, 1987), 62-63; and Kawashima, Puritan Justice and the Indian: White Man's Law in Massachusetts, 1630-1763 (Middletown, CT: Wesleyan University Press, 1986), 270-280, Table 3.

fornication charges against African men and women in Massachusetts in the late seventeenth century.⁵⁰ On the other hand, Indians had control over their own judicial matters in the seventeenth century, which meant Indians were rarely brought forward on charges of fornication. An analysis of the gendered sexual hierarchy—wherein men were not culpable for sexual sins—and the racial hierarchy in Massachusetts reveals that Indian and African women were not prosecuted for fornication to protect white men’s patriarchal power.⁵¹ In the defense of the racial and gendered hierarchy, fornication became a white women’s crime and women of color were excluded from fornication prosecutions by 1760.

The seventeenth century prosecutions against women and men of African descent suggests whites attempted to include Africans in Massachusetts society. On the other hand, most Indians were not part of Massachusetts Bay or Plymouth’s judicial systems because they lived in their own enclaves with their own justice system. In 1708, the number of men and women of African descent in Massachusetts totaled approximately 550.⁵² Historian Ira Berlin has argued that the “small holdings, close living conditions, and the absence of gang labor allowed members of the charter generations [of Africans] to incorporate themselves into the mainstream of northern life and enjoy many of the rights of free people.”⁵³ Although being prosecuted for fornication can hardly be

⁵⁰ Lorenzo Johnston Greene, The Negro in Colonial New England, 1942 (New York: Atheneum, 1968), 202-203. One interesting case of a white slave master and enslaved woman is explained in detail by Diane Rapaport, “Tales from the Courthouse: The Case of the Rhode Island Runaway,” New England Ancestors 7 (Spring 2006): 54-55. Roger Thompson found that Africans were excessively prosecuted for illicit sex in seventeenth century Middlesex. See Thompson, Sex in Middlesex 108-109.

⁵¹ This argument is in contrast to Yasuhide Kawashima, who argues the judiciary treated Indian and white fornicators similarly “regardless of race.” See Kawashima, Puritan Justice 167.

⁵² George H. Moore, Notes on the History of Slavery in Massachusetts (New York: Negro Universities Press, 1968), 50.

⁵³ Ira Berlin, Many Thousands Gone: The First Two Centuries of Slavery in North America (Cambridge: The Belknap Press of Harvard University Press, 1998), 54.

construed as a right, the inclusion of men and women of African descent in fornication prosecutions suggests white residents of Massachusetts saw their fate as intertwined with that of Africans. By prosecuting Africans, Massachusetts white colonists revealed their inclination to hold Africans up to the same moral standards they expected from white persons.

Africans and Indians who were prosecuted for fornication in Massachusetts were generally treated similar to whites of the same gender, although some recorded penalties were harsher than those whites received. According to historians Yasuhide Kawashima and Lorenzo Green, who studied the General Sessions records of seventeenth century Massachusetts, penalties in fornication prosecutions against persons of African and Indian descent were fines or whippings, which was similar to whites in the same time period.⁵⁴ However, penalties for fornication had an in-built gender and class bias because oftentimes fornicators would be able to choose between paying fines or a whipping. The limited economic opportunities open to women, Indians, and Africans narrowed their options in the penalty phase. On the other hand, evidence suggests men of African descent who copulated with white women were afforded the same opportunities that white men had to evade prosecution. Greene found that African men were punished similarly to white women or were dismissed by the court without a fine or whipping in cases of interracial fornication.⁵⁵ As shown above, men's criminality in fornication was decreasing, and they were often able to avoid prosecution over the course of the seventeenth and eighteenth century. The decision to allow African men the same sexual

⁵⁴ For examples of the penalties whites received for fornication, see Howard, History of Matrimonial Institutions, vol. 2, 196, and Hambleton, Daughters of Eve 42-43.

⁵⁵ Greene, Negro in Colonial New England 202-207. Greene cites two cases in the seventeenth century in which the white man was treated similar to the African woman, and three cases where the men were dismissed without punishment.

privileges of white men, who evaded fornication prosecutions, shows the racial hierarchy in Massachusetts had not fully developed in the seventeenth century.

During the seventeenth century, Indians had control over their own judicial prosecutions and did not bring men or women forward for pre- or non-marital sex.⁵⁶ Justices of the Peace were not assigned to Indians until the early 1700s. However, the Justices assigned to Indians were far more interested in solving financial disputes between Indians and whites than they were with Indian sexual morality.⁵⁷ Missionaries, rather than Justices of the Peace, were concerned with reforming Indian sexual morality, but any legal actions taken by missionaries to reform Indian sexual morality would have limited their effectiveness. Instead, missionaries attempted to persuade Indians to practice marital monogamy by converting Indians to Christianity and passing property and indenture laws that pushed Indians into nuclear households.⁵⁸ Justices of the Peace did not single out Africans living among Indians for their sexual behavior either. The reason for not prosecuting Indians and Africans in the eighteenth century cannot be attributed to Africans and Indians increasingly segregating themselves from white society. On the contrary, over the eighteenth century, Indian debt to whites and the increasing use of African labor in households in Massachusetts meant Indians and

⁵⁶ Kawashima, Puritan Justice, 166-167; and Ann Plane, Colonial Intimacies: Indian Marriage in Early New England (Ithaca: Cornell University Press, 2000), 68-93. Kawashima found a case in 1684, when an Indian man and white woman were treated similarly. The other case he cites is from 1745 and was a case of non-marital sex with the white woman being punished harshly. This case, *King v. Brinter*, is discussed in Chapter 3.

⁵⁷ For an overview of Indian sexual mores in the seventeenth century, see Ann Plane, Colonial Intimacies: Indian Marriage in Early New England (Ithaca: Cornell University Press, 2000). For an overview of the legal system of Indians and the Indian immersion into Massachusetts judicial institutions, see Kawashima, Puritan Justice 3-41.

⁵⁸ Ann Plane, Colonial Intimacies 68-128.

Africans were more integrated into white households than ever.⁵⁹ Furthermore, the appointment of Justices of the Peace to Indians would seem to suggest that Indians were being incorporated into Massachusetts' white society.

Despite these developments, fornication prosecutions against women of color declined in the eighteenth century, notwithstanding community-wide knowledge that women of color occasionally engaged in illicit sex. Trials for infanticide in the Supreme Judicial Court reveal that white residents knew about some of the sexual transgressions of women of African and Indian descent. Infanticide was legally defined as the crime of "any Woman" who attempted to conceal the death of a child, "which if it were Born alive, should by Law be a Bastard."⁶⁰ Infanticide cases pointed out both the illicit sexual behavior of women because married women who bore legitimate children were not indicted for infanticide. During the 1740s, of the five women tried for infanticide at the Supreme Judicial Court, one woman was of African heritage and one was an Indian woman. In the 1750s, one woman of African heritage was put on trial out of the five women tried for infanticide. Over the 1740s and 1750s, women of color made up 20% to 40% of infanticide cases, which is much higher than the percentage of the population.⁶¹ Newspapers and the witnesses who watched infanticide cases in the courtroom spread information about these cases. In 1749, three Massachusetts newspapers reported on the case against Peg, variously called an Indian or Mulatto woman, who was tried for infanticide. The notices in Massachusetts' newspapers pointed out that Peg was being

⁵⁹ David Silverman found the poverty of Indians was the most important reason for Indian servitude in New England. See Silverman, "The Impact of Indentured Servitude on the Society and Culture of Southern New England Indians, 1680-1810," *New England Quarterly* 74 (Dec. 2001): 622-666. Jean O'Brien makes a similar argument in, *Dispossession By Degrees: Indian Land and Identity in Natick, Massachusetts, 1650-1790* (Cambridge: Cambridge University Press, 1997), 131-138.

⁶⁰ Massachusetts Bay Colony, *Acts and Laws* 92.

⁶¹ King v. Mehitable Mountwammick, July 1745; King v. Peg, Aug. 1749; King v. Flora, Feb. 1758, SCJ Record Book. The case against Peg calls her a Mulatto, but the newspapers refer to her as an Indian.

tried for “murder of her bastard child,” which left no doubt that the crime resulted from illicit sex.⁶² Infanticide cases make it clear that residents of Massachusetts knew that women of African and Indian descent were engaging in illicit sex, much like white women, but women of color were not regularly indicted for fornication.

After 1740, only three woman of color in Suffolk, Worcester, and Middlesex counties were prosecuted for fornication, which was not relative to their proportion of the population in Massachusetts. Between 1755 and 1764, men and women of African heritage reached the highest percentage of the total population in Massachusetts they would experience over the entire colonial era. Massachusetts had the highest number of African descendents in all of New England, although the number of Africans in the southern colonies dwarfed that number. In 1754, Massachusetts collected information regarding its slave population and found there were 1,426 enslaved men and 816 enslaved women of African descent in the colony. By 1764, the Massachusetts census counted 2,818 men and 2,048 women of African descent, who made up a total of 2.1% of the total population in Massachusetts and 5.2% of the total population of Boston.⁶³ Although a gender imbalance existed between men and women of African descent, historian Ira Berlin has found the gender imbalance lessened in urban areas.⁶⁴ The higher percentage of women of African heritage living in Boston should have meant African women would have been represented in Boston’s fornication prosecutions. Yet, only two women identified as black were prosecuted for fornication between 1740 and 1786 in all three

⁶² Boston Post Boy, 3 July 1749; Boston Gazette, 4 July 1749; Boston News Letter, 6 July 1749.

⁶³ These statistics do not include Maine, which was a part of Massachusetts until 1820. Statistics derived from Robert V. Wells, The Population of the British Colonies in America, 79-82; Daniel Mandell, “Shifting Boundaries of Race and Ethnicity: Indian-Black Intermarriage in Southern New England, 1760-1880,” JAH 85 (Sept 1988): 469, footnote 6; and Ira Berlin, Many Thousands Gone 369, table 1.

⁶⁴ Ira Berlin, “Time Space, and the Evolution of Afro-American Society on British Mainland North America,” AHR 85 (1980): 45-52; Ira Berlin, Many Thousands Gone 244-245; and Mandell, “Shifting Boundaries of Race and Ethnicity,” 469.

counties under study, and Suffolk County, which included Boston, did not prosecute any women of African descent. Indians made up only 0.7% of the total population of Massachusetts, with 792 men and 952 women.⁶⁵ The one prosecution against an Indian woman in Worcester County also represents less than would be expected given their percentage of the total population.

The one prosecution against a woman of African descent during the 1740s in the three counties under study was against a free black woman. Unfortunately, Massachusetts censuses did not start distinguishing between its free and enslaved persons of African descent until 1790. This omission by officials is suggestive of the way Massachusetts dealt with free versus enslaved persons of African descent in the legal codes, which rarely distinguished between the two. Whether slave or free, men and women of African descent could not vote, hold office, serve in the militia, or marry whites. The similar legal restrictions that were placed on free and enslaved men and women of African descent must have extended to the courtroom, wherein free and enslaved women found they were rarely prosecuted for fornication in the late colonial era.

The fornication case against Hannah Hammond, a free black woman from Middlesex County, was among the last of women of color who were prosecuted for fornication. On March 9th, 1742, Hannah Hammond was indicted by the grand jury and ordered to appear in court and answer to the crime of fornication. As was customary, the Justices inquired into the name of the father of her bastard child. Hannah revealed the

⁶⁵ See Mandell, "Shifting Boundaries of Race and Ethnicity," 469, footnote 5; and Robert V. Wells, The Population of the British Colonies in America 79-82.

father was Moses Burdoo, of Lexington County.⁶⁶ Moses' occupation was not identified in the records, nor was his race or the race of the child. Moses' birth record also makes no mention of his race.⁶⁷ Hannah's indictment for fornication could not have been to save the town from the expense of her child, because she was fined one pound for her sexual crime, despite the fact that her child had died. Hannah's fine represents the middle ground of Middlesex County's fines, which ranged anywhere from 5 shillings to 5 pounds during the 1740s. Relative to other fines, her crime was neither of the highest severity, nor was it considered a slight offense. The court's dismissal of Moses without fining him for fornication was typical. As noted in the previous section, the dismissal of men in non-marital fornication proceedings was becoming the norm.

The dearth of prosecutions against women of color after Hannah, plus the fact that she was treated so similarly to white women prosecuted for fornication during the same time period suggests a transformation in the racial hierarchy after the 1740s. Slavery was becoming more embedded culturally and institutionally in Massachusetts in the early eighteenth century as increased importation led to the highest percentage of Africans in the total population of the colony between 1755 and 1764. Historian Joanne Pope Melish has argued that it was not until after emancipation that the economic and social status of free blacks in New England declined.⁶⁸ However, the legal and political proscriptions

⁶⁶ King v. Hannah Hammond, Middlesex Record Book, Mar 1742.

⁶⁷ Lexington, Massachusetts, Record of Births, Marriages, and Deaths to January 1, 1898 (Online database: NewEnglandAncestors.org, New England Historic Genealogical Society, 2002), (Orig. Pub. by Wright & Potter Printing Company, Boston, MA). Town of Lexington, Lexington, Mass. Records of births, marriages, and deaths to January 1, 1898, 1898, Burdoo, 1710.

⁶⁸ Melish uses the examples of Lemuel Haynes and Alexander Twilight to show the equalitarian treatment of free blacks in colonial New England. However, the experiences of both are better understood as exceptions to the rule of New England's commitment to racial inequality. Haynes was vouched for by a prominent white family, and Twilight may have passed for white throughout his lifetime. See Melish, Disowning Slavery: Gradual Emancipation and "Race" in New England, 1780-1860 (Ithaca: Cornell

against free blacks in Massachusetts suggest that it was not emancipation, but slavery, that defined the status of free blacks. The laws and treatment of free persons of African descent did not grant them a status equal to that of free white men or white women. Over the 1740s and 1750s, slaveholding increased as markets expanded and men who were called to fight in colonial warfare could not fulfill the growing need for labor.⁶⁹ Furthermore, the burgeoning middle-class desired laborers for their households to act as markers of class status.⁷⁰ The institutionalization of slavery and the increasing number of Africans living amidst whites as slaves likely altered white perceptions of persons of African descent. Whites believed the increasing population of Africans created a need to distinguish more completely between black and white.

During the first half of the eighteenth century, Massachusetts passed new legislation regarding men and women of African descent that made distinctions between the black and white inhabitants of Massachusetts. In particular, the new laws prohibited sociability between blacks and whites, which reinforced the racial hierarchy of Massachusetts. For example, in 1693, only slaves were barred from drinking in taverns, but this law was extended to all men and women of African descent in the middle of the eighteenth century. Furthermore, a ban on interracial marriage between Africans and whites was codified in 1705, but this law did not include Indians. In 1723, sociability was further threatened when Africans were forbidden from being on the Boston Common after sunset. Similar codes were passed outside of Boston.⁷¹ In 1726, a resolution was

University Press, 1998), 38-41. For a contrasting opinion about the status of free blacks in New England, see Greene, Negro in Colonial New England 290-315.

⁶⁹ Ira Berlin, Many Thousands Gone 177-194.

⁷⁰ Joanne Pope Melish, Disowning Slavery 11-49. Melish argues the household work done by slaves was a central marker of class status for white families in the eighteenth century.

⁷¹ Greene, Negro in Colonial New England 124-143.

passed at the town meeting in Nantucket, “that all Indians, negroes and other suspected persons that shall be found on the wharfs or about town after nine of the clock at night” were to be apprehended and fined by Justices of the Peace.⁷² The legislation aimed at decreasing interracial sociability, along with the increase in slaveholding, demonstrates that the racial hierarchy within Massachusetts was becoming more stringent in late colonial Massachusetts.

The final fornication case against a woman of African descent illustrates the problem posed by prosecuting African women for fornication after the racial hierarchy was strengthened. In 1752, Amee, a “molatto servant” and spinster from Townshend, was forced to appear in court on an indictment by the grand jury for having sexual intercourse “with an Englishman.” Amee’s breach of the color line was paramount in this case as her child’s skin tone was what led to her indictment. Amee’s dismissal by the court from the charge was partly based on the inability of the court to prove that she had sex “with an Englishman.” The judges declared: “. . . it appearing to the Court that the s’d Amee is a Slave, and also being certified that the Child born of her Body by its’ appearance was not begotten by an Englishman, The Court upon Consideration thereof...dismiss the s’d Presentment. . . .”⁷³ Amee was not punished for giving birth to an illegitimate child, and as the courts decision shows, the focus was primarily on the possibility of Amee having engaged in interracial sex. The handling of this case is in contrast to the case of Flora, who was prosecuted in 1740, and the other white women

⁷² Quote taken from Alexander Starbuck, The History of Nantucket: County, Island, and Town Including Genealogies of First Settlers (Rutland, Vermont: Charles E. Tuttle Company, 1969), 101.

⁷³ King v. Amee, Dec. 1752, Middlesex Record Book. Unfortunately, there are no existent files for this case.

who were prosecuted during the 1750s, because she was not fined for having an illegitimate child.

The reexamination of Ameer's status as a slave, not a servant to Benjamin Brooks, was central in the decision not to penalize her, which suggests the court was interested in bringing only free women forward. By dismissing charges against Ameer, her master was protected from having to pay fines for his slave's misdemeanors. The desire to protect white men from incurring charges brought on by their servants' behavior was reason enough not to bring charges of fornication against enslaved women. However, dismissing the charges against Ameer also foreclosed public knowledge about any role her master played in getting his slave pregnant. Once brought forward to confess to fornication, nothing would stop Ameer from declaring who had gotten her pregnant or whether it was a sexual assault. By not prosecuting enslaved women for fornication, slave masters were given implicit protection from any financial or criminal charges being brought against them for engaging in interracial sex with enslaved women.

The courts protected the identity of white men who were not slave masters by choosing not to prosecute free and enslaved women of African descent for fornication. Men who had sexual liaisons with white women had to rely on white women's promises not reveal their identity in the courtroom if they wished to keep their sexual behavior a secret. Not including women of color in fornication prosecutions was a more certain way of protecting men from discovery. The Justices half-hearted attempt to determine whether or not Ameer had sex with a white man is indicative of this. The court records contain no evidence that the Justices questioned Ameer regarding her sexual partner's identity. Rather than simply asking Ameer who her sexual partner was, the Justices

examined her child's skin color and found the child was not "begotten of an Englishman." Presumably, the court believed children born of white and African parents would be lighter skinned than other children of African descent. However, the use of skin tone to discover racial heritage was a highly subjective measure of proof and suggests Justices were not interested in discovering the father of Ameer's child or giving Ameer a voice in the courtroom. Furthermore, using the child, rather than Ameer, to find out information about her sexual behavior indicated that the courts did not respect Ameer's personhood or any desire she may have had to prosecute a man for paternity. The Justices' lack of concern with women's sexual partners in fornication cases was not uncommon. During the 1750s, 54% of all the women prosecuted for fornication did not name their male partner in fornication, which suggest Justices were not interested in paternity or men's sexual activity.⁷⁴ The case of Ameer shows the racial hierarchy of Massachusetts depended on the silencing of women of color and any information about white men's sexual behavior.

Indian women were also rarely brought into court on charges of fornication.⁷⁵

Massachusetts Bay had a bifurcated stance on Indians' sexual morality. The religious and economic mechanisms of the state pushed Indians to convert to Christianity and take up monogamous marriages, but this same desire was not reflected in the judiciary, which

⁷⁴ In Middlesex, 72 women were prosecuted for fornication, and 39 of these women never stated who was their partner in fornication. (Included in this figure is the case of Ameer and another woman who was found not guilty of fornication.) Middlesex Record Book, 1750-1759. Although there are cases wherein women refuse to tell the justices the name of their child's father, whether or not the judges asked most women who their partners were is usually impossible to discern from the records. For an example of a woman's refusal, see *King v. Betty Peacock*, 14 Dec. 1756, Middlesex Record Book.

⁷⁵ Before the 1700s, Indians had their own courts to regulate behavior. After 1700, the judiciary made a few attempts to bring Indians' sexual behavior in line with whites'. Kawashima argues this was because Indians would have deeply resented any intrusion into their social lives. However, missionaries and the overseers of Indians already regularly "intruded" into Indian lives and worked to change their sexual mores. See Kawashima, *Puritan Justice* 167. Ann Plane discusses how missionaries attempted to change Indian sexual mores in *Colonial Intimacies*.

generally ignored Indian sexual behavior. Only one case exists from the 1740s onward of an Indian woman being prosecuted for fornication, and in this case, the Indian woman's partner was inconsequential to Justices. On February 4th, 1750, Elizabeth Abram, an Indian woman, was brought before the General Sessions of the Peace for Worcester County and prosecuted for fornication. The case against Elizabeth was tried after she confessed to her local Justice of the Peace. Had Elizabeth not confessed to her local Justice, she would not have been prosecuted for fornication, since no records exist of Indian women being indicted for fornication by grand juries in the three counties under study. Historian Ann Plane has written that colonists understood that Indian marriages were generally common law, and yet whites did not subject Indians to prosecution for cohabitation either.⁷⁶ Because legal prosecutions against Indian women for fornication would have allowed them to name their sexual partners, the judiciary may have decided never to implement a thorough cleansing of Indian women's sexual behavior as they did with white women. Indeed, Elizabeth was not asked to identify her partner, much like the aforementioned case against Ameer.⁷⁷ The cases against Ameer and Elizabeth are reminders that the court was not interested in bringing men forward for their culpability in fornication or paternity suits when the cases involved women of color. Moreover, both cases also reveal that the court was not engaged in holding African and Indian women to the same sexual standards as white women by prosecuting them for fornication.

The cases discussed above against women of color occurred during a matrix of changing social and legal practices to deal with the gendered and racial ramifications of sex in the late 1740s and 1750s. The courts' need to define racial boundaries by

⁷⁶ Plane, *Colonial Intimacies* 135.

⁷⁷ King v. Elizabeth Abrams, Feb. 1750, Worcester Record Book.

prosecuting women of color for interracial sex conflicted with their interest in protecting the gendered hierarchy, which allowed men to avoid culpability for fornication. The court found in its prosecution of Ameer that attempts to control interracial sex between women of color and white men ran against the new practices that protected the gender hierarchy. By 1760, men were increasingly able to avoid prosecution for fornication, which correlates with the lack of interest in finding out the identity of Ameer or Elizabeth's sexual partner. However, whites believed it was necessary to protect the racial hierarchy. New procedures to deal with the sexual behavior of enslaved African women were enacted after the increase in slaveholding, which strengthened slave masters' rights over Africans. The new procedure eliminated them from prosecutions for fornication and no longer held African women to the same sexual standards as white women. Finally, the disavowal of men's criminality in fornication and the more stringent racial hierarchy in Massachusetts meant prosecuting free African and Indian women undermined the racial and gendered hierarchy. If free women of African or Indian descent were allowed to enter court, no procedure was in place to block them from naming their partners in their confessions. By removing women of Indian and African descent from fornication prosecutions, the racial and gendered hierarchy could be protected.

Fornication and White Women as the Sexual Sinners, 1740-1769

White women who confessed to their local Justice of the Peace or were indicted by the grand jury for fornication were prosecuted at the General Sessions of the Peace during the late colonial and Revolutionary eras. Mary Cheenery and Ruth Nutting appeared at the General Sessions for Middlesex County in August 1743 to confess to

fornication. Mary, a white single woman from Watertown, had willingly stepped forward prior to her court appearance and confessed to her local Justice of the Peace that she had sexual intercourse with Richard King, a white housewright from Watertown. At that time, the Justice of the Peace made arrangements for her to appear at the General Sessions to confess publicly and to receive her punishment. At the General Sessions, Richard denied fathering Mary's child, but Justices found him to be the father and ordered him to financially support the child. Ruth, on the other hand, did not voluntarily enter the courtroom or disclose her sexual behavior to a local Justice of the Peace. She was ordered to appear in court by an indictment of the grand jury. Unlike Mary, Ruth did not identify the father of her bastard child, and no paternity hearings occurred. Like most women who were prosecuted for fornication, both women engaged in non-marital sex and did not marry their partners. Both women were fined before being allowed to leave the courtroom.⁷⁸ Unlike Mary and Ruth, the white women who entered the court from the 1750s onward did so without seeing men and women of color similarly prosecuted for fornication. Sometimes white women chose to reveal the identity of their bastard children's father, as when Mary named Richard as the father, but then men were in the courtroom on matters of paternity, not fornication.

The micro-historical element of the individuals and communities involved in prosecuting women for fornication illustrates that fornication prosecutions were part of a colony-wide effort to maintain the gender hierarchy. Fornication prosecutions gave institutional force to the gender hierarchy by regularly singling out white women as sexual sinners and obscuring the role of men in the judicial apparatus of the colony. Analyzing the standardized "ritual" white women performed at criminal proceedings in

⁷⁸ King v. Cheenery; and King v. Nutting, Aug. 1743, Middlesex General Sessions Record Book.

Massachusetts reveals how white women's illicit sexuality was used to naturalize them as the dependents of, and as subjects to, elite white men. Because white women were forced to confess their sexual behavior in the public domain of the General Sessions, the lessons of these prosecutions were widely disseminated. In fact, the rituals of fornication proceedings were so customary and embedded in the legal world of New Englanders that the absence of sexual regulation would have been more dramatic than prosecutions for fornication. Indeed, fornication confessions were such a regular component of the General Sessions that most historians have not interrogated how these confessions affected the gendered hierarchy.⁷⁹

The ritual of prosecuting white women for fornication began with their confession of intimate details about their sexual lives to elite white men. No direct testimony illuminates how white women were perceived, what their demeanor was, and how the Justices of the Peace responded to them during their confessions. All that is left in the records are copies of white women's confessions before their local Justice of the Peace, as well as the record of their appearance in court to answer to the crime of fornication and receive punishment. White women would not have been prosecuted for fornication or confessed to a Justice of the Peace if they were not visibly pregnant. Thus, what has been recorded as the "voluntary" nature of confessions in the record books is deceiving and

⁷⁹ Historians who have considered fornication confessions generally accept without analysis the high numerical incidence of fornication confessions, rather than questioning the double standard of sexual mores these confessions maintained. Historian George Eliot Howard accepts that the purpose of these prosecutions was solely to ensure sexual morality. See George Elliot Howard, [A History of Matrimonial Institutions](#), vol. 2, chapter 12. Other historians believe fornication confessions were about settling paternity issues and ensuring that children born out of wedlock were maintained. See Richard Godbeer, [The Sexual Revolution in Early America](#) (Baltimore: John Hopkins University Press, 2002); Ulrich, [Midwives Tale](#) 147-155; and Robert V. Wells, "Illegitimacy and Bridal Pregnancy," 349-361. In contrast to these studies, Cornelia Hughes Dayton has shown men were able to evade prosecutions in Connecticut. See Hughes Dayton, [Women before the Bar](#) 157-230. Historian William E. Nelson notes that the purpose of fornication prosecutions could not only be paternity or the enforcement of sexual morality because even married women were fined in [The Americanization of Common Law: The Impact of Legal Change on Massachusetts Society, 1760-1830](#) (Cambridge, MA: Harvard University Press, 1975), 37-38 and 110-111.

does not consider the difficulty of hiding a pregnancy. In her study of colonial Connecticut, historian Cornelia Hughes Dayton has also recognized that women did not “voluntarily” confess fornication and were more often “coerced” into court.⁸⁰ When a white woman chose to “voluntarily” confess to the judge her crime, the Justice was required to obtain her name, the town she was from, who she charged as the father of her bastard child, as well as when and where the child was conceived. If a midwife was called, the file papers may also include a memo or note recording whom the white woman charged with getting her pregnant during her travail. Historian Roger Thompson’s study of seventeenth century Middlesex found that the “inquisitorial” procedures that required women to confess details of their sexual behavior to Justices and midwives were codified in the 1668 fornication law, which has been identified as the time period when men’s non-marital sex was being decriminalized.⁸¹ Thus, the procedures that gave Justices the power to examine critically fornicators were never applicable to men, who could not become pregnant and were decreasingly criminally culpable for non-marital sex. The subjugation of women to the Justice and the revelations to other women of the father’s identity were critical elements in the ritual of fornication prosecutions ultimately demarcating white women as sexual sinners.⁸²

White women’s subordination to elite white men in social practice was supported by the attendant humiliation of confessions, court proceedings, and community knowledge of white women’s sexual lives. The crime of fornication was prosecuted in a

⁸⁰ Cornelia Hughes Dayton, Women Before the Bar: Gender, Law, & Society in Connecticut, 1639-1789 (Chapel Hill: University of North Carolina Press, 1995), 201.

⁸¹ Thompson, Sex in Middlesex 22.

⁸² Laura Thatcher Ulrich writes that the legal responsibility of women in childbirth to name the father was “part of the process of suing for maintenance.” She argues the presence of the midwife at travail was not viewed by women as a humiliating, but rather an opportunity for obtaining financial support from the father. See Laura Thatcher Ulrich, A Midwife’s Tale: The Life of Martha Ballard, Based on Her Diary, 1785—1812 (New York: Vintage Books, 1990), 151-152.

way that required white women to reveal repeatedly information that was ordinarily not spoken of with strangers and superiors, as the Justices most assuredly were in wealth, respectability, age, and gender. Though not all white women were tried at the General Sessions after confessing their crime, white women were compelled to lay bare sexual information to Justices of the Peace at least once, and this reinforced the power of elite white men over white women. By confessing their sexual crimes, white women were forced to prostrate themselves before the elite in their communities, who were representatives of the colonial government. Submissions to Justices were an acknowledgement of male power to examine and punish the sexual behavior of white women. The authority of Justices over white women suggests that confessions were really interrogations, wherein the white female sinner was subject to the examination of the Justice of the Peace.⁸³

The power of the Justice was not limited to his role as a civil authority during the confession. Implicit in the management and prosecutions of fornication cases was the Justice's moral evaluation of white women's sexual crimes through their punishment. This combination of duties—as examiner and punisher—placed the elite white men who served as Justices of the Peace as the arbiters of the morality and legality of white women's sexual behavior. The experiences of the confessing white woman was more broadly connected to and illustrative of the dominion of elite white men over white women, as Justices of the Peace were members of the colonial and Revolutionary era elite. Consequently, fornication prosecutions should be understood as an expression of

⁸³ Trials for bastardy required the following information to be gathered by Justices of the Peace in their “voluntary examinations” of women confessing fornication: name and marital status of woman, her partners name and occupation, the town in which they both lived, the location and date of conception, whether or not she had “carnal knowledge” of any other men, to whom she had shared information regarding paternity, and whether or not there were any witnesses.

the inferior status that white women held in the colonial and Revolutionary era northern colonies. Furthermore, prosecutions maintained women's subordination to elite white men because any white woman who deviated from the sexual morality prescribed by the elite would be subject to the same treatment.

Justices ensured white women were punished appropriately for their crime. The legal code stipulated that women be fined less than 5 pounds, or suffer a whipping if they were unable to pay. The fines paid by white women varied according to region in Massachusetts. In Suffolk County, women were forced to pay between five and twenty shillings.⁸⁴ When white women in Suffolk were unable to pay, they were publicly whipped ten stripes, then placed in the almshouse to care for their children. In Worcester and Middlesex counties, white women were fined between one and twenty shillings. Fines fluctuated for several reasons, but Justices generally followed a pattern of lowering fines for white women who had sufficiently expressed remorse, which was most easily expressed in the Justice's eyes by a full confession allowing for paternity to be established. For example, at the General Sessions in Worcester on May 11, 1762, Kezia Goddard was fined fifteen shillings, which was much more than Worcester County's average fine of five shillings for the crime of fornication. Kezia was heavily fined because "she would not pursue s'd complaint" against Thomas Dodge, her child's father.⁸⁵ White women found guilty of fornication more than once were similarly charged higher fines. On September 2nd, 1755, Ann Fisher from Newton appeared in court and confessed to fornication, and the Justices remembered this was not her first

⁸⁴ In Boston, there is little rhyme or reason to the fines for fornication. For instance, Mary Tuttle, a spinster in Boston, was fined forty shillings even though her child died after five weeks of life in 1766. Margaret Knodle was also charged forty shillings in May 1767 under similar circumstances. See King v. Tuttle, 21 April 1766, and King v. Knodle, 5 May 1767, Suffolk General Sessions Record Books.

⁸⁵ King v. Goddard, 11 May 1762, Worcester General Sessions Record Book.

offence. Ann had also appeared in September of 1751 for the same crime. Her punishment reflected this: Ann was to pay a fine of 10 shillings by the very next day, or “be whipped 10 Stripes on the naked back at the public whipping Post in Concord.”⁸⁶ Generally, women would be given more time than Ann to pay their fine. The public whipping of women was on their naked backs in the town square. In an analysis of the legal standing of women, historian Elaine Forman Crane found both men and women were stripped from their shirt upward in these whippings, which added a sexual component to their punishment.⁸⁷ The punishment of women, either in the General Sessions or in the public square, provided residents with evidence of white women’s licentious sexual nature.

The public dimension to white women’s confessions highlighted and reinforced their subordination. The General Sessions met once every four months in courthouses across Massachusetts. Court days drew many people out of their villages and into the county seat for the amusement of courtroom drama, activity in the streets, and sermons delivered by ministers.⁸⁸ Writing in the early nineteenth century, William Lincoln described court days “were the great holidays for the county [Worcester] . . . The judicial proceedings . . . were generally attended by a multitude that thronged the streets.”⁸⁹ In 1731, a sermon delivered by Lancaster’s minister, Rev. John Prentice, to honor the first meeting of the General Sessions in Worcester, underscored the public nature of the General Sessions. Prentice exhorted persons who “have no Business at” the courthouse

⁸⁶ King v. Fisher, Sept. 1755, Middlesex Record Book.

⁸⁷ Elaine Forman Crane, Ebb Tide in New England: Women, Seaports, and Social Change, 1630-1800 (Boston: Northeastern University Press, 1998), 200.

⁸⁸ Lincoln, History of Worcester, 1837; Phyllis Whitman Hunter, Purchasing Identity in the Atlantic World: Massachusetts Merchants, 1670-1780 (Ithaca: Cornell University Press, 2001), 132-133; and John L. Brooke, The Heart of the Commonwealth: Society and Political Culture in Worcester County, Massachusetts, 1713-1861 (Cambridge: Cambridge University Press, 1989), 28-30.

⁸⁹ Lincoln, History of Worcester 1837.

to discontinue spending their time there “unprofitably” in order “to satisfy their Curiosity, some to gratify their Lusts.” He felt that “a great deal of Extravagance in Speech; a great deal of Excess and Intemperance is observable on such Occasions. Many don’t return Home seasonably : and in a Word there are many Disorders and Indecencies to be seen at such Times.”⁹⁰ Fornication confessions were a customary component in the General Sessions, which suggests that women’s confessions were part of the entertainment in the courtroom. Between 1750 and 1758, at the Suffolk General Sessions white women confessed to fornication at 27 out of 33 sessions, and from 1764 to 1773 women’s confessions were heard at 29 of the 35 proceedings. Middlesex County’s General Sessions included white women’s confessions at 77 of the 90 sessions between 1750 and 1773. During the same years, white women at the Worcester General Sessions confessed to fornication at 82 out of the 92 proceedings.⁹¹ The number of people present to witness white women’s fornication confessions was guaranteed to be large because fornication prosecutions usually occurred first on court days. That is, white women confessed before tavern keeping, retailing, and liquor licenses were tabulated, and prior to the criminal proceedings on assaults, stealing, and counterfeiting. This ensured large

⁹⁰ John Prentice, King Jehoshaphat’s charge to the judges appointed by him in the land of Judah, consider’d and apply’d. A sermon preached at Worcester, August 10, 1731. At the opening of a Court of General Sessions of the Peace, and of the Inferiour Court of Common Pleas, for and within the county of Worcester. Being the First Court held in the said place and county (Boston: Samuel Kneeland and Thomas Green, 1731), 23-4.

⁹¹ The year 1773 was chosen to end this sample because the General Sessions were only sporadically held after 1773 until after the Revolutionary War. The General Sessions of the Peace were held quarterly in each county and occasionally a session would have to be cancelled due to bad weather or illness. Some sessions did not include criminal proceedings and instead covered issues such as roads, treasury accounts, and voting. These sessions were not included in my total numbers. Also, there is no record book for Middlesex County for the year 1763. I have omitted that year from consideration despite existing file papers. Middlesex Record Books, 1750-1773; Suffolk Record Books, 1750-1758 & 1764-1773; Worcester Record Books, 1760-1773. Suffolk County records between 1759 and 1763 cannot be located.

crowds were present to hear white women's confessions.⁹² The practice of requiring women to confess their sexual behavior before Justices of the Peace, midwives, local community members, and courtroom spectators made their sexual choices subject to public scrutiny in a way that white men's were not. The legal compulsion for women to confess in the public space of the General Sessions made these confessions an assault on white women's sexual choices and autonomy.

White women's fornication confessions created a gendered "technology of power" that bolstered the idea that white women were sexual sinners and subordinate to elite white men.⁹³ White women's appearances in court, confessions to Justices, and the gossip of community members bolstered negative characterizations of white women as lustful and in need of sexual regulation by white men. The decriminalization of men's fornication made it appear that only white women were guilty of fornication. Fornication prosecutions and white women's public confessions ultimately reified the contemporary power structure with every additional white woman's declaration of guilt. Each public confession added to the historical reservoir of information community members had in comprehending white women's lascivious sexuality, which gave credence to and naturalized the gendered hierarchy.

⁹² It is also true these women may have had their newborn babies with them at the trial. This may have forced the hand of Justices to consider their cases first. However, even if Justices heard these cases first as a result of the newborn babies' noises, the regularity and primary placement of these confessions would have had the same impact on the audience, especially for those that regularly attended.

⁹³ Michel Foucault uses the term "technology of power" in his analysis of Victorian sexuality. He argues that the silence of Victorians in regard to sexuality created a discourse that effectively created a naturalized hierarchy along the lines of sexuality. In contrast to Foucault's use, I believe the very public manner of these confessions resulted in a "technology of power" along gender lines that limited women's ability to claim sexual autonomy and negatively effected characterizations of white womanhood. See Foucault, The History of Sexuality, Volume I: An Introduction, trans Robert Hurley (New York: Vintage Books, 1980), 12.

Historians have neglected penetrating the meanings of fornication prosecutions and instead put forward functionalist arguments regarding this legal intrusion into white women's private lives. For example, historian Richard Godbeer writes that "acknowledging culpability and undergoing a humiliating confession" was a step that "the unwed mothers evidently thought was a price worth paying" to obtain marriage or financial support.⁹⁴ This analysis of fornication overlooks the power relations operating in the prosecutions. An analysis of the cases of fornication illustrates the falsity of this argument. Although white women did use the court to obtain financial support in Massachusetts, it could not be presupposed, even in the 1740s, that white women initiated fornication prosecutions or that the legal system was used to obtain marriage from wavering partners. Few women could boast of forcing an unwilling father into the bonds of marriage. Between 1750 and 1769, only 6% of the white women who appeared in court on fornication charges were married by the time they gave birth to their child.⁹⁵ The General Sessions were held quarterly and paternity would not be decided until the illegitimate child was born. Many months passed between the initial confession of white women to the Justices and the settlement of paternity issues in the courtroom. Men would be apprehended and notified they were being charged with paternity as soon as

⁹⁴ Richard Godbeer, *The Sexual Revolution in Early America* (Baltimore: John Hopkins University Press, 2002), 256. Godbeer bases this statement on the research of Laura Ulrich who found that the single women Martha Ballard assisted in childbirth between 1785 and 1797 were more than likely to get married. His assessment of Ulrich's work does not take into account the roles of midwives in fornication prosecutions. Undoubtedly, a midwife needed to be called for women who sought to gain financial assistance from fathers. However, many women did not want to charge men with being the father of their child and preferred being the only caretaker responsible for the child. This evidence also ignores the fact that the pecuniary responsibility of women who asked for a midwife's assistance was more than many women could handle. Laura Thatcher Ulrich, *A Midwife's Tale* 148-152.

⁹⁵ In Worcester, three white women married by the time of their confession in the 1750s and six in the 1760s. In Middlesex, nine and fourteen white women married by the time they confessed in the 1750s and 1760s respectively. In Suffolk, only one married white woman appears in their records and this was during the 1750s. Middlesex, Suffolk, and Worcester General Sessions Record Books, and Middlesex File Papers, boxes 4-6, Judicial Archives, MA.

women confessed to Justices of the Peace. The pressure to marry would be exerted during the months leading up to the General Sessions and before the birth of their child. Yet, most men did not succumb to this pressure. The huge majority of white women engaged in paternity suits left the courtroom “spinsters” by contemporary standards, not wives. Simply put, few fathers of bastard children were shamed into marrying, by either community members or their families.⁹⁶

Furthermore, many white women resented the imposition of fornication prosecutions and would not have willfully submitted to prosecution solely to attain a marriage proposal. White women were often forced to confess to fornication in court by community members who asked grand juries to indict them on charges of fornication. Between the 1740s and 1760s, at least 30% of the white women before the General Sessions were involuntarily confessing to fornication, which makes even “voluntary” confessions suspect. (See Table 1.3)⁹⁷ Given that at least a third of white women in any given decade were forced to confess, many white women who were recorded as voluntarily confessing to a Justice of the Peace probably only did so to avoid indictment. Many other white women showed their disregard for fornication prosecutions by denying Justices information about the father of the child. During the 1760s in Middlesex County, 26% of white women charged with fornication chose not to identify the father of

⁹⁶ Cornelia Hughes Dayton found that men were increasing unwilling to marry women who they got pregnant in late colonial and Revolutionary era New England. See Hughes Dayton, “Taking the Trade: Abortion and Gender Relations in an Eighteenth Century New England Village,” *WMQ*, 3rd ser., 48 (Jan. 1991): 19-49.

⁹⁷ Women who confessed to the crime “voluntarily” were presented in the General Sessions as confessing to the crime of fornication. Women who were forced to appear before the general sessions were “presented for the crime of fornication.” Worcester, Suffolk, and Middlesex General Sessions Record Books, 1740-1760.

the child.⁹⁸ Clearly, these white women were not interested in marriage or court-mandated financial support. White women who did not identify the father of their child denied the Justices knowledge about the sexual affair. No details regarding the time of day or the place the sexual act occurred was given to Justices who were unable to get information regarding the father. Women who minimized the information they would impart to Justices evaded the legal system’s inherent “incitement to discourse.”⁹⁹ The legal compulsion to confess and the disregard in many white women for these proceedings reveals that the possibility of marriage was not a compelling factor in all white women’s fornication confessions.

Table 1.3: Percentage of Involuntary Confessions demanded by Decade, 1740s-1760s

Decade	Present (Indicted by Grand Jury and forced to enter court)	Total	Percentage of Presentments (or Involuntary Confessions) From Total:
1740s	81	234	35%
1750s	80	237	34%
1760s	95	307	31%

Some white women went as far as to contest the legitimacy of the legal system that so assiduously sought to force them to pay fines they could not afford. By doing so, white women also denied the legal system the right to regulate their sexual behavior.

⁹⁸ This figure was derived from a cross-analysis of Middlesex County General Sessions File Papers with the Record Books. Particularly useful were the recognizance papers (a promise to appear) or voluntary examination papers in which names of the father were mentioned. Because file papers were missing for the General Sessions from Suffolk County and Worcester County for this time period, I am unable to reconstruct definite statistics on the willingness of women to admit who fathered their children. Middlesex File Papers, boxes 4 & 5, Judicial Archives, MA; and Middlesex Record Books, 1760-1769.

⁹⁹ Foucault considers “confession” and self-examination a Western cultural institution. He argues these cultural ways are an essential component in the maintenance and creation of heterosexism. Laws that forbid and force confessions of sexual misdeeds were coercive and foundational in the creation of sexual identities. Foucault, *History of Sexuality* 19-34.

White women, such as Abigail Warden, sought to evade the ritual confession and fine for premarital sex. She was indicted twice: once in 1777 and again in 1778. Though she eventually had to pay a fine of 12 shillings for her offence, Warden and others successfully avoided the court for several years. Other women were more accomplished at dodging constables. Zilpha Fariner was indicted twice in 1778 and twice in 1779, and yet she eluded the constable, Thomas Kittridge, who complained in September of 1779 that he could not find her. Susannah Sawyer, a resident of Dracutt, was so successful in hiding from the constable attempting to force her into court that the Justices believed the constable was assisting her evasion of justice. In a note attempting to clear Uriah Coburn, a constable, of the charges, John Varnum wrote “Sawyer’s [escape] appears to be altogether Involuntary on his part[,] the S^d Susannah is Esteemed Extremely full & Designing & artfully gave him the Slip.”¹⁰⁰ White women’s active avoidance of the legal system is an indication of the disdain some white women had for the fornication proceedings. The aforementioned women were unwilling to pay fines or accept the judgment of the court and society for their sexual sins. This evidence undercuts the assumptions that all women confessed to fornication to gain paternity or a marriage proposal.

Historians have also asserted that fornication prosecutions were motivated by towns in order to secure financial maintenance for bastard children so they could avoid the expense. Historian Robert V. Wells has argued that eighteenth century fornication prosecutions were concerned with the “economic implications of the problem

¹⁰⁰ John Varnum, Dracutt, to Justices of the Court of the General Sessions, [no date] to arrive by “the second Tuesday in March 1785,” Middlesex File Papers, Judicial Archives, MA, box 6.

[fornication].”¹⁰¹ However, townships prosecuted white women whose children had died and white women who had married, even though the pecuniary issues of illegitimacy were irrelevant in these cases.¹⁰² Undoubtedly, it was in the towns’ financial interest to see illegitimate children cared for. Yet, white women who had married their partners were likely to receive the same punishment for fornication as white women who did not marry. For example, in November 1762, Mary Gilmore, who married a husbandman from Rutland by the time she had entered the courtroom, was charged 15 shillings for fornication “before her intermarriage.”¹⁰³ Prosecutions of white women who married their partners reinforced the power of men by not bringing the woman’s partner to justice. Given that the child would be maintained in a household with a father and mother, there was no practical rationale for these prosecutions outside of maintaining the gender hierarchy and punishing sexual immorality. Cases wherein white women’s children died and they were still prosecuted for fornication show that these fornication prosecutions were not solely about establishing paternity and financial assistance for bastard children. Towns were not liable for support when a child died, and yet white women were still prosecuted and punished. For example, Eunice Hasting, a single white woman from Newton, was among the white women who were fined for fornication even though her

¹⁰¹ Robert V. Wells, “Illegitimacy and Bridal Pregnancy,” 355.

¹⁰² William E. Nelson also disagrees with the financial/marital theory for fornication prosecutions. He found prosecutions were brought forward “even when they had married their partners and when no economic interests were at stake.” William E. Nelson, Americanization of Common Law 38.

¹⁰³ King v. Gilmore, Nov. 1762, Worcester General Sessions Record Books. Of the fifteen women who had married by the time of their prosecution in Middlesex, nine were fined 5 shillings (the same amount as non-married women), three were fined 3 shillings, two were fined 1 shilling, and one was fined 20 shillings. Middlesex File Papers, Judicial Archives, MA; and Middlesex General Sessions Record Books, 1760-1769. Worcester County was more lenient with married women than Middlesex. Of the six women in Worcester County who were married by the time they arrived in court, four of the cases were dismissed for unexplained reasons, one was given a 15 shilling fine, and one was given a 5 shilling fine. Without the file papers, it is impossible to know if white women paid a fine directly to the Justice in Worcester they confessed to, or even if their child was ever born. Women’s cases often were dismissed when their pregnancies never matured, or the women disappeared. Worcester General Sessions Record Books, 1760-1769.

child had died. She had confessed herself guilty of the crime of fornication on January 3rd, 1760, to Justice Thomas Greenwood. At the General Sessions in September 1760, Eunice was fined five shillings even though her child was stillborn. In Middlesex County, white women, including Eunice, were fined for fornication despite the fact their children had died during the 1760s.¹⁰⁴ Financial support for illegitimate children and marriage were not the only reasons for fornication prosecutions in these striking examples.

The punishment of white women for fornication in Massachusetts demonstrates the late eighteenth century British North American trends of growing bastardy rates and the declining rates of marriage between those who engaged in sexual intercourse were not passively accepted by Massachusetts communities.¹⁰⁵ Historians have shown that new sexual opportunities were available in urban areas of the British North American colonies beginning in the mid-eighteenth century.¹⁰⁶ However, in Massachusetts, the numerical rise in premarital pregnancy did not correlate with comparable levels of social acceptance. Fornication prosecutions were a mechanism of the government used to stem changing sexual mores. The emphasis on white women's sexual behavior in fornication prosecutions was among the many ways Massachusetts residents reminded white women of their place amid changing times. White women's sexual behavior was publicly

¹⁰⁴ The record books for Worcester and Suffolk Counties do not mention any white women being charged with fornication who had a deceased child. However, the Worcester and Middlesex County file papers are incomplete, so no accurate assessment could be drawn for this time period. Middlesex General Sessions Record Book, 1760-1769; and Middlesex File Papers, boxes 4 & 5, Judicial Archives, MA.

¹⁰⁵ Historian Richard Wells estimates "between 1761 and 1800, the proportion of pregnant brides had risen to 16.7 percent." Richard Wells, "Illegitimacy and Pre-Bridal Pregnancy," 353.

¹⁰⁶ Historian Clare Lyons argues that a "pleasure culture" emerged in Philadelphia in the 1760s. See Clare Lyons, *Sex Among the Rabble* 59-62; and Godbeer, *Sexual Revolution in Early America* 299-300. Cornelia Hughes Dayton also argues a youthful sexual subculture emerged at the latter half of the eighteenth century. See Cornelia Hughes Dayton, "Taking the Trade: Abortion and Gender Relations in an Eighteenth Century New England Village," *WMQ*, 3rd ser., 48 (Jan. 1991): 19-49.

examined and punished, while they subordinated themselves before elite white men during fornication prosecutions. Fornication prosecutions defined white women as the only culpable sexual sinners and maintained the gender hierarchy despite the loosening of a marital monopoly on sexual intercourse.

Excessive Sexuality and the Limited Citizenship of White Women in the Revolutionary Era

During the Revolutionary era, contemporary notions of white women's lascivious sexual behavior were not limited to the courtroom. The perception that white women were debased and excessively sexual was made public in sermons, newspapers, and tracts. Seduction stories and elopement ads supported the belief in white women's lasciviousness, and newspaper reporting on prostitution, bawdy houses, and infanticide highlighted white women's criminal sexual behavior.¹⁰⁷ Meanwhile, Massachusetts' judiciaries continued to prosecute white women for fornication. The legal and discursive construction of white women as lascivious limited contemporary understandings of white women's roles to that of sexual actors, rather than political persons. The perception that white women lacked the rationality and restraint required of citizens informed decisions on citizenship. Massachusetts' government-sanctioned sexual double standard in fornication prosecutions suggested white women's, not men's, sexual passions could be overwhelming, and this affected white women's ability to claim a new political role in the state constitution of Massachusetts.

Fornication prosecutions against white women during the 1760s and 1770s were part of the judicial process that bolstered constructions of white women as lustful. The

¹⁰⁷ For more information on these ads, see Kirsten Sword, "Wayward Wives, Runaway Slaves and the Limits of Patriarchal Authority in Early America." (Ph.D. diss., Harvard University 2002); and Clare Lyons, Sex Among the Rabble 14-58.

continued prosecution of fornication during the Revolutionary War demonstrates the importance of these prosecutions in Massachusetts. (See Table 1.4.) The prosecution of fornication did not take a back seat to other wartime governmental and judicial matters, such as war preparedness, treason, and failures to attend militia exercises. Between 1775 and 1779, Middlesex County prosecuted 42 white women for fornication, which made up 42% of the total number of their prosecutions for the entire decade of the 1770s. Worcester and Suffolk Counties respectively prosecuted 36 and 10 white women between 1775 and 1779. Suffolk County’s wartime prosecution equaled 26% of their total prosecutions for the 1770s, and Worcester County’s represented 39%.¹⁰⁸ Comparisons between the wartime prosecutions and those in the 1760s do not reveal a marked decline in prosecutions, despite the fact that the General Sessions were held more irregularly. For example, the General Sessions did not meet during 1775 in any of the counties under study. The maintenance of fornication prosecutions illustrates that Justices believed the important business of the state included safeguarding the sexual morality of its community and deterring white women’s sexual sins from escalating. The priority given to fornication prosecutions extended and even normalized in the 1780s.¹⁰⁹

Table 1.4 Comparison of the Number of Prosecutions in the 1760s and 1770s

Decade	Middlesex	Suffolk	Worcester	Total Number of Prosecutions
1760s	156	42	112	310
1770s	100	38	93	231

¹⁰⁸ Suffolk County’s lower number most likely results from the occupation of Boston and the closing of courts. Middlesex, Worcester, and Suffolk General Sessions Record Books, 1775-1780.

¹⁰⁹ Although women’s confessions were no longer required after 1786 in Massachusetts, white women continued to confess in the early 1780s. In fact, the prosecution of women matched earlier prosecution levels between 1780 and 1786. In this short period, Middlesex prosecuted 110, Suffolk had 35, and Worcester had 60 fornication prosecutions. Middlesex, Worcester, and Suffolk Record Books, 1780-1786.

The legal prosecution of and discourses on prostitution were other mechanisms that highlighted white women's lustfulness. The seduction plotlines of the best-selling novels in British North America posited that prostitutes had engaged in sexual intercourse before marriage, and that their families had disowned them as a result.¹¹⁰ White women's prostitution represented a double sexual sin in the late colonial and Revolutionary eras: first, by giving into passion with men before marriage, and later, by selling sex to make a living.¹¹¹ Contemporaries were aware white women prostituted themselves in Massachusetts. In 1774, one man lamented, "mistress keeping and whoring have become more fashionable than matrimony." To elucidate how pernicious this crime was in society the writer satirically proposed that prostitution be condoned by society to allow men be able to use "the most intimate freedom with her [the prostitute's] body."¹¹² The discursive information on prostitution abetted notions of white women's lustfulness because it focused almost exclusively on women.

The legal focus on women's criminality in prostitution mirrored the prosecutions for fornication, because only women were liable for prosecution. Similar to fornication prosecutions, male customers were ignored from the inception of prostitution prosecutions in Massachusetts. Massachusetts residents did not address individual prostitutes in their legal codes or in their charitable organizations until after the American

¹¹⁰ Cathy N. Davidson argues these novels stressed male culpability in the seduction of women in order to cement a bond between the woman reader and the distressed women characters. Women's ultimate death, which was characterized as directly caused by her seduction, was often delayed by the seduced woman's short foray into prostitution. Turning to prostitution was depicted as the only avenue of support for women shamed by having succumbed to her male seducer. See Cathy N. Davidson, *Revolution and the Word: The Rise of the Novel in America* (New York: Oxford University Press, 1986), 85-108.

¹¹¹ Barbara Meil Hobson argues that prostitution was defined "as a status or style of life," rather than the act of selling sex in this period. An important note in either case is women were seen in public as lewd and available for sex. See Barbara Meil Hobson, *Uneasy Virtue: The Politics of Prostitution and The American Reform Tradition* (New York: Basic Books, 1987), 17.

¹¹² Lot, "Lots Advice for the Taking off all Restraints from Ladies of Pleasure," *The Royal American Magazine, or Universal Repository of Instruction and Amusement*, July 1774, 247.

Revolution.¹¹³ Instead, Massachusetts attempted to curb the purveyors of prostitution by prosecuting the owners of “lewd and disorderly houses.” The persons prosecuted and convicted for running lewd and disorderly houses from the 1750s onward were white women. Men were instead charged with entertaining lewd persons. On April 30th, 1751, Hannah Dilly, the wife of a Boston feltmaker, pled guilty to running a disorderly house. She was charged with allowing “. . . Suspected persons and not of good Behavior or fame to Resort to her said husbands house and Carnally to lye with whores, which the said Hannah then & there procured for them.” Hannah was punished in front of the courthouse, where she stood on a five-foot high stool for an hour with a sign signifying her crime.¹¹⁴ Four out of the five persons charged with running lewd and disorderly houses at the General Sessions of July and October 1778 were white women, and two of these women were found guilty.¹¹⁵ Men were more commonly indicted for running disorderly houses with gaming and excessive drinking. The gendered nature of these prosecutions did not deviate from the late colonial legal and social understanding of women as the culpable party in illicit sex. The prosecution of prostitution and bawdy houses reinforced prior knowledge about women’s criminal sexual behavior.

¹¹³ Women could have been prosecuted for prostitution under fornication statutes, but I have not found evidence of a single case wherein a woman was charged with fornication that actually represented a charge for prostitution. In 1756, at the Suffolk General Sessions a husband and wife were prosecuted for allowing the wife to have sex with another man. It is unclear from the records whether this crime was primarily prosecuted because of adultery or prostitution. See *King v. Furlong and Dunn*, 3 Dec. 1756, Suffolk General Sessions Record Book. The legal prosecution of disorderly houses did mention whoring as part of the crime. However, these laws were targeted at the purveyors of prostitution, not the prostitutes themselves. The first definitive case I have found of a woman being indicted for prostitution occurred in Boston in August 1800. John Homer Complaint against Rebecca Fitch, 8 August 1800, Adlow Collection, Boston Public Library box 329, folder 2.

¹¹⁴ *King v. Hannah Dilly*, April 1753, Suffolk General Sessions Record Book. For an example of a disorderly house that was indicted for gambling, see *King v. George Masner*, July 1756, Suffolk Record Book.

¹¹⁵ *Massachusetts v. Hannah and Mary Ersking*, July 1778; *Massachusetts v. Sara (aka Susannah) Star*, July & October 1778; *Massachusetts v. Edward Richardson*, July 1778; *Massachusetts v. Ruth Brown (alias Chapman)*, October 1778, Suffolk General Sessions Record Book, 1778.

The prosecution of infanticide resulted in the production of discourses that promoted conceptions of white women's lustfulness as well. Infanticide cases were reported on in newspapers, and gossip would have emanated from Massachusetts courtrooms. Infanticide prosecutions were against unmarried women who were supposedly attempting to conceal the pregnancy and birth of an illegitimate child. The language used in infanticide indictments and newspaper reports demonstrates that colonists believed white women accused of infanticide were attempting to erase the happenstance of the conception, pregnancy, and birth to cover up their illicit sexual affairs. For example, in 1761, Elizabeth Gill was charged with having strangled her child after "privately and secretly" giving birth.¹¹⁶ The language in Gill's indictment highlighted the shame of giving birth to a bastard, which was in stark contrast with the rhetoric that celebrated married white women's childbirth. In her study of the discourses on pregnancy in the Revolutionary era, historian Susan E. Klepp writes, "women's self images were inextricably tied to their fecundity."¹¹⁷ On the other hand, the act of infanticide was distinguished by the secrecy and shame of unmarried white women. In Massachusetts, the Superior Court of Judicature heard four infanticide cases between 1760 and 1769. During the 1770s, five additional cases of infanticide were prosecuted. Newspapers highlighted these and other infanticide cases by reporting on the death of any newborn child in New England. Cases that were not prosecuted in the Superior Court also made headlines and connected dead infant children with white women's sexual sins. For example, on the 21st of May 1764, Boston Post Boy reported a "new born infant" was found "dead under a Bed" in Boston. The next week, the paper reported the dead child

¹¹⁶ King v. Waite, 19 Aug. 1760, SCJ Record Book. King v. Gill, 15 Sept. 1761, SCJ Record Book.

¹¹⁷ Susan Klepp, "Women and the Fertility Transition in the Mid-Atlantic Region" JAH 85 (1988): 926.

was a bastard, but had been stillborn.¹¹⁸ The suggestion of infanticide by newspapers reminded readers that white women gave birth to illegitimate children, and that they were willing to take desperate measures to avoid social and legal punishments. Similar to the discourses on prostitution and fornication, newspapers never referred to the role of the father in infanticide cases.

Massachusetts newspapers and magazines did not limit their coverage of white women's sexual behavior to reports on criminal prosecutions. Ruminations on white women's characteristics also revealed contemporary perceptions that white women were excessively sexual. In particular, white women were posited as having difficulty in remaining chaste because of their overwhelming desire for sex. White women who lost the opportunity to marry were most often represented as disavowing celibacy. In 1782, a poem told the story of a white woman who, "Forsakes her virtue [virginity] when her charms decay." She was inclined "to sin in spite of grace" rather than die a "*wither'd* maid."¹¹⁹ Newspaper printers included tales of unmarried white women who took drastic measures when they were overwhelmed with sexual desire in their newspapers. One poet asserted, "Of all the ills, this is the worst I'm sure,/ To live a maid and die a *Virgin* pure / If not a *Bride*, to *something* else I'll turn.-----"¹²⁰ Youthful and older white women were thought to be prone to excessive sexual behavior in discourse. Boston Gazette reported "a Female of 52 (trusting perhaps more to her age than Modesty), presented herself before a Magistrate for being pregnant by a youth of 19."¹²¹ Sex was depicted as something white women could not deny themselves or live

¹¹⁸ Boston Post Boy, 21 May 1764 & 28 May 1764.

¹¹⁹ Boston Gazette, 14 Oct 1772.

¹²⁰ "Resolution of a Young Lady Not to Die a Maid," Massachusetts Spy. 31 Dec 1770—3 Jan 1771.

¹²¹ Boston Gazette, 16 Nov 1767.

without, despite the moral imperatives against illicit sex. Regular descriptions of white women's lustful behavior naturalized the inferior status of white women, as compared with men, because this discourse proposed white women were innately sexual and prone to sexual sins.¹²²

White women were characterized as having a sexual passion that undermined their ability to reason, which was anathema to Enlightenment considerations that emphasized the need for reason and the subordination of bodily desires to the mind. Seduction tales and advice literature addressed to young white women illustrated how easily contemporaries believed white women could be manipulated into sexual crimes. Parents and white women were consistently warned of the dangers in courting and searching for a husband. Although newspaper printers cautioned men to be wary of letting their passions overtake their reason, printers emphasized the powerlessness of white women to repel a designing man who could easily provoke their passions. Instead of promoting white women's use of reason to avoid seduction, advice literature suggested white women protect their reputations by avoiding temptation altogether. For example, in 1769, a writer to the Boston Evening Post warned white women to be wary of mixed gender crowds and any taint on their reputation. He suggested the "barrier between liberty and licentiousness is very weak" for white women, "and a too great indulgence even in innocent pleasures are apt to take off the attention from matters of greater moment, to the pursuit of trifles of the most insignificant if not the most criminal nature." Ultimately, this writer advised white women to avoid even the most innocent of pleasures

¹²² Historians have established a history that shows that characterizations of women as lustful were important in distinguishing between men and women, as well as supportive of the gender hierarchy. For examples, see Fletcher, Gender, Sex, & Subordination; and Laquer, Making Sex 114-148.

because “the best reputations have from slight accidental causes been entirely ruined.”¹²³ Married white women received similar advice. In 1769, another writer suggested that a “lover of Reflection does not think it enough to have his Mistress *really* spotless, he likewise desires that she should appear so.” The writer warned that “when a man is frequently dissatisfied with his Mistress for receiving even his own addresses with too great a facility, in what light are we to look upon those Ladies who do not wait for Lovers, but pursue them ; who do not preserve the dignity of their sex, but disgrace it.”¹²⁴ The worries of both writers illustrate that the understanding of white women as overly sexually passionate endangered even innocent white women because women’s reputations were easily besmirched. The literature on courting exemplifies contemporary beliefs in the sexual authority of men over women because men were depicted as easily convincing white women to become their lovers. Moreover, men were characterized as less subject to whims of their own sexual passions as women were believed to be.

The emphasis on white women’s beauty and ability to attract men in newspapers directed readers to considerations of white women’s sexual nature. White women were viewed as the “ornaments of human nature,” and their attractiveness in this discourse gave them power.¹²⁵ The sexualized gaze on the exterior qualities of white women enhanced the notion of their inborn character as essentially sexual. Beauty was posited as white women’s main tool in finding a husband, and white women’s prettiness was described as a pathway to fame in society. One writer compared the glory of a beautiful woman with the respect given to an intelligent man: “her state in some respects is not

¹²³ Homosum, “To the Young Ladies of Boston,” Boston Evening Post, 30 Jan. 1769.

¹²⁴ “The EGOIST, No. XLII,” Boston Post Boy, 6 Nov. 1769.

¹²⁵ Leander, “On the Education of the Fair Sex,” The Royal American Magazine, or Universal Repository of Instruction and Amusement (Boston), April 1774, 132. This article argued against university education for women because this would rob women of their charm.

unlike the man of genius.” The writer suggested many women were envious and jealous of women of beauty, because loveliness in a white woman was the marker of her worth and power.¹²⁶ This gaze on the exteriority of white women emphasized men’s superiority in sexual relations because women’s beauty was attached to their ability to capture men’s desire. The discursive focus on white women’s appearance suggested to contemporaries that women highly valued their ability to attract men.

Conceptions of white women’s sexuality predisposed Massachusetts residents towards neglecting to consider white women as possible citizens. In her analysis of Enlightenment philosophy, historian Linda Kerber found no formal category of citizenship was elaborated that included white women.¹²⁷ Other scholars of women’s history have asserted Enlightenment writers never conceived of a role for white women in the state outside of that of wives and mothers.¹²⁸ Key in the evolution of citizenship in the new republic was the emergence and use of gender polarity in regard to the physical and mental characteristics of white men and white women.¹²⁹ This logic argued that white women were not citizens because of their irrationality, excessive passion, and lack

¹²⁶ “On Scandal,” Boston Post Boy, 23 July 1770.

¹²⁷ Linda Kerber, Women of the Republic: Intellect and Ideology in Revolutionary America (Chapel Hill: University of North Carolina Press, 1980), 15-31. Kerber writes that women’s actions during the Revolutionary War affected the understanding of women as a moralizing influence afterwards.

¹²⁸ Carole Pateman argues that women were considered part of a sexual contract that originally established them as the subjects of their husbands and men. She argues this original contract excluded them from consideration as citizens. As a result this thinking, historians Linda Kerber and Jan Lewis have argued that the roles constructed for women in the new republic were limited to that of mother and wife respectively. See Carol Patman, The Sexual Contract (Stanford: Stanford University Press, 1988), 1-16; Jan Lewis, “The Republican Wife,” 689-721; and Linda Kerber, “The Republican Mother: Women and the Enlightenment: An American Perspective,” AQ 28 (Summer 1976): 187-205.

¹²⁹ Thomas Laquer explains the societal changes that occurred during the late eighteenth century that made distinctions between male and female anatomy become “critical in political discourse,” in Making Sex 1-35. Bruce Burgett considers the sentimentalists movement as the cause of the oppositional characteristics attributed to men and women in Sentimental Bodies 84-132. Historian Carroll Smith Rosenberg found that the creation of these subjectivities not only assisted in demarcating citizens, but it was also fundamental in the project of creating a national identity. Carroll Smith Rosenberg, “Dis-covering the Subject of the ‘Great Constitutional Discussion,’ 1786-1789,” JAH (December 1992) 841-873.

of morality. Conversely, white men were citizens because of their ability to use reason to create a path toward the moral good of the whole community.¹³⁰ Sexual behavior was critical in the creation of identities because it so easily naturalized the differences between white men and women. Indeed, the prolific literature ruminating on marriage, courtship, and the sexual lives of residents of Massachusetts were a ubiquitous source of amusement and were easily referenced to distinguish between different categories of people. Thus, sexual behavior became a decisive factor in distinguishing white men from white women, and citizens from residents.¹³¹

The cultural context of the late colonial and Revolutionary era denied white women formal citizenship because the legal and discursive portrayals of white woman as sexually excessive limited their ability to claim rationality and moral righteousness, which were fundamental concepts in the extension of formal political rights. Literary scholar Bruce Burgett argues that “rationality” during the transformation to the new republic was emphasized as a solely masculine trait.¹³² Contemporary understandings of white men and women’s sexuality informed the notion of men as rational and women as irrational. Legally and socially, white men were posited as having sexual authority, which also suggested they were able to control their bodies through reason and promising thoughts of the afterlife. In contrast to this, white women were characterized as unable to

¹³⁰ Clare Lyons argues gender was largely defined through the sexual play in literature of the late colonial and Revolutionary era Philadelphia in Sex among the Rabble 115-181.

¹³¹ Linda Kerber discovered a debate in post-Revolutionary Massachusetts on whether women were considered “members” or “residents” of Massachusetts during the Revolutionary War. Massachusetts’ judiciary found women to be “residents” or “inhabitants,” rather than citizens. See Kerber, “The Paradox of Women’s Citizenship in the Early Republic: The Case of *Martin vs. Massachusetts*, 1805,” AHR 97 (Apr. 1992): 370.

¹³² Burgett argues that men became imbued with rationality as gender was dimorphing into oppositional categories. Women were instilled with the “intimate sensations” of the sentimentalist world, while men were posited as existing outside of this sentimentalist construct in the public sphere. See Burgett, Sentimental Bodies: Sex, Gender, and Citizenship in the Early Republic (Princeton: Princeton University Press, 1998), 94-132.

control their sexual behavior and sublimate their bodies to reason. For example, in 1785, a satirical article supposing the kinds of laws white women would enact if given power portrayed white women using their power to fulfill their sexual desires. The fictitious laws aimed at rescuing white women “from that odium attributed to maids who die in a state of celibacy.” The white woman legislator in this article proposed taxing bachelors, evoking flattery from men towards white women, the creation of a husband lottery, and “that all bastard children shall be pronounced the offspring of bachelors.”¹³³ This article suggested that empowered white women posed a threat to the social and moral order if they were given formal citizenship rights because of their excessive sexuality and inability to control their sexual passion.

The sexual characteristics of white women were tied up with contemporary understandings of white womanhood, which limited the discussion of their roles outside of sexual roles. The rhetoric that defined white women’s “virtue” as synonymous with their virginity is illustrative of this point. Seduction tales regularly referred to white women’s virginity as their “virtue.” For example, one story of a white woman described that her love of pleasure ultimately led to her losing “what she had conceived beyond all price, her virtue.”¹³⁴ Writers who directed advice to men suggested that a white woman’s virtue and virginity were interchangeable. One writer chastised the men who were “seducing the innocence, and betraying the virtue of credulous young women.”¹³⁵

¹³³ This article also suggested women legislators wanted bachelors to create wills giving half of their savings to women, have bachelors be referred to as old maids, and that kisses and pouting lips be widely distributed. A Female Legislator, “To the Printer,” Massachusetts Spy (Worcester), 7 July 1785.

¹³⁴ Cathy Davidson has also found that women’s “virtue” in the novels of early America was synonymous with their virginity. See Davidson, Revolution and the Word 168. “The Entertainer, Number IX,” Massachusetts Spy, 16 Oct. 1777. Loss of honor and virtue are often conjoined in seduction tales to signify a woman’s loss of virginity. For another example, see A Lady, unnamed poem, Massachusetts Spy, 3rd Week in April 1786, 36.

¹³⁵ “To the Printers,” Boston Post Boy, 17 Aug. 1772.

Another writer reminded men the only reason they can stop courting a white woman is “her Loss of Virtue.”¹³⁶ White women were advised that there was nothing more important than the protection of her “virtue,” yet the social, print, and legal culture of Massachusetts limited white women’s ability to claim sexual virtue. White women’s virtue was essential to their ability to claim a good reputation, but the assumption of white women’s lustful nature hindered their ability to retain it. The primary goal for white women was espoused to be gaining the best husband possible, but the consummation of marriage led to the loss of women’s virtue.

During the Revolutionary era, the debate on white women’s citizenship was inhibited by the differing views of white men’s and white women’s “virtue.” A white man’s virtue was a measure of his ability to fulfill the roles of citizenship in a republican society. For men to attain virtue, they needed economic independence, maturity of age, reason, religious conviction, and a household in good order. On the other hand, “virtue” for white women was symbolic of her chastity, which was a much more limited concept. Historians have debated the meanings of virtue and whether it ultimately referred to economic independence or moral worth in the late colonial and Revolutionary eras.¹³⁷ Gender historians have added a corrective to this literature by addressing the male-

¹³⁶ “An Admonition to those, who glory in seducing the Affections of the Fair, and then deserting them,” Massachusetts Spy, 2 Oct. 1770.

¹³⁷ For discussions of “virtue” referring to moral worth, see Jean Yarbrough, “The Constitution and Character: The Missing Critical Principle?” in To Form a More Perfect Union: The Critical Ideas of the Constitution, ed. Herman Belz, Ronald Hoffman, and Peter J. Albert (Charlottesville: University Press of Virginia, 1992), 217-249; Jack P. Greene, Imperatives, Behaviors, and Identities: Essays in Early American Cultural History (Charlottesville: University Press of Virginia, 1992), 208-235; and Gordon Wood, The Creation of the American Republic, 1776-1787 (Chapel Hill, University North Carolina Press, 1969). For a discussion of “virtue” as being dependent on economic independence, see J.G.A Pocock, The Machiavellian Moment: Florentine Political Thought in the Atlantic Republican Tradition (Princeton: Princeton University Press, 1975). Sexual vice is explicitly cited as a fundamental problem in the construction of a virtuous state in English politics by M.M. Goldsmith. He writes the English believed wealth created a desire for private vice, including sexual sins, in “Public Virtue and Private Vices: Bernard Mandeville and English Political Ideologies in the Early 18th Century,” Eighteenth-Century Studies 9 (Summer 1946): 477-510.

centered focus of these writings and elaborating on the gendered ramifications of the concept of virtue. Yet, these analyses have focused on the literature written after the Revolutionary era and into the early national era.¹³⁸ The cultural and political context within which the war and state constitutions were written were more important to white women's lack of formal citizenship rights than the elaborations on their roles in the new republic that were printed afterwards. Formal political rights, including the right to vote, represent oneself at a town meeting, and fulfill offices in state constitutions, were not extended to white women in the town meetings prior to the war or afterwards. The constitutions of Massachusetts Commonwealth were finished in 1780 and 1786, well before notions of republican motherhood had infused political discourses. The focus on citizenship in the early national era has resulted in historians not substantially engaging in the contemporary understanding of white women's "virtue" as sexual, and how this understanding assisted in dismissing white women from considerations of formal citizenship.

During the late colonial era, town meetings in Massachusetts were sites wherein local freeholders could participate in their own governance and exert their formal

¹³⁸ Ruth Bloch has argued that virtue was a masculine trait that only began to be accessed by women towards the end of the Revolution in "The Gendered Meanings of Virtue in Revolutionary America," Signs 13 (Fall 1987): 37-59. Her work is important in showing there was a change in the evaluation of women after the Revolution. Rosemarie Zagari argues a place was designed for women after the Revolutionary War as a civilizing influence on the United States in "Morals, Manners, and Republican Motherhood," American Quarterly 44 (June 1992): 192-315. However, she does not consider the roles of women as the colonies entered war with England and legislators wrote state constitutions. Joan Gunderson considers the economic interpretations of virtue and writes it resulted in placing women as dependents, and therefore not citizens in "Independence, Citizenship, and the American Revolution," Signs 13 (Fall 1987): 59-77. Jan Lewis, "The Republican Wife: Virtue and Seduction in the Early Republic," WMQ 3rd ser., 44 (Oct. 1987): 689-721. Jan Lewis considers the role of women as wives in late Revolutionary and early national periods and believes women were to "tempt" men into becoming moral and passionate citizens. Lewis does write that biblical roles for women had to be re-interpreted after the Revolutionary War to allow for a more positive image of women that imbued them with morals. In contrast to the aforementioned historians, Jeanne Boyston has traced a change in the importance of women in their household work experiences in Home and Work: Housework, Wages, and the Ideology of Labor in the Early Republic (New York: Oxford University Press, 1990).

citizenship rights.¹³⁹ However, freeholders were understood to be property-holding white men who were ideally patriarchs of their families. In 1743, the General Court of Massachusetts stipulated that only twenty-four year old, white, property-owning men, whose estate was worth £20, could vote and participate at town meetings.¹⁴⁰ Each town was able to elect two representatives to the General Court, plus selectmen, constables, overseers of the poor, a town clerk, treasurer, and other town officers. The constitutions of 1780 and 1786 reflected the same notions of citizenship that were prevalent in the late colonial era and enfranchised only property-holding men. During the late colonial and Revolutionary eras, understandings of white women's virtue and citizenship had not changed. In fact, the changed context of fornication prosecutions – wherein the racial and gendered hierarchy protected men from discovery – highlighted white women's illicit sexual behavior and abetted notions of their lustfulness that supported the gendered division of political participation. Sexual regulation in legal and social discourse undoubtedly assisted in demarcating white women as subordinates to the sexual and political authority of white men, who were considered superior in the roles within the household and sexual intercourse. These constructions buttressed the denial of white women as legitimate political actors.

White women could not fulfill the responsibilities and rights of formal citizenship unless another paradigm was created to measure white men and women's worth in the

¹³⁹ For information on the town meetings of Massachusetts, see Dirk Hoerder, Society and Government 1760-1780: The Power Structure in Massachusetts Townships (Berlin: Freie Universität Berlin, 1972), 67-72; and John Fairfield Sly, Town Government In Massachusetts, 1620-1930 (Cambridge: Harvard University Press, 1930), 75-103. Historians disagree on the extent to which town meetings were inclusive. For examples, see Robert E. Brown, Middle-Class Democracy and the Revolution in Massachusetts, 1691-1780 (Ithaca: Cornell University Press, 1955); and Elisha P. Douglass, Rebels and Democrats: They Struggle for Equal Political Rights and Majority Rule during the American Revolution (Chapel Hill: University of North Carolina Press, 1955).

¹⁴⁰ John Fairfield Sly, Town Government In Massachusetts 83-86; and The Acts and Resolves, Public and Private of the Province of the Massachusetts Bay, vol. 3 (Boston: Wright and Potter, 1869), 30.

new republic. According to historians Mary Beth Norton and Linda Kerber, white women provided an alternative measure of their role in society by taking up informal citizenship roles during the Revolutionary War to express their political allegiance and support the American or British causes. The activities of white women in supporting family businesses, non-consumption, and even joining in warfare as spies, nurses, and soldiers, illustrates that white women during the Revolutionary War conceptualized their own roles as citizens differently from the colonial government. However, the belief in white women's virtue as sexual, their lack of rationality, and excessive sexual passion limited the ability of the elite men who wrote the state constitution to view white women as persons capable of representing themselves in the new government. Contemporaries believed white women were properly placed within families under the sexual and political authority of men. The actions white women took in support of their government and families were fundamental to success during the imperial conflict, but they did not alter men's more formal conceptions of citizenship, which were fundamental to political power. After the Revolutionary War, the primacy of white women's roles within the family, and hence larger society, were elaborated, but this dialogue necessitated the formation of a new set of ideals regarding a "passionless" white womanhood that undermined late colonial and Revolutionary era conceptions of overly sexual white women.¹⁴¹

The sexual excessiveness that was attributed to white women was fundamental in limiting conceptions of white womanhood to those traits that were undesirable in a citizenry. The portrayal of white women's character as lasciviousness in legal and social discourse meant that they could never become citizens because they were prone to

¹⁴¹ Nancy Cott, "Passionless," 161-181.

immorality and irrational decision making, which was based on their sexual urges. Moreover, because a white woman's worth was based upon her ability to retain her "virtue" – a trait that was so easily debased by gossip and sexual desire – that virtue was always at risk.

The judiciary's prosecution of white women's illicit sexual behavior protected male power at the same time that discourses defined white women as unsuitable citizens. Fornication, prostitution, and infanticide prosecutions limited criminal culpability to white women. The gendered prosecution of these offenses heightened the danger for white women who were unmarried and desired having sexual intercourse. This elevated the importance of marriage for white women, much more than it did for men, who were not criminally culpable for their engagement in sexual intercourse before marriage. The pressure to marry limited the sexual and political authority of white women, whose legal and economic rights were transferred to her husband at marriage.

Chapter 2: The Regulation of White Men's Sexual Behavior and Its Relationship to Citizenship, 1740-1785

In March 1778, newspapers reported the dreadful effects of a white woman's sexual influence upon poor and young white men. The indictment of Bathsheba Spooner for arranging the murder of her husband, Joshua Spooner in Brookfield, Massachusetts, was the subject of these reports. This case embodied the problematic nature of excessive sexual behavior in a society claiming reason and rationality as the basis for its civil state. Independent Chronicle reported the murder of Joshua "to be the most extraordinary Crime ever perpetrated in New England," because at least seven people, including Bathsheba and several lower class and young white men, conspired in committing the murder.¹ Two ballads and six editions of the final confession of the men indicted for this murder were published.² During the trial, it was revealed the licentious Bathsheba had arranged for her husband's death through sexual promises to one of the lower class white men.

Newspaper printers posited Bathsheba would have been unable to commit the murder without the help of the white men involved. Independent Chronicle reported, "it is probable that she cherished a criminal regard for some other person, until, having

¹ Independent Chronicle, 12 March 1778. The information presented in this chapter is based upon my study of all the existent General Sessions of the Peace Record Books for Middlesex, Suffolk, and Worcester Counties between 1740 and 1790. I also examined all the existent file papers for Middlesex, Suffolk, and Worcester counties between 1760 and 1790. These counties made up 33.5% of the population of the state. Suffolk and Middlesex Counties represent the coastal region of Massachusetts, while Worcester was part of the interior frontier. This chapter is also based on my examination of the record books and file papers from the Supreme Judicial Court of Massachusetts, which covered the entire colony. This chapter also makes use of my analysis of church records from Worcester, Boston, Barnstable and Plymouth Counties. Finally, I also studied the extant newspapers from Worcester, Middlesex, and Suffolk counties for the time period between 1760 and 1786. I focused on newspapers that ran for at least three years. I also reviewed many tracts published in Massachusetts between 1740 and 1790. Robert V. Wells, The Population of the British Colonies in America before 1776: A Survey of Census Data (Princeton: Princeton University Press, 1975) 81.

² Daniel Williams, Pillars of Salt: An Anthology of Early American Criminal Narratives (Madison: Madison House, 1993), 219.

followed the blind impulses of wicked and unchaste desires, she lost all moral sensibility, discarding reason and conscience from her breast. . . .”³ Bathsheba was not the only practitioner of immoderate sexual behavior. The lower class and young white men who assisted her were seduced by her promises and their desires. Ezra Ross, one of Bathsheba’s younger accomplices, was reported as initially reluctant to assist in the murder of Joshua, even though Bathsheba had “made some amorous overtures.” However, “upon her further persuasions, and the fancied happiness of marrying a woman so much above his rank,” Ezra finally consented to poisoning Joshua. After Ezra’s plan was foiled, Bathsheba successfully procured Sergeant James Buchanon and his compatriot William Brooks to do her bidding by promising them her husband’s personal items and a thousand dollars. Bathsheba made arrangements with these men at several widows’ houses, which made her actions sexually suspect by community members. Reports suggested “she was often alone with them, treated them very familiarly, and suffered them to use great familiarities with her, to the astonishment” of those “who know her rank in life.”⁴ Bathsheba used her sexuality to attract her lower class and young white male accomplices in the murder of her husband.

New mechanisms were developed during the late colonial era to pinpoint white lower class men and young white men’s lascivious behavior, which could be used to delegitimize their claims to citizenship. Between 1740 and 1785, the regulation of sexual behavior safeguarded the power of elite white men by creating a fiction that they were free from the stain of illicit sex. This separated them from other members of society who could be swayed by their passions into fulfilling their unlawful sexual desires. The

³ Independent Chronicle, 30 Apr. 1778.

⁴ Independent Chronicle, 30 Apr. 1778.

decriminalization of white men's fornication in the judiciary, which had been accomplished by 1760, evolved alongside the increased power of all white men in society as they took up arms in defense of the colony. Although there were gains for all men in the decriminalization of fornication, not all white men were considered suitable for the responsibilities and benefits of citizenship. Importantly, new mechanisms in the sexual management of lower class and young white men's sexual behavior coincided with the increased loss of political power by lower class white men, who found it difficult to retain the property qualifications required of freeholders at town meetings during the economic crisis of the mid-eighteenth century. Furthermore, this sexual regulation evolved after the tumultuous political culture of the 1740s through 1760s, when elite men's religious and political power was increasingly questioned as a result of the Great Awakening and the establishment of new towns across Massachusetts.⁵ The suppression of criticism about elite white men's sexual behavior solidified their power at the time when they were in need of a boost that would separate them from the masses.

De-Criminalization of White Men's Sexual Behavior, 1740-1760

Between 1740 and 1760, white men's sexual behavior was de-criminalized by the judiciary, despite the open knowledge that white men engaged in illicit sex. By the late 1750s, the legal mechanism that allowed white men to elide responsibility for illicit sex—the construction of white women as the only culpable party in the legal sexual double

⁵ Several historians have discussed the upheavals in religious and political authority that resulted from the Great Awakening. For examples, see Timothy D. Hall, Contested Boundaries: Itinerancy and the Reshaping of the Colonial American Religious World (Durham: Duke University Press, 1994); Frank Lambert, Inventing the "Great Awakening" (Princeton: Princeton University Press, 1999), 185-250; Gary Nash, The Urban Crucible: Social Change, Political Consciousness, and the Origins of the American Revolution (Cambridge: Harvard University Press, 1979), 198-232; and Gregory Nobles, Divisions throughout the Whole: Politics and Society in Hampshire County, Massachusetts, 1740-1775 (Cambridge: Cambridge University Press, 1983), 36-106. The political upheavals resulting from the division of towns as populations surged has been documented by Gregory Nobles, Divisions throughout the Whole 107-154.

standard—was in place.⁶ Importantly, the decreased punishment of men for their illicit sexual behavior contradicted the knowledge that both men and women were tempted by flesh. The removal of men from fornication prosecutions was an important aspect in the solidification of white men’s power in the political culture of the late eighteenth century.

Although men were not legally culpable for fornication, white men’s illicit sex was deemed important enough to punish in religious communities between 1740 and 1760. In the first half of the eighteenth century, Massachusetts residents believed both men and women occasionally submitted to illicit sexual enticements. Religious communities expressed the principle that all humans were intrinsically evil and needed to fight against temptation. From the early 1700s, ministers propounded “the way of the heart and the sight of the eyes of men, is always evil.”⁷ All men and women had to look towards salvation, not their physical desires, to overcome daily enticements. Historians have established religious communities conceptualized women as more susceptible to sin and seduction by the devil.⁸ However, ministers of Massachusetts did not believe men were immune to the temptations of the devil.

Ministers addressed both men and women in their diatribes against sexual sins. In the early eighteenth century, Benjamin Wadsworth argued, “for Christians, their Bodies

⁶ This argument is in contrast with Sharon Block’s assessment of a “sexual continuum” in men’s sexual behavior. She believes men’s sexual passion was emphasized and women’s roles as temptresses and stopgaps to fornication were propagated between 1700 and 1820. See Block, “Coerced Sex in British North America, 1700-1820,” (Ph.D. diss., Princeton University, Nov. 1995), 10-45.

⁷ Increase Mather, Solemn Advice to Young Men, not to walk in the ways of their heart, and in the sight of their eyes; but to remember the Day of Judgment (Boston: John Allen, 1709).

⁸ In Chapter One, I discuss the changing context of sexuality as fornication moved to an exclusively white woman’s sin between 1740-1780. The construction of women as more susceptible to sin than men in the early colonial era has been established by Elizabeth Reis and Carol F. Karlson. Elizabeth Reis argues the understanding of women’s bodies as weaker than men’s was critical to the notion of women as sinners in “The Devil, the Body, and the Feminine Soul in Puritan New England,” JAH (June 1995): 15-36. Carol Karlson shows the persistence of notions of women as sinners in the colonial era derived from emphasis on the role of Eve in the fall, and the need of early New Englanders to forcefully submit women to male rule in The Devil in the Shape of a Woman: Witchcraft in Colonial New England (New York: Vintage Books, 1987).

as well as Souls belong to Christ...Tis therefore a most vile aggravated wickedness in those that call themselves Christians... to commit *fornication or adultery*.”⁹ Ministers propounded faithful devotion to the marriage bed as the solution to sexual desire in order to avoid the sin of fornication. They also suggested the gravity of illicit sex for men and women. For example, one reprinted sermon from England proposed, “when people shall, by mutual perverseness and male-treatment, thwart and contravene its [marriage’s] noble purposes, the deviating into the paths of forbidden pleasures, is a down-right revolt from the sacred faith. . . .”¹⁰ Ministers even directed their concerns about pre- and non-marital sex to men. William Seckler preached, “it’s rare to find any Enemies to the *Use of Marriage*. They would pick the *Lock* that want the *Key*, and pluck the *Fruit* that do no plant the *Tree*.” He warned, “*He is not a man that hath not a Woman*.”¹¹ These warnings illustrate that men’s misuse of women was not condoned in the church.

Ministers believed that, among white men, it was young white men that were particularly susceptible to illicit sex. The sexual behavior of young white men was a source of societal anxiety during the seventeenth century in New England. Ministers regularly cautioned young men to consider the fate of their souls while the passions of youth ran strong.¹² In 1742, a reprint of minister Thomas Gouge’s warning to young men against the vices of “wantonness and Uncleanness” to which he believed young men

⁹ Benjamin Wadsworth, The well ordered family; or Relative duties (Boston: Printed by Bartholomew Green, 1712), 27.

¹⁰ Thomas Humphries, Marriage an honourable estate. A sermon preached at Driffield in Gloucestershire, on occasion of a marriage of Gabriel Hanger, Esq; and Ms. Elizabeth Bond (Boston: Zechariah Fowle, 1752), 15.

¹¹ William Seckler, A wedding ring, fit for the finger: or, The salve of divinity on the sore of humanity, (Boston: John Draper, 1750), 9.

¹² For an example of a sermon, see Elias Haven, Youthful pleasures must be accounted for, at the Day of Judgment. A sermon on Ecclesiastes xi. 9. Preached (in part) at the Second Precinct in Wrentham, May 27. 1741 (Boston: John Draper, 1742). Richard Godbeer explores the contemporary concerns about men’s sexuality in the seventeenth century in “‘The Cry of Sodom:’ Discourse, Intercourse, and Desire in Colonial New England,” WMQ 3rd Ser. (April 1995): 259-286.

“were addicted” appeared in Boston. Chapter 13 of his treatise for young men dealt entirely with the sexual vices to which young men were inclined, including “Contemplative Uncleaness,” or unclean thoughts, and “Practical Uncleaness,” which included fornication, adultery, incest, polygamy, and rape. He cautioned, “O young Man, let the many threatnings in God’s Word, and the various Judgments he hath executed upon Whoremongers and Adulterers, make thee afraid, and turn this filthy Pleasure into a dread and terror to thee.” Gouge judged the best way for young men to avoid the temptations of the flesh was to avoid looking at women of beauty, drinking and eating to excess, unclean conversations and thoughts, plays, explicit pictures, and “gayish Attire.” He recommended young men focus on God’s “all-seeing Presence” and their calling, or if these recommendations failed, to engage in a lawful marriage.¹³

Other addresses to young white men also focused on their propensity for illicit sexual behavior. When Peter Clark, a pastor at the First Church in Danvers, was asked to speak before the community’s young men in 1757, he characterized “Pleasure and Gratification of the Senses” as one of Satan’s major allurements to young men. Clark noted the “invisible Solicitor to Evil is little tho’t on by careless Sinners, while they are intent on the Pursuit of their Lusts and carnal Imaginations; they are not sensible of the Agency of any invisible Spirit, that is busily at work with, or upon them.” He advised young men to avoid temptation by placing their passions under “Subjection to the Dictates of Reason, and to the Rules of Religion. . . .”¹⁴ In 1758, minister John Mellon

¹³ Thomas Gouge, The young man’s guide, through the wilderness of this world, to the heavenly Canaan. Shewing him how to carry himself Christian-like, in the whole course of his life (Boston: John Draper, 1742), 102-112.

¹⁴ Peter Clark, Spiritual Fortitude recommended to young men, in resisting and overcoming the Wicked One, by the word of God abiding in them. A sermon preach’d at a lecture to a society of young men, in the North-Parish of Danvers, December 15th, 1757 (Boston: Edes and Gil, 1758), 10-13.

also identified “Chambering and Wantonness, Fornication and all Uncleaness” as sins to which young persons were particularly drawn. Mellon claimed he was familiar with the “repeated Instances of this Wickedness [sexual uncleaness] in Times past . . . But I have some Reason to hope, that our Youth are already reformed, as I think the public Instances of this Offence have not been, of late, greatly multiplied.”¹⁵

Tracts and sermons warning young men not to engage in illicit sex were part of a larger context wherein all person’s sexual experiences were regulated between 1740 and 1760. Ministers argued men and women had a special agreement with God not to sin without repentance. God’s watchful eye demanded sinners as well as those that witnessed sin bring forward those who offended God to confession and contrition. Ministers argued, “There’s a solemn Covenant between Husband & Wife, God is witness to it, and observes when any treacherously break it.”¹⁶ Churches regularly demanded confessions from couples that had children too soon after their marriage. Church members believed in the importance of confessions as a way to ensure they retained God’s favor. Beginning in 1741, the First Church in Plymouth voted “that if any Person in relation to this Chh shall be guilty of any Scandalous Offence & do not within six months from the time of their Offence make their Peace with the Chh; then the Chh will call upon them.”¹⁷ Men were expected to confess fornication, as were women. For

¹⁵ John Mellon, A discourse containing a serious address to persons of several ages and characters: in three parts I. To children. II. To Parents. III. To young people. Delivered Lord’s-Day October 31, 1756, at West Parish Church in Lancaster: on the occasion of the late morality in that and the neighbouring places (Boston, Edes and Gill, 1757), 37-39. Mellon addressed his narrative to young men, but occasionally included young women in parenthesis. Mellon did not include women in his section on the danger of sexual sins, but considered them as prone to “Temptations of the Flesh” as were men. (p. 32-33).

¹⁶ Wadsworth, Well ordered family 27.

¹⁷ Publications of the Colonial Society of Massachusetts, vol. 22, Plymouth Church Records, 1620-1859 (Boston: The University Press, 1920), 293-4.

example, in March 1735, Joseph Tarbox confessed to fornication before his marriage at Boston's First Church.¹⁸

The reformation of men after their illicit sexual activities was deemed important enough that some ministers were willing to use their power in churches to gain confessions from recalcitrant men who engaged in pre- and non-marital sex. Historian Kathryn Kish Sklar found that in the fall of 1748, Jonathan Edwards excommunicated Elisha Hawley from his Northampton parish after Elisha refused to marry the woman who had bore his twins. At a Council of Ministers in 1750, Edwards argued against the sexual double standard that allowed men like Elisha to copulate without proper punishment and remorse.¹⁹ According to Edwards, both men and women were culpable for sexual sins and many ministers were unwilling to let men believe their sex acts outside of marriage were condoned.

Between 1740 and 1758, a decline in the culpability of men for their sexual sins was occurring outside of churches. After 1758, premarital fornication prosecutions against men ended, while white women continued to be prosecuted and punished. During the 1740s, prosecutions against white men for premarital fornication made up a third of all fornication prosecutions in Worcester County during the 1740s, and over a tenth in

¹⁸ See Publications of the Colonial Society of Massachusetts, vol. 39, The Records of the First Church in Boston II, 1630-1868, ed. Richard D. Peirce, vol. 1 (Boston: The Anthoensen Press, 1961), 183. Records of fornication confessions before the Revolutionary era were rarely existent in the 19 church communities I studied. The records of confessions were generally kept on loose scraps of paper, which were placed within the church records. These scraps were mostly mutilated with large time period gaps between each scrap. It appears that many of these papers were lost. I examined the records of 19 churches from Barnstable, Plymouth, Suffolk, and Worcester Counties. Eight of the churches were in Boston, eight were in Suffolk, two were in Barnstable, and one was in Plymouth. These churches were congregational churches and Churches of England that were later to become Baptist, Unitarian, and Congregational churches. Sermons and religious tracts were also studied.

¹⁹ I am indebted to Kathryn Kish Sklar's excellent article in my presentation of this case. See "'To Use as His Wife': An Extraordinary Paternity Suit in the 1740s," in Women and Power in American History, vol. 1, 2nd edition, ed. by Kathryn Kish Sklar and Thomas Dublin (New Jersey: Pearson Education Inc., 2002), 73-91.

Middlesex. As shown in the last chapter, the increased prosecution of non-marital sex beginning in the mid-1700s meant white women would become predominant in fornication prosecutions because white men's non-marital fornication with women was largely unregulated and kept discrete during the eighteenth century. Indeed, white men's non-marital fornication made up only 14% of the total number of fornication prosecutions against men between the 1740 and 1759.²⁰

The first legal mechanism that allowed white men to avoid punishment for illicit sex was in place by the 1740s. After this time, the prosecution of white men for non-marital sex was a rare occurrence. Although white men were disappearing from non-marital fornication prosecutions between 1740 and 1759, white women named men as their partners during their public fornication confessions, often after the prodding of the Justices. The Justices' questioning of women was no doubt partially to ensure that the men the white women named in their confessions would be forced to pay for the upkeep of their child. White women also voluntarily named men as their sexual partners in paternity suits to obtain financial assistance for their bastard children. Indeed, over the 1740s, white women identified 110 men as their partners in non-marital and premarital sex in Suffolk, Middlesex, and Worcester counties. In the 1750s, 138 men were identified. In fact, significantly more men were cited as fornicators in white women's confessions than the actual number of men prosecuted for fornication. (See Table 2.1). White women's fornication confessions made men's non-marital and premarital sex with white women quite visible. Yet, they did not have to appear in public and confess their

²⁰ There were six non-marital fornication prosecutions out of the 41 men prosecuted for fornication over the 1740s and 1750s. *King v. Nathaniel Coochunk*, Dec. 1740 & *King v. Phinehas Parker* (he was indicted two times), Mar. 1749, *King v. Converse*, Mar. 1754, Middlesex Record Books; and *King v. Timothy Madin*, Aug. 1740 & *King v. Abijah Child*, Aug. 1749, Worcester Record Books. Chapter One also discusses this issue.

remorse or pay a fine for fornication in the judiciary. The only responsibility white men had in non-marital fornication was the financial maintenance of their bastard children. Justices of the Peace had decided that men’s non-marital fornication was not criminal because they stopped fining white men for fornication.²¹ Justices did not draw these distinctions between the criminality of fornication and the responsibility for raising bastard children in their prosecutions of white women.

Table 2.1: Percentage of Men Prosecuted for Fornication Out of all Men Named as Women’s Partners in Court, 1740-1750

County	1740s	1750s
Middlesex	23%	2%
Suffolk	0%	0%
Worcester	42%	6%

The open knowledge that white men participated in non-marital sex was apparent in the results of paternity hearings. White men who took financial responsibility for their bastard offspring, either by force or voluntarily, acknowledged they had engaged in fornication. During the 1740s, men generally took responsibility for their bastard offspring by making court-recorded arrangements with the mother or by being adjudged the father by Justices. During the 1740s in Worcester County, women initiated at least 13 bastardy suits. Of the eleven cases in which the outcomes of the paternity suits were recorded, two-thirds of the suits ended with white men being declared the father and/or

²¹ This argument is in contrast with Robert V. Wells’ assumption that white men’s punishment for fornication was having to pay for their bastard child’s upkeep. The sexual double standard in punishment is not addressed in Wells’ understanding of fornication prosecutions. Women were fined for fornication and expected to raise their bastard children. See Robert V. Wells, “Illegitimacy and Bridal Pregnancy in Colonial America,” in *Bastardy and Its Comparative History: Studies in the History of Illegitimacy and Marital Nonconformism in Britain, France, Germany, Sweden, North America, Jamaica and Japan* (Cambridge: Harvard University Press, 1980), 355.

promising support to the child.²² In the paternity hearings during the 1750s in Worcester County, almost half of the cases resulted in white men providing for their bastard child.²³ However, these percentages only represent the court-recorded agreements made between men and women. Private promises were also likely made between the concerned parties. Accused men would not be discharged from their recognizance to appear in court until the accusing woman consented. The cases wherein women agreed men could be freed from their recognizance suggest an agreement had been reached between the two parents. Accusing women could insist the suspected father be held to his recognizance until an agreement had been reached or the court determined he was innocent. An even more favorable representation of women's ability to win financial assistance for their bastard children emerges when the number of men who were allowed to be dismissed by women are added to the above-mentioned number of cases ending in the favor of women. In Worcester during the 1740s and 1750s, male accountability for their bastard offspring

²² Worcester is used as example for the 1740s and 1750s because it was the most likely county to include the results of paternity hearings in the record books. In Worcester County, of the 13 known paternity cases over the 1740s, only one did not state the outcome. In four of the cases, the mother and father had reached an agreement regarding the maintenance of the child; in three cases, the court determined the accused man was the father of the bastard child; in two cases, the accused man was not found to be the father; and in two other cases, the accusing woman allowed the father to be discharged from his recognizance. In the final case, both the accused woman and man did not appear at the time of their trial. In the two cases having an unknown outcome, both the woman and man did not appear in court. Thus, they are not included in my percentages listed above. During the 1740s in Middlesex County, 18 paternity suits were initiated, but only 11 listed the results. Of these 11 cases, in 5 men agreed to pay maintenance, 4 men were found to be the father by Justices, and 2 were found not to be the father. Between 1743 and 1749 in Suffolk County, 29 paternity suits were initiated, and 20 had unknown outcomes. Of the nine with results recorded in the record books, eight men were found to be the father by the court, and one agreed to pay maintenance to the mother. Worcester, Middlesex, and Suffolk County General Sessions of the Peace Record Books, 1740-1749.

²³ During the 1750s in Worcester County, 25 paternity hearings were initiated. Of these, eight cases have no recorded outcome in the record books; seven men were found to be the father; 8 men were allowed to be dismissed by the accusing women; one man and woman reached an agreement regarding maintenance; and one man was not found to be the father by the Justices. In Middlesex during the 1750s, the outcomes of 38 paternity suits are not included in the record books. Of the 13 with recorded outcomes, 11 men were found to be the father by Justices, and 2 men were discharged by their women accusers. In Suffolk County between 1750-1758, no outcome was recorded for 16 paternity cases. Of the remaining 20 paternity suits, 16 men were found to be the father, 3 men had made agreements with the mother, and 1 man was found not to be the father. Worcester, Middlesex, and Suffolk County Record Books, 1750-1759.

changes to an overwhelming 81% and 94% of the cases. The probability of men being found responsible for bastard children by Justices is another indication of the common perception held by contemporaries that men had non-marital sexual dalliances. In cases when men disputed paternity, their cases were presented to Justices of the Peace. The likelihood of Justices finding men to be the fathers of bastard children was overwhelming in these controversial cases. In disputed cases, 79% of men were determined to be the father of bastard children in the 1740s. In the disputed cases of the 1750s, 94% of the cases ended in men being adjudged the bastard's father.²⁴

By the 1750s, men's sexual activity was not viewed as criminal as women's, despite the legal and religious recognition that men took part in non-marital sex. Some contemporaries were already aware that men were able to defy sexual standards without societal scorn more easily than women. A fictitious dialogue between two women printed in 1731 commented on the societal mores in regard to marriage and courting. "Marianna" complained that men "without Dishonour to their Sex, can Attack whom they please; and Reveal their *Passions* without a Scandal to their *Virtues*, whilst we, though Tortured with the Pains of Love never so violently, are obliged . . . to humour *Custom*."²⁵

²⁴ Results of Disputed Paternity Cases Determined by Justices of the Peace

County	1740	1750
Middlesex	4 found father; 2 not father	11 found father; 0 not father
Suffolk	8 found father; 0 not father	16 found father; 1 not father
Worcester	3 found father; 2 not father	7 found father; 1 not father
Totals:	15 found father; 4 not father	34 found father; 2 not father

²⁵ Female grievances debated, in six dialogues between two young ladies, concerning love and marriage. Viz. I. Proving that women, as well as men, are inclin'd to love, and equally desirous to propagate their kind. II. Shewing what love is, its sorts and power and the difference between love and lust. III. How to discern whether a man or woman be in love. IV. Directions for young ladies prudent managing the affairs of love. V. Of marriage: that it is the duty of every person to marry, unless there be a lawful impediment. VI. The unreasonableness and injustice of marrying for money, and the great misfortunes that frequently attend such as do. To which are added, proposals for an act to enforce marriage, and for taxing such batchelors as neglect to marry (Boston: Thomas Fleet, 1731), 15-16. This tract was reprinted and sold by Thomas Fleet in Boston between 1731 and 1758.

In 1747, an advice manual printed for apprentices went as far as to suggest young men avoid marrying women with whom they copulated. This manual writer advised, “should you be so weak as to suffer yourself to be entangled, remember nothing can happen to you so fatal, as to be linked to a bosem-enemy for life. . . .”²⁶ These tracts show men were often able to avoid societal scorn for their sexual adventures.

In the late 1750s, the second step in the decriminalization of white men’s fornication occurred, when prosecutions of white men’s pre-marital fornication ended. The decriminalization of white men’s illicit sex evolved from the initial decreased emphasis on the sinfulness of white men in non-marital sex. In Worcester and Middlesex counties between 1740 and 1755, men who admitted copulating with women who accused them of paternity would be fined for fornication. Thus, there was a legal inducement for men to be silent about sexual affairs to avoid prosecution.²⁷ For example, Daniel Falbee, a laborer from Needham, “own[ed] that he had carnal Knowledge of the Body of the said Hannah Converse” in 1754, after she had charged him with being the father of her bastard child. For this, he was fined 10 shillings and was also made to

²⁶ John Barnard, A present for an apprentice: or, A sure guide to gain both esteem and estate. With rules for his conduct to his master, and in the world. More especially, while an apprentice, his behaviour after he is free, care in setting up, company with the ladies, choice of a wife, behaviour in courtship, and wedding-day, complaisance after marriage, education of children, &c. (Boston: Rogers and Fowle, 1747), 39.

²⁷ Cornelia Hughes Dayton argues Connecticut’s judicial process allowed for men’s disappearance from fornication prosecutions and paternity hearings because new rules of evidence favored men. Moreover, she writes that in Connecticut after the 1740s justices did not log the names of women’s partners in their record books, and trials of men for paternity moved to civil court. She believes this “signaled the authorities’ gradual abandonment of a system under which the county court . . . served as a public forum in which both young men and women were held accountable for their sexual transgressions.” See Dayton, Women before the Bar: Gender, Law, & Society in Connecticut, 1639-1789 (Chapel Hill: University of North Carolina Press, 1995), 157-230. Unlike Connecticut, where men were actually invisible in paternity suits and fornication confessions, Massachusetts Justices continued to record women’s public confessions of men’s involvement in fornication and forced men to make arrangements with women for their bastard children into the 1760s.

financially support his bastard child.²⁸ Similarly, in August 1740, Elizabeth Thurston confessed to bearing a bastard child in the Middlesex General Sessions and declared Timothy Maddin to be the father. He was then fined 50 shillings for committing fornication because he admitted copulating with Elizabeth. He was also forced to pay for the maintenance of their bastard child.²⁹ Timothy and Daniel's fines were in addition to the charges they were to incur in maintaining their bastard child. Both could have avoided paying the fine for fornication if they made private arrangements with Elizabeth and Hannah, or had written a letter to the Selectmen of their town securing the town from supporting the child. In 1743, David Weatherbee of Stow "indemnified the s'd Town of Littleton from any Charge relating to the Bastard Female Child born of the Body of Mehitable Wood of said Littleton."³⁰ Promises such as this saved men from entering the courtroom and paying fines for fornication. Thus, the court gave men an incentive quietly to make arrangements with women to support their bastard children or dispute paternity. The way fines were meted out shows Justices were not overly concerned with men's criminality in acts of fornication.

The decriminalization of white men's sexual behavior was also made possible by the cultural importance attached to women's sexual purity. Men in paternity hearings often redirected the gaze of Justices from themselves to their women accusers by claiming their accuser had a reputation for having multiple sexual partners. Of the six cases in the 1740s and 1750s in which a Justice decided in favor of the man, half of the men appear to have avoided being declared the father because the accusing woman was

²⁸ King v. Converse, Mar. 1754, Middlesex Record Book. Suffolk County did not fine men for premarital or non-marital sex during the 1740s and 1750s. Suffolk County had already considered fornication a woman-only crime by the late 1730s.

²⁹ King v. Thurston, 19 Aug. 1740, Worcester Record Book.

³⁰ King v. Wood, 17 May 1743, Middlesex Record Book.

not allowed to swear upon oath during the trial that he was the father of the child. The most likely reason for women not swearing upon oath was the determinations by Justices that the accusing women were lewd. For example, in August 1747, Elizabeth How, a Framingham widow, charged Samuel Glezen, a local husbandman, with being the father of her bastard child. This was neither Elizabeth's first or last appearance at the General Sessions for fornication, so the judges would not let her swear the child upon Samuel in court. Instead, they forced her to pay for Samuel's defense and fined her 50 shillings for fornicating.³¹ This suggests women who were punished more than once for fornication would find it difficult to attain child support through the judiciary. In another paternity suit in April 1754, Margaret Fitzgerald had her case against Jonathan Fairservice, a Boston carter, brought before the Justices. However, the Justices "were of the opinion that she ought not to be admitted upon her oath." This decision was made after her "Midwife and other Persons were upon oath examined who were present at the Delivery of this Woman and after the Defence made by the said Fairservice as to the Character of the Woman. . . ."³² In this case, both the midwife and Jonathan's suggestion of Margaret's lewdness led the Justices to forbid her from speaking. The cases of Margaret and Elizabeth illustrate how the defense turned the accuser into the defendant and made the trial about women's sexual behavior, not men's. Men's sexual activities were made less pertinent to the trial, which led the court to avoid the discovery of

³¹ How v. Glezen, Aug. 1747, Middlesex Record Book. Elizabeth was to be whipped 10 stripes at the public whipping post if she was unable to provide these funds. Elizabeth was also charged with fornication in May 1751 and March 1761 at the Middlesex General Sessions. Another case of a women not being admitted on oath to accuse the father is Ray v. Heald, Mar. 1748, Middlesex Record Book. In the two other cases of men not being found the father, the record book does not include why this decision was made. An analysis of the last case (Galt v. Urquhard, Nov. 1754, Worcester Record Book) appears to involve legal chicanery and is addressed later the chapter.

³² Fitzgerald v. Fairservice, April 1754, Suffolk Record Book.

whether men had engaged in non-marital fornication leading to the birth of a bastard child. White women's lack of chastity could deflect issues of men's own sexual activity.

The prosecution of rape cases in Massachusetts exemplifies how characterizations of women's lustfulness predominated in courtroom proceedings for men's illicit sex. Rape cases depended on the construction of women victims as sexually pure for men to be found guilty. In seven of the nine cases of sexual assault between 1740 and 1760, the woman victim's status as a wife or minor/virgin was mentioned in the indictment. Historians Barbara Lindemann and Sharon Block have shown the chastity or loyalty of women to the marriage bed had to be established before men were prosecuted for sexual assaults in other colonies.³³ The importance of women's chastity in rape cases focused the court's gaze on white women because men's guilt was dependent on women's sexual virtue.

Like fornication and rape, the legal prosecution of adultery demonstrates how the emphasis on women's sexual activity allowed men greater freedom from prosecution for illicit sex. Although both men and women were punished for adultery in Massachusetts, historian Cornelia Hughes Dayton has found New Englanders viewed women's adultery with "a special horror."³⁴ Indeed, adultery in Massachusetts, like Connecticut, was defined as the crime of a man who was "found in Bed with another mans Wife," which

³³ Barbara Lindemann has written that rape victims were a major focus of rape trials and men were most likely to be found guilty if women were married. See Lindemann, "To Ravish and Carnally Know: Rape in Eighteenth Century Massachusetts," *Signs* 10 (Autumn 1984): 63-82. Sharon Block shows how women who experienced sexual assaults involved others in the community before telling their stories to a local Justice of the Peace. Key to the retelling of the story to the Justice was the women's status as a virgin or wife. See "Coerced Sex in British North America," 85-122.

³⁴ Cornelia Hughes Dayton found the "double standard was inscribed into the law of adultery in Connecticut" in *Women before the Bar* 164-165.

meant married men who had sex with single women were not prosecuted for adultery.³⁵

The legal rhetoric inscribed in this law favored an understanding of marriage that gave only husbands the right to control a woman's body, since no crime could be established if the object of men's adultery was not attached to another man. Despite the apparent bias in the fashioning of this law, a few men were punished for adultery between 1740 through 1760, and they received the same punishments as their women partners. For example, one offending couple was ordered to face the community members by standing in the Gallows for one hour with a rope around the necks, then were to be whipped 40 stripes at the gaol, and were ordered to wear a capital A on their clothing for the rest of their lives.³⁶ Although punished equally, many men must have been able to avoid punishment because the law was devised to protect men from women's adultery.

White men's political power was increasing at the same time they were removed from fornication prosecutions.³⁷ The reemergence of imperial warfare with Spain in

³⁵ Massachusetts Bay Colony, Acts and Laws of His Majesty's Province of the Massachusetts-Bay (Boston: Bartholomew Green and John Allen, 1699), 65.

³⁶ Nancy Cott has also shown neighbors would go to extreme lengths, including breaking up men and women engaged in adulterous sex, to stop these illicit liaisons. She also shows how men and women were brought to justice and confession by community members in "Eighteenth Century Family and Social Life Revealed in Massachusetts Divorce Records," in A Heritage of Her Own, ed. Nancy F. Cott and Elizabeth H. Pleck (New York: Simon and Schuster, 1979), 107-135. King v. Bayley and Rainer, Sept. 1752, Supreme Court of Judicature Record Book. In King v. McCarty and Alexander, the offending couple was to be publicly whipped 20 stripes on their naked backs; Feb. 1759, Superior Court of Judicature Record Book. There were a total of four cases of adultery over the 1740s and 1750s. In one case, the defendants disappeared and defaulted, and in the other, the defendants were found not guilty. See King v. Frobush, Aug. 1753, Worcester Record Book; and King v. Whitman and Law, Jan. 1749, Middlesex Record Book.

³⁷ I found no correlation between increasing population and the removal of men from fornication prosecutions. In fact, population growth had little to do with whether a town prosecuted men for fornication. In the 1740s, more rural Worcester County prosecuted 77% of total number of men prosecuted for fornication, while Suffolk County, the most populous and urban region under study, did not prosecute any men for fornication during the same time period. The relationship between population density and the prosecution of men for fornication could not be definitively found for the 1740s because no census data was collected in Massachusetts until 1764. By the time this data was collected, the populations of Worcester and Middlesex (a county that prosecuted men) were comparable. The census for 1764 shows Suffolk County had 21.1% of the population, while Middlesex and Worcester represented 13.7% and 12.4% respectively. Although the population of these two counties was similar in 1764, Worcester did cover a more expansive territory and consisted of a greater portion of recently settled communities. My

1739, the French and Indians in 1744, and then again with the French and Indians in the Seven Years War meant soldiers were required in Massachusetts to defend the frontiers, provision the militia, and combat the enemy. The need for soldiers in Massachusetts resulted in the re-imagining of the importance of white men in Massachusetts society. One of the primary roles of white men in this society was to protect women, and the resurgence of threats altered the perception of white men in communities. Historian Gray Nash writes that between 1741 through 1744, Massachusetts added 1,500 men to campaigns against the Spanish. By the end of the Spanish-Anglo war, 3,500 men from Massachusetts had assisted in battles.³⁸ Moreover, beginning in 1746, Governor William Shirley demanded men from every town in Massachusetts to defend the colony against French and Indian incursions. In 1747, the need for men seemed to reach its peak when the British navy attempted to impress sailors in Boston after landing in their harbor. However, in the 1750s, Massachusetts men were again called upon to remove inhabitants from Nova Scotia, and assist in the warfare against the French and Indians on the frontier. It was not until 1763 that men from the colony were able to return to their homes and end their provisioning of the war. The extraordinary effort of colonists to wage these wars depended upon the commitment of Massachusetts men to secure the border. Historian William Lincoln, who wrote more than sixty years after the Revolution, found from

study of the towns prosecuting men in the 1740s and 1750s shows actions against men were almost as likely to come from old and settled communities such as Cambridge and Marlborough (settled in 1630 and 1660 respectively), as they were from Bolton and Dudley (settled in 1738 and 1732 respectively). The towns founded between 1630 and 1684 and 1684 and 1731 prosecuted 13 men. (See Appendix D). Cambridge, one of the oldest and more populous towns in Middlesex prosecuted one man for fornication. See Robert V. Wells, The Population of the British Colonies in America before 1776 81.

³⁸ Gary B. Nash, The Urban Crucible 169.

Worcester town alone, 450 men fought against the French between 1748 and 1762.³⁹ The immersion of men in the important roles of soldiers undoubtedly lessened the ability of Massachusetts courts to interfere in their sexual lives.

The need for white men to take part in warfare was recorded as a factor in at least one case of fornication prosecuted in 1754. On May 21st, 1754, Hannah Hager, a white woman from Watertown, voluntarily appeared in court and confessed fornication. She charged Thomas Chagin, a white husbandman from Mendon, with being the father. Ordinarily, men charged with being the father of bastard children were held in gaol until they had promised to pay for the maintenance of the child or to appear in court under financial loss as a penalty for not fulfilling their duty. The exigencies of war provided a way out for Thomas, who “inlisted in the King’s Service” and was let out of the gaol.⁴⁰ Although Thomas may have used the money he earned by enlisting to fulfill a financial promise that he would do his duty as the court saw fit, Hannah was left without the immediate financial assistance she needed to provide for her child. She would have to wait until Thomas came home, if he came home, and remind the court that the matter between them had yet to be resolved. In the eyes of the court, the need for soldiers took preeminence over the court’s responsibility to punish men for fornication and determine paternity. Soldiering gave men more sexual freedom because they could avoid paternity suits.

The reliance on vast numbers of men who were enrolled in the service of the King must have altered the proceedings of the General Sessions. While men were becoming

³⁹ William Lincoln, History of Worcester, Massachusetts, From Its Earliest Settlement to September, 1836: With Valuable Notices Relating to the History of Worcester County (Worcester: Moses D. Phillips and Company, 1837), 66.

⁴⁰ King v. Hannah Hager, May 1754, Middlesex Record Book.

part of and provisioning militias, the justice system appears to have allowed men to avoid prosecution. Although women were emphasized in the fornication prosecutions before the colonial warfare, men had been criminally culpable for their premarital sex in the 1700s. While at war, Justices considered the duties men fulfilled as soldiers and providers to be too important to have men burdened down by fornication prosecutions. Justices of the Peace were exempted from militia service, and perhaps they hoped the men who enlisted and avoided prosecution would stop the war and protect their communities from being embroiled in warfare at their doorstep.⁴¹

The embroilment of Massachusetts men in colonial warfare coincided with the Great Awakening in New England. During the 1730s and 1740s, men and women engaged in the religious revivals and embraced a religious theology that was often at odds with established ministers in eastern and western Massachusetts. Church members who separated from “old light” churches in favor of setting up Baptist and Separatist institutions more reflective of their own belief system rejected the dogma of established religious leaders. Furthermore, the participants in the Great Awakening often took part in religious revivals wherein itinerant preachers were present despite the condemnation of these meetings by their ministers.⁴² Even after the Great Awakening was over, men and women continued to question their religious leaders. For example, fourteen ministers were replaced in Hampshire County between 1746-1776 by church members who were not willing to accept their ministers’ religious authority.⁴³ The elevation of the individual

⁴¹ Acts and Laws 49.

⁴² Timothy D. Hall, Contested Boundaries 41-70; and Frank Lambert, Inventing the “Great Awakening” 10-11, 206-212

⁴³ Nobles, Divisions throughout the Whole 81.

in religious interpretation empowered laypersons and added to the sense that all men and women had power over their destiny.

The political empowerment of white men was increased by their settlement of new towns, which required their participation in town affairs. White men and women who moved to new towns in search of a brighter economic future left the highly structured world of their own towns. New towns were being formed alongside older ones and new settlers demanded that meetinghouses be placed closer to their homes so they could take part equally in religious and political affairs. New towns also meant new authority figures would have to be established. Between 1753 and 1779, in the westernmost portion of Massachusetts, 17 new towns were founded.⁴⁴ In 1731, Worcester County was established with 13 towns, and between 1732 and 1772, 27 new towns were added to the county.⁴⁵ The creation of so many new towns dislocated elite authority throughout Massachusetts. The formation of new towns gave authority to property-holding white men in new towns across Massachusetts as they petitioned for incorporation of their towns, division from old towns, and elected new leaders to represent them and create order in their communities.

By the 1760s, when the effects of warfare and the first Great Awakening were over, there was no return to the former method of prosecuting men. White men had found their place in society strengthened by their participation in the Great Awakening, warfare, and the settlement of new towns. During this crucial period between 1740 and 1760, fornication prosecutions altered as men disappeared from prosecutions and more

⁴⁴ Nobles discusses the politics in new town formation in Divisions throughout the Whole 107-154 & Table 13, 202.

⁴⁵ Marvin, Abijah P. "History of Worcester County," in History of Worcester County, Massachusetts, Embracing a Comprehensive History of the County From its First Settlement to the Present Time, with a History and Description of its Cities and Towns, vol. 1 (Boston: C.F. Jewett and Company, 1879), 18-26.

men gained authority in society. Massachusetts had created and practiced a judicial code allowing men to evade responsibility for fornication for decades. After the changes that fortified white men's political power, the crime of fornication was not re-imagined to include men. In April 1758, Andrew White, a husbandman of Sudbury received a 5 shilling fine alongside his wife Sarah for having had premarital sex.⁴⁶ Andrew was the last of the men from Worcester, Suffolk, and Middlesex counties to receive a punishment for fornication. The cultural emphasis on white women's sexual sinfulness and the legal inducements for men to be silent were factors that led to the end of criminal prosecutions of men for fornication. White men had learned not to confess to fornication in court to avoid punishment, which abetted Justices' inclinations not to fine men for fornication. White men embraced their own importance by limiting the ability of Justices to find them culpable for the same crimes as white women. Thus, the 1740s and 1750s saw the total decriminalization of men's pre- and non-marital sex.

The decriminalization of men's fornication was one step in the process of solidifying white men's power. The removal of white men from fornication prosecutions protected them from having to admit publicly the sin of lustfulness. The legal fiction that was created by the decriminalization of fornication protected men from admitting publicly that they were similar to women in their inability to restrain their passions. White men would have found it difficult to claim they had the requisite moral and mental faculties of citizens if they had continued to be prosecuted in the judiciary. The moral and civic superiority of men would have been undermined by the fornication proceedings of the General Sessions, which were an important governmental apparatus that kept towns connected to counties and the colony government.

⁴⁶ King v. Andrew White, April 1758, Middlesex Record Book.

The Offensive Sexual Behavior of Young and Lower Class White Men, 1760-1785

Although all men were able to avoid punishment for fornication in the judiciary from the 1760s onward, other apparatuses of sexual regulation emerged to disqualify specific groups of white men who were not considered suitable citizens. Between 1760 and 1785, the regulation of white men's sexual behavior underwent changes that allowed elite white men to protect their reputations in churches and courthouses from accusations of illicit sex, as well as rumination about their sexual behavior in newspapers and magazines. Importantly, these new mechanisms of sexual regulation reinforced the power of elite white men after many other white men were making claims to political and religious power that had previously been the exclusive purview of the elite. First, the continued regulation of fornication by churches and the discourses on the lustfulness of men during their youth in print literature focused concerns about illicit sex away from mature white men and on to young white men. Second, the legal bias towards wealthy persons in paternity suits meant there was no public mediation of the sexual behavior of the upper classes. On the other hand, poor white men were often unable to avoid the courtroom in paternity suits, which meant that the only incitement to discourse in the courtroom was on poor white men's sexual behavior. New mechanisms of regulation promoted the understanding that young and lower class white men were sexually excessive, which funneled concerns about white men's sexual behavior in general to these two groups. These new mechanisms allowed elite white men to retain the privileges of power by denying they ever sublimated reason to passion.

Perceptions of young white men's excessive sexual desire were regularly exposed and reflected on in newspapers, magazines, and sermons. Young white men's sexual

behavior was posited as extraordinarily harmful to the body politic, as their passions could overwhelm their moral and rational faculties, which they would later need in their responsibilities as citizens. In the transformation from the English Commonwealth into the Republic of the United States, historian J.G. A. Pocock has written that “rationality and virtue...[were] the social and material processes that saved republican change from degradation” in contemporary thought.⁴⁷ Contemporaries feared that if the sexual excesses of young white men were taken too far, it could corrupt the political state by forestalling white men’s growth into mature, rational, and virtuous citizens. Their actions could also infect others in the republic with a desire for illicit sex. The colony remained endangered as long as young white men’s lascivious behaviors continued, so colonists safeguarded themselves against the passions of youth by codifying a law that did not allow men the right to vote until they turned 21 years of age in 1743.⁴⁸

Contemporary newspapers spent considerable space contemplating young white men’s sexual behavior in poetry, fiction, and in news items.⁴⁹ For example, a poem published in 1773 described the contents of a college boy’s room: “Here lay a female fan

⁴⁷ J.G.A. Pocock, The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition (Princeton: Princeton University Press, 1975), 402.

⁴⁸ Prior to the codification of this law, Massachusetts Bay allowed only freeholders to vote, but all men could speak. Freeholders were church members who were granted political freedom or were shareholders in the Massachusetts Bay Company. In 1634, Massachusetts Bay required all men over the age of twenty to take an oath acknowledging “he and his family were subject to the government of Massachusetts and Massachusetts” and the laws created therein. See Joseph F. Zimmerman, The Massachusetts Town Meeting: A Tenacious Institution (Albany: State University of New York at Albany, 1967), 1-48; John Fairfield Sly, Town Government In Massachusetts 83-86; and The Acts and Resolves, Public and Private of the Province of the Massachusetts Bay, vol. 3 (Boston: Wright and Potter, 1869), 30.

⁴⁹ Cathy Davidson has argued that American novels were a unique space wherein male sexuality was critiqued. Daniel Cohen’s study of criminal literature has expanded Davidson’s work and found seduction was viewed as a vice in society because contemporaries were beginning to glorify romantic love. I have also found that newspapers were equally engaged in disparaging the actions of young men who seduced women. The advice literature and short stories I have studied situate young white men as at least partially responsible. Davidson, Revolution and the Word: The Rise of the Novel in the United States (New York: Oxford University Press, 1986), 102-108; and Daniel Cohen, Pillars of Salt, Monuments of Grace: New England Crime Literature and The Origins of American Popular Culture, 1674-1860 (New York: Oxford University Press, 1993), 32.

and gloves,/ The trophies of his former loves;/ To Betsy lay an open letter/ In which he owned himself her debtor.”⁵⁰ Young white men’s sexual exploits were the subject of this poem, and the “trophies’ of his former lovers were glossed over as commonplace items expected to be found in a young college man’s room. News stories also revealed the lascivious behavior of young men. In 1767, Boston Evening Post reported on the death of a young woman from Springfield who “died with grief said to be occasioned by a disappointment in a love affair.” The offending young man offered marriage while she was on her deathbed, but he was too late, and died of guilt. This story was to serve “as a warning to young men not to make a practice of deceiving the fair sex.”⁵¹

The reiteration of stories on young white men causing the downfall of women through seduction was another aspect of the discourses on young white men’s excessive sexual passion and lack of reason and morality. Young white men’s sexual liaisons were said to have created the “great number of unhappy women of the town who nightly infest this city.” Newspaper printers included reports that the friends and family of these women deserted them after their seduction, which added to the hurt caused by young white men’s sexual behavior. The seduction of women by young men was viewed as “destructive to the peace and happiness of private families” and “dangerous to the community in general.”⁵² Young white men were not often depicted as being able avoid their lust through reason and religiosity, which meant deterring young white men from debauching white women was difficult. In 1774, a poem dedicated “To a Young GENTLEMAN” captured the inability of young men to decline sexual advances. A young man’s inevitable fall from virtue was depicted: “While the low sense of

⁵⁰ “A Description of a College Room,” Massachusetts Spy, 2 Dec. 1773.

⁵¹ Boston Evening Post, 20 Apr. 1767.

⁵² Flavius, “To the Printer,” Boston Post Boy, 17 Aug. 1772.

debauchees entice / And carry down the stream the sons of vice; / While midnight revels prey upon their health, / Impair their reason and exhaust their wealth. . . .”⁵³ The constant reiteration in print of young white men’s responsibility for women’s downfall and their inability to control their lust were commonplace expressions of the belief that young white men were licentious.

The intensity of young men’s sexual drive was believed to endanger the institution of marriage. In print literature, women were posited as “particularly entitled to his protection and support.”⁵⁴ Yet, contemporaries believed young white men shook the foundation of marriage by creating a mockery out of celibacy and seemingly choosing the life of the bachelor instead of the natural state of marriage.⁵⁵ Contemporaries mourned that the “natural attachment” of young men to women in marriage was “the constant jest of half-wits and libertines.” They believed that had “virtue and simplicity of manners prevailed” as it had in the past, marriage would be “esteemed honourable, and concubinage disgraceful.”⁵⁶ With marriage at stake, newspapers naturally pondered what the future moral state of their communities would be. Many writers lamented and asked why young white men “for some trifling transitory sensations, which they might have innocently enjoyed, along with the highest pleasures in marriage” would so basely treat the young women who trusted them?⁵⁷ Contemporary writers espoused that men who would make a mockery of marriage were unfit for responsibility. These commonplace

⁵³ Monens, “To a Young GENTLEMAN,” *The Royal American Magazine*, Apr. 1774.

⁵⁴ Flavious, “To the Priner,” *Boston Post Boy*, 17 Aug. 1772.

⁵⁵ Mark Kann also writes “bachelors” were stigmatized in society as unfit citizens and immature men. See Mark E. Kann, *A Republic of Men*, 52-82.

⁵⁶ “Reflections on Celibacy and Marriage,” *Boston Post Boy*, 14 Sept. 1772.

⁵⁷ Philanthropos, “Gallantry, or its ill Effects,” *The Boston Evening Post*, 9 July 1764.

discussions on the lustfulness of young white men demonstrated young men's weak claims to reason and morality.

An important aspect to the literature on the sexual behavior of young white men was the unfailing belief in their ability to reform into the heads of households that Massachusetts communities required. Mature white men reminded readers that the lustfulness of youth disappeared as men aged and found pleasure in marriage and family. This rhetoric shielded mature white male citizens from criticism. In 1771, one writer remembered, "our passions in youth are very powerful seducers" into the "lover's dream of extacies [sic], and the prodigals of high delights." However, these "delusions" of passion would later be replaced by "rational enjoyments" of much longer duration, such as those of marriage and family.⁵⁸ These thoughts on youthful passion suggest young white men were not understood as inherently overly sexual: it was their youth that led them astray. "Monens" suggested young white men try to "Let reason's voice obtain supreme command, / And rule your passions with a sov'reign hand. . . ."⁵⁹ Critically, discourses on young men's sexual behavior did not deny white men rationality, so the gender and racial hierarchy remained unquestioned. With age, contemplation, and morality, young white men were posited as having the ability to overcome their defects of age and eventually be able to restrain the sexual urges that so overwhelmed them. Indeed, the experiences of white men in learning to overcome their passions were important in their transformation to mature men. White men needed to be able to

⁵⁸ "Remarks on Youth and Age," Boston Post Boy, 24 June 1771.

⁵⁹ Monens, "To a Young GENTLEMAN," The Royal American Magazine, Apr. 1774.

rationally and morally consider the good of the community by being responsible heads of households and participating in town meetings.⁶⁰

The rhetoric on sexually excessive young white men bolstered the status of elite white men because it protected them from being characterized as lascivious, and therefore, unfit leaders. By 1760, fornication prosecutions against all men had stopped, which allowed all white men to avoid punishment by the judiciary. White men's avoidance of fornication prosecutions removed one avenue wherein men could be publicly viewed as not having the reason and moral restraint to overcome their sinful lusts. In this sense, the end of fornication prosecutions bolstered all white men's claims to power, despite the fact that contemporaries viewed some white men as undesirable and unfit leaders. Newspapers and magazines filled in this vacuum by ruminating on the effects and sexual behavior of young white men by demonstrating they were unable to restrain their passions in the same way that mature men did. The absence of material regarding mature white men's sexual behavior in the judiciary and in print discourse bolstered the notion that mature white men were not subject to the same sexual whims as they were in their youth, and that only young men were susceptible to sexual cravings. Only a few criminal actions of adultery and incest prosecuted in the judiciary and

⁶⁰ Historians disagree about the contentiousness of New England town meetings. Historian Micheal Zuckerman argues that towns in New England sought to make decisions by consensus. Other writers, such as Gregory H. Nobles and Gary Nash, express that eighteenth century town meetings were places wherein persons were making decisions based on their own concerns. While I agree with Nobles and Nash, the print discourse maintains that governance was critically concerned with making decisions for the good of all persons. See Zuckerman, Peaceable Kingdoms: New England Towns in the Eighteenth Century (New York: Alfred A. Knoff, 1970); Nobles, Divisions Throughout the Whole: Politics and Society in Hampshire County, Massachusetts, 1740-1775 (Cambridge: Cambridge University Press, 1983); and Nash, The Urban Crucible: Social Change, Political Consciousness, and the Origins of the American Revolution (Cambridge: Harvard University Press, 1979).

explored in newspapers related to mature white men's illicit sexual behavior.⁶¹ Overall, mature white men were absent from material and incidents regarding sexual behavior. The removal of fornication prosecutions against white men and the rhetoric on young white men's lustfulness protected elite white men by funneling anxieties about the sexual behavior of white men to young white men.

During the 1760s and through the Revolutionary War, churches remained a distinct arena wherein men and women's illicit sexual behavior was not tolerated and discussion of it was not silenced. Church records from Barnstable, Plymouth, Suffolk, and Worcester Counties reveal congregations continued to take the sexual sins of all of its members seriously.⁶² Historian Susan Juster found evangelical churches during the Revolutionary era believed "the sin of fornication contributed to the corruption of the body politic" because of the lying, gossip, and mistrust that evolved from fornication.⁶³ Religious societies espoused that sexual sins could tear a church apart. As a result, the confession of sexual sins in churches had long been and would continue to be part of many churches' requirements for becoming members.⁶⁴ In January 1771, Plymouth

⁶¹ Unlike fornication, men's adultery was redefined and men became subject to prosecutions for having sex with a single woman while married in the 1760s. For an example, see *King v. Snell*, April 1763, SJC Record Books; and Massachusetts Gazette, 21 Apr. 1768.

⁶² Ruth H. Bloch has also found that Massachusetts residents focused on purifying their communities to avoid God's wrath. See Bloch, Visionary Republic: Millennial Themes in American Thought, 1756-1800 (Cambridge: Cambridge University Press, 1985), 22-50.

⁶³ Susan Juster, Disorderly Women 104.

⁶⁴ The First Church in Boston is an exception to this policy. In 1756, it appears they dropped the necessity of members being subject to church discipline to increase church membership. Their records note "a Motion made by Sundry of the Brethren, That whereas Sundry Persons, desirous of joining with the Church in full Communion, have a Scruple upon their Minds about Making a Relation as Usual, such might without doing it be admitted, if judged otherwise qualify'd for Admission." This motion is indexed as regarding "church discipline" by the record keeper, and was contingent upon the past good behavior of prospective members. See Publications of the Colonial Society of Massachusetts, vol. 39, The Records of the First Church in Boston II, 1630-1868, vol. 1, 213. It was not until the late 1790s and early 1800s that other churches in Massachusetts rewrote their Articles of Discipline and membership guidelines to omit members from having to confess sins in public. However, many churches continued accepting confessions of fornication into the 1810s. The following churches ended their public confessions during this time period: New Braintree Church of Christ (1801), Sandwich First Church of Christ (1809), West Parish

church members renewed their pledge to demand confessions and the reformation of offending individuals. Their pledge to continue rooting out sinfulness occurred after the church members considered the “Cases of two scandalous Members,” who were guilty of fornication the previous month.⁶⁵ Other churches also upheld their pledge to demand confessions of sinners. In 1773, the Second Church in Boston decided to begin their monthly church meetings by reading the following question: “Are there any of our member, whose Life and conversation appear to be contrary to their profession, and who we Judge ought to be dealt with according to the Directions given in the Gospel?”⁶⁶

The commitment of church members to retain church discipline for sexual offenses is demonstrated in their continued punishment of men for fornication, despite the decreased emphasis on men’s sinfulness and criminal culpability for fornication. Of the 98 confessions for fornication given in churches between 1760 and 1785, 35 or 35% of the confessions were men’s.⁶⁷ Men’s confessions, like women’s, were expected to be humble and repentant. Unfortunately, a copy of confessions between 1760 and 1785

Church (1799), and Boston’s Second Church (1786). See New Braintree (Mass.) Church Records, 1779-1823, AAS vol. 2; First Church of Christ (Sandwich, Mass.) Records, MHS, folder 4, Vol 1; West Parish Church (West Barnstable, Mass) Records, 1686-1807, MHS; and Second Church (Boston, Mass.) Records, MHS, Record Book 1650-1808. Plymouth Church of Christ held confessions at least until the early 1790s. See Publications of the Colonial Society of Massachusetts, vol. 22, Plymouth Church Records, 1620-1859, 370-371. Holden First Baptist Church, Worcester Old South Church, and Northborough Church of Christ in Northborough continued to hear confessions until 1820. See First Baptist Church (Holden, Mass) Records, 1804-1909, AAS; Worcester (Mass.) Old South Church Records, AAS, box 2, folder 5; Northborough (Mass.) Records, 1766-1874, AAS vol. 2.

⁶⁵ Plymouth Church Records, 1620-1859, 334-336.

⁶⁶ Second Church (Boston, Mass.) Records, MHS, vol. 6.

⁶⁷ Although confessions and censures were part of each of the churches under study, records of actual confessions varied in content. Records identifying the confessors name and sin were recorded in eight of the churches under study, but only seven of these churches had confessions for this time period. The churches included are Sutton Second Church of Christ, Uxbridge Church of Christ, Shrewsbury First Congregational Church, Northborough Church of Christ, Westborough Church of Christ, Sandwich First Church of Christ, and the First Church, in Plymouth. See Second Church of Christ (Sutton, Mass.) Records, 1743-1910, AAS, vol. 1 and box 1, folder 4; Uxbridge (Mass.) Records, 1730-1864, AAS, vol. 1; First Congregation Church (Shrewsbury, Mass.) Records, 1723-1951, AAS, Octavio Volume 1; Northborough (Mass.) Records, 1766-1874, AAS, vol. 2; Westborough (Mass.) Records, 1724-1879, AAS, vol. 1 and 2; First Church of Christ (Sandwich, Mass.) Records, MHS, folder 3, vol. 1; and Plymouth Church Records, 1620-1859, 327-375.

does not exist among the records I evaluated. However, Hannah MacIntire's confession for fornication from 1793 gives an indication of church expectations in confessions of sexual misconduct. Hannah began, "I now appear in the presence of God, and before this Church & Congregation publicly to acknowledge my unchristian behavior."

Hannah then turned to her sin: "Particularly, I confess that at different times as stated in the complaint brought . . . against me, I have fallen into lascivious conduct, in direct opposition to the tenor of Scripture in general, & particularly to ye spirit & import of the seventh commandment. . . ." Finally, Hannah asked she be restored as a regular member of the church. Initially, the church refused Hannah's confession because "there appears nothing of real humility."⁶⁸ Clearly, church members believed confessors should appear more deferent to the offended church members who were harmed by their illicit sexual behavior. Church members who were restored after their confessions must have more fully humbled themselves before the parishioners and detailed their fall from grace. J.F. Wasmus, a German surgeon who spent time in New England during the Revolutionary War, recorded the custom of confessions in churches from men and women who had children within the first seven months after marriage. He documented that the offending couple "both stand in the middle of the church opposite the pulpit and the preacher deals in his sermon with the wrong they have done his congregation."⁶⁹ These glimpses of confessions for premarital sex confirm that the full subordination of the offending couple or person was necessary. The inclusion of men in confessions shows a religious

⁶⁸ Hannah was eventually restored to full membership after it was decided she was "not a proper subject of chh discipline." See Second Church of Christ (Sutton, Mass.) Records, 1743-1910, AAS, vol. 1, 57. Other records of confessions only include the date, name of confessor, and type of sin.

⁶⁹ J.F. Wasmus, An Eyewitness Account of the American Revolution and New England Life: The Journal of J.F. Wasmus, German Company Surgeon, 1776-1783, ed. Mary C. Lynn, trans. Helga Doblin (New York: Greenwood Press, 1990), 96.

commitment to reformation from sexual sin for men and women in the religious community.

By focusing on the sin of premarital sex, churches abetted the societal gaze on men that pointed to young, newly married men, rather than all men. The most common reason churches demanded confession for men's fornication was when their child was born too quickly after their marriage. Thus, the overwhelming majority of confessions came from newly married husbands, most of whom were young men. Of the men who confessed to fornication between 1760 and 1785, 30 or 86% of them confessed to premarital sex alongside their newlywed spouses.⁷⁰ Two other men who did not confess with their spouses acknowledged their sexual sin as sex before their marriage.⁷¹ Men were impelled to confess if they wanted to ensure their child became part of the religious community because churches refused baptism to children born too soon after the marriage of the parents. Moreover, churches ordered parishioners to have little or no contact with the excommunicated, so not confessing had financial and social ramifications. Indeed, two of the men who confessed without their spouses had family

⁷⁰ The confession of men and women's premarital sex in churches continued to intertwine their sexual behavior, but churches were the only arena where men continued to be culpable for premarital sex. Two of the men who confessed with their spouses were forced to confess because they had been dismissed from the church due to the sin of premarital sex. Amariah Preston was restored to the Second Church of Christ in Sutton on 2 July 1760. Solomon Bathrick was restored to the Westborough Church of Christ on 5 November 1775. See Second Church of Christ (Sutton, Mass.) Records, 1743-1910, AAS, vol. 1 and box 1, folder 4; Uxbridge (Mass.) Records, 1730-1864, AAS, vol. 1; First Congregation Church (Shrewsbury, Mass.) Records, 1723-1951, AAS, Octavio Volume 1; Northborough (Mass.) Records, 1766-1874, AAS, vol. 2; Worcester (Mass.) Records, AAS, box 2 folder 5-6; Westborough (Mass.) Records, 1724-1879, AAS, vol. 1 and 2; First Church of Christ (Sandwich, Mass.) Records, MHS, folder 3, vol. 1; and Plymouth Church Records, 1620-1859, 327-375.

⁷¹ Nathan Putnam confessed to fornication before his marriage in Sutton on 1 Oct. 1775. Francis Whipple confessed to breaking the 7th Commandment in Westborough in 1766. See Second Church of Christ (Sutton, Mass.) Records, 1743-1910, AAS, vol. 1; and Westborough (Mass.) Records, 1724-1879, AAS, vol. 2.

deeply involved in the church, and were likely to have been heavily pressured into confessing in order to return to regular relations with the community and families.⁷²

The focus of churches on premarital fornication did not mean there was no evidence to be found of men engaging in non-marital fornication.⁷³ Given the large number of men named in white women's confessions and paternity hearings at the General Sessions, and the small number of confessions extracted from men for non-marital sex, it appears local parishes underserved the souls of certain individuals in Massachusetts. The records from the General Sessions of the Peace show many more men were engaged in non-marital sex than the three men who confessed in church without their spouses. (See Table 2.2). Indeed, the number of men being named in white women's fornication confessions had increased since the 1740s and 1750s.⁷⁴ Church records indicate in all of the three cases the men confessing were dismissed from the church before their confessions were elicited. However, there is no way of knowing if they were confessing to non- or pre-marital sex. The failure of the church to demand confessions from men for non-marital sex between 1760 and 1785 cannot be construed as

⁷² George Chase, who was noted as confessing above, was the son of a covenanted member of the Northborough Church of Christ. Phineas Davidson, who confessed on 4 October 1795, had his son baptized by the community after his confession. See Westborough (Mass.) Records, 1724-1879, AAS, Vol 2, 1724-1787; and Northborough (Mass.) Records, 1766-1874, AAS, vol. 2.

⁷³ The knowledge about men's non-marital sex could have been gained from several sources. Churches may have found out about a man's sexual sin from the legal prosecution of a man for the financial support of a bastard child. Men would have been forced to visit the local Justice of the Peace to assure he would attend the trial. Women also identified their partners in their confessions of fornication. Community gossip or a sighting of the couple was another way church members would have been made knowledgeable about illicit sexual behavior. Susan Juster argues that churches would have sought to force confessions to ensure a good reputation for the church. See Juster, *Disorderly Women* 75-107. However, according to my research into church records, non-marital sexual confessions were rarely heard.

⁷⁴ During the 1760s, only 70 more were women prosecuted for fornication in the three counties under study. During the 1770s, the number of women prosecuted dropped down to the level of the 1740s and 1750s. Most likely, the women prosecuted realized if they gave a full confession they were likely to receive a smaller fine. A full confession demanded the name of their partner, and when and where sexual intercourse took place. Middlesex, Suffolk, and Worcester Record Books, 1740-1785.

a problem of lack of evidence. Clearly, churches were avoiding punishing some men for their illicit sex.

Table 2.2: Number of Men named in Women’s Confessions and Paternity Suits, 1760-1785

County	1740-1749	1750-1759	1760-1769	1770-1779	1780-1785
Middlesex	39	68	110	68	38
Suffolk	39	40	34	33	34
Worcester	71	34	86	75	38
Total	149	142	230	176	110

Churches appear to have ignored the illicit sexual behavior of men from the lower class. In a historical treatise on Worcester County, the Reverend Abijah P. Marvin estimated that only 1 in every 7.5 persons were members of the Congregational churches in Worcester County in 1783.⁷⁵ The men most likely not to be members of churches, and therefore not forced to confess to fornication in church, were the lower class men in Massachusetts. In a study of the economic status of church members in Worcester, Massachusetts, historian John L. Brooke found men and women from the lowest 20% of wealth represented 6% of the Congregational church members and 11% percent of the Baptist church members.⁷⁶ Part of the explanation for the under representation of the

⁷⁵ Rev. Abijah P. Marvin, “History of Worcester County,” in History of Worcester County, Massachusetts, Embracing a Comprehensive History of the County From its First Settlement to the Present Time, With a History and Description of Its Cities and Towns (Boston: C.F. Jewett and Company, 1879), 156.

⁷⁶ See John L. Brooke, The Heart of the Commonwealth: Society and Political Culture in Worcester County, Massachusetts 1713-1861 (New York: Cambridge University Press, 1989), 92. To calculate this figure, I divided the total number of persons he counted from the lowest 20% of taxpayers who were members of churches in Brookfield, Sturbridge, Spencer, Leicester, and Charlton by the total number of members. Daniel Scott Smith and Michael Hindus found that only 11.3% of the people who were full church members “between 1761 and 1775 confessed to premarital fornication, while 33 percent of those” half-covenanted members “did so.” See “Premarital Pregnancy in America, An Overview and Interpretation,” Journal of Interdisciplinary History 5 (Spring 1975): 547, fn. 9.

lower class likely lies in the mobility of these residents of Massachusetts. For example, the “strolling poor,” who moved from town to town in search of labor, would not have been made subject to church discipline because their mobility would have prohibited regular church membership.⁷⁷ Laborers also had to switch their location according to the building, shipping, and service needs of towns and cities, while mariners were often at sea. Furthermore, the tax-paying populace was responsible for maintaining ministers. Presumably, taxpayers would not feel the necessity of forcing men who could not support the church financially to attend church meetings by indicting them to attend church in the General Sessions. This left the lower classes as the least likely to be disciplined by churches.

Although churches did not highlight lower class white men’s illicit sexuality, the courtroom was a place wherein white lower class men found their sexual behavior emphasized. White women’s confessions for fornication and paternity hearings were a major source of information on lower class men’s sexual behavior. During the 1760s, the lower class made up 31% of the total number of men named by women in fornication confessions and paternity hearings.⁷⁸ (See Table 2.3).⁷⁹ In all of the decades under

⁷⁷ Douglas Lamar Jones, “The Strolling Poor: Transiency in Eighteenth-Century Massachusetts,” Journal of Social History 8 (1975): 28-55.

⁷⁸ This percentage does not include in the total the number of men named by women for whom no occupation was identified. Lower class men were determined by occupational status in reference to Nash, The Urban Crucible: Social Change, Political Consciousness, and the Origins of the American Revolution (Cambridge: Harvard University Press, 1979); and Billy G. Smith The “Lower Sort:” Philadelphia’s Laboring People, 1750-1800 (Ithaca: Cornell University Press, 1990). See Appendix A for details.

⁷⁹ Middlesex County is presented as a sample here because its records included the most information on the occupations of men named by women in fornication confessions. Fortunately, Middlesex County has elements of urban Suffolk County and more rural Worcester. Appendix A, B, and C lists the known occupations of accused men for all three counties. In Middlesex, 4 men’s occupations were not mentioned during the 1740s, 15 in the 1750s, 14 in 1760s, 7 in the 1770s, and 11 between 1780 and 1786. Middlesex Record Books, 1760-1786; and Middlesex File Papers, 1760-1786, Judicial Archives, MA, boxes 4-8.

In the table below, professionals were exclusively physicians. The middle sort includes several categories. Building and shipbuilding crafts included coopers, birtchers, boatbuilders, brickmakers, and housewrights. Retail Crafts include blacksmiths, barbers, a goldsmith, a chairmaker, a cardmaker, and a

study, men citing their occupations as laborers were most often accused of being the fathers of bastard children. While definitive statistics cannot be gathered to estimate the wealth of the artisans, yeomen, and husbandmen from the middle class, the declining status of artisans suggests some of the men named in middle class occupations were actually members of the lower class. The preponderance of men named in white women's confessions were from the middle and lower classes of society. While these men represented the highest number of persons accused of fornication, they were not necessarily engaged in fornication more often than men from the upper classes, because there was an inherent class bias in the way women came to reveal information about their sexual partners.

potter. Leather crafts included leather dressers and cordwainers. The service job was a sadler. Others represent a British army officer who was in the gaol at the time of the woman's confession. The lower sort includes servants, unskilled laborers, mariners, tailors, carters, painters, and weavers. For a specific breakdown of the number of men accused of paternity in each occupation, see the Appendix A-C.

Occupational status did not always correlate with a definitive class position. However, some occupations were more likely to result in wealth than others. For example, professionals, such as physicians and lawyers, were more likely to be in the upper and middle class than among the poor. The occupational categories and their correlating class status were derived in reference to: Gary Nash, Urban Crucible Appendix, Table 1, 387-417; Billy Smith, The Lower Sort 126-149, and Appendix C, 213-215, and Brooke, The Heart of the Commonwealth.

Table 2.3 Middlesex Men Accused of Paternity and/or Named in Women's Confessions, 1740-1785

	1740-1749	1750-1759	1760-1769	1770-1779	1780-1786
Upper Sort	1	1	9	4	2
Gentlemen	(0)	(0)	(7)	(3)	(1)
Merchants	(0)	(0)	(1)	(0)	(0)
Professionals	(1)	(1)	(1)	(1)	(1)
Middle Sort	16	28	48	29	21
Yeomen	(6)	(5)	(10)	(3)	(6)
Building and Shipbuilding Crafts	(0)	(6)	(4)	(3)	(1)
Retail and Retail Crafts	(0)	(3)	(8)	(4)	(2)
Husbandmen	(9)	(11)	(19)	(11)	(7)
Leather crafts and service	(1)	(3)	(7)	(8)	(5)
Lower Sort	7	21	30	21	12
Mariners and Laborers	(7)	(20)	(28)	(19)	(11)
Tailors and Weavers	(0)	(0)	(1)	(2)	(0)
Servant, Slave, and "Poor"	(0)	(1)	(1)	(0)	(1)

Wealthy white men were more able to keep their names out of fornication confessions in the courtroom. With pecuniary bribes or private promises of assistance, elite white men could silence the white women charged with fornication from stating their names before Justices. This enhanced lower class white men's reputation for engaging in fornication, because wealthy white men so rarely appeared in court to defend themselves from white women's charges. On May 16th, 1768, testimony against Josiah Hadly, a white gentleman from Weston, stated he had attempted to persuade Lydia Gage from accusing him to be the father of the child by "giv[ing] her three hundred pounds." Hadley apparently suggested that rather than accusing him, she "lay it to a tranchant

[transient] person and then Said he [Hadley] nobody will Complain.”⁸⁰ Hadley was successful initially in quieting Lydia from claiming him to be the father of her child. He even persuaded her to tell his wife and the deacon that rumors regarding their affair were untrue after he assured her “it was less Sin, for her to lie, than to undo his Family.”⁸¹ After Lydia swore the child was begotten by at least three men at Hadley’s insistence and promises of money, the Justices declared Hadley not to be the father. This case exemplifies the way elite men could use their finances to keep their illicit sexual behavior quiet. A contemporary observer of New England Society, J. F. Wasmus, wrote wealthy men who had “money to buy her off and she allows herself to be bought off” was condoned by community members.⁸² Wasmus maintained that as long as fiscal arrangements were made, in private or otherwise, communities would be satisfied. However, lower class men, who did not have the funds to quiet their affairs, could not make these private arrangements. As a result, the overwhelming majority of men who were named as fathers of illegitimate children were from the middle and lower class.

When lower class white men were charged with getting a white woman pregnant, they would be held in jail until assurances could be made that they would not escape from justice. White lower class men would have had less ability to provide the financial assurance of appearing in court than would elite white men. In 1768, a libel case was initiated that illustrates the shame and inconvenience of being accused of paternity. In 1768, Seth Hamblin, a hatter from Barnstable, sued Elizabeth Lovell, Jr. for declaring he was the father of her bastard child. Seth claimed Elizabeth was “intending to destroy the

⁸⁰ Deposition of Moses Underwood, Gage v. Hadley, May 1768, Middlesex File Papers, Judicial Archives, MA, box 5.

⁸¹ Deposition of Lydia Farar, Gage v. Hadley, May 1768, Middlesex File Papers, Judicial Archives, MA, box 5.

⁸² J.F. Wasmus, An Eyewitness Account of the American Revolution and New England Life 94.

plaints' [plaintiff's] good Name and to render him odious to all his Majesty's good subjects to be esteemed a fornicator and an unchaste person." Seth believed more was at stake than his reputation. He was also suing because he "hath been imprisoned and obliged to recognize to answer the said complaint of the said Elizabeth and hath been put to trouble & expence to the damage of the said Seth"⁸³ The financial cost of his recognizance and missed work because of imprisonment was more than this artisan could withstand. Community gossip reinforced the idea that lower class white men were prone to engaging in illicit sex because lower class men would have extended absences until their paternity hearings.

By the 1760s, economic status was also enabling wealthy white men in disputed paternity suits to avoid the fiscal responsibility of raising their bastard children, and therefore being recognized as partakers in illicit sexual behavior. Paternity hearings of the upper class reveal they were much more likely not to be adjudged the father of a bastard child than the middle and lower class, because they could afford an attorney. In Middlesex County over the 1760s, of the four men who were declared not to be the father of illegitimate children in disputed cases, two of the men were gentlemen, one was a yeoman, and the other was a minor, but the son of a yeoman. On the other hand, the men who were declared to be the fathers of bastard children were husbandmen, laborers, minors, a blacksmith, a boatbuilder, and a yeoman.⁸⁴ The legal maneuvering of lawyers familiar with paternity laws and experienced in ways to get around it were important in the ability of wealthy men to attain more favorable verdicts. For example, in early 1754,

⁸³ Mellody v. Eaton, Aug. 1760; and Hamblin v. Lovell, May 1768, Superior Court of Judicature Record Book.

⁸⁴ Middlesex Record Books, 1760-1769; and Middlesex File Papers, 1760-1769, Judicial Archives, MA, box 4.

the case against John Urquhard, a white Rutland physician, began after Agnes Galt, a white widow from Rutland, swore him to be the father of her bastard child. On May 14th, 1754, Agnes was taken into custody to ensure she would appear in court, not only to confess to fornication, but also to press charges against John for paternity. Agnes had formerly avoided incarceration because two self-described “gentlemen” from Shrewsbury had previously promised she would appear in court under their own financial loss. In May, these men changed their minds and told the court they wanted to be discharged from their bond, which meant Agnes would have to wait in jail until her court appearance. The decision of these men to halt their bond for Agnes may have been caused by John’s urging of the gentlemen to drop their support of Agnes. Forcing her to wait in jail until her trial could have been John’s way of putting pressure on her to drop the charges. As it turns out, John’s lawyer was able to clear him of the charges despite Agnes’ refusal to rescind her accusation. In November 1754, the charges against John were dismissed after his lawyer argued, “Agnes was not a Single woman and therefore she ought not to have the Benefit of the Law in that Case.” Indeed, the law did stipulate only single women could charge a man with paternity. Yet, no evidence exists in the record books that Agnes had remarried. It appears the justices took a very narrow definition of single, which did not include widows.⁸⁵ If John had been without the financial means to afford a lawyer who knew how to work around the paternity law, John would likely have been found the father of Agnes’ child. Lower class men would have been less able to afford this type of defense.

The new mechanisms of sexual regulation that highlighted lower class white men’s sexual behavior appeared by the late 1750s and early 1760s. In the 1740s, more

⁸⁵ Galt v. Urquhard, 5 Nov. 1754, Worcester Record Books.

evenly distributed occupational categories were represented in white women's confessions. White women's confessions that named men with lesser occupations coincided with the growth in the number of poor persons in the 1760s. Historian Gary Nash has most famously written how Boston during the 1740s through the 1760s experienced cycles of economic depression that created deep divisions based on economic status. High wartime taxes and the depreciation of Massachusetts' currency negated the boon from the wartime economies of the 1740s and late 1750s for most residents. During these decades, wages declined for artisans and laborers, the price of bread increased, and without the population growth experienced in other urban centers, there was no impetus for the building and service industries. By the 1760s, the movement of warfare southward meant no relief was in sight for those whose economic interest was in provisioning the government during wartime. This left many of the formerly middle class artisans and laborers impoverished. Finally, a smallpox epidemic and the fear of impressments in Boston harbor decreased demand for services and increased the number of poor.⁸⁶

The effects of Boston's economic decline extended towards other towns and cities in Massachusetts.⁸⁷ The other major port towns in Massachusetts, including Gloucester,

⁸⁶ Gary Nash, *The Urban Crucible* 161-197, 233-163, & 312-338. Allan Kulikoff argues wealth was more concentrated in Boston between 1771 and 1790 than it was in the rest of the eighteenth century in "The Progress of Inequality in Revolutionary Boston," *WMQ*, 3rd Ser., (1971): 376-411. Douglas Lamar Jones shows this economic depression created a class of "strolling poor" who went from town to town in search of labor in "The Strolling Poor."

⁸⁷ Allan Kulikoff, Winifred Rothenberg, and Bettye Hobs Pruitt argue rural areas were connected to the larger commercial economy outside of their immediate locality. Kulikoff argues late 18th century colonists first provided for their own families, then sold their remaining provisions to other markets in "Households and Markets: Toward a New Synthesis of American Agrarian History," *WMQ* 3rd Ser., 50 (1993): 342-355. Rothenberg shows price indexes in rural Massachusetts mirrored that of more urbanized regions in "A Price Index for Rural Massachusetts, 1750-1855," *Journal of Economic History* 41 (1981): 283-314. Rothenberg and Pruitt also show towns relied on their trade with other towns. See Rothenberg, "The Market and Massachusetts Farmers, 1750-1855" *Journal of Economic History* 39 (1979): 975-1000; and Pruitt "Self-Sufficiency and the Agricultural Economy of Eighteenth-Century Massachusetts," *WMQ* 3rd

Salem, and Bedford, experienced the same cycle of economic decline as Boston. In more rural areas, economic problems started with the drought of 1749 and 1750, which had shifted Massachusetts to an importer, rather than exporter of grain through 1772.⁸⁸ Moreover, Massachusetts' rural towns experienced the currency contraction resulting from British creditors demanding payment for colonial loans.⁸⁹ The main source of economic stagnation in Boston's established rural areas was the need for credit and declining landholding resulting from inheritance patterns.⁹⁰ Those persons who migrated to western Massachusetts and settled in new towns and communities found themselves unable to make more money than was necessary to provide for their families. Getting credit to expand family land usage was also difficult given that they were already

ser. 41 (1981): 283-314. The propensity of Massachusetts residents to engage in the markets outside of their immediate communities connected them to the economic decline brought on by price fluxes, increasing unemployment, and deflation radiating from Boston. Other useful studies substantiating the economic integration of Massachusetts communities into broader economies include: Richard Lyman Bushman, "Markets and Composite Farms in Early America," *WMQ* 3rd Ser., 55 (1998): 351-374; and Christine Leigh Heyrman, Commerce and Culture: The Maritime Communities of Colonial Massachusetts, 1690-1750 (New York: Norton, 1984). On the other hand, Christopher Clark argues far western Massachusetts did not integrate itself fully into the eastern markets or the Connecticut Valley markets until after 1800 in The Roots of Rural Capitalism: Western Massachusetts, 1780-1860 (Ithaca: Cornell University Press, 1990).

⁸⁸ Nash, Urban Crucible 183 & 315.

⁸⁹ T.H. Breen, "Empire of Goods: The Anglicization of Colonial America," Journal of British Studies 25 (Oct. 1986): 467-499. John L. Brooke writes that Worcester county residents were in constant need of currency from the 1730s through the 1770s because existing currency was used to pay for British exports in port towns. It was only with Massachusetts's bills of credit that merchants, yeoman, husbandman, and artisans could enlarge their interests. See Brooke, The Heart of the Commonwealth 41-55.

⁹⁰ John L. Brooke's exhaustive study of economic and political life in Worcester County shows residents were in favor of increased currency and credit in Massachusetts, which led to a scheme by the House of Representatives for the introduction of a Land Bank widely supported by middle and lower class persons in Worcester County. He effectively argues this plan was an effort by middle and lower class residents to lessen the gentry's hold on credit in Worcester. See Brooke, The Heart of the Commonwealth 41-65. Selling land to gain credit or currency was no longer a viable option for many residents of Massachusetts who lived in more settled communities. The breaking up of family holdings and the resulting smaller crop production also constrained credit and trade. Kenneth Lockridge writes that Dedham began experiencing land scarcity issues as early as 1730 in A New England Town, the First Hundred Years: Dedham, MA, 1636-1736 (New York: Norton, 1985), 141-162. Other studies, including Lockridge's, show New Englanders had the alternative of moving westward where plentiful land was available. However, this would mean loss of community and familial ties for settled residents. For example, J. Ritchie Garrison writes that it was not until the early 1800s, that Franklin County residents were no longer able to divide up their land and still gain a competency. See J. Ritchie Garrison, Landscape and Material Life in Franklin County, Massachusetts, 1770-1860 (Knoxville: The University of Tennessee Press, 1991), 17-35.

indebted to merchants for supplies used to clear land and create the first several years worth of crops.⁹¹

The severe economic problems of the mid-eighteenth century led to the segmentation of individuals into classes. Historians have demonstrated that by the end of the Seven Year's War era, the "parallel emergence of the fabulously wealthy and the desperately poor" had occurred.⁹² During the 1760s, feelings of resentment were expressed by the upper sort because of their failed schemes at economic improvement and the higher taxes community members were forced to pay for the maintenance of the poor. The increased physical separation of the wealthy from contact with the lower sorts also enabled feelings that the poor were not helping themselves out of further decline. For those far enough north and west to experience a smaller portion of the economic decline, the diffusion of Boston's newspapers and the increasing necessity to choose a side in the Revolution drew rural residents into "supralocal concerns," including those of class, in the 1760s and 1770s.⁹³ The cultural construction of the lower class as dependents soaking up wealth and resources was exported across the colony to more rural communities not yet experiencing their own economic decline in British North America.

Even prior to emergence of class identities and the mechanisms highlighting lower class lasciviousness in Massachusetts, contemporaries believed the lower class

⁹¹ Gregory Nobles, Divisions throughout the Whole 107-129.

⁹² Nash, Urban Crucible 257. In more rural Worcester County, Brooke also shows new class symbols emerged, including the two-story house. See Brooke, The Heart of the Commonwealth 25-40.

⁹³ Richard D. Brown, "The Emergence of Urban Society in Rural Massachusetts, 1760-1820," JAH 61 (1974): 32-36. Brown argues that increased population is not the only indicator of "urbanity" and shows how rural Massachusetts began to experience diversity and division after the Great Awakening that forced locals to out toward the colony, then the state. Kenneth Lockridge also shows communities were forced to look beyond their immediate locality by the diversity of religion from the Great Awakening and the increased power of the General Court over town meetings in A New England Town 120-137. Ronald Shultz and Billy Smith show the emergence of class identities was similarly occurring in Philadelphia in Shultz, The Republic of Labor: Philadelphia Artisans and the Politics of Class, 1720-1830 (New York: Oxford University Press, 1993); and Billy G. Smith, The "Lower Sort".

were unfit leaders and citizens. During the 1740s, an act was passed requiring that white male residents have an estate worth £20 to vote in town meetings.⁹⁴ Historian Joan Gunderson has explored how economic interpretations of virtue and independence over the eighteenth century lessened the ability of women to attain citizenship in the Revolutionary era.⁹⁵ The citizenship of poor white men was also hindered by contemporary understandings of male virtue, which were believed to derive—in part—from wealth. Furthermore, poor men could not claim rationality and the ability to subdue their passions when they were also constructed as lustful. The economic and sexual status of poor white men denied them a legitimate claim to the attributes of citizenship.

The cultural construction of the white lower class as unsuitable for citizenship – and therefore part of the dependent class of Massachusetts residents—was connected to the belief that the white lower class was lascivious. The belief in the fecundity of the “strolling poor” was often cited as problematic to townspeople who would have to provide for them. The warnings out of towns and cities consistently pointed out white women with their newborn children as part of the state’s strolling poor. For example, on February 10th, 1761, Dorothy Crosby and “likewise a bastard male Child born of Dorothy Crosby, of Bedford, now called by The Name of Mathew Law” were warned out of Stow. Other warnings noted white men were housing transient single white women. On April 6th, 1761, Esther Russell, a single white woman from Lexington was warned to depart Charlestown from the house of Mr. Elias Stone. The reverse situation was also found in many households. On February 25th, 1765, John Foster was warned to leave Watertown

⁹⁴ This requirement had been in effect since the seventeenth century, but the new legislation stipulated with exactitude how property was to be rated. John Fairfield Sly, Town Government In Massachusetts 83-86; and Acts and Resolves, vol. 3, 30.

⁹⁵ Joan Gunderson, “Independence, Citizenship, and the American Revolution,” Signs 13 (Fall 1987): 74.

from the widow Elizabeth Learned's house.⁹⁶ Contemporaries pointed out the almshouse as a site where the lascivious and poor white women occasionally bore children. During the 1760s, a steady increase in the number of desperately poor women bore their children in the almshouse in Boston. In 1758 and 1766, 13 and 16 children respectively were born at the almshouse at the expense of Boston's inhabitants. The number of children born each year at the almshouse remained near 10 between 1765 and 1771.⁹⁷ Residents of Massachusetts clearly understood that there were lustful persons among the lower class.

The belief that illicit sex was a facet of white lower class men's lifestyles is also evident in the published criminal narratives from this era. Daniel Cohen, a professor of literature, explains the two crime waves in British North America between 1760 and 1790 were caused by the increased stratification of society and the newly impoverished state of many white men.⁹⁸ The crimes of white men of the lower class were constructed in crime literature as deriving from their illicit associations with libidinous women. In 1773, Levi Ames, who was a notorious thief in Boston and eventually the rest of Massachusetts, warned in his speech given before his execution that men should avoid lewd women. He cautioned young men to avoid "the vices to which they are most inclin'd—such as bad women, who have undone many, and many whom I have suffered much; the unlawful intercourse with them I have found by sad experience, leading to almost every sin."⁹⁹ Similarly, the last words of Johnson Green illustrated lascivious women were associated

⁹⁶ Middlesex File Papers, Judicial Archives, MA, box 4.

⁹⁷ In 1765, 8 children were born; 1766 had 16; 1767 had 10; 1768 had 7; 1769 had 10; 1770 had 7; and 1771 had 9. Records of Admissions to the Almshouse, Special Collections, MHS, Reel 9.3. Clare Lyons has extensively studied a similar increase in the rate of bastardy in the records of Philadelphia's Overseers of the Poor. See Lyons, *Sex Among the Rabble* 62-82.

⁹⁸ Cohen also writes that prostitutes were often depicted in criminal narratives as persuading men to steal for them. Daniel A. Cohen, *Pillars of Salt, Monuments of Grace* 141.

⁹⁹ Levi Ames, "The Last Words and Dying Speech of Levi Ames," reprinted in *Pillars of Salt: An Anthology of Early American Criminal Narratives* (Madison: Madison House, 1993), 181.

with the criminal element among the lower sorts. Johnson confessed to “being addicted to drunkenness, the keeping of bad company, and a correspondence I have had with lewd women, [which] has been the cause of my wretched situation.”¹⁰⁰ Through the reading of criminal narratives and the advice literature that stressed the importance of avoiding bad company, contemporaries linked crime with the lower class white men who engaged in illicit sex.

The discourses depicting lower class white men as overly passionate lessened their ability to claim rationality and reason, which were characteristics required of citizens. Unsettling crimes that were attributable to the white lower class emboldened these depictions. In 1768, Massachusetts Gazette ran news from London of “one of the most horrid instances of barbarity ever perpetrated.” Samuel Willington, a shearman from Gloucestershire, was exposed for murdering his father by hitting him with a hammer and cutting off his head. Samuel’s anger reportedly derived from his father’s refusal to let him marry.¹⁰¹ The desire of young white men to be given their share of land so they could begin to form their own households may have been recognizable to the householders of Massachusetts. Residents of Massachusetts did not have to look to London for their news of lower class men’s desires leading to violence. In 1765, Joseph Lightly, a laborer from Cambridge, received wide press when he was sentenced to death by the Superior Court of Judicature for murdering his wife by beating her repeatedly with a club.¹⁰² This news affirmed that the overly passionate natures of poor men could be

¹⁰⁰ Johnson Green, “The Life and Confession of Johnson Green,” reprinted in Cohen, Pillars of Salt 259.

¹⁰¹ Massachusetts Gazette, 5 May 1762.

¹⁰² Boston Post Boy, 4 Nov. 1765; Boston Gazette, 25 Nov. 1765. Information on how he killed her is from King v. Lightly, Oct. 1765 Superior Court of Judicature Record Book.

dangerous when they were not controlled. Reports such as these also linked sex and violence with a lack of reason and uncontrolled passion.

Upper class white men were generally able to avoid women's complaints in churches as easily as they did in the courtroom through the silencing of women with money. Indeed, Boston Post Boy ran an article from London scolding ministers for not "reproving public Sins. . . . Great men, rich Men, and Men in high-worldly Honour are often Times the greatest Sinners, and the chief Supporters too of *our* Prophets." However, the same article also astutely noted the discipline of the rich by ministers could lead to the "Loss of a Parish, with Distress and Want."¹⁰³ Indeed, the financial dependence of ministers on white upper class church members would have constrained some of them from attempting to reform any illicit sexual behavior in which they believed the elite were engaged. The financial concerns of ministers were also distressed by the currency contraction and deflation of wartime in the late 1750s and 1770s, which further impeded any pangs of conscience on the part of ministers to rebuke their elite parishioners.

The religious indictment of fornication, the discourses on white lower class men's illicit sexual behavior, and the legal culture that favored the elite facilitated the maintenance of continual rumination on the sexual behavior of the poor amid the economic turmoil of the late colonial era. The invisibility of elite white men in fornication prosecutions ultimately highlighted the numbers of white lower class men in the courtroom for illicit sexual behavior. The high rate of white lower class men in paternity hearings suggested that the white lower class lacked sexual morals. As a result,

¹⁰³ Amicus, "Will Our English Printers, be pleased, to insert the following few lines?" Boston Post Boy, 2 Jan. 1769.

churches should have been more active in their engagement with the redemption of the lower class from the sin of fornication, especially since they pronounced a clear message that illicit sex was a grave transgression. However, the transient nature of the lower class and the stratified nature of church membership led to their neglect. On the other hand, the churches lack of interest in the extensive evidence on white lower class illicit sexual behavior also reveals a belief in the inevitability of the white lower class engaging in fornication.

The connection between the lower class' illicit sexual behavior and their inability to fulfill the roles of citizens became more explicitly evident in Massachusetts during the Revolutionary era. The Royal American Magazine noted lower class men “were obliged to get wealth, or purchase them from whores or villains” to gain honor in a society addicted to money.¹⁰⁴ This troubled Revolutionary era Americans who feared that “the natural tendency of vice is to ruin nations.” They worried about the waste of the nation's wealth from the sins of “pride, luxury and lewdness” that penetrated all classes of men. In particular, concerns were that the lower class was “made and kept such by idleness and debauchery.”¹⁰⁵ The anxiety about lower class lasciviousness and lack of virtue were made more anathema by the urgent need for citizens to protect Massachusetts from corruption and decline as it transformed into a state of the Republic of the United States.

The passions of young white men made them similarly ineligible for citizenship because the future of the nation depended on white men of reason and restraint. In the rhetoric of the Revolutionary era, there was no place for debauched men in the public life

¹⁰⁴ Algerion Sidney, Esq., quoted in “The Sad Effects of General Corruption,” The Royal American Magazine, or the Universal Repository of Instruction and Amusement, Sept. 1774.

¹⁰⁵ “Thoughts on the Licentious and Degenerate Manners so Universally Prevalent in this Kingdom,” Boston Post Boy, 28 Oct. 1771.

of the republic. A writer from Salem, Massachusetts, warned participants in an upcoming election of officials most “certainly” not to vote into office “men of prostituted consciences, of corrupt morals, and profligate lives.” These men were to be “rejected with disdain and horror” because this sort of man was “unfit for civil society, and therefore not to be entrusted with our liberties and our lives.”¹⁰⁶ The cool powers of rationality were not believed to exist in young men whose minds were dissipated and immersed in illicit sex. Contemporaries claimed the republic needed mature men who were able to reject the cravings of the body and instead focus on the needs of other men. Residents of Massachusetts warned that they would refuse to “pay the wages of public villainy or private vice, because this would be parting with their money to the injury of the state as well as of individuals.”¹⁰⁷ Young men could not be entrusted with the serious work that citizenship required.

The dissipated sexual lives of young white men were also understood as a hindrance to their ability to soldier effectively in the Revolutionary War. Dr. Berkley suggested, “A native than a foreigner, a married man than a batchelor [sic], a believer than an infidel have a better chance for being Patriots.”¹⁰⁸ It made natural sense to contemporaries that white men who cared for white women, as husbands and fathers, were more likely to attempt to defend them in war. White men who seduced women and left them abandoned to become prostitutes could not be imbued with the same moral sense as married men. The important roles white men fulfilled as citizens and soldiers were endangered by the lascivious impulses of the young.

¹⁰⁶ T.B., “To the Publishers of the Boston Evening Post,” Boston Evening Post, 27 Apr. 1761.

¹⁰⁷ “An Essay on Popular Discontent,” Boston Post Boy, 7 June 1773.

¹⁰⁸ Dr. Berkley, “Maxims Concerning Patriotism,” Massachusetts Spy, 19 Jan. 1776.

The mechanisms that protected elite white men from ruminations on their own sexual behavior during the Revolutionary era sublimated questions about their virtue and suitability for leadership. Improper sexuality was seen as perilous to Revolutionary era residents of Massachusetts because it embodied the overwhelming power of desire over reason. The discourses on lower class and young white men's illicit sexual behavior created a cultural understanding of both groups as excessively emotional and easily overwhelmed by bodily desires. Mentally constituting the partakers of illicit sex within a limited group of white citizens according to their class and age was a practical way to avoid contamination of the body politic. Furthermore, connecting widespread sexual excess with the burgeoning lower class—who were increasingly distanced from the upper class—confined troubling sexual behavior. The ability of youth to reform their illicit behavior with age also safeguarded the body politic because, as they matured, they would learn the responsibilities of citizenship and the need to quell their desires and obey proper social mores.

The political participation of the young and lower class had been limited from the founding of the colony. However, during the economic stagnation of the 1750s through 1760s, many more white men lost their right to vote in town meetings. Starting in the 1750s in Boston, many former middling and lower class men were removed from voting lists when they lost their property and therefore their right to the vote in the harsh economic downturns. This left the town government in the hands of mature, middle and upper class white men who were regular church members.¹⁰⁹ In Worcester, the propertyless and near dependent householders were 20% - 30% of the county's taxpayers, which meant considerable proportion of the population in Worcester were also unable or

¹⁰⁹ Nash, Urban Crucible, 273.

on the verge of not being able to vote. Importantly, this figure does not represent the indeterminate number of persons with no taxable wealth and could not vote there.¹¹⁰ This figure suggests the wealthy had gained a strong hold in many rural communities and major cities throughout Massachusetts during the economic declines of the eighteenth century.¹¹¹

The mechanisms highlighting lower class white men's illicit sex bolstered the more extensive disfranchisement of white men resulting from the economic depressions of the 1740s through 1760s. The power of elite white men had been undermined during the Great Awakening, as religious leaders found men and women questioning ministers and interpreting religious dogma for themselves. The formation of new towns, as communities broke off from older towns, also meant new leaders would need to be established to replace older ones. Finally, men who served in militias during colonial warfare were emboldened by their service and resentful of their impressments into service by the elite white men who served as officers.¹¹² This questioning of authority necessitated a new way of disestablishing the power of certain groups of white men. The legal, religious, and discursive mechanisms that strengthened beliefs about the lustfulness of the lower class reinforced the idea that not all men were worthy of becoming citizens in a time when fewer men were becoming citizens. This rhetoric served to support a new era in town governance, wherein lower class men found it increasingly difficult to

¹¹⁰ Brooke, The Heart of the Commonwealth 42-47.

¹¹¹ In Hampshire, Suffolk, and Worcester counties, studies show economic and political status were related. In Dedham, part of Suffolk County, and Worcester County, high economic status resulted in representative positions in the local and colonial government. See Lockridge, A New England Town 141-162. Brooke also explains that kinship ties among the rural gentry compromised the lower classes' total power. However, he also shows that between 1770 and 1774 there was a 50% increase in civil cases at the Court of Common Pleas where debtor disputes were arbitrated. Brooke, The Heart of the Commonwealth 17-40 & 132-142. For Hampshire County, see Noble, Divisions throughout the Whole 12-35 & 59-74.

¹¹² Noble, Divisions throughout the Whole 107-131.

become independent householders and citizens with the right to vote and participate in town meetings.¹¹³

The mechanisms pointing out the lustfulness of the white lower class and youth as overly sexual assisted in maintaining the power structure of Massachusetts through the transformation from the colonial to Revolutionary era.¹¹⁴ Lower class and young white men suffered not only from lack of property, but also from the assortment of characteristics associated with illicit sex. Historians have produced a large historiography that has defined virtue in terms of economic independence.¹¹⁵ Lower class and young white men, as well as white women, would have been acknowledged to be lacking in “virtue” according to these definitions. Historian Jack P. Greene has argued that “virtue” in America had more to do with morality than money, but that the “moral quality” of an individual “could only be conferred by wealth.”¹¹⁶ White lower class and young white men had already been placed outside the power-brokering center of society by their age and the harsh economic decline of the second half of the eighteenth century.

¹¹³ Isaac Kramnick writes about the protestant underpinnings of the meaning of virtue in “The ‘Great National Discussion’: The Discourse of Politics in 1787,” WMQ 45 (January 1988): 3-32. Gordon Wood has argued that morality was critical to understanding virtue in The Creation of the American Republic. Complaints against the ministry and wealthy in England were common in the 1760s. Newspapers in British North America and England decried the luxury of noblemen who lived off the public debt. J.G.A. Pocock, The Machiavellian Moment 427. Sexual vice is explicitly linked as a fundamental problem in the construction of a virtuous state in M.M. Goldsmith’s, “Public Virtue and Private Vices: Bernard Mandeville and English Political Ideologies in the Early Eighteenth Century,” Eighteenth-Century Studies 9 (Summer 1946): 477-510.

¹¹⁴ Although Mark Kann does not study white lower class men’s sexual behavior, he does show how an overly sexual nature was anathema to the disciplined passions of the men who ruled their households and participated in government. He discusses manhood in the Revolutionary era and shows how “hegemonic norms of manhood [were used] to stigmatize and bring into line disorderly men, reward responsible men with citizenship, and empower exceptional men with positions of leadership and authority.” See Kann, A Republic of Men: American Founders, Gendered Language, and Patriarchal Politics (New York: New York University Press, 1998), 1-21.

¹¹⁵ For an overview on debates regarding virtue, see Jack P. Greene, Imperatives, Behaviors, and Identities: Essays in Early American Cultural History (Charlottesville: University Press of Virginia, 1992) 210. J.G.A. most critically takes up the meaning of virtue as it developed in English traditions in The Machiavellian Moment.

¹¹⁶ Greene, Imperatives, Behaviors, and Identities 211.

The new emphasis on the older understanding of the lower class as unsuitable because of their unmanly sexual behavior made their disfranchisement, even through the transformation to a republican government, palatable. The Massachusetts constitution of 1786 continued the property and age requirements for voters and office holders. Voters needed to be 21 years of age and have “an annual income of three pounds, or any estate of the value of sixty pounds.” To be voted to the state’s House of Representatives, a man must have had “a freehold of the value of one hundred pounds...or any rateable estate to the value of two hundred pounds,” while a state Senator had to have a freehold worth three hundred pounds or “possessed of the personal estate to the value of six hundred pounds[.]”¹¹⁷ By attaching the same sexual characteristics to the white lower class and young men as contemporaries did to white women – such as being overly passionate, immoral, and unreasonable – the white lower class and youth lost their claims to citizenship. By highlighting the sexual behavior of white lower class and young men, the upper sort bolstered their own power. The elite did this after an era of increased social and political significance for all white men and during a time when young white men and lower class white men were disfranchised. They also did this, in part, by evading any suggestion of their own excessive sexual behavior.

Massachusetts residents claimed they would not allow the state government be controlled by white men who sublimated rationality to the needs of their bodies, because contemporaries envisioned a connection between sexual desire and the loss of reason. The print discourse on young men and lower class white men pointed these two groups

¹¹⁷ The First Laws of the Commonwealth of Massachusetts, ed. John D. Cushing, orig. pub. as The Perpetual Laws of the Commonwealth of Massachusetts, From the Establishment of the Constitution to the First Session of the General the Court A.D. 1788 (Worcester: Isaiah Thomas, 1788. Reprint, Wilmington, DE: Michael Glazier, Inc., 1981), 7 & 3.

out as white men unfit to fulfill the roles of citizens, both prior to and during the transformation to the republic. Elite white men, on the other hand, increasingly avoided complaints about their own sexual behavior because the legal, cultural, and religious arms of Massachusetts ignored them, which created a sexual fiction about their inability to be overcome by sexual desire. The mechanisms hiding elite white men's sexual indiscretions cleared the way for their continued power during the economic downturns and political shifts of the late colonial and Revolutionary eras. This allowed for the construction of a supposedly healthy and inclusive white male electorate that denied young and lower class white men the ballot because of their unsuitability.

Chapter 3: Patriarchy and the Denial of Citizenship to Africans and Indians, 1740-1774

At the close of the French and Indian War, the governor of Massachusetts met with Thomas, “King of the Oneidas,” and expressed his joy that the “whole Country” had come “under the Subjection of one King our common Father.” He hoped that “we may all live Happily . . . as the Children of one Father.”¹ For white New Englanders, including Indians into the rhetorical Massachusetts “family” meant a place was reserved for Indians in the hierarchical order that was the government and society of the British North America empire. This rhetoric underscored the contemporary belief system of whites, which imagined the relationship between subjects and rulers in the British Empire as mirroring the relationship between fathers and their children or husbands and their wives.² Patriarchal governance ordered the members of the family under the subordination of the male head of the household. Community members fundamentally perceived power and status through an individuals’ placement within the family.³ Thus,

¹ Boston Gazette, 25 Jan. 1762. This chapter is based on my research of the General Sessions of the Peace record books and file papers for Worcester, Middlesex, and Suffolk Counties. I also examined the records of the Superior Court of Judicature. I reviewed newspapers emanating from Boston, Worcester, and Middlesex, which ran for at least two years between 1760 and 1783. Tracts and broadsides from Massachusetts printed between 1740 and 1783 were also examined.

² Mary Beth Norton explores the “Filmerian” model of government in Founding Mothers and Fathers: Gendered Power and the Forming of American Society (New York: Alfred A. Knopf), 27-180. She explains Sir Robert T. Filmer’s theory of parental power reflected the worldview of white colonists in New England. Norton asserts this “outlook saw family and state as analogous institutions, linked symbiotically through their similar historical origins, aims, and functions.” Although white New Englanders would not have been familiar with the term “Filmerian,” her argument shows New England’s government was styled after the Filmerian model, while the Chesapeake favored Locke’s contractual government between individual men.

³ Several historians have studied the importance of family roles in ordering the society of New England. See John Demos, A Little Commonwealth: Family Life in Plymouth Colony (New York: Oxford University Press, 1970); Laura Thatcher Ulrich, Good Wives: Image and Reality in the Lives of Women in Northern New England, 1650-1750 (New York: Oxford University Press, 1980); Elizabeth Dale, “The Marriage Metaphor in Seventeenth-Century Massachusetts” in Women and Freedom in Early America, ed. Larry D. Eldridge (New York: New York University Press, 1997,) 229-243; and Martha Saxton, Being Good: Women’s Moral Values in Early America (New York: Hill and Wang, 2003).

the inclusion of Africans and Indians into the patriarchal family arranged Africans and Indians under the authority of white men.

Patriarchy was fundamental to the arrangement of the racial hierarchy in Massachusetts. In the second quarter of the eighteenth century, white residents of Massachusetts used several mechanisms to control Indian and African autonomy that were based on patriarchal conventions. Rather than placing Indians as “children” with the white colonists, the Guardianship system introduced by Massachusetts legislators positioned Indians as the subordinates to elite white men. Through slavery and indentured servitude, colonists attempted to manage Africans and Indians in Massachusetts by organizing them into white families. The incorporation of Africans and Indians into patriarchal households accorded both groups with a status lower than that of white servants, children, and wives. Yet, the subordinate status of Indians and Africans was derivative of some of the basic precepts of patriarchal governance. Like white wives, children, and servants, Indians and Africans were imagined as the dependents of elite white men, leaving both groups open for exploitation and denying them access to citizenship. The patriarch’s role in financial matters, education, and in monitoring the social and sexual behavior of his subjects pertained to Indians and Africans as well as the white members of the household.

White men attempted to manage Africans and Indians by inserting themselves into the role of patriarchs in African and Indian families. This prevented African and Indian men from claiming the privileges and power of patriarchs. In fulfillment of their patriarchal roles, whites attempted to regulate the sexual behavior of Indians and Africans. This practice enhanced notions of African and Indian dependence on whites,

which allowed whites to exploit their labor and resources while denying them access to citizenship all in the name of the patriarchal ideal. Studying the ways whites attempted to manage Indians and Africans reveals the centrality of patriarchy and sexual regulation in the subordination and denial of citizenship.

Guardianship, Indentured Servitude, and Slavery in the Patriarchal Ideal

In 1773, at the commencement ceremony of Harvard graduates, two students debated the legality of slavery. A fundamental question in their discussion was whether some persons were designed by God to be governed by others. The pro-slavery student claimed it was a “right of the Governor of the universe to govern and direct the conduct of all since existence, and such is the right of parents to govern and direct the conduct of their children.” He argued the unequal relationship of parent and child extended to Africans because in Africa they were “necessarily destitute of every means of improvement in social virtue, of every advantage for the cultivation of those principles of humanity, in which alone consists the dignity of the rational nature.”⁴ The two students connected patriarchal family governance with slavery because the family was the lens through which white contemporaries perceived relations of power. Thus, conceptions of the patriarchal family influenced the ways whites constructed their relationship with Indians and Africans.

The Guardianship system was among the early institutions formed to manage race relations between whites and Indians. Guardianship was instituted to bring Indians living on reservations in line with the government and to safeguard Indians from some of the exploitive behavior of whites. In 1692, Massachusetts consolidated its judicial power by

⁴ Theodore Parsons, A forensic dispute on the legality of enslaving Africans, held at the public commencement in Cambridge, New England, July 21, 1773 (Boston: John Boyle, 1773), 11 & 25.

passing an act assigning Justices of the Peace to Indians, rather than having Indians adjudicate their own problems.⁵ Later, in the 1710s and 1720s, Indians petitioned the General Court of Massachusetts for the government's assistance to stop white depredations onto Indian land. These petitions informed the government that Indians needed special protection from white colonists who took advantage of Indian unfamiliarity with English property laws. In response to the demands of Indians, Guardians were appointed to Indians living on collectively held tribal lands. By 1746, Justices of the Peace, or other well-known lawyers and public servants, already assigned to Indians by the 1692 act were selected to oversee the plantation communities of Indians as their Guardians.⁶

The role of the patriarch in traditional English families was fundamental to the construction of the responsibilities of Guardians. The colony-appointed Guardians subordinated the Indian tribes of Massachusetts in ways similar to those of fathers over their children and as husbands ruled over their wives. Indians could not sell their land unless they had received permission from the General Court and had their Guardian's support. Guardians participated in these transactions by writing the petitions and giving

⁵ Yasuhide Kawashima argues Justices of the Peace were appointed to Indians because colonists did not believe Indians were effectively upholding Massachusetts law on their own. He also argues the act appointing Justices to Indians was tantamount to "making these Indians their wards." However, he does not cite in what way Justices' behavior was similar to those caring for the poor. See Kawashima, Puritan Justice and the Indian: White Man's Law in Massachusetts, 1630-1763 (Middletown, CT: Wesleyan University Press, 1986), 28-35. Daniel R. Mandell argues the role of Justices was expanded in the second quarter of the 18th century to include the duties of Guardians. See Mandell, Behind the Frontier: Indians in Eighteenth Century Massachusetts (Lincoln: University of Nebraska Press, 1996), 113-116.

⁶ Guardians were placed in all of Massachusetts tribal enclaves by an act in 1746. However, Daniel R. Mandell found that many Massachusetts tribes had guardians before 1746. Mandell argues these men were initially trustees in charge of community finances before the General Court decided Indians needed more protection from white encroachment on Indian land. Mandell, Behind the Frontier 113-116. Wendy B. St. Jean found the Guardianship system in Connecticut was similarly formed in response to Indian desires to protect their land. Unlike Massachusetts, her article suggests the powerful Mohegan presence allowed for some dictation by the Mohegans about who they wanted to act as their Guardian. See St. Jean, "Inventing Guardianship: The Mohegan Indians and their 'Protectors,'" New England Quarterly 72 (Sept 1999): 362-387.

the General Court the context that demanded the selling of the land.⁷ Guardians also supervised Indian finances, by settling Indian debts through renting land and managing the treasuries of Indian tribes. Indians could gain access to their money only with the permission of their Guardian. In this way, the state equated the status of Indians with that of married English women under *femme covert*. Indians, like married white women, were unable to legally represent themselves, make financial transactions in their own name, or manage their own estates. Indian men lost the prerogatives of masculinity because Guardians arranged indentures for their children and oversaw all Indian labor contracts. Furthermore, Guardians divided communally held Indian land into plots, which were not reflective of Indians' different conception of proper land usage. The positioning of Indians as dependents to elite white men in the governance of Indian affairs gendered all Indians into positions similar to that of white women. Guardianship altered Indians' abilities to claim control over their family resources and their legal representation.

Elite white men's attempts to subordinate Indians living outside Indian enclaves through indentured servitude were also informed by the tenets of patriarchy. Initially, Massachusetts legislators attempted to curb the number of Indians who became indentured servants because of debt. Legislation in 1709, 1718, and 1725 limited the indebtedness and servitude of Indians. In 1709, legislators made Indian financial

⁷ Land sales were inevitably caused by debt. Jean M. O'Brien explains that Natick Indians were increasingly unable to hold on to their lots because of colonial attempts to force Indians into a creditor – debtor relationship. See Jean M. O'Brien, *Dispossession By Degrees: Indian Land and Identity in Natick, Massachusetts, 1650-1790* (Cambridge: Cambridge University Press, 1997), 131-138. Leon Miles paints a similar picture of the loss of Stockbridge Indian land and power in the eighteenth century. See Miles, "The Red Man Dispossessed: Williams Family and Alienation of Indian Land in Stockbridge, Massachusetts, 1736-1818," in *New England Encounters: Indians and EuroAmericans, ca 1600-1850*, ed. Alden T. Vaughn, 276-358. For an example of a Guardian's petition to sell land in order to pay Indian debt, see "Petition of Jonathan Capen, Guardian of the Punkapoag Indians, asking for instruction concerning the affairs of the said Indians," 15 Jan. 1768 & 6 July 1789, MAC 33: 456 & 490.

agreements subject to the oversight of Justices of the Peace to prevent servitude and indebtedness. In 1718, Massachusetts forbade debts to be entered against Indians unless two Justices of the Peace supervised the contract.⁸ In 1725, yet another act prohibited married Indians from becoming indentured and made the indenturing of Indian children subject to their parents' approval. Similarly, the consent of two Justices of the Peace were required if any contracts were to be signed that formalized Indian indebtedness to whites or required their labor for more than 12 months.⁹ Ironically, these acts enhanced Justice of the Peace control over Indian finances, forcing Indians to rely on elite white men to protect them from other white men. Furthermore, although the act of 1725 gave Indians a measure of choice over their children's indentured servitude, legislators did not empower Indian adult men and women to contract their own servitude since their labor contracts required the consent of Justices of the Peace. In the 1740s, Indians living on plantations lost power over their children's indentures, when Guardians were established in their communities. By the 1740s, Indians living on and off plantations were subject to the patriarchal authority of local Justices of the Peace.

As the eighteenth century wore on, Indians became more reliant on English goods, which increased their indebtedness to local merchants and the authority of white men over Indians. Indians' continued subordination as indentured servants to elite white men in families was ensured by the disuse of laws preventing Indian indentured servitude. The Rhode Island census of 1774 estimates 38% of Indian men under the age

⁸ The Acts and Resolves, Public and Private, of the Province of the Massachusetts Bay, vol. 2 (Boston: Wright & Potter, 1869), 104. The 1709 act forbid persons from suing Indians for debt in order to prevent their servitude. The act in 1718 gave Indians more ability to trade with whites, yet it made all agreements subject to Justices. For the act in 1718, see Acts and Resolves, vol. 1, 640-641.

⁹ An exception to this policy was granted to all fishermen and whalers who sought to make contracts with Indians for labor. Acts and Resolves, vol. 2, 363-364.

of 16 were servants; 39% of Indian men over the age of 16 were servants; 32% of Indian women under the age of 16 were servants; and 36% of Indian women over the age of 16 were servants. Massachusetts Indians likely experienced a comparable situation to Rhode Island Indians because of their indebtedness, which was symptomatic of most New England Indian experiences.¹⁰ In 1794, Gideon Hawley, a missionary to the Mashpee, reminisced about the state of Indian life in the 1760s when he had first arrived. He remembered Indian children “were sold or bound as security for the payment of their fathers debt as Soon as they were seven or eight years old which two Justices of the Peace with consent of parents w’ch was easily obtained were authorized to do at the desire of their creditors.” He recalled, “These Indians and their Children were transferred from one to another master like Slaves.”¹¹ Whites believed the solution to Indian poverty was to force them into the homes of whites. Therefore, Massachusetts legislators and residents put Indians under patriarchal control as indentured servants or in the Guardianship system.

The patriarchal roles of white men as providers and mediators for Indians under the Guardianship system and indentured servitude led to the construction of Indians as dependents. The state of dependency was an integral component in the creation of ideas about racial difference and patriarchal authority in the late colonial era. For example,

¹⁰ There is no available data estimating the number of Indian servants in Massachusetts between 1740 and 1783. Population statistics on Indians in New England are notoriously underestimated because New Englanders rarely identified Indians living with whites as Indians. On the problem of enumerating Indians after 1700, see Donna Keith Baron, J. Edward Hood, and Holly V. Izard, “They Were Here All Along: The Native American Presence in Lower-Central New England in the Eighteenth and Nineteenth Centuries,” *WMQ* 3rd ser. 53 (July 1996): 562-566. David Silverman argues arrangements to make Indians indentured servants to whites were coercively and non-coercively arrived at. He found the poverty of Indians was the most important reason for Indian servitude. See Silverman, “The Impact of Indentured Servitude on the Society and Culture of Southern New England Indians, 1680-1810,” *New England Quarterly* 74 (Dec. 2001): 622-666. Jean O’Brien makes a similar argument in *Dispossession By Degrees* 131-138.

¹¹ Gideon Hawley, Mashpee, to Rev. Dr. Thacher, 1 Jan. 1794, Gideon Hawley Letters, Special Collections, MHS, folder 8.

Indians had to rely on their masters and Guardians to supply them with necessities, such as shoes, clothing, blankets, and medicine. Indians living in Indian villages also had to rely on their Guardians for supplies, because Guardians controlled their treasury and land distribution. Any money earned from renting Indian land and land use rights remained in the hands of Guardians, and Indians believed Guardians were disinclined to distribute money to them. In 1753, the Mashpee complained to the General Court “our lands are Wholly at the Dispose of Some English Gentlemen.”¹² Gayhead Indians also complained they were forced to rent their own land from the Guardians in order to feed their animals. They believed that prior to the Guardian being entrusted with so much power “these Englishmen were unable to treat us as they pleased.”¹³ As subjects to elite white men under Guardianship and indentured servitude, Indians were dependent on the benevolence of their Guardians and masters to gain their necessities. The creation of Indian dependence was the response of whites to the perceived social problem of Indian autonomy. Thus, patriarchal ideals enabled elite white men to exploit Indians, while also attempting to integrate Indians into and protect Indians from white society.

In the patriarchal ideal, patriarchs provided the basic necessities of life in exchange for the loyalty and services of dependents. Patriarchs were supposed to teach their Indian servants and their own children to read English and the basic tenets of Christianity. In 1712, Benjamin Wadsworth posed the question, in the often-reprinted The well-ordered family, whether masters and mistresses had to “take care of the *Souls of the Servants* and teach them the *Truths and Duties of Religion*? Yes, indeed they

¹² “Petition of the Indian Proprietors of Marshpee Complaining of the Depredations of the English, and Asking that their Guardians Might Be Removed,” 29 Dec. 1753, MAC 32: 424.

¹³ “Document 49,” Native Writing in Massachusetts, trans. Ives Goddard and Kathleen J. Bragdon, (Philadelphia: The American Philosophical Society, 1988), 173.

should,” Wadsworth answered, “tis their indispensable duty so to do.”¹⁴ Wadsworth’s ideas on the roles of patriarchs were likely directed towards patriarchs with white servants, but ministers in New England chided masters to treat Indian servants with the same concern for their moral and mental growth. However, these directives were not always followed. According to Experience Mayhew, a minister to Indians in Massachusetts in the second quarter of the eighteenth century, white families did not take the education of Indian youth seriously. He protested that one Indian child was “put to an *English* Master . . . , who neither taught her to read, nor took care to instruct her in the Principles of the true Religion . . . , which is the unhappy Case of many of our *Indian* youth that go to live among the *English*, tho there be others of them who are well instructed.”¹⁵ In spite of Mayhew’s observations, some Indian parents believed their children could receive an education through indentured servitude. In the 1710s, Joel and Sarah Soopasun of Christiantown sent their daughter Hannah to an “*English* Master and Mistress, intending that she should have lived some Years with them, and there have received such farther Instructions as were necessary for her.”¹⁶ This decision was made for Hannah after her educational opportunities dried up with the failure of the local school in Christiantown. Whether the patriarchs lived up to the rhetorical ideal espoused by ministers and found in proscriptive literature is unclear. In the case of Guardians, they fulfilled their patriarchal obligation by teaching English labor and land values, as well as when they funneled impoverished Indians into white homes.

¹⁴ Benjamin Wadsworth, The well-ordered family; or Relative duties (Boston: Bartholomew Green, 1712), 109.

¹⁵ Experience Mayhew, Indian converts: or, Some account of the lives and dying speeches of a considerable number of the Christianized Indians of Martha’s Vineyard, in New-England (London: Printed for S. Garrish and sold by J. Osborn, 1727), 194.

¹⁶ *Ibid.* 261.

Patriarchal ideals influenced white constructions of educational institutions for Indians living outside of white homes. During the 1750s, the Stockbridge School was a model of the patriarchal ideals of whites. The school was expected to produce Indians fluent in the English language to serve as missionaries to their tribes. The Indian missionaries were to serve as exemplars of Christianity and English values to Indians living apart from whites. Young Indian and white boys from Massachusetts enrolled in the school and lived in a boarding house together. Indians were to learn from the white pupils, as brothers who grew up in a household together. A white schoolmaster was expected to lodge in the boarding house with the young boys and oversee their moral and educational development, as would a father. The male figure was desired to be “cautious of his conduct...and careful in the management of the Flock he is intrusted with,” because of the centrality of his role in the success of the school and the development of the children.¹⁷ The Stockbridge School was a microcosm of the patriarchal family, and yet it failed despite the belief of contemporaries that patriarchal models were the best form of racial and gender governance.

The man chosen to head Stockbridge School did not fulfill the expectations of the Indians or the white residents of Stockbridge in acting as “father” to the Indian and white children. Parents noted the “Indian Boys made no progress in their learning of the English Language & Customs & in their Morals. . . .” By the end of 1752, the General Court appointed an investigating committee to inquire into the problem. The committee concluded the fault for the children’s lack of advancement rested with the schoolmaster, who only spent two or three nights with the school children. “[B]y this means,” the committee reported, “the Indian Children & English Youths were left intirely at a loose

¹⁷ Isaac Hollis to General Assembly of Massachusetts, 3 Jan. 1752, MAC 32: 232.

from that regular & orderly family Government which was originally designed in the founding of that School.” Without proper supervision, the Indian boys were subject to undisciplined “English Youths and the want of that orderly Family which the Master should have kept. . . .”¹⁸ The failure of the Stockbridge School revealed the cleavages in the patriarchal ideal. The success of patriarchal institutions demanded the commitment of whites to Indian education and well-being be as great as their desire to extract Indian labor, land, and money. In the case of Indians, the duties of patriarchs towards their subjects were not fulfilled. While patriarchy was useful in hierarchically ordering Indians, it did not guarantee Indians fair treatment or that they would be cared for like white children, wives, and servants.

Patriarchy was also important in the integration of Africans into Massachusetts’ communities. The institution of slavery forced Africans into the homes of white families as subordinates, not only to the patriarch, but also to his children and wife. Nearly a third of all Massachusetts households had at least one African member. White residents had daily contact with slaves in their own households or in others, particularly in the populous and seacoast regions of Massachusetts. The oversight of Africans was more total than the Indians under Guardianship. Justices of the Peace were not legally authorized to interfere in the patriarchal rights of white masters over Africans. On the other hand, Indians turned to Justices of the Peace and the General Court for redress to unfair white practices. The mobility of Indians under Guardianship was never limited, yet enslaved Africans had to request permission for their own freedom of movement. Despite these differences, the rhetoric used by whites to describe their relationship with

¹⁸ Report of the Committee on the Management of the Indian School at Stockbridge, 15 Dec. 1752, MAC 32: 306.

Africans was similar to the patriarchal conventions used in constructing whites' relationship with Indians.

The patriarchal rhetoric that described the roles and duties of slaves and masters in Massachusetts was fundamental to white conceptions of the power dynamic that existed between Africans and whites. Massachusetts' version of slavery claimed its intention was to manage Africans and their labor in the same style that fathers managed their children.¹⁹ Enslaved African men and women's legal rights were constructed to be comparable to that of married white women and children, even though their true status was inferior to both. For contemporaries, the rhetoric of patriarchy masked the extensive and abusive power given to masters by describing their relationship with slaves as intimate and centered on the family. The patriarchal ideal claimed a reciprocal relationship existed between whites and Africans. This fact illustrates how the patriarchal ideal was both exploitative and foundational in the racial management of early Massachusetts.

The patriarch's role as an educator to African slaves was paramount in the construction of the relationship between Africans and white men. The patriarchal ideal required that white patriarchs instruct their wives, children, servants, and slaves in religion and morality in New England. Influential men, such as Cotton Mather, propounded this foundational precept of New England slavery. In 1705, he informed New England's patriarchs, "Great God Commands it, and Requires it of you . . ." to

¹⁹ Joanne Pope Melish argues New England slavery was not intended to incorporate slaves into white families. She believes the incest taboo and the existence of sexual relations between masters and slaves denies that families ever took seriously the incorporation of slaves into families. Melish believes difference was inscribed in slaves and they were not family members. However, this dissertation asserts the rhetoric used by slave owners in the patriarchal ideal constructed the relationship of slaves and their status as similar of that to other members of the patriarchal household. See Melish, Disowning Slavery: Gradual Emancipation and 'Race' in New England, 1780-1860 (Ithaca: Cornell University Press, 1998), 11-49.

Christianize your servants. Mather explained white masters were required to educate their slaves because “Poor Negroes are cast under your Government and Protection. You take them into your Families, you look on them as part of your *Possessions*, and you expect their Service, a Support, and perhaps an Increase of your other *Possessions*. . . .”²⁰ In return for Africans’ service, Mather believed it was every Christians’ duty to extend their knowledge of Jesus to their servants. According to the ideal espoused by Mather—slaves, like other family members—were to be taught religion and piety to protect both groups from eternal damnation.²¹

Some white slave masters fulfilled their patriarchal ideal by educating their slaves in religious precepts. For example, John Wheatley taught to Phillis Wheatley to read and write after he purchased her to serve as his wife’s maid. Along with the rudiments of education, Phillis was instructed in religion and baptized at Old South Church. Although Wheatley purchased Phillis to have her labor for them, she was nevertheless part of the ordered Wheatley family as was evidenced by her religious training. Other African slaves were also given religious instruction and included in church congregations. On February 2nd, 1743, a Plymouth congregation demanded confessions of Nero and Boston, both Africans, for a “scandalous offense they were convicted of.” The men were suspended from communion until they confessed in January 1744.²² In Boston, Africans were being included in religious instruction as well. In 1772, at the Second Church, Bristow, a “negro man servant of Mr. White,” was admitted to communion, and in 1776,

²⁰ Cotton Mather, The Negro Christianized. An essay to excite and assist the good work, the instruction of Negro-servants in Christianity (Boston: B. Green, 1706), 3-4.

²¹ For an example of a tract exhorting fathers to teach children religion and morality, see Benjamin Wadsworth, Well-ordered Family 55.

²² Publications of the Colonial Society of Massachusetts, vol. 22, Plymouth Church Records, 1620-1859 (Boston: The University Press, 1920), 295.

Flora, a “Negro servn’t of Deacon Hitchburn,” was baptized.²³ Clearly, Africans were being instructed in some religious precepts. The evidentiary base is skewed towards revealing those Africans who were trained by whites to read and were baptized as Christians. Those Africans who were not given religious instruction are largely absent from printed records. The education that Africans received bolstered white claims to the patriarchal ideal, which was used by whites to allow for the appropriation of African labor through slavery.

Christianity was not the only knowledge patriarchs were expected to impart to their children, wives, and slaves. The patriarchal ideal stressed the importance of patriarchs training his subordinates with the values of the Protestant work ethic, including the importance of hard work and respect for employers.²⁴ In 1751, at the execution of Briton Hammon, a “young negro servant,” Reverend Mather Byles reminded whites and Africans that idleness was a vice that led to others. Using the biblical example of David, Byles explained that during David’s downfall he was “having no Business to employ him[.] Thus, Byles exhorted, David “falls Prey to the Temptations of Covetness & Lust.” He continued, “Happy had it been for thee David, hadst thou been employed in the affairs of the Kingdom . . . But he was Idle! And O what an inlet is this cursed Vice to all Mischief & Wickedness?”²⁵ White men’s articulation of the importance of labor in character development was an obviously self-serving belief. However, by teaching Africans to be thrifty and industrious, masters believed they were bettering their slaves, while also working to increase their own profits. White patriarchs also taught the same

²³ Second Church (Boston, Mass.) Records, MHS, vol. 6.

²⁴ Wadsworth, *Well-ordered Family* 50 & 109.

²⁵ Mather Byles, *The Prayer and Pleas of David, to be delivered from blood-guiltiness improved in a Sermon at the ancient Thursday lecture in Boston, Before the execution of a young negro servant for poisoning an infant* (Boston: Samuel Kneeland, 1751), 8.

precepts to their own children. Benjamin Wadsworth questioned, “Would you have your Sons or Daughters, live as lazy, idle drones, as useless, nay pernicious persons when grown up? If not, then don’t bring them up in idleness. Bring them up to business, some lawful Employment or other. . . .”²⁶ Clearly, the desire to ensure that children, wives, servants, and slaves understood the value of work ultimately benefited white heads of households. At the same time, efforts to fulfill the rhetoric on instructing slaves allowed masters to claim Africans benefited from their relationships with whites, no matter how exploitative African experiences were in patriarchal families.

Venture Smith’s narrative of his experiences while enslaved in Connecticut suggests the white patriarchs he served believed it was their duty to teach him the basic tenets of the protestant work ethic. Venture described that immediately after two of his owners purchased him, his loyalty to them was tested, and upon proving this loyalty, he was rewarded with their trust and affection.²⁷ These tests taught him an important lesson about colonial work relations, including his need to unquestioningly serve his masters’ needs. Venture’s experiences also taught him to be frugal, industrious, and to exhibit self-control, not only to avoid harsh discipline, but also to free himself and his family. He learned to bargain for better labor conditions and how to earn extra money for himself, rather than his master. While enslaved, he consistently earned money by gardening, shoe shining, and fishing. Venture prided himself on his ability to labor and often cited the exact amount of wood he could cut, how much money he earned, or how

²⁶ Wadsworth, Well-ordered Family 49.

²⁷ This anti-slavery publication is prefaced by the statement that had Venture “received only a common education, [he] might have been a man of high respectability and usefulness. . . .” Venture Smith, A Narrative of the Life and Adventures of Venture, a Native of Africa: But Resident Above New London, Connecticut (New London, CT: C. Holt, 1798), preface. For tests of Venture’s loyalty, see page 14-15 & 21.

much weight he could lift. In his narrative, Venture brags, “many other singular and wonderful labor I performed in cutting wood there...but for brevity sake I must omit it.”²⁸ Venture viewed slavery with disdain, yet whites might believe his success in purchasing his family’s freedom and running his own household was attributable to the time he spent in white households learning white cultural ways and values. It could appear the labor and lessons associated with slavery were a civilizing force in African lives, because labor was connected with virtue and morality in New England.

In the eighteenth century, anti-slavery advocates highlighted the fictive patriarchal ideal that claimed a lifetime of servitude and labor helped Africans. The strength of the patriarchal rhetoric and its civilizing influence in New England made it incumbent upon anti-slavery advocates to deny the existence of masters who dutifully acted as “fathers” in instructing their slaves. For example, in 1766, Timothy Pickering wrote an editorial protesting the existence of slavery and argued slaves were not learning the gospel, or any ethics at all in white families. Slaves were “indulged in the breach of the seventh [commandment], in fornication, adultery, incest & polygamy, we punish them for breach of the sixth commandment, and we punish whites for breach of the seventh.” Furthermore, he claimed masters “seem to have forgot that the wisdom which is from above, is without partiality, and without hypocrisy.”²⁹ Pickering exposed the absence of religious education and the hypocritical nature of the meager religious lessons taught to slaves to show slavery was not beneficial to Africans as a civilizing force. His argument

²⁸ Venture Smith, *A Narrative* 25. Robert C. Desrochers, Jr. argues that Venture Smith’s narrative was part of the “rags to riches” cultural phenomena that showed the success of the men and women of Revolutionary era in living simply and decrying excess and luxury. “‘Not Fade Away:’ The Narrative of Venture Smith,” *JAH* 84 (June 1997): 40-66.

²⁹ Timothy Pickering, “Remarks and Cautions,” *Boston Gazette*, 16 May 1766. The sixth commandment forbids murder and the seventh forbids committing adultery.

focused on overturning the New England slavery ideal wherein Africans were thought to exchange their labor for the patriarch's knowledge and morality. In 1772, a writer named "Conscience" advanced Pickering's attack on the patriarchal rationale for slavery. He asked why there have "never been any missions established and encouraged for civilizing them [Africans] at home and making them Christians there?"³⁰ "Conscience" believed whites kept slaves for their labor and that religious training was actually used as an excuse to enslave Africans. "Conscience" revealed that whites believed slaves benefited from being part of white families, whereas he contended Africans were simply laborers and not family members like wives and children. The efforts of anti-slavery writers to disprove the New England patriarchal ideal illustrates how pervasive the notion of Africans benefiting from being part of white households was in Massachusetts.

The right of patriarchs to exact violence on their "family" was as fundamental as their duty to educate in the patriarchal ideal. White patriarchs meted out discipline in the education and punishment of slaves, as well as women and children.³¹ Patriarchs also used violence to make compulsory the subordinate status of their underlings. Rules of conduct had to be enforced on children, wives, servants, and slaves. The legal status of slaves, women, and children left them to be punished as white patriarchs saw fit, without the intervention of Massachusetts' legal arm, unless excessive violence or murder of a slave was discovered.³² For example, Venture sought the assistance of his local Justice of

³⁰ Conscience, "To the People of this Province," *Massachusetts Gazette*, 20 Jan. 1772.

³¹ Jay Fliegelman argues there was a softening of discipline in families between 1750 and 1800. His study of prescriptive literature shows parents were taught to guide, rather than forcefully educate their children. His work does not study the effects of this literature on the disciplining of family members, including slaves or servants. See Fliegelman, *Prodigals and Pilgrims: The American Revolution Against Patriarchal Authority, 1750-1800* (Cambridge: Cambridge University Press, 1982).

³² Historian Lorenzo Johnson Greene found only two cases of a man prosecuted under Massachusetts judicial system for murdering a slave. In 1695, Nathaniel Cane was tried in the Supreme Judicial Court (in Maine) and was fined only 5 pounds. In 1719, Samuel Smith was found not guilty of murdering his slave

the Peace after Robert Stanton, his master, threatened to beat him with a club. Although the Justice warned Robert Stanton not to hurt Venture, Thomas Stanton and his brothers were able to beat Venture anyway. Stanton beat Venture and chained his legs and feet for three days without any legal repercussions.³³ White women and children were also victimized by family violence. For example, historian Elizabeth Pleck found there were 23 reported cases of spousal abuse brought forward in Plymouth's courts between 1600 and 1800, and it is likely much more abuse occurred.³⁴ Similarly, the Governor and General Court of Massachusetts did not grant women divorces if extreme cruelty was their only cause.³⁵ The rarity of legal intervention in cases of abuse of women, children, and Africans illustrates that white patriarchs were empowered to decide how to discipline family members. Yet, slaves fared worse than white women and children being physically abused, because Africans were also often subject to the violent inclinations of other dependents in the family. A 1705 Massachusetts law forbade Africans from hitting or defaming whites, which protected white women and children from Africans, but all Africans were subordinated to whites.³⁶ The power of white patriarchs to discipline

by a vicious beating. See Greene, The Negro in Colonial New England (New York: Atheneum, 1968), 232-235.

³³ In fact, the judge told Venture to return to his master and live "contently" until he was beat by his master again. Then, he was to return to the Justice. The Justice ran into Stanton on his way to beat Venture, and warned him then. Smith, Narrative 19-20.

³⁴ Historian Elizabeth Pleck argues that Massachusetts Puritans passed the first domestic abuse law in order to safeguard their settlement from God's wrath. However, their belief in the "family ideal" elevated concerns about privacy and patriarchal rights over women and children's safety. See Pleck, Domestic Tyranny: The Making of Social Policy against Family Violence from Colonial Times to the Present (New York: Oxford University Press, 1987), chapter 1.

³⁵ Historian Nancy Cott found the Massachusetts Governor and Court were petitioned by 23 women for divorces because of extreme cruelty between 1692 and 1786, and no woman was granted a divorce. The General Court resolved nine cases by granting a separation, and three couples settled the suit themselves by separating. In all 12 cases, remarriage was not allowed. In three cases, the Court declared there was not enough evidence, and five cases went unresolved. See Cott, "Divorce and the Changing Status of Women in Eighteenth Century Massachusetts," WMQ 33 (Oct.1976): 597 & 608- 610.

³⁶ Acts and Resolves of Massachusetts, vol. 1, 578.

Africans, as well as other family members, highlighted their authority over all others in the household and the extreme subordination of Africans to whites.

The patriarchal practice of disciplining subordinates was envisioned to protect Massachusetts residents from any threat contained within families. Newspapers routinely admonished masters to watch more carefully over their slaves, especially in their nightly routines. Patriarchs determined whether a slave could engage in community events and gatherings. In 1771, after the quarreling occurred among the “Negroes belonging to this Town,” a resident of Boston suggested “all Masters of such Servants” should “prevent their going arm’d” in the streets.³⁷ Whites perceived it to be the master’s responsibility to keep his household in order so that others would not have to deal with his problem. The power of masters over slaves was not always effectively utilized according to some Massachusetts residents, who wanted further codification and enforcement of regulations concerning Africans. After Boston Evening Post reported that a black man in New Hampshire was whipped for being out after 9 p.m., an editorial commenter “wished that the Laws relating to Negroes being out after that Hour in this Town were as strictly put in Execution here.”³⁸ Newspapers in Boston pointed towards the leniency of white patriarchs, rather than African behavioral problems, as responsible for community disorder. This rhetoric and practice constructed Africans as dependents subject to the rule of white men.

The creation of African and Indian dependence in white patriarchs was important in placing them at the bottom of the hierarchical order. Historians have recognized that dependence was anathema to contemporary white men’s constructions of citizenship

³⁷ Massachusetts Gazette (Boston), 28 Feb. 1771.

³⁸ Boston Evening Post, 7 Jan. 1765.

because autonomy was believed to be in opposition with an individual's reliance on others economically and socially.³⁹ Indians and Africans were to defer to their patriarch in all legal, social, and political issues, which negated their ability to claim their independence and the rights of citizenship. Despite these limitations, many men of African descent asserted their capacity for citizenship through their engagement in colonial warfare on the side of the English.⁴⁰ Although Africans asserted their suitability for citizenship, white constructions of citizenship limited its extension to white patriarchs, who were granted the autonomy to rule over all members of their household without interference.

Patriarchy was essential to contemporary understandings of the relationships of whites to Indians and Africans in the institutions of slavery, indentured servitude, and Guardianship. In the patriarchal ideal, power was constructed as male, and as Africans and Indians became integrated into white households, power took on a racial element. Africans and Indians were subordinate to whites, while whites were made superior to all others. A person's role within the white family structure was the primary way colonists conceived of the status of persons in larger society. The inclusion of Africans and Indians in white households as indentured servants and slaves hierarchically ordered both groups as dependents of specific white patriarchs. Under the guardianship system, white patriarchal roles were widened to govern whole tribes of Indians, rather than the Indian

³⁹ Jack P. Greene, Imperatives, Behaviors, and Identities: Essays in Early American Cultural History (Charlottesville: University Press of Virginia, 1992), 208-235; Joan Gunderson, "Independence, Citizenship, and the American Revolution," Signs 13 (Fall 1987): 59-77; and J.G.A Pocock, The Machiavellian Moment: Florentine Political Thought in the Atlantic Republican Tradition (Princeton: Princeton University Press, 1975), 462-487.

⁴⁰ My search of New England Historic Genealogical Society's database on soldiers who fought in colonial wars reveals 17 men of African descent served in colonial militias between 1740 and 1763. One African man served as a Sergeant in the French and Indian War. See Massachusetts Soldiers in the Colonial Wars (Online Database: www.NewEnglandAncestors.org, New England Historical Genealogical Society, 2002).

and African indentured servants and slaves who were “members” of individual families. The ordering of Africans and Indians as dependents and subordinates was an important step in disqualifying them from the power white men held in colonial Massachusetts.

Sexual Regulation and White Patriarchs Among Africans and Indians

In their relationships with Africans and Indians, whites emphasized their patriarchal control and cultural superiority through sexual regulation. This authority allowed whites to extract labor and resources from Africans and Indians. White sexual regulation and patriarchal power were mutually constitutive. White patriarchal authority was enhanced by sexual regulation, and their ability to regulate the sexual lives of African and Indians was enabled by their patriarchal authority. Sexual regulation ultimately strengthened white patriarchal power even though it was practiced differently among Indians and Africans. White men believed that the success of patriarchy and slavery demanded the breakup of African families. White patriarchs also replaced Indian patriarchs in their attempts to “civilize” Indians and gain access to their land and resources. The incorporation of Africans and Indians into Massachusetts society was limited by white men’s efforts to retain their patriarchal rights and power, as well as white convictions of their cultural, economic, and social superiority.

Whites believed that English gender and sexual relations were integral to the extension of “civilization” to Indians. Civilization, as conceived of by whites, demanded that Indians adopt the filial and hierarchical relationships that were advanced by white colonists. The patriarchal institutions created by whites reflected their sexual and gender values. In the 1750s, Massachusetts created the Stockbridge school to begin implementing its plan for providing Indian missionaries with Indian wives who practiced

English gender norms.⁴¹ The school taught the English language, housewifery, and gendered customs to 10 Indian girls. The girls were to live in a boarding house adjacent to their schoolmistress on the same grounds as the Indian boys, who were being trained to become missionaries.⁴² The mission to prepare Indian missionaries and their Indian wives with English gender customs continued into the 1760s. In 1761, Gideon Hawley, a missionary to Indians at Mashpee, reported to the Society for Propagating the Gospel Among Indians and Others that a missionary was “procuring a number of Indian girls, to be educated in a manner to qualify them for wives for Indian missionaries.”⁴³ In 1763, the Reverend Eleazer Wheelock reported he sought to acculturate Indians in Connecticut to English gender norms by finding “prudent skillful farmers to instruct the Boys, and Mistresses to instruct the Girls in such Manufactures as are proper for them.”⁴⁴

From the 1700s in Massachusetts, the propagation of English gender and marital norms had been an essential part of the work to Christianize Indians. In 1727, Experience Mayhew’s treatise on Christian Indians noted many instances wherein Indian women were essential in the conversion of their husbands. For example, in describing Samuel James’ conversion, he stated, “there was [not] any observable Change in him, till after he was married . . . she prevailed with him to leave off his Drunkenness, and follow after things that were of greater Advantage to him. . . .”⁴⁵ Indian women who married

⁴¹ I am using the term “Indian missionary” to describe Indians who are missionaries to Indians in contrast with white “missionaries to Indians.” These are the preferred terms of historians studying American Indians.

⁴² “Report of the Committee on the Affairs of the Indian School at Stockbridge &c.,” 27 Dec. 1752, MAC 32: 324.

⁴³ Gideon Hawley, Mashpee, to Honorable A. Oliver Esq. & Commissioners, 20 May 1761, Gideon Hawley Letters, MHS.

⁴⁴ Eleazer Wheelock, A plain and faithful narrative 24.

⁴⁵ Other Indian women were also essential to Indians men’s conversion in this narrative. For the quote and other information on Indian women as exemplars of faith, see Experience Mayhew, Indian Converts 106, 95-7, 184, & 194.

Indian missionaries were intended by whites to serve as a safeguard against Indian men returning to Indian cultural ways during their missionary efforts. These couples were to act as an example to their Indian flocks of English gender norms and Christianity, which advocated the ties of family and monogamy.

Guardian promotion of English family norms among Indians was part of their duty as colony-appointed overseers of Indian tribes. Guardians attempted to manage the sexual and gendered behavior of Indians through their land allotment policies, which freed up resources for whites.⁴⁶ When they surveyed and divided Indian land, Guardians made it a rule to place Indians with their primary families on plots, which was in contrast to Indian traditions of holding land in common.⁴⁷ Two Mashpee Guardians noted “it always has been their care that each Family of Indians were fully accommodated with Land before any part was hired out to the English. . . .”⁴⁸ However, Indian ideals of appropriately sized land differed from their white Guardians.⁴⁹ Gayhead Indians petitioned the court in 1749 complaining “No longer do we have pasturage freely where our animals can feed. . . .”⁵⁰ The Mashpee also felt they needed far more of the meadowland made available to them for the cattle to graze and to support the aged. In

⁴⁶ Ann Marie Plane argues seventeenth century missionary efforts were also aimed at organizing Indians into family units, rather than tribes. I argue this continues in the 18th century. See Plane, Colonial Intimacies: Indian Marriage in Early New England (Ithaca: Cornell University Press, 2000), 98-128.

⁴⁷ Originally, Hassanimisco, Natick, and Mashpee Indians divided their common land themselves in the 1720s, when they created proprietorships. Daniel Mandell, Behind the Frontier 87-90. After Guardians were appointed, elite white men became responsible for dividing up Indian land. Gideon Hawley’s preservation efforts to keep commonly held land for the Mashpee Indians is an exception to the rule of dividing up Indian land.

⁴⁸ “Answer of Silvanus Brown and James Otis, Guardians of the Marshpee Indians to the Petition of the Indian Proprietors,” 27 Dec. 1753, MAC 32: 424.

⁴⁹ Many Indians preferred to share large garden lots and work collectively on them. Although some Indians had transformed into English individualized family farming, they also had an interest in the collective Indian land that was rented out, used for timber, and allowed them fishing access. Daniel Mandell and Jean O’Brien note the friction caused in Indian communities by Indians adopting English farming and husbandry customs versus those Indians that chose to continue practicing their own customs. See Mandell, Behind the Frontier 80-116; and O’Brien, Dispossession By Degrees 126-167.

⁵⁰ “Document 49,” in Native Writing in Massachusetts, vol. 1, 173.

1751, they claimed they used to have “Hundreds of Acors to choose out of for planting” but now are “Confin’d to poor land.”⁵¹ The imposition of English family arrangements caused friction in other communities as well. In 1758, Dudley Indians complained Guardians had been “taking away the grass and fruite of our Land.”⁵² Despite these complaints, Guardians continued dividing Indian land holdings based on primary family groupings.

White attempts to create English family norms and regulate the sexual lives of Indians did not mean that Indian men were accorded the same power as white patriarchs in their own families. Indeed, white patriarchal economic and legal powers were not entrusted to Indian patriarchs. Guardians and/or local Justice of the Peace were required for Indians to sell their land or arrange indentures for their children. Furthermore, the smaller land holdings that were allotted to Indians freed up much Indian land to rent or sell. The economic benefits accrued by renting Indian land and land use rights went into the commonly held Indian treasury, which was overseen by white Guardians. While Guardians were anxious to create Indian primary family groupings, they were not as eager to extend the benefits of patriarchal power. Indian men with patriarchal responsibilities and privileges would be able to claim a status equal to that of white men in society. Endowing Indian men with patriarchal privileges would have bolstered their status, because patriarchy was the cornerstone of English societal arrangement.

Indians assiduously fought the patriarchal policies that undermined their authority and resources by petitioning the General Court. Indians rejected the patriarchal authority

⁵¹ Quote of petition taken from Alexander Starbuck, History of Nantucket: County, Island, and Town (Rutland, VT: Charles E. Tuttle Company, 1969), 161.

⁵² “Petition of Joseph Page and other Dudley Indians, asking for the removal of their Trustee,” 12 June 1758, MAC 33: 61.

of their Guardians by sidestepping the men who were deemed their legal guardians, and drafting petitions themselves. By doing so, Indian men assumed patriarchal authority over their own families and communities. Often, petitions were written to highlight the problems of Guardian authority and policies, which emphasized Indians' own rights to determine their own land, labor, and family decisions. Indian petitions assumed that Indians should receive the same rights as white men in Massachusetts. In 1753, the Mashpee Indians asserted they have "been Redy . . . to go in to War for the Defence of our King and Country." They had "Hoped we had Deserved so well of our Country as to have Enjoyed our lands as English men Do."⁵³ Indians believed their right to equal citizenship was based partly on their military service, much like men of African descent. Indian men showed their authority by stressing their patriarchal duty to protect and fight for the security of their families and communities. Indian men's military might was used to show that white patriarchal control over Indians was needless.

However, Guardians desired more than the centralization of power into white men when they encouraged Indian adoption of English family units. They also hoped to convert Indians to English gender norms, including the gendered division of labor, which was integral to English family structure.⁵⁴ As a result, Guardians and masters of Indian servants believed it important that Indian men work to improve the land.⁵⁵ In 1741, Rev. John Sergeant, a missionary to the Housantunnak Indians, reflected that Indian men "live

⁵³ "Petition of the Indian Proprietors of Marshpee complaining of the depredations of the English, and asking that their Guardians might be removed," 29 Dec. 1753, MAC 32: 424.

⁵⁴ Many historians have studied the importance of the gendered division of labor to the maintenance of English family and gender hierarchies. For a sampling, see Jeanne Boydston, Home and Work: Housework, Wages, and the Ideology of Labor in the Early Republic (New York: Oxford University Press, 1990); Ulrich, Good Wives 13-86; and Ulrich, A Midwife's Tale: The Life of Martha Ballard, Based on Her Diary, 1785-1812 (New York: Vintage Books, 1990), 309-345.

⁵⁵ Other historians have also noted the gendered division of labor was advanced in the eighteenth century by masters of Indian indentured servants. See Silverman, "The Impact of Indentured Servitude," 651; Mandell, Behind the Frontier 61-65; and O'Brien, Dispossession By Degrees 143-146.

an idle & indolent Life, which is very unfriendly to Religion; it being the Custom for the Women to do all the Work, as getting Wood, Planting, &c. The men generally esteem it a Shame for them to follow any *other Business but that of Hunting*.”⁵⁶ Nevertheless, white patriarchs required their Indian male servants to work the land alongside them in the burdensome task of family farming. Indians who did not improve their land dismayed Guardians. In 1753, two Guardians complained, “if they would actually improve it [the land] themselves they might ordinarily raise more Corn that would be necessary for their own Consumption.”⁵⁷ Instead, Indians engaged in seasonally migratory labor activities, which was especially troubling to whites who desired to keep Indian men on land with their primary families.

The efforts of Massachusetts’ government, Guardians, and white patriarchs to advance the adoption of English family norms on Indians often hurt Indian families more than it assisted them. White belief in the supremacy of English gender and sexual norms limited their own ability to see the detrimental affect these policies had on Indian life. In 1764, missionary Gideon Hawley, expressed his hope that if Indian “overseers are faithful and stable, we shall see more & more” of the men staying at home instead of following the seas and leaving their families.⁵⁸ Yet, Guardianship policies depleted Indian land and resources during a time when Indian reliance on English goods was

⁵⁶ John Sergeant, Historical memoirs, relating to the Housatunnuk Indians: or, An account of the methods used, and pains taken, for the propagation of the Gospel among that heathenish-tribe, and the success thereof, under the ministry of the late Reverend Mr. John Sergeant: together, with the character of that eminently worthy missionary; and an address to the people of this country, representing the very great importance of attaching the Indians to their interest, not only by treating them justly and kindly, but by using proper endeavours to settle Christianity among them (Boston: Samuel Kneeland, 1753), 83-84. For white views on Indians’ gendered division of labor prior to 1676, see Joyce Chaplin, Subject Matter: Technology, The Body, and Science on the Anglo-American Frontier, 1500-1676 (Cambridge: Harvard University Press, 2001), 243-279; and Plane, Colonial Intimacies 98-128.

⁵⁷ “Answer of Silvanus Brown and James Otis, Guardians of the Marshpee Indians to the Petition of the Indian Proprietors,” 27 Dec. 1753, MAC 32: 449.

⁵⁸ Gideon Hawley, Mashpee, to Hon. Andrew Oliver, 20 May 1764, Gideon Hawley Letters, MHS.

increasing. To pay off their debts from purchasing these goods, Indians were forced into indentured servitude, which took them away from their families. Early in 1753, Mashpee Indians claimed “Indians must go to Sea for debts,” which left many Indian wives alone to contend for their entire families.⁵⁹ Long distances also separated many Indian servant children from their parents. These Indian children were saddened by their separation from family and friends. In the early eighteenth century, one Indian complained to Experience Mayhew that although he had received kind treatment by his master’s family, he was saddened by “being separated from all his Friends and Relations, and brought out of his County into a strange Land.”⁶⁰ Many Indian children were tutored in English cultural and language ways because of the separations caused by indentured servitude. This made it difficult to communicate with older family members.

Government oversight of Guardians was limited to reviews of Guardian-submitted reports of Indian tribal treasuries. Because the extensive power of Guardians went unchecked, Guardian practices could be detrimental to Indian family life. Indians only recourse to a Guardian’s abuse of power was to petition the General Court to make them aware of problem. However, this method was often too slow to be effective. For example, in 1754, the Guardian to the Punkapoag Indians imprisoned Samuel Moho and his wife, who were both Punkapoag Indians, for a month over questionable causes. He was empowered to do this because he also served as Justice of the Peace for the community. Meanwhile, the Moho’s 16-month-old and 2 ½-year-old children were left alone to fend for themselves while their parents were imprisoned. Both children perished from neglect “notwithstanding any relief afforded by Major Shepard One of the

⁵⁹ “Petition of Marshpee Indians Relative to their Wrongs at the Hands of English Resident,” 8 Sept. 1753, MAC 32: 277.

⁶⁰ Experience Mayhew, Indian Coverts 120.

Guardians.”⁶¹ This abuse occurred because the other appointed Guardian to the Punkapoag was self-confessedly “too negligent in discharging the Trust reposed in him by the Government, in that he has left the care of said Indians so much to Major Shepard.”⁶² Not all of the Guardian abuse was so directly done. Many Guardians were uninterested or lived too far away to effectively manage Indian affairs.

The inability of Guardians to envision a responsible patriarchy practiced by Indian men hurt Indian families. Guardians often placed themselves at the head of Indian families and made decisions for Indian men and women because white men saw themselves as more suitable patriarchs than Indian men. Guardians had the power to arrange Indian children’s indentured servitude in a manner that would allow them access to their Indian families. Yet, Indian complaints show Guardians rarely considered the proximity of Indian family members when making arrangements for children’s indentures. The indentures created for Indian children often reflected a white disdain for the influence of Indian parents on their own children. The white misunderstanding of the importance among Indians of their own family life was likely caused by Guardians unfamiliarity with Indian social lives and traditions. Had they been more involved in the daily life of Indians, they would have been more likely to respect Indian families.⁶³ In some cases, Indians complained the very men chosen to protect Indians lived too far away for Indians to seek assistance from them.⁶⁴ Furthermore, the only place sizable

⁶¹ “Report of the Committee on Complaint of Punkapoag Indians against Col. Millar & Major Shepard, Guardians of said Indians,” 16 Nov. 1754, MAC 31: 568.

⁶² “Confession of Negligence Signed by Col. Samuel Millar, One of the Guardians of the Punkapoag Indians,” 13 Nov. 1754, MAC. 32: 567.

⁶³ Kawashima argues even those Massachusetts legislators who were most in favor of assisting Indians believed Indian culture and society to be inferior and “savage.” See Kawashima, *Puritan Justice* 106-110.

⁶⁴ For an example of Guardians living far away, see “Petition of Gayhead Indians complaining that two of their Guardians live a great distance from them and asking for the appointment of men who could more easily look after their affairs,” 21 Feb. 1789, MAC 33: 86.

enough to hold meetings with Indians was often in taverns where Indians were “abused by English men” and occasionally drank too much liquor.⁶⁵ This left many Indian families even more endangered as Indian men were duped into signing over their land while drunk.

When Guardians and missionaries separated Indian children from their families, it was often a conscious effort on their part to force Indians to adopt English cultural ways. Missionary efforts to extend English cultural ways were dependent on the imposition of white men as patriarchal figures in Indian lives. The plans of missionaries to interpose white schoolmasters and missionaries in the place of Indian parents enforced Indian dependence on elite white men and the replacement of Indian patriarchs with white patriarchs. Missionaries publicized the fact that Indians living with other Indians were less likely to adopt English values and actively advocated for children’s removal from Indian homes. In 1743, Rev. John Sergeant wrote an open letter to Massachusetts residents to ask for donations to fund a boarding school for Indian youths between the ages of 10 and 20. In his proposal, he said Indian youths would be “under the Direction, Care, and Tuition of *two Masters*, one to take oversight of them in the Hours of *Labor*, and the other in the Hours of *Study*.”⁶⁶ Sergeant claimed the reason for erecting a boarding house was that “Experience taught him that the Indian customs and Way of

⁶⁵ For an example of a Guardian holding a meeting with Indians in a taverns see “Petition of the Indian Proprietors of Marshpee complaining of the depredations of the English, and asking that their Guardians might be removed,” 29 Dec. 1753, MAC 32: 424.

⁶⁶ John Sergeant, A letter from the Rev’d Mr. Sergeant of Stockbridge, to Dr. Colman of Boston; containing Mr. Sergeant’s proposal of a more effectual method for the education of Indian children; to raise ’em if possible into a civil and industrious people; by introducing the English language among them; and thereby instilling into their minds and hearts, with a more lasting impression, the principles of virtue and piety. Made publick by Dr. Colman at the desire of Mr. Sergeant, with some general account of what the Rev. Mr. Isaac Hollis of ---- has already done for the sons of this Indian tribe of Houssatannoc, now erected into a township by the General Court, and called Stockbridge (Boston: Rogers and Fowle, 1743), 2.

Living were great Impediments to the Progress of Christianity among them. . . .”⁶⁷

Sergeant’s letter made paramount the policy of removing Indian children from their homes to improve Indian civilization. Rev. Eleazer Wheelock, a missionary to Indians in Connecticut, also promoted the methods of Sergeant and removed Indian children from their homes to board with him. Wheelock found the best method for successfully instructing Indian children was to remove them from “out of the reach of their Parents, and out of the way of *Indian Example*.” He believed children should be “kept in a School under Government and constant Instruction.”⁶⁸ Captain Kellog, another instructor to Indians, also agreed with Sergeant. He complained that the Stockbridge School failed because of the close contact Indian children had with their families. Kellog decided to take Indian children with him to Weathersfield, “quite away from their Parents, before he could exercise that Government which was necessary in order to their profiting at School.”⁶⁹ Missionaries’ plans for educating Indian children negated Indian family structure in favor of English patriarchal control, which limited the role of Indian parents in their children’s lives.

Whites did not expend the same effort to instill English gender and sexual values in African families as they did among Indians. Whites emphasized the preservation of white patriarchy and slavery over the conversion of Africans to English family and sexual values. Indeed, whites used sexual regulation to bolster patriarchy and slavery by breaking up of African American families and attempting to control their sexual behavior. The government of Massachusetts was wedded to the legal enslavement of

⁶⁷ John Sergeant, Historical Memoirs 83.

⁶⁸ Eleazer Wheelock, A plain and faithful narrative of the original Design, rise, and progress and present state of the Indian-Charity School at Lebonon, Ct. (Boston: Richard and Samuel Draper, 1763), 21.

⁶⁹ Captain Kellog quoted in Eleazer Wheelock’s, Plain and faithful narrative 21.

Africans, which gave whites control over African labor and sexuality. The political and social importance accorded to white patriarchs inhibited the government from intruding in white households to enforce English marital prescriptions among Africans. White patriarchs were also disinclined to advance marital mores among Africans due to their own interest in the economic value of African labor. The interposition of white men as patriarchs over Africans reveals the material and ideological motives of whites in their construction of themselves as the best patriarchs. White practices of sexual regulation exposes the importance of sexuality in the maintenance of white power in the eighteenth century.

Unlike the government and many white slaveholders, some whites believed in the immorality of slavery and promoted marriage among Africans for the same reason they did with Indians: because of their unfailing belief in the superiority of English sexual and gender norms. Abolitionist ministers criticized slave masters who would not allow Africans to be married and form legitimate relationships. As early as 1733, Elihu Coleman's condemnation of slavery was published in Massachusetts, wherein he chided slaveholders for breaking up slave marriages and not endorsing marriage among slaves. Coleman quoted George Fox's admonition to "let not your Families of White and Blacks be like *Sodom* and *Gomorrah* . . . suffer them not (I say) to take Husbands and Wives at their Pleasure, and leave them again when they Please. . . ."⁷⁰ Coleman also warned slaveholders that discouraging marriage among their slaves would "bring the Judgements of God upon you; yea, this manifests your Families to be unclean and adulterated

⁷⁰ George Fox quoted by Elihu Coleman, *A testimony against the antichristian practice of making slaves of man. Wherein it is shewed to be contrary to the dispensation of the law of the Gospel, and very opposite both grace and nature* (Boston: s.n., 1733), 5-6.

Families.”⁷¹ Although some records document African slave marriages in Massachusetts, slave owners were reluctant to take on the financial burden of keeping unnecessary hands and allowing marriages to slaves who lived in different locations.⁷² These marriages would have decreased patriarchal control over Africans because of the mobility this type of marriage required. In this way, authority over African sexual behavior and the safeguarding of patriarchy and slavery went hand in hand.

At least a few white slaveholders promoted African families and marriages. For example, in 1763, Boston Gazette advertised the sale of “A Negro Man of 50 Years of Age . . . and a Negro Woman of 40 Years of Age . . . to be sold *together*.”⁷³ Similarly, Venture Smith was allowed to marry Meg when he was 21 years old. Venture’s third master provided him with a horse so that he could visit his wife after moving away from Stoningham.⁷⁴ Phillis Wheatley was also married and began her own household at the permission of her masters. However, the priority of most whites in their quest for labor and power meant they would not promote African marriages.

⁷¹ Elihu Coleman, A testimony against the antichristian practice of making slaves of man. Wherein it is shewed to be contrary to the dispensation of the law of the Gospel, and very opposite both grace and nature (Boston: s.n., 1733), 6. Historians agree the Puritan moral code encouraged slave marriages to avoid God’s vengeance. For historians arguing slave marriages were ideally to be encouraged, see Joseph Carvalho, Black Families in Hampden County, Massachusetts, 1650-1855 (Westfield, MA: New England Historic Genealogical Society and Institute for Massachusetts Studies, Westfield State College, 1984), 12-13; William D. Pierson, Black Yankees: Development of an Afro-American Subculture in 18th Century New England (Amherst: University of Massachusetts Press, 1988) chapter 8; and Green, The Negro in Colonial New England chapter. 8.

⁷² Like whites, many slaves were pregnant before they married. Nevertheless, historians William D. Pierson and Lorenzo Johnson Greene found slaves in New England engaged in freer sexual relations than whites because masters regularly broke up Africans’ sexual and emotional relationships. Despite this, both found slaves often married legally to their first wives with Christian consent, while their second marriages were often common law and less formal. See Pierson, Black Yankees chapter 8; and Green, The Negro in Colonial New England ch. 8. For examples of slave marriages, see Rochester records of Will Cate and Mr. Samuel Wing’s negro (1747), and Tobey Cartway and Hannah Hedgel (1774) in Records of the First Church of Rochester, Massachusetts, 1737-1797 (Online database: NewEnglandAncestors.org, New England Historic Genealogical Society, 2004), (Unpublished typescript transcribed by Isabel H. Kirkpatrick (?), “Rochester Church Records,” n.d.).

⁷³ Boston Gazette, 18 July 1763.

⁷⁴ Smith, A narrative 18 & 22.

In order to secure white patriarchal power over African, whites did little to ensure African families were kept together. The many slave advertisements offering newborn children of African descent for sale testify to the lack of concern among whites for keeping African families intact. For example, one master advertised “A likely hearty Negro Woman, about 22 Years of Age, and has a Child of 10 Months old . . . Any person in Cambridge may purchase her with or without her Child . . .”⁷⁵ Evidence of the neglect of African families is also visible in the letters to the Overseer of the Poor. When Adam and Jane Dodge, slaves to Josiah Dodge of Lunenburg, gave birth to Patience in 1770, Josiah sold the child to a hatter in Salem. Only two years later, the hatter sold Patience to a white man in Ipswich, who kept her until she was seventeen years old.⁷⁶ This record adds to evidence showing that not only were African children taken away from their parents, but they might be sold several times, making it difficult for the parents keep in contact with them. White disregard for the centrality of parents in African children’s lives reveals that whites neglected their own construction of a responsible patriarchy in favor of the financial benefits and power to be gained from the exploitation of Africans. In the process of removing Africans’ parental control over their children, whites increased their own control over Africans by supplanting African fathers and mothers for white masters and mistresses.

While slave masters were willing to forgo their patriarchal duty to oversee African family security, they claimed their patriarchal power over African sexual

⁷⁵ Massachusetts Gazette, 6 Aug. 1772. There were many advertisements like this one run in newspapers. For other examples, see Boston Gazette, 3 Mar. 1760; and Massachusetts Gazette, 7 Nov. 1771. There were also advertisements for infant black children to be sold or given away with no mention of their parents. For examples, see Boston Gazette, 25 June 1764; Continental Journal (Boston), 18 Feb. 1779; and Massachusetts Gazette, 26 Feb. 1765.

⁷⁶ Boston Overseers of the Poor, Boston, to Brookline Overseers of the Poor, Brookline, 5 Sept. 1818, Letterbook of the Overseers of the Poor Records, MHS, vol. 2, 121-2.

behavior. White patriarchs' decisions about Africans sexual relationships reveal that the material benefits masters accrued from the patriarchal ideal were often prioritized over the extension of English sexual values. Furthermore, the sexual regulation exacted by white patriarchs over Africans and white families reveal the subordinate status of Africans to other white family members. White patriarchs expected Africans to ask permission for their marital and sexual relationships, much like their children, which ordered Africans as one of the subordinates in white families. However, white patriarchs ideally worked to ensure their white children formed legitimate sexual unions, while they often condoned Africans' extralegal marriages to avoid having to sublimate their own desire to Africans' legal marriages. Moreover, white patriarchs were also expected to make decisions on the sexual behavior of Africans that went beyond the control they had over their children. Patriarchs could print runaway ads if their African slaves eloped, whereas white parents could not do this for their children.

The reluctance of masters to allow legalized marriages reveals their sense that patriarchal privileges should be contained among white men. While whites were willing to include Africans in their own families, they were not willing to allow African men the status of patriarch in their own families. White patriarchs made decisions on African sexual relationships that likely rested on economic incentives and a desire to secure power that were different from those in their children's marriages. Although white patriarchs would want to see their children well-established financially, they would not want to see Africans engage in any relationship that could hurt the ability of Africans to labor and create capital, which included sexual relationships that would result in absences from work, lead to freedom, or increase their autonomy.

By restraining Africans from forming households of their own, whites attempted to ensure Africans continued their status as dependents, below even that of wives or children.⁷⁷ Part of this project entailed denying African men patriarchal privileges. White patriarchs enacted their power over Africans by controlling their ability to marry, visit with their wives, and by selling their children. Indeed, patriarchs could even claim the birth of African babies in their household as one of their own. One tale of a Barnstable man's experience of success in domestic regeneration is illustrative of this point. On a night in 1764, one writer claimed, a man's wife, "his Negro Woman," his cow, mare, colt, dog, and cat all had babies.⁷⁸ His enthusiastic reporting shows no conception that this African child was part of a separate African family. This white patriarch understood these births as additions to *his* wealth, productive power, and family, not his slaves'. Whites claimed for themselves the fruits of all the reproductive activities of Africans.

Actions used to control sexual behavior or preserve sexual autonomy in slavery were the ultimate measures of authority and independence. Whites declared their superiority by placing the financial well-being of their families above the desires of Africans to maintain their own family and sexual relationships. The practice of white patriarchal authority over African sexual lives also bolstered white power. The threat to sell slaves could break apart relationships and families and be used to gain authority and extract more labor. However, slaves could also assert their independence from patriarchal power by manipulating white desire for labor to gain sexual autonomy and

⁷⁷ Kirsten Sword argues African men and women used the rhetoric of their right to form families to claim some power in early America in "Wayward Wives, Runaway Slaves and the Limits of Patriarchal Authority in Early America," (Ph.D. diss, Harvard University, 2003).

⁷⁸ Boston Post Boy, 8 Nov. 1764.

access to their families and lovers. The dependence of whites on African labor for status and material benefits was revealed through the allowance of some African sexual relationships. For example, Venture Smith gained the mobility to see his wife because of the important economic benefits he brought to his master. His master was willing to forgo sexual control in order to procure the financial resources that Venture's labor brought him. African sexual autonomy was often in direct opposition to white patriarchal control.

The efforts on the part of white patriarchs to insert themselves as authority figures in Africans' and Indians' families illustrated how extensive the link between patriarchy and power were in early America. White men claimed the citizenship rights that could be exerted at town meetings, attempted to control and manipulate African and Indian families, and sought similar power over whites in their own families. A fundamental element of white patriarchal control over Indians and Africans was the regulation of their sexual behavior. Whites attempted to arrange Indians into English sexual, gender, and family norms in order to "civilize" them and to gain access to their land and resources. On the other hand, whites attempted to deny Africans the ability to claim English family and sexual roles in order to assert their own authority as patriarchs and use African labor. In the case of Indians and Africans, control over sexual behavior was an integral element in the practice of patriarchal power. Whites claimed cultural superiority in their efforts to acculturate Indians, while claiming the financial well-being of their own families were more important than Africans' marriages and families.

White men attempted to centralize all the authority that could be derived from patriarchy in themselves through sexual regulation and the institutionalization of white

patriarchs among Africans and Indians. White patriarchs denied African and Indian claims for independence and citizenship, which they assumed through their sexual autonomy, petitions to the General Court, and military service. White constructions of citizenship allowed for the denial of Indian and African contentions of autonomy and citizenship. White patriarchy prevented the extension of citizenship to Indians and Africans by highlighting their dependence through indentured servitude, slavery, and Guardianship. All three of these systems of racial governance derived from white conceptions of patriarchy, which was the primary way colonists understood the arrangement of power. The creation of patriarchal institutions to deal with Africans and Indians exemplifies the power of patriarchy in ordering society, in granting citizenship, and in forming the racial hierarchy in Massachusetts.

Chapter 4: The Rhetoric and Crises in the Sexual Management of Race, 1746-1786

The patriarchal institutions and rhetoric that ordered Africans and Indians in white families were not the only methods used to exclude them from citizenship. Sexual mores were central to white constructions of African and Indian inferiority between 1746 and 1783. The “sexual management of race” was a technology of power elaborated by white colonists that focused on the sexual roles and behaviors of Africans and Indians to advance notions of white superiority. By disseminating information on the sexual behavior of Africans and Indians, whites distinguished their sexual behavior from Africans and Indians. Whites promulgated the idea that Indians and Africans were governed by instinct, rather than reason in the print discourse of late colonial era Massachusetts. Theories regarding Africans’ lascivious sexual behavior and the belief that Africans and Indians did not have strong emotional ties to their families were used to exclude Africans and Indians from claims to patriarchal power, rationality, and morality. White beliefs about African and Indian sexual behavior similarly excluded them from being considered responsible citizens.

A crisis in the sexual management of race occurred during the Revolutionary era with the emergence of white fear about interracial sex and African petitions for freedom from slavery. African petitions for freedom questioned the suitability of white patriarchs and confronted slave masters’ neglect of black families. Petitions expressed an alternative to the sexual rhetoric that debased African and Indian sexual behavior. The citizenship debates over Indian and African’s voting rights also revealed a crisis in the sexual management of race. White men’s concerns about granting Africans citizenship centered on the fear that African men would take white wives, while fear about Indians’

sexual desires were not articulated. A new law forbidding interracial marriage between whites and African Americans or Indians was passed after citizenship was extended to property-holding Africans and Indians. The new ban on interracial marriage reflected an effort on the part of white men to contain the privileges of patriarchy to whites despite emancipation, the end of the Guardianship system, and citizenship rights being extended to Indian and African men.

Sexual Values and Citizenship, 1746-1775

The sexual management of race depended on the promotion of a debasing sexual rhetoric that denied Africans and Indians the ability to claim proper reason and morality. Whites publicized their belief that the sexual behavior of Africans and Indians was based on instinct, rather than rational thought, sentimental emotion, and moral conviction.¹ Whites asserted that both groups were not suitable husbands, wives, fathers, and mothers because of their instinctual lifestyles. According to whites, the violence and lack of sentimental ties Africans and Indians exhibited toward their loved ones illustrated that their men were unsuitable patriarchal figures and citizens. White criticism of African and Indian sexual behavior was used to deny Indian and African men patriarchal rights and bolster white power.

Between 1760 and 1783, whites focused on Indian violence in the print discourse of Massachusetts.² Newspaper accounts of the continuing Indian violence in the frontiers

¹ Ronald Takaki has also argued that whites were concerned with what they saw as the “instinctual” behavior of Africans and Indians, although his study is concerned with the aftermath of the American Revolution. See Takaki, *Iron Cages: Race and Culture in Nineteenth Century America* (New York: Alfred A. Knopf, 1979), part one.

² The newspapers I researched include: *Boston Evening Post*, *Boston Gazette*, *Boston Post Boy*, *Censor* (Boston), *The Continental Journal*, *Independent Chronicle* (Boston), *Massachusetts Gazette*, *Massachusetts Spy* (Worcester), and *New England Chronicle* (Boston). The only other information newspapers imparted on Indians were truces between Indians and British North American colonial governments. However, even this information considered Indian warfare.

of British North America regularly reminded residents of Massachusetts that the perceived passions in Indian men ran hot. For example, in 1761, an article explored the depravity of Indians who kidnapped several persons from Fort Loudoun. The article described one man had escaped from the Indians, while another was found “scalped” and his dead body “laid . . . across the road.” One of the white women belonging to the camp was found tied to a “stake” by Indians, who “shot her fully of arrows.”³ Newspapers were not the only source of information on the perception of Indians’ wanton violence. Captivity narratives also explored the depth of Indian brutality from a white perspective. Mary Rowlandson’s captivity narrative, first published in Boston in 1770, told the story of an Indian raid and the brutal murder of her neighbors, which included women and their “suckling” children.⁴ Peter Williamson’s narrative, which was published in 1758, also focused on Indian violence. He believed Indians were more likely to “kill the helpless and infirm rather than take them captive.”⁵ John Dodge’s narrative, which was printed in Boston in 1780, even included an illustration of an Indian method of burning English prisoners.⁶ The printers of newspapers and writers of captivity narratives that focused on Indian violence revealed their perception that Indians were unthinking and violent people.

The localized violence among Indians and whites in New England also informed the opinion among whites that Indians were predisposed toward violence. The frontier

³ Boston Post Boy, 9 Mar. 1761. The efforts of colonists to rebuff Indians in South Carolina were regular components of Boston’s newspapers.

⁴ Mary Rowlandson’s captivity narrative went through numerous editions and was printed six times between 1770 and 1800, and was also printed in other parts of New England. See Rowlandson, A Narrative of the Captivity of Mrs. Mary Rowlandson (1682; Reprint, Fairfield, Washington: Ye Galleon Press, 1975), 94.

⁵ Peter Williamson, A Faithful Narrative, of the many Dangers and Sufferings, as well as wonderful Deliverances of Robert Eastburn, during his late Captivity among the Indians, in Held Captive By Indians: Selected Narratives, 1642-1836, ed. Van Der Belts (Knoxville: University of Tennessee Press, 1973), 153.

⁶ John Dodge, An entertaining narrative of the cruel and barbarous treatment and extreme sufferings of Mr. John Dodge during his captivity among the British, at Detroit (Danvers, MA: Ezekial Russell, 1780), 21.

communities of Massachusetts continued to have problems with Indians and gossip scared many settlers from moving westward. For example, the town of Athol was slowly settled because of white fears after Indians killed Ezekiel Wallingford in 1746. Indians reportedly made bear noises to draw Ezekiel out of his house, and then killed and scalped him. Rumors of Indian violence also slowed the development of Ashburnham, because Indian hunting grounds were nearby.⁷ The end of the French and Indian war gave western settlers a measure of security from Indian attack. For example, Hampshire County experienced a 100% growth between 1765 and 1776.⁸ However, Indian acts of violence in settled New England communities after 1765 perpetuated the belief that Indians were violent people among whites. In 1767, Boston Gazette reported two Indian men murdered two other Indians on a whaling sloop in Nantucket.⁹ In 1771, in nearby Connecticut, the violent action of an Indian man incorporated in a white community alarmed whites. Massachusetts Gazette reported an Indian named Moses Paul “had behaved so disorderly, (on Mrs. Clark’s refusing to give him a Dram.) that he was turned out of Doors, when he swore to be revenged on some one Person in the House.” When Mr. Clark went after Moses, he “received from the Indian . . . , a violent Blow on his Head, with some Weapon, that broke his scull in so terrible a Manner, that he died of the Wound. . . .”¹⁰ The violence of Indians who were settled in white communities must

⁷ George W. Horr, “Athol,” and Reverend Abijah P. Marvin, “Asburnham,” in History of Worcester County, Massachusetts, Embracing a Comprehensive History of County from its First Settlement to the Present Time, With a History and Description of its Cities and Towns, vol. 1 (Boston: C.F. Jewett and Company, 1879), 216.

⁸ Gregory H. Nobles, Divisions throughout the Whole: Politics and Society in Hampshire County, Massachusetts, 1740-1775 (Cambridge: Cambridge University Press, 1983), 112.

⁹ Boston Gazette, 19 Oct. 1767. Indian-on-Indian violence was a regular component of reporting on Indians. For an example of Indian women being scalped by the Chicasaw, see Boston Post Boy, 25 June 1761.

¹⁰ Massachusetts Gazette, 22 Nov. 1771. Samson Oocom, an Indian missionary, spoke at Paul’s execution and his sermon was published in Massachusetts by several printers in various editions in Boston and Salem.

have made many whites fearful. However, whites abetted their own image of Indians by regularly enlisting Indian men in the colonial and Revolutionary wars. Indian men were eager to enlist in the army, not only to pay their debts, but also as a fulfillment of Indian masculine gender norms that prioritized hunting and warfare.¹¹

The depictions of Indian violence along the frontiers and in New England ran counter to the cultural ideals of white men, who claimed they were able to restrain passion through reason and whose patriarchal role demanded their protection of women and children.¹² After the Revolutionary War, Samuel Dexter, a member of the Society for Propagating the Gospel Among Indians and Others noted his apprehension of the difference between Indian and white men. He wrote there was “a gradation in all the works of God . . . The Indians have virtues we want. Their worst vice is *cruelty*; and the acts which have passed in our day, by our own legislative body, granting large rewards for the scalps of their infants, certainly did not tend to prove that such a disposition was abhorrent from the nature of Christianity.”¹³ Dexter’s suggestion that Indians were inherently more violent than whites—regardless of white culpability in bringing about Indian violence—exemplifies how white perceptions of Indians were limited by their intent to colonize them. White depredations on Indian land were purported to be efforts to extend civilization, while Indian defense of their land and resources was believed by

See Occom, [A sermon, preached at the execution of Moses Paul, an Indian, who was executed at New-Haven, on the 2d of September, 1772, for the murder of Mr. Moses Cook, late of Waterbury, on the 7th of December, 1771](#) (Boston: John Boyles, 1773).

¹¹ Collin G. Calloway found Indians in central and southern New England, as well as some tribes in Nova Scotia, and Maine participated as Patriots in the Revolutionary War. Calloway argues this was done despite the decreasing land holdings and power of Indians in New England towns. See Calloway, [The American Revolution in Indian Country](#) (Cambridge: Cambridge University Press, 1995), chapter 3.

¹² Mark Kann argues Revolutionary era men based their manhood partly on their governance over dependents. This role included the responsibility of protecting and providing for dependent women and children. See Kann, [A Republic of Men: American Founders, Gendered Language, and Patriarchal Politics](#) (New York: New York University Press, 1998), chapter 1.

¹³ Samuel Dexter, Weston, to Peter Thacker, Weston, 14 June 1788, SPGAI Papers, MHS.

whites to be simply violence. Indian defense became characterized as unrestrained violence without moral limitations.

Indian violence against white women and children were sensationalized during the Revolutionary War. These depictions of Indian violence were among the most damning knowledge created by whites that added to white perceptions of Indians' violent and impulsive behavior. In 1777, the scalping of "Mrs. McRea" was widely published. Her scalping was posited as particularly atrocious because she was "dressed to receive her promised husband, but met her murderer" instead.¹⁴ The expected white virginity of McRea stood in contrast with the violence Indians exacted on her. Other reports focused on Indians leaving white women in dangerous sexual situations. In 1776, Indians had purportedly "murdered 4 families on our frontiers [in Georgia]; that two women were taken prisoners, one of whom afterwards made her escape, and the other had her hands tied behind her, and was naked, all her clothes being taken from her."¹⁵ In 1779, another report narrated the escape of Ledger Cowley and Isaac Sawyer from Indians. When they were captured by "seven Indians," the Indians reportedly "plundered their houses, stripped their wives and children, and loaded their horses with the plunder of the goods; thus leaving their wives and children naked and forlorn."¹⁶ Both narratives implied that by leaving white women scantily clad, Indians left American women susceptible to rape by English and Hessian troops, who were widely reported to have raped women in their

¹⁴ The reports on the violence against Janey McCrea began in Boston Gazette, 11 Aug. 1777. Also see Major-General Horatio Gates, "Major-General GATES's Answer," Boston Gazette, 15 Sept. 1777 and Independent Chronicle, 18 Sept. 1777. There were also accounts of humiliation and disregard for the welfare of women and children during the Revolutionary War. For examples, see Massachusetts Spy, 17 June 1779 & 12 Aug. 1785.

¹⁵ "Extract of a letter from Savannah, (Georgia) July 11," Continental Journal, 26 Sept. 1776.

¹⁶ "Narrative of the imprisonment, and extraordinary manner of escape of Ledger Cowley and Isaac Sawyer, (late of Tryon County, at the head of the Delaware) from the Savages, who with their brethren the Tories, infest the frontiers," Massachusetts Spy, 17 June 1779.

New Jersey and New York campaigns. Newspaper reports of Indians leaving women unprotected ran counter to the white patriarchal ideal that demanded men protect their own women from wartime rapes and hostilities.¹⁷ During the Revolutionary War, the accounts of Indian attacks on white women provided whites with a constant source of information on Indian violence. The scalping of white women and children in the popular captivity narratives and newspapers before the war also abetted white perceptions that Indians were prone to violence. These depictions posited Indians as slaves to their passions. The absence of information on Indians in which violence was not a prevalent theme also suggested to whites that Indians exerted little restraint over their violent impulses.

Newspaper printers also portrayed Africans as violent. In fact, like Indians, information in newspapers relating to Africans between 1760 and 1783 almost solely focused on African violence.¹⁸ In 1764, one of the most widely published reports of African violence occurred, when a sixteen-year old slave of African descent murdered Mrs. McKinstry, his master's sister, in Taunton. This child had lived with his victim for several years and allegedly “. . . was treated with all the Tenderness and Instruction that could be desired.” The newspaper accounts and the sermon at his execution highlighted the white belief that there was no motive for the crime, as well as the deep emotional connection this slave had to the masters' family.¹⁹ Indeed, the sermon at the enslaved

¹⁷ Sharon Block shows white men took seriously their role of protecting women from rape by English soldiers during the Revolutionary War. See Block, “Coerced Sex in British North America, 1700-1820,” (Ph.D. diss., Princeton University, 1995), 226-235.

¹⁸ The only other reporting on Africans included runaway ads and information on their criminal behavior.

¹⁹ Sylvanus Conant, “The blood of Abel, and the blood of Jesus considered and improved, in a sermon delivered at Taunton, December the first, 1763,” (Boston: Edes and Gill, 1764), 32. This sermon explains that the slave boy killed Mrs. McKinstry because he was told he would be murdered by another boy if he did not. Reports of the murder were also in Boston Post Boy, 13 June 1763; and Boston Gazette, 13 June 1763.

child's execution detailed his sorrow at having caused his master's family such grief. However, according to the child's confession, his sorrow did not stop him from murdering Mrs. McKinstry. The perceived penchant for violence among Africans was reported in other stories as well. In 1770 in Bristol County, it was reported that an African man attempted to strangle a white woman after gaining access to her house by pretending to have a note from her husband.²⁰ The rhetoric on African violence suggested that whites believed Africans were drawn towards violence without recourse to rationality or morality.

The white belief that Indians and Africans engaged in instinctual rather than reasoned actions was essential to their construction of tropes of Indian-ness and African-ness. Sexual behavior was crucial in the creation of these tropes. Whites thought African and Indian violent actions were caused by lack of deliberation as to the moral and social outcomes. As a result, contemporaries likened the perceived unrestrained violence and instinctual lifestyles of Indians with uncontrolled sexual passions, which were unconnected to sentiment. In 1763, one white writer expressed worry over the state of growing violence among the upper echelons of white society and compared their actions with uncivilized men. According to the writer, uncivilized men lived with the "Bow and Arrow, invented, the Skins of Beasts, or the Bark of Trees, employed for Covering" He lamented that man in this state "is independent of all others; there is no Intercourse or Friendship; . . . no Conversation or Connection, unless the Conjunction of Sexes, prompted by Instinct, like that of Hares and Foxes may be called so." The writer continued, with the uncivilized man "the ties of Parent, Son, and Brother, are of little obligation : The relations of Master and Servant, the Distinction of Magistrate and

²⁰ Boston Post Boy, 9 Feb. 1770.

Subject, are totally unknown.”²¹ The casual linkage between sex, violence, and familial relations in this editorial reveals the nature of contemporary white thought with regard to what was considered Indians’ instinctual behavior. This writer asserted that Indians were inclined to violence, and their violence was matched by their “coldness and indifference” to their women. Whites believed Indians did not have affection for their children and wives, as did white patriarchs, because of their instinctual lifestyles. For example, in his History of America, William Robertson, of the University of Edinburgh, claimed Indians “are, in an amazing degree, strangers to the force of this first instinct of nature [sexual relations]. . . . They are neither the objects of that tender attachment which takes place in civilized society, nor of that ardent desire conspicuous among rude nations.”²² The white conceptions of Indians and their sexual behavior were wholly reliant on the perception that Indians lived instinctively and without emotional sentiment.

The sentiment of Indians and Africans were of paramount interest to whites in the late colonial era because whites were beginning to conceive of romance and sentimentalism as necessary components in modern life.²³ The sexual and emotional connection of marriage, which was fundamental to the creation of families, was believed to be important to civilization, religious expression, and individual fulfillment by the later half of the eighteenth century.²⁴ As a result, young couples were given increased

²¹ “To the Printer,” Boston Gazette, 1 Aug. 1763.

²² William Robertson, D.D., “The History of America,” Massachusetts Spy, 17 June 1784.

²³ During the eighteenth century, a new cultural phenomena advanced that romantic love and spirituality were important in sexual relations. See Ruth Bloch, “Changing Conceptions of Sexuality and Romance in Eighteenth Century America,” WMQ 60 3rd Ser. (Jan. 2003): 13-42; and Jan Lewis, “The Republican Wife: Virtue and Seduction in the Early Republic,” WMQ 3rd ser. 44 (Oct. 1987): 689-720.

²⁴ Nancy Cott, Public Vows: A History of Marriage and the Nation (Cambridge: Harvard University Press, 2000), 19.

freedom by their parents to court and make marital unions based on sentimental love.²⁵

Relations between wives and husbands, and fathers and their children were to be softened by love and a desire for their happiness.²⁶ These new practices and values among whites were thought by whites to be unimportant among Indians and Africans.

The white perception that Indians lacked sentimental unions was evident in the newspapers, which focused on the gender inequity and violence in Indian families. “To despise and degrade the female sex,” William Robertson argued, “is characteristic of the savage state in every part of the globe. . . .” Robertson found “Marriage itself, instead of being an union of affection and interest between equals, becomes, among them, the unnatural conjunction of a master with his slave.”²⁷ The violence Indian men perpetrated against their wives were prominent in white print discourse. In February 1776, Independent Chronicle detailed a case wherein a Connecticut Indian man “put an end to his Wife, by severing her head from her body.”²⁸ In 1786, Massachusetts Spy reported another Indian man was suspected of killing his wife in Salem. Her body was found “in a swamp, evidently dragged thither” after a “blow on the head” killed her.²⁹ Indian women’s ties to their children were questioned through infanticide cases and other violent acts chronicled in white newspapers. In 1768, the case of a Rhode Island Indian woman

²⁵ On the increased freedom given to young couples, see Ellen Rothman, “Sex and Self Control: Middle Class Courtship in America, 1770-1870,” Journal of Social History 15(1982): 409-426; and Cornelia Hughes Dayton, “Taking the Trade: Abortion and Gender Relations in an Eighteenth Century New England Village,” WMQ, 3rd ser., 48 (Jan. 1991): 19-49. Robert V. Wells adds to the discussion by showing that in the late eighteenth century young persons increased mobility and changing sexual customs decreased parental control over courting. See Richard Wells, “Illegitimacy and Pre-Bridal Pregnancy in Colonial America,” in Bastardy and Its Comparative History, ed. Peter Laslett, (Cambridge: Harvard University Press, 1980).

²⁶ Jay Fliegelman explores this aspect of patriarchy in Prodigals and Pilgrims: The American Revolution Against Patriarchal Authority, 1750-1800 (New York: Cambridge University Press, 1982).

²⁷ William Robertson, D.D., “The History of America,” Massachusetts Gazette, 8 July 1784.

²⁸ This case was reported in the Independent Chronicle, 22-29, Feb. 1776; and in the Boston Gazette, 26 Feb. 1776.

²⁹ Massachusetts Spy, First Week of June 1786.

was publicized. This woman was reported to be in jail awaiting her trial for killing another Indian woman in an “advanced stage” of pregnancy.³⁰ In 1785, the case of Hannah Pegen, a Northampton Indian woman who murdered her newborn child was discussed. She was charged with using “Flaxen String” to suffocate her child after its birth and was executed for this crime.³¹

African families appeared to white contemporaries to be as devoid of proper and sentimental family relations as Indians. Printers of newspapers produced similar discourses on African violence within the home. In 1763, Boston Gazette and Boston Post Boy reported that a black man had killed his wife and her lover after finding them in bed together.³² Spousal abuse among Africans was also relayed in newspapers when it was perceived by whites to be excessively violent. Similar testimonials to spousal abuse among whites were not as prevalent. For example, in 1772, a slave reportedly “had some Difference with a Negro Wench, his Wife, beat her very severely, and set Fire in several Places to the House of Mr. Ebenezer Malbone . . . where she lived.”³³ This news report did not convey the circumstances leading to his wife’s death or the motive for the murder. Similar to Indian women, cases of African women murdering and mistreating their children were included in newspapers. In 1771, the Massachusetts Gazette described that a “Mulatto Girl, about 17 Years old” confessed she “had struck it [her new born child] on

³⁰ Massachusetts Gazette, 11 Aug. 1768. Boston Evening Post reported an Indian woman killed a woman “big with child” on 8 Aug. 1768.

³¹ Massachusetts Spy, 4 Aug. 1785. Commonwealth v. Pegin, May 1785, Supreme Judicial Court Record Book.

³² Boston Gazette, 5 Dec. 1763; Boston Post Boy, 12 Dec. 1763.

³³ For examples, see Boston Gazette 9 Mar. 1772. The report continues by noting the African American man set fire to Malbone’s still house and then drowned himself. Another case of spousal abuse appears in Boston Evening Post, 23 Dec. 1771.

the Head with a Stone, and concealed it in a Hog-stye” in New Haven, Connecticut.³⁴

African men were also considered by whites to be ill-fit husbands because of their inability to financially support their families as a result of slavery.³⁵ One white writer exposed the ease with which Africans lived since they “are entirely exempted from [providing for] their children” because this was “provided for at the *Owners’ Charge*.”³⁶ Massachusetts white residents would have also personally encountered enslaved African families beholden to their masters for necessities without discerning that the foodstuffs supplied were well-deserved for the labor performed by Africans. The rhetoric on Africans unflinchingly indicated that whites did not believe they created lasting sentimental unions in their families.

The common denominator in white racial thought on African and Indian sexuality was the belief that Africans and Indians were not emotionally connected to their spouses and families. Whites perceived Indians and Africans as having no sentimental ties to their wives and children. This was important to whites because love and companionate marriage were believed to soften men’s baser instincts. In 1774, an article on English conceptions of marriage posited that “by this endearing intercourse of friendship and communication of pleasure, the tender feelings and soft passions of the soul are awakened with all the ardour of love and benevolence. . . .” Marriage, the writer believed, “collects a man’s view to a proper centre, calls in his wandering affections, animates him to new exertions for the welfare of the little circle with which his is more

³⁴ Massachusetts Gazette, 4 Apr. 1771. For other examples, see Boston Evening Post, 23 Feb. 1766 & 23 Feb. 1767; and Boston Post Boy, 13 Jan. 1766.

³⁵ Stories regarding African men’s unsuitability to provide for families were not about enslavement. For example, Massachusetts Spy reported an African man set fire to his home after he borrowed his wife’s money then lost it all gambling on 14 Mar. 1772. Boston Evening Post reported one black man refused to financially support his child, who later died from neglect because of his actions in 8 Mar. 1762. Massachusetts Spy, 8 Mar. 1772

³⁶ Alexander Garden, Six Letters to the Rev. Mr. George Whitefield (Boston: Thomas Fleet, 1740), 52.

intimately connected.”³⁷ Indian and African couples’ sexual intercourse was perceived by whites as an instinctually, rather than emotionally driven act. White perceptions of Indian and African sexuality were in conflict with their belief in the emotional bonds and social necessity of families. The sentimental movement and romanticism were important to whites because the social ties of marriage were believed to connect individuals to a larger community, and ultimately, were seen to increase morality as a whole. The white view of Africans and Indians as being disinclined to make commitments separated non-whites from whites in print discourse.

The rhetoric on the sexual behavior of Africans and Indians evolved from the perception that both groups were inclined towards violence. White portrayed their belief about the lack of sentiment and instinctual lifestyles of Africans and Indians as dangerous to Indian and African family members, as well as whites. The fear and anxiety of whites likely led to their rumination on Indian and African violence and their articulation of the theory on the unemotional and instinctive lives of Indians and Africans. Whites disdainful treatment of Africans and Indians’ sexual and gender behaviors reflected their belief in white superiority. Whites professed that the qualities that typified Indian and African sexual behavior were not compatible with the important roles they were to fulfill as mothers and fathers. In particular, whites pointed out that Africans and Indians were unsuitable patriarchs. This limited the scope of power Indians and Africans could attain because patriarchy was fundamental to New Englanders’ conception of power.

Slavery was another essential building block in white thought that distinguished between African and Indian sexuality. White conceptions of Indians’ sexual behavior evolved from a wider range of potential relationships between whites and Indians than

³⁷ L., “Thoughts on Matrimony,” Royal American Magazine (Boston), Jan. 1774, 9.

those existing between whites and Africans. Indians lived together on plantations, among whites as indentured servants, and in regions north, south, and west of British North America. This created a more diverse set of beliefs regarding Indian sexual behavior. Thus, white ideas on the extent of Indians' sexual desire were more ambiguous than their judgments on Africans. Africans were likely to be enslaved when whites in Massachusetts encountered them and this affected white conceptions of African sexual behavior. Whites considered Africans excessively sexual in all of the rhetoric produced on African sexual behavior. The ideology on oversexed Africans derived from white enslavement of Africans. Enslavement sexualized the black body, created a myth of white ownership of black bodies, and negated the emotional intent of African relationships.

Whites focused on Africans' external characteristics after the institutionalization of slavery, which sexualized African bodies. Historians have found whites came to understand differences between races through their "intense scrutiny of bodies."³⁸ The African body in Massachusetts was displayed regularly at slave auctions and through runaway ads in newspapers before slavery ended in 1783. For example, on July 13th 1761, a slave auction was advertised wherein "A Number of prime young SLAVES, from the Windward Coast" of Africa were for sale.³⁹ The bodies of Africans could be viewed at the wharf where Africans were to be sold and imagined in the descriptions of Africans in advertisements. Africans who were sold individually were identified in newspapers

³⁸ Londa Schiebinger, *Nature's Body: Gender in the Making of Modern Science* (Boston: Beacon Press, 1993), chapters 4 and 5, quote on 143. Joyce Chaplin has also argued the body was the primary lens through which colonists understood difference in *Subject Matter* chapter 5; and "Natural Philosophy and an Early Racial Idiom in North America," *WMQ* 3rd ser. 54 (Jan. 1997): 229-252.

³⁹ *Boston Gazette*, 6 July 1761. Often advertisements for slave auctions described the bodies of Africans. For another example, see, *Massachusetts Gazette*, 22 Nov. 1771.

for being “hearty,” “healthy,” of a “good breed,” “likely,” “well made,” and “strong.”⁴⁰

The interest in vigorous black bodies for productive labor meant the white gaze was primarily focused on Africans’ exterior. The “aesthetic dimension” to the gaze on Africans—that is, the focus on the quality of African bodies—sexualized their bodies and decreased the import of their mind for white contemporaries.⁴¹

The connection of African bodies with sex was also partly due to their status as slaves. Whites believed masters controlled enslaved Africans’ bodies, which left Africans susceptible to sexual corruption. In 1777, one activist advocating that slaves and indentured servants be let in the army compared the lowly condition of slaves and indentured servants. He proclaimed white patriarchs were using deception in claiming “It is the TIME, not the BODY, or the *person*, of the indented servant of either sex, which is TO BE SOLD! The body or person of such servant is, however, subjected not by law, but connivance, to the wanton barbarity or lewd attempts of the purchaser.” Indeed, he claimed indentured servants were “absolutely subjected as the body or person of a Negro, man or woman, who is sold a *legal* slave.”⁴² White patriarchal power over the sexual behavior of slaves was believed to hinder sentimental unions among Africans and favor their fleeting sexual dalliances. In 1767, one writer exposed that a slave “can’t marry, because marriage is founded on promise, and slaves can promise nothing.” The writer asserted masters often “indulged [slaves] in a sham marriage, which is dissolved again at

⁴⁰ For examples of ads using this terminology, see Continental Journal, 8 Aug. 1776; 24 Oct. 1776; Boston Gazette, 23 Apr. 1770; 31 Aug. 1772; and 17 May 1773.

⁴¹ Londa Schiebinger uses the term “aesthetic dimension” to describe how races were constructed in a hierarchy based on the races relative beauty to one another. I am extending her term to describe the entire white focus on the quality of African bodies. See Schiebinger, Nature’s Body chapter 4. For information on the focus on white women’s external characteristics, see chapter 1.

⁴² Antibiastes, “OBSERVATIONS on the SLAVES and the INDENTURED SERVANTS, inlisted in the Army, and in the NAVY of the United States,” Boston Gazette, 13 Oct. 1777.

the masters will, without consulting the slaves inclination.”⁴³ The extralegal marriages entered into by Africans, at the behest of the white patriarchs, aided in the construction of Africans as lustful and prone to move from partner to partner. While antislavery advocates revealed the power dynamics that led to “sham marriages,” whites unenlightened by such abolitionist principles only bore witness to what they perceived as weak marital unions.

White notions that Africans were lustful were openly aired in late colonial Massachusetts. Whites increasingly discriminated between the sexual behaviors of Africans versus whites to point out the superiority of whites. In 1752, minister Thomas Humphreys praised the ubiquity of marriage across the globe as one of the indicators of its heavenly origins. He declared “there is a scare any race of men, who live in a total neglect and disuse of its [marriages] rites . . . unless you reckon the *Hottentots* . . .,” who he believed only had “something like marriage. . . .”⁴⁴ In 1766, one master advertised a slave woman for sale because “she is a notable breeder.”⁴⁵ Another advertisement offered a woman for sale for “breeding to fast.”⁴⁶ The regular employment of the term “wench” when referring to African women also signified white colonial belief in the degraded sexual status and capacity for reproduction among Africans. For example, advertisements referred to “negro wenches” for sale.⁴⁷ Boston Post Boy also regularly displayed a caricature of two African women next to advertisements for Africans. In the

⁴³ Nathaniel Appleton, Considerations on Slavery. In a Letter to a Friend. (Boston: Edes and Gill, 1767), 4.

⁴⁴ Humphreys, Marriage an Honourable Estate 8.

⁴⁵ Massachusetts Gazette, 14 Dec. 1769.

⁴⁶ Boston Post Boy, 18 Aug. 1766.

⁴⁷ For an example, see Independent Chronicle, 23 Jan. 1777. Slave women were also called “female” in slave advertisements. Kathleen Brown has considered how the term wench was used in Virginia to signify a disorderly lower class white woman and non-white woman in Good Wives, Nasty Wenches, and Anxious Patriarchs: Gender, Race, and Power in Colonial Virginia (Chapel Hill: University of North Carolina Press, 1996), 1-2, 87-88, 101-104, & 368-370.

caricature, the two African women appear to be dancing while wearing grass skirts with their breasts exposed. This image portrayed Africans as immodest and unchaste to whites, whose white women wore more elaborate clothing.⁴⁸ Whites' belief in the lustfulness of Africans was institutionalized in rape cases, wherein African women were denied the possibility of being a rape victim. According to historian Sharon Block, only 4% of prosecuted rape cases identified African women as victims, while they made up 15% of rape complaints between 1700 and 1800.⁴⁹ Whites found it difficult to prosecute rape cases with victims of African descent because of their belief in African women's desire for sex. On the other hand, accusations of black men raping white women were widely circulated and prosecuted because of the perception that black men were overly passionate.⁵⁰

In contrast to views of African sexuality, white observations of Indian sexual behavior were more ambiguous.⁵¹ Indian sexual behavior was not viewed through the lens of slavery and this broadened the perspective of whites commenting on Indians. While authors occasionally suggested that Indians were promiscuous, others argued they were chaste. Writers of captivity narratives were perhaps the most insistent on Indian chastity. While acknowledging some polygamy among certain Indian tribes, Mary

⁴⁸ This caricature can be seen in Boston Post Boy, 29 July 1765. It was regularly used to draw the reader's eye to advertisements of African men and women for sale.

⁴⁹ Sharon Block argues that black women were not able to claim being rape victims because of the cultural construction of them as over-sexed. See Block, "Coerced Sex in British North America, 1700-1820," (Ph.D. diss., Princeton University, 1995), 202-206.

⁵⁰ For examples of black men committing rape in print discourse, see Massachusetts Spy, 17 June 1773; Boston Evening Post 5 Dec. 1763 & 31 Oct. 1768; Boston Post Boy 12 Nov. 1764 & 19 Nov. 1764. This topic is discussed more fully in the next section of this chapter.

⁵¹ The more ambiguous treatment of American Indian sexuality from the 1750s is an evolution from the "first contact" construct of Indian sexuality, which emphasized nudity and the sexual availability of Indian women. In Chapter Five, I address how constructions of Indian sexuality became less ambiguous and returned to understandings of Indians as over-sexed in the 1790s. Scholars have yet to study this transformation. For the early colonial constructions of Indian sexuality, see Fischer, Suspect Relations, 56-74; and Kathleen Brown, Good Wives, Nasty Wenches, & Anxious Patriarchs, 55-73.

Rowlandson and other captives approved of Indian fidelity to the marriage bed.

Rowlandson found “not one of them ever offered the least abuse of unchastity to me, in word or action.”⁵² Another captive wrote about bathing among Indians and approvingly

stated, “they have each of them such covering on that not the least indecency can be observed, and neither chastity nor modesty is violated.”⁵³ Yet, other works used Indians

as the measure of sexual indecency. One writer commenting on white women’s fashions wrote the “modern ladies . . . have discarded as much of their cloaths as can, with any

tolerable decency be thrown off, and may be said, (like the Indian) to be all face: The neck and bosom are laid bare and disentangled from the invidious veil of an

handkerchief. . . .”⁵⁴ Missionaries were particularly concerned with Indians’ ease in

attaining divorces followed by remarriages. Reverend John Seargeant noted the “parting of Man and Wife . . . is a very common thing among them. Indeed, it rarely us’d to

happen, that a married couple live together till they are old.” He concluded Indians “use

but little Ceremony in the Business of Marriage, so they make less thing of parting.”⁵⁵

The various messages in print discourse on Indians revealed whites ambiguously viewed Indians’ sexual behavior, outside of the firm white belief that Indians were unable to have sentimental unions because of their instinctual lifestyle.

⁵² Mary Rowlandson, A Narrative 109.

⁵³ This memoir was initially published in Boston in 1736 and went through several editions. John Gyles, Memoirs of Odd Adventures, Strange Deliverances, Etc; in the Captivity of John Gyles, Esq., Commander of the Garrison on St. George River, in the District of Maine, in Held Captive By Indians: Selected Narratives, 1642-1836 ed. Richard Van Der Beets (Knoxville: University of Tennessee Press, 1973). Another narrative, written by Alexander Kellet in 1778, found that Indians desired to “propagate” more than copulate. He believed Indian women strongly desired copulation with European men because they were gentle and sentimental, unlike Indian men. He wrote Indian women “are consequently very prone to European attachments.” Alexander Kellet quoted in Gary L. Ebersole, Captured by Texts: Puritan to Post Modern Images of Indian Captivity (Charlottesville: University Press of Virginia, 1995), 206-207.

⁵⁴ “*From the CONNOISSUER, NUMB.. XXXVI,*” Boston Post Boy 10 Sept. 1770.

⁵⁵ John Seargeant, “Historical Memoirs,” 34.

The sexual management of race in print discourse was important in distinguishing between whites and Africans or Indians. The focus of newspapers on the instinctual lifestyle of Africans and Indians highlighted the differences between whites and non-whites and undermined the ability of Africans and Indians to claim reason and morality as part of their characteristics. Furthermore, white emphasis on Indians' and Africans' alleged instinctual sexual behavior posited white beliefs to be superior. The differences in the white conceptions of Indian' and Africans' sexual behavior reveal the import of slavery on conceptions of sexual behavior and the institution's dependence on debasing sexual characterizations for legitimacy. African sexual behavior was understood by whites to be lustful, whereas conceptualizations of Indian sexual behavior varied. The engagement of the government and missionaries to promote English gender roles and marital arrangements among Indians were in contrast to the few white persons who espoused that Africans should be included in this process. The different treatment of Africans and Indians in sexual rhetoric and regulation illustrate that Africans' adoption of English sexual ways would have subverted the power of slaveholders. Justifications for slavery demanded white complicity in creating sexual illegitimacy among Africans. The derisive print literature was important in the subjugation of Africans and Indians to patriarchy and whites. Sexualized rhetoric undermined African and Indian claims to the English ideal of civilization.

The Crises in the Sexual Management of Race

Whites' attempts to manage race through sexual rhetoric, regulation, and patriarchy were consistently challenged by the sexual behavior and rhetoric of Africans and Indians. The sexual and emotional unions of Africans living amid whites contrasted

with the white ideology claiming they were unemotional and lustful. Assertions of patriarchal privilege by Africans and Indians were equally troublesome to white ideology on Africans and Indians because their writing and actions were encased in sentimentalism. Finally, white expressions of fear over interracial sex during debates over the extension of citizenship to Africans and Indians exposed the fragility of their sexualized hierarchy. White anxiety over Africans and Indians coupling with white women made public the knowledge that sexual rhetoric and regulation were important components of patriarchy and white power. The weaknesses in white ideologies of racial supremacy and the exploitative nature of white patriarchy were revealed during the Revolutionary era through sexualized conflict.

Sexual behavior and rhetoric that contradicted the sexual management of race and patriarchy counted the sexualized ideology regarding Africans and Indians. Patriarchal institutions were founded on the righteousness of white men's leadership in all matters, including those of religious and social import. Marriage was a fundamental aspect of New England's orderly governance and social structure. When patriarchal duties to educate and regulate the sexual behavior of Africans and Indians were ignored, rhetorical injunctions against white patriarchal rule were created. Sexual behavior and discussions of white sexual misdeeds were terrains of resistance because both created alternative expressions about the quality of white men's authority. Thus, those points wherein white racist sexual ideology confronted the actual sexual practices of Africans and Indians created cleavages in patriarchy and white power.

Even before the Revolutionary era, the maintenance of the sexualized racial hierarchy was at constant odds with lived reality of whites, Indians and Africans.

Evidence does not support white contentions that Africans' and Indians' relationships were brief and unemotional connections. Mary Jemison, a white captive of the Iroquois, wrote a narrative of her experiences among the Iroquois after the French and Indian war. She reveals that Indian men worked to protect their wives out of an intense love and commitment. Jemison relates that her first Indian husband traveled with her on foot several hundred miles to ensure that she was not taken from him in the peace settlement after the Revolutionary War. After the passing of her first husband, Jemison's Indian family supported her and helped her settle in New York. Jemison remarried another Iroquois and had six children and they lived peaceably together until his death. Her relationships demonstrate the life experiences of Indians were in contrast with the white ideology that posited Indians' sexual relationships as instinctual and unsentimental.

Venture Smith, a slave from Connecticut, consistently resisted the ideology and control of whites over his sexual and familial relationships. His efforts to visit his wife and children, as well as free his entire family unambiguously illustrated the emotional connections among African Americans. Venture related he "had to be separated from my wife and one daughter, who was about one month old" when they were sold away from him.⁵⁶ Once his wife and young child were reunited with him under the same master, he asserted his patriarchal responsibility as their protectors. One day, after hearing loud noises in the kitchen, he described, "when I entered the house, I found my mistress in a violent passion with my wife, for what she informed me was a mere trifle." To protect his wife, Venture asked the mistress to stop beating her and "earnestly requested my wife to beg pardon of her mistress." His mistress responded by taking "down the horsewhip."

⁵⁶ Smith, A Narrative of the Life and Adventures of Venture, a Native of Africa: But Resident Above New London, Connecticut (New London, CT: C. Holt, 1798), 18.

Venture explained, “I reached out my great black hand, raised it up and received the blows of the whip on it which were designed for my head. I immediately committed the whip to the devouring fire.”⁵⁷ Although Venture found it difficult to protect his family while enslaved, he resisted the attempts of whites to claim control over his family. In contrast to white ideological assumptions about the lustfulness and unemotional connections between Africans, his relationship with his wife and children served as a bulwark against the harsh reality of slave life. Venture’s labors to protect his wife and family, the love he had for them, and his ability to financially support them displayed his ability to fulfill the role of patriarch, despite white contentions that African men were unsuitable for such a role.

Literary assertions of the sentimental unions existing between Africans undermined white racial sexual ideology on Africans. Poetry depicting the love of Africans for one another challenged white beliefs about the instinctual nature of sexual relationships among Africans. In 1774, a poem expressed the feelings of love experienced by an African man for an African woman. This poem contrasted the brutality of the slave ship with the soothing nature of love. The man expressed: “Yet when my fortune cast my lot with thine, / And bade beneath one roof our labours join, / Supriz’d I felt the tumults of my breast / Lull’d by the beauties, and subside to rest. / Delusive hopes my changing soul enflame, / And gentler transports agitate my frame.”⁵⁸ The African in this poem established that his calm demeanor amid the torment of being removed from his African home to become a slave was the result of his discovery of love. Poetry and writing emphasizing African love projected a vision of Africans that was

⁵⁷ Ibid., 18-19.

⁵⁸ “The Dying Negro,” Royal American Magazine, Feb. 1774, 71.

different from that expressed in white sexual ideologies. In 1773, Phillis Wheatley published a collection of poetry, which included a poem “To the Right Honorable William, Earl of Dartmouth, His Majesty’s Secretary of State for North America.” This poem expressed that she, “young in life, by seeming cruel fate / Was snatched from Afric’s fancied happy seat.” She wondered, “What pangs excruciating must molest, / What sorrows labor, in my parent’s breast!”⁵⁹ Wheatley highlighted her parent’s misery at the loss of their beloved daughter. Writings such as these expressed African humanity, rather than the violence, instinct, and unsentimental passions whites attributed to Africans.

As the Revolutionary era ushered in new considerations of citizenship, Africans petitioned for their freedom. These petitions addressed the ways slavery stripped them of their emotional relationships and denied them happy marriages and families. Petitions that sentimentally expressed the duty of African men to their wives and children negated the discursive treatment of Africans and humanized their lives. This was important to combat the more animalistic portrayals of African sexuality commonly posited in white sexual ideologies on Africans. In 1777, the “Grate Number of Blackes” petitioned General Gage for their freedom from enslavement. The petitioners claimed they were “unjustly dragged by the cruel hand of power from our dearest friends . . . and Brought hither to be made slaves for Life in a Christian land.” Africans compared their previous happiness and enjoyment of close emotional ties with the illegitimate relationships imposed on them by whites while enslaved. The petitioners stated, “Thus, we are deprived of every thing that hath a tendency to make life even tolerable, the endearing

⁵⁹ Phillis Wheatley, “To the Right Honorable William, Earl of Dartmouth, His Majesty’s Secretary of State for North America,” in Early Negro American Writers: Selections with Biographical and Critical Introductions, ed. Benjamin Brawley (Chapel Hill: University of North Carolina Press, 1935), 40.

ties of husband and wife we are strangers to for we are no longer man and wife then our masters or mistresses thinks proper marred or unmarried.” Furthermore, Africans asserted their “children are also taken from us by force and sent maney miles from us wear we seldom ever see them again.” This petition illustrated the desire of Africans for secure marital relations and families. The use of sentimental rhetoric undermined white claims that Africans were instinctual and unemotional. The petitions also demonstrated white slaveholding practices destabilized Africans’ sexual and familial relationships.

Africans’ writings and sexual behavior were not the only challenges to the white rhetoric on African sexual and emotional behavior. Whites were confronted regularly with their complicity in the creation of racist ideas on African American lascivious sexual behavior in their social roles as patriarchs and slaveholders. In February 1758, Flora, “a Negro woman” and spinster from Boston, was put on trial for infanticide. Her trial forced the white men who served as jurors to directly face the fictive nature of the sexual rhetoric on Africans. White jurors described the relationship of Flora to her sexual partner in the case as follows: Flora “was Never Married According to any of the Forms prescribed by the Laws of this Land but that the Person supposed to be the father of the said Child was also a Slave, & had kept her Company with her masters Consent for above a Year and an half before . . . she was delivered alone of a female child mentioned in the Indictment. . . .”⁶⁰ Flora’s long-term relationship with her lover and her master’s consent to the sexual affair were acknowledged by the jury. Instead of arranging a marriage between Flora and her lover, her master condoned her illegitimate sexual relationship. His failure to regulate the sexual behavior of his slave within the English standards of sexual decency revealed to the jurors and visitors in the courtroom whites’ collusion in

⁶⁰ King v. Flora, Feb. 1758, SCJ Record Book.

the perception that Africans were lustful. By not allowing or arranging for Flora's marriage, her patriarch's legitimacy as a moral leader and master of his home was questionable.

Flora's case was difficult to decide for the jurors because of white masters' complicity in the illegitimacy of African sexual relationships. At issue was whether Flora's long-term relationship with her partner was a legitimate marriage given the circumscribed choices of enslaved Africans to marry, and her masters' consent to the relationship. If the jurors decided Flora's relationship was legitimate, she would not have been found guilty of committing infanticide because only women whose children were born bastards were prosecuted under Massachusetts law. The jury asked the judge to discover the matter for them and suggested, "If the Said female Child, had it been born Alive, would have been a Bastard within the meaning and design of an Act," then Flora was Guilty. "But if the said Child would not have been a Bastard within the meaning of the said Act, Then the Jurors upon their Oath Say, the said Flora is not Guilty."⁶¹ The indecision of the white jurors exemplified their confusion over the sexual system they constructed to deal with disorderly women and circumscribe Africans. Although white racial rhetoric claimed that illegitimate sexual relationships among Africans was evidence of their lustfulness, the white jurors in this case could not ignore that whites were culpable for creating the circumstances that led to this illegitimacy. These circumstances challenged the rhetoric that was used to bolster white patriarchy and slavery. The judges gave the jury's decision "mature Advisement," then found Flora not guilty. Their decision legitimated her child and her relationship with her partner. This decision was an acknowledgment that white patriarchs were integral to the creation of Africans'

⁶¹ King v. Flora, Feb. 1758, SCJ Record Book.

extralegal marriages. Furthermore, Flora's acquittal demonstrated whites were treating Africans different from other white women or whites within their own families, whom they would have held to higher standards of the law. Flora's case proved white patriarchs had failed in their claims to equip enslaved Africans with the moral and social tools the patriarchal ideal required. Whites' rhetoric and practice were at odds.

White complicity in the construction of degrading sexual rhetoric was also evident in print literature. Contemporaries complained clothing provided to Africans inhibited the appearance of their modesty. In 1767, "Sophistes" satirically exposed the immorality of slaveholders who provided scant clothing for their slaves. "Sophistes" wrote, it was "just (by the law of retaliation) [to fulfill the curse of Ham's descendants] that they be kept without cloaths to the discovering of their own nakedness, as sometimes they are."⁶² By providing ill clothing to Africans, "Sophistes" established that patriarchs were responsible for the appearance of lustfulness among Africans because the nakedness of Africans was not their choice. Indians living in indentured servitude were subject to the same problem as Africans because they were dependent on whites for clothing. Indians were given the cast-off clothing of whites, which exposed their poverty, dependence, and occasionally their bodies.⁶³ Although whites regularly expressed the sexual ideology that debased Africans and Indians, white patriarchal institutions were responsible for the fictitious appearances of Indian and African immodesty. Those

⁶² Sophistes, "Mess'rs Edes and Gill," Boston Gazette, 13 July 1767.

⁶³ See Ruth Wallis Herndon, "Racialization and Feminization of Poverty in Early America: Indian women as 'the poor of the town' in Eighteenth-Century Rhode Island," in Empire and Others: British Encounters with Indigenous Peoples, 1600-1850, ed. Martin Daunton and Rick Halperin (Philadelphia: University of Pennsylvania Press, 1999), 186-203; and David Silverman, "The Impact of Indentured Servitude on the Society and Culture of Southern New England Indians, 1680-1810," New England Quarterly 74 (Dec. 2001): 622-666.

writers who pointed out white responsibility for the myths on African and Indian sexuality subverted the hierarchal racial structure of society.

An even more direct confrontation with whites' sexualized power in the discussions of white abuse of enslaved Africans' chastity. The rhetoric on white patriarchal duties to protect and regulate the sexual behavior of his subjects diverged from the discourses aimed at revealing the sexual abuse of Africans. This discourse contested the legitimacy of white patriarchs and slavery. In 1768, Boston Post Boy ran a letter of a supposed conversation between a white man and an African man in Maryland. The account included an African man's complaint that his master taught that adultery and fornication were sins even though he regularly indulged in these sins with African women. The African man was confused about the difference in the practice and preaching of Christians. He asked whether the Christian God wanted patriarchs to "get drunk, tell you make my wife naughty. . . ." ⁶⁴ The rhetoric on the sexual abuse of Africans was an important component in disputing assumptions about African sexual morality because it reversed images of African lustfulness and replaced it with whites' sexual perversion of their power. This was a strong indictment of slavery and the ideologies about African sexual behavior.

When white fears about interracial sex were articulated, crises in the sexual management of race were visible. African and Indian coupling with white women was dreaded because it gave these men access to the same patriarchal privileges that white men claimed as their own. The legal, social, and economic power of husbands over wives accorded African and Indian men with access to the money and networks of the white women whom they married. The anxiety over this coupling resulted in efforts to

⁶⁴ "A Traveller," Boston Post Boy, 18 Jan. 1768

harden the perception that whites were significantly different from Africans and Indians. Prohibitions in discourse and law on white women engaging in interracial sex with Africans and Indians made this interracial coupling appear unnatural. Significantly, the most virulent opposition to interracial sex emerged amid African emancipation and the consideration of Africans and Indians for citizenship in the Revolutionary era. The efforts to prohibit and de-legitimize the relationship of white women with Africans and Indians revealed the crises in white power. The concomitant granting of citizenship to Africans and Indians alongside a tougher law on interracial marriage reveals how sexual behavior was explicitly connected to citizenship issues. The sexual management of racial boundaries was a malleable process, and white practices meant to bolster these boundaries exposed their perceptions that their power was in flux.

Prior to the Revolutionary era, colonists had passed legislation on interracial sex that exposed their motivation in enacting interracial marriage legislation. As early as 1705, a law prohibited persons of African heritage from marrying whites. Although the law was gender-neutral, the prosecutions of interracial marriage were limited to marriages between African men and white women. The more intense prosecution of African men's sexual relations with white women illustrates that white prohibitions on interracial sex were inspired by a desire to secure the racial and gender hierarchy. Marriages between white women and Africans blurred the distinctions between whites and Africans, as well as afforded African men with access to white women's resources. Interestingly, this 1705 law did not prohibit interracial marriages between whites and Indians. Although whites did not advocate interracial sex with Indians, much less discursive space was taken up by white fears over the coupling of Indian men and white

women. Slavery required more elaborate boundaries be drawn between whites and Africans. This law also ignored African and Indian interracial sex. White anxiety over interracial sex was connected to their perception of the social differences between the couples and those that threatened the racial or gender hierarchy. The further apart a couple was in the social hierarchy, the greater the state of agitation expressed by whites about the relationship. However, white men did allow an exception to this policy: they expressed no anxiety over the sexual connections of white men with any woman.

During the Revolutionary era, white men's fears about African men having sex with white women permeated Massachusetts' newspapers. Particularly dramatic were the revelations of slave rebellions throughout the Atlantic World that suggested African men intended to take white wives. In 1768, a planned rebellion was uncovered in Montserrat and newspapers reported that African men intended to kill all of the white men, "but the women would be spared for wives for the Negroes."⁶⁵ A similar plan was allegedly hatched in Jamaica in 1776. Newspapers described that the white men and children were to be killed and the "*women were to have been spared, to make concubines for the Ethiopians.*"⁶⁶ Rather than focusing on the motivations of slaves for freedom, white newspapers redirected anxiety over slave discontent to slave lust for white women. African men's desire to have sex with white women was posited as the critical reason men of African descent started rebellions. The white ideology on African lasciviousness was adhered to when whites posited that African men were sexually motivated in their quests for freedom. Yet, these rebellions were aimed at slavery. White fears about the fragility of their power were revealed in their false consciousness regarding slave

⁶⁵ Boston Post Boy, 21 Mar. 1768; and Massachusetts Gazette, 12 May 1768.

⁶⁶ Independent Chronicle, 3 Oct. 1776.

rebellions. The conflation of African desires for freedom with sex negated the reason Africans rebelled.

Closer to home, white fears were spread in the reports of African men's attempts to rape white women in New England. In 1769, newspapers in Massachusetts communicated that an African in Salem, New Jersey, was tried for raping an "Idiot Girl, of about 13 Years Old."⁶⁷ This case, and others like it, fed the white perception that African men would stop at nothing to be with white women. As a result, New Englanders saw African men severely punished for their interracial sexual crimes. For example, in New London, Connecticut, a man of African descent was whipped and branded on his forehead for committing adultery with a white woman.⁶⁸ This punishment was different from that of white men and women who committed adultery. As shown in the last chapter, white men and women were punished by having to pay fines, stand in the gallows for onlookers to pellet, or receive public whippings. Branding was reserved for Africans. The white belief that Africans' sexual relationships with white women indicated African autonomy from the racial hierarchy led to fierce punishments and prohibitions on interracial sex. Another case in 1768 similarly exposes how African sexual contact with white women was considered an attack on the racial hierarchy. In 1768, Arthur, a black man, was executed in Worcester, Massachusetts, for raping a white woman. The severity of Arthur's punishment for rape contrasted with the punishments for white men committing rape, which were decreasing in severity. White men's indictments for rape were often lessened to "intent to ravish." Between 1760 and 1783, only 3 of the 15 cases were successfully prosecuted for "ravishing," excluding Arthur, in

⁶⁷ Boston Post Boy, 10 Apr. 1769.

⁶⁸ Massachusetts Gazette, 14 Mar. 1771.

the Supreme Court of Judicature. Only two of these men were given the death penalty, as was Arthur upon conviction.⁶⁹ Boston Evening Post appeared to address the disparity of punishments according to race when they reported “We hear that a Negro Fellow was tried at the Assize . . . for a Rape and found Guilty, and received Sentence of Death. – A white Man was also tried and found Guilty of the same Crime, and sentenced to the Gallows.”⁷⁰ The white man who was sentenced to the Gallows performed a simulation of the death sentence, when he stood in the gallows with a rope around his neck for an hour. Arthur’s actual execution was in contrast to this. Interestingly, Arthur had reportedly raped a widow, while the other man had assaulted a married woman. Because rape cases were more easily prosecuted when the victim was married or very young, Arthur’s more severe punishment is surprising.⁷¹ The regulation of interracial sexual violence was taken seriously by Massachusetts’ judicial system, which sought to protect the racial hierarchy.

Prohibitions against interracial social relations in Massachusetts illuminate the intensity of white men’s concerns over interracial sexual unions. Legislative efforts to curb interracial mixing even extended to the lower classes in Boston, who were often tried for having “disorderly homes” wherein excessive drinking into the late hours of the evening took place. In 1766, Rachel Hubbard, a white widow, was indicted in Boston for allowing drinking, fighting, and late night reveling in her home. She allegedly allowed

⁶⁹ King v. Charles Johnson, Dec. 1769; King v. Bryan Sheehan, Nov. 1771; and Commonwealth v. Robert Young, Oct. 1779 in SCJ Record Book. These successful prosecutions for “ravishing” a woman likely won because victims in these cases were either married women or infants under the age of 12. There were 4 other attempts at prosecuting men for “ravishing,” but all of these failed. Of these 4, 3 men were retried with the “intent to ravish” indictments and all were convicted. See Commonwealth v. John Ward, Mar. 1766 (also tried for intent); Commonwealth v. Samuel Quinn, Sept. 1768 (also tried for intent); Commonwealth v. Elisha Bliss, Oct. 1769 (on appeal of rape, he was found by the jury for intent); and Commonwealth v. John Braintree, Oct. 1779, in SCJ Record Book.

⁷⁰ Boston Evening Post, Oct. 1768. This report has errors. Samuel Quinn, the white man who was tried for raping a married woman, was indicted with “ravishing” a woman, but it was lessened to “intent to ravish.” Furthermore, he was to be whipped to in two public spaces, be imprisoned, and be placed in the gallows. See King v. Quinn, SCJ Record Book, 24 Sept. 1768.

⁷¹ King v. Quinn, SCJ Record Book, Sept. 1768.

“Negro Slaves as [well as] others” into her home and received a ten-pound fine for her indiscretion.⁷² This punishment exceeded that of other persons found guilty of disorderly homes, who were sentenced to pay ten to twenty shillings. Rachel was the only person whose indictment included the mixture of slaves with “others.” Presumably, she was fined more heavily for allowing interracial mixture in her home.

The punishment of white women for their interracial sexual transgressions was important in maintaining the racial divide. White women were prosecuted for fornicating with African men. Between 1750 and 1781, Middlesex County prosecuted eight white women for fornication with men of African heritage. The punishment for white women’s fornication with African men was much more severe than for sex with white men. The ordinary punishment for fornication was a fine. Of the six white women who appeared in court to receive punishment for sex with men of African descent, three received twenty stripes on their naked backs at their community’s public whipping post, one received ten stripes, and two were given fines.⁷³ White women found guilty for fornicating with African men were occasionally given sentences aimed at preventing their engagement in criminal sexual activity with Africans again. In 1757, Elizabeth Davis, a white woman from Boston, was presented to the court for bearing a mulatto child. She was sentenced to a whipping, and was “put into service” for seven years to “maintain her child.”⁷⁴ Elizabeth’s master would be in charge of ensuring she practiced appropriate sexual

⁷² King v. Rachel Hubbard, Jan. 1766, Suffolk Record Book.

⁷³ King v. Elizabeth Davis, July 1757 (whipped 20 stripes and put into service for 7 years); King v. Margaret Lawrence, May 1759 (whipped 20 stripes); King v. Mary Rogers, Mar. 1761 (whipped 20 stripes and given 7 year indenture to pay for child’s maintenance); King v. Sarah Perry, Sept. 1765 (no record of her entering court for punishment); King v. Elizabeth David, June 1770 (no record of her entering court for punishment); King v. Mary Barrett, Nov. 1770 (10 stripes then goal and almshouse); Commonwealth v. Mary Norwood, Mar. 1779 (fined 3 pounds, then prosecuted no further); and Commonwealth v. Lucy Oliver, Sept. 1781 (fined 1 shilling) in Middlesex, Suffolk, and Worcester Record Books and File Papers, Judicial Archives, MA.

⁷⁴ King v. Elizabeth Davis, July 1757, Suffolk General Sessions Record Book.

behavior while a servant. In 1772, Mary Barrett, a white woman and repeat offender for fornication, was whipped ten stripes, then placed in the jail for a week and removed to the almshouse for three months after she bore a mulatto. Only Mary's whipping is recorded as her punishment in the Record Book of the General Sessions of the Peace. However, Mary petitioned a Justice of the Peace and begged for leniency in her punishment for fornication. She reminded the Justices that while she was at the almshouse for her first crime of having sex with a Mulatto, ". . . I Received most Cruel Barbarity almost Impossible for any person (in my Dismal Situation) to Survive it." While at the almshouse, Mary claimed, "I was Chain'd by the Legg and Suffer'd to Excess in Hunger and Cold not being permitted to Send to any Person in Town for the least Relief for me and my Infant."⁷⁵ In other parts of New England, the retribution for fornicating with African men was similarly fierce. In Westfield, Priscilla Wharfield was convicted of adultery with a "negro man, while her husband was in the army." For her crime, she was to be "set one hour at the gallows with a rope about her neck, be severely whipped twenty stripes in the way from the gallows to the gaol, and forever after to wear a capital A . . . in open view."⁷⁶ In Massachusetts, the punishment for adultery generally was to pay a fine and/or suffer a whipping.⁷⁷ White women's consensual interracial sexual liaisons were punished strictly to quell any desire white women had for men of African heritage. The justice system intended to distinguish the severity of white women's criminality for sex with men of African descent, versus that with white men.

⁷⁵ Petition of Mary Barret, Charlestown Goal, to Justices of the Peace, Charlestown, 25 Nov. 1772, Middlesex General Sessions File Papers, Judicial Archives, MA.

⁷⁶ Massachusetts Spy, 20 Oct. 1785.

⁷⁷ In 1773, Mary Rice was found guilty of adultery and given 20 stripes. In June 1763, Mary Lawton was given 30 stripes and was to pay 100 pounds. In April 1763, John Snell was to pay 60 pounds. See King v. Snell, Apr. 1763; King v. Lawton, June 1763; and King v. Rice, Apr. 1773, SCJ Record Book.

Another method aimed at preventing interracial sex was the discursive deployment of the idea that relationships between men of African heritage and white women were doomed. In 1772, Boston Evening Post reported on an incident in London in which “a young Lady of Fortune eloped with her Uncle’s black Servant.” After being caught with her lover, “the enamoured fair one” from London “fainted away several times, and now lies dangerously ill at a Gentleman’s house there.”⁷⁸ White women who consented to affairs with Africans commonly were depicted as tragically dying or being abused. One newspaper reported the white wife of a Mulatto man in New Haven was found dead “with several marks of violence upon her; and, her husband, who is the supposed murderer, has absconded.”⁷⁹ By magnifying unfortunate endings to interracial liaisons, the desire and the practice of interracial sex was discouraged.

The rise in expressions of anxiety over interracial sex between African men and white women during the Revolutionary era were indicative of white fears that slavery would be abolished.⁸⁰ During this era, relations between master and slave, subjects and rulers, colonies and empire were all reconsidered. Between 1768 and 1780, at the height of the Revolutionary conflict, expressions of concern about interracial sex peaked. During this time period, patriots rejected the Townsend Acts, towns were occupied by the British army, war commenced, and the first state constitution was written. The new policies of Britain led to status anxiety among white men, who began to compare their position in the British Empire to that of slaves. In 1777, fears were sparked when Boston

⁷⁸ Boston Evening Post, 9 Nov. 1772.

⁷⁹ Boston Evening Post, 23 Dec. 1771.

⁸⁰ T.H. Breen argues public opinion was evolving in Massachusetts to support the abolition of slavery amid cries for freedom and liberty by blacks and whites in the Revolutionary era. See Breen, “Making History: The Force of Public Opinion and the Last Years of Slavery in Revolutionary Massachusetts,” in Through a Glass Darkly: Reflection on Personal Identity in Early America, ed. Ronald Hoffman, Mechel Sobel, and Fredericka J. Teute (Chapel Hill: University of North Carolina Press, 1997), 67-97.

Gazette reported a British plan to bring white colonists into “unconditional submission” by painting the “bodies of Americans as black as Negroes; and that soon after this . . . they shall be sold, as Negroes are, at public auction, twenty in a lot, to the Creole planters of Jamaica, Barbados, Antigua, &c.” This plan was said to be in response to Britain’s inability to “reduce America” militaristically.⁸¹ The social leveling this era witnessed, even if it was largely in the imaginations of white men and women, led to fears of racial equality.

Alarm over interracial sex and marriage between African men and white women were concerns about the ramifications of African freedom and the end to slavery on the social hierarchy. African liberation from slavery in the Atlantic world opened up dialogue on what African freedom meant, and printers and writers expressed that African freedom would inevitably lead to Africans’ sexual access to white women. In 1772, at the Court of Kings Bench in London, Sommerset, a slave of Captain Stuart, sued for his freedom when he was brought to live in England. “A Correspondent” told a newspaper, “This Cause seems pregnant with consequences. . . .” He warned that “if it should be determined in favour of the Negroes, we are apprehensive that these black Gentry will visit us in too great an abundance, intermarry with our women, and thus in time we shall become a Nation of Molattoes.”⁸² African freedom was imagined by whites to correlate with liberty to engage in sex with white women. White men’s independence and power was exposed in these ruminations to be intimately connected with their own access to white women. The power of white men as husbands and fathers in the patriarchal household was fundamental to their claims to citizenship and authority outside of the

⁸¹ Boston Gazette, 25 Aug. 1777.

⁸² This story ran in Massachusetts Gazette, 23 July 1772; and Boston Evening Post, 27 July 1772.

home. The sexual basis for citizenship and power were perceived to be under attack during the Revolutionary era.

The reevaluation of the franchise in Massachusetts led to the articulation of similar white fears over citizenship and interracial sex. In 1778, a new constitution was drafted to reflect the revolutionary republican principles of Massachusetts. This first constitution did not enfranchise Africans, Mulattos, or Indians and denied them seats in the assemblies. However, discussion about how racially inclusive the state would be took place. In 1776, a writer responded to the possibility of African and Indian citizenship by conceptualizing what the repercussions of this would mean to America. He concluded that African and Indian suffrage would lead to interracial sex and an America of mixed racial identity. The writer suggested Americans would not care about racial distinctions: “To BLACK and *brown*, to *red* and *white*; / In hopes in time to me d’ our breed, / With some of *Cain’s* discolour’d seed, / What if the nose is *round* o’ *flat*? / The sink is soft, and *black* as *jet*, / And where’s the *maiden* or the *wife*, / But what would wish to spend her life, / In arms of *Cuff* or *Quam* or *Scip* . . . ?” The author reminded readers amid the franchise debate: “All gracious heaven ne’er design’d, / That cupid black and white should bind.” His poem connected voting rights for African Americans with access to white women. In response to this threat, the writer asked America’s white women to defend themselves against this future: “To save this order from the land; / For though we wish, nor kings nor peers, / Yet while we’re blest with *nose* and ears, / We deprecate that black and white, / Should join so nearly day or night.”⁸³ The inversion of the social and

⁸³ “The Constitution,” The Independent Chronicle, 29 Jan. 1778.

moral order anticipated in this poem was dependent on whites making connections between black political equality and interracial sex.

Issues of racial amalgamation were central to the concerns of legislators. The inclusion of a racial qualification for citizenship meant legislators would have to decide what races and mixtures of races would be preferred. White legislators considered the extent to which interracial sex and marriages had occurred in these discussions. The visibility of light-skinned descendents of Africans throughout Massachusetts was evidence of interracial sex. Some wondered if the vote was limited according to race, how this could be effectively done with so many gradations of color? William Gordon, a preacher and advocate of African citizenship rights, wrote that the debarring of Molattoes was particularly troublesome in the 1778 constitution. He complained, “As to Mollatoes they should have been defined. We should have been told, whether it intended the offspring of a white and Negro, or also of a white and Indian ; and whether the immediate offspring alone, or any of their remote descendants. . . .” His concerns foreshadowed the end to slavery, when children of interracial sexual unions no longer followed the condition of the mother and left open the status of African Americans. In asking for more liberal voting policies, Gordon asked residents of Massachusetts not to be “afraid, that the Bay inhabitants will, in consequence of it [extending the franchise], in some distant period, become Negroes, Indians or Molattoes” because the General Court could prevent that by law.⁸⁴ Indeed, the passage of an interracial marriage prohibition was passed to safeguard white residents of Massachusetts from racial amalgamation. The 1780 constitution deleted the racial requirements for voting, and all men with property

⁸⁴ William Gordon, “Letter II. To the Freeman of the Massachusetts Bay,” Independent Chronicle, 9 Apr. 1778.

qualifications, regardless of race, were granted the right to vote. Although the constitution was redrafted primarily to add a declaration of rights, not to extend the franchise, this leap in allowing African and Indian men the right to vote was a profound change. The sexual considerations of African citizenship were key in this transformation.

A new ban on interracial sex in the Commonwealth of Massachusetts' 1786 constitution resolved whites' fear over African and Indian citizenship leading to sex with white women. The state constitution of 1786 provided that "no person by this act authorized to marry, shall join in marriage any white person with any Negro, Indian, or Mulatto, on penalty of *fifty pounds*, . . . and all such marriages shall be absolutely null and void."⁸⁵ The directive on interracial marriage surpassed in severity the prior act of 1705 in several ways. First, it included Indians, who were not previously forbidden from marrying whites. Indians needed to be forbidden from marrying white women because all men of property were defined as citizens in the state. Second, this act made interracial marriages "null and void," whereas the previous law allowed interracial marriages to continue. The state would not empower African and Indian men with patriarchal rights even if they were able to evade the law. Unlike previous laws, the new Massachusetts constitution did not provide penalties for men and women of different races or ethnicities committing fornication. This legislation reflects new sexual and social mores that were a response to changes in citizenship. The rights accorded to Africans and Indians made

⁸⁵ The First Laws of the Commonwealth of Massachusetts, ed. John D. Cushing, orig. pub. as The Perpetual Laws of the Commonwealth of Massachusetts. From The Establishment of the Constitution to the First Session of the General The Court A.D. 1788 (Worcester: Isaiah Thomas, 1788; reprint, Wilmington, DE: Michael Glazier, Inc., 1981.) 255. James Wood Sweet similarly argues that the 1705 act had already allowed white men to couple with African women because there was no punishment for African women who copulated with white men. However, African men who fornicated with white women would be sent out of the colony. Sweet also argues these laws helped distinguish black from white by making their sexual unions illegal. See Sweet, Bodies Politic: Negotiating Race in the American North, 1730-1830 (Baltimore: Johns Hopkins Press, 2003), Chapter 4.

fornication preferable to marriage. If white women and Africans limited their sexual contact to fornication, whites could retain patriarchy.

White male legislators' discussions about extending voting rights did not posit white men as culpable in the creation of mixed race persons. The sexual liaisons between white men and African and Indian women were cloaked in silence. This discursive silence was possible because relations between white men and African or Indian women did not offend white patriarchal rule in Massachusetts. The sexual double standard already inherent in fornication cases shielded white men from having to confess to their non-marital sex with Indians and Africans. Between 1750 and 1783, only one African woman was prosecuted for interracial sex with a white man in Middlesex and Suffolk Counties, and this case was ultimately dismissed.⁸⁶ In 1750, Elizabeth Abram, an Indian woman, confessed to the crime of fornication at the Worcester General Sessions. Although she did not identify her lover, he may have been white because she was not living in an Indian enclave. Elizabeth's lover may have paid her to keep silent. Ultimately, Elizabeth was fined 15 shillings and released.⁸⁷ The consequence for her interracial sexual liaison with a white man was the same as it was for white women who entered the court to confess intra-racial fornication. In contrast to Elizabeth's treatment, white women who confessed to sex with African men were punished by whippings and large fines. The lack of prosecutions and punishments for interracial sex between white men and African or Indian women illuminates the cultural and legal erasure of this form of interracial sex, despite the occasional newspaper article highlighting the sexual abuse of slaves.

⁸⁶ King v. Ameer, Middlesex Record Book, Dec. 1752. This case is discussed in chapter 1.

⁸⁷ King v. Elizabeth Abram, Feb. 1750, Worcester Record Book.

Yarico and Inkle, a contemporary story of interracial sex between a British man and a Carib Indian woman, demonstrates how patriarchal power made room for white men's liaisons with other races. In this play, Yarico, an Indian woman, protected Inkle from her fellow tribesman by leading him to a remote cave. During their coupling, Inkle promised to love Yarico forever and managed to persuade her to follow him to Barbados. While in Barbados, Inkle cruelly sold Yarico as a slave. Unfortunately for Yarico, her announcement that she was pregnant with Inkle's child did not change his mind. In fact, it led him to ask for a higher price for his former lover. Yarico lamented: "Must the poor babe a mother's suffering share?"⁸⁸ This story depicts the power dynamic that existed in African and Indian women's interracial sexual liaisons with white men in the late eighteenth century. Laws required children follow the condition of their mothers and this protected white men from the responsibilities of these liaisons. Meanwhile, white men reaped the benefits of casual love affairs and the financial gain of selling their lover's and children's labor.⁸⁹ White men's power made it possible to erase knowledge of their interracial sex.

Although the 1786 prohibition on interracial sex included Indians, prior to the extension of citizenship to Indians, ruminations over Indians' liaisons with white women did not take up much discursive space. The law forbidding unions between Africans and whites in 1705 did not include Indians, in part, because Indians existed in separate tribal

⁸⁸ Yarico to Inkle, an Epistle (Springfield, Mass: Printed by Elisha Babcock, 1784), 7. This story initially appeared in The Spectator on March 13, 1711. According to Literary Scholar Frank Felsenstein, evidence suggests the story of Inkle and Yarico existed as a "vibrant oral narrative" over the eighteenth century. In some English versions of this story, Yarico becomes an African slave in the Americas. See Frank Felsenstein, introduction to English Trader, Indian Maid: Representing Gender, Race, and Slavery in the New World, ed. Frank Felsenstein (Baltimore: The Johns Hopkins University Press, 1999), 1-51.

⁸⁹ Kirsten Fischer and Kathleen Brown have both studied the evolution of slave law and litigation in North Carolina and Virginia, respectively, and found the legal code privileged master/slave relationships. See Brown, Good Wives, Nasty Wenches, & Anxious Patriarchs 112-136; and Fischer, Suspect Relations 110-130.

communities or praying towns during the era that the law was formed. Even in the 1750s and 1760s, Indians were not culturally recognized as part of white communities and were largely absent in state censuses that focused on the stereotypical wandering and non-family centered Indian. Several historians have identified the bias of clerks who did not consider people “Indians because they lived in the style of their Anglo-American neighbors.”⁹⁰ In the later half of the eighteenth century, the formation of a myth of Indian extinction was promulgated, and this also calmed fears about Indian men coupling with white women.⁹¹ The dearth of discursive regulation and prosecution of interethnic sex between white men and Indian women is indicative of the lack of anxiety over Indian equality. The perception that the Indian population was declining to the point of extinction made the problem of white women and Indian men’s coupling appear more benign than that posed by men of African descent.

White men were far less vigilant in their fornication prosecutions against white women who coupled with Indian men than those who had intercourse with men of African descent. In 1740, Bethia Brinter, a white woman, appeared at the Worcester General Sessions and confessed to having fornicated with Sampson, an Indian servant to Benjamin Chapin. Bethia was fined seven shillings and six pence, which was amid the range of customary fines given to other confessing women.⁹² Presumably, her fine was

⁹⁰ Donna Keith Baron, J. Edward Hood, and Holly V. Izard found about 400 Native Americans of diverse ancestry were “loosely organized around traditional Nipmuc home places [in southern Massachusetts and northern Connecticut] and held a broadly inclusive concept of kinship.” This was dissimilar to English conceptions of family and Indians. “They Were Here All Along: The Native American Presence in Lower-Central New England in the Eighteenth and Nineteenth Centuries,” *WMQ* 3rd ser. 53 (July 1996): 573.

⁹¹ The myth of Indian extinction even affected the production of historical scholarship on Indians in New England after King Phillip’s War. For an analysis on this myth and historical scholarship, see Colin G. Calloway, introduction to *After King Phillip’s War: Presence and Persistence in Indian New England* (Hanover: University Press of New England, 1997), 1-10; and O’Brien, *Dispossession By Degrees* 1-12.

⁹² *Commonwealth v. Brinter*, Aug. 1756, Worcester General Sessions Record Book.

low because this was her first offense and she may have been poor. On May 21st, 1754, Sarah Walden, a white woman from Watertown, was indicted on charges of having sex with an Indian man “to the Jurors unknown.” Upon appearing in court, Sarah pleaded not guilty to the charges and claimed she was married to David Howard, a man from Attleboro. The case was dismissed after Sarah’s defense, yet no investigation into the racial identity of David Howard, or the circumstances that led the Grand Jury to indict her seems to have occurred.⁹³ Although the 1705 interracial sex law did not forbid white women from engaging in sex with Indian men, the fact that the indictments included the racial identity of Sarah’s lover suggests the grand jury found her taking of an Indian lover unacceptable. However, the prosecution did not go further to ensure she was married to a white man, and this shows a level of ambiguity on the part of the elite white men who prosecuted her.

Concerns over African and Indian intermixture were almost non-existent in the newspapers and courtrooms of Massachusetts. No power structure was at stake in these relationships. Presumably, whites believed Indians and Africans were better off together than with white women. The discursive silence surrounding these marriages was indicative of the apolitical nature of unions between perceived dependents situated on the lowest rung of the hierarchy. These unions posed no threat to the orderly society of Massachusetts because African-Indian coupling provided no upward mobility for either group.

The case of Peter, a child born of a sexual relationship between an Indian woman and an African slave, demonstrates how benign these relationships were perceived to be to the white hierarchy. Peter was sold as an indentured servant to Hadom Hazelton from

⁹³ Commonwealth v. Sarah Walden, May 1754, Middlesex General Sessions Record Book.

New London, then to Ebenezer Garner of Nantucket. Eventually, Peter's fate fell into the hands of John Gibbs of Sutton, who sold him as a slave to Richard Waters. Peter sued for his freedom in 1765 after this fraudulent sale. Because slave law provided that children follow the condition of their mother, Peter was to be indentured only until he was twenty-one years old. However, Peter's freedom was entirely dependent on credible witnesses who would testify to his right to freedom and Indian heritage. Luckily for Peter, Charles Hazelton and Jedidiah Buel, both of Killingsworth, declared that Peter was born of a free Indian woman. Charles proclaimed: "I affirm it [Peter's bill of sale] to be a Cheat put upon the fellow. . . ." Furthermore, Charles announced Peter should have been a free man "four years [since] the ninth Day of Last March."⁹⁴ Peter's forced reliance on witnesses to affirm his freedom reveals the willingness of contemporary whites to view him as chattel. The lines between freedom and slavery were tenuous for children born of African and Indian couples. Clearly, the regulation of Indian-African interracial sex was not necessary, as the products of these unions could be easily folded into patriarchal management.

The intensity of prohibitions on interracial sex correlated with the status of the persons who were engaged in this behavior. While African men's coupling with white women was seen as dangerous and connected to African claims for independence, African-Indian and white men's sexual relationships with Indians and Africans were much less worrisome to white contemporaries. The rhetoric and legal efforts to impede African men and white women from having sex exposed the crises in the sexual management of race. Revolutionary rhetoric and the rebellions in the Atlantic world were affronts to Massachusetts' racial hierarchy. White anxiety about sex between

⁹⁴ Testimony of Charles Hazelton, 10 Apr. 1765, Suffolk Files, 60349, Judicial Archives, MA.

Africans and white women actually stemmed from concerns about African independence and claims to patriarchal privileges. Citizenship rights were tied up in these debates cloaked in sexual rhetoric.

African and Indian sexual behavior, as well as their writings and actions that claimed patriarchal privilege, were other moments of crises in the sexual management of race. The derisive sexual ideologies purported about African and Indian sexual behavior were used to disqualify Africans and Indians from citizenship and distinguish their sexual behavior from that of whites. White rhetoric that characterized African and Indian sexual behavior as unsentimental, instinctual, and occasionally violent made it appear that African and Indian passions easily overruled their ability to reason. Whites espoused that Indians and Africans lacked the strong emotional ties that they claimed white families had. By making strong emotional commitments and claiming the right to protect their families, Africans and Indians implicitly resisted the racial hierarchy.

The sexual management of race was much more intensely focused on Africans, who lived within the households of whites under the coercive system of slavery. Clearly, whites viewed African freedom from slavery with more apprehension than the removal of white authority over what they perceived as a declining population of Indians. Africans were more worrisome with regard to interracial sex and the print discourse focused on their lustfulness much more so than it did on Indians. However, new concerns would arise after the Revolution that would force the sexual management of race to take on new forms. Every battle won by Africans in Massachusetts towards attaining equality continued to awaken the fear of racial amalgamation, which showed the balance of power in Massachusetts rested ultimately on patriarchal access to white women. New policies

to regulate the sexual behavior of Africans and Indians would be enacted to attempt to stabilize racial boundaries. Furthermore, new mechanisms would have to be put into place to ensure Africans and Indians were subordinate to whites.

Part Two: Sexual Behavior and Citizenship During and After the Revolution

Chapter 5: The Sexual Rhetoric of War: Sexuality and National Identity during the Imperial Conflict

On April 28th, 1768, Massachusetts Gazette reported with alarming detail the sexual misbehavior of “a great man” in London, who was accused of kidnapping and raping Miss Woodcock, a young millener. Massachusetts Gazette, Boston Post Boy, and Boston Gazette later revealed the “great man” was Lord Baltimore.¹ Two women, described as “Duenna,” were also charged with kidnapping for assisting in the enticement of Miss Woodcock to Lord Baltimore’s home. Their job as Duennas was “to minister to his [Lord Baltimore’s] private Enjoyments, an Indulgence for which every Man is to answer for himself.”² The Duennas convinced Miss Woodcock to appear at Lord Baltimore’s home by promises that a wealthy Lady would “recommend her, [and] that she would want a great many things” that required Miss Woodcock’s millenary skills.³ Miss Woodcock was held at Lord Baltimore’s home for several days and was described as refusing sustenance during this time. Lord Baltimore reportedly made repeated attempts to seduce her, then made “several violent attempts to accomplish his purpose[.] [H]e pulled her into his lap, pressed her against the wainscot, threw her into an elbow chair, and practised every indecency . . . notwithstanding her cries, struggles and intreaties.”⁴ Lord Baltimore had “at last stripped her naked, and forcibly put her in bed to her ravisher.”⁵

This case was one of many stories that appeared in newspapers from Massachusetts illustrating the extent of sexual immorality among the nobility of England.

¹ A two-page story on this affair was also posted in Boston Post Boy, 8 Aug. 1768. Massachusetts Gazette (Boston) first mentioned this case on 14 Mar. 1768.

² Massachusetts Gazette, 28 Apr. 1768.

³ Boston Post Boy, 8 Aug. 1768.

⁴ Ibid.

⁵ Massachusetts Gazette, 7 Apr. 1768.

The illicit sexual activities of the English nobility presented in newspapers were in opposition to the efforts of Massachusetts residents to cleanse their communities of sexual vice, which they continued to do during the Revolutionary War. During the escalating conflict with England, Massachusetts' newspapers increasingly demonstrated that the sexual vice of the English made them unfit rulers. Sexual behavior had already naturalized differences between genders, races, classes, and cultures in the colonial and Revolutionary eras. Thus, it was a logical extension to use sexuality as a marker of distinction between England and the North American colonies.

Patriot residents of Massachusetts sought to defend themselves from what they posited as the corruption of British rule by sexualizing the politics of the imperial crisis. The widely publicized and evolving battle between John Wilkes, an English Radical, and the English government tutored colonists in the utility of creating derisive sexual rhetoric to undermine figures of authority. Printers of newspapers in Massachusetts used sexual rhetoric to explain the controversy with England during the Stamp Act Crisis. This literature illustrated that England had perverted their role as "mother" to the British North American colonies by imposing the Sugar and Stamp Acts on her "children." Patriots also created a rhetoric posturing marriage as under attack by British authority figures. The Townsend Acts reinvigorated the critique of the British in 1767 with attacks occurring on aristocratic sexual morality. These criticisms pointed out the major differences between the more virtuous Americans and the sexually excessive habits of old English society. Also articulated during these debates was fear that standing armies caused sexual corruption. The apex of sexualized politics occurred after Hessian and British soldiers raped white women during warfare. In addition, African slaves who

joined British forces were thought by patriots to have broken up the interracial American family by leaving their masters. These events were manipulated by Patriots to epitomize the miserable state of British authority. By the 1770s, Massachusetts' presses had fully developed an ideology of English effeminacy, luxury, and immorality that reflected concerns over British sexual morality. Ultimately, the sexual rhetoric deployed during this era demarcated England's morality as foreign and separate from American values.

Ironically, English Radicals who were attacking the current British administration wrote a large portion of the literature contributing to a new "American" identity and independence. Indeed, Massachusetts' newspapers were taking part in a transatlantic conversation that linked wealth and luxury with decaying morality and sexual excess. Many reprinted articles in Massachusetts' newspapers first appeared in English newspapers before colonists read them. These articles claimed the English court in London was riddled with sexual intrigues of adultery and prostitution. Furthermore, newspapers showed English virtue, marriage, and honor were debased, which hastened allegiance to a uniquely "American" identity. On both sides of the Atlantic, sexual immorality was believed to lead to the decay of nations and civilizations. Thus Loyalists, Patriots, English nobility, and its Radical opposition all used sexuality as a tool to disrupt or secure power during the crisis in Revolutionary Massachusetts.

Prologue: The Transatlantic Logic of Sexual Immorality As Total Corruption

Historical studies of American pamphlet literature in Revolutionary America demonstrate that British North American colonists were well versed in the political thought of the English Civil War and Commonwealth era that followed.⁶ Particularly

⁶ Historian J.G.A. Pocock refers to this as the "country" ideology of the English in *Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition* (Princeton: Princeton University Press,

influential for Americans were the English men who continued writing and popularized Radical philosophies in the eighteenth century. Writers such as John Trenchard and Thomas Gordon emphasized their pride at the preservation of liberty in the English mode of government that required the sharing of power between the King and Parliament. However, according to historian Bernard Bailyn, even more important in this strain of thought was that these writers “view[ed] their circumstances with alarm.” The English men who so influenced Americans “studied the processes of decay, and dwelt endlessly on the evidences of corruption they saw about them and the dark future these malignant signs portended.”⁷ The English Radical emphasis on corruption and decay blended well with Massachusetts residents own proclivity towards pondering the moral state of their body politic. Massachusetts residents also directed their gaze across the Atlantic and ruminated on the state of the British body politic. In assessing English life, they relied on information from London’s newspapers that portrayed a Court riddled with sexual immorality and whose Radical writers believed England was declining.

Historians have generally emphasized Revolutionary era writers in the British North American colonies were concerned with corruption in government, rather than corruption in society.⁸ However, these contentions are less convincing when historians refer to the contentious class, racial, religious, and gender conflicts that affected political

1975), 463-487. Bernard Bailyn, The Ideological Origins of the American Revolution (Cambridge: The Belknap Press of Harvard University Press, 1967), 22-54.

⁷ Bailyn, Ideological 48.

⁸ Historians J.G.A. Pocock and Bernard Bailyn were most influential in this initial strain of thought. Both explain revolutionary American rhetoric as resulting from fears that independence and virtue were threatened by an active English government in which they did not participate. Both argue that Americans saw evidence of corruption in standing armies, the un-balancing of power in the English constitution, and through the establishment of religion by the state. Bailyn, Ideological 55-93; and Pocock, Machiavellian Moment 506-548.

discourses and realities.⁹ Ruminations over the moral state of the body politic was quite common for New Englanders who were self-critical descendants of Puritans and historically situated between the contentious first and second Great Awakenings in America. Indeed, historian Issac Kramnick has written “virtue” was becoming redefined in the latter half of the eighteenth century to refer to personal and individual evaluations, especially targeting the characteristics of luxury, intemperance, and idleness.¹⁰ Intrinsic to the discursive context of the Revolutionary era were the moral evaluations of individuals and the state in the jeremiads that decried the decay of societal values.

Sexual behavior was an important component in the construction of morality to early Americans in their considerations of individual and national welfare. As seen in chapters one through four, a discourse already existed in the British North American colonies on how sexual sins could lead to moral decay. As the most dreadful of all sins, widespread sexual immorality was believed to be powerful enough to undermine the fabric of society through deceit and the other vices it caused. Massachusetts residents believed sexual sins in society invited corruption into the body politic. Contemporaries also believed sexual corruption was the epitome of national decay and caused the wrath

⁹ The political rhetoric of the Revolutionary era has been redrawn by many historians who have studied the language and actions of contemporaries. Class and race have been shown to be important in the battles of the Revolution by Gary Nash in Urban Crucible: Social Change, Political Consciousness, and the Origins of the American Revolution (Cambridge: Harvard University Press, 1979); and Gary Nash, Race and Revolution (Madison: Madison House, 1990). Gender also influenced how language was constructed in regards to the meanings of independence, virtue, and citizenship. See Ruth Bloch “The Gendered Meanings of Virtue in Revolutionary America,” Signs 13 (Fall 1987): 37-59; and Joan Gunderson “Independence, Citizenship, and the American Revolution,” Signs 13 (Fall 1987): 59-77. Also, as I argue in Chapter 1, virtue for women was equated with virginity. Finally, the importance of religion in the Revolutionary era battles for power has been studied by Rhys Isaac, The Transformation of Virginia, 1740-1790 (Chapel Hill: University of North Carolina, 1982). He argues that religious affiliation largely determined the loyalty of residents in Virginia in the Revolutionary War.

¹⁰ Isaac Kramnick, “The ‘Great National Discussion’: The Discourse of Politics in 1787,” WMQ 3rd ser. 45 (Jan. 1988): 3-32.

of God in cities such as Sodom and Gomorrah.¹¹ Thus, attempts to purge sexual sins from communities were commonplace in England and in the British North American colonies. Prosecutions for fornication, adultery, and rape were among the many ways that both societies sought to create a more honorable body politic and to ensure men in government were well placed and virtuous. For example, Boston Evening Post reported the King of England was forced to expel a noble Earl after he abandoned his wife and settled with a younger woman. This Earl “was divested of all his employments at Court, by special command; in order to discourage vice, and banish from the palace (agreeable to Royal Proclamation) all such as should be found guilty of immorality.”¹² Removing this man from court for his sexual sins assisted in maintaining the morality of those in government.

The King’s efforts to maintain a virtuous Court did not eradicate concerns over the state of morality in England and the Americas. During the 1760s, newspaper articles warned enemies would trample over England if the nation became immersed in “luxury and corruption.” One writer asked the reader to “suppose the martial spirits their ancestors possessed degenerated into sloth, effeminacy, and total insensibility to every other call but pleasure.”¹³ Unless men of quality continued to represent the nation, this author cautioned, they would fall into ruin. Articles such as this regularly ran in newspapers in England and Massachusetts. Alongside these articles were many descriptions of debauchery in England. For example, in November 1763, an “English

¹¹ Colonists referred to Sodom and Gomorrah and the downfall of ancient governments such as Greece, Persia, and Rome as proof that divine wrath was caused by effeminacy, luxury, and sexual excess. For an example on Babylonian, Greek, and Roman decline, see “To the Inhabitants of Massachusetts, Number II,” Boston Gazette, 25 June 1787.

¹² Boston Evening Post, 31 May 1762.

¹³ Ignotus, “To the AUTHOR, &c,” Boston Post Boy, 21 Dec. 1761.

Gentleman,” had reportedly “thought proper to go off with one of the Opera dancers, upon a prosecution being commenced against him for debauching her.”¹⁴ The regular information describing English sexual vice, within the discursive context of Radical writings, showed deterioration in society was most visible in its sexual immorality. To English Radicals and Massachusetts residents, the state of sexual morality in society was an indicator of the level of corruption in the body politic.

As a result, portrayals of sexual immorality and the sexualization of politics were exercised before and during the Revolutionary War to affect power struggles and upset hierarchies. A highly publicized example of the way sexual corruption could be used to create identities and gain political ascendancy occurred amid the crises of the Revolutionary era. The political turmoil caused by English Radical John Wilkes’ criticism of George III was a microcosm of the sexualized battle that would ensue between England and its North American colonies. The newspaper coverage of Wilkes’ trial for printing a seditious libel was a tutorial for Massachusetts residents on the utility of sexual rhetoric in political struggles.¹⁵ The Wilkes affair exemplified how a person’s character could be undone by his/her sexual morality. The first lesson came with Wilkes’ printing of the North Briton, Number 45, which defamed the ministry of King George III and insinuated that the Earl of Bute was sexually involved with the Queen Dowager.¹⁶

¹⁴ Boston Post Boy, 14 Nov. 1763. This information, as well as much of the gossip about London’s upper class, first appeared in London’s newspapers. Both before and during the Revolution, newspapers regularly printed gossip about the sexual intrigues of members of Court, the nobility, and the lower and middle classes. Perhaps the most damning sexual reports were those wherein lovers became aware that they were related because their parents had secretly engaged in illicit sex. These stories showed how far sexual immorality had sunk. For an example, see Boston Post Boy, 7 Mar. 1763.

¹⁵ Peter D.G. Thomas writes that the events after the printing of Number 45 are among the best documented in British history. See Thomas, John Wilkes: A Friend to Liberty (Oxford: Clarendon Press, 1996), 28.

¹⁶ Louis Kronenberger claims that this suggestion antagonized the King more than any other comment in Number 45. See Kronenberger, The Extraordinary Mr. Wilkes: His Life and Times (Garden City, NY: Doubleday and Company, Inc., 1974), 34-35.

Wilkes' attack on the Earl of Bute showed the questionable judgment and loyalty of the administration. Wilkes' suggestion led to raids upon his home, his arrest, and a trial that ended with his four-year exile from England. The second attack involving sexuality was made by the government, which started what has been described as a "smear campaign" against Wilkes.¹⁷ During Wilkes' trial for printing a "seditious libel," the House of Commons introduced Wilkes' Essay on Woman, which was judged pornographic by contemporary standards. Indeed, newspapers reported "persons who were taking down the minutes of the trial, were ordered by the Court to desist, they deeming the expressions in the 'Essay on Women' improper to be made public."¹⁸ This widely publicized and sexualized trial occurred shortly before the deteriorating relations between England and its North American colonies. It served as a precursor to the Revolutionary rhetoric that posited the English nation as morally bankrupt. Sexuality was part of the English administration's campaign to defame Wilkes' character, in the same way that colonists would later use it to defame the English. This case demonstrated that using sexual rhetoric in campaigns to win the hearts and minds of residents in England and the colonies was a very effective tactic. As such, the Wilkes battle was a turning point and illustrative of the importance of sexuality in generating and denying power.

The desultory comments made by Wilkes so readily debasing the King and his ministers were sexualized for effect, but so were the attacks on Wilkes' character. Newspapers supporting the ministry denounced his "crude ideas" and his rhetoric.¹⁹ Particularly distasteful was his statement that "*the Honour of the Crown is sunk even to Prostitution.*" Newspapers supporting the present ministry sought to make it as widely

¹⁷ Thomas, John Wilkes 38.

¹⁸ Boston Post Boy, 30 Apr. 1764.

¹⁹ Boston Post Boy, 25 July 1763.

known as possible that Wilkes had debased himself by printing such a libel. Whigs were told to “for ever disclaim the Services of so indecent a Writer as the North Briton (i.e. John Wilkes).”²⁰ Boston Post Boy, Boston’s (future) Loyalist newspaper, regularly reprinted any scurrilous news relating Wilkes’ sexual immorality and his trials through the 1760s and 1770s. In a satirical article citing the list of items stolen from Wilkes’ residence, one author noted that prints of “unnatural figures, coloured from nature” (nude drawings), love letters written “to Mr. W___ from ladies of the first fashion,” and a silver candlestick that “would raise most money at the pawn-brokers, yet, Mr. W___ holds it *cheap* in comparison of the foregoing articles.”²¹ These reports pointed out the sexual misconduct plaguing Wilkes’ reputation to deny him the authority to mock the government. The most scathing critique of Wilkes in the British North American colonies occurred when Boston Post Boy circulated a summary of Wilkes’ Essay on Women. Rather than reprint the “shameful and obscene” essay, the newspaper disapprovingly described portions of it. Wilkes’ essay was represented as “a most descriptive representation of the lowdest thoughts in nature; To scurrility beyond all precedent; To reflections upon the fair sex, opprobrious, immodest, insulting, and infinitely degrading: To observations upon Animal Increase, inestably impure . . . [and] is taken from him by the excess of his impurity.”²² These comments were clearly meant to defame him and his more political writings, and such comments served as an important tool for authorities that supported the current administrations and sought to damage its critics.

²⁰ Boston Post Boy, 25 July 1763.

²¹ Boston Post Boy, 15 Aug. 1763.

²² Rev. Mr. Kingell, “Extract from a Genuine and Succinct Narrative of a scandalous, obscene, and exceedingly profane Libel, entitled An ESSAY on WOMAN,” Boston Post Boy, 20 Feb. 1764.

Wilkes' trial ultimately became a public display of his sexual character. For the current English administration, it was deemed fair "by the Virtues or Vice of his private Life . . . that the World do generally judge of one by the other; and are very seldom mistaken."²³ However, Boston Evening Post, a newspaper read by merchants at the time of the Wilkes debacle, was not as likely to print articles that debased Wilkes' character. This placed the future Patriot and undecided newspapers in the awkward position of having to defend what was perceived as the excessive sexual immorality of Wilkes. Instead, future Patriot newspapers argued his "private character . . . would not have the least weight as to the propriety or equity of any proceedings against him."²⁴ In 1768, the ministerial proceedings against Wilkes were regularly reported on by Boston Evening Post and Boston Gazette, which described the scenes of chaos and riot in London's streets.²⁵ These articles depicted London's officials as wasting time debasing Wilkes while much more serious concerns needed their attention. After the Coercive Acts, most newspapers in America were drawn to Wilkes' philosophy and embraced his views on the fight for liberty over the power of authoritarian ministers. Indeed, historian Pauline Maier found "colonial disillusionment from 1768 to 1770 closely followed the arrival of news about the Wilkes affair."²⁶ Even Boston Post Boy negated the importance of the Wilkes' trial in 1768 when Wilkes was back in court to defend printing his Essay on Woman. The paper reported, "only twelve copies were printed, for the private use of so

²³ Boston Post Boy, 20 Feb. 1764.

²⁴ Boston Evening Post, 1 Aug. 1768.

²⁵ For an example, see Boston Evening Post, 5 Sept. 1768.

²⁶ The Sons of Liberty and John Adams even corresponded with Wilkes about colonial problems with England. Both Maier and Thomas show the considerable loyalty of patriot colonists to Wilkes during the American Revolution. King George III also viewed Wilkes as a man with insight on the ideological battle with the colonies over taxation. See Thomas, John Wilkes 159-175; and Pauline Maier, "John Wilkes and American Disillusionment with Britain," WMQ 3rd ser. 20 (July 1763): 373-395.

many particular friends.”²⁷ Massachusetts residents came to believe it was ridiculous for England, a nation riddled with problems, to waste energy on the sexual immorality of Wilkes. They also learned attacking a nation or person’s sexual behavior was far easier than defending it. Colonists learned this lesson amid their own campaigns that highlighted the sexual vice of the English.

The overt political uses of sexual rhetoric in the Wilkes battle demonstrated that the thoughts and actions of a man could be judged by his sexual morality. When this idea was taken further, it was clear the decisions of English ministers and the nation could be corrupted by their own sexual morality. A nation could only be as pure as its body politic. As the Revolutionary era battles intensified, Patriots increasingly linked the sexual excess of the English with the policies that colonists claimed adversely affected them. Americans and the English developed these critiques of English society as they sought to strip the Parliament of the authority they believed it had mistakenly abused. These critiques ultimately assisted in the creation of a national identity that disassociated the English from Americans.

Sexualized Politics During the Stamp Act and the Perversion of “Marriage” and “Mother” England

During the debates over the passage of the Stamp Act, Radicals in England and residents of Massachusetts began questioning the sexual morality of the English. Massachusetts residents also emphasized the extent of British corruption by demonstrating how the Stamp Act affected sexual morality at home. By sexualizing the politics of the Revolutionary era, Massachusetts residents were creating loyalties, generating support for non-importation, and usurping English power by questioning their

²⁷ Boston Post Boy, 5 Sept. 1768.

suitability to govern. For example, to assist in non-consumption, Massachusetts women were told to embrace their natural beauty and purchase items only made in the colonies if they wanted to be alluring. To gain loyalty, men were warned that women would make themselves unavailable to men who supported the Stamp Act. These stratagems utilizing sexuality to usurp British authority and reverse the power structure were highly effective. Many of the first sexualized political battles were so successful, this tactic continued into the campaign against the Townshend Acts, the occupation of Boston, and during wartime.

The sexual rhetoric deployed during the Stamp Act crisis revealed that English imperial policies were disrupting the way of life of colonists and ruining the relationship of “mother” England to her colonies, or “children.” Newspaper articles questioned British authority by showing how the Stamp Act was interfering with the institution of marriage and the hierarchy of the family. Patriots argued the effects of this act threatened colonists because society was ordered by familial relationships. Residents of Massachusetts also explored their feelings of betrayal through the metaphors of the family and lamented the loss of England’s love for her colonial children. The Stamp Act was condemned for making colonists slaves—rather than children—to the English.

The first mention of the worrisome effect of the Stamp Act on the sexual morality of residents occurred in October 1765. Boston Gazette and Boston Evening Post told readers, “We hear that Numbers of young Persons in the Country are joining in Wedlock, earlier than they intended, supposing that after the 1st of next Month, it would be difficult to have the Ceremony performed without paying dearly for stamping.”²⁸ Later that year,

²⁸ Both newspapers printed the exact same story with the same wording. Boston Gazette, 14 Oct. 1765; and Boston Evening Post, 14 Oct. 1765.

Boston Gazette shamefully claimed, “no Licenses for Marriage could be obtained for Want of stamped Paper. . . .”²⁹ These responses to the Stamp Act argued the Act was in opposition to marriage, which was viewed as a divinely ordained institution that colonists held dear for societal governance. Women were even quoted as preferring celibacy to the continuation of the Stamp Act. For example, one woman claimed if she were given the choice “she should choose rather to be an *Old Maid*, than that the operation of the Stamp Act should commence in the colonies.”³⁰ Patriots argued that because the suppression of marriage was a side effect of the Stamp Act, colonists had to engage in policies such as non-importation. It suggested the personal liberties of colonists were being infringed upon in the most harmful of ways.

Colonists’ construction of the Stamp Act as conflicting with marriage ideologically challenged the governmental model of New England, wherein the patriarchal father’s role was situated similarly and metaphorically for the role of the government in individual’s lives.³¹ This model conceived of and based hierarchy and order on the power relations within the family. Marriage undergirded this system of governance because it was “the fundamental bases of colonial hierarchy and structure” and was the foundation for families.³² Interference in the married lives of colonists was a regular facet of colonial life, which served to *preserve* the institution of marriage in cases of spousal abuse, disorderly women, adultery, and premarital sex.³³ This act went against

²⁹ Boston Gazette, 9 Dec. 1765.

³⁰ Boston Evening Post, 10 Dec. 1765. Another article suggested that women would “sooner spend their days in a state of virginity, than tie the connubial knot with the man whose dastard soul rendered him unworthy the glorious title of a true Son of Liberty.” Boston Evening Post, 2 June 1766.

³¹ Mary Beth Norton explores the Filmerian model of government in Founding Mothers and Fathers: Gendered Power and the Forming of American Society (New York: Alfred A. Knopf), 27-180.

³² Norton, Founding Mothers and Fathers 95.

³³ Norton argues the term “private” cannot be attributed to marriage as a result of the many public ways marriage was intervened in and regulated. Norton, Founding Mothers and Fathers 94.

the grain by making marriage hard to obtain, rather than bolstering the institution. By arguing the Stamp Act was in opposition to marriage, colonists were making a strong argument that the English government had become so corrupted as to displace human and divine laws. To undermine marriage was viewed as synonymous with the destruction of order, rule, and hierarchy.

Both Patriot and Tory sympathizers acknowledged the utility of sexualizing the politics of the Revolution even after the Stamp Act was revoked and the Townshend Acts were in place. The malleability of the idea of “marriage” made it a highly politicized battleground and an effective rally cry for colonists who saw divine disfavor resulting from the corrupt administration in England. Marriage was also an important trope for both sides of the struggle because of its integral place in the ordering of society. Attacks using the institution of marriage sexualized the entire conflict with England while it also effectively condemned authority figures as disreputable. One writer argued against Patriot sympathizers by equating independence for the colonies with granting divorces for even “the least failure in the reciprocal duties . . . in the marital contract.” In contrast to Tories, a Patriot writer contended Patriot breaks with England were more comparable to that of a husband in a bad marriage who had experienced an “elopement or adultery” from his partner.³⁴ This faulted England, not its American colonies, for the disruption. Comparing this conflict with the institution of marriage was an effective measure for Tories and Patriots in stressing the immorality of the opposing side in Revolutionary era struggles.

Residents of Massachusetts also used tropes of family governance to metaphorically illustrate what the appropriate role of the English should have been in

³⁴ Novanglus, “To the Inhabitants of MASSACHUSETTS BAY,” Boston Gazette, 23 Jan. 1775.

overseeing the colony. Massachusetts' newspapers posited the English "mother country" or "father" had perverted his/her rule by selling his/her children into slavery and asking them to give up their liberty. One writer spoke of the indecency of the Stamp Act by retelling the cause of North American colonization in these family-stylized metaphorical terms: "Because I'm obliged by the severity of my father to desert his house and settle in a desert like a hermit, shall my brethren rule and domineer over me? God forbid!" Furthermore, the writer suggested, "*she* fails in the duty of a mother, if, instead of fostering them with parental tenderness, she lays burdens on them. . . ." ³⁵ As both mother and father in the British Empire, England was imagined to be a failed parent not fulfilling its role in allowing the colonies equal footing with their brothers and sisters in England. The familial betrayal that came to be used to characterize England's actions in the Stamp Act crisis continued through the 1760s and 1770s. Newspapers questioned the commencement of war and English ministerial policies by inquiring: "when instead of the conciliatory terms of parental affection, instead of the mild, but prevailing language of mercy and benevolence, the Minister's speech . . . breathes nothing but malignity" the government had failed in its role as a parent. ³⁶ Insinuations about the collapse of British rule through family-stylized metaphors allowed colonists to see themselves as part of an abused relationship, one that would eventually require independence to promote its own welfare.

³⁵ A---- B----, "To the Printer," Boston Evening Post, 12 Aug. 1765. This article also appeared in Boston Post Boy, 12 Aug. 1765. Jay Fleigalman has studied the context of the familial ideologies of the eighteenth century in Prodigals and Pilgrims. He argues the literature of the eighteenth century exhibited a concern for children becoming independent of their parental figures, which he connects to the Revolutionary experiences of Americans.

³⁶ "To the King," Boston Evening Post, 3 Apr. 1775.

Most distressing to white colonists was their perception England had stopped viewing the North American colonies with esteem. By positing England as the “mother,” whites explored their feelings of shame at being seen as unequal to their “brethren” in England. White essayists decried their new status in the empire as that of slaves. Being familiar with the status of slaves in their own households, whites lamented their new status. “You see,” a “Freeman” in Massachusetts declared, “that by the Stamp Act; you are absolutely slaves. . . . Slaves to the arbitrary brutish Passions of their Masters and of themselves; dead to every generous Sentiment, endearing Connection, and rational Delight. . . .”³⁷ The association of slavery with skin color heightened white degradation and the sense of a loss of connection with England. Coincidentally, just a year before the Stamp Act was passed, residents in Massachusetts were also able to view the reverse status change among Africans. Newspapers reported a “WHITE NEGRO” was in town and could be seen at a local tavern. It was thought “by some to be a Specimen of what may be very common a few Years hence.”³⁸ This was indicative of the unpredictable nature of status whites perceived to be occurring in British North America in the late colonial era. Knowing that their status as whites could rise and fall, and that even skin color could change, made white colonists fearful of how far their loss in eminence would go.

The transformation of courtship rituals and perceptions on beauty were other important tools in gaining support for the Stamp Act. The “rhetoric of simplicity” was used to bolster the non-consumption policy of colonists. This effective measure continued during and after the commencement of the Revolutionary War. The stress on

³⁷ Freeman, “To the Printer,” Boston Post Boy, 2 Dec. 1765.

³⁸ Boston Gazette, 13 Aug. 1764.

simplicity in dress and manners was situated as a quality desired by men who were seeking partners in women. Simplicity in dress and a stress on natural beauty were put forward as the most assured way of winning the hearts of men. In November 1765, Boston Gazette advised women, “*How agreeable will they appear in their native Beauty, stript of those Ornaments, from the prevailing Motive of Love to their Country.*”³⁹ In this article, women were reassured “natural” beauty was far more elegant than the frivolities of ribbons, English dresses, and powder fashionable in Europe. Underlining the importance of natural beauty played into the ideological necessity of non-importation. By 1774, Loyalists had come to realize this ideological campaign manipulated the desires of men and women and mockingly referred to it in an article appearing in the Boston Post Boy. Women were depicted as promising to take part in non-consumption “not only by neglecting to Purchase any Commodities, but by refusing to wear any Kind of Apparel whatever.” The article further mimicked the sexualized politics of non-consumption in the Revolutionary era by jesting that women promised “to prevent the Increase of Inhabitants . . .” by living “in a State of Celibacy, and renounce[ing] all Correspondence and Connection with the other Sex, whether by Way of Courtship, Marriage or Fornication.”⁴⁰ Patriot colonists continued their repeated efforts to glorify nature’s work despite Tory teasing. By the end of the Revolutionary conflict, this “rhetoric of simplicity” came to represent one facet of the differences between American and English values.

Men’s desire for women was also manipulated in the sexualized politics of this era. Popularized images of women who were determined to be with men who were

³⁹ Boston Gazette, 7 Nov. 1765.

⁴⁰ “To ___ of ___,” Boston Post Boy, 19 Sept. 1774

unafraid of the conflict with England became commonplace. In December 1765, Boston Gazette reported women in Massachusetts “are determined to join Hands with none but such as will to the utmost endeavour to abolish the Custom of marrying with Licence.”⁴¹ Statements such as this attempted to make men believe it was only with non-consumption of the much hated Stamps that men could assure they would find women willing to couple with them. Men were asked to remain loyal to the colonial cause throughout the conflict if they wanted women’s affection. Once warfare with England had begun, women were still popularized in the press as demanding the loyalty and fighting spirit of men. In Bristol, after women presented a flag to the soldiers, they were recorded as telling the men “never to desert the COLOURS of the LADIES, if they ever wished that the LADIES SHOULD LIST UNDER THEIR BANNERS.”⁴² This sexual rhetoric was used repeatedly to draw men into service and gain ascendancy for the cause of the colonies against Britain. The cause of soldiering and, ultimately, the construction of American simplicity and rustic values were advanced by influencing the courtship rituals of young men and women.

The abovementioned tools in the sexualized politics of the imperial conflict became fully developed during the Stamp Act crisis. Little changed in the way the symbols of family, marriage, and courtship were deployed to support non-consumption, the creation and disavowal of loyalty, and the beginnings of an American identity. However, other sexualized rhetorical devices addressed additional concerns, and these devices changed according to the situation in which colonists found themselves. The use

⁴¹ Boston Gazette, 9 Dec. 1765. Similar pronouncements were made elsewhere in the newspapers. For example, a poem reprinted from Newport explained the negative reply of a woman to marry a man who did not oppose the Stamp Act. See Phileluthera, Massachusetts Gazette, 3 Apr. 1766.

⁴² New England Chronicle (Boston), 15-22 June 1775. This article also appeared in Massachusetts Spy (Worcester), 28 June 1775.

of humor, the rhetoric of sexual assaults, and an inchoate ideology that connected national ruin to sexual vice all began to be used during the Stamp Act crisis to disparage the British or Americans. These tools were more malleable and could address several issues of power, loyalty, and hierarchy all at once.

The most odious concerns of white residents required more extreme sexual rhetoric than that focusing on courting and sexual desire. The Stamp Act allowed for the first articulated fears over a standing army to be expressed. The fear of whites over British forces being stationed in Massachusetts to enforce the Stamp Act was presented as an affront to men's honor and the chastity of white women. These fears were largely uttered through concerns for the safety of white women's sexual purity. Men from England had been the first to question the legality of standing armies and place it in a sexual context. One article, reprinted from London, asked whether "every Englishman has been taught to believe he has a right to his own house?" The writer exposed the danger of the Quartering Act by asking what would happen to the Englishman who refused the military "*the half* of his wife or daughter's bed."⁴³ Massachusetts white residents also expressed their anxiety over the stationing of troops in Massachusetts with reference to the safety of white women. One writer reminded readers of the effect of standing armies in Madrid. He quoted a remonstrance of Madrid's residents to the Queen of Spain as stating the town was "filled with horror, murders, robberies, and rapes; for women have been seen assassinated for endeavouring to defend their chastity."⁴⁴ This writer utilized the historical connection of rape with standing armies to sexualize the danger to white residents. It suggested that white men must defend the honor of white

⁴³ Civiis, Boston Evening Post, 3 June 1765.

⁴⁴ A British American, "To Messrs. Fleets," Boston Evening Post, 28 Oct. 1765.

women by working towards the repeal of the Stamp Act. The appeal to England's morality, though positioning white women's sexual purity as particularly endangered by the Stamp Act, would eventually transform to calls for men to join the militia to protect the chastity of white women once warfare commenced. All the Massachusetts' newspapers referred to the stationing of troops with alarm, which revealed their perception that English policy towards its colonies was depraved. With later campaigns, Tories and Patriots would differ in their use of sexual assault rhetoric, with each blaming the other for sexual assaults on white women.

The Stamp Act crisis also resulted in the English making several generalized attacks on the sexual morality of the North American colonies. This tool was not used after the Stamp Act crisis because the English could not claim sexual purity with the widely acknowledged sexual immorality of the Royal Family and English nobility. In an effort to degrade the colonial protests as unreasonable and overly passionate, sexuality was deployed to dissuade residents from protesting the taxation scheme. One article, written in England by "Pacifcus," degraded the sexual ethics of the Chesapeake colonies and New Englanders in an attempt to prove them unfit protesters. "Pacifcus" argued, "Virginians indeed are immersed in libertinism. . . ." Virginia's sexual immorality was posited as making them overall mentally unfit and illegible to govern. On the other hand, Massachusetts residents were declared to be the outcome of a sexual mixture of Indians with their English colonizers. "Pacifcus" asserted "New Englanders [were] not very unlike their half brothers, the Indians, for unsocial principles, and unrelenting cruelty." This was a fierce rhetorical device aimed at New England's white men who did not approve of the intermixture of white women with Indian men. In reference to both

geographic regions' ability to battle, the author suggested, "These yellow shadows of men are by no means fit for a conflict with our troops. . . ." "Pacificus" believed men of the North American colonies were more suited towards fighting with the "ladies of Covent Garden."⁴⁵ The force of this article depended on shocking the reader with its definitive statement about the corrupt sexual standards of the two colonies leading the rebellion against England. However, the efforts to defame colonists abroad were not a regular component of the sexual politics of the Stamp Act crisis in Massachusetts' newspapers.

The Radical literature Americans adopted with more frequency after passage of the Townshend Acts, which derided the proclivity of the English to sexual pleasure, was far more indicative of the sexualized politics of the imperial crisis in Massachusetts. During the Stamp Act, some Radical writers' articles were reprinted that connected sexual immorality with corruption, although this idea was not as fully developed as it would be by the Revolutionary War. One writer gave praise to "North Americans" because they were still "a rough and hardy people, uneffeminated by the luxury, and uncontaminated with the vices, that are preparing the mother-country to become slaves!" In contrast with the English in England, this writer argued colonists "have a strong passion for freedom, which is here lost in a lust for pleasures the most contemptible in the natures."⁴⁶ Massachusetts residents did not leave sexualized critiques of the English to those residing in England. Boston Gazette, Boston's most radical newspaper in support of the Sons of Liberty, printed: "A certain ____ has been lately rubbing up his old Tools, and purchasing and making of new ones at S____ and M____, &c. in order to begin a Piece

⁴⁵ Pacificus, "From the LONDON GAZETTEER and Daily ADVERTIZER: Nov. 13," Boston Post Boy, 10 Feb. 1766.

⁴⁶ Rationalis, "To the Printer," Massachusetts Gazette, 30 Jan. 1766.

of Work in the engraving Way, which he thinks will be so acceptable on the other side of the Water as to atone for the late Injuries done the Revenue by the Instrumentality of the *Cockell-Shell*.”⁴⁷ This attack on the sexual habits of the English was to show their inclination towards lewd prints. Deriding English sexual habits detracted from the real power that colonists feared the English had over them. The verbal assaults momentarily upset hierarchy, though the link between England’s sexual vice and national decline was unarticulated during this phase of the imperial crisis.

The sexual politics of the Stamp Act continued into the late 1760s with the passage of the Townshend Acts. These first efforts at denying the legitimacy of British rule over the colonies provided colonists with effective tactics against the “mother” country. The perversion of family rule, the push for simplicity in dress and beauty, and the disintegration of marriage continued to be important themes in the ideological war of Patriot residents of Massachusetts against England. As the pressure of English attempts to rule the colonies increased, so to did Patriots’ fiery rhetoric that denounced the English as an entirely corrupt and depraved people. New ideological battles were fought as sexualized politics took on an even more serious role in affecting power relations.

Sexual Vice, Sexual Assaults, and the Luxury of the English

By the end of 1768, the Townshend Acts and the placement of troops in Boston greatly increased the hostility of Massachusetts residents towards England. After 1768, the Boston Massacre, along with the acts that closed the Port in Boston, added more troops to the city, prevented the meeting of local assemblies, and created a monopoly for the East India Company all fomented the disintegration of normal relations between Massachusetts and England. As a result, the ideological rhetoric also amplified and

⁴⁷ Boston Gazette, 14 Oct. 1765.

attacks on British sexual morality were used to disrupt English authority over the colonies. Personal attacks on individuals and generalized discussions of English sexual vice all added to the idea that England's corruption made it an unworthy governing body. In this process, the connection of sexual vice to national decline matured, and its articulation showed the extent to which colonists were beginning to see England's inhabitants as distinct from themselves. The increased attacks on English sexual morality added to the initial attempts to separate "American" from "English" manners, ideas, and values.

After 1768 and the passage of the Townshend Acts, Massachusetts' newspapers reflected the British Empire's declining state. The Empire's decline became associated with information regularly entering Massachusetts describing the sexual corruption of the English. For example, Massachusetts Gazette printed a Radical article that sadly declared: "The age, indeed, is truly vicious ; selfishness prevails ; corruption stalks forth at noon-day, and patriotism is fled ; our virgins put manhood to the blush ; our wives riot in debauchery ; kept mistresses are caressed ; players and common strumpets set the fashions. . . ."⁴⁸ Indeed, the cries of sexual excess among the English were becoming routine laments on the present state of English corruption that portended their future downfall. Another report mentioned news that "A certain political gentleman . . ." from London was heard to declare, "This nation (says he) draws near the crisis of its fate. . . ."⁴⁹ Not only was the nation steeped in debt and engaged in a crisis with the colonies, but "the extreme luxury, debauchery, perjury, adultery, and decline of the real public spirit amongst the heads of this divided kingdom" was leading it towards the fate of the Roman

⁴⁸ Millions, "To the PEOPLE of ENGLAND," Massachusetts Spy, 1 Oct. 1772.

⁴⁹ Massachusetts Gazette, 24 Nov. 1786.

Empire, “when neither power, sword, nor fire could subdue luxury, with the cardinal vices already mentioned.”⁵⁰ The British Empire’s impending ruin was explicitly connected to illicit sexuality in these critiques of the government.

The information colonists could draw on to elucidate the sexual vice permeating English society was seemingly limitless. Reports on prostitution in London were mainstays of Massachusetts’ newspapers. Newspapers described London’s elegant and long funeral procession for a “famous” prostitute and also detailed that another “Lady of Pleasure” had become so rich from “sacrifices at the altar of Venus,” she was able to retire on a thousand pounds a year.⁵¹ This account was shocking because it seemed the English were glorying in their vice. Massachusetts’ newspaper accounts also noted the illicit sexuality growing in its own communities. Residents of Massachusetts began to believe that their association with England was leading to an increase in prostitution in the colonies.⁵² One report from London noted that imprisoning prostitutes “is much more dangerous than beneficial to the community.” As a result, “a power will be vested in the Magistrates to transport the most wicked and abandoned to the new acquired Settlements in America, where white servants are wanted.”⁵³ This brought the danger of England’s sexual vice even closer to home. Even after war had begun, Americans remembered their desire to separate with England for many reasons, and one of them was their perception

⁵⁰ Massachusetts Gazette, 17 Dec. 1772.

⁵¹ Boston Evening Post, 26 Sept. 1768 & 18 May 1767. Massachusetts Gazette also reported that a famous prostitute in London had made 1,500 pounds a year in London, 23 Sept. 1773.

⁵² One report claimed that a law should be re-enacted by the British to force prostitutes to wear contrasting colors. It was claimed that London, Westminster, and even America would look different if this law was passed. Boston Evening Post, 11 Aug. 1766. Another story told of a business partnership that would greatly enhance the ability of colonists and Englanders to get prostitutes in Boston Evening Post, 12 Oct. 1767.

⁵³ Boston Post Boy, 14 Mar. 1768. Boston Post Boy noted that colonists in British North America were alarmed with British plans to send their felons to them. As a result, it was noted male felons would likely be sent to Africa or India to serve as soldiers. See Boston Post Boy, 16 July 1770.

of England's sexual immorality. Americans articulated their desire to break from England because they were in moral peril as a result of their alliance with Britain. "Callo" wrote that England's "pride, her luxury, her Asiatic amusements, her fetes champetres, her mechianzas, and all her train of national, domestic and private vices, would have insinuated themselves among us, and destroyed all that republican simplicity, industry, and virtue, both public and domestic. . . ." ⁵⁴ This writer argued against a treaty with Britain to protect the country.

The success of prostitution in England was not the only proof colonists had of English sexual extravagance. The regularity of news reporting on the debauched sexual status of the Royal Family, who had degraded the institution of marriage more than once, was a component in the distancing of American from British values and in American conceptions of English corruption. Although colonists regularly referred to King George III as sexually pure, his brothers and sisters were deemed much less so by London residents and in the print discourse. Colonists were well aware of the sordid details of Lady Grosvenor's adulterous affair with the Duke of Cumberland, who was King George III's brother. ⁵⁵ The Duke of Cumberland's affairs were deemed terrible behavior for a man in such a high station by Massachusetts residents. In a trial by Lady Grosevenor's husband asking for reparations from the Duke for debauching his wife, the plaintiff's counsel reportedly admonished the Duke to act more like his brother, the King, who

⁵⁴ Callo, "To Mr. Printers," Massachusetts Spy, 27 Aug. 1777.

⁵⁵ Boston Evening Post, 24 Sept. 1770. See also Boston Post Boy, 9 Apr. 1770 & 24 Sept. 1770. Massachusetts Spy satirically reported the Duke of Cumberland had "the *Green-sickness*" in Massachusetts Spy, 22-26 Nov. 1770. Massachusetts Spy also reported the Duke of Cumberland admitted to "possess[ing] passions and inclinations in common with that of a peasant" in 30 Apr. 1772. Newspapers also cited the Duke of Cumberland's affair with "Mrs. B____" (aka "Mrs. B____y") in Massachusetts Spy, 24-27 Dec. 1770; and Massachusetts Gazette 11 Apr. 1771.

“shed a bright example to his subjects in general.”⁵⁶ The Duke’s behavior was reputedly not befitting that of a man of his high station. The dangers of illicit sex were even more pronounced in the newspapers reporting that the Queen of Denmark, who was King George III’s sister, caused the Revolution in her home country. Specifically, rumors spread that her affair with her physician was the cause of the Revolution.⁵⁷ Her resulting exile from Denmark and divorce from her husband after was further evidence of royal corruption. That this nation was undone by the Queen’s affair illustrated how dangerous the sexual intrigues of the court and royalty were for a nation. With a Royal Family well immersed in illicit affairs, it was posed that there was little hope for the future of England.

News of the Royal Family’s disregard for sexual mores was added to by the English nobility, who made regular appearances in Massachusetts’ newspapers for their own sexual intrigues. Most repugnant to colonists and Radicals was the sexual excess of the nobility of England, which was in contrast to the colonists’ perceptions of their more restrained elite. Noble sexual excess was signified in newspapers by references to effeminacy, luxury, and debauchery, but also using more explicit terms. For example, although it was noted the King resented the degraded sexual morality of the Court, it was reported, “they act in direct opposition; for there is scarce a man in place, or a courtier,

⁵⁶ “An Account of the PROCEEDINGS in the great GROSVENOR CAUSE,” Boston Post Boy, 24 Sept. 1770. The Tory sympathy of Boston Post Boy rarely interfered with their desire for seduction tales and spreading gossip about the fashions and activities of courtly life.

⁵⁷ Boston Evening Post, 20 Mar. 1772. Newspapers also eventually blamed the Revolution in Denmark on the Queen Dowager of Denmark who was jealous of the attention her son gave the physician. For similar reports on the Revolution and the Queen, see Massachusetts Gazette, 3 Apr. 1772. Other reports noted the Queen acted “imprudently” with the physician in Massachusetts Spy, 14 May 1772. Unlike Patriot newspapers, Boston Post Boy immediately asserted concerns the Queen of Denmark was being vilified by the Queen Dowager immediately following its first notice on the Revolution. Boston Post Boy seems in this scandal to have realized the effect noble sexual corruption was having Patriot propaganda by their repeated repudiation of the King’s sister’s guilt. See Boston Post Boy, 30 Mar. 1772, 6 Apr. 1772, 13 Apr. 1772; 4 May 1772; 11 May 1772; and 18 May 1772.

who not only publically supports one, but two, three and four mistresses : they seem to glory in vice, and appear competitors for fame in infamy.”⁵⁸ Many other examples of sexual excess were reported on, particularly the adulterous affairs of the nobility. One satirical article pretending to auction off the nobility described a duke as generally fitting either “Ladies or Lords . . . he’ll do for the turff or the bed-chamber, for he’s a good judge of *flesh*—whether it be horse flesh or woman’s flesh.”⁵⁹

The jokes on the English nobility were a departure for residents of Massachusetts who rarely commented on their own upper class’ sexual behavior. By regularly degrading England’s nobility and characterizing them as over-sexed, Massachusetts residents were drawing a distinction between their own more virtuous upper class and old England’s. The most pronounced attacks on sexual morality came with judicial news from London illustrating the decaying state of marriage in England. Adultery charges against the nobility were routinely printed, and the resulting divorce proceedings were regularly commented on. In 1771, it was reported in several newspapers that “Lady L___r” was headed to court for adultery, an Admirals wife was headed to court for adultery for being with her husband’s “favorite footman,” and an English nobleman was to duel an Italian Count after finding him with his wife.⁶⁰ These affairs highlighted upper class sexual immorality in England and showed how debauched England had become.

⁵⁸ “The Ghost of a TETE-A-TETE; Or, a DIALOGUE in the SHADES between the Dutchess of MARLBOROUGH and Lord LIGONIER,” Massachusetts Spy, 3-7 Jan. 1771.

⁵⁹ “Public Vendue of the Present Ministry,” Boston Gazette, 28 Mar. 1774. Similarly, the Massachusetts Spy questioned whether “concubinage” was more popular in England than marriage on 29 Aug. 1772.

⁶⁰ See Massachusetts Gazette, 8 Aug. 1771; Massachusetts Spy, 14 Nov. 1771; Boston Evening Post 12 Aug. 1771. There were multiple other references to these cases as the dramas played out. For example, Lord L___r’s success in proving his wife had committed adultery was reported in Boston Evening Post, 9 Mar. 1772; and Massachusetts Gazette 5 Mar. 1772. The case mentioned in the introduction to this chapter regarding Lord Baltimore’s rape of a girl he kidnapped was also available to residents in Massachusetts Gazette, 7 April 1768; Boston Post Boy, 8 Aug. 1768; and 14 Mar. 1768.

The lack of information on Massachusetts own class of elite made them distinct from the British. No attacks were made on the sexual habits of men who had not taken the side of Britain until after the Revolution.

British officials in Massachusetts were uniformly and personally attacked for their own sexual degeneracy as the imperial conflict progressed, even though such attacks would be unheard of prior to the Revolution. It was as if their mere association with England had tainted their entire moral constitution. In 1774, a writer for the Boston Gazette equated Governor Hutchinson's sycophancy to George III with sexual immorality when he wrote: ". . . when an *old* TEMPTER *prostitutes* an *hackneyed bawd*—(whether the scene of iniquity [sic] is in the lustful recesses of a brothel, or the *political* chambers of the state)—compassion takes its flight, and the bosom of the spectator is alternately filled with scorn and derision, horror and indignation."⁶¹ While the Boston Post Boy regularly defended Governor Hutchinson's moral integrity, residents of Massachusetts continued to deride him for every fault they could find. So disgusted were Patriots with the Governor's allegiance to the King that even his attendance at dances were opportunities to challenge his sexual morality. After attending a dance celebrating the King's birthday, Hutchinson and his associates were called "lascivious, lustful, and excessive Wine-bibers."⁶² By aligning himself with Britain, Governor Hutchinson had lost his right to claim the elite white men's status that previously shielded him from sexualized comments. Patriots undermined Hutchinson's credibility as Governor and all

⁶¹ Marchmont Needham, "Needham's Remembrance, Number VI," Boston Gazette, 31 Jan. 1774.

⁶² Saltator, "Mr. Draper," Massachusetts Gazette, 13 June 1771. Hutchinson was not the only British official to have been viewed with such disdain as to be derided for his sexual immorality. The intermarriage of families from the Governor, Lieutenant Governor, and members of the Supreme Judicial Court also smelled of nobility to colonists. See Boston Gazette, 22 Apr. 1771.

of the actions he had taken to support the crown by citing his sexuality immorality. Associating the Governor with sexual vice showed his culpability to sins of all types.

Much like in earlier debates during the Stamp Act, marriage also appeared endangered by England's governance. However, actions by Parliament during 1772 demanded new assertions of the importance of marriage. Not only did nobles and members of the Royal Family flagrantly disobey marital law, but the actions of the Parliament seemed to be encroaching on the personal liberty of men and women to choose their own partners. When the Duke of Cumberland secretly married a widow without the consent of the King or Parliament, Parliament devised a Royal Marriage Bill that colonists and Radicals viewed with alarm. Every Massachusetts' newspaper ran articles that condemned this Bill as reversing "Divine Law and the law of this Nation." One writer asked: "Will the Parliament then set aside a Marriage that was solemnized according to the Law of Both God and Man?" Fear of Parliamentary power led this writer to comment that if the Royal Marriage Bill passed, "Perogatives will swallow up Law."⁶³ Showing marriage was at stake with a Parliament radical enough to challenge God seriously undermined the legitimacy of British rule. The corrupt administration was posited as untrustworthy and faulty for "discountenancing thereby as much as in them lay, the ordinances of religion and encouraging the younger branches of the Royal Family

⁶³ Boston Evening Post, 11 May 1772. The other newspapers also regularly reported with alarm on the state of the Royal Marriage Bill and the King's lack of power in the situation. See Massachusetts Gazette, 14 May 1772; Massachusetts Spy, 19 Mar. 1772 & 9 Apr. 1772. In contrast with patriot-sympathizing newspapers, Boston Post Boy reported more on the gossip of the Duke of Cumberland's secret marriage than the imposition of Parliamentary power in the Royal Marriage Bill. See Boston Post Boy, 13 Jan. 1772; 27 Jan. 1772; 2 Mar. 1772; 16 Mar. 1772; 6 Apr. 1772 & 13 Apr. 1772. These last few issues noted the considerable debate between the King and Parliament in London regarding the bill. There is also a seemingly disparaging comment about the Parliament on 13 Apr. 1772, when the newspaper noted the Marriage Bill was in line with the last nine years of Parliamentary legislation, referring here to the legislation dealing with the North American colonies.

to *persevere* in the ways of whoredom and adultery.”⁶⁴ Massachusetts residents argued that only by distancing themselves from England would their communities be protected from the declining morality of England.

History was used to warn the English and the Tories they were becoming overly sexed, which would lead to national ruin. One writer commented, “I HAVE long thought that the rulers in B---n may vie in luxury and debauchery with those of any other kingdom. . . . Who set the most glaring examples of adultery, fornication, &c.---Those at the helm.”⁶⁵ With the condemnation of England as a debauched nation, Patriots posited a difference between themselves and England. Massachusetts residents readily compared the vice-ridden society of England with Sodom. This was particularly emphasized after the king pardoned from execution a man who had been found guilty of sodomy, even though most comments referring to Sodom were references to illicit sex between men and women.⁶⁶ Although Massachusetts residents consistently wondered about their own state of moral propriety, they did not see their fate as endangered as England’s. Newspapers articulated that England appeared to be acquiescing to its own national decline by dismissing and ignoring its sexual sins. One article claimed: “Adultery, debauchery, and divorces, are more frequent now than in the corrupt and profligate days of Charles the second; those, Sir, prove incontestably your religious principles, and show how far you have suppressed vice and immorality.”⁶⁷ With this ideology firmly in place,

⁶⁴ “To Mess’rs. Fleets,” Boston Evening Post, 19 Dec. 1774.

⁶⁵ “To the Printer,” Massachusetts Spy, 1 Oct. 1772.

⁶⁶ See An Admirer of the Fair Sex, “To the KING,” Massachusetts Spy, 12 Nov. 1772. Other references to Sodom are in 29 Sept. 1774. Other references to Britain as allowing the sins of Sodom are in Boston Evening Post, 1 Mar, 1773 & 3 Oct. 1774.

⁶⁷ “The CRISIS, NUMBER IX,” Massachusetts Spy, 26 July 1775.

Massachusetts residents began to propagandize their superior sexual morality. They could claim they more forcefully sought to root out sexual evils and protect their society. Tories and the British administration often attempted to subvert the loyalty of local assemblies in Massachusetts by referring to them as run by “rabble,” “mobs,” or the “licentious.” These exclamations depended partly on the construction of the white lower class man as over-sexed and passionate. John Herbert, an editorial writer, complained the Sons of Liberty praised “Bacchus” and in their processions represented a “fraternity with such Libertines, who practice the frantic reveling of the Bacchanalians ; representing such as are Maniacus and Coetus.”⁶⁸ Another letter writer denounced Patriot activities and requested the “wise and prudent” stop “the Excrescences of this Passion; to be watchful and jealous; and by Moderation, to acquire or increase that Coolness of Temper and Desires, which is the great Principle of *Virtue*.”⁶⁹ This more implicit use of sexuality called for men who were less passionate and more reasoned, and indirectly pointed towards white men of the upper class in Massachusetts. Loyalists were quick to defame the men who had ordered activities against the Crown, and the discourse on lower class men’s sexuality was a perfect reservoir to tap.

In opposition to Loyalist constructions of Patriot activities, Patriots spoke of men who took part in colonial assemblies as more simple, virtuous, and manly. This construction of Patriots saw its beginnings in the ideological battle over the Stamp Act, when women were imagined to be desirous of courageous Patriot men and the rhetoric of simplicity. Patriots stressed these admirable qualities in regard to political assemblies after the Boston Tea Party because Tories regularly disparaged Patriot meetings as mob

⁶⁸ John Herbert, “Messirs Fleets,” Boston Evening Post, 13 Mar. 1769

⁶⁹ Lelius, Massachusetts Gazette, 9 July 1772.

activities. One man defended men in the Boston assembly by observing they had “uncorrupted integrity and manly hardihood.” Moreover, he believed the assemblymen “were not yet corrupted by venality, or debauched by luxury.” This writer attempted to remove the idea that a promiscuous and licentious crowd was exercising authority in Boston. Instead, he promoted the idea of a “prudent and temperate” people who were responding to an unreasonable government request.⁷⁰ The glorification of simplicity in manners and style occurring after the Revolution represents how successful the propaganda on sexual excess and luxury were. Residents were articulating that leaders needed to be pious and pure.

White Tories associated Patriot activities with African nations or men of African heritage in the hope of lessening the merit of Patriot causes. One editorial, written by “Benevolus,” decried the current state of affairs with mobs ruining reputations of men and ruling public opinion. Benevolus believed “the Difference between Liberty and Licentiousness” was glaringly obvious. He suggested the contrast between these two ideas “is as great between them, as between the elegant Robes of an *European Monarch* and the Royal Garbage of an *Hottentot*; one is ornamental in the eye of a Man of Taste the other distasteful, but to him who delights in Filth and Nastiness.”⁷¹ Connecting Patriot ideology with what was considered the “uncivilized” nation of Hottentots was to lessen the authority of men who sought to break with England. Other efforts by white Tories showed men of African heritage were actually involved in Patriot activities. The Superior Court of Judicature tried “a Mulatto Man, named George,” with dragging a British administrator from his home “to a Place near four miles distant, stripping him

⁷⁰ An Impartial Observer, “To Messieurs Edes and Gill,” Boston Gazette, 20 Dec. 1773.

⁷¹ Benevolus, “To Mr. Hutchinson,” Massachusetts Gazette, 8 Aug. 1771.

almost naked, placing him in on a Cart, and carrying him through the Streets in the cold, and then besmearing him with Tar, beating, wounding, and otherwise evil entreating him.”⁷² Publicizing the case of this Patriot riot, wherein the only man identifiable by authorities was of African heritage, aimed to besmirch the entire cause of the Patriots as consisting of overly passionate men engaged in unreasonable activities. Drawing upon the white social conceptions of black men’s passion and excessive sexuality connected Patriots with ill-advised activities.

White Patriots attempted to disgrace the troops stationed in Boston by emphasizing their social activities with Boston’s African inhabitants. Between September 1768 and August 1769, Boston Evening Post regularly updated residents on the activities of soldiers in Boston on the front page. On November 9th, 1768, after breaking into a Justice’s home, soldiers were reported to be “very free with the blacks, to whom they declared a liking.”⁷³ So friendly were relations between the British army and Boston’s blacks, Prince Hall, a prominent black resident of Boston and Cambridge, was initiated in the British Military Lodge, Number 441, before the commencement of war in 1775.⁷⁴ The news on this interracial mingling placed soldiers on the same social plane as that of African servants and slaves. The soldiers and black residents were depicted as so chummy, soldiers even attempted to free many slaves from their masters. “[T]he most atrocious offence and alarming behaviour,” according to the “Journal of the Times,” “was that of a captain . . . who in company with two other officers, endeavoured to persuade

⁷² Boston Post Boy, 19 Nov. 1770.

⁷³ Oliver Morton Dickerson, ed., Boston Under Military Rule. (1768-1769), as Revealed in a Journal of the Times (New York: Da Capo Press, 1970), 21. “The Journal of the Times,” reprinted in Dickerson’s collection, was regularly printed in Boston Evening Post.

⁷⁴ Charles Wesley, The History of the Prince Hall Grand Lodge of the State of Ohio, 1849-1860 (Wilberforce, OH: Central State College Press, 1961), 5.

some Negro servants to ill-treat and abuse their masters, assuring them that the soldiers were come to procure their freedoms.”⁷⁵ Other reports suggested that soldiers promised slaves they would assist them in cutting their masters’ throats.⁷⁶ Soldiers’ actions continued to be depicted this way by whites into 1769, when the Superior Court of Judicature found an indictment against several soldiers for stirring up a conspiracy among slaves.⁷⁷

White colonists viewed the British soldiers’ relationships with men and women of African heritage as disruptive of the orderly society they had created. Whites were surprised when Boston’s black men and women socialized with the English, even to the point of helping soldiers with their work. On November 10th, 1768, the “Journal of the Times” reported Boston’s hopes “that the arrival of these troops will lead some officers to conclude the aid of our Negro gentry may now be dispensed with. Other reports suggested British soldiers believed if the slaves were freed, they would assist the British in fighting against the colonies.”⁷⁸ The relationship between British soldiers and Boston’s inhabitants of African descent revealed to whites that black loyalty was not automatically with the Patriots. Although Boston’s blacks were rhetorically constructed as part of the colonial family, African men and women were not necessarily drawn to their white patriarchs’ political persuasion. This was a dramatic break with white rhetorical constructions of slaves as part of white families.

Tory newspapers suggested Massachusetts families were under assault by the sexual adventures of British soldiers. Tories argued Massachusetts had become the site

⁷⁵ Ibid. 16.

⁷⁶ “Journal of the Times,” Boston Evening Post, 2 Jan. 1769.

⁷⁷ “Journal of the Times,” Boston Evening Post, 22 May 1769.

⁷⁸ Ibid. 18.

of divine wrath to quell Patriot calls for independence. Articles favoring England supposed that the acts of the mob were causing the ruin of Massachusetts. This rhetoric attempted gain loyalty to England by exploiting the probability of sexual assaults on white women if war began with England. Writers drew upon the construction of lower class men as overly passionate to make their case. One article warned that “Lusts and Passions of Man ; from the diabolical Nature being stirred up in you . . . will also bring down the Judgments of heaven upon you.”⁷⁹ This writer called for the lower class to restrain their uncontrollable passions. Similarly, another writer claimed the “exorbitancy of our passions” are opening up Massachusetts to the “most alarming of all God’s judgments.”⁸⁰ These articles showed the unnatural connection of lower class over-sexed men in leadership positions by reminding readers of their stereotypical overly passionate characteristics. One article asked readers to consider war with England and its sexualized effects: Was it worse “to be whipt or kick’d about like a Dog—to have your Wife and Daughters (if you have any) ravished before your Eyes—and your tender Sons dig in a Mine or row in a Galley for Life. . . .” than to pay the simple duties to England?⁸¹ After troops had occupied Boston and the war had commenced, Tories would not be so bold as to link sexual assaults with standing armies. However, Patriots would do that very thing.

The fears expressed after the British forces were stationed in Boston were different from those of the Stamp Act because Bostonians were now living with the effects of a standing army. The problems posed by British troops being stationed in Boston were especially worrisome because the lower class was constructed as sexually excessive, and these were the men most likely to be enlisted as British soldiers. Concerns

⁷⁹ Divine Wisdon, “The COUNCILS of DIVINE WISDOM,” Boston Post Boy, 13 Feb. 1769.

⁸⁰ “To the Printer,” Boston Post Boy, 20 May 1771.

⁸¹ Common Sense, “Mr. Draper,” Massachusetts Gazette, 22 Oct. 1772.

over the stationing of troops were about protecting the sexual standards of Massachusetts residents, not just its white women as it had been with the Stamp Act. For example, Boston Gazette reported that British soldiers had gone so far as to protect a man and his wife who had kept an “infamous house” that had “openly entertained some prostitutes, thereby encouraging & inciting youth to those vices it is apt enough of itself to indulge in.”⁸² Rather than assisting in removing the vice, British soldiers were described as surrounding the man and his family, which allowed for their escape from justice. Fears were articulated that soldiers would seduce Boston’s white women into illicit sexual relationships as well. One writer named, “A Moralist,” claimed once the troops began to occupy Boston, “scandalous prostitution” became prevalent. He believed this was caused by the seduction of white women by soldiers. According to the “Moralist,” once women were seduced “the unhappy wretches, . . . are compelled in a manner, to continue that bad course of life.”⁸³ Other acts of seduction by the British troops were reported to go as far as to set up pretend marriage ceremonies in order to have sex with white women. The British soldiers, ministry, and government were decried as “the authors of those scenes of *public and private* distress.”⁸⁴ These unmanly acts against white women were perceived by whites as attacks not only against white women, but the white men who were supposed to protect them and their communities. By regularly bringing to light the sexual corruption of British soldiers, the English were presented as enemies of colonists. These actions further set apart the morality of the English, who cared so little for the virtue of its own colonies.

⁸² “Messrs Edes and Gill,” Boston Gazette, 7 Nov. 1774.

⁸³ A Moralist, “For the MASSACHUSETTS SPY,” Massachusetts Spy, 12 May 1774.

⁸⁴ “Journal of the Times,” Boston Evening Post, 31 July 1769. According to the report, a soldier “carried her to a house in town, where as she tho’t, they were married by a person who was dress’d as a priest.”

Even more detrimental to society were the numerous reports of soldiers stationed in Boston sexually assaulting white women.⁸⁵ The women victims were young, old, married, and single, and the reports suggested just about any woman passing by the soldiers were likely to experience an attack.⁸⁶ Information about sexual assaults delineated the English, their former rulers, as enemies of Massachusetts. A poem by “Civis” commented on this by stating a man “who unlicenc’d wreaks/ His wanton malice on the tender sex, / Great Britain’s cause, in him is basely stain’d.”⁸⁷ News on sexual assaults also suggested men who did not join the Patriots and defend white women from these attacks were not men at all.⁸⁸ The rape reports were an important tool in rallying more colonists to the side of the Patriots and were a harsh indictment of the corrupt British governance.

The reputed sexual assaults resulting from the placement of troops in Boston assisted in bolstering the courage of colonial militias. While British soldiers’ behavior was most often described as that of over-sexed lower class white men, another discourse challenged the manliness of English troops by focusing on the luxury of Britain. Writers opposing Britain drew from history to persuade England it had moved beyond repair in its disregard for sexual morality that led first to luxury, then to effeminacy. Effeminacy was linked with loss of military might in newspapers warning the English to be wary of this major cause of national decline. For example, the Persian Empire was explained to be populated by “Men whose passions are tainted with luxury. . . .” These men were

⁸⁵ One woman was “shamefully abused by some of the soldiers” in the town Barracks. *Boston Gazette*, 9 Nov. 1769.

⁸⁶ “Journal of the Times,” *Boston Evening Post*, 5 Feb. 1769; 24 Apr. 1769; 1 May 1769; 26 June 1769; and 17 July 1769.

⁸⁷ Civis, “Messi’rs Fleets,” *Boston Evening Post*, 22 May 1769.

⁸⁸ Sharon Block argues that rape during wartime upsets patriarchy because male effectiveness in defending women was denied. See Sharon Block, “Coerced Sex in British North America,” 226-235.

“conversant with nothing but trifles, and whenever I see a nation given up to such follies and effeminacy of manners, as now seem almost generally to obtain throughout the kingdom, what can I think but that the safety of it entirely depends on the good will of our neighbors.”⁸⁹ Without an army filled with men more inclined towards fighting than dancing and seduction, nations were thought to be unable to defend themselves. One poet suggested red coats from London would be unable to fight effectively in battle. The writer claimed London’s soldiers spent more time and money on balls and powder than they did training.⁹⁰ All of these reports spread information that if America were to combat Britain, America’s simplicity and more manly behavior would serve them better in the field of battle. This courage enabled men who were fearful of a war with Britain to stand with the Patriots. The rhetoric of English effeminacy continued once warfare began. One caricature passed among soldiers represented General Howe “reclining on the lap” of the wife of “cuckoldy Joshua Loring.” “[W]ith one hand he [Howe] appears to receive laurels from Sir Wm. Elkins, which he lays at Mrs. Loring’s feet, and with the other throws guineas to her husband who sits at a distance cross-legged like a taylor and picks them up.”⁹¹ The effeminacy of the English administration was effectively derided to bolster male pride in the colonies’ military might and rule.

The constructions of England as sexually excessive and effeminate were used to illustrate the total corruption of the British regime. Massachusetts residents began to express their utter disbelief at the disregard England had for its own welfare. The

⁸⁹ Senex, Massachusetts Spy, 27 May 1773.

⁹⁰ The poem reads: “Tis said that our Soldiers so lazy are grown,/ With luxury, plenty, and ease,/ That they more for their *Carriage* than *Courage* are known,/ And scarce know the use of a *piece* . . . But there ne’er was more money expended in *Balls*,/ Or a greater consumption of *Powder*.” See Massachusetts Gazette, 11 May 1769.

⁹¹ Boston Gazette, 29 Dec. 1777.

multiplicity of attacks on the sexual behavior of England made its values appear distinct from those of Massachusetts residents by the time of the Revolutionary War. That the nobility and Royal Family were involved in so many sexual scandals was very different from colonial conceptions of their own elite. Massachusetts residents preferred a body politic that clung to its sexual morality and was terrified of moral decay. A nation that would send an army to occupy its former “brothers” and “sisters” was perverted beyond reason. By the time the war started, the ideological battle had already begun to allow colonists to claim a distinctness that made them superior to the English in many ways. The colonists’ perception of having a higher standard of morality and divine favor made their future path different from that of England. It also readied Massachusetts for the fight for independence from England’s debauchery.

Sexual Violence and the Making of Virtuous Americans

By the advent of Lexington and Concord a discourse, had already divided British from American values. Sexuality had been an important component in these constructions. With the commencement of the Revolutionary War, newspapers emphasized the differences between England and America by describing the rape of white women by Hessian and English soldiers and the “seduction” of Africans and Indians from the side of Patriots. Radical writers from London continued to be important in constructions of an alternative to an English identity. Their writings were printed regularly in newspapers and appropriately described the feelings of betrayed colonists. Amid the cries of warfare, these writings, combined with those of Patriot colonists themselves, had a forceful impact that divided the English rulers from the victims of English oppression. Colonists viewed this war as England’s final step towards its own

destruction, and sexuality was a prime component in their perception of this event. Sexual assaults, the debauched monarchy, and the break-up of the idealized interracial family ties were all used to articulate that England no longer had a right to rule over the colonies. These assaults on the British North Americans colonists made irreversible the prior events that had already distinguished between the two nations.

Even as the warfare began the conflict between Britain and Massachusetts residents continued to be depicted in sexual terms. Massachusetts' newspapers derisively referred to General Burgoyne's intent to "dance the Ladies into submission to the British Parliament," by noting women's refusal to dance with him. He only "got into a passion—and went home again."⁹² Another article satirically wrote of an imaginary "Empire of Lilliput," in which the King claimed to be fighting with its colony only "to restore them to the old constitution of eating and drinking and sleeping and f_____ according to my instruction; and to deliver them from despotic ringleaders of their own chusing."⁹³ Even after the reality of warfare had set in, sexualized rhetoric continued because the gendered power relations within this humor reflected the situation of Britain and the colonies. This rhetoric also highlighted the immorality of Britain. Sexualized humor was a useful tool in defraying fear and debunking power in the midst of a life-or-death struggle.

⁹² "REMARKABLE EVENTS in the Year 1775," Massachusetts Spy, 2 Feb. 1776. Boston Gazette also mocked the failure of Burgoyne to "dance the Ladies into submission" on 12 Jan. 1776. A poem was also printed that satirized Burgoyne's failure in seducing Boston after he returned to England. These poems were also made into broadsides that were widely circulated in Massachusetts. See "A PARODY, on General BURGOYNE's PROLOGUE to the TRAGEDY of ZARA," Massachusetts Spy, 24 May 1776; and "A mirror for a printer. A proclamation [A parody on Gage's of sixty lines, ending:] From Salem's council-chambers I these wise instructions give," 1774, An American Time Capsule: Three Centuries of Broadsides and Other Printed Ephemera [database on-line], (Washington, DC: Library of Congress, 2002), digital id. rbpe 03704500.

⁹³ "The most gracious SPEECH of the Imperial Majesty of the Emperor of Lilliput," Massachusetts Spy, 22 Mar. 1777.

The battles of Lexington and Concord, as well as that of Bunker Hill, left Massachusetts residents stunned and angry over British assaults and their continued occupation of Boston. To bolster their pride and allay their fears over more warfare, Massachusetts' newspapers continued to attack the masculinity and depravity of the English. Colonists directed their anger at the government of England. One article insulted the line of English Kings following James I and referred to William I as a "Bastard;" noted that Richard I's favorite vices were "avarice and lust;" Edward II was so unmanly as to be murdered by his wife's minion; Edward III "abandoned himself in his old age to a favourite mistress;" Edward IV was "debauched, cruel, and perfidious;" and James I "was entirely governed by two lascivious boys, his minions."⁹⁴ These humorous and scathing attacks on the Kings of England could alleviate the pressure of impending warfare, an occupying army, and becoming an independent nation. The promotion of a historical perspective that denied legitimacy to the monarchy of England could show colonists were not the only victims of English authoritarian rule. The humor subverted British authority by making the Royalty the subject of jokes and allowed for a dialogue about the independence of the colonies. After all, if debauched rulers were all there was to miss after leaving the empire, what was to stop them from taking the final step?

The crisis of warfare also brought the tensions of the interracial "family" to its height. The Revolution created a new problem for white slaveholders, who saw their patriarchal slavery ideal crumble in the conflict, as a steady stream of men of African heritage left their homes in the South and North to side with the British. Despite the indifference with which most masters viewed their responsibilities towards slaves in the rhetorical ideal, whites were hurt by slave disloyalty and England's treatment of Africans.

⁹⁴ "To the Printers of the St. James Chronicle," Boston Gazette, 18 Sept. 1775.

Particularly offensive in white newspapers were the tactics of Lord Dunmore in his freeing of slaves in the South and removing the slaves from their “natural” families. Boston Gazette was appalled by the mistreatment of blacks in the South that Dunmore had captured. One article claimed Dunmore had sent Africans “to the West Indies, where these unfortunate creatures were disposed of to defray his Lordship’s expences ; and others, such as he took any dislike to, he delivered up to their masters, to be punished.”⁹⁵ By sexualizing the intentions of the British, white Americans also hoped to convey their concern for Africans, which they posited was in opposition to the British. One writer espoused that Lord Dunmore’s releasing of slaves “led us to attribute this [policy] to the profligacy of his private character, and to a predilection for Negroes, arising from his natural propensity to the females of that complexion.”⁹⁶ Rather than accept slave agency to leave and the barbarity of the institution itself, whites maligned Dunmore’s intentions as sexual.

Despite Patriot leanings, Boston’s black inhabitants were struck by the rhetoric of independence and this cracked the veneer of the patriarchal ideal. Men of African heritage petitioned the government for their freedom in 1773 and 1778. One petition even suggested slaves were willing to work in Massachusetts and follow the law until “from our joynt labours procure money to transport ourselves to some part of the coast of Africa.”⁹⁷ Clearly, not all Massachusetts residents of African heritage envisioned themselves as part of white patriarchal families. Many slaves and servants simply took leave of their masters and encouraged others to do so. The case against Thomas Nichols,

⁹⁵ Boston Gazette, 25 Dec. 1775. The same information was also printed in Massachusetts Gazette, 4 Jan. 1776.

⁹⁶ An American, “To Sir HENRY CLINTON,” Massachusetts Spy, 19 Nov. 1778.

⁹⁷ “Petition of Peter Bestes, Sambo Freeman, Felix Holbrook, and Chester Joie,” in Early Negro Writing, 1760-1837, ed. Dorothy Porter, (Boston: Beacon Press, 1971), 225.

a Mulatto from Natick, was an example of the profound denial whites experienced when their rhetoric on the idealized interracial family in Massachusetts crumbled. He was “brought under Examination, before a Justice, for being concerned in enticing divers Servants to desert the Service of their Masters.”⁹⁸ Stories such as this were incontrovertible evidence African servants and slaves resented the treatment of their masters. This was in stark contrast with the idealized image of slavery many white residents propagated before the war.

Also troublesome to the white colonial belief in an interracial family was British utilization of Indian violence against white Americans. That Indians chose to take up the banner of England in this war went against many white colonists’ beliefs that envisioned a continental struggle against England.⁹⁹ Colonists were fearful of Indian violence, which they believed to be most inhumanely cruel. John Hancock complained, “The wild and barbarous Savages of the wilderness have been solicited by gifts to take up the hatchet against us; and instigated to deluge our settlements with the blood of innocent & defenceless women and children.”¹⁰⁰ The English were thought by whites to have “seduced” Indians into fighting Americans, which allowed whites to deny that Indians joined with the British to protect what was left of their land.¹⁰¹ White residents could at least claim that many tribes in Maine and Massachusetts assisted the Patriots in the

⁹⁸ Boston Gazette, 27 Feb. 1775. A similar story described a black Tory from New York being hung for joining the British forces and attempting to murder his master. See Independent Chronicle, 1-8 June 1775.

⁹⁹ Collin G. Calloway notes some tribes in Nova Scotia as well as the Oniedas, Tuscaroras, and Stockbridge Indians fought for the Patriots. For an account of Massachusetts Stockbridge Indians in the Revolutionary War, see Collin G. Calloway, The American Revolution in Indian Country (Cambridge: Cambridge University Press, 1995), 85-106.

¹⁰⁰ John Hancock, “To the PEOPLE of IRELAND,” Boston Gazette, 21 Aug. 1775.

¹⁰¹ So common had the notion become that England had “seduced” Indians into fighting, it was even cited in the Spanish Declaration of War against Britain. “The dominions of the crown in America have been threatened, and they have gone to the dreadful extremity of raising the Indian nation as, called *Chatcas*, *Cheroquies*, and *Chicackas*, against the innocent inhabitants of Louisiana, who would have been their victims, if the *Chatcas* themselves had not repented, and revealed all the seduction of the English had planned.” Le Marquis D’ Almodovar, “SPANISH MANIFESTO,” Boston Gazette, 30 Aug. 1777.

Revolutionary War. After some tribes joined the British, white residents began linking England with white colonists' perceptions of Indian violence and inhumanity in print discourse. British forces against Americans were often compared in their brutality to Indians. English "savage barbarity" became a commonplace term to show how dangerously uncivilized their forces were. This rhetoric linked the belief in Indian mistreatment of women and their lack of family connections to the English. For example, the British and Hessian forces were declared "savage" most often for not allowing women to flee before attacking and their mistreatment of prisoners of war.¹⁰² One paper claimed the Indians in North America to be "more humane and merciful" than Britain.¹⁰³

White Patriots blamed England for the forceful breaking up of their idealized patriarchal and interracial families. For example, one writer held Britain responsible for the disloyalty of Africans and Indians: "Have they not attempted to instigate the Indian savages to ravage our frontiers, and murder, after their inhuman manner, our defenceless wives and children? Have not our Negroe slaves been inticed to rebel against their masters and arms put into their hands to murder them?"¹⁰⁴ Positing slaves as being seduced by British rhetoric allowed white residents to avoid facing slave disloyalty and the inhumanity of slavery. Rather than accept culpability for having slaves, some white residents also blamed the English for imposing slavery on them. "Antibiastes" defended his belief in the innocence of white Americans because the English had clouded their judgment, blinding them to the moral problems inherent in slavery. He proposed

¹⁰² For example, see Boston Gazette, 13 Dec. 1779. So common had this phrase become even the English used it to describe their own actions. For an example, see "The Speech of the Right Hon. Earl of Abingdon, in the House of Lords, on Thursday, the 11th of December, 1777," Independent Chronicle, 21 May 1778.

¹⁰³ A Round Head, "Mr. PRINTER," Boston Gazette, 7 July 1777.

¹⁰⁴ Farmer, "My Friends and Countrymen," Boston Gazette, 25 Mar. 1775. Some articles professed the inhumanity of slavery and expressed that war and the disloyalty of slavery were God's plan. For an example, see A Son of Liberty, "To the Impartial PUBLIC," Independent Chronicle, 28 Nov. 1776.

Americans “acknowledge that, had not our own cupidity and indolence prepared us for the seduction of the wily Britons, so—not all their sophistry could have deluded us.—We never would have been tempted by them to purchase the Slaves they brought to us from African shore!” Antibiasties claimed whites’ unreasoning love of all things English that previously had led to this inculcation of slavery in North America. “Reason, virtue, and religion would have made us recoil at the horrid act; and we must have execrated the seducers.”¹⁰⁵ Ironically, whites in Massachusetts faulted the British for breaking up their families, including slaves, while also blaming them for forcing the institution of slavery upon them. Placing culpability on Britain for the crimes of slavery cleared the collective conscious from the evil of slavery and assured residents that a virtuous America really did exist.

White colonists lamented slave and Indian disloyalty even while they sought to rhetorically reconnect with them. One article deplored the lack of loyalty of “Boston’s Negroes,” who along with “New York Tories” had fled to Nova Scotia. Once there, both groups of Tories were forced to work in the Coal Mines, and one Massachusetts writer “wish them no greater Punishment than to remain [there] during Life.”¹⁰⁶ Another way Massachusetts residents dealt with slave disloyalty was by reconstructing and propagating an idealized image of slavery – in the same vein as Gone with the Wind or “Birth of a Nation” – by refiguring history to show a more gentle and kind slavery. A fictitious dialogue published in 1777, years after many slaves had already run away from their masters, suggested how Massachusetts residents spread these beliefs to deal with slaves leaving their homes. This dialogue presented the English as misunderstanding the

¹⁰⁵ Antibiastes, “OBSERVATIONS on the SLAVES and the INDENTURED SERVANTS, inlisted in the Army, and in the Navy of the United States,” Boston Gazette, 13 Oct. 1775.

¹⁰⁶ Boston Gazette, 8 July 1776.

true nature of race relations in North America, wherein whites were supposed to have treated slaves gently. In this story, British Major-General Prescott refused to believe Cuffy, an enslaved man, willingly became a privateer against the British, without his master's direction. When Cuffy's master swears, "I did not compel him." Prescott answers, "You lie you damn'd Rascal____What!—Do you come to me with a lie in your mouth, when I know you lie?____damn you!" Prescott remained undeterred in his belief even after Cuffy swore his master did not send him. He "forced" Cuffy's master to give him food while in the gaol, even though his master was already providing him with victuals. The article humorously pointed out that Cuffy's master loved and provided for Cuffy out of concern, rather than dutiful obedience to the General. The British Major-General was so frustrated by the generosity of the master and the loyalty the two had for each other, he declared, "Begone out of the house you dam'd impudent son of a Bitch, Begone, damn ye, begone!"¹⁰⁷ This dialogue recast the real fact of slaves running away into a farcical half-truth put forward by the British. It allowed for the further propagation of the myth of an idealized slave family in the face of real interracial turmoil.

Other considerations for residents of Massachusetts during the Revolutionary War caught the attention of newspapers. The sexual assaults perpetrated against women by the occupying force became a more severe problem with the commencement of war. The occupation of Boston in 1775 was written about often with reference to the "shrieks of women" from the street, presumably from sexual assaults.¹⁰⁸ British soldiers were blamed for reversing their role as protector and "mother" to the colonies by perpetrating violent acts against its own white daughters. Newspapers asked the English

¹⁰⁷ "The Town-Major, A Farce," Massachusetts Spy, 3 Apr. 1777.

¹⁰⁸ Boston Gazette, 9 Oct. 1775.

administration to consider the “many fatherless and widowed mourners . . . ,” as well as the “disheveled virgin . . . with streaming eyes.”¹⁰⁹ These initial cries were added to by other acts of sexual violence committed by British troops in areas outside of Massachusetts. Boston Gazette reported women were stripped of “some of their best cloathing they had on” in Newport, and another woman was raped after childbirth.¹¹⁰ After repeated reports of assaults, one article listed their grievances and asked the English to imagine “. . . your Sabbaths profaned; your religion despised; the morals of the young corrupted; innocency seduced, and chastity abused; your countrymen butchered. . . .”¹¹¹ Along with the commencement of war, sexual assaults became a major grievance of colonists who sought to defend their country from the ravages of the British forces.

The most widely circulated assault on American chastity occurred in the New Jersey campaign. The reports on the rapes in the New Jersey and New York campaigns of 1777 were referenced throughout the war as the penultimate reason for fighting. The Continental Congressional Report on the “barbarity” of the British execution of war was run in Massachusetts’ newspapers. The report noted a New Jersey man had witnessed his own daughter’s rape by a Hessian officer, and other incidences wherein an English raped three women, and 16 women were being kept at a camp for unknown purposes.¹¹² After these rapes were reported, cries for American soldiers to combat the enemy began to invariably refer to the duty of men to protect women from sexual assault. One writer

¹⁰⁹ Hystapes, “A FUNERAL ORATION,” Boston Gazette, 25 Sept. 1775; and Massachusetts Spy, 29 Sept. 1775.

¹¹⁰ Boston Gazette, 25 Dec. 1775; and Massachusetts Spy, 19 Dec. 1776.

¹¹¹ Cosmopolitan, “To the INHABITANTS of the AMERICAN COLONIES,” Massachusetts Spy, 3 May 1776.

¹¹² The REPRESENTATIVES of the UNITED STATES of *America*, “To the PEOPLE in general, and particularly to the Inhabitants of *Pennsylvania*, and the adjacent STATES,” Boston Gazette, 6 Jan. 1777; Continental Journal, 2 Jan. 1777; Massachusetts Spy, 2 Jan. 1777; Independent Chronicle, 2 Jan. 1777 & 23 May 1777. Boston Gazette continues referring to the rapes in 13 Jan. 1777.

claimed, “if moral duty, the love of your interest, and the salvation of your country are all insufficient to awaken you in this day of trial, let the injury committed against the fair sex by unfeeling and savage Britons, rouse you. . . .”¹¹³ These cries harkened back to the initial movement begun during the Stamp Act that used courtship and honor to gain the loyalty of colonists.

Although the arrival of British soldiers had been fearfully ruminated over, the extent of British and Hessian sexual immorality shocked Americans. From a deserter of the Hessian troops, Massachusetts residents learned “the officers, both Hessian and British, [are] frequently meeting at the houses of those *Ladies* [of Pleasure]. . . .”¹¹⁴ Seeing women of the colonies turn to vice in order to feed the perceived British lust maddened many colonists. A report from Philadelphia noted, “most of the young ladies who were in the city with the enemy, and wear the *present fashionable dresses*, have purchased them at the price of their virtue. It is agreed on all hands that the British officers played the devil with the girls; the privates I suppose were satisfied with *common prostitutes*.”¹¹⁵ So infuriated were colonists with British sexual immorality and trampling of their families, one letter wrote of the “ravaged country – a depopulated city— habitations without safety . . . our homes turned into barracks and bawdy houses for Hessians, and a future race to provide for whose fathers we shall doubt of.”¹¹⁶ The raping and debauching of American women angered many and was the penultimate attack on

¹¹³ The Spectator, “To the PEOPLE of MASSACHUSETTS-BAY,” Boston Gazette, 3 Feb. 1777. For other examples see, Boston Gazette, 13 Jan 1777; 27 Jan 1777; 3 Feb. 1777; and Independent Chronicle, 23 Jan. 1777; 30 Jan. 1777; 26 Mar. 1778.

¹¹⁴ Massachusetts Spy, 3 April 1777.

¹¹⁵ “From a late Philadelphia Paper,” Massachusetts Spy, 6 Aug. 1778.

¹¹⁶ “Extract of a Letter,” Massachusetts Spy, 16 Jan. 1777.

America. The shame of being unable to protect women and fear over the future of a demoralized people was bemoaned.

The assault on the nation's white women caused Patriots to question the moral state of the colonies and experience an underlying anxiety over God's disfavor with America. These cries distinguished America as concerned with its sexual morality in contrast with the perception that Britain did not care about its "inhumanity." The war with Britain was often viewed as a sexualized punishment from God and/or a penalty for not stopping the permeation of vice in their neighborhoods and communities. One writer lamented the "dark cloud which for some time has hung over this once happy country, [and] is a token of the Divine displeasure against the many heinous and notorious sins of its inhabitants." Among other signs of divine disfavor were that men were forced to watch their "wives and daughters ravished—our brethren carried into captivity, and hundreds there perished for want of the necessities in life."¹¹⁷ Another writer bemoaned "we should still have enjoyed the blessings of peace and plenty . . .," if we had not allowed our country "to be contaminated by the many shameful vices that have prevailed among us." This writer explained Americans were subjected to the violence of the rape of "your wives and daughters; to strip your infant children; to expose whole families, naked, miserable and forlorn . . ." because of God's vengeance.¹¹⁸ These cries over God's displeasure portended the future vigilance Massachusetts residents to cleanse their body politic. New campaigns to extinguish the growing vice caused by war and moral laxity would be affected and prior laws would be more forcefully regarded.

¹¹⁷ A True Friend of Liberty, "Messieurs Powars and Willis," *Independent Chronicle*, 6 Mar. 1777.

¹¹⁸ Abraham Lenbroek, "An ADDRESS of the Convention of Representative of the State of New York to their Constituents," *Massachusetts Spy*, 30 Jan. 1777.

As an alternative to the English lifestyle, Americans began to advocate a simple life, free from the luxury that was caused by wealth in England. This luxury was exemplified by the extent of English sexual crimes. One poet cried that “While Luxury in high Profusion reigns, / Their Country bleeds—and bleeds at every Pore.” It was imagined that in England, men were told: “He’s wisest sure who makes the most of Life, / Prefers a Mistress to a sober Wife. / The Coxcomb laughs and revels Life away / Pleasure shall Dance in every festive Bowl, / The *Brute’s* secure the *Man* has not a Soul.” Massachusetts residents had learned from the war that luxury led to sexual sins, of which England was unrepentant. Massachusetts believed there was a more pronounced need after the Revolution than before to cleanse the state of sexual immorality. The British-inspired sexual immorality had corrupted the emerging nation’s white women. White men believed they needed to reestablish their primacy as their manhood was insulted by the British and Hessian sexual assaults on white women.

Desultory comments on English vice helped build a national identity that was uniquely American. Virtue and simplicity were tied to American dismissals of illicit sexuality and the non-importation and non-consumption campaigns that began with the Stamp Act. The fineries of English fashion and the increasing effeminacy of English men were compared with the rugged manliness of white American men and their white women who rejected such luxury. The exploration of these ideas allowed for definitions of corruption, virtue, and national identity that included considerations of sexual behavior. In cleansing the nation of its sins, white Americans also distanced themselves from the Indian and African elements in their societies. Whites perceived Africans and

Indians as overly passionate and sinful, which were traits whites believed led to national ruin.

Chapter 6: Making Chaste Citizens, 1783-1820

On August 2nd, 1788, the Boston session of the Superior Court of Judicature met to prosecute Isabella Dawes for keeping a disorderly house, wherein persons were caught "drinking, tipling, whoring, and misbehaving themselves unlawfully."¹ The witnesses for the prosecution included the maid of the house, two women who claimed they were offered a room "to Sleep there with Gentlemen," and neighbors who questioned the propriety of her boarding house. Sarah Miers, Isabella's neighbor testified, "from my observation & her conversation I had reason to believe She kept a lewd House." Sarah claimed to have witnessed "Men often in the Chambers with the Girls, Day & night." A number of other witnesses refuted the testimonies provided by the prosecution and stated the house was actually quite "orderly."²

Isabella was reputedly maintaining a bawdy house because of her impoverished state, not her sexual immorality. One neighbor asserted that she overheard Isabella saying, "she must let her House to such as she could get a living by." The persons she rented to were usually the single women of Boston, and Isabella could not let sexual mores interfere with her ability to earn a livelihood. Mrs. Femrecy, a friend of Isabella's, warned her "nigh 2 years ago[.] I told her She kept a bad House." To this warning Isabella replied she "wished She could fill 'em [beds] all with Genteel People."

¹ The indictment cited Isabella and Edward Dawes as defendants. However, Isabella had divorced Edward on August 10th, 1784. Because they were no longer cohabiting, most of the defense and prosecution was focused on Isabella's actions. See *Commonwealth v. Dawes*, Aug. 1788, SCJ Record Book.

This chapter is based upon my analysis of judicial records from Boston Municipal Court Record Books and File papers, Suffolk, Middlesex, and Worcester General Sessions of the Peace Record Books and File Papers, Suffolk, Middlesex and Worcester Supreme Judicial Court Record Books and File Papers, and Superior Court of Judicature Record Books and File Papers. I also examined church records from 19 communities in Worcester, Suffolk, Nantucket, and Hampshire Counties. Finally, I looked at newspapers and tracts emanating from Massachusetts.

² Increase Sumner Papers, Vol. 3, MHS, 317-321.

However, her economic situation demanded she let out her rooms to whoever needed a bed.³

Isabella's prosecution was part of a larger effort by the state of Massachusetts and its residents to root out sexual vice after the Revolutionary War. The sexual rhetoric of the Revolutionary War highlighted the virtuous sexual behavior of North Americans and bolstered their claims for independence from the "debauched" English. From the state's inception, Massachusetts residents asserted their virtue through declarations of their sexual purity. Therefore, it followed that sexual indiscretions were not tolerated in post-war Massachusetts. The effort to rid Massachusetts of sexual corruption demonstrates their explicit understanding that sexual vice corrupted nations, leaders, and citizens.

Urban and rural residents of Massachusetts identified different kinds of illicit sexual behavior as problematic based on their perception of who perpetrated the sexual crimes. Patriarchy was key in the identification of sexually corrupt persons. Urban residents stressed the need to remove sexual commerce run by unmarried women, African Americans, and the lower class by closing down bawdy houses and rounding up prostitutes. Urban class, gender, and racial structures were no longer effectively maintained by patriarchal institutions, which were declining due to economic expansion, a rise in population, and a gender imbalance in the populations of women and men.⁴ In contrast, rural residents focused their gaze on husbands and wives who deviated from the marital covenant and committed sins such as adultery or spousal abuse. By targeting this sexual behavior, rural residents aimed to bolster patriarchy and the gender roles it

³ Increase Sumner Papers, Vol. 3, MHS, 317-321.

⁴ Jay Fliegelman, Prodigals and Pilgrims: The American Revolution Against Patriarchal Authority, 1750-1800 (New York: Cambridge University Press, 1982).

prescribed. Patriarchy remained stronger in rural areas, where churches were the primary institution that engaged in ending sexual vice. Urban and rural residents simultaneously partook in the statewide campaign run by Massachusetts publishers to elevate sexual morality in newspapers, tracts, and magazines. Rhetorical regulation, rather than religious and judicial prohibitions and punishments, became more important in promoting the elites' sexual values in the early national era than in previous decades.

According to the writers of Massachusetts' tracts and newspapers, the new republic depended on moral and chaste citizens, whose reason was not clouded by excessive passion. In 1789, one writer commented, "should vice be freely indulged by us in private life, besides involving us in its pernicious consequences, the certain destruction of . . . the security and peace of society, it must in time produce great public indignity and distrust."⁵ Contemporaries believed a republican political state could not be rampant with private or public vice because leaders would be corrupted and unable to fulfill the roles of citizens and leaders in communities. Overly passionate love and sexual relations were believed to infect the health of nations and persons. In 1796, a very popular history of the romance of a couple living in the classical era demonstrated that reason and passion could not coexist in men. Abelard, the leading man of the love story, found that after fornicating with his lover, he "neglected all his serious and important affairs. His performances in public were wretched. . . . His head was turned to nothing but amorous verses." The narrator of this love affair questioned, "What progress might one make in the ways of virtue, who is not obliged to fight an enemy [the sexual tempter] for every

⁵ "Worcester Speculator, No. 66," Massachusetts Spy (Worcester), 3 Dec. 1789.

foot of ground!”⁶ Contemporaries connected sexual passion with a declining ability to reason, which led them to articulate a desire for a sexually chaste republic.

Across Massachusetts, publishers initiated a new discursive campaign highlighting “traditional” values in their magazines and newspapers.⁷ This campaign illustrated the anxiety of Americans over sexual morality after the Revolutionary War. Writers gloried in the “humble hamlet” and “the simple manners of the better days.” One poet reflected, with traditional values “Reason unclouded, every actions guides, / Virtue looks gay, and love unmix’d presides.”⁸ Massachusetts’ foundation for success prescribed the opposite of what the English were perceived to have become: slaves to sexuality, passion, and lack of reason caused by luxury and decadence. One article, entitled “On Luxury,” professed “people, in enervating themselves with expensive pleasures and feasts, shews and luxury, pomp and delicacy” cause the “the greatest advances in dispotic [sic] power.” In contrast, Americans stressed the values of the simple life, which had at its centerpiece married couples surrounded by their families. Bachelors, coxcombs, mistresses, and whores, were unwelcome in this newly purified state. The new national identity promoted the idea that “the declension of manners in any state is always attended with that of empires and dominion.”⁹ Thus, republics demanded good behavior from its body politic, which included their sexual behavior.

Marriage was re-sanctified in newspapers and magazines during the early national era to encourage sexual morality and the orderly behavior of citizens and residents.

⁶ John Hughes, Esq., “The History of Abelard and Eliza,” in Letters of Abelard and Eloisa (Philadelphia: Henry Sweitzer, 1796), 13 & 29.

⁷ Clare Lyons has found some evidence of this activity among the printers in Philadelphia. See, Sex Among the Rabble: An Intimate History of Gender & Power in the Age of Revolution, Philadelphia, 1730-1830 (Chapel Hill: University of North Carolina Press, 2006), 291, 296-298.

⁸ “To the PRINTERS,” Independent Chronicle (Boston), 21 Nov. 1777

⁹ “On LUXURY,” Boston Gazette, 12 Sept. 1785.

Massachusetts' printers had a unified voice in advancing one of the founding principles of the colony—that marriage not only made men and women happy, but it was critical in society. In May 1784, one writer stated, “that marriage is, in itself, an institution extremely desirable : we well know it to have been of divine appointment,—to have been of the first ordinance, and to be the only foundation of all the tender ties of relation and society.”¹⁰ Marriage and families were promoted as the fabric that held republican societies together. Moreover, marriage was a microcosm of the republican political process. A poem in February 1789, advanced that in marriage, “separate interests mingle, jointly run / In one smooth stream ; and the affections one. . . .”¹¹ Through the partnership of marriage, men and women learned how to sacrifice for one another's happiness, which was an important quality that was also required of citizens.

The duty of every citizen was to become part of a family, and this began with marriage. Those who did not marry were perceived as not having a commitment to the communities in which they resided. When a play entitled, Way to Get Married, was shown in Boston in 1796, an editorial suggested the theater would be full because the “subject itself should be a sufficient attractive.” The writers questioned, “How many prejudices might be removed at once if the number of old Maids and Bachelors, who alone, are opposed to *Matrimony* and the stage, should this evening attend the Theatre, and learn by good acting, the fashionable and honorable ‘*Way to get married.*’”¹² Massachusetts' publishers printed opinions that blamed those who were not part of regular families for societal problems. The “Worcester Speculator” claimed the men “that create and cherish discords in neighborhoods—disturbances and riots in town

¹⁰ “Reflections on LOVE and MARRIAGE,” Boston Gazette, 17 May 1784.

¹¹ Juvenis, “An EPITHALAMIUM,” Massachusetts Magazine (Boston), Feb. 1784, 119.

¹² “The Daily Advertiser,” Polar Star (Boston), 26 Dec. 1796.

meetings, and rebellions in Commonwealths . . .” are from “families, destitute of regulation and government.” The “Speculator” questioned: “And how can it be supposed, that those, whose passions have never been attempered, nor minds cultivated, while young, by domestick regulations, should peaceably submit to the rules of the state?”¹³

Bachelors were decried as deviant members in this society that propounded the primary importance of marriage in connecting individuals to society. One article in 1796 suggested, “among all the nations upon earth, you cannot express your contempt of a man more pointedly, than by calling him an Old Bachelor—a thing that lives only for itself—a thing that has no social harmony in its soul—a thing that cares for nobody, and whom nobody regards. . . .”¹⁴ Historian Mark E. Kann found in his study of manhood in the new republic the bachelor was perceived as “unfit for fraternal society and estranged from its natural leaders, and destructive of republican virtue.”¹⁵ Bachelors were thought to have avoided the responsibility of marriage to glory in their lustfulness at the expense of others. Contemporaries considered bachelors unfit for public office because they fulfilled their own passions instead sacrificing for the greater good. The writer “Hymen” summed up the attitude towards bachelors best, when she wrote old bachelors should “be persuaded to take unto yourself a wife, and embrace the ordinance that was so early instituted in the world, and become a useful member of society.”¹⁶ Allegedly, citizens and other “useful members of society” were not selfish, but would disregard their own desires for the well-being of others.

¹³ “Worcester Speculator, No. 45.,” *Massachusetts Spy*, 22 Jan. 1789.

¹⁴ “The Bachelors Island,” *Federal Gazette* (Boston), 19 Mar. 1798.

¹⁵ Kann, *A Republic of Men*, 52.

¹⁶ Hyman, “A few words to the people called OLD BACHELORS,” *Massachusetts Spy*, 1 Nov. 1792.

Coquets were equally impermissible because their lifestyle tended towards fleeting engagements with men. In 1789, one poet described coquets: “ever vain, may delight to give pain, / And turn up their nose at each man, / Till wrinkled and grey, than they, lack a day! / Too late they’ll repent of their plan.”¹⁷ Another poet in 1789 reflected on his disdain for coquettes: “For beauty great I do not ask, / Nor superfluous enius task / Coquetish, prudish arts disclaim.” Instead, these poets desired women who were “Decent and fair, with graceful mien, / Good-humour’d, modest, and serene, / Well train’d in virtue’s school.”¹⁸ Both poets believed women enmeshed in flattery did not seriously consider choosing husbands and would eventually turn into old maids. The behavior of coquets resulted in the same solitary and abhorred state as that of bachelors. In 1789, an article giving advice to women on how to gain husbands asserted a warning to coquettes. Good men would “not be won by airs of affectation, languishing looks and fine dress; such frippery is only designed to engage” libertines.¹⁹ Contemporaries argued women of this quality were not meant for the blessings of marriage.

Printers who deviated from the advancement of sexual propriety were punished for their transgressions. In May 1820, Charles Willis, Thomas Boardman, and John Minchin were tried in the Boston Municipal Court for procuring and publishing The Memoirs of a Woman of Pleasure and Memoir of Fanny Hill. The description of the books in their indictments alleged they contained “unpure bawdy & obscure matters wherein are represented the most gross and filthy scenes of lewdness & obscurity & in terms & impressions not fit or proper to be reviewed or mentioned in any language or in

¹⁷ “To a young Buck, on his ridiculing Marriage,” Massachusetts Spy, 16 Mar. 1786.

¹⁸ “Ode to the Fair Sex,” Gentlemen and Ladies Town and Country Magazine (Boston), July 1789, 327.

¹⁹ An Instructor, “Advice to Ladies in obtaining Husbands,” Apr. 1789, Massachusetts Magazine, 230.

any Court of Justice.” Moreover, both books tended to “scandalize & debase all those fundamental principles & notions of modesty decency, & virtue which are proper & necessary to be kept up & preserved in all civil societies.” Despite their reservations about describing the books, the indictment quoted an explicit scene from Memoirs of a Woman of Pleasure. Charles Willis replied to the charges by stating the books were never meant to be sold on the shop floor. He argued he had received the books from a prisoner as trade for a debt, and had kept them in his attic. Charles turned the remaining books over to the court and stated, “I would not willfully corrupt the moral and religious feelings of a community which they [his family] formed a part.”²⁰ This indictment is the only record in the early national era against a publisher in Suffolk, Middlesex, and Worcester counties.

The early national era emphasis on sexual purity demanded an increasing watchfulness in society to guard against illicit sexual behavior. In towns across Massachusetts, men and women engaged in efforts to promote sexual purity. In 1772, one writer declared: “Such as have been the fore-runners and causes of the loss of liberty in other countries: decay of virtue and public spirit, luxury, and extravagance in expense, *venality* and *corruption* in private and *public affairs*.”²¹ Sexual behavior was an important marker in the vice of a nation. For example, printers of Massachusetts’ newspapers continued to compare their sexual sins with those of the English after independence as a measure of the healthfulness of their state. On December 28th, 1796, The Polar Star ran an article from an English paper that estimated the number of

²⁰ Commonwealth v. Willis, Boardman, and Minchin, May 1820, Boston Municipal Court Record Book, Judicial Archives, MA. Deposition of Charles Willis, May 1820, Boston Municipal Court File Papers, Judicial Archives, MA, box 11.

²¹ “Extract from the FREEHOLER’S CATECHISM,” Massachusetts Spy, 9 July 1772.

criminals in London. The article suggested there were 3000 “rakes, giddy young men, inexperienced and in the pursuit of criminal pleasure . . . vitiating themselves, in the daily practice of seducing others to intemperance, lewdness, [and] debauchery . . . ,” 2000 “Bawds, who keep houses of ill fame, brothels, and lodging houses for prostitutes,” and 50,000 “Unfortunate females of all descriptions, who support themselves chiefly or wholly by prostitution.”²² Massachusetts did not have as sizable a population of vice in its towns. Yet, residents of Massachusetts sought to safeguard their communities by stamping out vice to create an un-debauched state.

From the early colonial period forward, Massachusetts regulated illicit sexual behavior in the courtroom in trials for adultery, fornication, and rape. The rural areas of Worcester and Middlesex Counties experienced only slight changes in the types of criminal sexual activities they prosecuted after the Revolutionary War, which is evidenced by a study of the record books and file papers for the General Sessions of the Peace, Superior Court of Judicature, and Supreme Judicial Court for these counties from 1785 to 1820. Rural judicial and religious activity continued its pre-Revolutionary era focus on bolstering marriage, attacking adultery, and prosecuting lewd behavior that deviated from marital norms. Rural judicial and religious groups did not develop new methods of fighting or new evaluations of what constituted illicit sexual behavior. However, they did take part in the new statewide discursive campaign that advocated proper marital relationships.

In the immediate post-war period, the patterns in urban prosecution for illicit sex are veiled by the incomplete records of the Suffolk General Sessions of the Peace. The Suffolk General Sessions were one of the courts in which Boston’s sexual commerce

²² “State of Crimes in the Metropolis,” Polar Star (Boston), 28 Dec. 1796.

crimes were tried. The record books of the General Sessions for Suffolk County in the 1780s and 1790s are largely missing, and only cover the year of 1780 and from 1796 through the end of the decade. The file papers for the General Sessions of Suffolk fill in much of this gap. Although file papers exist for each year in the 1780s, many of the papers from the 1780s appear to be missing. File papers for the 1790s are much more complete. After 1800, the Boston Municipal Court took over the activities of the General Sessions and these records are intact through 1820. In order to gauge the type and extent of prosecutions against illicit sex, I have compared the file papers of Suffolk, with those of Middlesex County's General Sessions. Middlesex County, which includes the urban areas of Cambridge and Charlestown, has complete records for the period from 1780 to 1820.²³

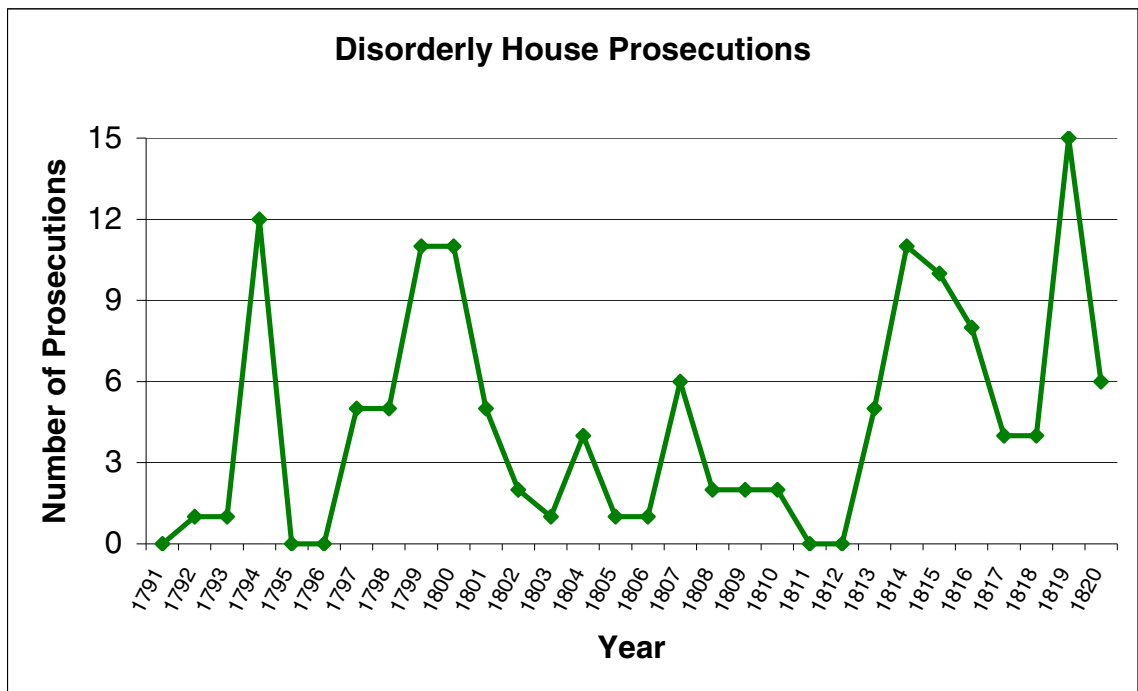
The analysis of these records reveals that urban areas experienced an intensified attack on sexual commerce, with new sexual crimes being identified and punished by the judiciary after the Revolutionary War. Previous to 1780, prosecutions against urban sexual commerce were rare. Over the 1760s, county prosecutors presented only three cases in the Suffolk General Sessions for disorderly houses wherein "lewd" persons were suspected of congregating. Over the 1770s, prosecutors did not indict any person for maintaining a lewd house. Instead, indictments against persons maintaining "disorderly houses" targeted men and women who illegally sold liquor or allowed suspicious clientele, such as Africans, thieves, and vagrants.²⁴ The volume and content of cases

²³ The Superior Court of Judicature and Supreme Judicial Court records were also reviewed for each of the counties noted above for the period between 1780 and 1820. I examined the records of the rest of Massachusetts' counties for the period between 1780 and 1800.

²⁴ For the 1760s, see *King v. John Timmings*, *King v. Edward Montgomery*, *King v. John Bacchus*, Nov. 1769, Suffolk General Sessions Record Book. There were eight prosecutions for disorderly houses in the 1770s. For an example of interracial socializing, see *King v. Thomas Simmons*, Jan. 1770; and for thieves,

prosecuted after the Revolution represented a change in urban Massachusetts. In the early national era, prosecutors attempted to stem the tide of sexual vice in Boston and other urban portions of Massachusetts by bringing to court an unprecedented number of cases against purveyors of disorderly houses wherein lewd behavior was alleged to have occurred. (See Chart 6.1).²⁵

Chart 6.1: Disorderly House Prosecutions in Boston, 1791-1820²⁶



see King v. Robert Doran, Jan. 1771, Suffolk General Sessions Record Book. In 1746, Suffolk General Sessions prosecuted Samuel Kingsly for running a house of gambling.

²⁵ Barbara Meil Hobson writes that Boston did not develop a “full municipal campaign” against vice until the 1820s. However, my evidence indicates Bostonians were actively engaged in fighting prostitution beginning in the late 1790s. By 1813, Boston had already developed its strategies for ending prostitution. See Hobson, *Uneasy Virtue: The Politics of Prostitution and the American Reform Tradition* (New York: Basic Books, 1987), 6. Historian Clare Lyons has also found evidence that campaigns against sex commerce began earlier than other historians have established. She found efforts to stem sexual vice there in 1800. See Clare Lyons, *Sex Among the Rabble* 323-353.

²⁶ The disorderly houses represented in this chart are those houses which were initially complained of or indicted for being houses wherein whoring occurred (or otherwise called Bawdy Houses or Brothels). Not all of the houses were prosecuted in the Boston Municipal Court or General Sessions. In some cases, the owners of the houses complained of would recognize to appear in court (under financial loss) and discontinue allowing illegal activity within their homes. In these cases, the state’s attorney would drop charges and not prosecute the case in court. For an example, see Indictment of Walter Russell, Aug. 1807, Boston Municipal Court File Papers, Judicial Archives, MA, box 3. Source: Suffolk General Sessions

Urban judicial prosecutions of illicit sex peaked around the years of 1794, 1800-1801, and from 1813 through 1820. During the 1790s, the first major attempt to close houses of “ill fame” in Massachusetts took place. In July 1794, ten indictments were drawn up against the purveyors of Boston’s disorderly houses. In August and October 1794, two more indictments were entered against the purveyors of disorderly houses. All of the offenders were cited as having maintained houses wherein people were “drinking tipling Whoring and misbehaving themselves.”²⁷ The attempt to clean up Boston reached a peak on August 29th, 1794, when David and Nancy Potter were committed to jail for keeping a “Bawdy House.”²⁸ This was the first time prosecutors used the term “Bawdy House” to describe a disorderly house in Suffolk or Middlesex counties. David and Nancy were prosecuted at the Superior Court of Judicature on August 26th, 1794, for having “a certain lewd, debauched, and disorderly house and there on divers days and times . . . did unlawfully, lewdly & wickedly for the sake of lucre and gain suffer procure and encourage divers lewd and debauched persons to lewdly wickedly cohabit.” Before this case, the Superior Court of Judicature had only heard three other cases involving disorderly houses wherein “whoring” was suspected, and none wherein the actions of the

Record Books, 1780-1799. Adlow Papers, 1780-1820, Special Collections, Boston Public Library. Boston Municipal Court Record Books and Boston Municipal Court File Papers 1800-1820, Judicial Archives, MA.

²⁷ Indictments of John Linzey, Daniel Shehane, Lydia Nichols, Ceasar Billings, Batholomew Barry, Chloe Wyer, Lucy Dodge, Dublin Badger, 9 July 1794; and Indictments of John Church and Lavina Richardson, 10 Aug. 1794, Adlow Papers, Special Collections, BPL, box 207A, folder 1. The final indictment of this year for a disorderly house was on October 10th. See Writ of Commitment for Mary Williams, 10 Oct. 1794, Adlow Papers, Special Collections, BPL, box 207A, folder 1.

²⁸ The indictment of David and Nancy did not mention the term “bawdy.” This term was on their recognizance to appear in court, which followed the pattern of future indictments for “bawdy” houses, because “bawdy” was not a legal term as was “disorderly house.” Writ of Commitment for David and Nancy Potter, Adlow Papers, Special Collections, BPL, box 207A, folder 1. *Commonwealth v. David and Nancy Potter*, Aug. 1794, SCJ Record Book.

alleged criminals was described as bawdy.²⁹ Usually, disorderly house cases were heard in the lower court of the General Sessions and involved cases of drinking, gambling, or mixed-race sociability. The Potters' entertainment of the "lewd" and the notoriety of their house as "debauched" led to the higher court hearing this case. The charges against Nancy and David were worrisome because their behavior was believed to tend towards "the destruction of good morals to the encouragement of lewdness and debauchery and against the peace and dignity of the Commonwealth." Although David and Nancy were found not guilty in the Superior Court of Judicature, Samuel Barrett, a Justice of the Peace for Boston, had writs of commitment papers drawn up for the couple on August 29th, 1794. Justice Barrett claimed to be keeping them in jail for further examination on another complaint of their keeping a "Bawdy House."³⁰ The indictment and writ of commitment against David and Nancy reveals that the judiciary was responding to Boston's sex commerce. The prosecutors articulated a new term that reflected their understanding of the sexual crimes being committed in Boston. Although sex commerce was not new to the town, these intensive efforts to remove it were.

The judiciary in urban areas prosecuted persons for maintaining disorderly and bawdy houses when people created permissive sexual environments where consenting couples congregated and engaged in illicit sex. When the state began describing these houses as "bawdy" in 1794, it demonstrated concerns about the sexual practices persons in urban towns. Moreover, by sending "bawdy" cases to the Superior Court of

²⁹ In 1763, Tabatha Doaks was prosecuted for maintaining a disorderly house, but she was charged with allowing gaming and drinking to go on there. However, her indictment did identify her as a "lascivious" person. See *King v. Doaks*, Aug. 1763, SCJ Record Book. In 1788 and 1792, two men were prosecuted for having a disorderly house where "whoring" was permitted. *Commonwealth v. Dawes*, Aug. 1788; *Joseph Charles*, Feb. 1792, SCJ Record Book. Only Joseph Charles had been found guilty, and he paid a five pound fine for his crime.

³⁰ Writ of Commitment for David and Nancy Potter, Adlow Papers, Special Collections, BPL, box 207A, folder 1.

Judicature, prosecutors and Justices indicated their perception that these crimes were among the most important and debased. In 1798, a disorderly house prosecution in the Superior Court of Judicature against Elizabeth Cutler was labeled similarly. In this case, Elizabeth Cutler was found guilty of running a disorderly house. Her indictment claimed she did “lewdly and lasciviously procure and permit divers persons and evil women and men, therein, lewdly lasciviously and wantonly to spend their time tippling, gaming, whoring and drinking. . . .” Elizabeth’s punishment for providing a space for illicit sexual activity was to sit at the pillory for one hour while wearing a sign stating: “For keeping a Bawdy House.”³¹ Fornication confessions from later in the new republic reveal that Justices of the Peace were aware that public houses, inns, and taverns were often sites where couples engaged in premarital sex without interference from their proprietors. For example, in 1804, Hannah Smith confessed her child was begotten “at a public house within the Limits of the town of Cambridge or Menotomy to w'ch place he carried her on said day & brought her back in a Chaise to Boston.”³² The judiciary believed it was critical that they remove these houses to eliminate one avenue where persons could engage in illicit sex.

In the near vicinity outside Boston, other urban judiciaries were similarly expanding their prosecutions of urban sex commerce and indicating their view that these crimes were severe. On December 3rd, 1796, Josiah Moore, William Watson, and Samuel Butterfield, all Overseers of the Poor for Cambridge, complained against Elizabeth Fenney, a widow from Cambridge. Their complaint alleged Elizabeth “on the thirtieth

³¹ Commonwealth v. Elizabeth Cutler, Feb. 1798, SCJ Record Book. There were four other cases of disorderly houses prosecuted after Elizabeth’s, and all but one person were found not guilty. Joseph Batson was charged \$30. See Commonwealth v. Polly Curtis; Sally Tate, Sally Miller, and James Cook; Edmund Welsh, Feb. 1799; Joseph Batson, Aug. 1799, SCJ Record Book.

³² Voluntary Exam of Hannah Smith, 2 Feb. 1804, BMC File Papers, Judicial Archives, MA, box 2.

day of Nov'r one thousand seven hundred ninety four & at divers other Days & Times between that time & the first day of Dec'r instant did keep a house of ill Fame & one resorted to for the purposes of Prostitution & Lewdness.”³³ On May 15th, 1797, Elizabeth was indicted for owning a disorderly house, which was “to the great injury of good morals and the rules of chastity – in evil example to others to offend in like manner and against the peace and dignity of the Commonwealth aforesaid.” Her punishment was confinement in the House of Correction for three months and a fine of \$60.³⁴ Like the aforementioned cases against bawdy house owners, Elizabeth’s crime was the first to directly mention “prostitution” in the indictment, yet no evidence suggests prostitution was new to Boston. During the early national era, courts in urban areas were defining the various crimes related to sex commerce, as well as indicating their severity through punishments. Elizabeth’s punishment shows Justices considered procuring women to sell sex to be a more serious crime than offering a space for illicit sex. The raids in Boston on disorderly houses suspected of containing prostitutes demonstrate the increasing concern of the judiciary that sex commerce was problematic in the new republic.

No concurrent raids were exacted on disorderly houses in more rural Worcester, although Justices were clearly aware that taverns and inns in Worcester were used for fornication. In 1782, Henry Kimball testified that Susannah Flagg had fornicated with a man in Mr. Weston’s Tavern, in Waltham, Massachusetts. He stated, “She soon got acquainted With one of them [teamsters], and spend the Chief of the Night with him.”³⁵

On December 1792, Persis Wood, of Shrewsbury, told a Justice she met and copulated

³³ Complaint of Josiah Moore, William Watson, and Samuel Butterfield, 3 Dec. 1796, Middlesex General Sessions File Papers, Judicial Archives, MA, box 10.

³⁴ Commonwealth V. Finney, May 1797, Middlesex General Sessions Record Book.

³⁵ Deposition of Henry Kimball, 18 Sept. 1782, Middlesex General Sessions File Papers, Judicial Archives, MA, box 7.

with Aaron Wood “in Newton’s Tavern,” and never had sex with him in any other place.³⁶ Nabby Taylor confessed in 1792 to having had sex at an Inn in Worcester.³⁷ Like Boston and Middlesex, people from Worcester had sex in relatives’ and friend’s houses, but also in the woods and the spaces between people’s homes. For example, Katherine Rodman explained her child was begotten “in the traveled path leading from Benedict Arnolds of Gloucester to Peter Tafts and that of Robert Lewis.”³⁸ Despite this evidence, Worcester County officials and residents did not seek to regulate disorderly houses resorted to for illicit sex as did urban portions of Middlesex and Suffolk counties.

The judicial emphasis on sexual commerce in urban parts of Massachusetts was a sign of the preoccupation of many residents of Massachusetts with the growing number of widowed and independent women after the War. The pre-war depressions and warfare had created a large population of impoverished women and widows who were perceived as overburdening taxpayers and charitable institutions.³⁹ Early national era Boston experienced similar problems because of the loss of men during warfare. For example, women made the most requests for relief from taxes in the 1780s.⁴⁰ Widows and single women without a wide range of men to choose from had to find a means of financial support. One avenue towards gaining this support was to maintain a boarding house or tavern, which required the skills women typically performed in households. However, the rise in the number of single women and widows likely increased concerns about

³⁶ Voluntary Exam of Persis Wood, 22 June 1792, Worcester General Sessions File Papers, Judicial Archives, MA, box 4.

³⁷ Voluntary Exam of Nabby Taylor, 5 Oct. 1792, Worcester General Sessions File Papers, Judicial Archives, MA, box 4.

³⁸ Voluntary Exam of Katherine Rodman, 2 Apr. 1798, Worcester General Sessions File Papers, Judicial Archives, MA, box 5.

³⁹ Gary Nash, The Urban Crucible: Social Change, Political Consciousness, and the Origins of the American Revolution (Cambridge: Harvard University Press, 1979), 172-173, 189-190, and 255.

⁴⁰ Barbara Carr, After the Siege: A Social History of Boston, 1775-1800 (Boston: Northeastern University Press, 2005), 96.

disorderly women in urban Boston. Independent women who were not absorbed in households run by men were the very persons that the new republic declared to abhor. Coquets, bachelors, and unmarried persons did not fit in the new republican ideology that required persons be married to claim virtue. The declining range of some financial opportunities that had been available to women is evidence of the growing lack of esteem for independent women in the new republic. Historian David Conroy found that in the mid-eighteenth century women made up a third of all licensed tavern keepers in Boston. Yet, by 1812, no women were licensed as tavern keepers.⁴¹ While work in mills and teaching were new careers that opened up for women, this work was ideally to be filled by young women before they married, not as a substitute for marriage.

Urban judiciaries targeted widowed and unmarried women in their first major raids on Boston's bawdy and disorderly houses. Between 1788 and 1799, 11 women were indicted for running disorderly houses. Five were labeled spinsters, two were widowed, two were married, one was a divorcee, and one had an unknown marital status. The husband of one of the married women was a mariner, which meant he would be absent for long periods of time, leaving his wife in a semi-independent state.⁴² The attack on disorderly houses was a method used to bring disorderly women in line with urban programs to reform sexual morals. Unmarried women's courtroom appearances to defend the sexual propriety of their homes reminded them strictures existed in Boston that required women's good behavior. Constables and Justices of the Peace clearly did

⁴¹ David W. Conroy, *In Public Houses: Drink & the Revolution of Authority in Colonial Massachusetts* (Chapel Hill: University of North Carolina Press, 1995), 318.

⁴² See *Commonwealth v. Edward and Isabella Dawes*, Aug. 1788; *Commonwealth v. David and Nancy Potter*; Aug. 1794; *Commonwealth v. Elizabeth Cutler*, Feb. 1798; *Commonwealth v. Polly Curtis; Sally Tate, and Sally Miller*, Feb. 1799, SCJ Record Book. *Indictments of Lydia Nichols, Chloe Wyer, Lucy Dodge*, 9 July 1794; and *Indictment Lavina Richardson*, 10 Aug. 1794, Adlow Papers, Special Collections, BPL, box 207A, folder 1. *Writ of Commitment for Mary Williams*, 10 Oct. 1794, Adlow Papers, Special Collections, BPL, box 207A, folder 1

not trust women who ran their own homes to maintain sexual propriety. If sexual crimes could not be attributed to women, Justices could place “disorderly” women in the workhouse or house of corrections by charging them with being lewd or vagrant. For example, in June 1796, Catherine Mills, a widow from Boston, was committed to jail for “being a person of very bad Behavior and Common disturber of the Neighbourhood.” Jonathan Baxter, a local shipwright, made the complaint against Catherine that led to her incarceration.⁴³ The judiciary reined in unmarried women it felt were disorderly because they were not part of patriarchal households. The increase in the number of unmarried women in Boston likely played a part in the contemporary perception that sexual vice was a problem that needed to be eradicated in the new republic. Contemporaries feared women could seduce citizens into depravity if they were not controlled.

Anxiety about class and race were central to the raids on disorderly houses as well. Between 1784-1795, Boston’s population increased as men moved to the town in search of work in the building surge.⁴⁴ Laborers and African Americans were among the most mobile of Massachusetts’ population and their appearance in urban towns caused considerable anxiety that led to their being warned out.⁴⁵ African Americans, in particular, had broken free of the patriarchal bonds of slavery. Early national era concerns about the disorder the lower class caused were shaped by Shays’ Rebellion in 1786, when men closed the county and state court in response to their depressed

⁴³ Writ of Commitment for Catherine Mills, 25 June 1796, Adlow Papers, Special Collections, BPL, box 150, folder 2.

⁴⁴ Jaqueline Barbara Carr, “A Change ‘as Remarkable as the Revolution Itself’: Boston’s Demographics, 1780-1800,” *NEQ* 73 (Dec. 2000): 584-587; Allan Kulikoff, “The Progress of Inequality in Revolutionary Boston,” *WMQ* 3rd Ser. 28 (July 1971): 401-404.

⁴⁵ Joseph Carvalho III, *Black Families in Hampden County, Massachusetts, 1650-1855* (Boston: New England Historic Genealogical Society and Institute for Massachusetts Studies, Westfield State College, 1984), 15; Christopher Clark, *Roots of Rural Capitalism: Western Massachusetts, 1780-1860* (Ithaca: Cornell University Press, 1990), 57; Allan Kulikoff, “The Progress of Inequality,” 403-4.

economic circumstances. In 1788, Massachusetts passed a law “for suppressing and punishing of Rogues, Vagabonds, common Beggars, and other idle, disorderly, and lewd persons.”⁴⁶ The law stipulated that the strolling poor, as well as African Americans, who could not claim residency had to leave the state. The state was not interested in being a haven for African Americans or the poor, whom this law identified as both lewd and disorderly. Many responded with alarm to the rise in the urban poor and sought to recreate the world of deference more common to rural Massachusetts.

The urban judiciaries’ perception that African Americans and the lower class were sexually suspect led to its focus on the lower class in its clean-up of sexual vice in urban areas. Between 1788 and 1799, eleven men were indicted for running lewd disorderly houses. Seven of the men were identified as laborers and the others were a mariner, a shopkeeper, a yeoman, and one with an unknown occupation. At least one of the men prosecuted was an African American. The shopkeeper’s indictment was dropped after the court pinpointed his former wife as the actual criminal.⁴⁷ In early national era Massachusetts, the lower class and African Americans continued to be considered lascivious. The indicted men’s lower class or African American identities likely led the judiciary to suspect their houses were resorted to for illicit sexual behavior.

Urban campaigns against sexual vice were affected by the judiciaries’ prejudicial opinions regarding the sexual behavior of unmarried women and the lower class.

Patriarchy in urban areas had eroded with the independence and mobility of laborers and

⁴⁶ George H. Moore, Notes on the History of Slavery in Massachusetts (New York: Negro Universities Press, 1968), 228.

⁴⁷ Commonwealth v. Edward and Isabella Dawes, Aug. 1788; Commonwealth v. David and Nancy Potter; Aug. 1794; Commonwealth v. James Cook, and Edmund Welsh, Feb. 1799; Joseph Batson, Aug. 1799, SCJ Record Book. Indictments of John Linzey, Daniel Shehane, Ceasar Billings, Batholomew Barry and, Dublin Badger, 9 July 1794; and Indictment of John Church, 10 Aug. 1794, Adlow Papers, Special Collections, BPL, box 207A, folder 1.

unmarried women. The deference that defined class relations in rural areas was dependent on the limited cash flow and debt that existed between the wealthy and the poor. By the end of the Revolutionary War in Boston, entire neighborhoods were segregated by class and inter-class sociability decreased.⁴⁸ Urban elite white men and women's fears that sexual vice inhabited the streets of the poor influenced their decisions to begin anti-vice crusades in poor neighborhoods. On the other hand, women's financial opportunities were limited and much of the work they were most likely to engage in were the retail trades, which were often run out of their own homes. Most rural unmarried women who sought work would go from house to house, and thus continued to be enmeshed in the households or workshops of men who attempted regulation of their social lives. This was unlike the circumstances of urban unmarried women, whose homes were targeted for the absence of patriarchs.

In the rural areas of Massachusetts, preserving the sanctity of marriage was the main focus of religious and judicial institutions. Patriarchal oversight of women and laborers continued in rural areas until the 1820s, when new working opportunities in factories and land scarcity eroded patriarchy.⁴⁹ Thus, rural churches and judiciaries targeted the sexual behavior of husbands and wives, as well as those that engaged in pre- and extra-marital sexual relationships in their efforts to stem sexual vice. Rural regulation of marital and family relationships protected the institution of marriage, which

⁴⁸ Allan Kulikoff, "The Progress of Inequality," 387-398.

⁴⁹ Christopher Clark, Roots of Rural Capitalism 122-130. Historians have suggested that patriarchy within families was beginning to be softened in the new republic by the emergence of sentimentalism and companionate marriage. For examples, see Ruth Bloch, "Changing Conceptions of Sexuality and Romance in Eighteenth Century America," WMQ 3rd ser. 60 (Jan. 2003): 13-42; Jan Lewis, "The Republican Wife: Virtue and Seduction in the Early Republic," WMQ 3rd ser. 44 (Oct 1987): 689-721; Linda Kerber, Liberty's Daughters: The Revolutionary Experience of American Women, 1750-1800 (Ithaca: Cornell University Press, 1980), 228-255; and Ellen Rothman, "Sex and Self Control: Middle-class Courtship in America, 1770-1870," Journal of Social History 15 (Spring 1982): 409-425.

represented a microcosm of republican ideals to contemporaries.⁵⁰ Adultery was particularly troubling to the morals of residents in rural communities. Between 1783 and 1796, 20 out of the 21 adultery cases heard in the Superior Court of Judicature emanated from the rural portions of the state. Even more telling, 19 out of the 21 cases were from Berkshire, Hampton, Worcester, and Cumberland Counties, which made up the western half of the state.⁵¹ In 1799, Worcester County prosecuted three more adultery cases.⁵² Newly settled and rural areas were the most likely to prosecute adultery in the late eighteenth century. The Supreme Judicial Court for Worcester County remained interested in prosecuting adultery through the turn of the century. Husbands' adulterous affairs were problematic because their crime indicated a rejection of their patriarchal roles as protectors. Moreover, the sexual behavior of adulterous husbands was in contrast with patriarchal rhetoric on men's reason and morality. For wives, adultery represented a rejection of a man's control over his wife's sexual behavior, which was at the core of men's patriarchal power. In places where patriarchy continued in its role of ordering society, adulterous affairs destabilized hierarchy.

Community members were upset when households were torn apart by adultery or in-fighting. In a letter to Isaac Stearns, a state senator from Billerica, one friend noted he "had lately heard some news from your family which I paid no regard til I had heard it sundry ways. . . . [T]he report is there is a quaril between you & your wife." This kind

⁵⁰ Jan Lewis similarly constructs the ideology of marriage in, "The Republican Wife," 689-721.

⁵¹ My search for adultery cases included those cases defined as adultery, cohabitation, and lewd and lascivious behavior with a married person. One of the exceptions to prosecuting only women or women alongside men occurred in 1796. Samuel Very, from Salem, was indicted for committing adultery. See *Commonwealth v. Samuel Very*, Nov. 1796, SCJ Record Book. In April 1790, Benjamin Hazen, from Groton (part of Middlesex County), was prosecuted for adultery. *Commonwealth v. Benjamin Hazen*, Apr. 1790, SCJ Record Book.

⁵² *Commonwealth v. Keziah Dunster*, Apr. 1799; *Joseph Combs*, Sept. 1799; *Lydia Hessenden*, Sept. 1799; Worcester SJC Record Book.

of quarrel worried the writer, who declared marital disputes to be the “worst of quarils that can egstist a city a house divided against itself cannot stand.” He emphasized, “there is not a nearer & derer connexion that we form upon earth than by the mariag covenant nor is there any greater temporal felisity than results from the marriage covenant.” The writer encouraged Isaac to make up with his wife, no matter what started the conflict.⁵³ Stearns’ friend interfered into his marriage because of the danger he saw in offending God and the orderly family government. Rural residents’ conversations regarding community members’ marriages were not only about gossip. Residents were ensuring the success of marriages in their community by avoiding marital disputes and the crumbling of households.

Churches worked alongside the judiciary and community members in the regulation of marital behavior. “Feeble indeed would be the guards of virtue,” one Worcester man argued, “slender the fences that policy might erect against transgression, did not man feel a dread of that Being from whose eye not a spot in the universe lies concealed, and who is a witness to every thought and deed of his creatures.”⁵⁴ The involvement of rural churches in policing the sexual behavior of church members was unlike urban churches, whose ministers left little record of intervention into the sexual behavior of its members in their day-books. For example, the record book of James Freeman, a minister at the King’s Chapel in Boston, included visits to sick children, burials, and preaching appointments. Most of this minister’s time was spent with his own family, other ministers, and Boston’s elite – including Judge Minot, Judge Livermore,

⁵³ To Isaac Sterns, Billerica, Mar. 1798, Isaac Sterns Papers, MHS.

⁵⁴ “The Neighbor, No. XXVIII,” Massachusetts Spy, 12 Apr. 1792.

and the Thatchers.⁵⁵ The declining use of confessions in the churches in Boston occurred as early as 1756. In 1756, the First Church in Boston dropped the requirement that made members subject to church discipline to increase church membership. Their records note “a Motion made by Sundry of the Brethren, That whereas Sundry Persons, desirous of joining with the Church in full Communion, have a Scruple upon their Minds about Making a Relation as Usual, such might without doing it be admitted, if judged otherwise qualify’d for Admission.” This motion passed and was indexed as “church discipline” by the record keeper. However, the initial removal of confessions was made contingent on the past good behavior of prospective members.⁵⁶ Boston’s Second Church stopped including confessions in 1786 because of their concern that not enough people were attending “the Lord’s Supper.” Like the First Church of Boston, they chose not “to require a Confession of any particular fault . . . who have been guilty of particular Sins, if they give evidence of sorrow and humiliation before God. . . .”⁵⁷ Boston’s churches appear to have subordinated their desire for a purified church in order to retain membership and gain new members.

Unlike most urban churches, rural church members, alongside their ministers, regulated their communities’ behavior that related to marriage and family governance. In 1796 in Worcester, the Old South Church investigated the abusive situation occurring in George Cook’s family. Several depositions were made for the church to consider. An anonymous deponent testified, “I have several times seen Mrs. Cook, when her arms and face appeared badly bruised.” This same person declared he overheard Mr. Cook beating

⁵⁵ James Freeman’s Record Books of Visits Paid and Received, Kings Chapel Archives, MHS, box 1.

⁵⁶ In 1756, the First Church in Boston dropped the necessity of members being subject to church discipline to increase church membership. See Publications of the Colonial Society of Massachusetts, vol. 39, The Records of the First Church in Boston II, 1630-1868, vol. 1, 213.

⁵⁷ Second Church (Boston, Mass.) Records, Record Book 1650-1808, MHS, vol. 8.

his own daughter. Thomas Knowles, another witness to Cook's abusive behavior, stated he heard a "great outcry" in 1794, "which I supposed was occasioned by Mr. Cook's beating of his Wife or Children. Particularly, at one time, I heard a great noise in the house, when Mrs. Cook was crying out, and I heard blows which were given. . . ."

Thomas Knowles testified to witnessing one beating. George Cook was called to appear before the church and confess his wrongdoing, but he refused. On January 8th, 1798, the church forbade him from taking communion with them.⁵⁸ Historian Elizabeth Pleck has written that "watchfulness" was important in Puritan families of the seventeenth century, and that community members would call ministers to assist families experiencing abuse. Much like the Puritans, the value of watchfulness extended to the rural areas of the new republic to protect order, proper marital relations, and community tranquility.⁵⁹

Excessively abusive husbands posed a threat to patriarchal rule because it tarnished the image of responsible patriarchs, who regulated their family's behavior for the larger community.

In early national Massachusetts, rural churches remained concerned with ensuring proper pre-marital sexual behavior occurred. In contrast to urban churches, contentious battles occurred in the rural communities of Massachusetts when church members argued over the continuance of public confessions. In June 1796, at the Northborough Church of Christ, several members were alarmed when the pastor proposed and had approved his resolution for discontinuing the confession of sins before entering into a covenant with the church. In October 1796, petitioners wrote to their pastor and argued, "a person who

⁵⁸ Worcester, Mass. Records, Old South Church, AAS, box 2.

⁵⁹ Elizabeth Pleck found that church courts tried cases of spousal abuse in the seventeenth century, but tried fewer than the governments of Massachusetts Bay and Plymouth colonies. See Pleck, Domestic Tyranny: The Making of Social Policy Against Family Violence from Colonial Times to the Present (New York: Oxford University Press, 1987), 18-29.

has been guilty of fornication and make no manifestation of repentance, but glories and boasts in what he has done, does not appear to be reformed.” Furthermore, these petitioners believed removing confessions “will be a mean[s] of strengthening and confirming persons (the younger ones more especially) that fornication is no Sin, & that they may indulge themselves freely.”⁶⁰ Petitioners expressed that fornication was among the most important of sins to confess. Ultimately, the church members reconsidered and decided that confession was far too important to cast aside. At the end of October in 1796, Northborough members of the Church of Christ reasserted their belief in the sinfulness of fornication. They passed the resolution that “persons not in Covenant, whose first Children are born anytime Short of nine months after their legal marriage may not . . . be admitted to the enjoyment of Christian privileges, without making a public acknowledgement therefore.”⁶¹ Northborough was not the only rural area committed to preventing pre-marital sex. Between 1783 and 1800, men and women at churches in Worcester, Sutton, Shrewsbury, Northborough, Sandwich, Westborough, and Plymouth gave 44 confessions for premarital fornication.⁶²

Residents of rural towns reported to their local Justices of the Peace the lewd behavior they deemed criminal. On December 5th, 1795, Josiah Stearns, Justice of the Peace for Lunenburg sent Eli Page and Susannah Rice to the House of Correction after

⁶⁰ Issac Howe et. al., to Peter Whitney, 9 Oct 1796, in Northborough Church of Christ Records, AAS. vol. 2.

⁶¹ Northborough, Mass. Records, AAS, vol. 2.

⁶² Sixteen of the confessions were from men, and 28 were from women. Records identifying the confessors name and sin were recorded in eight of the churches under study. The churches included are Worcester Old South Church, Sutton Second Church of Christ, Uxbridge Church of Christ, Shrewsbury First Congregational Church, Northborough Church of Christ, Westborough Church of Christ, Sandwich First Church of Christ, and the First Church, in Plymouth. See Second Church of Christ (Sutton, Mass.) Records, 1743-1910, AAS, vol. 1, box 1, folder 4; Uxbridge (Mass.) Records, 1730-1864, AAS, vol. 1; First Congregation Church (Shrewsbury, Mass.) Records, 1723-1951, AAS, Octavio vol. 1; Northborough (Mass.) Records, 1766-1874, AAS, vol. 2. Worcester (Mass.) Records, AAS, box 2, folder 5-6; Westborough (Mass.) Records, 1724-1879, AAS, vol. 1 and 2; First Church of Christ (Sandwich, Mass.) Records, MHS, folder 3, vol. 1; and Plymouth Church Records, 1620-1859, 327-375.

the Grand Jury for Lunenberg indicted both persons with being “Idle lascivious disorderly person[s].”⁶³ The case papers include no record about what actions were deemed lascivious. Importantly, this record shows rural residents experienced some public lewd behavior, which was more common to urban centers during this period.

Despite the invasive practices of rural residents to regulate sexual behavior, an unusual sexual scandal still made headway in rural Massachusetts. This case exposed contemporary beliefs regarding the role of sexual behavior in deciding the health of the republic. In April 1791, Stephen Burroughs, a teacher in Charlton, was indicted three times for intent to ravish and two times for lewdness at the Superior Court of Judicature. Stephen’s indictments and newspapers alleged he attempted to rape girls who were students in his classroom. He was also charged with lewdness for attempting to seduce a student. “[B]y opening his Cloaths then and there on his body in her presence, and by putting up and opening her apparel . . . , and by exposing the naked bodies of him the said Stephen and her the said Molly together: thereby exciting her the said Molly to open acts of Lewdness and incontinency.” Burroughs was found guilty of one count of attempt to ravish, and two counts of lewdness. All totaled, his punishment was to stand at the pillory for three hours with a rope around his neck, be whipped 90 stripes, and be imprisoned for three months. Burroughs escaped with other prisoners before his entire sentence was performed.⁶⁴ “Brutus,” in a letter to the printer, lamented the town of Charlton could hire “as their schoolmaster, a person, whose character has been publicly

⁶³ Josiah Stearns Record Book, in Justice of the Peace Volumes, Judicial Archives, MA, box 4. This crime could have been for Eli and Susannah having fornicated with each other without being married. However, usually cases of cohabitation were identified as such in the indictment.

⁶⁴ Commonwealth v. Burroughs, Apr. 1791, SCJ Record Book. Massachusetts Spy, 28 Apr. 1791. Massachusetts Spy claimed he was only sentenced to one hour at the pillory, but the Record Book shows he was sentenced to one hour at the pillory for each of the three charges. Massachusetts Spy reported Burroughs escaped on 2 June 1791.

and notoriously infamous, and who has since been convicted of crimes that would dishonour a heathen.” Moreover, he worried that the children of Massachusetts, “if they are not put under the check and guidance of good instructions; if they are abandoned to the influence of the vicious example of vicious teachers; laws will soon be ineffectual, and society will be wretched.”⁶⁵ This writer believed the sexual violence instigated by Burroughs in the classroom had the power to corrupt the republic if proper regulations for the protection of sexual morality were not maintained. Thus, the writer condoned the continued oversight of residents’ sexual behavior to limit the demise of the state.

Campaigns to limit sexual vice continued in the nineteenth century. Between 1800 and 1801, the judiciary in Boston initiated another attack on sex commerce that was different from the attempts to improve sexual morality in rural portions of the state. Prostitution and lewd behavior were perceived to be on the rise as crime in general was growing in Boston. Historian Jacqueline Barbara Carr has documented Bostonian’s concerns that crime was increasing after the Revolution. In 1791, for example, citizens in Boston began demanding a more effective police force to stem the tide of criminality in Boston.⁶⁶ In 1799, a municipal court was set up solely to deal with the volume of criminal cases. During the 1790s, the detainment of “lewd” women began with the imprisonment of at least six women.⁶⁷ On August 4th, 1801, Sheayashul Bourne, a Justice of the Peace in Boston, began committing women to the House of Correction in

⁶⁵ Brutus, “For Thomas’ MASSACHUSETTS SPY, &c.,” *Massachusetts Spy*, 28 Apr. 1791.

⁶⁶ See Carr, *After the Siege: A Social History of Boston, 1775-1800* (Boston: Northeastern University Press, 2005), 130-133.

⁶⁷ The Superior Court of Judicature records note that Justice John Vinal had imprisoned Rose Brackett, Hannah Skimmons, and Lucy Barnes for being “lewd, profane & lascivious persons,” but they escaped with assistance from an outsider in May 1796. See *King v. Rose Brackett*, Aug. 1796. For the other cases of lewd women being sent to the house of corrections, see Catherine Mills, Writ of Commitment, 15 June 1796; and Lavina Williams and Betsey Hampshire, Writ of Commitment, 30 Dec. 1796, Adlow Papers, Special Collections, BPL, box 150, folder 2.

Boston accused by others of having “Idle disorderly Wanton and Lascivious” characters. Justice Bourne also committed women whom he described as “Night Walkers.”⁶⁸ Justice Bourne was the first to label a woman as a “Night Walker” in Boston’s commitment papers. However, the act empowering Justice Bourne to imprison these women cited “common night walkers” and “wanton and lascivious persons” as persons fit to be put in Houses of Correction.⁶⁹ Between 1800 and 1801, Justice Bourne committed at least 31 women to the House of Correction for being lewd or lascivious, 18 of whom he identified as “night walkers.”⁷⁰ Other Justices removed the idle and disorderly from the streets of Boston, but Justice Bourne was the only Justice who focused on lewd women, rather than vagrants and drunkards. For example, Justice William Donnison placed Josiah Parker in the House of Correction for “being a disorderly Vagrant who is unsafe to be at liberty who is idle, and does not Maintain his family who misspent what he gets if any thing at all & is a drunken disorderly man.”⁷¹ Other Justices of the Peace had previously targeted “lewd” women in their attempts to purify Boston. In the first week of May 1786,

⁶⁸ For Bourne’s actions, see Writs of Commitment for Margaret Taylor, Betsey Smith, Mary Hinds, 4 Aug. 1800; Rebecca Fitch, 8 Aug. 1800; Polly Wybert, Susannah Wybert, Jr., Susannah Fradix; 6 Sept. 1800; Hannah Pratt, 2 Oct. 1800; Sally Coteby, Patty Wyatt, Sylvia Vose, 6 Oct. 1800; Jane Gray, 17 Oct. 1800; *Sally Harris (alias Saunders), 22 Nov. 1800; *Patty Weart (alias Magraw), *Polly Allen, *Mary Evans, and *Sally Gaffit, 30 Dec. 1800; *Sukey Kane, 23 Feb. 1801; *Sbil Edy (or Zib Eddy), *Sukey Rolph (or Rollf), *Pegg Barns, *Sophia Seward (or Sophia Tyrant), 1 May 1801; *Sally King, *Lucy Wade, *Lucy Paddock, *Phillis Downing, *Sally Saunders, *Nabby Mead, *Hannah Woods, and *Katy Simons; 2 May 1801; Peggy Russell, 8 Aug. 1801; Adlow Papers, Special Collections, BPL box 150 and 264. *Indicates this person was also identified as a Night Walker.

⁶⁹ John Cushing, ed., The First Laws of the Commonwealth of Massachusetts, orig. pub. as The Perpetual Laws of the Commonwealth of Massachusetts. From The Establishment of the Constitution to the First Session of the General The Court A.D. 1788 (Worcester: Isaiah Thomas, 1788; reprint, Wilmington, DE: Michael Glazier, Inc., 1981), 347.

⁷⁰ The file papers at the Boston Public Library for Bourne show he committed 31 women to the House of Correction and almshouse. It is probable there were more than 31 women Bourne sent to the workhouse. The 31 women he left a record of were likely to be the bulk because his records are voluminous at the BPL. However, the Letters to the Overseers of the Poor for Boston, include three letters written by women not in Bourne’s file papers who were placed there for “bad” and “lewd” conduct between 1800 and 1801.

⁷¹ Writ of commitment for Josiah Parker, 7 Nov. 1801, Adlow Papers, Special Collections, BPL, box 264, folder 2. For an example of a vagrant woman, see Writ of Commitment for Polly White, 4 Aug. 1800, Adlow Papers, Special Collections, BPL, box 150.

Massachusetts Spy reported in a satirical article that women employed in a bawdy house were taken to the workhouse in Boston.⁷² However, no file papers exist that recorded these arrests.

Justice Bourne's round-up of "lewd" women was similar to the efforts in 1794 that targeted unmarried purveyors of disorderly houses to curb sexual vice. Justice Bourne's more extensive removal of sexually disorderly women suggests Bostonians were becoming more alarmed by the independent women roaming the streets out of financial necessity. Women's engagement in sexual intercourse with men for money was thought to undermine the republic's moral fiber and corrupt the body politic. The constitution of 1786 provided that Justices had the discretion to place these women in the House of Correction without a jury trial, which severely circumscribed women's ability to defend themselves against community assertions that they were lewd. This act was an expedient measure that empowered Justices to quickly remove the appearance of sex commerce from Boston's streets. A writer named "Legal Justice" disparaged the "very arbitrary measure" of Justices, because "it deprived the subjects of a free republic of their liberty, and punished them without a trial."⁷³ Outside of "Legal Justice's" concerns, Boston's residents did not seem disturbed by this abuse of women's rights, despite the fact that supposedly boisterous women may have seemed to simply disappear from the streets.

In order to gain their freedom from the almshouse or House of Correction, "lewd" women had to promise to reform their behavior. The Overseers of the Poor and Justices of the Peace made decisions on whether or not to free women based on "it being made to

⁷² The satire in this article was purported to be on the real event of a raid on a bawdy house. "Summary of late Intelligence," Massachusetts Spy, 1st Week in May 1786, 62.

⁷³ Legal Justice, "On a late Transaction in BOSTON," Massachusetts Spy, 2nd Week in May 1786, 71.

appear to them that the ends of such commitment have been answered. . . .” The act providing for their imprisonment did not set up a timetable for their removal.⁷⁴ In November 1800, Jerusha Williams promised she would be a “sober, orderly and discreet Woman” and “not be a Common Night Walker” if she were let out of the House of Correction. She assured the Justice she “Will not Suffer herself to be Lewd, & Lascivious Conduct & behavior. . . .”⁷⁵ In 1802, Mary Allen promised “to do & forsake all her bad ways” if she would be released from the almshouse in 1801. Mary claimed she was “now being thoroughly sensible that her past Wicked Lude Conduct Justly disserv’d her punishment” and she “had a sincear wish to reform her life & manners.”⁷⁶ The promises of reformation were exactly what Justices like Bourne needed to reverse the tide of sexual vice that occurred in Boston streets. However, the efforts of Justice Bourne did not end sex commerce or illicit sexual behavior in Boston. In fact, doctors in the almshouse reported treating 26 venereal disease cases between mid-1802 through mid-1803.⁷⁷ Clearly, sexual vice was making headway in the streets of Boston.

The judiciary’s attack on sex commerce in Boston continued to pinpoint bawdy houses in this period. Between August and December 1800, eight disorderly house purveyors were prosecuted. In April 1801, efforts to eradicate bawdy houses were renewed and six more disorderly houses were targeted through October 1802.⁷⁸ In two of

⁷⁴ First Laws of the Commonwealth 348.

⁷⁵ Shearj’ a Bourne, Esq., Boston, to Keeper of the House of Correction in the said Town of Boston, Boston, 20 Nov. 1800, Letters to the Overseers, Judicial Archives, MA.

⁷⁶ Mary Allen to Gentlemen Overseers of the Poor of Boston, Boston, 5 July 1802, Letters to the Overseers of the Poor, Judicial Archives, MA.

⁷⁷ Samuel Brown to the Overseers of the Poor, Boston, 20 May 1803, Letters to the Overseers of the Poor, Judicial Archives, MA.

⁷⁸ After this date, the next prosecution for a bawdy house was in August 1804, then October 1807. Commonwealth v. Bird, Aug. 1800; Vibert, Sept. 1800; Robinson, Small, Dodge, Oct 1800; Somes and Wooster, Nov. 1800; Southwick, Dec. 1800; Burgess and Eliot, Apr. 1801; Burdekin, and Spring, July 1801; McKay and Oliver Oct. 1802, BMC Record Book, Judicial Archives, MA, vol. 1.

these cases, the defendants were punished by standing in the pillory for one hour, "with a Label upon their] breast[s] with these words written thereon 'For keeping a bawdy house.'"79 Two other defendants were punished by paying fines and being imprisoned for a month, while the last two defendants only had to pay a fine. The varying severity in these punishments demonstrates the diverse understandings of Justices about what "disorderly houses" where "whoring" was alleged to occur meant. Justices decisions to punish offenders with prison sentences and time on the pillory indicated the defendants were profiting from the sexual activities taking place in their homes. In the 1810s, indictments that mentioned financial gain had punishments similar to this. The defendants who were punished with fines represented those houses where fornication was tolerated, but no profit was made from illicit sexual behavior.

Between 1800 and 1802, the judiciary's prosecution of persons who maintained disorderly houses that allowed whoring continued to focus on poor white and African American men, as well as unmarried women. Ten women were indicted for running a disorderly house, four were married, four were single, one was a widow, and one did not identify her marital status. Of the women who were married, two were married to laborers, one was married to a mariner, and the occupation of one of the husbands was unknown. The woman whose husband was a mariner was likely mistaken for an unmarried woman because she would have cared for her household and made money on her own in her husband's long absences. Two other women were married to laborers, and the class status of their husbands likely led to the indictment. Of the six men who were indicted for running a disorderly house, four were laborers, one was a trader, and

⁷⁹ Commonwealth v. Cato Small, Oct. 1800; and Commonwealth v. Peter and Mary Spring, July 1801, BMC Record Book, Judicial Archives, MA, vol. 1 & 2.

one of the defendant's occupation was variously labeled as a laborer, victualler, and yeoman in his file papers. At least one man, Cato Small, an alleged disorderly house operator, was an African American.⁸⁰ The campaigns against sex commerce aimed at vice in the neighborhoods of the poor. Community member complaints were not the impetus for all of the indictments. In some cases, constables and prosecutors must have arranged for raids on homes they considered sexually disorderly. The judiciary perceived the lower class, African American, and unmarried women's disorderly houses as those needing urgent removal.

At the turn of the century, after dozens of raids penetrated Boston's bawdy houses, Boston's judiciary was confronted with a new problem it had not previously dealt with. On August 24th, 1801 Eunice Raymond, a minor from Beverly in Essex County, complained to Justice Gorham that Mary Low, a resident of Boston, attempted to prostitute her. Mary Low had previously visited Eunice and her widowed mother in Beverly under the guise of settling Eunice in the position of a servant to a lawyer for \$2 a week. However, upon Eunice's arrival in Boston, Mary "forcibly and deceitfully detained" Eunice for eight days in her house "of ill fame." Eunice claimed she was "ignorant of the wicked and immoral purposes of the said Mary Low." Eventually, Eunice's mother learned of Mary's arrangement with an unknown man to "procure for him a young woman to live in fornication." Upon learning this news, Eunice's mother

⁸⁰ In Dec. 1800, Isreal Southwick was identified as a yeoman. Yet, in 1805, he was labeled a laborer and victualler. See *Commonwealth v. Southwick*, Dec. 1800, BMC Record Book. Complaint of Farwell Brown, Amos Lewis, Ralph Gove, Joseph Austin, and Benjamin Burns, 11 Sept. 1805, BMC File Papers, Judicial Archives, MA, box 2. For the marital status of defendants, see *Commonwealth v. Mary Bird*, Aug. 1800; *Commonwealth v. Mary Vibert*, Sept. 1800; *Commonwealth v. Rebecca Robinson*; Cato Small; and Levi Dodge, Oct. 1800; *Commonwealth v. Elizabeth Somes*; and Nathan Wooster, Nov. 1800; *Commonwealth v. Isreal Southwick*, Dec. 1800, *Commonwealth v. Thomas Burgess*; and Peggy Elliot, Apr. 1801; *Commonwealth v. Patty Burdekin*; and Peter Spring, July 1801, BMC Record Book, Judicial Archives, MA, vol. 1.

arranged for her immediate departure from Boston.⁸¹ In 1808, Eunice's mother returned to the Justices to prosecute her complaint against Mary for fraudulently kidnapping her daughter.⁸² Mary Low plead guilty to the charges of assaulting Eunice "for the wicked purpose and intent of seducing the said Eunice from the paths of virtue and morality and leaving her to commit acts of fornication. . . ." Mary was fined \$50 and was required to promise to keep the peace for the next twelve months under a financial penalty if she was arrested again.⁸³ The delay in prosecution may have resulted from this being the first case in Suffolk County that explicitly dealt with women who sought to procure women for the purposes of prostitution.

Two years after Bostonians ended their intense campaign to round up prostitutes and those running disorderly houses, Middlesex County worked towards purifying its own urban towns. Middlesex County's judiciary similarly focused its vice campaign on the lower class. On August 14th, 1804, the Overseers of the Poor for Charlestown complained against David Eliot for having a disorderly house, which was "resorted to for the purposes of prostitution or Lewdness."⁸⁴ David was found guilty and sent to the House of Correction for one month. David was likely a member of the lower class or poor since the Overseers of the Poor brought this case forward to Justices. Witnesses at the trial of David were middle class, including two cabinet makers and an innholder.⁸⁵ The class bias in vice campaigns in urban areas suggests a common perception that illicit sexuality was endemic to poverty. Lower class and unmarried women who ran disorderly

⁸¹ Complaint of Eunice Raymond, 24 Aug. 1801, Adlow Papers, Special Collections, BPL.

⁸² Complaint of Mary Raymond, 24 Aug. 1808, Adlow Papers, Special Collections, BPL, box 134, folder 2.

⁸³ Commonwealth v. Low, May 1808, BMC Record Book, Judicial Archives, MA, vol. 3.

⁸⁴ Complaint of Nathaniel Hawkins, Richard Frothingham, John Carter, Daniel Tufts, Jonathan Leif, 14 Aug. 1802, Middlesex General Sessions File Papers, Judicial Archives, MA, box 10.

⁸⁵ Complaint of Nathaniel Hawkins, Richard Frothingham, John Carter, Daniel Tufts, Jonathan Leif, 14 Aug. 1802, Middlesex General Sessions File Papers, Judicial Archives, MA, box 10.

houses engaged in autonomous social and economic activities that were not reliant on the middle or upper classes. The absence of patriarchy in regulating the lives of unmarried women, lower class men, and African Americans living in urban areas made these sites of independence also targets of vice campaigns.

In the rural areas of Worcester County, no prosecutions against purveyors of disorderly houses were conducted, let alone houses resorted to for prostitution between 1785 and 1820. Moreover, records show that only one woman was sent to the House of Correction for disorderly behavior from this county. Sex commerce and prostitution were not major concerns in the churches or courtrooms of rural portions of Massachusetts. Disorderly women, African American men, and men from the lower class were not as worrisome to rural communities. Rural residents continued to aim their vice campaigns against those who subverted patriarchy through extra- and pre-marital sex.

In contrast to rural Massachusetts, another serious attempt by Bostonians to purge sex commerce occurred again in 1813 and 1814, and these efforts continued through 1820. Similar to earlier efforts, round-ups of “lewd” women and break-ups of bawdy houses were the modus operandi of these sexual vice campaigns. However, the number of disorderly house cases resulting in prison time for the defendants rose. Between January 1813 and March 1814, nine indictments were founded against persons for maintaining “disorderly houses” wherein “whoring” occurred. Of these nine, eight of the defendants were sent to prison for at least thirty days.⁸⁶ Conceptions of what was

⁸⁶ William Low paid a \$50 fine for his disorderly house. *Commonwealth v. Low*, Dec. 1813, BMC Record Book, Judicial Archives, MA, vol. 5. The cases of those receiving prison sentences were *Commonwealth v. Urann*, Jan. 1813; *Henryj*, May 1813; *Rallion and Collins*, Nov. 1813, *Wilcox*, Jan. 1814, *Barton, Davis, and Babcock*, Mar. 1813, BMC Record Book, Judicial Archives, MA, vol. 4 & 5.

appropriate punishment for these sex criminals had evolved from the campaigns of 1800 and 1801. Fines and public humiliation were no longer practiced to stem vice and deter crime. Unlike the raids in Boston of 1794 and 1800-1801, the police and community members persistently brought forward cases of lewd women and disorderly houses through 1820. Residents of Boston committed themselves to regular enforcement of sex commerce by continuously prosecuting sexual criminals, rather than conducting raids. After 1800, disorderly houses that allowed “whoring” were increasingly prosecuted at the sessions of the Boston Municipal Court. Many of these cases, like those in 1813 and 1814, had resulted in prison sentences for the defendants.

The disorderly house prosecutions that aimed to prevent “whoring” continued to target unmarried women, African Americans, and lower class men. Between 1813 and 1814, of the seven women targeted, only one was married, and she was married to a laborer. Of the men, three were laborers, three were traders, and one was a housewright. At least one of the men was an African American. During 1813, the judiciary attempted to use disorderly house prosecutions against African Americans who allegedly upset community members with their boisterous activities. In July 1813, Boston Municipal Court prosecuted Primus Hall, a leader among African Americans, for running a disorderly house. The crimes he was allegedly guilty of allowing included “drinking, tippling, indecently conducting, blaspheming, and otherwise misbehaving themselves.”⁸⁷ While conceptions about punishments and the importance of prosecutions for sex commerce had changed, beliefs about the type of persons engaged in illicit sexual behavior had not. Ideas about the sexual danger inherent in autonomous women, African Americans, and lower class persons were not in flux. The judiciary continued to try and

⁸⁷ Commonwealth v. Hall, July 1813, BMC Record Book, Judicial Archives, MA.

repress the institutions that gave these groups a modicum of independence financially and socially.

Justices of the Peace and community members increased their efforts to remove prostitutes and the women who employed them because of a growing sense that women were being seduced into prostitution. A tract published in 1814, asked “humane ladies” to assist the newly arrived young women who were being duped into entering prostitution. This writer described the situation of one young woman who was propositioned by a boardinghouse keeper to lead the life of a prostitute after she came to Boston. The boardinghouse keeper “gave her to understand that large wages, rich clothes, an easy life, &c. were to be had, by living as the young women did in that house.”⁸⁸ Indictments against those who sought to entice women into prostitution demonstrated community anxiety about the sexual morals of women in Boston. For example, in January 1814, Elizabeth and Jesse Wilcox were tried in Boston’s Municipal Court. Their indictment stated the couple “did cause and procure divers females of tender years and did then and there in their said house allure entice seduce and decoy for the purpose of exposing them to prostitution.”⁸⁹ In this case, Charles Bulfinch, the chief of police, complained to James Austin, the prosecutor for Boston, that Elizabeth had “enticed a young girl to her house for the purpose of seduction, and debauchery.”⁹⁰ Procurers of prostitutes were dangerous because they were grooming women to be drawn away from more virtuous pursuits. Moreover, prostitutes could corrupt male citizens.

⁸⁸ Miscellaneous Remarks on the Police of Boston (Boston: Cummings and Hilliard, 1814),13.

⁸⁹ *Commonwealth v. Wilcox*, Jan. 1814, BMC Record Book, Judicial Archives, MA, vol. 5.

⁹⁰ Charles Bulfinch, letter to James. T. Austin, 1 Jan. 1814, Boston, BMC file papers, Judicial Archives, box 8.

In March and June 1814, three other cases of “Common Brothels” came through the Boston Municipal Court. The change in terminology shows the court’s evolving understanding of sex commerce. “Brothels” and “bawdy houses” were a different type of problem from “bad” houses. Women and men accused of maintaining bawdy houses and brothels received harsher punishments than persons maintaining “bad houses” because those houses were associated with the procurement of women to engage in sexual commerce. For example, Tristan Babcock, who was indicted for owning a disorderly house described as “bawdy,” was sentenced to four months in prison. Penelope Barton was sentenced to imprisonment for six months for owning a “brothel.” On the other hand, “bad houses” generally received pecuniary fines. Bad houses appear to be houses where the owner did not profit from the permissive sexual environment.⁹¹

Another new aspect to the 1813 raids was the presentation of women for “lewd” conduct in court. “Lewd” women were charged with publicly cohabiting with a man or exposing themselves. Previously, Justices put women in the House of Correction without a jury trial after a complaint by a constable or community member. However, in August 1813, Sally Smith, a single woman from Boston, was indicted for “open gross lewdness and lascivious behaviour.” Particularly, she was charged with “exposing her naked person and by lewdly and lasciviously associating and cohabiting with a certain man to

⁹¹ The distinction between “common brothels” and “bawdy” houses in records were indicated by clerks/Justices describing the homes on the outside of the indictments as either “brothels,” “bad houses, or “bawdy houses.” All three types of houses were indicted as disorderly houses wherein “whoring” was permitted. Those indictments that included the descriptor “brothel” on the outside, occasionally also mentioned prostitution. For “brothels,” see *Commonwealth v. Mary Davis*, Mar. 1814; *Joseph Reed*, Apr. 1815 for “bawdy houses,” see *Commonwealth v. Penelope Barton*, Mar. 1814; *Mary Peters*, Jan. 1815; and for “bad houses,” see *Commonwealth v. Matha Ann Boyd*; *Anthony Browning*, June 1814; BMC File Papers, box 8; and BMC Record Book, vol. 5, Judicial Archives, MA. Anthony Browning was the exception to the rule of receiving only fines for having a “bad” house, when he was punished by having to spend six months in jail. However, he had been indicted several times before this for the same crime, and was noted as entertaining both blacks and whites.

the jurors aforesaid as yet unknown.” All of this was said to happen “in the open day light and in the presence of divers good citizens of the said Commonwealth.” On this count, Sally was found not guilty. She was found guilty of “expos[ing] her person naked lasciviously and lewdly,” while on “the floor of a certain house then and there being in an open lewd and lascivious manner with a certain man. . . .”⁹² Sally was sentenced to three months’ imprisonment. In 1820, Susannah Winship, a single woman from Boston, successfully defended herself in court against charges of “lewdly and lasciviously associate and cohabit with a certain man. . . .” Unlike Sally, Susannah was charged with “openly and publickly, to have” allowed a man to have “carnal knowledge of the body of her the said Susannah.”⁹³ Susannah’s case was aberrant and did not reflect a growing leniency of Justices regarding illicit sexual behavior. The two other women tried for public nudity in 1820 were punished by having to spend 10 days in solitary confinement followed by three months of hard labor.⁹⁴ Perhaps the witnesses to Susannah’s crime had not wanted to testify they watched her public disrobing and acts of fornication.

The public trials of “lewd” women may have been advanced because of the severity of their crimes and the ability to attain several witnesses to their illicit sexual behavior. The charges against women in the courtroom for lewd behavior were practiced alongside the Justices’ private actions that placed women in Houses of Correction without a trial. The efforts to try some women in court represented a new response by the judiciary to the complaints about the sex commerce in Boston. By bringing women into the courtroom, Justices publicized their efforts to curb sexual commerce, while exhibiting

⁹² Commonwealth v. Sally Smith, Aug. 1813, BMC Record Book, Judicial Archives, MA, vol. 5.

⁹³ Commonwealth v. Susannah Winship, Dec. 1820, BMC Record Book, Judicial Archives, MA, vol. 8.

⁹⁴ Commonwealth v. Mary Linn and Mary Cheevers, June 1820, BMC Record Book, Judicial Archives, MA, vol. 8.

discontent with the private justice that was not stemming prostitution. This new method sent a message to prostitutes that the judiciary did not tolerate their behavior. Justices' private actions that punished women engaging in sex commerce may have been caused by the difficulty of attaining witnesses to sexually criminal activity. However, a complaint was normally made before Justices put women in the House of Correction. Without witnesses, prostitutes could not be tried in the courtroom. An example of this type of case occurred in 1819, when the police reported finding "Susan Day . . . with several other young Girls at one of the worst houses on the 'Hill.'" Rather than bringing these women through the court system, "the Girls [were] put into Bridewell."⁹⁵ This more discreet form of justice was available to Justices when police officers brought women forward, rather than through several residents' complaints.

Boston continued its focus on ending sex commerce through the 1820s.⁹⁶ In 1824, the police and town authorities promised the Boston Society for the Religious and Moral Instruction of the Poor "*they will purify the neighborhood.*"⁹⁷ Fear that sexual vice acted as a contagion to the people of the republic necessitated the stamping out of urban vice. Moreover, the campaigns against sex commerce were used to control the sexual behavior of women, African Americans, and the lower class. Without the individualized supervision that patriarchy enabled prior to the Revolutionary era, the vice campaigns gave elites and the middle class a method of regulating sexual behavior and bolstering their power.

⁹⁵ Boston Overseers of the Poor, to Salem Overseers of the Poor, 6 Nov. 1819, Boston Overseers of the Poor Records, MHS, vol. 2.

⁹⁶ For information on the continued attack in Boston against sexual commerce, see Hobson, *Uneasy Virtue*.

⁹⁷ Boston Society for the Moral and Religious Instruction of the Poor, *Eighth Annual Report of the Directors of the Boston Society for the Moral and Religious Instruction of the Poor* (Boston: Crocker and Brewster, 1824), 24.

Overseers of the Poor, Justices of the Peace, and the residents of the middle- and upper-class who made complaints about the sexual behavior of unmarried women, African Americans, and the lower class denied the legitimacy of each group's presence in Massachusetts. The sexual vice campaigns were used to limit the independence of unmarried women, African Americans, and the poor. By labeling these groups' homes as sexually disorderly, elites were advancing the unsuitability of African Americans, the lower class, and unmarried women as masters of their own homes. The cases charging men and women with disorderly homes demonstrated that African Americans, the lower class, and unmarried women could not effectively govern themselves, let alone take part in political activities that would affect others. Furthermore, the removal of allegedly lewd unmarried women to the House of Correction limited the presence of unmarried women in Boston. Lessening the number of unmarried women weakened the perception that unmarried women could provide for themselves. Justices demonstrated further the illegitimate status of unmarried women when they removed women from the streets without the rights accorded to other men and women.

Between 1800 and 1820, rural residents of Massachusetts maintained their focus on regulating marriage, rather than sex commerce. At Worcester's Supreme Judicial Court, eight adultery cases were prosecuted between 1802 and 1820; Middlesex County took legal action in two cases; and Suffolk put one man on trial. Judicial efforts to intervene in adultery cases were declining. In April 1812, the last case involving married partners was prosecuted for the period between 1802 and 1820 in Worcester, Suffolk, and Middlesex counties. In this case, David Bates, a blacksmith from Charlton, was charged with "lewd conduct," rather than adultery, for having slept with a married woman. The

lessening of the charge from adultery to “lewd conduct” and the jury’s finding that he was not guilty suggest a growing disdain among community members for judicial prosecutions for adultery.⁹⁸ Indeed, in the eight cases tried between 1802 and 1820, only two persons were found guilty.⁹⁹ Furthermore, Worcester County grand juries did not indict people for adultery, even though the leading cause of divorce in Worcester County was adultery. Of the 41 divorces between 1800 and 1820, 35 cited adultery as one of the major causes.¹⁰⁰ The overall trend of the judiciary during this time period was to end prosecutions for adultery.

Rural residents’ acceptance of legal intervention into their marital and family lives was declining. Indeed, Elizabeth Pleck writes that the “family ideal” emerged after the nation’s founding, which urged ministers, writers, and judges to stay out of family matters. According to Pleck, this ideal espoused “distinct ideas about family privacy, conjugal and parental rights, and family stability.”¹⁰¹ The patriarchal privilege previously accorded to the judiciary to regulate the private lives of individuals was declining as rural residents were developing new ideas about what types of illicit sexual behavior hurt communities. Although the judiciary was no longer welcome to interfere in private sexual matters, rural residents were continuing to include community members, ministers, and writers in their marital and family disputes. Only the patriarchal power exerted by the government, in the form of the judiciary, was no longer welcome in rural communities.

⁹⁸ Commonwealth v. David Bates, Apr. 1812, Worcester SJC Record Book.

⁹⁹ Commonwealth v. Joel Wesson; and Mehitable Moore, Apr. 1808, Worcester SJC Record Book.

¹⁰⁰ Worcester SJC Record Books, 1800–1820. There were several cases wherein adultery was complained of in conjunction with extreme cruelty or desertion. For an example, see Andrews v. Andrews, Sept. 1802, Worcester SJC Record book.

¹⁰¹ See Pleck, Domestic Tyranny 6-7.

Leaders of the church continued to use their patriarchal power to intervene in the sexual lives of rural residents of Massachusetts. After 1800, rural residents were beginning to make distinctions between state and church involvement in their lives. First Baptist Church members in Holden continued to get involved in the marital troubles of their parishioners. On August 14th, 1814, First Baptist members “took up a labor with . . . Br. Daniel Tucker for some difficulty between him and his wife.” Tucker then confessed his faults and the church felt satisfied.¹⁰² When men did not properly behave as fathers and husbands they were also subject to church discipline. In September 1818, William Little was withdrawn from the fellowship of the First Baptist Church in Holden after he “ran away in debt and left his family in indigent circumstances.” William’s actions were problematic because he elided his responsibilities as a father and husband.¹⁰³ Rural residents viewed the church as an appropriate site for the mediation of marital and family problems.

By 1820, fewer churches in rural Massachusetts continued demanding confessions for premarital fornication and other illicit sexual behaviors. The emergence of new churches meant residents of Massachusetts had a variety of churches to choose from. Furthermore, rural churches that demanded confessions may have experienced declining membership like urban churches. Yet, some church members still felt the confessions of sexual sins were important aspects of religious meetings. When new Articles of Discipline were enacted in Sandwich in January 1809, several people began absenting themselves from the church because the new Articles gave penitents a measure of privacy. The Articles demanded aggrieved persons initially attempt to solve personal

¹⁰² First Baptist Church (Holden, Mass.) Records, AAS, vol. 1.

¹⁰³ First Baptist Church (Holden, Mass.) Records, AAS, vol. 1

offenses amongst themselves.¹⁰⁴ The bulk of the Sandwich religious fellowship had favored the lessening of church discipline. Towns that continued regulating sexual behavior to ensure chaste premarital relations required the total humility and self-abnegation of penitents. Between 1801 and 1818, the records of Worcester's Old South Church and Northborough's Church of Christ record a total of at least eight confessions.¹⁰⁵ On July 5, 1813, Charlotte Rice confessed to "feeling contrition, shame, and self abhorrence, that I have been guilty of the sin of fornication."¹⁰⁶ Parishioners of the First Church of Christ in Sandwich, Massachusetts revived their articles of discipline in 1809 because they believed "discipline . . . essential to good order as the gospel dictates."¹⁰⁷ Before 1800, Northborough's church heard confessions almost every year. However, it appears from church records that most communities had stopped demanding confessions from parishioners by this time.

The judicial and religious move away from punishment of adultery and premarital sex led to the increasing use of a rhetoric that stressed sexual morality. For example, in 1809 the Covenant of Baptism in New Braintree was altered to include a promise by children "to watch over yourselves in your private and public characters and relations—and endeavor to become examples of that Faith & purity of Life."¹⁰⁸ The religious elites' rhetorical emphasis on the importance of confining sexual activity to marriage was made to limit sexual behavior outside of marriage. This rhetoric bolstered patriarchy, as had judicial and religious regulation, by favoring marital sexual fulfillment. The acceptance

¹⁰⁴ The meeting of the church on July 4th, 1809 noted the declining number of parishioners. First Church of Christ (Sandwich, Mass.) Records, MHS, folder 4, vol. 1.

¹⁰⁵ Worcester Mass. Records, AAS, box 2; Northborough, Mass. Records, AAS, vol. 2.

¹⁰⁶ Worcester Mass. Records, AAS, box 2.

¹⁰⁷ First Church of Christ (Sandwich, Mass.) Records, MHS, folder 4, vol. 1.

¹⁰⁸ New Braintree (Mass.) Church Records, AAS, vol. 2.

of rhetorical regulation, rather than judicial or religious, weakened the ability of the elite to directly interfere in the lives of residents. Instead, sexual morality would have to be stressed through sermons and writings.

Ministers chided parishioners to obey God's commandment and avoid fornication and adultery. Ministers also articulated the appropriate roles of husbands and wives in marriage, which further abetted the power of men over women. Ministers published their sermons in tracts, magazines, and newspapers, such as The Christian Monitor. This newspaper divided its "discourses" into several sections, all of which were generally written by ministers who regularly addressed sexual behavior. In 1806, for example, a writer suggested to wives "the sovereign virtue requisite in the married state, is FIDELITY . . . the neglect of it on the part of the wife, is always attended with more fatal and destructive consequences . . . because she is the guardian of his honour as well as her own." The essay writer expressed hope "that in a Christian country, there are not many instances to be found of conjugal falsehood and infidelity."¹⁰⁹ Writings like this stressed the importance of containing sexual behavior within the marriage bed to preserve the order of new republic. Other writings highlighted the need to inhibit sexual passion. In 1809, an essay on the education of children advocated teaching "them . . . to deny themselves, and to maintain the command over their sensual appetites. . . This is a matter of the utmost importance for creatures like us, who are partly sensual and partly rational."¹¹⁰ Presumably, if parents inhibited the passions of their children when young, they would grow into reasonable, moral, and chaste citizens. Ministers warned the young about socializing with the opposite sex for similar reasons. In 1810, The Christian

¹⁰⁹ "On the duties of wives," The Christian Monitor (Boston) , 2 (1806): 60.

¹¹⁰ Rev. G.J. Zollikofer and Rev. G. Walker, "Containing Seven Sermons on the Education of Children," The Christian Monitor 6 (1809): 96.

Monitor warned against dancing because “it is never practiced but in company, and in *our station, dancing-company* is, I think, generally bad company.” Instead of dancing, the essayist advocated walking and reading, “provided thou makest choice of good and proper books.” Writing and dancing were conceived by the writer to be “occasions when such young women . . . are least on their guard; and when men of evil intentions are most on the watch to carry their wicked designs.”¹¹¹ By stressing the importance of chaste activities, ministers reminded parishioners of the dangers of illicit sexual behavior to orderly communities.

Although communities were increasingly drawn away from demanding confessions, intervention into single men and women’s lives continued. On December 13th, 1813, the First Baptist Church in Holden, Massachusetts, discussed their perception that Sister Calwell’s living situation was immoral. She was living with Edmond Davis and parishioners felt “Dissatisfyed as they think it give an occation to those seek occation.” Calwell responded that she only lived with Davis because “she could not provide for herself otherways.” She “acknowledges she has done wrong . . . [and] that she has no desire to live with s’d David.”¹¹² Rural areas, like urban, understood examples of illicit sexual mores could entice others into sexual vice themselves. Community intervention was one avenue towards protecting their communities from disruption by disorderly persons.

Community members got involved in the sexual lives of persons when they believed illicit sexual behavior upset patriarchal gender norms. In December 1807, Worcester residents – Abiel Farrington, who was identified as a Labourer, along with

¹¹¹ “On the too eager pursuit of pleasure; on amusement; on the choice of company; on conversation,” The Christian Monitor 7(1810): 118.

¹¹² First Baptist Church (Holden, Mass.) Records, AAS, vol. 1.

Nathaniel Patch, Joshua Gates, Oliver Gates, Lewis Bigelow, William Taylor III, John Cook, John Stone, and William Bud, all minors under the age of 21 – were indicted for starting a riot at the home of Sewell Moore. These young men were charged with breaking and entering Sewell’s house, then assaulting his wife, Mehitable Moore. The young men “did take and imprison and place upon a wooden rail, and did raise and clamour to the great disgrace of the Said Mehitable Moore, and to the disturbance of the good citizens of said Town did carry her, the said Mehitable Moore, upon said rail through the public streets to the distance of one Mile.” The young men were also charged with destroying Sewell’s furniture, and assaulting Mehitable’s child.¹¹³ The young men’s uprising was intended to teach both Mehitable and Sewell lessons about sexual propriety and family leadership. In April 1808, a year after the assault on Mehitable and Sewell, Mehitable Moore and Joel Wesson were found guilty for committing adultery in 1803 at the Superior Court of Judicature.¹¹⁴ Apparently, community members could not wait for the trial to exact justice on Mehitable for adultery, or excuse Sewell for allowing his wife to get the better of him. Joel did not go without punishment either. In July 1807, Joel Wesson was imprisoned for nine hours and assaulted by various community members, but this time the roster of rioters was filled with adult men.¹¹⁵ The actions taken by these Worcester residents suggest that there were limits to the extent of illicit sexual behavior they would allow to go on without punishment. Perhaps Mehitable and Joel had flaunted their affairs to the disdain of

¹¹³ Commonwealth v. Abiel Farrington, et. al, Dec. 1807, Record Book of Worcester Court of Common Pleas, Judicial Archives, MA.

¹¹⁴ Commonwealth v. Moore; and Commonwealth v. Wesson, Apr. 1808, Worcester SJC Record Book, Judicial Archives, MA.

¹¹⁵ See Commonwealth v. Gates et. al, April 1808, Worcester Court of Common Pleas Record Book, Judicial Archives, MA.

community members. In 1809, Hannah Wesson's petition for divorce from Joel suggested he had flagrantly disobeyed marital mores, by not only copulating with Mehitable, but "with several persons." She claimed he "still continues to absent himself from your Petitioner in following after lewd women"¹¹⁶ The punishment meted out by Worcester residents likely responded to this behavior that disregarded patriarchal duties and upset another man's control over his wife's sexual behavior.

Rural Massachusetts did not define illicit sexual behavior in the same way as urban Boston because of the continued power of patriarchs to regulate the lives of unmarried women and lower class men. After the Revolution, the majority of African Americans had relocated to urban and coastal regions in search of more opportunity and a community. No evidence suggests rural communities perceived that sex commerce was a problem. Rural towns remained concerned with propagating knowledge about proper sexual decorum and punishing illicit sexual behavior between the Revolution and 1820. Patriarchal relations between men and women may have been softened, but husbands were to continue to have control over their wives' sexual activity. The patriarchal power of religious and judicial leaders to punish sexual behavior had eroded, but community members were still empowered to police sexual behavior when it threatened their orderly society. Both urban and rural residents relied on the discursive regulation of illicit sex to preserve chastity instead of allowing elite men in churches and the judiciary to maintain sexual morality.

In Boston, residents regularly brought into court the unmarried women, lower class men, and African Americans who were perceived as the facilitators of illicit sexual behavior. The judiciary exerted patriarchal pressure on these groups to conform to the

¹¹⁶ Wesson v. Wesson, Sept. 1809, Worcester SJC Record Book, Judicial Archives, MA.

republics' sexual standards. Sex commerce was inherently dangerous in the new republic because it had the power to undermine the chastity, morality, and the rationality of citizens. Sexual morality was important to the identities of Massachusetts residents, because this characteristic had symbolic and practical implications for the nation. Sexual morality was related to patriarchal control over subordinates. African Americans, unmarried women, and the lower class could only claim chastity when they did not attempt social or financial autonomy from elites. Massachusetts' campaigns against sexual vice demonstrated their belief that the health and success of the state depended on the sexual mores of its residents and body politic.

Chapter 7: Re-Fashioning the Sexual Self: White Women and White Men, 1785-1820

After the Revolutionary War, contemporaries were aware that rhetoric about sexual behavior could be used to undermine and build authority. Individual attacks on the sexual propriety of persons, groups, and nations had been part of the fight in building the United States. In the early national era, white women utilized sexual rhetoric to create a larger space for themselves in the republic. White women declared they had been seduced or duped, disputing their image as the lascivious initiators of illicit sexual behavior, which defined them in the late colonial era. White women asserted that their lack of education and men's abuse of women's chastity had caused negative characterizations of their sexual behavior. White women's refashioning of their sexual character undermined the sexual rationale for their exclusion from citizenship. As a result of white women's efforts, a new space was carved out for them with a citizenship that valued their roles as wives and mothers.¹

White women claimed power by blaming men for much of the sexual wrongdoing in society. Because a statewide campaign against sexual vice occurred amidst women's refashioning of their own sexual identities, a new understanding of men's sexual behavior was articulated in the early national era. During the Revolutionary War, the validity of criticizing elite white men's sexual behavior had been established as a way to depose

¹ Nancy Cott has shown a change in the sexual characterizations of women occurred in New England in the late eighteenth century in "Passionless: An Interpretation of Victorian Sexual Ideology, 1790-1850," in A Heritage of Her Own, ed. Nancy F. Cott and Elizabeth Pleck (New York: Simon and Schuster, 1979), 162-181. White women's new citizenship roles after the Revolution have been explored several historians. For a sampling see, Linda Kerber, Women of the Republic: Intellect and Ideology in Revolutionary America (Chapel Hill: University of North Carolina Press, 1980); Linda Kerber, Liberty's Daughters: The Revolutionary Experience of American Women, 1750-1800 (Ithaca: Cornell University Press, 1980); Jan Lewis, "The Republican Wife: Virtue and Seduction in the Early Republic," WMQ 3rd ser., 44 (Oct. 1987): 689-721; and Rosemarie Zagari, "Moral, Manners, and Republican Motherhood," American Quarterly 44 (June 1992): 192-215.

those elite white men who sided with the Loyalists. The criticism of men continued in the early national period and was bolstered by the vigor with which citizens sought to cleanse the state and persons of sexual vice. Criticism of men's sexual behavior did not reverse the gender hierarchy. Men still evaded prosecutions for illicit sexual behavior with more ease than women. However, their ability to seduce and abandon women was monitored by the print discourse.

White Women's Refashioning of their Sexual Selves, 1780-1820

Between 1785 and 1820, white women responded to derisive characterizations of their sexual behavior. White women's writing and testimony in paternity hearings positioned seduction as a central theme in white women's lives.² White women articulated seduction tales in the courtroom and in print literature in response to the social position of women in American society. White women acknowledged that their lack of power in the judiciary, in many churches, and in print discourse were caused partly by the denigrating sexual character of white womanhood. Contemporaries thought white women had meager powers of reason and were easily swayed by their sexual passions. White women propagated tales of seduction to re-fashion themselves as the innocent party in sexual relations, rather than as the libidinous and unreasoning partners of designing men. These stories allowed white women to refute the social system that gloried in the sexual excesses of men, while degrading white women by highlighting their

² Cathy N. Davidson argues sentimental novels in the early national era, including William Brown's The Power of Sympathy, used seduction narratives to advance reforms for women, including better education and an evaluation of men's sexual behavior. However, Davidson argues this fiction ultimately reified the existing power structure because women's political involvement was limited to their engagement in reading. She concludes sentimental novels were about "silence, subservience, and stasis" for women. Cathy N. Davidson, Revolution and the Word: The Rise of the Novel in the United States (New York: Oxford University Press, 1986), 147. In contrast with Davidson, I argue women engaged in politics through their use of the seduction narrative (part of the sentimentalist tradition) to effect change in education and characterizations of their sexual behavior.

sexual culpability. White women moved beyond the domestic sphere and engaged in public and political debates in re-fashioning themselves as virtuous members of an active body politic.³

During the early national era, white women often defended themselves against allegations of licentiousness by explaining the circumstances of their impregnation at paternity hearings. On June 11th, 1801, Mercy McElroy, a white woman from Boston, reported to Justice Robert Gardner that she had gotten pregnant against her will. She claimed that in the beginning of October 1809, she was employed as a housekeeper at Thomas Fowey's house. "[C]ontrary to her inclination," Thomas took "advantage of no Person else being in the House her Strugles were ineffectual to Prevent his Purposes & she was constrained to consent thereto." Mercy desired "Thomas may be apprehended & held to answer to this accusation & further dealt with thereon according to law."⁴ The Justices handled Mercy's case like a paternity suit, even though her testimony suggests she was raped. Her position as one of the servants to the McElroy family left her powerless against the will of the family patriarch. By expressing this vulnerability to the Justice, Mercy demonstrated her sexual desire was irrelevant to her impregnation and that she had not consented to having sexual relations. The individual struggles of white women like Mercy to prove their sexual innocence indicate some white women were unwilling to let their character be marred through the fault of designing men.

³ Nancy Cott has shown that women's sexual virtue in the early republic was understood to be less passionate than it was prior to the 1790s in Nancy Cott, "Passionless," 162-181. This section examines the work done by women to effect positive changes in the characterization of their sexual behavior.

⁴ Accusation of Mercy McElroy, 11 June 1810, Boston Municipal Court File Papers, Judicial Archives, MA, box 3. This is the only record from this period that explicitly states she was forced into sexual relations. Most records of paternity from this era state only the time, place, and persons involved in the sexual act. Because most Justices were not required to record more detailed information, it is impossible to know how many women complained to Justices about being abused by men.

White women defended their chastity by describing the deception used by their lovers. On February 8th, 1790, Polly Newton, a white woman of Worcester, confessed to her local Justice of the Peace that Thomas Wood, Jr., a Tanner's apprentice in Brookfield, had deceived her and gotten her pregnant. Polly claimed she was staying with her uncle, George Holbrook of Brookfield, when she met Thomas. "[F]or about three weeks before & for seven or eight weeks after during the Whole of which time the said Thomas Woods visited her frequently under pretence of Courtship & with promises of marriage." During one of Thomas' visits, after the rest of the family had gone to bed, Polly and Thomas copulated.⁵ Polly's decision to craft her sexual relationship with Thomas as fraudulent forced a re-envisioning of the role of white women in fornication and paternity cases. White women contended they were engaging in pre-marital sex, and that men had duped them into thinking this. Her story suggests she would not have engaged in fornication unless it was going to lead to marriage.

Other women presented their cases similarly. On February 9th, 1799, Polly Sibley, a white woman from Gore, claimed William Wesson abandoned her after seducing her. She declared William "courted me & had my company often under pretence of Courtship." William even "carried me home while pregnant & promised me

⁵ Voluntary Examination of Polly Newton, 2 Feb. 1798, Worcester General Sessions File Papers, Judicial Archives, MA, box 5. This case was settled between the two parties. White women who claimed men deceived them into having sexual relations told their histories in many different ways. Some confessions of fornication were written by Justices in a repetitive and precise way that pointed towards seduction. For example, Abigail Hill's confession of seduction is worded as follows: Prince Nye.... "Did With his flattering Speeches and unwarranted inticements overcome your Complainant." Other seduction cases that were brought forward to get maintenance used the exact same phrase. A comparison in phraseology can be seen in the Voluntary Examination of Philena Taft, 15 Jan. 1799, Worcester General Sessions File Papers, Judicial Archives, MA, box 6. In this case, Philena is reported to have been "by flattering and Delusive words accompanied with fair promises, so seduced...." It is unclear in these cases whether Justices were following a familiar legal format or if women were actually complaining of being fraudulently seduced. The cases I focused on did not use this language and showed unique and individual stores of seduction. Warrant for Prince Nye, 20 Feb. 1784, Worcester General Sessions File Papers, Judicial Archives, MA, box 3.

the next Sabbath that we should be published.” Unfortunately, William never returned to marry Polly. When the Justice questioned why Polly had waited until after the delivery of her child to sue him for maintenance, she responded she had “hope he would return & Marry me.”⁶ In another case of seduction, Olive Billings of Shrewbury confessed to her local Justice that Asa Rice, Jr. had “previous to begetting said Child did promise Marriage with her, and she never had carnal knowledge of any Man whatever, except the said Asa Rice jun’r.”⁷ In both of these cases, the white women had entered into sexual intercourse only after they were promised marriage. White women highlighted that the promise of marriage had been reneged after sexual relations. White women’s defense of their actions posited themselves as virtuous women whose virtue was lost through deception.

White women seeking financial assistance through paternity hearings for their children asserted their chastity by revealing their partners and reminding court spectators that fornication was not a partnerless crime. During paternity hearings, white men were forced to publicly confront their role in the impregnation of women. White men concerned about their own reputations occasionally married the white women who charged them with paternity. In March 1810, Sally Cheverly, a white woman from Boston, appeared before a Justice of the Peace to get financial maintenance for her child from Frederick Akind, a blacksmith in Boston. Sally and Frederick had previously lived together in the house of Benjamin Roundy. In April, Sally dropped her case against Frederick because he had married her after she charged him with getting her pregnant.

⁶ Voluntary Examination of Polly Sibley, 7 Feb. 1799, Worcester General Sessions File Papers, Judicial Archives, MA, box 6.

⁷ Voluntary Examination of Olive Billings, 16 Feb. 1803, Worcester General Sessions File Papers, Judicial Archives, MA, box 6.

Most white women who sued for maintenance were not as fortunate as Sally.⁸ However, Sally's success in gaining a marriage proposal indicates some white women were willing to attempt to force men to fulfill their promises to preserve their reputations as virtuous white women.

The actions by white women to defend their chastity were abetted by changes in the Massachusetts Constitution in 1786, which ended the practice of hearing public confessions of white women for fornication in the courtroom. However, Justices of the Peace fined white women for pre- and non-marital fornication in their private chambers.⁹ After 1786, white women confessed fornicating to Justices only to obtain financial support for their illegitimate children or when neighbors had pressured them to confess. Had all of the white women who fornicated after 1786 been forced to enter the courtroom and confess, white women's culpability in sexual relations would have continued to be highlighted. The removal of white women's confessions from the courtroom, alongside the defenses of their chastity in paternity hearings, considerably decreased the visibility of white women as sexual sinners in society.

Outside of the judiciary, white women writers similarly re-fashioned their sexual image by placing seduction at the center of their writings. Judith Sargent Murray, best known for her advocacy of white women's education after the Revolution, often wrote about the problem of seduction facing white women. In 1790, her most famous essay, "On the Equality of the Sexes," complained white women "must be constantly upon our

⁸ There are only four other recorded cases of women marrying the men they charged with paternity during the early national era. See Recognizance of Alexander Nash, 26 Aug. 1788, Middlesex General Sessions File Papers, box 8; Recognizance of Jonathan Leavitt, 15 July 1812, BMC file papers, box 6; Warrant for Hannah McIntire, 19 Sept. 1788, Worcester General Sessions File Papers, box 3, Judicial Archives, MA. Voluntary Exam of Delana Lawrence, 21 Sept. 1808, Adams-Morse Papers, MHS, box 2, folder 16.

⁹ Women were fined six shillings for their first offense and twelve shillings for their second. The First Laws of the Commonwealth of Massachusetts 245-247.

guard” against seducers. “[W]e must rise superiour to, and obtain a complete victory over those who have been long adding to the native strength of their minds, by an unremitted study of men and books, and who have, moreover, conceived from the loose characters which they have seen portrayed in the extensive variety of their reading, a most contemptible opinion of the sex.”¹⁰ Murray felt white women were unprepared to defend their chastity because their education was not considered of primary importance to contemporaries. She protested that women of the 1780s “are bred up with . . . one monopolizing consideration . . . : An establishment by marriage.” Murray deplored the state wherein women “have no other means of advancing themselves but in the matrimonial line.”¹¹ Murray advocated white women’s independence from the social mores that undermined their ability to defend themselves against artful seducers.

Seduction figured into Murray’s writing because these narratives were useful in illustrating the powerlessness of white women in early national America. In particular, Murray used seduction to advance equal education for white women. She contended white women who had a solid educational foundation would be less apt to take the customary flattery and flirtations of men to heart. Writing under the pseudonym “Constantia,” Murray explained the uneducated female “hastens to the scenes, whence arise the sweet perfume of adulation . . . ” from flatterers. She warned that white women would “fall sacrifice to some worthless character” if they were uneducated because their self-esteem derived solely from other person’s evaluations of their beauty. An educated

¹⁰ This essay was originally published in *Massachusetts Magazine* in 1790. Judith Sargent Murray, “On the Equality of the Sexes,” in *Selected Writing of Judith Sargent Murray*, ed. Sharon M. Harris (New York: Oxford University Press, 1995), 9-10.

¹¹ Murray, *The Gleaner* (1798; Reprint, Schenectady, N.Y. : Union College Press, 1992), 138. Murray consistently elevated the marital state over that of single life. However, she also advanced the notion that women’s success should not be judged by her marital state alone. Rather, she hoped women would be able to engage in intellectual pursuits and be judged the equals of men, as well as have skills and talents that allowed for personal and financial independence.

white woman, Murray exhorted, would “rise superior to the deep laid schemes which, too commonly, encompass the steps of beauty.”¹² She argued white women would recognize their own talents in the arts and sciences if they had even a modicum of education; this, in turn, would make them less subject to flattery.

Murray politicized seduction as the evil against which white women needed to be defended to highlight the innocence of white women and the evil of libertine men. In using seduction plotlines to portray the dangers faced by uneducated white women, Murray was tapping into an already existing cultural problematic that had been explored by other authors. The most famous among seduction tales were those written by Samuel Richardson, including Clarissa and Pamela. During the eighteenth century, many other writers followed his basic storyline of a young woman who lost her virginity and ultimately died to pay for her sin.¹³ Literary analyst Bruce Burgett argues sentimental fiction “publicizes the body as intimate, while it codified the experience as private,” which suggests sexual behavior was not a central component in the construction of the public “sphere” in early national United States. Burgett claims women’s experiences in reading and writing sentimental fiction gendered sentimental fiction and bolstered gender norms. Because of this, he argues, sentimental fiction was an ineffective tool to attack

¹² This essay originally appeared in Gentlemen and Ladies Town and Country Magazine (Boston) in 1794. Judith Sargent Murray, “Desultory Thoughts upon the Utility of Encouraging a Degree of Self-complacency, especially in FEMALE BOSEMS,” in American Women Writers to 1800, ed. Sharon M. Harris (New York: Oxford University Press, 1996), 74-75.

¹³ Herbert R. Brown, “Richardson and Sterne in the Massachusetts Magazine,” NEQ 5 (Jan. 1932): 65-82. For reviews of the effect of this literature on women and politics, see Cathy Davidson’s Revolution and the Word ch. 6. Davidson writes that sentimental fiction allowed for a critique of society, but was ultimately subsumed by the gender hierarchy. Bruce Burgett agrees with Davidson about sentimental literature and women’s political participation. However, he argues sentimental literature was crucial in effecting change in the politics of the abolitionist movement and presidential addresses of the 1800s in Sentimental Bodies: Sex, Gender, and Citizenship in the Early Republic (Princeton: Princeton University Press, 1998).

the public sphere.¹⁴ However, Murray and other white women writers clearly understood “private” matters of sexual behavior to be a very public problem that had led to the construction of white womanhood as lascivious. Massachusetts rural and urban communities actively engaged in campaigns against sexual vice, exhibiting how they perceived illicit sexual behavior to be public and political problems. White women, such as Murray, effectively refuted the sexual characterizations that limited their political potential in the new republic using sentimental fiction. In particular, white women’s writings about seduction and illicit sex were direct confrontations within the public sphere.

Murray’s exploration of seduction through fiction writing allowed her to persuasively posit white women’s sexual innocence, while simultaneously making a claim for their education. Murray’s essays appeared monthly in Massachusetts Magazine between 1789 and 1794 under her pseudonym, “The Gleaner.” As “The Gleaner,” Murray created a fictitious daughter named Margaretta who she introduced as a middle-class white woman struggling to decide whom to marry. Margaretta’s two choices for husbands were extremely different. On the one hand, Margaretta could choose, Edward Hamilton, a neighbor Margaretta knew her entire life with a “character . . . bottomed on integrity.”¹⁵ Her other suitor was Mr. Sinisterus Courtland, who Margaretta met on a visit to New Haven. Sinisterus was known by Margaretta’s father, “The Gleaner,” to have devoted his life “fluttering from town to town, paying his devoirs to every inconsiderate girl, who, allured by his flattery, and charmed by an exterior . . . , and deceived also by the ease, brilliancy, and éclat of his appearance into a good opinion of

¹⁴ See Bruce Burgett, Sentimental Bodies 44.

¹⁵ Murray, Gleaner 72.

his finances, became the dupe of her own vanity.” “The Gleaner” did not tell his daughter that Sinisterous famously used other white women to gain a better economic foothold. He hoped Margaretta’s education would lead her to make the right choice.¹⁶ Murray crafted the story so that Margaretta discovered the faults of Sinisterus on her own. This technique portrayed the practicality of giving white women an education. Murray explains Margaretta “possessed a penetration far beyond her years” which “infallibly led . . . to her understanding his true character.”¹⁷

Murray wrote about white women who were not as successful as Margaretta in avoiding designing men’s advances. She explained that white women who lost their sexual innocence to debauched men did not necessarily lose their morals. Indeed, after Margaretta refused Sinisterus’ proposals, the truth that Sinisterus had already been married to Francis Wellwood came out. Francis sadly told Margaretta how she gave Sinisterus her money and then he deserted her and their children. Francis promised to wait for Sinisterus to reform and return, despite little hope of this happening.¹⁸ In another fictitious tale, Murray described the downfall of Matilda, who married Acetus, a man whose money was “devoted to the bottle, squandered at a gaming table, or lavished on prostitutes!” Matilda had been won over by Acetus’ “most insinuating address.” Matilida expressed her devotion to her husband, who she patiently waited to return, rather than becoming embittered and eloping.¹⁹ By constructing white women in this way, Murray focused attention on another aspect of white women’s virtue that had little to do with their seduction. This redirected societal gaze onto the sexual behavior of men who

¹⁶ Murray, Gleaner 68.

¹⁷ Murray, Gleaner 75.

¹⁸ Murray, Gleaner 91-99.

¹⁹ Murray, Gleaner 477-482. Ultimately, women’s honor and virtue were heralded when Acetus reformed because his money was lost and his wife was the only person left that loved him.

seduced white women, rather than blaming the white women who were duped while young and inexperienced.

Murray's arguments were salient. Many writers agreed with sentimental writers who professed their belief that white women's lack of education made them susceptible to seduction and flattery. In 1790, a writer for Massachusetts Spy claimed the "error in the education of the fair sex renders them liable to the arts and evil consequences of flattery. . . . Our modern Eves have, not only from nature, but from education also, a preference for personal or external excellency ; this originates the motive to flattery, by inviting to the practice of it."²⁰ This author argued white women were taught to aspire to be beautiful, rather than intelligent, which led to their vulnerability to seduction. Contemporaries began to take hold of the idea that white women were not naturally libidinous but were untrained to have aspirations beyond courting.

Other widely read white women positioned seduction centrally in their writings. In 1797, Hannah Webster Foster's famous novel The Coquette; or, The History of Eliza Wharton described the near downfall of Eliza Wharton to the evil Major Peter Sandford. Unlike Murray's writing, Foster fully explored the deceitful and self-indulgent character of men engaged in duping women. She exposed Major Sandford's designs on Eliza in a letter to his friend. Sandford stated he did not "have any thoughts of marrying her myself; that will not do at present. But I love her too well to see her connected with another for life." He wrote he was unsure whether or not to seduce her, [a]nd if I should, she can blame none but herself, since she knows my character, and has no reason to wonder if I act consistently with it. If she will play with a lion, let her beware of his pay,

²⁰ "Worcester Speculator, No. 69," Massachusetts Spy, 14 Jan. 1790.

I say. . . .”²¹ Foster confronted white men’s motives and highlighted their culpability and immoral behavior, which according to her was sadly without consequences. Eliza ultimately rejected Peter, but only because of the sage advice of her many correspondents. Peter’s libertine lifestyle continued, and the novel ends with Eliza’s downfall through the loss of her virginity to a seducer. Foster silenced Eliza after her seduction by ending Eliza’s letters to her friends and families. Through the loss of Eliza’s voice, Foster conveyed that a woman’s loss of virtue was equivalent to loss of life. In doing this, Foster highlighted the severe consequences of seduction in society, and made a statement about the need for punishment of white men who engaged in this deleterious behavior.²²

While Foster’s novel revealed the depravity of white men who gained honor through betraying white women’s “virtue,” it also reminded white women they were their only defenders. One of Eliza’s friends remarked: “the disgrace of humanity and virtue, the assassin of honor; the wretch, . . . who robs virgin innocence of its charms, who triumphs over the ill placed confidence of the inexperienced, unsuspecting, and too credulous fair, is received, and caressed, not only by his own sex, . . . but even by ours, who have every conceivable reason to despise and avoid him.” Foster posited that white men such as Peter should be shunned by society, especially by white women because the consequences of seduction fell wholly on them. Foster crafted a letter by one of Eliza’s friends, who wrote she “wish[ed] they [women] would more generally espouse their own

²¹ Hannah Webster Foster, *The Coquette; or, The History of Eliza Wharton in American Women Writers to 1800*, ed. Sharon M. Harris (New York: Oxford University Press, 1996), 405-6.

²² In contrast with my reading of this ending, Bruce Burgett argues Eliza’s fictive silence was affected because she was no longer “properly gendered” after her seduction. Burgett, *Sentimental Bodies* 107. Indeed, writers choosing to end seductive fiction in the death or discursive silence of their subjects did reify the social system wherein women were cast aside after loss of their virginity. However, the silence/death of women was also a powerful critique of the social system that had no consequences for men that seduced women.

cause. It would conduce to the public weal, and to their personal respectability.”²³

Foster’s novel publicized the problem of seduction by revealing the unfair standards by which white women were judged and by proposing that white men be treated as harshly as their white women victims were.

America’s first best-selling novelist dealt with themes of seduction and white women’s need to protect themselves from libidinous men.²⁴ In 1794, Susannah Haswell Rowson’s novel, Charlotte, A Tale of Truth, also known as Charlotte Temple, was published in Massachusetts. This novel purported to be the true story of a white woman who was duped by a soldier in the British army into having premarital sex. Rowson’s novel was less radical than the aforementioned white women writers in that she did not take to task the men who betrayed white women. Instead, Rowson focused on “the young and thoughtless of the fair sex,” who she believed needed guidance “through the various and unexpected evils that attend a young and unprotected woman in her first entrance into life.”²⁵ In Charlotte, Rowson portrayed the decline of Charlotte, who did not protect her chastity with enough vigor to save her from seduction. Montroville, a soldier in the British Army, manipulated Charlotte into losing her virginity and going to America with him without a marriage contract. In the end of the novel, Charlotte was deceived again by Belcour, who attempted a final seduction of Charlotte that led to her impoverishment and death in childbirth. Rowson’s lesson to her young readers was to be

²³ Foster, The Coquette 406-407.

²⁴ Frank Luther Mott first discovered Rowson’s novel was worthy of “best selling” status. His study proposed a best-seller must sell a number of books equal to 1% of the total population (which he found Charlotte did). See Golden Multitudes: The Story of Best Sellers in the United States (1947; New York: Bowker, 1960). Susannah Haswell Rowson was born in London and wrote this novel in London. However, she was reared for much of her childhood in Massachusetts, and returned later in life as actress, writer of plays, and educator of young women. See Ellen B. Brandt, Susannah Haswell Rowson, America’s First Best Selling Novelist (Chicago: Serba Press, 1975), 1-15 & 84-106.

²⁵ Susanna Haswell Rowson, Charlotte Temple, ed. Cathy N. Davidson, (New York: Oxford University Press, 1986), 5.

wary of lustful men, because the consequences of white women's actions were dire. Her novels did not directly address the sexual double standard in regard to seduction and her male characters were not generally unredeemable. In fact, Montroville intended to secure Charlotte's future financially out of remorse for his actions in seducing her. However, he also tore up the letters Charlotte wrote to her family that could have stopped the seduction.²⁶ Nevertheless, Rowson's focus on seduction and her dedication of the book to young women publicized the problem of white men's sexual behavior toward white women.

Rowson interwove seduction into her other fictional works as well. In Victoria, first published in 1786, Rowson described Victoria's death after being deceived into losing her virginity by a fake marriage to Sir Harry Finchly. In Slaves in Algiers, a play performed and printed in Boston in 1796, pirates attempted to seduce an English woman named Olivia. Olivia was saved from marrying by a slave revolt. However, other women in the play were less lucky. One woman was sold into a harem by her own father. Finally, Rebecca, which appeared in Boston in 1795, told the story of a white woman who sought nothing more than her independence, but was thwarted by the sexual advances of her male employers at several of her jobs. Rowson's use of seduction in her novels and plays demonstrate the salience of this theme in the late eighteenth century. Although Rowson used seduction themes most often to advance her story or to warn white women about the dangers of courting, placing designing men in her novels focused

²⁶ Rowson's various biographers disagree on the extent to which she was willing to chastise men for their sexual behavior. Eve Kornfield and Cathy N. Davidson's opinions of Rowson are most in accord with my own. Both believe she intended her work to be a moral lesson to young women against designing men more than a case against men's illicit sexual behavior. See Eve Kornfield, "Women in Post Revolutionary America Culture: Susanna Haswell Rowson's American Career, 1793-1824," Journal of American Culture 6 (1983): 57; and Cathy N. Davidson, "Introduction" to Susannah Haswell Rowson's, Charlotte Temple (New York: Oxford University Press, 1986), xvii-xix. Ellen B. Brandt suggests the death of Belcour was his punishment for manipulating Charlotte. Brandt, Susannah Haswell Rowson 75.

attention on men's illicit sexual behavior, rather than on white women's.²⁷ Her works highlighted the sexual double standard that left white women in need of defenses against men.

Less historically famous women also engaged in debates about the sexual virtue of women. Magazines written for white men and women often included writings by white women defending their sexual behavior. In 1785, "Matilda" responded to a letter in Massachusetts Spy that condemned modern women for dressing up in fineries and spending their families' savings. This letter equated all women with coquets. "Matilda" blamed white men, not white women for the dressing habits of women. She wrote, "a plain face will not excite their attention when a beautiful one is present, however superiour in real excellence [in learning]." "Matilda" felt white men encouraged coquetry, because they called forth "all their seducing arts" on white women who loved fineries, instead of those who focused on serious pursuits. As a result of men's actions, "Matilda" explained "the unsuspecting beauty falls a victim to those voluptuaries." "Matilda" suggested it was men's taste for beauty and the debauch that detracted from the development of white women's minds. She wrote, "Custom has given to the gentlemen latitude, and passes a sanction on many practices on their part, which would blast the character of the female with indelible marks of infamy."²⁸ "Matilda" effectively exposed the system wherein society praised white men for debauching white women, while women were cast aside and isolated for fornicating. Clearly, some white women were actively engaged in contesting unfair sexual mores, while also re-fashioning the characterizations of white women.

²⁷ Ellen B. Brandt believes Rowson used themes of seduction in her novel Rebecca in order to move her main character to various homes and countries. See Brandt, Susannah Haswell Rowson, 119-120.

²⁸ Matilda, "Messrs Printers," Massachusetts Spy, 27 Oct. 1785.

Several magazine printers assisted white women in their ongoing battle to defend their chastity. In July 1789, “Mr. Eumenes” joined women writers in defending their chastity. He wrote in the Gentlemen and Ladies Town and Country Magazine that in regard to prostitutes, he was “much more inclined to pity than to censure the objects who excite the indignation of some, the abhorrence of others.” He felt prostitutes were made by “the wickedness of those who seduce, and, in part, even by the excessive and *mistaken piety* of those who censure them.”²⁹ Gentlemen and Ladies Town and Country Magazine regularly ran stories of seduction wherein white men and women suffered from its consequences. In 1789, the magazine printed “The History of Henretta,” a seduction tale involving a young white woman, named Henretta, who lived near Massachusetts. Despite Henretta’s education, she was seduced after she began spending a lot of time in Boston. Henretta declared she “found a passion burning in my breast, which till then I had been an utter stranger to.” After her seduction, both of her parents died of grief. She warned women to “shun the man—man, shall I say? Rather the villain (for he deserves no better name) who has once so much as proposed to them the violation of their chastity.” For two pages, Henretta recommended white men reassess their definition of honor to include protecting the virtue of white women. She believed men needed to contain their passions for seduction because it does women “an injury which it is not within the compass of their power to make compensation for.”³⁰ In this story, Henretta admitted her desire for her suitor, but consigned her downfall to his artful advances and designs. This

²⁹ Mr. Eumenes, “For the Gentlemen and Ladies Magazine,” Gentlemen and Ladies Town and Country Magazine, July 1789, 311-312.

³⁰ Henretta, “A History of Henretta,” Gentlemen and Ladies Town and Country Magazine, Sept. 1789, 429-431.

story, like many others, suggested serious reflection about white men's sexual behavior was needed, rather than consideration of the white women who fell victim to them.

White women did not limit their actions against the sexual double standard to editorials. White women dressed in men's clothing and engaged in sex commerce to side-step sexual mores that favored men.³¹ Some white women were clearly discontented with the sexual mores that forgave white men for their dalliances in sex commerce, while white women were hauled into workhouses. On June 27th, 1806, Mary Coad, the white wife of a ropemaker, was charged by William Austin, a laborer, with assaulting his wife Leah, while in men's clothing. William's grievance was with Mary "for appearing in Men's Apparel on the night of the 21st June Curr't in the public street & then & there Assaulting said Leah Austin by seizing her on the Shoulders & dragging her some way." William agreed to appear in court and further testify Mary "at the Same time," while in men's clothes and detaining Leah, was "offering her a Dollar to go with her."³² The grand jury never indicted Mary on charges of assault and dressing in men's apparel, which muted William's complaint and Mary's aggressive actions. In 1807, another complaint was made against a woman for cross-dressing. Unice Pearsy, who was identified as a spinster, was objected against for "her appearing in the public street dressed in Men's Apparell & rioting about in a lewd disorderly manner to the Disturbance of the Neighbours on Sunday the 13 day of Sept." Richard Taylor, an African American man in the neighborhood, complained Unice was "rioting about the Street in a disorderly

³¹ Valerie Hotchkiss argues that, in Medieval Europe, tales of cross-dressing women allowed women to take on the role of the "hero," while it also "often reoriented sexuality." She argues cross-dressing was about empowerment for women in novels. I believe her assertions extend to the real-life situations of women in early national Massachusetts. See Valerie R. Hotchkiss, Clothes Make the Man: Female Cross Dressing in Medieval Europe (New York: Garland, 1996), 83-128.

³² Recognizance of Mary Coad, 27 June 1806; Recognizance of William and Leah Austin, 27 June 1806; BMC file papers, Judicial Archives, MA, box 3.

manner & using profane Language to the great Uneasiness & Disturbance of the Neighbours . . . who caution against it.”³³ Again, no record suggests Eunice was tried for dressing as a man. Perhaps she was silently placed in the House of Correction for her misdeed. In 1808, another woman took the prerogatives of men in the public streets of Boston. A complaint against Selinda Olney, an African American woman, was made for her “having openly appeared before a number of persons on the night of the first of March Inst: dressed in Mens Apparell & behaving with great Indecency and Lewdness.” Similarly, the complaint against Selinda, made by James Wallis, did not result in a trial. However, Selinda was tried for assaulting James in May 1808 at the Boston Municipal Court, which she most likely did in retribution for his actions against her.³⁴

The three cases of Boston women cross-dressing and acting lewdly illustrate a trend, in which women took up the behavior of white men who roamed the streets engaging in sexual commerce without punishment. Several historians have indicated the privileged status of white men in sex commerce was a phenomena of urban environments across America during this time period.³⁵ Mary Coad had attempted to engage in sex commerce while in men’s apparel by offering Leah a dollar to come with her. Unice, who lived in neighborhood filled with bawdy houses, was noted for rioting about and

³³ Recognizance of Unice Percy, 16 Sept. 1807; Recognizance of Richard Taylor, 16 Sept. 1807; BMC File papers, Judicial Archives, MA, box 3. Unice also had a long list of complainants against her that promised to appear as witnesses. Richard Taylor, Peter Guss, Nancy Drake, Violet Powell, Prince Drake, and Maria Taylor also promised to appear against Unice.

³⁴ Recognizance of Selinda Olney, 4 Mar. 1808, BMC File Papers, Judicial Archives, MA, box 4; Commonwealth V. Olney, May 1808, BMC Record Book, Judicial Archives, MA. She was found not guilty of assaulting Wallis, in an appeal from March.

³⁵ Timothy Gilfoyle described men who partook in the pleasure culture of lower class of New York as “Sporting Men” in City of Eros: New York City, Prostitution, and The Commercialization of Sex, 1790-1920 (New York: W.W. Norton and Company, 1992) 92-116. Patricia Cline Cohen also examined the young men who engaged in New York’s underworld in The Murder of Helen Jewett: The Life and Death of a Prostitute in Nineteenth Century New York (New York: Vintage Books, 1999), 230-279. Clare Lyons shows men expected sexual privileges in Philadelphia’s pleasure culture in Sex Among the Rabble 252-256.

using profane language, while acting lewdly, and taking over the streets of her neighborhood. Finally, Selinda was deemed indecent and lewd as she sauntered around in men's clothing. The descriptions of these crimes illustrate that women were attempting to take the liberties of white men who engaged in sex commerce without reprisal. These women's actions acknowledged their understanding that the sexual double standard existed and they wanted the same sexual liberties.

White women's activism re-fashioned sexual characterizations and demonstrated their recognition that prior constructions of their sexual behavior had hindered their claims to power. White women's writings and actions illustrated seduction was perceived as a serious problem for white women in the new republic. By refuting the sexual behavior of men or taking up their behavior in the streets, white women turned the tables on men and demanded a reassessment of gendered culpability in the illicit sexual behavior that was perceived to endanger residents.

White women's advancement of a chaste white womanhood affected the way people dealt with white women who engaged in sex commerce. For example, white women's fictional writing on seduction highlighted the culpability of white men, rather than white women, and assisted in the development of programs to assist seduced white women reclaim their virtue. In 1820, Rufus Anderson began writing to the Society for the Moral and Religious Instruction of the Poor, the City Missionary Society, and to individual ministers suggesting that an asylum be built for repentant prostitutes and their children.³⁶ In 1824, the Boston Society for the Religious and Moral Instruction of the Poor reported a Mission House in West Boston had worked for "the purification of a

³⁶ Rufus Anderson, Boston, to Boston Society for the Moral and Religious Instruction of the Poor, 9 June 1820; Rufus Anderson, Boston, to Rev. Sereno E. Dwight, Boston, 23 June 1820; Special Collections, BPL.

region contaminated with moral pollution and crime.” White women were reported to have “persevered . . . in warning, exhorting and entreating abandoned sinners of their own sex to leave their vicious courses and be reconciled to God.” Furthermore, the society reported the Female Penitent Refuge had also been set up “for the benefit of the dissolute,” who were formerly engaged in sex commerce.³⁷ Charitable agencies organized to prevent prostitution. Beginning in 1800, the Boston Female Asylum worked to provide a home for the “female children of poverty” by placing them within the asylum or finding other suitable homes. The Asylum wanted to stop young girls’ exposure to “the assimilation of evil example and the contagious influence of low vice.” The society asserted, “there is the utmost reason to apprehend that, instead of being, as their sex should be, the ornament and charm, they will become the scorn and pest of society.”³⁸ In 1814, a writer claimed that the Boston Female Asylum, which housed and educated female orphans, was previously criticized in the early 1800s because it would be a “receptacle for the illegitimate, and thus encourage the prostitute.” However, he noted a change in opinion in the decade that had passed, which had seen the Boston Female Asylum attain more charitable donations than previously.³⁹ The change in temperament towards prostitutes was a radical departure from the late colonial era, when no records suggest societies or persons called for assistance for prostitutes. The change in temperament towards prostitutes was in large part due to the white women writers who successfully re-fashioned seduction as a masculine crime against women.

³⁷ Boston Society for the Moral and Religious Instruction of the Poor, Eighth Annual Report of the Directors of the Boston Society for the Moral and Religious Instruction of the Poor (Boston: Crocker and Brewster, 1824), 18-20.

³⁸ Thaddeus Mason Harris, A discourse preached before the members of the Boston Female Asylum, September 24th, at their thirteenth anniversary (Boston: Russell, Cutler & Co., 1813), 9.

³⁹ Misc. Report on the Police 17.

White women's writings that defended themselves from negative sexual characterizations changed the way society viewed seduction and white women. Reverend Francis Parkman, a minister of New North Church in Boston, included in his commonplace book of 1804 a previously printed consideration of men's role in seduction. The writer asked, "Whether consent take away injury." It purported the seducer, "by his acts persuades a woman, that it is not unlawful to indulge in passions which nature had implanted." The seducer "not only commits the actions, which destroys her reputation in the world, but subjects her ever afterwards to a life of vice, by coolly reasoning her out of her virtue and moral principles."⁴⁰ Rev. Parkman's inclusion of this writing in his commonplace book, a work used for reference and re-reading, shows how pervasive these new arguments against white men's role in seduction were. Importantly, Rev. Parkman's commonplace book demonstrated his belief in fully educating women. An extract from the writings of "Pindar in Anacharsis" in Rev. Parkman's book asked, "May not that sex which we confine to obscure & domestic employments be intended for more noble & more exalted functions?" In order to give women a larger role in society, this article suggested women be instructed in the same ways and places as men.⁴¹ Rev. Parkman's inclusion of treatises on seduction and women's education in his commonplace book reveals some men believed the new consideration on women's virtue, which was not limited to her virginity, should accord them with a larger role in the republic.

Other persons in Massachusetts were affected similarly by the ongoing debate about white women's chaste nature. On April 29th, 1790, Rev. William Bentley, a

⁴⁰ Commonplace Book, 1804-7, Francis Parkman Papers, MHS, vol. 2, 54-55.

⁴¹ Commonplace Book, 1804-7, Francis Parkman Papers, MHS, vol. 2, 4.

minister in Salem, wrote in his diary a forgiving assessment of Anna Wyatt, one of the singers in his choir who had been seduced. He recorded, “She was betrayed by a young fellow, & left to suffer for her confidence. She however continued to deserve well in other respects, & all her deportment agrees with due humility & a most circumspect behavior.”⁴² In 1799, Rev. Bentley attempted to visit Anna on her deathbed. However, she had already passed by the time he arrived. He recalled in his diary that Anna had been seduced twice. Once by a man who “paid her every attention & seduced & then abandoned her.” Later, she was seduced again by a young carpenter. Rev. Bentley described, “at length [he] seduced her, lived with her, encouraging her hopes, till his debauchery & abuse obliged her & all her friends to call upon the police & expose her to the public notice.” After this, Bentley noted she was sent to the workhouse for reformation.⁴³ Rev. Bentley’s esteem for Anna was dependent on her status as a victim of seduction. Earlier in 1790, he observed a 46 year-old white woman had given birth to her fourth set of twins. He detailed, “the woman is now possessed of no lawful husband . . . and w^t 300 lb. The force of natural propensity is strikingly seen, & why may not the natural child verify the old observation respecting genius, *got by lustful stealth of nature*.”⁴⁴ Rev. Bentley did not view all white women who engaged in illicit sex with the same forgiveness he would a white woman who was seduced by a man.

The role of white women in fashioning a new sexual self was essential to the construction of white women’s early national identity. White women’s active engagement in writing and defending their chastity acknowledged the fact that negative

⁴² Diary of William Bentley, D.D.: Pastor of the East Church Salem, Massachusetts, vol. 1, (Gloucester, Mass: Peter Smith, 1962),163

⁴³ Diary of William Bentley, vol. 2, 294-5.

⁴⁴ Diary of William Bentley, vol. 1,138.

sexual characterizations affected their role in the polity.⁴⁵ Historian Nancy Cott demonstrated the new moral authority of women was partly due to the construction of white women as “passionless” in the new republic.⁴⁶ White women in Massachusetts were politically engaged in constructing this image: they used seduction narratives to call for equal education and to assert that the sexual double standard was unfair; they posited a chaste sexual self to claim their rights to a fair trial in paternity cases and in rape cases; and white women’s defense of their sexual status drew them outside their homes and led them to elaborate their own vision of womanhood, which contradicted the prior discursive treatment of women. White women’s re-fashioning of white womanhood changed conceptions of women’s virtue. White women’s virtue began to encompass more than her virginity; this directly improved their status to become the moral guardians of the state.

Outside of Massachusetts and in the Atlantic world, white women were discussing the unfairness of negative sexual characterizations of white womanhood. In 1792, Mary Wollstonecraft’s writing of a Vindication of the Rights of Women condemned the negative sexual characterizations of womanhood in an effort to gain more power for

⁴⁵ Linda Kerber has written that women after the Revolution took on expanded roles within the family as the moral guardians of children and inculcators of republican values in Women of the Republic: Intellect and Ideology in Revolutionary America (Chapel Hill: University of North Carolina Press, 1980). Mary Beth Norton has also shown how women’s roles expanded in the domestic sphere during the Revolutionary War in Liberty’s Daughters: The Revolutionary Experience of American Women, 1750-1800 (Ithaca: Cornell University Press, 1980). Writing against women such as Kerber and Norton are Pauline Schlosser and Elaine Forman Crane who see “republican motherhood” as a cultural, not literal citizenship. Both historians agree that the new ideas on womanhood highlighted women’s dependence and inequality. See Schlosser, The Fair Sex: White Women and Racial Patriarchy in the Early Republic (New York: New York University, 2002); and Elaine Forman Crane, Ebb Tide in New England: Women, Seaports, and Social Change, 1630-1800 (Boston: Northeastern University Press, 1998).

⁴⁶ Nancy Cott, “Passionless,” 162-181. Cott’s article has been revised by several historians who show only middle-class white women benefited from this sexual construction. For example, Clare Lyons argues lower class women took part in an expansive sexual culture after the Revolution in Sex Among the Rabble 210-225. Pauline Schlosser has written that the moral boost women received from the passionless ideology was at the expense of African American men and women to whom white women compared themselves. See Schlosser, The Fair Sex 6-52.

women in society. Wollstonecraft declared, “The woman who has dedicated a considerable portion of her time to pursuits purely intellectual . . . must have more purity of mind, as a natural consequence, than the ignorant being whose time and thoughts have been occupied by gay pleasure or scheme to conquer hearts.” Like Judith Sargent Murray, Wollstonecraft argued for white women’s access to an education equivalent with that of white men. She believed this would help white women develop a fuller sense of chastity and modesty. Wollstonecraft pointed out that women were defenseless against men with sexual designs on them because of their unequal education. Wollstonecraft wrote, “. . . men boast of their triumphs over women, what do they boast of? Truly the creature of sensibility [not intellect] was surprised by her sensibility into folly—into vice; and the dreadful reckoning falls heavily on her own weak head, when reason wakes.”⁴⁷ Ironically, Wollstonecraft’s critique of hierarchy and the characterization of women as lascivious were ultimately muted by the details of her own illicit sexual affairs used to discredit her work.

White women’s writings did not completely obliterate the sexual double standard. White women were left to care for illegitimate children, and society continued to allow white men to avoid sexual responsibility. Furthermore, the actions of the state to end prostitution never targeted male consumers of sex commerce. The ideology of white womanhood as sexually sinful did not completely dissipate, and this left their sexual virtue in a precarious position. For example, in 1799, Jacob Norton, a pastor in Weymouth, Massachusetts, depicted temptation and sin as feminine in his sermons. He warned his parishioners, “Vice, like an enchanting sorceress—assumes the most deceitful

⁴⁷ Mary Wollstonecraft, A Vindication of the Rights of Woman with strictures on political and moral subjects (Boston: Peter Edes, 1792), ch. 7.

forms—and—uses every artifice to entice us to our destruction. __She can appear in the most alluring attitudes . . . dress her face in the most pleasing smiles, and accost us in the most insinuating & persuasive strains . . . How successful is this alluring syren in her insidious attempts!”⁴⁸ Temptation to sin was sexualized, and dependent on the construction of women as libidinous seductresses. The figure of white women as powerful temptresses continued in some newspapers and magazines as well. For example, in 1798, one poem warned men “Trust not Woman, she’ll beguile you, /First she’ll flatter, then exile you. /Lovers, of the hook [women], beware!”⁴⁹ A powerful strain of thought positioned white women’s seductive abilities as critical to their character. White women did not effectively combat this idea.

Although the effect of white women’s re-fashioning of themselves as chaste was limited, a more balanced understanding of women’s culpability in sexual sins was expressed in magazines and newspapers. White women’s sexual virtue continued to be posited as precarious and in need of defense. For example, an editorial by “Worcester Speculator” argued against blaming white women for sin, while it suggested white women’s confinement to protect their reputations. On February 25th, 1790, the “Speculator” wrote, “If then the ladies are now virtuous, let their mother’s [Eve’s] stain be obliterated.” The “Speculator” perceived white women’s lot in life to be “peculiarly hazardous,” because they could not publicly defend themselves from gossip without ruining their reputations. The “Speculator” suggested that white women “strictly adhere to the admonitions of virtue,” rather than engage in unwomanly pursuits that were more

⁴⁸ Richard Cranch Norton sermons, notebooks, and diaries, Jacob Norton Papers, MHS box 4, folder 1.

⁴⁹ “Parody,” Federal Gazette, 1 Mar. 1798.

masculine.⁵⁰ This, however, was not the response of white women to characterizations of themselves as libidinous. As shown above, white women actively engaged in public sphere activities to defend their chastity.

The debate on the nature of white women's passion was on-going, because each reader took away from the tales of seduction different meanings. For some, the literature on seduction bolstered ideas that white women were prone to fall prey to sexual inclinations. "The Dreamer," a writer for Massachusetts Magazine, was struck after reading the seduction novel, The Power of Sympathy, that white women were easily swayed by their passions. He wrote, "*men have more stability and less passion than women generally imagine.*" Through his dreamed-up conversations with a coquetted young lady, "The Dreamer" decided that white women were ruled by their passions and love and, consequently, were led into folly much more often than men. He believed white women were more apt to wear fine clothes, dismiss truly honorable suitors, and argue over worthless matters.⁵¹ Seduction literature, even that decrying men's excesses, did not convince all of society that white women were "passionless."

White women were not silenced by men such as "The Dreamer." White women's editorials, letters, novels, and stories expressed political activism around the issue of the sexual characterizations of women.⁵² The political involvement of women placed them in battles where they directly confronted men.⁵³ For instance, a writer quarrelling with

⁵⁰ Worcester Speculator, "Worcester Speculator, No. 73," Massachusetts Spy, 25 Feb. 1790.

⁵¹ "The Dreamer. No. II," Massachusetts Magazine, Feb. 1789, 101-104.

⁵² Susan Branson also argues women achieved a new level of political participation in early national era Philadelphia. She considers women's involvement in theater, writing, and political parties, especially around the issue of the French Revolution, was a new departure in women's public activities. See Branson, These Fiery Frenchified Dames: Women and Political Culture in Early National Philadelphia (Philadelphia: University of Pennsylvania Press, 2001).

⁵³ This argument is in contrast with literary analyst Bruce Burgett and historian Pauline Schloesser, who argue women's gender in the public world of letters made their arguments inherently weaker than men's to

“The Dreamer” claimed “all young ladies who have been crossed in love, and are now old maids” deserved to be “enrolled among the female Dreamers.” She argued white women, like men, suffered from infidelity and disinterested spouses, and that white women were not always the cause of unrequited love.⁵⁴ Another editorial expressed white women’s discontent to have plays performed that characterized women as overly sexual. In 1816, a reviewer of Bertram, Or the Castle of St. Aldobrand, found the play “indecently satirized” white women’s fidelity. According to the reviewer, Imogene, the female lead, was seduced all too easily. She descended “with the facility of an harlot, from the nuptial couch of matrimony, to grovel in the adulterous embraces . . . of an outlaw rebel.”⁵⁵ Conceptions of white women’s sexuality as anything less than chaste would continue to draw white women into the public sphere to defend themselves.

Post-War Re-fashioning of the White Male Sexual Self, 1785-1820

One of the starkest effects of the campaigns against sexual vice and white women’s re-fashioning of their sexual selves was a new cultural context wherein white men became culpable for some of their sexual behavior in print discourse. Prior to the Revolutionary War, only lower class and young white men were viewed skeptically with regard to their sexual behavior. The new emphasis on white men’s sexual behavior in general began during the Revolutionary War, when Tories and the English elite were mocked for their debauched sexual behavior. After the Revolution, white women highlighted their seduction by duplicitous white men, and this increased the criticism of

contemporary readers. My analysis of women’s writing in promotion of their chastity does not show women apologizing for their entrance into a public debate. Women writers vigorously asserted their right to defend themselves from negative sexual characterizations in magazines and newspapers. See Burgett, Sex, Gender and Citizenship in the Early Republic; and Pauline Schloesser, The Fair Sex.

⁵⁴ Maria Doomsday, “To the Dreamer,” Massachusetts Magazine June 1789, 299-300.

⁵⁵ Yy, “Bertram; Or the Castle of St. Aldobrand,” Boston Weekly Magazine, 9 Nov. 1816.

white men's illicit sexual behavior. The early national emphasis on maintaining a chaste body politic gave force to white women's claims that white men's sexual behavior was problematic. The criticism of white men's sexual behavior included a denunciation of sodomy and male effeminacy, which was seen as a sign of luxury and corruption that was more common to empires than republics. Effeminate men were not envisioned as capable of being responsible citizens in the new republic.

After the Revolution, white men's sexual behavior was criticized regularly in print discourse, and this censure was no longer limited to youthful and lower class white men or the English, who were often contrasted with elite white men of the republic. Fictional stories in magazines geared toward men and women illustrated that white men's illicit sexual behavior had deleterious consequences. In 1789, a short story entitled "Conjugal Infidelity Detected," ran in the Gentleman and Ladies Town and Country Magazine. This story depicted a man's downfall after he was found committing adultery by his wife. The wife, rather than standing by her husband, left him penniless and alone.⁵⁶ The writer acknowledged his wife's righteousness in deserting her husband. The portions of Jeremy Belknap's popular novel, The Foresters, that were printed in magazines criticized a middle-aged man's penchant for mistresses, rather than wives. The section printed described Mr. Lewis's household affairs as in constant disarray because of his refusal to marry. Mr. Lewis was forced to find a wife only after his mansion had reached a deplorable condition because he lacked a virtuous woman's touch. After his marriage, his former mistress "insult[ed] the new married lady, and tell[s] her that she has no business to occupy *her* apartments. . . ." Some of the neighboring men

⁵⁶ "Conjugal Infidelity Detected," Gentlemen and Ladies Town and Country Magazine, Apr. 1789, 115-117.

even took the side of Lewis' former mistress because many "prefer[ed] concubinage to matrimony."⁵⁷ Belknaps' tale suggested that white men were not exemplars of a "virtuous" sex and there were consequences to their actions, as when Mr. Fields' mansion fell into ruin.

Public disapproval of men's illicit sexual behavior was not limited to the writings in newspapers and magazines. New in the diatribes against men's sexual behavior were considerations on how best to stop men's seduction of white women. In 1793, George Thacher, a congressman from Maine, wrote to Daniel Carey to discuss whether to place a new college in Portland or in North Yarmouth. Of priority in settling the college was the "temptations to vices" that the male students would experience in a more urban versus rural setting. Congressman Thacher reported he had spoken to "a very respectable number of the Legislature of Massachusetts who is much in favor of North Yarmouth; and principally because the Student will be less tempted to female debauchery than at Portland." Congressman Thacher himself "wish[ed] this species of vice might be altogether prevented." He believed "it is prudent to diminish the temptations they may be exposed to by all possible cautions; but after [all] temptations will exist, & vice will be run into__." He noted "that even [in] the woods, religion & enthusiasm have not been able to prevent its finding the way to the solitary retreat of Dartmouth College."⁵⁸

According to Congressman Thacher, young white men were inevitably drawn to illicit

⁵⁷ "Extract of The FORESTERS, AN AMERICAN TALE," *American Apollo*, 1792, vol. 1, issue 24, 266. Belknap's novel was a satiric retelling of the American Revolution. The section quoted was to represent the French after the Revolutionary War. However, the reprinted sections did not describe this work as an allegorical tale representing France, nor did it reference anything particularly "French." Thus, this story left the reader with a criticism of men's sexual behavior. For the story in context, see Jeremy Belknap, *The Foresters, An American Tale*, ed. Lewis A. Turlish, (Gainesville, Florida: Scholars' Facsimiles & Reprints, 1969), 207-211.

⁵⁸ The district of Maine was part of Massachusetts state until 1820. George Thacher, Philadelphia to Honorable Daniel Carey, Esq., 8 Jan. 1793, Thacher Family Papers, MHS, box 2, folder 9.

sexual behavior. And though he believed seduction and debauchery wrong, he admitted white men's desires were not often sublimated to religion and morality. Thacher and other legislators' suggestions to place this college away from temptation was an important and new endeavor in managing men's sexual behavior.

Other actions were taken to stem white men's illicit sexual behavior. In 1792, an article requesting a theater be opened in Boston argued the moral lessons the theater could impart made it invaluable to the republic. "Roscius" wrote that comedies "expose and satirize the reigning follies and foibles of the fashionable world." He believed the "profligate libertine, when ludicrously mimicked on the stage, has been startled at his own deformity, and reclaimed by a ridiculous exhibition of himself." Theater could "amend the morals and reform the manners of the age" through its lessons on, among other topics, the effects and depravity of illicit sexual behavior.⁵⁹

White men's sexual morality was questioned in churches as well. In 1805, the First Church of Hingham was deciding on hiring a new minister for its parish and the prior sexual behavior of their candidate, Joseph Richardson, was scrutinized. Under consideration was whether Richardson had made a promise of marriage to a white woman then abandoned her. One witness to the events stated, "Mr. Richardson had used that girl, (meaning I suppose, the girl that he formerly courted) like a rascal & scoundrel, and that he could not with sincerity enter the pulpit and preach the gospel of Jesus Christ."⁶⁰ The evidence presented against Richardson was less than damning, because the original witness refuted his prior re-telling of the affair. Ultimately, Richardson was voted to become the minister by a vote of 111 to 41. However, those voting against

⁵⁹ Roscius, "For a THEATRE," Massachusetts Spy, 22 Nov. 1792.

⁶⁰ First Church (Hingham) Records, MHS, vol. 50, 166.

Richardson were not willing to let a man “destitute of those qualifications in point of moral character, which every minister of the gospel ought to possess” to become their new leader. On December 10th, 1805, protesting parish members had their complaint read against Richardson. They found fault with him for “breach of a promise under circumstances of an aggravated nature,” of which a jury in Concord found him guilty.⁶¹ An ecclesiastical council was eventually convened because the parish could not settle this matter. Clearly, some white men were being held responsible, even professionally, for their sexual misconduct.

Joseph Richardson was not the only man questioned for his behavior in sexual matters. In 1812, several parishioners of Samuel Bemis, a minister in Harvard, printed for circulation the letters of Samuel to Lucy, a woman he courted. After two years of courtship, the parishioners stated Samuel discontinued his courtship and left her without a husband. The parishioners suggested how strange societal custom was that “will justify the same crime in one, that they would call the greatest abomination in another.”⁶² The printed reprisal of Samuel’s behavior questioned directly the sexual double standard that derided white women who chose not to marry as coquets, while praising white men for the same behavior. The parishioners who published his letters amended the tract with several questions, which they believed to be central to this situation. “When a man has given his heart and a promise to a Lady can he without being guilty of the horrid sin of violating his faith, covenant with, and marry another?” Those who published the pamphlet believed readers should “abhor the author’s conduct” and be persuaded “not to

⁶¹ First Church (Hingham) Records, MHS, vol. 50, 170-173.

⁶² Xyz, “Preface,” in Stephen Bemis, A coquet turned preacher, or, A true copy of a series of letters written by Stephen Bemis to a young lady in Westminster (Massachusetts: s.n. 1812), iii.

practice his example.”⁶³ The parishioners’ questioning of white men’s sexual behavior was a change from the late colonial era, when only young and poor men’s sexual behavior was criticized publicly.

Sexual privilege was central to the gender hierarchy. Thus, the new questioning of white men’s sexual behavior in print discourse did not result in more judicial actions being taken against them. In the early national era, white men continued to be able to avoid punishment for their roles in sex commerce, and white men were not forced to pay fines in addition to financial support, as white women were for fornication. No interrogation of white men’s racial or gender superiority was articulated in criticisms of their sexual behavior. White men’s power in society derived partly from their control over the sexuality of their subordinates, most importantly, their wives. White men’s dominion over women was left unchallenged by new discourses on their sexual culpability. White men were perceived as the ideal citizens of the republic because of their sexual, economic, and social supremacy. White women and the state were only concerned that white men not abuse this power to the detriment of the republic and order.

Several men ran into trouble with the judiciary due to the perception that they exceedingly crossed the boundaries of sexual propriety. In 1818 and 1819 in Boston, several men were charged with lewd behavior at Boston’s Municipal Court. On April 29th, 1818, Alexander Lincoln, a resident in Boston, complained to Justices that Daniel Harding of Boston had on that same day “behave[d] in a lewd & indecent manner by showing & exposing his private parts in a Certain passage way in Said Boston leading from Charter Street to Lynn Street.”⁶⁴ In April 1819, another case of a man’s lewd

⁶³ Bemis, *A Coquet* 16.

⁶⁴ Complaint of Alexander E. Lincoln, 29 Apr. 1818, Adlow Papers, Special Collections, BPL, box 49.

behavior was reported. John Drummer was charged with “wickedly and lasciviously did expose and exhibit the private parts of his body naked to the view of diverse good citizens of the said Commonwealth.” John’s crime was purported to be in disregard to “the moral obligations or common decencies of society” and took place “in a public street in said Boston.”⁶⁵ Both Daniel and John were found not guilty. Justices were unlikely to punish men for their public nudity—most likely—from wonderment at men’s motives. Unlike women, whose public nudity was known to have pecuniary value in the city’s sex commerce, Justices were unwilling to see men’s lewd behavior as dangerous to the city as women’s. Justices may have believed these men were attempting to take part in the city’s sex commerce by trying to attract women of loose morals. In either case, Justices used a sexual double standard when it came to punishing men’s lewd behavior.

One case in Middlesex showed Justices occasionally viewed men’s illicit sexual behavior with alarm. In the urban vicinity outside of Boston, another man publicly exposed himself in the plain sight of a mixed gender crowd. In March 1818, Job Wheeler, a confectioner from Charlestown, was indicted in the Middlesex Supreme Judicial Court, one of the state’s highest courts, for lewdness. He was charged with having on diverse occasions “in the public street there in the day time designedly, wickedly and lasciviously did open and exhibit the private parts of his body, naked to the view of a great number of young people of both sexes.” John Dunklee, the constable for Middlesex County, brought this complaint to the Justice and testified Job had “near the Public School house in said Town, been guilty of ... exposing himself in an obscene and unnatural manner to the youth of both sexes. . . .”⁶⁶ Job pled guilty and was sentenced to

⁶⁵ Commonwealth v. John Drummer, Apr. 1819, BMC Record Book, Judicial Archives, MA, vol. 8.

⁶⁶ Complaint of John Dunklee, 13 Mar. 1818, Middlesex SJC File Papers, Judicial Archives, MA, box 19.

solitary imprisonment for three months, then hard labor for five years. The severity of this punishment, in contrast to the white men in Boston, likely reflects the perception that John had endangered the morals of the young people, who were the future guardians of the state. Moreover, unlike the men who exposed themselves in Boston, Job had a witness who saw him expose himself in front of women and men. The mixed gender crowd in Job's case likely added to the severity of the crime in Justices' eyes.

Unlike Job, white men who were prosecuted for exposing themselves were rarely punished. In smaller towns like Newton, white men were also publicly exposing themselves, which suggests this behavior existed in towns adjacent to urban areas. In 1812, Benjamin Guild, a lawyer from Newton, complained to Justices that Moses Walker, a yeoman from Newton, had publicly exposed himself. Moses's indictment read that he had exposed himself "on the Lord's day . . . naked for the space of thirty minutes near to and within the sight of the public highway in the said Town of Newton and within sight of the dwelling house of sundry inhabitants of the said Town of Newton." Moses was found not guilty and was not punished, despite the contention that he had exposed himself on a Sunday.⁶⁷ By flashing their nudity, men such as Moses could have been touting the sexual mores of the time. Moses also could have been boldly asserting his masculinity and sexual vitality, or suggesting his availability for homosexual liaisons. Most importantly, actions by men like Moses were not seen to be as criminal as the same actions by women, who would have likely been sent directly to the House of Corrections for the this behavior.

Although the judiciary was less willing to prosecute white men as they were white women, print discourses did question white men's illicit sexual behavior. Particularly

⁶⁷ Commonwealth v. Moses Walker, Oct. 1812, Middlesex SJC Record Book.

problematic for contemporaries was sodomitical behavior and man/man love. The response to sodomy was connected to the Revolutionary rhetoric that linked elite men in kingdoms with luxury and illicit sexual behavior. In print discourse, nations with empires were thought to accept sodomy. For example, in 1772, a letter reprinted from England, written by “An admirer of the Fair Sex,” to the King of England questioned why he pardoned a man from the death sentence for sodomy. “An admirer” asked, “What apology then can possibly be made for preserving this man from his punishment?” He later declared, the actions of the king proclaimed: “The SLAVES of SODOM have a PATENT from the THRONE, to ENJOY with IMPUNITY their UNNATURAL LUST!”⁶⁸ This indictment of King George III was a powerful message during the Revolutionary era of how far from Massachusetts residents’ own sexual mores the English had fallen.

Patriots perceived that part of the sexual excess occurring in England was the fault of effeminate men who influenced the government of royals. Massachusetts hoped to avoid this in the new republic. Sodomites were connected in the minds of contemporaries with effeminacy.⁶⁹ The memoirs of Voltaire on the previous and present Kings of Prussia—Frederick William and his son, the Prince Frederick—were the most explicit references to homosexual love immediately available to readers after the American Revolution. In 1785, newspapers ran Voltaire’s criticisms of Frederick

⁶⁸ An admirer of the Fair Sex, “To the King,” *Massachusetts Spy*, 12 Nov. 1772.

⁶⁹ Randolph Trumbach shows the evolution to a system whereby effeminate men became associated with sodomy in “The Birth of the Queen: Sodomy and the Emergence of Gender Equality in Modern Culture, 1660-1750,” in *Hidden from History: Reclaiming the Gay and Lesbian Past*, ed. Martin Duberman, Martha Vicinius, and George Chauncy, (New York: New American Library, 1989), 129-139. Anthony Fletcher argues that the evolution to heterosexuality as normative derived from the need to maintain patriarchy after men’s and women’s bodies began to be understood as similar. Effeminacy, according to Fletcher, was dangerous because it cracked the façade of difference that was argued to bolster male superiority. See *Gender, Sex, and Subordination in England 1500-1800* (New Haven: Yale University Press, 1995).

William. Voltaire's censure of Prussia bolstered Revolutionary War ideas connecting sodomy with vice and empires. King Frederick William was described as a lover of "handsome men." Voltaire also portrayed the Prince as having a fondness for men, by claiming his "avocation was not with the *fair sex*." Voltaire wrote that after the Prince was shut up in a dungeon for attempting to elope, the King outfitted him with a soldier who "had more ways than one of amusing the royal prisoner."⁷⁰ King Frederick made sure "neither women nor priests ever entered the palace." The King was even noted for having spared the death penalty to a man "accused of an intrigue of so shocking a nature," presumably sodomy. He was said to have written at the bottom of the man's sentence "that free liberty of opinion, and of **** * was allowed throughout his territories." Voltaire's consideration of King Frederick's pardoning of a sodomite may have reminded residents of King George III's similar actions. Voltaire summed up the disgrace of King Frederick's behavior by commenting on the "effeminacy in the interior of the palace, of Pages with whom he amused himself in his closet," and the "unbridled licentiousness" of the palace in general.⁷¹ Voltaire's portrayal of the King was ultimately linked to the failure of their empire.

The era of increasing watchfulness on white men's sexual behavior in print discourse led to a denunciation of both male effeminacy and female masculinity. Effeminacy was connected with the luxury of Kingdom's, not republics. In 1806, The Christian Monitor endeavored to outline the duties of husbands and wives. The magazine warned against gender reversal: "When men, therefore, sink into sloth and effeminacy, and women assume a masculine boldness and audacity, they are acting contrary to the

⁷⁰ Voltaire, "MEMOIRS of the LIFE of VOLTAIRE," Massachusetts Spy, 27 Jan. 1785.

⁷¹ Voltaire, "Curious ANECDOTES of the Present KING of PRUSSIA," Massachusetts Spy, 10 Feb. 1785.

designs of nature and of God; and can never be objects of esteem or approbation, much less of love or affection.”⁷² Indeed, this article asserted white men and women who acted in disregard of gender norms wounded both God and society and their punishment on earth was to never experience love. Thus, effeminate men were unfit members of the republic. In 1789, a writer calling herself “a female” warned white women against a “set of self-created beings, who seem to be of the neuter gender, or rather to partake both of the masculine and the feminine; and are in fact between both—justly denominated Coxcombs.” According to the writer, coxcombs ridiculed women, while they wore their hair long and enjoyed wearing stays “to pinch their coxcomical sides into the slender form, which nature has given to and alone designed for the softer sex.”⁷³ The contemporary logic considered that just as white women were unfit for politics, white men who acted in feminine ways could not be involved in the body politic of a moral republic.

So distasteful were effeminate men and masculine women that Elizabeth Cranch Norton, daughter of Rev. Norton from Weymouth, recorded in her diary on August 31st, 1786, a fight she had with a friend over which gender transgression was worse. She writes, “had a little dispute with Mr. D___ which was the more despicable character—a masculine woman, or effeminate Man—I think the Latter—& endeavored to prove it—in opposition to Mr. D___ who differs from me.”⁷⁴ Clearly, the disdainful view of gender bending in newspapers and magazines had resonance with white persons living in

⁷² “Discourse IV: On the duties of wives” The Christian Monitor, 2 (1806): 70.

⁷³ A Female, “To the Matrons and Daughters of Massachusetts,” Gentlemen and Ladies Town and Country Magazine, Nov. 1789, 538-539.

⁷⁴ Elizabeth Cranch Norton Journal, 1786, Jacob Norton Papers, MHS, box 2, 54.

Massachusetts. Massachusetts residents expressed their belief that gender transgressions were in discordance with the needs of the republic.

The attitudes expressed in the two trials against men for committing sodomy in Massachusetts highlight the differences in perceptions before and after the Revolution. In 1750, Samuel Lenox, a husbandman who had moved to Kingston from Brimfield, was indicted twice at the Superior Court of Judicature: first for buggery, then for intent to carnally know a boy. On the first indictment for buggery, Samuel pled not guilty. To the second indictment, Samuel pled guilty to attempting to carnally know Joseph Wright Jr., a sixteen year old boy at Brimfield on November 1st, 1749. Like many criminal offenders, Samuel's indictment cited he must have been "instigated by the devil," in attempting to commit this act. The community clearly believed in men's ability to individually reform their desire to commit sodomy because they accepted his plea for attempted sodomy over "buggery," a crime that called for the death sentence. He was ordered to be "Set in the Pillory for the Space of two hours, that he be whip't Thirty nine Stripes at the Publick Whipping post upon his Naked back, that he suffer Six months Imprisonment & that he be Bound for his good Behavior for twelve Months."⁷⁵ His public penance was a reminder to others as much as to himself to avoid further instigations "by the devil."

The next sodomy case occurring in Massachusetts was on October 8th, 1812. Thomas Ford, a paper stainer from Boston, charged Pompey Stockbridge with "the crime of Sodomy."⁷⁶ In November 1812, Pompey was presented at the Supreme Judicial Court for Suffolk and Nantucket Counties for having a "venereal affair with the said Enoch

⁷⁵ King v. Lenox, Sept. 1750, SCJ Record Book; and Suffolk Files, 67080, Judicial Archives, MA.

⁷⁶ Recognizance of Thomas Ford, 9 Oct. 1812, Adlow Collection, Special Collections, BPL, box 203, folder 1.

Pettingill; and then and there carnally knew the said Enoch. . . .” The charge was for “that detestable and abominable crime of buggery.” The grand jury indicted Enoch Pettingill with committing the crime of buggery, but he was never prosecuted in court.⁷⁷ Pompey was found guilty of sodomy and was sentenced to solitary confinement at the state prison for 30 days, and “that he afterwards be confined therein to hard labour for ten years.” Unlike Samuel Lenox, Pompey’s charge was not reduced to attempted buggery, which would have made his sentence more lenient, and he was punished by being sent to prison for 10 years. New criminal procedures in Massachusetts led to Pompey’s removal to prison, rather than having to serve as a public testament of the wrong of sodomy. Public penance had been abjured partly from fear that it created more criminality, and also because it was hoped criminals could be reformed.⁷⁸ Pompey’s long confinement and removal from society for 10 years suggested contemporaries were beginning to view sodomy as a behavior that needed to be contained more than it was a trait that could be reformed. His prison sentence indicates a desire to minimize his ability to induce other men to commit these acts.⁷⁹ Samuel was sentenced to stand in the pillory for two hours, be whipped with 39 stripes, and suffer six months in prison.⁸⁰ Samuel’s public penance

⁷⁷ Presentment against Pompey Stockbridge; & Presentment against Enoch Pettingill; Nov. 1812, Suffolk Files, Judicial Archives, MA, vol. 1161, 15753.

⁷⁸ Historian Louis P. Masur writes that Benjamin Rush believed public penance could create sympathy or excite viewers. He also found the opening of penitentiaries were influenced by Enlightenment philosophies that stressed the reasoning power of men to overcome their defects. However, in the case of sexual crimes, contemporary thought suggested that sexual criminals were unable to restrain their passions. Rites of Execution: Capital Punishment and the Transformation of American Culture, 1776-1865, (New York: Oxford University Press, 1989), 71-84.

⁷⁹ Randolph Trumbach found an increased disdain for sodomy in Enlightenment London. He traces this new concern to fear over decreasing male superiority. See “Sex, Gender, and Sexual Identity in Modern Culture: Male Sodomy and Female Prostitution in Enlightenment London,” Journal of the History of Sexuality 2 (1991): 186-203.

⁸⁰ King v. Lenox, Sept. 1750, Superior Court of Judicature Record Book; and Suffolk Files, 67080, Judicial Archives, MA.

and short confinement suggested he would be able to reform his behavior and that he was not a detriment to society.

Another case from Boston also suggests that some residents were beginning to view sodomy more harshly. On July 31st, 1813, Justice William Whiting heard the charges of several men against John Brown, a mariner in Boston. Caleb Stetson maintained that John had assaulted him by “conducting toward Said Stetson in a lewd and lascivious manner.” In response to John’s behavior, Caleb assaulted him.⁸¹ The “assault” charge that was initiated by John against Caleb was not heard in the Boston Municipal Court. This suggests John was put in the Workhouse for his lewd behavior, although no written record confirms this. It is clear from Caleb’s record of the events that he intended to cite John Brown’s lascivious behavior in his defense. Other factors point towards an unfavorable view of effeminacy and sodomy after the Revolution. Historian Pauline Schloesser’s study of Mercy Otis Warren found that Warren “repeatedly warned her sons to avoid ‘criminal passions,’ ‘guilty gratifications,’ ‘the lowest gratifications of animal nature,’ the ‘monster vice,’ and ‘the most shameful debaucheries.’” Of particular concern to Warren was that her sons not engage in frivolous fashions, which led to effeminacy, or any sodomitical relations.⁸²

The response to seducing, sodomitical, and effeminate men can be traced to several factors.⁸³ First, the sexual rhetoric of the Revolutionary era connected sexual excess with empires. Second, the increased emphasis on white men’s sexual behavior by

⁸¹ Recognizance of Caleb Stetson, 13 July 1813, BMC File Papers, Judicial Archives, MA, box 6.

⁸² Pauline Schloesser, *The Fair Sex* 94.

⁸³ In contrast to my findings, historian Clare Lyons argues Philadelphians were not concerned about homoerotic sexual desire or sodomy immediately after the Revolution. Presumably, the distinctions stem from Boston’s more increased vigilance to root out illicit sex and the foundational literature of Puritans that pointed out sodomy as a particularly offensive crime. See Lyons, “Mapping an Atlantic Sexual Culture: Homoeroticism in Eighteenth-Century Philadelphia,” *WMQ* 3rd Ser. 60 (2003): 119-154.

white women maintained that white men were the libidinous creators of vice. The increased statewide concern over prostitution meant seduction was a ripe topic for discussion. Third, the state's effort to attack sexual vice figured some of white men's illicit sexual behavior as problematic to a society. Sodomites, effeminate men, and bachelors could not be trusted to represent the public because they focused primarily on fulfilling their own sexual desires, not the public good, which required restraint in sexual behavior.

During the early national era, sexual behavior continued to be important in the construction of citizenship and power in the towns of Massachusetts. White women's writings focusing on seduction acknowledged that debasing sexual characterizations of white women were hindering their importance in society. Their efforts to defend white womanhood were politically motivated to enhance their power in the state. The effect of white women's actions was a reassessment of white men's sexual behavior. However, the criticism of white men's sexual behavior did not cause judicial and religious prosecutions of white men. White men's superiority in gender relations went unchallenged by white women's claims. Elite white men continued to hold all governmental offices, which gave them considerable power in defining who were criminally culpable for sexual behavior during this era. Furthermore, white men's power derived partly from their ability to regulate the sexuality of members of their household. The elite white men in seats of power across the state would have undermined the authority they assumed from their race and gender if they began punishing other white men for their illicit sexual crimes. White men had been demonstrating their authority over women, Africans Americans, Indians, and the lower class by regulating their sexual

behavior from the late colonial era. To maintain their power and status in society, elite white men would not make themselves subject to the same laws and subordination as these persons.

Chapter 8: Interracial Marriage, Racial Thought, and Power, 1785-1820

African Americans, Indians, and poor whites were affected by white ideas regarding interracial marriages. In 1786, the new state constitution prohibited whites from marrying Indians and African Americans. White legislators enacted this law shortly after the rights and responsibilities of citizenship were extended to African American and Indian men who met property qualifications for voting. This law was aimed at prohibiting white women from marrying Indian and African American men. White men perceived that interracial and interethnic marriages with white women would have increased Indian and African American men's economic and social power in the state. Femme covert law entitled African American and Indian men who married white women to the same privileges as white men. White fears over the extension of patriarchal privileges to Indian and African men continued to inform their view of interracial sex. These views were essential to the establishment of segregation in Boston and the creation of fear about interracial sociability. The illegality of white interracial and interethnic marriage represented the disregard many whites had for mixed marriages because they viewed African Americans and Indians as their inferiors and wanted them in subordinate positions.

Perceptions of interracial and interethnic marriage were connected to ideas about citizenship and power. Individual attitudes toward the gender, class, and racial hierarchies influenced responses to interracial and interethnic relationships. No laws prohibited marriages between African Americans and Indians, and very few concerns were registered about white men's sexual liaisons with Indian and African American women. Marriage between African Americans and Indians were less troubling to whites

because they bolstered white constructions of these groups as outsiders to whites. By intermarrying with another subordinate group, the racial status of individuals was confirmed as different than whites. However, for African Americans and Indians, their marriages fulfilled their needs for labor, land, and emotional fulfillment. Class was another important dimension in contemporary conceptions of interracial sex. Interracial and interethnic marriages took place throughout Massachusetts despite the legal provision against it in the 1786 constitution. Missionaries, Guardians, Overseers of the Poor, and court recorders noted interracial and interethnic marriage occurred in Massachusetts.¹ Some African Americans, Indians, and whites continued to practice common law marriage, while many others followed Massachusetts legally codified practices that included the posting of banns, legal certification, and religious ceremonies. Poor whites who married Indians and African Americans were considered outsiders to middle and upper class whites, yet poor whites found companionship in these marriages. These marriages were of very little concern to the existing hierarchy in Massachusetts, yet they were fundamental to survival and resistance for African Americans, Indians, and poor whites.

¹ I am using African American, Indian, and whites' own conceptions of what constituted a marriage. Overseers of the Poor records show the history of sexual unions between persons requesting charitable assistance. The records of missionaries and Guardians often commented on the marriages and numbers of persons living on Indian plantations, which show the interracial marriages between poor whites, African Americans, and Indians. Interracial sex records can be found in paternity disputes between white women and African American men. For examples, see Letters to the Overseers, Judicial Archives, MA; Boston Overseers of the Poor Records, Special Collections, MHS; Gideon Hawley Letters, Special Collections, MHS; Accounts and Correspondence, Guardians of Indian Plantations and Related Records, MA. For a specific example of a paternity case, see Voluntary Exam of Nancy Cross, 30 Sept. 1792; and Recognizance of Cato Hart, 30 Sept. 1792; Adams-Morse Papers, MHS. Historians have also studied the interracial and interethnic marriages among African Americans, Indians, and lower class whites in Massachusetts in their study of individuals and communities. The most comprehensive work on interracial marriages between Indians and Africans is Daniel R. Mandell's, "Shifting Boundaries of Race and Ethnicity: Indian-Black Intermarriage in Southern New England, 1760-1880," *JAH* 85 (Sept 1988): 466-501.

In 1795, Dr. John Eliot believed there existed a “harmony between blacks and whites” in Boston, largely because “they do not associate.” Dr. Elliot found this “harmony” was rarely broken, “except in houses of ill fame, where some very *depraved white* females get among the blacks. This has issued in the pulling down such houses at times, and caused several actions at Justices’ Courts these two years past.”² Even men who believed the perceived inferiority of African Americans was due to their lack of education feared racial intermixture. In 1795, James Sullivan, who would later serve as Governor of Massachusetts, wrote, “The children of slaves must, at the public expense, be educated in the same manner as the children of their masters: being at the same schools, &c., with the rising generation.” He felt this plan would best effectuate the end of “prejudice, which has been so long and inveterate against them on account of their situation and colour.” Sullivan’s one major concern in this plan was the objection that “embraces all my feelings: that is, that it will tend to a mixture of blood, which I now abhor: but yet, as I feel, I fear that I am not a pure Republican, delighting in the equal rights of all the human race.”³ His fear that extension of equality to African Americans would lead to miscegenation was a belief held by others as well. From the moment African American emancipation and citizenship was considered, concerns about miscegenation were articulated.

Although much more anxiety was expressed over relations between white women and African American men, the writings of William Apess, a Pequot from Connecticut who lived among the Mashpee in 1829, suggest Indians felt that any claims they made to

² Dr. John Eliot to Dr. Jeremy Belknap, n.d., in “Letters and Documents Regarding Slavery” ed. Charles Deane, originally printed in Massachusetts Historical Society Collections, 5th ser., vol. 3 (Cambridge: Wilson, 1877; reprint, Louisville, KY: Lost Cause Press, 1977), 383.

³ James Sullivan to Dr. Jeremy Belknap, 30 July 1795, in “Letters and Documents Relating to Slavery in Massachusetts,” 414.

equality were subsumed into the explosive rhetoric of interracial sex. In 1835, William Apess wrote, “As soon as we begin to talk about equal rights, the cry of amalgamation is set up, as if men of color could not enjoy their natural rights without any necessity for intermarriage between the sons and daughters of the two races. Strange, strange indeed!”⁴ Apess’ statements intimate that it was marriages between both genders of Indians with whites that caused alarm. However, the comments by white contemporaries indicate that marriages between white women and non-whites were far more worrisome than white men’s sexual liaisons with non-white women.

With the rights and duties of citizenship being extended to all men who met the property requirements of the Commonwealth of Massachusetts, African American and Indian men were able to make new claims to power in the early national era. Because of this, white women’s sexual liaisons with newly empowered African American and Indian men were the primary interracial and interethnic relationships that concerned contemporaries. The constitution of 1786 did not deny African American or Indian men the right to vote as long as they had proper property qualifications.⁵ The rhetoric of liberty and freedom, along with the efforts by African Americans themselves to gain freedom, had led to the emancipation of African Americans. Yet, Massachusetts’ white residents understood power to be more than the right to vote and freedom from enslavement. Historian Stephanie McCurry has argued that the household was a political

⁴ William Apess, Indian Nullification of the Unconstitutional Lawes of Massachusetts Relative to the Marshpee Tribe; or, The Pretended Riot Explained, in On Our Own Ground, (Boston: Jonathan Howe, 1835; reprint Amherst: University of Massachusetts Press, 1992), 230.

⁵ The 1786 constitution of the Commonwealth of Massachusetts designated voters as “every male inhabitant of twenty one years of age and upwards, having a freehold estate within the Commonwealth, of the annual income of three pounds, or any estate the value of sixty pounds.” The First Laws of the Commonwealth of Massachusetts, ed. John D. Cushing, originally published as The Perpetual Laws of the Commonwealth of Massachusetts, From The Establishment of the Constitution to the First Session of the General The Court A.D. 1788, (Worcester: Isaiah Thomas, 1788. Reprint, Wilmington, DE: Michael Glazier, Inc., 1981), 9.

site in the antebellum South because men gained economic and social importance through their command of dependents, including women and children.⁶ Underpinning the power structure of white men in Massachusetts was a similar claim to white women, whose social and work roles ideally benefited only the white male head of the household.⁷ African American and Indian women were not as likely to be able to confine their work to their own homes and often worked for others. This lessened the claim their husbands had over the economic production of their wives, and therefore the social power men gained from relationships with recently emancipated African American women and Indian women. White women had more access to financial resources than African American or Indian women through their dowries, widows' thirds, or even the death of women's parents. Marriages to white women had a symbolic function in society because these marriages extended the power and authority of their husbands. The legal proscriptions and discourses against interracial and interethnic marriages were conscious expressions of the desire among whites to limit the power of African American and Indian men.

In 1795, Samuel Dexter, a merchant from Boston, expressed his belief that after Africans had been emancipated "intermarriage between whites and blacks' are rare." However, he felt intermarriage occurred "oftener between black men and white women than the contrary."⁸ Interracial sex and marriages did occur between men of African

⁶ Stephanie McCurry, Masters of Small Worlds: Yeoman Households, Gender Relations, and Political Culture of the Antebellum South Carolina Low Country (New York: Oxford University Press, 1995), 37-91.

⁷ Historian Jeanne Boydston has shown that women's labor was essential in the transformation to capitalism. White women's unpaid labor freed up family resources to increase the wealth of the family. See Boydston, Home and Work: Housework, Wages, and the Ideology of Labor in the Early Republic (New York: Oxford University Press, 1990), 120-141.

⁸ Samuel Dexter to Dr. Jeremy Belknap, 23 Feb. 1795, in "Letters and Documents Relating to Slavery in Massachusetts," MHS Collections, 386.

heritage and white women, although there is no statistical evidence available to support Dexter's assumptions that white women married African American men more often than the reverse. Marriages of African Americans and Indians with whites were forbidden in the legal code and resulted in a fine for the presiding minister or justice. When churches and towns did condone the marriages of interracial and interethnic couples, despite the legal code, the marital records of churches and towns did not record these alliances.⁹

⁹ To find documentation of interracial marriages, I searched the extensive databases of New England Historic Genealogical Society, which has town vital records and church records. No interracial or interethnic marriages were found in this search. The records searched included, Baptisms, marriages, deaths, admitted to communion, Old Town Church, Attleboro: First Church, 1740–1856 (Orig. pub. as Baptisms, marriages, deaths, admitted to communion, Old Town Church, Attleboro: First Church, 1740–1856, Attleboro, MA: First Congregational Church, 1928); Church Records of Greenfield, Massachusetts (Orig. manuscript: Handwritten transcription, compiler unknown, “Greenfield, Mass. Records,” n.d.); Marriage Records of the First Church, Westfield, Massachusetts, 1781-1835 (Orig. Manuscript: Compiled by Westfield Antheneum Staff, 1950, from Baptisms Performed in the Church of Christ, Westfield, Massachusetts, 1679-1836); Records of First Unitarian Church of Worcester, Massachusetts, 1785-1919; Records of the Congregational Church, Hinsdale, Massachusetts (Orig. manuscript: Unpublished typescript by James Hosmer, “Records of the Congregational Church Hinsdale Mass, 1890-91,” 1902); Records of the First Church of Rochester, Massachusetts, 1737-1797 (Orig. manuscript: Unpublished typescript transcribed by Isabel H. Kirkpatrick, from “Rochester Church Records,” n.d.); Membership and Vital Records of the Second Congregational Church of Attleboro, Massachusetts (Orig. printed as Marion Williams Carter, Membership and Vital Records of the Second Congregational Church of Attleboro, Massachusetts, Washington D.C: Charles Shepard II, 1924); Vital Records of Dighton, Massachusetts (Original manuscript: Unpublished typescript, Elizabeth J. MacCormick and Edith W. Shaw, “Town Records, Dighton, Mass.,” 2 vols., 1940); Dorchester Antiquarian - Marriages and Intentions, (Orig. manuscript: Dorchester Antiquarian and Historical Society Papers (Mss 624), R. Stanton Avery Special Collections Department, NEHGS); First Book of Raynham (MA) Records, 1700–1835 (Orig. manuscript: Handwritten unpublished transcription, “First Book of Raynham Records,” NEHGS); Lexington, Mass. Record of Births, Marriages, and Deaths to January 1, 1898 (Orig. pub. as Town of Lexington, Lexington, Mass. records of births, marriages, and deaths to January 1, 1898, Boston: Wright & Potter Printing Company, 1898); Marriage Intentions of Woburn, Massachusetts, 1699-1890 (Orig. Published Woburn, Mass.: Edwin Johnson, Woburn Records of Births, Deaths, Marriages Part X, Marriage Intentions, 1919); Marriages by Elder Jabez True of Salisbury, Mass., 1812-1835 (Orig. manuscript: Handwritten manuscript record of marriages solemnized by True, R. Stanton Avery Special Collections Department, NEHGS, “Marriage records by Elder Jabez True of Salisbury, Mass., 1812-1835”); Marriage Records of Colrain, Massachusetts (Orig. manuscript: Unpublished typescript, Oscar Frank Stetson and Katherine H. Cram, “Colrain, Massachusetts, Marriages,” n.d.); Marriages and Baptisms of the Rev. Ivory Hovey of Plymouth, Massachusetts, 1775–1803 (Orig. manuscript: Ivory Hovey Papers, 1732-1798, R. Stanton Avery Special Collections Department, NEHGS); Marriages at Easton, Massachusetts, 1720–1802 (Orig. manuscript: Typescript abstraction by Lester Card, from “Marriages at Easton, Massachusetts from Earliest Entry Down to 1802”); Records of Provincetown, Massachusetts 1698–1859 (Orig. manuscript: typescript abstraction by Harry A. Smith, from “Records of Provincetown, Mass.,” 10 vols., R. Stanton Avery Collections, NEHGS); Vital Records of Milton, Massachusetts, 1662-1843 (Orig. pub. as Town of Milton, Milton Records: Births, Marriages, and Deaths, 1662-1843, Boston: Alfred Mudge & Son, 1900); Vital Records of Randolph, Massachusetts to 1875 (Orig. manuscript: unpublished transcription by Waldo C. Sprague, Records held at the Randolph Town Hall); Vital Records of Rehoboth, Massachusetts, 1642-1896 (Orig.

Consequently, historical evidence on interracial sex requires the mining of court records and tracts to reveal these forbidden alliances. The existence of interracial sex seems certain despite the sparse historical record for several reasons. Historians Ira Berlin and Daniel Mandell have uncovered a complementary gender imbalance among African Americans and Indians. These imbalances suggest the likelihood of African American men and Indian women seeking marital and sexual arrangements outside of their communities.¹⁰ Biographical information on individuals reveals mixed race parents and mixed race marriages. For example, Lemuel Haynes, a minister in Massachusetts and Connecticut, was born of a white mother and African father in West Hartford in 1753. After growing up in Granville, Massachusetts, Lemuel married a white schoolteacher and moved to Vermont.¹¹ In 1759, Paul Cuffe was born from his African father and his Indian mother. In 1783, Cuffe married an Indian woman.¹² The information on gender imbalances combined with personal histories, tracts, and records of illicit sex in the courtroom reveal that sexual arrangements between whites, African Americans, and Indians did occur.

pub. as James N. Arnold, Vital records of Rehoboth, 1642-1896. Marriages, Intentions, Births, Deaths, Providence RI: Narragansett Historical Publishing Company Providence, 1897); Vital Records of Swansea, Massachusetts to 1850 (Orig. pub. as Jane Fletcher Fiske and Margaret F. Costello, ed., Vital Records of Swansea, Massachusetts to 1850, trans. by H.L. Peter Rounds, Boston, Massachusetts: NEHGS, 1992); Westfield [MA.] Marriage Records (Orig. Manuscript: "Westfield Marriage Records" as Obtained From the Files at City Hall, Westfield, NEHGS); Vital Records and Church Records of Braintree, Massachusetts (Original manuscript: Unpublished transcription by Waldo C. Sprague, from the original records held at the Randolph Town Hall, NEHGS); and Woburn (Mass.) Records of Births, Deaths, and Marriages From 1640 to 1873 (Orig. pub. as Edwin Johnson, Woburn Records of Births, Deaths, and Marriages From 1640 to 1873, Part I (Births), II (Deaths), and III (Marriages), Woburn, Mass.: Andrews, Cutler & Co., 1890-1891). All aforementioned databases accessed through NewEnglandAncestors.org, NEHGS, 2001-2006.

¹⁰ The sex ration of men to women was 2:1. See Ira Berlin, "Time Space, and the Evolution of Afro-American Society on British Mainland North America," AHR 85 (1980): 45-52; and Mandell, "Shifting Boundaries of Race and Ethnicity," 469-470.

¹¹ Rita Roberts, "Patriotism and Political Criticism: The Evolution of Political Consciousness in the Mind of a Black Revolutionary Soldier," Eighteenth-Century Studies 27 (Summer, 1994): 560-588.

¹² Henry Noble Sherwood, "Paul Cuffe," Journal of Negro History 8 (Apr. 1923): 154 & 159.

The rhetorical evidence that must be relied on to discover interracial sex and marriages between white women and African American or Indian men highlight the contemporary issues embedded in sexual behavior and its relationship to power. Tracts illustrating the marriages between white women and African American men often represented the fear of white men that white women were choosing African American men as partners over them. For instance, in 1790 Joseph Mountain, an African American who was executed in New Haven for rape, confessed that he had been married to a white woman. His confession was printed in many newspapers in Boston, as a broadside, and in newspapers throughout New England. Mountain described his marriage to “Ms. Nancy Alligame, a white girl of about 18 years of age. She was possessed of about 500l. in personal property, and a house at Islington.” Mountain understood his audience would not believe him. He confessed, “It may appear singular to many, that a woman of this description should be the least interested in my favour ; yet such was the fact, that she not only endured my society ; but actually married me in about six months after our first acquaintance.” Mountain admitted, “her father and friends remonstrated against this connexion.” During the three years they were married, Mountain acknowledged he lost all of the property he gained by marrying Nancy, and ultimately deserted her and left her without financial support.¹³ White printers demonstrated their view that white women who engaged in interracial relationships had faulty logic because these relationships were doomed to failure. Nancy dismissed the wishes of her family and friends who tried to deter her. Despite all the warnings given to Nancy, she engaged in the relationship and

¹³ “Sketches of the Life of Joseph Mountain, A Negro,” Massachusetts Spy (Worcester), 24 Nov. 1790. Daniel Williams found David Dagget wrote this narrative. Williams writes this narrative was also printed as a broadside and in the Independent Chronicle. See Daniel Williams, Pillars of Salt: An Anthology of Early American Criminal Narratives (Madison: Madison House, 1993), 299-302.

was duped by Mountain. Whites could use the example of Joseph and Nancy Mountain to illustrate their perception that interracial liaisons were unnatural connections with African American men who did not adequately fulfill the roles of proper husbands. However, only the tragic circumstances of their marriage brought this interracial marriage to the attention of whites.

Other glimpses of the sexual relationships between white women and African American men come from judicial proceedings that decided paternity and the records of Overseers of the Poor. In September 1792, Nancy Cross, a single white woman living in Medfield confessed to bearing a mulatto bastard child. Although she was originally a resident of Uxbridge, Nancy Cross came to find herself in “one of the Rooms in the Dwelling House of Mr. Jonathan Metcalf in s’d Medfield” with Cato Hart, a black man from Medfield. Cato was in the service of Timothy Shepard during the time he impregnated Nancy, and had only a year remaining to serve. Cato and Nancy signed their names with an X, which shows neither had been trained in the most rudimentary literacy skills. Perhaps Nancy’s initial sense of the commonality between herself and Cato led her to withdrawal her complaint against him. This most assuredly saved him from having to add time on to his indenture.¹⁴ Like the marriage of Joseph Mountain and his white wife, this case was instructive to contemporaries about the pitfalls of interracial sex. Nancy’s illicit sexual union left her with a child she would be forced to provide for on her own. Elizabeth Moore, a white woman from England who came to Massachusetts, found herself in a similar situation. Her husband, Prince Moore, an African American

¹⁴ Voluntary Exam of Nancy Cross, 30 Sept. 1792; and Recognizance of Cato Hart, 30 Sept. 1792; Adams-Morse Papers, MHS, box 1. Another case of paternity between a white woman and a black man occurred in Worcester County in 1798. See Recognizance of Robert Lewis, 2 Apr. 1798, Worcester File Papers, Judicial Archives, MA, box 5.

from Uxbridge, was buried at the expense of the Overseers of the Poor in Boston. Elizabeth's Moore and the five children she had "were admitted to our [Boston's] Almshouse July 21, 1820."¹⁵ Nancy and Elizabeth were left without the financial support they needed to raise their families. Both women were also part of Massachusetts' dispossessed white persons: Nancy was a poor and uneducated servant and Elizabeth was an immigrant from England who apparently had no family ties in Massachusetts. The records of these interracial sexual experiences suggest that only women of a low social status would consider relationships with African American men. However, the courtroom and the almshouse were places for desperate women seeking assistance. The social stigma of interracial sexual relationships may have forced persons in unproblematic interracial relationships to remain hidden.

The marriages between white women and Indian men were often described by white men, who emphasized that white women were inappropriate partners for Indians. The descriptions of white women's affairs with Indian men often focus on the fact that they were the former captives of their Indian husbands, and it followed that therefore, white women were unwilling partners. For example, Reverend Kirkland described meeting "a white woman called Molly Gennisson, Indian name is Tesseweanas, taken prisoner by Indians in French war when she was 16 and had 7 kids." He found her "to be a woman, much above the common level, & to possess a fine sprightly mind, which now & then darts some rays, thro the clouds of ignorance & pagan superstition," which was evidence of her "early Indian education. . . ." Kirkland noted her Oneida husband was still alive, but seemed saddened by the opportunities she lost in becoming part of the

¹⁵ Overseers of the Poor, Boston, to Uxbridge Overseers of the Poor, 22 Sept. 1820, Letterbook of the Overseers, MHS, reel 2.

Oneida.¹⁶ The marriages between white women and Indian men were commented on in newspapers and magazines, whereas the marriages between white men and Indian women were rarely publicized. After a treaty was negotiated with Indians in 1795, one officer wrote to his friend in Northampton that former Indian prisoners were being released. Among these was “a beautiful girl . . . who was married to an Indian ; her father was here in quest of her—she had been gone about 12 years, and was seven years old when she was taken—her father despairs of having her restored to him again—she appears quite afraid of him.”¹⁷ The publicized events of white women prisoners being returned from captivity, after having been formerly married to Indian men, promoted the idea that white women had not voluntarily agreed to their marriages. Literary scholars Kathryn Zabelle Derounian-Stodola and James Arthur Levernier found that white women captives who married Indians and bore children were in effect “transcultured women.” Yet, these white Indian women were represented and defined by white society as those who “belonged forever to her culture of origin.”¹⁸ The narratives of white women prisoners were constructed to bolster the idea that it was unnatural for white women to marry non-white men. This viewpoint purported that white women would be available for Indian men to marry only through manipulation and coercion.

Although white printers stressed the negative aspects of white women’s marriages and sexual liaisons with African American and Indian men, evidence suggests many of these marriages were fulfilling. Lemuel Haynes’ marriage to Elizabeth Babbit, a white woman from Dighton, Massachusetts was a happy interracial marriage. The social

¹⁶ Samuel Kirkland, *Journal of Samuel Kirkland*, 21 Oct. 1788, Society for Propagating the Bible Among Indians and Others, MHS, box 1, folder 6.

¹⁷ *Massachusetts Spy*, 7 Oct. 1795.

¹⁸ Kathryn Zabelle Derounian-Stodola and James Arthur Levernier, *The Indian Captivity Narrative, 1550-1900* (New York: Twayne Publishers, 1993), 159.

impropriety of an African American man soliciting the affections of a white woman led to a reversal of gender roles in the courtship period. Elizabeth proposed to Lemuel, rather than the reverse. Haynes asked several white ministers about whether or not it would be proper for him to accept her proposal before he agreed. In 1783, Reverend Samuel Woodbridge married Elizabeth and Lemuel in Hartland, Connecticut. The couple had nine children together.¹⁹ Lemuel provided for his family by serving as a minister to several congregations in Connecticut, Vermont, and Massachusetts. The details of the Haynes' marriage were never publicized, unlike those interracial relationships that failed and gained attention in newspapers and courtrooms.

African American men, Indian men, and white women could be fulfilled in interracial relationships. Writers characterized the white women who had interracial sexual liaisons as lower class and lustful, yet not all white women in interracial affairs were disrespected. In 1786, Johnson Green, an African American, was executed in Massachusetts and his "Life and Confession" was printed as a broadside and widely read. Before his death, he confessed to having "had a correspondence with many women, exclusive of my wife, among whom were several abandoned Whites, and a large number of Blacks ; four of the whites were married women, three of the blacks have laid children to me besides my wife, who has been much distressed by my behavior."²⁰ His contention that the white women he had sexual intercourse with were "abandoned" suggested they were lacking in proper sexual morality and were not accepted by their contemporaries.

¹⁹ Richard D. Brown, "Not Only Extreme Poverty, but the Worst Kind of Orphanage": Lemuel Haynes and the Boundaries of Racial Tolerance on the Yankee Frontier, 1770-1820," *NEQ* 61 (Dec. 1988): 502-508; and W.H. Morse, "Lemuel Haynes," *Journal of Negro History* 4 (Jan. 1919): 22-32.

²⁰ Johnson Green, The life and confession of Johnson Green, who is to be executed this day, August 17th, 1786, for the atrocious crime of burglary; together with his last and dying words (Worcester, MA: Isaiah Thomas, 1786).

Johnson's life can be similarly characterized as "abandoned." He was a thief who moved regularly to avoid the law. Perhaps Johnson's meetings with these white women were fulfilling to both parties whose experiences left them outside the confines of white society. Their emotional or sexual relation may have served as a barrier, even if it was only momentary, to the repressive racial, class, and gender based hierarchy in Massachusetts. Other white women in interracial sexual liaisons cannot be considered lascivious or abandoned by white society. Elizabeth Babbit was a white school teacher before she married Lemuel Haynes. Lemuel guided her through her conversion experience. As a church member and teacher, Elizabeth would have been a respected member of the community. Their interracial marriage was presumably one of mutual support and affection, given the fact that they raised nine children together. Lemuel left several parishes during his tenures as a minister and Elizabeth was probably an essential support system and household manager during these transitions. The gender, race, and class stratified world may have been as much of a burden to the Haynes as to Green and his lover.²¹ Possibly, the Haynes derived pleasure from breaking this powerful sexual taboo and defying stereotypes that portrayed the doomed nature of their relationship.

African Americans and Indians hoping to enlarge their power within society experienced consequences from white fears about white women mixing with African American and Indian men. Racial mixing had become problematic to whites after the patriarchal and racialized institutions of slavery and Guardianship that governed interracial relationships ended. Fears about white intermixture with Indians and Africans led to segregation and the construction of separate facilities for whites and blacks.

²¹ Richard D. Brown, "Not Only Extreme Poverty, but the Worst Kind of Orphanage": Lemuel Haynes and the Boundaries of Racial Tolerance on the Yankee Frontier, 1770-1820," *NEQ* 61 (Dec. 1988): 502-508; and W.H. Morse, "Lemuel Haynes," *Journal of Negro History* 4 (Jan. 1919): 22-32.

African Americans created their own businesses, schools, and churches apart from whites who were unwilling to be connected with them. In 1789, African Americans began holding separate religious services in Fanueil Hall, until they formed the African Baptist Church in 1805. Similarly, in 1798, African Americans in Boston formed their own school due to the lack of educational services that were being provided for their children.²² Paul Cuffe experienced similar problems in Westport, Massachusetts. Cuffe called a meeting with his neighbors about setting up a school, but the neighbors were undecided “probably on account of his color.”²³ Cuffe opened a racially integrated school on his own. He was able to do this because he was the major financial contributor, and the school sat on his land. Historian Lamont B. Thomas gives an indication as to why Cuffe would establish the school on his own. Thomas cites one of Cuffe’s letters wherein Cuffe explained he never sat whites at the same table as himself, because he preferred no racial mixing. Indeed, he did not let any white men invest into his shipping business until 1802, even though he had been profiting from trading, whaling, and shipping since the Revolutionary War had ended.²⁴ Interracial contact in the hostile early national era was anathema to many Massachusetts residents.

The appearance of segregation in Boston was the most apparent sign of sexual mores regarding interracial contact. By the late 1790s, several reports suggest that Boston’s transportation industry was becoming segregated. In 1797, Prince Hall chided

²² According Arthur D. White, Prince Saunders was able to get funds from Abiel Holmes to start the African School. See “Prince Saunders: An Instance of Social Mobility during Antebellum New England Blacks,” *Journal of Negro History* 60 (Oct 1995): 527; and James Oliver Horton and Lois E. Horton, *Black Bostonians: Family Life and Community Struggle in the Antebellum North* (New York: Holmes & Meier, 1999), 28-84.

²³ Peter William, a friend of Paul Cuffe, declared he believed Cuffe had problems establishing the school because of racism. See Williams, “A Discourse Delivered at the Death of Captain Paul Cuffe,” in *Early Negro American Writers: Selections with Biographical and Critical Introductions*, ed. Benjamin Brawley (Chapel Hill: University of North Carolina Press, 1935), 105.

²⁴ Thomas, *Rise to Be a People* 22-30; Henry Noble Sherwood, “Paul Cuffe,” 156-158.

Bostonians for behaving in an un-Christian manner to African Americans. He stated, “This minister Jesus Christ did not think himself too good to receive the hand, and ride in a chariot with a black man in the face of day; neither did this great monarch (for so he was) think it beneath him to take a poor servant of the Lord by the hand, and invite him into his carriage. . . .” Other African Americans reported similar circumstances. In 1816, Nancy Prince and her sister were forced to ride on top of a sleigh as they returned to Salem from Boston, while white passengers rode beneath them.²⁵ The segregation of African Americans from whites suggests that whites were desirous of limiting their contact with African Americans in situations where they would meet as anonymous strangers. This was a new pattern of social relations in the transportation industry that was caused by the increased freedom of African Americans and fears about interracial sociability.

White men engaged in interracial sex with African American and Indian women. However, no incitement to discourse existed on the sexual arrangements between white men and African American or Indian women. As shown in chapter two, paternity hearings increasingly disfavored women, so the impetus to seek maintenance for a child born out of wedlock decreased as the nineteenth century progressed. White men were more likely to have the financial resources to make arrangements and avoid the courtroom to keep their sexual liaisons quiet. Thus, the legal apparatus was not a site where evidence of white men’s sexual liaisons with African American women can be found. The legal and financial privileges of white manhood allowed for their engagement in interracial sex acts without marriage or the public mediation of paternity. This made

²⁵ Nancy Prince, *A Black Woman’s Odyssey Through Russia and Jamaica: The Narrative of Nancy Prince* (New York: Marcus Wiener Publishing, 1990), 11.

white men appear innocent of interracial sex in an environment of increased vigilance against interracial sex.

The privileged position of white men influenced the types of relationships they had with African American and Indian women. White men engaged in sex with women of color that were prostitutes, which made marriage unnecessary. Prostitutes would be unable to sue for paternity given their sexual history, so this was a safe place for white men who were fearful of others finding out they had sex with African American or Indian women. In 1815, Nancy Prince, the daughter of an Indian and African, wrote in her memoirs that she went to Boston to rescue her sister, Sylvia, from prostitution. Nancy remembered, “there were many men and girls there” when she rescued her sister from the “mother of harlots.”²⁶ A brothel would not have been able to financially survive if it limited its clientele to African American and Indian men. Certainly white men visited as she plied her trade. Sylvia was not the only woman of African American and Indian descent that worked as a prostitute. In 1801, the Boston judiciary removed at least one African American woman who was described as a “Nightwalker” from its streets.²⁷ She sought clients on the street, rather than in a brothel. Like brothel owners, African American sex workers in the streets would not have been able to rely solely on African American clients.

White men also gained access to women of color through white men’s dominion over the lives of women of color working in their households. By 1790 in Boston, 64%

²⁶ Nancy Prince, *A Black Woman’s Odyssey* 8-10. It seems Nancy’s sister had been forced into prostitution by debt because Nancy recalled the mistress crying out, “ ‘she owes me, she cannot go.’”

²⁷ Writ of Commitment of Peggy Russell, 8 Aug. 1801, Adlow Papers, Special Collections, BPL, box 54, folder 1. Peggy Russell is identified as a “woman of colour” in Recognizance of Peggy Russell, 24 April 1804, BMC File Papers, Judicial Archives, MA, box 2.

of African Americans were living in independent households.²⁸ Yet, the gendered division of labor left many black women connected to white households, where their financial security was tied to the happiness of the head of the household. This kept emancipated African American women in a sexually disadvantageous position to their white male head of household. Indian women living outside of Indian enclaves were in similarly adverse circumstances when they were dependent on white men for financial support.

The descriptions by missionaries of relationships between white men and Indian women are among the only references to relationships between white men and women of color. Several missionaries and Guardians noted their enthusiasm for the good matches among white men and Indian women. Reverend Samuel Kirkland, missionary to the Oneida, never complained of the intermarriages between white men and Oneida women in his journal entries. In 1788, he described the marriage of a “Cogago Squaw” with a German man. This man had been renamed Thanangekhkon and adopted by the tribe after he was taken prisoner in New Jersey during the Revolutionary War. Kirkland reported the couple had three children.²⁹ In 1806, Reverend Gideon Hawley described attending a wedding wherein a man that was “the son of a Hessian, who was of Burgones men . . . married one of our full blooded natives.” The bride was “also the daughter of a mixt blooded man, who came from the Carolinas and married one our full blood Indian women.” Hawley regarded the couple as “a likely pair” and “worthy citizens of

²⁸ Using the 1790 census, Joanne Pope Melish discovered that 64% of Boston’s African American population lived independent of white households. See Melish, *Disowning Slavery*, 129-130, footnote 21.

²⁹ Journal of Samuel Kirkland, 21 Oct. 1788, Society for Propagating the Bible Among Indians and Others, MHS, box 1, folder 6. In Kirkland’s five journals between 1788 and 1791, he wrote in a matter of fact style when recording the marriages and families arrangements of white men and Indian women.

Mashpee.”³⁰ In addition to these men, Hawley wrote that others of “Burgoyne’s men, a better generation than the former, connected with our squaws, whereby we have a motley medley of characters more heterogeneous, if possible, and some of them no less turbulent, than the elements.”³¹ Prior to the end of the Revolution, Hawley found whites in Massachusetts were unwilling to couple with the Mashpee. He wrote in 1788, “the white people in these parts have not till very lately married with Indian women.”³² Hawley’s records of Mashpee women’s marriages with white men suggests that only dispossessed whites — ones that had left the British army and had no habitations of their own — were marrying Indian women after the war. The welcome attitude of the missionaries at marriages between white men and women of color highlight the differing perceptions of white men towards interracial relationships wherein they were the participants. White men did not express a similar level of enthusiasm for relationships between white women and men of color.

Missionaries’ complaints about white men intermarrying with Indians generally revolved around the lower class status or questionable morality of those who married and socialized with Indians, rather than the fact that they were engaging in legally prohibited marriages. Rev. Sergeant reported that after the Revolutionary War, the Oneida Indians became surrounded on all sides by “white people ; who are, in general, sober, peaceable, and well informed ; and their plantations are continually enlarging and improving, by the hand of industry.” However, Rev. Sergeant found the Oneida did not mix with these whites. Instead, they socialized with “a mixture of the intemperate, knavish, and

³⁰ Gideon Hawley, Mashpee, to Jedidiah Morse, Boston, 1 Apr. 1806, Gideon Hawley Letters, MHS, folder 10.

³¹ Gideon Hawley, Mashpee, to John Davis, 27 Oct. 1794, Samuel P. Savage Papers, MHS, box 1 folder 23.

³² Gideon Hawley, Mashpee, to Samuel P. Savage, 15 Dec. 1788, Samuel P. Savage Papers, MHS, box 1, folder 22.

profane” whites, rather “than with the virtuous part of the community.”³³ Rev. Gideon Hawley also worried about the effect of the morality of poor whites on the Mashpee Indians. In 1802, he wrote, “Many of our young females go to Boston for months to gather and serve in the Gentleman’s kitchens, to the injury of their morals.”³⁴ This suggests Hawley was concerned with the effects of sexual immorality of both household servants and white household patriarchs on Mashpee women.

Indians said very little about the marriages between white men and Indian women outside of Indian fears that whites were using marriage to encroach on their land.³⁵ One Tallassee Indian proposed that it was natural that Indian women and white men intermarried. He said, “Nature, indeed, will give her more vulgar sanction to the most intimate sensual union between the daughters of the forest and the sons of the men that came from beyond the Ocean.” He believed this despite the fact that he thought Indians and whites were too different to ever “become the same people. The one is only pleased while at liberty to wander in the forests . . . , the other in . . . large cities.”³⁶ William Apess, a Pequot, recorded his disdain for the law against Indian and white marriages as an intrusion on his liberty. He wrote, “I should not want anyone to take my right from me and choose a wife for me; for I think that I or any of my brethren have a right to choose a wife for themselves as well as whites[.]” Apess felt that marriage between Indians and whites were acceptable. Apess claimed to “know a great many that have intermarried, both of the whites and the Indians—and many are their sons and daughters

³³ Belknap and More, “Report of the Committee of the Board of Correspondents,” *MHS Collections*, 20.

³⁴ Gideon Hawley, Mashpee, to Rev. James Freeman, 2 Nov. 1802, Gideon Hawley Letters, MHS, folder 9.

³⁵ Mandell, “Shifting Boundaries of Race and Ethnicity,” 475-481.

³⁶ Opay Mico, “Reflections on my Journey from the Tallassee towns in the Settlements on the river Hudson,” *Massachusetts Spy*, 23 Sept. 1790.

and people, too, of the first respectability.” For Apess, marriages between whites and Indians were legitimate and natural in the eyes of God, despite the “ill-fated laws.”³⁷

The feelings expressed by some Indians that interethnic sexual relationships were natural were not the opinion of most residents of Massachusetts, who shunned interracial and interethnic marriages. Elijah Adams, a Justice of the Peace who had overseen a paternity suit of an interracial couple, kept several poems in his commonplace book, which suggests the disdain with which many elite white men viewed interracial marriages. One poem in his commonplace book contained the lines, “Mixt Marriages / Miscarriages / Thou care fully must Shun / Such fancy flights / In darksome nights / Has ruined many a one.”³⁸ This poem represented Elijah’s and many other whites’ disapproval of marriages either between classes or races in early national era Massachusetts. Contemporaries thought that only the white coxcomb, libertine, or rake would allow themselves to be degraded by their passions and engage in relations with women of color. In 1790, an anecdote published in several of Massachusetts’ newspapers depicted an African American man challenging a “certain Coxcomb” by suggesting he would steal the man’s fiancé, if he could determine who she was. The coxcomb responded by calling the man a “d___n’d black bastard” and addressed his impertinence for “courting a white lady.” The African American was surprised that the coxcomb would court a white lady and said, “*Me aske your pardon Massa* (replied

³⁷ William Apess The Experiences of Five Christian Indians, in On Our Own Ground: The Complete Writings of William Apess, A Pequot, ed. Barry O’Connell (1833; reprint Amherst: The University of Massachusetts Press, 1992), 159-160. For a history of Apess, see Barry O’Connell, “Introduction,” On Our Own Ground, xxv-xxxviii.

³⁸ Elijah Adams took down the aforementioned confession of fornication by Nancy Cross and accusation of Cato Hart for paternity. Commonplace Book of Elijah Adams, Adams-Morse Papers, MHS, box 2.

Quash) *me to't twas a brack a one.*"³⁹ The anecdote was intended to humiliate the white coxcomb by asserting he was engaged to a black woman. However, the satire also proposed that even morally depraved white men believed white women should only be sexually available to white men. The thought of an African American man courting a white woman caused the coxcomb much alarm and brought out his desire to correct the impudence of the African American man. Interestingly, the story does not show the white coxcomb asking for an apology for insinuating that he would become involved with an African American woman.

Although most discussions of interracial and interethnic sexual liaisons focused on white women and men of color, interracial marriages were most common among African American men and Indian women. African American men and Indian women had been intermarrying since even before the Revolutionary War, partly because they experienced a complementary gender imbalance.⁴⁰ The gender imbalance among Indians increased during the Revolutionary War because of Indian men's participation. Historian Colin Calloway's found that after the Revolutionary War, Stockbridge Indian women were left impoverished, with their husband's debts to pay, and no assistance in obtaining food with the death of so many men from the war.⁴¹ This forced Indian war widows to look beyond the Indian community for husbands after the war. On the other hand, the sexual imbalance among African Americans, brought on by the increased importation of

³⁹ This anecdote can be found in Berkshire Chronicle (Pittsfield), 4 Mar. 1790; Herald of Freedom (Boston), 19 Mar. 1790; Essex Journal (Newburyport), 31 Mar. 1790.

⁴⁰ Daniel R. Mandell has explored how the complementary gender imbalances of Indian woman and men of African descent led to their coupling in "Shifting Boundaries of Race and Ethnicity," 466-501. He explains that Indian men's participation in colonial wars and the emphasis on importing African men created this imbalance. The sex ration of African American men to women was 2:1. See Ira Berlin, "Time Space, and the Evolution of Afro-American Society on British Mainland North America," AHR 85 (1980): 45-52

⁴¹ For an account of Massachusetts Stockbridge Indians, see Collin G. Calloway, The American Revolution in Indian Country (Cambridge: Cambridge University Press, 1995), 85-106.

African men in the 1740s, led African American men to seek partners outside of their race.⁴² These interracial liaisons fulfilled the needs of African Americans and Indians.

The records of Guardians and missionaries to Indians show marriages between Indian women and African American men during the early national era were common. In December 1788, Gideon Hawley, a missionary and Guardian of the Mashpee Indians, counted “the Black Inhabitants upon these lands are about 400, who are greatly and variously mixed as we have now only twenty and five males and about one hundred and ten females, who are truly originals and not mixed.” He continued, “This circumstance is not peculiar to these Indians.”⁴³ Reverend Stephen Badger, a minister to the Natick Indians, reported, “It is difficult to ascertain the complete number of those [Indians] that are now here, or that belong to this place, as they are so frequently shifting their place of residence, and are intermarried with *blacks*, and some with whites ; and the various shades between these, and those that are descended from them”⁴⁴ Areas outside of Massachusetts were experiencing the same phenomena. In 1798, the Massachusetts Historical Society published the opinion of Reverend Kirkland, a missionary to the Onieda, who reported to the Scots Society for Propagating Christian Knowledge that “some few Africans” had intermarried with the Oneida Indians of New York.⁴⁵

Missionaries and Guardians ambiguously assessed African-Indian marriages. On one hand, white overseers of Indians thought the interracial marriages of Indians were

⁴² Berlin, “Time, Space, Evolution,” 45-52.

⁴³ Gideon Hawley, Mashpee, to Samuel P. Savage, 15 Dec. 1788, Samuel P. Savage Papers, MHS, box 1, folder 22.

⁴⁴ Rev. Stephen Badger, “Historical and Characteristic Traits of the American Indians in General, and Those of Natick in Particular ; In a Letter From the Rev. Stephen Badger, of Natick, to the Corresponding Secretary,” in *MHS Collections* v. 5 (Boston: Massachusetts Historical Society, 1798), 43.

⁴⁵ Jeremy Belknap and Jedidiah Morse, “The Report of a Committee of the Board of Correspondents of the Scots Society for Propagating Christian Knowledge, Who Visited the Oneida and Mohekunuh Indians in 1796,” in *Collections of the Massachusetts Historical Society*, vol. 5, (Boston: Massachusetts Historical Society, 1798), 14.

producing a better grade of Indians that were stronger and more able to withstand disease, nutritional deficiencies, and harsh weather conditions.⁴⁶ Gideon Hawley's experiences with the Mashpee Indians led him to believe "The bodily constitution of an Indian and his original stamina is not equal to the posterity of those that come from the old continent." He found those who "have mixt blood are the most capable of laboring and suffering."⁴⁷ Moreover, Hawley thought that African American men made better husbands than Mashpee men. He expressed, "As to Mollatoes they are more in number than the Negroes and some of them have very large families of children. These have generally made better husbands than the aboriginals."⁴⁸ Presumably, Hawley's opinion derived from African American men's willingness to engage in working Mashpee land, which was more conducive to Hawley's view of an appropriate gendered division of labor. On the other hand, Hawley was concerned that those intermixing with the Mashpee were morally bankrupt and idle persons. In 1802, Gideon Hawley wrote, "Many of our women have found negroe husbands, as they were strolling in the country and bro't them home; and too many of them have not been good in their morals."⁴⁹ In 1818, Rev. Joseph Thaxter found little to recommend about the Chappaquiddick, even after their intermixture with Africans and whites. He found them to be "the most improvident Beings." Thaxter's frustration emanated from his disappointment that the children born

⁴⁶ The mortality rate among Indians caused increasing concern among Massachusetts residents as it began to appear that Indians were becoming extinct by the 1800s. Concerns about Indian susceptibility to disease and the construction of their bodies as weak had also been a common element in New Englanders thoughts on Indians in the early colonial period according to Joyce Chaplin. See Chaplin, "Natural Philosophy and an Early Racial Idiom in North America," *WMQ* 3rd ser. 54 (Jan. 1997): 229-252.

⁴⁷ Gideon Hawley, Mashpee, to Samuel P. Savage, n.d., Samuel P. Savage Papers, MHS, box 1, folder 23. Daniel Mandell has also found contemporaries believed Indian-African intermixture would create a more healthy race. See Mandell, "Shifting Boundaries of Race and Ethnicity," 472.

⁴⁸ Gideon Hawley, Mashpee, to Samuel P. Savage, 15 Dec. 1788, Samuel P. Savage Papers, MHS, box 1, folder 22.

⁴⁹ Gideon Hawley, Mashpee, to Rev. James Freeman, 2 Nov. 1802, Gideon Hawley Letters, MHS, folder 9.

of intermarriages continued to leave their families for whaling expeditions. He hoped for more stable families and worried about alcohol consumption after these voyages.⁵⁰

Other concerns about Indian-African marriages focused on Indian resources, particularly their land. Hawley claimed, “Had it not been for this institution [Guardianship] or something like it we had before this day been over run with Negros, and foreigner: and our state might have been similar to that of St. Domingo.”⁵¹ Indeed, Gideon Hawley petitioned the state to re-institute the Guardianship system to protect the Mashpee land when he became alarmed that white and African American men began to socialize with them. In 1794, he wrote that the “present regulation [Guardianship], is a very good one for Indians. . . .” Hawley reminisced, “[N]ot only Negroes, mulattoes, and every mixture of blood poured in upon us from the interior of this Commonwealth, from Rhode Island and Connecticut, and even N. York and Nova Scotia, but also whites from the adjacent towns and some of them as vicious and poorer than the natives themselves.” Instead of intermixture, Hawley wanted to maintain the Mashpee land for the Mashpee Indians. He agreed that Indians “are not a free people; but perhaps have as much liberty & more, as is good for them.”⁵² For Hawley, the intermarriage of Mashpee women with non-Indian men threatened the possibility that Mashpee land would be for the Mashpee only. Historian Daniel Mandell found that the Mohegan and Narragansett tribes felt African American men who married Indian women threatened their resources and land.⁵³

⁵⁰ Joseph Thaxter, Edgartown, to Governor John Brooks, 22 Sept. 1818, Accounts and Correspondence, Guardians of Indian Plantations and Related Records, MA, microfilm, reel 2.

⁵¹ Gideon Hawley, Mashpee, to Rev. James Freeman, 2 Nov. 1802, Gideon Hawley Letters, MHS, folder 9.

⁵² *Ibid.* Hawley did prove himself to be a loyal friend to the Mashpee, notwithstanding his negative assessment of Indians’ capacity to govern themselves. In 1789, Hawley petitioned Massachusetts to forever reserve the land of the Mashpee for their descendents because they held land in common. See “Petition of Gideon Hawley for the Indians of Marshpee,” 28 May 1789, Unpassed Legislation Relating to Indian Affairs, MA, reel 1.

⁵³ Mandell, “Shifting Boundaries of Race and Ethnicity,” 475-481.

Missionaries and Guardians believed the interracial and interethnic marriages of Indian women were abetting the extinction of Indians by lessening the number of full-blooded Indians. As early as 1788, Gideon Hawley and other missionaries and Guardians began reporting to the Society for Propagating the Gospel Among Indians and Others, as well as the Massachusetts State government, about the number of “pure blooded” Indians left on their plantations. In 1818, Rev. Joseph Thaxter, a missionary to Chapaquickdick, reported “there are few pure Natives in the Island they are a mixture of every thing.”⁵⁴ A report to the state assessed that of the tribes at “Mashpee, Gayhead, Ohoppinghehe, and Bhinsteautown,” that “Full blood Indians in Commonwealth not more than 109.”⁵⁵ Reverend Badger, a missionary to the Natick, found “it almost impossible to come to any determination about” Indian heritage because of the intermixture. “I suppose,” Badger hypothesized, “there are near twenty clear blood, that are now in this place, and that belong to it.”⁵⁶ Gideon Hawley was more positive about the numbers of “pure-blooded” Indians. In 1801, he wrote, “For at a late census, I found 160 souls of pure Indians, included men, women, and children; and I find since, that more persons of that Sort than I could then find, are among us and indeed more in number of the mixt kind than I had noticed, in my schedule[.]”⁵⁷

The worries about the number of “pure blood” Indians reflected the fear of contemporaries that Indians were becoming extinct.⁵⁸ So powerful was the ideology that

⁵⁴ Joseph Thaxter, Edgartown, to Governor John Brooks, 22 Sept. 1818, Accounts and Correspondence, Guardians of Indian Plantations and Related Records, MA, microfilm, reel 2.

⁵⁵ “Child’s return of Tribes,” Accounts and Correspondence, Guardians of Indian Plantation and Related Records, MA, microfilm, reel 1.

⁵⁶ “Mr. Badger’s Letter Concerning Indians,” Mass. Collections, 43.

⁵⁷ Gideon Hawley, Mashpee, to Reverend Thatcher, 3 Apr. 1801, Gideon Hawley Letters, MHS, folder 9.

⁵⁸ Historians Jean O’Brien and Collin Calloway discuss the emergence of the extinction narrative among major writers and missionaries, including Catherine Maria Sedgwick, James Fennimore Cooper, and John Augustus Stone. See Calloway, “Introduction,” After King Phillip’s War: Presence and Persistence

Indians in New England were extinct or were becoming so that historians today are still seeking to show the persistence of Indians living in New England after King Phillips' War.⁵⁹ The familiar narrative on the extinction of Indians was regularly commented on in newspapers and magazines. In 1789, a poem in Massachusetts Spy romantically considered the plight of Indians: "Of islands and shores where with bows we once stood, / And arrested the flight of the airraging brood, / We are ravish'd, exll'd from, and torn by a crew, / Whom our fire never injur'd, affronted or knew. . . ." ⁶⁰ Indeed, the concern about the extinction of Indians was so intense that in 1804, members of the Massachusetts Historical Society began collecting documents and histories of American Indians. Abiel Holmes wrote, "Every document, which elucidates the numbers, characters, or condition, of any of the Indian tribes of North-America, at whatever period, is doubtless worthy of preservation." Holmes continued, "The entire extirpation of some tribes, and the gradual diminution of the rest, furnishes a subject of affecting contemplation to the man of feeling, and of curious investigation to the philosopher."⁶¹

in Indian New England, ed. Collin G. Calloway (Hanover: University Press of New England, 1997), 8-10; and O'Brien, "Prologue," Dispossession by Degrees: Indian Land and Identity in Natick, Massachusetts, 1650-1790 (Cambridge: Cambridge University Press, 1997), 1-5. Peter S. Onuf has also written about Thomas Jefferson's belief that the Indian population was diminishing because of their "environmental constraints and cultural choices." See Onuf, Jefferson's Empire: The Language of American Manhood (Charlottesville: University Press of Virginia, 2000), 23-33.

⁵⁹ The collection of articles edited by Collin Calloway in After King's Phillip's War address the historical misunderstanding that Indians in New England were not important after 1676. Donna Baron, J. Edward Hood, and Holly Izard also co-wrote and researched an article suggesting ways for historians to discover Indian persistence, despite the disregard of white New Englanders to their survival in "They Were Here All Along: The Native American Presence in Lower-Central New England in the Eighteenth and Nineteenth Century," WMQ 3rd ser. 53 (July 1996): 561-586.

⁶⁰ "Speech of an Indian chief, on the injustice of the first Settlers of America, in depriving the natives of their lands," Massachusetts Spy, 15 Jan. 1789.

⁶¹ Abiel Holmes, "To the Committee of Publications for the Massachusetts Historical Society," MHS Collections, vol. 9 (Boston: Hall and Hiller, 1804), 75.

The interethnic and interracial marriages of Indians were key to the formulation of the extinction narrative.⁶² Historians and museum curators Donna Baron, J. Edward Hood, and Holly Izard have explained that the narratives of Indian extinction and “lost Indians” resulted from the integration of Indians into white society. They found that census makers and other officials looking to document Indian life overlooked many Indians because of their “misperceptions of native identity.”⁶³ Residents of New England no longer recognized Indians who were not “pure blood” and were living in ethnically and racially mixed households. Historians must take into account the interracial and interethnic marriages of Indians as an important aspect in the extinction narrative. Indians married to whites or African Americans were often dismissed or misrepresented by record keepers as mulattos. In this way, the marital patterns of Indians abetted this narrative of extinction.

In the 1790s, the perception that the Natick, in particular, had disappeared was troubling to Massachusetts state officials who ruminated on the causes of their extinction. The reported extinction of the Natick led to many questions about the state of other tribes in Massachusetts. The missionaries to the Oneida and Stockbridge Indians believed “the remains of the Natick Indians . . . are at this day so blended with blacks and whites, and so scattered, as not to be known or distinguished.” They supposed the Natick disappeared because of their “idle and desultory modes of life” rather than their

⁶² In contrast to my evaluation of the “extinction narrative,” Jean M. O’Brien believes the Natick Indians were thought to be extinct because they were dispossessed of land and political rights. Although I believe Indians were less visible due to their economic and political plight, I have found the primary reason Indians were not counted in census and missionary reports, is because they intermarried with Africans or white persons. See O’Brien, *Dispossession by Degrees*. Daniel Mandell also points to the creation of an “interethnic identity” after the Revolutionary War that led to sentimental ponderings of what happened to “lost Indians.” See Mandell, *Behind the Frontier: Indians in Eighteenth Century Massachusetts* (Lincoln: University of Nebraska Press, 1996), ch. 6.

⁶³ Donna Baron, J. Edward Hood, and Holly Izard, “They Were Here All Along,” 562-564.

“civilization and industry.”⁶⁴ Reverend Stephen Badger, the minister to the Natick, reported, “That the number of Indians in this place, as well as others, especially where the white people have been either intermixed with them, or have been settled in their vicinity, has been diminished . . . and is now greatly lessened, is well known, and cannot be disputed.” Unlike other missionaries, Rev. Badger believed the inferior treatment of Indians – the involvement of Indians into debt, the taking of their land, and the social and cultural separation of whites and Indians in churches and burial grounds – had caused the impending extinction of the Natick. However, his dismissal of Indians who had “intermixed” with African American and white families may have ultimately led him to believe many of the Natick had vanished.

The narrative of extinction freed Massachusetts residents from the guilt of expanding onto Indian landholdings. Furthermore, the extinction narrative gave the government reason to increase their power over Indians to protect them from further demise. Most importantly, the intermarriage of Indians, which abetted their “disappearance,” gave whites the argument that Indians had disappeared and were no longer worth troubling themselves over. In 1789, a correspondent of Samuel Savage told him that in Pittsburgh, “which as few Years ago was only an out Post whare a Garrison was kept and was a Frontier is now a Populous Town.” He continued, “a Gentlemen who was here last Summer directly from there Said that . . . they now thought no more of the Indians than we do here.”⁶⁵ Other persons attempted to profit from Indian “extinction.” In 1798, inhabitants of Natick petitioned to pull down the meetinghouse erected for Natick Indians so they could use the materials to build another in the center of the town

⁶⁴ Belknap and Morse, “Report of the Committee of the Board of Correspondents,” *MHS Collections*, 25.

⁶⁵ Wensely Hobbs, Middletown, to Samuel P. Savage, 11 Jan. 1789, Samuel P. Savage Papers II, MHS, box 2, folder 9.

where whites lived. The basis for their request was “the tribe of Natick Indians has become nearly extinct.” The white townspeople claimed, “there is no Indian property remaining in said town.”⁶⁶ The dismissal of Indians who were not “pure blood” or who had married into African American and white families had allowed residents of Natick to dismiss Indians as both powerless and extinct. The extinction narrative further marginalized Indians who had already found much of the land and resources taken away by whites.⁶⁷ In 1810, the Chapequiddick Indians complained that their overseers had allotted them much less land than they had previously held. They wrote, they “never sold one foot of Land to any white Person, now we are allowed only a few rods in comparison to the Acres which was our own heretofore.”⁶⁸ This petition suggests the “disappearance” of Indians resulted in smaller land holdings apportioned out by Guardians for Indians remaining on Indian land.

The reintroduction of the Guardianship system was a major factor in the declining power of Indians in early national Massachusetts. In 1788, Hawley petitioned the government to re-institute Guardianship in order to protect the Mashpee from further encroachment by whites upon their land. Hawley’s petition was heard amid the cries of extinction by whites and the fear of poverty by many of the Indian tribes of Massachusetts. Hawley’s concern about Mashpee resources was incited by the marriages of Indians to non-Indians, which he believed would decrease Mashpee landholdings. The

⁶⁶ “Natick Petition of the Inhabitants of Natick,” 14 Feb. 1798, Unpassed Legislation, MA, reel 1.

⁶⁷ Historians Jean O’Brien and Daniel Mandell chart the dispossession of Natick land and resources from the Natick Indians to white residents. Lion G. Miles has documented the process whereby the power and resources were taken from the Stockbridge Indians in Berkshire County. See O’Brien, Dispossession by Degrees; Mandell, Behind the Frontier; and Lion G. Miles, “The Red Man Dispossessed: The Williams Family and the Alienation of Indian Land in Stockbridge, Massachusetts, 1736-1818,” in New England Encounters: Indians and Euroamericans, ca. 1600-1830, ed. Alden T. Vaughan (Boston: Northeastern University Press, 1999), 276-328.

⁶⁸ “Chapequiddick Petition,” 5 June 1810, Unpassed Legislation, MA, reel 1.

reinstitution of Guardianship was not the answer Indians had hoped for. Indeed, Indians felt that the Guardianship system gave too much authority over the lives of Indians to their Guardians or Overseers. After Hawley was made the Overseer to the Mashpee, a group of Mashpee petitioned Massachusetts twice in 1792 to revoke his control over Indian affairs. They complained, “We beg your onours to restore us our Liberty. . . . What Nation is there has not Liberty besides us poor Indians[.] [A]re we so Bad that We must Be Deprived of our Liberty or is it because our great men informs that we are uncaperable of acting our on bisness.”⁶⁹ Indians expressed their deeply felt resentment of Hawley for acting on their behalf and controlling their resources. In January 1792, the Mashpee complained Hawley, “has no love or regard of us only to gait all our intrress in his own hands & he has got it & keeps it from us.”⁷⁰ By May, the resentment of the Mashpee had grown and they claimed the new measures made them “Bond People.” The Mashpee felt Hawley had taken “the hole town affairs on him[.] [H]e do this because we are poor ignorant creatures or Doth he Do it because it is the practice of a minister of the gospel[?] [T]is to be feard among us that he is a Bad man.”⁷¹ Despite the petitions of Indians, Massachusetts Indians remained under the control of Overseers. This system of Indian dependence on white Overseers was made possible through the success of the extinction narrative, which was abetted by the interracial and interethnic marriages of Indians.

The marriages between Indians and African Americans marginalized further African Americans. Because Indians had already been identified as nearly extinct, the mixture of African Americans with this group made their political presence innocuous.

⁶⁹ “Petition of Mashpee,” 28 May 1792, Unpassed Legislation Relating Indian Affairs, MA.

⁷⁰ “Petition of Mashpee,” Jan 1792, Unpassed Legislation, MA.

⁷¹ “Petition of Mashpee,” 28 May 1792, Unpassed Legislation, MA

Historian Joanne Pope Melish has argued that although descendents of Africans were emancipated, no new category was constructed to include them in society. African Americans' marriages with Indians supported this "empty category" because it aligned them with a group who were conceptualized as nearly extinct.⁷² By setting up homes with Indians on Indian plantations apart from whites, African Americans may have seemed to simply disappear from urban centers.

Yet, African American associations with Indians can also be seen as resistance to the "empty category" constructed by whites to demarcate their political status. By removing themselves from white society and engaging in relationships with Indians in areas heavily populated by Indians and African Americans, they forged their own societies and identities apart from whites. Evidence suggests many African Americans in the early national era were seeking spaces where whites could not be found. In 1787, African Americans in Boston petitioned the state for funds to set up their own settlements in Africa. Once Paul Cuffe began his famous journeys to Africa, some of Boston's African American inhabitants expressed their desire to settle in Africa. In 1812, Prince Saunders wrote to Cuffe to let him know "There are several men in this place who calculate to go to Africa with you, whenever there is an opening."⁷³ Other African

⁷² Joanne Pope Melish argues that no "new language and a new set of practices for establishing relations with a new class of persons" replaced the prior identity of emancipated persons as slaves. Melish comes to this conclusion largely through her study of the emancipation experiences of Rhode Island African Americans, who experienced gradual, rather than immediate emancipation as Massachusetts' African Americans did. While Joanne Pope Melish proposes this argument to elaborate on what she sees as a lack of economic, social, and political development given to African Americans, I also find her argument conducive to my conceptualization of the "sexual management of race" that occurred in pre-and post-Revolutionary era Massachusetts. See Melish, Disowning Slavery: Gradual Emancipation and 'Race' in New England, 1780-1860 (Ithaca: Cornell University Press, 1998), chapter 3, quote from p. 88.

⁷³ Prince Saunders, Boston, to Paul Cuffee, Westport, 3 Aug. 1812, in Speak Out in Thunder Tones: Letters and Other Writings by Black Northerners, 1787-1885 ed. Dorothy Sterling (New York: De Capo Press, 1973), 19.

Americans from Boston worked to find a space for themselves in Haiti.⁷⁴ African Americans working to create an existence separate from whites were expressing their utter disregard for white society and the degrading status attributed to them by whites. African Americans and Indians who set up homes apart from whites shielded themselves from whites and created a space wherein their individual identities, rather than racial characterizations, were paramount.

However, by marrying with a group whites considered racially distinct from themselves, African American marriages with Indians abetted white perceptions of African Americans' and Indians' "non-white" status. The marriages between African American men and Indian women bolstered the racial hierarchy by making racial distinctions appear natural. The fears white men expressed over the coupling of white women with African American men and Indian men demonstrated the way contemporaries perceived that racial boundaries could be disintegrated by sexual relations. Because both Indians and African Americans were considered racially distinct by whites, their marriages and sexual relationships made this difference appear natural. Indian and African coupling supported white conceptions of African Americans and Indians as an increasingly distinct group that was different from whites. The marriages of Indians and Africans bolstered the evolution of white racist thought.

Emancipated African Americans and Indians could not be viewed as a threat to the sexual hierarchy as long as they chose to intermarry. African American marriages to Indians supported the extinction narrative that purported the non-existence of Indians. Indian men were much less fearsome when only a handful appeared to exist to whites.

⁷⁴ Arthur D. White, "Prince Saunders," 523-524; and Dorothy Porter, ed., Early Negro Writing, 1760-1837 (Boston: Beacon Press, 1971), 279.

The sexual relationships between African American men and Indian women were viewed as much more desirable than relationships between African American men and white women. African American men calmed the anxiety of whites when they chose Indian women as brides. White fears about patriarchal African American and Indian men were lessened by African-Indian marriages.

The marriages among poor whites, African Americans, and Indians increased each groups' marginalization in early national Massachusetts, while these relationships also served to bolster an identity separate from that constructed by whites for them. Segregation and the inability of whites, Africans, and Indians to socialize inhibited African American and Indian men's capacity to make claims to powerful governmental, religious, and social positions in white society. African American and Indian men could not fulfill positions that required meetings with whites as long as fears about racial mixing existed. However, these marriages could be beneficial. In some cases, African American men gained access to land through Indian spouses. Moreover, these relationships did give people a measure of comfort and support from the hostile racist, sexist, and class-based hierarchies. For Indians and African Americans, their marriages solidified white perceptions of them as lesser others. The interracial marriages between these groups racialized Indians and Africans, while it also made African Americans less visible and part of the near extinct. By intermarrying with another subordinate group, the lower race and/or class status of individuals was confirmed. However, African American-Indian relationships can also be viewed as resistance because many of these couples removed themselves from the oversight of whites.

Interracial sexual behavior and the rhetoric promulgated about it demonstrated contemporary conceptions about power, as well as the hierarchies of race, class, and gender. The legal and social proscriptions against interracial marriage separated racial and ethnic residents of Massachusetts from whites and naturalized those differences by prohibiting interracial marriages. Whites were fearful that African American and Indian men who had relationships with white women would secure an important marker of power in contemporary society, which is why these relationships were so degraded in the printing press and by individuals. The gender and class of the persons engaging in interracial liaisons were equally important in the perceptions of interracial sex. White women could bolster the status of African American and Indian men, while African American and Indian women's sexual liaisons supported the power of white men. Class was an important factor in the rhetoric on the types of white person who engaged in interracial sex. Whites believed that only lower class and lascivious men and women would degrade themselves by entering interracial unions. This bolstered white middle- and upper-class persons' sense of righteousness in the new republic, where the boundaries of race, class, and gender were viewed as increasingly fragile and in need of support.

Chapter 9: Bound and Marginalized: Poor Whites, African Americans, and Indians, 1785-1820

In 1795, a Southerner who was interested in how African Americans fared after emancipation wrote several questions to Rev. Jeremy Belknap, a well-known historian and minister, who circulated these questions among his friends. The ninth question asked was whether there was “any perceptible difference between the general moral or social conduct of emancipated persons, or their descendents, and others?” In March 1795, Dr. E.A. Holyoke, a prominent medical doctor from Salem, answered, “Their conduct, both moral and social, is pretty much the same with that of the lowest order of poor in this community.”¹ Dr. Holyoke’s suggestion that African Americans acted similarly to lower class whites was indicative of a larger opinion shared by white residents of Massachusetts, which classified the sexual behavior of Indians and Africans as similar to lower class whites. In early national era Massachusetts, the sexual management of race and the subordination of the poor bound together and marginalized African Americans, poor whites, and Indians. Property qualifications for voting limited the extension of citizenship to poor whites as well as African Americans and Indians, who were economically marginalized. Although many prosperous African Americans and Indians existed, sexual rhetoric bound them with the lower class.

The sexual management of race and the policies that subordinated the poor were reactive processes, which did not determine the sexual lives of African Americans, Indians, and poor whites. The sexual management of race and class did not result in

¹ Judge George Tucker, Williamsburg, Virginia, to Dr. Jeremy Belknap, Boston, 21 Jan. 1795, and Dr. E.A. Holyoke, Salem, to Dr. Jeremy Belknap, Boston, 19 Mar. 1795, in “Letters and Documents Regarding Slavery” ed. Charles Deane, originally printed in *Massachusetts Historical Society Collections*, 5th ser., vol. 3 (Cambridge: Wilson, 1877; reprint, Louisville, KY: Lost Cause Press, 1977), 381 & 401.

African Americans, Indians, and the lower class accepting the subordinate status town and state administrators, along with charitable groups, accorded them. African Americans and Indians saw the state's charity as recompense for their stolen land and enslavement. African Americans and Indians also sought protection from white interference in their family lives, which charities imposed on them. In the process, African Americans and Indians constructed an alternative view of citizenship that considered financial and family autonomy as important as political and social status.

The Management of Sexual Histories by Overseers of the Poor

In the late colonial and Revolutionary eras, Massachusetts courts highlighted the illegitimacy of the poor in the adjudication of fornication and paternity cases. After the Revolution, charitable groups replaced the judiciary as the primary agent that emphasized the sexual behavior of the poor. Coincidentally, the warning out system ended just a few years later than the removal of fornication prosecutions from courtrooms. Unlike the prosecutions for fornication in the judiciary, charitable groups in the early national era did not confine themselves to whites. The Overseers of the Poor and Selectmen from all of Massachusetts towns distributed charity to Massachusetts' poor, including Indians and African Americans. The sexual management of class bound together the "poor," as poor whites, African Americans and Indians regardless of individual class status.² African Americans, Indians, and poor whites became defined as dependents because of white perceptions that they were reliant on charity for survival. The distribution of charity in towns relied on extensive investigations into the sexual histories of the poor, which

² Ruth Wallis Herndon and Emma Wilcox Sekatau have argued that Indians were conceived of as poor in the pre- and post-Revolutionary era. They write that the patriarchal civic institution and traditional property ways of Indians led to an understanding of Indians as "poor." See Herndon and Sekatau, "The Right to a Name: The Narragansett People and Rhode Island Officials in the Revolutionary Era," *Ethnohistory* 44 (Summer 1997): 433-462.

charitable groups interpreted as proving the poor were overly inclined to engage in illicit sex. The demarcation of African Americans, Indians, and poor whites as dependents and sexual corrupt bolstered the property based qualifications for citizenship.

Contemporaries understood it was their Christian responsibility to aid persons in need. However, Overseers of the Poor and members of charitable organizations did not view their clients with esteem. In the new republic, it was increasingly difficult for persons to claim both virtue and poverty.³ Tracts discussing poverty in the state derided the morals of the poor. In 1822, Josiah Quincy, a judge in Boston's Municipal court, proclaimed, "Among the general relations of man, the most interesting to the individual and the most important to society, are those of poverty, vice, and crime." He continued, "They are, in truth, often little else than modifications of each other ; and though the class of virtuous poor form an honorable exception to the fact, yet in the more depressed classes, they are so frequently found together, that in every general survey, they may be considered for the purpose of analysis and remark, in some measure inseperable."⁴ The members of charitable groups in Massachusetts agreed with Quincy's claims. In 1824, a tract from the Boston Society for the Religious and Moral Instruction of the Poor asserted, "Nine tenths of the pauperism in our country is occasioned by vice; and much the greater part of the public expenses for the support of the poor would be saved, if a great and general effort were made to instruct the ignorant, to encourage industry, and to

³ See John K. Alexander, Render them Submissive: Responses to Poverty in Philadelphia, 1760-1800 (Amherst: University of Massachusetts Press, 1980); and Michael Meranze, Laboratories of Virtue: Punishment, Revolution, and Authority in Philadelphia, 1760-1835 (Chapel Hill: University of North Carolina Press, 1996).

⁴ Josiah Quincy, Remarks on some of the provisions of the laws of Massachusetts, affecting poverty, vice, and crime: being the general topics of a charge to the Grand Jury of the County of Suffolk, in March term, 1822 (Cambridge: Hilliard and Metcalf, 1822), 3.

restrain from the most noxious vice.”⁵ In 1814, another writer complained that “three quarters, at the least, of the occupants of our work houses, and almshouses, are such as no reward can stimulate to industry, no encouragement can excite to usefulness. . . .” The writer believed, this majority of the state’s poor to be “the subjects of habitual intemperance, and corrupting prostitution.”⁶ In this climate, the ability of the poor to claim virtue and their right to charity was limited.

Distributors of charity identified persons as dependent or deserving of charity based on their perception of the poor person’s character. For example, Indians regularly partook in government assistance through the state’s almshouses and from their local Guardians. The perception by charitable distributors that Indians were dependent on, rather than deserving of charity, defined Indians and their relationship with others throughout the state. In 1823, the Overseers of the Poor in Boston reported they “had been frequently obliged to make provision for the support of paupers belonging to the Marshpee tribe of Indians.”⁷ The account books of the Guardians show Indians were receiving blankets, cloth, clothing, foodstuffs, building supplies, and Bibles.⁸ While charitable society members and the state viewed Indians as dependent and needy, Indians viewed the exchange of clothing and food as payment for the Indian land that Guardians were responsible for maintaining and many whites were stealing. In 1792, the Mashpee claimed government appointed Guardians took these positions “to gat intrest and they have got it all most all in there hands and are gitting it.” They questioned, “if we are so

⁵ Boston Society for the Moral and Religious Instruction of the Poor, “Letter to the Inhabitants of Boston,” in Eighth Annual Report of the Directors of the Boston Society for the Moral and Religious Instruction of the Poor (Boston: Crocker and Brewster, 1824), 26.

⁶ Miscellaneous Remarks on the Police in Boston (Boston: Cummings and Hilliard, 1814), 4.

⁷ “Memorial of W.J. Spooner about poor of Marshpee Indians,” Oct. 1823, Guardians of Indian Plantations and Related Records, MA, microfilm, reel 1.

⁸ For examples of Guardians’ account books, see Guardians of Indian Plantations and Related Records, MA, reel 1.

uncaperable of taking care our intrest how Did our fore fathers Live[.] [T]hey Did Live fair better then We Do now.”⁹ The Mashpee viewed the distribution of state and town charity as just payment for the loss of the land and government’s interference in their lives. The state, on the other hand, believed Indians were dependent on charity. The same was true for African Americans in post-emancipation Massachusetts. While African Americans may have seen charitable assistance as recompense for their previous bondage, charities saw them as dependent on white support. Poor whites who fell on hard times may have seen their needs as short-term until they could improve their situation. Charities, however, believed the persons who needed assistance were dependent and morally problematic.

Overseers of the Poor and town Selectmen bolstered the view of the poor as morally bankrupt in the way they distributed aid to needy residents of Massachusetts. During the early 1790s, the warning out system ended, which meant towns needed another way to avoid having to pay for impoverished persons who settled in their communities. The sexual histories of poor whites, African Americans, and Indians were central to the new system that replaced warnings out because sexual histories provided a way to discover which town would be financially responsible for aiding each poor person who requested assistance. After a person turned to the almshouse or one of the state’s Overseers of the Poor, their sexual history, as well as their parents’ and sometimes even their grandparents’ sexual histories, were required to determine which town was responsible for the charges incurred from assisting each impoverished person. Overseers of the Poor and Selectmen from towns across Massachusetts exchanged letters that discussed and disputed the sexual history of recipients of charity in order to establish

⁹ “Petition of Mashpee,” 28 May 1792, Unpassed Legislation Relating Indian Affairs, MA.

legitimate paternity and which town was responsible for the poor person's maintenance. Much of this communication revolved around the circumstances of the marriages and births of the state's poor. These letters required individual investigations that necessitated the participation of town inhabitants to give validity to the sexual histories of persons seeking assistance.

Overseers of the Poor cast a wider net in their probes into the sexual histories of the poor than fornication confessions did previously with white women. Charitable distribution created an incitement to discourse on the sexual behavior of poor Indians, African Americans, and white persons. Each town made decisions on whether or not the sexual histories of poor supplicants were valid in choosing whom they would and would not assist. Yet, the Overseers of the Poor found it difficult to untangle the legitimate and illegitimate marriages and births of impoverished persons. Marriages and legitimate births had to be contracted according to white middle and upper class standards to prove if husbands, mothers, or fathers had claims to residency in any of the state's towns and thus deserved that towns' support. Marriages that were not officially contracted by ministers or Justices of the Peace were determined to be illegitimate. The level of scrutiny with which Overseers of the Poor and Selectmen reviewed the sexual histories of the poor made the subordinate and undesirable status of those seeking charity clear. Moreover, Overseers and Selectmen felt it necessary to evaluate the truthfulness of these histories, which resulted in poor persons' sexual histories being publicized and morally evaluated.

Overseers and Selectmen who judged the sexual relationships of the poor were practicing their legal and moral authority over poor African Americans, whites, and

Indians. Overseers and Selectmen were powerful individuals in Massachusetts' communities, and like the patriarchs of the late colonial era, they had been empowered to regulate the sexual lives of their subordinates. Overseers of the Poor and Selectmen were both elective offices and the persons chosen to fulfill these responsibilities were among the most wealthy individuals.¹⁰ When the poorest residents of Massachusetts encountered Overseers and Selectmen, they were meeting with the powerful and well-respected individuals in their communities.¹¹ A power dynamic existed between the supplicant and the benefactor that decidedly favored Overseers and Selectmen. The poor gave their sexual history to Overseers and Selectmen within an environment where the powerful managed the powerless. The right of Overseers and Selectmen to demand sexual histories to establish paternity and residence further subordinated the poor whose status as a supplicant was already meager. The position of the poor in this situation was undeniably weak, and one that made them both deferent and dependent. African Americans, Indians, and poor persons were not Overseers or Selectmen. Meetings between supplicants and these town officers were always going to be between the rich and the poor, and in some cases, whites and African Americans or Indians. The power to evaluate sexual histories was with wealthy white men over all others in society.

Overseers of the Poor found that Massachusetts' poor had histories full of illegitimate marriages. Finding which town was responsible for maintaining poor persons

¹⁰ Allan Kulikoff found that the men serving as Selectmen and Overseers in 1790 were assessed at 1000 pounds. Between 1785-1795, Kulikoff found most overseers ran their own well-to-do businesses outside of their positions. See Kulikoff, "The Progress of Inequality in Revolutionary Boston," *WMQ*, 3rd ser. 28 (1971): 390.

¹¹ Carr argues that Overseers and Selectmen had to be well-respected individuals because they were empowered to manage of the city' poor, and held power over a wide variety of residents and other town officers. Jaqueline Barbara Carr, *After the Siege: A Social History of Boston, 1775-1800* (Boston: Northeastern University Press, 2005), 92-100.

often required intense inspections of the marital and sexual lives of the poor. For example, in 1802, Overseers of the Poor from Boston attempted to discover which town was responsible for the maintenance of Sarah Bowers, but were forced to look into both her and her mother's history to discover a legitimate residence. Overseers of the Poor discovered that Eunice Gordon, Sarah's mother, had married John Fall from York County in 1773, but he was later "taken or Lost" in 1778. John and Eunice never had children together, but the Overseers mentioned this marriage in their disputations on Sarah's residency anyway. The Overseers from the Town of Beverly found that after John left Eunice "Cohabited with one Ishmael Bowers an Indian as he sayeth from the State of Rhode Island." The Beverly Overseers felt Sarah "was probably one of" Eunice and Ishmael's children. From their investigation into Sarah's mother's sexual history, the Beverly Overseers eventually determined that the town where Eunice had legal settlement should pay Sarah's maintenance, because Sarah was an illegitimate child from the cohabitation of Eunice and Ishmael. They believed that Sarah's legal residence was in York County, because even though Eunice never had children with John their legal marriage gave her residence wherever he claimed it.¹² Had the Overseers recognized Sarah's birth as legitimate, she would likely have been able to receive money or support from Rhode Island or the Narragansett, which would have been her legitimate birthright. Meanwhile, Sarah waited in the almshouse for her fate to be determined while York, Boston, and Beverly engaged in debates about which town was responsible for her upkeep. This case exemplifies the way the Overseers of the Poor regularly examined the sexual and marital relationships of the poor using a white middle-class understanding of

¹² John Francis, John Low, and Thomas Woodberry, Beverly, to Overseers of the Poor for the Town of Boston, 28 Sept. 1802, Letters to the Overseers, Judicial Archives, MA.

marriage to comprehend the marital relationships of the poor.¹³ The Overseers did not recognize the self-marriages of the poor as legitimate relationships, even though these marriages were long-term partnerships.

Overseers of the Poor wrote many letters to each other about the descendents of Indians and poor whites, who had engaged in marriages that were not legally contracted. In 1801, Rebecca Pratt, a white woman from Sherburne, applied to the Boston Overseers of the Poor for support. Boston Overseers of the Poor doubted the legitimacy of Rebecca's marriage and wrote to Sherburne to inquire about her marital history. The Overseers from Sherburne wrote, "She said she has had three Husbands. __The first Stephen Ingalls, the second Nicholas Bowen, & the third__Barret. Whether she was lawfully married to them, I cannot tell, or who they were I know not."¹⁴ Other poor white women's marital legitimacy was questioned. In 1823, Mary Brewer, a white woman from Salem, claimed she was married to an Irishman named James Kanam. Boston Overseers sent a letter to Salem that included the passage: "The fact of her being married to Kanam is questionable, as she has been a woman of irregular life."¹⁵ Overseers of the Poor were making moral evaluations about the marriages of the poor when they doubted the legitimacy of their marriages. Overseers believed their uncertainties about the legality of poor persons' marriages made these partnerships illegitimate. Because Overseers had the power to decide whether or not a marriage was legitimate, their moral

¹³ Clare Lyons found that Philadelphia's poor did not always cleave to the same marriage rites as the upper and middle classes. Instead of engaging in legally contracted marriages, the poor often engaged in "self-marriage" and even "self-divorce" without involving legal or religious authorities. Clare Lyons, Sex Among the Rabble: An Intimate History of Gender and Power in the Age of the Revolution, Philadelphia, 1730-1830 (Chapel Hill: University of North Carolina Press, 2006), 32-36.

¹⁴ Boston Overseers of the Poor, to Selectmen of Sherburne, 6 Nov. 1801, Boston Overseers of the Poor Records, MHS, reel 2.

¹⁵ Boston Overseers of the Poor, to Selectmen or Overseers of the Poor for Salem, 13 Mar. 1823, Boston Overseers of the Poor Records, MHS, reel 2.

and legal standards of what constituted a marriage were powerful to the poor. Overseers could force poor persons to be removed from one town to another based on their perceptions of the legitimacy of births and marriages.

Overseers were particularly cautious in evaluating whether marriages between African Americans were legally contracted. Like the aforementioned cases, the Overseers made arrangements for charitable distribution based on their own perceptions of marital legitimacy. In 1803, Samuel Goodridge, an African American, moved to Salem from Boston and “got married.” He and his wife ended up in the almshouse in Salem in August 1803. Boston’s Overseers of the Poor refused to pay for Samuel’s wife’s maintenance, although they would pay for him to be returned to Boston. They explained, “Goodridge has a wife & several children in this town they do not consider themselves answerable for the support of the woman he has lately Married at Salem.” The decision to separate Samuel from his wife in Salem was made without consulting Samuel or his new wife. Samuel’s wife in Salem had previously sold her building and used all of her remaining assets to financially maintain Samuel and herself, so it is likely she would have chosen to remain with him.¹⁶ Another case in Worcester also shows white biases towards poor African Americans’ self-marriage and self-divorce practices. Worcester Overseers wrote Boston’s Overseers regarding the case of “a black Woman” who “has fallen into Distress.” She was described as the “Widow of a Negro Man.” The Overseers of the town of Worcester found in their inquires “a regular certificate of his marriage with the Black Woman in Question from the Clergyman who performed the

¹⁶ Elben’r Beckford, Salem, to Gentlemen Overseers of the Poor of Boston, 31 Aug. 1803; and Overseers of the Poor, Boston, to Overseers of the Poor, Salem, 12 Sept. 1803, Judicial Archives, MA, box 2.

ceremony. . . .”¹⁷ Interestingly, Overseers mentioned the marriage certificate of the “Black Woman in Question.” Presumably, the Overseers of Worcester were attempting to stop questions from Boston’s Overseers regarding the legitimacy of this couple’s marital relationship. Rarely, in any of the letters of the Overseers was the documentation of marriage contracts mentioned. Presumably, the “Black Woman in Question,” and likely all African Americans, needed more proof of their marriages than testimony.

When African Americans proved their legally contracted marriages, Overseers of the Poor asked complicated questions about who should pay for their maintenance. The legal methods that established the residency of African Americans made it appear that the state believed African Americans were still dependent on their former slave masters. For example, in 1818, the Boston Overseers of the Poor investigated who should pay for Patience Boyston, an African American woman who was in Boston’s almshouse. Patience was a former slave who was sold three times, the last of which was to Thomas Burnham, a white man from Ipswich. Patience married three times and her most recent husband was Luck Boylston, “a slave to Mr. Boylston, of Brookline.” The Overseers noted that Luck was a slave, despite the fact that Patience and he married in 1795, twelve years after Justice Cushing decision that ended slavery in Massachusetts. Boston Overseers reasoned, “As slaves derived the Settlement of their masters, Luck derived that of his master, Mr. Boylston, . . . and being a freeman when he was married to Patience, he communicated his settlement to her, which she now retains.” Unsure of their legal reasoning, Boston Overseers asked the Selectmen of Brookline to send their thoughts

¹⁷ Overseers of the Poor, Worcester, to Overseers of the Poor, Boston, 19 Nov. 1801, Letters to the Overseers, Judicial Archives, MA.

regarding this matter “as soon as convenient.”¹⁸ Overseers constructed a theoretical dependence of Patience on Luck’s former master in deciding her legal settlement was in Brookline. Having Brookline pay for her maintenance suggested Patience and Luck had not lived their lives independent of Mr. Boylston, even though Luck had been a free man when Patience married him. The complicated mediation of charity for former slaves made even their legitimate marriages appear illegitimate, by referencing their former master’s status over their former spouse’s. Overseers listed all of the former owners of previously enslaved African Americans who requested charity and, when possible, the names of all of their former spouses, including the owners of the most recent former spouse. This practice made it appear that African Americans continued to rely on their former slave master’s permission to marry, despite their freedom. African Americans who recounted their extensive histories when seeking assistance must have wondered at the relevance of their sexual history to their current impoverished status. Yet, the Overseers continuously relied on this information to establish which town was financially responsible for the maintenance of the poor.

Overseers of the Poor often moved beyond questions of marital legitimacy and focused on the illegitimate births of the poor. Overseers defined illegitimate births as children who were born to a woman not legally married to the child’s father. Illegitimate children could only claim support from their mother’s legal residence in Massachusetts, which was often hard to determine. For example, the parentage of Denis Ryan, a white Bostonian, was inquired into after he died and left Sally, his white wife, widowed. For Sally to receive payment from Denis’ town, his inhabitancy there had to be proved.

¹⁸ Boston Overseers of the Poor, to Selectmen of Brookline, 5 Sept. 1818, Boston Overseers of the Poor Records, MHS, reel 2.

Unfortunately, Denis was an illegitimate child to his mother, Abigail. The Overseers determined that Denis' mother Abigail had married Nathaniel Blake "an out Landish man" who left her. She had Denis "of illegitimate issue" after Nathaniel's departure. Abigail was also an illegitimate child of her mother, Denis' grandmother, named Sarah Marshall, from Boston. Because Denis was born illegitimately, his wife was to claim the inhabitancy of his mother and receive charity from her town. However, the town of Milton refused to pay for Sally's support in Boston's almshouse because Denis' mother was born illegitimately in Milton. Residency was refused even when mothers successfully sued the father of their illegitimate child for maintenance. Abigail's mother, Denis' grandmother, had sued Joshua Eel, an inhabitant of Milton, for maintenance of Abigail. Although Joshua protested, he was "obliged to pay the expense, and maintenance of the child to a certain age." Despite the courts finding that Joshua was the father, the Milton Overseers of the Poor again refused to pay for the support of Denis' wife.¹⁹ Cases similar to this one abound in the letters of the Overseers. In 1810, Flora Barrett was denied maintenance by the town of Plymouth because "her reputed father lived here, but was never married to her mother."²⁰ In cases of illegitimacy, the child always followed the mother's inhabitancy, even if it took several generations to find an ancestor who was of legitimate birth. The Overseers of the Poor often created virtual genealogies of the poor in order to find the town responsible for the poor. Overseers' extensive evaluations of the sexual histories of the poor demonstrate the Overseers' commitment to accuracy and their definitions of marital legitimacy.

¹⁹ Jabez Talbert, Sloughton, to Gentlemen Overseers of the Poor, Boston, 30 Mar. 1801; and Samuel Glover, Milton, to Overseers of the Poor of the Town of Boston, Boston, 26 Jan. 1802, Letters to Overseers, Judicial Archives, MA.

²⁰ Selectmen of Plymouth, to Overseers of Boston, 10 Sept. 1810, Letters to the Overseers, Judicial Archives, MA.

The illegitimate births of African Americans, poor whites, and Indians made their situations comparable to Overseers. For example, in 1822, the Boston Overseers of the Poor notified the town of Needham they were expected to pay for the burial of Zeb King, “a col’d person,” who had died. Boston Overseers stated that Zeb King was “an illegitimate child of Alice King, coloured, who was born in Needham. . . . The father of Alice King is named Primus King, a coloured man, who lived 25 years in Needham.”²¹ Overseers distributed charity to Indians, whites, and African Americans by reviewing all three groups’ illegitimate marriages and births. However, with African Americans, they took extra steps to find former owners if they were alive before emancipation. Overseers likely saw these histories of illegitimacy as a defining aspect of poor persons’ sexual behavior.

Overseers found that the marriages of the poor, if not illegitimate, often ended in elopement or divorce. In 1802, the Worcester Overseers of the Poor requested money from Boston for the maintenance of Mary Wilson, a white woman whose father lived in North Boston. The Worcester Overseers stated, “We presume her connections are poor. . . .” Their inquiries into Mary’s lifestyle found she had married Jess in 1799, a Worcester white man, “who has not, nor, never had any lawful settlement within any town in this Commonwealth, nor has he any relations within our knowledge of sufficient ability to support his family which he has long since abandoned and gone to parts unknown. . . .”²² In 1805, William Sprague testified to the sexual history of Mary Collier, who had married Joseph Remmeck, of Littleborough, in late 1804, but then eloped from him. William

²¹ Boston Overseers of the Poor, to Needham Overseers of the Poor, 9 May 1822, Boston Overseers of the Poor Records, MHS, reel 2.

²² Samuel Flagg, Nathan Gaine, John Chamberlain, Ephraim Mower, David Andrews, Worcester, to Overseers of the Poor from the Town of Boston, 23 Feb. 1802, Letters to Overseers, Judicial Archives, MA.

stated she “has not been in town since except strolling, after eloping from her husband.”²³ In 1809, the history of Mary Ingraham, a white woman in the Boston’s almshouse, revealed similar circumstances. In 1803, she married Job Ingraham, Jr. of Thomaston, then “Eloped from his Bed and Board.” Job “Obtained a Bill of Divorcement for the crime of Adultery” in 1809.²⁴ Overseers reviewed these marital troubles and believed that the poor did not value their marital commitments, even though the poor likely practiced self-divorce and had different marital values than the white upper- and middle-class.

Another way Overseers of the Poor became aware of the sexual behavior of the poor was through their oversight of indentures for impoverished young men and women. Overseers arranged the placement of poor young women and men into homes to serve as servants until adulthood. In some cases, they arranged for the indentures of illegitimate children. For example, in 1803, Seth Johnson contacted Boston’s Overseers of the Poor on behalf of Sylvia Johnson, an African American woman. They requested “that you will Cause Indentures to be made binding Clara Harding a Child of the said Sylvia’s (born out of wedlock) until she shall arrive to the age of Eighteen Years.” Sylvia had come to Newton, Massachusetts, after she “resided in different Towns in this state for many years.” Seth reported that Sylvia “cannot afford to pay the Child’s board having nothing but her own Labour to depend on—and the Child Clara so young not being Eight years old that no person is willing to take her merely till she is fourteen.”²⁵ Overseers mediated

²³ Joseph Herrick to Overseers of the Poor in Boston, 20 May 1805, Letters to the Overseers, Judicial Archives, MA.

²⁴ James D’Mceatan, Thomaston, Gentlemen Selectmen or Overseers of the Poor for the Town of Boston, 6 July 1809, Letters to Overseers, Judicial Archives, MA.

²⁵ Seth Wells, Newton, to Overseers of the Poor for the Town of Boston, n.d. [in stack with other letters from 1803], Letters to Overseers, Judicial Archives, MA.

difficult situations with their masters when servants engaged in illicit sexual behavior. In February 1801, Benjamin Drury, a Justice of the Peace from Spencer, notified the Overseers from the Town of Boston that Sarah Mannis “has broke her indenture by being guilty of fornication.” Sarah charged Hazermann Draper with being the father of the child, but he left Spencer after the warrant had been issued for his arrest.²⁶ Overseers took care of the expenses Sarah’s master incurred on her and her child’s behalf. Overseers’ oversight of indentures often led them to the same conclusions about the sexual morality of the poor as their investigations into sexual histories.

Overseers of the Poor constantly communicated with other Overseers on the sexual and marital histories of the poor. These histories did not reflect the values of Overseers, whose handling of the cases of the poor show they believed marriage involved a legal and religiously sanctioned lifelong commitment. They also asserted that sex before marriage was anathema. Overseers worked to find legally contracted marriages and “legitimate” births to establish residency, which revealed their belief that only their conceptions of sexual and marital mores were correct. Their refusal to allow for other conceptions of marital and sexual behavior in establishing residency showed their dismissal of poor persons’ sexual mores. The Overseers of the Poor from towns across Massachusetts heightened the importance of illegitimacy, in both marriage and birth, in their staunch refusal to support poor persons whose marriages and births were not certified as valid by them. The Overseers’ dismissals of the long-term relationships and the births resulting from these relationships of the poor declared many of their relationships illegitimate.

²⁶ Benjamin Drury, Spencer, to Overseers of the Poor, Boston, 13 Feb. 1801, Letters to Overseers, Judicial Archives, MA.

Distributors of charity were wealthy white men, while poor African Americans, Indians, and whites were in need of charity. African Americans, Indians and poor whites were constructed as the dependents of charity. Dependence continued to have meaning in the early republic because property qualifications were based on the assumption that impoverished persons could not act independently. Before the 1820s, politics in Massachusetts were conceptualized as anti-partisan, even though some partisan conviction existed.²⁷ This political culture necessitated independent citizens in elections because dependents were thought of as easily persuaded to do others' bidding. State, town, and local leaders were expected to act for the good of the community over their individual interests. African Americans, Indians, and poor whites were identified as dependents, and this hurt their ability to claim power despite being impoverished or, in the case of middle- and upper-class African Americans and Indians, being associated with the poor. Property qualifications were particularly problematic for African Americans and Indians because their financial opportunities were limited on account of their race. Regardless of their class status, African Americans and Indians were connected with the poor and thus, had an interest in seeing property qualifications removed for voting privileges.

Poor African Americans, whites, and Indians did seek assistance from charities, which bound them together. For distributors of charity, the identities of the poor coalesced around their corrupt sexual histories. Charitable distribution and fornication prosecutions were strikingly similar. Sexual histories were important in each activity, as

²⁷ Historian Ronald Formisano found the political culture in eighteenth-century Massachusetts was vehemently anti-party. In the 1810s, Formisano believes the politics of deference cracked as parties formed to express the interests of several regions, religions, and social classes around the state. See Formisano, The Transformation of Political Culture in Massachusetts, 1790-1840 (New York: Oxford University Press, 1983).

was the subordination of individuals to persons in power. Like fornication prosecutions, the sexual histories of the middle- and upper-class were not subject to investigation as were the lower-class'. Lower class sexual histories were examined because of their need for charity, while for white women prosecuted for fornication in the late colonial era the law forced them to provide their sexual history to Justices of the Peace. Late colonial era Justices of the Peace and early national era Overseers of the Poor and Selectmen claimed to need specific information about the sexual behavior of their subjects in order to complete their tasks. In both situations, the incitement to discourse on sexual behavior was an unnecessary measure, which seemingly served the purpose of either distributing justice or alms. Setting up a state fund for the poor from which all towns could draw money or having poor persons directly receive aid from the town in which they resided would have been far easier than working through the genealogies of the poor to establish their residency. Investigations into the sexual histories of the poor added to discourses on the sexual behavior of poor whites, Indians, and Africans that negatively affected their status in society.

The Un-Charitable Distribution of Sexual Rhetoric

During the colonial era, poor whites, African Americans, and Indians suffered from derisive portrayals of their sexual behavior. After the Revolution, white members of charitable associations and owners of printing presses continuously used scathing speech in their characterization of the sexual mores of African Americans, Indians, and poor whites. This derogatory speech had an impact on the power of each group. Members of charitable societies dispensed charity and interacted with the poor in ways that revealed their concerns about the sexual behavior of the poor. This constructed a

moral polarity between the middle- and upper-class distributors of charity and the needy that hinged on the ethics of sex. The relations between charitable groups and the poor further dis-empowered African Americans, poor whites, and Indians by not targeting poverty, and instead working for the uplift their sexual morality. This ensured the continued domination of politics by wealthy white individuals.

The sexual rhetoric distinguishing the “poor” in letters, newspapers, and tracts pointed out problems with poor whites, as well as the behavior of African Americans and Indians. This slander was about persons whose poverty or race was perceived to influence their sexual morality. Material that was specifically concerned with the sexual behavior of African Americans and Indians described the race of persons under discussion. Yet, Indians and African Americans also fit into another set of articles on the sexual habits of the “poor.” These articles did not identify the race of persons under discussion, but rather listed the traits associated with those in the lower class. For example, one writer questioned, “it is natural to inquire by whom, and in what manner, vice is contracted . . . ? The answer is as natural, that it is most openly and commonly practiced by those in low life.” According to the author, those included in the “low life” were “idlers, tipplers, jockey’s, and all kinds of vagrants.” Those in the “low life” that did not take part in the aforementioned activities were described as “practicing every species of fraud and obscenity.”²⁸ The wide range of activities this author described indicated he or she meant to include the behavior of some African Americans, poor whites, and Indians.

The common theme in writings about the “poor,” African Americans, and Indians was the representation of these persons as lascivious and bad marriage partners. The

²⁸ “Worcester Speculator, No. 66,” Massachusetts Spy, 3 Dec. 1789.

lustfulness of each group of persons was established by highlighting the likelihood of their engaging in fornication, prostitution, and adultery. Characterizing African Americans, Indians, and poor whites as bad husbands and wives required different tactics for each set of persons. The inability of poor whites to contract successful marriages was acknowledged to be a result of their poor financial situation. For African Americans and Indians, their bad marriages were perceived as a consequence of their lack of sentiment and romantic love, as well as the inability of African Americans and Indians to be good patriarchs. The discourses on marriage were less critical of poor whites whose improved financial situation could better their chances of having a successful marriage. However, poor whites rarely experienced upward mobility in post-Revolutionary era Massachusetts.²⁹ Furthermore, more charitable associations were geared towards assisting whites than African Americans and Indians.

Persons writing on the lives of the poor were concerned about the likelihood of poor women engaging in sex commerce. Contemporary thought on prostitution linked prostitution with poverty. In 1823, one writer posited three reasons why women resorted to Boston's almshouse. The women were "reduced by the vices of their husbands or children to the lowest state of wretchedness; and others whose occasional intemperance, shuts them out from employment; others deluded and worn out in the service of

²⁹ Historians have identified the years after the Revolution as particularly onerous on Massachusetts poor. Allan Kulikoff argues wealth was more concentrated in Boston between 1771 and 1790 than it was in the rest of the eighteenth century in "The Progress of Inequality in Revolutionary Boston," *WMQ*, 3rd ser. 28 (1971): 376-411. Christopher Clark identifies the economics of the period between 1780 and 1820 as a time of "involution" or an "intensification of existing practices" for residents hoping to survive in the western half of Massachusetts. Other residents looked further west, outside of Massachusetts, in order to sustain their families. Clark details the rising cost of land, increased pressure from creditors, and population growth as factors contributing to a harsh existence. See Clark, *The Roots of Rural Capitalism: Western Massachusetts, 1780-1860* (Ithaca: Cornell University Press, 1990), chapters 1-3. In contrast to these views, Jacqueline Barbara Carr believes Massachusetts economic situation was improving and more possibilities for advancement were available. See Carr, *After the Siege*.

lewdness.”³⁰ Poverty and the loss of a woman’s “virtue” were expressed as the main reason why women sold sex. Indeed, the threatening specter of prostitution was used to warn single women not to make decisions to leave their employment if they did not have another means of sustaining themselves. In 1810, The Christian Monitor ran a story on a farmer’s daughter who left her mistress, “though it was adjudged a suitable place for her.” After leaving, she was “soon seized by the cold hand of poverty; and what was the consequence? to relieve her wants she became a prostitute.”³¹ Writers in early national Massachusetts depicted prostitution as a natural activity for impoverished women. Lower class servant women were occasionally depicted as engaging in sex commerce, despite their employment in other arenas. In 1791, Massachusetts Spy ran a satirical article giving Beelzebub’s advice to parents. He suggested dressing the child’s caregiver in a “half worn silk gown and flounced petticoat, with other showy articles of dress.” The writer proposed that “If she is tolerably well looked, she will *contrive* to keep up the show for your credit, and your child will have the advantage of being early introduced into *company*, and of seeing *the world* much sooner than you are aware of.”³² The satirical article on lower class servant women engaging in sex to augment their income made activities of the lower class and poor sexually suspect.

Contemporaries believed poor women could make the transition to a life of sex commerce because they were sexually corruptible. Poor men and women were often portrayed as taking part in illicit sexual activities, such as bearing illegitimate children.

³⁰ Miscellaneous Remarks on the Police of Boston, (Boston: 1814), 23.

³¹ “Containing Advice from Farmer Trueman to His Daughter Mary; Intended for the use of Domestic; Discourse XXI,” The Christian Monitor (Boston), vol. 7, issue 13, (1810): 105. The end of this story has the girl dying of a “foul disease.” This story was intended to serve as a lesson to domestics to avoid vanity and listen to their masters and mistresses.

³² BEELZEBUB, “A Second LETTER from BEELZEBUB,” Massachusetts Spy, 3 Feb. 1791.

For example, in October 1790, Massachusetts Spy printed a report that a New Jersey woman had tried to conceal her pregnancy, but “Her pregnancy was suspected by the family in which she lived. . . .”³³ In 1792, several Massachusetts newspapers printed a report that “on the evening of the 20th ultimate a maid to the Rev. Mr. Wilder in Attleborough complained of pain in her side and returned early to bed; —late in the night Mr. Wilder’s nurse hearing her make unusual complaints repaired to her apartments, and found her in a situation proper to wake people of the house.” After a search was completed, “a child was found under the bed lifeless.”³⁴ In 1793, reports of a secret birth in Northborough, Massachusetts, were also circulated. “A widow woman, who in the house with another family, had been some time suspected of being in a state of pregnancy, but had constantly denied it.” After the birth of her child, she was “finally prevailed upon to acknowledge that she had been delivered of a lifeless child.” She was then taken in custody for infanticide.³⁵ The legal actions against lower class women for infanticide highlighted their engagement in illicit sexual behavior. The Overseers of the Poor’s investigations of the legitimacy or illegitimacy of Massachusetts’ impoverished persons revealed a similar tendency to view the poor as sexually irresponsible.

Other complaints against the lower class reflected concerns about their sexual behavior. Middle- and upper-class persons objected to the lower class assuming higher stations by wearing fancy clothing. The literature decrying the fashions of the poor blamed their questionable choices on a desire to attract the opposite sex. In 1785, one poem, written by a “Lady,” described the trend of the lower class dressing up to attract

³³ Massachusetts Spy, 21 Oct. 1790

³⁴ Columbian Centinel (Boston), 15 Dec. 1792; Argus (Boston), 18 Dec. 1792; and Massachusetts Spy, 20 Dec. 1792. She was found innocent of infanticide.

³⁵ Massachusetts Spy, 31 Jan. 1793; Boston Gazette, 4 Feb. 1793; Federal Spy (Springfield), 5 Feb. 1793; and Essex Journal, 14 Feb. 1793.

suitors: “The mall with saunt’ring coxcombs lin’d, /And aukward folks of ev’ry kind :
(More aukward for, in all their best, / Than in their frocks and aprons drest!).” In this style of dress, the “Lady” witnessed “High life below stairs’ too you’ll meet, / Loud laughing in the open street :/ The coachman, and the saucy groom ;/ The house-maid regent of the broom.”³⁶ The author described these scenes as common sights on Sunday nights on the Boston Common. She apparently thought these lower-class workers should have remained more discreet. Upper- and middle-class men also commented on the questionable sexual virtue of the lower class. Samuel P. Savage, a white merchant and judge, wrote on the habits of a “giddy girl” he had recently hired as a servant in his family. He noted she bought a new gown for a dance and spent “15 Weeks labor to prepare for a frolick.” Savage questioned not only the economics of her decision, but also her motive for going to a dance amid an influenza epidemic. In regard to her situation, he remarked, “. . . happy he—happy they—who feel divine Influence, which while it enlightens, it persuades to keep the path of Duty and points out where real happiness may be attained.”³⁷

Writers alleged the poor had unsuccessful marriages because they were unable to financially support their families. In 1810, The Christian Monitor printed an article suggesting this opinion was common. “I have heard it seriously maintained,” the writer asserted, “that the misery of servants may be dated from their marriage day. Such an uncomfortable doctrine supposes their wages are no ways equal to their expenses, when they have any children to provide for.” Unlike other persons, the writer distinguished his or her opinion by sharing that the poor who were “virtuously inclined, generally succeed

³⁶ A Lady, “Sunday Night in Boston,” Massachusetts Spy, 20 Oct. 1785.

³⁷ Samuel Savage, Weston, to [unknown], 22 May 1790, Samuel P. Savage Papers II, MHS, box 2, folder 15.

in wedlock.”³⁸ In 1786, the printer of the Boston Gazette ran an article questioning the marital relationships among the poor. The writer found that “a labouring man who has a wife and children, if he falls into sickness, or is by any means for a short time of out employment, falls into distress.” The opposite was found to be the case of the single man who could easily provide for himself without the stress of a family. The article suggested, “This, among other inconveniences, proves a discouragement to marriage among the poor, and therefore impedes the population of the country.”³⁹ In 1787, another article in the Boston Gazette blamed the problems of the poor on their masters. In a letter to fellow inhabitants of Massachusetts, one writer asked why “our apprentices are, generally speaking, a sett of meer Town rakes?” He conjectured, “is it any wonder that the affairs of families are neglected, when the Masters of them are gone abroad in pursuit of pleasure one way, and their wives another? Or is it to be expected, that an extravagant journeyman,” who was never taught Christian principles, “will not lay hold on such opportunities for plundering his master for the gratification of his own lust and appetites?”⁴⁰ Although both writers were not willing to blame the state’s poor, the writers did agree that there was a problem with poor persons’ families because of the sexual immorality of the poor.

Contemporaries believed that lack of money would doom a marriage and family. Thus, the failed marriages of poor white persons were blamed on their economic situation. However, the aforementioned prejudicial writings on poor persons’ illicit sexual behavior indicates an underlying facet of this perception was the belief that poor

³⁸ Containing Advice from Farmer Trueman to His Daughter Mary; Intended for the use of Domestics; Discourse XXII,,” The Christian Monitor, vol. 7, issue 13, (1810): 158.

³⁹ Boston Gazette, 9 Oct. 1786.

⁴⁰ “To the Inhabitants of Massachusetts,” Boston Gazette, 2 July 1787.

persons were inherently lascivious and not made so by their economic problems.

Untying the rhetoric on the sexual behavior of the impoverished results in two strands: one which blames the poor persons' sexual behavior on lack of money, and the other which blames it on their inherent lustfulness. In both cases, contemporaries delineated a connection between poverty and sexual vice.

Indians and Africans in Massachusetts were implicated in the literature about the impoverished and another set of slanderous speech that asserted African Americans and Indians had sexual problems particular to them. When speaking of African Americans and Indians, printers of newspapers included the distinctions of "negro," "mulatto," and "Indian." The sexual rhetoric on African American and Indians was similar to descriptions of poor whites in discussions about marital problems and sexual mores. But, unlike the writings about poor whites, African Americans and Indians were exclusively considered according to their race. Presumably, whites could overcome the class-based assumptions about their sexual behavior. However, African Americans and Indians were considered lascivious regardless of class. African Americans and Indians suffered from a greater incitement to discourse on their sexual behavior because they were considered as part of the lower class and a specific racial or ethnic grouping.

Anecdotes and news about men and women of African descent tended to disseminate derogatory information, not only about Massachusetts' African Americans, but African Americans in the slave states of the United States and Africans in the Atlantic world. Newspapers imparted information about African Americans that centered on their lustfulness, while also leaving room for the suggestion of other faults specific to their race. For example, in 1789, several newspapers printed an anecdote describing the plight

of Toby, “A Negro Man in the county of Plymouth, who was remarkably serious and conscientious. . . .” Toby, “in a short time after he was married, discovered he had been fatally successful . . . in some of his amorous interviews, for behold, his wife was just on the verge of motherhood.” Toby confessed to his minister, “ ‘O massa, . . . my wife he go had baby too quick.” The minister read Toby’s confession the following Sunday, before his wife gave birth to twins. Because his wife had twins, Toby asked the minister to forgive him again for the extra child because he was not sure if his original confession covered his sin. At the end of the anecdote, the newspapers claimed, “*This is an absolute fact.*”⁴¹ This story illustrates how writers used assumptions about African American sexual behavior to reveal the other faults whites perceived among African Americans. Toby’s oversexed nature was established, then his ignorance. The centrality of sexual corruption in writings on African Americans demonstrates how sexual ethics continued to signify difference.

Writings on African Americans reflected the pre-Revolutionary era construction of them as instinctually driven. Rape cases involving African American men were one arena in which this belief was explicated. In 1791, Herald of Freedom publicized an impending case of Peter Lyon, an African American man, who was charged by a “black woman” with “an attempt to commit a rape on her body in the preceding evening, in the *Mall.*”⁴² In 1794, Massachusetts’ newspapers reported that “a young girl in Vassalborough [Maine] . . . was returning home from her sister’s house where she had been on a visit, was overtaken in the woods by a negro man, who, after committing a

⁴¹ “*Original Anecdote.*” Herald of Freedom, 18 Aug. 1789; “*Anecdote.*” Salem Mercury, 8 Sept. 1789; and “*Anecdote.*” Massachusetts Spy, 8 Oct. 1789.

⁴² Herald of Freedom, 22 Apr. 1791.

rape, murdered her, and hid her body under a log, and covered it with rotten wood.”⁴³

The rape committed by Joseph Mountain was another well publicized account of the violent and sexual inclinations of African Americans. This rape was reported in the Essex Journal, Boston Gazette, Massachusetts Spy, Columbian Centinel, Massachusetts Centinel, and Independent Chronicle, as well as several broadside printings.⁴⁴ The confession, which was widely circulated, described the rape as having occurred on Joseph’s journey from Boston to New York. He confessed, “It was a most cruel attack on an innocent girl, whose years, whose entreaties must have softened an heart not callous to every tender feeling.” Joseph admitted that once neighbors came to assist the young woman, “I continued in my barbarity, by insulting her in her distress, boasting of the fact, and glorying in my iniquity.”⁴⁵ Stories about rape that were printed in newspapers pointed out the sexual inclinations of African American men and that their sexual experiences could end violently.⁴⁶

African American violence was reported in newspapers when it affected persons whom whites assumed African Americans had sentimental feelings toward. In 1795,

⁴³ Massachusetts Spy, 12 June 1794. This story was widely circulated in Massachusetts. For other reports of the same event, see Essex Journal, 26 Feb. 1794; Salem Gazette, 10 June 1794; Boston Gazette 16 June 1794; and Western Star, 17 June 1794. There were counter narratives to this that used the sentimental ties between Africans to claim the rights of citizenship and abolition. For an examples, see “The Bee and the Negro,” Salem Gazette, 24 Apr. 1792; and “The AFRICAN’s COMPLAINT, on board a SLAVE SHIP,” Massachusetts Spy, 4 June 1794. In this poem, a slave laments the loss of his wife and children, as well as his poor treatment by slave traders. Historian Kirsten Sword also discusses this element in her dissertation, “Wayward Wives, Runaway Slaves and the Limits of Patriarchal Authority in Early America,” (Ph.D. diss., Harvard University, 2002), ch. 4.

⁴⁴ See Essex Journal, 9 June 1790; Massachusetts Spy, 10 June 1790, Boston Gazette, 14 June 1790, Columbian Centinel, 16 June 1790; Massachusetts Centinel (Boston), 16 June 1790; Independent Chronicle (Boston), 17 June 1790.

⁴⁵ “Sketches of the Life of Joseph Mountain, A Negro,” Massachusetts Spy, 24 Nov. 1790.

⁴⁶ Literary analyst Daniel Cohen has argued that the contemporary crime literature between 1794 and 1817 exhibited “protoracist views” wherein perceptions of “racial disparities” focusing on the “black men as sexual predators” were becoming common. See Cohen, “Social Injustice, Sexual Violence, Spiritual Transcendence: Interracial Rape in Early American Crime Literature, 1767-1817,” WMQ 3rd ser. 56 (July 1999): 520.

many Massachusetts' newspapers reported that in Connecticut "a negro girl about 13 years of age, was committed to goal in Windham, for the murder of a child about 5 years old; daughter of Mr. Clark."⁴⁷ The young African American girl slit the child's throat. She was thought to have "a habitual viciousness of heart not to be equalled."⁴⁸ Printers often included stories of African Americans exhibiting this type of behavior when it affected white men and women, and when it evidenced white perceptions that African Americans lacked proper sentiment for their wives, children, and masters. For example, in an article that appeared in several newspapers demanding the end to the slave trade, an example was provided of a African woman who threw her son overboard in "an instance of that dumb ferocity, that last courage of despair, of which man is capable, when his soul has become steel beneath the torments of injustice. . . ."⁴⁹ While this writer understood that the African woman was pushed to the edge, her love for her child led her to murder him. This was decidedly not the action of a loving mother. Another account of family violence among African Americans detailed an Alexandria, Virginia, family where an African American man had attempted to murder his wife.⁵⁰

Writings on Indian sexual behavior had much in common with those about African Americans. White perceptions of the sexual behavior of Indians from different tribes across the United States were made representative of all Indians. In the early national era, printers of newspapers and tracts continued to publish statements conveying

⁴⁷ Massachusetts Spy, 18 Feb. 1795. Other reports of this same event can be found in The Moral and Political Telegrapher (Brookfield), 20 Nov. 1795; Courier (Boston), 28 Nov. 1795; Massachusetts Mercury, 1 Dec. 1795; Political Gazette (Newburyport), 1 Dec. 1795; Western Star (Stockbridge), 8 Dec. 1795; Rural Repository (Leominster), 10 Dec. 1795; Boston Gazette, 14 Dec. 1795. For accounts similar to this one, see Massachusetts Spy, 2 Feb. 1791; and 23 Jan. 1794.

⁴⁸ The Moral and Political Telegrapher, 20 Nov. 1795.

⁴⁹ "Picture of Slavery. Intrepidity of a Negro Woman," Massachusetts Spy, 19 May 1791. This article also appeared in Western Star, 17 May 1791; Essex Journal, 18 May 1791.

⁵⁰ Massachusetts Spy, 9 Jan. 1796. This report is also in Massachusetts Mercury, 29 Jan. 1796; and Western Star, 2 Feb. 1792.

that Indians lacked sentimental attachment and that their sexual behavior was instinctual, in order to critique the humanity of Indians. In particular, Indians were faulted for mistreating Indian women in their marriages through an unbalanced gendered division of labor. Unlike late colonial ruminations on Indians' sexual behavior, whites began defining Indian sexual behavior as unambiguously lustful. Prior to the extension of citizenship to Indians, a more ambiguous assessment of their sexual desire was articulated. New considerations of Indians' sexual behavior made it more comparable to African Americans' than it had been in the late colonial era. For example, in 1792, one article suggested that the "Savage feels no anxiety for the future welfare of his family, however numerous it may be—he propagates his kind like the wolf of the desert, and his offspring are abandoned to a wayward fate." In contrast to this the writer supposed, "The civilized Man has his cultivated faculties continually employed to promote the happiness of his family—every addition to it is a new pledge of future enjoyment."⁵¹ In 1792, "Polybius" acknowledged that white Americans understood Indians as lacking in sentiment. He believed, "it has been a very common thing among Americans, to speak of the Indians with indignation and contempt. They have been represented as the very dregs and offscouring of mankind; as governed only by the most malignant passions, and deserving no treatment from civilized people, but absolute extermination."⁵² The statement of "Polybus" exemplified the perception that the passions of Indians, as well as their lack of sentiment, were fundamental concepts to early national era Americans. From the late colonial era forward, Indians were continually represented as violent, lustful, and overly passionate.

⁵¹ "The SAVAGE and the CIVILIZED MAN," *Massachusetts Spy*, 8 Mar. 1792.

⁵² Polybius, "Observations on the WESTERN TERRITORY and the INDIAN WAR; in a series of letters to a friend," *American Apollo* (Boston), no. 6, 1792.

Newspapers considered Indian women overworked and their condition was made emblematic of the unsentimental ties among Indians.⁵³ After the Revolution, missionaries added to this dialogue by publicly expressing their own derisive opinions of Indian sexual behavior, which emanated partly from their belief that Indian women were overburdened.⁵⁴ Missionaries assessed the gendered division of labor within Indian marriages as unfair, and in effect, asserted that Indians made bad husbands. General Benjamin Lincoln, a member of the Society for Propagating the Bible Among Indians and Others, believed “*the lot of wives, in obtaining a support, not only debilitates them, but leads them to wish that they may not multiply their cares and increase their burdens*” by having children. In addition to the hard work left to wives, Lincoln believed “the uncertain tenure on which the marriage contract exists” abetted the disinclination of Indian women to bear children. He noted marriage could be broken by the “will of either party to dissolve the marriage connexion.” Lincoln found that children from broken marriages often further burdened the mother.⁵⁵ Missionaries to the Oneida and Stockbridge Indians revealed how the gendered division of labor among Indians

⁵³ For an example, see “Account of the Creek Nation of Indians,” Massachusetts Spy, 19 Aug. 1790. In this article, the state of Creek civilization is based partly on their adoption of an English gendered division of labor.

⁵⁴ I also believe that the new disdain for Indians was based on the perception that civilization among Indians was not working. Some missionaries found civilization plans “have served rather to disgust the Indians, and retard the progress of improvement.” Indeed, in 1796, the Scots Society For Propagating Christian Knowledge asked the missionaries to the Oneida and Stockbridge Indians, “Whether it be true, as hath been strongly affirmed to the society, that the arts of civilization and industry, when adopted by the Indians, have such an unhappy effect on them, that few of them long survive?” See Beknap and Morse, “Report of the Committee of the Board of Correspondents,” MHS Collections, 29 & 24.

⁵⁵ Not all missionaries began deriding the sexual behavior of the Indians with whom they lived. For example, in 1812, John Sergeant, missionary to the Stockbridge Indians, expressed his happiness and friendship with “every Female in the Tribe,” despite his problems with intemperate men. See John Sergeant, Stockbridge, to Mr. Walley, 17 Nov. 1812, Society for Propagating the Gospel Among Indians and Others Papers, MHS, box 2, folder 22. Quote above from “Observations on the Indians of North-America ; Containing an Answer to Some Remarks of Doctor Ramsay, Published in the Collections of the Historical Society for 1795, Page 99; In a Letter from General Lincoln to the Corresponding Secretary,” MHS Collections v. 5, 8.

negatively affected constructions of Indian sexual behavior. They suggested, “the hard treatment which the women receive from their husbands, being obliged to labour when they are idle, does not indicate the prevalence of Christian principles to any great extent.”⁵⁶ Missionaries likened the position of Indian women to that of slaves. They claimed no love existed between Indian couples and that women were mere repositories of Indian men’s sexual passion.

Concerns about whether Indians had the capacity to love were ubiquitous. Missionaries often ruminated on the suitability of Indians as husbands and wives, as well as their sexual mores. In 1798, missionaries to the Stockbridge and Oneida Indians claimed, “In the savage state, it is unusual for the young men to attach themselves to one particular female ; but to rove at large among them, till they have passed the vigour of youth and then confine themselves to one.”⁵⁷ In 1804, James Winthrop, a judge for the Court of Common Pleas in Middlesex County, also testified to the lack of sentiment in Indians’ marriages. He believed that “in regard to female chastity among those Indians [in the North]; the truth, no doubt, is, that they are never urged by the warmth of their inclinations, on the one hand, nor deterred, from principles of virtue or feelings of delicacy, on the other.” Winthrop suggested Indian husbands did not value the chastity of their wives because they “were indifferent to the passion of love.” This led to the “practice with our savages, to yield their bed to a traveler, or visitor.”⁵⁸ Gideon Hawley publicly derided Indians for their sexual behavior during the early national era in his writings to the Massachusetts House of Representatives. This was in contrast with his missionary efforts prior to the Revolution, when he was hopeful for the Christianization

⁵⁶ Belknap and Morse, “Report of the Board of Correspondents” Mass. Collections, 17.

⁵⁷ *Ibid.*

⁵⁸ Honorable John Winthrop, Esq., “History of the Penobscot Indians,” in MHS Collections v. 9, 216.

and incorporation of Mashpee into white society. In 1792, he chided Mashpee women for having “many children born out of wedlock” while their men were at sea. He puzzled over Mashpee men and women who “were obliged to renew their marriage covenant, and as they term it marry them over again: because they wish to have a wedding frolick.” Hawley remembered that one couple asked to be married again “altho’ the woman, while her husband had been on his voyage had bro’t forth a son.” He responded to their request by stating he “could not marry them stronger or make them more husband and wife than they were before,” but the couple insisted on their remarriage and had a public ceremony.⁵⁹ He assumed Indian marriages lacked the commitment and sentiment of English marriages, wherein fidelity to the marital bed for women was of paramount importance. Hawley was confused by Indian marriage customs, which allowed women sexual freedom during long absences from their husbands. By 1795, Hawley claimed, “I generally rejoice with all my neighbors when they [the men] are gone again” on sea voyages, because when they return “. . . there is little else but drinking, whoredom, fighting, etc., etc.” He confessed, “in regard to the morals of the Indians in general they are bad.” Particularly, the Mashpee women “in many instances are in fornication, adultery, etc. more than males [sic].”⁶⁰

Massachusetts residents partook in the discourse on Indians sexual behavior too.

In 1819, the Amphi-Theater in Boston ran a performance that centered on the theme of

⁵⁹ Gideon Hawley, Mashpee, to Samuel P. Savage, n.d., Samuel P. Savage Papers, MHS, box 1, folder 23. Gideon Hawley’s lower estimation of the Mashpee results from a bitter feud that occurred between them after he had the government re-initiate the Guardianship program there. In the repeated petitions by the Mashpee Indians to end the Guardianship system, they derided the motives of Hawley and contended he was only after their money. In 1792, the Mashpee Indians wrote, “And never more Want hear him preach nor even to see his face in our place aney more for he is ruin of us. . . .” See “Petition of Mashpee,” Number 1043, 28 May 1792, Unpassed Legislation, MA.

⁶⁰ Gideon Hawley, Mashpee, to Samuel P. Savage, 2 Sept. 1795, Samuel P. Savage Papers, MHS, box 1, folder 24.

Indian men being desirous of white women. The play entitled, “The Popular Melo Dramatic Spectacle of Sidney and His Dogs, **OR . . . THE TREACHEROUS INDIAN,**” presented the tale of Captain Sidney and his family, who were shipwrecked on an island inhabited by Indians. Atalpo, the chief of the local Indian tribe, “had basely formed designs on the honor of Sidney’s wife . . . ,” and as a result, ruined several of Sidney’s attempts to leave the island. Atalpo eventually tried to poison Sidney, but was stopped by Sidney’s “faithful dogs” that saved Sidney and his family.⁶¹ The play focused on Indian men’s lustfulness and violence, which illustrates an evolution in white racial thought regarding Indians. Prior to the Revolution, writings on Indians were concerned with their lack of sentiment, violence, and instinctive behavior. After the war, excessively lustful sexual behavior became more predominant in explanations about Indians’ instinctual lifestyles.

The debasing sexual rhetoric about the poor, African Americans, and Indians affected members of charitable organizations’ interclass and interracial relationships. Members of charitable societies constructed what the needs of the poor were based on their beliefs about them. Sexual slander was important in these perceptions. Charitable organization members were preoccupied with the domestic arrangements of the poor, which illustrates the way sexual rhetoric influenced charitable distributors. In early national era Massachusetts, charitable societies made one of their main goals the correction of the domestic arrangements of the poor. Some groups used visits to the homes of the poor to discover whether they were assisting the deserving poor or vice ridden families. Charitable workers expressed their concerns about preserving their sexual respectability and that of other middle- and upper-class persons while working in

⁶¹ “Amphi-Theater in Boston,” 4 Aug. 1819, Broadside, MHS.

poor neighborhoods and with poor persons. Charitable groups created policies and relationships with the poor based on debasing sexual rhetoric, which highlights how discourses affected actions and policies.

Domestic arrangements were of primary importance to voluntary charitable groups because of their belief in the sexual and marital problems of the poor. The sexual slander used against the poor highlighted the personal and domestic problems of the poor were often located within the home. Some charitable groups made it their goal to visit the homes of the poor to discover if they were deserving of charity. In 1819, the Howard Charitable Society established that no person was to receive charity who “keep disorderly houses.”⁶² Boston’s British Charitable Society used visits to poor persons’ homes to inquire into the respectability of those they would assist. In 1818, they thanked members of the society who undertook “the irksome, and often disgusting task of visiting the abodes of want and misery, of detecting imposture, and twinging into the view of the Society those modest, worthy, and suffering poor, who only are the proper objects of relief. . . .”⁶³ The British Charitable Society professed the importance of assisting only those who passed their moral litmus test in these visits. Of the many British immigrants they assisted, the moral respectability of the person had to be established. Their reports referred to the circumstances that caused poor people’s plights to assure members that their poor were indeed virtuous. For example, in 1819 the British Charitable Society demonstrated they had assisted many widows with children whose husbands had died from accidents or illnesses. The women they assisted were invariably described as “a

⁶² Howard Benevolent Society, Howard Benevolent Society, organized in Boston, June 1, 1812, incorporated, February 16, 1818 (Boston: Ezra Lincoln, 1819), 11.

⁶³ British Charitable Society, Annual report of the British Charitable Society instituted for the purpose of relieving sick and distressed British (Boston: Sewell Phelps, 1818), 4.

worthy woman” or “a respectable woman.” Men had to establish that an injury or their inability to get a job made them seek assistance. In these cases, the British Charitable Society would give medical help or send the men and their families into the country where they presumed work was obtainable.⁶⁴ Unmarried women and idle men were not acceptable to the British Charitable Society. Only those who had suffered from extreme circumstances were without stain, and thus, worthy of assistance.

Other charitable associations emphasized visits to the homes of the poor as an important part of their work, but not as part of a moral litmus test. Some charitable societies made visits to the poor to improve the morals of the poor. Charitable organizations revealed their sentiment that the domestic arrangements of the poor hindered their moral development. The Boston Society for the Religious and Moral Instruction of the Poor (BSRMIP) was among one of many charitable groups that tasked Sunday school instructors with visiting the homes of the poor. In 1824, the group’s report suggested, “By calling frequently on this class [the poor parents of white and African American children], and mingling with them in their domestic circles, their confidence and affection may be maintained. . . .” The report urged teachers to be mindful of visiting the poor, because “The child of pious parents may find his way to heaven without the guidance of a Sabbath School Teacher, but where is the hope for the child of vice?”⁶⁵ Members of the BSRMIP hoped the intervention of middle- and upper-class teachers would instill morality into the parents of poor children. This policy was

⁶⁴ British Charitable Society, Annual report of the British Charitable Society instituted for the purpose of relieving sick and distressed British (Boston: Sewell Phelps, 1819), pages 6-13 include their casework. More cases are affixed to their 1818 report mentioned above.

⁶⁵ Boston Society for the Moral and Religious Instruction of the Poor, Eighth Annual Report of the Directors of the Boston Society for the Moral and Religious Instruction of the Poor (Boston: Crocker and Brewster, 1824), 10-11.

caused partly by the sexual slander that questioned the sexual and marital propriety of the poor and was assumed to disrupt principled living in poor households.

The charitable activities geared toward Indians reveal a similar overriding concern with domestic arrangements. The Society for Propagating of the Gospel Among Indians and Others (SPGAI) sent missionaries to live among Indians. These missionaries not only taught Christianity, but they spread the importance of English gender arrangements, agriculture, and marital fidelity. In 1791, the SPGAI announced its plan to “fix schools among the Indians, for the instruction of their children, not only in knowledge, human and divine, but also in mechanical trades, and the various arts of civilization and domestic life.”⁶⁶ The SPGAI schools were boardinghouses that intended to remove children from the homes of their parents. However, the schools were to be located near Indian villages so the children would not feel isolated. Samuel Kirkland, missionary to the Oneida, suggested the school teach ordinary subjects, but also the “principles of human nature & the history of civil Society. . . .” He desired this be taught so that Indians would “be able clearly to discern (as they themselves express it) the difference between a state of nature, & a state of civil Society.”⁶⁷ Kirkland’s strategies in erecting this school illustrates that he was enmeshed in the discourse on the instinctual living of Indians. His hope was that the educated Indians would be able to teach the tribe to adopt English cultural ways after their training. For the SPGAI, the adoption of English gender roles and landholding patterns were central to their missionary work.

⁶⁶ Society for Propagating the Bible Among Indians and Others, A brief Account of the present state of the SOCIETY for propagating the GOSPEL, among the *Indians* and Others in *North-America*,--with a Sketch of the Manner in which they mean to pursue the Objects of their Institution (Boston: Thomas Adams, 1791), 1. In 1795, the society reported setting up schools in Mashpee, Oneida, and New-Stockbridge. See A brief Account of the present State, Income, Expenditures, &c. of the Society for propagating the Gospel among the Indians, and others, in North America (Boston, s.n., 1795), 1.

⁶⁷ Journal of Samuel Kirkland, 22 Mar. 1791, Society for Propagating the Gospel Among Indians and Others, MHS, box 1, 38

Most charitable groups expressed the belief that the interdiction of respectable persons, as defined by white middle- and upper-class charitable society members, in the lives of the poor would give poor children a chance for an upright adulthood. Charitable societies focused on ensuring respectable parents and domestic spaces because sexual immorality was presumed to reign in the houses of the poor. For example, the Boston Female Asylum sought to remove children from their poor parents' tutelage and place them within a middle- or upper- class household where they believed the girls would be taught a more moral way of life.⁶⁸ This program reflected the rhetoric that poor women were prone to become prostitutes or lose their "virtue." Parents assisted by the Boston Female Asylum were expected to sign a consent form promising "not to interfere in the management of her [their child] in any respect whatever, or *visit* her without their consent."⁶⁹ The Boston Female Asylum placed young women in virtuous homes to protect female children "from external allurements during the years in which temptation is most sedulous and most powerful, and to place them where they may be taught those principles and be confirmed in those practices which promise a safeguard to their after life."⁷⁰ In 1813, "The Anniversary Hymn" of the Boston Female Asylum further suggested the vice the Asylum hoped to protect girls from: "And girls, defenceless, wretched, poor, / Snatch'd from the haunts of vice and care, / From ill examples here

⁶⁸ Susan Porter argues the Boston Female Asylum taught poor girls middle-class women's values, which emphasized domestic work and morality. Her article is an excellent overview of the Boston Female Asylum. See Porter, "Victorian Values in the Marketplace: Single Women and Work in Boston, 1800-1850," in Women of the Commonwealth: Work, Family, and Social Change in 19th Century Massachusetts, ed. Susan Porter (Amherst: University of Massachusetts Press, 1996).

⁶⁹ Boston Female Asylum, An account of the rise, progress, and present state of the Boston Female Asylum together with the act of incorporation : also, the bye-laws, and rules and regulations, adopted by the Board of Managers (Boston: Russell and Cutler, 1810), 21.

⁷⁰ Thaddeus Mason Harris, A discourse preached before the members of the Boston Female Asylum, September 24th, at their thirteenth anniversary (Boston: Russell, Cutler & Co., 1813), 10.

secure, / Instruction and protection share.”⁷¹ Boston Female Asylum printed religious sermons as a way to fund their charity. The sermons emphasized the unique sexual susceptibility of poor young girls and commonly used words such as “temptation,” “allurement,” and “seduction. Charitable society members considered the homes of the poor to be infested with temptation to sexual vice.

Poor children removed from their parents’ homes were subject to the authority of middle- and upper-class whites, rather than their poor families. Designating poor homes as unfit and removing poor children to the homes and families of the upper- and middle-class designated the upper classes as more moral and chaste than the lower-class. In this way, the interference of charitable societies in the homes of the poor created a discursive polarity between the virtuous persons with wealth and those lacking in virtue and were poor; those who were fit to raise their own children, and those who were not.

Charitable institutions used different tactics for adults. While regular visits to the homes of the poor were part of the charitable work geared towards poor adults, members of charitable groups also made efforts to create spaces outside of poor persons’ homes where poor adults could receive the benefits of middle- and upper-class morality. The BSMRIP targeted seamen, prostitutes, and African Americans in their efforts to build respectable boarding houses and churches. Their charitable activities illuminate their belief that pernicious sexual influences and vice existed in the daily life of the adult poor. Members hoped to rectify this by constructing spaces to give the working class a competing moral influence. In 1814, a writer considering the problems of the poor noted the lack of space for poor persons to practice their faith. He claimed, “A sermon, however pathetic, learned, moral, or pious, is not addressed to the ignorant, the idle, the

⁷¹ Ibid., 28.

filthy, the vicious; they are not present to hear it; they are in fact comparatively excluded.” The writer further questioned, “Where are now the seats appropriated to the poor? Perhaps a few in some obscure corner, the coldest in the house.”⁷² Charitable societies provided spaces as an alternative to the vice-ridden homes and streets of the lower class. The BSMRIP suggested the importance of morally reputable boardinghouses for seaman in a letter they claimed to receive. The letter writer wrote, “The moment . . . a ship arrives at the wharf, landlords are to be seen, like vultures round a carcass, each engaged to secure his part of the prey. The sailor . . . is escorted home.” The boardinghouse keeper was depicted as plying the sailor with drinks and keeping him drunk until, “without having seen his Parents, Brothers or Sisters, or even his Wife and Children, who may be in the deepest distress in consequence, he is again ‘shoved off’ – again to buffet the storm – but to return to fatten this worse than Pirate.”⁷³ Charitable group members hoped to ameliorate the distress of poor families and vice ridden whites by providing an alternative to the snares of working class neighborhoods. These spaces were to be family-centered asylums from prostitution and lewdness.

Massachusetts residents who distributed charity to the poor did not want their sexual respectability to be tainted by their association with poor persons. White middle- and upper-class charity workers discussed how to distribute charity and retain their sexual propriety while mixing with the poor white and African American members of society. In 1789, the “Worcester Speculator” warned against young gentlemen who “confess a gratification at seeing” the vices practiced by the lower classes. He wrote, “To frequent

⁷² Miscellaneous Remarks on the Police of Boston 23.

⁷³ Boston Society for the Moral and Religious Instruction of the Poor, Eighth Annual Report of the Directors of the Boston Society for the Moral and Religious Instruction of the Poor (Boston: Crocker and Brewster, 1824), 15-17.

such places must corrupt and poison the mind, as surely as rust will corrupt iron, or arsenick poison the human body.”⁷⁴ In 1798, a satirical story on women’s overwrought need for respectability asserted the disturbing problem of poverty and sexual behavior for white women of the middle- and upper-classes. The story explained that “Miss. Charity” would give money to the poor and needy, but that “Miss. Affectation” at first fled from the beggars. “Miss. Affectation” cried, “these beggars came in such ragged clothes, that it was impossible for a modest woman to be present.”⁷⁵ While the story was an exaggeration of white women’s need to preserve the appearance of chastity, limits to women’s involvement with the poor were necessary to preserve their respectability. White middle-class and upper-class women could maintain their chastity by not associating themselves with any pretense of illicit sexual behavior. In contrast, the public life of working-class men and women in the streets of Boston and rural towns made it hard for them to be hidden. For example, in 1818, a preacher for Seamen employed by the BSMRIP was concerned about the propriety of having women attend a church established for seamen. He suggested that if a church be formed, “it should grow out of family relation, or consist with it, and must hence admit both males and females, as they appear qualified.” Yet, the preacher warned, “But the wharf is not a fit place for females—and on this account a house for public worship seems desirable.”⁷⁶ His hope for this church to thrive necessitated women becoming part of the church, and yet, women’s reputations would be stained by being seen in that part of town.

⁷⁴ “Worcester Speculator, No. 66,” Massachusetts Spy, 3 Dec. 1789.

⁷⁵ “The BEGGAR – A Fragment,” Federal Gazette (Boston), 27 Feb. 1798. This story was also run in the Massachusetts Spy, but was styled as a letter to the editors by Tom Taciturn in the 2nd Week of July 1786.

⁷⁶ Boston Society for the Religious and Moral Improvement of the Poor, Second annual report of the Boston Society for the Moral and Religious Instruction of the Poor presented at their anniversary, Oct. 22, 1818 (Boston: Parmenter and Norton, 1818), 17.

White women were to be leery of being found in unsuitable areas, yet the reformation of prostitutes was seen as a woman's duty. In the 1800s, the Boston Female Asylum and Female Penitent Refuge were charitable organizations run and worked by white women. Even the BSMRIP praised women who worked in West Boston, as "Those heroic Christian sisters, whose voluntary labours there, in conjunction with Missionaries, were noticed last year, . . . Some, at least, have persevered even until this time in warning, exhorting and entreating abandoned sinners of their own sex to leave their vicious courses and be reconciled to God."⁷⁷ In 1814, a writer who considered the number of women who fell prey to the brothel owners of Boston claimed it should "behoove the humane ladies of the town to attempt to prevent, as probably they may," the induction of women into prostitution.⁷⁸ The women who roamed neighborhoods attempting to reform prostitutes may have endangered their reputations as chaste women. However, these actions also highlighted the difference between women charitable workers and the women they hoped to help. By constructing their piety and chastity as the answer to the plight of the prostitute, these women emboldened their reputations as charitable and honorable women.

African Americans created an alternative to the citizenship ideals posited by whites because of white middle- and upper-class intervention into their lives. Sexual rhetoric, sexual assault, and charitable work that focused on sexual behavior rather than poverty resulted in a different construction of citizenship. White male citizenship was both a duty and a responsibility that included military service, voting, representing their families, and working for the public good. Upper- and middle-class men even had the

⁷⁷ Boston Society for the Moral and Religious Instruction of the Poor, Eighth Annual Report 18.

⁷⁸ Miscellaneous Remarks on the Police of Boston 12.

option of practicing their citizenship through office holding. White women claimed citizenship through their roles as mothers and wives, as moral guardians, and in their assertions of political allegiance and engagement with the public sphere of letters.⁷⁹

African American men and women emphasized their rights to the protection of their families as a primary. African Americans wanted their homes and families to be free from molestation and to be able to meet the financial obligations to support their families. African American ideals on citizenship were a reaction to the sexual management of race and class. Lower class whites began articulating their desire for adequate wages to pay to support their families as well.⁸⁰ However, African Americans' expressions of a desire to safeguard their families from assault were different from lower class whites, who did not experience similar problems.

African American women were particularly prone to be insulted with sexual innuendo and attacks. In 1797, Prince Hall, the founder of the African Masonic Lodge, suggested African Americans were subject to insults and injuries in public festivities. In a speech to his fellow Masons, Hall commended the African American community for its ability to withstand "the daily insults you meet with in the streets of Boston; much more on public days of recreation." He claimed that in public festivities "helpless old women have their clothes torn off their backs, even to the exposing of their nakedness . . . by a

⁷⁹ For a sampling of works on women's citizenship after the Revolution, see Susan Branson, These Fiery Frenchified Dames: Women and Political Culture in Early National Philadelphia (Philadelphia: University of Pennsylvania Press, 2001); Linda Kerber, Women of the Republic: Intellect and Ideology in Revolutionary America (Chapel Hill: University of North Carolina Press, 1980); Jan Lewis, "The Republican Wife: Virtue and Seduction in the Early Republic," WMQ 3rd ser. 44 (October 1987): 689-721; Rosemarie Zagari, "Morals, Manners, and Republican Motherhood," American Quarterly 44 (June 1992): 192-215; and Zagari, "The Rights of Man and Woman in Post-Revolutionary America," WMQ 3rd ser. 55 (April 1998): 203-230.

⁸⁰ Several historians posit a working class ideology. See Ronald Shultz, The Republic of Labor: Philadelphia Artisans and the Politics of Class, 1720-1830 (New York: Oxford University Press, 1993); and Sean Wilentz, Chants Democratic: New York City and the Rise of the American Working Class, 1788-1850 (New York: Oxford University Press, 1984).

horde of shameless, low-lived, envious, spiteful persons. . . .”⁸¹ The treatment of African American women documented by Hall is reminiscent of the prior understanding of African American women as the property of white patriarchs. African American women found their daily lives were difficult to conduct without interference because of the debasing sexual rhetoric. In July 1807, Louisa Hampshire, an African American seamstress from Boston, registered a complaint with Justices of the Peace about the “profane speech” that was used against her. Louisa claimed Hannah Peters, also from Boston, had taunted Louisa by stating: "You God damn'd black bitch. You damn'd wore &c. and many other profane words of indecent language." The Justices did not bring charges against Hannah, despite the fact that Louisa had a witness to the verbal assault.⁸² Records such as this reveal that African Americans needed protection from the physical and verbal assaults of whites that degraded their sexual propriety.

In the early national era, African Americans continued to be treated rhetorically as the property of whites. Overseers of the Poor had demanded knowledge about freedpeoples’ prior owners in order to grant them alms. The continuing construction of African American men and women as being subject to the oversight of whites subverted their claims to sexual autonomy. In 1795, The Courier ran a fictitious advertisement illustrating the persistence in linguistic constructions of African American women as for sale, despite their freedom in Massachusetts. This satirical advertisement described the auction of a “Daughter of a country ‘squire” for her hand in marriage. It was noted, that the “father of this lady came to town to sell a yoke of oxen, a cow, with a calf, a load of

⁸¹ Prince Hall, A charge delivered to the brethren of the African Lodge on the 25th of June, 1792 (Boston: T. & J. Fleet, 1792), 10.

⁸² Complaint of Louisa Hampshire, 7 July 1807, Adlow Papers, Special Collections, BPL, box 54, folder 1.

hay, some butter, &c who will buy these articles shall have Jemima into the bargain.”⁸³

This article implied that African American women had little value in society and had no choice in regard to her sexual behavior. While the father supervised his white daughter’s sexual behavior in this satire, she was at least the centerpiece in the sale. “Jemima” was a gift, a secondary sexual subject, to whomever bought the “Squire’s” daughter. African American’s own sexual desires, and even their rhetoric regarding their sexual behavior, continued to be manipulated by whites. White rhetorical claims to ownership correlated with their ability to sexually abuse and mistreat African American men and women. Whites took up this authority in the streets of Massachusetts.

The sexualized context of freedom meant African Americans had to assiduously assert their independence to protect themselves from assaults. After emancipation, African Americans claimed a right to a peaceful and secure family life. In 1808, a “Member of the African Society” in Boston, wrote “there are various kinds of bondage. . . . A man may be said to be in bondage, when his station in life is with dishonest neighbours, who would either destroy his property or take away his character.” The “Member” asserted that freedom from slavery is desirable because “a free man is indulged with the privilege of commanding his own household, and training up his children in the fear of the Lord, and making them useful both in church and state.”⁸⁴ African Americans desired the power to protect and rear their families as they saw fit. Yet, the poverty of many African Americans and Indians meant their children were often separated from them and taken as servants. Nancy Prince, an African American from Essex County, recalled that after her father died the oldest children were placed within

⁸³ Peter Pennyless, “Sales at Auction Extraordinary,” *The Courier*, 29 July 1795.

⁸⁴ Member of the African Society, *The sons of Africans: an essay on freedom : with observations on the origin of slavery* (Boston: Printed for the members of the Society, 1808), 17 &10.

other families.⁸⁵ African American and Indian poverty continued to make them subordinate to whites who could subject them to sexual and verbal assaults. In 1796, members of the African Society created this mutual benefit association—in part—so their families’ financial and physical security would be protected after their death. One of the society’s benefits was to ensure their widows and children were taken care of after their death.⁸⁶

Charitable group activities that aimed at uplifting the sexual morality of African American, Indians, and poor whites did little to assist these persons. The campaigns to intervene in the houses of the poor and to create spaces of sexual morality neglected to find a way for African Americans, Indians, and poor whites to get access to the tools that would increase their economic opportunities. As early as 1792, Prince Hall had declared that African Americans needed access to education to improve their circumstances.⁸⁷ However, charities attuned their programs to the rhetoric on the sexual morality of the poor, rather than the expressed needs of African Americans, Indians, and poor whites. The sexualized assistance that was given to the poor bolstered the ideology that claimed the poor were over-sexed. The programs aimed at uplifting sexual morality institutionalized the rhetoric on poor persons’ sexual behavior, and because sexual morality programs did little or nothing to stop poverty, they assisted in the continued impoverishment of the poor.

Members of charitable associations, Overseers of the Poor, and Selectmen had policies that revolved around the sexual morality and histories of the poor. The

⁸⁵ Prince, A Black Woman’s Odyssey 4.

⁸⁶ The society recognized only “a lawful widow and children.” African Society, Laws of the African Society: instituted at Boston, anno domini, 1796 (Boston: nd, 1802), 5.

⁸⁷ Prince Hall, A charge delivered to the brethren of the African Lodge on the 25th of June, 1792. At the hall of Brother William Smith, in Charlestown (Boston: T. & J. Fleet, 1792), 10.

interposition of all of these persons into the sexual lives of the poor accorded Overseers, members of charitable groups, and Selectmen with authority over African Americans, Indians, and the poor. The authority accorded to the distributors of alms positioned poor whites, African Americans, and Indians as their subordinates. This subordination was equivalent to dependence, which denied African Americans, Indians, and poor whites with a subjectivity that would allow them to claim citizenship. Furthermore, the very real economic problems of poor whites, African Americans, and Indians were disempowering because of the property qualifications for citizenship.

The sexual management of race and class in the new republic was integral to distinguishing between races and classes. The discursive construction of poor whites, African Americans, and Indians through sexual slander in the new republic solidified the policies of exclusion by making distinctions between the sexual morality of classes and races. The incitement to discourse on the sexual behavior of the poor, African Americans, and Indians demonstrates the real consequences of publicizing illicit sexual behavior. Charitable groups made moral litmus tests and focused on the reformation of morals rather than the economic assistance the poor needed. By the 1820s, sexual behavior was still a signifier of power in Massachusetts.

Conclusion

By 1820, the sexual management of citizenship had evolved. During the colonial era, white patriarchs used their authority to punish sexual offenders based on their class, age, gender, and race. Elite white men employed their power to oversee, prohibit, and prosecute the illicit sexual behavior of young men, poor men, white women, African Americans, and Indians. However, by the early national era, the direct oversight of sexual behavior was no longer possible with the demise of many patriarchal institutions, including slavery and guardianship, and the new emphasis on companionate marriage. During the American Revolution, colonists discovered that sexual rhetoric was a powerful tool in bolstering and denying authority. Overseers of the Poor, charitable organizations, and printers gained ascendance in the regulation of sexual behavior through the creation of rhetoric about the illicit sexuality of African Americans, Indians, and the poor.

The sexual management of citizenship was important in the constitution of the body politic both before and after the Revolution. In the late colonial era, mechanisms were in place that hid the sexual behavior of elite white men, which bolstered their power amid economic, political, and social changes. Elite white men's control over the government and judiciary made it certain that the illicit sexual behavior of the elite would not be prosecuted. On the other hand, white men who were poor and/or young found their sexual behavior was less likely to remain cloaked. Paternity suits and print discourse identified both groups as lustful and likely to engage in illicit sexual behavior. White women's, Africans', and Indians' sexual behavior were regularly ruminated on because of the intense regulation and oversight of their sexual activity. In the late

colonial era, these groups were subject to judicial and religious regulation of their sexual behavior, as well as patriarchal supervision in the home. In 1786, the legislative strengthening of the interracial marriage ban represented one of the most explicit statements about the link between citizenship and sexual behavior because it was passed at the same time that propertied African Americans and Indians were able to claim formal citizenship rights. As judicial and religious sexual oversight declined, Overseers, charitable groups, Selectmen, and printers emphasized the sexual behavior of African Americans, Indians, and poor whites. Sexual regulation made dis-empowered groups subject to elite white men, created an incitement to discourse, and ultimately denied them access to citizenship based on the perceptions of their overly passionate sexual behavior.

Elites' regulation of sexual behavior subordinated African Americans, women, Indians, and the poor. Patriarchy was emboldened by the practice of sexual regulation, because it demonstrated the extent of patriarchal power. Patriarchal implementation of sexual regulation also bolstered the constitution of power. Overseers of the Poor, Selectmen, and members of charitable groups expressed their power in their sexual intervention into the lives of the poor. Constructions and interpretations of dependence and subordination were created by the power dynamic that existed between those who had oversight over sexual behavior and those who were being regulated reinforced. Citizenship was not accessible for persons who could not claim independence.

Elites did not always direct the relationship between sexual behavior and citizenship. After the Revolution, residents of Massachusetts understood sexual behavior was connected to claims to power. Boston worked to clean up its public and commercialized sexual vice, and rural areas continued to work towards ending adulterous

affairs. White women realized the derisive sexual rhetoric on their behavior hindered their ability to claim respectability and importance in society. So successful was their campaign to cleanse their image that printing presses began to subject white men of all ages and classes to sexual inspection. Sexual rhetoric was an important measure of resistance to those without citizenship. African Americans, women, Indians, and the poor responded to the rhetoric that defined them as lascivious.

Between 1740 and 1820, the sexual management of citizenship was an effective means of constituting and resisting power. Elites used sexual regulation to limit the body politic, while others resisted their constructions. Colonial efforts to undermine the authority of England through sexual rhetoric demonstrated the ways that power could be contested. White men's sexual behavior similarly began to be more critically evaluated in the print discourse of Massachusetts as former non-citizens began to gain power in the state. The sexual management of citizenship was an evolving and contested process in early Massachusetts history. From late colonial era through the early republic, sexual behavior was critical to the construction of identities and hierarchy.

Appendix A

Occupations of Men Accused of Paternity in Middlesex County

Occupation	1740	1750	1760	1770	1780-1785
Upper Sort	1	1	9	4	2
Merchant	(0)	(0)	(1)	(0)	(0)
Gentlemen	(0)	(0)	(7)	(3)	(1)
Physician	(1)	(1)	(1)	(1)	(1)
Middle Sort	17	28	48	29	21
Yeoman	(6)	(5)	(10)	(3)	(6)
Housewright	(1)	(2)	(1)	(1)	(0)
Boatbuilder	(0)	(0)	(1)	(0)	(0)
Cooper	(0)	(2)	(2)	(2)	(0)
Brickmaker	(0)	(1)	(0)	(0)	(0)
Glazier	(0)	(1)	(0)	(0)	(0)
Birtcher	(0)	(0)	(0)	(0)	(1)
Shopkeeper	(0)	(1)	(0)	(0)	(0)
Goldsmith	(0)	(0)	(1)	(0)	(0)
Chairmaker	(0)	(0)	(1)	(0)	(0)
Hatter	(0)	(0)	(0)	(0)	(1)
Potter	(0)	(0)	(0)	(1)	(0)
Barber	(0)	(0)	(1)	(0)	(1)
Blacksmith	(0)	(1)	(5)	(3)	(0)
Cardmaker	(0)	(1)	(0)	(0)	(0)
Husbandman	(9)	(11)	(19)	(11)	(7)
Leatherdresser	(1)	(0)	(0)	(0)	(1)
Cordwainer	(0)	(3)	(6)	(8)	(2)
Tanner	(0)	(0)	(0)	(0)	(1)
Sadler	(0)	(0)	(1)	(0)	(0)
Army Officer	(0)	(0)	(0)	(0)	(1)
Lower Sort:	7	21	30	21	12
Weaver	(0)	(0)	(1)	(1)	(0)
Tailor	(0)	(0)	(0)	(1)	(0)
Painter	(0)	(1)	(0)	(0)	(0)
Laborer	(7)	(17)	(25)	(19)	(11)
Mariner	(0)	(2)	(3)	(0)	(0)
Poor/Slave /Servant	(0)	(1)	(1)	(0)	(1)

Occupation	1740	1750	1760	1770	1780-1785
Others:	5	19	26	15	14
Minors	(1)	(4)	(12)	(8)	(5)
Unknown	(4)	(15)	(14)	(7)	(11)
Total:	30	66¹	110²	68³	38⁴

Note: Each list of men by occupation includes those men who were named by women in their fornication confessions as their partners; and/or indicted were court for fornication; and/or appeared in court for paternity hearings. Some men were identified by one occupation in their recognizance and another in the record books. In these cases, I have added one to each occupation, but not added these men two times in the total number of men named.

¹ David Haven was identified as a laborer and a minor. Abijah Parker was identified as a housewright “aka labourer.” Oliver Spaulding was identified as a minor and husbandman.

² Joseph Reed was noted to be a minor and laborer. Aaron Abbe was identified as a blacksmith and minor. Asa Fisk was identified as an infant and a gentleman.

³ Thomas Beal is noted to be an infant and a laborer.

⁴ Robert Douglas Jr. was indentified as a laborer and a minor. Elisha Doane was identified as a housewright and minor.

Occupational status did not always correlate with a definitive class position. However, there were occupations that were more likely to result in wealth than others. For example, professionals, such as physicians and lawyers, were more likely to be in the upper and middle sort than be among the poor. The occupational categories and their correlating class status were derived in reference to: Gary Nash, Urban Crucible, Appendix, Table 1, 387-417; Billy Smith, The Lower Sort, 126-149, and Appendix C, 213-215, and Brooke, The Heart of the Commonwealth.

Appendix B

Occupations of Men in Paternity Suits in Suffolk County

Occupation:	1743-1749	1750-1759	1764-1769	1770-1779	1780-1785
Upper Sorts:	2	1	1	0	5
Merchant	(1)	(1)	(1)	(0)	(3)
Gentleman	(0)	(0)	(0)	(0)	(1)
Lawyer	(1)	(0)	(0)	(0)	(0)
Physician	(0)	(0)	(0)	(0)	(1)
Trader	(0)	(0)	(0)	(0)	(1)
Middle Sorts:	17	17	13	13	11
Yeoman	(0)	(2)	(2)	(1)	(3)
Clerk/ Bookkeeper	(0)	(1)	(0)	(0)	(0)
Housewright	(3)	(0)	(1)	(1)	(1)
Joyner	(1)	(0)	(0)	(0)	(0)
Shipwright	(0)	(1)	(1)	(0)	(1)
Cooper	(1)	(1)	(0)	(1)	(1)
Blockmaker	(0)	(0)	(0)	(1)	(0)
Baker	(2)	(2)	(1)	(0)	(0)
Barber	(0)	(0)	(0)	(1)	(0)
Blacksmith	(1)	(0)	(1)	(0)	(1)
Retailer	(0)	(1)	(1)	(0)	(0)
Butcher	(1)	(0)	(0)	(1)	(0)
Distiller	(0)	(0)	(1)	(0)	(0)
Victualler	(0)	(0)	(1)	(0)	(1)
Chairmaker	(0)	(1)	(0)	(0)	(0)
Husbandman	(5)	(6)	(1)	(2)	(0)
Cordwainer	(2)	(1)	(1)	(1)	(1)
Upholsterer	(0)	(0)	(0)	(1)	(0)
Fisherman	(0)	(1)	(1)	(0)	(0)
Army	(0)	(0)	(0)	(3)	(0)
Shoemaker	(0)	(0)	(0)	(0)	(1)
Feltmaker	(0)	(0)	(1)	(0)	(0)
Staymaker	(1)	(0)	(0)	(0)	(0)
Tinplate Worker	(0)	(0)	(0)	(0)	(1)
Lower Sorts:	7	18	12	9	8
Weaver	(2)	(1)	(0)	(0)	(0)
Tailor	(1)	(2)	(0)	(1)	(1)
Carter	(0)	(1)	(0)	(0)	(0)
Laborer	(2)	(7)	(4)	(4)	(7)
Mariner	(2)	(5)	(8)	(4)	(0)

Occupation:	1743-1749	1750-1759	1764-1769	1770-1779	1780-1785
Servant	(0)	(2)	(0)	(0)	(0)
Others:	13	6	9	12	8
Minor	(4)	(3)	(4)	(5)	(4)
Unknown	(9)	(3)	(5)	(7)	(4)
Total:	39	40¹	34²	33³	33

¹ Hezekiah Read was identified as a minor and servant.

² Michael Welsh was identified as a laborer, now at sea.

³ Samuel Holbrook was identified as a laborer and minor.

Appendix C

Occupations of Men in Paternity Suits in Worcester County

Occupation:	1740-1749	1750-1759	1760-1769	1770- 1779	1780-1785
Upper Sort:	0	1	3	1	2
Gentleman	(0)	(0)	(2)	(0)	(1)
Physician	(0)	(1)	(1)	(1)	(1)
Middle Sort:	15	10	24	21	16
Yeoman	(1)	(1)	(5)	(12)	(5)
Trader	(0)	(0)	(1)	(0)	(1)
Housewright	(0)	(1)	(3)	(2)	(0)
Brickmaker	(0)	(0)	(1)	(0)	(0)
Cooper	(0)	(0)	(0)	(0)	(1)
Mason	(0)	(0)	(0)	(0)	(1)
Carpenter	(0)	(0)	(0)	(0)	(1)
Shopjoyner	(0)	(0)	(2)	(0)	(0)
Blacksmith	(1)	(1)	(2)	(1)	(1)
Clothier	(0)	(0)	(1)	(0)	(0)
Innholder	(0)	(0)	(0)	(1)	(1)
Husbandman	(10)	(4)	(8)	(1)	(3)
Cordwainer	(3)	(3)	(1)	(2)	(1)
Wheelwright	(0)	(0)	(0)	(1)	(0)
Army	(0)	(0)	(0)	(1)	(1)
Lower Sorts:	5	6	9	7	9
Tailor	(0)	(0)	(1)	(0)	(0)
Laborer	(4)	(6)	(8)	(7)	(9)
Servant	(1)	(0)	(0)	(0)	(0)
Others:	22	15	51	47	7
Minor	(0)	(4)	(5)	(3)	(6)
Unknown	(22)	(11)	(46)	(44)	(1)
Totals:	42	31¹	86²	75³	33⁴

¹ David Whitcomb is noted as being a minor and a laborer.

² Luke Brown is identified once as a laborer, and another time as a gentleman.

³ Joel Brewer was noted as being an innholder and yeoman.

⁴ Timothy O'Brien was noted as being a Laborer ("aka Yeoman").

Appendix D

Number of Men Charged with Fornication From Townships in Worcester and Middlesex County, 1740-1749

Town	Date of Town's Founding	# of Men Prosecuted
Cambridge	1630	1
Natick	1650	1
Lancaster	1653	2
Groton	1655	1
Marlborough	1660	1
Mendon	1667	1
Bolston	1673	2
Brookfield	1673	2
Framingham	1675	1
Worcester	1684	2
Woodstock	1686	1
Lexington	1713	2
Sutton	1714	2
Rutland	1714	1
Shrewsbury	1720	2
Uxbridge	1727	2
Lunenburg	1728	1
Dudley	1732	2
Nichewoag	1733	1

Several mens' residences were not identified in the Record Books.

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Abbreviations

AAS	American Antiquarian Society
AHR	American Historical Review
BPL	Boston Public Library
JAH	Journal of American History
MA	Massachusetts Archives
MHS	Massachusetts Historical Society
NEHGS	New England Historic Genealogical Society
WMQ	William and Mary Quarterly

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