

“STRANGE FLESH” IN THE CITY ON THE HILL: EARLY MASSACHUSETTS SODOMY LAWS  
AND PURITAN SPIRITUAL ANXIETY, 1629 - 1699

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## ABSTRACT

Ruth Wallis Herndon, Advisor

In his sermon at the execution of a convicted man, Puritan minister Samuel Danforth used the term “strange flesh” to describe the man’s deeds, which in the present would be recognized as sodomy and bestiality. Danforth and other Puritan leaders took responsibility for the spiritual welfare of all the people in their community; sexual activities that they associated with God’s enemies terrified them. Believing that their spiritual “city on a hill” was threatened, these leaders tried to deter such behavior not only through passionate sermons that railed against “strange flesh,” but through explicit civil laws that mandated harsh penalties for those who persisted.

This project focuses on the language in legal and religious texts used by magistrates in Massachusetts Bay from 1629 to 1699. It makes explicit the links connecting law, sex, and religion in this early period. By reading the religious and legal texts together, and paying close attention to the sodomy and bestiality statutes, I show how spiritual anxiety over “strange flesh” dictated legal policy regarding sexual activity. The Bay Colony leaders enacted specific legal statutes because they feared “God’s Judgment” since some people in the community practiced the biblical “abomination” of “unnatural sex.” My argument is that the conjunction of religious and legal texts created different groups of “other” within the community that established and reinforced the Puritan ‘godliness’ and their “city on the hill.”

Legal statutes, legal commentary, and religious commentary provide the main primary sources for this project. Massachusetts Bay lawmakers consolidated individual legislation against “buggery” and “sodomy” into colonial legal codes in the mid-seventeenth century, and English legal manuals describing “buggery” in great detail circulated in the Atlantic world during this time period. Further, Massachusetts Bay Puritan leaders relied heavily on particular passages in the King James Version of the Holy Bible, especially Leviticus and Romans. The appeal to biblical precedent in the creation of law distinguishes these colonial elites and reveals their preoccupation with sexual sin, God’s wrath, and spiritual punishment.

For Ruth and Deb.

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## “STRANGE FLESH IN THE CITY ON THE HILL:” AN INTRODUCTION

Puritan New England is one of the most heavily researched areas of early American history. Gordon Wood, Bernard Bailyn, and Edmund Morgan have all noted the prevalence of scholarship that uncovers details “far beyond anything the Puritans themselves could have coped with” and go beyond anything “sane men should want to know.”<sup>1</sup> Puritan scholarship ranges widely across such topics as religious belief, law, economy, education and literacy, community relations, family structure, and sexual attitudes. Scholars, rather than combining these topics, have tended to separate them. This is particularly true of scholars who focus on law, religion, and sexuality. Legal historians study the beginnings of the American legal system in Puritan communities, religious historians examine the rise and fall of the spirituality behind Puritanism, and sexuality historians want to rewrite the master narrative of the dour, sexless Puritan. There have been few, if any, interactions among these three different subcategories.

My project analyzes Puritan law, religion, and sexuality together, for these topics relate to and influence each other. The title derives from two Puritan sermons: Samuel Danforth’s jeremiad, *The Cry of Sodom Enquired Into* and John Winthrop’s sermon *A Model of Christian Charity*.<sup>2</sup> While Danforth’s sermon is not the first discussion of sodomy<sup>3</sup> as pursuing “strange flesh” – or “unnatural” desire – it is the most explicit discussion of the intersectionality of religion, sex, and the legal code and best accentuates Puritan revulsion towards such desires. The

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<sup>1</sup> Gordon S. Wood, “Struggle over the Puritans,” *New York Review of Books*, (November 9, 1989), 26. Bernard Bailyn, *On the Teaching and Writing of History* (Hanover: University Press of New England, 1994) 30.

<sup>2</sup> Danforth’s sermon is considered a jeremiad, which is a long literary work, in prose or in verse, where the author laments the state of society and its morals. Also contained in jeremiads, particularly during Puritan Massachusetts, is a general prophecy of society’s imminent downfall if society continues in a similar fashion. Jeremiads are named after the Biblical prophet Jeremiah and the Book of Jeremiah and Book of Lamentations, which are attributed to him. Both books prophesy the downfall of the Kingdom of Judah because people have broken the covenant with the Lord, a theme that is present in many of the Puritan jeremiads. While many Puritan sermons can be categorized as jeremiads, not all sermons are. For example, John Winthrop’s *A Model of Christian Charity* is not.

<sup>3</sup> Danforth is quoting Jude, verse 7: “even as Sodom and Gomorrah, and the cities about them, in like maner giving themselves over to fornication, and going after strange flesh, are set forth for an example, suffering the vengeance of eternall fire.” Samuel Danforth, *The Cry of Sodom Enquired Into; Upon Occasion of the Arraignment and Condemnation of Benjamin Goad, for his Prodigious Villany*. (1674)



concept of a “city on the hill” dominates Puritan scholarship and is often used, rightly so, as a symbol for the religious utopia Puritans wanted to create. Winthrop’s sermon articulates the thought that “all eyes were upon them” and that their actions “will be judged accordingly” – not only by God but by those who watched them. Winthrop and other Puritan spiritual leaders were aware that preaching about their own holiness and saintliness invited scrutiny of their actions and their utopia. The Puritan spiritual leaders *wanted* to be watched to inspire reform in New England and in old England and underscore the rightness of their mission. Since they believed they were being closely monitored, Puritan spiritual leaders needed very visible means of establishing and reinforcing their identity as “God’s chosen people.”

My argument is that the conjunction of religious and legal texts created groups of “other” within the community that established and reinforced the Puritan “godliness” and their “city on the hill.” Othering these groups, who broke the faith and violated the colonies’ statutes, protected the “inner ring” community from God’s wrath and from those outside of Puritanism who were waiting for the Puritan experiment to fail. Puritans saw danger all around them. External dangers came in such forms as Indian attacks and epidemic disease; internal dangers came in the form of sinful behavior within the community. If sin was not punished, Puritans ran the risk of provoking the wrath of the Lord and bringing actual destruction to their communities as well as damning their eternal souls to hell. Sodomy and bestiality were particularly horrifying to spiritual leaders because these “strange flesh” activities subverted God’s will and brought to mind Sodom and Gomorrah, which Bible-reading Puritans believed were actual historical places where wicked people had suffered God’s punishment. The legal code and vitriolic sermons constantly warned against sodomy and bestiality and the ramifications of engaging in these behaviors. When the

sermons and legal code are read together, they show how Puritan leaders placed those who engaged in these behaviors outside of the Puritan community and justified doing so.

This project's boundaries are the Massachusetts Bay Colony during the period 1629 - 1699. During this period, the Massachusetts Bay Colony was more stable than the surrounding regions and there were not many territorial shifts between different countries and religions. The geopolitical stability of the area allows for a greater, more in-depth analysis of the intersection of sex, religion, and legal policy. In addition, the ministers of the Bay Colony during this period produced a wealth of literature that reveals their thinking. I focused on sermons produced after the Code of 1648 (also called the Bodies of Liberties),<sup>4</sup> which states sodomy and bestiality were capital offenses in the Massachusetts Bay Colony, and before 1692, when the term "sodomy" was changed to "buggery."

This project is intellectual history of Puritan ideas about religion, law, and sexuality. It asks how and why Massachusetts Puritans formulated those ideas. A close textual reading of the sources informs my research. The legal statutes, commentary, and sermons from Massachusetts Bay are bracketed by the period 1629-1699. Throughout the thesis, there are many references to religious sources prior to 1629, particularly when examining the specter of Sodom and Gomorrah in the Puritan imagination and the Calvinist tradition that Puritanism emerges from.

Historians of colonial sexuality are intent on examining descriptive accounts of what actually occurred to counteract current cultural depictions of Puritans being loveless, dour, sober individuals.<sup>5</sup> Religious and legal scholars are less interested in specific sexual culture but rather

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<sup>4</sup> The Code of 1648 and the Body of Liberties refer to the same text, Massachusetts Bay Colony's first legal code. Many legal scholars use the names interchangeably and to prevent confusion, I will be referring to the Bodies as the Code of 1648 throughout the text

<sup>5</sup> The most prevalent depiction of Puritans emerges from Nathaniel Hawthorne's *The Scarlet Letter* and Arthur Miller's *The Crucible*. Both texts portray Puritanism as overly repressive, unyielding, and completely dominated by fanatical religious zealotry. This portrayal of Puritans is deeply embedded in American discourse.

focus their attentions on other elements of Puritan life. Underscoring all three categories is the assumption that acceptance of one sexualized sin – fornication, for example – meant acceptance of all sexualized sin.

I open with the present-day literature rather than the primary sources and my own analysis because there is such a pervasive silence about this particular topic. The first chapter is a historiographical discussion of Puritan religion, laws, and sexuality, with the specific conclusion that, by separating law and religion and sexuality, scholars have missed an essential linkage to understanding Puritanism. I am taking Puritan leaders at their word and not writing off their thoughts and interpretations of the world at large as religious fanaticism. The existing secondary scholarship, in contrast, ignores the reasons *why* Puritan leaders found it so necessary to include proscriptions against sodomy and bestiality in their laws and sermons.

Following the historiographical discussion is a short chapter discussing Samuel Danforth's sermon, "Cry of Sodom." This chapter illustrates the Puritans' panic and their understanding of the threat that sodomy posed to the community. Puritans feared that sodomitical behavior would bring about the destruction of their communities. Danforth and others stitched together law, religion, and sexuality and, to understand their writings, historians must do the same. Danforth's very powerful sermon serves as a bridge from the historiography to the primary source analysis, as it reveals the essential juncture of religion, law, and sexuality that Puritan leaders recognized.

The third chapter contains a cultural analysis of sodomy. The way these Puritans thought about sodomy differs from present-day meanings of the term; for them, it was a state of sin and a place of judgment and punishment. Puritans viewed the Holy Bible as an historical text and believed that the "fire and brimstone" that rained upon Sodom and Gomorrah was an actual

historical event. They feared that the same thing could, and would, happen to them unless they remained righteous. In the Puritan mind, sodomites were less likely to repent and return to God than other sinners. Further, these Puritans did not define sexuality in a binary cultural construction, hetero versus homo, as is commonplace today. “Sodomite” did not refer to a person’s entire identity, only to the specific sexual acts that a person committed. Sodomy has been defined in such a way that it is too easily “influenced by recent debates and the current agenda about sex, pleasure and gender politics.”<sup>6</sup> Discussions of sexuality are often framed in a gender - based binary, male or female. Biological sex did not matter when labeling an individual a “sodomite.” Puritans were interpreting sodomites as a group that did not neatly fit into either the masculine or feminine spheres, despite having a gendered society.

To avoid the presentist tendency to establish false sexual identifiers, I do not present an in-depth analysis of gender in Puritan society. Biological sex was not as important to the creation of a “sodomitical” other, and I attempt to follow Gayle Rubin’s theoretical framework, as discussed in “Thinking Sex,” that displaces the centrality of a binary gender divide in discussions of sexual behavior. I discuss the specific language of the primary sources in this chapter, which focuses on the religious traditions in Catholicism and Protestantism that Puritan spiritual leaders inherited. Included in the chapter is a brief discussion about the culture of fear that existed in Massachusetts Puritan communities. This chapter will introduce the terms used in the sodomy and bestiality statutes to create a standardized vocabulary that will be used throughout the thesis.

The fourth chapter examines the Massachusetts Bay Colony legal code, first published in 1648, which Puritans created precisely because they were panicked by the threat of cultural depravity and judgment brought about by sodomitical behavior. Gayle Rubin notes that sexual

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<sup>6</sup> Simon Szreter and Kate Fisher, *Sex before the Sexual Revolution: Intimate Life in England 1918-1963*, (Cambridge: Cambridge University Press, 2010) 48.

behavior falls under the purview of law when the behavior becomes an object of social concern.<sup>7</sup> In the minds of these Puritans, Sodom and Gomorrah were not allegories, and the legal code Puritans created served to protect them. The legal code was one of the first official documents created by the Puritan leaders and outlined what leaders wanted in their spiritual utopia. In this chapter, I discuss the relevant English common law, the sodomy statutes of 1533 and 1563, and the laws of the Massachusetts Bay Colony. This includes the *Book of the General Laws and Liberties Concerning the Inhabitants of the Massachusetts*, and *Acts and Laws of .... The Massachusetts Bay*, which combined Biblical language with legal wording from the English statutes of 1533 and 1563, published in 1697. In this discussion of the legal code, I also look at John Cotton's "An Abstract of the Laws of New England as They Are Now Established," which was published in 1641. Cotton's proposed laws were not adopted by the Bay colony, but they warrant attention since John Cotton was also a spiritual leader and the proposed laws were published in London. This chapter also discusses legal commentary from England and early America. A key primary source base for this chapter will be Lord Edward Coke's *The Third Part of the Institutes of the Laws of England: Concerning .... Criminal Cases*, published in London in 1644. Originating in England, these documents circulated around the Atlantic world and provided precedent when Puritan leaders created New England legal codes. Additionally, this chapter looks at sensationalized sodomy and bestiality cases in Plymouth, Massachusetts, and England to show the sexual context in which the Puritan leaders were shaping their de jure attitude towards sodomy.

The fifth and final chapter discusses the Massachusetts Bay Colony Puritan sermons, which ostracized those people who engaged in behaviors that the law had criminalized. This

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<sup>7</sup> Gayle Rubin, "Thinking Sex: Notes for a Radical Theory of the Politics of Sexuality," in *Pleasure and Danger: Exploring Female Sexuality* eds. Carole Vance (Boston: Routledge, 1984) 158.

sermon literature expressed Puritan leaders' de facto attitude towards sodomy. The most learned and most influential people in the community had both legal and religious authority simultaneously, and their laws and sermons together show their power to criminalize activity and ostracize people. My analysis rests upon a close textual reading of those sermons that focus on sodomy as a sin and use Sodom, as a location, as a major image throughout the text. These parameters limit the analysis to ten sermons by William Stoughton, Nathaniel Ward, Samuel Willard, John Williams, Michael Wigglesworth, Thomas Shepard, Increase Mather, John Cotton, Thomas Hooker, and Samuel Danforth. Further, this chapter analyzes the passages from the King James Version of the Holy Bible that were heavily referenced by these Puritan leaders in the legal code, paying particular attention to the verses in Leviticus and Romans, which were often quoted alongside the statutory language.

My project embodies who I am as a scholar and what I believe I can bring to the academy. My scholarship gets to the "taproot" beneath sexual assumptions and mines the center from which these assumptions have sprouted laterally. Historians have pulled at the tops of these assumptions, but the taproot remains intact and re-sprouts. The purpose of my scholarship is to unravel these very deeply embedded ideas and question why we, as a society, no longer question these ideas around gender, identity, and sex. Previous scholars, most notably Sharon Block, have examined power in sexual relations via rape. I would like to expand constructing sexual power beyond rape and into other forms of sexual expression. All sexual activity has power invested in it. Gayle Rubin discusses a hierarchy of sexual behavior, ranging from heteronormative (which she describes as "good, normal, natural, blessed sexuality") to deviant (described as "bad, abnormal, unnatural, damned sexuality"). Rubin's hierarchy of sexual acts clearly places

homosexuality on the “outer limit” and, therefore, necessary to regulate.<sup>8</sup> Rubin argues that sex is a political agent, organized into complex systems of power that reward and encourage some individuals, those engaged in heteronormative sexual behaviors, while punishing and oppressing others engaged in deviant sexual behaviors.

Gilles Deleuze and Felix Guattari, who discuss the concept of a cultural “rhizome” in *A Thousand Plateaus*, also informed my research. Of particular interest to this project is the idea that culture and history is a map or a wide array of attractions and influences. To attempt to understand a culture, one must recreate as many of these attractions and influences as possible. Deleuze and Guattari, in their first two chapters, discuss “principles of connection and heterogeneity” which means that at any point, the rhizome can be, and is, connected to any other.<sup>9</sup> Using this theoretical model, I connect the legal policy created by Puritan leaders, their discussions of sexuality, and their discussions of religion and sin.

I define history as the story of why events occur, why societies develop as they do, and what changes influence the society’s development. Despite the interdisciplinary nature my research takes, as I reference political theory, religion, anthropology in addition to gender and women’s studies in my analysis, my sources are grounded in a clear historical context. I am interested in the ways religion, health and safety policy, science policy, legal policy, and cultural depictions influence a society’s portrayals of “natural” and “unnatural” sex. Societies react to some threat, usually a threat to community identity. The complicated and culturally loaded story of sexual behavior in North America developed in an historical context, and history is the best discipline to tell that story.

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<sup>8</sup> Gayle Rubin, “Thinking Sex,” 153.

<sup>9</sup> Gilles Deleuze and Felix Guattari, Brian Massumi trans., *A Thousand Plateaus* (London: Continuum, 2004) Chapters 1-2 and 4.

In an article in *the Chronicle of Higher Education*, “Who’s Afraid of Black Sexuality?” David Levering Lewis states, “History without sexuality is incomplete.”<sup>10</sup> I wholeheartedly agree with this statement. My primary research question is why societies criminalize particular sexual activities and ostracize the people who engage in them. Those in power usually place a group of individuals on the social periphery based upon their sexual practices. Creating an “other” group helps create a community identity of “acceptable” and “deviant” sexual acts. The resulting divide between normal and abnormal sexual behavior has become *so* deeply embedded in American society that it difficult to see how this divide has been constructed over time, particularly with such a focus on centering the discussion on gender. Rubin discusses a hierarchy of sexual acts, and I would like to further her discussion of hierarchy.<sup>11</sup> I am interested in mining the origins of these cultural beliefs and bringing the topic into scholarly discussion. By rooting the discussion in historical evidence and scholarly theory, I aim to avoid sensationalism and advance our analysis of the historical narrative.

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<sup>10</sup> Stacey Patton, “Who’s Afraid of Black Sexuality?” *The Chronicle of Higher Education*, December 3, 2013.

<sup>11</sup> Rubin, “Thinking Sex,” 149-161.



CHAPTER ONE: RELIGIOUS, LEGAL, AND SEXUALITY HISTORIOGRAPHY OF  
COLONIAL BRITISH NEW ENGLAND

*Chapter Abstract*

This chapter reviews current scholarship regarding religion, law, and sexuality in Puritan New England. In review of the scholarship, I show that legal, religious, and sexuality scholars are hesitant to have a conversation with each other when discussing deviant sexual practices like sodomy or bestiality. The lack of conversation has produced a silence in both Puritan scholarship and colonial sexuality scholarship. My scholarship addresses this silence by placing scholars in a conversation with each other and moving the historical narrative forward to better understand Puritan sexuality.

The most important service an historian can do for humanity is to listen for silences. A silence has emerged in colonial American research that ignores the junction of religion, law, and sex that emerges in Puritan New England. Morality in Puritan New England was everybody's concern as "all would bear the consequences of bad behavior."<sup>12</sup> Scholars have tended to ignore this junction and the essential triad of Puritan behavior; Puritans attempted to create a consistent utopian society, in terms of religion, legality, and sexuality. To put Puritan studies into a proper Early American context, these categories *must be* examined together. My project attempts to do so. My working argument is that the conjunction of religious and legal texts created different groups of "other" – within the community – that established and reinforced the Puritan "godliness" and their "city on the hill." By defining an "us," Puritans designated a "them" – which included those who could bring ruination to the entire community.<sup>13</sup>

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<sup>12</sup> James Morone, *Hellfire Nation: The Politics of Sin in American History*, (New Haven: Yale University Press, 2003) 41.

<sup>13</sup> *Ibid*, 8.

Scholars of colonial sexuality have yet to engage with the full range of assumptions and attitudes behind the language of the Puritan sodomy and bestiality statutes. Scholars of colonial law have not engaged with the Biblical assumptions and Puritan ideology that informs Massachusetts Bay Colony sodomy and bestiality statutes. Scholars of Puritanism have not made connections between the legal record, religious belief, and sexual practices. Colonial historians have isolated these topics and, by doing so, have neglected to see the connections Puritans were making when they tried to create a religious utopia. This project intends to make these Puritan assumptions of religion and sex as explicit as possible so scholars of legal, religious, and sexuality studies will have a conversation with each other to understand the nuances and intricacies of Puritan Massachusetts. Previous scholars have engaged with the same sources that I use (sources generated by Puritan leaders), but scholars have not mined the assumptions behind the production of these sources. I intend to begin this discussion.

Most scholars agree that sodomy was a religious offense to early Americans, deeply rooted in colonial beliefs regarding sin, but few scholars have addressed the significance of Puritans including a statute regulating sexual congress in their laws. Religious scholars have focused their attention on establishing the break with the Church of England, eventual migration to New England, and establishing a “Puritan self” and ultimately an “American self.” Scholars have also note the movement towards secularization and attempts to consolidate authority once community leaders began to fear the “experiment was failing” has also received attention from scholars.<sup>14</sup> Other scholars discuss the Puritan influence on the separatist movement towards the

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<sup>14</sup> Francis J. Bremer, *The Puritan Experiment*, (New York: St. Martin’s Press, 1976) chapters 7 through 13. See also Edmund Morgan, *Visible Saints: The History of a Puritan Idea*, (Ithaca: Cornell University Press, 1963) for discussion on church membership and the one reason the Puritan ideals could not be sustained. Samuel Eliot Morison, *Builders of the Bay Colony*, (Boston: Houghton Mifflin Company, 1930) discusses “great men” who made the Bay Colony unique and showcases “the spiritual and intellectual qualities of Puritanism.”

American Revolution<sup>15</sup> while others have dedicated work to describing the “essential American self” and its relationship with Puritanism. Edmund S. Morgan, Perry Miller, and more recently, Bruce Daniels have all attempted to combat popular depictions of Puritans as “sad and sour,” mindless, religious zealots blinded by “narrow-minded bigotry” by showing the varied cultural nuances in Puritan communities.<sup>16</sup> With the exception of Edmund Morgan, none of the religious scholars has been willing to address an in-depth study of sex in the Puritan community beyond noting that it was regulated. However, Edmund Morgan’s purpose in “Puritans and Sex” was to combat the modern perception of Puritans as “intellectual bogeymen” and highlight how permissive Puritan society was in regulating sexual offenses like fornication and adultery. There has yet to be scholarship discussing Biblical assumptions behind the sodomy and bestiality statutes.

Scholars usually dismiss the inclusion of Biblical language as examples of Puritan zealotry regarding sex. Many scholars are concerned with establishing a historic precedent of “homosexuality,” generally defined as male-to-male sexual desire, indicating that these behaviors were tolerated more than the official record leads historians to believe. These scholars question Edmund Morgan’s assertion that “sodomy, to be sure, they usually punished with death.”<sup>17</sup> Richard Godbeer has devoted an article and an entire chapter in his text *Sexual Revolution* to proving that Edmund Morgan was incorrect, drawing primarily on the case of Nicholas Sension, a colonialist who engaged in a forty-year relationship with his apprentice Nathaniel Pond. Godbeer argues that if homosexuality as an identifier did not exist and the legal record and opinions of the ministers and elite are to be believed, Sension should have been

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<sup>15</sup> Perry Miller and Thomas H. Johnson, *The Puritans, Volume 1*, (New York: Harper Torchbook, 1965) 1.

<sup>16</sup> Edmund Morgan, “Puritans and Sex,” *The New England Quarterly*, 15 (1942), 607. See also, Bruce C. Daniels, *Puritans at Play: Leisure and Recreation in Colonial New England*, (New York: St. Martin’s Griffin, 1995).

<sup>17</sup> Edmund Morgan, “Puritans and Sex,” 603.

executed for his relationship with Pond.<sup>18</sup> Louis Crompton and Collin Talley also answer Morgan by trying to prove that homosexuality existed more than scholars are willing to credit. Robert Oaks argues that homosexual relations were prevalent, and Puritans were fairly tolerant of sodomy, echoing what Godbeer, Murrin, and Talley ultimately conclude in their texts. Once these scholars establish that homosexuality existed, they focus their attention on the lack of enforcement.

Scholars have largely focused on the frequency of sodomitical behavior and proving the zeal in which this particular sin was policed. There is not unilateral agreement, however, as Roger Thompson argues that colonial New England was unique in its homophobic sentiment, and actual instances of inappropriate sexual behavior were extremely rare. Collin Talley is explicit in stating that European and American historians “must reject the idea that same-sex eroticism was some sort of highly unusual, infrequent behavior” and argues in his article that such behavior was far more common than what previous scholars have assumed. Talley also argues that societal reactions depended upon the local community and power relationships of the persons involved. Ultimately, most of the scholars have concluded that colonial New England was much more lenient in practice than the laws would allow and there was general acceptance to sodomitical behavior. Murrin states that “private sources show a surprising degree of tolerance for male homosexual activity.”<sup>19</sup>

This “surprising degree of tolerance,” as noted by Murrin, is indicative of where sexuality scholarship has focused – scholars have focused on *descriptive* literature, or what actually occurred, than *prescriptive* literature, or what a society wanted, and generally it is to note that

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<sup>18</sup> For a more in-depth analysis of Sension’s and Pond’s relationship, please see Richard Godbeer, “Cry of Sodom:” Discourse, Intercourse, and Desire in Colonial New England, *William and Mary Quarterly* 52:2 (April 1995), 259-286.

<sup>19</sup> John M. Murrin, “‘Things Fearful to Name’: Bestiality in Colonial America,” *Pennsylvania History*, supplemental issue, *Explorations in Early American Culture* vol 65 (1998), 16.

statutory language was lifted from the Bible. This focus on descriptive literature has provided scholars opportunities to offer several explanations for the lax enforcement of the colonial statutes and tolerance of sodomitical behavior. Richard Godbeer, among others, ascribes the eventual lax enforcement of the laws, despite their religious wording, to the diversity of the communities that fell under the jurisdiction of the colonial statutes. Elaine Forman Crane notes that “compliance hardly indicated consent, but awareness of what the law required and adapting to rules in the interest of self-preservation made the enslaved an integral part of a collective legal culture.”<sup>20</sup> The so-called “religious paranoia” and “fulminating madness of zealous protestant preachers” was not universal.<sup>21</sup> The definition of appropriate sexual behavior varied from community to community, person to person.<sup>22</sup> Godbeer references kissing, often used in greeting, as a point of misinterpretation by spectators and, depending on the witnesses’ interpretation, the kissing parties could be brought before the court.<sup>23</sup> A lack of a unilateral definition of appropriate sexual behaviors crossed generational lines as well, in addition to the varied community definitions.

Scholars have put forth another reason for the lax punishment of sexual offenses, despite the strong statutory language. Puritan children born in the colony did not subscribe as fervently to the dominant doctrine as their parents, the community leaders, did. The children were not interested in following the strict moral codes that were set before them and “were just as likely to engage in illicit behavior as were those of neighboring non-Puritans.”<sup>24</sup> Edmund Morgan, with his foundational text in colonial sexuality, simply states that “Puritans became inured to sexual

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<sup>20</sup> Elaine Forman Crane, *Witches, Wife-Beaters, and Whores: Common Law and Common Folk in Early America*, (Ithaca: Cornell University Press, 2011) 8.

<sup>21</sup> *Ibid*, 44.

<sup>22</sup> Colin Talley, “Gender and Male Same Sex Erotic Behavior in British North America in the Seventeenth Century,” *Journal of the History of Sexuality* 6:3 (Jan, 1996) 402.

<sup>23</sup> Godbeer, “Cry of Sodom,” 276-277. Godbeer, *Sexual Revolution in Early America*, (Baltimore: The Johns Hopkins University Press, 2002), chapter 3.

<sup>24</sup> Godbeer, *Sexual Revolution*, 29 and 33.

offenses [fornication and adultery] because there were so many” that eventually, they gave up on attempting to police sexual behavior.<sup>25</sup> Colonial sexuality scholars have emphasized this generational relationship as the primary reason for the lack of successful prosecution of sexual offenses. Ultimately, these scholars conclude, the sodomy and bestiality statutes are examples of Puritan fanaticism and, eventually, their failure to regulate behavior indicates the unsuccessful “Puritan experiment.”<sup>26</sup> This is especially true when scholars conclude that Puritans had “failed to rivet the eyes of the world upon their city on a hill.”<sup>27</sup> More often than not, scholars conclude that acceptance of one sexual offense, like fornication and adultery, means acceptance of *all* sexual offenses, including sodomy and bestiality.

Scholarship has also intensely focused on the frequency of the punishments and how often, or not, death was prescribed. The statutory punishment for sodomy and bestiality was death. Godbeer, Talley, and Murrin all use the lack of capital punishment as proof that colonial British America was far more lenient regarding sodomy. Godbeer, Morgan, and Murrin also convincingly argue that death was generally not the first punishment given. Ultimately, the laws and the actions of the courts in several of the religious communities were meant to be redemptive, not punitive. The push for redemption, and not death, also indicates the difficulty of proving sodomy. Fines, public shaming, calls for prayer, fasting, and exile were used in lieu of death as a punishment. The burden of proof was greater in capital cases, and the lack of a practical *formalized* definition hampered successful prosecution of sodomy and bestiality offenses.

Godbeer and Murrin, as well as Cornelia Dayton and Sharon Block, show that instances of individuals being charged with *attempted* sodomy or buggery is much higher than convictions

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<sup>25</sup> Morgan, “Puritans and Sex,” 595.

<sup>26</sup> Talley, “Gender and Male Same Sex Erotic Behavior,” 385.

<sup>27</sup> Perry Miller, *Errand in the Wilderness* (Cambridge, Mass: Harvard University Press, 1956) 13-15.

for sodomy or buggery. The scholars have argued that the magistrates, who often relied upon the clergy for interpretation of Biblical passages, were “hamstrung by fastidiousness about legal proof.”<sup>28</sup> The magistrates, however, followed the clerical example of defining what acts were considered sodomitical, which also included female-female sexual relations, *but* the legal statutes focused much more on male-to-male sexual interactions.<sup>29</sup>

Legal scholars have also ignored the correlation of language in the religious texts and the sodomy and bestiality statutes. A review essay published in 1965 notes four categories that dominate legal scholarship in colonial New England. The largest category is interested in creating a teleological narrative that moves towards the Revolution. The second category builds upon the work of George Haskins, focusing on the ecclesiastical influence in the legal systems of the Bay Colony and throughout the colonies. When discussing similarities between religious and legal language, it is to note that Biblical passages justified capital crimes. The third and fourth categories focus on the differences between the American and English legal structures and the differences and similarities between American and English statutory language.<sup>30</sup> Most recently, with works by Cornelia Dayton, women’s presence was interjected into the legal record.<sup>31</sup> Historians and legal scholars have ignored the Puritan ideals that linked sex, religion, and law.

Focusing on the descriptive literature of Puritan Massachusetts Bay Colony misses the underlying fear and assumptions that dictate the *need* for such strongly worded proscriptive literature.<sup>32</sup> My thesis unravels the morality and spirituality that dictates the actions of the

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<sup>28</sup> Godbeer, *Sexual Revolution*, 87. The standard of evidence was so strict since the punishment resulted in death; a magistrate had to prove penetration and emission for a successful prosecution of sodomy. Many scholars have pointed to the strict standards of evidence as one reason why there were so few successful sodomy cases.

<sup>29</sup> *Ibid*, 104.

<sup>30</sup> George Athan Billias, “Introduction,” in *Law and Authority in Colonial America*, George Athan Billias, eds, (New York: Dover Publications, Inc., 1965), xii.

<sup>31</sup> See Cornelia Dayton, *Women Before the Bar: Gender, Law, and Society in Connecticut, 1639-1789*, (Chapel Hill: The University of North Carolina Press, 1995).

<sup>32</sup> Morone, *Hellfire Nation*, 12.

Puritan leaders. Creating an enemy out of sodomites “clarified the settlers’ identity by demonstrating that they were not, what they must never become.”<sup>33</sup> The conjunction of religious and legal texts created different groups of “other” within the community that established and reinforced the Puritan “godliness” and their “city on the hill.”

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<sup>33</sup> Morone, *Hellfire Nation*, 6-9.



CHAPTER TWO: “THE DEPRAVED NATURE OF MAN, WHICH CARRIES US TO ALL VICE, YET HATES THIS UNNATURAL SIN.”<sup>34</sup> SAMUEL DANFORTH’S *CRY OF SODOM* AND PURITANISM

*Chapter Abstract*

This chapter employs a close textual analysis of Samuel Danforth’s jeremiad and execution sermon, *Cry of Sodom*. This sermon explicitly illustrates the Puritans’ panic and their understanding of sodomy’s threat to the community. Sodomy was not only a threat but a very *real* fear. The analysis of the sermon serves as a bridge from the historiography (chapter one) to the primary source analysis (chapters three through five) and reveals the essential juncture of religion, law, and sexuality in Puritan lives.

Samuel Danforth’s execution sermon, *The Cry of Sodom Enquired Into; Upon Occasion of the Arraignment and Condemnation of Benjamin Goad, for His Prodigious Villany. Together with A Solemn Exhortation to Tremble at Gods Judgements and to Abandon Youthful Lusts*, is the most explicit example of the intersections of religion, sexuality, and legality in colonial New England. Danforth preached this sermon in 1674 after the hanging of Benjamin Goad, a 17-year-old convicted of bestiality. Previously, scholars have written off Danforth’s sermon off as an example of the religious fanaticism that marks this period of Massachusetts Bay history. Anthropologist Mary Douglas’ work suggests that Danforth and other ministers who railed against pollution and contagion were demonstrating a “rigid mental outlook or rigid social institutions.”<sup>35</sup> However, many historians have not looked beyond Puritan fanaticism to examine why ministers found it necessary to preach against sodomy and bestiality.

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<sup>34</sup> Anonymous, *The Case of Sodomy in the Tryal of Mervin Lord Audley, Earl of Castlehaven ... printed from an original manuscript* (London, 1708), 24.

<sup>35</sup> Mary Douglas, *Purity and Filth: An Analysis of the Concepts of Pollution and Taboo*, (London: Routledge, 1966) 5.

Roger Thompson points to the sermons as evidence that Puritans were “exceptionally appalled by these ‘abominations’” and “reached new peaks of high-pitched outrage.”<sup>36</sup> Danforth’s sermon, in an open public forum, “provides illuminating insights into Puritan moral attitudes” especially since it so bluntly deals with the topic of sexual activity.<sup>37</sup> Kathleen Verduin also notes that sermon literature, Danforth’s in particular, best highlights the fact that “Puritan sexual attitudes finally resist modernization” to contrast with Edmund Morgan’s thesis that Puritans were not “blind[ed by] zeal and narrow-minded bigotry.” Richard Godbeer, in “Cry of Sodom,” highlights the sermon’s language and the preacher’s opinion to discuss the sexual acts “sodomy” encompassed but does not discuss *why* Danforth felt the need to vehemently preach against sodomy.

Benjamin Goad of Roxbury was executed for committing bestiality with a mare in daylight on April 2, 1674. Following biblical precepts in Leviticus 20:15, the community leaders killed the mare in Goad’s sight prior to his death. According to Samuel Sewall, who recorded the incident in his diary, Goad “committed that filthiness at noon day in an open yard. He after confesed [sic] that he had lived in that sin a year.”<sup>38</sup> Sodomitical behavior was one of the sins that Goad was guilty of:

For, (as he himself confesseth) he lived in Disobedience to his Parents, in Lying, Stealing, Sabbath-breaking, and was wont to flee away from Catechism. He would not hearken to the Voice of God, and therefore he gave him up to his own hearts lust. He was extremely addicted to Sloth and Idleness; which is a great breeder and cherisher of Uncleaness. .... He gave himself to Self-pollution, and other Sodomitical wickedness. He often attempted Buggery with several Beasts, before God left him to commit it: at least God gave him over to it.<sup>39</sup>

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<sup>36</sup> Roger Thompson, “Attitudes towards Homosexuality in the Seventeenth-Century New England Colonies,” *Journal of American Studies*, 23:1 Sex and Gender in American Culture (April 1989), 32.

<sup>37</sup> Samuel Danforth and Paul Royster, editor, “The Cry of Sodom Enquired Into; Upon Occasion of the Arraignment and Condemnation of Benjamin Goad, for his Prodigious Villany. (1674) An Online Electronic Text Edition.” 91674). *Faculty Publications, UNL Libraries*. Paper 34.

<sup>38</sup> Samuel Sewall, quoted in notes from Danforth’s *Cry of Sodom*, 31.

<sup>39</sup> Danforth, *Cry of Sodom*, 11.

In 1656, Goad was born into Danforth's congregation and remained in Danforth's pastoral care until Goad's excommunication from the Roxbury church on March 15, 1674, because "his sin grew to this prodigious height, and cried for Vengeance."<sup>40</sup> Danforth's anguish at Goad's convictions related, in part, to his own failings as a spiritual leader and his ability to protect Goad from falling from grace. According to scholar John Murrin, Benjamin Goad was the last person executed for bestiality.<sup>41</sup>

In his sermon, Danforth defends the death penalty as being necessary to protect church and society. He uses Goad's death as a rallying cry for general reformation in the community and a return to Puritan living.<sup>42</sup> All individuals have an innate fallen and immoral state. Jonathan Mitchel discusses general depravity and its ramifications in "Sermons Concerning Man's Misery," and Samuel Willard saw Sodom's fall as a cautionary tale against all forms of degeneracy.<sup>43</sup> The "abominations" of "uncleanness" offer false promises of pleasure, secrecy, impunity, and the possibility of future repentance.<sup>44</sup> Sodomy as a "filthy practice" is also present in sermons by Thomas Cobbet, Michael Wigglesworth, and Increase and Cotton Mather.

To the Puritans of Massachusetts Bay, sodomy was more than *just* a sexual act. Sodomy was seen as a terrible event that brought literal fire and brimstone upon the entire community, rather than the sinning individual. In his sermon, *Cry of Sodom*, Samuel Danforth is explicit in his connection of sodomy (the certain act Danforth mentions) that "hasteneth divine Vengeance"

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<sup>40</sup> Paul Royster, "abstract" in *The Cry of Sodom Enquired Into*, 1. Under John Eliot, Danforth was the associate pastor of Roxbury until his death months after Goad's in 1674.

<sup>41</sup> John M. Murrin, "Things Fearful to Name," 32.

<sup>42</sup> This particular case happens after the Half-Way Covenant (1662) when Puritan spiritual leaders are worried about the next generation of Puritans. For more about Puritans and fear, please see chapter three, section entitled "Puritans and community fear."

<sup>43</sup> Samuel Willard, *Useful Instructions for a Professing People in Times of Great Security and Degeneracy* (Cambridge, Mass., 1673).

<sup>44</sup> Danforth, *Cry of Sodom*, 1, 11, and 20-26.

and brings ruination to the entire community.<sup>45</sup> Mary Douglas, in *Purity and Danger*, terms these sorts of beliefs “pollution ideas,” which are a symbolic presence in the community and are often publically displayed. Douglas’ “pollution idea” provides a way to understand the language and the fear in Danforth’s sermon.<sup>46</sup> “Sodomy “pollutes the *Company*” and are “*spots and blemishes* in Christian Societies *2 Pet. 2. 13*” (emphasis original) that must be expelled from the community since it “pollutes and defiles the *Land*” (emphasis original).<sup>47</sup> Throughout the sermon, Danforth comes back to this point. If God saw communities tacitly approving of this sin by ignoring and refraining from correcting it, “God should enter into judgement [sic] with us, would bring heavy wrath upon us.”<sup>48</sup> Salvation and perdition fall on individual souls, but the presence of sinners within a community diminishes their status in the eyes of God.

The only recourse Puritan leaders had, then, to police and manage this sin and prevent wholesale destruction of their lands was to severely punish sodomites (unrepentant sinners) in the community. Danforth states that “the Church cannot be cleansed, untill this wicked person be put away from among us”<sup>49</sup> and goes on to say, “If we will not pronounce such a Villain Accursed, we must be content to bear the Curse ourselves. The Land cannot be cleansed, untill it hath spued out this Unclean Beast.”<sup>50</sup> Sodomy, according to Danforth, encourages all different sins, by polluting the earth, “the soul, the mind, and the conscience.”<sup>51</sup> Near the conclusion of his sermon, Danforth equates removing sinners from the community to cutting out gangrene to

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<sup>45</sup> *Ibid*, 4.

<sup>46</sup> Douglas, *Purity and Danger*, introduction.

<sup>47</sup> Danforth, *Cry of Sodom*, 8. For the entire verse from 2 Peter chapter 2, 13 please see Appendix B

<sup>48</sup> *Ibid*, 14.

<sup>49</sup> *Ibid*, 11.

<sup>50</sup> *Ibid*, 11.

<sup>51</sup> *Ibid*, 18-19. Richard Godbeer notes that Danforth, along with other Puritan ministers like Cotton Mather, used “a developmental framework to portray sodomy and bestiality as the culmination of a career in sin, both sexual and nonsexual.” See “Cry of Sodom” 265, n 29.

protect the rest of the body (the community) once admonishment is unsuccessful.<sup>52</sup> In his sermon *Day of Doom*, Michael Wigglesworth echoes this sentiment, stating that a sinner's presence in a community "endanger[s] our lives, and our estates."<sup>53</sup> George Haskins discusses "brotherly correction and admonition" as the heart of Puritan doctrine and church covenants that influence the statutory language, which is employed only to "promote spiritual and moral welfare" and to prevent "scandalous persons from defiling holy things."<sup>54</sup> Massachusetts Bay Colony members were aware of the necessity to monitor not only their behavior but that of their neighbors.

Increased control – by parental authority, the magistracy, and from within – was the only way to prevent sins of the flesh that were condemned in Puritan sermons like Danforth's.<sup>55</sup> Civil courts, in Puritan society, become active agencies of law enforcement and "conferred extensive powers over religious and moral offenses" particularly moral offenses, like sodomy, that symbolized more than inappropriate use of genitals.<sup>56</sup> "They [the statutory language] reflected the importance that Puritans attached to right living and to upholding their conception of a church."<sup>57</sup> It becomes a necessity to reexamine sermon literature and statutory language in the context of the sexual climate of Puritan Massachusetts.

Previous scholars, most notably Richard Godbeer, use *Cry of Sodom* to highlight the different sexual acts described in the two categories Danforth mentions – "fornication" and "going after strange flesh." Godbeer's analysis of the sermon eventually concludes that sexual sin was mentioned in tandem with other forms of sin, such as sloth, envy, and idleness, despite

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<sup>52</sup> Danforth, *Cry of Sodom*, 26.

<sup>53</sup> Michael Wigglesworth, "The Day of Doom," in Samuel Kettell eds, *Specimens of American Poetry*, (Boston: S.G. Goodrich & Co, 1829) verse 125.

<sup>54</sup> George Haskins, "Ecclesiastical Antecedents of Criminal Punishment in Early Massachusetts" *Proceedings of the Massachusetts Historical Society, third series* 72 (October 1957-1960), 30.

<sup>55</sup> Kathleen Verduin, "'Our Cursed Natures': Sexuality and the Puritan Conscience," *The New England Quarterly*, 56:2 (Jan 1983) 231-2.

<sup>56</sup> George Haskins, *Law and Authority in Early Massachusetts: A Study in Tradition and Design* (Archon Books, 1968) 89, 183-4.

<sup>57</sup> Haskins, "Ecclesiastical Antecedents of Criminal Punishment," 28.

ministers' attempts to carefully distinguish between different kinds and degrees of offenses.<sup>58</sup> Defilement is never isolated, but the ministers pay particular attention to the "abomination" of sodomy.<sup>59</sup> Other scholars, along with Godbeer, have spent most of their attention on the first half of Danforth's sermon, where he highlights the different categories and what acts comprise each category. Scholars have spent very little scholarly attention on the second half of the sermon, where Danforth cautions his flock against the behaviors Goad engaged in and the necessity for monitoring their behaviors. Other scholars who have engaged with the Goad case, like John Murrin, neglect to mention the resulting sermon and focus on the facts of the trial and execution.

Danforth's sermon exemplifies an important triad - religion, sexuality, and legality - of Puritan life that historians have overlooked. Danforth's sermon, and subsequent scholarly attention to it, shows the importance and necessity of my project. Unlike historians who study them, Danforth and his colleagues did not separate religion, sexuality, and the law. Taking the ministers at their word and examining what they said nuances historians' understanding of how Puritans structured their imagined "city on the hill."

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<sup>58</sup> Godbeer, *Sexual Revolution*, 66, quoting Samuel Danforth's *Cry of Sodom Enquired Into*.

<sup>59</sup> Douglas, *Purity and Filth*, 42.

## CHAPTER THREE: “AMONGST CHRISTIANS NOT TO BE NAMED:”<sup>60</sup> RELIGIOUS PROSCRIPTIVE LITERATURE IN OLD AND NEW ENGLAND

### *Chapter Abstract*

This chapter looks at secondary literature to recreate the religious prescriptive literature that Puritan leaders were aware of when drafting their laws. The prescriptive literature sets up the “ideal society” Puritans attempted to create. The necessity of the prescriptive literature is explored in the second half of the chapter, which analyzes Puritan and Calvinist beliefs. These beliefs stated that Sodom and Gomorrah were *actual* places that suffered *actual* punishments for transgressions against God.

### *Introduction*

For Puritans, it was not possible to separate their spiritual life from their community life and their interactions with governing bodies.<sup>61</sup> “Ignorance of the law (*ignorantia juris*), in matters of moral conduct and faith, never excused sin.”<sup>62</sup> A Puritan’s spiritual life, particularly in New England, was aimed at controlling the base nature of man and controlling “transgressions defined as threats to collective harmony.”<sup>63</sup> Threats to the collective harmony of the community and sex were disruptive forces that must be controlled and regulated.<sup>64</sup> Within the confines of marriage,

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<sup>60</sup> Edward Coke, *The Third Part of the Institutes of the Lawes of England: Concerning High Treason, and other Pleas of the Crown, and Criminal Causes*, (London: A. Crooke, 1669), Chapter X: Of Sodomy or Buggery, 58. Different variations of this theme “a crime not to be named among Christians” appears in many different legal treatises, William Bradford’s *History of Plimoth Plantation*, several sermons and Anonymous, *The Tryal and Condemnation of Mervin Lord Audley, Earl of Castle-Haven, at Westminster, April the 5<sup>th</sup> 1631. For abetting a rape upon his Countess, committing sodomy with his servants, and commanding and countenancing the Debauching his Daughter* (London, 1699) 11-12.

<sup>61</sup> Perry Miller and Thomas H. Johnson, eds, *The Puritans: A Sourcebook of their writings vol 1*, (New York: Harper and Row, 1965), 181. Haskins, *Law and Authority*, ix.

<sup>62</sup> Pierre Hurteau, “Catholic Moral Discourse on Male Sodomy and Masturbation in the Seventeenth and Eighteenth Centuries,” *Journal of the History of Sexuality* vol 4: 1 (Jul 1993) 5.

<sup>63</sup> Katherine Crawford, *European Sexualities, 1400-1800*, (Cambridge: Cambridge University Press, 2007) 177.

<sup>64</sup> *Ibid*, 3.

sex between heterosexual partners could not distract from their relationship with the Lord.<sup>65</sup> “Unnatural offenses” subverted God’s order and crossed “scripturally ordained boundaries between sexes and species.”<sup>66</sup> The Reverend John Rayner of the Massachusetts Bay Colony wrote in 1642: “Sodomy and also bestiality [are] more against the light of nature than some other capital crimes of uncleanness, which reason is to be attended unto as that which most of all made this sin capital.”<sup>67</sup> The Puritans of New England found themselves on a continuum of regulation in regards to sodomy and bestiality and are part of a much larger tradition of regulating sexual behavior. The laws enacted in the Massachusetts Bay Colony followed this tradition and were also an attempt to stave off sexual offenses that were prevalent in other communities. Regulation of sodomy, as a crime, has always occurred in English religious and secular societies.

#### *The Roman Catholic Church and Sodomy*

*The Decretum*<sup>68</sup>, written in 1140, remained the authoritative handbook for teaching of canon law until the twentieth century, according to scholar Katherine Crawford.<sup>69</sup> The author, Gratian, articulated the prevalent notion that sexual pleasure was harmful because it distracted from salvation. Distractions from salvation lead to eternal damnation; therefore all sexual activity was suspect. Particularly harmful to the soul was “anything that was not missionary position and procreative in intention.” Katherine Crawford states that such acts were termed

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<sup>65</sup> Miller and Johnson, *The Puritans*. Francis J. Bremer, *The Puritan Experiment: New England Society from Bradford to Edwards*, (New York: St. Martin’s Press, 1976), chapter 14. Edmund S. Morgan, “Puritans and Sex” and *Visible Saints*.

<sup>66</sup> Richard Godbeer, *Sexual Revolution*, 64-67. For a more in-depth discussion of “natural” and “unnatural” sins and offenses, please see chapters four and five.

<sup>67</sup> Rayner to Governor William Bradford, quoted in William Bradford, *Of Plymouth Plantation 1620-1647I*, ed. Samuel Eliot Morison (New York, 1970), 404.

<sup>68</sup> *Concordia Discordantium Canonum*, or the *Decretum Gratian*, is a collection of Roman Catholic canon law written in the 12<sup>th</sup> century by Johannes Gratian, who is believed to have been a monk. This particular volume is the first out of six, which, as a whole, is called the *Corpus Juris Canonici*. It remained the authoritative text in Roman Catholic canon law until 1918 when Pope Benedict XV replaced it with an “authorized” version. Anders Wincoth, *The Making of Gratian’s Decretum*, (Cambridge: Cambridge University Press, 2003), chapter one.

<sup>69</sup> Crawford, *European Sexuality*, 75.



“sodomy,” the catch-all throughout early modernity for non-procreative sex.”<sup>70</sup> In *The Decretum*, sexual modesty becomes a legal category, one that is subject to constant regulation – contained within the text are regulations dictating days, times of the year, and parts of the day when sexual congress is morally acceptable. Any deviation from these regulations threatened the health of the individual’s soul and the moral standing of the community.

Gratian ranked specific sins according to their perceived threats to the eternal soul. Lesser sins, contained in the “natural” classification - incest, adultery, masturbation, and fornication - received lesser penalties than the greater sins, sodomy and bestiality. Sodomy required ten or fifteen years of penance in comparison to ten days on bread and water for masturbation.<sup>71</sup> The punishment also increased as the visibility of the crime and participant increased: the bishop who fornicated received twelve years of penance rather than four for monks.<sup>72</sup> Thomas Laqueur has noted that the higher the ecclesiastical standing, the greater the scandal and disruption, and hence, the more draconian the penalties.<sup>73</sup> Regulation of such offenses, however, needed the creation of and relied heavily on the penitential system.<sup>74</sup> In 1215, the Fourth Lateran Council required Catholics who had reached the age of reason to confess their sins at least once a year.<sup>75</sup> Crawford argues that this practice is more established after the Council of Trent in 1545 - 63.<sup>76</sup> This system of self-reporting becomes problematic when the priests were caught doing the same sexually inappropriate acts that they admonished.

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<sup>70</sup> *Ibid*, 29.

<sup>71</sup> Crawford, *European Sexuality*, 76-78.

<sup>72</sup> *Ibid*, 77

<sup>73</sup> Thomas W. Laqueur, *Solitary Sex: A Cultural History of Masturbation*, (New York, 2003), 145-147.

<sup>74</sup> Established by Celtic Monks in Ireland around the sixth century, the penitential system established rules concerning the Catholic sacrament of penance. In the early Catholic church, absolution for sin was only granted after a public confession and abasement.

<sup>75</sup> Crawford, *European Sexuality*, 67.

<sup>76</sup> *Ibid*, 71.

*Protestantism and Sodomy*

The Protestant Reformation was at least in part a reaction against sexual abuses attributed to the celibate Roman Catholic clergy. Martin Luther frequently portrayed the Roman clergy, particularly the pope and his cardinals, as a society of “hypocritical buggerers” who preached moral purity but practiced “the chastity of Sodom and Gomorrah,” not only with each other but “with their kept young men.”<sup>77</sup> When discussing Catholic monasteries, John Calvin wrote, “You will scarcely find one in ten, which is not a brothel rather than a sanctuary of chastity.”<sup>78</sup> Both Luther and Calvin credit Italy, along with its Catholics, as being the birthplace of Sodom.<sup>79</sup> Sir Edward Coke, in his *Third Institutes*, states that “*Bugeria* is an Italian word ... that the Lumbards had brought into this realm the shamefull [sic] sin of sodomy.”<sup>80</sup> Though not a direct reference to Roman Catholicism, the references to Italy and the Lumbards, the founders of the Kingdom of Italy in the 500s, show that the correlation of sodomy and Catholicism still existed as late as the 1600s. Despite the reformation of the church and policy, classifying sodomy and bestiality as a capital crime remained. In John Calvin’s *Institutes of the Christian Religion* (first edition published in 1534) encourages aggressive vigilance against sin, including sexual sin. Calvin conceded that the church officials should first admonish “private sins,” a sin where no more than one person was part of. Sexual encounters with others were public sins and were encouraged to be handled as public matters. Failure to reform led to excommunication or criminal charges at the hands of civil magistrates.<sup>81</sup>

The Bible, which community leaders and parishioners were intimately acquainted with, is peppered with references to God punishing not only the sinner but entire communities. Puritans

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<sup>77</sup> Christopher Elwood, “A Singular Example of the Wrath of God: The Use of Sodom in Sixteenth-Century Exegesis,” *The Harvard Theological Review*, 98:1 (Jan 2005), 73

<sup>78</sup> Verduin, “Our Cursed Natures,” 223-224.

<sup>79</sup> Elwood, “A Singular Example of the Wrath of God,” 72-73.

<sup>80</sup> Coke, *Third Institutes*, 58.

<sup>81</sup> Crawford, *European Sexuality*, 76.

believed that they were God's chosen people and needed to maintain their moral living to prevent "God's wrath" in the form of "brimstone and fire." "In Scripture, the clergy discovered historical evidence for their correlation of unchecked sexuality and divine retribution, for shameless sensuality was a hallmark of worlds Gods had in anger destroyed."<sup>82</sup> To the Puritan community, Sodom and Gomorrah were actual places that suffered actual consequences for their behavior, loosely interpreted as sexual offenses.<sup>83</sup> Sin, especially sins that were considered to infect the soul, were particularly troubling and warranted extra policing. Sodomy, since it was such a transgression against God, would naturally result in a community's destruction:

*Unnatural Uncleaness: Strange flesh, as it is called, Jude ver. 7 when men with men commit filthiness, and women with women, as the Apostle expresseth it, Rom 1.26-27. and this makes men ripe for ruine. Strange lusts bring strange punishment; strange fire kindled upon earth, brings strange fire from heaven. Fire naturally ascends, but the fire that destroyed the Sodomites descended, Gen. 19. 24. the sin was strange, and the destruction strange: God proportions the punishment to the sin, payes men in their own coin; they have fire for fire, and not onely so, but strange fire, for strange firely lusts. (emphasis original)<sup>84</sup>*

Those not subscribing to the dominant faith were more vulnerable to sin and needed protection from the constant temptation.<sup>85</sup> William Hubbard, in his sermon *The Happiness of a People*, states that it is a duty to look out for others; "The fearful and the weak might be destroyed, if others more strong and valiant, did not protect and defend them."<sup>86</sup> Misbehavior, either of a Puritan or a non-church member, would eventually result in the community's destruction and damnation of every individual's eternal soul.

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<sup>82</sup> Verduin, "Our Cursed Natures" 228.

<sup>83</sup> Talley, "Gender and Male Same – Sex Erotic Behavior," 401.

<sup>84</sup> Samuel Whiting, *Abraham's Humble Intercession for Sodom* (Cambridge, 1666) 46.

<sup>85</sup> Jude, in the New Testament, discusses community responsibility regarding others, "And of some have compassion, making a difference: And others save with fear, pulling them out of the fire; hating even the garment spotted by the flesh. Now unto him that is able to keep *you* from falling, and to present *you* faultless before the presence of his glory with exceeding joy." Verses 22-24.

<sup>86</sup> William Hubbard, *The Happiness of a People* in Perry Miller and Thomas H. Johnson, *The Puritans Vol 1*, (New York: Harper Torchbooks, 1963) 247.

Sodomy was closely associated with the “grievous sins” of Sodom and Gomorrah, one of the most well-known cautionary stories in the Bible. Louis Crompton suggests that New England Puritans were convinced that they would lose their new territory if sexual “abominations” were to go unpunished, and the laws codified the punishment.<sup>87</sup> The threat did not restrict itself to a loss of geographic territory, but would result in the destruction of the community through war, plague, or natural disasters, and the damnation of their souls.<sup>88</sup> Sodomy was a sin, the origins traced to the biblical cities of Sodom and Gomorrah and the inhabitants’ penchant for “unnatural sex” which led directly to their destruction. This dramatic event was a warning for those tempted to “indulge in this vice and to those innocent of that particular sin who would nonetheless tolerate it in their neighbors.”<sup>89</sup>

### *Sodom and Gomorrah*

The story of Sodom and Gomorrah has become a familiar with the story of Sodom and Gomorrah, as it has become the benchmarker for what happens to individuals when they stray from God’s path. Puritans in New England were intimately acquainted with the cautionary tale. The Book of Common Prayer lists a reading of Genesis 19, verses 12-30 for the first Sunday of Lent, and it is a common image used throughout the sermon language.<sup>90</sup> A summary of the tale will be helpful.

The story occurs in Genesis 19:1-29, although there is a preface in Genesis 18:16-33. According to God, sin was a constant in Sodom and Gomorrah. God, verifying that “villainy and other sundry behavior” was in fact occurring rather than just gossip, intends to destroy the two

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<sup>87</sup> Louis Crompton, “Homosexuals and the Death Penalty in Colonial America,” *Journal of Homosexuality* 1:3 (1976) 279-280.

<sup>88</sup> *Ibid*, 279.

<sup>89</sup> Elwood, “A Singular Example of the Wrath of God,” 68.

<sup>90</sup> Church of England, *Book of Common Prayer and Administration of the Sacraments and Other Rites and Ceremonies of the Church According to the Use of the Church of England Together with the Psalters or Psalms ...* (London: His Majesty’s Printers, 1662).

cities. Abraham, in his conversation with God, does not want to completely condemn the virtuous who lived in the cities. Eventually, Abraham settles on a compromise with God: if ten righteous individuals are found, the cities could be redeemed. God sends two angels, disguised as humans, to Sodom. Lot, a righteous individual and Abraham's nephew, greets and hosts them. Lot invites the angels into his home, washes their feet, and feeds them according to the unspoken rules governing hospitality. However, before the angels are able to sleep, the entire male population of Sodom surrounds the house and demands that Lot bring out the men, "that we may know them." Lot refuses several times and attempts to spare his visitors by offering the crowd his two virgin daughters as surrogates. The angels prevent Lot from engaging with the crowd, telling him that God intends to smite the city, as it had proven unworthy of God's grace. The angels then blind the crowd as Lot leaves town with his wife and daughters (his sons-in-law stay in Sodom, having ridiculed Lot for leaving town), before "brimstone and fire rain down on Sodom and the other cities of the plain." Lot and his family are cautioned not to look behind them as God punishes the cities of Sodom and Gomorrah, but Lot's wife disobeys and is turned into a pillar of salt for looking back.<sup>91</sup>

#### *Calvin and Sodom and Gomorrah*

While the Protestant reformation changed many elements of European religion, the spiritual leaders did not change the "conception of the sin of the Sodomites."<sup>92</sup> The destruction of Sodom is "a warning of the judgement coming upon all sinful human beings" and was a common point of discussion of commentators in the high and late Middle Ages.<sup>93</sup> For Martin Luther and John Calvin, Sodom and Gomorrah was a dramatic cautionary tale, "reflecting for

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<sup>91</sup> King James Authorized Version of Holy Bible, 1611. For the original story of the destruction of Sodom and Gomorrah, please see Genesis Chapters 18-19. The summary above is my own reading of these chapters.

<sup>92</sup> Elwood, "A Singular Example of the Wrath of God," 68.

<sup>93</sup> *Ibid*, 70.

believers the sureness of divine vengeance” brought about “when the sins of a few were allowed to multiply and go unpunished.<sup>94</sup> Sodom was not only a historic place but “a living and ... all too prevalent vice.”<sup>95</sup> Quoting St. John Chrysostom, Christopher Elwood states that “the punishment of the men of Sodom was a foretaste of the divine judgment to come.”<sup>96</sup>

Calvin’s explores Sodom and Gomorrah in his commentary on the Old Testament, derived from lectures between 1550 and 1554. Within his text, Calvin explores a two-fold interpretation of the story of Sodom and Gomorrah, one that is a “singular example of the wrath of God” and the other a message of comfort and hope to the righteous.<sup>97</sup> To Calvin and his followers, Genesis 19 was proof that God will punish the wicked (the destruction of the cities) and save the righteous (Lot and his daughters are saved from the destruction). Complete destruction occurred only if sin was allowed to compound:

By which words they mean, that God was provoked, not by one act of wickedness only, but that, after he had long spared them, he was now, at least, almost compelled, by their immense mass of crimes, to come down to inflict punishment. For we must maintain, that the more sins men heap together, the higher will their wickedness rise, and the nearer will it approach to God, to cry aloud for vengeance.<sup>98</sup>

Calvin also cautions that it is God’s prerogative to “swallow up [children] in the same destruction with their parents” so that “he may devote whom he will to destruction, and may follow whom he will with his mercy.”<sup>99</sup> For Calvin and the Puritans of Massachusetts Bay Colony, the “sin of Sodom thus becomes a trope pointing toward sin in general ... a sin to which all of Calvin’s readers might descend were it not for the grace of God.”<sup>100</sup> The story of Sodom and Gomorrah also becomes a necessary tool in defining a community. “For Calvin, reflection on

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<sup>94</sup> *Ibid*, 74.

<sup>95</sup> *Ibid*, 71-2.

<sup>96</sup> *Ibid*, 70 and n. 6.

<sup>97</sup> John Calvin and Thomas Tymme, trans., *A Commentary of John Calvine, upon the first booke of Moses called Genesis* (London: John Harison and Geroge Bishop, 1578), 18-21.

<sup>98</sup> John Calvin and Thomas Norton, trans., *Institutes of The Christian Religion* (London: Bonham Norton) 383.

<sup>99</sup> Calvin, *Institutes*, 390.

<sup>100</sup> Elwood, “A Singular Example of the Wrath of God,” 82. Calvin, *Commentary Genesis 19*

Sodom as an emblem of human sin becomes reflexive: Luther's outer-directed deployment of the sin of Sodom – defining the other who stands as enemy to the faithful – gives way in Calvin to a concentration on the obstacles to holiness within and among the faithful.”<sup>101</sup> Calvin provides a model for ministers who followed him to employ the fear of Sodom's punishment as an impetus for constant communal self-examination. If God did not spare innocent bystanders (women and children) in the cities of the plain, then it was clear that society as a whole would suffer when the sins of a few multiplied and went unpunished.<sup>102</sup>

### *Puritans and Community Fear*

Fear of God's wrath was not limited to only acceptable and unacceptable sexual practices. Anything that contradicted Mosaic Law was cause for alarm and panic. In the seventy-year period examined, there was a major shift in the church structure and several horrifying wars with Native American tribes – all of which were interpreted through the lens of God testing and punishing the Puritans for straying from the righteous path. Fear dictated much of the community's actions. Sexual anxiety in this pervasive culture of fear makes sense – this was a *real* fear that sexual activity, sodomy in particular, would bring down the community through Native American attacks or dissolution of the church structure.

The Half-Way Covenant, enacted in 1662, was a response to the first generation of settlers to New England who were dying, and their children and grandchildren often expressed less religious piety and more desire and concern for material wealth.<sup>103</sup> Prior to the Half-Way Covenant, church membership was granted only to those who appeared to be saved, underwent a conversion experience, and those who could demonstrate visibly through their lives and beliefs

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<sup>101</sup> Eldwood, “A Singular Example of the Wrath of God,” 87.

<sup>102</sup> *Ibid.*, 70.

<sup>103</sup> Richard Godbeer cites the loss of religiosity as one of the primary reasons why sodomy prosecutions were so unsuccessful in the later years of the Massachusetts Bay Colony and other Puritan communities. Please see Godbeer, *Sexual Revolution*.

that they had received God's grace. The Half-Way Covenant allowed for particular church membership for children and grandchildren of church members, allowing the church to maintain its influence in the community. The Covenant could lead to a conversion experience of the "half-way" members. This compromise in regards to church membership did not allow the church to protect its "inner-ring" as strictly as they did before.<sup>104</sup> Changes to the Massachusetts Bay legal code occurred after this shift, and many of the most virulent sermons against sodomy follow the Half-Way Covenant.

From 1675 to 1678, the colonialists were at war with Metacomet and other Native Americans from the Wampanoag, Nipmuck, Podunk, Narragansett, and Nashaway tribes.<sup>105</sup> These armed conflicts proved to Puritans that they were being punished for straying from their paths. God was testing the Puritans' faith and punishing them for sins. Throughout the wars, there were several calls for days of fasting, humiliation and prayer in the hope that God would call away the "many Adversaries" against them.<sup>106</sup> One call for humiliation and prayer explicitly links sin and the armed conflict with the Natives:

Great Formality, Inordinate Affection, and sinful Conformity to this present evil vain World: and (beside many horrid and Scandalous Sins breaking forth among us, for which we have Cause to be greatly humbled before the Lord), our great unsensibleness of the displeasure of the Lord in suffering these abominations to be perpetrated, together with our Canal Security, and unquietness under the Judgements of God upon us, our abiding very much unreformed, notwithstanding all warnings, and Chastisements, whereby the Lord hath been, and is still debating with us...<sup>107</sup>

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<sup>104</sup> Morgan, *Visible Saints*, 35. For more information regarding Puritan Church membership and the Half-Way Covenant, please see Edmund Morgan's monograph, *Visible Saints*.

<sup>105</sup> This conflict is called King Philip's War, also known as the First Indian War or Metacomet's war/rebellion. Metacomet's war was not the first violent encounter between colonists and Native Americans. Prior to the Massachusetts Bay Colony enacting its own legal code, they, along with colonists in Plymouth and Saybrook and Native Americans from the Narragansett and Mohegan tribes, fought against the Pequot tribe in the Pequot War, which lasted from 1634 to 1638.

<sup>106</sup> John Cushing, ed., *The Laws and Liberties of Massachusetts, 1641-1691*, A Facsimile Edition, Containing also Council Orders and Executive Proclamations. Vol II (Wilmington, ED: Scholarly Resources, Inc, 1976), 459.

<sup>107</sup> *Ibid*, 459.



These days of humiliation and prayer were requests for God to forgive whatever transgressions occurred and to allow the Puritans to repent for straying from the righteous path. Benjamin Goad, executed in 1674 for sodomy, was a very visible sign that the Puritans and their children had strayed from God's Way.

### *Conclusion*

The constant examination of the self and of the community required the creation of a legal system that explicitly stated the necessity of attending to both law and gospel.<sup>108</sup> Luther's writings state that "the elements of the biblical witness that point to God's demands and God's threat of punishment for sin – is indispensable for the Christian and a matter not to be overlooked by the preacher."<sup>109</sup> Puritan communities understood that God *would* punish New England when it violated the covenant.<sup>110</sup>

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<sup>108</sup> Elwood, "A Singular Example of the Wrath of God," 72.

<sup>109</sup> Elwood, "A Singular Example of the Wrath of God," 72.

<sup>110</sup> Morone, *Hellfire Nation*, 41.

CHAPTER FOUR: “THEIR BLOOD *SHALL* BE UPON THEM”: BIBLICAL INFLUENCE ON MASSACHUSETTS BAY COLONY “UNNATURAL SEX” LEGAL CODES<sup>111</sup>

*Chapter Abstract*

A close textual analysis of the Massachusetts Bay Colony founding legal documents shows community leaders explicitly making Biblical references to differentiate from England in establishing their spiritual utopia. This chapter shows Puritan leaders making a clear demarcation between acceptable and unacceptable sexual behaviors in their legal record. Formalizing the ostracization of people who engaged in unacceptable sexual behavior allowed community leaders to place them “outside” of the Puritan community and no longer consider them to be Puritan. By placing these individuals outside of the community, leaders could maintain the perception that they had created a spiritual utopia.

*Introduction*

“Unnatural” sexual acts – sodomy and bestiality – were immediately codified as capital crimes in Massachusetts Bay Colony’s Code of 1648.<sup>112</sup> Both sexual acts violated the human order, subverted God’s will, and would not be tolerated within Puritan communities. Samuel Willard, a preacher in East Massachusetts, states in his sermon *The Character of a Good Ruler*, “...all Ungodliness, as well as Unrighteousness, may have a due Testimony born against it at all times. So he [the leader] resolves *Psal. 75. 10. all the horns of the wicked also will I cut off; but the horns of the righteous shall be exalted.*”<sup>113</sup> This chapter argues that the sodomy and bestiality

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<sup>111</sup> Emphasis in original, *King James Authorized Version of the Holy Bible*. The phrase, “their Blood shall be upon them,” is used at the conclusion of many of the verses in Leviticus chapter 20 to justify the punishment of death. Of particular note is the use of the phrase after verse 13 (sodomy) and 16 (female copulation with an animal) but not after verse 15 (male copulation with an animal).

<sup>112</sup> *The Colonial Laws of Massachusetts: reprinted from the edition of 1672 with supplements through 1686: containing also a bibliographic preface and introduction treating of all the printed laws from 1649 – 1686 ...*

<sup>113</sup> Samuel Willard, *The Character of a Good Ruler*, in Miller and Johnson, *The Puritans*, 253.

statutes placed groups of individuals on the periphery of Puritan society, making a clear demarcation between acceptable and unacceptable behavior based on Mosaic laws. Sodomites, by virtue of their actions, were no longer Puritans and were considered “other.” By formally placing these individuals “outside” of the community, community leaders could protect their “inner-ring” of righteous individuals.

Background information about the Massachusetts Bay Colony’s legal system shows the significance of a formalized process of ostracization. The shifts in statutory language of the sodomy and bestiality statutes, and the resulting switches from religious to secular authority, will become clearer with this context. There are established connections between the Massachusetts Bay Colony and England; however, in matters regulating sexual practices, the legal code references not established English “customs,” but Mosaic law.

#### *Discussion of Language*

The terms *sodomy*, *bestiality*, and *buggery* were often interchangeable.<sup>114</sup> These terms have myriad meanings depending on context and who was using the term. Despite the legal definitions of sodomy and bestiality in the Massachusetts Bay Colony’s *Body of Liberties*, which references Biblical definitions of the sexual acts, the statutes did not create a functional, standard definition of what *acts* comprised sodomitical behavior. The community, however, understood what was being discussed.<sup>115</sup> Edward Coke, in Chapter X of his *Institutes*, states that “Buggery

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<sup>114</sup> In this discussion, sodomy will refer to homosexual anal intercourse. Bestiality will refer to sexual congress between an animal and a person, male or female. Buggery will only be used to reference the English Buggery Acts and when used by sources.

<sup>115</sup> Robert Oaks, in “‘Things Fearful to Name’: Sodomy and Buggery in Seventeenth-Century New England,” *Journal of Social History*, 12:2 (Winter, 1978), 268, discusses the confusion over terminology in the legal records. Buggery and sodomy often meant different things to different people; however, usually Puritan colonies used the term sodomy to refer to homosexual practices and buggery to refer to bestiality. Occasionally these definitions would be switched so that sodomy referred to bestiality and buggery referred to homosexual practices. Oaks also discusses in his article an attempt by Massachusetts Bay Colony leaders’ to stretch sodomy to apply to heterosexual child molestation. Please see note 161 for more information regarding this specific case.

or Sodomy” is “amongst Christians not [to] be named.”<sup>116</sup> Caroline Bingham has pointed out the hesitancy to even name certain crimes. Sodomy, buggery, and bestiality were often alluded to, so as to not offend people’s sensibilities. In describing the Earl of Castlehaven, Bingham quotes an anonymous commentary describing Castlehaven’s crimes as “so heinous and so horrible that a Christian man ought scarce name them.”<sup>117</sup> Scholars have concluded that “sodomy” in the colonial era could refer to a variety of sexual activities: sex between two men, sex between two women, sex between a person and an animal, or sex between a man and a woman “in such a way that conception was impossible.”<sup>118</sup>

The confusion over terminology may be born from the confluence of religious and legal texts. One was not to be read without the other, especially when structuring a community around Biblical readings. Since the terms were often interchangeable, it did not matter which term was used; all were “unnatural,” all were sinful, and it was assumed what behaviors were being penalized. Puritan leaders took responsibility for the spiritual welfare of all the people in their community.

*Massachusetts Bay Colony Charter and English “Buggery Acts of 1533 and 1563”*

The Massachusetts Bay Colony charter, granted in 1629, established the first set of legal guidelines – part statutory, part administrative, and part policy.<sup>119</sup> In the statutory discussion, the charter explicitly connects the colony to English law and legal precedent and prevents the leaders from contradicting these “customs.”<sup>120</sup> Despite rhetoric claiming the Puritans were creating a “new society,” they were, at heart, English citizens. The laws of England were the authority, and

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<sup>116</sup> Coke, *The Institutes*, Chapter X.

<sup>117</sup> Caroline Bingham, “Seventeenth-Century Attitudes toward Deviant Sex,” *The Journal of Interdisciplinary History* 1: 3(Spring 1971) 448.

<sup>118</sup> Crawford, *European Sexualities*, 156.

<sup>119</sup> Peter Charles Hoffer, *Law and People in Colonial America*, (Baltimore: Johns Hopkins University Press, 1992), 2.

<sup>120</sup> Hoffer, *Law and People in Colonial America*, 13. *Charter of Massachusetts Bay Colony*, (1629), paragraph 9.

this deference to English custom is present in Massachusetts' code.<sup>121</sup> When Massachusetts created its Code of 1648, much of the statutory language reflected English common and ecclesiastical law.<sup>122</sup> Occasionally, the laws would be adapted to the colony's needs but when this occurred, the community leaders would explicitly state that it did not contradict the customs.

John Winthrop writes in his histories:

Considered with the condition of the country and other circumstances, which made them conceive, that such laws would be fittest for us, which should arise *pro re nata* upon occasions, &c., and so the laws of England and other states grew, and therefore the fundamental laws of England are called customs, *consuetudines*. 1. For that it would professedly transgress the limits of our charter, which provide, we shall make no laws repugnant to the laws of England, and that we were assured we must do. But to raise up laws by practice and custom had been no transgression; as in our church discipline, ...<sup>123</sup>

Both English and New England law included sodomy and bestiality under capital crimes; however, the Puritan communities of New England sharply separated themselves from English law by including Biblical language.

King Henry VIII, after severing English ties to the Roman Catholic Church, greatly reduced the authority and power of the ecclesiastical court system to strengthen the central authority of the crown. Prior to this break, the Roman Catholic Church was deeply involved in matters of the state and policing morality, and Catholic leaders equated controlling sex with maintaining civic order.<sup>124</sup> Previously declared "ecclesiastical crimes" - buggery (or sodomy) -

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<sup>121</sup> William Whitmore, *The Colonial Laws of Massachusetts : reprinted from the edition of 1672 with the supplements through 1686 : containing also a bibliographical preface and introduction treating of all the printed laws from 1649 to 1686 : together with the Body of Liberties of 1641, and the records of the Court of Assistants, 1641-1644*, (Boston: Rockwell and Churchill, City Printers, 1890) 4.

<sup>122</sup> At the time Massachusetts created its legal code, 15 court systems constituted the English legal system, according to Sir Edward Coke. These legal systems included: Common law – which included the courts of King's Council (Common Pleas, Queen's Bench, and Exchequer), Ecclesiastical, Admiral, Bishop, the Mayor, the local lord, prerogative courts of the King – Star Chamber, High Commission, Court of Chivalry, Privy Council, and Courts of Requests. Several historians have successfully argued that the common law and ecclesiastical systems have most influenced the American legal system. See George Haskins *Law and Authority*.

<sup>123</sup> John Winthrop, *History of New England, 1630-1649, vol 1*, (New York: C. Scribner, 1908), 388-389.

<sup>124</sup> Crawford, *European Sexualities*, 146.

now fell under the purview of the Common Law courts after the break.<sup>125</sup> Complete authority was not removed from the ecclesiastical court system when regulating moral offenses – the plurality of the legal system allowed for a singular offense to be punished multiple times. In cases of buggery, a person could be punished for violating morality in the ecclesiastical system and again as a civil offense.<sup>126</sup> The changes to the statutory language in England ushered in by Thomas Cromwell and King Henry VIII show this shift from religious precedent to secular jurisdiction.

Colloquially called the Buggery Act of 1533, 25 Henry VIII 6 removed all references to the Lord and religion as it related to sodomy. The statute simply calls the crime “the detestable and abominable vice of buggery committed with mankind or beast.” *Buggery* is a secular term. Sodomy and sodomite (those who practice sodomy) literally reference the Biblical story of Sodom and Gomorrah.<sup>127</sup> *Vice* is also a secularized word – meaning a moral depravity or corruption. Though it can be argued that term implicitly references a religiously defined morality, the reference is not *explicit*. The Buggery Act treats sexual intercourse between men the same as sexual intercourse between men and animals, which further secularizes the act. According to Leviticus, sexual relations between two men and sexual relations between a man or woman and an animal are separate acts. Sodomy was no longer a sin; buggery was morally reprehensible and, more important, a civil offense. Changing the language changed the jurisdiction.

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<sup>125</sup> Hoffer, *Law and People in Colonial America*, 5. Haskins, “Ecclesiastical Antecedents of Criminal Punishment,” 22. The earliest sodomy law that I have been able to find is under Edward I in 1290. The law is in Latin and references the “sin” of the men from Sodom, who attracted the wrath of the Lord. H.G. Richardson and G.O Sayles, ed. and trans, *Fleta, Seu Commentarius Juris Anglicani* (London: Quaritch, 1955).

<sup>126</sup> Haskins, “Ecclesiastical Antecedents of Criminal Punishment,” 22 and 25. Martin Ingram, *Church Courts, Sex and Marriage in England, 1570 – 1640* (Cambridge 1987).

<sup>127</sup> For the whole story of the destruction of Sodom and Gomorrah, please see Genesis Chapters 18-19, *King James Authorized Version of the Holy Bible*.









There was no established state church in the colony, despite attempts to establish a universal religion by the Puritan leaders. A pluralistic legal system would not likely have been as effective to punish moral offenses in the colony as it was in England. A majority of the population in Massachusetts did not subscribe to the Puritan faith, and the Puritan church was unable to compel non-members to correct their behavior, yet “‘spiritual’ offenses committed by non-members were no less deserving of punishment than identical offenses committed by members.”<sup>145</sup> In *A Modell of Christian Charity*, John Winthrop establishes this connection between the public governing the private for all members of the community:

It is by a mutuall consent through a special overruleing providence, and a more then an ordinary approbation of the Churches of Christ to seeke out a place of Cohabitation and Consorteshipp [consortship] vnder a due forme of Government both ciuill and ecclesiasticall. In such cases as this the case of the publique must oversway all private respects, by which not onely conscience, but meare Ciuill policy doth binde vs; for it is the rule that perticuler estates cannot subsist in the ruine of the publique.<sup>146</sup>

Godbeer argues that those who did not belong to a church could find themselves subject to *legal* prosecution if they violated sexual norms.

There was an established informal rebuking system within Puritan church systems, but this form of social policing did not extend to non-church members.<sup>147</sup>

Brotherly correction and admonition lay at the heart of the practice of ‘holy watching’ enjoined by Puritan doctrine and explicitly set forth in church covenants, whereby the faithful were bound to watch over the souls of their brethren in order to promote spiritual and moral welfare and to prevent scandalous persons from defiling holy things.<sup>148</sup>

Puritans believed that they were God’s chosen people and needed to maintain their moral living to prevent “God’s wrath” in the form of “brimstone and fire.” Sodomy and bestiality were closely associated with the “grievous sins” of these cities and punishable by death. It was not

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<sup>145</sup> Haskins, “Ecclesiastical Antecedents of Criminal Punishment,” 25.

<sup>146</sup> John Winthrop, *Modell of Christian Charity*, in Miller and Johnson, *The Puritans*, 197.

<sup>147</sup> *Ibid*, 26.

<sup>148</sup> *Ibid*, 30.

only Sodom and Gomorrah that God punished for their sins; while in the desert, God punished his chosen people for their sins and disobedience.<sup>149</sup>

The communities in the Bay Colony saw themselves as the New Israel and could not risk being punished as the Old Testament Israelites had been. Those not subscribing to the dominant faith were more vulnerable to sin and needed protection from the constant temptation.<sup>150</sup> Non-member misbehavior would eventually result in the community's destruction and damnation of every community member's eternal soul. Louis Crompton suggests that New England Puritans were convinced that they would lose their new territory if sexual "abominations" were to go unpunished, and the laws codified the punishment.<sup>151</sup> The threat did not restrict itself to a loss of geographic territory but would result in the destruction of the community and the damnation of their souls.<sup>152</sup> "Like the Jews in Palestine, the Puritans in New England were convinced that their grasp on their new territory would be jeopardized if they provoked divine wrath by allowing sexual 'abominations' to go unpunished."<sup>153</sup> Obedience to temporal law, and by extension God's will, was a tenet of good moral living and necessary for the success of the Puritan communities. If ecclesiastical pressure were not enough to correct the behavior of non-members, then the legal system would take over.

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<sup>149</sup> Throughout Numbers, there are many stories of the Israelites being punished by plague or the Lord's fire for their disobedience and straying from the righteous path. Chapter 11 opens with "And *when* the people complained, it displeased the LORD: and the LORD heard *it*; and his anger was kindled; and the fire of the LORD burnt among them, consumed *them that were* in the uppermost parts of the camp." Similar punishment-by-plague stories can be found in, but is not limited to, Deuteronomy, Joshua, Samuel I and II, Kings I, Chronicles I, Psalms, Jeremiah, Zechariah, Mark, Luke and Revelation.

<sup>150</sup> Jude, in the New Testament, discusses community responsibility regarding others, "And of some have compassion, making a difference: And others save with fear, pulling them out of the fire; hating even the garment spotted by the flesh. Now unto him that is able to keep *you* from falling, and to present *you* faultless before the presence of his glory with exceeding joy." Verses 22-24.

<sup>151</sup> Crompton, "Homosexuals and the Death Penalty in Colonial America," 279.

<sup>152</sup> *Ibid*, 279-280.

<sup>153</sup> *Ibid*, 280.

*Massachusetts' Sodomy and Bestiality Statutes*

The original statutes in the Massachusetts Code of 1648 do not explicitly name sodomy and bestiality; however, the Biblical references made it clear what “unnatural sex” is addressed. Godbeer notes that the language of the original code is lifted directly from Leviticus and contrasts not only with the established English statutory language, but also with John Cotton’s Code. English statutory language conflates sexual relations with two men (women are excluded) and sexual relations between a man or woman and an animal. Leviticus, however, treats these sins separately, though the punishment for both is death:

If a man also lie with mankind as he lieth with a woman, both of them have committed an abomination: they shall surely be put to death. Leviticus 20:13.

And if a man lie with a beast, he shall surely be put to death; and ye shall slay the beast. And if a woman approach unto any beast, and lie down thereto, thou shalt kill the woman and the beast; they shall surely be put to death; their blood *shall be* upon them. Leviticus 20:15-16<sup>154</sup>

John Cotton’s Code does not make the explicit biblical references in regards to sodomy and bestiality, though biblical references appear throughout his text.<sup>155</sup> Cotton lists Section 20 “Unnatural filthiness,” under capital crimes, with the previous English language and combines both sexual practices. Cotton diverges from both English and Biblical language, however, as he includes sexual relations between two women.<sup>156</sup> Despite Haskins’ claims that John Cotton’s Code is a reference point for the following Code of 1648, Cotton’s inclusion of women and treatment of sexual relations between men and sexual relations between a man or woman and an animal as the same is ignored for a direct reference to Biblical language.<sup>157</sup>

<sup>154</sup> Leviticus 20: 13, 15-16 (Authorized Version King James Version, 1611).

<sup>155</sup> Crompton, “Homosexuals and the Death Penalty,” 279. He quotes W.R Staples ed. *Proceedings of the first general assembly of the incorporation of Providence Plantation and the code of laws adopted in 1647*. (Providence: Charles Burnett, 1847).

<sup>156</sup> For full text of Section 20 in Cotton’s Code, see appendix A.

<sup>157</sup> Richard Godbeer is the only scholar who has noted this. However, his discussion is limited to a note in *Sexual Revolutions*. The differences between John Cotton’s code and the Code of 1648’s sodomy statutes are discussed in the larger context of colonial sodomy statutes. Godbeer spends more time discussing the influence of Cotton’s Code

In capital crimes, references to the Mosaic Code in the Old Testament are made as “God has instituted government [and civil organizations] to save men from their own depravity.”

Haskins explains it this way: “The older idea of obedience to civil rules was thus enlarged and strengthened by the idea, fostered by the conception of the covenant, that in obeying the civil ruler the people were also obeying God.”<sup>158</sup> Adherence to these temporal and civil laws made community members uniquely Puritan.

Section 7 and Section 8 in the Code of 1648 prohibit sodomy and bestiality and codify these behaviors in the Massachusetts Bay Colony as inappropriate and contrary to the Puritan way of living.<sup>159</sup>

[Section 7] If any man or woeman shall lye with any beaste or brute creature by Carnall Copulation, They shall surely be put to death. And the beast shall be slaine and buried and not eaten. (in margin Lev. 20. 15, 16)

[Section 8] If any man lyeth with mankind as he lyeth with a woeman, both of them have committed abomination, they both shall surely be put to death. (in margin lev 20, 13).<sup>160</sup>

The community leaders were explicitly ignoring the English custom in regards to buggery and firmly placing justification for this offense within a religious context. Puritans considered sodomy to be a biblical sin, and therefore, if they were to maintain their claims on moral authority as God’s chosen people, they had to codify it as a civil offense. The Biblical references were not removed in the revisions of 1660 and 1672, which eventually named the statutes. The revision in 1672 added rape “unless the one party were forced” and the age of consent “be under

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on New Haven, Connecticut which has the most nuanced definition of sodomy contained *within* the statutory language.

<sup>158</sup> George Haskins, “Reception of the Common Law in Seventeenth-Century Massachusetts: A Case Study,” in *Law and Authority in Colonial America*, 19. See also Haskins’ *Law and Authority in Early Massachusetts* and “Ecclesiastical Antecedents of Criminal Punishment in Early Massachusetts.”

<sup>159</sup> The Capital laws as printed in 1660 are those contained in Liberty 94, for the first twelve laws, with slight changes in nos. 3 and 4. The General Court, June 14, 1642, (Records, ii, 22), added three more capital crimes, viz: criminal connection with a child under ten years of age, ravishing a married woman or betrothed maid, or ravishing a single women aged over ten years.

<sup>160</sup> *The Book of the General Lawes and Libertyes Concerning the Inhabitants of the Massachusetts (1648; facsimile edition, Cambridge: Harvard University Press, 1929).*

fourteen years of age” (male or female) to the sodomy statute.<sup>161</sup> The bestiality statute, despite the revisions to the sodomy statutes, remained unchanged.<sup>162</sup>

The direct references to Leviticus were removed from *all* capital crimes in the 1692-1693 revisions to the code, despite other language remaining the same. The 1672 revisions to the sodomy statute were removed as well and were given their own statutes under capital or criminal offenses. In 1697, the Massachusetts code took this step towards secularization further and incorporated English statutory language while maintaining the Bible as the reference point. The word “sodomy” was removed from the statute and changed to “buggery.” The magistrates stated the purpose was “for avoiding of the detestable and abominable sin of buggery with mankind or beast, which is contrary to the very light of nature.” The Massachusetts 1697 shifts in language parallel the shift in the English statutory language over 150 years earlier.

#### *Sodomy and Bestiality Legal Trials in Old and New England*

Before the Bay Colony established its legal code in 1648, there was a rash of scandalous sexual crimes. As stated before, regulating sodomy has always existed. In England, in 1631, the Earl of Castlehaven (or Lord Audley, his English title) was convicted and executed for “abetting a rape upon his Countess” and “committing sodomy with his servants,” and sentenced to death

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<sup>161</sup> This revision is an explicit reference to an unsuccessful attempted sodomy case. In 1642, three associates of their father sexually molested two daughters of a magistrate for two to three years. The sexual abuse started when the oldest girl was seven. After discovering the “mistreatment” of the girls, many individuals wanted to execute the men involved but as Robert Oaks states, none of the magistrate knew how to define the crime. Many of the magistrates believed that the girls consented to the sexual advances and even if the girls did not consent, in 1642, no rape law existed in the Massachusetts Bay Colony. The magistrates of the community attempted to define the sexual molestation of the girls as sodomy. Unfortunately, the accused men only confessed to molestation and not penetration, which countered English precedent for a successful sodomy prosecution. It is unclear if the authorities were successful in prosecuting the men for either rape or sodomy, attempted or otherwise. When the Bay Colony reviewed its laws, they added statutes prohibiting rape as well as an age of consent. Both Richard Godbeer in “Cry of Sodom” and *Sexual Revolution* as well as Robert Oaks in “Things Fearful to Name” discuss this particular court case and its direct relationship to the legal code. Richard Godbeer lists one of the girls’ names as Dorcas Humfry.

<sup>162</sup> *The Book of the General Lawes and Libertyes.*

for the latter offense.<sup>163</sup> Despite occurring in England, Castlehaven's case was sensationalized enough to become fodder for the anonymous pamphlets. Caroline Bingham notes that the earliest pamphlet to describe Castlehaven's trial was published in 1642.<sup>164</sup> Community leaders in New England would have been aware of the sensationalized trial. Thompson notes that as early as 1630, accounts were "sent across the Atlantic" full of "appalled fascination at the allegations against the Earl."<sup>165</sup> Imagining the different communities, in England and in New England, as isolated would minimize the effect that these communities had on each other. Many historians have already examined and noted that communities were not isolated, especially in matters pertaining to law. Robert Oaks, as well as George Haskins and Richard Godbeer, notes that "magistrates wrote for advice to other New England colonies, soliciting written opinions from ministers, the nearest equivalent to legal experts."<sup>166</sup>

Plymouth, the first established Puritan stronghold in Massachusetts, listed sodomy and buggery under "Capitall offences lyable to death."<sup>167</sup> There are no biblical passages listed to justify labeling sodomy and buggery as capital offenses. In his article, "Things Fearful to Name," Robert Oaks, through a "somewhat hasty count," compiled an accounting of sexual offenses that occurred in Plymouth. Oaks states that "There were 3 definite homosexual offenses; 2 definite

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<sup>163</sup> For a full accounting of the Earl of Castlehaven's trial, please see Caroline Bingham, "Seventeenth-Century Attitudes towards Deviant Sex," *The Journal of Interdisciplinary History*, 1:3 (Spring, 1971), 447-468. The focus of her article is to use the Castlehaven case to showcase the punitive attitudes regarding sodomy. Her article does not get into the necessity of having such laws in England (where the Earl lived/committed his offenses/and ultimately was executed.). Cynthia B. Herrup also discusses the Castlehaven case in *A House in Gross Disorder: Sex, Law, and the Second Earl of Castlehaven* (New York, 1999).

<sup>164</sup> Bingham, "Seventeenth-Century Attitudes towards Deviant Sex" 451. Bingham notes the anonymous pamphlet *The Arraignment and Conviction of Mervin Lord Audley, Earl of Castlhaven ... at Westminster on Monday April, 25 1631I. As also the beheading of said Earle shortly after on Tower Hill* (London, 1642) in n. 11

<sup>165</sup> Thompson, "Attitudes in Homosexuality," 33.

<sup>166</sup> Oaks, "Things Fearful to Name," 273.

<sup>167</sup> Also listed in the Plymouth Code under capital offenses is adultery but in 1658, adultery is moved to being a criminal offence, along with Fornication "and other uncleane carriages" *The Compact with the Charter and Laws of the Colony of New Plymouth: Together with the Charter of the Council at Plymouth, and an appendixs, containing the Articles of Confederation of the United Colonies of New England*, (Boston: Dutton and Wentworth, 1836), 42-43

buggery cases, one accusation each for sodomy and buggery; and only 15 unspecified cases that might have been either homosexual or heterosexual.”<sup>168</sup>

The first recorded incident of homosexuality in New England occurred in 1629, when the ship *Talbot* arrived in Massachusetts. During the voyage, “5 beastly Sodomiticall boyes ... confessed their wickedness not to be named.” Unwilling to deal with the boys, Massachusetts authorities sent the boys back to England, arguing a lack of jurisdiction.<sup>169</sup> Two sodomy trials occurred in Plymouth before the colony enacted its own laws and was still relying on English custom. In 1636, John Alexander and Thomas Roberts were “found guilty of lude behavior and unclean carriage one [with] another, by often spendinge their seede upon another.”<sup>170</sup> In 1642, Edward Michell was convicted of “lude and sodomiticall practices” with Edward Preston. All four men, rather than being executed, were whipped.

Bestiality was also present in the Puritan community. Roger Thompson examined the bestiality trials in Plymouth and notes that “between 1641 and 1673, five men were hanged [for bestiality], after seeing their ‘partners’ slaughtered.”<sup>171</sup> Two cases occurred as Massachusetts Bay Colony was discussing and drafting its *Body of Liberties*. In 1641, William Hackett (sometimes spelled Hatchet) was convicted and executed for “buggery with a cow, upon the Lord’s day.”<sup>172</sup> Thomas Granger, in 1642, was convicted and executed for “buggery with a mare, a cow, two goats, five sheep, two calves and a turkey.”<sup>173</sup> It is this backdrop that William Bradford, in his history of Plymouth, noted and lamented the apparent “rash” of sodomy and bestiality cases in the early 1640s: “But that which is even worse, even sodomy and buggery

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<sup>168</sup> Oaks, “Things Fearful to Name,” 271-272.

<sup>169</sup> Oaks, “Things Fearful to Name” 269.

<sup>170</sup> *Ibid.*, 270. Oaks is quoting from *Records of the Colony of New Plymouth in New England*, ed. Nathaniel B. Shurtleff and David Pulsifer (Boston 1855-1861), XI, 12

<sup>171</sup> Thompson, “Attitudes towards Homosexuality,” 29.

<sup>172</sup> Oaks, “Things Fearful to Name,” 274.

<sup>173</sup> Bradford, *Of Plymouth Plantation*, 321.



(things fearful to name) have broke forth in this land ofener than once.”<sup>174</sup> Bradford lists several reasons why such cases were occurring in the Puritan’s bastion, one being:

They [sodomy and bestiality] are here more discovered and seen, and made publick by due serch, inquisition, and due punishment; for the churches looke narrowly to their members, and the magistrats over all, more strictly than in other places.<sup>175</sup>

Bay colony, in contrast with Plymouth colony, wanted a much more specific law that regulated the sexual congress of those in and out of the church.<sup>176</sup> A causal code, which just listed the crime, would not have prevented the crime from occurring, as shown in Plymouth; merely listing the crimes was not sufficient. Massachusetts Bay Colony leaders wanted to explicitly state “when the branch of the wicked shall be cut off before his day.”<sup>177</sup>

### *Conclusion*

Using Mosaic Law for justification to regulate acceptable and unacceptable sexual behavior showed a clear divide between English custom and the Massachusetts Code of 1648. It also contrasted the New England Puritan communities with England, which (according to the New England Puritans) had become a bastion of sexual excess and moral depravity.<sup>178</sup> New World Puritan leaders wanted to establish themselves in direct opposition to the Old World excess. To engage in such “morally reprehensible” activities placed individuals outside of the defined Puritan community, maintaining the core of the community as “pure.” The sodomy and bestiality statutes of the Massachusetts Bay Colony Code formalized this ostracization.

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<sup>174</sup> *Ibid*, 204-206.

<sup>175</sup> *Ibid*.

<sup>176</sup> New Haven, a Puritan community established after the formation of the Bay Colony, had a far more specific laws regulating sodomy and bestiality than both the Bay Colony and Plymouth. The New Haven law, enacted after 1655, incorporated sex between two women, sex between two men, anal penetration by men of women and children, either male or female, and vaginal penetration of a girl prior to puberty under its definition of sodomy. Public masturbation was also included but did not necessarily state death as punishment like the other acts listed.

<sup>177</sup> This is a reference to Job 15:32. For full text of the verse, please see appendix B.

<sup>178</sup> London and Old England’s depravity is the subject of some of the sermons. For example, Thomas Vincent’s *God’s Terrible Voice in the City of London Wherein You have the Narration of the Two Late Dreadful Judgements of Plague and Fire...* (Cambridge: Samuel Green, 1668).

CHAPTER FIVE: “HE THAT IS UNCLEAN, LET HIM BE UNCLEAN STILL; HE THAT IS FILTHY, LET HIM BE FILTHY STILL.”<sup>179</sup> SODOMY, IMPENITENCE<sup>180</sup>, AND PURITAN SERMONS

*Chapter Abstract*

For Puritans, sodomy was a contagious, infectious sin that could bring eternal damnation and cause *actual* punishments for the individual and the community (as discussed in chapter three). After the formal laws were in place, ministers reinforced the perception of an “inside” community where only the righteous would exist. Placed “outside” of their communities were sodomites, particularly since they no longer accepted God’s grace. Once “outside,” the righteousness of the community was protected and reinforced.

*Introduction*

God expected great things from the Puritans. God had always had a special relationship with a chosen people, just as he now did with the Puritans.<sup>181</sup> William Stoughton writes “*That the great God hath taken up great Expectations of us, and made great Promises to himself concerning us, and this hath been, and is New-Englands day and season of Probation*” (emphasis original).<sup>182</sup> The establishment of a legal code allowed for Puritan leaders to structure their utopia prescribed by the Holy Bible. Everybody in the Puritan commonwealths was judged by the same laws, and ignorance of the law was not justification for breaking it.<sup>183</sup> The sermon literature provided a vehicle that allowed Puritan leaders to ensure that all members of their

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<sup>179</sup> Danforth, *Cry of Sodom*, 17.

<sup>180</sup> Impenitence is lack of contrition for one’s sins and the willful choice not to repent thus turning away from God’s grace. Isaiah 1:4 and 66:4, Jeremiah 9:6 and 13:10, Zechariah 7:11-12, Hebrews 12:25, Ezekiel 14:6 among other verses discuss the dangers of impenitency to the individual soul and the community.

<sup>181</sup> Miller and Johnson, *The Puritans*, Perry Miller, “Errand Into the Wilderness,” *The William and Mary Quarterly* 10:1 (Jan., 1953) 3-32.

<sup>182</sup> William Stoughton, *New-Englands True Interest; Not to Lie* in Miller and Johnson, *The Puritans*, 246.

<sup>183</sup> Peter Charles Hoffer, *Law and People in Colonial America*, 23. Elaine Forman Crane, *Witches, Wife Beaters, and Whores*, 7.

community adhered to the laws that existed, even if those individuals had not read or were not aware of the statutory language.

The Puritan sermons allowed ministers to contrast Old England with New and find Old England lacking. Old England was once a “Staple of Truth to all Christendome,” but now was “the Aviary of Errors to the whole World, let every fearing heart judge.”<sup>184</sup> Thomas Morton, in *New England Canaan*, writes “let the people have their desire, who write to their friends to come out of Sodome [England and Europe] to the land of Canaan, a land that flowes with Milke and Hony.”<sup>185</sup> John Williams, in an execution sermon delivered at the hanging of a woman convicted of killing her child, notes that sensuality “drowned the Old World,” and Samuel Willard reminded his congregation, “who were taken in the height of their pleasures, in the top of their prosperity, and suddenly brought to a final end and fearful desolation.”<sup>186</sup> To avoid falling into the same pits of depravity that plagued old England, Puritans needed to practice constant self-examination.

Sodomy was a sin and needed moral policing to maintain the spiritual and moral purity of the community, even if the members committing the sin did not belong to the church. In his sermon, *Cry of Sodom Enquired Into*, Samuel Danforth explicitly encourages his congregation to “carefully *Watch over our Children, Servants*, and all that are under our Care and Charge, lest they be stained and defiled”<sup>187</sup> (original emphasis). Puritan doctrine held that “the sin of one was viewed as the sin of all.” Once a sin manifested itself in the community, the expression of humans’ natural inclination towards depravity would quickly spread, especially if the sin were

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<sup>184</sup> Nathaniel Ward, “The Simple Cobler of Aggawam” in Miller and Johnson, *The Puritans*, 231.

<sup>185</sup> Thomas Morton and Charles Francis Adams, eds., *New English Canaan*, (1637, reprint, New York: Burt Franklin, 1967), 230.

<sup>186</sup> John Williams, *Warnings to the Unclean: In a Discourse from Rev. xxi 8. Preacht at Springfield Lecture, August 25<sup>th</sup> 1698 at the Execution of Sarah Smith.*, Samuel Willard, “Useful Instructions for a Profession People in Times of Great Security and Degeneracy: Delivered in Several Sermons on Solemn Occasions (Cambridge, 1673). 40

<sup>187</sup> Samuel Danforth, *Cry of Sodom*, 28

tolerated by church and community members.<sup>188</sup> Gayle Rubin, though limiting her discussion to sexual activities, notes that when an activity is acknowledged to be harmless, many individuals rally against it, fearing that the activity could lead to something worse (what she calls another manifestation of the domino theory).<sup>189</sup>

This threat of contagious, infectious sin was a real fear rooted in Biblical passages. The Bible, which community leaders and parishioners knew well, is full of references to God punishing not only the sinner but also entire communities. In Genesis, God punished men, women, and children in Sodom for their “grievous sins.”<sup>190</sup>

Puritans viewed sin as an infection. Old England’s church authorities failed to stop their communities from sinning, and New England could do the same. Michael Wigglesworth, in his epic poem in 1662, wrote, “Beware, oh sinful land, beware And Do not think it strange That sorer judgements are at hand Unless thou Quickly change.”<sup>191</sup> Puritan ministers tasked themselves with locating the source of the sin, treating the symptoms of the sin (through redemption and admonishment and when that fails, exile and death) to stop the progression of the disease (the sin). The statutory language “defined the behavioral boundaries of a healthy community,” and the sermons “described an infectious threat to that community” while also “prescribing actions for restoring it to health” with the eventual goal of reestablishing the

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<sup>188</sup> *Ibid*, 28.

<sup>189</sup> Gayle Rubin, “Thinking Sex,” 163. The Domino Theory is often used in reference to the United States’ justification for containment during the Cold War and entering the Vietnam War. A simplistic interpretation of the domino theory states that if one country in an “outlying area” – like Vietnam – would fall to communism, the surrounding countries would subsequently fall to communism. Rubin’s article articulates this “domino” argument – one risky deviant sexual behavior leads to another risky sexually deviant behavior.

<sup>190</sup> Genesis Chapter 18, verse 20. For the whole story of the destruction of Sodom and Gomorrah, please see Genesis Chapters 18-19 or Appendix C

<sup>191</sup> Michael Wigglesworth, “God’s Controversy with New England: Written in the Time of the Great Drought, 1662,” Alan Heimert and Andrew Delbanco, eds., *The Puritans in America* (Cambridge, Mass: Harvard University Press, 1985) 235.

community back to health and becoming “essentially Orthodox.”<sup>192</sup> The audience of the sermon “imagines him or herself as a part of a community defined by shared immunities and susceptibilities to disease” – all could fall to the threat of a contagious sin as all were inherently flawed.<sup>193</sup> Failure to regulate sin resulted in punishment.

The fear of punishment, in the physical and the eternal realm, drives the discussion of sodomy in Puritan literature.<sup>194</sup> Sodomy had to be stopped, especially since it had the most potential to spread of all of sexual infractions. William Bradford, when reporting the rash of sodomy cases in the early 1640s, warned that Thomas Granger and another man “had made some sodomitical attempts upon another” and showed others their sodomitical ways. Near the conclusion of his account, the Governor warned that these cases showed “how one wicked person may infect many.”<sup>195</sup>

#### *Puritan Sermons and Sodomy*

Puritan jeremiads provided a way for leaders to admonish their communities and show that “hard times are God’s punishment” and unless there was serious moral reform, “worse is coming.”<sup>196</sup> Jeremiads explained epidemics (illness, Native American attacks, threats to communal authority, and subversive sins) as national punishment for universal sin and constant self-monitoring and prayer as the only way to stop the imminent judgment.<sup>197</sup> A day of humiliation and prayer at a Boston general court during 1674 and the Indian wars opens with:

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<sup>192</sup> Cristobal Silva, *Miraculous Plagues: An Epidemiology of Early New England Narrative* (Oxford: Oxford University Press, 2011) 4, 76

<sup>193</sup> *Ibid.*, 8-16. Silva wants to move beyond the thematic nature of epidemiology and illness to further the historical narrative. He attempts to discover how “questions” regarding American exceptionalism, cultural coherence, and homogeneity in Puritan New England “came to hold such sway over the field since its inception, and why they came to be asked in the first place” 22.

<sup>194</sup> Verduin, “Our Cursed Natures,” 227.

<sup>195</sup> Bradford, *Of Plymouth Plantation*, 321.

<sup>196</sup> Morone, *Hellfire Nation*, 42.

<sup>197</sup> Silva, *Miraculous Plagues*, 20. Michael Warner, “New English Sodom,” *American Literature* 64:1 (Mar., 1992) 24.

“Whereas it pleaseth GOD still to Exercise his people here and elsewhere, with many and various Difficulties & Trialls: Particularly, the breaking forth of Notorious and Scandalous Sinns among us...” while another call for humiliation and prayer in 1675 states the community should:<sup>198</sup>

Judge ourselves for all those many sins and evils that doe abound among us, to the dishonor of God, and our Profession of his great Name, and to implore his Compassions to be towards us, freely pardoning all our Sins and Transgressions, and that he would give us Repentance for the same, and turn, his People again unto himself, to seek the Lord God of our Fathers withal our hearts and that his favourable preference may be with us, blessing that present Expedition for rebuking the rage of the Heathen, lengthening out our Peace, and blessing the fruits of the Earth, that we may yet further experience his goodness towards us...<sup>199</sup>

These calls for humiliation and prayer during Metacom’s War envision Native Americans as being part of the scourge plaguing the Puritans and specifically do not mention sodomy or bestiality. However, Benjamin Goad’s execution was a year prior to the outbreak of the war, and these “Notorious and Scandalous Sinns” would have included sodomy and bestiality. These admonishments were particularly important since the willingness to participate in sodomitical behavior was in every sinner.

With this inherent predilection for sin, it was imperative that ministers to stress constant guarding against sin to their congregations. Thomas Shepard explicitly tells his flock in *The Sincere Convert*, in 1641, that sodomy is latent in every sinner: “Thy heart is a foul sink of all atheism, sodomy, blasphemy, murder, whore-dom, adultery, witchcraft, buggery ... It is true thou feelest not all these things stirring in thee at one time ... but they are in thee like a nest of snakes in an old hedge. Although they break out into thy life, they lie lurking in thy heart.”<sup>200</sup>

Willing sinners had no place in Puritan communities and “deserve[d] the judgements” enacted

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<sup>198</sup> John D. Cushing, ed. *The Laws and Liberties of Massachusetts, 1641 – 1691, A Facsimile Edition, Containing Also Council Orders and Executive Proclamations. Vol II* (Wilmington, DE: Scholarly Resources, Inc., 1976), 441.

<sup>199</sup> Cushing, *The Laws and Liberties of Massachusetts*, 455.

<sup>200</sup> Thomas Shepard, *The Works of Thomas Shepard, vol 1* (Boston, 1853), 28.

against them. Throughout his sermon, Danforth repeatedly references continued exposure to sinners eventually leaving “awful impressions upon the hearts of the spectators.”<sup>201</sup> Even the titles of the sermons themselves address the belief that the sermons were not for the condemned but for the audience. Samuel Willard’s sermon, *Impenitent Sinners Warned*, ends with “published for the warning of others” and Increase Mather’s *The Wicked Man’s Portion* ends with “excesse in wickedness doth bring untimely death.” The sermons were meant to encourage the audience “not [to] linger nor defer thy Repentance, ... but hasten out of Sodom.”<sup>202</sup>

Repentance would be the only way to save a sodomite – if God had chosen not to make an example of them. Increase Mather, in *Awakening Truths Tending to Conversion*, states that there are “some Sinners so unreasonable, and so wicked” and would never repent.<sup>203</sup> John Cotton even acknowledges that when sinners are unwilling to repent, the legal system must step in to rectify their behavior:

It is not lawfull to persecute any, till after *Admonition* once or twice: and so the Apostle directeth, *Tit. 3. 10.* and giveth the Reason, that in *fundamentall* and principall points of Doctrine or Worship, the Word of *God* in such things is so cleare, that hee cannot but bee convinced in *Conscience* of the dangerous Errour of his way, after once or twice *Admonition*, wisely and faithfully dispensed. And then, if any one persist, it is not out of *Conscience*, but against *his Conscience*, as the Apostle saith, vers II. He is subverted and sinneth, being condemned of Himselfe, that is, of his owne *Conscience*. So that if such a Man after such *Admonition* shall still *persist* in the Errour of his way, and be therefore punished; He is not *persecuted* for Cause of *Conscience*, but for sinning *against* his Owne *Conscience*. (emphasis original)<sup>204</sup>

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<sup>201</sup> Godbeer, *Sexual Revolution*, 84 and Danforth, *Cry of Sodom*, 22-24.

<sup>202</sup> Danforth, *Cry of Sodom*, 22

<sup>203</sup> Increase Mather, *Awakening Truths Tending to Conversion*, (Boston: B.Green for Benj. Eliot, 1710).

<sup>204</sup> John Cotton, “The ANSWER of John Cotton of Boston in New-England ... Professedly Mainteining Persecution for Cause of Conscience,” in Miller and Johnson, *The Puritans*, 217.

Danforth and others, though, note that “no sin hardens the heart more then the sin of *Uncleanness*” and “There are very few unclean persons that ever savingly repent and turn to God.”<sup>205</sup>

The greatest sin for a Puritan was to turn away from God. This becomes the first and most compelling means by which the ministers are able to place sodomites outside of the community. Sodomites, through their actions, have turned away from God and subverted his will. To turn away from God immediately placed an individual beyond the reaches of righteousness and prevented them from calling themselves *Puritan*. Though speaking about all sin, Thomas Hooker reminds his congregation: “*That sin is the greatest evil in the world, or indeed that can be*. For, That which separates the soul from God, that which brings all evils of punishment, and makes all evils truly evil, and spoils all good things to us, that must needs be the greatest evil, but this is the nature of sin, as hath already appeared” (emphasis original).<sup>206</sup> Throughout Danforth’s *Cry of Sodom* are reminders to repent to return the individual to God’s grace, unless the nature of the sin prevents an individual from doing so.

Sodomy was one of those sins. Danforth informs his congregation that, “Bold and presumptuous sinners cannot be saved, except they be made afraid of the Wrath and Vengeance of God. If lewd and filthy persons be not scared and frighted out of their vile Haunts and lascivious Courses, by the Terrour of Wrath and Judgement, there is no hope of their Salvation.”<sup>207</sup> Benjamin Goad, Danforth goes on to say, was an example for the community because he was unwilling to repent and even confessed to indulging in sodomitical behavior for a year prior to being caught.<sup>208</sup> God allowed Goad’s death not only to make the youth an “awfull

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<sup>205</sup> Danforth, *Cry of Sodom*, 21.

<sup>206</sup> Thomas Hooker, *A True Sight of Sin*, in Miller and Johnson, *The Puritans*, 299.

<sup>207</sup> Danforth, *Cry of Sodom*, 14.

<sup>208</sup> *Ibid*, 14-15. See also n1 from Paul Royster.



Example for their Admonition and Caution” for the community but to “cut off this rotten and putrid Member, that he might prevent the spreading of the Infection.”<sup>209</sup> If Goad had not partaken in the sins that Danforth cautions against in his sermons – pride, sloth and idleness, disobedience to parents and masters, irreligion and profaneness – his life would have been spared since he would not have turned away from the Holy Spirit of God.

### *Conclusion*

The sermons were a means to remind the congregation of what awaited them if they were impenitent. If an individual, after hearing the admonishments and being acquainted with the tale of Sodom and Gomorrah, practiced sodomitical behavior, their destruction was on them. In his *Institutes*, Calvin states that “God seems to deny that the wicked perish through his ordination, except in so far as they spontaneously bring death upon themselves in opposition to his warning...”<sup>210</sup> The Puritan ministers of Massachusetts Bay echo Calvin’s sentiment. In *Day of Doom*, Michael Wigglesworth includes several verses containing this belief: “Who stopt their Ear, and would not hear, when Mercy warned them: But took their course, without remorse till God began to power Destruction the World upon in a tempestuous showre”<sup>211</sup> and “The man whose ear refus’d to hear the voice of Wisdoms cry, Earn’d this reward, that none regard him in his misery. It doth agree with equity, and with Gods holy Law, That those should dye eternally that death upon them draw. The Soul that sins damnation wins, for so the Law ordains.”<sup>212</sup> Throughout *Cry of Sodom*, Danforth is incredibly explicit with this point: “For any to go on in the sin of Uncleanness, after such a solemn Warning as this, it is to sin presumptuously; it is to sin in contempt of the Holiness of God, in contempt of the Jealousie of God, in contempt of the

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<sup>209</sup> *Ibid*, 18.

<sup>210</sup> Calvin, *Institutes*, 2255.

<sup>211</sup> Michael Wigglesworth, “The Day of Doom,” verse 3.

<sup>212</sup> *Ibid*, versus 140-141.

fierce Wrath and Indignation of the Almighty.”<sup>213</sup> Congregations were warned, a formal legal system was in place, and those who partook in sodomy and bestiality were asking for their own destruction.

Those within the community who were saved by God’s grace, had not turned away, and followed the civil and ecclesiastical teachings of Puritan ministers would emerge like Lot out of the destruction of Sodom. Sodomy was a manifestation of deadly impenitence.

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<sup>213</sup> Danforth, *Cry of Sodom*, 17.









warrant and other proceedings, describe the offence by barely mentioning the above terms of sodomy and bestiality, which is considered as a sufficient description.”<sup>224</sup> Some of the legal commentaries also retain the Latin descriptions of what constitutes buggery, “there must be *penetration & Emissio Seminis*,” yet have no hesitation of including Coke’s anecdote of “a great lady [committing] Buggery with a Baboon, and conceiv’d by it” or Lord Audley’s [Castlehaven] being convicted of “using a man upon his Belly Sodomitically” in English.<sup>225</sup> What legal scholars determined was worthy for the general reader to understand, as only the most learned could read and write Latin, warrants scholarly attention. If the project moves forward chronologically to the 1750s, it could also discuss the urban sexual culture with the creation of molly and bawdy houses.<sup>226</sup> The religious discussion I have begun here provides an excellent building block to understand the legal institutions’ interactions with these different influences in constructing early American sexuality.

The immediate connection for any discussion of sodomy’s place in American culture is homosexuality. This connection emerges after gay liberation refuted the traditional label of “deviant” in regards to homosexual sexual contact and the *Lawrence et al. v Texas* ruling in 2003 that legalized homosexuality as well as homosexual conduct. “Out of [the] struggles [of homosexual and feminist scholars and activists] came new assertions of political power and cultural authority by dominant groups seeking to classify and control sexuality.”<sup>227</sup> I believe

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<sup>224</sup> Augustin S. Clayton, *The Office and Duty of a Justice of the Peace, and a Guide to Clerks, Constables, Coroners, Executors, Administrators, Guardians, Sheriffs, Tax-collectors, and Receivers, and other Civil Officers according to the Laws of the State of Georgia* ... (Milledgeville: S. Grantland, 1819) 354.

<sup>225</sup> *Conductor Generalis: or the Office, Duty and Authority of Justices of the Peace, High-Sheriffs, Under-Sheriffs, Goalers, Corners, Constables, Jury-Men, and Overseers of the Poor* (Philadelphia: B. Franklin and D. Hall, 175) 38 – 39.

<sup>226</sup> Clare Lyons, *Sex among the Rabble*. Molly houses are places of homosexual contact where an entire subculture of homosexual behaviors emerges. Bawdy houses are places for sanctioned prostitution to occur.

<sup>227</sup> Kathy Peiss and Christina Simmons eds., *Passion and Power: Sexuality in History*, (Philadelphia: Temple University Press, 1989) 3.

historians seeking to establish a homosexual precedent in early America have diminished historical research into sodomy.

However, I would like to reframe the discussion of sodomy as a method of constructing power dynamics around sexual relationships beyond rape following Gayle Rubin's example. There is an enormous amount of power contained within the act of having sexual congress. Scholarly discussion of rape is always constructed around power, and I believe *all* elements of sexual congress must be discussed in this manner in addition to discussing it via sexual desire. I would like to follow previous scholars who have always argued "power always infuse[s] sexual relationships between men and women, adults and children, and masters and bound laborers."<sup>228</sup>

Scholars have tended to focus on the biological sex of the individuals involved when discussing sexuality. "Sexuality tends to be identified most closely with the female and the homosexual, while the public sphere is conceived of as male and heterosexual."<sup>229</sup> There have been works that discuss male-to-female sexual assault, male and female middle-class attacks on sexual promiscuity of the lower classes and of minorities, criminalization of prostitution and homosexuality, control of reproductive rights of women, and the sexual discourse that accompanies the development of the biological sciences, psychology, and state institutions. Historically understanding the power dynamics in the creation of "unnatural" sexual acts helps in understanding the power dynamics at work when discussing other particular fetishisms – like balloon play, furies, eroticism of certain foods or body parts for example – in relation to "acceptable" sexual acts.

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<sup>228</sup> Sharon Block and Kathleen Brown, "Clio in Search of Eros: Redefining Sexualities in Early America," *The William and Mary Quarterly* 60:1 (Jan 2003) 9.

<sup>229</sup> Robert A. Padgug, "Sexual Matters: On Conceptualizing Sexuality in History," *Radical History Review* 20 (Spring/Summer 1979), 6.



The greatest service a historian can do is listen for silences in the historical narrative and place the documents they employ in the appropriate historic context. Puritan leaders acted in a specific historical understanding of God and God's claim on them, and Puritans did not want to invoke God's wrath. The religious and legal texts "othered" groups to protect the community specifically from the punishments that could occur from having impenitent individuals within their communities.

With my project, I have attempted to create a discourse of sexuality using the language the colonialists used and avoid using language that they did not have. Discussions of sexuality are too often framed by categories that the present-day reader is going to be familiar with and are "too strongly influenced by recent debates and the current agenda about sex, pleasure and gender politics."<sup>230</sup> Colonial American sexuality was not defined in a binary cultural construction, hetero versus homo, as is commonplace today. "Sodomite" did not refer to a person's entire identity, only to the specific sexual acts that person committed.

Acknowledging this is especially important for me, given the current social climate around homosexuality and its correlation with sodomy, Proposition Eight in California, and the recent Defense of Marriage Act (DOMA) rulings in the Supreme Court. Robert Oaks and Richard Godbeer have both mentioned the colonial confusion over sexual and legal terminology, especially as sodomy, bestiality, and buggery were often interchangeable, despite having myriad interpretations depending on context and who was using the term. Godbeer is explicit in his discussion that "meanings ascribed to sex vary from one culture to another, from one place to another, from one time to another."<sup>231</sup> There is a public perception of how sexual intercourse occurs given popular portrayals of sex today, and this will get juxtaposed with the way

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<sup>230</sup> Szreter and Fisher, *Sex before the Sexual Revolution*, 48.

<sup>231</sup> Godbeer, "Cry of Sodom," 261.

colonialists described sexuality and sexual sins. The terms the colonialists used in their religious writings and legal records are meant to accentuate “conventional revulsion against homosexuals” and to trigger an instinctive violent reaction.<sup>232</sup> The language used was *meant* to have an emotional response, and historians do the historic narrative an injustice when they fail to explain *why* the emotional response is necessary.

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<sup>232</sup> Thompson “Attitudes towards Homosexuality,” 34.

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## APPENDIX A: LEGAL STATUTES

## 25 Henry VII, c6

Forasmuch as there is not yet sufficient and condign punishment appointed and limited by the due course of the Laws of this Realm for the detestable and abominable Vice of Buggery committed with mankind of beast: It may therefore please the King's Highness with the assent of the Lords Spiritual and the Commons of this present parliament assembled, that it may be enacted by the authority of the same, that the same offence be from henceforth adjudged Felony and that such an order and form of process therein to be used against the offenders as in cases of felony at the Common law. And that the offenders being herof convict by verdict confession or outlawry shall suffer such pains of death and losses and penalties of their good chattels debts lands tenements and hereditaments as felons do according to the Common Laws of this Realme. And that no person offending in any such offence shall be admitted to his Clergy, And that Justices of the Peace shall have power and authority within the limits of their commissions and Jurisdictions to hear and determine the said offence, as they do in the cases of other felonies. This Act to endure till the last day. of the next Parliament.

## The Code of 1648 “The Body of Liberties”

In 1648: [Section 7]” If any man or woeman shall lye with any beaste or brute creature by Carnall Copulation, They shall surely be put to death. And the beast shall be slaine and buried and not eaten. (in margin Lev. 20. 15, 16”

[Section 8] If any man lyeth with mankind as he lyeth with a woeman, both of them have committed abomination, they both shall surely be put to death. (in margin lev 20, 13”

## Revision of 1672:

[Section 7]: If any man or woman shall lie with any beast or brute creature, by carnal copulation, they shall surely be put to death, adnt he best shall be slain and buried, and not eaten. Levit. 20, 15, 16 “Bestiality.”

[Section 8] “If any man lyeth with man-kind as he lyeth with a woman, both of them have committed abomination, they both shall surely be put to death, unless the one party were forced, or be under fourteen years of age, in which case he shall be severely punished. Levit. 20. 12”  
“Sodomy”

## 1692-1693

[Section 8] If any man lieth with mankind, as he lieth with a woman, they both shall be put to death. “Sodomy”

[Section 9] If any man or woman have carnal copulation with any beast or bruit creature, they shall be put to death, and the beast shall be slain and burned.” “Bestiality.”  
The Biblical references are removed from the list of capital crimes except for the statute prohibiting incest which lists “Levit. Xx. 11, 12, &c” underneath Incest in the margin.

## In 1697 “Chapter 19” “An Act for the punishment of buggery.

“For avoiding of the detestable and abominable sin of buggery with mankind or beast, which is contrary to the very light of nature – Be it enacted and declared by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same it is enacted,

That the same offence be adjudged felony; and such order and form of process therein to be used against the offenders as in cases of felony. And that every man being duly convicted of lying with mankind as he lyeth with a woman, and every man or woman that shall have carnal copulation with any beast or bruit creature, the offender and offenders in either of the cases before mentioned shall suffer the pains of death; and the beast shall be slain and burned. [Passed and published October 23]" in margins "1692-3, chapt. 19 §§ 8 and 9"

## APPENDIX B: BIBLICAL VERSES FREQUENTLY CITED

## Leviticus (AKJV)

*Chapter Eighteen:*

Verse 22: Thou shalt not lie with mankind, as with womankind: it is abomination.

23: Neither shalt thou lie with any beast, to defile thy selfe therewith: neither shall any woman stand before a beast to lie downe thereto: It is confusion.

24: Defile not you your selues in any of these things: for in all these, the nations are defiled which I cast out before you.

25: And the land is defiled: Therefore I doe visit the iniquitie thereof upon it, and the land it selfe vomiteth out her inhabitants.

26: Ye shall therefore keepe my Statutes and my Judgements, and shall not commit any of these abominations; neither any of your owne nation, nor any strange that sojourneth among you

27: (For all these abominations haue the man of the land done, which were before you, and the land is defiled.)

*Chapter Twenty:*

Verse 13: If a man also lie with mankind, as hee lyeth with a women, both of them have committed any abomination: they shall surely be put to death; their blood shalbe upon them.

15: And if a man lie with a beast, he shall surely be put to death: and ye shall slay the beast.

16: And if a women approach unto any beast, and lie downe thereto, thou shalt kill the woman and the beast: they shall surely be put to death, their blood shalbe upon them

23: And ye shall not walke in the maners of the nation, which I cast out before you: for they committed all these things, & therefore I abhorred them

25: Ye shall therefore put difference btweene cleane beasts, and uncleane, and betweene uncleane foules, and cleane: & ye shall not make your soules abominable by beast or by foule, or by any maner of living thing, that creepeth on the ground, which I have separated from you as uncleane.

## I Romans

*Chapter One:*

Verse 18: For the wrath of God is reveiled from heaven against all ungodlinesse, and unrighteousnesse of men, who hold the truthe in unrighteousness.

26: For this cause God gave them up unto vile affections: for even their women did change the natural use into that which is against nature

27: And likewise also the men, leaving the natural use of the women, burned in their lust one towards another, men with men working that which is unseemely, and receiving in themselves that recompense of their errour which was meet.

32: Who knowing the judgement of God, (that they which commit such things, are worthy of death) not onely do the same, but have pleasure in them that doe them

## Jude

Verse 7: Even as Sodom and Gomorrha, and the cities about them, in like maner giving themselves over to fornication, and going after strange flesh, are set forth for an example, suffering the vengeance of eternall fire.

Deuterony  
*Chapter Twenty Three:*

Verse 17: There shalbe no whore of the daughters of Israel, nor a Sodomite of the sonnes of Israel

2 Peter  
*Chapter Two:*

Verse 12: But these, as natural brut beasts made to bee taken and destroyed speake euill of the things that they understand not, and shall utterly persish in their owne corruption

13: And shall receiue the reward of unrighteousnesse, as they that count it pleasure to riot in the day time: Spots they are and blemishes, sporting themselves with their owne deceivings, while they feast with you:

I Timothy  
*Chapter One:*

Verse 10: For whoremongers, for them that defile themselves with mankind, for men-stealers, for liars, for perjured persons, and if there be any other thing that is contrary to sound doctrine

I Corinthians  
*Chapter Six:*

Verse 9: Know yee not that unrighteous shall not inherite the kindome of God? Be not deceived: neither fornicatours, nor idolaters, nor adulterers, nor effeminate, nor abusers of themselves with mankind

10: Nor theeues, nor couetous, nor drunkards, nor reuilers, nor extortioners, shall inherit the kingdom of God

I Kings  
*Chapter Fifteen:*

Verse 12: And hee tooke away the Sodomites out of the land, and remooued all of the idoles that his fathers had made

Job  
*Chapter Fifteen:*

Verse 32: It shall be accomplished before his time, and his branch shall not bee greene

## APPENDIX C: SODOM AND GOMORRAH

## Genesis Chapter 18, verses 16-33 (AKJV)

- <sup>16</sup> And the men rose vp from thence, and looked toward Sodome: and Abraham went with them, to bring them on the way. And the LORD said, Shall I hide from Abraham that thing which I doe; Seeing that Abraham shall surely become a great and mighty nation, and all the nations of the earth shall be blessed in him? For I know him, that hee will command his children, and his household after him, and they shall keepe the way of the LORD, to doe iustice and iudgement, that the LORD may bring vpon Abraham, that which hee hath spoken of him.
- <sup>20</sup> And the LORD said, Because the cry of Sodome and Gomorrah is great, and because their sinne is very grieuous: I will goe downe now, and see whether they haue done altogether according to the cry of it, which is come vnto me: and if not, I will know. And the men turned their faces from thence, and went toward Sodome: but Abraham stood yet before the LORD. And Abraham drew neere, and said, Wilt thou also destroy the righteous with the wicked? Peradventure there be fifty righteous within the citie; wilt thou also destroy, and not spare the place for the fiftie righteous, that are therein?
- <sup>25</sup> That be farre from thee, to do after this maner, to slay the righteous with the wicked, and that the righteous should be as the wicked, that be farre from thee: Shall not the Iudge of all the earth doe right? And the LORD said, If I find in Sodom fiftie righteous, within the citie, then I will spare all the place for their sakes. And Abraham answered, and said, Behold now, I haue taken vpon me to speake vnto the LORD, which am but dust and ashes. Peradventure there shall lacke fiue of the fiftie righteous: wilt thou destroy all the citie for lacke of fiue? And he said, If I find there fourtie and fiue, I will not destroy it. And hee spake vnto him yet againe, and said, Peradventure there shall be fourtie found there: and he said, I will not doe it for fourties sake.
- <sup>30</sup> And he said vnto him, Oh let not the Lord be angry, and I will speake: Peradventure there shall thirtie bee found there. And he said, I will not doe it, if I find thirtie there. And he said, Behold now, I haue taken vpon mee to speake vnto the Lord: Peradventure there shall bee twenty found there. And he said, I will not destroy it for twenties sake. And hee saide, Oh let not the Lord be angry, and I will speake yet but this once: Peradventure ten shall be found there. And he said, I will not destroy it for tennes sake. And the LORD went his way, assoone as hee had left communing with Abraham: and Abraham returned vnto his place.

## Chapter 19, verses 1-29:

- <sup>1</sup> And there came two Angels to Sodome at euen, and Lot sate in the gate of Sodome: and Lot seeing them, rose vp to meet them, and he bowed himselfe with his face toward the ground. And he said, Beholde now my Lords, turne in, I pray you, into your seruants house, and tarie all night, and wash your feete, and ye shall rise vp early and goe on your wayes. And they said, Nay: but we wil abide in the street all night. And he pressed vpon them greatly, and they turned in vnto him, and entred into his house: and he made them a feast, and did bake vnleauened bread, and they did eate. But before they lay downe, the men of the citie, euen the men of Sodom, compassed the house round, both old and yong, all the people from euery quarter.

- <sup>5</sup> And they called vnto Lot, and said vnto him, Where are the men which came in to thee this night? bring them out vnto vs, that we may know them. And Lot went out at the doore vnto them, & shut the doore after him, And said, I pray you, brethren, doe not so wickedly. Behold now, I haue two daughters, which haue not knowen man; let mee, I pray you, bring them out vnto you, and doe ye to them, as is good in your eyes: onely vnto these men do nothing: for therefore came they vnder the shadow of my roofe. And they said, Stand backe. And they said againe, This one fellow came in to sojourne, and he will needs bee a Iudge: Now wil we deale worse with thee, then with them. And they pressed sore vpon the man, euen Lot, and came neere to breake the doore.
- <sup>10</sup> But the men put forth their hand, and pulled Lot into the house to them, and shut to the doore. And they smote the men that were at the doore of the house, with blindnes, both small and great: so that they wearied themselues to finde the doore. And the men said vnto Lot, Hast thou here any besides? sonne in law, and thy sonnes, and thy daughters, and whatsoever thou hast in the citie, bring them out of this place. For we will destroy this place, because the crie of them is waxen great before the face of the LORD: and the LORD hath sent vs to destroy it. And Lot went out, and spake vnto his sonnes in law, which married his daughters, and said, Up, get yee out of this place: for the LORD wil destroy this citie: but hee seemed as one that mocked, vnto his sonnes in law.
- <sup>15</sup> ¶ And when the morning arose, then the Angels hastened Lot, saying, Arise, take thy wife, & thy two daughters, which are here, lest thou be consumed in the iniquitie of the citie. And while he lingred, the men laid hold vpon his hand, and vpon the hand of his wife, and vpon the hand of his two daughters, the LORD being mercifull vnto him: and they brought him forth, and set him without the citie. And it came to passe, when they had brought them forth abroad, that he said, Escape for thy life, looke not behind thee, neither stay thou in all the plaine: escape to the mountaine, lest thou bee consumed. And Lot said vnto them, Oh not so, my Lord. Beholde now, thy seruant hath found grace in thy sight, and thou hast magnified thy mercy, which thou hast shewed vnto me, in sauing my life, and I cannot escape to the mountaine, lest some euill take me, and I die.
- <sup>20</sup> Behold now, this citie is neere to flee vnto, and it is a litle one: Oh let me escape thither, (is it not a litle one?) and my soule shall liue. And he said vnto him, See, I haue accepted thee concerning this thing, that I will not ouerthrow this citie, for the which thou hast spoken. Haste thee, escape thither: for I cannot doe any thing till thou bee come thither: therefore the name of the citie was called Zoar. The sunne was risen vpon the earth, when Lot entred into Zoar. Then the LORD rained vpon Sodome & vpon Gomorrah, brimstone and fire, from the LORD out of heauen.
- <sup>25</sup> And he ouerthrew those cities, and all the plaine, and all the inhabitants of the cities, and that which grew vpon the ground. But his wife looked backe from behind him, and she became a pillar of salt. And Abraham gate vp earely in the morning, to the place, where hee stood before the LORD. And he looked toward Sodome and Gomorrah, & toward all the land of the plaine, and beheld, and loe, the smoke of the countrey went vp as the smoke of a furnace. And it came to passe, when God destroyed the cities of the plaine, that God remembered Abraham, and sent Lot out of the midst of the ouerthrow, when he ouerthrew the cities, in the which Lot dwelt.