

# *Sex among the Rabble*

AN INTIMATE HISTORY OF GENDER & POWER

IN THE AGE OF REVOLUTION, PHILADELPHIA,

1730-1830 CLARE A. LYONS



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CHAPTER 5 Sex and the Politics of Gender in  
the Age of Revolution

In 1773 the *Pennsylvania Packet* ran a pair of elopement advertisements.

TO THE PUBLIC  
WHEREAS my wife AMERICAN LIBERTY, hath lately behaved in a very licen-  
tious manner, and run me considerably in debt; this is to forwarn all per-  
sons from trusting her, as I will pay no debts of her contracting from the  
date hereof.

NOV. 12, 1773 LOYALTY

TO THE PUBLIC  
WHEREAS my husband Loyalty hath, in a late advertisement, forwarned all  
persons from trusting me on his account; this is to inform the public, that  
he derived all his fortune from me; and that by our marriage articles, he has  
no right to proscribe me from the use of it.—My reason for leaving him was  
because he behaved in an arbitrary and cruel manner, and suffered his  
domestic servants, grooms, foxhunters, etc. to direct and insult me.

NOVEMBER 22, 1773 AMERICAN LIBERTY.

On the eve of the American Revolution, women's subordination to men in  
marriage could serve as the ideal metaphor to express the strained political  
relationship between the colonies and Britain. American Liberty is the mis-  
treated wife who takes the understandable and legitimate action of leaving the  
"arbitrary and cruel" Great Britain. Great Britain is cast as the bristling hus-  
band dismayed at his wife's disregard for his authority. American Liberty, just  
like Revolutionary wives, was justified in her separation from the unapprecia-  
tive, tyrannical husband Loyalty. But these metaphorical connections between  
marriage, politics, and women's oppression also foreshadowed the nexus of  
women's oppression in the new Republic and women's critique of it during  
the last quarter of the eighteenth century. For women, attaining freedom and  
liberty would require more than the establishment of a republic. Unless the  
Revolutionary critique of illegitimate authority could be used to overturn the  
laws of coverture in marriage, the dual sources of women's subordination

respectable character:  
the tempers and feelings of  
splendid and original imagery,  
ies. He was intemperate and  
footnote in an otherwise ad-

ings attached to nonmarital  
esses and the libertine elites.  
es were an extension of the  
the upheavals of the Revolu-  
ionships, like self-divorce to  
ia's lower classes saw serial  
ughout the eighteenth and  
sort, sexual nonconformity  
romantic attachment over the  
and elite classes, expansive  
ral affairs, and adultery be-  
such behavior was personal

lass-based tendency. Mem-  
unters purely for pleasure,  
their hearts. In many ways,  
ed a sexual culture, often  
throughout the city and en-  
ss and racial lines. In the  
brothel, the rabble and the  
tion and forged a culture  
rences and their multiple  
nary ideal of a free and

would stand firm in the new Republic. The impediments to women's liberty resided not only in the illegitimate governance of the state but also in the unchecked power granted to her most intimate companion, her husband, in marriage. Women were, to use the sentiment expressed by Abigail Adams, at the mercy of their husband's goodwill. Throughout the last quarter of the eighteenth century the men and women of the new nation debated about woman's place in society, addressing both marriage and politics. They read, discussed, and refined views from both sides of the Revolutionary Atlantic. Commentators from Jean-Jacques Rousseau and John Locke to Judith Sargent Murray and Mary Wollstonecraft understood that woman's particular position as the legal subordinate and dependent of her husband shaped her relationship to the new political state, defined her position in society, and impinged on her individual liberty and political autonomy.<sup>1</sup>

The post-Revolutionary increase in nonmarital sexual behavior, with its assertions of individual choice and personal liberties, took place within this larger debate over the proper place for women in the new Republic. Initially, in the 1780s, the debate centered on questions of women's mental capacity and proper female education. Middle-class men and women also advocated a moderation of husbands' control in marriage by shifting the emotional tenor of the relationship to an affectionate partnership: the ideal became a companionate marriage based on the deepest friendship. But by 1790 the debate had developed into a multilayered analysis of marriage, law, economics, and politics unfolding in the city's public prints. As women in Philadelphia participated in this public critique of their status, they understood that marriage was at the center of their disqualification for equal standing in the Republic.

Women's subordination to men in marriage was a key factor in their exclusion from full citizenship. The Constitution and all states, except New Jersey, denied women the vote based on their gender. The laws assumed that all

1. Abigail Adams to John Adams, Mar. 31, 1776, in Elaine Forman Crane, "Political Dialogue and the Spring of Abigail's Discontent," *WMQ*, 3d Ser., LVI (1999), 770–771, and in L. H. Butterfield et al., eds., *Adams Family Correspondence* (Cambridge, Mass., 1963–1993), I, 369–370; Susan Branson, *These Fiery Frenchified Dames: Women and Political Culture in Early National Philadelphia* (Philadelphia, 2001); Fredrika J. Teute, "The Loves of the Plants; or, the Cross-Fertilization of Science and Desire at the End of the Eighteenth Century," *Huntington Library Quarterly*, LXIII (2000), 319–345; Carroll Smith-Rosenberg, "Black Gothic: The Shadowy Origins of the American Bourgeoisie," in Robert Blair St. George, ed., *Possible Pasts: Becoming Colonial in Early America* (Ithaca, N.Y., 2000), 243–269; Rosemarie Zagari, "The Rights of Man and Woman in Post-Revolutionary America," *WMQ*, 3d Ser., LV (1998), 203–230.

women, as potential wives, were dependents of men and thus could not take independent political action: could not vote or hold public office. In Philadelphia the creation of a masculine republican polity disfranchised a small group of women. Single, white women propertyowners had participated in the electoral politics of the colonial city but were now disqualified by their gender. They joined the rest of female America as politically disfranchised.<sup>2</sup>

For many patriot leaders the exclusion of women from republican governance reflected their perception of women's inferior mental capacity and their own adherence to republican political philosophies. Gendered notions pervaded eighteenth-century political philosophies. Women were not understood as individuals in the Lockean sense and had no direct relationship to the state. The subordination of women to men through marriage, Locke argued, existed in the state of nature; women were, therefore, excluded from the status of individuals in the state of nature. As individuals formed the social contract upon which republican government rests, women had already been excluded by their position as subordinate wives within male households—and thus excluded from becoming full citizens. Other thinkers, most notably Rousseau, argued that women were naturally inferior to men and lacked the mental capacity to participate in important affairs of the world, particularly governance.<sup>3</sup>

2. Each state defined female citizenship in its own way in the early Republic, granting women different rights. Only New Jersey, however, included a constitutional guarantee of women's right to vote, from 1776 to 1807. See Joan R. Gundersen, "Independence, Citizenship, and the American Revolution," *Signs*, XIII (1987–1988), 59–77.

The Revolutionary thinkers' understanding of dependence and independence was inseparable from the gendering of those qualities. All men, even if currently economically dependent, had the potential of acquiring independence. They could become husbands, heads of households, and acquire dependents. A woman's potential for becoming a wife and thus dependent, on the other hand, disqualified her as a full citizen. Gender had become the main differentiating quality for defining full citizenship. Men were full citizens; women were not. On loss of political rights, see Karin Wulf, *Not All Wives: Women of Colonial Philadelphia* (Ithaca, N.Y., 2000), 181–187.

3. Carole Pateman, *The Sexual Contract* (Stanford, Calif., 1988), 52–53 (on Locke). Pateman analyzes Enlightenment philosophy to show that a sexual contract, by which women were subjected to male authority within the family, preceded the social contract (1–18, 39–60). Jean-Jacques Rousseau expressed these views most stridently in *Émile* (1762), widely available in late-eighteenth-century Philadelphia. The use of human reason, for Rousseau, was "beyond a woman's grasp" (*Émile*, trans. Barbara Foxley [London, 1993], 419). For examples of Philadelphia women discussing Rousseau's ideas, see Branson, *These Fiery Frenchified Dames*, 44–46.

Coverture remained intact in the new Republic, and women lost their individual legal identity when they married. As the legal dependents of husbands, wives could not act independently in economic and political matters. The principles upon which marital coverture rested were exactly those that Revolutionary men rejected as illegitimate in the political realm: arbitrary and unaccountable authority, virtual representation, and subordination based on absolute right. But the political leaders of the early Republic were unwilling to apply republican principles to patriarchal marriage. To do so would have required dismantling the structure of marriage and, by extension, restructuring the family and society. They believed that maintaining the existing marital power structure was necessary to preserve the family upon which the greater society was built. Men in the new Republic were unwilling to relinquish their position as patriarchs, under law, of their wives.<sup>4</sup>

Before the Revolution Philadelphians had begun to identify women's deficient education as the major impediment to their equal intellectual standing with men. While most commentary insisted women possessed inferior reasoning capacity, a few public prints were intimating that female education should be encouraged. They suggested that the primary benefits of cultivating

4. Historians have debated the persistence of patriarchy within families after the Revolution. Most who have explored the position of women and the role of gender in the early Republic have found that relations between husband and wife within the family were the one site where patriarchal relations persisted. The laws of coverture were not altered, nor were married women granted control over their own property until the mid-nineteenth century. See Linda K. Kerber, "The Paradox of Women's Citizenship in the Early Republic: The Case of *Martin vs. Massachusetts*, 1805," *American Historical Review*, XCVII (1992), 349-378; Gundersen, "Independence, Citizenship, and the American Revolution," *Signs*, LVII (1987-1988), 59-77; Michael Grossberg, *Governing the Hearth: Law and the Family in Nineteenth-Century America* (Chapel Hill, N.C., 1985); Kenneth A. Lockridge, *On the Sources of Patriarchal Rage: The Commonplace Books of William Byrd and Thomas Jefferson and the Gendering of Power in the Eighteenth Century* (New York, 1992). On coverture, see Hendrik Hartog, "Marital Exits and Marital Expectations in Nineteenth Century America," *Georgetown Law Journal*, LXXX (1991), 95-129. On married women's property laws, see Carole Shammas, "Early American Women and Control over Capital," in Ronald Hoffman and Peter J. Albert, eds., *Women in the Age of the American Revolution* (Charlottesville, Va., 1989), 34-154. Other historians believe the new sentimentalized relationships within the family, sometimes termed companionate marriage, fundamentally changed the nature of marriage by eroding patriarchal relationships. See, for example, Jan Lewis, *The Pursuit of Happiness: Family and Values in Jefferson's Virginia* (New York, 1983).

female reason were its potential for tempering passion and lust and improving women's abilities to be engaging intellectual partners to their husbands. During the 1760s a few voices championed women's intellectual development. The most explicit almanac piece promoting this position was "On Female Education," printed by David Hall, in *Poor Richard Improved for 1761*.

Reason's not Reason, if not exercis'd;  
 Use, not Possession, real Good affords;  
 No miser's rich who dares not touch his Hoards,  
 Can] Women, left to weaker Women's Care,  
 Misled by Custom, Folly's fruitful Heir,  
 Told that their Charms a Monarch may enslave,  
 And Beauty, like the Gods, can kill or save,  
 And taught the wily and mysterious Arts,  
 By ambush'd Dress, to catch unwary Hearts;  
 If wealthy born, taught to lisp French and dance,  
 Their Morals left, Lucretius-like, to Chance;  
 Strangers to Reason and Reflection made,  
 Left to their Passions; and by them betray'd;  
 Untaught the noble End of glorious Truth,  
 Bred to deceive, e'en from their earliest Youth;  
 Unus'd to Books; nor Virtue taught to prize,  
 Whose Mind, a Savage Waste, all desert lies;  
 . . . . .  
 Can these, from such a School, with Virtue glow,  
 Or tempting Vice treat like a dangerous foe?  
 Can these resist, when soothing Pleasure woos,  
 Preserve their Virtue when their Fame they [lose?  
 . . . . .  
 Portia, the Glory of the female Race;  
 Portia, more lovely in her Mind than Face;  
 Early inform'd, by Truth's unerring Beam,  
 What to reject, what justly to esteem,  
 Taught by Philosophy all moral Good,  
 How to repel in Youth th' impetuous Blood,  
 How every darling Passion to subdue,  
 And Fame thro' Virtue's Avenues pursue.

Women, if encouraged to develop their capacity to reason, could subdue their passion and become virtuous. A few other pre-Revolutionary almanac anec-

notes fell short of granting women full reasoning power but did enumerate the cultivation of the mind as an important attribute in a wife.<sup>5</sup>

After the Revolution female education became the springboard for asserting women's intellectual equality and the path to removing the impediments to their full participation in the polity. Education was both the explanation and the antidote to woman's apparent inferiority. Judith Sargent Murray, whose writings were read and discussed in Philadelphia, most cogently developed this line of reasoning to expand woman's rights. Countering claims by men like Rousseau, she argued that lack of equal education, not nature, had made women inferior and dependent on men. Advocates of woman's innate inferiority, she suggested, exalted nature to prevent women from seeking to improve themselves through education. Education, she countered, could "lay the foundation for independence" and undermine the dependent economic status of women in marriage by enabling them to achieve an independent livelihood and give women the intellectual independence necessary for sound political judgment. Mary Wollstonecraft, in *A Vindication of the Rights of Woman*, published in the context of the French Revolution in 1792 and immediately reprinted in Philadelphia, took the next logical steps in this argument. She argued for full economic and personal independence for women. Women should have rights to property in marriage and the right to loving relationships unconstrained by the hierarchical power relations of legal marriage. Her views were widely read and discussed in Philadelphia, initially positively. Charles Brockden Brown reprinted extensive excerpts from *The Rights of Woman* in the *Philadelphia Minerva*, and positive commentary on it was published in the *Philadelphia Minerva*. Brown also drew upon Wollstonecraft for his essay "The Rights of Women" in the *Weekly Magazine of Original Essays* and his book *Alcuin*.<sup>6</sup>

5. Richard Saunders [pseud.], *Poor Richard Improved . . . for 1761* (Philadelphia: Franklin and Hall, 1760) (David Hall had assumed editorial control); Andrew Aguecheek [pseud.], *The Universal American Almanack . . . for . . . 1762* (Philadelphia: Steuart, 1761). When choosing a wife, young men were advised to find a woman who cared for her mind, rather than one interested in card-playing pleasures, visiting, and dress.

For an example of pre-Revolutionary commentary where a woman argues that woman's education, not her inherent intellectual deficiency, was to blame for women's second-class status, see Annis Boudinot Stockton, "To the Visitant from a Circle of Ladies, on Reading His Paper, No. 3 in the Pennsylvania Chronicle," *PC*, Mar. 14, 1768 (cited by Branson, *These Fiery Frenchified Dames*, 44).

6. Sharon M. Harris, ed., *Selected Writings of Judith Sargent Murray* (Oxford, 1995), 92. Matthew Carey sold the *Massachusetts Magazine* in Philadelphia in the 1790s, when

The students at Philadelphia's Young Ladies' Academy grappled with the implications of Wollstonecraft's argument. In her commencement oration, Priscilla Mason demonstrated that she had embraced the most radical ideas circulating about woman's rights.

Our high and mighty Lords (thanks to their arbitrary constitutions) have denied us the means of knowledge, and then reproached us for the want of it. . . . They doom'd the sex to servile or frivolous employments, on purpose to degrade their minds, that they themselves might hold unrivall'd, the power and pre-eminence they had usurped. Happily, a more liberal way of thinking begins to prevail. . . . But supposing now that we possess'd all the talents of the orator, in the highest perfection; where shall we find a theatre for the display of them? The Church, the Bar, and the Senate are shut against us. Who shut them? *Man*; despotic man, first made us incapable of the duty, and then forbid us the exercise. Let us by suitable education, qualify ourselves for those high departments—they will open before us.<sup>7</sup>

Because education could make women men's intellectual equals, it could unleash the most radical implications of scientific rationalism, political republicanism, and the doctrine of the "rights of man" for application to women,

Murray's essays appeared in it under the name Constantia. In 1798 Murray's volume of collected essays, *The Gleaner*, was sold in Philadelphia (Branson, *These Fiery Frenchified Dames*, 26–34). Mary Wollstonecraft's *Vindication of the Rights of Woman* was reprinted in Philadelphia by William Gibbon in 1792 and again by Matthew Carey in 1794, priced at one dollar in 1795 (*Catalogue of Books, Pamphlets, Maps, and Prints Published by Matthew Carey*. . . [Philadelphia, 1795]). Branson demonstrates that in the early 1790s many middle-class Philadelphians reacted positively to Wollstonecraft's writings, until political winds shifted against the French Revolution and her nonconventional personal life came to light (*These Fiery Frenchified Dames*, 38–53). Fredrika J. Teute examines the impact that Wollstonecraft's ideas on free love and the discourse on natural sciences had on United States urban intellectuals in the 1790s, in "The Loves of the Plants," *Huntington Library Quarterly*, LXIII (2000), 319–345.

On periodical propagation: *Lady's Magazine, and Repository of Entertaining Knowledge*, I (1792), 189–198 (which Brown devoted to reprinting excerpts of Wollstonecraft's *Vindication of the Rights of Woman* in this, the first year of his *Lady's Magazine*); "The Rights of Woman," *Philadelphia Minerva*, Oct. 17, 1795; "The Rights of Women," *Weekly Magazine of Original Essays, Fugitive Pieces, and Interesting Intelligence*, Mar. 17, 31, Apr. 7, 1798; [Charles Brockden Brown], *Alcuin: A Dialogue* (New York, 1798).

7. *The Rise and Progress of the Young-Ladies' Academy of Philadelphia*. . . (Philadelphia, 1794), 90–95.

threatening to eliminate gender difference and bringing the relationship between men and women fully into the political realm. At the same time, women's subordination to men in marriage was being threatened from another vantage point—the expansive nonmarital sexual relationships in the city. In this environment in Philadelphia, sex itself became a place to renegotiate the relationship between men and women in the new nation.

### *The Gender Politics of Sex in the New Nation*

When men and women entered into intimate relationships wholly outside marriage, they stepped into a social terrain where the gender rules were largely uncharted. They could not rely on the traditional understandings of the patriarchal control of female sexuality within the family. The gendered sexual rules that granted fathers and husbands guardianship of women's sexuality were difficult to apply when sexual behavior occurred outside courtship and marriage. The open and expansive sexual culture required new notions about where the control of female sexuality resided. But during the early national period, these were newly emerging and contested issues. Would men wield the same power to control the sexual behavior of the women they bedded as they had controlled their wives and daughters? Or would women who exercised their sexuality outside marriage be the stewards of their own sexuality?

Power plays between men and women over sexuality both heightened male sexual privilege and expanded female sexual independence. These two contradictory phenomena owed their existence to this moment when the gendered notions of normal male and female sexuality were in flux, the cultural space existed for the open expression of nonmarital sexual behavior, and the new nation grappled with questions about the extent of liberty appropriate for the Republic.

Male sexual expression outside marriage occupied a more secure position in the post-Revolutionary decades than in the late colonial period, in part because of the work of the pre-Revolutionary print culture and the burgeoning pleasure culture of the city. The creation of the new white male citizen and the reconstruction of male sexuality as “naturally” venturesome also supported an expansion of male nonmarital sexual expression. The extension of full manhood status to virtually all white men laid the groundwork for white men of all classes to claim the sexual prerogatives that in the past had been reserved to men of elite economic and political status. Nonmarital sexual behavior became one arena where white men of the middling and lower classes asserted claims to full manhood status on par with the economic and political elite, and

elite men of the new nation acknowledged that shared manhood without conceding their economic, political, or social superiority. The political uses of an expansive white male sexuality help explain why patriot leaders, such as Benjamin Rush, did not attempt to police the behavior of white men in the city. These leaders were willing to share the sexual prerogatives of manhood, even if unwilling to concede political, social, or economic equality to their new fellow citizens. That men like Rush had come to believe that men's sexual nature was inherently lustful and questing reinforced a fundamental similarity and connection among men.

As we have already seen, casual sexual encounters became more common after the Revolution. Married men visited brothels, picked up women in taverns and on the streets, solicited and coerced sex from their servants, and turned to other women when their wives were unavailable. Men, like women, also used the toleration of nonmarital sexual practices within the sexual culture to establish fulfilling relationships outside marriage.

Both men and women established extramarital affairs. Numerically, husbands and wives were equally accused of adultery in divorce cases, but there were some differences. It was not uncommon for either a husband or wife to go off with a new lover after years of marriage; such cases were common in legal divorces and in self-divorce. Both husbands and wives found new lovers, left their spouses, and moved in with their new partners, setting up new households and families within Philadelphia. In these cases the circumstances of the adulterous wives were similar to those of the husbands. These relationships tended to be out in the open when the new couple remained in the city. Mary Gideon left her husband in 1796 after ten years of marriage to live with George Smith. At the time her husband petitioned for a divorce, she had cohabited with Smith for six years and had had a child with him. The situations were similar for Ann Albertus, who left to live with James Davan, and Jane Burnet, who left a nine-year marriage to live with John Hylliard. Mary Bangs had been married for four years before she set up housekeeping with Richard Duffield, and they had lived together for three years before her husband filed for divorce. Like the others, Bangs and Duffield lived openly as man and wife despite her prior marriage. Duffield's servant Reuben Tucker testified that “he has very often seen the said Richard Duffield and the respondent in bed together of which they made no secret.” William Brown's adultery and desertion from his wife, for example, followed the same pattern. He left his wife after ten years of marriage and moved in with Hannah Pope, with whom he had a child. In 1800, when his wife peti-

tioned for divorce, he and Hannah had been living together in the Northern Liberties for five years.<sup>8</sup>

But there were also differences. Some men used another, more clandestine approach to creating a second family. They left town with their lovers to create lives elsewhere or left their families to settle elsewhere and then established new families. William Side left his wife of eight years to move to Carolina and set up a new family. When he left, in 1796, the couple had three children, and his wife was expecting their fourth. When he returned to Philadelphia briefly in 1801, he told his wife that he had a second family in Carolina and two young children. William Richard Payne also fled to Carolina, taking his lover with him from Philadelphia and leaving his wife of more than five years. Etienne Nougé stopped first in Charleston and then went on to the West Indies when he left his wife. Fleeing husbands tended to go south, to the Carolinas, Maryland, or Virginia; a few went north to Boston, and others simply went "to sea." Wives usually did not make such moves. When they left husbands, they often remained in the city. If a woman left the city to end a marriage, she was usually in the company of a new mate. Picking up and moving out of the city and establishing a new means of economic survival was simply not viable for most eighteenth-century women. Philadelphia was still one of the most hospitable places for independent women.<sup>9</sup>

8. See Table 16. Women who left for a new partner: PDP: *Jacob Gideon vs. Mary Gideon*, filed December 1800, events 1796; *Lewis Albertus vs. Ann Albertus*, filed 1794; *Samuel Burnet vs. Jane Burnet*, filed 1796; *Elijah Bangs vs. Mary Bangs*, filed December 1807, events 1804–1805; deposition of Reuben Tucker, Feb. 26, 1807. Men who left for a new partner: PDP: *Johanna Brown vs. William Brown*, filed September 1800, events 1795; *Elizabeth Alexander vs. George Alexander*, filed March 1800, events 1799; *Hannah Anderson vs. James Anderson*, filed June 18, 1799, events 1799; *Barbara Burkhardt vs. Jacob Burkhardt*, filed October 1785, events 1782–1785; *Catharine Conrad vs. Matthias Conrad*, filed April 1788, events 1786; *Susannah Altimus vs. Jacob Altimus*, filed Nov. 18, 1801, events 1797–1801.

9. PDP: *Mary Side vs. William Side*, filed 1801, events 1796; *Alice Payne vs. William Richard Payne*, filed 1802, events 1800; *May Nougé vs. Etienne Nougé*, filed 1802. Two self-divorcing wives left the Philadelphia region, both accompanied by a new male partner: *PJ*, Aug. 2, 1770, Ann White and John Power; *PJ*, Nov. 8, 1764, Mary McKinley and William McKinley. There is only one instance in legal divorces when the wife relocated out of the area: Sophia Visimer, who left her husband and moved to Virginia. It is unclear whether she left with her partner in adultery or established her relationship with him once she arrived. PDP, *Nicholas Visimer vs. Sophia Visimer*, filed 1803.

Perhaps the most telling feature of the male sexual histories of the early national period was male boasting about extramarital sexual encounters. We know about the actions of these men because they talked about them with other men. Unlike the adulterous wives, whose behavior was seen by others, the adulterous husbands' actions were usually recounted for the court by their male peers who learned of their sexual exploits through conversation. Philadelphia storekeeper Joseph Garwood often told his friends Joseph Agar and Daniel Murphy of his sexual life. Agar testified that Garwood "told me that he had connexion with other women than his wife, and said that he had connexion with several different women. He told me so at several different times." Garwood also told both men the circumstances of his contracting venereal disease, twice, from "women of ill fame." Lewis Thomas boasted to his friend Nathan Rhodes of having connection with other women, telling such details that Rhodes surmised to the court that "from the kind of woman he kept company with, . . . the disorder which he the said Lewis had as aforesaid was the venereal disease." In the male culture of sexual storytelling, their sexual encounters took on a life beyond the sexual experience itself. They took pleasure in telling of their intrigues and shared their satisfaction in getting away with expanding their sexual lives. By telling one another of their sexual conquests, they asserted their manhood.<sup>10</sup>

This male network of sexual storytelling was quite extensive. Many men believed the quest for extramarital sexual affairs was universally accepted by their fellow men. In two cases the husbands shared their sexual experiences with their brothers-in-law, demonstrating that they believed the male bond superseded the bond between brother and sister. Simon Gore, for example, told his wife's brother of his encounter with a woman he met at the Butchers Arm Tavern, confiding that he had met her a few days before and contracted venereal disease from her. Another husband, Adam Erben, boasted of his bawdyhouse exploits to his wife's brother. When Margaret Erben sued for divorce, her brother, Daniel Bickley, supported his sister's claim, recounting three years of Adam's statements about his sexual behavior. Adam "was almost constantly employed in gaming and frequenting Bawdy houses, of which he would often make mention to this Deponent, naming the lewd women with whom he had been engaged in a criminal and adulterous inter-

10. PDP: *Elizabeth Garwood vs. Joseph Garwood*, filed September 1804, events 1802–1803 (Garwood was a storekeeper); deposition of Joseph Agar, stonecutter, Mar. 21, 1805; deposition of Daniel Murphy, stonecutter, Mar. 21, 1805; *Ester Thomas vs. Lewis Thomas*, filed Sept. 1, 1800, events 1798–1799; deposition of Nathan Rhodes.

course." But there is no indication that Bickley failed to keep Adam's sexual behavior secret from his sister during their marriage.<sup>11</sup>

The basis for this sexual storytelling was the shared belief in the desirability of such sexual practices and a wish to claim successful participation in male sexual prerogatives. For some, sexual storytelling was grounded in their common sexual experiences. Men often went out on the town together seeking sexually available women. The case of David Pemble demonstrates the ways these two aspects of male sexual culture, storytelling and sexual practices, reinforced each other. Pemble not only told the tales of his sexual adventures to his friend and fellow tailor Thomas Lyons, but the two frequently accompanied each other to Philadelphia's bawdyhouses. During the late 1790s Pemble and Lyons habitually visited the brothels in the city and district of Southwark. On one occasion at the house called the China Factory, Lyons described Pemble's taking a woman into the private rooms, and upon returning saying "that by God he had to do with her, meaning as the Deponent understood, he had been connected with and carnally knew the Girl." On another occasion Pemble "declared" "he had to do with her . . . and complained of her not being clean" when he and Lyons were reunited in the parlor after their sexual encounters. For these two men, exchanging descriptions of their sexual encounters was part of the ritual of extramarital sexual practices. Pemble's sexual storytelling also kept Lyons informed of his sexual entanglements when Lyons was not a party to them. "David in conversation told the deponent he had been connected with many Women within seven years then last past [the period of his marriage], and more than he could recollect or name. He named the widow Carragan as one he had often been connected with." At least among themselves, men took pride in their sexual exploits outside marriage.<sup>12</sup>

The wide range of male sexual experiences in the early 1790s is most strikingly represented in an unusual sex diary kept by a Philadelphia man. The author's identity remains a mystery. He was a married man of middling economic standing, literate but unsophisticated in his writing. He had enough disposable income to indulge his sexual appetites in bawdyhouses, taverns, and inns, and he distinguished himself from the lower-class sailors who were

11. PDP: *Sarah Gore vs. Simon Gore*, filed December 1787; deposition of John Camon, tailor, Sept. 5, 1787; *Margaret Erben vs. Adam Erben*, filed January 1790, events 1786–1789.

12. PDP: *Catherine Pemble vs. David Pemble*, filed 1803, events 1798–1799; deposition of Thomas Lyons, tailor, 1803. See also *Deborah Bellot vs. Peter Bellot*, filed Apr. 1, 1797.

the typical clientele of a Dock Street brothel he visited. He employed periodic domestic help to aid his wife in her housekeeping but appears in no way well-off.<sup>13</sup>

His diary provides us with an intimate account of a year in one man's sexual life in the 1790s. His experiences were probably more extensive than most men's sexual activities, but they did not differ in kind from those presented in the divorce papers, Guardians of the Poor records, newspaper advertisements, and court records. He might not have been typical, but he was not unique. The patterns of conduct recorded in his log are all documented as widespread in the other sources on male sexuality during this era. What his account adds is a composite view of one man's life and his own representation of his sexuality. We see not only where and with whom he found nonmarital sexual experiences but also his thoughts about male and female sexuality and the attitudes he held that supported his sexual license.

On January 1, about 1793, he claimed to have "topped" thirty-six "wenches" in the preceding year. In the new year he would name fifteen women other than his wife with whom he had sexual relations. He also recorded two in-

13. [James Wilson?]. Account Book and Diary, MS, APS. The account book was originally owned by James Wilson, renowned Philadelphia lawyer and justice of the United States Supreme Court. The diary was kept in a copy of *Aitken's General American Register . . . for 1773*. The account book appears to have been used at least three times, and perhaps by two or three different authors: there are accounting entries for the early 1780s related to Wilson's sawmills; entries made by Wilson pertaining to his legal practice in 1790–1791; and the entries made by the sex diarist, using a different pen and apparently in a different hand from Wilson's, for one year in the 1790s. Internal references to Dr. Phillip Syng Physick suggest that the year was sometime around 1794, when he practiced medicine in Philadelphia. It was not unusual to reuse almanacs and journals at the time. It is somewhat surprising that the journal remained with Wilson's personal papers after his death.

Susan Klepp suggests that the author of the intimate journal might have been a sawyer in Wilson's employ. It is also possible that the journal entries were done as a lampoon of Wilson, as a practical joke, though I think probably not. The similarities are striking between the behavior described and that documented in the divorce papers. The diary also contains details of persons and places that can be documented in the 1790s. For these reasons I have concluded that this was someone's personal diary. If designed as a practical joke, it was written convincingly and was crafted from the sexual scripts available to late-eighteenth-century Philadelphia. In either case, it is a useful source of information about that society's beliefs and expectations. My thanks to Susan Klepp for bringing this source to my attention.



stances when he pursued women who successfully rebuffed his sexual advances. His sexual encounters ran through the full range of sexual possibilities that we have already encountered. He maintained mistresses, visited bawdy-houses, pursued his servants, and picked up women he met about the town and during his countryside excursions. He had ongoing relationships with two women: Martha and a woman identified as "Miller's cook." He described thirteen other single-event sexual encounters; in five he paid the woman for her services. Of the remaining women, five can be identified as laboring women: three servants, a cook, and a washerwoman.

Our anonymous diarist was always on the sexual prowl. His primary interaction with women was sexual. Whether he was meeting them in passing or they were working in his home, he never passed up an opportunity to initiate a sexual encounter. When Nancy Jones came to his house to perform domestic labor, he spent the day pestering her for sexual services.

19 Aug—Nancy Jones came to work at 8—today. Rather old but I found her sympathetic and kind. She is a virgin yet fallen. I sent my wife to Race Street while I tested Ms. Nancy [all?] day.

A month later Nancy complained to his wife, without apparently giving her the details of his behavior.

22 Sept—I found Nancy Jones when I came home. My wife said.—The hussy—she says that she [hates?] you—I am glad it is no worse—and so I sent her away.

After expressing relief that she had not directly accused him of sexual misconduct, he went on in the same entry to complain that, if Martha, one of his long-term partners, were more sexually satisfying, he would not stray to other women. His interactions with women in public were also based on sexual pursuit. For instance, on May 17:

To the Falls—A brave courting—got one mistress Ann King near the wood and in some bushes. All over in ten minutes. a Rare wench thin in flesh but great in motion.

Always on the lookout for sexual opportunity, our diarist almost got himself shot when on March 23 he misunderstood the meaning of a woman's eyeing him from her doorway: "Passing along the Quay a wench eyed me from a house. I entered—a man with a gun requested me to depart—I tarried not—but [—] of the deception in [—]."

Most of our author's encounters were consensual, and he made frequent

comments about his partners' sexual enjoyment, but he did not perceive coercion and force as unreasonable behavior in attaining access to a sexual experience. On January 7:

To night a Ruination at a Soiree. Met a certain young—danced with her and aroused all my passion—She resisted much holding her limbs together, but my flame being up I thrust her vigorously and she opened with a scream—a real joyful fuddle—she screaming much at [Incursion?]  
Weary from last nights Exertions

To the modern reader this is a description of a rape. To our diarist, this behavior was consistent with his understanding of his sexuality as an exercise in pursuit, insistence, and the ultimate submission of his partner. On September 28 he alluded to another occasion when he might have used force. "—ed a Maid last night gave her \$5—and told her to forget the incident." Here his payment of cash after the fact was used to compensate her for his overcoming her resistance. Whether these women believed that they had been raped is not clear. If they did, they had little legal recourse. Prosecutions for rape in early national Philadelphia were rare and usually unsuccessful if the perpetrator was a white man.<sup>14</sup>

One could dismiss this man as an aberration if his views about his sexuality and women's sexuality were not so strikingly similar to the ideas emerging within Philadelphia's larger culture. In his descriptions of his sexual encounters he credits women with having greater control over their sexuality than men have. Women have the ability to deploy their sexuality as they wish—to arouse his passion or to restrain themselves. When he committed the "Ruination" at the "Soiree," it was the woman who "aroused all my passion" that led him to act. When he spent the night with a woman on March 14, he credited her with instigating their congress. His entry began: "A great vigorous wench in the Inn did ogle me with lecherous eye. To night I lay too with her."

To our diarist, women are the source of his lack of sexual control; they create his straying sexuality. He opens his first entry, "1 Jan—I promise me in the coming year to avoid lewd women—they are the bane of my life." Later in the year he writes: "12 May. A great coming of Ladies—I must avoid them. I am a poor weak [—] man—with great passion and no self restraint." He, as a

14. In only twelve instances in the 1790s was rape or attempted rape the stated offense in arrest records or trial proceedings. The few convictions were for the lesser crime of attempted rape. Successful prosecutions for rape or attempted rape usually involved child victims or men of color as the accused perpetrators.

man, must battle to control his sexuality.<sup>15</sup> But he succumbs to his passion when the opportunity appears. On November 24 he writes of his encounter with Maria, a chamberwoman, "I could not resist her charms," and on July 4 he sums up his basic construction of male and female sexuality:

4 July—In evening met Amanda S—Walked with her much discourse of sweet nature. I could not resist and Amanda would not.—god forgive me. but it was good.

Amanda, as a woman, could resist sexual temptation if she wanted to. Our diarist, a man, simply did not have the constitution to turn away from this sexual opportunity. In the thirty years since the idea of male sexual weakness had been introduced to Philadelphians through popular print, some men had come to fully embrace it as the natural state of their gendered sexuality.

One of the consequences of the more open system of sexuality of the 1790s was that it paved the way for men to exercise greater sexual privilege. This was manifested in men's exerting their power over subordinate women to attain sexual access as well as in their disregard for their wives' well-being in their pursuit of it. Our anonymous diarist demonstrated both phenomena. Many of the women he had sexual relations with were of the lower classes, available to him because of their occupations. As washerwomen, domestic servants, and chambermaids, their work took them into his home under his temporary employ or placed him in the establishments where they were charged with attending to guests' needs. Under these circumstances they were particularly vulnerable to his pursuits. In every instance when the diarist mentions a woman working in his home or one he encountered at an inn, he attempts and usually attains sexual access to her.<sup>16</sup>

In divorce petitions, other men behaved in similar ways. John Oldmixon seduced his child's nursemaid Elizabeth Brown in 1799; Samuel Pettit attempted "to ravish" his wife's friend Margaret Skeen when she spent the night in the couple's home in 1791; and Nicholas Gerin regularly brought a "certain Negro woman" to his house to commit adultery while his wife was home and aware of his behavior. In each of these instances men asserted their control over their home dominion—control that included assertions of their sexual

15. He writes of his penis as a separate powerful entity with a will of its own and credits it with control of him. For example: "26 Jan—My penis doth annoy me much—He recovering frequently vigorous at onoffentious times—I pray he be not so."

16. For example, Ludorwick's wife, who washes for him in December, is described as "a nice person,—I rolled her over and fuddled her . . . sweet thing."

prerogative. Samuel Pettit seemed very sure of himself when, as Margaret Skeen described it, lying in bed early in the morning, she "was attacked by the Respondent in a most violent and indecent manner, who attempted with all his power to ravish her; but by her crying out for assistance extricated herself from him and took shelter in the room of the libellant." These two women thwarted his designs by locking themselves in a room together. Pettit nonetheless expected to exercise the sexual privilege he enjoyed within his household.<sup>17</sup>

Another symptom of male sexual privilege was husbands' willingness to bring venereal disease home. Venereal disease had become a serious health hazard. Its spread in early national Philadelphia led to the creation of special venereal wards in the Pennsylvania Hospital and special protocol for those admitted with it to the almshouse and the Asylum of the Magdalen Society. The greatest danger to wives was the possibility of contracting venereal disease. While the transmission of venereal disease follows no gender bias, the entrance of venereal disease into marriages from extramarital adventures was almost wholly due to the husband as the agent of transmission. Venereal disease was often what betrayed a husband's infidelity to his wife, in many instances after his prolonged engagement in a parallel extramarital sexual life. In the case of Samuel Tallman, for instance, only when he contracted the disease a second time, in 1802, did his wife learn of it and his infidelity. He had successfully concealed from her his first bout with the disease in 1800.<sup>18</sup>

But what is most striking in these cases was the husbands' disregard for their wives. Many men concealed their illness and adopted a strategy of staying away from their wives while their venereal disease was active. Like our diarist (who noted, "Clapp—much itching in my flopper—must keep away from my

17. PDP: *Mary Oldmixon vs. John Oldmixon*, filed October 1807, events 1799; *Eleanor Pettit vs. Samuel Pettit*, filed 1797, events 1791; deposition of Margaret Skeen, Mar. 27, 1798; *Ann Gerin vs. Nicholas Gerin*, filed March 1798, events 1795–1796.

18. PDP: *Mary Tallman vs. Samuel Tallman*, filed March 1805, events 1800–1802; deposition of David Christie, of the district of Southwark, physician. For other cases where venereal disease revealed a husband's adultery, see PDP: *Hannah Rice vs. Peter Rice*, filed December 1798, events late 1790s (this couple lived in Northampton, and he contracted the disease in Philadelphia); *Elizabeth Smallwood vs. Thomas Smallwood*, filed March 1796; *Catharine Brown vs. Joseph Brown*, filed September 1802, events 1801; *Anne Murphy vs. Timothy Murphy*, filed April 1786, events early 1780s.

Within the divorce petitions, venereal disease was specifically cited as a cause for divorce in fifteen of the adultery cases. In only one is there evidence that the wife might have been responsible.

wife"), these men would refrain from sexual activity with their wives while they suffered symptoms. The doctors who treated them were well aware of their tendency to conceal their condition from their wives. In their depositions for the court these doctors documented their efforts to ascertain whether their patient had a wife at risk of contracting the disease. Dr. Albertus Shilack testified in the Erben divorce case that infected husbands could not be trusted to abstain from sexual activity with their wives:

And this deponent saith, that he enjoined the Defendant not to cohabit with his wife during the continuance of the said disorder, and warned the Libellant of her danger in permitting it, in consequences of which warning this Deponent believes the said Libellant was saved from the infection.<sup>19</sup>

Dr. William Wallace of the district of Southwark echoed this sentiment when he stated "that he asked the said Charles [McGee] some serious questions about the manner in which he caught the disease." Dr. Wallace's concern was warranted: McGee concealed the fact that he was a married man from the doctor. When McGee solicited the doctor's aid a second time and confessed that he had "caught it from the same woman again," Dr. Wallace confronted him with the fact that he had learned that McGee was married. McGee admitted that it was true and said "that if the deponent would cure him again, that she had consented to receive him; and he would go and live with her and would be a new man." Wallace's deposition does not reveal whether he believed that McGee was a changed man, but it does demonstrate the role of arbitrator and social conscience that doctors often played in cases of marital venereal disease.<sup>20</sup>

Other men failed to curb their sexual intercourse with their wives despite their venereal disease. Eliza Steinberg suffered from such action. Her husband's case was well advanced when Dr. Isaac Cathcall began treating the couple. Here it was Eliza who initiated the doctor's intervention; early in her pregnancy her symptoms caused her to consult him. Cathcall testified that he found her pregnant and "afflicted with venereal ulcers"; that "in the case of three visits, affirmant [Cathcall] was led to believe from the conversations and confessions of the Respondent [Eliza's husband Jacob] to him, that he had

19. PDP: *Margaret Erben vs. Adam Erben*, filed Feb. 2, 1804; deposition of Albertus Shilack of the Northern Liberties, surgeon, Jan. 6, 1790.

20. PDP: *Elizabeth McGee vs. Charles McGee*, filed Feb. 2, 1804, events 1802; deposition of William Wallace, district of Southwark, physician, Sept. 11, 1804.

communicated the venereal disease to his wife." When Cathcall attended Eliza in childbed, she was delivered of a stillborn child, which Cathcall attributed to the mercurial treatment for venereal disease that she had undergone. Cathcall's testimony about the stage of Jacob's disease makes it clear that Jacob knowingly communicated the disease to her.<sup>21</sup>

Jacob Steinberg was not alone. Other men put their sexual interests ahead of their wives' well-being. Thomas Smith maintained a mistress in New York from whom he contracted venereal disease. When his wife visited him there, he slept with her, knowing he had the disease, and swore to a friend that he would sleep with her again when he was in Philadelphia despite the risk to her:

This deponent [John Brown] asked him [Thomas Smith] whether he had seen his wife when she had been at New York some time before and whether he had slept with her. He answered that he had seen her and slept with her, and that at the time he did so, he had the venereal disorder but could not tell whether he had communicated it to his wife or not.

The said Thomas then shewed to this deponent that he had the venereal disorder at the time they were conversing together, and this deponent begged him not to go to his family. He answered and swore that he would sleep with his wife that night.

The next day, Thomas confided to John that he had slept with his wife but that "she would not let him touch her." Isabella had indeed contracted venereal disease from him in New York and had just recovered from her treatment for it when he returned to Philadelphia. She would have no more to do with him.<sup>22</sup>

The wives of these men did not always accept their male sexual privilege. While the broad sexual culture of the community allowed more open sexual behavior, women themselves often acted to restrain their husbands. In the criminally prosecuted cases of adultery, wives usually swore out the oaths of complaint, in many cases bringing the charges against her husband's sexual partner, the other woman, and not her husband. These women were laying claim to their exclusive right to their husband's sexuality, and their goal was to bring him home. In 1796, for example, Jemima Brown went in search of her husband, "he having been absent for several nights," and retrieved him from

21. PDP: *Eliza Steinberg vs. Jacob Steinberg*, filed December 1812, events 1811-1812; deposition of Isaac Cathcall of the city of Philadelphia, physician, Dec. 23, 1812.

22. PDP: *Isabella Smith vs. Thomas Smith*, filed 1801, events 1800; deposition of John Brown, mariner, Mar. 17, 1802.

“a house of ill fame.” In these instances women took action to restrict their husbands’ wide-ranging sexuality, but society in general did not.<sup>23</sup>

Clearly, during the early national era Philadelphians tolerated an increase in male sexual privilege, which in turn increased female vulnerability. But this era also witnessed strong assertions of female independence. When women engaged in relations that resulted in bastardy, established affairs, left their marriages for new men, or participated in sex commerce, they affirmed their sexual independence, that is, created sexual lives independent of marriage. When the women themselves directed their sexual lives, they exercised unprecedented female sexual autonomy, that is, sexual choices unmediated by the interests or directions of others.

Establishing how often those women not just engaged in nonmarital sexual behavior but established sexual lives of their own choosing is difficult. Often the historical evidence fails to give enough information to make such a judgment. For Philadelphia society the nonmarital behavior of women in itself marked unprecedented female independence, and the number of women engaging in sexual behavior outside marriage was remarkable. But for the women themselves, their greater sexual autonomy must have been important and exciting. As we analyze the meanings of women’s participation in bastardy, adultery, and prostitution, we will explore first how their behavior signified sexual independence and, second, how it demonstrated female sexual autonomy.<sup>24</sup>

During the 1790s more than seven hundred cases of bastardy were administered through the Guardians of the Poor. Proportionally, twice as many women gave birth to children outside recognizable families as did so in the ten years preceding the Revolution (Table 1). After the Revolution the administration of bastardy cases continued to follow its pre-Revolutionary form, with the Guardians of the Poor promoting gender equity in the responsibility for nonmarital sexual behavior through their adjudication of child support. When the

23. PDP: *Maria Moore vs. John Moore*, filed September 1799, events 1796–1797; deposition of Jemima Brown, Nov. 19, 1799. See also PFT: Apr. 13, 1801, Ann McGuire; Aug. 21, 1803, Mary White.

24. I have purposely used the word “independence” here (meaning sexual behavior independent of marriage) to complicate our understanding of how gendered notions of “dependence” and “independence” operated in early national America. It was this association of men with independence that qualified them for citizenship and became an important aspect of full manhood status—just as women’s supposed dependence on men in marriage disqualified them for direct participation in the new political state. But, when women adopted forms of sexual behavior independent of marriage, they demonstrated the fiction of these associations, literally embodying a form of female independence.

fathers of illegitimate children could support them, they were required to; when the fathers were poor and the mothers without resources, the mothers relied on the almshouse for aid during the birth and public support during the child’s infant years. Such mothers often bound their children to lengthy indentures to secure a higher standard of living for them in childhood and the prospect of their learning a trade as youths.<sup>25</sup>

At its most basic level, the system of mandatory paternal child support through the Guardians of the Poor routinely and consistently provided support for the children of these unions. On another level, however, this system had a more complicated effect on women and on the sexual system. By protecting the community from bearing the financial burden of illegitimate children, the system of regulating child support through the Guardians of the Poor unwittingly facilitated the separation of sexual intercourse from its marital context. It provided a way for men to be responsible for their children born out of wedlock and thus mitigated the community’s insistence upon children’s being born within recognizable families. While this system increased male sexual privilege and led to greater sexual exploitation of women, it also allowed women some choice to engage in nonmarital sexuality.

During the 1790s, in the overwhelming majority of the documented instances of bastardy the fathers posted bonds with the Guardians ensuring their financial support of their offspring (68 percent). As they had been in the pre-Revolutionary era, these were men and women who did not intend to marry or establish households together. Again, in most of these cases the woman sought mandatory regulated paternal child support before the birth of her child (73 percent) (see Plate 9). In one-quarter of the bastardy cases in the 1790s the mother used the almshouse to give birth or brought her child there immediately after the birth. In these cases it is difficult to ferret out the relationship between the parents. Those who gave birth in the almshouse were generally poor women whose sexual partner was without financial resources.

25. When the city reestablished poor relief after the Revolutionary war, the Guardians took over practical control and daily operations of poor relief from the Managers, who had run the poor relief system since 1767. Throughout the 1780s the Guardians ran the poor relief and bastardy system, gaining legal authority to do so in 1789 with the passage of An Act for the More Effectual Collection of the Poor Tax (James T. Mitchell, Henry Flanders, et al., comps., *The Statutes at Large of Pennsylvania* [Harrisburg, 1896–1915], XIII, 251–252). See also John K. Alexander, *Rentier Them Submissive: Responses to Poverty in Philadelphia, 1760–1800* (Amherst, Mass., 1980), 104–116; Priscilla Ferguson Clement, *Welfare and the Poor in the Nineteenth-Century City: Philadelphia, 1800–1854* (Rutherford, N.J., 1985), 40–41.

TABLE 14. *Almshouse Bastardy Cases*

Bastardy Cases	1790	1805-1814	1822-1825
ALL CASES			
Involving almshouse (Birth in) <sup>a</sup>	32% (25.6)	25% (20)	28% (22)
(Temporary use of)	(6.4)	(5)	(6)
Not involving almshouse	68	75	72
ALMSHOUSE CASES			
Birth in <sup>a</sup>	79	79	79
Temporary use of	21	21	21

<sup>a</sup> Includes cases where the woman gave birth in the almshouse and cases where a mother or mother and babe came into the almshouse immediately following the birth for aid.

Source: DOD.

in two separate groups, representing two distinct populations: women receiving mandatory child support from the father of their child, administered by the Guardians; and women admitted to the almshouse, not receiving support, pregnant with an illegitimate child. During the last decades of the eighteenth century what placed a woman pregnant with a bastard child in one group or the other was her class, the class of her sexual partner, and her race when she was a woman of color. Recipients of mandatory paternal child support outside the almshouse were generally white women whose sexual partner had been a man with some economic resources, from gentleman to employed laborer. Those entering the almshouse were generally poor women whose sexual partner was also without financial resources, or African-American women. The only women from the out-relief child support system who ever entered the almshouse in the late eighteenth century were those in the few cases where the father fought charges of paternity in court (2 percent). Otherwise, the two groups were documented as distinct populations whose experiences of bearing an illegitimate child differed because of class and race.

During the 1790s the proportion of almshouse cases was somewhat higher than in the pre-Revolutionary era. In the 1790s, 32 percent of the mothers who bore bastard children used the almshouse at some point during their pregnancy or postpartum period, with 26 percent giving birth and recovering there. In the decade preceding the Revolution approximately 20 percent were



PLATE 9. *John Lewis Kimmel, A Woman Swearing Paternity before an Alderman in Philadelphia, 1820. Courtesy, The Winterthur Library; Joseph Downs Collection of Manuscripts and Print Ephemera*

In these circumstances the decision to enter the system of bastardy adjudication administered by the Guardians of the Poor was often based on economic necessity and may not reflect the quality of the relationship or the absence of a long-term partner. In the remaining 6.4 percent of cases the mother used the almshouse on a temporary basis during her pregnancy but found the means necessary to leave the almshouse before the birth of her child (see Table 14).<sup>26</sup> After the Revolution the Guardians of the Poor chronicled cases of bastardy

26. In the 1790s the information necessary to establish the timing of initiation was available for 27 percent of the cases, of which 73 percent were brought forward before the birth. However, another quarter of the cases appear to have begun in the months surrounding the birth, but the timing cannot be established conclusively. In the period 1790-1795 it was common for the father to post bond before the birth of the child, whereas at the end of the decade the bond was usually not posted until after the birth and thus recorded by the Guardians of the Poor. I suspect that the women in these cases had sworn the child to the father before the birth, but they came into the record only when the bond was posted.

almshouse cases, with 17 percent giving birth there. Some of this increase in almshouse use was due to the maturity of the system. In the pre-Revolutionary decade the almshouse had just opened its doors, and the Overseers did not use it consistently. By the 1790s the parents without resources were funneled into the almshouse rather than given outside aid. But the increase in almshouse use was primarily due to the difficult financial circumstances of many laboring men and women at the end of the century. During the 1790s the city experienced mercantile expansion and economic growth, but the fruits of the expanding economy did not benefit lower-class laborers. Bearing children in the economy of the 1790s was costly for them. That poverty compelled 25 percent of those known to have parented an illegitimate child to use the almshouse during this era is not surprising. Having a child was a financial hardship. The status of that child as bastard or not made little economic difference to its mother when the father was poor.<sup>27</sup>

Because the public policy on illegitimate children did not penalize their mothers, even women at the bottom of the economic ladder could maneuver through this system of child support without the additional burden of punitive repercussions. While the almshouse admissions clerk viewed poor women and women of color as especially licentious, reflecting his upward class aspirations, the policies of the Guardians toward those women who entered to bear their child were not particularly punitive or unusually disciplinary. The clerk often attacked the sexual reputations of the women who bore bastard babies within its walls. The admissions log is littered with comments like those about Elizabeth McClenshy (a white woman): "that dirty little hussey Elizabeth McClenshy who lays in here with Bastard, after Bastard, after Bastard with Impunity." His choice of words was crude but reflected the sentiment of upper-class Philadelphians like Benjamin Rush and Elizabeth Drinker. In 1793 when a white

27. During the late 1760s and early 1770s the Overseers and the Managers fought for control over the authority and resources of poor relief. A central dispute was over the use of out-relief, versus compulsory use of the almshouse. Bonded bastardy cases fell outside this dispute because the city often did not extend its own resources in these cases and could recoup money spent in support of bastard-bearing women and their children. But cases of bastardy among the indigent were part of this dispute. During this era the Overseers sought to continue providing aid outside the almshouse, and the Managers worked to force the poor seeking aid into the almshouse. During this dispute some of the indigent bastardy cases were probably handled outside the almshouse, reducing the proportion of bastardy cases cared for in the almshouse before the Revolution. Billy G. Smith, *The "Lower Sort": Philadelphia's Laboring People, 1750-1800* (Ithaca, N.Y., 1990), 65-91.

woman brought her newborn mulatto babe to the almshouse for care and left, the clerk asserted that she "goes to get another," and that an African-American woman who also brought in a child she could not care for was "a worthless Hussey of a mother who is runing about the Town and no doubt endeavouring to git another to encrease the burthen of this Institution." Occasionally, the admissions clerk noted a "decent" poor woman who entered the house, but most poor women were assumed to have voracious sexual appetites. Underneath these harsh words the clerk's comments reveal a kernel of truth about poor women's ability to use the poor relief system and the almshouse when facing an illegitimate birth in the 1790s: poor women did come in, bear their child, and then leave the almshouse without punishment or financial penalty.<sup>28</sup>

During the 1790s the Guardians of the Poor did not use the almshouse as a coercive tool to correct or punish mothers of illegitimate children. Women who were pregnant by men with the financial resources to pay child support were not forced into the almshouse, and admission and discharge policies were flexible enough to allow women to use it for a brief period while pregnant but to leave it before the birth. These women were usually taken out by family members who pledged they would care for them during their confinement. In 21 percent of the almshouse cases women made such temporary use of the almshouse. Many of those who did give birth there were discharged after they had secured a place of service, often as wet nurses, and they left to support themselves with their babies in tow.

During the 1790s poor Philadelphians often used the almshouse without adopting the morals advocated by its administrators or adhering to its rules and regulations, including those rules requiring the able poor to work while residing there. The inmates often dictated the atmosphere and behavior in the house and did not submit to their expected subordinate and deferential place. Inmates frequently eloped over the fence (including a few women with pronounced pregnancies), brought alcohol into the house and got drunk,

28. The incidence of repeated bastard births by women in Philadelphia was quite low. In the out-relief paternal child support cases in the 1790s two cases might have been the same woman, but no evidence connected her to both cases, and her name was too common to make a conclusive link. In the almshouse sample of 3-25 years there were four cases where women used the almshouse for a second case of bastardy. If these figures held true for the decade, the rate of repeated bastardy among the mothers using the almshouse would be 1.7 percent. DOD: case of Elizabeth McClenshy, June 28, 1791; case of Jonathan Trusty and unnamed white woman, May 31, 1793; case of baby Henry Cook, Mar. 12, 1793. Elizabeth Courtney is described in positive, respectable terms; see Mar. 5, 1796.

and refused to work for their keep. Women who made their living through sex commerce often took a hiatus from the trade in the almshouse or retired there for medical treatment for venereal disease. In one instance in 1789, the women of the venereal ward drummed out a fellow inmate who had worked among them as nurse, and probably as a moral reformer, by enacting what they called "the Whoars' March." The almshouse clerk reported that a pauper from the Northern Liberties named Jane Bickerdite had

for some time acted as nurse among the Venereal Women. But her best endeavours, in their filthy Service, not proving satisfactory to them, they quarrelled with and abused her very much. And now when she was going away ["being discharged at her own desire"] they mob'd her severely and raised a bawling Clamorous Noise and clangor with Beating and Rattling, Frying pans, Shovels, Tongs etc. after her all of which Together, they called "the Whoars" March.<sup>29</sup>

The women of the almshouse had apparently rejected Bickerdite's aid and her attempts to turn them away from the sexual behavior that had led to their infection. They turned the tables on her, insinuating that she was the deviant, enacting a customary practice usually used to shame women who had violated a moral code. On their turf, in the almshouse, Bickerdite's reforming ways were the ways of the whore, and their sexual adventures were the accepted shared experiences. Not all the sexually active women who spent time there were so brazen, and some must have perceived themselves sexual victims of cunning and false men. But in the almshouse of the 1790s lower-class women could assert their own interpretation of their sexual behavior.

The experience of entering the almshouse could also be quite grim. Those assigned to the medical wards, including women lying in to give birth, shared the space with those suffering from venereal disease. In 1796, when twenty-nine women gave birth to illegitimate children there, forty-one women and twenty-one men were admitted for medical treatment with telltale physical signs of venereal disease. But the almshouse also provided food, shelter, clothing, and medical care for those in need, and many used the almshouse on their own terms, including women bearing illegitimate babies.<sup>30</sup>

29. DOD, Dec. 22, 1789.

30. DOD. The almshouse operated the only medical facility for indigent patients. Some men of the laboring classes had the financial resources to seek treatment in the Pennsylvania Hospital, which operated a venereal disease ward. But women, with fewer resources, were more likely to seek treatment at the almshouse.

The experiences of Priscilla McPherson and Mary Perkins, who gave birth to illegitimate daughters in the spring of 1796, were typical. Like most such women in the almshouse, they sought admission late in their pregnancy. Priscilla entered during her ninth month and gave birth two and a half weeks later. She and her baby remained there for a recovery period of two months, and, once Priscilla was ready to resume work, they departed, "being now both well and she engaged in a place of nursing they are discharged." Mary Perkins was admitted in May, eight months pregnant. She gave birth on May 24, but her child survived only one day, dying the following evening. Mary left eleven days later, having also "engaged in a place of nursing," probably as a wet nurse to a well-to-do family. Mary was not the only woman to lose an infant to a quick death. One of every six illegitimate infants born in the almshouse died before discharge, usually within days of birth.<sup>31</sup>

Some women who gave birth in the almshouse were frequent residents who used the almshouse seasonally as opportunities for employment slowed or harsh winter weather made living without fuel or adequate housing untenable. Elizabeth Barber was one such poor woman. She entered the almshouse in February 1790, eight months pregnant. She had contracted venereal disease before the birth of her son, who died of the disease a month after birth. When she left the almshouse in April following his death, the clerk predicted that she would "soon be back." He was right. On Christmas Day her admission entry recorded that she was "now returned with the venereal Disease and in a most wretched naked condition, frozen." She was a frequent resident throughout the 1790s, coming in and then "eloping," or leaving without being formally discharged. As the clerk put it in 1796, she "according to her usual custom jumped the fence." Elizabeth Barber lived in poverty for much of this period, but she was able to use the almshouse as a place of periodic refuge and resources. Each time she entered she was treated for her illness and issued a new set of clothes. Often women like Elizabeth recuperated there and then returned to their lives among the working poor in the city streets. Some women, like Sarah Peters, made more direct use of the almshouse's resources. She took several sets of clothing with her when she left after the birth of her daughter in the spring of 1796. The almshouse clerk believed women like

31. Sixty percent were admitted to the almshouse during or after their eighth month of pregnancy, and another 35 percent entered the almshouse in their sixth and seventh months (information available in half the cases). DOD: Priscilla McPherson, Mar. 5, 24, June 23, 1796; Mary Perkins, May 3, June 24, July 6, 1796. Of the illegitimate infants born in the 3-25-year sample from the 1790s, 17 percent died soon after birth.

Sarah sold the clothes they acquired there for support once they left, and he complained that the lax admission and discharge policies of the Guardians allowed the poor to cycle in and out of the almshouse at will, taking a fresh set of clothes with them after each visit. Clothing was a small asset for a poor woman facing raising a child on her own. But such petty pilfering was one of the ways poor women used this system to try to care for themselves and their infants at the end of the century.<sup>32</sup>

During the 1790s the almshouse was used almost exclusively by poor women with few resources. It provided a needed refuge and critical medical services for those in dire need. It would come to play a far different role in the public policy concerning illegitimacy and nonmarital sexuality in the early nineteenth century, when city officials would attempt to lay the responsibility for sexual transgression at women's feet.

If the experience of bearing a bastard child remained in many ways the same for white women in early national Philadelphia as it had been before the Revolution, it changed dramatically for women of color. By 1790 more than 85 percent of Philadelphia's African-American population were free, and the city had become something of a mecca for African-Americans throughout the mid-Atlantic as a place to establish a new life after slavery. Their children would not be the legal property of white masters. During the 1780s African-American women began to participate in the Guardians of the Poor adjudication of bastardy. The experiences of some would be similar to those of white women of the lower classes. If their partners were employed and could post bond and guarantee child support, they could expect the Guardians of the Poor to facilitate paternal responsibility and work to keep them from needing public support. Mary Cary's experience was recorded as rather unremarkable by the Guardians:

June 9, 1791, Peter Sharp a free black laborer paid to the Guardians of the Poor the sum of 24 pounds, received as compensation in full for the support of his child by Mary Cary, a Black Woman, this being the most that could be got.

32. DC D: Elizabeth Barber, Feb. 2, Mar. 25, Apr. 19, Dec. 25, 1790, May 17, 1793, Feb. 17, 1796; Sarah Peters, Feb. 6, Mar. 16, May 31, 1796. For other examples of habitual almshouse residents who gave birth to bastard babies, see the cases of Catherine Delany, also known as Red-Kate, and Mary Smith, also known as Hannah Sharp. Both women probably supported themselves through sex commerce, and both had contracted venereal disease. DOD, Dec. 2, 3, 1793, Mar. 20, 30, 1798.

Like other members of the laboring classes, the modest economic status of Mary's sexual partner meant that the support Mary would receive for her child was minimal.<sup>33</sup>

During the 1790s, when African-Americans made up 7 percent of the city's population, black couples like Mary Cary and Peter Sharp accounted for only 2.5 percent of the bastardy cases. Many African-Americans probably worked hard to avoid drawing attention to themselves and sought to steer clear of the Guardians of the Poor. In this era, when the abolition law dictated the indenture of children of slaves until age twenty-eight, the Guardians would not hesitate to indenture the children of indigent free blacks. The city's people of color also lived under the daily threat of reenslavement. Slave traders operated within the city, abducting African-Americans by claiming they were the property of men they represented, and children were especially vulnerable to illegal enslavement. Avoiding public notice, including public exposure in the bastardy system, could be an important survival strategy. It is no wonder that women like Sylvia Clow, a newly freed Philadelphian, strove to extricate herself from the Guardians' bastardy system before she gave birth. Sylvia had gained her freedom when a member of the Pennsylvania Abolition Society purchased her in the bankruptcy sale of her owner, Samuel Wharton. In January 1790 she was admitted to the almshouse as a pauper, pregnant with her second illegitimate child. Two months later, before she had given birth, her mother secured her discharge from the almshouse. Sylvia, having assured the Guardians that "her Mother hath now provided a suitable place and accommodations for her lying in," was free to bear her child away from official view. When black women did enter the system of bastardy adjudication, they were

33. GPM, June 9, 1791; Gary B. Nash, *Forging Freedom: The Formation of Philadelphia's Black Community, 1720-1840* (Cambridge, Mass., 1988), table 4, 137. Nash estimates that the black population of Philadelphia in 1790 was 2,078, with 273 enslaved African-Americans and 1,805 free.

African-American women could expect a higher level of support for their children when the father had greater means. See, for example, the case of Elizabeth Long and the white merchant William Cochran, who in 1790 paid more than twice as much (£50 12s. 6d.) to commute his cases (GPM, March 1790).

I use the term "women of color" here to refer to all nonwhite women in late-eighteenth-century Philadelphia, primarily women of African origin or descent. There were few native Americans in Philadelphia, and few Asian-Pacific immigrants. White and black Philadelphians used the term "colored" to identify people of African origin, including those of mixed racial parentage, during the early national period.



much more likely to end up using the resources of the almshouse than to receive out-relief paternal support (see Table 15).<sup>34</sup>

Bastardy cases that involved cross-racial couples came to the attention of the Guardians of the Poor more frequently than cases of black couples. During the 1790s just under 5 percent of cases involved couples who crossed the racial divide to conceive a child. In three-fifths of these cases the mother was a woman of color and the father white, and in two-fifths the mother was white and the father black. The behavior of the white women involved in these cases suggests that bearing a mulatto illegitimate child had harsh social consequences for them. Several abandoned their child soon after birth. In 1793 the almshouse admitted two-week-old Denis Proctor after his mother had run away from her place of service, leaving him behind. Later that same year David Trusty was delivered to the almshouse by his mother, despite the commitment of Jonathan Trusty, the child's father, to provide support. These women desired to be free of their mulatto child, whose presence broadcast their sexual relationships with black men. Even when a white mother did not shun her mulatto offspring, the society around her offered little understanding or support. White women who bore illegitimate children to black fathers were the most likely to require the aid of the almshouse, often having nowhere else to turn for assistance.<sup>35</sup>

A white woman's sexual reputation, even among the mothers of illegitimate children, was harmed by her intimate relationships with African-American men. It was Mary McCulloch's reputation for cavorting with African-Americans in a house of prostitution that encouraged the Guardians to treat her case unfairly. Mary had established a sexual relationship with the almshouse senior apothecary when she was admitted for medical treatment in the summer of 1789. When she became pregnant and swore the child to him, a Dr. Hutchinson gave his bond on behalf of the "young Gentleman." But, when Mary sought aid late in her pregnancy, she was admitted to the almshouse as

34. DOD, Sylvia Clow, Jan. 15, Mar. 22, 1790. This figure of 7 percent for the African-American population of Philadelphia is a midpoint population figure for the decade of the 1790s. In 1790 the African-American population in Philadelphia of 2,078 was within an overall population of 42,520, or 4.9 percent; and in 1800 the African-American population had grown to 9.5 percent, or 6,436 within a population of 67,811. For African-American population figures, see Nash, *Forging Freedom*, table 4, 137; for city of Philadelphia, see Smith, *The "Lower Sort,"* app. B, table B.1, 206.

35. DOD, Jan. 1, May 31, 1793; GPM, Mar. 14, 1793. Jonathan Trusty had posted bond with the Guardians for the support of his son two months before his mother left him at the almshouse.

TABLE 15. *Race and Bastardy Support, 1790s*

Couple	Disposition of Bastardy Cases	
	Almshouse	Out-relief Mandatory Paternal Support
White	31%	69%
Black	60	40
Cross-racial	50	50
(White mother/black father)	(80)	(20)
(Black mother/white father)	(29)	(71)

Note: Individuals identified as mulatto were included in the category "Black."

Source: See Appendix, esp. "Bastardy Totals" and Table A.2.

"a pregnant pauper." Her admission entry explained that she was a woman "of very bad Character having lived among some very ordinary free Blacks at such places of ill fame as made her so reputed." The clerk went on to note that no mention was made of the bond, or that she should have been "a pay Patient," on her order of admission. Mary's reputation as a woman of bad fame who mixed freely with the free blacks in lowlife haunts led the Guardians and almshouse administrators, in this instance, to cover for one of their own and treat her as a pauper.<sup>36</sup>

Cases of bastardy involving white women and black men were also more tightly monitored by the courts. In each of the bonded cases involving black men and white women, the women swore the case in open court, and the cases all appeared in court proceedings. It is unclear whether it was the Guardians that required these women to appear in court rather than make the typical oath before an alderman or justice of the peace, or whether the women themselves thought they could claim some benefit by this open declaration that activated the law against their former partner.<sup>37</sup>

When cross-racial couples were black women and white men, the system of mandatory paternal child support worked surprisingly well in the cases that came before the Guardians. When black women came forward and swore

36. DOD, Feb. 3, 13, 1790.

37. PFT, Mar. 21, 1792, John Douglas and Catharine Able; Aug. 23, 1797, Luff "a negro" and Ruth Bron; Jan. 19, 1798, George Fisher and Elizabeth Brown; Mar. 5, 1798, and MCD, Apr. 1, 1798, Adam James and Sarah Williams.

their child to white men, those men posted bond and provided child support. In only 29 percent of these cross-racial bastardy cases were women left with no choice but the almshouse. In each of these almshouse cases, the reputed white father was away at sea and therefore could not post bond or provide support. Captain Archibald Galt, for example, was off on the aptly named sloop *Willing Lass* when Ann Williams was brought to childbed. Ann had been dismissed from her place of service with Governor Thomas Mifflin when she was six months pregnant and had spent the last three months of her pregnancy in the almshouse. Captain Galt could expect to repay the city for her lodging and medical care when his ship next docked in Philadelphia.<sup>38</sup>

The experiences of Sarah Dempsey, however, exemplified the ways in which African-American women were especially vulnerable to abuses of power by white men. In March 1803 she gave birth to a child fathered by a respectable white Philadelphian. Eschewing the normal system of child support, the father made private arrangements through his friend John Douglass, Esq., city magistrate, to "pay her from time to time for its support, should she not expose him as [the father]." The father kept his agreement and provided support; then, when the child was three months old, he attempted to steal the child from its mother:

He had paid her, until one day she applying for her stipend when he refusing, attempted to secure the child. But she escaped and sheltered in her friends house.

Next the father went to his friend Magistrate Douglass and procured a warrant for Sarah's arrest. The constable seized Sarah from her friend's house, took the child from her, and committed Sarah to prison. Not only did this man succeed in keeping his behavior as the father of a "mulatto" child out of the public record; he also successfully marshaled the powers of the state to take the child from its mother. But Sarah was not without her own resources. With the aid of the Pennsylvania Abolition Society she appealed to Chief Justice Edward Shippen, who released her from prison, called the father and the magistrate into court, and reprimanded them for their conduct. Sarah's child was returned to her, and the father was required to provide for its support. Had Sarah been white, one can imagine that she would not have been vulnerable to such bold actions by the father and these abuses of the law.<sup>39</sup>

Clearly, women low in the social hierarchy were more vulnerable to coer-

38. DOD, Feb. 3, Apr. 24, May 20, 26, 1796.

39. Pennsylvania Abolition Society, Acting Committee Minutes, June 3, 1803, HSP.

cion and male sexual exploitation. But, given the levels of privilege generally accorded elites in the late eighteenth century, the system of adjudicating bastardy through the Guardians of the Poor was remarkably egalitarian. African-American women successfully secured mandatory child support for their children fathered by white Philadelphians, as did women of the lower classes whose sexual partners were well-to-do merchants. Even Sarah Dempsey, who never entered the official system of bastardy adjudication, ultimately succeeded in securing support for her child.<sup>40</sup>

Some women saw this system as a form of protection and had it in mind when they decided to engage in nonmarital sexual affairs. Recording his casual sexual encounter with an African-American woman in a Philadelphia inn, our anonymous diarist recalled that, following the sexual act, the woman turned to him and asked where she could locate him should she prove with child:

She caused me much fright on asking me where I dwelleth and that in case increase from contact she would make known to me the fact—I said I lived in the Carolinas—and fled.

Not only did this woman know that he could be held responsible for a child so conceived, but this knowledge seems to have informed her decision to have sex with him.<sup>41</sup>

Evaluating the relationships that produced illegitimate children is difficult. We may never know how many were relationships women welcomed or sought out and how many were the result of coercion. In late-eighteenth-century Philadelphia most women could at any time become the object of sexual pursuit, not only servants and slaves but also women not protected within families by husbands or fathers. They lived in a society where the concept of women's consent as necessary in sexual relations was not well established. Under these circumstances women did not necessarily rebuff sexual advances, but rather sought to make the best of such situations. What is

40. During the 1790s there were fifteen cases of African-American or "mulatto" women's securing child support from white men recorded by the Guardians of the Poor. See, for example, the case of Elizabeth Long and the white merchant, William Cochran, GPM, March 1790. There were also six women admitted to the almshouse expecting babies fathered by white men who were currently at sea and thus could not post bond or provide support at that time.

41. [James Wilson?], Account Book and Diary. See also case of Mary Carn in *Commonwealth vs. John Bissell*, Court of Oyer and Terminer for the County of Philadelphia County, file papers, n.d., HSP.

striking in the 1790s is how many women appear to have chosen to establish sexual lives for themselves independent of marriage.<sup>42</sup>

This initiative is seen most clearly in the women who committed adultery. Their sexual histories suggest that some women of the early national period did exercise heightened sexual autonomy. In three-quarters of the adultery cases, the women had not only been unfaithful but had also deserted their husbands to establish new intimate lives for themselves (see Table 16).<sup>43</sup> Like the Philadelphia women practicing self-divorce in the 1770s and 1780s, these women laid claim to their right to personal happiness and sexual fulfillment by leaving their marriages to establish relationships with new men. This pattern contrasts sharply with New England patterns of female adultery before the nineteenth century, when marital desertion was predominantly a male behavior: it was not only men who abandoned their partners in Revolutionary and early national Philadelphia. Sometimes women left their marriages for love, as Justina Ristour did, and settled into new, long-term relationships. In other instances, however, they left marriages to establish varied sexual lives for themselves with multiple partners.<sup>44</sup>

42. This attitude toward consent can be seen in the near absence of rape charges in late-eighteenth-century Philadelphia (1790s: twelve cases charged as attempted rape or rape) despite evidence of numerous instances of force used in sexual relations. See, for example, PDP: *Mary Oldmixon vs. John Oldmixon*, filed October 1807, events 1799; *Eleanor Pettit vs. Samuel Pettit*, filed 1797, events 1791.

43. This analysis of adultery used the divorce records (PDP). The petitions for divorce give the details of the adultery necessary to make a distinction between simple adultery and adultery combined with desertion.

Pennsylvania law did not require infidelity to grant a divorce. After 1785 just cause for divorce included simple separation for four years. Because many of the divorce cases that charged adultery also qualified for a divorce under this provision, the evidence of adultery can probably be granted a greater degree of truthfulness than in states where adultery was a requirement for divorce.

44. Nancy F. Cott, for instance, found that female adultery coupled with desertion occurred in only 31 percent of Massachusetts divorce cases between 1692 and 1786 in which the cause of action was adultery. (For these years 101 husbands filed for divorce; the cause of action was adultery in 85 cases, and in 26 cases the wife had committed adultery and deserted her husband.) Cornelia Hughes Dayton's study showed a similar situation in Connecticut. In New Haven, 1711-1789, in only three cases of female adultery had the wife deserted her husband, or 20 percent of the female adultery cases. See Cott, "Divorce and the Changing Status of Women in Eighteenth-Century Massachusetts,"

TABLE 16. *Cause of Action in Divorce Petitions, 1785-1814*

Cause	Husband's Petition (Wife's Fault)		Wife's Petition (Husband's Fault)	
	No.	%	No.	%
Adultery	62	87	68	42
(With desertion)	(37)	(74)	(42)	(62)
(Without desertion)	(13)	(26)	(26)	(38)
Bigamy	2	3	4	2
Desertion	6	8.5	52	32
Cruel treatment	1	1.5	37	23
Impotence	0		1	1
Total	71	100	162	100

Note: A total of 62 husbands filed for divorce listing their wife's adultery as the cause of action. Information whether the adultery also involved desertion was unavailable in 12 cases.

Source: PDP.

Some women who engaged in extramarital affairs did not leave their marriage. These women too exhibited heightened female sexual autonomy, as exemplified by the life of Marianne Montgomery, the wife of a Philadelphia gentleman. Her black indentured servant described her as a woman with a lusty sexual appetite, who enjoyed her lover's company, laughing and talking into the night. She sought out her lovers and engaged in a public social life with her men while her husband was away. Marianne had three lovers during

WMQ, 3d Ser., XXXIII (1976), 586-614; Dayton, *Women before the Bar: Gender, Law, and Society in Connecticut, 1639-1789* (Chapel Hill, N.C., 1995), 135.

For examples of women who established postmarriage sexual lives that included multiple partners, see PDP: *Robert Irwin vs. Catharine Irwin*, filed April 1795; *Reuben Bennett vs. Charlotte Bennett*, filed September 1796; *Thomas Newberry vs. Ann Newberry*, filed June 14, 1800; *John Lovinger vs. Lousia Lovinger*, filed 1800; *Valentine Clemens vs. Catharine Clemens*, filed April 1791; *William Keith vs. Ann Keith*, filed 1791; *Lewis Williams vs. Susanna Williams*, filed September 1789. Several of these women reputedly took up prostitution or moved into houses of ill fame after they left their husbands.

the year chronicled for the court by her servant, Bety Simpson. Bety testified that she listened at the chamber door where Marianne and Peter Baudry spent the night. She heard them "have connection together as man and wife several times, and the bed crack, and they did not seem to sleep at all, but laughed and talked a great deal together." This is a portrait of carefree, indulgent lovers, reveling in each other's company. When Bety and the chambermaid listened in on another occasion "and heard their actions quite plain," they "made a considerable noise," expecting Marianne "to rise and see what it was, as she was accustomed to do when there was any noise, but she took no notice of it." On another occasion Bety witnessed the lovers' sexual relations through a window glass in a door to a downstairs chamber.<sup>45</sup>

These events and Marianne's affair with a second man occurred in her country home outside Philadelphia in Wilmington. But her extramarital relations were not confined to her country residence. When she returned to the couple's Philadelphia home in the fall and winter of 1800, she established another relationship, which she pursued whenever her husband was away on business. In this Philadelphia setting we see Marianne's boldest and most public acts. Every evening while her husband was in Washington, D.C., she entertained a Frenchman named DuRenay. Bety was told to turn away any callers who visited while she and DuRenay were locked away in the parlor. DuRenay came almost every evening, but, when he did not, Marianne "would go for him herself or send a boy for him."<sup>46</sup>

Marianne's meetings with her Frenchman were not confined to her home. Both her manservant, Joseph Spraggs, and her coachman, John Gallagher, testified to their public excursions. Spraggs, age sixteen, testified that the couple often "rode out at night" in the Montgomery carriage. Spraggs rode at the rear and suspected that they used the carriage itself for their sexual encounters, as they "let down the glass and put up the blinds." John Gallagher, the coachman, testified that the couple went very often "together to plays and

balls in the carriage" and that "Mrs. Montgomery several times called for the said DuRenay in the carriage to go to Parties."<sup>47</sup>

One might suspect that Marianne Montgomery's intimate life was exceptional, were it not replicated by numerous other Philadelphia women. What makes her case unique is the detail of the descriptions that displayed the positive sexual experiences she created outside her marriage. Among the divorce petitions there was a clear pattern of other women's taking action to find sexually fulfilling relationships. Mary Ann Honnorty, whose class we do not know, established a continuing affair in 1795 with a Mr. Gautier, who shared a rented room with Nicholas Collin. Collin testified that Mary Ann was embarrassed when he first found her there with Gautier but "afterwards witnessed his entrance with great unconcern." Collin stated that he had found Mary Ann with his roommate forty times in the winter of 1795 and that Gautier and Collin "begged her to stay at home and not come so often to their chamber." Mary Ann, however, enjoyed her frequent visits and would not stay away; she "refused his admonitions and continued her visits as frequently as usual." Mary Maffet, the wife of a Philadelphia mariner, also established an intimate life for herself, which provided her regular sexual satisfaction. Over the two years preceding her divorce she engaged in adulterous relationships with four men during her husband's frequent absences. In 1803, she finally left her marriage to marry her fourth lover, William Humphreys.<sup>48</sup>

Another woman of strong forward sexual character was Margaret Naylor. Evidence in her divorce from her second husband, Samuel Naylor, established that she had engaged in sexual familiarities with other men during both of her marriages. Samuel Baldwin, a mariner who had apprenticed with her first husband and stayed on as a boarder after Samuel's death, witnessed Margaret's sexual indiscretions with Captain Logan when her husband was at sea. Later, during her widowhood and perhaps into her second marriage, Baldwin himself became her lover. According to him, Margaret initiated the relationship. He swore

that he was setting with the Respondent, in the back room of her house, in the winter of 1803; While they were in conversation together, the Respondent came up to this Deponent and threw her arms around his neck and

47. *Ibid.*; depositions of Joseph Spraggs and John Gallagher, Jan. 9, 1802.

48. PDP: *John Honnorty vs. Mary Ann Honnorty*, filed December 1795, events 1795; deposition of Nicholas Collins, March 1796; *David Maffet vs. Mary Gisbertha Maffet*, filed 1804, events 1802-1803.

45. PDP: *Robert Montgomery vs. Marianne Montgomery*, filed Nov. 5, 1801, events 1800-1801; deposition of Bety Simpson, Jan. 9, 1802. Lawrence Stone found this same female sexual assertiveness in his study of early modern divorce in Britain, in *Broken Lives: Separation and Divorce in England, 1660-1857* (Oxford, 1993). See his case studies of late-eighteenth-century divorces, especially those of Mrs. Beaufort, Mrs. Middleton, and Mrs. Loveden, 117-138, 162-247, 248-269.

46. PDP: *Robert Montgomery vs. Marianne Montgomery*, filed Nov. 5, 1801, events 1800-1801; deposition of Bety Simpson, Jan. 9, 1802.

offered her person to his embraces. As the family were then moving into another house, a bed lay accidentally in the room to which they retired, where this Deponent had a criminal intercourse with the Respondent. Margaret and Baldwin continued their affair for some time:

This intercourse after that was kept up between them, and he had very often connection with her, sometimes in her own chamber, and on other occasions in any private place to which they could retire unobserved.

Samuel Baldwin might have downplayed his own culpability in his description of the beginnings of their affair. But it is not hard to imagine the widow Margaret taking the initiative to bring young Baldwin the apprentice, no older than nineteen at the time, to her bed.<sup>49</sup>

Women of the lower classes also exercised increased sexual autonomy after the Revolution. Mary Carn, who gave birth to an illegitimate child in the 1790s, had sexual relations with two men during the spring when her child was conceived. Her interest in sexual relations with these men appears to have been both romantic and financial: with Harmon, the first lover, she felt a romantic attachment; Bissell, the second man she "brought to her bed," offered her a new suit of clothes to encourage her affection. While her motivation for engaging in nonmarital sexual activity was not purely romantic, there is no doubt that Mary Carn made these choices herself.<sup>50</sup>

The women whose sexual choices were recorded in the criminal records also insisted on directing their intimate lives, even when it led them to go

49. PDP: *Samuel Naylor vs. Margaret Naylor*, filed Mar. 14, 1807, events 1803 (probably 1800–1803); deposition of Samuel Baldwin, Mar. 14, 1807. It is unclear from the testimony whether Margaret was married to Samuel Naylor at the time she and Samuel Baldwin were involved. That he described their involvement as "criminal intercourse" suggests that she was indeed married then.

For other examples of cases that demonstrate female sexual assertiveness, see PDP: *Lewis Albertus vs. Ann Albertus*, filed 1794; *Alexander Cochran vs. Phoebe Cochran*, filed December 1796; *James Enefer [Eneser?] vs. Mary Enefer*, filed September 1802; *William May vs. Sarah May*, filed 1802.

50. The details of this case are in the lawyer's papers for the cases of the *Commonwealth vs. John Bissell*, Court of Oyer and Terminer, file papers (n.d., filed in the box for the 1790s at HSP). Bissell fought the state's claim that he was the father, claiming Harmon was the child's father. The record does not reveal how long Carn and Harmon were involved. We know only that she slept with him for a week, three or four weeks before she took up with Bissell. Nor do we know how long the relationship with Bissell lasted.

against social conventions. Women arrested for cohabiting with men not their husbands had left their marriages to establish new, more satisfactory relationships, just as the women whose husbands sought divorce and the wives who "eloped" had. Ann Murry, for example, who had left her husband to live with her lover, John Hamil, resisted both her husband's entreaties and the coercion of the legal system to change her behavior. "Cohabiting" with John Hamil when she was arrested in 1796, she was "with child" and refused to say who the father was. What's more, she and Hamil had also threatened to injure her husband. The behavior of the women, like Ann Murry, arrested for illegal cohabitation, demonstrates that the women in the divorce records and elopement ads were not alone in attempting to direct their intimate lives.<sup>51</sup>

One final factor must be considered when evaluating women's extramarital sexual boldness: the power relations within late-eighteenth-century marriage that these women faced as they carved out expressive sexual choices. No discussion of the gender dynamics of extramarital sexual relations would be complete without acknowledging the role domestic violence played in marriage. During the 1790s the most common cause of arrest in Philadelphia was domestic violence. In the huge majority of these cases the wife, a neighbor, or a relative swore out an oath stating the charges. The husband was then taken up by the constable and held until he posted bond for his future good behavior. Only when a husband repeatedly violated the law were more severe steps taken.<sup>52</sup>

As they had in the colonial era, communities worked through formal systems such as "swearing the peace" and informal channels of gossip and reputation to establish the limits of acceptable and unacceptable patriarchal force. But husbands of the early Republic still wielded the discretionary power to discipline their wives. The divorce papers give us blow-by-blow accounts of domestic violence in this era. Here we see community intervention to stop extreme abuse, but what is perhaps more striking is the extent to which neighbors and friends tolerated the physical abuse of women by their hus-

51. PFT, Mar. 2, 1796, Ann Murry. See also PFT: Dec. 5, 1796, Pompey Carpenter and Eleanor Turner charged; June 17, 1799, John Bush and Catharine Smith charged; July 31, 1797, Ely Holcom charged with cohabiting with Mary Walker, "her being with child"; June 19, 1793, Sarah Smith charged with "being in Bed with a Man not her Husband at the House of John Yorke and being with Child refuses to Indemnify the City."

52. More Philadelphians were arrested for committing domestic violence than for any other criminal offense during the 1790s. PFT, 1790–1799.

bands.<sup>53</sup> Usually only when witnesses feared that a wife was in grave danger did they intervene. Yet witnesses were quite able to detail the patterns of abuse that led up to the specific crisis for the court. Neighbors commented that they had often heard the couple quarrel and fight but that, on a particular occasion, the beatings reached an intolerable level and they intervened. Usually only when a wife's behavior could be presented as exemplary would the larger society reprimand a husband. Women's assertions of their right to individual happiness and sexual choice appear all the more forceful when seen in this context. By taking steps to find personal happiness and establishing sexual alternatives for themselves, these women rejected the legitimacy of control by their husbands implicit in marriage.<sup>54</sup>

Clearly, some women of the new Republic asserted greater sexual autonomy. We see them boldly seeking and attaining sexual pleasure, asserting a right to make their own sexual choices. Some women said as much. In 1797, when her friend and neighbor caught Louisa Lovinger in adultery and asked whether she was not ashamed of what she was doing, Louisa responded "that she [was] not, that her husband was away the whole week at the store and she had not good of him, and that she will not stay with him much longer." Lovinger considered her husband an unsatisfactory lover and planned to leave him. She had found a young man to meet her needs and believed that, under the circumstances, she had a perfect right to consort with him. The reason for Catharine Vallon's adultery was also her quest for personal happiness. In the weeks before she ran off with her lover to New York, she was overheard telling her paramour "that she loved him and that Mr. Vallon was an old Frenchman."<sup>55</sup>

Eliza McDougall made a similar choice. When her husband returned from sea and found her pregnant by her lover, he claimed he would forgive her and

53. See, for example of abuse cases, PDP: *Rosanna McKaraker vs. Daniel McKaraker*, filed Feb. 29, 1792; *Mary Scott vs. Edward Scott*, filed 1795; *Mary Lake vs. William Lake*, filed Dec. 31, 1799; *Margaret McFarland vs. Kennedy McFarland*, filed Feb. 11, 1799. It must be noted that these were the same neighbors who routinely policed one another's disruptive and disorderly behavior. PFI.

54. Here I refer to the overall society. The divorce records also reveal women's working together to create strategies for surviving domestic violence, including outright resistance to husbands' authority. These were acts of resistance by those victimized by this system and did not reflect the overall society's views or treatment of domestic violence. See for example, PDP: *Hannah Harvey vs. Alexander Harvey*, filed March 1799; *Sarah Lloyd vs. Benjamin Lloyd*, filed 1802, events 1801.

55. PDP: *John Lovinger vs. Louisa Lovinger*, filed 1800, events 1797-1800; *Lewis C. Vallon vs. Catharine Vallon*, filed Sept. 1, 1805, events 1804-1805.

take her back. Eliza was not interested. Their conversation was overheard by Thomas Jameson, who recalled that Mr. McDougall said, "Betty I will forgive you all that has happened if you will tell me who was the father of the child." She replied, "It was a better fellow than you." Eliza preferred her new lover to her old husband.<sup>56</sup>

When Eleanor Lightwood left her husband Jacob in 1787, she confided to a friend that "she did not like her husband," "that she saw a number of faces that she liked abundances better," that her husband "was a little ugly fellow, and that she would not end her days with him." Eleanor kept her word. She left Jacob in the country, came to the city, and established a rich sexual life. Supporting herself as a child nurse for the family of John Fulmer, Eleanor lived in the Northern Liberties for the next thirteen years, where she bore an illegitimate child with fellow servant Simon Hetcher and earned a reputation for herself as a woman who "would go after men."<sup>57</sup>

Not all of these women were as cavalier. Julie Guermeteau appeared anguished when she confided to her friend and family doctor

that she did not love [her husband] and had married him by force; that the child she had had three and a half years before was not her husband's but was her lover's, Barralino's; that she was then pregnant again, and that child also was Barralino's; and she could not consent to live with one man and have children by another.

She too ultimately rejected her loveless, forced marriage and went to live with the father of her children.<sup>58</sup>

There was another group of women who exercised sexual independence within post-Revolutionary Philadelphia—those who engaged in sex commerce. In many ways, their economic and sexual independence was the most obvious

56. Scots Presbyterian Church, Minutes of Session, Dec. 22, 1788, PHS.

57. Eleanor's insistence on her right to make her own sexual choices persisted throughout this period. After the birth of her child, when her employer dismissed her lover, Simon Hetcher, Eleanor responded by claiming that she "would have connection with" Fulmer's black hired man, "if she could not get a white man, she would have him." Fulmer then dismissed his hired man but believed that Eleanor did indeed take on both white and black lovers while she remained in his employ. In *PG*, Aug. 15, 1887, Jacob advertised Eleanor's elopement. PDP, *Jacob Lightwood vs. Eleanor Lightwood*, filed 1805, events 1787-1799; *GPM*, Aug. 16, 1799, bastardy case of Eleanor Lightwood and Simon Hetcher.

58. PDP, *Joseph Guermeteau vs. Julie Guermeteau*, filed September 1805.

manifestation of female autonomy. Prostitution enjoyed an enhanced position within the community because the world of nonmarital sexual behavior had expanded. Amid the permissive sexual culture of the city, the behavior of those who engaged in sex commerce was less distinct. Women who engaged in sex commerce were more public than in the late colonial era but also more integrated into the broader sexual culture. Evidence from Philadelphia suggests that, during the transition between the sexual system of the late colonial period and that of the nineteenth century, prostitution took on its most fluid and least exploitative form.

Historians have characterized the early national period as a time when prostitution did not have a significant presence in American cities. In Timothy J. Gilfoyle's study of New York City, prostitution appears to have operated on the "fringes of urban society" and had not yet entered the sexual repertoire of middle-class urban men. Before 1820 sex commerce was geographically segregated, solicitation generally occurred out of the public eye, there was little streetwalking, and clients were transients, soldiers, and visitors. Similarly, prostitution in early national Boston has been characterized as confined to bawdyhouses catering to visiting sailors and soldiers.<sup>59</sup>

59. Timothy J. Gilfoyle, *City of Eros: New York City, Prostitution, and the Commercialization of Sex, 1790-1920* (New York, 1992), 23-26 (prostitution, 1790-1820). The limited extent of prostitution in early national New York City, as compared to Philadelphia, may be due to the city's slightly later development economically, culturally, and as an international port city. It may also be that the forms and organization of prostitution that become prevalent in New York City, documented through Gilfoyle's careful reconstruction, were different from those of the 1790s. Evidence from Philadelphia suggests that the portrait of prostitution Gilfoyle uncovers in New York City of the 1820s—as a well-organized, specialized commercial venture, run predominantly by women brothelkeepers—was a development of the 1820s. Prostitution of the 1790s has been more difficult for historians to detect precisely because it was not yet institutionalized in the same way. The marginal nature of prostitution that Gilfoyle discerns for the early national period may also be due to the incomplete surviving arrest records for the earlier period (on arrests, see 101-102).

On Boston, see Barbara Meil Hobson, *Uneasy Virtue: The Politics of Prostitution and the American Reform Tradition* (Chicago, 1987). Between the American Revolution and the early 1820s, prostitution was generally confined to bawdyhouses. It was tolerated until the early 1820s, when Boston officials began a campaign to drive prostitution underground. On the late eighteenth century, see 15; on the legal crackdown of the 1820s, see II-27.

For a comparative perspective, see the summary of the growth of prostitution in 278 :::: SEX IN THE CITY

Philadelphia could not have been more different. Sex commerce prospered during the 1790s as part of the expansive, permissive sexual culture and was well integrated into the public and semipublic leisure world of the city. It was neither geographically segregated nor isolated from the urban centers. Bawdyhouses occupied all regions of the city (see Map 1).<sup>60</sup> There were bawdyhouses on the city's main streets and more modest establishments among its alleys. Sex commerce also took place in the backrooms of taverns, in the prison, and in the theater and often spilled out into the streets. Women solicited men in the streets, mixing with the legitimate evening strollers, meeting men, and then retiring to rented rooms or bawdyhouses. Sometimes they even engaged in sexual transactions in the city's alleys and abandoned lots. Much of this activity took place within the public view. Women called to men from their doorways soliciting their business, and others strolled about the street in pairs to meet men. Prostitutes were known on sight when they were seen shopping, socializing about the town, or entering the almshouse. The identities of their clients were also often common knowledge—many men were not concerned about secreting their behavior. Some demonstrated a striking disregard for being seen. One "well known gentleman," Moreau de Saint-Méry tells us, "leaves his horse tied to the post outside one of these houses, so that everyone knows when he is there and exactly how long he stays."<sup>61</sup>

England and Europe in the seventeenth and eighteenth century in Lawrence Stone, *The Family, Sex, and Marriage in England, 1500-1800* (New York, 1977), 615-620.

60. The sixteen locations plotted on Map 1 are of those bawdyhouses for which addresses could be ascertained and represent only a small proportion of bawdyhouse locations during the 1790s. However, even the geographic distribution of this smaller subset of bawdyhouses demonstrates that sex commerce was available throughout the city in the 1790s.

61. Kenneth Roberts and Anna M. Roberts, eds. and trans., *Moreau de St. Méry's American Journey (1793-1798)* (Garden City, N.Y., 1947), 312-313.

Locations of sex commerce: PDP: *Mary Ann Dodd vs. Robert J. Dodd*, filed December 1800, events 1799; PDP, *Sarah Gore vs. Simon Gore*, filed December 1787; Society for Alleviating the Miseries of Public Prisons, Minutes of the Acting Committee, Jan. 12, 1799, HSP; Roberts and Roberts, eds. and trans., *Moreau de St. Méry's American Journey*, 122.

Soliciting: Roberts and Roberts, eds. and trans., *Moreau de St. Méry's American Journey*, 297, 313-314; [James Wilson?], Account Book and Diary, Mar. 14, 23; PFT, 1790-1799, 1805-1815; Vagrancy Docket, 1790-1797, 1805-1814, CCAP. PDP: *Mary Burk vs. William Burk*, filed 1797, events 1797 (William Burk had sex with a "Girl of the Town" "up an alley" and at a "Burying ground in Race street" in 1797); *Robert Irwin vs. Catharine Irwin*, filed April 1795, events 1795 (Catharine had sex for cash in the lot up

Bawdyhouses were not places for secret, anonymous sex, but social places where individuals encountered friends and associates. John Moore, for example, ran into two acquaintances when he spent the night in one. Men often socialized together with the women of the house before they retired to upstairs rooms, and even then they were often still among company: illicit sex regularly took place in rooms shared by more than one couple. Even some wives were familiar with the bawdyhouses used by their husbands and sometimes retrieved them from the premises. Prostitution under these circumstances was a very social event.<sup>62</sup>

Griffith Jones, a Philadelphia storekeeper, recorded one of the fullest descriptions of prostitution in early national Philadelphia in his deposition documenting the adultery of William Burk. Jones was careful not to identify the women involved and to forget the exact location of the house, but his account richly describes his perceptions of the casual, playful, and social nature of sex commerce. On a summer evening in June 1797, he happened upon a group of his friends at the corner of Third and Market. Burk and several "other Gentlemen" asked Jones to join them for their evening's entertainment. When Jones inquired where they were going, Burk replied, "to a whore-House." Jones agreed to join in and "accordingly accompanied the Defendant [Burk], and the rest of the party to a House down Third street into Southwark." When they arrived, Burk "asked for the Girls." "The party was told that the Girls were gone abroad, but would return soon, if the party would stay." While several of the men waited inside, Burk and Jones walked about the neighborhood. When

from the Pennsylvania Hospital, at Pine and Ninth Streets); *Elizabeth Garwood vs. Joseph Garwood*, filed September 1804, events 1802-1803; *Anthony Felix Weibert vs. Alfhathica Weibert*, filed September 1787, events 1784-1787.

Brothelkeepers and the women who worked in them were identified as such in the almshouse admission log and sometimes in the orders of admission written by the neighborhood Guardians. See DOD, Mar. 13, Apr. 16, Aug. 15, 1790, Jan. 10, 1791, Jan. 13, Mar. 22, 1793, Mar. 15, 1796, Mar. 8, 1798.

62. PDP: *Maria Moore vs. John Moore*, filed September 1799, events 1796-1797; *Catherine Pemble vs. David Pemble*, filed 1803, events 1798-1799; *Mary Burk vs. William Burk*, filed 1798, events 1797; *Mary Ann Dodd vs. Robert J. Dodd*, filed December 1800; *Sarah Lloyd vs. Benjamin Lloyd*, filed 1802, events 1801.

In the case of *Maria Moore vs. John Moore*, one acquaintance was a woman neighbor who was reputedly in the house in search of her husband; the other was a male acquaintance whom he shared the room with in the company of two women of the town.

they came back, the girls had returned. Jones recalled that he initially refrained from going in but that "one of them [the girls] knocked at the window, insisting that the defendant should bring this deponent in." In the parlor he saw

four girls who appeared to him to be common Prostitutes; that the defendant took the girls one after another upon his knees, kissed, and hugged with them; that they seemed to be perfectly acquainted and familiar with each other, and much love passed between them; that after a while this Deponent observed to the rest of the party, that there did not seem to be more girls than would be wanted without him, and that he would therefore go away, which he accordingly did leaving the defendant in company with the said Girls behind him.<sup>63</sup>

Whether we can trust Jones's account of himself as a reluctant participant is doubtful. He carefully named no other members of the group that we, or the court, could consult for corroboration. Nevertheless, the beckoning behavior of the women just returned from a walk about town and the social context of prostitution, for both the men and the women, rings true.

Sex commerce of the early national period was part of a continuum of illicit sex, and it was not always easy to distinguish which encounters crossed its fluid boundaries. Prostitution operated in many of the same social spaces as other forms of nonmarital sex, integrated into these worlds of socializing and public amusement. Women brought men to the same disorderly houses for prostitution that couples frequented for illicit sex. Taverns and "negro" houses accommodated those who sought socializing, drinking, gambling, and "lewd company." Bawdyhouses themselves were not always highly organized. Women residents would come and go as their needs required. Some rented rooms by the night or the week, and others worked as operatives in houses run by other women. As such, prostitution was mixed up with the social and sexual activities of those engaging in noncommercial sexual ventures.<sup>64</sup>

People of all walks of life had sexual encounters that were not markedly different from those of prostitutes and their clients. The woman who supplemented her income by periodically strolling the streets to meet a man who would pay for a sexual encounter had much in common with the woman who frequented taverns accepting food and drink from a gentleman with whom

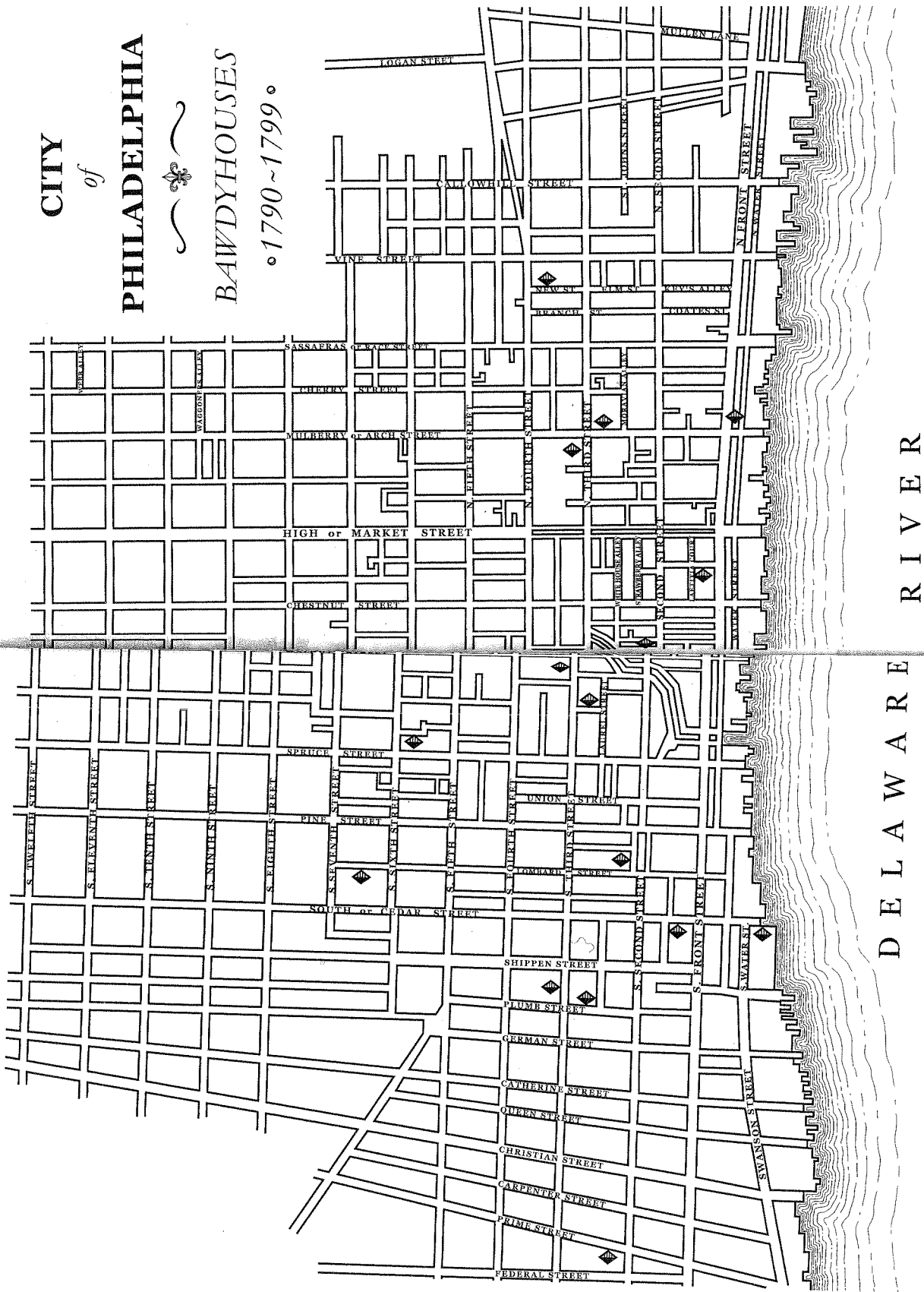
63. PDP: *Mary Burk vs. William Burk*, filed 1798, events 1797; deposition of Griffith Jones, city of Philadelphia, storekeeper (date illegible).

64. Men alone and in couples with women also operated bawdyhouses in Philadelphia. PFT, 1790-1799, 1805-1814.

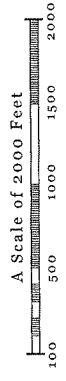


CITY  
of  
PHILADELPHIA

BAWDYHOUSES  
1790-1799



DELAWARE RIVER



MAP I. Philadelphia Bawdyhouses, 1790-1799. By *Claudia Lyons*

she later had sexual relations. Gifts of goods, food, or drink were part of the sexual exchange in many relationships. Prostitutes who worked the theater expected the gentlemen in the boxes to treat them to the wines and liquors served during the performances. This custom was not that different from the gift giving that accompanied adulterous liaisons, where lovers presented gifts and sometimes cash to their partners. Like the women of the town, women who engaged in adultery were treated to gifts by their lovers.<sup>65</sup>

Prostitution of the 1790s was neither fully commercialized nor fully professionalized; many women moved in and out of it. Some engaged in prostitution as a casual supplement to their meager wages from other labor, others participated for longer periods without permanently foreclosing their opportunities to reenter more polite society, and still others made a career of it.

Prostitution in this environment, often controlled by the women themselves, could support women who sought independence and nonmarital lives. One reason prostitution could serve as an avenue for independent womanhood, during the early new nation, was that it was not completely incompatible with marriage. Some women who had been prostitutes married quite reputedly. In 1806 Lucy Ridgeway, for example, married a respectable religious man after living the life of a woman of ill fame. Three years later the marriage of William Penn, great-grandson of the colony's founder, to "a common Prostitute of this city" caused a bit of a sensation. But it did not keep the couple from living among the community of their peers in Philadelphia for the next three years. The belief that former prostitutes could have reputable futures was shared by the sexual avant-garde and social reformers alike.<sup>66</sup>

65. Roberts and Roberts, eds. and trans., *Moreau de St. Méry's American Journey*, 122 (on prostitutes in the theater). On giving gifts in adultery, see PDP, *John Mullanwy vs. Catharine Mullanwy*, filed November 1793; Alexander Hamilton, *Observations on Certain Documents Contained in No. V and VI of "The History of the United States for the Year 1796," in Which the Charge of Speculation against Alexander Hamilton, Late Secretary of the Treasury, Is Fully Refuted* (Philadelphia: Bioten, 1797). Hamilton admitted giving such gifts to his mistress.

66. Lucy Ridgeway was one of the first women whose readmission into polite society was supported by the Magdalen Society (MSM, May 29, 1806). The careers of these women will be examined in Chapter 7.

On Penn: George W. Corner, ed., *The Autobiography of Benjamin Rush: His "Travels through Life," Together with His Commonplace Book for 1789-1833* (Princeton, N.J., 1948), 285. Penn was thirty-three years old and was described by Rush as "an accomplished Scholar, but wanted understanding upon all the affairs of life." The couple married the day after Penn's father sailed for England, suggesting that the couple understood but

For many of the women involved in prostitution, sex commerce was both an economic venture and a sexual lifestyle. They were part of the subculture that embraced sexual independence for women. Mary Bangs, whom we last saw living in "open adultery" with Richard Duffield, turned periodically to prostitution. She confided to a friend that "she was obliged to see a gentleman, and have intercourse with him, in order to get money to support herself and the said Duffield." Mary's choice to leave her husband to live with Duffield required expanding her sexual life to include commercial transactions. She appears to have engaged in prostitution with Duffield's blessing, and perhaps at his urging.<sup>67</sup>

Other women engaged in sex commerce over the objections of their husbands. Catharine Clemens slipped into prostitution by taking in lodgers to her home in Black Horse Alley. While her husband worked as a cordwainer away from home, Catharine held dances that reputedly devolved into illicit scenes of debauchery with the lodgers. When Valentine Clemens confronted her with the unacceptability of her behavior and threatened to evict the lodgers, Catharine responded "that if he turned the lodgers out of the house, she would go into [.] town, and become a common Whore." This drove her husband out of

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disregarded the scandal their marriage would raise. James Abercrombie, *Documents relative to the Celebration of a Late Marriage* (Philadelphia, 1809). The Magdalen Society of Philadelphia was founded in 1800 upon the premise that fallen women could be reformed and reenter polite society. The experiences of those women who used the society in its early years bore this out. MSM, 1800-1814.

67. PDP, *Elijah Bangs vs. Mary Bangs*, filed December 1807, events 1805-1807. For an exploration of the complicated position these women inhabited in the 1830s, see Patricia Cline Cohen, *The Murder of Helen Jewett: The Life and Death of a Prostitute in Nineteenth-Century New York* (New York, 1998).

It is unclear how often husbands encouraged their wives' prostitution. Some cases, however, suggest that the financial rewards of commercial sex were attractive to husbands as well as to their wives. Some couples ran brothels, but again it is unclear whether the women only helped run these establishments or were engaged in prostitution themselves. The language of the divorce law of 1785 suggested that society at large believed husbands sometimes prostituted their wives: it excluded sexual intercourse undertaken by a wife at the instruction of her husband as adultery. The law read: "that the said plaintiff (if the husband) allowed of the wife's prostitutions, and received hire for them, or exposed his wife to lewd company whereby she became ensnared to the crime aforesaid; it shall be a good defense and a perpetual bar against the same [a divorce on grounds of adultery]." Mitchell, Flanders, et al., comps., *Statutes at Large*, XII, 94-99, esp. 97. An Act concerning Divorces and Alimony.

the house. When Valentine finally filed for a divorce five years later, Catharine was reputedly making her living by keeping a bawdyhouse in the city.<sup>68</sup>

Some wives moved into houses of ill fame when they left their husbands, some of them clearly maintaining themselves there through prostitution. But other women were simply using the network of independent women who resided in the bawdyhouses of the city when they left their homes to establish new lives. Ann Keith took up prostitution while her husband, a mariner, was away at sea, when she moved in with Mrs. Curtis, who ran a brothel in Southwark. But Susanna Williams was probably only a boarder in the house of ill fame she removed to when she left her husband in 1797.<sup>69</sup>

Whether living in a house of ill fame to accommodate one's adultery or turning to sex commerce as a means of support, bawdyhouses provided women who left their marriages with spaces for independence. Those who turned to prostitution created an alternative to marital sexuality and a source of income greater than the usual female wages. While the consequences of long-term prostitution could be grim, during this era it could serve as a transitional vehicle for women seeking new lives and provide one strategy for establishing economic and personal independence.

What are we to make of these women who created expansive sexual lives for themselves in the new nation? Some of them set out to create fulfilling sexual lives for themselves outside marriage. They built upon the earlier traditions of self-divorce that allowed a degree of female self-determination and took advantage of the slippage in social control afforded by the social and political revolu-

68. PDP, *Valentine Clemens vs. Catharine Clemens*, filed April 1791, events 1785; deposition of George Filker, city of Philadelphia, cordwainer, sworn July 14, 1791. See also PDP, *Anthony Felix Weibert vs. Alfathica Weibert*, filed September 1787, events 1784–1787.

69. PDP: *William Keith vs. Ann Keith*, filed 1791, events 1790; *Lewis Williams vs. Susanna Williams*, filed September 1798, events 1797. For examples of other women's utilizing brothels as an alternative to their marriages, see PDP: *Robert Irwin vs. Catharine Irwin*, filed April 1795; *Catharine Britton vs. William Britton*, filed 1797, events 1795–1796; *Thomas Newberry vs. Ann Newberry*, filed June 14, 1800, events 1799. Ann Newberry visited disorderly houses to engage in prostitution while living with her husband, and then left him and moved into a house of prostitution. Evidence of wives' living in bawdyhouses was also recorded in the court docket and almshouse admissions records. See, for example, PFT, Oct. 24, 1806, case of Hester French; PFT, Apr. 17, 1805, case of Mary Revlee; DOD, Dec. 28, 1811, Sarah Thompson; DOD, May 26, 1812, Lydia Ross.

tions of the late eighteenth century to assert their own version of freedom and liberty. The intentions of others are less clear. Nevertheless, they too participated in the expansive sexual culture of the city, and their behavior in and of itself was a marked departure from the past.

We are left with the task of trying to imagine how these women understood their actions. In many ways their behavior was not in sharp conflict with the colonial model of the woman vulnerable to sexual temptation. Perhaps some women understood their nonmarital behavior as a logical extension of their natural sexual weakness. Given the predatory nature of male sexual pursuit in the late eighteenth century, this is certainly plausible. Other women, however, expanded the colonial model of the sexual woman to include sexual fulfillment outside marriage. They exercised greater sexual autonomy and asserted their right to seek fulfilling sexual and personal lives with the partner of their choosing. Their behavior indicates that they viewed their own sexuality as integral to their happiness and pursued their rights to claim that happiness in early national Philadelphia.

Perhaps some of them had imbibed the political critique of marriage implicit in the political philosophies of the day and put forth explicitly by Judith Sargent Murray and Mary Wollstonecraft. These ideas were circulating in Philadelphia magazines, the theater, and political commentary and through the lips of citizens in taverns and salons. Did women such as Marianne Montgomery consciously embrace the political notions they encountered in print, or were their decisions to adopt expansive sexual lives more visceral? When Marianne went to the Philadelphia theater with her lover, did she see Susanna Rowson's *Slaves of Algiers*, which critiqued women's slavlike status in marriage, or Elizabeth Inchbald's *Everyone Has His Fault*, which promoted companionate marriage?<sup>70</sup> Was her choice to take on a series of lovers guided by a political critique of her own, or was she simply seeking personal pleasure in a world that made such pursuit possible? Were women like Justina Ristiur and Louisa Lovinger inspired by the stories of the women in the French Revolution they heard in the city's streets? If French women could take to the streets and become *citoyennes* and their fellow Philadelphians could address one another as "citizen" and "citizeness," displaying enthusiasm for a revolutionary reordering of their world, could they stage their own rebellions, choosing love or equality as the basis of their intimate unions rather than marriage? Perhaps when Julie

70. For the gender politics of these plays and their reception in Philadelphia, see Branson, *These Fiery Frenchified Dames*, 110–123. Susanna Rowson's *Slaves of Algiers* was performed at least once each season in Philadelphia in the 1790s (181 n. 38).

Guermeteau finally put an end to her clandestine double life by divorcing her husband to be with the father of her children, the whisperings of Mary Wollstonecraft's indictment of marriage and pleas for free love tickled her ear.

In post-Revolutionary Philadelphia some women, from all classes, exercised new levels of sexual independence, acting to achieve self-fulfillment and undermining patriarchal authority. The intimate details of their lives suggest that more gender trouble was brewing in Revolutionary America than we have previously acknowledged. When women adopted forms of sexual behavior independent of marriage, they undermined the tidy binary gender association of women as dependent and men as independent, thus denaturalizing women's perceived inherent dependence and their exclusion from the polity. If, as scholars of eighteenth-century England and feminist theorists have posited, gender is performative, then the performance of these women destabilized the gender system in early national Philadelphia. Their behavior, in the streets, in the places of leisured entertainment, and in their private relations, denaturalized and assaulted the legitimacy of women's subordination to men in marriage and the basis of their exclusion from full participation in the Republic.

### *Reformulating Sexuality to Secure the Republic*

The behavior of the most sexually assertive women in late-eighteenth-century Philadelphia was consistent with the radical philosophies of the 1790s. For some Philadelphians, especially those who most vociferously objected to female independence, the expansive sexual lives those women exhibited were a disturbing development, signifying women's rebellion against their subordination to men in marriage and threatening to disrupt the social organization of America. Sexual freedom also symbolized women's claims to individual independence and their assertions of Lockean rights of self-determination at precisely the moment when political conservatives declared that the republican experiment was out of control. The political, intellectual, and sexual actions of Philadelphia's women in the early Republic demonstrated the slippery ground gender distinctions occupied and the need to anchor women's subordination to a more secure foundation.<sup>71</sup>

71. This sexual behavior was an expression of individual action consistent with Lockean rights. As Rosemarie Zagarrri demonstrates, it was this Lockean definition of rights as liberties that the political parties of Philadelphia resisted applying to women. In 1790s Philadelphia, the Democratic-Republicans promoted the idea of citizens' rights as liberties in an attempt to draw a broad constituency of workingmen to their party. They

The reconceptualization of female sexuality provided one promising avenue for bolstering the gender hierarchy. During the early national period the core attributes of female sexuality promoted in the public sphere underwent a remarkable redefinition. Whereas women in the colonial period had been understood as more vulnerable to sexual temptation than men, after the Revolution a new understanding of female sexuality emerged in popular print in which women had metamorphosed into the lesser sexual beings. During the last decades of the eighteenth century both constructions of female sexuality competed for cultural supremacy. But by the opening of the nineteenth century the new, sexually inert woman had been embraced by the middle class as both the inherent female nature and a symbol of the distinct and superior status of those who embodied it.<sup>72</sup>

For many of the most vocal architects of the new nation, such as Benjamin Rush and Thomas Jefferson, active female sexuality expressed outside marriage threatened the Republic. Late colonial notions of woman as more vulnerable to sexual temptation and the pre-Revolutionary tendency to depict her as the sexual temptress marked her as an especially dangerous member of the Republic. Moreover, as the target of men's lustful ways, women's sexual demeanor could have enormous consequences for the morality of the citizenry. Winthrop Jordan's summation of Jefferson's view of female sexuality represented the larger community of elite men: "If unrestrained sex seemed a dangerous trap to Jefferson, he was deeply certain which sex had set it." For these men, containing female sexuality would be a key to establishing a moral community and a virtuous citizenry.<sup>73</sup>

The advocates of female chastity drew on models within Enlightenment philosophy to demonstrate the importance of the moral and specifically sexual also tended to provide far fewer opportunities for female participation in the public political culture of their party. The Federalists, by contrast, embraced the notion of rights as duties, an idea consistent with female participation in party politics. It was the Federalists, working within the rubric of Scottish Enlightenment ideas of rights as duties, that allowed women greater participation in the public political culture of the city. Zagarrri, "The Rights of Man and Woman," *WMQ*, 3d Ser., LV (1998), 203-230.

72. Nancy F. Cott, "Passionlessness: An Interpretation of Victorian Sexual Ideology, 1790-1850," *Signs*, IV (1978-1979), 219-236; Thomas Laqueur, "Orgasm, Generation, and the Politics of Reproductive Biology," *Representations*, no. 14 (Spring 1986), 1-41.

73. Winthrop D. Jordan, *White over Black: American Attitudes toward the Negro, 1550-1812* (Chapel Hill, N.C., 1968), 463.

character of a republican nation. The Scottish Enlightenment four-stage theory of history specifically addressed the character that male-female relationships should take in a republic, explaining the evolution of sexual relations in human society from uncivilized (their term) hunting and gathering through pastoral, agricultural, and finally mercantile societies. In this system, human sexuality had begun with open sexual relations between men and women motivated by "animal love" (according to Lord Kames). When society reached its most advanced stage, "women [would be] valued for their accomplishments rather than viewed as mere sex objects." In this evolved society sexual attraction between men and women would be diminished, and men would choose partners for their charm, conversation, and accomplishments. Early national periodicals were peppered with stories evaluating the republican qualities of past civilizations, using the condition of women and the nature of sexual relations as one standard. In these models women's positions as domestic mothers and their characters, especially their chastity, were central to republican interests. Passion and, certainly, animal sexual attraction were not the social foundations upon which the American republican experiment would be built.<sup>74</sup>

Female sexual restraint would also be necessary if women were to safeguard the nation's virtue. As republican wives and mothers, women were granted the custodianship of the nation's civic virtue. As participants in the political culture of the new nation, Philadelphia's women claimed the virtue necessary for political judgment. By the 1790s the changing understanding of the male republican citizen and economic individual gave women's sexual transformation added importance. As the republican citizen evolved from one acting from a disinterested concern for the common good to one motivated by

74. Rosemarie Zagari, "Morals, Manners, and the Republican Mother," *American Quarterly*, XLIV (1992), 199 (quote), and 198, quoting Henry Home, Lord Kames's, *Six Sketches on the History of Man* (Philadelphia, 1776).

See, for example of past republican qualities, "Short Account of the Women of Egypt," *American Museum*, VII (1790), 56; Gilbert Stuart, "State of the Female Sex, among the Ancient Germans," *American Museum*, XI (1792), 38-40, 97-99. For an example of an American's incorporating these ideas into his own writings (a reader response), see Benjamin Rush's comments on how a republic holds women in the correct position, and his comparing that to France and Turkey: "A Thought on Monarchy and Aristocracy," in Corner, ed., *Autobiography of Rush*, 197-198.

The four-stage theory of history was put forth by the jurisprudential school of the Scottish Enlightenment. See Zagari, "Morals, Manners, and the Republican Mother," *American Quarterly*, XLIV (1992), 192-215.

personal interest, his capability for civic virtue eroded. With the implementation of the Constitution and the rise of political parties, it became more important for woman's sexual virtue to be congruent with her personification of republican virtue. As men engaged more openly in individual interests, the virtue of the state became more closely associated with women's virtue secured and safeguarded in the home. The feminization of religion, as women were increasingly associated with piety and dominated church membership over the eighteenth century, also gave credence to women's positive moral character.<sup>75</sup>

This new construction of the sexually restrained republican woman was advanced in the public print culture of early national Philadelphia, particularly through almanacs, newspapers, and magazines. After the Revolution Philadelphia's public print culture assumed new significance for the republican patriot leaders, who believed that the nation's character was fashioned through and reflected in its published discourse. The upper- and middle-class men controlling publishing confronted the question of what was appropriate for the republican public sphere. The arguments by men such as Benjamin Rush to excise morally questionable, erotic, and scandalous material from the public presses were accepted by the city's printer-publishers. Rush contended that

75. During the 1790s, women in Philadelphia established a place in the public political culture by participation in public displays of partisan politics, engaging in the political debates as the authors and readers of political commentary, and establishing the political salon; see Branson, *These Fierly Frenchified Dames*. The definitive work on republican motherhood is Linda K. Kerber, *Women of the Republic: Intellect and Ideology in Revolutionary America* (Chapel Hill, N.C., 1980). See also Mary Beth Norton, *Liberty's Daughters: The Revolutionary Experience of American Women, 1750-1800* (New York, 1980); Zagari, "Morals, Manners, and the Republican Mother," *American Quarterly*, XLIV (1992), 192-215; Jan Lewis "The Republican Wife: Virtue and Seduction in the Early Republic," *WMQ*, 3d Ser., XLIV (1987), 689-721. On the gendering of virtue, see Ruth H. Bloch, "The Gendered Meanings of Virtue in Revolutionary America," *Signs*, XIII (1987-1988), 37-58. See also Gordon S. Wood on the constitutional era: *The Creation of the American Republic, 1776-1787* (Chapel Hill, N.C., 1969), 469-562. On womanhood and the feminization of religion, see Nancy F. Cott, *The Bonds of Womanhood: "Woman's Sphere" in New England, 1780-1835* (New Haven, Conn., 1977), 126-146. Women, it was believed, were more susceptible to religion because of their softer, delicate disposition and the more open nature of the female soul. On the gendering of religion in the eighteenth century, see Susan Juster, *Disorderly Women: Sexual Politics and Evangelicalism in Revolutionary New England* (Ithaca, N.Y., 1994); Elizabeth Reis, *Damned Women: Sinners and Witches in Puritan New England* (Ithaca, N.Y., 1997).

American newspapers should shun the "anecdotes of British vices and follies." "What have the citizens of the United States to do with the duels, the murders, the suicides and the thefts, the forgeries, the boxing matches, the wagers for eating, drinking and walking etc etc, of the people of Great Britain?" Philadelphia papers should refrain from reprinting the sordid details of intrigue: "What have the citizens of Philadelphia to do with the criminal amours of Mr. M— of Boston?" Rush encouraged newspaper editors, "Never publish an article in your paper that you would not wish your wife or your daughter (if you have any) should read or understand." Erotica and overtly sexually active women no longer belonged in popular print material. Philadelphia's printer-booksellers would reserve such matter for elite and middle-class men by developing a parallel but private print market.<sup>76</sup>

The matter deemed worthy of a mixed-gender public sphere was reshaped to exclude the most explicit sexual material and to promote a reserved female sexuality. Newspapers, almanacs, and magazines now devoted little space to the sordid details of intrigue and discouraged voyeuristic sexual adventures. These were the genres that still reached the widest reading audience and were the most likely to influence the city's lower classes. Not only could print influence the new, expanded male citizenry to temper its personal indulgence and cultivate republican virtue, but it could also instruct women about the appropriate sexual attributes of the republican woman.

The public print discourse of the late 1780s and 1790s played a central role in promoting women's proper sexuality. Women's natural sexual character, as represented in popular print, was modest, chaste, and virtuous. Female constancy within marriage became both the ideal for women to strive for and simultaneously described their natural condition. Under this new configuration of gendered sexuality, premarital chastity and marital constancy were the work of a good republican woman. But this work came almost effortlessly to women, because they were seen as naturally disposed to it. Like the earlier, mid-eighteenth-century construction, woman's sexual character was considered innate. This new construction of female sexuality was evident in representations of women in Philadelphia's almanacs, whose ditties by the 1790s highlighted women's modesty and chastity and excluded her sexual desire. The bawdy or sexually venturesome women of the pre-Revolutionary almanacs had

76. Benjamin Rush to Andrew Brown, Oct. 1, 1788, "Directions for Conducting a Newspaper in Such a Manner as to Make It Innocent, Useful, and Entertaining," in L. H. Butterfield, ed., *Letters of Benjamin Rush* (Princeton, N.J., 1951), I, 487–488.

been dropped from the pages and replaced by modest and chaste women, who were vitally concerned with maintaining their spotless reputations.<sup>77</sup>

The primary reorientation in the construction of sexuality was the gendering of sexual control. Under the new version, men did not have absolute control over their own sexuality. The virile male depicted in popular print had a dual character: when men were at their best, their sexuality was virile and they controlled it, but desire could easily take control of them. The portrayals of men as losing control of their sexuality evident in popular print of the 1760s and 1770s had become accepted as reality by the 1790s. Now control had become the universal attribute of the female. Women who had embraced the new female morality had their sexuality under control, albeit through their acceptance of their inherent female nature, not through the use of reasoned self-control; and those women who were boldly sexual put their sexuality to specific uses—they purposely deployed it. Passion no longer took control of women as it did in the colonial era: it was men who were at the mercy of uncontrollable passion. Lust was such a natural and vital part of masculinity that Benjamin Rush believed it was impossible for a single man to remain chaste. He therefore prescribed marriage as the cure for men's natural tendency to lust after women. While Rush would have condemned the behavior of the anonymous sex diarist, they both shared the belief that men, by their very nature, could not deny the sexual urge. Women's lesser ardor, Rush believed, would allow them to remain chaste outside matrimony. Rush's characterization of moderate desire as women's natural state, requiring no action to control, essentialized this new female sexuality.<sup>78</sup>

Redefining the nature of female sexuality to highlight woman's innate reserve and downplaying her desire meant that the woman who engaged in sexual behavior outside marriage not only contravened social convention but also went against her very nature. What had been sexual excess consistent with her weak nature now became abnormal and unwomanly.

77. Compare, for example, the poems and ditties in *Father Abraham's Almanack* for 1770 and 1795, for bawdy versus chaste women (Abraham Weatherwise [pseud.], *Father Abraham's Almanack* for . . . 1770 [Philadelphia: Dunlap, 1769]; *Father Abraham's Almanack* for . . . 1795 [Philadelphia: Stewart and Cochran, 1794]).

78. Rush registered his astonishment at the celibacy of an acquaintance, a Mr. John Steward, who abstained from sexual relations for fourteen months (Corner, ed., *Autobiography of Rush*, 209). See his letter to his sister, Mary Stockton, where he explains marriage as the only sinless form of sexuality (*ibid.*, 483–486). See Chapter 7, below, for Rush's medicalization of overactive sexual desire in the early nineteenth century.

According to this construction of sexuality the proper location for female sexual behavior in the early Republic was marriage, and marriage only, and popular print worked hard to redirect women's erotic interest back to it. Not only did magazines of the 1790s, the voice of the intellectual republican middle class, explicitly extol the virtues of marital bliss, but the almanacs also reworked their material to conform to this new republican marital ethic. An example of this is the rewriting of "Corydon and Phyllis," a popular broadside ballad written by John Cunningham at midcentury. This was a pastoral love poem chronicling a scene of premarital sex: a shepherd meets a woman in the woods, is instantly overcome by his love for her, makes love to her, and marries her the next day. Another version was even more explicit, and there was no reference to marriage. This version was simply a playful voyeuristic account full of sexual allusion and double entendres.<sup>79</sup> A third version, "Phillida's Riddle," published in Pennsylvania in 1795, was not about illicit or premarital sex, but had been reworked to depict the couple's marrying before they have sex. The tension in this version derives from the reader's knowledge of the original story. Throughout, Phillida's mother and the reader are led to believe that Phillida, like Phyllis, has been seduced by Corydon and is now pregnant.

Transported with joy, with a heart light as air,  
Lovely Phillida tript to her cot from the fair:

Her Mother would fain know the cause of her bliss;  
Which arose, she insisted, from Corydon's kiss.

"From Corydon's kiss!" said the lass, with a smile;  
"He gave me much more, ere we journi'd a mile!"

.....  
"Come, hussy, disclose! I'm determin'd to know,  
What the Shepherd has done, thus to tickle you so!"

79. Authorship of *Corydon and Phyllis* is attributed to John Cunningham (1729–1773) in Thomas L. Philbrick, "British Authorship of Ballads in the Isaiah Thomas Collection," *Studies in Bibliography: Papers of the Bibliographical Society of the University of Virginia*, IX (1957), 255–258. I used the copy held by the American Antiquarian Society in the Isaiah Thomas Broadside Collection, printed by Nathaniel Coverly (Boston, between 1810 and 1814).

This other version is also part of the Isaiah Thomas Broadside Collection at the American Antiquarian Society. These broadsides were purchased in Boston and printed to the society in 1814, printing date assumed between 1810 and 1814, printer unknown, date originally written unknown.

"Dear Mother, 'tis only what pass'd, in your youth,  
'Tween my Father and you; as I live, 'tis a truth!  
So press me no farther; for Time will reveal,  
What now, with such rapture, I wish to conceal."

"Yes, yes; I know well, what will happen in Time;  
And I know, what misfortunes await on that crime!"  
"A crime!" said the fair one. "Believe me, dear Mother,  
Each virgin, around, would embrace such another.  
He gave me, this morn, the delight of my life;  
He gave me, himself: for he made me his wife."

Even the generational reference suggests that what was done in the past (premarital and nonmarital sex) was not to be done now.<sup>80</sup>

This promarriage message was addressed to young men as well. The bachelor life, presented variously in the 1770s as an exciting life stage for sexual adventure and a path with hazards for reckless youth, had in the 1790s become unacceptable in public print culture in the city's newspapers, magazines, and almanacs. In the "Court of Apollo," a column in the *Philadelphia Minerva* devoted to poems and sayings on matters of love, "The Bachelor" appeared in 1795. The subject was described as "the dry, dull drowsy" young man who is "stupidly free from Nature's tenderest ties." Bachelorhood led to all the evil consequences of nonmarital sexuality, but the married man, by contrast, endured no hardships:

No husband wrong'd, no virgin's honor spoil'd,

No tender parent weeps his ruin'd child.

No bad disease, nor false embrace is here,

The joys are safe, the raptures are sincere.<sup>81</sup>

There was no sexual middle ground between the destructive bachelor and the joyous husband. Sexuality expressed within marriage brought contentment, and outside marriage it brought only ruin.

Under this new construction of male and female sexuality the politics of sexual transgression shifted greater responsibility for sexual misconduct to women. Because women were presented as naturally better able to control

80. *The Balloon Almanac . . . for 1795* (Lancaster, Pa.: Bailey and Dickson, 1794) (quotation marks have been regularized).

81. "The Bachelor," *Philadelphia Minerva*, Nov. 28, 1795.

their sexuality, policing the limits of sexual intimacy became their responsibility. In addition, women were expected to exercise their influence over men. At midcentury it had been men, through their use of reason, who were the cultural targets for sexual responsibility. Now it was women.

Often this dictum went so far as to place the responsibility for men's sexual misconduct on women. For example, in an article addressed to the "Ladies" in the *Philadelphia Minerva*, women of polite society were chastised for socializing with men who were known to engage in the sexual intrigues of the pleasure culture.

You ladies, who ought to be patrons of every thing that is modest, lovely, amiable and virtuous, will smile with approbation on a known debauchee. . . . Why do you not frown upon those sordid mean wretches, who associate with the abandoned of your sex, and yet wish to keep a fair show in the world, and to insinuate themselves into your graces, when you are acquainted with their characters.

What little encouragement do you give to virtue and chastity, when a libertine can with as great ease, or perhaps greater, gain your affections, and consequently consent to marriage, than a man whose character is unblemished in the world.<sup>82</sup>

To this male author, it was women's responsibility to transform the loose sexual habits of the men within their community. He suggested that they initiate a boycott against such men.

Ladies, much depends on you, towards a reformation in the morals of our sex; if you were to join as a band of sisterhood, and resolve to spurn from your company, and treat with contempt, every profligate libertine, and to give encouragement to men of common sense and morality, what an alteration would not shortly take place.

In the response the following week, Dorothy Glibtongue, supposedly a female, concurs with Adolescents that women can and should reform men's sexual habits: it is because women can reform such men through marriage that they

82. Adolescents, "Ladies," *Philadelphia Minerva*, Dec. 5, 1795. Much of the material reprinted in Philadelphia periodicals of the 1790s was influenced by the evangelical revival flourishing in late-eighteenth-century Britain. The emphasis on women's ability to transform men's behavior was part of these religious reformers' efforts to effect the spiritual transformation of moral transgressors. In Philadelphia, religious enthusiasm led to moral reform campaigns in the early nineteenth century (discussed in Chapter 7).

must be free to receive them in courtship. In short, men in the 1790s were told that they were not fully responsible for their sexual conduct.<sup>83</sup>

There was no cultural space in the new construction of sexuality for the woman who was sexual simply for her own satisfaction. Gone from the pages of the almanacs were the positive images of women overcome by passion who succumb to the caresses of the shepherd. Fear of the socially and politically disruptive consequences of overactive female sexuality eliminated the lusty, overtly sexual woman from the public print culture geared for general consumption. The sexually active woman of the 1790s became the sexual victim, and the seduced woman came to harm.<sup>84</sup>

In early national public print culture, nonmarital sexual activity of women meant sexual danger for them, as witnessed in the proliferating seduction tales, prostitute histories, and courtship follies that dominate the 1790s. Sexual danger was also employed in the symbolism of the Revolutionary generation describing political relationships. As several historians have astutely pointed out, the language of the American Revolution was deeply gendered. Seduction, rape, and marriage were the primary metaphors used to describe the political relationships of the times. Americans were warned to guard against the rape of liberty and to beware of the seduction of British corruption. They were told that the ties that bound citizens together in a republic were like those of a good marriage, based on mutual affection, not tyrannical rule or force. The metaphors describing the evil forces battling against liberty as well as the positive models representing republicanism were forms of male-female relationships, used because they were so universally understood. Men, in particular, could read them and know how to respond to the political situation at hand. People got their meaning from the sexual referent. In this way these sexual metaphors were a *lingua franca* to explain politics.<sup>85</sup> But they simultaneously conveyed the

83. Adolescents, "Ladies," *Philadelphia Minerva*, Dec. 5, 1795, and Dorothy Glibtongue, "To Mr. Adolescents," Dec. 12, 1795.

84. The literature on seduction and prostitution is discussed in detail in Chapter 6. Cott first made the connection between a passionless construction of female sexuality and sexual danger in "Passionlessness: An Interpretation of Victorian Sexual Ideology," *Signs*, IV (1978-1979), 219-236.

85. On the gendered language of the Revolution, see, for example, Bloch, "The Gendered Meanings of Virtue," *Signs*, XIII (1987-1988), 37-58; Lewis, "The Republican Wife," *WMQ*, 3d Ser., XLIV (1987), 689-721; James Jasinski, "The Feminization of Liberty, Domesticated Virtue, and the Reconstitution of Power and Authority in Early American Political Discourse," *Quarterly Journal of Speech*, LXXIX (1993), 146-164. Lewis suggests that sexual seduction stories were read metaphorically as the battle



changing dynamics of the politics of sex in the new nation. All of the sexual metaphors employed, whether depicting the dangerous forces of corrupt Britain as seduction and rape or celebrating the forces of American republicanism as companionate marriage, depended on and depicted the subordination of women. The widespread use of these metaphors gave the depiction of female sexual vulnerability and women's subordination to men in marriage, albeit under the new gloss of companionate marriage, a huge new cultural arena of play. With the reconstruction of sexuality under way, these symbols of female subordination not only would have been read metaphorically but also would have reinforced the association of women's sexuality with sexual danger.

One has to wonder what happened to the construct of the lusty woman. Dangerous to the Republic, the sexually assertive woman was no longer appropriate in popular print for a general audience. But she remained an erotic interest for men of means, who—despite claims to republican virtue—sought her out in the flesh and in fiction. The sexually lusty woman survived in a parallel print market created for an exclusively male readership. Printer-bookellers of the new Republic continued to import expensive print erotica from Europe, and a few ventured to print erotic texts of their own—but they were no longer publicized in the city's newspapers. It was no longer politically responsible or fashionable to advertise them. Becoming more overtly sexual, domestically produced books for the first time illustrated amorous encounters. An 1807 Philadelphia edition of *Female Policy Detected*, for instance, included a somewhat crude illustration of a naked couple opposite the title page, and a later New York edition of it printed a series of images of scantily clad women to illustrate women's efforts to use their sexual charms to entrap men (see Plates 10, 11). *Female Policy Detected* was an exposé of women's conniving ways. It remained popular in the new Republic, with at least nine American printings between 1785 and 1810. The very word "policy" in its title meant a calculated plan of action, here applied to women's use of sexuality to entrap men. Men were cautioned not to trust or highly regard sexually active women, even as they were excused for engaging in licentious nonmarital sex with them.<sup>86</sup>

between virtuous republican society and corrupt society. Seduction tales, she asserts, functioned as a metanarrative to describe the challenges facing the new political organization of American republicanism.

86. E[dward] Ward, *Female Policy Detected; or, The Arts of a Designing Woman Laid Open* (Philadelphia, 1807); Ward, *Female Policy Detected* (New York, 1830). *Female Policy*



PLATE 10. *Frontispiece to E[dward] Ward, Female Policy Detected; or, The Arts of a Designing Woman Laid Open* (Philadelphia, 1807). Permission The American Antiquarian Society

Other domestic imprints of English books inserted erotic illustrations to increase their sexual charge. A 1795 edition of Laurence Sterne's *Sentimental Journey through France and Italy*, for instance, was enhanced by explicit illustrations of sexual intercourse. Women, as the frontispiece caption suggested,

*Detected* was originally published in London in 1695 and reprinted numerous times in England throughout the eighteenth century.

See, for example of guidance to helpless males, the opening maxim in chapter 1, "Of the Allurements of Women": "Of all vices, unlawful freedom with the female sex is the most predominant, and of all sins has the most powerful temptations; and many allurements to betray and draw men into this folly. The inducements of the fair sex are so prevalent, a propensity in nature so forcible, it is hard to stand unmoved, when tempted by the charms of a subtle woman, and drove by the foul desires of unbounded lust." He soon follows: "Be not tempted to pick up any woman in the street; but if you should, be sure that you have one eye before and another behind, for wherever lust leads, danger follows." Ward, *Female Policy Detected* (Philadelphia, 1807), 3, 4.

presented constant sexual temptations that men often succumbed to (see Plates 12, 13). Men from Philadelphia's well-to-do and middle classes continued to have access to erotic prints and such English fashionable magazines as the *Bon Ton Magazine* of the mid-1790s, illustrated with graceful erotic pictures and Thomas Rowlandson's sexually explicit engravings. But public recognition of this sexually explicit material and the sexually indulgent world fashioned within its pages was shut out of the public sphere of the new nation.<sup>87</sup>

Some humorous material similar to that printed before the Revolution was reprinted in jest books, but the sexual content was toned down. In *The New Entertaining Philadelphia Jest-Book, and Cheerful Witty Companion* of 1790, for instance, the most ribald pieces made jokes on the old themes of premarital pregnancy and bastardy. But they were much less sexually explicit pieces than those published before the war. A piece on bastardy read:

A young gentleman having got his neighbour's maid with child, the master, a grave man, came to expostulate with him about it. Lord, Sir, said he, I wonder how you could do so; prithee where is the wonder? said the other, if she had got me with child you might have wondered indeed.<sup>88</sup>

Almost thirty years later the same modest tone persisted in published jest books. Writing about prostitution, a Philadelphia collection of humorous stories and anecdotes in 1817 contained a witty play on words, but with no erotic implications:

An old bawd being carried before the late Justice Bond for keeping a disorderly house, strongly denied all that was charged against her — "Housewife! Housewife! (said the justice) how have you the assurance to deny

87. *Memoirs of a Woman of Pleasure* was apparently printed in Philadelphia for sale in 1806. See John Tate to Mathew Carey, July 8, 1806, HSP. Tate wrote to complain that Carey's type had been used to print "The Memoirs of a Woman of Pleasure, Other Wise Called Hannah Hill and the Abomible plates are Ingraved in this city." For an example of the material produced exclusively for this separate male market, see *The Origin of Evil and Elegy* (n.p., 1793), HSP, an eight-page pamphlet erotic poem of the first encounter of Adam and Eve, published domestically in 1793. Surviving editions of domestically produced erotic early national books are rare, and it is impossible to know how often they were produced. Nineteenth- and early-twentieth-century archives did not actively collect such materials, and some purged their collections of them.

Copies of Rowlandson prints owned by members of the Rush family in the early nineteenth century are in LCP.

88. *The New Entertaining Philadelphia Jest-Book, and Cheerful Witty Companion* . . . (Philadelphia, 1790), 68.

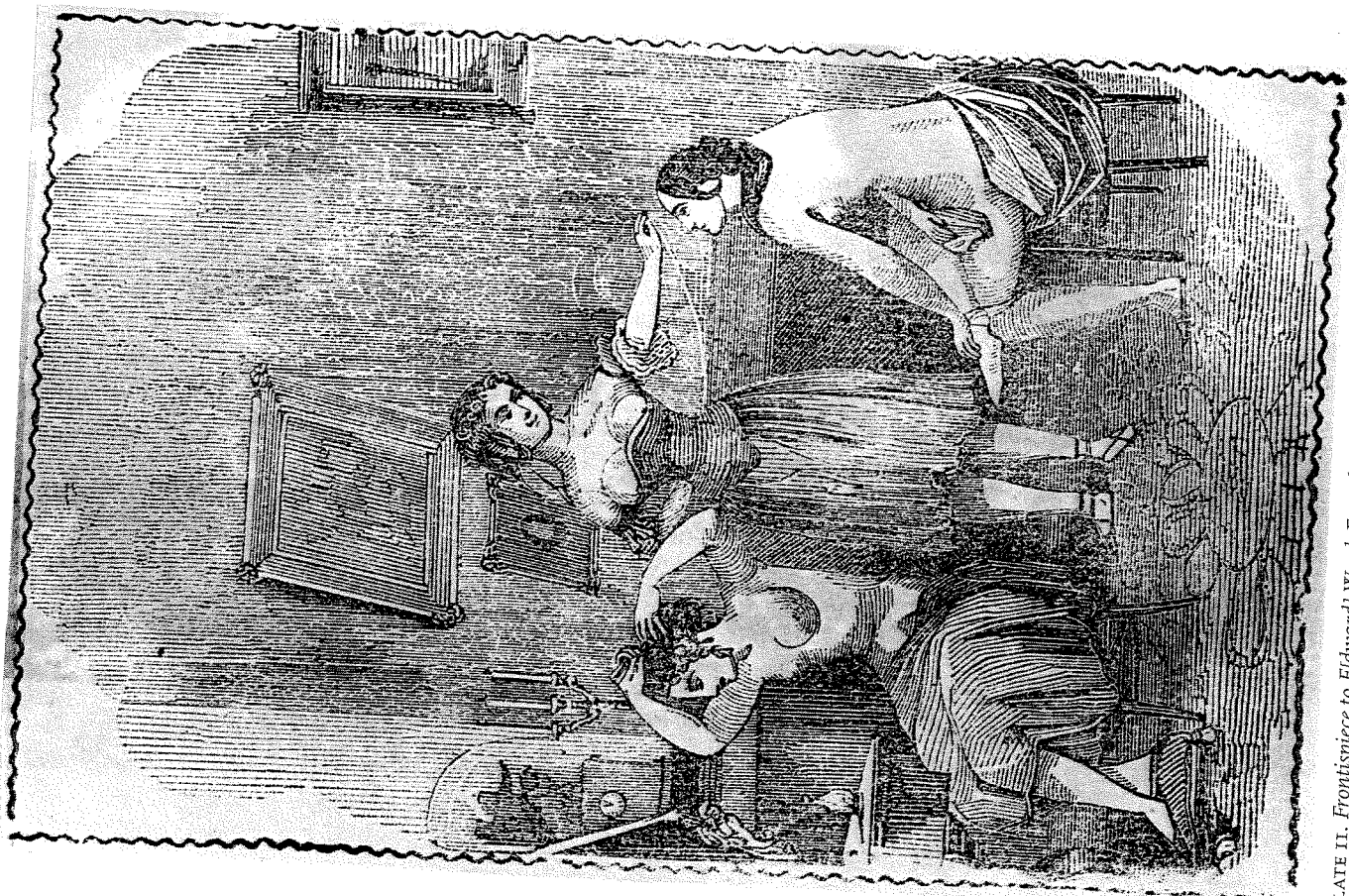


PLATE II. *Frontispiece to E[dward] Ward, Female Policy Detected; or, The Arts of a Designing Woman Laid Open (New York, 1830).* Permission The American Antiquarian Society



PLATE 12. "Such Were My Temptations." From [Laurence Sterne],  
A Sentimental Journey through France and Italy (New York, 1795).  
Permission The American Antiquarian Society

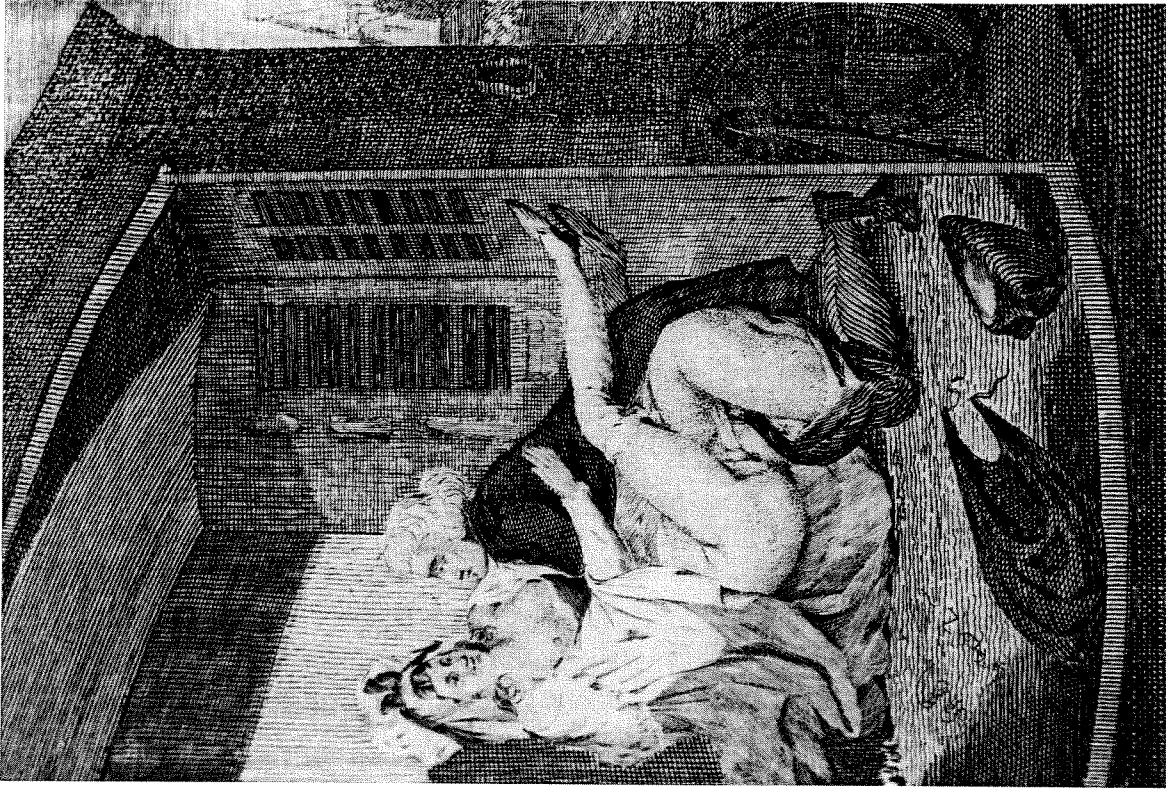


PLATE 13. "He Shut the Door . . ." From [Laurence Sterne], A Sentimental Journey  
through France and Italy (New York, 1795). Courtesy The Lilly Library,  
Indiana University, Bloomington, IN

it? You do keep a bawdy house, and I will maintain it." "Will you (replied the old lady) the Lord bless you; I always took you to be a kind hearted gentleman."<sup>89</sup>

In early national print culture, sexual humor (collected in volumes such as jest books) tended to focus on ethnic humor or depict active female sexuality as a lower-class attribute. The anecdotes themselves were often reprinted or reworked from earlier eighteenth-century material. But what made them acceptable for inclusion was their association of female lust with particular ethnic groups and women of the lower classes. It was the peasant maid who displayed sexual longing and sexual availability to upper-class men in a lengthy anecdote explaining the acquittal of a lord for the rape of his tenant's daughter, in both the *American Jest Book* (1798) and *The Witty Exploits of George Buchannan* (1813). It was the Scottish woman who was depicted as sexually voracious. When asked by her clergyman how many commandments there were: "'Eleven,' she answered. — 'Eleven!' said he, 'what is the eleventh?'" 'Increase and multiply' answered the woman." And it was the Irish wife who ran away from a man she wasn't really married to:

From a late Clonmel Journal.

Ran away last night, my wife, Bridget Coole; she is a tight neat body, and has lost one leg; she was seen riding behind the priest of the parish through Feemoy, and as we were never married, I will pay no debts she does not contract; She lisps with one tooth, and is always talking about fairies, and is of no use but to the owner.

Phelim Coole.

Even the print erotica available to men often presented women of the lower classes as sexually available, in contrast to the restrained, respectable woman of the upper classes. In the *Bon Ton Magazine*, a man of means tussles with a domestic maid, her bare breasts exposed by his roaming hands, while a respectable middle-class woman (his wife?) stands off behind them, refined in dress, composed and unperturbed by his sexual escapades. Elite and middle-class men could cross over into this world while their wives, quite literally, stood sentinel for public propriety and the nation's virtue (see Plate 14).<sup>90</sup>

89. *A Mess of Salmagundi; for Modern Laughing Philosophers: Consisting of the Most Admired Anecdotes, Bon Mots, and Modern Approved Songs* (Philadelphia, 1817), 47–48.

90. *The American Jest Book; or, Merry Fellows Companion* (Philadelphia: John M'Culloch, 1798), 65–66, 76 (quotation marks regularized); *The Witty Exploits of George Buchannan . . . to Which Is Added Paddy from Cork . . . and Humorous Jest* (Philadelphia,

The older model of the lustful woman remained in a parallel print world created exclusively for men to inhabit. When female lust was depicted in print material that circulated broadly in the city, it was associated with women of the lower classes or ethnic women. The lustful woman remained a cultural type to be applied to women who failed to live up to the new construction of middle-class womanhood as pious, pure, and chaste. As we shall see, this older, now pejorative model of the lustful woman was resurrected by men to justify their sexual encounters with women deemed to fall outside the realm of virtuous republicanism.

This was the model of gendered sexuality promoted by the public print culture of the new nation. The depiction of male sexuality was consistent with the behavior of men in Philadelphia during the late eighteenth century, but its presentation of women was in direct conflict with the sexual lives of women participating in the expansive sexual culture of the city. With women like Marianne Montgomery openly entertaining their lovers in public and men like Benjamin Rush writing about the dangers of licentiousness, all within the same small city, something had to give. And it did. By the 1790s the reconstruction of gendered sexuality was under way within the upper and middle classes. The cultural work undertaken to transform the notions of natural and normal female sexuality from carnal to restrained took place with women like Justina Rustiur and Marianne Montgomery in mind. For women, passionlessness held the promise of eradicating their lustful nature, thus qualifying them to participate in building a new nation. But it also delegitimated the sexual independence and greater self-determination in personal life that other women had initiated in the era of the American Revolution.

The new construction of female sexuality represented a compromise of the political initiatives advanced by women in the new Republic. This compromise acquiesced to women's comparable, albeit different, mental faculties, legitimating women's involvement in the public political culture of the city. But it solidified her essential difference from man by creating a female sexuality that was the polar opposite of men's and lodged it securely in the female body. Judith Sargent Murray was right when she wrote in 1782 that women

1813). This story was added at the end of the "Witty Exploits" in the "Humorous Jest" section. The same tale was printed in both books.

Clonmel Journal: *A Mess of Salmagundi*, 14–15. Many of the humorous ditties in this volume made fun of the Irish as bumbling idiots.

could establish the foundation for female independence by the cultivation of the rational mind. Revolutionary-era women had fought a battle against the imputed lack of reason as woman's primary disability. But by the early nineteenth century the battleground of women's subordination had shifted. It had migrated from the brain to the womb, where nineteenth-century science could substantiate that woman differed from man. Female sexual restraint, which arose without effort from the female body, was the evidence in daily life of this difference. Gender difference would now depend upon sexuality.



PLATE 14. "Royal Indignation; or, The Pot-Girl in a Pickle," *Bon Ton Magazine* (1792). Courtesy *The Newberry Library, Chicago*