

# The Puritan Origins of American Taboo

Naoki ONISHI

## INTRODUCTION

•Taboo in American SocietyŽ was the title of one of the sessions of the 32nd annual conference of the Japanese Association for American Studies, held at Chiba University in June 1998. Under this broad title, three papers were read concerning organized responses to the socially problematic issues of drinking (Temperance Movement), smoking (Anti-Smoking Movement) and homosexuality (Gay Rights Movement). On the whole, the discussion at the session seemed to be focused upon the process of taboo-enforcing (in cases of drinking and smoking) and taboo-breaking (homosexuality). Listening to the various papers and discussions of the issues, I found myself asking several basic questions. Firstly, does •tabooŽ provide us with a useful perspective from which to view American culture? Secondly, is it really correct to discuss topics such as alcohol consumption and the Temperance Movement as issues of taboo? Finally, and most basically, what is •tabooŽ? Faced with the task of writing on the taboo of the 17th century Puritans for this issue of the journal, I thought, while listening to this conference session, that some kind of clarification of the term would be unavoidable before I could proceed to any detailed discussion of my assigned topic.

## ANTHROPOLOGY AND TABOO

Obviously enough, the word •tabooŽ is not native to the English tongue: it has a Polynesian origin and remains as a borrowed foreign word in the English language. First used in the “eld of anthropology, it

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signifies, broadly speaking, a cultural or religious inhibition characteristic of some primitive society. In other words, anthropologists used the term to analyze the traditional inhibitions of “other,” “different” and usually “uncivilized” cultures, but not their own. It is no wonder, therefore, that a nation like the United States of America, with its modern origins, lacks the cultural circumstance within which taboo functions in its original sense. Taboo is not associated by Americans with their own culture because it is presumed that taboo is concerned with “primitive society” and not with civilized modern society like the American one. This seems to be the reason why the word and the concept were not academically applied to American studies. After some initial research, it became clear to me, to my surprise, that the word “taboo” appear only very rarely in the title and index lists of books on American Studies. Contrary to my presumption, the word and the concept of ‘taboo’ do not seem to have been of overt interest nor a strong subject area within American studies in the USA. Even if America retains some kind of taboo brought in from more traditional and “different” societies, it can be said that American culture, based upon an Enlightenment Constitution with its emphasis on freedom of speech and the equality of human right has been trying to abolish taboo, in principle, by rationalizing its irrationality. Or, is it simply a taboo itself, to talk about American taboo?

Even in its original field of study, i.e., anthropology, the term “taboo” does not appear these days almost at all. Current anthropology has dropped “taboo” as a concept of interest for academic research. Chris Knight in *The Encyclopedia of Social and Cultural Anthropology* has the following to say under the “taboo” entry: “The term ‘taboo’ is no longer fashionable among anthropologists. In many modern textbooks and treatises, it is missing from the index.”<sup>1</sup> As for the reason for this disappearance, he continues: “Abandonment of the old vocabulary has recently seemed a safe way to maintain political correctness, helping to emphasize that traditionally organized peoples are not ‘different’ but in reality ‘just like us.’”<sup>2</sup> Indeed, a keen and careful attention is now being paid to the fact that in differentiating other “primitive” cultures in terms of taboo some kind of cultural superiority complex has crept in. Philip Thody has pointed out this in a recent book: *Don’t Do It: A Dictionary of the Forbidden*: “By forbidding certain actions in which other people too readily indulge, we show that we are not as others are. By refusing to eat foods which they too willingly consume, we demonstrate how superior we are to them through the fastidious nature of our tastes. By

not using certain words, we show that we are a class above some of our fellows, as well as in a class apart.”<sup>3</sup> It is not too difficult to see from his remarks, how taboo functions to clarify the difference among races, classes and genders. Moreover, he points out that taboo does not simply differentiate but also sustains the stance of cultural superiority embedded in its uses. “The word ‘taboo,’ retaining as it does something of the disparaging self-confidence with which nineteenth-century Europeans described cultures different from their own, is a classic example of the tendency”<sup>4</sup> Certainly, what should be noted in the introduction of the word into the English language and its subsequent uses is the unconscious stance, or unintended attitude of the “Westerners.” In other words, it has been used as a tool to differentiate other non-Western cultures from Western ones. Taboo was a term, therefore, to signify some primitive custom of other culture, which looks irrational and strange from the view point of a civilized standard. Thus, the word taboo smells strongly of colonialism, to say the least.

An interesting and reverse example of colonialism embedded in the concept of taboo might be found in Ruth Benedict’s analysis of Japanese Culture. In her book *The Chrysanthemum and the Sword*, she writes, “The strong Western attitude against masturbation, even stronger in most of Europe than in the United States, is deeply imprinted on our consciousness before we are grown up. . . . Perhaps she (mother) told him (child) God would punish him. Japanese babies and Japanese children do not have these experiences and as adults they cannot therefore reproduce our attitudes. Autoeroticism is a pleasure about which they feel no guilt. . . .”<sup>5</sup> In other words, although she avoids using the term taboo here to describe masturbation, she points out the lack of that prohibition in Japanese society as a deeply problematic point of the culture. And, if she intentionally avoids applying the word taboo to masturbation in American society, the refusal to use it also shows her cultural stance. That is to say, even while she asserts here that masturbation is prohibited for religious reasons in America, it does not occur to her to call it a taboo. This is because, it can be assumed, that to her the word should only be used in its original anthropological significance, but not to be applied to a modern culture such as that of America. Probably, the word taboo sounds too pejorative to be applied to an American cultural phenomenon. In such ways, in her anthropological stance, the sense of cultural superiority of the West when it looks upon the East is latent but obvious.

## ETYMOLOGICAL ORIGIN AND USE OF THE WORD, "TABOO"

The word, "taboo," and the concept to which it refers were initially introduced into the English speaking world in 1777 by Captain James Cook. During his third round-the-world voyage he encountered on a Polynesian island a peculiar native custom called "taboo" in the native tongue. In his description of the cultural phenomenon the word appeared for the first time.<sup>6</sup> As introduced by his writings, the word signifies something sacred or profane that prohibits the direct access of ordinary people, especially in many cases, of women to touch. If this interdiction is broken, a severe penalty, such as the death penalty, is inflicted. Ever since, the definition of the word has become one of the central issues of social anthropology, and thus been constantly examined and discussed in the representative works of anthropology such as James Frazer's *The Golden Bough*, Franz Steiner's *Taboo*, Emil Durkheim's *Incest* and Mary Douglas's *Purity and Danger*.<sup>7</sup>

*The Oxford English Dictionary* shows us anthropological Micronesian and Melanesian origins and quotes from the reports by Captain James Cook's Voyage as the first appearance of the word in English language. In America, *Webster's Dictionary* first published in 1828 has the following as its entry for "taboo": "n. In the isles of the Pacific, a word denoting prohibition or religious interdict, which is of great force among the inhabitants."<sup>8</sup> It is interesting to note here that the word is specifically used to denote foreign culture in the Pacific. *Worcester's Dictionary*, published in 1864, quotes Herman Melville's use of the word in verb form.<sup>9</sup> As a matter of fact, Melville's presentation of Marquesas island, especially as described in *Typee*, provides us with the cultural circumstance in which the original significance of taboo existed. Herman Melville seems to be the first American to have encountered and written about the issues of taboo. In his voyage to Marquesas island in 1842, he came across various irrational local traditions in the valley of Typee, which he tried to analyze by using the word, taboo, or tapu. In this sense, *Typee* "was at one and the same time his first book and the first book to present the phenomenon of taboo to the American reading public."<sup>10</sup> Let me quote a passage from Chapter Twelve;

Here were situated the Taboo groves of the valley—the scene of many a prolonged feast, or many a horrid rite. Beneath the dark shadows of the consecrated bread-fruit trees there reigned a solemn twilight—a cathedral like gloom. The frightful genius of pagan worship seemed to brood in silence over

the place, breathing its spell upon every object around. . . . This holiest of spots was defended from profanation by the strictest edicts of the all-pervading 'taboo,' which condemned to instant death the sacrilegious female who should enter or touch its sacred precincts, or even so much as press with her feet the ground made holy by the shadows that it cast."<sup>11</sup>

In another passage, Melville emphasized the irrationality of the taboo: "So strange and complex in its arrangements is this remarkable system (taboo), that I have in several cases met with individuals who, after residing for years among the islands in the Pacific, and acquiring a considerable knowledge of the language, have nevertheless been altogether unable to give any satisfactory account of its operations. . . . The savage, in short, lives in the continual observance of its dictates, which guide and control every action of his being."<sup>12</sup> As is clear in these passages, "taboo" was understood by Melville to be the hidden principle of the way of life of "the savage." In light of *Typee*'s wide acceptance and success at the time of its publication in 1846, it is not difficult to imagine that the novel has contributed deeply to the circulation of the word "taboo" among American reading public. In *Moby-Dick*, however, the word "taboo" does not occur even once. However, the native harpooneer Queequeg's object of devotion, "yojo," is described with heavy association with Polynesian culture. The representation of the sacred object of native religion gives us a context in which the taboo described in *Typee* must have functioned.

#### FREUDIAN PSYCHOLOGY AND TABOO

Both the word and the concept of taboo were thus introduced into and took root in America in the mid-nineteenth century. But in order to see any wide circulation of the word we have to wait until the early 20th century, when Sigmund Freud's works began to be translated and published in English. Most particularly, with the publication of *Totem and Taboo*, the word taboo set the trend of the era. In Europe as Franz Steiner explains, it was often with Freudian context that people first came across the word "taboo."<sup>13</sup> When the translation of the book was published in New York in 1918, it was widely accepted and remained highly influential among intellectuals throughout 1920's. One of the book's central contentions regarding the universal presence of an "incest taboo," caught the attention of the reading public and this led to a journalistically sensationalized use of the word "taboo," characterized by strongly sexual

associations. As a matter of fact, the Freudian boom of the early 20th century contributed greatly to the wide circulation of various psychoanalytic words such as “suppression,” “libido” and “fixation.” “Suppression is bad” was, simply speaking, the most commonly disseminated concept which the public accepted rather arbitrarily from Freudian psychology. Taboo was closely related with those ideas. The general spirit of the era was that “Suppression has to be stopped” and “taboos should be broken.”

What is remarkable about this book can be said Freud’s stance or his point of view. Where anthropology had conventionally located “taboo,” in primitive, or “savage” cultures, Freud proclaimed and then demonstrated the presence of taboo within “us”: “It may begin to dawn on us that the taboos of the savage Polynesians are after all not so remote from us as we were inclined to think at first, that the moral and conventional prohibitions by which we ourselves are governed may have some essential relationship with these primitive taboos and that an explanation of taboo might throw a light upon the obscure origin of our own ‘categorical imperative.’”<sup>14</sup>

Indeed, even in “civilized” society there are various “conventional prohibitions” or “don’t”s, which, without any explicit and reasonable explanation, everyone takes it to be mandatory to obey. What should be noted here, though, is a change in the meaning of “taboo” as it is defined by Freud. Whereas, in its original anthropological usage, the term relies on religious consensus, here it does not matter whether the object concerned is profane or sacred. Prohibition itself becomes the central and main factor of taboo. The *OED* shows the changed significance of taboo in this definition: “Prohibition or interdiction generally of the use or practice of anything, or of social intercourse; Ostracism.” In this broadest sense, we can count diverse prohibitions in different sectors or fields of society as “taboos.” Applied to American society, various phenomena could be regarded as taboos. Among numerous other things, the most obvious are those related to sex or sexual mores. In the 1920’s, influenced and propelled by the impact of Freudian ideas, wide socio-cultural trends grouped together by Lynn Dumenil under the term *Modern Temper*<sup>15</sup> occurred. Various social customs and mores which have survived from the Victorian era came to be understood as taboos under the Freudian liberal influence, and as a result became targets to be attacked. For example, various new fashions and forms of behavior characteristic of young women during the so-called Jazz Age, such as the short skirt,

or bobbed hair, were considered to be taboo-breaking. Even in the music scene various taboos had to be broken. For instance, the performance of Jazz music at prestigious concert-halls, which had until that time been exclusively devoted to the traditional classical music was considered to be one of the conspicuous cases. In particular, the concert produced by Paul Whiteman entitled "An Experiment in Modern Music" at Aeolian Hall in New York in 1924 was sensational. It is because this concert, where "Rhapsody in Blue" by George Gershwin was performed for the first time, broke certain prohibitions so far confined Jazz music. The use of saxophone in such a place or more broadly in a classical music performance, for example, was one of the taboos broken by this concert.

#### AMERICAN LITERATURE AND TABOO

It can be argued that the significant scenes of a wide range of so-called "classic" American literature reach their narrative peak in a moment of taboo breaking. Taboo, in this sense, will give us an interesting as well as eye-opening angle from to consider the distinctive features of American culture. In addition to such "classic" examples as Huckleberry Finn's, "All right, then, I'll go to hell," and Daisy Miller's, "I don't care whether I will have a Roman fever or not," there are many more memorable lines in which a main character intentionally tries to break through the barriers of legalistic understanding or accepted mores. Edith Wharton's novels, in particular, *Ethan Frome*, Kate Chopin's *Awakening* and Sherwood Anderson's *Winesburg, Ohio* can, for example, be read as taboo-breaking novels. In fact, the list of prohibited publication can be identically represented as that of taboo issues in some sense or other.

*The Scarlet Letter* is probably the most obvious literary representation of the issues of taboo. That famous phrase of Hester Prynne, "What we did has a consecration of its own" from Chapter XVII of the novel, is one of the most arresting moments of taboo-breaking in American literature. Nathaniel Hawthorne, setting the issue of adultery case in Boston in 1642 through 1649, discusses the nature of the sin, adultery. Since the book was published in 1850, it has not only acquired a wide reading public, but has also contributed significantly to the formation a Puritan myth and image, and it has been decisive in solidifying the image of the Puritans. Ever since, it has been widely taken as a vivid and accurate presentation of colonial New England where Puritanism dominated the

social life of the people imposing strict rules and regulations based upon their religion. The novel vividly imprinted a gloomy and dark image of Puritan culture upon the popular imagination. A specialist in the law of early New England, Douglas Greenberg, writes: “The colonies of New England play a central role in all courses in early American history and they are, as well, the subjects of a considerable mythology in American culture. The popular image of dour Puritan magistrates and ministers humiliating transgressors and imposing essentially religious definitions of crime and a retributive system of justice upon a coward and intimidated population has been reinforced for 150 years by Hawthorne’s *The Scarlet Letter*. . . .”<sup>16</sup>

But looking at the novel from the angle of taboo, we find that Hawthorne was trying to demonstrate by the symbolic letter “A” the fact that the sin of adultery had some connection to the concept of a taboo in the sense of its arbitrariness. Symbolized by the letter “A,” the sin was publicly specified. At the same time it acquired a space for different arbitrary interpretations because of the semiotic nature of the letter. As in the case of taboo in certain “primitive” societies, the reason behind the taboo in the novel becomes ambiguous and blurred. Or, at least, it can be said that the relationship between the nature of the sin and its representation in the letter is dissociated.

Whether or not Hawthorne’s presentation of early New England culture was correct, the novel has caught the keen attention of generations of readers, and rich studies have been conducted ever since. Very probably, *The Scarlet Letter* is the most densely studied single work of literature in the whole field of American literature. Nonetheless, the novel raises several still unanswered questions. Why, for instance, is no explanation given in the novel as to why Hester Prynne was not whipped? Thinking of Hawthorne’s deep interest in and thorough knowledge of New England criminology acquired from his omnivorous reading of early New England histories, it is peculiar that he omitted the whipping penalty in the case of the punishment of Hester’s adultery. Or, more historically speaking, who started those presentations of crimes and wearing their symbols such as “Ad” or “T” or “D” and the like as a form of punishment. Bearing those unanswered questions in mind, I would like to consider the problem of taboo in 17th century Puritan society, i.e., the origin of American taboo issues.

## ORIGIN OF AMERICAN TABOO IN PURITAN SOCIETY

With its strong connotation of sexual purity, the word “Puritan” and the age associated with the term are generally considered to represent a strict society in terms of sexual morality. Puritans have been understood as moral paragons, extremely ascetic and very squeamish about sexual matters. Their community, too, has been understood to be tightly restrictive, where people are strongly moralistically oriented. Indeed, calls for a morally based society and enforcement were a constant feature of early New England, forming the basis of so-called American Jeremiad tradition. However, repeated outcries for law enforcement to reestablish social morality, such as materialized in the case of the Reforming Synod of 1679, can actually be taken as counter evidence in this regard of social problems. The fact is that it is not difficult to demonstrate how prevalent sexual crimes really were in Puritan society. For instance, in the list compiled in *Massachusetts Bay Colony, Court of Assistant Record*, numerous cases of sexual crimes and deviancies are listed page after page.<sup>17</sup> Edmund Morgan has made it clear as early as 1942 that sexual crimes could be commonly found in Puritan New England: “The impression which one gets from reading the records of seventeenth-century New England courts is that illicit sexual intercourse was fairly common. The testimony given in cases of fornication and adultery—by far the most numerous class of criminal cases in the records,—suggests that many of the early New Englanders possessed a high degree of virility and very few inhibition.”<sup>18</sup> Fifty-some years later, Roger Thompson, using the same law documents of Middlesex County, reached the conclusion that the Puritans were not especially ascetic, but just as sexually active as, and so not particularly different from, other ordinary peoples.<sup>19</sup>

If so, how did New Englanders of early period try to deal with the moral problems of their society? To think about this point, it is necessary to go back to the germinal stage of the New England Colonies, Plymouth and Massachusetts Bay and others, where the colonists had to encounter these issues by establishing new legal systems. In other words, what is characteristic is not so much the people but the law that they introduced soon after their settlement in New England. The so-called Blue Laws,<sup>20</sup> that regulated religiously oriented moral standards for the community, are certainly one of the characteristic features of New England Puritan law culture.

## LAW ENFORCEMENT IN NEW ENGLAND

In what way, then, did those colonies introduce a new system of law enforcement? To grasp the process of legalization in the New England colonies, we have to go back to the initial stage, in particular, soon after the period of settlement. When British colonies began to settle in New England as communities after 1607, their governmental structure was not a new invention but a vicarious use of the trading business corporate system under which the plantation business had been carried out. First, the Virginia Company utilized the corporate system of the plantation company as the governing structure of the colony. Then the Plymouth Plantation and Massachusetts Bay Colony followed the Virginian model. Under such circumstances of their arrival in the New England area, the corporate system was transformed by the colonists into a government, including both its legal capacity and authority. Under the British plantation company system, the General Court functioned originally four seasonal meetings of Magistrates and Freemen, that is, stockholders, to discuss the business and financial condition of the company. But, after it acquired its governmental capacity in New England, its functions included the judicial capacity to make judgement on various social crimes and conflicts. The colonists introduced a system of law independent of the Common Law of England. In such a way, the General Court, which dealt with various social matters and problems, became the supreme legal authority in the plantation.

The ways in which this new legal system, for instance, of the Massachusetts Bay Colony, was original and different from English legal practice was mentioned by George Francis Dow: "When complaints were made, the court, upon a hearing, determined whether the conduct of the accused had been such as in their opinion to deserve punishment, and if it had been then what punishment should be inflicted. This was done without any regard to English precedents. There was no defined criminal code, and what constituted a crime and what its punishment, was entirely within the discretion of the court."<sup>21</sup>

In other words, all laws, including criminal and non-criminal, were generally put under the Magistrates' discretion. Magistrates (Governor, Deputy-Governor, and Assistants) decided the punishment appropriate for each crime, such as imprisonment, fines, public whipping, bondage on the stock or pillory, or banishment. Occasionally, the offender was

forced to have a rope around his or her neck while being publicly punished on the stocks or in the pillory. This was meant to signify that the offender deserved the death penalty.

However, Magistrates themselves were not sure about their legal authority. Especially in the case of serious crimes which required the death penalty, the nature of punishment was a matter of serious discussion. One of the earliest cases of adultery brought into the Court, on September 6th, 1631, shows their uncertainty clearly. In the *Record of Massachusetts Bay Colony, Court Record*, we find the following; "John Dawe shalbe severely whipped for enticing an Indian woman to lye with him. Upon this occasion it is propounded wither adultery, either with English or Indian, shall not be punished with death. Referred to the next Court to be considered of."<sup>22</sup> Then in 1631, the Court Record has the following entry: "It is ordered, that if any man shall have carnall copulation: With another man's wife, they both shalbe punished by death."<sup>23</sup> John Winthrop, the Governor, maintained lenient stance constantly and tried to handle these cases by the wisdom of magistracy. Recording the process of the formation of the Body of Liberties, he put down his feelings in his journal, "All punishments, except such as are made certain in the law of God, or are not subject to variation by merit of circumstances, ought to be left arbitrary to the wisdom of the judges."<sup>24</sup> But, under the pressure of Deputies and some Magistrates, he had to yield eventually.

In Plymouth, a similar case of uncertainty can be found recorded in Governor William Bradford's memoir, *Of Plymouth Plantation*: "As it seems to us, in the case even of wilful murder, that though a man did smite or would another with a full purpose or desire to kill him (which is murder in a high degree before God), yet if he did not die, the magistrate was not to take away the other's life. So by proportion in other gross and foul sins, though high attempts and near approaches to the same be made, and such as in the sight and account of God may be as ill as the accomplishment of the foulest acts of that sin, *yet we doubt whether it may be safe for the magistrate to proceed to death; we think, upon the former grounds, rather he may not.* As, for instance, in the case of adultery. If it be admitted that it is to be punished with death, which to some of us is not clear; if the body be not actually defiled, then death is not to be inflicted. So in sodomy and bestiality, if there be not penetration. Yet, we confess foulness of circumstances, and frequency in the same, doth make us remain in the dark and desire further light from you, or any as

God shall give.”<sup>25</sup> (emphasis mine) Clearly, hesitancy to inflict capital punishment or uncertainty about its execution was felt in the discretionary judgements taken by the Magistracy.

#### BODY OF LIBERTIES

In 1635 in the Massachusetts Bay Colony, represented by William Hathorne, the freemen who had felt uneasy about the unfair arbitrariness of the Magistrates’ discretion demanded a code of laws. Responding to the demand, a committee was formed and the code drafted by the hardliner Rev. Nathaniel Ward. A list of twelve kinds of crime compiled with Biblical references was approved and promulgated as the “Body of Liberties” in 1641. The twelve crimes listed in the Code include: Idolatry, Witchcraft, Blasphemy, Murder, Manslaughter, Poisoning, Bestiality, Sodomy, Adultery, Man-stealing, False Witness in Capital Cases, Conspiracy and Rebellion. This process of forming the Code is known as the Bay Colony’s law reform. Edwin Powers points out that the Biblical code was, in some sense, anachronistic and farfetched: “The result of the acceptance of this code by the Colony in 1641 was that a citizen of Boston was, at least in theory and in respect to these twelve laws, under the same peril of death at the hands of the government as a citizen of Israel had been some thirty two centuries earlier in a land some five thousand miles away.”<sup>26</sup> Indeed, even from the contemporaneous European standpoint, the dependency on Biblical law of this code was anachronistically reactionary. But, for the New Englanders, it was the basis of the Biblical Commonwealth which they have intended to create. John Winthrop, however, felt strong hesitancy in deciding various kinds of punishment according to the crimes, especially in the case of adultery. Responding to the proposal of “Body of Liberties,” he wrote in his diary, “As upon the law of adultery, it may be a question whether Bathsheba ought to die by that law, in regard to the great temptation, and the command and power of the kings of Israel.”<sup>27</sup> In spite of the negative stance of John Winthrop, the code was approved with the strong support of freemen.

Other colonies besides the Massachusetts Bay Colony went through the similar processes. Plymouth had a topical code in 1636, even earlier than Massachusetts. The Massachusetts code was approved in 1641 and developed in 1648 with its arrangement of the lists made according to alphabetical order. Rhode Island adopted its code in 1647, Connecticut

in 1650,<sup>28</sup> and New Haven in 1655. New Hampshire's code adopted in 1679, is a modified version of the Massachusetts code.

Massachusetts, the name of each sin in the code is referred to particular Old Testament passages. Enhanced by Biblical authority, the sense of taboo in breaking each crime had been enforced. What should be noticed about this legal practice is that those sexual crimes which were considered to be taboos and thus in England covertly dealt with in Churches or in other judicial functions, were clearly specified in the code, openly discussed and publicly punished in the Courts of New England colonies. The detailed investigations of those crimes, such as adultery, rape, buggery, recorded in the Court Records are similarly as explicit as those recently circulated in the Starr Report concerning "inappropriate" sexual misconducts of President.

The Biblical law drastically introduced in these ways were strictly enforced, for instance, in such serious crimes as the buggery case which happened at Plymouth Plantation in 1642. Thomas Granger, a servant of Love Brewster, was indicted for buggery and after a due process of persecution and conviction, sentenced to death. He was executed on the 8th of September, 1642. William Bradford's candid record of the execution reads as follows, "For first the mare and the cow and the rest of the lesser cattle were killed before his face, according to the law, Leviticus xx, 15; and then he himself was executed. The cattle were all cast into a great and large pit that was digged of purpose for them, and no use made of any part of them,"<sup>29</sup> In addition to this, we can find similar cases in the Massachusetts Bay Colony. According to John Winthrop's journal entry, there were similar cases. One of them has a peculiar reference to the resemblance of "one eye" between a sow and the person concerned.<sup>30</sup> "At New Haven there was a sow, which among other pigs had one without hair, and some other human resemblances, it had also one eye blemished, just like on eye of a loose fellow in the town, which occasioned him to be suspected, and being examined before the magistrates, he confessed the fact, for which, after they had written to us, and some other places for advice, they put him to death."<sup>31</sup> In such ways, the case of buggery was strictly judged and punished according to the Code.

#### STRICT LAW AND LENIENT PUNISHMENT

However, in other less serious cases, such as those involving fornication and adultery, the Court began to show some kind of room for lenien-

cy in punishment. It is certain that in early period of the Massachusetts Bay Colony, the death penalty was handed down to those convicted of adultery and that the accused were really executed. For instance in 1644, a couple was executed for adultery. John Winthrop left this record in his Journal: "They were both executed, they both died very penitently, especially the woman, who had some comfortable hope of pardon of her sin, . . ." <sup>32</sup> The dour and serious attitude of the Magistracy in following the Code of 1641 can be felt in this execution of the death penalty.

It has to be pointed out, however, that in spite of numerous cases of adultery, the death penalty was not carried out again. Even in the discussion among the Magistrates held in the case of adultery in 1644, there was a strong opinion which doubted the Biblical authority of death penalty. Moreover, just before the adoption of the Code in 1641, the General Court handled the case of adultery without imposing the death penalty. Captain John Underhill, after a dramatic confession of adultery and a moving appeal for forgiveness, was pardoned. <sup>33</sup> In short, although it had been confirmed twice in 1631 and 1638, and was clearly stated in the Code, the death penalty for adultery remained a controversial issue and the judgement varied in each case. As a matter of fact, division among the Magistrates, especially opposition to John Winthrop, was brought out by the difference of opinion over the issue of whether the death sentence was appropriate or not. <sup>34</sup> This division of opinion created a gap between sentence and punishment.

In the similar manner in Plymouth Plantation, in spite of the fact that the earliest laws and ordinance of the Colony "adultery" was listed as a "Capitall Offence lyable to death" together with "Sodomy, rapes, buggery," but it was differently specified "to be punished." Furthermore, this was altered later as follows; "Addultery fornication and other uncleane cariages to be punished at the discretion of the Magistrates according to the nature thereof." <sup>35</sup> In other words, adultery in Plymouth Plantation was considered to be a capital crime, but was not necessarily handed out with the death penalty even from its beginning.

Furthermore, in 1645 as a discretionary measure to deal with adultery, the Magistracy of Plymouth introduced a new method of punishment, that is, the enforced wearing of a symbolic letter. It seems that the well-known symbolic representation of crimes, such as "A" or "AD" for Adultery, "I" for Incest, and "D" for Drunkenness and the like, were introduced under the same kind of Magistrates' discretion, to replace the branding criminals. The introduction of the symbolic letters to replace

branding can therefore be seen as a lenient invention of the New England colonies. Let me quote the first occurrence of this case from Plymouth Plantation: "Whosoever shall comitt Adultery shalbee severely punished by whipping two severall times; viz. One whiles the Court is being att which they are convicted of the act, and the second time as the Court shall order; and likewise to weare two Capital letters viz AD cut out in cloth and sewed on their uppermost Garments on their arme or back; and if att any time they shalbee taken without the said letters whiles they are in the Govrment soe worn to bee forthwith taken and publicly whipt."<sup>36</sup> A similar specification of the symbol and its use replacing branding is found in Salem, too.<sup>37</sup> What should be taken notice of in this respect is the length of time that the punishment lasts and the accused has to keep wearing the letter symbolic of the crime. In the fictional case of Hester Prynne in *The Scarlet Letter*, she is forced to wear it all her life. Certainly, as stated in *The Annals of Salem*, one has to put Letter "A" "forever after." But in reality, it was often shortened in the course of time, presumably at the discretion of the Magistrates case by case. Andrew McFarland Davis in his article of 1895,<sup>38</sup> which can be considered the earliest investigation on the law of adultery and punishment in New England Colonies, clearly mentioned that in the Josselyn's "Account of Two Voyages to New England," one finds the period of the punishment for Adultery 12 months.<sup>39</sup>

As with punishment of bondage in the stocks, while wearing a noose, this form of penalty was intended to heighten the sense of humiliation and shame in order to prevent the recurrence of the same crime by the convicted as well as the on-lookers. The Old Testament's severe laws were effective in this sense in intensifying the psychological pressure. Peter Hoffer, however, has clarified the gap between the official punishments based upon the Old Testament and the real punishment handed out: "The Puritans mitigated punishment for most of their Old Testament crimes because the laws were not meant to function in a literal way. The borrowing of Old Testament injunctions was a solemn public warning to those at the edges of the Puritan community against violation of the deeper social mores that held the Puritan towns in the wilderness together. The purpose of severity in the book law was as much to get the attention of potential wrongdoers as it was to punish actual wrongdoers. . . ." <sup>40</sup>

Thus, just like Magistrates' hesitancy in imposing capital punishment for adultery that existed before the establishment of the Code, the ten-

dency toward lenient stance in judging sexual crimes gradually developed, especially when the person involved showed penitence and apologized. In other words, contrary to our presuppositions, New England's punishments were physically less cruel than those inflicted in England at that time. This point has been made by Edwin Powers in his book, *Crime and Punishment in Early Massachusetts: 1620–1692*, “The criminal laws were taken principally from the Mosaic code and although many of them may seem harsh and cruel yet, as a whole, they were much milder than the criminal laws of England at that time. No reference was made to the common law of England.”<sup>41</sup> This solid tendency to leniency is the most important feature of New England Puritan law for us, when thinking about the problem of taboo. Because, accommodating the “wilderness” situation of New England, the strict forbidding power of taboo, in the case of sexual crime, gradually loses its power. In spite of their initial insistent attempt to follow God's ordinance, in particular, the Ten Commandments of Moses, the code was observed but with fair margin of leniency.

Thus, although the punishments on paper look very severe and cruel to our modern sensibility, the fact is that they were leniently enforced, with sufficient room for Magisterial discretion. Concerning sexual crimes, in particular, only a very small number of death penalty were really carried out. Edmund Morgan explains: “In face of the wholesale violation of the sexual codes to which all these cases give testimony, the Puritans could not maintain the severe penalties which their laws provided.”<sup>42</sup> As a matter of fact, the basic condition of the colonies, with its shortage of population and working power, and its tremendous spacial freedom, inevitably necessitated the leniency of the punishments. The circumstances of the “Wilderness” can be considered to have forced the Puritans to take this stance. As Morgan said here, the Puritans simply “could not” literally follow the Code they had made.

In these ways, Puritan punishments were quite often remitted, mainly because in reality the colony could not carry out the prescribed punishments. To require monetary penalty the Colony had yet to develop the solid system for money economy, and it also lacked the man-power to police potential criminals. Furthermore, as is mentioned by G. B. Warden, there was always the safety valve of banishment: “Massachusetts, at least, made banishment a capital punishment (as a symbolic decapitation” from the body politic), thus mitigating the severity of the new remaining capital crimes. The New Englander did extend capital

punishment to such biblical crimes as adultery and imposed more severe sanctions on gambling, races, duels, bigamy, and other diversions, but . . . the records indicate that judges and juries rarely inflicted the stated penalty for major crimes.”<sup>43</sup>

Roger Thompson, too, pointing out the lenience of colonial punishment, emphasizes the reclamation and reintegration of the repented criminals into society: “Except for heinous or persistent sinners, punishments were relatively light: the short sharp shock of a public whipping or a modest fine. Commutations were fairly easily obtained by the contrite. Much of the punishment consisted in the shame of presentment, examination, court appearance, and sentence. In certain adversarial cases, defamation, for instance, public apology was offered as an alternative to damages. In criminal cases, notably premarital fornication, confession was encouraged. Thus was reclamation and reintegration begun.”<sup>44</sup>

## CONCLUSION

Summing up these processes of legalization and the lenient handling of punishments in the early colonial period of America, what can be said in terms of taboo issues? Let me give an overview of the process surrounding “taboo.” First, in principle, New England Puritans aimed at establishing a so-called Bible Commonwealth where crimes would be suppressed as much as possible. In order to achieve this, they invented the Codes, which specified initially the twelve sins of Adultery, Blasphemy and so forth. Brought into the light, sexual crimes in New England were specifically and openly dealt with in legalistic terms. By this specification of the sins, the sexual taboos of England were made into publicly discussed issues. In other words, in England there were taboos in the sense that no written code was necessary to deal with those crimes, whereas in New England the way of handling those crimes had to be stated specifically according to a Code based upon Biblical law. The candid descriptions of sexual crimes recorded in the Law Files of Middlesex County, for instance, are good examples of this. Specified as crimes, and examined by legal process, those taboos were brought into the light of public attention and scrutiny. In this process of legalized specification, taboos became verbalized and judged as crimes. However, because of the labor shortage, criminals were not put into prison for lengthy period, nor, because of the shortage of currency, was penalty money often imposed especially in the early stage of the colonies.

Instead, whipping and other public punishments were introduced and put into practice. Since the New England Colonies did not have police power to control society, crimes had to be handled severely to discourage recurrence. Therefore, punishments were inflicted in order to shame the convicted and by doing so enhance the sense of social morality. Emblematic symbols replacing the death penalty, or branding, were thus used to enhance the sense of shame. However, these symbols created the circumstance peculiar to taboo in the sense that the person wearing the symbol became almost an untouchable being with the sense of ostracism. Then presumably, after going through a period of punishment by living on the outskirts or outside the community as an ostracized being, those criminals were readmitted to the society, or if they chose, allowed to relocate to another place. Meanwhile, the letter itself, the signifier, became dissociated from the content of the sin, the signified. This is the basis on which Nathaniel Hawthorne wrote the novel, *The Scarlet Letter*, where the original sense of “A” can signify, not only adultery but many things, including Arthur, Able, Angel and so forth. Thus, while showing the nature of the sin itself, the symbol, at the same time, demonstrates the fact that the taboo is a semiotic matter.

If we take the widest and most flexible significance of the word, taboo, it can be pointed out and applied to various American socio-political issues. MaCarthyism, the Free Speech Movement, or just recently, the heated discussion surrounding political correctness, all dealt with the problem of a prohibition enforced with unstated and/or stated suppression or agreement. Or, that flamboyantly controversial issue, “flag burning,” can be considered as a strong case of taboo issue. Whether or not people retain the right, based upon the freedom of expression, to burn the sacred symbol of the nation can be considered as an issue of conflict between taboo and the freedom of speech.

In such ways, the USA, as a country of liberty and freedom, deals constantly with involving suppressions and prohibitions embedded in traditional mores. Taboo issues of religion (blasphemy, anti-abortion), race and ethnicity (miscegenation, racial discrimination), sex and gender, media (political correctness) and other daily customs and manners (table manners) are all cultural spheres where uniquely American conflicts or solutions have been made. In other words, the USA is a country where the process or tendency of taboo-breaking or taboo-enforcing has been always present. In fact, the history of America can be considered as a constant battle against various taken-for-granted taboos based in tradi-

tional cultures. To put it another way, this constant battle itself can be called, to borrow Perry Miller's phrase, the process of Americanization. The process is also the one in which what was considered to be otherness in other races and cultures, or classes, or gender is to be found not out there but in the framework of one's own mind.

### NOTES

<sup>1</sup> Alan Bernard, Jonathan Spencer, eds., *Encyclopedia of Social and Cultural Anthropology* (London: Routledge, 1996), 543.

<sup>2</sup> *Ibid.*

<sup>3</sup> Philip Thody, *Don't Do It: A Dictionary of the Forbidden* (London: The Athlone Press, 1997), 10.

<sup>4</sup> *Ibid.*, 5. Thody quotes from Talala Asad's book, *Anthropology and the Colonial Encounter* (1973): "Ever since the Renaissance, the West has sought both to subordinate and devalue other societies, and at the same time to find in them clues to its own humanity."

<sup>5</sup> Ruth Benedict, *The Chrysanthemum and the Sword* (Boston: Houghton and Mifflin Company, 1946), 188

<sup>6</sup> Captain James Cook, *A Voyage to the Pacific Ocean* (London: W. and A. Strahan, 1784), vol. 3, 40.

<sup>7</sup> James Frazer's *The Golden Bough*, Part II, *Taboo and the Perils of the Soul* (London: Macmillan, 1911); Franz Steiner, *Taboo* (London: Cohen & West, 1956); Emil Durkheim, *Incest: The Nature and Origin of the Taboo* (New York: L. Stuart, 1963); Mary Douglas, *Purity and Danger: An Analysis of Concepts of Pollution and Taboo* (New York: Frederick A. Praeger, 1966).

<sup>8</sup> Noah Webster, *American Dictionary of English* (New York: S. Converse, 1828).

<sup>9</sup> Joseph E. Worcester, *American Dictionary of the English Language* (Boston: Brewer & Tileston, 1864), 1470.

<sup>10</sup> Philip Thody, *Don't Do It: A Dictionary of the Forbidden*, 245.

<sup>11</sup> Herman Melville, *Typee: A Peep at Polynesian Life, The Writings of Herman Melville*, vol. 1 (Evanston and Chicago: Northwestern University Press, 1968), 91.

<sup>12</sup> *Ibid.*, 221

<sup>13</sup> Franz Steiner, *Taboo*, "Many middle-aged people, both English and Continental extraction, however, first heard taboo as part of the Freudian vocabulary," 28.

<sup>14</sup> Sigmund Freud, *Totem and Taboo* (London: Routledge & Kegan Paul, 1950), 22.

<sup>15</sup> For detailed thorough discussion on 20's culture, see Lynn Dumenil, *Modern Temper* (New York: Hill & Wang, 1995).

<sup>16</sup> Douglas Greenberg, "Crime, Law Enforcement, and Social Control in Colonial America," in *Crime & Justice in American History, The Colonies and Early Republic* (London: 1991) edited by Eric H. Monkkonen, 235.

<sup>17</sup> See the item "Crime" in "Index" of *Records of the Court of Assistants of the Colony of the Massachusetts Bay: 1630-1692*, Volume I-III (Boston: County of Suffolk, 1928; repr. New York: AMS Press, 1973).

<sup>18</sup> Edmund Morgan, "The Puritans and Sex," *NEQ*, 15 (1942), 699.

<sup>19</sup> Roger Thompson, *Sex in Middlesex: Popular Mores in a Massachusetts County, 1649–1699* (Amherst, Mass.: The University of Massachusetts Press, 1986), 195

<sup>20</sup> For instance, *The Code of 1650; Being a Compilation of the Earliest Laws and Orders of the General Court of Connecticut* (Hartford: Silas Andrus, 1825) includes the Blue Laws.

<sup>21</sup> George Francis Dow, *Everyday Life in the Massachusetts Bay Colony* (Boston: The Society for the Preservation of New England Antiquities, 1935; repr. New York: Dover Publication, Inc., 1988), 199.

<sup>22</sup> Nathaniel B. Shurtleff, ed., *Records of the Governor and Company of the Massachusetts Bay*, vol. 1 (Boston: The Press of William White, 1853; repr. New York: AMS Press, 1968), 91

<sup>23</sup> *Ibid.*, 91, 92.

<sup>24</sup> Richard S. Dunn, James Savage, Laetitia Yeandle, eds., *The Journal of John Winthrop, 1630–1649* (Cambridge, Mass.: Harvard University Press, 1996), 381.

<sup>25</sup> William Bradford, *Of Plymouth Plantation* (New York: Alfred Knopf, 1970), Samuel E. Morison, ed., 319.

<sup>26</sup> Edwin Powers, *Crime and Punishment in Early Massachusetts: 1620–1692* (Boston: Beacon Press, 1966), 254.

<sup>27</sup> *The Journal of John Winthrop, 1630–1649*, 381.

<sup>28</sup> *The Code of 1650; Being a Compilation of the Earliest Laws and Orders of the General Court of Connecticut* (Hartford, Conn.: 1825).

<sup>29</sup> William Bradford, *Of Plymouth Plantation*, 320–21.

<sup>30</sup> *The Journal of John Winthrop, 1630–1649*, 385, “George Spencer was the ‘loose fellow’ executed at New Haven: his trial is reported in Charles J. Hoadley, ed., *Rounds of the Colony and Plantation* . . . Spencer was the third New Englander to be put to death for buggery, the others being William Hatchet of Salem and Thomas Granger of Plymouth.”

<sup>31</sup> *Ibid.*, Also, the development of the case of bestiality in New Haven is discussed in John M. Murrin, “Magistrates, Sinners, and a Precarious Liberty: Trial by Jury in Seventeenth-Century New England,” in *Saints and Revolutionaries, Essays on Early American History*, edited by David D. Hall and others (New York: W.W. Norton & Company, 1984), 177–178.

<sup>32</sup> *The Journal of John Winthrop, 1630–1649*, 501.

<sup>33</sup> *Ibid.*, 334–36.

<sup>34</sup> For more detailed discussion on this matter, see John M. Murrin, “Trial by Jury in Seventeenth-Century New England,” in *Saints & Revolutionaries: Essays on Early American History*, 191–197.

<sup>35</sup> David Pulsifer, ed, *Records of the Colony of New Plymouth*, volume 2 (Boston: W. White, 1861; repr., New York: AMS Press, 1968), 12.

<sup>36</sup> *Ibid.*, 95.

<sup>37</sup> Joseph B. Felt, ed., *The Annals of Salem* (Salem, Mass.: W. & S. B. Ives, 1827), 317, May 5th, 1694, “A memorial was received, signed by many clergymen, desiring the Legislature to enact laws against prevailing iniquities. Among such law, passed by this session, were two against Adultery and Polygamy. Those guilty of the first crime were to sit an hour on the gallows, with ropes about their necks— be severely whipt not above 40 stripes; and forever after wear a capital A, two inches long, cut out of cloth coloured differently from their clothes, and sewed on the arms, or back parts of their garments so as always to be seen when they were about. The other crime, stated with suitable exceptions, was punishable with death.”

<sup>38</sup> Andrew McFarland Davis, "The Last of Adultery and Ignominious Punishments—With Especial Reference to the Penalty of Wearing a Letter Affixed to the Clothing," *American Antiquarian Society*, 10 (1895), 114.

<sup>39</sup> Paul J. Lindholdt, ed, *John Josselyn, Colonial Traveler: A Critical Edition of Two Voyages to New-England* (Hanover, NH.: University Press of New England, 1988), 124, "An English woman suffering an Indian to have carnal knowledge of her, had an Indian cut out exactly in red cloth sewed upon her right Arm, and enjoined to wear it twelve moneths."

<sup>40</sup> Peter Charles Hoffer, *Law and People in Colonial America* (Baltimore: The Johns Hopkins University Press, 1992), 20.

<sup>41</sup> George Francis Dow, *Everyday Life in the Massachusetts Bay Colony*, 200.

<sup>42</sup> Edmund Morgan, "Puritans and Sex," *NEQ*, 15 (1942), 602.

<sup>43</sup> G. B. Warden, "Law Reform in England and New England," *WMQ*, 35 (1978), 680.

<sup>44</sup> Roger Thompson, *Sex in Middlesex: Popular Mores in a Massachusetts County, 1649–1699*, 198.