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“Changed . . . into the fashion of man”: The Politics of Sexual Difference in a Seventeenth-Century Anglo-American Settlement

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IN 1629, THE gender identity of servant Thomas Hall stirred controversy among the residents of Warrosquyoacke, Virginia, a small English settlement located across the James River from what the English optimistically called “James Cittie.” A recent migrant, Hall soon became the subject of rumors concerning his sexual identity and behavior. A servant man’s report that Hall “had layen with a mayd of Mr. Richard Bennetts” may initially have sparked the inquiry that led to questions about Hall’s sex. Although fornication was not an unusual offense in the colony—the skewed sex ratio of nearly three men to every one woman and the absence of effective means for restraining servants’ sexual activities produced a bastardy rate significantly higher than that in England—Hall’s response to the charge and the subsequent behavior of his neighbors were quite out of the ordinary.¹ When allegations of sexual misconduct and ambiguous sexual identity reached the ears of several married women, Hall’s case spiraled into a unique community-wide investigation

¹For bastardy rates in the Chesapeake, see Lois Green Carr and Lorena S. Walsh, “The Planter’s Wife: The Experience of White Women in Seventeenth-Century Maryland,” *William and Mary Quarterly*, 3d ser., 24 (1977): 542–71; Herbert Moller, “Sex Composition and Correlated Culture Patterns of Colonial America,” *William and Mary Quarterly*, 3d ser., 11 (1945): 113–53. For comparison to New England, see Mary Beth Norton, “The Evolution of White Woman’s Experience,” *American Historical Review* 89 (1984): 593–619; Roger Thompson, *Sex in Middlesex: Popular Mores in a Massachusetts County, 1649–1699* (Amherst, MA, 1986), pp. 13, 70.

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that eventually crossed the river to the colony's General Court at Jamestown.²

Court testimony revealed that while in England, Hall had worn women's clothing and performed traditionally female tasks such as needlework and lace making. Once in Virginia, Hall also occasionally donned female garb, a practice that confused neighbors, masters, and plantation captains about his social and sexual identity. When asked by Captain Nathaniel Bass, Warrosquyoacke's most prominent resident, "whether he were man or woeman," Hall replied that he was both. Confounded by the discrepancy between Hall's purported male identity and his appearance, another man inquired why he wore women's clothes. Hall answered, "I goe in weomans aparell to gett a bitt for my Catt." As rumors continued to circulate, Hall's current master John Atkins remained unsure of his new servant's sex. But the certainty that Hall had perpetrated a great wrong against the residents of Warrosquyoacke with his unusual sartorial style led Atkins to approach Captain Bass, "desir[ing] that hee [Hall] might be punished for his abuse."

Unable to resolve the issue, Warrosquyoacke locals sent Hall's case to the General Court at Jamestown, where details of the community investigation and Hall's personal history were recorded by the clerk. Two witnesses testified to the community's multiple efforts to gather physical evidence. Hall, meanwhile, provided justices with a narrative history of his gender identity. Together, this testimony constitutes the main documentary trail left by the person known variously as Thomas or Thomasine Hall. Other colonial records reveal only a few additional details about this unusual servant and the unprecedented investigation of Hall's body, sexual history, and identity.³

Despite the paucity of evidence, Hall's case presents a nonetheless richly detailed glimpse of an early modern community's responses to gender transgression, exposing to view a multiplicity of popular beliefs about sexual difference and the variety of uses to which they could be put by groups of people with different stakes in the social order. In contrast to most of the known European cases of gender transgression in the early modern period, the brief transcript of the Hall case contains a vivid description of the efforts of ordinary people (whom I define here

²H. R. McIlwaine, ed., *Minutes of the Council and General Court of Colonial Virginia*, 2d ed. (Richmond, VA, 1974), pp. 194–95. The Thomas/ine Hall case is discussed in Alden Vaughan, "The Sad Case of Thomas(ine) Hall," *Virginia Magazine of History and Biography* 86 (1978): 146–48; Jonathan Ned Katz, *Gay/Lesbian Almanac: A New Documentary* (New York, 1983), pp. 71–72; Ivor Noel Hume, *Martin's Hundred* (New York, 1982), pp. 133–34.

³McIlwaine, ed., pp. 194–95. Unless otherwise indicated, all references to the testimony in the Hall case comes from this source.

as individuals who did not participate directly in formal legal, medical, or scientific theorizing about sexual difference) to determine a sexually ambiguous person's identity. Faced with an individual who did not conform to conventional gender categories, the residents of Warrosquoy-oacke gathered empirical evidence about Hall's physical body. The subsequent need to report their findings to a superior court compelled people who normally did not articulate their views on sexual difference to define the essence of maleness and femaleness. The Hall case not only provides documentary evidence of these beliefs, but offers an opportunity to reconstruct what we might call "beliefs-in-action." We can thus analyze each group's articulation of sexual difference by comparing it to their investigatory method, their claims (often implicit) to expertise, and their authority in the community.

Hall's case also offers a unique chance to compare popular concepts of sexual difference, about which little is known, with elite medical and scientific discourses, about which much has been written in recent years. Several scholars have argued that until the early nineteenth century, medico-scientific theories of sexual difference were not based on a model of anatomical incommensurability. Rather, many early modern medical theorists and scientists worked within a predominantly Galenic framework that emphasized anatomical parallelism and the potential mutability of the sexes. Women were not a separate sex, according to this model of difference, but an imperfect version of men. Lacking the vital heat to develop external genitalia, women's deformed organs remained tucked inside. Many early modern writers noted, however, that strenuous physical activity or mannish behavior could cause a woman's hidden testicles and penis to emerge suddenly, an occurrence contemporaries explained as evidence of Nature's unerring tendency toward a state of greater perfection.⁴ In the absence of any other critical method for resolving competing truth claims, theorists reasserted received wisdom about the different natures of men and women. The resultant absence of a coherent biological foundation for sex added to the inherent instability of con-

⁴ Michel Foucault, *Herculine Barbin: Being the Recently Discovered Memoirs of a Nineteenth-Century French Hermaphrodite* (New York, 1980), pp. vii–xvii; Stephen Greenblatt, "Fiction and Friction," in *Shakespearean Negotiations: The Circulation of Social Energy in Renaissance England*, ed. Stephen Greenblatt (Berkeley, 1988), pp. 66–93; Ludmilla Jordanova, *Sexual Visions: Images of Gender in Science and Medicine between the Eighteenth and Twentieth Centuries* (Madison, WI, 1989); Thomas Laqueur, *Making Sex: Body and Gender from the Greeks to Freud* (Cambridge, MA, 1990); see also Ludmilla J. Jordanova, ed., *Languages of Nature: Critical Essays on Science and Literature* (New Brunswick, NJ, 1986); Ian MacLean, *The Renaissance Notion of Woman: A Study of the Fortunes of Scholasticism and Medical Science in European Intellectual Life* (Cambridge, 1980), pp. 28–46.

cepts of sexual difference even as it made such concepts more available for local appropriation and adaptation.⁵

Scientific discourses that emphasized anatomical parallels and mutability ultimately left the lion's share of the work of producing gender distinctions to legal and religious institutions, local custom, and daily performance. Borrowing liberally from religious and medical texts that assumed women's inferiority, legal interpreters enshrined gender differences in the laws governing marriage, property, and accountability for crime. Christian theologians similarly reaffirmed gender differences in their divergent assessments of men's and women's capacity for reason and their condemnations of boundary violations as sinful and defiling. In daily life, meanwhile, family and neighbors naturalized gender boundaries by insisting on the continuity of identity established and affirmed through clothing, names, work, and the public approbation accorded to heterosexual relationships. Law, religion, and custom thus stabilized gender although they did so without access to a stable biological concept of sexual difference.⁶

When challenges to early modern categories of manhood and womanhood arose in Christian Europe, as in the case of hermaphroditism or transvestism, the burden of explicating gender differences fell primarily to the legal apparatus in consultation with academically trained doctors and scientific investigators. Legal constructions of gender difference were generally less ambiguous than those elaborated in the medical and scientific literature of the period, however, as the courts, which were mainly concerned to preserve clear gender boundaries rather than explore anomalies, had the power to coerce individuals to alter their gender performances. Rather than insisting that the hermaphrodite had a "true" core sex that could be determined anatomically, early modern legal authorities urged the individual to adopt either a male or female identity. Echoing religious and philosophic treatises that categorized

⁵ MacLean, pp. 28–46; Peter Stallybrass and Ann Jones, "Fetishizing Gender: Constructing the Hermaphrodite in Renaissance Europe," in *Body Guards: The Cultural Politics of Gender Ambiguity*, ed. Julia Epstein and Kristina Straub (New York, 1991), pp. 80–111, esp. p. 88.

⁶ MacLean, pp. 6–27; Pierre Darmon, *Trial by Impotence: Virility and Marriage in Pre-Revolutionary France*, trans. Paul Keegan (London, 1985), pp. 40–58; Laqueur, pp. 122–42; Stallybrass and Jones, pp. 88–89; Mary Elizabeth Perry, *Gender and Disorder in Early Modern Seville* (Princeton, NJ, 1990), pp. 123–35; Roger Thompson, "Attitudes towards Homosexuality in the Seventeenth-Century New England Colonies," *Journal of American Studies* 23 (1989): 27–40; Richard Godbeer, "'The Cry of Sodom': Discourse, Intercourse, and Desire in Colonial New England," *William and Mary Quarterly*, 3d ser., 52 (1995): 259–86.

hermaphrodites as monsters, legal discourse reaffirmed gender boundaries by refusing to admit sexual ambiguity legally.⁷

Transvestism, which typically took the form of women dressing as men during the sixteenth and seventeenth centuries, represented a different sort of challenge. While the hermaphrodite embodied the slippery dualism of all sexual identities under the Galenic one-sex model, the transvestite undermined society's ability to use clothing to stabilize distinct sexual identities. As Marjorie Garber notes, transvestism constitutes "not just a category crisis of male and female, but the crisis of category itself," in other words, a transgression that threatens to render sexual taxonomy meaningless.⁸ Anthropologist Mary Douglas, moreover, has observed the importance of such taxonomy for other social categories, as well as for a society's concepts of purity and pollution.⁹ Early modern theologians denounced transvestism as a violation of prohibitions spelled out in Deut. 22:5: "the woman shall not wear that which pertaineth unto a man, neither shall a man put on a woman's garment, for all that do so are abominable unto the Lord thy God." Legal institutions similarly attempted to police gender boundaries by punishing cross-dressing harshly. The penalties remained less severe in England, however, with its tradition of transvestite theater, than they did on the European continent, where the crime was a capital offense. Unlike the hermaphrodite, who was usually allowed to choose a permanent identity, the transvestite's wrongdoing could be rectified only by the restorative power of punishment.¹⁰

Complicating the effort to retrieve popular discourses of sexual difference is the fact that accounts of Hall's body and past, like most accounts of early modern gender transgression, were presented in a legal setting where they were subject to the needs of the court. Despite this legal context, the testimony in the Hall case still permits a comparison between

⁷ MacLean; Greenblatt, "Fiction and Friction," pp. 66–93; Stallybrass and Jones, pp. 80–111; Darmon, pp. 40–58; Laqueur, pp. 122–42; Katharine Park and Lorraine J. Daston, "Unnatural Conceptions: The Study of Monsters in Sixteenth- and Seventeenth-Century France and England," *Past and Present*, no. 92 (1981), pp. 20–54.

⁸ Marjorie Garber, *Vested Interests: Cross-Dressing and Cultural Anxiety* (New York, 1992), p. 17.

⁹ Mary Douglas, *Implicit Meanings: Essays in Anthropology* (Boston, 1975), pp. xxx, 49–70, and *Purity and Danger: An Analysis of the Concepts of Pollution and Taboo* (New York, 1966), p. 5.

¹⁰ Vern L. Bullough and Bonnie Bullough, *Cross Dressing, Sex, and Gender* (Philadelphia, 1993), pp. 94–101; Rudolf M. Dekker and Lotte C. van de Pol, *The Tradition of Female Transvestism in Early Modern Europe* (New York, 1989); Jean E. Howard, "Cross Dressing, the Theatre, and Gender Struggle in Early Modern England," *Shakespeare Quarterly* 39 (1988): 181–210.

community examinations of an ambiguous individual and the subsequent legal process. Energetic and heterogeneous community investigations of Hall's identity reflected different philosophies and tactics from those used by Virginia's General Court. While justices inquired politely into Hall's past, seeking historical answers to the question of his identity, most of his neighbors responded to his fluctuating persona with aggressive curiosity about what lay hidden in his breeches. The settler population also had great difficulty reaching consensus; no single popular discourse of sexual difference informed their inquiries, nor did they agree about the meaning of their findings.

The location of Hall's case in a recently settled English colony may account in part for the extraordinary historical visibility and heterogeneity of the community's responses to Hall. In addition to its distance from the structures of metropolitan scientific and legal authority, Warrosquoyacke lacked both a parish church and a local court. As in most settlements in Virginia in the 1620s, such formal local institutions of authority simply did not exist. In their absence, the responsibility for producing and maintaining gender distinction fell almost entirely to laypeople. Popular ideas about sexual identity appear to have carried more weight in Virginia than in England, although they were perhaps more subject to challenge from other popular sources. The colonial site of Hall's case thus serves to illuminate not only the varieties of popular belief, but also the fractures and fissures in the community's interest in preserving the gender order.

Perhaps the most compelling feature of Hall's case is Hall him/herself. Hall's life disrupted the attempts of justices and neighbors alike to treat gender as a set of natural categories. For Hall, the "performance" of gender identity appeared to be as malleable as a change of clothes and at least partially motivated by opportunities for employment. The burgeoning commerce, migration, and national rivalries of the early modern Atlantic world, moreover, had in many ways helped to produce Hall's complex personality. When asked to explain his/her gender identity, Hall produced a narrative in which the visible signs of gender were not passive manifestations of a naturalized, internal identity, but communiqués actively authored and manipulated for public consumption. While Hall seemed utterly at ease with gender as a choice of self-presentation distinct from the issues of identity—a posture I will examine more closely—his metamorphoses provoked both his community and the colonial arm of the state to discover and affix a permanent identity.¹¹ Despite the bra-

¹¹ See Judith Butler, "Gender Trouble," in *Feminism/Postmodernism*, ed. Linda J. Nicholson (New York, 1990), pp. 336–39, for her discussion of gender as performance. See

zenness of Hall's transgression and the importance of gender differentiation to the colonial economy, Hall received a comparatively mild punishment, raising additional questions about the significance of this case.

Let us turn now to the colony of Virginia and to Warrosquyoacke, the settlement where neighbors and plantation commanders found Hall's fluctuating identity so perplexing.



By 1629, Virginia had enjoyed several years of peace and prosperity but was nevertheless considered an undesirable and dangerous place by many English men and women. Two decades of warfare with local Indians culminated in an Indian attack upon the English population in 1622, a bloody event that tarnished the colony's early image as a paradise for settlers. Reports of rampant disease, maltreated servants, and backbreaking labor, moreover, filtered back to England, discouraged female migrants, and exacerbated the skewed sex ratio and climate of lawlessness that prevailed among the colony's predominantly young, male, and unmarried settlers. The difficulty of attracting dedicated ministers and supporting churches in a region where the sparse European population was scattered over miles of riverine settlements rather than clustered in towns further contributed to the colony's reputation for godlessness and immorality. In addition, by 1629, the colonial economy was firmly committed to the production of tobacco, a New World tropical commodity that had become fashionable in royal and aristocratic circles throughout Europe. Despite the efforts of local officials to encourage economic diversification, most of the colony's landowners devoted themselves to tobacco and to procuring the labor necessary to its production. English laborers, especially men, were the preference of most planters, although by 1629 a newcomer to Virginia might have seen English women or African laborers, male and female, hoeing rows of tobacco.¹²

A fledgling plantation in a colony where everything was relatively new,

also Stephen Greenblatt, *Renaissance Self-Fashioning: From More to Shakespeare* (Chicago, 1980), pp. 1–9.

¹²Edmund S. Morgan, *American Slavery, American Freedom: The Ordeal of Colonial Virginia* (New York, 1975), pp. 3–179; Charles E. Hatch, Jr., *The First Seventeen Years: Virginia, 1607–1624* (Charlottesville, VA, 1957); Jordan Goodman, *Tobacco in History: The Cultures of Dependence* (New York, 1993), pp. 59–89; Kevin Kelly, "In dispers'd Country Plantations": Settlement Patterns in Seventeenth-Century Surry County, Virginia," in *The Chesapeake in the Seventeenth Century: Essays on Anglo-American Society and Politics*, ed. Thad W. Tate and David L. Ammerman (Chapel Hill, NC, 1979), pp. 183–205; James Horn, "Servant Migration to the Chesapeake in the Seventeenth Century," in *ibid.*, pp.

Warrosquyoacke had been an English settlement for less than seven years when Thomas Hall arrived. Founded on the site of an Indian village, the settlement consisted of two plantations devoted to the production of tobacco. “Bennett’s Welcome,” established in 1621 by London merchant and Virginia Company investor Edward Bennett, had suffered tremendous losses during an Indian attack in 1622 in which over fifty English men and women were slain. In 1628, command and ownership of Bennett’s Welcome passed into the capable hands of the founder’s nephew, Richard Bennett, who had recently arrived in the colony. The younger Bennett’s political star was already rising. In the years following the Hall case he would become a representative in the House of Burgesses and two decades later, acting governor of the colony.¹³

Warrosquyoacke also included the plantation known as “Basse’s Choice.” Founded a year after the Bennett Plantation, the Bass settlement narrowly escaped the ravages of the Indian attack. Captain Nathaniel Bass, plantation commander and proprietor, was a political player to be reckoned with. In 1624, he represented the plantation in the House of Burgesses; within one year after the Hall case, he became a member of the Governor’s Council.¹⁴

Compared to the English cities and towns the Virginia colonists had left behind, Warrosquyoacke was a tiny community filled with newcomers. It is doubtful that the settlement ever exceeded two hundred people during the 1620s. After the resettlement following the Indian attack of 1622, the population fell vulnerable to disease and its numbers again plummeted. By 1625, however, the settlement began to grow slowly through immigration, reconstituting itself with a steady stream of newcomers. Of the sixteen individuals named in the Hall testimony, seven can be positively identified as residents of the colony in 1625, four years before Hall came to the attention of the General Court. Of these, only three appear to have lived in Warrosquyoacke before 1627. When Hall moved to Warrosquyoacke in that year, he was entering a community in which most members were as new to the area as himself.

Only two of those named in the court testimony could boast a lengthy tenure in Warrosquyoacke: Bass, the plantation commander, and Alice

51–95; Carville V. Earle, “Environment, Disease, and Mortality in Early Virginia,” in *ibid.*, pp. 96–125.

¹³For more on Bennett, see McIlwaine, ed. (n. 2 above), pp. 120, 169; Nell Marion Nugent, ed., *Cavaliers and Pioneers: Abstracts of the Virginia Land Patents and Grants*, 3 vols. (Richmond, VA, 1934), 1:23, 45; Annie Lash Jester and Martha Woodroof Hiden, eds., *Adventures of Purse and Person: Virginia, 1607–1625*, 2d ed. (n.p., 1964), p. 91; Hatch, pp. 86–89.

¹⁴Jester and Hiden, eds., p. 46; McIlwaine, ed., p. 192; Nugent, ed., p. 10; Hatch, p. 89.

Long, who had married and borne at least one child in Virginia since her arrival in the colony in 1620.¹⁵ At thirty-nine and twenty-seven, respectively, both individuals were seasoned veterans of the south-side plantations, embodying whatever traditions had endured the traumatic and disrupted history of English settlement. In 1629, while Bass enjoyed a position of political authority, Long claimed informal influence among the several dozen women in the settlement. Although the records do not reveal how she spent her days, it is likely that as a married woman and mother of nearly ten years' residency, she had witnessed betrothals, delivered babies, nursed the sick, and buried many dead. Bass may have been the settlement's official representative, but Long undoubtedly knew the intimate details of the lives of many of its residents.

A few other individuals who became involved in the Hall case had been in the colony, if not in Warrosquyoacke itself, for several years before Hall's arrival. John Atkins, Hall's new master at the time of the inquest at Jamestown, arrived in the colony in 1623.¹⁶ Roger Rodes, who appears to have been living in Jamestown in 1625, was married to Dorothy Rodes, one of the matrons who assisted Alice Long in her investigation of Hall's body.¹⁷ John Tyos, described in the court testimony as a former master of Hall's, also had a history in the colony long enough to have included association with at least two men named Thomas Hall.¹⁸

¹⁵ If Alice Long came to Virginia in circumstances similar to those of her female shipmates, then she was probably of middling to genteel background, much like Bass himself. See David R. Ransome, "Wives for Virginia, 1621," *William and Mary Quarterly*, 3d ser., 48 (1991): 4–5, 10.

¹⁶ Atkins arrived in the colony on the *Guifte* in 1623. In 1624 he was listed as living in "Warwick Squeake" along with thirty-two other individuals.

¹⁷ McIlwaine, ed., p. 6, lists Rodes as being nineteen years old, arriving on the *Ann* and the *Bonny Bess* from Wilshire, and servant to Mr. Fitzgeffrey.

¹⁸ See Jester and Hiden, eds., p. 40; McIlwaine, ed., pp. 96, 158–64, 202. Arriving in the colony on the *Bona Nova* in 1620, Tyos appears on the Company Treasurer's plantation muster in 1625 along with a fellow passenger named "Thomas Hall." This Thomas Hall seems not to have been the alleged hermaphrodite, however, for, as I will discuss later, the individual who interests us does not appear to have crossed the Atlantic to Virginia for another two years. In 1627, Tyos was living in Warrosquyoacke with his wife, Jane, and another individual named Thomas Hall. It is difficult to know whether this housemate was the same person whose gender identity later so perplexed the good people of Warrosquyoacke. Among the discrepancies in the life stories of these two Halls, for example, is the fact that Hall the housemate was not a servant while Hall the hermaphrodite was—an unusual although not impossible career trajectory for a newly arrived English immigrant. The two Halls also reported irreconcilably different birthplaces—Wibich and Newcastle-on-Tyne. Finally, when Hall the hermaphrodite became the subject of court inquiry, John Tyos insisted that his servant was a woman, yet his housemate Hall had previously been described and punished for theft as a man. One slender piece of evidence, in addition to the name and relationship to John Tyos, connects the latter two Halls. Hall the housemate

The last individual to have a major role in Warrosquyoacke's attempts to determine Hall's identity was John Pott, the governor of the colony who presided over the colony's General Court. A medical doctor who had lived in the colony since 1620, Pott did not reside in Warrosquyoacke, but on one of several tracts of land he had acquired on the north side of the James River. By the time of Hall's case, Pott had overcome several setbacks to achieve a position of political and economic prominence in the colony. In 1629, with much of the earlier controversy behind him, Pott moved up from being a council member to assume the role of acting governor of the colony.¹⁹

The community investigations of Hall's body that took place in Warrosquyoacke in early 1629 occurred not at the behest of Governor Pott, however, but as a consequence of local concerns for social order. Lacking many of the traditional institutions of English village life, the small English community depended instead on highly personal forms of authority. Despite the high mortality in Warrosquyoacke, the steady influx of immigrants, and the dispersed pattern of settlement, its size and situation may have rendered social relations even more intimate than those in the smallest English villages. The anonymity made possible by immigration and settlement among strangers was thus offset by sparse population. This was not an intimacy built on families tightly interwoven for several generations, however, or long-standing geographical rootedness—conditions that did not prevail even in many English villages—but on a very limited universe of face-to-face interactions.

As Warrosquyoacke residents mobilized personal networks to address Hall's transgression, at least three converging lines of authority emerged. The first—embodied by Bass and Bennett—derived its strength from the official mandates of the governor, the General Court, and the Crown. The second, which included John Tyos and John Atkins, represented the community of masters and their interests in maintaining existing labor arrangements with servants. The third, a source of authority largely internal to the community, was constituted by women such as Alice Long and Dorothy Rodes.

Boasting nearly as much influence as its male counterparts, female au-

was able to sew the end of an old shirt sleeve, turning it into a bag to hold stolen sugar and currants. Other men in Virginia could perform stitchery at this level, however, and we should not make too much of this evidence, especially since none of Thomas/Thomasine Hall's neighbors did.

¹⁹McIlwaine, ed., pp. 7, 58–59. In 1623 Pott was initially implicated in an unexplained death before being cleared of wrongdoing. Pott subsequently litigated to protect his reputation after a pregnant woman claimed he had denied her the hog flesh she craved and thus provoked her miscarriage.

thority in Warrosquyoacke accrued from the important role granted midwives and matrons by English law. In cases in which the condition of a woman's body could influence the verdict or sentence, English courts constituted an investigatory jury of women to conduct an examination. After searching the subject's body for evidence of recent sexual activity, pregnancy, or childbirth (or, in case of suspected witchcraft, suspicious marks), the matrons reported their findings to the court. With the exception of one fifteenth-century case in which a jury of women was summoned to arouse an allegedly impotent man to erection, these juries inspected only women's bodies. After 1500, juries of matrons who provided evidence in impotence cases did so as witnesses to the condition of the wife's genitalia. With minor deviations, the tradition of summoning the matrons' jury appears to have continued in Virginia. The testimony of a midwife might occasionally substitute for that of a jury of matrons at the colony's General Court or, after the establishment of the county courts during the 1630s, at a local hearing.²⁰

The authority of the Warrosquyoacke matrons might also have derived from the heightened significance of their legal and historical functions in Virginia. In a small community that lacked rival institutions of historical memory, Long and Rodes could claim authority based on a historical and gender-specific construction of "experience." As witnesses to and participants in the births, weddings, illnesses, and deaths of Warrosquyoacke neighbors, women like Long and Rodes were repositories of information about community relationships, personal histories, and identities. These activities did not naturally constitute female authority. Rather, women's authority derived from constructions of tradition and, more important, from their claims to interpret female bodies—a practice that required constituting the subjects of their inquiry (women) as well as their own authority to make sense of these bodies. Female authority to interpret female bodies depended in part, however, on the apparent naturalness of sexual categories. Without the existence of two sexes, women's claims to special knowledge would have been unfounded and their unique roles in courtroom and community unnecessary. Women such as Long and Rodes thus had an important stake in protecting gender boundaries and enforcing the rules governing sexual behavior. Their

²⁰ Julia Cherry Spruill, *Women's Life and Work in the Southern Colonies* (1938; reprint, Chapel Hill, NC, 1972), pp. 327–30; James C. Oldham, "On Pleading the Belly: A History of the Jury of Matrons," in *Criminal Justice History: An International Annual* (Westport, CT, 1985), 6:1–64; Martin Ingram, *Church Courts, Sex and Marriage in England, 1570–1640* (New York, 1987), pp. 172–73; Darmon (n. 6 above), pp. 141–73; Audrey Eccles, *Obstetrics and Gynaecology in Tudor and Stuart England* (Kent, OH, 1982). For the fifteenth-century exception to this generalization, see R. H. Helmholz, *Marriage Litigation in Medieval England* (New York, 1974), pp. 87–91.

authority resided in categories of sexual difference that Hall's changes of clothes threatened to undermine.²¹

This then was Warrosquyoacke in 1629, a community less than ten years old overseen by men and women with a maximum of six or seven years of colonial life under their belts, where intimate forms of authority diverged along gendered lines.



The first to lay hands on Hall for the purposes of gathering information was a group of women whose interest had been piqued by a “report” that Hall was both a man and a woman. Groups of women usually searched only other women at the request of a local court; their authority to glean information from bodies rarely crossed gender lines and they did not usually initiate a search without the backing of local officials. With Hall's then-master, John Tyos, claiming his servant was female, however, the women decided that it was appropriate to intervene. Searching Hall's person for evidence of his sexual identity, Alice Long, Dorothy Rodes, and a third woman, Barbara Hall, concluded that “hee was a man.” Despite this new evidence, Master Tyos continued to swear to Hall's female identity, provoking John Atkins, who was contemplating the purchase of Hall, to take the problem to plantation commander Captain Bass.²²

Confronted with the array of conflicting evidence—the rumors of Hall's hermaphroditism and alleged fornication, Hall's master's claim that his servant was a woman, and the married women's findings that he was male—Bass asked Hall point-blank “whether hee were man or woeman.” Hall answered that he was both, explaining that although he had what appeared to be a very small penis (“a peece of flesh growing at the . . . belly as bigg as the topp of his little finger [an] inch long”), “hee had not the use of the man's p[ar]te.” Hearing this confession, Bass ordered Hall to put on women's clothes. Although difficult to prove in court, male impotence was considered sufficient grounds for the annulment of marriages; it became for Bass, in this instance, a sufficient condition for determining female gender identity. An individual who lacked

²¹Joan Scott, “Experience,” in *Feminists Theorize the Political*, ed. Judith Butler and Joan W. Scott (New York, 1992), pp. 22–40. Scott's important critique of the explanatory power of experience for historians and the unexamined assumptions of what it embodies should not lead us to avoid the term but, rather, to seek to analyze it as a specific cultural production that bolstered claims to authority.

²²Jester and Hiden, eds., p. 47; John Camden Hotten, ed., *Original Lists of Persons of Quality* (1874; reprint, Baltimore, 1962), p. 184.

male sexual functions and sometimes dressed like a woman, Bass may have reasoned, could safely be classified as a woman.²³

Bass's decision did not sit well with the group of married women who claimed to have seen evidence of Hall's manhood. But with Hall parading about Warrosquyoacke in the mandated female attire, they also began to "doubte of what they had formerly affirmed." Trooping over to Hall's residence at the home of his new master, John Atkins, the group searched the female-clad Hall while he slept, confirming their original judgment that he was a man. In an unusual breach of etiquette, moreover, they insisted that Master Atkins view the proof for himself. Atkins tiptoed to Hall's bed but lost his nerve when "shee" stirred in her sleep. So convincing a woman was Hall that Atkins abandoned the idea of undressing the sleeping servant. In subsequent descriptions of this incident before the General Court, Atkins found it impossible to describe Hall with other than female pronouns.

Tenacious in their quest to reveal the "truth" to Atkins and to two other women who had joined their ranks—and perhaps still harboring doubts themselves—the married women planned a third search of Hall's person. When Atkins finally saw the evidence of Hall's manhood he was unimpressed and asked Hall "if that were all hee had." Perhaps Atkins, like Hall himself, doubted the significance of the small "peece of flesh" protruding from Hall's belly and wondered whether there might be other anatomical clues. Describing his identity for the first time as the presence of female anatomy rather than as a lack or deformity of male-ness, Hall told Atkins that he had "a peece of an hole." Atkins immediately insisted that Hall lie down and "shew" these female credentials. After searching together in vain for Hall's vagina, Atkins and the married women concluded that Hall could not be a hermaphrodite. Although Hall's penis may have been tiny and in poor working order, it became for Atkins and the matrons, in the absence of other "evidence" of female-ness, the dominant criterion for Hall's social identity. In sharp contrast to the language Hall used to describe his own freewheeling sense of chosen

²³ McIlwaine, ed. (n. 2 above), p. 195. The ellipses in the quotation represent testimony missing in the published version of the original. Hall's use of the word "belly," his claim of impotence, and the response of Captain Bass have informed my interpretation of this partial evidence as Hall's manifestation of a small penis-like appendage. See Darmon. For English annulments of marriages on the grounds of male impotence, see Ingram, pp. 172–73, 187; Oldham, pp. 4–5; Helmholz, pp. 87–91. For New England, see Thompson, *Sex in Middlesex* (n. 1 above), pp. 116, 154. Male impotence was similarly the basis for complete separations in Catholic colonies. See Maria Beatriz Nizza Da Silva, "Divorce in Colonial Brazil: The Case of Sao Paulo," in *Sexuality and Marriage in Colonial Latin America*, ed. Ascension Lavrin (Lincoln, NE, 1989), p. 324.

identities, Atkins ordered Hall to “bee put into” male apparel and urged Captain Bass to punish him for his “abuse.”²⁴

As soon as Captain Bass reversed his decision about Hall’s gender identity and proclaimed him to be a man, Hall became fair game for the men of Warrosquyoacke. Hearing a “rumor and report” of Hall’s tryst with Mr. Richard Bennett’s maid Great Besse, Francis England and Roger Rodes took advantage of a chance meeting with Hall to conduct their own impromptu investigation. Rodes declared, “Hall thou hast beene reported to be a woman and now thou art p[ro]ved to bee a man, I will see what thou carriest.” Assisted by England, Rodes threw Hall onto his back. England later told the General Court that when he “felt the said Hall and pulled out his members,” he found him to be “a perfect man.”²⁵

The declarations of evidence and the conclusions drawn from that evidence bring us as close as I believe we will ever be to ordinary seventeenth-century English people’s articulated beliefs in the essence of sexual difference and their deployment of those beliefs to serve their own political and social interests. Three groups of people—the married women, Hall’s former and present masters, and the plantation commander—participated actively in these searches of Hall’s person. In the absence of a county court and church, these groups represented the community’s interests in determining Hall’s gender. Significantly, each group also had a personal stake in defending the boundaries of maleness and femaleness. Married women, who normally interpreted women’s bodies for legal authorities, intervened because Hall’s crossing of gender lines challenged fundamental gender differences on which their authority was based. Hall’s masters’ interest in determining the sex of their servant suggested the significance of gender to the allocation of labor, an especially important issue in this new settlement so single-mindedly devoted to producing tobacco. Hall’s gender identity may have influenced Master John Atkins in the work he assigned him, the sexual intimacies he did or did not attempt, and the company he allowed his servant to keep. Male servants would likely be pressed into participating in the militia at some point during their service. Male and female servants also received different freedom dues and were expected to assume different

²⁴On the importance of the penis in determining male gender identity and for the alleged superiority of the penis to the clitoris, see Laqueur (n. 4 above), pp. 126–28; Stallybrass and Jones (n. 5 above), pp. 86–88.

²⁵An apparent newcomer to Warrosquyoacke, Francis England, age twenty, eventually became a prominent landowner; see Nugent, ed. (n. 13 above), pp. 140, 147, 183, 261. Ironically, the description of England and Rodes’s search of Hall is remarkably similar to the complaints against the reputed New England sodomite recently described in Godbeer (n. 6 above).

social and economic roles at the end of their terms. Charged with keeping order in the community, plantation commanders sought a permanent identity for Hall that would mollify the displeased masters and matrons of the community, restore Hall to his proper place in that community, and, above all, establish the commander's ability to resolve community conflicts successfully.

Roger Rodes and Francis England, whose interests in Hall's identity were slightly more attenuated but who nonetheless asserted their right to intervene, constituted a fourth group. Lacking any formal authority to search bodies except in the case of grand jury inquests into murder, Rodes and England could not claim the customary role or territorial interest of the matrons, the immediate interests of masters, or the political authority of the plantation commander. Marginal to the process of uncovering Hall's identity, Rodes and England's belated search occurred only after the other groups had pronounced their interpretations of Hall's sex. Yet the two men still intruded themselves into the process, perhaps seeing the unprecedented nature of the case as an opportunity for expanding the scope of their own authority in the community, for satisfying their curiosity, or for punishing Hall informally for his masquerade.

The matrons of Warrosquyoacke, the community's plantation commander, and Hall's masters were initially at odds over the issue of his gender, issuing conflicting conclusions and repeating their processes of gathering evidence as they struggled to move toward a consensus. After the matrons' initial examination of Hall and their conclusion that he was a man, Captain Bass undermined them, reasoning from Hall's confession of impotence, rather than from the women's testimony, that Hall was a woman. The married women did not let this breach of their traditional legal role go unchallenged. To do so would have been to suffer a severe loss of credibility and influence. It seems that they may also have harbored doubts about the nature of the evidence they had uncovered, for they quickly instigated a second search. When this examination confirmed their initial pronouncement, they enlisted a man from the group of masters with an interest in Hall's case, thereby creating a coalition of women and men to confront Captain Bass. Despite their influence in Warrosquyoacke, women's word alone was not sufficient to lead Bass to change his mind. In league with Atkins, however, the married women's information persuaded Bass to contradict his own command and order Hall to don male clothes.

In addition to their difficulties with rival male authorities in their community, however, the married women faced the challenge of interpreting Hall's unusual body. As they did not describe their findings in detail—or those descriptions did not reach the records of the General

Court—we can only speculate about their analysis of the evidence. The presence of a penis, however small and ineffective, seems to have weighed heavily in their initial conclusion that Hall was a man. But their articulated doubts and subsequent search for a vagina suggests the difficulty of fitting Hall's body into familiar categories. One of the distinguishing features of a female body during the early modern period was not simply the absence of a penis and the presence of a vagina, but its presumed sexual inscribability and historicity. Unlike the bodies of men, a woman's body was believed to bear the marks of her sexual and reproductive history. Married women in most early modern European societies wielded influence in courtrooms in part because they had constructed a folk science of extracting sexual histories from female bodies by "reading" these marks. Virginity, recent sexual intercourse, rape, childbirth, sex with the devil—all carried corresponding physical signs in the science of midwifery and were probably equally significant, if not as systematically delineated, for matrons called on by their communities to translate this evidence into legal testimony. Hall's penis may not then have been the only reason the women defined him as male. The absence of a readable set of female genitalia—not to be confused with the absence of that genitalia altogether—may also have led the women to pronounce Hall a man in contradiction to Hall's own declarations and the opinions of two men, including his current master. Implicitly, the women reaffirmed that femaleness consisted not simply of conformity to a particular genital anatomy, but of a quality of plastic impressionability such that sexual and reproductive histories could be gleaned from the body. By both of these criteria, Hall's body proved ineligible for womanhood.²⁶

Curiously, the matrons of Warrosquyoacke chose not to involve Great Besse, the servant rumored to have had a tryst with Hall, in their deliberations. In the absence of any additional information about Hall's alleged lover, we can only comment on the possible and probable reasons for her silence in the court record. Besse could possibly have been one of the tiny number of Africans who lived in the colony after 1619 and, as a consequence, may not have spoken much English; the chances are, however, that she would have been described in the testimony as a "negor" rather than as a "servant maid." It is less likely that Besse was an Indian, as few Indians were held as servants or slaves in the colony until the middle of the century. A less intriguing but more plausible scenario is that Besse was an Englishwoman whose link to Hall was so quickly proven to be unfounded that there was no need to pursue her testimony.

²⁶ Eccles; Darmon, pp. 147–53. For an example of gynecological and obstetrical terms used by midwives, see Laurent Joubert, *Popular Errors* (1579), trans. Gregory David de Rocher (Tuscaloosa, AL, 1989).



Able to reach only a shaky consensus on the question of Hall's gender identity and unsure of how to punish his transgression, Warrosquyoacke locals sent Hall's case to the General Court at Jamestown. Under the leadership of the recently installed governor, John Pott, the General Court declined to initiate their own search of Hall's body. Pott may have been reluctant to embroil himself in a medical matter after having only recently extricated himself from the seventeenth-century equivalent of a malpractice suit. Nor did the Court invite the married women to report their findings directly. They listened instead to Francis England's and John Atkins's accounts of Hall's gender mutability and then "examined" Hall juridically, eliciting a narrative of gender identity.²⁷

Hall explained that he had been christened Thomasine in England and dressed accordingly in women's clothes. When "she" reached the age of twelve, an age at which many girls would have taken up residence with neighbors or relatives to learn housewifery, Thomasine was sent by her mother to London to live with an aunt. During her ten-year residence in the city, Thomasine could have witnessed the crossover of male and female aristocratic fashions that so disturbed James I. London's female street culture might also have had a profound impact on the young Thomasine, offering lessons in market savvy, sexuality, and marriage to all who listened to the ribald balladry of an itinerant performer or picked up a discarded broadside.²⁸

If at this point in Hall's narrative justices harbored hopes that an established pattern of female identity, deeply rooted in Hall's childhood, would put an end to the confusion, they were to be sadly disappointed. Hall continued, informing the justices that when his brother was pressed into military service, Thomasine "Cut off[f] his heire and Changed his apparell into the fashion of man" to become a soldier in the English force that intervened on behalf of French Huguenots at the Isle of Rhe. Twenty-four years old when he made this transformation, Hall was indeed lucky to survive his first year as a man. The military adventure proved to be a debacle, with nearly half of the eight thousand English

²⁷ McIlwaine, ed., pp. 7, 58–59.

²⁸ The fashion controversy was debated in a series of pamphlets that included "Hic Mulier" (London, 1620) and "Haec Vir" (London, 1620), excerpted and reprinted in Katherine Usher Henderson and Barbara F. MacManus, eds., *Half Humankind: Contexts and Texts of the Controversy about Women in England, 1540–1640* (Chicago, 1985). For a recent discussion of the popular culture of early modern English and German city streets, see Joy Wiltenberg, *Disorderly Women and Female Power* (Charlottesville, VA, 1992). See also Margaret Spufford, *Small Books and Pleasant Histories: Popular Fiction and Its Readership in Seventeenth-Century England* (New York, 1981), pp. 61–65, 158–59, 184–85.

troops killed or left behind in France. Upon returning to England, Hall “changed himself into woeman’s apparell,” resuming both female identity and needlework. Residing in the port of Plymouth, which was by the mid-1620s a point of embarkation for many colonial voyages, Hall remained a woman until the opportunity arose to sail for Virginia. He “changed againe his apparell into the habit of a man and soe came over into this Country” sometime late in 1627.²⁹

Both the evidence gathered by the community and Hall’s own historical narrative of identity figured in the General Court’s sentence of Hall. Compelling Hall to don men’s breeches, the court acknowledged the weight of the physical manifestations of sex that were of such importance to the diligent matrons of Warrosquyoacke. Governor Pott may have encouraged this anatomical interpretation of gender identity, having previously served the colony as a doctor. But the court did not find the physical evidence or the sentence of an imposed (and permanent) male identity sufficient. Their order that the male-clad Hall should mark his head and lap with female accessories—“a Coyfe and Crosclloth with an Apron before him”—attested to their power to punish by inscribing dissonant gender symbols on an offender, in this case, by demeaning a man with the visible signs of womanhood. Such a sentence mimicked Hall’s crime of diminishing the integrity of his male identity with female garb. The sentence may also have been the justice’s admission that self-confessed impotence, cross-dressing, and a history of female identity compromised an individual’s claims to the political and legal privileges of manhood.

The court’s decision that Hall should wear male attire topped by the apron and headdress of a woman seems at one level to affirm Hall’s claim to a dual nature by creating a separate category for him. Yet Hall himself never expressed his hermaphroditism in this fashion, choosing instead to perform his identity serially as either male or female. The judges’ mandate of a permanent hybrid identity for Hall was thus both a punishment and an unprecedented juridical response to gender ambiguity. Denying

²⁹ Hall’s claim to have participated in the English action at the Isle of Rhe provides some clues about the date of his arrival in Virginia and his whereabouts in the colony. The English invaded the Isle of Rhe in summer 1627 with disastrous consequences. Background on the conflict and the English intervention can be found in David Ogg, *Europe in the Seventeenth Century* (London, 1925), pp. 65–66, 191–92; M. S. Anderson, *War and Society in Europe of the Old Regime, 1618–1789* (New York, 1988), pp. 38, 41, 50. For an account of this military venture that is incorrectly dated, see *Virginia Magazine of History* 31 (1923): 212. If Hall returned from this action to live in Plymouth briefly before embarking for Virginia, he could not have arrived in the colony before late 1627. He most certainly could not have been the Thomas Hall listed along with John Tyos as residing on the plantation of the company treasurer in 1625.

Hall the right to choose a single identity—a marked departure from the usual European treatment of hermaphrodites—the judges asserted the importance of permanence for social constructs of gender even as they failed to define its essence. They may have believed they had found a creative solution to the problem of defending the boundaries of both maleness and femaleness from Hall's transgressive behavior. That they chose to shame him rather than inflict brutal corporeal punishment suggests that the court recognized Hall's value to his masters and to the colony as a laborer.

The court never addressed the matter of Hall's culpability for fornication. Nor did it address the consequences of the court-ordered hermaphroditic identity for Hall's future sexual activity. Rather, it concerned itself with "publish[ing]" the fact that Hall was "a man and a woeman" in Warrosquyoacke so that "all the Inhabitants there may take notice thereof." In doing this the court may have sought to prevent unwitting men from committing sodomy with the ambiguous Hall. Perhaps, too, the justices were trying to warn unsuspecting women not to allow him too much intimacy. They did take the precaution of requiring Hall to find sureties for his good behavior until the local court of Warrosquyoacke discharged him. Good behavior in this case seems to have meant both constancy of performed identity and compliance with the court-ordered signature of hermaphroditism, the mixture of male and female garb.

The General Court's interest in resolving the question of Hall's identity differed substantially from that of Hall's Warrosquyoacke neighbors, who had attempted to maintain gender boundaries by classifying Hall as one sex or the other. The court's decision to have Hall wear the clothing of both man and woman did not solve many of the dilemmas that had initially compelled Warrosquyoacke residents to approach their plantation commander. Master Atkins, for instance, was probably no closer to determining Hall's work assignment or freedom dues than he had been at the beginning of the investigation. Sadly, we will never know just how Hall's community addressed the problems raised by the court's sentence.

Despite the differences between the General Court's focus on establishing identity from a narrative of performance and the Warrosquyoacke matrons' insistent search for readable physical evidence, the two groups may have shared a belief in the essential historicity of female identity. For the married women, constructions of female bodies as pliable matter that bore the impressions of sexual histories made possible the constitution of their own authority as interpreters of those bodies. When Hall's body proved resistant to being read, the married women may have been inclined to see the "peece of flesh" as a penis and to categorize "him" as a man. For the General Court, conversely, Hall's historical narrative of

sexual identity may have effectively obviated the possibility of declaring him a man. Having divulged a historicized and mutable sexual identity, in other words, Hall made it difficult for the court to assign him a legal identity defined by a presumed constancy of political and economic function and an invulnerability to changes in sexual status. Although courts across the early modern world recognized maturation to manhood as an inherently teleological feature of male identity, adult manhood brought a stabilizing conclusion, vulnerable only to age and death. Hall's changes of gender as an adult may thus have precluded him from the privileges of manhood, provoking the court to tag him with clothing that symbolized the mutable quality of female bodies.



Although it is easy to appreciate the unique features of the Hall case, it is no less important to identify the broad contours of early modern Atlantic history that are implicated in Hall's narrative of identity. Closer scrutiny of Hall's courtroom tale reveals that Hall's text, as well as the life represented in it, was emblematic of the destabilizing effects of military conflicts, imperial rivalries, and colonial projects on early modern Europeans.

Hall anchored his account of shifting identities in the major historical events of the early seventeenth century. In his narrative, English military mobilization provoked the initial transformation "into the fashion of a man." Military defeat and a return to England led to a reaffirmation of female social identity and domestic work. England's colonial aspirations in the New World created an opportunity for migration that Hall rather significantly decided to seize as a man.

Hall's mutability was also emblematic of the ambiguous and tentative identities of English peoples recently settled in the New World. Many conditions contributed to the instability of English identities in Virginia, but among the most significant challenges were the encounter with a Native American gender division of labor that differed significantly from that of the English, the demands of the colonial economy for a more flexible division of labor than that which existed in England, the difficulty of translating English symbols and institutions of political authority into a colonial idiom, and the existence of powerful women in a society committed to, but only partially able to replicate, English-style patriarchal institutions. Hall's self-fashioned gender identity presented a baffling challenge to these already shaky articulations of English identity and political authority. Reports of Hall's hermaphroditism led to public refutations of the conclusions of matrons, masters, and plantation com-

manders. Hall's ability to tangle the lines of authority, forcing residents of Warrosquyoacke to improvise, was perhaps most evident in the unprecedented coed search for female genitalia. The attempts of community leaders and justices to define and "fix" Hall's identity reveals the complex ways in which the ideal of clear gender distinctions was an integral part of their vision of an orderly, stable society.

In addition, Hall's narrative of identity appears to conform to the patterns of other gender transgression narratives of the same period. In the story of Elena de Cespedes, a sixteenth-century Spanish individual of indeterminate sex, the transformation from femaleness to maleness is similarly described as including the adoption of male dress and military service, leading ultimately to a series of inspections at the hands of neighbors, local magistrates, and the Inquisition. Catalina de Erauso, an early seventeenth-century Spanish nun, metamorphosed her gender by changing her name and her habit and fleeing to the New World, where she served in the Spanish army. Upon returning to Spain in 1624, she received a pension and papal permission to continue dressing like a man. Several Dutch women, including Maritgen Jens and Maria van Antwerpen, changed their identities to leave low-paying employment in needlework and domestic service for more promising careers in silk thread production and the military. Perhaps most significant to this analysis is the tale of Mary Frith, which circulated in printed form in London during the years of Hall's residence there and may have influenced Hall's presentation of personal history as a series of choices about gender performance. Known colloquially as Moll Cutpurse, Frith experimented with serial identities before deciding to invent a costume that reflected her self-definition as neither man nor woman. Although there is no evidence of Hall's literacy, the popularity of Frith's tale makes it probable that even an illiterate London resident might have heard about her.³⁰

Several themes in these other stories resonate particularly well with those of Hall's own narrative: economic exigencies brought about by limited opportunities for female employment; the cutting of hair, an act replete with classical, biblical, and sexual meaning; the donning of male clothes for the first time; the establishment of male identity performatively through military service; and the preference for embarking on colonial adventures as a man. Like the other gender transgressors, Hall described his identity as the performance of tasks and roles. Neither Hall nor most of the others—with the possible exception of Elena de

³⁰ Bullough and Bullough (n. 10 above), pp. 94–101; Greenblatt, "Fiction and Friction" (n. 4 above); Dekker and van de Pol (n. 10 above); Perry (n. 6 above), pp. 127–35; Spufford, pp. 8–12, 53–54.

Cespedes—initially anchored their shifting identities in anatomy, although the mutable nature of early modern biological concepts would have made this possible. Rather, the burden of their gender identities resided in symbols, such as clothing and hair, and activities such as needlework.

Ironically, it is Hall's typicality as a gender transgressor in the early modern Atlantic world that points to the connections between sexual identities, as constructed and lived by individuals, and the major economic, political, and imperial events of the day. Hall and the other ambiguous and cross-dressing narrators talked about gender contextually, representing their identities as interwoven with imperial rivalries for new territory, trade, and military supremacy. The similarities in their stories suggest that, by the early seventeenth century, the Atlantic world may already have had its own sexual culture in which the narratives of gender identity and those of mercantilism and colonization had become mutually implicated in the practice of exploration, conquest, migration, and commodification.

What distinguishes Hall from the other subjects of these tales is the identity revealed by investigation. In almost every other case of nonaristocratic gender transgression in the early modern period, the ambiguous or "passing" individual is revealed to be a hermaphrodite or a female transvestite. The end of Hall's story takes an unexpected turn, however, with the matrons' conclusion that Hall was really a man. Before 1800, cases of male transvestism outside of aristocratic circles and the theater were extremely rare, and especially unusual in the context of Europe's Atlantic colonies.

Hall's atypicality among gender transgressors as the rare nonaristocratic man discovered in woman's clothing—in the rough-and-tumble world of a British colony, no less—alerts us to another possible explanation for his otherwise difficult-to-fathom behavior. In a world in which dressing as a man brought women expanded economic and political opportunities, Hall found it difficult to suppress his female identity. Although he offered a pragmatic and environmental explanation for his cross-dressing—what Marjorie Garber labels a "progress narrative"—which implied the occasional economic advantages of being a woman, very few of his contemporaries, male or female, would have agreed with him. Despite the attendant risks and disadvantages of being female in the seventeenth century, Hall found it personally useful, necessary, or comfortable to dress occasionally as a woman.³¹

Set against other transgression narratives of the period, Hall's stands apart both for the conclusions of his examiners that he was male and

³¹ Garber (n. 8 above), pp. 68–70.

for the inability of seventeenth-century medical or economic theories to explain his transformation. Neither moving to a state of greater perfection nor adopting a more expansive social role, Hall left his contemporaries—and, indeed, leaves us—baffled. We might hypothesize that early colonial Virginia, a settlement in which English women were scarce, may have afforded enough opportunities for upward mobility to tempt an individual like Hall to try to take advantage of them. He had, after all, renounced his male identity when such opportunities presented themselves in England. Yet such a theory raises as many questions as it answers. If early seventeenth-century Virginia was so favorable a place for women, why did more women not flock to the colony or more men attempt to pass as female? A more plausible explanation may lie with Hall himself. Perhaps “his” female identity was so deeply embedded as a consequence of a childhood and adolescence of female training and identification that he could not shed it. His cross-dressing episodes in Virginia appear then not as an example of what Garber calls a “progress narrative,” but as quite the opposite: a lived narrative of carefully selected, intermittent declension, compelled by an identity deeply rooted in a history of female performance.



We can only speculate about what, if anything, the different conclusions about Hall’s sex may have had in common. I have suggested that community investigations and legal examinations may have shared a belief in the historicity of femaleness and the functional constancy of maleness even though this conceptualization of difference ultimately led them to different conclusions. It is important to note that this concept of female historicity provided no firmer grounding for gender differences than early modern scientific theories, as male maturation to manhood was a crucial process in contemporary definitions of maleness. The problem with using a construct of historicity to define sexual difference only underlines the importance of performativity for understanding Hall, his narrative, and his complex sexual identity. As the perplexity of Hall’s neighbors and the sentence meted out by the General Court suggest, ordinary people’s concepts of sexual difference could not be easily reconciled with the behavior of an individual who periodically “changed himself . . . into the fashion of man.”