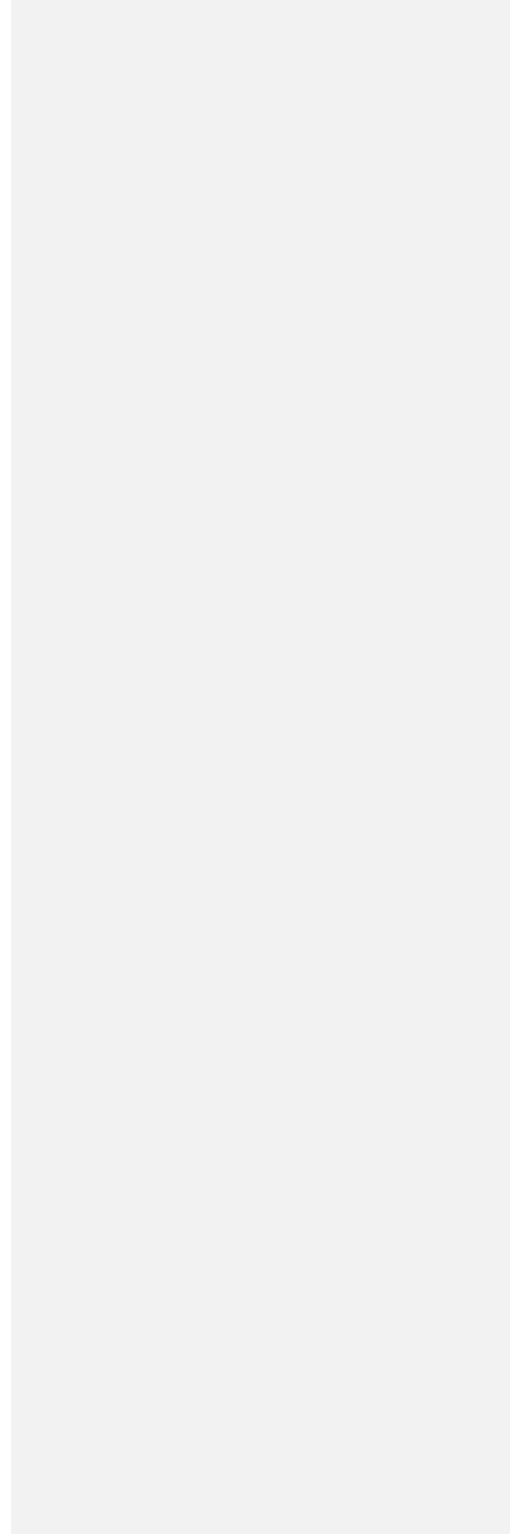


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Gender Non-Conformity in Late Nineteenth-Century America

Jonathan Yannes



I. Introduction

In the 21st century, our basic understanding of the history of transgender and gender non-conforming (GNC)¹ people begins with drag, sex work, and the lives of people in the 1960s and 70s that lead to the Stonewall Riots that spurred the modern LGBT movement within the United States and, some would argue, the world. However, proof of existence of those who did not identify with their assigned gender and chose to express themselves as an alternative beyond the binary has been found long before this. Nevertheless, the terminology they used for themselves and the details of the lives they lived have since become difficult to find without some adjustment or non-objective narration twisting by historians, anthropologists, and psychologists alike. The reasoning as to why these accounts have been impacted this way, and the truth of just how diverse or complex the social thoughts were towards transgender and GNC people in 19th century America is what I aim to understand.

The goals of this paper are to paint as accurate a picture as I can for what GNC people understood themselves to be in relation to the rest of the world at the time. This understanding varied drastically, as an individual's perception of themselves is deeply individualistic and complicated, and trying to find details about marginalized peoples conception of themselves

¹ My usage of transgender and gender non conforming have yet to be clearly defined and will be elaborated on later, but for this and later sections I will clarify that my usage of GNC will be an umbrella term for any individual that did not present with the gender they were assigned at birth.

during a time when their existence was taboo can be incredibly difficult. However, I believe that contrasting any kind of personal statements from GNC people I can find with larger evidence as to how gender was perceived in America during the 1800s will ideally create a broad image of what gender nonconformity looked like for individuals, given all of their extraneous circumstances. In particular, I will be examining the lives of three individuals who experienced gender nonconformity in three different ways, and will dissect the ways in which they were perceived by the public around them, as well as by later historians. As Marrison Crannell states in her thesis on gender nonconformity in medieval Europe, "Gender cannot exist without culture and neither can gender non-conformity—one cannot truly break the rules without knowing what they are".² By taking time to look at particular changing social views in the late 1800s with the rise of industrialization in the west, I believe this will enable me to make broader statements on the relationship between American culture at this time and the ways in which marginalized GNC people were able to express themselves with varying degrees of condemnation from the whole of society. Primarily, the reactions local news reported about GNC people and the legal repercussions of their actions will function as the clearest indications of how society at the time reacted to nonconformity as a whole, but some personal accounts that can be found to add nuance will be featured too.

The primary evidence from the actual time period is very revealing for how GNC people presented themselves in society, but anything written about gender nonconformity after that time has its own unique filter of analysis, as the realms of historical research in relation to gender and

² Marissa Crannell, "Utterly Confused Categories: Gender Non-Conformity in Late Medieval and Early Modern Western Europe" (Dissertations, University of Milwaukee, 2015)

LGBT+ people has changed over time as well. This is important to understand as I attempt to place different writers in conversation with each other, with many of them speaking about non conformity while addressing it through their own times' historical milieu. This includes the work of early women's history writing in the 1970s and 80s, and the early LGBT history taking place in the 1990s and into the early 2000s. Each of these schools were able to speak about nonconformity and larger gendered research in general, but do not frame individuals in history as outside of the gender binary. Rather, those studying women's history may speak solely about those who were assigned female at birth participating in male roles without addressing any concept that those individuals did not see themselves as female, or queer theorists (especially in the 90s) referred to those who were seen as nonconforming in their own time as simply gay or queer, with no further identify placed on them. These lines of research and analysis, while impactful for the times in which they were written, currently act as a barrier in the study of specifically gender non-conforming individuals, as it becomes difficult to study these figures with the information we have about them without first having to dissect the academia surrounding them, before even beginning to address the actual contexts of their lives.

Despite this, looking at each of the eras of analysis mentioned previously has great benefit to my research, as they are a part of why the dialogue surrounding transgender people within history has formed the way that it has – only with the rise of acceptance of transgender people are we now attempting to grapple with the fact that for a long time, we simply have not spoken about them to the point that their own accounts have been lost or viewed completely differently from the intention of the subject. Understanding how these stories have been

manipulated or changed over time may reveal to us why exactly there are such large gaps in the history of how LGBT communities and identities were shaped and formed over time.

II. Methodology

It is important in our efforts to truly create a narrative about gender non-conformity to first address what the basis of that particular conformity is and to push the minds of modern readers to recontextualize how gender has been conceived and constructed over time. Sex, though understood in our society as biologically structured and inherent in defining a difference between men and women, is in many ways an arbitrary dichotomy designed to enforce the societal structure that places men in a higher position of power than women. The actual limitations and definitions of sex and gender have fluctuated vastly over the span of human history, often reflecting the societal norms and ideas of the time and place in which they existed, as “distinctions between male and female bodies are mapped by cultural politics onto an apparently clear biological foundation. As a consequence, sex/gender systems are always unstable sociocultural constructions”³. Historians have tried in the past half century to analyze these boundaries within academia, in major part due to the linguistic turn of the 1980s that resulted in a post-structuralist approach that looks primarily at how language plays an unobjective role in the moderation and control of social constructions such as race, class, and gender. We can see how this revolution in dissecting sources and information shifted many subfields of history, particularly for those studying marginalized groups. As Barabara Melosh summed up in the introduction to her 1993 book *Gender and American History since 1890*,

³ Julia Epstein and Kristina Straub, *Body Guards: The Cultural Politics of Gender Ambiguity* (New York: Routledge, 1991), 2.

“Historians of gender have pushed against the boundaries of women's history to argue that cultural constructions of sexual difference fundamentally inform history. Thus the discourses of gender not only regulate the social behavior of men and women in sexuality, family, and work, but they also become ways of ordering politics and of maintaining hierarchies of all kinds. ‘Gender’ describes a fundamental understanding of difference that organizes and produces other relationships of difference- and of power and inequality.”⁴ By acknowledging that our discourse has the potential to shape modern constructs, it becomes even more important to grapple with gender non-conformity in a manner that is not a regurgitation of our own thoughts on gender, but actually considers the contexts in which gender could have been understood differently, and that the sources we have on many GNC people have their own contexts that they were written in. As we will see, instances such as women's studies writers analyzing people who spent over half a century presenting as male solely under the lens of them being biologically female makes it challenging to discuss the possibility that perhaps they did not see themselves as the researcher wrote about them.

It is for this reason that I argue a necessity for the post-structuralist analysis for this research in particular, as “post-structuralist assumptions about knowledge and its construction also imply the need for a new kind of historical writing, done in a self-critical voice that would acknowledge the partiality of historical knowledge and the *historians* own implication in the construction of gender”⁵. Without analyzing the secondary sources that I can find about GNC people to also understand why those academics may have chosen to write about them in the way

⁴ Barbara Melosh, *Gender And American History Since 1890* (Oxfordshire: Routledge, 1993), 5.

⁵ Melosh, *Gender*, 6.

that they did, this research would not be able to accurately reach any conclusions about the true expanse of gender nonconformity in the 19th century.

Terminology and semantics have always been a contentious layer of research and discussion when looking at gender identity over time, and will play an important role in shaping our understanding of who we are identifying as outside of the gender binary at a particular point in time. Much of the available source materials from this period will not be from the person describing themselves, but the legal, political, and religious institutions looking at an individual's 'perverse' gender and sexuality, and sorting it under the umbrella terms "sodomite" or "invert".⁶ What this says about the inherent ties between gender and sexuality, and the breakdown of these into separate categories over time will be explored later on as we observe how queer studies has evolved in the past thirty years, but it cannot be overstated. However, as we discuss people that we can no longer ask as to how they would have liked to be identified, I am going to use the pronouns 'they' and 'them' when referring to subjects outside of what primary sources referred to them as. This is since the main focus of this paper is to highlight how people would break from their structural hierarchies of gender, and therefore giving them any specified pronouns to one gender would be stripping them of their agency in that regard⁷. I will begin my look at some of the remaining information we have of specific GNC individuals on the premise of agency.

III. Case Studies

⁶ Kathy Piess, *Major Problems in the History of American Sexuality* (Boston: Houghton Mifflin, 2002), 19.

⁷ The debate surrounding pronouns, and the modern connotation of they/them pronouns being used to describe individuals who identify as nonbinary or otherwise nonconforming to the gender binary will not be elaborated on in this paper, as the usage of them in this context is solely to not gender our subjects that may have possibly had a preference for gender expression that we do not know.

This question of agency and perspective when discussing people whose stories are incomplete or missing much of their own thoughts drives the majority of this research. It complicates how exactly we choose to discuss them without fully knowing their own intent in their identities. However, some of the accounts that I bring now reveal how we can explore the ways in which gender has been perceived, and how different historians have attempted to give meaning to why an individual may have chosen to dress and act differently from the socially determined gender norms they were assigned at birth.

Three stories to exemplify this issue are that of Albert D.J. Cashier, Sarah Emma Edmonds, and William Dorsey Swann. To begin, Cashier was an Irish immigrant born biologically female with the name Jennie Hodgers, and immigrated to the United States in 1862 at age nineteen, where they served in the 95th Illinois infantry in the Civil War⁸. They fought in over 40 battles before being discharged in 1865 when the war ended. What's most interesting about their story is that of all the people who were born female and went into the army during the Civil War as men, Cashier is considered to be the only one to receive a full military pension. They continued to live their life fully understood by their community of Saunemin, Illinois as male, until 1913 when they were injured and the doctors treating them institutionalized them for their 'deteriorating mental health' and believing that they were male. They stayed at a state hospital in Watertown, Illinois until their passing two years later, after being forced to dress in women's clothes and inform all of their close friends and associates of their biological sex. This information was also posted in local newspapers, featuring a photo of Cashier from the war and

⁸ Bonnie Tsui, *She Went To The Field: Women Soldiers Of The Civil War* (Guilford, Conn: TwoDot, 2006).

another one showing the then 70 year old Cashier in a long coat and hat, still dressed in the contemporary masculine style. An important detail about these reports is that they continued to refer to Cashier with the name Albert and with their full military title, despite the headlines of the report being “Women Soldier in the 95th III”.

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One point that gives some clarity as to how their community reacted is that their close friends who had fought with him were the ones who petitioned for their war pension to continue even after being outed, arguing that they had still fought valiantly in war and deserved pension. Many community members also continued to see them as male, as one quote from a neighbor of Cashiers said in recollection of them, "On Decoration Day he always wore his uniform and led the parade, proudly carrying the big flag as slight as he was. He was in his glory when he did that." They were also buried under the name Albert J.D. Cashier in their full military uniform.

Another story that is similar to Cashier's but has distinct differences, is that of Sarah Emma Edmonds, another person assigned female at birth who chose to present masculinely to fight in the Civil War. Born in New Brunswick, Canada in 1841, Edmonds began as a soldier in the 2nd Michigan infantry, under the name Franklin Flint Thompson. They participated in numerous battles as a field nurse, before possibly becoming a spy for the Union.⁹ According to one quote taken from their diary, "I could best serve the interest of the Union cause in male attire- could better perform the necessary duties for sick and wounded men, and with less embarrassment to them and to myself as a man than as a woman."¹⁰ While this gives clarity to

⁹ Much of the accounts of their work as a spy comes from detailed explanations of their work in their diaries, but there is no corroborating evidence of their claimed spy escapades

¹⁰ Laura Leedy Gansler, *The Mysterious Private Thompson: The Double Life of Sarah Emma Edmonds, Civil War Soldier* (New York: Free Press, 2005), 25-26.

how some may have felt and answer why they chose to engage in the war in this way, it does not fully answer why in cases such as Cashier, some others chose to continue living under a male identity. It also does not clarify for us how the roles of gender were perceived by the general public, save for the idea that male soldiers would seemingly feel more comfortable being treated by other men than by women.

Edmonds continued to serve in the military until 1862, until they deserted after contracting malaria and were denied furlough, causing them to leave in fear of being discovered while still recovering. This point in their life is where they break from Cashier the most, as Edmonds went on to continue their life after the war presenting as female, and even re-acquainted themselves with former friends from their infantry back under the name of Sarah Edmonds. Edmonds later wrote a memoir of their experiences titled “She Rode With Generals,” although some of the information given in it has been disproved, mostly in their stories about their time as a spy for the Union. Some have attempted to understand Edmonds’ choice to include false details and imagined scenarios, including Patricia Wilde, who in her research on the sensationalized stories that women who were in the Civil War told, argued that “functioning as an ‘available means,’ sensational rhetoric allowed these women, in recounting their astounding experiences, to persuade reluctant readers to support their particular political and social causes.”¹¹ Nonetheless, these stories are also valuable for better understanding who Edmonds was, and how they may have wanted their life story to have been received by others.

¹¹ Patricia Ann Wilde, "BY HER AVAILABLE MEANS: THE SENSATIONAL RHETORIC OF WOMEN'S CIVIL WAR MEMOIRS" (*PhD diss.*, University of New Hampshire, 2015), 7

A final figure to look at, who had vastly different experiences in their journey as a non-conforming individual, is William Dorsey Swann. Swann was born into slavery in Maryland sometime around 1858. They were freed in their 20s and found work at a newspaper company in Washington DC and, at an unknown point, began hosting parties that would become pivotal to the origins of queer culture and resistance in the United States. They would host in their home what were known as Balls, in which Swann and other fellow freed men (for our purposes, people assigned male at birth) would dress in high fashion ball gowns and spend the late evenings together dancing. These Balls were frequently targeted by police, and on April 12th 1888, Swann's party was raided by police, which resulted in the first documented case of arrests for "female impersonation" in the United States.¹² The report from *The National Republican* the next day recounting the event was almost prophetic in their description, stating "many of the residents of F street and those on Eleventh and Twelfth streets northwest adjacent to F street who happened to be out of bed last night an hour before midnight witnessed a sight that they will not likely soon forget, and one, too promising to lay the foundation for future inquiry".¹³

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Swann is cited as one of the first people to ever declare themselves as a "Queen of drag", with drag being a term that would not become commonplace or inherently understood by the public as a man wearing feminine clothing until the mid 1920s.¹⁴ The term is said to have originated in Britain sometime in the 18th century to denote the skirts that male actors would wear when performing as female characters, but how Swann would have come into contact and

¹² Channing G. Joseph, "The First Drag Queen Was A Former Slave," *The Nation*, January 31st, 2020 <https://www.thenation.com/article/society/drag-queen-slave-ball/>

¹³ *The National Republican*, "'The Queen' Raided. Unexpected Interruption To Her Banquet And Ball". Clipping. April 13th, 1888. The Library of Congress <https://www.loc.gov/item/sn86053573/1888-04-13/ed-1/>.

¹⁴ Joseph, "The First Drag Queen"

begin using this word to describe themselves is unknown. Another part of Swann's story that connects directly to the origins of American LGBT history is that they are also the first identifiable queer person to have retaliated against police when being attacked based on their non-conformity. According to research done by Channing Gerard Joseph, the forefront journalist currently researching Swann's life, "as his friends fled the scene, Swann ran towards the arresting officer and reportedly said: 'You is no gentleman'".¹⁵ Swann was arrested and imprisoned for a number of years, but after being released continued to hold more Balls until their death in 1925.

IV. Gender Historiography - Women's and Queer Studies

What can now be addressed when evaluating these stories is how they have been discussed in academia in the past, since we as readers of history must understand how the authors themselves impact the creation of history as a discursive discipline. This does not apply solely to the figures mentioned in the previous section, but to any subject of gendered analysis.

Women's histories written in the 1960s and into the early 70s are understood as some of the first academic pieces to begin wrangling with the topic of gender, as they were primarily looking for evidence of the ways in which women had existed in the past when most historic accounts prior did not consider them at all¹⁶. However, in their efforts to write examples of women as the subjects of historical analysis, and as active players in the shifting economic and cultural shifts of time, writers of women's history had often found alternative explanations as to

¹⁵Ibid.

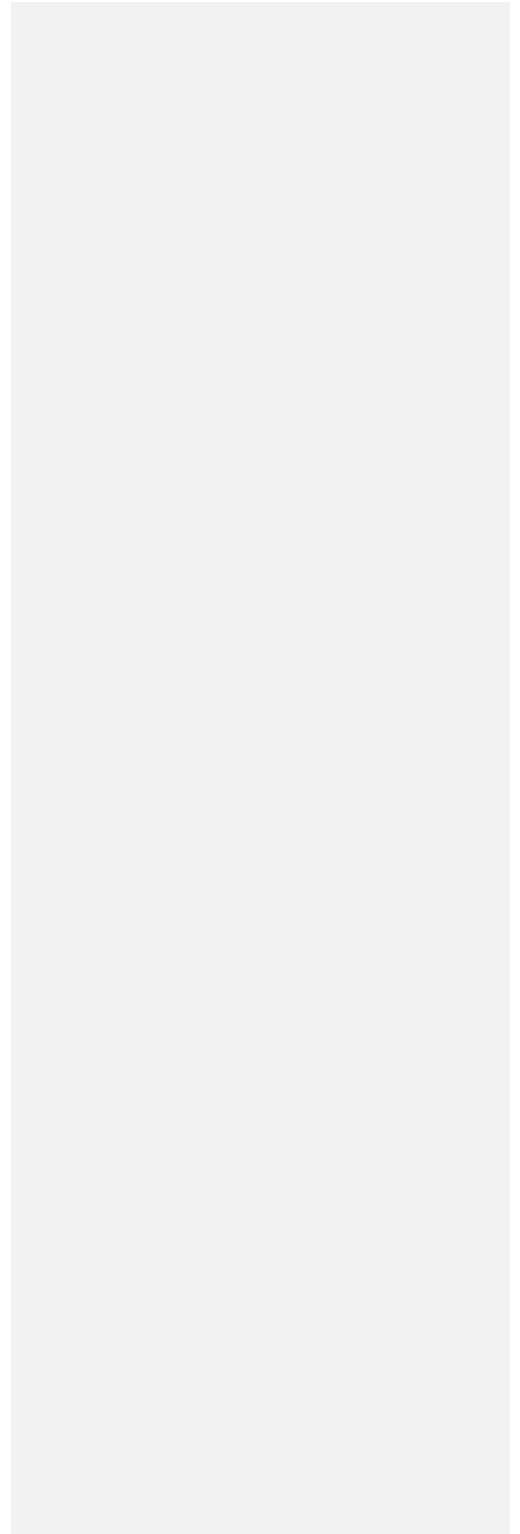
¹⁶ Gerda Lerner, "Priorities and Challenges in Women's History Research", *Perspectives on History* 26, no. 4 (April 1989): 17-21.

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why forms of gender nonconformity took place for those who were assigned female at birth.

Looking again at the stories of Albert Cashier and Sarah Edmonds, many historians that recounted their tales are women's historians attempting to uncover the stories of specifically women who fought in the Civil War, and what compelled them to turn to disguise.



The motivations surrounding Sarah Edmonds' choices have also been reanalyzed by the women's historians looking at their story in ways that could be argued as essentialist or even misogynistic. The primary biography about Edmonds written by Laura Gansler asserts that the reason Edmonds deserted was not because they had contracted a disease and was in fear of being discovered as they put in their autobiography, but that they left upon hearing that their lover and superior officer James Reid had resigned from their troop¹⁷. Although both events did occur and absolutely could have had a role in Edmonds' decisions, to conclude that it was primarily that they were no longer able to be with their close male associate that motivated their actions seems unfair and somewhat discriminatory towards Edmonds' perceived femininity. To make this assertion over their own autobiographical statements is also a disservice, no matter what other parts of their autobiography have been proven to be not entirely true.

For many, the story of Albert Cashier is one that is in line with the experiences of many women who changed their gender for economic autonomy. Fiona Ní Eidhin, who produced an Irish documentary episode about Cashier titled "Jennie Rodgers – Saighdiúir Lincoln", sums this up with "the only person who can really answer [how Cashier identified] is dead. But what everyone seems to agree on is that being a soldier was a well-paid job. It meant security, three square meals a day, \$13 a month, and a pension. It was a respectable job and would be a better way of life, providing you survived the war."¹⁸ Although the concept of women attempting to reach economic advancement through disguise or other means is well documented, it does not

¹⁷ Gansler, *The Mysterious Private Thompson*, 173.

¹⁸ Nora-Ide McAuliffe, "When Jennie Came Marching Home - An Irishwoman's Diary on Albert Cashier and the US Civil War," *The Irish Times*, April 10th 2018.

fully encapsulate Cashier's own decisions to live perceived as male for over 50 years, and does not address the emotional ties they had in their community as a distinctly male veteran and community leader.

For the stories of Cashier and Edmonds, the unclear nature of their non-conformity and motivations have made details of the war and its relation to women participating in the armed forces more complicated, considering the fact that both of them have been credited as the only women to have received military pensions after the war. In recent years, it seems there is more murkiness surrounding the subjects' true intentions or identities than ever before. Even the website for Albert Cashier's museum in Saunemin, Illinois fluctuates with the pronouns it uses for Cashier, often solely referring to them with their last name rather than using a gendered pronoun in its information. The actual number of 'female' fighters in the Civil War fluctuates drastically from source to source as well, as I have seen throughout my research estimates ranging between 250 to over 1,000. If we were able to parse out who among these numbers were actually interested in identifying as male, and could know the reasons why each of them chose to join the war efforts in the way they did, deciding who would still count as a female fighter would still be a huge source of contention for those whose only goal is to find women within history where they had previously thought to have not been.

However, the field of women's history has expanded vastly since its origins, and one pivotal direction that the field has been taken in is that of the poststructuralist turn. During the 1980s, a series of philosophers, historians, sociologists, and other scholars began expanding their areas of expertise to examine how the language and intentions of written pieces have an impact

on the structures of power being discussed directly or indirectly in them. For those in women's history, larger questions surrounding the importance of gender as a tool for historical analysis came into play, with visionaries like Michel Foucault, Joan Scott, and (somewhat later) Judith Butler all beginning to place gender and sexuality as not only descriptors or factors of a subject's life to examine, but as constructs that have been changed over the span of history. Foucault "wished to demonstrate how we use institutions and practices to impose order on our society by imposing order on ourselves through the device of individual identity"¹⁹ and in doing so with works such as his *History of Sexuality* constructed arguments about how sexuality and the concept of otherness in a society has been tied to labor, economics, and cultural change. It is important to note however that these pieces were not perfect in achieving that, in particular the *History of Sexuality* has its own major misgivings as it lacks evidence to support some of its major claims, and also pointedly does not feature the experiences of women in the majority of it.

With the explosion of academics exploring the topics of gendered analysis and the historic value of observing marginalized groups came the development of queer studies as an academic field. In *Saint Foucault: Towards a Gay Hagiography* David M. Halperin states that "queer is by definition whatever is at odds with the normal, with the legitimate, the dominant. It is an identity without an essence. 'Queer' then, demarcates not a positivity but a positionality vis-à-vis the normative".²⁰ By observing gender as not just between male and female experience, but as a theoretical construct that has norms and therefore breakages of the norm, queer theory is able to expand what we know about figures whose identities or backgrounds are less concrete,

¹⁹ William B. Turner, *A Genealogy of Queer Theory* (Philadelphia: Temple University Press, 2000), 8.

²⁰ David M. Halperin, *Saint Foucault: Towards a Gay Hagiography* (New York: Oxford University Press, 1997).

and allows their stories to be in a more gray space with contradictions and peculiarities that cannot be explained away with any essentialism or oversimplification of what they could have been.

Queer theory balances a series of other dichotomies in its conversations, in particular that between heterosexuality and homosexuality, and the implications of separating the two. However, it also highlighted in its early period the importance of placing gender and sexuality next to each other in conversations about one another, and extrapolating what the views on sexuality in a time period say about the gender roles at the time and vice versa. This is particularly crucial for this research, as many queer theorists studying the late 19th and early 20th centuries have noted the ways in which sexuality was viewed as an inherent factor of gender identity itself rather than a separate category. George Chauncey notes in his book on the evolution of the gay community in New York, “the fundamental division of male sexual actors in much of turn-of-the-century working-class thought, then, was not between ‘heterosexual’ and ‘homosexual’ men, but between conventionally masculine males, who were regarded as men, and effeminate males, known as fairies or pansies, who were regarded as virtual women, or, more precisely, as members of a ‘third sex’ that combined elements of the male and female”.²¹ Based on this information, it is possible that William Swann saw himself as a part of this third sex, although whether or not this label was something some people would accept or claim, or if it was solely a derogatory label placed on individuals by others is unclear. It is also important to note the fact that there was no version of the third sex that applies to people assigned female at

²¹ George Chauncey, *Gay New York: Gender, Urban Culture, and the Makings of the Gay Male World, 1890-1940*. (New York: Basic Books, 1994).

birth, and that much of the research done by early queer theorists focused much more heavily on men/people assigned male at birth.

Much surrounding the details of Swann's life is still unclear, especially considering that the sole biography of their life still has yet to be published. Nonetheless, further inquiry into their life and the influence they have had on the scape of modern LGBT life is absolutely needed and could reveal much more about early queer spaces in the United States. This goes to show how much is still needed in both womens and queer studies for a continuation of research surrounding the experiences of subjects, rather than focusing entirely on the post structural approaches.

V. Synthesis

Now that we are caught up with how gendered analysis has been applied in the past, we can look at what we understand about the 19th century to determine what the possibilities are for how these figures could have understood themselves.

While the concept of the 'third sex' (also commonly referred to as an 'invert' at the time) has been previously mentioned, this time period was also the first to begin using certain terms and concepts relating to gender and sexuality that are still relevant today, such as the coining of the term 'homosexual' in 1868²². Prior to this, terms such as 'sodomite' may have been used by

²² Brent Pickett, "Homosexuality", *The Stanford Encyclopedia of Philosophy* (Spring 2021), Edward N. Zalta (ed.), <https://plato.stanford.edu/archives/spr2021/entries/homosexuality/>

the church to describe a male attracted to other men, but the invention of this new term highlights one of the major turns of the 19th century with the decline in reliance to the church, as “in the 18th and 19th centuries an overtly theological framework no longer dominated the discourse about same-sex attraction. Instead, secular arguments and interpretations became increasingly common. Probably the most important secular domain for discussions of homosexuality was in medicine, including psychology. This discourse, in turn, linked up with considerations about the state and its need for a growing population, good soldiers, and intact families marked by clearly defined gender roles.”²³

It was these considerations of the state and the efforts of those attempting to form a more civilized, industrial society that created a medicalized and psychological understanding of gender, and in turn also turned the concepts of sex in towards the home. The shift in Victorian era thinking to secluding and immoralizing sex and expression outside of basic human necessity may have been, as Foucault suggested, done in part due to the industrialization of the west that shifted many workers thoughts on time and need/interest in sex to connect solely to the need to reproduce²⁴. While there has been a lot of contention with the accuracy of Foucault's claims, there is evidence of a correlation between the shifting labor practices of the time, and the legal ramifications of behaving outside of social norms in relation to gender.

In many ways, Victorian thought on sexuality was not entirely repressed, as it is often described, but rather shifted to be seen as a private, interior matter rather than a social phenomena. As particularly for American Victorians, sex was seen as the pinnacle of a

²³ Picket, “Homosexuality”.

²⁴ Michel Foucault, *The History of Sexuality*, (New York: Pantheon Books, 1978), 2.

relationship, “yet the nineteenth-century view of sex as the ultimate expression of love had remarkable cultural consequences” in part due to the reactions people then had towards the concept of gender non-conforming individuals participating in relationships and other social constructs that were being more and more defined by the strengthening gender roles.²⁵

During this time, many vagrancy laws were instituted across cities in the United States that could effectively punish anyone who was not actively employed, and who fell out of line with the societal norms being instated that focused on becoming a laborer and participating in supporting the family. An example of this is one ordinance passed in San Francisco in 1863, “if any person shall appear in a public place in a state of nudity, or in a dress not belonging to his or her sex, or in an indecent or lewd dress, or shall make any indecent exposure of his or her person, or be guilty of any lewd or indecent act or behavior, or shall exhibit or perform any indecent, immoral or lewd play, or other representation, he should be guilty of a misdemeanor, and on conviction, shall pay a fine not exceeding five hundred dollars”.²⁶ There was also the passing of the 1873 Comstock Law, which prevented any sexually explicit content from being able to be sent through the mail, further censoring any discussions that could be had transnationally about expressions of gender or sexuality by academics and regular people alike.²⁷

To the public, the reasons as to why specifically people assigned female at birth would want to experience life as a male – and the fact that many did undetected – intrigued them. So

²⁵ Kathy Piess, *Major Problems in the History of American Sexuality* (Boston: Houghton Mifflin, 2002), 230.

²⁶ Susan Stryker, *Transgender History* (Berkeley: Seal Press, 2009), 272.

²⁷ Susan Ferentinos, *Interpreting LGBT History at Museums and Historic Sites*, (London; Rowman and Littlefield 2015), 54.

much so that hundreds of newspapers from all across the United States and in the UK during the late 1800s into the early 1900s featured articles about these figures and their existence. Sometimes, their explanations as to why a woman would disguise themselves reflected what some historians have also put forward: either economic autonomy, or something related to a relationship gone awry. But as one report from the Elmore Bulletin in Rocky Bar, Idaho in 1892 described it, “although domestic trouble has undoubtedly lead many women thus to disguise themselves, the commoner stimulus, it would appear, is provided by that love of change and excitement which at one period of life takes possession of almost every one”²⁸. What this reveals is that the economic factors that would compel someone assigned female at birth to pursue an alternative lifestyle were not considered to be a primary, explanatory reason for non-conformity for the public. Instead, there was a different perspective that seems to hold autonomy and the desires of the person altering their gender above that. This is particularly intriguing considering how it was this economic autonomy that many historians have since adopted as a primary reason for their transitions.

The idea of transness, or of changing from one of the binary genders to the other, certainly fascinated the public. In turn, publishers jumped to capitalize on the unique strangeness of gender non-conformity to write about them. Nonetheless, there was still a general dislike towards the actual individuals, particularly those who were married or in a relationship with someone who was the same gender they were assigned at birth, as Jen Manion notes, “t he public was still hotly against those who transed genders, especially when marriage and the possibility of

Commented [BC3]: This change is totally up to you: with the comma here, you're defining transness as changing from one binary gender to the other. If you remove the comma, you're both referring to transness as a whole AND the idea changing from one binary gender to the other (with the two being related, but not the same). I totally understand why you might want the first, but it felt as though the essay as a whole was defining transness as analogous to gender non-conformity, whether or not it's a complete change from one gender to the other, which may be better represented by the second.

²⁸ Elmore Bulletin. "Women With Records." Clipping. 1892. *Digital Transgender Archive*, <https://www.digitaltransgenderarchive.net/files/pk02c9945> (accessed December 09, 2021).

sexual intimacies were on the table. But for laboring people trying to make a life for themselves during times of tumultuous economic and social transformation, marriage was as much a financial relationship as it was an intimate one.”²⁹ Manion encapsulates the multifaceted nature of the reactions to gender non-conformity, that while the basic concept of romance or intimacy seemed unnatural coming from someone who was not in their assigned roles, there was also an understanding about the state of the world, and the benefits that could be had when breaking the rules without getting caught. Perhaps then, in some ways, part of the reason why the public was so interested in hearing these stories had to do with their own sentiments towards the societal changes happening around them. Whether they felt constricted and therefore related to the wanting to experience change and freedom that the Elmore Bulletin alluded to, or saw gender nonconformity as an economic cheat that some people were utilizing, breaking from the society’s emerging values of clearly defined rules that they believed would determine themselves as civilized.

What I believe can most closely encapsulate what our case studies may have understood themselves as was an ‘other’. This may be an obvious assumption, as each of them were discriminated against in some fashion and in one way or another treated as an ‘other’ at different points in their life. But as this time period began a series of changes, so did their ability to be labeled and then identified as an ‘other’. It’s possible that for people like Cashier and Edmonds who found means to appear as another gender for long periods of time unknown to those around them, it was in some ways easier to do so with the new roles of what each gender can do and how they can appear being codified and made even clearer to people than ever before. For

²⁹ Jen Manion, *Female Husbands: A Trans History* (Cambridge: Cambridge University Press, 2020), 74.

Swann and all of their fellow dress enthusiasts, perhaps there was some solace or even identification with the new terms being put into the public to describe themselves. Although we don't know for sure Swann's sexual attraction, the connections between gender and sexuality for the public seemed to indicate that those with Swann engaging in communities of non-conformity may have been interested in connecting with these new psychological terms, ones that were based in Latin and had no immediate negative connotation, but rather neutrally labeled a subject.

The main conclusion we can make about what was being told to our subjects as they grew up in an age of changing norms was that there was now a role you had in society, and your gender was a major part of that. The awareness of gender and its ability to be malleable was now coming into the public eye in a way that it had not previously, and while this impacted many people's lives in a way they may have found restrictive or taxing, it was also a major turning point that would give way for new kinds of communities based on their unique relations to the structure that is gender. Even if we cannot say what they might have identified as, we know it's possible that they could have at least identified *as* something, which is incredibly valuable.

VI. Conclusion

I began writing this paper with the intention of just attempting to prove that there were GNC people in the 19th century, an idea that is based in the activist role of supporting my fellow trans and GNC people who feel unseen within history. I still maintain the belief that just as it is necessary for people to be able to understand their own identity through the world around them, it is necessary for a culture to be able to accept different identities through them being reflected in their history. However, the research presented from gender theorists of the past have pushed me to see just how the field can be benefited by attempting to move beyond that, and beyond the

want to normalize GNC existence within modern society through historical anecdotes. Rather, bringing these stories forward with a truly analytic eye focused on attempting to understand the structures surrounding the people who we've uncovered does much more for anyone actually interested in seeing how gender has functioned and has potential to progress as.

In many ways, this research leaves more questions surrounding the true interests of these figures than it does answers. When a second tombstone was erected in the 1970s directly behind Albert Cashier's original to include the name Jennie Hodgers, was it an achievement for historians and the public, finally recovering and praising a war hero in their entirety? Or was it disgracing a figure who had been laid to rest half a century prior under the only name they had wanted to be remembered by? Would Sarah Edmonds have preferred to be referred to as Franklin Thompson throughout this paper? Did William Swann have any idea of how meaningful their life would be for the future of American art and culture as we know it? All of these things cannot be answered by historians or by anyone alive at this moment, and therefore we as historians have the responsibility to try and uncover as much as we can, and then bring what we know forward in a way that places no absolutes or certainties about them, in order to give the subjects the agency that they deserve when they had not necessarily had it prior.

The future of trans and GNC academia is bright. We know that there will be more discussion on gender within the realm of higher education that addresses gender more conceptually and theoretically, but the ever growing political agendas surrounding trans existence and the new political interests in defining and categorizing GNC individuals in ways that can still be codified or made into structures of their own are now facing the new historians of

gender and their own abilities to write about it. Joan Scott has discussed this issue in her visionary essay “Gender: A Useful Category Of Historical Analysis,” stating that “political history has, in a sense, been enacted on the field of gender. It is a field that seems fixed yet whose meaning is contested and in flux. If we treat the opposition between male and female as problematic rather than known, as something contextually defined, repeatedly constructed, then we must constantly ask not only what is at stake in proclamations or debates that invoke gender to explain or justify positions but also how implicit understandings of gender are being invoked and reinscribed.”³⁰ What new gender historians choose to do with the information they have, and whether they choose to represent non-conformity as disruptive of structures or as a part of society that deserves to be normalized is up to them. The benefits and repercussions of either can only be understood with time as well.

Perhaps what we can take away from the experiences of those living in the United States during the 19th century is the destabilizing element of non-conformity. The purpose of being non-conforming, while not entirely up to the person who may feel like they don't belong in either binary gender category, can still be to disrupt the systems that make them marginalized, rather than attempting to join the binarisms that currently discriminate against them. In many ways, GNC people challenge the very concepts being inscribed upon society, just by existing. By allowing them the space to tell their stories, and telling their stories with as much space as possible for variations, contradictions, and peculiarities, the future of gender academia and the

³⁰ Joan W. Scott, “Gender: A Useful Category of Historical Analysis” *The American Historical Review* 91, no. 5 (1986): 1053–75, <https://doi.org/10.2307/1864376>.

landscape of gender as a whole has the potential to grow and morph in ways that we and those before us could hardly imagine.

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