

A Moral Household: The Morality of Plymouth Colony as Seen through Spousal Abuse Cases

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The laws and their enforcement in a society, such as the Plymouth Colony of 1620 to 1691, partially show the morals of that community. One cannot depend solely on the laws themselves, since that would only display the morals of those in power who made the laws. Thus, examining specific cases can reveal more about a society than a law ever could. Spousal abuse cases hold an interesting key to the morality of a society because the acts, typically performed in a private sphere, are difficult to enforce. Those involved in the acts (the abuser and the victim) connect to the crime in such a way that makes them unlikely to report it themselves.

The abuser has no need to turn themselves in as they believe that they were disciplining and not abusing the victim. The victim, or even other witnessing residents of the household, might feel too threatened to turn the abuser in since domestic abuse occurs within their shared domicile. Therefore, the victim or witness might be afraid to turn in someone who they then might have to live with if the proceedings fail. The victim, especially in a religiously homogenous society like the Plymouth Colony, might have the same morals as the abuser and thus could think they are receiving discipline and not abuse. The victim also might not know that a law against abuse exists or the extent it covers. Therefore, by studying the cases brought to court from the private sphere into the public sphere, one can gauge where morality lies and what possible bias is present.¹ Details such as who brought the case to court (victim, abuser, neighbor, etc.), the description of acts committed, and the

verdict of the case can all display where society in Plymouth Colony drew the line between righteous discipline and immoral abuse.

The seventeenth-century *Records of the Colony of New Plymouth in England*, or the Plymouth Colony Court Records, unfortunately lack detail in their descriptions of these matters. Court records provide the identity of the accused abuser, the victim of the alleged abuse, and the punishment given to the abuser. Often, the records supply little detail, if any, about who brought the case to court, the extent of the abuse entailed, and how often it took place. The Plymouth Colony Records also did not document the duration and frequency of abuse in each case or how often it occurred within a household. Nevertheless, the Plymouth Colony Records allow one to examine the gender and roles of those present in domestic abuse court cases. The minute details provided for each case can present information on what the court felt necessary to transcribe, actions acknowledged by the court to be abusive, the types of punishments assigned, and whether these punishments were carried out. Based on this information, Plymouth Colony spousal abuse cases reveal legally upheld abuse where the abuser was unnecessarily cruel and uncivil, and the punishments of these gendered cases varied in type and execution. The gendered implementation of the law displays the unequal boundary between righteous and immoral abuse in all spousal abuse cases and enforces the existing patriarchal structure of the Plymouth Colony.

Scholarship specifically on domestic abuse cases within Plymouth Colony is rare, with existing research on domestic abuse during this period not properly examining the subject and instead generalizing about the New England Colonies of the seventeenth century despite their differing political and religious foundations. Scholarship on domestic abuse cases within Plymouth Colony began with David H. Flaherty's 1972 book *Privacy in Colonial New England*. Although not the focal point of his book, Flaherty, a professor of law, history, and political science, uses the Plymouth Colony Records to defend his thesis on the prevalence of privacy in colonial New England regarding families and legal treatment.² He argues that the prevalence of domestic abuse in court cases throughout New England (though specifying Plymouth Colony in his evidence) between 1659 and 1673 shows how domestic matters became public by being brought to the courts.³ Establishing a pattern for future

scholarship, he focuses on New England and Puritanism as a whole, specifically using Plymouth records as evidence but not differentiating according to religious distinctions.

Lyle Koehler, an American historian, continues this pattern by using the Plymouth Colony Records to support his argument that women throughout New England were not liberated by Puritanism in his 1980 book *A Search for Power: the "Weaker Sex" in Seventeenth-Century New England*. Like Flaherty, Koehler does not focus on any particular community and generalizes the theology of the area. On the subject of domestic abuse in New England, Koehler states that although there were laws against it, scholars have not investigated whether abusers were prosecuted and to what extent. Furthermore, women had to have permission from their husbands to sue, limiting the ability of them to pursue legal action.⁴ Regarding domestic abuse specifically in Plymouth Colony, he references a 1655 case where a husband was ordered by the court to whip his wife at home as part of her legal punishment, showing that even the courts saw husbands beating their wives as righteous discipline. Koehler also posits that the Plymouth Colony Court typically admonished abusive husbands instead of punishing them, a point also supported by this essay.⁵ Koehler uses more Plymouth cases as evidence than Flaherty, but similarly does not differentiate much between the New England colonies in his analysis.

Elizabeth Pleck's research breaks the mold by differentiating the communities of Massachusetts Bay and Plymouth, calling the former "Puritans" and the latter "Pilgrims."⁶ Chapter one of Pleck's 2004 book *Domestic Tyranny: The Making of American Social Policy against Family Violence from Colonial Times to the Present* covers the social policies of colonial New England, as she ascribes the foundation of laws against domestic violence to the laws in New England. Much of her interpretation focuses on Puritanism and its moral influence on the legal code; however, it also includes evidence from the Plymouth Colony laws against domestic abuse with primary sources such as the *Plymouth Court Records, 1686-1856* and the *Records of the Colony of New Plymouth in New England*. Pleck argues that the Plymouth Colony's law against spousal abuse was likely influenced by the 1672 Massachusetts Bay Colony's law but does not go into detail on how they might have differed.⁷ However, a lot of the domestic abuse cases in Plymouth Colony occurred before the 1672 Massachusetts Bay

Colony's law was passed. Pleck differentiates between the New England communities unlike Koehler and Flaherty but still looks at them all through the lens of Puritanism without differentiating with respect to religion.

When historians have investigated the domestic abuse laws of colonial New England, they have used Plymouth Colony as evidence for their argument but never as the focal point of their research. They also tend to generalize the religious influence of these laws as being representative of Puritanism, without specifically referencing the Separatist strain of English Calvinism inseparable from the Plymouth Colony and how it changed their outlook on laws and morality.

A group of English Separatists known as the Pilgrims founded the Plymouth Colony in 1620. Separatism was a branch of Protestantism that saw the Church of England as corrupt and thus decided to split from them completely and make their own Church. Separatists, often called radical Puritans, with the difference being that Puritans wished to rectify and change the Church until there was no corruption, while Separatists believed that the only way to rectify the Church's corruption was to split from it. Some Separatists championed separation of church and state to achieve religious freedom and protect them from the persecution that they had faced in England. Plymouth Colony also did not have a royal charter to make laws like the Massachusetts Bay Colony and thus did not have to use English law as a basis for their own. Instead, they had a land charter, which gave them the opportunity to make their own laws on their own land, as long as they did not include something that would catch the attention of the British government.⁸ It is important to keep these differences in mind to examine the laws against spousal abuse passed in the Plymouth Colony in 1672 as a lens to compare to those in English common law and the nearby Massachusetts Bay Colony.

To further understand the rise of domestic abuse law in colonial New England, it is important to study the particular colonies' religious and moral community values that led to the creation and enforcement of these laws. Therefore, studies specifically about how Plymouth Colony spousal abuse cases were brought to and treated in court paint a clearer picture on the moral limits of the society as represented by the legal structure. The morals of the Plymouth Colony society in the spousal abuse cases recorded

in the Plymouth Colony Records were dependent on the gender of those who committed the acts, with men's punishments being lighter and waived more often than women's, thus creating a society not as morally progressive as their hearing of domestic abuse cases might lead one to think.

Wives appearing in the Plymouth Colony Court for abusing their husbands often faced punishment for actions that might have endangered the lives of their husband. This punishment imposed gendered moral standards to confine women to a more subservient role than men, since the women often faced punishments that were harsher physically and were actually enacted. Notably, the records also exclude the home environment, such as whether the wife was beaten by the husband and why she might lash out.

One case of a woman accused of beating her husband ended with her being jailed for a night and then punished to an unclear extent by her husband. In 1654, before the domestic abuse law of Massachusetts Bay appeared on the record, the court tried Joane Miller for assaulting her husband Obadiah Miller by "beating and reviling her husband, and egging her children to healp her, biding them knock him in the head, and wishing his victuals might coake him."⁹ For this crime, the court sentenced Joane to be punished at home. The courts put the power of legal punishment into the hands of her husband and thus purposefully created a power dynamic where it is right—and now supported by the justice system—for a man to punish his wife for her wrongdoings. There were no specific instructions, giving a blank check to her husband to punish her. This also does not ensure enforcement of law, as if Joane was the only abuser in the household, he might not have been able to conduct the punishment. The morals of society painted by this case were that courts expected and even encouraged men to punish their wives if they acted out, meaning that if women faced abuse in a household they might not go to court for fear that they may not be supported. The case of Joane and Obadiah Miller also presents the upheld societal morals that a man was expected to manage his wife, so if a man was being abused by his wife he would not be likely to go to court as it would show the public that he was not able to fulfill his role as a husband.

The societal pressures of masculinity may also exist in the abuse of Samuell Hallowey by his wife Jane, since it was their

neighbors, not the husband, who brought this case forward. On December 8, 1669, Jane Hallowey entered court over her turbulent actions and words to the point where her husband Samuella Hallowey could not live with her out of fear of death or bodily harm. A group of townspeople brought her to trial in one of the only cases that specifies who brought the case forward. Jane's trial by the townspeople suggests that she created a public disturbance that caused the community to rally against her. It also may be the case that her husband did not want to take his wife to court for his abuse since it would publicize his domestic failing to fulfill his husbandly role, even to the point where neighbors felt they had to intervene. Jane acted wildly in court and got sentenced to jail, but after one night was full of penitence for her actions and said she would do better. Her husband agreed to give her another chance and she was let go under hopes that she would improve.¹⁰ The following March, she was sentenced to public whippings in her town for her actions in court after she had given birth and recovered as she was pregnant at the time of this verdict.¹¹ This punishment was public, and thus meant to be a warning against unruly women to further enforce the gendered societal standard of subservience to men, and was much harsher than what abusive husbands faced in their sentences.

The court often did not punish cases of spousal abuse by a husband on his wife and, when punished at all, many men found their sentences lifted with pleas or promises of good behavior for which there is no record of accountability. Contrary to the response to abusive wives, the legal system did not treat violence by husbands against their wives as serious and thus enabled it.

Women had little political agency in the Plymouth Colony, leaving them without a voice to protect themselves and others from spousal abuse. They could not hold office or vote, and a married woman did not own her own property, as her husband was expected to fill this role and be sole legal executor.¹² A woman in Plymouth Colony would likely clear the name of her abusive husband because she would have to live with him afterwards.

Divorce did not serve as a way for these women to escape spousal abuse. The Separatist community of Plymouth Colony looked down upon divorce, and the only cases in which the courts would grant it were bigamy, impotence, and adultery.¹³ An examination of court documents reveals that it was men who asked

for divorce in this society, a result of the fact that women had nothing to gain from it. Society had no role for divorced women, only for those who were single or widowed, and so women would not be willing to pursue this avenue as this made their futures uncertain and cost them any status they might have held in society.¹⁴ Therefore, a woman who was a witness against her husband or did not protect her husband in court would then face the possibility of further and likely harsher retribution from her abuser when they returned to their domicile.

One of the first cases on record of a husband beating a wife resulted in the husband escaping his punishment because of community response defending his good character. The Plymouth Colony Court heard the case of Charles Thurstone abusing his wife on June 5, 1644, with the records not providing the specifics of the abuse. The court found him guilty and ordered that he be whipped at the post, but a petition by young men of Plymouth caused him to be relieved of his punishment as long as he had good behavior until the next court.¹⁵ Though he was found to be guilty, a group of men in the community claiming that he was generally upstanding despite this act of cruelty was enough for this punishment to be waived and for Charles to be let off with a warning. The power of male social networks in the Plymouth Colony is obvious in this case, with a presentation of wide public support for a husband to keep his wife in line with abuse because male society saw him as a moral figure.

Other cases showed men escaping punishments for spousal abuse because their victims vouched for them in court. In August 1665, John Dunham faced the court for beating his wife and tyrannizing her, as well as for frightening her by “drawing a sword and pretending therewith to offer violence to his life.”¹⁶ This case mentions that the abuse was continual. The Plymouth Colony Court sentenced him to a whipping, but a plea from his wife disbanded this punishment as long as he kept good behavior.¹⁷ A continually abused woman such as she would likely give a plea to clear her husband, as to avoid a worse beating at home. Her husband had beaten her for years and thus might have conditioned her to believe that she deserved it, evidenced by the fact that the case had only come forward once and after a significant duration of spousal abuse. One would suspect that if she had not experienced conditioning, this case might have emerged much earlier or on the first act of abuse.

Plymouth Colony and its moral beliefs might have socialized her to think a little abuse in the form of discipline was acceptable from the start—women were expected to be subservient to their husbands and thought to be morally weaker since it was Eve who committed the Original Sin under temptation of the Devil.¹⁸ The abuse could have escalated over that time and culminated with her husband drawing a sword, getting to a point that far outweighed possible moral discipline since he threatened his own life and it scared her.

A wife asking the court to let her abusive husband go without punishment also occurred in the case of Thomas Lucas. On March 2, 1668, Thomas Lucas faced the court for abusing his wife and children in an unspecified way. Thomas promised to be better, and his wife testified that he had not abused them since the incident for which he was accused. This testimony caused Thomas to be cleared, with his only punishment being admonishment.¹⁹ Though differing from the previous case in the duration of abuse, one might take the wife's testimony with suspicion when considering her lack of rights in the Plymouth Colony and the possible outcome she might face if she did not defend him from punishment. It is curious who would then put these two cases forward as the wives clearly had no will to publicly punish their abusive husbands, and it is not probable that the husband would admit himself to the court for the act.

Punishments conducted on convicted men were rare and not very violent. Richard Marshall, who kicked his wife off a stool and into a fire, was made to sit in stocks, which the court carried out.²⁰ This case can be used to directly compare a punished abusive wife and a punished abusive husband, as both the case of Richard Marshall and Jane Hallowey were brought to court because they risked the health and life of their partners. Jane faced jailtime for this crime, only getting out on a plea from her husband, but she was then sentenced to be publicly whipped for her actions. Richard's sentence, meanwhile, consisted of only sitting in stocks. While still a public punishment, it was a lot less harsh than the one Jane faced. Ralph Earle, accused of "drawing his wife in an vnciuell manor on the snow," similarly caused bodily harm to his partner, but his punishment consisted of paying a mere fine of twenty shillings.²¹ It is clear through these direct comparisons that men faced less harsh punishments than women for spousal abuse, even when their described actions were the same.

Even extensive abuse did not necessarily result in harsher punishments for men. Over the course of two years, John Williams was accused of “abusiue and harsh carriages towards [his wife] both in words and actions” by his wife and her brother.²² He countersued, accusing his wife of unfaithfulness and adultery in retaliation, but the court dismissed this as they saw no evidence for it and Elizabeth pleaded innocent.²³ As punishment for the abuse and defamation, he was ordered to provide a stipend of ten pounds a year, supplies, and a third of his land to his wife who was then allowed to separate from him, as well as “stand in the street or markt place by the post with an inscription ouer him that may declare to the world his vnworthy carriages toward his wife.”²⁴ Elizabeth interestingly made a plea for the second part of the punishment to be revoked even though she no longer shared the same living space with him, though it is possible she did this because she no longer suffered his abuse and wanted to ensure that he would give her the stipend and supplies as ordered by the court. John was also fined twenty pounds for the use of the government since the case took up so much of the court’s time.²⁵ This extensive court process of an abusive husband still resulted in a lighter punishment than the cases of abusive wives, as the most that came from his spousal abuse was a bit of public embarrassment through wearing a sign listing his misdeeds and a fine for using the court system so much.²⁶

In all these cases, it is evident that the courts treated husbands more favorably than wives in spousal abuse cases, displaying what appears to be an intentionally gendered morality to uphold existing gendered social dynamics in the Plymouth Colony. Many husbands’ cases had waivable punishments and cases of abused wives submitting pleas for their abusive husbands’ releases from their punishments occurred likely due to societal pressure and fear of experiencing abuse again.

By focusing on the many cases of spousal abuse in Plymouth Colony, before the law against domestic abuse was enacted in 1672 in the Massachusetts Bay Colony, this essay displays that Plymouth Colony’s morality around this subject was not just impacted by the law of their neighbor colony. The specifics of the Plymouth Colony’s response to spousal abuse illustrates both the gendered roles and traits imposed by the community of men, whose abuse was seen as moral discipline, and the corresponding subservient role of women,

who faced scrutiny and public embarrassment in the court system—both for beating their husbands and for trying to escape abusive relationships. This research provides a clear picture of gendered life and roles in the colonial period, as different societies had different laws surrounding domestic abuse. Even societies like the Plymouth Colony, who seemed progressive at face value because they heard cases of domestic abuse from both men and women, still enforced very strong traditional gender norms.

Notes

- ¹ Flaherty, *Privacy in Colonial New England*; Bloch, "The American Revolution, Wife Beating, and the Emergent Value of Privacy."
- ² "David H. Flaherty," The Osgoode Society for Canadian Legal History.
- ³ Flaherty, *Privacy in Colonial New England*, 58-59.
- ⁴ Koehler, *A Search for Power*, 49, 139-142.
- ⁵ Ibid, 46, 141.
- ⁶ Pleck, *Domestic Tyranny*, 229.
- ⁷ Ibid, 21-22.
- ⁸ Fennell, "Plymouth Colony Legal Structure."
- ⁹ Shurtleff, ed. *Records of the Colony of New Plymouth in New England*, Vol. 3, 75.
- ¹⁰ Shurtleff, ed. *Records*, Vol. 5, 29.
- ¹¹ Ibid, 31.
- ¹² Fennell, "Plymouth Colony Legal Structure."
- ¹³ Demos, *A Little Commonwealth*, 93-96.
- ¹⁴ Neuzil, "Women in Plymouth Colony, 1633-1668."
- ¹⁵ Shurtleff, ed. *Records*, Vol. 2, 73.
- ¹⁶ Shurtleff, ed. *Records*, Vol. 4, 104.
- ¹⁷ Ibid, 104.
- ¹⁸ Demos, *A Little Commonwealth*, 82-84.
- ¹⁹ Shurtleff, ed. *Records*, Vol. 5, 16.
- ²⁰ Ibid, 61.
- ²¹ Shurtleff, ed. *Records*, Vol. 4, 47.
- ²² Ibid, 106.
- ²³ Ibid, 106.
- ²⁴ Ibid, 126.
- ²⁵ Ibid, 126.
- ²⁶ Fennell, "Plymouth Colony Legal Structure."

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