

ABSTRACT

Self-Interest, Obligation, and Anxiety:
Abortion Ethics in Colonial New England

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This thesis considers how colonial Americans in late seventeenth and early eighteenth-century New England perceived and regulated abortion. After reviewing medical, legal, and religious texts from the time, I propose that colonial authorities generally did not view abortion as an issue, except when it was perceived as an attempt to hide sexual immorality. Even so, records of court cases involving abortion show that colonists hoped to keep instances of abortion from the attention of these authorities. This tension provides insight into colonial anxieties regarding self-interest, communal obligations, and sin.

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SELF INTEREST, OBLIGATION, AND ANXIETY:
ABORTION ETHICS IN COLONIAL NEW ENGLAND

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PREFACE

Abortion in the United States, as both a political, social, and religious issue and a lived reality, has involved questions of power since the colonial period. There are, after all, several actors involved, whose beliefs, interests, hopes, and fears influence, to varying degrees, whether an abortion will take place. One such actor is the woman carrying the child; as the pregnant person, her body and future are at stake.¹ However, pregnant people do not make choices about their pregnancy alone; the influence or coercion of partners, family, friends, and even social structures—such as those of church and state—contribute to the outcome of a pregnancy. If these actors do not agree on the proper course of action, a struggle over the power to decide may ensue. This project will consider abortion in colonial New England through this framework of power and powerlessness. I will ask who and what influenced reproductive decisions and explore the character of those choices. Throughout, I will show that colonists responded to abortion by weighing social norms and anxieties against their personal interests and responsibilities. In doing so, these colonists struggled to appease or avoid the attention of colonial authorities while making potentially deviant reproductive and sexual choices.

These kinds of questions—and the dynamics of power they explore—are familiar to those studying women's history. Since the emergence of the field in the 1960s and 70s, women's historians have endeavored to explore and understand the past through the experiences of women, which scholars have long ignored, distorted, and undervalued.

¹ I use she/her pronouns and female imagery and language to describe the women in this study because I have found no evidence to suggest that they did not view themselves through a framework of womanhood.

This approach to history calls attention to the intersections of powerlessness and privilege that have influenced the lives of both men and women throughout time and space. For instance, the documentation and preservation of certain stories over others speak to a particular kind of privilege; historically, educated, affluent, white men have held disproportionate access to the resources needed to leave a written contribution to the historical record and the audiences required to appreciate that record.² Women's historians attempt to overcome this obstacle by paying special attention to sources that speak to women's experiences, such as letters, diaries, court cases, published narratives, church and family records, and even material objects, such as works of art and homeware.³

For scholarship that involves the study of sexuality and reproduction, the influence of power and powerlessness in women's lives becomes even more apparent.⁴ While women's experiences of sex, pregnancy, and childbearing should not be generalized, the historical prevalence of patriarchy, racism, classism, and so on have made women particularly vulnerable to sexual and reproductive harm, exploitation, and influence. As such, historians working in this area often frame their discussions around issues of power. By centering the historical conversation around women, these questions

² For a discussion of "the double burden of race and gender in the academy," see Mia Bay, "Black Women Historians and Black Women's History," in *Major Problems in American Women's History*, ed. Sharon Block, Ruth M. Alexander, and Mary Beth Norton (Stamford: Cengage Learning, 2014), 17-18.

³ For creative uses of such sources in the field of colonial American women's history, see the work of Laurel Thatcher Ulrich, particularly in *Good Wives: Imagine and Reality in the Lives of Women in Northern New England, 1650-1750* (New York, 1982) and *A Midwife's Tale: The Life of Martha Ballard, Based on Her Diary, 1785-1812*. (New York, 1990).

⁴ For a comprehensive definition of sexuality, see Sandra Longfellow and James Nelson, eds. *Sexuality and the Sacred: Sources for Theological Reflection*, vol. 1 (Louisville: John Knox Press, 1994), xiv. When referring to sexuality, I utilize their definition, which "includes the range of feelings, interpretations, and behaviors through which we express our capacities for sensuous relationships with ourselves, with others, and with the world."

turn to women's relative autonomy and how their historical contexts influenced their experiences.

Historians studying sexuality and reproduction in colonial New England in the seventeenth and eighteenth centuries have typically contributed to this conversation by exploring the various means through which colonists experienced sexual regulation. For example, in *Daughters of Eve*, Else Hambleton proposes that the effective prosecution of sexual deviancy alongside norms of monogamous, heterosexual marriage and female chastity kept rates of premarital sex relatively low while also encouraging the courts to disproportionately punish women for fornication.⁵ Michelle Morris approaches the topic from a different angle and argues that, while the courts sought to punish sexual deviancy, ordinary people held little interest in the sexual affairs of others and only intervened in cases that impacted them, or their families, personally.⁶

However, while substantial work has been dedicated to studying sexual and reproductive regulation and deviancy in colonial New England, few works have focused on cases involving abortion. Of these few, perhaps the most notable is Cornelia Hughes Dayton's "Taking the Trade: Abortion and Gender Relations in an Eighteenth-Century New England Village." Here, Dayton argues that abortion itself was not necessarily a criminal act, but rather was condemned when used to keep a community from discovering instances of fornication.⁷ Similarly, Carla Spivack proposes that any unease

⁵ Else Hambleton, *Daughters of Eve: Pregnant Brides and Unwed Mothers in Seventeenth Century Essex County, Massachusetts* (Oxfordshire: Taylor & Francis, 2004), 153-158.

⁶ Michelle Morris, *Under Household Government: Sex and Family in Puritan Massachusetts* (Cambridge, Massachusetts: Harvard University Press, 2013), 5, 28.

⁷ Cornelia Hughes Dayton, "Taking the Trade: Abortion and Gender Relations in an Eighteenth-Century New England Village," *The William and Mary Quarterly* 48, no. 1 (Jan. 1991): 23.

arising from abortion cases in fifteenth to seventeenth century England stemmed from “concerns...based on its providing a means to enable or conceal extra-marital sex.”⁸

Overall, the literature, sparse as it is, seems to suggest that colonists held few qualms about abortion itself, though they remained anxious about legal and religious authorities discovering instances of sexual deviancy.

This project will examine the veracity of Dayton and Spivack’s conclusions through a more expansive review of criminal cases involving abortion attempts in colonial New England. Whereas Dayton examines one such case—which I will also discuss—and Spivack focuses entirely on sources from England, this piece will analyze three occurrences in New England: that of Sarah Grosvenor in 1745, Elizabeth Wells in 1669, and Amy Munn in 1699.

Each chapter will highlight the various actors who engaged with instances of abortion in their communities, with the goal of illustrating how religious, social, and legal norms combined to impact colonial responses to abortion. To establish the necessary context, chapter one discusses the influence of religious and political leaders in colonial New England and the norms they hoped to promote among their constituents. Chapters two, three, and four explore the significance of these norms by analyzing their impact on the lives of everyday people. Finally, in the conclusion, I will explore what this historical narrative might have to offer for those interested in contributing to the ever-developing field of women’s history.

While this project is a historical work, I nevertheless remain concerned about the modern abortion debate in the United States. I will be forthright from the start and say

⁸ Carla Spivack, “To “Bring Down the Flowers”: The Cultural Context of Abortion Law in Early Modern England,” *The William and Mary Journal of Women and the Law* 14, no. 107 (2007): 107.

that my sympathies most closely align with the beliefs espoused by the “pro-choice” movement. However, I do not want to write “pro-choice” history. After all, such labels did not exist for colonial Americans, nor would the modern abortion debate seem familiar to them. Consequently, to fixate on contemporary ethics is to underestimate the complexity of the past and risk creating a narrative that distorts it. Instead, this project is an attempt to strengthen our understanding of the history of abortion ethics in America, with that hope that such a history will raise new questions and offer new perspectives as women’s historians, ethicists, and everyday people work to make the world a more just place

CHAPTER ONE

Legal and Religious Norms

On May 27th, 1663, minister John Higginson stood before the Massachusetts general court and delivered a sermon later published under the title *The Cause of God and His People in New-England*. As he looked upon his audience—reportedly made up of court officials, deputies, church leaders, and “other *Godly people*”—Higginson likened them to the biblical tribe of Israel.¹ Like the Israelites, he said, New Englanders shared a particular duty to recognize “[God’s] written word... as the onely Rule” which no “power upon earth... [could] lawfully hinder.”² According to Higginson, even the “Civil Government [was] to be subservient unto Religion, as its ultimate end.”³ With these proclamations, Higginson echoed a sentiment which encapsulated contemporary Puritan thought on the authority of the Bible; while civil institutions might maintain law and order, God’s word reigned supreme.

Theoretically, this acceptance of God’s inherent authority subjected New Englanders to three distinct—though by no means separate—forms of governance: biblical, civil, and communal. An action which had one set of legal ramifications might also carry with it a spiritual consequence, which, in turn, could impact one’s relationship

¹ John Higginson, *The Cause of God and His People in New-England, as it was Stated and Discussed in a Sermon Preached before the Honourable General Court of the Massachusetts Colony, on the 27 day of May 1663. Being the Day of Election at Boston* (Cambridge: Samuel Green, 1663), 18, Readex: American Sermons; emphasis found in text.

² Higginson, *The Cause of God*, 13, 17.

³ Higginson, *The Cause of God*, 19.

with their community. Ideally, one's civil government, church, and community would work together to hold its members accountable to legal, religious, and individual expectations. Within this framework, the New England colonies would please God if these institutions successfully engendered these standards.

This thesis considers how these institutions regulated abortion. To do so, I ask three basic questions. First, I establish what norms, if any, each group prescribed regarding the issue. Within this vein of questioning, I ask how these norms manifested in laypeople's lives; in other words, to what extent and in what ways did they maintain or disregard the expectations held by colonial authorities? Finally, I consider how the social context of colonial New England informed both abortion norms and institutional and communal reactions to those norms.

This chapter will apply the questions of norms and social context to New England courts and churches, while the following three chapters will examine how various colonial communities internalized these norms when faced with cases of abortion. To establish the context needed to consider individual abortion cases, this chapter will focus on how and why New England civil and religious leaders attempted to regulate sexuality and reproduction in their communities. I will not attempt an all-encompassing review of these institutions and groups, but instead will focus my attention on their understandings of abortion, sex, and pregnancy. In doing so, I argue that both civil and religious authorities were uninterested in regulating abortion, though they anxiously supervised the lives of their constituents in other ways, particularly by prosecuting and condemning fornication and infanticide.

Unfortunately, it is beyond the scope of this chapter to consider class, economic, time, or location specific distinctions that certainly made every woman's experience of pregnancy and sexuality unique, while also influencing the ways civil and religious authorities responded to their sexual and reproductive experiences and behavior. For instance, the sources explored here—obstetric literature, legal codes and commentaries, and religious publications—do not necessarily speak to the experiences of women of color in New England.⁴ After all, women of color—specifically African and indigenous women—in North America did not necessarily subscribe to European understandings of gender, sexuality, pregnancy, or motherhood. To assume otherwise is to deny the realities of these women's lives, in which their cultural and social identities persisted even as white colonists sought their land and labor. Thus, this chapter speaks to the experiences of white New Englanders in a general sense and suggests that abortion was not viewed as a deviant legal, religious, or moral act among white European civil and religious authorities.

Legal and Medical Thought on Abortion, Infanticide, and Pregnancy

Old and New English legislation during the seventeenth and eighteenth centuries offered neither proscription nor protection for abortion, while simultaneously criminalizing and prosecuting infanticide. Proscriptive abortion policy would not appear until the nineteenth century: first in Britain in 1803 and two decades later in the United

⁴ Further study is needed to fully explore the influence these sources—and the norms they relay—had on women of color in the colonies. Of particular interest to such a study might be Jennifer L. Morgan, *Laboring Women: Reproduction and Gender in New World Slavery* (Philadelphia: University of Pennsylvania Press, 2004) and Ann Marie Plane, *Colonial Intimacies: Indian Marriage in Early New England* (Ithaca, N.Y.: Cornell University Press, 2000).

States, in 1821.⁵ In contrast, historians Peter Hoffer and N. E. H. Hull have found that legislation aimed towards exposing and punishing infanticide first appeared in England in 1558 and have remained in place in various forms since.⁶ This discrepancy highlights seventeenth and eighteenth century thought on fetal development. Legal and medical authorities of the time simply did not perceive fetuses as beings with complete personhood; only after a child entered the world would it be afforded such status. A review of legal and medical literature published during this period shows that this early modern understanding of pregnancy and fetal development directly informed legislative policy—or lack thereof—regarding both abortion and infanticide in colonial New England.

Early modern English common law, or “the part of the law...which is derived from custom and judicial precedent rather than prescribed by statutes,” illustrates the differing legal status of fetuses and children.⁷ While the extent to which the New England colonies deferred to English common law fluctuated over time, they did not stray from its stance on abortion and infanticide.⁸ Sir Edward Coke described this stance in a treatise on English law originally published in 1644:

If a woman be quick with childe, and by a potion or otherwise killeth it in her wombe; or if a man beat her, whereby the childe dieth in her body, and she is

⁵ James Mohr, *Abortion in America: The Origins and Evolution of National Policy, 1800-1900* (New York: Oxford University Press, 1978), 3-45.

⁶ Peter C. Hoffer and N. E. H. Hull, *Murdering Mothers: Infanticide in England and New England 1558-1803* (New York: New York University Press, 1981), ix-x.

⁷ “common law, n. and adj.,” Oxford English Dictionary, accessed February 18, 2023, <https://www-oed-com.ezproxy.baylor.edu/view/Entry/37241?redirectedFrom=%22common+law%22&p=emailA0BdYarp8XEr6&d=37241>.

⁸ William Nelson, *The Common Law in Colonial America: The Chesapeake and New England, 1660-1750* (Oxford: Oxford University Press, 2016), 69.

delivered of a dead childe, this is a great misprision, and no murder; but if the childe be born alive, and dieth of the potion, battery, or other cause, this is murder: for in law it is accounted a reasonable creature, *in rerum natura*, when it is born alive...If a man counsell a woman to kill the childe within her wombe, when it shall be born, and after she is delivered of the childe, she killeth it; the councillor is an accessory to the murder, and yet at the time of the commandment, or councill, no murder could be committed of the childe in *utero matris*...⁹

Here, Coke makes two distinctions about personhood which characterized beliefs about pregnancy at the time: quickening and reasonability. First, English courts only recognized the death of fetuses after quickening, or “the first perception of fetal movement by the pregnant woman... generally [occurring] near the midpoint of gestation, late in the fourth or early in the fifth month.”¹⁰ Secondly, a death could only be classified as murder if the child was “a reasonable creature,” or living outside of the womb at the time of death. Under this custom, the accidental or purposeful death of a fetus did not classify as a murder, regardless of the circumstances or context. A further exploration of early modern beliefs on fetal development will illustrate the significance of this policy.

The qualifications for personhood discussed in Coke’s treatise reflect the often disordered and tentative extent of seventeenth and eighteenth-century obstetric knowledge. Published medical texts on the subject often read more like guesswork than a decisive collection of facts; for example, in *A Directory for Midwives*, author Nicholas Culpeper prefaced his discussion of fetal development by acknowledging that it “is the difficultest piece of work in the whole Book, nay in the study of Anatomy, because such

⁹ Edward Coke, *The Third Part of the Institutes of the Laws of England: Concerning High Treason, and other Pleas of the Crown, and Criminal Causes* (London, 1809), 50.

¹⁰ Mohr, *Abortion in America*, 3.

Anatomies are hard to be gotten.”¹¹ In other words, because the growth of a fetus could not be readily or consistently observed, it was difficult to reach any definite conclusions about the process. This uncertainty influenced women’s experience of childbearing and made quickening a significant legal and biological marker of pregnancy and fetal development.

The quickening of a fetus provided the first semi-conclusive evidence of a pregnancy, making it a natural point of reference for medical experts, the courts, and, of course, women themselves. For example, Sharp centered her understanding of fetal development around quickening, writing that a fetus “moves in double the time he was formed, and is born in thrice the time after he began to move. If the Child be fully formed in forty days, he will move in ninety Days, and be born in the ninth Month.”¹² With this information, pregnant women could use their first perception of fetal movement to pinpoint the likely time of conception, allowing them to estimate how far along they were and when they could expect to deliver. This information was of use to the courts as well, as seen in Coke’s discussion of English common law. Coke did not refer to the legal ramifications of harming a fetus before it had quickened because it was simply impossible to prove such a fetus existed at all. Though the medical consensus of the time recognized that fetal development began at conception, a pregnancy could not be medically, legally, or personally confirmed until quickening had occurred.

¹¹ Nicholas Culpeper, *A Directory for Midwives: Or, A Guide for Women, in Their Conception, Bearing, and Suckling Their Children* (London: J. Streater, 1671), 47-48.

¹² Jane Sharp, *The Compleat Midwife’s Companion: Or, the Art of Midwifry Improv’d. Directing Child-bearing Women how to Order themselves in their Conception, Breeding, Bearing, and Nursing of Children* (London: 1725), 90.

However, as Coke’s treatise shows, quickening did not endow a fetus with the rights of a living child or adult. While the killing of an infant or child could be prosecuted as murder under common and colonial law, the killing of a fetus could not. Indeed, the high prosecution rates for infanticide in New England show that the colonial courts were quite interested in punishing the murder of neonates, while they simultaneously maintained a disinterest in prosecuting abortion. For instance, Hoffer and Hull have found that New England courts—particularly those in Massachusetts—saw and convicted more cases of infanticide than other “violent death” charges, while also punishing those convicted of infanticide more severely.¹³ Likewise, Kathleen Brown has shown that, following two notorious cases of infanticide in the 1690s, the Massachusetts courts took on an English statute which made “the mere concealment of a birth of a dead illegitimate child...sufficient evidence for convicting the mother of infanticide,” marking that decade “as the least forgiving of mothers who killed their illegitimate infants.”¹⁴ That the New England courts prioritized both the prosecution and harsh punishment of infanticide but not abortion demonstrates that fetal life was not entitled to the same legal rights—or religious concern, as the next section will show—as living infants and children.

Overall, the lack of legal codes on abortion in New England viewed against the presence of such legislation on infanticide indicates that contemporary legal and medical thought did not classify the removal or destruction of a fetus as a felony offense. This does not necessarily mean that abortion was not being regulated at all—after all, the civil

¹³ Hoffer and Hull, *Murdering Mothers*, 44-46.

¹⁴ Kathleen Brown, “Murderous Uncleanness: The Body of the Female Infanticide in Puritan New England,” in *A Centre of Wonders: The Body in Early America*, eds. Janet Moore Lindman and Michele Lise Tarter (Ithaca: Cornell University Press, 2001), 78.

government was just one regulatory body out of three. However, it does underscore the idea that, unlike today, abortion itself was not seen as an issue worth addressing through legal means.

Religious Authorities on Abortion

Surviving documents suggest that New England churches had even less to say about abortion than the civil governments they existed alongside. There are limits to such a claim; for instance, we cannot know to what extent colonial ministers spoke about abortion outside of documented sermons. However, the published works collected in the *American Sermons* database seem to indicate that ministers either discussed abortion privately or did not see it as an issue worth addressing at all.¹⁵ Of the fifteen-hundred sermons published in the colonies between 1607 and 1753, only one uses the word abortion to describe the experience of a pregnant person, specifically in reference to what we would now call a miscarriage.¹⁶ Notably, while some ministers used the word ‘murder’ to condemn infanticide, none, as far as my research extends, used such language to describe abortion.¹⁷ This relative silence aligns with the common law view that abortion was not an egregious legal offense. Like their civil governments, New England

¹⁵ To find sermons referencing abortion, I searched for the use of words found in obstetric literature, such as ‘miscarriage,’ as well as more general terms like ‘woman,’ ‘mother,’ ‘infant,’ and ‘child.’

¹⁶ John Williams, *The redeemed captive, returning to Zion. A faithful history of remarkable occurrences, in the captivity and the deliverance of Mr. John Williams; Minister of the Gospel, in Deerfield, who, in the desolation which befel that plantation, by an incursion of the French & Indians, was by them carried away, with his family, and his neighbourhood, unto Canada. Whereto there is annexed a sermon preached by him, upon his return, at the lecture in Boston, Decemb. 5. 1706. On those words, Luk. 8. 39. Return to thine own house, and shew how great things God hath done unto thee* (Boston: B. Green, 1707), 13, Readex: American Sermons.

¹⁷ See following section regarding religious views on fornication and infanticide.

churches did not see abortion as an issue worth addressing publicly, while they condemned infanticide wholeheartedly.

For most, if not all, of the colonial period, Puritan theology played an intrinsic part in the development of New England churches and religious communities. William Nelson highlights the core tenets of the faith:

Puritanism was both a theology and a political theory. Puritans strove to comprehend the relationship between divine sovereignty and human free will as well as to structure a government that balanced hierarchical authority with liberty. Their goal was to avoid what they viewed as two evil extremes. The one extreme was Roman papacy and European monarchy, in which a small upper class, itself controlled through a hierarchy led by one man, either king or pope, dominated the masses by keeping them in ignorance. The other evil was radical antinomian Protestantism, in which every person blessed with faith... could receive divine revelation of the truth and rely on that revelation as the basis for disobeying the commands of those in authority. Puritanism represented a balanced and complex effort, both in the search for divine truth and in the structuring of human government, to reconcile liberty with hierarchy through ordered community.¹⁸

As Nelson illustrates, Puritans valued personal autonomy tempered by Biblical authority and communal interests. No one man could hold power over church or state, but neither could the masses claim complete self-determination.

Puritan ministers derived their understanding of their faith from the Bible. Here, religious leaders could find God's will manifested within the text and, consequently, prescribe norms which adhered to that will. As Lisa Gordis explains, Puritans had little faith in humanity's ability to understand God's word, and thus relied heavily on scripture itself, using "interpretive strategies [which] minimized the role of the human interpreter,

¹⁸ Nelson, *The Common Law in Colonial America: The Chesapeake and New England, 1660-1750*, 50.

relying on methods that in theory allowed the text to interpret itself.”¹⁹ Take, for example, the work of minister Wadsworth in *Unchast Practices Procure Divine Judgments*. Throughout the piece, Wadsworth makes dozens of references to scripture, using different passages to support a general conclusion. In one section, to prove that fornication is “a very great Sin,” Wadsworth presents various Biblical passages to his readers:

*It is very plainly, expressly, and frequently forbidden in the word of God. It's forbidden in the Old Testament, not only more generally in the Seventh Commandment; Thou shalt not commit Adultery, Exod. 20.14. but also more particularly, Deut 23. 17. 18. There shall be no Whore of the Daughters of Israel--the hire of an Whore---is an abomination to the Lord...Fornication is expressly and frequently forbidden in the New Testament also, 1 Cor. 6. 13, 18. The body is not for Fornication, but for the Lord...1 Thes 4.3. For this is the will of God, even your Sanctification; that ye should abstain from Fornication. What can be more plain to Christians than this? It's God's will, his Precept and Command, that they should abstain from Fornication; therefore when they commit this Sin, they trample on God's Authority, break His holy Law, & set up their own carnal cursed will against God's will.*²⁰

Here, Wadsworth displays the impulse Gordis discusses in her book. He makes no reference to his own interpretative authority or influence, relying instead on the authority of the text. His words might give particular relevance to specific passages, but their meanings are presented as definitive, clear, and independent of Wadsworth himself. As in Wadsworth's case, preaching allowed ministers to share the text with their constituents and offer commentary on its meaning and relevance, though this commentary was always

¹⁹ Lisa M. Gordis, *Opening Scripture: Bible Reading and Interpretive Authority in Puritan New England*, (Chicago: The University of Chicago Press, 2003), 2-3.

²⁰ Benjamin Wadsworth, *Unchast practices procure divine judgments. A sermon preached in Boston, July 29. 1716*, (Boston: B. Green, 1716), 5-6.

secondary to scripture itself.²¹ Considering the significance of Biblical authority among New England ministers, it is necessary to review what the Bible says about abortion and infanticide and consider how Puritans interpreted such scripture.

As the Bible itself does not address the issue of abortion explicitly, Christian leaders have, historically, turned to other sources to support or condemn the practice. Ignacio Castuera discusses the Bible's silence on abortion in his sweeping review of the history of abortion in Christian thought, ultimately arguing that, before the mid-nineteenth century, Christians largely did not view abortion as an issue:

Whereas there were plenty of attacks in the Bible on child sacrifice...there were none about abortion...there is no clear teaching in the [Old Testament] that definitively declares abortion or intentional miscarriage to be wrong... [In the New Testament] There is no gospel, canonical or not, that depicts Jesus making any comment about abortion...If we ask, "What would Jesus do?" we do not have to speculate. The evidence indicates that Jesus did and said nothing...Another location in the New Testament where one would expect to find repeated references to abortion is in Paul's letter to the church in Corinth, but there are none...Since he was very specific and not afraid to bring up behavior he considered abhorrent, it is unlikely he would have shied away from talking about abortion, particularly if Paul had considered it one of the greatest crimes imaginable. Yet, he was silent on the subject.²²

This biblical silence may explain the absence of discussion about abortion in published ministerial documents in colonial New England. With no scripture to reference, Puritan ministers would have been unable to bolster their arguments with biblical authority.

Furthermore, this lack of ministerial comment on abortion may point to an unspoken acceptance of both English common law and Catholic tradition. For example, Anne Stensvold argues that while Protestants rejected many aspects of Catholic sexual

²¹ George Gatgounis, *The Puritan View of Substantive Biblical Law*, (Eugene, Oregon: Wipf & Stock Publishers, 2021), 9-11.

²² Ignacio Castuera, "A Social History of Christian Thought on Abortion: Ambiguity vs. Certainty in Moral Debate," *The American Journal of Economics and Sociology* 76, no. 1 (January 2017), 128-129.

mores, such as clerical celibacy, they generally accepted Catholic views on pregnancy and childbirth.²³ If this is the case, Puritans would have had little reason to differ from established Catholic thought on the issue, which generally recognized the civil and religious legality of abortion before ensoulment.²⁴ In this respect, Canon law aligned with English common law in its endorsement of contemporary understandings of pregnancy and fetal development, particularly in regards to the idea of quickening.

Like the civil government, religious authorities in New England used their influence to promote behavior they deemed acceptable. This duty was perhaps felt most acutely by Puritan ministers, who were consistently concerned with the spiritual health of their communities; as the next section will show, ministers made a point to warn their constituents against behavior they deemed sinful, including fornication and infanticide. Their collective lack of commentary on abortion suggests that it was seen as a benign act which posed little to no threat to the individuals or communities involved.

An Anxious, Though United, Front: Civil and Religious Views on Fornication and Infanticide

While neither institution had much to say about abortion, both the civil governments and churches of colonial New England were interested in maintaining other sexual and reproductive norms. Notably, the same sources that point to a general disinterest in abortion—i.e., English common law, colonial legal codes, and New

²³ Anne Stensvold, *A History of Pregnancy in Christianity: From Original Sin to Contemporary Abortion Debates* (London: Routledge, 2015), 66.

²⁴ See Stensvold, *A History of Pregnancy*, 70 and Castuera, “A Social History of Christian Thought on Abortion,” 155-162 for a discussion of Canon law and abortion.

England sermons—show that secular and religious authorities held an active interest in encouraging normative sexual and reproductive behavior and punishing instances of sexual and reproductive deviancy. Most colonists accepted and adhered to these norms, as they aligned with conventional Puritan thought on sin and sexuality. Even so, the prosecution of sexual and reproductive crimes in colonial courts and the open condemnation of such deviancy from the pulpit point to a persistent anxiety among community leaders, who feared that temptations of the flesh would entice their constituents to sin.

This anxiety centered around the perceived moral degradation of Puritan communities, either at the time or anticipated in the future. As Monica Fitzgerald discusses, Puritan leaders held their communities to high standards while simultaneously worrying that those standards could not, or would not, be met:

Over three generations, the public power of the church diminished, which has led scholars to argue that religion was on the decline. Indeed, third-generation Puritans themselves lamented the perceived rise in corruption and fall in church membership, while revering the first generation as a ‘golden age’ of morality. However...each generation of ministers criticized the spiritual fervor of its flock. John Cotton worried that the first generation lacked the necessary zeal. In the second generation, Increase Mather scolded people for wanting church membership for its privileges rather than for its spirit. Third-generation minister Cotton Mather actually preached for conversions because he was so worried about membership.²⁵

Adhering to “the Cause of God,” as John Higginson put it, was a task beset by obstacles: sin, Satan, insincere believers, and, as he saw it, “[trying times,] wherein the cause of

²⁵ Monica Fitzgerald, *Puritans Behaving Badly: Gender, Punishment, and Religion in Early America*, (New York: Cambridge University Press, 2020), 138-139.

Religion is endangered on every side.”²⁶ Maintaining the community’s righteousness, as far as such a thing was possible, required constant diligence.

However, while historical data does support the realities of these fears to some extent, most New Englanders throughout the colonial period adhered to the prescribed norms of monogamous, heterosexual, and consensual sex within marriage. New England courts were certainly prepared to punish sexual transgressions—for instance, a Massachusetts law from 1642 proclaimed that anyone engaging in premarital sex would “be punished, either by enjoying Marriage, or fine, or corporal punishment” —but rarely had to do so.²⁷ Even as fornication prosecutions began to rise over time, particularly after the 1660s, convictions in the seventeenth century peaked at eighteen couples out of 10,000 receiving such indictments.²⁸ Supporting this idea, Roger Thompson proposes that while fornication rates did rise after the 1660s, the increase was marginal; in fact, “New Englanders in general...were markedly more law abiding, both in the 1650s and in the 1690s,” than their counterparts in England.²⁹ This, perhaps, points to reactionary tendencies among colonial leaders, particularly ministers. While most colonists adhered

²⁶ Higginson, *The Cause of God and His People*, 18.

²⁷ For this law, and for those concerning sodomy, rape, polygamy, and fornication in both English common law and Massachusetts legal codes, see William Whitmore, *The Colonial Laws of Massachusetts. Reprinted from the Edition of 1672, with the Supplements Through 1686. Containing also, A Biographical Preface and Introduction, Treating of all the Printed Laws from 1649 to 686. Together with the Body of Liberties of 1641, and the Records of the Court of Assistants, 1641-1644*, (Boston: Rochwell and Churchill, 1890), 228-229, 269; Coke, *The Third Part of the Institutes of the Laws of England*, 58-60, 88.

²⁸ Else Hambleton, *Daughters of Eve: Pregnant Brides and Unwed Mothers in Seventeenth Century Essex County, Massachusetts* (Oxfordshire: Taylor & Francis, 2004), xi, xv; Hambleton counts a total of 104 prosecutions against women and 151 against couples who conceived children out of wedlock from 1640 to 1685.

²⁹ Roger Thompson, *Sex in Middlesex: Popular Mores in a Massachusetts County, 1649-1699*, (Amherst: University of Massachusetts Press, 1986) 194.

to sexual norms, authority figures worried about the few who did not and feared that more wrongdoers would join their ranks.

This anxiety reflected Puritan understandings of humankind as inevitably sinful and God as necessarily wrathful. As beings of “flesh as well as spirit,” even the most faithful could succumb to Satan’s “mischief,” thus incurring righteous punishment from God.³⁰ To avoid such punishment, Puritan leaders encouraged their constituents to monitor each other and encourage godly behavior. For example, Boston minister Benjamin Wadsworth warned that disobeying God would make “Him abhor them,” leading them to “fall into deep pits both of Sin and Misery.” Cotton Mather took this advice a step further, proposing that “Ungodly People” should be shunned, lest they corrupt others.³¹ In some cases, isolation was not sufficient; instead, execution was required to eradicate sinfulness from the community.³² Overall, Puritan ministers generally recognized the fallible nature of humanity and took care to warn their constituents against sinful behavior and remove those who seemed to threaten the spiritual soundness of the community.

Alongside discouraging sexual deviancy, ministers also promoted sexual norms by uplifting properly expressed sexuality. This shows that sex itself was not the source of

³⁰ Higginson, *The Cause of God and His People*, 6-7.

³¹ Cotton Mather, *A sorrowful spectacle. In two sermons, occasioned by a just sentence of death, on a miserable woman, for the murder of a spurious offspring. The one declaring, the evil of an heart hardened, under and against all means of good. The other describing, the fearful case of such as in a suffering time, and much more such as in a dying hour, are found without the fear of God. With some remarkable things, relating to the criminal; proper for all to be informed of*, (Boston, 1715), 36.

³² Samuel Willard, *Impenitent sinners warned of their misery and summoned to judgment. Delivered in two sermons: the former on the Sabbath, Nov. 6. the other on the lecture following, Nov. 10. 1698. Occasioned by the amazing instance of a miserable creature, who stood condemned for murdering her infant begotten in whoredom. To which are subjoyned the solemn words spoken to her, on those opportunities. Published for the warning of others* (Boston: B. Green & J. Allen, 1698), 22.

religious anxieties—religious leaders generally portrayed sex within marriage as a necessary good—but rather certain kinds of sex.³³ Ministers recognized that their constituents could never overcome their sexual desires and identified the marriage bed as the only acceptable place to address those feelings. For instance, William Secker—an English Puritan whose published sermons circulated in New England—chastised those who chose to remain single, claiming “they had rather fry in the grease of their own Sensuality, then extinguish those Flames with an allowed Remedy.”³⁴ Marriage allowed both women and men to meet their sexual needs without compromising themselves or their communities; indeed sex between a husband and wife could honor God and women alike, particularly by resulting in pregnancy.³⁵ In contrast, sex between unmarried couples constituted “a most vile aggravated wickedness in those that call themselves Christians.”³⁶

As well as speaking out against fornication, Puritan ministers also openly condemned infanticide. Cotton Mather in particular had much to say about the issue,

³³ Puritan ministers generally portrayed sex within marriage as ideally pleasurable. Medical literature portrayed a similar idea; for example, both Sharp and Culpeper describe the location of the clitoris, its function as a source of pleasure, and claimed that women could not conceive without it; Sharp, *The Compleat Midwife's Companion*, 36 and Culpeper, *A Directory for Midwives*, 22.

³⁴ William Secker, *A wedding ring for the finger; the salve of divinity, on the sore of humanity. Directions to those men that want wives, how to choose them; and to those women who have husbands, how to use them. Laid open in a sermon at a wedding in Edmonton. By William Secker, preacher of the Gospel* (Boston, 1690), 25.

³⁵ Benjamin Colman, *Some of the honours that religion does unto the fruitful mothers in Israel. Meditated upon the birth & preached at the baptism of a child* (Boston: B. Green, 1715), 7, 14; Benjamin Colman, *The honour and happiness of the vertuous woman; more especially considered in the two relations of a wife and mother. Meditated upon the lamented death of Mrs. Elizabeth Hirst, the vertuous consort of Grove Hirst, Esq; who departed this life, July 10. 1716. In the 35 year of her age* (Boston: B. Green, 1716), 13.

³⁶ Benjamin Wadsworth, *The well-ordered family: or, Relative duties. Being the substance of several sermons, about family prayer. Duties of husbands & wives. Duties of parents & children. Duties of masters & servants* (Boston: B. Green, 1712), 27

though he was not the only minister to publish material on the crime. In *Warnings from the Dead*—preached and later published on the execution of two women convicted of infanticide in 1693—Mather connected infanticide to spiritual madness, while also proposing that sexual crime, such as fornication, naturally and inevitably led to violent crime.³⁷ He repeated this sentiment six years later in *Pillars of Salt*, in which he relayed the story of a woman convicted of infanticide:

About the Year, 1646. Here was one *Mary Martin*, whose Father going from hence to England, Left her in the House of a Married Man, who yet became so Enamoured on *her*, that he attempted her Chastity. Such was her Weakness and Folly, that she yielded unto the Temptations of that miserable man...Afterwards, going to Service in *Boston*, she found herself to have Conceived...She concealed her Crime, till the Time of her Delivery; and then, being Delivered alone, by her self in a Dark Room, She Murdered the harmless and helpless *Infant*, hiding it in a Chest, from the Eyes of all, but the Jealous GOD...Some circumstances quickly occur'd, which obliged her Friends to charge her with an *Unlawful Birth*. She Denied it Impudently. A further Search confuted her Denial. She then said; *The Child was Dead Born, and she had Burnt it to Ashes*. With a Hypocritical Tear, she added, *Oh! that it were True, that the poor Babe were any where to be seen!* At Last it was found in her Chest; & when she Touch'd the Face of it before the Jury, the *Blood* came fresh into it. So She confessed the whole Truth concerning it.³⁸

Here, Mather relays Martin's crime as a series of four offenses, rather than a singular instance of murder: first her inability to resist the sexual advances of a married man, second her concealment of her pregnancy, third the murder of her infant, and fourth her

³⁷ Cotton Mather, *Warnings from the Dead. Or Solemn Admonitions Unto All People; but Especially unto Young Persons to Beware of such Evils as would bring them to the Dead. In Two Discourses, Occasioned by a Sentence of Death, Executed on Some Unhappy Malefactors. Together with the Last Confession, made by a Young Woman, who Dyed on June 8. 1693* (Boston: Bartholomew, 1693), 7-10, 34.

³⁸ Cotton Mather, *Pillars of Salt: An History of Some Criminals Executed in this Land, for Capital Crimes: With some of their Dying Speeches, Collected and Published, For the Warning of Such as Live in Destructive Courses of Ungodliness: Whereto is added, For the better Improvement of this History, a Brief Discourse about the Dreadful Justice of God, in Punishing of Sin, with Sin*. (Boston: B. Green & J. Allen, 1699), 60-61.

further denial of her crimes. As in *Warnings from the Dead*, Mather used *Pillars of Salt* to argue that sin beget sin, which, in cases of infanticide, necessitated the execution of the sinner.³⁹ Only by avoiding sinful behavior as much as possible could New Englanders avoid committing atrocities, as well as finding themselves on the gallows.

By speaking out against the dangers of sexual deviancy and promoting normative sexual behavior, Puritan ministers encouraged their communities to regulate each other's sexuality. While historians debate the prevalence and effectiveness of communal regulation during this period, religious leaders certainly expected their constituents to take part in enforcing normative sexual behavior. Wadsworth did so by explicitly prescribing communal watchfulness, particularly over young people, "to prevent Impurities."⁴⁰ Likewise, John Williams called "Ministers, Parents, and Heads of Families... to warn all under their charge against, and to restrain them from such sinful practices," such as fornication.⁴¹ Using a broader understanding of communal regulation, Samuel Willard reminded his audience of their fallibility, hoping such discussion would "make us the more watchful."⁴² Generally, Puritan leaders recognized that they could not prevent sin alone; they relied on their constituents to regulate sexual behavior within their communities, particularly among groups most likely to sin, such as young people. The

³⁹ See Brown, "Murderous Uncleaness," 84 for more on this concept.

⁴⁰ Wadsworth, *Unchast practices procure divine judgments*, 33-34.

⁴¹ John Williams, *Warnings to the unclean: in a discourse from Rev. XXI. 8. Preacht at Springfield lecture, August 25th. 1698. At the execution of Sarah Smith* (Boston: B. Green, 1699), 19.

⁴² Samuel Willard, *Covenant-keeping the way to blessedness, or, A brief discourse wherein is shewn the connexion which there is between the promise, on God's part; and duty, on our part, in the covenant of grace: as it was delivered in several sermons, preached in order to solemn renewing of covenant* (Boston: James Glen, 1682), 85.

extent to which colonists observed this call to action will be discussed in the following chapters.

Altogether, Puritan religious leaders in New England worried about the sexual and reproductive lives of their fellow Christians, though they did not condemn sex or reproduction altogether. They identified clear differences between acceptable and unacceptable sexual and reproductive behavior and used their work to encourage the former and censure the latter. As Puritan ministers clearly had no issue expressing their concerns about sexuality and reproduction, their silence on abortion suggests that they did not view the act as an issue. While sexual deviancy and infanticide caused much anxiety among church leaders, abortion was simply not worth mentioning.

Conclusions

New England authorities in the colonial period held themselves, and their constituents, to high standards. For Puritans especially, straying from God's word could have dire consequences for the entire community. To avoid God's wrath, New Englanders used their civil governments, religious authorities, and communities to reinforce acceptable norms and punish deviant behavior. This chapter has examined two of these institutions in depth—civil government and the church—and determined that neither viewed abortion as an issue in need of regulation. This was not a revolutionary idea; English legal tradition, contemporary understandings of pregnancy and ensoulment, biblical silence on abortion, and Protestant and Catholic convention informed and supported this lack of concern. For centuries, abortion had generally not been seen as an

issue among Europeans; colonial New England authorities would not be the ones to break with this tradition.

Despite this, abortion did appear in the colonial courts from time to time, albeit infrequently. These cases provide further insight into how the courts viewed abortion and allow historians to consider how individuals and their communities responded to the issue. This chapter has established that neither New England civil governments nor its Puritan churches were interested in doing so; the next three chapters will continue to examine these institutions while also exploring the experiences of the individuals who sought, received, or encountered abortion.

CHAPTER TWO

Sarah Grosvenor

At the start of her essay, “Taking the Trade: Abortion and Gender Relations in an Eighteenth-Century New England Village,” author Cornelia Hughes Dayton discusses Sarah Grosvenor’s pregnancy, abortion, and subsequent death:

In 1742 in the village of Pomfret, perched in the hills of northeastern Connecticut, nineteen-year-old Sarah Grosvenor and twenty-seven-year-old Amasa Sessions became involved in a liaison that led to pregnancy, abortion, and death. Both were from prominent yeoman families, and neither a marriage between them nor an arrangement for the support their illegitimate child would have been an unusual event for mid-eighteenth-century New England. Amasa Sessions chose a different course; in consultation with John Hallowell, a self-proclaimed “practitioner of physick,” he coerced his lover into taking an abortifacient. Within two months, Sarah fell ill. Unbeknownst to all but Amasa, Sarah, Sarah’s sister Zerviah, and her cousin Hannah, Hallowell made an attempt to “Remove her Conception” by a “manual operation.” Two days later Sarah miscarried, and her two young relatives secretly buried the fetus in the woods. Over the next month, Sarah struggled against a “Malignant fever” and was attended by several physicians, but on September 14, 1742, she died.¹

Sarah’s death became a legal matter in November 1745, likely after gossip, or a confession, reached someone connected to the courts. Though Amasa, Hannah, Zerviah, and Doctor Hallowell were all originally implicated in Sarah’s death, only the charge against Hallowell continued to the end of the trial; he was found guilty of the misdemeanor of “willfully, wickedly, and Maliciously” harming “the Health and Soundness of... Sarah to [Destroy]...[the] fruit of her body.”²

¹ Cornelia Hughes Dayton, “Taking the Trade: Abortion and Gender Relations in an Eighteenth-Century New England Village,” *The William and Mary Quarterly*, 48, no. 1 (Jan. 1991): 19.

² Originally, Hallowell was charged with murdering Sarah, Amasa with aiding Hallowell in Sarah’s murder, and Hannah and Zerviah for acting as accessories to the crime by keeping it a secret.

This summary illustrates the pervasive influence of sexual and reproductive norms, even among those who rejected or violated them. By hiding their illicit relationship from their community, Sarah and Amasa sought to avoid the consequences of defying religious and legal expectations. By keeping Sarah's pregnancy and subsequent abortion a secret, Zerviah, Hannah, and Hallowell transgressed as well. Depositions from the trial that followed Sarah's death show that others held suspicions about Sarah's condition or knew, to some extent, what was going on; they too would keep this information to themselves.³ I argue that this secrecy, alongside the responses that followed the case's introduction to court, reveals the existence of competing norms within the community.

This struggle between competing norms—specifically self-interest and communal obligation—show that thought on abortion differed from person to person. For many of them, the outcome of the situation trumped beliefs about the morality of abortion; they used legal, reproductive, and, possibly, religious norms to keep themselves or their loved ones out of trouble. Alongside this, varied understandings of one's obligations to the community influenced how the townsfolk participated in regulating Sarah and Amasa's behavior. As such, there was no established norm regarding abortion; a person's individual and familial interests and perceived role in the community influenced how they thought about and acted on the issue.

³ Inferior Court Examination and Judgment, November 1745, *Rex vs. John Hallowell et al.*, 1745-1747, Connecticut State Library (hereafter cited as *Rex vs. John Hallowell*); Court Findings, September 1746, *Rex vs. John Hallowell*; Dayton, "Taking the Trade," 46.

Self-Interest: Using Norms and Popular Beliefs to Justify or Condemn the Abortion

How the deponents discussed the abortion in private and in court show that these individuals were more inclined to support the act when it benefited themselves or their loved ones, while those who perceived the abortion as a threat were more likely to denounce it. Testimony given by Zerviah Grosvenor, in which she described a conversation between herself and Amasa about her sister's use of abortifacients, illustrates this idea:

...Mr. [Amasa] Sessions Came to see [Sarah]; and I informed him what my sister had told me, letting him know that I was sorry for what had happened and advising them immediately to Marry and not any farther to take any unlawful measures, asking him why they had taken the method they had...my Sister was loath to Take [the trade], & [thought] it an Evil, & Sessions urged her to it, & told her [that there] was no life in the Child, & That it would not hurt her, I told him, I [thought] It a Sin, & She had better not Take it, but They had better Marry, & he said That would not do, They should have a very uncomfortable life at home with his father & Mother.⁴

In this alleged interaction, Zerviah and Amasa arrived at conflicting conclusions about the abortion in-progress because they held competing beliefs about how the act would impact themselves and their community. Zerviah predicted that the abortion would have negative legal and religious repercussions for the couple and urged them to pursue marriage instead. By claiming that the fetus was no longer viable, Amasa maintained that ending the pregnancy would have no consequences and was, instead, necessary to save Sarah's life and to avoid conflict with his parents. In short, they both hoped to protect themselves and/or their loved ones from the repercussions of Sarah and Amasa's illicit relationship; Zerviah by adhering to the legal and religious expectations discussed in chapter one and Amasa by hiding the deviant behavior. Their attempts to change the

⁴ Deposition of Zerviah Grosvenor, 1746, Rex vs. John Hallowell; Testimony of Hannah and Zerviah Grosvenor et al., 1746, Rex vs. John Hallowell.

other's opinion led to conflict; one could not have her or his way without violating the wishes of the other.

The conflict inherent in referring to social norms—either by adhering to or rejecting them—to reach the best outcome for oneself or one's family is also evident in testimony provided about the physical characteristics of the fetal remains. Four deponents discussed this topic: Hannah Grosvenor, Alexander Sessions, Rebekah Sharp, and Zebulon Dodge. Alexander, Rebekah, and Zebulon each claimed that Zerviah told them that the fetus was fully developed, in good condition, and only passed way because of Hallowell's botched delivery. In contrast, Hannah stated that the fetus was small, disfigured, and had died in utero. This discrepancy points to a strategic use of reproductive and legal norms. Hannah and Alexander seemed particularly familiar with the common law tradition of only punishing an induced abortion if it had taken place in the later stages of pregnancy. Using this knowledge, these deponents made contradictory claims about the development of the fetus to stress or understate the criminality of what had occurred.

In two separate depositions, Hannah described the physical state of the fetus in ways that minimized her and Sarah's culpability. She claimed that the fetus was "not half So large as Children commonly are when Born," that it "did not Appear to have any Life In it," and that the smell emanating from it suggested "it had been hurt [and] was decaying."⁵ Though Hannah could not accurately say that the abortion occurred in the early stages of pregnancy—Cornelia Dayton estimates that Sarah was around seven

⁵ Deposition of Hannah Grosvenor, 1746, Rex vs. John Hallowell; Testimony of Hannah and Zerviah Grosvenor et al.

months along when Hallowell induced delivery—she could, and did, emphasize that the fetus was not viable. If the fetus had died in utero, expelling it would likely have been deemed necessary to preserve Sarah’s life.⁶ By suggesting that this was indeed the case, Hannah justified the operation and, possibly, her involvement in it.

Alexander, Zebulon, and Rebekah’s testimonies dispute Hannah’s claims to varying extents. Alexander claimed that Zerviah had told him that the fetus was well developed and had only died upon delivery.⁷ Zebulon’s testimony corroborated this version of the story, while Rebekah’s supported only part of it; Rebekah claimed that Zerviah said that the fetus had died before Hallowell attempted to remove it, though it seemed to be “a perfect child” upon delivery.⁸ Despite these variations, each of these statements contradict Hannah’s claims in vital ways. If the fetus had died because of the induced delivery, the late stage of Sarah’s pregnancy meant it could be prosecuted as a criminal act. Even Rebekah’s testimony may have thrown doubt on Hannah’s claim that the fetus had been physically deteriorating in utero. Altogether, these depositions call the legality and legitimacy of the abortion into question.

⁶ Jane Sharp wrote that “There must be no delay...to drive the dead child forth before it be corrupted, for then the Mother can scarcely escape...These following Medicaments will, God willing, cause her to be delivered of the dead child, and her self escape Death by them:” *The Compleat Midwife’s Companion: Or, the Art of Midwifry Improv’d. Directing Child-bearing Women how to Order themselves in their Conception, Breeding, Bearing, and Nursing of Children* (London: 1725), 117. According to Hannah’s testimony, Doctor Hallowell was likely of the same opinion; He all stated that “it was of Necessity [to manually induce an abortion because Sarah] had taken so much Trade to Destroy [the] Child [that] now if It was not taken away it would Destroy her Life.” Testimony of Hannah and Zerviah Grosvenor et al.

⁷ Testimony of Hannah and Zerviah Grosvenor et al.

⁸ Testimony of Hannah and Zerviah Grosvenor et al; Testimony of Rebekah Sharp, 1746, Rex vs. John Hallowell.

The significance of these testimonies is clear when one considers who Alexander and Hannah each blamed for the abortion and Sarah's subsequent death. Though Hannah conceded that Hallowell had performed the act, she labeled Amasa as the instigator; she claimed that "Sessions had a desire to destroy the Child" and that Doctor Hallowell had told her that Amasa had "employed him" to do so.⁹ In contrast, Alexander stated that "[Hallowell] Told him, that [Amasa] never applied to him for anything to cause an abortion [and] that if [Sarah] was with Child he did not Think Amasa Knew it."¹⁰ While I could not find evidence to establish Zebulon and Rebekah's relationships to the Grosvenor and/or Sessions families, Alexander and Hannah's connections are clear. As Amasa's brother, Alexander naturally had reason to highlight Hallowell's deviancy, while clearing Amasa of wrongdoing. Likewise, as Sarah's cousin and an involved party, Hannah had cause to target Amasa with her testimony while showing that the abortion was ultimately necessary. Altogether, the contradictory nature of these accounts suggests that one or more of these deponents molded their testimony to conform to reproductive and legal norms in ways that promoted their interests.

*Communal Obligation: Monitoring and Responding to the Abortion as Members of
Community*

While the testimony shows that the deponents considered their own interests while handling Sarah's pregnancy, abortion, and death, the sources also reveal the influence of communal norms. After all, the case did not take place in isolation, but

⁹ Deposition of Hannah Grosvenor.

¹⁰ Testimony of Hannah and Zerviah Grosvenor et al.

within a community of established relationships, dynamics, and expectations. Testimony given by Doctor Parker Morse about his visit to the dying Sarah—in which he described hearing about the source of her illness from “some of the Neighbours” of Sarah’s father—speaks to the presence of this community:

...being requested by Leicester Grosvenor Esq^r. of Pomfret to visit his Daughter Sarah as a Physician in the Sickness of which she Died; went accordingly, & found her... siezed of a Malignant fever with all the symptoms of it... & having before heard a report whispered, among some of the Neighbours of the [said] Mr. Grosvenor [that Doctor] [John] Hollowell of Providence at the request & by the procurement of Mr. Amasa Sessions of Pomfret... had been Instrumental of her Sickness by Causing the abortion of a Birth (Embrio or Fetus) with which she the [said] Sarah was pregnant or Supposed to be so, a Short time before, I Enquired of Mrs. Anne Grosvenor... Concerning the Young Womans Circumstances & Told her I had heard within a Little while she was with Child...

That Pomfret was gossiping about Sarah’s illness in 1742 raises questions about the character of communal regulation in the town. While those in Sarah’s neighborhood suspected that Hollowell and Amasa played a role in her illness and eventual death, the issue did not appear in court until 1745. This suggests that those who knew of Amasa and Sarah’s relationship—and all that resulted from it—preferred to keep the matter from the attention of authorities.

Instead, the community seemed more inclined to survey and condemn the deviant behavior within social, rather than legal, spheres of influence. In her research, Michelle Morris finds that this tendency was common among communities of the time and suggests that it stemmed from a desire to avoid communal conflict:

Community surveillance was important in many aspects of New England life, but it was not central to policing sexual behavior. In many cases, neighbors may have known or suspected that fornication or even sexual abuse was going on but considered being on friendly terms with the men and women around them more important than exposing their sexual sins...I have investigated the genealogical background of defendant after defendant and have found that in most cases the people who appeared in court to testify were family members of those involved,

or other interested parties, rather than random neighbors protecting the moral integrity of the community. Family members, not the community at large, provided the backbone of the sexual policing system, and their motivation was often less than moralistic, as they worked to prevent their children from conceiving or fathering unwanted babies...or tried to protect kinfolk from sexual aggressors.¹¹

The argument that family members rather than one's neighbors were the primary contributors to regulation of sexual or reproductive activity is—for the most part—reflected in Sarah's case; out of the fourteen people who provided testimony, all but three were related to Sarah or Amasa, either by blood or by marriage.¹² While Pomfret's gossipers bemoaned or condemned Sarah and Amasa's situation, they did not directly intercede. This suggests that the community's reaction to deviant behavior was conditional and personal; people responded to the violation of sexual and reproductive norms by evaluating their connection to the issue and deciding whether becoming involved was necessary or conducive to maintaining good relationships within the community.

Indeed, with the possible exceptions of Amasa and Doctor Hallowell, the townsfolk of Pomfret would have had little to say to those involved that they had not already internalized. Most notably, testimony about Sarah's emotional state throughout and after the abortion suggests that she perceived her behavior as deviant and expected

¹¹ Michelle Morris, *Under Household Government: Sex and Family in Puritan Massachusetts* (Cambridge, Massachusetts: Harvard University Press, 2013), 5-6.

¹² Neither Sarah's nor Amasa's parents provided testimony for the case. Cornelia Dayton discusses the potential causes of this lack of involvement, writing that by the 1740s, "local leaders like [Sarah's father] were increasingly withdrawing delicate family problems from the purview of their communities." Rather than take the issue to court, Dayton suggests that older members of the community—particularly those in positions of authority—might have preferred to deal with the situation privately. Dayton, "Taking the Trade," 33-35.

God to punish her for it. Abigail Nightingale—a young woman who seems to have been quite close to Sarah—provided a statement which speaks to Sarah’s inner turmoil:

I asked [Sarah] what was the Matter to which she replied by asking me whether I thought her Sin would ever be pardoned, to which I answered that I hoped she had not sinned the unpardonable sin but with time and hearty repentance hoped she would find forgiveness. Then I asked her what made her take the [abortifacients]... to which she replied because Sessions would take no [denial] and that she told him she was willing to take the Sin and Shame to herself and to be obliged never to tell whose child it was, and that she did not doubt but that if she humbled herself on her knees to her Father he would take her and her child home, and that she urged him not to go on to add Sin to Sin, that the Last Transgression would be worse than the first...¹³

According to this testimony, Sarah wanted to have the child, believed her father would support her and the baby, viewed the use of abortifacients as sinful, and only took them upon Amasa’s insistence. Despite her unwillingness, Sarah saw herself as no less culpable than Amasa; neither herself nor Abigail could be sure that God would forgive her for the sins she had committed by yielding to Amasa’s wishes.

Sarah’s professed feelings aligned with the established patriarchal framework she lived within. In colonial New England, communities viewed and portrayed women as passive beings, who succumbed to sin rather instigating it. As Elizabeth Reis argues, this positioned women as particularly vulnerable to falling prey to sin, or even, perhaps, the devil himself:

Puritans regarded the soul as feminine and characterized it as insatiable, as consonant with the supposedly unappeasable nature of women...The body, for its part, also entangled women. Puritans believed that Satan attacked the soul by assaulting the body, and that because women’s bodies were weaker, the devil could reach women’s souls more easily...Their souls, strictly speaking, were no more evil than those of men, but the representation of the vulnerable, unsatisfied,

¹³ Deposition of Abigail Nightingale, 1746, Rex vs. John Hallowell.

and yearning female soul, passively waiting for Christ but always ready to succumb to the devil, inadvertently implicated corporeal women themselves.¹⁴

Indeed, much of the testimony provided in this case shows that the deponents viewed their participation—either subconsciously or strategically—through this framework of female passivity and male activity. In doing so, they illustrate that communal norms impacted how those involved responded to the abortion, likely in gendered ways.

For example, Zerviah Grosvenor and Silence Sessions also denounced the abortion in some way while emphasizing the passivity of their involvement. In doing so, these women drew attention to the active deviance of the men in question and contextualized their behavior within accepted forms of gender dynamics. Zerviah's conversation with Amasa about Sarah's use of abortifacients fits within gendered expectations of sinful behavior; Sarah yields to the "unlawful measures" while Amasa is the one to "[urge] her to it."¹⁵ This testimony highlights Amasa's culpability while aligning with expected dynamics of power and powerlessness. Though Zerviah acknowledged that "Evil" had occurred, the court could not say that either sister had challenged gender norms by bowing to Amasa's demands.

Similarly, Silence's testimony suggests that Zerviah discussed her own actions within the same framework. After being told that Hannah and Zerviah had buried the remains of Sarah's aborted fetus, Silence—Amasa's sister-in-law—asked how they could have performed such a task. According to Silence, Zerviah responding by saying, "I don't know, The Devil was in us." This explanation positioned their extraordinary behavior

¹⁴ Elizabeth Reis, "The Devil, the Body, and the Feminine Soul in Puritan New England," *The Journal of American History* 82, no. 1 (1995): 15.

¹⁵ Deposition of Zerviah Grosvenor; Testimony of Hannah and Zerviah Grosvenor.

within a familiar—though no less distressing—line of thinking. While colonists likely did not confess to disposing of fetal remains every day, all New Englanders faced constant temptations to sin. That Zerviah and Hannah succumbed to such temptation was regretful—indeed, Silence claimed to have had a fit after hearing Zerviah’s excuse—but not out of the ordinary. Just as Sarah had given in to Amasa’s exhortations, Zerviah had fallen prey to the Devil himself.

While these women identified Amasa or the Devil as the forces that tempted them, the men who provided testimony were far more likely to place blame without implicating themselves or discussing the spiritual consequences of what had occurred. For example, Sarah’s cousin John testified that he told Hallowell that he “could not look upon him otherwise Than a Bad man Since he had Destroyed my Kinswoman.”¹⁶ Here, John held Hallowell responsible for murdering Sarah and made no mention of the moral or religious implications of the abortion. Ebenezer Grosvenor also related a conversation with Hallowell, though Ebenezer claimed that Hallowell said Amasa did not love Sarah enough to marry her and that Amasa wanted the doctor to “remove her conception” so he would not have to “go near her again.”¹⁷ This testimony placed Hallowell in a more sympathetic light while demonizing Amasa for his callous behavior towards Sarah. Finally, as previously shown, both Alexander Sessions and Doctor Parker blamed one or both of the men without discussing the sinfulness of either.

This gendered divide, alongside the passive-active paradigm evident in Zerviah, Silence, and Abigail’s testimonies, illustrates the pervasive influence of communal

¹⁶ Testimony of John Shaw and Amasa Sessions, 1746, Rex vs. John Hallowell.

¹⁷ Deposition of Ebenezer Grosvenor, 1746, Rex vs. John Hallowell.

norms. While Alexander and Hannah's debate over the physical state of the fetus point to the prioritization of personal and familial well-being, the emotional turmoil evident in many of the women's statements shows that communal norms about deviant behavior impacted how individuals responded to the abortion. While the townsfolk of Pomfret did not directly intercede into the case, the influence of the norms they maintained and represented played a direct role in determining how those involved perceived themselves and their actions.

Conclusions

The simplicity of the final verdict, issued by the Windham County supreme court, directly contrasts the multitude of motivations, emotions, and beliefs expressed by the various deponents:

...[the] said Jurors upon their oaths do say that... John Hollowell not having [the] fear of God before his Eyes but being moved and seduced by the Instigation(??) of [the] Devil Did willfully, wickedly and maliciously counsel, advise, and contrive and by actual force and violence attempt... [the] health and soundness of [the said] Sarah to destroy and [the said] fruit of her womb to destroy and cause to perish...All which is an heinous and high handed Misdemeanour and offence against [the] peace of our sovereign Lord [the] king and [the] common Right of [the] land and of his majesties liege subjects of this government.¹⁸

To the Connecticut court system, Hollowell held sole religious and legal responsibility for Sarah's death and that of her child. Based on the norms explored in chapter one, this is not unexpected; the common law tradition that underpinned this decision meant the person who physically destroyed the fetus would be held responsible.

Sarah and Amasa's friends, families, and acquaintances held more complicated views on the issue. Their thoughts on abortion were not solely molded by legal,

¹⁸ Court findings, March 1746/7, Rex vs. John Hollowell.

reproductive, and religious norms, but also by their personal and familial interests as well as their position within the community. Those who sought to benefit from the abortion—primarily Doctor Hallowell and Amasa—justified it, with those who foresaw negative consequences were more likely to condemn the act. Regardless of their opinions, both groups worked to survive the trial unscathed—such as with Alexander and Hannah—or attempted to reconcile their involvement with their beliefs about the consequences of deviant behavior—such as with Abigail, Sarah, Zerviah, and Silence. Altogether, these varying responses show that competing norms resulted in varied responses to the abortion. The next two chapters will see if this diversity applies to different communities dealing with abortion cases of their own.

CHAPTER THREE

Elizabeth Wells

Whereas Sarah Grosvenor's case revolved around the question of who would be held responsible for her death, that of Elizabeth Wells focused on determining paternity. When the case came to the Middlesex County court in 1669, Elizabeth, a servant to the Tufts family, had recently given birth to an illegitimate child. She consistently claimed that James Tufts—the son of her master, Peter Tufts—had forced himself upon her and, as such, was the father.¹ The Tufts themselves denied this assertion. Along with several other townsmen, they placed the blame on a servant in a neighboring household named Andrew Robinson. Without other means of proving paternity, the court relied on stories about Elizabeth, James, and Andrew's personal histories to determine which man was most likely the father of Elizabeth's child and, thus, who would be responsible for paying child support. As with the Grosvenor case, self-interest and communal expectations inspired conflicting responses amongst those involved.

However, while abortion does factor into this case—Elizabeth allegedly attempted to terminate her pregnancy before it became known to those around her—those who provided testimony were more interested in issues of credibility and reputation. After all, Elizabeth was not being prosecuted for the attempted abortion, nor did any of the witnesses seem interested in pursuing such punishment. Rather, the deponent's anxieties

¹ I do not use the word rape here both because Elizabeth does not use it in her description of the alleged sexual assault and because the event did not meet the expectations required to legally classify it as rape. See Michelle Morris, *Under Household Government: Sex and Family in Puritan Massachusetts* (Cambridge, Massachusetts: Harvard University Press, 2013), 112-113 for a discussion of these requirements and their implications for those involved.

centered around whose accusations the court would believe. There was much at stake; if the court accepted Elizabeth's word, the Tufts would be saddled with the cost of maintaining a child and the shame of a son who had committed fornication. Andrew and Elizabeth faced similar pecuniary and emotional woes without the familial support James had mustered.² To avoid these consequences, deponents sought to undermine the morality of their accusers. In doing so, they accepted and utilized the cultural assumption that someone who sinned in one way would be inclined to sin in others. By calling the court's attention to Elizabeth, James, and Andrew's past misdeeds—or lack thereof—deponents questioned or bolstered the reliability of their respective claims.

Altogether, the fact that abortion is featured in this story shows that New Englanders were conscious of the consequences of illicit sex and had choices available to them when faced with those consequences. As the case files show, Elizabeth decided to keep her pregnancy a secret before attempting to terminate it, likely to avoid the financial and social repercussions of bearing an illegitimate child. Andrew and James would also demonstrate a desire to keep their illicit behavior from others. As with the Grosvenor case, these tendencies illustrate a tension between individual desires and communal expectations; these individuals understood the legal and religious norms they were expected to uphold but allowed personal motivations to influence their actions as well.

² Out of the three primary characters in this case, only James seems to have had family in the area at the time of the trial. Michelle Morris argues that this lack of support placed people without families at a disadvantage in the court system; while those with “deep kinship networks,” like James or Amasa Sessions, could expect family members to support them in times of crisis, those without family, like Elizabeth Wells, received little assistance, even if they were living in another family's household as a servant. Morris, *Under Household Government*, 213.

Secrecy and Deception: Colonial Anxieties

The Tufts family referenced Elizabeth's alleged abortion as one of many moral failings that underscored her duplicity, thus implicating her accusation against James. According to them, Elizabeth was a serial flirt, fornicator, and liar who relished in telling stories about her sexual escapades and the illegitimate children she had left behind in England. Such testimony characterized Elizabeth as a brazen sinner who knew how to hide her crimes well enough to get away with them, only to brag about her actions to people who had no power to punish her. By discussing her in such a way, the deponents condemned not only the deviant behavior itself, but also the unrepentant and secretive way Elizabeth conducted herself more generally.

This discussion of deviancy and morality continued in testimony provided by and about James and Andrew. Witnesses repeatedly gave statements that addressed the question of which man was more likely to commit fornication. Strikingly, the story used to speak to James's self-restraint involved an instance of violence against a woman in which he could have committed rape but, reportedly, did not. In contrast, witnesses characterized Andrew as a man with few scruples when it came to courting Elizabeth. While witnesses referred to Elizabeth's past to cast doubt upon her testimony, James and Andrew's behavior indicated the level of wrongdoing they were likely to carry out, which could either absolve or incriminate them.

By referencing the trio's past behavior, the deponents called upon the idea that committing a sin made a person more vulnerable to transgressing further. As briefly discussed in chapter one, this concept appears in sermons throughout the colonial era. Ministers agreed that humans were naturally inclined to sin and that giving in to this

impulse would only weaken one's resolve against temptation: in the words of Increase Mather, "a corrupt Tree cannot bring forth good fruit."³ Likewise, Samuel Philips made this connection in a sermon published in 1729, writing that "many persons seek to cover [the sin of fornication] with a [Lie]...so they may get the opportunity to gratify their Lusts."⁴ Within this framework, the credibility of someone who had committed fornication became suspect.

To address this idea, the many witnesses who sided with James sought to affirm the strength of his character, even as evidence arose which may have sullied it.⁵ In contrast, statements about Andrew generally alluded to his moral fallibility, particularly by underscoring his illicit sensuality and dishonest conduct. In doing so, witnesses portrayed Andrew as more likely to be guilty of fornication than James. Also evident within these sources is a willingness—particularly among James and Andrew—to indulge in what was widely considered deviant behavior while avoiding public censure. As with Elizabeth's exploits, these tendencies—and the community's reactions to them—show that individuals were not blindly accepting or defying moral norms, but rather attempting to reconcile their own wants with those of the community they lived within.

Ironically, witnesses came forth with a story about physical violence to discuss if James was capable of sexual assault. Reportedly, James had become enraged after a

³ Increase Mather, *The Folly of Sinning, Opened & Applied, in Two Sermons, Occasioned by the Condemnation of one that was Executed at Boston in New England, on November 17th 1698* (Boston: B. Green & J. Allen, 1699), 8.

⁴ Samuel Phillips, *Advice to a Child. Or, Young People Solemnly Warn'd both against Enticing, and Consenting when enticed to Sin. In a plain Discourse from Prov. I. 10. Publish'd at the Desire of many who heard it, Especially the Young Men, who meet here, in several Societies for religious Exercises, on the Sabbath Evenings* (Boston, 1729), 15.

⁵ Out of the twenty-two people who provided statements, only Elizabeth explicitly testified against James, while only Andrew provided testimony in his own defense.

young woman named Mary Mudge served him some rotten food; he dragged her to a bed, fell on top of her, and held her beneath him while she struggled to free herself. Only after two of Mary's brothers heard her cries and entered the room did James release her and leave.⁶ While do not know exactly how the court interpreted this situation, testimony given by sixty-year-old John Greenland shows that at least one of the deponents did not view it as defamatory.⁷ After relaying what he had heard about the situation, John concluded that James had neither sexually assaulted Mary "nor [offered] her any abuse."⁸ Here, John draws a distinction between degrees of deviancy; while James had certainly not behaved like a gentleman, he had done nothing illegal.⁹ In this light, the incident with Mary serves as counterevidence against Elizabeth's claim that James had forced himself on her. The implication is that because James had not assaulted Mary, he likely had not assaulted Elizabeth.

Alibis and character testimonies from various witnesses lent more credence to this idea. James himself professed that Elizabeth's claims were false because he had "[never] had any thing to [do] with her in that [kind]" and that he hoped the contradictions in her testimony would convince the court of his innocence.¹⁰ For their parts, James's mother and sister countered one of the dates Elizabeth claimed James had assaulted her by stating

⁶ Deposition of Mary Tolladge, Middlesex Folio Collection, 52-2 and Deposition of Thomas and Gery Mudge, Middlesex Folio Collection, 52-2: hereafter cited as MFC, 52-2.

⁷ John, as well as two other men, had been sent by James's father to listen to Mary's account of what had happened between herself and James.

⁸ Deposition of John Greenland, MFC, 52-2.

⁹ Indeed, I could find no record to suggest that this episode was ever brought to the attention of the court as its own case.

¹⁰ Petition of James Tufts, MFC, 52-2.

that James had not been in the area at the time and that Elizabeth had actually spent the day with Andrew.¹¹ Finally, a family friend who sometimes worked for Peter Tufts attested to James's respectability and strong work ethic.¹²

No such witnesses spoke on Andrew's behalf; the deponents who testified about Andrew either highlighted his attachment to Elizabeth or discussed instances in which he had sought out illicit sex in the past. Four individuals mentioned times they had seen or suspected Andrew and Elizabeth of flirting or being physically intimate; perhaps the most damning evidence was that of James's sister Mary, who claimed that Elizabeth and Andrew had spent time alone in Elizabeth's room after he had "[offered] to [meddle] with" Elizabeth.¹³ Several witnesses maintained that Andrew had engaged in other deviant behaviors as well; Mary Falker stated that Andrew had asked her to have sex with him and, after hearing her refusal, countered her objections by saying that she would not get pregnant and that no one would know.¹⁴ Furthermore, Samuel Blunt testified that Andrew's mistress complained that Andrew often snuck out of the house at night and refused to tell her or her husband where he had gone.

These testimonies compensated for the lack of reliable evidence tying either man to the case; no one had explicitly seen James or Andrew having sex with Elizabeth, nor—as the next section will show—did people seem to put much faith in Elizabeth's accusations. As such, the court had to rely on character testimonies, alibis, and stories

¹¹ Deposition of Mary (elder) and Mary (younger) Tufts, MFC, 52-2.

¹² This witness was not initially sure of James's innocence, however. He asked James multiple times if he was guilty of fathering Elizabeth's child; James assured him that "his [conscience] was Cleare." Deposition of Josiah Wood, MFC, 52-2.

¹³ Deposition of Mary Tufts (younger), MFC, 52-2.

¹⁴ Deposition of Martha Farkner, MFC, 52-2.

about the men's interactions with other women to determine who would be responsible for contributing to the care of Elizabeth's child. In the end, witnesses characterized James as temperamental but otherwise quite disciplined and Andrew as lewd and amoral. From these depictions alone, it is clear that most of the deponents—many of whom were related to or friends with James—believed or hoped that Elizabeth had identified the wrong man as the father of her child.

Nevertheless, both men seemed to have inclinations or desires that challenged communal expectations in some way. If we believe the stories told in the testimonies for the case, James and Andrew shared a tendency to hide their deviant behavior from others: James by pulling Mary Mudge into the privacy of a separate room to vent his anger upon her and Andrew by keeping his sexual exploits as secret and free of consequence as possible. In doing so, they implicitly acknowledged the pervasiveness of the very norms they were defying.

As with James and Andrew, witnesses addressed Elizabeth's past behavior and experiences to establish the quality of her character. However, while the conversation about James and Andrew considered which of the two men was more likely to commit a sexual transgression, such a question was unnecessary in Elizabeth's case; the existence of her illegitimate child was proof enough that she was guilty of fornication. Instead, the court had to consider whether it would believe Elizabeth's accusations against James. Technically, Elizabeth had the law on her side; a law passed the year before the case came to trial stated that "the Man charged by the Woman to be the Father," particularly

during labor, “shall be the reputed father” and be required to pay child support.¹⁵ Three midwives testified that Elizabeth had remained consistent in identifying James as the father—and, indeed, her only sexual partner—throughout her delivery.¹⁶

Unfortunately for Elizabeth, testimony provided about her tendency to lie, previous sexual experiences and pregnancies, and her attempted abortion discredited her claim. Indeed, the attempted abortion—combined with several other instances in which Elizabeth referenced her past pregnancies—seems to have been presented and accepted as evidence of Elizabeth’s poor reputation and lack of credibility. For example, the young Mary Tufts again testified to the specifics of Elizabeth’s reproductive history:

Mary Tufts...saith that... Elizabeth Wells when she was in England did [leave] a [boy of two] years old in bed & came away [up] to London with her breasts full of milk to come to New-England...Elizabeth Wells did tell her [that] she [and] another did Bury [four] Bastards in Gardens in England [and] nobody knew of it but she [and] one other [and] I [asked] her why they did not know if it. And she said then it would have been a discredit to them...¹⁷

This statement suggests that Elizabeth did want other people to know about her illegitimate children and understood that their existence—particularly those who had died, perhaps from successful abortions—would have had some sort of repercussions. For the case at hand, these stories contributed to the idea that Elizabeth could not be trusted to tell the truth. Indeed, they establish a pattern in which Elizabeth committed fornication

¹⁵ William Whitmore, *The Colonial Laws of Massachusetts. Reprinted from the Edition of 1672, with the Supplements Through 1686. Containing also, A Biographical Preface and Introduction, Treating of all the Printed Laws from 1649 to 686. Together with the Body of Liberties of 1641, and the Records of the Court of Assistants, 1641-1644* (Boston: Rockwell and Churchill, 1890), 55. The logic behind this policy was that “a woman asked to testify at the height of travail would not lie,” making her claim reliable. Laurel Thatcher Ulrich, *A Midwife’s Tale: The Life of Martha Ballard, Based on Her Diary, 1785-1812*, (New York, 1990), 149.

¹⁶ Deposition of Raus, Bullard, and Smith, MFC, 52-2.

¹⁷ Deposition of Mary Tufts (younger), MFC, 52-2.

and actively worked to hide the fact. In this light, her duplicity is more relevant to the case than the specific references to reproductive deviancy.

Elizabeth's tendency to hide her deviant behavior continued with the attempted abortion of the fetus she claimed was fathered by James. Fourteen-year-old Mary Tufts provided the sole account of the event, claiming that the day before Elizabeth admitted to being pregnant, she drank a mixture of beer and savin—a known abortifacient. The concoction reportedly made Elizabeth so ill that she “[knew] not [what] to do,” though she continued to drink it. Finally, Elizabeth asked Mary not to tell another servant—Elizabeth Jeffs—what she had seen.¹⁸ By keeping her pregnancy private before attempting to terminate it, she likely hoped to avoid the social, legal, religious, personal, and practical consequences of bearing an illegitimate child and of committing fornication.

This desire to circumvent such consequences is also clear in statements about Elizabeth's general tendency to lie and manipulate those around her. For instance, several deponents claimed that she had stated that, if she ever became pregnant, she would identify the wrong man as the father of the child if he had more money than the actual father.¹⁹ She also reportedly acknowledged that the courts were less likely to believe a woman's accusations if she did not remain steadfast in her claims and stated that she would identify the same man as the father “[until she] died” even if “he had [never] come [near her].”²⁰ Referencing more general instances of Elizabeth's deceitfulness, James's maternal grandmother claimed that Elizabeth was “[horribly addicted unto] lying,” and

¹⁸ Deposition of Mary Tufts (younger), MFC, 52-2.

¹⁹ Deposition of Elizabeth Jeffs and Mary Tufts (younger), MFC, 52-2.

²⁰ Deposition of Mary (elder) and Mary (younger) Tufts, MFC, 52-2.

that she had “[steadfastly denied]” doing things the older woman knew she had done.²¹ Regardless of the truth of these witness statements, they address the issue of Elizabeth’s reliability and characterize her as an untrustworthy and self-serving individual. Her reputation for sexual and reproductive deviancy underscored these traits.

Conclusions

Elizabeth’s attempted abortion, James’s alleged temper, and Andrew’s supposed liaisons show that while deviancy took many forms in colonial New England, concerns about such behavior centered around the secrecy and disregard for communal stability that such actions required. Both the court and the public were more inclined to view abortion as deviant when it threatened this stability; in this case, Elizabeth’s behavior posed such a threat because it undermined typical means of determining paternity and revealed sentiments of self-interest which conflicted with colonial norms.

²¹ Deposition of James Melin, MFC, 52-2.

CHAPTER FOUR

Amy Munn

As with Elizabeth Wells's case, the trial of Amy Munn did not center around an abortion: rather, as Lawrence Goodheart summarizes, Amy was prosecuted for the murder of her newborn:

Amy Munn, in 1699, was an unmarried servant in the Farmington household of Samuel Wadsworth and his wife. She claimed to have hidden a stillbirth. The prosecution, however, charged her with much more than fornication: she intended to abort, injured the baby during the birth, neglected the neonate, and ultimately cut its throat to the bone. Her employers verified the last point, having seen the corpse after the fact. The indictment continued, "To add to her wickedness," she lied about her willful murder and sought to perjure witnesses. The all-male jury found her guilty. As was proper in death penalty convictions, the Court of Assistants heard Munn's appeal and voided her conviction for infanticide.¹

Here, the prosecution hinged upon the cause of the neonate's death. If the fetus had died in utero as Amy claimed, English common law would not permit a conviction for murder.² However, because Amy had given birth alone, there were no witnesses to support or contradict her testimony. This isolation particularly concerned the court because it disrupted the process of law, hindering standard methods of regulation and restoration. Lacking two or more witnesses to speak to the neonate's condition upon delivery, the prosecution referred to Amy's reproductive, sexual, and social deviancy to convince the court of her guilt.

¹ Lawrence Goodheart, *Female Capital Punishment: From the Gallows to Unofficial Abolition in Connecticut* (Milton: Routledge, 2020), 77.

² See chapter one.

This case does not provide much of an opportunity to examine Amy’s—or indeed, her community’s—response to abortion and infanticide. Instead, the case files primarily reflect the anxieties of authority figures in colonial Connecticut. However, the case provides an opportunity to examine the legal and religious expectations discussed in chapter one through the framework of an actual court case. The extant files for this case are minimal—five in all—and only one document provides an account from Amy’s point of view. There is also very little first-hand testimony; the prosecution seems to have taken witness statements off the record and paraphrased them in their final plea to the court. As such, it would be historically irresponsible to evaluate these sources as if they provide direct insight into the community’s perceptions of the case. Rather, I will first analyze the court’s response to the crime, paying particular attention to the sources of tension behind colonial social, cultural, religious, and legal norms. Finally, I will attempt to bring laypeople’s experiences back to the forefront by reconsidering Sarah Grosvenor, Elizabeth Wells, and Amy Munn’s cases through this framework of tension. Throughout, I argue that it was not the act of abortion itself that concerned the colonial court which considered Amy’s case, but rather the elements of isolation, premeditation, contamination, broken gender norms, and violence that enabled the death of her neonate.

“This Horrible Crime”: Isolation, Premeditation, and Contamination

To condemn Amy, the prosecution identified three points of interconnected criminality in Amy’s behavior: isolation, premeditation, and contamination. As Elizabeth Wells’ reputation for vulgarity and dishonesty damaged her credibility, these alleged behaviors weakened Amy’s claim to innocence and spurred the court to convict her.

Indeed, I propose that the court perceived these behaviors as particularly concerning because they validated colonial fears of declension. Amy Munn's secret pregnancy, alleged abortion attempt, private labor, and violated neonate served as reminders of women's moral vulnerability, the infectious influence their sinfulness could have on those around them, and the danger such behavior posed to traditional social structures.

As such, Amy was called to answer for far more than the death of her infant; the court condemned her for planning to end her pregnancy, keeping her condition a secret, and attempting to persuade others to hide the existence and death of her neonate from the community. I argue that the Puritan perception of sin as both degenerative and contagious contributed to the colonial courts willingness to accept these behaviors as evidence of infanticide.³ Within this framework—as my analysis of Elizabeth Wells' case has shown—succumbing to one sinful urge made a person more likely to sin again, leading New England courts to suspect those with a history of sexual deviancy and secret-keeping of committing further crimes. Amy's case adds to this idea of moral degeneration by showing that a fear of social contamination also informed how colonists responded to deviant behavior. Through this aspect of the colonial psyche, all deviant behaviors—including, at times, abortion—served as a reminder that one's community must be on constant guard against corruption.

Amy's case worried the court because it threatened to corrupt both the people around her and the very structure of her community. Most significantly, her intentional

³ Historians Peter Hoffer and N.E.H. Hull discuss a similar idea in their review of female infanticide cases in colonial New England and argue that that this use of deviancy as evidence of murder stemmed from “three larger ruling Puritan conceptions of sin,” particularly “the concealment of sin... prior sexual wantonness... and the disobedience of women to community standards.” Peter C. Hoffer and N. E. H. Hull, *Murdering Mothers: Infanticide in England and New England 1558-1803* (New York: New York University Press, 1981), 49.

isolation as a pregnant woman challenged reproductive traditions to the extent that the court could not handle her case according to established capital law, which required testimony from two witness to convict a person of murder.⁴ Amy's labor disrupted this process because she gave birth alone. Indeed, the man who questioned her about the death of the neonate asked her two times why she had failed to let anyone know about her pregnancy.⁵ To give birth alone marked a woman as an outsider; in the colonial period, women needed and could expect female friends, family, and acquaintances to assist during labor.⁶ While this support was certainly medically and emotionally practical, it also served a legal function in cases of deviant sexuality and/or reproduction. For instance, as Elizabeth Wells's midwives had done, birthing attendants were sometimes called to testify to paternity in cases of fornication.⁷ By delivering the neonate in private, Amy ensured that no such witnesses could speak to the infant's condition upon arrival, let alone the identity of the father. This forced the court to rely on character and circumstantial evidence while also marking Amy as deviant from the outset.

⁴ J. Hammond Trumbull, *The Public Records of the Colony of Connecticut, Prior to the Union with New Haven Colony, May 1665, Transcribed and Published (In Accordance with a Resolution of the General Assembly,) Under the Supervision of the Secretary of State, with Occasional Notes, and an Appendix* (Hartford: Brown & Parson, 1850), 77.

⁵ Examination of Amy Munn, *Crimes and Misdemeanors, Series One, 1662-1789*, Connecticut State Library: hereafter cited as *Crimes and Misdemeanors*, CST. He specifically asked why she had not told her mother or her mistress about "the condition she was in," likely referring to the role these two women might have played as attendants to Amy's labor.

⁶ Female midwives directed these proceedings in most cases, until male doctors entered the scene in the mid-eighteenth century. Laurel Thatcher Ulrich, *Good Wives: Imagine and Reality in the Lives of Women in Northern New England, 1650-1750* (New York, 1982), 132.

⁷ Ulrich, *Good Wives*, 98.

Indeed, the prosecution referred to Amy’s intentional self-isolation as proof of her “murderous intentions.”⁸ Here, the prosecution labeled her secrecy as a crucial aspect of the crime; after all, a normative pregnancy and labor would likely not have provided an opportunity for Amy to kill the neonate in private. That Amy had actively kept her pregnancy to herself suggested to the court that she had decided early on to terminate it eventually. This conclusion was likely based on the biblical law set forth in Exodus 21:14 and cited in Connecticut’s statutes on capital punishment. Using this verse as justification, the courts could convince someone of murder if it could be shown that they had planned to kill someone.⁹ As such, referring to Amy’s secrecy set a legal precedent for a conviction.

The prosecution further cemented this precedent by alluding to an alleged abortion. Testimony submitted by Ann Wadsworth—Amy’s mistress—and a Margaret Higginson allowed the prosecution to conclude that Amy had decided to “make away [her] child before such times as she fell into the [pains of Travail] before she came to Farmington.”¹⁰ In other words, these women claimed that Amy had attempted to abort the fetus before she came to work in the Wadsworth household. This suggests that the attempt took place early in the pregnancy, likely making the act legal. Indeed, the alleged abortion attempt does not appear in any of the other documents relating to this case and is not mentioned in the indictment submitted against Amy. As such, the abortion does not seem to have been considered a criminal act in own right, but instead served as evidence

⁸ Plea of Prosecuting Attorney, *Crimes and Misdemeanors*, CST.

⁹ Trumball, *The Public Records of the Colony of Connecticut*, 77.

¹⁰ Plea of Prosecuting Attorney, *Crimes and Misdemeanors*, CST; I could not find the evidence needed to establish Margaret’s relationship with Amy.

of Amy's intentions to "make away the child" in some way.¹¹ The abortion attempt was not what concerned the court; rather, Amy's repeated attempts to hide the pregnancy from her community demonstrated a concerning pattern of premeditation. Aborting the fetus in the early stages of pregnancy likely would have been accepted; murdering the neonate after the abortion had failed was not. Combined, the alleged abortion attempt, Amy's self-isolation, and the successful murder established enough evidence of premeditation for the court to convict Amy without the required witnesses.

However, the Connecticut General Court was unwilling to prosecute similar cases without witness going forward. To prevent a repeat case, it passed the following law in response to Amy's trial:

Ordered and enacted... That if any woman be delivered of any issue of her body which if it were born alive should by lawe be a bastard, and that she indeavour privately either by drowning or secret burying thereof or any other way, either by herselfe or the procuring of others, so to conceal the death thereof that it may not come to light, whether it were born alive or not but be concealed, in every such case the mother so offending, shall suffer death as in case of murder. Except such mother can make proof by one witsesse at the least, that the child whose death was by her so intended to be concealed, was born dead.¹²

This law focused on the act of concealment, not of murder. Even if an infant had died of natural causes, a woman could be put to death if she had hidden the neonate's existence in some way. This shows that the court's anxiety was centered around isolation. Privacy and secrecy had allowed Amy to murder her neonate without witnesses to speak to the fact; this legislation made such isolation a capital crime.

¹¹ Plea of Prosecuting Attorney.

¹² Hoadly, Charles. *The Public Records of the Colony of Connecticut, From August, 1689 to May 1706, Transcribed and Edited, in Accordance with Resolutions of the General Assembly* (Hartford: Press of Case, Lockwood & Brainard, 1850), 285.

While this change addressed practical concerns regarding burden of proof, the new law also responded to religious fears of moral corruption that Amy's case had spurred among the court. As this excerpt from a sermon published in 1713 illustrates, religious authorities perceived murder as a particularly dangerous sin because it threatened God's place in the community:

...the [*Heinous*] *Nature* of the Sin of *Murder*; It should be improved by all that are here present, *to deter them from all Approaches*, or tendencies towards this Crying Guilt; and People should be warned against indulging the least appearance of it in Will, or Wish, or Word; and also of all wicked *passions* or *Customs* that may but tend to draw on the Fact, or provoke God to leave us to it. At the same time you see the *Government* justified in their righteous Care to *Purge the Land* of this Guilt; nor can they answer it to God, or their People, to do otherwise. It is their *Obedience* to the Divine Law, and their *Fidelity* and *Tenderness* to Humane Society, that constrain them to the *Condemnation* and *Execution* of a *Murderer*.¹³

Within this framework, the courts had a religious responsibility to remove murderers from society, lest God condemn the entire community for harboring such an egregious sinner. Amy's case validated this concern because she had attempted to persuade her master and mistress to hide her crime after they discovered the infant's body.¹⁴ The idea that a woman could both murder a neonate in secret and convince others to maintain that secrecy threatened the religious security of the community. By criminalizing isolation, the new law made both secrecy and conspiracy more difficult, thus protecting the community from the spiritual dangers of allowing a potential murderer to live amongst them.

¹³ Colman, Benjamin, *The hainous nature of the sin of murder. And the great happiness of deliverance from it. As it was represented in a sermon at the lecture in Boston, Sept. 24. 1713. Before the execution of one David Wallis* (Boston: John Allen, 1713), Readex: American Sermons, 14.

¹⁴ Plea of Prosecuting Attorney.

The significance of this fear underscores the court's relative disinterest in abortion. This case shows that legal authorities were concerned with violent crimes committed by women because they directly threatened the safety of the community. While abortion was sometimes referenced to justify this fear, it was not the act of abortion itself that spurred such anxiety. Rather, the reminder that women could and sometimes did commit acts of deviancy—oftentimes in secret—called attention to colonial insecurities regarding the effectiveness of legal, religious, and communal regulation. That Sarah Grosvenor, Elizabeth Wells, and Amy Munn had committed fornication and hidden their respective pregnancies long enough to consider, attempt, or induce an abortion showed the court that deviant behavior was not as closely monitored or effectively regulated as they would have wished.

The court's perception of these women's secret-keeping and sexual and reproductive deviancy was influenced by colonial understandings of gender norms, particularly concerning reproduction and violence. I have shown in chapters two and three how gender norms informed perceptions of deviancy, both within the courts and the perpetrators themselves. While religious and legal authorities expected both men and women to sin, they viewed women as particularly vulnerable of succumbing to temptation. In this framework, women received sin from an outside force, such as the devil. This positioned women as both passive and vulnerable; in normative portrayals of gender dynamics, women were expected to submit to sin rather than initiate it and were believed to lack the power to overcome such temptation. The story provided to the court about Sarah Grosvenor's abortion fit within this narrative, while that of Elizabeth Wells

did not. Sarah had allowed a man to convince her to sin, while Elizabeth seems to have acted without outside influence.

Amy's case suggests that deviating from this gendered ideal of sinful behavior negatively impacted how the court responded to her criminal behavior. In this specific case, the court viewed Amy's actions as particularly concerning because they were physically violent. While neither Sarah nor Elizabeth had personally used manual means to induce abortion, Amy was charged with cutting her neonate's neck with a knife after delivery. The indictment against her described this as a "Maliciously and Feloniously...violent" act."¹⁵ The court used similar language to condemn doctor John Hallowell for his operation on Sarah, whereas no such description is used to describe Elizabeth's use of an abortifacient.¹⁶ Though part of this contrast is due to the fact that Amy and Dr. Hallowell's actions resulted in death while Elizabeth's did not, the violation of gender norms also contributed to this differing perception of the crimes. The use of herbs was viewed as less threatening than the use of physical violence because it did not challenge accepted gender norms. Likewise, Dr. Hallowell's presence in a traditionally female space also violated these norms. This suggests that it was not simply the criminal act itself that sparked condemnation, but also the extent to which social norms had been violated in the process.

¹⁵ Inditement of Amy Munn, *Crimes and Misdemeanors*, CST.

¹⁶ Court Findings, September 1746, Rex vs. John Hallowell; Depositions of Mary Tufts (younger), MFC, 52-2.

Conclusions

Altogether, this case strengthens this idea that the act of abortion itself was not what worried the courts; rather, colonial anxieties around reproductive, sexual, and gendered deviancy provoked fears surrounding declension and punishment. Colonial authorities worried about the declining morality of their constituents while laypeople feared the impact deviant behavior might have on their lives—even as they indulged in it. This fostered an environment in which self-interest collided with communal expectations, prompting those like Amy Munn to hide their deviant behavior from those most anxious to expose it.

CONCLUSION

The three women whose court cases I have considered in this study lived within a culture of anxiety. Religious and legal authorities worried about the morality of their constituents and the implications deviancy would have on their communities. The scarcity of abortion cases in the colonial archives suggests that abortion itself was not a major source of this fear. Indeed, the nature of the cases studied here suggest that the issue rarely appeared in court unless extenuating circumstances—such as the death of the pregnant woman, disputes over paternity, and infanticide—demanded the law’s attention. Within this view, abortion existed within a broader colonial conversation about sex, reproduction, and morality.

Those without legal or religious authority internalized these concerns by participating in communal regulation. However, laypeople did not do so uncritically; they allowed self-interest to influence how they responded to social fears of declension. This self-interest—namely preservation of autonomy, reputation, and stability—led some colonists to respond to deviancy in ways that diverged from the norms upheld by authorities.

This tension is manifest abortion cases through repeated uses of secrecy, isolation, and deception despite the court’s clear disinterest in punishing abortion. Despite this, the women whose abortion cases I have reviewed here believed that others would perceive their actions as deviant and sought to hide them from authority figures in their community and households. In a society that prioritized exposure and retribution, these

women—and/or their male partners—used selective concealment to avoid detection and claim the space needed to make nonnormative sexual and reproductive choices.

Unfortunately, court documents do not provide full access to laypeople's perceptions of abortion. Rather, these sources illustrate the fears of legal authorities and show how laypeople responded to these anxieties. While the courts hoped to identify and punish wrongdoers, laypeople did what they could to plead their or their family's cases and leave a given trial with the best outcome for themselves. Thus, these documents are perhaps most useful for illustrating the relationship between legal authorities and their constituents, rather than the beliefs or feelings of the constituents themselves.

However, we can observe that abortion did occur in colonial New England and was, for some, valued as a form of birth control. In a society without reliable means of monitoring or stopping conception, abortion provided a way for woman and/or their partners to end a pregnancy before it became known to their communities. In doing so, they attempted to claim control over their lives. Their feelings or beliefs about this method of maintaining autonomy remain unclear because the sources contain a skewed account of what occurred; the deponents who provided testimony in each case likely said what they hoped the court would like to hear. It is impossible to separate genuine reactions and statements from those constructed to win the court's favor.

After an abortion or an abortion attempt, the households, families, friends, and neighbors of those involved then responded in ways that aligned with their personal interests. The two families at odds in Sarah Grosvenor's case, for instance, attempted to plead Sarah or Amasa's innocence at the expense of the other. Similarly, Elizabeth Well's and Amy Munn's masters and mistresses distanced themselves from their servants

once they proved to be legal or financial liabilities. This pattern demonstrates a tension between colonial concerns over normative behavior and individual anxieties around self and familial preservation.

Future studies can expand upon these ideas by analyzing abortion cases from the colonial period to the present day and/or by attempting to locate mentions of abortion in other colonial sources. I have argued that colonial fears of declension impacted how the courts dealt with abortion and how laypeople perceived the issue; other scholars can test the strength of this theory by seeing how cultural and social fears have impacted the reception of abortion within the American court system throughout time. To avoid or compensate for the inadequacies of court documents, scholars may also wish to seek out documents that more fully showcase women's voices. For instance, midwifery records, like the diary of Martha Ballard, may include references to abortion—indeed, even a lack of references to the issue may be informative.

This kind of academic work will fill a neglected gap in the historical record. There are few studies on abortion in colonial America and popular understandings of abortion in this period often lack nuance and depth. It is not enough to simply say whether colonists condemned, allowed, tolerated, or accepted abortion. Instead, we must ask what factors influenced the ways people have historically responded to abortion and what these responses may mean for those grappling with the meaning and significance of abortion today. My hope for this study is that it has shown that men and women throughout American history also considered the meaning and significance of their sexual and reproductive choices—or lack thereof. Abortion was not universally condemned nor

overwhelmingly celebrated; rather, individuals made a range of choices depending on their needs, desires, obligations, fears, and social contexts.

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