I. Introduction

In early 2007, the Polk County, Iowa, Attorney’s Office recruited this author to serve as an expert witness in the case *Varnum v. Brien*. At issue was Iowa’s marriage law, which specified that “Only a marriage between a male and female is valid.”¹ Challenging this statute were twelve same-sex couples who wished to marry their partners in Iowa. In my “Summary Report” of relevant opinions, I laid out my intent “to address the history and public purpose of marriage in the United States and the relationship of marriage to broader family policy.” I noted that I held a Ph.D. in Modern European History, that I had authored ten books on the history of family life and public policy in both Europe and the United States, and that I was Editor of the Marriage and Family Series for Transaction Books, “the publisher of record in the international social sciences.” My central point was that:

Civil authority in America, as elsewhere, has intervened in the spousal contract of union because
such authority represents the potential child or children, the first object of marriage, and because civil society has accepted the implicit promises made by the spouses to create and rear that child in a stable home.²

Phrased more simply, marriage law rested on the presumption of procreation; which was in turn, by nature, heterosexual. Attorneys for the Plaintiffs deposed me on February 21 in Chicago.

However, in his Summary Judgment issued in favor of the plaintiffs on August 30, 2007, Iowa District Judge Robert B. Hanson dismissed my potential testimony with a wry twist: “Despite Carlson’s impressive academic credentials, the Court does not believe he possesses the knowledge or experience to answer the specific questions propounded to him.” Specifically, “he … conducts no empirical data research” and “has no formal training in a relevant social science discipline.”³

Justice Hanson’s implicit message was that history, as conventionally practiced for the last two centuries, has no place in legal argumentation of this sort. Only social sciences making exclusive use of quantifiable data – presumably only certain forms of sociology and psychology – could be allowed in as evidence.
Putting aside the staggering sweep of this argument, the actual effects in this case should have been minimal. For the overwhelming message of quantified social science research is that children predictably do best when they are born to and are reared by their two natural parents – a mother and a father – bound in marriage. Any deviation from this model – including sole-parenting and step-parenting, as well as same-sex coupling – raises the probability of negative outcomes for the children involved. A legal ruling that had faithfully considered this evidence would predictably be favorable to conventional marriage.

Alas, Justice Hanson himself quickly jettisoned his own embrace of “quantification alone.” In his section on “Material Facts as to Which There is No Genuine Issue,” he included – without citations – a number of distinctive historical statements. These include:

— “Marriage in the United States is virtually unrecognizable from its earlier common law counterpart, having undergone radical, unthinkable changes ….”

— “American marriage law has vastly changed in its treatment of men and women.”

And, most significantly (and listed first):
“Marriage has evolved over time, in legislatures and courts, to meet the changing needs of American society and to embody fuller notions of consent and personal choice.”

To begin with, these are not self-evident conclusions, beyond argumentation. The reference to “evolved” is telling, moreover, for much of the recent case law on same-sex marriage has rested on an appeal to social evolution. When striking down Washington State’s “Defense of Marriage Act” in 2004, for example, Justice William Downing used such language: “As time marches inexorably on, human society … evolves.” The same language has been adopted by journalists friendly to the redefinition of marriage. Columnist Ellen Goodman concluded that the 2003 ruling by the Massachusetts Supreme Court that homosexuals have a right to marry “is as evolutionary as it is historic.” She added: “The evolution of gay rights and marriage laws now merge into the definition of marriage written by the Massachusetts court.”

It is true that one clear strain in American historiography has been a stress on the evolution of the American family, from autonomous institutional strength rooted in law and custom toward a “wider familism” building on “the parentalism of society” and individual choice. From Arthur Calhoun in 1917 (Social History of the American Family) to Nancy Cott in
2002 (*Public Vows: A History of Marriage and the Nation*) and Stephanie Coontz in 2005 (*Marriage, a History*), the stress by these historians has been on the movement of law and behavior in one direction; be the “end” theoretically Marxist (for Calhoun) or Liberal (for Coontz) or both (for Cott).

In short, one’s reading of history *does matter*, after all. My experience in the *Varnum* case led me to reconsider the history of the family in America, including the development of a college course examining changes in marriage and family life from the mid-17\textsuperscript{th} Century through the year 2000. From that course outline, I have since begun to write a book on the same subject.

My findings and major theme differ sharply from the arguments found among the historical evolutionists, and they hold very different legal implications. Rather than discovering change in one broad direction, I have identified four distinct cycles in the history of the family in America. These cycles show periods of a “strengthening” or a “weakening” of American family systems around a single normative model. This “American” family model involves early and nearly universal marriage, high fertility, close attention to parental responsibilities, complementary gender roles, flexible but real inter-generational bonds, an aspiration toward family economic
autonomy, and relative stability. Notably, such traits distinguish the American family system from the “European” model clearly identifiable since 1700. When these traits have been visible, the family in America embodies human marriage as grounded in natural law, and so may be labelled “strong.” When the opposite behaviors have appeared – foregone or delayed marriages, lower fertility and other signs of a retreat from child-rearing, more divorce, loss of economic autonomy, and heightened intergenerational conflict – the family in America may be labelled “weak.”

Curiously, these cycles of strength and weakness occurred, until recently, in fifty year swings: periods of strength can be found, roughly speaking, from 1630 to 1680, from 1730 to 1780, from 1830 to 1880, and from 1930 to 1970. These episodes were punctuated by periods of decline from 1680 to 1730, 1780 to 1830, and 1880 to 1930, with another period of crisis setting in about 1970. Viewed another way, there have been four distinct family cycles of strength and decline since 1630, each one of about one hundred years duration. Turns within this cyclical narrative derive from intellectual, economic, cultural, and religious influences.

The full argument for this interpretation of history must await completion of the book. However, in this paper, I want to offer a description of one such complete cycle in American history, from 1630 to 1730, as an
introduction to the broader argument. And I will suggest what the implications of this historical understanding may be for future court decisions affecting the family.

II. The Puritan Family Utopia, 1630 – 1680

A. An Errand in the Wilderness

In 1620, a group of Christian dissenters, primarily drawn from Scrooby, England, arrived in Cape Cod Bay and established Plymouth Colony. Within six months, half of the colonists were dead. The survivors struggled on, and by 1640 their community had gained “a measure of stability, at least in institutional terms.”¹⁸ A substantially larger and better organized group followed in 1630, led by John Winthrop. Settling to the northwest of Plymouth, the Massachusetts Bay Colony attracted another 20,000 colonists over the balance of the decade. These settlers soon spread into the Connecticut territory. By 1640, these communities also exhibited a remarkably stable social order.

Such results were not preordained. The English settlement to the South in Jamestown, Virginia, for example, had been launched some years earlier [1607], yet remained fairly chaotic for most of the 17th Century:
disease-ridden; politically unstable; and socially incoherent. The difference derived, in large part, from the success of the New England colonists in creating a strong family system, which bound together spiritual, political, economic, and social behaviors in a coherent framework. This distinctive, if often misunderstood, domestic regime would become a measure or touchstone for subsequent visions of familism and ordered liberty in the New World. Drawn in broad strokes, its components were Christian, peasant agrarian, communal utopian, and familial.

As Perry Miller has elegantly put it, the Massachusetts Bay Company was “an organized task force of Christians, executing a flank attack on the corruptions of Christianity.” Their “errand into the wilderness” sought not only to please God, but also to turn human history in a new direction by “vindicating the most rigorous ideal of the Reformation.” At the formal level, Puritan social theorists relied heavily on early European “federalist” theory. In place of “the rule of necessity” or “an order of aimless motions and inertia,” they sought a new order built on voluntary choice, the willing assumption of duty, the binding force of covenants, and “the sovereign determination of free wills.” In an attempt to free themselves from the grim implications of John Calvin’s doctrine of predestination, they sought to create a regime built on the love found among regenerate Saints, God’s
elect. As Winthrop told his followers aboard the *Arabella* in 1630: “Each discernes by the worke of the spirit in his own Image and resemblance in another, and therefore cannot but love him as he loves himself.” Covenants – understood as contracts enjoying divine blessing – defined religious, social, and political obligations and produced a coherent, reasonably ordered, and harmonious community.¹⁰

This orientation provided Puritan settlers with a “complete blueprint for a smooth, honest, civil life” and motivated them to risk everything on a journey into the wilderness where they might construct a society based on those plans. Reformed Christians had become “that elect race which the Hebrews once were,” and so inherited a threefold covenant, as individuals, as families, and as a community. Sin could be equated with disorder; divine Grace meant the restoration of order, also understood as “the order of creation.”¹¹

In addition, Puritan writers put forward a distinctive understanding of liberty. As John Winthrop explained, “natural liberty” was the freedom to do whatever one chose, which was no better than “original sin.” In contrast, “civil or federal liberty” was a freedom to do “that only which is good, just and honest.” In this sense, order and liberty were two sides of the same coin. On a related point, religious liberty did not mean an abstract freedom of
conscious, without content; rather, it meant liberty to worship the Bible, as properly interpreted by the Puritan priestly class.\textsuperscript{12}

Accordingly, in the Puritan mind, law and religion reinforced each other. In effect religious and social covenants effortlessly merged. While church and government were formally separated, they were in practice “everywhere intertwined.” The local Congregational church, placed prominently on the village square, “was the center of religious and civic life…, the focal point of public piety and the guardian of the community’s values.” Participation in the church’s life, in turn, brought individuals into harmony with community mores, contributing to social order.\textsuperscript{13}

A notable feature of 17\textsuperscript{th} Century Puritan theology, in both England and America, was the frequent use of family imagery to describe the nature of the true church. Found most elaborately in the work of Richard Sibbes, this approach featured God as a stern, disciplinarian father, who nonetheless would never disinherit his true “elected” children. As Sibbes explained, “the word ‘father’ is an epitome of the whole gospel.” Robert Gell described God as a benevolent breadwinner, faithfully providing “an inheritance for his new begotten children.” Meanwhile, Puritan writers cast the Church in the female role. According to Thomas Palmer, “[t]he church is called a woman, a woman in travail.” William Perkins declared the church to be “a mother,
which by the ministry of the word brings forth children to God, … and after
they are born and brought forth she feeds them with milk out of [her] own
breasts, which are the scriptures.” Alternately, Puritan writers emphasized
the nature of the Church as the “spouse of Christ.” Such “espousal theology”
sometimes took on an erotic tone. As Sibbes preached: “Christ hath never
enough of his Church till he hath it in Heaven. In the meantime Open, open
still!”14

In this way, the Puritans actually moved beyond the emphasis of
Luther and other continental Protestants on revitalizing the family as the
basic cell of society. By focusing on the familial aspects of the Godhead and
with practical emphasis on family prayer, family Bible study, and family
sermon discussion, the Puritans hoped to regenerate English society through
internal moral governance. Accordingly, the family became for them “the
nucleus of moral armament and social stability,” the foundation of ordered
liberty. As William Gouge neatly summarized in 1622, “a family is a little
Church, and a little Commonwealth … whereby men are fitted to greater
matters in Church or Common-wealth.”15

Distinctive to the Puritan religious polity was the requirement that
members have a clear conversion experience: “…the Lord’s quickening of
the spirit.” As good Protestants, Puritans held that justification before God
lay entirely in His hands. Men and women were altogether passive in the process; salvation was a gift of God’s grace. However, where Luther saw baptism alone as a sufficient channel of this grace, the Puritans insisted on a clear sign of life-changing sanctification, where the individual confronted the overwhelming burden of his sins, followed by an inrush of God’s saving Grace. When seeking membership in a congregation, the candidate had to identify and define that moment. He or she also faced examination by the brethren over matters of doctrine and moral behavior as well as their willingness to embrace “the covenantal principles of charity, love, and fraternity.”

Controversy surrounds certain changes over the course of the 17th Century in the meaning and process of church membership. Some see the adoption of the “Half-Way Covenant” by the 1662 General Synod in Boston as a measure of weakness. Those under this new dispensation were persons who were baptized as children, understood and publicly affirmed “The Doctrine of Faith,” and were “not scandalous in life and solemnly owning the Covenant before the church”; however, they were not required to give evidence that they had attained saving grace through a conversion experience. They were recognized as members and their children could be baptized. However, they were barred from partaking in the Lord’s Supper.
and from voting in church affairs. All the same, there is good evidence that, for at least several decades, the Half-Way Covenant operated primarily to resolve certain practical difficulties facing local congregations and did not widely dilute membership standards.\textsuperscript{17}

In his important book \textit{The Puritan Family}, Edmund Morgan traces the decline of the Puritan commonwealth to what he calls “Puritan Tribalism.” Faced by the appearance of ever more ungodly men in Massachusetts Bay after 1650, the Puritans turned away from evangelism among the unsaved toward a protection of their own children. Morgan suggests that their theology shifted as well. “Love thy neighbor” became “love thy family.” In place of the message of Thomas Hooker – “a man who spoke his words to sinners rather than saints” – came the message of Increase Mather: “God hath seen meet to cast the line of election so, as that generally elect Children are cast upon elect Parents.” As nicely rephrased: “God casts the line of election in the loins of godly parents.” Morgan sees the Puritans turning their church into “an exclusive society for the saints and their children,” a “hereditary, religious aristocracy.” He concludes that this strategy failed, as the children of the elect proved insufficient to the task; grace did not prove to be hereditary. The consequence was the crisis in the Puritan spirit, evident starting in the 1680’s.\textsuperscript{18}
However, in their study *Religion, Family, and the Life Course*, Gerald Moran and Maris Vinovskis persuasively argue that this turn by the Puritans toward protection of their children was not the source of later disorientation. Rather, they maintain that “the family served a positive religious function in New England, preserving and protecting Puritan values and culture across generations.” Seventeenth-century families in Massachusetts “were more resilient and creative in the face of change” than depicted by Morgan. The Puritan family was in fact “an active agent,” showing more strength and adaptability in the face of challenges than originally depicted. The crisis of the 1680’s, including its family components, actually had other causes.19

B. Medieval Peasants in a New Land?

A most striking, yet commonly forgotten, attribute of the Puritan settlers in 17th Century Massachusetts was that all were farmers. Even pastors, shopkeepers, and artisans spent a substantial portion of their time tilling the soil and tending animals. When asked to identify their vocations, most chose “yeoman” or “husbandman.”20 This meant, in turn, that they lived by nature’s clock. “As spring came,” writes John Demos, “life moved
outdoors and the urgent business of planting gave point to a broad range of individual and community energies.”

In this New World, land was abundant. Historians long thought that the average landholding in early New England was 25 to 50 acres; more recent data covering the period 1636-90 suggests an average of 150 acres per family. All the same, these were not commercial farms hiring labor and producing specialized crops for sale. Much of the land actually remained fallow or forested, reserved for children of subsequent generations. In good peasant fashion, the Puritans actually committed themselves to subsistence agriculture, or self-sufficiency. In place of production for sale, they focused on production for use, supplemented by communal sharing. They found security in diversified production and family labor involving adults and children.

Indeed, the 17th Century Puritans were “more medieval than modern.” These were “open-field men,” out to replicate a communal life that went back to the Saxons and Celts. Families clustered together in villages, while the land was divided into narrow strips distributed equitably among the households. Common fields and shared work brought men and women alike into daily contact with their neighbors. As Sumner Chilton Powell describes the town of Sudbury, founded in 1638: “…each field, each
furlong, each cottage, each family [fit] into a traditional set of relationships which had been handed down, generation to generation, without serious questions.”

While it turned out that American conditions would favor the eventual scattering of homes onto consolidated farms, important elements of the “open field” system survived in most Massachusetts villages into the 1680’s.

Also “medieval” in spirit were Puritan attitudes toward their economy. As James Henretta summarizes, these men and women “were enmeshed in a web of social relationships and cultural expectations that inhibited the free play of market forces.” Indeed, their departure from England had been motivated, at least in part, by a desire to flee the disorders spawned by an emerging capitalist economy: “[d]epressions, enclosures, and escalating unemployment.”

Unlike English colonists in the Caribbean who built plantations to produce products for transoceanic trade, who ruthlessly exploited slave labor, and who reveled in greed and lavish lifestyles, the Puritans had relatively few acquisitive ambitions. Most avoided the trade with Barbados, and elsewhere. Instead, they conducted barter among themselves on the principle of “just price.” Their law codes punished usury and excessive displays of luxury. When forced into business transactions, they usually turned to kinfolk, keeping such matters within the family.
Rather than transforming medieval peasants into atomistic capitalists, the wilderness environment may actually have had the opposite effect. Lockridge argues that it actually intensified “the peasant tradition found in [the village of] Dedham,” while David Rothman suggests that the primary ties between family members on peasant farms grew stronger on the frontier.30

C. Utopian Villages

From another angle, 17th Century Puritan society can be seen as utopian and communitarian in spirit, similar in many respects to such later intentional communities as the Amana and Oneida colonies of the 19th Century. Larry Gragg describes the Puritan project in America as an effort “to create a society of closely knit Christian villages with a strong sense of communal responsibility…. a Christian utopia.”31 Perry Miller finds alongside Puritan ‘federal,’ ‘covenantal,’ or ‘contractual’ theories “a more elemental sense” of society as an organic body. Where contractual theory pointed towards individualism and liberalism, this more “atavistic,” “folkish” understanding was communitarian. A typical Puritan description of society saw “each parte soe contiguous to [the] other[s] as thereby they doe
mutually participate with each other, both in strength and infirmity[,] in pleasure and paine…."

These “nucleated towns” were “small, intimate, and essentially cooperative” places. Town covenants emphasized “love, union and order,” where righteousness “became another name for conformity.” Using characteristic language, the new charter of Dedham had its founders “mutually and severally promise amongst ourselves and each other to profess and practice one truth according to that most perfect rule, the foundation whereof is everlasting love.” In such small places, “good neighborliness” formed an essential attribute of daily life. As one villager told his minister, “Godly living” meant to “say nobody no harme, nor do nobody nor harme and do as he would be done to.” In such a “moral community,” love served as the foundation of social order. Obedience to town authority grew out of covenants freely embraced, among a largely homogeneous people. In these ways, Puritans’ loyalty to their small towns provided the same kind of identity as did provincial loyalty back in England.

As Lockridge summarizes, the Puritan founders of these “Christian, Utopian, Closed, Corporate” communities “set out to construct a unified social organism in which the whole would be more than the sum of the
parts.” He adds: “To a considerable degree, they succeeded.” The intentional communities of early Massachusetts remained robust and largely true to their founding vision, until the crisis of the 1680’s.34

D. Dominance by a Middling Class

Reflecting their inherited medieval mindset, the Puritans believed that hierarchy was God’s will, in society no less than within the family: “subordination was the very soul of order.” However, the young Massachusetts colonists were largely free of Europe’s “drastic inequalities.”35 With land divided on relatively egalitarian principles and with inheritances shared equally by all siblings, there were for most of the 17th Century only modest income and class divisions. In his study of Dedham, for example, Lockridge found that the top 5 percent of men on the tax rolls owned but 15 percent of the village’s total wealth. This small place “offered a man the opportunity to live a long life on his own land among a group of equals.”36

The dominance of this “middling class” carried into political life, as well. The Puritan colonists brought with them from England a primeval form of democracy, where yeoman farmers, “particularly in open-field villages,” had met to discuss and decide on farming problems by common consent. In
such places, local government had operated largely independent of Parliament and national issues. Coming to Massachusetts, the Puritans retained this mode of self-government, resting on a nearly universal male suffrage. These 17th Century communities can be fairly labelled “middle class democracies,” resting ultimately on a relatively egalitarian distribution of landed property.  

E. A Family-Centered Polity

Puritan New England was also a society of households, not of individuals, with the claims of family normally trumping personal wishes. Notably, it was “groups” that received land for new settlement from the colony’s General Court, not individuals. Thirty families, for example, received 200 square miles in 1636 to found the village of Contentment, soon renamed Dedham. Henretta emphasizes that work was organized along family lines, rather than through the community or via a wage system. The consequences were large: “For even as the family gave symbolic meaning and emotional significance to subsistence activities, its own essence was shaped by the character of the production system.” Children above the age of three worked alongside their parents. Parents held freehold land, yet knew that they might be dependent on their children for economic support in old
age. Economic prosperity would be the result of “unremitting labor” by each
generation. For these reasons, families raised children to succeed them, not
to succeed. In sum, “[t]he line was more important than the individual; the
patrimony was to be conserved for lineal reasons.”

Out of this foundation in families grew other parts of the social order.
As Cotton Mather explained, there were three types of society: the domestic;
the ecclesiastical; and the political. He emphasized, in good Aristotelean
fashion, that “the domestic is the first instituted and in some ways the most
pivotally important.” Thomas Cobbett called the family “the Mother Hive,”
out of which both State and Church swarmed. Daniel Rogers argued that
“Marriage is … the Seminary of the Commonwealth, seed-plot of the
Church, pillar (under God) of the world.” Another Puritan writer called
family “the root from whence Church and Commonwealth cometh.” As
James Fitch summarized in 1683: “Such as Families are, such at last the
Church and Commonwealth must be.

And in fact, family governance lay at the core of the Puritan polity.
Normally, The General Court governed fathers; fathers, in turn, governed
their households composed of wives, children, and servants. Indeed, the law
required that all young persons must submit to family government.
Enforcement occasionally involved a round-up of singletons hiding in attics
and barns, and their assignment to an appropriate household. The dominion of stern fathers, the Puritans believed, would bring strength to those living under their rule. Daily duties of the Puritan father included leading the household in prayer, reading Holy Scripture, singing hymns, and offering thanks to the Lord at mealtimes. Fathers also regularly examined the spiritual states of those under his charge, to encourage them toward holiness. Government and strong, viable churches existed, in part, to support fathers in their roles. They supported Christian patriarchs who exercised their authority in appropriate ways; they also punished those fathers who did slovenly jobs. Church officials known as tithingmen inspected families; fathers who were “habitual sinners” would find their children taken away, and placed in reliable households.40

F. Marriage and Sexuality

How did this family system operate, in practice? One important trait of the Puritan family was its “nuclear” structure. From the very beginning, the colonists in New England almost always resided in single-family dwellings. Throughout the 17th Century, there were few extended or three-generational families to be found. Married siblings (along with spouses and children) never lived together.41 This was a consequence of both the
abundant land found in the New World and of the Protestant elevation of marriage into the highest estate on earth. For Roman Catholics, “marriage is a thing humane; virginity is angelic” (Cardinal Bellarmine). For the Reformers, marriage is “far more excellent than the condition of a single life” (William Perkins), “an earthly paradise of happiness” (Robert Crosse). English Protestants emphasized the affective bonds of husband and wife. As phrased in the Prayer Book of 1549, marriage represented “mutual society, help and comfort, that the one ought to have of the other, both in prosperity and security.” As the Reformers swept away monastic orders, confraternities, local saints, and other intermediary institutions, the family household (along with the state) gained power and influence. So elevated, the married couple presented a more unified front to the external world.

The act of marriage also fit neatly within the Puritan focus on covenants. In the Reformers’ understanding, marriage was a civil act resting on the free consent of both partners. As Morgan ably shows, love or deep affection was more the product of a Puritan marriage, than its cause. The young adult first decided to marry, then set out to find “a meet yoke fellow,” someone able to do their part in building a viable home economy. As a young man contemplated a match with one Rebecca Cooper, for example, he found her appearance to be merely “tolerable”; however, her estate was
“very convenient.” Parents of the young pair normally engaged in extensive financial bargaining, leading up to a ceremony before the magistrate.  

The duties, or expectations, of a Puritan marriage were clear: “regular and exclusive cohabitation”; a “peaceful and harmonious” relationship; and “a normal and exclusive sexual union.” Massachusetts courts frowned on quarreling couples attempting to live apart, striving to restore them to “something approaching tranquility.” Puritan culture underscored the “felt necessity that a marriage produce children.” Impotence was one of the few acceptable justifications for divorce. For the same reason, adultery was treated harshly. Both perpetrators would be punished for violation of their marriage covenants; however, Puritans usually punished the woman more harshly, for they believed that hers was an offense also against the procreative framework of the community.

Despite the primitive nature of medical care in the 17th Century and the very real risks facing women from death in childbirth (Demos calculates that about one of every thirty pregnancies so ended), a clear majority of both Puritan men and women entered only one marriage in their lifetime. Compared to Europe, mortality among New England adults was substantially lower; the climate proved to be healthy and deadly diseases such as smallpox were largely absent until the end of the century. All the
same, when the death of a spouse did occur, remarriage usually followed quickly. The nature of a household-centered economy made this almost a necessity.44

Indeed, the powerful economic bonds between husband and wife within a society based on subsistence agriculture conditioned male-female relations. At the theological level, “Puritans expected marriage to be simultaneously hierarchical and affectionate,” reflecting the bonds found between God and his elect.45 Puritan husbands stood formally as Christian patriarchs; their wives in “joyful submission.” As the Puritan poet John Milton put it: “He for God only; she for God in Him.” The husband served as a “conduit pipe” from God. His wife was to look upon him with love and fear. Such language implies that the Puritan family model involved a strengthened form of patriarchy; and some historians claim to have found evidence of this.46 Indeed, those of a feminist bent point to the expulsion of Anne Hutchinson from the Massachusetts Bay Colony in 1638 as an example of how Puritan individualism “devalued women and accelerated the separation of the sexes.” She had claimed that the Protestant doctrine of “the priesthood of all believers” included women, and had begun to preach accordingly. Among others, John Cotton denounced her claims: “You cannot evade the Argument: That filthie sinne of the Communitie of Women; and
all promiscuous and filthie comings together of men and women without Distinction or Relation of Marriage will necessarily follow” from Hutchinson’s ideas, even leading to open adultery.47

At another level, however, men and women in Puritan New England actually seemed to be moving toward an ever growing functional equality. For example, a husband’s authority was strictly limited. Relative to the control of children, apprentices, and servants, wives were the equals of their husbands: “…she is an Head of the Family.” Puritan wives seemed to enjoy a similar equality relative to the purchase and sale of landed property. Husbands were enjoined by pastors and magistrates alike to make the lives of their wives “easy and gentle,” to produce a willing and authentic “submission.” Even in matters of physical abuse, “the women seem to have held their own” in court decisions. Women owned and operated several of the taverns in Plymouth, suggested that they held “considerable freedom to move on roughly the same terms with men even into some of the darker byways of Old Colony life.” More broadly, Demos concludes that “this does not seem to have been a society characterized by a really pervasive, and operational, norm of male dominance.”48

The model Puritan marriage was, more plausibly, that of Anne to her husband, Simon Bradstreet. As the mother of eight children, she knew the
discomforts and fears of childbirth. As the first important poet in the American colonies, she also developed a form of female piety that, in the words of Amanda Porterfield, “made her body a referant for images of conversion and Christian life.” Her poems described God and Heaven, using images cast from her own husband and home. Comparing the relationship with her husband to that of Christ, she wrote: “Thy love is such I can no way reply.” In this way, “her understanding of Christ shaped her desire for her husband’s potency and her profound religious investment in their marriage.”

While fully conforming to Puritan wifely expectations, Anne Bradstreet used such norms to craft powerful and timeless verse, an example of “the Puritan use of submissiveness as a covert means of self-assertion.”

One of the most frequent of accusations levelled against the Puritans has been that they were sexually repressed, to a pathological degree. In fact, there are few greater historical untruths. As farmers and the keepers of animals alone, the 17th Century Puritans were surrounded by daily reminders of the naturalness of sexuality and the necessity of fertility. They were an earthy, and certainly not a squeamish, people.

Of equal importance, the Puritans were also good Protestants on the question of sexuality. They rejected “that Popish conceit of the Excellency of Virginity.” John Cotton denounced as blasphemers those who called
women a “necessary evil”; they were, in fact, a “necessary good.” He was equally contemptuous of the platonic marriage, terming it “no other than an effort at blind zeal” following the “dictates of a blind mind … and not of the Holy Spirit, which saith, It is not good that man should be alone.” The Puritans insisted on the sexual character of marriage; the use of the marriage bed was grounded in human nature.\footnote{51}

As noted earlier in a different context, Puritan theology actually employed language about salvation and the nature of the Church which bordered on the erotic. Richard Sibbes wrote that “Christ makes love to his church as if she had no defilement.” He insisted that “[t]here is no intercourse in the world so sweet as is that between Christ and his church.” And he wrote that “She [the Church] desireth to hear his words and to have him kiss her with his mouth in his word.” Thomas Hooker, the founder of Hartford, Connecticut, pressed this “espousal theology” still further. He transformed the subjects of Christian life and conversion into lessons about marital fidelity, by “conflating grace with sexual love between men and women.” John Cotton, who had been converted by Sibbes, used his sermons on the Canticles to equate the sexual love portrayed therein with the love between Christ and his Church: “Let him kiss me with the kisses of his mouth.”\footnote{52}
In short, the Puritans were not sexual ascetics; “they never wished to prevent the enjoyment of earthly delights.” And yet, their celebration of sexuality occurred within strict limits: there should be no sex outside of marriage. Fornication brought the punishment of whipping; the crime of adultery would be punished by public humiliation (the infamous “A”) and at least theoretically by execution. Alas, the case loads for these violations was stubbornly high. Morgan attributes this, in part, to evidence of “a high degree of virility” among young male settlers who had left wives back in England and the practical temptations of shared sleeping space among youthful servants and apprentices. All the same, the death penalty for adultery was rarely enforced. “Sodomy, to be sure, [the Puritans] usually punished with death,” Morgan writes. However, “rape, adultery, and fornication they regarded as pardonable human weaknesses.” While holding to divinely ordained moral values, the Puritans recognized the realities of human nature.  

More proactively, the Puritan colonists encouraged the early marriage of their children. And they used their law courts to force husbands and wives to live together, with mutual respect; this would make more difficult the potential meetings of adulterers. There is evidence, moreover, that such preventive measures worked. In their groundbreaking study of premarital
pregnancies, for example, Daniel Scott Smith and Michael S. Hindus provide a fascinating index of changes in sexual behavior over the centuries. Using church records and measuring the gap between date of marriage and date of first birth, they show that 17th Century New England represented a trough in the record: a mere 10 percent of Puritan brides were already pregnant. Continence before marriage was the rule.54

G. The Function-Rich Home

Grounded in marriage and purposeful sexuality, the Puritan home was rich in functions and activities, enhancing its institutional power and importance. While specifically describing Plymouth Colony, John Demos provides an excellent review of these attributes that is applicable to the whole of 17th Century New England.

The “Old Colony family,” he says, was a business, the “absolutely central agency of economic production and exchange.” Human labor, by man, woman, and child alike, was a “wholly natural extension of family life.” The New England family also served as a school, with parents required by law to insure the direct education of children in their care. As offspring grew, the family became a vocational institute, as well, where apprenticeships trained youth for independent economic performance. Even
servanthood was an “apprenticeship in householding,” where a young man might learn how to be a head of a family. The Puritan family was also a church, featuring daily devotions, Bible study, and worship. The Puritan home commonly became a house of correction, as well; the idle and petty lawbreakers could be sentenced to serve a family as a servant. In addition, Demos show, the 17th Century New England family was a welfare institution, a hospital, an orphanage, a retirement home, and a poorhouse.55

Above all, the Puritan family was a nursery of new human life. Compared to England and Continental Europe, where infant mortality rates could reach 50 percent or more, 17th Century New England was a remarkably healthful place for children. In both Andover and Plymouth Colony, roughly nine of every ten infants born during the early decades of settlement would live to age twenty.56 Accordingly, New England homes averaged about eight or nine children apiece, with a wide age span among them: infants with eighteen-year-old siblings were common.57

H. “Parental Ministry”

Another great modern myth about the Puritans holds that they were grim and harsh parents, terrorizing their children with cruel religious admonitions. As one writer puts it, 17th Century New England produced “a
culture permeated by fear and confusion in the face of death,” where children – like their parents – would find their flesh trembling.\textsuperscript{58} Writers of this sort frequently quote from John Robinson’s 1625 treatise, “Of Children and their Education”: “And surely there is in all children … a stubbornness, and stoutness of mind arising from natural pride, which must, in the first place, be broken and beaten down.”\textsuperscript{59}

In their fine essay, “The Great Care of Godly Parents,” Moran and Vinovskis take exception to such arguments. For example, regarding the question of the damnation of unbaptized infants, it appears that Puritans effectively avoided the implications of their own doctrines. Pastors did not dwell on the question, while parents regularly refused to apply the principle to their deceased children. Moran and Vinovskis agree with Edmund Morgan that Puritan mothers and fathers loved their children at least as much as, or perhaps even more than, modern parents. More typical than Robinson’s admonition was the statement of Samuel Willard: “The Love of Parents of their Children is such as admits not of suitable words to express it, it being so intense and influential, so that God himself is pleased to resemble His Love to His children by this.” A similar sentiment came from William Gauge: “The Fountains [sic] of parents duties is Love…. Great reason there
is why this affection should be fast fixed in the hearts of parents toward their children.”

Indeed, the literature of the Puritan “Great Migration” to America during the 1630’s and ‘40’s contains frequent references to parental love and care for their children. A common theme is the need to leave the Old World for America, in order to protect the children from profane men, corrupt institutions, and dangerous cities. Even debate over the Half-Way Covenant showed “a whole society caught up in a dramatic dialogue over the religious fate of children.” It appears that Puritan parents rarely used corporal punishment to enforce their wills on children. “Blows” would only be employed as a “last resort.” Deeply concerned for the spiritual destiny of their children, Puritan fathers and mothers “desired to bend, shape, and mold the will” of their children, not to break it. Their approach to child-rearing was authoritative, but not authoritarian. Cotton Mather cast parenting as a distinct kind of Christian service: “Would parents thus conscientiously do their Duty to their children … the Children belonging to The Election of Grace, would be so brought home to God by The Parental Ministry,… that your Pastors have little to do.”

Moreover, Edmund Morgan famously concludes that the Puritan system of placing their young people in other homes for apprenticeships was
not a sign of parental indifference, as has been suggested. Instead, this approach had a deeper wisdom, for the child would leave home (age 12 or so) at precisely the time when he or she began to assert independence, and come into conflict with parental discipline. Puritan parents, he continues, actually “did not trust themselves with their own children,” being “afraid of spoiling them by too great affection.”

More broadly, these parents took most seriously their duty as primary educators. The community assumed that the family would teach its members reading and writing, for literacy and ability to read the Scriptures were the strongest weapons that could be mobilized against Satan. The rising number of girls who could read was due almost exclusively to this home education. The law held fathers legally accountable for the schooling of their children, and fathers apparently “played a much larger role in the education of their children” than found in later centuries. All the same, Puritan writers commonly praised mothers for their teaching tasks. John Cotton advised women to “Keep at home, educating of her children, keeping and improving what is got by the industry of the man.” Cotton Mather chronicled the duties of a mother, emphasizing: “She then proceeds to make ‘em [her children] expert in some orthodox catechisms, and will have ‘em learn to read and
write, as fast as ever they can make it; and so she passes to the other Parts of an ingenious Education with them."  

John Demos summarizes the overall effect. For the vast majority of children in this time and place, "the major kinds of learning occurred at home. Here, in the context of the total household environment, values, manners, literacy, vocations were all transmitted from one generation to the next." Home education served as the cement for a strong, family-centered community.

I. Fruits of the Covenant

In what ways might the Puritan family system be judged a success? To begin with, the Puritans crafted a culture of marriage that embraced virtually the whole of the adult population. Social expectation "held that men and women could lead an acceptable life only within the family." Marriage was the "normal estate," reinforced by custom and law. And in practice, there were few bachelors or spinsters. Men married, on average, at about age 24 or 25, women married at age 19 and 20. Particularly impressive was "the frequency with which husbands and wives lived out their lives together." New England proved to be a remarkably healthy place for old and young alike; and in a clear majority of instances, both marital partners "lived
together into old age, surviving to care for and to raise large numbers of children into adulthood.” If spousal death did occur, remarriage commonly followed within two years. In short, 17th Century New England was composed almost exclusively of married-couple homes.66

More notable was the boisterous fertility of the Puritan family system. An abundance of land and food; the absence of diseases such as scarlet fever and smallpox; a low average age of first marriage; the common practice of weaning babies at about age one (which in effect accelerated the mothers’ fertility), and a religiously grounded rejection of contraceptive practices: these combined to produce truly large families. Over the course of the 17th Century, the population of Plymouth Colony doubled every fifteen years. The first generation of parents had an average of 7.8 children, of whom 7.2 reached age 21; the second generation of parents bore an average of 8.6 children, with 7.5 surviving; and the third generation counted 9.3 children per family, with an average of 7.9 reaching adulthood.67 Overall, the first two generations of Puritans averaged about nine children per couple. In some cases, the results were even more startling. In the village of Billerica, settled in 1665, there were 26 families with 10 children each; 20 families with 11 children; 24 families with 12 children each; 13 families, each with 13 children; five families with 14 children, one family with 15; and one with
21. In total, this town counted 90 families with 1043 children, an average of 11.6. This stands as a classic expression of “natural fertility,” the family size associated with relatively early marriage and avoidance of birth control. Even the shift after 1660 from “open fields” to consolidated farms seems to have stimulated higher fertility. The average interval between births fell from 28 to 24 months in both Andover and Plymouth. James Henretta suggests that this may “have been the result of the perception of favorable economic conditions and of the great demand for labor.”

Equally impressive was the “fifty years of relative social peace,” achieved by the Puritans between 1630 and 1684. Alongside an England torn apart by civil war, a European continent caught up in The Thirty Years War with attendant depopulation, and an unsettled, disease-ridden Virginia colony, the accomplishments of Massachusetts Bay stand out as “startling.” Historians Timothy Breen and Stephen Foster attribute this record to several factors, including the effectiveness of New England’s towns as instruments of social control and defense; the “ideology” of Puritanism which provided a coherent and shared narrative of purpose; a well-functioning judicial system that delivered justice; and economic prosperity linked to widespread and relatively equal land ownership. Notably, “the structure of the village families [also] provided a … source of strength. Stable ad patriarchal, at
least in the earliest decades, the New England family guaranteed peace and good order.”  

In their study of Milford, Connecticut, Moran and Vinovskis find evidence of regular spiritual renewal throughout the 17\textsuperscript{th} Century. The founders of this town successfully drew into the church their children and grandchildren, as “the family proved increasingly important to the religious life in Milford.” Phrased another way, “family nurture” brought “cyclical upswings” in religious participation. This showed that “[p]ious families, and especially church mothers, proved capable of transmitting church traditions to their sons and daughters.” 

In a similar way, Kenneth Lockridge concludes that the “utopian experiment “ tried in Dedham could claim success. From 1636 to 1686, this village proved to be “a remarkably stable agricultural community,” one where “the promises of the Covenant were kept” in a manner “that realized the vision of the founders.” The place was free “of the drastic human inequalities” found in Europe. It had successfully integrated new arrivals, each one ready “to take up land and become another subsistence farmer.” Lockridge concludes that, during this timeframe, the Puritans were a happy people, satisfied with a status quo grounded in “the ancient, universal patterns of rural life.” He adds: “One class, one interest, one mind – how can
there but be voluntary unanimity within such a society.”72

III. Family Decline, 1680 – 1730

A. The Conventional Story

During the 1680’s, however, the Puritan commonwealth entered a time of troubles. This period of crisis and decline would last for a half-century. Its nature remains at issue.

The conventional telling of this story focuses on war and politics. Conflict with the Indians actually began in 1676, with King Philip’s War; the colony’s frontier would be unstable for decades to come. In 1684, England’s Court of Chancery voided the Massachusetts Bay Charter, ending an era of autonomy and self-government. Two years later, King James dispatched Sir Edmund Andros to become Royal Governor of the colony. These actions threw into doubt the validity of land titles granted to both towns and individuals; a cloud of anxiety fell over the colony. Andros also forced Boston officials to permit religious services of The Church of England, effectively ending the Puritan Theocracy. Following the Glorious Revolution of 1688, armed New Englanders did topple the Andros regime;
yet this change also represented the first time violence had been used in the colony to settle a political conflict.

In 1690, warfare broke out again on Massachusetts’ northwest frontier and in the territory of Maine, a conflict known as King Williams War. Marauding Indians and their French allies conducted a particularly brutal campaign. Drought struck the colony in 1691, with widespread crop failures. Floods struck the next year, with similar results. A new royal charter arrived in 1692 along with another appointed Governor, Sir William Phips, “a violent man who apparently believed that the best way to settle arguments was with his fists or cane.”⁷³ Their joint appearance dashed remaining hopes for a restoration of the old Puritan order: “Never again in their time would God rule directly on earth through his chosen people.”⁷⁴ The same year, reports came from the town of Salem of spectral apparitions and terrifying afflictions affecting a number of girls; over the next six months, twenty persons would be executed as witches. “In little more than a decade,” write historians Timothy H. Breen and Stephen Foster, “Massachusetts had changed from a peaceful to a relatively turbulent society.”⁷⁵

B. Signs of Social Distress
These overt forms of turmoil, however, lay above deeper currents of social and cultural disorder. The first of these was a weakening of the Puritan culture of marriage. In the town of Hingham, for example, the average age at first marriage, for women married between 1691 and 1715, rose to 24.7, compared to age 22 for those married before 1691. The age at first marriage for men rose to 28.4, from 27.4. In his study of the town of Andover, Philip Greven found a significant decline in the number of marriages recorded between 1685 and 1700. The life script presented to young adults by the Puritan culture was fraying.

More telling was a decline in fertility, a development which clouded New England well into the 18th Century. Where the women of Hingham had recorded a Total Fertility Rate of 7.59 among those married before 1691, the comparable figure fell to 4.6 for those married between 1691 and 1715, a stunning decline of 40 percent. In Andover, the fall in fertility set in a decade later. However, by 1725, this town also had “an almost stagnant population.” The annual rate of growth, which reached 2.9 percent in 1675 - 99, tumbled to 1.1 percent in 1725 - 49.

Seventeenth-century Puritans formally and staunchly opposed birth control. This practice, they held, violated God’s injunction in Genesis 2 to be fruitful and multiply. Fecundity was God’s will, and children were a blessing
from God. Childbirth, Puritans believed, also brought honor to women and assisted them on the path to salvation. In addition, contraception was to be avoided for it would reduce the community of the Elect.⁷⁹

All the same, there is evidence that birth control practices were making an appearance in the Anglo-American sphere. Lawrence Stone reports “a striking decline” in the fecundity of the English nobility after 1675. Indeed, by 1700, the well-born already recorded sub-replacement fertility. Writing in 1727, Daniel Dafoe found “this aversion to children” also present among the English lower middle-class, a cohort more attuned to the Puritan message. Stone speculates that this turn to contraception rested, in part, on a theological change, as “the pleasure principle began to be clearly separated from the procreative function.” It might also have been a consequence of emerging economic incentives unfavorable to a large family.⁸⁰ And while Daniel Scott Smith remains skeptical, the fall in the fertility of New Englanders between 1690 and 1715 at least suggests a new practice of deliberate family limitation.⁸¹

It is indisputable, though, that infant mortality rose sharply after 1680. During the early decades of settlement, almost nine of every ten infants survived to age 20, a remarkable figure for a pre-modern population. By the 1690’s, though, this number had fallen to 80 percent. Between 1700 and
1780, only 60 percent of infants would survive to adulthood. The primary cause was the arrival in America of diseases already decimating youthful populations in Europe: smallpox; scarlet fever; and diphtheria. Puritans, however, saw this development as a sign of God’s judgment on their sin and faithlessness. Whatever the case, by the early decades of the 18th Century, family size was shrinking: As Phillip Greven puts it, “Fewer children were being born, and fewer still were surviving.” New England’s kingdom of children came to a seeming end.

The Puritan covenantal society, resting on an expectation of comity, mutual forbearance, and love, also broke down in those years. Following the political turmoil of the late 1680’s, “self-restraint became more a matter of individual concern than of communal responsibility.” Trust gave way to “suspicion and irritation.” Arguments seemed to grow in intensity; the number of lawsuits filed in court soared. Concern for the common good gave way to personal ambitions. The merchants of Boston won special commercial privileges, claimed at the expense of the many; while at least one Massachusetts royal governor sold supplies to the French and Indians warring against the New Englanders on the frontier. As one writer despaired in 1691, Massachusetts would soon be “Reduced to Hobs [Thomas Hobbes]
his state of Nature, which (says he) is a state of War, and then the strongest must take all."\textsuperscript{84}

Family governance, the foundation of Puritan political order, began to fracture, as well. As late as 1668, the General Court cracked down on young persons living independent of family control. Twenty-nine were rounded up that year, and placed in responsible households. By the 1680’s, though, there were clear signs of a troubled “youth culture” emerging among the Puritans. Unlike the institutionalized youth “clubs” of old Europe, which commonly reinforced traditional village mores through carnivals and chivaries, this American version was disruptive of The Puritan project. Partying, drinking, tavern-going, and carousing were common accusations. These incidents stood as signs that “family government had decayed, and fathers no longer kept their sons and daughters from prowling at night.”\textsuperscript{85}

Sexual disorders were still another sign of community disarray. The Puritan expectation that sexuality be confined to marriage faced mounting challenges. For example, in the villages of Hingham and Watertown, the proportion of new brides who were pregnant climbed substantially during these years, from 10 percent in 1680 to 40 percent by 1730.\textsuperscript{86} Judged by the number of prosecutions in Dedham, the incidence of “fornication,” or premarital sexual contact, among the New Englanders more than doubled in
the early decades of the 18th Century, compared to the 1675-99 period. In a 1723 sermon, Cotton Mather condemned the “libidinous practices” of young men “who do evil with both hands” and “have the cursed way of procuring a discharge, which the God of nature had ordered only to be made in a way which lawful marriage leads unto.” Reverend Jonathan Edwards testified that after his grandfather’s death in 1729, “licentiousness for some years greatly prevailed among the youth of the town; they were many of them very much addicted to night-walking, and frequenting he tavern, and lewd practices ….”

Feeding into this sexualization of Puritan culture was the flow of early erotica, or pornography, into the colonies. Following the Restoration of the Stuarts to the English throne, the Puritan regime of censorship more or less disappeared. “French books” crossed the Channel; by the 1680’s, English publishers produced titles such as *Venus in the Cloister, The Crafty Whore, The School of Venus, The London Jilt, Sodom*, and *Erotopolis: The Present State of Bettyland*. Graphic illustrations could be found in most of them. Boston merchants involved in this new trade included Marmaduke Johnson and Benjamin Harris. A young Cotton Mather, records show, ordered a copy of *The Woman’s Advocate … With Satyrical Reflections on Whoring*, while Increase Mather owned copies of *The London Jilt* and
Ovid’s *Arts Amatoria*. As historian Roger Thompson concludes, “Massachusetts owners and readers [of salacious books] came from the inner puritan ‘tribe.’ The common herd there, as in England, had ample opportunity to feast its eyes on bawdy and scatological chap-books and ballads.”

C. Landlessness, Inequality, and Religious Indifference

What caused this crisis of the Puritan family order? The evidence points to three developments: (1) growing inequality in land and wealth and the decay of the middling class; (2) the displacement of agrarian sentiments and practices by capitalist commercialism; and (3) “feminization” of the churches, and a consequent decay of home-centered education.

By the 1680’s, the Puritans were running out of new, cheap land. After three generations of large families, and an inheritance system premised on the equality of siblings, average farm size began to shrink. In the 1660’s, according to Larry Gragg, the average Essex County farmer held almost 250 acres; by 1690, the figure has fallen to 125 acres.⁹⁰ Kenneth Lockridge calculated a holding of 150 acres for the typical eastern Massachusetts farmer in the 1630-80 period. Fifty years later, the average had been cut in half (and in 1786, by two-thirds).⁹¹ New arrivals in settled areas received no
land at all. Speculation in land grew more common, and consolidated large estates appeared for the first time. So did landless day-workers and vagabonds, a wandering poor. Accordingly, income inequality grew. In 1690 Dedham, the poorest 20 percent of taxpayers till owned 10 percent of the wealth; by 1730, their portion had fallen to only five percent. A similar calculation found that in 1660, the top 80 percent of New Englanders held 7.6 times more wealth than that of the bottom 20%. A century later, the gap had nearly doubled, to 13.75. Kenneth Lockridge nicely summarizes the consequences of this economic polarization: “Not only were the rich becoming more numerous and relatively more rich, but the poor were becoming more numerous and relatively poorer.”

Seen from a different angle, the middle class which had socially and economically undergirded the utopian Puritan experiment was under stress, and disappearing. A relatively egalitarian system of equals, where both political and economic democracy were real, was giving way to a stratified system resembling Old Europe. When combined with an increasingly violent border country, plagued by hostile French and Indian raiders with the failure of New England farmers to adopt the use of fertilizers, legumes, crop rotation, and other new agricultural practices, the result was decline.
For related reasons the peasant spirit of shared labor, cooperation, and fair trade faded, replaced by an increasingly commercial outlook. Open fields and collective work finally disappeared. Fences appeared in their place. Fierce attachment to the ideals of self-sufficiency and security through diversified production and the use of family labor gave way to the dictates of a money economy. Land consolidation was followed by the introduction of specialized crops and the use of hired labor as a partial substitute for that once provided by the young. Loans secured by land turned many yeomen into debtors. The vagaries of a global marketplace made their first inroads into New England as well. Larzer Ziff nicely summarizes the results: “The old charter had gone under, the dignity of rural labor had gone under, the unopposed superiority of the Congregational Church had gone under, and the legal protection of the agricultural producer through fair-price and fixed wages laws in opposition to his being an involuntary victim of international market conditions had gone under.”

The nature of the Congregational Church changed as well. Through the middle decades of the 17th Century, the spiritual manifestations of Puritanism remained strong. The First Church of Milford, Connecticut, for example, counted 95 percent of the town’s families with at least one spouse in full communion. The 1650’s showed regular evidence of “continuous
spiritual renewal,” while the 1670’s witnessed a surge in new communicants, a localized Awakening of the Saints. ⁹⁴ Within congregations, a healthy gender balance obtained, with roughly equal members of men and women in full communion, the desirable distribution for a family-centered polity. ⁹⁵ In 1679, the Massachusetts General Court called for a Synod of the churches, to deal with the “revisall of the platforme of discipline…and what else may appeare necessary for the preventing [of] schismes, haeresies, prophanes, & [for] the establishment of the churches in faith and order.” ⁹⁶

This Reforming Synod would prove to be the last expression of a still vital religious establishment. As Robert Pope ruefully notes, “[t]he 1680’s proved disastrous to the standing order.” ⁹⁷ Political setbacks, such as the loss of the Colony’s Charter, were paralleled by a decline in church membership. In many villages, fewer than half of the townsmen were now involved. Viewed from a different perspective, the churches of New England were being “feminized.” By the 1690’s, women formed between 70 and 76 percent of church members at Boston First Church, Salem First, and Charlestown First. In Norwich, Connecticut, of 150 seats at First Church, only 38 were held by men. The normal situation became a “churched wife” married to an “unchurched husband,” a situation denounced by Cotton
Mather as “religious apathy.” Even when an earthquake in 1727 motivated a surge in new church memberships, most of those affected were women.98

Standards of membership decayed even more broadly. The Half-Way Covenant, devised by the 1662 General Synod and involving a less rigorous form of attachment to the church, was adopted rather sparingly in the early years, and usually reserved for special cases. Most churches held to a strict understanding of membership as requiring a conversion experience and a successful examination of a candidate’s faith and morals before the congregation. However, following the multiple traumas of the 1680’s, a growing number of churches adopted the Half-Way measure, “until by 1692 probably not more than one church in five still followed the older practice.”99

The disappearance of Puritan men from active engagement in religious matters had a further negative effect on family life. As noted in Chapter 1, the whole Puritan scheme for collective moral renewal rested on regenerate homes led by pious, devout fathers. The latter would – must – lead wives, children, apprentices, and servants in morning and evening devotions, prayers at meal time, Bible-studies, and discussions of Sunday sermons. Puritan fathers ought also to inspect regularly the command of doctrine and the moral behavior of those under their charge. In addition, the
guidance of home-centered education fell under their domain. Withdrawal from church involvement meant abandonment of these tasks, as well, and a weakening of the familism that was central to the Puritan project.

IV. **Implications for the Interpretation of Law**

The remarkable development, though, was that the American family system begin to strengthen again, on a much wider geographic basis, beginning about 1730. In Puritan New England, Quaker-dominated Pennsylvania, the Chesapeake region, and the Southern hill country, the average age of first marriage for women declined to approximately 20, while marriage became nearly universal, with over 95 percent of men and women entering into wedlock. These numbers stood in striking contrast to the “European pattern” then found in Great Britain and continental Europe; marked by “a high age at marriage” and “a high proportion of people who never marry at all.”

Even more remarkable were the return of very large families and rapid population growth, also after 1730. Overall, American numbers doubled every 25 years, through natural increase alone. The phenomenon attracted commentators ranging from Benjamin Franklin to England’s Richard Price and Thomas Robert Malthus. The German traveler Gottlieb Mittelberger,
visiting in 1750, reported that “[i]n Philadelphia or in the country, when one comes into a house, one finds it usually full of children, and the city of Philadelphia is fairly swarming with them.” Harvard scholar Edward Wigglesworth, writing in 1775, said that this “rapidity of population” growth had no parallel in “the annals of Europe.” Indeed, “[i]t has never been equalled since the patriarchal ages.” Yet this amazing resurgence of familism in America in the decades after 1730 would also come to end, beginning roughly in 1780, for reasons to be analyzed in the book now in preparation.

The implications of this “cyclical” history of the family in America for law and public policy are considerable. Two in particular stand out. First, where the “evolutionary” theory of family history implies that marriage and family law are utilitarian and “plastic,” endlessly adaptable to social change, the cyclical interpretation reinforces fixed core definitions of marriage and family, rooted in an unchanging human nature. And second, where the evolutionary theory reinforces “human choice” as a legal priority, the cyclical theory illuminates the existence of a natural law governing family life and human reproduction, by which statutory law should be judged and shaped.
If the nature of marriage remains an open legal question in the future, the application of “family cycles” to legal reasoning would predictably result in court decisions more aligned with the conventional understanding of natural marriage.

1 Iowa Code §§ 595.2.
6 Ellen Goodman, “Ruling Shows Evolution of Gay Marriage,” Detroit News (Nov. 21, 2003); at
10 Edmund S. Morgan, The Puritan Family.
11 Miller, The New England Mind, 426; Bushman, From Puritan to Yankee, 6-7.
20 Demos, A Little Commonwealth, 13-14.
26 Henretta, “Families and Farms,” 19.
52 Baskerville, “The Family in Puritan Political Theology,” 165-70; Porterfield, 36-38.
53 Morgan, “Puritans and Sex,” 594-603.
55 Demos, A Little Commonwealth, 183-85.
57 Demos, A Little Commonwealth, 68-69.
62 Morgan, The Puritan Family, 77-78.
64 Demos, A Little Commonwealth, 144.
65 Hall, The Last American Puritan, 50.
70 Breen and Foster, “The Puritans’ Greatest Achievement,” 5-14.
72 Lockridge, A New England Town, 7, 75-78.
83 Greven, Four Generations, 201.
87 Greven, Four Generations, 114.
56


90 Gragg, The Salem Witch Crisis, 28.


102 Edward Wigglesworth, Calculations on American Population (Boston: John Boyle, 1775), 5.