

## **Gender and Politics in England's Catholic Colony**

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### Abstract

Commensurate with their Roman Catholic predecessors in Maryland, the Calvinist Associators brought their value systems with them to their new lucrative governmental posts after the Revolution of 1689. They appropriated the power of the Roman Catholic proprietor as well as that of his Maryland kinship network, and when they – and the Calvinists who would follow – held the authority to do so, they attempted to mold society according to their beliefs and values. As the new ruling class, they struggled to assert their patriarchal value system as the new dominant paradigm. They utilized the means available to them – including the provincial legislature – to revise the customs and laws to legally redefine what it meant to be a family, a woman, an orphan, a criminal, and a sinner.

### Paper

After paying homage to the Lady of Saint Gabriel's Manor in 1656, Martin Kirk and the manor's overseer each held one end of a rod while the steward proclaimed, "[I] doth hereby deliver you seizin by the rod, and admit you as tenant on the premises." Kirk replied, "Hear you, my Lady, that I, Martin Kirk, shall be to you both true and faithful and shall owe my fidelity to you for the land I hold of you and lawfully shall do and perform such customs and services as my duty is to you at the term assigned, so help me God, and all his Saints." The ceremony

concluded with the breaking of the rod so that Martin and his Lady had tokens of the legally binding contract they had entered into.<sup>1</sup>

This vivid feudal ceremony, recorded in Maryland's official provincial records, serves as an instructive reminder of just how little things had changed in the early modern period. That's not to say that "modern" seeds were not germinating in the British empire. The Lady of Saint Gabriel's Manor was just one of many female landowners and, of course, numerous other women ran businesses, such as Elizabeth Winkles who was paid the weighty sum of 3100 pounds of tobacco for allowing government officials to meet at her inn before the Talbot County courthouse was built.<sup>2</sup> Indeed, many women in the expanding English empire moved freely in the public sphere, played pivotal roles in their churches, exerted power and authority in the family, and inherited large tracts of land throughout the seventeenth century.<sup>3</sup>

Given the recent research in women's studies exploring the extraordinary agency early modern women used to expand their presence, power, and authority within the home, the church, as well as the male dominated economic and political arenas, we might well wonder about this phenomenon's connection to early modern politics.<sup>4</sup> Historians of early modern Europe have already established a strong connection, albeit a negative one, between gender constructions and the "State."<sup>5</sup> Principally, European historians assume that governments attempted to regulate gendered issues – especially marriage, clothing, and prostitution – by enforcing precise gender boundaries based on the ruling elite's notion of masculinity and femininity. For instance, in response to cultural change, the Italian Renaissance regimes aspired to enforce patriarchy to protect its position of authority in an effort to restore order.<sup>6</sup> Stanley Chojnacki writes, "The roles and relationships of all the age and gender groups in patrician society were reconstituted on the basis of officially enhanced paternal authority over wives and children."<sup>7</sup> For our purposes then, the work of European historians suggests that social change – particularly the construction of oppressive gender roles – can be fostered by the empowered elites for political purposes. Respectively, it seems plausible to assume that ruling elites may have enforced positive, perhaps even progressive, messages through traditional political devices to inculcate less restrictive gender relationships that in turn influenced less oppressive power relationships within communities. I argue that this was indeed the case for early modern Maryland when Arminian Anglicans, Quakers, and Roman Catholics controlled the government.

The Calverts, Cornwaleys, Gerards, Greenes and Wintours formed the nucleus of the Maryland gentry when they established the province in 1634. Those settlers unable to form alliances with these reigning families, either died without heirs, emigrated to other colonies, returned to England, or, in some cases, were excluded from holding lucrative positions of power. Suffering from decreasing numbers, the gentry yearned for an influx of faithful, new blood, and chose to incorporate others of modest backgrounds into the ruling class (as long as they were loyal to the proprietor) during the second half of the seventeenth century. Seeking their fortunes in the Catholic colony, men like Charles Carroll accumulated wealth, married into the gentry families, and became both rich and prominent.<sup>8</sup> Much like their medieval feudal ancestors, wealthy Free Will Christian families – primarily the Arminian Anglicans, Quakers and Roman Catholics – in the seventeenth century sought to secure their fortunes by consciously aligning themselves with the rich and powerful proprietor.<sup>9</sup> Thus, nearly all of the ruling families of Maryland by 1689 — when the Associators wrestled control away from the proprietor — could claim some familial relationship to the Lords Baltimore.

Initially, Maryland's proprietary government was a feudal holdover both in structure and mindset. The king bestowed upon Lord Baltimore and his descendants palatine status as autonomous proprietors invested with royal privileges and rights essentially equal to the Crown's. Some of these included: naming magistrates and judges; presiding over any judicial proceedings; initiating all legislation; the right to establish a nobility; and the privilege of trading in foreign markets.<sup>10</sup> In keeping with this ancient feudalism, Lord Baltimore required each colonist to swear an oath of fealty to him directly, rather than to the Crown or provincial government. Owning a thousand acres entitled a Lord or Lady to preside over courts baron and courts leet in order to settle disputes amongst their tenants.<sup>11</sup> Baltimore encouraged immigration to his new province by offering two thousand acres of land — coupled with feudal land rights — in Maryland to every English gentry man or woman who transported five dependents to the province. The headright system soon replaced this introductory offer, allowing one hundred acres for a man or woman, one hundred additional acres for transporting a wife, fifty for each child under sixteen years of age, and fifty for each servant.

It seems likely that these early Free Will Christian ruling elites — bound together through blood and marriage — imposed their values, rituals, and bequest patterns upon the colonists of Maryland. These Arminian Anglicans, Quakers, and Roman Catholics valued female family

members and believed women had a familial duty to be active partners in marriage, authority figures in the home, to act on the family's behalf in commerce or in court when necessary, and to serve their religious communities according to their means. And their last wills and testaments attest to this belief and practice.

A statistical analysis of 3190 Maryland wills reveals two distinctive family strategies for estate distribution in the wills of married males. Indicative of their firm belief in patriarchy, Predestinarian men (that is to say Calvinists, primarily the Particular Baptists, Presbyterians, and Puritans) preferred to give land to sons while Free Will Christian men left their wives large tracts of land to manage during their lifetime and they enjoyed the rights and responsibilities of egalitarian marital partnerships. I have shown elsewhere that regardless of their age, status or wealth, approximately eighty percent of Free Will Christian men left their wives large tracts of land to control during their lifetime [N = 733] indicating that they expected their widows to realize an active, authoritarian position within the family. Conversely, about half as many Calvinist men left their wives sizable pieces of property for life [N = 145]. Much like their counterparts in New England, Maryland Calvinists chose to place the family's most valuable asset – land – in the hands of patriarchs. Calvinist wives, as obedient dependents, devoted themselves to their families' prosperity by breeding staunch sons who would grow up to manage the landholdings, their own families, and their widowed mothers.<sup>12</sup>

Unable, or unwilling, to align themselves with the ruling families through intermarriage, wealthy Calvinists sought to gain control of the province to free themselves from the influence of the Free Will Christians. Perhaps the dominant Free Will Christian progressive notions of womanhood present in their laws, courts, and common practices at the local and provincial levels prompted the Calvinists to pursue this course. And in turn, as some of the Free Will Christian ruling class lost its political power beginning with the Associators Revolution in July of 1689, the revolutionaries and their subsequent followers sought to instill their own particular conceptions of social norms and common practices on the populace.<sup>13</sup> In order to pursue this hypothesis, it might be prudent to ascertain the following: who were the members of the Associators' Convention in 1689-1692, and the members of the Upper House who followed them from 1692 through 1715? Were they Calvinist Predestinarians or Free Will Christians? How did they distribute their property in their wills and what can this tell us about their conceptions of womanhood in addition to women's roles in the family and society? Did their legislation differ

substantially from their predecessors? Stated simply, did this new political order of 1689 seek to generate social change predicated upon an oppressive reconstruction of gender relations based on their conception of womanhood? I believe that it did just that.

Lois G. Carr and David Jordan in *Maryland's Revolution of Government, 1689-1692* make a persuasive argument that the colonial government was stable both before and after the "revolution" based on the continuity of legal and political institutions at the local level.<sup>14</sup> They point out that county courts continued to serve justice during and after the revolution and, ultimately, the Associators only reallocated twenty-three percent of the local civil posts. Carr and Jordan claim that 1689 represented a shift in power from a largely Roman Catholic governing body to an Anglican one as the predominant religious affiliation of the population shifted to Anglicanism.<sup>15</sup> Carr and Jordan rightly pointed out "although a majority of the Associators had served in some office of responsibility, very few of them had enjoyed proprietary patronage beyond the position of justice or had much confidence of receiving such favors in the future."<sup>16</sup> Thus, the pervasive discontent seemed to center on the unsatisfied cravings of the "outside" elites — since most of the Associators were wealthy landholders — faced with the entrenched landed "insiders" and their self-interests. This redistribution of power and wealth, associated with lucrative provincial posts, did not represent an overthrow of the social order or a subsequent reallocation of land from the old gentry to a new elite, according to Carr and Jordan.

Placing their emphasis on continuity aside, Carr and Jordan also point out that the revolution of 1689 brought about some radical social changes. This upheaval in Maryland was a direct result of the Glorious Revolution in England that replaced the Catholic King James II with his Protestant daughter Mary and her husband William. As such, it ushered in significant changes for Maryland Roman Catholics. When things settled down, the new monarchs appointed a royal governor to Maryland in 1692 and an anti-Roman Catholic flavor permeated the provincial government, beginning with the exclusion of Roman Catholics from official positions in 1689. This action was followed by Governor Seymour's (1704-09) "Act to Prevent the Growth of Popery," which prohibited Roman Catholic priests from saying Mass in public. Seymour also encouraged the children of Roman Catholics to rebel against their parents and discouraged Protestant widows from marrying Roman Catholics by threatening to remove their children from such a home.

Carr and Jordan's argument rests firmly upon the assumption that the Associators were wealthy Anglicans. There can be no doubt that they were landed elites; roughly ninety percent owned more than five hundred acres of land. Yet, can we assume they professed the Anglican faith? Many of them served as vestrymen or claimed allegiance to the Church of England, but is this enough evidence to confirm their Anglicanism? The term itself is too imprecise for our purposes. Anglicans fell along a spectrum that included those who leaned toward Roman Catholic doctrine (Arminians), those persuaded by Calvinism (Predestinarians), and those who cared little about theology and merely attended to their religious duties for social, economic, and political gains. Therefore, if an individual claimed membership in the Church of England a more careful examination of the individual's spirituality is needed before he can be identified with the more useful Predestinarian and Free Will Christian categories.

Some Associators were quite vocal about their Calvinist leanings. We know that Ninian Beale, David Browne, Samuel Hopkins, and Francis Jenckins all claimed to be Presbyterians with a predestinarian soteriology. The known Presbyterian Associators constituted ten percent of the forty-one revolutionaries. Using the religious language used in the preambles of their last wills, we can increase the number of Calvinists in this cohort. Fortunately, an inordinate number of Associators' wills have survived; nearly eighty percent of them wrote wills compared to perhaps thirty percent of the total population. After examining the spirituality expressed in their last wills and testaments, we find more than half of the Associators did, in fact, hold Calvinist values and belief systems that place them squarely in the Predestinarian cohort.<sup>17</sup>

The wills these Calvinists left can tell us much about their understanding of womanhood. Nearly thirty percent of the married Associators followed the Predestinarian bequest patterns leaving their wives only personal goods rather than real estate. These Calvinists chose to entrust the family's most valuable asset – land – to males rather than females. Tellingly, only forty-five percent of the married Associators named their wives sole executrix compared to sixty-nine percent of the overall Predestinarian will-writing population. And unlike the larger will-writing population, the Associators were also much less likely to have females witness their wills. This strong propensity to favor males over females as influential authority figures, suggests that these particular Calvinist Associators may have been more patriarchal than other Predestinarian men in the province. In sum, the majority of Associators were Predestinarians who adhered to a strict patriarchal family structure that very well may have influenced the legislation that would follow.

Similar to the Calvinist men in New England, these Calvinist Associators most likely believed that a strong patriarchal family structure provided a firm foundation for a patriarchal social order at the provincial level. But what about the thirty-one Upper House members that followed the Associators after the appointment of a royal governor in 1692? Luckily, seventy-seven percent of the burgesses between 1692 and 1715 left wills in which seventeen members revealed their religious affiliations. Roughly half of these expressed Calvinist convictions. At a time when less than a quarter of the population were Predestinarians, Calvinist Associators and Upper House members who occupied posts during the subsequent royal period were present in vastly disproportionate numbers compared to the overall population. These Predestinarians brought their distinctive worldviews to their new positions of power including their conception of womanhood that placed females in dependent positions rather than authoritative ones in the family as manifest in their bequest patterns. If these Predestinarians embraced a vision of womanhood antithetical to the previous Free Will Christian paradigm established by the old gentry, did they use their new found governmental power and authority to reconstruct social norms on a massive scale in accordance with their own patriarchal value system?

We are not surprised that English Roman Catholics in Maryland let their piety shape their personal relationships and their sense of right and wrong, but they did not rely on the Pope, the Maryland Jesuit priests, or indeed any other institution, person, or group to dictate State policy.<sup>18</sup> While the Free Will Christians believed that civil justice should be grounded in their religious moral code, they did not criminalize sin; provincial criminal acts were civic matters. Unlike the Calvinists in New England who used words like “unclean carriages” and “filthiness” indicting their theological concerns in their legislation, the Maryland Free Will Christians (when they were sitting in the State House) did not equate breaking the law with sinful behavior.<sup>19</sup> Although the cruciform layout of St. Mary’s City State House’s massive foundation served to remind civic leaders that State laws and civil justice must be grounded in God's moral code, civic leaders believed that only God punished sinners; Maryland judges punished civil criminals. Unjust merchants or planters would have to answer to God for their sinful behavior when they violated the Laws of Moses, which in turn jeopardized their eternal salvation. Temporal punishment for sins might have included penitential prayers or even excommunication from the church. In addition, the reprobate also faced fines, disfigurement, or public whippings for disrupting social order in their community when they broke the civil laws of the State. These two punishments

were kept separate in both the minds of the community members, the church, and the courts. Unlike New England judges, Marylanders sitting in the State House before 1689 focused on their secular duties uninterested in the fate of a criminal's soul. Here in the temporal world judges were intent on securing reparations for the victims and sufficient punishment for the offender to deter him or her from repeating the offence that disrupted social order. This separation of church and State also served a very practical function in this heterogeneous community. Those colonists who were not Roman Catholics could serve the State and conform to its laws without having to accept (or even respect) the Roman Catholic church's views on sin, punishment, and salvation. In stark contrast with the Calvinist New Englanders' conflation of church and State, Roman Catholic Marylanders answered to two very different and distinct authorities, those of the temporal world and those of the spiritual world. Each one required community members to understand their purpose and duties and each one enforced compliance using very different methods.

This fundamental disparity between the Free Will Christians and the Predestinarians can also be seen in marriage and morality legislation. Prior to 1689, when members of Lord Baltimore's kinship network controlled the province, little legislation was enacted to regulate either marriage or morality – both of which were traditionally placed under the church's control and governed largely by Canon Law. Since the settlers were not obligated to uphold church law in the civil courts, Maryland's governing elites focused their attention on land acquisition, government enforced protection of personal property, and maintaining social order with minimal governmental interference.<sup>20</sup> Public ledgers record property disputes, the settlement of debts, and the government's tenacious attempts to maintain a stable economy. Accordingly, the Free Will Christian regime rarely attempted to regulate marriage even though the society often faced the social chaos European historians believe stimulates that type of legislation. Cognizant of the upheavals at home with respect to power and religious struggles, the colonists responded with legislation calling for religious tolerance and provided settlers with more opportunities to trade with the Indians.<sup>21</sup> The provincial government met the threat of social chaos with an effort to reassert a calm, non-hostile commercial environment without overtly regulating gender relationships. Free Will Christians continued to see marriage as a private affair between two consenting adults that did not require governmental intrusion unless one or both of the adults were servants under contract. Thus the legislators passed laws to continue collecting fees for the

privilege of marrying and the publication of the names of individuals who wanted to marry.<sup>22</sup>

Both of these examples illustrate a desire to avoid the pervasive problem of indentured servants marrying before their contracts had expired that would, in turn, diminish a master's profits.

Regardless of the Free Will Christians' focus on economic issues, several laws passed during the Catholic regime might be considered morality legislation or legislation aimed at altering gender structures at first glance. The act of 1639, for instance, made it illegal to co-habitat with non-Christian Indians. While it is plausible to think that the legislators wanted to prevent marriages between the moral white Europeans and the darker-skinned savages, a more reasonable explanation rests on the founders' religious beliefs. If we consider the historical context that formed the backdrop for this law, we find that the Roman Catholics probably shared (or were influenced by) the Jesuits and Lord Baltimore's missionary zeal to enlarge the English Roman Catholic community.<sup>23</sup> By restricting the marriage pool to only baptized men and women, the legislators sought to increase the numbers of Roman Catholics in the province. These legislators, then, were not acting to alter gender structures, redefine racial relationships, or institute new morality codes. Quite simply, they were attempting to build a stable English Catholic province in the New World.

Similarly, the 1650 act regulating fornication seems to have been directed at controlling the sexual activity of servants with the hope of circumventing the rising number of bastards in the province rather than serving as an example of legislating morality.<sup>24</sup> The act stipulated that "Every person or persons that shalbe found or proved by confession of either party to have comitted Adultery, or fornicacon, such Offender or Offenders shalbe censured or punished, as the Governor and Counsell or other cheife Judge and Comissioner pr[e]sent in court" shall think appropriate as long as the punishment did not include death or maiming.<sup>25</sup> Quite plausibly then, one of the individuals involved in the sexual liaison would have to make a confession before legal action was taken. If this were so, the law would have functioned quite differently than morality legislation that sought to alter social codes of behavior affecting gender relations in order to conform to the moral values of the legislators. Mary Beth Norton's work on Maryland court cases suggests that very few individuals took these types of cases to court during the seventeenth century, as the surviving county records indicate that merely seventy-six women and thirty men were tried for such offenses.<sup>26</sup> Norton has also argued "The community's primary concern in bastardy cases was not morality, but rather ensuring that the public would not have to bear the

cost of raising bastard children." Here again we find economic concerns dominating the thoughts of government officials. Norton confirms this when she points out that most of the cases involved "unmarried maidservants whose babies survived infancy."<sup>27</sup> Masters, in these cases, were not only deprived of their maidservants' labor for a time, but they also had to shoulder the financial burden of sheltering, feeding, and clothing non-productive babies. This law allowed masters to recover some of their financial losses by forcing the babies' fathers to support their children. In other words, Free Will Christian legislators attempted to control their economic assets, not morality and gender construction.

It seems clear that Maryland's Free Will Christian governing bodies endeavored to provide commercially minded planters and merchants — both male and female — a hospitable environment in which to conduct their business. They strove to secure their personal property and wealth by passing acts relating to land boundaries, the killing of livestock, perjury, debts, and restricting the procreative behavior of indentured servants. They searched for the right balance in maintaining cordial relations with the neighboring Indians by allowing only certain colonists the right to trade with them and outlawing their enslavement. And they fought with other colonies to establish their borders with an eye on future land development, expansion, and rent payments. Maryland elites hoped to worship and conduct business in peace, with minimal interference from a governing body — be it provincial, proprietary, papal, or royal. They desired and secured a government dedicated to upholding this decidedly *laissez faire* philosophy.<sup>28</sup> The question then becomes did the Associators who took control of the province in 1689 share this vision?

Carr and Jordan suggested that the revolution of 1689 changed little outside of a few faces. However, an examination of the legislation after the Calvinist coup reveals a somewhat different picture. Carr, herself, noted the change in the laws governing orphans in her article, "The Development of the Maryland Orphan's Court, 1654-1715." It seems that the Free Will Christians in 1681 continued to focus on property and profits when they passed an act concerning orphans. Carr pointed out that "The courts not only appointed guardians; they set the terms of guardianship, supposedly within limits set by law. Solvent security had to be given to pay the orphan his portion and rules were laid down for preserving the property; orphans had to be educated according to their estates and, if bound out for a maintenance, were to be taught a trade; and children could not be placed with families of a religion different from that of their parents."<sup>29</sup> But Carr observes that after 1690 -- when the Calvinists controlled the government --

"An orphan was considered to be a child whose father had died. His mother could be guardian, but not for the property, unless she could find the sureties required for her bond to pay the child's portion, and she was accountable to the court for the care of the child and his estate."<sup>30</sup> These Calvinists did not share the Free Will Christians' view of womanhood that placed mothers in positions of authority in the home and that expected them to act on the family's behalf, when necessary, in the legal and economic arenas. On the contrary, the management and control of both dependents and valuable property was a distinctly male responsibility for these Calvinists. Thus when an adult male could no longer supervise his dependents, the State would take his place. Women were the bearers and nurturers of sons, not substitute patriarchs when fathers died. In sum, the change in a widow's status within her family had been legislated by the new Calvinist regime.

This paternal philosophy of the Calvinists manifested itself in other ways as well. Widows who remarried represented a threat to society in the minds of the Upper House members during the royal period.<sup>31</sup> They wrote: "And whereas many Orphans have greatly suffered by the second Marriages of such Widows, who having Estates in Possession by Will or Right of Administration, either by such Widows, while sole [unmarried], or their [new] Husbands, during the Coverture, the same have been Wasted and Embezeled; and if the woman [should] die, the said [second] Husband refuses to render an Account of such Estate, alledging that he is neither Executor nor Administrator to his Wife, nor of her former Husband."<sup>32</sup> According to the Calvinists, when women controlled real estate, they tended to pay little regard to the true heir's rights — those of the testator's eldest son. In an attempt to bring order from the chaos, the government wanted widows and their new husbands to post bond to insure the "Heir at Law's" legacy. They would also have to report on the condition of both the estate and heir to the governmental body that would stand in as a substitute father. Their statement regarding a second husband's refusal "to render an Account of such Estate" underscores the Calvinists patriarchal notions. These Calvinists seemed particularly vexed with a second husband's reluctance to assume his rightful place as master and protector of his new family. Perhaps self-conscious of their efforts to reconstruct the dominant paradigm, the patriarchy assured citizens that "nothing shall be done by Virtue of this Act which shall seem repugnant or Contradictory to the last Will or Testament of any Person Deceased."<sup>33</sup>

By 1696, the orphan's court explicitly perceived itself as a "father" to all orphans.<sup>34</sup> Carr and Walsh explain that at this time, "the assembly declared that orphans of intestates were often better cared for than orphans of testators. From that time forward, orphans' courts were charged with supervision of all orphans and were soon given powers to remove any guardians who were shown false to their trusts, regardless of the arrangements laid down in a will."<sup>35</sup> A governmental body — acting as the society's powerful "father" — had taken on the responsibilities and management of a decidedly private family matter in the eyes of the old Free Will Christian regime. In so doing, it attempted to reconstruct women's roles consonant with the Calvinists' view of women as dependents and the nurturers of sons. Not surprisingly, the government followed this legislation with a law in 1715 allowing the government to remove children from their Roman Catholic mother if the father had been a Protestant, thus recognizing, once again that a father-less child was indeed an orphan in need of State protection.<sup>36</sup> While the government probably humiliated the Roman Catholics with the enactment of this legislation, I would argue that it was the strong kinship networks (constructed by the Catholics and Arminian Anglicans) that prevented the government from enforcing it.

In addition to their attempts at redefining womanhood, widowhood, and women's roles within the family in their legislation, the Calvinists also initiated morality laws to impose the new regime's patriarchal view of the ideal social order upon the population. We find that the Calvinists enacted morality legislation as a matter of course addressing, in particular, "Adultery and Fornication," polygamy, blasphemy, cursing, drunkenness, "Prophaeness," gambling, usury (in excess of eight percent interest rates), and, of course, the all inclusive, "Sunday to be kept Holy." Essential to this process of criminalizing sin, the legislators instructed ministers to read the laws to their congregations four times per year.<sup>37</sup>

The law admonishing "Adultery and Fornication" defined a fornicator (or adulterer if married) as a man who enjoyed the company of, or who frequented, "Lewd women." These men would first be accessed and accused by "Church-Wardens," a minister or the upstanding male citizens that formed the church vestry. The accused then faced the provincial or county court and a jury of "Twelve Men." Fornicators got off pretty easily with a fine of "Thirty Shillings" while an adulterer paid three pounds sterling. If the convicted man had no money, he would receive thirty-nine lashes "till the Blood do appear" for his first transgression.<sup>38</sup> The "Lewd woman" faced the same fines or whipping as her co-conspirator did, depending upon her

marital status. We can assume that the pious churchmen who passed judgment on these sinners classified prostitutes as “Lewd” women, but they also could point fingers at promiscuous females, women who were “Cohabiting” with men, or those merely engaging in sexual intercourse outside of marriage.

Maryland Calvinists understood women to be evil, wanton, lustful creatures who willingly led men astray, much like their brethren in New England believed. Their conception of womanhood manifests itself in both morality legislation and the prosecution of sexual transgressions. Literally thousands of New Englanders were charged with lewd speech, fornication, and adultery during the colonial period when Calvinists were in power. In fact, just in New Haven alone, “sexual offenses outnumbered all other categories of criminality handled by the county court.”<sup>39</sup> Contrary to the Free Will Christians’ limited focus on indentured servants in their regulation of sexual relations, Maryland Calvinist legislation attempted to redefine womanhood and normative behavior for *every* member of the society. The patriarchal presuppositions behind Calvinist morality legislation were a dramatic departure from the Free Will Christians’ conceptions of women as capable and trusted companions, confidantes, and partners.

As advocates for a patriarchal society as a means for maintaining social order, Calvinists expected heads of households to oversee the behavior of all their dependents. In particular, this expectation extended to the head of the household who ran an ordinary. As patriarchs who must maintain order within their homes, keepers of ordinaries could not sell liquor “unless in Cases of absolute Necessity” (presumably for medical purposes) on the Lord’s Day. The government made the patriarch responsible for ensuring that everyone in his household observed the Lord’s Day properly by preventing people from consuming “strong Liquor,” gambling, swearing, or engaging in a “Pastime.” “Tipling,” that is to say temperate drinking, and “Exercise” were also forbidden on Sundays.<sup>40</sup> If an ordinary keeper failed to maintain order by enforcing this law, he faced stiff fines and the possible loss of his tavern license, often his primary source of income. The government required men and women to respect the Lord’s Day as a day of prayer in the home and at church; it was not a day for frivolous entertainment, drinking or work. This sobering message from the government resembled Calvinist English Interregnum and New England legislation much more than it did the Free Will Christians’ laws. Indeed, one of Maryland’s most esteemed nineteenth-century historians remarked that legislation after 1689 “against immorality,

profaneness, and breaking the Lord's day . . . only lack[ed] the word 'Sabbath' to have quite a Puritan flavor."<sup>41</sup>

Calvinists were diligent in pursuing sinners/criminals who chose to ignore their morality legislation. Charles Arrabella, for instance, was imprisoned for quite some time for "Blasphemy."<sup>42</sup> These actions followed closely those prescribed by John Calvin himself. One of Calvin's biographers tells us "The Church provides the environment in which mutual fraternal correction without resentment or alienation becomes possible; each helps his fellow as they move on together toward an unattained perfection of faith and works."<sup>43</sup> In sum, the Calvinist regime in Maryland sought to conflate sin with civil criminal acts in keeping with their ideas about the intertwining relationship between church and State. In so doing, these Calvinists hoped to create a patriarchal society where women would experience far less freedom than they had under the Free Will Christian government.

Of course, the Catholic regime also legislated against offensive acts of "Swearing, cursing, Adultery" and "Drunkenesse."<sup>44</sup> But the Free Will Christian laws sought to provide an environment suitable for conducting business in contrast with the Calvinists' criminalization of sin.<sup>45</sup> In part, the distinction to be made rests upon who was ultimately responsible for accusing the transgressor and enforcing the law. For the Calvinists, men in power implemented the patriarchal norms: keepers of ordinaries, clergy, and church officers — as father figures — kept order in the society and brought sinners/criminals to court. In particular, clergymen as community fathers stood out as the primary enforcers of moral behavior; they assessed the innocence or guilt of men and women involved in affairs of the heart and regularly stood in the pulpit (mandated by the Calvinist Assembly) to remind congregants of the law. We can only assume that Maryland's Calvinist magistrates, like their New England counterparts, were committed to the redemption of the sinner/criminal, urging "malefactors to ponder the spiritual implications of their crimes and to mend their ways."<sup>46</sup> Recognizing the need for laws restricting public drunkenness, swearing and the like, Catholics, on the other hand, passed laws that encouraged social stability, but they did not go so far as to dictate appropriate behavior for the private lives of individuals. What people did behind closed doors, for the most part, was a family's concern. If men and women wanted to "tip" a few, "Exercise," gamble, or engage in a "Pastime" on Sunday, it was not the concern of the community. The Free Will Christian government was not in the habit of intruding into private affairs. Only when a man or woman's

behavior threatened public peace, principally in a public space, did the government intervene. Men and women who placed others in imminent danger (like beating one's servant to a bloody pulp) or who threatened to complicate the distribution of family property because of an adulterous relationship might have provoked the Free Will Christian government into action.

Free Will Christian legislators, moreover, appear to have held a more modern sense of responsibility for the social order than their Calvinist counterparts. Since criminal acts were transgressions against society rather than sins, religious leaders such as ministers, "Church-Wardens," and church vestrymen were not primarily responsible for identifying the accused or judging his or her actions. For Free Will Christians, any two witnesses — male or female — could bring charges of "frequent Drunkenes" against a fellow colonist and information regarding adultery was expected to come from female midwives, not the community's "fathers." Essentially, the authority to identify a criminal lay in the hands of any man or woman in the community.<sup>47</sup> Thus while both Catholics and Calvinists shared a high moral code, they differed significantly in the choice of accusers and prosecutors. The reconstruction of social norms and the transformation of sin into crime punishable by the patriarchal government of the Calvinists indicate a willingness and desire on the part of the new political order to reorganize the public and private spheres consonant with their own worldview.

The revolution of 1689 did not signify a mere shift to an Anglican representational government; the Calvinist Associators aspired to bring about revolutionary social change. To be sure, Calvinists shared some of the fundamental views of their predecessors as they continued to initiate and enforce legislation for the expansion of the economy. Yet, they parted company with the Free Will Christian regime when it came to the roles they would willingly accord the female population.

Commensurate with their Roman Catholic predecessors, the Calvinist Associators brought their value systems with them to their new powerful and lucrative governmental posts in 1689. They appropriated the power of the Roman Catholic proprietor as well as that of his Maryland kinship network, and when they — and the Calvinists who would follow — held the authority to do so, they attempted to mold society according to their patriarchal beliefs and values to create a new dominant paradigm. They utilized the means available to them — including the provincial legislature — to revise the customs and laws to legally redefine what it meant to be a family, a

woman, an orphan, a criminal, and a sinner. Ideally, the Calvinist churchwardens and Upper House members joined forces to insure a social order consonant with their worldview. As Maryland Calvinists believed in a government predicated upon church doctrine, we are not surprised to see their stalwart efforts to legislate morality in a manner that reflected their firm belief in patriarchy.

## NOTES

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<sup>1</sup> Paul Wilstach, *Tidewater Maryland*, New York: Tudor Publishing (1945 originally published in 1931) 47-48.

<sup>2</sup> Oswald Tilghman, *History of Talbot County, Maryland 1661-1861*, vol. II, Baltimore: Regional Publishing Co. (1967 originally pub in 1915) 207.

<sup>3</sup> Debra Meyers, "The Civil Lives of White Women in Seventeenth-Century Maryland," *Maryland Historical Magazine*, 94 (1999) 309-328.

<sup>4</sup> See for instance, Susan Dinan and Debra Meyers, eds., *Women and Religion in Old and New Worlds*, New York: Routledge (2001).

<sup>5</sup> There continues to be a great deal of ambiguity over what constitutes the "State" in early modern times. See for instance: Giorgio Chittolini, "The "Private," the "Public," the State," *The Origins of the Modern State in Italy*, Supplement to *The Journal of Modern History*, 67 (Dec. 1995) S34-S61; Stanley Chojnacki, "Measuring Adulthood: Adolescence and Gender in Renaissance Venice," *Journal of Family History*, 17 (1992) 371-95; Georges Duby, "Introduction: Private Power, Public Power," *A History of Private Life*, vol. 2, Arthur Goldhammer, ed., Cambridge, Mass.: Harvard University Press (1988) 3-31; Jean-Philippe Genet, "Introduction: Which State Rises?" *Bulletin of Historical Research*, 65, no. 157 (June 1992) 119-33; and Guido Ruggiero, "Marriage, Love, Sex, and Renaissance Civic Morality," *Sexuality and Gender in Early Modern Europe: Institutions, Texts, Images*, James G. Turner, ed., Cambridge: Cambridge University Press (1993) 10-30.

<sup>6</sup> Stanley Chojnacki, "Subaltern Patriarchs: Patrician Bachelors in Renaissance Venice," *Medieval Masculinities: Regarding Men in the Middle Ages*, Claire A. Lees, ed., Minneapolis: University of Minnesota Press (1994) 74.

<sup>7</sup> Chojnacki, "Subaltern Patriarchs," 75.

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<sup>8</sup> The Catholic Irishman, Charles Carroll, was educated in France and continued his studies at the Inner Temple in London. He went on to serve as secretary to Lord Powis in the court of James II. Prompted by Powis, Charles Carroll immigrated to Maryland in 1688 at the age of twenty-eight. In Maryland, he served as “Lord Baltimore’s Agent, Receiver-General, Keeper of the Great Seal, and Register of the Land Office,” until 1717. He married a relative of Baltimore’s — the young Mary Darnall — after his first wife died in 1690. Mary and Charles had ten children. Their eldest son, Henry (named after his maternal grandfather), had been sent to Europe for his education and died on his trip home. His younger brothers Daniel and Charles studied at St. Omer’s in Flanders — a Jesuit college. When the young Charles returned to the province, he married his cousin Elizabeth Brooke and settled into their home at Doughoregan Manor. Their only son Charles (III) left for St. Omer’s at the age of eleven with his cousin John Carroll, America’s first Roman Catholic bishop. [Marion Harland, *More Colonial Homesteads and Their Stories*, New York: G.P. Putnam’s Sons (1899) 224-84]

<sup>9</sup> The “Free Will Christian” cohort is defined and justified in Debra Meyers, *Common Whores, Vertuous Women, and Loveing Wives: Free Will Christian Women in Colonial Maryland*, Indiana University Press (2003).

<sup>10</sup> As a feudal socage, a vassal of Lord Baltimore’s owed him homage in terms of legal tender rather than military service, though Baltimore’s palatine status entitled him to ask colonists to take up arms against outside attackers. For more detailed information about the early feudalism of Maryland, see Constance Lippincott, *Maryland as a Palatinate*, Philadelphia: J.B. Lippincott (1902) and William Hand Browne’s, *Maryland: The History of a Palatinate*, Boston: Houghton Mifflin (1899). While the charter conferred royal powers to Lord Baltimore, he acquiesced in 1638 to the Assembly’s insistence on their right to initiate legislation. And by 1641, the Assembly decided neither the governor nor the proprietor could adjourn their sessions.

<sup>11</sup> A few of these Lords included Mary Brent, Margaret Brent, Robert Brooke, Charles Carroll, Nicholas Causine, Thomas Cornwaleys, Thomas Gerrard, Augustine Herman, Thomas Matthews, Nicholas Sewall, and Abell Snow. [Paul Wilstach, *Tidewater Maryland*, New York: Tudor Publishing (1931) 49]

<sup>12</sup> Meyers, *Common Whores, Vertuous Women, and Loveing Wives*, chapter five. All the surviving wills between 1634 and 1713 [N = 3190] — including married, single, and widowed

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women and men — were systematically analyzed using the SAS Institute's JMP program designed for MacIntosh.

<sup>13</sup> Lord Baltimore continued to collect quit-rents and other provincial revenues even though his political power to govern had been prorogued between 1689 and 1715. Similarly, William III also abrogated William Penn's right to govern Pennsylvania.

<sup>14</sup> Lois Carr and David Jordan's, *Maryland's Revolution of Government, 1689-1692*, Ithaca: Cornell University Press (1974). For a general overview of Maryland politics, see David Jordan, *Foundations of Representative Government in Maryland, 1632-1715*, Cambridge: Cambridge University Press (1987) and Carl Everstine, *The General Assembly of Maryland, 1634-1776*, Charlottesville, Virginia: Michie (1980).

<sup>15</sup> Carr and Jordan, *Maryland's Revolution of Government*, 79-83.

<sup>16</sup> Carr and Jordan, *Maryland's Revolution of Government*, 72.

<sup>17</sup> For a thorough explanation of how religious affiliations are identified using will preambles, see Meyers, *Common Whores, Vertuous Women, and Loveing Wives*, chapter three.

<sup>18</sup> This was an English Catholic tradition. Hugh Trevor-Roper suggests, "Irish Catholicism . . . [during William's reign] had no influence on the Catholics of England, whose Catholicism was of a very different and far less dangerous kind . . . they no more allowed the right of the Pope to decide the matter for them than any of their fellow countrymen." [Trevor-Roper, "Toleration and Religion after 1688," in Grell, Peter, Jonathan Israel and Nicholas Tyacke eds., *From Persecution to Toleration: the Glorious Revolution and Religion in England*, Oxford: Clarendon Press (1991) 400] Thomas O'Brien Hanley has argued that Catholic Marylanders had come from a long tradition, commencing with Thomas More, of believing they "could be both God's servant and the king's without any conflict of loyalty . . . [if] the king did not tamper with [a Catholic's] conscience and beliefs, which were committed by God to a spiritual authority distinct from the king and the State." [Thomas O'Brien Hanley, *Their Rights and Liberties: The Beginnings of Religious and Political Freedom in Maryland*, Chicago: Loyola University Press (1984) 42]

<sup>19</sup> Richard Godbeer, *Sexual Revolution in Early America*, Baltimore: Johns Hopkins University Press (2002) 101.

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<sup>20</sup> In a letter from Father Andrew White to his superior (Henry More) in England, he asked for the church's clarification in regard to what extent Roman Catholic legislators in Maryland ought to include Canon Law into their provincial laws since the province would not be establishing an ecclesiastic court. Some of his most important questions involved the control of testamentary cases and the interference in the matter of marriage. [Rev. Theodore C. Gambrell, *Studies in the Civil, Social and Ecclesiastical History of Early Maryland*, New York: Thomas Whittaker (1893) 221]

<sup>21</sup> The significance of this legislation is highly contested. See for instance, Carl Everstine, "Maryland's Toleration Act: An Appraisal," *Maryland Historical Magazine*, 79 (1984) 99-115; John Krugler, "With promise of Liberty in Religion: The Catholic Lords Baltimore and Toleration in Seventeenth-Century Maryland, 1634-1692," *Maryland Historical Magazine*, 79 (1984) 21-43; and Maxine Lurie, "Theory and Practice of Religious Toleration in the Seventeenth Century: The Proprietary Colonies as a Case Study," *Maryland Historical Magazine*, 79 (1984) 117-125. The province also experienced rebellions within its borders adding to the social discord.

<sup>22</sup> See for instance, William Hand Browne, ed., *Archives of Maryland*, 73 vols., Baltimore: Maryland Historical Society (1883-) 1: 428, 433, 434, 468, and 469.

<sup>23</sup> Meyers, *Common Whores, Vertuous Women, and Loveing Wives*, chapter one.

<sup>24</sup> Browne, *Archives of Maryland*, 1: 286 and 10: 558. Other acts modified previous ones "concerning Servants that have Bastards." The law in 1662 punished both parties. [Browne, *Archives of Maryland*, 1: 428]

<sup>25</sup> Browne, *Archives of Maryland*, 1: 286.

<sup>26</sup> Mary Beth Norton, "Gender, Crime, and Community in Seventeenth-Century Maryland," *The Transformation of Early American History*, eds. James Henretta, et. al., New York: A. A. Knopf (1991) 135.

<sup>27</sup> Norton, "Gender, Crime, and Community in Seventeenth-Century Maryland," 127. For Calvinist New England, Richard Godbeer found that "More than a hundred women were convicted for that offense in Essex County [alone] between 1640 and 1685." [Godbeer, *Sexual Revolution in Early America*, 20]

<sup>28</sup> Of course, these elites adhered to a hierarchical society based on class; they were primarily interested in their own ability to increase wealth.

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<sup>29</sup> Lois Carr, “The Development of the Maryland Orphan’s Court, 1654-1715,” *Law, Society, and Politics in Early Maryland*, Land, Carr and Papenfuse eds., Baltimore: Johns Hopkins University Press (1977) 52.

<sup>30</sup> Carr, “The Development of the Maryland Orphan’s Court,” 44.

<sup>31</sup> The legislation noted thus far dealing with death and estate management seems all the more extraordinary when we consider that the provincial government passed it *after* the population began to reproduce itself. We could rationalize the existence of volumes of laws dealing with intestate, orphans, and will administration if they appeared when mortality rates were extremely high prior to 1689. We need to seek other explanations when faced with the fact that it was only after the Associators’ revolution that they appear with any frequency.

<sup>32</sup> Cushing, *The Laws of the Province of Maryland*, 163-64.

<sup>33</sup> Cushing, *The Laws of the Province of Maryland*, 164. One wonders how reassuring women found this caveat.

<sup>34</sup> Carr and Walsh, “The Planter’s Wife,” reprinted in, *In Search of Early America: The William and Mary Quarterly, 1943-1993*, Richmond: Institute of Early American History and Culture (1993) 198.

<sup>35</sup> Carr and Walsh, “The Planter’s Wife,” (1993 reprint), 197.

<sup>36</sup> Carr, “The Development of the Maryland Orphan’s Court,” 41-62.

<sup>37</sup> Perhaps related to this was the importation of secularized Societies for the “reformation of manners” and the “propagation of the gospel” which began in earnest in England during the 1690s. These groups attempted to unite all Protestants (within the English empire) around moral activism targeting the lower classes and women in particular in regard to lewd behavior and other amoral activities.

<sup>38</sup> Cushing, *The Laws of the Province of Maryland*, 88-9.

<sup>39</sup> Godbeer, *Sexual Revolution in Early America*, 20-21.

<sup>40</sup> Cushing, *The Laws of the Province of Maryland*, 6-7.

<sup>41</sup> John T. Scharf, *History of Maryland: From the Earliest Period to the Present Day*, Baltimore: John B. Piet (1879) 374.

<sup>42</sup> Anne Pauley, Richard Love, and others diligently petitioned the governor’s English superiors in 1710 hoping that “the Fine set upon [Arrabella] for the said Crime may be remitted

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& he discharged out of Prison.” [Public Record Office: Board of Trade and War and Colonial Department: General Registers (CO 326/20) found on pages 16, 21, and 89 of the Index to Original Correspondence, Maryland]

<sup>43</sup> John T. McNeill, *The History and Character of Calvinism*, London: Oxford University Press (1954) 221.

<sup>44</sup> The act “concerning Religion” in 1649 also outlawed “blaspheme” and cursing. [Browne, *Archives of Maryland*, 1: 244]

<sup>45</sup> James Farr argues that in Burgundy “because justice was viewed as sacred, one important result of the sacralization of society was the criminalization of sin.” This might apply to Calvinists in Maryland and New England as well. [Farr, *Authority and Sexuality in Early Modern Burgundy (1550-1730)*, New York: Oxford University Press (1995) 33]

<sup>46</sup> Godbeer, *Sexual Revolution in Early America*, 99.

<sup>47</sup> A thorough examination comparing the prosecutions for these offenses before and after 1689 has yet to be completed.