Punishment by Humiliation

Puritan punishment was based on the premise that punishment should humiliate the transgressors so that they could see the error of their ways and change them. Most typical of colonial New England’s penal code were the stocks and pillory. Stocks were heavy wooden frames with holes for securing the guilty party’s ankles and sometimes wrists. The pillory was similar but was designed so that the person confined in it would be in a standing position with his or her head and wrists secured. The difference between the use of the two seems to have depended upon who was being punished. The pillory was reserved for members of the community with higher social standing, whereas the stocks were used for the lower class individuals. In any event being placed in the stocks was usually accompanied by the jeers of passing community members as well as an occasional rotten egg or vegetable. This was aided by the fact that the stocks and pillory were almost always placed by the meeting house where people would have more occasion to pass by. Still another form of public humiliation might be to have the criminal wear something for a period of time. The most common thing to wear was a large letter that stood for the wrongdoing. Thus, a person who had stolen would wear a T for thief. A person who had sworn would wear a B for blasphemer while a drunkard wore a D. And, yes, an adulterer would wear a large A as was done in the The Scarlet Letter. Still another form of humiliation might be to wear an iron collar or piece of rope about one’s neck.

The ducking stool was still another common device of punishment. It was reserved for women and involved having a woman tied to a stool that was attached to a long pole with fulcrum in the middle. Like a teeter-totter the stool was lowered into a lake or river with the woman attached. Gossiping and scolding one’s husband were the crimes deserving of this punishment. The number of dunks depended on the decision of the judge. On occasion, however, a husband could save his wife by paying a fine although no records exist of how often this alternative was exercised. The length of this public humiliation would depend on the severity of the crime. Several hours to several days in the stocks or pillory were normal sentences. Wearing a letter might last months or even years. One man found guilty of rape was sentenced to wear an iron collar for the rest of his life.

Severity of Punishment

By today’s standards such public humiliation would be seen as cruel and unusual punishment, especially in a school. Compared to many of the alternative punishments available during colonial time, humiliation looked good.

The most popular form of punishment was whipping, sometimes called stripes for the marks left on the victim. A whipping post usually stood next to the stocks and pillory as a grim reminder of what awaited people who engaged in more serious crimes or who chose to repeat their offenses. Theft, slander, criticism of authority, adultery, as well as many other lesser crimes, could incur a whipping. A woman found guilty of emptying her dirty water in the streets received the lash. The number of stripes depended as usual on the crime. Twenty to forty was common. One case of a man receiving 117 was recorded. To add humiliation to the whipping the victim was sometimes forced to be tied to a cart and walk behind it as someone else followed and “whipped him through town.”
The cruelty did not stop with whipping. A hot awl through the tongue was used occasionally for a person who preached falsely or spoke against the religion. Sometimes ears were cut off. A variation of wearing a letter was to have it branded onto the forehead or other body part.

One group of people that received more than their share of these punishments were the Quakers. The Quakers had beliefs other than those of the Puritans. In England they had developed a reputation for being a nuisance. This was because of their insistence on preaching their beliefs and criticizing others. They disrupted religious services and stood in town squares to tell one and all of the errors of their ways. Needless to say, the Puritans had little patience for this type of behavior. Quakers regularly were banished from Puritan villages. If they returned, as often they did because Quakers felt they had a mission to preach, they might experience whipping or branding. Some were executed.

**Executions**

Execution was also a form of punishment in the colonies. Hanging was among the most common form of death but burning was also used. Found guilty of insurrection, two men in New York were sentenced to be drawn and quartered, meaning that they were horribly mutilated as they were executed.

From this we may get an image that life in the colonies was precarious if not barbaric. All things being relative, however, punishment in the strictest New England town was not as bad as that found in England. Offenses such as petty larceny were punishable by death in England, but in reality the death sentence was rarely imposed in America. Murder was one crime that usually resulted in the death penalty. Piracy and treason also led to death. Prison terms, on the other hand, were uncommon. There were two reasons for this. First, everyone was needed to work and help support the colony. Putting someone in prison for theft or even indebtedness did not help the matter. The second reason was equally economic. Prisons were a drain on a colony’s resources. Consequently, the colonists found punishments that were quick and inexpensive. Only when it was likely that a person might flee from debtors would he or she be locked up. Thieves were usually sentenced to pay back the person they stole from in labor or goods.

**Colonial Punishment in Perspective**

A good deal of tolerance also marked colonial law. People did not have the stomachs for frequent executions or brutal punishments. By the beginning of the eighteenth century few really harsh sentences were being handed out because public opinion was against it. In addition a plea of the clergy was permitted in most courts; this plea was used for the severest crimes including murder. It allowed nearly any person who was a first-time offender to be granted dispensation if he or she agreed to be branded on the thumb. The brand served to identify a person as a former offender if arrested for subsequent crimes.

The law was and is an ever changing thing. Many laws developed by the first colonists were all but forgotten within 30 or 40 years. By the middle of the eighteenth century new laws were being written and enforced in answer to the blatant protests that many colonists had toward English rule. By today’s standards many of the punishments were cruel and unusual but given the circumstances and environment the colonists thought them right and just.