

Authorities' responses to violence against enslaved Africans: comparisons between eighteenth-century Curaçao and Berbice

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Abstract

This article takes a close look at a small selection of court cases from the Dutch colonies Berbice (in present-day Guyana) and Curaçao in the eighteenth century, to examine under what circumstances and in what ways colonial authorities chose to intervene in violence committed against enslaved people. This serves to gain insight into broader attitudes towards violence against enslaved people, many instances of which remain obscured in colonial archives because they were normalized, formally sanctioned, or simply not prioritized by colonial institutions such as the criminal court. In comparing Curaçao and Berbice, special attention is given to the specific historical developments and social geography of each colony, which shaped colonial administrators' concerns and therefore attitudes to violence: when did authorities decide to intervene, and how did their considerations vary depending on time and place?

Keywords: Curaçao, Berbice, slavery, violence, criminal justice, legal practice

Introduction

A factor implicit in the question of the relative 'mildness' of the slavery regime in Curaçao, is the degree and nature of violence inflicted on enslaved people as well as institutional responses to this violence. A welcome source, considering the scarcity of material documenting enslaved people's experiences, are judicial records which often offer richly detailed slices of life involving various members of colonial society. Criminal court cases in particular are, by their very nature, detailed repositories of information about murder, abuse, maiming and other forms of violence. A problem with the judicial record, however, is that it only documents those instances of violence that colonial legislators, jurors, and prosecutors considered to be both illegitimate and important enough to bring before the court. It is thus precisely in the silences of the archive that much of the violence we are interested in can be expected to hide: the violence that was normalized, sanctioned, or beyond the reach of government intervention, because it happened under the private jurisdiction of slaveholders, on plantations or within the confines of the home.

A possible way out of this conundrum is a careful and critical engagement with moments in the archive when the silence is broken, and violence against enslaved people *does* become the subject of government intervention, and to ask not only when and where, but also *why* this happens. In what follows we will do just that, comparing some of the rare instances of colonial authorities' intervening in violence against enslaved people in eighteenth-century

Curaçao and Berbice, Guyana, not as representative examples of the violence that occurred in the colonies, but as indications of the limits of what was considered acceptable.

Curaçao

Curaçao's legal system in the eighteenth century was characterized by an extreme double standard in favor of white citizens.²⁶ Both the judicial practice and locally issued legislation primarily targeted violence *by*, rather than against, people of color – free and enslaved – and punished non-white offenders more severely.²⁷

There are some cases, however, where violence against enslaved people became the topic of government intervention. One involved a serial offender, the plantation director Jacob Gabaij. In the fall of 1774, Gabaij had been sentenced to a fine of fifty pesos for exercising “private jurisdiction” over a neighbor's slave. Dominga, an enslaved woman from Willem Ellis' plantation, had been gathering wood on the Gabaij family plantation when Gabaij had her seized and beaten. He had been convicted after a complaint from Ellis, who had witnesses to back up his accusation. In the spring of 1775, another neighbor went to the court with a complaint about Gabaij. Sibedie, a slave of Jan Brugman, had been maimed to the point of losing an ear at the orders of Gabaij after allegedly being caught stealing corn from the plantation. This punishment, Brugman complained, was not only excessive and inhumane, but also not Gabaij's place to inflict. The appropriate course of action would have been to come to Brugman and let him offer absolution and punish Sibedie. On grounds of the pain suffered by Sibbedie, but especially to make up for “the damages the plaintiff has suffered due to this barbaric practice, namely the lost work hours and the decreased value of the negro,” Brugman demanded financial compensation – for himself, not for Sibbedie.²⁸

The second case, also from 1775, involves a case of violence between two enslaved women, but again seems to have reached the court only because of a conflict of jurisdiction between slaveholders. Markita, enslaved in the household of Isaac Marchena, seems to have become embroiled in a conflict with a group of free and enslaved women tied to the household of doctor Joseph Apriles, who wanted her to sabotage the marriage plans of her master's niece. When the clash turned to a physical altercation between the heavily pregnant Markita and an enslaved woman of Dr. Apriles, also named Markita, the doctor turned to the prosecutor to demand Marchena's Markita be punished on charges of assault with a stick. The incident normally would not have made it to the court records: an ordinance from 1766 prescribed that all non-whites, whether free or enslaved, be punished immediately without a trial for

²⁶ Han Jordaen, “Free Blacks and Coloreds and the Administration of Justice in Eighteenth-Century Curaçao,” *New West Indian Guide / Nieuwe West-Indische Gids* 84, no. 1–2 (January 1, 2010): 63–86; Han Jordaen, *Slavernij en vrijheid op Curaçao: de dynamiek van een achttiende-eeuws Atlantisch handelsknooppunt* (Leiden: Walburg Pers, 2012).

²⁷ For some examples of legislation, see J.A Schiltkamp and J.Th. de Smidt, eds., *West Indisch plakaatboek: publikaties en andere wetten alsmede de oudste resoluties betrekking hebbende op Curaçao, Aruba, Bonaire 1638 - 1782*, vol. I (Amsterdam: S. Emmering, 1978), #67 (1710), 97 (1720), 116 (1737), 143 (1740), 150 (1741), 216 (1750), 223 (1751), 256 (1756), 288 (1766) .

²⁸ HaNa 1.05.12.01 Oud Archief Curaçao, inv 76 ‘gerechtsrol en sententies mei-sept 1775’, 188.

carrying sticks or clubs. Isaac Marchena refused to turn Markita over to the sheriff, however, and the conflict thus turned from a street fight into a battle between Marchena's private jurisdiction as slaveholder, and the government's power to inflict punitive violence. Marchena claimed that the ordinance was flaunted every day, even in front of the public prosecutor, without any consequence, and that he had never seen it practiced that "when two blacks fight each other one is punished and the other goes free". Curiously, Marchena said he would have no problem handing Markita over, provided that the other Markita would also be whipped, and prosecutor Coerman used this fact to argue that the issue was that Marchena did not respect his authority or that of the sheriff, and he had to turn to the court to be able to override Marchena's private jurisdiction.²⁹

Berbice

In Berbice, a Dutch colony from the seventeenth century until the British takeover in 1797, legislation and judicial practice initially show very similar patterns to Curaçao, but the colony's trajectory was significantly shaped by a massive slave revolt which broke out in 1763 and that effectively drove all white people out of the colony for over a year. After this turning point, authorities' attitudes to violence against enslaved populations began to differ markedly from those in Curaçao.

In one of the rare pre-1763 court cases documenting state interference in violence against an enslaved person, property rights and jurisdiction are again a major theme. In 1756 the sacristan of the church, van der Broek, was called before the court because of his "horrific whipping" of an enslaved woman named Diro, who had died as a result of her injuries. The Church council had already censored van der Broek and the court approved this action, not because of the abuse itself, but because Diro had been the Church's property, and thus 'entrusted capital': if he had been unhappy with her behavior, he should have complained to the consistory instead of resorting to such force. In the end, van der Broek was not charged, but admonished to refrain from doling out excessive punishment to slaves belonging to the colony or to the Church.³⁰

After 1763, there is suddenly an explosion of court cases documenting masters' abuse of slaves, which can only partly be explained by the greater volume of archival material available for this period. One possible explanation is that white colonists, increasingly fearful of their slaves after their experiences in 1763, turned more violent in trying to enforce plantation discipline. Another likely factor, however, is a greater concern among colonial authorities with the treatment of enslaved workers and its consequences for public order, and therefore greater judicial attention that created a paper trail of cases that would otherwise have remained invisible to modern observers. In the fall of 1763, the Dutch States General commissioned an investigation into the causes and consequences of the Revolt, and the resulting report by the directors of the colony primarily lays the blame on the poor treatment

²⁹ HaNa 1.05.12.01 inv 76, 9-36.

³⁰ HaNa 1.05.25 Dutch Series Guyana inv AB.3.77 'Miscellaneous minutes of proceedings 1755-1763', 208-210.

of slaves by specific planters. Although generally, the directors claimed, the slavery regime of Berbice was “relatively soft” and the directors had always recommended good treatment of enslaved people to the colonial government, there was evidence that this advice was not always followed at the individual level.³¹ A major piece of evidence the report cited was a written exchange between Wolfert Simon, Governor of Berbice, and Coffij and Accra, the leaders of the revolt. Coffij himself singled out the cruelty of Anthonij Barkey, the director of Coffij’s plantation Lelienburg, as one of the key catalysts for the uprising, and this argument seems to have spread quite far: a pamphlet published in Middelburg in 1763 relating the events of the revolt to the Dutch public ended with a statement that Coffij had taken a woman who had been mild to her slaves under his protection and that “those Christians who were harsh to their slaves have been met with the heaviest death, and they [the leaders] have even mentioned several because of whom they have started the War, as they call it”.³²

This idea that cruelty towards enslaved people could be dangerous seems to have caught hold among Berbice administrators, because in the years following the revolt a series of ordinances imposing limits on plantation discipline emerged and, significantly, were enforced.³³ In 1765 plantation director Fredrik Visser was removed from his position and fined 150 guilders for seriously injuring three young enslaved children, although the prosecutor had recommended double that fine and that Visser be banished from the colony as a “harmful and dangerous person”. George Chardar, director of the Elisabeth Adriana plantation, who had “one of his girls” named Bethje hung by her hands for five days for running away, was fined 250 guilders and banished for seven years.³⁴ In 1768, Johan Christoff Eckard, the new director of the same plantation, was called before the court after several of his slaves, including the bomba,³⁵ had fled to the neighbors and complained about excessive punishment which had resulted in the death of an enslaved man named Jacob. This incident, along with another whipping-induced death on a plantation on the Canje river, which had also resulted in enslaved witnesses seeking recourse, prompted the governing council to issue a new ordinance: corporal punishment could not result in death in the next 24 hours, or the responsible person would have to pay a fine and reimburse the value of the deceased slave to the owner. This ordinance was met with protest from Eckard’s wife, who took issue with the fact that one third of the fine would go to the person who had reported the case, “without specifying whether the reporter must be white or black” because this would put planters at risk of false accusations from enslaved Africans whom she described as opportunists with no morals or conscience.³⁶ She was called to the court to answer for her defiant attitude, and the case thus turned into a conflict

³¹ HaNa 1.05.05 Societeit van Berbice, inv 49.

³² Pieter (Middelburg) Gillissen and Steven Jacobus (Amsterdam) Baalde, *Kort dog waarachtig verhaal van de rebellie en opstand der negers in de Colonie Berbice, en de yselyke wredheden aan deszelfs inwoonders gepleegt: by wyze van een brief geschreven* (Middelburg; Amsterdam: Pieter Gillissen ; S.J. Baalde, 1763).

³³ Berbice, 1764, ‘Instructie voor Gouverneur Heyliger,’ 1768 ‘Verbod slaven zo zwaar straffen dat ze binnen 24 uur overlijden.’

³⁴ Colonial Office Guyana 116 inv 106 Notulen Raad van Politie en Criminele Justitie 1764-1766

³⁵ A bomba was an enslaved man put in charge of plantation discipline, including administering punishments.

³⁶ Colonial Office Guyana 116 inv 107 Notulen Raad van Politie en Criminele Justitie 1768-1770

between the government's concern with protecting public order and the financial interests of slave-owners, and plantation directors' aims in maintaining their own power and authority.

Conclusions

What do these examples tell us about attitudes to violence in Curaçao and Berbice? A common factor was that generally violence against enslaved people only came under judicial attention under very specific conditions: if the violence resulted in financial losses for a slaveholder, in case of conflict of interest between two slaveholders or a slaveholder and the government, or if the violence was thought to pose a risk of unrest or revolt. The differences in cases presented in Curaçao and Berbice, therefore, should not be seen as indicative of the relative harshness or mildness of their respective slavery regimes, but rather as a result of differing configurations of these concerns. This, in turn, can in part be explained by the different demographic and spatial structures of the two colonies. Curaçao had a bustling urban center and a large and relatively independent population of free people of color, and as a result, much of the legislation and judicial practice involving white colonists' concerns with public safety center on public spaces and on people of color being construed as threats regardless of their (enslaved) status. In Berbice, conversely, the free black population was considerably smaller and there was almost no truly public space to speak of, with most activities taking place on the private grounds of plantations. It was in these spaces that the 1763 revolt broke out, creating an acute sense among colonial authorities that what happens in the private sphere can have serious implications for public order and safety. Thus, authorities turned their increased attention to the cruelties that took place behind closed doors, and what was previously hidden became visible in the archive. This does not mean that Berbice slave owners were harsher towards their enslaved workers than those in Curacao. Curacao slaveholders arguably even had more leeway in the treatment of their slaves, because they were less under public scrutiny. These cases show that, before any definitive conclusions about the 'mildness' of Curacao slavery compared to that in other colonies can be drawn, consideration needs to be given to how structural factors shaped by local circumstances limited the information we have available today.