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Regulating relations: controlling sex and marriage in the early modern Dutch empire

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Chapter 4. Illicit sex

Introduction

In theory, the distinction between permissible and unacceptable forms of sex in the early modern Dutch and larger Christian world was clear: reproductive sex within the bounds of marriage was permitted and even a duty for married couples, while other forms of sexuality were both illegal and immoral. The reality, however, was not so simple. Not only was marriage, as we saw in chapter one, the prerogative of only a select few within colonial societies, but it could even be argued that the social and economic conditions created by chartered trading companies effectively fostered illicit forms of sexuality. Christopher Chitty has made this point for homosexuality, arguing that proto-capitalist economies such as the Netherlands of the seventeenth and eighteenth centuries gave rise to labor regimes that brought unwed young men in a state of proximity together in a way that had rarely been seen before.¹ Indeed, it is not a coincidence that the majority of sodomy prosecutions at the Court of Justice in Batavia, for example, concerned same-sex encounters aboard VOC vessels.² This argument, however, can be extended to sexuality at large, beyond the specific phenomenon of sodomy: the social and economic conditions of a global empire that relied on cheap, highly mobile labor strongly limited the possibilities for conjugal, heterosexual family units and instead created a fertile ground for more subversive relations that went directly against the dominant sexual mores of that same empire.

These conditions can be observed working in different ways for different groups. For Europeans, the vast majority of whom were poorly paid single men who lived a transient existence in service of the VOC or WIC, marriage was often not possible (because they had a wife back home in Europe, or because they could not get permission to marry from their superiors) or simply not an attractive option: marriage brought considerable financial responsibilities that other sexual and romantic arrangements did not, in addition to other restrictions such as the ban on repatriation for VOC servants married to Asian women (see chapter one). Opportunities for alternative arrangements, meanwhile, were in considerably greater supply than in Europe, ranging from fleeting encounters under various conditions to concubinage and common-law marriage. The thousands of enslaved men and women, who made up the majority of populations in West-Atlantic plantation societies but also in trade hubs such as Batavia, were denied the possibility of a legally sanctioned marriage in the vast majority of cases, and thus any relations they had, whether monogamous, consensual, casual, or forced, were 'illicit' by default. This did not mean that these forms of intimacy were indiscriminately criminalized, however. The extreme precarity of living in slavery, moreover, made the enslaved vulnerable to various forms of sexual exploitation.

Finally, there were the free Indigenous and creolized populations that formed around Company settlements in the East and West alike: while there were certainly monogamous conjugal units among these groups, often with their own notions of honor and sexual morality,

¹ Christopher Chitty, *Sexual Hegemony: Statecraft, Sodomy, and Capital in the Rise of the World System* (Durham, NC/London: Duke University Press, 2020).

² Matthias van Rossum et al., "The VOC Court Records Batavia, 1655-1790" (Amsterdam/Leiden: International Institute of Social History/Leiden University, 2022).

their situation in the colonial empire introduced various degrees of transience that fostered more fleeting, and therefore illicit, sexual relations. Husbands, contracted as soldiers, sailors, or plantation workers, moved away from their wives and families, increasing the likelihood of extra-marital sex among men and women alike. Port cities such as Cochin, Batavia, or Willemstad in Curaçao, meanwhile, saw a constant coming and going of people who needed a place to stay, which frequently ended up being the home of local residents. Economic precarity, here, meant that not everyone was able to afford independent housing, while renting out a room was a convenient way to supplement a household budget. The result was that the intimate space of the home, in many colonial towns, was rarely the exclusive domain of a nuclear family, instead seeing a coming and going of houseguests and lodgers – in addition to a variable staff of enslaved or free live-in servants. As the cases in this chapter will show, it was this porous domestic space – along with ships and other closely quartered places of labor – that formed the primary site of non-marital and thus illegal forms of sexuality. As elsewhere in the early modern world, there was no such thing in the Dutch empire as neatly compartmentalized ‘public’ and ‘private’ spheres: work and intimacy were frequently intertwined, and domestic spaces were important sites of communal life and therefore of key concern in questions of social (and sexual) order.

The conditions of empire therefore gave rise to a plethora of encounters and relationships that challenged the vision of moral sexual order that formally governed it. This chapter will trace how colonial inhabitants and authorities negotiated this tension, by examining both the sexual practices that emerged and authorities’ response to these practices. Because it is clear that not all non-marital sex was prosecuted and punished equally, asking *which* practices authorities intervened in and *why* tells us a great deal about the specific vision of sexual order wielded by colonial elites that went beyond “reproductive marital sex only”, and thus about the entanglements between sex and power in colonial settings. I will argue that, rather than changing the laws to be more permissive of non-marital sex in order to accommodate the social reality or, conversely, universally punishing unsanctioned relations, the trade Companies and local colonial governments instead adopted a policy of selective toleration in which the decisive factor was not (or not exclusively) marital status, but rather the colonial social order and hierarchy: the degree to which a sexual encounter or relationship outside of marriage was scandalous or even criminal depended heavily on who one was, who the partner was, and how these people related to each other in the larger societal context. This chapter will explore these relations in two main parts: the first part will focus on the various types of non-marital relations European men working for the companies and living in Dutch colonies engaged in with women of various backgrounds, and how colonial authorities responded to them. The second part will focus on the modes of criminalization that specifically targeted free and especially white or otherwise Christian women where they engaged in extra-marital or inter-racial sex.

European men’s encounters

The ship as site of sexual danger

In both the VOC and the WIC charter zones, thousands of men of various backgrounds took to the seas as sailors, soldiers, and passengers in company employment. Confined in close quarters for weeks or months at a time, ships were sites of violence, comradeship and, sometimes, sexual

encounters. It is not surprising that the majority of prosecutions of sodomy – the most heavily criminalized sexual offense, punishable by death – at Batavia’s Court of Justice originated from an incident on board a VOC vessel: although ships offered plenty of secluded corners for committing clandestine sexual acts, the risk of being caught was extremely high, as private quarters were the privilege of only the highest-ranking officers and passengers.³ Out of 118 men and boys prosecuted in Batavia for sodomy in the eighteenth century, 88 were employed aboard VOC vessels. 49 are listed as sailors, of which 15 junior sailors (*jongmatroos*).⁴ 4 were ship’s boys, 7 were high officers (skipper, first or second mate), and 19 were lower-ranking officers. Most cases involved adults, but many of the junior sailors and all of the ship’s boys would have been youths under the age of eighteen. Although ‘sodomy’ as a legal construct could also mean masturbation, bestiality, or any form of non-reproductive sexuality, the majority of sodomy prosecutions involved sexual relations between men.⁵ The VOC, here, did not exclusively prosecute Christians: nine of the sailors on trial were described as a ‘Moor’ from Bengal. Because in the eighteenth century no concept of a fixed sexual orientation existed, and homosexuality was instead conceived of as simply sinful behavior that potentially anyone could succumb to, and that, moreover, could spread through social contagion, authorities were generally keen to keep any instances of ‘sodomy’ quiet. This explains why it was frequently termed the *stomme zonde* – the silent sin, along with other obfuscating euphemisms, and why suspects were usually dealt with quickly, discretely, and harshly. Some were tried and sentenced by the captain before the ship even reached land, suggesting actual sodomy prosecutions were considerably more numerous than the Batavia Court of Justice records show.⁶

In addition to same-sex relations, the presence of women aboard vessels was also perceived as a potential sexual danger by company authorities. Although female passengers were generally kept away from the rank-and-file, illicit sexual encounters – both consensual and violent – could not always be prevented on voyages (see also chapter five) and this seems to have played a part in the VOC’s decision to restrict female migration from Europe, because the Gentlemen XVII motivated their 1650 ban on female passengers without special dispensation with a reference to the particularly disastrous voyage of the *Batavia*, aboard which, in 1629, a woman had been sexually assaulted by a group of mutineers, after which the ship had crashed off the coast of Australia where several of the surviving female passengers were raped before rescue arrived.⁷ While as we saw in chapter one, even after 1650 small numbers of European women continued to travel across the Indian and Atlantic oceans, a large part – if not the majority – of the women whom men in service of the companies encountered, at sea and especially on land, were not

³ For an in-depth discussion of the conditions surrounding sodomy cases on VOC ships, see Matthias van Rossum, *Werkers van de wereld: Globalisering, arbeid en interculturele ontmoetingen tussen Aziatische en Europese zeelieden in dienst van de VOC, 1600-1800* (Uitgeverij Verloren, 2014), 319-340.

⁴ Rossum et al., “Court Records Batavia.” Cases date from (1729-1790 – no data for 1700-1728). Note that ‘sodomy’ does not necessarily imply homosexuality: the term was used for all sexual acts deemed unnatural, including bestiality, although the majority of cases prosecuted involved two men.

⁵ Elwin Hofman, “The End of Sodomy: Law, Prosecution Patterns, and the Evanescent Will to Knowledge in Belgium, France, and the Netherlands, 1770–1830,” *Journal of Social History* 54, no. 2 (November 1, 2020): 483.

⁶ T.M. Aerts, “Het verfoeijelijke crimen van sodomie’. Sodomie op VOC-schepen in de 18e eeuw,” *Leidschrift* 4 (April 1988): 5–21.

⁷ Ketelaars, *Compagniesdochters*, 159–65.

European at all, and were frequently not Christian, resulting in sexual relations that rattled the sensibilities of the empire's moral guardians: Dutch Reformed preachers.

The merchant and the minister

In October 1764, Gerardus Verbeet, Elmina Castle's new pastor, wrote an outraged letter to his employers, the ten directors of the West India Company. Appalled at what he found at the start of his four-year tenure on the West-African coast, he felt forced to send his wife back to Europe, as he found the environment entirely unsuitable for an honorable married woman:

There is not only not a single legally married woman beside mine in the entire country, but not even a single female who professes to the Christian faith. Meanwhile, not only does every White have a Heathen woman as his concubine or mistress, many are not ashamed to openly boast that they have two, three, or even more.⁸

Several days later, a funerary ritual by several African women who wailed and wept at the body of recently deceased WIC servant Daniel Clockener – seen by Verbeet as an unseemly disturbance of a Christian funeral by “Heathen concubines” – prompted the scandalized pastor to offer his resignation to the Director-General. Although Verbeet later retracted his resignation, the Governor-General and his council would not have been sad to see him go, expressing irritation at his “difficult character and proud nature.”⁹ In a letter to the Company Directors, they not only questioned Verbeet's sanctimonious attitude, but also defended their tolerance of local social and sexual practices. The funerary rituals, they wrote, were “an old custom that the Natives are strongly attached to, and which cannot but with great difficulty be changed.” Eradicating concubinage, they continued, was even more unthinkable:

[it] is an abuse that has slipped in since time immemorial and that, we dare say, cannot possibly be rooted out. We are all men here, your Honors, and most of the servants, both commercial and military, are young and in their prime, so it would entail greater abuses, yes even horrors, that would make us resemble Sodom more than we do now, God forbid, if we were to deny them the use of women.¹⁰

The council's perspective reveals both a distinct view of human sexuality and a hierarchy of moral outrage: in their view, men's sexual energy required an outlet, and if they could not find this with women, it was heavily implied, they would find it with men.¹¹ Whereas for the Reformed Minister Verbeet, any deviation from the Christian marital norms was unacceptable, the colonial administrators were content to opt for what they considered the lesser of two evils. This conflict between ‘Merchant and Minister’ – between commercially-minded pragmatism and

⁸ NL-HaNA, WIC, 1.05.01.02, inv.no. 492, Letter from G. Verbeet 20 October 1764, folio 754.

⁹ NL-HaNA, WIC, 1.05.01.02, inv.no. 947, Director-General and Council's response to G. Verbeet's resignation, 23 October 1764, scan 72-73.

¹⁰ NL-HaNA, WIC, 1.05.01.02, inv.no. 929, Documents from the Coast of Guinea, 1763-1768, Letter from Director-General and Council to the Gentlemen X, 23 October 1764, scan 264, folio 99. Translated with added punctuation.

¹¹ This fits a larger pattern in European ideas on sexuality, which in the sixteenth century began to conceive of a natural human sex drive that required an outlet. Sara F. Mattheus Grieco, “The Body, Appearance, and Sexuality,” in *A history of women in the West: III. Renaissance and Enlightenment Paradoxes*, ed. Natalie Zemon Davis and Arlette Farge (Cambridge, MA: Belknap Press of Harvard University Press, 1993), 71.

religious zeal – was perhaps nowhere more pronounced than in Elmina, with its far-reaching integration of Christian men into non-Christian life and its institutionalization of sexual relationships unsanctioned by the church – so-called *calicharen*.¹² It was not, however, unique to the West-African coast. In fact, Gerardus Verbeet himself had fought a similar battle with colonial administrators in the East Indies when he was employed by the VOC, and had even published a polemic about his experiences in 1762: initially employed as a junior naval officer (*adelborst*) and then lay minister (*krankbezoeker*) in the 1740s and, after completing his studies in Europe, as a *predikant* in Batavia and the Moluccas in the 1750s, he made enemies among religious and secular authorities alike. After getting a well-connected junior merchant censured by the Batavian church council for living in concubinage with an enslaved woman, Verbeet was sent to serve on Banda, which he termed “the worst post in the Indies.”¹³ Here, he continued to ruffle feathers, openly criticizing the lack of political action against “Christians mixing with Heathen women” and refusing communion to prominent VOC employees – including the Governor’s brother – whom he called “fornicators” [*hoereerders*].¹⁴ Finally, his continued conflict with Company authorities, both over his salary and what were deemed his defamatory statements, led to a trial before the Batavian Court of Justice which resulted in his dismissal and banishment from the VOC’s territories.¹⁵

Verbeet was appalled at what he saw as moral decay among “so-called Christians” in Southeast Asia as well as West Africa, although he considered the latter the worst of all, even terming it “the seat of Satan”.¹⁶ Hoping for better, he pleaded with the WIC to be transferred to Curaçao or Suriname – a request which was denied. The West Indies, however, had its own discontents. Most famous among them was Jan Willem Kals, whom we met in chapter one as a vocal proponent of evangelization among the enslaved population of Suriname. Shortly after his installation in the colony as Reformed *predikant*, Kals made enemies among clerical and secular authorities alike, by criticizing established norms and practices, including those around non-marital sex. In addition to his more famous work *Neerlands Hooft-en Wortelsonde*, which he published some twenty years after his experiences in Suriname (1756), he also published (in 1733, the year he was forced out of the colony) a polemic reminiscent of Verbeet’s. This “Complaint on the rotten morals of leadership, in both ecclesiastical and civil administration in a very fertile and only just budding colony” was written as a letter to the *classis* (regional church consistory) of Amsterdam.¹⁷ In addition to detailed descriptions of a range of personal and professional conflicts Kals found himself in during his two years in Suriname – with antagonists

¹² Natalie Everts, “‘Huwelijk Naar’s Lands Wijze’. Relaties Tussen Afrikaanse Vrouwen En Europeanen Aan de Goudkust (West-Afrika) 1700-1817: Een Aanpassing van de Beeldvorming.’” *Tijdschrift Voor Geschiedenis* 111, no. 4 (1998): 598–616.

¹³ Gerardus Verbeet, *Memorie, of, getrouw verhaal van alle de moeilykheden, vervolgingen, en mishandelingen, den persoon van Gerardus Verbeet, laatst geweest predikant tot Banda, in Neerlands Oostindien aangedaan, door hem zelfs opgesteld, en voorzien van daar toe specterende papieren en bewyzen* (Delft: Egbert vander Smout, 1762), 16.

¹⁴ Verbeet, 26–27.

¹⁵ NL-HaNA VOC 1.04.02 inv.no. 9323, Criminal sentencing of Gerardus Verbeet, 22 June 1761, scan 109.

¹⁶ NL-HaNA, WIC, 1.05.01.02, inv.no. 492, Letter from G. Verbeet to WIC Directors, 20 October 1764, folio 757.

¹⁷ Jan Willem Kals, *Klagte over de Bedorvene Zeden Der Voorgangeren, Zoo in’t Kerk- Als Burger-Bestuur in Eene Zeer Vrughtbare Ende Eerst Opluikende Colonie, Voorgesteld in Eene Behandeling, Gepleegt Aan Een Predikant, Aan ’t Eerwaarde Classis van Amsterdam - Leiden University Libraries, 1733.*

ranging from the Governor to fellow pastors and church elders to his own wife – the pamphlet contains a damning description of the sexual morals reigning in the colony. Adultery and ‘fornication’, he wrote, were not just rampant among colonists, but broadly accepted as natural, necessary, and appropriate for the Surinamese setting. He was particularly outraged by the practice among white planters, married or not, of purchasing an enslaved black or indigenous young woman for the express purpose of sex, and proceeding to present the resulting offspring for baptism by Kals. This moral decay started young, he said: “their sons (and who knows what happens to the daughters) if they are not sent abroad, are usually ruined by the female slaves by the time they are fourteen or fifteen years old” (these enslaved women, in Kals’ worldview, were ruined from the start, as they were not Christian). When Kals confronted colonial elites with these patterns, he claimed, he was met with mocking indifference: “Well, Reverend, do you really believe that you would change that here? We live in a different world here.”¹⁸

Verbeet and Kals seem to have been among the rare European voices overtly raising objections to European men’s non-marital sexual relationships with non-European women in Dutch overseas settlements. As outspoken, seemingly pugnacious characters whose broader patterns of conflict resulted in their eventual expulsion from their colonial postings by colonial authorities, they can be seen as exceptions that prove the rule: in general, eighteenth-century religious, political and military authorities alike accepted non-marital arrangements such as concubinage as a more or less inevitable consequence of situating large numbers of predominantly single men in transient colonial settings. This is not to say that other Reformed ministers stationed across the empire did not express concern over the sexual vices they observed among their flock (as did others who were more removed from colonial society, such as travel writers), but they generally took a more subtle and sympathetic approach.¹⁹ Jacobus Capitein – Verbeet’s predecessor in Elmina– also expressed his frustration at what he perceived as the WIC’s indifference towards his goals of promoting a Christian way of life in West-Africa and at the deeply entrenched practice of *calicharen*. His approach, however, was more sensitive to the challenges of the local situation, putting his energies in educating (Euro-)African children in the Christian religion and pushing for the possibility of Christian marriage with African women as an alternative to *calicharen*, although these efforts were met with little support from the Company or the *classis* of Amsterdam.²⁰ Half a century earlier, in 1700, the collaboration between ‘state’ and church was more harmonious. Eduard van Slangenburg, who was *predikant* at that time, warned of the sins of adultery and fornication, “which are committed as openly here as publicly here as the relations of devoted, legally married people in Europe,” but also recognized that preventing non-marital sex altogether might not be realistic, and proposed measures to at least make fathers responsible for the education of their illegitimate children. Director-General Van Sevenhuijsen and his council followed his advice.²¹

¹⁸ Kals, 24.

¹⁹ One contemporary writer who regularly touched on scandals and conflicts surrounding concubinage was François Valentijn. See Van Wamelen, *Family life*, 375–76; François Valentijn, *Oud en nieuw Oost-Indiën, vervattende een naaukeurige en uitvoerige verhandeling van Nederlands mogentheyd in die gewesten, benevens eene wydluftige beschryvinge der Moluccos ... en alle de eylanden onder dezelve landbestiering behorende; het Nederlands comptoir op Suratte, en de levens der Grootte Mogols ...*, vol. 2 (Dordrecht/Amsterdam: J. van Braam & Gerard onder de Linden, 1724).

²⁰ Kpobi, “Mission in Chains,” 75, 152–53.

²¹ NL-HaNA, WIC, 1.05.01.02, inv.no. 124, Resolutions 10 March 1700, scan 335-339.

Indeed, the tense relation between ‘Merchant and Minister’ was not fixed throughout the WIC and VOC period. As Danny Noorlander has shown, the commercial and political activities of the seventeenth-century WIC were deeply intertwined with the zealous interests of the Dutch Reformed Church, and WIC authorities were frequently supportive of church authorities’ interventions into the moral lives of colonists, soldiers, and sailors.²² This genuine moral-religious fervor among the first generations of Dutch colonial authorities and company directors can be observed in legislation on non-marital sex issued in Dutch settlements across the globe, not just those held by the WIC. The government of Jan Pieterszoon Coen in 1622 Batavia, expressing a genuine concern for God’s wrath over “the horrific sins” of concubinage, adultery, and fornication, especially between people of different religions, prescribed a strict set of punishments for non-marital sex: concubinage was to be punished with a fine or, in case of recidivism, with corporal punishment. Non-Christians who “instigated” sex with a Christian would be sentenced to death, as would be adulterers.²³ Two decades later, as the VOC was in the process of taking power in Ceylon, its leadership in Galle passed an ordinance condemning the widespread habit of living “in public whoredom and concubinage” with local women which had taken hold among soldiers, sailors and officers. Such “vile unchastity” would henceforth be punished arbitrarily. The ordinance gives both political and religious reasons: this “abhorrent lechery” would not only lead to “a reprehensible example among the heathens and weak Roman Catholic Christians and great contempt among them for the true Christian faith, being dishonoring and disreputable to the Dutch nation,” but also bring about “the grim wrath of the Almighty, no doubt to the destruction of land and people.”²⁴

This dual concern, with the threat of disasters as a result of God’s wrath on the one hand, and a loss of reputation for Christianity at large in the eyes of foreign peoples on the other, was felt consistently across the globe, from Asia to the Caribbean. Early governors of Curaçao, such as J.P. Tolck in 1638 and Matthias Beck in 1655, were instructed by the WIC to prohibit sexual advances towards indigenous and enslaved African women, so as to prevent friction with these groups.²⁵ In Suriname, one of the first criminal ordinances issued after the colony passed from British into Dutch hands, dating from 1669, prescribed the death penalty for both blasphemy and adultery, and “rigorous punishment” for “all fornicators and those living in unchastity”.²⁶ Berbice, which in the seventeenth century was a patroonship held by the Van Peere family, received strict instructions from its patroon Abraham van Peere in 1681. No intercourse was to take place with African and Indigenous women, because it was leading to “contempt for God’s holy name, repudiation of the Christian Reformed religion, and particular vexation among a Heathen nation that ought to be won over to the light of the Gospel and the righteous path through the godly example of Christians [...]”. Henceforth, the instructions stated, any of Van Peere’s subjects found committing such lechery would be punished with a loss of wages and in case of continued recidivism, banishment from the colony.²⁷

²² Noorlander, *Heaven’s Wrath*, 106.

²³ NIP vol I, Ordinance of 20 July 1622, 99-102.

²⁴ CP-I, 3-4.

²⁵ WIP-C-I, 3-8, 52-59.

²⁶ Ordinance of 19 February 1669, in WIP-S-I, 33-35.

²⁷ “Instructie betreffende relaties met zwarte of Amerindiaanse vrouwen voor allen die in dienst zijn van Abraham van Pere,” May 20, 1681, *Plakaatboek Guyana 1670-1816*, Accessible through

While some of these regulations may sound rather draconian to modern ears – and indeed some punishments, such as the death penalty for adulterers or for inter-ethnic sex were extreme even for contemporary standards – it should be noted that most of the punishments prescribed for unmarried company servants were relatively mild. It seems that VOC and WIC administrators, even early on, when they were arguably at their most zealous, were balancing the importance of maintaining a Christian sense of sexual virtue on the one hand, with that of maintaining a workforce among whom sexual transgressions were ubiquitous on the other. This dilemma was sometimes explicitly verbalized, as in the above-mentioned ban on concubinage in Ceylon, which stipulated that (as elsewhere in VOC-Asia) company servants would be allowed to marry local women “in order to accommodate those who do not have the gift of abstinence in their weakness.”²⁸

Cross-cultural encounters

These ‘weak’ servants were not alone: from the companies’ very inception, non-marital sex permeated the VOC and WIC worlds from their lowest to their highest ranks. As soldiers, sailors, merchants, and administrators travelled across the Atlantic and Indian oceans – in the vast majority of cases without a wife – they encountered women from a wide range of backgrounds, each with their own norms and expectations around sexuality, and with their own interests. In some places, pre-existing practices meant that local women had little problem forming temporary relationships with foreigners prior to, in lieu of, or next to a formal marriage. An example is the ‘temporary marriage’ in South East Asia, in which a woman formed an – as the name suggests – temporary, exclusive relationship with a foreigner (often a trader), which could involve domestic work, sexual partnership, an introduction to local networks and local customs, and sometimes a business partnership. In return, the woman could benefit from his connections and receive continuous gifts as a token of an ongoing relationship, or, in some contexts, an agreed-upon financial compensation.²⁹ In Hirado in Japan, where the VOC had a trading post before being confined to Deshima in 1641, Dutch traders encountered Japanese women for whom a pre-marital sexual relationship with a foreigner was not only not an impediment to a respectable marriage, but a means of accumulating funds for a dowry before returning home and starting a family.³⁰ After 1641, restrictions on mobility left less room for sustained relationships, and VOC-traders’ contact with Japanese women became confined to professional Nagasaki-based sex workers who specifically served the Dutch community (*Oranda-yuki*).³¹ In Elmina and elsewhere on the Gold Coast, the matrilineal kinship system centering on the *abusua* meant that marriage was not necessarily the most important factor in a woman’s social status and property rights, so that possibilities for relationships with foreigners, where they were advantageous,

<http://resources.huygens.knaw.nl/retroboeken/guyana>; Original: NL-HaNA, Sociëteit van Berbice, 1.05.05, inv.no. 219, folio 1-4.

²⁸ CP-I Ordinance of 30 May/3 June 1641, Galle, 3-4.

²⁹ Andaya, “From Temporary Wife to Prostitute,” 1998, 12–15; Anthony Reid, “Female Roles in Pre-Colonial Southeast Asia,” *Modern Asian Studies* 22, no. 3 (1988): 629–45.

³⁰ Bin Mihalopoulos, “The Making of Prostitutes: The Karayuki-San,” *Bulletin of Concerned Asian Scholars*, 1993, 41–56; Van Wamelen, *Family life*, 390; Blussé, *Bitters Bruid*, 14.

³¹ Gary P. Leupp, *Interracial Intimacy in Japan: Western Men and Japanese Women, 1543-1900* (London/New York: Continuum, 2003), 10.

were relatively open.³² Since the days of Portuguese presence in Elmina, some Akan women had decided to form relationships of various levels of formality with Europeans – of which the Portuguese-derived *calicharen* was the most formal. These pairings could be useful for women engaged in trade, as a European partner provided access to imported goods, or for women who were unfavorably positioned in their *abusua* and could thus gain property, status, or legal protection through an outsider.³³ For these foreign men – initially Portuguese, later Dutch and from elsewhere in Europe – the benefits of such relationships were clear: in addition to being emotional and sexual partners, these women acted as cultural guides whose local knowledge was crucial to newcomers' survival as well as for the establishment of trade networks, which in turn boosted these men's careers and social standing.³⁴

Across the Atlantic, the established frameworks for relations with indigenous women were more fraught: like in many places that would become Dutch colonies, the Dutch arrived onto a scene that had already been shaped by previous experiences with Europeans, most prominently Spanish and Portuguese. And while Amerindians had intermingled with Iberian colonists in marital as well as non-marital unions, the memory of violence and exploitation that prevailed by the time Dutch settlers arrived in places such as Berbice and the Leeward Antilles, combined with the extreme dependence of early Dutch settlers on indigenous groups such as the Arawaks (Lokono) and Caribs (Kali'na), rendered inter-cultural (sexual) contact a highly delicate topic.³⁵ Due to a dearth of written sources we know very little of how Indigenous women perceived sexual experiences with Dutch colonists, but we can draw our conclusions from the early bans on sexual contact with Indigenous women, which seem to have been prompted by complaints from Amerindian communities, suggesting a pattern of unwanted attention or even rape.³⁶ In later years, the Amerindian women who show up in the colonial records as sexual partners of colonists were not free women from allied, neighboring communities, but captives transported from further inland and sold into slavery.

In the Dutch cultural imagination, meanwhile, a considerably more simplistic view began to form, of overseas territories as populated by voluptuous, lewd women just waiting for Dutch soldiers and sailors to have a sexual adventure with. This is apparent in both the moralizing literature that warned against the sexual vices of the colonies and in popular songs that effectively served as recruitment propaganda by enticing young men with stories of exotic, sexually available women.³⁷ A particularly popular trope in sailors' songs about the East Indies was that of the seductive *mestiza* who was not only willing to share her bed with her Dutch lover, but paid *him* for the pleasure.³⁸ The large numbers of poorly paid, poorly connected Europeans

³² Everts, "Huwelijk Naar 's Lands Wijze."

³³ Everts, "A Motley Company."

³⁴ Henk den Heijer, "Institutional Interaction on the Gold Coast: African and Dutch Institutional Cooperation in Elmina, 1600–1800," in *Exploring the Dutch Empire: Agents, Networks and Institutions, 1600–2000*, ed. Catia Antunes and Jos Gommans (London: Bloomsbury Publishing, 2015), 203–26.

³⁵ Kars, *Blood on the River*, 38.

³⁶ WIP-C-I #1 (1638), 3–8; #39 (1655), 52–59; *Plakaatboek Guyana*, 20 May 1681; 4 September 1700.

³⁷ Andaya, "From Temporary Wife to Prostitute," 1998, 21–22.

³⁸ Bert Paasman, "Lof van Oost-Indiën: Liedjes Uit de VOC-Tijd," *Indische Letteren* 6, no. 1 (1991): 6–10. If this image is based on any genuine experiences by Dutch sailors in the Indies, it may be emblematic of the divergent cultural expectations Barbara Watson Andaya describes between European men and Southeast Asian women, with the former coming from a framework of prostitution as sex-for-money (and having his gendered expectations subverted in this scenario) and the latter viewing small

who enlisted in the trade companies' service, however – some, no doubt, lured by this exoticized image – were not necessarily the most attractive partners for women who had the luxury of choosing. Where free, locally embedded women were not interested, foreign men increasingly turned to enslaved women and girls or those otherwise experiencing various degrees of displacement, economic precarity, and bondage, which frequently overlapped.³⁹

Concubinage

A ubiquitous arrangement, across the Dutch empire, was enslaved concubinage, in which a man purchased an enslaved woman and started a sexual and sometimes affective relationship with her. Due to the coercive foundation of these unions (i.e., slavery), it is safe to assume they were frequently involuntary on the part of the woman, who was not in a position to decline, even if in some cases a genuine affective bond may have formed. It is extremely difficult to gauge the perspective of women in these situations, as the available sources are largely silent on their experiences. Rare exceptions can be found in judicial sources, when enslaved concubines were questioned as part of a criminal or political investigation. In 1737, for example, a young Amerindian woman – name unknown – was questioned by the Berbice Council of Policy. Philip Broer Junior – himself the mestizo son of an enslaved woman, and now working as a free employee on the Abary outpost alongside his father – was accused of having an extramarital affair with this woman. She had been brought to the fort at the request of Broer's father-in-law, who had complained on behalf of his daughter Mariti – Broer's wife, also of mixed descent.⁴⁰ The Amerindian woman faced the Council while holding a two-year-old child in her arms, and explained that the father was Philip Broer, with whom she also had an older child that had been conceived prior to Broer's marriage to Mariti. When asked whether she had always lived with him "like husband and wife" she answered in the affirmative, but also stressed that the relationship had not been voluntary on her part, saying "she had conceived children with him, [but] not wanting to come to him, she had always been forced to do so by him."⁴¹ Following this brief moment, she disappears from the archives again. Mariti and Philip Broer separated a few weeks later, but there is no record of Broer being penalized by the court.⁴²

The uniform view of an enslaved woman in a coerced sexual relationship with her master, however, belies the fact that enslavement and coerced sex also worked in other, more indirect ways. Across the Dutch empire, and especially in port cities, enslaved labor was often 'outsourced', and this also applied to sexual labor. As Henk Niemeijer has shown for Batavia, enslaved women were often not working in their master's home, but required to bring in a specified amount in wages earned elsewhere, so-called "coolie money". For many a young woman, the most reliable way to do this was to work as a *bijzit* (concubine) for a man who agreed to pay her for her sexual and domestic labor. In this arrangement, the boundaries between the

(monetary) gifts as a token of an ongoing affective relationship. Andaya, "From Temporary Wife to Prostitute," 1998, 20.

³⁹ Andaya, "From Temporary Wife to Prostitute," 1998.

⁴⁰ NL-HaNA, Sociëteit van Berbice, 1.05.05, inv.no. 69, Request to Governor Waterham by Jan Couzijn, 18 July 1737, scan 269-269.

⁴¹ NL-HaNA, Sociëteit van Berbice, 1.05.05, inv.no. 69, Council minutes 27 July 1737, scan 251.

⁴² NL-HaNA, Sociëteit van Berbice, 1.05.05, inv.no. 69, Note from Mariti Broer agreeing to a separation, 11 August 1737, scan 328.

lives of enslaved women, those in debt-related servitude (*pandelingen*) and free but impoverished women was blurry, with the main difference being that the first two had a financial obligation to a third party while free women took on the role simply as a way to survive.⁴³ For some, concubinage was a means to achieve upward social mobility: for an enslaved woman, it could pave a path to manumission if she could accumulate enough money or convince her partner to buy or grant her freedom. Once free, one of the limited paths to a more secure existence and higher social status was marriage, although this could come with its own sacrifices, such as changing one's faith and giving up prior attachments.

In the Atlantic context, too, men had sex at various degrees of coercion with women who were not always their own property. This contact ranged from fleeting encounters to long-term relationships, the latter of which became known, in Suriname, as 'Surinamese marriage'.⁴⁴ At the more fleeting end of the scale, we have traces of evidence of men from all walks of life – free, enslaved, black, white, and Amerindian – visiting enslaved black women living on plantations for sex. The way these encounters show up in the sources, however, are strongly tied to the men's social station. Paradoxically, the sexual encounters of more subaltern men were simultaneously more intensely problematized and discussed more openly than those of elite white colonists. This was (at least in part) because enslaved and impoverished free men's contact with enslaved women across plantation boundaries implied a mobility that was seen as a threat to the colonial order, more so than the sexual contact itself. Planters took action against free Amerindians in their employment, for example, when the latter left the plantation to see women who lived elsewhere. In Paramaribo, nightly amorous visits of lower-class individuals became associated with burglary and trespassing: in 1739 the government issued an ordinance in response to numerous complaints of nightly intruders who, when discovered, claimed they were not thieves, but were there to visit enslaved women living on the property. To prevent this excuse being used to escape prosecution, the new ordinance stated that anyone – black or white, free or enslaved – who would henceforth be caught trespassing on private property would be treated as a thief and prosecuted as such.⁴⁵ This law would be applied throughout the eighteenth century, as exemplified by the prosecution of Profijt, an enslaved man in the service of the free black woman Caatje van Stalting, in 1792. Profijt was not tied to Ms. Stalting's home, but earned a wage which his mistress laid a claim to every week. One evening, after having fulfilled his obligations for the week, Profijt got drunk and went to the house of the Widow Fellman to see an enslaved woman he knew, in order to spend the night with her, or at least this is what he told the court after being arrested for trespassing and suspicion of theft. When he arrived at one of the enslaved people's homes on the Fellman estate, an enslaved woman accused him of stealing ducks, and Widow Fellman's son apprehended him and turned him over to the *fiscaal*. Although there was no

⁴³ Niemeijer, "Calvinisme en koloniale stadscultuur," 257–58.

⁴⁴ Gloria Wekker, *White Innocence: Paradoxes of Colonialism and Race* (Durham, NC: Duke University Press, 2016), 43; Van Lier, *Frontier Society*, 78.

⁴⁵ Ordinance 382, 19 February 1739, WIP-S-I, 455; NL-HaNA, Raad van Politie Suriname, 1.05.10.02, inv.no. 20 (1739), scan 43.

further evidence of theft, Profijt's presence on the estate was enough to convict him, and he was sentenced to the harsh physical punishment known as the 'Spanish buck'.⁴⁶

Low-ranking whites such as plantation servants, free artisans, and soldiers, meanwhile, were also seen as a potential threat to the colonial order where they sought out enslaved women who were owned by their patrons or by the colony. Here, the concern was less with these men's mobility and more with plantation discipline, as plantation owners feared that enslaved people's anger over white overseer's sexual advances could lead to revolts and increases in *marronage*. This concern went so far that the Society of Berbice, in 1758, even cautioned the colonial government to limit the required number of whites present on plantations: although a low white-to-black ratio was otherwise seen as dangerous, and white settlers were hotly sought after as a means of maintaining control of the colony, the Directors noted that having more than one white for every twenty slaves was a risk too, as it would lead to "licentiousness" with enslaved black women. This, in turn, they argued, would lead to "great discontent among the slaves and eventually bring about evil consequences."⁴⁷ Indeed, most of the legislation issued in Berbice in the eighteenth century which prohibited sex with enslaved women was targeted specifically at rank-and-file colonial employees. The 1741 regulations for plantation servants and free craftsmen, which targeted "disorder and unruliness" threatening the interests of plantation owners, included a stipulation against "carnal conversation" with enslaved African and Amerindian women. The penalty was a fine that increased with each infraction, a portion of which would go to whoever reported it.⁴⁸ The 1750 regulations on military discipline set the same rule for soldiers, with an increasing loss of wages and finally physical punishment as the penalty.⁴⁹ In Suriname, the 1784 regulations for white plantation workers prohibited sexual contact with enslaved women insofar as it resulted in "any disorder on the plantations".⁵⁰

For wealthy (and predominantly white) men, however, the situation was different. This colonial elite, comprised of plantation owners, administrators, members of government, and other high-ranking colonial officials, did not face the scrutiny that came with plantation and military discipline as their inferiors did. Nor were they likely to be identified as trespassers or thieves. Rather, this group moved freely across the colony, often in groups, visiting others' plantations for both business and pleasure. These men, it seems, could seek out sex with enslaved women – consensual or not, their own property or someone else's – with relative impunity, while simultaneously a code of honor mandated discretion on the topic, resulting in an open secret whose veil was lifted only occasionally.

One of them was Harman Nicolaes van de Schepper, the Governor's son whom we met in chapter two. We learn about his actions because his wife's attorney, aiming to prove cause for divorce, interrogated a whole range of her husband's friends and acquaintances, all young men from the upper crust of Surinamese society, many of them military officers. Each confirmed

⁴⁶ NL-HaNA, Raad van Politie Suriname, 1.05.10.02, inv.no. 855, Trial of Profijt, 18 May 1792, scan 381-382. The *Spaanse Bok* involved being whipped with one's hands bound to one's knees and a pole on the ground.

⁴⁷ NL-HaNA, Sociëteit van Berbice, 1.05.05, inv.no. 2, Minutes of the Directors of the Society of Berbice, 3 May 1758, scan 295.

⁴⁸ PG, Regulations for artisans and plantation servants, 5 December 1741.

⁴⁹ PG, Regulations on military discipline, 2 September 1750.

⁵⁰ WIP-S-II, #876, 31 August 1784, no. 9, 1069-1070.

having gone on various group-based outings with Van der Schepper, where the latter had been accompanied by enslaved women, although most were reticent to provide any explicit details pertaining to Van de Schepper's "carnal conversation" with these women, appealing to the fuzziness of their memory or opting for euphemistic terms such as *badineeren* (teasing) and *stoeien* (frolicking). They described visits to the Governor's mansion and soirées as friends' homes where Van de Schepper would be seen with two different enslaved women, Fortuna and Margo. The group of friends also regularly snuck through the yard of Louis George de Boisguion, whose property neighbored Fortuna's lodgings, in order to discreetly reach her (and, possibly, other enslaved women). One night, as the party was crossing the creek leading to Boisguion's yard, they were apprehended by the proprietor. In contrast to those at whom the 1739 trespassing ordinance was aimed, however, the young men were met with laughter from Boisguion, and an invitation to pass through his house instead. Van de Schepper and friends would also visit various plantations, take pleasure cruises on his tent boat along the Suriname river, and joined the festivities during the Jewish holiday of Sukkot in the village of *Jodensavanne*, where Isaac Cohen Nassy observed him 'frolicking' with various enslaved women and dance with a black woman named Philipa. Harman Nicolaes Van de Schepper was likely not the only one: from his lack of effort to hide his affairs with women such as Margo, Fortuna and Philipa and his willingness to brag about his adventures and his illegitimate children, it is clear that this pattern was quite accepted among men of the planter class. It was quite rare for it to be explicitly discussed – let alone addressed as a problem – in the official discourse that makes up the bulk of the colonial archive, however: Van de Schepper's actions only came to light because he had an extremely wealthy and well-connected wife, who was not amused.⁵¹

If European men's affairs with free or enslaved women came under judicial attention, it was usually because of a broader conflict taking place. In Berbice of the 1730s and 1740s, for example, a series of labor conflicts flared up on plantations which shed light on various forms of 'concubinage' taking place there. One was between planter Paul Bermond and his subordinate Jean Carles. The two men had been employed in 1734 by the Amsterdam-based owners of the Zeelandia and Hollandia plantations, Josias Belesaigne and Jean-Pierre St. Martin – Bermond as director of the plantations, Carles as surgeon and *neegerofficier* (driver).⁵² In 1736, their working relationship soured, as Bermond purchased an Amerindian woman named Wanacqua, in order for her to be his *bijzit* or concubine. Wanacqua had had no choice in the matter, but she did give shape to her new position on her own terms, making it clear to the plantation staff what the limits of her role would be. To the gardener and his wife she reportedly stated: "I did not come here to work, nor do I want to, while I have to play the whore."⁵³ This outraged Carles, who felt his authority threatened by this *servante* who behaved like a *Mademoiselle* and *Maîtresse*, and who enjoyed far greater luxuries on the plantations than he did, as he would later write to his employers in Amsterdam. When he complained to Bermond, his boss ordered him to "treat that slave woman like his wife," and proceeded to put Wanacqua in charge of "everything, down to

⁵¹ NL-HaNA, Staten-Generaal, 1.01.02, inv.no. 9502 Dossier of the divorce case between Apolonia Jacoba van der Meulen and Herman Nicolaes van de Schepper, 1746.

⁵² NL-HaNA, Sociétéit van Berbice, 1.05.05, inv.no. 439, List of persons who departed to Berbice as independent planters of employees, scan 92.

⁵³ NL-HaNA, Sociétéit van Berbice, 1.05.05, inv.no. 68, Memo for the Governor issued by Jean Carles, 29 January 1737, scan 69.

the smallest piece of cassava.”⁵⁴ In January 1737, when trying to convince the Governing Council of Bermond’s guilt, Carles characterized the relationship as follows:

...he submits himself to the infatuated rule of his slave, puts her above all the whites on the plantation, goes boating with her, asks to be called her husband, sleeps alone with her in a closed room, hangs her hammock close to his, they caress each other without the slightest fear, and regularly shout obscenities at each other and argue about the venereal diseases which each accuses the other of having contracted elsewhere.⁵⁵

The situation escalated, according to Carles, when Wanacqua told Bermond that it was Carles who had infected her with a sexually transmissible condition – a conversation which reached Carles’ ears by proxy of Elisabeth, an enslaved African woman living on a neighboring plantation. The resulting confrontation between Bermond and Carles proved to be the final straw for the plantation servant, and Carles left, despite not having served the full term of his contract. He turned to the Berbice Council of Policy, arguing that his working conditions had become intolerable and asking for his contract to be nullified and that he be paid his remaining wages.⁵⁶ Unfortunately for Carles, Bermond was considerably better positioned, both institutionally – he was himself a council member on the civil court – and in his informal network. Carles could not afford to guarantee the costs of the trial, and had to personally sequester at the fort, which put him at a disadvantage from the start.⁵⁷ Unable to provide enough evidence for his allegations, Carles was declared a liar by the court and sentenced to a fine of 100 guilders.⁵⁸ Months later, when Carles joined the service of another planter, Bermond complained to the colony Directors in Amsterdam, who proceeded to forcefully recall Carles from Berbice in 1738.⁵⁹ Wanacqua was not mentioned again.

It was not the first time enslaved women found themselves at the center of conflicts over plantation authority entangled with sexual jealousy. Samuel du Thon, friend and neighbor of Bermond, had quarreled with his Swiss plantation servant, Balthazar Ugenin, in the summer of 1736, over Du Thon’s friend, the surveyor Jan Daniel Knapp. Knapp, Ugenin alleged, had gone to the slave quarters late at night while staying as a guest on the St. Elisabeth, and sought out enslaved black women, including one woman whom Ugenin was reportedly involved with.⁶⁰ There were also rumors that Knapp impregnated her, which were passed on to Ugenin by the enslaved people on the plantation.⁶¹ The nature of her ‘relationship’ with Balthazar Ugenin leaves some questions open: he himself never mentioned it, but according to his patron he referred to her as “his whore.” When Balthazar Ugenin complained to Du Thon, his employer

⁵⁴ NL-HaNA, Sociëteit van Berbice, 1.05.05, inv.no. 69, Letter written by Jean Carles to Jean Pierre St. Martin, 14 October 1737. Quotes translated from French, scan 279-280.

⁵⁵ NL-HaNA, Sociëteit van Berbice, 1.05.05, inv.no. 68, Memo for the Governor issued by Jean Carles, 29 January 1737, scan 70.

⁵⁶ NL-HaNA, Sociëteit van Berbice, 1.05.05, inv.no. 68, Request by Jean Carles, scan 62-63.

⁵⁷ NL-HaNA, Sociëteit van Berbice, 1.05.05, inv.no. 68, Council minutes February 16 1737, scan 50-51.

⁵⁸ NL-HaNA, Sociëteit van Berbice, 1.05.05, inv.no. 69, Sentencing of Jean Carles, July 13, 1737, scan 250.

⁵⁹ NL-HaNA, Sociëteit van Berbice, 1.05.05, inv.no. 14, Resolutions April 1 1738, scan 85; Resolutions April 21, scan 92.

⁶⁰ NL-HaNA, Sociëteit van Berbice, 1.05.05, inv.no. 65, Interrogation of Balthazar Ugenin, 28 August 1736, scan 362-364.

⁶¹ NL-HaNA, Sociëteit van Berbice, 1.05.05, inv.no. 67, Testimony of M. Touschajj, 22 July 1736, scan 94.

chastised him for the impropriety of “keeping a whore,” but especially for talking about it.⁶² Du Thon did not call out his friend Knapp, however. In fact, when the surveyor visited again and, having been informed of the dispute by his host, wanted to confront the Swiss servant, Du Thon gave Knapp a cane, with permission to give Ugenin a beating. The latter, however, did not accept physical correction from someone who was not his patron, and attacked Knapp with a piece of wood. As a result, Knapp and Du Thon filed charges against him with the Council of Policy. When asked by the court what he had to say in his defense, Ugenin painted a broader picture of sexual abuse and impropriety by Du Thon’s friends, which incidentally included an allusion to Bermond and Wannaqua, whom he said had once spent the night at the St. Elisabeth plantation along with Mr. Chaille (another planter) and another enslaved woman:

when, in the morning, [Ugenin] asked the Indian woman if they had enjoyed themselves, and she only answered with a few regretful words, he responded that such a life was not right and that he would prefer to leave the plantation, and since then Du Thon has been ill-disposed towards him⁶³

Ugenin was sentenced to a lashing and eternal banishment from the colony.⁶⁴ Surveyor Knapp, on the other hand, would face serious legal repercussions only in 1743, and not for this incident, but for having an affair with multiple married white women, including Jacoba Maria Grevenstein, wife of Bernard Waterham, who had been Governor of Berbice from 1733 to 1740. The charges against him, although centered on his attempt to induce Grevenstein to divorce her husband for him, also alluded to other indiscretions on Knapp’s part, as evidence of his lack of respect for worldly or godly laws: not only had he kept an enslaved concubine (“as everyone on this colony knows”), but when he manumitted her prior to leaving for the Dutch Republic, he asked “Mrs. Van der Pijpen, with whom he is currently living in suspect familiarity” to be a witness at the newly free woman’s baptism, against Van der Pijpen’s husband’s wishes.⁶⁵ Knapp defended himself by denying the concubinage, and implying that, if everyone suspected him of it, it was only because it was such a common “fashion”.⁶⁶

Indeed, the practice was ‘fashionable’ up to the highest ranks of colonial government, and a popular accusation in political spats. Governor Waterham tried to get the governing council’s secretary Jan Valk fired in 1736 by pointing out that he had multiple children with Waterham’s enslaved cook, Tannetje (he did allow Valk to purchase the freedom of his children, however, and in 1738 even gave her to Valk in exchange for an enslaved man), and also complained of the

⁶² NL-HaNA, Sociëteit van Berbice, 1.05.05, inv.no. 65, Request by Jan Daniel Knapp, 30 August 1736, scan 10.

⁶³ NL-HaNA, Sociëteit van Berbice, 1.05.05, inv.no. 65, Interrogation of Balthazar Ugenin, 28 August 1736, scan 362-364. Jean Carles, who had tended to Knapp’s wounds after his encounter with Ugenin and provided a witness statement in the case, had been aware of these allegations against Bermond by Ugenin and referred to them in his own case against his employer – to no avail. NL-HaNA, Sociëteit van Berbice, 1.05.05, inv.no. 68, scan 69.

⁶⁴ NL-HaNA, Sociëteit van Berbice, 1.05.05, inv.no. 67, sentencing of Balthazar Ugenin, 15 October 1736, scan 96.

⁶⁵ NL-HaNA, Sociëteit van Berbice, 1.05.05, inv.no. 86, Summary of charges against Jan Daniel Knap, by Governor Lösner, 23 October 1743, scan 310-311.

⁶⁶ NL-HaNA, Sociëteit van Berbice, 1.05.05, inv.no. 86, Protest issued by Jan Daniel Knapp, 30 October 1743, scan 318-329.

clerk Hellenbach who had reportedly impregnated the governor's Amerindian maidservant.⁶⁷ A few years later Waterham again wrote to the Society of Berbice directors in Amsterdam to report on "familiarities of whites with black and red women".⁶⁸ Waterham himself, however, was involved in his own fair share of scandal, having challenged the same Valk to a duel over the latter's alleged affair with his wife, and having lamentingly confessed his own infidelity with an Amerindian woman to his would-be successor Lossner, who reported everything to the Directors, which eventually contributed to Waterham's demission.⁶⁹ Sexual exploits with African and Amerindian women was thus both ubiquitous among white Berbice planters, and a rhetorical stick with which to beat one another in political and labor conflicts. While this occasionally worked for high-ranking officials such as Lossner, those of lower rank were generally unsuccessful in their allegations against superiors.

Coercion and agency

While the cases discussed above describe in detail the judgments, sentiments, and motivations of the men involved, we are left largely in the dark with regards to the experiences of the enslaved women around whom the intrigues revolved. It is clear that being enslaved added a layer of coercion to many a sexual encounter, even when this was not with a woman's own master. A rare documented instance of an enslaved woman explicitly vocalizing this can be found in a criminal court case between the black woman Amimba, enslaved in the household of the Jewish colonist Salomon Junior, and Carel Imbert, a free mixed-race military officer. They had had an altercation on the street in Paramaribo, in which Amimba had reportedly screamed out "you damned wretched mulatto, freedom makes you freemen crazy."⁷⁰ When questioned about her behavior by the authorities, Amimba stated that Imbert had repeatedly made unwanted sexual advances at her, and when she had rejected him by saying she already had a partner and wanted nothing to do with him, he had erupted in anger, beaten her with his umbrella, called her a whore, and told her that "she was only a slave, and if he destroyed her not a soul would make an issue of it."⁷¹ Although none of the witnesses who testified in the case (all free people called by Imbert) confirmed this, Amimba's testimony reveals that she herself at least had an acute sense of what historians and theorists of slavery and marginalization have called 'bare life', a state in which one can be killed or harmed with impunity.⁷² The fact that she felt emboldened to speak out against Carel, however, may have something to do with his specific status as a manumitted man, meaning she did not owe him quite the same level of deference which she was

⁶⁷ NL-HaNA, Sociëteit van Berbice, 1.05.05, inv.no. 62, Missive from Bernardt Waterham, 21 August 1735, scan 778; inv.no. 65, Missive from Bernhardt Waterham, 5 May 1736, scan 472; inv.no. 327, act of transport, 7 May 1738, scan 7.

⁶⁸ NL-HaNA, Sociëteit van Berbice, 1.05.05, inv.no. 73, Missive from Bernhardt Waterham, 6 January 1739, scan 25.

⁶⁹ NL-HaNA, Sociëteit van Berbice, 1.05.05, inv.no. 72, Missive from Jan Andries Lossner, 6 January 1739, scan 101-112.

⁷⁰ NL-HaNA, Raad van Politie Suriname, 1.05.10.02, inv.no. 840, Testimony of Bentie van Sobre, 21 January 1782, folio 18-19.

⁷¹ NL-HaNA, Raad van Politie Suriname, 1.05.10.02, inv.no. 840, Testimony of Amimba, 16 January 1782, folio 20-21.

⁷² Giorgi Agamben, *Homo Sacer: Sovereign Power and Bare Life* (Stanford: Stanford University Press, 1998), cited in Felicia Fricke, "The Post-Abolition Period and Slavery in Curaçao: A Postcolonial Perspective on Oral Historical Data," *Basiton: Working Papers on Slavery and Its Afterlives* 1, no. 2 (2020): 3-7.

legally required to show to whites. Indeed, her reported comments to Imbert suggest a certain level of resentment towards someone who was previously of similar social status to herself and was now assuming an attitude of superiority, including a sense of sexual entitlement. Amimba's assumptions were not unfounded, because while Imbert faced virtually no legal repercussions for his violence against her (and Amimba was sentenced to the Spanish Buck for her outburst), his intermediate social status did complicate his legal treatment: the incident drew attention to a pattern of what the governing council called "improper familiarities with slaves": for freedmen like Imbert, who were expected to be loyal to the white slave-owning establishment, such entanglements across the free-enslaved boundary were seen as a political threat, and Carel Imbert was demoted from his rank of sub-lieutenant in the colored militia.⁷³

Even in cases of clear coercion, it is still possible to read enslaved women's agency in sexual encounters. We can surmise that Wanaqua, after Jean Carles purchased her, did what she could to turn a situation she was forced into to her advantage. Margo and Fortuna, likewise, were not in a position to say no to the Surinamese Governor's son, even if he was not personally their master, but might have chosen to act agreeably as a way of (temporarily) improving their situation. Sexual and emotional labor could function as an escape from other forms of (often back-breaking) labor, and involve special privileges or material rewards. Just as in the East Indies, (enslaved) concubinage could form a path to freedom – if not for oneself, then for one's children – and thus pose opportunities for upward social mobility that were unavailable for many people in the enslaved population, such as men, elderly women, and women not in proximity to enslavers' domestic spheres.⁷⁴ Skin color also seems to have played a decisive role in this, as the majority of enslaved 'concubines' mentioned in the Surinamese and Berbice records are either described as *Moulattin* or as Amerindian (*Indiaenin* or *Bokkin*), with dark-skinned African women being considerably less likely to fulfill this role.⁷⁵

In some cases, formerly enslaved women, through a relationship with a white slaveowner, could end up being slaveowners themselves. An example is the above-mentioned Tannetje, the Berbice governor's former cook, who was baptized Tannetje Hoop after her manumission and whose two sons were recognized by their father Jan Valk and educated as free Christians. Tannetje herself would eventually become the owner of the *Weltevreden* plantation. Records sent to Amsterdam from Berbice suggest that Hoop and Valk each had a share in *Weltevreden* during his life, and that after he died, she was able to take over the mortgage with a considerable discount (because Valk's estate was insolvent) and take full control of the plantation.⁷⁶

Women who acquired property through a non-marital relationship, however, were sometimes met with pushback from the colonial establishment. An example is L'Esperance, a

⁷³ NL-HaNA, Sociëteit van Suriname, 1.05.03 inv.no. 174, Resolution Governor and Council, 22 February 1782, scan 27-28.

⁷⁴ Guno Jones and Betty de Hart, "(Not) Measuring Mixedness in the Netherlands," in *The Palgrave International Handbook of Mixed Racial and Ethnic Classification*, ed. Zarine L. Rocha and Peter J. Aspinall (Cham: Springer International Publishing, 2020), 367–87; Fatah-Black, *Eigendomsstrijd*.

⁷⁵ As Guno Jones and Betty de Hart point out, this translated into the racial classifications of free people, with those described as 'colored' far outnumbering those labeled 'black', and the reverse being true for enslaved population numbers documented by Van Lier. Jones and de Hart, "(Not) Measuring Mixedness in the Netherlands"; Lier, *Samenleving in een grensgebied*, 71.

⁷⁶ NL-HaNA, Sociëteit van Berbice, 1.05.05, inv.no. 15, Resolutions December 5 1748, 613, inv.no. 100, Missive from Johan Christian Frauendorff, as administrator of *Weltevreden*, 25 August 1749.

manumitted woman in Suriname, who had lived in long-term enslaved concubinage with her master, the plantation director and administrator Hendrik Diereriks. Diereriks manumitted her in his will, “as a reward for her faithful service,” and stipulated that she would retain the right to live in his house for the remainder of her life, assisted by an enslaved man named Fortuijn as well as an enslaved woman of her choosing.⁷⁷ Diederiks also named his natural son, a mixed-race young man also named Hendrik, whom he likely conceived with L’Esperance, as his heir. The young Hendrik had been sent to Amsterdam to be trained as a millwright. Unbeknownst to his parents, however, Hendrik Jr. died in Amsterdam in 1761, twenty-two months before the death of his father in 1763. Hendrik Senior’s will had specified that, should his son pass away before reaching maturity, the entire inheritance would fall to L’Esperance. The executors of Diederiks’ will, however, refused to hand over the estate to the newly manumitted woman, initially on the grounds of the technicality that the young Hendrik had died before his father, and had thus never been the heir whose place L’Esperance could take in a legal substitution. When L’Esperance challenged this by suing the executors before the Surinamese civil court, however, the response of their legal counsel, L. Beudt, revealed that their objections went beyond juridical propriety, and concerned L’Esperance’s status as a recently manumitted black woman and former concubine. Even if the will had directly instituted L’Esperance as the sole beneficiary, Beudt asserted, it was not clear such a role could legally be applied to concubines, and especially not “black Heathen concubines as those in this land, who make the most cunning whores look faithful.” Beudt’s argument also linked the case to the social status of enslaved Africans in general, whom he described as rightly being considered *personae indignae*, and to what he perceived as a worrying trend of intermixing in which white fathers recognized their mixed-race children, raised them as their own, and sometimes even attempted to legitimize them by marrying their mothers – all developments which he saw as threatening the dominant status of the white community: “before you know it the blacks are inside the carriage and whites in the driver’s seat.”⁷⁸ The case dragged on for years, but in the end, the Court of Justice ruled in L’Esperance’s favor, and ordered the executors to grant her full possession of the estate. Although at this, *fiscaal* Jan Nepveu, outraged that “in absence of a legitimate heir, the inheritance should go to an illegitimate one”, tried to intervene, this was to no avail: the case ended up with the Society of Suriname in Amsterdam, whose directors, after consulting a legal scholar in the Hague, decided not to pursue the matter further.⁷⁹ L’Esperance had won.⁸⁰

⁷⁷ NL-HaNA, Sociëteit van Suriname, 1.05.03 inv.no. 320, Testament of Hendrik Diederiks, 25 July 1760, folio 238.

⁷⁸ NL-HaNA, Sociëteit van Suriname, 1.05.03 inv.no. 320, Legal advice to executors of the Diederiks estate by L. Beudt, 24 October 1763, 256-260.

⁷⁹ NL-HaNA, Sociëteit van Suriname, 1.05.03 inv.no. 328, Instructive Memo from Second *Fiscaal*/Texier, 28 February 1766, folio 176-182; *Ibid.*, Verdict Court of Civil Justice 26 November 1765, folio 188; inv.no. 57, Resolution from Directors, 16 December 1767, folio 358.

⁸⁰ The *fiscaal*, notably, stood to gain from L’Esperance being denied her inheritance, because estates for which no legal heir could be identified could fall to his office. What likely helped L’Esperance’s case, however, was that, as her legal counsel pointed out, Hendrik Diereriks Senior had himself been the illegitimate child of a white man and an Amerindian woman, and thus *ab intestato* inheritance law did not apply to him, making the question of a legal heir irrelevant. NL-HaNA, Sociëteit van Suriname, 1.05.03 inv.no. 320, Legal advice from J. Bollard, 26 September 1763, folio 250-255.

Christian women, honor, and status

Where European men engaged in non-marital sex with Christian women, the legal practice had many similarities with that of the Dutch Republic. There are several examples of young women taking legal action against men who had ‘deflowered’ them under promises of marriage, such as Debora Maria van Claveren in Suriname, who sued a young man named J.J. de Cramer in 1780 after she had given birth to his child, hoping to compel him to marry her or otherwise compensate “her tarnished honor” and provide financial support. Although she was unsuccessful in the former pursuit, the court sentenced De Cramer to pay her two hundred guilders for the cost of childbirth, and another two hundred each year for twenty years in child support.⁸¹ In the VOC-world, too, women occasionally filed paternity suits or otherwise demanded compensation for having been ‘deflowered’. The main piece of evidence in these cases, similarly to the Dutch Republic, was the child born from the pre-marital encounter, as well as the girl’s declaration of the father’s identity to the midwife while in labor. This proved to be a problem for Anna Maria Roeloffs, the orphaned daughter of a VOC sailor and a local woman from Colombo. This girl, age 16, had moved between various relatives’ and neighbors’ homes since the death of her parents, and briefly lived in the Reformed orphanage in 1779. She was evicted from the orphanage, however, when she claimed to have been impregnated by Louis Galus, a sailor who had frequented her grandmother’s home outside the city. Months later, however, it became clear that Anna Maria was not pregnant after all, and Colombo’s Court of Justice ruled that Galus could not be found liable for ‘deflowering’ her, because she had no proof, nor could he be compelled to marry her because Galus was a Catholic and Roeloffs a Protestant. Simultaneously, however, Anna Maria was described as a “dishonored daughter” in the court records, and declared to be unworthy of the orphanage’s diaconal protection.⁸² Anna Maria fit in a larger pattern of orphan girls coming under investigation for premarital sexuality. These cases stand out from other ‘defloration’ cases where young women, usually assisted by a parent, took legal action themselves and frequently won financial support for themselves. Instead, three incidents from 1721, 1762 and 1772 involving girls from Reformed orphanages in Ceylon led to criminal investigations, with the girls, far from winning financial support, being ousted from the orphanage and receiving corporal punishment. In a particularly high-profile case, from 1773 Gale, a girl named Cicilia had initially pointed to a soldier as the father of her illegitimate child, but later confessed that she had been afraid to name the true father: a married deacon of the orphanage, who then faced prosecution for adultery “with an orphan daughter that must call him father”, for attempting to cover up his crime by bribing the soldier, and effectively “turning the Christian orphanage into a brothel”.⁸³ Within Christian communities across the Dutch empire, sexual honor was a jealously guarded resource, but the extent to which young women were able to defend their honor, rather than suffering the consequences of being branded dishonored, varied considerably based on their socio-economic position. This fraught connection between sexual honor and status also becomes apparent with women further down the socio-economic

⁸¹ NL-HaNA, Raad van Politie Suriname, 1.05.10.02, inv.no. 936, folio 129-140.

⁸² SLNA VOC 1.11.06.08, inv.no. 4687, scan 2-47.

⁸³ SLNA VOC 1.11.06.08, inv.no. 4672, folio 5-8.

spectrum, who show up in the records not claiming compensation for loss of virginity, but as engaging, willingly or unwillingly, in sexual labor.

Prostitution

In the Early Modern Period, that which in the historiography has frequently been referred to as ‘prostitution’ was not a clearly defined crime or economic activity in the way that it would be from the nineteenth century onward. In fact, the Dutch word *prostitueeren*, in the seventeenth and eighteenth centuries, rarely referred explicitly to sex in exchange for money, but rather to a more general exposure to dishonor, either on one’s own accord or by someone else.⁸⁴ More common were the terms *hoer* (whore) and *hoererij* (whoredom), although these words were not *exclusively* used for women performing sexual labor for payment: *hoererij* included all non-marital, and thus indecent forms of sexuality and a *hoer* was a disreputable woman whose dishonor was tied to her sexual availability outside of marriage, regardless of whether money changed hands.⁸⁵ In colonial contexts, definitions became even more hazy because of the institution of slavery, which as we have seen often involved various forms of (forced) sexual labor, both paid and unpaid. In both the East Indies and the Atlantic context, the dishonored status and perceived sexual availability of enslaved women resulted in a conceptual overlap between *slavin* and *hoer*, to the point where they were almost used synonymously in certain contexts.⁸⁶

Despite its fuzzy conceptualization, sex work as an economic activity was most certainly criminalized, although the fervor with which authorities prosecuted it varied strongly. This was true even within the Dutch Republic: in the seventeenth century, Amsterdam, which had already become a major center for sex work, prosecuted thousands of women for prostitution, whereas in other Dutch port cities such prosecutions were rare.⁸⁷ Colonial port cities, with their constant influx of soldiers and sailors, saw an enormous demand for sex work, not just in the form of concubinage arrangements, but also more fleeting encounters, often taking place in taverns and brothels, although in some places company slave lodges became known as de facto brothels, such as – infamously – the VOC slave lodge in Cape Town.⁸⁸ Just as with concubinage, enslaved women as well as other marginalized (often formerly enslaved) women turned to sex work as a way of making ends meet or to pay a master demanding coolie wages. With the exception of Deshima in Japan, where prostitution became essentially institutionalized, colonial authorities everywhere formally banned the widespread practice, and sometimes took steps to quell it. Company servants at the Cape, for example, were repeatedly forbidden to go to the abovementioned slave

⁸⁴ Instituut voor de Nederlandsche Taal, ‘Prostitueeren’, in *Woordenboek Der Nederlandsche Taal*, 2007, Geïntegreerde Taalbank, <https://gtb.ivdnt.org/>; Manon Van der Heijden, *Women and Crime in Early Modern Holland*, Crime and City in History (Leiden: Brill, 2016), 101.

⁸⁵ Lotte van de Pol, *The Burgher and the Whore: Prostitution in Early Modern Amsterdam*, *The Burgher and the Whore* (Oxford: Oxford University Press), 4--5, accessed June 28, 2021.

⁸⁶ Fuentes, *Dispossessed Lives*, 2016, 80; Brown, *Good Wives*, 332; Niemeijer, *Batavia*.

⁸⁷ van der Heijden, *Women and Crime*, 101; By the eighteenth century, however, the trend seems to have reversed somewhat, with prosecutions declining in Amsterdam and Rotterdam becoming known for its strict approach. Pol, *The Burgher and the Whore*, 97; Marion Pluskota, “Governing Sexuality: Regulating Prostitution in Early Modern Europe,” in *New Approaches to Governance and Rule in Urban Europe Since 1500* (Routledge, 2020), 100.

⁸⁸ Elizabeth B. van Heyningen, “The Social Evil in the Cape Colony 1868-1902: Prostitution and the Contagious Diseases Acts,” *Journal of Southern African Studies* 10, no. 2 (1984): 170.

lodge to commit “debauchery”.⁸⁹ In Elmina, authorities tried to restrict both WIC servant’s nightly ventures into and beyond the town and ban African women from visiting the fort.⁹⁰

Throughout the Dutch empire, however, colonial judicial apparatuses were hopelessly underequipped to carry out a crackdown on the widespread prostitution taking place at the fringes of colonial societies at the level of a city like Amsterdam.⁹¹ Nor does the prosecution of individual women offering sex for money (let alone their clients) seem to have been a priority. In the rare cases where prosecutions of prostitution show up in the judicial records, it was usually for organized prostitution (i.e., running a brothel) and especially if it was linked to an outbreak of violence or other forms of public disorder. In late-eighteenth-century Makassar, for example, an enslaved woman named Doe van Timor faced charges for “whoredom and the keeping of a whorehouse” after a VOC corporal, Johan Coenraad Eijff, was accidentally killed outside her home by one of her houseguests, a fellow company servant named Jacobus Buttenaer, with whom she was reportedly sexually involved. The incident sparked an investigation, in which neighbors reported that there were regularly fights and arguments in and around the home, and that Doe would arrange for women to come entertain her male guests, mostly soldiers. Doe, who identified herself as the enslaved concubine of another corporal named Johannes Rodius, with whom she had a ten-year-old daughter, denied taking the active role of a madam, but she did confirm that sex for money with enslaved women took place in her (or technically Rodius’s) home. Because of this, and her involvement with Buttenaer (which she denied but Buttenaer confirmed) the prosecutor considered her in large part responsible for corporal Eijff’s death:

The many calamities and wretched accidents that have resulted from the unchaste lives, and the keeping of public and especially secret brothels, by womenfolk who have surrendered all honor and shame, are known to all, so it will not be necessary to say any more in this regard. In this case, complete proof can be found of those wretched consequences, with one comrade having taken the life of another, all because of one such lewd woman.⁹²

The court agreed that Doe was guilty: although she had begged for a monetary fine rather than physical punishment “out of consideration for the shame brought onto her Christian child” she was sentenced to be lashed on her bare buttocks, followed by twenty-five years of chain labor. Ruttenaer was sentenced to run the gauntlet six times for two days and then sent to Batavia to be dealt with by the High Government.⁹³ Notably, Doe’s master and father of her child, Coporal Rodius, was barely mentioned in the case, despite the fact that the de facto brothel was technically his home. Nor was his long-term non-marital relationship with Doe addressed as a problem: it was only her involvement with third-party men such as Buttenaer, and especially the element of organized prostitution, that the judicial authorities associated with violence and unrest.

⁸⁹ “26 November 1681 – Verbod teen byeenkomste van Kompanjiesdienaars en slavinne,” in S. D. Naudé, *Kaapse plakkaatboek* Vol I, Kaapse argiefstukke 108061515 (Kaapstad: Cape Times, 1951), 179–80.

⁹⁰ NL-HaNA, WIC, 1.05.01.02, inv.no. 124, Ordinance 23 June 1692, scan 279.

⁹¹ Bosma and Raben, *Being “Dutch” in the Indies*, 31.

⁹² Arsip Nasional Republik Indonesia, Residentiearchief Makassar [hereafter: ANRI Makassar], inv.no. 321.1 (1780), Criminal court proceedings of Jacobus Buttenaer and Doe van Timor, folio 255.

⁹³ ANRI Makassar, inv.no. 321.1, Sentencing 18 May 1780, folio 190.

This is consistent with prosecution patterns in other settlements, where “unchastity” involving marginalized women generally only came to judicial attention if violence had broken out. The perceived association between prostitution and public disorder can also be seen in a 1682 piece of legislation from Batavia that was later incorporated into the Batavia Statutes. In a lengthy ordinance that addressed knife fights and other disorderly conduct among sailors and other low-ranking VOC servants (defined as anyone below the rank of second mate), violence was linked not just to taphouses and inns and the alcohol that was consumed there, but specifically to prostitutes: “daily experience shows that many accidents also take place in brothels and taverns of ill repute and vile debauchery of whores present there.” The ordinance ordered an investigation into such establishments, and declared that all women who frequented or stayed in these places would be taken for whores. If caught, they would be fined twenty rixdollars and if they were unable to pay, they could be detained in a place that would be a threatening specter for many Batavian women, not just those engaged in sex work, in the years to come: the *spinhuis*.⁹⁴

Free women and illicit sex

Dispatch from the women’s workhouse

In November 1718, the VOC’s newly appointed Governor-General, Hendrick Zwaardecroon, received a petition from Catharina Gabriels, ex-wife of the repatriated *Burgher* Jan Wijnen, begging to be “forgiven and pardoned for her mistakes and missteps,” and to be released from the women’s work house. Gabriels explained that she had been sent to the *tugthuis* (or *spinhuis*) in 1711, after a conviction from Batavia’s *Schepenbank*. In the seven years since then, she explained, she had suffered in abject misery, although she patiently submitted herself to her well-deserved punishment. Now that news had arrived of her husband’s passing in Europe, she felt compelled to humbly ask for release, and promised to henceforth always try to live like an honest and virtuous woman.⁹⁵

Catharina Gabriels was not alone. When she filed her petition for release in 1718, she was joined by at least a dozen other women, all of whom had been placed in the disciplinary institution at some point in the first two decades of the 1700s. All the petitions took the same format: the women introduced themselves, explained when they had been placed in the workhouse and by which authority, and described both the extent of their misery and their own patience in enduring it, before addressing the Governor-General as a benevolent, almost God-like father-figure who could redeem and deliver them. Some women were placed in the workhouse by the *Schepenbank* like Catharina was; others, usually wives of VOC servants, were sent to the institution by the Court of Justice, either of Batavia or of one of the smaller VOC establishments, which did not have their own *tugthuis*. Johanna Casterisz, for example, wife of a VOC sergeant stationed in Malacca, had been sent to Batavia by the Malaccan Court of Justice to

⁹⁴ NIP vol III, 23 January 1682, 85. The article made a distinction in punishment based on ethnic origin: *inlandsche* (i.e. South East Asian) women would be detained there with a chain around the leg.

⁹⁵ Arsip Nasional Republik Indonesia, Archief van de gouverneur-generaal en raden van Indië (Hoge Regering) van de Verenigde Oostindische Compagnie en taakopvolgers, 1612-1812 [hereafter ANRI Hoge Regering] inv.no. 1198, Appendices to Resolutions 1718, scan 539. Accessed through <https://sejarah-nusantara.anri.go.id/>.

serve out her eight-year sentence.⁹⁶ It was also possible for a woman to be sent to the *tugthuis* extra-judicially, however. This could be at the request of her husband or at the High Government's own discretion.⁹⁷ In July 1713, Governor-General Van Riebeeck had ordered six women to be placed in the workhouse for an indefinite period – including the sister of the well-known minister and author Francois Valentijn with her two daughters, one of whom had had an illegitimate child – on the grounds of being “of very bad behavior and living a reproachful life, even by the standards of Heathens and Mahomedans.”⁹⁸ For those convicted by a court, sentences varied (ranging from five to twenty-five years) as did the crimes for which they were convicted: Annika Domingos, a *Mardijker* widow, had been sentenced to five years for illegal trade in spices, while Tabita Jansen had been interred because she could not afford to pay a judicial fine.⁹⁹ The majority of the *tugtelingen*, however, was there because of a crime or misdemeanor of a sexual nature, with the most serious being adultery. This was in line with the original conception of the institution, in 1641, when the High Government considered it necessary to have one in Batavia because:

God forbid, it has been found that several married as well as unmarried women within this polity live such scandalous and unfettered lives, that it would not only seduce and spoil many young people, children from honorable homes, and slander the Christian name among Heathens and Moors, but also unleash the wrath of God onto this state.¹⁰⁰

In a way, the *tugthuis*, or *spinhuis* as it was sometimes called in reference to the mandatory handiwork that was performed there, just as in its Amsterdam-based counterpart, was the closest thing the VOC-world had to a prison in the modern sense of the word, since the jail cells were primarily intended as pre-trial holding facilities, with judicial penalties generally being confined to monetary fines, physical punishment, or banishment, the latter of which could involve chain labor.¹⁰¹ As the above quote shows, however, the workhouse was also quintessentially an institution of moral discipline tasked with protecting the honor of the Christian community, which for women first and foremost involved sexual propriety. The Batavian women's workhouse seems to have been the only consistent institution of its kind in Dutch overseas colonies during this period: women from across the VOC-world as far as the Cape would occasionally be sent there, while ‘troublesome’ women from Atlantic colonies such as Suriname would at times be shipped off to the *spinhuis* in Amsterdam.¹⁰² It can be seen as

⁹⁶ ANRI Hoge Regering inv.no. 1198, scan 546.

⁹⁷ ANRI Hoge Regering inv.no. 1198, Realia 1610-1808, June 3, 1718, “Een wijff van zeker Bouginees Sergeant, word over haar ontuchtig Leven, op de klagte van haar Man, tot nader besluyt in dit huys geplaatst, 3 Juni 1718,” scan 507; Accessed through <https://sejarah-nusantara.anri.go.id/>.

⁹⁸ ANRI Hoge Regering inv.no. 936, Resolutions 1713, scan 456.

⁹⁹ ANRI Hoge Regering inv.no. 1198, folio 527; inv.no. 1200, folio 49. *Mardijkers* were free Christian South (East) Asians, usually with a (family) background of enslavement.

¹⁰⁰ “Reglement voor het vrouwen-tuchthuis te Batavia,” 3 July 1741, in NIP vol. I, 461. This allusion to “children from honorable homes” as being in moral danger was a common theme in Dutch legal scholarship of the seventeenth century, when referring to prostitution. See, for example, Simon van Leeuwen, *Het Rooms-Hollands-Regt, Waar in de Roomse Wetten Met Het Huydendaagse Neerlands Regt ... over Een Gebragt Werden ...*, 9th ed. (Amsterdam, 1678, 1720), 475.

¹⁰¹ See also Kerry Ward, *Networks of Empire: Forced Migration in the Dutch East India Company* (Cambridge: Cambridge University Press, 2009), 85–126.

¹⁰² An example is Lucia Nawich in Suriname, who after several run-ins with the law throughout her life (notably for adultery in 1750 at the age of 29) was finally banished from the colony in her old age when she was caught selling moonshine to slaves. She was sent to Amsterdam, where the burgomasters had

emblematic for colonial authorities' attitudes toward policing sexuality, however, with the vast majority of illicit sexual relations being either tacitly condoned or mildly punished, but a small group of women (disproportionately European, Christian, and affiliated with company servants) becoming the target of particularly intense moral policing.

Gender, status, and sexual morality

As we saw in the previous section, VOC and WIC authorities, especially in their early years, were genuinely concerned about the moral implications of the sexual transgressions of men and women alike, but women – and specifically Christian women – became and remained a particular subject of disciplinary intervention. Henk Niemeijer has shown this for the church in Batavia, which disproportionately censured women over men for sexual transgressions (204 compared to 90 in the final quarter of the seventeenth century).¹⁰³ The majority of these women were Asian or Eurasian, which can in part be explained by the relatively small number of European-born women in the East Indies, but Niemeijer also points to a difference in attitude, with free European women being much less likely to quietly submit to church authorities than those coming from a background of slavery.¹⁰⁴ No doubt economic factors played a part in this, as formerly enslaved Christian women were more likely to rely on the church for financial assistance, and thus more susceptible to disciplinary action, but white women in colonies across the Dutch empire also seem to have been emboldened by a certain socio-cultural self-confidence, or a sense that the church needed them as much as they needed it. This is illustrated by an incident from Curaçao in 1740, when a group of seventeen members of the Dutch Reformed Church, all women, wrote to the church council of the island that they would refuse to partake in the Lord's Supper while Jan van Schagen, the island's *fiscaal* and a church elder, who had offended them, was present. A denial of the right to partake in the sacrament was one of the chief tools the Reformed Church had at its disposal to discipline its members, but these women collectively turned this threat around, displaying a self-confident awareness of their presence in church as not just a right, but as something the church relied upon for its public credibility, that they could wield as a weapon of their own.¹⁰⁵

A look at the prosecution rates of the Court of Justice compliments this view of gendered and racialized religious discipline: from Batavia to Cochin to Suriname, free Christian women, and especially the wives and daughters of company servants, were extremely unlikely to be tried before the criminal court, but if they were, it was usually for a sexual offence such as adultery. Of the criminal case proceedings of Batavia's Court of Justice, only 49 out of 2887 defendants are non-enslaved women, and out of the 37 for which charges are known, eleven were on trial for a sexual offence, more than any other category of crime.¹⁰⁶ In Cochin, 16 out of 573 defendants were free women and of these, three faced adultery charges.¹⁰⁷ In Suriname, as in other West-

agreed to place her in a *tugthuis*. NL-HaNA, Raad van Politie Suriname, 1.05.10.02, inv.no. 109, May 11 1780, scan 127-128; inv.no. 170, January 19 1781, scans 15, 182.

¹⁰³ Niemeijer, "Calvinisme en koloniale stadscultuur," 222.

¹⁰⁴ Niemeijer, 225–26.

¹⁰⁵ Gemeente Archief Amsterdam - Archief van de Nederlandse Hervormde Kerk; Classis Amsterdam, 379, inv.no. 225, scan 22-23.

¹⁰⁶ Rossum et al., "Court Records Batavia."

¹⁰⁷ Rossum et al., "Court Records Cochin."

Indian plantation colonies, it was extremely rare to see a free woman, let alone a white woman, tried before the criminal court, with the vast majority of defendants being enslaved people on trial for running away or other forms of resistance against the slavery system. But where there was a criminal prosecution of illicit sex, white women were disproportionately represented. In the year 1750, for example, only 38 out of 235 defendants before the Court of Policy and Criminal Justice were female, and of these, 28 (74%) were enslaved black women. Of the eight white women appearing before the court that year, one was on trial for adultery (the only adultery prosecution the court saw that year), one for slanderous accusations of adultery, one for pre-marital sex, and one for running off with a group of soldiers. Conversely, among other population groups, offences related to sexual morality represented only a tiny fraction of criminal cases.¹⁰⁸

While the consistent over-representation of sexual offences among (free) female defendants *and* that of female offenders among trials pertaining to sexual morality suggests that women's sexual transgressions were a hot issue for colonial authorities across the empire, the small number of cases, in an absolute sense, leaves us with a problem. It is difficult to say how representative the women in these cases were of the general population, not only because the majority of women having non-marital sex were never prosecuted, but also because those that were did not necessarily get recorded in the judicial archives. The majority of the inmates of the women's workhouse discussed above, for example, do not appear anywhere in the records of Batavia's Court of Justice. As with other criminal offences, the case might be resolved extrajudicially (through an appointment by the political authorities or an agreement with the prosecutor, although no records exist for the latter) or simply not be copied onto the records sent to the Netherlands, so any attempts at quantitative conclusions are compromised. What is possible, however, is to take a closer look at some of these cases and thus identify patterns in the circumstances in which women committed sexual crimes (and were caught!) as well as patterns in the attitudes taken by colonial authorities towards these offences.

Adultery in colonial spaces

The colonial historian Frederik de Haan, in his discussion of Batavia's *spinhuis* describes the institution as virtually empty by the late 1700s and explains this as a result of a fading interest in policing women's sexual infractions throughout the eighteenth century due to a loosening of moral standards.¹⁰⁹ While this seems to be true for the final decades of the century, when convictions for sexual offences become rare, around the mid-eighteenth century women were still quite regularly sent to the institution through a judicial sentence, and often for fifty years, longer than any of the women sentenced to the workhouse at the start of the century. One explanation for this is that, by this point, sexual offences that resulted in shorter or indeterminate institutionalisation, such as premarital sex, prostitution, or unspecified 'immodest' behavior, were rarely prosecuted anymore, while adultery was.

¹⁰⁸ Data provided by Karwan Fatah-Black, Imran Canfijn, and Ramona Negrón; NL-HaNA, Raad van Politie Suriname, 1.05.10.02, inv.nos. 346, 550, 800, 801, NL-HaNA, Sociëteit van Suriname, 1.05.03 inv.no. 142.

¹⁰⁹ F. de Haan, *Oud Batavia: gedenkboek uitgegeven door het Bataviaasch Genootschap van Kunsten en Wetenschappen naar aanleiding van het driehonderdjarig bestaan der stad in 1719* (Batavia: Bataviaasch Genootschap van Kunsten en Wetenschappen, 1922), 295.

Adultery, along with incest, was among the most serious sexual crimes: the Political Ordinance of Holland, the Dutch legal text on marriage and (hetero)sexual offences which was widely applied throughout the Dutch Republic and much of the Dutch overseas world, prescribed a banishment of fifty years for married women who committed infidelity, regardless of whether their lover was also married or not. Married men faced this punishment only if they committed adultery with a married woman, or if they were caught with an unmarried woman multiple times. For singular instances of infidelity of married men with single women the Ordinance was milder, prescribing only a two-week confinement and a monetary fine.¹¹⁰ Early colonial legislation on the matter was considerably stricter, with seventeenth-century ordinances in Suriname as well as Batavia and Ceylon prescribing the death penalty for adultery.¹¹¹ This seems to have been mostly rhetoric, however, and rarely applied in practice. The Batavia Statutes, moreover, of 1642 returned to the level of severity found in the Political Ordinance, prescribing a fine of 100 reals in addition to fifty years of banishment for adultery involving a married woman, specifying that women would be 'banished' to the workhouse while men could either be 'banished' *ad opus publicum* (i.e. sent off for forced labor) or simply banished from VOC-territory.¹¹² The latter, in practice, was generally applied to VOC servants and other Europeans and the former to Asians and some low-ranking Company servants. Women, if found guilty, were indeed sentenced to a fine and fifty years in the *spinhuis* quite consistently.

Although marital infidelity is a timeless phenomenon, the circumstances under which it comes about and is (or isn't) prosecuted vary historically. Historians of the Dutch Republic such as Manon van der Heijden have shown that the VOC, along with other maritime employers, played a role in the high rates of women on trial for adultery in port cities such as Rotterdam and Amsterdam. Because sailing husbands frequently never returned home or were absent for years, often without their wives receiving word from them, many women ended up in a new relationship without definite proof of their husbands' death, and since divorce was difficult to obtain in this situation, such women could face adultery charges.¹¹³ On the other side of this coin were the Dutch colonial settlements where many of these husbands and their unwed shipmates ended up, whether permanently or temporarily. Although most of them, as we have seen, never married overseas, instead opting for less formal romantic and sexual arrangements or encounters, some did. And although marriage to a local woman to a certain extent served to tie European men to the region they ended up in – a fact which was actively encouraged by particularly the VOC, which put rules in place that prevented employees married to Asian-born women from repatriating – many of these marriages were still marked by transience and impermanence. This was in part due to the nature of the work in and around many, and

¹¹⁰ Cornelis Cau, ed., 'Ordonnantie vande Policien binnen Holland, in date den eersen Aprilis 1580', in *Groot plaacet-boeck, vervattende de placaten, ordonnantiën ende edicten van de Staten Generael der Vereenighde Nederlanden, ende van de Staten van Hollandt en West-Vrieslandt, mitsgaders van de Staten van Zeelandt*, Vol 1 (The Hague, 1658), art. 14–17.

¹¹¹ Surinamese Ordinance of 19 February 1669, in *WIP-S*, 33–35; "Renovatie en ampliatio van door verloop van tijd ombedwongenheit der ingesetenen ofte negligentie der officieren niet achtervolcht worden ordonnantiën en plakaten betreffende concubinage overspel en bloedschande," Batavia 20 July 1622, in *NIP* vol I, 100; "Besluit waarbij de doodstraf ingevoerd wordt voor overspel door inlandse vrouwen van nederlanders gepleegd," Colombo 14 November 1659, in *CP* vol I, 48–49.

¹¹² "Van verscheijde misdaeden ende eerst van hoererijde ende overspel," in *NIP* Vol I, 586.

¹¹³ Van der Heijden, *Women and Crime*, 7.

especially trade-based, colonial settlements: whether hailing from Europe or locally born, soldiers, sailors, and to a certain extent also merchants, even when they were married, had a semi-permanent home at best. The result was that colonial port towns, just like cities such as Amsterdam, Hamburg, or Rotterdam, were populated by married women who lived much of their lives alone, often fending for themselves economically and sometimes even conducting trade on behalf of or independently of their husbands.¹¹⁴

Among colonial authorities, anxieties about these women's (often precarious) economic situation and their sexual virtue could become intertwined. In Curaçao in the mid-eighteenth century, this resulted in a dramatic investigation and prosecution of two wealthy Jewish islanders, accused of attempting to commit adultery with impoverished Christian women, with one woman accusing one of the suspects of taking advantage of her husband being away at sea, while offering to forgive a debt if she slept with him.¹¹⁵ Husbands themselves also expressed concerns about their wives' fidelity while they were away at sea, while other men permanently left their wives and repatriated, despite laws that were meant to prevent this. Their (ex-)wives were frequently left in a similarly vulnerable position to the many widows and single women that populated colonial port towns such as Batavia and Willemstad, with the significant difference that the legal authorities still viewed them as married women. This could get them in trouble if they, like so many women, formed a new relationship with a man as an economic strategy.

One such woman was Margaretha Lijpard from Batavia, described in the VOC's records as "the separated wife of the repatriated junior merchant Cornelis Coster." It is not specified what had prompted the separation, but it is clear that Margaretha's standard of living, which previously must have been quite respectable, took a turn for the worse after Cornelis returned to the Netherlands. She received ten rixdollars a month from the Company – likely arranged by her husband, as men who were given permission to repatriate without their wives were required to provide for them financially – but this was considerably less than what a junior merchant's family would have lived on in the second half of the eighteenth century.¹¹⁶ She was forced to move in with her mother and stepfather, the soldier Matthias Herman. To make ends meet, her parents took in a lodger for twenty rixdollars a month, the German military captain (in VOC employment) Ferdinand Willem Van Leben, who had recently separated from his wife. Van Leben took a liking to Margaretha, and his affections were encouraged by Matthias Herman, who apparently saw them as both an opportunity for his stepdaughter's social advancement and an excuse to ask for more rent from Van Leben.

It all came crashing down when Margaretha sent a note to Ferdinand to inform him she was pregnant with his child. Ferdinand responded by getting on the first ship bound for Europe and once there, ending his fifteen years of company service. Before his departure, however, he had

¹¹⁴ This was not limited to Europeans: the Chinese-Javanese woman Lim Tjinio, whose husband Pouw Tiekio was frequently away from their home in Semarang, traded in ginger opium without her husband's involvement, which only became a problem when Pouw died, and she needed to prove that the property she had amassed was rightfully hers. ANRI Notarissen inv.no. 6390, #1691.

¹¹⁵ NL-HaNA, WIC, 1.05.01.02, inv.no. 583, Documents regarding the prosecution of Mordechaj Parera, 1737, folio 169-217.

¹¹⁶ Cornelis Coster's salary had been 40 rixdollars a month, but it is likely his real income was higher than that, as his position would have enabled him to engage in profitable private trade. NL-HaNA VOC 1.04.02 inv.no. 5253, civil servants registry, folio 5.

given a stack of incriminating notes from Margaretha and Matthias to October, an enslaved boy in the service of his mother-in-law, and ordered him to give them to his estranged wife, Anna Christina Hendriks. Confident that, safely on his way to Europe, he would not face prosecution, he thus gave Anna Christina evidence of his adultery, which she could use to file for divorce. This she did, and this brought what had transpired between Margareta and Ferdinand to the attention of the authorities.¹¹⁷ Both Margareta Lijphard and her stepfather were prosecuted, she for double adultery, and he for “conniving” this offence. Margaretha initially defended herself by claiming that Van Leben had forced her, then that he had seduced her under false pretenses and promised to take her with him to Germany and marry her there. Promises of marriage *could* be a mitigating factor in some circumstances – notably in case of pre-marital carnal conversation, in which young women could frequently avoid punishment if they could prove there had been a mutual agreement to wed. Since Margaretha was still technically a married woman, however, the court did not accept this defense, and she was sentenced to fifty years in the women’s workhouse.¹¹⁸

Margaretha and Ferdinand met in the domestic sphere while he was a lodger, which was a common pattern in VOC Asia, where people rarely lived in nuclear households, instead sharing their homes with (enslaved) servants, family friends, and long- and short-term guests and lodgers. The social lives of married women, moreover, were largely confined to the domestic space. Elite women in particular lived strongly segregated lives, not participating in the Dutch-speaking, commercially oriented world of their husbands, and with their outings largely confined to church and the homes of female friends.¹¹⁹ It is thus not surprising that many adultery cases involving the wives of Europeans started in the intimate domestic sphere. In addition to family members and houseguests, the people with whom married couples lived in closest proximity were enslaved domestic servants.

No one knew more about what went on behind closed doors than a *lijfslaaf* or *lijfslavin* (enslaved personal attendants) who frequently even slept in the same room as their master or mistress, served as messengers, and were frequent confidants. As a result of this intimacy, houseslaves were almost invariably involved in cases of adultery coming to light, playing a considerably more important role in adultery cases than neighbors, who were generally a prime factor in prosecutions of sexual transgressions in Europe.¹²⁰ Enslaved people who witnessed adultery, and especially enslaved women attending to the lady of the house, faced a delicate dilemma: keep their mistress’ secret, or inform the husband, who legally was the ultimate authority in the house. Betraying a mistress’ trust could have dire consequences in the form of retribution, but there are also cases of enslaved women who helped cover up their mistress’ secret affair being prosecuted as accomplices to adultery. In 1736 Batavia, three enslaved women named Tjindra, Cassandra, and Sitie, who had helped hide their mistress Anna Maria Keppelaer’s infidelity from her husband, faced a punishment of lashing and branding under the gallows followed by twenty-five years of chain labor for their complicity and for lying to their master. Other slaves in the household, who had not actively assisted, nonetheless reported that

¹¹⁷ For the civil divorce proceedings, see NL-HaNA VOC 1.04.02 inv.no. 9268, CivR, scan 537.

¹¹⁸ NL-HaNA VOC 1.04.02 inv.no. 9323, Sentencing of Margaretha Lijphart, 11 June 1761, scan 97.

¹¹⁹ Taylor, *The Social World of Batavia*, 59; Singh, *Fort Cochin in Kerala*, 111.

¹²⁰ Van der Heijden, *Huwelijk in Holland*, 259.

they had been afraid to tell their master what was going on, and had only told a fellow enslaved man, who had then informed Anna Maria's husband.¹²¹

A complicating factor was that an enslaved witness' testimony, on its own, was not admissible in court. This becomes clear in the case of Camoenie van Boegis, an enslaved woman who was caught, dressed as a boy, trying to flee from Batavia to Siam. When questioned by the VOC authorities, she related how her mistress Maria Elisabeth Andriesz, the Eurasian wife of *burgher* Carel August Weijssenaar, had committed adultery with the Chinese man Tan Tjauko. An investigation was started, and Camoenie's story was confirmed by Jockiam van Batavia, who had previously been enslaved in the household of Tan but had also spent time working in the Weijssenaar home. Both young women confirmed that they had seen Tan Tjauko on multiple occasions smoking a pipe in the Weijssenaars' living room, after which he went upstairs with Maria Elisabeth Andriesz and spent the night, seemingly with her husband's consent, who went into a different room. It was their word against that of Andriesz, Weijssenaar, and Tan, however, who all denied any allegations of adultery. The prosecutor who handled the case refused to believe their testimony, arguing that while domestic servants could legally testify on what they had witnessed in their employers' homes, *enslaved* servants could not. This was, firstly, because slaves were considered "vile and abject persons" whose testimony, especially when standing on its own, held little weight, and secondly because the law did not allow enslaved servants to testify against their masters. The prosecutor also brought up the fact that Camoenie and Jockiam were Muslims, "whose testimony against Christians cannot stand," and the fact that "these *slavinnen* are Indians, whose mischief and vile nature is known to all" and whose tales must therefore be rejected.¹²² Andriesz and Tan were cleared of all charges and Camoenie was sentenced to a lashing for her escape attempt, but she was not returned to her mistress. Instead, she would be sold, with Andriesz banned from purchasing her, "because it is to be feared that her mistress will avenge herself in a cruel manner on this Camoenie over the latter's accusation of illicit conversation between her mistress and the Chinese Tan Tjauko."¹²³

These patterns are not unique to Batavia: from the Dutch East Indies to the Caribbean, enslaved people simultaneously took a position of trusted intimacy that frequently made them prime witnesses in adultery cases, and were treated with suspicion and distrust when offering legal testimony, with repudiations of slaves giving incriminating testimony against their masters bleeding over into more generalized ethnic and racial prejudice against non-Christian and non-white witnesses. Jessica Roitman and Aviva Ben-Ur have shown this for Suriname and Curaçao, highlighting how not just enslaved witnesses but also free Afrodescendants who leveled accusations against members of the (white) Sephardic community were both highly knowledgeable due to their intimate entanglement with that community, and in a vulnerable position, risking retribution for going against the colonial and communal hierarchy.¹²⁴

¹²¹ NL-HaNA VOC 1.04.02 inv.no. 9375, Criminal case files Anna Maria Keppelaer, 1 February 1736, scan 349- 413; In the end, they were sentenced to a lashing on the buttocks, after which they were returned to their master's home, who was obliged to send them away from Batavia within six months. NL-HaNA VOC 1.04.02 inv.no. 9300 , 11 February 1736, scan 224.

¹²² NL-HaNA VOC 1.04.02 inv.no. 9318, 17 September 1755, scan 20-23.

¹²³ NL-HaNA VOC 1.04.02 inv.no. 9318, 22 December 1755, scan 140.

¹²⁴ Ben-Ur and Roitman, "Adultery Here and There."

Crossing the (racial) line

There is one pattern of prosecutions that stands out, both for its consistency across the early modern Dutch empire and for the intensity of colonial authorities' reactions, and that is that concerning sex (and particularly adultery) between European or European-affiliated women and racialized, non-Christian men. No other sexual transgression elicited such vitriolic outrage from prosecutors and courts, or was punished as harshly, with the exception of sodomy – an act which shocked authorities' sensibilities so much that concerted efforts were made to obscure its existence. Legislation specifically targeting inter-religious and inter-ethnic sex started almost immediately after the start of Dutch colonization, with Jan Pieterzoon Coen in 1622 mandating the death penalty for any “unchristian” who “instigated” sex with a Christian (woman).¹²⁵ This rule would become entrenched with the 1642 Batavia Statutes, and remain in place for the duration of VOC rule. The Statutes also specified that an enslaved man who committed “dishonor” with a free woman would be banished *ad opus publicum* for life, unless the woman was Dutch, or the wife or daughter of his master. In that case, and even if it had just been a “solicitation” of unchastity, the enslaved man would be put to death, “without mercy”.¹²⁶

The definition of “Dutch”, in this context, was flexible. What becomes clear from the cases where, in practice, judicial and administrative authorities decided to act, was that the women whose sexual honor must be guarded from outsiders were those who in some form or another were seen as belonging to the groups whose proliferation and social dominance the companies sought to promote: company servants first and foremost, Europeans in a secondary sense, and to a lesser extent Christians in general. Christian women, even if they had no European relatives, could be prosecuted if they had sex with non-Christian men, because such pairings undermined efforts to grow a Christian community whose religious affiliation facilitated the Company's control over the population.¹²⁷ That it was primarily Christian women's promiscuity outside the Christian community that came under scrutiny, and not Christian men's, can be explained in part by traditional notions of women as ‘vessels’ of the next generation, and in part by the fact that the father and husband's religious and ethnic identity was understood to determine that of the children.

In addition to communal reproduction, a prime factor at play for women affiliated, through marriage or parentage, with VOC servants and other Europeans was honor. A woman's consorting with a man whom the VOC and larger European community considered to be inferior – an enslaved man being the most acute example – was humiliating for both her husband or father and to the Christian, European community at large. Sex with someone identified as an outsider of even an enemy, such as a foreigner or a non-Christian, especially if he was Muslim, was considered outright betrayal.¹²⁸ In these cases, questions of individual honor and threats to the larger colonial project intertwined, as becomes clear from a series of cases and ordinances

¹²⁵ NIP vol. I, 20 July 1622, 99-101.

¹²⁶ NIP vol. I, *Statuten van Batavia*, 5 July 1642, 586-587.

¹²⁷ An example is the Christian Malay women Jerisina in Malacca, who was prosecuted for ‘carnal conversation’ with a Chinese man. British Library: India Office Records and Private Papers, Judicial Minutes, IOR/R/9/16/2: “Minutes of the Council of Justice Malacca,” August 7–20, 1748. See also Sophie Rose and Elisabeth Heijmans, “From Impropriety to Betrayal: Policing Non-Marital Sex in the Early Modern Dutch Empire,” *Journal of Social History* 55, no. 2 (2021): 315–44.

¹²⁸ Rose and Heijmans, 325.

from Ceylon in the 1650s when the VOC was establishing and consolidating its territorial control on the island. In 1658, there were multiple complaints from VOC officers stationed on the island who had married local women, that their wives had committed adultery with “native men, who are vile and lowly persons”. One woman, the wife of lieutenant Nicolaas Jacobsen, had been whipped as part of her punishment, but Company officials still considered this insufficient. The offense was so serious, they argued, that it required the deterrent of the death penalty:

Especially since the Company intends to found a colony here with native women, and will never be able to achieve this objective without exterminating that horrible and unbearable crime of adultery, nor can we come to an honorable propagation of our own nation, without first purging the marital state from that evil poison and rigorously eradicating that horrific unchastity once and for all, as an example to others.¹²⁹

A year later, after having consulted with the Gentlemen XVII and the High Government in Batavia, the Colombo council issued a public ordinance on the matter, stating that

Whenever a native mestiza or black woman who is married to a Dutchman should commit infidelity and thus come to break the dignity of her marriage and the respect of the nation through adultery, [and] have intercourse with a native man, slave or any other black and her equal, that same woman shall be [...] punished with death, along with the adulterer.¹³⁰

The Ceylon ordinance was a bit of an anomaly: in most other Dutch overseas settlements, harsh punishments such as the death penalty were reserved for the racialized men who slept with Christian women, with the women themselves generally being punished on equal level to those who committed adultery with Christians. There were cases, however, where prosecutors tried to argue for harsher punishments for women, too, on the ground of the status of those involved. Anna Maria Keppelaer in Batavia (whose three female slaves were convicted as co-conspirators in her adultery) was sentenced to fifty years in the women’s workhouse and a fine of one hundred reals, but the prosecutor had argued for the additional punishment of branding and lashing, because the adultery had been with a slave. The standard penalty, he argued, only applied to “adulterers of equal standing, condition, and birth,” and this case was worse, because the debased social status of the adulterer made the transgression extra humiliating to Anna Maria’s husband, VOC servant Govert Christian van Drammen. Anna Maria’s own status was also discussed: she had been born out of wedlock to an enslaved woman and her master, a Dutch Company servant. She was marked as “Dutch,” however, because her father had recognized her as his “natural daughter,” raised her in the Christian faith, and manumitted her, and especially because she was married to a Dutchman.¹³¹ In the end, Anna Maria was sentenced in the same way as other VOC wives who had committed adultery: she was sent to the women’s workhouse for fifty years and had to pay a fine of one hundred reals. Alexander van Boegis, the enslaved man with whom she had had her secret affair, was punished considerably more harshly than her, but

¹²⁹ CP-I, Ordinance #39, 19 November 1658.

¹³⁰ CP-I, Ordinance #51, 14 November 1659. See also Rose and Heijmans, “From Impropiety to Betrayal,” 329.

¹³¹ NL-HaNA VOC 1.04.02 inv.no. 9375 CrimPr 1736, scan 349-413.

not as deadly as some other men of his station: he was lashed and branded and sent off for chain labor for life.¹³²

Even when a woman had no formally recognized relationship with a European, sexual encounters across religious lines and boundaries of the colonial social hierarchy could be enough to provoke a prosecution. One example is that of Helena Box, a Christian woman living in Makassar, who had been the concubine of a European Corporal and had taken over his home and his servants after his death. In 1780, it came to light that she had an affair with her Muslim servant Moesoe. Moesoe had been in debt bondage to the Corporal and lived in the house alongside the enslaved servants along with his wife Nieba. After the Corporal died and Helena effectively became the mistress of the house, she ordered Moesoe to divorce his wife and move from the slave quarters to her bedroom. As the enslaved servants would later report, Moesoe and Helena would dine together at her table, and she gave him expensive clothes as gifts. The authorities caught wind of the situation when Moesoe was arrested on a different matter and Helena, afraid that Moesoe would tell the authorities of their relationship, fled the city. She was eventually caught, and was tried for “the most shameful familiarity with a Mahomedan.” Moesoe was sentenced to twenty-five years of chain labor, and Helena, whose behavior was said to have “disgraced Christianity,” banished for life.¹³³ It is likely no coincidence that Moesoe’s identity as a Muslim was highlighted: in the VOC world but especially in Makassar, Christianity functioned as an important marker of political allegiance and Islam, conversely, was associated with hostile foreign polities surrounding the VOC enclave, so converting to Islam or having a relationship with a Muslim was akin to treason.

Christians with an ‘outsider’ status could face aggravated charges, too, however, as was the case for a Siam-based Luso-Asian shipbroker who started an affair with a Batavian woman and attempted to transport her outside of VOC-territories, and was sentenced to death: this Antonio de Britto Lagos spent time in Batavia in 1755 and befriended a local Luso-Asian *burgher* family, the De Remedios. He grew particularly close with Margaretha de Remedio, the eldest daughter, who had recently separated from her husband, a former VOC assistant. The two began a sexual relationship, and Antonio eventually convinced Margaretha to move to Siam with him, assuring her that with her embroidery skills she could make a good living there. The pair boarded a Siamese ship along with Margaretha’s eleven-year-old sister, who had been betrothed to Antonio’s son, and a handful of enslaved servants. The ship was intercepted by VOC authorities and Antonio and Margaretha were tried in Batavia, both for adultery and for the transport of Margaretha and her sister out of their father’s home without his permission. Margaretha was sentenced to twenty-five years in the workhouse, plus a fine of 100 rixdollars; Antonio, although a Christian, was given a harsher sentence, possibly in part due to his status as a foreigner: he was sentenced to death by hanging.¹³⁴

In the West-Indies, sex between European-identified women and enslaved or otherwise subaltern men was also a far greater threat to colonial authorities’ sensibilities than the reverse, but here the emphasis was more explicitly on race and skin color than religion or ethnic

¹³² NL-HaNA VOC 1.04.02 inv.no. 9300, Sentencing 11 February 1736, scan 224.

¹³³ ANRI, Makasar , inv.no. 321.2, Criminal case files 1780.

¹³⁴ NL-HaNA VOC 1.04.02 inv.no. 9318, Sentencing of De Britto Lagos and De Remedio, 15 May 1756, scan 293.

affiliation. Here, the women whose sexual honor was anxiously protected were *white* women, and the men whose sexual encounters with such women were utterly taboo were those described as “Negroes,” “Mulattoes,” and “Indians”. The first recorded piece of legislation that explicitly targeted this type of interracial sex comes from Suriname, in 1711, and was issued after two white women were found to have given birth to children fathered by black men.¹³⁵ “To prevent such disgraceful and unnatural fornication and adultery in the future” it was pronounced that any unmarried white woman caught having “carnal conversation with a Negro,” would henceforth be whipped and banished from the colony for life. A married woman would receive the same punishment, in addition to being branded. The black man involved, in either case, would receive a death sentence.¹³⁶ The colony of Berbice, in 1741, imported this ordinance from its larger neighbor, but modified it to include Amerindian men who, if enslaved, would receive the same punishment as black men who had “carnal conversation” with a white woman. A free Indian, the Berbice version stated, would not be put to death but instead would be whipped, branded, have his ears cut off and put in chains to work as a slave to the colony.¹³⁷ This addition was likely informed by the fact that, earlier that year, an unmarried white girl had been impregnated by an Amerindian man, the revelation of which had caused her fiancé to break off his already pre-registered marriage to her.¹³⁸

Although the Surinamese version of the law did not mention Amerindians, in practice all enslaved men, whether black or Indigenous, were included. Nor was the ban limited to white women of the Christian faith: in 1730, Hanna (or Ganna) Levy, an unmarried Jewish girl belonging to Suriname’s Ashkenazi community, was caught by her neighbors having “carnal conversation” with Jan, “an Indian slave of her uncle Jacob Polak”.¹³⁹ Jan was sentenced to death by hanging and Hanna was banished from the colony for life, although the Government had considerable trouble getting her out: the scandal attached to her was so great that no skipper sailing for Holland was willing to take her aboard, so that the Council had to resort to randomly assigning her to someone, and finding a Jewish family to escort her on the journey.¹⁴⁰

After this point, however, it seems to have been extremely rare for relationships between white women and non-white men to come to light, and indeed, by the 1760s Surinamese authorities believed that these pairings no longer took place in the colony. This observation was made in the Surinamese Government’s written deliberations on whether the free black woman Elisabeth Samson should be allowed to marry her white, considerably younger, intended groom, which included reflections on whether any mixed marriages should be permitted:

It is also worrisome [...] to approve such marriages without reservations. Would white women, eager to wed, not get the idea to manumit Negroes in order to marry them? And with that, wouldn’t they want to marry free Negroes? In our time – God be thanked – we

¹³⁵ For the details of this case, see Hilde Neus, “Seksualiteit in Suriname: Tegenverhalen over liefde en ‘vleselijke conversatie’ in een koloniale samenleving,” *De Achttiende Eeuw* 53, no. 1 (January 1, 2021): 176–77; Rose and Heijmans, “From Impropriety to Betrayal,” 331–32.

¹³⁶ WIP-S vol 1, #277.

¹³⁷ NL-HaNA, Sociëteit van Berbice, 1.05.05, inv.no. 82, Council Minutes 5 December 1741, folio 274; Ordinance 6 December 1741, folio 412.

¹³⁸ NL-HaNA, Sociëteit van Berbice, 1.05.05, inv.no. 80, letter from Predikant Frauendorff, 10 May 1741, scan 86.

¹³⁹ NL-HaNA, Sociëteit van Suriname, 1.05.03 inv.no. 258, scan 260-269.

¹⁴⁰ *Ibid.*, inv.no. 132, Minutes 26 April 1731, scan 654.

do not see that infamy of mixing, as in the past, when under Governor Jan de Goijer, it was necessary [...] to forbid white women that reprehensible mixing [...] and to institute the death penalty against those Negroes.¹⁴¹

It thus seems that the threat of violent punishment, along with social stigma, was a strong enough deterrent to make these types of pairings rare, or at the very least prompted inter-racial couples to take increased efforts to hide their relationship, most crucially through birth control. It is also likely that stigma propelled husbands and other family members finding out about wives' or daughters' affairs to deal with them within the domestic sphere rather than face the public shame that came with turning to the authorities.¹⁴² By the 1760s, moreover, the number of white women in the colony was already significantly less than at the start of the century, meaning the chances of a white woman giving birth to a mixed-race child and thus being caught were smaller.

Conclusion

Sex outside of marriage was ubiquitous across the Dutch empire, and colonial authorities were aware of the limits of their control in this respect. Although Dutch law and Christian morality were in agreement that no form of sexuality other than heterosexual, reproductive intercourse within a legally sanctioned marriage was permitted, it is clear that not all sexual transgressions were policed and punished equally. While some transgressions, such as sodomy, were considered so severe that they were almost always prosecuted harshly when they came to light, for most forms of illicit sex authorities' attentions were selective: 'fornication' that did not involve Christians was rarely the subject of legislation or prosecution, and where Christians were involved a clear hierarchy of severity based on configurations of gender, race, and status is observable. European men's non-marital and inter-ethnic relations were the topic of many a pastor's lamentations, but were largely met with colonial governments' silence or even accommodation, unless there was reason to believe disorder or violence might arise, as with some forms of organized prostitution, unauthorized mobility of low-ranking men, and resistance from enslaved or neighboring non-Christian populations female sexual partners hailed from.

Women classified as white, European, or Christian, however, were the target of considerably more intense control when it came to non-marital sex, just as non-European men they engaged with were targets of often violent – sometimes even deadly – judicial intervention in a way that non-Christian, non-European women rarely were. This came down, in part, to the pragmatics of reproduction: Christian women in Asia, and white Christian and Jewish women in the Caribbean, being relatively in short supply, were expected to have children with men from their own communities, and thus help perpetuate those communities. An illegitimate, mixed-race child born to such women was thus considered unacceptable. The gendered role of honor in communal status and power, however, also played a significant role: women's honor, more so

¹⁴¹ Ibid., inv.no. 321, 2 February 1764, scan 334.

¹⁴² Judging from the Scottish soldier John Stedman's account, the legal and social norms in late-eighteenth century Suriname were still largely the same as they had been in 1711: "[...] should it be known that an European female had an intercourse with a slave of any denomination, she is for ever detested, and the slave loses his life without mercy – Such are the despotic laws of men in Dutch Guiana over the weaker sex." John Gabriel Stedman, *Narrative, of a Five Years' Expedition against the Revolted Negroes of Surinam in Guiana, on the Wild Coast of South America, from the Year 1772 to 1777* (London: J. Johnson & J. Edwards, 1796), 297.

than men's, was defined by sexual virtue, while simultaneously women's sexual honor reflected on the status and respectability of their husbands, fathers, and even wider communities. In colonial societies where authorities had an interest in maintaining an exclusive free Christian and more-or-less European community whose status was elevated above that of neighboring groups, the dishonoring of one's 'own' women by an outsider or social inferior was particularly offensive.

The sexual encounters discussed in this chapter, whether they were consensual or coercive, were criminalized not as offences against a private victim, but as affronts to the public order. Even in case of adultery, which *was* conceived as a crime with an injured party (i.e. the adulterer's spouse) who could seek justice, prosecutors could take unilateral action, not on behalf of the individual victim, but on behalf of the community and its social order. In the following chapter, this hazy line between 'public' and 'private' conceptions of crime will be explored further, through the lens of rape – a particular form of illicit sex which, due to of its violent or coercive nature, by definition involves a conflict between two or more private individuals, but one with frequently extensive social and political implications. Just as the severity and meaning of sex outside of marriage depended heavily on one's place within (colonial) society, the question which forms of sexual violence constituted rape, and what was to be done about it, was not a given, and not the same for everyone.