Regulating relations: controlling sex and marriage in the early modern Dutch empire
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Conclusion – Intimacy, norms, and the forming of an empire

This study makes the case for a look at empire that is simultaneously intimate and global. The men and women who have made their appearance, trying to get married or divorced, engaging in unsanctioned sex, coercing sexual relations or trying to escape, live with, or avenge unwanted intimacies, and trying to navigate what it meant to be born from unauthorized sexual unions, do more than simply put a human face on history. Through their struggles, agreements, wins, and sometimes devastating losses – both in- and outside the courtroom – they took part, willingly or unwillingly, in the production of a social order that was dynamic and everchanging, but also marked by profoundly impactful inequalities. It is in this process that the construction of empire is to be found: while the settings in which our many intimate conflicts took place were widely divergent, the common factor to all was the presence of colonists and colonial officials who consistently approached these encounters with the more-or-less explicit aim of promoting the interests, prestige, or outright dominance of Europeans. I use 'Europeans' here because, while national origin was certainly a meaningful category and while the Dutch were politically dominant within the Dutch empire, many non-Dutch (German, French, Scandinavian, Sephardic and Ashkenazi Jewish) Europeans participated in it, and the racialized world that emerged out of it favored those of European background and descent more broadly. This is evidenced by the relative ease with which, after the Dutch East and West India Companies finally collapsed at the end of the eighteenth century, their role was taken over by both the Dutch and the British (in the case of Ceylon, Malabar, and Berbice along with Demerara and Essequibo) state-based empires: while names, faces, and institutions changed, European control persisted and even expanded.

Morality formed a central feature of this political project. The seductive view of the early modern Dutch world as characterized by a business-oriented, tolerant proto-liberalism and the eighteenth century as a time in which Christian moralism and its strict demands on sexual virtue faded to the background needs to be adjusted. Although eighteenth-century colonial administrators may have taken a less puritan approach to matters such as pre-marital sex, inter-racial concubinage, and natural children than the likes of Jan Pieterszoon Coen a century prior, it is certainly not the case that Dutch authorities, even in the more 'permissive' eighteenth century, ceased to care about moral-religious questions regarding sexuality. Key tenets of Christian sexual morality – an emphasis on female chastity as a marker of virtue, condemnations of non-marital sex, and horror at forms of sexuality that defied hetero-patriarchal arrangements – continued to shape the worldview of the empire's administrators. But these questions were always informed and mediated by political calculations, so that outrage was levied selectively, where it supported authorities' interests, and reinforced the hierarchies making up colonies' socio-economic structure.

A closer look at the specific Dutch-colonial societies in South(east) Asia, West-Africa, and the Caribbean reveals that this politically informed approach to morality in pursuit of colonial power and control, on the part of European colonists, is not the whole story. Each of the places that have been discussed in this study was inhabited by a multiplicity of people who had no interest in forwarding an imperial agenda in engaging with colonial institutions, and who had their own ideas on how to give shape to their marital, familial, and communal lives. Their ability to do so

was influenced by distinctions and inequalities that went beyond colonizer-colonized divides. The ways people navigated this landscape, moreover – leveraging institutions to advance their own or their children's social mobility, diverging from codified law through creative use of the notary, forming illicit affairs, or responding violently to perceived threats or slights – frequently challenged any notion of a neat colonial hierarchy that authorities might have.

Combining a micro-historical and global perspective, by looking at deeply personal conflicts with an eye on larger constellations of power, thus reveals the formation of colonial order, and, on a larger scale, empire-building, as a non-linear and continuously contested process. By de-centering the metropole, while moving beyond the framing of any singular colonial settlement, we can look at empire not as a centralized design that is rolled out over the world, but as the product of thousands of conflicts over status, property, propriety, and belonging – sometimes seemingly petty, sometimes explosive – inside living, dynamic societies.

Adopting the perspective of normative pluralism (as a more open and fluid expansion of the concept of legal pluralism) is instructive in observing how this actually happened on the ground. Legal pluralism, while a useful tool for understanding the layers and complexities of 'law' in the early modern world, is limited by its privileging of distinct legal regimes as ordering mechanisms for discrete communities, over *disorder* within and at the blurry boundaries between groups. Unsanctioned behavior, from concubinage to violence to desertion, is not just the object of institutional intervention, but itself an active part in the formation of norms. We thus need to move beyond a straightforward conception of clearly delineated moral and legal communities with their own self-evident rules: individuals' communal membership (whether it was religious, ethnic, corporate, or otherwise defined) was rarely a given, nor were people's ideas of which norms ought to apply.

The type of 'normative pluralism' framework this study advocates for, therefore, looks not just as clashes between normative systems, but also at struggles over what is or ought to be the norm, between more and less powerful actors. We have seen this in conflicts between spouses-to-be and colonial institutions, between separating spouses, between Chinese, Christian, Muslim, and Jewish communal authorities and their respective communities, and especially in the various types of disorder emerging in the second half of the study, where illicit and coercive sex comes into the picture. We saw powerful figures such as Willem van Duijvenvoorde and their norms about sexual desire and control clash with those of subaltern dependents such as Samma, October, and Cupido, as well as with larger institutions such as the VOC's legal system. Enslaved women experiencing sexual exploitation, meanwhile, frequently had to navigate multiple normative systems at once, none of which prioritized their well-being, individual agency, or safety: firstly, colonial authorities' norms of sexual morality and order, which criminalized 'prostitution' and 'concubinage', secondly, masters' deployment of legal rights to enslaved women's bodies and the latter's fruits, and finally free or enslaved partners' patriarchal expectations of sexual exclusivity, which not infrequently resulted in violence. By exploring the plurality of norms around sex and family life and their contestation across colonial settings, we thus gain detailed insights into the workings of colonial power, not as a singular force, but as an interlocking web of hierarchies.

An intersectional perspective, taking into account the interactions between categories such as class, religion, gender, enslavement, and race, is therefore essential. Taking a bird's-eye view,

it is clear that foundational to colonial hierarchies in the Dutch empire, from Berbice to Elmina to Ceylon, were property and enslavement. Consistently, enslaved people were kept at the bottom of the social hierarchy in a way that had considerable implications for their intimate lives: they were, by and large, excluded from formal marriage and the legal rights and privileges that this granted, had no legal rights to custody over their children (with fathers especially not being recognized as such), and were among the least likely to successfully use the court system to settle domestic disputes or find justice for sexual misconduct, while enslaved men were consistently punished most rigorously where they formed sexual relationships with higher-status women.

Beyond this bottom tier, social stratification was more context-dependent and involved a range of intersecting factors, although wealth, unsurprisingly, formed a major vertical differentiator. Property, both monetary and in the form of mastery over enslaved people, was a key factor in the outcome of legal battles over marriage and sexuality, affecting the legal procedures litigants could afford, witnesses that could be produced and whether their testimony was accepted or not, and extra-judicial means available to get one's way. It also meant that select groups of people who might otherwise be marginalized as outsiders – Chinese merchants, Jewish slave-holders, wealthy women of color – managed to effectively navigate, even harness, colonial institutions to carve out a prominent position within colonial society.

At the same time, company authorities used legislation – including, crucially, that concerning marriage and sexuality – to exclude these groups and individuals from the (political) elite, which remained dominated by Christian, European men, mostly in Company employment, and to promote the social pre-eminence of the company's 'own' privileged demographic core. Who or what exactly constituted this privileged group, however, was not fixed, not the same everywhere, and rarely unambiguously defined. 'Christian', 'European' and 'White' were all used, but did not mean exactly the same thing. In the Caribbean, 'Christian' was initially used to differentiate the free, un-enslaveable, slave-owning settler population from (enslaved) Africans and Amerindians, but as colonial society became more complex, with Jewish settlers forming an important faction of the slave-owning community and (formerly) enslaved people occasionally converting to Christianity, white (in Dutch: *blank*) came to be used increasingly as a marker of distinction, in opposition to black or 'negro' (Dutch: *neeger*) which gained considerable conceptual overlap with 'slave' (*slaaf*) as neighboring indigenous groups were recognized as un-enslaveable and enslaved populations increasingly came to be made up of Africans and Afro-descendants. In Berbice, where Jews were excluded from settlement and where the free, Christian non-white population was extremely small, 'Christian' continued to be used as a designator of whiteness and mastery alongside 'white' well into the eighteenth century, unlike in its larger, more religiously diverse neighbor Suriname, where *blank* was a standard feature in the colonial vocabulary of difference by the early 1700s and unlike Curaçao, where 'Reformed' remained somewhat (if not fully) synonymous with white, but 'Christian' certainly did not.

In the East Indies, 'European' and 'Christian' were both used throughout the VOC's tenure, but did not mean exactly the same thing. Their use, moreover, was strongly gendered: 'European' was almost always used for men, while women would be designated through their legal status and religious affiliation ("free Christian woman") or their relation to a husband or father. Whiteness was a meaningful factor of social life in VOC Asia, but was less explicitly inscribed in

official discourse: in seventeenth-century company correspondence, *blank* is occasionally used as a synonym for European, while in the eighteenth century it also came to be used to designate light-skinned individuals of mixed descent and, quite frequently in places with significant Luso-Asian populations such as coastal South Asia and the Moluccas, to distinguish between '*blank'* (i.e. categorized as European) and '*swart'* (black, i.e. Asian) Portuguese people. Witness testimonies in court records reflecting everyday parlance, moreover, indicate that *blank* and *swart* were used informally quite frequently in the VOC-world, suggesting there was certainly a meaningful color line, however flexibly demarcated it may have been. This is also reflected in the VOC's marriage records, which show white (as in European-born) women essentially never marrying men designated as *inlands,* Christian or not.

Gender, it is clear, was an operative factor in the formation and transformation of colonial hierarchies: on the one hand, women were strongly restricted in their access to independent wealth and largely excluded from company employment (midwives being a notable exception). On the other hand, poor and enslaved women, while being particularly exposed to violence and exploitation, also arguably had more opportunities for social mobility, through sexual and conjugal relationships, than their male counterparts. Similarly, while elite women (married or born to company servants, planters, and prominent *burghers*) were more protected from (sexual) violence, economic hardship, and the social ramifications of not being seen as honorable than subaltern women, they were also more restricted and anxiously policed in their sexuality and marriage choices. For many married women among the propertied classes, both in Asia and in the Caribbean, slave ownership was one of the few avenues of wealth acquisition and, especially, of wielding power, which may explain, in part, the relative frequency of reports depicting female slave owners as particularly despotic.[1] Gender, furthermore, functioned as a key qualifier in the processes of creolization and mesticisation, due to the greater mobility of European men compared to women: already by the early eighteenth century, port cities such as Batavia, Cochin, and Willemstad (and later in the eighteenth century more 'settled' colonies such as Suriname, too) were marked by a considerable degree of what me might call 'gender-segregated creolization', with a key demographic of locally-born-and-raised women marrying or forming non-marital relationships with a constant influx of male newcomers whose sons, more than daughters, were likely to leave again and go through a European enculturation.[2] This dynamic was particularly prevalent in the East Indies, but in West-Africa and the Caribbean, too, there are examples of mixed-race sons moving to Europe for their education or joining the highly mobile workforce of the WIC and thus being less locally embedded than their female counterparts.

While the specific dynamics of the meaning and formation of diversity in the early modern Dutch empire were thus highly context-dependent, broad and consistent patterns can be identified in the regulation of family life and sexuality and how practices and conflicts around it shaped colonial society – patterns which transcend divisions between East and West and, arguably, between empires, for many of the conflicts and conundrums around inter-racial sex

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[1] For Suriname, see: Neus, *Susanna du Plessis*; For Batavia, see: Jones, *Wives, Slaves, and Concubines*.
[2] Notably, a similar pattern can be observed among the Chinese diaspora in Southeast Asia, as Chinese women were generally not permitted to leave the mainland, and evidence exists of Chinese Batavians (and no doubt those living elsewhere) sending particularly their sons to China for their education.

and marriage, slavery, and religious diversity were not unique to Dutch colonies. Where there were variations in the ways religion, color, class, ethnicity and status featured in the regulation of sex and marriage, they are differences of degree, more than nature, and primarily caused by variances in local configurations of power, not differences in philosophy of rule. Although meaningful differences between empires exist, such as between 'Catholic' and 'Protestant' approaches to religious diversity and imperial subjecthood, the histories of European overseas empires overlap to such a degree that future research into conflicts around sex and family in relation to colonial power and racialization, which looks across the confines of specific empires, is warranted. Alternatively, putting intimate conflicts being fought out in colonial courts in conjunction with those in non-European-controlled settings, or those centering primarily non-European parties, is bound to reveal yet a different perspective on the workings of power in socially diverse settings, and in this sense this study is only scratching the surface of what intimate conflicts viewed in connective ways can reveal.

Far from accessories to world history, the intimate relationships of everyday people are primary sites in which social fault lines and constellations of power are contested, and thus are formed and re-formed. Within the context of the early modern Dutch empire, this study has shown, this contestation involved a protracted and far from straightforward process of empire-building. Chartered companies and the colonial governments affiliated with them did whatever they could to expand their influence and assert their dominance in areas where they held only limited control, and this meant adjusting to local circumstance, accommodating deviations from norms where politically expedient, and working with and alongside diverse groups of people who in turn made strategic use of new institutions, intermarried to form new, creolized communities, and held and enforced their own norms around family and sexuality. One could argue that in this flexibility, the limits of early modern imperial power is revealed, but simultaneously so is its resilience, as early modern colonial institutions, in all their inconsistencies, laid the foundations for more extensive and expansive modes of empire to come.