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A SEA OF HOUSEHOLDS: ORDERING VIOLENCE AND MOBILITY IN THE INTER-IMPERIAL CARIBBEAN*

Maritime history comprises much more than the study of life at sea.¹ Social historians enriched the field by documenting shipboard experiences of mariners, migrants and captives. The research revealed how people acquired knowledge at sea, engaged in waterborne protests and rebellions, suffered from accidents, discipline and disease on ships, and served as agents or objects of maritime raids. Yet the focus on social relations on the water shifted attention from processes extending across land and sea. The study of regional and global ordering can deploy methods of social history to analyze how conflicts formed and altered land–sea regimes, vast regulatory frameworks spanning oceanic and terrestrial spaces.²

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¹ For a summary of the literature on maritime history, see Nathan Perl-Rosenthal and Lauren Benton, 'Introduction: Making Maritime History Global', in Lauren Benton and Nathan Perl-Rosenthal (eds.), *A World at Sea: Maritime Practices and Global History* (Philadelphia, 2020).

² Lauren Benton and Nathan Perl-Rosenthal, 'Afterword: Land-Sea Regimes in World History', in Benton and Perl-Rosenthal (eds.), *A World at Sea*. A focus on land–sea regimes complements the approach to oceanic ordering in Lauren Benton and Lisa Ford, *Rage for Order: The British Empire and the Origins of International Law, 1800–1850* (Cambridge, MA, 2016), ch. 5, 'Ordering the Oceans'; and the approaches surveyed in Renaud Morieux and Jeppe Mulich, 'Ordering the Oceans, Ordering the World: Law, Violence and European Empires', in this volume; and in Alison Bashford, 'Terraqueous Histories', *Historical Journal*, lx, 2 (2017), 253–72. See also analyses of the formative effects of contests over coasts, territorial waters and offshore islands in this volume: Kalyani Ramnath, 'Adrift in the Andaman Sea: Law, Archipelagos and the Making of Maritime Sovereignty'; Jake Subryan

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This article highlights an often overlooked element of land–sea ordering: households as sites of legal politics.³ We place households at the centre of conflicts over authority, violence and mobility in the early modern Caribbean. Households were essential to the formation of colonies and central to processes of inter-imperial ordering. They figured prominently in legal contests over privateering, enslavement and the movement of property and people between empires and across the land–sea divide. Our approach builds on, but also differs from, familiar ways of studying households. Informed by the writings of historians on social relations *inside* Atlantic and Caribbean households, we ask how households shaped *external*, inter-imperial relations in a pluri-political, terraqueous region.⁴

Although historians have paid little attention to the ordering role of households across land and sea, historical actors had no such blind spot. They regarded households as essential repositories for property

(*n. 2 cont.*)

Richards, ‘Jurisdiction and Afro-Brazilian Legal Politics from Colonialism to Early Independence’; and Guillaume Calafat and Francesca Trivellato, “‘The Shipwreck of the Turks’: Sovereignty, Barbarism and Civilization in the Legal Order of the Eighteenth-Century Mediterranean’.

³ Other processes of land–sea ordering in the Caribbean are analyzed in Tessa Murphy, *The Creole Archipelago: Race and Borders in the Colonial Caribbean* (Philadelphia, 2012); and Ernesto Basi, *An Aqueous Territory: Sailor Geographies and New Granada’s Transimperial Greater Caribbean World* (Durham, NC, 2017).

⁴ Historians of the early Atlantic world have studied the religious and social character of households and their internal gender and racial politics, but few assess the role of households in interpolitical relations. On households in political imagination, see Anna Becker, *Gendering the Renaissance Commonwealth* (Cambridge, 2019). Works on households and gender include M. Michelle Jarrett Morris, *Under Household Government: Sex and Family in Puritan Massachusetts* (Cambridge, MA, 2013); and Maria Elena Martinez, *Genealogical Fictions: Limpieza de Sangre, Religion, and Gender in Colonial Mexico* (Stanford, 2011). On racial conflicts in households, see Michelle A. McKinley, *Fractional Freedoms: Slavery, Intimacy, and Legal Mobilization in Colonial Lima* (Cambridge, 2018); and Kathleen M. Brown, *Good Wives, Nasty Wenches, and Anxious Patriarchs: Gender, Race, and Power in Colonial Virginia* (Chapel Hill, NC, 1996). On sentimental ties, see Sarah M. S. Pearsall, *Atlantic Families: Lives and Letters in the Later Eighteenth Century* (Oxford, 2009). On households and settler territorial claims, see Susanah Shaw Romney, “‘With & alongside His Housewife’: Claiming Ground in New Netherland and the Early Modern Dutch Empire”, *William and Mary Quarterly*, lxxiii, 2 (2016).

and heritable wealth, and these functions led mariners to invest wages and booty in households to gain status and respectability on land. Affective ties of kinship, meanwhile, guided the actions and interests of sojourners and captives, even across vast distances.⁵ The organization of maritime and port labour also flowed through households, from family control over small-scale shipping to women's work on shore.⁶ Households were present even at sea. Mariners shipped alongside household dependents when they could, taking wives and other kin in service roles and commanding the private labour of very young sons, or other children.⁷ Captives seized in maritime raids became household dependents of officers and sailors, a status that could in most cases be easily transferred to land.⁸

⁵ A striking example of the strength of such ties followed the 1782 American capture of a Bermudian privateer. Seventy of the seventy-five crew members were enslaved Black men. When the Massachusetts court offered to free them, the men asked instead to be returned to Bermuda as prisoners of war to be reunited with their families — and presumably re-enslaved on arrival. Bermudian ship owners encouraged enslaved mariners to form households to prevent desertion. Michael J. Jarvis, 'Maritime Masters and Seafaring Slaves in Bermuda, 1680–1783', in Philip Morgan and Molly Warsh (eds.), *Early North America in Global Perspective* (Abingdon, 2014), 208–38.

⁶ The role of wives and mothers in administering sailors' wages, sometimes generating complex legal claims and opportunities for fraud, is discussed in Margaret R. Hunt, 'Frauds on Navy Pay and the Men and Women of Maritime London, c.1620–1740', in this volume. On household partnerships in small-scale shipping, see Michael J. Jarvis, *In the Eye of All Trade: Bermuda, Bermudians, and the Maritime Atlantic World, 1680–1783* (Chapel Hill, NC, 2012); on women's labour in ports, see Lisa Norling, 'Working Women Who Got Wet: A Global Survey of Women in Premodern and Early Modern Fisheries', in Benton and Perl-Rosenthal (eds.), *A World at Sea*, ch. 9.

⁷ Cases of household dependents aboard ships pepper the historical record but have received little systematic study. The general in command of the English army sent to conquer Hispaniola, Robert Venables, brought his wife on the voyage. Young sons regularly accompanied petty officers, ostensibly to be introduced early to seafaring.

⁸ There is evidence that children were especially coveted captives in part for this reason. The British privateer Edward Dampier seized a woman and her children, later keeping one of the male children, possibly for Dampier to abuse sexually. Tamara Walker, '"They Proved to be Very Good Sailors": Slavery and Freedom in the South Sea', *The Americas*, lxxviii, 3 (2021), 439–65. Across the New World, children figured prominently as captives seized by Europeans in raids

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Beyond these structuring effects across land and sea, households also operated as sites of legal politics. Like ships, they were vectors of law.⁹ Households as legal entities retained the capacity to constitute political communities and to hold and move property, servants, kin and captives. European political theologians defined the *civitas* (political community) as a collection of households converging to structure commitments to the common good. As an extension of this logic, imperial agents cited the presence of households in marking the legal transformation of garrisons and enclaves into settlements and colonies.¹⁰ Alongside these public functions, households constituted private jurisdictions with extensive powers to regulate people and property. Heads of household exercised dominium, understood in this context as the authority to judge and punish subordinates, including wives, children, servants and enslaved people. The scope of the dominium of household heads varied by time and place, but the jurisdiction of households was itself a constant — and a hidden legal bedrock of empires and colonies.

Households as legal entities also supported the capacity for imperial violence, including maritime raiding. Officials upheld household formation as a crucial means of rooting men in place to serve as raiders and defend settlements. Arguments about the lawfulness of privateering drew strength from representations of colonies as communities

(n. 8 cont.)

against indigenous communities. Captives' households, or altered portions of them, were sometimes kept intact in the Middle Passage, then wrenched apart on arrival: Jennifer L. Morgan, *Laboring Women: Reproduction and Gender in New World Slavery* (Philadelphia, 2011), ch. 2. Murphy notes that 22.7 per cent of enslaved Africans transported across the Atlantic between 1701 and 1809 were children. Murphy, *Creole Archipelago*, 263, n. 94, citing David Eltis and Stanley Engerman, 'Fluctuations in Sex and Age Ratios in the Transatlantic Slave Trade, 1663–1864', *Economic History Review*, xlv, 2 (May 1993), 301.

⁹ On ships as 'vectors of law', see Lauren Benton, *A Search for Sovereignty: Law and Geography in European Empires, 1400–1900* (Cambridge, 2010), 112. Households could project claims to jurisdiction over large numbers of mobile household dependents even if rooted in place, just as ships continued to test the legal and physical boundaries of political communities when they ran aground, a point made in Guillaume Calafat and Francesca Trivellato, '“The Shipwreck of the Turks”: Sovereignty, Barbarism and Civilization in the Legal Order of the Eighteenth-Century Mediterranean', in this volume.

¹⁰ Lauren Benton, *They Called It Peace: Worlds of Imperial Violence* (Princeton, 2024), ch. 3, including 64–9 on scholastics' views on households.

of households endowed with a natural right to self-defence. Further, the dominium that household heads exercised over subordinates positioned households as essential receptacles for captives seized in raids. Enslaved men and women were routinely represented as war captives — regardless of their origins — with households designated as sites of quasi-public, perpetual punishment for such captives.¹¹ Fortifying the rights of white household heads paralleled efforts to systematically deprive Black and indigenous captives of the right to form and maintain their own households.¹²

These ordering capacities of households were especially apparent in the volatile, inter-imperial Caribbean. Acutely aware of households' vital role in absorbing and disciplining labour, colonial officials granted household heads land and sought to reinforce their authority over women, children, servants and captives. Officials turned to household heads to organize labour on public works, take up responsibilities of local governance and repress uprisings by enslaved people.¹³ Household governance came to be coded as a prerogative reserved for white settlers with command over Black and indigenous captives — authority increasingly defined as rights in property. A centrepiece of efforts to construct planter economies was the fierce competition among colonial leaders to attract households by matching or exceeding rights and privileges offered in other colonies. When household heads attempted to move across colonies and imperial lines with those rights intact, officials sought to prevent their departure and retain their households' enslaved labourers and accumulated capital. Such recurring contests over the legal authority of households within and across colonies composed the regional legal regime underpinning racial slavery, while cementing the importance of planter households as legal entities within that regime.

¹¹ Benton, *They Called It Peace*, ch. 3; Alexandre Pelegrino, 'From Slaves to Índios: Empire, Slavery, and Race (Maranhão, Brazil, c.1740–90)', *Law and History Review*, xl, 4 (2022); and Brett Rushforth, *Bonds of Alliance: Indigenous and Atlantic Slavery in New France* (Chapel Hill, 2012), ch. 1.

¹² Controlling the capacity of enslaved people to form and maintain households was inextricably tied to command over reproduction: see Morgan, *Laboring Women*, ch. 3.

¹³ Sponsors of the colony on Providence Island, for example, regarded households as so essential to the fledgling colony that they created 'artificial families' composed of seven men, with one serving as the head of household: Karen Ordahl Kupperman, *Providence Island, 1630–1641: The Other Puritan Colony* (Cambridge, 1993), 28–9; and see Benton, *They Called It Peace*, 82–4.

Yet households were not straightforward instruments of colonial power. As they helped colonial authorities structure a legal landscape of war, coercion and settlement, households remained an arena for sharp, recurring conflicts over order and rights. Contests over the scope and exercise of dominium inside households spilled easily into public arenas, through the medium of scandal, in the pages of petitions or in strategic violence. Indigenous, African and creole populations challenged both the fact and the conditions of their captivity by targeting the physical and legal infrastructure of plantation households. Their actions not only evoked a state of limited war inside households but also worked to counter regional systems of maritime raiding and enslavement by targeting household authority on land. Although the outcomes of such conflicts varied, together they worked to reinforce the importance of households as critical legal elements of inter-imperial ordering across the Caribbean.¹⁴

This article follows a series of conflicts and trends in Jamaica and Suriname to show how households enabled slaving, structured violence and regulated inter-imperial mobility in the seventeenth-century Caribbean. We first trace multifaceted connections between household formation and legal claims about the capacity and right of colonies to make war. We then analyze how conflicts over the legal authority of household heads to command and enslave labourers interacted with efforts to regulate mobility, both within empires and across imperial lines — processes that created opportunities for servants and captives to engage in legal politics for their own ends. Taken together, our findings place household legal politics at the very centre of a regional land–sea regime of raiding, captive-taking and enslavement in the seventeenth-century Caribbean.

I

RAIDING BY AND FOR HOUSEHOLDS

The prospect of profit from raiding led early English ventures in the Caribbean to focus on sites of settlement near Spanish sea lanes and within striking distance of Spanish ports. English raiders targeted not only Spanish treasure but also people.¹⁵ An early practice of seizing

¹⁴ Efforts to regulate households might be added to other elements of inter-imperial relations that composed regional order discussed in a later period by Jeppe Mulich, *In a Sea of Empires: Networks and Crossings in the Revolutionary Caribbean* (Cambridge, 2020).

¹⁵ Michael Guasco, *Slaves and Englishmen: Human Bondage in the Early Modern Atlantic World* (Philadelphia, 2014), ch. 3, esp. 100, 111; Casey Schmitt, 'Centering Spanish Jamaica: Regional Competition, Informal Trade, and the English Invasion, 1620–1662', *William and Mary Quarterly*, lxxvi, 4 (2019).

captives in raids continued even as the trade in enslaved people from Africa to English colonies expanded.¹⁶ Privateers attacked Spanish ports and held inhabitants for ransom; they also carried off captives to English settlements, frequently classing dark-skinned captives as unfree people without inquiring into their actual status in Spanish colonies.¹⁷ Such practices fed surging demand for labour in English settlements increasingly dominated by planters.

The interconnections among household formation, planting and raiding were especially salient in early English Jamaica.¹⁸ Rights to plunder guided the expedition that resulted in the island's conquest. The British force dispatched in 1654 to attack Hispaniola was instructed to gather additional resources through captures of ships as it sailed. General Robert Venables, commander of the army on the Hispaniola expedition, was ordered to 'seize upon al ships and vessels which you find in any of [the Spaniards'] Harbors, and also upon al such goods as you shal find upon the land'.¹⁹ The floating army exercised its authorization to plunder at its stop in Barbados, where sixteen Dutch ships in the harbour were seized, much to the dismay of local English settlers engaged in trade with the Dutch. The modest profit from the seizure of this handful of ships was overshadowed by gains from the capture of a single Dutch ship carrying 211 slaves and the profits generated by their sale to Barbados planter households.²⁰

¹⁶ Slavers also encouraged indigenous communities to conduct their own raiding to produce captives for sale. On the Mosquito coast, for example, see Karl Offen, 'Mapping Amerindian Captivity in Colonial Mosquitia', *Journal of Latin American Geography*, xiv, 3 (2015), 47.

¹⁷ For examples, see Guasco, *Slaves and Englishmen*, 101, 112; and April Lee Hatfield, *Boundaries of Belonging: English Jamaica and the Spanish Caribbean, 1665–1715* (Philadelphia, 2023), ch. 3.

¹⁸ The pattern was also global. For the broader context, including further discussion of Jamaica, see Benton, *They Called It Peace*, ch. 3. Many histories of early Jamaica separate the history of raiding and planting. Even revisionist accounts of privateering emphasize Port Royal's attraction for footloose raiders. See for example Mark Hanna, *Pirate Nests and the Rise of the British Empire, 1570–1740* (Chapel Hill, 2015), ch. 3.

¹⁹ 'Instructions unto Generall Robert Venables Given by His Highness by Advice of his Councel upon his Expedition to the West Indies', Appendix in *The Narrative of General Venables, with an Appendix of Papers Relating to the Expedition to the West Indies and the Conquest of Jamaica, 1654–1655*, ed. C. H. Firth (London, 1900), 113–114.

²⁰ *Narrative of General Venables*, ed. Firth, 8.

The symbiotic relationship of plunder and planting continued after Jamaica's conquest. When the Cromwellian army sent to conquer Hispaniola became a disorganized force of occupation in Jamaica, desperate officials plotted to establish planter households to convert 'an Army but without Pay' into a sustainable polity.²¹ Venables' successor, Edward D'Oyley, was instructed in 1662 to 'disband the Army & encourage them to settling the country'.²² To create incentives for the formation of settled households, officials awarded land to each free adult and strained to lure more servants to the island. Jamaican leaders sought to recruit families from Barbados, Connecticut and Nevis, and they exhorted the government in London to experiment with new sources of servants.

From the start, officials looked to raiding as a means of generating labour and enhancing island order. Raiding, they noted, provided an important outlet for impoverished sojourners and settlers. Soon after becoming governor, D'Oyley began sponsoring attacks on Spanish ports.²³ Later Governor Thomas Modyford explicitly noted that writing commissions for privateers was essential to the goal of settlement; it might discourage men from manning lucrative privateering voyages for the French. The Council of Jamaica echoed these views in observing that plunder was crucial to enabling former soldiers 'to buy slaves and settle plantations'.²⁴ As an astute visitor to the island, Colonel William

²¹ 'Journal kept by Col. William Beeston from his first coming to Jamaica' (hereafter 'Beeston's Journal'), BL, Add. MS 12430, fo. 23. In the autumn of 1662, Governor-General Windsor began 'to grant out the lands by Patent . . . & do all things that might encourage people to settle & Plant the country'. 'Beeston's Journal', fo. 25. On the officers' objections to the assignment of land to common soldiers, see Carla Gardina Pestana, *The English Conquest of Jamaica: Cromwell's Bid for Empire* (Cambridge, MA, 2017), ch. 9.

²² 'Beeston's Journal', fo. 24^v.

²³ Beeston observed that D'Oyley 'gave but little Encouragement to the planting or trading part (but the privateering went on & many considerable prizes were brought in)', 'Beeston's Journal', fo. 24^v.

²⁴ Modyford to Sec. Bennet, June 1664, Calendar of State Papers Colonial, America and West Indies (hereafter CSP), vol. 5, 1661–1668, no. 767, online at British History Online <<https://www.british-history.ac.uk/cal-state-papers/colonial/america-west-indies/vol5>> [accessed 7 June 2024] (hereafter BHO). Modyford also noted that sponsoring privateering would help create a reserve fighting force for future inter-imperial wars: Modyford to Albemarle, 1 March 1666, CSP, vol. 5, 1661–1668, no. 1144, at BHO. Minutes of the Council of Jamaica, 22 Feb. 1666, CSP, vol. 5, 1661–1668, no. 1138, at BHO.

Beeston recorded in his journal that hungry men, 'being Por & wanting conveniencys to settle', would join raiding expeditions to get the resources they needed to make fledgling plantation households into growing concerns.²⁵

Even as the English Crown was sponsoring the expansion of the African slave trade, regional raiding to produce unfree labour continued.²⁶ Officials in Jamaica overturned an early ban on the sale of captives seized in raids on Spanish targets in 1662. Records of captives taken in raids of uncertain lawfulness are incomplete, but English and Spanish sources provide revealing glimpses of the practice. In 1661, D'Oyley seized 180 captives taken by a British naval vessel in the Port Royal harbour and sold them, without authorization, to a Quaker merchant and a Spanish ship.²⁷ When Edward Mansfield, sailing with a commission from Tortuga, recaptured Santa Catalina (the Spanish name for Providence Island), he seized '150 negroes' and transported them to Jamaica.²⁸ Profits from the sale of captives were hardly negligible. After Henry Morgan's crew sacked Panamá in 1670, they carried off between 500 and 600 captives to sell in Jamaica.²⁹ We do not know how much money changed hands in their sale, but it would have been substantial.

As Crown interest in making and keeping peace with Spain intensified, officials in Jamaica tested arguments in support of lawful raiding. On the same day in 1661 that D'Oyley received news from the Governor of Cuba of a British peace with Spain, he ruled on the legality of claiming as war prize 100 captives taken in the mountains of

²⁵ 'Beeston's Journal', fo. 26.

²⁶ On the English Crown's support for the slave trade, see Holly Brewer, 'Creating a Common Law of Slavery for England and its New World Empire', *Law and History Review*, xxxix, 4 (2021), 765–834, 775–6.

²⁷ D'Oyley claimed his authority to make the sale derived from his role as general and reminded the Council of Jamaica that he answered only to the Crown: CSP, vol. 5, 1661–1668, 14 June 1661, no. 106, at BHO. Three years later, London officials ordered him to pay a portion of the prize to the King and to the officers and mariners of the navy frigate that had captured the Dutch ship: CSP, vol. 5, 1661–1668, 19 January 1664, no. 641, and 24 Feb. 1664, no. 671, at BHO.

²⁸ Peter Earle, *The Sack of Panamá: Captain Morgan and the Battle for the Caribbean* (London, 2007), 12–13. It is likely that there were free subjects among the captives. The English coded dark-skinned people as slaves in order to justify their capture and sale. See Hatfield, *Boundaries of Belonging*, 35.

²⁹ Hatfield, *Boundaries of Belonging*, 98. See also Earle, *Sack of Panamá*, ch. 6.

Jamaica in a skirmish with Spanish forces. A council of war called by D'Oyley declared that the peace did not apply to raiding in and around Jamaica since raids were necessary to support island residents living 'only upon spoil and depredation'.³⁰ In another creative act, Deputy Governor Charles Lyttelton reasoned that 'the war with privateers was not intended to be taken off by the King's instructions, so [he] has not thought it his duty to call them in'.³¹ Extending the logic of raiding in self-defence still further, Thomas Modyford noted the importance of rooting men of fighting age to the colony to create a population to serve as a reserve fighting force for future inter-imperial wars.³²

Some governors openly asserted a right to make local war. Governor-General Windsor declared 'a Warr with the Spaniards on this Ground' in 1662, pointing out that his instructions had specified that if Spanish colonies refused to trade peacefully, he might 'endeavor to settle such trade by force'.³³ Windsor concluded that Spanish violations gave him 'power in himself to make eithr Warr or Peace'.³⁴ Governor Modyford, who arrived in Jamaica as a Barbadian slave trader and recognized the benefits of peace to expanding the commerce in slaves, soon began to actively sponsor raiding by privateers. Under Modyford's influence, the Council of Jamaica openly defied Crown instructions when it issued commissions for attacks on Spanish targets in 1666, with Modyford declaring that it was his duty to defend 'the interest of the island'.³⁵ Several months later he issued more commissions to

³⁰ D'Oyley to Sec. Nicholas, March 1661, CSP, vol. 5, 1661–1668, no. 61, at BHO. On captive-taking across the early modern Caribbean, see Casey Schmitt, 'Bound among Nations: Labor Coercion in the Seventeenth-Century Caribbean' (College of William and Mary Ph.D. Dissertation, 2018).

³¹ Charles Lyttelton to Henry Bennet, 15 October 1663, CSP, vol. 5, 1661–1668, no. 566, at BHO.

³² Modyford to Albemarle, 1 March 1666, CSP, vol. 5, 1661–1668, no. 1144, at BHO.

³³ Instruction to Lord Windsor, gov. Jamaica, 8 April 1662, CSP, vol. 5, 1661–1668, no. 278, at BHO. In justifying his declaration of local war, Windsor was careful to cite the refusal by Spanish authorities to allow him the right to trade at Puerto Rico and Santo Domingo. 'Beeston's Journal', fo. 25.

³⁴ 'Beeston's Journal', fo. 25.

³⁵ Minutes of the Council of Jamaica, 22 Feb. 1666, CSP, vol. 5, 1661–1668, no. 1138, at BHO. Modyford layered creative interpretations of instructions that he claimed granted him latitude to continue to give out commissions. Modyford to Albemarle, 1 March 1666, CSP, vol. 5, 1661–1668, no. 1144, at BHO.

privateers in response to rumours that France had declared war, citing the possibility that a war with France might prompt the Spanish to attack Jamaica.³⁶

In these and other instances, officials were fashioning a broad right to pre-emptive raiding in self-defence. The argument depended on representations of Jamaica as a colony worthy of defence — a community of permanent households rather than an imperial outpost of footloose former soldiers and pirates. We can see the force of this logic in the most lucrative raids sponsored from Jamaica. In Henry Morgan's raid on Portobello in 1668, the privateer was carrying a commission authorizing him to attack Spanish ports if he uncovered information about an imminent threat of Spanish invasion in Jamaica. The same rationale came into play two years later when Morgan, sailing with another commission from Modyford, sacked Panamá.³⁷ Some histories of Jamaica turn these raids into set pieces of the golden age of piracy. But both Morgan and Modyford were careful to underscore the imperatives of defending Jamaica as a settled colony. Increasingly, too, reports and chronicles highlighted the island's character as a political community composed of white households commanding Black captives.³⁸

As the influx of African captives for sale began to dwarf the supply of captives seized in raids, the opening for asserting an independent, local right to authorize raiding and carry captives to colonies for sale began to close. But the policies to promote raiding and household formation continued to work in combination to lay the institutional foundations of the regional plantation complex. Consistent across the early decades of English Jamaica was an explicit effort to ground the project of planting in the capacity and right of households to import semi-free and unfree labour. The colony's claim to exercise a collective right of self-defence

³⁶ Modyford to Sec. Arlington, 5 June 1666, CSP, vol. 5, 1661–1668, no. 1209, at BHO.

³⁷ Hanna, *Pirate Nests and the Rise of the British Empire*, 112–113; Peter Earle, *The Sack of Panamá* (London, 1981).

³⁸ On race as a defining characteristic of English Jamaica as an emerging political community, see Hatfield, *Boundaries of Belonging*, 16–17. The control over enslaved women's reproduction is extensively covered in the literature on slavery. On the enslavement of indigenous women, see Reséndez, *The Other Slavery: The Uncovered Story of Indian Enslavement in America* (Boston, MA, 2016) 6–7; and Juliana Barr, 'From Captives to Slaves: Commodifying Indian Women in the Borderlands', *Journal of American History*, xcii, 1 (June 2005). On enslaved women's reproduction, see Morgan, *Laboring Women*.

independently of Crown policy was also attached to the sponsorship of households. The pattern raised questions about whether household heads could preserve hard-won prerogatives, including property in human beings, as they moved between jurisdictions and empires.

II

MOVING HOUSEHOLDS

The capacity to buy and sell human beings as property had to be constructed in the seventeenth-century Caribbean.³⁹ The right to move household subordinates between colonies and across imperial lines was part of the set of planter prerogatives defined and defended in English colonies. A series of conflicts over indigenous labour in planter households in Suriname illustrates how in contests over the portability of captives, multiple forces worked together, especially through the agency of captives, to define the limits of dominium.⁴⁰

A conflict in 1675 prompted debates about the status of household subordinates. After an eight-year legal battle over their right to emigrate, Edward Cranfield and 250 English planters were on the verge of leaving the Dutch colony of Suriname for Jamaica. At the very last minute, the Dutch Governor Pieter Versterre called them back due to an appeal by 'several free Indians of this country'. The indigenous petitioners demanded the release of numerous 'free Indians' whom the English had 'persuaded' to board their Jamaica-bound ships. Fearing that indigenous communities in Suriname would take revenge on the Dutch in the belief that 'their friends or children were sold as slaves', Versterre ordered the English to disembark any 'Indians' on their ships.⁴¹ The English protested bitterly that the people in question were

³⁹ Brewer, 'Creating a Common Law of Slavery'.

⁴⁰ Historians have traced this process in later periods, particularly in analyzing planters' attempts to preserve or reassert rights over enslaved people in the wake of the Haitian Revolution and the freedom suits brought to oppose those efforts. See, for example, Rebecca J. Scott and Jean M. Hébrard, *Freedom Papers: An Atlantic Odyssey in the Age of Emancipation* (Cambridge, MA, 2012).

⁴¹ Zeeuws Archief (Zeeland Archives), Middelburg, Netherlands (hereafter ZA), 2.1, 2035.1, no. 271, Brief Pieter Versterre, 16 December 1675. The sources do not specify the ethnic background of the Indians on board the English ships. Their connections to English households and the rapid mobilization against their removal may indicate they were Carib speaking Kalina, with whom the English maintained close political connections. But there were also Arawakan speaking Lokono groups present in Suriname, who likely made up the majority of the colony's enslaved Indian population.

'free Indians that are domesticks, and belonging to his ma'ties subjects, having lived many years in their families'.⁴² Despite insisting they were 'very willing to goe along', the English captains were eventually compelled to order the return of the 'free Indians' but found that some were kept 'privily conceal'd' by planters.⁴³ When the English eventually reached Jamaica, they had thirty-one indigenous people on board, listed in the ships' papers as 'slaves (Indians)'.⁴⁴

In calling the indigenous captives 'domesticks', the English were drawing a legal distinction between indigenous labourers and enslaved bondspeople. As 'domesticks' who had 'lived many years in [the English] families', indigenous dependents were defined not as enslaved people but as consenting servants attached to English households by the quasi-familial ties of service.⁴⁵ Dutch officials readily accepted the principle behind the English argument. Governor Versterre wrote that the English treated the indigenous captives as 'under their families, because they occasionally did some hunting or fishing for them'.⁴⁶ Like the planters, Versterre thus emphasized the consensual nature of the Indians' labour, but he also recognized that even seemingly casual arrangements could enable households to claim a degree of jurisdiction over workers.

The distinction between consenting 'domesticks' and enslaved workers was dangerously unstable in practice. Both planters and indigenous petitioners recognized that the legal nature of subordination in households could move along a spectrum. Seemingly consensual servitude could shift into coercive labour arrangements. Versterre implicitly acknowledged the widespread recognition of such dangers in his complaints about how easily indigenous communities would credit rumours that the Dutch had sold their friends and family into slavery. But rather than reflecting common practices of coercion in

⁴² The National Archives, London (hereafter TNA), CO 278/3, fo. 107.

⁴³ TNA, CO 278/3, fo. 107, 113–116. Versterre accused Cranfield of deliberately hiding the indigenous people 'to be carryed away', in order to provoke a Dutch–indigenous conflict and 'the total ruine' of Suriname.

⁴⁴ TNA, CO 278/3, fo. 119–31.

⁴⁵ On the unstable and contested nature of consent in early modern contractual labour, see Sonia Tycko, 'Captured Consent: Bound Service and Freedom of Contract in Early Modern England and English America' (Harvard University Ph.D. Dissertation, 2019); Sonia Tycko, 'The Legality of Prisoner of War Labour In England, 1648–1655', *Past & Present*, no. 246, issue 1 (Feb. 2020).

⁴⁶ ZA, 2.1, 2035.1 no. 271.

household labour arrangements, the Dutch governor argued that such rumours relied on the ignorance of indigenous communities composed of 'people without reason' who were vulnerable to malicious English manipulation. Versterre suggested that the indigenous workers were truly free but had been easily 'persuaded' to board the ships simply because the English could speak their language.⁴⁷ As well as absolving Versterre from any direct responsibility for the abduction, this framing maintained the illusion that indigenous slavery — formally illegal in Dutch colonies — was not a common practice in Suriname. The argument also mirrored the protests of the English captains, who similarly claimed they were unable to control the actions of free indigenous men and women 'lurking' aboard English ships.⁴⁸ Both Dutch and English colonists were invoking the notion of indigenous consent to obscure how incorporation into planter households had precipitated their subsequent enslavement.

Five years after the departure of the English households and their indigenous captives from Suriname, another legal dispute in 1680 surfaced over attempts by colonists to shift contractual labour into bondage. Again, settlers sought to strategically interpret household or familial obligations as the sinews of bondage. The conflict erupted when a free Arawak man the Dutch called Fatsoentje married an enslaved indigenous woman owned by the new Dutch Governor Heinsius. Fatsoentje chose to live with his new spouse at the Heinsius plantation. He had previously worked for and lived with a merchant named Pieter Roijs, who immediately protested against Fatsoentje's move to the Heinsius household and attempted to forcibly seize him. Roijs claimed the right to control Fatsoentje's movements because of his time spent living and working in the merchant's household. Fatsoentje then lodged a protest against Roijs, declaring that he did not wish to live with Roijs and that he was 'free to go where he wished'. The case landed in court, where Governor Heinsius supported Fatsoentje against Roijs, declaring the latter guilty of 'the theft of a person'. As if echoing Versterre in 1675, Heinsius suggested Roijs had tried to manipulate Fatsoentje's consent by 'promising and convincing him of many things to draw [Fatsoentje] to him and transport the aforementioned [Indian]'.⁴⁹

⁴⁷ 'werden wederom door d'engelschen gepersuadeert aen boort te gaen, doordien d'engelsche natie alle de tael conden spreekken', ZA, 2.1, 2035.1, no. 271. Laddy van Putten and Philip Dikland, (eds.), *Zeeuwse Archivalia Uit Suriname En Omliggende Kwartieren, 1667–1683* (Paramaribo, 2003), 230.

⁴⁸ TNA, CO 278/3, fo. 116.

⁴⁹ ZA, 2.1, 2035.1, no. 394.

Indigenous men and women were hardly passive actors in these legal disputes. Fatsoentje lodged a protest that clearly articulated and defended his right to bodily autonomy. Heinsius made clear that Roij's actions had led to 'anger and discontentment of the Indian nation, who wish to keep their freedom to go and stay where they wish'. Similar acts of deception and theft, Heinsius added, had caused a 'ruinous war' with indigenous groups.⁵⁰ Diplomatic pressure and threats of violent reprisals from Suriname's indigenous population helped to compel Heinsius to support Fatsoentje in court.⁵¹

Here and elsewhere, enslavement of indigenous peoples and Africans did not proceed without challenge. Historians' attention has tended to focus on revolt, and on the way captivity in households set up the conditions of ongoing war between captives and household heads who were, in effect, completing a series of legal actions in warfare by imposing perpetual punishment, in place of death, on captives.⁵² But resistance also took the form of efforts to expose the concealment of enslavement as household servitude. And the movement of households and captives opened opportunities for challenging authority.

In Suriname, opposition to the covert enslavement of indigenous 'domesticks' in 1675 continued long after the English had departed. Governor Versterre expressed his fear of violence if the English were not forced to return the thirty-one indigenous people forcibly transported to Jamaica. Writing to the States General, Versterre warned that unless the Dutch successfully petitioned the English Crown to return the indigenous men and women, it would be 'impossible for our nation to live here any longer'. He furnished sworn statements from Suriname inhabitants that 'friends of the transported Indians would be compelled to revenge themselves on the Dutch nation'.⁵³

⁵⁰ ZA, 2.1, 2035.1, no. 394. 'ongenoegen & discontentement van d'Indiaense Natie die haer vrijheijt begere te houde om te gaen & blijven waer se willen, sijnde dese ende diergelijcke actien van d'Indiaenen te misleijden forceren ende haere goet af te nemen d'oorsake dat wij nu in desen ruineuse oorlogh steecken'.

⁵¹ Carolyn Arena suggests that Heinsius may also have used the incident to discipline the troublesome merchant Roij's: Carolyn Marie Arena, 'Indian Slaves from Caribana: Trade and Labor in the Seventeenth-Century Caribbean' (Columbia University, Ph.D. Dissertation, 2017), 242–3.

⁵² Vincent Brown, *Tacky's Revolt: The Story of an Atlantic Slave War* (Cambridge, MA, 2020).

⁵³ ZA 2035-278; ZA 2035-271.

Indigenous reactions to de facto enslavement also extended beyond the interior of colonies. Local leaders sought to project their power into the Atlantic to counter maritime raiding and abductions by Europeans. Strategic threats of retribution against settler households offered the most effective means of leveraging Native power — countering maritime abductions with raids on outlying plantations and efforts to enable the marronage of enslaved labourers. In demands that the English disembark the indigenous ‘domesticks’ and their subsequent threats of retribution if that did not happen, indigenous leaders demonstrated their familiarity with settler strategies of using households as aids to slaving and enslavement. The same leaders sometimes delivered on their threats. Within months of the English departing Suriname, a local indigenous group killed two English traders, in turn provoking a retaliatory expedition from Versterre. At that point, Dutch–indigenous relations in the colony broke down. By 1678, the Dutch were in an all-out war against a regional coalition of Carib and Arawak groups.⁵⁴

These episodes showcase the tight connections among household property claims, practices of servitude and an emerging regulatory regime of enslavement. Dutch and English settlers used various labour arrangements organized around familial household relationships and contractual agreements to constrict the rights of bonded indigenous labourers and enslaved Africans. In doing so, they actively concealed slavery by covering it with invocations of contract, family and consent. Indigenous inhabitants of Suriname contested such legal obfuscations, articulating their own interpretations of these political and labour relations. Like the resistance of enslaved Africans, indigenous strategies challenged not only the confirmed prerogatives of household heads but also the broader regional system that recognized subordination in households as a form of property.

Conflicts over indigenous ‘domesticks’ point to a complex and permeable boundary between the public and private functions of households in maintaining slavery. Within households, settlers tested and indigenous people challenged various forms of coercion and enslavement. They did so not in a single process of warfare or commodification but as part of a gradual constriction of the legal rights and status of household subordinates. The nature and scope of dominium in

⁵⁴ While this conflict has widely been attributed to tensions between coastal Indian groups and itinerant European traders, it seems likely that those issues meshed with the discontent over the abduction of the thirty-one Indians to Jamaica.

households formed the framework within which the terms of subordination were constructed and disputed. While serving as repositories for captives, households also became catalysts for thickening the institutional medium for the regional regime of slaving and enslavement.

III

HOUSEHOLDS AND VIOLENCE

Disputes about the durability of household heads' dominium and the status of household subordinates took place against the background of a region steeped in raiding and captive-taking. Justifications for inter-imperial violence rested on assumptions about the firm authority and settled property of households. At the same time, debates about households' rights to hold and move captives assumed greater urgency in the context of intensifying inter-colonial mobility and inter-imperial violence. Although the local outcomes of conflict varied, the cumulative effect was to place the rights of slave-owning households at the very centre of an emerging plantation complex.

As we saw in the case of Jamaica, seventeenth-century Caribbean colonies actively sought to lure households and families from other colonies. It was in their interest to create the conditions that would make it possible for householders to retain their rights to command the labour of subordinates, even if it meant, as in Suriname's English families' moving of indigenous captives, blurring distinctions between free and unfree labour. Fierce competition for households drove a degree of legal convergence across the region and reinforced emerging plantocracies, as colonies offered similar packages of land grants, tax incentives and political privileges that particularly rewarded planters with large numbers of household subordinates. Yet boosterism on behalf of household dominium brought its own dangers. Officials worried that the facility for moving property in humans would sap their own colonies and position rivals to gain advantage through further raiding. Inter-island warfare did, in fact, encompass efforts to deplete colonies' capacity to defend themselves by siphoning off or hollowing out households.

These concerns and tactics were on full display when Francis Lord Willoughby, who doubled as Suriname's proprietor and as governor of Barbados and the Leeward Isles in the 1660s, vigorously opposed efforts to make Jamaica the focal point of the English plantation empire in the Caribbean. Willoughby insisted that Jamaica was not suited for planting and 'only good as a garrison place for

men-of-war'.⁵⁵ He decried efforts to resettle families from other colonies as taking 'out of [the King's] right pocket to put into his left', insisting that depopulation would fatally undermine the security and prosperity of the Leeward colonies and Suriname.⁵⁶ Jamaican officials answered by accusing Willoughby of sabotaging their recruitment efforts by transporting planters to his own settlements and advertising generous grants of land and privileges for settler households in Suriname.

In the context of sharpening Anglo–Dutch rivalry, inter-imperial competition for households was intensifying. Crown instructions during the second Anglo–Dutch War advised seizing and 'scattering' Dutch settlers across different English settlements.⁵⁷ After Henry Morgan, sailing with a commission from Jamaica, attacked Saba and St Eustatius, Willoughby led an expedition to Dutch Tobago, and he was undertaking another raid on French settlements in Martinique and Guadeloupe when he was killed in a hurricane. Shortly afterwards, a Dutch fleet raided English settlements across the Caribbean and seized Suriname. Willoughby's deputies put up little fight, quickly surrendering Suriname to the Dutch commander Abraham Crijnsen and agreeing to pay a substantial levy in sugar to his sponsor, the States of Zeeland.⁵⁸ The siege of Fort Willoughby was short lived, but the struggle over Suriname was just beginning. Planter households would be the primary battleground.

The first counter to the Dutch occupation came in the form of violence intended to hollow out the colony's household foundations. William Willoughby, brother of the recently deceased Francis, quickly assembled a force on Barbados and overwhelmed the skeleton garrison Crijnsen had left behind in Suriname. Ostensibly a straightforward reconquest, Willoughby's expedition occupied a complex position on

⁵⁵ 4 Nov. 1663, CSP, vol. 5, 1661–1668, no. 578, at BHO.

⁵⁶ 27–29 June 1664, CSP, vol. 5, 1661–1668, no. 764, at BHO.

⁵⁷ 16 Nov. 1665, CSP, vol. 5, 1661–1668, no. 1079 at BHO.

⁵⁸ The States of Zeeland envisioned Crijnsen's expedition as an ambitious blend of raiding and conquest that would pay for itself by capturing ships and plundering English settlements. Their detailed instructions to Crijnsen ordered him to raid English shipping at Cape Verde, capture or plunder any English colonies in the Guianas, raid settlements in North America and destroy English fisheries in the North Atlantic. Crijnsen returned to Zeeland over a year later having amassed a considerable booty of 345,991 guilders. Wim Klooster, *The Dutch Moment: War, Trade, and Settlement in the Seventeenth-Century Atlantic World* (Ithaca, 2016) 106; Cornelius C. Goslinga, *The Dutch in the Caribbean and on the Wild Coast 1580–1680* (Gainesville, FL, 1971) 397–8.

the spectrum of private violence and itinerant raiding. His force prioritized plunder from the start. Before targeting Suriname, Willoughby sacked the French settlement at Cayenne, where he made no attempt to occupy the colony but instead burned the 'houses and sugar works', dismantled the fort and carried away captives.⁵⁹ After taking Suriname, the fleet returned to Barbados having seized over 600 enslaved people.⁶⁰ Recognizing his privately organized expedition might be on shaky legal ground, Willoughby sought political backing by renouncing his proprietary claim and declaring Suriname a Crown colony. He rightly feared the Crown might give up Suriname as a makeweight in peace negotiations with the Dutch, but his gambit proved ineffective. When news of the Treaty of Breda confirmed the formal end of the Second Anglo-Dutch War and the return of Suriname to the Dutch, Willoughby continued to plot for advantage.⁶¹

Willoughby's main strategy was to weaken the colony by exhorting English households to leave. He sent his son Henry to Suriname to 'use his utmost to bring off the inhabitants and their moveables (which will utterly disable the Dutch to settle it)'. In the meantime, Willoughby stalled and repeatedly refused to relinquish the colony to the Dutch, writing to the Privy Council that he would 'suspend the surrender' until he received explicit royal instructions. Ultimately the Willoughbys' plundering and refusal to acknowledge the peace succeeded in severely damaging the colony. Several of the 'most principle and antient' settler families left Suriname, counting 67 colonists and 412 enslaved people among their households.⁶²

⁵⁹ Major John Scott's *Description of the Guianas*, British Library, London, Sloane MS 3662, fo. 32; 16 Dec. 1667, CSP, vol. 5, 1661–1668, no. 1648, at BHO.

⁶⁰ Suze Zijlstra, 'Anglo-Dutch Suriname: Ethnic Interaction and Colonial Transition in the Caribbean, 1651–1682' (University of Amsterdam Ph.D. Dissertation, 2015) 40.

⁶¹ The Treaty of Breda had been signed two months before the reconquest. Willoughby later claimed he learned of the peace only after returning to Barbados, but the pattern of his expedition suggests he may have known reconquest would be hard to sustain. The treaty confirmed that each side would retain the territories they possessed at the end of the War — meaning the Dutch would keep Suriname and the English would gain New York. Justin Roberts suggests the English chose to follow this arrangement with the Dutch (and not with the other combatants in the war) to reinforce the metropolitan vision of a Caribbean empire centred on Jamaica. Justin Roberts, 'Surrendering Surinam: The Barbadian Diaspora and the Expansion of the English Sugar Frontier, 1650–75', *William and Mary Quarterly*, lxxiii, 2 (2016), 255.

⁶² Zijlstra, 'Anglo-Dutch Suriname', 40. Five households, including the Willoughby plantation, accounted for 75 per cent of the total number of people.

Despite being reprimanded by Charles II for knowingly flouting the Treaty of Breda, the Willoughbys and their allies continued to wage an indirect and undeclared war against Dutch Suriname by trying to force or convince its planters to relocate their households.⁶³ Maritime raiding and household recruitment remained closely related strategies. In one attempt to undermine the colony's security, Willoughby commissioned a former Surinamer called William Nedham to start a conflict with the region's indigenous groups. Posing as a merchant, Nedham cruised the Suriname coastline with secret instructions from Willoughby to inflict horrific violence on any Arawak Indians he encountered. Arguing that Arawaks were under Dutch protection and fearing a regional conflagration, Crijnssen seized Nedham and declared his brutal expedition tantamount to an act of war against Dutch subjects.⁶⁴

Increasingly, the Willoughbys pursued legal and diplomatic avenues as an alternative path to drawing planters away from Suriname. Between 1668 and 1675, a remarkably successful lobbying effort produced a legal dispute that rose to the highest levels of Anglo-Dutch diplomacy and resulted in two Crown-sponsored and Dutch-sanctioned fleets visiting Suriname to transport planters and their households to Jamaica. The dispute centred on the terms by which the English had surrendered to the Dutch and whether they allowed planters to depart with their entire households, including enslaved people and sugar kettles.⁶⁵ For Willoughby and his allies this legal wrangling over the portability of planter households offered a way to wage war by other means against the Dutch. In contrast to their reluctance to

⁶³ 8 July 1668, CSP, vol. 5, 1661–1668, no. 1785, at BHO, 'the King cannot but express his just resentment of the same, and does therefore declare that Lord Willoughby ought not to have anything to do with the colony of Surinam since he had knowledge of the conclusion of the Peace . . . which not having done they have justly incurred his Majesty's displeasure'.

⁶⁴ Zijlstra, 'Anglo-Dutch Suriname', 41. Nedham was instructed to capture any non-Carib indigenous people he encountered, or else to 'beat them to death, and destroy them, at land, and at sea, to take their vessels, sink them, and burn them, or destroy them in another way'.

⁶⁵ On this dispute and the role of capitulations and surrenders in shaping an interpolity legal regime in the Caribbean, see Timo McGregor, 'Making Peace Beyond the Line: Capitulations and Inter-Imperial Constitutions in Suriname and New Netherland, 1664–1675', in Elisabeth Heijmans and Sophie Rose (eds.), *Diversity and Empire: Negotiating Plurality in European Imperial Projects (16th–20th Centuries)* (Routledge, 2023).

tolerate Willoughby's unauthorized raiding, London officials happily supported this strategy, in part because they hoped to transport the planter households to Jamaica.

Competition to attract and control households tested the strength of connections binding households, colonial jurisdictions and imperial sovereignty. The portability of households and the increasing clarity of their claims to property made them a powerful legal instrument for establishing and sustaining settler colonies. But the same qualities made them a potential source of weakness in the foundations of colonial polities. The relocation of households could fatally undermine settlements, sapping their economic and political viability and undermining their capacity to organize and withstand violence. As critical objects of inter- and intra-imperial competition, particularly where they commanded large numbers of enslaved workers, households made and unmade colonies. Willoughby's campaign of disruption in Suriname worked by targeting a relatively small number of households that controlled most of the colony's enslaved people and sugar producing infrastructure. Across the region, similar opportunistic raids, military strikes and diplomatic recruitment drives aimed to destroy or displace the households that formed the legal and economic building blocks of plantation colonies.

Anxieties about households' shallow roots surfaced in debates about balancing private and public interests to ensure colonies' military security. Planters' ability to change the location or affiliation of their households was regarded as essential to regional economies of slaving and enslavement. But mobility rendered household heads' loyalties suspect. Investment in households tied people to the polity, but the same dynamic made households vulnerable, and household heads potentially unreliable, in war.⁶⁶

In extremis, planters would rather preserve their household property and status, some colonists reasoned, than defend the commonwealth. After the English on St Christopher capitulated to a French attack, Francis Willoughby found he could 'not commend the fighting of the planters at all'. The widow of the former governor complained that

⁶⁶ This double-edged quality of households as instruments of imperial ordering mirrors the prize law regime discussed by Nathan Perl-Rosenthal in this volume. The protean and interpolity nature of both household legal politics and prize law simultaneously sustained and attenuated imperial authority. Nathan Perl-Rosenthal, 'An Interpolity Legal Regime in the Eighteenth Century: Procedural Law of Prize'.

‘most of the rich ones valued their money above their God’ and willingly acquiesced to French rule.⁶⁷ For some officials, such as Thomas Modyford, the lack of martial vigour among settled planters justified efforts at maintaining close ties with privateers. But numerous chaotic expeditions suggested that privateers suffered even worse from the corrupting influence of private avarice. Calls to protect private property — preserved and ordered in households — could reinforce legal arguments for violence. The atomization of property in persons in households could also dilute the capacity of public authorities to conduct warfare for imperial ends.

Although conflicts over households pulled in multiple directions, the cumulative effect of these struggles was to structure regional networks of raiding, migration and planter power. Households were both targets and agents of raiding. Their mobility both facilitated and threatened colonial planting. And efforts to protect their authority extended their legal rights across political boundaries while opening new avenues of conflict and resistance. Beneath the froth of continually shifting imperial allegiances, household legal politics flowed into broad currents that gave unity to a politically fragmented and contentious Caribbean world.

IV

CONCLUSION

Historians have already begun to replace a conventional story of discrete phases of Caribbean history, from privateering to plantation complex, with a narrative of the slave regime’s gradual assembly. Elements include the circulation and adaptation of slave codes, divergent effects of strategies by enslaved people to gain freedom and the co-ordinated support for a turn to slavery by metropolitan governments.⁶⁸ Households deserve a prominent place in this new legal history of Caribbean land–sea regimes. The proliferation of households

⁶⁷ 12 May 1666 and 13 May 1666, CSP, vol. 5, 1661–1668, nos. 1204, 1206, at BHO.

⁶⁸ Christopher Tomlins, ‘Transplants and Timing: Passages in the Creation of an Anglo-American Law of Slavery’, *Theoretical Inquiries in Law*, x, 2 (2009); Alejandro de la Fuente and Ariela Gross, *Becoming Free, Becoming Black: Race, Freedom, and Law in Cuba, Virginia, and Louisiana* (Cambridge, 2020); Brewer, ‘Creating a Common Law of Slavery’. Despite the multiple ways the regime was grounded, legal uncertainties continue to pervade some accounts of the rise of slavery. Martti

(cont. on p 23)

facilitated the seizing and holding of captives, and their legal capacities made them instruments for sheltering private property and moving it across colonial and imperial lines. Empowered to convert captives into property, household heads manoeuvred to establish property in captives as a movable right — including moving captives across the seas. The effort placed propertied men in conflict with captives and with an array of officials competing to attract and keep households in efforts to sustain colonial authority and enhance local profits. Imagined as a crucial element in efforts to turn garrisons into colonies, legitimize violence and convert human beings into property, the proliferation of households composed a framework for conflict across the region.

The processes described in this article displayed some novel features while reworking old and well-established tropes and tendencies. Households in Europe had long been recognized as ‘decidedly political’ units in which subordinates’ status and rights remained incompletely defined by relationships of marriage, parenthood and servitude.⁶⁹ In European legal thought and practice, the dominium of household heads constituted a right to limit — although not extinguish — the rights of subordinate members. Even enslaved people retained, in theory, some limited rights, in particular rights flowing from their natural right of self-preservation.⁷⁰ Political theologians building on this edifice associated overseas empires with horizontally distributed rights to hold property, travel and trade. Colonization projects came to be linked, as Martti Koskenniemi has put it succinctly, to the imagination of an ‘empire of private rights’.⁷¹

Yet private rights were not free-floating and individual. They were bundled and collectively managed, and households were fundamental

(n. 68 cont.)

Koskenniemi states, for example, ‘Astonishingly, a racist system of plantation slavery arose in the Atlantic colonies without a clear basis either in the common law, colonial legislation or the *lex mercatoria*’. Martti Koskenniemi, *To the Uttermost Parts of the World: Legal Imagination and International Power, 1300–1870* (Cambridge, 2021), 758. For an account highlighting efforts to regulate the private jurisdiction of planters in the legal politics of abolition, see Benton and Ford, *Rage for Order*, ch. 2.

⁶⁹ Becker, *Gendering the Renaissance Commonwealth*, 2, 9.

⁷⁰ Daniel Severin Allemann, ‘Slavery and Empire in Iberian Scholastic Thought, c.1539–1682’ (University of Cambridge Ph.D. Dissertation, 2020).

⁷¹ Martti Koskenniemi, ‘Empire and International Law: The Real Spanish Contribution’, *University of Toronto Law Journal*, lxi, 1 (2011), 32.

organizing entities. Although often overlooked as elements of the construction of public authority and interpolity law — and certainly downplayed as influential in maritime affairs — households operated at the threshold of private and public realms, and as configurations of power they reached across polities, and also across the land–sea divide.⁷² The exercise of dominium by household heads depended on endorsement by public authority, and the organization of private rights in households helped to compose and fortify public authority, including, as we have seen, the public authority to make war and the exercise of rights to travel and trade. These processes united the politically fractured seventeenth-century Caribbean across land and sea. The flashpoints they produced disrupted differently developing colonies in similar ways.

Traditionally marginal objects of analysis in maritime history, households deserve recognition as modular parts of oceanic ordering. Voyagers knew that the dominium of household heads was reliably durable and potentially flexible. A wide range of historical actors — mariners, sojourners, officials, servants and enslaved people — cultivated membership in households while approaching them as sites of conflict and accommodation. Their legal properties made households key to the articulation of private authority and public power across the terraqueous world.

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⁷² Koskenniemi, *To the Uttermost Parts of the World* highlights the articulation of private rights and public authority but pays little attention to households. On interpolity law, see Lauren Benton, 'Interpolity Law', in Mlada Bukovansky *et al.* (eds.), *Oxford Handbook of History and International Relations* (Oxford, 2024).