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Migrants, Violence, and Discrimination in Early Modern Holland

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ABSTRACT

This study examines the experiences of migrants in early modern Dutch cities, focusing on violence and indications of social tensions in criminal cases from 1680 to 1810. Despite the prevailing notion of harmonious coexistence, migrants, comprising a significant portion of urban residents, faced stigmatization and bias. The research focuses on Amsterdam, Rotterdam, and Leiden, major economic centers witnessing high immigration rates. Whereas existing studies suggest migrants faced similar treatment in courts, this article challenges such notions. It explores tensions and conflicts in violence-related cases, revealing subtle forms of discrimination against immigrants. Through quantitative analysis and case studies, it uncovers differential treatment in the reporting of violence, court sentencing, and procedures. The findings reveal that while the overall patterns of violent crime were similar between local and immigrant offenders, immigrants were disproportionately accused of more serious offenses. Moreover, immigrants faced differential treatment in the judicial system, including harsher interrogation methods, limited opportunities for settlement, and a higher likelihood of expulsion and corporal punishment. The study highlights the complex interplay between immigration, social tensions, and discriminatory practices in early modern Dutch cities. It underscores the need for further research to fully understand the extent of discrimination against immigrants in historical criminal justice systems, advocating for a nuanced approach that combines quantitative analysis with qualitative examination of individual cases.

INTRODUCTION

Dutch early modern cities have long enjoyed a reputation as harmonious societies in which first- and second-generation migrants and native-born residents lived peacefully together.[1] This image is remarkable when one considers that before 1800 migrants made up between 25 and 60 percent of the urban residents in Holland. Their culture, language, and customs were different from those of the locals, and many of them ended up in the poorest layers of

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society. Although nuanced in recent years by research that has stressed the violence and tensions of confessional co-existence, the daily realities of stigmatization and discrimination faced by migrants in early modern Dutch cities remain underexplored.[2] This article uncovers the experiences of these migrants in criminal cases involving violence before the Dutch urban courts between 1680 and 1810.

Whether high levels of immigration lead to violence and conflict between locals and newcomers is a question as relevant for the early modern period as it remains today. Putnam and others claim that present-day immigration might reduce solidarity and social cohesion, leading to distrust, feelings of unsafety and discrimination in neighborhoods.[3] Similar conclusions were drawn in a recent study on contemporary migration and diversity in the Netherlands.[4] Examining five centuries of migration into the Dutch Republic, historians Lucassen and Lucassen distinguish between short-term and long-term attitudes toward immigrants. After their arrival, immigrant groups were often looked down upon, but over time differences between local born inhabitants and immigrants became unidentifiable.[5] There are indications that mass migration did result in serious tensions in everyday urban life.[6] Immigrants were often stereotyped as backward.[7] German labor migrants in the seventeenth century were deemed unreliable drunkards, the French hot-headed, and the English unruly.[8] Research on specific neighborhoods suggests that increasing cultural diversity in the eighteenth century caused increasing conflict, as poor locals in particular saw newcomers as competitors on the labor market.[9] In Amsterdam during the second half of the eighteenth century, these sentiments were aimed specifically at German immigrants.[10] This article will consider the level of violence and conflicts between migrants and locals in Dutch cities as indicators of discriminatory attitudes against immigrants.

Discriminatory attitudes toward immigrants also show up in the treatment of certain groups of migrants by the criminal courts. As of yet, little work has been done on the impact of migrant status in criminal cases before 1800—those scholars who have paid attention to the subject generally suggest that immigrants were treated in much the same way as all offenders.[11] In his work on crime and justice in early modern Amsterdam, Faber observed no differences in either the conviction rates or the punishments given to migrants as compared to locals-born residents. Similarly, Spierenburg claimed that the court of Amsterdam in the seventeenth and eighteenth centuries did not take the origin of the accused into consideration. Examining the lives of migrants in seventeenth-century Amsterdam, Kuijpers cautiously concluded that migrants were only slightly overrepresented among criminals coming before the court.[12]

There are indications that the law systematically discriminated against immigrants across early modern Europe. De Koster and Reinke emphasized the interrelationship between migration and crime as a continuous issue of official concern in Europe from the sixteenth century onward.[13] Research for various regions and periods in Europe demonstrates that distinctions between "insiders" and "outsiders" often resulted in biased policing and criminal prosecution. In most countries, poor migrants were associated with criminal behavior and disrupting public order.[14] The pioneering work of King on London in the eighteenth century demonstrated clear discriminatory patterns toward Irish migrants among those accused of violent crimes, in particular, which reflected wider patterns of stigmatization in society.[15]

The early modern Dutch judicial system was also characterized by inequality. In contrast to Faber and Spierenburg, other scholars have pointed to significant differences in the legal positions of various groups of criminals. Egmond emphasized the fundamental difference between those citizens who were settled and those who were more mobile.[16] Social status

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and citizenship influenced both the sentence and the risk of prosecution; poor people without permanent residence were more likely to be arrested.[17] Two groups were targeted particularly: so-called gypsies and Jews. There is little information on the specific treatment of Jews by the Dutch urban courts, but the studies of Spierenburg and Lucassen have shown that gypsies were treated as a specific category in the legal system.[18] Recent work by Schmidt on women's crime before Dutch courts also indicates that immigrants were overrepresented among those prosecuted. Schmidt suggests that migrant women were overrepresented among the female delinquents in Rotterdam and Gouda in the eighteenth century, and most probably also in Amsterdam and Leiden.[19] Furthermore, recent studies on Rotterdam and Leiden found that female immigrants were more likely to be banished, whereas locals were imprisoned more frequently.[20] A review of the existing literature shows that there is no consensus among historians on the degree of discrimination migrants faced, and no solid conclusions can be drawn as yet.

The aim of this study is twofold: First, we explore signs of social tensions in the criminal cases of violence that came before the courts of Amsterdam, Rotterdam, and Leiden between 1680 and 1810. Second, we explore indications of discrimination in the treatment of immigrants by these courts. These two markers of discrimination are examined through the quantitative and qualitative study of 1303 criminal cases concerning violence before the urban courts. We focus on criminal cases of violence because they can reveal underlying tensions and conflicts between locals and immigrants. Early modern historians often use a rather broad definition of violence, including verbal injury, scolding, and other words intended to cause harm. Schwerhoff has argued that historians should include all forms of violence to understand how and why people were involved in violent disputes. Violence may be seen as an act of aggression that was prosecuted by the courts, but it can also be seen as a means of communication and expression.[21]

This article adopts a broad definition of violence to address questions such as: did conflicts arise due to the origin or ethnic background of immigrants? Are there signs of stigmatization, such as the use of pejorative terms related to one's origin, language, or different customs? Do immigrants express feelings of stigmatization in their testimonials and examinations? And were immigrants prosecuted for different types of violence than local-born residents? By comparing criminal cases on violence committed by local-born and immigrant defendants, it is also possible to uncover patterns of discrimination by the urban courts. Did migrant defendants face distinct forms of prosecution or punishment?

This study focuses on Holland, which was characterized by exceptionally high levels of immigration between 1680 and 1800. The three chosen cities were the largest economic centers of Holland in this period and attracted many migrants (Table 1). The proportion of migrants in these cities fluctuated heavily throughout the period, and each city had its own distinct character. The share of migrants in Amsterdam, an important maritime hub, remained high in the seventeenth and eighteenth centuries. In Leiden, by contrast, the proportion of migrants dropped rapidly at the end of the eighteenth century due to economic decline. At the same time, the growth of the maritime industry in Rotterdam increasingly attracted many male and female labor immigrants, especially in the eighteenth century.

To compare the experiences of migrants with local-born defendants, we distinguish between three different groups: (1) local-born offenders (born within the city they resided in); (2) Dutch immigrant offenders (temporary and permanent urban residents who were born in the Dutch Republic and migrated to a city in Holland other than their place of birth); (3) foreign immigrant offenders (temporary and permanent urban residents, born

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Table 1. Population of Amsterdam, Rotterdam and Leiden and the percentage of migrants in 1700 and 1800.

	Population 1700	% Migrants	Population 1800	% Migrants
Amsterdam	230.000	46	220.000	47
Rotterdam	56.000	31	58.000	43
Leiden	60.000	31	31.000	27

Note: All inhabitants born outside the city were considered a migrant.
Sources: Jan Lucassen, *Immigranten in Holland 1600–1800. Een kwantitatieve benadering, CMG paper* (Amsterdam 2002); Piet Lourens and Jan Lucassen, I*nwonersaantallen van Nederlandse steden ca. 1300–1800* (Amsterdam 1997).

outside the Dutch Republic and migrated to cities in Holland). We distinguish between these groups on the basis of birthplace rather than citizenship status in line with the categorizations used in the sources consulted. The city authorities defined everyone from outside the city as "strangers" and those born outside the city were usually referred to as a "stranger" or "person from outside." For Amsterdam, the sources record defendants as being "from" a place of origin—as such it is not clear whether place of origin as recorded in the source is equal to place of birth, but we assume this to be the case in most instances. Although the word "migrant" was not common in this period, historians of migration generally refer to migrants as all persons moving temporarily or permanently from one place to another, including sailors and soldiers.[22]

The first section looks at the working of the urban judicial system and the use of and access to the courts. We will then compare violent offenses committed by migrant and local-born defendants to explore signs of tension and stigmatization. Finally, to explore discriminatory patterns by the court, we will look at differences in the sentencing of locals, Dutch immigrants, and foreign immigrants.

THE USES OF JUSTICE

In early modern Holland, acts that were punishable by law were prosecuted by urban courts. Justice was administrated by a governing body made up of a public prosecutor, magistrates, and burgomasters (day-to-day administrators). They jointly made local law by adopting ordinances and statutes, whereas the public prosecutor and the judges had the exclusive authority to prosecute and try criminal cases. The public prosecutor was assisted by people who acted as police officers. Public prosecutors and their assistants tracked down suspects, after which the public prosecutor instituted the criminal proceedings. The confession was central to the interrogations since without a confession or sufficient evidence the accused were usually acquitted. During the examination by the public prosecutor, judges could consent to the use of torture during interrogations. After examination in court, the judges decided whether the accused would be convicted and meted out the sentence.[23]

In Amsterdam, Rotterdam and Leiden, the most important court archives are preserved in their entirety. Each city had its own procedures for recording crime as well as its own criminal justice terminology. Amsterdam used justice books (criminal sentences for the seventeenth century), sentence books (criminal sentences that were executed publicly for the eighteenth century), and confession books (confessions from both centuries); Rotterdam used sentence books (criminal sentences), fight books (sentences without a form of trial), examination books (interrogations), and witness books; Leiden used sentence books, confession books, and correction books (sentences without a form of trial).

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The quality, detail, and extensiveness of these recordings varied significantly. The various conflict resolution procedures available in each city, as well as the different levels of access to courts of justice by different residents, meant that violent crime was prosecuted through various different types of courts. Studies on violence in early modern England, France, and Holland have shown that occasionally minor violence is found less frequently in the classic judicial sources, but more often in less well examined sources.[24] In Amsterdam, violence was also prosecuted via the bailiff accounts; in these cases, defendants were not detained and were usually discharged after paying a fine. The information in these accounts is often much less detailed, or even incomplete, compared to the information in confession records or criminal sentences. Those accused in the fight books of Rotterdam usually received a very light sentence as well. The city of Leiden had several distinct procedures, such as separate books for beggars, but the information in these records is often limited to a list of names (and sometimes origin). At the same time, the Peacemaker court of Leiden, which handled small claims, was primarily used by an inner circle of higher middle classes and the urban elite.[25] Social status and citizenship rights determined access to procedures in which defendants received lighter sentences or could redeem their crime. Defendants who were less established in the urban community were more likely to be found in the confession and sentence books, whereas residents with citizenship rights were more likely to be found in bailiff accounts and fight books.[26]

The extent to which groups of defendants of different origin were over- or underrepresented in the prosecution of violent crime is difficult to calculate. Not all the judicial records consulted offer consistent information about the origin of the defendants (see Table 2). The place of birth of defendants was not recorded in more than a quarter of the cases involving violence in Leiden between 1680 and 1790. The proportion of non-local defendants in the records was also influenced by access to justice and legal inequality. In Rotterdam, people from outside the city seem to have been largely excluded from the light criminal procedure that handled violent crime. Consequently, local defendants accounted for the majority of cases in the so-called fight books (75 percent). At the same time, migrants were slightly overrepresented among those documented in the Rotterdam sentence books, which recorded serious violence, such as manslaughter or murder (62 percent of these cases involved migrants). Locals were more likely to have their serious violence handled by lighter procedures or to settle the case, either with the public prosecutor or with the relatives of their victims. In Amsterdam, inhabitants with citizens' rights were much less likely to be detained and more likely to receive a fine for their crime.[27]

Table 2. Accused of violence by origin, 1680–1810.

	Amsterdam	Leiden	Rotterdam fight books*	Rotterdam sentence books
Locals	137 (36%)	150 (40%)	372 (75%)	21 (38%)
Dutch Republic	112 (29%)	66 (18%)	59 (12%)	23 (43%)
Foreign	114 (30%)	37 (10%)	62 (13%)	10 (19%)
Unknown	18 (5%)	122 (32%)		
Total	381	375	493	54

Sources: Judicial Archives Rotterdam, 5-year and 10-year samples of Fightbooks and Sentencebooks, 1680–1810; Judicial Archives Amsterdam, 10-year samples of Confessions books 1680–1810; Judicial Archives Leiden, Sentence books and Confession books, 1680–1790.

* The Rotterdam Fightbooks involved a light procedure that seemed to be mainly aimed at the local established population, and the registers seem to note the origin of the defendants primarily in case of migrant defendants.

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VIOLENCE COMMITTED BY MIGRANTS AND LOCALS

Dutch crime historians generally assume that ethnic or geographical origin did not play a significant role in the cases prosecuted by the criminal courts.[28] On the other hand, there is consensus that urban authorities focused their attention on non-settled populations especially: travelers, beggars, vagrants, and migrants.[29] In their research on German and Dutch female criminals, Kamp and Schmidt conclude that female migrant women were more vulnerable to prosecution than women born in the city.[30] At the same time, migration historian Moch warns against a too one-dimensional view of newcomers as persons who were dislocated and vulnerable to marginal behavior, and who were therefore more likely to turn to crime.[31] Clearly, the proportion of migrants among those prosecuted by the urban courts was partly the result of prosecution policies and not necessarily a reflection of the actual share of migrants in crime.

At first glance, there were few differences between migrants and local city dwellers in Amsterdam, Rotterdam, and Leiden: whether they were born in the city, another town, or outside the Dutch Republic, the patterns of violence seem the same. Migrants were also not clearly overrepresented among the accused of violence in Rotterdam and Leiden 1680–1810, and only a little overrepresented among defendants in Amsterdam during this period.

There was no standardized method of defining the type of violence prosecuted by the courts. Most offenses concerned minor violence, such as hitting, fighting, throwing, maltreatment, violent quarrels, or causing trouble and inflicting damage in public places. Fights often started due to drunken quarrels that got out of hand. Knife fighting was sometimes recorded as an offense, but more often the accusation primarily concerned the injury itself with a knife as a weapon. Although murder and manslaughter rates were much higher in early modern cities than today, these offenses were still the least common forms of violent crime. In Amsterdam, the homicide rate, defined as the annual average of violent deaths in the city per 100,00 inhabitants, was about 9–9.5 between 1690 and 1725. At the end of the eighteenth century, this had declined to about 1 to 2.[32]

Violent conflicts often involved the drawing of a knife and serious injuries caused by knives or other weapons. Although carrying a knife without a holder was prohibited, urban laws did allow the possession of a knife as a means of self-defense.[33] In his work on early modern violence, Spierenburg concluded that "the majority of the male population, walking around the streets of the city and frequenting the taverns, found it necessary to carry a knife for protection."[34] Urban governments enacted laws instructing inn-keepers to take precautions against the occurrence of injuries and fatal brawls. In 1701, an inn-keeper in Rotterdam was not allowed to keep his inn for 3 months because someone was injured in his hostel.[35] The regulations were no different for foreign inn-keepers. A few years later, a German landlady received the same sentence for an incident of knife pulling that took place in her inn.[36] A character from Amsterdam in a 1749 novel complained about strangers dominating profitable enterprises, such as inn-keepers and hostel owners, but there are no indications that immigrant inn-keepers were treated differently by the courts.[37] Fights, brawls, and conflicts that got out of hand were of great concern to urban governments that wanted to keep their cities safe and without disorder. In the seventeenth and eighteenth centuries, Amsterdam enacted new laws against drawing and wounding with knives.[38]

Our examinations of Amsterdam, Rotterdam, and Leiden indicate that outsiders were more conspicuous, and their behavior seemed more closely monitored in cases of serious violence. Migrants were more likely to be prosecuted for murder and manslaughter and the use of knives in fights. In Amsterdam and Rotterdam, more than half of the defendants in

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cases involving murder and manslaughter were born outside the city (between ca. 50 and 60 percent).[39] Foreign immigrants in particular were more likely to be suspected of murder and manslaughter; in Amsterdam, 42 percent of the defendants (11 defendants) were people from outside the Dutch Republic. The data on Leiden are less straightforward, because the records included many offenders whose place of birth was unknown. In most cases, this concerns fugitive offenders. From the cases in which we could identify the origin of the defendant, over 18 percent of all immigrants coming before the Leiden court for violent crimes were accused of murder or manslaughter, whereas only 5–6 percent of local-born offenders were accused of these most serious violent offenses.[40] Those born outside the cities of Holland were clearly overrepresented among the accused for murder/manslaughter. Moreover, the sentences in Rotterdam and Amsterdam mentioned the use of a knife more often when violence was committed by outsiders.[41] A quarter of the migrants prosecuted for violence in Rotterdam were accused of using a knife, compared to only 12 percent of the local-born offenders.

The extra attention to serious violence committed by outsiders is also reflected in the urban legislation. During the eighteenth century, the administration of Amsterdam issued several laws against travelers who troubled other passengers on boats. The accusations involved the drawing of knives and wounding, which would henceforth be punished by whipping or other corporal punishment. One of these laws mentioned soldiers and sailors specifically as people who often caused trouble.[42] Such laws immediately led to the increased prosecution of soldiers and sailors, who were often migrants temporarily staying in town. The Amsterdam defendants accused of violent destruction of property were either sailors or were staying in temporary lodging in an inn or with an acquaintance.[43] The allegations of violence reflected typical levels of actual violence in maritime settings, particularly in transit zones where inns, taverns, and brothels attracted temporary residents who got drunk and became involved in fights. The sentence records show that the maritime cities of Amsterdam and Rotterdam had to deal with frequent violence in harbor neighborhoods. One of many examples is 32-year-old Cornelis, a skipper's servant from the east of the Dutch Republic who had picked a fight and pulled a knife in an inn in Rotterdam in 1745.[44] In Amsterdam, 27 percent of the defendants accused of violence were sailors, working on a ship or working in construction in the shipyard. Those prosecuted for highly aggressive behavior consisted largely of travelers and transients. The high share of outsiders in cases of serious violence was partly related to the reality of maritime cities, but the legislation and prosecution patterns also indicate that greater attention was paid to those who were born outside the city.

SIGNS OF CONFLICTS BETWEEN MIGRANTS AND LOCAL BORN

A second way to measure levels of stigmatization is to look at the extent to which violence and tensions occurred between locals and immigrants. Although Dutch historians generally assume that immigrants were not the victims of systematic discrimination, they do agree that some immigrant populations were stigmatized and excluded, particularly from the end of the seventeenth century when economic growth stagnated. In 1682, the States of Holland warned cities that any resident who left their city would be considered a stranger after a year. Consequently, they could no longer claim urban poor relief or other forms of maintenance.[45] In Amsterdam, outsiders were increasingly excluded from typical immigrant professions in the textile industry.[46] Other cities began to demand a so-called "act of indemnity"

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(surety letters); immigrants had to provide a letter in which their hometown guaranteed payment of poor relief in case of poverty. In order to prevent poor immigrants from becoming financial burdens, Rotterdam and Leiden demanded such letters during the first decades of the eighteenth century.[47] Neighborhood masters increasingly received instructions from urban governments to monitor the entry and accommodation of foreigners—in some cases, these neighborhood masters petitioned the urban government to regulate the settlement of outsiders on their own initiative.[48]

In 1786, German, English, Scottish, and Walloon churches in Rotterdam were only allowed to provide care for those who had lived in the city for more than 2 years and who could show a valid surety letter. Immigrants who did not meet the conditions were considered "strangers" and forced to leave the city under penalty of confinement. Strangers were defined as all those who were not born in the city and who lived or stayed there without approval of the commissionaires of the neighborhood masters.[49] In 1795, four newcomers aged between 18 and 49 years old were found in a ship and immediately banished because they were strangers and therefore "suspicious."[50] Home-owners and neighborhood masters who did not notify the commissionaires about the settlement of immigrants in their houses and neighborhoods were fined.[51]

Instructions given by neighborhood masters in Rotterdam at the end of the eighteenth century demonstrate that they focused their attention on certain groups of strangers. Those deemed a risk included poor immigrants who could not provide for themselves and domestic servants or apprentices who wished to stay in the city after their apprenticeship or time of service. Extra attention was also paid to migrant skippers. In 1796, skipper Jan Duivestein and his wife Maria wished to stay in the city of Rotterdam during his time of service for the magistrates of Nijmegen. They provided a valid security letter and emphasized their connection to the city, stating that Maria had lived in Rotterdam since her childhood. Moreover, their wedding had taken place in Rotterdam. They were allowed to settle, but still regarded as strangers and not as residents. There also seem to have been extra conditions for Jewish immigrants.[52]

The regulations on the settlement of strangers show growing hostility toward migrants from the end of the seventeenth century. There is still very little research on the application of such legislation and manifestations of everyday tensions and stigmatization. Spierenburg's study on Amsterdam is one of the few that considered violence between different urban communities in the seventeenth and eighteenth centuries. On the basis of a number of bylaws issued that outlawed fighting between Christian and Jewish youths, he concluded that such fights occurred frequently in the first half of the eighteenth century. These fights were the result of growing tensions between the two groups, and both Christian and Jewish boys were sentenced to punishments carried out on the scaffold, such as corporal punishment or public display.[53] In 1734, fierce brawls between Christians and Jews even lasted three days before the deputy public officer could successfully intervene.[54] There is no evidence that these fights were part of a larger structural pattern in the cities of Holland. Our examination of the court records of Amsterdam, Rotterdam, and Leiden suggests that violent confrontations between religious groups rarely occurred.

The large majority of cases involved personal violence between two individuals, and only occasionally spontaneous fights or violent quarrels between several men. There are several patterns visible in the prosecution of personal violence between migrants and local city dwellers. The origin of the victims was not traceable in many cases, but the cases in which we did find the origin of both parties suggest that there were several important differences

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between locals and newcomers. People who were born in the city were not often accused of attacking a person or fighting with someone who originated from outside the city. For Leiden between 1681 and 1790, we found only twelve cases in which a person born in Leiden was prosecuted for attacking a foreigner. Most of them had committed other crimes in addition to maltreatment, fighting, or attacking with a knife.[55] In the sample years of the Rotterdam fight books between 1680 and 1810, there was also a small number of individuals identified as from Rotterdam who committed violence against an immigrant. In 1690, an inn-keeper used a pistol against a customer from the north of the Netherlands who stayed at his hostel with his wife. He was sentenced to a fine and the reimbursement of expenses for the victim and his wife.[56] In these cases, there's no doubt about the violence committed and the victims seem to be mainly well-to-do foreigners. Two youngsters from Amsterdam were prosecuted in 1700 for stopping a Jewish man and asking him for his watch or handkerchief. During interrogations, one of them turned out be a notorious fighter and thief.[57] Six years earlier, a man from Rotterdam was fined for hitting a burgher (meaning a person with full citizen rights and typically a member of the highest urban social classes) from another city. Immigrants could only obtain the official status of burgher through marriage or by payment.[58] The attack against the Jewish man seems to be part of a larger pattern of occasional personal violence against Jewish people. Jews are the only group that stand out in cases of aggression by locals against outsiders. An illustrative case is that of 33-year-old Pieter from Rotterdam, who gravely maltreated a Jewish man just because he was a Jew. He was sentenced to 1 month of confinement but released after three weeks.[59]

The low numbers of locals accused of violence against outsiders do not imply that they were less likely to be prosecuted for violent acts in general. On the contrary, local-born offenders from Rotterdam and Leiden formed the largest group among those accused of violence (see Table 2). Their share was smaller in Amsterdam, but here the proportion of immigrants within the total population remained high in the eighteenth century. Local-born offenders were frequently prosecuted for fighting and maltreatment, but their quarrels and fights were not aimed at outsiders. Or at least, they were not often brought to court for committing violence against foreigners. There were exceptions, such as occasional violence against Jewish residents. Usually, the fights and conflicts committed by local-born offenders involved other people who were born in the city. The court records mention numerous conflicts between local-born inhabitants, both men and women, which regularly resulted in serious injuries. Although men were also increasingly accused of domestic violence against their wives, most violence occurred outside the home in public spaces such as within the neighborhood, in the streets of other neighborhoods, or in taverns, inns, and winehouses.[60]

Cases involving people who were born in the city show similar characteristics, suggesting that violence occurred among inner circles of people living in the same neighborhoods who fought their conflicts primarily among themselves. Victims regularly brought these cases to court themselves, accusing their fellow neighbors of disturbances, annoyance, and aggressive behavior. Witnesses often substantiated the complaint and provided evidence to prosecute someone who had troubled neighbors with their disturbing activities. Notorious troublemakers were not only sentenced to a fine or confinement, but also ordered to move out of the neighborhood. In 1730, a woman accused of hitting and scratching another female neighbor was punished with a confinement of 14 days and ordered to move out because of "the quarrel and trouble she made in the neighborhood." The court asked her husband to search for a new home during her stay in prison.[61] Abusers could be released from prosecution through intercession by the victim, family members, or neighbors. After his wife

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complained, 56-year-old Joris was arrested for maltreatment, but released after both his wife and the neighbors had accepted his apologies and his promise of better behavior. On the same day, the court sentenced 55-year-old Arij from The Hague to his choice of confinement in the workhouse or labor in the East Indies. Both men were drunk, arrested for domestic violence, and recidivists.[62]

While local-born defendants rarely came before the court for fighting with immigrants, the latter were much more likely to be prosecuted for violence against both local-born residents and other newcomers. Again, it is hard to provide hard data because in many cases it is not possible to identify the origin of both parties. Nevertheless, the pattern was clear: in the cities examined, we found more cases in which it was evident that migrants targeted either local-born residents (compared to local-born offenders targeting migrants) or other migrants. Local-born victims of violence committed by immigrants were described in many cases as honorable or innocent citizens, or they were representatives of the urban authorities. Brutality and disobedience against city authorities were not accepted from any urban resident, but it seems resistance against the authorities by migrants was more likely to be dealt with through a criminal procedure. Migrants causing trouble in public places or getting into an argument with their boarding housekeepers were regularly held by bystanders, who then alerted the guards or public prosecutor. Sometimes, outsiders were seen as a threat to the honor of local women. In 1750, Arij Pieters from the east of the Netherlands was convicted in Amsterdam for harassing a local widow, and in the same year a fellow immigrant from the east was banished from Rotterdam for the indecent grabbing of a girl.[63] In the latter case, neighbors had come to the rescue of the young female victim, which resulted in an even more violent response from the perpetrator. Migrants were clearly more likely to be prosecuted for aggressive behavior against locals than the other way around.

At the same time, migrants also had their own internal procedures for resolving conflicts. For early modern English towns, Esser concludes that urban authorities left room for separate local and immigrant communities which each had their own forms of conflict regulation. Immigrants from the Low Countries who settled in English towns were called "aliens" or "strangers," just like the newcomers in Dutch towns. At the end of the sixteenth century, hostile pamphlets were written against Dutch immigrants, but Esser warns against too hasty conclusions about violent attacks of English locals against newcomers.[64] She argues that until the beginning of the eighteenth century, immigrant communities in English towns were allowed to have separate social spaces, albeit under the strict supervision of local authorities.[65] In Holland too, immigrants from France, Flanders, England, Scotland, and Scandinavia had their own churches which provided religious services, poor relief (for settled migrants), and other forms of support.[66] The works of Houston and Catterall have shown that the Scots Church of Rotterdam regulated conflicts between members of their religious community, which made up ca. 2 percent of Rotterdam's population.[67] Next to formal religious networks, immigrants built their own systems of mutual support and kin-based networks that offered mediation and conflict resolution.[68] Pieter de La Court, a successful descendant of Flemish immigrants who settled in Leiden, complained about the lack of unity among the urban population because there were so many different nations, languages, religions, and occupations. He became a zealous advocate of a more open and tolerant city with fewer social and legal boundaries between immigrants and the local-born population.[69]

The social inner circles of conflict were also reflected in cases of violence involving migrants; most conflicts arose from quarrels between migrants, or at least these types of violent encounters were prosecuted more often. As noted earlier, in the maritime cities of

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Amsterdam and Rotterdam, fights often occurred in harbor neighborhoods among sailors, soldiers, captains of ships, or other people with port- or war-related occupations.[70] They occurred most often among immigrants. The pattern was often the same: the accused got drunk, got into a fight, and was arrested. Flemish 23-year-old Johanna shared a bottle of wine with a French sailor, but a dispute arose during dancing, resulting in a struggle between her French friend and another East Indies sailor. Johanna was confined to the workhouse for 2 years and then banished forever.[71] Rotterdam neighborhood masters in other areas of town probably handled conflicts among migrants that never reached the court, particularly in the eighteenth century when the focus on poor immigrants, and particularly itinerant groups, increased. Sometimes arguments were simply caused by language misunderstandings. For example, 31-year-old Cornelis from the south of the Netherlands was arrested for arguing with several French soldiers. After investigation by the public prosecutor, it turned out that the argument had arisen because of a misunderstanding, as they did not speak each other's language.[72] In cities full of immigrants from all over Europe, who spoke different languages and had different cultural backgrounds, it is surprising that so few court cases refer to language misunderstandings.[73]

The court cases on violence between migrants and local-born residents in Amsterdam, Rotterdam, and Leiden suggest that there were no evident systematic tensions among city dwellers from different origins. At least, such tensions rarely made it to the criminal court. Local residents and immigrants both seemed to have had their own social-cultural communities and networks, resulting in their disputing, quarrelling, and clashing more often with people within their own social circles and neighborhoods. However, their judicial positions were certainly not equal; newcomers were more likely to be arrested for violence against locals than vice versa.

SIGNS OF TENSION AND STIGMATIZATION

In his work on crime before London's Old Bailey, Peter King offers another method of examining signs of stigmatization against migrants in criminal court cases. King distinguishes between a quantitative approach that measures the discrimination of immigrants by looking at systematic differences in court sentencing, and a qualitative approach that analyses individual micro-histories in order to study the depth of prejudice toward particular immigrants.[74] We will also use these two methods, starting with the latter approach to reveal signs of stigmatization and then looking at the degree of systematic discrimination against immigrants by the courts.

Studies on Dutch farce comedies, plays, poems, and other writings show that migrant groups were often looked down upon, because they did not know the language or the customs of Dutch urban society. In eighteenth-century Antwerp, immigrants with different accents were harassed and sometimes physically attacked by local-born residents.[75] In Holland in the seventeenth and eighteenth centuries, German labor migrants became the subject of many farces, the so-called "*moffenkluchten*," in which they were stereotyped as backward and unreliable.[76] Jews were the most stigmatized group, and were often portrayed as dishonest, cunning, greedy, noisy, and stubborn. Like Germans, they were also depicted in plays as ugly and filthy.[77] The images of certain groups of immigrants were visible in popular culture, but to what extent did these same signs of stigmatization and discrimination appear in cases of violence coming before the court? Did local-born city dwellers express

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negative attitudes or stereotypes toward migrants from outside the Republic or other parts of the Netherlands?

Despite the image of Dutch cities in the seventeenth and eighteenth centuries as tolerant, individual cases suggest that immigrants faced various forms of stigmatization and discrimination. A German immigrant from Hamburg showed his genuine surprise when he was heckled in Amsterdam for being a thief and *mof* (a pejorative term for people of German origin) and responded to his attackers by saying: "this is not a city of fights, but a city of rights." Apparently, he had expected more tolerance and justice in a city like Amsterdam.[78] Court records show otherwise; the stories told by locals and immigrants in their interrogations suggest that immigrants were the victim of stigmatization on a daily basis. Prejudice, negative narratives, and references to an individual's origin were primarily aimed at immigrants from outside the Republic, seldom at those who came from other parts of the Netherlands.

Jews were probably the most prominent victims of daily discrimination, both physically and verbally. The victimization of Jewish people was visible in various ways. First, Jews were sometimes attacked or treated violently just because they were of Jewish origin. Second, Jews were reprimanded as thieves, untrustworthy, and filthy people. In addition, witnesses and defendants referred to Jews using harmful slang names. The most frequently mentioned insult or slur directed at Jewish suspects was "*smous*" (smouch in English). In their statements, some people referred to a "filthy smouch," which clearly demonstrates the pervasiveness of this stereotype. These stigmas were sometimes used by other defendants to accuse a Jew of theft, fraud, or cheating, even absolving themselves of guilt in this way. A sailor from Rotterdam emphasized in his witness hearing in 1770 that he would never sell his products to a Jew, only to Christians.[79] Court records sometimes mentioned explicitly that the accused had done business with Jews, who were active in international trade and the trade of all kinds of small items.[80] Such statements by local-born residents, or migrants from other parts of the Netherlands, reveal prejudices against Jews among Dutch people, as well as how such preconceptions were used by defendants to shift the blame onto someone else. The fact that some accused thought that it would help their court case shows how widely accepted such prejudices against Jewish inhabitants were among the urban population.

The ways in which suspects told stories and used reality to exonerate themselves has been described by Natalie Zemon Davis as "Fiction in the Archives." Narratives about Jews represented not only the defendants' views but also more widely held attitudes.[81] Established Jews who had earned a good income through trade and had built up a solid network were able to defend themselves against everyday discrimination. Local-born city dwellers were sometimes sued by Jewish victims of violence and discrimination, and judges did occasionally convict local-born defendants of these crimes.[82] However, this evidence of everyday stigmatization is probably the tip of the iceberg. Jewish immigrant populations from Spain, Portugal, or Central and Eastern Europe grew rapidly in the seventeenth and eighteenth centuries, particularly in Amsterdam. In 1795, the share of Jews among the Amsterdam population was around 10 percent. They were excluded from the craft guilds and many occupations, in most cities they were denied burgher-rights, and they were discriminated against by law. As the stories in court records show, they were also stigmatized and abused daily.[83]

Immigrants from Germany were often the victims of these prejudices as well. They too were referred to by negative slang names. The most common slang name was *mof*, which was also often used as an alias within the social circles of defendants. For example, a 17-year-old German from Münsterland named Anna, who appeared before the court in Leiden in 1728, was known as "*Anna de moffin*."[84] A common word that was used to refer to young

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German immigrants was *hannekes*, which probably came from the common German first name Johannes. The word *hannes* is still used in Dutch for a stupid or clumsy male person.[85] Like Jews, Germans were often described as filthy and untrustworthy and were confronted with everyday prejudice and bullying. Several German men, referred to only as "*hannekes*," were harassed in 1715 by several Dutch people who tried to force them to have "carnal conversation" with two women. When they refused, the Dutch men pulled their knives while the women scratched them.[86] Another German commander faced discriminatory insults when a Dutch soldier heckled him as "Stupid *mof*, who knows from which country you came."[87] German Ulrich Knaust who had lived in Rotterdam for 16 years was asked to continue walking when he stopped to watch French soldiers in service of Napoleon combing their horses. He replied: "Am I not allowed to walk here, I have lived here for sixteen years."[88] These examples show that Germans experienced negative attitudes from other residents, even when they were settled and had lived in the Dutch Republic for years.

Along with the discrimination of Jewish and German inhabitants, other immigrant groups also faced discriminatory attitudes. French migrants were sometimes called "Savoyard," an offensive slang name for people from the French area of Savoy who came to work as seasonal workers (particularly as chimney sweepers) in Holland. An English wigmaker from London told the public prosecutor that when he visited Leiden people had called him "Savoyard," leading to a fight with the people who scolded him.[89] Others had their wigs violently taken away while walking in the streets, though it is not certain if this form of bullying was targeted at French people only. English and Scottish immigrants were treated negatively or excluded as well. In 1760, George from Liverpool wished to look at typical Dutch dancing in the street, but he was chased away by the dancers.[90] There is still very little known about the treatment of Black residents in early modern cities, but the work of Ponte on Amsterdam shows that a Black community existed from the seventeenth century.[91] Scholars have only recently begun to examine the representation of Black offenders among the accused population in European cities. For eighteenth-century London, King concluded that Black offenders were probably underrepresented, but much more research is needed for firm conclusions.[92] The judicial sources we examined for Holland occasionally reveal discriminatory behavior against individuals with black hair. A 29-year-old servant had attacked a 45-year-old foreman of a brewery, saying "let the black rascal come, I will cut his nose and ears." Here, the word "black" probably referred to his hair color, because he came from Picardie .[93] Two local-born defendants from Leiden were sentenced because they had harassed people in the streets while dressed up in masquerade with blackened faces.[94] We do not know if the action was related to racial discrimination, but 80 years later actors in blackface became a common figure in minstrel shows which depicted Black people as lazy and ignorant.[95]

Clearly, individual micro-studies reveal prejudices toward minorities that are not visible in the overall patterns of violence committed by those who were born in the Dutch Republic.

DISCRIMINATION BY THE COURTS

A final way to measure discrimination is to compare the systematic treatment of migrant and local-born defendants by the courts. Recently, several studies have focused on prejudice against immigrant groups in the judicial system. King found that in eighteenth-century London, the vast majority of migrants were not discriminated against by the criminal court. Irish defendants formed the exception: they were overrepresented among those accused of violence, and they received harsher verdicts and sentences. In his study on Antwerp, Verhoeven also concluded that migrants were both more likely to be the victims of crime, as

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well as more likely to be prosecuted for committing crimes.[96] Our findings on the cases of violence before the criminal courts of Amsterdam, Rotterdam, and Leiden clearly indicate that once immigrants were arrested, they experienced more negative treatment than local-born defendants. However, the pattern of differential treatment by the courts was not the same across all three cities. In our analysis, we have considered several indicators for differential treatment by the courts, including the use of torture during interrogations, a defendant's ability to compensate for confinement with a fine, the use of imprisonment, the use of banishment, and the use of corporal punishments.

The use of torture during interrogations was a common method employed by the public prosecutor to obtain a confession from a suspect in cases of serious crime.[97] The public prosecutor needed formal permission from the judges to order a "sharper examination," and the torture was executed by the official executor (who was paid for his services). Therefore, torture is only traceable in court cases involving serious violence, often in combination with other types of crime, such as theft or adultery. The vast majority of violence prosecution concerned petty violence, and even though quarrels and fights could involve knives and injuries, torture was seldom applied in these cases. Those defendants who were subjected to torture or to the threat of being tortured were guilty of more than just a brawl in a pub, and they persisted in denial even though there was considerable doubt about their innocence.

We only have solid figures on torture for Leiden, and these suggest that immigrants were slightly overrepresented among the defendants who were subjected to torture after their arrest for committing violence. In the period between 1681 and 1790, around 21 percent of violence prosecuted before the Leiden court involved either the threat of torture or its actual use against the defendant.[98] In 77 trials involving violence, court records made mention of torture, and in almost all these cases we could retrieve the origin of the person accused. Migrants were more likely to face torture than locals, as 36 percent of those born outside Leiden had to deal with this form of questioning, compared to 25 percent of local-born offenders. In Amsterdam, torture was not used frequently during interrogations for violent crimes. Twenty defendants officially underwent torture: eleven were migrants, and nine were local-born defendants. Of course, torture could have been threatened during interrogation without a formal and recorded request to the magistrates. Due to a growing aversion against violence in the criminal system, the use of torture decreased over time. By the end of the eighteenth century, torture was seldom practiced in the cities of Holland; the torture cases we found were primarily from the period before 1730.[99]

The degree to which immigrants were able to avoid imprisonment by paying a fine, is a second indicator for differential treatment by the court. Those accused of petty violence (including fights, assaults and insults) were often given the opportunity to settle the case with the public prosecutor outside the records of the confessions and sentences. In these cases, people had committed minor transgressions without aggravating circumstances, the defendants were not detained, and they received only a fine.[100] These settlements were registered in the accounts of the public prosecutor (often called bailiff accounts) who would decide the settlement and amount of the fine. Social status and formal citizenship were decisive factors in determining which people were given the opportunity to settle their case outside of court. As a result, a large proportion of cases that led to a fine are not visible in the records we examined. In the confession and sentence books of Amsterdam and Leiden, local-born and immigrant defendants were almost equally likely to receive a fine, but there were some differences. Whereas the Amsterdam-born accused were slightly more likely to receive a fine than the accused immigrants, in Leiden it was the other way around. These

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figures are difficult to interpret, precisely because we do not know how many cases were settled in the bailiff accounts. Rotterdam forms the exception, because here, minor violence was primarily handled through the fight books, which meant a lighter court procedure without imprisonment, and which included established inhabitants among offenders.

In Rotterdam, local-born inhabitants accused of violence were much more likely to redeem their violent crime through a financial settlement with the public prosecutor. Around 23 percent of local-born defendants (91 individuals) were offered the option of settling the case financially by paying a sum of money. There were various forms of financial settlement. A settlement could take the form of a fine which had to be paid to the public prosecutor, a financial settlement with the victims or with family members of the victims, the payment of the costs of doctors or other professionals who had taken care of the injured person, or the donation of a small amount of money for the urban poor. Twenty-four percent of the local-born defendants from Rotterdam were offered a choice of sentence: they could either spend a number of days or months confined to water or bread or pay a fine. Thus, the majority of local-born defendants prosecuted for violence were able to pay a fine and avoid imprisonment.

Compared to local-born defendants from Rotterdam, immigrant defendants were much less likely to settle their case through compensation. Only a small share of the migrant defendants was offered the chance to settle their cases without the threat of confinement: just 7 percent of those immigrants coming before the court for violence. In addition, their financial settlements were less varied than those of locals. Most of them paid a fine; only some were released after paying the damage done to their victims. Unlike those born in Rotterdam they were never asked to financially contribute to the urban poor, which underlined the court's view of them as outsiders and not as members of the urban community. Their chance to be able to choose between confinement or a financial settlement was almost equal to local-born defendants: approximately 23 percent of them were presented with a choice. But here again, there were important differences between immigrant and local-born defendants: for immigrants, the term of imprisonment was much longer and the amount of money to be paid was much higher than for local-born offenders.

Finally, we compared the sentencing practices of the courts among those convicted for violence. The differential treatment of migrant offenders by the courts of Amsterdam, Rotterdam, and Leiden was clear in various ways. In all three cities, immigrants were more likely to receive banishment penalties than local-born defendants. In Leiden, 56 percent of immigrants convicted for violence were banished, compared to 45 percent of local-born offenders. In Amsterdam, 55 percent of migrants were banished, compared to 39 percent of local-born offenders. The differences were greatest in Rotterdam, where 28 percent of migrants were banished, compared to only 4 percent of those born in Rotterdam. Furthermore, 65 percent of those migrants who had committed serious violence (excluding murder and manslaughter) were expelled from Rotterdam. The courts also seemed to differentiate between internal and foreign migrants—in all three cities the latter group was at greater risk of being expelled than migrants from other places in the Dutch Republic. These findings confirm data by Schmidt and Kamp on Leiden in the period 1610–1810, which suggest that the further away the place of birth the more likely a criminal was to be expelled. In Leiden, 59 percent of all Leiden-born criminals were expelled. By contrast, 77 percent of all those born in Holland, 83 percent of those born in the Dutch Republic, 85 percent of those born in Europe, and all defendants born outside Europe were expelled.[101] Clearly, banishment sentences provided urban authorities with an easy and inexpensive solution for outsiders who caused too much trouble.

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Whereas immigrants were more likely to be banished, local-born offenders were much more likely to receive a sentence of confinement. Over the course of the seventeenth and eighteenth centuries, imprisonment became increasingly important in the Dutch penal system. Between 1650 and 1750, the percentage of prison sentences among convictions by the Amsterdam court fluctuated between 19 and 60 percent.[102] Defendants who were convicted for minor violence were frequently sentenced to confinement for several days, weeks or months, usually described as "on water and bread." As shown above, Rotterdam-born offenders could often avoid this form of punishment through compensation. The differences between immigrants and locals were evident. In Amsterdam, migrants were much more likely to receive a punishment of confinement "on water and bread" than locals. Seventy-one percent of migrant defendants received this sentence compared with only 24 percent of local-born offenders. By contrast, Amsterdam's local-born defendants were much more likely to be confined in the city's workhouses than "on water and bread." Forty-three percent of defendants confined in Amsterdam's workhouses due to violent offenses were local-born offenders, 51 percent were migrants. The patterns were similar in Rotterdam and Leiden. Whereas 51 percent of the Leiden local-born offenders were confined to "water and bread," only 33 percent of migrant offenders received the same sentence. Confinement sentences were less common in Leiden: only 16 percent of local-born offenders were imprisoned in the workhouse, and 14 percent of migrant defendants received a sentence of confinement there. In Rotterdam, 58 percent of local-born offenders were sentenced to imprisonment against 37 percent of migrant offenders. The periods of detention were similar, but the court was clearly more inclined to impose shorter imprisonment sentences on people who originated from Rotterdam. Thus, across the cities of Holland convicted local-born offenders made up a far greater percentage of those who were confined than migrant offenders. The reason is most likely the cost of confining criminals in the city hall and the urban workhouse. Overcrowding in the cities of Holland may have played a role as well. These differences also demonstrate a different attitude toward local-born criminals and outsiders. Cities were more inclined to cover the costs of their own citizens and use municipal resources to reform local-born offenders, than migrant offenders who could return to their hometown.[103]

Finally, immigrant offenders were also treated differently by the court with regard to corporal punishments. The degree of differential treatment was not identical across the three cities examined, but the patterns were clear: immigrants were more likely to receive a corporal punishment than local-born defendants. This excluded death penalties, because in cases of murder or manslaughter local-born offenders were equally likely to be punished with a death sentence. Other serious violent offenses could be punished with (public or indoor) whipping and branding. Those accused of violence were often displayed on the scaffold along with a symbol of their crime, which was usually the weapon.[104] In other cases, the punishment itself would mirror the crime. For example, 25-year-old inland migrant Jaap was publicly whipped on the scaffold and the executioner gave him a cut on his left cheek.[105] A small portion of those accused of violence were sentenced to public display, which was also often accompanied with an object reflecting their crime. The findings on public exhibition are unclear: Leiden-born offenders were seldom sentenced to public exhibition, but Amsterdam-born offenders were put on the scaffold more often than their migrant counterparts. More data on scaffold cases involving violence are needed in order to explain these differences.

The overall picture is clear: compared to local-born offenders, a larger proportion of those born outside the city received a corporal punishment. Furthermore, immigrants were given less opportunity to settle their case financially and were more likely to be tortured and/or banished.

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CONCLUSION

In this article, we explored the daily realities of stigmatization and discrimination of migrants as revealed in the criminal cases of violence before the Dutch urban courts between 1680 and 1810. Although historians generally agree that the urban poor, mobile people, and outsiders were often stigmatized and discriminated against, there is hardly any research on systematic discrimination against immigrants in early modern criminal justice. The lack of research may partly be due to the complexity of disclosing general patterns of prosecution, since there were no standardized systems of prosecution, examination, and punishment in early modern Europe. Individuals' access to various forms of conflict regulation differed per city and region, and each city had its own way of recording violent crime. In criminal justice history, there will therefore always be a "dark number" in the information on violence and discrimination against immigrants.

We therefore examined the evidence from different angles: the patterns of violence committed by local and immigrant offenders; signs of conflict and tensions in cases of violence; signs of the stigmatization of immigrants in examinations; and differential treatment in court sentencing patterns. We combined a quantitative approach, to uncover systematic injustices against immigrants, with a micro-study of individual cases to reveal everyday patterns of stigmatization and discrimination. In his pioneering study on the prosecution of immigrant communities by London's Old Bailey, King concluded that "Both the qualitative and quantitative work . . . indicate that in certain contexts, and in relation to certain types of crime, specific ethnic groups might be seriously discriminated against." We found similar, complex patterns among those accused of violence in early modern Dutch cities.

First, the patterns of violent crime committed by local and immigrant offenders in Holland between 1680 and 1810 were similar: the large majority were accused of minor violence, and immigrants were only slightly overrepresented, if at all. However, immigrants were more at risk of arrest and prosecution when it concerned more serious violent offenses. Their higher share among those committing serious violence was partly related to the transition zones of maritime cities, where many temporary residents drunkenly got involved in fights. But the extra attention paid to the behavior of outsiders also resulted in and was a product of urban laws aimed at outsiders. Second, at first glance there were no clear signs of tensions between those born in the cities of Amsterdam, Rotterdam, and Leiden and those born elsewhere. Most quarrels and fights were fought among local individuals or within immigrant groups, and there appeared to have been separate social circles of conflict. At the same time, outsiders were more likely to be arrested for violence committed against locals and other newcomers. The focus on the perceived troublesome behavior of immigrants in neighborhoods was related to increasing hostility among urban authorities and neighborhood masters toward strangers from the end of the seventeenth century. Furthermore, individual cases of violence reveal the depth of prejudice toward minorities. Jewish and German residents were frequent victims of heckling, offensive slang names, harassment, and negative social attitudes. There are indications that other minorities had to deal with similar interactions. Finally, there are clear indications that after their arrest immigrants faced differential treatment by the urban courts: They were more likely be subjected to torture during interrogations; they had fewer opportunities to settle their case through compensation; they were less likely to be confined and were instead more likely to be expelled from the city; and the court inflicted corporal punishment upon outsiders more frequently.

More research is necessary to come to decisive conclusions on the treatment of different groups by the courts in early modern Holland or other European cities. The combination of

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quantitative research on court records and in-depth study of individual cases is a fruitful way to discover the layered reality of everyday stigmatization and discrimination against immigrants in early modern cities.

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36. Fightbooks Rotterdam, nr. 267, January 4, 1705. There is no data on Rotterdam, but in Amsterdam between 1578 and 1750 ca. 2.000 migrants became an inn-keeper or tavern-keeper: Hell, *De Amsterdamse herberg.*
37. Hell, *De Amsterdamse herberg*, 181–186.
38. Spierenburg, *The Spectacle of Suffering*, 116–117.
39. Sources: Old Judicial Archives Amsterdam , 5061 Archieven van de Schout en Schepenen, van de Schepenen en van de Subalterne Rechtbanken, 10-year samples from Confession books, nrs 269–532; Old Judicial Archives Rotterdam, 5-year and 10-year samples Sentence Books , 1680–1811.
40. Old Judicial Archives Leiden, 0508 Inventary of the Old Judicial Archive of Leiden 1370–1811. I Criminal Justice. 3 Sentence Books 1533–1811; 10 Confession Books 1678–1805; 1681–1790.
41. The court records from Leiden, however, do not follow this same trend and actually show more locals arrested for pulling a knife.
42. Spierenburg, *The Spectacle of Suffering*, 116–117.
43. Old Judicial Archives Amsterdam, Confession books, nrs 269–532.
44. Old Judicial Archives Rotterdam, Fight books, September 14, 1745.
45. Old City Archive Rotterdam (OSA), inv.nr. 1013, Stukken m.b.t. de werkzaamheden van de wijkmeesters en commissarissen van de wijken, 1772–1811; Groot Plakkaatboek, part 3, page 1420, Ordinance of the States of Holland, August 8,1682.
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48. Van Meeteren, *Op Hoop van Akkoord*; Old City Archive Rotterdam (OSA), inv.nr. 1012, Printed ordinance on neighborhood masters and settlement of strangers, 1786; Proposal commissorionaires of neighborhoodmasters to revise the 1786 ordinance on settlement of strangers, 1792–1794.
49. Old City Archive Rotterdam (OSA), inv.nr. 1012, Printed ordinance on neighborhood masters and settlement of strangers, 1786; Proposal commissorionaires of neighborhoodmasters to revise the 1786 ordinance on settlement of strangers, 1792–1794.
50. Old Judicial Archives Rotterdam, Fightbooks, April 29, 1795, 190.
51. Old Judicial Archives Rotterdam, inv.nr. 1028: Register houdende aantekening van ingekomen indemniteitszaken en resoluties genomen door wijkmeesters of burgemeesters, 1743–1806.
52. Old City Archive Rotterdam (OSA), inv.nr. 1028: Register houdende aantekening van ingekomen indemniteitszaken en resoluties genomen door wijkmeesters of burgemeesters, 1743–1806.
53. Spierenburg, *Spectacle of Suffering*, 171–173. Spierenburg also concludes that Gypsies were generally worse off than Jews, as from 1695 they were not allowed to reside in the cities of Holland. Those who did, were publicly whipped, and recidivists were branded and could receive the death penaly.
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58. Old Judicial Archives Rotterdam, Fightbooks, inv.nr. 267, November 26,1690; Maarten Prak, *Citizens, without Nations. Urban Citizenship in Europe and the World, c. 1000–1789* (Cambridge, Cambridge University Press, 2018), 41–60.
59. Old Judicial Archives Rotterdam, Fightbooks, February 16, 1745, March 5, 1745.
60. M. van der Heijden, "Women, Violence and Urban Justice in Holland c. 1600–1838," *Crime, Histoire & Sociétés* 17, no. 2 (2013), 71–100.
61. Old Judicial Archives Rotterdam, Fightbooks, inv.nr. 268, September 30, 1730.
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63. ORA Amsterdam, inventory 5061, nr 409, March 12, 1750; Old Judicial Archives Rotterdam, Fightbooks, February 16, 1750.

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67. D. Catterall, *Community Without Borders: Scots Migrants and the Changing Face of Power in the Dutch Republic, c. 1600–1700* (Leiden/Boston, 2000); R.A. "The Consistory of the Scot Church, Rotterdam, an aspect of civic Calvinism in the seventeenth and eighteenth centuries," *Archive für Reformationsgeschichte* 87 (1996), 362–392.
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69. A. Weststeijn, *De radicale republiek : Johan en Pieter de la Court, dwarse denkers uit de Gouden Eeuw* (Amsterdam, 2013).
70. See also: Catterrall, *Community Without Borders*.
71. Old Judicial Archives Rotterdam, Fightbooks, October 2, 1760, October 7, 1760.
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75. Verhoeven, 'How do these Foreigners blend in," 169.
76. H. Mertens-Westphalen, "De Duitser en de Hollandganger in de kluchten uit de 17e en 18e eeuw," in *Werken over de grens. 350 jaar geld verdienen in het buitenland*, eds. A. Eiynck, et.al. (Assen, 1993); K. Luk, "Ridiculing the Other: The Politics of Humour and Imaging in early modern Dutch moffenkluchten," MA Thesis (Radboud University Nijmegen, 2019).
77. Lucassen and Lucassen, *Migratie als DNA van Amsterdam*, 42–43; I. Nieuwenhuis, *Onder het mom van satire. Laster, spot en ironie in Nederland, 1780–1800* (Hilversum, 2014).
78. Old Judicial Archives Amsterdam, inventory 5061, nr 409, December 23, 1749.
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80. Lucassen and Lucassen, *Migratie als DNA*, 73–97.
81. N. Zemon Davis, *Fiction in the archives: pardon tales and their tellers in sixteenth-century France* (Stanford, 1987); M. van der Heijden, *Women and crime in early modern Holland* (2016), 119.
82. Some examples: Old Judicial Archives Rotterdam, Fightbooks, February 16, 1745; October 2, 1790; Old Judicial Archives Amsterdam, inventory 5061, nr 378, February 20, 1720; ORA Amsterdam, inventory 5061, nr 465, August 20, 1790.
83. Lucassen and Lucassen, *Migratie als DNA*, 73–97; Kuijpers, *Migrantenstad*, 87, 127–128.
84. ORA Leiden, 10 Confession Books, 18-12-1728, page nr. 24; these types of aliases were used throughout the seventeenth and eighteenth centuries. For more examples, see also Jan de Mof, Frans de Moff, Albert de Moff and Jurrie de Mof: ORA Leiden, 10 Confession Books, 02-02-1637, page nr. 5; ORA Leiden, 10 Confession Books, 07-12-1666, page nr. 8; ORA Leiden, 10 Confession Books, 06-03-1708, page nr. 8; ORA Leiden, 10 Confession Books, 05-05-1797, page nr. 4.

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85. K. Mulder, *Hannekemaaiers en Kiepkerels* (Gorredijk, 2019); H. Mertens-Westphalen, "De Duitser en de Hollandganger in de kluchten uit de 17e en 18e eeuw," 52–59.
86. ORA Leiden, 10 Confession Books, 29-01-1715, page nr. 8; ORA Leiden, 10 Confession Books, 29-01-1715, page nr. 7.
87. ORA Leiden, 10 Confession Books, 26-05-1785, page nr. 8.
88. ORA Rotterdam, Examenboek, 28-10-1810.
89. An example: ORA Leiden, Pieter Martijnse, 1732.
90. ORA Rotterdam, Fightbook, June 9, 1760.
91. M. Ponte, "'Al de swarten die hier ter stede comen' Een Afro-Atlantische gemeenschap in zeventiende-eeuws Amsterdam," *Tijdschrift voor sociale en economische geschiedenis* 15 (2019), 33- 62.
92. King, 'Immigrant communities," 12.
93. ORA Leiden, 10 Confession Books, 25-07-1724, page nr. 34.
94. ORA Leiden, 10 Confession Books, 17-02-1780, page nr. 2; ORA Leiden, 10 Confession Books, 17-02-1780, page nr. 1.
95. For blackface in the Netherlands, see: E. Koning, 'Zwarte Piet, een blackfacepersonage," *Tijdschrift voor geschiedenis* 131 (2018) 551–575. The use of blackface in the Netherlands seems to be even older, however, since it is already used in a Dutch farce from 1642 on a German immigrant whose face is painted black as part of a ruse and who the other character then laughs at and calls 'you, youngest of the moors, to play Twelfth day with," see: K. Luk, "'Waerom hebje men swart emaeckt?' Humor en de beeldvorming van de Duitser in de Klucht van de Moffin (1642)," *Ex Tempore* 38, no. 1 (2019), 118–131.
96. King, 'Immigrant communities," 25; Verhoeven, 'How do these Foreigners blend in?," 163.
97. Spierenburg, *Spectacle of suffering*, 9.
98. This included all cases, also those with clear information on the origin of the defendants.
99. For the evolution in the decline and abolishment of torture see: Spierenburg, *Spectacle of suffering*, 188–190.
100. M. Hell, "De vrede verstoord. Oproer en repressie 1500–1578," in *Waakzaam in Amsterdam: hoofdstad en politie vanaf 1275*, publ. P. de Rooy (Amsterdam, 2011), 79; Faber, *Strafrechtspleging en criminaliteit te Amsterdam*, 260–267; Schmidt, *Prosecuting Women*, 52.
101. A. Schmidt and J. Kamp, "Excluding the unwanted? Banishment in early modern cities: Frankfurt am Main and Leiden in the 17th and 18th centuries," Unpublished paper presented at the Urban History Conference Helsinki 2016. Published in Dutch: "Eruit! Verbanningen als straf voor crimineel gedrag in Leiden en Frankfurt, 1600–1800," *Stadsgeschiedenis* 17, no. 1 (2022), 1–22.
102. P. Spierenburg, *The Prison Experience. Disciplinary Institutions and their Inmates in Early Modern Europe* (Amsterdam, 1991), 157–158.
103. B. de Munck and A. Winter, "Regulating Migration in Early Modern Cities: An Introduction," in *Gated Communities*, 1–22; Spierenburg, *The prison experience*, 120; Schmidt and Kamp, "Excluding the unwanted?"
104. See also: Spierenburg, *Spectacle of suffering*, 66–77.
105. ORA Rotterdam, Sentence book 252, August 12, 1700, April 21, 1704. After the scaffold punishment, he was first confined for four years in the workhouse and then sent to the East Indies.

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