

Creating an Orderly Society:  
The Regulation of Marriage and Sex in the Dutch Atlantic World, 1621-1674

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## ABSTRACT

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Historians have long connected the emergence of the early modern state with increased efforts to discipline populations. Allying with religious authorities to monitor private lives, states sought to limit sexual activity to marriage and to support patriarchal authority in order to create orderly societies and obedient subjects. Governments legitimated their increased intrusions into people's lives by arguing that it was their responsibility to bring about moral reformation in their subjects, but their new interest was also rooted in achieving more direct control over individuals for the purposes of preventing crime and disorder, rationalizing tax collection, eliminating legal pluralities, and inculcating military discipline.

This dissertation argues that the same motives that informed the policies of emerging states in this period lay at the heart of the Dutch West India Company's marriage regulation during its brief existence from 1621 to 1674. Company representatives sought to institute and enforce strict marriage discipline upon their colonists, soldiers, sailors, conquered subjects, and indigenous allies in order to transform them into proper subjects and to extend Company governance over vast, new territories. Like the centralizing states of the early modern period that justified their increased power by arguing that they were reforming their subjects, the West India Company responded to potential critics of their state-like power and their sovereign authority with the same rationale.

Company efforts to regulate marriage and sex were, however, challenged by the existence of overlapping jurisdictions emerging both from the Dutch Republic's own tradition of legal plurality and from the existing institutions of conquered European populations and indigenous allies. Whereas emerging absolutist states were able to either gain the cooperation of or eliminate institutions with competing claims to authority, examining the conflicts over marriage regulation in the Dutch colonies shows that the West India Company failed in its efforts to tame competing institutions and bring them under its authority. Looking at the Company's governance through the lens of its marriage and sex regulation, therefore, upends traditional understandings of the Company as a trading enterprise and suggests that its directors were engaged in the process of state formation. It also suggests a novel way to understand the Company's repeated setbacks and ultimate failure in 1674. Despite its claims to absolute authority and its efforts to negotiate and secure this authority, competing institutions never acquiesced to Company jurisdiction.

## Contents

Acknowledgments.....	ii
Dedication.....	iv
Introduction.....	1
Chapter One: ‘more & more they marry together’: Confessionally Mixed Marriages in the Dutch Atlantic World.....	43
Chapter Two: ‘as if Brazil is to be the sewer to which the fatherland expels its garbage’: Marriage Regulation and the West India Company’s European Subjects.....	80
Chapter Three: ‘Finding ourselves to be damaged in the utmost in the matter of religion to yield to the Catholics’: The Institutional Struggle for Control of Marriage.....	140
Chapter Four: ‘our Dutchmen run after them very much’: The Dutch Encounter with Native Americans.....	177
Chapter Five: ‘every slave shall have his own wife’: The Abandonment of the Slave Community.....	217
Conclusion.....	243
Bibliography.....	251

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## Introduction

In 1637, Jacob Cats, the famous Dutch moralist, published his *Proefsteen van de Trou-ringh* [Touchstone of the Wedding Ring], and it, together with his other works on marriage and morals, became among the most popular in the 17<sup>th</sup> century Dutch Republic.<sup>1</sup> In *Trou-ringh*, Cats gathered accounts of marriages from the Bible, antiquity, and more recent history and then provided commentary on them in the hope of teaching his readers – particularly the women – how to behave before and within marriage. Cats composed his works using simple language and often relied on pictures in order to capture the largest number of readers. As several historians have noted, Cats aspired to nothing less than a transformation of Dutch society by giving it a proper foundation in sexually disciplined individuals and orderly families.<sup>2</sup>

In the same year that *Trou-ringh* appeared, Johan Maurits, the celebrated governor of Dutch Brazil, arrived to take up his position in that colony.<sup>3</sup> In a bid to make Brazil profitable, the West India Company (WIC) hired Maurits, the count of the German principality of Nassau-Siegen, to continue its military offensives against the Spanish and

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<sup>1</sup> According to Cats' publisher, 300,000 copies of his works had been published by 1655, and his books were almost as popular as the *Statenbijbel* (1637), the Dutch language Bible, Benjamin B. Roberts and Leendert F. Groenendijk, "Wearing out a pair of fool's shoes?: Sexual Advice for Youth in Holland's Golden Age," *Journal of the History of Sexuality* 13, no. 2 (Apr., 2004): 139-156, 141.

<sup>2</sup> Roberts and Groenendijk, "Wearing out a pair of fool's shoes," 150-1; Simon Schama, *The Embarrassment of Riches: An Interpretation of Dutch Culture in the Golden Age* (New York: Knopf, 1987), 398-401; Agnes Sneller, "Reading Jacob Cats," in *Women of the Golden Age: An International Debate on Women in Seventeenth Century Holland, England and Italy*, eds. Els Kloek, Nicole Teeuwen, Marijke Huisman (Hilversum: Verloren, 1994), 21-34,

<sup>3</sup> For more information on the career of Johan Maurits, see the articles in E. van den Boogaart,, Hendrik Richard Hoetink, and Peter James Palmer Whitehead, eds., *Johan Maurits van Nassau-Siegen, 1604-1679: A Humanist Prince in Europe and Brazil: Essays on the Occasion of the Tercentenary of his Death* (The Hague: Johan Maurits van Nassau Stichting, 1979).

to create the political order necessary for a profitable colony. Among other reforms, Maurits introduced the marriage laws of the Dutch Republic “to restrict the unbridled lust and connubial license practiced” in Brazil.<sup>4</sup> Maurits’s actions reportedly “turned more people into decent citizens than he had found before his arrival,” and the “morals” that “had been destroyed and buried underground now returned to town and country.”<sup>5</sup>

At precisely the moment the WIC was at the height of its powers and was involved in a project to reorder its conquered territory, Cats and the many people who purchased his books were concerned about ensuring order in Dutch society. Yet, despite being concerned with the apparently similar goals of societal transformation through moral reformation, the West India Company’s efforts to build new societies overseas have never been investigated within the context of the Dutch effort to reform society at home. This dissertation argues that the Dutch West India Company used marriage and sex regulation to discipline its colonial population and turn them into the obedient subjects who would provide a foundation for an orderly state. Rather than understanding the West India Company as engaged solely in trade, this dissertation suggests that the Company followed the model offered by the emerging states of Europe, which relied upon increased social control and social discipline to support their centralizing objectives.

Marriage and sex in the Dutch Atlantic world have not been subjects of sustained investigation. The few historians who have turned their attention, however cursorily, to marriage and sex in the Dutch colonies have generally offered two different arguments

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<sup>4</sup> Caspar van Baerle, *The History of Brazil under the Governorship of Count Johan Maurits of Nassau, 1636-1644*, trans. Blanche T. van Berckel-Ebeling Koning (Gainesville: University Press of Florida, 2011), 47. Maurits also reformed marriage for the Portuguese population, forcing them to enter civil marriages before celebrating in the Catholic church, and he introduced efforts to “restrain the illicit sexual activities of female Negroes,” 67-68.

<sup>5</sup> Van Baerle, 49.

about the WIC's approach and its ability to enforce its visions of proper marriage and sexuality. Neither, I will argue, is adequate. One group of historians suggests that the WIC either made little effort to make marriage and sexual relations conform to Dutch ideals or in any case failed to impose order. Another group has, in contrast, argued that marriage and sex were well regulated and that sexual norms more or less conformed to standard Dutch behavior.

In his 1957 history of Dutch Brazil, C.R. Boxer provided what is probably the dominant narrative of the first type. According to him, Dutch women in the colonies were "apt to take to drink, cuckold their husbands, and neglect their children." He reasoned that the absence of "better" Dutch women drove Company soldiers and officials into marriages with more appropriately behaved Portuguese Catholic women, which, in turn, contributed to the loss of the colony, when these men eventually switched allegiances from the Dutch to the Portuguese.<sup>6</sup> The morals of the Company's representatives come off no better in Boxer's account, as Johan Maurits is reported to have taken the daughter of a local minister as his mistress and then left her for the daughter of a local garrison commander.<sup>7</sup> Boxer made no attempt to form these anecdotes into a coherent argument about why the WIC would have tolerated such behavior, thus leaving us uncertain about whether such violations of "Dutch" norms occurred because the WIC was uninterested in these matters or was simply unable to govern on such a local level. He nevertheless conveys the impression that Brazil's colonists were not subject to a great deal of regulation and that they could decide for

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<sup>6</sup> C.R. Boxer, *The Dutch in Brazil, 1624-1654* (Oxford: Clarendon Press, 1957), 130.

<sup>7</sup> Boxer, *The Dutch in Brazil*, 127-8.

themselves how to marry or not marry, how to cohabit or not, and how to manage their own sex lives.

Other histories of Dutch Brazil have followed Boxer in this regard. Typically, they offer some anecdotal evidence that suggests regulations either did not exist or were not enforced, without explicitly arguing that the WIC or its colonial governors were consciously ignoring marriage and sexual behavior. For example, José Antônio Gonsalves de Mello, the Brazilian historian of the Dutch colony, mentions that there were problems with prostitution in the city of Recife and argues that the overcrowded conditions in the city contributed to that problem as well as the prevalence of illegal cohabitation.<sup>8</sup> Histories that focus on Dutch-Indian relations lend further support to the idea that sexual activity was only lightly policed. Allen Trelease argues that the presence of a large number of unmarried Dutch men and Indian women as well “as loose social control” on both sides contributed to mixed relationships.<sup>9</sup> Paul Otto has made the same argument.<sup>10</sup> In F.L. Schalkwijk’s history of the Reformed Church in Brazil, he writes, “there was no lack of sexual liaisons among all these different groups [Dutch, Portuguese, indigenous, and African] within the general population. Most were casual

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<sup>8</sup> José Antônio Gonsalves de Mello, *Nederlanders in Brazilië (1624-1654): De invloed van de Hollandse besetting op het leven en de cultuur in Noord- Brazilië*, trans. G.N. Visser (Zutphen: Walburg Pers, 2001), 96-8.

<sup>9</sup> Allen Trelease, *Indian Affairs in Colonial New York: The Seventeenth Century* (Ithaca: Cornell University Press, 1960), 172.

<sup>10</sup> Paul Otto, *The Dutch Munsee Encounter in America: The Struggle for Sovereignty in the Hudson Valley* (New York: Berghahn Books, 2006), 139.

and of short duration, but legal marriages did occur.”<sup>11</sup> Although these scholars provide no analysis of official WIC policy or efforts to regulate these matters, their comments leave the reader with no choice but to conclude that the WIC was uninterested in regulating marriage and sex.

We have, however, two recent works that have suggested that marriage was better regulated than the preceding accounts suggest. In his history of New Netherland, Jaap Jacobs sought to revise the traditional narrative that described the colony as a mere trading post and to show that life there bore a greater resemblance to the situation in the Dutch Republic. As part of this effort, he argued that marriage and sex were indeed well regulated, at least as far as the colony’s European population was concerned.<sup>12</sup> Most recently, Danny Noorlander has argued that the Reformed Church was much stronger in the colonial world than was previously understood and that it and the Company frequently cooperated and supported one another’s aims. As part of his evidence for this claim, he shows that the classis in Brazil was extremely active in investigating sexual transgressions and that the government often punished those that the ministers accused.<sup>13</sup>

Drawing upon the fields of the history of marriage, of social disciplining, of trading companies, and of religious tolerance, this dissertation argues that marriage regulation played a much more significant role in the WIC than either of these groups of historians have recognized. It is insufficient to suggest that marriage was better regulated

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<sup>11</sup> F.L. Schalkwijk, *The Reformed Church in Dutch Brazil, 1630-1654* (Zoetermeer: Boekencentrum, 1998), 49

<sup>12</sup> Jaap Jacobs, *The Colony of New Netherland: A Dutch Settlement in Seventeenth Century America* (Ithaca: Cornell University Press, 2009), 226-33.

<sup>13</sup> Danny Noorlander, “Serving God and Mammon: The Reformed Church and the Dutch West India Company in the Atlantic World, 1621-1674,” unpublished dissertation, 2011, 216-21.

than was previously understood or that moral and religious concerns were compatible with or even supported the Company's objectives. Instead marriage and marriage regulation should be understood as one of the WIC's most potent tools for extending its authority over both its own employees and colonists and over its conquered or allied populations.

Governments in the Middle Ages had certainly been concerned about the morals of their subjects, but 16<sup>th</sup> and 17<sup>th</sup> century people faced unprecedented pressure from the church, the state, and often their fellow citizens to behave according to a new standard.<sup>14</sup> During the Reformation, Protestants proposed a radical reconceptualization of the status of marriage and its importance for society. While the Catholic Church had claimed to hold marriage in high esteem, its celebration of virginity, according to the reformers, caused a great deal of sin and disorder. In numerous tracts attacking the Catholic understanding of marriage, reformers argued that their opponents' position on marriage led to prostitution, fornication, concubinage, and sodomy because people could not live up to their vows to remain celibate. Despite Catholic claims that marriage was important, reformers continued, Catholics allowed people to enter into it without parental consent or community oversight and to dissolve it to enter religious life, which created further disorder as accepted hierarchies were disrupted.<sup>15</sup> The reformers proposed to remedy the

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<sup>14</sup> For the argument that the Middle Ages had been concerned about moral regulations, see Kent Greenfield, *Sumptuary Law in Nürnberg* (Baltimore: Johns Hopkins University Press, 1918), 9-10; Joel Harrington, *Reordering Marriage and Society in Reformation Germany* (Cambridge: Cambridge University Press, 1995), chapter 2; Shannon McSheffrey, *Marriage, Sex, and Civic Culture in Late Medieval London* (Philadelphia: University of Pennsylvania Press, 2006), chapter 6.

<sup>15</sup> Steven Ozment, *When Fathers Ruled: Family Life in Reformation Europe* (Cambridge: Cambridge University Press, 1983), 1-9; John Witte, Jr. *From Sacrament to Contract: Marriage,*

societal disorders and the rampant sin that they believed were rooted in the Catholic Church's inconsistent teachings about sexuality by raising the status of marriage. Expanding upon an idea first proposed by the Christian humanist Erasmus in *Encomium Matrimonii* (1497) - that marriage and virginity might be of equal status – the reformers argued that marriage was, in fact, the ideal state and that it was the duty of each individual to marry.<sup>16</sup> Accompanying this enthusiasm for marriage was, however, a growing intolerance for sex outside of marriage. Because the reformers condemned celibacy, they lost patience for lapses in self-control, which were characterized as both sinful and threatening to the social hierarchy.

The elevated status of marriage trumpeted by Protestant reformers accorded well with existing ideas about marriage, sexuality, and patriarchy in artisan and elite households, and the growth of Reformed Christianity in Europe can be tied to its “sacralization” of existing values.<sup>17</sup> At the same time that reformed teachings about marriage attracted support to the reformed cause from middling and elite households, these teachings also helped to popularize beliefs that had been confined to these groups and extend their influence to new people. Prior to the Reformation, guilds made marriage both a condition for becoming a master and a sign that master status had been attained.

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*Religion, and Law in the Western Tradition* (Louisville, KY: Westminster John Knox Press, 1997), 47-53.

<sup>16</sup> For humanist ideas about marriage, see Claire Carlin, “Perfect Harmony: Love and Marriage in Early Modern Pedagogy,” in *The Art of Instruction: Essays on Pedagogy and Literature in Seventeenth Century France*, ed. Anne L. Birberick (Amsterdam: Rodopi, 2008), 201-224; Edmund Leites, “The Duty to Desire: Love, Friendship and Sexuality in Some Puritan Theories of Marriage,” *Journal of Social History* 15, no. 3 (1982): 383-408.

<sup>17</sup> Lyndal Roper, *The Holy Household: Women and Morals in Reformation Augsburg* (Oxford: Oxford University Press, 1989), 27. For the connection between patriarchy, householders, and city government in the late Middle Ages, see McSheffrey, *Marriage, Sex, and Civic Culture*, 138.

They also tried to keep apprentices and journeymen unmarried and obedient to household government. Many master craftsmen felt the Catholic Church's celebration of celibacy and tolerance for prostitution and fornication undermined their authority by lending credibility to the disorderly practices of their unmarried workers.<sup>18</sup> With the Reformation's rejection of celibacy and its emphasis on the patriarch's duty to regulate the sexuality of his dependents, the master craftsmen's vision of orderly, disciplined workers received new support.

Together with the new Reformation teachings about marriage and the craft tradition of valuing marriage, the growing popularity of humanism in elite circles contributed to the higher status of marriage and its increasing regulation. Humanists of the 15<sup>th</sup> and 16<sup>th</sup> centuries taught that the active life – engagement with the world – rather than rejection of it was the proper calling for a man.<sup>19</sup> The new qualities attached to manhood replaced the ideal of celibate, monastic living with the new figure of the patriarch who contributed to civic projects and maintained discipline among his dependents.

The reformers worked to teach and impose their beliefs about marriage and sexuality through “church discipline,” a program of moral reform through consistory courts and house visitations.<sup>20</sup> Through these institutions, the reformers sought to

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<sup>18</sup> Roper, *The Holy Household*, 17-20.

<sup>19</sup> Charles Nauert, *Humanism and the Culture of Renaissance Europe* (Cambridge: Cambridge University Press, 1995), 56-7.

<sup>20</sup> Church discipline is discussed in Martin Ingram, *Church Courts, Sex, and Marriage in England, 1570-1640* (Cambridge: Cambridge University Press, 1990); Robert Kingdon, “The Control of Morals in Calvin's Geneva,” in *The Social History of the Reformation*, eds. Lawrence Buck and Jonathan Zophy, (Columbus: Ohio State University Press, 1972), 3-16; Herman



monitor people's behavior and transform it. In Amsterdam, the city with the best studied church court in the Dutch Republic, church discipline was brought to bear on people who entered religiously mixed marriages, prostitutes and their clients, fornicators, those who had sex after engagement but before marriage solemnization, those who illegally broke off engagements, adulterers, and bigamists.<sup>21</sup> Because the church possessed no coercive power in the Dutch Republic, discipline in the church context consisted of private admonition to behave better, or if the matter was severe and ongoing, a public rebuke after the Sunday service, and in the worst cases suspension from Communion and excommunication.<sup>22</sup>

In addition to church discipline, the ministers of the Dutch Republic's Reformed churches often cooperated with local civil authorities in efforts to modify popular behavior. The ministers complained to local authorities about sexual misbehavior on a regular basis, and while their arguments were not always accepted, their constant pressure did help, according to Herman Roodenburg, "bring about a tightening up of behavioral norms" that went beyond church members to encompass the wider population.<sup>23</sup> The defeat of the Remonstrant party at the Synod of Dort in 1618 lent further support to the orthodox Calvinists and their calls for reform. The victorious Counter-Remonstrants introduced what historians have called the "Further Reformation," a movement to

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Roodenburg, *Onder censuur: de kerkelijke tucht in de gereformeerde gemeente van Amsterdam, 1578-1700* (Hilversum: Verloren, 1990).

<sup>21</sup> Roodenburg, *Onder censuur*, chapters 4, 6, and 7.

<sup>22</sup> Roodenburg, *Onder censuur*, chapter 3.

<sup>23</sup> Frijhoff and Spies, *1650: Hard Won Unity*, 361.

suppress anything ungodly in society, including the sins of drunkenness, Sabbath breaking, and sex outside of marriage.

These calls for moral reform, while often initiated by the Reformed Church, reflect beliefs that were much more widely held. Many early modern people, including those outside of church hierarchies, believed that violations of biblical injunctions against sex outside of marriage would, if left unpunished, provoke God's anger.<sup>24</sup> For example, Amsterdam's 1580 ordinance forbidding prostitution notes that the city council felt the ordinance was necessary "in order not to expose them [the council] and their subjects to the anger and punishment of God, which many Biblical and secular histories recount [as punishments for prostitution]."<sup>25</sup> Herman Roodenburg has even suggested that church discipline was often simply reinscribing and confirming the norms of ordinary people rather than introducing new attitudes.<sup>26</sup> While it was a widely held belief throughout early modern Europe that sin would attract divine retribution, Simon Schama has argued that Dutch people in particular understood that the reason their revolt against Spanish rule had succeeded was that they were God's new chosen people. In order for their successes – and their independence from Spain – to continue, they needed to maintain a godly society.<sup>27</sup>

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<sup>24</sup> Alexandra Walsham, *Providence in Early Modern England*, (Oxford: Oxford University Press, 1999), 135-141.

<sup>25</sup> Hermanus Noordkerk and Johan Pieter Farret, *Handvesten; ofte privilegien ende octroyen mitsgaders willekeuren, costuimen, ordonnantien en handelingen der stad amstelredam (te Amstelredam: by hendrik van Waesberge en Salomon en Petrus Schouten, 1748-1778)*, vol. 2, 572.

<sup>26</sup> Roodenburg, *Onder censuur*, 277-8.

<sup>27</sup> Schama, *Embarrassment of Riches: An Interpretation of Dutch Culture in the Golden Age* (New York: Knopf, 1987), 381.

Such social conditioning via religious reform not only served the interests of the Reformed Church, it also supported proponents of state power. At the same time that the Reformed Church in the Netherlands instituted a more severe disciplinary regime, early modern states were behaving similarly, introducing “social disciplining,” and unlike church discipline, which in the Dutch Republic applied only to church members, the state’s discipline was – or aspired to be – universal.<sup>28</sup> According to Gerhard Oestreich, social disciplining was rooted in a new political philosophy, neo-stoicism, which claimed that a disciplined, obedient population was central for accomplishing state building aims, and, in particular, for building a stronger military that could defend the state’s territorial integrity.<sup>29</sup> This philosophy suggested that people needed to control their passions, but also that states – for the good of society and to support centralization and territorial expansion – needed to intervene to ensure that people did so.<sup>30</sup>

Reformation teachings echoed this neo-stoic philosophy and lent further support to its claims by emphasizing the idea that household discipline supported the social and political order by subjecting potentially disorderly people to household government and by teaching children and dependents respect for authority. The New England Puritan

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<sup>28</sup> Twelve to eighteen percent of the population were members of the Reformed Church in 1600, and by 1650, about thirty-seven percent of the population had joined the church, Noorlander, “Serving God and Mammon,” 32.

<sup>29</sup> The German historian Gerhard Oestreich introduced the concept of “social disciplining” [*Sozialdisziplinierung*] in Oestreich, *Neostoicism and the Early Modern State* (Cambridge: Cambridge University Press, 1982). A review of the literature that has grown around the concept of social disciplining can be found in Philip Gorski, *The Disciplinary Revolution: Calvinism and the Rise of the State in Early Modern Europe* (Chicago: University of Chicago Press, 2003), chapter 1.

<sup>30</sup> Oestreich, *Neostoicism and the Early Modern State*, 7.

Cotton Mather expressed this idea most clearly in his advice to 17<sup>th</sup> century English readers: “Well-ordered Families naturally produce a Good Order in other Societies. When Families are under an Ill Discipline, all other Societies being therefore Ill Disciplined, will feel that Error in the First Concoction.”<sup>31</sup> Dutch Calvinist authors and readers were no less enthusiastic than New England’s Puritan divines about the power of household government to discipline individuals and ensure that they provided the foundation for a productive society. One of the most widely read works in the 16<sup>th</sup> and 17<sup>th</sup> century Dutch Republic and one which was always included in the small libraries that the West India Company furnished to its ministers and lower level church functionaries was the Swiss reformer Heinrich Bullinger’s *huys-boek* [house book]. This book drew for Dutch readers a similar connection to the one drawn by the Puritan Mather between orderly households and orderly society. Bullinger wrote that in bad marriages, “whole houses are wonderfully disquieted, all wealth and honesty do utterly decay, the children are bastards, God is offended and provoked to anger, and an endless mischief brought to the whole commonweal.”<sup>32</sup> Authors from the legal and moralistic, rather than the explicitly religious or Calvinist, traditions such as Johan van Beverwyck, Hugo Grotius, and the aforementioned Jacob Cats, offered similar warnings.<sup>33</sup>

By instituting new laws regulating marriage and sex, civil authorities hoped to use orderly individuals and orderly households to build a disciplined society that accepted the

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<sup>31</sup> Morgan, *The Puritan Family*, 143.

<sup>32</sup> Heinrich Bullinger, *The Decades of Henry Bullinger* (New York: Johnson Reprint Corp., 1968), 409; Schalkwijk, *The Reformed Church*, 79; Gerald F. de Jong, *The Dutch Reformed Church in the American Colonies* (Grand Rapids: Wm B. Eerdmans Publishing Co., 1978), 14.

<sup>33</sup> Schama, *Embarrassment of Riches*, 384-6.

state's power and was prepared to follow its instructions. This “social disciplining” and its support for patriarchal authority was explicitly intended to teach people to be obedient to church and civil authorities, because obedience to higher authorities was perceived to emerge naturally from being accustomed to obey lower authorities.<sup>34</sup> While people did not immediately obey these new laws, the increased attention to marriage and sex does, as Marc Raeff has argued, illuminate the aspirations of rulers to move their subjects in certain directions. Even if people did not always obey the law – and they did not – and even if local authorities did not always enforce the law – and they did not either – the laws give insight into the “transformations” that authorities sought to effect.<sup>35</sup>

In the Dutch Republic, the support for authority and state building that marriage regulation seemed to offer would have been particularly important.<sup>36</sup> After its revolt against Spanish rule in 1568, the new Dutch Republic adopted the motto *concordia res parvae crescunt* – in unity there is strength – but as Willem Frijhoff and Marijke Spies have argued, unity “was much less an everyday reality than a goal held up to the Dutch as

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<sup>34</sup> Amussen, *An Ordered Society*, 35-6.

<sup>35</sup> Marc Raeff, *The Well-Ordered Police State: Social and Institutional Change through Law in the Germanies and Russia, 1600-1800* (New Haven: Yale University Press, 1983), 44.

<sup>36</sup> For marriage regulation in the Dutch Republic, see L.J. van Apeldoorn, *Geschiedenis van het Nederlansche huwelijksrecht voor de invoering van de Fransche wetgeving* (Amsterdam: Uitgeversmaatschappij Holland, 1925); Donald Haks, *Huwelijk en gezin in Holland in de 17de en 18de eeuw: processtukken en moralisten over aspecten van het laat 17de en 18de eeuse gezinsleven* (Utrecht: Hes Uitgevers, 1985); Manon van der Heijden, *Huwelijk in Holland: stedelijke rechtspraak en kerkelijke tucht, 1550-1700* (Amsterdam: Uitgeverij Bert Bakker, 1998); Lotte van de Pol, *The Burgher and the Whore: Prostitution in Early Modern Amsterdam* (Oxford: Oxford University Press, 2011). These works all argue for the importance of marriage regulation in the Dutch Republic, but none specifically make the case connection between state building and marriage regulation.

desirable, worth striving for, and even essential for the future of their state.”<sup>37</sup> As the Dutch Revolt dragged on, concluding only in 1648 when the Spanish finally acknowledged Dutch independence in the Treaty of Munster, the borders of the Dutch Republic fluctuated and the state’s fate remained uncertain. Even after the war with Spain concluded, Dutch borders and Dutch statehood were still unsettled, as England and the Republic fought the Anglo-Dutch wars, a series of three wars from 1652 to 1654, 1665 to 1667, and 1672 to 1674. Louis XIV’s powerful French state also greedily eyed Dutch territory, ultimately invading the Dutch Republic in 1672. These conflicts made some level of unity and centralized authority particularly important because the Dutch state had to tax its population to maintain its army and navy, and it needed to maintain order to prevent internal division that would make the state more vulnerable.<sup>38</sup>

At the same time that the Dutch state’s continued existence was threatened by outside forces, its stability was also challenged from within. The seven provinces represented in the States General often had conflicting interests, and the various municipalities in these provinces also clung to their autonomy and pursued their own goals. Such provincial and local interests had to be harmonized in order to keep the Republic intact. In particular, the populous and wealthy province of Holland attempted to dominate the States General and the governance of the Republic, while the other, smaller provinces fought to keep their own autonomy and disrupt Holland’s dominance.

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<sup>37</sup> Willem Frijhoff and Marijke Spies, *1650: Hard Won Unity* (Assen: Royal van Gorcum, 2004), 33.

<sup>38</sup> On the growing Dutch army and navy and the need for military discipline, see Jonathan Israel, *The Dutch Republic: Its Rise, Greatness, and Fall, 1477-1806* (Oxford: Clarendon Press, 1998), chapter 12.

Politics were further complicated by the conflict between the Republican and Orangist parties. The former called for a weak States General that allowed for provincial autonomy. Perhaps counterintuitively, it was the province of Holland that offered the greatest support to the Republicans because provincial autonomy ensured that Holland could avoid being overruled by the other six provinces. The Orangists, on the other hand, supported stronger central authority for the States General and the appointment of a powerful *stadholder*. In the Netherlands before the Dutch Revolt, the *stadholder* was the Spanish king's representative in each province who governed in his stead, and there had been a number of different people who concurrently held the title in the different provinces. In the post-Revolt situation, the title was held by a descendant of William of Orange, a *stadholder* under the Spanish, but the lone occupant of the position who had sided with the rebels against Spain. In 1618, Maurice, the *stadholder*, led a coup that dislodged the Republican government. Although the Republican party regained ascendancy in 1625 when Maurice died, the Orangists remained a force to be reckoned with. In 1650, William II of Orange attempted a similar coup that would have again placed the Orangist party ascendancy, but his death that year returned the Republicans to power. In 1672, when France invaded the Republic, the Orangist party succeeded in its aim to have a stronger central authority with the appointment of William III. The conflict between the Republicans and the Orangists thus remained significant for nearly the entire 17<sup>th</sup> century.

The religious situation in the Republic was similarly divisive. The variety of religious denominations, including Catholics, Lutherans, Anabaptists, and Jews was further complicated at the Synod of Dort in 1618 and 1619 when the Reformed Church

itself split apart into Remonstrant and Counter-Remonstrant factions. The Remonstrants favored more toleration and a lenient view of predestination, and they hoped to create a church that could unite people, while the Counter-Remonstrants called for less toleration and wanted a church that would only embrace those who had accepted strict Calvinist orthodoxy. Because early modern political theory considered religious unity a key foundation for societal order, the multiplicity of religions in the Republic was always perceived as a potential threat to political order.<sup>39</sup> Lacking a shared language and culture, factors which helped to unify the populations of other states, the Dutch state could not rely on these commonalities to ensure order.<sup>40</sup>

Despite the tremendous wealth that some Dutchmen accrued in the 17<sup>th</sup> century, poverty and vagrancy were also a problem for the Dutch Republic. War and lack of economic opportunity pushed immigrants from all over Europe into the cities of Holland, and to Amsterdam in particular, which grew from 30,000 people in 1585 to 120,000 by 1632 and 218,000 in 1680.<sup>41</sup> There was a widening gap between the rich and poor, and there were more impoverished people and more foreigners in Amsterdam in this period than ever before.<sup>42</sup> For early modern authorities, poor and rootless people threatened to bring with them crime, disorder, and rebellion. Exhortations to unify were necessary and powerful precisely because contemporaries worried that the young republic would be torn

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<sup>39</sup> J.H. Elliott, "A Europe of Composite Monarchies," *Past and Present* 137 (November 1992), 62.

<sup>40</sup> Richard S. Dunn, *The Age of Religious Wars, 1559-1715* (New York: W.W. Norton & Company, 1979), 153.

<sup>41</sup> Erika Kuipers, *Migrantenstad: Immigratie en sociale verhoudingen in 17e-eeuw Amsterdam* (Hilversum: Verloren, 2005), 9.

<sup>42</sup> Kuipers, *Migrantenstad* 12-13.



apart by the conflicting interests of its constituent parts, by the lack of religious, cultural, and linguistic unity, and by the increase in potentially disorderly people.

As the Dutch were in the process of constructing their state, they also turned outward for the first time, establishing trade with the East and West Indies in the last decade of the 16<sup>th</sup> century.<sup>43</sup> With the chartering of the Dutch East India Company in 1602 and the Dutch West India Company in 1621, the Dutch joined the scramble for profits and territory in Asia, Africa, and the Americas that the Portuguese and Spanish had initiated with their voyages to Africa and the Americas in the 15<sup>th</sup> century. While certainly aspiring to create a profitable trade abroad, the West India Company was also meant to take the ongoing war with Spain outside of Europe and off of Dutch territory. The WIC's purpose was at least partially to try to cut Spain off from its revenue in America, while also giving the Dutch access to the profits of America. But abroad too, Dutch gains were often ephemeral, and Dutch borders unstable. The Dutch fought the Spanish, Portuguese, English, and French for a space in which to conduct trade and colonize, and they negotiated with or engaged in violence against Africans and Indians in order to build trading factories and colonies.

From the beginnings of the Dutch Revolt in the second half of the 16<sup>th</sup> century until the end of the 17<sup>th</sup> century, then, the Dutch state and the Dutch empire were in the process of being constructed out of disparate and often ill-fitting or resistant parts. Historians have investigated some of the strategies that Dutch authorities relied upon to bridge these divides and maintain the Dutch Republic in the face of these external and internal divisions, but most have emphasized that negotiation and some acceptance of

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<sup>43</sup> Wim Klooster, "The Dutch in the Atlantic," in *Four Centuries of Dutch-American Relations*, eds. Hans Krabbendam, Cornelis A. van Minnen, and Giles Scott-Smith (Albany: State University of New York Press, 2009), 63-66.

difference were central components of Dutch governance and Dutch society. For example, Frijhoff and Spies point to three practices that served to unify the disparate interests in the Dutch Republic: the ideal of harmony in diversity, the ecumenicity of every day life, and discussion culture.<sup>44</sup> While still hierarchical, as were all early modern European societies, the Dutch state is understood to have been less centralized and less authoritarian than, for example, its great 17<sup>th</sup> century rivals England and France.

While the picture of Dutch governance as rooted in compromise and cooperation remains compelling, this dissertation argues that a second approach to governing the Dutch state remained popular in this period, and this approach came to have still greater importance in the West India Company's territories. At the same time that authority was distributed horizontally across groups, it was also exercised vertically, from above. The Dutch state sought greater social control, particularly over immigrants and the urban poor and relied upon marriage regulation and patriarchal authority to discipline these people and maintain order.<sup>45</sup> Although compromise always played a central role in decision making in the Dutch Republic and the West India Company, and it could not be otherwise given the autonomy that the provinces in the former and the chambers in the latter maintained, Dutch authorities in both the Republic and the colonies relied upon social discipline to create and maintain orderly societies.

As part of their efforts to ensure order at home, Dutch authorities rejected the medieval tolerance for prostitution, fornication, and concubinage and instituted stronger regulation – if not always stronger enforcement – of these activities. In the period before

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<sup>44</sup> Frijhoff and Spies, *1650: Hard Won Unity*, 49-50. Also see Maarten Prak, *The Dutch Republic in the Seventeenth Century* (Cambridge: Cambridge University Press, 2005), introduction.

<sup>45</sup> Israel, *The Dutch Republic*, chapter 28.

1500, prostitution was loathed but accepted because authorities presumed that it had “public utility” in that it prevented the greater evils of rape and sodomy.<sup>46</sup> It was even celebrated as “enhancing the good, piety and honour of the whole commune.”<sup>47</sup> As the 16<sup>th</sup> century progressed, however, cities everywhere in Europe rejected this position, closed their licensed brothels, and criminalized prostitution.<sup>48</sup> Although Holland’s Political Ordinance did not mention prostitution, the city of Amsterdam had already taken up the issue in 1578 with a prohibition against the practice, and, in 1580, its city council proclaimed a second law, which focused on prostitution organizers rather than the prostitutes.<sup>49</sup>

The church and state also labored to change what they perceived to be the commonly held view among the urban poor that fornication, so long as both parties were single, was a minor sin.<sup>50</sup> Their main efforts focused on changing popular ideas about when sex within a committed relationship became licit. Many people believed that a private engagement meant that sex could begin, but authorities tried to confine sex completely to marriage, regardless of the status of the relationship.<sup>51</sup> In 1588, the city of

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<sup>46</sup> István Bejczy, “Tolerantia: A Medieval Concept,” *Journal of the History of Ideas* 58, no. 3 (1997): 365-384, 372-4; James Brundage, *Law, Sex, and Christian Society in Medieval Europe* (Chicago: University of Chicago Press, 1990), 521-530.

<sup>47</sup> Quoted in Roper, *Holy Household*, 91.

<sup>48</sup> Merry Wiesner, *Christianity and Sexuality in the Early Modern World: Regulating Desire, Reforming Practice* (London: Routledge, 2000), 84; Roper, *The Holy Household*, 89; Susan Karant-Nunn, “Continuity and Change: Some Effects of the Reformation on the Women of Zwickau,” *Sixteenth Century Journal* 12, no. 1 (1982): 16-42.

<sup>49</sup> Van de Pol, *The Burgher and the Whore*, 73-4, 92-3.

<sup>50</sup> For an example of such an attempt to re-educate people, see Bullinger, *Decades*, 412.

<sup>51</sup> Godbeer, *Sexual Revolution in Early America*, 3; Roodenburg, *Onder censuur*, 237.

Amsterdam promulgated a new ordinance that made all sex before solemnization a punishable offense, and the city's classis began a preaching campaign against this practice.<sup>52</sup>

Cohabiting without marrying, too, had been accepted in the late middle ages, but ceased to be in the early modern period.<sup>53</sup> Any couple caught living together, according to the Political Ordinance, was to be fined for first three months that they did not marry or separate. If they continued to cohabit after that time, they were to be banished from the province for ten years.<sup>54</sup> In order to prevent such situations from arising, Amsterdam's marriage ordinance stated that every couple had to marry within one month after the proclamation of their last banns or appear before the city's commissioners of marriage matters, who registered all engagements, to explain their reasons for not marrying. Failure to marry or to explain the reasons for not marrying would be punished with a weekly fine. The commissioners were also instructed to use their marriage register, which contained the names of all officially engaged couples, to identify people to the sheriff who had not married in a timely fashion, presumably for the purpose of prosecution.

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<sup>52</sup> Roodenburg, *Onder censuur*, 237.

<sup>53</sup> For the acceptance of concubinage, see Emmanuel Le Roy Ladurie, *Montaillou: The Promised Land of Error* (New York: Vintage Books, 1979), 169-178; Ruth Mazo Karras, *Unmarriages: Women, Men, and Sexual Unions in the Middle Ages* (Philadelphia: University of Pennsylvania Press, 2012), 156; Brundage, *Law, Sex, and Christian Society*, 369-70.

<sup>54</sup> Cornelis Cau, *Groot placacet-boeck inhoudende de placaten ende ordonnantien vande Hoogh-Mog: Heeren Staten Generael der Vereenighde Nederlanden, ende vande Ed: Groot Mog: Heeren Staten van Hollandt ende West-Vrieslandt mitsgaders vande Ed: Mog: Heeren Staten van Zeelandt* (s'Graven-Hage: By de weduwe ende erfgenamen van wylen Hillebrandt Jacobsz. van Wouw, 1658), vol. 1, 330-1.

There were also new calls in this period to follow scriptural injunctions to punish adultery with death. While the Dutch Republic did not adopt this punishment, promulgated ordinances acknowledged that adultery deserved the death penalty, and strict punishments were imposed, including banishment for the married people involved.<sup>55</sup> In the Middle Ages, separations had been difficult to obtain, but, in practice, they were sometimes permitted in situations in which they were not strictly speaking permissible.<sup>56</sup> The new marriage laws made divorce extremely difficult to obtain, while simultaneously making informal separations criminal acts. Amsterdam's marriage law, for example, stated that no married couples were permitted to live separately unless they had received permission from the court. The spouse who refused to reconcile would pay an one hundred guilder fine for every month that he or she refused to return home, a sum equivalent to more than a year's wages for an ordinary soldier.<sup>57</sup> In English New York after 1664, female spousal abandonment was punished far more harshly than male spousal abandonment. Women lost their dowries for leaving their husbands, while no criminal penalty was mentioned for men for who left their wives.<sup>58</sup> In Dutch law, this crime was not gendered, and the abandoning spouse was simply enjoined to return to the household. This suggests that Dutch emphasis was less on disorderly women and more

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<sup>55</sup> Cau, *Groot placaet-boeck*, vol. 1, 334.

<sup>56</sup> Wiesner, *Christianity and Sexuality*, 45.

<sup>57</sup> Noordkerk and Farret, *Handvesten*, vol. 2, August 28, 1586.

<sup>58</sup> Charles Z. Lincoln, *The Colonial Laws of New York from the Year 1664 to the Revolution* (Albany: James B. Lyon State Printer, 1894), vol. 1, 32.

on ensuring that children and dependents were subject to the full force of household government.

Rules for entering marriage also became more stringent in both Protestant and Catholic states in this period, and it was in this area that patriarchs were given more control than they had previously held. While the Medieval Church had encouraged couples to gain parental consent for their marriages, to have banns proclaimed three times before their marriages, and to solemnize marriages publicly before a priest, these were not requirements for making a valid marriage until after the *Tametsi* decree at the Council of Trent. Children were, thus, able to enter binding marriages secretly, which gave them the ability to confound their parents' wishes, upsetting patriarchal authority. Protestant reformers in the first half of the 16<sup>th</sup> century ended this possibility. According to their teachings, which were made law in states that adopted Protestantism, the only valid marriages were those that occurred with parental consent, after the proclamation of the three banns, and in public. Parental authority was, thus, assured. It was, however, in Catholic France, which rejected the *Tametsi* decree, that patriarchal authority became especially strong. An alliance between the state and the office holders in the *Parlement* of Paris resulted in patriarchs gaining increasing control over the marriage choices of their children.<sup>59</sup> English historians have similarly argued that patriarchs were given greater powers in this period, but in this case, their improved position was rooted in their

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<sup>59</sup> Sarah Hanley, "Engendering the State: Family Formation and State Building in Early Modern France." *French Historical Studies* 16, no. 1 (1989): 4-27.

rights to disinherit children and limit the inheritances of widows rather than in stronger control over marriage.<sup>60</sup>

Although much of the emphasis on ensuring that marriage occurred in public was intended to give parents the opportunity to supervise the marriages of their children, publicity also helped to control the problem of bigamous marriages. Because clandestine marriages were considered valid, individuals who secretly married and then separated from one another were considered bigamists if they entered new marriages. By requiring marriages to occur in public, it became more difficult for people to enter second marriages while their original spouses still lived.

While church discipline and social disciplining are distinct from one another, the church and state often cooperated with one another because each perceived the other as helpful for its own project. As Shannon McSheffrey has argued for late medieval London, church courts and civil courts were often “complementary rather than competing jurisdictions,” and the men who handled lower level cases as churchwardens were often the very same men who decided civil cases as jurors.<sup>61</sup> Such connections between the state and the church continued in the early modern period as the state used the church to discipline its subjects and bring them under increased surveillance and control, while the church hoped that its connection with the state would allow for the use of state controlled coercive measures against offenders of church regulations. Both church and state sought to reinforce the political and social orders and bring about moral reformation through, among other bodies of regulation, increased attention to marriage and sex. The process

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<sup>60</sup> Shamma, “Anglo American Household Government,” 109.

<sup>61</sup> McSheffrey, *Marriage, Sex, and Civic Culture*, 152.

of social disciplining united church and state efforts and supported efforts at military reform and state building.<sup>62</sup>

As the process of church and social disciplining proceeded, however, a gap opened between elite culture and popular culture. The historian Peter Burke has suggested that, in Europe, the period from 1500 to 1650 was characterized by the “triumph of Lent.” Before 1500, two cultures existed side by side: a “great tradition” and a “little tradition.” While the lower classes were not able to participate in the great tradition, which required literacy and was transmitted through formal educational institutions, elites shared in the little tradition. After 1500, the elite attitude to popular culture changed, and traditional ways came under attack from both the church and state.<sup>63</sup> Historians of social discipline have pointed out that in addition to the state and church, there was a “social-religious elite” that “actively collaborated with a Calvinist state to impose their vision of Christian morality and political order.”<sup>64</sup> In the directors of the WIC and their colonial governors, I argue, we find just such an elite trying to impose their norms onto soldiers and sailors, who were far lower in status than they. The WIC’s directors were “overwhelmingly” members of the Reformed Church, and many of them

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<sup>62</sup> R. Po-Chia Hsia, *Social Discipline in the Reformation: Central Europe 1550-1750* (London: Routledge, 1989), 2.

<sup>63</sup> Peter Burke, *Popular Culture in Early Modern Europe* (New York: Harper & Row Publishers, 1978), 209-39; Natalie Zemon Davis, “Proverbial Wisdom and Popular Errors,” in *Society and Culture in Early Modern France*, ed. Natalie Zemon Davis (Stanford: Stanford University Press, 1975), 227-267; Katharine Park and Lorraine J. Daston offer a case study which supports the idea of the broadening gap between elite and popular culture in their examination of changing attitudes to monstrous births in the early modern period, Park and Daston, “Unnatural Conceptions: The Study of Monsters in Sixteenth and Seventeenth-Century France and England,” *Past and Present*, no. 92 (Aug., 1981): 20-54.

<sup>64</sup> Hsia, *Social Discipline*, 128-9.



were lay leaders in the church, particularly during the period before 1650. Half of the directors from the Amsterdam chamber served on consistories, as did more than half of the directors from Zeeland.<sup>65</sup> Men experienced in working to reform their own churches and exposed to the principles of church discipline could hardly be uninterested in the morals of their employees.

At the same time that authorities sought to create an orderly society through marriage regulation, they also used marriage regulation to broaden their authority and to legitimate their power. These uses of marriage regulation had a venerable tradition, stretching back at least to the late Middle Ages. As part of an effort to legitimate their new governing authority, Italian communes of the 13<sup>th</sup> and 14<sup>th</sup> centuries drew upon the model of the Roman Empire. They noted that Roman emperors had made adultery a matter to be resolved in civil courts, and, in order to increase their own power, they, too, removed adultery from church courts and brought it to civil courts. New Italian adultery laws were, according to Carol Lansing, as much about constructing political authority by connecting communes to the old imperial authority of Rome as about regulating sex, particularly because these communes seldom possessed the ability to carry out the punishments they meted out.<sup>66</sup>

Research on early modern governance has similarly emphasized the ways in which marriage and sex could help to expand and construct civil authority. The legitimacy of governments in early modern Europe derived not simply from their superiors granting them authority from above, but also from their subordinates

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<sup>65</sup> Noorlander, "Serving God and Mammon," 72-7.

<sup>66</sup> Carol Lansing, "Gender and Civic Authority: Sexual Control in a Medieval Italian Town." *Journal of Social History* 31, no. 1 (Autumn 1997): 33-59.

acknowledging their authority from below. Maintaining authority should, therefore, be understood as a constant process of negotiation, as governments and magistrates had constantly to acquire and preserve their subjects' assent to their rule.<sup>67</sup> Michel Foucault has also argued that to simply maintain power, an individual or institution must successfully mobilize it to accomplish some goal.<sup>68</sup> One way in which magistrates secured assent to their rule was through presenting themselves as moral people, which included obedience to marriage and sex regulation.

As more people came to accept the Calvinist view that governments should support moral and social order, magistrates came to be judged not only on the basis of their own moral qualities but also on the basis of their ability to bring about this reformation of morals in their subjects.<sup>69</sup> According to Calvinist political theories, the magistrate was to be a "servant of God;" he was supposed to ensure that his subjects followed both civil law and religious law. This new "godly magistrate" was able to intervene in areas, such as private life, that governing authorities had not previously controlled and, in this way, lay claim to expanded power.<sup>70</sup> Historians have generally treated the West India Company's right to govern as though it emerged exclusively from its charter – and thus from the States General – and while this grant of authority from above is certainly significant, what has gone unrecognized is that the Company also

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<sup>67</sup> Michael J. Braddick, "Civility and Authority," in *The British Atlantic World, 1500-1800*, eds. David Armitage and Michael J. Braddick (Hampshire: Palgrave Macmillan, 2002), 96.

<sup>68</sup> Michel Foucault, "Truth and Power," in *Power/Knowledge*, ed. Colin Gordon (New York: Pantheon, 1980), 109-133.

<sup>69</sup> Braddick, "Civility and Authority," 98-9.

<sup>70</sup> Hsia, *Social Discipline*, 122.

sought to mobilize the discourse of the “godly magistrate” to legitimate its governance from below. By bringing about a moral reformation of its subjects or at least appearing to do so, the West India Company sought to capitalize on the idea that a legitimate government enforced moral regulations in order to support its own claims to be a legitimate government and to fend off criticisms of its vast, new authority.

Changes in the way that the West India Company and early modern trading companies more generally are understood also suggest that the role of marriage is more significant than normally understood. The dominant narrative surrounding the West India Company has long been that it was a business and that its concerns were, therefore, trade and profit, rather than religion or morals.<sup>71</sup> Challenges to this narrative have, however, emerged on a number of different fronts in the last decade, and these challenges suggest that the WIC was much more than a trading venture and that its concerns extended far beyond trade. Historians of New Netherland first questioned the status quo with their argument that the WIC was able to create at least one colonial, rather than trading, society, but they took no position on the status of the WIC’s other colonies.<sup>72</sup> Historians of religion have shown more interest in taking the entire Atlantic world as a field for investigation, and their works have shown that the Dutch Reformed Church was

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<sup>71</sup> Historians who have made the argument that the Dutch focused on trade rather than religion and colonization include J.G. van Dillen, “De West-Indische Compagnie, het Calvinisme en de Politiek,” *Tijdschrift voor Geschiedenis* 74 (1961): 145-171; Pieter C. Emmer and Wim Klooster, “The Dutch Atlantic, 1600-1800: Expansion without Empire,” *Itinerario* 23 (1999): 48-69; Cornelis Goslinga, *Dutch in the Caribbean and on the Wild Coast, 1580-1680* (Assen: Van Gorcum, 1971); George L. Smith, *Religion and Trade in New Netherland: Dutch Origins and American Development* (Ithaca: Cornell University Press, 1973); Donna Merwick, *Possessing Albany, 1630-1710: The Dutch and English Experiences* (Cambridge: Cambridge University Press, 1990).

<sup>72</sup> Jacobs, *The Colony of New Netherland*; Janny Venema, *Beverwyck: A Dutch Village on the American Frontier, 1652-1664* (Albany: State University of New York Press, 2003).

actually stronger in the colonies than in the Dutch Republic and that in those places the attitudes of the Reformed Church and the WIC were much more often aligned than in conflict. Most often, the Reformed Church supported the Company's endeavors, and the Company, in turn, supported the initiatives of the Church.<sup>73</sup> Most recently, Alexander Bick has exposed the internal governance of the West India Company in the Dutch Republic and shown that while the Company's decision-making process was slow, this should not be interpreted as a sign of Company incompetence or dysfunction. Instead, the "discussion culture" prevalent in the Dutch Republic and the need to reach a consensus before acting impeded quick action even in the face of disaster, such as the 1645 Portuguese revolt in Brazil.<sup>74</sup> All of this recent work makes clear that the Company was firmly enmeshed in Dutch culture, was indeed "of" Dutch society, and thus hardly free to ignore mores in the pursuit of profit.

An even more radical challenge to traditional ideas about the West India Company comes from new arguments about the character of the English East India Company (EIC). Philip Stern argues that the EIC should be understood not as a trading company but as a state, a "body politic on its own terms."<sup>75</sup> Because the EIC's directors adopted the conception that their company was also a state, Stern argues, they had to ensure that the company acted like a state, and states were attentive to moral regulation

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<sup>73</sup> Willem Frijhoff, "The West India Company and the Reformed Church: Neglect or Concern?" *De Halve Maen* 70 (1997): 59-68; Willem Frijhoff, *Fulfilling God's Mission: The Two Worlds of Dominie Everardus Bogardus, 1607-1647* (Leiden: Brill, 2007); Noorlander, "Serving God and Mammon," 100.

<sup>74</sup> Alexander Bick, "Governing the Free Sea: The Dutch West India Company and Commercial Politics, 1618-1645," unpublished dissertation, September 2012, 21-2.

<sup>75</sup> Philip Stern, *The Company-State: Corporate Sovereignty and the Early Modern Foundations of the British Empire in India* (Oxford: Oxford University Press, 2011), 6.

and sexual disciplining, so the EIC had to behave likewise.<sup>76</sup> This process helped the EIC to present itself as state-like, but it also reflected the belief that a company and a state needed subjects that respected authority and hierarchy, which could be taught through more severe marriage and sex regulation. Stern also argues that EIC governments believed it was important for the Company to be understood as administering justice, including in matters without explicit connection to trade, such as Sabbath observance and civil and criminal offenses, because the exercise of justice allowed the Company to display and have others accede to its authority.<sup>77</sup>

When the EIC set out to reform its possessions in Sumatra and St. Helena, key initiatives included the promotion of civility and social discipline. Joseph Collett, who was appointed governor of York Fort in Sumatra in 1711, for example, believed that establishing good governance, including imposing marriage regulation on his European and indigenous subjects, would be the source “from which all other forms of order would spring.”<sup>78</sup> On St. Helena, EIC regulations encouraging the formation of orderly families under the authority of patriarchs were supposed to transform the purportedly unruly and mutinous inhabitants into obedient subjects.<sup>79</sup> The connection that the EIC drew between its own good governance and patriarchal authority suggests that early modern trading companies had a wider definition of their responsibilities than most historians have realized.

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<sup>76</sup> Stern, *The Company-State*, 106-8.

<sup>77</sup> Stern, *The Company-State*, 26.

<sup>78</sup> Kathleen Wilson, “Rethinking the Colonial State: Family, Gender, and Governmentality in Eighteenth Century British Frontiers,” *American Historical Review* 116, no. 5 (2011), 1304.

<sup>79</sup> Wilson, “Rethinking the Colonial State,” 1308-9.

The West India Company, like the English East India Company, acted like a state. As Philip Stern has shown, England constructed the EIC as an alternative, sovereign government in the territory that was designated as belonging to the EIC. The Dutch similarly construed the West India Company as a sovereign government in its area of jurisdiction. Even as they moved to defend Company sovereignty and the Company's right to legislate, authorities in the Dutch Republic had to deal with the legal pluralities that challenged all states and empires that were trying to achieve greater, centralized control over their populations and provinces.<sup>80</sup> In the Dutch Republic, multiple authorities claimed to be able to enforce marriage regulation, including the Reformed Church, various institutions with civil authority, including municipal courts, neighborhood leaders, and specially created commissions of marriage matters, and the leaders of non-Reformed communities. The West India Company, on the one hand, added to this legal plurality by becoming another institution that claimed to have authority to control marriage, but it also found itself at the mercy of the existing legally pluralistic situation, which was further exacerbated by the additional institutions claiming jurisdiction over marriage in the colonies. The enforcement of a specifically Dutch body of marriage regulation was a conscious policy that the WIC's directors advocated in an effort to eliminate legal plurality and to unify their territory under one government – that of the West India Company.

Historians of religious toleration have argued that when authorities in the Dutch Republic practiced “connivance” – the act of ignoring the existing body of law against public religious worship by non-Calvinists without granting such minorities any official

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<sup>80</sup> Lauren Benton and Richard J. Ross, “Empires and Legal Pluralism: Jurisdiction, Sovereignty, and Political Imagination in the Early Modern World,” in *Legal Pluralism and Empires*, eds. Lauren Benton and Richard J. Ross (New York: New York University Press), 1-2.

right to worship publicly – they often did so because they believed connivance could be a powerful tool for “social engineering.” While older histories tended to see the Republic’s religious tolerance as emerging from a desire to increase trade and profit or because of a deeply rooted belief in the importance of tolerance, more recent work suggests that connivance – and the religious freedom it might produce – was not a passive act of looking the other way, but an active policy that authorities believed could eventually create a Calvinist society.<sup>81</sup> Evan Haefeli has argued that connivance encouraged religious minorities to assimilate over time to the Calvinist Church, so rather than being a practice that allowed people to maintain their own religions, it was meant to ultimately restore religious unity.<sup>82</sup> This approach could, in fact, be quite successful, as the Dutch started settlements and colonies in places completely lacking in a Reformed population and often built up large Reformed populations, even if stragglers who did not join the church always remained.<sup>83</sup> Marriage regulation served a similar purpose. It was meant to unite people and ultimately serve state aspirations.

### **Sources and Methodology**

This dissertation relies on the approach of Atlantic history, developed in connection with the history of colonial North America. It sees the Dutch Republic and its

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<sup>81</sup> For an account of the way historians have approached religion toleration in the Dutch context, see Benjamin Kaplan, “‘Dutch’ Religious Tolerance: Celebration and Revision,” in *Calvinism and Religious Toleration in the Dutch Golden Age*, eds. R. Po Chia Hsia and Henk van Nierop (Cambridge: Cambridge University Press, 2004), 8-26.

<sup>82</sup> Haefeli, *New Netherland*, 80. Danny Noorlander has argued that both Dutch and Portuguese authorities in Brazil viewed religious toleration for Catholics in this light, Noorlander, “Serving God and Mammon,” 230-1.

<sup>83</sup> Haefeli, *New Netherland*, 109.

colonies as a “zone of exchange and interchange, circulation and transmission.”<sup>84</sup>

Because this approach emphasizes the connections between different regions, it was necessary to pursue serious investigation of sources produced in both the Dutch and colonial contexts. While this dissertation is weighted more toward sources produced by the WIC, it also seriously considers attitudes in the Dutch Republic. In order to investigate the regulation of marriage in the Republic, I have relied upon promulgated ordinances from the States General, the provincial states, and the city of Amsterdam. The records of the provincial synods of North and South Holland and select classis records were also significant. Finally, I draw upon a large body of religious and moralizing literature produced by Calvinist and secular authors known to have been popular in the Republic.

In the West India Company’s archive in The Hague and in the New Netherland archive in Albany, a variety of different types of documents were examined. Like the Dutch Republic’s government, which divided authority over a number of groups and valued consensus, the governing structure of the West India Company divided power among different constituencies and strove for unanimity. The governing board of the WIC, the *Heren XIX* [19 men], including eight representatives from the Amsterdam office of the Company, four from the Zeeland office, and two from each of the remaining offices – Maze, Stad en Lande, and Noorderkwartier – as well as one from the States General, ostensibly governed the Company. This body met two or three times a year to make decisions about military and financial strategies, but they acted only when consensus between the five different Company offices had already been reached. Each of

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<sup>84</sup> David Armitage, “Frameworks,” in *The British Atlantic World, 1500-1800*, eds. David Armitage and Michael Braddick (New York: Palgrave, 2002), 16.



the Company offices held frequent internal meetings – often one or more times per week – to discuss their own business. The surviving records of the *Heren XIX* as well as the surviving records of the Amsterdam and Zeeland chambers of the West India Company, located at the *Nationaal Archief* in The Hague, were used to investigate the perspectives of the directors. Also of importance is the correspondence that was carried on between the colonies of Brazil and New Netherland and the WIC. The Brazil documents are, again, in the WIC archive, while New Netherland’s correspondence is housed in the New York State Archives.

The governments that the Company appointed also had a great deal of power. Because of the distance and difficulty of communication with the Dutch Republic, local governors decided many issues on their own. Colonies also possessed different administrative structures that could change over time as population and territory grew. Although specific personnel changed, New Netherland possessed basically the same government from its beginnings in 1624 until 1653. In this period, the West India Company appointed a director for the colony, who had the most powerful voice in making decisions about colonial affairs, but the WIC also appointed additional councilors, including a secretary and a *fiscael* [sheriff] to assist him. This body was responsible for writing legislation for the colony and also served as both its criminal and civil court. In 1653, this structure was changed when the WIC gave the colonists permission to appoint burgomasters and *schepenen* [magistrates], who together formed a court that took over most of the judicial functions previously held by the colony’s council, though cases involving capital or corporeal punishment remained in the hands of the director and his council. This structure remained in place until the English conquered

the colony in 1664. I consulted the Council Minutes of New Netherland at the New York States Archives from 1638 to 1664,<sup>85</sup> as well as all of the surviving records of the *schepen* court from 1653 to 1664.

Brazil had a more complicated arrangement. From the Dutch conquest in 1630 until 1637, it was ruled by a Governing Council [*Politieke Raad*], which consisted of the colony's military commander and a number of civilians appointed by the WIC. In 1636, the WIC hired Johan Maurits to be the governor of Brazil, and when he arrived in 1637, he created a new government called the *Hoge Regering* [High Government]. This government consisted of Maurits and three other civilian councilors, drawn from the ranks of the directors of the West India Company. He also created lower courts for the villages and towns of Dutch Brazil, and he remade the *Politieke Raad* that existed prior to his arrival into a court to which people could appeal the decisions of these new lower courts. This court of appeals is sometimes signified by its earlier name of *Politieke Raad* and sometimes by its new name Council of Justice [*Raad van Justitie*].<sup>86</sup> Although Maurits departed the colony in 1644, the system that he had established, including the separate Council and court of appeals, remained in place until the colony's fall in 1654. The records of the *Politieke Raad* survive from 1635 and the records of the *Hoge Regering* are nearly complete, and both were used for this project.<sup>87</sup>

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<sup>85</sup> Records do not survive for the 1624 to 1638 period.

<sup>86</sup> Henk den Heijer, "Bewindhebbers, Gouverneurs, en raden van bestuur (het bestuur van de West-Indische Compagnie in de Republiek en in Brazilië)" in *Brazilië in de Nederlandse Archieven*, ed. Marianne Wiesebron (Leiden: Research School CNWS, 2005) vol. 2, 17-41.

<sup>87</sup> The records from 1630 to 1635 have not survived.

In addition to the WIC appointed governments and the civilian governments in Brazil and New Netherland (after 1653), a third center of power in colonial life was the Dutch Reformed Church. While recent work suggests that the Reformed Church and the WIC cooperated a great deal and that the religion was certainly not ignored in WIC territories, the church-state relationship could be fraught with difficulties. When ministers did not believe that the state was ensuring moral conduct, they organized themselves in opposition to WIC authority.<sup>88</sup> Church records from New Netherland have not survived except for one limited consistory court record for the town of Breukelen, which begins in 1660,<sup>89</sup> but classis records exist for Brazil for a number of years, and these, located in the WIC archives, were of tremendous importance for this project. The records of Amsterdam's classis, which conducted correspondence with colonial churches, located in the city archives of Amsterdam, were also consulted.<sup>90</sup>

These sources lend themselves to answering certain questions, but also preclude the investigation of other issues. Because people in positions of authority, whether within Dutch provincial and municipal governments, the West India Company hierarchy in the Dutch Republic, the various colonial governments, or the Reformed Church, produced this material, this dissertation offers a great deal of insight into how authorities wanted to use marriage to change and shape their subjects and to legitimate or contest WIC governance. Without surviving diaries, personal correspondence, or extensive court records, however, my study can offer only intermittent glimpses into the beliefs and

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<sup>88</sup> Frijhoff, *Fulfilling God's Mission*, 434-9.

<sup>89</sup> A.P.G. Jos van der Linde, *Old First Dutch Reformed Church of Brooklyn, New York, First Book of Records, 1660-1752* (Baltimore: Genealogical Publishing Co., 1983).

<sup>90</sup> These are housed in the Stadsarchief Amsterdam.

actions of ordinary people and the extent to which they resisted the demands of their superiors.<sup>91</sup> These sources do, however, offer a fresh opportunity to investigate the assumptions of the people who funded and ran the WIC. While it is often difficult to see if they successfully effected their aims and brought about the transformation they desired, these documents provide clear insight into their goals and the significance that they ascribed to marriage regulation in attaining their aims. In their efforts to transform society through marriage, the Dutch were hardly alone; similar policies had been adopted in Spanish and Portuguese America, but this dissertation shows that the Dutch were not pursuing a uniquely trade-focused program of expansion.<sup>92</sup>

Because the focus here is on the WIC's policies as a whole, this dissertation adopts a thematic rather than geographical framework. Brazil and New Netherland, as the best documented of the WIC's colonies, are the focus, though developments in Curacao and West Africa are occasionally woven into the discussion. New Netherland was a small colony first settled by the Dutch in 1623. The population grew very slowly, and in 1629, New Netherland still had only around five hundred colonists. By 1640, there were around two thousand colonists, but the population only started to truly rise in the 1650s, after the Dutch loss of Brazil, and was approaching nine thousand immediately before the English conquest of 1664. The main centers were the cities of New

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<sup>91</sup> No court records survive for Brazil. The court records for New Netherland run from 1653 to 1664, but they seem to have been stripped of their supporting documentation and thus only contain the complaints and the sentences.

<sup>92</sup> Ida Altman, "Marriage, Family, and Ethnicity in the Early Spanish Caribbean," *William and Mary Quarterly* 70, no. 2 (2013): 225-50; A.J.R. Russell-Wood, "Female and Family in the Economy and Society of Colonial Brazil," in *Latin American Women: Historical Perspectives*, ed. Asuncion Lavrin (Westport, CT: Greenwood Press, 1978), 60-100; Susan Soeiro, "The Feminine Orders in Colonial Bahia, Brazil: Economic, Social, and Demographic Implications, 1677-1800," in *Latin American Women*, ed. Lavrin, 173-197.

Amsterdam and Beverwijck [Albany], the former having approximately two thousand five hundred inhabitants and the latter around one thousand in 1664.<sup>93</sup> Although its population initially focused on the fur trade, by the 1650s agriculture was as important to the economy of the colony. Including many different Protestant denominations and people from all over western Europe, New Netherland was diverse for its time, but, as we will see, these differences pale when compared to the situation in Dutch Brazil. New Netherland also had a significant but minority population of slaves. In New Amsterdam, for which the best records survived and which likely had the strongest concentration of slaves, records from 1664 indicate that there were three hundred slaves in a total population of approximately one thousand eight hundred. Slaves were then slightly less than twenty percent of the city's population.<sup>94</sup>

At approximately the same time that the Dutch settled in New Netherland, the West India Company gained a foothold in Brazil. After a failed attempt to conquer Salvador de Bahia in 1624, the West India Company gained control over Pernambuco in 1630. Over the next five years, the Portuguese pinned the Dutch to the coastal areas, but in 1635 and 1636, the Dutch finally broke out of their coastal enclave and expanded into

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<sup>93</sup> Jaap Jacobs, "Migration, Population, and Government in New Netherland," in *Four Centuries of Dutch-American Relations*, ed. Krabbendam, 85-6.

<sup>94</sup> These figures are drawn from Joyce Goodfriend, *Before the Melting Pot: Society and Culture in Colonial New York City, 1664-1730* (Princeton: Princeton University Press, 1992), 15-6. Slavery in New Netherland is discussed in Joyce Goodfriend, *Burghers and Blacks: The Evolution of a Slave Society in New Amsterdam*, *New York History* 69, no. 2 (1978): 125-144; Linda Heywood and John Thornton, "Intercultural Relations between Europeans and Blacks in New Netherland," in *Four Centuries of Dutch-American Relations*, ed. Krabbendam, 192-203; Jeroen Dewulf, "Emulating a Portuguese Model: The Slave Policy of the West India Company and the Dutch Reformed Church in Dutch Brazil (1630-1654) and New Netherland (1614-1664) in Comparative Perspective," *Journal of Early American History* 4, no. 1 (2014): 3-36. The first slaves reached New Netherland in 1628 but numbers grew in the 1650s and immediately before the English Conquest, when New Netherland became more important to the West India Company.

the countryside, briefly coming to control seven of the original fifteen captaincies that Portugal had carved out of Brazil.<sup>95</sup> The Dutch population, however, never outstripped that of the already settled Portuguese population, which was Catholic, and the Dutch depended on close ties with the indigenous population far more in Brazil than in New Netherland. This diversity was further compounded by the existence of a relatively large population of Jews, many of whom came from Iberia by way of the Dutch Republic. Others had lived in Brazil as Catholics and openly professed Judaism only after the Dutch arrived and proclaimed a policy of religious toleration. Population fluctuated wildly in Brazil as the Company's fortunes changed, but around 1640, when the colony was at its height, estimates suggest that there were thirty thousand Portuguese inhabitants and only twelve thousand Europeans affiliated with the Company as soldiers, employees, or colonists. To this number, we can add the one thousand five hundred Jews of Brazil for a Dutch, or at least Dutch-inclined population of around fourteen thousand. At the same time that the Dutch-affiliated population remained low, the number of indigenous people in the colony, approximately sixteen thousand, nearly equaled the number of Europeans loyal to the company.<sup>96</sup>

The dominant economic activity in Brazil was sugar cultivation, and the slave population was at least equal to if it did not exceed the population of Europeans.<sup>97</sup>

Estimates of the slave population can be only tentative because the Dutch conquest

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<sup>95</sup> For the early history of Brazil, see James Lockhart, *Early Latin America: A History of Colonial Spanish America and Brazil* (Cambridge: Cambridge University Press, 1983), chapters 6 and 7.

<sup>96</sup> Schalkwijk, *The Reformed Church*, 47-9.

<sup>97</sup> For sugar and slavery in Brazil, see Herbert S. Klein and Francisco Vidal Luna, *Slavery in Brazil* (Cambridge: Cambridge University Press, 2010); Stuart Schwartz, *Sugar Plantations in the Formation of Brazilian Society* (Cambridge: Cambridge University Press, 1985).

forced many Portuguese planters to flee and take their slaves with them to the safety of Portuguese Bahia. In this period, other slaves were able to use the disruption of the Dutch attack to flee to the interior and found their own communities. These communities grew during the subsequent and ongoing Portuguese-Dutch war. F.L. Schalkwijk proposed that there were thirty thousand slaves in the Dutch part of Brazil, a number that exceeded the WIC-affiliated population but remained less than the total European population if both Portuguese and Dutch affiliates are included.<sup>98</sup>

Although Brazil and New Netherland differed a great deal from one another demographically, economically, and socially, they presented many of the same challenges to WIC authorities, and the challenges echoed, if in amplified form, the challenges that authorities faced in the Dutch Republic. With tremendously heterogeneous populations that lacked the binding agents of shared culture, history, language, or religion, the colonies and the Dutch Republic both required an alternative force to weaken local particularism and unite people in support of central authority. Marriage regulation and the alliance between the state and middling and elite patriarchs that this regulation supported was meant to fill this void and create support for the state. Because Dutch authorities and all people under their rule – Portuguese, Swedish, English, Indian, and enslaved – agreed that the WIC’s introduction of specifically Calvinist marriage regulation and the enforcement this regulation had the power to increase Dutch authority and support the WIC’s claim to sovereign jurisdiction, marriage regulation became a site of resistance for non-Dutch people.

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<sup>98</sup> Schalkwijk, *The Reformed Church*, 49. Jeroen Dewulf argues for a population of 40,000 slaves in Pernambuco alone before the arrival of the Dutch, “Emulating a Portuguese Model,” 10. Although the Dutch conquest of Brazil briefly slowed or halted the slave trade to Brazil, it was already back under way in 1637, when the WIC sent 1,000 slaves to Pernambuco from Guinea, Boxer, *Dutch in Brazil*, 84.

In chapter 1, the WIC's attitude to mixed Dutch-Portuguese marriages in Brazil is investigated. While the Company initially understood such marriages as a way to create a Dutch society, it came to see them as lending support to the Portuguese position. The WIC tried to use its colonists and employees' selection of Portuguese marriage partners to bolster its own territorial and commercial gains. After WIC authorities decided this policy did not serve to secure Dutch authority, they sought to break up such marriages in order to protect Dutch colonial interests. Mixed marriages – whether permitted or forbidden – were never understood as neutral, private decisions but rather were always acknowledged to be political acts, which could either support or undermine Dutch authority.

Chapters two through five investigate not the selection of marriage partners but marriage regulation and its use as a way to extend Dutch authority. Chapter two argues that the WIC enforced marriage and sex regulation more strictly upon its population of soldiers and sailors and their lower class female counterparts, in the hope that such discipline would transform them from disorderly people into orderly citizens. Chapter three turns the focus from individual offenders to the institutional resistance to Dutch marriage law. In this chapter, we will see that the West India Company had to deal with competing claims to jurisdiction over marriage. Religious minority churches struggled to maintain their own authority over marriage in their communities, while Dutch authorities simultaneously tried to make these communities obey Dutch marriage law in a bid to eliminate legal plurality and strengthen centralized, Company authority. This chapter also argues that Dutch institutions, specifically the Reformed Church and the civilian civil courts, tried to wrest control of marriage from the WIC appointed local governments



in order to legitimate their own authority. At stake in both the WIC's struggle with its employees and its struggle with competing jurisdictions were the WIC's claims to be a state and its concurrent need to eliminate jurisdictional competitors.

In chapters four and five, the subjects are Dutch efforts to regulate Indian and enslaved communities and to regulate the mixing of Dutch people with these groups. Chapter four argues that WIC regulation of Dutch-Indian mixing should be understood within the context of the effort to discipline the company's soldiers, but also that WIC authorities treated Tupi Indians in Brazil like disorderly lower class people who needed to be disciplined in order to be incorporated into Dutch society. If the WIC is often accused of being lax in its regulation of marriage and sex, a claim which this dissertation refutes, chapter five's investigation of the WIC's lack of regulation of slave marriage and sexuality illuminates the pervasiveness of marriage and sex regulation for all non-enslaved people. Enslaved people were the only people whom Dutch authorities chose not to regulate, and this suggests that both the decision to regulate people and the decision not to regulate people produced hierarchies. In the case of the decision to regulate, it produced class and gender hierarchies in which Dutch Calvinists were at the top while lower class Dutch men and women were at the bottom. In the case of the decision not to regulate, it produced a racial hierarchy in which Europeans dominated Africans. Enslaved people were not, however, passive subjects of Dutch policies; many struggled to have the WIC apply its marriage laws to them in order to protect the families that they were building in the Dutch colonies.

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In a recent article, Sarah Pearsall suggests that conflicts over the continued Indian practice of polygamy under Spanish rule in the early modern period have been understood as “local color in the background of heady borderlands dramas” rather than the “action.” While historians have known that Indian rebels advocated a rejection of Spanish sexual norms, they have understood the desire to resurrect polygamy as one part of a much larger project to reject Spanish rule and restore Indian traditions. Pearsall argues that polygamy was, in fact, at the center of Indian revolts because to both Spanish and Indians marriage practices were intertwined with political hierarchy. To the Spanish, polygamy represented disorder and threatened carefully crafted political and religious hierarchies, while to the Indians, it created and upheld hierarchies and maintained the authority of the chief.<sup>99</sup> This dissertation suggests that historians have similarly considered marriage and sex to be insignificant background to the more important drama of the rise and subsequent fall of Dutch colonial power. Here too, marriage and sex need to be reevaluated and understood as central to the project of Dutch colonization. Because the WIC was unable to attract large numbers of Dutch, Calvinist immigrants, it had to seek other ways to secure a Dutch society. The perceived power of marriage and marriage regulation to transform people was yoked to the WIC’s project of creating orderly societies and supporting its aim to be a state.

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<sup>99</sup> Sarah M.S Pearsall, “‘Having Many Wives’ in Two American Rebellions: The Politics of Household and the Radically Conservative,” *American Historical Review* 118 no. 4 (2013): 1001-1028.

**Chapter One:**  
**“More & more they marry together”:**  
**Confessionally Mixed Marriages in the Dutch Atlantic World**

In September 1673, representatives of the inhabitants of Albany met the leaders of the Dutch force that briefly re-conquered New Netherland from the English. They presented the Dutch commanders with a number of requests, the second of which requests that “conscience shall not be subjected to any constraint, as there are some here of different opinions who have intermarried, but that every one shall be at liberty to go where he pleases to hear the Word of God.”<sup>100</sup> Albany’s people were apparently worried that the new Dutch government would force married couples to share the same religious beliefs. Given the Dutch Republic’s reputation for being religiously tolerant and for having families in which various members openly adhered to different Christian denominations, it seems strange that Albany’s representatives would be so concerned about how this conquering force would react to the community’s mixed Christian marriages.<sup>101</sup> This chapter suggests that despite the Dutch commitment to tolerance, Albany’s community had a great deal of reason to be concerned about their new government’s reaction to mixed marriages.<sup>102</sup>

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<sup>100</sup> E.B. O’Callaghan, ed., *Documents relative to the Colonial History of the State of New York* (Albany: Weed, Parsons, Printers, 1853-1887), vol. 2, 593.

<sup>101</sup> Christine Kooi, *Calvinists and Catholics during Holland’s Golden Age: Heretics and Idolaters* (Cambridge: Cambridge University Press, 2012), 192; Judith Pollmann, “The Bond of Christian Piety: The Individual Practice of Tolerance and Intolerance in the Dutch Republic,” in *Calvinism and Religious Toleration in the Dutch Golden Age*, eds., R. Po-Chia Hsia and Henk van Nierop (Cambridge: Cambridge University Press, 2002), 56.

<sup>102</sup> This chapter deals only with marriages that involved Christians of different denominations. See chapters four and five for the West India Company’s reaction to marriages that mixed Christians with Indians or enslaved people.

During the course of the 17<sup>th</sup> century, Dutch attitudes toward mixed Christian marriage underwent a great deal of change, and, in the last quarter of the century, became more uniform than earlier. While the Reformed Church – and the authorities of other churches as well – had been decisively opposed to mixed marriages from the beginning of the century forward, for much of the century’s first half civil authorities everywhere in the Dutch world had permitted such marriages without any intervention. First in Dutch Brazil beginning in 1645 and then in the Dutch Republic in the 1670s, however, political authorities turned against them and began a process of regulating them more closely. This chapter argues that the experience with mixed marriages in Dutch Brazil helped shape a consensus among political authorities in New Netherland as well as in the Dutch Republic that religiously mixed marriages were problematic for both social and political order.

This chapter also argues, however, that the decisive shift in attitude toward mixed marriage has obscured the complexity of attitudes toward Dutch-Portuguese mixing held by both Dutch and Portuguese people during the period of Dutch rule in Brazil. Contemporary chroniclers of the Dutch defeat in Brazil emphasized the fact that many men – both Dutch and other Europeans in Company service and free colonists – chose to marry Portuguese Catholic women, and that most of them ultimately adopted the Portuguese side. Their behavior suggested to contemporaries that people in mixed marriages were untrustworthy and had unstable allegiances. Historians have incorporated these views into histories of Dutch Brazil, and while they do not argue that mixed marriages were the sole cause of the eventual Dutch expulsion from Brazil, they do suggest that these marriages played a significant role in the Dutch failure to hold the

colony.<sup>103</sup> This chapter offers another interpretation. It suggests that, at least initially, both Dutch and Portuguese perceived mixing as beneficial to the Dutch side. In much the same way that the West India Company directors and colonial governors assumed that connivance in matters of religion could be used as a tool to gradually create the disciplined Calvinists and orderly families that the Company believed would be the foundation of a lasting colonial empire, their actions suggest that they believed that marriage itself was a tool to bring about their ideal society.

It has often seemed strange to historians that the Dutch should believe that with their relatively small population they could achieve lasting control over the vast empire that they settled or conquered in the 1630s. The WIC was no less aware than modern historians that the lack of Dutch colonists presented a problem, but they planned to overcome this obstacle through permitting mixed marriages that would transform non-Dutch women into Calvinist housewives, in this case marriages between WIC employees or colonists and Portuguese women. While these plans did not succeed and, in retrospect, seem doomed to fail, we need to take their logic seriously if we are to understand the WIC's colonizing strategy.

### **Confessionally Mixed Marriages in the Dutch Republic**

In order to understand why the WIC believed that mixed marriages might help their efforts at expansion – or at least not harm them – it is necessary to examine the prevailing attitudes to confessionally mixed marriages in the Dutch Republic and early modern Europe in the late 16<sup>th</sup> and 17<sup>th</sup> centuries. In the period in which the West India Company was active, Dutch culture offered those who favored Calvinist expansion two

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<sup>103</sup> Boxer, *The Dutch in Brazil*, 170; Gonsalves de Mello, *Nederlanders in Brazilië*, 144-5; Stuart Schwartz, *All Can Be Saved: Religious Tolerance and Salvation in the Iberian Atlantic World* (New Haven: Yale University Press, 2008), 195-6.

perspectives on confessionally mixed marriages: a negative view which suggested that mixed marriages drew Calvinists away from the true religion and should be forbidden and a view which tolerated and sometimes even went so far as to celebrate these marriages as a means of converting non-Calvinists to the Reformed Church. These attitudes should be connected to wider conflicts within Dutch society over how to organize a confessionally mixed society.

Religious leaders of all denominations in the Dutch Republic favored a society that would be clearly divided along confessional lines,<sup>104</sup> and they were particularly opposed to intermarriages because they feared they would lose established members to the new spouses' denomination.<sup>105</sup> As early as the 1574 Synod of Dordrecht, the Reformed Church decided that it would discourage mixed Christian marriages.<sup>106</sup> This fear that members would abandon their church if they married someone from another church was not unreasonable. Although his research on mixed Calvinist-Catholic marriages in Amsterdam does not specify the gender of the converting spouse, Herman Roodenburg found that in a quarter of mixed Calvinist-Catholic marriages, the Reformed spouse ultimately adopted Catholicism. He also found that in cases of Calvinist-Mennonite marriages the Reformed partner became Mennonite 30% of the time. There was a similar rate of conversion among Calvinists in Calvinist-Lutheran marriages.<sup>107</sup>

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<sup>104</sup> Benjamin Kaplan, *Divided by Faith: Religious Conflict and the Practice of Toleration in Early Modern Europe* (Cambridge: Belknap Press of Harvard University Press, 2007), 293.

<sup>105</sup> Kooi, *Calvinists and Catholics*, 195; Kaplan, *Divided by Faith*, 268; Roodenburg, *Onder censuur*, 152-3

<sup>106</sup> Van der Heijden, *Huwelijk in Holland*, 65-7.

<sup>107</sup> Roodenburg, *Onder censuur*, 157, 170, 180.

In response, the Reformed Church implemented practical steps to prevent confessionally mixed marriages, although it had to do so without the formal support of political authorities. If news reached a Reformed consistory that a member was planning to marry a non-Calvinist, a representative was dispatched to encourage the member to break off the engagement.<sup>108</sup> Because an engagement could only be legally broken if it remained private, that is, if the banns had not yet been proclaimed, the representative adopted a different tactic if this step had already occurred. He proceeded to try to convince the member to solemnize the mixed marriage within the Reformed Church rather than before civil authorities or in the church of the non-Calvinist partner. If a mixed couple were convinced to marry in the Reformed Church, this was perceived as a sign that the couple would henceforth affiliate themselves more strongly with the Calvinist Church than the other church, a victory for the Reformed Church.<sup>109</sup> The Reformed Church so opposed mixed Calvinist-Catholic marriages that it went so far as to permit separations for Calvinist-Catholic couples, even though the Reformed Church rejected separations in all other situations.<sup>110</sup>

Catholics in the Dutch Republic, however, operated according to the same logic. Catholic clergy tried to convince mixed Calvinist-Catholic couples to have their marriages solemnized before a priest, and, similarly, considered it a victory if they were successful.<sup>111</sup> Cecilia Cristellon has argued that the Catholic attitude to mixed marriages

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<sup>108</sup> Kooi, *Calvinists and Catholics*, 198-9.

<sup>109</sup> Roodenburg, *Onder censuur*, 154 for Catholic marriages and 168-9 for *doopsgezinden*.

<sup>110</sup> Kooi, *Calvinists and Catholics*, 200.

<sup>111</sup> Kooi, *Calvinists and Catholics*, 195-6.

was complicated and that two views were expressed toward women who entered into them: “the hope that they would serve a missionary role, on the one hand, and the fear that they would succumb to heresy, on the other.”<sup>112</sup> Catholic authorities in Rome forbade mixed marriages and were extremely reluctant to grant any dispensation to couples that wanted to marry anyway unless the non-Catholic converted to Catholicism.<sup>113</sup> Catholic authorities in the Dutch Republic, therefore, opposed mixed marriages in the same way that Calvinist authorities did.

Negative opinions of confessionally mixed marriage had currency beyond religious circles in the Dutch Republic. Jacob Cats discouraged confessionally mixed marriages and recommended that people choose partners of the same age, status, and religion.<sup>114</sup> Cats was a devoted Calvinist, so his advice was likely at least partially rooted in the belief that the mixed marriage was dangerous to the spiritual health of church members. At the same time, however, it seems to me that Cats was gesturing toward a larger idea. It was a widely held belief in the Dutch Republic, and everywhere in Europe, that countries would be stronger if their families were harmonious, intact, and orderly. Religious differences were – with good reason – perceived as an area that had the potential to cause significant discord in a marriage.

People less inclined to follow the advice of the various church leaders and moralists did enter into mixed marriages and sometimes caused significant disorder.

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<sup>112</sup> Cecilia Cristellon, “Unstable and Weak-Minded or a Missionary? Catholic Women in Mixed Marriages (1563-1798)” in *Gender Difference in European Legal Cultures: Historical Perspectives*, ed. Karin Gottschalk (Stuttgart: Franz Steiner Verlag, 2013), 84.

<sup>113</sup> Cristellon, “Unstable and Weak-Minded,” 89-90.

<sup>114</sup> Haks, *Huwelijk en gezin*, 105-6; Kaplan, *Divided by Faith*, 287.



Mixed couples became embroiled in disputes over which church to select for the marriage solemnization ceremony or which church to attend subsequently. There were cases in which one spouse applied significant verbal or physical pressure to force the other to attend his or her church. Herman Roodenburg uncovered one case that appeared before Amsterdam's consistory in which a pregnant member of the Reformed Church was forced by her baby's father to decide whether to marry before a Catholic priest – the only place that he found acceptable for the marriage solemnization – or to remain unmarried and suffer the shame of bearing an illegitimate child.<sup>115</sup> Such disputes could force civil authorities to intervene and had the potential to affect the delicate balance of religious tolerance in the Dutch Republic.<sup>116</sup> There was also threat to the social order from mixed marriages. In some cases, it was the wife rather than the husband who became the arbiter of which church a couple attended, and this must have seemed to religious authorities to invert the proper order in which the husband was the head of the household and the wife obeyed his authority.<sup>117</sup>

While religious authorities and moralists opposed confessionally mixed marriages, civil authorities permitted them. In Benjamin Kaplan's investigation of religious tolerance in early modern Europe, he shows that there were multiple, distinct approaches to creating and maintaining religiously tolerant societies. The Dutch Republic adopted what he calls an approach of "integration."<sup>118</sup> People of different

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<sup>115</sup> Roodenburg, *Onder censuur*, 267.

<sup>116</sup> Roodenburg, *Onder censuur*, 156; Kooi, *Calvinists and Catholics*, 175-6.

<sup>117</sup> Roodenburg, *Onder censuur*, 158.

<sup>118</sup> Kaplan, *Divided by Faith*, 293.

confessions lived in the same neighborhoods, and the government introduced policies that were designed to emphasize unity across confessional lines by promoting a civic or town identity above a religious identity.<sup>119</sup> While this policy did not have the explicit goal of encouraging mixed marriage, it produced a society in which men and women with different religious affiliations interacted with one another on a regular basis and, as a result, often wanted to marry. Although it seems likely that Dutch authorities were often personally convinced by the arguments of men like Cats that mixed marriages were likely to lead to discord and disapproved of such marriages, they also tolerated these marriages and placed no impediments in the way of couples who proposed to marry across confessional lines.

For some, the integrationist approach may not simply have been a matter of creating a peaceful, confessionally mixed society; it was likely part of a wider plan to eventually create a fully Calvinist society. As Evan Haefeli has argued, when authorities turned a blind eye to the behavior of religious minorities, who were ostensibly not allowed to worship publicly or in groups, they never intended to allow non-Calvinist denominations to grow and flourish. Instead, they hoped to slowly – and without coercion – convince people that Calvinism was the best option.<sup>120</sup> While by the end of the 16<sup>th</sup> century the Reformed Church had explicitly rejected the possibility that Calvinists could convince non-Calvinists to switch religions through mixed marriage, some people, into the 17<sup>th</sup> century, maintained the conviction that mixed marriages could

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<sup>119</sup> Kaplan, *Divided by Faith*, 251. These issues are also discussed in the articles collected in R. Po-Chia Hsia and Henk van Nierop eds., *Calvinism and Religious Toleration in the Dutch Golden Age* (Cambridge: Cambridge University Press, 2002).

<sup>120</sup> Haefeli, *New Netherland*, 80.

serve a missionary purpose. In 1595, the Delft church council had to explicitly tell its members that they should not marry non-Calvinists in the vain hope that they could convince the non-Reformed partner to become Calvinist; such strategies, the religious authorities explained, had previously proven unsuccessful.<sup>121</sup> In 1631, the Lutheran city council in Strasbourg met to consider whether burghers would lose their citizenship if they married Calvinists. The city council concluded that a Lutheran man who married a Calvinist woman could keep his citizenship because he could draw his wife into the Lutheran community, while a Lutheran woman who married a Calvinist man would lose her citizenship because she was likely to be drawn into the Calvinist religion.<sup>122</sup> Such ideas about the capability of mixed marriages to bring about conversions were certainly circulating in the Dutch Republic at the same time.

For the Reformed Church, there was particular fear surrounding Calvinist women who elected to marry non-Calvinists. As evidenced by the law in Strasbourg mentioned above, contemporaries expected that a husband could relatively easily change his wife's allegiance, so Calvinist women were in particular danger of being converted to their new husband's religion. Consistories were always particularly fearful that Catholic husbands would convince their Calvinist wives to become Catholic.<sup>123</sup> The idea that husbands could convince or coerce their wives to change religions was, in fact, precisely the logic that New Netherland's ministers offered against the expansion of tolerance for the Lutherans in the colony in 1657. They reported that they had "proofs and complaints"

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<sup>121</sup> Kooi, *Calvinists and Catholics*, 195.

<sup>122</sup> Wiesner, *Christianity and Sexuality*, 74.

<sup>123</sup> Kooi, *Calvinists and Catholics*, 195.

that husbands had forced their wives to leave the Reformed church to attend alternative conventicles.<sup>124</sup> New Netherland's ministers were trying to make a case that an official grant of tolerance would be problematic, and, to do so, they needed to convince their readers that the situation was, in fact, dire. That they called upon the specter of husbands forcing their wives to go to conventicles suggests that it was widely agreed upon that husbands could often dictate the religious choices of their wives and that offering Lutherans the freedom to worship would cause them to force their Calvinist wives to abandon Reformed services.

The reality of mixed marriages in the early modern period was, of course, more complicated than the picture painted by authorities, which assumed wifely submission to a husband's religious choices. In her work on New York after the English conquest, Joyce Goodfriend shows that many English men married Dutch women presumably for much the same reasons that Dutch men married Portuguese women in Brazil: lack of female immigration from their own country. Rather than becoming Anglican and abandoning the Reformed Church, these women maintained their own religious affiliations for several generations after the English conquest in 1664 and some even convinced their English husbands to join the Reformed Church. If anything, Dutch women, whether married to Dutch or English men, remained strongly committed to the Reformed Church, as Goodfriend shows that in the period from 1700 to 1730, the Reformed Church admitted more than one thousand new members, two-thirds of whom

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<sup>124</sup> E.T. Corwin, ed. *Ecclesiastical Records: State of New York* (Albany: James B. Lyon, 1901-16), vol. 1, 387-8.

were women.<sup>125</sup> Even so, the image of the woman converting to her husband's religion had much greater currency in early modern culture than the opposite image.

The situation in Dutch Brazil offered the WIC an opportunity to use marriage to impose its rule on the population. Everyone acknowledged that marriage had the power to change religious allegiances but that the advantage in such situations generally lay with the husband. In a population with gender parity, it could be assumed that all denominations might gain and lose people, and this is precisely what revolted the Reformed Church in the Dutch Republic about mixed marriage. In Dutch Brazil, however, where the vast majority of WIC immigrants were men, Calvinist men would be marrying Catholic women. The WIC, while perhaps not explicitly encouraging a policy of mixed marriages, was likely both hoping and relying upon the assumption that patriarchal dominance would bring new converts to Calvinism and the Dutch side when it allowed mixed marriages to proceed.

### **Confessionally Mixed Marriage in Dutch Brazil**

Even though the Reformed Church and conduct literature advised against confessionally mixed marriages, WIC governors pursued the integrationist approach that was dominant among political leaders in the Dutch Republic. They favored creating an integrated society of Dutch and Portuguese, and, again, while they did not incentivize mixed marriage, they also did not stand in the way when Dutch men married Portuguese women. While we might expect them to have adopted the Calvinist position and rejected mixed marriage given the overwhelming involvement of WIC directors before 1650 in the Reformed Church, the choice of Johan Maurits as governor suggests that the directors

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<sup>125</sup> Joyce Goodfriend, *Before the Melting Pot*, 203-4.

had concluded that the integrationist approach would benefit the colony.<sup>126</sup> Caspar van Baerle's 1647 history of Brazil under the reign of Johan Maurits specifically lauds this aspect of Johan Maurits' approach to governing the colony. He wrote, "it was as though the Count had created one united body of people of various nationalities, Dutch, Portuguese, and Brazilian – and so laid a solid foundation for the rise of a strong nation."<sup>127</sup> Again, while there is no evidence that either Maurits or the WIC specifically encouraged mixed marriage, they certainly hoped and planned for an integrated society and were willing to accept that mixed marriages would be a consequence of this strategy. They must also have been aware that the Dutch were likely to have the upper hand in mixed marriages because these men would be the heads of household. The highly orthodox WIC directors may even have found the integrationist approach palatable only because of their assumptions regarding the ease of female conversion.

It is by no means clear how common mixed Dutch-Portuguese marriages were in Brazil, but, as we will see from the examples of mixed marriages, it appears as though Brazil's Dutch government achieved some success in integrating the two populations. Because special permission was not required to enter such a marriage, no records of these marriages were maintained. There is also no surviving marriage register that could at least provide clues based upon the names and birthplaces of the registrants. Our evidence is, therefore, entirely anecdotal, but it suggests that mixing began nearly immediately and that it occurred across almost all levels of society, from free colonists and soldiers to high military officers. The only men who did not marry Portuguese women were the members of Brazil's governing council who were either unmarried or married to Dutch women.

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<sup>126</sup> Noorlander, "Serving God and Mammon," 72-7.

<sup>127</sup> Van Baerle, 49.

These men were generally drawn from the ranks of the Company's directors or from city governments in the Dutch Republic, and they almost certainly did not intend to settle in Brazil. Becoming tied down in Brazil with a Portuguese wife and property would, therefore have been undesirable for them.

The first mixed relationship which appears in the records actually began on Saint Vincent, one of the Cape Verde islands, in 1629. Part of the Dutch force under Admiral Hendrick Corneliszoon Loncq that was supposed to conquer Brazil departed the Dutch Republic in June of 1629. Loncq was instructed to wait in the Cape Verde islands off the coast of Africa for the remainder of the fleet that would join him to complete the force that was destined for Dutch Brazil. The Dutch fleet finally crossed the Atlantic for Brazil in December 1629, leaving a period of approximately five months in which the fleet remained in the area of Cape Verde, and at least one man entered a relationship with a Portuguese woman during this delay. When Cornelis Simons de Gooyer, a Company clerk [*commies*], was investigated in Brazil for selling Company sugar for his own profit, it emerged in the course of his interrogation that while in Saint Vincent, he had begun an affair with a Portuguese woman named Barbera. Their relationship progressed so far that he decided to bring her with him to Brazil when the fleet crossed the Atlantic. When Barbera became pregnant with Gooyer's child, Gooyer's mother and his wife, who both seem to have been with him in Brazil, got into a dispute. Gooyer's mother wanted to raise the illegitimate child, but his wife would not agree to this plan. Gooyer eventually sent Barbera to the Dutch Republic with a letter to his father, who had stayed behind

there, in which he asked him to “take and treat the child as if it were one of his own children because it was his.”<sup>128</sup>

After this incident, we hear no more about mixed relationships outside of marriage between Dutch men and Portuguese women, and mentions of mixed marriages begin again only in 1635, but in the period from 1635 to 1645, there is a steady stream of evidence of mixed marriage, some of which concerns specific individuals and some of which points to a larger pattern of mixed marriage. In March or April of 1635, Jan Wijnants van Haarlem married the daughter of the Portuguese Luciano Brandão.<sup>129</sup> In July 1636, Pieter Cornelis van Amsterdam requested to be released from his company service in order to marry a Portuguese woman, which was permitted.<sup>130</sup> The following year, Jean de Croix, a soldier, requested the same, and he was also licensed to leave the company.<sup>131</sup> In the same year, a sergeant who was engaged to a Portuguese woman requested that the classis send one of its members to her town to solemnize their marriage, but the classis denied the request and told him that the couple would have to go to one of the already established Reformed congregations to marry.<sup>132</sup> Caspar van der Leij, who would later be one of the most important people to abandon the Dutch cause

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<sup>128</sup> NA OWIC 1.05.01.01, inventory 49, testimony of Evert Roeluffs van Amsterdam, September 14, 1631; testimony of Joost Cornelissen van Percij, September 14, 1631; confession of Cornelis Simon de Gooyer, October 9, 1631.

<sup>129</sup> On March 27, 1635, Wijnants was granted permission to purchase wine from the company to serve at his wedding celebration, but it is not clear exactly when the ceremony occurred, NA OWIC 1.05.01.01, inventory 68, March 27, 1635.

<sup>130</sup> NA OWIC 1.05.01.01, inventory 68, July 18, 1636.

<sup>131</sup> NA OWIC 1.05.01.01, inventory 68, March 10, 1637.

<sup>132</sup> J.A. Grothe, ed. *Archief voor de geschiedenis der oude Hollandsche zending* (Utrecht: C. van Bentum, 1884-1891), vol. 2, 226-7, Meeting of the classis of Recife, beginning March 3, 1637.



for the Portuguese side, married the daughter of Manoel Gomes de Melo. His fellow defector Dirck van Hooghstraten, who sold the Dutch fort at Cabo St. Agostino to the Portuguese, also married a Portuguese woman. Charles de Tournalon, the captain of Governor General Johan Maurits' guard, married Anna Pais, and after his death, she married Gijsbert de With, who was a member of the *Raad van Justitie*. George Garstman, the commander of the Dutch fort in the province of Rio Grande, also married a Portuguese woman there.<sup>133</sup> In his work on religious tolerance in the Iberian Atlantic world, Stuart Schwartz uncovered several more mixed marriages that appear exclusively in Portuguese sources. The Portuguese Domingos Ribeiro married three of his daughters to Dutch men in Calvinist ceremonies, and in Igarassú, the two nieces of a man known as Pimenta married Dutch men.<sup>134</sup>

In addition to these fourteen specific cases of mixed marriage, there is evidence that mixed marriages were a wider phenomenon. In February 1637, representatives of the consistory in Recife complained that some of "our" [Dutch] people marry Portuguese women before their priests, without making this known to the Reformed ministers or the magistrates of this place.<sup>135</sup> This omission would have been particularly galling to the Reformed ministers because the decision to marry in the Catholic Church would have been interpreted as a sign that the couple planned to affiliate themselves most strongly to the Catholic Church. The Jesuit Antonio Vieira reported that in the northernmost province of Maranhão not only had mixed marriages occurred, but also that there were

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<sup>133</sup> Gonsalves de Mello, *Nederlanders in Brazilië*, 143-5.

<sup>134</sup> Schwartz, *All Can Be Saved*, 195-6.

<sup>135</sup> NA OWIC 1.05.01.01, inventory 68, February 13, 1637.

Portuguese that had begun to accept “the customs and even the rituals of the Dutch.”<sup>136</sup>

The English WIC soldier and diarist Cuthbert Pudsey claimed that Garstman was the first WIC officer to marry a Portuguese woman, an heiress, but that afterwards, “synce we have advanced in the country a many have matchd with the Portugues women of good ranck and qualletye, as Collonell Tourlowne [Tourlon], Captaine Mettinge, wth many more. And now daly more & more they marry together.”<sup>137</sup>

When Cosmo de Moucheron wrote his report about the events leading up to and during his surrender of Serinhaem to the Portuguese under Martin Soares Moreno and Andre Vidal in 1645, he says that when the Portuguese arrived, they imprisoned those who were known to be well disposed to the Dutch, and they “interrogated the Portuguese women married to Dutch men,” suggesting that there were more than a few such women.<sup>138</sup> In December 1645, the widows of Portuguese men killed in an Indian assault in the province of Rio Grande seem to have decided to marry the available Dutch men *en masse*. The new husbands then petitioned the *Hoge Raad* to have the slaves and booty taken by the *brasilienen* and soldiers from their new wives returned to them.<sup>139</sup> This decision seems rather strange, but the women may have been terrified that another assault

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<sup>136</sup> Schwartz, *All Can Be Saved*, 195.

<sup>137</sup> Nelson Papavero and Dante Martins Teixeira, eds., *Dutch Brazil, Volume 3, Cuthbert Pudsey: Journal of a Residence in Brazil* (Petropolis: Editora Index, 2000), 67. This Captain Mettinge is probably the same man as the WIC officer Johan Bettinck whose possession of objects from Brazil in his home in the Dutch Republic is discussed by Michiel van Groesen. Van Groesen, “Officers of the West India Company, their Networks, and their Personal Memories of Dutch Brazil,” in *The Dutch Trading Companies as Knowledge Networks*, eds., Siegried Huigen, Jan L. de Jong, and Elmer Kolfin (Leiden: Brill, 2010), 55.

<sup>138</sup> NA OWIC 1.05.01.01, inventory 60, Report of Cosmo de Moucheron to the *Hoge Raden* regarding events in Serinhaem, August 15, 1645.

<sup>139</sup> NA OWIC 1.05.01.01, inventory 71, December 20 and 23, 1645.

was imminent, and they likely believed that having Dutch husbands could shield them from the incursions of the war.

Stuart Schwartz argues that the 1645 revolt “disguised to some extent a period of political and social collaboration, or at least relativism and indifference that had preceded it.”<sup>140</sup> The evidence from WIC records supports this claim and suggests that the integrationist approach favored by the WIC was, indeed, beginning to create a unified Dutch-Portuguese society. As this integration proceeded, Dutch observers likely assumed that Dutch husbands were convincing their Portuguese wives to abandon Catholicism. While the possibility of a peaceful Dutch-Portuguese community in Brazil may have pleased some people, there were others among the Portuguese population, however, that opposed these developments. We can assume that Rome’s policy of prohibiting mixed marriages was in force in Brazil, and, indeed, mixed couples, or those considering mixed marriages for their children, were subject to a great deal of harassment and violence. Although in the later period, the Portuguese viewed some of these marriages as positive, they did not welcome most of the mixing at the moment that it occurred. Just as the Dutch took seriously the idea that mixed marriage could be used to create a Dutch society, the Portuguese similarly took this idea seriously and worked to prevent mixed marriage in order to maintain their existing society.

By February 1636, Jan Wijnants, who was already married to a Portuguese woman, purchased an abandoned sugar mill.<sup>141</sup> His period of happiness there, however, must have been brief indeed because on July 2, 1636, the *Hoge Raad* received word that

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<sup>140</sup> Schwartz, *All Can Be Saved*, 193.

<sup>141</sup> NA OWIC 1.05.01.01, inventory 51, Letter of February 20, 1636.

Portuguese rebels had attacked Wijnants' mill and killed his wife.<sup>142</sup> There is some evidence to suggest that the rebels behaved in an extremely calculated way and that the murder of Wijnants' wife should be considered very deliberate and was likely meant to punish her for her decision to marry Wijnants and warn others against the same decision. A letter from Christofel Artichofski, the commander of the Dutch forces, describing this Portuguese advance explained that the rebels only plundered the homes and belongings of Dutch people and not of the Portuguese who had acquiesced to Dutch rule. They even passed by the mill of the Dutchman Caspar van der Leij, who was also married to a Portuguese woman, and instead of plundering it, asked him to join their side.<sup>143</sup> Artichofski does not discuss the attack on Wijnants mill, which occurred two weeks after he wrote the letter, but from his account, it is clear that this Portuguese force, which eventually reached Goijana where Wijnant's mill was located, was disciplined and behaved with intention. If they elected not to destroy Van der Leij's possessions, it seems likely that they chose to burn Wijnants' mill and murder his wife. According to Stuart Schwartz, Van der Leij became Catholic, while Jan Wijnants remained a committed Calvinist, which likely explains their diverging treatment.<sup>144</sup> The Portuguese, therefore, found mixed marriage acceptable when it led to connection with their side and

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<sup>142</sup> NA OWIC 1.05.01.01, inventory 68, July 2, 1636.

<sup>143</sup> NA OWIC 1.05.01.01, inventory 51, Letter of Crestoffel Artichofski to the Zeeland Chamber, June 13, 1636.

<sup>144</sup> Schwartz, *All Can Be Saved*, 196. Schwartz is not explicit about when Van der Leij adopted Catholicism, but he was a member of the Reformed Church until at least 1641, when he was apparently an elder in the church and appears in the records as being excused for his absence from the meeting of the classis, Grothe, *Archief*, vol. 2, 284. His absence may indicate some disaffection or lack of desire to affiliate too closely with the Reformed Church, and I suspect that he was already evincing signs of openness to the Catholic Church and/or the Portuguese cause in 1636. In 1639, Wijnants was chosen elder of the Reformed Church in Tamarica, and he faithfully attended the meeting, Grothe, *Archief*, vol. 2, 264.

perhaps conversion, but not when it entailed the Portuguese attachment to the Dutch cause.

In the summer of 1645, the Portuguese gained control of the fort at Cabo St. Agostino by purchasing it from its Dutch guardians, and here too it is clear that mixed marriage was a cause of particular ire for the rebels. After the purchase, the rebels captured a boat trying to flee the area for the safety of Recife which had on board the *schouts* [sheriffs] of both Cabo St. Agostino and Serinhaem as well as some female passengers. In a Portuguese letter that the Dutch intercepted and translated, they found the following description of the fates of these runaways, “we took the *schout* there and one from Serinhaem and we handed them over to the inhabitants who quickly helped them from this life [killed them]. One of these two was married to a Portuguese woman in Serinhaem, and she said that she would yet wash her hands in Portuguese blood, and, therefore, the women fell upon her life and robbed her of it as she deserved.”<sup>145</sup>

The final words of the *schout*'s Portuguese wife, her apparent allegiance to the Dutch side, and her murder show that mixed marriage could indeed indicate or develop into a change of allegiance and that the Portuguese rebels were very aware of this possibility. It also shows that the instability of allegiances that arose because of mixed marriages could as easily bring new people to the Dutch side – as the Dutch had hoped it would – as opposed to sending them to the Portuguese.

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<sup>145</sup> NA OWIC 1.05.01.01, inventory 61, Letter from Gaspar da Costa d'Abreu in the Cape to Domingos da Costa in Bahia, September 5, 1645. *Wij hebben dien schout met noch een schout van Serinhaem genomen @ overgelevert in handen vande inwoonders, die hun in corten stonden van dit leven voort hielpen, een van dese twee was getrouwt met een portugese vrouwe in Serinhaem, @ sij seijde dat sij haer handen noch in den portugese bloet soude wassen, weshalven de vrouwen haer opt liff vielen, @ beroofden haer vant leven als haer toequaem.*

Catholic priests on the Portuguese side also participated in efforts to prevent WIC personnel from marrying local women, acts which again suggest that both the Dutch and Portuguese understood that the decision to enter a mixed marriage was a rejection of the prior religious affiliation and a decision with political implications. In 1641, a priest in Igarassú refused to marry an unnamed Englishman in WIC service to a Portuguese woman, even though her parents had explicitly consented to the marriage. The priest claimed that the vicar general – the bishop’s deputy – had not consented to the marriage, so he was not authorized to perform the ceremony. When the Dutch government heard about this refusal, they wrote to the *schepen* in Igarassú to tell them to marry the couple, “according to the style that is used in the fatherland,” that is, in a civil ceremony, which the Portuguese anyway would not have considered legitimate.<sup>146</sup> It is not clear if the marriage ultimately proceeded, but the vicar general was following Rome’s mixed marriage policy by not performing the marriage.

The best evidence for Portuguese disaffection with mixed marriages comes from the history of Alexander Boeckholt, but this case also shows how complicated and difficult it is to interpret political allegiances based upon intermarriage. Boeckholt first appears in the records of the West India Company in 1637 as a clerk charged with distributing *farinha* – a root that the Dutch relied upon to feed themselves in Brazil – for the Company soldiers at Cabo St. Agostino.<sup>147</sup> At some point, he married a Portuguese widow with a daughter, and there his troubles began. In October 1641, Boeckholt

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<sup>146</sup> NA OWIC 1.05.01.01, inventory 69, March 12, 1641. On the Catholic rejection of civil marriage ceremonies, and, indeed, all marriages not performed by Catholic clergy, see Roodenburg, *Onder censuur*, 155-6.

<sup>147</sup> NA OWIC 1.05.01.01, inventory 68, February 25, 1637.

appeared before the *Hoge Raad* to complain that his stepdaughter had been taken by the orphanmasters and given in marriage to a man, even though the girl was only twelve years old and neither he nor his wife had consented to the marriage.<sup>148</sup> Boeckholt's stepdaughter also had a half-brother, the product of an illicit relationship between her deceased Portuguese father and an unknown woman, and Boeckholt complained that the orphanmasters had ruled that his stepdaughter had to split the inheritance she was to receive from her biological father with her half-brother. Boeckholt apparently felt that his stepdaughter ought to receive her father's entire estate because she was the legitimate child, while the half-brother's illegitimacy, according to Boeckholt, should preclude him from gaining a share in his father's property. The orphanmasters, however, claimed that the Portuguese custom gave illegitimate children the right to inherit from their parents, and, thus, rejected Boeckholt's efforts to secure his stepdaughter's claim on her biological father's entire estate.<sup>149</sup> The *Hoge Raad* eventually ruled that the *fiscael* [sheriff] should investigate the orphanmasters as well as the priest who had married the couple without inquiring about whether the parents had consented, a violation of Dutch marriage rules. He was then to charge them with any crimes that he found appropriate.<sup>150</sup>

This result clearly did not satisfy Boeckholt, most likely because it did not help his actual problems – that his stepdaughter was married and that her inheritance had been partially lost – and instead offered only punishment to those involved rather than the invalidation of the marriage and claim on the property that he probably desired. When, a

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<sup>148</sup> This case is explored in greater detail in chapter 3.

<sup>149</sup> NA OWIC 1.05.01.01, inventory 69, October 10, 1641.

<sup>150</sup> NA OWIC 1.05.01.01, inventory 69, October 4, 1641 and October 10, 1641.

few months later, Adriaen van Bullestrate, one of the members of the *Hoge Raad*, went on a tour of the southern limits of Dutch Brazil to make sure that areas outside of Recife were being governed properly, Boeckholt approached Van Bullestrate to complain about the situation.<sup>151</sup> Perhaps because of his complaint to Van Bullestrate, or because the orphanmasters had previously agreed to submit the case to a court, the case appeared before the *schepenbank* of Mauritsstad in March 1642, leading to a disagreement in the *schepenbank* and governmental crisis. That dispute will be discussed in chapter three.<sup>152</sup> Here we will follow Boeckholt's complaint. We can do so because the Dutch members of the *schepenbank* eventually complained in a letter to the *Heren XIX* that Johan Maurits had decided to remove the case from their jurisdiction and send it before the *Raad van Justitie* instead. As part of a more general claim that their jurisdiction should be increased and that of the *Raad van Justitie* decreased, the *schepen* wrote the most detailed available account of the Boeckholt case. There they explained that the Portuguese community was upset (*gestoort*) when the Portuguese widow (Boeckholt's future wife) decided to marry Boeckholt, whom they called a "Flemish dog, a heretic" (*een flamengo hont, ketter*). In retaliation, they kidnapped her child (Boeckholt's twelve year old stepdaughter) and married her to a forty-year old Portuguese man. The *schepen* claimed that the new husband was of much lower status than the Boeckholt family; they described him as a man who had nothing, had previously defected from the Dutch side, and then become a *bosloper* – a person who lived in the woods and likely harassed travellers.

They also wrote that the stepdaughter complained to the *schout* [sheriff] that her husband

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<sup>151</sup> NA OWIC 1.05.01.01, inventory 57, Minutes kept by Adriaen van Bullestrate during his trip through the south to Rio St. Francisco, December 13, 1641 to January 24, 1642.

<sup>152</sup> NA OWIC 1.05.01.01, inventory 69, March 20, 27, and 28, 1642. See chapter 3.



beat and abused her.<sup>153</sup> It seems that in order to punish the widow for her marriage to Boeckholt and probably to intimidate others who were tempted to follow her path and marry a prosperous Dutchman, a group of Portuguese people forced the widow's daughter to marry a man who was both much older than her and, apparently, of a much lower economic status. In the process, and probably not by accident, they excluded the mixed couple from control over the property that they likely expected to acquire through the widow's daughter. Boeckholt's loss proceeded in two ways. The orphanmasters first transferred half of the expected inheritance to the illegitimate half-brother, and they then married the stepdaughter to the *bosloper*, who, as the husband, would replace Boeckholt, the father, as the guardian of the property.

This intimidation seems not have been an isolated incident. On Van Bullestraete's further travels, he received a similar complaint from the Dutch *schepen* in the city of Serinhaem. The Portuguese *schepen* had taken the thirteen or fourteen year old daughter of one of the local families and married her to a Portuguese man without the consent or knowledge of her parents. The Dutch reported that the Portuguese had been motivated by their fear that the daughter was on the verge of marrying a Dutch man, and they wanted to prevent that possibility. Van Bullestrate instructed the *schout* [sheriff] to investigate the matter and charge the priest who had performed the marriage ceremony, but, again, no mention was made of nullifying the marriage.<sup>154</sup> Again, it was not simply

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<sup>153</sup> NA OWIC 1.05.01.01, inventory 57, Letter from the schout and schepenen of Mauritsstadt, June 25, 1642

<sup>154</sup> NA OWIC 1.05.01.01, inventory 57, Minutes of Adriaen van Bullestrate during his trip through the south to Rio St. Francisco, December 13, 1641 to January 24, 1642.

the Dutch who believed that mixed marriages would create a Dutch society; the Portuguese were just as convinced of this possibility and worked to thwart it.

Boeckholt's further adventures in Brazil show that we should be wary about accepting simple narratives about the connections between mixed marriage and loyalty on both the Dutch and Portuguese sides. Although Boeckholt opposed Portuguese attempts to control his daughter's marriage and we might presume that he would be a staunch opponent of the Portuguese rebels, in 1645, he, in fact, turned against Dutch authorities and adopted the Portuguese cause. Despite, or perhaps because of, his past troubles with his Portuguese neighbors, Boeckholt betrayed the Dutch and joined the Portuguese cause, taking with him the company of soldiers that were then under his command.<sup>155</sup> Shortly after, rumors begin to trickle into Recife that the Portuguese forces had murdered Boeckholt and his company *after* their change of allegiance.<sup>156</sup> A group of *brasilien* reported that they found Boeckholt and his whole company naked and dead in the area of Rio Formosa on the way to Bahia. They said that the company's wives and children had apparently been taken away as slaves.<sup>157</sup> Finally, a slave belonging to Boeckholt who had gone over – or been taken over – to the Portuguese side with Boeckholt returned to the Dutch. He claimed that the Portuguese had learned that a different Dutch commander, who had previously joined their cause, had repented his decision, executed a second betrayal, and returned to the Dutch side. Boeckholt's new

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<sup>155</sup> NA OWIC 1.05.01.01, inventory 60, examination of Adam Hansbergh, November 12, 1645.

<sup>156</sup> NA OWIC 1.05.01.01, inventory 61, examination of Simon Dias, *brasilien*, December 6, 1645; examination of Gonsalvo, a slave belonging to Jacob Senjoor, December 10, 1645.

<sup>157</sup> NA OWIC 1.05.01.01, inventory 61, Letter from the Hoge Raad to the Kamer Zeeland, December 10, 1645.

Portuguese comrades apparently began to fear that Boeckholt and his company were plotting a similar switch in allegiances. On the pretext of sending the company to Bahia, they disarmed them and then murdered Boeckholt.<sup>158</sup> This suggests that although the Portuguese came to celebrate mixed marriages, in practice, they were often unsure about whether Portuguese wives could truly anchor a Dutchman in the Portuguese cause.

In 1645, a revolt against Dutch rule began which lasted until the Dutch were expelled from Brazil in 1654. In this period, Dutch authorities began to question whether the integrationist approach and the permissive attitude to mixed marriage were appropriate for their situation. They started to worry that far from transforming Portuguese women into Dutch subjects, mixed marriages changed Dutchmen into Portuguese subjects. These worries had roots in the period before 1645, but became much more pronounced after 1645. Before 1645, WIC officials became suspicious about two military officers married to Portuguese women: George Garstman in 1636 and Charles de Tournalon in 1643.<sup>159</sup> Johan Maurits imprisoned De Tournalon and sent him back

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<sup>158</sup> NA OWIC 1.05.01.01, inventory 71, December 4, 1645.

<sup>159</sup> Regarding de Tournalon, see NA OWIC 1.05.01.01, inventory 70, March 19, 1643, where Johan Maurits had him imprisoned with some associates on suspicion of a conspiracy with the Portuguese in Bahia; no mention here is made of his Portuguese wife, but this was presumably a factor that raised suspicion. For Garstman, see NA OWIC 1.05.01.01, inventory 51, Letter from Jan Robbertsen to the Zeeland Chamber, December 20, 1636. The accusation against Garstman came from two Portuguese soldiers who stated that Garstman and his father-in-law, a Portuguese Catholic, were planning to sell the fort at Rio Grande which was under Garstman's command to the enemy. The question of Garstman's allegiance is very complicated. In 1646, he was charged with the murder of Jacob Rabe, a fellow WIC employee who served as liaison between the Dutch and the Tarairiu Indians. Garstman denied the crime, but his accusers claimed that he was angry at Rabe for leading a raid on the Portuguese that killed his father-in-law, among other Portuguese inhabitants of the province. Testimony also suggested that Garstman plundered Rabe's estate. This incident is discussed in Mark Meuwese, "The Murder of Jacob Rabe: Contesting Dutch Colonial Authority in the Borderlands of Northeastern Brazil," in *New World Orders: Violence, Sanction, and Authority in the Colonial Americas*, eds., John Smolenski and Thomas J. Humphrey (Philadelphia: University of Pennsylvania Press, 2005), 133-156. When the Dutch surrendered Brazil to the Portuguese, Garstman was still the commander of the fort at Rio

to the Dutch Republic to defend himself, but he seems to have died in Zeeland either during or immediately after the presentation of his case. Garstman was also sent back to the Dutch Republic, but he was eventually cleared of the charges against him. He returned to Brazil, and he continued to rise within the military hierarchy. Even though Dutch authorities had suspicions about de Tournalon and Garstman, until after the events of the summer of 1645, these suspicions were not generalized to all Dutchmen in mixed marriages, but applied only to specific cases.

The two most important Dutch men who betrayed the Dutch were Dirck van Hooghstraten and Casper van der Leij. Van Hooghstraten was a major who had the command of a fort in Cabo St. Agostino, but he was also a trusted intermediary between the Dutch and Portuguese. He twice served as a Dutch representative to negotiate with the Portuguese in Bahia – perhaps because he was fluent in Portuguese – even after he reported that at the first meeting, he was offered money in exchange for giving up his fort. At nearly the exact moment that Caspar van der Leij switched his allegiance to the Portuguese, the *Hoge Raad* had decided to offer him command of the entire Dutch army in Brazil.<sup>160</sup> Before the defections of Van Hooghstraten and Van der Leij, Dutch authorities trusted men married to Portuguese women, and eagerly used them to perform tasks of significant importance to the colony. Afterwards, they were anxious about these

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Grande. He fled with Matthias Beck, who was then in command of mining operations in the province, to Barbados, where he died.

<sup>160</sup> NA OWIC 1.05.01.01, inventory 71, September 10, 1645. On this day, the news arrived that van Hooghstraten had given up the fort at Cabo St. Agostino and that the Portuguese had named him colonel in exchange. Also reported at that meeting was that Caspar van der Leij had gone over to the Portuguese side. The councilors then debated who to select for commander of the army, as they had already settled on Van der Leij. George Garstman was eventually selected.

marriages and were prepared to break up some of the couples because of their fear that these would lead to further disasters.

New anxiety about Portuguese-Dutch marriage first appears at the end of April 1645, before the revolt or the defections had broken out in earnest but at the departure of Johan Maurits from the colony in 1644, unrest and conspiracy theories about an impending revolt began to circulate. Gijsbert de With, a member of the *Raad van Justitie*, the second highest governing body in Brazil after the *Hoge Raad*, appeared in the meeting of the *Hoge Raad* and announced his intention to marry Anna Pais, the Portuguese widow of Charles de Tournalon. He explained,

Because people, as a result of *dona* Anna's Portuguese origins, might surmise that he, therefore, was not disposed to continue in the service of the Company, or that he would display less zeal and desire for the advancement of the Dutch nation, that he, on the contrary, reassures the meeting, that through this marriage, he will become more engaged with the country, holding himself bound to contribute all his efforts even more than he had before to help the company and the Dutch, he also said that everyone knows that his future wife from the time of her previous marriage had displayed more attachment to our nation than to the Portuguese one and therefore, he was not of the opinion to separate from the Company's service, but rather to remain occupying his position as he had done until now, requesting that this would be noted in the records and written about favorably to the *Heren XIX*.<sup>161</sup>

For the first time, someone felt the need to announce the formerly unremarkable intention to marry a Portuguese woman and defend that decision in the meeting of the *Hoge Raad* and before the *Heren XIX* who would receive and read the notes of the sessions of the *Hoge Raad*.

In October 1645, the high councilor Adriaen van Bullestrate travelled north from Recife to the provinces of Paraiba and Rio Grande to discuss how best to defend them now that areas south of Recife had been lost. In Rio Grande, he met with the province's

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<sup>161</sup> NA OWIC 1.05.01.01, inventory 70, April 29, 1645.

commander and *schout* [sheriff] as well as Antonio Paraupaba, the indigenous leader of the Tupi, who were Dutch allies, and Jacob Rabe, the European who served WIC liaison with the Tapuya, a second group of less reliable indigenous allies. The group agreed upon a number of different plans, including one to send the Portuguese women and children out of the province. They were focused in particular on expelling the women whose (Portuguese) husbands had fled to rebel controlled areas. Regarding the Portuguese women married to Dutch men, they agreed that “in order to cause no disorder among the inhabitants,” they would allow these women to stay, but it seems that there was an initial idea to include these women in the purge of Portuguese people from the province. They only rejected this plan because they feared it would cause greater unrest to send the wives away than to allow them to remain in the province.<sup>162</sup>

In the late 1640s, the Dutch government turned decidedly against mixed couples and, in some cases, actively worked to separate them. As we will see in chapter two, Dutch marriage regulations stringently prevented separations and divorces, and authorities perceived separations as dangerous for the stability of society. They consistently worked to reconcile couples who had separated, and they demanded proof of a spouse’s death before permitting remarriage. In the case of Portuguese-Dutch marriages, however, they rejected these prohibitions against separation and divorce, and they began to actively separate couples. It is not clear what provisions they made for the Dutch men to remarry, or if they assumed that such men had to remain single until the death of their absent wives, but this was still a very unusual step in the Dutch world. In 1648, a Dutch commander sent a soldier back to Recife because “he was married to a

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<sup>162</sup> NA OWIC 1.05.01.01 inventory 60, Letter from the *Hoge Raad* Rapport en journal van A. van Bullestrate van zijn reis naar Paraiba en Rio Grande, October 4-24, 1645.

Portuguese woman, and they were anxious that he would be led astray through her to run away to the enemy, and he also submitted for consideration that it would be more suitable to send her away to the enemy, where her father is, she being a vile whore who wishes to be released from her husband, and also cannot earn her keep.”<sup>163</sup>

The assertion of an elite man that a lower class woman was a “whore” should not simply be accepted, and lower class men were sometimes perfectly happy in relationships that their superiors considered inappropriate, so we should not assume that this couple was, in fact, eager to be separated. The *Hoge Raad*, however, agreed with the commander’s logic and told him to send the woman to her father. In another case in 1649, after he was convicted of adultery with a *brasilien* woman, the *Hoge Raad* decided to banish the soldier Caspar Beem from Brazil, even though his initial punishment had only been banishment for the northern province of Ceará, because they feared that he would betray the Dutch and rejoin his Portuguese wife.<sup>164</sup> They even sent the miner/metallurgist Jan Faverdijn, who was also stationed in Ceará, back to Europe because they feared he would give crucial information to the Portuguese because he had a Portuguese wife who had remained behind *in Portugal*.<sup>165</sup> After 1645, it became clear that Dutch hopes for building a new society on the foundation of a group of mixed couples had been ill founded, and authorities were consistently suspicious of men in mixed marriages.

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<sup>163</sup> NA OWIC 1.05.01.01, inventory 72, February 16, 1648.

<sup>164</sup> NA OWIC 1.05.01.01, inventory 65, Letter from the *Hoge Raad* to the Zeeland Chamber, November 29, 1649.

<sup>165</sup> NA OWIC 1.05.01.01, inventory 65, Letter from the *Hoge Raad* to the Zeeland Chamber, June 7, 1649.

Both Portuguese and Dutch observers searching for explanations for why the Dutch position had deteriorated so quickly while the Portuguese situation vastly improved believed that the Dirck van Hooghstraten and Caspar van der Leij had played key roles in the Portuguese revolt. This explanation for the Dutch failure should be examined more critically than historians have thus far been inclined to do. Both sides attributed Van Hooghstraten and Van der Leij's change in allegiance to their Portuguese wives. Martin Soares Moreno, one of the leaders of the rebellion, wrote, "the *ritmeester* Caspar van der Leij also brought a great deal to pass, as did *all the others who were married to Portuguese women*."<sup>166</sup> In a Dutch report to the States General about the events in Brazil, the authors claimed that despite their reversals after the start of the revolt, they still could have turned the Portuguese back, "except that the treachery of Captain Hooghstraten and some other Dutch men married to Portuguese woman gave the fort at Cabo St. Agostino into their hands."<sup>167</sup> In Caspar van Nieuhof's account of events in Brazil, he claimed that Cabo St. Agostino was well supplied and manned and that it could easily have withstood an enemy attack. In his telling of the situation, Dirck van Hooghstraten was entirely to blame for the Dutch loss of the fort and the area.<sup>168</sup>

We know something about Hooghstraten's motives for surrendering his fort from the 1651 account of Mattheus van den Broeck, who was imprisoned in a separate battle in

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<sup>166</sup> NA OWIC 1.05.01.01, inventory 60, Letter from Martin Soares Moreno to an unnamed correspondent, September 6, 1645.

<sup>167</sup> NA OWIC 1.05.01.01, inventory 4, Report from the previous *Hoge Raad* to the States General, August [date blank], 1647.

<sup>168</sup> Johan Nieuhof, *Gedenkwaardige Brasiliaense zee en lantrize door de voornaemste landschappen van West en Oostindien* (Amsterdam, By de weduwe van Jacob van Meurs, 1682), 126.



the vicinity of Hooghstraten's fort and brought to Bahia. In Bahia, he encountered some of the traitors and heard their accounts of the surrender. According to these accounts, the men behind the surrender claimed that the safety of their families, concerns about the loss of property, and dissatisfaction with the WIC were their primary motivations.

Hooghstraten, again according to Van den Broeck, consulted with nine officers about the Portuguese offer to switch allegiances. Three of the nine advocated fighting, while the other six were for the surrender. One of the men advocating surrender said that he did not want to lose his property in Cabo St. Agostino and complained that the WIC would never compensate him if it was lost. Another said that he was simply dissatisfied with the WIC and wanted to return home.<sup>169</sup> His dissatisfaction was likely rooted in the fact that the WIC was often behind in the payment of wages and did not provide an adequate supply of food and munitions.

The stories of both these men thus point to a more general dissatisfaction with being in WIC service. We can speculate that the *Hoge Raad* and the military commanders who had to explain to their superiors why Brazil was lost had little reason to emphasize dissatisfaction with or lack of trust in the WIC. The States General had given a great deal of financial support to the WIC for two efforts to improve the situation in Brazil after 1645, and they launched an inquiry into the causes of the revolt after it occurred. If Brazil's authorities accused the *Heren XIX* and the other Company directors in the Dutch Republic of mismanagement, this accusation was likely to be re-directed back at them; in an effort to assert their own competence, the authorities in the Dutch Republic would accuse Brazil's governors of mismanagement of the significant resources that had been placed at their disposal. In any case, the members *Hoge Raad*, particularly

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<sup>169</sup> Van Groesen, "Officers of the West India Company," 46-7.

before 1646, came from the same social milieu as the WIC directors in the Dutch Republic, or were themselves directors, and it is unlikely that they would have wanted to cause trouble for their own friends and family. It must have seemed expedient to blame the revolt as much as possible on men – and their wives – who would never be able to return to the Dutch Republic to refute their claims.

It is also possible that Dutch authors emphasized the role of Hooghstraten and Van der Leij because their actions fit into a popular narrative of Spanish/Portuguese/Catholic treachery. In Michiel van Groesen's analysis of texts authored by Company officers who served in Brazil, he shows that contemporaries did not emphasize the surrender of Cabo St. Agostino and Van Hooghstraten's change of allegiance. The German corporal Peter Hansen Hajstrup's diary makes no mention of the incident at Cabo St. Agostino. In the printed account of Mattheus van den Broeck, which does attend to the events at Cabo St. Agostino, the author himself does not give them particular emphasis. Van Groesen argues that the stories of Van den Broeck's captivity and forced march to Bahia after he was taken prison are as interesting as the material about Hoogstraten's betrayal and were given a great deal of attention in the account. It was Gerrit van Goedesberg, the publisher of the account, who emphasized Van Hoogshtraten's treason by giving it substantial attention in an introduction that he penned for the book. Van Groesen speculates that this emphasis was introduced so that the book would fit better into the already popular anti-Spanish/Portuguese/Catholic genre.<sup>170</sup>

That authors on both sides of the conflict emphasized the fact that the traitorous Dutchmen were married to Portuguese women may be because it was so unexpected as to be considered remarkable and worthy of mention. While the husbands were “naturally”

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<sup>170</sup> Van Groesen, “Officers of the West India Company,” 47-9.

supposed to dictate to their wives which church to attend and presumably what political allegiance to maintain, and this expectation had been at the root of both the WIC's tolerance of mixed marriage and the Portuguese resistance to it, the wives had, in fact, come to dominate the husbands. The emphasis on the change of allegiance probably represented to the Portuguese the miraculous nature of their victory and served to present their hated enemies as emasculated or unnatural, while to the Dutch, emphasis on mixed marriage may have been a way to denigrate the hated traitors. If men were expected to rule their wives, these were men who allowed the social order to be inverted and let their wives command them.

The Portuguese emphasis on the positive results of the mixed marriages may also have been an effort to ward off punishment from Portuguese authorities and the Catholic Church for allowing mixed Catholic-Calvinist marriages that were forbidden by church law. Such arguments may have particularly appealed to the sugar planters who stayed behind in Dutch Brazil rather than fleeing to the provinces that remained in Portuguese hands. Evaldo Cabral de Mello has argued that there was an ongoing conflict after the Portuguese victory over the proper ownership of many sugar plantations in Brazil. Planters who fled Dutch Brazil in the 1630s and had their sugar plantations confiscated by the WIC fought with those Portuguese planters who stayed in Brazil under Dutch rule and bought those confiscated plantations.<sup>171</sup> The collaborators sought to protect themselves from the claims of the original owners by arguing that their efforts had ultimately expelled the Dutch. They may have felt the need to emphasize the centrality of the collaborating group, including those who had married WIC-affiliates, to the war

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<sup>171</sup> See C.R. Boxer, "Review: Olinda Restaurada: Guerra e açúcar no Nordeste, 1630-1654. By Evaldo Cabral de Mello," *The Hispanic American Historical Review* 56, no. 3 (1976): 484-5.

effort in order to maintain their uncertain holds on plantations they had illegally acquired from the Dutch. Emphasis on the importance of mixed marriages served both Dutch and Portuguese interests but may not reflect the actual significance of such marriages.

Although the sentiment that confessionally mixed marriage was a problem for the Dutch in Brazil is more common, the assessment of Adriaen van Bullestrate is almost certainly more accurate. When representatives of the States General questioned Van Bullestrate about the causes for the revolt, he suggested that the problem was not too many mixed marriages, but rather too few. He explained to the States General, “in addition that they [the Portuguese] were of a different religion and none of them dared to give themselves to our religion, fearing that their priests would excommunicate them, indeed they did not dare to give their children openly to the Dutch in marriage.”<sup>172</sup>

Bullestrate’s implication is that if the Dutch had secured more intermarriage, they might have been able to fend off the Portuguese rebellion; he also claims that the Portuguese intimidated their countrymen into not mixing with the Dutch as much as possible. Van Bullestrate’s comment suggests that he, and likely others, believed that confessionally mixed marriages would unify the Dutch and Portuguese and lead ultimately to a Dutch society.

The Portuguese rebels certainly believed that mixed marriage had this power and worked to stop it. In the end, Dutch authorities, like the Reformed Church before them, concluded that mixed marriage was simply too dangerous and unpredictable to be relied upon to create a Dutch society. As the Reformed Church had learned from experience, the idea that patriarchs controlled the religious orientation of the family was simply untrue, and political disorder resulted from relying upon this assumption.

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<sup>172</sup> NA OWIC 1.05.01.01, inventory 4, Journal of Adriaen van Bullestrate, August 26, 1647.

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The period of Johan Maurits's rule in Brazil (1637-1644) is often seen as one in which religious tolerance successfully muted confessional differences and prevented violence. Investigations of mixed marriage confirm this attitude, but only to a certain extent. At the same time that mixed marriages occurred, some Portuguese were still resentful of Dutch rule and intervened in proposed mixed marriages. Just as the Reformed Church's campaign to convert Catholics caused tensions between Dutch and Portuguese and contributed to the Portuguese rebellion in 1645, the Portuguese also resented mixed marriages and, as we will see in the next chapter, the imposition of Calvinist marriage regulations on the Catholic population. These issues, too, must be considered contributors to the Portuguese revolt and the eventual Dutch failure to hold the colony.<sup>173</sup>

In the period after 1650, the ranks of people who were not specifically affiliated with a particular confession declined in the Dutch Republic.<sup>174</sup> At the same time, the defeat in Dutch Brazil – and the role played in it by men in mixed marriages – was much written about. The experience in Brazil proved to WIC authorities that mixed marriages did not have the power to create a Dutch society in the way that had been imagined, and this experience must have impinged on the consciences of other civil authorities in the Dutch Republic. Just as the Reformed Church had rejected mixed marriages at the end of the 16<sup>th</sup> century because they were unable to secure conversion to Calvinism and just as apt to lead to conversion from Calvinism, civil authorities must have seen that mixed

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<sup>173</sup> Noorlander, "Serving God and Mammon," 193.

<sup>174</sup> Haefeli, *New Netherland*, 58-9.

marriage could not be used to secure Dutch society. After 1650, the integrationist model for a multi-confessional society lost some of its significance, and a society organized along confessional lines began to emerge.<sup>175</sup> It likely seemed to Dutch authorities that integration was a source of political disorder – when religious affiliation trumped political attachments – and social disorder – when women controlled men – and that a new way of securing Dutch society was necessary. In 1677, the first laws – in the city of Utrecht – were introduced that stigmatized confessionally mixed couples. Such couples had to enter their religious affiliations in the marriage register in order to be subjected to monitoring, but these marriages were still permitted.<sup>176</sup>

Dutch society turned away from integration as a way to create an orderly society and instead turned toward the process of “pillarization” [*verzuiling*]. Instead of hoping to turn everyone Calvinist, Dutch authorities adopted techniques to assure the political loyalty of other confessions and gave them responsibility for creating social hierarchies and maintaining social order among their own people. They did so by ensuring that the ministers of other confessions were Dutch, rather than foreigners, as they believed Dutch people, even if they were not Calvinist, would be loyal to the Dutch government, and they allowed these denominations to administer poor relief and to exert church discipline

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<sup>175</sup> Frijhoff and Spies, *1650: Hard Won Unity*, 355.

<sup>176</sup> Before a mixed Catholic-Calvinist marriage, the Catholic partner had to promise that he or she would permit the Reformed partner to maintain his or her religious and that all of their future children would be baptized and raised in the Reformed Church. People who went back on these promises could be stripped of citizenship and/or guild membership and lose their right to live in the city. Benjamin Kaplan, “Integration vs. Segregation: Religiously Mixed Marriage and the ‘Verzuiling’ Model of Dutch Society,” in *Catholic Communities in Protestant States: Britain and the Netherland c. 1570-1720*, eds., Benjamin J. Kaplan, Bob Moore, Henk van Nierop, and Judith Pollmann (Manchester: Manchester University Press, 2009), 55.

on their own members, which allowed them to both shape their group into proper, obedient citizens and ensure that social order was maintained.<sup>177</sup>

If we return to the inhabitants of Albany in 1673 who feared that their confessionally mixed marriages might be disrupted, their fears are more easily understood. Living in a colony that had recently been lost to the English, in a city that the French could reach from Canada, and in the shadow of narratives that attributed the Dutch loss of Brazil to mixed marriage, colonists must have feared what Dutch authorities would think of their own mixed marriages. The decreasing incidence of mixing across confessions must only have confirmed Albany's concern that couples would be forced to select a single confessional affiliation.

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<sup>177</sup> Joke Spaans, "Religious Policies in the Seventeenth Century Dutch Republic," in *Calvinism and Religious* eds., Hsia and Van Nierop, 86.

**Chapter Two:**  
**‘as if Brazil is to be the sewer to which the fatherland expels its garbage’:**  
**Marriage Regulation and the West India Company’s Subjects**

In 1615, when Kiliaen van Rensselaer, who would later become a WIC director, was twenty-eight, he proposed to Hillegond van Bijler, the seventeen year old niece of his mentor and business partner Wolfert van Bijler. Kiliaen wrote Hillegond two letters in which he laid out his case for why she should accept his proposal. His arguments were that the two were social equals, that Wolfert supported the marriage, and that the marriage would improve their economic situation. He also emphasized that they were of the same religion, had the support and consent of family and friends, and had warm feelings toward one another. Hillegond accepted Kiliaen’s proposal, and the two were married the following year.<sup>178</sup> Care, caution, and deliberation in the selection of a marriage partner was a hallmark of Van Rensselaer and his contemporaries in the Dutch elite, whose marriage choices were based on shared class positions, culture, religion, and interests and the approval of families and friends. That does not mean that their marriages were all happy or that they were free of sexual transgressions, but it reflects an adherence to a set of well understood norms governing “civilized behavior.” In contrast, many of the Company’s servants belonged to a class that entered marriage more casually and was less concerned about preserving social and economic status through marriage or about maintaining reputation through restraining from sex outside of marriage.<sup>179</sup>

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<sup>178</sup> Janny Venema, “Searching for True Love: Letters from Kiliaen van Rensselaer” in *Explorers, Fortunes, and Love Letters: A Window on New Netherland*, ed., Martha Dickinson Shattuck (Albany: Mount Ida Press, 2009), 122, 124-6.

<sup>179</sup> It is not clear how extensive this popular culture was in the 17<sup>th</sup> century. For England, G.R. Quaipe has argued that there was widespread “sexual amorality” and that the rise of Puritanism did little to inhibit these older views, Quaipe, *Wanton Wenches and Wayward Wives: Peasants and Illicit Sex in Early Seventeenth Century England* (New Brunswick: Rutgers University Press,



Believing that households were necessary for political order, the directors found the behavior of their employees to be dangerously incompatible with their goals of extending Dutch rule and creating orderly societies. The WIC's soldiers and sailors, while only a small part of the Dutch enterprise in New Netherland, formed a large part of the voluntary – as opposed to conquered or enslaved – population of Brazil. Such men were overwhelmingly drawn from the large numbers of immigrants who came from the rural areas of the Dutch Republic and from the rest of Europe, primarily Germany and the Scandinavian countries, but also England and France, in search of work.<sup>180</sup> For example, the province of Holland grew from 275,000 people in 1514 to 672,000 in 1622, and the city of Amsterdam grew from 30,000 people in 1585 to 120,000 in 1632. As historians have noted, the number of deaths exceeded the number of births in this period, so most of this population growth should be attributed to immigration rather than natural increase.<sup>181</sup>

While in the Dutch case, immigration has generally been celebrated because it gave Dutch authorities the opportunity to attract economically valuable skilled artisans and wealthy merchants persecuted in their home countries for religious reasons, Erika Kuipers has more recently pointed out that such people represent but one facet of

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1979). Martin Ingram has, in contrast, argued that people did adopt the attitudes advanced by church courts against illicit sex. For Ingram, the church courts both reflected and advanced the values of the householders, Ingram, *Church Courts*.

<sup>180</sup> Jaap Jacobs, "Soldiers of the Company: The Military Personnel of the West India Company in Nieu Nederlandt," in *Jacob Leisler's Atlantic World in the Later Seventeenth Century: Essays on Religion, Militia, Trade, and Networks*, ed. Hermann Wellenreuther (Berlin: Lit Verlag, 2009), 18-19.

<sup>181</sup> Jan Lucassen, "Holland, een open gewest: Immigratie en bevolkings-ontwikkeling," in *Geschiedenis van Holland*, eds. Thimo de Nijs and Felco Beukers (Hilversum: Verloren, 2002), 181-3; Kuipers, *Migrantenstad*, 9.

immigration in the Netherlands.<sup>182</sup> In addition to immigrants whom contemporaries recognized as contributors to Dutch society, such as wealthy or skilled Sephardi Jews and Protestants from the Southern Netherlands, many impoverished and dislocated people made their way to the Dutch Republic, and as elsewhere in early modern Europe, such people were a source of anxiety for authorities.<sup>183</sup> Authorities feared that these men sowed the seeds of disorder, indicated by their disregard for authority of all sorts and their penchant for disorderly sex outside of marriage, but it was largely to such men that the WIC entrusted its project of colonization.

Like early English ventures in Ireland and Virginia, the WIC failed to recruit the population mix that would replicate the existing social order and instead attracted largely people from the lowest orders. In Ireland and Virginia, English governors concluded that such people required strict regulation to transform them into plausible candidates to replicate English society abroad and to civilize the disorderly Irish and Indians that they would encounter. Dutch authorities, too, seem to have viewed their population with a wary eye and instituted a great deal of regulation to ensure that single individuals behaved in a disciplined manner and that those who married maintained orderly, patriarchal households. Marriage and sex regulations were supposed a key element of this policy. As the Company embarked on this process of remaking its servants, Dutch authorities at home were involved in a similar process of increasing the discipline to

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<sup>182</sup> Kuipers, *Migrantenstad*, introduction.

<sup>183</sup> The 1622 anonymous pamphlet *Fin de la Guerre* advocated for colonization in the West Indies on the grounds that the United Provinces were suffering from overpopulation which caused disorder and led to dependence on charity, Cornelis Goslinga, *The Dutch in the Caribbean and on the Wild Coast, 1580-1680*, 40-1. On the anxiety caused by vagrancy, see A.L. Beier, *Masterless Men: The Vagrancy Problem in England, 1560-1640* (New York: Methuen, 1985).

which the Republic's people were subject. The process in the colonies should, thus, be seen as a microcosm of the larger processes simultaneously operating the Dutch Republic. It also reflected wider efforts in early modern Europe in both Protestant and Catholic areas to use marriage as a way to impose social control and to create godly and harmonious societies.<sup>184</sup>

Because marriage and sex regulation was largely targeting people who were already perceived as disorderly, it focused was on crimes that were generally committed by people from the lower orders – concubinage and spousal abandonment/bigamy – and prostitution, a crime that was committed by both high and low status people, but was prosecuted in such a way as to only publicly implicate lower status people. Marriage regulation was, therefore, being used both to recreate the class and gender hierarchies of the Dutch Republic and to transform only those people who were perceived as in need of being reeducated about proper behavior. Once these people were convinced or compelled to embrace a higher standard of self-discipline, the WIC project would be anchored in a firm foundation.

The task that the WIC set for itself was not simply to govern its colonies and to ensure that trade proceeded without interruption. It was to change its population and to govern in a way that outside observers would recognize as good. Far from being uninterested in morals, the WIC emphasized moral regulation. Sometimes it did so in ways that were detrimental to its economic interests, and sometimes it did so simply as a way to keep its authority in circulation and maintain its legitimacy.

### **Marriage Regulation in the Dutch Republic**

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<sup>184</sup> Thomas Max Safley, *Let No Man Put Asunder: The Control of Marriage in the German Southwest: A Comparative Study, 1550-1600* (Kirksville, MO: Sixteenth Century Journal Publishers, 1984).

Part of the reason why historians have found it difficult to imagine that marriage and sex were well regulated in the Dutch colonies is that it has been difficult to gain an accurate picture of the provisions contained within this body of regulation. This state of affairs is a product of the fragmented character of governance in the Dutch Republic, which contributed both to a diffuse body of regulations to the colonies and to a tradition of local control over marriage, both of which effectively kept the WIC from issuing any universal body of marriage regulation that would apply in all of its colonies. In the Dutch Republic, governance was divided between city councils, the Provincial States, and the States General. The Reformed Church also inserted itself into political discussions.<sup>185</sup> The lack of centralized control meant that marriage and sex regulation emerged from different sources and was not uniform from place to place. Marriage law in the province of Holland, for example, consisted of the Political Ordinance, a relatively short document from 1580. Each province, however, had its own marriage regulation, and while these regulations proceeded along generally similar lines, they did differ from one another in some ways.<sup>186</sup> More significantly, the provincial marriage regulations were modified by longer sets of regulation that emerged from the individual towns and cities of each province, and new laws continued to be promulgated for the entirety of the 17<sup>th</sup> century. In 1656, the States General issued a marriage regulation for the Generality Lands, former Spanish territories that remained largely Catholic, and while this law was meant to apply only in this area, it represents the first statement issued by the States General, the highest

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<sup>185</sup> Bick, "Governing the Free Sea," 22.

<sup>186</sup> The forces that promoted provincial independence are described in Frijhoff and Spies, *1650: Hard Won Unity*. L.J. van Apeldoorn gives an excellent account of the differences between the marriages laws in the various provinces, Van Apeldoorn, *Geschiedenis van het Nederlansche huwelijksrecht*.

authority in the Republic, and, therefore, offers a glimpse of how the government of the Dutch Republic wanted to regulate marriage on a wider scale.

Marriage law never remained stable in the 17<sup>th</sup> century, but rather was always evolving in response to new needs and circumstances. For example, when Holland's Political Ordinance appeared in 1580, it contained eighteen regulations that governed marriage and sex as well as additional laws governing inheritance. When the States General promulgated its *Echtregelement* for the Generality Lands in 1656, it included ninety-five provisions dealing with marriage and sex. While the States General governed the Generality Lands, which meant that the regulation was composed by representatives of all seven provinces and would be stricter than the regulation promulgated in Holland, the most liberal of the provinces, this drastic increase in the number of laws must also be considered the result of the rise in social disciplining in the 17<sup>th</sup> century.

In addition to these written laws, a body of customary law that had been created in the Middle Ages remained in use and mitigated some harsher features of the proclaimed ordinances. Authorities were also often guided by the particular, local circumstances of their towns in deciding when and how to apply marriage regulation, and courts often looked to the personal histories of those being prosecuted for marriage crimes before deciding cases, which could produce vastly different outcomes for different defendants.<sup>187</sup> It could also produce punishments that were mentioned nowhere in promulgated ordinances. Provincial and local laws were, therefore, not always enforced,

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<sup>187</sup> Van der Heijden, *Huwelijk in Holland*, 85-90. The idea that magistrates might have leeway to decide cases was not unique to the Dutch Republic. John Winthrop introduced and advocated this system in New England, and it was not until 1648 that Massachusetts adopted a code of written laws, Roger Thompson, *Sex in Middlesex: Popular Mores in a Massachusetts County, 1649-1699* (Amherst: University of Massachusetts Press, 1986), 6.

and, at times, they, again, articulated the government's notions of the characteristics of an ideal citizen rather than representing the rules that the government was prepared to compel people to obey. Nevertheless, although the marriage regulation was not codified in one overarching law or always enforced as presented, it did constitute a general norm, one heavily influenced by Calvinist doctrine that gradually would come to be considered hegemonic.

### **Marriage Regulation in the Dutch Colonies**

The norms expressed by the various laws and customs at home directly informed the marriage regulation that the WIC established for its colonies. From the moment that the West India Company decided to send out colonizing expeditions, its directors expressed concern about how the marriages and sex lives of their colonists would be regulated. For the 1624 colonizing expedition to New Netherland – the West India Company's first colony – the Company's directors produced three separate instructions that detailed how the colony would be governed. In the third instruction of April 1625, Willem Verhulst, who was going to the colony to serve as the governor, was informed that in all marriage and inheritance matters, he was to follow the laws and customs of Holland and Zeeland.<sup>188</sup> The reference must have been to the Political Ordinances of Holland and Zeeland of 1580 and 1683 respectively, for these were the only published "laws and customs" of these provinces. In 1629, when the Company launched an ultimately successful assault on the Portuguese captaincy of Pernambuco in Brazil, the States General issued a new order regarding governance of conquered lands. According

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<sup>188</sup> A.J.F. van Laer, *Documents relating to New Netherland, 1624-1626, in the Henry E. Huntington Library* (San Marino, CA: Henry E. Huntington Library, 1924), 113-114. The authors of the instructions from April 1625 were Kiliaen van Rensselaer, Samuel Godijn, and Albert Coenraets Burgh, all directors in the Amsterdam Chamber.

to this document, Holland's Political Ordinance of 1580 would be applicable in all such territories, including Brazil.<sup>189</sup> In 1634, the *Heren XIX* proclaimed another "order and regulation" for Brazil, which was mostly a recapitulation of the 1629 order, and it again stated that the Political Ordinance was the law in Brazil.<sup>190</sup>

Operating on the model of the cities of the Dutch Republic, colonial governments also issued their own regulations to supplement the Political Ordinance. For example, in the 1580s, Amsterdam and other Dutch cities introduced institutions called commissions of marriage matters, composed of four or five burghers, with whom all couples were required to register their marriages. These commissioners were charged with investigating the couples that appeared before them for potential violations of marriage regulation, such as prior engagements, lack of parental consent, and existing marriages. In Brazil and New Netherland, colonial governors created the same bodies.<sup>191</sup> In Amsterdam the commissioners were selected from among the city's burghers, while in the colonies, ministers staffed the commission. In both colonies, however, the reliance on ministers as opposed to burghers to serve as commissioners met with some opposition. In Brazil, the ministers themselves requested that the government remove this new

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<sup>189</sup> J.A. Schiltkamp, *De geschiedenis van het notariaat in het octrooigebied van de West-Indische Compagnie voor Suriname en de Nederlandse Antillen tot 1964* ('s-Gravenhage, 1964), 28.

<sup>190</sup> Cau, *Groot placet-boeck*, vol 1, 622. This rule was repeated again in 1637 when the newly organized schepen court in Olinda asked for advice about how to decide cases, NA OWIC 1.05.01.01 inventory 68, September 24, 1637.

<sup>191</sup> On December 9, 1652, the Council responded to a petition from Willemantje Jansen who said that she had been promised marriage by Ralff Clark and said that the case "concerns the ministers of this place who are authorized by the director and council as commissioners of matrimonial matters," Charles Gehring, *Council Minutes, 1652-1654* (Baltimore: Genealogical Pub. Co., 1983), 59. *Domine* Megapolensis acting in his role as commissioner of marriage matters objected to the marriage of Johan van Beeck and Maria Verleth, Gehring, *Council Minutes, 1652-1654*, 121-2.

responsibility from their purview and appoint outside commissioners of marriage matters, but the government refused.<sup>192</sup> In New Netherland, it was the *schepen* who asked that the government appoint commissioners selected from the outgoing members of the court.<sup>193</sup>

The reliance on Reformed ministers to be commissioners gave the Church a great deal more influence in regulating marriage than it had in the Dutch Republic. As commissioners, ministers were permitted and even required to question *any* person that they suspected might be guilty of marriage crimes. Through the imposition of fines, the ministers also had the power to compel people to answer their questions. In the Dutch Republic, however, where they were excluded from commissions of marriage matters, the Reformed Church had to confine its intervention in marriage matters to the third of the population that had joined the church. They could not compel the other two-thirds of the population who were not church members to answer their questions. Danny Noorlander has argued that the Reformed Church was actually more powerful in colonial society than it was in the Dutch Republic, and the ministers' participation in the colonial commissions of marriage matters supports this claim.<sup>194</sup>

## **Concubinage**

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<sup>192</sup> In 1638, the classis of Brazil asked the government to appoint commissioners of marriage matters, because “the marriage matters here are so numerous, difficult, and onerous for them,” but the government decided to wait to decide about this matter until more councilors arrived, NA OWIC 1.05.01.01 inventory 68, February 23, 1638. The classis repeated the request in September of that year, but were again told to wait, NA OWIC 1.05.01.01 inventory 68, September 11, 1638. They asked again in 1644 because registering marriages was more difficult in Brazil than other places due to “the various nations that are found here.” The High Council responded that they would wait to hear the *Heren XIX*'s opinion on the matter, NA OWIC 1.05.01.01 inventory 59, Letter from the *hoge raden* Henric Hamel, A. van Bullestrate, and D. Codde van der Burgh to the *Heren XIX*, October 1, 1644.

<sup>193</sup> Berthold Fernow, *Records of New Amsterdam from 1653 to 1674* (Baltimore: Genealogical Pub. Co., 1976), vol. 2, 301.

<sup>194</sup> Noorlander, “Serving God and Mammon,” 216.



Concubinage had been an accepted practice in much of the Middle Ages, often treated as a legitimate alternative to marriage or in any case not prosecuted by Church or civil authorities.<sup>195</sup> As evidenced by prosecutions for concubinage in the 17<sup>th</sup> century Dutch Republic, this practice continued even as authorities increasingly cracked down on it and subjected those found guilty of concubinage to increasingly harsh punishments. In 1601, the classis of Dordrecht dealt with the case of Willem Jans Enick, a serial long-time cohabiter. He had lived with a woman for 17 years and had children with her, but he said that they had never married. He left her and then lived for six years with another woman, whom he also claimed not to have married. When that woman died, he lived for seven years with a third woman, whom he now, finally, did want to marry.<sup>196</sup> Manon van der Heijden uncovered similar cases, some of them involving cohabitation for as long as twenty years.<sup>197</sup> Although some people were able to get away with concubinage, authorities punished it severely when it was uncovered. Donald Haks found that when authorities prosecuted sexual relationships outside of marriage, excluding prostitution, 50% of cases in Leiden, 40% in Maassluis, and 70% in Wassenaar were for long-term cohabitation without performance of the required rituals for entering marriage.<sup>198</sup> In 17<sup>th</sup> century Delft and Rotterdam, 130 people were charged with concubinage and were

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<sup>195</sup> Karras, *Unmarriages*, 156; Brundage, *Law, Sex, and Christian Society*, 369-70.

<sup>196</sup> J. Roelvink, *Classicale Acta 1573-1620* ('s-Gravenhage: Instituut voor Nederlandse Geschiedenis, 1991), vol. 2, 31.

<sup>197</sup> Van der Heijden, *Huwelijk in Holland*, 111.

<sup>198</sup> Haks, *Huwelijk en gezin in Holland*, 77-9.

punished with fines of up to 500 gulden and banishment for anywhere from six to twenty-five years.<sup>199</sup>

There were many reasons that a couple might chose to cohabit rather than to marry, but most of them suggest that by the 17<sup>th</sup> century cohabitation would have been confined to the poorest people in the Dutch Republic.<sup>200</sup> Jana Byars' work on 17<sup>th</sup> century Venice argues that poverty played a strong role in determining whether couples cohabited or married. In what she terms "working class concubinage," lower class men and women needed each other to supplement their individual incomes, but as they cycled through different jobs, they moved through different neighborhoods within Venice or outside the city. When these moves happened, they broke off original relationships and began others in their new neighborhood.<sup>201</sup> By not officially marrying, such poor people were able to continue their serial monogamy.

The preference for cohabiting may have been particularly strong in the Dutch Republic because of the growth of the Dutch East India Company (VOC). East India Company employees signed up for five-year terms, and because the voyage to Batavia lasted a full year, the best-case scenario, assuming that the employee did not die in Asia, was a seven-year separation. The long voyage also precluded the possibility of extensive communication between husbands and wives. Not only were the wives of East India Company men essentially alone for seven years, they often fell into financial difficulties. Although they were often able to access a month or two of their husband's VOC wages,

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<sup>199</sup> Van der Heijden, *Huwelijk in Holland*, 110-4

<sup>200</sup> This had not been the case in medieval Europe, where concubines were often kept by clerics and other middling sorts, see Le Roy Ladurie, *Montaillou*, 169-178; Karras, *Unmarriages*.

<sup>201</sup> Jana Byars, "Concubines and Concubinage in Early Modern Venice," unpublished dissertation, 2006, 44.

they did not have access to the full balance and often had to support themselves and their children in the Dutch Republic. It was difficult for a woman, particularly one with children to support herself with her own labor, and married status prevented a divorce or separation in order to find a new partner that could contribute to a family's support. When the wives of VOC employees committed adultery – even if it was clearly motivated by the long absence of their husbands and the need to support the household economy with a second income – authorities prosecuted without regard for their claims that their husbands had been gone for a long period. The knowledge that their partners might join the VOC may have motivated women to choose cohabitation so that they could move on to a new man to support a household.

Allyson Poska has found that long-term cohabitation also occurred in the rural, Catholic diocese of Ourense in Northwest Spain in this period. She suggests that in Ourense, the local culture permitted couples to exchange private marriage promises and then live together. If they wanted to break up these relationships, which had not been solemnized in church before a priest, then local culture permitted them to do so without penalty.<sup>202</sup> Cohabiting thus offered couples a way of experimenting with marriage without committing to an indissoluble marriage. Again, such logic might have been compelling to lower class people who did not have to be as concerned about their reputations or securing legitimate heirs for their property as burghers and elites.

Some cohabiters may not even have been aware that they were, in fact, illegally cohabiting. Although the late 16<sup>th</sup> century had seen a tremendous preaching campaign against sex before marriage and an attempt to educate people that sex could not

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<sup>202</sup> Allyson M. Poska, "When Love Goes Wrong: Getting out of Marriage in Seventeenth Century Spain," *Journal of Social History* 29, no. 4 (1996): 871-882.

commence after engagement but had to wait until after solemnization, confusion about what rituals were required to make a valid marriage still reigned.<sup>203</sup> Manon van der Heijden suggests that the mix of older Catholic ideas about marriage with Reformation ones left some people confused about the status of pre-marital sex and exactly what components were necessary to make a valid marriage.<sup>204</sup> Under Catholic marriage law, a private promise to marry followed by sex constituted a valid, though technically illegitimate, way to enter marriage, while according to Reformation theologians, the only valid way to make a marriage was to exchange the promise in public and have banns proclaimed three times, again, in public. This confusion was not helped by the fact that courts in the cities and town of the Dutch Republic often tried to enforce private marriage promises, contrary to the promulgated marriage statutes, particularly if they were presented with strong evidence that a marriage promise had occurred. This evidence usually took the form of a letter or token, and if sex had followed, local courts sometimes upheld the marriage promise as valid.<sup>205</sup> Some couples who cohabited without formally solemnizing their marriages must have believed that they were actually married, even if authorities did not agree.

Dutch law was also relatively lenient toward cohabiting couples *if* they married once their crime was uncovered. The commissioners of marriage matters in Amsterdam were instructed to marry such couples and then leave any prosecution to the *schepenen*. It seems, however, that the *schepenen* were willing to forgo prosecution if they saw that a

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<sup>203</sup> Richard Godbeer, *Sexual Revolution in Early America*, 3, Roodenburg, *Onder censuur*, 237.

<sup>204</sup> Van der Heijden, *Huwelijk in Holland*, 59-61.

<sup>205</sup> Van der Heijden, *Huwelijk in Holland*, 97-102.

marriage occurred, or if a couple promised to marry. The fear of being trapped in an undesirable marriage coupled with the relatively light punishment if caught meant that many Dutch couples probably preferred to take the risk of cohabiting without marriage.

Although people thus had good reasons for cohabiting, church and state discipline worked to upend this practice. Contemporary reformers like Heinrich Bullinger suggested that people justified cohabiting by arguing that sex between two single people was not a serious crime, a perception that he and others worked to change by declaring all sex outside of marriage a severe sin.<sup>206</sup> Although the law generally ignored cohabiting couples who agreed to marry, in cases in which such couples refused to marry, punishments were severe. Anyone caught cohabiting was, according to the Political Ordinance, to be fined fifty carolus gulden for the first month, one hundred for the second month, and two hundred for the third month. If they continued to cohabit after that, they were to be banished from the province for ten years.<sup>207</sup> In order to prevent such situations from arising, Amsterdam's marriage ordinance stated that every couple had to marry within one month after the proclamation of their last banns or appear before the commissioners to explain their reasons for not marrying. Failure to marry or to explain the reasons for not marrying would be punished with a weekly fine. The commissioners were also instructed to use their marriage register, which contained the names of all couples planning to marry, to identify people to the sheriff who had not married in a timely fashion, presumably for the purpose of prosecution.

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<sup>206</sup> Bullinger, *Decades*, 412.

<sup>207</sup> Cau, *Groot placaet-boeck*, vol. 1, 330-1.

Among the Reformers and increasingly among members of the Republic's civil governments, concubinage was considered abhorrent because it indicated a lack of discipline, and discipline was the characteristic of a pious and orderly person who could support the government's aims to create a moral and well-governed society. It was also problematic because it introduced the possibility that illegitimate children would be born and would, perhaps, fall to the community's charge if the parents split. As the consistory of Fort Orange explained to Claes Ripsz, who was apparently reluctant to marry the woman with whom he was cohabiting, they planned to force him to marry her because cohabiting people were always in danger of getting pregnant and bearing illegitimate children.<sup>208</sup> Complaints about concubinage must be understood in light of the WIC's belief that it threatened the orderly family life that they hoped would serve as the base for their new society and in light of the Reformed Church's complete opposition to all sex outside of marriage.

Reformed ministers in Brazil repeatedly complained about couples coming to the colony who presented themselves as married but were simply living together. In surviving documents, the High Council generally called for them to be investigated, but did not immediately banish them as the church demanded. As Amsterdam had instructed its commissioners of marriage matters to allow cohabiting couples to marry instead of receive punishment, the WIC hoped that cohabiting couples would officially marry and then support the creation of Dutch society in Brazil. The church, on the other hand, aspired to see them punished to deter others. Even though the WIC did not accede to the requests of the Reformed Church, its representatives did work to channel concubinage

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<sup>208</sup> Charles Gehring, ed. and trans., *Fort Orange Court Minutes, 1652-1660* (Syracuse: Syracuse University Press, 1990), 162-164.

into legal marriage rather than simply allowing it to continue unchecked. In 1634, for example, the *Heren XIX* informed the governing council in Brazil that they had permitted an army officer named Van der Werven to go to Brazil with his wife, but they had subsequently learned that the woman in question was not his wife. The council was to see that the couple either married in Brazil or send them back home.<sup>209</sup> The *XIX* apparently found the situation even worse than the concubinage of an ordinary soldier because they wrote, “it was a matter with evil implications, especially in an officer.”<sup>210</sup> Although the *XIX* did not elaborate on why they found it particularly troubling for an officer to be guilty of concubinage, their attitude should likely be connected to a provision of the *Echtregelement* which required soldiers in the Generality Lands to secure the consent of their commanders before marrying. In the absence of parents, army officers were, apparently, called upon to fill the role of the patriarch.<sup>211</sup> Van der Werven’s crime was, therefore, even more serious than normal concubinage, because he was probably in some informal way supposed to act as the patriarch to his soldiers, discipline their sexual misconduct, and model good behavior for them.

In a similar case in 1637, Brazil’s consistory complained about a soldier who had brought with him a woman from Groningen. The couple claimed to be married, but the soldier’s lieutenant suggested that they were unmarried, and the consistory wanted them

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<sup>209</sup> NA OWIC 1.05.01.01 inventory 8, Letter from the *XIX* to the bewindhebbers and politieke raden in Brazil, September 8, 1634.

<sup>210</sup> NA OWIC 1.05.01.01 inventory 8, Letter from the *XIX* to the bewindhebbers and politieke raden in Brazil, September 8, 1634. *Een saecke te wesen van quade consequentie, principael in een officier.*

<sup>211</sup> Cau, *Groot placet-boeck*, vol. 2, 2437, article XXXIX. If an officer in the army refused to marry after his banns had been proclaimed, he would be removed from his position, while ordinary soldiers were simply punished, *Groot placet-boeck*, vol. 2, 2434, article XXVI.

to be prosecuted. The *Hoge Raad* responded that better proof was required before they could be banished.<sup>212</sup> The classis complained again about people cohabiting in 1642 and were told that they should admonish such people who lived together without marrying to marry and if these people still refused, they should point them out to the sheriff and local courts to be pursued according to the laws against concubinage.<sup>213</sup> In 1646, the classis complained about Eduart Bant and Agnieta Hossels, who had been living together for three years without marrying. The sheriff was dispatched to investigate them.<sup>214</sup> In all of these cases, it is clear that Brazil's colonial government always preferred for cohabiting people to marry and then form an orderly household, rather than to zealously pursue their offenses with punishment. Sending the sheriff for an investigation was likely an effort to exert further pressure on such couples to actually marry, rather than an expression of intent to pursue a legal case.

In addition to the people who cohabited without making any display of intending to marry, there were couples who had banns proclaimed but then never followed through on the process by officially marrying. This practice was apparently frequent enough that authorities in both Brazil and New Netherland issued new ordinances against it. The classis in Brazil asked for an ordinance in 1640 that would force couples to marry within four weeks after the publication of the final banns and that would compel people who

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<sup>212</sup> NA OWIC 1.05.01.01 inventory 68, March 11, 1637.

<sup>213</sup> NA OWIC 1.05.01.01 inventory 69, May 20, 1642.

<sup>214</sup> NA OWIC 1.05.01.01 inventory 61, Meeting of the classis at Recife, January 9-18, 1646.



lived together after getting engaged to solemnize their marriages.<sup>215</sup> In 1645, the sheriff prosecuted Aeltgen Cornelis for adultery and “living a godless and scandalous life” with various people. Cornelis herself only confessed to the fact that she had, for reasons that are unclear, lived with Jan Bartel for eight years and had banns proclaimed but then not solemnized the marriage. She was sentenced to a ten-year banishment.<sup>216</sup> The government in New Netherland promulgated an ordinance in 1658, which ordered couples to marry within four weeks after the publication of the final banns, or come before a court to state the reason for refusal to marry.<sup>217</sup>

Long-term cohabiting without the intention to marry was familiar across all of Europe and America in the 17<sup>th</sup> century and was probably the result of difficult labor conditions that forced workers to be prepared to move at all times in search of better prospects. In this situation, urban laborers perceived it to be to their advantage to avoid the permanent ties of marriage when their lives could so easily be disrupted and uprooted. Punishments for adultery were also much harsher than punishments for concubinage, so the latter must have seemed preferable to the former. Concubinage, however, was not simply about unregulated sexual desire as ministers and civil authorities claimed; it was about responding logically to challenging conditions, and it was neither a new situation in Brazil nor in New Netherland.

### **Adultery and Bigamy**

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<sup>215</sup> NA OWIC 1.05.01.01 inventory 55, Meeting of the classis at Recife, November 21, 1640. The government responded to this complaint by saying that they would enforce the ordinances of Holland and West Vriesland, NA OWIC 1.05.01.01 inventory 69, January 18, 1641.

<sup>216</sup> NA OWIC 1.05.01.01 inventory 60, July 11, 1645.

<sup>217</sup> Charles Gehring, *Laws and Writs of Appeal, 1647-1663* (Syracuse: Syracuse University Press, 1991), 94-5.

Theologians and moralists paid particular attention to the indissolubility of marriage, which they perceived as essential for stability in society, and their views influenced the creation of strict anti-divorce/separation laws. Calvinist ministers taught that monogamy and indissolubility were necessary parts of marriage regulation, basing their arguments on a number of Old and New Testament passages. They believed that Genesis chapter 2, verse 24 “they shall be two in one flesh,” demanded that people be monogamous.<sup>218</sup> Indissolubility was based upon passages in Matthew and Paul. Matthew says, “that which God hath joined together let no man put asunder,”<sup>219</sup> and “I say to you, that whosoever shall put away his wife except it be for fornication, and shall marry another, commits adultery; and he that shall marry her that is put away, commits adultery.”<sup>220</sup> Theologians also pointed to the passage in Paul, which says, “but to them that are married, not I but the Lord commands, that the wife not separate from her husband. And if she separate, that she remain unmarried or be reconciled to her husband.

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<sup>218</sup> Genesis 2:24, “That is why a man shall leave father and mother and shall cling to his wife and they shall be two in one flesh.” They did recognize that the polygamy of many Old Testament figures presented a challenge to this doctrine, but they explained that this had been allowance for a time when there had been few Jews or suggested that as great as these figures were, they had erred, Guillaume Bucanus, *Institutions of Christian religion framed out of Gods word* (London: By Goerge Snowdon and Leonell Snowdon, 1606), 114; Jean Taffin, *The amendment of life comprised in fower books: faithfully translated according to the French coppie. Written by Master Iohn Taffin, minister of the word of God at Amsterdam* (Londini: impensis Georg. Bishop, 1595), 217-8.

<sup>219</sup> Matthew 19: 6.

<sup>220</sup> Matthew 19:9.

And let not the husband put away his wife.”<sup>221</sup> All of these provided support for the idea that marriages should be unbreakable except in cases of adultery.<sup>222</sup>

Beliefs in the indissolubility of marriage were also rooted in the “covenant theology” that John Calvin had introduced in Geneva in the 1550s and 1560s. Calvin sought to place marriage on a level lower than that of a sacrament – where Catholics widely agreed that it belonged, even if this was not the officially articulated position of the Catholic Church until Trent – but still elevate it beyond a mere contract, where Luther had placed it. According to the covenantal theory of marriage, God witnessed the contract between husband and wife and received their promise to live together, so they could not break this promise.<sup>223</sup> Based upon this idea that God witnessed the marriage promise, Bullinger described marriage as “such a knot as never can be undone,”<sup>224</sup> and this is precisely how Dutch authorities treated marriage.

Dutch jurists like Grotius offered quite different explanations for marriage’s permanent character. Grotius argued that indissolubility was a necessary part of marriage law, because bringing up children properly required the presence of both parents. Being unable to end a marriage meant that the parents would continue to tend to their children

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<sup>221</sup> I Corinthians 7: 10-11.

<sup>222</sup> The idea that marriage partners could extricate themselves from one another in adultery situations according to the Protestant tradition was in some ways a liberalization of Catholic regulations, which allowed only for separation of bed and board in adultery cases. Protestant teachings did offer the innocent party the opportunity to remarry in adultery cases. Brundage, *Law, Sex, and Christian Society*, 558-60.

<sup>223</sup> Witte, Jr., *From Sacrament to Contract*, chapter 3.

<sup>224</sup> Bullinger, *Decades*, 403.

together. He also claimed that indissolubility gave the spouses more confidence in each other, because they knew that they were bound together for life.<sup>225</sup>

Popular advice literature of the period provided further support for indissolubility laws by reinforcing the idea that divorces and separations were prohibited. In his books on marriage, Jacob Cats offered his readers advice on choosing a spouse, and he reminded them that the choice was extremely important, because they would not be able to separate from this person once he or she was chosen. Cats recommended choosing a spouse of approximately the same age, status, and religion, because such evenly matched spouses were most likely to agree with one another and avoid fights. He also emphasized that the wife should be subordinate to her husband, because the wife was, as Simon Schama writes, “a dangerously unsound vessel.” Couples who followed Cats’s advice would be less likely to get into the conflicts.<sup>226</sup>

Bullinger, who again would have been commonly heard if not well-obeyed by WIC sailors and soldiers, told people considering marriage to pray to God for guidance before choosing a marriage partner. He was also adamant about the fact that marriage partners should be chosen not on the basis of wealth or beauty, but rather on whether the potential spouse would provide good companionship, because good companionship would continue throughout life, while wealth and beauty might be lost. Abraham Scheltetus’ *Kerk en Huys-Postille*, like Bullinger’s *Huys-boek*, a book of sermons meant

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<sup>225</sup> Hugo Grotius, *The Jurisprudence of Holland*, trans. R.W. Lee (Oxford: Clarendon Press, 1926), 23.

<sup>226</sup> Agnes Sneller, “Reading Jacob Cats,” in *Women of the Golden Age: An International Debate on Women in Seventeenth Century Holland, England and Italy*, eds. Els Kloek, Nicole Teeuwen, and Marijke Huisman (Hilversum: Verloren, 1994), 21-34; Simon Schama, *Embarrassment of Riches*, 398-401.

to be read in situations in which no original sermon could be delivered and also commonly sent with ministers and *ziekentroosters* to be read to soldiers and sailors in forts and ships, also emphasized the indissolubility of marriage. Scheltetus wrote, “in contrast [to happy marriages], there is nothing more scandalous and abominable before the eyes of God and men than when married people do not want to come to an understanding with one another and the one goes running east and the other west.”<sup>227</sup> Scheltetus continued that married couples needed to expect difficulties in their lives and that marital disagreements were a legacy of Adam and Eve, or perhaps punishment for prior bad acts. He advised those in bad marriages to take comfort in the fact that God would fix things in his own time, and he suggested that those with complaints about their marriages say to themselves “my hour has not yet come,” meaning that instead of fleeing a bad marriage, people ought to wait for an eventual, God-given resolution.<sup>228</sup> Both secular and religious advice literature wholeheartedly supported the principle of indissolubility and contributed to an overall culture in which divorce was viewed as illegal and unacceptable.

In response to these teachings, the Dutch Republic adopted very strict rules against divorce and separation, ruling that divorce was only permitted for the innocent party in cases of adultery. Amsterdam’s 1586 marriage ordinance stated that no married people were permitted to live separately unless they had received permission from the city’s court. Without the city court’s permission, the spouse who refused to reconcile would pay an one hundred guilder fine for every month that he or she refused to return

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<sup>227</sup> Abraham Schultetum, *Kerck en Huys-Postille seer dienstelijck voor alle die gene die na oost en west-indien oft andere plaetsen zijn varende* (t’ Amsterdam: gedruckt by de weduwe van Theunis Jaobsz, 1654), 122.

<sup>228</sup> Scheltetum, *Kerck en Huys-Postille*, 137-42.

home. Even when the city's court granted a formal separation, the couple would consistently be pressured to reconcile and resume their lives together. It was not until 1656 that divorce regulations were *slightly* relaxed. At that time, the States General's *Echtreglement* permitted divorce in cases of "malicious" abandonment. These were cases in which a person had abandoned his or her spouse but was residing in a known location. Representatives of the abandoned spouse could go to the abandoner to press for a return and reconciliation. If the abandoner repeatedly refused, then a divorce would be granted to the abandoned spouse. The *Echtreglement* also offered some relief to abandoned spouses who simply did not know where their partners were, but it was only limited relief. An unintentionally abandoned spouse had to wait for five years without any knowledge of the abandoner's whereabouts or status before he or she could initiate divorce proceedings.<sup>229</sup>

In this situation, in which it was nearly impossible to escape an unwanted marriage, adultery and bigamy loomed as attractive options in the Dutch colonies and everywhere in early modern Europe and colonial America.<sup>230</sup> The Political Ordinance

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<sup>229</sup> Debates about whether abandoned spouses could remarry had also occurred among medieval church theologians with similarly harsh pronouncements, Brundage, *Law, Sex, and Christian Society*, 374-5.

<sup>230</sup> Bigamy had also been a problematic crime in Medieval Europe, see Sara McDougall, "Bigamy: A Male Crime in Medieval Europe?" *Gender & History* 22, no. 2 (2010): 430-446. For informal divorce, see Safley, *Let No Man Put Asunder*; Lawrence Stone, *Road to Divorce: England 1530-1987* (New York: Oxford University Press, 1990). The church in Holland also complained about the practice of clandestine divorce, Manon van der Heijden, *Huwelijk in Holland*, 73-5. Bigamy and adultery were also common in English America, Godbeer, *Sexual Revolution in Early America*, 8, 125-7; Kirsten Fischer, *Suspect Relations: Sex, Race, and Resistance in Colonial North Carolina* (Ithaca: Cornell University Press, 2001), chapter 1. In Spanish America, similar cases also occurred, Alexandra Parma Cook and Noble David Cook, *Good Faith and Truthful Ignorance: A Case of Transatlantic Bigamy* (Durham: Duke University Press, 1991). Martin Ingram, in contrast, argued that bigamy was not a very common crime, Ingram, *Church Courts*, pp. 149-150, 178. Van der Heijden also found that bigamy was

mandated harsh punishments for adultery, including fifty-year banishments for the married parties involved, but the Political Ordinance did not envision bigamy, so city ordinances filled this gap. In an effort to prevent bigamous marriages, Amsterdam's 1588 marriage ordinance instructed the commissioners of marriage matters to specifically ask people who wanted to marry whether they were, in fact, single. The commissioners were also instructed to specifically press foreigners more closely on this point. People who came from outside the city had to show "proof" that they were single, although it remained at the discretion of the commissioners to decide what type of proof would be sufficient. If foreigners had lived in the city for three years and there were no rumors circulating that they were already married, then they would be considered single. If they had lived in the city for less than three years but came from a war torn area where it would be difficult to acquire proof of single status, then they were permitted to marry as long as there were no rumors that they were already married and if they were willing to swear an oath that they were single. Amsterdam's 1586 marriage ordinance stated that anyone who entered into a bigamous marriage would receive corporal punishment.

In Brazil, authorities treated challenges to indissolubility rules as emerging out of wanton licentiousness, even though the evidence suggests that the people who broke indissolubility rules acted out of desperation because they could not end marriages that did not satisfy them. Such people often entered long-term, stable relationships after rejecting their first spouses, rather than pursuing a large number of partners. In 1637, for example, the classis of Brazil questioned Antoinette Cantei and Luc Harmon about whether they were married. They accused Cantei of having a husband in the Netherlands

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relatively uncommon, finding only 39 civil prosecutions for bigamy between 1550 and 1700 in Rotterdam and Delft courts and 33 cases in consistory courts, *Huwelijk in Holland*, 160-3, 218.

who was still alive, a charge that carried some weight given that Harmon could not produce any proof that they were married and apparently had said publicly that they were not married. Cantei held to the story that they were married, and when asked if she knew that her first husband was still alive, she replied that he was dead, even though there were also rumors circulating that she had said the opposite in public. Still, both she and Harmon insisted that their banns had been proclaimed, although she claimed they were read in Amsterdam, and he said in The Hague. The couple also gave conflicting testimony about the whereabouts of their marriage certificate, a document given to all couples that married in the Dutch Republic. She said the couple had delivered the document to the Company's directors before they embarked for Brazil and that the directors had not returned it, but he said that they had never received one. After this unimpressive and contradictory defense, the classis decided to point them out to the government in Brazil as adulterers.<sup>231</sup> The government responded that they should report them to the court,<sup>232</sup> which they apparently did, because both Cantei and Harmon were banished from Brazil in 1638.<sup>233</sup> Another case, in September 1637, played out in a similar fashion, although we do not know its final resolution. In this instance, the classis complained about a couple who had come there and presented themselves as married. In

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<sup>231</sup> Grothe, *Archief*, vol. 2, 225.

<sup>232</sup> NA OWIC 1.05.01.01 inventory 68, March 19, 1637.

<sup>233</sup> NA OWIC 1.05.01.01 inventory 53, Meeting of the classis at Recife, January 5, 1638. This is likely someone named Luck Hamon who asked to go over to Brazil with his wife if he paid her cost of passage, which the Amsterdam chamber agreed to, NA OWIC 1.05.01.01 inventory 14, December 6, 1635. When the classis brought their complaint about this couple to the government, they said that Antoinette Cantei was married to the son of a minister who was certainly still alive. It seems to me that the connections between ministers in Brazil and the Dutch Republic were frequently used to uncover such situation and is a subject worthy of further investigation.



fact, the classis discovered that the woman had a living husband in The Hague. The High Council instructed the sheriff to investigate the situation.<sup>234</sup>

Many of the adultery prosecutions are actually quite sad stories of desperation, poverty, and abandonment. In 1645, the sheriff prosecuted Trijntgen Wouters for adultery. He said that she was married, but was currently living with Jan Hendricks Boedick. Wouters replied that her husband had “silently” abandoned her and gone to the East Indies and that she desired to marry Boedick. Wouters’ neighbors explained that she had come to Brazil with her husband, a soldier from Amsterdam. After some time, the couple seems to have agreed that she would return to Amsterdam, likely a sign of some marital discord. She, for reasons that are unclear, decided to return to Brazil after only a brief stay in Amsterdam. By the time she returned, however, he had already taken service with an East India Company ship that had come to Recife and was long gone. According to her neighbors, she immediately “lived as a married person” with a sergeant from Johan Maurits’ guard until his time in Company service expired and he returned to Europe. When she found herself alone again and unable to support herself (*niet aende kost te kunnen koomen*), she “gave herself first to one and then the other” and was currently living with Jan Hendricks.<sup>235</sup> The fact that Wouters and her soldier husband were clearly having some kind of marital difficulty and that her promiscuity was clearly motivated by her economic difficulties did not make the government more lenient toward her. She was sentenced her to a fifty-year banishment.<sup>236</sup> Boedick, as a single person,

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<sup>234</sup> NA OWIC 1.05.01.01 inventory 68, September 15, 1637.

<sup>235</sup> NA OWIC 1.05.01.01 inventory 60, testimony of Jan Jansen Groen against Trijntje Hendricks, June 19, 1645.

<sup>236</sup> NA OWIC 1.05.01.01 inventory 60, extract from the *fiscael's* roll, July 11, 1645.

was removed from his position in the army and put on bread and water for fourteen days and fined one hundred carolus guilders.<sup>237</sup>

Colonial authorities also tried to prevent men who had abandoned their wives in the Dutch Republic from choosing the Dutch colonies as a place to resettle because they were unknown in the colonies and could, presumably, relatively easily commit the crime of bigamy and remarry. Van Rensselaer, mentioned at the beginning of this chapter, became the owner of a colony separate from the West India Company's in New Netherland called Rensselaerswijck. He complained to Johannes Megapolensis, the colony's Reformed minister, about such a "widower" who he had sent to Rensselaerswijck. It turned out the "widower" had a wife and children in Leiden, whom he had left impoverished. When the wife complained to Van Rensselaer constantly about her situation, he wrote to Megapolensis, attempting to resolve the problem. He lamented, "would that God might touch his [the abandoner's] heart, so that he would change his conduct, leave off drinking, and work diligently; he could then prosper so much that he could have his wife and children come over or at least send them some of his savings." Van Rensselaer also urged Megapolensis to admonish him to correct his conduct, either by sending money to support his wife, or by sending for her to join him. If this admonition did not succeed, Megapolensis was to turn him over to civil authorities in the colony for proper punishment, though he does not say what that punishment should be.<sup>238</sup>

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<sup>237</sup> NA OWIC 1.05.01.01 inventory 60, extract from the *fiscael's* roll, July 11, 1645.

<sup>238</sup> A.J.F. van Laer, ed., *Van Rensselaer Bowier Manuscripts* (Albany: University of the State of New York, 1908), 646.

Again, authorities preferred for couples experiencing marital difficulties to reconcile and reunite rather than to sanction their separation with punishments.

Men like Van Rensselaer's "widower" colonist sometimes got away with their escapes, of course, and after abandoning one family, married to start another. For example, the classis complained about Leenaert Clock who married a woman in Brazil. This woman had since died, but after her death, it came to their attention that he already had a wife and three children living in Haarlem.<sup>239</sup> Clock was later sent back to the Dutch Republic after being whipped.<sup>240</sup> In November 1659, Marcus de Sousoy and his wife accused Adriaan Vincent of having another wife and four children in Amsterdam, but the outcome of that accusation is unknown.<sup>241</sup>

In addition to cases involving abandonment, bigamy, and lying about marital status, West India Company records contain several cases of wife selling – a popular ritual that allowed a husband to sell his wife and become free to marry again, while she

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<sup>239</sup> NA OWIC 1.05.01.01 inventory 68, February 23, 1638. Bigamous marriages could also happen accidentally. Michiel Antonisz van Uytrecht was told that his wife had died in the Dutch Republic and then married a second woman in New Netherland, but it turned out that it was his first wife's mother who had died and not his wife. After five years without communication, the first wife appeared in New Netherland. The government eventually decided to invalidate the second marriage, A.J.F. van Laer, *Minutes of the Court of Fort Orange and Beverwyck, 1652-1660* (Albany: University of the State of New York, 1920-1923), 248-9. In 1664, the consistory in Brooklyn discovered that an orphan in their charge actually had a father who was still alive in Jamaica. Tieleman Jacobsen and Teuntie Straetsman were married and were apparently living on Guadeloupe. When the Dutch evacuated the island, Straetsman went with Stuyvesant's forces to New Netherland, and Jacobsen stayed behind and eventually ended up in Jamaica. Straetsman had married a new husband in New Netherland because she presumed that Jacobsen was dead. When the consistory discovered that Jacobsen was still alive, they wrote to him to tell him that his daughter was alive, Van der Linde, *Old First Dutch Reformed Church*, 79-81.

<sup>240</sup> NA OWIC 1.05.01.01 inventory 54, Generale lijst van gelicentieerde personen en delinquenten die naar het vaderland vertrekken, June 16, 1639.

<sup>241</sup> Fernow, *Records of New Amsterdam*, vol. 3, 70. Declarations were drawn before a notary, but it is not clear whether prosecution followed.

“married,” the buyer, generally someone with whom she was already in a relationship – another reaction to laws prohibiting divorce. Although this is considered an English practice, the records from New Netherland and Brazil do not make it clear if the people accused were Dutch or English.<sup>242</sup> If they were Dutch, they may simply have learned about this folk divorce option from English employees of the West India Company in Brazil, or from English people in the United Provinces. In 1642, the classis in Brazil complained about a man who bought a wife from her husband and was sleeping with her.<sup>243</sup> The 1644 synod pointed out yet another man who sold his wife for five guilders; the sold wife and her new husband now had children together.<sup>244</sup> The 1646 Synod of Brazil complained about two instances of wife selling; in one case, a man sold his wife for 5 stijvers, and in another a man sold his wife for 7 stijvers. The first case had apparently been “resolved,” though it is unclear exactly what resolution this implies. Certainly, the buyer and the woman must have been separated, but it is not clear if the wife was returned to her original husband. The purchaser and wife from the second case were, however, still living together, and the classis demanded that they be punished.<sup>245</sup> In September 1658, there was also a similar case of wife selling in New Netherland.

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<sup>242</sup> The English novelist Thomas Hardy used this practice as the premise of his 1886 novel, *The Mayor of Casterbridge*. Julie Suk, “The Moral and Legal Consequences of Wife Selling in the Mayor of Casterbridge” in *Subversion and Sympathy: Gender, Law, and the British Novel*, eds. Alison La Croix and Martha Nussbaum (Oxford: Oxford University Press, 2013).

<sup>243</sup> NA OWIC 1.05.01.01 inventory 69, December 11, 1642.

<sup>244</sup> NA OWIC 1.05.01.01 inventory 59, Meeting of the synod of Brazil in Recife July 18-25, 1644.

<sup>245</sup> NA OWIC 1.05.01.01 inventory 71, February 15, 1646. The Hoge Raad replied that they were shocked that the ministers in Paraiba had not pointed the second case out to the director there so that the offenders could be punished, but now that they knew about it they would write to the director to ensure that the couple was punished.

Laurens Duyts sold his wife Ytie Jans to an Englishman named Jan Parcel. In exchange, Parcel forgave an old debt of Duyts' for 500 *gulden* and gave him 30 *gulden* and a half vat of beer. Parcel and Jans subsequently had three children together, but when the adultery was discovered, they were sentenced to be banished. When they pleaded to be allowed to marry for the sake of the children, their request was rejected.<sup>246</sup> Even a folk divorce that had apparently produced a long-term, stable, successful marriage was not acceptable.

While Reformed ministers fulminated about concubinage, adultery, and bigamy, it was largely adultery and bigamy that civil authorities treated harshly. The people they prosecuted were, however, almost always Company soldiers and employees. Such people were more likely to either abandon their spouses or be abandoned by them and to be in such economic straits that they needed an additional income or household labor. In the eyes of Company directors, such people were undisciplined because they could not control their sexual appetites and, thus, threatened the Dutch colonial project because they imperiled its morality and its orderliness. Their low status further contributed to the directors' perceptions of them as dangerous and disorderly, and prosecutions must have confirmed the existing impression that poor people were disorderly.

### **New WIC Regulations**

Because the WIC sought to prevent concubinage and bigamy/adultery in its territories, acquiring reliable information about people's marital statuses was extremely important. While it might seem that the WIC would be hopelessly unable to identify couples who were guilty of concubinage, adultery, or bigamy across the large distances that they had to police, information – both formal and informal – did circulate to assist

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<sup>246</sup> NYSA Council Minutes, Volume 8, 1049-1050, 1051-1052, 1060-1061.

them in this project. It is unlikely that WIC authorities caught every bigamist or cohabiter, but such people were taking real risks when they hoped that the distances between Brazil or New Netherland and the Dutch Republic would conceal their acts.

In the Dutch Republic, a number of procedures were introduced to prevent concubinage and bigamy. To prevent bigamy, Amsterdam's authorities, again, required the commissioners of marriage matters to inquire whether people who appeared before them requesting marriage registration were, in fact, single. Again, they were supposed to be particularly attentive to the marital statuses of foreigners, presumably because no one in Amsterdam would know enough about them to make their marital statuses known to authorities after the publication of banns. In the later *Echtregelement*, Dutch authorities also mandated having banns proclaimed in the current place of residence as well as all residences from the previous year and six weeks, presuming that moving could be a ploy to illegally marry again by escaping a place where the prior marriage would be well known.<sup>247</sup> In order to make sure that banns in all previous residences of the preceding year had actually occurred, people were required to bring a certificate from each residence that the three banns had been proclaimed without incident.<sup>248</sup> To prevent concubinage, when couples moved to a new place, they were supposed to show their marriage certificate, a document given to every couple that married, to the authorities in their new home to prove that they were not simply cohabiting.<sup>249</sup>

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<sup>247</sup> Cau, *Groot placaet-boeck*, vol. 2, 2433, article XVIII.

<sup>248</sup> Cau, *Groot placaet-boeck*, vol. 2, 2435, article XXX.

<sup>249</sup> Cau, *Groot placaet-boeck*, vol. 2, 2435, article XXXI. Article XXXIII required that the marriage certificate be given immediately after the solemnization. Poor couples were not required to pay for the certificate, while all others were required to pay.

All of these steps were also introduced in the colonies. The classis concluded in 1637 that couples who presented themselves as married would have to prove to the consistory that they were in fact married likely by displaying their marriage certificate.<sup>250</sup> They reported that this plan had been put into operation by the following year.<sup>251</sup> As we can see from the case of Antoinette Cantei and Luc Harmon, demanding such certificates could succeed at identifying cohabiters. To be even more secure about the marriages of people going to the West India Company's territory, the Amsterdam Chamber also ruled that every couple would have to show their marriage certificate to commissioners in charge of loading passengers in the United Provinces, and then also to the consistory of the place to which they were going.<sup>252</sup> By 1639 at the latest, the Zeeland chamber also took the position that couples had to show marriage certificates before being permitted to immigrate to Brazil.<sup>253</sup> In this way, the WIC added additional supervision that, at least theoretically, made it even more difficult to pass off concubinage as marriage in the Dutch colonies than it was in the Dutch Republic.

Although the practice of presenting marriage certificates was established in 1635 and 1636 in the Amsterdam chamber, it may not have been followed consistently, because the classis was still complaining about it in 1638<sup>254</sup> and 1644,<sup>255</sup> and in 1646<sup>256</sup>

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<sup>250</sup> Grothe, *Archief*, vol. 2, 223.

<sup>251</sup> Grothe, *Archief*, vol. 2, 252.

<sup>252</sup> NA OWIC 1.05.01.01 inventory 14, April 23, 1635.

<sup>253</sup> NA OWIC 1.05.01.01 inventory 23, August 18, 1639.

<sup>254</sup> NA OWIC 1.05.01.01 inventory 53, Meeting of the classis in Recife, January 5, 1638.

<sup>255</sup> NA OWIC 1.05.01.01 inventory 59, Meeting of the synod of Brazil in Recife July 18-25, 1644.

and again in 1648<sup>257</sup> stated that they would demand marriage certificates from new arrivals. The High Council did, in 1648, order the Major Bayart, who apparently took charge of incoming recruits, to ask for marriage certificates from new arrivals.<sup>258</sup> The repetitive requests for marriage certificates suggest that the classis was still troubled by the number of concubinage cases that were emerging, but given their hyperbolic expressions in marriage matters, it is at least as likely that there were only a few cases per year, but that even this small number deeply disturbed them. In fact, in addition to Harmon and Cantei, who were caught without a certificate, in 1644, the classis found that Charel [Charles] Walsing and Janne Nickels had a false attestation to their marriage drawn up, so they could cover up the fact that they were not married.<sup>259</sup> Apparently their fabricated document did not resemble a legitimate certificate sufficiently.

The classis in Brazil also tried to figure out a way to prevent people from committing bigamy by illegally marrying a second time in Brazil when a first spouse was still alive in Europe. They wanted to put into practice a law forbidding people to marry until they had been residents of the colony for at least two years or, alternatively, could present certificates from their previous place of residence stating that they were free to marry.<sup>260</sup> In much the same way, Peter Stuyvesant tried to prevent such bigamy in Fort

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<sup>256</sup> NA OWIC 1.05.01.01 inventory 61, Meeting of the classis in Recife, January 9-18, 1646.

<sup>257</sup> NA OWIC 1.05.01.01 inventory 64, Meeting of the classis of Brazil May 7-11, 1648.

<sup>258</sup> NA OWIC 1.05.01.01 inventory 71, February 15, 1646.

<sup>259</sup> NA OWIC 1.05.01.01 inventory 59, Meeting of the synod of Brazil in Recife, July 18-25, 1644. The government agreed to banish them, because they thought that Walsingham was a dangerous person who could become a *boslooper* [marauder], inventory 70, September 13, 1644 and inventory 59, Letter from the *hoge raden* Henric Hamel, A. van Bullestrate, and D. Codde van der Burgh to the *Heren XIX*, October 1, 1644.

<sup>260</sup> NA OWIC inventory 61, Meeting of the classis of Brazil, Jan. 9-Jan. 18, 1646.



Orange [Albany, New York] in 1660, when he ordered that banns not be read for anyone who had lived for less than a year and half there without first communicating with the consistory or government in New Amsterdam to find out whether the person was indeed single.<sup>261</sup>

In addition to relying upon the marriage certificates that had already existed in the Dutch Republic, WIC authorities demanded new documents to prevent concubinage and bigamy. In 1635, the Amsterdam Chamber initiated a policy of demanding a number of different documents before allowing a lone woman to embark on a trip to Brazil, presuming that some such lone women were simply going to the colony as concubines or to continue bigamous relationships. In addition to the aforementioned marriage certificate, a woman had to provide proof that her husband had indeed asked for her to join him.<sup>262</sup> Eventually, the women had to show the *Heren XIX* both a marriage

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<sup>261</sup> NYSA A1809 Council Minutes, volume 9, 356-7.

<sup>262</sup> A number of requests for additional documentation survive in the records of the Amsterdam chamber. For example, Geesgen Meijers van Oldenburgh requested permission to go over to Pernambuco to be with her husband Hendrick van Eessel, but she was told she had to produce a marriage certificate and proof that he asked for her, NA OWIC inventory 14, March 1, 1635; Maria Tavernier, wife of Harmen de Soucy, was permitted to go to Brazil after she displayed her husband's letter and her marriage certificate, inventory 14, March 22, 1635; Stijntgen Henricks wanted to go to Rio Grande to be with her husband, but the chamber required her to show a marriage certificate or "attestatie" that she was married, inventory 14, April 5, 1635; Jannitgen Willems the wife of Willem van Herff a sergeant in Brazil asked to join him, but her request was refused until she showed a marriage certificate, inventory 14, April 26, 1635; Jean Barbeder asked to go back to Pernambuco with his wife Neeltgen Paules van Middelburgh and when he showed proof that they were married, they were granted permission. He also requested permission to conduct the aforementioned Maria Tavernier as well as another woman, Jannitgen Willems, to their husbands in Brazil, but this request was rejected in order "to abide by the concluded order in sending over women," inventory 14, May 7, 1635. Jannitgen de Pla, wife of Jan Waruho van London, Stijntgen Barentsdr, wife of Willem Henricksen van Edenburgh, Mary Henricx, wife of Claes Jansen van Santen, and Lysbeth Willemsdr, wife of Robbert Perren van Bristol were all told that they could go to Brazil if they showed that they were the wives of these men as they claimed to be, inventory 14, September 15, 1636. Sometimes, it is not clear that they asked for the proof, such as the case of Susanna Rolle van Sedan who was going to meet her

certificate and a document signed by one of the members of the governing council in Brazil stating that the husband had requested her presence in Brazil.<sup>263</sup> This practice added yet another layer of verification that the woman was, in fact, married. The Amsterdam Chamber rejected a number of requests from women wanting to go to Brazil to join their husbands without the marriage certificate and/or the document signed by the governing council, so these were not idle words.<sup>264</sup>

In addition to reviewing the documents provided by others, the West India Company became a producer of documents that allowed people to remarry. The secretary of the commissioners of marriage matters appeared before the Amsterdam chamber complaining about the death certificates that the Company provided women whose husbands had died in WIC service. The commissioners of marriage matters, as mentioned above, required proof of a person's single status before marriage. One form that this proof could take was a certificate that a previous husband had died. The secretary complained that while VOC death certificates were signed by two company directors, which made them credible, WIC death certificates were signed by clerks in the Company's office, who were suspected of providing less reliable information. The

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husband Samuel Laberier van Bern, and no proof was demanded, inventory 14, July 16, 1635. Similarly, the wife of Arent Veneman asked to join her husband, and this was allowed without any mention of additional documents, inventory 14, July 19, 1635.

<sup>263</sup> NA OWIC 1.05.01.01 inventory 14, July 19, 1635, the Amsterdam Chamber reported that they would write to the Politique Raad and tell them to announce to everyone in Brazil that if any man wanted to have his wife join him from the Dutch Republic, then he had to request an *acta* [official document] from a member of the Politique Raad to that effect.

<sup>264</sup> NA OWIC 1.05.01.01 inventory 14, September 20, 1635 Hester Placke and three other unnamed women requested to go to Brazil to their husbands and showed letters from them, but they were told that they had to show an *acta* from the Politique Raden. Similarly, Anna Savereij, wife of Enoch le Clerc, a corporal under Captain Terlong, inventory 14, April 7, 1636 and Cornelia Willemsdr., wife of Frans Matijn, soldier, June 12, 1636 were refused until they could show the Politique Raed's *acta*.

commissioners asked that directors sign the WIC death certificates from then on as well.<sup>265</sup> The High Council in Brazil was also tasked with investigating the whereabouts of Company servants who could not be found in order to establish whether their spouses could remarry. In 1646, the High Council was tasked with locating Joris Jansen, who did not appear in the register of Company employees in 1646 because “the wife very much wants to remarry.” Presumably if the High Council found that he was dead, the directors would then provide his wife with a death certificate.<sup>266</sup>

In addition to these formal sources of information about marital status, authorities also attended to community gossip, and this gossip could lead to investigations and prosecutions. We have already seen the case of Cantei and Harmon. One of the reasons that the ministers became suspicious of them seems to have been their semi-public announcements that they were unmarried. Abandoned spouses seeking to locate their abandoners also revealed adulterers and bigamists to authorities. As we saw above, Kiliaen van Rensselaer was approached by his colonist’s abandoned wife to locate him, which he was immediately able to do. This suggests that there was a far greater chance of succeeding as an adulterer or bigamist if there had been a clandestine or mutual divorce rather than if one spouse simply abandoned the other. Given the extra layers of security that the directors introduced to weed out concubines and adulterers/bigamists, it may be that it was, in fact, more difficult to get away with these crimes in the Dutch colonies than it had been in the Dutch Republic.

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<sup>265</sup> NA OWIC 1.05.01.01 inventory 14, May 15, 1636. The idea of a death certificate to allow remarriage was not strictly speaking new. A similar requirement to present proof of the death of the spouse – if not the idea of the certificate – existed from the 15<sup>th</sup> century in France, McDougall, “Bigamy: A Male Crime?” 434.

<sup>266</sup> NA OWIC 1.05.01.01 inventory 63, Letter from the president Schonenborch and the *raden* S. van Beaumont and M. van Goch to the Zeeland chamber, December 9, 1647.

Authorities were sometimes called upon to make decisions about whether people could remarry or whether they ought to be charged with adultery or fornication when no secure information about the status of a spouse was available. In these situations, demonstration of good faith efforts to uncover a spouse's status weighed a great deal on magistrates. In 1647, New Amsterdam residents Johannes la Montagne and Angeneta Gillis t'Waert requested permission to marry. The problem was that Angeneta had been married to Arent Corsen, and no one had certain knowledge of whether he was alive or dead. New Netherland's council wrote to the *Heren XIX* to inquire about Corsen; the *Heren XIX* reported that they had investigated the matter and replied that they had "learned nothing of him." When La Montagne and Gillis t'Waert declared that they believed him to be dead, the Council decided that the couple could marry.<sup>267</sup> It is, however, significant that they waited to begin a sexual relationship until after an investigation was performed. The synod in Brazil complained about Pieter van Haerlem because he was living with a woman who was reputed to have a living husband. Van Haerlem seems desperately to have wanted to legitimately marry this unnamed woman, but when he had declarations taken before a notary in Recife offering proof that the husband was dead, the synod refused to accept his evidence. The ministers said that it was suspicious that he had lived with her for a long time already and that, in any case, the evidence was only hearsay and not secure.<sup>268</sup> Unlike the case of La Montagne and Gillis t'Waert who were permitted to marry even though the evidence supporting their marriage was insecure, the High Council did not permit Van Haerlem to marry. They told him that

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<sup>267</sup> A.J.F van Laer, *Council Minutes, 1638-1649* (Baltimore: Genealogical Pub. Co., 1974), 411.

<sup>268</sup> NA OWIC 1.05.01.01 inventory 61, Meeting of the classis of Brazil, January 9-18, 1646.

he had to send his consort away or he would be removed from his position as a ship's captain and that they would write to the governor there to make sure that he followed through on his promise to send her away.<sup>269</sup> Because La Montagne and Gillis t'Waert had behaved honorably, their marriage was ultimately accepted. La Montagne had also served on both Kieft and Stuyvesant's councils and had attended the University of Leiden; his status and his decision to not commence a sexual relationship until it was permitted gave him an advantage over Pieter van Haerlem, a WIC sailor, who was considered less reliable due to his lower origins.

Authorities looked particularly unfavorably upon people who, after they were caught committing adultery, announced that they believed that their spouse was dead, as was the case with Trijntje Wouters discussed above. Women in Amsterdam whose husbands were in VOC service also often made such claims. Such women argued that they had not heard from their husbands for years and believed that they were dead. Some were in long-term relationships with men and added that they wanted to marry their male partners, implying that the harsh rules governing indissolubility were to blame for their adultery. It is not clear if these women legitimately believed that their husbands were dead, or if this was an idea that they hoped would spare them harsh punishments, but such claims were nowhere accepted as valid evidence of the death of a spouse.<sup>270</sup> These women were always prosecuted as adulterers rather than fornicators and received the harsh punishment associated with adultery rather than the lighter punishments associated with fornication. The fact that the women in these situations were not given greater

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<sup>269</sup> NA OWIC 1.05.01.01 inventory 71, February 15, 1646.

<sup>270</sup> Calculations of returnees from VOC service suggest that only half of the men who signed up for service survived their five-year contracts, Kuipers, *Migrantenstad*, 98.

consideration is worthy of note because this was not the way that it had been in France, Italy, and Spain in the 15<sup>th</sup> through 17<sup>th</sup> centuries. There bigamy was exclusively a male crime and men were blamed if they abandoned their wives. Women were typically perceived as victims in these situations and absolved of their responsibility because they had been seeking “shelter and support,” and authorities accepted their efforts to marry again because single women were perceived as liable to become prostitutes or concubines.<sup>271</sup>

Lower class people were not alone in resisting the laws demanding indissolubility of marriages; elites, too, felt some ambivalence about these laws, even if they acted upon these feelings less than did lower class people. Lieuwe van Aitzema, a Dutch statesman and friend of the English author John Milton, reported that there was high interest in The Hague for a Dutch translation of Milton’s publications arguing for the possibility of divorce.<sup>272</sup> The historian Paul Sellin argues the interest was occasioned in 1654 by three separate marital disputes involving members of the Dutch elite, each of which could have been resolved had divorce been available.<sup>273</sup> Although ministers complained about people who illegally married while a spouse was still alive, they were also aware that indissolubility rules did cause genuine problems, and there was some push in Brazil to alter them. In October 1636, the minister Johannes Oosterdag was called before the classis of Recife to explain his actions in performing the marriage of Sara Hendricks,

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<sup>271</sup> McDougall, “Bigamy: A Male Crime?” 436-9.

<sup>272</sup> Paul R. Sellin, “Lieuwe van Aitzema and the Dutch Translation of Milton on Divorce,” in *History and Civilization of the Low Countries: Papers from the Second Interdisciplinary Conference on Netherlandic Studies*, ed. William H. Fletcher (Lanham, MD: University Press of America, 1987), 105-111.

<sup>273</sup> *Ibid.*

which he had been advised by the consistory of Recife not to do because she was already married to another man.<sup>274</sup> To defend his actions, either prior to this wedding, or during the ceremony, he had apparently offered Company soldiers a non-traditional explanation of the New Testament passage from Matthew 19:9 which had been understood by both Catholics and Protestants to make marriages indissoluble: “And I say unto you, Whosoever shall put away his wife, except [it be] for fornication, and shall marry another, committeth adultery: and whoso marrieth her which is put away doth commit adultery.” We have no record of exactly how Oosterdag explained this passage, but clearly he suggested that divorce was possible in certain cases not involving adultery, and it was according to that view that he had decided to perform Sara Hendricks’ marriage.<sup>275</sup> Oosterdag was ordered to go before the soldiers who had heard his lenient interpretation and present the orthodox view that divorce was prohibited.

At the following meeting of the classis in March 1637, *domine* Daniel Schagen was also called to account for his action in permitting this marriage of Sara Hendricks. It

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<sup>274</sup> We learn more about this case from the dagelicxse notulen of 1637. In March, the classis complained to the Hoge Raed about Sara Hendricks. She apparently had a living husband in Utrecht but came to the colony with a married man who disguised himself as a woman. After some time in Brazil, she separated from that man and married another man. He then died, and she married yet another man. The Council said that the classis should write to the governor Johan Maurits who was then with the army and thus in close proximity to the offenders, and the councilors would support the classis’ request for Hendricx to be punished, NA OWIC inventory 68, March 19, 1637. In December 1637, the classis complained again to the government about sending Sara Hendricks back to the Netherlands, NA OWIC inventory 68, December 28, 1637. When the classis brought this up again in January 1638, the Council said they would write to Commander van Werven and tell him to send her to Recife, so she could be returned to the Netherlands, NA OWIC inventory 68, January 15, 1638. It is worth nothing that Van Werven was probably the same man who brought a woman who was not his wife to Brazil with him, so he was probably not very enthusiastic about complying with this order. In November 1638, this case was still ongoing, and the Raad said that they were going to send for her and then investigate the matter and if it was found to be true, they would invalidate her last marriage and banish her, NA OWIC, inventory 68, November 22 1638.

<sup>275</sup> Grothe, *Archief*, vol. 2, 217.

is not clear why he was involved in this matter, but he had been Oosterdag's teacher, so the classis may have believed that he was the originator of the incorrect interpretation of the passage in Matthew. When he finally appeared in Recife for the meeting of the classis in January 1638, he was asked about why he confirmed this illegal marriage and he offered a different, non-scriptural justification: "he had judged it better that they be married than that they live in whoredom." The other members of the classis found this "indecent."<sup>276</sup> Hendricks also promised, according to Schagen, that her husband had been dead for two years already and that "she would submit herself to all punishment if it was not the truth."<sup>277</sup> Hendricks was apparently still in Brazil in January 1638, because the members of the classis were still pushing to have her banished.<sup>278</sup> Oosterdag and Schagen were both later accused of fraudulent financial dealings in Brazil, so they were certainly not paragons in the eyes of the Reformed Church, but their acceptance of Sara Hendricks' new marriage could only have occurred in a climate in which there was interest in instituting new rules that would permit divorce and remarriage.<sup>279</sup>

Indeed, even the full classis sometimes appeared to question the reasonableness of the laws governing indissolubility. This issue will be discussed in greater depth in chapter four, but in November 1638, the classis proposed a new, legal way to help *brasilianen* [Tupi Indians], many of whom were either intentionally abandoned by their spouses or were separated from them by the constant use of Tupi men in war parties. The

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<sup>276</sup> NA OWIC 1.05.01.01 inventory 53, Meeting of the classis at Recife, January 5, 1638.

<sup>277</sup> NA OWIC 1.05.01.01 inventory 52, Letter from the consistory in Recife to the *Heren XIX*, August 19, 1637.

<sup>278</sup> NA OWIC inventory 53, Meeting of the classis at Recife, January 5, 1638.

<sup>279</sup> For Oosterdag, see Grothe, vol. 2, 264-8.



classis asked the government to announce a new ordinance that would require the man to appear in court where he would be ordered to return to his wife; if he failed to appear within a specified period of time, the abandoned wife would be granted a divorce and would be free to marry again. Divorce for reasons other than adultery was not accepted until 1656, but Brazil's ministers were already calling for it for *brasilianen* in the 1630s and 1640s.<sup>280</sup>

### **Prostitution**

While WIC authorities were generally unequivocal in their condemnation of bigamy/adultery and convinced that concubinage should be channeled into legitimate marriage, their attitude to prostitution was less clear-cut. On the one hand, they wanted to create a disciplined population, which required them to uproot prostitution, but, on the other hand, they were still steeped in medieval attitudes that suggested that prostitution was necessary in order to prevent greater disorders. These attitudes reflect a more general conflict within Dutch society and even the Reformation camp about the wisdom of actually eradicating prostitution. Even some reformers adhered to the older, medieval position that prostitution contributed to society by protecting its virtuous women from the uncontrolled lusts of young men.<sup>281</sup> In Amsterdam, authorities were, however, accused of believing that prostitution was a necessary evil in a port city that was full of sailors. If prostitution was eliminated, authorities were supposed to believe, the sailors would attack the honorable women of the city.<sup>282</sup>

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<sup>280</sup> See Chapter 4.

<sup>281</sup> Roper, *Holy Household*, 130-1.

<sup>282</sup> Van de Pol, *The Burgher and the Whore*, 112-7.

Theologians generally considered prostitution and other pre-marital sex in which both parties were single very serious. Calvin had taught that all fornication was prohibited and that people should only abstain from marriage as long as they were able to remain celibate.<sup>283</sup> Bullinger's *huys-boek* argued that because people are part of Christ's body, committing fornication is like "mingling God with a harlot" or "having oneself cut off from Christ." He continued that although some people believed that fornication was not a serious offense, this was not the case, and "whoremongers" would be excluded from the kingdom of heaven.<sup>284</sup> As *ziekentroosters* used *huys-boek* as a source for their sermons, all WIC soldiers and sailors would have been familiar with this point of view, although it did not stop many of them from procuring the services of prostitutes. Civil authorities too understood prostitution as problematic for society. For them, in addition to its violation of religious norms, prostitution led to sexually transmitted diseases, as well as loss of property, and poverty, when men infatuated with prostitutes abandoned their families.<sup>285</sup> It led honest boys down the wrong path and encouraged honest girls to become prostitutes.<sup>286</sup> There was a particularly antagonistic attitude towards the prostitutes, because they were perceived as using their wiles to trick men into becoming their clients, and their crime was as much about deception and swindling men as about

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<sup>283</sup> John Calvin, *Institutes of the Christian Religion*, ed. John T. McNeill (Louisville, KY: Westminster John Knox Press, 2001), 405-7.

<sup>284</sup> Bullinger, *Decades*, 412-3.

<sup>285</sup> Bullinger, *Decades*, 413.

<sup>286</sup> Van de Pol, *The Burgher and the Whore*, 58-60.

satisfying desire.<sup>287</sup> Given this ambivalence, it is not surprising that Amsterdam's 1580 prostitution law simply left the punishment of prostitutes to the discretion of the court.<sup>288</sup>

While provincial and city laws ostensibly governed prostitution, the older, customary law of the Dutch Republic concerning prostitution remained very much relevant. In order to avoid the embarrassment of a public trial, this law allowed male clients to reach a financial settlement with the *schout* [sheriff] outside of court called *compositie*. The roots of the practice of *compositie* lie in the Middle Ages, when monetary settlements could be used to escape state punishments in all types of cases, including assault and murder. By the 17th century, however, the sheriff and a criminal were only permitted to reach an out of court monetary settlement in cases in which the state was the only plaintiff, including prostitution.<sup>289</sup> In Amsterdam, the historian Lotte van de Pol found that *compositie* was used so frequently that court records contain very few cases in which men were charged for using a prostitute's services, even though the records do include cases against prostitutes and brothel owners.<sup>290</sup> Similarly, Manon van der Heijden found very few instances in 17<sup>th</sup> century Rotterdam and Delft in which men were brought to court for this crime.<sup>291</sup>

Although prostitution was officially the responsibility of civil authorities, the church in Amsterdam tried to involve itself in its regulation. Ministers complained to the

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<sup>287</sup> Van de Pol, *The Burgher and the Whore*, 76-9.

<sup>288</sup> Noordkerk and Farret, *Handvesten*, vol. 2, 572.

<sup>289</sup> Jan van Rompaey, "Het Compositierecht in vlaanderen van de veertiende tot de achttiende eeuw," *Tijdschrift voor Rechtsgeschiedenis* 43 (1961): 43-79.

<sup>290</sup> Van de Pol, *The Burgher and the Whore*, 8-9.

<sup>291</sup> Van der Heijden, *Huwelijk in Holland*, 27.

*burgomeesters* and *schepenen* about the lack of enforcement of the laws against prostitution, who then told them to bring their accusations to the *schout* [sheriff]. *Schepenen* and *schouts*, however, sometimes grew frustrated with the church's demands; the *schepenen* sometimes warned the *schout* of the impending arrival of a church delegation so that he could begin a prostitution raid before their arrival and show that he was serious about stopping prostitution. In 1703, Amsterdam's *schout* even complained that the church delegation exaggerated the extent of the problem and that things in the city were actually quite good.<sup>292</sup>

This complicated attitude to prostitution forms the context for understanding prostitution in the Dutch colonies, where governments were almost certainly trying to behave like Amsterdam's magistrates by both appearing responsive to complaints about prostitution and, quietly, allowing some prostitution to continue. As we will see, they banished some prostitutes, but there is also evidence that they were not trying to completely destroy the institution. In Curacao, for example, when *domine* Specht confronted the colony's governor in the 1670s about rampant prostitution, the governor was supposed to have responded, "where there is trade, there must be whores," echoing the beliefs of the magistrates in Amsterdam mentioned above. While the governor was willing to banish some prostitutes from Curacao at Specht's insistence, he was angered by Specht's constant harping on the point and probably hoped that banishing some prostitutes would demonstrate what would be understood by his superiors as a good faith effort to eliminate prostitution while letting it continue quietly.<sup>293</sup>

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<sup>292</sup> Van de Pol, *The Burgher and the Whore*, 104-7.

<sup>293</sup> Noorlander, "Serving God and Mammon," 281-3.

In New Netherland, the situation seems to have been much the same. During Kieft's tenure, no prostitutes were banished, even though it is difficult to imagine that no prostitution occurred in the colony.<sup>294</sup> He probably adopted a policy of *compositie* for men while allowing the women to continue to ply their trade. Some indirect evidence for this policy comes from the minister Bogardus's complaints against Kieft. Willem Frijhoff points out that Bogardus tried to usurp Kieft's authority on the grounds that the director did not "protect public order and public morals."<sup>295</sup> While Frijhoff argues that Bogardus believed Kieft's crime was his brutal Indian policy, it is possible that by "public morals," Bogardus also meant to include Kieft's marriage and sex policy in his critique. Stuyvesant's governorship, in contrast to Kieft's, is marked by a number of banishments for prostitution, but he also seems to have given prostitutes a chance to improve before implementing banishment.

Prostitution was very much a gendered crime in the Dutch society; only prostitutes themselves received harsh punishments, while their male clients generally escaped prosecution by engaging in *compositie*. In New Netherland, the only WIC colony for which court records survive, we find a similar situation. Only one case survives against a man caught with a prostitute that proceeded to sentencing.<sup>296</sup> Men presumably went free after arranging their *compositie*, but the prostitutes, or "light

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<sup>294</sup> Kieft did banish Grietje Reyniers and Anthony Jansen van Salee in 1639, and it has always been assumed that Reyniers was a prostitute. This may be the case, although the surviving documents only argue for inappropriate behavior and not actual prostitution. In any case, Reyniers and Salee had embroiled themselves in an intense conflict with Bogardus over money, so their banishment was probably as much about the latter as the former. Van Laer, *Council Minutes, 1638-1649*, 46-7.

<sup>295</sup> Frijhoff, *Fulfilling God's Mission*, 456.

<sup>296</sup> Gehring, *Council Minutes, 1652-1654*, 172-3, 180-1.

women” as they were generally called, could face harsh punishments, particularly if they offended multiple times. Lotte van de Pol found that Amsterdam’s *schepenen* generally gave a light first sentence to prostitutes – an order not to go to inns or brothels. After either one or two such warnings, the prostitute would be banished from the city for between three months and one year. Some of the banished prostitutes used the anonymity offered by Amsterdam’s size to remain in the city after a banishment order, and they would receive harsher punishments if picked up again for prostitution. Others simply went to other cities and continued to operate as prostitutes. If a prostitute was caught again after a banishment order, she was often sentenced to three months to a year in the *spinhuis* [house of correction/bridewell], and if she was caught yet another time, she might receive a one to two year term in the *spinhuis*. Van de Pol, however, found that it rarely got to the point at which the *spinhuis* was used as a punishment. She calculated that in most years, fewer than ten prostitutes were to be found in the *spinhuis* and that the prostitutes who were there had often been convicted of multiple crimes above and beyond prostitution.<sup>297</sup> The *schepenen* also made decisions about how to punish prostitutes based on individual circumstances. Young prostitutes were often returned to their parents without punishment.<sup>298</sup>

This relatively lax attitude to prostitution, particularly for first offenses, seems to suggest that the prostitutes that we encounter in the West India Company’s records had offended multiple times and were, then, subjected to harsh punishments. In 1654, Stuyvesant and his council sent the *fiscael* [sheriff] to inform Mareye de Truy, the wife of Jan Peeck, Cristyntien Greveraecht, wife of Hendrick Hendricksz, and Geertien Jacobs,

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<sup>297</sup> Van de Pol, *The Burgher and the Whore*, 95-102.

<sup>298</sup> *Ibid.*, 111-2.

wife of Geurt Coerten, “and other consorts of theirs, passed by here unnamed for propriety’s sake,” likely the men who used their services or other prostitutes, that they had to improve their conduct or leave New Netherland. The sheriff was also ordered to keep watch on the women and arrest them if they were found with any “whores or whoremasters.”<sup>299</sup> Geertje Jacobs apparently did not follow these orders because she was in court for charges of adultery with Nicolaes Holysteyn in 1655, though no sentence follows the complaint.<sup>300</sup> Some time in 1658 Stuyvesant and his Council banished Jacobs and Magdalena Dircx, “two women of bad reputation...on account of their dissolute life.” Jacobs had, thus, been a known prostitute for at least four years before Stuyvesant ultimately banished her.<sup>301</sup> When Stuyvesant informed the directors of the Amsterdam chamber of his decision to expel the women, they replied that they approved his decision, and further remarked that if these two women somehow managed to return to the colony, then New Netherland’s government should punish them, presumably intending some kind of punishment like whipping or branding.<sup>302</sup>

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<sup>299</sup> Gehring, *Council Minutes, 1652-1654*, 137. Geertje Jacobs had been accused of prostitution in August 1653, but she and her husband tried to fight the accusation as slander. Her accuser offered to prove the accusation, but no further mention appears of the case. Fernow, *Records of New Amsterdam*, vol. 1, 133, 140.

<sup>300</sup> Fernow, *Records of New Amsterdam*, vol. 1, 298.

<sup>301</sup> It is difficult to know precisely what Dutch authorities intended when they sentenced a prostitute (or anyone guilty of a crime) to banishment. Sometimes banishment could be commuted to a fine, and sometimes it only meant for a short period, see Elodie Lecuppre-Desjardin, “The Space of Punishments: Reflections on the Expression and Perception of Judgment and Punishment in the Cities of the Low Countries in the Late Middle Ages,” in *The Power of Space in Late Medieval and Early Modern Europe: The Cities of Italy, Northern France and the Low Countries*, eds., Marc Boone and Martha Howell (Turnhout: Brepols, 2013): 139-151. There is, however, no doubt that it served to reinscribe the power of Dutch authorities, even if the punishment did not have a consistent meaning.

<sup>302</sup> Charles Gehring, *Correspondence, 1654-1658* (Syracuse: Syracuse University Press, 2003), 175.

The conflicted attitude toward prostitution is further illustrated by the later career of Magdalena Dirx. The directors, in fact, allowed her to return to New Netherland with her husband rather rapidly with the warning that she had to behave properly. The couple settled in Esopus [Kingston, NY], where Dirx was again accused of being a whore by her neighbors.<sup>303</sup> Banishment may, in this case, not have been meant to truly exclude people from society, but rather have been a way for Stuyvesant and his council to display their authority and morality to their other subjects.

Stuyvesant and his council also separately banished Iva Dirx for her “bad living” and rejected a petition from her to be allowed to return.<sup>304</sup> In 1661, Rendolf Huwit petitioned the director general and council to allow his wife, Margaret Huwitt, who had been banished in 1657 or 1658, to return to Manhattan. In his letter, he claimed that he did not know why she had been banished, but that as soon as he returned to New Amsterdam, he heard that the sheriff was making plans to prosecute his wife if she appeared in the city.<sup>305</sup> The Council responded that she had been banished because of her “whorish” conduct, and even after four years outside the city, the authorities had not

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<sup>303</sup> On the return and warning, see Gehring, *Correspondence, 1654-1658*, 185-186. In February 1671, Anna Mattysen accused Dirx of being a whore and said that she was the lover of a Captain Paelden, another resident of the Esopus. Dingman Versteeg, Peter R. Christoph, Kenneth Scott, and Kenn Stryker Rodda, *Kingston Papers* (Baltimore: Genealogical Publishing Co., 1976), vol. 1, 454. The following year, in January 1672, Hendricx and Dirx came into conflict with the schout of Esopus, and the schout told Dirx “that he could show what kind of a woman she was with the documents in his house,” *Kingston Papers*, vol. 1, 474.

<sup>304</sup> NYSA A1809, Council Minutes, volume 8, 1057 and 1063. These documents are fire damaged, so the charges are not readable.

<sup>305</sup> The Council said that her banishment was because of her dissolute and whorish life (*ongebonden en hoerachtich leven*), NYSA A1809, Council Minutes, volume 9, 614.



forgotten her crime.<sup>306</sup> Huwit's request to allow his wife to return was rejected.<sup>307</sup> The government banished three more women from New Netherland in 1661 by a secret notice telling them they had to depart the colony within three weeks: a woman named Hillebrants, Neeltjen Pieters van Sardam, wife of Romeijn Severijn Carman, and Anna Ninns the widow of Cornelis Niesen.<sup>308</sup> In total, Stuyvesant and his Council banished seven women from New Netherland, although such banishments did not always stick, as in the case of Magdalena Dirx.

In Brazil, as in Amsterdam, the government adopted the same policy of banishing many of the women that were identified to them by the classis, but it also seems that the government allowed prostitutes who escaped the classis's attention to continue to operate. It seems that approximately twenty women received the sentence of banishment from Brazil for being prostitutes, although it is difficult to tell how often the sentences were actually carried out. In 1635, when the classis complained about them, the government agreed to send three or four "light" women in Brazil back to the Netherlands.<sup>309</sup> In April 1638, the High Council agreed to banish Anna Loemen of Paraiba, whom the consistory called a whore.<sup>310</sup> The same thing happened in May 1638 when the classis complained

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<sup>306</sup> Kenneth Scott and Kenn Stryker-Rodda, *Register of Salomon LaChaire: Notary Public of New Amsterdam, 1661-1662* (Baltimore: Genealogical Publishing Co., 1978), 51-2.

<sup>307</sup> NYSA A1809, Council Minutes, volume 9, 614.

<sup>308</sup> NYSA A1809, Council Minutes, volume 9, 681. This document is badly damaged, so the names of the women involved are not completely clear, though there were certainly three of them.

<sup>309</sup> NA OWIC 1.05.01.01 inventory 68, October 4, 1635

<sup>310</sup> NA OWIC 1.05.01.01 inventory 68, April 19, 1638.

about Anna Barents of Paraiba.<sup>311</sup> When the consistory in Recife complained about six more women in August 1639, the High council similarly took action, ordering the two whose husbands were still living in Brazil to rejoin their husbands in Serinhaem and Paraiba respectively, and the other four to return to the Dutch Republic.<sup>312</sup>

When the consistory complained about Jannetgien Hendricx at the end of August of that year, she too was banished to the Dutch Republic.<sup>313</sup> In January 1641, the consistory pointed out four more “light” women who they said should be banished, and the Council agreed to send them back to the Dutch Republic on ships that were poised to depart.<sup>314</sup> In August 1641, the classis had yet another woman returned to the Netherlands who had been ordered to depart earlier but had been in hiding for 8 months, probably one of the women from January 1641. The sheriff was told to find her and forcibly put her on board the ship that was about to leave for the Netherlands.<sup>315</sup>

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<sup>311</sup> NA OWIC 1.05.01.01 inventory 68, May 18, 1638. There is a possibility that Anna Barents and Anna Loemen are the same woman.

<sup>312</sup> NA OWIC 1.05.01.01 inventory 68, August 1, 1639. Janneke Jans, whose husband was in Serinhaim, was told to go there, and Elisabeth, also called Admirael, whose husband was in Paraiba, was told to go there. Maria Roothaer and Maria alias Krack, whose husbands had both returned to the Dutch Republic were told to go there, and the other two, Agniet alias Cuijpertjen and an unnamed women, who were also married, but don’t seem to have known where their husbands were located were also ordered to return to the Republic. Janneke Jans had probably already been banished because in March 1638 she is listed in a document with returnees to the Dutch Republic as “condemned.” NA OWIC 1.05.01.01 inventory 53, Lijst van gelicentieerde personen voor de kamer Zeeland [1638].

<sup>313</sup> NA OWIC 1.05.01.01 inventory 68, August 24, 1639.

<sup>314</sup> NA OWIC 1.05.01.01 inventory 68, January 2, 1641.

<sup>315</sup> NA OWIC 1.05.01.01 inventory 69, August 21, 1641.

The Dutch even sent away one Portuguese woman who was accused of “bad living.”<sup>316</sup> In 1642, the consistory pointed out three more dishonorable women: Sara Douwaerts and two women identified only by their “street” names: *de Leijtse Joffrouw* and *de Swarte Chaloepe*. The sheriff was told to investigate them and then bring them before the *schepen* to get an order of banishment.<sup>317</sup> In March 1643, two more women were banished from Mauritsstad at the request of the consistory.<sup>318</sup> In June 1643, the government sent another “light” woman away on the complaint of the classis,<sup>319</sup> and in August yet another woman was banished.<sup>320</sup> In September, the classis complained more generally about women who frequented inns, presumably to find customers for their prostitution, and the government instructed the sheriff to investigate the situation.<sup>321</sup> In 1647, the classis reported that some “light” women had moved from Recife to Paraiba and were causing trouble there. The classis asked the High Council not to allow such women, who were banished from one province in Brazil, to move to another province, and to instead make sure that banishment meant from the whole colony of Brazil to the Dutch Republic. The Council replied that the people in Paraiba should use the “new ordinance” against these women, presumably meaning that they should seek to banish

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<sup>316</sup> The *ingenho* owner Antonio de Silva Barbesa complained about Francisca de Melle that she had previously been banned for her dishonorable life, but was still there, so the Hoge Raad took her into custody and said they would send her way at the first opportunity, NA OWIC 1.05.01.01 inventory 69, September 8, 1641.

<sup>317</sup> NA OWIC 1.05.01.01 inventory 69, February 13, 1642.

<sup>318</sup> NA OWIC 1.05.01.01 inventory 69, March 11, 1643.

<sup>319</sup> NA OWIC 1.05.01.01 inventory 70, June 4, 1643.

<sup>320</sup> NA OWIC 1.05.01.01 inventory 70, August 5, 1643.

<sup>321</sup> NA OWIC 1.05.01.01 inventory 70, September 14, 1643.

them from Paraiba.<sup>322</sup> In the Dutch Republic, banishment generally meant from the city limits, and prostitutes simply travelled to new cities and picked up their trade there.<sup>323</sup> The practice of banishment seems to have changed in Brazil over the course of time; initially, it meant a return to the Dutch Republic, but at some point it returned to its original meaning of banishment from a particular locality. The High Council also approved of harsh corporal sentences for women whose behavior violated accepted norms. For example, in 1650, when the sheriff informed the High Council that the local court had sentenced a woman named Sijtgen to be whipped and banned for 25 years from Pernambuco because of her inappropriate, scandalous, and disorderly life, the Council wholeheartedly approved the sentence.<sup>324</sup>

Evidence from 1646, however, balances the severity that seems to be at the root of the above-mentioned banishments and reveals that there was also some tolerance for prostitution, which should probably be understood to apply to the earlier period as well. In 1646, the *fiscael* [sheriff] reported to the classis that he had, on the order of the Councilor Pieter Bas, released twelve of the seventeen women whom he had imprisoned for their “debauched lives.” The classis was offended by this behavior, but as Lotte van de Pol has shown, authorities often released prostitutes for the first couple of offenses. The situation of these twelve women is not described here, so we have no way of knowing if this was in fact the case here, but it may well have been. The classis would have been unlikely to find such logic compelling. The *schout* of Mauritsstad reported

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<sup>322</sup> NA OWIC 1.05.01.01 inventory 63, Meeting of the classis of Brazil, Jan. 15-22, 1647; NA OWIC 1.05.01.01 inventory 71, February 19, 1647.

<sup>323</sup> Van de Pol, *The Burgher and the Whore*, 27-8.

<sup>324</sup> NA OWIC 1.05.01.01 inventory 74, December 21, 1650.

that he did not apprehend people pointed out to him by the classis because in 1641 the governor ordered him to release several women that he imprisoned because their creditors feared that they would not be able to pay. The notion that prostitutes might be released in order to pay back their debts does not appear in the Dutch Republic and may have been a concession to the Brazil situation, but, in any case, it was up to the discretion of authorities to decide prostitution punishments, and they did have the precedent of adopting a lenient approach.<sup>325</sup>

In Amsterdam, sheriffs sometimes resented the interventions of the Reformed Church and worked with the *schepen* to evade some of the church's complaints. As mentioned above, Amsterdam's 1703 sheriff even said that he believed that the situation with prostitution was under control when the ministers there clearly believed otherwise. All of the churches repeated complaints about *hoererij*, including this one of 1646, should be considered in this regard. Sheriffs may not have agreed with the Reformed Church that there was a prostitution problem in Brazil. The problem that the 1646 incident revealed is not that there was disorderly prostitution, but rather that the Amsterdam system of keeping prostitution relatively hidden was not working. The church, by declaring their intention to complain about the prostitution situation to the *Heren XIX*, an issue that will be examined further in the next chapter, upset the delicate balance between publicly appearing to be harsh on prostitution and responsive to church complaints while allowing prostitution to continue. This balance was not, however, something that was introduced in Brazil; it already existed in Amsterdam, and the authorities in Brazil were merely trying to maintain it.

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<sup>325</sup> NA OWIC 1.05.01.01 inventory 71, February 3, 1646.

Although the classis assiduously pursued cases against women who were not members of the Reformed congregation, it did not, it seems, report its own church members. In 1638, the consistory of Paraiba asked for advice on how to deal with Elske Groenewals, a church member who was operating as a prostitute. Despite having four witnesses who claimed to have seen the prostitution, Groenewals would not confess or display any remorse for her actions. Instead of referring her to authorities for punishment, however, the classis agreed that the consistory should use the next two months to convince her to acknowledge her guilt. If that failed, then they were to proceed to the next level of church discipline, which was to announce her misdeed from the pulpit, and if she still failed to show contrition and repent her actions, they were to use the next four months to again try to convince her to repent. If these months ended without improvement, they were to excommunicate her from the church.<sup>326</sup> The decision not to draw authorities' attention to her was part of a larger pattern of preference for the reconciliation of church members over criminal prosecution. Groenewals did, in fact, show contrition for her prostitution, and she was readmitted to the community without ever having to deal with civil authorities.<sup>327</sup> The classis' interactions with Groenewals shows that in addition to supporting class and gender hierarchies, marriage regulation created a religious hierarchy. Members of the Reformed Church were immune from the prosecution to which non-church members would have been subjected.

Because we do not have the records of any trials against prostitutes, there is no way to know what defenses these women might have offered for their behavior. In the Dutch Republic itself, however, women accused of prostitution often explained that

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<sup>326</sup> NA OWIC 1.05.01.01 inventory 53, Meeting of the classis at Recife, January 5, 1638.

<sup>327</sup> Grothe, *Archief*, vol. 2, 255.

poverty forced them to sell sex, and it may well have been that in the colonies women offered the same excuse. Just as in the Republic, however, this excuse probably did not exonerate the women in the colonies who were prosecuted for prostitution.

In addition to banishing well-known prostitutes from the Dutch colonies after they had been discovered, colonial governments also worked to stop them from immigrating to the colonies from the Dutch Republic in the first place. They betrayed the suspicion that every woman, or at least every lower class woman, was a potential prostitute. In 1632, the governor Diedrich van Waerdenburch sent an unmarried woman back to the Dutch Republic “in order to prevent all imprudent behavior.” He added “it would be good if your honors sent no more women unless they are officers wives.”<sup>328</sup> Presumably he believed that officers’ wives would not involve themselves in prostitution, while lower class women were dangerous because they might become prostitutes. In December 1635, the High Council wrote to the *Heren XIX* to complain about their failure to prevent disreputable women from migrating to Brazil:

We are extremely amazed that the chambers there [the West India Company’s local offices in the Netherlands], which always have in mind the honor of God and the propagation of his holy evangelism in this whole work [of colonizing Brazil], not only practice no proper oversight over the women that they allow to come here, but indeed, they themselves sometimes intentionally send here women who they know are the most infamous, yes, abominable carrion, as if Brazil is to be the sewer to which the fatherland expels its garbage.<sup>329</sup>

The incident that provoked this criticism occurred in September and October 1635, when a ship’s captain, who was on the verge of departing Brazil, requested permission to leave

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<sup>328</sup> NA OWIC 1.05.01.01 inventory 49, Letter from Deidrich van Waerdenburch, August 16, 1632.

<sup>329</sup> NA OWIC 1.05.01.01 inventory 50, Letter from Wijntgen, Schoppe, Carpentier, and Lichthart to the *Heren XIX*, December 20, 1635.

a female passenger behind in the colony.<sup>330</sup> The Council refused to allow this passenger to stay in the colony “because of all of her crimes in the Netherlands and in this country.”<sup>331</sup> The Consistory of Recife Dutch Reformed Church complained that she led a “scandalous life,” which indicates that she was probably a prostitute, and the Council claimed that if they allowed her to remain in the colony, “it would give the inhabitants of this place a bad reputation and would be detrimental to the state.” The captain was told that not only could he not leave her in Brazil, but also that he was forbidden to abandon her anywhere else within the limits of the Company’s patent.<sup>332</sup> He was to return her to the place from whence she came. Even one prostitute was apparently considered dangerous to Brazil and led to an appeal for the authorities in the Dutch Republic to pay more attention to the people that they sent to Brazil.

In February 1636, Willem Schotte, a member of the *Politique Raad*, wrote a personal letter to the *Heren XIX* repeating the criticism that their inattentiveness to the type of women that they permitted to come to Brazil was problematic. He wrote, “I must request of you that you prevent so many light women from being sent here. Your Honors command us to punish all godlessness and yet allow to come to us from all quarters the

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<sup>330</sup> Paulus Serooskerk, one of the members of the council, also complained in this period about the quality of the women coming to Brazil. He wrote that there were only “filthy, inappropriate women” remaining in Brazil and that the honorable ones had died NA OWIC 1.05.01.01 inventory 49, Letter from Paulus Serooskerk to the bewindhebbbers of the Zeeland Chamber, May 6, 1631.

<sup>331</sup> NA OWIC 1.50.01.01 inventory 68, September 30, 1635.

<sup>332</sup> NA OWIC 1.50.01.01 inventory 68, September 30, 1635. In a December 1635 letter, they described the situation slightly differently. They explained that the consistory complained about how scandalous it would be to allow such a woman to live in the country. When the captain tried to leave her anyway, they told him to take her back to where she came from, and “she cursed and fulminated with horrible expressions,” which made them wonder about the Company’s discretion in selecting colonists. NA OWIC 1.05.01.01, inventory 50, December 20, 1635.



seed from which such offensive errors arise, and they cannot be uprooted without some infection, as we have already experienced.”<sup>333</sup> Schotte suggested that “light women” were the cause of a great deal of inappropriate behavior and that the Company could prevent “godlessness” in the colony by preventing these women from coming to the colony. The West India Company was at least somewhat responsive to the *Politieke Raad*’s group complaint and to Schotte’s individual one. The Zeeland chamber wrote to Matthijs Gijsseling, a Zeeland appointee to the High Council, telling him that he should make sure good order was established for lodging single women, presumably separately from men, so that adultery and “whoredom” would be prevented.<sup>334</sup>

The English appear to have shared these attitudes. An English commentator on 16<sup>th</sup> century Ireland, Fynes Moryson, described the situation in the Irish settlement as “the heele of the body was made the sincke of England, the stench wherof had almost annoyed very Cheapside the hart of the body.”<sup>335</sup> Just as the necessity of relying upon people from the lower orders to populate Ireland seemed distressing to Englishmen, the same necessity disheartened Dutch colonial governors as well.

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While Dutch authorities probably could not and did not uncover every offense against marriage laws and the norms that reigned in the Republic, it is clear that Dutch governments were neither disinterested nor defenseless when they wanted to prosecute

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<sup>333</sup> NA OWIC 1.05.01.01 inventory 51, Letter from Willem Schotte to the XIX, February 19, 1636.

<sup>334</sup> NA OWIC 1.05.01.01 inventory 22, December 29, 1636.

<sup>335</sup> Nicholas Canny, “The Permissive Frontier: The Problem of Social Control in English Settlements in Ireland and Virginia, 1550-1650,” in *The Westward Enterprise: English Activities in Ireland, the Atlantic, and America 1480-1650*, eds., K.R. Andrews, N.P. Canny, and P.E.H. Hair (Liverpool: Liverpool University Press, 1978), 21.

marriage and sex crimes. As godly magistrates, they intervened in private lives in order to ensure that morality was maintained and that orderly families were created. As everywhere in early modern Europe, church discipline and social disciplining went hand in hand, and governments cooperated extensively with Dutch Reformed ministers who heard the rumors and complaints that were circulating among the general population and could communicate with their fellow ministers in other places to investigate accusations and crimes. The WIC directors and their colonial governors set high standards for themselves and hoped to be recognized as operating according to the accepted norms of good governance.

The *Heren XIX*'s decision to require the marriage certificate for couples coming to Brazil must also have led to a decline in marriage crimes. Their efforts should be understood within the context of similar efforts to discipline people at home, and also as ways to transform the colonists that the WIC had into the more orderly ones that they believed could be a legitimate basis for an orderly society. The focus on concubinage, adultery/bigamy, and the women involved with prostitution suggests that the WIC's efforts were not necessarily intended to bring about a full moral reformation in the colony, but rather to reform the people that the WIC believed were most lacking in discipline.

The prevalence – or reported prevalence – of concubinage, adultery, bigamy, and wife-selling should not be understood as a sign that the colonies were particularly disorderly places, though they were undoubtedly not perfect, but rather as a sign that dissatisfaction with indissolubility rules prevailed both at home and abroad. These crimes were not unique to the Dutch Atlantic World but rather were part of a larger

European popular culture in which generally lower class people tried to evade the strict rules against divorce and remarriage that existed in both Protestant and Catholic states. The prosecution of lower class people in New Netherland and Brazil also follows the pattern established in the Dutch Republic that allowed for elites guilty of the same crime to evade punishments while lower class people – perceived as in need of more discipline – bore the full brunt of the law.

**Chapter Three:**  
**“Finding ourselves to be damaged in the utmost in the matter of religion to yield to the Catholics”: The Institutional Struggle for Control of Marriage**

When Caspar van Baerle wrote his history of Brazil under the reign of the governor Johan Maurits (1637-1644), he explained that before Maurits’s arrival, “serious crimes were the subject of jests and mockery, for according to a saying among the most depraved, there was no such thing as sin on the other side of the equator.”<sup>336</sup> In his discussion of how Maurits improved the situation, Van Baerle emphasized Maurits’s determination to reform marriage and sex regulation. As mentioned in the introduction, Van Baerle explained, “the marriage laws in force in the United Provinces were introduced to restrict the unbridled lust and connubial license practiced here [in Brazil].”<sup>337</sup> Van Baerle also claimed that while Maurits was governor, he punished “the citizens who were guilty of incest or adultery or had concubines; he also increased the penalties in accordance with the crime.”<sup>338</sup> The fact that Van Baerle believed he could bolster Maurits’ reputation by indicating that he had improved the enforcement of marriage and sex law shows how important this law was perceived to be.<sup>339</sup>

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<sup>336</sup> Van Baerle, *History of Brazil*, 49.

<sup>337</sup> Van Baerle, *History of Brazil*, 47.

<sup>338</sup> Van Baerle, *History of Brazil*, 288-9.

<sup>339</sup> Historians have generally lauded Johan Maurits as a successful and wise governor. Boxer attributes all kinds of improvements in the colony to him, including the introduction of Roman-Dutch Law, equality of justice for Portuguese and Dutch, and religious toleration, Boxer, *The Dutch in Brazil*, 73-5, 123. Lucia F. Werneck-Xavier has recently argued that it was actually Maurits’ opponent in the WIC government, the colonel Christoffel Arciszweski, who was in Brazil from 1630-1633 and 1634-1637, that started the religious toleration policy that Maurits built upon, “Het gebruik van egodocumenten en Nederlands Brazilië: De Memorie van Kolonel Christoffel Arciszweski,” in *Brazilië in de Nederlandse Archieven*, ed. Marianne Wiesebron (Leiden: Research School CNWS, 2008), vol. 3, 131-149. It seems to me that the reliance on Van Baerle’s account of Johan Maurits’ achievements has distorted the historical record, and more investigation is required in order to determine exactly what his achievements were.

The West India Company's understanding that good governance entailed enforcing a specifically Dutch and Calvinist-inflected version of marriage and sex regulation meant that colonial governors interested themselves in regulating marriage and sex not only among their own colonists and employees, but also among conquered European populations. The aspiration to exercise and project their sovereign authority also pushed WIC authorities to attempt to eliminate legal pluralities and to ensure that everyone under the Company's jurisdiction conformed to its marriage laws.

The Company also used marriage regulation as a way to negotiate its authority with its new, conquered subjects; sometimes these negotiations successfully supported Dutch authority, but other times the results were less conclusive. Although Van Baerle's description of Johan Maurits's efforts makes this process sound relatively uncomplicated and uncontested, Dutch governors, including Maurits, faced a number of challenges from very different sources as they sought to extend their authority in matters concerning marriage and sex.

In the previous chapter, we looked at the ways individual Dutch men and women rejected government attempts to discipline them. In this chapter, we will see that the imposition of discipline provoked institutional conflicts as well. The greatest challenge that WIC authorities faced in using marriage regulation to extend their power emerged from conquered European populations. But the Dutch Reformed Church and the local colonial governments could cause problems as they tried to wrest control of marriage and sex from the WIC's representatives in bids to maintain their own control over marriage and fend off the Company's claims to hold exclusive jurisdiction. While Dutch efforts to discipline individuals were very similar at home and in the colonies, conflicts between

the WIC and the institutions under its rule proceeded along a different line in the colonies than they did in the Republic.

### **Colonial Governments and Religious Minorities**

In chapter one, we looked at the case of Alexander Boeckholt and his Portuguese wife in order to illuminate Portuguese opposition to mixed marriages, and we will now return to the case because it provoked a conflict between the Portuguese *schepen* and Dutch *schepen* sitting on Mauritsstad's civil court, and, ultimately, caused the dissolution of the entire court. As we saw in chapter one, in October 1641, Alexander Boeckholt, a Dutch colonist in Brazil, complained to the colony's High Council that the orphanmasters of Mauritsstad had kidnapped his twelve-year old stepdaughter and brought her before a priest who solemnized her marriage to a Portuguese man without proclaiming the required three banns or receiving consent to the marriage from her parents.<sup>340</sup> Although by the beginning of the 17<sup>th</sup> century, banns and parental consent were, at least theoretically, necessary to make both valid Catholic and Protestant marriages, it appears that the Portuguese, perhaps drawing upon the older Catholic tradition that the only requirement for a binding marriage was the mutual consent of the parties involved, did not scrupulously follow this requirement. This marriage was both a challenge to WIC authority – because Dutch marriage law demanded banns and parental consent to make a valid marriage – and a threat to more widely held views of the social order, which suggested that children were subordinate to parents and needed to obtain their consent before marrying.

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<sup>340</sup> NA OWIC 1.05.01.01 inventory 69, October 4, 1641; NA OWIC 1.05.01.01 inventory 69, October 10, 1641.

The High Council referred the case to the city's *schepen* court, which contained a mix of Dutch and Portuguese magistrates, to decide whether the marriage was valid or not. In March 1642, however, the court reported that, rather than resolving the case, the issue had become so acrimonious that the Portuguese magistrates refused to attend the court meetings. The Dutch magistrates reported to the High Council that they intended to enforce the laws of Holland, which called for declaring the marriage void. The Portuguese magistrates, however, resisted this step and argued, "that because of the freedom of religion granted to the inhabitants the solemnization of the marriage being done by a priest should be declared legal." The dispute became so heated that the Portuguese magistrates refused to attend the sessions of the court, and all justice in Mauritsstad ground to a halt.<sup>341</sup>

This episode was part of a larger conflict between Brazil's colonial government and the Catholic population in the colony. Although the WIC had granted religious toleration to the Portuguese Catholics, neither the Company's directors nor its colonial governors construed this toleration as allowing Catholic priests to solemnize marriages. While Catholics could gather in their churches for religious services, they were supposed to solemnize marriages in either the Reformed Church or before town magistrates. From the Company's perspective, Dutch control over marriage was essential to the Company's goals of creating an orderly, and perhaps ultimately Dutch, society and of extending its own authority over a wider group of people. In Dutch Brazil, in particular, it was supposed to expose non-Calvinists to Calvinism by requiring them to marry in the Reformed Church or before Dutch authorities, which authorities hoped would encourage Catholic conversions.

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<sup>341</sup> NA OWIC 1.05.01.01 inventory 69, March 20, 1642.

While Dutch individuals had been marrying Portuguese individuals since at least 1635, as we saw in chapter one, Dutch authorities only began to discuss how to stop Catholic priests from solemnizing marriages in 1637. In that year, the *Hoge Raad* commented that many Portuguese and Dutch people illegally married before priests. The High Council was thus making the claim that not only was it illegal for Dutch people to rely upon Catholic priests to celebrate marriages, it was also illegal for Portuguese people – even when they were marrying within their own Portuguese and Catholic community and *not* outside of it – to celebrate their marriages in the Catholic church. The councilors concluded that they would publicly proclaim the marriage ordinances of the Dutch Republic in Brazil, so that people would know that all Catholic marriage solemnizations, regardless of the religions of the participants, were illegal. The High Council itself agreed that it would proclaim bans for those who did not want to use the Reformed Church for this requirement, and although this is not explicitly mentioned, it would probably have solemnized their marriages as well.<sup>342</sup> Although the councilors were clearly trying to eliminate Catholic authority over marriage, while simultaneously increasing Dutch jurisdiction over marriage, they offered no comment about how they planned to deal with those who ignored the Company’s jurisdiction over marriage.

While the initiative for the crackdown on Catholic solemnizations came from Brazil’s government, the *Heren XIX* were no less eager for this practice to be punished. They wrote, “we also see from the records that the marriages or mingling together of married people in the countryside is still practiced by Catholic priests. We understand that no marriage nor children coming from these marriages shall be held as legitimate,

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<sup>342</sup> NA OWIC 1.05.01.01 inventory 68, April 16, 1637.



except those celebrated with proper order through the public church officers or the magistrate as is the case in this country [the Dutch Republic].”<sup>343</sup> Despite the precarious position of the Dutch in Brazil and the existence of the Portuguese Catholic majority, no one, neither the government of Brazil, the directors of the Company in the Dutch Republic, nor the Reformed Church, counseled caution in this matter. All agreed that an aggressive course of action was called for to diminish Portuguese sovereignty and support the extension and centralization of Dutch authority.

The 1637 announcement of the law did little to stem the tide of illegal solemnizations, as at both the January and October 1638 meetings of Brazil’s classis, the assembled ministers complained about priests who married couples.<sup>344</sup> In July 1641, the classis in Brazil was further angered when a priest solemnized a marriage for a Dutch woman, whom they had for “weighty reasons” refused to marry. Upon being refused her request to marry in the Reformed Church, the woman approached a priest. He wrote to the vicar general in Paraiba – the highest Catholic authority who remained in Dutch Brazil - about the case. When the vicar gave permission for the marriage, the priest performed it, much to the chagrin of the classis.<sup>345</sup> Upon hearing about this situation, the High Council wrote to the vicar general and ordered him to stop making decisions in marriage cases. If he continued to do so, he would be labeled a “rebellious” inhabitant of

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<sup>343</sup> NA OWIC 1.05.01.01 inventory 8, Letter from the Heren XIX to the High Council in Brazil, July 10, 1641.

<sup>344</sup> NA OWIC 1.05.01.01 inventory 53, Meeting of the classis of Brazil, January 5, 1638; Grothe, *Archief*, vol. 2, 252-3.

<sup>345</sup> NA OWIC 1.05.01.01 inventory 69, July 22, 1641 and August 6, 1641.

the colony and punished accordingly.<sup>346</sup> According to one report, however, the vicar general had not merely ruled about this particular case, he actually maintained control over all marriage, adultery, and fornication cases within the Catholic community. He ignored Dutch law, which called for secular control over these types of cases, and he threatened those who did not submit to his rulings with excommunication.<sup>347</sup>

While the WIC was trying to extend its authority over Catholics by subjecting them to Dutch marriage regulation, it seems that the Portuguese were using marriage regulation in a similar way. By solemnizing the marriage of a Dutch woman, the Catholic Church was extending its authority over new people that it had not previously controlled. The classis was bothered by the Catholic solemnization, but the High Council was even more angered by it because it suggested that the Catholic Church was establishing itself as an alternative, higher authority than the colonial government. It also suggested that the Dutch were failing in their efforts to display and negotiate their power with the Portuguese.

In spite of the High Council's demand that Catholic priests cease performing marriage solemnizations and their order that the vicar general abandon control over marriage cases, these problems continued. In 1643, the *fiscael* [sheriff/prosecutor] was ordered to investigate and prosecute the priest who had married the Dutch colonist Abraham Tapper without proclaiming any banns.<sup>348</sup> Portuguese parents, finding that Dutch marriage regulation afforded them more control over their children than

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<sup>346</sup> NA OWIC 1.05.01.01 inventory 69, July 22, 1641.

<sup>347</sup> NA OWIC 1.05.01.01 inventory 56, Letter from Petrus Doornick in Paraiba to the Zeeland chamber, August 24, 1641.

<sup>348</sup> NA OWIC 1.05.01.01 inventory 70, December 11, 1643.

Portuguese, began to complain to the *Hoge Raad* about how their children had been married by Catholic priests without banns or their consent. Each time the *schout* [sheriff] was instructed to investigate the priest who had performed the action and prosecute him accordingly.<sup>349</sup> At the 1644 meeting of the classis, the ministers concluded that they would ask the High Council to issue an ordinance proclaiming that only marriages before the Reformed Church or civil authorities would be considered valid, a decision that suggests Catholic priests were not complying with the order against marriage solemnization.<sup>350</sup> Unfortunately, no court records survive that would shed light on what actually happened when these cases reached court, but it is clear the WIC was trying to extend its authority over the Portuguese by controlling their marriages, while the Portuguese were clinging to their own autonomy by rejecting this Dutch control over marriages.

The West India Company efforts to impose and enforce Dutch marriage regulation on Portuguese Catholics were a conscious rejection of precedents set in Holland for how to deal with marriage solemnization among religious minorities. Holland's Political Ordinance implicitly excluded the province's Lutheran, Catholic, and Mennonite Churches, as well as its synagogues, as valid sites for registration and solemnization by presenting only the Reformed Church and the town hall as legitimate sites for these rituals.<sup>351</sup> In practice, however, authorities in Holland were lenient with religious minority groups who preferred to solemnize marriages in their own churches.

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<sup>349</sup> NA OWIC 1.05.01.01 inventory 69, July 23, 1642; NA OWIC 1.05.01.01, inventory 70, October 29, 1643; NA OWIC 1.05.01.01 inventory 56, Letter of March 8, 1641.

<sup>350</sup> NA OWIC 1.05.01.01 inventory 59, Meeting of the classis of Brazil, July 18, 1644.

<sup>351</sup> Cau, *Groot placact-boeck*, vol. 1, 330-342.

Instead of punishing them, authorities seem to have implicitly given their permission for such marriages to continue, while simultaneously refusing to change the law and make non-Reformed churches explicitly legal sites for these procedures. This state of affairs was likely the result of the specific type of religious tolerance practiced by Dutch authorities, which historians have termed “connivance.” Although Dutch laws technically guaranteed only freedom of conscience – the freedom to privately believe in any religious doctrine or none at all – connivance was the practice of ignoring the actions of religious minorities when they worshipped as a community. It was this practice that produced the religious freedom for which the Dutch are famous.<sup>352</sup> It seems that authorities were also prepared to use connivance to overlook marriage solemnization within minority religious communities. When as a result of sheriff or church complaints, these marriages became so public that ignoring them was no longer possible, authorities dealt with offenders – emerging from Holland’s Mennonite, Jewish, Lutheran, and Catholic communities – very leniently.

Religious minority challenges to marriage registration and solemnization according to the dictates of the Political Ordinance seem to have emerged simultaneously in different religious communities in 1621. In that year, Amsterdam’s Mennonite community presented a petition requesting that the city magistrates recognize marriages performed in the Mennonite Church as valid. Couples had been marrying in Mennonite ceremonies without registering or solemnizing their marriages with the magistrates. Amsterdam’s *schout* had, therefore, begun legal proceedings against members of the community that accused them of concubinage and brought the legitimacy of their children into doubt. Although Mennonites considered the marriages valid and the

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<sup>352</sup> Haefeli, *New Netherland*, 55-6.

children legitimate, the *schout* believed otherwise because of the Mennonite eschewal of mandated marriage procedures.

The city magistrates, however, issued a very lenient decision on the Mennonite petition. They ruled that those who had previously married in the Mennonite Church had to come before the city's commissioners of marriage matters and have their marriages registered within three months. When this registration occurred, the marriages would retroactively be considered valid and the children would be judged legitimate. The court also ruled, however, that Mennonite couples who married in the future had to follow the city's rules by registering and solemnizing their marriages at the city hall, and they rejected the request to make solemnization in the Mennonite church legal.<sup>353</sup>

Although the 1621 ruling appears to confirm that civil authorities were serious about upholding the law that marriages could only occur in the Reformed Church or before city magistrates, a discussion at a 1624 meeting of the Provincial Synod of South Holland suggests otherwise. Representatives of the classis of Brielle complained that in their jurisdiction, Mennonites married in their own churches without having their marriages solemnized by the town's magistrates.<sup>354</sup> The classis reported that they had approached Brielle's *schout* [sheriff] to complain about the illegal Mennonite practices,

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<sup>353</sup> Noordkerk and Farret, *Handvesten*, vol. 2, 464.

<sup>354</sup> Church organization in this period consisted of multiple levels. At the most local level was the consistory or church council, which governed one church. At the next level was the classis, which brought together representatives of various churches over a larger area; in the case of Brielle, the so-named classis of Brielle supervised the churches in the rural areas of Voorne, Putten, and Goeree-Overflakkee in the province of Holland, and the classis was named after Brielle because this was the largest town in the area. The classis of Brielle, in turn, sent representatives to the synod of South Holland, one of the two provincial synods for the province of Holland. These provincial synods were supposed to send representatives to the national synod, which covered the entire Dutch Republic, but no meetings of the national synod took place after 1618-1619.

but he had explained that the town's government had specifically forbidden him and his subordinates from prosecuting the Mennonites.<sup>355</sup> When the two representatives of the States of Holland – who attended the yearly meetings of the Provincial Synods to ensure that political matters were excluded from discussion – heard this news, they informed the assembled ministers that the *schout* [sheriff] would be instructed to apply the appropriate law. No refusal would be permitted “unless there might be some important considerations which the government had to attend to.”<sup>356</sup> Although their instructions seemed unequivocal, in fact their ruling left Brielle's government with an opening to continue to ignore the letter of the law since “important considerations” – likely fear of unrest among the Mennonite population – had almost certainly motivated their initial decision not to prosecute the Mennonites. Thus, in Brielle, Mennonite solemnizations were completely ignored, while in Amsterdam, Mennonites were not penalized for their “crime” despite widespread knowledge of their behavior, all of which suggests that Holland's authorities chose to practice connivance and ignore their infractions.

Civil authorities' willingness to overlook the illicit marriages in religious minority communities continued throughout the 17<sup>th</sup> century, and ultimately, came to embrace the Jewish, Catholic, and Lutheran minorities as well as the Mennonites. In 1622, the elders of the Portuguese Jewish community in Amsterdam presented Amsterdam's court with nearly the same complaint as the Mennonites had in 1621. They wrote that the city's sheriff “has been pleased to call many of the suppliants before the honorable court of

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<sup>355</sup> W.P.C. Knuttel, *Acta der Particuliere Synoden van Zuid-Holland* ('s-Gravenhage: Martinus Nijhoff, 1908), vol. 1, 125, *dat de officieren seggen dat henlieden hantsluytinge gedaen werdt van de hooge overicheyt, also dat se sulcke personen niet en mogen executeren.*

<sup>356</sup> Knuttel, *Acta*, vol. 1, 125.

justice here and has made the suppliants appear as though they all live in dishonor with one another, which has caused a great deal of damaging and irreparable consequences and leads to the universal confusion of the whole nation in this city.”<sup>357</sup> The problem here again was that the Jews did not register or solemnize their marriages before the city magistrates. Amsterdam’s court reached the same lenient decision as they had for the Mennonites in the preceding year. The Jews were expected merely to register their past marriages and were required to register and solemnize their future marriages before city magistrates.

Events in the second half of the 17<sup>th</sup> century confirm that authorities were eager to ignore illicit religious minority marriages and that, as was the case when they were faced with the problem of regulating the practices of worship in religious minority communities, a bribe could further encourage authorities to look the other way. In 1654, the Jewish community paid the sheriff a bribe of one thousand Flemish pounds to ignore Jewish marriages.<sup>358</sup> There is also a case from 1656, when a spectacular inheritance dispute broke out within Amsterdam’s Portuguese Jewish community that hinged exactly on the issue of whether or not marriages that had been celebrated before the Jewish community without the proper solemnization at city hall would be considered valid. Manuel Dias Henriques initiated a lawsuit against Sara Naar, his sister-in-law, and Rebecca Naar, his niece, which called into question their status as heirs of their deceased husband/father on the grounds that Sarah Naar and her husband had never married. Sarah Naar, he contended, was not entitled to the widow’s portion and Rebecca Naar was an

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<sup>357</sup> Noordkerk and Farret, *Handvesten*, vol. 2, June 15, 1622.

<sup>358</sup> E.M. Koen, “The Earliest Sources Relating to the Portuguese Jews in the Municipal Archives of Amsterdam up to 1620,” *Studia Rosenthaliana* 4, no. 1 (1970), 33.

illegitimate child. Henriques's wife was the deceased man's sister, and she stood to inherit his fortune if the wife and daughter were ejected from the inheritance.<sup>359</sup>

The elders of the Jewish community were concerned about Henriques's suit because they considered the Naar marriage valid, likely having been performed by a rabbi without having been proclaimed or solemnized before civil authorities, and it presented the danger that many marriages within the Jewish community and inheritances that had followed from those marriages could be called into question. They approached Amsterdam's magistrates to request the dispensation that they said had been granted to the Mennonites who had previously been permitted to have their marriages retroactively declared valid. They, of course, did not mention that their own community had, in fact, been granted the same dispensation thirty years earlier with the requirement that they marry according to the proper procedures from then on. The court, too, ignored the fact that the Jews had been instructed to obey the law, and it ruled in the same way that it had in 1622. The previous marriages would be considered valid if the couples appeared to register their marriages within the next two months, and, in the future, all Jewish couples had to follow the regular procedures of the city of Amsterdam. Henriques's suit was rejected, and the marriages that were, according to law, invalid were declared legal.

The Catholic and Lutheran communities of Holland were similarly able to defy the law without any consequence. According to rulings at the Council of Trent (1563), valid Catholic marriages required the presence of two witnesses and a priest.

Developments at Trent meant that Catholics considered the two solemnization options proffered by the Dutch to be worthless, and until the 1670s, they claimed that couples

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<sup>359</sup> Noordkerk and Farret, *Handvesten*, vol. 2, 470-2. Daniel Swetschinski, *Reluctant Cosmopolitans: The Portuguese Jews of Seventeenth Century Amsterdam* (London: The Littman Library of Jewish Civilization, 2000), 239.



who lived together after a civil marriage ceremony were guilty of concubinage.<sup>360</sup> Although the prohibition against solemnization in minority churches had been implicit for Mennonites, Jews, and Lutherans, solemnization before a priest was repeatedly and explicitly singled out in numerous laws as a forbidden practice. Catholics were even forbidden to hold a second religious ceremony after a legal civil one had occurred.<sup>361</sup> It is not clear exactly why Catholics were singled out, but the reason is possibly because they were connected to the Spanish enemy and were, therefore, more hated. Catholics had also occasioned a great deal of disorder, at least according to authorities, by rejecting Calvinist marriage in the 1570s and instead opting for their own clandestine marriages. This practice had apparently led to accusations of spousal abandonment, bigamy, and illegitimate children.<sup>362</sup> Nevertheless, these laws were all ignored, and Catholics too married illicitly. Lutherans were likewise able to hold their own marriage solemnizations without any consequence.<sup>363</sup> There was, then, a practice, which was nowhere codified, of putting aside the law and allowing religious minorities the option of marrying in their own communities.

In Dutch Brazil, however, the practice of turning a blind eye to the lack of registration and solemnization was abandoned. Although under Dutch rule Portuguese Catholics were considered a tolerated religious minority, they in fact represented a majority of the colony's European population. In this situation, it is difficult to imagine

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<sup>360</sup> Roodenberg, *Onder censuur*, 155.

<sup>361</sup> Joke Spaans, *Haarlem na de Reformatie: stedelijke cultuur en kerkelijk leven, 1577-1620* ('s-Gravenhage: Stichting Hollandse Historische Reeks, 1989), 117; Kooi, *Calvinists and Catholics*, 198.

<sup>362</sup> Van Apeldoorn, *Geschiedenis van het Nederlandsche huwelijksrecht*, 87.

<sup>363</sup> Knuttel, *Acta*, vol. 1, 23.

that the colonial government could force the Portuguese to abandon their Trent-mandated marriage ceremonies before a priest and adopt the solemnization of marriage before civil authorities. Nevertheless, the colony's government rejected Holland's lenient approach and began to prosecute both couples and priests who solemnized marriages in the Catholic Church. Because the WIC's authority in Brazil was much more precarious than the authority of Amsterdam's city government, the WIC needed to project its authority much more than did Amsterdam's governors and presumably considered control of marriage both a sign and a source of power.

The conflict that arose in Mauritstadt's court over the Boeckholt case should be understood in the context of both the longstanding efforts of religious minorities to gain control over marriage and the colonial government's efforts to bring the Portuguese under their effective control. The Portuguese *schepen* initially claimed that the Boeckholt marriage was valid because a priest had celebrated it. They were, therefore, asserting that Catholics had the right to solemnize marriages, a right which they did, at least unofficially, possess in Holland.<sup>364</sup> The Portuguese later argued, according to a report by the Dutch court, that if there was indeed a question about the validity of the marriage, then the case ought to be decided by the vicar general rather than by a civil court.<sup>365</sup> They were making the case that jurisdiction over marriage sex cases belonged to the Catholic Church rather than secular authorities. In the next section of this chapter, we will look at some of the further effects of this case, but, for now, it is clear that Catholic attempts to wrest jurisdiction over marriage from Dutch authorities brought the court in

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<sup>364</sup> NA OWIC 1.05.01.01 inventory 69, March 20, 1642.

<sup>365</sup> NA OWIC 1.05.01.01 inventory 57, Letter from the schout and schepenen of Mauritstadt to the Zeeland Chamber, June 25, 1642.

Mauritsstad to a halt, threatened the fragile Dutch-Portuguese coexistence in the colony, and represented a setback for the Dutch government's efforts to display their authority to the Portuguese and have the Portuguese respond in a way that acknowledged their own submission and further supported Dutch authority. The West India Company's decision to gain control of marriage within the Portuguese community was part of its broader, if unsuccessful, plan to transform troublesome people into better subjects. The nature of this plan was understood to all – both Dutch and Portuguese – and Catholics rejected it.

The failure of this negotiation can be better understood if we examine a seemingly successful use of marriage regulation to prop up Dutch authority in the same period. A few months before the Boeckholt case erupted, Dutch authorities had, in fact, been able to use marriage regulation to support their authority. From 1636 to 1640, the classis had complained that the Portuguese violated consanguinity and affinity prohibitions in the selection of marriage partners.<sup>366</sup> In none of their complaints did they offer any specific examples of the behavior to which they objected, so it is difficult to know what exactly was happening in the colony. In this period, however, the English WIC soldier Cuthbert Pudsey accused the Portuguese of practicing incest “wch was growne soe common amongst them that the ffather lay with his owne dawghter, the mother wth her soonn and the brother wth his sister. And wch was worse, in a lande of government, to winke at those things and let them pass unpunished, noe noet so much as questioned by Justice.” He went on to suggest that this “incest” was the reason that the Portuguese had lost the colony to the Dutch.<sup>367</sup> These rumors were likely what the classis preached against the

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<sup>366</sup> Grothe, *Archief*, vol. 2, 217, 221, 249, 270, 271.

<sup>367</sup> Papavero and Teixeira eds., *Dutch Brazil, vol. 3: Cuthbert Pudsey*, 43-5. Although the people and places described seem to suggest that the author was in Brazil in the 1629 to 1640 period, the

Portuguese rather than representing actual Portuguese behavior, but it was likely embarrassment at being understood to tolerate such activities that forced the High Council to act. In November 1640, a new ordinance was issued against consanguinity and affinity violations, but its precise contents are unknown.<sup>368</sup> Eleven months later, in September 1641, the vicar general reported to the high council that the Portuguese and Dutch had different customs regarding consanguinity and affinity violations, and he requested a copy of the Dutch regulation in these matters, which the council said that it would immediately dispatch.<sup>369</sup>

The aforementioned incident in which the vicar general authorized the woman who had been forbidden marriage in the Reformed Church to marry in the Catholic Church occurred in July 1641 and resulted in an investigation by the high council.<sup>370</sup> This investigation culminated in September 1641 with the vicar general's reprimand. At the same time that the vicar general was disciplined - September 1641 - he also requested the consanguinity and affinity rules. It would then seem that the Dutch had successfully negotiated their authority to the Portuguese. After his reprimand for the illegal marriage, the vicar general apparently subordinated himself to Dutch rule and publicly displayed his willingness to follow Dutch marriage regulation by asking for the consanguinity rules.

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editors argue that the diary was only written later, in the 1670s. It may, then, also be understood as English propaganda against the Dutch, the two nations then being at war, which contributed to the narrative of Dutch disinterest in moral regulation but was really part of a discourse which sought to delegitimize Dutch colonial claims on the basis of the fact that the Dutch were poor governors, a charge which they were always anxious to refute.

<sup>368</sup> NA OWIC 1.05.01.01 inventory 55, Meeting of the classis of Brazil beginning Nov. 21, 1640.

<sup>369</sup> NA OWIC 1.05.01.01 inventory 69, September 18, 1641.

<sup>370</sup> NA OWIC 1.05.01.01 inventory 69 July 22, 1641, August 6, 1641, August 27, 1641, September 8, 1641, and September 9, 1641.

Swiftly on the heels of this victory – in the first week of October 1641 – Boeckholt first appeared to lodge his complaint.<sup>371</sup> The successful Dutch negotiation of authority with the vicar general over consanguinity and affinity rules, thus, produced a reaction against Dutch authority in the forced marriage of Boeckholt's daughter.

The Dutch used marriage to advance their authority over conquered Europeans most extensively in Brazil, but less dramatic examples of the same process can be found in New Netherland, with the WIC's plans to bring conquered Swedes under its control. The West India Company commander of the New Sweden colony, conquered by New Netherland in 1655, similarly used marriage and sex regulation to establish his authority with his new Swedish and Finnish colonists. When the Dutch first conquered the small Swedish colony on the Delaware River, they had permitted the colony's Lutheran minister, Lars Carlson Lock, to remain in the colony and gave the Lutherans permission to practice their religion openly. As in a number of the situations in Brazil, Lock married a couple without posting banns and without the consent of the parents. Willem Beeckman, the Dutch commander, fined Lock fifty guilders, which provoked Oele Stille, a Swedish member of the colony's court, to tell Beeckman "that it was not in [the Dutch] province to judge such matters but that it had to be done by the Consistory of Sweden."<sup>372</sup> Stille was basically making the same argument that the Portuguese had made two decades earlier: the jurisdiction over marriage belonged to religious communities, and the Dutch had no right to force the Lutherans to marry according to Dutch rules. The Lutherans

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<sup>371</sup> Boeckholt first complained on October 4, 1641. NA OWIC 1.05.01.01 inventory 69, October 4, 1641.

<sup>372</sup> Charles Gehring, ed., *Delaware Papers (Dutch Period): A Collection of Documents Pertaining to the Regulation of Affairs on the South River of New Netherland, 1648-1664*, New York Historical Manuscripts Dutch (Baltimore: Genealogical Publishing Co., 1981), 196.

also clearly understood that Dutch efforts to control Lutheran marriages were part of a wider plan to eliminate any vestige of Swedish jurisdiction.

The struggle over authority proceeded more smoothly for the Dutch at least when Lock declared his own divorce. Lock's wife had left him for a Company trader, and he proceeded to declare himself divorced and proclaim banns for marriage with another woman. Beekman called him before the court to declare that he should have requested a divorce decree from civil authorities, but he allowed that Lock could still avoid prosecution by requesting the divorce immediately.<sup>373</sup> Lock composed a contrite letter to Peter Stuyvesant, the governor, requesting the divorce and offering his willingness to "subordinate" himself to the customs of the Reformed Church.<sup>374</sup> The conciliatory attitudes of both Beekman and Lock served to diffuse the situation and seem reminiscent of the compromises that authorities in Holland were willing to make with religious minorities. As long as Lock acknowledged that the Dutch controlled marriage, he was permitted to act according to his own interests in arranging his new marriage. The Dutch, thus, perceived the negotiation as having been a success because their authority over the Swedes had been publicly recognized by the conquered community. Even when New Netherland became an English colony in 1664, marriage solemnizations remained in the purview of the Reformed Church and civil authorities. In 1669, a Lutheran colonist was

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<sup>373</sup> *Ibid.*, 244.

<sup>374</sup> *Ibid.*, 268.

not permitted to solemnize a marriage in the Lutheran church until he had first had a civil marriage ceremony before Albany's magistrates.<sup>375</sup>

This collection of cases clearly displays what was at the heart of the “marriage problem” in the Dutch colonies in the new world. The fundamental issue was whether civil or ecclesiastical authorities governed marriage. Marriage had become confessionalized in the 17<sup>th</sup> century, and religious minorities in the Dutch Republic and the Dutch colonies were unwilling to accept civil marriage as a substitute for the religious marriages that they desired. In the Dutch Republic, however, authorities were willing to connive and ignore this situation; in Brazil and New Netherland, however, this was generally not the case. There the West India Company rejected connivance as a solution to religious minority marriages because the demands of good governance suggested the need to control marriage, and this allowed Dutch authorities to extend their government over new populations that came under their control involuntarily. In addition, when religious minorities laid claim to control over their own marriages, it threatened the Company's claims to be a sovereign, state-like government. At home, Dutch political authority was clear and more powerful, so there was less reason to fear that once religious minorities performed their own marriages, they would demand more rights. In contrast, in the colonies, the connection between political resistance and control over marriage must have appeared a great deal stronger and left Dutch authorities with the idea that they could reduce the possibility of political revolt by controlling marriage more tightly.

More examination of how religious minority marriages were handled in other provinces of the Dutch Republic would contribute to our understanding of whether the

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<sup>375</sup> A.J.F. van Laer, *Minutes of the Courts of Albany, Rensselaerswyck and Schenectady, 1668-1673* (Albany: University of the State of New York, 1926-1932), 69. Religious minorities were only granted permission to solemnize the marriages of their communities in 1683.

practice in Holland was the norm and whether the Brazil situation was really an aberration. In the States General's 1656 marriage ordinance for the Generality Lands, a place where the situation was more similar to Brazil with more Catholics and more Catholic claims to political authority, Catholic marriages had also been forbidden. No investigation has yet been carried out about whether this law was actually applied, but if it was, it would suggest that the more realistic the possibility of Catholic revolt, the more likely the law was to be enforced. The West India Company was also an explicitly anti-Spanish and anti-Catholic enterprise, and many of its directors were extremely fervent Calvinists. They may have found it impossible to reject the Reformed Church's anti-Catholic marriage rhetoric, which was far stronger than the government's more mild opposition to Catholic marriage.

### **Civil Courts and the Struggle with the WIC**

The WIC's extension of its power through marriage regulation angered Catholics and Lutherans, but it also provoked a reaction from Dutch civil courts in the colonies. In both Brazil and New Netherland, the West India Company maintained a government consisting of a governor and three or four councilors. The Company selected all of these men, and their terms continued for as long as the directors in the Dutch Republic were satisfied; the feelings of colonists towards these governors were generally not taken into account. The Company also, however, allowed the creation of *schepen* courts, the city courts of the Dutch Republic, whose personnel were drawn from the elite of the local free colonists.<sup>376</sup> Although the Company chose to allow these courts to come into existence

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<sup>376</sup> The *schepen* court in New Amsterdam was only established in 1653, while the courts in Brazil seem to date from the arrival of Johan Maurits in 1636/7.



as the populations in its towns grew, the courts quickly became institutions that could challenge the Company's control.<sup>377</sup>

In Brazil, this conflict manifested itself in discord between the *schepen* court of Mauritsstad, the most important city in Dutch Brazil, and the *Raad van Justitie* [Council of Justice], a higher appeals court staffed by Company employees. The *schepen* of Mauritsstad worked determinedly to strip the *Raad van Justitie* of its right to perform civil marriage ceremonies and its jurisdiction over marriage cases. In July 1643, for example, the *schepen* of Mauritsstad complained to the High Council that the *Raad van Justitie* had usurped their right to marry those who preferred the civil marriage option.<sup>378</sup> At the end of August, the *pensionaris* [law professional who provided advice to the court] decided to take the court's complaint directly to the Company's highest authorities in the Dutch Republic. He composed a letter to the *Heren XIX* on behalf of the *schepen* requesting the right to solemnize civil marriages, which he argued would "redress the current disorder according to the uses and custom of our fatherland."<sup>379</sup> Just as the Company saw the extension of its jurisdiction over marriage as a way to increase its authority, the *schepen* court similarly believed that acquiring control over more marriage cases would increase its authority. When the *pensionaris*'s complaint reached the Dutch

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<sup>377</sup> Overlapping jurisdiction and conflicts between different authorities, particularly civil authorities and church authorities, were not unique to the Dutch system. This seems to have been endemic in Spanish colonial society as well, Kimberly Gauderman, "The Authority of Gender: Marital Discord and Social Order in Colonial Quito," in *New World Orders: Violence, Sanction, and Authority in the Colonial Americas*, eds., John Smolenski and Thomas J. Humphrey (Philadelphia: University of Pennsylvania Press, 2005), 77-8.

<sup>378</sup> NA OWIC 1.05.01.01 inventory 70, July 11, 1643.

<sup>379</sup> NA OWIC 1.05.01.01 inventory 58, Letter from the Pensionaris Le Maire to the Heren XIX, August 31, 1643.

Republic, the *Heren XIX* responded that both the *schepen* and the *Raad van Justitie* would have the right to perform the civil marriage ceremony. Couples could make their own choices about which court to appear before. The letter, however, also chided the *schepen* for their complaint and suggested that the issue was not as significant as the *schepen* had made it out to be.<sup>380</sup> For the Company, perhaps, the important thing was that marriage be under Dutch jurisdiction, but for the *schepen*, their lack of control of marriage marked them as an inferior court with less authority than their counterparts in the Dutch Republic.

The *schepen* were also angered by the *Hoge Raad*'s decision to move the above-mentioned case concerning Alexander Boeckholt's daughter from their jurisdiction to that of the *Raad van Justitie*. We looked at this case earlier as example of the struggle that the Portuguese waged to maintain their own authority in the face of Dutch pretensions to control them, but it also occasioned a jurisdictional fight between the government appointed by the WIC and the civil government. When the High Council's efforts to smooth over the dispute between the Dutch and Portuguese *schepen* failed,<sup>381</sup> the Council decided that the best solution was to remove the case from the jurisdiction of the *schepen* court altogether and give it to the *Raad van Justitie*.<sup>382</sup> The *schepen* protested this decision in a letter to the *Heren XIX* in June and provided their version of what had happened. After the difficulties between the Dutch and Portuguese *schepen*, the High Council pressured the *schepen* to agree to send the case to the *Raad van Justitie*, but the

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<sup>380</sup> NA OWIC 1.05.01.01 inventory 9, Letter of the XIX to the Governor and High Council in Brazil, January 16, 1644, Letter of the XIX to the High Council in Brazil, September 17, 1644.

<sup>381</sup> NA OWIC 1.05.01.01 inventory 69, March 27, 1642.

<sup>382</sup> NA OWIC 1.05.01.01 inventory 69, March 28, 1642.

*schepen* refused this request because they believed the court's authority would be "damaged in the utmost in the matter of religion to yield to the Catholics, all the more so because we were bound to issue a sentence in this matter according to the Dutch laws." The High Council ultimately agreed that they would consult more about the matter with Johan Maurits, but the *schepen* reported that they had learned that the colony's council minutes suggested that the *schepen* agreed to allow the *Raad van Justitie* to decide the matter. The *schepen* protested that they had never agreed to this move and suggested that the resolution "must have been written by mistake."<sup>383</sup> The High Council angered the *schepen* by removing the case from their jurisdiction and giving it to the *Raad van Justitie*. This act suggested to Dutch and Portuguese observers alike that the *schepen* court was not a legitimate court, and the *schepen* had to fight for their prestige by protesting the High Council's act to the *Heren XIX*.

In New Netherland, the *schepen* similarly found themselves undermined by the WIC appointed government and attempted to regain their authority by taking control of a marriage case. In 1654, Johan van Beeck and Maria Verleth began the process of marrying by having their banns proclaimed by the Reformed Church in New Amsterdam. Johan was the son of Isaack van Beeck, one of the Company's directors, and the father had apparently written to Peter Stuyvesant in advance of his son's journey to New Netherland to tell him that he did not want his son to marry there.<sup>384</sup> After having their banns rejected in New Amsterdam, Johan and Maria chose to go to the English town of Gravesende on Long Island to try to marry there. This maneuver did not escape the

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<sup>383</sup> NA OWIC 1.05.01.01 inventory 57, Letter from the schout and schepenen of Mauritstadt, June 25, 1642.

<sup>384</sup> Fernow, *Records of New Amsterdam*, vol. 1, 173-4.

attention of Stuyvesant and his Council. They wrote to Gravesende, which, although an English town, was officially under Dutch rule, and ordered the magistrates there to stop the banns and not proceed to the marriage solemnization. The Council also instructed Gravesende to proclaim banns in the future only for couples who were residents of the town.

Gravesende's magistrates did not accept the Council's reprimand. They replied with a defense of their actions, which appealed to the fact that "matrimony was governed by divine and human laws." Gravesend's magistrates seem to have been arguing that marriage laws were based upon God's law, which was the same across time and place and, and human law, which was changeable and fallible, and thus, their community was not bound to follow Dutch laws, which fell under the category of "human law."

Gravesende's magistrates were already embroiled in a conflict with Stuyvesant and his council in the months preceding his incident, which was rooted in their belief that the colony's WIC appointed government was illegitimate. In December 1653, delegates from eight Dutch and English towns, including Gravesende, met to compose a remonstrance critical of New Netherland's government in general and Stuyvesant in particular. They suggested that Stuyvesant was autocratic and that the community had the right to greater participation in the colony's government. They also complained that the Dutch government was illegitimate because it did not protect their lives and property from robbers and Indian attacks.<sup>385</sup> Stuyvesant and the council responded that the English towns in New Netherland had usurped the company's power by electing their own magistrates. They singled out Gravesende in particular for being a rebellious place

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<sup>385</sup> Simon Middleton, "Order and Authority in New Netherland: The 1653 Remonstrance and Early Settlement Politics," *William and Mary Quarterly* 67, no. 1 (2010): 31-68.

for electing “libertines” and “Anabaptists” to the position of magistrate, which went against the laws of the Dutch Republic.<sup>386</sup>

Gravensende’s magistrates were, therefore, using marriage regulation as a way to extend their authority over people not resident in their town, and they were also using it as a way to express their dissatisfaction with Company rule, which apparently did not ensure their safety. Stuyvesant and his Council clearly recognized their efforts to usurp authority, an authority they believed resided only with Company representatives, and they saw the decision of Gravesende’s magistrates to proclaim bans for people not resident in their town as part of Gravensende’s continuing attempts to reject and question company rule.

After their failed attempt to marry in Gravesende, Van Beeck and Verleth appealed to New Amsterdam’s *schepen* to issue a judgment about whether they could legally marry. The *schepen* debated a number of considerations but ultimately agreed that the marriage should occur.<sup>387</sup> They pointed out that the Dutch Republic and New Netherland were far from one another, which made communication difficult, and that the current moment was an especially difficult one for communication, because of the ongoing Anglo-Dutch War, which disrupted shipping. They also explained that they were worried that “in such circumstances matters by long delay might come to be disclosed between these aforesaid young people, which would bring disgrace on both families, as well on one side as the other.”<sup>388</sup> In other words, they were concerned that

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<sup>386</sup> Gehring, *Council Minutes, 1652-1654*, 97.

<sup>387</sup> Fernow, *Records of New Amsterdam*, vol. 1, 164-165.

<sup>388</sup> *Ibid.*

the couple would bear an illegitimate child if they did not allow them to marry. When Stuyvesant heard that the court had permitted the marriage, he called for them to explain themselves and then overruled their decision.<sup>389</sup> This put a stop to the banns in New Amsterdam, and Van Beeck and Verleth fled to Greenwich, Connecticut with the help of her father and eventually married there. When Stuyvesant and the Council found out, they declared that marriage invalid as well.<sup>390</sup>

The Van Beeck/Verleth case reveals that the Company's interests and the city's interests might diverge, and also that *schepen* courts were hoping to increase their authority at the expense of Company appointed governments. Like the *schepen* court in Mauritsstad that attempted to wrest control of marriage from the Company appointed *Raad van Justitie*, the *schepen* here believed that marriage matters were theirs to decide. The *schepen* were concerned that an illegitimate child would fall to the city's charge, so they supported the marriage, even though Holland's marriage ordinances clearly stated that marriages celebrated without parental consent could be invalidated. They believed they were acting in the city's best interests by preventing the birth of an illegitimate child. Stuyvesant, on the other hand, had to contend with the fact that one of his superiors in the company's hierarchy did not want his son to marry and might be infuriated with Stuyvesant if he allowed the marriage to go forward. His act may also have been motivated by sincere belief that parental consent was required to make a valid marriage.

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<sup>389</sup> Gehring, *Council Minutes, 1652-1654*, 120-121 and Fernow, *Records of New Amsterdam*, vol. 1, 173-4.

<sup>390</sup> Gehring, *Council Minutes, 1652-1654*, 183.

In a similar case of an already solemnized marriage that the parents had explicitly rejected, Stuyvesant and his council declared the marriage to be invalid.<sup>391</sup>

Stuyvesant and his Council may have demonstrated their authority to both Gravesende's court and New Amsterdam's courts by preventing the Van Beeck/Verleth marriage solemnization, but the case shows that town courts were trying to assert their autonomy from the WIC's government. New Amsterdam's government, in particular, acted quite provocatively by approving of a marriage that had clearly already been rejected by Stuyvesant and his Council. Their actions should probably be seen in the context of their ongoing efforts to increase their own power. The burghers of New Amsterdam had to struggle with Stuyvesant and his council for permission to establish a court, even though other smaller towns in the colony had such courts. When the court was finally created in 1653, it was only granted limited jurisdiction; it controlled civil cases that were valued at less than one hundred guilders and minor criminal cases. It was only in 1656 that the court was granted the right to judge all criminal cases and administer corporal punishment, though the governor and council still reserved capital cases for their judgment.<sup>392</sup> Although in this instance the court backed down without much of a fight, they were probably trying to lay claim to greater authority.

### **The Reformed Church and the WIC**

Although historians' understandings of the relationship between the WIC and the Reformed Church has changed a great deal in the past decade, with an emphasis on the common interests and cooperation of the church and company coming into greater focus,

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<sup>391</sup> Van Laer, *Council Minutes 1638-1649*, 502-504.

<sup>392</sup> Jacobs, *The Colony of New Netherland*, 93-6.

the Reformed Church and colonial governments did legitimately disagree about some issues, particularly in the arena of marriage regulation. The Reformed ministers that came to Company territories were both competent and rigidly orthodox, and they attacked the Company's already strict marriage regulations for being too lenient. These attacks should not suggest that the Company, in fact, did not attend to marriage regulation, but rather that the ministers aspired to a perfection that had been attained nowhere in the Dutch world in the 17<sup>th</sup> century. The ministers also directly connected morality with changes to the political situations in the colonies. When the Portuguese revolt began in Brazil, for example, the ministers there believed that the reversal was as much a result of unchecked immorality and sin as economic or political considerations.<sup>393</sup> If they called for more stringent marriage regulation, they often did so to advance the WIC's interests by appeasing the wrath of God, which they believed would lead to Dutch defeat in the colony.

When ministers grew dissatisfied with colonial governments or with marriage regulation, they assailed governors and set themselves up as competing authorities to WIC governments under whose leadership the colonies would undergo a moral reformation. Jonas Michaelius, the first minister in New Netherland, attacked Peter Minuit, the governor, as a fornicator.<sup>394</sup> As the historian Willem Frijhoff has shown, Everardus Bogardus, the Reformed minister in New Netherland from 1632 to 1647, successfully brought down two different WIC governors: Wouter van Twiller and Willem Kieft. Bogardus' success was by no means dependent exclusively on his critiques of the

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<sup>393</sup> Noorlander, "Serving God and Mammon," 237.

<sup>394</sup> *Ibid.*, 247.



morals of these governors and their governance, but it certainly helped his case that rumors swirled around Van Twiller that he had committed fornication with a widow in the colony, while Bogardus charged Kieft with not governing the colony with moral rigor.<sup>395</sup> Although the actions of Michaelius and Bogardus destabilized New Netherland, they believed that their accusations would, ultimately, result in the creation of a stronger, more successful colony because immorality created security threats for the colony.

In the Dutch Republic, the Reformed Church was almost continuously dissatisfied with aspects of marriage and sex regulation, but these conflicts seldom resulted in outright hostility. In the colonies, on the other hand, Church-WIC conflicts multiplied and were perceived as having particular power to influence the *Heren XIX* to replace a government tarred with being ineffective in regulating the morals of its people. The Reformed Church should, therefore, be seen as trying to assert its precedence and authority over the WIC when it judged the WIC to be guilty of failing to create a moral society.

At the vast majority of the meetings of the classis in Brazil, beginning with the records of the first surviving meeting in 1636, the ministers complained that the High Council managed marriage and sex regulation improperly or without sufficient stringency. The High Council sent a representative to attend the meetings of the classis and also read the minutes of these meetings before enclosing them with their own correspondence and other relevant documents for the *Heren XIX*. They were, thus, consistently aware of the church's complaints. Sometimes they followed the suggestions

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<sup>395</sup> For the accusation against Van Twiller, see Stadsarchief Amsterdam, Notariaal Archief 1283, July 13, 1641, 114, where Van Twiller defended himself against the rumors spread by the widow Marritgen Thomas that he had sought to have "carnal conversation" with her. I would like to thank Evan Haefeli for pointing out this document to me.

of the classis, in particular if the classis pointed out that a specific person was behaving improperly, but other times, they merely thanked the classis for their zeal and ignored their suggestions. Even though the classis noted that the High Council did not resolve all of its complaints, they did not suggest taking their complaints up the chain of command to the West India Company directors in the Netherlands. This changed in January 1646, when the ministers complained that the courts did not enforce the laws against concubinage and fornication [*hoererij*]. They claimed that when the sheriff caught someone committing one of these crimes, the offender was released “by higher powers,” and they proposed to take action to remove these “abominations” by composing a remonstrance to the *Heren XIX* about the poor behavior of the Company’s officers.<sup>396</sup> The timing of this escalation should be connected to the deteriorating WIC position in Brazil. The classis almost certainly believed that the lax punishment of fornication and concubinage had contributed to the Portuguese successes and that a reformation of the morals of the colonists was required in order for the Dutch to regain the lost territory. Their complaint was, therefore, designed to use marriage regulation as a way to strengthen the WIC and the colony’s position. The Reformed Church was expanding upon a premise that, as we have seen, was, indeed, widely accepted among Dutch civil authorities: marriage regulations supported political goals and territorial ambitions.

In February, when the Council read the classis’s complaint against them, they were clearly horrified. Although it did not single out any of the Councilors in particular, it was clear that by “higher powers,” they were referring to members of the High Council. It would have been extremely embarrassing and damaging to the reputations of the

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<sup>396</sup> NA OWIC 1.05.01.01 inventory 71, February 3, 1646.

members of the High Council if these accusations circulated or were proven true, so as much as they might have agreed that marriage regulation was important for the fate of the colony, they had to neutralize the church's accusations. The High Council may also have perceived the ministers' attack as a prelude to a more general revolt against Company rule that would try to establish the church as the legitimate government. During Everardus Bogardus' tenure as minister in New Amsterdam (1633-1647), he had tried to make the claim that the church should take precedence over both local authorities and the *Heren XIX*.<sup>397</sup> In the 1670s, Curacao's minister, Philip Specht, began a heated controversy with successive colonial governors over their perceived lack of seriousness in eliminating prostitution and concubinage. He reported that one of the governors told him "where there is trade, there must be whores," a position which he of course found untenable. He preached repeated sermons that criticized the Company's government until he was finally banned from delivering sermons, and he eventually left the island.<sup>398</sup>

The High Council took immediate action to counter the classis' claims.<sup>399</sup> They called the ministers of the classis into a session to explain their accusations, and *Domine* Velthuisen, acting as the church spokesman, claimed that the *fiscael* [WIC sheriff] and the *schout* [colonial sheriff] told the classis that they would not prosecute crimes of fornication or concubinage, because Brazil's government had instructed them not to. The Council called upon the *fiscael* to explain his accusation, and he responded that Pieter Bas, a member of the High Council, told him to release 12 of the 17 women that he had imprisoned for their "debauched life." The Council told the *fiscael* that Bas had *not*

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<sup>397</sup> Frijhoff, *Fulfilling God's Mission*, 434-9.

<sup>398</sup> Noorlander, "Serving God and Mammon," 281-3.

<sup>399</sup> NA OWIC 1.05.01.01 inventory 71, February 3, 1646.

demanded the release of the women on the Council's authority. They claimed that Bas had released the women in his role as a member of the *Raad van Justitie*, Brazil's High Court. Before his promotion to the High Council, Bas had indeed served on the *Raad van Justitie*, and, according to the High Council, he and the *Raad van Justitie* were to blame if marriage crimes were not properly prosecuted.

The *fiscael*, however, maintained his original claim that it was the High Council that mandated the release of the women, and, thus, was to blame for the lack of prosecution of marriage crimes. He denied that Bas had released the prisoners in his role as member of the *Raad van Justitie*, and asserted that the release had occurred on the order of the High Council. To defend their innocence, the High Council called for the records of the *Raad van Justitie* to be brought to the meeting and read. They apparently hoped to find a document that would prove that *Raad van Justitie* had called for the release of the women and, in particular, that Bas had released them during his term in the *Raad van Justitie* rather than after his promotion to the High Council. The document the councilors found, dated January 11<sup>th</sup>, showed that the women had been released after Bas became a member of the High Council, and rather than exonerating the High Council, seemed to confirm their guilt. The High Council, however, claimed someone had tampered with the document. They said that the date on the minute that dealt with the release of the women originally read January 1. At this time, Bas was still with the *Raad van Justitie*; someone – they were not explicit about who – had added an extra one to the date to make it January 11<sup>th</sup> and cast blame on to the High Council. There is no way to evaluate the truth of the claim that the document had been changed, but it seems that the stakes for both the sheriff, the *Raad van Justitie*, and the High Council were quite high.

Someone had to be blamed for the release of the women, and none of those involved wanted the accusation to stick to them.<sup>400</sup>

The High Council also summoned the *schout* of Mauritsstad, Paulo Antonio Daems, who, along with the *fiscael*, told the classis that he was ordered not to apprehend anyone accused of living a “scandalous life.” Daems explained that five years earlier, in 1641, he arrested some people on the complaint of the classis and jailed them. Johan Maurits, the governor, ordered him to release them soon after because their creditors complained about their imprisonment. After that, Daems reported that he no longer arrested the people singled out to him by the classis for their marriage crimes. Instead, he followed the orders of the government and arrested only those individuals that the High Council ordered him to. The High Council pressed Daems to declare if any member of the present 1646 government ever told him to release anyone. As the 1646 government was composed of a completely different group of men than had been contained in the 1641 government, he agreed that the present council had never given him any instruction to avoid prosecution. The High Council then concluded that it was the *fiscael* and *schout* who had acted improperly in not performing their duties, and they demanded that the classis withdraw the accusation against the councilors, which the classis did.<sup>401</sup>

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<sup>400</sup> The *fiscael* probably felt the need to defend himself because the classis had made previous accusations that *schouts* and *fiscaels* did not investigate or punish the people that the classis indicated to them were “whores” or “whoremongers.” In that case, the *fiscael* was admonished to investigate the people that the classis accused of misconduct, NA OWIC 1.05.01.01 inventory 68, September 11, 1638. At the end of 1639, the schout was again charged with preventing *hoererije* and told that people were complaining about it, NA OWIC 1.05.01.01 inventory 68, December 7, 1639. The classis complained again in 1640 that the schout settled matters with *compositie* instead of enforcing the laws, NA OWIC 1.05.01.01 inventory 68, October 17, 1640. The government again promised to order the *schouts* to prosecute people according to the laws in January 1641, NA OWIC 1.05.01.01 inventory 69, January 18, 1641.

<sup>401</sup> NA OWIC 1.05.01.01 inventory 71, February 3, 1646.

The High Council went to great lengths to clear themselves of the classis' accusation that they did not prosecute marriage cases properly. They blamed the *Raad van Justitie* for releasing the women when they had almost certainly committed this act themselves, and they cast aspersions on both the *fiscael* and the *schout* and made it seem as though they did not do their jobs. Being seen as authorities who did regulate marriage properly was important to the High Council. In the records of the classis that ultimately were sent back to the Republic, the ministers removed the offending line and instead entered that they would ask the High Council to admonish the *schout* and *fiscael* to do their jobs. For both the Reformed Church and the High Council, marriage regulation was political and supported the creation and maintenance of colonial society, but, in this case, the High Council's need to maintain its own reputation trumped its belief that stringent enforcement of rules surrounding morality would support colonizing aims.

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The Company's plans to act as a "godly magistrate" to its subjects and increase its authority by taking responsibility for their private lives provoked a great deal of conflict, sometimes from unexpected combatants. While conquered people such as the Portuguese or Swedes would hardly be expected to place themselves under Dutch marriage regulation voluntarily, Dutch authorities ascribed a great deal of significance to bringing them under their own marriage rule. They rejected the option of conniving with religious minority marriages and instead opted for conflict. These conflicts gave local colonial governments the opportunity to negotiate their authority with newly conquered people, and, if they successfully convinced these people to submit to their rule, they succeeded in their aims of extending company rule. In the case of Brazil, however, where it seems that

Company authorities were unsuccessful at convincing large numbers of Portuguese people to accept Dutch jurisdiction over marriage, the negotiation must be understood as a failure and the Company's authority was thereby not increased but diminished. While the Dutch certainly did not lose Brazil because of their failure to impose marriage regulation on the Portuguese, this failure should suggest that even during the period of Johan Maurits's rule when historians have believed Dutch power was at its height, there were signs that the Dutch did not securely control the colony. The revolt in 1645 was foreshadowed by the failure in marriage negotiation in 1641.

Conflicts between the WIC and the *schepen* court and the Reformed Church should be understood in a similar light. Just as the WIC had to negotiate its authority with conquered people, it also had to negotiate with its own people. That these negotiations were not always successful suggests that WIC's charter did not convince even Dutch people of the Company's sovereignty. A particular problem that the Company had to contend with was the extremely strong Reformed Church, which threatened Company precedence with constant threats to reveal colonial governors as not sufficiently harsh on violations of marriage and sex regulation. These threats should be understood as part of the Church's general efforts to reform Dutch society through increased discipline and not as a sign that the colonies were particularly disorderly places.

This chapter, although focused on conflict between the WIC as governor of the colonies and the local institutions competing for power – whether those of the colonized or the Reformed Church itself – has also exposed how the Company's policies regarding marriage and sex, like those in the Republic, were differently applied to people of different classes. Lower class people were to be charged with crimes, while those with

money could buy their way out of prosecution or have their crimes ignored. In the case of Brazil, for example, apparently wealthier creditors had the power to make charges against prostitutes disappear in order to enable them to recoup their financial investment in such people. Such logic did not seem compelling to the Reformed Church, but it followed a logic already existing in the Dutch Republic: those without money or influence would be prosecuted, while those possessing money and influence could escape prosecution. While this may seem to us to be unfair and perhaps disorderly, to Dutch authorities it must have seemed that threats to the reputations of elites would cause more disorder than letting such people escape public censure.

The end of West India Company rule did not bring an end to jurisdictional conflicts over marriage. In 1685, precisely the same issue arose again in the colony of Suriname. The directors of the Society of Suriname wrote to the governor Cornelis van Aerssen van Sommelsdijk to say that he had erred in permitting Catholic priests and Jewish “teachers” to solemnize the marriages of their own communities. In fact, according to the directors, such marriages were invalid and the children that resulted from them were illegitimate. Van Sommelsdijk was to follow the rules of the Political Ordinance, which was appended to the letter, and he was to instruct all the couples who had married illegally to have proclamations issued and to solemnize the marriages before town magistrates.<sup>402</sup> The conflict over legal pluralities and multiple jurisdictions continued into the later 17<sup>th</sup> century, even after the WIC no longer existed.

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<sup>402</sup> NA Societeit van Suriname 1.05.03-90, December 7, 1685, Letter from the Directors of the Society of Suriname in Amsterdam, Jacob Boreel, Paulus Godin, and Phillip van Hulton to Heer Cornelis van Aerssen van Sommelsdijk, Governor of Suriname. I thank Carolyn Arena for drawing my attention to this document.



**Chapter Four:**  
**‘Our Dutchmen run after them very much’:**  
**The Dutch Encounter with Native Americans**

In April 1639, Remmer Jansen, a WIC soldier in New Netherland, testified against the corporal Hans Steen in a case brought against Steen for sleeping with an Indian woman. Jansen reported that an Indian woman came to the guardhouse and that Steen had her “lie down on the bunk beside him” and then ordered the soldiers to extinguish the fire in the guardhouse. The woman stayed for the rest of the night and departed in the morning. On the strength of Jansen’s testimony and the testimony of a number of other soldiers who were in the guardhouse at the same time, Steen was found guilty of the crime and sentenced to ride the wooden horse for three hours and do guard duty like a common soldier for fourteen days.<sup>403</sup> Historians have generally understood this incident and other evidence that will be discussed below as confirmation that Dutch-Indian mixing was a regular occurrence which authorities tried – largely unsuccessfully – to prevent.<sup>404</sup> The survival of this incident in the colonial records indicates, according to this logic, that a great deal of mixing occurred that went unrecorded and unpunished.

This chapter argues that instead of seeing such prosecutions and complaints about Dutch-Indian sex as signs that the WIC exercised little effective control over its employees and colonists, they should be understood as indications that Dutch authorities were deeply concerned about the behavior of their subjects and colonists and also about Indian behavior. Emerging from a milieu in which both church discipline and social

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<sup>403</sup> Van Laer, *Council Minutes, 1638-1649*, 43-45.

<sup>404</sup> Jacobs, *The Colony of New Netherland*, 209-211; Trelease, *Indian Affairs in Colonial New York*, 172; Tom Arne Midtrød, “The Flemish Bastard and the Former Indians: Métis and Identity in Seventeenth Century New York,” *American Indian Quarterly* 34, No. 1 (Winter 2010): 83-108; Paul Otto, *The Dutch Munsee Encounter in America*, 139; Schalkwijk, *The Reformed Church*, 49.

disciplining were widely believed to be necessary to create the foundations for an orderly, prosperous society, the West India Company's directors and their colonial governors applied the same principles in their territories. The purpose of such discipline was to reform soldiers and sailors into people who could support an orderly society. Colonial governors believed that indigenous people resembled European people of the lower orders and similarly required increased discipline.<sup>405</sup> As "godly magistrates," it was the responsibility of colonial governors to intervene in the private lives of subjects, and, if they did not do so, they might be subject to charges that they were corrupt or ineffective governors.

Nicholas Canny has argued that English observers of colonial projects in Ireland were particularly critical of the soldiers involved in colonization, whom they believed required extra discipline to be brought to a proper state of "civility."<sup>406</sup> The same, it appears, can be said of the West India Company's colonial projects. The WIC depended upon soldiers and sailors – men drawn from the lowest levels of Dutch and European society – to accomplish its aims, but they did not adhere as closely to the norms of sex and marriage as did the directors and other middling colonists. While the directors believed in confining sex to marriage and in the indissolubility of marriage or at least valued being understood to adhere to these beliefs by others even if they were not always as restrained as they pretended, the soldiers and sailors – and the wives that accompanied some of them – did not hew so closely to these ideas. It is not always clear if they had internalized such norms but could not always live up to them due to personal

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<sup>405</sup> Meuwese, *Brothers in Arms, Partners in Trade: Dutch-Indigenous Alliances in the Atlantic World, 1595-1674* (Leiden: Brill, 2012), 163, 244.

<sup>406</sup> Canny, "The Permissive Frontier," 19.

circumstances, or if they rejected these ideas in favor of a looser morality. The West India Company was, however, determined to change their behavior and often had the ability to do so.

Because of the association between the lower orders and disorderly behavior, soldiers and sailors were often held to a higher standard than other people in Dutch society. While ministers protected church members from prosecution by civil authorities and people with money could often pay to escape prosecutions through the process of *compositie*, soldiers and sailors – who did not have the benefit of these protections – were most often subject to discipline, and this process served to reinforce the social order that placed such people near the bottom of the hierarchy. Indians were similarly associated with the lower orders, and their behavior was likewise in need of reform according to Dutch authorities. Just as, however, Dutch efforts to reform Portuguese marriage practices met resistance from Portuguese people, the Tupi Indians in Brazil also rejected the imposition of Dutch marriage discipline in their *aldeias* [villages].

### **The Regulation of Mixed Marriage and Sex**

Historians have often assumed that the Dutch had few regulations surrounding marriage and sex and light – or non-existent – punishments, but these historians have situated mixed relationships within the context of how other colonial empires approached them, and, in so doing, have wrenched them from their proper context in Dutch attitudes to marriage and sex more generally. For example, if we look at New Netherland's neighbors in New England, we see that it is true that authorities there favored whipping

as a punishment for mixed sex.<sup>407</sup> This punishment was certainly harsher than any that Dutch authorities proposed to mete out for the same crime. Puritan courts, however, resorted to whipping for sexual offenses more generally, while Dutch authorities often favored fines for the same offenses. This difference can be easily illustrated through the experience of the Dutch adventurer David Pietersz de Vries. He reported, mockingly, that on a visit to New England, he witnessed the whipping of a couple who had *already been married for two months* for the crime of premarital sex.<sup>408</sup> For him, this event was shocking because, even though Reformed ministers might rail against pre-marital sex, courts universally ignored it if it was followed by marriage.

If mixed marriage and sex in WIC colonies are situated in the context of contemporary regulations governing mixed relationships in both the Dutch Republic and Asia, it will become clear that Dutch authorities in the Atlantic world did in fact object to and try to prevent all sexual relations between Christian Company subjects and non-Christian indigenous people. The only instructions about mixed relationships that survive from the West India Company's upper administration within the Dutch Republic are from 1640, but they make clear that Dutch authorities drew a sharp distinction between sex outside of marriage and mixed marriage. Dutch-Indian sexual relationships outside of marriage were illegal and would be punished very harshly, while, as we will see, marriages could be accepted under certain conditions.

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<sup>407</sup> In 1637, Massachusetts Bay sentenced John Dawe to whipping, and in 1638, the Connecticut colony sentenced William Baker to whipping, Ann Marie Plane, *Colonial Intimacies: Indian Marriage in Early New England* (Ithaca: Cornell University Press, 2000), 37.

<sup>408</sup> J. Franklin Jameson, ed., *Narratives of New Netherland, 1609-1644* (New York: Charles Scribner's Sons, 1909), 204.

In August 1640, the directors of the Company's Amsterdam chamber instructed Curaçao's government under Jacob Pietersz Tolck and his council that "no one shall treat the Black and Indian women dishonestly, much less associate with them lasciviously, whether voluntarily or by force, on pain of forfeiting all their monthly wages and other [blank in text], and banishment from the place as a liability."<sup>409</sup> This ruling presumed that the offender was a Company employee, because it mandated the loss of monthly wages, a punishment only applicable to Company employees rather than ordinary colonists, but, in this period in Curaçao, the bulk of the population was probably in Company employ. The punishment was quite severe in that it decreed that the employee forfeited all his earned wages, which could amount to hundreds of guilders depending upon the length of time a man had served the Company, and was subject to banishment.

The Company's instructions, however, also make clear that it is religion rather than race that would define whether such relationships would be accepted or not. According to Company authorities, with proper Christian instruction and marriage, mixed relationships could be made appropriate, because Tolck was also ordered to "not permit any of our Christians to marry Indian or Black women before and until they have been baptized, following sufficient instruction, and incorporated into the community of Christ."<sup>410</sup>

Although 1640 marks the first (surviving) time that the Company's directors in the Dutch Republic engaged directly with the question of mixed relationships, religiously and racially mixed marriages were familiar and growing issues for Dutch authorities in

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<sup>409</sup> Charles Gehring and J.A. Schiltkamp, eds., *Curaçao Papers 1640-1655* (Interlaken, NY: Heart of the Lakes Publishers, 1987), 4.

<sup>410</sup> Gehring and Schiltkamp, *Curaçao Papers*, 5.

the United Provinces and for Dutch East India Company authorities. By looking at their regulations, it will become apparent that the regulation for Curaçao was not random and that it was probably meant to apply throughout the Dutch Atlantic world even if it was not officially promulgated everywhere.

As we saw in chapter one concerning mixed Calvinist-Catholic marriages, religiously mixed marriages were a hotly debated subject in the Dutch Republic. While confessionally mixed marriages in which both parties were baptized were controversial, civil authorities permitted them and compelled Reformed ministers to solemnize them over the Church's objections. More difficult for both civil and religious authorities were two other variations of mixed marriage: marriages between Christians and Jews and marriages between unbaptized Christians and baptized Christians (that is marriages between Anabaptists or Mennonites, called *doopsgezinden* or *wederdoopers* by the Dutch, and other, baptized Christians). The debates over these two types of marriage shed a great deal of light on Dutch attitudes toward Dutch-Indian sex and marriage.

Christian-Jewish intermarriage first became a serious issue in the Dutch Republic in the early 17<sup>th</sup> century, sparked by several decades of Jewish immigration from Portugal and the fear that the Christian and Jewish populations of the Republic would mix with one another. In November 1616, the city of Amsterdam passed an ordinance that forbade Jews to have sexual relationships with Christians, including Christian prostitutes. In 1619, however, the city Council ruled that Jan de Pontremo, a Jew from Ferrara, could marry the Lutheran Grietgen Christians if he converted to Christianity.<sup>411</sup> Confirmation

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<sup>411</sup> E.M. Koen, "The Earliest Sources Relating to the Portuguese Jews in the Municipal Archives of Amsterdam up to 1620," *Studia Rosenthaliana* 4, no. 1 (1970), 33-34. In the Notarial archives in Amsterdam, there are a number of examples of Jewish men in relationships with Christian women, although none of them lead to marriage as in the Pontremo/Christians case. For example,

that Dutch authorities rejected marriages between Christians and non-Christians comes from the States General's 1656 marriage ordinance for the Generality Lands. Although this was the States General's first foray into marriage regulation – other laws having emerged on the level of city government or the provincial States – it quickly influenced the law in the other provinces, and it forbade marriages between Christians and Jews, Muslims, or “heathens.”<sup>412</sup>

Marriages between Mennonites and other Christians in the Dutch Republic were a thornier issue, but they, again, show that Dutch authorities were deeply engaged with questions about which religious differences would be admitted in marriage and which would not. Civil authorities officially permitted all mixed Christian marriages, including those between Mennonites and other Christians, but, whereas church officials reluctantly acquiesced to mixing between Calvinist, Catholic, and Lutheran populations, they clung to their opposition to Mennonite intermarriage.

The various groups of *doopsgezinden* in the Dutch Republic presented a significant challenge to the efforts of the Dutch Reformed Church to attract members in the late 16<sup>th</sup> and early 17<sup>th</sup> centuries. Until about 1630, the Mennonite churches were gaining converts, much to the chagrin of the ministers of the Reformed Church, though

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in November 1600, Anneken Huyberts declared that Duarte Fernandes was the father of her child, “Amsterdam Notarial Deeds Pertaining to the Portuguese Jews in Amsterdam up to 1639,” *Studia Rosenthaliana* 2, No. 1 (1968), 124; in March 1604, Aeltgen Jansdr. claimed to have borne Francisco Lopes' child, “Amsterdam Notarial Deeds,” *Studia Rosenthaliana* 2, no. 1 (1969), 114; in February 1606, Grietgen Willemsz had Francisco Lopes Pereira's child, “Amsterdam Notarial Deeds,” *Studia Rosenthaliana*, 2, no. 2 (1969), 248. Such incidents surely prompted the new law of 1616.

<sup>412</sup> Van der Heijden, *Huwelijk in Holland*, 53-54 and 65-7.

their numbers declined thereafter.<sup>413</sup> About 10% of the Dutch Republic's population was Mennonite in 1650, but the Mennonites were concentrated in the provinces of Holland and Friesland.<sup>414</sup> Mennonites offered baptism only to adults, a situation which could lead to mixed marriages between unbaptized Christians who had grown up in the Mennonite community and baptized members of other Christian denominations.

In 1586, the Provincial Synod of North Holland declared that the churches of North Holland refused to marry anyone who was baptized to anyone who was unbaptized.<sup>415</sup> Nine years later, they eased the way a bit for such mixed marriages when they declared that they would offer baptism to *doopsgezinden* who requested it for the purpose of marriage, even though they feared that such people would retain their affiliation with the Mennonite Church. They also, however, affirmed that they would refuse to marry anyone baptized to anyone unbaptized.<sup>416</sup> The classis of Dordrecht, which was a member of the provincial synod of South Holland rather than that of North Holland, confirms that the same rule was put into effect in South Holland. In 1601, a minister from the town of Geertruidenberg asked the classis how to deal with Frisian soldiers who were unbaptized but wanted to marry. Friesland was a stronghold of the

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<sup>413</sup> Roodenberg, *Onder censuur*, 166.

<sup>414</sup> Maurits A. Ebben, "De Republiek der Zeven Verenigde Provinciën tot omstreeks 1650," in *Brazilië in de Nederlandse Archieven*, ed. Marianne Wiesebron (Leiden: Research School CNWS, 2004), vol. 1, 68.

<sup>415</sup> J. Reitsma and S.D. van Veen, eds., *Acta der provincial en particuliere synoden gehouden in de Noordelijke Nederlanden gedurende de jaren 1572-1620* (Groningen: J.B. Wolters, 1892), vol. 1, 139. The churches of Holland were only able to refuse to perform these marriages because a civil marriage option existed. In the provinces of Drenthe, Groningen, Overijssel, and Zeeland, marriages were only solemnized in the Reformed Church, and, in Zeeland, the States ordered the churches to perform the marriages of baptized and unbaptized people, Roodenburg, *Onder censuur*, 91-2.

<sup>416</sup> Reitsma and Van Veen, *Acta*, vol. 1, 205-6.



*doopsgezinden*, so it is almost certain that he was referring to men who had grown up in a Mennonite community. The classis instructed him that he could not marry any of them until they had made a confession of faith and been given some Calvinist instruction. He was also supposed to elicit a promise from them that they would conform to the dictates of the Reformed Church. Thereafter, he was permitted to baptize them and solemnize their marriages.<sup>417</sup>

Although the Reformed Church refused to marry Mennonites to non-Mennonites, mixed couples had the option of having their marriages solemnized before city councils, an option available to all in the province of Holland who preferred a civil ceremony to a church one. Not satisfied with this situation, in 1596, representatives of the North Holland Synod were sent to ask the States of Holland to request a new rule that would prevent magistrates in the cities from marrying baptized and unbaptized people.<sup>418</sup> In 1622, the Synod of South Holland revisited this issue with a similar request.<sup>419</sup> The States of Holland, which over the entire seventeenth century rejected a number of requests to augment different parts of the province's marriage ordinances, did not agree to add this restriction. Authorities did, however, display some sympathy with the Church's concerns. Although the Reformed Church was required to perform marriages that mixed Calvinists with Catholics or Lutherans, the aforementioned 1656 Generality Lands marriage ordinance explicitly permitted the church to refuse marriage to mixed

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<sup>417</sup> J. Roelvink, ed., *Classicale Acta 1573-1620: Particuliere Synode Zuid-Holland* ('s-Gravenhage: Nijhoff, 1980), vol. 2, 4.

<sup>418</sup> Reitsma and Van Veen, *Acta*, vol. 1, 223.

<sup>419</sup> Knuttel, *Acta*, vol. 1, 40-1.

Calvinist-Mennonite couples.<sup>420</sup> While these couples could still wed in civil ceremonies, authorities seem to have had some misgivings about these marriages. In this context of misgivings over intermarriages between different Christian denominations, intermarriage between Christians and non-Christians must have seemed that much more shocking and unacceptable.

The Dutch East India Company was faced with similar questions about the propriety of marriages between Dutch/Christian and indigenous/non-Christian people in their colonies in Asia. In 1621, the Calvinist consistory in Batavia, the center of the Dutch government in Asia, notified the Council of the Indies, the highest Dutch civil authority in Asia, that they had instituted a policy that they would not marry couples in which one person was baptized and the other unbaptized until the unbaptized person was given some Calvinist education. They did, however, concede that this education could occur in the non-Dutch woman's native language. The prospective bride then had to recite a confession of faith before the ministers and be baptized. Only after these steps had been completed could the marriage proceed.<sup>421</sup> The 1642 Statutes of Batavia also included the provision that when Dutch men wanted to marry Asian women, the women had to convert in the Reformed Church.<sup>422</sup>

The West India Company's directors and the colonial governors they appointed thus viewed their situation from the perspective of a culture that had considered

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<sup>420</sup> Cau, *Groot placaet-boeck*, vol. 2, 2441.

<sup>421</sup> Jakob Mooij, *Bouwstoffen voor de geschiedenis der Protestantsche kerk in Nederlandsch-Indië* (Weltevreden: Landsdrukkerij, 1927-1931), vol. 1, 149-50.

<sup>422</sup> Jean Gelman Taylor, "Europese en Euraziatische vrouwen in Nederlands-Indie in de VOC-tijd," in *Vrouwen in de Nederlandse Kolonien*, Jaarboek voor vrouwengeschiedenis 7, eds. Else Kloek, Ulla Jansz, Annemarie de Wildt, Suzanne van Norden, and Mirjam de Baar (Nijmegen: SUN, 1986), 20.

religiously mixed marriages from the late 16<sup>th</sup> century and rejected the marriages of Christians and non-Christians from the early 17<sup>th</sup> century. As the 17<sup>th</sup> century progressed, opposition to mixed marriages was becoming even more entrenched and must have further influenced the Company's policies. Mixed marriage everywhere became contingent upon baptism and acceptance of Calvinism. Although the knowledge requirements for non-Christian brides were fairly minimal, ministers probably hoped and presumed – perhaps incorrectly – that a newly converted woman's knowledge of Calvinism would grow as she spent more time within the Dutch community. They also counted on the fact that the husband, as the head of household, would provide her with more instruction. Even if, at times, these marriages did not produce the type of ideal Calvinist wives that authorities envisioned, the marriages did conform to the principle that Christians could only marry other Christians.

Thus far, we have been looking at the conditions for mixed marriage; sex outside of marriage was a separate matter, and was absolutely prohibited in Asia and in the Atlantic colonies. We must also remember, however, that all sex outside of marriage was prohibited in the Dutch Republic itself, but, obviously, continued to occur. Prohibitions against sex with indigenous people must be seen in that context. As mentioned above, one of the implicit assumptions of historians who suggest that mixing was common is that the Dutch could have prevented it if they punished mixing more harshly. In fact, the evidence here suggests that Dutch authorities followed models that had been laid out for them in the Dutch Republic. They treated mixed sex the way that they treated all sex outside of marriage. Cities in the Dutch Republic introduced their own marriage and sex regulations, which meant that although the same offenses were forbidden across the

Dutch Republic, different punishments for the same crime might apply in different locations. In the colonies, authorities acted in the same way as city governments. They introduced their own ordinances based upon what was necessary for their particular circumstances, and there was no pressure to create uniform ordinances across the WIC's territories because such uniformity did not even exist in the Dutch Republic.

As explained in chapter two, Dutch marriage and sex ordinances sometimes listed specific punishment for violations, but they also sometimes contained vague reference to “correction,” while leaving it to the discretion of authorities to decide punishments based upon the circumstances of the case.<sup>423</sup> Even when specific punishments were elucidated in ordinances, judges still sometimes opted for different punishments based upon the specific situation.<sup>424</sup> The same holds true in the colonies, where we see both variations of ordinances: those with punishments specified and those where punishment is left unspecified. Despite the jumble of approaches to composing ordinances and enumerating punishment, there is no doubt that authorities cared a great deal about regulating sex outside of marriage.

In 1638, when Willem Kieft arrived in New Amsterdam to take up his position as director of New Netherland, one of his first ordinances stated, “every one must refrain from fighting; from adulterous intercourse with heathens, blacks, or other persons...as in all such matters, according to the circumstances of the case, the offenders shall be

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<sup>423</sup> For example, Amsterdam's prostitution ordinance of 1580 said only that the court could decide what punishment prostitutes would receive, and they gave punishments that varied a great deal based upon the circumstances of the case, Van de Pol, *The Burgher and the Whore*, 92-6.

<sup>424</sup> Van der Heijden, *Huwelijk in Holland*, 102-7, 263.

corrected and punished as an example to others.”<sup>425</sup> The ordinance against mixed sex was part of Kieft’s plan to remake the small, struggling colony with only about 1,500 colonists into a true Dutch territory complete with Dutch laws, order, and enforcement.<sup>426</sup> Kieft’s ordinance hews closely to the precedent set in Amsterdam that a crime need only be specified, while the punishment would be decided based upon the situation. In addition, it is important to note that Kieft included all sex outside of marriage in his ordinance, not just sex with Native Americans or slaves. He specifies “other persons,” presumably meaning to include Europeans in his ordinance.

When Peter Stuyvesant took over from Kieft as director of New Netherland in 1647, he was also given the directorship of Aruba, Bonaire, and Curaçao, which the West India Company had joined with New Netherland into one administrative district. In 1655, Stuyvesant asked Matthias Beck, a veteran of the Company’s colony in Brazil, to take the position of vice-director of Curaçao and administer the day-to-day affairs there.<sup>427</sup> When Beck accepted, Stuyvesant provided him with instructions for how he should manage the colony, one of which stated that Beck should prohibit “unchristianlike intercourse” with the natives of the island or the slaves who had been brought there.<sup>428</sup> No punishment for this act is specified, though it was clearly criminalized, so, again, it

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<sup>425</sup> Van Laer, *Council Minutes, 1638-1649*, 4.

<sup>426</sup> Frijhoff, *Fulfilling God’s Mission*, 347.

<sup>427</sup> For Beck’s tenure, see J.A. Schiltkamp, “Curaçao onder Vice-Directeur Matthias Beck, 1655-1668,” in *Het oog van de meester: opstellen aangeboden aan Mr. C.E. Dip ter gelegenheid van zijn afscheid als raadadviseur belast met de leiding van het central bureau voor juridische en algemene zaken*, eds. Carlos Elias Dip and M.Ph. van Delden (Curaçao: Stichting Wetenschappelijke en Culturele Publicaties, 1989), 249-279.

<sup>428</sup> Gehring and Schiltkamp, *Curaçao Papers 1640-1655*, 75.

was left to the discretion of the judges that would confront the situation to decide the appropriate punishment.

In addition to the Curaçao ordinance, which we saw above, the anti-mixing laws of the colony of Rensselaerswijck in New Netherland represent the option of including specific punishment. Rensselaerswijck was the personal project of Kiliaen van Rensselaer, a director of the West India Company, who purchased land in New Netherland from the West India Company in order to start his own colony.<sup>429</sup> In September 1643, Van Rensselaer elaborated on the punishments that he had in mind for those who violated his ordinance against mixed sex:

Coming now to the unchastity with heathen women and girls, whoever is found to have intercourse with them shall pay the first time a fine of 25 guilders, if the woman becomes pregnant 50 guilders and if she gives birth 100 guilders, leaving it to the discretion of the minister and consistory to decide what the obligations of the offender are with regard to the baptism of such children; and if he continues to have illicit intercourse a yearly fine of 50 guilders and according to the circumstances banishment from the colony.<sup>430</sup>

Van Rensselaer's ordinance offered a detailed accounting of the way in which punishment should proceed. The records of the colony are, however, incomplete, so it is impossible to know if anyone was ever prosecuted according to the dictates of the law, or if judges proceeded according to their own preferences based upon their understandings of circumstances. Either option would have had precedent in Dutch legal culture.

There is yet a third possibility for how mixed Dutch-Indian sex was dealt with, which may explain why it appears so infrequently in court records but so frequently in

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<sup>429</sup> Van Rensselaer's history is the focus of Janny Venema, *Kiliaen van Rensselaer (1586-1643): Designing a New World* (Hilversum: Uitgeverij Verloren, 2010).

<sup>430</sup> Van Laer, *Van Rensselaer Bowier Manuscripts*, 694-5. This followed Van Rensselaer's 1639 attempt to have his representatives write their own anti-mixing law, Van Laer, *Van Rensselaer-Bowier Manuscripts*, 442.

anecdotal accounts. In the Dutch Republic, men caught with prostitutes could rely on *compositie*, a remnant of older, customary law that remained in use. *Compositie* was the practice of reaching a private agreement with the sheriff over a fine for a certain crime in exchange for which the crime would be left unrecorded and not prosecuted before a court.<sup>431</sup> This process was advantageous to the “criminal” who could avoid an embarrassing trial and keep his transgression private, and it was also good for the sheriff, who could often extort more from criminals desperate to preserve their reputations. While we have no direct evidence that *compositie* was used by anyone to avoid a prosecution for mixed sex with Indians, there is evidence that men used it to avoid prosecution for sex with their slaves. We will review this evidence in the next chapter, but it seems likely that *compositie* was a possibility for men caught with Indian women.

Even where no records of mixing legislation survive – as in Brazil – it seems clear that the rules for the colony must have permitted mixed marriage, provided the non-Christian converted, while sex outside of marriage was prohibited. The prohibition against sex outside of marriage would, however, have been quite flexible and allowed courts to decide how to punish individual offenders.

### **Dutch Regulation of Indians**

When historians have attended to the implications of the Dutch encounter with Indians for marriage and sex regulation, they have focused almost exclusively on the issue of mixed marriage and mixed sex.<sup>432</sup> Here we will turn to Dutch efforts to regulate marriage and sex within the Tupi community. Although the Dutch are not normally

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<sup>431</sup> Van de Pol, *Burgher and the Whore*, 118-9, 126-7.

<sup>432</sup> F.L. Schalkwijk’s work is an exception, but he simply describes the ministers’ activities without explaining their significance, Schalkwijk, *The Reformed Church*, 192, 197.

considered to be a colonial power with a strong missionary program, they did, in fact, missionize to the people they called *brasilianen*, the Tupi Indians of Brazil. As part of this effort, Dutch authorities policed – or tried to police – marriage and sex in the Tupi villages. This unique – for the Dutch – missionary program occurred because Dutch authorities believed that the *brasilianen* were their subjects. The Tupi, however, thought of themselves as an autonomous community on equal footing with the Dutch, and they resisted Dutch marriage law through both their rejection of its provisions and a 1644/5 effort to gain the right to self-government.<sup>433</sup>

The Dutch governors' efforts to intervene in Tupi customs regarding marriage and sex formally began in January 1638, when the classis of Brazil appointed a minister who would live among the Tupi and minister exclusively to them.<sup>434</sup> They chose David à Doreslaer, the son of a prominent minister from Enkhuizen, for the position, and he took up residence with the Tupi of Paraiba.<sup>435</sup> Following Doreslaer, there were at least five other ministers during the Dutch period who served exclusively as missionaries to the Tupi, and six more who worked part time on this project.<sup>436</sup> Reformed missionaries solemnized the marriages of the Tupi and baptized their children, but they also tried to

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<sup>433</sup> Meuwese, *Brothers in Arms*, 125.

<sup>434</sup> Prior to 1638, it seems that Dutch ministers had made some effort to preach to the Tupi, but that their activities were haphazard and did not necessarily expose the ministers fully to Tupi behavior, Schalkwijk, *The Reformed Church*, 176-7, 183.

<sup>435</sup> Schalkwijk, *The Reformed Church*, 178, 190-1.

<sup>436</sup> Schalkwijk, *The Reformed Church*, 176-181.



impose the church's marriage discipline on them.<sup>437</sup> It is clear that both church and civil authorities in Brazil sought to make the Tupi conform their practices to the Dutch ideal.

Yet the missionaries also understood that they would not be able to be as strict on the Tupi as they would have been on Dutch people. At the annual meetings of the classis of Brazil, the ministers discussed specific marriage cases that arose during the course of their work in the same way that they debated specific incidents among the Dutch population. In 1638, for example, one of the missionaries asked the classis what to do about a Tupi man who had abandoned his wife and lived with another woman. He had had a child with the second woman, his first wife had subsequently died, and he now wanted to solemnize a marriage with the second woman. In the Dutch Republic, the church prohibited an adulterer from marrying the person with whom he had committed the adultery, but, in this case, the classis concluded that the couple could marry.<sup>438</sup> They would, however, first have to receive some type of punishment "before all the people" to warn others that their conduct had been inappropriate. The classis also explicitly stated that this decision would not serve as a precedent for any future cases, presumably meaning that the Tupi would be treated in the same way as Dutch people in the future.<sup>439</sup>

The Company furthered their program of "re-education" regarding sexual and marital norms by making sure that they provided models for the Tupi. Hence, when they hired two schoolteachers to live in the *aldeias* and teach the Tupi children, they sought

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<sup>437</sup> Vincent Joachim Soler, "Brief and Curious Report of Some Peculiarities of Brazil, 1639," in *Dutch Brazil: Documents in the Leiden University Library*, eds. Cristina Ferrao and Jose Paulo Monteiro Soares (Rio de Janeiro: Editora Index, 1997), 42-3.

<sup>438</sup> Van Apeldoorn, *Geschiedenis van het Nederlandsche huwelijksrecht*, 164. In 1674, the province of Holland promulgated an ordinance that officially forbade an adulterer from marrying his or her adultery partner, Van der Heijden, *Huwelijk in Holland*, 48-9.

<sup>439</sup> Grothe, *Archief*, vol. 2, 259.

men who had families because they would serve as examples of “good housekeeping” for the Tupi.<sup>440</sup> Presumably “good housekeeping” included but was not limited to modeling proper married life, including avoidance of adultery/fornication. Other violations of Dutch norms also made their way into the records of classis discussions. In 1644, for example, the classis debated what to do about an Indian who was “acting unchastely” with his own stepmother, a violation of Dutch consanguinity and affinity prohibitions, and what to do with an Indian who lived with two wives, a violation of rules against polygamy.<sup>441</sup>

Although the fact that these discussions occurred may be interpreted as a sign that the introduction of marriage discipline was failing, this might well have been a sign that the Dutch were in fact succeeding in imposing their standards. Even in the Dutch Republic, the various classes and provincial synods met and complained about specific cases, some of which very much resemble these cases. These discussions in Brazil also mirror those that occurred in approximately the same period in the “praying towns” – communities of Indians who had adopted Christianity and a more sedentary lifestyle – of the Massachusetts Bay colony. In conversion narratives – documents ostensibly authored by Christian Indians narrating their process of conversion from “heathen” to Christian – from 17<sup>th</sup> century Massachusetts, the new converts to Christianity most often mentioned that their prior sins had included polygamy, spousal abandonment, and fornication, a sign both that changing this behavior was one of the primary goals of New England

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<sup>440</sup> Noorlander, “Serving God and Mammon,” 210.

<sup>441</sup> NA OWIC 1.05.01.01 inventory 59, Meeting of the synod of Brazil in Recife, July 18-25, 1644, Session 6.

missionaries and that it was not so easy to effect this change.<sup>442</sup> Like the Dutch missionaries, New England's ministers also often discussed the specific violations of marriage and sex regulation that occurred within their communities.<sup>443</sup> In Dutch East India Company controlled territory, there are similar signs that Calvinist complaints about marriage crimes are actually indicative of some success at achieving indigenous conversions. Taiwan's Reformed minister Robertus Junius, for example, simultaneously described his success at achieving Sinkan conversions, while also complaining about the sin of adultery.<sup>444</sup> As Dutch missionaries successfully converted people, they became less tolerant of what they considered to be sexually deviant behavior. While discussions of Tupi non-conformity to Dutch regulation signal a degree of failure in the missionaries' plans, they are also indicative of their determination to change behavior and their conviction that they would, in the end, make progress.

The discipline problem that most bothered the missionaries was spousal abandonment and illegal remarriage. The Dutch considered the remarried person an adulterer and a bigamist, and in classis records we find evidence of their efforts to find causes for the practice so that it could be stamped out. In October 1638, the classis first complained about illegal separations or divorces within the Tupi population. They suggested that some separations occurred because the WIC used *brasilianen* in war

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<sup>442</sup> Plane, *Colonial Intimacies*, 43

<sup>443</sup> *Ibid.*, 43-58.

<sup>444</sup> Natalie Everts, "Indigenous Concepts of Marriage in 17<sup>th</sup> Century Sinkan (Hsin-kang): Impressions Gathered from the Letters of the Dutch Ministers Georgius Candidius and Robertus Junius," in *History, Culture and Ethnicity: Selected Papers from the International Conference on the Formosan Indigenous Peoples*, ed. Chuen-rong Yeh (Taipei: Shung Ye Museum of Formosan Aborigines, 2006), 90.

parties, while others were cases of intentional abandonment.<sup>445</sup> In April 1640, the classis complained again about the illegal separations, and further complaints occurred in October 1641 and May 1642.<sup>446</sup> Some men may have used the cover of military operations to leave their villages and purposely did not return, while others probably died or were captured despite having the intention to return. In the chaos of battles and their aftermaths, it was probably difficult to know who had simply run away, who had been killed, and who had been captured. Dutch law asserted that only death could dissolve marriages, and death had to be explicitly proven rather than assumed. Husbands or wives who were left without clear knowledge of their spouses' fates would, therefore, not have been permitted to remarry, but the Tupi did so. Using their ability to freely circulate from village to village, abandoners and abandonees married anew in villages where their marital statuses were unknown.

Rather than flatly refusing to recognize such unions, however, as would have happened in the Republic, the ministers asked that civil authorities create special courts to summon abandoners to return to their spouses. If they did not return within a space of time to be determined by the colony's High Council, then the abandoned spouse would be granted a divorce and permitted to remarry.<sup>447</sup> The High Council demurred and instead advised the missionaries to speak to couples that had illegally separated and

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<sup>445</sup> Grothe, *Archief*, vol. 2, 258-9. After 1637, the WIC became increasingly reliant on Tupi soldiers because the WIC was finding it difficult to acquire and pay for European soldiers, Meuwese, *Brothers in Arms*, 148-153.

<sup>446</sup> Grothe, *Archief*, vol. 2, 272 and 298; NA OWIC 1.05.01.01 inventory 69, May 20, 1642.

<sup>447</sup> Grothe, *Archief*, vol. 2, 258-9.

encourage them to reunite.<sup>448</sup> In April 1640, the classis complained that their efforts to reunite couples according to the High Council's instructions were not working, and they again asked for the government to summon absent spouses and then issue divorces if the abandoner did not appear.<sup>449</sup> In February 1641, the long requested law ordering abandoners to return to their spouses was finally proclaimed, and it gave the abandoners the space of three weeks to reunite with their spouses after a summons. It stated that failure to return would be punished with "arbitrary correction."<sup>450</sup> Several months later, the ministers asked for a renewal of the law demanding the return of absent spouses.<sup>451</sup> In May 1642, the ministers again asked for the law to be reissued, which the government did.<sup>452</sup>

While the repeated promulgations of the law suggest that it may not have had the desired effect, the ministers again showed themselves to be both serious about enforcing marriage discipline and also surprisingly flexible in their understanding of it. They seemed to hold firm about not allowing any abandoned spouses to remarry, but they proposed divorce – a solution for abandonment that would not be accepted in the Dutch Republic until 1656. Even when divorce did become possible in the Republic, the abandoned spouse had to wait for five years without any word from or news of the

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<sup>448</sup> NA OWIC 1.05.01.01 inventory 68, Nov. 22, 1638.

<sup>449</sup> Grothe, *Archief* vol. 2, 272.

<sup>450</sup> NA OWIC 1.05.01.01 inventory 69, February 13, 1641.

<sup>451</sup> Grothe, *Archief*, vol. 2, 298.

<sup>452</sup> NA OWIC 1.05.01.01 inventory 69, May 20, 1642.

abandoner before he or she could begin the summoning and divorce procedure.<sup>453</sup> By contrast, the High Council's law ultimately offered divorce after only 3 weeks.

At the 1644 meeting of the classis, however, this comparatively gentle approach to imposing marriage discipline changed. The representative of the colony's High Council who attended that year's meeting of the classis asked the assembled ministers to compose a new regulation for Tupi behavior. While this order was not exclusively devoted to regulating marriage and sex, a substantial portion of it did deal with these topics.<sup>454</sup> Under the new regulations, no Indians could keep concubines or visit prostitutes. Unmarried men who did so would be imprisoned for eight days and then forced to marry the concubine or prostitute. Married men who violated this rule would be thrown in jail and then publicly whipped. Couples who violated consanguinity or affinity prohibitions in their relationships would be imprisoned and delivered to the civil authorities to be punished, as would any man who abducted or raped a woman. Every man was permitted only one wife, and if any man was found to have more than one, he would both be punished and forced to return to his first wife. Any parents who pushed their children into prostitution or other sexual misdeeds would be publicly whipped as an example to others.<sup>455</sup>

This new regulation represented a significant change from the prior practice of regulating the Tupi. With the exception of efforts to secure divorce decrees, which

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<sup>453</sup> Van der Heijden, *Huwelijk in Holland*, 53-4.

<sup>454</sup> NA OWIC 1.05.01.01 inventory 70, September 17, 1644. Other topics discussed were efforts to prevent the Tupi from acquiring or using Catholic religious paraphernalia, as well as efforts to prevent pre-Christian Tupi rituals such as body painting and communal dancing, Meuwese, *Brothers in Arms*, 164-5.

<sup>455</sup> NA OWIC 1.05.01.01 inventory 70, September 17, 1644.

according to Dutch law could only be granted by civil authorities, the missionaries had not involved civil authorities in their campaign to bring marriage discipline to the *brasilianen*. They relied upon church discipline, which included only the punishments of public shame, exclusion from Communion, and eventually excommunication. Church discipline included no power to subject an offender to any monetary or physical punishments. It is worth noting that in the Dutch Republic, when dealing with full members of their congregations, ministers did not report their violations of marriage or sex law to civil authorities, even when their acts were clearly crimes according to the Republic's legal codes. They preferred, instead, to use the tactics of public shame and exclusion from Communion to bring the offender to repent and reconcile with the congregation.<sup>456</sup> This principle seems to have been invoked for the *brasilianen* as well, or at least it was until 1644.

With the new regulation, however, the weight of imprisonment and physical punishments could be brought to bear on offenders. This new order indicates that both civil and church authorities felt growing frustration with their inability to force the Tupi to conform to Dutch marriage regulation and with the lack of success of their plans to transform the Tupi into "civilized," Calvinist subjects.<sup>457</sup> Growing Tupi dissatisfaction with the Dutch alliance in the 1640s, however, suggests that the Tupi felt and resented the weight of the Company's more strenuous "civilizing" efforts. In a recent article, the historian Sarah Pearsall suggests that polygamy was extremely important to the 16<sup>th</sup> and

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<sup>456</sup> Van der Heijden, *Huwelijk in Holland*, 90-2. This principle applied exclusively to church members. The Reformed Church consistently pointed out non-members to civil authorities for punishment and, in general, called for harsher punishment for those who were caught committing offenses.

<sup>457</sup> Meuwese, *Brothers in Arms*, 164-5.

17<sup>th</sup> century Indians of what is now the American Southwest. While Spanish authorities decried polygamy as “anti-Christian, apostasy, desecration, [and] political subversion,” the Indians believed that polygamy represented “masculine status, authority, labor organization, hierarchy, and political confederation.”<sup>458</sup> The Guale and the Pueblo opposed Spanish efforts to do away with divorce and polygamy because they believed that the inability to divorce could lead to violence and that monogamy was a sign of weakness.<sup>459</sup> The town chiefs depended upon the labor of their multiple wives to provide gifts for their followers and to trade with the Spanish, and such chiefs were willing to kill people who interfered with their access to their wives.<sup>460</sup> While the Tupi situation is less well documented than the cases that Pearsall investigated, the Tupi had practiced divorce and polygamy before Europeans arrived and probably continued to do so into the Dutch period. The continued practice of marital separations, which the Reformed missionaries generally attributed to the dislocation of war and the demands for Tupi workers from both Dutch and Portuguese colonists, as well as continued complaints about polygamy suggest that the Tupi, like the Guale and Pueblo, resisted European marriage law and continued to adhere to their own marriage customs.

Further evidence for this refusal to submit to Dutch norms can be found in the case of the Tupi *regidor* [commander] Fernandes Carapeba. Carapeba was selected to lead the Tupi of Itamaraca in 1645, but in 1649 he was accused of using a harquebus to kill one of his officers, whom he suspected was trying to run away with one of his maids

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<sup>458</sup> Pearsall, ““Having Many Wives,”” 1002.

<sup>459</sup> *Ibid.*, 1011.

<sup>460</sup> *Ibid.*, 1014.



[*dienstmaechden*]. When the harquebus failed to do the job, Carapeba stabbed the man three times. He defended his actions to Johannes Listrij, the Dutch representative to the Tupi, by saying that the maid was the “whore” of the officer and “that they [the Tupi] had their own law, trusting that the commander [Listrij] would be satisfied [with their actions].”<sup>461</sup> Again, just as the Portuguese claimed to have their own marriage law, the Tupi claimed that they did as well, and it apparently suggested that death was an appropriate punishment for sexual relations that were unacceptable to Tupi leaders. However, just as the Dutch did not accept this claim when the Portuguese made it, they did not accept it from the Tupi either. Carapeba was tried for murder and was eventually sentenced to banishment on the island of Fernando Noronha.<sup>462</sup>

When the *Heren XIX* recalled Johan Maurits, the governor of Dutch Brazil, in 1643, he proposed that the Tupi should be granted self-government. This call followed a number of Tupi complaints about the mismanagement of the *aldeias* by Dutch representatives and demands for more independent government. Upon Maurits’ departure from the colony in May 1644, he brought a Tupi delegation with him back to the Dutch Republic for the purpose of securing the right to self-government from the *Heren XIX*. While surviving documents do not suggest that Tupi leaders explicitly connected their desire for self-government with the increasing burden of Dutch marriage law, the increasing pressure to conform to Dutch law embodied by the 1644 regulation for the *brasilienen* and its provisions against pre-marital and extra-marital sex must have been on their minds. When the delegation returned in March 1645 with a document

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<sup>461</sup> *alsoo sij haer eijgen recht hadden vertrouwende den commandr daer inne wel soude sijn gecontenteert.* NA OWIC 1.05.01.01 inventory 73, September 24, 1649.

<sup>462</sup> NA OWIC 1.05.01.01 inventory 73, November 2, 1649.

granting them self-government, they were permitted to create three local courts that were apparently modeled on the local Dutch *schepen* courts and were staffed by Tupi rather than Dutch people.<sup>463</sup>

After the publication of this 1644 order and the 1645 ordinance giving the Tupi the right to self-government, the only Dutch intervention in Tupi marriage practices occurred in the aforementioned case of Carapeba. In that case, Dutch authorities did not accept that death was an acceptable punishment for what they likely viewed as a case of simple fornication. In the absence of clear evidence, three widely diverging fates can be imagined for Dutch efforts to regulate Tupi marriage and sex. It is possible that with the beginning of Tupi self-government in April 1645 Dutch authorities were forced to stop intervening in the internal affairs of the Tupi community and were only roused to involve themselves in the Carapeba case because of the enormity of the situation. It is also possible, however, that the Tupi acquiesced to Dutch demands, particularly because the beginning of the Portuguese Revolt in 1645 drove many Tupi into poverty and increasing dependence on the Dutch. In 1647, for example, Johannes Listrij, the Dutch captain of the Tupi, and Dionisio Biscareto, a minister, supervised the distribution of linen collected in the Dutch Republic to help impoverished Tupi.<sup>464</sup> In this role, Biscareto would probably have been in a position to force some conformity with marriage regulation if he chose to do so by threatening to withhold the needed linen from those he believed were violating the regulation.

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<sup>463</sup> Mark Meuwese, "Subjects or Allies: The Contentious Status of the Tupi Indians in Dutch Brazil, 1625-1644," in *Bridging the Early Modern Atlantic World: People, Products, and Practices on the Move*, ed. Caroline A. Williams (Burlington VT: Ashgate, 2009), 124-126.

<sup>464</sup> Stadsarchief Amsterdam, Archief Classis Amsterdam 379, inventory 2.2.2.2.212, October 30, 1647.

It is also possible, however, that the declining Dutch position after 1645 gave the Tupi more leverage to resist Dutch demands for conformity. At the Company's silver mine in Ceará in northern Brazil, for example, we know that the minister Thomas Kemp lived among the Tupi. He reported that he married and baptized many Tupi, but he writes nothing about marriage discipline. The small party of Dutchmen at the mine and connected fort depended upon the goodwill of the Tupi to allow them to continue their work and also likely relied upon food that they provided. In such a situation, it is impossible to imagine that Dutch authorities would be in a position to compel any kind of compliance to marriage regulation without risking alienating the Tupi, provoking an attack, or possibly sending their Tupi allies into a new alliance with Portuguese rebels. It is likely that the Tupi in the province of Pernambuco, who had lost access to their land to the Portuguese, became more obedient to Dutch marriage regulation, while those in the northern provinces, like Ceará, who remained able to support themselves, ignored Dutch demands.

Although the Dutch have been understood as relatively uninterested in both missionary work and regulating sex, particularly in comparison to their English and French counterparts, their activities in Brazil show that they were certainly concerned about such activities. While the Tupi certainly resisted Dutch efforts to regulate their marriages and sex lives, it is clear that there was a widely shared ideal – at least among Dutch authorities – that the encounter with the Tupi would transform the Tupi into obedient, “civilized” Dutch subjects. One signal of their civility and their obedience was to be their acceptance of – or, if necessary, forced conformity to – Dutch marriage and sex regulation. Dutch authorities, at least until 1645, were thus determined to impose

their own Calvinist norms on all of their subjects, whether Dutch, Portuguese, or Indian. The Tupi were, however, equally cognizant of the power of Dutch marriage regulations to transform them into Dutch subjects, and they resisted this transformation by appealing to the *Heren XIX* for self-government so that they could maintain their own identities and society.

### **The Practice of Mixed Relationships in the Dutch Colonial World**

The previous sections offered reassessment of the regulations concerning mixed sex and sex within the Tupi Indian community; this section turns to a reevaluation of the Dutch men who engaged in mixed relationships. Most historians have characterized mixed relationships as common without specifying when, where, and why they were common. They were most common on the peripheries of colonial settlement, where there was less supervision from church and civil authorities, and when authorities prosecuted men who had sex with Indian women outside of marriage, such relationships tended to disappear or be channeled into official marriages. The men who pursued relationships with Indian women should be seen as the counterparts of the men in chapter two who were found guilty of concubinage or bigamy with European women. All of these men rejected the increasing pressure that was being exerted in this period to stamp out an older permissive attitude toward sex before marriage and replace it with strict adherence to a view that sex could only occur within marriage. In fact, it is likely that lower class people had ideas about sex that were more similar to permissive Indian ideas than to the ideas of Dutch authorities, and it likely that authorities recognized the consonance of their attitudes which fueled their fears about mixing.

In the early years of Dutch colonization in New Netherland, from the settlement of the first colonists in 1624 until Willem Kieft's arrival in 1638, the entire colony can be considered a frontier, and we can see examples of mixing in both the colony's center at New Amsterdam and in the more peripheral Rensselaerswijck/Fort Orange [Albany] area. By 1640, Jaap Jacobs has estimated that there were only between 1,500 and 2,000 colonists, and this number stagnated throughout the 1640s because of Kieft's disastrous Indian policy.<sup>465</sup> Governance before 1638 was also problematic, as the directors who preceded Kieft were in constant conflict with the colony's ministers and were accused of corruption and self-interest.<sup>466</sup> In David Pietersz de Vries' 1643 report of his negotiations with an Algonquian chief on Staten Island after Governor Kieft organized an Indian massacre, he reported that an Algonquian chief told him "at the beginning of our voyaging there, we [the Dutch] left our people behind with the goods to trade, until the ships should come back; they had preserved these people like the apple of their eye; yeah, they had given them their daughters to sleep with, by whom they had begotten children, and there roved many an Indian who was begotten by a *Swanneken* [Dutch man], but our people had become so villainous as to kill their own blood."<sup>467</sup> These incidents of mixing, possibly exaggerated by the chief to reinforce the extent of Kieft's poor behavior, had occurred prior to 1624 when the Dutch maintained only a trading post in New Netherland and periodically sent ships to supply it. Adriaen van der Donck's 1651 promotional description of New Netherland seems to confirm the state of affairs that the

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<sup>465</sup> Jaap Jacobs, "Migration, Population, and Government in New Netherland" in *Four Centuries of Dutch-American Relations, 1609-2009*, 86.

<sup>466</sup> Jacobs, "Migration, Population, and Government in New Netherland," 90-1.

<sup>467</sup> David Pietersz de Vries, "Third Voyage," in *Narratives of New Netherland, 1609-1664*, 231.

Algonquian chief described. Van der Donck explained that the Indian women “have an attractive grace about them, for several Dutchmen, before many Dutch women were to be had there, became infatuated with them.”<sup>468</sup>

In New Amsterdam, Kieft’s aforementioned 1638 law against mixing almost certainly brought an end to a period in which mixed sex had probably been common and open in New Amsterdam. As a result of Kieft’s new ordinance, the *fiscael* [sheriff] prosecuted two soldiers for relationships with Indian women in New Amsterdam. These women were most likely Munsee-speaking Algonquian women, as the Munsee lived on the western end of Long Island and in the lower Hudson River Valley near New Amsterdam, but the records do not provide any information about them.<sup>469</sup> In 1638, the *fiscael* brought charges against Nicolaes Coorn, a Company sergeant, for a variety of offenses, including theft, illegal private trading, ordering his soldiers to avoid their commander in order to escape being given new or additional tasks, and adultery with “Indian women and negresses.”<sup>470</sup> Similarly, in 1639, the corporal Hans Steen, with whom this chapter opened, was also brought up on charges of sleeping with an Indian woman in the guardhouse.<sup>471</sup> In both cases, the depositions emphasize that the sex had occurred in the presence of other soldiers, a clear sign that no one expected such sex to be investigated or punished. Coorn received a much harsher punishment than Steen. He had

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<sup>468</sup> Van der Donck, *A Description of New Netherland*, 75.

<sup>469</sup> For accounts of the Munsee, see Robert S. Grumet, *First Manhattans: A Brief History of the Munsee Indians* (Norman: University of Oklahoma Press, 2011); Paul Otto, *The Dutch Munsee Encounter in America*; Allen Trelease, *Indian Affairs in Colonial New York*.

<sup>470</sup> Van Laer, *Council Minutes, 1638-1649*, 33-34.

<sup>471</sup> *Ibid.*, 43-45.

to finish out his time with the Company as a private soldier rather than as a sergeant, which meant the loss of 11 guilders per month in wages.<sup>472</sup> This severity was likely the result of his additional infractions, particularly the private trading. Steen, on the other hand, was sentenced to ride the wooden horse – a painful punishment involving sitting on a wooden horse while the legs were weighed down – and perform guard duty for fourteen days. These were relatively lenient punishments and were probably meant as a firm warning to others that such behavior would no longer be acceptable.

After Kieft's prosecutions, we find no more evidence of mixed relationships in New Amsterdam. Although these prosecutions likely influenced the decline of such relationships, it is also important to note that because of the overhunting of the beaver population around New Amsterdam, the trade with Indians there was also in decline in the same period – a factor that led to a decrease in the overall Indian presence in the settlement – and that Kieft quickly embarked upon a bloody Indian war which made Indians completely unwelcome in the city, ending any opportunity for mixing to continue. By the time the second Dutch-Munsee War, called the Peach War, ended in 1656, Munsee Indians apparently came to New Amsterdam much less frequently than they had formerly, which almost certainly continued to hold down the numbers of mixed relationships.<sup>473</sup>

Although mixed relationships ended with Kieft's arrival in New Amsterdam, they clearly continued in the second most populous area of New Netherland: Fort Orange/Beverwijck/Rensselaerswijck [Albany]. As we saw earlier, Kiliaen van

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<sup>472</sup> Jacobs, "Soldiers of the Company" in *Jacob Leisler's Atlantic World*, 22.

<sup>473</sup> Otto, *The Dutch Munsee Encounter*, 148; Meuwese, *Brothers in Arms*, 252.

Rensselaer, the owner of Rensselaerswijck, near Albany, issued his first ordinance against mixed relationships in 1638.<sup>474</sup> He revised the ordinance in 1643,<sup>475</sup> and his son Johan van Rensselaer, who followed him as administrator of the colony, reissued the ordinance in 1652,<sup>476</sup> repetitions that seem to signify that authorities felt the problem was not declining. Johannes Megapolensis' description of Dutch-Mohawk relationships in which he claimed that the Dutch men chased after the Mohawk women was also written in Fort Orange. Similarly, in 1653, Pierre Esprit Radisson, a Frenchman captured by Mohawks, reported that he met a woman in the Mohawk camp where he was imprisoned, who was reportedly a child of an Indian woman and Dutch man.<sup>477</sup> There was also a Mohawk woman whom Dutch colonists referred to as "Corlaer's daughter," likely the daughter of Arent van Curler, one of the colonists in Fort Orange.<sup>478</sup>

While there are a number of examples of mixed sex outside of marriage in New Netherland, in Brazil we find only one reference to such behavior. In 1649, Caspar Beem, a Company soldier, was discovered in a relationship with one of the Tupi women in the northern province Ceará. He was banished from the province and sent back to Recife. When he arrived in Recife, the High Council promptly placed him on a ship

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<sup>474</sup> Van Laer, *Van Rensselaer Bowier Manuscripts*, 442.

<sup>475</sup> *Ibid.*, 694-5.

<sup>476</sup> ECorwin, *Ecclesiastical Records of the State of New York*, vol. 1, 310.

<sup>477</sup> Dean R. Snow, Charles T. Gehring, and William Starna, eds., *In Mohawk Country: Early Narratives about a Native People* (Syracuse: Syracuse University Press, 1996), 91.

<sup>478</sup> A.J.F. van Laer, *Minutes of the Courts of Albany, Rensselaerswyck and Schenectady, 1675-1680* (Albany: University of the State of New York, 1926-1932), 86.



bound for the Dutch Republic because they feared that his punishment might motivate him to switch to the Portuguese side in the ongoing revolt against Dutch rule.<sup>479</sup>

Brazil does provide examples of a number of officially sanctioned mixed relationships, but, again, none of them occurred in the population centers of Recife or Paraiba, and it is difficult to tell if such couples were legitimately married. The most well-known mixed relationship is that of Jacob Rabe and Dominga, a Tupi Indian woman. Rabe served as the intermediary for the Dutch with the Tapuya Indians, another group of Dutch Indian allies, in the province of Rio Grande. He and George Garstman, the WIC commander of the fort there, came into conflict. Rabe was murdered in April 1646, and some of Garstman's soldiers testified that they had committed the deed on Garstman's orders.<sup>480</sup> Throughout the investigation and legal proceedings that followed, the High Council in Recife acknowledged that Dominga had the status of wife, and they referred to her exclusively as his *vrouw* [wife].<sup>481</sup> Jacob Kint, another Dutch man reportedly married to a Tupi woman, was the commander of the Tapuyas and Tupi in Gojana, and his wife was also acknowledged as such in written records.<sup>482</sup> When he died

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<sup>479</sup> NA OWIC 1.05.01.01 inventory 65, September 4, 1649, November 29, 1649; NA OWIC 1.05.01.01 inventory 76, October 7, 1649.

<sup>480</sup> Mark Meuwese discusses this incident in "The Murder of Jacob Rabe," 133-156.

<sup>481</sup> NA OWIC 1.05.01.01 inventory 76, April 19, 1646, *desselfs* [Rabe's] *huisvrouw* *wesende een Brasilianinne sodanigh van haer mans naergelaeten middelen forcelijck berooft, dat de Brasiliannen dienaengaende mede geen genoegen kunnen hebben*. See also NA OWIC 1.05.01.01 inventory 76, April 23, 1646. The aftermath of Rabe's murder is discussed in B.N. Teensma, "The Mission of Rudolph Baro in Search of Nhandui in the Macagua Mountains, 1647," in *Dutch Brazil: Documents in the Leiden University Library*, eds., Cristina Ferrao and Jose Paulo Monteiro Soares (Rio de Janeiro: Editora Index, 1997), 15-30.

<sup>482</sup> NA OWIC 1.05.01.01 inventory 69, August 28, 1642.

in 1649, she received his remaining wages.<sup>483</sup> In November 1650, Jan Castiliaen requested permission to return to the Dutch Republic after sixteen years in Brazil, and he was told that he could go as long as he made provisions for the care of his *brasilian* [Tupi] wife and child.<sup>484</sup> The High Council was, in this case, clear about the fact that such marriages were legitimate and that Brazilian wives and children could not simply be abandoned when they were no longer convenient. In December, Castiliaen requested permission to bring his wife and child back with him to the Dutch Republic, which was granted as long as he paid for their passage.<sup>485</sup> Without any surviving marriage registers, it is difficult to confirm if these couples had, indeed, solemnized marriages according to Dutch rules. While this is certainly a possibility, it is also possible that the high council felt the need to write as if these couples were married in order to forestall any criticism of their handling of marriage matters from the *Heren XIX* and other directors.

In Ceará, the colony's most peripheral area, in March 1651, three Company soldiers requested permission to marry Tupi women, and, in this case, we can be sure that they did, in fact, mean "Dutch" marriage. This was the same garrison from which Caspar Beem had been banished in 1649 for his sex with a Tupi woman, and Beem's prosecution may have motivated the requests for marriage by showing that informal relationships would not go unpunished. Thomas Kemp, the minister of the *aldeia* there, opposed the marriages, so Matthias Beck, the governor, wrote to the High Council in Recife asking what his policy should be in these situations. According to Kemp, in addition to these

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<sup>483</sup> NA OWIC 1.05.01.01 inventory 73, June 9, 1649. He is called Jacques Kint here but identified as the translator for the *brasilianen*, so it is almost certainly the same man.

<sup>484</sup> NA OWIC 1.05.01.01 inventory 74, November 28, 1650.

<sup>485</sup> NA OWIC 1.05.01.01 inventory 74, December 6, 1650.

three, there were also a number of other soldiers there who wanted to marry Indian women.<sup>486</sup> The High Council in Recife was clearly troubled by the situation in Ceará, because Beck reported that the Tupi men seemed to oppose the marriages, and they did not want to give the Tupi any reason to open hostilities. They ultimately advised Beck to oppose the marriages as gently as possible but not forbid them outright.<sup>487</sup> The Council wrote, “it is a difficult matter to prevent someone from marrying,” indicating that the marriages were at least theoretically permissible, but the issue of Tupi opposition to the marriages overrode such concerns.<sup>488</sup>

It is telling that both in New Amsterdam and in Ceará, as soon as prosecution became a possibility, mixing outside of marriage stopped. This points to one of the reasons why peripheral areas were more likely locations for mixing: the lack of church and/or governmental oversight. In addition, the greater the population of Dutch people, the higher the chance of disapproval for such behavior. Peripheries offered less exposure. Many in the Dutch community were prejudiced against Indian women, which must have made them less attractive marriage partners for Dutch men. For example, the minister Kemp opposed mixed marriages simply because he believed that Indians were “not appropriate for mixing with the Dutch.”<sup>489</sup> In 1641, Jan Damen, a Dutch colonist in New Netherland, tried to have a Company soldier, Jan Platneus, disqualified from testifying against him in court on the grounds that Platneus was “a perjurer and

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<sup>486</sup> NA OWIC 1.05.01.01 inventory 75, March 24, 1651.

<sup>487</sup> NA OWIC 1.05.01.01 inventory 75, March 24, 1651.

<sup>488</sup> NA OWIC 1.05.01.01 inventory 75, March 24, 1651, *het een harde saecke is iemant van houwelycken te onthouden*.

<sup>489</sup> NA OWIC 1.05.01.01 inventory 75, March 24, 1651.

incompetent to give any testimony, because he has committed adultery with Indian women.”<sup>490</sup> The court ultimately rejected Damen’s argument, but his claim only makes sense in a context in which such relationships were viewed as dishonorable.

Peripheries were also the places in which Dutch people had the most to gain from mixed marriages. In Ceará, the Company soldiers who wanted to marry Tupi women may have been motivated by the quest for security and food. In addition to Kemp’s vague prejudice that Dutch and Indians could not appropriately mix, he objected to the marriages on the grounds that the Dutch men would mistreat the Indian women and act as though the women were their slaves.<sup>491</sup> Such attitudes on the Dutch side reflect the general contemporary European opinion about gender roles in Indian societies.

Europeans believed that the Indian women did all of the hard agricultural work, while the Indian men engaged in indolent activities like making war and hunting, which they perceived as gentlemanly pursuits that were not work.<sup>492</sup> These Dutch soldiers may have been trying to exploit this perceived cultural difference by marrying Indian women under the assumption that the women would work extremely hard. The soldiers in Ceará were not well supplied with provisions, and they would probably have been attracted to the idea of marrying someone who they thought would provide them with a steady supply of food. In addition, the soldiers probably feared for their security in Ceará. The Tupi had massacred the Dutch inhabitants of the province in 1644 and all who were not killed had

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<sup>490</sup> Van Laer, *Council Minutes, 1638-1649*, 122, October 3, 1641.

<sup>491</sup> NA OWIC 1.05.01.01, inventory 75, March 24, 1651. *dat sij oock de vrouwen tot hare slavinnen souden houden @ deselve weder mishandelt soude t’selve tusschen ons @ hare natie haet verwecken.*

<sup>492</sup> David D. Smits, “The ‘Squaw Drudge’: A Prime index of Savagism,” *Ethnohistory* 29, no. 4 (1982): 281-306.

fled. The prospect of having a connection within the Indian community who might warn them of an impending attack was probably a powerful incentive to marry into that community.

In New Netherland, where mixing was concentrated around Fort Orange after 1638, the Dutch men may have hoped to get better access to beaver furs. More generally, the fur trade, whose activities were concentrated in Albany rather than New Amsterdam, also increased the interactions between Dutch men and Indian women, providing increased opportunities for sex. Albany's traders travelled among the Mohawk and received Mohawk visitors, including female traders, in their homes with no supervision.<sup>493</sup> This travelling and trading gave Dutch men reason to be with Indian women and plausible deniability if anyone accused them of having sex with Indian women.

Whatever the mix of reasons for the men who chose native sexual partners or for the women themselves to consent to a marriage or relationship with a Dutchman, such mixed sex did little to promote intercultural harmony. Although relationships between the Dutch soldiers and Munsee women around New Amsterdam seem to have been relatively common before 1638, these relationships did nothing to blunt the violence that

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<sup>493</sup> Kees-Jan Waterman has examined the account of an Albany fur trader for the period from 1695 to 1726, the earliest account book that survives, and he found that women were involved in some way in half of the accounts, and were themselves the principles in 20% of the accounts. Mohawk women were particularly active in trading, Waterman, "Parameters of the Fur Trade in New Netherland: Eighteenth Century Evidence?" in *From de Halve Maen to KLM: 400 Years of Dutch-American Exchange*, eds. Margriet Bruijn Lacy, Charles Gehring, and Jenneke Oosterhoff (Munster: Nodus Publikationen, 2008), 135-148. Robert Grumet also argues that Algonquian women were very involved in trading, Grumet, "Sunksquaws, Shamans, and Tradeswomen: Middle Atlantic Coastal Algonquian Women during the 17<sup>th</sup> and 18<sup>th</sup> Centuries," in *Women and Colonization: Anthropological Perspectives*, eds. Mona Etienne and Eleanor Leacock (Brooklyn: J.F. Bergin Publishers, 1980), 43-62.

the soldiers used against Munsee women and children during Kieft's War (1643-1645). According to contemporary accounts, Dutch soldiers massacred 80 Wecquaesgeek [Munsee] Indians, mostly women, children, and the elderly, who had taken refuge with the Dutch after Mahican Indians attacked them. One account described the soldiers violently mutilating the bodies of their victims.<sup>494</sup> This was the first and bloodiest in a series of three Dutch wars with the Munsee. By 1645, when the first war had ended, the Dutch had destroyed every Indian town within fifty miles of New Amsterdam.<sup>495</sup>

The relationship between Cornelis van Slijck and his unknown Mohawk partner in Rensselaerswijck, the most long-lasting relationship of which we are aware, seems also to have been fraught. The colonist Van Slijck had long been with a Mohawk woman who had borne him at least three children, but the liaison does not seem to have led to anything resembling the Dutch model of ideal family life. All of the children later settled in the Dutch village of Schenectady, New York,<sup>496</sup> and, in 1680, Hilleetje van Slijck, one of these children, described her childhood to Jasper Danckaerts, a follower of the pietist Jean de Labadie, who was scouting New York for a potential colony for the sect.<sup>497</sup> She told Danckaerts that she had lived with her mother and other Indians as a child, and that

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<sup>494</sup> Evan Haefeli, "Kieft's War and the Cultures of Violence in Colonial America," in *Lethal Imagination: Violence and Brutality in American History*, ed. Michael Bellesiles (New York: New York University Press), 17- 42.

<sup>495</sup> Grumet, *First Manhattans*, 41.

<sup>496</sup> Cornelis van Slijck's son Jacques Cornellissen van Slyck (also called Aucke), and his son-in-law, Pieter Danielsen van Olinda, who married Hilleetje, were part of the original group of Schenectady patentees. The third child, a son named Marten Cornelissen, owned land that was adjacent to Schenectady, but he died relatively young. Both Jacques and Hilleetje eventually served as interpreters for the Dutch and later English governments.

<sup>497</sup> Jasper Danckaerts, *Journal of Jasper Danckaerts, 1679-1680* (New York: Charles Scribner's Sons, 1913), 201-6,

her mother had taught her to hate the “Christians.” When it became clear to her mother and the rest of the group that Hillelje was interested in and attracted to Christianity, they expelled her from their group, and she went to live with a Dutch woman in Albany. We know that Cornelis van Slijck did not die until 1676,<sup>498</sup> but neither Hillelje nor her mother seems not to have remained in contact with him. He also seems to have offered her no assistance when she was expelled from her community.

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In order to understand the Dutch encounter with indigenous people in Brazil and New Netherland, it is essential to understand Dutch marriage laws and their application in the Dutch Republic. By applying the approach of Atlantic World history and connecting the Dutch colonies with the Republic, it becomes clear that flexibility and lack of uniformity in the laws and their enforcement was not an aberration of the colonial situation but rather a permanent and intentional feature of Dutch law. This fact should in no way suggest that the Dutch were unconcerned with marriage regulation. Like all other European states of the early modern period, the Dutch Republic and the Dutch West India Company connected obedience to marriage regulation with the maintenance of order and authority. In fact, they hoped to use marriage regulation to transform the “uncivilized” people under their rule – both European soldier/sailor and indigenous – into orderly subjects and orderly families who could anchor Dutch society abroad. Marriage regulation was not simply about maintaining order, but about actively extending Dutch authority into new places, the Dutch colonies, through disciplined individuals.

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<sup>498</sup> Jonathan Pearson, *A History of the Schenectady Patent in the Dutch and English Times* (Albany: Joel Munsell’s Sons, 1883), 188.

The Dutch colonies were populated by diverse peoples of different races, ethnicities, and religions. The Dutch authorities' efforts to reconcile these people's beliefs about marriage and sex with their own reveal both the limits of Dutch "tolerance" and disabuse us of the notion so prominent in the historical literature that the Dutch colonizers were "only" businessmen, interested in profit and little else. Although Indians and the Company's own soldiers, sailors, and colonists did not follow the rules the Dutch governors tried to impose as faithfully as the Company hoped, we should not imagine that the Company officials did not care. For them, Calvinist marriage laws were crucial to the success of the Company. They did not – as we might – imagine that a commercial enterprise was not also a social and moral enterprise of a kind.

Still, we see that the "Dutch" were not a homogenous category and the elites who ran the Company and the soldiers and sailors who worked for the Company and the fur traders who inhabited New Netherland's periphery had different ideas of what constituted appropriate or permissible sexual practices. Elites were suspicious of marriages between Dutchmen and native women, while the men themselves were perfectly willing to enter such marriages or simply have sex with willing Indian partners. Their motives were, as I have discussed, mixed, and their behavior was not always praiseworthy, but it is clear that many ordinary men who found themselves in the colonies did not share the attitudes that informed their governors' policies.



**Chapter Five:**  
**‘every slave shall have his own wife’: The Abandonment of the Slave Community**

In March 1654, two months after the Dutch surrender of Brazil to the Portuguese, and in preparation for the final Dutch departure from the colony, the High Council’s records note that Johan Feckius, a slave broker, sold Philippe with his two wives and three children, who had been working in the WIC hospital, to the same buyer. Unremarked upon is the fact that Dutch authorities had apparently been permitting an openly polygamous arrangement to continue under their jurisdiction for some time.<sup>499</sup> Polygamy was a common feature of many African cultures, and historians have found that enslaved people continued to practice polygamy in the Americas, so the case of Philippe and his two wives is hardly unique.<sup>500</sup> What is unique about the situation is that the Dutch took no interest in it. Although polygamy was clearly illegal, or would have been for the colony’s other inhabitants, slaves were apparently not expected to conform to the laws that Dutch authorities tried to impose on every other inhabitant under Dutch rule.

The exclusion of enslaved Africans and their descendants from European marriage regulation was common everywhere in early America, and authorities rationalized it by suggesting that Africans were too promiscuous to ever be successfully confined to one sexual partner within marriage.<sup>501</sup> The discourse of slave promiscuity

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<sup>499</sup> NA OWIC 1.05.01.01 inventory 75, March 24, 1654.

<sup>500</sup> Goodfriend, *Before the Melting Pot*, 122-4; Andrea Mosterman, “Sharing Spaces in a New World Environment: African-Dutch Contributions to North American Culture, 1626-1826,” unpublished dissertation, 2012, 124, 154; James H. Sweet, “Defying Social Death: The Multiple Configurations of African Slave Family in the Atlantic World,” *William and Mary Quarterly*, vol. 70, no. 2 (April 2013), 255.

<sup>501</sup> Godbeer, *Sexual Revolution in Early America*, 201.

provided a rationale for enslaving Africans, for separating family groupings through slave sales, for sexual advances by white men on black women, and for subjecting black women to the same harsh labor regime as black men.<sup>502</sup> Perceptions of the lack of civility of Africans – defined at least partially by African practices of polygamy and sex outside of marriage - underpinned the entire system of slavery, and were crucial to creating a racial hierarchy which privileged Europeans over Africans.

In the Dutch case, a similar discourse of African promiscuity prevailed and provided justifications for slavery, but some enslaved and free blacks resisted this characterization and tried to form family relationships legitimated by Dutch marriage regulations. Andrea Mosterman has recently argued that enslaved and free blacks in New Netherland were able to use local laws to their advantage and that they negotiated their status within the legal system.<sup>503</sup> In negotiating to be included in marriage regulation, slaves sought to force the Dutch to conform to the precedent provided by the Spanish and Portuguese model of slavery, which allowed for, but did not require, slave marriages. According to the Iberian model, once slave marriages had been solemnized in the Catholic Church, slaves could successfully use the law to compel their masters to keep their families together.<sup>504</sup>

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<sup>502</sup> Kathleen Brown, *Good Wives, Nasty Wenches, and Anxious Patriarchs: Gender, Race, and Power in Colonial Virginia* (Chapel Hill: University of North Carolina Press, 1996), chapter 6; Barbara Bush, *Slave Women in Caribbean Society, 1650-1838* (Bloomington: Indiana University Press, 1990), chapters 2 and 4; Godbeer, *Sexual Revolution in Early America*, 200-1.

<sup>503</sup> Mosterman, “Sharing Spaces,” 25-6.

<sup>504</sup> Alexander L. Wisnoski III, “‘It is Unjust for the Law of Marriage to be Broken by the Law of Slavery’: Married Slaves and their Masters in Early Colonial Lima,” *Slavery & Abolition* 35, no. 2 (2014), 235-252.

Dutch authorities did not exclude enslaved individuals from the weight of marriage regulation immediately, but in the 1640s and 1650s, it became increasingly apparent that the Dutch would not try to incorporate enslaved people into Dutch society through changing their marriage and sex practices. Instead, Dutch authorities decided to keep slave communities separate from and outside Dutch society, which meant that there was no need – and that it was even undesirable – to subject them to the same marriage regulations as Europeans. During the WIC’s existence (1621-1674), race had not yet become an immutable, bodily characteristic, and enslaved people were still able to take advantage of this flexibility to negotiate some standing in Dutch society, but as the 17<sup>th</sup> century progressed, it became increasingly difficult for them to do so.

### **The Exclusion of African Slaves from Marriage Regulation**

Dutch observers in Africa and other WIC colonies were convinced that Africans lacked civility because of their disorderly sexual practices. Travel accounts authored by WIC employees serving in Africa represent the local women as in possession of uncontrolled sexual appetites. Andreas Josua Ulsheimer wrote that the women in Guinea were “very lascivious and very lustful for men of foreign nations.”<sup>505</sup> He claimed that the women of Accra were also similarly “lascivious.”<sup>506</sup> Samuel Brun reported that in the areas around Angola, the people were “unchaste and dishonorable” and that they “bring their own daughters into the ships in order to get something from our people.”<sup>507</sup>

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<sup>505</sup> Adam Jones, *German Sources for West African History, 1599-1669* (Wiesbaden: Steiner, 1983) 33.

<sup>506</sup> *Ibid.*, 37.

<sup>507</sup> *Ibid.*, 72.

These accounts also claimed that the mixing of WIC personnel with local women caused horrific diseases, implying that European bodies were polluted by contact with African women. These descriptions seem to reflect ideas that Europeans could become “tainted” by sexual relations with Africans. Just as Englishmen in colonial Virginia suggested that planters behaved like “boorish commoners” when they engaged in sexual relationships with their slaves, WIC observers suggested that it was generally soldiers and sailors who were guilty of such mixing – an assertion that was certainly untrue in the second half of the 17<sup>th</sup> century and was likely untrue in the early 17<sup>th</sup> century as well.<sup>508</sup> Samuel Brun wrote of the men on his 1611 expedition who slept with women at Cape Lopez [Gabon]: “when one of our people goes ashore with them [African women] and spends his time wantonly with them, he soon dies. On one occasion we lost six men in this way, on account of the black wenches; for the men’s sperm or genitals decayed, till blood and finally death itself followed.”<sup>509</sup> Caspar van Baerle explained that during the Dutch admiral Cornelis Jol’s 1641 attack on Sao Tomé, Dutch soldiers sickened and died because of their sexual relationships with the women on the island.<sup>510</sup> Johann van Lübeling, who took part in an earlier Dutch expedition to conquer the island of São

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<sup>508</sup> Godbeer, *Sexual Revolution in Early America*, 193-4. For elite Dutch men in relationships with African women, see Natalie Everts, “‘Brought up well according to European standards’: Helena van der Burgh and Wilhelmina van Naarssen: Two Christian Women from Elmina,” in *Merchants, Missionaries and Migrants: 300 Years of Dutch-Ghanian Relations*, ed. I. van Kessel (Amsterdam: KIT Publishers, 2002), 101-109.

<sup>509</sup> Jones, *German Sources*, 72.

<sup>510</sup> Van Baerle, *History of Brazil*, 205.

Tomé in 1599, reported that the Dutch soldiers “sometimes became drunk, forgot themselves and had dealings with the Mooresses; but all who slept with them died.”<sup>511</sup>

Observers in Brazil offered a negative assessment of African sexuality as well. The Reformed minister Vincent Joachim Soler reported that slaves in Brazil “tend to be lascivious, drunken and will dance and steal,” although he did temper his criticism with the suggestion that slaves were still “morally good.”<sup>512</sup> Caspar van Baerle’s history of Brazil specifically mentions that one of Maurits’s positive innovations was his plan “to restrain the illicit sexual activities of female Negroes,” implying that this was perceived as a major characteristic of colonial society.<sup>513</sup>

The perception that enslaved Africans and particularly the women were sexually disordered led to the rapid abandonment of the plan to impose Dutch and Christian marriage regulations upon them. During the early years of Dutch colonization in Brazil, it seemed that the authorities might adopt a similar approach to regulating the slave community as they had to regulating the Tupi community: a gradual introduction of marriage regulation. At the meeting of the classis of Brazil in January 1638 – the same meeting at which the classis began to consider how best to change Tupi sex practices and bring them into alignment with Dutch practices – the ministers complained that slaves committed adultery and fornication without being punished. They laid some of the blame for slave misconduct on slave owners, who, they said, split married couples when they

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<sup>511</sup> Jones, *German Sources*, 16.

<sup>512</sup> Vincent Joachim Soler, “Brief and Curious Report of Some Peculiarities of Brazil, 1639,” 43.

<sup>513</sup> Van Baerle, *History of Brazil*, 67-68.

bought and sold slaves.<sup>514</sup> The classis suggested that the High Council prevent owners from separating married slaves, and they requested that the *schout* [sheriff] be instructed to prosecute adultery and fornication within the slave population.<sup>515</sup> Civil authorities agreed that they would try to prevent adultery and fornication within the slave population “as much as possible,” and they offered the solution that each slave would be “given his own wife.” They ignored the request to prevent owners from separating married slaves.<sup>516</sup> At the following meeting of the classis in October 1638, the representatives that had been delegated to speak to the High Council about the issue reported that they were satisfied with the outcome. The High Council had accepted their complaints and promised to compose an ordinance that would put their remedies into operation.<sup>517</sup> Over the next two years, the classis reported that they were still awaiting the promised ordinance, but had been informed that it was still forthcoming and would include provisions that would give every slave “his own wife” and prevent fornication and adultery.<sup>518</sup>

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<sup>514</sup> This critique was also used to attack the slave trade itself, as people in the Dutch Republic believed that Africans sold their kin into slavery, Pieter Emmer and Ernst van den Boogaart, “The Dutch participation in the Atlantic Slave Trade, 1596-1650,” in *The Dutch in the Atlantic Economy: Trade, Slavery, and Emancipation, 1580-1880*, ed. Pieter Emmer (Ashgate: Variorum, 1998), 36.

<sup>515</sup> NA OWIC 1.05.01.01, inventory 53, Meeting of the classis at Recife, January 5, 1638.

<sup>516</sup> Grothe, *Archief*, vol. 2, 270.

<sup>517</sup> Grothe, *Archief*, vol. 2, 254.

<sup>518</sup> Grothe, *Archief*, vol. 2, 270; NA OWIC 1.05.01.01 inventory 55, Meeting of the classis of Recife, November 21, 1640. At the 1641 meeting of the classis, the High Council reported that its ordinances were not working and asked the classis to propose remedies of their own, NA OWIC 1.05.01.01 inventory 69, January 18, 1641.

At the same time that the ministers hoped that slaves would abandon their sexual practices, they also evinced great hope for large numbers of slave conversions to Calvinism. New Netherland's minister Everardus Bogardus asked that a schoolmaster be sent to teach the Dutch and black youth in the colony, and the classis in Brazil tried to have laws imposed that would force the slaves to attend church services.<sup>519</sup> The *Heren XIX* wrote to the classis in Brazil and instructed them to take care to baptize and educate the children of the slaves.<sup>520</sup> The Zeeland minister Godfriedus Udemans also published his guide for Dutch merchants, *'t Geestelyck roer van 't coopmans schip* [The Spiritual Rudder of the Merchant's Ship] (1638), which purported to explain how they should pursue profits while maintaining a high level of morality. This work suggested that merchants could enslave non-Christians, but if these slaves adopted Christianity, slave owners could only keep them enslaved for seven years. The Dutch, then, believed that Africans were uncivilized and deserving of enslavement, but they remained convinced that slaves might ultimately be transformed into civilized people and incorporated into Dutch society.

At the 1644 meeting of the synod of Brazil, however, the ministers changed their approach to marriage regulation, and this change reflects the developing rejection of the possibility that slaves could be part of the Dutch community. Instead of asking for an ordinance that would compel slaves to marry as they had at previous meetings, the ministers posed the question "if it was fitting to marry slave men with their slave

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<sup>519</sup>Jacobs, *The Colony of New Netherland*, 172; Haefeli, *New Netherland*, 127.

<sup>520</sup>NA OWIC 1.05.01.01 inventory 8, Letter from the *Heren XIX* to the Kerckenraet in Brazil, December 16, 1634.

women?”<sup>521</sup> Although the synod determined that slaves were permitted to marry, they implied that marriage was not a requirement for slaves, a departure from their attitude with regard to every other inhabitant of the Dutch colonies.

Indeed, in the same year that the ministers began to reject the slave community, they composed the new order for the *brasilianen*, which subjected them to harsher marriage discipline than had previously been the norm.<sup>522</sup> The divergence in attitudes toward enslaved Africans and Tupi is further confirmed by a question that the classis of Amsterdam received in 1655. Classis Amsterdam, which oversaw the colonial churches, was asked whether slaves could marry in the church. They answered that this was an issue that mixed church and state interests and that local governments would be permitted to decide whether slaves could marry in their jurisdictions.<sup>523</sup> While the churches were not able to force everyone in the colonies to marry in the way they wanted, they always upheld the vision that marriage was a requirement for sexual activity. Except in the case of slaves. They were willing to solemnize the marriages of slaves if this was requested of them, but they also ceased to pressure slaves to marry, and civil authorities imposed no marriage regulation upon them and faced no objection from church authorities for not doing so.

The abandonment of plans to regulate marriage and sex within the enslaved community coincided with a general decline in interest in converting and christianizing slaves. While the 1630s had been a period in which there was great hope of both

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<sup>521</sup> NA OWIC 1.05.01.01 inventory 59, Meeting of the synod of Brazil in Recife, July 18-25, 1644. *Wert gevraecht of men de negros met hare negerinnen niet en behoort te trouwen. De vergad: antw Ja.*

<sup>522</sup> See Chapter 4.

<sup>523</sup> Mosterman, “Sharing Spaces,” 149-50.



converting slaves and civilizing the community through marriage regulations, the 1650s and 1660s were decades in which the Reformed Church increasingly excluded slaves. The 1650s witnessed an abrupt drop in the number of baptisms of free and enslaved blacks in New Netherland. Prior to 1655, there were 56 baptisms of blacks, but between 1655 and 1665, none were registered.<sup>524</sup> Henricus Selijns, one of the colony's ministers, wrote that he and the other ministers opposed baptizing slaves because they were not knowledgeable enough about Christian doctrine and also because they tried to use baptism and church membership as a way to escape slavery.<sup>525</sup> The classis of Amsterdam, which supervised the colonial churches, also adopted a stricter than necessary standard for the baptism of slaves. Although the Reformed Church in the Dutch Republic was required to baptize all babies presented except for those of gypsies, the classis advised Curacao's minister that the children of baptized parents who had maintained their "heathen" practices were to be rejected until the parents showed themselves to be Christians.<sup>526</sup>

At the same time that the Reformed Church ceased to insist on regulations for the slave community and was abandoning its earlier conversion projects, the ministers also turned against mixed Dutch-African marriages. The classis concluded that it would discourage Dutch men from marrying black women, although the ministers did concede that children born of mixed relationships could be baptized.<sup>527</sup> Although the ministers

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<sup>524</sup> Jacobs, *The Colony of New Netherland*, 174.

<sup>525</sup> *Ibid.*, 174.

<sup>526</sup> Haefeli, *New Netherland*, 128.

<sup>527</sup> Grothe, *Archief*, vol. 2, 306.

were not specific about how they planned to dissuade men from marrying slaves, they probably adopted the same approach to these cases as they did to situations when they were faced with the possibility that a church member wanted to marry a Catholic. That is, when the potential husband was a church member, they probably went to his home and offered reasons why the marriage was a poor decision. In their roles as commissioners of marriage matters, the ministers would also have registered all engagements and would have had the opportunity to oppose such marriages at the moment of registration.<sup>528</sup>

Dutch approaches to regulating marriage within the enslaved population and between slaves and Europeans were developing at the same time that the Dutch were becoming more involved in the slave trade and increasingly dependent on slave labor. Although Dutch ships travelled to Africa from the last decade of the 16<sup>th</sup> century and the Dutch established Fort Nassau at Mouree in West Africa in 1612, until the late 1630s, the Dutch focus in the African trade had been on the trade in gold and ivory. With the conquest of Brazil in 1630 and renewed sugar cultivation in the second half of the decade following a period of scorched earth tactics that left many plantations in ruins, sugar planters clamored for slaves. The West India Company exerted itself to meet this demand by conquering Elmina (1637) and Luanda (1640), two Portuguese slave trading outposts, and in the process became one of the dominant slaving concerns.<sup>529</sup> In the two decades following these conquests in Africa, the Dutch lost interest in conversion and marriage regulation as they began to rely more heavily on slaves in their own colonies and required justifications for excluding African people from the Dutch community.

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<sup>528</sup> See Chapter 2.

<sup>529</sup> Emmer and Van den Boogaart, "The Dutch Participation," 33-63.

This account of the transition from actively trying to include the slaves in the Dutch community through missionary activity and marriage regulation to excluding slaves from the community differs from an account of the same process recently offered by Jeroen Dewulf. Dewulf suggests that the key moment in the transition was the loss of Brazil in 1654. Before 1654, according to Dewulf, the WIC's directors believed that Calvinism would create loyalty to the Dutch and support a more stable society, but after 1654, Dutch authorities learned that maintaining an inclusive church did not support their cause, and they turned instead to one that emphasized strict orthodoxy and was, thus, unwelcoming to new people.<sup>530</sup> Looking at marriage regulation suggests that the practice of exclusion began in the 1640s, before the Dutch lost Brazil, although it may have gained strength after 1654.

### **Inclusion of Slaves in Marriage Regulation**

Although the Reformed Church opposed mixed marriages, there were no official laws against the practice, and it is likely that the same rules governed Dutch-African mixing as governed Dutch-Indian or Dutch mixing in Asia. With the purchase of the slave's freedom and her conversion to Christianity – if she was not already Christian – a marriage could go forward.<sup>531</sup> And, indeed, we do find some examples of mixed marriages that proceeded without objection from civil authorities. New Netherland's marriage register points to two such marriages. In December 1650, Harmen Janszen from

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<sup>530</sup> Dewulf, "Emulating a Portuguese Model," 24-30.

<sup>531</sup> Many slaves under Dutch control had already been exposed to Christianity, see Heywood and Thornton, "Intercultural Relations Between Europeans and Blacks in New Netherland," 192-203.

Hesse married Maria Malaet [mulatto] from Angola.<sup>532</sup> And in 1663, Annetie Abrahams married Jan Negro, or Jan de Neger.<sup>533</sup> The baptismal register of Recife also seems to indicate that there were a small number of mixed marriages, probably seven, as well as one mixed child who resulted from an illegitimate mixed relationship.<sup>534</sup> In addition to these marriages, we also know that in October 1641, the soldier Jan Hellingh asked for permission from the High Council in Brazil to purchase and marry a Company slave, which was granted.<sup>535</sup> The evidence from marriage and baptismal registers, therefore, suggests that mixed marriages were an option that only a small minority of Dutch men chose, but that unlike Dutch-Indian mixing, it occurred in colonial centers like New Amsterdam and Recife. In late 17<sup>th</sup> and 18<sup>th</sup> century British America, laws against mixed marriages began to appear. For example, in 1691, Virginia promulgated an ordinance against mixed marriages, and in 1715, North Carolina outlawed mixed marriages between

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<sup>532</sup> *Marriages from 1639 to 1801 in the Reformed Dutch Church*, Collections of the New York Genealogical and Biographical Society (New York, 1940) 9, 16.

<sup>533</sup> *Ibid.*, 29.

<sup>534</sup> These identifications are only tentative, because they are based solely on the names of the people involved. When the father had a Northern European sounding name, without being designated a *neger* in the register, and the woman had an African or Portuguese name, and the designation *negerinne*, I have assumed that they were a mixed couple, though we know that in New Netherland the second generation of slaves sometimes received Dutch names. The register specifically notes that the child named Bastiana who was baptized on June 6, 1650 was born out of wedlock to Johan Langh and Catharina negerinne. The other couples are Michiel Meyer and Madanella, who had Catharina baptized on July 7, 1647, Lucas Janssen and Anna, negerinne had Jan Lucas baptized on Jan. 16, 1650, Cornelis Barents and Catharina Angola, negerinne, had Cornelis Bertram baptized on June 1, 1650, Jurriaen Loom and Servina had Catharina baptized on April 9, 1653, Pieter Denys and Leonora Cabo Verde had Mary baptized on June 15, 1653, Gillis Dircks and Esperanca had Elisabeth baptized on October 25, 1653, and Jan, identified only as a soldier in Heer Lobbecht's company and Dominga negerinne had Jan baptized On January 14, 1654.

<sup>535</sup> NA OWIC 1.05.01.01, inventory 69, October 1, 1641.

whites and Native Americans, blacks, or mulattos.<sup>536</sup> These laws worked to strengthen the boundaries between races and to shore up a racial hierarchy that was clearly being violated. It is likely that if the WIC had retained possession of its colonies into the later 17<sup>th</sup> and 18<sup>th</sup> centuries that it, too, would have composed laws against interracial marriage, but in the 17<sup>th</sup> century, racial lines in the Dutch world – and the rest of North America – were not as strongly drawn as they would be later.

Discussions of interracial liaisons outside of marriage provide abundant evidence that European men living under Dutch rule had a great deal of access to the bodies of enslaved women, but this evidence also hints at why some enslaved and free blacks sought out marriage regulation rather than resisting it. Although Dutch-Indian mixing has received more attention from historians, Dutch-slave mixing was almost certainly more common because the use of slaves as domestic help would have put them in frequent and close contact with Dutch men,<sup>537</sup> and there were no security reasons for Dutch authorities to prevent marriages or police sex outside of marriage so vigilantly.<sup>538</sup> Surviving records give extraordinarily little insight into how African partners in mixed relationships perceived their situations and what degree of coercion was employed in any given relationship. What is clear is that the women – whether voluntarily participating, completely coerced, or somewhere on a continuum between these two situations – were

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<sup>536</sup> Godbeer, *Sexual Revolution in Early America*, 202; Fischer, *Suspect Relations*, 85-6.

<sup>537</sup> In New Netherland, slaves usually lived with their owners, Mosterman, “Sharing Spaces,” 103-4. For the Dutch in Brazil, many of whom lived in the cities and towns, the same probably held true, though there were some Dutch sugar planters whose slaves likely lived in separate locations.

<sup>538</sup> See the previous chapter in which authorities wanted to prevent mixed Dutch-Indian marriages in Ceara, because they feared that Indian men would be angered by the mixed marriages.

extraordinarily vulnerable to European desires and even more susceptible to vast changes in their position if authorities chose to crack down on a specific relationship. At least some enslaved people wanted to be subject to Dutch and Christian marriage regulation because they saw it offering protection from unwanted sexual advances and their consequences and from the separation of slave families through sales.

Because laws governing fornication, concubinage, and prostitution were not applied to the slave community, punishment for mixed sex between Europeans and enslaved or free blacks was very unpredictable and such sex, at least based on anecdotal evidence, seems to have been relatively common. Johannes de Laet, the WIC director and famous chronicler of the activities of the WIC, reported of the Company's efforts to conquer the captaincy of Pernambuco from their base in the city of Recife in 1630:

The council was very burdened with the last captured blacks both because of the supplies which they consumed without doing any service and because the soldiers committed fornication with them. Soon, on the 22<sup>nd</sup> [of July 1630], it was resolved to send them and the Portuguese who brought them from Angola into the country in order to be unburdened of them. But when 120 of them ventured out to Antonio Vaz, they were attacked by the enemy's *brasilianen*, and they slew one of the Portuguese together with five or six of these poor creatures, so that they fled with their children in their arms back to our forts.<sup>539</sup>

In his description and drawings of Brazil's flora and fauna, Zacharias Wagener wrote that both Portuguese and Dutch men had sexual relationships with enslaved women and that the men who wanted their children to grow up in better conditions immediately purchased the freedom of their offspring.<sup>540</sup> In January 1642, the High Councilor

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<sup>539</sup> Johannes de Laet, *Iaerlyck Verhael van de verrichtingen der Geoctroyeerde West-Indische compagnie* ('s-Gravenhage: M. Nijhoff, 1931), vol. 2, 148.

<sup>540</sup> Zacharias Wagener, "The 'Thierbuch' and Autobiography of Zacharias Wagener," in *Dutch Brazil Volume 2: Documents in the Leiden University Library*, eds. Cristina Ferrao and Jose Paulo Monteiro Soares (Rio de Janeiro: Editora Index, 1997), 180.

Adriaen van Bullestrate met some Portuguese sugar planters in the Brazilian countryside. He reported, “some Portuguese complain that he [Jacob Kien, the Dutch sheriff in the district] is strict when someone sleeps with one of their slaves or makes one of them pregnant. I replied that the same [prosecution] was his duty and that they could marry [the slaves] and that they, then, would have no difficulty with him.”<sup>541</sup> We do not know what form Kien’s “strictness” took; it is possible that he fined the planters, but it is also possible that he tried to prosecute them in court. Either option would have been his right as sheriff of the district. The Portuguese, however, seem to have been making the case that mixing was no offense at all, a claim which Van Bullestrate rejected.

There are also several specific cases of mixing, but none of these were resolved in court; it is extremely likely that the law was involved simply as a prelude to arranging a *compositie* – the out of court financial settlement discussed in chapter two. In 1638, New Netherland’s sheriff had the colony’s notary register his testimony against Jan Evertsen Bout, who ran a WIC plantation at Pavonia. The sheriff reported that Bout threatened to shoot him if he came to Pavonia. According to the sheriff’s account of Bout’s words, it seems that Bout suspected that the sheriff was trying to “catch” him with one of the plantation’s slaves, likely in order to prosecute him following Kieft’s recent anti-mixing law.<sup>542</sup> Bout was, therefore, trying to keep the sheriff away from the plantation.<sup>543</sup> No

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<sup>541</sup> NA OWIC 1.05.01.01 inventory 57, Notes regarding what occurred on my [Adriaen van Bullestrate] trip from December 13, 1641 to January 24, 1642, January 9, 1642.

<sup>542</sup> A.J.F van Laer, *Council Minutes, 1638-1649*, 4. The sheriff’s encounter with Bout occurred in September 1638.

<sup>543</sup> A.J.F van Laer, *Register of the Provincial Secretary: 1638-1642* (Baltimore: Genealogical Publishing Company, 1974), 57-8. Bout was later one of the three men who took complaints to the States General about the Company’s government in New Netherland, and one of their

case against Bout survives, either for his illicit sex or for his threatening behavior. Similarly, in March 1656, Jan Gerritsen complained that Elias Silva, a Jewish refugee from Brazil, “detained his negress or slave and had carnal conversation with her.”<sup>544</sup> Silva presented a reply in court the following week, but no further mention appears of the case.<sup>545</sup>

In Brazil, some specific cases of interracial sex occurred also occurred. The *commies* in the northern province of Rio Grande reported that João d’Albuquerque, a Portuguese inhabitant of Recife who was imprisoned in the province on suspicion of aiding the rebels, was found to be having a relationship with his mulatto slave. The High Council ordered that she be taken away from him and that he be provided with a different slave to serve him instead. The *commies* reported that d’Albuquerque had caused great annoyance (*ergernisse*) for the inhabitants of the province and for his fellow prisoner, the priest João d’Acuna, with his behavior. D’Albuquerque was also accused of somehow inducing the woman to abort their child.<sup>546</sup> The *commies* collected testimony about this behavior and then forwarded it on to the *Raad van Justitie* for judgment, but none of this testimony survives. It is telling that prosecution seems to have been an option used against Portuguese inhabitants of Brazil, like d’Albuquerque and the inhabitants of the sheriff Kien’s district. Such people required the transformation that marriage law could bring about.

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complaints was that the company kept the children of free slaves enslaved, Mosterman, “Sharing Space,” 33.

<sup>544</sup> Fernow, *Records of New Amsterdam*, vol. 2, 76.

<sup>545</sup> Fernow, *Records of New Amsterdam*, vol. 2, 82. The text of the reply does not survive.

<sup>546</sup> NA OWIC 1.05.01.01 inventory 74, June 14, 1650.



In contrast, the Dutch inhabitants of Brazil faced a less rigorous regime, probably because publicly prosecuting them would have revealed or caused more disorder for the community than allowing them to quietly pay fines or send their partners away. In 1646, the classis in Brazil reported the *wachtmeester* of Recife for “keeping” a mulatto woman in addition to his wife. When the High Council spoke to him, he said that he had sent the woman to Maranhão, and authorities were satisfied with this result.<sup>547</sup> The minister Jodacus a Stetten accused the WIC Captain Martin Day of having an illicit relationship with one of his slaves. He had spoken with an imprisoned woman named Francisca, who said that when she was pregnant with Day’s child, Day told her that she had to leave his home because he could not have the baby attributed to him. He brought her, according to her account, against her will aboard a ship bound for the island of Fernando Noronha. She arrived on the island six months pregnant and then had the child there.<sup>548</sup> When a Stetten confronted Day about it, he denied being the father of the child and claimed that Francisca had wanted to go to the island. Again, as far as the records indicate, he was never prosecuted for his liaison.

A case from Albany in 1679 may shed light on why mixed illicit relationships involving Dutch people reached court so infrequently. Albany’s sheriff charged Cornelis Michielse with getting Mary, the slave of Abraham Staes pregnant. In support of his accusation, he brought the evidence that Michielse had already “twice paid a fine to the preceding sheriff for having slept with her.”<sup>549</sup> The court records make no mention of

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<sup>547</sup> NA OWIC 1.05.01.01 inventory 72, February 3, 1646.

<sup>548</sup> NA Verspreide West Indische Stukken 1.05.06 inventory 1408, Jodacus a Stetten Journal.

<sup>549</sup> A.J.F. van Laer, ed., *Minutes of the Court of Albany, Rensselaerswyck, and Schaenhectede, 1675-1680* (Albany: The University of the State of New York, 1926-1932), vol. 2, 401 and 417-18.

previous public proceedings against Michielse, which again indicates that he was able to avoid prosecution through his payments. In chapter two, we saw that the customary practice of *compositie* – reaching an agreement with the sheriff to pay a fine instead of going to court – was common in prostitution cases in the Dutch Republic. It seems that this practice was admissible in Albany, even though it had already passed into English control, as well. This situation may only have come before the court because it was egregious; Michielse was clearly in a long-term relationship with Staes’ slave, and the fines were not successfully changing his behavior. It may also be that in the later 17<sup>th</sup> century the hardening of racial lines was making the mixed relationship less acceptable than it might have been earlier.

When Dutch men began illicit relationships with Indian women, they were at least partially protected from prosecution because the women lived in their own villages. If a relationship produced a pregnancy – which was often what brought illicit sex of all types to the attention of authorities – the woman was already far away from the watchful eyes of ministers, sheriffs, and courts by the time the baby arrived, and there would be no inquiry about any sexual misdeeds. This was obviously not the case with slaves, who often lived in the same household or neighborhood as the fathers of their children. We can see from the case of Captain Day that men tried to use the market for slaves to try to conceal their relationships by sending the women to a (relatively) distant location. Day was later reprimanded for unspecified “faults.” While the “faults” are not enumerated, it may well be that this incident was one of them, but still, Dutch authorities preferred to keep the matter more hidden than when Portuguese inhabitants of Brazil were guilty of

mixed relationships, thus supporting a religious and ethnic hierarchy which privileged WIC officials and Protestants over Portuguese Catholics.<sup>550</sup>

Both situations in which the enslaved women apparently received no punishment for an illicit liaison and those in which such women did receive punishment suggest the benefits to be gained by entering a marriage either with another enslaved individual or with a free black or European man. Because African women were perceived as sexually available, authorities dealt with men who had sex with enslaved women in basically the same way as they dealt with the male clientele of prostitutes. Authorities completely ignored the women, presumably because they were merely acting on their “lascivious” natures. Enslaved women were, therefore, extremely vulnerable to unwanted advances of European men; the men could not be charged with rape, and the women had no honor to protect, so they were not charged with fornication. Enslaved and free black women hoping to escape rape and sexual coercion must have perceived baptism, membership in the Reformed Church, and Christian marriage as a way to assert their lack of sexual availability and their standing as non-promiscuous individuals.

The cases in which the enslaved women were punished are also revealing. Captain Day sent Francisca to Fernando Noronha, a small rat-infested island off the coast of Brazil, where it is extremely likely that her life was significantly worse than it had been on the mainland. Similarly, the *wachtmeester* sent his paramour to the northern province of Maranhão, which was the very edge of European settlement and was certainly a great deal more wild and dangerous than Recife. When the Company provided João d’Albuquerque’s with his new slave in order to break off his relationship,

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<sup>550</sup> NA OWIC 1.05.01.01 inventory 56, Letter from the *Hoge Raad* to the Zeeland Chamber, March 31, 1641.

the *commies* reported, “they could not get any service from [the mulatto woman] as Albuquerque served her more than she served him,”<sup>551</sup> so they planned to sell her to someone new. Being sold to a new, and likely distant, place can hardly have been what these women wanted or hoped they would get from relationships with European men. By entering an official marriage, either with a European or with an enslaved or free black, African women could protect themselves against European advances and the possibility of extreme changes in personal situation that accompanied being expelled from their prior lives.

Slaves in both New Netherland and Brazil were able to form their own families, and they often sought approval and protection for such relationships from Dutch authorities through solemnizing marriages in the Reformed Church. These acts of family formation along Dutch lines may be seen as acts of “transculturation” in which Africans took pieces of Dutch culture but used them for their own purposes: namely, to protect their developing family lives.<sup>552</sup> The development of families in New Netherland may have been impeded by the imbalanced sex ratios in the enslaved and free black population, with men far outnumbering women. If evidence from Suriname from 1684 can be judged representative of the Dutch approach to plantation slavery, it would seem that in Brazil, the sex ratios were more equal and that opportunities for socializing and

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<sup>551</sup> NA OWIC 1.05.01.01 inventory 74, August 20, 1650.

<sup>552</sup> The issue of adapting European ways to support non-European goals is discussed in John Smolenski, “Introduction: The Ordering of Authority in the Colonial Americas,” in *New World Orders: Violence, Sanction, and Authority in the Colonial Americas* eds. John Smolenski and Thomas J. Humphrey (Philadelphia: University of Pennsylvania Press, 2005), 2.

family formation were common.<sup>553</sup> In the Dutch period, Pierre Moreau observed that plantation slaves had their own small pieces of land on which they grew produce for personal consumption and trade. Such marketing gave the slaves an opportunity to have a community life and freedom of movement that must have encouraged the development of families.<sup>554</sup>

Analysis of New Amsterdam's marriage register reveals that while the Reformed Church certainly did not require slaves to marry, the church did marry slaves when it was requested. Between 1641, when the first slave marriage is recorded, and 1664, there were twenty-six black marriages in the Reformed Church. Jaap Jacobs has estimated that in 1639 there were about 100 slaves in the colony, and this number had risen in 1664 to about 250.<sup>555</sup> While some blacks must have established families without the benefit of any church sanction – and without any repercussions for not doing so – a significant number of enslaved and free blacks chose to solemnize their marriages in the church. Those enslaved and free blacks who chose to marry in the church also seem to have remarried very quickly in the church after the death of a spouse, likely to protect and preserve their family connections and networks.<sup>556</sup>

Enslaved people also tried to marry one another in the Reformed Church because they believed that such Christian marriages would be – or at least were more likely to be

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<sup>553</sup> John Thornton, *Africa and Africans in the Making of the Atlantic World, 1400-1800* (New York: Cambridge University Press, 1998), 173.

<sup>554</sup> *Ibid.*, 174.

<sup>555</sup> Jaap Jacobs, *The Colony of New Netherland*, 55.

<sup>556</sup> Joyce Goodfriend, "Black Families in New Netherland," in *A Beautiful and Fruitful Place: Selected Rensselaerswijck Seminar Papers*, ed. Nancy Anne McClure Zeller (Albany: New Netherland Project, 1991), 149.

– protected by colonial authorities and by slave owners themselves. In Spanish America, for example, Catholic priests tried to encourage slave owners to keep slaves who had been married in the Church together.<sup>557</sup> They were, thus, trying to force the Dutch to maintain the existing precedent of protecting slaves that married according to Christian rites. Dutch authorities also displayed greater respect – though undoubtedly not complete respect – for the Christian marriages of their slaves. In 1639, the High Council arranged for the Company slave Antonio Pedro to purchase his wife, a slave named Grasia, from her owner Antonio Carneiro. According to the Council’s account, they did so because Antonio Pedro and Grasia were “legally married in our church and had lived together for two years already in the married state.” It seems that Grasia had been working with the Company’s slaves or in close proximity to them, where she met Antonio Pedro, but Carneiro now planned to take her elsewhere. The Council concluded that Carneiro would be given a new slave from the next slave ship that arrived, and Antonio Pedro would have to pay all of the wages that he had earned in five years as a soldier to the company for Grasia.<sup>558</sup>

Free blacks, who had a higher degree of mobility than enslaved individuals, also sought to marry rather than fornicate/cohabitate with enslaved women and believed that foregrounding the plan to officially marry could support their claims to purchase freedom for the potential spouse. Antonio Jans, a free black who served as a sailor aboard a

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<sup>557</sup> Klein and Luna, *Slavery in Brazil*, 191-2; Flávio dos Santos Gomes, “Africans and Slave Marriages in Eighteenth century Rio de Janeiro,” *The Americas* 67, no. 2 (October 2010), 155; Thornton, *Africa and Africans*, 180.

<sup>558</sup> NA OWIC 1.05.01.01 inventory 68, August 27, 1639. *Soo is geresolveert om dat sij in onse kercke wettelyck getrouwt sijn ende reets twee jaren 't samen geleeft hebben inden houwelyckenstaet.*

Company ship, requested permission buy a woman belonging to a Company officer “in order to make her free and take her as his wife.” This request was granted.<sup>559</sup> Another free black soldier asked permission to buy a company slave named Maria for 120 guilders, a price which was accepted because she was “an old slave and they can get little service from her.”<sup>560</sup> When Simon Francisco, another free black soldier, asked to buy the company slave, Idavera, he emphasized that he planned to legally marry her.

A request was made by Simon Francisco, drummer in the company of Captain Hugo de Meijer, to have a slave named Idavera, who belongs to the company, whom he will pay for out of his earned wages. He declares himself well disposed to marry her and also to be already engaged to her, whereupon they heard the advice of the financial office which says that the suppliant is a free black and that he has about 400 guilders on his account, also that they were informed that the woman was well disposed toward him, so they permitted it all the more because they feared that the company would get little service from her.<sup>561</sup>

Francisco may have thought that his proposal to purchase Idavera would be more likely to be accepted if he claimed that they were already engaged and planned to get married, steps that would have made Dutch relationships more legitimate in the eyes of authorities.

It often fell to slave owners to ensure that their married slaves or those who were in recognized relationships were not separated from one another through sale. Some slave owners do seem to have made significant efforts to keep married slaves together, but many must have been indifferent to this issue. In Brazil in April 1650, the Lieutenant Colonel Lobbrecht asked to exchange his slave Antonio for another man named Diogo who belonged to the Company. Diogo was the husband of one of his slaves, and he hoped that the couple might serve him better if they were together. The Company agreed

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<sup>559</sup> NA OWIC 1.05.01.01 inventory 74, April 9, 1650.

<sup>560</sup> NA OWIC 1.05.01.01 inventory 74, May 4, 1650.

<sup>561</sup> NA OWIC 1.05.01.01 inventory 74, December 22, 1650.

to the exchange,<sup>562</sup> although the idea that they might not be able to get good service from Diogo if he remained with the Company seems to have been the motivating factor, rather than respect for slave marriage. Also in 1650, Jan Eijlerts asked to buy the wife of a slave that he had recently purchased, which he was permitted to do if he paid 250 guilders for her.<sup>563</sup> The sheriff of Itamaraca, Pieter Marresinck, wrote to the High Council in 1648 and explained that they had sold a slave to a Marten Meijndersen van der Hart. That slave had a wife and child who still belonged to Marresinck, and he requested that the Council help him to acquire Van der Hart's slave by giving Van der Hart a different slave in exchange. The High Council decided to sell the original man to Marresinck and did give Van der Hart a new slave instead.<sup>564</sup> When Peter Stuyvesant sold a Company slave to Jeremias van Rensselaer in 1664, he pressured Van Rensselaer to purchase the slave's significant other.<sup>565</sup>

In Brazil, authorities also recognized long-term cohabitation as a valid tie between couples, but this recognition may have been more connected to fears of work slowdowns or rebellions than actual respect for non-marriages. Again, colonial governments recognized no relationships outside of marriage to be valid for any other inhabitants of Brazil, but slaves were apparently permitted to cohabit outside of marriage in a type of relationship that they termed *manceberen*. It is not clear exactly what this word means, but it seems to signify some kind of committed relationship that must not have been a

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<sup>562</sup> NA OWIC 1.05.01.01, inventory 75, April 30, 1650.

<sup>563</sup> NA OWIC 1.05.01.01 inventory 74, October 24, 1650.

<sup>564</sup> NA OWIC 1.05.01.01 inventory 73, December 9, 1648.

<sup>565</sup> Jacobs, *The Colony of New Netherland*, 205.



Christian marriage. In March 1650, the High Council allowed a slave named Lelia who belonged to the bookkeeper Creijvanger to join her *mancebo*, a company slave, in the Company's work gang.<sup>566</sup> In April 1651, a similar situation arose when Jaspar van Heussen asked to buy a slave named Jan Boer who belonged to the Company because his slave Catarina was *gemancebaert* with him. This was permitted if Van Heussen paid 200 guilders for him.<sup>567</sup> The wife of Sigismund von Schoppe asked the company to sell her a slave named Joao Tappuja because he was *geamanzebt* with one of her slaves, which was also granted.<sup>568</sup>

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Dutch authorities quickly realized that applying marriage regulation to the enslaved population was incompatible with keeping them enslaved. To have a slave population that followed Dutch marriage regulations would impede the sales and purchases of slaves because owners would have to consider such indissoluble bonds in their disposition of slaves. The Reformed Church both at home and abroad, generally so vocal about the necessity of imposing marriage regulation on all populations, quickly abandoned its efforts to include slaves in "Dutch marriage." The decision to exclude slaves from marriage regulation had significant consequences for the women involved who were viewed as sexually available by the surrounding European men.

At the same time that the governments of New Netherland and Brazil and the Dutch Reformed Church abandoned their efforts to regulate the slave community, enslaved individuals and free blacks specifically tried to be included within existing

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<sup>566</sup> NA OWIC 1.05.01.01 inventory 74, March 17, 1650.

<sup>567</sup> NA OWIC 1.05.01.01 inventory 75, April 11, 1651.

<sup>568</sup> NA OWIC 1.05.01.01 inventory 75, January 1652.

marriage regulation. Many married in the Reformed Church and sought the legal standing that a Christian marriage could provide in order to prevent the break-up of families and protect women from rape and sexual coercion. The power of the Dutch system to transform people – even people it did not want to transform – is further supported, as enslaved and free blacks sought to prove that they were legitimate Dutch subjects through their adoption of and obedience to Dutch marriage regulation.

## Conclusion

Manoel Calado, a Franciscan friar, wrote an account of his experiences in Brazil under Dutch rule. In it, he claimed that Johan Maurits had an affair with Margaret Soler, the daughter of the Reformed minister Vincent Joachim Soler, and then left her for the daughter of a WIC officer.<sup>569</sup> No ironclad evidence for these accusations remains in Dutch sources, and Calado may have invented this incident to cast aspersions on the hated Dutch regime, and particularly on Soler, a Catholic turned Calvinist, who had spearheaded the failed project of converting the Portuguese population to Calvinism. Soler's surviving letters also give no hint of this relationship; he is generally favorable to Maurits, a strange situation if his daughter and Maurits pursued a sexual relationship outside of marriage.

Yet, there is some circumstantial evidence that suggests that such a relationship occurred. In a 1637 letter to the *Heren XIX*, the *Hoge Raad* explained that they were sending home Paulus Serooskerke, a director from the Zeeland chamber and member of the *Raad van Justitie*. They offered several reasons for his dismissal, including the fact that he had requested permission to return home, that he was not as capable as had been claimed, and that he looked after his personal interests too much. Buried in the middle of these accusations is the complaint that “in the contracting of the marriage between [Serooskerke's son] and the daughter of the minister Soler many inconveniences and impertinences resulted because after the proclamations were given, they had to be retracted, which tended to great offense and annoyance for this still fragile community

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<sup>569</sup> Boxer, *The Dutch in Brazil*, 127-8.

and all the other inhabitants.”<sup>570</sup> No mention is made of exactly what problem arose between Serooskerke’s son and Soler’s daughter, but there were very few accepted reasons for breaking off an engagement once the banns had already been proclaimed. These included a newly discovered illness, an undisclosed crime, and new information about past sexual misdeeds. Valid reasons absolutely did *not* include interpersonal acrimony or incompatibility. We may speculate, then, that the newly discovered information had to do with Margaret Soler’s reputation and sexual past with Maurits. This interpretation gains some support for the fact that the *Hoge Raad* deemed it necessary to remove Serooskerke from his position and send him back to the Dutch Republic with his son, actions which would seem unnecessary unless there was a great deal of controversy.

The lack of discussion surrounding the Serooskerke, Soler, and Maurits situation may leave the impression that the WIC was unconcerned about such sexual adventures. But another interpretation is more accurate. These activities were extremely powerful and were considered to be so upsetting that it was best not to put them into writing at all and leave them to be orally communicated. The West India Company aspired not only to preside over a vast territory that would be economically viable, but also to govern in terms that would be universally understood as good and orderly. Such governance required both the imposition of strict marriage and sex regulations to create orderly

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<sup>570</sup> NA OWIC 1.05.01.01 inventory 52, Letter from Johan Maurits and the Councilors Van Ceulen, Ghijselin and Van der Dussen to the *Heren XIX* [undated], 1637 *In t’contraheren van t’huwelijck tusschen synen zoon @ de dochter vanden E. predicant Soler veele inconvenientien, @ impertinentien sijn gevolcht, also naer gedaene proclamatie t’selve heeft moeten geretracteeret werden, streckende tot groote offensie, @ ergenisse, van dese alsnoch teere gemeijnte @ allen anderen onderdaenen*. A letter dated August 25, 1637 reiterates this complaint against Serooskerke, NA OWIC 1.05.01.01 inventory 52, Letter from Johan Maurits and the Councilors Van Ceulen, Ghijselin and Van der Dussen to the *Heren XIX*, August 25, [1637].

families, but also the maintenance of the appearance that orderly families were, in fact, being created and maintained. For it to become well known that Johan Maurits himself did not follow the model the directors subscribed to would have been a blow to the Company's claims of legitimacy. Maurits's activities demanded connivance from authorities in order to keep the WIC's project alive.

In marriage matters involving burgher and elite Calvinist men, authorities concluded that the extension of Dutch rule required connivance, so in cases of prostitution and interracial sex, they ignored or accepted *compositie* for violations. These two options allowed the impression that families were orderly and individuals disciplined to continue unabated and supported the impression that the WIC governed well. Connivance and *compositie*, thus, supported the Dutch colonial project. But at other times, authorities rejected these options and instead chose to publicly prosecute crimes. When faced with their own lower class soldiers, Portuguese Catholics, Swedish Lutherans, and indigenous people, Dutch authorities, in fact, believed that it was essential to enforce marriage law because these people needed to be transformed into better subjects.<sup>571</sup> When they had internalized Dutch ideas about marriage and sex, they would become the disciplined, orderly people who could anchor Dutch society abroad.

Prosecution and non-prosecution of marriage crimes were both essential to Dutch

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<sup>571</sup> Aviva Ben-Ur and Jessica Vance Roitman have recently reached similar conclusions about the way in which adultery was prosecuted in the Jewish communities of the Dutch Atlantic world. They suggest that status and reputation determined whether authorities prosecuted individual cases rather than the circumstances of the cases. They similarly argue that the need to maintain social distance between elites and lower class people or enslaved populations meant that accusations against elites were most often ignored. Ben-Ur and Vance Roitman, "Adultery Here and There: Crossing Sexual Boundaries in the Dutch Jewish Atlantic," in *Dutch Atlantic Connections, 1680-1800: Linking Empires, Bridging Borders*, eds. Gert Oostindie and Jessica V. Roitman (Leiden: Brill, 2014), 186.

colonial aims and supported the extension of Dutch authority and Dutch territory in new places.

Constant discussions of violations of marriage regulation, therefore, come from a position that is the exact opposite of the one that most historians have attributed to the Dutch. Instead of being disinterested in marriage regulation, the Dutch authorities were concerned about it because they believed it had transformative power. The Dutch colonial enterprise relied upon single men and many lower class people, and a significant emphasis in the WIC's project was to create orderly families and ultimately use their patriarchs as a tool for disciplining people and as a school for teaching obedience to church and state. That this project ultimately failed should in no way obscure the immense ambition that lay behind it.<sup>572</sup>

As historians of the English East India Company have recently argued, early modern companies in no way limited their interests to matters of trade. Their governors used marriage regulation in two ways. They hoped to transform their own employees into more obedient and reliable people who were perceived as better able to advance the trading aims of the company, but they also intended to use the exercise of justice in marriage cases as a way to display their authority to their employees and other subjects

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<sup>572</sup> This ambition is underscored by looking at the Dutch East India Company's colonial possessions. There, colonial officials believed that education, discipline, and marriage to a Dutch/European VOC employee could make an indigenous woman civilized. See Leonard Blusse, "The Cave of the Black Spirits: Searching for a Vanished People," in *Austronesian Taiwan: Linguistics, History, Ethnology and Prehistory*, ed. David Blundell (Taipei: SMC Publishing Inc., 2000): 131-150, 147; Ernst van Veen, "How the Dutch Ran a Seventeenth Century Colony: The Occupation and Loss of Formosa, 1624-1662," in *Around and About Formosa: Essays in Honor of Professor Ts'ao Yung-ho*, ed. Leonard Blusse (Taipei: Ts'ao Yung Ho Foundation for Culture and Education, 2003): 141-160, 149-50.

and anchor their rule more securely.<sup>573</sup> The Dutch West India Company operated in exactly the same way, and marriage regulation was, then, a key component of their activities and a foundation upon which to build the rest of their empire.

The Dutch were hardly alone in using marriage as a support for broader political goals. In 1664, an English force conquered New Netherland, and the colony began the slow and painful process of anglicization. Religious minority marriages were, however, apparently dealt with in the same way that they had been in the Dutch period. They had to solemnize their marriages before civil authorities or the Reformed Church.<sup>574</sup> All of this changed in October 1684 when the governor Thomas Dongan and his council proclaimed a new law governing marriage. Its final clause states, “nothing in this Act Shall be Construed or intended to prejudice the Custome and manner of marriage amongst the Quakers.” Not only did the new law permit Quakers to marry in their own meetings, it also allowed them to solemnize the marriages of couples affiliated with other Christian denominations if these couples presented either a license from the governor or evidence that they had followed the proper procedure in proclaiming banns.<sup>575</sup>

In the Dutch period, marriage regulation was used as a political tool to extend Dutch authority, and in the English period, it assumed essentially the same function even if the content of the law had changed. John Murrin and David Voorhees have argued that Jacob Leisler’s 1689 rebellion against English rule had its roots in Dutch aggravation

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<sup>573</sup> Stern, *The Company-State*; Wilson, “Rethinking the Colonial State.”

<sup>574</sup> A.J.F. van Laer, *Minutes of the Court of Albany, Rensselaerswyck and Schenectady 1668-1773* (Albany: The University of the State of New York, 1926), vol. 1, 69.

<sup>575</sup> Charles Z. Lincoln, *The Colonial Laws of New York from the Year 1664 to the Revolution*, 5 vols. (Albany: James B. Lyon State Printer, 1894), vol. 1, 150-1.

over increased English liberties and broadening religious toleration.<sup>576</sup> The introduction of a more liberal policy toward religious minority marriages challenged Dutch preeminence and stoked Dutch, and particularly strict Calvinist, dissatisfaction with English rule and contributed to this rebellion. In an effort to increase toleration for Catholics, James, the Duke of York and later king of England, increased toleration for all Christian denominations, and apparently offered them new rights to perform marriages within their own communities. The broadened toleration and the new marriage law should be understood as part of a project to break Dutch dominance in colonial New York. Just as the Dutch used marriage regulation as a way to extend their rule and break Portuguese and Swedish claims to authority, the English, too, used marriage regulation as a way to augment English rule and limit the Dutch preeminence, which had only slightly diminished after the English conquest. Marriage regulation should be understood as a powerful but also supple tool in the arsenals of colonial powers. When enforced strictly, it could bring people under colonial control, but when enforced only gradually or with connivance, it could slowly bring about transformations in individuals and bring them under colonial authority.

When the West India Company initially acquired possessions in the Americas, their territories had the character of a composite monarchy.<sup>577</sup> They were areas with different religious, cultural, linguistic, and institutional characters that the Company governed separately and remained unintegrated. The Company's ultimate, unfulfilled aim was to unite them by removing institutional and legal diversity, and one step in this process was to eliminate separate and competing jurisdictions over marriage and create a

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<sup>576</sup> Murrin, "English Rights," David Voorhees, "The 'fervent Zeale' of Jacob Leisler," *William and Mary Quarterly*, vol. 51, no. 3 (July 1994): 447-472.

<sup>577</sup> Elliott, "A Europe of Composite Monarchies," 48-71.



universal body of marriage regulation. Such marriage regulation also served to further social disciplining and helped the state to achieve more control over subjects, a common goal of governance in the centralizing states of early modern Europe.

At the same time, however, that the West India Company was trying to acquire centralized authority, its very existence depended upon the continued growth of legal pluralism in early modern Europe. When the States General chartered the Company, it gave the Company sovereign authority in the Atlantic zone, thus adding to the bewildering array of competing jurisdictions in the Dutch world, which already included church, national, provincial, and local governments. The West India Company's history represents, then, the struggle between two powerful forces in early modern governance: the rise of the sovereign state and the persistence of legal pluralism.<sup>578</sup>

Histories of Dutch governance often emphasize the pragmatic compromises that groups with different interests made with one another. This dissertation suggests that it is necessary to investigate the ways in which authority was imposed from above with little negotiation. In early modern Europe, which was torn by war and religious strife, some theorists advocated a new, powerful form of government would have the power to control competing groups. Such theories are understood to have appealed little to the Dutch who maintained their form of republican government, but the emphasis on patriarchal authority suggests that absolutist or centralized forms of government may have had some appeal even in the Dutch context of provincialism and particularism. Emphasis on patriarchal authority in monarchical governments was often used to justify or legitimate

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<sup>578</sup> David J. Ross and Philip J. Stern, "Reconstructing Early Modern Notions of Legal Pluralism," in *Legal Pluralism and Empires*, eds. Benton and Ross, 109-141.

the monarch's absolute authority.<sup>579</sup> If the emphasis on patriarchal authority was similarly important in the Dutch Republic, then more research on Dutch governance is necessary to explain why such a discourse appealed in a republican setting.

When English observers critiqued Dutch regulation of marriage and sexuality, their criticisms should be understood within a context in which such attacks could serve to bolster "their own moral position," while undermining that of their opponents. Thus, Englishmen claimed that the Pope supported incestuous marriages and that the Ottoman Empire was morally bankrupt.<sup>580</sup> In the Dutch case, such indictments were particularly serious because Dutch authorities connected their legitimacy so strongly with the morality that sexual regulations created and supported. English charges have rung true to historians precisely because the Dutch were determined to initiate a thorough moral reformation of their subjects.

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<sup>579</sup> Amussen, *An Ordered Society*, 55-8.

<sup>580</sup> Alison Games, *The Web of Empire: English Cosmopolitans in an Age of Expansion, 1560-1660* (Oxford: Oxford University Press, 2008), 60.

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