

Basiton: Working Papers on Slavery and its Afterlives, Volume 1, Issue 2 (August 2020): A new approach to the history of slavery in Curaçao.

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Letter from the editor

This collection of essays takes a new approach to the history of slavery in Curaçao. By drawing on the archeological record, legal sources and oral histories the articles in this issue properly contextualize the supposed mildness of slavery in the colony and give a new interpretation of the afterlife of racial slavery on the island.

Although the history of slavery on Curaçao began with indigenous enslavement, as elsewhere in the American tropics, enslaved Africans became important to colonizing and populating the island. The enslavement of Africans and African descendants remained a foundational element of Curaçaoan society. The island also came to play a role in the trans-shipment of enslaved Africans from the Dutch imperial space governed by the WIC to the Spanish American areas. From 1662 to 1674 the WIC held the *Asiento* for slave trade to Spanish America. After the bankruptcy of the WIC the slave trade to Curaçao remained in the hands of the company, but the regional trade was opened to private individuals. The history of slavery has been shrouded in very specific forms of silence, even if historians were unable to ignore the basic facts of slavery on the island. Descriptive histories like those of Cornelis Goslinga under-theorized slavery. It is difficult to peer behind the information provided by the colonial archive to find out what was going on on the island. Harry Hoetink developed the concepts of the *gedragsspatronen*: patterns of behavior. There was, according to him a master pattern and a slave pattern. These patterns stabilized the slave-based society, giving each class a set of expected behaviors. However, the concept of behavioral patterns did not fit with the history of Suriname, which was marked by ongoing struggle, fierce resistance and a detrimental death rate. This brought Hoetink to argue that Curaçao slavery was mild, since there was a lesser degree of violence and a higher rate of manumissions.

The papers in this issue do not attempt to explain the stability of slavery on the island. Rather they show that the legal sources and the archeological record offer different kinds of comparisons and analyses. The development of legislation reveals according to Elisabeth Heijmans a history of neglect regarding the enslaved in the island, as well as the comparatively powerful position of the enslavers. Although the violence often escapes the view of today's scholars, a comparative study by Sophie Rose reveals that Curacao society was extremely violent. She argues that it took specific moments of revolt to make this violence visible in the archive. Studying the criminal justice practices on the island Stef Vink found evidence of the racialized nature of the administration of justice on Curaçao. Fricke en Lafoon reconstruct the life of a young woman of African ancestry on the island, whose life had been marked by delayed development. This was likely the result of experiencing the slave trade and harsh living conditions on the island.

Karwan Fatah-Black & Felicia Fricke, 17 August 2020

The Post-Abolition Period and Slavery in Curaçao: A Postcolonial Perspective on Oral Historical Data

Felicia J. Fricke

Abstract

This article describes the effects of using qualitative data and postcolonial theory together to address the post-abolition period in Curaçao. This took place during a wider study aiming to examine the lifeways of enslaved individuals on the Dutch Caribbean islands of St Eustatius, St Maarten and Curaçao between 1640 and 1863 using diverse data sources. A re-assessment of the post-abolition period became necessary in light of the definition of slavery which had been generated for the project, using the theoretical framework of Subaltern Studies: slavery is *the permanent, violent physical and psychological domination of socially isolated, dishonoured persons exploited by parasitic masters*. Oral historical evidence indicated that social conditions between 1863 and 1974/5 fulfilled each of the six parts of this definition, bringing our analyses of (transatlantic) slavery into the 20th century. However, this should not be seen as a fixed cut-off point: Curaçaoan people are still experiencing the effect of structural inequality, and research like this can contribute to positive social and political change.

Keywords: paga tera, slavery, Curaçao, postcolonial theory, subaltern studies

Introduction

This article is about something that I began to think about during my doctoral research on the Dutch Caribbean island of Curaçao. It demonstrated how beneficial it can be to use qualitative data and a postcolonial theoretical approach together, so that they can talk to each other during the interpretative process.

The aim of my doctorate was to explore the lives of enslaved people between 1640 and 1863 in the Dutch Caribbean using three data sources: archaeology, human remains (osteology), and oral history. I found it important to use sources like these because they provide a different viewpoint to that of the dominant historical narrative, which has often referred to slavery in Curaçao as ‘mild’ and ‘tranquil’ compared to slavery in places that had a sugar economy, such as Suriname.¹ Human skeletons can demonstrate the direct effects of oppression upon the body, while archaeological artefacts can show how enslaved people adapted and resisted, and oral history is a priceless resource for inherited stories and intangible heritage. However, in order to address such diverse and sensitive data sources you need a strong theoretical framework which fits well in the context where you study.

Theoretical Framework and the Definition of Slavery

Although there are many different theoretical approaches that I could have chosen to use, I decided to situate my research within Subaltern Studies, a branch of postcolonial theory. This approach developed in India in the 1980s as an interdisciplinary way to find information on oppressed people (or subalterns) in historical narratives. The most famous voice in Subaltern Studies, Gayatri Chakravorty Spivak, has explained how as privileged researchers we can never be the voice of

¹ J de Palm, *Encyclopedie van de Nederlandse Antillen*, 2nd ed. (Zutphen: De Walburg Pers, 1985); G Oostindie, *Paradise Overseas: The Dutch Caribbean: Colonialism and Its Transatlantic Legacies* (Oxford: Macmillan Caribbean, 2005).

marginalised groups. Instead, we need to create the space for them to speak for themselves.² In order to maintain awareness of one's own biases, many scholars advocate the use of a reflexivity diary during data collection and analysis.³ Keeping such a diary helped me to balance my privileged and outsider identities (as a white, straight, western academic) against my insider or subaltern identities (as a woman with Caribbean heritage) and maintain a critical view of my work.

This theoretical approach also required a thorough examination of what slavery (a very diverse type of oppression) actually is in a Dutch Caribbean context. Archaeologists often borrow theoretical approaches from other disciplines, and I used theories from sociology and literature studies to help me develop a context-specific definition of slavery. Firstly, I addressed the works of Abdul JanMohamed, a scholar who has studied the literary works of Richard Wright (such as *Native Son* and *The Long Dream*). He introduces some ideas which are very helpful in conceptualising enslavement.⁴ One part which I found intriguing was the idea of the 'threat of death' or the 'commuted death sentence' acting on an enslaved person, and JanMohamed illustrates this using a scene from the autobiography of Frederick Douglass, who was enslaved in Maryland (USA):

"He asked me if I meant to persist in my resistance. I told him I did, come what might; that he had used me like a brute for six months, and that I was determined to be used so no longer [...] This battle with Mr Covey was the turning-point in my career as a slave. It rekindled the few expiring embers of freedom, and revived within me a sense of my own manhood [...] I now resolved that, however long I might remain a slave in form, the day had passed forever when I could be a slave in fact. I did not hesitate to let it be known of me, that the white man who expected to succeed in whipping, must also succeed in killing me."⁵

When Frederick Douglass embraces his potential death, his status as enslaved person shifts: the master can no longer hold the threat of death over him, and control is lost. This relationship between slavery and death can also be seen in the Marxist theoretician Giorgio Agamben's concept of 'bare life', a state of existence where a person can be killed with no social or legal repercussions for the killer.⁶

The sociologist Orlando Patterson has also discussed at length the various aspects of enslavement.⁷ This is an ongoing discussion, and scholars disagree with each other about what slavery is. It can even be a problem in international laws tackling modern slavery.⁸ So my own definition took into account the time period and geographical context that I work in, as well as the views of my stakeholders and the theoretical approach that I applied. Various elements of the definition were influenced by Patterson as well as other scholars:

² E Louai, "Retracing the Concept of the Subaltern from Gramsci to Spivak: Historical Developments and New Applications," *African Journal of History and Culture* 4, no. 1 (2012): 4–8; G Spivak, "The New Subaltern: A Silent Interview," in *Mapping Subaltern Studies and the Postcolonial*, ed. V Chaturvedi (London: Verso, 2012), 324–40; G Spivak, "Can the Subaltern Speak?," in *Marxism and the Interpretation of Culture*, ed. C Nelson and L Grossberg (Urbana, IL: University of Illinois Press, 1988), 271–313.

³ L Cohen, L Manion, and K Morrison, *Research Methods in Education*, 5th ed. (London: Routledge Falmer, 2000).

⁴ A JanMohamed, *The Death-Bound-Subject: Richard Wright's Archaeology of Death* (London: Duke University Press, 2005); A JanMohamed, "Between Speaking and Dying: Some Imperatives in the Emergence of the Subaltern in the Context of US Slavery," in *Can the Subaltern Speak? Reflections on the History of an Idea*, ed. R Morris (New York: Columbia University Press, 2010), 139–55.

⁵ F Douglass, *Narrative of the Life of Frederick Douglass* (Amazon, 2013).

⁶ G Agamben, *Homo Sacer: Sovereign Power and Bare Life* (Stanford: Stanford University Press, 1998).

⁷ O Patterson, *Slavery and Social Death: A Comparative Study* (London: Harvard University Press, 1982).

⁸ N Siller, "'Modern Slavery': Does International Law Distinguish between Slavery, Enslavement and Trafficking?," *Journal of International Criminal Justice* 14 (2016): 405–27.

Slavery is the permanent, violent physical and psychological domination of socially isolated, dishonoured persons exploited by parasitic masters.

It is important to note that the concept of chattel (or legal ownership) is absent from this definition as slavery often happened (and happens) illegally. The definition instead covers both physical and psychological aspects of enslavement (such as violence and the threat of violence) and takes into account the aspect which was most important for people who were interviewed in this study: the fact that enslaved people were forced to labour without pay (i.e. under parasitic masters).

Qualitative Data

Qualitative data are unusual in archaeology, where scholars often use statistics to examine their hypotheses. However, qualitative data allow the integration of various data types in a way that can generate a detailed and nuanced narrative.⁹ This is important in contexts like Curaçao where a history of inequality and oppression is still having a profound impact. Because data collection and analysis can occur simultaneously in qualitative research, it means that data and theory can talk to each other. Qualitative researchers can therefore continually make adjustments to both. While I was in Curaçao, the data that I collected during oral history interviews invited me to re-examine what people refer to as the 'post-emancipation' or 'post-abolition' period, i.e. after 1863.

The Post-Abolition Period in Curaçao

In 1863 the government of Curaçao introduced several new laws and a labour system called *paga tera* to control the newly freed population. The laws indicated that any person found 'loitering' could be made to labour for free, for example at road sweeping. Similarly, the *paga tera* system was a way for land owners to continue their exploitation of the labour force: in order to keep their homes and gardens, formerly enslaved people were forced to work for the landowner for free, for a certain number of days per week or per month. They had no alternative to this arrangement because there was no spare land for them to live on, no job market to provide them with a means of escape through income, and no way for them to change the situation through voting.¹⁰

The *paga tera* system gradually died out as the plantations were sold off, and the last one to be sold was Plantation Knip in 1974/5. This was just six years after the 1969 May Movement, which saw rioting as thousands of Afro-Curaçaoans protested against their low wages, restricted rights and poor working conditions.¹¹ My interviewees speculated that the last landowner of Plantation Knip perhaps felt he was in danger, since he was the only person still operating the *paga tera* system.

Interviewees also described what it was like to live in this system, and I will briefly mention how *paga tera* fulfilled each of the six parts of my definition of slavery:

- Permanence: it lasted until the landowner decided to sell the plantation, but there was no legal requirement for this to happen
- Physical violence: people were both threatened with violence and experienced it, for example sexual assault¹² and someone's dog being shot in front of them

⁹ V Braun and V Clarke, *Successful Qualitative Research: A Practical Guide for Beginners* (London: SAGE, 2013).

¹⁰ R Allen, *Di Ki Manera? A Social History of Afro-Curaçaoans, 1863-1917* (Amsterdam: SWP Publishers, 2007).

¹¹ W Anderson and R Dynes, *Social Movement, Violence and Change: The May Movement in Curaçao* (Columbus: Ohio State University Press, 1975).

¹² C van der Ven, *Slagschaduw: erfenis van een koloniaal verleden* (Amsterdam: KIT Publishers, 2011).

- Psychologically violent: this includes methods of social control such as that of ‘divide and conquer’, where groups or individuals are encouraged to distance themselves from each other (for example, through power imbalances)
- Social isolation: access to electricity, water, and education was restricted
- Dishonour: people considered the tasks that they had to do to be demeaning, for example rowing drunk people up and down, and there was one man who drove a nail through his own foot so that he would not have to work
- Parasitic masters: there were no wages in the paga tera system

In the past, historians and sociologists have often compared paga tera to slavery and indicated how similar they were, but they have not crossed the fine line into defining paga tera as slavery. This may be because it makes the elites (by which I mean social and political elites in Curaçao and in the Netherlands) feel very uncomfortable. So why is it important to define paga tera like this? Firstly, it is a good explanation for the persisting social problems in Curaçao, providing local people with vindication for the negative feelings they experience towards society and the government. Secondly, it provides a platform for national narrative and national identity that is bottom-up rather than top-down, acknowledging the interpretations of local people who view paga tera as an extension of slavery. And finally, I think we should ask *why* it makes us feel uncomfortable – is it because we might have to take responsibility for the island’s modern development? In my opinion, it *should* make the elites uncomfortable, and this can be a powerful agent for change.

Conclusions

In conclusion, the qualitative and postcolonial approach allowed the date range for the overall research project to be extended until the 1970s. However, we should not see this as a fixed cut-off: Curaçaoan society is still feeling the effects of structural inequality. Rather, we should use this as a learning experience for the discipline of archaeology and a way to foster positive social and political change.

In the future, I hope to continue my research by carrying out archaeological excavations at Plantation Knip in the western part of the island, in partnership with local stakeholders and heritage professionals. This will generate first-hand information on the lives of enslaved people that can talk back to dominant narratives, democratise the discipline of archaeology, fill gaps in the historical record, provide material for educational programmes, contribute to local identities, and inform government bodies on the social history of the island.

Further Information

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And watch out for more publications in the future! Join the mailing list by emailing me at:

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Controlling slave owners in 18th century Curaçao: a Dutch Atlantic comparison

Elisabeth Heijmans

Abstract

This article is about strategies of colonial control over slave owners in Curaçao. A substantial part of the laws related to enslaved people issued in the Dutch Atlantic colonies concerned the way they were treated by their masters. By regulating some aspects of the enslaved-master relations, the aim of colonial authorities was to support the resilience of slave-based colonial societies. Compared to other Dutch settlements in the Atlantic, Curaçao stands out for its late legislation concerning the treatment of enslaved people. This should not be seen as a sign that it was unnecessary to regulate the treatment of enslaved people by their master in Curaçao because the situation of the enslaved population was “milder” than elsewhere. Rather it illustrates the wider discretionary power given to slave owners in Curaçao during the long eighteenth century.

Keywords: Legislation, Slavery, Domestic Jurisdiction, Curaçao, Dutch Atlantic World

Introduction

This article focuses on attempts to assert colonial control over slave owners in Curaçao through legislation. To avoid revolts and other digressions from the colonial social order, legislators regulated many aspects of the life of enslaved individuals as well as the way they were treated by their masters. I compare locally issued legislation (*plakkaaten*) relating to the treatment of enslaved people by their master in different Dutch Atlantic colonies (Suriname, Curaçao, Essequibo, Demerara and Berbice) during the eighteenth and early nineteenth century.¹³ Taking a comparative perspective on by-laws issued in the Dutch Atlantic colonies shows that these concerns converged or diverged from other nearby Dutch colonies and sheds light on the specificities of the situation in Curaçao.

Legislative sources have the disadvantage of being theoretical and at times disconnected from practice. The extent to which they were implemented or used in court rooms is sometimes (and rightly) questioned. However, locally issued by-laws such as the ones used in this article were closely

¹³ The different “plakkaaten” consulted are from the following “plakaatboeken”: J.A. Schiltkamp and J.Th. de Smidt, *West Indisch Plakaatboek: Plakaten, ordonnantiën en andere wetten uitgevaardigd in Suriname*, Vol. 1: 1667-1761 and Vol. 2: 1761-1816 (Amsterdam: Emmering, 1973); J.A. Schiltkamp and J.Th. de Smidt, *West Indisch Plakaatboek: Publikaties, en andere wetten alsmede de oudste resoluties betreffende op Curaçao, Aruba Bonaire*, Vol. 1: 1638-1782 and Vol. 2: 1782-1816 (Amsterdam: Emmering, 1978); J.Th. de Smidt, T. van der Lee and H.J.M. van Dapperen, *Plakaatboek Guyana (Guyana ordinance book), 1670-1816*. <http://resources.huygens.knaw.nl/retroboeken/guyana/>

connected to events happening on the ground and often issued for specific pressing problems. They do tell us something about the concerns of colonial administrators and about the issues they were responding to. Some by-laws examined here are the result of interactions between various interests at play, albeit not equally represented: authorities, slave-owners and the enslaved population.¹⁴

Colonial law in Curaçao

Legal officials throughout the empire relied on Roman law and locally issued ordinances (*plakaaten*) in matters involving enslaved individuals. No overarching slave code can be found for Dutch settlements situated in the Atlantic Ocean. It is noteworthy that the Order of Government and Justice of 1629, which constitutes the foundation of colonial law and the justice system in the Atlantic settlements, did not refer to slaves at all.¹⁵ Therefore the article of the Order stating that administrators should rely on Roman law in matters regarding contracts was applied to slaves. Additionally, instructions to governors and locally issued by-laws regulated the institution of slavery in each settlement. These by-laws had precedence over Roman law.

Regulations on the treatment of enslaved individuals by their owners were largely motivated by the need to maintain the colonial system and the institution of slavery which benefitted the minority of slave owners and colonial authorities. The existence and development of Dutch Atlantic colonies, like others in the region, were dependent on the island's enslaved majority. By-laws were thus aimed at preventing revolts and mass desertion of enslaved people threatening this system.¹⁶ In addition, one should keep in mind that, even if these regulations somewhat improved enslaved people's lives, the access to colonial criminal justice was extremely limited for them. In theory, enslaved people were considered as objects from a legal perspective.¹⁷ In Curaçao, enslaved people's testimonies against white people were not accepted.¹⁸ It was difficult for enslaved people to file complaints to colonial authorities and to build a solid case against white people.¹⁹ If their case was not strong enough, they could face penalties.

Living and working conditions

¹⁴ Yanna Yannakakis, 'Beyond Jurisdictions: Native Agency in the Making of Colonial Legal Cultures. A Review Essay', *Comparative Studies in Society and History* 57, no. 4 (October 2015): 1070–82.

¹⁵ Jacob A. Schiltkamp, 'Legislation, Government, Jurisprudence, and Law in the Dutch West Indian Colonies: The Order of Government of 1629', *Pro Memorie : Bijdragen Tot de Rechtsgeschiedenis Der Nederlanden* 5, no. 2 (2003): 321.

¹⁶ Pepijn Brandon, 'Between the Plantation and the Port: Racialization and Social Control in Eighteenth-Century Paramaribo', *International Review of Social History* 64, no. S27 (April 2019): 95–124.

¹⁷ Meindert Rutger Wijnholt, *Strafrecht in Suriname* (Deventer: Kluwer, 1965), 31–32.

¹⁸ Han Jordaan, 'Free Blacks and Coloreds and the Administration of Justice in Eighteenth-Century Curaçao', *New West Indian Guide / Nieuwe West-Indische Gids* 84, no. 1–2 (1 January 2010): 68.

¹⁹ Karwan Fatah-Black, 'The Usurpation of Legal Roles by Suriname's Governing Council, 1669–1816', *Comparative Legal History* 5, no. 2 (3 July 2017): 248.

Colonial administrators started regulating the living conditions of enslaved people in the Dutch Atlantic colonies in the beginning of the eighteenth century in Essequibo by setting the length of working days and prohibiting work on Sundays. Most of the regulations (of which a record was kept) started around the mid-eighteenth century, for instance when plantations owners were asked to provide enough food and clothes to their enslaved in Berbice in 1740 and Essequibo in 1758. A few years later, administrators also started regulating the quality and quantity of the plot of land assigned to enslaved people for their sustenance, also referred to as “slave gardens” in Suriname. In Berbice the legislation on “slave gardens” was re-issued multiple times because it was not respected. In Demerara, the legislation making slave gardens mandatory in 1788 stated the minimum size of the plot of land for each group of five enslaved people. In Suriname, the penalty for not providing enough food, clothes and medical assistance to enslaved people changed from a simple fine to prosecution in court in 1775.

While legislation on basic nutrition for enslaved people was continuously re-issued during the eighteenth century in most of the Dutch Atlantic settlements, by-laws regulating the treatment of enslaved people in Curaçao only appear at the very end of the century. A first set of regulations was issued in 1795 listing the different issues raised earlier in the other colonies.²⁰ It limited the working hours from sunrise to 11 am and from 1 pm until sunset, it forbade work during holidays, and it regulated rations and clothing. Interestingly, one of the points forbade masters to force enslaved individuals to purchase clothes from them and deduct the costs from the enslaved person’s food rations, revealing how masters could avoid fulfilling the basic nutrition rule. The legislation issued in Curaçao does not show major differences in the treatment of enslaved people but the fact that it appeared in 1795 is not insignificant. 1795 is an important date in the history of slave resistance on Curaçao as it is the year of a major revolt of the enslaved population, largely influenced by the Haitian revolution and the French invasion of The Netherlands in Europe.²¹ But why did the authorities wait until this major revolt while in other colonies regulations existed since the middle of the century, sometimes earlier?

The relatively late regulations on Curaçao could be due to the role of the island in the Caribbean region. Curaçao is often referred to as a “transit center” as many of the captive Africans forcefully transported to Curaçao did not stay on the island and were sold on to other colonies. But Curaçao was not only a transit center, and from 1660s the number of plantations on the island increased steadily. Many enslaved individuals were performing house work or many other urban related functions. According

²⁰ Plakaatboek Curaçao, Vol. 2, 1795-11-20: “geen werk op feestdagenbehalve huisslaven”, “werkdagen voor plantagien en ambachtsslaven van zonsopgang tot 11u en 1u tot zonsondergang”, “rantsoenen en dekking” “niet hunne slaven dwingen eenige klederen ofte andere articulen van hun te kopen en naargans dezelve uit hunne randzoenen af te doen”

²¹ Gert Oostindie, ‘Slave Resistance, Colour Lines, and the Impact of the French and Haitian Revolutions in Curaçao’, in *Curaçao in the Age of Revolutions, 1795-1800*, ed. Gert Oostindie and Wim Klooster (Leiden ; Boston: Brill, 2011), 6.

to the estimates of Han Jordaan, the number of privately-owned enslaved people on the island in the first decade of the eighteenth century was around 8,000 to 13,000 individuals. Another reason could be that there was no need for such regulations. However, that is highly unlikely as there were smaller revolts and many acts of resistance throughout the eighteenth century and after the revolt of 1795. In that respect, Curaçao was no different than other colonies in the region. Rather, it seems that a larger latitude was given to slave owners on Curaçao until the major revolt of 1795.

The set of regulations of 1795 was re-issued nearly identically in 1812 in Curaçao. As in other Dutch colonies, the repetitive issuing of the same by-laws shows the inability (or unwillingness) of administrators to enforce them on slave owners. Additionally, in the different versions of the legislation, the terms used were at times vague, such as “enough food” or “proper rations”, and consequently difficult to assess. There was indecision on the part of administrators between, on the one hand, the realization that colonial society was threatened by mass desertion, high mortality rate and rebellion of enslaved people and, on the other, a hesitation to interfere in slave owners’ treatment of their enslaved people.

Summary of the by-laws concerning the treatment of enslaved people by their owners (selection)

Regulations	Berbice	Essequibo	Demerara	Suriname	Curaçao
Length of workdays and free days	1774; 1810; 1814	1701 1771	1779 1784		1795 1812
Basic food, clothes and/or medical care	1740; 1774; 1787; 1810	1758	1779 1784	1759; 1764; 1773; 1775	1795 1812
Slave gardens	1740; 1804; 1806		1779; 1784; 1788	1759	
Curbing domestic jurisdiction	1764; 1768; 1810	1771	1779	1759; 1784	1790; 1795; 1812

Curbing domestic jurisdiction

Another relevant point of comparison when examining the legislation on the treatment of enslaved people by their owners is the extent of domestic jurisdiction. Slave owners could legally punish their

enslaved workers, with the exception of the death penalty and extreme mutilations.²² Just as with the living and working conditions, the harshness of such sentences was a major reason for desertion, revolts and high mortality rate of enslaved people. Attempts were therefore made by colonial authorities to curb the master's jurisdiction. In Suriname a by-law forbidding the use of a stick when flogging and "limiting" the number of lashes to eighty was issued in 1759 and again in 1784 with additional limitations. The colonial authorities in Berbice followed in 1764 when slave owners faced prosecution for cruelty to their enslaved workers and much later, in the early nineteenth century, they "limited" corporal punishment to thirty-nine lashes a day. In the 1770s Essequibo colonial authorities urged masters to discipline their enslaved workers in a "Christian" manner and without cruelty. Around the same time, slave owners in Demerara were repeatedly forbidden to bury their enslaved workers to try and control the extreme severity of domestic sentences and the killing of enslaved people.

As with the legislation on working and living conditions, the by-laws regulating domestic jurisdiction appear later in Curaçao. In 1790, enslaved people who committed small crimes such as the theft of "three to four jugs of corn" could be sentenced by their master.²³ However, this legislation remained silent on the exact boundaries of the domestic jurisdiction or in other words, what was not punishable by the master. In the list of by-laws issued after the revolt of 1795, it was forbidden to punish enslaved people "unreasonably".²⁴ Unlike some of the legislation in Suriname or Berbice, the by-law did not limit corporal punishment in detail, and this imprecision was not changed when it was re-issued in 1812.

Similar to other Dutch settlements in the region, administrators in Curaçao maintained an ambiguous standpoint relating to domestic jurisdiction. Indeed, as limits on the punishment of masters were issued, other ordinances re-asserted the authority of the master over their enslaved workers. In the 1740s in Suriname, enslaved individuals "disrespecting" a white person could be beaten and in Berbice around the same time enslaved people should be kept "under subordination". In Curaçao, similar legislation appears in 1767 – much earlier than the by-laws limiting domestic jurisdiction – warning slave owners to "enforce discipline".²⁵ The combination of legislation limiting corporal punishment of masters and ordering slave owners to enforce discipline shows that the colonial administrators were more concerned about possible revolts and other threats to colonial order than about "humanitarian" issues.

²² Imran Canfijn, 'In Search for Justice: Legal and Judicial Inequality in Eighteenth Century Suriname' (Leiden University, 2018).

²³ Plakaatboek Curaçao, Vol. 2, 1790-01-20: "Slaven die stelen niet meer dan 3 à 4 kannen mais, een dragt brandhout of andere klijnigheeden, zal het genoeg aan zijn meester te leveren".

²⁴ Plakaatboek Curaçao, Vol. 2, 1795-11-20: "verboden om de slaven op een onredelijke manier te straffen".

²⁵ Plakaatboek Curaçao, Vol. 2, 1767-04-22: "Waarschuwing aan eigenaren van slaven om de tucht te handhaven".

Conclusion

In terms of attempts to control slave owners and preserve the status quo of colonial society, legislation in Curaçao was not very different from that of other Dutch settlements in the Atlantic. However, Curaçao stands out for its late legislation concerning the treatment of enslaved people and in that its terms remained less specific than in other colonies and therefore more difficult to evaluate and prosecute. This should not be seen as a sign that it was unnecessary to regulate the treatment of enslaved people by their masters in Curaçao because the situation of the enslaved population was “milder” than elsewhere. There is ample evidence of enslaved resistance in Curaçao throughout the eighteenth century and beyond to contradict this hypothesis. Rather, this distinction in legislation illustrates the wider discretionary power given to slave owners in Curaçao during the long eighteenth century.

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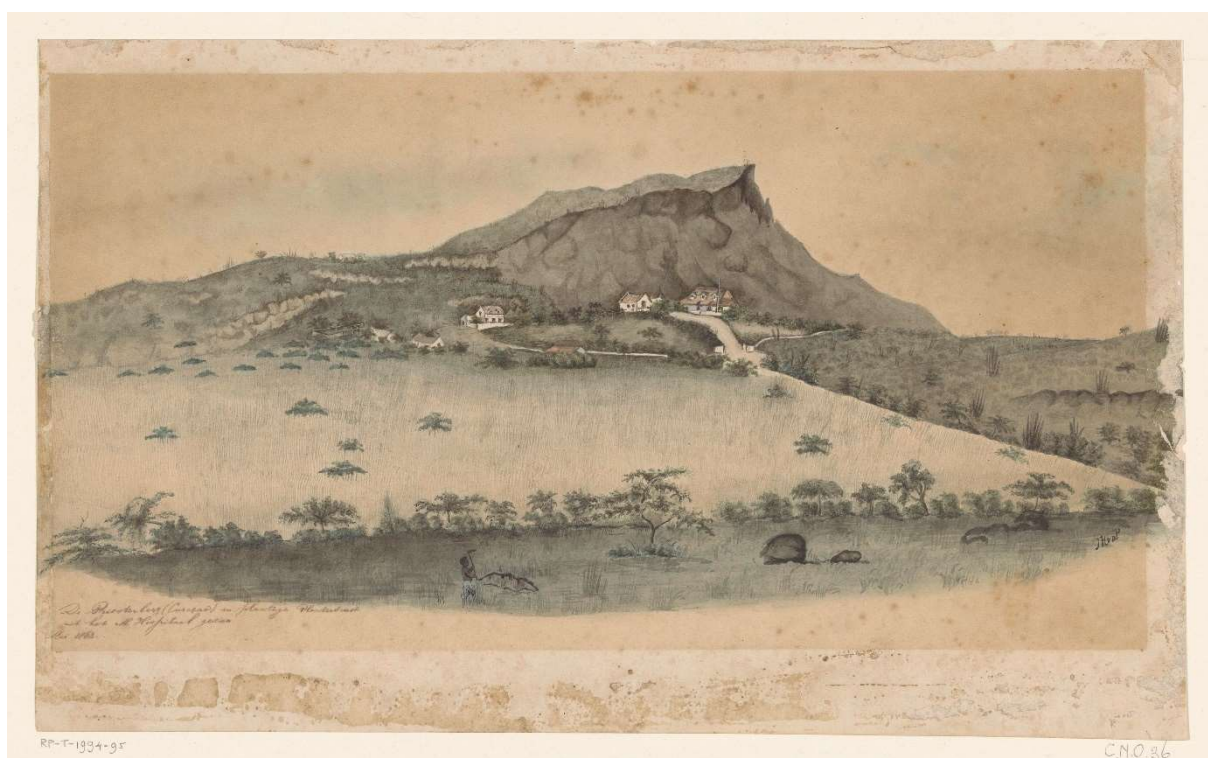


Image: Gezicht op de plantage Plantersrust op Curaçao, Jacob Hendrik van de Poll, 1862, Rijksmuseum.

Authorities' responses to violence against enslaved Africans: comparisons between eighteenth-century Curaçao and Berbice

Sophie Rose

Abstract

This article takes a close look at a small selection of court cases from the Dutch colonies Berbice (in present-day Guyana) and Curaçao in the eighteenth century, to examine under what circumstances and in what ways colonial authorities chose to intervene in violence committed against enslaved people. This serves to gain insight into broader attitudes towards violence against enslaved people, many instances of which remain obscured in colonial archives because they were normalized, formally sanctioned, or simply not prioritized by colonial institutions such as the criminal court. In comparing Curaçao and Berbice, special attention is given to the specific historical developments and social geography of each colony, which shaped colonial administrators' concerns and therefore attitudes to violence: when did authorities decide to intervene, and how did their considerations vary depending on time and place?

Keywords: Curaçao, Berbice, slavery, violence, criminal justice, legal practice

Introduction

A factor implicit in the question of the relative 'mildness' of the slavery regime in Curaçao, is the degree and nature of violence inflicted on enslaved people as well as institutional responses to this violence. A welcome source, considering the scarcity of material documenting enslaved people's experiences, are judicial records which often offer richly detailed slices of life involving various members of colonial society. Criminal court cases in particular are, by their very nature, detailed repositories of information about murder, abuse, maiming and other forms of violence. A problem with the judicial record, however, is that it only documents those instances of violence that colonial legislators, jurors, and prosecutors considered to be both illegitimate and important enough to bring before the court. It is thus precisely in the silences of the archive that much of the violence we are interested in can be expected to hide: the violence that was normalized, sanctioned, or beyond the reach of government intervention, because it happened under the private jurisdiction of slaveholders, on plantations or within the confines of the home.

A possible way out of this conundrum is a careful and critical engagement with moments in the archive when the silence is broken, and violence against enslaved people *does* become the subject of government intervention, and to ask not only when and where, but also *why* this happens. In what follows we will do just that, comparing some of the rare instances of colonial authorities' intervening in violence against enslaved people in eighteenth-century

Curaçao and Berbice, Guyana, not as representative examples of the violence that occurred in the colonies, but as indications of the limits of what was considered acceptable.

Curaçao

Curaçao's legal system in the eighteenth century was characterized by an extreme double standard in favor of white citizens.²⁶ Both the judicial practice and locally issued legislation primarily targeted violence *by*, rather than against, people of color – free and enslaved – and punished non-white offenders more severely.²⁷

There are some cases, however, where violence against enslaved people became the topic of government intervention. One involved a serial offender, the plantation director Jacob Gabaij. In the fall of 1774, Gabaij had been sentenced to a fine of fifty pesos for exercising “private jurisdiction” over a neighbor's slave. Dominga, an enslaved woman from Willem Ellis' plantation, had been gathering wood on the Gabaij family plantation when Gabaij had her seized and beaten. He had been convicted after a complaint from Ellis, who had witnesses to back up his accusation. In the spring of 1775, another neighbor went to the court with a complaint about Gabaij. Sibedie, a slave of Jan Brugman, had been maimed to the point of losing an ear at the orders of Gabaij after allegedly being caught stealing corn from the plantation. This punishment, Brugman complained, was not only excessive and inhumane, but also not Gabaij's place to inflict. The appropriate course of action would have been to come to Brugman and let him offer absolution and punish Sibedie. On grounds of the pain suffered by Sibedie, but especially to make up for “the damages the plaintiff has suffered due to this barbaric practice, namely the lost work hours and the decreased value of the negro,” Brugman demanded financial compensation – for himself, not for Sibedie.²⁸

The second case, also from 1775, involves a case of violence between two enslaved women, but again seems to have reached the court only because of a conflict of jurisdiction between slaveholders. Markita, enslaved in the household of Isaac Marchena, seems to have become embroiled in a conflict with a group of free and enslaved women tied to the household of doctor Joseph Apriles, who wanted her to sabotage the marriage plans of her master's niece. When the clash turned to a physical altercation between the heavily pregnant Markita and an enslaved woman of Dr. Apriles, also named Markita, the doctor turned to the prosecutor to demand Marchena's Markita be punished on charges of assault with a stick. The incident normally would not have made it to the court records: an ordinance from 1766 prescribed that all non-whites, whether free or enslaved, be punished immediately without a trial for

²⁶ Han Jordaan, “Free Blacks and Coloreds and the Administration of Justice in Eighteenth-Century Curaçao,” *New West Indian Guide / Nieuwe West-Indische Gids* 84, no. 1–2 (January 1, 2010): 63–86; Han Jordaan, *Slavernij en vrijheid op Curaçao: de dynamiek van een achttiende-eeuws Atlantisch handelsknooppunt* (Leiden: Walburg Pers, 2012).

²⁷ For some examples of legislation, see J.A Schiltkamp and J.Th. de Smidt, eds., *West Indisch plakaatboek: publikaties en andere wetten alsmede de oudste resoluties betrekking hebbende op Curaçao, Aruba, Bonaire 1638 - 1782.*, vol. I (Amsterdam: S. Emmering, 1978), #67 (1710), 97 (1720), 116 (1737), 143 (1740), 150 (1741), 216 (1750), 223 (1751), 256 (1756), 288 (1766) .

²⁸ HaNa 1.05.12.01 Oud Archief Curaçao, inv 76 ‘gerechtsrol en sententies mei-sept 1775’, 188.

carrying sticks or clubs. Isaac Marchena refused to turn Markita over to the sheriff, however, and the conflict thus turned from a street fight into a battle between Marchena's private jurisdiction as slaveholder, and the government's power to inflict punitive violence. Marchena claimed that the ordinance was flaunted every day, even in front of the public prosecutor, without any consequence, and that he had never seen it practiced that "when two blacks fight each other one is punished and the other goes free". Curiously, Marchena said he would have no problem handing Markita over, provided that the other Markita would also be whipped, and prosecutor Coerman used this fact to argue that the issue was that Marchena did not respect his authority or that of the sheriff, and he had to turn to the court to be able to override Marchena's private jurisdiction.²⁹

Berbice

In Berbice, a Dutch colony from the seventeenth century until the British takeover in 1797, legislation and judicial practice initially show very similar patterns to Curaçao, but the colony's trajectory was significantly shaped by a massive slave revolt which broke out in 1763 and that effectively drove all white people out of the colony for over a year. After this turning point, authorities' attitudes to violence against enslaved populations began to differ markedly from those in Curaçao.

In one of the rare pre-1763 court cases documenting state interference in violence against an enslaved person, property rights and jurisdiction are again a major theme. In 1756 the sacristan of the church, van der Broek, was called before the court because of his "horrific whipping" of an enslaved woman named Diro, who had died as a result of her injuries. The Church council had already censored van der Broek and the court approved this action, not because of the abuse itself, but because Diro had been the Church's property, and thus 'entrusted capital': if he had been unhappy with her behavior, he should have complained to the consistory instead of resorting to such force. In the end, van der Broek was not charged, but admonished to refrain from doling out excessive punishment to slaves belonging to the colony or to the Church.³⁰

After 1763, there is suddenly an explosion of court cases documenting masters' abuse of slaves, which can only partly be explained by the greater volume of archival material available for this period. One possible explanation is that white colonists, increasingly fearful of their slaves after their experiences in 1763, turned more violent in trying to enforce plantation discipline. Another likely factor, however, is a greater concern among colonial authorities with the treatment of enslaved workers and its consequences for public order, and therefore greater judicial attention that created a paper trail of cases that would otherwise have remained invisible to modern observers. In the fall of 1763, the Dutch States General commissioned an investigation into the causes and consequences of the Revolt, and the resulting report by the directors of the colony primarily lays the blame on the poor treatment

²⁹ HaNa 1.05.12.01 inv 76, 9-36.

³⁰ HaNa 1.05.25 Dutch Series Guyana inv AB.3.77 'Miscellaneous minutes of proceedings 1755-1763', 208-210.

of slaves by specific planters. Although generally, the directors claimed, the slavery regime of Berbice was “relatively soft” and the directors had always recommended good treatment of enslaved people to the colonial government, there was evidence that this advice was not always followed at the individual level.³¹ A major piece of evidence the report cited was a written exchange between Wolfert Simon, Governor of Berbice, and Coffij and Accra, the leaders of the revolt. Coffij himself singled out the cruelty of Anthonij Barkey, the director of Coffij’s plantation Lelienburg, as one of the key catalysts for the uprising, and this argument seems to have spread quite far: a pamphlet published in Middelburg in 1763 relating the events of the revolt to the Dutch public ended with a statement that Coffij had taken a woman who had been mild to her slaves under his protection and that “those Christians who were harsh to their slaves have been met with the heaviest death, and they [the leaders] have even mentioned several because of whom they have started the War, as they call it”.³²

This idea that cruelty towards enslaved people could be dangerous seems to have caught hold among Berbice administrators, because in the years following the revolt a series of ordinances imposing limits on plantation discipline emerged and, significantly, were enforced.³³ In 1765 plantation director Fredrik Visser was removed from his position and fined 150 guilders for seriously injuring three young enslaved children, although the prosecutor had recommended double that fine and that Visser be banished from the colony as a “harmful and dangerous person”. George Chardar, director of the Elisabeth Adriana plantation, who had “one of his girls” named Bethje hung by her hands for five days for running away, was fined 250 guilders and banished for seven years.³⁴ In 1768, Johan Christoff Eckard, the new director of the same plantation, was called before the court after several of his slaves, including the bomba,³⁵ had fled to the neighbors and complained about excessive punishment which had resulted in the death of an enslaved man named Jacob. This incident, along with another whipping-induced death on a plantation on the Canje river, which had also resulted in enslaved witnesses seeking recourse, prompted the governing council to issue a new ordinance: corporal punishment could not result in death in the next 24 hours, or the responsible person would have to pay a fine and reimburse the value of the deceased slave to the owner. This ordinance was met with protest from Eckard’s wife, who took issue with the fact that one third of the fine would go to the person who had reported the case, “without specifying whether the reporter must be white or black” because this would put planters at risk of false accusations from enslaved Africans whom she described as opportunists with no morals or conscience.³⁶ She was called to the court to answer for her defiant attitude, and the case thus turned into a conflict

³¹ HaNa 1.05.05 Societeit van Berbice, inv 49.

³² Pieter (Middelburg) Gillissen and Steven Jacobus (Amsterdam) Baalde, *Kort dog waarachtig verhaal van de rebellie en opstand der negers in de Colonie Berbice, en de yselyke wredheden aan dezelfs inwoonders gepleegt: by wyze van een brief geschreven* (Middelburg; Amsterdam: Pieter Gillissen ; S.J. Baalde, 1763).

³³ Berbice, 1764, ‘Instructie voor Gouverneur Heyliger,’ 1768 ‘Verbod slaven zo zwaar straffen dat ze binnen 24 uur overlijden.’

³⁴ Colonial Office Guyana 116 inv 106 Notulen Raad van Politie en Criminele Justitie 1764-1766

³⁵ A bomba was an enslaved man put in charge of plantation discipline, including administering punishments.

³⁶ Colonial Office Guyana 116 inv 107 Notulen Raad van Politie en Criminele Justitie 1768-1770

between the government's concern with protecting public order and the financial interests of slave-owners, and plantation directors' aims in maintaining their own power and authority.

Conclusions

What do these examples tell us about attitudes to violence in Curaçao and Berbice? A common factor was that generally violence against enslaved people only came under judicial attention under very specific conditions: if the violence resulted in financial losses for a slaveholder, in case of conflict of interest between two slaveholders or a slaveholder and the government, or if the violence was thought to pose a risk of unrest or revolt. The differences in cases presented in Curaçao and Berbice, therefore, should not be seen as indicative of the relative harshness or mildness of their respective slavery regimes, but rather as a result of differing configurations of these concerns. This, in turn, can in part be explained by the different demographic and spatial structures of the two colonies. Curaçao had a bustling urban center and a large and relatively independent population of free people of color, and as a result, much of the legislation and judicial practice involving white colonists' concerns with public safety center on public spaces and on people of color being construed as threats regardless of their (enslaved) status. In Berbice, conversely, the free black population was considerably smaller and there was almost no truly public space to speak of, with most activities taking place on the private grounds of plantations. It was in these spaces that the 1763 revolt broke out, creating an acute sense among colonial authorities that what happens in the private sphere can have serious implications for public order and safety. Thus, authorities turned their increased attention to the cruelties that took place behind closed doors, and what was previously hidden became visible in the archive. This does not mean that Berbice slave owners were harsher towards their enslaved workers than those in Curacao. Curacao slaveholders arguably even had more leeway in the treatment of their slaves, because they were less under public scrutiny. These cases show that, before any definitive conclusions about the 'mildness' of Curacao slavery compared to that in other colonies can be drawn, consideration needs to be given to how structural factors shaped by local circumstances limited the information we have available today.

Enslaved people's experiences of criminal justice in Curaçao, ca. 1700-1750¹

Stef Vink

Abstract

This article discusses some experiences of enslaved with criminal justice on Curaçao between 1700 and 1750. Based on a sample of nineteen court cases against enslaved, roughly four types of offense that were brought before the court can be distinguished: violence against white persons, violence against non-white inhabitants, running away, and theft. Exemplary cases of these offenses are addressed in this article. The cases show that criminal justice in Curaçao was not mild. The punishments were in all cases horrific. Furthermore, the cases show that Curaçao's criminal justice was primarily a tool of the white authorities to control the non-white majority. Besides shedding light on enslaved's experiences with the administration of justice, the discussed cases give a rare glimpse of enslaved life in Curaçao.

Key words: Curaçao, slavery, criminal justice, slave life.

Introduction

In this article enslaved's experiences with the criminal justice system on Curaçao are discussed. Previous research on Curaçao's Early Modern administration of justice has studied the juridical position of free people of color and judicial pluralism of the island.³⁸ Court cases from 1700 to 1750 involving enslaved have not earlier been discussed and will, besides shedding light on the relation between enslaved inhabitants and the justice system, give a glimpse of slave life on Curaçao.

I will start by discussing briefly the organization of criminal justice and the documents legal administrators sent back to the West India Company (WIC) in the Dutch Republic. I will then analyze several court cases against enslaved individuals. Finally, I will draw some conclusions about the criminal justice system on Curaçao between 1700-1750.

Criminal justice

The organization of the juridical system of the Dutch colonies was designed in the *Ordre der Regieringe* of 1629 and hardly changed over the years. The *fiscaal* (public prosecutor) was

¹ This article is part of the research conducted for my bachelor thesis. A more extensive version will be published in an article.

³⁸ Han Jordaan, "Free blacks and coloreds, and the administration of justice in eighteenth-century Curaçao", *Nieuwe West-Indische Gids*, 84, no. 1&2 (2010): 63-86.; Bastiaan D. van der Velden, *Ik lach met Grotius, en alle die prullen van boeken. Een rechtsgeschiedenis van Curaçao* (Amsterdam: Carib Publishing, 2011).

charged with the arrest and prosecution of suspected criminals. He led the investigations and interrogations and filed a charge. The sentence was pronounced by the Council of Curaçao which was also charged with the general administration of the island. The Council was presided over by the governor and also included a few employees of the WIC and several representatives of the local merchant and planter elite. After 1739 the *fiscaal* was appointed an advisory role on the council. In other words: the administration of justice was intertwined with the general administration and colonial elite.

Before discussing the example cases, it is important to address the source material. All court cases against enslaved individuals at least consist of a charge by the *fiscaal*. Here, the public prosecutor summarized the deeds of the accused, recalled that it was Curaçao's custom 'to do justice' and proposed a punishment that should be an 'example for others'. Mostly, the verdict followed the *fiscaal's* claim. In addition to the claim and verdict, many cases also contained one or several testimonies and sometimes a surgeon's statement. The most interesting sources of the court cases are perhaps the interrogations. They are one of the few sources that give voice to enslaved individuals' experiences as the answers to questions are given by the suspects themselves. However, the interrogation was written down by prosecutors and defendants were most likely tortured or threatened with torture.³⁹ Consequently, all sources should be approached with a certain caution. Nevertheless, the sources give a glimpse of the lives of enslaved people, the reasons why they were arrested and how the authorities tried to control the enslaved population.

Based on a sample of nineteen cases against enslaved, four types of offences can be distinguished: violence against white people (2 cases), violence against people of color (4 cases), running away (3 cases), and theft (10 cases). In all cases the condemned received flogging but the documents do not mention the gravity of these floggings. Some offenders, mainly fugitives and thieves, also received a branding. Those who committed serious crimes or repeatedly committed offences, would be indentured to work in Bonaire's salt pans or banished from Curaçao. This was considered a severe punishment, as it frequently meant leaving behind everyone and everything one knew. Moreover, one would have to start a new life with a stigma: those sent away were also branded. Lastly, the death penalty was practiced. In the studied cases, the death penalty was given for murder and one time for burglary.

³⁹ Nowhere is mentioned that the suspect was tortured, but torture was a common practice in Early Modern justice. In the sample a few cases mention that a statement was 'voluntarily' given by a suspect.

Eijch Salmineel
 Willem de Bij
 fiscaal der Eijlanden
 B. O.

Amboa negers slaaff
 toebehooren de E. O. West.
 Indische Compagnie gevangene
 & gedaagd in't selve Cas.

Den Eijffheer B. O. sijt ingevolgd de
 vrijwillige soufferte van de gevangene
 hier annex genoeftaam te blijken
 Den selven sijt niet ontsien heeft op den
 10 deses maant, sijn vrouw op een
 siere godloose, boosaardige & veraadelyk
 wijze, met een mes van achteren
 benevens in de flinke arm te gerieven dat
 de dood in mediaat gevolgt is, vnde den selva
 ringe van twee kindeken, mede hier annex
 met welk vroe schreeve godloos & boosaardige be-
 gaane sijt sijt niet & genoeftende maan
 Vute

A part of the *fiscaal*'s claim against Amboa, NL-HaNA, WIC, 1.05.01.02, inv.nr. 213.

Informatie genomen, by den duynvaarder, en geygeboode,
 Rudolph van den Clooster, als daar toe van den Edelen achte-
 bare Gouverneur van Gales, geordonneerd en gequalificeert
 zijnde.

Den 13^{en} Februarij anno 1740.

Christoffel gebooren van Curacao
 negerman toebehoorende aan
 Lucas Copius, gedetineerde behoort

Art. I.

Zegt om guld op te haalen, water en tot wat dienst zijn meester hem eenig
 brandhoud met de Canoa. — tyt gebruyke heeft.

2.

Zegt hoe wanneer hy thuis was Off zijn meester niet heeft verseen
 van behoorlyke onderhoud.

3.

Zegt negen schellingen en zulke Wat waken get hy zijn meester mee-
 gewonnen te hebben. Zoo als op kelyk heeft moeten geeven, en waar
 art. 4. giant woord heeft, dog dat zijn meede hy zulke heeft gewonnen.
 meester hem sloeg wanneer hy het
 gem guld niet konde op brengen.

4.

Zegt van zijn meester weggelopen Wat hem bewoogen heeft van hem
 te zyn, om dat hy het ongeluck ge- van zijn meester te abventuren weg
 had hadde van met de watercanoa om te slaan waar door eenige vaten te loopen ende tot xoverige en stelen
 het waater waaren uijt gelopen, en te bequien.
 andere door t Lout waater bedruven
 en daar over van zijn meester geslagen

A part of the interrogation of Christoffel. The questions asked by his prosecutors are on the right, his answers on the left, NL-HaNA, WIC, 1.05.01.02, inv.nr. 217.

Violence

In November 1741 Aletta Elisabeth Thielen, wife of Jan Ulrich Meijer, tried to intervene in a fight between two enslaved women by hitting them both with a bull's pizzle.⁴⁰ Three other female enslaved called Agnietje, Lucretia and Gracie saw the flogging and then attacked Aletta. Lucretia grabbed the bull's pizzle and threw it in the water, while Agnietje hit Aletta in the face. Gracie hit the assaulted woman twice on her shoulder and would have continued if Lucretia and Agnietje had not held her back. While insulting Aletta and her family, the three attackers ran away. They were arrested and all three condemned to flogging.⁴¹

Evidently, not all prosecuted violence targeted white people. In August 1704 Amboa, an enslaved man of the WIC, discovered that his wife Adjou, an enslaved woman of Raphael Rodrigo, had slept with two other men. Amboa was beside himself with anger and inflicted a lethal wound under his wife's breast. During his interrogation, Amboa's prosecutors noticed that the defendant had a cut on his neck. Asked where it came from, Amboa said that after killing his wife he could not live with himself anymore and tried to end his life, but he was not able to fulfil his self-murder. The prosecutors feared for wider agitation and deprecated Amboa's deeds in the verdict. They recalled that Amboa

*violated his wife in an insidious and godless manner [...] and tried to cut his throat, all being affairs of evil and dangerous nature making the slaves vastly bold, and encouraging all kinds of rascalities, homicides and murders.*⁴²

Acts like these could not be tolerated in a righteous country like Curaçao, the prosecutors continued. Amboa received the death penalty. The verdict describes the horrors of that fate. The convicted

*will be broken on the wheel in a lively way so death will follow, the corpse beheaded and quartered furthermore [...] the head will be put on a stake at the public road to be consumed by the air and the birds.*⁴³

Amboa's case shows an important aspect of the administration of justice on Curaçao. As in other (Early Modern) societies, the severe punishment and mutilation of the corpse acted as a deterrent. As in other slave societies, Curaçao's authorities feared that any offence could lead to wider slave resistance.

For the same reason, the Council tried to control cultural manifestations of the enslaved population. They feared that these would lead to theft, violence or even larger slave revolts

⁴⁰ A bull's pizzle is an instrument for flogging made from the genitals of a bull.

⁴¹ National Archives The Hague (NL-HaNA), Archive of the New or Second West India Company (WIC), 1674-1791, 1.05.01.02, inventory number 217.

⁴² NL-HaNA, WIC, 1.05.01.02, inv.nr. 213, Original text:

'... zijn vrouw [...] op een varraderse en godloose wijze aan te tasten [...] en getragt sijn selven met een mes de strot aff te snijden, alle hetwelk saaken sijnde van seer quaade en dangereuse gevolgen de slaaven geweligh stout maakende, ende aensettende tot allerhande soorten van schelmerijen, doodslaagen en moorderijen ...'

⁴³ Ibid. Original text:

'... op een cruijs gelegd en van onderen op leevendigh geradbraekt te werden datt'er de dootd naar volghet, het doode lichaam onthooft en gevierendeelt mitschaaders [...] het hooft op staaken aan de publieque weegen gestelt te werden omme door de lucht en het gevoogelte geconsumeert te werden.'

and tried to keep social gatherings and encounters under control.⁴⁴ Offences committed during such events thus received the careful attention of the administration of justice. However, the authorities were hardly able to control these manifestations, as illustrated by the case against Codjo.

On 6 June 1741, a group of enslaved and free people of color came together in the house of the free Susanna, north of Altena. They buried their relative, Claas, who had been an enslaved man of Jan Dorcas. Two others who were present, Juantje Metselaar and the free Barthool went for a walk after the burial. They encountered Codjo with a bloodied knife who said that he had been attacked by Abba, an enslaved man of the militia, whom Codjo then killed. Juantje and Barthool ran back to Susanna's house, where they indeed found Abba with a lethal stab wound in his shoulder. According to Juantje, who testified a day later, he and Barthool tried to find Codjo afterwards, but the murderer was long gone.⁴⁵

The authorities were shocked. They immediately prohibited all gatherings of people of color with more than six persons.⁴⁶ Furthermore, the Council promised a reward for any information that would lead to Codjo's capture. Anyone who had helped Codjo take refuge, could expect a rigid sanction: branding and flogging for black and colored inhabitants and a fine for white persons. However, Codjo was nowhere to be found. The Council trialled Codjo by default and sentenced him in 1742 to eternal exile of the territories of the WIC. If he ever showed up, Codjo would still be tried.⁴⁷

Running away

Codjo was not the only enslaved person on Curaçao who managed to escape. The WIC registered 585 enslaved people who ran away between 1729 and 1774. As Curaçao offered few natural hideouts and was a maritime center, most runaways used maritime merchant networks to escape.⁴⁸ Those who did not have such a network, had to remain on the island and risk being caught.

An example of a fugitive who was arrested is Christoffel, an enslaved man of Lucas Copius. Christoffel used to transport wood and water with his canoe in the harbor. One day he capsized, and the transported goods were spoiled. Fearing a severe beating by Copius, Christoffel fled. After being absent for eight days, the fugitive did not have the courage to return to his master. In order to survive, he stole a sheep and two turkeys from a plantation. Christoffel planned to sell the meat, but some enslaved people of the plantation caught the

⁴⁴ For example J.A. Schiltkamp and J. Th. de Smidt, *West Indisch plakaatboek. Publikaties en andere wetten alsmede de oudste resoluties betrekking hebbende op Curaçao, Aruba, Bonaire 1638-1816 (2 delen)* (Amsterdam, 1978), resolution 67 (1710).

⁴⁵ NL-HaNA, WIC, 1.05.01.02, inv.nr. 217.

⁴⁶ Schiltkamp and De Smidt, *West Indisch Plakaatboek.*, resolution 150 (1741). Continuous resolutions against cultural manifestations show that these resolutions had little effect.

⁴⁷ NL-HaNA, WIC, 1.05.01.02, inv.nr. 217.

⁴⁸ Linda M. Rupert, "Marronage, Manumission and Maritime Trade in the Early Modern Caribbean," *Slavery & Abolition* no. 30: vol 3 (2009) 361-382.

runaway slaughtering the sheep and brought him to the *fiscaal*. Christoffel was condemned to severe flogging and branding.⁴⁹

Theft

As the case of Christoffel shows, some offences went hand in hand with other offences. Besides running away, he stole cattle from a plantation. Not only fugitives stole as thievery was the most common court case. Sometimes it concerned a few low-valued items, sometimes a lot of money.

One of the boldest thieves was Thomasico, an enslaved man of former governor Nicolaas van Beeck (1700-1704). Every time the governor had to open the treasury, Thomasico and two conspirators furtively removed some pieces of silver and put this behind the chest. As soon as the governor closed the chest and left the room, the thieves could bring out the loot. The stolen silver coins were brought to a smith who melted the pieces down. However, Thomasico wanted more. He knew the governor hid his personal money in a desk. One night he went up to the governor's bedroom where he found the governor sleeping in his hammock. The thief stealthily tried to take the key of the desk out of the pocket of the sleeping governor. Although Thomasico acquired the key, he did not realise he had woken up the aggrieved man. While Thomasico was trying to open the desk, the former governor approached from behind and tried to catch the thief. Thomasico managed to release himself and escaped the room. Thomasico then acted like he was also trying to hunt down the thief. His acting was in vain. The governor had recognized Thomasico as the thief. He was condemned to flogging, branding and eternal exile of the island.⁵⁰

Conclusion

What can we conclude of this small discussion of court cases? Although the death penalty is hardly imposed, criminal justice in Curaçao was in no sense 'mild'. The corporal punishments were tough, and the brandings and banishments had disruptive effects. Furthermore, white people were in all cases in some way involved. Either as victim of, for example, theft or violence, or as a master of an enslaved victim. This confirms that the administration of justice was primarily a tool of the white population to control the non-white majority. Ultimately, these court cases give us a rare insight into the lives of individuals that lived in slavery on Curaçao.

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⁴⁹ NL-HaNA, WIC, 1.05.01.02, inv.nr.217.

⁵⁰ NL-HaNA, WIC, 1.05.01.02, inv.nr.213.

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Using Isotopes to Research Slavery: A Case Study From Curaçao

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Abstract (English)

Reconstructions of individual life histories in archaeology (osteobiographies) use a range of data sources to generate detailed interpretations from individual skeletons. Previous research has used a combination of osteological (the study of human skeletons), archaeological, oral historical, historical, and biochemical sources to reconstruct life narratives for individuals recovered from archaeological sites on Curaçao (Fricke and Laffoon 2019; Fricke et al. 2019). The present article will summarize the results obtained from the analysis of an individual burial from Pietermaai, an 18th century suburb of Willemstad. The burial contained the skeletal remains of a female individual excavated in the 1980s by the Archaeological-Anthropological Institute of the Netherlands Antilles (AAINA) but that was only subjected to systematic osteological analysis in 2016. Isotope analysis (the study of the different variants of chemical elements) has shown that this individual spent her childhood in West Africa, supporting osteological analyses identifying her African ancestry. Osteological evidence also showed that this young woman experienced delayed development during her teenage years. Such a developmental delay can be caused by many factors, including hard labor and disease, for which there is also evidence on her skeleton. The analysis is an especially important contribution to the story of enslavement in Curaçao and demonstrates the value of archaeology in heritage narratives.

Keywords: life history, slavery, Curacao, osteology, isotope analysis

Introduction: Osteology and Isotope Analysis in the Study of Caribbean Slavery

Life history studies (osteobiographies) in archaeology increasingly combine osteological analysis (the study of the human skeleton) with biochemical analysis (the study of the biological chemistry of skeletal remains). Osteological analysis permits the construction of a biological profile of a deceased individual including essential information such as sex, age at death, diseases, trauma, activity patterns, and stature. One of the most common methods of biochemical analysis of skeletal remains is isotope analysis. Isotopes are naturally occurring variants of different chemical elements, such as carbon or nitrogen. Isotopic analysis measures the ratios of the different isotopes of a given element and when conducted on archaeological samples it can provide important complementary information concerning individual dietary and mobility patterns. The combined evidence concerning an individual's migration and dietary history can also sometimes be used to identify an individual's childhood origin. The combination of osteological and isotope analyses provides highly detailed information about the lives of past peoples that cannot be recovered from any other method. This combined approach is being increasingly applied to the study of Caribbean Slavery where it facilitates studies of how enslavement and its effects varied over space and time and between different people. The use of isotope analysis is particularly informative in these contexts as it allows us to clearly

distinguish between first generation (born in Africa), and later generation (born in the Americas) forced migrants, whose life experiences were vastly different from each other.⁵¹

Site Background

The skeleton discussed here was found in the Pietermaai neighborhood to the east of Punda, on the *Kamer van Koophandel* (Chamber of Commerce) property. From the 17th century onwards, Pietermaai was a very popular district for wealthy merchants who built elegant mansions which can still be seen today.⁵² The human skeletal remains discussed here were excavated in 1985 by the Archaeological-Anthropological Institute of the Netherlands Antilles (AAINA), now known as National Archaeological-Anthropological Memory Management (NAAM), in order to rescue them from disturbance by construction activities. Although there were no associated artefacts that could provide dating evidence, we know that the burial probably took place after the initial development of Pietermaai in the 17th century.⁵³ From 1821 onwards it was forbidden to bury people outside official graveyards, which makes it more likely that this isolated backyard burial took place before that date.⁵⁴ The burial therefore probably took place between the 17th century and the early 19th century. The context of this burial, in a house-yard, is more in keeping with Afro-Caribbean belief systems than with Christianity and it was for this reason that archaeologists first thought that the young woman buried here may have been enslaved. The house-yard had a great deal of importance in African American enslaved communities, not only as a space where the social life of the household was carried out, but also as a space of safety, creativity, relaxation, and spirituality.⁵⁵ Below we will summarize the results of osteological and isotopic analysis published in the *International Journal of Osteoarchaeology*, which shed light on the life that this young woman led under slavery in Curaçao.⁵⁶

Osteological Analysis

Age

Osteologists often use the development of teeth to determine the age of a person when they died. This individual had fully erupted teeth and almost completely developed tooth roots, indicating that she was probably over 18 years of age.⁵⁷ The development of other bones in the body can be used to

⁵¹ Laffoon J, Mickleburgh H, Espersen R. 2018. Life history of an enslaved African: multiple isotope evidence for forced childhood migration from Africa to the Caribbean and associated dietary change. *Antiquity* 60(2): 350-365

⁵² Rupert L. 2012. *Creolization and Contraband: Curaçao in the Early Modern Atlantic World*. University of Georgia Press: London, pp. 129.

⁵³ Teenstra M. 1977 [1836]. *De Nederlandsche West-Indische eilanden in derzelver tegenwoordigen toestand, Deel I*. S Emmering: Amsterdam, pp. 43, 61.

⁵⁴ Langenfeld E. 2007. *Verhalen uit het verleden*. Drukkerij de Curaçaosche Courant: Curaçao, pp. 129-130.

⁵⁵ Battle-Baptiste W. 2007. "In this here place": interpreting enslaved homespaces. In *Archaeology of the Atlantic Diaspora and the African Diaspora*, Ogundiran A, Falola T (eds.). Indiana University Press: Indianapolis, pp. 233-248.

⁵⁶ Fricke F, Laffoon J, Victorina A, Haviser J. 2019 Delayed physical development in a first generation enslaved African woman from Pietermaai, Curacao. *International Journal of Osteoarchaeology* 30(1): 43-52.

⁵⁷ AlQahtani S, Hector M, Liversidge H. 2010. Brief communication: The London Atlas of Human Tooth Development and Eruption. *American Journal of Physical Anthropology* 142: 481-490.

assess the maturity of the skeleton, which may be at odds with the actual age of the person.⁵⁸ In this case, incomplete development of the proximal ulna (in the arms), sacral neural arches and alae (in the pelvic girdle), and femoral trochanters (in the legs) showed that this individual experienced a delay in physical development of at least three years. Although she was over 18 years of age, she had the body of a 12 to 15-year-old. Such delayed physical development can be caused by various factors including infection, hard labor, and malnutrition.⁵⁹ Evidence from the skeleton of this young woman (discussed further below) does indicate that she experienced similar hardships.

Sex

Osteologists mainly use the skull and pelvis to assess the sex of an individual. In adult individuals, the pelvis is more reliable because of its role in childbirth. In this case the delayed physical development of the individual prevented the application of age assessment methods using the pelvis. Sex assessment using the skull was thus carried out using methods for both adults and non-adults. All observed traits indicated that the individual was female. An extra method using the humerus (in the arm) also indicated that she was female.⁶⁰

Ancestry

It is also possible to examine geographical ancestry in osteology. This is relevant in the Caribbean because of the association between social race and enslavement during the 17th to 19th centuries. Geographical ancestry was assessed in two ways: firstly, using morphological traits, and secondly, using metric analysis in the FORDISC 3.0 computer program.⁶¹ Both methods indicated that this individual was of African ancestry.

Pathology

This young woman also exhibited several changes to her skeleton which indicated pathology (disease). Dental pathologies included linear enamel hypoplasias (lines in the enamel) observable in the same location on all four third molars. These may have developed due to a stressful event (such as malnutrition or disease) interrupting enamel production during late childhood or early adolescence.⁶² One explanation for this may be the transatlantic passage, which was certainly both physically and psychologically stressful.

There was new bone formation visible on the left side of the pelvis and on the femora at the attachment sites of the vastus medialis muscle. Such new bone formation can indicate some type of

⁵⁸ Cameron N. 2015. Can maturity indicators be used to estimate chronological age in children? *Annals of Human Biology* 42(4): 302-307.

⁵⁹ Lewis M, Shapland F, Watts R. 2015. The influence of chronic conditions and the environment on pubertal development. An example from medieval England. *International Journal of Paleopathology* 12: 1-10.

⁶⁰ Buikstra J, Ubelaker D. 1994. *Standards for Data Collection from Human Skeletal Remains*. Arkansas Archaeological Survey: Arkansas, pp. 16-21; Kjellstrom A. 2004. Evaluations of sex assessment using weighted traits on incomplete skeletal remains. *International Journal of Osteoarchaeology* 14: 360-373; Vance V, Steyn M, L'Abbé E. 2011. Nonmetric sex determination from the distal and posterior humerus in black and white South Africans. *Journal of Forensic Sciences* 56(3): 710-714.

⁶¹ Byers S. 2011. *Introduction to Forensic Anthropology*. 4th edn. Pearson: USA, pp. 131; Ousley S, Jantz R. 2005. *FORDISC 3.0: Personal Computer Forensic Discriminant Functions* [computer program]. University of Tennessee: Knoxville.

⁶² Ogden A, Pinhasi R, White W. 2007. Gross enamel hypoplasia in molars from subadults in a 16th-18th century London graveyard. *American Journal of Physical Anthropology* 133: 957-966.

infectious disease that irritates the periosteum (the membrane surrounding the bone), or trauma or repeated microtrauma to muscles attaching in these locations. It can be associated with many different diseases, including vitamin C deficiency (scurvy) and leprosy. Enslaved people were particularly vulnerable to such diseases because of the conditions of malnutrition and overcrowding in which they often lived.⁶³ Because it may be difficult to identify the exact cause, new bone formation is often used to indicate general stress in archaeological populations.⁶⁴

Healed porotic hyperostosis (smooth porous lesions) observed on the superior part of the frontal and the anterior part of the left parietal bones of the skull can indicate a dietary deficiency or disease such as anemia, of which there are several different kinds.⁶⁵

A joint surface irregularity (osteochondritis dissecans) at the left knee may indicate that this individual endured high levels of physical activity during adolescence.⁶⁶ Contour change at the left occipital condyle of the skull (where the head meets the spine) indicated that she may have been carrying heavy loads on her head in the traditional West African and Caribbean fashion.

Isotopic Analysis

In this study, strontium ($^{87}\text{Sr}/^{86}\text{Sr}$) and carbon ($\delta^{13}\text{C}$) isotopes from the dental enamel were used to assess the childhood diet and origins of the individual. This is useful in a Caribbean context because it can help to determine whether a skeleton belonged to someone who was born in the Caribbean or to someone who was born in Africa. The strontium isotope ratios of our dental enamel reflect the environment where we were raised as our teeth grow and develop in childhood and do not undergo substantial chemical change after adolescence. Because of this, the enamel portion of our teeth lock in a permanent isotopic signal of our childhood homes, making them a useful proxy for identifying migrants and investigating geographic origins. The carbon isotope values in our teeth record the types of foods that we ate as children. Most plants use a form of photosynthesis known as C_3 and have similarly low carbon isotope values, but certain plants use a different form of photosynthesis (known as C_4 plants) and these have much higher carbon isotope values. Seafood also possesses much higher carbon isotope values than terrestrial foods. As previously mentioned, because our dental enamel does not change once it is fully formed, it also preserves an isotopic signal of our diet during childhood.

⁶³ Jurmain R, Cardoso F, Henderson C, Villotte S. 2012. Bioarchaeology's Holy Grail: the reconstruction of activity. In *A Companion to Palaeopathology*, Grauer A (ed.). John Wiley and Sons Ltd.: Chichester, pp. 531-552; Handler J. 2009. Diseases and medical disabilities of enslaved Barbadians, from the seventeenth century to around 1838. Part II. *West Indian Medical Journal* 58(1): 33-49; Gilmore J. 2008. Leprosy at the Lazaretto on St Eustatius, Netherlands Antilles. *International Journal of Osteoarchaeology* 18: 72-84.

⁶⁴ DeWitte S, Bekvalac J. 2011. The association between periodontal disease and periosteal lesions in the St Mary Graces Cemetery, London, England AD 1350-1538. *American Journal of Physical Anthropology* 146: 609-618.

⁶⁵ Walker P, Bathurst R, Richman R, Gjerdrum T, Andrushko V. 2009. The causes of porotic hyperostosis and cribra orbitalia: a reappraisal of the iron-deficiency-anemia hypothesis. *American Journal of Physical Anthropology* 139: 109-125.

⁶⁶ Kessler J, Nikizad H, Shea K, Jacobs J, Bebhuck J, Weiss J. 2014. The demographics and epidemiology of osteochondritis dissecans of the knee in children and adolescents. *American Journal of Sports Medicine* 42: 320-326; Wells C. 1974. Osteochondritis dissecans in ancient British skeletal material. *Medical History* 18(4): 365-369.

This individual from Pietermaai has enamel $^{87}\text{Sr}/^{86}\text{Sr}$ ratios that fall outside of the range of bioavailable $^{87}\text{Sr}/^{86}\text{Sr}$ for both the island of Curaçao and the Antilles more generally, clearly indicating nonlocal origins.⁶⁷ These moderately elevated $^{87}\text{Sr}/^{86}\text{Sr}$ values are, however, consistent with origins in West Africa. Very similar strontium isotope ratios have been reported for various African-borne individuals from other enslaved African archaeological contexts on Barbados and St. Maarten⁶⁸ as well as for contemporary cemeteries in Brazil and New York.⁶⁹ The $\delta^{13}\text{C}$ values fall at the low end of the range of $\delta^{13}\text{C}$ variation and are consistent with a diet comprised entirely or predominantly of terrestrial C_3 foods with little or no contributions from either seafood or C_4 crops. In summary, this individual possesses enamel strontium isotope values indicating nonlocal origins and these values are consistent with West African childhood origins. Therefore, it is highly likely that this individual migrated (or was forcibly transported) from West Africa to the Caribbean. The carbon isotope results indicate that childhood diet was highly focused on C_3 resources. In West Africa, such diets were traditionally more common in the southerly regions of the rice and vegetural (root and fruit crops) zones where all staples were C_3 crops, than in the more northerly sorghum-millet (C_4) zone.⁷⁰

Conclusions

Sk. 1 likely spent her childhood in Sub-Saharan Africa. She was then forcibly transported across the Atlantic to Curaçao, where she probably became the property of an inhabitant of Pietermaai during the 17th, 18th or early 19th century. Evidence from across the skeleton indicates that she led a high-stress life and died young, having experienced enslavement in a foreign land. As the first example of an African-born enslaved woman excavated in Curaçao, she reminds us that archaeological data sources are vital in developing new historical narratives which foreground marginalized groups.

⁶⁷ Laffoon J, Sonnemann T, Shafie T, Hofman C, Brandes U, Davies G. 2017. Investigating human geographic origins using dual-isotope ($^{87}\text{Sr}/^{86}\text{Sr}$, $\delta^{18}\text{O}$) assignment approaches. *PloS One* 12(2): p.e0172562; Laffoon J, Davies G, Hoogland M, Hofman C. 2012. Spatial variation of biologically available strontium isotopes ($^{87}\text{Sr}/^{86}\text{Sr}$) in an archipelagic setting: a case study from the Caribbean. *Journal of Archaeological Science* 39(7): 2371-2384.

⁶⁸ Schroeder H, Haviser J, Price T. 2014. The Zoutsteeg Three: three new cases of African types of dental modification from Saint Martin, Dutch Caribbean. *International Journal of Osteoarchaeology* 24: 688-696; Schroeder H, O'Connell T, Evans J, Shuler K, Hedges R. 2009. Trans-Atlantic slavery: isotopic evidence for forced migration to Barbados. *American Journal of Physical Anthropology* 139: 547-557

⁶⁹ Bastos M, Santos R, De Souza S, Rodrigues-Carvalho C, Tykot R, Cook D, Santos R. 2016. Isotopic study of geographic origins and diet of enslaved Africans buried in two Brazilian cemeteries. *Journal of Archaeological Science* 70: 82-90; Goodman A, Jones J, Reid J, Mack M, Blakey M, Amarasiriwardena D, Burton P, Coleman D. 2009. Isotopic and elemental chemistry of teeth: implications for places of birth, forced migration patterns, nutritional status, and pollution. In *The New York African Burial Ground: Unearthing the African Presence in Colonial New York, Volume 1*, Blakey M, Rankin-Hill L (eds.). Howard University Press: Washington DC, pp. 95-118.

⁷⁰ Schroeder et al. 2009; Harris D. 1976. Traditional systems of plant food production and the origins of agriculture in West Africa. In *Origins of African Plant Domestication*, Harlan J, De Wet J, Stemler A (eds.). Mouton: The Hague, pp. 311-356.