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Two sides of a company

How VOC slave trading in Africa developed while the
Cape Colony suffered

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Abstract

It is relatively unknown how deep the Dutch involvement in the Indian Ocean slave trade was. To help illuminate this part of history, this thesis focuses on the role of the *Vereenigde Oostindische Compagnie* (VOC) in their understudied south-African possession: The Cape Colony. It will be compared how the two operations of slave trade and settlement management that the VOC was involved in developed differently. To argue how the VOC could neglect settlement management while it developed its slave trading practices, the causal narrative method will be used. With this method, a holistic picture will be created. It will be argued that the hierarchy, rules, and discipline of the VOC were dominated by a business operation in which the profit motive prevailed. That profit motive created the need to optimize the processes of the slave trade. This succeeded because these processes were subject to institutional layering. The Cape Colony did not fit the profit motive, creating a poorly managed and poorly controllable settlement. Here, the elite ruled, converting the ambiguous legal foundation to a legal system designed for their own gain. As a result, the settlement could not develop further. These were the two faces of the VOC: a company that was successful at innovating trading practices, but which neglected its settlements because they were not part of their main interests.

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Introduction

Societal relevance

In the past years in the Netherlands, the interest in the slave trade has spiked significantly. By now, the horrors and enduring legacy of the Atlantic Ocean slave trade have been researched and discussed at length. This trade began roughly from the arrival in the Americas by Columbus and carries its legacy into the current day, thus spanning 500 years. The Dutch were very much involved, and its legacy is the centre of fierce debate.¹ Most importantly, the former Dutch colonies of Suriname and the Netherlands Antilles have brought people of originally African descent to the Netherlands after decolonization. Their voices are increasingly heard in public debates on the legacy of Dutch slavery, such as the racist practice of Zwarte Piet.²

However, the focus on the Atlantic Ocean has somewhat obscured another slave trade in which the Dutch share was much more substantial and profound than even most historians have wanted to acknowledge.³ On the other side of the African continent lies the Indian Ocean, with a rich and much older history of dense exchange and movements than that of the Atlantic. Indian Ocean slavery trade has been recognized as the oldest slave trade by historian Markus Vink, dating back to 300 B.C.E. when settlements were first established around the whole body of water.⁴ Most existing literature on slave trade in this region has focused on the Arab slave trade, which has also been recognized in the Dutch context.⁵ This body of research has elaborated on the enslavement of people along the African east coast, the Arabian Peninsula, the Persian Gulf and the west coast of India.⁶ When the Europeans involved themselves in this, they tapped into these already existing networks. For instance, Swahili

¹ Maarten Moll. “Karwan Fatah-Black: ‘Slavernij is een soort ijkpunt geworden’” in: Het Parool (2019). Link: <https://www.parool.nl/nieuws/karwan-fatah-black-slavernij-is-een-soort-ijkpunt-geworden~b012653e/>. & Lyangelo Vasquez. EINDE AAN DE SLAVERNIIJ. Wat was er voor nodig?. Link: <http://www.ijzereneeuw.nl/stand/einde-aan-de-slavernij/>. For instance.

² Rozemarijn Lubbe & Jeroen Kester. Draagvlak voor Zwarte Piet steeds kleiner, meeste mensen denken dat de traditionele piet helemaal verdwijnt. Link: <https://eenvandaag.avrotros.nl/panels/opiniepanel/alle-uitslagen/item/flink-minder-mensen-willen-dit-jaar-dat-piet-nog-zwart-is/>.

³ Markus Vink. “‘The World’s Oldest Trade’: Dutch Slavery and Slave Trade in the Indian Ocean in the Seventeenth Century.” *Journal of World History*, vol. 14, no. 2 (2003): 133-135. Markus Vink argues that most of the work on European slave trading in Asia regarded it as relatively benign compared to the Atlantic slave trade.

⁴ Markus Vink. “The World’s Oldest Trade”: 176.

⁵ Wim Bossema. “Wie denkt aan de slaven van Afrikanen en Arabieren?” in: *de Volkskrant* (2006). Link: <https://www.volkskrant.nl/nieuws-achtergrond/wie-denkt-aan-de-slaven-van-afrikanen-en-arabieren~b7d659ca/>. for example.

⁶ Richard B. Allen. “Satisfying the ‘Want for Labouring People’: European Slave Trading in the Indian Ocean, 1500-1850.” *Journal of World History*, vol. 21, no. 1 (2010): 47.

merchants established vast trading networks linking Madagascar, the Comoros, and the Swahili Coast to the Arabian Peninsula. In the eighteenth century, the French started to use these networks when their demand for slaves⁷ grew due to their new plantations on the Macarenas.⁸

Historian Richard Allen estimates that a total of 953.900 to 1.275.900 slaves were traded within and from the Indian Ocean region between 1500-1850 by Europeans. The Dutch part of this trade must be seen in light of a company that was chartered with a monopoly on the trade within the Indian Ocean: the *Vereenigde Oostindische Compagnie* (VOC), or Dutch East India Company.⁹ The VOC share in this figure is estimated to be at the lowest 200.000 and at the highest 500.000 enslaved individuals sold and transported.¹⁰ For comparison: Dutch slave traders of the *West-Indische Compagnie* (WIC) were responsible for the trade in approximately 550.000 slaves.¹¹ Despite being a bit smaller than the Atlantic slave trade, this development has been of comparatively great impact on the societies around the Indian Ocean, carrying its legacy to the modern day. This can be seen in the diaspora of people within former colonial societies. These earlier forms of slavery enabled the rise of newer systems of slavery in the British, French, and Dutch empires. From the abolishment of slavery, millions were scattered across the Indian Ocean by way of indentured or “free” contract labour.¹² Whereas today, many people are familiar with the term Afro-American in the United States, many more are not aware of Indo-Africans in eastern Africa.

While slaving networks already existed and the Portuguese were the first to discover and trade in the Indian Ocean, the arrival of the Dutch in the early 17th century ushered in major European involvement. For almost two centuries the Dutch dominated the Southeast-Asian slave trade and grew it far beyond what it had been before the Europeans came. They also established colonies in India and in South Africa. The main trading post in Africa was in Kaapstad (or Cape Town), the centre of the Kaapkolonie (or Cape Colony). This town was a precursor to later settler colonies, which subsequently created a market for household and

⁷ I will use the word “slaves” in this thesis instead of “enslaved”. It is important to recognize that slaves were individuals that were not responsible for the label of “slave”. Yet, no other word than “enslaved” – which does not work with many sentences in English – has been agreed upon, therefore I will use the word “slave”.

⁸ Richard B. Allen. “Satisfying the ‘Want for labouring people’”: 56-57.

⁹ The words VOC and Company will be used interchangeably because of style reasons. When a paragraph is dense with mentions of the VOC, the use of another word is more pleasing to the eyes.

¹⁰ Richard B. Allen. “Ending the history of silence: reconstructing European slave trading in the Indian Ocean” in: *Revista Tempo*, 23(2) (2017). Compare the figure of the Indian Ocean to around the around twelve million slaves transported within in the Atlantic Ocean.

¹¹ Database on <https://slavevoyages.org/assessment/estimates>.

¹² Richard B. Allen. “Satisfying the ‘Want for labouring people’”: 69-70.

plantation slaves. Many of these were drawn from the region around the Colony, but many slaves were also transported across the Indian Ocean.

Research questions

This thesis will focus on *Vereenigde Oostindische Compagnie* (VOC) as a company with two main interests: the slave trade and the management of a settlement. To analyse both of these interests, two kinds of sources will be used: ship journals and judicial records. Together with making use of the most recent literature available on this topic, a narrative will be created, which takes on a revisionist character.

The narrative follows the structure of two parts. The first part will detail the slaving ship conditions and slavery voyage circumstances, while the second part elaborates on the Cape society and the judicial system in the Cape Colony. These two parts will be presented in comparison with each other to assess where the priorities of the VOC trade lay. This functions to answer the primary question: *How did the development of the two VOC operations of slave trade and settlement management in southern and eastern Africa differ in the 17th and 18th centuries?*

To answer this question, five sub-questions will be addressed. First, it is necessary to work out exactly what sources will be used and why they are important to this story. Second, it will be explored how the VOC's profit motive weighed against the human needs of its personnel and enslaved captives aboard a VOC slave trading ship, in order to contextualize the innovation of trading practices. Thirdly, how the VOC managed to successfully manage its slave trade in southern and eastern Africa will be discussed, to assess how the institution of slave trade evolved and innovated over time. Fourth, a picture of Cape society in the 17th and 18th centuries will be presented, to describe in detail how the VOC managed to run a settlement. Fifth, the use of the legal system by the elite of the Cape Colony will be analysed as an institution that was reused by this elite for their own profit.

Methods

To effectively answer the questions stated above, the causal narrative method as described by Matthew Lange will be used. This method focuses on a holistic, narrative form, with a focus on temporality.¹³ The narrative describes one or more events, for example the slavery voyages to Madagascar, or the sentencing of slaves by the judicial body of the Cape Colony.

¹³ Matthew Lange. "Chapter 3 The Within-Case Methods of Comparative-Historical Analysis" in: *Comparative-Historical Methods*. London: SAGE; 2013: 43-44.

Furthermore, the narrative method takes the temporality of these events into account.¹⁴ A historian writing a narrative wants to create a logical sequence of events, which can point out both temporal differences and developments. Such a method is especially suited to describing complex processes and concepts.¹⁵ Primary historical sources always contain a plethora of information, which requires a holistic analysis.

Academic relevance

Adding to the body of literature on the Indian Ocean slave trade is important not only because it was of significant size and because it carries its legacy into the modern era. This history is relatively understudied when compared with the slave trade in the Atlantic Ocean. Historians from various countries are now working to close the gap. For example, the International Institute of Social History is currently compiling a database of all slavery voyages, similar to the one available for the Atlantic Ocean.¹⁶

However, there is still work to be done. While a lot is known about VOC operations during the 17th century, at the height of its power, this is not true for the 18th century. When the profits of the VOC and the power of the Dutch Republic declined, coverage of Dutch history in general becomes more sparse. Allen agrees with this and states that the activity of the Dutch in the 17th century and the French Mascarene trade in the eighteenth century are the subjects we know most about.¹⁷ Moreover, Allen states that substantial light can be shed on various aspects of European slave trading in the Indian Ocean by a careful examination of the primary sources by multiple archives.¹⁸

Pointing to possible challenges, Markus Vink states that the administrative superstructure of the Indian Ocean system is fragmented and has thus far proven to be a constraint on archival research. Most sources that are available mention the slave trade only in passing, because of its insignificant value in financial terms. Chapter 3 will try to increase the body of literature on the Indian Ocean slave trade by analysing several Dutch ship journals and trying to trace an institutional development in Dutch trading practices. Chapter 2 will contextualize these developments by focusing on the structure and interests of the VOC in the slave trade.

¹⁴ Matthew Lange. "Chapter 3": 43.

¹⁵ Matthew Lange. "Chapter 3": 44.

¹⁶ The work was carried out originally at Emory Center for Digital Scholarship, the University of California at Irvine, and the University of California at Santa Cruz. This culminated in the website slavevoyages.org with a database of all known slavery voyages within the Atlantic.

¹⁷ Richard B. Allen. "Satisfying the 'Want for labouring people'": 50.

¹⁸ Richard B. Allen. "Satisfying the 'Want for labouring people'": 53.

What is known about the Cape Colony shows a lacuna. In general, the historiography is most dense for the period of British occupation. Historical linguist Gerald Groenewald attributes this to the fact that many Anglosaxon historians were not willing to learn the Dutch language to read the relevant sources. This created a more expansive literature on the British period, with the abolishment of British slavery as a leading theme.¹⁹ Most research for the Dutch period of occupation (1652-1795) has been conducted by South African historians, some of which is connected to the period of Apartheid. They are being called “settler historians”, because of their European heritage. They focused their work on the viewpoint of the elites that produced most available sources.²⁰ Furthermore, their conclusion was that Indian Ocean slavery was relatively “benign” when compared to the Atlantic counterpart.²¹

In recent decades, historians have begun writing revisionist histories, focusing more on history from the bottom up. In this regard, sources such as the judiciary records discussed here provide valuable insights in the lives of common people and slaves at the Cape.²² However, while these histories have managed to provide a more diverse picture of the people living in the Cape Colony, the focus has shifted away from the agency of elites. A revisionist history of Cape society must focus on discussing how the VOC elite exercised their power, while simultaneously regarding the effects this had on the more general society. This challenge will be attempted in chapters 4 and 5.

Finally, the main research question will work towards the call of historians Riello and Parthasarathi to connect studies on “race, slavery, population flows, and art” which will be set “within an overlapping framework and connected with the wealth of scholarship on trade and the Indian Ocean economy.”²³

Theory

To write a revisionist history connecting two sides of the VOC as a company, a relevant theoretical framework must be used. The period under study is quite long, thus the framework must fit within that longitudinal view. The VOC, being a company with all kinds of

¹⁹ Nigel Worden. "New approaches to VOC history in South Africa." *South African Historical Journal* 59.1 (2007): 3-5.

²⁰ Markus Vink. “The World’s Oldest Trade”: 134-135.

²¹ For the discussion on this topic: Nigel Worden. "The Slave System of the Cape Colony and Its Aftermath," in Campbell G. *The Structure of Slavery in Indian Ocean Africa and Asia*. (2014).

²² Nigel Worden and Gerald Groenewald, eds. *Trials of Slavery: Selected documents concerning slaves from the criminal records of the Council of Justice at the Cape of Good Hope, 1705-1794*. The Van Riebeeck Society 2005: xv-xix.

²³ Prasannan Parthasarathi & Giorgio Riello. “The Indian Ocean in the Long Eighteenth Century”: 14.

regulations and rules, can be described as an organization with formal institutions. Examples are the process of gift-giving with local rulers and middlemen to smoothen the slave trade or the legal system used to run a VOC settlement that will be discussed in chapters 2 to 5.

Therefore, to explain how the VOC of slave trade and colony management differed, an institutional approach will be taken.

In their oft-cited book introducing a new model of institutional change, Wolfgang Streeck and Kathleen Thelen focus their efforts on explaining gradual institutional change for advanced political economies.²⁴ While their model is not directly targeted towards pre-modern societies, the focus does lay on formal institutions, which fits the VOC context. Moreover, Streeck and Thelen view institutions as having considerable continuity, despite historical break points and dramatic institutional reconfiguration beneath the surface of apparent stability or adaptive self-reproduction.²⁵ Institutions often change gradually, and a long-term view such as the one presented in this thesis can be used to explain the long-term evolution of VOC institutions.

In their work, Streeck and Thelen denote five types of gradual transformation of institutions. These are displacement, layering, drift, conversion, and exhaustion.²⁶ In the third chapter, several aspects of VOC slave trading practices will be discussed. Because they were subject to trial-and-error, and because there was a willingness to adapt practices due to an obvious profit motive, I will argue that in this case the process of layering took place.

Because new elements were attached to existing practices of trade through the means of optimization to gradually change the status and structure of the institutions, a process of developing practices could take place, gradually enhancing the practices of slave trading.²⁷ In the fifth chapter, the working of the justice system will be presented. Here it will be argued that through intended ambiguity, subversion, time, and lack of foresight, a process of conversion of this institution took place. In this way, the Cape elite constrained further development of the Colony.

²⁴ Wolfgang Streeck and Kathleen Ann Thelen, eds. *Beyond continuity: Institutional change in advanced political economies*. Oxford University Press, 2005: 2-4.

²⁵ Streeck and Thelen. *Beyond continuity*: 8.

²⁶ Streeck and Thelen. *Beyond continuity*: 31.

²⁷ Streeck and Thelen. *Beyond continuity*: 22-24.

Chapter 1: The sources

The sources that will be used to answer the question about the operations of the VOC in southern Africa in the 17th and 18th centuries are twofold. The context and scope of these sources will be discussed here, as well as general statistics on the slave trade.

Ship journals and slave trade

In total, the Dutch made 49 slavery voyages within Africa from the Cape Colony between 1652 to 1795, most of which went to Madagascar.²⁸ The others went to the eastern coast of Africa. Only a few of these have been transcribed and published. Ship journals are therefore sometimes the only surviving accounts of the trading operations that went on in this area and provide the most important knowledge of these regions that survives to this day. For instance, on Madagascar there was no serious tradition of writing, and thus no sources survive.²⁹ While Arabian and Indian merchants trading with the Swahili Coast and Madagascar did have a literary tradition, few traces of their documentation remain. Therefore, these ship journals were unique to the European nations.

A ship journal was meant to serve simultaneously as a log of occurrences on the ship, a set of geographical descriptions and as a guide to dealing with local rulers and peoples for future voyages. When a ship returned to the Netherlands, these journals were first read by the VOC *advocaten*, two men who would scan letters incoming from the East Indies and summarize the most important points for the directors – the highest officials of the company. Any geographical information was instantly sent to the VOC cartographers, to immediately alter any maps being made, and to others for alterations of ship orders. In this way, the ship journals could serve to mitigate the circumstantial nature of the slave trade, which will be detailed in chapter 3.

This study focuses on four ship journals, namely the journals of the (1696), the *Leijdsman* (1715), the *Zon* (1776-1777) and the *Jagtrust* (1778). While this limits the scope of discussing these sources, as a collection they can be viewed as a representation of two main periods of slavery voyages during the late 17th and 18th centuries.

²⁸ Rafaël Thiébaud. Dataset titled "French & Dutch slave trade on Madagascar (1641-1810)" (2018). Link: <https://hdl.handle.net/10622/NZ4YS8>, IISH Data Collection, V1, UNF:6:XH112rk91mlkXkMfgCTQtQ== [fileUNF]

²⁹ Rafaël Thiébaud. Lecture titled "Changes in Enslavement Methods on Madagascar and Slavery in the Mascarenes (1725-1810)." Bonn Center for Dependency and Slavery Studies, University of Bonn. (22 February 2021).

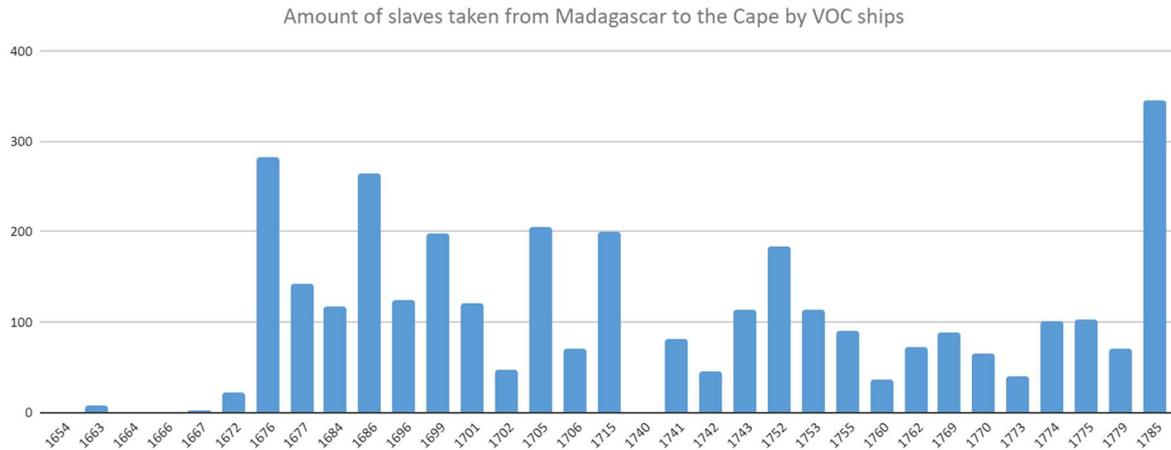


Figure 1: The number of slaves taken on VOC ships travelling to Madagascar, with the intention of returning to the Cape. Low numbers either indicate failed voyages or only a very low number of slaves being acquired. Source: Rafaël Thiébaud. "French & Dutch slave trade on Madagascar".

Figure 1 shows the number of slaves taken from Madagascar to the Cape by VOC ships. This figure does not include the few voyages to eastern Africa and one to Dahomey. In total, at least 46 voyages were undertaken from the Cape, with circa 5500 enslaved captives being taken from 1652 to 1795, 4000 of which came from Madagascar.³⁰ Thus, Madagascar was the most important source of enslaved people for the Cape. The first voyages to Madagascar were undertaken to Antongil and St. Augustine's Bay, but because these locations were politically and economically isolated, they proved to be unsuccessful for slave trading.³¹ A second period started in 1676, after the voyage of the *Voorhout*. This period is characterized by a regular trade, but also paralleled by an increase in piracy from 1685 to circa 1710. The last voyage in this period was made by the *Leijdsman* in 1715. The first two journals represent this period of regular of slavery voyages to Madagascar. After this period, slave trading with Madagascar receded. When it resumed from 1740 onwards, competition with English and French traders had increased, and the French were setting up permanent settlements in the north-east. Because of this, the western Sakalava polities faded in power. Dutch trading success faded as well.³² For these reasons, the *Zon* and the *Jagtrust* went to the Swahili coast to try their luck

³⁰ For the voyages that went to Madagascar: Rafaël Thiébaud. "De Madagascar à Sumatra: une route négrière peu commune. Le voyage du navire Binnenwijzend de la VOC en 1732." *Afriques. Débats, méthodes et terrains d'histoire* 06 (2015); for the voyages that did not go to Madagascar: James C. Armstrong, *The Slaves, 1652-1795*, in R. Elphick and H. Giliomee, eds., *The Shaping of South African Society, 1562-1820* (Cape Town, 1979): 78.

³¹ Thiébaud. "De Madagascar à Sumatra": 18.

³² Rafaël Thiébaud. Lecture "Changes in Enslavement Methods".

in slave trading while avoiding Madagascar. The third chapter will focus in-depth on the voyages of these ships.

Judicial records

In 1602 the VOC was granted a charter by the Dutch Republic. This charter dictated that this company, formed out of multiple other trading companies, would receive a monopoly on all sea trade east of the Cape of Good Hope and west of the Street of Magellan. The extent of the VOC jurisdiction is shown in map 1: it covered the whole Indian Ocean area. Not only was all sea trade governed by the VOC, but all trading posts were also under command. The most important of these are highlighted in black.

During the 17th and 18th centuries, the VOC ruled over trading posts, which eventually became the centres of colonies. Batavia, modern day Jakarta, became the prime authority that ruled over all other VOC settlements. When in 1652 a permanent settlement was made at the place where Cape Town now lies, it became part of this VOC network of settlement. The authorities in the Cape Colony³³ were subordinate to this High Government in Asia.

The second set of sources used in this thesis arises from this context and is a selection made from the judicial records produced by the Council of Justice, the legal body of the Cape Colony. This organization existed to carry out justice for the VOC in the Cape Colony. It was the highest authority on legal matters but was also run by VOC officials and had ties with the Council of Policy, the executive body of the settlement. Therefore, the VOC itself was simultaneously the highest legal authority in the Colony. In the fifth chapter it will be argued that these VOC officials used this power to create a legal system that favoured the slave-owning class. The judicial records will function as examples of punishments characteristic of certain cases.

Many of these judicial records survive at the archives of Cape Town, but only cases that went on trial are documented in the judicial records, with all the escapees or minor cases being left undocumented. This means that the cases presented in these judicial records can only account for cases that went to court. However, in the last decades of scholarship, these records have

³³ Whenever I make use of the word “Colony” in this thesis, the Cape Colony is referred to, without claiming that it was in fact a colony. The word “colony” is used to talk about the concept of settling a region with the specific goal of politically controlling and occupying a space.

been used to provide valuable insights in the society at the Cape during Dutch rule from 1652-1795.³⁴

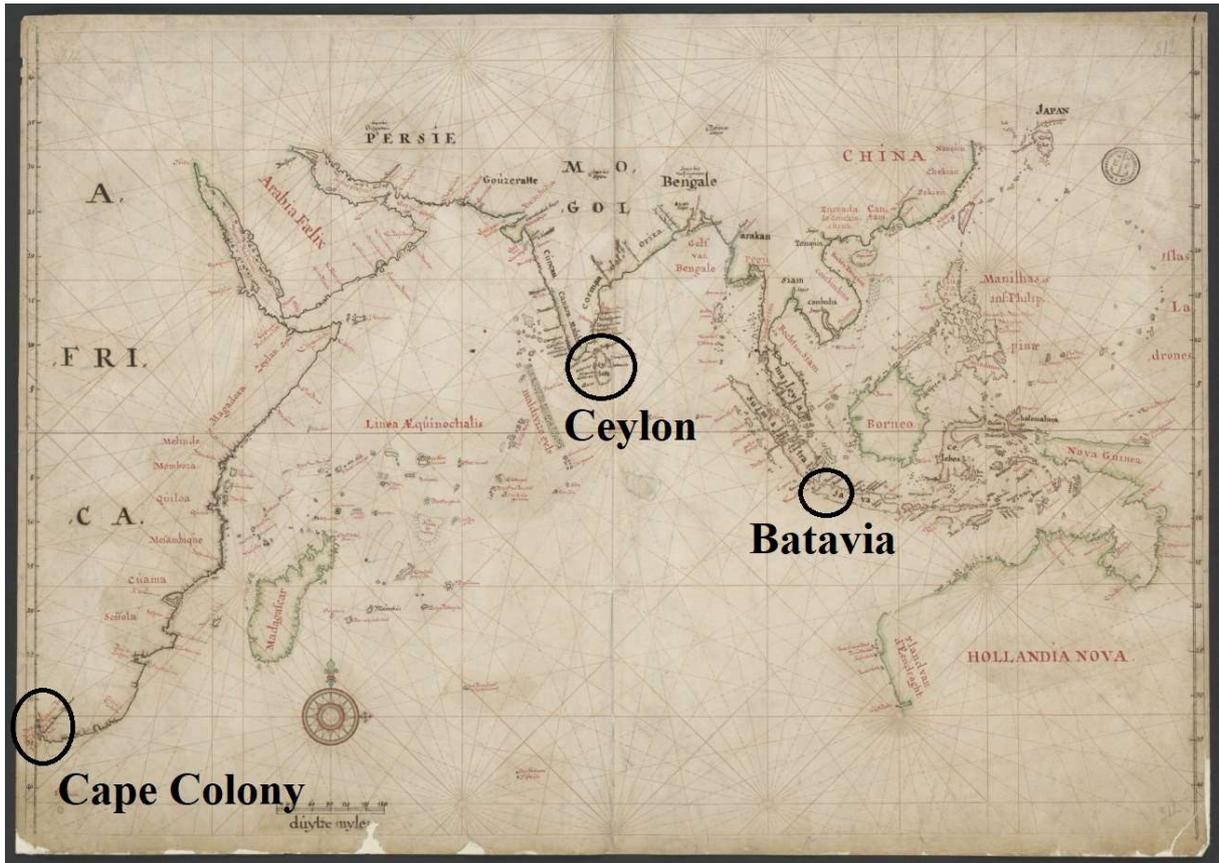
Nigel Worden and Gerald Groenewald, a historian and a historical linguist, have compiled a set of these judicial records, complete with transcriptions in both the original Dutch and modern English. Their book is a selection of cases, chosen on basis of being spread out across the 18th century, and covering different topics relating to slavery. They also chose to select cases revealing the internal dynamics of runaway or retaliation cases by slaves, rather than the more general cases of slave punishment for insubordination.

Groenewald and Worden state that this last category is the largest in volume.³⁵ Moreover, the cases are specifically selected to cover a diversity of cases – such as those where particular insights in the life of a slave are revealed – that are not necessarily representative of the whole corpus.³⁶ The selection has as few repetitive cases as possible, and the authors have noted cases that are representative of similar cases. Groenewald and Worden’s selection means that the examples presented here can be used for qualitative, but not for quantitative analysis. In the fifth chapter, the legal system will be analysed as an instrument of the elite group of VOC officials residing at the Cape Colony. For the analysis of this system, the representative cases are used. In the fourth chapter describing Cape society, the more descriptive and unique sources are used, to provide a qualitative analysis.

³⁴ Worden and Groenewald. *Trials of Slavery*: xv.

³⁵ Worden and Groenewald. *Trials of Slavery*: xvii-xviii

³⁶ Worden and Groenewald. *Trials of Slavery*: xxviii.



Map 1: The patent area of the VOC as per the charter of 1602, circa 1660, with the most important VOC settlements highlighted in black.. Source: NA Collection of Foreign Maps Leupe, inv. no. 312.

Chapter 2: The VOC ship

This second chapter will detail the functioning of a VOC ship, including its hierarchies, discipline, and regulations. It is important to detail who were on the ships, why they were there, and how they acted, because it can explain the way in which the Company and its agents operated during slavery voyages.

Hierarchy and profit

The VOC was a hierarchical and profit-driven organization. On top were the directors, simultaneously the head merchants and highest officials. They had to be directly invested in the company by a hefty sum in the form of stocks.³⁷ There were also multiple chambers of the VOC, those of Amsterdam and Middelburg being the most important. Each of these chambers supplied several directors to the *Heren Zeventien*, which was the board of operations and the highest body in the VOC hierarchy.³⁸ Together these directors were responsible for minimizing costs and maximizing profits for their many shareholders.

Important to the functioning of the Company was the principle of hierarchy. Ship captains hoped to eventually become directors themselves, which was possible according to the principle of promotion. The hierarchy on the ships also generally followed a pattern of linear promotion. When a ranking VOC official died or became incapable aboard a ship, the person under him would be promoted to that station.³⁹ Promotions were also given for good work, but only among the VOC officials. In general, there was a strict hierarchy on the ship, and a higher rank meant a higher level of authority over others. Orders were handed to ship captains and other officials in the Netherlands, the Cape and Batavia. These had to be followed strictly, and any deviations had to be accounted for, because longer voyages meant higher costs. Captains were also bound to a certain amount of stops and gained a bonus if they completed the voyage quickly.⁴⁰

While the captain was responsible for the ship and those employed on it, the supercargoes were those in charge of overseeing the cargo - human and otherwise - and had the authority in these matters. These head merchants were in charge of obtaining as many enslaved

³⁷ J.R. Bruijn, F.S. Gaastra, and I. Schöffer. *Dutch-Asiatic shipping in the 17th and 18th centuries, I, Introductory volume* (1988): 11. There were multiple chambers of the VOC, each linked to a city. Most directors had to take out a share of 6000 rijksdaalders (out of their own pocket), except for those from Hoorn and Enkhuizen, who were only required to invest themselves in a share of 3000 rijksdaalders.

³⁸ Bruijn, Gaastra, and Schöffer. *Dutch-Asiatic Shipping*: 15.

³⁹ Bruijn, Gaastra, and Schöffer. *Dutch-Asiatic Shipping*: 115.

⁴⁰ Bruijn, Gaastra, and Schöffer. *Dutch-Asiatic Shipping*: 60-61.

individuals as possible, at the lowest possible cost. They were also the ones that kept ship journals, as is discussed in the first chapter. When unexpected situations arose, there was also the possibility of summoning the ship council to decide, which was done at least once on the voyages of the *Leijdsman*, *Zon* and *Jagtrust*.⁴¹

Most of the people employed by the VOC, however, had no rank. These people formed a group termed in the literature simply as “soldiers”, that contrasted with the group of “sailors”. They usually totalled to 90% of the crew.⁴² Most of them were recruited in the Netherlands from the lower strata of society.⁴³ On board of the VOC ships, they had their own hierarchy, outside of the VOC ranks. Of the 90% of the crew, there was a general distinction made according to occupation. Sailors usually made up around 60% of the crew on a ship, soldiers 30%. Sailors were much more often Dutch, especially before the second half of the 18th century.⁴⁴ Soldiers, on the other hand, increasingly came from other parts of Europe, mainly Germany and Scandinavia.⁴⁵

Antagonism and discipline

Because of the differences in nationality and culture, different group norms and practices emerged. The VOC tried desperately to muster anyone that wanted to be employed on their ships. Soldiers and mercenaries from the Holy Roman Empire, with its frequent wars, were a natural source of military personnel. Because the Dutch Republic was a seafaring nation, it is a logical thought that recruits from this European state often had more experience on a ship.

The most important way in which tensions surfaced arose from the fact that, at sea, the sailors were more experienced, and usually had been to the south of the equator and in Asia before. They scared the soldiers - for many their first and only voyage - with seamen’s stories. An example of this can be read in the ship log of the VOC vessel *Loenderveen*. When on its voyage to the Cape in 1732 disaster struck, mutiny followed. During this hectic period, two officers scared those aboard by invoking the devil, with one of them stating that below the

⁴¹ The council was summoned twice on the voyage of the *Zon*, and once on the voyages of the *Jagtrust* and *Leijdsman*. Robert John Ross. "The Dutch on the Swahili Coast, 1776-1778: two slaving journals, Part I." *The International Journal of African Historical Studies* (1986): 346, 353; Robert John Ross. "The Dutch on the Swahili Coast, 1776-1778: Two Slaving Journals, Part II." *The International Journal of African Historical Studies* 19.3 (1986): 501; Piet Westra and J.C. Armstrong. *Slave Trade with Madagascar. The Journals of the Cape slaver Leijdsman, 1715* (2006): 88.

⁴² Bruijn, Gaastra, and Schöffer. *Dutch-Asiatic Shipping*: 146.

⁴³ Bruijn, Gaastra, and Schöffer. *Dutch-Asiatic Shipping*: 149-151.

⁴⁴ Bruijn, Gaastra, and Schöffer. *Dutch-Asiatic Shipping*: 146.

⁴⁵ Bruijn, Gaastra, and Schöffer. *Dutch-Asiatic Shipping*: 151-152.

equator the devil reigned. The devil was a major part of the Reformed theology, and fear of the devil was probably more powerful than the love for God.⁴⁶

Other reasons for tense relations between the two groups were the difference in occupation and the situation on land. While sailors had to do hard work at sea, soldiers were usually only tasked with keeping watch, and occasionally helping the sailors.⁴⁷ On land, the soldiers were more numerous. They met with their peers, who were stationed in many coastal outposts. The conflicts created by this situation will be discussed further in the fourth chapter, but here it is important to mention that this situation both on and off the VOC ships created somewhat of a permanent feud between these two groups. Moreover, a VOC ship was, in the words of historian Nigel Worden, “essentially a miniature society, completely isolated from the rest of society for months.”⁴⁸ Therefore, it was important to keep order amongst these antagonizing groups. The main way for the VOC officials to do this was to enforce strict discipline.

Disciplining often took on the form of corporal punishment and the establishing of authority by hierarchy. Physical violence was accepted by the crew as a means of discipline, and it was institutionalized within a firm set of rules. For instance, an officer could slap a crewmember once, but more than once was considered an insult and retaliation was deemed a fitting reaction. A slap in the face was considered dishonourable.⁴⁹

The crew accepted these forms of behaviour because of the importance laid on hierarchy. Early Modern Europe was a class-based society, and the VOC was for an important part a military organization. VOC officials were on top in both regards. However, this also created social relations that could be used by individuals with cruel intentions. In the ship journals studied here these practices are not explicitly mentioned, aside from one instance where the punishment of the ship’s quartermaster is mentioned: a flogging.⁵⁰

Rules and regulations

From the ship journals, it is not easy to discern how preoccupied the officials were in dealing with the crew and the ship’s cargo of slaves. There were however rules they had to follow. In the Transatlantic slave trade, the *West-Indische Compagnie* (WIC) had rules pertaining to the

⁴⁶ Worden, Nigel. “‘Below the line the devil reigns’: Death and dissent aboard a VOC vessel.” *South African Historical Journal* 61.4 (2009): 723, 728.

⁴⁷ Bruijn, Gastra, and Schöffer. *Dutch-Asiatic Shipping*: 147-148.

⁴⁸ Worden. “Below the Line”: 717.

⁴⁹ Worden. “Below the Line”: 716.

⁵⁰ Westra and Armstrong. *Slave trade with Madagascar*: 112.

treatment of slaves on board a ship. These were literally adopted as the official rules for dealing with VOC slave trade in the Indian Ocean as well.⁵¹ A lot of these rules convey a way of viewing slaves as human beings. For instance, the decks had to be cleaned, ventilated and receive proper lighting. The instruction also deals with personal care and the treatment of diseases, and states that slaves should receive tobacco and brandy. Finally, evil doers had to be punished by their own people, in a 'just' way.⁵²

An important view inside the 18th century medical care comes from a treatise of D.H. Gallandat. In this book written in 1769, this healer or doctor mentions that there are seven important acts for taking care of slaves on slave ships in the Atlantic context. These are: taking care of fresh air, keeping slaves clean and taking care of their toiletry, providing enough foodstuffs, taking care of fresh water, keeping cats aboard against mice and rats, "treating slaves well", and finally making every effort to heal sick slaves.⁵³ Gallandat gives argumentation for all of these measures, but especially for taking care of their sickness. He mentions that only rarely slavery ships had medical treatises aboard. Also, he states that doctors or healers should not shy away from using indigenous medicine, and finally that ship captains should provide all the provisions that the ship doctor asks for.⁵⁴ The argument to take care of sick slaves conveys that Gallandat was responding to dire, real circumstances, which is further emphasized by his plea to have ships carry medical treatises aboard.

All these instructions show that there was a general awareness of what humane conditions on board of slave ships should be. However, in practice these regulations were often not followed through. As historians Haines and Shlomowitz state on the VOC:

"Its administrators well understood the significance of sanitation and hygiene on board but, due to pressures created by the organization's expansion and the lack of experienced personnel, measures that had proven successful within a relatively small operation broke down as their implementation clashed with the interests of expanding commerce."⁵⁵

This reality is reflected by a case of scurvy on the *Jagtrust* in 1778 which started to spread among the slaves aboard the ship. The ship was not at sea, but anchored near Zanzibar, where

⁵¹ The WIC was the company chartered by the Dutch Republic to trade with the New World. In this way, it was a similar institution to the VOC, but with less power and no monopoly on trade.

⁵² Westra and Armstrong. *Slave trade with Madagascar*: 31-33.

⁵³ David Henri Gallandat. *Noodige onderrichtingen voor de slaafhandelaaren* Vol. 1. by Pieter Gillissen (1769): 23-38.

⁵⁴ Gallandat. *Noodige onderrichtingen*: 39-42.

⁵⁵ Robin Haines and Ralph Shlomowitz. "Explaining the mortality decline in the eighteenth-century British slave trade." *Economic History Review* (2000): 270.

sufficient provisions could have been bought.⁵⁶ Another case mentions two air holes being made in the women's quarter of the ship because of ventilation problems.⁵⁷ Despite the fact that many slaves did die aboard VOC ships and given the fact that the VOC was intent on keeping their "merchandise" alive, profit motives seem to have prevailed over following the many official and unofficial rules and regulations. As the journals show, the supercargoes had a main intent of meeting quota: at the end of every ship journal, a tally is made of how many slaves were procured. The total usually adds up to the number requested - when the journey was successful - but also slaves that died at sea were part of this tally.⁵⁸ It seems that for the slave traders, dead slaves might not have mattered as much as gathering the requested amount of slaves. Deaths were regarded as a fact of life, and mostly something hindering profits in the larger organisation of the VOC.

Conclusion: Hardy sailors

Travelling on board a VOC ship in the Early Modern world was rough business. On the one hand, the organization of the VOC as a company was very hierarchical, which was transplanted onto the ship environment. Simultaneously, there were frequent tensions among the crew, and strict discipline stemmed the tide of disorder. On the other hand, profits were important to the VOC, so costs had to be minimized. An important area where this was done was in the department of health and hygiene for both enslaved captives and VOC personnel. On board, costs were minimized in this way by disregarding health and safety and by enforcing a hierarchical system to keep order among the Company's employees. To further minimize costs and to maximize profits, the uncertain process of slave trading had to be optimized, which will be explored in the next chapter.

⁵⁶ Ross. "The Dutch on the Swahili Coast" II: 494. From the 15th of September scurvy started among the slaves in the hold of the ship. This lasted until the arrival at the Cape. The Dutch did try to prevent this by buying fresh lemons and other fruit, but it did not stop the disease.

⁵⁷ Ross. "The Dutch on the Swahili Coast" I: 499.

⁵⁸ R. Chamuleau. *Hoeveel koperdraad voor een slavin? De VOC en de slavenhandel op Madagaskar 1696-1697 volgens het journaal van het zeiljacht Soldaat* (2004): 42; Westra and Armstrong. *Slave trade with Madagascar*: 112; Ross. "The Dutch on the Swahili Coast" I: 359; Ross. "The Dutch on the Swahili Coast" II: 506.

Chapter 3: A trade of circumstances

This chapter will continue with an analysis of how the process of slaving by Company ships functioned and evolved. The slave trade was a process of trial-and-error, being highly dependent on the individuals conducting the trade, from the VOC supercargoes to the intermediaries, and to local rulers. Various aspects are described in an effort to explain how the VOC managed to fulfil increasingly successful slave trading voyages. Particular attention will be paid to the trade with Madagascar and the East African coast, since these were the destinations of the ships covered by the ship journals studied here.

Trading locations

Because there were no permanent settlements in Madagascar or on the Swahili Coast, Dutch traders had to rely on local rulers⁵⁹ for procuring slaves.⁶⁰ When dealing with these local rulers, there were important differences to overcome for VOC traders. For Malagasy society, the slave trade formed a central part of politics and society, in Zanzibar the slave trade was institutionalized, but illegal when done with Europeans, and for the Dutch traders, profit and promotion were leading motives, as described in the previous chapter.

To start with the Malagasy, the slave trade became integral for the mandate of their local rulers from the start of this trade. As a result, the Dutch had to account for and participate in certain rituals. It was important to know how to address and involve relevant middlemen and brokers, and also to provide the right gifts to show respect and a willingness to trade. The Dutch were taking advantage of knowledge passed down by previous VOC traders. During the voyage of the *Soldaat* in 1696, the supercargo was reluctant in providing the local ruler and a local broker with the alcoholic beverage ‘arak’ the ship brought with. However, Malagasy were particularly fond of alcohol. During the journey of the *Leijdsman*, the traders seemed to be aware of this, and were able to get a better deal by “lubricating the throat of their host” with arak.⁶¹

⁵⁹ The term “ruler” is used here instead of “king” because the political situation in Madagascar was not organized exactly like western kingdoms. Some historians use the former term, others the latter. “King”, however, does not do justice to the unique social and political organization of Malagasy society, which was simultaneously not more primitive than western statehoods, but still different.

⁶⁰ Rafaël Thiébaud. "The Role of “Brokers” in Securing the Dutch Slave Trade on Madagascar during the Eighteenth Century." *Fluid networks and hegemonic powers in the Western Indian Ocean* (2017): 41.

⁶¹ Westra and Armstrong. *Slave trade with Madagascar*: 64. Arak was a rice wine that was brewed mainly on Java, being very popular among the Malagasy.

To continue with Zanzibar, it was important to account for the local style of bartering, the gifts that they desired and local rules and laws. The Dutch knew the importance of being on good terms with local rulers. During the voyage of the *Zon* in 1776, the crew sailed in on a very tense relationship between a French ship and the governor of Zanzibar. The Dutch supercargo immediately took on the role of broker, calming down and helping both sides, ultimately earning the good graces of the governor.⁶² Afterwards, they were allowed to trade in slaves. Ultimately, the crew went onwards to explore the rest of the Swahili Coast in search of other sources of slaves.

Whether there was any trading to do at all also depended on factors that were external to the trading process between local rulers and visiting European traders. For the supply of slaves in Madagascar, the capabilities of the local ruler to muster a warband to acquire slaves from neighbouring communities were vital. Slave trading with Europeans took place on the lower, coastal areas of the island. These coastal regions experienced increased rainfall, with postulated prosperity, agricultural expansion, and population growth during the 17th and 18th centuries, and were therefore more prosperous.⁶³ Historian Gwyn Campbell argues that it is not likely that slaves came from the interior highland plateau until the establishment of the Merina kingdom in the mid-18th century. There was no serious food surplus available, and the highlanders from the interior had no resistance against tropical diseases like malaria that were present on the coast, but not in the highlands.⁶⁴ For the 17th and early 18th centuries, this meant that slave raiding took place in the region surrounding a coastal slave trading port.

When it was announced to the local ruler that a European ship had arrived, in ports like St. Augustine, he would immediately send out raiding parties. Thiébaud mentions that there are only few instances where this process appears in ship journals in written form.

In the 18th century the coastal areas experienced more frequent wars, and as a result the abduction, kidnapping and enslavement of free individuals was rather common during this time.⁶⁵ Warfare and slave raiding was mostly done in the dry season from mid-April to mid-November, and overland travel was difficult in the wet season. When crises like a plague or locusts abounded, fighting was suspended. The Dutch usually arrived in seasons when slave

⁶² Ross. "The Dutch on the Swahili Coast": 338-341.

⁶³ Gwyn Campbell. "Environment and enslavement in Highland Madagascar, 1500–1750: The case for the Swahili slave export trade reassessed." *Bondage and the Environment in the Indian Ocean World* (2018): 52-61.

⁶⁴ Campbell. "Environment and enslavement": 60-61.

⁶⁵ Rafaël Thiébaud. Lecture "Changes in Enslavement Methods".

supplies were not at their peak.⁶⁶ It is not clear why the Dutch did not change their slaving routines, but a part of the explanation must have had to do with ocean currents and winds which were very important for the sailing ships of this era.

The Dutch had to wait for this kidnapping or raiding process, and the speed of this process was an important determinant for how many slaves could be bought. The two places that the Dutch visited most frequently on Madagascar were St. Augustine's Bay and Boina Bay, these are detailed in map 2. During the first voyages, VOC ships found the port of St. Augustine's Bay was regarded as the most promising location. However, voyages were often rather unsuccessful, as figure 1 in the first chapter shows. A major reason for this was that the ruler there ruled over a relatively small political entity, and its rulers were unable to efficiently procure many slaves through raiding.

A new phase arose when the *Voorhout* travelled to the port of Magelage in 1676 on the north-western coast of Madagascar, instead of St. Augustine's Bay or other ports on Madagascar. English and Portuguese traders had been coming there before them, and Magelage also had a long history with Arabian slave traders. The port of Magelage in Boina Bay was a much larger political entity, with the crew of the *Leijdsman* mentioning the king being accompanied by a large group of chieftains.⁶⁷ Here, the ruler was able to raid efficiently when European traders arrived, with a much higher number of slaves to trade as a result. Figure 1 in the first chapter shows the consequences of this new source of slaves: from 1676 onwards, there is a surge in the number of slaves returned to the Cape.⁶⁸ This indicates more successful journeys, which mainly went to this trading port. The persistence of Dutch ships going to this same place shows the importance that one trading port could have for all the slavery activities of the VOC in southern and eastern Africa.

At the end of the 18th century, slave trade with the western part of Madagascar had become more competitive because of English and French traders, and thus less profitable. Ships were still being sent to Madagascar, as figure 1 shows, but other trading opportunities were also being explored. To avoid Madagascar, ships like the *Zon* and *Jagtrust* were sent to the Swahili Coast. The circumstantial nature of the slave trade created a lot of room for improvisation by

⁶⁶ Rafaël Thiébaut. Lecture "Changes in Enslavement Methods".

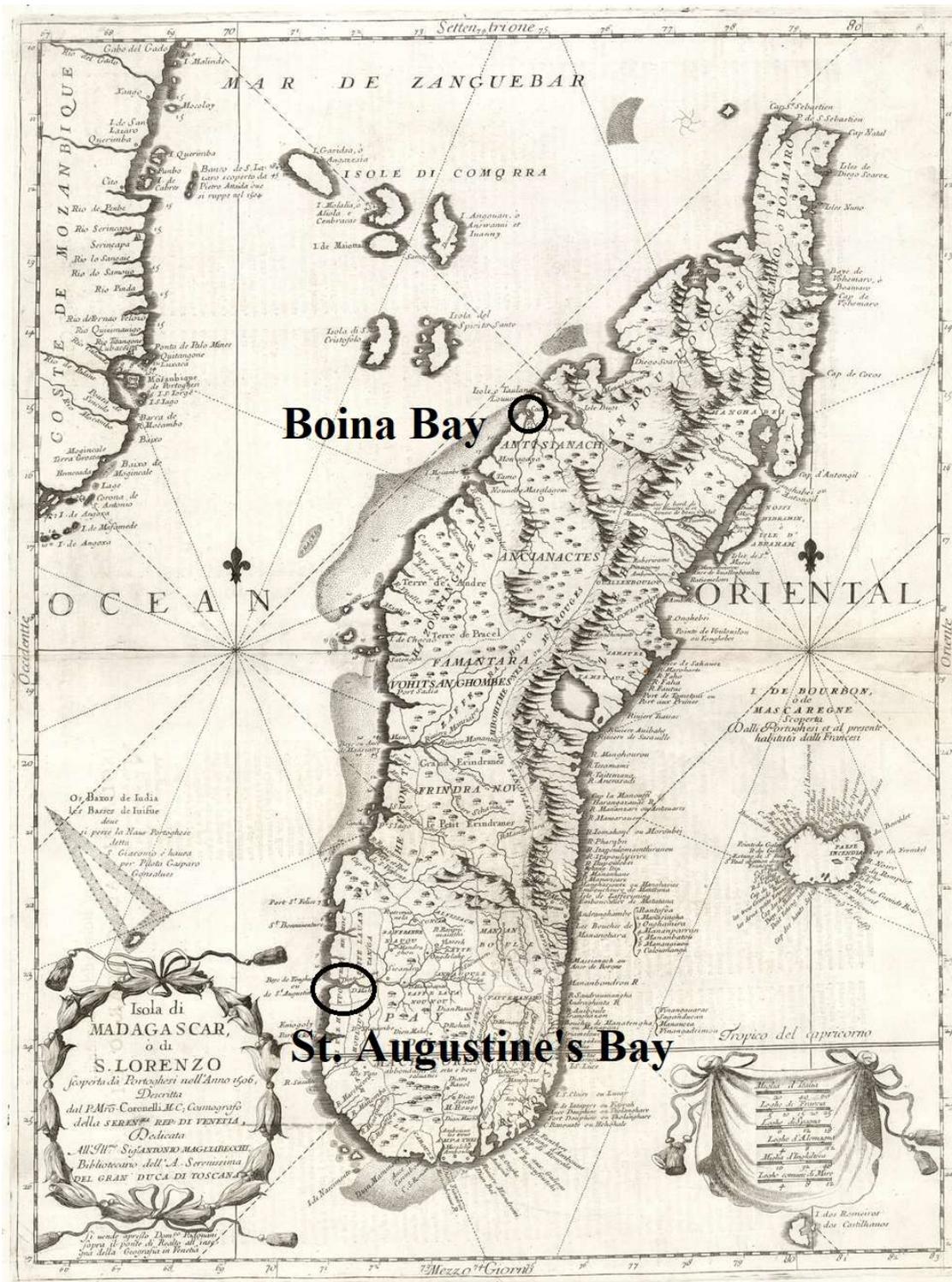
⁶⁷ Westra and Armstrong. *Slave trade with Madagascar*: 90.

⁶⁸ Rafaël Thiébaut. Dataset "French & Dutch slave trade on Madagascar".

traders, especially during exploratory voyages. Following voyages relied heavily on the knowledge of previous voyages, which the voyages of the *Zon* and *Jagtrust* indicate.

The first ship was tasked with bringing back slaves, but in practice it served more as an exploration. Only 62 slaves were traded and there was a high mortality rate of those on board. The latter ship stayed in Zanzibar for months to make the most efficient use of and they also relied on knowledge generated by previous voyages, eventually purchasing 328 slaves, 250 of which reached the Cape of Good Hope.⁶⁹

⁶⁹ Ross. "The Dutch on the Swahili Coast" I: 359; Ross. "The Dutch on the Swahili Coast"II: 506.



Map 2: A map of Madagascar from 1697, with Boina Bay and St. Augustine's Bay highlighted in black. Source: *Isola di Madagascar, o di S. Lorenzo scoperta da Portoghesi nell'Anno 1506, Descritta dal P. Mrō Coronelli M.C. Cosmografo della Seren.ma Rep: Di Venetia, Dedicata All' Ill.mo Sigr. Antonio Magliabecchi, Bibliotecario dell' A. Serenissima Del Gran Duca di Toscana.*

Brokers and interpreters

To smoothen the process of bartering and navigating, the Dutch employed interpreters of Moorish,⁷⁰ Swahili, or Arabic to European languages. A good interpreter could not only translate words, but also convey tone or build bridges between cultures. On the side of the local slave traders, there were also usually representatives or brokers aiding local rulers. In Zanzibar, these could be people with mutually beneficial relations with the governor and influential traders. An important interpreter for the Dutch was Simon d'Arabier, his name revealing his background. He was first employed on an English ship and then up to three times by Dutch ships until his death, and was praised for his bartering skills.⁷¹ This indicates that the VOC officials recognized his value and thought of a good interpreter as being of vital importance for the trading process.

In Malagasy society, brokers were important to the process of trade. They were usually men of stature that had their own slaves and were powerful outside of the moments when Dutch or other European slave traders came to barter. Brokers were important middlemen between the king and the VOC merchants, and Rafaël Thiébaud suggests that their role was somewhere between carrying out the king's orders and meeting Dutch demands.⁷² This compromise was necessary, because during negotiations, all sides tried to make the most of the trade. Dutch traders for example, wanted a low price and healthy young men between the ages of 16-24, because they were deemed most fit for the physical labour in the Cape Colony.⁷³ They would go to great lengths to get a better deal. An example of this was to supply faulty merchandise during trading, which was a regular tactic employed by Dutch.⁷⁴ The local ruler and his following wanted a good price, but also enough gifts for their stature. The broker could try to obtain gifts and the goodwill of the ruler.⁷⁵

Concessions had to be made on both sides. While local rulers were usually persistent in their demand of a specific price, the Dutch usually tried to negotiate to a lower price. The Dutch adopted a tactic to take on female or cripple slaves to smoothen negotiations.⁷⁶ How well the

⁷⁰ It is not clear what this language was from the sources. The people in the Comoros and Madagascar spoke it, so it is most likely a form of Malagasy.

⁷¹ Rafaël Thiébaud. "The Role of "Brokers" in Securing the Dutch Slave Trade on Madagascar during the Eighteenth Century." *Fluid networks and hegemonic powers in the Western Indian Ocean* (2017): 46.

⁷² Thiébaud. "The Role of Brokers": 62.

⁷³ Westra and Armstrong *Slave trade with Madagascar*: 15-19

⁷⁴ Chamuleau. *Hoeveel koperdraad voor een slavin?*: 25.

⁷⁵ Thiébaud. "The Role of Brokers": 61.

⁷⁶ Thiébaud. "The Role of Brokers": 59-60.

trade went thus depended largely on these brokers, that could be employed by the VOC or by local rulers.

In Zanzibar, brokers were usually influential traders or people with relations to the governor. They were required to mediate with the governor not because of ceremonial practices, but because the slave trade with Europeans was illegal. Any Arab could send a letter to Muscat when they suspected that this illegal trade was taking place. The Arabian rulers of Zanzibar also created a demand for slaves, and Zanzibar acted as an important chain in the slave trading network with the Swahili Coast.⁷⁷

In Zanzibar, a strikingly different history of events from the institutionalized practice of trading and brokerage on Madagascar can be seen. This is logical because Zanzibar was a trading port ruled by Arabian traders from Muscat. This group had different trading practices, and the slave trade with Europeans was not the most important trade for them, but merely a way of making some money on the side for corrupt governors and opportunistic local traders. Eventually, the Dutch were only able to acquire enough slaves through chance. If the winds had been different, this last trading period would not have commenced.

The ship journal of the *Jagtrust* notes that during the bartering process in Zanzibar, the Dutch crew was regularly visited by a local priest. He was responsible for trading 69 slaves with the VOC trading ship at first, but the trade was eventually stalled. Later it is stated that the governor of Zanzibar was afraid that local Arab traders would send a letter with a few Moorish ships to the authorities in Muscat.⁷⁸ Eventually, the supercargo - named Van Nuldt Onkruijdt - grew restless and the crew of the ship decided to leave. When the north point of the island was reached and the ship had to wait to take off, the formerly imprisoned priest and a local prince visited the Dutch by canoe. They told them that the governor had been betrayed by his greed and that he wanted to milk the Dutch for more money. Both parties agreed on a shipment of 150 to 180 slaves within two months, and suddenly the trade proceeded smoothly.⁷⁹

Gifts or duties

In both the Malagasy and Arabian societies, gifts formed an important part of the trading process. These gifts usually consisted of a mixture of cloth, muskets, gunpowder, bullets, and

⁷⁷ Ross. "The Dutch on the Swahili Coast" I: 320-321.

⁷⁸ Ross. "The Dutch on the Swahili Coast" II: 488-489.

⁷⁹ Ross. "The Dutch on the Swahili Coast" II: 498.

less often of jewellery and dishware. Dutch VOC traders were aware of the role of gifts in the societies with which they traded in varying degrees. Most importantly, an evolution seems to have taken place somewhere between the writing of the journal of the *Leijdsman* (1715) and the *Zon* (1776-1777).

In the ship journals of the *Soldaat* and *Leijdsman*, the descriptions of gifts given to local rulers and intermediaries do not convey full knowledge of the importance of gifts in Malagasy society. In the case of the *Soldaat*, the supercargo - A. van den Boogaard - is very reluctant in giving away more casks of arak when dealing with an intermediary between him and the king. The supercargo thought the representative was rude and should be more grateful, a statement which he repeats in different words over the days.⁸⁰ This shows that the supercargo was likely not aware of the practice of gift-giving as a form of trading duties, did not regard this person as a vital middleman, or viewed himself as morally superior. The true reason is probably a combination of these three.

When the supercargoes of the *Leijdsman* were trading with the king of St. Augustine's Bay, they write that they intended their gift of armosin (a type of cloth) as a means of friendship. Later, they write that they gave a gift because they were happy with the trade.⁸¹ The fact that the supercargoes were more liberal with handing out gifts indicates that they saw the potential for how they could smoothen the trade.

This contrasts with the way in which the supercargoes of the *Zon* and the *Jagtrust* described the institution of gift-giving. While visiting Anjouan and Zanzibar, the Dutch are confronted with clearly stated harbour duties from the Sultan of Anjouan - which they are still reluctant to pay - and gifts are also given out to various persons according to their standing and their help to the Dutch. Not only did the supercargoes of the *Jagtrust* plan gifts for the governor, they also went to the second and third in command, and to the first captain of the castle.⁸² A reason for this difference in the practice of gift-giving may be that the VOC developed regulations for handing out gifts. However, these developments must also be seen in their different contexts: the *Leijdsman* and *Soldaat* went to Madagascar, whereas the *Zon* and *Jagtrust* went to Zanzibar, which was a city with Arabian influences and thus different trading practices. Nonetheless, these changing ways of using the gift either reluctantly, as a true gift

⁸⁰ Chamuleau. *Hoeveel koperdraad voor een slavin?*: 12.

⁸¹ Westra and Armstrong. *Slave trade with Madagascar*: 60-62; 100.

⁸² Ross. "The Dutch on the Swahili Coast" II: 481-482

after a happy trade, or as a fee to conduct trade in the first place shows that this institution was adaptable.

Trial-and-error

A last aspect of the slavery voyages was the level of preparatory knowledge for a slavery voyage, which was sometimes lacking and highly dependent on knowledge from previous voyages, and trial and error. The circumstantial nature of the slave trade created a lot of room for improvisation by traders, especially during exploratory voyages. Following voyages relied heavily on the knowledge of previous voyages, which the voyages of the *Zon* and *Jagtrust* indicate. The former explored the East-African coastline which seemed unfit for slave trading, while the bulk of the slaves was bought in Zanzibar. The latter stayed in Zanzibar for months to make the most efficient use of and they also relied on knowledge generated by previous voyages.

Conclusion: Calculated risk

The process of VOC slave trading in southern and eastern Africa during the 17th and 18th centuries was highly circumstantial. There were many factors on which the successful returning of slaves was dependent. First, it was important to visit ports with a high supply of slaves. Secondly, it was important to know the right customs of gift-giving, and to employ the right translators and intermediaries. Third, good relations with local rulers were of importance, and with the intermittent character of regional trade from the Cape, it was hard to establish lasting bonds. However, the circumstantial nature of the slave trade was recognized by the VOC. The slave trade became a game of calculated risk for the VOC. Exploration of new trading opportunities in terms of geography and trading practices was seen as a necessary part of this process. When the promising trading port at north-western Madagascar was found, the practices of trade began to develop, with gifts being recognized as trading duties, and with middlemen being used strategically. This shows that the VOC and its agents were able to make flexible use of institutions pertaining to the slave trade, thereby developing these practices in a more optimized form. This process is similar to what Streeck and Thelen describe as the layering of an institution, continuously adding new elements to existing institutions.

Chapter 4: A settlement at the Cape of Good Hope

In this chapter Cape society will be analysed as part of the operations of the VOC. While at the end of the 18th century the settlement and its surroundings had grown considerably in size, for the VOC its main function remained a refreshing station. This chapter will establish critically how the VOC was not able to keep public order in the settlement at the Cape of Good Hope.

Controlling a settlement

An analysis of the Cape Colony must start with its planning situation. Before the establishment of the Colony in 1652, the Cape of Good Hope was a logical and suitable place for ships travelling to the East Indies to stop for refreshments. After the Colony was established, it remained primarily a refreshing station. When the first free burghers arrived in 1657, Governor Van Riebeeck planned to have a few farms surrounding the city that could supply arriving and leaving ships.

Initially, this was the case. However, Governor Simon van der Stel reformed the way of farming in 1679 from a traditionally Dutch intensive to an extensive farming style, more suited to the Cape climate. The catch was that this required more labourers.⁸³ Therefore, livestock was kept on the expansive hinterlands of the Cape settlement. When a group of exiled French Huguenots arrived in 1688, they successfully set up agricultural businesses producing wine and grain for sale on the market.⁸⁴ These farmers made use of slave labour, and the most successful of them started forming a market elite. While the colony grew, and the Cape “remained dynamic and developed quickly”, the economy of the Cape was not actively stimulated by the VOC.⁸⁵ Burgher trading rights were only expanded in 1792 to stimulate the Cape economy, at the end of the period of Dutch occupation.⁸⁶ By that time, hundreds of free burghers and freed slaves populated Cape Town., the vast countryside and the towns that had arisen in the Colony’s arable hinterlands.

Why the economy was not actively stimulated becomes apparent when looking at the financial side of the Colony. Making use of the Colony as a refreshing station cost the VOC

⁸³ Gerald Groenewald. "Culture and Society at the Cape of Good Hope, 1652–1795." *Oxford Research Encyclopedia of African History*: 3.

⁸⁴ Johan Fourie and Dieter von Fintel. "The fruit of the vine? An augmented endowments-inequality hypothesis and the rise of an elite in the Cape Colony." *The role of elites in economic development* (Oxford, 2012) (2010): 4.

⁸⁵ Groenewald. "Culture and Society": 2.

⁸⁶ Bruijn, Gaastra, and Schöffner. *Dutch-Asiatic Shipping*: 114.

as much as 150.000 fl. in the early 18th century, and up to 300.000 fl. yearly in the second half of the 18th century.⁸⁷ Apparently, the investment was worth its cost for the VOC, with Cape Town quickly becoming a key part of the VOC trading network with Asia. The growth of the Colony and its increasing costs also reflected the steady increase in ships going to and from the East Indies during the 17th and 18th centuries, and increasingly larger ships.⁸⁸

This lack of planning and, most importantly, lack of finances created a precarious situation for Cape society. There was a police force with three branches, that required finances to run under its jurisdiction. The first branch was tasked to mete out punishments under command of the *fiscaal* - the chief prosecuting officer. The force was led by a sergeant called a *Geweldig*, who was assisted by so-called *Caffers* - slaves from the East Indies. They were notorious among the slave population for frequent floggings, but they also ‘corrected’ enslaved men. Secondly, there was a town watch. Those patrolling during the day were called the *burgerwagt*, and those at night the *ratelwagt*. However, slaves could easily avoid the *ratelwagt* when sneaking in the city at night and the runaway population could mix with the underclass of the town.⁸⁹ Another option was to simply pay the visiting sailors or soldiers money to be rowed to a docked ship.⁹⁰ In 1715 a mobile police force was established to catch runaways in the sparsely populated hinterlands. Before then, bounties were posted in settlements in the hinterlands, with little success.⁹¹ Robert Ross called the city simply “underpoliced.”⁹² This was the result of an underfunded police force.

Honour, alcohol and women

As described in chapter 2, the tensions between the two main groups of sailors and soldiers created at sea were transplanted onto land. On land, the mainly German soldiers were more numerous, and they were among their own countrymen.⁹³ The two feuding groups had their own group identities, which were fiercely contested. The feud with the group of sailors erupted in different ways amongst this complex society. By creating cross-group alliances among the labouring poor, these two groups dominated the whole lower-class society.⁹⁴

⁸⁷ Bruijn, Gaastra, and Schöffner. *Dutch-Asiatic Shipping*: 117.

⁸⁸ Bruijn, Gaastra, and Schöffner. *Dutch-Asiatic Shipping*: 145.

⁸⁹ Robert John Ross. *Cape of torments: Slavery and resistance in South Africa* (1983): 35-36.

⁹⁰ Ross. *Cape of torments*: 75.

⁹¹ Ross. *Cape of torments*: 35-36.

⁹² Ross. *Cape of torments*: 79-80.

⁹³ Worden. “Strangers Ashore”: 76-77.

⁹⁴ Groenewald "Culture and Society": 13.

Complicating factors for the management of social order were the practices of (German) honour, a ready availability of alcoholic beverages, and an overwhelmingly male population.

To start with the first factor, the processes of social tension and hierarchy were largely structured along the lines of the system of honour. This entailed in its most simple form that a man had a certain reputation, which, when it was scorned, had to be rectified with a fight. Amongst the nobility or high-ranking officials, the tarnished reputation was rectified in a duel, and amongst the lower classes of Cape Town knife-fighting was a popular option.⁹⁵ For a soldier, demotion to the rank of sailor was one of the most feared falls from grace. One such case is evident from the case of Laurens Barmanije van Loropsant. After stabbing a sailor, he asked for “an honourable punishment and that I might remain a soldier.”⁹⁶

The second factor was the ready availability of alcoholic beverages. The farms around the city produced wine, which was directly sold to the coming and going sailors and soldiers. Moreover, arak, a form of rice wine brewed on Java, was a popular beverage and an important import product from Batavia. Thus, alcohol was readily available and sold in the many drinking houses of Cape Town. The prevalence of these drinking houses and the fact that most alcohol produced at the Cape was meant for domestic consumption means that the population must have been frequently intoxicated.⁹⁷

The third - complicating - factor was the fact that there were significantly less women than men. Women were rarely taken on VOC ships, and if they were it mostly concerned the wives and children of officials. As described in the third chapter, there were also fewer female slaves brought to the Cape: the ideal male-to-female ratio for slave owners was 4:1.⁹⁸ At the end of the 18th century, after 150 years of natural growth, around 40% of the entire population was female.⁹⁹ Moreover, the population was a lot younger than other Early Modern communities. Gerald Groenewald estimates that around 55 to 60 per cent of people was younger than 20, compared with an average of 40 per cent elsewhere.¹⁰⁰

The first two conditions created often and violent eruptions of violence, such as street fights, making the Colony even more unmanageable. Groenewald mentions that many children were

⁹⁵ Worden. “Strangers Ashore”: 80.

⁹⁶ Worden. “Strangers Ashore”: 75.

⁹⁷ Fourie and Von Fintel. “Fruit of the Vine?”: 6.

⁹⁸ Margaret Lenta. “Sentencing slaves: verdicts of the Cape courts, 1705-1794.” *English in Africa* 35.2 (2008): 42.

⁹⁹ Groenewald. “Culture and Society”: 5.

¹⁰⁰ Groenewald. “Culture and Society”: 7.

born out of wedlock, and that power relations between men and women were significantly unequal.¹⁰¹ The nickname for Cape Town – the *Indische Zeeherberg* (Indian Ocean Tavern) – must have referred to the conditions of this unusually violent, male, young society.

Permanent runaway community

In the judicial records, a recurring fear for omnipresent runaway slave communities surfaces. Firstly, there were permanent communities of runaway slaves in the mountains surrounding the Cape Colony. The nearby *Tafelberg* and regional *Hangklip* were two of the most popular locations, which are highlighted in map 3. It was generally known among the slave population that there were slaves living a free life within the confines of the Colony. Especially woodcutters who were tasked with gathering lumber from the slopes of the *Tafelberg* encountered this community. Escaped slaves living atop this mountain had no sustainable sources of food, living in rough, mountainous terrain. Therefore, they had to resort to contacts with the Colony. There are accounts of the slave woodcutters paying the slaves living on the *Tafelberg* provisions to work for them, and of contacts with slaves they knew from their time in chains.¹⁰²

Another option for surviving as a runaway was theft and robbery. An increasing number of farms dotted the hinterlands of Cape Town, and with relatively weak protection, it was easy for slaves to steal sheep or other livestock.¹⁰³ To illustrate this, a case of a group of runaway Company slaves that had stolen sheep arrived before the Council of Justice in 1735. Facing the dangers of the town police, watchful slaves and *knechten*, they stole sheep from several farms before being caught.¹⁰⁴ Runaway slaves could also travel to the city and mingle with others in the vast lower class, as described in the section of controlling a settlement.

Aside from the *Tafelberg*, the most infamous community of slaves resided at *Hangklip*, a seaside cliff that is part of the Hottentots Holland Mountains. A community of runaway slaves living there remained there for over 50 years. They raided nearby farms and robbed caravans going through the mountains. The nearby coast also provided them sustenance, whereas the *Tafelberg* runaways had to steal for their food. The persistence of these communities, and the ease with which runaways could steal and mingle with the underclasses indicate a low level of

¹⁰¹ Groenewald. "Culture and Society": 7.

¹⁰² Ross *Cape of torments*: 57.

¹⁰³ Worden and Groenewald. *Trials of Slavery*: 119-128.

¹⁰⁴ Worden and Groenewald. *Trials of Slavery*: 119-128.

control over the surrounding area and an inability to sufficiently keep the Colony under control.

Finally, a constant happenstance was the desertion of slave groups. The case of Tromp van Madagascar of 1714 shows such a happening when a group of slaves planned to escape to Namaqualand¹⁰⁵. One of the runaways, called “Knap een Deuntie”, told the others: “We shall never return to the Dutch, nor eat their bread”, the words of someone who was prepared to face the dangers of the southern African wilderness to attain freedom. It is further described that they fell in with a group of San en route, with whom they attacked a group of Khoi herders. Eventually, they put up a considerable armed resistance, but were recaptured by Company militia.¹⁰⁶ This was a regular happenstance according to Groenewald and Worden.¹⁰⁷ While there were recurring runaway cases and permanent runaway communities, no large-scale rebellions or uprisings took place during the Dutch occupation.

¹⁰⁵ Namaqualand was an area to the north of the Cape Colony in this time, which was not settled by the Dutch. Nowadays, it is a part of South Africa.

¹⁰⁶ Worden and Groenewald. *Trials of Slavery*: 21-41.

¹⁰⁷ Worden and Groenewald. *Trials of Slavery*: 21.

Desertion by VOC employees

The unmanaged conditions in the Colony were not only the cause for slaves running away. There was also a steady flow of desertions among the Cape garrison, around 1,25% yearly, out of a garrison of 2000 men during the 18th century.¹⁰⁸ This was no doubt due to the dire circumstances which these men faced, referring to the strict hierarchy and corporal punishments that were common within the VOC. Deserters were restrained in their freedom of movement, because the hinterlands of the Colony formed an unknown, inhospitable territory to anyone but the local Khoikhoi.¹⁰⁹

One case is indicative of the living conditions of VOC employees. In 1739 Company woodcutter Jurgen Scholts and accomplices tried to steal cattle from the Company's corral. While being caught, they wounded two slaves and killed one. Two of the accused men were executed for theft with malicious intent, the other two were to work in chains for ten years. While being only a single instance, this case shows that, despite the dangers, even Company employees sometimes had to resort to stealing because they saw this as necessary to make a living. This also shows that punishments for Company workers for stealing were forced labour or in this case even a death sentence because a slave was killed. Apparently, killing a slave that was the property of someone else could be a reason for a death sentence, which is strikingly different from people killing their own slaves, which will be further detailed in the next chapter.¹¹⁰

The conditions on the ships described in the second chapter were already enough for some of the men employed on Company ships. When ships arrived in the harbour of Cape Town, it was common for the soldiers and sailors to jump ship. Often, they were captured by the local authorities and sentenced, but if this did not happen, there was a chance to get aboard another ship. They did this mainly because they were unhappy with the conditions on their own ship. Many of the ships in Cape Town were foreign, so escaping to one of these meant that a sailor could flee the control of the VOC. These practices were most likely accepted by captains of ships of other nations because of the permanent labour shortages.

¹⁰⁸ Ross. *Cape of torments*: 75-76.

¹⁰⁹ Groenewald. "Culture and Society": 4.

¹¹⁰ Worden and Groenewald. *Trials of Slavery*: 154-161.

Conclusion: A disorderly society

This chapter has sketched a picture of a disorderly society. Company soldiers deserted, the police force was underfinanced, visiting sailors used the city like a tavern, and slave runaway communities posed a constant threat to Cape society. Most of the facts outlined above were known to the VOC. The records show that the authorities were aware of but could not handle runaway communities and insubordination by slaves. Moreover, the Council of Policy and the VOC must have been aware that their own employees were deserting and stealing. A simple solution like increasing the financial support for the Colony might not have worked, because the conditions of partial colony management were beneficial to a particular group: the group of VOC elite that had relatively free reign over the colony. This will be explored in the next chapter. The VOC did not manage to run an efficient colony, most likely because there was not enough funding, nor priority for doing so.

Chapter 5: An unequal system

This chapter focuses on the ties between the increasingly small and powerful Cape elite and the Council of Policy and Council of Justice. It brings us further in understanding how the VOC managed its settlement at the Cape, and how the elite were involved with this.

Small elite community: officials and farmers

For the VOC, all free burghers living in the Cape Colony were viewed as its subjects. All of them also had a place in the hierarchy of power: VOC officials were the highest, behind them were burgher councillors, then officers of the burgher militia, and finally common burghers. While a burgher could thus acquire a higher status by being involved in local politics, the many visiting ship captains and traders at the top of the VOC hierarchy formed a burgher elite when they settled down. These officials were part of a group that was increasingly born at the Cape, as children of other officials. Even those Europeans that came from a modest background, but who were part of the VOC official ranks, married into the Cape elite.¹¹¹ This elite executed their power through entrepreneurship exploitation, display and performance. Having lots of slaves, carriages, expensive clothing and other material goods set this group apart from the rest. The VOC was involved in this process by creating sumptuary legislation about what each class could and could not wear.¹¹² Not only did the VOC officials form a social class, they also exercised political power: the members of the Council of Policy and the closely related Council of Justice were VOC officials.

The Cape elite consisted also of another group: farmers that, by generating the most profits, had increased their market share and landholdings in the Cape Colony hinterlands. A slave workforce was preferable for farm owners to maintain their extensive mode of farming, which required a lot of labour. VOC elites mainly used slaves to elevate their status within the Cape society. In 1688 and 1689, French Huguenots arrived at the Cape. After the revocation of the Edict of Nantes, many of them fled to the Dutch Republic, some of whom travelled to its Cape Colony afterwards. With them they brought knowledge of grape farming and wine business. They were initially given farms spread out between Dutch settlers in the *Franschhoek* or “French Corner” area. Whereas the previous dominant pattern of farming was livestock, as an alternative for the intensive agriculture that was first tried, it was now wine

¹¹¹ Ross. *Cape of torments*: 75.

¹¹² Groenewald. "Culture and Society": 12-13.

farming, and later wheat farming, that became dominant.¹¹³ These forms of agriculture were far more labour intensive than livestock herding - for which Khoikhoi were often employed because they knew the land.¹¹⁴ The use of slave labour instead of free labour was a good predictor for business success.¹¹⁵

In 1688 when most of the Huguenots arrived, successful slave trading in the region had been going on for 12 years, and slave imports from the East Indies were recurrent.¹¹⁶ For these reasons, slaves could be used as an alternative and better source of labour to wage labour by Europeans. The farms became increasingly reliant on slave labour, and in 1717 seven out of the eight members of the Council of Policy - with ties to the slaveholding elite - petitioned the VOC to focus on slave labour and discourage European immigration.¹¹⁷ This served two purposes. On the one hand it could slow down the already accruing problems with the town's lower class. On the other hand, there were already institutions present that dominated slaves, most importantly via the Council of Justice.

Making increasingly more use of slave labour, over the course of the 18th century, a small group of farmers became exceptionally wealthy. It is unclear who made up this group, but it is likely that the group stretched beyond the French Huguenot population, and the Cape Town burgher elite may have been incentivized to start a farm in the hinterlands. Between 1692-1757 this group significantly increased their farm sizes, while the average farm sizes stayed relatively the same.¹¹⁸ This increased inequality. At the start of the 18th century inequality decreased, but from the 1730s inequality increased significantly.¹¹⁹

Both farmers and the burgher elite had something to gain from institutions that favoured slaveholding. The first group made use of slave labour primarily for status and housework, and the second group had further economic interests. However, it was the elite of VOC officials that exerted the most influence on the proceedings of the justice system. The Council of Policy consisted of visiting ship captains and the Governor, and it had ties with the Council of Justice. Until 1685 the two bodies were joined, after which they were officially split. However, their ties remained close, with the members of the Council of Justice being part of

¹¹³ Fourie and Von Fintel. "Fruit of the Vine?": 4.

¹¹⁴ Groenewald. "Culture and Society": 4.

¹¹⁵ Fourie and Von Fintel. "Fruit of the Vine?": 9-14.

¹¹⁶ Please refer to figure 1.

¹¹⁷ Fourie and Von Fintel. "Fruit of the Vine?": 6.

¹¹⁸ Fourie and Von Fintel. "Fruit of the Vine?": 14-15.

¹¹⁹ Fourie and Von Fintel. "Fruit of the Vine?": 7-8.

the Colony's elite of Company officials.¹²⁰ The links between the group of officials and the highest legal and executive bodies, and the economic interests of a slave-owning class created a partial justice system. The VOC authorities were interested in maintaining the power of the in-group by exploiting the legal system more than anything else.

The partial justice system

The foundations of the Cape's legal system were intentionally ambiguous. In 1642 the Statutes of Batavia were formalized as the official legal system for Batavia, and they became guiding for other VOC possessions as well. The statutes were not a codification in the modern sense of the word, but a very diverse collection of regulatory, housekeeping and administrative provisions, contained in forty-eight different chapters.¹²¹ These Statutes stated that the law for Europeans in the East Indies should accord as much as possible with the law of the Dutch Republic. On matters not regulated by the articles of association, which were many, use had to be made of Dutch law or, in the absence of relevant Dutch law, of Roman law.¹²² The VOC was also allowed to create its own legislation for its possessions in the East Indies and Africa.¹²³ While the Statutes acted as a guideline for a legal system, and became an officially approved statute book in 1650, they were not significantly updated afterwards. This meant that they were often not usable in practice. De facto, the Heren XVII – the board of directors of the VOC – left most of the regulatory activities to the High Government itself.¹²⁴

Because there was no official, updated legal system in practice in Batavia, local decrees became the common law in the Cape. The Council of Policy - the executive body of the Cape Colony - regularly ruled out *plakkaten*, decrees that would be read aloud and posted on buildings.¹²⁵ Being decreed by the Council of Policy itself - comprised of visiting VOC ship captains and the governor - these *plakkaten* were highly influenceable by the VOC elite. Furthermore, the definition of the common law that these decrees created was guiding for prosecutions as well.

In the justice system there were no special slave courts, like colonies in the Americas had. However, through a reinterpretation of the law, the same effect accomplished. There were two

¹²⁰ Worden and Groenewald. *Trials of Slavery*: xxi.

¹²¹ N.S. Efthymiou, (2005). *De organisatie van regelgeving voor Nederlands Oost-Indië: stelsels en opvattingen (1602-1942)* (2005): 27.

¹²² Efthymiou, *De organisatie van regelgeving voor Nederlands Oost-Indië*: 13-14.

¹²³ Efthymiou, *De organisatie van regelgeving voor Nederlands Oost-Indië*: 25-26.

¹²⁴ Efthymiou, *De organisatie van regelgeving voor Nederlands Oost-Indië*: 27-28.

¹²⁵ Worden and Groenewald. *Trials of Slavery*: xx-xxi.

types of law in 18th century legislation: natural and positive law. The former covered things like murder and rape, and it was derived from God and the Bible. It could not be argued with and there should be no distinction when judging the perpetrator of such a crime. The latter was human law, which covered things akin to morality or the will of the higher classes.¹²⁶

With the tools of different legal systems at their disposal, the Council of Justice and its prosecutors tried to insert positive law under a natural law umbrella. Requiring Cape Colony masters to punish their slaves often and harshly for relatively small crimes is an example of this. Here, the authorities actively intervened in the master-slave relationship.¹²⁷ Furthermore, by using moralization in the argumentation for a conviction in a court case or in the written document itself, the accused were often criminalized before their conviction.¹²⁸ Prosecutors could also make use of a mixture of existing legal systems present at the Cape in their argumentation. The justice system of the Cape evolved from a lack of an official system, with multiple systems being used simultaneously, but not consistently, to a system used by the Cape elite for their own gains.

In the theory of Streeck and Thelen, the existing institution of the justice system could in this way be adapted by the elite to serve new purposes. In this case, those new purposes were to benefit slave owners and excessively punish slaves. This complex mix of legal systems made it possible for slave owners to escape the liability for their slaves' actions, or to otherwise be only fined when the death of a slave was involved. However, slaves were still regarded as property in the many inventories, being listed besides cattle, sheep, or pigs in estate valuations, wills, and auctions records of the Company's administration.¹²⁹ It was largely this fact that shaped the attitude of colonists towards slaves.¹³⁰

Prosecution

Often the *landdrost*, fiscal, or slave owners would prosecute a court case. The *landdrost* acted as the chief legal officer. From 1712, he could also have cases prosecuted on his behalf. If the fiscal desired to have a case prosecuted, he could also do that himself. They were both part of the Council of Justice and acted as public prosecutors.¹³¹ When a case came to court, the procedure from going from an accusation to a conviction consisted of three stages. First, a

¹²⁶ Lenta. "Sentencing slaves": 37.

¹²⁷ Lenta. "Sentencing slaves": 42-43.

¹²⁸ Lenta. "Sentencing slaves": 38.

¹²⁹ Lenta. "Sentencing slaves": 42.

¹³⁰ Nigel Worden. *Slavery in Dutch South Africa* (1985): 42-43.

¹³¹ Worden and Groenewald. *Trials of Slavery*: xxii-xxiii.

confession was taken by a prosecutor of the Council of Justice. When guilt was admitted, the procedure ended here. The second stage was an interrogation, which came into effect when a full confession was not forthcoming. Answers were jotted down next to the questions posed in the interrogation, in such a manner that at the end guilt would be admitted. A last resort was the third stage of torture, which was decided upon when sufficient eyewitnesses had been present to convince the authorities that the accused was guilty, but at the Cape this was a relatively rare occurrence. It is clear from the description of this procedure that the tools used by a prosecutor were not impartial.¹³²

The obtained confession was afterwards read aloud to the confessor, who could make changes. Often, slaves from Asia or Africa did not understand Dutch, or only partially. Only in some cases were translators provided, like in the case of Doulat van Balij in 1718. He was interrogated in Portuguese and the documents were read to him in Portuguese and Malay, of which there were interpreters at the Council of Justice. It may be that this was a special case, because in few other cases the use of an interpreter is mentioned.¹³³ When no confession could be obtained and when there were not sufficient eyewitnesses, the case could be dropped. This happened regularly, and many speculations are possible whether the case should have been reported at all, or if there were personal interests by slave owners at play.¹³⁴

If a confession was obtained and when the Council wanted to prosecute, an *eijisch*¹³⁵ was drawn up. This document was prepared by the prosecutor and was based on various, chronologically ordered statements. The *eijisch* was the ideal place for a prosecutor to add moralization, further detracting from the impartial function of a legal body.¹³⁶ For instance, in the case of Pieter Coridon from 1738, a few slaves and free people were found in the streets after ten at night. This was a punishable offence because there was a curfew for slaves. However, their transgression of a rule became an act of conspiracy to commit malicious deeds in the words of the prosecutor.¹³⁷ The document was subsequently read aloud in the courtroom, where changes could be made to this story. However, as mentioned earlier, translators were rarely supplied, and prosecuted slaves frequently did not understand Dutch.

¹³² Worden and Groenewald. *Trials of Slavery*: xxii-xxiv.

¹³³ Worden and Groenewald. *Trials of Slavery*: 56-64.

¹³⁴ Worden and Groenewald. *Trials of Slavery*: xxvii.

¹³⁵ An *eijisch* was literally a 'demand' or 'claim'.

¹³⁶ Worden and Groenewald. *Trials of Slavery*: xxiv.

¹³⁷ Worden and Groenewald. *Trials of Slavery*: 149-153.

Spectacular and cruel sentences for the enslaved

At the end of a trial, punishments were imposed on slaves or free men. While there was no official legal distinction between these two groups, in practice there certainly was a difference in punishments they received. Even before a case coming to court, slaves were physically punished for any act of insubordination or mistakes at work. When a case involving a slave perpetrator came to court, the punishment was usually either to work in chains on Robben Island or a gruelling death sentence. While slaves regularly escaped punishment by running away as described in the previous chapter, these sentences detail the consequences when they were caught.

Elaborating on the judicial consequences of the sentencing of slaves during Dutch rule, Lenta makes the claim that the act of slaves receiving gruesome punishments was a way to deter the rest of the population from following in their footsteps. She connects this to Foucault's views on punishment being "spectacular" to scare other would-be criminals and deterring them from committing future crimes.¹³⁸ An example of this kind of punishment is that of Andries van Ceijlon in 1724. For stealing brandy from his owner, he was whipped by the owner and his slaves. After this, he set fire to his master's wine cellar. Arson was a particularly dire offence in Early Modern Cape Town because most of the city was built with wood. He was sentenced to have his right hand cut off, to be tied to a stake, being half strangled to death, then scorched to death until finally his dead body was placed upon a wheel with the hand posted above it, to be eaten by birds.¹³⁹ In following Lenta's comparison, one can indeed imagine that this horrible image in a public place would incentivize others not to receive a similar punishment. It is, however, questionable whether the practice worked in this way.

Slaves could stand to face horrendous punishment for relatively benign offences. When failing to bring in enough *koeliegeld*¹⁴⁰ or by losing sight of cattle, while these can simply be considered irresponsible, a slave would be punished with a *sjambok* or whip by the master. In fact, a slave owner was required by the local authorities to punish a slave that had made a punishable mistake, to keep order among the entire slave population. For example, when in 1790 the owner of a slave called September van Boegies did not want to beat September for having run away for a day, the court ruling states that the master was compelled to punish his

¹³⁸ Lenta. "Sentencing slaves": 43-46.

¹³⁹ Worden and Groenewald. *Trials of Slavery*: 96-100.

¹⁴⁰ *Koeliegeld* or "coolie money" could be earned by slaves being rented out by their masters to another free person.

slave anyway.¹⁴¹ In this way, the master became executioner of justice him- or herself. If they did not, the court had punishments ready. In 1775 field corporal Gerrit Marits shot a slave that was found in the field. He asked him to stop, but the slave ran away. This was a legal cause to kill him or her, the court ruled.¹⁴² Robert Ross calls this process of receiving harsh punishments for minor crimes a “spiral of punishment”. Slaves often retaliated against punishments for minor transgressions, making them even more unruly.¹⁴³ The only way that the elite group of slave owners was able to prevent this spiral was to keep a tight control on the enslaved population.

Light punishment for burghers

Free men received more lenient sentences, with a death sentence being administered only when a murder was involved. However, when a free burgher and especially a slave master had committed a non-premeditated murder on a slave, punishments were representative of economic harm caused to another citizen. Slave owners had almost complete freedom to punish the people they owned to their desire, with death being the only limit. There are recorded cases where a slave owner is fined for maltreatment of a slave, such as in the case of Jan Botma in 1729. The enslaved Joseph van Malabaar was whipped for an offence, then drank a lot of water from a puddle on the ground and later became sick and died. Because this was seen as a cause of illness, Botma was charged with irresponsible care leading to the death of a slave. He was fined 100 *rijksdaalders*.¹⁴⁴ This shows that maltreatment of slaves was a punishable offence. This was, however, only addressed by the Council of Justice when death followed.

Jan Botma’s case is part of a pattern where burghers purposefully received light sentences for offences that would be grave if free persons were involved. A fine of 100 *rijksdaalders* was commonplace for irresponsible punishment leading to the death of a slave. This was less than the average market price of a slave, and a quarter of the fine for selling wine in an illegal way. Accusations against cruel masters were rarely prosecuted when there was no death involved. Inevitably, this bias in favour of slave owners was tied to the fact that the persons on the Council of Justice were intertwined with other slave-owning elites; they often had slaves

¹⁴¹ Worden and Groenewald. *Trials of Slavery*: 584-585.

¹⁴² Worden and Groenewald. *Trials of Slavery*: 480-481.

¹⁴³ Ross. *Cape of torments*: 33-34.

¹⁴⁴ Worden and Groenewald. *Trials of Slavery*: 107-114. The rijksdaalder was the currency of the Dutch Republic during this time.

themselves. They were part of an elite, growing in power, that acted increasingly in the interests of themselves, as has been explained above.

Conclusion: Justice for the elite

The elite of Cape society consisted of rich slave-holding farmers and Company officials that were over-represented in the branches of government and law in Cape Town. Making use of the intentionally ambiguous mix of legal systems to be used for prosecution and legislation, this elite could adapt the justice system towards new purposes. In this converted justice system, only the death of a slave inspired prosecution. Even if prosecution took place, slave masters were regularly exempted from punishment. In principle, all persons were to be treated under the same law. However, in practice a slave was more akin to cattle or other forms of property when they were passively involved in a crime. When they were actively involved in a crime, their potential danger for the Colony in the form of arson, murder, or uprising was recognized and they were punished brutally. They were dually considered persons and chattel. This assessment shows that the Company officials in charge of running the settlement at the Cape of Good Hope were personally invested in underdevelopment of the Colony, with the unruly status quo being preferable to a more equal society.

Conclusion

A contrast can be discerned between how VOC operations functioned at sea versus on land. Being primarily a trading company, it developed institutions regarding the slave trade better than institutions that were key for the management of a settlement. The hierarchy, discipline and rules that were inherent to the organization of VOC ships shows the dominance of a profit motive, which resulted in a relatively stable, but harsh environment on board. This same profit motive created the necessity to optimize the processes that were most integral to VOC slave trading, which resulted in developing institutions, ultimately making the process of slave trading more formally instituted. In the terminology of Streeck and Thelen, the VOC slave trade in southern and eastern Africa resembled a process of layering. New practices were being continuously added upon the existing practices through a process of trial-and-error which was being documented in ship journals, thereby creating a database of knowledge.

The functioning of the society present in the Cape Colony was not part of the profit motive of the VOC, which is characterized by a relatively under-managed settlement. The result was a society that resembled a tavern, a permanent slave runaway community throughout the 18th century, and frequent desertion by VOC employees. Because the state of the Cape Colony was not essential for the profits of the VOC, those in charge were relatively free in using the justice system for their own ends. By interpreting and making use of different legal systems at the same time, officials engaged in a process of institutional conversion, in the terminology of Streeck and Thelen. Old legal frameworks were redeployed to serve the purpose of controlling the slave population, and the official justice system did not function the same for slaves as for free persons.

Thus, a contrast can be discerned in the way in which the slave trade was conducted versus how the Cape Colony was run. The degree of planning, control, and optimization was higher for the VOC operations concerning the slave trade at sea than for the running of a colony on land. In both cases Company officials were in charge, but whereas in the first case they were compelled to provide profitable results for their company, in the second case fewer checks and balances existed. The VOC officials ran the Cape Colony in such a way that it became a highly unequal society, resembling extractive colonies elsewhere in the world. These were the two faces of the *Vereenigde Oostindische Compagnie*: a company that was successful at innovating trading practices, but which neglected its settlements because they were not part of their main interests.

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