

Diversity and Empires

Negotiating Plurality in European Imperial Projects
from Early Modernity

Edited by Elisabeth Heijmans and Sophie Rose



DIVERSITY AND EMPIRES

Examining diversity as a fundamental reality of empire, this book explores European colonial empires, both terrestrial and maritime, to show how they addressed the questions of how to manage diversity.

These questions range from the local to the supra-regional, and from the management of people to that of political and judicial systems. Taking an intersectional approach incorporating categories such as race, religion, subjecthood, and social and legal status, the contributions of the volume show how old and new modes of creating social difference took shape in an increasingly globalized early modern world, and what contemporary legacies these 'diversity formations' left behind. This volume shows diversity and imperial projects to be both contentious and mutually constitutive: on the one hand, the conditions of empire created divisions between people through official categorizations (such as racial classifications and designations of subjecthood) and through discriminately applied extractive policies, from taxation to slavery. On the other hand, imperial subjects, communities, and polities within and adjacent to the empire asserted themselves through a diverse range of affiliations and identities that challenged any notion of a unilateral, universal imperial authority.

This book highlights the multidimensionality and interconnectedness of diversity in imperial settings and will be useful reading to students and scholars of the history of colonial empires, global history, and race.

Elisabeth Heijmans (University of Antwerp) is an economic and social historian of French and Dutch early modern colonialism and colonial trade. She is the author of the 2020 monograph *The Agency of Empire: Connections and Strategies in French Overseas Expansion (1686–1746)* and has published in English, French, and Dutch.

Sophie Rose is a postdoctoral researcher at the University of Duisburg-Essen with an interest in the colonial Dutch Caribbean, global history, and the history of morality. She is currently adapting her PhD dissertation, *Regulating Relations: Controlling Sex and Marriage in the Early Modern Dutch Empire*, into a book.



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CONTRIBUTORS

Ângela Barreto Xavier
University of Lisbon
Portugal

Jane Burbank
New York University
The USA

Tessa de Boer
Leiden University
The Netherlands

André Luís Bezerra Ferreira
Federal University of Pará
Brazil

Margret Frenz
University of Stuttgart
Germany

Alexander Geelen
International Institute of Social History
The Netherlands

Elisabeth Heijmans
University of Antwerp
Belgium

Tamar Herzog
Harvard University
The USA

Timo McGregor
London School of Economics
The UK

Sophie Rose
University of Duisburg-Essen
Germany

Jean-Frédéric Schaub
École des hautes études en sciences sociales
France

Rafaël Thiebaut
Musée du quai Branly – Jacques Chirac
France

Stef Vink
Leiden University
The Netherlands

INTRODUCTION

Elisabeth Heijmans and Sophie Rose

‘Diversity’ is a term frequently thrown around in twenty-first-century parlance, from college recruitment campaigns to corporate and government policies, and usually in a decidedly celebratory way, explicitly avowing an embrace of previously marginalized groups. As such, it is often used in conjunction with the social concept of ‘identity’, connoting the qualities that meaningfully impact the groups and categorizations that someone belongs to, as well as the implications this has for social status, societal roles, power, and influence. As trendy as the terms may be, however, questions around diversity and social identity are not new. The creation, administration, and contestation of difference have been a matter of concern for populations and their rulers in a wide variety of historical contexts, for thousands of years. This book will approach diversity not as a value, but as an analytical tool, and apply it in a specific type of context: empires, and specifically early modern to modern European empires.

This is not an arbitrary choice. Diversity is a fundamental reality of empires, and conversely, many of the tenets of diversity as we understand them today found their origin in an imperial setting. Generally speaking, empires, whether terrestrial or maritime, by definition bring together a range of political entities and social groups. Consequently, imperial authorities invariably address questions of how to manage this diversity. These questions range from the local to the supra-regional, and from the management of people to that of political and judicial systems. The current volume explores the different ways of shaping diversity and using already-existing markers of difference in European imperial contexts through the interaction between imperial authorities and subject groups. Through a variety of angles and thematic lenses, the contributions in the volume will demonstrate that questions of diversity, or, as some scholars have put it, the ‘politics of difference’,¹ are key to

understanding the dynamics of empires – and vice versa. Central in this argument is an understanding of diversity as marked by four essential features:

Firstly, diversity is not an objective, fixed reality, but historically and politically constituted. Or, perhaps more accurately, specific manifestations of diversity can be seen as the by-product of community formation and identification. In order for any kind of belonging to be meaningful, some form of exclusion is required, and criteria for defining the boundaries between groups need to be established. What these criteria are varies historically, but in imperial contexts, they have frequently included factors such as place of origin, ancestry, wealth and labor relations, color and other characteristics through which race came to be understood, religious practice or dogma, and the qualities constituting sex and gender. Because of this constitutive nature, it may be more useful to speak of ‘diversity formations’ than of diversity as such.

Secondly, this constitution is not a unilateral process. Although the creation of difference, in *divide et impera* fashion, has certainly been an important aspect of many imperial authorities’ strategies, such impositions never happened in a vacuum. As the contributions in this volume will show, imperial subjects actively took part in the formation of difference through outright resistance, lobbying tactics, petitions, communal practices, migration, and the creation of personal networks through marriage, reproduction, commerce, and friendship. Diversity and imperial projects were thus both contentious and mutually constitutive: on the one hand, the conditions of the empire created divisions between people through official categorizations (such as racial classifications and designations of subjecthood) and through discriminately applied extractive policies, from taxation to slavery. On the other hand, imperial subjects, communities, and polities within and adjacent to the empire asserted themselves through a diverse range of affiliations and identities that challenged any notion of a unilateral, universal imperial authority. Appreciating this dynamic requires an examination of both sweeping imperial visions of race, religion, property, and power, and local, on-the-ground contestation of status. This volume seeks to showcase the interaction between colonial administrations and individuals under their power within different avenues such as court rooms, legislation, political treaties, and administrative apparatuses. Using diversity as a guiding concept, oscillating between the global and the micro level, and between *longue durée* and historically specific analyses, sheds light on the interconnectedness between empires’ political and economic tools and strategies on the one hand, and the social realities and ramifications of empire on the other.

Thirdly, diversity formations can be highly resilient throughout time. Even though empires, and the way in which they organize differences, are subject to the constant change in the face of ongoing contestation, changing interests, and demographic developments, specific modes of understanding differences have been shown to leave a residue even where the imperial conditions that gave shape to them are gone.² This applies both where colonial control of an area switched from one empire to another – such as in several South Asian and Caribbean colonies, where Northern European powers, after their conquest, retained earlier Iberian modes of

racial classification – and in post-colonial and post-imperial contexts.³ An example of the latter is race, which, centuries after the abolition of racial slavery and in the wake of formal policies of racial segregation, continues to be a meaningful category of difference in much of the world.

Fourthly, the ‘axes of difference’ through which diversity is shaped overlap and interact, thus changing each other’s meaning.⁴ Just as religion was rarely ever just about faith, race was never just about color: each could become intertwined with political allegiance, class, enslavability, sex, and more. Thus, the stigma of slavery could stick to racialized free people in the Americas, just as political and religious suspicions stuck to generations of New Christians in post-Reconquista Spain. The ‘stickiness’ of diversity formations, therefore, lies not just in their resilience through time but also in the remnants that categorizations left on each other and on people’s identities.

While the present volume focuses primarily on European empires, it has been shown, and it is our conviction, that similar mechanisms of differentiation existed in other empires during other periods of time. In their volume *Empires in World History*, Jane Burbank and Frederick Cooper explore how empires used the politics of difference as a governing strategy across the world from Antiquity to modern times. This process varied from one empire to the other: in some, the strategy was to recognize the culture and customs of a wide variety of social groups, while for other empires it involved creating sharp distinctions between colonizers and colonized.⁵ The latter case, where difference not only had to be created but also maintained, was by no means self-evident or natural and involved efforts from colonial administrations to regulate social, sexual, or other relations between colonizers and colonized. In the former case, the distinction is not so clear-cut, since empires could be a combination of a variety of peoples with their own religion, culture, or legal traditions under one imperial authority. Here, the recognition of the different social groups and their authority helped the empire function by assisting with administrative tasks such as tax extraction and the local maintenance of order. However, Burbank and Cooper stress that all empires relied to some extent on both ‘incorporation and differentiation’ strategies.⁶ Indeed, while these different strategies are relevant to our understanding of imperial management of diversity, they are more often than not combined rather than mutually exclusive. The creation of difference happened not only between colonizers and colonized but also among colonized groups.

In a similar vein, a recent work on the government of ‘others’ analyses the construction of alterity in the Portuguese Empire and argues that imperial configuration where the difference is perceived and constructed as ‘the other’ was necessary to keep colonial power in place. Colonial administration exercised power through the creation of legal and social alterity and the management of these differences.⁷ While this top-down ‘divide to rule’ approach is a source of inspiration for our volume, we seek to widen it and complement it by including as much as possible the reaction and contestation of individuals living under European colonial rule.

Historians have addressed the paradox of the high frequency of the use of the term ‘diversity’ and the great difficulty to define it, as is also pointed out by Margret Frenz

in her piece in this volume. The term describes the long-existing phenomenon that individuals of a wide variety of cultures, religions, classes, origins, or ethnicities live together in a society, but it is how diversity was managed by authorities and used by various individuals and social groups that changed over time. Early modern European empires administered diversity, took over already-existing modes of classification or created boundaries between groups under their authority to facilitate their capacity to assert power over people, extract labor, and exploit lands. These societal boundaries were by no means specific to the early modern period, as they were the origin of some modern colonial administrative strategies and have been inherited by new nation-states after decolonization.

In taking diversity as a guiding concept, this book aims to move beyond several conceptual dichotomies that have pervaded the historiography of empires. One, particularly applicable to the study of (early modern) colonial empires and of slavery and the slave trade, is the division between ‘East’ and ‘West’, or between the Atlantic and the Indian Ocean Worlds. In bringing together contributions on both hemispheres, we are following in the footsteps of a recent body of scholarship that has begun to challenge what it argues is an artificial divide.⁸ This approach leaves room for meaningful differences between regions, while simultaneously revealing similar patterns in imperial dynamics and formations of diversity across and between global empires.

Secondly, the book challenges dichotomous thinking with regard to colonial categories, and especially the colonizer-colonized binary. This mode of categorizing people has been used both as an epistemological tool by empires themselves and as an analytical tool by post- and de-colonial scholarship, and as such is far from a meaningless abstraction. However, as the myriad chapters in this volume will show, using the many axes of diversity as a starting point in the study of empire sheds a new, multi-faceted light on its social hierarchies, revealing complexities and interactions that a binary view belies. When viewed in this light, significant distinctions emerge not just within so-called colonized populations (enslaved, free indigenous, etc.) but also within ‘settler’ groups (based on religion, national origin, class, etc.), while for other groups, it becomes clear that such a dichotomy is problematic to begin with, as with indentured servants, convicts, and non-European migrants. Similarly, using an intersectional approach, incorporating race, class, religion, gender, and other aspects of social diversity (or, put differently, modes of exclusion), not only avoids privileging one at the expense of another but also shows their interaction and co-constitution.

Finally, the volume aims to build bridges of inquiry between early modern empires and those of the nineteenth and twentieth centuries which, as a result of methodological as well as institutional demarcations, are often studied in a vacuum. This is understandable if regrettable: the challenges, ideas, and conflicts of the sixteenth century were not the same as those of the early twentieth century; nor do they constitute separate universes, however. The modes of exclusion and inequality that formed in early modern empires are marked by continuity even in the face of

transformation – in other words, by resilience. In modern imperial and post-colonial contexts, categories of difference such as race and subjecthood changed their meaning, but did not disappear or emerge out of nowhere. Thus, while the core of this book focuses on early modern colonial empires, one section – Part 4 – is dedicated to long-term approaches highlighting modern reverberations of diversity formations. This combination, we hope, can offer scholars and students of empires not just a concrete insight into long-term historical continuity but also a theoretical handle for approaching a multitude of imperial contexts across time and space.

The book is made up of four parts, each highlighting a particular way in which aspects of diversity can intertwine in imperial settings. The first departs from religion as a central lens through which difference and belonging were understood in the early modern world, and shows that this understanding was rarely a straightforward matter of religious affiliation. Tamar Herzog demonstrates how, in the wake of the Spanish *Reconquista* and subsequent Iberian forced Christianization campaign, conversion became a problematic concept and the relative ‘newness’ of one’s Christian status became a meaningful distinction. She shows how elements of this old-new axis can also be identified in other approaches to social difference, such as civic status, ethnicity, and race, in various historical contexts. Ângela Barreto Xavier and Alexander Geelen’s pieces, then, turn to eighteenth-century coastal India, to show the complex interplay between conversion to Christianity, the resilience of caste as a meaningful mode of social difference, and colonial power. Xavier, working on the Portuguese *Estado da Índia*, focuses on marriage rites as a site of contestation not just between but also *among* different colonial factions and local and regional population groups. Geelen, for Cochin on the Malabar coast (Kerala), examines the implications of the Dutch East India Company’s self-appointed role as ‘protector of Christians’ in its area of control for the region’s agrestic slavery system and vice versa, and what this interplay meant concretely for individuals of so-called slave castes as they navigated domestic authorities (i.e. masters) as well as colonial judicial authorities.

The relation of slavery to other modes of differentiating status as well as to individuals’ agency in navigating (colonial) legal systems is explored further in the second section. André Luís Bezerra Ferreira takes a clear bottom-up perspective and tells us how enslaved individuals in the Portuguese Amazon region used the imperial categories of the judicial system for their own interest: their access to freedom. According to this legal system, individuals who could prove their Indigenous ancestry could petition for freedom. The ‘enslaveability’ of Indigenous and African people is also a theme explored by Rafaël Thiebaut in his chapter comparing the Cape with the Guianas. Ferreira and Thiebaut show the imperial rules surrounding who could (not) be enslaved, but most importantly, how these rules played out in practice in the context of the high demand for (enslaved) labor. Ferreira demonstrates that imperial categories were often applied to Indigenous people and African individuals indiscriminately. This is echoed in Stef Vink’s chapter which shows that racial categories were above the legal distinction between free and unfree people on the island of Curaçao. According to Vink, the administration of justice was a tool to implement

social control and keep people of color, both free and unfree, under colonial authority. Ferreira complements this perspective on imperial justice, showing that the judicial system could also be used by enslaved people.

The third part, focusing on questions of subjecthood and belonging across imperial lines, shows how diversity formations are strongly context-dependent and tied to material concerns: intra-European differences, in colonial contexts, could change or even lose their meaning, with other modes of forming communities and creating distinctions taking priority. As Timo McGregor shows in his analysis of two moments of inter-imperial transfers of control (New Netherland and Suriname), local politics of property and debts tied individuals of different nationalities together, playing a more important role in settlers' and authorities' negotiations than distinctions between 'English' or 'Dutch' colonists. Tessa de Boer, asking who was considered 'foreign' in the context of the early modern French Caribbean, demonstrates that mechanisms of inclusion and exclusion in Europe were not transferable in colonial contexts.

The last two chapters open the volume to the nineteenth- and twentieth-century empires and post-imperial situations looking at two different contexts: South Africa and Russia. In her chapter, Margret Frenz chooses a theme where diversity formation and its evolution are highly visible: the education system. Through her focus on the Indian community of South Africa, Frenz shows the different phases of the management of diversity by the state and the ways the Indian community attempted to negotiate this diversity. According to Frenz, the control over education was a tool, more specifically a weapon, to implement social control and white supremacy over the South African population. The system was based on pseudo-scientific theories of racial categories. Turning to the *longue durée* analysis of Russia, from the Russian Empire through the Soviet era to the modern age, Jane Burbank also examines contemporary theories of diversity, but here twentieth-century Russian theorists focused on ethnic and religious diversity of the Russian territories. While diversity is fundamentally a part of empires, the way diversity was managed varied widely. Burbank argues that the Eurasian style of diversity management and its resilience come in stark opposition with European universalism.

Finally, Jean-Frédéric Schaub, in his concluding chapter, draws on the approaches to the diversity introduced in the preceding chapters to interrogate racialized modes of conceiving human difference as a political tool used by governing authorities throughout history, and then takes a step back, offering a methodological reflection for historians of empire and other diverse historical settings. Stressing the limitations of making universalizing claims from limited empirical perspectives, Schaub makes the case for an interdisciplinary, collaborative approach that draws on a diversity of linguistic and cultural competencies. He points to the study of empire, moreover, as a way to move, even within institutional and intellectual confines, beyond traditional frameworks such as that of the nation-state and toward more globally spanning questions of social plurality and power.

The goal of the book is not to give an exhaustive, or even strongly representative overview of European empires, but rather to open up a line of inquiry that

can also be applied to other imperial contexts. Theoretically, the proposed framework could even be extended to ancient and non-European empires, if more in form than content: the dynamics of diversity formation, as being historically constituted, multidirectional, resilient, and intersectional, can arguably be applied to a variety of imperial contexts. The specific themes that come to the fore in this volume (the construction of race, the opposition of Christianity to other belief systems, the economic exploitation of individuals, and continents to Europe's benefit), being more historically contingent, would be less relevant to such applications, and as such are what binds the contributions in the volume together: each deals with questions and conflicts around belonging, exclusion, and categorization that in one form or another laid the foundations for modern imperial and, later, post-colonial approaches to diversity and modes of inequality.

Notes

- 1 Jane Burbank and Frederick Cooper, *Empires in World History: Power and the Politics of Difference* (Princeton: Princeton University Press, 2010).
- 2 This notion is derived from the collaborative research project "Resilient Diversity: The Governance of racial and religious plurality in the Dutch empire, 1600–1800," funded by the Dutch research council NWO, which formed the inspiration for this volume.
- 3 See also Cátia Antunes and Miguel Bandeira Jerónimo, "The Inequalities of Empire: Comparative Perspectives," in *The Routledge Handbook of Contemporary Inequalities and the Life Course* (London: Routledge, 2021), 396–97.
- 4 On the concept of intersectionality that this point draws on, see Kimberle Crenshaw, "Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color," *Stanford Law Review* 43, no. 6 (1991 1990): 1241–300; Jennifer C Nash, "Rethinking Intersectionality," *Feminist Review* 89 (2008): 1–15; Joya Misra, "Categories, Structures, and Intersectional Theory," in *Gender reckonings: New Social Theory and Research*, eds. James W. Messerschmidt et al. (New York, NY: NYU Press, 2018), 111–30.
- 5 Burbank and Cooper, *Empires in World History*, 11–12.
- 6 *Ibid.*, 13.
- 7 Ângela Barreto Xavier and Ana Cristina Nogueira da Silva, *O governo dos outros: poder e diferença no império português* (Lisboa, Portugal: Imprensa de Ciências Sociais, 2016), 22.
- 8 Examples of this include the special issue "Free and Unfree Labor in Atlantic and Indian Ocean Port Cities (Seventeenth–Nineteenth Centuries)," *International Review of Social History* 64, no. S27 (2019); Isabel Hofmeyr, "Southern by Degrees: Islands and Empires in the South Atlantic, the Indian Ocean, and the Subantarctic World," in *The Global South Atlantic* (New York: Fordham University Press, 2017), 81–96; Richard B. Allen, "The Constant Demand of the French: The Mascarene Slave Trade and the Worlds of the Indian Ocean and Atlantic during the Eighteenth and Nineteenth Centuries," *The Journal of African History* 49, no. 1 (March 2008): 43–72; Pepijn Brandon et al., *De slavernij in Oost en West: Het Amsterdam-onderzoek* (Uitgeverij Unieboek: Het Spectrum, 2020); Amélia Polónia and Cátia Antunes, eds., *Mechanisms of Global Empire Building* (Porto: Citcem, 2017).

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PART 1

Religion and the negotiation of belonging



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1

OLD AND NEW MEMBERS

Religious and civic conversion in the Iberian worlds

Tamar Herzog

Introduction

Within Iberian history, the late medieval campaigns that first sought to forcefully convert Jews to Christianity and then expelled those who refused are extremely well known. Also extremely well-known is the fact that those who converted were identified as “New Christians” and, as such, were both integrated and rejected as their contemporaries constantly questioned whether their conversion was sincere and whether it was complete. This questioning reached a climax in the mid-fifteenth century with the adoption of *limpieza de sangre* decrees that permanently excluded converts of Jewish descent from occupying certain offices and positions. As a result of these decrees, it became necessary to distinguish Spaniards according to whether they were Old or New Christians.¹

Many scholars suggested that these developments were a nativist response to economic, cultural, political, and social competition. Others concluded that they were propelled by anti-Jewish prejudice, perhaps even an early form of antisemitism. Yet a third group linked them to sincere religious anxieties.² In what follows, I take another route. I ask what “new” and “old” meant, and how our narrative changed if we placed these developments in a larger perspective and a longer context. Most particularly, I wish to demonstrate that the use of “old” and “new” was not particular to this case, but instead was a technology used in many other instances. It operated in both the religious and the civic sphere, in both Europe and the Americas. Applied to different individuals and groups in different moments and settings, it expressed the desire to reserve certain benefits to members who allegedly had always been a part of the community, and restrict eligibility to those considered newcomers.

I begin by reviewing canon law debates regarding the discrimination of new converts. I then examine how these debates were applied to former Jews who converted

to Christianity. This application, I argue, alongside new theories regarding the consequences of coerced conversions and of family and inheritance enabled discussants to imagine that entire groups rather than individuals could be “new” regardless of the date in which they had converted. Applied in the Americas with regard to both the indigenous populations and persons of African descent, new and old became a marker of otherness also in the civic sphere, allowing to distinguish between Old and New Castilians, Old and New Spaniards, and Old and New Whites. By using such designations when observing those around them, Spaniards not only obeyed the logic of canon law but also adopted as their own distinctions established by *ius commune* jurists who from the twelfth to the fourteenth centuries constantly debated whether Italian municipalities could admit new members and how.

The aim of this exercise is twofold. On the one hand, I wish to demonstrate what we stand to learn from setting our study case in a wider and longer context. On the other, and as I have done before, I wish to suggest that categories of diversity are in themselves diverse.³ Race and ethnicity certainly mattered, and mattered more over time, but contemporaries also used plenty of other methods to justify giving differential treatment to some social members. One such method was the powerful fiction according to which some members are original, while others are not. This fiction, which largely depended on what society wished to remember and what it preferred to forget, operated in Europe and was applied in the colonies, Spain being an excellent (but not unique) example of how this transpired. I, therefore, begin by reviewing pan-European debates regarding new converts. I then study how these, alongside new theories, justified the discrimination of converts of Jewish origin, how these debates crossed the Atlantic, how they operated in the civic sphere, and how all this was closely related to remembrance and forgetfulness.

Old and New in Canon Law

The categorization of some Christians as old and others as new was tied to debates within the church, debates that originated in antiquity, but which were particularly virulent from the late Middle Ages into modernity. At stake was answering the question of how to promote conversion while also ensuring that it would be both genuine and complete. The search for a response that would balance these seemingly contradictory impulses (maximum conversion but minimum jeopardy) led to the development of several rules. First and foremost, jurists and theologians cited the directive that cautioned the church against granting full privileges to new converts. Additionally, believing that the application of this directive was particularly important in the aftermaths of forced conversions, jurists suggested that there were good reasons to suspect the sincerity of those who were induced to convert. Third, with regard to the growing stigmatization of converts of Jewish decent, jurists debated whether the propensity to heresy could be inherited, and they described how genealogy and blood could affect judgment regarding the authenticity of belief.

Managing New Converts

The directive cautioning the church against new converts was already included in the New Testament, where it was specified that those who were not born Christians, nor had converted at a young age, were “neophytes,” in Greek, “newly planted.”⁴ The directive set the rule according to which these individuals should be subjected to greater supervision and be discriminated against, for example, by their exclusion from priesthood. While marginalized in some ways, in theory at least, neophytes also merited a greater protection. Considered young in the faith, they were to be treated as children, their conversion being considered a re-birth and their re-education eliciting constant care and instruction.

Initially, converts were mostly discriminated against by their exclusion from office holding. However, by the late Middle Ages, additional measures were also considered. For example, in the mid-twelfth century, the Italian jurist Rufinus concluded that while it was legitimate for Old Christians to share meals with gentiles, neophytes who were recently baptized should be prohibited from doing so.⁵ Following suit, other medieval jurists extended these prohibitions to social relations and marriage ties, most particularly, between recent converts and their former coreligionists.⁶

Although repeatedly asserted, these measures usually failed to define when the newly converted would cease being considered thus. This lack of definition unleashed constant debates, with different authors suggesting different solutions. By the late Middle Ages, many envisioned conversion not as a one-step experience but as a “lifelong journey” or a “work in progress.”⁷ According to this view, the initial rite of entry and recognition, that is, baptism, was but the mere beginning of a much longer process because experience demonstrated that a real change of heart required several steps and a lengthier temporality. Because at stake was the question of whether a true transformation had taken place, many concluded that constant proofs should be required of converts before they could be constituted as full-proof Christians.

In line with the casuistic thinking of medieval jurists, what completeness meant depended on whom, when, and where, as different individuals and contexts merited a differential treatment because each were said to display a distinct set of circumstances, including a distinct aptitude for change. Satisfaction that completeness had been achieved thus depended on the conditions of each case, but, according to jurists, it also depended on the question of whether at stake was discrimination (which, in theory, required a more stringent interpretation) or benefits (that allowed for a broader, more generous, reading). Also important was an emerging distinction between wide-ranging discrimination (which should terminate early) and limiting the access of neophytes to leadership roles, which could justify the adoption of a longer period.

Despite constant disagreements, most jurists adopted sixty years or the passing of three generations as the maximum length of time providing a satisfactory guarantee for a real change of heart. Nonetheless, in the fifteenth and sixteenth centuries,

some authors began arguing that in certain cases, suspicion should last forever. These authors also stated that suspicion, which in theory depended on individual behavior, could become attached to groups, which were said to exhibit certain tendencies.⁸ By the end of this process, newness could refer to chronology, but it could also reference characteristics that allegedly barred certain types of converts from ever being truly modified. Presented as an exception to the general rule, this understanding was applied by some discussants to converts of Jewish descent. Their newness, these authors argued, should last forever. They were to remain New Christians independently of the date on which they or their forefathers had converted.⁹

Jurists who supported these views explained this paradoxical conclusion – permanent newness – by referencing two main arguments. The first was the long-term consequences of forced conversions. The second was the ways by which group membership was telling.

New Converts and the Long-Term Effects of Forced Conversion

Historians have long remarked that the discrimination of converts, which was justified by the need to ensure the sincerity and completeness of their transformation, was particularly pronounced in periods that followed forced conversions because campaigns to impose Christianity on non-believers habitually produced social anxieties regarding the prevalence of apostasy.¹⁰ Answering to the urgent need to supply guidance, jurists turned to examine the theological and juridical consequences of forced conversions. In the twelfth century, many pointed to the canons of the Fourth Council of Toledo (633), which prohibited employing force to obtain a conversion, but which nonetheless stipulated that those forcefully baptized should be compelled to live as Christians because, regardless of this illegality, they had received the “divine sacrament and partook of the body and blood of Christ.”¹¹

But how could a coerced act (forced conversion) produce legitimate legal consequences (the obligation to live as a Christian)? Juridical explanation rested with a new distinction between absolute and conditional coercion. According to twelfth-century Huguccio, an absolute coercion existed only where actors had absolutely no choice, for example, when they were held down while baptismal water was poured onto them. While this type of coercion indeed produced no valid results, conditional coercion, on the contrary, could. Conditional coercion existed in cases, in which individuals acted under severe intimidation, for example, the admonition that they would be beaten, robbed, injured, or even killed if they failed to obey. Though these menaces seriously limited their options, according to this view, they did not entirely eliminate their will. After all, these individuals willfully chose to convert rather than perish. The conclusion was that, even if there was no free choice, following Roman law dictum *coacta enim voluntas voluntas est*, forced will was nevertheless a will.¹² Hence, a forced conversion could be valid whenever coercion was conditional rather than absolute, that is, allowing for some measure, even if tiniest, of choice.

In the following centuries, this interpretation became the most widely accepted opinion. Although some continued to express the conviction that true free will must be present for conversion to be valid, most suggested otherwise.¹³ Pope Innocent III (1161–1216), for example, concluded in the early thirteenth century that “he who is dragged violently by torture and fear and accepts the sacrament of baptism to avoid loss, (nonetheless) receives the impressed character of Christianity. . . . Such a person is to be compelled to observe the Christian faith as one conditionally willing.”¹⁴ Even as late as the mid- sixteenth century, the distinction between absolute and conditional coercion stood firm, cardinal Pietro Paulo Parisio (1473–1545) advising the pope to adopt it, and the Italian jurist Marquardus de Susannis (1508–1578) arguing that only absolute force (*coactio praecisa*) that rendered the convert completely passive (*pati quam agere*) invalidated conversion.¹⁵

On occasions, these guidelines produced debates regarding their concrete application, namely, how to distinguish absolute from conditional coercion and whether the information considered should be individual to each case, or could be learned from what “usually” happened. Nonetheless, in most instances, most jurists concluded that most forced conversions were valid and therefore produced individuals who could be compelled to live as Christians.¹⁶ At the same time, most jurists also admitted that, in such cases, vigilance was particularly pertinent because it was credible that, regardless of their juridical status as Christians, those who did not exercise free choice might not be true believers. Thereafter, jurists agreed that there should be an a priori distinction between converts according to whether they converted by force or exercised free will. While the first type (converts by force) could not be trusted and should be presumed to have falsely converted, the second (willful converts) could enjoy the protection of a legal presumption that they were true believers.

The distinction between coerced and free converts was the way most jurists who supported the continuous discrimination of converts of Jewish descent (against others who resisted it) justified the differential treatment allotted to Iberian converts.¹⁷ In Iberia, they argued, Jews were compelled or at least “strongly advised” to convert. Thus, while under normal circumstances no permanent distinctions should be instituted between old and new Christians, such a distinction was nonetheless justified in the case of Iberian Jews because they had converted under duress. Because their conversion was involuntary, they should be permanently suspected.

New Converts, Blood, and Inheritance

Hesitation regarding the status of former Jews as permanent neophytes was thus tied to debates concerning the juridical effects of forced conversions. Yet, if the circumstances under which Iberian Jews converted were deemed relevant, so were theories concerning who could change and how fast.¹⁸ Medieval jurists tended to agree that the application of rules regarding neophytes required attention to the circumstances of each case. But which characteristics made certain people more accepting or resistant to conversion? Did family? Did inheritance?