SLANDER AND THE PRIMACY OF REPUTATION IN NEW AMSTERDAM

Dustin Black

Passersby couldn't help but notice when the quarrel between Hans Schipper and Willem Bredenbent escalated from insults to fisticuffs. The onlookers would have recognized Bredenbent as New Amsterdam's Deputy Sheriff, and few could have been surprised when the row ended with Schipper sprawled and bleeding. Days later, the provincial court took up the matter, and two witnesses testified in defense of the Deputy. The court register reveals that Schipper confronted Bredenbent, "berated him as a rascal...[insulted] him as a thief catcher," and struck the Deputy.[1] Bredenbent's response was swift; the record states simply that he "drew his sword and wounded the aforesaid Schipper."[2]

Though the register entry lacks detail in its account of physical attacks, it is conspicuously thorough in recording Schipper's verbal jabs, inviting a closer look at the context of such invective language. Why are epithets so prominent in the provincial court record? In the summer of 1638, Willem Bredenbent defended himself against assault on both his person *and* his character; I argue that such slander posed a serious threat in early modern provincial communities where identity was defined largely in terms of reputation, and little distinction was made between one's social and economic personae.

---

[1] Arnold J.F. Van Laer, *New York Historical Manuscripts: Dutch*, 3 vols. (Baltimore: Genealogical Publishing Company, 1974), vol. I, 37.

[2] Ibid., 38.

To better understand the menace of slander in this period, we need to consider reputation in light of two early modern facts of life: the relative lack of privacy in daily affairs, and what Zygmunt Bauman has described as the "embedded economies" that characterize the period.[3] Centuries before the conceptual development of democratized privacy, the line separating one's public and private affairs was, at best, blurry.[4] Within the home, rooms usually had multiple uses, and family members made common use of most domestic spaces. As members of a small provincial community, where affairs were conducted on a face-to-face basis, individuals would be quite familiar with many (if not most) aspects of their neighbor's lives. Likewise, cottage industry and agriculture tended to embed economic activity throughout many facets of one's life, effectively merging the individual's personal and productive affairs.[5] Such permeable social boundaries between private and public spheres did little to contain or mitigate the impact of slander, rendering one's credit-worthiness and overall commercial profile remarkably vulnerable.

New Amsterdam was, first and foremost, a commercial venture, and brisk business contributed to the growth and ubiquity of its credit networks. As an outpost on the fringe of the Dutch West India Company, the colony conducted a prodigious fur trade with local Amerindians. Famous the world over for its superior insulating properties, beaver fur comprised a significant proportion of colonial exports. This, in turn, fed European consumer demand for such goods, linking New Amsterdam to a worldwide Dutch commercial empire that thrived on the efforts of countless trappers, merchants, and sailors. Where one finds merchants, observed Adam Smith, one inevitably finds credit.[6] Expanding trade connected buyers and sellers across the globe, spurring a consumer revolution that stimulated the concomitant growth of credit practices. Such commercial expansion also met with chronic shortages of specie within the provinces, prompting merchants to devise practical alternatives to the exchange of precious metals.[7] Even when specie *was* available, credit could be a more convenient form of payment for those buying or selling in bulk; compared to bags of silver or chests of gold,

---

[3] Zygmunt Bauman, *Freedom* (Minneapolis: University of Minnesota Press, 1988), 44.
[4] A. Roger Ekirch, *At Day's Close: Night in Times Past* (New York: W.W. Norton, 2005), 149.
[5] John Demos, *A Little Commonwealth: Family Life in Plymouth Colony* (Oxford: Oxford University Press, 1970), 183.
[6] Adam Smith, *Wealth of Nations* (Amherst: Prometheus Books, 1991), 577.
[7] Esther Singleton, *Dutch New York* (New York: Dodd, Mead, 1909), 329.

credit slips and bonds were easy to transport, store, and secure. Recognition of good faith between networks of buyers and sellers was central to such practices, and these networks were based largely on the trust and personal character of those involved.[8] Several factors contributed to the rise of credit in the early modern period, and as commercial activity increased, so too did various forms of credit. This plurality of credit practices did not, however, offset the potentially devastating impact of a well-placed insult.

The frequent incidents of slander found in provincial records may, at first glance, resonate with an odd, almost humorous tone. Ellis Raesly, in his *Portrait of New Netherland*, characterizes such offences as "...trifling [in] nature," and accounts for their occurrence by reference to "...the impossibility of adapting Old World laws to New World conditions."[9] European legal institutions did, in fact, persist and evolve in North America, and Raesly's analysis discounts the value of slander as both an entrée into early modern social conditions, and a marker for negotiating identity. Far from "trifling," invective language often reflects, in reverse, a society's ideal character traits, along with clues to its prevailing values and concerns. The volume of court cases involving slander and the frequent appearance of terms like rascal (a mean or dishonest person) suggest a provincial community overwhelmingly concerned with the honesty of its members. Legal testimony that first seems to recount childish name-calling turns out, upon closer inspection, to reveal the primacy of reputation in the negotiation of early modern identity.

In spite of significant differences between English and Dutch legal systems in the early modern period, scholarship centered on contemporary England proves quite helpful in addressing the widely relevant issue of reputation.[10] In *The Culture of Slander in Early Modern England*, M. Kaplan asserts that "slander constitutes a central social, legal, and literary concern" for early modern individuals.[11] Though he

---

[8] Cathy Matson, *Merchants and Empire: Trading in Colonial New York* (Baltimore: Johns Hopkins University Press, 1998), 65.

[9] Ellis Lawrence Raesly, *Portrait of New Netherland* (Port Washington: Ira J. Friedman, 1965), 148.

[10] For additional discussion of the nexus between slander, reputation, litigation, and the community, especially in New England, see: Cornelia Hughes Dayton, *Women Before the Bar: Gender, Law, & Society in Connecticut, 1639-1789* (Chapel Hill: The University of North Carolina Press, 1995).

[11] M. Kaplan, *The Culture of Slander in Early Modern England* (Cambridge: Cambridge University Press, 1997).

focuses on slanderous poetry, Kaplan's general analysis of the social and legal implications of insult is clearly relevant beyond England's shores. Craig Muldrew's sophisticated analysis of English credit networks recalls Benjamin Franklin's warning that, "the most trifling actions that affect a man's credit are to be regarded," and he argues that interpersonal credit was a "means of social communication" within business communities that relied on "honesty, and reputation."[12]

French provincial history provides additional material that illustrates the significance of slander in the early modern period. Historian Peter Moogk examines a number of documented incidents involving insult that might otherwise have been characterized as "...amusing episodes[s] of little significance."[13] The case studies are drawn from small communities that were characteristic of the earliest North American French colonies, making them particularly appropriate for comparison to conditions and practices in New Amsterdam. Setting aside cultural and regional variations, we find slander to be a remarkably consistent feature in the documentary record, warranting a closer look at the nature of such language.

The basic functions of slander have changed little since the early modern period, to hurt, shame, or discredit others.[14] Then, as now, it typically maligned one's character or honor through accusations of criminal or morally corrupt behavior.[15] New Amsterdam's court registers are, indeed, rife with such slanderous accusations, including the swearing of false oaths, theft, and dereliction of duty. Office holders and other authority figures were often targeted for such attacks, according to Norman Rosenberg, who observed that, "contempt of authority ran high in early New York."[16] The seriousness with which contemporaries considered defamation of one's craftsmanship or professional aptitude further attests to an early modern concept of reputation that merged one's social and economic standing. One such contemporary, Thomas Hobbes,

---

[12] Craig Muldrew, *The Economy of Obligation* (New York: Macmillan Press, 1998).

[13] Peter Moogk, "'Thieving Buggers'" and "'Stupid Sluts': Insults and Popular Culture in New France," *The William and Mary Quarterly*, 36:4 (Oct. 1979): 524-547, 526. This article examines the social context and impact of public insult in New France through several well-researched case studies.

[14] *Behaving Badly: Averse Behaviors in Interpersonal Relationships*, ed. Robin M. Kowalski (Washington, DC: American Psychological Association, 2001), 67.

[15] While the veracity of an insult and/or accusation is given consideration in most modern courts, the issue of truth was often of no consequence in early modern defamation cases.

[16] Norman L. Rosenberg, *Protecting The Best Man* (Chapel Hill: The University of North Carolina Press, 1986), 17.

confirmed that, "reputation in name or profession is a principal cause for quarrel."[17] Insult was an equal opportunity hazard, a point made clear by the litigation it so often elicited.

Slander was an engrossing aspect of early modern society, and it provoked vigorous defense in provincial courts.[18] Witness testimony was commonly called upon in cases that came before New Amsterdam's provincial Secretary. In one such case, a soldier accused of misconduct requested the testimony of a friend who stated, under oath, that he "...perceived in [the accused] nothing unbecoming an honorable and honest soldier."[19] Though problematic in terms of reliability and bias, such testimony was an important form of evidence in early modern courts, a trend which illustrates the "cult of reputation" that is said to have developed during this period.[20] It is clear that in early modern communities where reputation was central to the concept of identity, protection of one's good name was front and center in many legal disputes.

Early modern courts were often more concerned with mending broken reputations than in awarding damages, a trend which reflected wider societal concerns.[21] Court officials presiding over slander cases sought swift redress of any related public disturbances and, moreover, reconciliation between plaintiff and defendant. One such case in 1648 closed with orders that both disputants were: "...never more to bring up the subject...to anyone in the world...on pain of whoever shall do so being regarded as a dishonorable person."[22] In cases where damages *were* awarded, such remuneration usually took the form of payments in kind or public apologies, where defamers were ordered to recant harmful statements in a popular public venue. Mediators familiar to both parties were often employed to affect quick, common sense, and binding resolutions.[23] Litigation that was both pragmatic and efficient prevented (or, at least minimized) protracted disputes that could strain community cohesion and disrupt the colonial economy.

---

[17] Thomas Hobbes, *Leviathan, or the Matter, Forme, and Power of a Commonwealth Ecclesiastical and Civil* (1651, repr., New York: Touchstone/Simon and Schuster,1997).
[18] Ibid., 4.
[19] Van Laer, vol. I, 174.
[20] Kaplan, 19.
[21] Rosenberg, 16.
[22] Van Laer, vol. III, 72, 73.
[23] Mrs. John King Van Rensselaer, *The Goede Vrouw of Mana-ha-ta* (New York: Charles Scribner's Sons, 1899), 76.

Credit was an important component of the provincial economy, and it appeared in many forms. Exchange of goods and services was common. A carpenter, for example, may have built a woodshed for a neighbor who, in turn, promised to deliver several sacks of grain at harvest time. Interest-bearing loans were common as well, the rates of which were subject to careful regulation. Some merchants secured loans called bottomry bonds, which collateralized their ship and cargo. Such loans spread the risk of high-seas trade among several investors and were often transferable, leading to their use as currency.[24] In provincial commerce, a promise made was a promise kept, whether written or spoken. While credit transactions were sometimes recorded in logbooks, they were very often based simply on oral agreements.[25] Commenting on the economy, D.W. Davies notes that, "there were as many traders as people."[26] The distinction between producers and consumers was as slight as the difference between personal and commercial affairs. One's good name was the key to making and keeping business contacts, and in the absence of widespread paper contracts, verbal promises were sometimes backed by oaths.[27] Such business practices could only thrive among small populations where anonymity was relatively rare. New Amsterdam's population never exceeded more than a few thousand at any given time, making community approval an ever-present concern.[28] It is difficult to imagine a provincial economy based solely on the bottom line when even the smallest transactions carried such complex social implications. In fact, merchant records confirm that beyond strict financial considerations, personal values were often of primary importance in the course of business.[29]

From the Middle Ages on, worldwide economic development was tied to the growth of credit.[30] The emergence of insurance policies and limited liability companies encouraged long-distance commerce, but what assurances did merchants rely on in conducting local credit-based transactions? Hundreds of years before the advent of reliable photo

---

[24] Oliver A. Rink, *Holland on the Hudson: An Economic and Social History of Dutch New York* (Ithaca: Cornell University Press, 1986), 208.
[25] Muldrew, 96.
[26] D.W. Davies, *A Primer on Dutch Seventeenth Century Overseas Trade* (The Hague: Martinus Nijhoff, 1961), 141.
[27] Muldrew, 106.
[28] Raesly, 148.
[29] Ibid., 5.
[30] Karel Davids and Jan Lucassen, eds., *A Miracle Mirrored: The Dutch Republic in European Perspective* (Cambridge: Cambridge University Press, 1995), 319.

identification and standardized credit ratings, individuals relied on each other's good names to buy, sell, borrow, and lend. Anonymity was rare in early modern communities that defined identity largely in terms of reputation.[31] Under these conditions, one's social and economic personae were largely indistinguishable, and slander posed a clear and serious threat.

So why do epithets abound in the court registers of New Amsterdam? Their frequent appearance in the historical record confirms the primacy of reputation, as illustrated by the sanguinary dispute between Bredenbent and Schipper. In the end, Deputy Bredenbent agreed to pay half of the surgery bill incurred by Schipper, who, for his part, turned out to be the true rascal. Within months of his recovery, Schipper found himself before the provincial Secretary once more – this time, on charges of larceny.