



HISTORIC HUDSON VALLEY, TARRYTOWN, NY, GIFT OF JOHN D. ROCKEFELLER, JR., PM, 80.1 A-B.

Margaret Philipse, 1733-1752
by John Wollaston, c.1750, Oil on canvas, 29 x 24 inches

Toward a More Inclusive History of Early American Women

The Example of Married Women in New Netherland and New York in the Seventeenth Century

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“... it seems perfectly clear that the dogma of woman’s complete subjection to man must be regarded as one of the most fantastic myths ever created by the human mind.”¹

In February 2000, Mary Beth Norton, a well-known, highly regarded historian and prolific writer about women and gender in early America, applauded American historians for their growing acceptance of women as valid subjects for historical investigation. However, she lamented that historians of women and gender had not brought about a reconceptualization of American history.²

I suggest that part of the reason for their limited effectiveness is failure to stretch the boundaries of ethnic diversity to include subtle cultural differences in the meaning of gender for women in the early modern European countries from which immigrants came to America. Although some scholars have focused their efforts on gender distinctions among African American, Native American, and other disaffected groups, European diversity in meaning of gender for women has not received adequate attention.³ Consequently, scholarly interpretations about the lives of non-English early colonial American women are inaccurately based on gender paradigms more true for early modern England than they are for other European countries.⁴ While the vigor with which the English acquired demographic, political, legal, and other hegemony over colonial North America left powerful cultural baggage in its wake that greatly influenced the development of American society, Americans also were influenced by the cultures of other European nations. Importantly, while English hegemony in North America was ascendant in the seventeenth century, it had not yet matured.⁵

Over the past four decades, a few scholars have encouraged greater attention to the Dutch in American history.⁶ This article defends that position by emphasizing the need for historians to recognize variations in the meaning of gender for women among the several cultures from which Europeans immigrated to America in the seventeenth century. Specifically, this article addresses practical application of Dutch gender roles for women that emanated from the pre-Reformation middle ages, tolerance as a Dutch culture trait, and the golden age of Dutch commerce.⁷

As with other aspects of New Netherland society, Dutch cultural influence on gender roles began to diminish after English expropriation of the colony.⁸ Sir Richard Nicolls' arrival in New York Harbor in October 1664, when he demanded the surrender of New Netherland, inaugurated a process of continuing growth of anglicized institutions that occurred as much as a result of increased English immigration as it did military conquest.⁹ However, despite the force with which New York became anglicized, remnants of Dutch cultural definitions of gender for women continued in hybrid form, particularly in regard to law.¹⁰ Elements of Dutch culture continued into the nineteenth century and, through contributions to American English language, remain.¹¹ Dutch enthusiasm for commerce was similarly passed on to future generations of New Yorkers, but contributions by New Netherland women in building the foundations of New York commerce are little acknowledged.¹²

English seizure of New Netherland in 1664 and permanent English acquisition of the colony by the Treaty of Westminster in 1674 was a watershed for women, but was less noticeable at the time than it would later be during the ascendance of patriarchal English common law. After 1674, New York grew legally and culturally more circumscriptive women, married women in particular.¹³ Nevertheless, women traders continued to flourish prior to 1750. In addition, they did so without a formal declaration of *femme sole trader*, which was mandated by English law.¹⁴ Moreover, many displayed an assertiveness and dedication to responsibility uncommon for either sex. This was certainly as accurate for Mary Alexander in the eighteenth century as it was for Margaret Hardenbroeck Philipse in the seventeenth.¹⁵

The assertiveness with which women of New Netherland and early colonial New York participated in commerce offers a contrast to the conventional views of early American women as little more than appendages to their presumably more aggressive, business-minded husbands. Owing to Dutch cultural precedent, married female merchant-traders and shopkeepers in New Netherland and early colonial New York often performed duties for their husbands consistent with co-partners, rather than acting independently or merely as assistants. Consequently,

the authority necessary for New Netherland women to successfully conduct commerce also found expression in the ways they asserted power within families, particularly in regard to decision-making. Nevertheless, wives' expressions of authority through commerce must not be viewed as outside the perceived bounds of conventional domesticity as it existed for the early modern Dutch. In the seventeenth-century Dutch psyche, the authority that wives employed in commerce translated into greater responsibility for promoting and protecting the economic and social integrity of their families. This was owing to seventeenth-century Dutch concepts of marriage and their understanding of marital partnership.

When Jeremias van Rensselaer, director of the Rensselaerwijck patroonship, informed his family back in the Netherlands of his impending marriage to Maria van Cortlandt in 1662, he referred to her as a "good partner."¹⁶ While it is likely Jeremias desired to assuage any bitter feelings his mother, Anna van Rensselaer, may have had for being excluded from his decision to marry, I contend he was expressing more than hyperbole or reference to biblical imperatives intended to reassure his mother, who had earlier doubted the sincerity of Jeremias' acceptance of the Reformed faith.¹⁷ Partnership defined the legal and social understanding of marital unions for most people in the Netherlands and New Netherland in the seventeenth century. Moreover, although New Netherland's population was culturally diverse, the colony was a creation of Dutch entrepreneurs whose culture of commerce shaped the attitudes of many of the colony's inhabitants.¹⁸

The necessity of a charter from the States General of the Netherlands meant that Roman-Dutch law, the same legal system that applied in the United Provinces of the Netherlands, governed New Netherland. In appearance, the law was little different from the highly patriarchal common law of England. Under Roman-Dutch law in the seventeenth-century, married women suffered legal limitations in ways that any housewife in early modern England would have understood. However, other areas of Roman-Dutch law affecting women would have been alien to them.

Historic cultural and pecuniary distinctions and extraordinary political, religious, and economic events in the sixteenth and seventeenth centuries provided opportunities for married women to assert authority beyond hearth and home. Precisely, emphasis on traditional roles related to marriage and motherhood prevailed in the Netherlands and New Netherland, but as the Dutch provinces experienced profound religious and economic changes, social and legal perceptions of domesticity changed.

The primary economic activity in the early modern Netherlands was agriculture, but the country's geographic location in the northwest corner of Europe and

its cosmopolitan population fostered an economic climate conducive to commerce. For example, in the fifteenth century, several cities in the northern Dutch states were members of the Hanseatic League.¹⁹ In that period, the relationship between married women and commerce was subtle. Simon Schama revealed that many businesses and trades in the Netherlands were small and conducted from carefully delineated areas of Dutch homes.²⁰ Consequently, management of trade overlapped with domestic responsibilities and as a result added to wives' "domestic" obligations. Resourceful wives managed family enterprises in ways that did not conflict with domestic responsibilities associated with childcare, food preparation, and house cleaning. From this foundation, particularly adept women generated prosperity that accelerated when fundamental social, religious, and economic changes occurred in the sixteenth and seventeenth centuries.

Almost simultaneously, people in the northern provinces of the Netherlands met the challenges of political independence from the Spanish Habsburgs, a Protestant Reformation that established the Calvinist-based Dutch Reformed Church, and a commercial revolution that greatly increased the wealth of the country but also produced a collective spiritual anxiety. As a result of these events, latter -sixteenth and seventeenth-century Dutch society in the United Provinces expressed a longing for stability found in religious and social convention. But the society was unable to renounce inherently destabilizing cultural characteristics such as religious toleration and new opportunities for accumulation of wealth through commerce.²¹

Traditional economic activities like agriculture and local trade provided a fertile environment for expanded responsibilities for married women. Even more influential was the commercial revolution that enriched the northern Dutch provinces in the sixteenth and seventeenth centuries. Hugo Grotius, the distinguished seventeenth-century Dutch jurist, better known for his writing on international law, provided the connection between wives' domesticity and the golden age of commerce in his writing on the jurisprudence of Holland. With his commentary on the former limited authority of married women, he wrote,

“...a married woman may not appear in court except as authorized by her husband; may not alienate or encumber her husband's property or her own; may not contract debts to bind herself or her husband: except in times of old, a husband whose wife was wont to bake or brew, might lose by her an oven-ful of bread, or a brew of beer, without the husband being able to do anything against it: likewise, if a man's wife was wont to sell or buy woollen yarn or linen, he might lose by her a stone-weight: even if the wife

did not carry on a public trade, her husband might suffer to the extent of four pennies. This seemed enough in view of the conditions then existing, but later, *the commerce and wealth of the country being greatly increased, the principle was extended, so that, to-day, a married woman, engaged in public commerce or trade, may contract in all matters relating thereto, and consequently may bind herself and her husband, and alienate and encumber her stock.*"²²

Owing to the flexibility of Roman-Dutch laws, ambiguities in their application, and change over time, legalities are imperfect measures of social conditions existing in a specific time and place. Nevertheless, it is important to examine the function of Roman-Dutch law as it applied to married women in New Netherland and New York in the seventeenth century in order to understand the activities of elite women like Margaret Hardenbroeck Philipse, Maria Van Rensselaer, and others who achieved the status of merchant-traders. Moreover, examination of Roman-Dutch law is helpful in explaining how, despite the apparent severity of the expressions of patriarchy therein, dozens of other New Netherland and early colonial New York wives of lower status were able to assume extraordinary responsibilities that sometimes challenged the authority of males.

Roman-Dutch law contained patriarchal elements that circumscribed the activities of wives, but as the above quote by Grotius indicates, as the pace of commerce increased, Roman-Dutch law grew more flexible in regard to married women's participation in trade. As a result, wives were able to assume authority that combined traditional marital roles with opportunities to enrich their families and, hence, themselves. Importantly, as several historians have noted, under Roman-Dutch law affianced women had two fundamental options during marriage. They could choose *sub tutela*, which gave them little more than the rights of a minor. (For purposes of comparison, it was similar to the status of married women under English common law.) However, they also had the option of a community-of-goods arrangement, in which the property of both spouses formed a common pool from which each partner could experience enrichment or loss. Many women in New Netherland took advantage of this.²³

Community of goods was essential to the advancement of women's exercise of authority in commerce in the Netherlands and New Netherland. According to Grotius, under community of goods, married women who were traders were able to "contract, buy, sell, and, if necessary, borrow money."²⁴ However, it is possible that New Netherland historians have assigned too much significance to the legal requirement, as indicated by Grotius, that wives obtain written or verbal permission from their husbands to appear in court.²⁵ Recorded instances in New Netherland in which wives' authority to represent their families or their families'

businesses are so few as to indicate the law was becoming antiquated.

Owing to their enrichment, preference, indifference, or unknown reasons, some New Netherland husbands were content to give their wives full responsibility over finances, which, in their minds, may have absolved them of responsibility for maintaining accurate accounts. One such husband was Jan Harmensen, a New Netherland cooper. In January 1654, in the first session of the year for the Court of Burgomasters and Schepens of New Amsterdam, Adriaen Keysar, former Dutch West India Company commissary for New Netherland, sued several people for unpaid debts.²⁶ Harmensen was one of the defendants; Keysar asserted the cooper owed him *f*49.12 (forty-nine florins and twelve stuivers) on a two-year-old debt. When the magistrates asked Harmensen about it, he acknowledged making the debt, but suggested his absent wife, Annetje Pieters, knew more about it than he did. Specifically, he stated, “there was something due at that time, but as [my] wife has gone to fatherland, [I] do not know if she paid [it].” He then requested a postponement until after his wife’s return, which the magistrates turned down. Instead, they ordered him to pay the amount Keysar could prove that he owed.²⁷

Unfortunately, court minutes from New Netherland and early colonial New York are seldom as informative as they are in Keysar’s suit against Harmensen. However, they abound in cases in which wives represented themselves and their husbands and families in commercial suits. Unlike Connecticut, in which married women usually appeared in court for suits unrelated to trade, many New Netherland wives legally protected their families’ financial interests.²⁸

One of the most interesting suits that illustrates the authority of married women to protect financial interests—and in so doing to challenge the social foundations of patriarchy—was a suit involving a married tradeswoman and the previously mentioned Jan Harmensen. Seventeen years after Keysar’s suit against him, on June 6, 1671, Harmensen found himself once again a defendant in a civil suit in the same municipal court (the name of which had been changed to the New York City Mayor’s Court after the English seizure of the colony.) A New York City shopkeeper, identified in the record only as “Mrs. Anthonie,” sued Harmensen for *f*25 she paid him for a butter churn that, she testified, “was not merchantable.”²⁹

Perhaps recognizing that Anthonie’s suit threatened his livelihood, or possibly owing to confidence or pride in his skill as an artisan, Harmensen contested her claim. Interestingly, the magistrates turned to arbitration, a procedure more common under Roman-Dutch law than English law. Specifically, they appointed “two independent coopers,” Jan Jansen van Brestede and Evert Wessels, to examine the churn and, “in case they do not find the same merchantable, they

order the deft. to return the money, but being found merchantable, the pltf. shall be bound to receive the churn.”³⁰

Anthonie’s suit is significant for what it indicates about legal and social perceptions of gender and its connection to commerce. The suit gives the impression that law was oblivious to the sex of the litigants. Mrs. Anthonie appears in the record not as a woman or wife, but as a merchant. Yet, her challenge to the quality of Harmensen’s work may have harmed his reputation and, consequently, his livelihood. Although there was high demand for skilled coopers in colonial America, particularly among a commercially oriented population, those who acquired a reputation for substandard work were likely to see business decline and, possibly, suspension of permission by civil authorities to carry on their trade.

In making churns, barrels, and other containers that were so important to life in preindustrial America, Jan Harmensen practiced a craft with a rich tradition and long history dating to early Middle Eastern civilizations. He may have developed his skill under the watchful eye of his father or a master cooper to whom he was apprenticed. From his teacher, he acquired knowledge about the special characteristics of different kinds of tools and wood. However, experience gave Harmensen the skill to ply his trade.

Nevertheless, it is highly unlikely Harmensen knew how to make butter with the churn he sold to Anthonie. Butter-making was also a specialized talent that required experience and knowledge. Owing to the importance of butter fat in the colonial diet, butter-making was rarely the responsibility of children or servants. Most often, it was the responsibility of the female head of the household.³¹

Yet, since the suit against Harmensen is the only available record of Mrs. Anthonie, we cannot know the extent of her domestic responsibilities, and therefore the extent of her knowledge in carrying them out. However, three details about her life emerge from the suit and provide a solid basis for hypothesis: she was married; she was directly involved in trade; and she independently brought suit against Harmensen—that is, without assistance from her husband or another male. These facts establish levels of responsibility, autonomy, and ability consistent with other married women found in the records of New Netherland and New York in the seventeenth century.

The combination of Dutch concepts of marital partnership, women’s participation in commerce, and laws that recognized married women’s exercise of authority in commercial transactions caused some women to rise above the levels of responsibility and material comforts of others. Consequently, they were able to maintain and develop enterprises that were valuable to themselves, their families, and the local and budding global economies. Owing to conditions that

allowed and even encouraged their participation in commerce, some women developed personal qualities necessary to build financially secure business enterprises. Margaret Hardenbroeck-Philipse and Maria Van Rensselaer entered what was then, and largely remains today, the domain of men. Nevertheless, owing to their abilities and acumen, they succeeded more often than failed in commercial ventures. And their sex, combined with a resolve to succeed, caused them to be scorned by purveyors of morality in their own time, and, in the present age, makes historians reluctant to ascribe to them the “masculine” characteristics they certainly possessed.³²

Jasper Dankers was a member of an obscure Protestant sect that followed the teaching of Jean de Labadie. In 1679, he and Pieter Sluyter were sent from Amsterdam to New York by their fellow Labadists to scout the colony and adjacent environs for a suitable place to locate the sect in America. On June 8, Sluyter and Dankers contracted with Margaret Hardenbroeck-Philipse, owner of the *King Charles*, for passage to New York.

Several weeks into the voyage, a girl dropped a mop overboard while rinsing it. Hardenbroeck-Philipse ordered the captain to stop the ship and send out members of the crew to retrieve the item. According to Dankers, the effort “delayed the whole voyage, seaman be sent roving at the risk of their lives; we, with all the rest, must work fruitlessly for an hour or an hour and a half, and all that merely to satisfy and please the miserable covetousness of Margaret.”³³ In other places in the journal, Dankers refers to Hardenbroeck-Philipse as parsimonious, a cheat, and avaricious, but lest we accept Dankers’ opinion without reservation, earlier in the same voyage he had a disagreement with her. Moreover, he was not beyond cheating customs officials when the ship stopped in Falmouth, England, and he handled a situation so poorly in an incident over a boat that he resorted to physical violence.³⁴ Thus, he was not necessarily the best judge of character.

Regardless of Dankers’ flaws, if we ignore his prejudices and remember that Margaret Hardenbroeck-Philipse’s industry helped propel the financial and political career of her second husband, Frederick Philipse, she comes across more favorably. Moreover, Dankers’ contacts with Hardenbroeck-Philipse begs the question: If she had been male, would his judgments of her have been as harsh?

Another extraordinary woman of New Netherland and early colonial New York who has received too little attention from historians is Maria Van Rensselaer, wife, then widow, of Jeremias Van Rensselaer. Like Margaret Hardenbroeck-Philipse, Maria Van Rensselaer possessed qualities of character that enabled her to persevere in managing and maintaining the vast holdings of the Van Rensselaer family in colonial New York long after her husband’s death. Beyond management

of the patroonship brewery, it is unknown how much responsibility and authority she exercised during her marriage to Jeremias. However, her successful administration of Rensselaerwijck during very difficult circumstances after his death suggests she was intimately involved with those duties during their marriage.

In her efforts to manage the patroonship, Van Rensselaer's letters reveal her frequent frustration with others, yet she did not retreat from her responsibilities. For example, she preserved the patroonship during the proprietorship period of New York history. She did so with a mixture of charm and informed decisiveness, responding to changing political circumstances through influential contacts in the Netherlands and by entertaining colonial officials.³⁵ The patroonship was rarely profitable before the death of Jeremias and its solvency was precarious thereafter, but her efforts were enough to keep it intact during her life. In addition to inheriting the fiscal problems of the patroonship, Maria was required to answer the complaints of those in the Netherlands who had invested in it, and from the acquisitive Robert Livingston, who tried to wrest it from her.³⁶ Further, she conducted her affairs while suffering from a debilitating illness.³⁷

Following her first pregnancy, Maria Van Rensselaer fell ill to a disease that may have been septic arthritis compounded by osteomyelitis of the femur, both of which were further aggravated by palliatives she received based on mistaken beliefs about the nature of the diseases. Jasper Dankers made mention of a visit to Maria in 1680. He wrote, "in her last child-bed, she became lame or weak in both of her sides, so that she had to walk with two canes or crutches." However, he also revealed her management abilities while consumed with the effects of the diseases, writing: "We went to look at several of her mills at work, which she had there on an ever-running stream, grist mills, saw-mills, and others."³⁸

Margaret Hardenbroeck-Philipse and Maria Van Rensselaer had a great deal in common. Certainly, they were among the elite, but as women they managed extraordinary responsibilities in the formative years of New York's continuing commercial development before and after English annexation of New Netherland. Significantly, their names are rarely listed among those of men who contributed to the foundations of New York's commercial wealth.

However, there is another similarity between Hardenbroeck-Philipse and Van Rensselaer. They were both mothers. In addition to Dankers and Sluyter, Hardenbroeck-Philipse's daughter from a previous marriage was on board the *King Charles* when it sailed to America in 1679.³⁹ Therefore, Margaret's responsibilities included that of a parent attending to her child's education in commerce, which she conveyed by example. In addition, it is likely that Maria Van Rensselaer's efforts to save Rensselaerwijck in the face of debilitating illness were motivated

by consideration for her six children.

While Maria Van Rensselaer and Margaret Hardenbroeck-Philipse were elite women who, owing to that fact, left correspondence, they revealed characteristics in common with non-elite women. Women like Annetje Pieters, wife of cooper Jan Harmensen, and the shopkeeper Mrs. Anthonie demonstrated characteristics in commerce that, while not on the scale of merchant-trader, were similar to those of elite women. Like Hardenbroeck-Philipse and Van Rensselaer, Pieters and Anthonie exercised responsibilities and authority in a seventeenth-century culture that valued entrepreneurial efforts by women.⁴⁰ Yet, they were also married women whose efforts in the marketplaces and courtrooms were consistent with the early modern Dutch concept of marital partnership.

As the more restrictive patriarchal characteristics of English culture gained increasing hegemony through application of English law in New York, the commercial activities of married women faded behind the English legal concept of *femme covert*. Yet, they occasionally surfaced. Jean Jordan's study of eighteenth-century newspaper advertisements revealed a wealth of tantalizing suggestions about continuing involvement in commerce by married women.⁴¹ Interestingly, Jordan began her article with a letter to the editor published in John Peter Zenger's *New York Weekly Journal* in 1734. In it, a group of "she-merchants" complained about the lack of attention from the colony's political leaders.⁴² Seventy years earlier, in a legal assignment of power of attorney, Margaret Hardenbroeck-Philipse referred to Trijntje Willems, the person she chose to represent her interests in her absence, as a *koopvrouwe*. Translated, it means she-merchant.⁴³

It is unfortunate that writers of early American history have neglected women in New Netherland and early New York. The quote at the beginning of this article came from Mary Ritter Beard, perhaps the first professional feminist historian. In her denial of the subjection of women to men, she was specifically referring the ameliorating effects of equity in English law as it applied in the American colonies. However, it also reveals that the further historians go in their investigations of early American women, the more opportunities to examine and understand the lives of those women become available. Mary Beth Norton was correct to praise American historians for their increased acceptance of women as subjects for study. Without the efforts of Norton and others, this change would not have taken place. However, regarding her lament about failure to achieve a reconceptualization of American history, resistance to paradigmatic changes by historians continues to plague the history profession. When professional historians release their predilections for status quo history and allow women, minorities, and non-English early colonial Americans equal consideration, inter-

pretations will become more accurate and have the potential to influence future directions of American history.⁴⁴

Endnotes

- 1 Mary Ritter Beard, *Women as a Force in History: A Study in Traditions and Realities* (New York, Macmillan, 1946), 144.
- 2 Mary Beth Norton, "From Parts to Whole," *The Women's Review of Books*, 17, no. 5 (Feb. 2000), 16.
- 3 A brief list of recent studies and commentaries about women and gender among African American and Native American societies includes, Carol Devers, *Countering Colonization: Native American Women and Great Lakes Missions, 1630-1900* (Berkeley, CA, UC Press, 1992); Michael Fickes, "They could not endure that yoke': The Captivity of Pequot Women and Children after the War of 1637," *New England Quarterly*, 73, no. 1 (March 2000), 58-81; Quintard Taylor and Shirley Ann Wilson Moore, eds. *African American Women Confront the West, 1600-2000* (Norman, OK, University of Oklahoma Press, 2003); Francille Rusan Wilson, "Introduction: New Directions in African American Women's History," *Journal of African American History*, 89, no. 3 (Summer 2004), 199-204; Barbara A. Mann, "The Lynx in Time: Haudenosaunee Women's Traditions and History," *American Indian Quarterly*, 21, no. 3 (Summer 1997), 423-449; Marilyn Norcini, "Interpreting Wabanaki Women's History," *American Anthropologist*, 106, no. 1 (March 2004), 161-164; David Stymeist, "'Strange Wives': Pocahontas in Early Modern Colonial Advertisement," *Mosaic: A Journal for the Interdisciplinary Study of Literature*, 35, no. 3 (Sept. 2002), 109-127. Historians have long disagreed about the effect of environmental and demographic factors in shaping the character of American concepts of gender for women. See, for example, Richard B. Morris, "Women's Rights in Early American Law," *Studies in the History of American Law: With Special Reference to the Seventeenth and Eighteenth Centuries* (New York, Columbia University Press, 1930), 126-200; Mary Ritter Beard, *On Understanding Women*, (New York, Longmans, Green and Co., 1931); Elisabeth Dexter, *Colonial Women of Affairs: Women in Business and the Professions in America Before 1776*, (Boston, Houghton-Mifflin., 1931); Mary Ritter Beard, *America Through Women's Eyes* (New York, Macmillan, 1933); Beard, *Women as a Force in History*; Julia Cherry Spruill, *Women's Life and Work in the Southern Colonies* (Chapel Hill, UNC Press, 1938); Herbert Moller, "Sex Composition and Correlated Culture Patterns of Colonial America," *William and Mary Quarterly*, 3RD Ser., 34 (March 1945), 113-153; Mary Beth Norton, "The Myth of the Golden Age," in Carol R. Berkin & Norton, eds., *Women of America: A History* (1979), 37-46; and, many others.
- 4 See, for example, Martha Dickinson Shattuck, "A Civil Society: Court and Community in Beverwijck, New Netherland, 1652-1664," (Ph.D. dissertation, Boston University, 1993), 166, in which in examining the roles of wives in commerce the authors refers to family owned businesses as wives' "husbands' business." While the description is accurate in regard to wives' legal capacity under Roman-Dutch law, it implies that wives duties in commerce were adjunct to those of their husbands and somehow less important; when, in fact, they were often indispensable.
- 5 Oliver A. Rink, "The People of New Netherland: Notes on Non-English Immigration to New York in the Seventeenth Century," *New York History*, no. 1 (Jan. 1981), 5-42: 7. Pieter C. Emmer and Wim Klooster, "The Dutch Atlantic, 1600-1800, Expansion Without Empire," *Itinerario*, 23, no. 2 (1999), 48-69.
- 6 Patricia Bonomi, *A Factious People: Politics and Society in Colonial New York* (New York and London, Columbia University Press, 1971), traced neglect of pre-Revolutionary New York history to Carl Becker, *The History of Political Parties in the Province of New York, 1760-1776* (Madison, University of Wisconsin Press, 1909). She asserted that historians subsequent to Becker adopted his assumptions about the insignificance of pre-Revolutionary New Yorkers. See also, Milton Klein, "New York in the American Colonies: A New Look," in Jacob Judd and Irwin Polishook,

- eds., *Aspects of Early New York Society and Politics* (Tarrytown, Sleepy Hollow Restorations, 1974), 8-28; Joyce D. Goodfriend, "Writing/Righting Dutch Colonial History," *New York History*, 80, no. 1 (Jan. 1999), 5-28; a "must read" for anyone interested New Netherland and New York history is, David William Voorhees, "Tying the Loose Ends Together: New Netherland Studies on a Par with the Study of Other Regions," in Goodfriend, *Revisiting New Netherland*, 309-327.
- 7 R. Po-Chia Hsia and Henk van Nierop, eds., "Introduction," *Calvinism and Religious Toleration in the Dutch Golden Age* (Cambridge, University Press, 2002), 9.
 - 8 A few historians have addressed Dutch women in New Netherland and early colonial New York, but as many of the following titles indicate, women's formal legal status dominates. Linda Briggs Beimer, *Women and Property in Colonial New York: The Transition from Dutch to English Law, 1643-1727* (Ann Arbor, UMI, 1983); David E. Narrett, "Dutch Customs of Inheritance, Women, and the Law in Colonial New York City," in William Pencak and Conrad Edick Wright, eds., *Authority and Resistance in Early New York* (New York, New York Historical Society, 1988), 27-45; David E. Narrett, "Men's Wills and Women's Property Rights in Colonial New York," in Ronald Hoffman and Peter J. Alberts, eds. *Women in the Age of the American Revolution* (Charlottesville, UVA Press, 1989), 91-133; Firth Haring Fabend, *A Dutch Family in the Middle Colonies, 1600-1800* (New Brunswick, NJ, Rutgers University Press, 1992); David E. Narrett, *Inheritance of Family Life in Colonial New York City*, (Ithaca, Cornell University Press, 1992); Shattuck, "A Civil Society," 140-191; Susannah Elizabeth Shaw, "Building New Netherland: Gender and Family Ties in a Frontier Society," (Ph.D. dissertation, Cornell University, 2000); Michael E. Gherke, "Dutch Women in New Netherland and New York in the Seventeenth Century," (Ph.D. dissertation, West Virginia University, 2001); Susannah Elizabeth Shaw, "New Light from Old Sources: Finding Women in New Netherland Courtrooms," *de Halve Maen*, 75, no. 1 (2001), 9-14; Firth Haring Fabend, "Sex and the City: Relations Between Men and Women in New Netherland," in Joyce D. Goodfriend, ed., *Revisiting New Netherland: Perspectives on Early Dutch America* (Leiden and Boston, Brill, 2005), 262-283; Jaap Jacobs, *New Netherland: A Dutch Colony in Seventeenth-Century America* (Leiden and Boston, Brill, 2005), passim.
 - 9 Rink, "The People of New Netherland," 42.
 - 10 Perhaps in an effort to minimize confusion that indiscriminate imposition of English common law would create, on March 8, 1665, at a meeting in Hempstead of delegates from various areas of New York, Nicolls presented what became known as the "Duke's laws." Compiled by the provincial secretary, Matthias Nicolls, (who was apparently not related to Richard Nicolls), the Duke's laws were an amalgam containing elements of English common law, variations of English law used in other English colonies like Massachusetts, and Roman-Dutch law. Several historians have reflected on the significance of the period of hybridization of law in proprietary New York; including, Herbert Alan Johnson, "The Advent of Common Law in Colonial New York," in George Athan Billias, ed., *Law and Authority in Colonial America: Selected Essays* (Barre, MA, Barre Publishing, 1965), 71-94; Julius Goebel, Jr., "The Courts and the Law in Colonial New York," in David H. Flaherty, ed., *Essays in the History of Early American Law* (Chapel Hill, UNC Press, 1969), 245-277; Robert C. Ritchie, "The Structure of Government," in *The Duke's Province: A Study of New York Politics and Society, 1664-1691* (Chapel Hill, UNC Press, 1977), 25-46; Lawrence M. Friedman, *A History of American Law* (New York, Simon and Schuster, 1985), 44-45; Peter Charles Hoffer, *Law and People in Colonial America* (Baltimore and London, Johns Hopkins University Press, 1993), 28-30.
 - 11 Voorhees, "Tying the Loose Ends Together," 314-318.
 - 12 See, for example, Jean P. Jordan, "Women Merchants in Colonial New York," *New York History*, 57, no. 4 (Oct. 1977), 412-439; Deborah A. Rosen, "Mitigating Inequality: Women and Justice in Colonial New York," in Larry Eldridge, ed., *Women and Freedom in Early America* (New York, NYU Press, 1997), 313-329; Deborah A. Rosen, *Courts and Commerce: Gender, Law, and the Market Economy in Colonial New York*, (Columbus, OSU Press, 1997); Serena Zabin, "Women's Trading Networks and Dangerous Economies, (paper presented at "Women's Economies in Colonial British America, Program in Early American Economy and Society at the Library

- Company of Philadelphia,” October 2004).
- 13 Beimer, *Women and Property in Colonial New York*, passim; Linda Briggs Beimer, “Criminal Law and Women in New Amsterdam and Early New York,” in Nancy Anne McClure Zeller, ed., *A Beautiful and Fruitful Place: Selected Rensselaerwijck Seminar Papers* (Albany, New Netherland Publishing, 1991), 73-82; David E. Narrett, “Dutch Customs of Inheritance,” 28; David E. Narrett, “Introduction,” *Inheritance and Family Life*, 1-11.
 - 14 Joan R. Gunderson and Gwen Victor Gample, “Married Women’s Legal Status in Eighteenth-Century New York and Virginia,” *William and Mary Quarterly*, 3rd Ser., 39 (1982), 114-134: 129-133.
 - 15 Ibid., 132; Peter R. Christoph, “Worthy Virtuous Juffrow Maria van Rensselaer,” *de Halve Maen*, 70, no. 2 (Summer 1997), 25-40; Michael E. Gherke, “Margaret Hardenbroeck Philipse: Merchant Trader,” (paper presented at the First Annual West Virginia University History Forum, Morgantown, WV, Feb. 1997).
 - 16 A.J.F. van Laer, trans. and ed., *Correspondence of Jeremias van Rensselaer, 1651-1674*, (Albany, SUNY, 1932), 297, 300. Hereafter cited as CJVR.
 - 17 It is interesting to note that Jeremias first wrote to his brother, who was living in the Netherlands, presumably at or near the family home, and asked him to relate the news of his marriage to their mother. See, Michael E. Gherke, “Dutch Women,” 79.
 - 18 Thomas J. Condon, *New York Beginnings: The Commercial Origins of New Netherland* (New York, 1968); David Steven Cohen, “How Dutch were the Dutch of New Netherland?” *New York History*, 43-60; Bonomi, *A Factious People*, 18-19.
 - 19 Jonathan Israel, *The Dutch Republic: Its Rise, Greatness, and Fall, 1477-1806* (Oxford and New York, Oxford University Press, 1995), 14-25. As Israel points out, several of the northern Dutch states in the United Provinces of the Netherlands were in competition with each other, an example of which was the rivalry between Holland’s growing commercial power and the established commerce of the western Dutch states allied with the Hanseatic League.
 - 20 Simon Schama, *The Embarrassment of Riches: An Interpretation of Dutch Culture in the Golden Age* (New York, Knopf, 1987), 391.
 - 21 Religion itself was not destabilizing, but Europeans in the early modern period still identified religious authority with political authority, i.e., the concept of “state” religion remained prevalent. Toleration of divergent Protestant sects, Catholicism, and even those who adhered to a different religion, like Jews, eroded that identification. Several studies of these aspects of Dutch society during the golden age of commerce have been published; including, Israel, *The Dutch Republic*; Jan de Vries and Ad van der Woude, *The First Modern Economy: Success, Failure, and Perseverance of the Dutch Economy, 1500-1815* (Cambridge, University Press, 1997); J.L. Price, “Catholics, Dissenters, and Politics,” *The Dutch Republic in the Seventeenth Century: European History in Perspective* (New York, Cambridge University Press, 1998), 81-89; Judith Pollmann, “The bond of Christian Piety: the individual practice of tolerance and intolerance in the Dutch Republic,” in Hsia and Van Nierop, *Calvinism and Religious Toleration*, 53-71; Joke Spaans, “Religious policies in the seventeenth-century Dutch Republic,” in Hsia and Van Nierop, *Calvinism and Religious Toleration*, 72-86.
 - 22 Hugo Grotius [Hugo de Groot], *The Jurisprudence of Holland*, trans. R. W. Lee, 2 vols. (Oxford, University Press, 1953; reprint, 1977), 29-31. The italics are mine.
 - 23 Beimer, “Seventeenth-Century Law in New Netherland-New York,” in *Women and Property*, 1-9; Shattuck, “A Civil Society,” 154-55.
 - 24 Grotius, *Jurisprudence of Holland*, 2: 28; see also, R.W. Lee, *An Introduction to Roman-Dutch Law* (Oxford, OU Press, 1953), 63-64; 423-424.
 - 25 Grotius, *Jurisprudence of Holland*, 1: 29; Beimer, *Women and Property*, 1-2; Shattuck, “A Civil Society,” 140-141.

- 26 Charles T. Gehring, trans. and ed., *New York Historica Manuscripts: Dutch, Council Minutes, 1652-1654* (Baltimore, Genealogical Publishing, 1983), 67. Hereafter cited as Council Minutes.
- 27 Berthold Fernow, trans. and ed., *The Records of New Amsterdam, 1652-1674*, 7 vols. (New York, 1897; reprint, Baltimore, Genealogical Publishing, 1976), 1: 147. Hereafter cited as RNA. Keysar's proof was almost certainly an account book in which the contract with Harmensen, affixed with the signatures or marks of the parties involved, including witnesses, was recorded. Commerce was the *raison d'être* for the existence of New Netherland and properly executed, private contracts were commonly presented in court as proof of obligations.
- 28 Cornelia Dayton Hughes, *Women Before the Bar: Gender, Law, and Society in Connecticut, 1639-1789* (Chapel Hill, UNC Press, 1995). Shattuck, "A Civil Society," 155-191.
- 29 RNA, 6: 304.
- 30 Ibid. Owing to the magistrates' use of arbitration, Anthonie's suit exemplifies the hybridization of law that occurred in New York during the proprietorship of James duke of York, [1664-1673; 1674-1685]. Sir Richard Nicolls, commander of the four-ship flotilla that forced the surrender of New Netherland and New York's first English governor, prudently sought to avoid the confusion that indiscriminate imposition of English law would create for a largely non-English, non-Anglican population. On March 8, 1665, at a meeting in Hempstead of delegates from various parts of the colony, Nicolls presented what became known as the "Duke's laws." Compiled by provincial secretary, Matthias Nicolls, the Duke's laws were an amalgam containing elements of English common law, variations on English law applied in other English colonies, and Roman-Dutch law. Several scholars have offered their interpretations to hybridization of law in proprietary New York including, Herbert Alan Johnson, "The Advent of Common Law in Colonial New York," in George Athan Billias, ed., *Law and Authority in Colonial America, Selected Essays* (Barre, MA, Barre Publishing, 1965), 71-94; Julius Goebel, Jr., "The Courts and the Law in Colonial New York," in David H. Flaherty, ed., *Essays in the History of Early American Law* (Chapel Hill, UNC Press, 1969), 245-277; Robert C. Ritchie, "The Structure of Government," in *The Duke's Province: A Study of New York Politics and Society, 1664-1691* (Chapel Hill, UNC Press, 1977), 25-46; Lawrence M. Friedman, *A History of American Law* (New York, Simon and Schuster, 1985), 44-45; Peter Charles Hoffer, *Law and People in Colonial America* (Baltimore and London, Johns Hopkins University Press, 1993), 28-30. For information about procedure under Roman-Dutch law see, J.W. Wessels, "Administration of Justice," in *History of the Roman-Dutch Law* (Grahamstown, Cape Colony, [South Africa], African Book Co., 1908; reprint, London, Lawbook Exchange, 2005), 144-165. For the evolution of legal precedent in Roman-Dutch law in matters relating to commerce see, Oscar Gelderblom, "The Resolution of Commercial Conflicts in Bruges, Antwerp, and Amsterdam, 1250-1650," <http://www.lowcountries.nl/2005-02/gelderblom.pdf>, (accessed 7 Oct. 2006).
- 31 Ruth Swartz Cowen, *More Work for Mother: The Ironies of Household Technology from the Open Hearth to the Microwave* (New York, Basic Books, 1983), 29-30; Joan M. Jensen, "Churns and Butter-Making Technology," *Loosening the Bonds: Mid-Atlantic Farm Women, 1750-1850* (New Haven, Yale University Press, 1986), 92-113.
- 32 Although Jean Zimmerman, *The Women of the House: How a Colonial She-Merchant Built a Mansion, a Fortune, and a Dynasty* (New York, Harcourt, 2006), which discusses the life of Hardenbroeck-Philipse and subsequent generations of Philipse women, Hardenbroeck-Philipse and Maria van Rensselaer are rarely mentioned or only mentioned in passing by historians of New Netherland and early colonial New York. One of the best descriptions of Hardenbroeck-Philipse remains, Mary L. Booth, *History of the City of New York from its Earliest Settlement to the Present Time* (New York, Lippencot, 1859), 859. Further, I would be remiss for ignoring, Peter R. Christoph, "Worthy Virtuous Juffrow, Maria van Rensselaer," *de Halve Maen*, 70 (Summer 1997), 25-40.
- 33 Jasper Dankers [Dankaerts] and Peter Sluyter, *Journal of a Voyage to New York and a Tour in Several American Colonies in 1679-1680*, ed. Henry C. Murphy (New York, 1867; reprint, Ann

- Arbor, UMI, 1966), 53. Hereafter cited as Danker's Journal.
- 34 Ibid.. passim.
- 35 A.J.F. van Laer, trans. and ed., *Correspondence of Maria van Rensselaer, 1669-1689* (Albany, SUNY, 1935), 127-128, 184.
- 36 Ibid., 127-128. See also, Christoph, "Worthy Virtuous Juffrow, Maria van Rensselaer."
- 37 Ibid., 26.
- 38 Danker's Journal, 317.
- 39 Soon after her arrival in New Netherland in 1659, Margaret Hardenbroeck married Pieter Rudolphus de Vries, a successful merchant with financial ties to her family. Beimer, *Women and Property*, 34; Zimmerman, *The Women of the House*, 50.
- 40 Ibid., 9-10.
- 41 Jordan, "Women Merchants in Colonial New York," passim. See also Gunderson and Gampel, "Women's Legal Status," passim.
- 42 Ibid., 412; *New York Weekly Journal*, (21 January, 1734).
- 43 "Power of Attorney," Margarita Hardenbroeck, January 9, 1664, Hardenbroeck papers, Historic Hudson Valley.
- 44 The influence of the gendered prejudices of past historians is still very much present in American history. For example, the index of the textbook currently in use for survey early American history courses at my institution, Edward L. Ayers, et. al., *American Passages: A History of the United States*, vol. 1: to 1877, 3rd ed., (New York, Houghton-Mifflin, 2007), references the individual names of 396 men, but only 41 women.