PIRACY *and* PRIVATEERING *in the* GOLDEN AGE NETHERLANDS

VIRGINIA W. LUNSFORD

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To Beatrice, Jackson, and Greta

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NOTE ON THE TEXT

Throughout the text, notes, and bibliography, there are several variations in the capitalization and spelling of place names and manuscript titles, which are characteristic of the time and place. These inconsistencies have been left such for authenticity, and are reproduced exactly as listed originally in the sources.

Abbreviations

Archives and Collections

AA	Admiraliteits Archieven (The Hague, the Netherlands)
AGI	Archivo General de Indias (Seville, Spain)
ARA	Algemeen Rijksarchief (The Hague, the Netherlands)
AVS	Stichting Atlas Van Stolk (Rotterdam, the Netherlands)
Dousa Kamer	Dousa Kamer Westerse Gedrukte Werken (Rare Books Division), Rijksuniversiteit Leiden Bibliotheek (Leiden, the Netherlands)
KB	Koninklijke Bibliotheek (The Hague, the Netherlands)
Realia	*Realia. Register op de Generale Resolutien van het Kasteel Batavia, 1632–1805**
RLP	Rijksuniversiteit te Leiden Pamfletten, Rijksuniversiteit Leiden Bibliotheek, (Leiden, the Netherlands)
Thysius	Thysius Collection, Rijksuniversiteit te Leiden Bibliotheek, (Leiden, the Netherlands)
VOC	Vereenigde Oost Indische Compagnie (The Hague, the Netherlands)
WIC	West Indische Companie (The Hague, the Netherlands)
ZB	Zeeuwse Bibliotheek (Middelburg, the Netherlands)
ZBP	Zeeuwse Bibliotheek Pamfletten (Middelburg, the Netherlands)

Terms

Verz.	Verzameling (Collection)
GGR	Gouveneur Generaal en Raden (of the Dutch East India Company)

* J.A. van der Chijs, ed. *Realia. Register op de Generale Resolutien van het Kasteel Batavia, 1632–1805* (Batavia and 's-Gravenhage: W. Bruining and Mart. Nijhoff, 1882–1886). This is a published version of the incomplete subject index of the "*kopie-resoluties*" of the VOC Governor-General and Council in the East Indies; the index is in Jakarta, Indonesia. Another unpublished index can be found in the VOC Archive, #835–839 (*Repertorium op de realia (onderwerpen) in de resoluties van gouverneur-general en raden*).

Glossary

article brief, ***article brieven***. "Article letters"; shipboard regulations issued by various shipping concerns, as well as the Dutch Navy, which prescribed conduct for the sailors aboard a ship; stipulated which behavior was appropriate and expected.

Batavia. Main colony in the Dutch East Indies; today's Jakarta, Indonesia.

boekhouder. "Ship's husband" or "bookkeeper"; land-based bureaucrat who was responsible for overseeing a privateering venture; member of a privateering firm who was in charge of arranging for a ship's privateering commission, supervising its financial administration, outfitting it for its cruise, and ensuring its proper conduct.

commissie. Commission; specifically, a privateering commission.

commissie van retorsie. Privateering commission; document that sanctioned privateering; a license issued by the state that gave an individual the legal right to attack and capture enemy ships.

commissievaarder. Privateer.

courant. Newspaper.

f. Abbreviation for "guilder," the primary unit of Dutch currency.

guilder. Primary unit of Dutch currency.

Hof van Holland. The High Court of Holland and Zeeland.

kaper. Privateer.

kaperbrief. Privateering commission; document that sanctioned privateering; a license issued by the state that gave an individual the legal right to attack and capture enemy ships.

knevelrijen. Criminal extortion through physical coercion; kidnapping in order to earn money from a ransom.

krant; kranten. Newspaper; newspapers.

lijve gestraft. Corporal punishment.

octrooigebied. Trade company "patent territory," that is, a trade company's monopoly jurisdiction.

piraat; piraten. Pirate; pirates.

placaat. Proclamation.

polder. An area of land that has been reclaimed from the sea or from below sea level by the use of dikes.

praatje. "Little conversation," a genre of pamphlet literature in which characters hold a conversation about topical issues of the day.

reder; reders. Member/members of a firm or partnership.

rederij; rederijen. Partnership/partnerships; investment firm(s).

rijksdaalder. Unit of Dutch currency.

rover. Robber or pirate.

schrijver. Clerk/scrivener; the person aboard a ship charged with keeping the official records.

Stadholder. The quasi-head of state in the Dutch Republic, although most real power was held by the federal assembly of the States-General; a holdover from the time when the Netherlands was part of the greater Spanish Empire, when the office of the "Stadholder" had been the Spanish-appointed governor.

States-General. Highest governing authority in the Netherlands; a sort of national parliamentary assembly.

stroomroverij. River piracy.

United Provinces. United Provinces of the Netherlands, that is, the Dutch Republic.

Vendumeester. "Auctioneer"; an Admiralty bureaucrat charged with supervising the sale of the plunder obtained from a privateering venture.

vrijbuiter. Freebooter.

zeerover. Pirate.

zeeroverij. High seas piracy.

Figures

Chronology

1568–1648	Eighty Years War (with Spain); the Dutch Revolt
1579	Union of Utrecht, which establishes the United Provinces of the Netherlands, or what will come to be called the Dutch Republic
1602	Foundation of the Dutch East India Company (VOC)
1609–1621	Twelve Years' Truce with Spain
1621	Foundation of the Dutch West India Company (WIC)
1628	Piet Heyn captures the Silver Fleet in Cuba
1648	Treaty of Münster with Spain, ending the Eighty Years War
1652–1654	First Anglo-Dutch War
1665–1667	Second Anglo-Dutch War
1672–1674	Third Anglo-Dutch War and invasion of the Republic by France
1688–1697	League of Augsburg
1702–1713	War of Spanish Succession
1713	Treaty of Utrecht, ending the War of Spanish Succession

Introduction

During the early years of the seventeenth century, a young man grew up in Oostzaan, a village in the region of Kennemerland in the province of North Holland. This lad, reputedly "fair of form," bourgeois in his origins, and respectable in his personal comportment,[1] maintained "a deep yearning to go to sea."[2] And so to sea he went, during that time immediately after the war with Spain recommenced (1621), working as an "Adventurer"—a privateer—"in the service of his Fatherland."[3] He enjoyed great success, attacking and plundering numerous ships belonging to his homeland's enemies, Spain and Portugal, as well as fighting the privateers of Dunkirk, Oostende, and Cadiz.[4]

Soon, however, he began to grow dissatisfied with his lot. He was not alone in this sentiment—other privateers, too, sought to augment their earnings and expand their horizons. So he and his comrades, ignoring the instructions of the Dutch authorities, began preying upon ships belonging to their nation's allies and friends.[5] Despite such transgressions, they still considered themselves to be patriotic Adventurers, marauders for their homeland, stalwart and stouthearted privateers whose first and foremost goal was disabling the ships of the Dutch Republic's enemies.

Unfortunately, this expansion in the pool of potential victims was not enough to gratify this rebellious seaman. Still disgruntled with his meager cut of the booty, he became increasingly discontented. Finally, he made a fateful decision. He resolved to quit his work as a privateer—even a corrupt privateer—and seek his fortune on his own terms. Thus did Claes Gerritszoon Compaen make a momentous, dramatic, and willful choice. He resolved to leave behind the privateering profession—to shed its rules and regulations, its shipboard hierarchies, and the limited cut of the plunder it delivered—and to become a full-fledged, independent pirate.[6]

This was easy enough to do. Armed with a letter of commission signed by the most powerful Dutch officials, the States-General and the Prince of Orange[7]—in other words, carrying a legal license to privateer—he cajoled his privateer bosses into entrusting him with a ship mounted with seventeen cannons and crewed by eighty men. Appearances notwithstanding, however, he used this vessel to commence his new, nefarious occupation. Accosting a Dutch fishing craft, he deceived the hapless fishermen into believing that he, Compaen, was "a pious Captain from the homeland," and removed a ton of salted herring from its hold. Leaving the plundered men with a fraudulent IOU, which Compaen claimed Dutch authorities would honor (and which,

in truth, they did not), he sailed off with his ill-begotten and valuable prize, his inauguration into his new lifestyle complete.[8]

More captures quickly followed, and Compaen soon acquired a reputation among both the authorities and the maritime *grauw* (rabble). In but a short time, so famous and esteemed did he become among the Republic's riffraff, in fact, that when he sought shelter in the Dutch city of Vlissingen during a bad storm, he was able to recruit another fifty sailors right away.[9] By now, he had established himself as such an accomplished and efficient pirate, seventeenth-century Dutch chronicler Nicolaes Wassenaer reports, that "everyone was afraid of him, yes, Spaniards, Portuguese, Frenchmen, Englishmen . . . all seafaring people were terrified . . ." They feared "the violent attacks which he committed with his accomplices . . . [assaults in which] everything which was encountered in the fury was destroyed," incredible damage which was wrought with relish and "in cold blood . . ."[10] Now, the government of the Dutch Republic officially pronounced him a "pirate" (*Zee-Roover*) and "villain" (*Schelm*), an individual who, to the officials' great chagrin, applied his efforts "against the welfare of the Fatherland . . ."[11]

Indeed, before his time on earth had ended, Claes Compaen had become not only a pirate, but rather, according to his biography, the most famous Dutch sea robber of all, a marauder whose equal the maritime world, "in the so many centuries that the Dutch have sailed the seas, had never seen . . ."[12] But what is even more remarkable is that ultimately, after years of unbridled and remunerative success as a pirate, after years of assailing and plundering the ships of myriad states, including his own, Claes Compaen was pardoned by the government he had spurned, returned to the village of his birth, and lived out his days as an eccentric yet celebrated figure in lawful, bourgeois, Golden Age Dutch society.

* * *

I begin with the story of Claes Compaen because it exemplifies perfectly the topic and themes that this book addresses. In one narrative, Compaen's biography embodies the fascinating tension that existed in Golden Age Dutch culture between the "heroic" privateer who fought for his Fatherland and the "monstrous" pirate who sowed violence and fear on the open seas. One might think that Compaen was a unique figure, a wild exception to the upright mores of seventeenth-century Dutch culture. How could a fallen former privateer such as himself—a hugely successful pirate who went so far as to prey upon his own people, who lived among the Barbary corsairs of North Africa, and who with his minions inspired dread on the seas—return to dwell among the upstanding denizens of the village of Oostzaan? How indeed, when Dutch law explicitly affirmed that actions such as Compaen's had been criminal, ungodly, and even evil, and Dutch culture branded pirates as moral reprobates and maritime beasts?

What other seventeenth-century Dutch sources reveal, however, is that Claes Compaen was not alone. The Dutch Republic, it turns out, was a

bastion of maritime pillaging in all its forms. And Compaen, while more successful than his Golden Age sea robber colleagues, was not, in essence, so different from a lot of them. For while it is true that some were ultimately branded as outright "criminal pirates" and were sentenced to die, numerous others escaped this fate. Why was this so? This study contends that Dutch pirates and privateers possessed complicated, ambiguous identities in Golden Age culture. Contemporary evidence shows that the line between privateer and pirate—despite all of the Republic's myriad, emphatic statutes and ordinances affirming and reinforcing the distinction—was often murky, gray, permeable, and migratory. The slope from licit privateer to unlawful pirate was, apparently, a slippery one indeed. (The behavior of Compaen's original Adventurer colleagues is evidence enough of that.)

What is especially important to underscore is the cultural understanding of and reaction to these transgressions. Surprisingly, despite the Dutch Republic's own exacting legal codes and its generally principled moral culture, authorities often looked the other way in cases of maritime robbery. Although legally criminals, Dutch "pirates" were often not identified as such, were often not punished very stringently, and at times even ended up serving the state in a lawful capacity. Adding to the confusion, the Dutch often employed the same word—*vrijbuiterij* (freebooting)—to refer to the ostensibly different phenomena of "privateering" and "piracy," especially when these activities were practiced by their own countrymen. And exploiting these inherent ambiguities, those accused of piracy frequently pleaded the profession of privateer, whether they carried the appropriate documents or not. In short, then, despite the strict legal definition of a "piratical" identity and cultural affirmations of pirates' depravity, Golden Age Dutch society could forgive such "lapses," as happened in the case of Claes Compaen. In the culture of the Golden Age Dutch Republic, privateering and piracy were points along a continuum, and men who qualified as pirates could escape the punishments the laws prescribed and rejoin the world of legitimate—even patriotic—maritime enterprise.

How is it that the pirate—an individual whose conduct should have branded him as a feared and despised pariah—still found a place in the Golden Age community? In the face of so many laws explicitly proscribing "piratical" actions and vowing punishment, and in a society whose people claimed to revile piracy as a "godless" and "beastly" enterprise, why were the Dutch authorities and citizenry willing to accept such deviant behavior? The reasons are complex and stem from particular cultural values that both shaped how Dutch society perceived the activities of "piracy" and "privateering" and how the authorities punished those who were eventually found guilty of piratical crimes. Indisputably, certain practical exigencies had something to do with the existence of this magnanimous attitude. Commercial mastery was the saving grace of the new United Provinces of the Netherlands, compensating for the state's small size and ostensible vulnerability. Despite their lack of sheer brute force or copious numbers, the Dutch managed to dominate in global trade.[13] Dutch privateers, and even pirates,

it turns out, contributed to this vital economic order. Moreover, privateering itself was a remunerative business, creating opportunities for personal profit and the further extension of capital. Members from all classes of Golden Age society invested in privateering concerns. At the same time, privateers were an important part of the Netherlands' military arsenal during a period of evolving naval warfare. As a veritable branch of the Dutch Navy during times of war, privateers' appointed task of assaulting adversaries' shipping, seizing goods, and inspiring insecurity was a significant one. These reasons help to explain why the strict rules governing privateer conduct at times fell by the wayside in the rush to form privateering companies, recruit sailors, and seek booty. In this respect, the maritime predators of the Dutch Republic were not so different from their socially tolerated and even esteemed brethren in other European societies, most notably, the Sea Dogs of Elizabethan England (the most famous of whom was Sir Francis Drake).

As important as these immediate economic and military exigencies were, however, certain deeply rooted and uniquely *Dutch* cultural predispositions were just as significant. Fundamentally, the Netherlands was a "water culture." In a small, coastal country lying largely below sea level, fashioned out of reclaimed land, subject to floods, and reliant upon the bounty of the ocean, water itself assumed a powerful, dualistic character. Where the Dutch learned to control and work with the sea, the sea responded by offering blessings of food and success in commerce. Conversely, however, water also maintained a malevolent face, which manifested itself in deluges, sea monsters, and other forces of destruction. The success of the state—and indeed people's very survival—depended upon the actions of those who worked on, in, and with the water. Such efforts were necessary but perilous, whether one be a sailor, fisherman, merchant, explorer, or dike keeper.

Within this context, the Dutch Republic's maritime warriors were especially important to its existence as an independent, flourishing state. From the inception of the Dutch Revolt, the Republic's seagoing guerilla fighters, the Sea Beggars, used the water as their arena and a veritable weapon in battling Spanish "enslavement." The Sea Beggars themselves embodied the essential ambiguity—were they pirates or privateers? Already in the seventeenth century, these patriotic *vrijbuiters* (freebooters), as the Dutch typically called them, were subjects of widespread adulation in the Republic. Never mind that in actuality the Sea Beggars were a ragtag assemblage of Dutch aristocrats, ultra-Calvinists, and riffraff who could be quite indiscriminate as to whom they victimized. Early on, they began to maintain an esteemed place in the public imagination and the collective memory[14] of the newly forged "Dutch" people. Ultimately, they became a key touchstone in the symbolic articulation of a Northern Netherlands identity—a *national Dutch* identity. (Indeed, by the late nineteenth century, the "memory" of the "piratical" Beggars had so instilled itself in the Dutch psyche that poet W.J. Hofdijk celebrated his country's sixteenth-century origins by entitling his patriotic panegyric *The Triumph of the Pirates: A Celebratory Offering for the Netherlands' Tercentennial.*[15]) And as the United Provinces

continued to develop into a cohesive political and cultural entity, the Sea Beggars' successors—the navy and the privateers—inherited the Beggars' cultural role and also assumed a place of vibrant symbolic importance.

These deeply embedded cultural values had everything to do with why the seventeenth-century Dutch were not more aggressive in labeling, prosecuting, and punishing their errant maritime pillagers. For despite their manifold laws defining and decrying transgressive, piratical acts, the Dutch had a great deal of trouble even recognizing the illegalities the laws forbade. Paradoxical though it may have been, their values blinded them, preventing them from seeing what their own copious laws on the subject shrilly prohibited. The multiplicity of regulations just did not ring true, and ultimately served only as a means for the Dutch to delude themselves—and others—that they were actively delimiting and controlling a dangerously criminal sphere of activity, maintaining an upright, pious demeanor in the midst of so much theoretical "godlessness" and immorality. Golden Age culture may have identified the pirate as a wicked miscreant, but ultimately this was a characterization whose full thrust was applied to non-Dutch seamen. For the Dutch pirate's corrupted identity was leavened with the residue of national self-creation, transforming him from an identifiable criminal into a liminal[16] freebooter whose transgressions were often recast as mere "excesses," and who retained the potential to help the state "heroically."

Fascinating though this might be, until now, such issues have remained completely unexplored. While historians such as Jaap Bruijn and J.Th.H. Verhees-van Meer have produced excellent work on the institution and practices of Dutch privateering during particular Golden Age wars,[17] the subject of Dutch piracy has been almost completely and inexplicably neglected, untouched by scholarly research and analysis. This is surprising, considering the Netherlands' great commercial and maritime prowess during the early modern period. Scholarship about piracy (and privateering) tends to focus again and again on the same British seamen. But Dutch sea robbers represented a sizeable and aggressive contingent of maritime pillagers during piracy's "great age," and it is important that their activities be documented. Moreover, until now, no scholar has investigated the rich and complex cultural identities that the privateer and pirate maintained in the early modern Netherlands, the special place the sea robber held in the Golden Age Republican *mentalité*.

This book endeavors to rectify these omissions from the scholarly record. Certainly, it provides more factual information about Dutch privateering. More important, it introduces some of the first raw data we have on the subject of Dutch piracy during the Republic's Golden Age. But it goes beyond this, devoting itself to what anthropologist Clifford Geertz terms the "thick description"[18] of the Netherlands' maritime predators, delving into the symbolic *meaning* of these men and their occupations within the intricate context of Golden Age Republican culture.

The format of the book is as follows. Part I defines the activities of privateering and piracy in the Dutch Republic and documents its scope and

place in Golden Age society. It underscores the distinctions in Dutch law between privateering and piracy and clarifies how those convicted of criminal piracy were viewed and punished. Part II explores aspects of the cultural context that shaped how the Dutch public "processed" and interpreted these acts of maritime predation. Especially significant in this regard were the following: the Dutch relationship with the sea; a burgeoning sense of national identity and how this identity was articulated and experienced; and how piratical activity in general affected the Republic's economy and citizenry. Part III documents the surprising fact that the Golden Age Dutch, for all of their stringent legislation concerning piracy, often refrained from disciplining culprits. It then goes on to analyze and explain why this happened.

It is not entirely surprising that the history of Dutch piracy and privateering remains poorly documented until now. A paucity of remaining evidence makes this enterprise a challenging one. As Dutch historian R.B. Prud'homme van Reine explains, "Pirates and privateers have not made it easy for the historian to describe their history. Written and published sources and objects concerning Dutch privateering and piracy are extremely rare."[19] A calamitous fire in 1844 destroyed much of the relevant material in the Dutch Admiralty archives, many trading company records have disappeared, and pirates, like other criminal sorts, did their best to avoid leaving a paper trail of evidence. Fortunately, however, important and unresearched source material survives in the archives of the Dutch Admiralties and the High Court of Holland, the most revelatory of which are criminal sentencing records from the Admiralty of the Maas (Rotterdam). Moreover, as a study in cultural history, this book draws upon diverse forms of cultural production, including criminal prosecution records, government pronouncements, pamphlet literature, newspapers and almanacs, contemporary books, laws and legal commentary, popular imagery, songs and poetry, and decorative arts.

The Dutch freebooter—that maritime figure who floated between licit and illicit marauding—was an ambiguous character, a stalwart seafarer who occupied some blurred, liminal zone between legitimate, patriotic action and iniquitous, proscribed conduct. Modern historians and the laws of the Dutch Republic might make a sharp distinction between the figure of the privateer and that of the pirate, but careful study reveals that such mutually exclusive, academic, and de jure categories did not correspond to the complex, messy, de facto maritime world of the seventeenth century. Claes Compaen's life, while especially flamboyant, extreme, and infamous, ultimately serves as a telling illustration of other Dutchmen who, while gainfully employed as privateers, navy seamen, or other legitimate mariners for the Fatherland, indulged in the enticing yet forbidden life of piracy, and yet reemerged as full-fledged members of law-abiding Dutch society. He exemplifies the ambiguous and complex identity of the Dutch Republican freebooter and embodies the fundamental tension between the "pious mariner" and the "godless scoundrel" in the Netherlands' Golden Age.

Part I

The Dutch Sea Robber Defined

1

Kapers and *Commissievaarders*: The Dutch Privateer

Claes Compaen's original occupation, privateering—the legal practice of attacking and capturing enemy ships and goods—was widely practiced throughout Europe during the Golden Age.[1] Indeed, it was a feature of Dutch maritime life long before then, arising as a distinct and recognizable activity by the end of the fourteenth century.[2] After the establishment of the first Admiralty in the Netherlands, in the city of Veere in 1488, privateering became somewhat more institutionalized and prevalent.[3] It flourished, especially from 1551 to 1556, when at least 20–30 privateering ships per year set sail to hound and harass the French.[4] During this era, it probably found its most ardent practitioners in Zeeland, but Friesland, too, produced privateers, most notably in the legendary figure of "Grote Piet."[5]

Such patterns carried over to the new Dutch Republic, which was established formally in 1579, after the Netherlands broke away from Spain in 1568. On February 20, 1570, rebellion leader and Stadholder William of Orange (also known as William the Silent) made his first privateering appointments, whose legality his Spanish opponents rejected. The new state's first official privateer was Sea Beggar Diederik van Sonoy. From such modest beginnings, an "industry" quickly developed, and by 1584–1586, privateering had blossomed in the new United Provinces of the Netherlands.[6] Indeed, by 1599, it was evidently so popular that privateers were streaming from the Republic into the West Indies, hunting down the riches transported by Spanish ships.[7]

The seventeenth century only witnessed the further intensification and institutionalization of these activities, as the Republic was almost continuously at war. It expanded considerably during the three Anglo-Dutch Wars,[8] and continued to increase during the War of the Spanish Succession. Entirely legal and potentially lucrative, privateering was a popular target for investment and business enterprise, as well as an effective means to expand and augment the Republic's naval forces. While the denizens of coastal Zeeland were especially devoted to the business of privateering—activities there at mid-century, for example, were at least as great as those taking place at the storied Dunkirk[9]—the endeavor was encouraged and supported throughout

the maritime Republic. At the same time, however, from the first days of the Republic's existence, privateering was strictly defined and regulated by the States-General, the Admiralties, and the Prince of Orange, as well as by the Dutch East and West India Companies, which were entitled to license privateers within their Company jurisdictions.[10]

What were the rules governing privateering in the United Provinces? First and most fundamentally, Dutch (and theoretically all) privateering was allowed only in time of war with another country *and at no other time.* (It is important to note, however, that a state did not have to be in a declared state of war per se to permit privateering. Rather, all that mattered was that a state's governing authorities considered their country to be in a hostile relationship vis-à-vis another.) Moreover, once hostilities commenced, the Republic's highest officials had to explicitly declare that privateering was permissible before *kapers* or *commissievaarders* (as privateers were typically called in the Netherlands) could set sail.

Second, per the Republic's laws, it was mandatory that all Dutch privateer captains carry a pre-registered privateering license or commission, the so-called letter of commission or letter of marque (*commissie van retorsie* or *kaperbrief*).[11] These papers were issued and signed by either the Stadholder in his capacity as Admiral General, or during those periods when there was no Stadholder (1650–1672 and 1702–1747), the States-General.[12] Such documents were used from the time of the Republic's inception, when they were signed either by William of Orange or his brother Lodewijk of Nassau. (The Spanish claimed that these letters were illegal, since in their eyes, the Dutch Republic was simply a rebellious region in the Spanish Empire. However, by virtue of William's identity as sovereign of the principality of Orange, in southern France, he was legally entitled to issue such commissions. Still, those signed by his brother—who was not a sovereign authority—were worthless.) Typically, Dutch commissions presented privateering as a justified and legitimate response to egregious transgressions, referring to the injustices committed by the Republic's enemies and the consequent need for redress. The language contained in a 1672 *commissie van retorsie*, presented to a Dordrecht seaman by the States-General, is representative:

> Thus the Kings of France and Great Britain have . . . [shown] hatred to attack and injure these provinces, as well as [its] good inhabitants everywhere. So is it that the . . . States-General of the United Netherlands, with God's blessing, have found it necessary because of this, so as to obtain reparations for the damage suffered by the aforementioned inhabitants, as well as to prevent as much as is feasible the great ruin of the commerce and navigation [of this state], and to this end employ all means of retaliation . . . have conceded that Jan Adriaense Noot, . . . Shipper from Dordrecht . . . may attack and capture . . . all ships, and goods belonging to the subjects of the said Kings, and their . . . allies . . . as well as persons . . . in those territories and allegiances . . .[13]

Dutch privateering commissions automatically lost their validity when a war ended, but they also could be withdrawn (and quite often were) at any

point during the hostilities.[14] *Kapers* who were far out at sea did enjoy a reprieve of sorts from this rule—they were permitted to bring in prizes for months after the Dutch government had rescinded privateering commissions—but ultimately they, too, had to cease and desist. Moreover, depending upon the conflict and the Republic's foreign policy considerations, the pool of potential privateer victims was greater or smaller. Sometimes, Dutch authorities formally stipulated that only enemy ships and their allies were fair game;[15] at other times, however, they permitted the Republic's privateers to prey upon neutral ships trading with the enemy or using the enemy's ports.[16] In 1643, for example, the States of Holland went so far as to permit Dutch privateers to capture *any vessel* using *any* Flemish harbor.[17] Such decisions warranted careful examination by the various authorities, including the Stadholder, the States-General, the Admiralty officials, and the provincial States.[18] Those privateers who transgressed by capturing prizes deemed illegal during a particular conflict were subject to disciplinary measures—at the least, prohibitive fines.[19]

Who applied for these letters of commission? The applicants were private individuals, generally merchants and *boekhouders*, that is, "book-keepers" or "ship's husbands."[20] *Boekhouders* were the men who represented the owners of the actual privateering vessels. While sometimes individuals owned these ships, more often partnerships or firms—*rederijnen*—held title, thereby enabling collective financing and the spreading of the risk among a number of people. Each owner's share in the profits directly corresponded to his or her share of the financing, and generally ranged from $\frac{1}{2}$ to $\frac{1}{128}$.[21] While it is difficult to ascertain how large these partnerships were, they probably ranged anywhere from four to forty investors in number. Also, partners usually owned shares in more than one enterprise, so as to diminish their risk even more.[22] So continuously was the Dutch Republic involved in wars during this era that certain shipowners and firms were able to dedicate themselves exclusively to the practice of privateering.[23] A relatively high number of privateering partnerships were concentrated in the cities of Amsterdam, Middelburg, and Vlissingen, although firms existed in other places in the maritime provinces as well (e.g., Rotterdam, Hoorn, and Dordrecht). As with other business opportunities in the Netherlands, investors were inveigled to participate by means of cajoling posters and subscription lists. Among a vessel's multiple owners, the "ship's husbands" or "book-keepers" were especially important figures, for they were responsible for equipping and outfitting the privateering vessel, overseeing its financial administration, hiring a crew, paying any necessary sureties or bonds, providing the privateering captain with his instructions and rules, and maintaining contact with the authorities and the captain while the ship was at sea.[24] The *boekhouders* tended to be Dutch for it was difficult for nonresidents of the United Provinces to obtain Dutch *commissies van retorsie*, at least before the early eighteenth century.[25]

Although the States-General and the Prince of Orange were formally in charge of the Republic's privateers, the five Admiralties actually oversaw them

on a day-to-day basis. Each privateer captain, and thus the men who sailed under him, had to be affiliated with one of the Admiralties. The privateering ship and its *boekhouder* were registered there as well. The Admiralty investigated the captain, who was sometimes called a "captain adventurer," before it would clear him for work.[26] Furthermore, it was incumbent upon the owners of privateering ships, whether an individual or a *rederij* (partnership), to pay a surety to the Admiralty, a security deposit or "caution-money" of approximately *f.*20,000–30,000 per vessel, which was intended to guarantee a privateering ship's upright conduct. The authorities could confiscate this bond if and when a privateer misbehaved.[27] Sometimes responsibility for paying the surety was divided between the owners and the privateer captain, serving as an immediate check on the commanding officer. [28]

Such rules were only the beginning. Throughout the Golden Age, the Dutch Republic maintained very rigorous and specific regulations regarding privateering, and they differed little through the years.[29] For example, each privateer captain was responsible for keeping a detailed journal of his journey; upon the vessel's return, he submitted this diary to his respective Admiralty and his ship's owners.[30] The States-General mandated that these logs be accurate and up-to-date, and they, too, reserved the right to peruse it.[31] All privateer captains also had to swear an oath before their Admiralty, vowing that they would treat their crews—as well as any seamen from captured prize ships—decently and properly. Should a seized prize still contain a crew, the privateer commander was instructed to arrest the enemy captain and some officers, without harming them, and to bring them back to the appropriate Admiralty authorities. At the same time, the Admiralty affirmed that privateer captains were entitled to support and no obstruction from Dutch naval officers.[32]

Like their colleagues working for the Dutch Navy or the trade companies,[33] Dutch privateer seamen were also obligated to accept the micro-management of their shipboard lives in the form of detailed instructions (e.g., see appendix I), the so-called *Article Brieven* (article letters). In turn, the Admiralties closely regulated and supervised these instructions, ensuring that they corresponded with the wishes of the States-General. Moreover, it was incumbent upon the bookkeeper to swear an oath that he had given no conflicting orders to his captain.[34] An *Article Brief* issued by the Admiralty of Zeeland[35] in 1665 serves as a characteristic example of the very specific directions such documents contained.

Long and very detailed, the "letter" included some thirty-odd rules. A number of the commandments are logical. For instance, the Admiralty naturally proscribed such serious offences as mutiny, assault, and murder.[36] Moreover, they obviously forbade Dutch privateers from attacking vessels belonging to the Dutch Republic and its allies.[37] Likewise, it is understandable that privateers would be expected to follow such sound and safe nautical practices as maintaining respect and order within the chain of command,[38] keeping one's weapons cleaned and ready,[39] staying put throughout one's watch,[40] and properly outfitting and arming the privateer ship.[41]

And instructions detailing the appropriate treatment of a prize[42] and resolutely declaring that the captain, officers, and crewmembers should obtain and carry a suitable commission[43] make sense.

The Admiralty authorities, however, did not stop there. Privateer sailors were ordered to participate in twice-daily public prayers (led by the captain), and to be satisfied with their wages and rations.[44] They were also forbidden to take the Lord's name in vain and charged to stay with their ship at all times.[45] They could not bring a knife aboard or disturb the rations, nor could they ever leave the service of their particular captain, no matter how poor or cruel a commander he might be.[46] Above all else, they had to do everything in their power to maximize the profits of the business concern that was financing their privateering adventure.[47] And they were obliged to declare and abide by the following oath:

> We promise and swear to the High and Powerful Gentlemen of the States-General of the United Netherlands, committed and loyal, in addition to the noble [and] powerful Gentlemen of the Commissioned Council of the Admiralty . . . to be obedient, and that we shall regulate ourselves according to our Commission, Instructions, and Article-Letter, and moreover, to do everything that good, pious Captains, Officers, Warriors, Soldiers, and Sailors are bound to do and ought to do, So help us truly, God Almighty.[48]

Since Dutch laws governing privateering were so detailed and exacting, it is not surprising that the prescribed penalties for breaking them were, in turn, severe and tailored to the particular transgression. The 1665 *Article Brief* relentlessly itemized punishments for each violation, and Dutch privateers were told to expect neither mercy nor clemency.[49] Captains who did not lead public prayers at least twice daily were subject to fines and, after the third offense, eight days in chains and a diet of bread and water (the same reproof given to those sailors who left the ship without a commander's permission).[50] Those taking the Lord's name in vain were to be lashed to the mast and forced to pay money to poor relief.[51] Those striking another seaman with a stick, rope, or their fists were to be thrown three times from the yardarm. (This was a severe disciplinary measure in which the perpetrator, his arms fastened behind his back, was taken to one of the upper booms on a ship. There, a long rope was tied to his wrists and secured to the boom. He was then pushed off. The resulting drop of 40 or 50 feet inevitably dislocated his shoulders and sometimes crushed the bones in his arms and wrists. A sentence of three throws from the yardarm meant going through this grueling process three separate times.) Those caught smuggling aboard a knife were themselves to suffer its blade, which would be used to skewer the violator's hand to the mast.[52] Any sailor who injured another was to be keelhauled three times. (In keelhauling, the arms of the victim were tied above his head and his legs bound. His limbs were then fastened to a long rope that passed beneath the ship, so that he could be "hauled" under the ship, from one side to the other. Death was a distinct possibility, not just from drowning, but also from myriad lacerations caused by the razor-sharp

barnacles on the ship's bottom, or decapitation if the victim's head crashed into the hull. During the course of the seventeenth century, the Dutch refined the punishment, developing a harness for the victim, which made the process easier, more efficient, and much safer.[53]) Those who left their watch prematurely were to be thrown from the yardarm and then whipped.[54] A sailor paid a fine each time he did not have his weapon completely clean,[55] and forfeited all his earnings if he expressed dissatisfaction with his wages, did not fulfill the duties of his position, opened a prize's cargo containers or disturbed its official papers, or took more than his fair portion of the plunder.[56] If, God forbid, one seaman killed another, the culprit was to be bound to the corpse, back to back, and thrown overboard.[57] Unspecified "corporal punishment" awaited those who neglected to serve their commanding officers when battling the enemy; showed any violent, inappropriate, or "nuisance" behavior toward their captain; impeded an officer from performing his duty; instigated a mutiny; or took a captured vessel anywhere but to the United Provinces.[58] And those who committed what the *Article Brief* singled out as the worst crimes of all—attacking Dutch or allied ships, or leaving the service of their captain—earned the sentence of execution, as well as confiscation of all of their wages and booty.[59] While such rules were punctilious about prescribed penalties, they permitted no recourse for sailors who might have legitimate grievances, such as a cruel or foolhardy captain. Moreover, they gave broad powers to the officers to interpret their crews' behavior, and provided no formal, institutionalized means for enlisted seamen to voice their side of the story.

As intimidating as such *Article Brieven* were—with their demanding regulations and fear-inducing punishments—they were only the beginning. Privateers were also subject to any new rules disseminated in government proclamations, as well as to revised Admiralty instructions, and relevant clauses in treaties forged between the Republic and other countries.[60] If wayward privateers did not comply, at the very least they were sure to forfeit the bond they and/or their financers had paid to their respective Admiralty. A States-General proclamation, issued on January 8, 1691, and officially terminating privateering at that time, exemplifies such punitive threats. Promising to confiscate the ships, goods, and booty of any Dutch privateer who did not return to the Republic immediately, the government further promised to mete out the vague but ominous punishment of "arbitrary correction" to any transgressors.[61]

It was not as if these seamen had any choice about the matter, however. Those who wished to work as privateers had to abide by the codes, however myriad, picayune, and exacting they might be, for the Dutch authorities absolutely forbade that any of their citizens sail as privateers for another state.[62] Holding a so-called double commission (i.e., letters of marque from both the Netherlands and another country) was also explicitly proscribed, and those caught doing so were subject to the destruction of their ships.[63] Ultimately, Dutch law dictated that a Dutch privateer who broke the rules—for example, by seizing the ships of neutral or allied states—should be classified and

treated as a "pirate." Such an ignominious declaration resulted in, at the least, the forfeiture of a privateer's "caution-money," his financial ruin, and corporal punishment.[64]

To ensure that their privateers would follow such regulations, the Admiralties instituted a loose surveillance system to supervise the privateers' conduct when they were away from home. Dutch naval ships that encountered Dutch *kapers* at sea stopped the privateers long enough to ascertain their identity and homeport, check the validity of their letters of commission, perhaps inquire about the duration of their voyage, and receive a report on any captures they had made.[65] Additionally, officials in foreign locales—usually merchants and called, in the parlance of the day, "consuls"—supervised the sale of Dutch privateer prizes abroad and regularly reported the proceeds to the Admiralties at home.[66] A privateer ship's *boekhouder* also monitored the conduct and status of his charge, communicating with the captain via an extensive network of representatives (usually merchants and relatives of the *boekhouder*) in far-flung foreign ports, such as Smyrna, Livorno, Genoa, Venice, Lisbon, London, and Plymouth. These representatives also extended credit to the privateer captain and helped him to further provision his ship during the course of the journey.[67]

So, if the privateering trade involved such ostensible disadvantages, such exacting regulation and micromanagement, why did seamen still choose to go "adventuring"? The answer, in a word, was money. In the greater scheme of things, privateer captains and sailors put up with no more real aggravation and regulation than their merchant shipping and naval service brethren, and they stood to profit handsomely from the capture of valuable plunder. While every privateering venture did not result in winning the proverbial pot of gold—some 91 out of 276 Zeelands privateer captains working during the War of the Spanish Succession enjoyed no success, for instance[68]—the results could be quite alluring.

Dutch privateers seized diverse and valuable goods, ranging from the very pedestrian (e.g., salt)[69] to the exotic (e.g., ginger)[70] to the dazzling (e.g., hard currency and jewels).[71] A report, sent mid-adventure from a privateer ship to officials at the Admiralty of the Maas, provides but one example of the lucrative spoils to be had. So far, the *Saint Benita* already had captured two rich Portuguese prizes, one of which was transporting "600 casks of sugar and around the same amount of leather, tobacco and Brazilwood," and the other carrying "400 casks of sugar, and some leather, tobacco and Brazilwood."[72] Such booty represented typical fare for ships en route from the Caribbean, and sea robbers frequently targeted them.[73] African slaves were especially sought out by privateers cruising that region.

Documents from the Admiralty of Amsterdam provide further details about the variety of merchandise privateers captured. Plunder officially recorded during the 1660s and 1670s included butter, herring and other salted fish, tobacco, lemons, oranges, coal, ordnance, salted meat, grain, wine, almonds, salt, cotton, honey, beer, whale meat, wooden wares, iron, brandy, vinegar, and many instances of unspecified "goods."[74] Likewise, mid-century

documents from the Admiralty of the Maas (Rotterdam) list the following types of privateer spoils: oatmeal, fish, coal, apples, vinegar, leather, tobacco, rye, malt, butter, willow, quick-lime, linen, tallow, yarn/thread, beer, salt, herring, wine, brandy, turpentine, animal skins, iron, English soap, sugar, bacon, meat, corn, prunes, tar, flour, pitch, and ballast.[75] During the War of the Spanish Succession (1702–1713), Dutch privateers registered booty including tar, copper, whale and fish oil, salt, brandy, wine, raisins, almonds, wool, coffee, lemons, figs, animal hides, peas, chestnuts, cologne, shark skins, cocoa, herring, dyewood, whale baleen, tin, steel, piece goods, various sorts of lumber, bluing, staves, paper, turpentine, cork, oil, tobacco, indigo, licorice, currants, starch, prunes, vinegar, ordnance, saffron, peat, molasses, rope, firewood, rye, meat, and butter.[76] Such booty was not the end of it, for any prize brought in by a Dutch privateer included the captured ship, which by itself was valuable. (For further examples of privateer booty, see appendices IV and V.)

The Admiralty colleges adjudicated privateer prizes on behalf of the States-General and the Prince of Orange. First, a captured prize underwent intense scrutiny by the Admiralty authorities, so as to ensure that the prize had been a valid target and that it had been legally apprehended and conveyed.[77] If this was the case, the Admiralty officials declared it a "good prize." The Admiralty's auctioneer then set a date for a public auction, which was advertised by means of posters and announcements in the local newspapers. To generate more interest, a day was even put aside for the public to come and look over the goods, to "window shop" so to speak, before the event took place.[78] On the day of the auction itself, the prize ships and their cargoes were sold. Some charges were imposed—storage and auctions costs, for instance. Beyond these fees, however, the cash returned from the sale represented sheer profit, and was divided up according to a government-stipulated formula ensuring the financial enrichment of the relevant parties.[79] While the proceeds of such auctions probably only amounted to half the actual value of the seized vessels' and cargoes,[80] the profits were still handsome (table 1.1).[81]

Table 1.1 Value of privateer booty auctioned in Amsterdam

Year	Booty's value at auction (in guilders)
1665	160,006.91
1666	163,390.05
1667	208,702.54
1668	11,494.4
1672	475,849.55
1673	802,127.76
1674	181,027.88
1675	2,653.11
Total	*f*.2,005,252.2