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## A nation of those without a state: a case study of nationalism regarding piracy in the Atlantic before and during the Golden Age

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A Nation of Those Without a State:  
A Case Study of Nationalism Regarding Piracy in the Atlantic  
Before and During the Golden Age

By

Jessica Lyn Peters

Accepted in Partial Completion  
of the Requirements for the Degree  
Master of Arts

Kathleen L. Kitto, Dean of the Graduate School

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Jessica Lyn Peters  
May 10, 2013

A Nation of Those Without a State:  
A Case Study of Nationalism Regarding Piracy in the Atlantic  
Before and During the Golden Age

A Thesis  
Presented to  
The Faculty of  
Western Washington University

In Partial Fulfillment  
Of the Requirements for the Degree  
Master of Arts

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## Abstract

Painted against the backdrop of the seventeenth and eighteenth centuries this thesis utilizes piracy, in its many facets, as a case study for tracing the development of nationalism in a heterogeneous people. Employing an Atlantic perspective of study, and accounting for change over time, the relationship of the pirates to European powers and the colonists is considered to analyze developments in: the profession, the evolution of the definition of piracy, and investigate theories of nationalism. During this time the Atlantic was more important than ever before as European powers struggled to assert authority in the New World and as trade with the colonies brought goods and people to the coast of the Americas. The New World offered opportunity for groups such as pirates to develop into their own as it offered a land beyond the established authority of the European government systems. Because of a variety of factors privateers and pirates flourished during the seventeenth and eighteenth centuries eventually evolving into a era academia has labeled the Golden Age of Piracy. The challenges presented to historians and academics of tracing a people with no land to call their own is discussed as well as the impact these challenges have had on the study of piracy.

To my mentors, family, and friends without whose support this would not have been possible. I would especially like to acknowledge the efforts of my chair Dr. Ricardo Lopez for guiding me in this endeavor, my program advisor Dr. Randall Jimerson for his mentorship throughout my graduate career, and Barbara Bockman for supporting me always.

## Table of Contents

Abstract .....	iv
Acknowledgements .....	v
Introduction: Theories and Historiography.....	1
Chapter One: Piracy and the State .....	23
Chapter Two: Transformation to the Golden Age .....	40
Chapter Three: Primary Source Documentation and Interpretation .....	59
Epilogue: .....	70
Bibliography .....	77
Appendix A .....	81

## **INTRODUCTION**

### **Theories and Historiography**

Pirate. Seems a simple enough concept—a rogue, a ruffian, a thief, a sailor. The pirate captain is perhaps what comes to forefront of any imagining about pirates—a large man with a large beard, standing aboard his ship with a glint in his eye, power and freedom radiating from him as though he were a king. The idealized nobility of the pirate captain is in stark contrast to the idea of a thief. Perhaps it is the romanticized notions of freedom and autonomy represented by the pirate and ship which make pirate lore alluring. Defining who was or was not a pirate was as much a matter of perspective as defining the crimes committed. To this end, the pirate has often been defined by his social relationships and the current events of his era. As one historian put it, “[s]ociety is the mirror in which we see this anti-social figure full length.”<sup>1</sup> To understand the pirates we must view them in relationship to the peoples with whom they interacted and within the context of the broader power movements of their times.

The pirate is but one player in the colonial period of America. While European nations struggled to establish their presence in the New World, the pirate was simultaneously seen by his contemporaries and historians today as a national hero (especially in the framework of privateering) and as rebel drifter outside the authority and control of the State. Their existence can be studied within the context of nation-building and national identity as a people outside the traditional nation system whose loyalties and nationalistic identity played a role in shaping the colonies, as well as in the international politics played in Europe.

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<sup>1</sup> Edward Lucie-Smith, *Outcasts of the Sea: Pirates and Piracy* (New York: Paddington Press Ltd., 1978), 26.

Many historians have researched and written about piracy, especially recently as the pirate has grown into a modern popular icon. It is in this thesis that I will explore the reasons why the pirates' heyday occurred during the seventeenth and early eighteenth centuries; why piracy took haven along the coast of the New World (specifically the Florida coast and in the Caribbean); and most importantly, how pirate interactions with the European nations and the colonies were essential in shaping the way pirates defined themselves, how they were defined by their contemporaries and historians, and how these definitions might offer insight and further the understanding of nationalism and nation-building. The main contribution of this work is the focus on nationalism and nation-building as viewed through the historical analysis of the pirate (accounting for change over time) within the context of the political and social movements of the seventeenth and eighteenth centuries.

### *I. Setting the Timeline*

Historian Edward Lucie-Smith argues there were three “great ages of piracy,” starting with Elizabethan privateering in the early seventeenth century, followed by the early eighteenth century after the signing of the Treaty of Utrecht and concluding with the Napoleonic Wars in 1815.<sup>2</sup> What Lucie-Smith identified as his second great age of piracy is what, to many historians, is considered the Golden Age of Piracy. The Golden Age of Piracy is the result of the decisions and social interactions of the previous century; not the least of which was the signing of the Treaty of Utrecht in 1713, which called for peace between Spain and other European powers. The leadership styles of the European nations' sovereigns and their foreign policies and interactions with the colonies had many ramifications,

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<sup>2</sup> Edward Lucie-Smith, *Outcasts of the Sea*, 7.

including the widespread unemployment of sailors. The pirates who came from the European nations and colonies created the third entity of the international water tripartite.

Historians have debated the dates of piracy in its various facets. This subjectivity is partly because of the difficulty with defining piracy, which will be discussed later, and partly because of the historians' professional preference over which events they think were the most influential. Historian Gabriel Kuhn considers 1690-1725 to be the Golden Age because during that period pirate ships sailed out into the Indian Ocean and began to attack "ships of all nations."<sup>3</sup> Marcus Rediker recognizes similar dates but he has divided them up into three date spans of what he likes to call "generations of pirates,": 1650-1680, the buccaneers; 1690s, when pirates moved into the Indian Ocean; and the Golden Age which he argues spans from 1716-1726. Rediker selected this ten year span (the third generation) because during this time pirates were the most numerous and successful and attacked "ships of all nations," creating "a crisis in the lucrative Atlantic system of trade."<sup>4</sup> Generally speaking, it is agreed that the dates for the heyday of Atlantic piracy congeal during the seventeenth and early eighteenth centuries, and it would seem that a key in differentiating the Golden Age from previous piracy eras is the fact that the pirates would attack ships of all nations, including English born pirates attacking English ships, as well as the extent the pirates traveled from the American Atlantic coast to the African coast onward to the Indian Ocean.<sup>5</sup>

The subjectivity of the date spans lead this researcher to conclude that generally speaking most historians characterize the 1680s to the 1730s to be the Golden Age and so too

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<sup>3</sup> Gabriel Kuhn, *Life Under the Jolly Roger: Reflections on Golden Age Piracy* (Oakland, CA: PM Press, 2010), 10.

<sup>4</sup> Marcus Rediker, *Villains of All Nations: Atlantic Pirates in the Golden Age* (Boston: Beacon Press, 2004), 9.

<sup>5</sup> Ibid.

shall I follow in their footsteps. With the 1680s we see the decline of one group of pirates, the buccaneers, and the Golden Age pirates follows close behind. 1722 observes the death of the last of the truly successful pirates, Bartholomew Roberts, and so the few years following his death I consider the twilight to the Golden Age of Pirates. Angus Konstam in *Pirates*, describes, “[w]hat everyone agrees on is during the first decades of the eighteenth century there was a marked increase of piratical activity in the waters of the Americas, off the African coast, and in the Indian Ocean.”<sup>6</sup> In addition to the Golden Age period, the scope of this research has been widened to include the seventeenth century in an attempt to trace the lineage of what would become Golden Age of Piracy.

## *II. Nationalism Theory*

To understand the pirate identity within the context of European and colonial social structures, one must first determine what is meant by nationalism. “Nation, nationality, nationalism—all have proved notoriously difficult to define, let alone analyze,” Benedict Anderson explains.<sup>7</sup> The difficulties of defining “pirate” are mirrored in the difficulty of defining “nationalism.” Nationalism has played a great role in the development of nations as we know them today, and in the interactions of people across the globe. As historian Liah Greenfeld explains in *Nationalism: Five Roads to Modernity*, the word nationalism is “an umbrella term under which are subsumed the related phenomena of national identity (or nationality) and consciousness, and collectivities based on them . . . .”<sup>8</sup> One of the key features of nationalism, as opposed to other types of identity, is the focus on the development

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<sup>6</sup> Angus Konstam, *Pirates: The Complete History from 1300BC to the Present Day* (Guilford, Connecticut: Lyons Press, 2008), 150.

<sup>7</sup> Benedict Anderson, *Imagined Communities* (NY: Verso, 2006), 3.

<sup>8</sup> Liah Greenfeld, *Nationalism: Five Roads to Modernity* (London: Harvard University Press, 1992), 3.

of the individual within the context of the people or collective.<sup>9</sup> The nationalistic identity is one that has been developed over time as nations and collectives have grown, but the particulars of what groups individuals together to share in this common identity are varied and fluid.

The definition of nationalism proposed here recognizes it as an ‘emergent phenomenon,’ that is, a phenomenon whose nature—as well as the possibilities of its development and the possibilities of the development of the elements of which it is composed—is determined not by the character of its elements, but by a certain organizing principle which makes these elements into a unity and imparts to them a special significance.<sup>10</sup>

First articulated by Hans Kohn in his influential book, *The Idea of Nationalism*, published in 1944, “voluntarism” and “organic” are two types of nationalism theories which have been debated among the academic community.<sup>11</sup> Voluntarism nationalism proposes that the individual has the ability and right to choose which nation she identifies with and belongs to. Organic nationalism is at the other pole of this dichotomy. Anthony D. Smith in *The Nation in History*, defines organic nationalism, also known as primordial nationalism, as “the idea that certain cultural attributes and formations possess a prior overriding, and determining influence on people’s lives, one that is largely immune to ‘rational’ interest and political calculation.”<sup>12</sup>

Kohn’s ideas of nationalism, though they profoundly impacted theorists’ arguments of nationalism, were not the first theories to explore the complex issue of nationalism and national identity. The debate can be traced back to the early eighteenth century. The

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<sup>9</sup> Liah Greenfeld, *Nationalism*, 3.

<sup>10</sup> *Ibid.*, 7.

<sup>11</sup> Hans Kohn, *The Idea of Nationalism* (Michigan: The MacMillian Company), 1944. and Anthony D. Smith, *The Nation in History: Historiographical Debates about Ethnicity and Nationalism* (Hanover, NH: University Press of New England, 2000), 6.

<sup>12</sup> Anthony D. Smith, *The Nation in History*, 5.

Enlightenment, or Age of Reason, emerged at the same time as the deliberation concerning nationalism. During this time, many well known theorists and academics debated the matter. The idea of voluntarism fit well within the Enlightenment's promotion of moral and political self-determination and challenging of traditional views, especially those tied to the abuses of the church and state. Immanuel Kant (1724-1804), mused on self-determinism which involves individuals' freedom of choice. Although Kant is aware that one's identity is dependent upon outside factors, such as one's upbringing, education, and culture, the zenith of self-determinism is the ultimate expression of reason and free will. It is exactly the dependence of identity upon these outside factors which has spurred debates among philosophers and sociologists. It is doubtful that Kant's ideal model of self-determinism could ever be reached because of the impact of outside influence. As Yildiz Silier describes in *Freedom: Political, Metaphysical, Negative, And Positive*, in Kant's grouping of the concepts of freedom, rationality, and morality within his theory of self-determinism, we can see a reflection of the Age of Reason.<sup>13</sup> However, as Benedict Anderson points out in *Imagined Communities*, the Enlightenment brought with it its own trials on the minds and attitudes of the people of the Western world. With the waning opinions of religious modes of thinking came a need for a replacement of the hope for a better life that religion offered, for while the attitude toward religious thought was changing the reality and hardship of the lives of people did not.<sup>14</sup> As Anderson explains, a catalyst was needed to change "fatality into continuity, contingency into meaning" and the idea of the nation is one that is best suited for this end.<sup>15</sup> The idea of the nation provided both a venue for symbolic immortality, that the

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<sup>13</sup> Yildiz Silier, *Freedom: Political, Metaphysical, Negative, and Positive* (Burlington, VT: Ashgate Publishing, 2005), 95.

<sup>14</sup> Benedict Anderson, *Imagined Communities*, 11.

<sup>15</sup> *Ibid.*

individual's life was connected to this greater entity which would live on long after the individual's death, and at the same time offered the individual the "magic" to turn "chance into destiny," because the nation was simultaneously "new" and "historical" offering a limitless future to members of the collective.<sup>16</sup>

The preoccupation among academics with determining the origins of nationalism transcend the Enlightenment and spilled over into the Romantic era. With the shift in era came a shift in popular thought in inquiry. As Athena Leoussi explains in the *Encyclopedia of Nationalism*, "[i]t took the cataclysmic political and social changes associated with the French Revolution to bring about the transition from the culture of the Enlightenment to that of the romantic nationalism as the prevailing Zeitgeist in Europe in the early part of the nineteenth century."<sup>17</sup> Political unrest and cultural change modified the thoughts of intellectuals about nationalism to include less of a voluntaristic approach and leaned stronger towards an organic determinist approach.

It should be considered that voluntarism and organic nationalism are two extremes of nationalism, and many theorists have accepted parts of these theories and used these theories as baselines from which they elaborated and developed their own theories. Theorists Ernest Renan and Max Weber both strongly feel that nationalism roots take place in the memoirs of the collective and without which the individual has difficulty identifying with the particular nation group.<sup>18</sup> "[Organic nationalism theory] is used to confirm the role of the past, of history and memory (and forgetting), as well as of continuing political will, in

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<sup>16</sup> Benedict Anderson, *Imagined Communities*, 12.

<sup>17</sup> Athena S. Leoussi, *Encyclopedia of Nationalism* (New Brunswick, NJ: Transaction Publishers, 2001), 58.

<sup>18</sup> Anthony D. Smith, *Nationalism*, 40.

forging nations.”<sup>19</sup> Renan avoids concluding that ethnic determinism is compulsory, instead stressing the primacy of the human culture and the human need for consent to continue existing in the communities’ culture.<sup>20</sup>

The searching for a balance between the two theories of voluntarism and organic nationalism is still one which academics seek today and perhaps one that will never be settled. The answer is greatly dependent upon the perspectives and background of the theorist and the situation of participants being studied.

Benedict Anderson in *Imagined Communities*, explores the complexity of nationalism and nation development and through such exploration hopes to elucidate “the ‘anomaly’ of nationalism.”<sup>21</sup> Anderson defines nationalism as “an imagined political community—and imagined as both inherently limited and sovereign.”<sup>22</sup> Four components build Anderson’s definition of nationalism—imagined, limited, sovereign, and community. Under this theory the nation is imagined because members of the nation will never meet one another, however their sense of belonging to a certain collective of people remains within their imaginations. The nation is limited because it is not all-encompassing of everyone. The nation is sovereign because “the nation dreams of being free.”<sup>23</sup> Community is the fourth component because, though there may be a hierarchy within the nation itself, the sense of nationalism creates a “horizontal comradeship,” among members.<sup>24</sup>

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<sup>19</sup>Anthony D. Smith, *Nationalism*, 40.

<sup>20</sup>Ibid.

<sup>21</sup> Benedict Anderson, *Imagined Communities*, 4.

<sup>22</sup> Ibid., 6.

<sup>23</sup> Ibid., 7.

<sup>24</sup> Ibid.

Nationalism is fluid from group to group, for no two groups are dependent upon the exact same criteria for the development and unity of group. One thing is for certain however, in order for the nation to exist it must have a source for comparison, or the “other,” who is outside the inclusion of the nation. Though no one definition requiring certain components of nationalism will ever come to fruition, for the purposes of this thesis, when comparing pirate nationalism to other forms of nationalism, in general the other forms of nationalism being referred to are those of the nation-state either the political entities in Europe (England, France, and Spain are a few examples) or their offshoots in the American colonies. This is because the struggle between the pirates and other peoples were often centered on issues of political loyalty. Within the pirates’ heyday the European nations themselves were transforming as they managed the interactions with the colonies of the New World and the interactions among other European powers. In 1707, England and Scotland signed the Acts of Union, uniting under one Parliament and Crown, and under a new name, Great Britain, then again in 1801 Ireland joined the union. The Western World was changing and reinventing itself a great deal during the sixteenth and seventeenth centuries and major shifts in political, ideological, and geographical structures contributed to the development of the Golden Age of Piracy, as well as in shaping the Western World today.

### ***III. Nationalism and Piracy***

Go tell the king of England  
Go tell him thus from me  
If he Raign King on all the Land  
I will raign king at sea<sup>25</sup>

*-Unknown*

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<sup>25</sup> Unknown, “The Famous Sea-fight between Captain Ward and the Rain-bow,” in Claire Jowitt, *The Culture of Piracy, 1580-1630: Literature and Seaborne Crime* (Surrey, England: Ashgate Publishing Company, 2010), 2.

Emerging in 1650, at the height of privateering, a ballad was published called “The Famous Sea-fight between Captain Ward and the Rain-bow,” though the ballad’s telling predated the publishing by about thirty years. This ballad is about a notorious pirate, John Ward, and is an expression of identity and the tension between Ward and King Charles I. Claire Jowitt, in *The Culture of Piracy*, analyses: “Ward’s challenge is a telling one, exposing the competing ways ‘piracy’ signifies; he sees his actions simultaneously as appropriating monarchical authority- he will be king- and as separate from orthodox national allegiance . . .”<sup>26</sup> This thesis attempts to explore how the pirates viewed themselves and how their nations of origin viewed the pirates. However, just as there is no definite way of proclaiming one theory of nationalism as superior to the others, so too the pirates themselves may have felt the contention of tearing themselves from traditional culture and charting their own course, as in the case of Ward. The ballad is an excellent example of Anderson’s perspective of nationalism as an imagined community—this poem could be interpreted as a conflict between the idea of nationalism as simultaneously limited and sovereign.<sup>27</sup> Ward yearns for the freedom offered by the power of sovereignty while at the same time, in order to establish that sovereignty, there must be the “other” in order for the nation identity to define itself. In this case, it could be interpreted that Ward is seeking to establish autonomy though delineating boundaries of power with people outside his nation since he is clearly not submitting to the collective under the rule of the king.

Whether pirates were a part of a nation in and of themselves or whether they were disenfranchised rebels of no nation depends on which theory is being subscribed to. The idea of voluntarism piracy is one whose application to the subject creates an interesting paradigm.

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<sup>26</sup> Claire Jowitt, *The Culture of Piracy, 1580-1630: Literature and Seaborne Crime* (Surrey, England: Ashgate Publishing Company, 2010), 2.

<sup>27</sup> Benedict Anderson, *Imagined Communities*, 6.

If pirates had free will to choose to which nation they belonged, then perhaps they could have chosen to belong to the nation of the sea, which could be interpreted as an area outside of the traditional nation structure. Perhaps the pirates' rebellion from the nation structure could be construed as a type of anti-nation, as the pirates often challenged traditional political structures and did not hold much approbation in the nation-state.<sup>28</sup> Kuhn argues that it was during the Golden Age that the anti-nation concept reaches a high point as the Jolly Roger is adopted as a transnational symbol.<sup>29</sup> However, the organic theory would assert that each individual pirate's history and birth determined his nationalism long before he joined ranks among the sea robbers. In which case, perhaps piracy was not joined by a sense of nationalism but of something else.

Renan's musings on nationalism development would suggest that 1) nationalism roots take place in the memories of the collective and 2) there must be human consent to belong to the collective.<sup>30</sup> Based upon actions of ship attacks and legal documentation, this researcher would suggest that privateers were more amiable to the idea of belonging to the European and colonist collectives than their Golden Age pirate successors. Following Renan's thoughts, The Golden Age pirates therefore, not identifying with the nation-state collective, have their memories stored through their encounters with the nation-state collectives.<sup>31</sup> This could be one theoretical explanation for why primary source materials on pirates are in scarce amounts. It is possible that the pirates' identified with one another through a sense of nationalism or brotherhood (as seen in the buccaneers) by choosing to belong to a collective

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<sup>28</sup> Gabriel Kuhn, *Life Under the Jolly Roger*, 57.

<sup>29</sup> *Ibid.*, 59.

<sup>30</sup> Anthony D. Smith, *Nationalism*, 40.

<sup>31</sup> See Chapter Three

of pirates; however, that sense nationalism was stifled with the discontinuation of the collective when the community dissipated after the Golden age of Piracy.

Piracy provides an interesting case study of nationalism development. The concern is as much about the glue which connects and unites a people as it is about who those individuals are. In order to set pirates within the framework of nationalism, primary source documentation must be analyzed and historiographical perspectives of academics through the ages referenced and contextualized within the argument of this thesis.

In England in the early sixteenth century the language and idea of the “nation” and “nationalism” was developing in England and as it was applied to the people of England and with it came a sense of elitism—the idea that being a part of your country was superior to belonging to any other country. The design of being united to others simply by virtue of identifying as a part of a specific nation created an almost superficial class status, where belonging to the English nation elevated individuals as a collective and surpassed traditional class levels within the community. “At a certain point in history—to be precise, in early sixteenth-century England—the word ‘nation’ in its conciliar meaning of ‘an elite’ was applied to the population of the country and made synonymous with the word ‘people.’”<sup>32</sup>

To belong to a nation was to belong to an elite, to be united among others who shared a common past and suggested common future goals. Though participating in national sentiment, a person could become elevated above his class status. Pirates traditionally were born of a lower class of peoples and subject to the authority of their betters. Because of this and the treatment documented that seafaring peoples were subjected to upon their boats some historians have chosen to view piracy as a social movement.

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<sup>32</sup> Liah Greenfeld, *Nationalism*, 6.

#### *IV. Pirate Historiography*

Given the nature of the subject, histories of pirates often take on a biographical quality, with attention to the detail of a particular pirate's life, or scandalous dealings of colonial government officials with pirates. Douglas Burgess in *The Pirates Pact* criticizes other historians stating that they have neglected to look past the local level when analyzing the interactions of the pirates and the crown.<sup>33</sup> Though the history books are littered with anecdotes of pirates, many historians are seeking to look past the interesting lives of individual pirates and look with a broader lens at why piracy developed and the greater politico-historical significance.

Marcus Rediker, a recognized pirate authority and author of many books on the subject including *Villains of All Nations*, takes a Marxist approach to the history of piracy.<sup>34</sup> He sees the development of piracy as a way for people to stand up against their current hierarchical way of life of the time. Rediker contends it was the harsh conditions in the ordinary labor discipline aboard merchant vessels which led to malcontent within the sailor ranks and turned many seamen into pirates. Though the life of the pirate was a difficult one, it was not too different from the life aboard the merchant vessel.<sup>35</sup> To Rediker, it was the capitalist economy, along with the unique conditions of being aboard a ship at sea, which drove pirates to set out to rectify their situation by forming egalitarian brotherhoods under the Jolly Roger. Perhaps it was the pirates' rejection of belonging to the elite status of the nation brotherhood which subjugated them to the criticism and attack of the nation—perhaps to

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<sup>33</sup> Douglas R. Burgess, Jr., *The Pirates Pact: The Secret Alliances Between History's Most Notorious Buccaneers and Colonial America* (McGraw Hill, 2009), xiii.

<sup>34</sup> Other historians who share Rediker's views are Peter T. Leeson and Hans Turley.

<sup>35</sup> Marcus Rediker, *Villains of All Nations*, 17.

those identifying as being a part of the nation-state collective, if pirates were not part of the nation then they were not a part of the elite, and so must be considered to be of a lower class.

Rediker's perspective on piracy lends a unique angle to the development of piracy based upon an application of Marxist ideologies, and Rediker's proposal is one which many historians have rallied behind. There seems to be evidence of the ideas of communism and brotherhood aboard the pirate ships, especially among the buccaneers.<sup>36</sup> This evidence will be delved into later in this thesis; however, it is important to note that the predominant capitalist-based economy in the seventeenth and eighteenth centuries has been attributed to the development of piracy by many historians.

Benedict Anderson explains the role of nationalism within the context of Marxist theory. Anderson quotes Tom Nairn's observation that "[t]he theory of nationalism represents Marxism's great historical failure."<sup>37</sup> Anderson suggests that perhaps a more accurate analysis of the situation would be to say "that nationalism has proved an uncomfortable *anomaly* for Marxist theory and, precisely for that reason, has been largely elided rather than confronted."<sup>38</sup> To illustrate his point, Anderson references Marx's statement, "[t]he proletariat of each country must, of course, first of all settle matters with *its own bourgeoisie*."<sup>39</sup> Anderson questions Marx's lack of accounting for the relevance of a 'national bourgeoisie,' and "why is *this* segmentation of the bourgeoisie—a world-class insofar as it is defined in terms of production—theoretically significant?"<sup>40</sup> Though Marxist theory may explain an extremely plausible spark for the piracy movement that would

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<sup>36</sup> See Chapter Two

<sup>37</sup> Benedict Anderson, *Imagined Communities*, 3.

<sup>38</sup> *Ibid.*

<sup>39</sup> *Ibid.*, 4.

<sup>40</sup> *Ibid.*

eventually evolve into the Golden Age of Piracy, it is unclear whether Marx's theory gives any great insight to the development of nationalism within these pirate communities aside from uniting commonalities and a trend towards utopian-esque socialistic romanticism within the pirate community.

Historian Gabriel Kuhn has placed the pirate phenomenon within the context of a range of theoretical concepts. One of particular interest is Kuhn's application of the French philosopher-psychoanalyst team Gilles Deleuze and Felix Guattari's concept of the nomadic war machine. The nomadic war machine's primary goal is not war itself, but rather to separate the nomadic peoples from the State which it hopes to destroy.<sup>41</sup> And only when the State takes control and utilizes the war machine will war become subordinate to the State, until such time the war machine will remain in the hands of the nomads.<sup>42</sup> Kuhn explains this theory's application to the Golden Age of Piracy: "the golden age pirates constituted a *nomadic war machine* as an inevitable aspect of their struggle for freedom from state and capitalist oppression."<sup>43</sup> In his conclusion utilizing this theory, Kuhn speculated that the pirates' and buccaneers' expression of war was used as "a necessary and effective means of preventing falling under the brutal power of the state."<sup>44</sup> Two important aspects of the nomadic war machine ring particularly truthful through its application to piracy. First, the State can utilize the pirates toward State ends, as can be seen in the development of

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<sup>41</sup>Gabriel Kuhn, *Life Under the Jolly Roger*, 98.

<sup>42</sup> Ibid.

<sup>43</sup> Ibid.

<sup>44</sup> Ibid.

privateers.<sup>45</sup> Secondly, once the State no longer needs the services of the privateers, the war machine returns to a nomadic State—the Golden Age of Piracy.<sup>46</sup>

In this theory of the nomadic war machine, it seems assumed that the pirates are a separate peoples from the State, they are nomads and in being such a community are striving to tear away from the control of the State by using the nomadic war machine, in hopes of achieving autonomy. The base of this assumption, that the pirates are a separate people from the State. In their separation from the State does it then yield that they have formed their own identity separate from that as members of the State? This seems possible if the voluntarism nationalism theory is applied; however, questions on the formation of a separate identity are not addressed by the philosopher team. Kuhn quotes French anthropologist Pierre Clastres in musing on the application of Marxism “[i]t is said that the history of peoples who have a history is the history of class struggle. It might be said, with at least as much truthfulness, that the history of a peoples without a history is the history of their struggle against the State.”<sup>47</sup> In relation to piracy, can pirates’ history only be determined by their relationship with the State or, if they are separate from the State, do they then have their own history?

Kuhn’s speculation that piracy may be a type of anti-nation is a perspective worth considering; however, not all historians have looked at pirates as having a completely separate identity from their European roots. Piracy has been perceived by some to be a European subculture or subaltern culture rather than an entirely separate culture.<sup>48</sup> Features of pirate culture stand out as distinct to their particular community. The visual culture of the pirate community is one which captures the essence of a unique peoples. The pirate ship

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<sup>45</sup> Gabriel Kuhn, *Life Under the Jolly Roger*, 99.

<sup>46</sup> Ibid.

<sup>47</sup> Ibid., 118.

<sup>48</sup> Ibid., 51-61.

patrolling the waters with the Jolly Roger declaring her presence. Language is a particularly strong indicator that pirates had a distinct culture (or perhaps subculture). Though in some aspects pirates seem to have developed a unique and distinct culture with expressions of that identity separate from their European counterparts, in many ways the pirate culture was subject to the hegemonic European power structure. Analysis of cultural traits among the pirate groups offers an avenue through which the building of an argument for the creation of a distinctly separate identity could have been formed by the pirate group. If their cultural traits are distinctly different from that of those belonging to the State, it seems probable that would be indicative of a distinct identity from the State collective.

Lucie-Smith explains that the pirate was seen as a threat to the greater society and not just to those seaside communities. This labeling of the pirate as a threat to society furthers the argument that the pirate was the “other” and therefore not a part of the hegemonic European society and consequently no longer belonging to the nation-state. It was not only the economic disruption that led the pirate to be considered the other, Lucie-Smith tells “[h]e [the pirate] embodied an aggressive denial of the values of interdependence and social unity. . . .”<sup>49</sup> The pirate paved his own path and that autonomy was threatening to the State because not only was it beyond State control, but the pirates livelihood was structured around attacking trade ships of the State. Through analysis of published works by contemporaries of pirates, Lucie-Smith clarifies

[I]t is not really [the pirates’] cruelties which Defoe and subsequent historians hold against the pirates. Their aim is to prove not that wickedness must inevitably be punished, but that total and secular democracy . . . leads inevitably to total chaos. The pirate community is an acceptable subject for an

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<sup>49</sup> Edward Lucie-Smith, *Outcasts of the Sea*, 26.

entertaining and colorful book because, when closely examined as a political institution, it is found to be self destructive and therefore harmless.<sup>50</sup>

Piracy has allowed commentary on society in a way few other subjects allow, partly because of the romanticized notion people hold of the subject and partly because the pirate tale fulfills a relatable yearning and need in people for freedom. Like any utopia-esque society, it allows a playground for social theories to be explored, and like all utopias there is a fatal flaw because of the human element.

Is what we are seeing in the development of the pirate community the birth of a primitive society?<sup>51</sup> Were they a society without a state? Pirates lack an overarching economic, political, religious, or geographic commonality. Kuhn analyzes the pirate economy as one of a criminal economy, that is not only underproductive, but in fact counterproductive or as “zero-production,” because all of their means come from raiding, pillaging, and taking from other economic systems and participants. The economic aspect of piracy is multi-layered and has been analyzed by many historians and further analysis will continue later in this research; however, for the argument of the society without a state, the pirates were not united by a productive economic system if one takes the stance that pirate economy was zero-productivity.<sup>52</sup> The uniting factor then can be seen as cultural similarity, including the nomadic nature of the lifestyle, and the fact that pirates were recognized as a group, community, or culture by the States.

Chris Land contends in *Flying the Black Flag*, that the pirates developed a symbolic community, which is expressed in “a distinct language community,” composed of nautical

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<sup>50</sup> Edward Lucie-Smith, *Outcasts of the Sea*, 26.

<sup>51</sup> Gabriel Kuhn, *Life Under the Jolly Roger*, 43.

<sup>52</sup> *Ibid.* Also see Chapter Two

terms and cursing.<sup>53</sup> This symbolic community was “a mode of belonging that was radically opposed to the dominant ascriptive forms of associations based on nationality.”<sup>54</sup> Pirates, though composed from a hodgepodge of nationalities, united under the idea of a “transnational brotherhood” against the State, monarchy, and in general the system of authority and those who enforced that system.<sup>55</sup> “Governments often told pirates that ‘they have no country,’ and pirates agreed.”<sup>56</sup> Instead they created the brotherhood, their distinct culture (though scholars may not agree on what label to place on this community) united by motivations for the accumulation of wealth outside legal means. Rediker draws the conclusion that though the pirates’ unique attribute of illegal wealth accumulation was an amalgamating glue for distinguishing their culture or community, “[p]irates did not consider themselves ‘common Robbers, Opposers, and Violators of all Laws humane and divine,’” but Rediker argues despite this, “they did think of themselves as a people without a nation.”<sup>57</sup>

Piracy is just one narrative in the greater transatlantic chronicle. Atlantic history is a fairly new field of study, catching the attention of academia in the 1980s. It is perhaps through this view of piracy that Burgess’ criticism of previous historians’ analysis of the subject can be rectified. This historical perspective now allows historians to view the interactions and processes of historical events in a new light. Though this thesis relies heavily on the histories of the English, it is not solely a historical examination of one nationality. The Atlantic perspective allows for phenomena, such as the pirate, to be studied because of the focus on the interactions between communities and peoples. Atlantic history permits for the

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<sup>53</sup> Chris Land, “Flying the Black Flag: Revolt, Revolution and the Social Organization of Piracy in the ‘Golden Age,’” *Management and Organizational History*, Vol. 2, (2007), 178.

<sup>54</sup> Chris Land, *Flying the Black Flag*, 178. Marcus Rediker, *Villains of All Nations* 97-98.

<sup>55</sup> Chris Land, *Flying the Black Flag*, 179.

<sup>56</sup> Marcus Rediker, *Villains of All Nations*, 53.

<sup>57</sup> *Ibid.*, 8.

transient nature of people and allows the analysis a transnational perspective of various interactions and communities. In 1702 Dutch legal scholar Cornelius van Bynkershoek summed up the power of the sea over those nations bordering it, “[t]he power of the land properly ends where the force of arms ends,” and that “the sea cannot be possessed.”<sup>58</sup> The sea challenged the force of arms of many mighty nations, and where the force of arms was weak; pirates stepped in to fill the gaps. The Atlantic was a space used by all and yet owned by none. It is fitting that a people working outside the traditional nation-state system would be composed of many nationalities, sometimes even within the same crew and pirate ship, and be studied by an approach that transcends the traditional boundaries of nation-centric histories. It is through this Atlantic perspective that this thesis attempts its analysis, looking at communities on both sides of the Atlantic and in-between.

These floating pirate communities are important to historians for many reasons. Because piracy must be understood within the context of the sociopolitical structures in which it navigates, piracy can tell historians much about national and international climates as well as class struggles and social concerns of the time. Piracy additionally allows historians to see nation-state interactions from a transatlantic perspective and incorporates not only the relations between pirate and State but pirate and colony and colonies and the European states. The Golden Age of Piracy is distinguished by the pirates’ separation from the State, in contrast from their privateer precursors. In this time period, historians can see the development of a community which embraces their severance from traditional sociopolitical structures and forms an independent way of life which at the same time criticizes those very structures it seeks to distance itself from.

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<sup>58</sup> Marcus Rediker, *Villains of All Nations*, 25.

Historians and popular audiences have become fascinated with the pirate narrative. What few sources have survived for modern scholarship to analyze have left gaps in historical knowledge. This is in part because most sources were created by authorities, and in part because those few sources which were created by pirates or people who knew pirates are questionable because of the concurrent growth of the novel and the lack of authenticating documentation to support claims in these biographies. Nevertheless, the pirate tale is one worth telling and one which has fascinated, and will continue to fascinate, audiences for centuries because of what the pirate represents—an international anti-hero.

Chapter one will seek to describe the development of piracy law in England and the colonies. Privateering and the privateers' relationships with the State and colonists during this time will be discussed. The seventeenth century was the swell of the wave of piracy just before the break of the Golden Age. It is through understanding the seventeenth century movements that we can better understand the Golden Age of Piracy.

Chapter two will focus on historical political developments leading up to the Golden Age of Piracy and the time period considered the Golden Age of Piracy, approximately 1680s-1730s. I will explore why the Golden Age of Piracy happened during this time period, and what attracted pirate activity to concentrate off the coast of the New World, especially Florida and the Caribbean. Additionally, and perhaps most importantly, I will discuss in what ways the Golden Age of Piracy has defined itself as a time period or movement distinct from previous acts of piracy and privateering through the perspective of nationalism.

Chapter three will address major surviving primary source materials, as well as the impact scarcity of resources has had on the study and historiography of piracy. Additionally,

the way in which pirate records have been collected will be mentioned and the influence romanticization has had on the subject both in popular culture and the academic arena.

Major changes were happening in the western world at the turn of the seventeenth century. A new land had been discovered—the North American continent. Europe was faced with the challenge of deciding how to utilize this new resource, and more importantly, who should control access and wield power over the land. Unlike most previous conquests, this new land was separated by the Atlantic Ocean, which demanded a sailing force and trade routes to gain and maintain control over connections to the New World. Old, strained, political relationships were being tested during this time, and social movements were swelling under the surface of tradition and complacency. Change was on the wind, or rather, on the sea.

## **CHAPTER ONE**

### **Piracy and the State**

One way piracy can be understood within the context of its time is viewing it through the eyes of the court system. Piracy's relationship with the officials of the State was a tumultuous one and one which can be studied in greater detail through laws and court reaction to piratical acts. The designation of specific types of pirating acts and the reaction to these acts is telling between what was acceptable to the State (either outright or behind closed doors) and what actions would bestow upon a man the title of "pirate." Additionally, determining who had jurisdiction over matters of piracy evidences a tale of struggle for power as the colonial and European states attempted to function together as a united figure against a common enemy.

#### ***I. Types of Piracy***

Sailors took to the seas and turned pirate for a variety of reasons. Though the pirating activities of individuals is often thought of as rogue or independent illegal activities, there is a range of types of piracy which historians have designated, often the delineating factor being the relation of the pirate activity to other social structures. Historian Robert C. Ritchie explores the types of piracy in *Captain Kidd and the War Against the Pirates*, in which he categorizes piracy into groups based upon the sailors' motivations for turning pirate and the contemporary societal view of those motivations. These delineations are important to the tracing of nationalistic development of piracy because each type defines an interaction with the State and the connection between what was denoted by the State as actions towards State ends and which actions were considered rebellious acts. Often the significant difference was the benefit the State received as a product of such actions.

### ***Officially Sanctioned Piracy***

The first type of piracy Ritchie examines is officially sanctioned piracy.<sup>59</sup> This comprises acts that are piratical in nature; however, the pirating acts are seen as beneficial to the government and so pirates are allowed to go unpunished and sometimes are hired by the government. When a pirate is hired by the State he is then considered a privateer—or as historian Hans Turley describes the situation in *Rum, Sodomy, and the Lash*, the difference between the pirate and the licensed privateer was that he was “an outlaw-made-nationalist-hero.”<sup>60</sup> The most successful pirates were usually the ones bestowed with the support of the government. This title of nationalist hero is important because the privateer, and his actions, gained the acceptance of the nation who bestowed the title upon him. Though the privateers’ tactics were nearly identical to those of the pirates, the contract between State and privateer legitimized the actions of the privateer. It is not within the best interest of the State to allow its citizens to believe the State is supporting illegal actions, and so by legitimizing the actions of the privateer and rewarding him the title of a “nationalist hero,” the State then separates the privateer from the pirate and can continue to exploit illegitimate means of warfare while still maintaining the approval of the citizens. Ritchie explains there were rules which had to be played by for this legal avenue of piracy. “In wartime the privateering commission or letter of marque permitted privately financed warships to attack enemy shipping; in peacetime the letter of reprisal allowed merchants to recover their losses due to piracy.”<sup>61</sup>

### ***Commercial Piracy***

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<sup>59</sup> Robert C. Ritchie, *Captain Kidd and the War Against the Pirates* (Cambridge, MA: Harvard University Press, 1986), 11.

<sup>60</sup> Hans Turley, *Rum, Sodomy, and the Lash: Piracy, Sexuality, and Masculine Identity* (NYU Press, 2001), 29.

<sup>61</sup> Robert C. Ritchie, *Captain Kidd and the War Against the Pirates*, 11.

The second category of piracy Ritchie explains is that of commercial piracy. This type is further broken down into two smaller categories, that of merchants invested in piracy and “communities that practiced piracy as a major economic enterprise.”<sup>62</sup> What sets commercial piracy apart from other seafaring communities is the “relationship of these communities to the growing international market.”<sup>63</sup> Merchants backed the piratical enterprises much as the government backed the pirates and privateers in the officially sanctioned piracy. Though most of the economic backing and support came from merchants in Europe, occasionally colonial merchants would participate in commercial piracy, though as Ritchie explains, “most of the time they preferred to give buccaneers sanctuary and trade with them.”<sup>64</sup>

### ***Deep-Sea Marauding***

The third type of pirate was the deep-sea marauder. These marauders were individuals who sought to make a profit through piracy, but without the backing of government or merchant groups. This group took on the new name of “buccaneer” when they spread to the Caribbean—“[i]t was in the West Indies that the new breed of pirates found their true home.”<sup>65</sup> As people left the European states to try their hand at what the New World had to offer, many were tempted into piracy. It is this group encompasses two time periods of piracy, the buccaneer and the pirates of the Golden Age.<sup>66</sup> Pirates attacking ships of all nations suggests severed nationalistic ties between the pirates and their European and colonial countries of origin and this severance is what many historians feel is the defining characteristic of the Golden Age of pirates.

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<sup>62</sup> Robert C. Ritchie, *Captain Kidd and the War Against the Pirates*, 17.

<sup>63</sup> Ibid.

<sup>64</sup> Ibid., 18.

<sup>65</sup> Ibid., 19, 22.

<sup>66</sup> See Chapter Two

## *II. Privateering*

To divide piracy from privateering (a type of officially sanctioned piracy) is convoluted because to one country a certain individual might be a privateer, while to the country whose ships were being attacked he may be considered a pirate. On the other hand, the Spanish did not recognize the distinction between privateer and pirate that the English, French, and Dutch had made—to the Spanish any sea robber was a pirate.<sup>67</sup> And thus this distinction has meaning to the country that hires the privateer and reinforces the idea that privateering was a nationalistic concept. Most often privateering contracts were made between pirates and their country of origin—rebel sailors of English background became privateers for England, those of French decent typically became *corsairs*, a French term for privateer. There was within the contract of a privateer a connection of nationalistic identity. Perhaps it is within such contracts that the theory of organic nationalism shows merit.

During the Elizabethan Era the profession of privateering and piracy evolved. Privateering was beneficial in many ways to the political entity who sponsored the privateering endeavors. The privateers were utilized as an informal navy, allowing flexibility in strategy as countries battled in both the physical and tactical political arenas. While the privateers were set loose on the opposing countries trade routes, the sponsoring country could claim the privateers were acting outside the authority of the State and therefore remain politically on good terms with the opposing country. There was very little overhead associated with sponsoring privateering endeavors, privateers were paid by the wealth and goods they captured and often privately owned ships were used. The use of the privateers on such a grand scale further legitimized the occupation. It was no longer small time coastal

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<sup>67</sup> Gabriel Kuhn, *Life Under the Jolly Roger*, 7.

raids by local pirates but transatlantic and open sea raids preformed by “gentleman pirates,” whose activities transformed the industry and gained the favor and backing of the States.<sup>68</sup> Privateering was a prosperous trade in many American, French and English ports and often brought wealth to the coastal communities.<sup>69</sup> These new privateers were highly trained and skilled sailors, whose stature was sometimes of aristocratic birth. Sir Francis Drake is perhaps the most well known privateer to embody the qualities of this new type of privateer in the Elizabethan age.

Francis Drake was an English gentleman hired by Queen Elizabeth I in 1572 to plunder Spanish ships off the coast of the American Atlantic. Drake was knowledgeable of the Spanish Main because of his tutelage under privateer John Hawkins, who will be discussed later. Drake quickly gained a reputation for his victories and his circumnavigation of the world.<sup>70</sup> Drake’s conquests over Spanish ships and plunder of Spanish towns in America were profitable both for Drake and the Queen. Her investment in Drake was small; however, beyond plunder her return was great, as it was in general cases of privateering. During the Elizabethan era, the English navy was merely an inkling of what it would grow to be. During wartime, the navy often served as an escort to merchants as their ships crossed international territory through a charter-party agreement. Additionally, it was natural for Admiralty ships to be used for commerce during peacetime.<sup>71</sup> Sir Julian Corbett muses, “[i]n such a state of things it is hardly to be wondered at that the line was not always very sharply

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<sup>68</sup> Douglas R. Burgess, *The Pirates Pact*, 27.

<sup>69</sup> Edward Lucie-Smith, *Outcasts of the Sea*, 219.

<sup>70</sup> Drake was the second to circumnavigate the world, the first was Ferdinand Magellan a mere half-century before Drake’s voyage.

<sup>71</sup> Sir Julian Stafford Corbett, *Sir Francis Drake* (London: Macmillan, 1908), 9.

defined between naval and commercial expeditions.”<sup>72</sup> Drake’s service to the crown and his recognition by the crown tells of an accepted definition of privateering by the English authorities. Drake was an Englishman and not only did England claim Drake as one of their own the knighted him to show ownership in his actions. Knighted as Sir Francis Drake in 1581, Drake’s relationship with the crown set a precedent for many later English privateers.

Though Drake’s actions were seen by the English as beneficial to the nation, to the Spanish he was El Dragon—a fierce and bothersome pirate interrupting trade and colonization efforts.<sup>73</sup> This is one instance where the lines of privateer versus pirate become blurred. To one people he was a pirate, to another he was a national hero through his privateering efforts. Based upon his sharing of wealth with the English government and taking direction from the Queen, it stands to reason that Drake most likely thought himself as a privateer. Clearly his loyalty was to the English and he identified not only as being English, but as being among the English aristocrats. After his knighthood in 1581, he became Mayor of the city of Plymouth and served in Parliament on more than one occasion.<sup>74</sup>

### ***III. Piracy and Law***

Though piracy dates back well before the colonization of the Americas by western powers, piracy clearly found in the Americas a situation that catered to the unique skills of the profession. It is during this population expansion of the American Atlantic coast that piracy boasts a growth in numbers and in form, evolving into what we call today the Golden Age of Piracy. But what was it about the colonial New World that was so appealing to

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<sup>72</sup> Sir Julian Stafford Corbett, *Sir Francis Drake*, 9-10.

<sup>73</sup> Information gathered from a wall plaque, during a visit to the Pirate Museum in St. Augustine, Florida, 2012 (not a primary source).

<sup>74</sup> Harry Kelsey, *Sir Francis Drake: The Queen’s Pirate* (New Haven: Yale University Press, 1998), 230.

piracy? Douglas R. Burgess, in *The Pirates' Pact*, starts his examination of the topic by exploring why the pirates' criminal activities separated them into a class of unlawfulness unmatched by the similarly common illegal activities of thievery or robbery, and why piracy flourished off the coast of the New World. In seventeenth century England the law rested on two types of authorities, statutory law and common law. Where statutory law was at the order of acts of Parliament and Orders in Council, common law was based upon precedence. Piracy in the seventeenth century was habitually regulated to the authority of the king in council rather than Parliament: "between 1603 and 1625, the reign of King James I, there are no fewer than fifteen separate proclamations dealing solely with the problem of English and foreign piracy."<sup>75</sup> For statutory law, Burgess analyzes the three basic components of a criminal act: "the *mens rea*, or mental state of the criminal; *actus reus*, or acts committed; and the *locus*, where the crime occurred."<sup>76</sup> Though the *mens rea* can be seen as having importance where privateering is concerned, in most instances of piracy, the *actus reus* and the *locus* were the main elements of focus for those courts sentencing pirates. Though the crimes committed were all of a similar nature, the location of where the acts were committed was a fluctuating component where piracy was concerned.

Peter Leeson explains that before 1536 piracy cases were tried in the civil court and "[c]onvicting someone of piracy required either the accused to confess or two eyewitnesses, neither of whom could be accomplices, to testify to his alleged act of piracy."<sup>77</sup> England's 1536 Offenses at Sea Act changed the jurisdiction of piracy trials to common law, which permitted accomplice testimony and allowed the pirate a trial by their peers. However, this

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<sup>75</sup> Douglas R. Burgess, *The Pirates Pact*, 14.

<sup>76</sup> *Ibid.*, 15.

<sup>77</sup> Peter T. Leeson, "Rationality, Pirates, and the Law: A Retrospective," *American University Law Review*, vol. 59 (2010): 1220.

Act did not account for the difficulties of trying pirates across the Atlantic far away from England's admiralty courts: "Persons committing Piracies and Robberies and Felonies on the Seas in or neare the East and West Indies and in Places very remote cannot be brought to condign Punishment without great Trouble and Charges in sending them to England to be tryed within the Realme as the said Statute directs . . . ." <sup>78</sup> And so the 1698 "An Act for the more effectuall Suppressions of Piracy" amended the 1536 Offenses at Sea Act and allowed for pirate to be tried in any place the admiralty courts deemed necessary for swift justice to be done. The 1698 Act additionally expanded the definition of piracy to include:

[A]ny Act of Hostility against other His Majesties Subjects upon the Sea . . . from any Person whatsoever such Offender and Offenders and every of them shall be deemed adjudged and taken to be Pirates . . . and every of them being duely convicted thereof according to this Act . . . And be it further enacted That if any Commander or Master of any Shipp or any Seaman or Marriner shall in any Place where the Admirall hath Jurisdiction betray his Trust and turne Pirate Enemy or Rebell and piratically and feloniously run away with his or their Shipp or Shippes . . . shall have and suffer such Pains of Death Losse of Lands Goods and Chattells as Pirates Felons and Robbers upon the Seas ought to have suffer. <sup>79</sup>

This Act recognized those persons who acted as accessories to pirating activities "willingly or knowingly set forth any Pirate or aid . . . shall be and are hereby declared and deemed and adjudged to be accessory to such Piracy and Robbery done and committed," <sup>80</sup> and encourages merchants to defend their ships against pirates: "[b]y 1717, England not only rewarded individuals for defensively resisting pirate aggression; it also rewarded them for offensively initiating aggression against pirates." <sup>81</sup> Leeson explains that the 1698 Act was

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<sup>78</sup> John Raithby ed., "William III, 1698-9: An Act for the more effectuall Suppressions of Piracy." Statutes of the Realm: volume 7: 1695-1701, *British History Online*, <http://www.british-history.ac.uk/report.aspx?compid=46966&strquery=under+colour+of+any+commission+from+any+foreign+prince+or+state>

<sup>79</sup> Ibid.

<sup>80</sup> Ibid.

<sup>81</sup> Peter T. Leeson, "Rationality, Pirates, and the Law: A Retrospective," 1223.

only intended to last for seven years, but it was so successful in “permitting the more regular prosecution of pirates, Parliament renewed it several times following the War of the Spanish Succession and made the law permanent in 1719.”<sup>82</sup>

Viewing piracy through English common law clarifies the full impact of piracy on the social relationships, and why piracy has become a separate and distinct criminal act from robbery, thieving, and other forms of looting and otherwise frowned-upon activities. As stated within Burgess, one quote by Sir Edward Coke sums up the sentiment towards piracy: “*hostis humani generi*, ‘enemies of the human race,’” or as Hans Turley translates “[t]he common enemy against all mankind.”<sup>83</sup> Looking at piracy through a wide lens encompassing more than the standard legality of the matter, piracy becomes greater than criminal activities—it becomes an act of defiance, undermining and challenging the authority of the government and its laws.<sup>84</sup> To Burgess, the “pirates removed themselves from the state’s jurisdiction, formed extraterritorial enclaves, and waged private war for pecuniary ends. Hence, one could not speak of them as merely ordinary robbers, for the locus of that theft (beyond the state’s borders) transformed it.”<sup>85</sup>

English courts struggled with the broader implications of piracy and whether it was robbery or something greater—were pirates in fact “enemies of the human race?”<sup>86</sup> Burgess speculates that the term “piracy” may have been employed for political purposes much like the term “terrorism” is used in today’s politics and was often used in high profile cases.<sup>87</sup> The grey which clouds the definition of piracy can be seen in the struggle over jurisdiction,

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<sup>82</sup> Peter T. Leeson, “Rationality, Pirates, and the Law: A Retrospective,” 1223.

<sup>83</sup> Douglas R. Burgess, *The Pirates Pact*, 15. & Hans Turley, *Rum, Sodomy, and the Lash*, 28.

<sup>84</sup> Douglas R. Burgess, *The Pirates Pact*, 15.

<sup>85</sup> *Ibid.*, 16.

<sup>86</sup> *Ibid.*, 17.

<sup>87</sup> *Ibid.*

whether statutory or common law, which peppers English history. Land, too, compares piracy to the terrorism of today, stating that “[i]t is notable that, like ‘terrorists’ today, pirates could be convicted without a jury trial and were not accorded the same legal due process as criminals accused of committing other forms of property theft or violence.”<sup>88</sup> However, this statement is not supported by Burgess understanding of the struggle for jurisdiction.

As Burgess explains, piracy fell into the jurisdiction of common law up until the mid-fourteenth century. Under common law administration, the accused was tried by a jury of their peers. This caused some difficulties because the peers judging the pirates often identified with the pirates, “either through social or commercial ties,” especially in seaside communities.<sup>89</sup> Angered by the acquittal rate, Edward III attempted to rectify the problem and change the jurisdiction of piracy from the common-law courts by declaring it an act of treason.<sup>90</sup> By 1500, the only way one could be convicted of piracy was through confession of the act. In 1536, the State tried again to assert control over piracy by establishing special commissions; however, this too proved less than successful because the crown-appointed commissioners were often influenced by the local merchants.<sup>91</sup> Eventually, piracy fell into the jurisdiction of common-law, except in cases which smelled of treason, in which case the admiralty courts could assert jurisdiction over the case and thus assure a convicting verdict. This further illustrates the selectivity of piracy in the eyes of the law. Just as the most successful pirates were granted a letter of marque, those most unsuccessful pirates who posed greater embarrassment to the crown could be tried by the admiralty courts.

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<sup>88</sup> Chris Land, *Flying the Black Flag*, 178.

<sup>89</sup> Douglas R. Burgess, *The Pirates Pact*, 17.

<sup>90</sup> *Ibid.*

<sup>91</sup> *Ibid.*, 18.

This jurisdiction issue shows the difference between the ways colonists and England viewed the pirates and can explain one of the facets of the new-world coast appeal to pirates. To the English, those sea robbers acting on behalf of the crown and country could be national heroes, or should the crown deem the pirates a nuisance, they could be cast in the light of villains or traitors. Yet the number of pirates actually in England was usually limited to those standing trial for their crimes. A good majority of pirates of the time were found off the coast of the New World. The mere presence of the pirates altered the impression and interactions the colonists had with the pirates compared to their English counterparts. Burgess concludes, “[w]hether England saw them as heroes or criminals, to their own people—the colonists—they were traders, sources of income, town burghers, respected merchantmen, brothers, fathers, husbands, sons, and neighbors. . . . In other words, pirates were locals.”<sup>92</sup> However, colonists were not always on friendly terms with the pirate neighbors. In the First Charter of Virginia in 1606, concern about piracy and the jurisdiction of the colony in protecting itself from hostile forces was addressed in clause XII. It states:

XII. Moreover, we do, by these Presents, for Us, our Heirs, and Successors, GIVE AND GRANT Licence . . . to every of the said Colonies, that they, and every of them, shall and may, from time to time, and at all times for ever hereafter, for their several Defences, encounter, expulse, repel, and resist, as well by Sea as by Land, by all Ways and Means whatsoever, all and every such Person and Persons, as without the especial Licence of the said several Colonies and Plantations, shall attempt to inhabit within the said several Precincts and Limits of the said several Colonies and Plantations, or any of them, or that shall enterprise or attempt, at any time hereafter, the Hurt, Detriment, or Annoyance, of the said several Colonies or Plantations.<sup>93</sup>

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<sup>92</sup> Douglas R. Burgess, *The Pirates Pact*, 13.

<sup>93</sup> First Charter of Virginia, (1606).

Furthermore, the Pennsylvania Royal Charter written in 1681, follows suit with its neighbor to the south and issues the following considerations for defense, and specifically mentions pirate attack:

Because in so remote a Country, and situate near so many barbarous Nations, and Incursions as well of Savages themselves, as of others, Enemies, Pirates, and Robbers, may probably be feared; Therefore full Power was thereby given to the Proprietor aforesaid, his Heirs and Assigns, by themselves, or their Captains, or other Officers, to levy, muster, and train all Sorts of Men, of what Condition soever, or wheresoever born, in the said Province of *Pennsylvania* , for the Time being; and to make War, and to pursue the Enemies and Robbers aforesaid, as well by Sea as by Land, even without the Limits of the said Province, and by God's Assistance to vanquish and take them, and being taken, to put them to Death, by the Law of War, or to save them at their Pleasure: And to do all and every other Thing, which unto the Charge and Office of a Captain-General of an Army, belongeth or hath accustomed to belong, as fully and freely as any Captain-General of an Army hath ever had the same.<sup>94</sup>

Though the two Charters are similar in nature they were written nearly 75 years apart.

The later Charter mentions piracy specifically as a people eligible to make war against should the colony be provoked. This could be an expression of piracy coming into its own and becoming more troublesome for the colonists as piracy neared its Golden Age. However, the fact that pirates are specifically mentioned among enemies tells that the government was disapproving of piracy acts, and pirates had been listed as a distinct group of their own and no longer as members of the colonies. The implied threat was not just anyone challenging the authority of the English in the region, but specifically the Spanish with whom the English were at war.

However, piracy affected colonists to a depth beyond their capacity as robbers. Because pirates were locals there is, in addition to the problems of robbery and other piratical

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<sup>94</sup> “To the Honourable George Thomas, Esq; Lieutenant Governor of.” *The Pennsylvania Gazette*, January 10, (1740).

acts, a concern for the morality of pirates, as is apparent in Colonist newspapers of the time. As the religious culture of the colonies matured, the morality and bad habits of the pirates took center stage in the public arena, as a source of entertainment and a reinforcement of the message of piety. One such example is the trial of Pirate Captain James Lowry in 1752 which was covered by the *Pennsylvania Gazette*: “James Lowry, late Commander of the Merchant Ship *Molly*, and not having the Fear of God before his Eyes, but being moved by the Instigation of the Devil, did . . . board the said Ship *Molly* . . . cruelly and violently assault, strike, and beat Kenneth Hussack . . . of which the Beatings, Wounds and Bruises, he instantly died.”<sup>95</sup> Rebecca Simon in “The Social Construction of Crime in the Atlantic World: Piracy as a Case Study,” explains that the authorities further questioned Lowry’s first mate James Gartharah about the morality and habits of the crew to which he denied any misdeeds. “This implies that courts began their trials with preconceived notions of the justices’ outcome. Pirates’ lifestyles were highly sensationalized for the sake of readership and the moral and religious agendas of the times regardless of whether or not they were actually guilty of their crimes.”<sup>96</sup>

Viewing piracy through the laws of the State provides one avenue to view the relationship of pirates and the State, as well as the interactions and struggle for control between the colonies and the State. While the pirates seemed to assert their own autonomy over their actions, the State and the colonies were struggling for power and authority over

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<sup>95</sup> “An Account of the Trial of Captain James Lowry, before the Court of Admiralty, held on Tuesday, the 13<sup>th</sup> of February, 1752, at Justice-Hall in the Old Bailey,” *Pennsylvania Gazette*, June 25, (1752).

<sup>96</sup> Rebecca Simon, “The Social Construction of Crime in the Atlantic World: Piracy as a Case Study,” *The International Journal of Interdisciplinary Social Sciences*, vol. 6, issue 6. (Common Ground Publishing LLC: Champaign, Illinois, 2012), 81.

jurisdiction on a large scale, but as can be seen here, specifically over the jurisdiction of piracy.

#### *IV. Setting an Example*

Piracy was punished severely when it went beyond the control, and in contradiction of, the State's wishes. Not only were pirates punished but people friendly with pirates who assisted them in their endeavors were judged as well. "In the seventeenth century, the harboring and sponsoring of alleged criminals by colonial administrators posed a critical challenge to the English state's attempt to enforce its legal prerogative and expand its influence overseas, secure its trade, and maintain its foreign policy intact."<sup>97</sup>

Hanging was the typical punishment for piracy. William Kidd, Pirate Captain aboard the ship *Adventure* stood trial for piracy and murder in 1701 (captured 1699). Kidd is one of the renowned privateers-turned-pirate, and his trial by English authorities was recorded in great detail and survives today. His judgment read as follows:

You have been tryed by the Law of the land and convicted; and nothing now remains, but that Sentence be passed according to the Law. And the Sentence of the Law is this, You Shall be taken from the Place where you are, and be carried to the Place from whence you came and from thence to the Place of Execution, and there be severally hanged by your Necks until you are dead. And the Lord have Mercy on your Souls.<sup>98</sup>

Some pirates submitted to their fate and were compliant and repentant as they walked to the hangman's noose, lamenting their poor choices in becoming pirates and saying what the State wanted them to say. Those fellows who were compliant were perhaps seeking pardons or some sort of favorable wind to change their fate. The pirates warned onlookers "do not use oaths; do not curse; do not take the Lord's name in vain; do not sing bawdy

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<sup>97</sup> Douglas R. Burgess, *The Pirates Pact*, xvi.

<sup>98</sup> *The Arraignnment, Tryal, and Condemnation of Captain William Kidd*, Library of Congress, (1701).

songs; do not gamble; do not visit the house of the harlot; do not profane on the Sabbath; do not give in to uncleanness and lust; do not be greedy,” and instead preached obedience to State and parental authorities, and to be content with your station in life.<sup>99</sup> A few pirates did win the favor of the authorities and were reprieved of the noose; however a majority were not, and among those hanged were even those who were compliant.<sup>100</sup> Those warnings given by yielding pirates were often in line with moralistic concerns addressed in newspapers.

The hangings were a public display meant to enforce the power of the authorities to both the communities and the pirates themselves. The idea behind such acts was to instill terror in the people to breed compliance. Pirates were hanged under the flag of the Jolly Roger to act as warning to other pirates that a similar fate might befall them should they continue in their ways against the State. The bodies of the pirates were used as further spectacle, displayed as a horrifying reminder of the power of the authorities. Pirate Captain William Fly was hanged for his offences in 1726 and his body was then cut to pieces and paraded up and down the African coast to spread the word of his death and the death awaiting any other challengers to England’s authority.<sup>101</sup>

Pirates adopted similar terrorism tactics as they sought to send the authorities a message of their own. In fact, as Rediker explains, “in truth pirates had practiced terror from the beginning, before authorities had hanged any of them.”<sup>102</sup> For pirates, terror was part of the profession and a message they well understood. Pirate Captain Bartholomew Roberts and his crew took hostage the governor of Martinique when they overtook the French ship on which he was traveling. As a message to the authorities that Roberts and his crew were

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<sup>99</sup> Marcus Rediker, *Villains of All Nations*, 10.

<sup>100</sup> *Ibid.*

<sup>101</sup> *Ibid.*, 13.

<sup>102</sup> *Ibid.*

displeased with the pirate hangings in 1720, Roberts “hung the poor governor off his own yardarm.”<sup>103</sup> Through these actions we can see a type of solidarity among the pirates, one taking up for offences against the other, what Rediker calls “the brotherhood.” Though all the motivations for this type of defense is veiled and perhaps unknowable, the fact that one pirate crew supported and took action for another crew shows that pirates were aware and cared for more than the status of their own ship; perhaps there were even feelings of unity present.

Not every pirate was hanged; as mentioned before, some compliant pirates were reprieved from the noose. Pirate Captain Stede Bonnet, labeled the “Gentleman Pirate,” was upon his capture and judgment during his trial in Charleston South Carolina, offered the chance to turn privateer. The judge described Bonnet as a “Man of Letters and liberal education.”<sup>104</sup> Bonnet accepted and lived comfortably in Barbados for many years. However, Bonnet grew restless and took to the sea again, becoming a pirate off the coast of Virginia, eventually joining with Blackbeard. Bonnet was not so lucky the second time he was captured and was hanged in the gallows of Charleston, November of 1718.<sup>105</sup>

The legal denotations and actions taken against pirates are expressive of how pirates were viewed in an official capacity in the eyes of the State. The difference between privateer and pirate can at times seem blurred because they use the same tactics; however, the loyalties of the captain and crew to the nation are the defining factor in the difference between pirate and privateer. Though the pirates and State were opposed they used similar strategies of terrorism to send messages to one another and anyone else who would listen. This is

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<sup>103</sup> Marcus Rediker, *Villains of All Nations*, 13.

<sup>104</sup> David Cordlingly, *Under the Black Flag: The Romance and the Reality of Life Among the Pirates* (NY: Random House, 1995), 18.

<sup>105</sup> Marcus Rediker, *Villains of All Nations*, 3.

especially important as piracy reached its Golden Age and the State sought to crack down on piracy offenders. This elicited responses from pirates, such as Roberts, and as the Golden Age waned, piracy was waged more as an act of survival than as a means of acquiring riches, as we shall see in chapter two.

## CHAPTER TWO Transformation to the Golden Age

One of the defining features of the Golden Age of Piracy is that pirates attacked ships of all nations. It is also supported that the crew of a pirate ship was often composed of members of different nations of origin. But were pirates simply a compilation of the outcasts of other nations or were they able to create a separate identity? Yet again, piracy can only be defined within relation to other social and political structures. Kuhn argues that many elements of pirate culture and life must be studied before we can understand the relationship of the pirate community to those established communities in which the pirates interacted and lived, or perhaps just outside of.<sup>106</sup>

### *I. Jolly Roger*

Symbolic of the pirate community is the Jolly Roger or black flag. Unlike privateers before them, pirates did not sail under the flag of any nation and this emblem of the Jolly Roger was a warning to others that national loyalties would not save pirates' prey from being raided. Sailing under the Jolly Roger was an announcement that "the freebooters of the early eighteenth century said yes, we are criminals, we are pirates, we are that name."<sup>107</sup> Recognized by all nations as a symbol of piracy, the intention of sailing under the black flag can be summed up by the sentiments "[s]ail under it and you will die under it."<sup>108</sup> Historians have several theories about how the transnational symbol of the Jolly Roger got its name. One such theory is that the Jolly Roger is an English version of the *jolie rouge*, or pretty red, which was the red flag the French hoisted to announce battle.<sup>109</sup> Another theory is that it

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<sup>106</sup> Gabriel Kuhn, *Life Under the Jolly Roger*, 51.

<sup>107</sup> Marcus Rediker, *Villains of All Nations*, 168.

<sup>108</sup> *Ibid.*, 13.

<sup>109</sup> Gabriel Kuhn, *Life Under the Jolly Roger*, 94.

sprang from the term Old Roger, which was a name for the devil.<sup>110</sup> Whatever the origin of the name, the Jolly Roger was and has become an international symbol for piracy.

The Jolly Roger design was unique to each ship. Traditionally, the ensign was a black background with pictures representing death such as the well known skull and crossbones, often white or sometimes red was used to create the pictures. There were a variety of designs as each ship created its own flag, including the flag of Edward Teach (also known as Blackbeard) depicting a skeleton holding a spear pointed at a bleeding heart while in the other hand he is holding a glass in a toast to the devil. Calico Jack's flag, called the "Jack Rackham," pictures a skull with two swords crossed beneath it. The black flag was a uniting symbol of the pirate community, an acknowledgment of their operations outside the law, and "symbolized the pirates' lack of concern for their own mortality," while at the same time embodying the spirit of individuality through the variety and creativity of the designs.<sup>111</sup> Kuhn also explains that "we must not forget the symbolic significance of a free-roaming community under a non-nation-state flag, especially in like of the ever increasing regulations of migration and boarder control."<sup>112</sup>

Piracy is a complex situation through which scholars are allowed the study of people in a unique way. Pirates were not a group easily placed into identifying categories because often it was a trade and life style not born into but one of circumstance. This researcher believes the means to identifying the glue which holds these people together lies within the pirates' own sense of identity and nationalism. Whether it was a voluntary exertion of will on

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<sup>110</sup> Gabriel Kuhn, *Life Under the Jolly Roger*, 94.

<sup>111</sup> Chris Land, *Flying the Black Flag*, 177.

<sup>112</sup> Gabriel Kuhn, *Life Under the Jolly Roger*, 60.

the pirates' part or an uphill battle they faced against the culture of their upbringing as discussed in the introduction, remains to be seen.

## *II. Politics of the Old and New Worlds*

The first recorded use of piracy by England was under Edward I (1272-1307). The Crown responded to acts of piracy by allowing merchants to seize any ship and goods of a pirate who had victimized a merchant; this official eye-for-an-eye system was issued under "Commissions of Reprisal." In return for the Crown's permission to revenge wrongs done by pirates, the merchantmen gave a portion of the acquired pirate loot to the Crown.<sup>113</sup> This system became a profitable enterprise for those interested in hunting pirates and eventually the official documentation from the Crown was no longer necessary and so "the distinction between 'legal' privateering and 'illegal' piracy diminished."<sup>114</sup>

The Elizabethan era ushered in an age of State-utilized privateering on a scale before unheard. One major component of this was the rise in political tensions among European powers. Burgess explains that it was tensions with Spain in particular which marshaled in the new wave of officially sanctioned piracy.<sup>115</sup> England's trade was growing with the New World and the African and Asian continents, and as it grew, it encountered competition with the previously established trade and commerce with other European powers, in particular Spain. When Elizabeth took the throne, the country was in turmoil from the religious and political schism induced by the decisions of her predecessors. Elizabeth was a Protestant who inherited the throne from her Catholic half-sister Mary. The Spanish ruler Philip II sought to gain control over England and return it to a Catholic-led country. When at first his

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<sup>113</sup> Douglas R. Burgess, *The Pirates Pact*, 20.

<sup>114</sup> *Ibid.*, 20.

<sup>115</sup> *Ibid.*, 21.

attempts at a marriage alliance with Elizabeth failed, he turned to strategies to replace Elizabeth with a Catholic successor, Mary Stuart of Scotland.<sup>116</sup> As tensions grew between the two countries, England strengthened its military, and the English naval force showed unprecedented growth, including the additional growth of privateers and pirates.<sup>117</sup>

Privateers were officially sanctioned by the Crown. Their activities and the activities of the English Navy were often indistinguishable from each other. The utilization of privateers and pirate tactics was to the English's advantage—"Wily and commercially astute, as well as notoriously fierce and tremendously brave, pirate figures possess diverse cultural utility: when properly managed, they are highly serviceable tools in the formation of an English maritime and colonial empire."<sup>118</sup> The Spanish government became increasingly frustrated at the situation, especially the draining of resources from pirate attacks, and eventually the Spanish were forced to react to the attacks and go to war before they were prepared.<sup>119</sup> The use of the already strong force of seamen and pirates was a way for England to unofficially declare war, while at the same time pretending to be peaceful with the Spanish on the bureaucratic battle field; "[p]iracy was never expressly cited as a legitimate means of warfare; it simply became one through usage and circumstance."<sup>120</sup> Burgess explains: "[t]he Elizabethan era was not the first to produce a relationship between states and pirates. Yet never before had the welfare of the State depended in such great measure on the pirates activities."<sup>121</sup> This utilization of pirates and commissioned seamen set a trend in England's

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<sup>116</sup> Douglas R. Burgess, *The Pirates Pact*, 26.

<sup>117</sup> Ibid.

<sup>118</sup> Claire Jowitt, *The Culture of Piracy*, 2.

<sup>119</sup> Douglas R. Burgess, *The Pirates Pact*, 26.

<sup>120</sup> Ibid.

<sup>121</sup> Ibid.

sponsorship that would continue to grow and change, and influence the pirate community through the Golden Age.

It was evident that by the time of Queen Elizabeth's death in 1603 the war with Spain was severely taxing the country's resources and people. Elizabeth's successor, James I, sought to mend relations with Spain and bring England into peacetime. He was successful with the Treaty of London in 1604 which ended the war and also English privateering. Declarations of the cancelation of letters of marque were disseminated starting with "A Proclamation concerning Warlike ships at sea." The response to the first Proclamation was underwhelming and so a second proclamation was issued three months later, "A Proclamation to repress all Piracies and Depredations upon the Sea." Burgess explains: "The proclamations appeared almost yearly thereafter, an index both of James's resolve and its low currency among the English people."<sup>122</sup> The time of the privateer was waning.

### ***French Corsairs***<sup>123</sup>

England was not the only country with a tumultuous relationship with Spain. The French, too, shared in conflict with Spain in the political and religious arenas. The Protestant Reformation struck France with zealotry unmatched by even the movement in Germany. The beliefs of John Calvin, a French religious theologian and pastor, were the focus of the movement. Participants in this movement were called Huguenots by the 1560s. Huguenots were critical of the Catholic Church which caused tension with Catholic Spain. During this time, described in great detail by Angus Konstam in *Pirates*, the French-Spanish war was an ongoing tension over control of Italy (in which England allied with France in 1527). The

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<sup>122</sup> Douglas R. Burgess, *The Pirates Pact*, 29.

<sup>123</sup> The French word *corsairs* is derived from the term *la course* meaning "a cruise." Angus Konstam, *Pirates*, 44.

Treaty of Cateau-Cambresis, signed in 1559, ended the 65 year long French-Spanish war (1494-1559); however, a clause in the treaty stated “West of the prime meridian . . . violence by either party to the other side shall not be regarded as a contravention of the treaties.”<sup>124</sup>

The valuable resources of the New World were not protected by the treaty. West of the prime meridian lay lands where the treaties of the European powers dare not stretch. This lack of treaty was an advantage of the European powers. The resources offered by virtue of trade were invaluable and whoever was strong enough to secure these resources benefited from them. However, closer to home, the letters of marque ceased to be issued to the corsairs.<sup>125</sup>

After the Treaty of Cateau-Cambresis, France fell into a series of civil conflicts known as the French Wars of Religion (1562-1598). The wars of religion compounded with peace with Spain held great consequence for the corsairs; “the growing religious war in France meant that former privateers . . . became enmeshed in their homegrown religious struggle and let the Spanish alone . . . it also meant that when the French Protestants (Huguenots) suffered a string of reverses and were driven from their homes, groups of exiles elected to establish settlements of their own in the New World.”<sup>126</sup> Huguenot movements existed outside of France and influenced French interactions in the New World.<sup>127</sup>

The heyday of privateering was the mid-sixteenth century; however, though the practice waned it did not wither away completely. Predecessors of these times would make similar pacts and similar rewards and risks would be gained. In the America’s, the practice took on a life of its own: “as the Isles developed their first successful colonies in the New World and installed permanent governments therein, the pattern of sponsorship would be

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<sup>124</sup> Angus Konstam, *Pirates*, 47.

<sup>125</sup> *Ibid.*, 48.

<sup>126</sup> *Ibid.*

<sup>127</sup> *Ibid.*

transposed from the epicenter of outposts, taken from the hands of the monarch and placed in the hands of the royal governors.”<sup>128</sup>

America was a land of possibilities. Fortune awaited in the new resource. Spain had started their investments in the New World upon Columbus’s voyage on October 12, 1492.<sup>129</sup> “When Drake had made his first raid in the Caribbean, the Spanish had been sending gold and silver back to Europe for nearly fifty years.”<sup>130</sup> By 1502 a colony had been established on the island of Hispaniola, and another on the Balboa near Panama.<sup>131</sup> Cortes’ expedition in 1519 opened the Europeans’ eyes to the bounty of Silver and Gold which lay in the Aztec land, eventually to become New Spain, with the invasion by Cortes and his men.<sup>132</sup>

### ***III. Temptation and Confrontation***

With all this new-found precious metal, a tender of simple silver coins became the currency of the New World called “pieces of eight.”<sup>133</sup> These coins were “[s]hipped back to Spain in huge quantities to finance the operations of the ever-growing Spanish Empire, and became the common currency for trading in South and Central America and the West Indies.”<sup>134</sup> These coins were imprinted with the Spanish coat of arms on one side and on the other a picture of the twin pillars of Hercules, which symbolized the Strait of Gibraltar. David Cordingly explains in *Under the Black Flag*, that later designs would “feature the two hemispheres representing the Old and New World” between the two pillars.<sup>135</sup> This design

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<sup>128</sup> Douglas R. Burgess, *The Pirate’s Pact*, 28.

<sup>129</sup> David Cordingly, *Under the Black Flag*, 31.

<sup>130</sup> *Ibid.*

<sup>131</sup> *Ibid.*, 32.

<sup>132</sup> *Ibid.*, 34.

<sup>133</sup> In 1644 one piece of eight was the equivalent of about £15 or \$23 today. David Cordingly, *Under the Black Flag*, 36.

<sup>134</sup> David Cordingly, *Under the Black Flag*, 35.

<sup>135</sup> *Ibid.*, 36.

was so well recognized that it transformed into the dollar sign used in today's United States currency.<sup>136</sup> Fittingly, between the Old World and the New were the pirates, a profession which dates back to when people first took to the seas, and a profession that was evolving with the times as Europeans battled for supremacy over the New World.

The defense of this wealth was of great concern to Spain. James and Sarah Kaserman explain in *Florida Pirates*, that the Spanish government instilled a twenty percent tax on all goods carried between the New World and Spain.<sup>137</sup> “This tax was called the *quinto real*, or royal fifth, and was important income to Spain as it fought nationalistic and religious wars in Europe.”<sup>138</sup> On advisement from Pedro Menendez de Aviles, King Philip II established a *flota* system, in which five treasure fleets would follow two transatlantic trade routes.

The wealth flowing between the New World and Spain caught the attention of the rest of Europe when French corsairs happened across three Spanish ships burdened with a heavy load of New World wealth. Jean Fleury, a French privateer, captured two of the ships in 1523 and reported their findings back to the French King, Francis I.<sup>139</sup> The French were quick to act on this new information and by 1525 French corsairs were patrolling Spanish and Portuguese waters and crossing into the Spanish Main, the area of the Caribbean basin and Gulf of Mexico. For the next forty years, French privateers and pirates were the Spanish's greatest harassers on the seas. The English would soon follow; however, they lacked the naval force to respond as quickly as the French had.

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<sup>136</sup> David Cordingly, *Under the Black Flag*, 36.

<sup>137</sup> James Kaserman and Sarah Kaserman, *Florida Pirates: From the Southern Gulf Coast to the Keys and Beyond* (Charleston, SC: The History Press, 2011), 22.

<sup>138</sup> *Ibid.*

<sup>139</sup> David Cordingly, *Under the Black Flag*, 36.

One successful corsair attacked several coastal towns on Hispaniola, Cuba, and Puerto Rico. They called him Pegleg, but his real name was Francois le Clerc.<sup>140</sup> Le Clerc did have a pegleg, and a pegleg would eventually become part of pirate lore and a popular pirate icon.<sup>141</sup> When Pegleg returned back to France with his loot in tow, he left a small band of privateers behind to continue with their plundering. This lot of three privateers was led by a fellow named Jacques de Sores. De Sores continued with Pegleg's raiding of the Caribbean and descended upon Havana, Cuba, with a vengeance. De Sores introduced a sectarian element to the corsair attacks.

The Spanish American trade regulations were strict until the late eighteenth century. Trade with other nations, especially the English, was strictly forbidden because Spain wished to create an monopoly over the wealth of its colonies. All trade agreements had to go through Spain herself.<sup>142</sup> However, the Spanish colonists were in a constant deficit of goods from Europe, and trade with foreign nations was commonplace, albeit illegal; "this exclusive trading agreement soon became an obvious irritant to the other European countries, and in France and England privateers were sent out to claim some of the treasure. The pirates and privateers of other nations soon followed."<sup>143</sup> From the Florida coast to the modern day Caribbean, Spanish America was a temptation for the likes of pirates.

Privateering accounts were recorded by the Admiralty Court when there was a contestation of the legality of a ship's seizure. Here is one such account of English privateer Philip Dumaresq and the Amsterdam Post:

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<sup>140</sup> Angus Konstam, *Pirates*, 47.

<sup>141</sup> James Kaserman and Sarah Kaserman, *Florida Pirates*, 22.

<sup>142</sup> John Harland, *Seamanship in the Age of Sail: An Account of the Shiphandling of the Sailing Man-of-War 1600-1860* (London, 1984), 4.

<sup>143</sup> James Kaserman and Sarah Kaserman, *Florida Pirates*, 21.

Whereas on the 23<sup>rd</sup> of Octob's last his Majesty Caused Publick Proclamation to be made of an Open War with the King of Spain, requiring all his officers and Soldiers to do all Acts of Hostility in prosecution of this War against the King of Spain, his Vassals and subjects, and afterwards on the 15<sup>th</sup> of January last [1740] the said Philip Commander of the sloop aforesaid [the Young Eagle of Boston], and her men, being duly Commissioned with Letters of Marque and Reprisals against the King of Spain . . . to attack, Seize, Take and make Prize of their Ships, Vessells and Goods met with the Sloop Amsterdam Post about three or four Leagues off the Grand Canary Island . . . man'd with British Subjects and furnished with various Papers and Evidences to make her seem to be either an English or Dutch Sloop,<sup>144</sup> as might best suit the occasion, and upon Examination finding that she was the Property of certain Subjects of the King of Spain . . . He the said Philip therefore Seized and Took the said Sloop Amsterdam Post.<sup>145</sup>

This account is interesting in that it shows the deceptions some ships took part in to disguise their trade and avoid confrontation. The nationality of a ship could save it from looting or could attract pirate and privateer attacks. The Spanish were not unaware that their trade ships would catch the attention of these highwaymen of the seas and so they carried two types of papers, one Spanish and one Dutch. One documentation or the other would be shown to a commandeering party, depending on whether the attackers were Spanish or English. This instance also shows the legality of English privateering and the declaration of war against Spain.

Spanish America was in the spotlight of the western world. The Spanish, aware now that their claim to resources in the New World was only as strong as their ability to defend that claim, built a fort called St. Augustine, along the northern Florida Atlantic coast. St. Augustine was in a prime location to defend Spanish trade routes between Colonial Spain and Spain. However, the location also made it a prime target for attack of which St. Augustine sustained numerous pirate assaults.

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<sup>144</sup> The Dutch at this time were a neutral party.

<sup>145</sup> John Franklin Jameson, ed., *Privateering and Piracy in the Colonial Period- Illustrative Documents* (NY: Macmillan Company, 1923), 300.

Just as St. Augustine was a prime location for the Spanish traders, it was attractive to pirates as a location to disrupt those trade routes and enjoy some of the wealth that floated by frequently. Pirates were a devious lot, and their intention was almost always to loot with as little engagement as possible. Their tactics were those of ruses and trickery. In May of 1668, the English pirate Robert Searles sailed a captured Spanish supply ship into St. Augustine as a Trojan horse. The ship had been on its way from Mexico to Florida when it was commandeered by Searles and his men off the coast of Cuba. Aboard the Spanish supply ship was a French doctor by the name of Pedro Piques. Piques had been working at St. Augustine when he had an argument with the governor, which led to the governor slapping Piques. Piques, disgruntled by the situation, imparted information to Searles about St. Augustine and suggested ways in which the colony could be attacked. Searles sailed the Spanish ship into the harbor, and the captured Spanish crew participated in the ruse, pretending that they were simply a trade ship. The Spanish guard ship signaled with two shots that the ship was friendly and the townspeople of St. Augustine relaxed and went about their business. As the guards entered the Searles's captured ship, they were captured themselves. All-the-while a second pirate ship lurked behind a bend until midnight fell and Searles gave the signal. The pirates approached the sleeping town in four rowboats when an off-duty soldier, who was fishing, saw them. The man alerted the guards at the fort. Still, once upon land the pirates attacked anyone who got in their way and pillaged shops and homes. The pirates curiously left building and homes standing—which led the Spanish to fear post-attack that the pirates planned on returning. Kevin McCarthy describes in *Twenty Florida Pirate*: “In the end, some 60 Spaniards, nearly one-fourth of the total Spanish population of Florida, died in the attack.”<sup>146</sup> This attack sent a message to Spain that one of their flagship colonies was

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<sup>146</sup> Kevin M. McCarthy, *Twenty Florida Pirates* (Pineapple Press, 1994), 24.

vulnerable, though it took nearly six months for news of the pirate attack on St. Augustine to reach Spain. When this attack on St. Augustine reached the Caribbean, the news caused fear in the Spanish Caribbean residents who then demanded from Spain more money for defenses. It was this attack which led to Spain financing the massive stone fort, the Castillo de San Marcos, in 1672 which still exists in St. Augustine today.

#### *IV. Buccaneers and the Golden Age*

Though pirates might not have had a legally recognized land to call their own, during the Golden Age of Piracy they did agglomerate along the coast of North America, with much pirate activity along the coast of Florida and in the Caribbean. This focus of pirate activity is not mysterious. The Gulf Stream, has played a great role in the creation and location of trade routes, especially those of Spain. The Gulf Stream is a powerful current that originates in the Gulf of Mexico and runs along the Atlantic Florida coast northward until it reaches North Carolina, where it turns and begins its journey across the Atlantic towards Spain.<sup>147</sup> Pirates are opportunistic and this abundance of maritime trade activity attracted their attention. The coast of what is today the Southeastern United States provided small islands and inlets, which are conducive to the pirate's raiding techniques as they offered many places to hide.

Pirates in the colonies were a different breed, with a new name, buccaneers. Benerson Little elucidates: “[a]lthough these rovers call themselves ‘privateers’ to distinguish themselves from common pirates, their preferred term is ‘buccaneers.’”<sup>148</sup> It is thought that the term is derived from the French Hispaniola word “boucan,” a cooking device for smoking

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<sup>147</sup>Joanna Gyory, Arthur J. Mariano, Edward H. Ryan. “The Gulf Stream,” Ocean Surface Currents. <http://oceancurrents.rsmas.miami.edu/atlantic/gulf-stream.html>.

<sup>148</sup> Benderson, Little. *The Sea Rovers Practice: Pirate Tactics and Techniques, 1630-1730* (Canada: Potomac Books, 2007), 4.

meat.<sup>149</sup> As Kaserman explains, “[t]he men using this method, who lived off the wild herds of cattle in Hispaniola, were often lawless adventurers who originally became known as “boucaniers.”<sup>150</sup> The term buccaneer is often synonymous with pirate today; however, the term implies a geographic commonality. The buccaneers preyed upon the Spanish Main and were less commonly accustomed to traversing the Atlantic, with their interests lying along the coast of their new home. Composed of colonists, runaway slaves, deserters, escaped criminals, and religious refugees, the buccaneers were a motley group and many were the epitome of deep-sea marauders.<sup>151</sup> Most made their home and trade on the island of Tortuga, and in addition to calling themselves buccaneers, they also called themselves the Brethren of the Coast.<sup>152</sup> As Konstam points out, by the 1640s the maritime pirates or buccaneers, and the native boucaniers merged into one collective identity.<sup>153</sup> Since buccaneers were often limited to the Americas their contact with the crown was funneled through the governors; because of this, message of treaties and war updates were often delayed.<sup>154</sup> In the 1680s, the buccaneers all but vanished as authorities cracked down on pirating activities in the area because of peace treaties signed between the European countries.

The Florida coast was attractive to the buccaneers and pirates mainly because of the immense amount of trade floating around the waters. Spanish silver, European goods and spices, and colonial goods of sugar cane and rum converged in the Caribbean. “Spanish fleets brought the wealth of the New World to Spain in the form of gold, gems, spices, and exotic goods. In the 300 years of the colonial era it is estimated that they carried between 600-800 billion

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<sup>149</sup> James Kaserman and Sarah Kasernan, *Florida Pirates*, 43.

<sup>150</sup> *Ibid.*

<sup>151</sup> David Cordingly, *Under the Black Flag* 39.

<sup>152</sup> Angus Konstam, *Pirates*, 105.

<sup>153</sup> *Ibid.*

<sup>154</sup> *Ibid.*, 108.

dollars worth of treasure.”<sup>155</sup> The coastal islands, additionally, created a haven for pirates to take refuge in and hide their ships for attack. Not the least of the important trade in these waters was the transatlantic slave trade.

English privateer John Hawkins started as an influential slave trader. His original intention was to assert himself, and the English, into the Spanish trade monopoly of the Spanish Main. His first voyage was in 1562 with a cargo of 300 slaves from West Africa, which Hawkins intended to sell to the Spanish plantation owners in Hispaniola.<sup>156</sup> Labor was in short supply and the demand for New World resources continued to rise. The transaction was successful and Hawkins returned to England a wealthy man. The queen sought to benefit from Hawkins success and backed a second slave trade expedition, allowing Hawkins the use of a 700-ton royal warship, the *Jesus of Lubeck*.<sup>157</sup> Hawkins second expedition did not lead to a smooth transaction and he and his human cargo were turned away from the island of Margarita. Hawkins sold part of his cargo to the colony at Rio de la Hacha; however, the transaction was under duress from Hawkins as he had to threaten to turn his guns on the port if they would not be amiable and trade with him.<sup>158</sup> Though his actions invoked a complaint from the Spanish Ambassador to Elizabeth, Hawkins continued in his trading business with the Queen’s backing: “Hawkins had proved that . . . a well-armed expedition could break the Spanish monopoly of trade in the Spanish Main.”<sup>159</sup>

The unfortunate disaster of a hurricane struck Hawkins and his ships off the coast of Cuba. Hawkins was forced to turn to Vera Cruze, Mexico, to repair his fleet. Fearing the

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<sup>155</sup>National Park Service, *Castillo De San Marcos: History and Culture*.  
<http://www.nps.gov/casa/historyculture/index.htm>.

<sup>156</sup> Angus Konstam, *Pirates*, 50.

<sup>157</sup> *Ibid.*

<sup>158</sup> *Ibid.*, 51.

<sup>159</sup> *Ibid.*

Spaniards would not allow him and his men access to their port, Hawkins flew under the Spanish flag and deceived the garrison before they could react. The seamen had hoped to repair their ships without contest; however a Spanish *flota* arrived two days after their invasion. A truce was called, but the new governor of New Spain was not happy with the arrangement and set a surprise attack on Hawkins and his men. The English hastily retreated in partially repaired ships with little to no provisions, causing many men to die. “The expedition had ended in complete disaster, but it awoke in Hawkins and Drake a burning hatred of the Spanish, whom they viewed as breaking their word.”<sup>160</sup>

Hawkins and Drake made history, as national heroes to the English and exasperating pirates to the Spanish. Nevertheless, Hawkins pioneered a slave trade network that would have a huge impact on the business and piracy of the New World. Hawkins documented his voyages in *An Alliance to Raid for Slaves*.<sup>161</sup> The triangular trade started in England where ships laden with goods left for Africa, European goods were then used in exchange for slaves. Ships with human cargo would then travel the Middle Passage, the leg of the journey from Africa to the Americas. Once slaves were unloaded in the Americas, the ships were then filled with sugar, tobacco, cotton, rum and other such commodities and sent back to England.

The Middle Passage was a harsh journey, for slaves and slavers alike. Whereas African slave deaths were around fifteen percent, crew member deaths were as high as thirty percent. The death of a slave was the loss of a profit, but the crew members had no such monetary protection, and it is speculated that the death of a crew member would equate to

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<sup>160</sup> Angus Konstam, *Pirates*, 52.

<sup>161</sup> John Hawkins, *An Alliance to Raid for Slaves*, (1567).

saving money. These conditions encouraged disgruntled participants to turn pirate. Additionally, the occupations of privateering and slaving were similar, especially in the Americas “and the same kind of vessel was found to be suitable for both kinds of activities.”<sup>162</sup>

When a pirate ship attacked another vessel, it was customary for the crew of the losing ship to be offered a place among the pirates. In this way, many men turned pirate and perpetuated the piracy profession. Those who did not agree to turn pirate were forced to assist the pirates, killed, or marooned.

Where the buccaneers left off in the 1680s is what, to many historians, is the start of the Golden Age of Piracy. Following the age of the buccaneers, the European nations cracked down on their privateers, gaining control and authority over their actions. The French governor of Saint Dominique (now Haiti) was not as successful in gaining control over the buccaneers right away but by the end of the War of the League of Augsburg (1688-1697) all piracy in the area was controlled by one nation or another under the title of privateering.<sup>163</sup> When the War of Spanish Succession (also known as Queen Anne’s War) started in 1701, European nations were able to pull upon the privateering forces in the Caribbean.<sup>164</sup> Involved in the War of Spanish Succession were England, Spain and Holland against France. England and France used the privateering force the most in the Caribbean; however, the privateering trade was booming for all countries involved during this time. The profession grew as more letters of marque were issued. The turning point came in April of 1713 when the Treaty of

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<sup>162</sup> Edward Lucie-Smith, *Outcasts of the Sea*, 219.

<sup>163</sup> Angus Konstam, *Pirates*, 151.

<sup>164</sup> *Ibid.*

Utrecht was signed declaring peace between Britain and France.<sup>165</sup> This treaty greatly impacted the privateering profession as now letters of marque were being canceled and the privateers, as many as 6000 of them, were now unemployed.<sup>166</sup> Certain of these former privateers found employment with merchantmen selling goods between ports—others turned pirate.

A few of the former privateers were still loyal to their former country of employment and hunted only ships from other countries; however, some pirates had no such reservations and attacked any ship regardless of country. These sea robbers mark a transformation of piracy. Gone was the loyalty that colored previous centuries of pirate and privateer activity. As pointed out before, although major pirate activity collected along the coast of the Americas, Golden Age pirates also set sail for the African and Indian coasts.<sup>167</sup> Pirates were attracted to areas where there was little government authority. This versatility in location is also a characteristic exceptional to the Golden Age of Piracy. The booty available to pirates for capture had evolved as well. Gone were the coin laden ships of the Spanish Main, instead replaced by goods in the triangular trade: spices, sugar, rum, slaves.<sup>168</sup>

In the time period of the Golden Age there were approximately twenty to thirty notorious pirates including Blackbeard, Calico Jack, and Stede Bonnet.<sup>169</sup> These notorious pirates were hunted and made examples by authorities when they were captured. Their lack of loyalty for their native country made them particularly wanted men as they made a statement against (intentional or not) the authorities by turning pirate.

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<sup>165</sup> Angus Konstam, *Pirates*, 152.

<sup>166</sup> *Ibid.*

<sup>167</sup> *Ibid.*, 153.

<sup>168</sup> *Ibid.*, 154.

<sup>169</sup> *Ibid.*, 153.

Perhaps the most famous and feared pirate of the Golden Age was Bartholomew Roberts or “Black Bart,” called the “Great Pyrate” by his contemporaries. Roberts had a fruitful, though short, run as elected Captain aboard a pirate ship. His career as a pirate lasted from 1718 until 1722. According to Konstam, a newspaper dated July 1721 reported that Roberts had given himself the title of Admiral of the Leeward Isles. Roberts’s crew was composed from a variety of different ethnic groups and nationalities of origin. One source states Roberts’ ships were manned by 152 men, 52 of which were of African descent. Another source quotes “[a] considerable number of the men on pirate ships were black. Christian Tranquebar was on a ship attacked by two vessels commanded by Bartholomew Roberts in 1721 and reported that Roberts’ ship was manned by 180 white men and 48 French Creole blacks; his consort (companion ship), a brigantine, was manned by 100 white men and 40 French blacks.”<sup>170</sup> Whatever the composition of the crew, they all fell under the authority of the Pirates Code. The idea of the “Pirates Code” was popularized by this era through it blossomed from the buccaneers’ time. The most famous code, drawn up in 1721, is that of Roberts. Roberts’s code outlines guidelines by which all members of the crew abided.<sup>171</sup> Record of this code is found in *A General History of Pyrates* by Captain Charles Johnson. The egalitarian fraternity of the pirate crew is enhanced by documents such as the Code. The pirate captain was elected by the crew members. This authority was limited to fighting, chasing and being chased; in all other matters decisions were based upon majority rule.<sup>172</sup>

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<sup>170</sup> David Cordingly, *Under the Black Flag*, 15.

<sup>171</sup> See Appendix A

<sup>172</sup> Marcus Rediker, *Villains of All Nations*, 65.

Roberts's last stand, in 1722, was against a British warship commanded by Captain Challoner Ogle. Roberts was killed in battle and his crew was captured. Those pirates of African descent were sold to slave traders and all other crew members were tried for their crimes.<sup>173</sup> The death of Bartholomew Roberts is generally recognized as the end of the Golden Age of Piracy. Though there were some pirates that continued after Roberts, none would be as successful or gain such a reputation as Roberts or any of the Golden Age pirates that hunted the seas between the 1680s and 1722. By 1720 the sun was setting on the Golden Age of Piracy and the purpose behind pirating shifted from the amassing of wealth to the "perpetuation of a 'life of liberty.'"<sup>174</sup>

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<sup>173</sup> Angus Konstam, *Pirates*, 244.

<sup>174</sup> Marcus Rediker, *Villains of All Nations*, 37.

### CHAPTER THREE

#### Primary Source Documentation and Interpretation

Though the Atlantic perspective yields a new lens to view the developments, as communities and nations form alliances and clash over the high seas and surrounding communities, studying peoples from this perspective does offer some challenges to historians. Record keeping practices in the seaside communities of colonies and Europe, as well as those of the nation-states are varied, especially on board the ships themselves. Pirates were not keen on keeping thorough records of their escapades and captures, and neither were those in positions of power who aided the pirates; “[b]ecause the governors were understandably reluctant to display their pirate dealings in public, the majority of the surviving sources come only from scandals and trials, when the issue was forcibly thrust into the light of publicity.”<sup>175</sup>

One instance of an individual cooperating with pirates involved the Governor of Jamaica, Lord Archibald Hamilton. In 1717 Hamilton was accused of encouraging pirate activities against Spanish and French ships, which, at that time, was against a peace treaty England had entered into with the two countries. The elements of the trial were recorded in a book published in 1717 entitled *Articles exhibited against Lord Archibald Hamilton, late governour of Jamaica: with sundry depositions and proofs relating to the same*. These Articles explained that:

The said Lord *Archibald Hamilton* having encouraged, during the time of his Government, piratical Hostilities upon the Subjects of *France* and *Spain* in open Violation of the Publick Treaties between those Nations; the People thought themselves obliged, not only for the Security of the Commerce, which was thus interrupted, but in Duty to his Majesty, to represent to him the Governour's illegal Behaviour; that the mutual good Understanding between

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<sup>175</sup> Douglas R. Burgess, *The Pirates Pact*, xv.

his Majesty and the Crowns of *France* and *Spain* might be preserved, and the Subjects of each be made safe and easy in their Trade.<sup>176</sup>

Evidence never amounted to Hamilton's conviction, and Hamilton later went on to hold several other offices of authority including being a member of the Lord Commissioner of the Admiralty 1729-1738.<sup>177</sup> However, not all pirate associates were as fortunate as Hamilton. Understandably, records were not kept in great detail of the dealings with pirates, or those that were, were not kept beyond their necessity.

There are few primary sources made by pirates or those who dealt illegally with pirates which have survived for scholars today. Marcus Rediker applies the old proverb "[a] rolling stone gathers no moss," to the pirate community. Because pirates were always on the move they lacked a fixed geographic location and lacked the material accompaniments that usually evolve from locality stability, namely documents and affects.<sup>178</sup> Without land pirates lacked a fixed location away from the perils of the ever moving ocean in which to store records. Additionally, pirates as a whole did not have an established record keeping system. What records were created by pirates were often discarded after they had met their usefulness because records were dangerous evidence of the pirate's activities should they be caught by the authorities.

With a lacking written tradition, pirate culture and memory was passed down mainly through oral and visual traditions. Memory is stored within the collective and the collective of the pirates was short lived after the Golden Age of Piracy and the disbandment of the

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<sup>176</sup> Articles exhibited against Lord Archibald Hamilton, Late Governor of Jamaica, with Sundry Depositions and Proofs Relating to the Claim, London, 1717. Accessed through <http://lcweb2.loc.gov/service/lawlib/law0001/2010/20100017090414A/20100017090414A.pdf>

<sup>177</sup> J.C. Sainty, "Lord High Admiral and Commissioners of the Admiralty 1660-1870," Office-Holders in Modern Britain: Volume 4: Admiralty Officials 1660-1870, British History Online, <http://www.british-history.ac.uk/report.aspx?compid=16652>, 18-31.

<sup>178</sup> Marcus Rediker, *Villains of All Nations*, 51.

profession by political authorities' regulation and strict punishment for piracy crimes. The pirate's oral tradition of ballads and storytelling was lost when the pirate community dissipated and record of the information contained in these oral traditions has been lost. To regain what small bit of this information they can, historians must look to other collectives for records of pirates. It is through the pirates interactions with these other collectives—Europeans, colonists, native peoples—that record, stories, and the visual culture of pirates have been preserved. Additionally, the visual culture of the pirates and buccaneers, the pirate ship hunting in the coastal waters under the black flag, are elements of the pirate experience which depend upon accounts of these encounters by peoples other than pirates, in records such as, traveler's journals or letters.

Perhaps the most common documentation of pirates are trial records, kept and cared for by government officials, either European or colonial. To name a few, the Library of Congress has worked to compile and digitize a collection of pre-1923 piracy trials, some of which were mentioned in previous chapters, and the National Maritime Museum in London is an indispensable wealth of information about English piracy and privateering. On both sides of the Atlantic pirates' encounters with the authorities have been documented. Through trial records and resources saved by the authorities, these archives are available to provide valuable and important information about pirate happenings, the perspectives of colonists and the State, and the interaction between Government and pirates post-capture. However, there are few surviving sources created by pirates and the expansive geographical area patrolled by them has caused record of their activities to be preserved in many locations on either side of the Atlantic.

Of those records created by authorities, historians encounter the problem of one-sided perspectives, while “the voice of the pirates is silent whilst only those who sat in judgment over them are able to speak.”<sup>179</sup> Often, pirate trials and executions were to serve a greater purpose than simply to punish those being tried. They were produced to send a message to other pirates to warn them of what would happen if they continued to break the law and, additionally, to reassure the merchant community that law and order were being enforced and their concerns heard. This can be seen by the media coverage of Captain Lowry’s trial; regularly pirates’ punishments were used to reaffirm the religious messages of morality.<sup>180</sup> The trials also served as a form of entertainment. Burgess notes that in the late seventeenth century there is a marked change in the court reporting of piracy trials, “[p]reviously, chroniclers were content to provide a brief summary of the charges, the evidence brought against the accused, and the verdict . . . Yet by the early eighteenth century entire trials were being reported, complete with dialogue. The trial becomes in printed form more like a play.”<sup>181</sup>

Because authorities were often the official record creator and preserver, there can be a lack of representation of native peoples’ interactions with pirates. Some clues can be gathered from pirate biographies as well as colonial records, but few accounts exist from the perspective of the natives, and few are the records of pre-European introduction. Most pre-European evidence of Caribbean communities has been gathered from archeological excavation and anthropological research. According to anthropologist Irving Rouse, the Caribbean native peoples who most likely had dealings with pirates and buccaneers were the

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<sup>179</sup> Chris Land, *Flying the Black Flag*, 180.

<sup>180</sup> Hans Turley, *Rum, Sodomy, and the Lash*, 45.

<sup>181</sup> Douglas R. Burgess, *The Pirates Pact*, 149.

Caribs. The impact of these interactions is difficult to gauge. It has been speculated that in response to colonial threat, the Caribs developed buccaneer-like tactics of piracy, conducting raids and utilizing canoes; however, whether these strategies are a result of the pirate-Carib interaction, or whether the Caribs' tactics preceded the interaction, there is a lack of sufficient evidence to determine whether it was a result of pirate influence.<sup>182</sup>

Pirates did not keep many records in part because records could later be used as evidence should the pirate be caught and tried, and in part because the literacy rate among pirates was relatively low.<sup>183</sup> Of those few surviving sources, there is speculation about what is fact and what is fiction. This is mainly because of the trend of writing for popular audiences. Kuhn sums up the dilemma this poses for scholarly endeavors: “[g]iven the lack of historical sources, the danger of romanticization is indeed imminent.”<sup>184</sup> The fewer the resources available for scholarly investigation the more likely people are to fill in the gaps with educated guesswork and perhaps a little romanticization.

### *I. Fact or Fiction? Piracy in Literature*

Most primary accounts from pirates, at least those that seem authentic, are few and far between. The basis for most recorded knowledge of what life was actually like for these men (and perhaps a few women) is limited to a few surviving accounts, namely Alexander Oliver Exquemelin's *The Buccaneers of America*, and Captain Charles Johnson's *A General History of the Pyrates*. Exquemelin was a French doctor working for the French West India Company, who turned pirate upon being granted his freedom from the Company—“I

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<sup>182</sup> Gabriel Kuhn, *Life Under the Jolly Roger*, 47, 48.

<sup>183</sup> Chris Land, *Flying the Black Flag*, 173.

<sup>184</sup> Gabriel Kuhn, *Life Under the Jolly Roger*, 3.

determined to enter into the wicked order of the Pirates, or Robbers at Sea.”<sup>185</sup> He presents his work as a “true account” and he was “[o]ne of the Buccaneers who was present at those tragedies.”<sup>186</sup> However, Exquemelin tells his tale with similar manner as that of the emerging novel of the time. This is in part because Exquemelin was writing for a popular audience.<sup>187</sup> *The Buccaneers of America*, originally published in 1678, was instantly popular in Holland and was quickly distributed in many languages. Pirates were of interest to people from multiple nation-states, and first-hand accounts such as Exquemelin’s were in high demand. This valuable resource still has led historians to debate which parts should be considered authentic accounts and which should be considered exaggerations.<sup>188</sup> Historian Edward Lucie-Smith says of Exquemelin, “he is a prejudiced and not always accurate historian.”<sup>189</sup>

One important fact may be derived from Exquemelin’s account, and that is that the word “nation” is used throughout the text, at least twenty-five times. This can tell us much about the time period Exquemelin was writing in; nation was a common term used in multiple accounts of interactions with peoples. As Exquemelin describes one native people he encountered in the Caribbean he states: “They [Indians] are in all but a small nation, whose number does not exceed sixteen or seventeen hundred persons.”<sup>190</sup> Not only is the word nation used, but it is used to describe the nature of the origin of the pirate—“But the Frenchmen . . . separated from their company, leaving Captain Morgan [a pirate] alone with those of his own nation . . . .” Captain Morgan was an English privateer of Welsh decent

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<sup>185</sup> Alexander O. Exquemelin, *The Buccaneers of America: A True Account of the Most Remarkable Assaults Committed* (Amsterdam, 1678), 19.

<sup>186</sup> *Ibid.*

<sup>187</sup> Edward Lucie-Smith, *Outcasts of the Sea*, 20.

<sup>188</sup> Richard Frohock, “Exquemelin’s: Violence, Authority, and the Word in Early Caribbean History, Eighteenth Century Life,” 2010. Vol 34. No 1. Abstract. <http://ecl.dukejournals.org/content/34/1/56.abstract>

<sup>189</sup> Edward Lucie-Smith, *Outcasts of the Sea*, 20.

<sup>190</sup> Alexander O. Exquemelin, *The Buccaneers of America*, 250. The word “Indian” was inserted because that is the term which Exquemelin uses when referring to these native peoples.

turned pirate with the signing of the Treaty of Madrid in 1670 which eased tensions between the two countries regarding control of the Caribbean. Morgan turned pirate once privateering commissions were revoked. This passing remark by Exquemelin, “*his own nation,*” can lend insight into how the pirates’ nationalities were viewed by the contemporaries. Exquemelin does not delve into his logic behind the use of the phrase, most likely because it was a common application of the reasoning of the time. To Exquemelin, it stands to reason the pirate Captain Morgan was English based upon his upbringing, language, and past contractual ties with England. The fact that Morgan, at this point, had gone rogue and was functioning of his own accord did not change Exquemelin’s opinion that Morgan was English.

Historians face similar obstacles when examining Captain Charles Johnson’s work. It was discovered that Captain Charles Johnson was one of many pen names for renowned author Daniel Defoe.<sup>191</sup> Defoe was a contemporary of the Golden Age of Piracy and, like Exquemelin, it has been debated among historians as to which portions of *A General History of the Pyrates* are fact and which are embellishments of Defoe’s creation, or perhaps fictional stories which were fabricated elsewhere and Defoe took them to be truth. Defoe certainly uses the book to comment on society and express his views. Lucie-Smith explains that Defoe’s work surpasses the simple “fact versus fiction” debate within the text. Defoe was writing, much like Exquemelin, in response to a demand and for an audience: “. . . Defoe was always exceptionally sensitive to the currents of popular feelings and popular opinion. In choosing to write a book about pirates he acted in response to a demand which he was certain

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<sup>191</sup> Some historians still debate whether Captain Charles Johnson was a pseudonym for Daniel Defoe, such as Angus Konstam in *Pirates*, 109.

existed.”<sup>192</sup> This demand can tell historians more about the society Defoe was writing for at the time and demonstrates that there was a popular interest in pirates. Defoe’s purpose was to fulfill the demand for more information about pirates, as well as to comment on society. However, the commentary and the factual evidence are convoluted because of Defoe’s style. Just as his pen name led people to believe the book was written by a Captain, so too the way information is presented in the text has led historians to questions where the fact ends and the commentary, through either stories or “quotes” of characters, begins.

Perhaps a prime example of this conundrum is the much debated pirate republic of Libertalia founded by Captain Mission and fellow pirate and priest Carraccioli. In this pirate republic, all men were considered equal, with equal rights. Some historians accepted Libertalia as fact, while others have questioned the validity of the story; Chris Land declares, “accounts, such as that of Captain Mission, . . . are almost certainly fictional.”<sup>193</sup> It is difficult to either prove or disprove whether the settlement actually existed. This is in part because outside of the pages of *The General History* there is little evidence which today’s scholars have access to, which support any claim of truth to the pirate republic. Still some historians are keen to accept Libertalia because Defoe had access to documents and other sources lost to scholars today. Lucie-Smith’s analysis of the importance of Defoe’s contribution to pirate studies surpasses what is in the text itself. Defoe’s work tells of a popular demand for, and interest in, pirate information, and Defoe’s own embellishments tell of a perspective of the world and the subject by a contemporary.

Defoe’s and Exquemelin’s works have played a great part in how modern readers perceive who pirates were and what pirates did. Successive authors, playwrights, movie

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<sup>192</sup> Edward Lucis-Smith, *Outcasts of the Sea*, 23.

<sup>193</sup> Chris Land, *Flying the Black Flag*, 180.

producers, and other artists have since embellished upon the pirate image. Turley argues about *The General History*, “[a]lthough the book is a ‘history’—and has been treated seriously as such by historians through the centuries—I argue that through his use of fact and fiction, Johnson began the process that turned the pirate into the romanticized antihero twentieth-century readers are familiar with.”<sup>194</sup>

The pirate has transformed over the centuries in popular culture as well in scholars’ examination of the situation as new theories and perspectives are introduced and analyzed. Though historians may never be able to gather enough data to definitively encompass the multilayered pirate movement, Chris Land sums up that what historians can conclude is that:

[w]hatever the realities of piracy in the golden age, what does appear to be certain is that in the period from 1716-1726 a radical potential in the social organization of piracy was actualized in a large scale insurrection that involved, over a period of those 10 years, some 5000 pirates in the plunder of vessels of all nations, the disruption of flows of mercantile capital and the constitution of an alternative, radically democratic organization of the maritime labour process.<sup>195</sup>

Interest in Defoe’s work diffuses lines of scholarship, sparking discussion by historians and literature scholars alike. The development of the pirate tale and popular fascination with piracy mirrored the literary development of the novel. Writing provides a way to disseminate commentary on politico-social concerns. Popular stories like those of Exquemelin and Captain Charles Johnson offer historians the benefit of having been printed in many languages. Because of the nature of piracy being an international affair, most primary source documents can be found in a variety of languages. This is boon and a hindrance to researchers because the responsibility for translation then falls to the historian.

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<sup>194</sup> Hans Turley, *Rum, Sodomy, and the Lash: Piracy, Sexuality, and Masculine Identity*, 3.

<sup>195</sup> Chris Land, *Flying the Black Flag*, 173.

Translation is an obstacle for any international historical study but especially true for a subject as fluid and transient as piracy. At the time of the Golden Age of Piracy, Spain was a major national presence and many colonial documents are in Spanish. Perspective is key in any study, and just as the contemporaries of pirates influenced the interpretation of the pirates' identity and documentation of the pirate movement, so to do historians shape the presentation of the pirate to a modern audience. With primary sources from pirates limited as they are, the additional obstacle of translation can shape what primary and secondary sources a researcher can study, further narrowing the pool of facts and leaving room for interpretation and educated guessing, as well as dependence of other scholars' interpretation and translation of articles.

## *II. Impact on Scholarship*

What is known about pirates has been pieced together through official State documentation such as charters, trials records and decrees; the writings of contemporaries of pirates; lore and oral history passed down in communities (most of which are recollections of the infamy of pirates); woodcarvings and drawings of pirates and activities; and what few pieces of works have survived from the pirates themselves. Most records were not created by the pirates themselves, or even by associates of pirates. In the case of pirates it seemed to be a “no news is good news” situation, for most of the documents surviving relate to trials or pirate looting activities. Piracy is a profession-based community and so news of pirate exploits generally center around the pirate economical activities of looting and ship capture.

Because of the nature of the subject, the pirate captain has been viewed as a figurehead for the study of piracy. Infamous pirate captains—or as Gabriel Kuhn calls them “big men,”—such as Stede Bonnet, Captain Morgan, and Blackbeard make biographical-

based research and scholarship a norm in the field. Often trial records and newspaper articles of the pirates are recorded according to the pirates concerned, and the pirate captain in an easy figurehead to differentiate between pirate groups and activities. Kuhn explains that this focus on the pirate captain “may appear iconic in a radical context that likes to stress the egalitarian and democratic character of golden age pirate communities . . . historical sources pay so much attention to the pirate captains that it is hard not to employ them as a useful frame of reference.”<sup>196</sup> However, it was not simply the pirate captains which were prosecuted; the common pirate was just as active and important in the pirate narrative. Woodard explains, “The Golden Age of Piracy lasted only ten years, from 1715 to 1725. And was conducted by a clique of twenty or thirty pirate commodores and a few thousand crewmen.”<sup>197</sup> The pirate captains are often used to differentiate the pods of pirates sailing the seas, many of which were off the coast of the New World. This organization seems to be remnants of the developed labeling provenance of the pirate contemporaries.

What is not known about pirates is often filled in with educated guesswork and speculation. All historians encounter holes of knowledge in their subject; however, a deficiency in primary source materials adds to the importance of the historian’s interpretation. Additionally, literature and romanticization hold their own value within the field by allowing a view of the way people feel and perceive pirates, whether it be as brutes to fear or as anti-heroes to romanticize. A balance and familiarity must be struck between primary documentation of pirates and literature in order for the whole framework of the pirate to be encompassed.

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<sup>196</sup> Gabriel Kuhn, *Life Under the Jolly Roger*, 18.

<sup>197</sup> Colin Woodard, *The Republic of Pirates: Being the True and Surprising Story of the Caribbean Pirates and the Man Who Brought them Down* (Mariner Books, 2008), 1.

## EPILOGUE

Piracy came in stages, often in response to political plays beyond the participants control. As many historians speculate, poor working conditions and low pay turned honest mariners into privateers or pirates. Availability for work as a privateer was dependent upon demand for the profession, the more war the more privateers were used. In peace time these privateers often turned into pirates, using their skills for their own ends. The Golden Age birthed the most notorious pirates remembered and piracy of that scale and type would never be realized again; however the Golden Age of Pirates was not the end of the pirate narrative.

After the Golden Age of Piracy a number of wars from 1718-1815, mainly fought between England and France, kept privateering a lucrative profession.<sup>198</sup> As the wars tapered off (ending with the Napoleonic Wars of 1815) privateers found themselves yet again without employment.<sup>199</sup> Many joined the forces of rebels under illegitimate or questionable letters of marque, helping those in Latin America fight for colonial independence in the Latin American Wars of Liberation.<sup>200</sup> The effects of the privateers' unemployment hit the American shipping industry hard, as Americans had become by this time a major maritime and trade force in the Atlantic. American merchants and ship owners demanded action from the American government and so by the late 1820s American efforts to eradicate piracy in the Caribbean were seeing successful results.<sup>201</sup> The pirates reign over the Caribbean was over as the United States developed strength and the wild Spanish Main that was once a haven to the free spirited, lawless, pirates was tamed.

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<sup>198</sup> Angus Konstam, *Pirates*, 273.

<sup>199</sup> What Lucie-Smith considered the third great age of piracy

<sup>200</sup> Angus Konstam, *Pirates*, 273.

<sup>201</sup> *Ibid.*, 274-275.

There would be another wave of piracy in the Atlantic in the mid-eighteen hundreds as once again war called upon the guerilla like tactics of the privateer and pirate, although piracy would take on a new form in this era. During the Civil War of 1861, the southerners of the United States re-imagined themselves as a new nation. This falls in line with Benedict Anderson's theory of nationalism as imagined communities. Once the South has redefined itself the North no longer recognized its legitimacy, especially not as an autonomous nation-state in and of themselves.

The Civil War inspired privateering activities as the southern Confederacy sought to break away from the United States and fought against the Union to do so. European sponsored privateers were no longer in use as the Declaration of Paris in 1856 called for an end to the practice and prosecuted privateers as though they were pirates without the protection of a nation.<sup>202</sup> However, the United States had elected not to sign the treaty and when war broke out in 1861 the European powers no longer felt comfortable with the United States signing until the civil war was under control.<sup>203</sup> The Confederacy, with a lack of a navy and organized military force, turned to issuing letters of marque in order to stand their ground with a privateering force. As William M. Robinson analyzes in *Confederate Privateers*, the privateering profession was one which connoted a decentralization of power.<sup>204</sup> Letters of marque and privateering "had their origin in the necessity of a sovereign licensing his subjects to adjust their grievances for themselves, upon land as well as sea,

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<sup>202</sup> Robert May ed., *The Union, the Confederacy, and the Atlantic Rim* (United States: Purdue Research Foundation, 1995), 4.

<sup>203</sup> William M. Robinson, *Confederate Privateers*, (Columbia, SC: Yale University Press, 1956), 2.

<sup>204</sup> Ibid.

where time and distance rendered it inconvenient for the public authority to act in its own might.”<sup>205</sup>

European governments decided to avoid involvement in the American conflict, and announced their separation from the situation. In their attempts to avoid involvement the European powers issued rules for dealing with the Americans that unintentionally worked in the Union’s favor. Robert May in *The Union, the Confederacy, and the Atlantic Rim*, gives one example of this neutrality policies effect on the Union and Confederacy: “France’s proclamation of neutrality put a limit of twenty-four hours on the time that Union or Confederate Privateers with captured prizes could spend in French ports, and did not allow such privateers to sell their prizes while in France.”<sup>206</sup> Though this rule applied to both parties, the Union did not utilize privateering tactics as the Confederacy did and so this stipulation affected the Confederate’s trade and shipping ventures more so than the Union’s. The treatment by the Europeans of the privateering forces in the United States is evident of a shift in the definition and acceptability of privateering forces. To the Europeans privateering was no longer an acceptable form of warfare, as they declared upon signing the Declaration of Paris and privateers were grouped more closely with pirates by Europeans in general than perhaps any time prior.

The distinction between privateer and pirate was an important one to legal contemporaries of pirates. In a letter written in 1862, from the First Judge of the Court of Common Pleas of the City of New York, Charles P. Daly, to the United States Senator Ira Harris entitled “Are Southern Privateersmen Pirates?” Daly, a member of the northern Union

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<sup>205</sup> William M. Robinson, *Confederate Privateers*, 2.

<sup>206</sup> Robert May ed., *The Union, the Confederacy, and the Atlantic Rim*. 6.

government, writes his opinion on the differences between the two classifications of pirate and privateer. His letter is particularly insightful to the reasoning behind legal distinction and for that reason it is worth quoting at length:

Privateering is a lawful mode of warfare, except among those nations who, by treaty, stipulate that they will not, as between themselves, resort to it. Pirates are the general enemies of all mankind—*hostes humani generis*; but privateersmen act under and are subject to the authority of the nation or power by whom they are commissioned. They enter into certain securities that they will respect the rights of neutrals; their vessel is liable to seizure and condemnation if they act illegally, and they wage war only against the Power with which the authority that commissioned them is at war. A privateer does no more than is done by a man-of-war, namely, seize the vessel of the enemy, the prize or booty being distributed as a reward among the captors. The only difference between them is, that the vessel of war is the property of the Government, manned and maintained by it, whilst the other is a private enterprise, undertaken for the same general purpose, and giving guarantees that it will be conducted according to the established usages of war. In short, one is a public, the other a private vessel-of war, neither of which acquire any right to a prize taken, until the lawfulness of the capture is declared by a competent Court, under whose direction the thing taken is condemned and sold, and the proceeds distributed in such proportion as the law considers equitable.<sup>207</sup>

By Daly's assessment, captured privateersmen should be treated as prisoners-of-war rather than as pirates because, in his feelings, privateersmen are more akin to soldiers than pirates.

Being then a legitimate mode of making war, what is the difference between the Southern soldier who takes up arms against the Government of the United States on the land, and the Southern privateersman who does the same upon the water? Practically there is none, and if one should be held and exchanged as a prisoner of war, the other is equally entitled to this privilege. . . . There is not and cannot be, in this respect, any difference between them. Why then is the mariner distinguished from the soldier, as pursuing the infamous calling of a pirate?<sup>208</sup>

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<sup>207</sup> Charles P. Daly, *Are the Southern Privateersmen Pirates? Letter to the Hon. Ira Harris* (New York: James B. Kirker, 1862).

<http://lcweb2.loc.gov/service/lawlib/law0001/2010/20100030255657A/20100030255657A.pdf>

<sup>208</sup> *Ibid.*

Daly discusses his opinion the United States stance on privateering: “[The United States has] never agreed to dispense with privateering, It is not our interest to do so. We are a maritime people, with a large extent of sea-coast, which, whilst it leaves us greatly exposed to attacks by sea, at the same time affords facilities that render privateering, to us, one of our most effective arms in warfare.”<sup>209</sup> The geographic nature of the Americas lent itself to the development of a maritime war force; after the establishment of the United State following the Golden Age of Piracy, this war force was harnessed by the United States, just as European Powers harnessed the “nomadic war machine,” before. However, the Golden Age of Piracy tells a story of the time when the profession of privateering was waning and high seas conflict was mainly involving autonomous pirates rather than loyalist privateers. Nevertheless, Daly’s position on the matter of distinction between privateer and pirate lends a contemporary view of the pirate within the legal system. Even after the Golden Age of Piracy, the identity of a privateer and the criteria for being a privateer continued to be debated among government authorities.

The identity of these rebels would intrigue popular audiences and influence academic studies up until present day. Contemporaries of pirates were intrigued with tales of interactions with pirates, as can be seen through the writings of Defoe, who wrote for the popular audience, and through trial record accounts reading like play productions. The nineteenth and twentieth centuries would build upon the public’s curiosity of the pirate rebel outsider who worked beyond the bounds of normal society and political authority. Just as the definition of the pirate and privateer evolved over time so too did the image and notion of who was a pirate and what a pirate did.

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<sup>209</sup> Charles P. Daly, *Are the Southern Privateersmen Pirates? Letter to the Hon. Ira Harri*, (1862).

One of the most famous romanticized pirate fictions is the twentieth century novel, *Frenchman's Creek*, by Daphne du Maurier.<sup>210</sup> In this story, the protagonist, a wealthy Frenchman, has turned pirate because he wishes to add a sense of adventure and excitement to his life. This tale could have been modeled from the accounts of some of the better educated pirates, such as Stede Bonnet; however “[i]t has to be said that he [the Frenchman] bears no resemblance to the majority of uncouth men who plagued the Atlantic shipping lanes in the early eighteenth century.”<sup>211</sup> This bored Frenchman is in stark contrast to the characters Defoe describes in the *General History of the Robberies and Murders of the Most Notorious Pyrates*. This contrast could in part be because the western world during the twentieth century was no longer plagued by the troubles pirates brought with them. People by this time had become more sedentary while at the same time knowledge about the world increased as science and other academic pursuits have been explored and information disseminated to the general populace. And so people have developed an affinity for the times when there was still unexplored danger and adventure, much as the protagonist felt in *Frenchman's Creek*, however audiences read about piracy from the safety of their homes.

The pirate tale fulfils for audiences today, just as it did for pirate contemporaries, a yearning for exploration of the freedom and autonomy offered by a world outside of the law. The stories today still serve the political interests of the State because even though the pirate's life is full of adventure in every telling the pirate serves as a warning to the dangers and hardships that such a life can bring. The Golden Ages pirates have been labeled by some as enemies of all nations; however, it is in this age of piracy we see some of the most popular and well known pirates whose stories have survived countless tellings and re-tellings. The

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<sup>210</sup> Daphne du Maurier, *Frenchman's Creek* (United Kingdom: Gollancz, 1941).

<sup>211</sup> David Cordingly, *Under the Black Flag*, 18.

pirate narrative is transformed over time and becomes a reflection of the interests and perspectives of those people who are popularizing pirate lore within their age. The tales of pirates transcend the political and geographical borders of the western world, just as the pirates themselves transcended the constraints of traditional culture and so they continue to transcend time and fascinate generations of audiences.

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## Appendix A

### *Bartholomew Roberts Code*

I. Every man has a Vote in Affairs of Moment, has equal Title to the fresh Provisions, or strong Liquors, at any Time seized, and may use them at Pleasure, unless a Scarcity make it necessary, for the Good of all, to vote a Retrenchment.

II. Every Man to be called fairly in Turn, by List, on board of Prizes, because (over and above their proper Share) they were on these Occasions allowed a Shift of Cloaths: But if they defrauded the Company to the Value of a Dollar, in Plate, Jewels, or Money, MAROONING was their Punishment.

III. No Person to Game at Cards or Dice for Money.

IV. The Lights and Candles to be put out at eight a-Clock at Night: If any of the Crew, after that Hour, still remained enclined for Drinking, they were to do it on the open Deck.

V. To keep their Piece, Pistols, and Cutlash clean, and fit for Service.

VI. No Boy or Woman to be allowed amongst the,. If any Man were found seducing and of the latter Sex, and carry'd her to Sea, disguised, he was to suffer Death.

VII. To Desert the Ship, or their Quarters in Battle, was punished with Death or Marooning.

VIII. No Striking one another on board, but every Man's Quarrels to be ended on Shore, at Sword and Pistol, thus.

IX. No Man to talk of breaking up their Way of Living, till each had shared a 1000 l. If in order to this, any Man should lose Limb, or become Cripple in their Service, he was to have 800 Dollars, out of the publik Stock, and for lesser Hurts, proportionally.

X. The Captain and Quarter-Master to receive two Shared of a Prize; the Master, Boatswain, and Gunner, one Share and a half, and other Officers one and a Quarter.

XI. The Musicians to have Rest on the Sabbath Day, but the other six Days and Nights none without special Favour.