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WELL-BEHAVED PIRATES SELDOM MAKE HISTORY:
A REEVALUATION OF THE GOLDEN AGE OF ENGLISH PIRACY

The literature on English-speaking pirates in the early modern world tends to present piracy as a static phenomenon. Modern filmmakers, fiction writers, and historians alike offer a monolithic image of “the pirate” that neglects the fact that the vast changes in global circumstances from the sixteenth to the eighteenth centuries produced many varieties of piracy. In popular culture, pirates dress a particular way, walk a particular way, and of course, talk a particular way.¹ Undergraduates taking my course *The Golden Age of Piracy* often ask me what pirates were *really* like, as if expecting me either to indulge in the common tropes and myths or skeptically to dissolve them. Many histories of piracy have been penned explicitly to uncover the true nature of piracy.²

Pirate studies has moved beyond the agenda of determining the facts behind the legends to other, more politicized concerns. Were pirates proto-capitalists or protoproletarian radicals? Were they attempting to maximize profits in a market-driven world or challenging the oppression of burgeoning capitalism?³ Was the pirate ship the ideal home for homosexual men hoping to escape a sexually restrictive world on land?⁴ Were the few female pirates profeminist?⁵ Were pirates race-blind challengers of a burgeoning slave trade?⁶ Were they early “republicans” who voiced “democratic sentiments that would later drive the American Revolution?”⁷ In sum, the prevailing paradigm in pirate historiography suggests that pirates challenged everything modern society finds repulsive about the early modern world. Historians take a modern premise (such as feminism) and proceed to construct an inspirational past for present-day readers by carefully selecting from the applicable archival material.

The pursuit of the politically useful historical pirate is not entirely novel. In a review of Philip Gosse’s monumental *History of Piracy*, novelist and literary critic Malcolm Cowley suggested in 1933 that English pirates were really “Jacobins of the sea,” rebelling against oppressive social

conditions. Class conflict was certainly on Cowley's mind; his life had recently been threatened for his support of a Kentucky miners' strike. He suggested that pirates from around 1716 to 1726 had the support of common sailors. Despite the conventional wisdom that pirates' "average expectation of life was less than six months," he surmised that pirate captains had little trouble gathering crews. Cowley argued that pirates disappeared because they failed to "develop a philosophy or free themselves of the religious ideas imposed on them by the ruling class."⁸ Christopher Hill inaugurated the current spate of political readings in 1984, suggesting that pirates did indeed hold a coherent ideology. Since then, historians have debated whether Hill's view is correct and, if it is, what pirate ideology was.⁹

Marcus Rediker supplied an answer to that question in his important and enormously influential studies, *Between the Devil and the Deep Blue Sea* (1987) and *Villains of All Nations* (2004), identifying in vivid detail the ideologically radical pirates that Cowley and Hill had only sketched in outline. Rediker has argued that pirates resembled a maritime version of what Eric Hobsbawm famously termed the "social bandit."¹⁰ In *The Many-Headed Hydra* (2000), Rediker and Peter Linebaugh presented the notion that the owners of capital (in the form of ships and goods) contended with discontented labor, a "Many-Headed Hydra" that clamored from below for power and liberty. Rediker's pirates challenged nearly every form of early eighteenth-century social inequality that modern readers find repulsive: most notably, class oppression, racism, and sexism. Most of his examples were taken from a very brief period, roughly 1716 to 1726. He recalled how pirate captain Samuel Bellamy gave a radical, nearly proto-Marxist, speech before a captive merchant. He told the story about how the two famous female pirates of that decade, Anne Bonny and Mary Read, were said to have fought more valiantly than their male crewmates. But this approach surely raises more questions than it answers, since there are so few examples with similarly radical implications from the centuries before or for the almost three centuries that followed. Was the plight of women or laborers that much more perilous in 1721 than it was in 1680 or 1740? Was racial oppression magically ameliorated by the 1730s? Why did the radical paradigm emerge only in this one decade and as suddenly disappear? If pirates truly challenged a burgeoning form of protocapitalism, why did so few sailors and laborers take to piracy when the English Atlantic turned to full-fledged capitalism in the century after 1726?

The publishers of Gabriel Kuhn's recent reevaluation of the history of piracy, *Life under the Jolly Roger: Reflections on Golden Age Piracy* (2010),

advertise his work by claiming that “during the last couple of decades an ideological battle has raged over the political legacy and cultural symbolism of the ‘golden age’ pirates who roamed the seas between the Caribbean Islands and the Indian Ocean from 1690 to 1725.” In Kuhn’s view, scholars have depicted pirates either as romanticized villains or as genuine social rebels. Kuhn divides the historical debate between radical historians, such as Hill, Rediker, Stephen Snelders, and Chris Land, and less ideologically driven historians, such as David Cordingly, Angus Konstam, Peter Earle, and Roy Ritchie. Kuhn assumes the political lines he draws were the same for the early modern Atlantic world, instead of something completely unrelated.¹¹ Historians who challenge the notion of the heroic pirate argue that pirates were self-serving maniacs at war with normal, decent social values.¹² British historians in particular, such as Earle and Cordingly, depict the Royal Navy as supplying the real heroes of the golden age.¹³

On the surface it is difficult to reconcile these disparate characterizations within pirate studies. Historians both radical and nonradical generally accept the notion that piracy at sea was performed by men (and sometimes women) who sought isolation from “normal” human society on land. If we grant this premise, then the task is to explain why someone would make the extraordinary decision to become a pirate. The corollary assumption is that the people who made this choice had free will. That is, a pirate opted for a life of freedom in opposition to a system bordering on slavery. Literary scholar John J. Richetti argued that a pirate vessel “suggests a microcosm of society, and the pirate legend derives part of its fascination from the radical political independence and moral isolation that such self-sufficient communities involve.” Such a pirate “retires occasionally to tropical paradises” but typically wages brutal war on civilized humanity. The pirate, then, “is by definition a modern revolutionary.”¹⁴ It is easy to see how this narrative takes form, since few subjects hold as much mythical resonance in modern culture as pirates. Hubert Deschamps in his *Les pirates à Madagascar* (1949) voiced what has become a standard trope: “[Pirates were] a singular people, born of the sea and of a brutal dream, a free people, cut off from other human societies and from the future, without children and without old people, without homes and without cemeteries, without hope but not without audacity, a people for whom atrocity was a career and death a certitude of the day after tomorrow.”¹⁵ In an expanding early modern world where sovereignty of the seas was heavily contested, pirates took sovereignty for themselves.

The image of the free-yet-isolated, transgressive pirate derives in part from the discourse of the lawyers and judges who prosecuted men for piracy. In 1668 Admiralty judge Sir Leoline Jenkins defined “Pirates and Sea-rovers” as *hostis humani generis*, or “Enemies not of one Nation or of one Sort of People only, but of all Mankind.” They thus lacked the legal protection accorded by any prince, nation, or body of laws to the citizen, so “Every Body is commissioned and is to be armed against them, as against Rebels and Traytors, to subdue and root them out.”¹⁶ Echoing Jenkins, a Boston prosecutor in 1723 described pirates as “engag’d in a perpetual War with every Individual, with every State, Christian or Infidel; they have no Country, but by the nature of their Guilt, separate themselves, renouncing the benefit of lawful Society.”¹⁷ There is, of course, a significant disparity between how judges and prosecutors of early modern courts and their heirs among present-day legal historians identified and identify pirates, and how pirates identified themselves.¹⁸ This essay challenges the dominant paradigm of pirates as autonomous agents that has become so ingrained not only in popular culture but also in much scholarly work, albeit with greater subtlety.

Before challenging the current paradigm in pirate studies, however, we need to understand some of the chief limitations facing historians writing about early modern pirates. One of the most basic obstacles is the field’s limited and unusual source base. Printed early modern texts about piracy are generally either by pirates or former pirates, or by their detractors. In his introduction to the edited volume *Bandits at Sea* (2001), C. R. Pennell describes how pirate studies has been partly limited to the reinterpretation of the same source materials. Historians of piracy have too often based their work on generalizing from the (hopelessly uncertain) authorial intent of relatively few texts and neglected the possible audiences for these texts. Social historians often write as though common seamen wrote these texts for other common seamen. However, the market for these texts was more likely a literate readership composed of those who could afford what were sometimes quite expensive books. Publisher William Crooke explained his reason for the quick reprint of Alexander Exquemelin’s *The History of the Buccaneers* (1684): the first “was received with such general applause of most people, but more especially of the learned.”¹⁹ Printed seventeenth-century pirate journals by William Dampier, Lionel Wafer, and Bartholomew Sharp were dedicated to members of the Royal Society, officers in the Admiralty, or judicial personages. Sea captains and officers may have found these books fascinating, but the buying public for them was mostly among ministers, lawyers,

and merchants—that is, the middle class of London or the American colonies. These texts rarely used the special argot of the underclass, which we see in later criminal biographies.²⁰ Historians sometimes take these texts at face value without considering whether the author was bending his message to please a particular audience. We should first ask the question: what did these stories about sea marauding mean to their intended, contemporary audience? While middle-class readers may have had some sympathy with sea marauders on the imperial peripheries, texts depicting their actions were often apologetic or at least minimized their criminal behavior. Texts that addressed those who cracked down on piracy went further; they condemned pirates and either muted their voices or put words in their mouths.

Another common danger to which historians of piracy can fall victim is to concentrate on the kinds of pirates that show up in the most easily accessible records. Laura Rosenthal has recently suggested that pirate studies illuminates a larger trend in the humanities of gravitating toward the odd and unusual.²¹ Rebellious pirates were more likely to appear in printed trial records, or in popular criminal narratives like *General History of the Pyrates* (1724), authored by the pseudonymous Captain Charles Johnson. Laurel Thatcher Ulrich made this point in a quotation that has been frequently taken out of context. She noted how “well-behaved women seldom make history” because a “goodwife” was one who did not pursue lawsuits or commit monstrous crimes. That quotation has become a feminist call to arms, although Ulrich intended to point out that the stories of the well-behaved women whose actions were socially acceptable eluded printed sources.²² In an odd way the same premise applies to pirates. The mariners who show up in the most readily available sources (trial records, sermons, royal proclamations, and criminal narratives like the *General History*) were atypical of the many sailors who committed an act of piracy at some point in their careers. In a previous work I described how, during much of the seventeenth century, men who committed acts of piracy in the South Seas, the West Indies, and the Indian Ocean were often able to return quietly to the North American colonies, where they bought land, married local women, and remained generally “well-behaved.”²³

William Penn learned this firsthand when he visited Pennsylvania in the 1690s in response to multiple complaints made in London that the Delaware Bay was a notorious pirate nest. There he met James Brown, who had arrived a few years prior with a number of other men who had committed acts of piracy against the allied shipping of the Mughal Empire

in the Indian Ocean. Governor William Markham had not only welcomed Brown but also permitted the alleged pirate to marry his daughter and then had him appointed to the colony council representing Kent County. At first, Penn was furious at the open tolerance of the local gentry for known global criminals. He issued a proclamation condemning the men who had committed “several Piracies and Robberies at Sea and on the Sea-Coasts” in “Many parts of the World.”²⁴

However, after interviewing countless former sea marauders, Penn began to soften his stance on those ex-pirates who had embarked on the path of respectability. He began to understand that piracy was often merely an event or a stage in a common sailor’s life and not always a life-long career. Most of the former pirates living in the colonies (like James Brown) had turned a page in their lives and “followed a life of husbandry, turning planters,” while others “have trades.” Penn argued they were mostly married, with children, and should be allowed to “live with their families on their plantations.” To ensure that they truly did end their piratical careers, however, Penn recommended that “such men must not be endured to live near the sea-coasts nor trade, lest they become receptacles and broakers for younger pirates.”²⁵

This essay suggests that, for most of the early modern period, Englishmen who committed acts of piracy intended to return to landed society, where they would enjoy their ill-gotten gains. Because before 1716 there were always communities that welcomed pirates, they did not need to make a monumental decision to leave human society and engage in perpetual war against it. Most mariners who committed acts of piracy were conscious of their reception and image on land. Few called themselves “pirates” during the seventeenth century, and they were generally careful to limit their attacks to particular victims so as not to offend political leaders in receptive English colonial ports. Even today, Somali pirates refer to themselves as members of a coast guard, while Nigerian pirates often claim membership in some liberation army. We should take Penn’s lead and stop trying to establish a definitive class of pirates; instead, we should think of piracy as one part of a more complex and varied career on land or at sea, with a broad array of choices, decisions, and ideologies.²⁶ “A merry life and a short one” was not the motto of most of the pirates of the late seventeenth century. Many of these men simply sought their fortune, “leaving some of their wives and families as pledges of their return behind them.”²⁷ One of the most fascinating documents in the British Library is a petition by forty-eight pirate wives begging the Crown to pardon their husbands so that they could return home to take care of their families.²⁸

During the seventeenth century, Englishmen who committed acts of piracy against those nominally at peace with England were actively supported and protected by maritime communities on the periphery of the empire. A customs official described colonial maritime communities where local authorities “entertained the pyratts, convey’d them from place to place, furnished them wth provision & liquors, & [have] given them intelligence & sheltered them from justice.” There pirates were called “honest men” and their challengers “Enemys of the Countrey” for stopping them “from bringing their money & settling amongst them.”²⁹

In certain colonial ports pirates were given tacit immunity to purchase victuals and naval stores, fence stolen goods, and splurge on various forms of entertainment. In these ports they obtained funding, gathered information, and raised crews for future illicit ventures. Men who might have been considered criminals in other parts of the English-speaking world found refuge from the law in these communities. A complex array of economic, legal, religious, political, and cultural motives compelled political leaders in such ports to actively support global piracy during most of the seventeenth century.³⁰ They perceived these sea marauders differently than did political leaders in London or in East India Company factories. This perception made gathering crews in the seventeenth century simple. While pirates certainly gathered wood and water and cruised the waters of more desolate spaces like Madagascar, Tortuga, and the Bay of Campeche, they also sailed into more established communities. In the 1660s and 1670s, sea marauders were often welcome in Port Royal, Jamaica. By the 1680s, they could find succor in Charles Town, South Carolina, and, by the 1690s, in Newport, Rhode Island, or New York City.³¹ These places hardly fit the model of a “pirate utopia,” “temporary autonomous zone,” “global commons,” or “zone of violence,” epithets given by some recent historians to places where pirates alighted.³² These new phrases reinforce the old land-versus-sea paradigm. The merchants and lawyers who feared the “many-headed hydra” of Rediker and Linebaugh’s narrative were largely from London, not Newport, Rhode Island. While the term *radicalism* might have some pertinence to the early modern world, it has been too easily applied to the waterborne underclass.³³ In the North American colonies, the radical many-headed hydra clamoring for power and liberty was composed of salary-poor deputy governors, struggling merchants barred from trade routes by corrupt monopolies, judges who refused to try pirates, Quakers fearing the encroachment of royal authority, and gentry leaders who brazenly freed accused pirates despite strident complaints by Crown customs officials.

To make a more basic point, looting only makes sense if you have a place to spend your gains. The sea was a hostile environment, and being on a pirate ship was generally an unpleasant experience, rife with disease, insects, unsanitary conditions, and malnutrition. Peter Leeson's book *The Invisible Hook* (2009) describes how captains employed fundamental economic principles to maximize profits; however, he fails to explain what the pirates intended to do with those profits.³⁴ Silver and gold serve only as ballast on a ship unless exchanged for something useful. Works that connect the land and sea have compelled us to rethink the way we imagine colonial American society.³⁵ Most of these studies are intended primarily for a popular audience, so they focus on telling a gripping narrative, forgoing more abstract explanations of what the land–sea relationship teaches us about political regimes, legal culture, or social transformations.

One of the primary objectives behind this way of thinking about global piracy is twofold: to take deep-sea pirates and bring them into discussions of colonial maritime communities, and to take maritime communities, which have been studied as isolated units, and connect them to vastly distant people, places, and events. This new framework weaves together the seemingly disparate goals of maritime and social history in a marriage that Daniel Vickers has dubbed “maritime culture.” He argues that even the best maritime history has largely ignored “the shoreside communities from which mariners sprang and to which they returned upon retirement from the sea.” Vickers's *Young Men and the Sea* (2005) exemplifies how good maritime history incorporates the social and cultural histories of the cities and towns that supplied the labor, goods, family life, and homes of seagoing people.³⁶ When social historians look beyond the big ships and deep-water focus of most maritime history, and instead incorporate the coastal trade, victualing, careening, prize condemnation, smuggling, fencing, impressment, and hiring, the worlds of land and sea seem far less disparate.³⁷ Historians have largely failed to apply Vickers's call to arms to the case of piracy because they have always assumed it was somehow exceptional.

Commenting on the reputation of the Elizabethan seadogs Drake and Raleigh, nineteenth-century poet Samuel Taylor Coleridge famously remarked, “no man is a pirate unless his contemporaries agree to call him so.”³⁸ History books today often have titles like *The Queen's Pirate* (describing Sir Francis Drake) or *Raleigh's Pirate Colony* (describing the failed Roanoke colony) because they retrospectively call certain acts piracy that early modern English writers did not emphasize as such.³⁹ They did not

refer to either of these men as pirates, although many admitted the two might have committed piracy. Recently Simon Layton (in a discussion about the British in the Indian Ocean during the nineteenth century) has cogently argued that we should think of piracy as a discourse more than a concrete act or concept. Layton shows how the British used the word *piracy* to stigmatize the activities of those upon whom the British wished to impose imperial sovereignty.⁴⁰ Historians of the sixteenth through the eighteenth century have attempted to differentiate piracy from legal privateering, but this is not an easy task. As Lauren Benton has astutely noted, even the sea marauders were keenly aware of the complexity of these legal distinctions. She even refers to them as “pirate lawyers.” Sea marauders understood that such distinctions were more than merely semantic. In the seventeenth century nearly every captain who committed acts of piracy sought out some form of paperwork from political bodies on land to provide the patina of legitimacy for committing violence upon the seas.⁴¹

A privateer was a private person in possession of a commission provided by some state entity that limited the times, places, and targets of legitimate naval attacks. The pirate, however, acted independently. What seems so simple was remarkably complicated. Since the Middle Ages, “a violent action at sea could be considered licit or illicit according to no rule other than that of its sanction by a sovereign power.”⁴² If we define a pirate as a sea marauder who disavowed any association with a particular state, then there were few pirates in the seventeenth century. They almost always held some form of paperwork from a state, although what was meant by *state* was fluid and flexible. In fact, one of the most hotly contested issues in the early British Empire turned on the question of whether a colonial royal governor represented the state. What, then, about governors elected in charter colonies without Crown approval? Could the Jamaica Council send out preemptive commissions in time of peace? Could captains obtain commissions from foreign princes? These questions were invariably debated not at sea but by competing political authorities on land.

In order to understand how English maritime communities distinguished between legitimate and illegitimate maritime violence, it is important to trace how they used the word *privateer*. Although historians of the Elizabethan seadogs generally refer to them as privateers, the word does not appear in English sources until after the seizure of Jamaica from the Spanish in 1655.⁴³ Independent crews of Englishmen continued to attack the Spanish in subsequent years in the hope of gaining something for their future, so the nascent Jamaican government set up Admiralty courts

to condemn their prizes. The Admiralty never officially approved commissions for the courts, so Governor Doyley declared their legality by fiat. Some of those commissioned to seize captured ships had previously been outright pirates, the infamous “buccaneers,” who came closest to living a life of isolation from society.⁴⁴ Brave men with fighting experience were essential for the island’s survival, even if they took their aggressions too far. Doyley referred to the men he personally commissioned as “Private Men of Warr,” as opposed to “Piratts & Rovers”; those who did not fit in these two categories he called “divers rovers.”⁴⁵

Among the twenty-five men aboard the *Betty* and the *Pearl* whom Doyley accused of piracy in 1661 was one “henry Morgan, souldier,” aged twenty-five or twenty-six years. This is the first mention in English records of a man who would go down in history as one of the most famous and successful pirates of all time. However, if this was indeed *the* Henry Morgan, it is the only evidence of *actual* piracy he ever committed in his career—and even this event is clouded by uncertainty.⁴⁶ In his letter to London, Governor Doyley called the men of the *Betty* and the *Pearl* pirates because their actions met the basic legal parameters of the term. In the unusual context of that particular place and time, however, the word seemed to Doyley to be too severe for men who were merely doing what they had been trained to do by their superiors amid the fog of an undeclared war. It was unclear under whose authority they actually served. The captains of the *Betty* and the *Pearl* possessed commissions dated October of 1660 to fight the “King Spaine’s subjects,” signed by Doyley himself.⁴⁷ Furthermore, they superficially attempted to follow the rules laid down in those commissions: when Morgan and the crews of the *Betty* and *Pearl* boarded a Dutch vessel, for example, they demanded to see that ship’s Spanish commission in order to legitimize their actions.⁴⁸

The 1660 Restoration caused confusion in Jamaica because the Spanish had openly supported Charles II, who had promised to end Cromwell’s war against them. Once in power, however, the king decided to keep the island prize. The English in Jamaica were unclear about what this development meant: were they living in a colony with the rights and liberties of Englishmen, or were they still under a military regime in conquered territory? Doyley’s attempts to stem marauding against the Spanish “enraged the populacy, who live only upon spoil and depredations.” The soldiers, who lived on a “no prey, no pay” basis, fell back on the traditional legal culture of the West Indies, arguing that peace “did not concern this side of the line.”⁴⁹ However, the years of “no peace beyond the line” were waning, and actions in the Caribbean began to have European

implications. Doyley was unsure in this new world what to do with Morgan and the rest of his crew. He found himself “loath to bring them to any Triall here, doubting my power” without instructions from the new king. Trials for piracy, a capital crime, were particularly sensitive matters. He reminded the Admiralty of the “customs by which the private men of war here acted formerly when there was no authority in the Indies, the impunity of some of them.” Doyley struggled to create order in what he considered “chaos of confusion,” having to “command souldiers without pay, seamen without provision and the vulgar without Laws.”⁵⁰

Jamaica required an entirely new lexicon for violence at sea. Reports from the first few years after the Restoration describe English “rovers” who abided by “no rules but some of their owne by tradition, nor ever under any obedience.” The population of Jamaica, according to one author, included not only many “Private men of Warr” but also “Many more Comers & Goers,” and others the author “cannot give an accompt of.”⁵¹ The terms are semantically flexible due to the fact that these persons were not completely autonomous self-serving bandits at sea. In many cases, the marauders had only recently served in a state navy and battled on as a quasi-legal arm of national maritime defense or in private navies like that of the Earl of Warwick.

The *Oxford English Dictionary* dates the first use of the term “privateer” to 1664: Colonel Thomas Lynch argued in Jamaica that “the calling in of the privateers will be but a remote and hazardous expedient.” Lynch wondered how much compliance can be expected from men who “have no other element but the sea, or trade but privateering.”⁵² The *OED* overlooks an earlier mention in 1661, just after Morgan’s arrest by Edmund Hickerlingill, who used the term in his apologetic *Jamaica Viewed*. A chaplain and graduate of Cambridge, Hickerlingill defended England’s right to the island and noted its strategic location in the heart of the Spanish West Indies: “so that the Privateers from Jamaica are often fingering the Plate, and other precious commodities, that was never consign’d to them.” As a base for plundering, Jamaica, he suggests, might be a greater prize than Hispaniola.⁵³ He chose to use the word *privateer* at precisely the moment when the last Spanish finally vacated the island, ending a situation that was more unambiguously a state of war.

Wars against the Dutch and the French from 1665 to 1667 further encouraged “privateering” as a cover for plundering the Spanish. *Privateer* became enshrined in law when, in 1671, An Act to prevent the delivery up of Merchants Shipps, and for the Increase of good and serviceable Shipping was declared, which contained a passage describing the division

of “Prize Money as in Cases of Privateers” and recommending it should be performed “as is usually practised, in private Men of Warr.”⁵⁴ The word indicates a subtle combination of independent action and national purpose—the statute included a reference to “our” privateers. Some Englishmen used the term *buccaneer* to mean privateer, while the French *boucanier* continued to denote, as it had originally, West Indian cattlemen. By the 1670s and 1680s, *buccaneer* had become an almost endearing term, used with nationalist pride among London printers—but not in Jamaica. By 1699, William Hacke’s collection of pirate voyages listed in his index “*Buccaneers* [Privateers],” implying they were now implicitly synonymous.⁵⁵ The diarist John Evelyn almost playfully described William Dampier as a former “buccaneer” after dining with him at the home of the secretary to the Admiralty, Samuel Pepys.⁵⁶ As late as 1708, a petition by the wives of pirates in the Indian Ocean referred to them as “Buckaneers.”⁵⁷

In London, Judge Jenkins defined pirates in 1668 as enemies of all people; in Port Royal, his definition would have seemed completely out of touch with the complex reality of the West Indies. A Dutch surgeon named Alexander Exquemelin composed the text that best documents this reality in *Buccaneers of America*, translated into English in 1684. Interestingly, although this author clearly had an axe to grind with the leaders he was describing (he believed that Henry Morgan had cheated him), he was rather circumspect about legal details. Exquemelin defended his liberal use of the word *pirate* to refer to all English and French sea marauders in the West Indies “for no other reason than that they are not maintained or upheld in their actions by any Sovereign Prince.” The Spanish, he said, had complained about peacetime assaults, and English authorities had simply responded “That such men did not commit those acts of hostility and piracy as subjects of their Majesties; and therefore his Catholic Majesty might proceed against them according as he should find fit.” Charles II denied having ever “given any patents or commissions unto those of Jamaica for committing any hostility against the subjects of his Catholic Majesty.”⁵⁸ This is a rather laconic condemnation of allegedly criminal behavior. Exquemelin certainly understood that no Jamaican would have used *pirate* to describe a commissioned privateer on a mission of reprisal. Henry Barham, in his 1722 history of Jamaica, complained that Exquemelin made no “Distinction between Buccaneers or Pyrates & Privateers.” He clarified: “there is a Great Deal of Difference between a Privateer & a Buccaneer or Freebooter,” for “The first hath Commissions Granted by a Royall Government: the Latter Acts without any legall Com-

mission or Authority from any Government but their own and therefore are no Better than Pyrates.”⁵⁹

While residents of the colonies took a pragmatic stance on maritime depredations, one wonders what the London readership, which was more familiar with European standards of formal warfare, might have thought about such brutality on the peripheries of the empire. Fortunately, the English translator of *The History of the Buccaneers* made explicit what he hoped his audience would learn from the text. The preface informed readers that the volume details the “glorious actions” of “our English nation.” What appears to us today as excessive violence was pronounced to be “as great and bold attempts in point of military conduct and valour as ever were performed by mankind, without excepting here either Alexander the Great or Julius Caesar or the rest of the Nine Worthies of Fame.” Seventeenth-century authors had consistently compared Sir Francis Drake and the rest of the Elizabethan seadogs to these same figures. The translator not only defended Morgan’s supposed “piracies” but also described “unparalleled if not inimitable adventures and heroic exploits of our own countrymen and relations, whose undaunted and exemplary courage, when called upon by our King and Country, we ought to emulate” because “the English people are of their genius more inclinable to act than to write.”⁶⁰

During the 1670s, the changing political regimes in Jamaica shifted back and forth between accusing sea marauders of piracy and welcoming them as privateers. This uncertainty drove many crews to the North American colonies, bringing with them the new Jamaican lexicon. When King Philip’s War erupted in the spring of 1675, Massachusetts governor John Leverett had the “Drums beat up for Volunteers” in Boston to defend New England against native warriors. In less than three hours, 110 men volunteered, under the command of Captain Samuel Moseley. One local New Englander commented, “Captain Moseley hath been an old Privateer at Jamaica, an excellent Souldier, and an undaunted Spirit” who led a band of “about Ten or Twelve Privateers, that had been there sometime before.”⁶¹ Moseley and his crew became central figures in what would be the most devastating war in early America. Little is known about Moseley’s experience in the West Indies, but this was one of the first times a New Englander used the term *privateer*.⁶²

By the 1670s, nearly every captain who committed acts of piracy considered himself a privateer and referred to himself as such. Edward Randolph, surveyor-general of the American colonies, reported to the commissioners of His Majesty’s Customs about his initial encounter with

pirates in the 1670s. He recalled how New Englanders fit out vessels with sixty to seventy guns, “very well manned whome they called privateers.” These ships sailed to the Spanish West Indies, “where they committed all Acts of violence upon the Inhabitants, & brought home great quantities of Silver in Coine & Bullion, with Rich Copes, Church plate & other Riches.”⁶³ William Dampier recalled that, during the 1680s, notorious pirates casually traded blank commissions originally purchased from the governor of the French port of Petit-Goâve, making it “the Sanctuary and Asylum of all People of desperate Fortunes.”⁶⁴ Furious at the proliferation of this practice, Sir Thomas Lynch warned the French governor in 1684, “it is contrary to international law to grant commissions of war to unknown persons up and down the Indies.”⁶⁵ Some pirates claimed they fought for Don Andrés (or Andreas), a Kuna Indian who escaped slavery under the Spanish and was dubbed the “Emperor of Darien” (as south-eastern Panama was then known).⁶⁶

We know a great deal about the English pirates of the 1670s and 1680s because they cared so deeply about their reputations on land that they diligently crafted their personas. Former pirates William Dampier, Lionel Wafer, Bartholomew Sharp, and Basil Ringrose all had their journals printed for popular consumption; for many, publishing became a career beyond piracy. Dampier was a naturalist, hydrographer, travel writer, navigator, and most importantly, a pirate, even though he always referred to himself as a privateer. He spent nearly every moment from 1679 to 1688 with other celebrated pirates. He took part in some of the most notable pirate raids, from the West Indies to the Pacific coast and to the South Seas, eventually circling the globe. Dampier first published his *A New Voyage Round the World* in 1697, and there were five editions before 1706. Dampier refused to take up the issue of the ethics of his deeds, choosing instead to obfuscate. Literary scholar Anna Neill believes he censored the real violence of his activities in order to highlight his abilities as “a careful observer of natural phenomena and human societies.”⁶⁷ Dampier never explicitly denied the realities of life “on the account” but tried to demonstrate the higher value of his activity, which he claimed went beyond acquiring plunder and injuring Britain’s enemies. His portrait, most likely commissioned by Sir Hans Sloane, reflected his acceptance of his dual nature: it is entitled *William Dampier—Pirate and Hydrographer*. Pirate authors, then, cared deeply about their reputations on land, enough to write and publish their stories.

By the 1680s and 1690s the words *pirate* and *privateer* were used interchangeably, quite often paired together, to describe the same individuals,

a practice that varied depending on one's politics on land. The Jamaica assembly passed An Act for Restraining and Punishing Privateers and Pirates on July 2, 1681.⁶⁸ In February 1683 the assembly amended the act by forbidding Englishmen from serving under foreign princes. This interdiction was meant to protect peace treaties, and the act was meant to clarify the jurisdictional complications that had made the previous cases brought to trial on the island difficult to prosecute and decide. For the first time, the law of Jamaica publicly declared that acts of piracy would be tried as they were in England under 28 Hen. 8, c. 15. To avoid the loopholes and errors that allowed so many pirates before to escape conviction, the act declared that colonial courts trying pirates were "confirmed and adjudged Lawful" and that the judges and officers who presided over these cases could not be "sued, vexed, molested or troubled for any such their proceedings." The law also specified that anyone who "shall any way knowingly Entertain, Harbour, Conceal, Trade or hold any Correspondence, by Letter or otherwise with any Person or Persons, that shall be deemed or adjudged to be Privateers, Pirates, or other Offenders" and who did not make an effort to apprehend those persons "shall be liable to be Prosecuted, as Accessories and Confederates." Commissioned officers were required to raise crews to seize pirates on land and sea; pirates who resisted could be lawfully killed as felons. Officers who refused to pursue pirates were fined £50 for every offense. The act also rewarded those who informed against pirates.⁶⁹

While letters and records from the North American colonies referred to the South Sea men as privateers, the London press gave them titles like "the famous Pyrate Laurent," "Van Horn, the Famous Pyrate," or "Banister a notorious Pyrat."⁷⁰ There were legal reasons for this semantic divide, since a privateer purchased commissions from colonial governors and paid them fees and duties out of the plunder, which then legally belonged to the privateer. The booty taken by pirates, on the other hand, remained stolen goods, so the original owner could sue for its return. Only in the absence of a settled claim would the goods revert to the Crown or lord admiral. This explains why so few colonial officials actually cared to hunt for pirates—seizing their stolen goods brought no financial gain. Those most perplexed by the legal intricacies of piracy were probably colonial proprietors living in England, because they were caught in the tug of war between the Crown and the colonies' appointed leadership. The letters of the Lords Proprietors of South Carolina to their own governors and to the Crown used both words interchangeably. They admitted their colony had a piracy problem to the Lords of Trade and

Plantations, but they begged their governors to “stand by . . . [us] in the Seizing of Privateers.”⁷¹

Like Samuel Moseley, many of the South Sea pirates headed further north during the 1680s, mostly stopping in charter colonies. The experience of Captain Thomas Paine exemplifies the confused legal status of English captains holding dubious commissions in this period. Paine sailed from the Bahamas in March of 1683, allegedly in possession of a commission from Lynch in Jamaica directing him to attack pirates. Instead, his ship joined a group of vessels retrieving silver from a Spanish wreck. The combined crews then decided to sack St. Augustine while flying French colors.⁷² After that, Paine sailed to Rhode Island. Royal governor Edward Cranfield of New Hampshire happened to be in Newport at the time, and he discovered that Paine’s commission was a counterfeit, “styling him one of the gentlemen of the King’s Bedchamber, instead of the Privy Chamber, whereby I knew it was to be forged.” He ordered Rhode Island officials to arrest this pirate, “but they refused.” Customs collector William Dyre backed Cranfield, ordering “the arch-pirate, to be secured” and charging Rhode Island’s governor, William Codrington, with purposely neglecting to help him seize Paine and his ship. Dyre’s deputy begged Codrington to incarcerate Paine, but “He put me off, promising to answer me in the morning, by which time the pirates had time to arm themselves against arrest.” When the deputy explained that Paine’s commission was obviously a forgery and that he “had plundered the town of St. Augustine,” Codrington “would not see with eyes like other men.” Not only did Newporters refuse to seize Paine, a pirate “of the first magnitude, famous in bloodshed and robberies,” but a local merchant, Samuel Shrimpton, even “supplied, succoured, countenanced and encouraged” Paine and his crew. Cranfield drew a link between this impudent course of action by Rhode Island officials and the radical republicanism of the English Civil War, “telling the people that they have laws of their own making, and they are under no oaths.”⁷³ The Crown agreed, issuing an edict that ordered colonial governors to aggressively suppress pirates and “give no succour nor assistance to any, and especially not to one called Thomas Pain.” The men who plundered Florida in peacetime were no privateers, the Crown asserted, but instead pirates, and “such pirates you will exterminate, so far as in you lies, as a race of evildoers and enemies of mankind.”⁷⁴

According to the *General History of the Pyrates*, “In War Time there is no room for any [pirates], because all those of a roving adventurous Disposition find Employment in Privateers, so there’s no Opportunity for Pyrates.”⁷⁵ Historians generally agree that piracy flourished more in times

of peace, when maritime labor was left idle, than in times of war, when work was readily available, but the opposite was the case when war broke out against the French in 1688. British colonial leaders provided many loosely constructed commissions to sea captains who used them to justify preying on shipping in the Indian Ocean. They became known as Red Sea pirates because they attacked shipping heading to the Muslim pilgrimage sites. Their very presence in those waters made them pirates, since the English East India Company held a monopoly that forbid independent English captains from sailing east of Africa. Francis Nicholson, a fierce opponent of the kind of piracy that lived upon Crown appointments, feared “that these sort of privateers, or rather pirates, when they have lavishly spent what they unjustly get, are ready to make a disturbance.”⁷⁶ Governor Benjamin Fletcher of New York, who provided numerous commissions, admitted that, “It may be my misfortune, but not my crime, if they turn pirates.”⁷⁷ In 1692, anxious about the escalating Salem witch crisis, Reverend John Higginson wrote to his son Nathaniel at Fort St. George in India to set aside some money for his brother Thomas in the event of his return from “Arabia,” “whither he was gone with privateers.”⁷⁸

In their depositions, these Indian Ocean sea marauders consistently referred to themselves as privateers, noting that their captains held commissions from colonial governors. The trial of Red Sea pirates in 1696 reveals the difference between their mind-set and that of the London lawyers. The court clearly defined *piracy* as “a sea term for robbery,” but the sailors did not think what they were doing was in fact robbery. John Dann recalled sailing to the Gulf of Aden, where “we met with two English Privateers more, and they came and joined with us.” The prosecutor interjected, “You call them Privateers, but were they such Privateers as you were?” Dann admitted, “Yes, my Lord. I suppose they had Commissions at first,” implying that these other crews did not follow their commissions to the letter. Even in London the jury found these men innocent, a decision the prosecutors deplored, fearing the acquittal would convince “Barbarous nations” that England was a “harbour, receptacle, and a nest of pirates.”⁷⁹ The solution was to create a new trial with a new jury.

The key question here is about identification: how did a seaman self-identify, and how did others identify or classify him? Few self-identified as “pirates.” Basil Ringrose wrote that he and other privateers were “descried and known to be the *English Pirates*, as they called us.”⁸⁰ Was this labeling conscious and strategic? While sailors had obvious reasons not to call themselves pirates, others’ motives in using or avoiding the term are less clear.

Because it was possible for seventeenth-century pirates to be treated as privateers in the colonies, they were perhaps less rebellious than historians take for granted. There is little evidence that seventeenth-century English pirates were race-blind, for example. Certainly Henry Morgan transformed easily into a plantation owner and slave trader. Roy Ritchie notes that in the period before the Crown declared war on the pirates, captured slaves were another form of booty: "If one had escaped from a life of toil to become a pirate, why continue to work when the slaves could do all the pulling, hauling, cooking, cleaning and any other unpleasant task on board ship?"⁸¹ Slave women were generally exploited for sexual gratification, with the most famous instance being the affair of the *Batchelor's Delight*, a vessel that was so named after its crew stole fifty women from the coast of West Africa. From a sworn statement in 1683, we know of an instance in which a pirate crew of sixteen men were attacked by their cargo of twenty-two plundered slaves, who were all eventually beaten back.⁸² Slaves were valuable commodities to fledgling plantation economies like that in South Carolina or Jamaica. Slaves therefore not only provided labor for pirates but also served as commodities that could be traded with landed communities.

Dampier best described how he and the rest of the South Sea pirates understood their relations with African slaves in the 1680s. He recalled that his pirate crew sailed in the South Sea with "1,000 Negroes in the 3 Barks, all lusty young Men and Women." Instead of using the slaves to bolster his crew, Dampier thought he could use their labor on land: "there was never a greater opportunity put into the Hands of Men to enrich themselves than we had, to have gone with these Negroes, and settled our selves at Santa Maria, on the Isthmus of Darien, and employed them in getting Gold out of the Mines there." Central to this plan, though, was access to trade networks: "we had the North Seas to befriend us; from whence we could export ourselves, or effects, or import Goods or Men to our assistance; for in a short time we should have had assistance from all parts of the West Indies." Dampier's elaborate dream of mines seized from the Spanish ("the richest Gold-Mines ever yet found in America") and worked by black slaves, with access to both oceans, protection by local Kuna Indian allies ("mortal Enemies to the Spaniards"), and trade connections through the northern colonies was unsurprisingly kept alive by successive Englishmen for decades.⁸³

Pirates might have indeed been "social bandits," but without the ideologies and practices that Rediker imputed to them. Even Hobsbawm, who popularized the idea, did not claim that his bandits necessarily called

for radical social change. Social bandits were generally loyal to local communities, and they upheld traditional conceptions of morality, social hierarchy, and economic justice.⁸⁴ In fact, seventeenth-century English pirates seem to have had a wide range of political and ideological affiliations, many conservative. Most espoused deep anti-Catholic and anti-Muslim sentiments.⁸⁵ Rediker and Linebaugh make the point in *The Many-Headed Hydra* that their subjects were looking back at rights that had been taken away. Colonists on land, however, shared the view that they had been stripped of traditional rights. Morgan claimed to have found religion but not the radical religion of antimonarchist rebellion that inspired the Earl of Warwick and other militant Puritans. Instead he embraced the state religion. Evidently, he was attempting to connect more closely with the metropolis in London and to appear less peripheral. He made contributions toward the construction of a new Anglican church in Port Royal. To advertise his conversion, he had a sermon published in London “at the Request of Sir Henry Morgan, and other Gentlemen, by whose Liberal Contribution the said Church was Erected.” In the dedication to Morgan, the tract labeled itself an “opportunity of publishing to the World, how great a Patron of the Orthodox Religion we have in Jamaica.”⁸⁶ A few months later, a sermon was preached before Morgan and the assembly at St. Jago de la Vega, using the text, “Render therefore unto Caesar, the things which are Caesar’s.” The gist of the sermon was to “Love the Magistrate” and that good Christians were not “Trumpeters of Sedition” or “Affectors of Liberty.” At this point, Morgan was at the head of the Tory-leaning faction on the island, which harangued against dissenting Protestants during riots at the Point in 1683. His party took the moniker “The Loyal Club,” as opposed to the island’s Whigs.⁸⁷ That sermon, too, was printed in London.⁸⁸ Many other sea marauders’ writings repeatedly invoked the tradition of the Elizabethan seadogs and militant Protestantism. Joel Baer has found a ballad authored by the model libertarian pirate captain Henry Every (or Avery), *Every’s Verses*, that espoused somewhat conservative principles. This captain claimed to spring from an aristocratic family and expressed a desire to attack England’s traditional enemies.⁸⁹ More importantly, the ballad hints at Jacobitism, perhaps the most conservative political stance at the end of the seventeenth century.

Seventeenth-century pirates understood that their survival, reputation, and overall happiness depended upon how they were understood by their social betters on land, either in London or in the colonies. In turn, the colonial gentry wanted to read about pirates who maintained the

status quo and made them feel good about behavior that the settlers had already justified in other ways. Dampier and Lionel Wafer had their journals printed so as to appeal to members of the Royal Society. Anna Neill's analysis of Dampier's *A New Voyage* notes that it seems "odd to speak in the same breath of piracy and science."⁹⁰ It is telling that the South Sea pirates named islands in the Galapagos for English royalty and for Samuel Pepys, secretary to the Admiralty.

Pirates could be quite counter-revolutionary. Bermuda was made into a royal colony in 1684 and, when James II ascended to the throne on February 6, 1685, disaffected Bermudians rebelled. Captain William Phips, who happened to make a landfall on the island at the time, claimed Bermudians "intended to set up a free Government and take to piracy."⁹¹ Soon after, Bartholomew Sharp arrived in Bermuda after illegally plundering the Spanish (although he did hold a commission from the deputy governor of Nevis), and his men promptly set about helping royal governor Sir Robert Robinson put down the rebellion, which explicitly called for freedom and liberty.⁹² Sharp's pirates used "many bloody oaths" and called the men "rebels" for threatening the governor's life.⁹³ The governor realized Sharp's presence was a double-edged sword. On the one hand, he saved the island from anarchy. On the other, he could have taken over Bermuda single-handedly. Robinson asked the Lords of Trade and Plantations to send him sufficient ammunition and soldiers for "protection against pirates or other enemy," or "such a man as Sharpe may come again and master the Colony."⁹⁴ The following year, Royal Navy captain George St. Lo sailed to Bermuda to seize Sharp and his crew for piracy. St. Lo discovered, however, that the real radicals were the Bermudians on land, whom he considered "to be a mutinous, turbulent, hypocritical people, wholly averse to kingly government."⁹⁵ In Nevis, Governor Sir James Russell, well known as a "great favourer of privateers," refused to try Sharp or his men on charges of piracy.⁹⁶ Adding to the confusion over who qualified as a rebel was the centuries-old tradition of former pirates becoming pirate hunters. Among the pirates who were pardoned and protected because they could serve the "state" were Sir Henry Mainwaring in the early seventeenth century, Sir Henry Morgan by the 1680s, and the notorious John Coxon.

Roy Ritchie's seminal work, *Captain Kidd and the War Against the Pirates*, was one of the first serious academic studies to argue that we cannot really understand piracy unless we connect it to politics on land. For Ritchie, what made the complicated story of Captain Kidd so compelling and in the end so significant was how it implicated such a broad range of

imperial political actors, including Armenian merchants, Caribbean governors, East India Company factors in India, New York City jack-tars, and even King William himself. Kidd was part of a crew pirating in the Caribbean when war broke out in 1688, transforming him into a legitimate privateer protecting the island of Nevis from the French. Soon after, he was commanding one of the only vessels protecting the harbor entrance of New York City. He married in the city, where he bought a pew in Trinity Church. His most infamous adventure began on an expedition royally commissioned to attack pirates, not to join them. In New York, word spread about Kidd's commission, inspiring farm boys in colonies as far away as the Jerseys and Pennsylvania to make their way north to join the venture.⁹⁷ Governor Fletcher recalled: "One Captain Kidd lately arrived and produced a commission under the Great Seal of England for the suppression of piracy. When he was here many flocked to him from all parts, men of desperate fortunes and necessities, in expectation of getting vast treasure." Kidd's crew sailed with a "no prey, no pay" agreement, so "that if he misses the design named in his commission he will not be able to govern such a herd of men under no pay."⁹⁸ This would prove prophetic.

So Kidd was a former pirate and privateer now serving as a privateer and hunting pirates. He manned his vessel with former pirates from the colonies to capture pirates in the Indian Ocean who were also largely from the colonies. The pirates Kidd was specifically charged with seizing had intended to return to colonial ports, expecting the colonial gentry to welcome them, as they had their predecessors. Captains who returned from the Red Sea to their port of origin were officially privateers and had to pay the governors who commissioned them a previously determined fee. If Kidd captured them at sea as pirates, however, the goods seized could not legally change hands. Instead, as noted above, those goods could be sued for by the original owner or, failing that, would go to the Crown or lord admiral. Kidd obtained a special commission that mandated that the majority of the booty he seized was to end up in the hands of the nobility in England upon the completion of the voyage.⁹⁹ From this perspective, one can see why many colonial merchants would have found Kidd's venture troubling, including New York governor Benjamin Fletcher, who had invested heavily in the very pirates Kidd was supposed to bring to justice. How could anything go wrong?

What did the volunteers on Kidd's ship think they were going to do? Were they really going to prey upon pirates who intended to return to the colonies? One can imagine the motives of Kidd's Whig backers, but what

was the reasoning of the farm boys? Could they imagine they were doing anything other than piracy? For the last four years, crews had fitted out in colonial harbors intent on plundering Muslim pilgrimage vessels. Since Kidd planned to prey in the same waters, only with a Crown commission, the barriers of entry were remarkably low, perhaps lower than in any potentially piratical enterprise over the previous century. This meant a different kind of person was making the decision whether to enlist. Exit cost became much higher after the 1713 Treaty of Utrecht (as we will see), making the few who were willing to take the enormous risk more likely to join permanently, like members of today's street gangs.

Kidd adhered to his commission in refusing to attack a Dutch ship, thereby angering his crew. Instead he attacked an Armenian ship with an English captain that possessed a French commission. Could there have been a more state-sanctioned sea marauder than a man with a commission signed by the Crown? Certainly the Tories disagreed, questioning the right of even the Crown to issue such commissions. Unlike the rumored tales of the era's well-behaved pirates, Kidd's story became a public one that forced people to think through the uncomfortable relationship between privateers and pirates and their links to landed communities. Historians have debated Kidd's guilt or innocence for centuries, but Ritchie made the salient point that, at the time, the discussion took place in the courtrooms and coffee shops of New York, Boston, London, and India. In the ballad *Dialogue between the Ghost of Capt. Kidd, and the Napper in the Strand* (1702), Kidd warns the Napper, "I hope you took warning by my woful Condition . . . To take care how you acted beyond your Commission."¹⁰⁰ In George Farquhar's play *Sir Harry Wildair* (1701), a character states how "the whole House was clearly taken up" with the question: was "Kid a Pyrate?"

The point here is that the saga of Captain Kidd helped pin down definitions and distinctions that had been unfixed for centuries. In the colonies this debate came to a head in 1704 with the trial of Captain John Quelch. Quelch held a commission to prey upon the French; he then went to Brazil to capture Portuguese ships. For years a commission of any sort had been enough to satisfy locals, but in this case the Crown-appointed governor, Joseph Dudley, felt he needed to make a point. Quelch's execution led to a riot. Again, the debate concerning these matters was happening among landmen. Minister Cotton Mather tried to convince his largely merchant flock that "the Privateering Stroke so easily degenerates into the Piratical, and the Privateering Trade is usually carried on with an UnChristian Temper and proves an Inlet unto so much Debauchery and Iniquity."¹⁰¹

From 1700 to the Treaty of Utrecht in 1713, the distinction between privateers and pirates became significantly formalized on both sides of the Atlantic. Alexander Justice first published his *General Treatise of the Dominion and Laws of the Sea* in 1705. Further editions likely printed in 1709 and 1710 addressed the law of piracy and letters of marque and reprisal.¹⁰² Parliament passed the Act for the Encouragement of Trade to America (known as the America Act) and the Cruisers and Convoys Act in 1708. Some call the latter the British Prize Act, but its impact was greatest on the colonies. The act eliminated many of the financial constraints that drove captains to piracy by abolishing the claims of the Crown and the treasurer of the Navy to a percentage of prize money. Privateer captains could now make hefty profits after their loot was properly condemned in an Admiralty court. The act also made it easier to obtain a letter of marque and permitted privateers to distribute profits as they saw fit. The process of condemning prizes was streamlined and made more efficient. The fees taken by court officers were also significantly reduced.¹⁰³ American privateers were now officially exempt from impressment, a practice blamed for turning men to piracy in popular ballads like *The Sailor Turn'd Pyrate; or, A scourge for a press gang* (1705).

As Margarett Lincoln notes in her essay in this volume, the epitome of this new ethos was Bristol captain Woodes Rogers, who in 1708 embarked on one of the most successful privateering ventures of the era, a voyage that took him around the world and made him an international celebrity. Rogers was no pirate. He kept diligent records, maintained strict naval discipline, and brought along two lawyers and representatives of the businessmen who sponsored the voyage. Rogers even placed crewman Peter Clark in irons simply for stating that he wished he were aboard a pirate vessel. Rogers's constrained privateering netted 2 million pesos from the capture of the Manila galleon *Nuestra Señora de la Encarnación*.¹⁰⁴ When he returned, Rogers printed his personal account, *A Cruising Voyage Round the World*, highlighting the benefits of legitimate privateering over the lives of pirates who "live without Government."¹⁰⁵

The new formal definitions of privateering also made it more difficult to live as a well-behaved pirate in the colonies. In the 1690s, a New York City fisherman could easily be convinced to join Kidd on a Red Sea venture, since Kidd held a Crown commission and local governors had proved amenable to ignoring possible improprieties. By increasing the profitability of enlisting in legal privateering ventures, working the Newfoundland fisheries, or participating in the newly expanded slave trade, officials made piracy far less attractive for those without a natural interest

in crime. Some colonial leaders feared, however, that this new encouragement of privateering by landed communities would in peacetime “leave the world a brood of pyrates to infest it.”¹⁰⁶ This indeed came to pass following the signing of the Treaty of Utrecht in 1713.

The treaty marked a major change in the history of piracy: most sailors turned to peaceful employment, while those who refused to leave life “on the account” faced a whole new judicial landscape. After only a few years, ports that once had welcomed illicit sea marauders turned against them, dramatically raising the barriers of entry to and exit from a life of piracy. Initially, these obstacles were not so great but that some pirates might have hoped they could eventually quit and take some of their plunder with them. These diehards began to congregate on the sparsely populated Bahamas. The men who volunteered to join these roving gangs during the initial period of the War on Pirates, roughly between 1716 and 1722, in all likelihood anticipated that some place on land (North Carolina, perhaps?) would open up to them. Or they hoped they could make one last score and then obtain a pardon. Indeed, in 1717 the Crown offered pardons to those who surrendered before September of 1718. E. T. Fox has recently suggested that, after the 1715 Jacobite uprisings in Britain, many sailors hoped that the Pretender, who had need of a navy, might pardon them. Arne Bialuschewski believes the remarkable number of Jacobite references among pirates during the brief War on Pirates were merely cover for their crimes; but that still implies the seamen cared deeply about being perceived by those on land as pirates, wanting instead to be known as heroic warriors for a traditional cause. Fox notes how pirates paid close attention to the rise and fall of political parties on land and that, after the failed uprisings in 1722, the pool of potential English pirates dwindled dramatically. If Fox is correct, then future prospects for settling on land continued to be the determining factor among those who chose piracy at sea.¹⁰⁷

By the 1720s, it became evident that joining a crew of pirates was a life-altering decision. For about five or six years, the few willing to take this enormous risk and choose this lifestyle consisted of a self-selecting group of those hardened to punishment. Crucially, landed communities determined how great those gambles actually were. Historians focus primarily on the captains of the ships, but they were the ones least likely to be able to return to a life on land because their names had been broadcast in the popular press. When Edward Low arrived in Marblehead Harbor in 1722, what could he offer young fishermen who joined his crew? They would never be able to return to land to see friends and family.

They would risk their lives to acquire goods that were worth nothing at sea. There was no place to spend any specie they acquired, and their food would have to be stolen. They would likely never have a consensual sexual relationship. They would go hungry at times, and they were likely to die at the hands of a merchant seaman or Royal Navy vessel if they did not end up at the end of a rope. This was not a picture of a liberated life. Realizing just how awful such a fate might be, one can see why common jack-tars signed up instead to serve under Royal Navy captain Maynard to take Blackbeard or Captain Solgard, or to hunt the notorious Edward Low. We forget the crews that hunted pirates consisted largely of the same social class on the pirate vessels themselves.

One of the central premises of the recent paradigm of radical piracy is that pirates lived out fantasies of freedom. As the myth was formulated in the Victorian period, pirates began to represent a break not only from legal or political controls but even from societal expectations, prescriptions, and mores. This was particularly appealing during periods in which masculine anxiety about social restrictions conditioned the creation of escapist fantasies. Although these myths came out of a literary movement, historians have assimilated the freedom paradigm and expanded upon it considerably. Pirate life may have come closest to this ideal during the years 1716 to 1726. Historians have depicted pirates in this period as living under a spirit of “liberty, equality, and fraternity.”¹⁰⁸

Historians now accept that most inhabitants of the early modern maritime Atlantic world were to some extent unfree. The simple binary of liberty and slavery belies the more common shades of gray. Captured Irishmen were “barbados’d” to live lives akin to those of African slaves, while jack-tars lived in constant fear of impressment by the Royal Navy. Common sailors rose up in mutiny against tyrannical captains. Captivity at the hands of pirates presented another, perhaps deadlier, form of unfreedom. Mather exhorted his congregation that the short-term temptations of piracy presented the “worst of slaveries.”¹⁰⁹ The author of the *General History of the Pyrates* argued in his abstract on the civil law that, “if a ship is assaulted by the Pyrates,” then “the Master becomes a Slave to the Captors, by the Law Maritime.”¹¹⁰

The experience of Walter Kennedy provides the most extreme example of a seaman who did indeed turn to piracy in hopes of following the model of Morgan and Every. Kennedy’s vision of pirates was that they lived in a democracy; “so very industrious were they to avoid putting too much Power into the hands of one Man,” since “most of ’em having suffer’d formerly from the ill treatment of their Officers, [they] provided

thus carefully against such Evil." However, as he discovered, they lived "unhappy from Fear and Hardship" and shadowed with worry about being taken by larger vessels. Furthermore, "Whatever they took in their several Prizes could afford them no other Pleasure but downright Drunkenness on board, and except two or three Islands there were no other Places, where they were permitted to come on Shore; for now-a-days it was become exceedingly dangerous to land, either at Jamaica, Barbadoes, or on the Islands of Bermudas."¹¹¹

Pirate captains soon found gathering a loyal crew more and more difficult. They were most successful finding willing sailors from the miserable slave ships off the coast of Africa. Kenneth Kinkor and Barry Clifford claim that the number of black crewmembers on board pirate ships reached an estimated 30 percent during the War on Pirates, but they overlook the unusual context of this particular period in the history of piracy.¹¹² Certainly slaves or former slaves were among the few recruits who could easily be convinced that a pirate ship provided more freedom than they would find otherwise. While the barriers of entry and exit might have been high for a white sailor, slaves had practically no barriers at all. Nonetheless we have few clear indications of how these men were treated on board. Arne Bialuschewski's recent work questions the notion that the pirate ship offered any liberty for former slaves during the War on Pirates, roughly 1716 to 1726. His research indicates that pirates considered slaves "worthless cargo, and they treated captured Africans accordingly," sometimes throwing them overboard.¹¹³

Pirate captains' desperate need for seamen led to a new form of Atlantic slavery worse than impressment: to be "forc'd." The author of the *General History of the Pyrates* wondered why men chose "to engage themselves headlong in a Life of so much Peril to themselves" but admitted that many were forced into a life of piracy. The author argues that a *real* pirate must choose the life freely: "for there must go an Intention of the Mind and a Freedom of the Will to the committing an Act of Felony or Pyracry. A Pyrate is not to be understood to be under Constraint, but a free Agent; for in this Case, the bare Act will not make a Man guilty, unless the Will make it so."¹¹⁴ Those most susceptible to being "forc'd" were sailors who plied the New England and Newfoundland fisheries during the summers. Two Newport seamen, Jonathan Barlow and Nicholas Simmons, captured in 1724, later recalled their harrowing experience, which was like that of many fellow sailors enslaved by pirates. Barlow recalled, "they used me very Barbarously & I having on my Fingar a Ring they were going to Cut off my Fingar because I did not offer it to them the Capt of

sd Pirate taking his Pistol to beat out of my Teeth and thretned to Shoot me down the Throat." Simmons attempted to jump over board to escape the pirates, an act tantamount to suicide.¹¹⁵ Another man taken up as a pirate, John Stewart, claimed he was forced and pleaded with his audience, "wither nor not any Man would have preferred immediate Death to go along with them, while there remained some Hopes of making an Escape." Alas, when he did escape "the Tyranny of those Pirates," it was only to be found guilty in Scotland. He was executed in Edinburgh in 1721.¹¹⁶

Aware they could only offer a short and rarely a merry life, captains were placed in a precarious situation. How do you compel forced men to fight with abandon? To remedy the situation, captains drew up articles of agreement to be signed by all members of the crew. The articles regulated shipboard life, provided rules for the division of booty, and included a form of disability insurance for those who lost limbs in an attack. While most historians describe the liberal nature of these articles, the contract also served as a form of bondage. Pirates understood that colonial juries in the past had been sensitive to the levels of compliance demonstrated by crew members, especially those who claimed to be forced. The articles legally documented the act by which crewmembers, apparently of their own free will, became part of the ship (although in fact men were forced to sign these documents to avoid cruel punishments). These agreements gave pirate captains a tight grip over their crews, for all knew that anyone whose signature appeared on the articles would be found guilty in a colonial court. Although most historians assume these documents were designed only to regulate shipboard life, they were in this respect intended just as much for authorities on land, where they were publically printed in colonial newspapers and publications, even while the pirates continued to plunder at sea.

Since free will is so central to the paradigm of the transgressive pirate, we might expect that those acquitted of piracy were found to lack it. The most obvious acquittals were of those in skilled positions, including surgeons and carpenters, in part because they were often exempt from signing the articles. Young boys were also acquitted. While we would assume black and Native American pirates would face prejudice from a slave-owning society often at war with Native Americans, these groups were often acquitted because they were viewed as captives or servants without free will. Blacks on pirate ships were often returned to their masters or made to serve on Royal Navy ships.¹¹⁷

When Captain Solgard boarded the pirate ship *Ranger*, he witnessed the desperation created by the articles; one of the pirates "went Forward

with a Pistol and a Flask in his hand, and having drank, and utter'd several Imprecations, he clapt the Pistol to his head, and shot out his own Brains."¹¹⁸ Nicholas Merritt, a young fisherman captured by Edward Low in 1722, explained the deadly dilemma of pirate captivity, asking, "When can a Man be safe?" Either he dies fighting as a pirate or, if he is forced to sign the articles, he faces execution if he escapes. Merritt protests, "where is the Justice of this! It seemed an exceeding hardship to me."¹¹⁹ Certainly some men openly declared themselves pirates by their own free will, but many others spent their time on board avoiding active participation or attempting to escape.¹²⁰ This helps explain why authors of pirate captivity narratives use up an inordinate amount of ink in proving their active resistance.¹²¹

Lauren Benton observes that the primary defense for defendants in piracy trials was that they were forced into piracy.¹²² The defense attorney for accused pirates during the 1696 London trial of Red Sea pirates argued sailors were merely following orders. The suspicious prosecutor asked one of the accused men, "Did you think it no Piracy to Rob?" He responded, "I was forc'd to do what I did." The prosecutor concluded sarcastically, "You all compell'd one another."¹²³ Printed sources, including newspapers, focused mostly on pirate captains, whose celebrated poor behavior made their quiet return to landed society nearly impossible. Colonial leaders tended to be more sensitive to levels of compliance among the common sailors, whose roles were to follow orders and whose trials led to scores of acquittals. At the mass execution of pirates in Newport in 1723, one pirate warned the "Sea faring Men" to avoid "falling into the Hand of the Pirates; & if they be taken by them, that they mayn't Turn to them."¹²⁴ Prosecutors soon became wary of this argument and began to counter it by arguing that men accused of piracy were indeed following orders—from Satan.¹²⁵

While colonial newspapers contributed to the notoriety of pirate captains, they also documented noncompliance among their crews. Friends of Joseph Sweester of Boston advertised in the *New England Courant* that he was one among a number of "forc'd Men" aboard the pirate ship *Ranger*.¹²⁶ When Captain Solgard captured the ship and brought the prisoners to trial in Newport, Sweester used the advertisement as evidence, and he was acquitted. Witnesses deposed that Sweester not only refused to follow orders but also spent most of his time sobbing in the hold of the ship.¹²⁷ On many occasions, employers and friends inserted announcements in colonial newspapers that advertised the innocence of common sailors, describing them in detail and saying that their return

was anxiously awaited by family members in the colonies who were praying for them.¹²⁸

These advertisements attempted to give these innocent seamen a voice in the chorus of burgeoning printed material about piracy that included sermons, trial records, newspapers, plays, and even some of the first novels in the English language. It was here that the popular image of piracy was first forged. Even Boston merchants no longer sympathetic to piracy apparently found the adventures of former resident Edward Low fascinating. However, unlike the South Sea pirates whose journals were published during the last two decades of the seventeenth century, the eighteenth-century generation of pirates had no voice of their own. Fictional characters like Daniel Defoe's Bob Singleton, or the figure of Captain Misson in the *General History of the Pyrates*, performed the grand speeches we associate with pirates. Perhaps the most famous proto-proletarian tirade, attributed to Captain Samuel Bellamy in the *General History*, was a total fabrication meant to feed the indignation of the book's gentry readership. Few, after all, had the opportunity to take notes while on board a pirate ship.¹²⁹

The closest we come to the actual voices of the pirates is in trial records or execution speeches. Publishers of trial records often omitted, ignored, or manipulated the voices of the defendants. Perhaps the two pirates that historians most wish had written journals were women, Anne Bonny and Mary Read. However, according to their Jamaica trial record, they chose not to bring any witnesses or evidence in their favor before the court. After the judge determined their guilt, he asked if the women had anything to say in their defense, "And they, nor either of them, offering any Thing material," he sentenced them to death.¹³⁰ If ever there was a moment for a speech about the oppression of women, that was it. Instead we depend upon the *General History's* version of these women's lives and find there only a familiar trope similar to that in tales like Defoe's *Roxana* and *Moll Flanders*. Even the author admitted, "some may be tempted to think the whole story no better than a novel or romance."¹³¹

Sea marauding certainly did not disappear, but it was largely transformed by policies on land that made English piracy unsustainable but encouraged English privateers. By the 1730s, the only pirates appearing in colonial newspapers were Spanish.¹³² Those "Spanish Guarda Costas, alias Pirates" began to replace English captains in the newspapers.¹³³ Persistent newspaper reports of Spanish depredations against colonial shipping helped push English politicians toward outright war in 1739. Colonial newspapers that once recounted English atrocities now printed the laws

regulating privateering, including the America Act of 1708.¹³⁴ The War of Jenkins' Ear was the first great privateering war to provide an outlet for the avaricious ambitions of English captains because it served the interests of political authorities on land, who now possessed a coherent administrative and legal apparatus to control it.¹³⁵

This essay is based in part on my PhD dissertation, "The Pirate Nest: The Impact of Piracy on Newport, Rhode Island and Charles Town, South Carolina 1670–1740" (Harvard University, 2006).

NOTES

- 1 Hence the International Talk Like a Pirate Day, held every year on September 19. The way we imagine pirates talk is based in large part on actor Robert Newton's depiction of Long John Silver in Disney's 1950 adaptation of *Treasure Island*.
- 2 There are books that describe pirate tactics, clothing, and speech. See Beneron Little, *How History's Greatest Pirates Pillaged, Plundered, and Got Away with It: The Stories, Techniques, and Tactics of the Most Feared Sea Rovers from 1500–1800* (Beverly, Mass., 2011); Little, *The Sea Rover's Practice: Pirate Tactics and Techniques, 1630–1730* (Washington, D.C., 2005).
- 3 Peter T. Leeson, *The Invisible Hook: The Hidden Economics of Pirates* (Princeton, N.J., 2009); Marcus Rediker, *Villains of All Nations: Atlantic Pirates in the Golden Age* (Boston, 2004); Marcus Rediker and Peter Linebaugh, *The Many-Headed Hydra: Sailors, Slaves, Commoners, and the Hidden History of the Revolutionary Atlantic* (Boston, 2000); Marcus Rediker, *Between the Devil and the Deep Blue Sea: Merchant Seamen, Pirates, and the Anglo-American Maritime World, 1700–1750* (Cambridge, 1987); Chris Land, "Flying the Black Flag: Revolt, Revolution, and the Social Organization of Piracy in the 'Golden Age,'" *Management & Organization History* 2, no. 2 (2007): 169–92.
- 4 Hans Turley, *Rum, Sodomy, and the Lash: Piracy, Sexuality, and Masculine Identity* (New York, 1999); B. R. Burg, *Sodomy and the Perception of Evil: English Sea Rovers in the Seventeenth-Century Caribbean* (New York, 1983); and Burg, *Sodomy and the Pirate Tradition: English Sea Rovers in the Seventeenth-Century Caribbean* (New York, 1995). Peter Lamborn Wilson, or "Hakim Bey," has described North African piracy as an early modern example of culturally acceptable pederasty. See *Pirate Utopias: Moorish Corsairs and European Renegades* (Brooklyn, N.Y., 1995).
- 5 Marcus Rediker, "Liberty beneath the Jolly Roger: The Lives of Anne Bonny and Mary Read, Pirates," in *Bandits at Sea: A Pirates Reader*, ed. C. R. Pennell (New York, 2001), 299–320.
- 6 Kenneth Kinkor, "Black Men under the Black Flag," in *Bandits at Sea*, ed. Pennell, 195–210; Barry Clifford, *The Black Ship: The Quest to Recover an English Pirate Ship and Its Lost Treasure* (London, 1999).

- 7 Colin Woodard, *The Republic of Pirates: Being the True and Surprising Story of the Caribbean Pirates and the Man Who Brought Them Down* (Orlando, Fla., 2007), 1.
- 8 Malcolm Cowley, "The Sea Jacobins," *New Republic*, February 1, 1933, 327–29.
- 9 Hill, "Radical Pirates?" in *The Origins of Anglo-American Radicalism*, ed. Margaret Jacob and James Jacob (London, 1984), 17–32. This work follows on the heels of historians of English crime, generally protégés of E. P. Thompson, who believed that public executions "were the central event in the urban contention between the classes, and indeed were meant to be so." See Peter Linebaugh, *The London Hanged: Crime and Civil Society in the Eighteenth Century* (New York, 1992), xvii; Douglas Hay et al., *Albion's Fatal Tree: Crime and Society in Eighteenth-Century England* (London, 1975); and E. P. Thompson, *Whigs and Hunters: The Origin of the Black Act* (London, 1975).
- 10 E. J. Hobsbawm, *Bandits* (London, 1969); see also Paul Angiolillo, *A Criminal as Hero: Angelo Duca* (Lawrence, Kans., 1979).
- 11 For a good overview of pirate studies before 2000, see C. R. Pennell, "Who Needs Pirate Heroes?" *Northern Mariner* 8, no. 2 (1998): 61–79.
- 12 For example, see Kris Lane, *Pillaging the Empire: Piracy in the Americas, 1500–1750* (Armonk, N.Y., 1998). In Lane's defense, he is a historian of New Spain, where English pirates were certainly imagined this way.
- 13 Peter Earle, *The Pirate Wars* (London, 2004); David Cordingly, *Pirate Hunter of the Caribbean: The Adventurous Life of Captain Woodes Rogers* (New York, 2011).
- 14 John J. Richetti, *Popular Fiction before Richardson: Narrative Patterns, 1700–1739* (Oxford, 1969), 67, 76n; Land, "Flying the Black Flag." Kenneth J. Kinkor, research director of the *Whydah* project, agreed with this common generalization about pirates: "they were truly a deviant subculture held together by a common spirit of revolt"; quoted in Donovan Webster, "Pirates of the *Whydah*," *National Geographic*, May 1999, <http://www.nationalgeographic.com/whydah/story.html>.
- 15 Hubert Deschamps, *Les pirates à Madagascar aux XVIIe et XVIIIe siècles* (1949; reprint, Paris, 1972), 7. Translation mine.
- 16 Sir Leoline Jenkins, quoted in Edwin DeWitt Dickinson, *A Selection of Cases and Other Readings on the Law of Nations* (New York, 1929), 518.
- 17 *Tryals of Thirty-Six Persons for Piracy* (Boston, 1723), 3. In 1718 the Boston prosecutor claimed that pirates were "united by no other tie, than a moral consent to extinguish first humanity in themselves, and to prey promiscuously on all others"; *Trials of Eight Persons Indited for Piracy* (Boston, 1718), 9.
- 18 This disparity between types of pirate studies becomes evident when we compare the work of social and legal and intellectual historians who have written about pirates. See, for example, Lauren Benton, *The Search for Sovereignty: Law and Geography in European Empires, 1400–1900* (New York, 2010); Daniel Heller-Roazen, *The Enemy of All: Piracy and the Law of Nations* (New York, 2009); and Alfred Rubin, *The Law of Piracy* (Honolulu, 2006).

- 19 John Esquemeling, *The Buccaneers of America*, ed. William Swan Sonnenschein (1684; Glorieta, N.M., 1992), 1; unless specially noted, quotations are from this 1992 edition of the 1684 printing by William Croke. Note that Exquemelin's name has been spelled many different ways by many different authors.
- 20 For more on the transgressive nature of criminal language, see John L. McMullan, *The Canting Crew: London's Criminal Underworld, 1550–1700* (New Brunswick, N.J., 1984). For a reader's guide to underground argot, see B. E., *A New Dictionary of the Canting Crew* (London, 1699).
- 21 Laura Rosenthal, "Pirate Studies and the End of the Humanities," *The Long Eighteenth*, January 27, 2011, <http://long18th.wordpress.com/2011/01/27/pirate-studies-and-the-end-of-the-humanities/>.
- 22 Laurel Thatcher Ulrich, "Virtuous Women Found: New England Ministerial Literature, 1668–1735," *American Quarterly* 28 (1976): 20.
- 23 Mark Gillies Hanna, "The Pirate Nest: The Impact of Piracy on Newport, Rhode Island and Charles Town, South Carolina, 1670–1730" (PhD diss., Harvard, 2006).
- 24 William Penn, *By the Proprietary of the Province of Pennsylvania, and Counties Annexed with the Advice of the Council, a Proclamation* (Philadelphia, 1699).
- 25 William Penn to the Board of Trade, Philadelphia, April 28, 1700, Colonial Office Records (hereafter CO), CO 5/1260, no. 43, The National Archives (hereafter TNA).
- 26 Piracy as merely an event in a complex career dates back to Aristotle's *Politics*, where he classified acquisition as an essential part of war. He even placed piracy alongside farming, fishing, and hunting as methods of social subsistence without resorting to trade. See Henry A. Ormerod, *Piracy in the Ancient World* (London, 1924), 71–72.
- 27 Jeremiah Basse to William Popple, July 18, 1697, *Calendar of State Papers, Colonial Series* (hereafter CSPC), 1696–1697, no. 1187. CSPC is available at British History Online, <http://www.british-history.ac.uk/catalogue.aspx?gid=123&type=3>.
- 28 "Petition of the Wives and relations of Pirates and Buckaneers of Madagascar and elsewhere in the East and West Indies to H. M.," July 4, 1709, appears in both CO 323/6, fol. 81, and CSPC 1708–1709, no. 620ii.
- 29 Robert Quarry to the Board of Trade, June 6, 1699, in *Documents Relating to the Colonial History of the State of New Jersey*, vol. 2, ed. William Whitehead (Newark, N.J., 1881), 280–82.
- 30 See Hanna, "The Pirate Nest," chaps. 2–5.
- 31 On Charles Town as a pirate nest, see my "Protecting the Rights of Englishmen: The Rise and Fall of Carolina's Piratical State," in *Creating and Contesting Carolina: Proprietary Era Histories*, ed. Brad Wood and Michelle Lemaster (Columbia, S.C., 2013), 295–317.

- 32 Wilson, preface to Stephen Snelders, *The Devil's Anarchy: The Sea Robberies of the Most Famous Pirate Claes G. Compaen & the Very Remarkable Travels of Jan Erasmus Reyning, Buccaneer* (New York, 2004), ix; Eliga Gould, "Zones of Law, Zones of Violence: The Legal Geography of the British Atlantic, circa 1772," *William and Mary Quarterly* 60, no. 3 (2003): 471–510; Michael Jarvis, "Seafaring Squatters, Caribbean Commons, and Empire Building, 1630–1780" (paper presented at "The New Maritime History" conference, Huntington Library, San Marino, Calif., November 11–12, 2011).
- 33 Christopher Hill's original contention was that seaborne radicalism was the result of radicalism on land during the English Civil War that was displaced by the restoration of Charles II.
- 34 Leeson, *The Invisible Hook*. See also my review of Leeson's work in *International Journal of Maritime History* 21, no. 2 (2009): 411.
- 35 Historians who have connected pirates to landed communities have focused primarily on markets. See Cyrus H. Karraker, *Piracy Was a Business* (Rindge, N.H., 1953); and Pennell, "Pirates and Markets." A good recent work on piracy and the slave market is Kevin Macdonald, "Pirates, Merchants, Settlers, and Slaves" (PhD diss., University of California, Santa Cruz, 2008). For the role of women on land as receivers of pirate goods, see John C. Appleby, *Women and English Piracy, 1540–1720* (Rochester, N.Y., 2013). For work intended for a less scholarly audience, see Clifford Beal, *Quelch's Gold: Piracy, Greed, and Betrayal in Colonial New England* (Westport, Conn., 2007); Patrick Pringle, *Jolly Roger: The Story of the Great Age of Piracy* (New York, 1953); and Douglass Burgess, *The Pirate's Pact: The Secret Alliances between History's Most Notorious Buccaneers and Colonial America* (Chicago, 2008).
- 36 Daniel Vickers, "Beyond Jack Tar," *William and Mary Quarterly* 50, no. 2 (1993): 418, 421; Vickers, *Young Men and the Sea: Yankee Sea Farers in the Age of Sail* (New Haven, Conn., 2005).
- 37 See Ian K. Steele, "Exploding Colonial American History: Amerindian, Atlantic, and Global Perspectives," *Reviews in American History* 26 (1998): 70–95.
- 38 Samuel Taylor Coleridge, *Table Talk*, ed. Carl Woodring (Princeton, N.J., 1990), 268.
- 39 Susan Ronald, *The Pirate Queen: Queen Elizabeth I, Her Pirate Adventurers, and the Dawn of Empire* (New York, 2007); Phil Jones, *Raleigh's Pirate Colony in America* (Charleston, S.C., 2001); Harry Kelsey, *Sir Francis Drake: The Queen's Pirate* (New Haven, Conn., 2000).
- 40 Simon Layton, "Discourses of Piracy in an Age of Revolutions," *Itinerario* 32, no. 2 (2011): 81–97.
- 41 Lauren Benton, *The Search for Sovereignty: Law and Geography in European Empires, 1400–1900* (New York, 2010), 112–20.
- 42 Daniel Heller-Roazen, *The Enemy of All: Piracy and the Law of Nations* (New York, 2009), 82.
- 43 For example, Kenneth R. Andrews, *Elizabethan Privateering: English Privateering during the Spanish War* (Cambridge, 1964).

- 44 Robert C. Ritchie, *Pirates: Myths and Realities* (Minneapolis, 1986), 5; Carla Pestana, *The English Atlantic in an Age of Revolution* (Cambridge, Mass., 2004), 199.
- 45 Edward Doyley, *A Narrative of the Great Success . . . in Jamaica . . . Together with a true Relation of the Spaniards losing their Plate Fleet* (London, 1658); some of Doyley's official letters sent to England that referred to "private-men-of-war" are in the British Library (hereafter BL), Add. MS 11410, fol. 10v; Add. MS 12423, fol. 67; Add. MS 12323. Men who attacked English shipping, such as Peter Swayne in 1660, were called pirates; see Add. MS 12423, fols. 76–80.
- 46 He is referred to as "Henry Morgan: Sould to Cap. Rudiers Coll. Harrington's Regm't," Jamaica, January 17, 1661, Records of the High Court of Admiralty (hereafter HCA) 1/9, part 1, fols. 109 and 173, TNA. Popular historians consistently refer to Morgan as "the greatest pirate of them all—Sir Henry Morgan the Buccaneer"; Sue Core, *Henry Morgan, Knight and Knave* (New York, 1943), v. Most historians say Morgan first appeared in the records in 1662, but the *Oxford Dictionary of National Biography* claims, "Morgan first appears in the historical record in August 1665 when, fresh from a plunder raid, he entered Port Royal" with two other captains (s.v. "Morgan, Sir Henry [c.1635–1688]," by Nuala Zahedieh, last modified October 2008, <http://www.oxforddnb.com/view/article/19224?docPos=2>). Of the three men, Morgan was the only one without a commission from Governor Windsor; see TNA, CO 1/20, fol. 38.
- 47 TNA, HCA 1/9, part 1, fols. 105, 179.
- 48 TNA, HCA 1/9, part 1, fols. 100, 170–74.
- 49 Col. Edward D'Oyley, governor of Jamaica, to his kinsman Sec. Nicholas, March[?], 1661, *CSPC*, 1661–1668, no. 61. The Privy Council added to this by ordering London criminals shipped off to settle Jamaica in June of 1661; *Acts of the Privy Council of England, Colonial Series*, vol. 1, *A.D. 1613–1680*, ed. W. L. Grant and James Munro (London, 1908), 310, 314–15.
- 50 TNA, HCA 1/9, part 1, fol. 170.
- 51 BL, Add. MS 11410, fols. 7v–10.
- 52 Lt. Col. Thomas Lynch to Sec. Sir Henry Bennet [Lord Arlington], Jamaica, May 25, 1664, *CSPC*, 1661–1668, no. 744.
- 53 Edmund Hickeringill, *Jamaica Viewed*, 2nd ed. (London, 1661), 47.
- 54 An Act to prevent the delivery up of Merchants Shippes, and for the Increase of good and serviceable Shipping, 22 & 23 Car. 2, c. 11, *Statutes of the Realm*, vol. 5, 1628–80 (1819), 720–22, available at British History Online, <http://www.british-history.ac.uk/source.aspx?pubid=351>.
- 55 Esquemeling, *Buccaneers of America*; Here the translator refers to "the Great Morgan, our fam'd Buccanier." The collection in Hacke refers repeatedly to "Buccaneers"; William Hacke, *A Collection of Original Voyages* (London, 1699), index, 44.
- 56 Anton Gill, *The Devil's Mariner: A Life of William Dampier, Pirate and Explorer, 1651–1715* (London, 1997), 238.

- 57 "Petition," TNA, CO 323/6, fol. 81.
- 58 Esquemeling, *Buccaneers of America*, 55.
- 59 Henry Barham, "Civil History of Jamaica to the Year 1722," BL, Add. MS 12422, p. 80.
- 60 Esquemeling, *Buccaneers of America*, 3–4.
- 61 *The Present State of New-England with Respect to the Indian War* (London, 1675), 4–5.
- 62 Thomas Hutchinson in his *History of Massachusetts Bay* claimed, "Moseley had been an old privateer at Jamaica, probably of such as were called Buccaneers"; *The History of the Colony and Province of Massachusetts-Bay by Thomas Hutchinson*, vol. 1, ed. Lawrence Shaw Mayo (Cambridge, 1936), 244. The second edition of the *Oxford English Dictionary* (1989) defines *privateer* as "a volunteer soldier, a free-lance, a guerilla." The only proof for this usage stems from separate accounts of Moseley and his crew volunteering to fight for the colony in King Philip's War without taking into consideration Moseley's West Indian sea service. They have since modified the definition upon my complaint.
- 63 Edward Randolph, "A Discourse About Pyrates," May 10, 1696, Gosse Collection, GOS/9, National Maritime Museum, Greenwich.
- 64 William Dampier, *A New Voyage Round the World* (London, 1697), 137, 192.
- 65 Lynch to the Lord President of the Council, Jamaica, June 20, 1684, TNA, CO 1/54, no. 132.
- 66 Lieut. Gov. Hender Molesworth to William Blathwayt, February 3, 1684, CSPC, 1685, no. 2067.
- 67 Anna Neill, "Buccaneer Ethnography: Nature, Culture, and Nation in the Journals of William Dampier," *Eighteenth Century Studies* 33, no. 2 (1962): 168. Neill's article focuses on Dampier's attempt to reconnect with civilized humanity after his years with its enemies. However, Neill unfairly analyzes Dampier with a vision of "piracy" that is an ahistoric, static phenomenon, conflating his work with the narratives of the 1720s. Gill similarly claims that "Dampier is at pains to distance himself from them [pirates]"; *The Devil's Mariner*, 63.
- 68 Acts of Jamaica passed on the 2nd July 1681, TNA, CO 139/7, pp. 1–18.
- 69 *The Laws of Jamaica* (London, 1683).
- 70 *London Gazette*, May 3, 1686; January 31, 1683; May 16, 1687.
- 71 Quoted in Marion Eugene Sirmans, *Colonial South Carolina: A Political History, 1663–1763* (Chapel Hill, N.C. 1966), 41; Earl of Craven to Lords of Trade and Plantations, May 27, 1684, CSPC, 1681–1685, no. 1707.
- 72 Lynch to Secretary Sir Leoline Jenkins, Jamaica, November 6, 1682, TNA, CO 1/49, no. 91; Governor Lilburne to the Lords Proprietors of the Bahamas, May 27, 1684, TNA, CO 1/54, no. 109i. He had been preying upon the Spanish in 1682 without a commission. For more on Paine's backstory, see Dampier's *A New Voyage*, 26, 38, 51–52; Howard Chapin, "Captain Paine of Cajacet," *Rhode Island Historical Society Collections* 23, no. 1 (1930): 19–32.

- 73 Relation of T. Thacker, Deputy-Collector, August 16, 1684, TNA, CO 1/55, no. 36ii; William Dyre to Sir Leoline Jenkins, Boston, September 12, 1684, CO 1/55, no. 36; Extract from a letter of Governor Cranfield, October 7, 1683, *CSPC*, 1681–1685, no. 1299; Governor Cranfield to Lords of Trade and Plantations, October 19, 1683, *CSPC*, 1681–1685, no. 1320.
- 74 King Charles II to the Gov. and Magistrates of Massachusetts, April 13, 1684, TNA, CO 5/904, pp. 201–2; King Charles II to Lynch, April 13, 1684, CO 138/4, pp. 229–31.
- 75 Charles Johnson, *A General History of the Robberies and Murders of the Most Notorious Pyrates* (London, 1724), preface.
- 76 Lieutenant-Governor Nicholson to Lords of Trade and Plantations, July 16, 1692, *CSPC*, 1689–1692, no. 2344; For a similar use of “pirate” and “privateer” to describe the same people in the American colonies, see EL 9590, Huntington Library.
- 77 Answer of Governor Fletcher to the depositions taken against him, [August 22], 1696, *CSPC*, 1696–1697, no. 161.
- 78 “Higginson Letters,” *Massachusetts Historical Society Collections*, 3rd ser., vol. 7 (Boston, 1838), 199.
- 79 *The Tryals of Joseph Dawsn, Edward Forseith, William May, William Bishop, James Lewis, and John Sparkes for several piracies and robberies by them committed* (London, 1696), 6, 8, 18.
- 80 Basil Ringrose, *The History of the Bucaniers of America. The second edition.* (London, 1695), 78.
- 81 Ritchie, *Pirates*, 8. Also on slaves on ships, see Esquemeling, *Buccaneers of America*, 97–100, 247; Examination of Richard Arnold, August 4, 1686, William Blathway Papers, BL 327, Huntington Library; *Voyages and Adventures of Captain Bartholomew Sharp*, ed. Philip Ayres (London, 1684); Anonymous, “Journal of the South Sea Expedition,” 1679, BL, Add. MS 11410, fol. 354.
- 82 “A true and perfect narrative and relation of all the horrid and villainous murders, robberies, spoils, and piracies,” October 18, 1683, *CSPC*, 1681–1685, no. 1313.
- 83 Dampier repeatedly mentioned how the pirates used the slaves to do much of their dirty work: *Dampier’s Voyages*, vol. 1, ed. John Masefield (London, 1906), 180–81.
- 84 Lincoln Faller found this conservative nature in portrayals of highwaymen; *Turned to Account: The Forms and Functions of Criminal Biography in Late Seventeenth- and Early Eighteenth-Century England* (Cambridge, 1987), 121. Anton Blok and others have questioned just how “real” was the social bandit and how much was myth. According to Blok, “We idealize all the more easily those things and people with whom we are least acquainted, or whom we rarely see, and we tend to ignore information that is detrimental to a beloved image”; Blok, “The Peasant and the Brigand: Social Banditry Reconsidered,” *Comparative Studies in Society and History* 14, no. 4 (1972): 501. Hobsbawm admitted in his response to Blok that he did not distinguish enough between

- living bandits and those enshrined in the community's memory; "Social Bandits: Reply," *Comparative Studies in Society and History* 14, no. 4 (1972): 503–5.
- 85 Despite the bloodshed, Esquemeling's pirates are seemingly driven by genuine religious motivation. Some actually pray and see God's hand in the outcome of events. See Esquemeling, *Buccaneers of America*, 116–17, 233. Basil Ringrose blesses and praises God in *Bucaniers of America. The second volume*, 395.
- 86 J. L., LL. B., *A Sermon Preached on January 1st 1680[/]1 In the New Church at Port-Royal in Jamaica, Being the first time of performing Divine Service there* (London, 1681).
- 87 Governor Sir Thomas Lynch to Lords of Trade and Plantations, November 2, 1683, *CSPC*, 1681–1685, no. 1348.
- 88 *A Sermon Preached before the Governour, Council & Assembly of Jamaica in St. Jago de la Vega, Martii 18, 1680/1* (London, 1682), 1–3, 11.
- 89 Joel H. Baer, "Bold Captain Avery in the Privy Council: Early Variants of a Broadside Ballad from the Pepys Collection," *Folk Music Journal* 7, no. 1 (1995): 4–26 at 13.
- 90 Neill, "Buccaneer Ethnography," 165.
- 91 Deposition of Captain William Phips, June 1685, *CSPC*, 1685–1688, no. 262.
- 92 Captain St. Lo, R.N., to the Earl of Sunderland, HMS *Dartmouth*, at Boston, September 10, 1686, TNA, CO 1/60, no. 47; The President and Council of New England to Lords of Trade and Plantations, October 21, 1686, CO 1/60, no. 80.
- 93 Governor Cony to the Earl of Sunderland, December 17, 1685, TNA, CO 1/58, no. 119.
- 94 Sir Robert Robinson's request to the Lords of Trade and Plantations concerning Bermuda, September 7, 1686, TNA, CO 1/60, no. 43.
- 95 Declaration of Captain George St. Lo, November 27, 1687, *CSPC*, 1685–1688, no. 1533.
- 96 Information of Captain St. Lo, as to the state of Nevis, [July 19] 1687, *CSPC*, 1685–1688, no. 1356.
- 97 Ritchie, *Captain Kidd*, 62.
- 98 Governor Fletcher to Board of Trade, New York, June 22, 1697, TNA, CO 5/1040, no. 32.
- 99 Ritchie, *Captain Kidd*, 54.
- 100 Quoted in William Hallam Bonner, "The Ballad of Captain Kidd," *American Literature* 15, no. 4 (1944): 365.
- 101 Cotton Mather, *Faithful Warnings* (Boston, 1704).
- 102 Alexander Justice, *A General Treatise of the Dominion of the Sea: and a compleat body of the sea-laws . . . Together with Several Discourses about the Jurisdiction and manner of Proceeding in the Admiralty of England, both in Criminal and Civil Matters . . . Pyracy, and of Letters of Marque and Reprizal* (London, 1710?).

- 103 6 Anne, c. 13 (1708); 6 Anne, c. 37 (1708); see BL, Add. MS 8832, fol. 1. The best explication of the act is in Carl Swanson, *Predators and Prizes: American Privateering and Imperial Warfare, 1739–1748* (Columbia, S.C., 1990), 34–36; Richard Pares, *Colonial Blockade and Neutral Rights, 1739–1763* (Philadelphia, 1975), 6, 64–66.
- 104 Woodes Rogers, *A Cruising Voyage Round the World* (London, 1928), xi; Kris Lane, *Pillaging*, 182.
- 105 Quoted in Burg, *Sodomy and the Pirate Tradition*, 156. See also Cordingly, *Pirate Hunter of the Caribbean*.
- 106 Mr. Dummer to Mr. Popple, January 17, 1709, CSPC, 1708–1709, no. 301.
- 107 E. T. Fox, “Jacobitism and the ‘Golden Age’ of Piracy, 1715–1725,” *International Journal of Maritime History* 22, no. 2 (2010): 277–303; Arne Bialuschewski, “Jacobite Pirates?” *Histoire Sociale/Social History* 44, no. 87 (2011): 147–64.
- 108 Barry Clifford, *Expedition Whydah: The Story of the World’s First Excavation of a Pirate Treasure Ship and the Man Who Found Her* (New York, 1999), 163; Marcus Rediker, “Under the Banner of King Death: The Social World of Anglo-American Pirates, 1716 to 1726,” *William and Mary Quarterly* 38 (1981): 203–27; J. S. Bromley, “Outlaws at Sea, 1660–1720: Liberty, Equality and Fraternity among Caribbean Freebooters,” in *Corsairs and Navies, 1660–1760*, ed. J. S. Bromley (London, 1987), 1–20.
- 109 Mather, *The Converted Sinner* (Boston, 1724), 8.
- 110 *A General History of . . . Pyrates*, 377.
- 111 *The Lives of the Most Remarkable Criminals* (London, 1735), 57–58.
- 112 Clifford, *Expedition Whydah*, 165; Kenneth Kinkor, “Black Men under the Black Flag,” in *Bandits at Sea*, ed. Pennell, 195–210. For an eyewitness account, see William Snelgrave, *A New Account of Some Parts of Guinea, and the Slave Trade* (London, 1734), preface.
- 113 Arne Bialuschewski, “Black People under the Black Flag: Piracy and the Slave Trade on the West Coast of Africa, 1718–1723,” *Slavery and Abolition* 29, no. 4 (2008): 461–75. Even a popular traveling museum exhibit displaying artifacts from Samuel Bellamy’s former slave ship, *Whydah*, claimed it was a vessel of liberation. However, during their trial, members of Bellamy’s crew claimed they were in fact forced for fear of their lives, and two were indeed found innocent based on these claims; *Trials of Eight Persons*, 12.
- 114 *A General History of . . . Pyrates*, 3, 449.
- 115 *Captured by Pirates: Two Diaries of 1724–1725*, ed. Robert Francis Seybolt (Boston, 1929); also in *New England Quarterly* 2, no. 4 (1929): 658–69.
- 116 *The Last Speech and Dying Words, of John Stewart, who was executed within the Flood-Mark at Leith, upon the 4th January 1721, for the Crime of Piracy and Robbery* (Edinburgh, 1721).
- 117 According to the *New-England Courant*, Captain Solgard and his crew captured forty-three men on June 10, 1723. Thirty-seven were white and six were black. Upon arrival in Newport, thirty men were brought to jail, while the rest stayed upon Solgard’s ship to prepare it for further action. The six black

- men on board the ship were not imprisoned. Tom Mumford or Umper, a twenty-one-year-old Indian man from Martha's Vineyard, was also set free when Captain Solgard claimed he was simply a servant on board. *New England Courant*, June 17, 1723; *Tryals of Thirty-Six Persons*, 7. For an example of a slave acquitted while a free black sailor was executed, see *Trial of Eight Persons*, 11.
- 118 *New England Courant*, June 17, 1723; *Boston News-letter*, August 8, 1723.
- 119 From *Ashton's Memorial: An History of the Strange Adventures and Signal Deliverances of Philip Ashton, Jr.*, ed. Russell W. Knight (Salem, Mass., 1976), 52.
- 120 For examples of both, see *Trial of Eight Persons*, 11.
- 121 This is similar to Indian captivity narratives; see *White Slaves, African Masters: An Anthology of American Barbary Captivity Narratives*, ed. Paul Baepler (Chicago, 1999).
- 122 Benton, *A Search for Sovereignty*, 118–19.
- 123 *Tryals of Joseph Dawson* (London, 1696), 21.
- 124 Cotton Mather, *Useful Remarks: An Essay upon Remarkables in the Way of Wicked Men* (New-London, Conn., 1723), 37–38.
- 125 *The Arraignment, Tryal, and Condemnation of Captain William Kidd, for Murther and Piracy* (London, 1701), 5; *The Trials of Five Persons for Piracy, Felony and Robbery* (Boston, 1726), 5.
- 126 *New England Courant*, June 17, 1723.
- 127 *New England Courant*, June 24, 1723; *The Tryals of Thirty-Six Persons*.
- 128 For example, Captain Robert Leonard of the snow *Unity* paid for an advertisement in the *American Weekly Mercury*, proclaiming that in January of 1723 his vessel was attacked by Edward Low, who forced two of his men, Richard Owen and Frederick Vander Scure, to join him, “both of them belonging to the City of New-York, and have Families there”; *American Weekly Mercury*, July 4, 1723. For similar advertisements, see *Boston Gazette*, August 22, 1720; *Boston News-letter*, September 19, 1720; *Boston News-letter*, October 24, 1720; *Boston News-letter*, October 31, 1720; *Boston Gazette*, November 14, 1720; *Boston Gazette*, November 21, 1720; *New England Courant*, October 8, 1722; *American Weekly Mercury*, June 27, 1723; *Boston News-letter*, August 15, 1723; and *Boston News-letter*, October 18, 1723 [two separate ads].
- 129 Historians continue to debate the history's authorship. For centuries it was believed to be by the hand of novelist Daniel Defoe. More recently this has been questioned, and Arne Bialuschewski thinks it might be by the printer Nathaniel Mist; “Daniel Defoe, Nathaniel Mist, and the ‘General History of the Pyrates,’” *Papers of the Bibliographical Society of America* 98, no. 1 (2004): 21–38.
- 130 “Trial of Mary Read and Anne Bonny, alias Bonn, November 28th, 1720,” TNA, CO 137/14, p. 19.
- 131 *A General History of . . . Pyrates* (1724).
- 132 The English had always suspected the Spanish of secretly fueling the war on pirates; see *Boston News-letter*, August 22, 1723; *Boston Gazette*, August 19, 1723.

- 133 *Boston Evening-Post*, February 23, 1736.
- 134 *New York Weekly Journal*, September 10, 1739.
- 135 Carl Swanson points out how Dr. Alexander Hamilton, who traveled along the eastern seaboard during the war, noted in his journal that in nearly every port the sole topic of conversation was privateering. Hamilton complained that in New York “the table chat run upon privateering and such discourse as has now become so common that it is tiresome.” See Swanson, “American Privateering and Imperial Warfare, 1739–1748,” *William and Mary Quarterly* 42, no. 3 (1985): 357–58.