

“The Impact of Piracy on the Spanish Colonial Enterprise”
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Summarized by Timothy Doran

The **romanticization** of pirates bombards students of all ages. The terminology surrounding the subject of piracy can be ambiguous and confusing. It is important to think comparatively in order to avoid problems of anachronism. Piracy in its initial definition can be tricky as well: Professor Lopez Lazaro points out that a penny found on a floor instigates the question of whether or not it belongs to the finder. It does indeed – unless, of course, someone left it on the floor as payment to a third party. And the floor-owner may own the penny. Piracy concerns questions of property, economics, sovereignty, and law, but the sea world makes it hard to establish these things.

The challenge of images and stereotypes may help us to teach. The romanticized images of pirates can be useful. For example, the famous song by Disney Productions commonly known by its chorus, “*yo ho ho ho, a pirate’s life for me*” discusses looting and pillaging, rapine and embezzlement. It tells some of the brutal truth of piracy. It is a nasty life that people are singing about. The film *Sea Hawk (1940)* shows pirate comradeship as well as depicting some pirates’ clearly anti-imperial ideology. In it, the Spanish are bad, the pirate captain is attractive, the pirates are honorable and intelligent. The king of Spain steals gold dust from others, and the heroic pirates steal from the King of Spain. Other themes are also illustrated by pirate stereotypes. In *Pirates of the Caribbean*, there is Johnny Depp, the social rebel, as well as two secondary characters who are gender rebels (a homoerotic element), and a general romanticization of adventure, which historically lured sailors and landlubbers into becoming pirates.

Piracy is not just about business, sovereignty, and government, but **war**. An extra-terrestrial alien who had no knowledge of the human rules of war might have a difficult time deciding whether the violence of looting after fighting in a conflict between humans was legitimate or not, an act of legitimate war or illegitimate, violent theft. A legal problem exists here in that the same people may be doing the same action in one place and in another place, and in the first place they are perhaps doing these things legally, and in the second, illegally. The key is whether states have commissioned crews or not; if they have, then the looting is “legitimate” and the fighting is considered “war.” if they haven’t, then it is piracy.

Piracy as a global phenomenon in the early modern and modern period involves the the problem that we often essentialize the political context of piracy’s principal victims, the latin american subjects of the king of spain during the heyday of piracy lasting from 1630 to 1730. The subjects of the king of spain called themselves “American.” The kingdoms of peru, castille, and sicily all faced maritime predation. the first challenge in teaching is to get beyond an image of colonial latin american history which depicts it exclusively as a constant struggle between Indian and non-Indian, or native American and Spaniard.

A question to explore with students is whether all empires are essentially piracy.
St. Augustine, whom Lopez Lazaro calls “a great imperialist himself” and a religious

imperialist, was very concerned with creating a world of Christian moral law. Augustine wrote in *City of God* in 412 AD,

“Alexander the Great once rebuked a pirate. ‘Fiend, why do you infest the oceans?’ To which the pirate calmly answered, ‘I do the same thing as you, except that I infest one sea with a little ship and am called a thief, whereas you infest the whole world with a navy and are called emperor.’”

One difference is that governments and emperor-type figures such as Alexander were expected to protect their people: kings in the medieval period mediated when their subjects misbehaved. If a person in this world were to find a penny, he should take it to the sovereign of this jurisdiction OR RETURN it. It WAS a different world, a hierarchical world.

Pirates also came in many formats. Jean-David Nau a.k.a. Francois L’Olonnais did no philosophizing about being a pirate. Nau was a homicidal sociopath. He also worked for the French crown at different times in his life. Kings and pirates engage in various similar acts to gain property. In the Medieval period, up to the sixteenth century in a European or neo-European context, the normal state of relations between states was war. When a state deigned to recognize another state as a friend, it ISSUED a peace treaty for a limited number of years. A vital characteristic of free and independent sovereigns, and sovereign states, was considered the ability TO declare war (or peace) for a specific number of years.

When a merchant travelling from Portsmouth from Aleppo had his cargo or both his cargo and ship taken from him, the merchant realized the difficulty of getting it back. He could acquire another ship to try to take his property back, but the person who had taken his ship could charge him with theft. Or the merchant could ask his sovereign for a letter entitling him to get back his property: a *letter of reprisal*. A prize is a ship and its cargo violently taken from someone else. Between 1300 and 1600 diplomacy developed among Italian city-states. The new idea was that states should have representatives of themselves in all other states at all times. This was different from the previous medieval context of warfare for the Italian city-states, tired of constant warfare, decided that states should be normatively at peace with one another; but the only way to ensure peace was to have subjects discuss their problems and claims against a foreign state with the ambassadors first.

As states took on these diplomatic duties they also began to commission private merchants’ ships to fight for them in war (which allowed the merchants to pillage enemy ships). This was done by issuing them a *letter of marque*. It is also called a letter of patent. A letter of marque could only be used during a time of war, which at this point was considered a period that was abnormal. This letter made someone a **privateer**, which is a private subject commissioned during a time of war. While pirates were always at the mercy of the people who bought their stolen goods, privateers had nice documents and WERE able to go to a port controlled by their sovereign and sell everything for full market value. Once this system was in place, once a state of peace became the norm in the late sixteenth century, non-privateering piracy became criminalized, and the following phrase came to be used for non-privateer pirates: *hostes humani generis*, “enemies of the human race.” European empires now were rivals of each other and this meant

that one state's privateers might be considered pirates by another state if there they were not diplomatically in tune with each other. By the 1600s, America was under the jurisdictional control of the Spanish but other states refused to accept Spanish sovereignty, allowing their subjects to pillage Spanish subjects in the New World, principally, the Kingdom of New Spain ("Mexico and the Caribbean").

Within the New Spain area were dozens of populous urban centers. The King's responsibility was to make sure that the law was obeyed and that the people treated each other correctly. But for the Viceroy of New Spain, there was a problem. Pirates could exploit imperial weaknesses. A viceroy needed to account for his budget while he was in governmental office or the office would sue him: he was always put on trial. **Smuggling** was a constant problem. If, for example, very nice French lace was not allowed under the existing mercantilist laws, and if a seller didn't have a special license from the Casa de la Contratacion back in Seville, Europe, he was a criminal and would be prosecuted. One way the Spanish King made his subjects not purchase smuggled stuff was to make it a capital offense to do so. Before the 1620s – 1630s, those who preyed on Spanish shipping, such as Drake, Cavendish, and Hawkins went out, did their deeds, and came back home, then said to e.g. Queen Elizabeth "here is your ship. We had many adventures." She then would retroactively legitimize this activity with a letter of marque. This was the last big moment for trans-oceanic piracy. One person who managed to capture an actual huge Spanish treasure galleon fleet was Piet Heyn, working for Holland. Engraving from 1630 of him in triumphal chariot. He captured it in 1628, the only person to do this. From this, Holland had money to war for independence against Spain and also to have its Golden Age.

By the 1630s, however, things change as smugglers, French, English and Dutch immigrants, and pirates began to settle on uninhabited Caribbean islands (they were, of course, considered "illegal" immigrants by the Spanish crown). But Spanish treasure ships were rarely captured by these Caribbean-based pirates; mostly coastal settlements were pillaged. This constitutes the second stage of piracy's impact on colonial Latin America, from the 1630s to roughly 1700, which we can call "the buccaneer period". "buccaneer" means someone who makes jerkey: a *boucan* is a Caribbean (Hispaniola) Arawak term, a smoked meat. The buccaneers were homeless in the Caribbean in the 1630s, **demographic flotsam and jetsam** staying for a while on Santo Domingo where goats, sheeps, and cows had been left to multiply in the wild. Cows were deforesting islands like Santo Domingo. Buccaneers were ex-slaves who poached cattle, made beef jerkey, and sold them to passing Spanish ships. Then they settled on predation of passing ships using their canoes. They used French, and "boucanier" became synonymous with "pirate." These communities were unofficial and did not possess letters of marque except when France, England, or Holland needed to harass Spain's overseas empire.

By the late 1600s, England and Holland had realized that backing pirates who pillaged Spain's New World possessions was less profitable than allying themselves with Spain against France's ambitious king, Louis XIV. This meant that their governments now began to prosecute piracy in the Americas the way Spain had done for two centuries. England, Spain, and Holland collaborated to fight piracy between 1670 and 1710 which pushed men who had managed to evade prosecution for pillaging Spanish property in the Americas as privateers for England and Holland to turn into fully fledged pirates

who pillaged English and Dutch as well as Spanish shipping. The best introduction to this third period in the history of piracy in the New World is Robert Richie's book on Captain Kidd, which is the only good study which is not misleading on Captain Kidd. Marcus Rediker, an influential historian of piracy, argues that these buccaneers and pirates in the early 1700s were part of a **"working class revolution,"** the first such revolution in world history, a working-class sailing community that was multi-ethnic and multi-racial.