

COMMENTARY ON THE LAW
OF PRIZE AND BOOTY

NATURAL LAW AND
ENLIGHTENMENT CLASSICS

Knud Haakonssen

General Editor

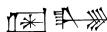
NATURAL LAW AND
ENLIGHTENMENT CLASSICS

*Commentary on
the Law of
Prize and Booty*

Hugo Grotius

Edited and with an Introduction by
Martine Julia van Ittersum

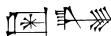
Major Legal and Political Works of Hugo Grotius



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The cuneiform inscription that serves as our logo and as the design motif for our endpapers is the earliest-known written appearance of the word “freedom” (*amagi*), or “liberty.” It is taken from a clay document written about 2300 B.C. in the Sumerian city-state of Lagash.

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The text of this edition is a reprint of the translation of *De Jure Praedae* by Gwladys L. Williams published in 1950 by the Carnegie Endowment for International Peace.

Frontispiece: Portrait of Hugo de Groot by Michiel van Miereveld, 1608; oil on panel; collection of Historical Museum Rotterdam, on loan from the Van der Mandele Stichting. Reproduced by permission.

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CONTENTS

Introduction	xiii
Note on the Text	xxiii
Acknowledgments	xxix

COMMENTARY ON THE LAW OF PRIZE AND BOOTY	I
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Appendices to the Liberty Fund Edition

I. Documents Listed by Grotius at the End of the Manuscript	503
II. Archival Documents Relating to <i>De Jure Praedae</i>	528
Bibliography for Introduction and Notes	557
Suggestions for Further Reading	561

Indexes

Carnegie Edition Index of Authors Cited	565
Carnegie Edition Subject Index	587

INTRODUCTION

In the early morning hours of February 25, 1603, the Dutch captain Jacob van Heemskerck attacked the Portuguese merchantman *Santa Catarina* in the Strait of Singapore and obtained its peaceful surrender by nightfall. His prize was a rich one indeed. When the carrack and its cargo were auctioned in Amsterdam in the autumn of 1604, the gross proceeds amounted to more than three million Dutch guilders—approximately three hundred thousand pounds sterling.

Piracy was nothing new in Asian waters, of course. For centuries it had been the occupation of choice of the inhabitants of the Riau Archipelago, south of the Strait of Singapore. Nor was Van Heemskerck the first European interloper to seize a carrack in the Portuguese East Indies. The English captain Sir James Lancaster had taken a richly laden carrack in the Strait of Malacca in October 1602, for example. Yet Lancaster had possessed a privateering commission from the Lord High Admiral of England. Van Heemskerck, on the other hand, lacked any such authorization to prey on the Portuguese merchant marine. His voyage to the East Indies was supposed to be a peaceful trading venture. The directors of the United Amsterdam Company had explicitly prohibited the use of force, except in cases of self-defense or for the reparation of any damages sustained. None of this seemed applicable to Van Heemskerck's premeditated seizure of the *Santa Catarina*. Even if the Dutch Admiralty Board had authorized him to attack Portuguese shipping, the validity of such a privateering commission would have been highly questionable in international law. The northern Netherlands were in a state of rebellion against their rightful overlord, the king of Spain and Portugal, and achieved de jure independence only in 1648. It was up to a young and ambitious Dutch lawyer, Hugo Grotius (1583–1645), to sort

out these problems in his first major work on natural law and natural rights theory, *De Jure Praedae Commentarius* (*Commentary on the Law of Prize and Booty*).

Grotius did not produce any significant legal scholarship prior to the writing of *De Jure Praedae*. He had been trained in the liberal arts at the University of Leiden, where he was tutored in classical rhetoric, philology, and philosophy by the likes of Joseph Justus Scaliger, the greatest Protestant intellectual of his generation. Born into a patrician family in the town of Delft, Grotius could not pursue the *studia humanitatis* to the exclusion of more practical considerations. He obtained a doctorate in civil and canon law from the University of Orléans in 1598, which served as a stepping-stone to a brilliant political career in his country of birth. At the instigation of Johan van Oldenbarnevelt, the political leader of the Dutch Republic, Grotius was appointed public prosecutor of the province of Holland in 1607 and Pensionary of Rotterdam ("legal officer") in 1613. In the latter capacity, he became a member of the provincial government, the Estates of Holland, and, in 1617, of the Estates General, the federal government of the Dutch Republic. However, a coup d'état by Maurice of Nassau, the Dutch Stadholder ("governor") and army leader, cut short Grotius's meteoric rise in Dutch politics. He was put on trial for sedition in 1619 and banned to the castle of Loevestein. Two years of reflection and study at Loevestein turned Grotius into the finest legal scholar of his age. After escaping to Paris in a book trunk, he published major works like *De Jure Belli ac Pacis* (On the Law of War and Peace) in 1625 and *Inleidinghe tot de Hollandsche Rechtsgeleerdheid* (Introduction to Dutch Jurisprudence) in 1631. He died in the German port of Rostock at the age of sixty-two, an embittered exile and, like so many of his countrymen, the hapless victim of a shipwreck.

Grotius was still a relatively unknown solicitor in The Hague when his friend Jan ten Grootenhuyss asked him in September 1604 to write an apology for the United Dutch East India Company, or VOC (Verenigde Oostindische Compagnie). The Holland and Zeeland overseas trading companies, including the United Amsterdam Company, had merged in March 1602 to form the VOC, which enjoyed a government-sanctioned monopoly of Dutch trade with the East Indies. Jan ten Groo-

tenhuys was the younger brother of VOC director Arent ten Grootenhuyss and the liaison between Grotius and the Amsterdam merchants. Judging by Grootenhuyss's correspondence, a bulky volume like *De Jure Praedae* was not what the merchants had in mind when they commissioned a formal defense of Van Heemskerck's seizure of the *Santa Catarina*. In his letter of October 15, 1604, Grootenhuyss expressed the hope that "your apology, begun so felicitously, will be completed in a short while thanks to your attentiveness."¹ As far as the VOC directors were concerned, the verdict of the Amsterdam Admiralty Court of September 9, 1604, settled the legal aspects of the case quite satisfactorily. The Admiralty Court had confiscated the carrack and assigned it jointly to the VOC directors and Van Heemskerck and his crew. The directors realized, however, that it would take more than a verdict to win widespread support for their cause, both in domestic and international politics. It was imperative to placate Henry IV of France and James I of England, for example, who had recently made peace with the king of Spain and Portugal but who might be induced to back the Dutch diplomatically over their attacks on the Iberian colonial empire. In addition, Grotius should subtly remind the Estates General that it had virtually ordered the directors in November 1603 to go on the offensive against the *Estado da India*, and that it could not, therefore, disavow the company's privateering campaign in good conscience. In sum, directors expected him to write a short, inflammatory pamphlet detailing the iniquity of the Portuguese in the East Indies, who deserved condign punishment for the ceaseless harassment and intimidation to which they had subjected Dutch merchants ever since Cornelis de Houtman's voyage to Java in 1595–97. In order to supply Grotius with the right information, the directors put together a "book treating of the cruel, treasonous and hostile procedures of the Portuguese in the East Indies" and sent him various other materials that served to justify Van Heemskerck's capture of the *Santa Catarina*.²

1. Document V in appendix II.

2. W. Ph. Coolhaas, "Een bron van het historische gedeelte van Hugo de Groot's *De Jure Praedae*," *Bijdragen en Mededelingen van het Historisch Genootschap* 79 (1965): 415–26.

Grotius took the directors' documentation very seriously indeed and faithfully incorporated it in *De Jure Praedae*. The volume of "Indian reports" survives in his personal papers at the Dutch National Archives. It consists of twelve sworn statements of Dutch merchants and mariners, along with three diary extracts, which describe, in Grootenhuy's words, "what the Portuguese have attempted against each of the voyages for the purpose of destroying our men." At the behest of the Amsterdam VOC directors, these attestations and diary extracts were collected from the former employees of the regional overseas trading companies. There is every reason to believe that Grotius understood the "Indian reports" in the manner intended by Grootenhuy, as "countless proofs of [Portuguese] perfidy, tyranny and hostility."³ They form the basis of the eleventh chapter of *De Jure Praedae*, a long narrative of the early Dutch voyages to the East Indies.

Grotius had no intention of producing an objective historical account. Instead, he was eager to comply with the criteria of forensic rhetoric as defined by the orators of ancient Rome. Like Cicero and Quintilian, he considered it sufficient to present some, but not all, of the facts of the case. Yet he carefully refrained from any kind of willful distortion of the evidence at hand. In lawyerlike fashion, he decided to furnish material proof of Portuguese culpability in order to win his case in the court of public opinion. Thus he indicated on the manuscript's last folio that the integral text of eight documents should be appended in Latin translation:

the edict of the Estates General of April 2, 1599

the verdict of the Admiralty Court of September 9, 1604

the decree of the Estates of Holland of September 1, 1604

the letter of the bishop of Malacca to the king of Spain and Portugal of April 30, 1600

Van Heemskerck's correspondence with the captain of the *Santa Catarina*, and with the town councillors and governor of Malacca in March 1604

3. Document V in appendix II.

Grotius considered these documents conclusive evidence of (1) a systematic Portuguese campaign to oust Dutch merchants from the East Indies, (2) the *Santa Catarina*'s capture in a just war, and (3) its rightful possession by the VOC. English translations are included in appendix I below.

His painstaking reconstruction of the early Dutch voyages to the East Indies notwithstanding, Grotius must soon have realized that he could never satisfactorily relate the “facts” of the case to its underlying legal principles in a pamphlet written on the spur of the moment. He probably finished chapter eleven of *De Jure Praedae* in the winter of 1604–5 and pointedly ignored Grootenhuyss’s request for a quick publication. He opted instead for an in-depth study of the “universal law of war,” revolutionizing natural law and natural rights theories in the process. He admitted as much in his letter to the Heidelberg town councillor George Lingelsheim of November 1, 1606, wherein he announced the completion of his “little treatise on Indian affairs.” He confidently declared that, although “the universal law of war” was a tried and tested subject, he had thrown new light on it by means of “a fixed order of teaching, [viz.] the right proportion of divine and human law mixed together with the dictates of philosophy.”⁴

Grotius’s decision to investigate “the universal law of war” resulted in a significant expansion of the manuscript—it consists of 163 closely written folios—and a somewhat lopsided organization. The first half of the manuscript contains the introduction, followed by nine chapters of legal principles, the so-called *Dogmatica de Jure Praedae*. The second half consists of Grotius’s account of the early Dutch voyages to the East Indies in chapter eleven and a Ciceronian-style closing argument that covers chapters twelve through fifteen and presents VOC privateering as just, honorable, and beneficial.

The second chapter of *De Jure Praedae*, also known as the *Prolegomena*, contains an elaborate system of nine rules and thirteen laws (reproduced in appendix A), which Grotius deduced from an individual’s right to self-defense and the law of inoffensiveness. The sovereign, free

4. Document VIII in appendix II.

individual was indeed the starting point of his political and legal philosophy. Yet Grotius should not be considered a proponent of democratic government and inalienable individual rights in a twenty-first-century sense of the word. He argued, for example, that human beings could become slaves of their own volition, in which case their total subjection to the will of others constituted a valid contract. In addition, he strenuously denied that the Dutch war of independence (1568–1648) had originated in a popular revolt against Philip II of Spain and Portugal. Instead, he reserved the right of resistance for the traditional governing elite, the Dutch magistrates who were bearers of the “marks of sovereignty.” In Grotius’s view, it was the king’s unconstitutional behavior that had forced the provincial Estates, assembled in the Estates General, to take up arms to defend themselves, acquiring full sovereignty and independence in the process.

Although Grotius does not qualify as a democrat or human rights activist, his justification of Van Heemskerck’s capture of the *Santa Catarina* was unprecedented in early modern political and legal philosophy. He was the first to introduce the notion of subjective rights—man was born a sovereign and free individual who could execute his own right—and used it to defend the establishment of a Dutch empire of trade in the East and West Indies. He boldly argued in chapter thirteen of *De Jure Praedae* that Van Heemskerck had acted as the agent of a sovereign and independent Dutch state, which could order indiscriminate attacks on Iberian shipping as part of its public war against Philip III of Spain and Portugal. Few of Grotius’s contemporaries would have agreed with this analysis. When he learned of the Twelve Years’ Truce between Spain and the United Provinces in April 1609, Henry IV of France famously declared that his Dutch allies might be free but were certainly not sovereign and independent. Grotius would have had a hard time convincing the statesmen and lawyers of his age that Van Heemskerck’s capture of the *Santa Catarina* was a legitimate act of public war. Yet his argument in chapter twelve of *De Jure Praedae* was more radical still: a trading company might legitimately engage in a private war against other merchants, or even against the agents of a sovereign state, in order to enforce the natural law, which mandated freedom of trade and navigation.

Granted that the United Provinces had an ambiguous status in international politics, its inhabitants were nonetheless entitled to freedom of trade and navigation, a right innate to all free peoples, which they could enforce themselves in the absence of an independent and effective judge. Since the right to self-defense made private individuals judges and executioners in their own cause, a company of merchants like the VOC must, under certain circumstances, also qualify as a full-fledged actor in international politics. When confronted by Portuguese harassment and intimidation, the VOC had every right to take up arms in order to safeguard its trade with Asian princes and peoples. Civil magistrates could not be expected to call the Portuguese to account on the high seas, or in countries where judicial systems were either weak or nonexistent. Hence it fell to the VOC to enforce freedom of trade and navigation in the East Indies and to punish Portuguese transgressions of the natural law by means of a just war.

Once it was established that Van Heemskerck had engaged in a just war, Grotius could simply cite the law of war to show that he was entitled to reparations for injuries sustained by himself, his employers, and the Dutch Republic. Grotius admitted that the Portuguese had never harmed Van Heemskerck in his own person or made any attempts on his crew, cargo, and fleet. Yet chapter eleven of *De Jure Praedae* was proof that Portuguese harassment and intimidation of the natives had materially damaged Dutch prospects for trade in Monsoon Asia. Van Heemskerck himself had not been able to return to the Spice Islands, for example, which were laid waste by the armada of André Furtado de Mendonça in the summer of 1602. If the dismal fate of Amboin and Ternate was not sufficient reason to engage the *Estado da India*, the execution of seventeen Dutch sailors in the Portuguese port of Macao in November 1602 should certainly qualify as a *casus belli*. The sailors belonged to the crew of Jacob van Neck, who, like Van Heemskerck, was employed by the United Amsterdam Company. They had committed no crime except to unwittingly enter the harbor of Macao. Their execution was a blatant injustice, which Van Heemskerck could not ignore in his capacity as agent of the Dutch government and servant of the United Amsterdam Company. Predictably, Grotius concluded that his

capture of the *Santa Catarina* had been justified in order to obtain damages on behalf of his employer and the Estates General.

Grotius's demonstration had been adumbrated in the verdict of the Amsterdam Admiralty Court, which, in turn, had derived part of its argument from Van Heemskerck's correspondence with the directors of the United Amsterdam Company and the minutes of his council of naval officers (see appendixes I and II below). They show that Van Heemskerck had already interpreted his commission as authorizing the use of force for the purpose of safeguarding Dutch trade in the East Indies and obtaining damages for the United Amsterdam Company. The Amsterdam Admiralty Court had not just endorsed Van Heemskerck's reading of his commission, but also cited the edict of the Estates General of April 2, 1599, commanding its subjects to attack Iberian shipping indiscriminately, and added some inchoate references to natural law and the law of nations. Clearly, the distinct elements of Grotius's argument in *De Jure Praedae* were already present in the mode of reasoning adopted by Van Heemskerck, the VOC directors, and the Amsterdam Admiralty Court. Yet it was Grotius who turned this hotchpotch of legal grounds into a seamless whole by means of a radical redefinition of natural law and natural rights.

In his letter to George Lingelsheim of November 1606, Grotius did not just announce the completion of *De Jure Praedae*, but also wondered whether it should appear in print "as it was written, or only those parts which pertain to the universal law of war."⁵ With the exception of its twelfth chapter, *De Jure Praedae* did indeed remain in manuscript until the nineteenth century. Grotius must have realized that it was not opportune to publish a defense of Dutch privateering in the East Indies on the eve of peace and truce negotiations between the United Provinces and Philip III of Spain and Portugal. Yet he continued to feel a strong commitment to the VOC. In March 1606, he drafted a petition for the VOC directors, for example, wherein he asked the Estates General to forgo its legal share of all booty taken in the East Indies (20 percent) out of consideration for the great expenses incurred by the company in fight-

5. Ibid.

ing the Portuguese. After he had finished *De Jure Praedae*, he wrote several draft letters for the VOC directors, addressed to various Asian rulers, all allies of the VOC. Grotius assured them of the company's continuous military and naval support but requested that they sell spices exclusively to the Dutch as a quid pro quo.⁶ When the Dutch East Indies trade became a topic of discussion at the Ibero-Dutch peace conference in The Hague in February 1608, Grotius provided the VOC directors with a road map for the negotiations and correctly predicted that the privateering war would continue in the East Indies, regardless of whether a treaty should be concluded in Europe. At the request of the Zeeland VOC directors, he published the twelfth chapter of *De Jure Praedae* as *Mare Liberum (The Free Sea)* in March 1609. Although the pamphlet appeared too late to influence the negotiations for the Twelve Years' Truce—the treaty was signed on April 9, 1609—it had clearly been conceived by the VOC directors as a means to thwart Iberian demands for a Dutch withdrawal from the East Indies and “persuade both our government and neighboring princes to staunchly defend our, as well as the nation's, rights.”⁷ The publication of *Mare Liberum* hardly marked the end of Grotius's involvement in the company's affairs. He served as the VOC's chief negotiator at the Anglo-Dutch colonial conferences in London in 1613 and The Hague in 1615, for example, which induced Richard Hakluyt the Younger to produce the first English translation of *Mare Liberum*.⁸ When living in exile in Paris in 1628, he could justifiably claim in a letter to his brother-in-law, Nicolaas van Reigersberch, that “he merited thus much of this company that, even if all others sleep, they ought to keep watch over me.”⁹

6. Document IX of appendix II.

7. Document X of appendix II.

8. Hugo Grotius, *The Free Sea*, trans. Richard Hakluyt, with William Welwod's Critique and Grotius's Reply, ed. David Armitage (Indianapolis: Liberty Fund, 2004).

9. Hugo Grotius to N. van Reigersberch, June 12, 1628, in *Briefwisseling van Hugo Grotius*, ed. P. C. Molhuysen, B. L. Meulenbroek, and H. J. M. Nellen, vol. 3 (The Hague: Martinus Nijhoff, 1961), 323.

NOTE ON THE TEXT

Upon Hugo Grotius's death in 1645, the manuscript of *De Jure Praedae* remained in the possession of his descendants, the Cornet de Groot family, for over two centuries. In fact, legal scholars did not know of its existence until the Dutch bookseller and printer Martinus Nijhoff auctioned off Grotius's personal papers in 1864. The manuscript was purchased by Leiden University Library. One of its humanities graduates, H. G. Hamaker (1819–92), published the first Latin edition of *De Jure Praedae* in 1868. His text was the basis for the English translation that Gwladys L. Williams prepared for the Carnegie Endowment for International Peace in the middle of the twentieth century.

The Liberty Fund edition of *De Jure Praedae* reproduces her translation, which first appeared as part of the Classics of International Law series. In addition to Williams's translation, we reissue appendix A of the Carnegie edition, along with the superb author and subject indexes by Walter H. Zeydel. With two exceptions we have left unchanged the editorial conventions that govern Williams's translation of *De Jure Praedae*. These editorial conventions are explained in full in the Translator's Note to the Carnegie edition¹ but may be summarized as follows.

The words and phrases that Grotius wrote in capital letters for purposes of emphasis are printed in italic type in the body of the text. Bold type is used for words that are similarly emphasized in Grotius's marginal

1. Hugo Grotius, *Commentary on the Law of Prize and Booty (De Jure Praedae Commentarius)*, eds. Gwladys L. Williams and W. H. Zeydel (Oxford: Clarendon Press, 1950), vol. 1: *A Translation of the Original Manuscript of 1604* by Gwladys L. Williams, with the collaboration of Walter H. Zeydel, xxvii–xxx.

headings and subheadings. Williams used brackets when she felt she had amplified Grotius's thought in translating his concise Latin phrases.

The manuscript's folio numbers appear at the end of the relevant text line, which is a change from the Carnegie edition, where they appear in the margin. The position of the folio numbers in the text approximates that of the folios in the manuscript. They should not be considered the equivalent of modern page breaks, however. Williams was frequently obliged to reverse the Latin word order of the manuscript in order to produce a flowing English translation. A comparison with the collotype reproduction of the manuscript reveals that, in a few instances, she either forgot to include the manuscript's folio divisions or made a mistake in doing so.² Although Williams did make some mistakes, the sometimes erratic numbering also reflects the fact that Grotius revised the theoretical chapters numerous times.

Footnotes identified by arabic numerals have a threefold function in Williams's translation: (1) to indicate gaps in the manuscript that may cause doubt regarding the original text, (2) to clear up questions that may arise from Grotius's own correction of the manuscript, and (3) to comment on Grotius's use of sources. Since Grotius's quotations often are loose paraphrases of the originals, Williams translated these quotations on the basis of the manuscript text, not the text quoted. Any unavoidable departure from this rule is marked with a numbered footnote. If Grotius's deviation from his source was "too striking to pass without comment," Williams inserted a numbered footnote there as well.³ Page numbers listed in the footnotes of the Carnegie edition have been replaced with page numbers from the Liberty Fund edition. Oddly enough, Williams referred to the page numbers, instead of the folio numbers, of the collotype reproduction of the manuscript, which she consulted for her translation. This has been left unchanged.

Footnotes that start with lowercase letters (a, b, c, etc.) denote Grotius's references to his alleged sources, both in the running text of the manuscript and in the marginalia. Unlike the Carnegie edition, where

2. Grotius, *Commentary on the Law of Prize and Booty*, 1:258, 389.

3. Ibid., 1:xxix.

they appear in the left and right margins, these references are placed at the bottom of the page in the current edition. Square brackets signal Zeydel's extensions or corrections of Grotius's references to other authors. Lettered footnotes are also used for Grotius's cross-references to other parts of the manuscript. Many of these cross-references are of a general nature: they relate not so much to a particular article or conclusion cited by Grotius as to the argument that follows or precedes the passage indicated in his marginal annotation. Although his cross-references do not rely on the manuscript's folio numbering, the relevant page numbers of the English translation, as identified by Zeydel, are added for the benefit of the reader.

Walter H. Zeydel undertook the difficult task of verifying Grotius's direct and indirect references to other authors. The editions consulted by Zeydel used in checking Grotius's quotations are specified after each entry in the Index of Authors Cited. Where no edition is mentioned, the work in question was not available in the United States at the time that Walter Zeydel compiled his index. The titles of the more familiar works are given in English; others retain their Latin form.

Four modest changes have been made in the author and subject indexes as compared with the Carnegie edition. Zeydel indicated in his author index whether a particular work had been mentioned more than once on a particular page, using Latin terms like "bis," "ter," etc. The present publication omits these notations because changes in pagination make them no longer accurate. Zeydel put multiple works by one author in alphabetical order on the basis of the first letter of the first noun of the (Latin) book titles. This order has been adjusted to conform with the standard letter-by-letter alphabetization of the indexes in the Natural Law and Enlightenment Classics series. In addition, the author and subject indexes have been silently corrected to reflect the most recent historical scholarship, and, where possible, *floruit* or birth and death dates have been provided for important authors and historical figures. The material from the introduction and from appendixes I and II has been integrated into both indexes: existing entries have been amplified for this purpose, and new ones have been created when necessary. All of the original page references given in the Carnegie indexes have been pre-

served and translated into the corresponding page numbers for the Liberty Fund edition. However, the reader should be aware that the Carnegie references are sometimes more oblique than what the modern reader might expect.

The present publication improves upon the Carnegie edition of *De Jure Praedae* in various ways. It comprises two sets of appendixes of important archival and printed documents, all in English translation, which place *De Jure Praedae* in its historical context. The most up-to-date studies of Grotius's natural rights and natural law theories are listed as suggestions for further reading. There is a detailed bibliography for the new introduction and appendixes I and II. Since the present volume does *not* reproduce the introduction and note on the text of the Carnegie edition, footnotes and index entries that refer to these matters have been omitted as well.

Appendix I reproduces eight documents that Grotius himself wished to affix to *De Jure Praedae*. It contains a wide variety of texts, which range from the verdict of the Amsterdam Admiralty Court, declaring the *Santa Catarina* good prize, to an intercepted letter of the Bishop of Malacca, urging Philip II of Spain and Portugal to take drastic action against Dutch interlopers in *Asia Portuguesa*. Grotius considered these documents conclusive evidence of (a) a systematic Portuguese campaign to oust Dutch merchants from the East Indies, (b) the *Santa Catarina*'s capture in a just war, and (c) its rightful possession by the United Dutch East India Company, or VOC. The present text is partly based on a new transcription of the original sources.

Appendix II is a mixture of archival and printed documents, some of which were discovered only a few years ago in the Dutch national archives in The Hague. Documents I–IV consist of an intercepted Portuguese letter, addressed to Admiral André Furtado de Mendonça; Jacob van Heemskerck's correspondence with the directors of the United Amsterdam Company; and the minutes of his council of naval officers. These sources reveal the motives behind Van Heemskerck's privateering campaign in Malayan waters, give a detailed description of his capture of the *Santa Catarina*, and outline his ambitious plans for Dutch trade in Southeast Asia. Van Heemskerck urged his employers, for example,

to establish a rendezvous near the Strait of Singapore and oust the Portuguese from the lucrative trade between the Indian subcontinent and the Far East. Two letters by Jan ten Grootenhuyts (documents V and VI) prove that the VOC commissioned *De Jure Praedae* and provided Grotius with important information about the early Dutch voyages to the East Indies and his country's official war policy, which endorsed indiscriminate attacks on Iberian shipping by private merchants. Document VIII is a brief selection from Grotius's letter to George Lingelsheim in November 1606, announcing the completion of *De Jure Praedae*. Documents VII and IX testify to Grotius's close collaboration with the VOC directors, both before and after he finished *De Jure Praedae*. He petitioned the Estates General in the spring of 1606, demanding that it alleviate the VOC's heavy financial burdens, caused by the war against the Portuguese, and wrote to the company's indigenous allies the following winter, offering military support in exchange for a monopoly of the spice trade. Finally, document X is the famous request for the publication of *Mare Liberum*, which Grotius received from the Zeeland VOC directors in November 1608.

ACKNOWLEDGMENTS

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