Wars of words: Early Modern Piracy in the Caribbean

Mariana-Cecilia Velázquez
University of Nevada, Reno, United States.
ORCID: https://orcid.org/0000-0001-6009-8538
E-mail: mariana.c.velazquez@gmail.com

ABSTRACT

War requires the collision of two or more forces. It implies the ideological invention of an "enemy." The changing faces of that enemy are fueled by entrenched or emergent powers bent upon spreading their hegemonic supremacy and legitimate order over material and conceptual spaces. In this dynamic, the "pirate" enters the stage as the classical *hostis humani generis* ("enemy of humankind"). However, the classification and identity of the pirate are both fluid and contingent, informing discourses of warfare and challenging the limits of categories related to order and legitimacy. The following three-part essay traces the correlation between war and the making and remaking of "the pirate" and how the figure of the pirate was fundamental to the establishment of specific hegemonies while examining the relationship between the varying discourses of the enemy and the concept of legitimate wars in the early modern period. The first part studies the legal and political debates around the concepts of "just war," "just enemy," and "sovereignty" in the context of the Anglo-Spanish War (c1586-1604). The second section explores the aftermath of said war that contributed to the development of a new nomenclature of piracy in the Caribbean region and the establishment of sedentary and commercial societies living at the margins of European wars. Moving to the 17th and 18th centuries, the third part introduces the figure of Miguel Enríquez, a Caribbean-born black corsair, a character located at the intersection of war and commerce, away from previous paradigms of "just war" and "just enemy."

KEYWORDS: Piracy; International Law; Empires; Caribbean; Early Modern History; Colonial Writing.

Guerras de palavras: a pirataria na Idade Moderna no Caribe

RESUMO

A guerra requer a colisão de duas ou mais forças. Implica a invenção ideológica de um "inimigo". Os vários rostos desse inimigo são alimentados por potências entrincheiradas ou emergentes empenhadas em espalhar a sua hegemonia suprema e ordem legítima sobre os espaços materiais e conceituais. Nessa dinâmica, o "pirata" adentra o palco como o clássico *hostis humani generis* ("inimigo da humanidade"). No entanto, a classificação e a identidade do pirata são ao mesmo tempo fluidas e contingentes, informando discursos de guerra e desafiando os limites de categorias relacionadas à ordem e à legitimidade. O seguinte ensaio de três partes traça a correlação entre guerra e a feitura e refilmagem do "pirata", e como a figura do pirata foi fundamental para o estabelecimento de hegemonias específicas, enquanto examina a relação entre os diversos discursos do inimigo e o conceito de guerras legítimas no início do período moderno. A primeira parte estuda os aspectos legais e debates políticos em torno dos conceitos de "guerra justa", "inimigo justo" e "soberania" no contexto da Guerra Anglo-Espanhola (c1586-1604). A segunda seção explora as consequências da referida guerra que contribuíram para o desenvolvimento de uma nova nomenclatura de pirataria na região do Caribe e o estabelecimento de governos sedentários e sociedades comerciais que vivem à margem das guerras europeias. Passando para os séculos XVII e XVIII, a terceira parte apresenta a figura de Miguel Enríquez, um corsário negro nascido no Caribe, personagem localizado na intersecção entre guerra e comércio, longe dos paradigmas anteriores de "guerra justa" e "inimigo justo".

PALAVRAS-CHAVE: Pirataria; Direito internacional; Impérios; Caribe; Idade Moderna; Escrita Colonial.

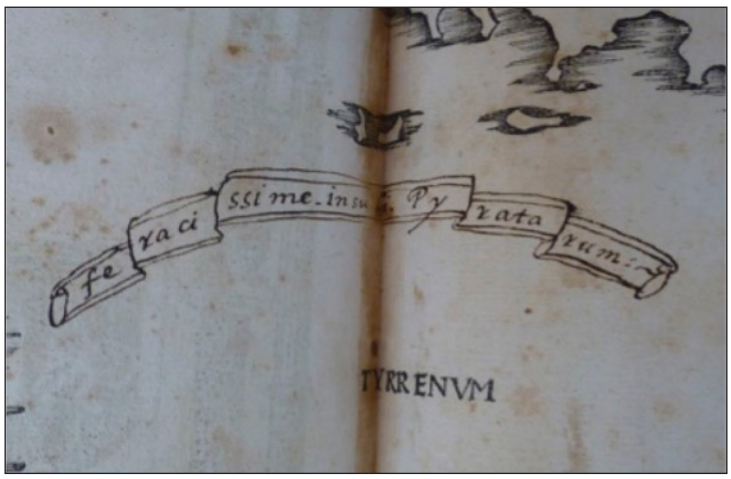
In quoting this article, reference as: VELÁSQUEZ, Mariana-Cecília. Wars of Words: Early Modern Piracy in the Caribbean. **Matraga**, v. 31, n. 63, p. 438-459, sept./dec. 2024.

DOI: 10.12957/matraga.2024.85063
Received in: 31/03/2024
Accepted in: 18/07/2024

1. Prelude for Categories of Outlawry: Pirates and Corsairs Across Classical and Medieval Times

Before becoming enemies of humankind, "pirates" fit a category assigned to individuals who inhabited a specific geographical space that had their political and economic practices. This introduction reviews the development of the categories of "pirate" and "corsair" across classical and medieval times. Considering the linguistic and etymological nature of the term *peirato*, legal scholar Alfred Rubin asserts that it appears in Polybius's *Historiae* (c140 BCE) referring to the Eastern communities established in the Mediterranean, who were potential military allies in the fight against political leaders from that geographical zone (Rubin, 1988, p. 5).[1] Later on, Plutarch (100 BCE) mentions that pirates were a community based in Asia Minor and describes the process by which that community became labeled as rebels due to the establishment of the Roman hegemony and sovereignty during Pompey's rule. As Roman power strengthened, the category of piracy, according to Plutarch, designated an anachronistic lifestyle that did not correspond to the Roman political and commercial order. Hence, pirates became those individuals who did not acknowledge Roman supremacy and political hegemony (Rubin, 1988, p. 5–8). Besides the conceptualization of the categories related to piracy found in Greek and Roman traditions, the term "piracy" became attached to a specific geographical space, as several editions of Ptolemy's *Geographia* display in the sixteenth century. (Figures 1, 2, and 3). The geographical region "Piratae" or "Pirate" reappears in Abraham Ortelius's 1624 edition of *Theatri orbis terrarum parergon*, dedicated to the Spanish King Philip IV (Figures 4 and 5). Therefore, it is through late cartographical representations that the "Piratae" region becomes a geographical space and in turn becomes charted as part of the Roman hegemony. As the maps show, the visualization of a geographical region assigned to pirates pinpoints their sedentary nature at the beginning of their designation as rebels against a specific order.

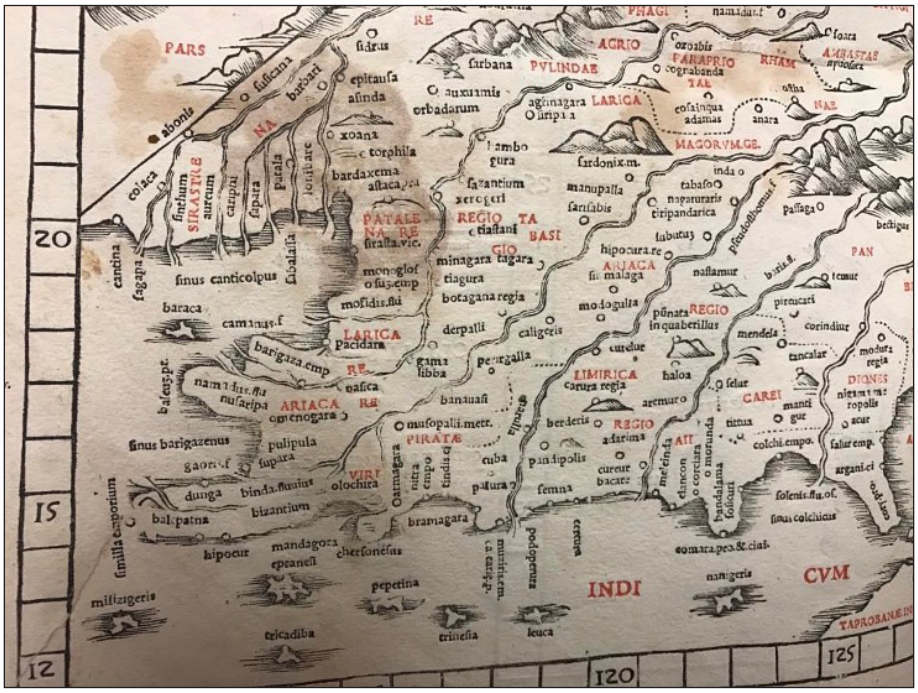
FIGURE 1. Detail from Claudius Ptolemy's *Geografia* (1525 ed.)



Source: Firestone Library, Princeton.

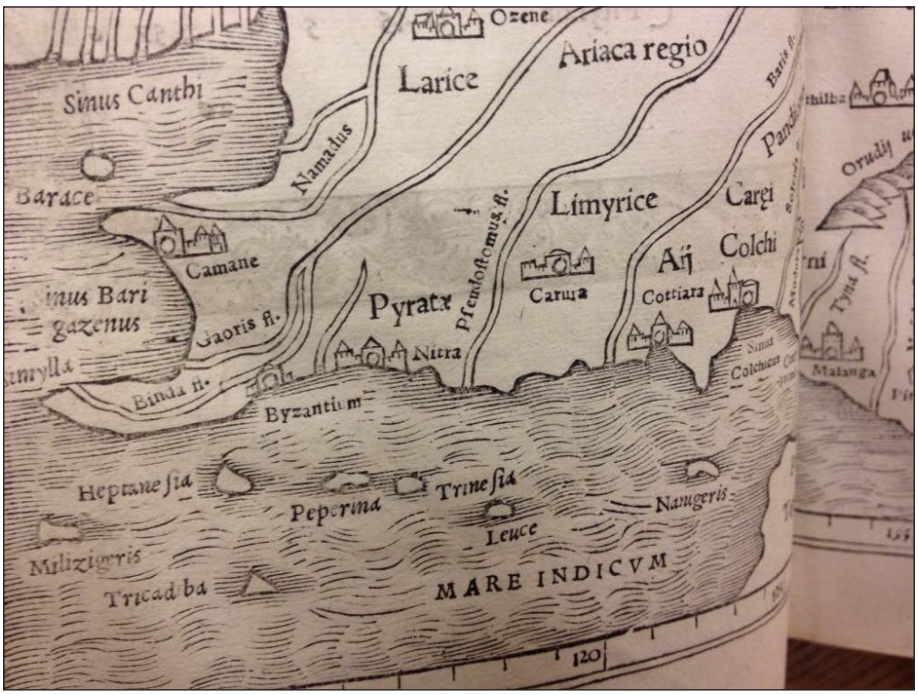
[1] According to Rubin, Diodorus Siculus (60 BCE) and Livy (29 BCE) employed the term in the same fashion.

FIGURE 2. Detail from Claudius Ptolemy's *Claudii Ptholomaei Alexandrini Liber geographiae cum tabulis et uniuersali figura* (1511 ed.) displaying the region *Piratae* between *Ariaca* and *Limirica*



Source: Rare Book & Manuscript Library, Columbia University.

FIGURE 3. Detail from Claudius Ptolemy's *Geographia vniversalis, vetvs et nova complectens Clavdii Ptolemi Alexandrini enarrationis libros VIII* (1545 ed.) displaying the region *Pyratae*



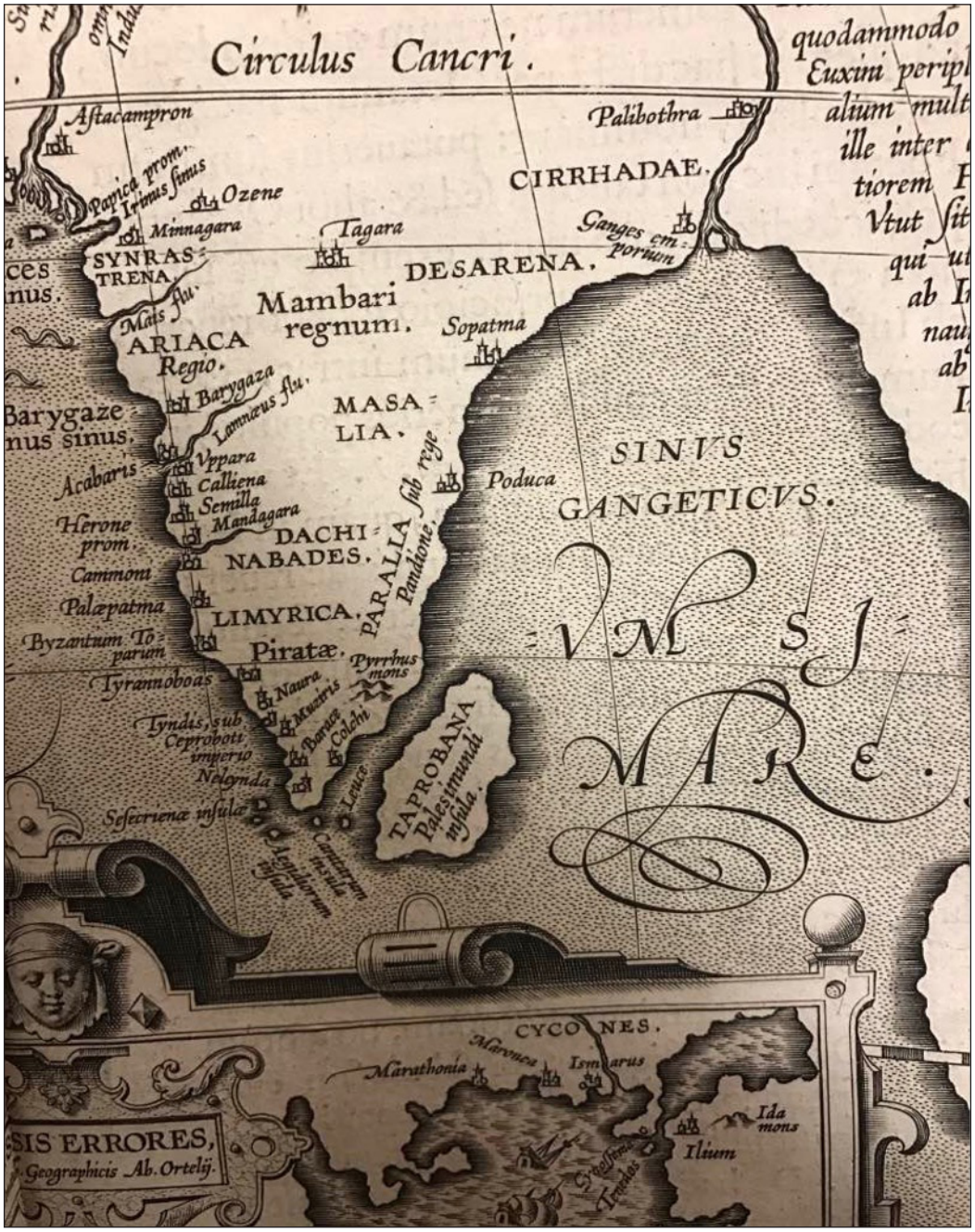
Source: Rare Book & Manuscript Library, Columbia University.

The focus of this essay dwells on the correlation between war and the making and remaking of "the pirate". War requires the collision of two or more forces. It implies the ideological invention of an "enemy." The changing faces of that enemy are fueled by entrenched or emergent powers bent upon spreading their hegemonic supremacy and legitimate order over material and conceptual spaces. However, the classification and identity of the pirate are both fluid and contingent, informing discourses of warfare and challenging the limits of categories related to order and legitimacy. This essay aims to trace how the figure of the pirate was fundamental to the establishment of specific hegemonies while examining the relationship between the varying discourses of the concept of the enemy and the notion of legitimate wars in the early modern period. Following the spoils of the English captain Sir Francis Drake, the first part studies the legal and political debates around the concepts of "just war," "just enemy," and "sovereignty" in the context of the Anglo-Spanish War (c1586-1604). The second section explores the aftermath of said war and other European conflicts that contributed to the development of new nomenclature of piracy in the Caribbean region, such as the "buccaneers" and the "filibusters" and the establishment of sedentary and commercial societies living at the margins of European wars. Moving to the end of the seventeenth and early eighteenth centuries, the third part introduces the figure of Miguel Enríquez, a Caribbean-born black corsair, a character located at the intersection of war and commerce, away from previous paradigms of "just war" and "just enemy" and encapsulated within another dissident "piracy cycle."

The notion of "piracy cycles," introduced by Philip Gosse in the 1930s, has remained a useful concept in historical scholarship on piracy.[2] While historicizing the evolution of the definition of piracy, Rubin registers a piracy cycle stemming from Roman attempts to enforce political hegemony. In this case, pirates were those individuals who became dissidents against the Roman power and thus were denied the right of *postliminium*, or the right to be granted any post-war restitution. The use of the term *peirato* consequently arose as a concept to designate or classify individuals or communities whose religious, economic, and political practices differed from those disseminated by the dominant power. Therefore, at the beginning, the pirate was part of a sedentary community whose marginality emerged from religious, economic, or political discrepancy vis-à-vis the authoritative order. This essay proposes an inversion of the paradigm of piracy cycles as it traces the process through which pirates went from being transatlantic individuals attached to a specific royal regime during the sixteenth century, to becoming marginal and outlaw figures who established sedentary communities in the Caribbean islands during the seventeenth and eighteenth centuries.

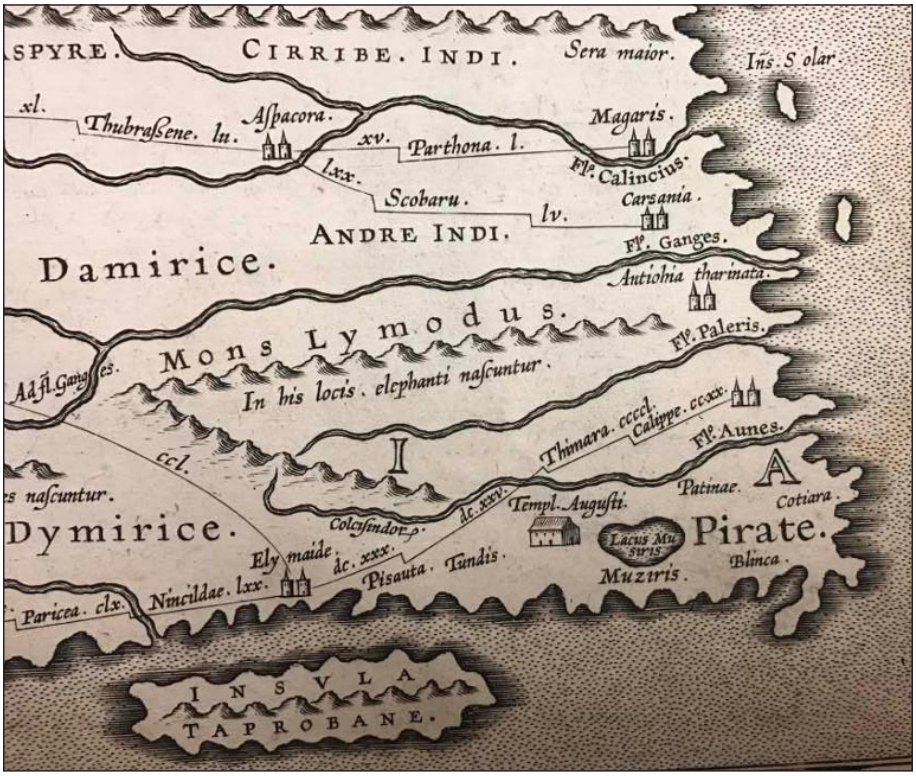
[2] Gosse introduced this concept in *The History of Piracy*, 1934, p. 1–10. According to Gosse, a piracy cycle comprises a fixed story by which piracy starts at the core of disorganized and independent groups as a means of making a profit, usually because they have no other economic or social choices. Later, their success attracts the attention of other individuals who decide to join them and invest in buying larger vessels and resources. The peak of the cycle arrives when these societies manage to establish a social and political structure that holds marginal or independent economic power. Gosse argues that the two possible outcomes are: (1) the legitimation of their power by the corresponding authorities, or (2) the disintegration of such communities and their ultimate return to the original small outlawry and disorganized dynamics that once gave birth to a "mercenary navy, paid by plunder. For more about this description of the piracy cycle, see J.L. Anderson's article "Piracy and World History" (1995).

FIGURE 4. Detail from Abraham Ortelius's *Abrahami Ortelii Theatri orbis terravm parergon; Editio novissima* (1624 ed.). This map, entitled *Erythraei Sive Rubri Maris Peripuls. Olim ab arriano descriptvs, nvnc vero ab Abrah. Ortelio ex eodem delneatus* (c1597) included in the section dedicated to describing Ulysses wanderings, it displays the region *Piratae* below Limyrica



Source: Rare Book & Manuscript Library, Columbia University.

FIGURE 5. Detail from Abraham Ortelius's *Abrahami Ortelii Theatri orbis terravm parergon; Editio novissima* (1624 ed.). This map, engraved around 1598, was included in the section of tables of old itineraries by Marcus Velsero (*Tabvla itineraria antiqva*). It displays the region *Pirate* in the eighth segment (*Segmentvm octavvm*).



Source: Rare Book & Manuscript Library, Columbia University.

To understand the early modern culture of piracy and war, it is relevant to review how the figure of the pirate was transformed by another category: the corsair from the Middle Ages. Primarily addressing economic interests, the conventional medieval distinction between a pirate and a corsair was that while the latter had been commissioned by a state to commit maritime predation, the former had not been authorized by a sovereign power. Stemming from the postulate *ir de corso* (corsairing), the term *corsario* appeared in thirteenth- and fourteenth-century Iberian legal compilations, such as the Catalonian *Consolat de Mar* (c1258) and royal ordinances.[3] The Catalonian treatise outlined the precepts of maritime and commercial laws in the Mediterranean Sea and emphasized the corsairs' economic duties, such as the assurance of the amount loaned by private investors.[4] Besides the contextual political interests and military challenges encountered by the medieval powers, differentiating a corsair from a pirate rested upon the systematization of increasing and protecting economic revenues.

[3] We also find the term *corsario* or *cursario* in the 15th, 16th, 17th, 18th, and later editions of King Alfonso X's thirteenth-century *Siete Partidas*. However, it is difficult to determine the exact date at which these terms were introduced into this collection since there are more than 100 earlier manuscripts, which sometimes differ in their content.

[4] For the ordinances on corsairs, see "Ordinaciones de todo navio, que armara para ire n corso, y de toda, que se haga por mar," found in Cayetano de Palleja's Spanish edition of *Consulado del mar de Barcelona*. Barcelona: Imprenta de J. Piferrer, 1732.

A century later, King Peter IV of Aragon enforced in 1356 the first royal corsairs' ordinance to strengthen the Spanish military structure against the Genoese overseas, thus incorporating a political tenor into the corsairs' financial responsibilities. After four months, sailors had to return to Aragon and hand over everything provided, whether by the king or by private investors, including the ship and its armaments.[5] Ten years after that, addressing the problem of frequent desertions, the king enforced a royal provision that compelled corsairs to return to their homeland. In cases of disobedience, if the deserters were eventually found, they would either be subjected to a monetary fine or would be publicly lashed. From these legal postulates emerged the figure of the corsair as a sailor whose country of origin sponsored him, whereas the pirate embodied an outlaw and marginal character.

On the other hand, letters of marque and reprisal, initially issued during the late Middle Ages, were intended to prevent wars among kingdoms. These documents granted permission to recover stolen goods or to replace them. The *licentia marcandi*, issued around 1295, allowed the retrieval of stolen goods, whether from the hands of the original thief or a relative, friend, or neighbour.[6] However, over the course of the sixteenth century, the letters of marque lost their original purpose of preventing wars and rather, were issued during wartime to underscore the belligerency among European countries and nascent powers (Rubin, 1988, p. 21). In addition, the categories "pirate" and "corsair" became increasingly unclear and intertwined. To illustrate this, we will now turn to one of the most infamous characters of the Anglo-Spanish belligerence, Sir Francis Drake (c1540-1596), and we will see how the limits of the "just enemy" and the "just war" were constantly negotiated due to specific interests and motivations.

2. Early Modern Piracy, Just Enemies, and Just Wars

In September 1585, Sir Francis Drake sailed from Plymouth with two dozen ships and eight pinnaces. His fleet besieged the city of Santo Domingo, capital of Hispaniola (today the Dominican Republic) on New Year's Day 1586, whereof the city paid him 25,000 ducats to end the attack. A few weeks later, he arrived in Cartagena de Indias, Colombia. He captured the city, held it for 53 days, and left with a ransom of 107,000 ducats, returning to England on July 22.[7] These attacks occurred in the context of a yet-undeclared open war between Spain and England. To English eyes, Drake's raid was less a formal act of war than an expedition to the West Indies (Neale, 1972, p. 298; Kelsey, 1998, p. 241). However, the Spanish considered this event both an act of piracy and a military offense to their domains overseas.

[5] Overall, sailors who decided to become corsairs were provided with ships, weapons, and other necessary resources. They received a month's pay in advance along with other privileges, such as full authority of criminal jurisdiction overseas and royal pardons, among others.

[6] Rubin points out that the word "reprisal" refers to French *retrieve* and that the origins of the term "marque" are as yet obscure but that "it might have been related to a provencal technical term associated with a law of 'promise'" (1988, p. 21).

[7] There were only six investors for this voyage. The queen contributed £10,000, Drake £7,000, the Earl of Leicester £3,000, Drake's cousin John Hawkins £2,500, William Hawkins £1,000, and Sir Walter Raleigh £400 (Kelsey, 1998, p. 240).

The raid was recorded in various cultural registers, both historical and rhetorical, ranging from bureaucratic correspondence between Spanish peninsular and colonial authorities to an English travelogue and a Spanish-Caribbean heroic poem: Juan de Castellanos' *Discurso del capitán Francisco Draque* (1586–1587) and Walter Bigges's *Summarie and True Discourse of Sir Drake's West Indian Voyage* (1589).[8] While acknowledging the comprehensive repository of scholarship produced about these texts and the historical event in question, in this section, I will focus on Drake's negotiations with the two governors of Hispaniola and Cartagena, Cristóbal de Ovalle and Pedro Fernández de Busto. I will address the European debate on what constituted a pirate and how the governors transformed Drake into a legitimate adversary to justify their questionable leadership decisions and conceal their military weaknesses. Their narratives foreshadowed the transformation of maritime predation into a modern diplomatic and economic exchange. This Caribbean raid thus illustrates the changing values of an era in which money—instead of military altercation—becomes the vehicle to resolve a war or to respond to a violent attack.

In the context of the beginning of what came to be known as the Caribbean raid of 1585–1586, we find no reference to the official larger Anglo-Spanish conflict. On the contrary, Bigges notes the lack of an official declaration of war when Drake's fleet reached the Isles of Bayona (today known as the Cíes Islands), just off northern Spain, before setting out for the New World. They came peaceably, short of supplies and seeking more to sustain them on the ocean crossing. Upon arrival, however, they found that trade was officially barred and the English merchants on shore could not be found. Bigges describes the scene that followed: an English merchant—sent by Pedro Bermúdez, governor of the islands of Bayona—conferred with Captain Sampson, appointed by Drake to meet him and gather information about two main issues:[9] first, "if there were any warres betweene Spaine and England;" and second, why "their goods were imbarred or arrested" (Bigges, 2010, p. 219-220).[10] Being advised by Christopher Carleill, his lieutenant general, Drake resolved not "to make any stand" before receiving the news. After this exchange the governor accommodated the fleet, providing them with refreshments including bread, wine, oil, apples, grapes, and marmalade. Another source, known as the *Tiger Journal,* also stresses the misunderstanding between the English and the inhabitants of the isles as subjects of the Spanish Crown (Bigges, 2010, p. 79-80). Captain Sampson warned Governor Bermudez that if their reasonable demands were not satisfied, the English would fight vehemently because the captain realized that they were able to proceed "when he saw theyr weakeness in every respect" (Bigges, 2010, p. 80). Governor Bermudez replied that he did not hold the power to "make warre or peace

[8] Bigges recorded the events that took place until he died of fever in Cartagena. While it remains unclear at which point of the attack he died, his account was apparently continued and finished by Lieutenant Croftes, another member of the expedition. The first edition of his account was published in Latin in 1588, and two editions in English appeared in 1589. Two other laudatory poems were composed celebrating Drake's raid of the Caribbean in 1585: Henry Robarts's *A Most Friendly Farewell Given by a Welwiller to the Right Worshipful Sir Frauncis Drake Knight* (London 1585) and Thomas's Greepe *The True and Perfecte News of the Worthy and Valiant Exploits, Performed and Done by that Valiant Knight Syr Francis Drake* (London, 1587).

[9] According to editor Mary Frear Keeler, in *Sir Francis Drake's West Indian Voyage*, they arrived in the Cies islets close to the Vigo River (2010, p.78).

[10] The *Primrose Journal* (kept aboard the ship *Primrose*) states they were also looking for imprisoned Englishmen, their merchant goods, and victuals. It is included on page 181 in the compilation titled *Sir Francis Drake's West Indian Voyage 1585–86* (edited by Mary Frear Keeler).

betwine the two princes" and declared that the English merchants were not under arrest "but that they myght dispose them selves and th[eir goodes] at theyr owne pleasures" (*id.*). Thus, at this point, there was not an official war, which means that the English sailors seemed to be considered less pirates or corsairs than sailors looking for their countrymen merchants, who presumably had been imprisoned and their goods embargoed.

At the time, a "just war" implied the notion of a "just enemy" and in turn restricted the power of declaring war to the sovereign prince. Legal jurists, such as, Alberico Gentili (1552–1608) claimed that if a sovereign imposed restrictions to prevent other sovereigns' subjects from navigating, this could be considered a legitimate cause of a just war (Benton, 2010, p. 125). On his part, Balthazar Ayala (1548–84), a Flemish lawyer appointed by Philip II to the position of General Military Auditor, stressed the importance of the category of the "rebel." Intended to restore peace in the Low Countries, Ayala's legal treatise *De Iure et Officiis bellicis et disciplina militari* (Douai 1584) underscores the difference between the notions of the just enemy and the rebel. In his view, a pirate qualifies as a rebel with no right either for booty capture or a legitimate declaration of war. Enemies from a just war (*hostes*), by contrast, should receive better treatment than the rebel since their position is demarcated by fighting a just cause. However, in the episode described of the Cíes islands, it remains unclear if Drake and his men are either "pirates" or "rebels." The alleged confusion of whether there was a war in course illustrates what Lauren Benton examines about the elusiveness of the concept of sovereignty in the context of early modern empires and the relation between law and geography. Benton remarks on the emergence of uneven or "layered" sovereignties characterized by the ineffective imperial implementation of order and delegation of authority in different legal geographies or malleable jurisdictions like the seas or far-distant and isolated territories (Benton, 2010, p. 30–32). In the case of Drake's first stop, we find a "layered" and somewhat inefficient implementation of Spanish sovereignty in the Cíes Islands.

Conversely, in even more distant territories of the Spanish crown across the Atlantic, we see the governors of Hispaniola and Cartagena attempting to implement effectively Spanish sovereignty by confronting Drake and converting him into a "just enemy." Both Cristóbal Ovalle and Pedro Fernández de Busto manipulate their narratives to focus on their questionable "victory," earned through negotiations with the English captain, while uncovering serious concerns about corruption within the colonial apparatus that ultimately relate to the unstable sovereignty upheld in their territories. On his part, Cartagena's governor unveiled internal conflicts between colonial forces and alluded to the transatlantic conflict between colonial and Iberian authorities. In contrast, the president of the Council of the Indies, Hernando de Vega y Fonseca, emphasized the governor's shameful decision to spend the money from the royal treasury paying Drake's ransom and financing Drake's accommodations and banquets after the negotiations in Cartagena: "[T]he Governor shared a shameful relationship with the corsair, spending money from the Royal Treasure, your majesty, and so it is said that he enjoyed banquets and conversations with the corsair."[11] From the English perspective, Bigges's account confirmed

[11] AGI, Santa Fe, 1, 72. Although the president of the Council of the Indies may have classified Drake as a corsair to accentuate his ties with the English Crown, Drake lacked a royal commission to pillage Cartagena.

the alleged good treatment provided in Cartagena and Santo Domingo by Spanish authorities, which is similar to the treatment received previously in the Cíes Islands:

> During our abode in this place, as also at S. DOMINGO, there passed diuerse curtesies between vs and the Spaniards. As feasting, and vsing them with all kindnesse and fauour: so as amongst others there came to see the Generall, the Gouernor of CARTAGENA, with the Bishop of the same, and diuerse other Gentlemen of the better sort (Bigges, 2010, p. 258).[12]

By crafting a narrative that transforms a maritime attack into an economic transaction, the governors highlighted the efficiency of their negotiations with the English captain. They reported that the sum of money paid for the ransom was significantly less than Drake had originally demanded. In Santo Domingo's case, Governor Ovalle mentioned that Drake asked for one million, then for 100,000, and finally agreed to collect 25,000 ducats.[13] The governor of Cartagena, stated that Drake requested 400,000 ducats but that he counteroffered 20,000 ducats and, after seeing that Drake's men were willing to burn the entire city, he raised the amount to 30,000 ducats. Once the bishop authorized that payment "without remorse," he ordered everyone to contribute according to their holdings and property. Finally, Drake settled for 107,000 ducats, and 79,000 ducats were borrowed from the royal treasury (Castellanos, 1921, p. 318–319). He even mentioned that Drake provided him with a receipt for the ransom. These claims demonstrate that both governors, while formulating a narrative that portrayed them as successful leaders attempted to reinforce the notion of Spanish supremacy in the attack by making it seem that they had outsmarted the English. Consequently, the governors maintained that the Spanish did not lose entirely but prevailed through negotiation.

The debate about the figure of the pirate is crucial to understanding the justifications given by the colonial officials, especially the governors, who claimed a diplomatic and economic victory in dealing with a hostage situation. To this end, they had to transform Drake's public image of a ruthless pirate into a legitimate enemy. However, the juridical distinction between the pirate and the enemy was a subject of debate among European sixteenth-century legal theorists, discussed earlier, such as Ayala and Gentili.[14] They posited that unlike the just enemy, who had the right of restitution and the power of negotiation, the pirate belonged to the notion of an enemy deprived of any right.[15] In the context of the New World, the Spanish sources will sometimes refer to Drake as a just enemy or as a pirate, depending on their underlying intentions. For instance, the

[12] Kelsey argued that the Spaniards tended to exaggerate the nature of Drake's events to ask for crown subsidies, concealing the lack of efficient systems of defense (Wright, 2008, p. 29).

[13] "[L]e pidieron un millón, y le dijeron que no lo harían menos de cien mil ducados (…) y porque no se les dieron, comenzaron a quemar la ciudad y quemaron de tres partes la una" (quoted in Rodríguez Demorizi,1945, p. 31). According to Governor Ovalle, other mayors and aldermen, and the treasurer, Alonso de Peña, agreed that the best way to save the city of Santo Domingo and stop the devastation by the English was to strike a deal with them.

[14] Lauren Benton elaborates on the issues encountered by lawyers, such as Gentili, when distinguishing legitimate from illegitimate captures (2010, p.104–161). Daniel Heller-Roazen's study traces the rhetoric behind the different definitions of the pirate and the just enemy from classical times.

[15] Alberico Gentili—an appointed lawyer of the Spanish Crown at England's Court of Admiralty (1605–08)—in his famous legal treatise, *Hispanicae advocationis*, posthumously published c1613, compiled specific disputes and pleas in which he defined piracy in contradictory ways depending upon whether he desired to legitimize or delegitimize an economic transaction. For a related specific analysis, see Benton's study. Balthazar Ayala, a Flemish lawyer appointed by Philip II to the position of General

governors, probably aware of the illegitimacy of pirates to declare war or negotiate a peaceful agreement to end military hostilities, converted Drake into a legitimate enemy, with whom they even shared banquets, to validate their negotiations.

As several scholars have pointed out, Drake defies such an ironclad classification. Claire Jowitt (2010, p. 50) underscores that in theory, legislation that was passed by the English in 1536 defined piracy as a criminal offense, yet in praxis, English authorities failed properly to enforce it because of the flexibility between criminal piracy and legitimate reprisal. For instance, by using "corsair" and "pirate" interchangeably throughout his poem, Castellanos crafted a system of enunciation, a sort of sleight of hand, in which the figure of the pirate escaped any stable taxonomy. The early modern semantic and linguistic ambivalence behind the terms "pirate" and "corsair" allowed both English and colonial authorities to render Drake's figure into a legitimate enemy in the ransom negotiations. It is important to note that several dictionaries at the time linked the terms, using one to define the other. For instance, Sebastián Covarrubias de Orozco (1611, p. 590), defines a "pirate" as a "corsair who steals on the seas," and other dictionaries followed this trend of defining the term "pirate" with the word "corsair" (e.g., Minsheu, 1617 and Franciosini, 1620, unnumbered).

After raiding the governor's house, Drake found several royal *cédulas* (decrees) in which King Philip II had warned the governor about the possibility of facing Drake "the pirate" (Castellanos, 1921, p. 204). However, Castellanos' ambivalent system of portraying Drake was also constrained by metrical concerns and the rigors of the literary device of rhyme; thus, the term *pirata* suited him better than the term *corsario*. Consequently, there is a further scene that portrays how Drake became enraged because he realized that the king had used the word "pirate" to describe him: "Because His Majesty had treated him badly / By putting upon him the name of pirate" (*id*., 1921, p. 208).[16] The governor tried to calm Drake's anger by suggesting that perhaps the king had not read the *cédula*, and that in fact, he sometimes signed documents written by his secretaries without proofreading them. Drake threatened the governor and anyone, including the Spanish king and his secretaries, who dared to use this "base word" (*palabra baxa*) to characterize him.[17] Aside from blurring the semantic difference between the categories of pirate and corsair, Castellanos implied that Drake's concept of his condition as a corsair enabled him to justify the attack and subsequent negotiations. This dramatic scene thus displays an effort to neutralize a potential legal case against both Drake and the colonial authorities who negotiated with him. The negotiation, also recorded in Spanish colonial depositions, reinforced the lack of leadership to articulate narratives of blame for the enemy within. Instead of criminalizing

Military Auditor, wrote *De Iure et Officiis bellicis et disciplina militari* (1584), in which he underscored the difference between the notions of a just enemy and a rebel.

[16] "Su magestad tan mal lo trata/en ponelle renombre de pirata" (Castellanos, 1921, p. 208). The English translation of this quoted episode can be found in Lane and Bialuschewski's anthology (2019, p. 26). However, it is also worth noting that, according to Odin's dictionary, 1607, the word *renombre* also meant "renown" or "fame."

[17] About the semantic debate, Castellanos writes: "[Y] el intérprete suyo, dicho Ionas, / en idioma propio las expuso, / a gran enojo van palabras pronas / por el nombre que nuestro Rey le puso porque dezían que cossario era, / como si por ventura no lo fuera" (Castellanos, 1921, p. 204). "To whatever sir who invented this / Base word, should he write me, / The reply won't be long in coming / Because I will surely unmask the lie … And there we'll make it clear one day / So that I may be vindicated / Before the Great Philip who sent it / By the secretaries he confided" (Lane et al., 2019, p. 28).

Drake's actions, Spanish peninsular authorities brought several legal cases against the Spanish colonial functionaries involved in the event.

The two governors' efforts to benefit from the rhetorical transformation of piracy into a legitimate economic transaction were not well received by peninsular and other colonial representatives for two reasons. First, this rhetoric undermined the Spanish military reputation and capability of protecting their territories. Second, negotiating with a pirate posed the question of who might be considered or recognized as a legitimate adversary (or a just enemy). Only a decade before Drake's Caribbean raid, Jean Bodin (1529/30–1596) debated this topic in his *Six livres de la république* (1576). Although Bodin mentioned that pirates should not be protected by the law of nations, he stated that sometimes they forced sovereign leaders to negotiate when they had brought an overwhelming military force.[18] This notion resonated in later texts dealing with the concept of diplomacy and the role and rights of ambassadors when "recognition" meant to "be acknowledged as a legitimate political agent" (Hampton, 2009, p. 119). In the context of Drake's Caribbean raid, it could be argued that the two governors projected this trend by characterizing their negotiation with Drake as something honorable and officially conducted. After all, they were not military men but, rather, skilled in letters and administrative matters.

These portrayals of piracy reveal the circumstances that led England to replace ideological mercantile values with projections of empire. The analysis presented discloses that both the descriptions of the attack and the narratives of the negotiations forged an ideology that braids the notion of imperial and national military supremacy with increasingly mercantilist early modern values. Depictions of maritime predation, therefore, set an ideological precedent for the articulation of the military and economic precepts that underpinned further European projects of colonization in the Americas during the following century. However, the pirate's figure—as a literary and historical trope—will not be legally defined and will remain flexible and chameleon-like until Elizabeth I's and Philip II's deaths and the ends of their respective reigns, which I discuss in the next section.

3. Piracy and the By-products of Peace in the Caribbean: Buccaneers and Freebooters

Contrary to Elizabeth's 1601 policy of sponsoring piracy in disguise as a means of ending the Anglo-Spanish war, her successor James I changed the strategy by signing a peace agreement in London (1604) that was ratified in Philip III's courts in Valladolid (1605). Known as the Treaty of London, or Treaty of Peace, Alliance, and Commerce, it mainly revolved around the restoration of the commercial relations between the kingdoms of Spain and England.[19] Revitalization of

[18] Bodin refers to a case in which the Roman general Pompey signed a treaty with Mediterranean pirates (Hampton, 2009, p. 118).
[19] I will be using two editions of the treaty. The first is a version that contains a Latin transcription and Spanish translation of the original document, which is held by the AGS. It was compiled by Diego Peralta, Antonio Marin, and Juan de Zúñiga, eds., *Coleccion de los tratados de paz, alianza, neutralidad, garantia, proteccion, tregua, mediación, accesión, reglamento de limites, comercio y navigacion …* (Madrid 1740). The second is a Spanish coetaneous translation printed in Valladolid by Luis Sánchez: *Capitulaciones de la paz, entre el Rey nuestro señor, los … archiduques de Borgoña, sus hermanos y el Rey de Gran Bretaña …* (1605).

Anglo-Spanish trade came with a price, however. On the one hand, Spain had to refrain from re-establishing Catholicism in James I's dominions of England, Ireland, and now Scotland, while on the other, the English had to put an end to their commercial relations and alliances with the enemies of Spain, specifically the rebels of the Low Countries (*Olanda* and *Zelanda*).[20] It has been argued that this treaty was part of a wider goal to resolve the European religious conflict in the long run. However, the English public became anxious and remained suspicious of James's apparent empathy toward the Spanish; this empathy was evinced by his plans for proposing marriages for his potential successors that would entail both Protestant and Catholic matches.

From beginning to end, the Treaty of London addresses the issue of piracy while emphasizing several times that it applies to both sides and will be enforced on land, at sea, and in fresh waters (*tam per terram, quam per mare, et aqua dulces*). Several items found in the treaty politicize maritime space by extending the scope of the agreement to the seas, fresh waters, and ports. In the Spanish printed edition of this document from 1605, the term "piracies" (*piraterias*) appears in the margin of the sixth capitulation. The main body of the Spanish text revokes "any commissions and letters, either of reprisal or marque, that might allow the power to steal."[21]

Entirely dedicated to the issue of maritime predation (*predandi*), this agreement reveals two important aspects of piracy. First, the Spanish marginal note shows that the phenomenon of piracy was understood as something conceptually vague but attached to "sponsored stealing." Erasing any differences between the pirate and the so-called corsair, both the pirate and the sailor carrying royal commissions of marque and reprisal fell under the same Spanish perception of state-backed thievery. Second, the capitulation became the first document that seems to stabilize the category of piracy, inaugurating its entry into the legal discourse as it openly criminalizes any individual who might disobey it. This is the first time in which the figure of the pirate is legally equated to that of the corsair and their conceptual stability and equalization are acknowledged by both the English and Spanish kings. In this way, the treaty leaves no room for anyone who in the previous century, like Sir Francis Drake, claimed royal sponsorship or justified maritime predation under nationalistic or religious differences.

After this establishment of peace, a new nomenclature of piracy emerged in both the Caribbean and Mediterranean geographical contexts. On the one hand, former English maritime predators, having lost their private income, joined Barbary corsairs in the Mediterranean, while others, like Captain Henry Mainwaring, were hired by the English Crown to police and capture their former accomplices. In the Caribbean, Dutch and French sailors who had previously engaged in contraband trade, mostly related to the illegal purchase of tobacco and salt, continued to carry out their illegitimate businesses. However, due to the lack of efficient Spanish policing, they encountered an even more divided geopolitical Caribbean scenario marked by the increasing

[20] Two further treaties of peace between the nations were signed in 1630 and 1670.

[21] "Que no se permitan piraterias, y se revoquen las comisiones y cartas de marca para salir a robar" (see *Coleccion*, edited by Peralta, Marin, and Zúñiga, 1883, p. 8). "[R]evoquen qualesquier comissiones y cartas, assi de repressallas como de marca, que tuvieren facultad de robar, de qualquier genero o condicion" (*id.,* 1883, p.8). The Latin version states the same: "[R]evocentque quascunque commissiones et litteras tam represaliarum seu de marca, quam facultatem predandi continentes cuiuscumque generis aut conditionis sint" (*id.*, 1883, 251).

establishment of English, French, and Dutch colonial bases on several islands. These and other subsequent shifts in European powers, such as the Peace of Westphalia (1648) and the rise of merchant empires and political leaders such as Oliver Cromwell (1643–51), who envisioned an English imperialist project in the Caribbean, coincided with the flourishing of a different kind of piracy along with new labels that defined it.[22] For instance, the Caribbean archipelago was the stage for the articulation of the figure of the Buccaneer. From the 1580s, several Spanish colonial authorities and functionaries in Hispaniola had proposed the depopulation of the northern part of the island as the best solution to decreasing contraband in the region. Thus, the early seventeenth-century project of depopulating northern Hispaniola to deter contraband practices resulted in the increasing establishment of mainly French sedentary communities known as the "Buccaneers." In this sense, the remedy proved worse than the disease.

Etymologically, the French term *boucanier*, from which we get "buccaneer," derives from an indigenous word, *boucan*, that referred to a particular wooden grate on which they cooked their meat and the way they prepared a kind of beef jerky or smoked meat.[23] In the seventh volume of his account titled *Nouveau voyage aux isles de l'Amérique*, Jean-Baptiste Labat (1663–1738), the "Pirate Priest," describes these practices during an exchange between "two hunters" (*deux chasseurs*) from a Caribbean island and the crewmembers of Labat's ship.[24] The buccaneers mainly traded cured meat, tobacco, and sugar with non-Spanish looters known as freebooters or filibusters, and lived under their own social, economic, and political code. Labat describes the filibusters as "those who were navigating" (*Filibustiers, c'est ainsi qu'on apelle ceux qui vont en course*) (Labat, vol. 5, 1742, p. 73).[25] Unlike sixteenth-century pirates or corsairs like Francis Drake and John Hawkins, the buccaneers established a sedentary lifestyle in the Caribbean at the margins of European sovereign powers, marking the beginning of what historians have called the Golden Age of Piracy (1650–1730).[26] This multinationally controlled Caribbean also gave rise to the advent of renowned buccaneers such as Captain Henry Morgan (1635–68), whose accounts were reported and published by Alexandre Exquemelin (1645–1707) in *The Buccaneers*

[22] The Peace of Westphalia (1648) ended the Eighty Years' War between the Low Countries and Spain. Among the agreements in this treaty, we find the recognition of the concept of the sovereign nation-state, which brought peace to belligerent nations (Latimer, 2009; Lane, 2016). Following that, Oliver Cromwell sent an imperialist mission to the Caribbean in 1654. The fleet arrived on the island of Barbados in 1655 and recruited soldiers and vessels on the islands of St. Christopher and Nevis. Even though more than 9,000 men joined this mission, they failed to accomplish Cromwell's project (Lane, *id.*, 2016, p. 95).

[23] Lane specifies that *boucan* was originally a Tupi-Guaraní term that the French frontiersmen appropriated from Brazil (Lane et al., 2019, xxvi).

[24] There are several editions of Labat, and I will be using the one from 1742 (Paris). The full title is *Nouveau voyage aux isles de l'Amerique. Contenant l'histoire naturelle de ces pays, l'origine, les moeurs, la religion & le gouvernement des habitans anciens & modernes: les guerres & les evenemens singuliers qui y sont arrivez pendant le long séjour que l'auteur y a fait: le commerce et les manufactures qui y sont etablies, & les moyens de les augmenter. Ouvrage enrichi d'un grand nombre de cartes, plans, & figures en tailles-douces.*

[25] The term *filibustier* comes from the English "freebooter," which in turn derives from the Dutch *vrijbuiter* ("man with free booty") (Galvin, 1997, p. 7). The term was employed to refer to those seamen who lived by capturing booty instead of receiving regular pay for their services at sea (Latimer, 2009, p. 3).

[26] Nominally speaking, the buccaneers were "jerky makers." Labat: "[C]es Chasseurs, qu'on nomma dans la suite Boucaniers du nom des Ajoupas ou Boucans…" (Labat, vol. 5, 1742, p. 62). For more historical context and social dynamics about the buccaneers, see Lane, 2016. For the amphibious nature of the buccaneers in relation to that of previous pirates and corsairs, see the works of Galvin (1999) and Latimer (2009). About the Golden Age of Piracy and the nationless character of buccaneers, freebooters, and filibusters, see Rediker (2004).

of America (1684).[27] Caribbean-born sailors also joined European sea rovers, as in the case of Diego the Mulatto, a former slave from Havana, Cuba, who joined Dutch looters and after eight years of service was made a captain.[28]

The constant attacks on the colony of Hispaniola, led to the Peace of Ryswick (1697), by which the French were granted official permission to settle on the island. In this context, Labat, the Pirate Priest, spent 12 years in the Caribbean, and in 1701 he visited Hispaniola as a missionary of the Dominican Order. Besides his descriptions of the *boucans* and other topics, Labat paid attention to the illegitimate trade conducted on the island, at the time populated and controlled by French and Spanish powers. In theory, according to Labat's description, under the buccaneers' law, no one was allowed to trade with any subject of the Spanish Crown. However, the Pirate Priest also recounted how this law could be circumvented, including bribes and strategies of a related sort. Smuggling of smaller cargoes of the English, French, and Dutch was usually conducted at night and far from the towns. No credit was allowed; the transactions were mediated by cash or products found in the region.[29] According to Labat, the guns used in the Caribbean islands were called *boucaniers* after the buccaneers because they made these weapons ubiquitous in Hispaniola.[30]

Unlike sixteenth-century pirates and corsairs, the buccaneers in the Caribbean had intermittent ties, as well as relations with European powers (France, England, and the Netherlands), that were primarily motivated by individual political and economic profit. In other words, sixteenth-century collective claims of European political and religious rivals were replaced by private economic interests and political agendas. By the same token, those English individuals who engaged in pillaging and reprisal voyages during the seventeenth century, sponsored by a specific European national power, became "privateers," a term that did not exist in the previous century.[31] As a response to this new scenario, semi-controlled by foreign powers and marginal societies in both the Mediterranean and Caribbean regions, the Spanish Crown in 1601 enforced the first Ordinance for Corsairs, allowing armed shipowners *(armadores)* to attack and seize foreign ships and booty by paying stipulated sums of money to the Crown. On the one hand, these new models of piracy entailed the articulation of different labels while on the other, sixteenth-century maritime attackers, like Francis Drake, became stable national icons, revived, and reframed to support

[27] The original work by Exquemelin, *De americaensche zee-roovers* (Amsterdam 1678), was translated into Spanish in 1681 and then anonymously into English (London, W. Crooke, 1684). Fray Íñigo Abbad y Lasierra in his *Historia geográfica, civil y natural de las islas de San Juan Bautista de Puerto Rico* (1788) includes parts of Exquemelin's work, focusing on the dynamics between buccaneers and freebooters, and describes both types of individuals as "foreign barbarians" (*bárbaros forajidos*) (Abbad, 2002, p. 241–45).

[28] Thomas Gage, an English Dominican friar, reports his encounter with Diego de Los Reyes (Diego el Mulato) in his *Travels in the New World* (1648), which was reprinted in 1655 and translated into French in 1676 and Dutch in 1700.

[29] "The word 'Credit' is never mentioned in this business, which is called trading a la Pique, and nothing is accepted in payment but cash, or produce actually delivered on board the ship" (The Dominican Republic Reader, 2014, p. 87).

[30] "Le fusils dont on se sert aux isles sont appellez boucaniers, parce que ce sont les Boucaniers & les chasseurs de l'Isle Saint Domingue qui les ont mis en vogue. Les meilleurs se faisoient autrefois a Dieppe ou a la Rochelle. On en fait present a Nantes, a Bordeaux & autres Ports de mer du Royaume qui sont tres bons" (Labat, 1742, vol. 1, p. 132 [1696]).

[31] The term "privateer" was unknown to the Elizabethan era and was first used in the 1600s (Heller-Roazen, 2009, p. 81). For more about the emergence of English privateers, see Andrews' seminal study *Elizabethan privateering. English privateering during the Spanish War, 1585-1603* (1964).

narratives of emerging merchant empires. Overall, as we have seen with Labat's description of the contraband and the banning of Spanish economic agents, European wars or rivalries became manifest in the Caribbean through the informal authorizations or prohibitions to conduct illegal trade with specific individuals. In a way, the Caribbean islands also staged the return of what was once considered "the pirate"—now the Buccaneers or Filibusters—to a sedentary lifestyle close to those first recorded pirates in classical times discussed in the introduction of this essay. Also, the economy of contraband flourished in Caribbean waters and the Spanish crown's *armadores de corso* thrived in this illegal economy. In what follows, we will see the case of an individual who illustrates the overlapping practices of "corsairing" and contraband, and who in turn, occasionally engages in European war affairs in the Caribbean context. This historical figure also exemplifies plots and corruption conspiracies at the colonial administrative level which gradually focused more on local Caribbean illegal lucrative enterprises.

4. Suspicious Dutiful Subjects: The Case of Miguel Enríquez

Miguel Enríquez (c1674–1743), born to a formerly enslaved woman (Graciana Enríquez) and an undisclosed father—probably a high clergyman in the city of San Juan—became a prominent businessman despite his humble origins and local racial discrimination toward the mulatto population. A former shoemaker and leather tanner, by the decade 1700–1710, Enríquez engaged in lucrative legitimate and illegitimate trading practices (López Cantos, 2017, p. 20–26). That is to say, Enríquez's fortune and purchasing power were less based on selling legitimate corsair captures (*efectos de corso*) than on reselling products from contraband collected by his fleets, which he frequently lent to colonial and ecclesiastical authorities. At age 26, Enríquez was accused of selling contraband merchandise in the city of San Juan. He was sentenced to one year's forced labor without pay in El Morro along with a fine of 100 pesos in silver. Governor Gabriel Gutierrez de la Riba, who had formerly introduced him to "the trade" (smuggling) by making him a *ventero* (seller), commuted his sentence by having him serve as an artilleryman without pay instead of becoming an insular convict. By that time, he was considered a literate individual whose library, containing books in Latin, was confiscated (López Cantos, 2017, p. 22). Besides owning a shipyard and 13 workshops and warehouses in San Juan, as well as an estate in the countryside, he managed to amass an arsenal of 100 rifles, providing the island with enough military resources to defend it (*id*., 2017, p. 88–89). Two aspects make this figure fascinating for his contemporary racially divided society. First, by 1712, King Philip V acknowledged his services awarding him the *Medalla de Su Real Efigie*. This medal granted Enríquez an upper social status: he became a knight and earned the right to be called "don Enríquez." Second, in 1713, the Spanish King granted Enríquez a *Real Cédula Auxiliatoria*, which was a legal protection that gave him the power and right to appeal directly to the Council of Indies without the need for intermediaries (or colonial authorities) in any legal dispute.

Enríquez became a resourceful asset for both peninsular and colonial authorities. He earned the trust of politicians and clergymen of the island through favors, accommodations,

and donations. From 1704 to 1735 he was an *armador de corso* (privateer) and his ships were frequently used to deliver important news (*avisos*) sent to the Caribbean zone by the Spanish Crown. He also provided services of transportation, free of charge, to colonial authorities, Jesuits, and Franciscans arriving in the Indies. When there was a lack of royal vessels in the islands, Enríquez's ships carried local products to Spain. In 1718, his ships contributed greatly to ending the English occupation of the small island of Vieques, close to Puerto Rico. During the War of the Spanish Succession (1701–14), Enríquez kept the Antilles out of the hands of Spain's enemies, by guarding the waters and attacking their ships relentlessly (*id.*, 2017, p. 53). Fleeing the governor's authority in 1735, Enríquez secluded himself in the Carmelite convent of Santo Tomás in the city of San Juan, where he died eight years later in the company of only his accountant Antonio Paris Negro, the Dominican friar Andrés Bravo, and the prioress Sister Mariana de San José. His illegitimate daughter, the Carmelite nun Rosa Enríquez, suspected that her father was poisoned (*id.*, 2017, p. 389–92).

I would like to stress that Enríquez racial condition as a mulatto or *pardo* had a great influence both on his success and failure throughout his career. He was very close to several governors, and he had them in his pocket because of his plentiful number of resources (merchandise, fleets, and contacts with other merchants and political figures in other islands of the non-Hispanic Caribbean). The governors, on their part, provided Enríquez with the authorizations or *licencias de corso* to conduct business, which allowed them to receive a generous cut from these illegal transactions. In other words, Enríquez, as a mulatto, oversaw the dirty work whereas the Spanish governors secretly profited from his spoils and remained officially detached from these practices.

Enríquez was representative of the intersection between war and commerce because he participated in both dynamics. Besides loaning or donating his fleet to repel attacks from Spain's rivals, he established a commercial network in the Caribbean. Enríquez put forward a notion of commerce that did not align with Spanish peninsular mercantilist practices. He wrote to the Spanish king to promote direct commerce with the port of Cádiz in goods exported from Puerto Rico and Santo Domingo.[32] Against the backdrop of economic protectionism and Spanish mercantilism, he seemed to believe in open markets conducted by foreign, multiracial, and international parties in the broader context of the non-Hispanic Caribbean region. He befriended Irish and Jews alike, with whom he engaged in businesses both legitimate and illegitimate.

But Enríquez was unaware of what was coming after him. If, in the past, he had been celebrated by the Spanish king for his hostility against the English enemy in the Caribbean, by the mid-1740s the geopolitical panorama had changed and the diplomatic relations between Spain and England were apparently improving. Historians have speculated that the advisors of King Philip V suggested the restoration of the Spanish naval glory of previous centuries and, to achieve this, they needed England's collaboration. Therefore, it is believed that Enríquez became the pawn to be sacrificed. The two powers granted by the Spanish king in earlier decades, the *Medalla de*

[32] "Con motivo de hallarse esta Isla padeciendo el desalivio y desconsuelo de los registros de esa Europa … me he esforzado a pedir a Vuestra Magestad me conceda licencia para todos los años remitir una balandra de 80 toneladas de este puerto al de Cádiz con frutos de esta isla y de la de Santo Domingo" (AGI Santo Domingo 2296; also quoted in López Cantos, 2017, p. 92).

Su Real Efigie and the *Real Cédula Auxiliatoria*, were no longer acknowledged by colonial and Spanish Iberian authorities. He died in disgrace with no money, while other individuals were granted *licencias de corso*. So, the fact that he was a mulatto with a vast commercial monopoly and a fighter against the former rivals of Spain contributed not only to his economic demise but also to the removal of this figure and its legacy.

In the eighteenth century, European wars continued to take place in Caribbean waters. Due to the vulnerable position of the islands, there were several English attempts to seize the islands of Cuba and Puerto Rico. In 1702 they landed in the north-western part of Puerto Rico, in Arecibo with no success, and again they attacked the island in 1703 and the following years. These hostilities, not only in the Caribbean but also in other Spanish territories, led to the declaration of war between England and Spain in 1739. Then again, another war was declared between the two nations resulting from the Bourbon family compact (a pact between the kings of France and Spain) that lasted from 1761 to 1763 and, in the process, British forces managed to capture trading ports—one in Havana (Cuba) and another one in Manila (the Philippines)—damaging both Spanish transpacific and transatlantic routes. However, as I mentioned earlier, this century was also marked by a multi-nationally controlled Caribbean archipelago that, in turn, fuelled the dynamics of contraband because the Spanish crown did not have enough resources to protect the coasts and to contain illegitimate trade.

These problems had been at the heart of local socioeconomic crises in the seventeenth century when, although Puerto Rico swarmed with contraband and corsairing practices, the mulatto captain Enríquez alerted one of his Caribbean business associates, a Jew from Curaçao, about the island's scanty circulation of currency. Exposing the correlation between war and commerce, Enríquez's letter states that "silver is the principal weapon of commerce."[33] Certainly Enríquez belonged to a different era, commonly denominated as the Golden Age of Piracy and characterized by buccaneers and freebooters. These categories related to maritime predation, while being legally standardized and openly acknowledged by European powers, nonetheless became slippery when dealing with contraband and corsairing (*ir de corso*). In Enríquez's words, he obtained his "merchandise" (*mercaduarías*) through his "corsairing" (*corsos*) at 30 to 50 percent below market.[34]

5. Conclusions

Throughout this essay, we have seen a panoramic picture of the different categories that emerged to define maritime predation. In classical times, Polybius's "pirates" was a demonym of the geographical region "Piratae" that contested Roman hegemony. During the Medieval Ages, the category of the "corsair" arose to justify maritime predation within specific terms and

[33] "La plata es la principal arma del comercio."

[34] "Hallarme en esta ciudad con más de cincuenta mil pesos de mercadurías, habidas de mis corsos más baratas a un cincuenta, cuarenta y treinta por ciento entre los nacionales" (AGI, Escribanía de Cámara, 140 A; also quoted in López Cantos, 2017, 96).

conditions. However, during the early modern period and the European colonization, we saw how the Anglo-Spanish rivalry exemplified the instability of these categories while the concepts of just war and just enemy became a matter of international debate. The end of the Anglo-Spanish war (1604) and the agreement of peace contributed to the legal stabilization of the discourse of piracy. However, new models of piracy emerged in the Caribbean, such as the Buccaneers and the Filibusters, which were coincidentally closer to the sedentary ways in which classical pirates operated through the establishment of marginal economies against an entrenched power. Such illegitimate and unregulated economies included figures like Miguel Enríquez and Spanish officials alike. In this way, contraband became the common currency of the inverted "piracy cycle"—outlaws who became sedentary figures—that emerged in the Caribbean establishing their parallel order. In this context, just wars and just enemies became words that did not define or apply to the conditions of Caribbean local economies. On the contrary, legal commerce and financial considerations, instead of just war, became the new barometer against which piracy and the terminology or words to refer to it, were redefined.

CONFLICT OF INTEREST

The author has no conflicts of interest to declare.

REFERENCES

Manuscripts

PTOLEMY, Claudius. **Geographia vniversalis, vetvs et nova complectens Clavdii Ptolemi Alexandrini enarrationis libros VIII**. RBML, 1549 P95. 1545.

PTOLEMY, Claudius. **Geographia vniversalis, vetvs et nova complectens Clavdii Ptolemi Alexandrini enarrationis libros VIII**. RBML, P959, **La Geografia Di Clavdio Tolomeo Alessandrino, Nuouamente tradotta di Greco in italiano Da Ieronimo Rvscelli**. RBML, B911.3, P951.1511.

Manuscript Documents

This article has incorporated a significant portion of primary evidence such as royal *cédulas*, English, Spanish Peninsular, and Spanish Colonial epistles and reports, plus other miscellaneous documents. What follows is a list of the main archives and their respective collections to facilitate the localization of the consulted primary sources.

AGI (Archivo General de Indias, Seville, Spain)

Estado

Indiferente general

Patronato

Santo Domingo

Santa Fe

AGS (Archivo General de Simancas, Spain)

Guerra y Marina (GYM)

Guerra Antigua

RBML (Rare Book and Manuscript Library, Columbia University, NYC, USA)

Printed materials and editions

ABBAD Y LASIERRA, Fray Íñigo. **Historia geográfica, civil, y natural de las islas de San Juan Bautista de Puerto Rico**. San Juan: Editorial Doce Calles & Centro de Investigaciones Históricas, 2002.

ALFONSO X. **Las siete partidas (el libro del Fuero de las Leyes)**. Edited by José Sánchez-Arcilla. Madrid: Editorial Reus, 2004.

AYALA, Balthazar. **Three Books on the Law of War and on the Duties Connected with War and on Military Discipline**. Translated by John Pawley Bate. Buffalo: William S. Hein & Co., Inc., 1995.

DE BERWICK Y DE ALBA, D.; CONDE Y LUQUE, R.; DE ZÚÑIGA, J.; MARÍN, A. et al. **Coleccion de los tratados de paz, alianza, neutralidad, garantia … hechos por los pueblos, reyes y principes de España con los pueblos, reyes, principes, republicas y demás potencias de Europa …** Madrid: Antonio Marin, Juan de Zúñiga y la Viuda de Diego Peralta, 1740.

BIGGES, Walter. **Sir Francis Drake's West Indian Voyage, *1585–86***. Edited by Mary Frear Keeler. London: Hakluyt Society, 2010.

BODIN, Jean. **On Sovereignty**: Four Chapters from the Six Books of the Commonwealth. Edited and translated by Julian H. Franklin. Cambridge: Cambridge University Press, 1992.

Capitulaciones de la paz, entre el Rey nuestro señor, los … archiduques de Borgoña, sus hermanos y el Rey de Gran Bretaña. Valladolid: Luis Sánchez, 1605.

CAPMANY Y DE MONTPALAU, Antonio, editor. **Memorias históricas sobre la marina, comercio y artes de la antigua ciudad de Barcelona**. *Vol. 3*. Barcelona: Imprenta de D. Antonio de Sancha, 1792.

DE CASTELLANOS, Juan. **Discurso del capitán Francisco Draque**. Edited by Ángel González Palencia. Madrid: Instituto de Valencia de D. Juan, 1921.

DE COVARRUBIAS HOROZCO, Sebastián. **Tesoro de la lengua española (1611)**. Edited by Ignacio Arellano and Rafael Zafra. Iberoamericana: Vervuert, 2006.

GENTILI, Alberico. **Hispanicae advocationis Libri Duo**. Translated by Frank Frost Abbott. Oxford: Oxford University Press, 1921.

LABAT, Jean-Baptiste. **Nouveau voyage aux isles de l'Amérique.** Paris: Ch. J.B. Delespine, 1742.

LORENZO, Franciosini. **Vocabulario español e italiano ahora nuevamente sacado a luz**. Rome: Iuan Angel Rufineli and Angel Manni, 1620.

MINSHEU, John. **Vocabularium Hispanicum Latinum et anglicum**. London: Joanum Browne, 1617.

ORTELIUS, Abraham. **Theatrum orbis terrarum**. Antwerp: Ioannes Bapt. Vrintius, 1603.

ORTELIUS, Abraham. **Theatri orbis terrarum parergon**. Antwerp: Officina Plantiniana, Balthasar Moretus, 1624.

DE PALLEJA, Cayetano, translator. **Consulado Del Mar de Barcelona**. Barcelona: Imprenta de J. Piferrer, 1732.

Critical Readings

ANDERSON, John L. "Piracy and World History: An Economic Perspective on Maritime Predation." **Journal of World History**, v. *6*, n. 2, p. 175–199, 1995.

ANDREWS, Kenneth. **Elizabethan privateering. English privateering during the Spanish War, 1585-1603**. Cambridge: Cambridge University Press, 1964.

ANDREWS, Kenneth. **Trade Plunder, and Settlement**: Maritime Enterprise and the Genesis of the British Empire, 1480–1630. Cambridge: Cambridge University Press, 1984.

BENTON, Lauren. **A Search for Sovereignty**: Law and Geography in European Empires (1400–1900). Cambridge: Cambridge University Press, 2010.

BENTON, Lauren. "Toward a New Legal History of Piracy: Maritime Legalities and the Myth of Universal Jurisdiction." **International Journal of Maritime History**, v. *23*, n. 1, p. 224–240, 1995.

GALVIN, Peter R. **Patterns of Pillage**: A Geography of Caribbean-Based Piracy in Spanish America, 1536–1718. New York: Peter Lang Publishing, 1999.

GOSSE, Philip. **The History of Piracy**. New York: Tudor Publishing Company, 1934.

HAMPTON, Timothy. **Fictions of Embassy**: Literature and Diplomacy in Early Modern Europe. Ithaca: Cornell University Press, 2009.

HELLER-ROAZEN, Daniel. **The Enemy of All**: Piracy and the Law of Nations. New York: Zone, 2009.

JOWITT, Claire. **The Culture of Piracy, 1580–1630**: English Literature and Seaborne Crime. Burlington: Ashgate, 2010.

KELSEY, Harry. **Sir Francis Drake**: The Queen's Pirate. New Haven, CT and London: Yale University Press, 1998.

LANE, Kris. **Pillaging the Empire**: Global Piracy on the High Seas, 1500–1750. 2 ed. New York: Routledge, 2016.

LANE, Kris and BIALUSCHEWSKI, Arne. Editors and Translators. **Piracy in the Early Modern Era**: An Anthology of Sources. Indianapolis: Hackett Publishing Company, 2019.

LATIMER, John. **Buccaneers of the Caribbean**: How Piracy Forged an Empire. Cambridge, MA: Harvard University Press, 2009.

LÓPEZ CANTOS, Ángel. **Miguel Enríquez**. 3 ed. San Juan: Ediciones Puerto, 2017.

NEALE, John Ernest. **Queen Elizabeth I**. Chicago: Academy Chicago Publishers, 1972.

RABELL, Carmen Rita. **La isla de Puerto Rico se la lleva el holandés. Discurso de Don Francisco Dávila y Lugo al Rey Felipe IV (1630)**. San Juan: ICP, 2016.

REDIKER, Marcus. **Villains of All Nations**: Atlantic Pirates in the Golden Age. Boston, MA: Beacon Press, 2004.

RODRÍGUEZ DEMORIZI, Emilio. **Relaciones históricas de Santo Domingo**. Vol. *2*. Santo Domingo: Editora Montalvo, 1945.

ROORDA, Eric Paul et al. (eds). **The Dominican Republic Reader**: History, Culture, Politics. Durham: Duke University Press, 2014.

RUBIN, Alfred. **The Law of Piracy**. Newport: Naval War College Press, 1988.

SCHMITT, Carl. **The Nomos of the Earth in the International Law of Jus Publicum Europaeum *(1950)***. Candor: Telos Press, 2003.

VAN EIJNATTEN, Joris. "War, Piracy, and Religion: Godfried Udemans' Spiritual Helm (1638)." **Grotiana**, v. 26, n.1, p.192-214, 2007.

WRIGHT, Elizabeth. "From Drake to Draque: A Spanish Hero with an English Accent." *In*: SUCUKI, Minhoko; JONES, Ann Rosalind; SINGH Jyotsna (Orgs.). **Transculturalisms, 1400–1700**. Burlington: Ashgate, 2008, 29–38.