

Invisible Loot: Maritime Warfare and Circulating Objects in Hugo Grotius's *De Jure Praedae*

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Abstract

This article offers a new reading of Hugo Grotius's early treatise *De Jure Praedae Commentarius* (Commentary on the Law of Prize and Booty, 1604-1606), approaching this text from the perspective of material culture. Commissioned by the Dutch East India Company (voc) after Dutch seafarers confiscated the Portuguese carrack *Santa Catarina* and its cargo, Grotius's text, this article proposes, deliberately obscures the ways the Dutch valued objects as trophies, loot, and spoils. Analysis of *De Jure Praedae* reveals that Grotius argues against the display of material wealth that the Dutch had acquired as loot, negatively associating it with the Portuguese and Spanish empires and instead propagating the invisible dispersal of the booty. In this way, *De Jure Praedae*, an early work by a major apologist of the voc, rationalised the continuous circulation of objects in the service of Dutch empire-building. The article's broader project is to speak to scholars of the global circulation of material culture and of empire alike to contribute to a history of how looted objects were conceived as key instruments in Dutch imperial expansion.

Keywords: Hugo Grotius, *De Jure Praedae Commentarius*, material culture, booty, voc, imperialism

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In the early years of the seventeenth century, the young Dutch humanist and lawyer Hugo Grotius (1583-1645) wrote a defence of the Dutch confiscation, in Asian waters, of a Portuguese cargo ship and all the objects it contained. Grotius's text, *De Jure Praedae Commentarius* (Commentary on the Law of Prize and Booty, 1604-1606), has been studied extensively by historians and legal scholars.¹ This article proposes that *De Jure Praedae* also has much to offer to those interested in material culture. Grotius wrote his text just as the Dutch East India Company, or Verenigde Oostindische Compagnie (voc), had been founded and Dutch maritime expansion needed ideological backing. *De Jure Praedae* did not take the common human practice of looting in war for granted and instead reflected on the question why human beings in armed combat take material possessions from their enemies.² Grotius advised against the display of material wealth that the Dutch had acquired as loot: display, so he wrote, leads to decadence and downfall, which were negatively associated with the Portuguese and Spanish empires. This article demonstrates, firstly, that Grotius's text obscured the confiscated objects from the Portuguese ship by insisting on the invisible dispersal of the booty, and, secondly, that in this way, *De Jure Praedae* rationalised the continuous circulation of objects at the service of Dutch empire-building.

What circumstances compelled the writing of *De Jure Praedae*? The treatise was commissioned by the newly-founded Dutch East India Company, and it defended an early example of what was to become a widespread voc practice of attacking Portuguese ships

¹ Consulted studies include Borschberg, 'Grotius and the East Indies'; Straumann, *Roman Law*; Benton, *A Search for Sovereignty*; Blom (ed.), *Property, Piracy, and Punishment*; Van Ittersum, *Profit and Principle*; Van Ittersum, 'Hugo Grotius in Context'. Research for this article was funded by the Leverhulme Trust. I thank the editors of this journal, in particular David van der Linden and Suze Zijlstra, for their support and insights. I am grateful to the anonymous readers who have provided helpful feedback along the way and to Eelco Nagelsmit, Marika Knowles, and Stephanie O'Rourke for their thoughts on an earlier version of this text. My biggest thanks go to Marije Osnabrugge for her invaluable support and critical input.

² In the history of looted art, the early modern period is relatively understudied. Studies include Loffredo, 'A Captive History of Sculpture'; Dolezalek, Savoy, and Skwirblies (eds.), *Beute*; Crespo, 'The Plundering'; Miles, *Art as Plunder*, ch. 5. See also the exhibition *Roofkunst – 10 verhalen* at the Mauritshuis, The Hague, 14 September 2023-7 January 2024, and Borgo and Vázquez (eds.), *Loot & Repair*.

in Asian waters.³ The ship in question was the *Santa Catarina*, a Portuguese carrack on its way from Macao to Melaka filled with passengers and precious cargo.⁴ It was taken under the auspices of a precursor of the VOC, the United Amsterdam Company, by admiral Jacob van Heemskerck and his fleet on 25 February 1603. Van Heemskerck and his men conquered the ship close to the mouth of the Johore River near present-day Singapore, with the help and support of the Johorese King, Ala'ud-din Ri'ayat Shah III.⁵ From there, Van Heemskerck and his fleet took the ship and its cargo to the Dutch Republic, where the Amsterdam Admiralty Court declared it 'good prize'. As a strike against the Portuguese, the taking of the *Santa Catarina* also represented an extension of a war in Europe. Spain and Portugal had been united under the same crown since 1580, and the Dutch United Provinces thus were as much at war with Portugal (and, by extension, its maritime empire) as they were with the Spanish.⁶ Anti-Iberian privateering flourished.⁷ The goal of the Dutch was to export the war against the Spanish and fight them on an additional front.⁸

Privateering as a practice had existed for centuries: armed ships owned and officiated by private men who were commissioned by their governments, through a document called a letter of marque, to use them against the merchant vessels of enemy powers.⁹ Privateering was thus state-sanctioned piracy, the violent confiscation of ships, their cargoes, and their passengers at sea, with the aim of harming an enemy.¹⁰ As practised by the so-called Sea Beggars in the 1570s, privateering had played an important role in the Dutch Revolt, and it had been actively encouraged by the Dutch United Provinces from the very beginning of the Dutch maritime expansion into the East Indies.¹¹ While the first expeditions to Asia were undertaken by competing private ventures from around 1595, and their primary goal was trade, the confiscation of Spanish and Portuguese ships became, from the Dutch perspective, a legitimate act of war. In 1602, two ships from Zeeland captured the richly laden Portuguese carrack *Santiago* near the Atlantic island of St Helena. In what became a high-profile international legal and diplomatic battle that continued until as late as 1605, the Zeeland Admiralty Court declared the cargo 'good prize', and its capture

3 Van Ittersum's introduction in Grotius, *Commentary*, xiv-xv; Van Ittersum, 'Hugo Grotius in Context', 521-524. The full manuscript of *De Jure Praedae* was not published in Grotius's lifetime, but the twelfth chapter of the treatise became the basis of his famous *Mare Liberum* (The Free Sea, 1609). Furthermore, Grotius developed ideas first articulated in *De Jure Praedae* in his magnum opus *De Jure Belli Ac Pacis* (On the Law of War and Peace, 1625).

4 For historical work on the *Santa Catarina* in connection with *De Jure Praedae*, see Borschberg, *Hugo Grotius*; Borschberg, 'The Seizure'; Enthoven, *Zeeland*, 199-201, 207-208; Coolhaas, 'Een bron van het historische gedeelte'; Fruin, 'Een onuitgegeven werk'; Tiele, 'De Europeërs', 196-197.

5 Borschberg, 'The Seizure'; Van Ittersum, 'Hugo Grotius in Context', 518-520, 526-531; Clulow, *The Company*, 150.

6 See Curto, *A cultura política*. On the Portuguese and the Dutch in Asia, see Enthoven, *Zeeland*; Van Veen, *Decay or Defeat?*; Bertrand, *L'Histoire*; Pinto, *The Portuguese*; Subrahmanyam, *The Portuguese Empire*; Murteira, *A navegação*.

7 Lane, *Pillaging*.

8 Clulow, *The Company*, 147-151.

9 Jowitt, *The Culture of Piracy*, 8.

10 On the terms piracy and pirate, see also Lane, *Pillaging*, 2; Kempe, 'The Image of Piracy', 385-386; Kehoe, *Interrogating Dutchness*, 70-73.

11 Kehoe, *Interrogating Dutchness*, 72; Lunsford, *Piracy and Privateering*, 44.

was supported by the government.¹² Hence, the taking of the *Santa Catarina* fitted into an emerging pattern that was being actively propagated by the States-General. Indeed, one estimate suggests that the Dutch went on to seize between 150 and 200 ships in the first two decades of the seventeenth century.¹³ Another estimate arrives at the figure of 163 Portuguese vessels alone taken or destroyed by Dutch seafarers in the period 1601 to 1625.¹⁴ Yet, with the taking of the first ships in Asian waters, the Dutch were moving into uncharted legal territory and a legal justification was therefore required, one that went beyond the jurisdiction of Dutch courts.¹⁵

Historian Martine van Ittersum has established that Grotius wrote *De Jure Praedae* to persuade the States-General to pump more money into the VOC's military operations.¹⁶ The foundation of the VOC while Van Heemskerck and his fleet were at sea, meant that the *Santa Catarina* was inherited by the new, merged company. The creation of the VOC handed the States-General a new instrument with which they might export the war against Spain to Asia, and in doing so might wrest the Asiatic trade from the hands of the Portuguese in the process. The VOC's early years saw little consensus as to the organisation's purpose, and the aftermath of the taking of the *Santa Catarina* exemplifies the lack of clarity. In what has been called the VOC's 'violent turn', the confiscation of enemy ships and their cargoes was propagated as a war tactic.¹⁷ Merchants and shareholders of the VOC were primarily interested in commerce: for them, the company was a vehicle for profit, which was to be gained through the assertion of a Dutch monopoly over the spice trade. Although privateering could occasionally be lucrative, peaceful trade would be much more so.¹⁸ Against this background – the conflict of interest between a war-mongering government on the one hand, and commercially-motivated parties on the other – the *Santa Catarina* and its immense and varied cargo became a problem that demanded a solution.

I propose that reading *De Jure Praedae* against the grain, as a treatise about forcibly captured things, brings to light a different set of observations. Grotius argued that the *Santa Catarina* was a legitimate prize, yet at the same time he was deeply concerned with the vast material wealth contained by the ship. A true embarrassment of riches, the Portuguese carrack and its abundant cargo presented the Dutch with a problem: how to benefit from these spoils of war without falling prey to the moral decline that they believed came with luxury.¹⁹ Grotius wrote his treatise to address this dilemma, arguing for the mobilisation of the spoils through their ongoing circulation.²⁰

12 Bertrand, *L'Histoire*, 196–203; Swan, 'Fortunes at Sea'; Swan, *Rarities*, 225–233, 237–243; Van Ittersum, *Profit and Principle*, 123–130.

13 Enthoven, *Zeeland*, 210–211.

14 Murteira, *A navegação*, 353–361.

15 Clulow, *The Company*, 147–151.

16 Van Ittersum, *Profit and Principle*, 105–188. See also Borschberg, 'Grotius and the East Indies'.

17 Borschberg, 'Grotius and the East Indies', 67; Parthesius, *Dutch Ships*, 36; Den Haan, *Moedernegotie*, 103.

18 Den Haan, *Moedernegotie*, 100–106; Van Veen, *Decay or Defeat?*; Parthesius, *Dutch Ships*, 32–36; Van Groesen, 'Global Trade'.

19 See Schama, *The Embarrassment of Riches*.

20 A note on terminology: *praeda* is translated as booty, prize, and spoil. These terms are used as synonyms throughout the article.

With an analysis of *De Jure Praedae* at its core, this article makes two interconnected contributions. In what follows, I will first reassess the evidence of the circulation of the *Santa Catarina*'s booty after the ship was seized. The next three sections analyse Grotius's theorisation of the *Santa Catarina*'s spoils in *De Jure Praedae*. A fifth section compares Grotius's approach to booty to those found in a series of contemporaneous texts. The essay concludes with a reflection on the relevance of Grotius's take on loot for our understanding of early modern object mobility and the roles of objects in Dutch empire-building. The broader project is, then, to speak to scholars of the global circulation of material culture and of empire alike to contribute to a history of how looted objects were conceived as key instruments in Dutch imperial expansion.²¹

The Cargo of the Santa Catarina and its Circulation

From the Dutch perspective, the *Santa Catarina* and its cargo were a nearly unprecedented treasure.²² Objects that circulated within the Portuguese world came from wherever the Portuguese established trading posts and beyond: sculpted ivories and raffia fibre textiles came from the African west coast; carpets from Persia; mother-of-pearl work, filigree, jewellery, silk embroidered bed spreads or *colchas*, ivory sculptures, ebony boxes, and cabinets from various parts of coastal India; jewellery, rock crystal objects, and ivory boxes from Ceylon; blue and white porcelain from Jingdezhen in China, acquired via middlemen through the Portuguese presence in Macao; and lacquer tables, cabinets, and boxes from Japan.²³ Alongside this great variety of objects (and much more significantly in economic terms), the Portuguese traded in spices, wood, drugs, dyes, gold, silk, and other raw materials, and these things were present on the *Santa Catarina* when it fell into Dutch hands. No extant objects can be linked to the carrack, but reconstructions of its cargo can nevertheless be made.²⁴ One contemporary source for the *Santa Catarina*'s cargo mentions many items: Levinus Hulsius's *Achte Schiffart oder kurze Beschreibung etlicher Reysen* (Eighth Ship Journey or Short Description of Several Journeys) lists twelve hundred bales

²¹ The literature on the global circulation of early modern objects is vast. See, among many others, Cooke, *Global Objects*; Payne, 'The Portability of Art'; Biedermann, Gerritsen, and Riello (eds.), *Global Gifts*; Lemire, *Global Trade*; Götter and Mochizuki (eds.), *The Nomadic Object*; Bleichmar and Martin (eds.), *Objects in Motion*; Gerritsen and Riello (eds.), *The Global Lives of Things*; DaCosta Kaufmann, Dossin, and Joyeux-Prunel (eds.), *Circulations*; Berg, Gottman, Hodacs, and Nierstrasz (eds.), *Goods from the East*; Götter, Ramakers, and Woodall, 'Trading Values'; Bleichmar and Mancall (eds.), *Collecting Across Cultures*. Important theoretical underpinnings for work on the mobility and the biographies of objects are found in Appadurai (ed.), *The Social Life of Things*; Kopytoff, 'The Cultural Biography of Things'.

²² For object-centred scholarship referring to the *Santa Catarina*, see Swan, *Rarities*, 48, 226, 230–235; Canepa, *Silk, Porcelain and Lacquer*, 89–93; Corrigan, Van Campen, and Diercks (eds.), *Asia in Amsterdam*; Viallé, 'Camel Cups', 39–40; Loureiro, 'Chinese Commodities'; Van der Pijl-Ketel, 'Kraak Porcelain Ware', 65–76.

²³ Among others, Jordan Gschwend and K.W.P. Lowe (eds.), *A cidade global*; Jordan Gschwend and K.W.P. Lowe (eds.), *The Global City*; Levenson, *Encompassing the Globe*; Crespo, *Jewels*; Ferreira, 'Asian Textiles'; Karl, *Embroidered Histories*; Vinhais and Welsh (eds.), *After the Barbarians II*; Vinhais and Welsh (eds.), *Kraak Porcelain*.

²⁴ Borschberg, 'The Seizure', provides an extensive analysis of the goods on board the *Santa Catarina*.

of raw Chinese silk, cabinets filled with damask, taffeta and other silks in various colours, a great amount of fine gold thread, sugar, gold pieces and cloth woven of gold thread, bed hangings and other textile furnishings in silk and gold thread, porcelain wares in all types and sizes, bed coverings or *colchas* of silk in a range of colours, many other silks and cottons, many spices, drugs, gum, and musk, precious woodwork, such as beds and boxes, part of them gilded, and many beautiful curiosities and 'thousands of other things as are made in China'.²⁵ A Dutch pamphlet published to celebrate the capture of the carrack in 1604 singles out a 'royal chair [...] inlaid with precious stones and trinkets' as being nothing less than a 'miracle'.²⁶ The *Santa Catarina*'s cargo brought home the sheer variety of objects with which the Portuguese were making money in the intra-Asian trade.²⁷ The carrack may also have carried enslaved humans.²⁸ While most of the types of objects that constituted the *Santa Catarina*'s cargo were known at least to some in the Dutch Republic, it was one of the first times that they arrived to the area in such quantities and on such a large ship. Once in Amsterdam, the prize made an enormous impression.²⁹

Like the merchandise, diplomatic gifts served the Dutch trade relations and war effort. The King of Johore was persuaded to forego his claim on the ship and its contents with gifts of rice, silk velvet, gold, and silver.³⁰ After the ship had reached the Dutch Republic, further gifts were made to the States-General, to the stadtholder Prince Maurice, to the Margrave of Ansbach, to King James I/VI of England and Scotland, and to King Henry IV and Queen Marie de' Medici of France.³¹

Through the ruling of the Amsterdam Admiralty Court, the cargo was one-sidedly declared a legitimate prize and divided amongst Dutch parties. After the *Santa Catarina*'s capture, the naval officers of Van Heemskerck's fleet, following ordinary custom, allowed their crews to plunder the personal belongings of their Portuguese counterparts. In addition, a share of the spoils was distributed among Van Heemskerck and the crew of his fleet even before the men's return to Holland.³² Most of the goods were sold at a public auction in Amsterdam in August and September 1604. Little remains known of what must have been a spectacular and unprecedented occasion.³³ The eventual revenue of the sale amounted to 3,356,172 guilders.³⁴ The immense size of this windfall may have been shrunk somewhat by the defraying of expenses and the payment of the Dutch navy's twenty-percent cut, but the remaining guilders that poured into the *voc*'s coffers were equivalent to about half of the recently established company's capital. Both the *voc* and the Admiralty

25 Hulsius, *Achte Schiffart*, 41-42: 'tauserterley andere sachen, so da in China gemacht werden'. Unless otherwise noted, all translations are the author's. For Borschberg's discussion of Hulsius, see 'The Seizure', 37-38.

26 *Corte ende seeckere beschryvinghe*, 'eenen Conincklijcken stoel met Edel ghesteeenten ende Cleynodien ingeleyt, dat het een Wonder is daer af te schryven'. See also Borschberg, 'The Seizure', 38.

27 Borschberg, 'The Seizure', 37-41.

28 Borschberg, 'The Seizure', 34, 43-44.

29 Borschberg, 'The Seizure', 38.

30 Van Ittersum, 'Hugo Grotius in Context', 533.

31 Borschberg, 'The Seizure', 58; Fruin, 'Een onuitgegeven werk', 395-396. On the French gifts see also Viallé, 'Camel Cups', 39.

32 For more details, see Van Ittersum, 'Hugo Grotius in Context', 545.

33 Fruin, 'Een onuitgegeven werk', 388-389, 395.

34 Van Dam, *Beschryvinge*, III, 477.

(and thus the war effort against the Spanish) received a not inconsiderable boost from the *Santa Catarina*'s capture.³⁵

Objects from the hoard were not only bought at the officially sanctioned auction, as many were appropriated illicitly. Van Heemskerck expressed the suspicion that captured passengers took smaller valuables – gemstones, pieces of jewellery, and other more portable artefacts – when the Dutch made them disembark.³⁶ There were reports of theft when the fleet entered its first European harbour in the port of Emden, then under the protection of the Dutch Republic.³⁷ Illicit appropriation may have reached the highest levels: Van Heemskerck and vice-admiral Jan Pauwels were accused of embezzlement by the VOC directors, and inventories produced of the contents of their chests.³⁸ Embezzlement and theft enabled some of the carrack's rich cargo to reach areas that official channels could not.³⁹

Given that some of the spoils had been distributed while the Dutch fleet was still in Asia, some objects would remain there for some years before they finally reached Europe. A case in point is provided by Pauwels van Soldt, a sailor involved in the *Santa Catarina* case, who was engaged in anti-Portuguese warfare throughout the years he spent in Asian waters.⁴⁰ The 1609 post-mortem inventory of his possessions mentions a variety of objects acquired during his extended tour of duty:⁴¹

A gilt embroidered cloth.

A beautiful girdle.

A turban [...]

A bed cloth [...]

A damask skirt.

Thirty-one fans.

Lacquerwork:

Eight large boxes.

Six small chests [...]

One hundred and eight saucers [...]

Porcelain:

Eight large dishes [...]

Six fine cups

One hundred and ninety-two saucers

One hundred and twenty-three little bowls [...]

³⁵ Borschberg, 'The Seizure', 35. For further details about the distribution of this astronomical sum, see 55–58.

³⁶ Van Ittersum, 'Hugo Grotius in Context', 531.

³⁷ Fruin, 'Een onuitgegeven werk', 388.

³⁸ Van Ittersum, 'Hugo Grotius in Context', 545; Viallé, 'Camel Cups', 39.

³⁹ Lemire, *Global Trade*, 137–189.

⁴⁰ Van Soldt is mentioned in the papers pertaining to the *Santa Catarina* in The Hague, Nationaal Archief (hereafter NA), States-General 12551.21, Document signed by Van Soldt in Bantam, 5 June 1603. For his inventory, see Amsterdam, Stadsarchief (hereafter SAA), Notariële archieven (hereafter NA) 116, Notary J. Fr. Bruyningh, Inventory of Pauwel van Soldt Jacqueszoon, 10 April 1609, fols. 45v–52r.

⁴¹ Pauwels van Soldt is also known as Paulus van Soldt, Paulus Soldt, and Paulus van Solt. See Subrahmanyam, 'Forcing the Doors', 136; Van Veen, *Decay or Defeat?*, ch. 8; Van der Aa, *Biographisch woordenboek*, xvii.2, 833.

Fifteen raw rubies [...]
 Five bezoar stones [...]
 Two large stitched blankets
 Four pieces of damask.⁴²

While most objects were bequeathed to members of his family back in the Republic, the inventory points out that others were transferred to the governors of the *voc* in the town of Hoorn. The family may have kept some objects, such as the pieces of damask, but the document states that they sold the diamonds, rubies, and bezoar stones. Van Soldt's inventory adds further complexity to our understanding of the sale of the *Santa Catarina*'s spoils: while the bulk was auctioned off in Amsterdam, parts potentially remained locked up for years, only to resurface later. Objects sometimes stayed for a while in one place, before later changing hands in processes of exchange. The cargo travelled unpredictable trajectories, sometimes reaching the Dutch Provinces later than the ship itself. Once they had arrived 'home', however, these independently circulating objects enriched both the *voc* and individuals.

In contrast to the historical actors discussed so far, some shareholders of the *voc* did not readily accept their part of the booty. There is the well-known case of the prominent Anabaptist Pieter Lijntgens, who claimed religious scruples and sold off his *voc* shares following the *Santa Catarina* incident. Historians disagree as to the motivations of Lijntgens and others like him – whether religious, commercial, or both.⁴³ Intriguing is the lesser-known case of a shareholder who not only refused his part of the profit, but also attempted to reimburse the Portuguese for damages done.⁴⁴ Constantijn Huygens, the statesman and poet, made a note in 1639 that his late wife's uncle P. Hoon from Hamburg had 'desired by testament that persons would be sought, who had been impoverished due to the capture of the [Portuguese] carrack; and to this end money has been sent to Lisbon'.⁴⁵ When nobody in Lisbon was found, the money was instead used towards an annual allowance for a cousin and for impoverished friends. Huygens's is a remarkable story that adds to the scarce evidence of opposition to the taking of booty in the early seventeenth century. His case and those of other critics suggest that some of the proceeds of these prizes ultimately went to charitable initiatives.

Given the fragmentary nature of the documentary evidence, the cargo of the *Santa Catarina* was soon absorbed into the increasing quantity of Asian objects that were reaching the Dutch Republic at this time, its continued circulation rendering it effectively invisible.

⁴² SA, NA 116, Notary J. Fr. Bruyningh, Inventory of Pauwel van Soldt Jacqueszoon, 10 April 1609, fols. 50v-51v: 'Een verguldt geborduijrt Cleet. Eenen schoonen gordel. Een tulbant. [...] Een beddecleet. [...] Een Damasten Rock. Eenendertich Wijers. Lackwerck. Acht groote Doosen. Ses cleyne kistgens. [...] hondert acht schooteltgens. [...] Perseleijnen. Acht groote schootels. [...] Ses fijne copkens. hondert tweentnegentich schooteltgens. hondert drientwintich commekens. [...] Vijfthien ruwe robijnen. [...] Vijff Besar steenen. [...] Twee groote gesticte deeckens. Vier stucckens Damasten.'

⁴³ Fruin, 'Een onuitgegeven werk', 399-402; Van Ittersum, *Profit and Principle*, 118-122.

⁴⁴ Mentioned in a footnote, but not analysed by Fruin, 'Een onuitgegeven werk', 399.

⁴⁵ Schinkel, *Bijdrage*, 92-93: 'by Testamente begeert, datmen ondersoecken soude naer personen, die by 't nemen vande voorsz. Caracke mochten verarmt zyn, tot welcken einde de Penn. op Lisbona syn geremitteert.'

'The Art of War Is, in a Sense, an Art of Acquisition'

It is now time to turn to *De Jure Praedae* and examine Grotius's approach to loot. Grotius wrote the treatise when he was in his early twenties. These were extremely prolific years. Having started publishing as a teenager, he was appointed historiographer of Holland in 1604-1605, writing a range of historical texts during his first decade in this role. These include *De antiquitate reipublicae Batavicae* and *Annales et Historiae de rebus Belgicis*. During the first decade of the new century, he became increasingly involved in Dutch politics and in the Republic's burgeoning confessional strife.⁴⁶ Much of his written work from this period (like *De Jure Praedae*, not all of it published) relates to the Dutch war against the Spanish Habsburgs. However, modern commentators across the board also emphasise Grotius's flexibility and eclecticism: he argued varying and sometimes contrasting positions as circumstances demanded. Grotius's approach to objects in *De Jure Praedae* therefore needs to be read within its own precise historical situation.⁴⁷

After an introductory chapter, or *Prolegomena*, the first part of *De Jure Praedae* consists of ten chapters of the legal principles concerning warfare and spoliation, titled *Dogmatica de Jure Praedae*. Chapter eleven gives a historical account of the taking of the *Santa Catarina*. Chapters twelve to fifteen provide a closing argument, setting out why it was just not only for Van Heemskerck and his men to take the Portuguese carrack and its cargo, but also for the the Dutch to legitimately hold on to the precious booty in the incident's aftermath.⁴⁸ My analysis focuses primarily on chapter four, which discusses the justness of the taking of spoils in general, and chapter fifteen, about the *Santa Catarina*'s spoil and its benefits.

One of the core arguments of *De Jure Praedae* can be summarised as follows: the taking of spoils is just in a just war. If, then, the war of the Dutch against the Portuguese was a just war, it follows that the taking of the *Santa Catarina* and all it contained was also just.⁴⁹ The evidence for Grotius's case is provided by the Portuguese aggression against the Dutch in Asia, which was aimed at thwarting this new rival to their trading monopoly. Grotius dwelled on the Portuguese execution of seventeen Dutch sailors in the port of Macao as the main example of such aggression. Van Heemskerck had discovered about this incident through letters taken from a captured Portuguese frigate in the Javanese port of Grisse, and he saw it as a judicial murder.⁵⁰ Having made his case for a just war, Grotius proceeded to present the taking of the *Santa Catarina* as a justified reparation for the atrocities committed by the enemy.

What makes this treatise so significant for anyone interested in the mobility of objects is that Grotius did not take the altogether common practice of looting in war for granted. At the core of his thinking was the question of why human beings in armed combat take

⁴⁶ Nellen, 'Life and Intellectual Development', 23.

⁴⁷ Waszink, 'Historical Writings', 316.

⁴⁸ Van Ittersum, 'Hugo Grotius in Context', 513-514.

⁴⁹ Another primary concern in Grotius's text is the private nature of the VOC, which was used by the States-General in a public war. See, among others, Borschberg, 'Grotius and the East Indies', 67.

⁵⁰ Van Ittersum's introduction in Grotius, *Commentary*, xix-xx.

possessions from their enemies. He addressed this question directly in chapter four. Why, according to Grotius, was the seizure of spoils just in a just war?

But war is just for the very reason that it tends toward the attainment of rights; and in seizing prize or booty, we are attaining through war that which is rightfully ours. Consequently, I believe those authorities to be entirely correct who hold that the essential characteristic of just wars consists above all in the fact that the things captured in such wars become the property of the captors.⁵¹

The lawyer points out that the German and the ancient Greek both have similar terms for 'war' and for 'obtaining property'.⁵² A little further on Grotius emphasises the connection between war and acquisition once more, quoting various ancient philosophers who hold that the seizure of spoils is natural, not only in human beings but also in the animal world. Aristotle, for example, wrote that 'in the natural order, the art of war is, in a sense, an art of acquisition'.⁵³ Here, Grotius posits the idea that war is indeed motivated by a desire to obtain property.

At the same time, he is adamant that spoils may never be taken for their own sake. The purpose of taking spoils should be to recover property, to settle a debt, or to inflict punishment. This, in turn, serves the protection of lives and property.

Now riches, whether in private life or in affairs of state, are rightly defined as constituting a vast stock of instruments. Thus, all enemy possessions are so many instruments prepared for our destruction; that is to say, through them weapons are provided, armies are maintained, the innocent are stricken down. It is no less necessary to take away these possessions, wresting them from the enemy, than it is to wrest the sword from a madman, if we wish to protect our property or even our personal security.⁵⁴

Spoils, or as Grotius presents them here, 'the enemy's instruments' (*instrumenta*), may be acquired for the protection of life and property and should not have to be returned after the war has ended, as will be discussed further below. Thus, a tension appears in Grotius's treatise: spoliation or the taking of booty is a legitimate, and indeed natural, end of just wars; yet the acquisition of booty can only be a means, never a goal.

Fear of Luxury

The final chapter of *De Jure Praedae* addresses this tension directly, although it fails to resolve it fully. If spoils should not be taken for their own sake, what to do with them? Grotius took great care to articulate the difference between what he presented as the honourable taking of spoils and a despicable love of luxury. The benefits of spoils (*utilitas*) lay in a kind of individual enrichment that supported the common good, particularly the war effort against the Iberians.⁵⁵ This is a theme that runs through various other early works

⁵¹ Grotius, *Commentary*, 68. All quotations from *De Jure Praedae* and its appendices are from the edition by Van Ittersum.

⁵² See Grotius, *De Jure Praedae*, 43.

⁵³ Grotius, *Commentary*, 78.

⁵⁴ Grotius, *Commentary*, 70; Grotius, *De Jure Praedae*, 44.

⁵⁵ Grotius, *De Jure Praedae*, 318. On Grotius's ideas about *utilitas* in relation to self-preservation and the state, see also Fitzmaurice, 'Property, Trade, and Empire', 286–288.

by Grotius: wealth acquired through spoils benefitted individual citizens, who, through increased taxation, helped to strengthen the wider economy.⁵⁶ The necessity of serving the public good compelled the transmutation of the spoils into wealth through their sale.

In arguing for what may be called the monetisation of the spoils, Grotius contrasted this proposed use with what he presented as an Iberian approach to put spoils on display. Notwithstanding the growing popularity of collecting exotica and other luxuries in the seventeenth-century Dutch Republic – indeed, the fashion of the amassment and display of blue-and-white porcelain and other Asian objects in the seventeenth century is well-documented – Grotius argued against such practices.⁵⁷ In the following passage, he contrasts an allegedly Iberian approach to overseas merchandise with an approach to the carrack's spoils he recommends to his Dutch readership:

Nowadays [...] we see that [the Spaniards and Portuguese], both at home and in their inordinately proud colonies scattered throughout the world, display in their dwellings, household furnishings, attire and retinues of servants, not merely splendour and elegance, but actual luxury [*luxus*], to such an extent that one may truthfully apply to them the comment made in regard to the ancient Tyrians, namely, that their merchants are like princes. Indeed, when the prize from [the *Santa Catarina*] was recently put up for sale, who did not marvel at the wealth revealed? Who was not struck with amazement? Who did not feel that the auction in progress was practically a sale of royal property, rather than of a fortune privately owned? Let the Dutch learn, even from their enemies, just methods of enriching themselves; and let them learn the proper use of riches from their own ancestors, who were honourably frugal men.⁵⁸

The ancient city of Tyre, in what is now southern Lebanon, was for centuries a flourishing Phoenician port city. In the Old Testament, the prophet Isaiah predicts that the city, whose merchants he compares to princes, will be destroyed by the Lord. Only after seventy years will it be rebuilt, but this time, as Grotius explains a little further on, its merchandise and profit will be consecrated to the Lord, and not be 'treasured and laid up'.⁵⁹ The humanist here imagines Iberian port cities such as Lisbon or Seville as modern-day Tyres, cities that prostitute themselves – in Isaiah's words – in an insatiable lust for wealth. By extension, the taking of the *Santa Catarina* and the Dutch success on the world seas more broadly are reinterpreted as God's scourge of the Spanish and Portuguese. Wealth now flows to the Dutch who, unlike the Iberian merchants who indulge themselves, ensure instead that the whole community benefits. *De Jure Praedae* promotes similar values to those of Grotius's *De Antiquitate* and another early work, *Commentarius in Theses xi*, in which the elites are called upon to take responsibility as a ruling class and to prioritise common interests over private ones, thus avoiding the risks presented by *luxuria* (lust).⁶⁰

Grotius's expressed aversion to the displaying of spoils is not only biblical in origin, but is also informed by the classical tradition. Indeed, his intricate eclecticism, belonging to

⁵⁶ Grotius, *De Jure Praedae*, 321.

⁵⁷ Kehoe, *Interrogating Dutchness*; North, *Das Goldene Zeitalter global*; Swan, *Rarities*; Canepa, *Silk, Porcelain and Lacquer*, 178–203; Corrigan, Van Campen, and Diercks (eds.), *Asia in Amsterdam*; Van Campen, Bischoff, and Eliëns (eds.), *Chinese and Japanese Porcelain*; Berger Hochstrasser, *Still Life*.

⁵⁸ Grotius, *De Jure Praedae*, 320–321; Grotius, *Commentary*, 467–468.

⁵⁹ Grotius, *Commentary*, 468. See Isaiah 23:18.

⁶⁰ This is in contrast with Grotius's *Annales*, written before 1612, which presents a pessimistic view of the Dutch revolt: Waszink, 'Historical Writings', 316–317.

the Christian humanist tradition, is well-known, and *De Jure Praedae* is no exception.⁶¹ In particular, he cites an anecdote recounted by Aulus Gellius about a conversation between Hannibal and King Antiochus of the Seleucid Empire:

When the King boastfully pointed out to Hannibal the vast numbers of armed men glittering with gold and silver insignia, the chariots equipped with scythes, the canopied elephants, the cavalry with its brightly shining reins, caparisons, collars and other trappings, and when he inquired whether or not the Carthaginian thought that all these things would be enough for the Romans, Hannibal (whose attention was fixed exclusively upon the weakness of the unwarlike men) declared that the things in question would indeed suffice for the Romans even if the latter were assumed to be the greediest of peoples.⁶²

When the king asked the Carthaginian general whether he believed his richly outfitted army to be able to match the Romans, Hannibal saw their ornamentation as future Roman spoil, and remained unimpressed by the army's military strength. Grotius explicitly compared the king's army with the Portuguese in Asia, and the Romans with the Dutch, as he had done in his *Parallelon*, penned just a few years earlier.⁶³ Thus, he suggested not only that Portuguese riches would continue to provide the Dutch with ample spoil, but also that costly things as transported on the heavily laden Portuguese cargo ships were nothing less than a hindrance to military efficiency. In a type of anti-Iberian argument that pervades the whole of *De Jure Praedae*, in which Grotius effectively applied what is called the Spanish Black Legend to the Dutch war, the show of material wealth was, once again, negatively associated with the Iberian enemy.⁶⁴ He showed no interest here in the notion of Christian fellowship, or in unity among Christians of various stripes. Instead, he prioritised Dutch dealings with the Johorese and their duty to the fatherland.⁶⁵

Grotius's avowed aversion to luxury is echoed by other authors whose work would contribute to an ideology of Dutch empire. He may have found inspiration for such ideas in Jan Huygen van Linschoten's *Itinerario voyage ofte schipvaert naer Oost ofte Portugaels Indien* (1596).⁶⁶ According to Linschoten, luxury in Portuguese Asia, where the Portuguese all too readily adopted vicious customs from the local populations, led to moral depravity, and as such was the hallmark of a Portuguese empire in decline; it was a fine example of what the Dutch ought to steer clear of.⁶⁷ Grotius's qualification in *De Jure Praedae* of the Portuguese in Asia as militarily weak and effeminate resonates with Linschoten's anti-Portuguese sentiments.⁶⁸ Aversion to luxury also played a role in the emerging cult that would later form around Van Heemskerck, whose death in the battle of Gibraltar (1607), four years after taking the *Santa Catarina*, was celebrated as a major sacrifice – a sacrifice only magnified

61 Nellen, 'Life and Intellectual Development', 18-19; O'Donovan, 'Theological Writings', 340. On classical imaginative literature as a source for early Grotius, see also Achinstein, 'A Common Humanity?'

62 Grotius, *Commentary*, 478-479.

63 Blom, 'Political Writings', 374-375.

64 Somos, 'Virtue'. See also Greer, Mignolo, and Quilligan (eds.), *Rereading the Black Legend*; Van Ittersum, *Profit and Principle*, 57.

65 Grotius's position here is in line with that presented in a small treatise written contemporaneously with *De Jure Praedae*, *De Societate cum Infidelibus*: see Van Ittersum, *Profit and Principle*, 58.

66 Although Grotius does not cite Linschoten: see Borschberg, 'Grotius and the East Indies', 68.

67 Nocentelli, 'Discipline and Love'.

68 Saldanha, 'The Itineraries of Geography', 165.

because the captain allegedly declined a lucrative career working for the VOC to head the fleet of the Republic against Spain.⁶⁹ It was likewise a theme in the work of the humanist Caspar Barlaeus who, like Grotius, was educated at Leiden University. Barlaeus expressed a weariness of the acquisition of worldly goods for its own sake while writing about the Dutch colonisation of Brazil, as he worriedly reported effeminacy, lasciviousness, idleness, and luxury amongst the first Dutch colonists there.⁷⁰ Similar remarks, this time not about the Dutch but about the Portuguese, can be found regularly in *De Jure Praedae*, whereby the Portuguese bodily constitution, their want of masculinity, the unfavourable climate of their country, and their alleged lack of military valour go hand in hand.⁷¹ The same vices Barlaeus perceived in Dutch Brazilian colonists in the 1640s, had been identified four decades earlier in the Portuguese enemy by Linschoten and Grotius, who posited the austerity of the Dutch, Van Heemskerck prime among them, as a positive counterexample. Ideas surrounding Iberian moral, physical, and military baseness came to inform Grotius's arguments about the beneficial and less beneficial uses of spoils.

Restitution?

It is clear, then, that Grotius wrote against keeping the spoils from the *Santa Catarina*: he presented it as morally suspect. Besides this ideological reason, there was a pragmatic reason why he saw ongoing circulation of the ship's cargo through sale as the best possible option: this was to avoid the Dutch having to return their spoil. Grotius discussed, and ultimately refuted, the possibility of the restitution of looted goods.⁷² He had already argued, in the theoretical chapters of *De Jure Praedae*, that parties waging war in good faith were not required to return spoils, and may permanently acquire them. Nevertheless, he took the possibility that calls for the return of the *Santa Catarina*'s cargo would have to be answered for seriously – and with good reason, as we have seen above. Grotius was also mindful of the taking of the Portuguese carrack *Santiago* in 1602. In the very years he was writing *De Jure Praedae*, the aftermath of the taking of this other ship involved lengthy litigation by the Florentine merchant Francesco Carletti, who instigated to have his seized possessions returned.⁷³ Calls for restitution, in other words, were in the air, both within the VOC and internationally.

To dismiss international claims, Grotius came up with a rhetorical question: 'For where will those owners be found? Do we perhaps expect that subjects of the enemy state will come from India, or from Lisbon, in order to reclaim their property?'⁷⁴ He refuted the idea as ridiculous, not only because he held that it could not be executed in practice, but also

69 Lawrence, 'Hendrick de Keyser's Heemskerck Monument', 290–291.

70 Weststeijn, 'Republican Empire', 503–506.

71 Grotius, *De Jure Praedae*, 329.

72 For the complications of postliminy (the return to their former status of persons and things taken in war) at sea in Grotius's time, see Kempe, 'The Image of Piracy', 391–393.

73 Swan, *Rarities*, 226–233, 242; Swan, 'Fortunes at Sea'; Van Ittersum, *Profit and Principle*, 139–151; Bertrand, *L'Histoire*; Carletti, *Ragionamenti*, 341–365.

74 Grotius, *Commentary*, 491.

because it would amount to helping the enemy and therefore harming the fatherland.⁷⁵ In fact, a 1599 edict of the States-General explicitly forbade sending goods or merchandise to the Spanish.⁷⁶ Returning the spoils of the *Santa Catarina* would enable the enrichment of the Iberian enemy at the cost of the Dutch and would therefore go against the edict.

Grotius also addressed reservations against the taking of the ship and its cargo within the VOC. Firstly he asked whether whoever received a part of the *Santa Catarina*'s spoils should keep these separate from the rest of their possessions. He argued for acknowledging 'the fact that the term "patrimony" denotes a complete whole which preserves the same nature throughout, even though it may be distributed in different coffers and purses'.⁷⁷ In other words, wherever a person was to keep their share of the spoils from the carrack, these would be part of the totality of the person's possessions all the same. Even those who forfeited their share of the booty were in fact still owners. The integrity of the patrimony was not altered by the mobility of the actual material things. Indeed, Grotius insisted on the circulation of the cargo multiple times: 'For even [those who have accepted ownership of the prize] receive, not the actual goods involved, but the price thereof; and this, moreover, they exchange daily for other things.'⁷⁸ Again, the lawyer considered circulation and exchange preferable to stasis: 'One is much more easily forced to make restitution for spoils still in one's possession than for those already consumed, since it is a well-established rule that in the latter case they are ceded to the user in recognition of good faith.'⁷⁹ Thus, he argued for the laundering of the spoils through their mobilisation, by which he meant their monetisation: once the goods were sold, they could not easily be returned.

The tension identified in Grotius's treatment of booty – acquiring booty is a natural and legitimate goal of just wars yet should be avoided for its own sake – was thus further developed in *De Jure Praedae*'s final chapter. The Dutch should not return the *Santa Catarina* and its cargo, which was legitimately acquired, yet neither should they hold on to the spoils. Holding on to riches – through domestic display, through the rich outfitting of armies, or through carrying them on large and beautifully equipped ships – would equal a base Spanish and Portuguese habit and was morally suspect in its association with the decadence of the Iberian empires overseas. Instead, the spoils should be made to circulate, or mobilised, to put them out of reach of possible claimants and to further the wealth of the Dutch Republic as an instrument in the anti-Iberian war.

Invisible Cargo

In the lengthy treatise that is *De Jure Praedae*, Grotius did not come anywhere near revealing the unprecedented wealth of the *Santa Catarina*'s hold. Grotius avoided the use of

⁷⁵ On Grotius's emphasis on his compatriots' duty to serve the fatherland here as in other early works, see Van Ittersum, *Profit and Principle*, 60.

⁷⁶ The edict was translated into English and published in London in the same year: *A Proclamation*. For a modern edition, see Grotius, *Commentary*, 503–510.

⁷⁷ Grotius, *Commentary*, 492–493.

⁷⁸ Grotius, *Commentary*, 495.

⁷⁹ Grotius, *Commentary*, 493.

the classical literary exercise of ekphrasis, the vivid description of an image or object, and refrained from evoking the spectacular character of the cargo. His reluctance to describe the cargo was highly unusual, not only against the background of Grotius's humanism, but also in the context of the booming literature on navigation and maritime exploration of the early seventeenth century published in the Dutch Republic and abroad. This was material to which Grotius had access. Comparing Grotius's approach to the booty of the *Santa Catarina* with contemporaneous writings about the ship puts Grotius's very different approach into perspective.

There are various texts from the early seventeenth century that, in contrast to *De Jure Praedae*, described the character of the *Santa Catarina*'s rich cargo in relative detail. Jacob van Heemskerck's report to the directors of the United Amsterdam Company of 27 August 1603 described the booty and evoked the indescribable quantity of objects the ship contained. After summarising the months following the capture of the carrack, Van Heemskerck listed the cargo he and his crew encountered. His report and the description of the cargo it contained, served a specific goal: to inform the company directors and justify Van Heemskerck's actions.⁸⁰ For this reason, he also described, at other points in the text, the destination of parts of the cargo not taken to the Republic, such as the gifts made to the King of Johore, or his decision to use some of the ingots to buy pepper. Van Heemskerck's report did more than to drily list the carrack's contents. Twice, Van Heemskerck emphasised the unknowability of the cargo. 'Yet there were many other goods on board of which we have not been told yet and of which we may never have any knowledge in our lifetime,' he noted, and 'what still remains in the carrack is Your Honors' guess as well as mine'.⁸¹ He undoubtedly wished to protect himself against accusations of embezzlement (though in vain, as we have seen). With the rhetorical double confirmation that the *Santa Catarina*'s cargo cannot be known, apparently exaggerated, Van Heemskerck also patted himself on the back. The self-compliment had the effect of evoking the sheer variety and inexhaustibility of the carrack's hold, a cornucopia that brought forward an unimaginable range of things.

Published texts similarly described the ship's objects in superlative terms. The pamphlet *Corte ende seeckere beschryvinghe*, briefly mentioned above, celebrated the capture of the 'rich, well-stocked Portuguese carrack' as a great victory.⁸² It exuded excitement about the value of the cargo and highlights its contents of gold and furniture. Announcing the military triumph in faraway waters to Dutch audiences, the pamphlet used its evocative representation of the booty to raise expectations and convince its readership of the magnitude of the spoil.

The most suggestive published source for the treasure of the *Santa Catarina* is undoubtedly Hulsius's *Achte Schiffart*, likewise mentioned above.⁸³ This book described the *Santa*

⁸⁰ About such reporting, see Parthesius, *Dutch Ships*, 35.

⁸¹ NA, States-General 12551.21, Jacob van Heemskerck to the Directors of the United Amsterdam Company, 27 August 1603: 'Met veel ghoedt dat al wy niet en weeten ende mooglyck ons leven niet weeten en sullen'; 'watter noch inde Craeck reseedt sullen U.E. soo haest weeten als ick.' The translations from the report are from Grotius, *Commentary*, 540–541.

⁸² *Corte ende seeckere beschryvinghe*: 'een ryck ende wel geladene Portugaloyse Krake'. See also Borschberg, 'The Seizure', 32; Swan, *Rarities*, 48.

⁸³ Hulsius, *Achte Schiffart*. See also Göttler, "Indian Daggers with Idols", 97; Van Groesen, *Representations of the Overseas World*; Steffen-Schrade, 'Ethnographische Illustrationen'.

Catarina incident in some length and included a list summarising the carrack's contents. The list highlighted the costly and wonderful materials of which these things were made, such as silk, exotic wood, and porcelain. It estimated the incredible financial value that the cargo represented. Finally, it conjured once again a sense of inexhaustibility, by suggesting that there was more, which could not be captured in words ('exceedingly much', 'countless', 'thousands of other things').⁸⁴ In this way, Hulsius's account celebrated the capture of the ship and its cargo, lifting the lid on the treasure trove. This purpose was achieved not only through the description of the contents themselves but also through the presentation of the loot, in the form of a list structured with Roman numerals. Hulsius's listed things have a textual presence, making them visible and precious before the reader's mind's eye.⁸⁵ The wide, German-speaking readership to whom Hulsius's books were accessible would have marvelled at these descriptions – joining Van Heemskerck's victory from a safe distance, as the author suggests in his preface.⁸⁶

In comparison to Van Heemskerck's report to the company directors (to which Grotius had access and which he used), the pamphlet *Corte ende seeckere beschryvinghe*, and Hulsius's *Achte Schiffart*, Grotius's silence about the specificities of the captured cargo stands out. He did not describe the objects carried on the carrack in any way. There is only one exception, which I want to address here: in the tenth chapter of *De Jure Praedae*, the final chapter with abstract legal principles, Grotius mentioned the classification of captured property. According to ancient Greek custom, Grotius posited, 'the various kinds of spoil were grouped, as a rule, in the following manner: captured persons; herds and flocks [...] money, and, finally, other movable goods, whether valuable or of comparatively little worth'.⁸⁷ Here, as in other parts of the *Dogmatica de jure praedae*, he specified that captured enemy property may include human beings.⁸⁸ The *Santa Catarina* may have induced him to reflect on this topic, as the carrack was possibly transporting enslaved people at the moment it was captured.⁸⁹ Besides the status of human cargo, Grotius refrained from commenting on the specificities of the *Santa Catarina*'s spoils, which primarily fell within the category of 'movable goods' (*res mobiles*). As I have shown, his silence was unusual compared to coeval writings. Nevertheless, it was entirely consistent with the purpose of his text. To argue against an 'embarrassment of riches', and for the ongoing circulation of the spoils, Grotius opted to make the booty as invisible as possible: that is, to represent it as money. On having captured the treasure that was the *Santa Catarina*, described in glorious detail by contemporaneous writers, Grotius urged his compatriots not to give in to the siren song of objects, and instead to mobilise them as financial compensation at a time of war.

⁸⁴ Hulsius, *Achte Schiffart*, 41–42: 'Uberauß viel', 'ein unzalbare menge', 'tausenterley andere sachen'.

⁸⁵ Russo, 'Cortés's Objects', 230; Van Kessel, 'The Inventories of the *Madre de Deus*', 209.

⁸⁶ Hulsius, *Erste Schiffart*, sig. Aii; Steffen-Schrade, 'Ethnographische Illustrationen', 167.

⁸⁷ Grotius, *Commentary*, 223; Grotius, *De Jure Praedae*, 149.

⁸⁸ For Grotius on slavery or *servitus*, see Stelder, 'The Colonial Difference'; Van Nifterik, 'Hugo Grotius on "Slavery"'; Vink, 'Freedom and Slavery', 34; Miller, 'Hugo Grotius'.

⁸⁹ Borschberg, 'The Seizure', 34, 43–44. On Portuguese slave-trading in Asia see, for instance, Flores, 'Colonial Societies in Asia'; De Sousa, *The Portuguese Slave Trade*; Allen, *European Slave Trading*.

Conclusion

This article set out to study Grotius's justification in *De Jure Praedae* of the taking of the *Santa Catarina* and its cargo from the perspective of booty or objects captured in war. The seizing of the *Santa Catarina* was a poignant case of a specific type of looting: privateering. I have shown that the emphasis placed on circulation, monetisation, and, indeed, mobilisation of maritime booty in *De Jure Praedae* was meant to serve the wealth and power of the emerging Dutch Republic in the face of their Iberian enemy. Grotius did not categorise the objects that constituted the primary cargo of the *Santa Catarina*, let alone individually describe them. Their material or aesthetic appreciation in the form of display was discouraged and negatively associated with the baseness of the Spanish and Portuguese. For most of the cargo, its exchange for money was presented as a matter of course, and even actively propagated as a pre-emptive measure to prevent an eventual demand for restitution. Available evidence of the onward trajectories of the cargo of the *Santa Catarina* suggests that continued circulation through sale was indeed the destination of most of what had been on board. With the bulk of the cargo thus rapidly disappearing from sight, the booty was laundered and beyond the grasp of potential claimants. What may be called the archival invisibility of the booty, explored earlier in the article, worked towards the same end. Grotius's argument supporting the ongoing mobility of the spoils seems to have been persuasive – or, at the very least, the records show that he got what he argued for.

Analysis of the treatise from the perspective of material culture reveals, then, that in the first few years of the VOC and Dutch expansion into Asia, Grotius conceived of objects like bales of raw silk, lacquer furniture, or Chinese blue-and-white porcelain as instruments of Dutch-Iberian warfare. Well before the foundation of the West India Company (WIC) in 1621, which had privateering as one of its explicit aims, the VOC acted as a privateering machine, and with no little controversy.⁹⁰ *De Jure Praedae* confirms that in the first decade of the seventeenth century, the Dutch-Iberian war was fought through the seizing of millions of guilders worth of textiles, spices, and ceramics taken in global waters. The invisibility of objects from the *Santa Catarina*, whether in Grotius's writing or in early seventeenth-century Dutch archives, does not reflect a lack of historical interest in such things, but was a deliberate strategy in the service of the Dutch war effort against Spain.

This finding is significant for the historiography of the Dutch Republic and its colonial project, which still needs to do more to foreground warfare and violence alongside and as a basis for trade in the building of a Dutch empire.⁹¹ That maritime warfare has played a limited role in understandings of Dutch seventeenth-century material culture is a reflection of the nation's imperial ideology: Dutch intellectuals of the period were concerned with the possibility of imperial decline, and postulated expansion based in commerce not war as the basis for their Republic.⁹² In the first decades of its existence, however, the VOC, as the Dutch

⁹⁰ Kehoe, *Interrogating Dutchness*, 66–73. On WIC privateering, see also Lunsford, *Piracy and Privateering*.

⁹¹ Brandon, 'The Coen Paradox'; Kehoe, *Interrogating Dutchness*; Van Groesen, 'Global Trade', 173.

⁹² Weststeyn, 'Republican Empire', 493.

state-sponsored company that held the monopoly on the Asian trade, was primarily a warfaring operation. This article's analysis of *De Jure Praedae*, which was one of the earliest texts to provide ideological foundation for Dutch empire-building, demonstrates that material objects captured with ships played a central role in the ideation of Dutch warfare overseas prior to the establishment of the WIC. With *De Jure Praedae*, in marked contrast to the wealth of things the Dutch found on the *Santa Catarina*, Grotius created a legal theory that sublimated the actual objects involved in looting in order to avoid the trap of decadence. The effect was that the role of violently taking and taken things in Dutch empire-building was obscured.

How did Grotius's silence about the material specificities of spoils translate into the appreciation of Asian and other objects by the Dutch? Grotius argued fervently against display and in favour of frugality in the face of Asian luxuries, yet his professed ideal, echoing across several of his other early writings, seems to have failed to become established practice in the following decades.⁹³ Interest in objects as collectables followed the rise of the Dutch expansion. Louise de Coligny, Princess consort of Orange, may have obtained her passion for porcelain as early as 1604 because of contact with the spoils from the *Santa Catarina*.⁹⁴ The Dutch craze for the collection and display of Chinese blue-and-white wares grew in the following decades. With the foundation of the WIC, and especially its greatest looting success, the taking of the Spanish silver fleet in 1628, specific objects were widely celebrated. Grotius's strategic silence raises the following question: when objects reached the Republic as booty, to what extent did their provenance in warfare impact the way their new owners appreciated them?⁹⁵ Furthermore, what transformations of ideals of Dutch identity, as contrasted with Iberian identity, were needed in order to justify the new Dutch emphasis on display?

Questions also arise about looted objects in Grotius's own work in the next few decades. *De Jure Praedae* fed into two of his most famous published works: *Mare Liberum* and *De Jure Belli Ac Pacis*. In the internationally widely read *Mare Liberum*, Grotius reiterated ideas first articulated in response to the *Santa Catarina*'s capture and extrapolated them for wider use in a much-condensed form. *De Jure Belli Ac Pacis*, by contrast, was published in 1625 in an entirely different political and personal context – after Grotius's political downfall and exile to France – and in it, he not only drew from but also transformed his earlier ideas.⁹⁶ To further trace how Grotius's thinking on booty developed, especially in this highly influential later work, would add substantially to our understanding of how looted things contributed to Dutch and wider European imperialism.

⁹³ This point applies to the flourishing of art and material culture in the Dutch Republic narrowly understood and in the Dutch colonies. See, most recently, Kehoe, *Interrogating Dutchness*; North, *Das Goldene Zeitalter global*; Swan, *Rarities*.

⁹⁴ Canepa, *Silk, Porcelain and Lacquer*, 205.

⁹⁵ See Swan, *Rarities*; Swan, 'Fortunes at Sea'.

⁹⁶ Borschberg, 'Grotius and the East Indies'.

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