COLONIAL POLICY OF THE DUTCH REPUBLIC*

Philip Thomas**

SUMMARY: 1.- Introduction; 2.- New Age; 3.- Hugo de Groot; 4.- The Catherine 1; 5.- The Dutch revolt; 6.- The Catherine 2; 7.- Commercial success of the Dutch; 8.- The Catherine 3; 9.- The difference between piracy and privateering; 10.- Cape of Good Hope; 11.- Conclusion.

1.- Introduction

As the colonial past continues to haunt the former colonisers, the modern disinterest in history promotes misconceptions, prejudices and new politically correct narratives. Furthermore, the tendency to micro-detailed researches is increasing, so this paper will swim upstream and use a big brush to paint the background of the beginnings of the Dutch state and the Cape settlement in the Southern tip of Africa.

Today most people would answer the question to whom the Cape belonged with an unequivocal “To the Khoi and the San”, the original inhabitants of the Cape territory.¹ This response, however, is anchronistic as it is doubtful whether the Khoi and the San knew the concept of ownership of land. Furthermore, the Portugese, Spaniards, Dutch, English and other colonisers applied the laws of their times, that is the 16th and 17th centuries. In terms of these laws the cardinal question was whether land was occupied, and if so whether the occupants were a civilised nation. Unoccupied territory or land in possession of uncivilised peoples could be claimed by taking possession, while conquest or buying or bartering were secondary options.²

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¹ The Khoikhoi were the herding people of the Cape, the San the hunters. Khoisan indicates both the click language of Southern Africa as well as the aboriginal people of Southern Africa; www.khoisan.org/ (consulted on 2014/10/11).

² The justification of colonising was addressed by the Spanish in the Valladolid debate of 1550-1. However, Francisco de Vitoria in his 1539 lecture De Indis rejected the various current doctrines, i.e. the discovery doctrine, which held that prior to Spanish discovery, the new world was terra nullius and thus subject to acquisition by discovery and occupation; the Aristotelian argument of natural slaves; as well as the idea that the Indians lacked dominion over their territories on grounds of sin, unbelief, irrationality, madness, or immaturity. Vitoria also rebuffed the title by papal donation, as well as the argument that the Indians’ refusal to accept Christianity or their sinfulness provided the Spaniards with a just title. As just and legitimate titles for Spanish dominion, Vitoria proposed the right of the Spaniards to travel, dwell in, and trade with the new world, the right to preach the Gospel, to evangelize the Indians and protect the converts from idolatry, and that Spain may legitimately rule the native population for their own benefit, either if they are unable to govern themselves or to defend the innocent against tyranny or nefarious customs. Vitoria’s three valid titles of conquest were of lasting significance for European colonial discourse. By developing a justification on the basis of just war and humanitarian intervention Vitoria developed the idea that conquest is legitimate on the basis of just war, and that war is just on the grounds of protecting (i) the freedom to trade, (ii) the freedom to evangelize, and (iii) the innocent against barbarism generated the three pillars for the European justification of colonialism. The Spanish and Portuguese justified their colonial ventures on the basis of evangelization, the English and Dutch relied on commercial and economic arguments, while the French viewed their conquests as a mission civilisatrice. Yves Winter, Conquest in Political Concepts: a critical lexicon at www.politicalconcepts.org/issue1/conquest/ (consulted on 2014/10/07; E. Wambold, Discourse of Western Planting: Justifying the Movement in The Literature of Justification at digital.lib.lehigh.edu/trial/justification/roanoke/ essay/ (consulted on 2014/10/08).
Africa has from early antiquity been the target of foreign traders, invaders, colonizers and investors. Already during the tenth century BC king Solomon brought the gold of Ophir from the East coast of Africa. However, the written history of Southern Africa commences with the advent of European explorers. The Portuguese Prince Henry the Navigator was the instigator of the maritime exploration along the West coast of Africa. This resulted in the rounding of the Cape of Good Hope by Dias in 1488 and the discovery of the sea route into the Indian Ocean. Portugal and Spain divided the newly discovered lands outside Europe between them in the treaty of Tordesilhas of 1494. The so-called Tordesillas meridian granted the Cape sea route to the Portuguese. Because the Portuguese preferred Angola and Mozambique above the Cape, Southern Africa was left until 1652, when Jan van Riebeeck brought the Cape within the Dutch sphere of influence.

There was an important difference between Dias and Jan van Riebeeck: Bartolomeu Dias was a knight of the royal court, superintendent of the royal warehouses, and sailing-master of the São Cristóvão, a Portuguese warship. The King of Portugal had appointed him during 1487, to lead an expedition to sail around the southern tip of Africa in the hope of finding a trade route to India. Jan van Riebeeck was an employee of the Dutch East India Company, the Vereenigde Geoctroyeerde Oost-Indische Compagnie (VOC) and was sent to the Cape to establish a fortified refreshment station for the merchant ships of the company on the Amsterdam -Batavia route. His expedition force consisted of around ninety men, women and children and his instructions were purely commercial, namely to establish and run a secure station to provide the company’s ships with water, meat, fruit, and vegetables at a minimum cost. This affected its policy towards the indigenous population, namely one of non-aggression and pro-trade.

The VOC was a commercial corporation and the prototype of the modern public company as its capital was in the form of shares. The company was established in 1602 when it received the monopoly of trade with the lands to the East of the Cape of Good Hope and the West of the Straits of Magellan in its charter from the States-General of the United States of the Netherlands.

2. New Age

The topic of this paper relates to the relationship between the VOC and States General of the United States of the Netherlands. To understand this bond it is necessary to take a step back to the beginning of a New Age, which for convenience is deemed to start with the discovery of the new world, 1492, the year of the discovery of America by Columbus. During the same year the unification of Spain took place and the last Arab bolwark in Spain, Granada, was taken. The flow of gold and silver from the Americas made Spain the dominant power in Europe and the election of her energetic king Charles V to German emperor put the Hapsburg empire on the road to a United

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3 In the tenth century BC king Solomon found the riches of the land of Ophir along the East coast of Africa: 1 Kings 9: 26-28; 10: 11 & 22; 2 Chronicles 8: 18; Job 22: 24; 28: 16; Isaiah 13: 12. The Phoenicians of Tyre and Sidon founded Carthage on the North African coast. Merchants from Greece, India and Yemen traded along the East coast of Africa as far down as Dar es Salaam before and into the Christian era. 1394-1460 AD.


6 Bartolomeu Dias was a knight of the royal court, superintendent of the royal warehouses, and sailing-master of the São Cristóvão, a Portuguese warship. The King of Portugal had appointed him during 1487, to lead an expedition to sail around the southern tip of Africa in the hope of finding a trade route to India. Jan van Riebeeck was an employee of the Dutch East India Company, the Vereenigde Geoctroyeerde Oost-Indische Compagnie (VOC) and was sent to the Cape to establish a fortified refreshment station for the merchant ships of the company on the Amsterdam -Batavia route. His expedition force consisted of around ninety men, women and children and his instructions were purely commercial, namely to establish and run a secure station to provide the company’s ships with water, meat, fruit, and vegetables at a minimum cost. This affected its policy towards the indigenous population, namely one of non-aggression and pro-trade.

7 The company had received the monopoly of trade with the lands to the East of the Cape of Good Hope and the West of the Straits of Magellan when it received its charter in 1602 from the States-General of the United States of the Netherlands. H.R. Hahlo & Ellison Kahn, The South African Legal System and its Background, Cape Town 1973, 534.


9 Hahlo, Kahn, Legal System cit,534ff; Welsh, History cit, 12f.

10 At the time this was the common way of referring to the Dutch state in Great Britain; Octrooi verleend aan de VOC; www.vocsite.nl (consulted on 2014/10/12); an English translation at rupertgerritse.tripod.com/pdf/published/VOC_charter_1602_pdf (consulted on 2014/10/13)
Europe. The Netherlands, also known as the Low Countries were absorbed into this empire and in 1543 the duchy of Gelderland became the last part of the Netherlands to lose its independence.\(^1\) The next step of the Hapsburg empire builders was the centralisation of the administration, harmonisation of the legal systems and increased taxation. Another relevant fact is that in 1517 Luther published his ninety-five theses in Wittenburg, Saxony, which are considered the catalyst for the Protestant reformation.\(^1\) The eighty years war in the Low Countries\(^1\) is commonly considered to be part of the numerous European wars of religion. However, the causes of the Dutch revolt were multiple as the Low Countries were the wealthiest corner of the Hapsburg Empire.\(^1\)

3.- Hugo de Groot

The world-famous Dutch jurist, Hugo de Groot, one of the founders of modern international law gave a first-hand analysis of the Dutch revolt, which explains the special character of the Dutch state and the peculiar relationship between that state and the Dutch East India Company in one of his earliest works, titled *De jure praedae*.\(^1\)

De Groot was born in 1583, the son of an influential family. After a promising start to his career he became involved in the political struggles of the young republic and was sentenced to life-long imprisonment. He escaped after two years in a crate. During his imprisonment he had written his *Inleidinge tot de Hollandsche Rechtsgeleertheid*, a systematic textbook, written in Dutch, in which the author incorporated local law, Roman law and natural law into one system.\(^17\) After his escape he moved to France and in Paris he wrote his main work, *De Jure Belli ac Pacis*, the first modern book on international law.\(^18\)

4.- The Catherine I

As a young advocate De Groot had been instructed in the case of the Catherine before a Dutch prize court.\(^19\) Catherine was the name of a Portugese merchant ship, which in 1603 had been captured by “admiral” van Heemskerck off the coast of Singapore.\(^20\) The legality of keeping ship and cargo...
occupied both Dutch and international public opinion. The majority of the shareholders of the Company were happy to accept the windfall, but a minority was opposed on moral grounds. De Groot was instructed to write a legal opinion defending the position of the newly formed Dutch East Indies Company, but the success of the company in court and business was such that publication of de Groot’s book became superfluous\(^{21}\) and only one chapter was published in 1609 under the title *Mare liberum.\(^{22}\)

### 5.- The Dutch revolt

The Dutch revolt had manifold roots\(^{23}\) and an astonishing result in the form of a republic, which was aptly referred to as the United States of the Netherlands.\(^{24}\) The federal organisation of the Dutch republic was a reaction against the Hapsburg attempts to establish a centralised state characterised by legal unification and central and increased taxation: the tenth, twentieth and hundredth Pennies, a 10 per cent sales tax, a 5 per cent levy on sales of immovables and a one time tax of 1 per cent on all capital.\(^{25}\) Dutch resistance against the religious policy of Philip 2 led to the religious tolerance of the Dutch. In history textbooks the religious troubles have received most attention and the religious divisions saw over 12 000 people condemned to either death, banishment or confiscation of their property between 1567 and 1573.\(^{26}\) For the jurist De Groot the constitutional aspects of the Spanish policies, in particular the non-recognition of the old privileges, and the commercial grievances were more important. De Groot argued the unorthodox Dutch view that all power resided in the state and that the prince derived his power from the state.\(^{27}\) Thus the state may change one prince for another. The General Assembly had the duty to defend the rights, lives and property of their citizens against repression by the Duke of Alba, who had been sent by the Spanish king to suppress the heretics. The Dutch national anthem shows that the original attitude of the Dutch was that of “good prince, bad servants,” as the texts goes “I have always honoured the King

\(^{21}\) G. A. Finch, Preface to *Commentary on the law of Prize and Booty* cit. XV.


\(^{23}\) Parker, *The Dutch revolt* cit., 30f, 69-199.


\(^{26}\) Parker, *The Dutch revolt* cit., 68ff who finds opposition against the inquisition to have been the cause of the ‘first’ revolt, but confirms that the iconoclastic fury in the southern provinces was mainly the work of the same gang (78) “of between fifty and a hundred strong, many of them newly returned from exile abroad, recruited and paid by the Calvinist consistories of Antwerp and the other great towns.” Jan & Annie Romeijn, *De lage landen bij de zee. Een geschiedenis van het Nederlandsche volk*, Amsterdam 1979, 223f. Boxer, *The Dutch seaborne empire* cit, 10 mentions the figure of 12 302 victims condemned by the Conseils des Troubles between 1567 and 1573.R. Verstegen, *Van een ketter wordt de tong doorstoken. Van Johannes de Doper ook. Beteugeling van “De nieuwe religie” the Nieuwpoort rond 1570*, in Rena van den Bergh, Gardiol van Nierkerk, Pascal Pichonnaz, Philip Thomas, Duard Kleyn, Francesco Lucrezi, Jan Mutton (eds), Essays in honour of Laurens Winkel Meditaciones de iure et historia, Fundamina Editio specialis 2014, 993-1006.

\(^{27}\) De Jure Praedae, C. 13, 269. (p)otestas tota civilis in republica resident, cui de se competit gubernare se ipsam et administrare et omnes potestates suas in commune bonum dirigere. Principum vero potestas nulla justa est, nisi quatenus a reipublicae potestate derivata est; at 283. Princeps enim est per et propter rempublicam, non republica per aut propter Principem.
of Spain”.  

But as the prince continued to neglect to defend his subjects, the latter were entitled to break away. So in the Act of Abjuration of Philip II in 1581, it was stated that “when a prince does not defend his subjects from oppression and violence as the shepherd his sheep.... but oppresses them, infringing their ancient customs and privileges, exacting from them slavish compliance, then he is no longer a prince, but a tyrant. And his subjects may legally proceed to the choice of another prince.”

After deposing their sovereign, Philip II of Spain and the assassination of William of Orange the Dutch approached Queen Elisabeth of England as well as the French royal family with offers of sovereignty, but their experiences were such that in 1590 the States-General declared itself the sovereign institution of the country. Dutch desire for provincial and municipal autonomy prevented creation of a strong central government, which meant that the Dutch Republic was a confederation of autonomous provinces or states. The States-General dealt with public finance, military affairs and foreign policy, but would not legislate or intervene in the domestic affairs of the individual provinces.

6.- The Catherine 2

The allocation of the prize of the Catherine shows the fragmentation of power in the young Dutch state. The barges, which transported the captured cargo from Emden to Amsterdam were impounded by the admiralty of Dokkum. The States-General, the central organ of the Dutch republic, had to intervene to have the goods released. After the goods had been placed in storage in Amsterdam, the directors of the VOC came into conflict with the admiralty of Amsterdam over the keeping of the keys, as possession is 9/10 of the law. The States General authorised an early auction of the perishable goods. The admiralty pasted posters announcing the sale, but the sheriff of Amsterdam had these removed as diminishing the city's jurisdiction. However, the burgomasters did not support him and notices were put up again.

7.- Commercial success of the Dutch

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28 Den Coninck van Hispangien Heb ick altijt gheeert.  

29 Plakkaat van Verlatinghe 26 July 1581 De leden van de Staten-Generaal van de Verenigde Nederlanden groeten allen, die dit zullen zien of horen voorlezen, en laten weten:
Het is aan ieder bekend dat een vorst, als dienaar van God, geacht wordt zijn onderdanen te beschermen tegen alle onrecht, overlast en geweld, zoals een herder zijn schapen beschermt. De onderdanen zijn niet door God geschapen om de vorst in alles wat hij beveelt onderdanig te zijn en hem als slaven te dienen. De vorst regeert bij de gratie van zijn onderdanen en moet met recht en reden over hen regeren, hen beschermen en liefhebben zoals een vader zijn kinderen liefheeft en zoals een herder met hart en ziel zijn schapen beschermt. Als een vorst zijn plichten niet nakomt, maar, in plaats van zijn onderdanen te beschermen, hen probeert te onderdrukken als slaven, dan is hij geen vorst, maar een tiran. In dat geval mogen zijn onderdanen, na beraadslaging in de Staten-Generaal, hem afzweren en een andere leider kiezen.  
www.engelfriet.net/Alie/Aad/plakkaat.htm (consulted on 2014/10/30).

30 Parker, The Dutch revolt cit, 199ff describes the attempts by the States General to find another sovereign.  
31 By the resolution of the States General of 25 July 1590. Romein, De lage landen cit, 232. Jan Romein en Annie Romein-Verschoor, Erflaters van onze beschaving. Amsterdam 1977, 166. Boxer, The Dutch seaborne empire cit, 12; Parker, The Dutch revolt cit at 243 refers to the Corte Verthoninge, 1587, by pensionary of Gouda, Francois Vranck who was the first to argue in print that the sovereignty vested in the States;  


33 Fruin, Een onuitgegeven werk cit, 386ff.
The triumph of the Dutch revolt and the ensuing federal republic is to be credited to Dutch commerce, which was closely connected to Dutch shipping. During the 16th century the Dutch transformed themselves from transporters into traders; during the 17th century the province of Holland would become the first commercial power in the world. During their revolt and the later war against Spain, the Dutch never ceased trading with the Spanish. When during 1585 Spain and Portugal placed an embargo on the Dutch, the Dutch viewed this Iberian trade embargo as an attempt to economically boycott them. In consequence, the Dutch rebels used this embargo to defend their expansion towards the East Indies trade. The threat of economic sanctions excluding them from the Lisbon spice-market combined with the desire to eliminate the Portuguese middle-men led to the establishment of several companies by Dutch merchants, which sent ships to Indonesia for spices. The Portuguese defended their monopoly and it did not take long before hostilities became a daily occurrence and both parties resorted to arms and captured enemy ships.

8.- The Catherine

In the above context the Catherine, the Portuguese merchant vessel seized by van Heemskerck, an employee of an Amsterdam trading company, became a cause célèbre.

A prize court is a court which decides whether or not a ship has been lawfully captured in time of war or under the terms of the seizing ship's letters of reprisal. A prize court may order the sale of the seized ship and cargo, and the distribution of the proceeds. A prize court may also order that the ship be returned to its owners if the capture was unlawful, such as taking a neutral ship.

In the prize court of Amsterdam the advocaat-fiscaal of the Hof van Holland, the company and van Heemskerck claimed the ship and cargo as prize. They relied on the instruction given by Prince Maurits as admiraal-generaal and on Spanish and Portuguese acts of hostility. As there were no

34 De Jure Praedae, C. 15, 327. (c)um pecuniam nervum esse belli notissimum sit, quam ut sibi comparare maximum habet momentum, ita huic roximam est eandem hosti avertere; Cf. C. 11, 165f. Inter alia nemo nescit eum esse orae situm, eam sedulitatem Batavorum, ut cunctis e locis in quaevis alia merces hinc commodissime transportetur, facto quodammodo ad res maritimas populi ingenio, cui quaestus hic omnium dulcissimus videtur, ut qui humanitati adjumento sit et mutuis gentium commodi, sine cujusquam damno facile sustentetur; C. 15, 319 Quis autem rerum Batavicarum adeo ignarus est, qui unicum illarum columen, decus ac praesidium esse nesciat navigationem et mercaturam? Inter omnes autem negotiationes Indica et di

35 De Jure Praedae, C. 11, 168ff, 171. Nam exinde, cum appareret hostes eam viam ingressos ut, quod armis non potuerant, fame atque inopia subigere vellent, praecisa scilicet Hispaniensi mercatione, in qua hactenus populi vita erat consti

36 De Jure Praedae, C. 11, 168ff, 171. Nam exinde, cum appareret hostes eam viam ingressos ut, quod armis non potuerant, fame atque inopia subigere vellent, praecisa scilicet Hispaniensi mercatione, in qua hactenus populi vita erat consti

37 Boxer, The Dutch seaborne empire cit, 23f; C.G. Roelofsen, Grotius and State Practice of his
day, in Studies cit., 130ff for a description of the 1599 total prohibition of trade enacted by both Dutch and Spain and the failure of such embargo's.

38 Boxer, The Dutch seaborne empire cit, 24: (i)n March 1594 nine north Netherlands merchants found sufficient inducements and funds to organize a 'Company of Far Lands' at Amsterdam, with the object of sending two fleets to Indonesia for spices.

39 The prize court was the college of admiralty. Hahlo and Kahn, Legal System cit.,532, n. 35.) In the Dutch republic there were five admiralties: Amsterdam, Rotterdam, Zeeland., Friesland and Noorderkwartier.

39 “Privateering” of property of neutrals was rather common. C. G. Roelofsen, Early Dutch Prize Laws: Some Thoughts on a case before the Court of Holland and the Grand Council of Mechelen (1477-1482), in Studies cit, 1-10; also idem in State Practice, in Studies cit, 124ff.

40 Grotius glossed over the matter of kaperbrieven in C. 11, 203, but at 289ff. he returned to this aspect and revealed that the kaperbrieven of Heemskerck had been granted by prince Maurice. This was hardly a convincing argument since the latter was not a sovereign, but the highest executive officer of the republic appointed by the States-General. Roelofsen, 83.
defendants the ship and all goods therein were confiscated, but who was to become the owner? The States General allocated 4 percent to captain and crew, the remainder to the VOC.

However, the captured Portuguese vessel was a merchant ship, in other words a private cargo ship, not a warship. Thus the question must be asked whether van Heemskerck had not committed an act of piracy?

9.- The difference between piracy and privateering

During the late Middle Ages the absence of international judicial co-operation between states had resulted in the return of self-help. Gradually certain practices became legitimised and the law of reprisals developed,\(^{41}\) which permitted recovery of property taken by or outstanding debts against foreign nationals by capturing goods from foreigners of the same nationality.\(^{42}\) At the next stage a letter of reprisal issued by the 'plaintiff's' own sovereign became a requirement.\(^{43}\) During the 16th century in time of war a general, unlimited reprisal was allowed against the enemy, which became commercialised as the practice of privateering.\(^{44}\)

The question regarding borderlines between spoils of war and plunder, between the navy, privateers and pirates formed the topic of a heated debate in the recently formed Dutch state during the early 17th century. De Groot proposed the argument that the Portuguese trade embargo was in violation of nature and the system of exchange and the fellowship of man. Thus, barring someone from commerce provided a just cause for war as the sea belongs to all and nobody has jurisdiction over the ocean.\(^{45}\)

At this stage it should be mentioned that the first success in the Dutch struggle for independence had been the capture of the city of den Briel by the so-called Watergeuzen or Sea Beggars.\(^{46}\) The latter were for all practical purposes pirates, whose status had been raised to privateers by the letters of reprisal granted to them by William of Orange, in his capacity as sovereign of the principality of Orange.\(^{47}\) However, where the authority to grant such letters resided after 1584 remains unclear in view of the uncertainty relative to the question of sovereignty.\(^{48}\)


\(^{43}\) Roelofsen, *State Practice*, in *Studies* cit, 143f.

\(^{44}\) Van Niekerk, *Development* cit, 395. In theory in Holland only enemy goods and enemy ships were good prize in terms of a sentence of the Court of Holland in 1438. Roelofsen, *State Practice*, in *Studies* cit, 141.

\(^{45}\) *De Jure Praedae*, C. 12, 214ff. Grotius held that nature commands that the sea shall be held in common and devotes many pages explaining various Digest texts away as well as the Glossators and Canonists who held different opinions. See, C. 12, 260. In oceano autem nullam esse propriam respectu loci jurisdictionem recte, ut arbitror, affirmavimus. Tum si qua esset, ea esset Indorum Principum, qui nec volunt causae immiseri, nec a Lusitanis ut judices agnoscuntur. Loci igitur ratione qua jure, qua facto judicium deficit.

\(^{46}\) Parker, *The Dutch revolt* cit, 121f.

\(^{47}\) In 1568 in La Rochelle, Romein, *De lage landen* cit, 227; Parker, *The Dutch revolt* cit, 108: As a sovereign ruler he (William of Orange) was technically entitled to make war on his enemies- and Alva, who had confiscated the prince's estates..., was clearly an enemy.

\(^{48}\) Parker, *The Dutch revolt* cit, 243 mentions *Corte Verthoninge*, 1587, by Francois Vranck (pensionary of Gouda) as the first publication arguing that the sovereignty resides with the States as under the rule of the former princes. The resolution of
Since then privateering had developed into a profitable business on a par with the colonial trade. For example, in March 1606 130 privateer ships left Dutch ports and in 1607 the municipality of Amsterdam declared that privateering had become the mainstay of the previous years.59 On the other hand, the aggression of the VOC in the Indonesian archipelago quickly earned the Dutch the reputation of pirates.50 In other words, one’s own privateers are another’s pirates.

The underlying problem was that the Dutch republic did not have a professional navy. The five admiralties maintained Dutch warships, but most of these ships were hired or converted merchant-ships and in 1588 there were over 2 000 sizeable Dutch merchant ships suitable for service as warships.51 However, the foremost interest of the crew of such armed merchant ship was prize and saving both ships. Also the lack of discipline and training of such crews had the seed of doom. When during the 17th century the English replaced armed cargo ships with warships the Dutch balked at the costs and Britannia started to rule the waves.52

However, the privatised navy was a short term and economic solution to an immediate and costly problem. Thus de Groot admits that the spoils of war were acquired at no cost to the Dutch state; that the state’s resources were depleted by the costs of war, and that privateering enabled the Dutch to finance the war from the resources of the enemy rather than at the expense of their citizens.53

Thus, the saga of the capture of the Catherine is a perfect example of the structure of the Dutch federation and its interest in the prosperity of the Dutch East Indies company. The charter awarded by the States-General in 1602 not only granted a trade monopoly to the company, but gave the seventeen directors a wide range of state powers. The company could build fortresses in the allocated territories and wage wars, conclude treaties of peace and alliance. The company could enlist civilian, naval, military and judicial personnel, which personnel took an oath of loyalty to both the company and the States-General.54

59 Parker, The Dutch revolt cit, 149 lists the prizes captured by the Sea Beggars as revenue for the Dutch cause. Bouman, Hollands welvaren, in Romein, De lage landen cit, 267: Romein, Michiel Adriaensz de Ruyter in Erflaters cit, 350.
Roelofsen, Mare Liberum, in Studies cit, 51: also Roelofsen, State Practice, in Studies cit., 128ff.
51 Boxer, The Dutch seaborne empire cit, 4, 24, 76f.
52 Romein, De lage landen cit, 227; Bouman, Hollands welvaren, in Romein, De Lague Landen cit, 267.
53 Romein, Michiel Adriaensz de Ruyter in Erflaters cit, 353f. describe the changes in naval warfare which took place during the 17th century.
54 De Jure Praedae, C. 8, 119. Diligentius enim rempublicam defendunt cives bellique onera promtiores sustinent rei privatae vinculo, cum spes quodammodo praecisa est semel amissa recuperandi. Nec reipublicae quidquid abscedit; C. 10, 156. Operae autem bellica praemium nulla ex re utiullius, quam ex praeda dissolvitur. Nam ita et respublica sumtum non facit et hostis depauperatur, flagrantiore ad cuncta milite, qui sciat etiam sibi se vincere; 161. ut respublica, contenta h difficultatibus; also 328, 332. De Groot, The Dutch revolt cit, 237 on the costs of the war for the Dutch.

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During the 17th century trading settlements were established and Dutch power extended from Indonesia to the Caribbean, from the Baltic Sea to the Mediterranean, from Cape to Rio and to the Arctic trade-route to Russia. Early seventeenth century Holland was the first capitalist society. In Holland large commercial companies were financed through the public sale of capital shares, and Dutch merchants out-traded their English and Spanish contemporaries and built a world-wide commercial empire.

10. Cape of Good Hope

This peculiar relationship between the VOC and the States General had as a consequence that the Cape did not become a Dutch colony, but a settlement of a Dutch international monopolistic trading company and manned with employees of various nationalities. It speaks for itself that the policy of a multinational trading company was not colonisation, but maximising profits from trade. Thus the company’s objective was to privately own fortified trading settlements and stores on the coast. Van Riebeeck arrived with around ninety men, women and children and on 6 June 1654 the first baby was born. However, the company needed produce and labour, so in the same year permission was given to bring in slaves. To obtain produce in 1657 nine employees, the original nine freeburgers, were released from the service of the company and allocated land to farm. And in 1658 the first (170) slaves were brought on the ship Amersfoort after having been captured from the Portuguese.

The freeburgers remained subject to company control, had no political rights and were required to sell their products at prices determined by the company. This solution made the company change policy during the 1680s and to promote colonization at the Cape by sending groups of Huguenot exiles, girls from orphanges as well as some Dutch families out to the Cape. In 1795 when the company’s rule was replaced by British rule there were approximately 20 000 white colonist in the Cape colony.

Economic development was handicapped by the numerous restrictions placed by the VOC on the commercial and agricultural activities of the colonists, but the development of wheat, wine, cattle- and sheep farms pushed the frontier of the colony ever further into the interior. However the company remained in charge of land allocation, price fixing, administration of justice, military service and all government functions.

The Cape Patriot movement of the 1780s endorsed citizen’s rights and represented the hostility against the company; in 1792 the demand for free trade was granted.

Some Cape Town burggers amassed great wealth and sent their sons to be educated at Dutch or German universities. The burggers of the rural hinterland were engaged in agriculture and stock-

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58 www.rebirth.co.za/slaves_and_settlers_a.htm (consulted on 2014/11/01)/
59 Basil A. le Cordeur, The Occupation of the Cape, 1795-1854, in Cameron & Spies, History cit, 75.
60 Section XXXV of the Charter of 1602; Boucher, The Cape, in Cameron & Spies, History cit, 67ff.
raising and sent their sons away to set up on their own. This pushed the land boundary of the colony northwards and eastwards and by mid-eighteenth century Dutch farmers were established around the village of Graaff-Reinet in the extended Cape colony. 62

The company, Cape burghers and boers all needed labour and slaves from Mozambique, Madagascar, India and Indonesia were imported, since the Company had forbidden the enslavement of the local population. The imported slaves added to the population and in 1795 the population of the Cape counted 25 000 slaves, 20 000 whites, 15 000 Khoi and about 1000 free blacks. 63

In 1807 The Abolition of the Slave Trade Act was enacted in Britain, which banned the trading in, but not the owning of slaves. 64

In 1812 two missionaries from the London Missionary Society, Dr JT van der Kemp and the rev James Read brought charges regarding the murder and maltreatment of the Khoi. Governor Cradock instructed two judges, PL Cloete and LCR Stubberg to go on a special circuit court, which became known as the black circuit. The court spent 4 months in the villages of George, Uitenhage and Graaff Reinet, during which period 50 cases were brought to trial and over 1000 witnesses heard. Seventeen charges of murder and fifteen of assault were brought. No one was found guilty of murder and six men and one woman were found guilty of ill-treatment. 65

During the seventeenth century the Dutch achieved the status of a super power. However, during the 18th century the fortunes of both state and company floundered. When in 1795 the French revolutionary troops walked over the frozen rivers into Holland, the British occupied the Cape. In 1799 the VOC was taken over by the state of the Batavian republic. 66

In 1803 the Cape was handed over to the Batavian republic, but at the resumption of hostilities between Britain and France, British forces once again occupied the Cape. In 1814 the British retained the Cape in terms of the Convention of London when the United Provinces of the Netherlands received five million pounds sterling and sovereignty of the Cape was ceded to His Britannic Majesty. 67

11.- Conclusion

The new Dutch state was a hybrid of the medieval past and the capitalist new age future, which had the unexpected consequence that that the Dutch were well ahead of their time, both in commerce and politics.

The Dutch East India Company was the first multi-national organisation. She became the largest business during the 17th century when she employed over 30 000 people at a time when the population of the Netherlands was around 2 million.

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62 The modern autoroute distance from Cape Town to Graaff-Reinet is 717 km.
63 Le Cordeur, The Occupation of the Cape, in Cameron & Spies, History cit, 75.
64 47 Geo 3 Sess 1 c 36; spartacus-educational.com/LSlavery07.htm (consulted on 2014/11 04).
66 The company faced bankruptcy and was transferred to the state. Peter Reynders, Why did the largest corporation in the world go broke?, gutenberg.net.au/VOC.html; people.hofstra.edu/geo/trans/eng/ch2en/conc2en/map_VOC_Trade_Network.html (consulted on 2014/11/03).
67 Convention between Great Britain and the Netherlands relative to the Dutch Colonies; Trade with the East and West Indies; etc signed at London on August 13, 1814. The United Provinces of the Netherlands received five million pounds sterling in consideration, and in satisfaction thereof, the Prince Sovereign of the Netherlands ceded in full sovereignty to His Britannic Majesty, the Cape of Good Hope and the settlements of Demerara, Essequibo, and Berbice. Cf Larousse Encyclopedia of Modern History (1968) 283.
The Dutch chose for a decentralised, hands-off state. De Groot preached freedom of the seas and freedom of trade, but the States General granted the VOC a trade monopoly and state powers. It is not surprising that in time a dispute arose between the States-General and the company to whom the Cape belonged; the result was that on paper the Dutch state, but in practice the Dutch East India company ruled.

To place the Dutch revolt in a time line and historical context, the mirror image of the American revolution should be mentioned.

A long history of grievances concerning taxation led to the Boston Tea party in 1773; This was followed in 1776 with the 4th July Declaration of Independence, which states: “But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.” 68

Thus the conclusion is justified that not only in constitutional theory and practice, but also in colonial policy, the Dutch were the forerunners. The Dutch republic privatised both governance and exploitation of her colonies, which meant neither costs nor responsibility to the state. This is yet another Dutch innovation, which appears to have a second life in today’s so-called post-colonial era, where the exploitation of developing countries is left to private enterprise.

**Abstract**

This paper describes aspects of the Dutch revolt against the Hapsburg imperium during the late sixteenth century in order to explain certain policies of the emerging Dutch state, which would become a world power during the seventeenth century. Freedom of the seas and freedom of trade were used to break the Spanish/Portuguese monopoly in colonial trade. However, a monopoly as well as state power was granted to the first multinational corporation, the Dutch East India Company. The Dutch were leading the way in constitutional theory as well as in economic and colonial policy, in which they practised austerity and privatisation of state functions.

Il saggio affronta alcuni aspetti della rivolta olandese contro l'impero asburgico, che vengono messi in relazione con le trasformazioni politiche dello stato olandese, all'epoca in via di formazione, sulla strada che lo avrebbe condotto, nel diciassettesimo secolo, a divenire una potenza mondiale. Si considera, in particolare, come i principi di libera navigazione e libero commercio venissero usati dagli olandesi come armi per contrastare il monopolio spagnolo e portoghese nel commercio coloniale, e come la prima corporazione multinazionale, la Compagnia Olandese delle Indie Orientali, risultasse a sua volta impegnata a realizzare forme di monopolio analoghe e quelle di un potere statale. Si vuole documentare, così, come gli olandesi abbiano di fatto costruito, tanto sul piano della teoria costituzionale quanto su quello della politica economica e coloniale, alla ricerca del profitto, inedite forme di privatizzazione di quelle che fino da allora erano sempre state considerate funzioni statali.

68 www.archives.gov/exhibits/charters/declaration_transcript.html (consulted on 2014/10/03/).