

The Right to Freedom

Enslaved Sailors, Civic Patriarchs, and the Question of Redemption in the Seventeenth-Century Dutch Republic

Abstract: The redemption of Dutch slaves from seventeenth-century Mediterranean bondage reveals that human rights as a tacit social contract predated the revolutionary era. Local magistrates and church elders were key in enforcing captives' rights to freedom as their political participation and capital allowed them to assist families in the jurisdictional, financial, and logistic aspects of redemption. At the national level, regents also endorsed the rights of captives by reluctantly signing international treaties to ransom them. This article concludes that political participation was necessary to make rights work, but also that this relationship could be fraudulent and complex.

Keywords: captivity, rights, freedom, ransom, social contract, human rights

Taking the Atlantic Revolutions as the birthmark of the human rights regime, many historians designate the study of its history as an analysis of modernity. They consider the declaration, and consequently, the codification of individual rights and liberties in national constitutions a watershed moment, heralding the beginning of the modern era. Even if human rights did not evolve in a linear, progressive way, its regime still provided a model social contract in which citizens and states were bound by rules that – not until the twentieth century – became more universal and equal in nature. Scholars have extensively researched the evolution of these rights from a national set of legal principles targeting small groups in the late 1700s to a universal regime of international lawyers safeguarding global rights in the present; a stage Samuel Moyn has identified as the 'last utopia'.¹ In the same fashion, experts

DOI: <https://doi.org/10.25365/oezg-2025-36-1-2>



Accepted for publication after external peer review (double blind)

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- 1 Samuel Moyn is one of the few scholars to argue that the politics of human rights only emerged in the 1970s as a new utopia replacing the Cold War visions of communism versus capitalism: Samuel Moyn, *The Last Utopia. Human Rights in History*, Cambridge 2012.

in intellectual, legal, and theological histories have interpreted the theme of rights foremost in natural law theory, political thought, and Christian doctrine in the pre-modern era as a precursor to the emergence of individual rights at the end of the eighteenth century.²

To understand the intricate relations between human rights and early modern political participation, however, we have to move beyond legal and theoretical discourses – and 1789 for that matter – and focus instead on the practices of human rights. A case study of the enslavement and redemption of European Christians in Mediterranean slavery in the seventeenth century offers an alternative narrative; one that contends human rights as a tacit social contract predated the revolutionary era. This periodization does not claim that human rights originated in the early modern period, because that would presuppose a consensus about what rights are and that they developed ‘naturally’. Rights are complex as they appeared in different theoretical discourses and carry different meanings.³ This article, therefore, shies away from abstract thought as a source and examines instead how seventeenth-century people experienced rights – to be understood here as the entitlement to emancipation from bondage – and how this played out in civic-political society. It thus offers an insight into the interdependency between human rights and political participation during a particular episode in the history of European and Mediterranean connections.

Slave lists, church records, notarial and trade records, and diplomatic and civic correspondence from the 1600s together reveal that authorities considered Dutch captured sailors entitled to their freedom. Families and friends, too poor to raise the required ransom sums, not only petitioned for but also expected to receive aid from church elders and local magistrates in ransoming their relatives. In Dutch patriarchal society, these leaders often assumed civic and religious offices simultaneously,

2 For a critical view of reconciling historicity and universality in the study of human rights, see Glenn Mitoma, *The Character of Contemporary History. Human Rights History and Early Modern Violence*, in: *History* 99/336–3 (2014), 549–565. Lynn Hunt famously used literary interpretations to explain the rise of human rights. See Lynn Hunt, *Inventing Human Rights. A History*, New York, NY 2007. For a discussion on the birth of rights in relation to empires rather than nations, see Lauren Benton/Aaron Slater, *Constituting the Imperial Community. Rights, Common Good and Authority in Britain's Atlantic Empire, 1607–1815*, in: Pamela Slotte/Miia Halme-Tuomisaari (eds.), *Revisiting the Origins of Human Rights*, Cambridge 2015, 140–162. A few samples on premodern rights in theoretical discourses entail: John Witte, Jr., *The Reformation of Rights. Law, Religion, and Human Rights in Early Modern Calvinism*, Cambridge/New York, NY, 2007; Dan Edelstein, *On the Spirit of Rights*, Chicago 2018. In international relations, scholars often discuss the evolution of human rights as universal in ideas and practice. See Micheline Ishay, *The History of Human Rights. From Ancient Times to the Globalization Era*, Berkeley, CA 2008; Paul Gordon Lauren, *The Evolution of International Human Rights. Visions Seen*, 3rd edn., Philadelphia, PA 2011.

3 Martti Koskeniemi speaks in this case of the textbook narrative that presents a linear, progressive evolution of human rights. For an excellent discussion of the pitfalls of this particular narrative, see her foreword in Slotte/ Halme-Tuomisaari, *Revisiting the Origins*, 2015, ix–xviii.

turning them responsible for a blend of socio-economic, religious, jurisdictional, and other affairs. Their political participation was key in enforcing captives' rights: only with their permission could collections be held, in public or in church, merchants be engaged, or money advanced. Informed by Christian ethics, civic duties, and commercial considerations, they honoured the families' requests and helped generate a social contract between themselves on the one hand, and captives and families on the other, to facilitate the redemption process (section 2).

Despite a general consensus that captives had the right to be liberated, efforts of captured sailors, families, friends, and ruling patriarchs to raise funds were hampered by two interrelated problems. The ransom market in the Mediterranean was a lucrative business as captors demanded excessive sums and effectively turned captives into commodities (section 1). The high prices hampered captives' prospects to be released as more often than not collections at home generated insufficient ransom to free them. A related problem was that regents, those wielding enormous political and economic power on a 'national' level, did not see the need to become involved. They considered captivity an affair of the admiralties and the Church. Only after Dutch diplomats in North Africa, church elders, and the admiralties reminded them of their 'fatherly' duties, did they engage in redemption by signing treaties with Salé (1651, 1657/68) and Algiers (1662, 1679/1680) – with the consent to ransom slaves – and overseeing collections on a 'national' level to honour the agreements (section 3). Regents' participation in the power politics of Holland and in the States General (the highest political body) thus allowed them to endorse the rights of captives by negotiating redemption on an international level – something local leaders were unable to do – and also attend to their civic-moral responsibilities.

Their involvement, however, was relatively brief and interruptive – they oversaw only three 'national' collections during the seventeenth century – and even these efforts did not result in the liberation of all Dutch captives. Thus, a social tension emerged between the need to free sailors from bondage and a lack of public funds, private capital, and political will to realize that goal. This struggle was paradoxical. Socio-economic inequality divided ruling patriarchs from poor seafaring folk, yet the need to ransom captives and the duty of the elite to make this happen simultaneously confirmed their interdependent relationship in society. The labour of sailors formed the backbone of Dutch regional and global trade and helped generate merchants' private capital. However, given regents' tendency to delegate the matter to other institutions, the social contract remained mostly a tacit understanding between captives and patriarchs at the local level. As it turned out, the right to freedom had universal connotations within the Dutch Republic, yet was exclusive in practice and depended greatly on those with political power to grant it.

1. The commercialization of redemption

In the Mediterranean, human trafficking and slavery were ubiquitous. In the period 1450–1850, an estimated two to three million Christian and Muslim captives from different ethnic and social backgrounds were held for ransom and/or enslaved in European, Maghribi, and Ottoman territories.⁴ Their origins from the Canary Islands, the Iberian and Italian peninsulas, northwest and central Europe, the Balkans, the Levant, Central Asia, and North Africa reflected their cultural diversity. The complicity of a similarly diverse number of states, individuals, and institutions in human trafficking was rampant as raids on coastal towns, military campaigns, and capture at sea were the most common forms in which people were made captive. Contemporaries used the terms ‘captive’ and ‘slave’ interchangeably as the captives, often sold on slave markets around the littoral, rowed the galleys, worked in domestic households and in agriculture, performed administrative work, or served at courts. In the western Mediterranean, one particular form of captivity – booty slavery – entailed the ransoming of captives and was of such magnitude that capture and ransoming became a separate economic sector.⁵

In Catholic and Islamic societies around the Mediterranean, normative institutions sustained this ransom economy. These included legal courts, monastic orders, charities, suppliers of credit, insurance funds, and state agencies. In Istanbul, families and relatives of Ottoman captives (often held on Malta) concluded ransoming agreements with intermediaries – frequently of European descent – in Ottoman courts to seek emancipation. Likewise, Greek merchants, those who were subjects of the Ottoman Empire, appealed to the *Tribunale degli Armamenti* court in Malta to retrieve goods seized by Maltese corsairs. Redemptive orders in Spain, Portugal, and France also engaged in the collection of ransom. They had been permitted to establish hospitals throughout the Maghrib that allowed them to take care of sick slaves and facil-

4 For a full explanation of the numbers, see Daniel Hershenzon, *The Captive Sea. Slavery, Communication, and Commerce in Early Modern Spain and the Mediterranean*, Philadelphia, PA 2018, 2. For a critique on the numbers concerning white Christian captives, see Gerald MacLean, *Slavery and Sensibility. A Historical Dilemma*, in: Brycchan Carey/Peter J. Kitson (eds.), *Slavery and the Cultures of Abolition. Essays Marking the Bicentennial of the British Abolition Act of 1807*, Cambridge 2007, 173–194. See also Daniel Panzac, *La marine ottomane. De l’apogée à la chute de l’Empire*, Paris 2009, 129–140.

5 Wolfgang Kaiser, Introduction, in: Wolfgang Kaiser (ed.), *Le commerce des captifs. Les intermédiaires dans l’échange et le rachat des prisonniers en Méditerranée, XVe–XVIIIe siècle*, Rome 2008, 1–14; Wolfgang Kaiser/Guillaume Calafat, *The Economy of Ransoming in the Early Modern Mediterranean. A Form of Cross-Cultural Trade between Southern Europe and the Maghrib*, in: Francesca Trivellato/Leor Halevi/Catia Antunes (eds.), *Religion and Trade. Cross-Cultural Exchanges in World History, 1000–1900*, New York, NY 2014, 108–130. On the question of human trafficking and region formation, see Hershenzon, *The Captive Sea*, 2018.

itated negotiations to redeem slaves. Italian city-states established governmental organizations to redeem their 'nationals.' Everywhere, individual mediators – Jewish and Christian merchants as well as sea captains and diplomats – advanced ransom and managed the release of captives. In the Maghrib, religious institutions, such as the *Haramayn* in Algiers, allocated part of its charitable endowments for the ransoming of slaves.⁶ This mixture of institutions reflect the interdependency of human trafficking and redemptive practices from the late Middle Ages into the early modern age.

The question of redemption became urgent in northwest Europe when members of the merchant marine from England, Scandinavia, the Dutch Republic, and the Hanse towns in Germany sailing along the Atlantic coast and in the Mediterranean Sea also turned into victims of booty slavery. The stalemate between the Spanish and Ottoman Empires after the Battle of Lepanto (1571) allowed smaller states to engage in privateering. This, and the considerable rise of Dutch and English trade in the Mediterranean in the late sixteenth century explain the boom in privateering, piracy, and captive-taking. Dutch capitalist enterprises overseas help explain their extensive commercial reach overseas, the connections they made between Mediterranean and global trade, and the captivity of an estimated 9,500 Dutch mariners including sailors, skippers, surgeons, captains, and rope makers. Other trading nations experienced the same problem: some 12,500 English natives, 10,000 German, and 4,000 Scandinavians were also held captive.⁷ Their ransoming proved similarly problematic as for those in other places around the Mediterranean littoral.

Piracy, privateering, captivity, and ransoming were also common in northwest Europe. Privateers from Dunkirk, a port on the west coast of the Spanish Nether-

6 Literature on redemption is extensive. The following references are a sample. Ali Atabey, Ransom Intermediaries and the Redemption of Ottoman Captives in the Early Modern Mediterranean. A Sociolegal View from Seventeenth-Century Galata, in: *Journal of the Ottoman and Turkish Studies Association* 8/1 (2021), 261–289; Joshua M. White, Slavery, Freedom Suits, and Legal Praxis in the Ottoman Empire, ca. 1590–1710, in: *Comparative Studies in Society and History* 65/3 (2023), 526–556; Chapter 4 in Molly Greene, *Catholic Pirates and Greek Merchants. A Maritime History of the Mediterranean*, Princeton, NJ 2010, 110–137; Wolfgang Kaiser, Les 'Hommes de Crédit' dans les rachats de captifs Provençaux (XVIe–XVIIe siècles), in: Kaiser, *Commerce*, 2008, 291–319. Ellen Friedman, *Spanish Captives in North Africa in the Early Modern Age*, Madison, WI 1983, and Gillian Weiss, *Captives and Corsairs. France and Slavery in the Early Modern Mediterranean*, Stanford, CA 2011; Magnus Ressel, The North European Way of Ransoming. Explorations into an Unknown Dimension of the Early Modern Welfare State, in: *Historical Social Research* 35/4 (2010), 125–147, 128; Miriam Hoexter, *Endowments, Rulers and Community. Waqf al-Haramayn in Ottoman Algiers*, Leiden 1998, 7, 27, 158–162.

7 Magnus Ressel cautions that these are rough estimations. Magnus Ressel, Protestant Slaves in Northern Africa during the Early Modern Age, in: Simonetta Cavaciocchi (ed.), *Serfdom and Slavery in the European Economy. 11th–18th Centuries*, Florence 2014, 523–536, 528. On the problem of calculating numbers, see also Nabil Matar, *British Captives in Salé (1721). A Case Study*, in: Stephan Hanß/Juliane Schiel (eds.), *Mediterranean Slavery Revisited, 500–1800/Neue Perspektiven auf mediterrane Sklaverei, 500–1800*, Zurich 2014, 515–540.

lands, frequently attacked Dutch fishing fleets and demanded ransom for captured crews.⁸ However, the scale of ransoming captives from North African captivity posed new challenges. The difficulty did not rest so much in the absence of medieval institutions to facilitate redemption – like redemptive orders – but in the commercialization of the ransoming process. The ransom price was market-based. The social rank of the captive, his or her (re)productive capacities and skills determined the base price. On top came numerous taxes and fees, and the price could fluctuate after an agreement was reached.⁹ Ransom sums far exceeded the monthly wages of ordinary seamen and other captives of modest means and made them entirely dependent on relatives and their home societies to help them raise the ransom.

Overseas expansion thus included risks: not only of bad weather and malpractices but also of captivity and ransoming. To address the risk of Mediterranean human trafficking, the Nordic countries had established slave funds that insured the policy holder against captivity. The imperial free city of Hamburg established a *Skla-venkasse* in 1624, Lübeck in 1627, and Copenhagen founded a *Skipperlav* in 1634. These slave funds derived money from membership fees and almsgiving. Eventually, the authorities in Hamburg and Denmark turned the *Skla-venkasse* into ‘national’ insurance organizations. Sweden also took a national approach with the foundation of the Swedish Convoy Office that secured maritime traffic to southern Europe and organized the ransoming of Swedish captives. Almsgiving formed the most important source of income besides fees from licenses.¹⁰ In the Dutch Republic, some 43 seamen’s funds (*Zeevarende Beurzen*) had also been established in Holland and Zeeland to cover the risk of seafaring. The funds had initially been dedicated to ransom sailors held in Dunkirk captivity. Once the Spanish Netherlands put a halt to Dunkirk privateering with the Treaty of Munster (1648), the *Zeevarende Beurzen* covered captives held in the Mediterranean.¹¹ The establishment of insurance funds in northwest Europe reveal that states and towns valued life and property against

8 A. P. van Vliet, Vissers en Kapers. De zeevisserij vanuit het Maasmondgebied en de Duinkerker kapers (c. 1580–1648), The Hague 1994, 101–105.

9 Kaiser, Introduction, 2008, 1–14; Sadok Boubaker, Réseaux et techniques de rachat des captifs de la course à Tunis au XVIIe siècle, in: Kaiser, Commerce, 2008, 25–46; Daniel Vitkus, Unkind Dealings. English Captivity Narratives, Commercial Transformation, and the Economy of Unfree Labor in the Early Modern Period, in: Mario Klarer (ed.), Piracy and Captivity in the Mediterranean, 1550–1810, Abingdon/New York, NY 2019, 56–75.

10 Ressel, The North European Way, 2010, 130–131; Joachim Östlund, Swedes in Barbary Captivity. The Political Culture of ‘Human Security’, ca. 1660–1760, in: Historical Social Research 35/4 (2010), 148–163, 155.

11 In addition, three small towns in Holland and Friesland established modest funds specifically for ‘Barbary’ captivity. Erica Heinsen-Roach, The Reluctant State. The Dutch Republic and the Ransoming of Captives, 1600–1727, in: Dutch Crossing. Journal of Low Countries Studies 40/3 (2016), 168–186.

the risk of maritime enterprises in the Mediterranean. However, the Dutch insurance funds never collected enough to pay the enormous sums needed to emancipate slaves. Captives and their families came to rely on civic and ecclesiastical institutions to help them financially. Their requests, as we shall see next, reveal the interplay between expectations and duties in the struggle to become free.

2. The right to freedom

The majority of Dutch captives originated from the maritime provinces Holland and Zeeland, and a smaller percentage from the other provinces in the Republic. They were almost all mariners, with the exception of the occasional men, women, and children who had booked passage on ships and were also caught in the maelstrom of human trafficking. The immediate loss of income in addition to the need to raise ransom proved an insurmountable burden on families left behind and threatened to undermine the social stability of maritime communities. The imminent threat of poverty prompted families to turn to local parishes for financial aid and turned redemption into poor relief. Like elsewhere in Europe, almsgiving became a mainstay in collecting ransom to keep households afloat and to raise ransom. Families also relied on civic authorities to hold collections in- and outside their communities. Over the course of the seventeenth century, they pleaded, petitioned, and urged authorities to intervene on their behalf.¹²

Of all the documents written by Dutch officials, none used the word ‘right’ to motivate a captive’s release. Yet, the countless efforts to help enslaved sailors signal that the ransoming of captives was self-evident: captives had a right to be freed. This was a negative right, namely to be free of shackles in a world where unfreedom, in the form of slavery, was common and accepted; except when it concerned the captivity and slavery of fellow community members.¹³ In the period 1609–1692, local and state authorities frequently produced slave lists. These lists are valuable sources as they provide information about captives and the circumstances of their bond-

12 On the role of women in redemption, see Erica Heinsen-Roach, *A Communal Affair. Women, Captivity, and Redemption in the Seventeenth-Century Mediterranean*, in: *Early Modern Women. An Interdisciplinary Journal* 14/1 (2019), 3–24. On the French and British see Gillian Weiss, *Humble Petitioners and Able Contractors. French Women as Intermediaries in the Redemption of Captives*, in: *Kaiser, Commerce*, 2008, 333–344, 334; Nabil Matar, *Britain and Barbary, 1589–1689*, Gainesville, FL 2005, 76–92.

13 Other negative liberties included free trade, freedom of conscience, and freedom of the press that by the end of the seventeenth century applied to private enterprise. Michael McKeon, *Historicizing the Enlightenment. Politics, Religion, Economy, and Society in Britain*, vol. 1, Lewisburg, PA 2023, 65–71.

age. Details often include a mixture of the name of the captive, age, profession, place of origin, name of vessel seized, year of captivity, and the ransom sum. The institutions responsible for compiling the lists reveal the social-legal status of captives and, implicitly, their entitlement to being freed.

The States of Friesland, a province in the north of the Low Countries counted eleven towns and thirty *grietenijen*, middle-tier administrative and jurisdictional districts presided over by a *grietman*, in which the parish was the smallest unit.¹⁴ In 1612/13, the States of Friesland requested an inventory of those detained in Algiers and Tunis. Three towns and five *grietenijen* responded. The *grietmannen* listed captives as ‘persons’. The towns of Harlingen, Dokkum, and Bolsward also registered captives as ‘persons’ rather than citizens (*poorters* or *burgers* in Dutch), residents, or foreigners.¹⁵ A similar administrative-jurisdictional structure existed in West-Friesland. This region in the north of Holland provided a large number of maritime personnel from towns such as Hoorn, but also from smaller communities including Hoogwoud, Abbeker, and Spanbroek. Here, too, captives were often referred to by name or as persons.¹⁶ ‘Person’ was thus the common denominator in many of the lists compiled throughout the seventeenth century. The term had no legal meaning; it referred to an individual human being that merited moral worth.¹⁷

Occasionally captives were listed as citizens. Gerrit Arissen Gent and Evert Willemsz from Zwaag were listed as *poorters* and Pieter Cornelisz from Opmeer as “*burger* and *poorter*”.¹⁸ The number of captured sailors that enjoyed citizenship was low. Citizenship in early modern urban society was the most coveted status one could aspire to as it offered social standing and many advantages, such as holding public office or being exempt from paying taxes. Social security was also critical. In Amsterdam, for instance, only citizens’ orphans could be placed in the city’s orphanage and in case of death, a widow would receive a modest sum. But citizenship was a privilege and the conditions to acquire it – through birth, marriage, purchase,

14 J. A. Faber, *Drie Eeuwen Friesland. Economische en Social Ontwikkelingen van 1500 tot 1800*, Leeuwarden 1973, 18.

15 Slave lists from 2, 8, 17, 21 and 27 Dec. 1612; 4 and 5 Jan. 1613, Tresoar, Fries Historisch en Letterkundig Centrum [hereafter TR], 5/2694.

16 These include the reciprocity documents from the Westfries Archief [hereafter WFA], 689/353. Other samples include notary records from Monnikendam, 25 July 1654 and Edam, 8 Aug. 1639 in Noord Hollands Archief [hereafter NHA], 154/28.

17 Antonia LoLordo, *Persons in Seventeenth- and Eighteenth-Century British Philosophy*, in: Antonia LoLordo (ed.), *Persons. A History*, Oxford 2019, 154–181, doi: 10.1093/oso/9780190634384.003.0007. Udo Thiel, *The Concept of a Person in Eighteenth-Century German Philosophy. Leibniz – Wolff – Kant*, in: LoLordo, *Persons*, 2019, 187–231, doi: 10.1093/oso/9780190634384.003.0009.

18 Request of reciprocity from Opmeer to Zwaag, 29 Dec. 1657, WFA 689/353.

or gift – often proved an obstacle for common sailors.¹⁹ Most likely, they had no sufficient means to purchase citizenship or, as many migrated from outside of town, obtain it through birth. Still, in 1649, seafarers, soldiers, and wage labourers constituted 15 per cent of those who purchased citizenship in Amsterdam and 19.5 per cent of those who obtained citizenship through marriage.²⁰ As rules and regulations changed, so did opportunities to acquire citizenship, however brief or small they may have been. In the 1680s, Amsterdam reported a list of redeemed slaves. Most were listed as residents in Amsterdam and a few other towns. Thirteen men were reported as “married in Amsterdam”, suggesting citizenship through marriage.²¹ In short, the slave lists suggest that in theory all captives – irrespective of their social-legal status within the civic community – were entitled to their freedom.

The documents did not record the religious confessions of Dutch slaves, because captivity in Islamic hands nullified any need to distinguish between Protestants and Catholics. By definition, the Christian identity justified the need to ransom a captive. Fear of corruption of the soul through conversion to Islam was a reality, and for that reason alone captives had to return to ‘Christian land’ as soon as possible.²² In southern Europe, redemptive orders had been established with the specific task of liberating Catholic captives from the Islamic Mediterranean. They maintained lists of names to facilitate collections in Europe before friars travelled to the Maghrib to ransom the captives. In northwest Europe, parishes also followed up on a civic and spiritual obligation to redeem fellow Christians. Parishes of the Dutch Reformed Church, for instance, kept track of donations and promissory notes on behalf of captured parish members.²³ Their record keeping also confirms the Christian ethic to redeem enslaved sailors.

Spurred by a blend of Christian compassion, civic duties, and economic considerations, local patriarchs responded to families’ requests for aid. Their civic duties partly derived from an oath they took – upon obtaining citizenship – to protect the welfare of the town. In addition, the Dutch Reformed Church supported civic mag-

19 Erika Kuijpers/Maarten Prak, *Burger, ingezetene, vreemdeling. Burgerschap in Amsterdam in de 17e en 18e eeuw*, in Joost Kloek/Karin Tilmans (eds.), *Burger. Een geschiedenis van het begrip ‘burger’ in de Nederlanden van de Middeleeuwen tot de 21e eeuw*, Amsterdam 2002, 113–132, 119, 127. The conditions to acquire citizenship often changed and varied, see Chapter 1 of Maarten Prak, *Citizens without Nations. Urban Citizenship in Europe and the World, c.1000–1789*, Cambridge 2018, 27–49.

20 Kuijpers/Prak, *Burger*, 2002, 129.

21 Two others were reportedly married in Rotterdam and Medemblik. List redeemed slaves, no date (assumedly early 1680s), *Stadsarchief Amsterdam* [hereafter SAA], 5028/499.

22 M. García-Arenal, *Les conversions d’Européens à l’islam dans l’histoire. Esquisse Générale*, in: *Social Compass* 46 (1999), 276–77. See also Eric Dursteler, *Fearing the ‘Turk’ and Feeling the Spirit. Emotion and Conversion in the Early Modern Mediterranean*, in: *Journal of Religious Studies* 39/4 (2015), 499–502.

23 See for instance the slave list of the Trinidadian Order, 1719, 1720, WFA 215/182.

istrates in return for promoting the faith. Since prominent citizens often served in church councils and civic government simultaneously, the governing of institutions of charity blended ecclesiastical and secular interests.²⁴ Thus, the mayors of Purmerend explained they could not refuse the request of Heijndrick Jerenimusz Kootwijck to help him transfer the ransom he had collected for his son Gerrit Heijndricksz – held captive in Tunis – as this concerned “such a Christian affair”.²⁵

Most frequently local magistracies gave families permission to hold collections. Between 1657 to 1723, captives’ relatives in North Holland, including their wives, made at least 35 such requests. Magistrates wrote the petitions on behalf of the captives and their families to nearby communities, offering the addressee the same permission should their members have to be ransomed. The reciprocity of the favours between Schellinkhout, Westwoude, and other villages, towns, and *grietenijen* show a great degree of solidarity, not only between commoners and mayors but also among the communities in the region.²⁶ In Flushing (province of Zeeland), women and housewives also requested the authorities for permission to collect ransom. The authorities consented and established an extensive procedure to prevent fraud.²⁷ Deacons – those responsible for poor relief in each parish – oversaw almsgiving. In this way, they either supported captives upon return, such as the ransomed Jan Dekker from Zwaag, or helped raise ransom for individual or small groups of captives.²⁸ In a few instances, aid came with a stern warning. In 1621 women and relatives asked the town of Schiedam for money. The magistrates agreed, but not without complaining that the petitioners should not burden the town again with financial requests.²⁹

Thus, throughout the seventeenth century, civic and ecclesiastical leaders ordered collections in churches and door-to-door, donated or advanced ransom, allowed non-residents to collect money within their jurisdiction, and enlisted merchants to travel to the Mediterranean to oversee the release of captives. As a result, a tacit social contract emerged between captives entitled to seek their freedom, on the one

24 Manon van der Heijden, *Civic Duty. Public Services in the Early Modern Low Countries*, Newcastle 2012, 40, 138; A. Th. van Deursen, *Bavianen en Slijkgeuzen. Kerk en kerkvolk ten tijde van Maurits en Oldenbarnevelt*, Assen 1974, 13, 21, 30.

25 Record magistracy Purmerend, 14 Aug. 1641, NHA 154/28.

26 Collection of documents of reciprocity between Hoogkarspel, Zwaag, Opmeer, Alkmaar, Wijdenes, Oosterleek, Nibbixwoud, Hoorn, Lutjebroek, and others, 1657–1723, WFA 689/353.

27 Collections, 25 Sept. 1687, Zeeuws Archief [hereafter ZA], 87/4b.

28 Piet Boon, *Een Westfriese zeeman als slaaf in Barbarije. Verslag van de belevenissen van Jan Cornelisz Dekker in Marokko, 1715–1743. Met een inleiding van Piet Boon*, Schoorl 1987, 36, 39. For church collections, see Church Book Twisk, 13 April 1664, WFA 957/1; Church Book Parish, Binnenwijsendt and Westwoude, 1655, 1656, WFA 119/1; Petition housewives, 23 April 1651, and response Remonstrant Church, 23 April 1651, Stadsarchief Rotterdam [hereafter SAR], 1.01/2838.

29 Klaas Heeringa, *Bronnen tot de Geschiedenis van den Levantschen Handel, 1590–1726*, [hereafter BGLH], 2 GS 10, 850–851.

hand, and magistrates and ecclesiastical authorities acknowledging captives' rights, on the other. As long as there was capital available to ransom them, all captives – as members of the civic-Christian community – could expect to be freed. Once funds were lacking, however, their rights could not be granted and their social-legal status became an important asset as we shall see next.

3. "A fatherly sigh"

The question of the right to be liberated played out differently on a national level than in local communities. Hardly any documentation survives that reveals direct contact between captives, families, and provincial authorities, let alone with representatives of the States General or the Prince of Orange. One petition from 1615 is an exception. Five skippers detained in Algiers expressed a combination of confidence and despair about being ransomed by the highest authorities in the Republic: "Each year we *expect* [italics mine] our redemption with aid from your Honourables," that is, the Prince of Orange and the States of Holland, Zeeland, and Westfriesland. To underscore their misery, they detailed how they were displayed at slave markets for days in a row and treated as "beasts".³⁰ Yet, the States General did not intend to ransom them. In 1612 the Ottoman sultan had bestowed upon the Dutch the capitulations that stipulated the free release of Dutch captives. The regents in The Hague instructed its diplomats in the Maghrib to demand captives' gratis emancipation accordingly, without success. The Maghribi polities were only willing to return a few old and sick slaves. They were not going to deviate from this practice as ransoming was the norm and highly profitable.³¹ Most likely, the skippers – in addition to 47 mariners listed in the petition – were not ransomed at the time of their writing. Yet, the tone of their letter shows that they expected the authorities to intervene regardless.

Dutch diplomats on the spot, ship captains, and others directly involved in the Mediterranean trade and in frequent contact with slaves also reminded the regents of their duty to liberate slaves. Their vocabulary echoed patriarchal norms. In 1612 Ambassador Haga in Istanbul hoped that the redemption of Dutch slaves from Tunis would be facilitated by the "fatherly concerns of Your High Mighty Honourables".³²

30 Petition Captives to the States of Holland, Zeeland, and Westfriesland and the Prince of Orange, Algiers, 18 July 1615, Nationaal Archief [hereafter NA], 1.01.04/6889.

31 See Chapter 2 of Erica Heinsen-Roach, *Consuls and Captives. Dutch-North African Diplomacy in the Early Modern Mediterranean*, Rochester, NY 2019, 37–56.

32 'Ick hope, hoe de saecke soude mogen gaen, dat bij dese middel door de vaderlijcke sorge van U.H.M.E. ende mijne schuldige devoiren de verlossinge volgen sal.' ['I hope, however the Case Go, that by this Means, through the Fatherly Care of Your Majesty's Excellency and My Guilty Deviations,

Similarly, in 1631 the directors of the Directorate of the Levant Trade and Navigation addressed regents as the “fathers of the fatherland” and urged them to apply “fatherly care” in imposing order on the continuous captivity of sailors and the confiscation of goods.³³ Over the course of the seventeenth century, the language remained the same. In 1684 Consul Christoffel Matthias, concerned with the transportation of Dutch captives between North African slave markets, pressed for intervention, knowing that the regents with a “fatherly sigh” always took to heart the cause of captives.³⁴ The Dutch representatives around the Mediterranean thus reiterated the need for redemption by appealing to regents’ patriarchal duty to aid sailors in need.

The call for patriarchal intervention reflects the reluctance with which the regents acted. The term “fathers of the fatherland” in seventeenth-century Dutch society was ambiguous. The political union of the seven provinces in the northern Low Countries did not evoke socio-economic solidarity or cultural sensibilities, especially when the province of Holland dictated the policies of the States General. The term ‘fatherland’ often applied to just Holland, where ruling patriarchs and merchant capitalists – more likely than not the same people – invested in protecting their mercantile interests in overseas expansion in particular. The return on investments in companies such as the East India Company generated enormous wealth and secured positions of power for the male heads of families and their offspring. Simultaneously holding political office and steering the East and West India Companies allowed them to possess resources that could be reinvested. Dutch state policies to safeguard private capital sustained the immense growth of their wealth. The control over public offices and corporations thus formed a patrimonial system that allowed regents to wield power over the Dutch state and at the same time turned them into father figures.³⁵

The relationship between the patrimonial system, private capital, and public finances helps explain how the financial implications of redemption impacted the unwritten right of captives to be liberated. Public finances, in comparison to private capital, were lacking. The Dutch taxation system was decentralized, mirror-

Redemption Will Follow’]. Letter Ambassador Haga to States General, Constantinople, 24 Aug. 1612, NA 1.01.04/6888.

33 Letter Directorate Levant Company to the States General, March 1631, BGLH 2, GS 10, 1051–1052.

34 Consul Christoffel Matthias to States General, Algiers, 4 May 1684, NA 3.01.18/382. Consul Smits-Heppendorp in Morocco addressed the mayors of Amsterdam in 1695 as ‘the courteous regents and fathers of my famous birth town’. The Hague, 17 Nov. 1695, SAA 5027/244.

35 On the patrimonial system, see Julia Adams, *The Familial State. Ruling Families and Merchant Capitalism in Early Modern Europe*, Ithaca, NY 2005, 3–4. On governmental policies that facilitated the accumulation of private capital and economic growth in times of war, see Marjolein ‘t Hart, *The Dutch Wars of Independence. Warfare and Commerce in the Netherlands, 1570–1680*, London 2014, 1–11; Jan de Vries/Ad van der Woude, *The First Modern Economy. Success, Failure, and Perseverance of the Dutch Economy, 1500–1815*, Cambridge 1997, 713.

ing the political structure of the United Provinces. The seven provinces enjoyed fiscal autonomy, although each contributed to the state budget. Based on a quota system, Holland bore the brunt of 58 per cent. Besides these provincial taxes, the States General also tapped into central revenues (about one per cent), taxes levied in the Generality lands, and custom duties (about ten per cent). These sums proved insufficient to cover expenditures. The States General had to borrow private capital to cover the costs of warfare. Low interest rates and high taxes (used for debt servicing) made public debt manageable, but over the course of the seventeenth century, ongoing wars in Europe and economic stagnation required more private loans. The public debt grew immensely as a result.³⁶ The growing gap between private and public capital partly explains the unwillingness of the States General to pay for captives' release, focusing instead on preventive measures that aimed to safeguard property and trade.³⁷

Reminding regents of their fatherly duties, however, never stopped. Soon after receiving the capitulations in 1612, the States General admitted they had little value in the Sultanate of Morocco and in the autonomously operating Ottoman provinces Algiers and Tunis. Ambassador Cornelis Pijnacker concluded separate treaties with the latter two polities in 1622; none of which stipulated the gratis release of captives. By 1630 some 300 to 400 people lingered in Maghribi captivity partly because the Dutch States General had prohibited Dutch diplomats to ransom them.³⁸ Captives' relatives petitioned the Prince of Orange to send extra ships to retrieve the captives and suggested an exchange of prisoners. Given the details of the petition, an official with extensive knowledge of maritime affairs most likely wrote it.³⁹ It reaffirms the idea that captives and their families, as well as local officials, expected the highest authorities to intervene on their behalf. During the 1640s, pressure from diplomats and in particular the synods of the Dutch Reformed Church were critical in changing the position of the States General. Representatives of the synods reminded regents of their Christian duty to liberate slaves and the financial burdens on local parishes. With the Treaty of Münster (1648), Dutch trade in the Mediterranean expanded rapidly and so did the number of captives held in North Africa. Thus, in 1651 the States General consented for the first time to ransom captives in a treaty with Salé, a self-proclaimed independent republic on Morocco's west coast. Another

36 Marjolein 't Hart/Joost Jonker/Jan Luiten van Zanden, Introduction, in: Marjolein 't Hart/Joost Jonker/Jan Luiten van Zanden (eds.), *A Financial History of the Netherlands*, Cambridge 2010, 1–10, 8; De Vries/Van der Woude, *Economy*, 1997, 100–129.

37 The admiralties, for instance, instructed merchant vessels to arm themselves. They also assembled fleets to convoy merchant ships to the Mediterranean. Heinsen-Roach, *Consuls*, 2019, 65, 104, 106.

38 *Ibid.* 49, 53.

39 Petition to Prince of Orange, about 1619, NA 1.01.04/6895.

treaty with Salé (1657/1668) and agreements with Algiers (1662, 1679/1680) followed with similar stipulations. Regents' motivations were not entirely altruistic. They still believed that redemption was a private affair, but consented reluctantly as the same treaties also promised the normalization of trade relations and the security of the Dutch merchant fleet.⁴⁰

The contractual nature of ransoming slaves, that is, in international treaties, is a key development in understanding the rights of individuals. Again, the term 'right' did not appear in the text, but the implications were clear. Slave-owners considered captives commodities and slaves personal property; ransomers did not and purchased captives' freedom even if, in doing so, they sustained the system of booty slavery. After the 1651 treaty with Salé, the regents followed up on their legal obligations as well as their Christian and civic duties to ransom captives (within three months) and return them to a state of liberty. The Admiralty of Amsterdam called for a general collection.⁴¹ Rotterdam became particularly invested in the project. A few years earlier, the vessel *De Calckbrander*, setting sail from Rotterdam, had been seized by Salese corsairs and its crew enslaved. A report from February 1651 listed 48 sailors captured. They had departed from Rotterdam and originated from Enkhuizen, Edam, Rotterdam and Amsterdam in Holland, St. Malo in France, and Augsburg in Germany; two came from England. Some disappeared to Algiers, others had converted to Islam or passed away. By June, reports listed 22 ransomed captives; almost all crew members of *De Calckbrander*.⁴² Given the short time to collect ransom, preference was most likely given to the Dutch captives. The results were disappointing in that not all slaves could be emancipated. Still, the States General bore the political responsibility in safeguarding the liberty of individual captives by following up with a general collection in the Republic.

The lack of private and public funds continuously forced authorities to make choices. This, however, did not lead to the inevitable question: who had the right to be liberated, but: who had the right to be liberated *first*? The distinction between citizen, resident, and foreigner became pressing during the collections in 1681. The States General had consented to ransom an estimated 400 Dutch and 166 foreign

40 Art.1 of Dutch-Salese treaty, 1651, in: Cornelis Cau/Simon van Leeuwen/Jacobus Scheltus (eds.), *Groot Placaet Boeck* [hereafter GPB], 5 vols., The Hague 1651–1725, vol. 1, 129; Art. 5 of Dutch-Algerian treaty, 1662, GPB 4, 293. For an explanation of how these treaties materialized, see Chapter 5 in Heinsen-Roach, *Consuls*, 2019, 99–117, 104.

41 Placard Admiralties of Amsterdam, 5 April 1651, SAR 1.01.

42 List of slaves held in Salé by Isaac Saportas, 11 Feb. 1651, SAR 1.01/2838; List of redeemed slaves, 5 June 1651, SAR 1.01/2838. The Sephardic merchant Henrique d'Azevedo mediated on behalf of the city of Rotterdam. Letter Henrique d'Azevedo to Magistrate Rotterdam, Amsterdam, 7 May 1651, SAR 1.01/2838.

slaves.⁴³ The *Gecommitteerde Raden* (a standing committee) of the States of Holland supervised the collection in Holland and could also count on the States of Overijssel, Zeeland, and the Generality Lands to participate. Groningen, Utrecht, Friesland, and Gelre did not cooperate. They considered redemption a problem of Holland and Zeeland as the great majority of captives originated from those provinces, not theirs.⁴⁴ By 1682 the committee had gathered 112,807 guilders from private and public sources. These consisted of collections held in towns and villages (even if they had no captured persons) and private donations from the Almshouse in Amsterdam, the Prince of Orange, the Directors of the *Levant Trade and Navigation*, and well-to-do families in Amsterdam. It also included sums that had (previously) been collected or promised for individual captives as well as money from both Holland's treasury and the Admiralty of Amsterdam. The remainder of a ransoming expedition in 1662 was also added.⁴⁵

Anticipating a discrepancy between the total amount collected and the number of captives to be ransomed, the committee had to select which captives received priority. The *Raden* chose to give Dutch subjects precedence over foreign captives. Of these 'nationals', captives from Holland – either born, residing, or sailing from that province – could count on being ransomed first. Within Holland, towns and villages could use the collected ransom for their own captives. Some towns had collected a surplus amount, but others ended up with a shortage and had to indicate the order in which their captives had to be ransomed. In case relatives had managed to collect ransom for individual captives, those sums would be set aside regardless of the captive's formal legal status or place or origin.⁴⁶ The measures taken, the selection of slaves for redemption in particular, illustrate the tension between the lack of public funding and the need to ransom captives.

Ambassador Thomas Hees ransomed slaves twice. His first trip was on behalf of the States General to honour the stipulations in the 1679 treaty with Algiers. Despite the careful preparations, he could not abide by the priorities the *Raden* had set. Once he set foot in the Maghrib, market principles were set into motion. The captors increased the price to somewhere between 125 and 550 pieces of eight

43 Ambassador Thomas Hees and Mayor Cornelisz. Witsen expressed their doubts. Report Hees to Magistrates Amsterdam, 17 May 1677, SAA 5027/241; J. F. Gebhard Jr., *Het leven van Mr. Nicolaas Cornelisz. Witsen (1641–1717)*, Utrecht 1882, Appendix, 16–18; Gerard van Krieken, *Kapers en kooplieden. De betrekkingen tussen Algiers en Nederland, 1604–1830*, Amsterdam 1999, 43–44.

44 Resolution States of Holland, 25 Sept. 1681, NA 3.01.18/380. Call for collection States of Zeeland, 6 Dec. 1681, ZA 87/4b; Krieken, *Kapers*, 1999, 52. The Generality Lands consisted of regions in the south of the United Provinces directly governed by the States General.

45 Accounts David de Wilhelm, n.d., SAA 5028/499, fol. 3. For a detailed discussion of the proceedings, see Heinsen-Roach, *State*, 2016.

46 Resolution States of Holland, 25 Sep. 1681, NA 3.01.18/380; Resolution States of Holland, 25 March 1682, NA 3.01.18/380.

per captive and Hees had to pay an additional five per cent over the agreed ransom sum. Furthermore, numerous slaves had died because of an outbreak of the plague, but the number of captives had nonetheless increased as corsairs from Salé had sold Dutch captives in Algiers, and Hees had to agree to buy the additional slaves in order to ransom the others. In February 1683, he returned to the Dutch Republic with 176 slaves, including captives from Groningen and abroad, but could not ransom 37 slaves from Gelderland, South Holland (including 14 from Amsterdam), North Holland, Friesland, Groningen, and Zeeland.⁴⁷ The States General considered the chapter closed. It had fulfilled its legal obligations and handed the question of redemption back to localities.

The magistrates in Amsterdam established the Barbary Committee in 1684 to facilitate the ransoming of captives from Amsterdam still held in Tunis, Tripoli, and Salé. Based on slave books and witness accounts that testified to a person's captivity, the Committee permitted only those from Amsterdam to collect ransom, excluding foreigners and those who had departed from another city. In this way, the committee gathered funds from private donations, private insurance, and public collections. For those captives whose families could not provide sufficient funds, chances to be released depended on luck: relatives had to draw lots.⁴⁸ In February 1685, Ambassador Hees returned to North Africa with, yet again, insufficient funds to ransom every captive. A civil war in Tunis caused an undesired outcome. Hampered by war, Hees could only negotiate the release of ten captives from Holland and had to leave other captives from Holland and Zeeland behind. He returned with ransom unused and deposited it with the treasury of Amsterdam.⁴⁹ The struggle to fulfil moral obligations to redeem slaves in the face of monetary shortages continued. The remainder of Hees' available ransom remained in the hands of Amsterdam; towns in the north of Holland had to find other ways to ransom their captives, including the organization of lotteries.⁵⁰ In short, the distribution of ransom sums in the Dutch Republic illustrate that rights of captives were locally determined, exclusive in practice, and subject to market principles.

47 Debit and credit of redemption, n.d., SAA 5028/499, fol. 3; printed list, 1683, SA 5028/499, fol. 3; letter of Hees, Algiers, 21 Nov. 1682, SAA 5027/241.

48 Report on Insurances, 24 and 30 Nov. 1684; Notification, probably from 4 Dec. 1684, SA 343/646; Report Barbary Committee, 7, 9, and 12 Dec. 1684, Amsterdam, SAA 343/646; Journal, 12 Dec. 1684, SA 343/646; Notary records, April 1683–Dec. 1684, SAA 5028/499; Receipt Hees, 13 Dec. 1684, SAA 343/646.

49 Report Barbary Committee, 12 Dec. 1684; Report 10 Oct. 1685, SAA 343/646; Krieken, Kapers, 1999, 54.

50 C. J. den Ridder, Gedenk de gevangenen alsof gij medegevangenen wart. De loskoop van Hollandse zeelieden uit Barbarijse gevangenschap, 1600–1746, in: Tijdschrift voor Zeegeschiedenis 5 (1986), 3–33, 8, 10–12; Marco H. D. van Leeuwen, Zoeken naar Zekerheid. Risico's, preventie, verzekeringen en andere zekerheidsregelingen in Nederland, 1500–2000, vol. 1. De Rijke Republiek. Gilden, assuradeurs en armenzorg, 1500–1800, The Hague 2000, 231.

4. Conclusion

An analysis of the relationship between redemption and rights in the seventeenth-century Dutch Republic offers a small window into the nature of human rights and how this related to political participation in the early modern period. In the civic-political context of the seventeenth-century Dutch Republic, the rights under discussion were negative rights, namely to be freed from bondage. Magistrates of towns, *grienerijen*, and parishes endorsed captives' rights to be freed as they assumed their role as patriarchs and made great efforts to ransom individual captives. Their political capital allowed them to assist families in the jurisdictional, financial, and logistic aspects of redemption as the latter called for and expected their aid. This dynamic between the captives' families and local patriarchs formed a tacit social contract motivated by socio-economic and religious concerns. In other words, an examination of redemptive practices in the seventeenth century shows that human rights were not necessarily a modern phenomenon or solely apparent in early modern theoretical treatises, most notably natural law theory. Rather, ordinary seventeenth-century European people exercised them in real life, a process that reveals rights were not just part of abstract thought, but practised and interwoven in the socio-economic and religious fabric of Dutch society.

To use the vocabulary of Lynn Hunt, the rights under consideration here might not have been declared (as happened during the revolutions), but were self-evident. The direct involvement of political institutions, that is, a blend of civic and ecclesiastical leadership, in supporting captives and their families underscores the interdependency between enforcing rights and political participation. This was not an easy relationship. The mutual understanding that all captives were entitled to their freedom was set off by the large sums needed to realize their release as well as the reluctant position regents assumed on the national level. Regents showed little inclination to be financially responsible for the ransoming of captives and considered redemption a private affair; that is, to be funded on the local level. Only on three occasions during the second half of the seventeenth century did regents use their political clout in international relations when they consented to ransom large groups of slaves in treaties with Salé and Algiers. In these instances, the exorbitant ransom sums raised the question of how to pay for redemption. The selection of slaves based on national identity and provincial residence illustrates the tension between the unequal distribution of political capital and the moral obligation to redeem slaves. In the end, the patriarchal establishment acknowledged that every sailor, including the proverbial cabin boy, was entitled to his freedom, but as this right was costly and therefore exclusive, the social contract remained mostly a local affair. The fate

of the captives thus reveals not only the existence of rights and the need for political participation to make them work but also that this relationship could be fraudulent and complex.