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DOI:

[10.1177/08438714231153693](https://doi.org/10.1177/08438714231153693)

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*Document Version*

Publisher's PDF, also known as Version of record

*Citation for published version (Harvard):*

Jopling, NT 2023, 'The Jamaica discipline and the epochal nature of English Atlantic privateering and piracy, 1660–1726', *International Journal of Maritime History*, pp. 1-16. <https://doi.org/10.1177/08438714231153693>

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# The Jamaica discipline and the epochal nature of English Atlantic privateering and piracy, 1660–1726

International Journal of Maritime  
History  
1–16

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## Abstract

The idea of the ‘Jamaica discipline’ suggests that all Anglo-American privateering and pirate groups operating between 1660 and 1726 were linked via a common set of ideas, such as democracy and an aversion to Caribbean elites. The idea has been influential in shaping both scholarly and popular perceptions of seventeenth-century privateers and eighteenth-century pirates. This article argues that the Jamaica discipline is not applicable to seventeenth-century privateers, but rather creates a fundamental misunderstanding of them. Seventeenth-century privateers were not as unified as the idea of them having a discipline suggests. They were not nearly as radical as the discipline posits, yet they did have a set of social norms that developed over the period. The article suggests that the notion of a ‘discipline’ that united pirates and privateers across the 1660–1726 period should be jettisoned, as it oversimplifies the complexities that dictated the presence of different social norms in the period.

## Keywords

Atlantic, Caribbean, Jamaica discipline, piracy, privateering

## Introduction

In 1726, Captain George Shelvocke published a book about his privateering voyage in the Pacific Ocean against the Spanish. In the book, Shelvocke detailed his removal as captain in favour of a Mr Morphey after his ship, the *Speedwell*, was wrecked. He stated that the men ‘assembled ... to consult together’ and ‘formed a new regulation and new articles’

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for the ship's crew to be governed by.<sup>1</sup> Mr Morpew declared that Shelvocke's command was 'too lofty and arbitrary for a private ship' and that Shelvocke 'should have continued in men of war, where people were obliged quietly to bear all hardships imposed upon them'.<sup>2</sup> The men had organized themselves 'according to the Jamaica discipline'.<sup>3</sup>

The Anglo-American Golden Age of Piracy (*circa* 1660–1725) has been considered a period of continuity by some maritime scholars. This stems from the supposed centrality of the 'Jamaica discipline' to seafarers' operations over the period, with historians like Peter Linebaugh and Marcus Rediker arguing that the discipline constituted seamen building 'a tradition of their own'.<sup>4</sup> The discipline centred around the supposed democratic control the crew had over the captain, the division of plunder, and a collective dislike of the authority figures within Anglo-American imperial society. For historians like Linebaugh, Rediker, Kris Lane and Martin Parker, because seventeenth-century privateers and eighteenth-century pirate groups shared similar characteristics, this evidences a homogenous and fraternal 'society' existing between 1660 and 1725, with Linebaugh and Rediker arguing that 'the struggle waged by sailors of the revolutionary era ... took autonomous shape among the buccaneers in America'.<sup>5</sup> This view has become common, with the notion that pirates and privateers were egalitarian and anti-authority being prevalent in the scholarship, especially within scholarship outside of the traditional discipline of history, which means the idea has permeated other disciplines to the detriment, as argued below, of understanding piracy comprehensively.<sup>6</sup>

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1. George Shelvocke, *A voyage round the world by the way of the great South Sea, perform'd in the years 1719, 20, 21, 22, in the Speedwell of London, of 24 Guns and 100 Men, (under His Majesty's Commission to cruize on the Spaniards in the late War with the Spanish Crown) till she was cast away on the Island of Juan Fernandes, in May 1720; and afterwards continu'd in the Recovery, the Jesus Maria and Sacra Familia, & c. By Capt. George Shelvocke, Commander of the Speedwell, Recovery, & c. in this Expedition* (London, 1726), 218.
  2. Shelvocke, *A voyage*, 219. Shelvocke had been a naval officer before a privateer, so expected naval standards whilst captaining the *Speedwell*.
  3. Shelvocke, *A voyage*, 219.
  4. Quotes: Peter Linebaugh and Marcus Rediker, *The Many Headed Hydra: Sailors, Slaves, Commoners and the Hidden History of the Revolutionary Atlantic* (Boston, MA, 2000), 157–8; See also: Marcus Rediker, *Villains of All Nations: Atlantic Pirates in the Golden Age* (London, 2012), 62; Marcus Rediker, *Between the Devil and the Deep Blue Sea: Merchant Seamen, Pirates, and the Anglo-American Maritime World, 1700–1750* (Cambridge, 1987).
  5. Linebaugh and Rediker, *The Many Headed Hydra*, 57. See also Kris Lane, *Pillaging the Empire: Piracy in the Americas, 1500–1750* (Boston, MA, 2000), 158; Martin Parker, 'Pirates, Merchants and Anarchists: Representations of International Business', *Management and Organizational History*, 4, No. 2 (2009), 167–85.
  6. Peter Leeson, 'An-arrgh-chy: The Law and Economics of Pirate Organization', *Journal of Political Economy*, 115, No. 6 (2007), 1049–94; David Featherstone, *Resistance, Space and Political Identities* (Hoboken, NJ, 2011); Gabriel Paquette, *The European Seaborne Empires: From the Thirty Years' War to the Age of Revolutions* (New Haven, CT, 2019), 181; Sally Delgado, *Ship's English: Sailor's Speech in the Early Colonial Caribbean* (Berlin, 2019), 86; Alexandra Ganser, *Crisis and Legitimacy in Atlantic American Narratives of Piracy, 1678–1865* (Cham, 2020), 38. Specifically on the creation of shipboard

This article questions the continuity, homogeneity and fraternity that Linebaugh, Rediker and Lane attribute to pirate ‘society’ by demonstrating the sheer amount of fragmentation that is evident between different pirate groups across the period. Other historians have raised this as a point of concern. Whilst reviewing Lane’s *Pillaging the Empire*, David Starkey argues that the Jamaica discipline should not blind historians to the core differences between seventeenth-century buccaneers and eighteenth-century pirates.<sup>7</sup> Scholars have made inroads into accounting for the separation of buccaneers and pirates into distinct epochs in recent years.<sup>8</sup> This article firmly agrees with the ideas posed by historians like Mark Hanna and N. A. M. Rodger, but goes further than questioning the place of the Jamaica discipline in the understanding of Anglo-American piracy.<sup>9</sup> The article shows that there was fragmentation between the seventeenth-century buccaneers and privateers, and the eighteenth-century pirates. This fragmentation means that there is little convincing evidence that a shared, universal ‘discipline’ among privateer crews existed. Whilst some elements of democracy, anti-authoritarianism and egalitarianism are demonstrable, they do not add up to a coherent, universally accepted ‘discipline’. The absence of convincing evidence means that historians need to jettison the discipline idea completely from histories of piracy, as it simply obscures more than it reveals.

## The Jamaica discipline

The Jamaica discipline, according to Linebaugh and Rediker, was ‘a distinctive conception of justice and a class hostility toward shipmasters, owners, and gentlemen adventurers. It also featured democratic controls on authority and provision for the injured’.<sup>10</sup> Linebaugh and Rediker’s ‘discipline’ has three main components: democracy (the election of captains, for example), provision for the injured (money taken out of the total plunder as a quasi-insurance scheme) and a collective dislike of Caribbean elites.<sup>11</sup>

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social order, see Steven Pfaff and Michael Hechter, *The Genesis of Rebellion: Governance, Grievance and Mutiny in the Age of Sail* (Oxford, 2020), 49; Niklas Frykman et al., ‘Mutiny and Maritime Radicalism in the Age of Revolution: An Introduction’, *International Review of Social History*, 58 (2013), 14; Chris Land, ‘Flying the Black Flag: Revolt, Revolution and the Social Organization of Piracy in the “Golden Age”’, *Management and Organizational History*, 2, No. 2 (2007), 169–92.

7. David Starkey, ‘Kris E. Lane. *Pillaging the Empire: Piracy in the Americas 1500–1750*’, *International Journal of Maritime History*, 12, No. 1 (2000), 336. For a further explanation of the difference between the buccaneers and pirates, see Peter Leeson, ‘The Calculus of Piratical Consent: The Myth of the Myth of Social Contract’, *Public Choice*, 139, No. 3–4 (2009), 450.
8. N. A. M. Rodger, ‘The Law and Language of Private Naval Warfare’, *Mariner’s Mirror*, 100, No. 1 (2014), 5–16; Mark Hanna, *Pirate Nests and the Rise of the British Empire, 1570–1740* (Chapel Hill, NC, 2015), 1–20.
9. Rodger, ‘Law and Language’; Hanna, *Pirate Nests*
10. Linebaugh and Rediker, *The Many Headed Hydra*, 158.
11. Typically, historians who utilize the Jamaica discipline as a framework for understanding Anglo-American pirates emphasize the democratic nature of the discipline however.

The prime example of this means of government comes from the pirates who formed the Flying Gang, a loose confederation of pirate crews headed by Henry Jennings and Benjamin Hornigold, who established articles that protected the rights of the crews to equal shares of the plunder and ensured that the crews had clear guidelines for behaviour on board ship.<sup>12</sup>

David Wilson has recently established that the Flying Gang was composed primarily of three groups of social outcasts: logwood cutters who had been expelled from their home on the Yucatan Peninsula by the Spanish in 1715; wreckers who had been diving the wrecks of the 1715 Spanish Treasure Fleet; and privateers and pirate hunters who had been employed in 1716 by Jamaica Governor Lord Archibald Hamilton, but who were excluded from Jamaica after Hamilton was charged with corruption by the Jamaican Assembly.<sup>13</sup> These groups combined with sailors who had fallen victim to an oversupplied labour market at the close of the War of Spanish Succession (1702–1714), which caused many commissioned privateers ‘with no prospects on the horizon’ to turn to outright piracy, as legal intercolonial trade became the main stipend for England’s American colonies, not Spanish or East Indian plunder.<sup>14</sup> With these pirates becoming outcasts from colonial society, it makes sense to think that they developed social norms that had a means of unifying them somewhat.<sup>15</sup>

The basis of the Jamaica discipline argument, therefore, is that these social norms were sufficiently solid that by the 1710s they could be labelled a coherent discipline that governed pirate and privateer society. It is fair to highlight that elements of these values can be seen in the preceding periods (as the cases below demonstrate). However, I contend, and demonstrate, that these social norms were not nearly as coherent as the Jamaica discipline argument posits. There were many more differences between different pirate groups operating in the Atlantic in the seventeenth and eighteenth centuries, so much so that to argue that there was a coherent discipline uniting them threatens to simplify the complex contexts that surrounded and dictated the prevalence of privateering and piracy in the period. It is highly likely that, when Shelvocke wrote his book, he invoked the term ‘discipline’ to exaggerate the radicalism of his crew. There are numerous possible reasons for this – for example, to defend his inability to control his crew or to sell more copies of his book through exposing readers to an exciting ideological conflict. The term Jamaica discipline does not appear in any other source from 1660 through to 1726. Also, the term discipline in and of itself connotes ideas of rigorous enforcement

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12. For the formation of the Flying Gang, see Lieutenant Governor Spotswood to Council of Trade and Plantations, 3 July 1716, CO5/1317, No. 45 and 45.I–III, The National Archives (hereafter, TNA), Kew. For discussion of pirate articles, see Edward Theophilus Fox, ‘“Piratical Schemes and Contracts”: Pirate Articles and Their Society, 1660–1730’ (Unpublished PhD thesis, University of Exeter, 2013).

13. David Wilson, *Suppressing Piracy in the Early Eighteenth Century: Pirates, Merchants and British Imperial Authority in the Atlantic and Indian Oceans* (Woodbridge, 2021), 27–60.

14. Quote: Mark Shirk, ‘“Bringing the State Back In” to the Empire Turn: Piracy and the Layered Sovereignty of the Eighteenth Century Atlantic’, *International Studies Review*, 19, No. 2 (2017), 148; Rediker, *Villains of All Nations*, 43–6; Wilson, *Suppressing Piracy*, 17.

15. Leeson, ‘An-*arrgh*-chy’.

and unity, and the existence of some authority that had the capability of enforcing the fundamental tenets of the discipline, which further radicalizes a reader's interpretation of pirate and privateer crews. A discipline that was enforceable and encouraged unity among disparate pirate and privateer groups was certainly not present in the period under study. The following case studies will demonstrate this, before the article considers where the historiography goes with analysing piratical social norms after removing the discipline as a common reference for historians of piracy.

## Buccaneers (1660s–1680s)

The English Caribbean empire between the 1660s and 1670s was formed during a period of war and uncertainty. The latest addition to England's Caribbean empire, Jamaica, was, as Carla Gardina Pestana says, a 'hybrid state', as it was neither a military garrison nor a colony, being entirely dependent on the remnants of Oliver Cromwell's Western Design to populate and operate the island.<sup>16</sup> Geopolitical and economic uncertainty due to war and imperialization brought about an attempt to regulate the empire in a more direct manner, with mercantilist policies growing out of attempts to assert order and legitimacy over colonies as England's aspirations towards a unified empire grew.<sup>17</sup> Examples of the attempts to increase English dominion over the colonies include the establishment of the Council of Plantations in 1670 and the monopolization of the slave trade by the Royal African Company in 1675.<sup>18</sup> However, the English government was unable to provide adequate defences for Jamaica, despite the threat of war being ever present in the Caribbean.<sup>19</sup> It was out of this era of conflict and uncertainty that buccaneers emerged.

Scholars studying buccaneering typically adopt the seventeenth-century Spanish definition of piracy – that all buccaneers in the Caribbean were inherently piratical.<sup>20</sup> John Latimer, for example, claims that buccaneers 'maintained ... a thin veneer of legitimacy which supposedly raised their activities above mere piracy'.<sup>21</sup> Due to this line of thinking,

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16. Carla Gardina Pestana, *The English Conquest of Jamaica: Oliver Cromwell's Bid for Empire* (London, 2017), 215–16; Carla Gardina Pestana, 'State Formation from the Vantage of Early English Jamaica: The Neglect of Edward Doyley', *Journal of British Studies*, 56, No. 3 (2017), 483–505.
  17. Steve Pincus, 'Rethinking Mercantilism: Political Economy, the British Empire, and the Atlantic World in the Seventeenth and Eighteenth Centuries', *William and Mary Quarterly*, 69, No. 1 (2012), 32; Ian Steele, *The English Atlantic, 1675–1740: An Exploration of Communication and Community* (Oxford, 1986), 229; Alison Games, *The Web of Empire: English Cosmopolitans in an Age of Expansion, 1560–1660* (Oxford, 2008); Jonathan Barth, 'Reconstructing Mercantilism: Consensus and Conflict in British Imperial Economy in the Seventeenth and Eighteenth Centuries', *William and Mary Quarterly*, 73, No. 2 (2016), 263–4.
  18. Steele, *English Atlantic*, 230–1; L. H. Roper, *Advancing Empire: English Interests and Overseas Expansion, 1613–1688* (Cambridge, 2017), 220–8.
  19. Carla Gardina Pestana, 'Early English Jamaica without Pirates', *William and Mary Quarterly*, 71, No. 3 (2014), 333; Pestana, 'State Formation'.
  20. Pestana, *English Conquest of Jamaica*, 255.
  21. Jon Latimer, *Buccaneers of the Caribbean: How Piracy Forged an Empire* (Cambridge, MA, 2009), 6.

it is understandable how some scholars assume that the common social norms of the eighteenth-century pirates took hold in the seventeenth century. However, buccaneers fulfilled a specific need in that they provided Jamaica with a defence force and a means of economic stability whilst England remained uncommitted to the colony.<sup>22</sup> In essence, buccaneers became the sole way in which Jamaica could develop as a colony and society without the overt support of Whitehall. Jamaican governors handed out privateering commissions, which legitimated the buccaneers' activities so long as they were targeting the ships of England's enemies. As such, there were more privateers sailing in the Caribbean serving a governmentally sponsored function than there were pirates indiscriminately attacking merchant ships. Privateering became common in Jamaica between 1662 and 1665, the period between England's naval presence around Jamaica diminishing and the Second Anglo-Dutch War breaking out, when Jamaica's maritime defensive capabilities came into question.<sup>23</sup> Whilst semblances of the democratic norms that became common by the 1710s can be observed from the 1660s to the 1680s, these norms were not nearly as strongly felt as in the later periods, bringing into question the coherency of the norms as a whole. Rather, there was a clear disconnect between the social norms of the buccaneers of the 1660s and those of the pirates of the 1710s, as the legitimacy the buccaneers needed to garner to continue their activities meant they had to tie themselves firmly to colonial society, which included avoiding actions that were outright repulsive to English colonists in Jamaica.

Firstly, Anglo-American buccaneers were commissioned as Jamaica's privateers as the Navy's presence diminished from the Caribbean. The main draw for using privateers was that by using men who victualled and armed their ships themselves, they could attack England's enemies 'without putting the King to one penny charge'.<sup>24</sup> However, the legitimacy of privateering activities – especially from the perspective of the English metropole in Whitehall – was consistently questioned in the 1660s and 1670s.<sup>25</sup> As such, Jamaica's privateers had to establish an air of legitimacy. This legitimacy occurred in two ways. To begin with, the buccaneers obeyed the Jamaican governor's instructions to attack enemy targets, or managed to persuade the governor that their desired targets (usually rich Spanish ships and towns) were of strategic value to Jamaica if the privateers were to attack them. For example, as the Second Anglo-Dutch War broke out in 1665, Jamaica's governor, Thomas Modyford, needed to ensure Jamaica's safety, and buccaneers were the simplest (and cheapest) way of doing this. After being notified of the outbreak of war with the Dutch by Lord Arlington, Modyford 'persuaded all [privateers] that were in or near [Port Royal] to undertake against the Dutch at Curacao'.<sup>26</sup> The privateers managed to capture the Dutch islands of Saint Eustatius and Saba from the Dutch but

22. Pestana, 'State Formation'.

23. Pestana, 'Early English Jamaica', 333; Pestana, *English Conquest of Jamaica*, 255; Graham Thomas, *The Buccaneer King: The Story of Captain Henry Morgan* (Barnsley, 2014), 15.

24. Estimate of the charge of setting out 10 small vessels, May 1660, CO1/14 No.4, TNA

25. For a detailed discussion on the back-and-forth between Jamaican officials and Whitehall officials about privateering's role in early Jamaica, see: Hanna, *Pirate Nests*, 102-143

26. Gov. Sir Thos. Modyford to Sec. Sir H. Bennet, 20 February 1665, CO1/19, No. 27 and 27.I, TNA.

failed to attack Curaçao itself.<sup>27</sup> There were inherent problems with relying on a self-sustaining military force in this case. As Colonel Theodore Cary (who led the expedition against Saint Eustatius and Saba) noted, without being able to keep the privateers in check through some military presence like a frigate, ‘little [could] be expected but plunder and destruction’.<sup>28</sup> Cary described how the privateers abandoned the attempt on Curaçao to attack Spanish settlements because of issues over plunder and victuals, both of which could be better gained from the settlements.<sup>29</sup>

However, the privateers consistently persuaded Modyford that attacking Spanish settlements was advantageous to Jamaica, even when the legitimate targets mandated by the metropole were not Spanish – as Henry Morgan’s proposal to attack a Spanish town on Lake Nicaragua tried to do in 1665.<sup>30</sup> This led to the other means by which privateer crews maintained legitimacy: protection from governors. Modyford issued commissions against the Spanish, which stopped the privateers leaving Jamaica to pursue plunder by other more illicit means, thereby leaving Jamaica defenceless.<sup>31</sup> Modyford evidently thought that the risk of antagonizing the Spanish was worth the defensive capabilities the privateers provided for Jamaica whilst the English and Dutch were at war.

There is therefore a contention between the ‘liberty’ Jamaican privateers exerted in attacking whoever they pleased and the fact that privateer crews had to have some sort of deference to the colonial elite to ensure that their activities were protected. Privateers were not anti-authority, as the Jamaica discipline argument posits, and the evidence shows that one eye was always kept on maintaining their legitimacy, meaning overt anti-authoritarianism was not an advisable opinion for them to espouse – at least not openly.

Secondly, when privateers were commissioned by local governors, the name of the captain to whom the commission was granted was stated explicitly on the commission. For example, the commissions of Bartholomew Sharp, John Coxon and Admiral Henry Morgan explicitly stated that these men were the captains of the privateer crews and were to be obeyed.<sup>32</sup> The text of Sharp’s commission said that the governor trusted Sharp’s ‘ability in military affairs’, and that he empowered ‘the said Captain Bartholomew Sharp’, with ‘what men belonging to your said vessel, or that goes under your command’, to fight the enemies disclosed in the commission.<sup>33</sup> Sharp therefore bore ultimate authority over his crew whilst at sea through his control being formally

27. Governor Sir Thos. Modyford to Lord Archingdale (Secretary Lord Arlington), 16 November 1665, CO1/19, No. 127, TNA.

28. Col. Theodore Cary to Duke of Albemarle, 23 August 1665, CO1/19, No. 97 and 97.I–II, TNA.

29. Col. Theodore Cary to Sec. Lord Arlington, November 1665, CO1/19, No. 130 and 130.I, TNA.

30. Governor Sir Thos. Modyford to Duke of Albemarle, 1 March 1666, CO1/20, No. 21, TNA.

31. Governor Sir Thos. Modyford to Duke of Albemarle, 1 March 1666, CO1/20, No. 24 and 24.I–II, TNA.

32. Commission from Sir William Stapleton to Bartholomew Sharp to take and apprehend savage Indians and pirates, 29 January 1684, CO1/54, No. 18, TNA; Sir Thomas Lynch to Lords of Trade and Plantations, 29 August 1682, CO1/49, No. 35.II, TNA; Commission from Sir Thos. Modyford to Admiral Henry Morgan, 2 July 1670, CO1/25, No. 45, TNA.

33. Commission from Sir William Stapleton to Bartholomew Sharp, 29 January 1684.



written down by the governor in his commission. Additionally, we can safely assume that the 1,000 to 2,000 privateers who operated out of or near Jamaica were employed in this manner, given that Governor Modyford retained a draft commission that was addressed to the captain and stated that that particular individual should ‘be captain of all the officers, soldiers, and seamen which now are or hereafter shall be taken aboard the said ship’.<sup>34</sup> There was certainly a democratic social norm among privateer crews operating around Jamaica. When the privateers attacked Saint Eustatius and Saba, they then voted that they would not subsequently attack Curaçao.<sup>35</sup> However, the unlimited democracy that Linebaugh and Rediker suggest was prevalent among the buccaneers was certainly absent. If a captain was elected out of office, the commission was void. The objective of these buccaneers (as outlined above) was to maintain their legitimacy in order to enable them to continue plundering. So, whilst a social norm pertaining to democratic practice was somewhat present within pirate and privateering communities, unchecked democratic power on behalf of the crew was not. Consequently, to argue that there was a coherent discipline uniting the seafarers operating until the 1720s is unconvincing.

Thirdly, as privateers acted as information-gatherers to inform the Jamaican government about local geopolitics and inter-imperial relations, which ultimately dictated which targets the buccaneers were allowed to pillage, open support of social norms that may have discredited the privateers’ reliability – such as anti-authoritarianism and unchecked democratic idealism – was nowhere near as pronounced as it would be by the eighteenth century. As mentioned above, if privateers were unreliable in their actions, they came to be not trusted by authority figures. Thus, if privateers overtly challenged the social norms of English society, it is likely that their information would have been disregarded.

Information-gathering largely centred around monitoring the activities of the Spanish Empire. Information on how English sailors interacted with the Spanish (and the subsequent Spanish reactions) came in varying forms in the 1660s and 1670s, with the main one being depositions from escaped prisoners, such as that of Charles Hadsell, who was captured by Spanish privateers in 1663, or that of Major Samuel Smith, who escaped from the Spanish attack on Providence Island in 1666.<sup>36</sup> These depositions evidenced an anti-English feeling among the Spanish, with Jamaican ships being captured without provocation (as the English saw it) and English sailors being taken prisoner.<sup>37</sup> These depositions came from individual parties or were collated by buccaneers. Thus,

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34. Commission from Governor Modyford to Privateers at Jamaica, 1 March 1666, CO1/20, No. 24.II, TNA.

35. Governor Sir Thos. Modyford to Lord Archingdale, 16 November 1665.

36. Deposition of Charles Hadsell, 29 January 1664, CO1/18, No. 16, TNA; Deposition of Major Samuel Smith, 19 August 1668, CO1/23, No. 42, TNA. Other examples include: Deposition of John Haines, 25 January 1664, CO1/18, No. 13, TNA; Deposition of Henry Wasey, 19 August 1668, CO1/23, No. 43, TNA.

37. Of course, the English had been raiding Spanish shipping before and after England’s conquest of Jamaica (1655), which increased hostilities. See, for example, Capt. Fras. Parke to Robt. Blackborne, Secretary to Admiralty Commissioners, 19 August 1656, CO1/33, No. 5, TNA; Capt. Thos. Wilkes to the Commissioners for the Admiralty, 22 August 1656, CO1/33, No. 8, TNA.

there was already a foundation for the privateers' claims surrounding Spanish antagonism. The extent to which the privateers' information would have been believed if they had been considered a societal nuisance is debatable.

The privateers themselves contributed to the crisis feeling in the Jamaican government by claiming that the Spanish were preparing to attack Jamaica from one of their principal ports, such as Cartagena or Porto Bello, and that much of the evidence for this had been obtained during various 'preventative' raids.<sup>38</sup> Reports of Spanish preparations to reconquer Jamaica had been occurring since at least 1668, with Henry Morgan claiming that Spanish prisoners and escaped English prisoners had testified to an attempt to raise 2,200 men out of Panama to be used against Jamaica.<sup>39</sup> When Spanish privateers like Manuel Rivero de Pardal began attacking Jamaica directly in 1670, burning down houses on the north coast and issuing threats to Jamaican officials, this gave more credence to the buccaneers' warnings.<sup>40</sup> When Modyford defended the privateers to the court in Whitehall, the first (and most important) reason for retaining them, he argued, was their information on Spanish activities.<sup>41</sup> Privateers were firmly embedded within the imperial system, protecting Jamaica and providing information to government officials about Caribbean geopolitics – albeit so as to retain a strong base from which to launch their attacks against the Spanish. It is unlikely that privateers would have been so highly spoken of by Modyford if they had been perceived by Jamaicans as detrimental to their social and political security by espousing the ideas that the discipline argument suggests they had.<sup>42</sup> The social norms surrounding democracy were present but not nearly so pronounced as to evidence a coherent 'discipline' that the privateers could rally around. Combined with their defence of the interests of the colonial elites and active participation in solidifying the grip of English claims to Jamaica, it is more plausible to argue that there was no coherent discipline at all that united the privateers, beyond their acceptance of commissions from the Jamaican governor, and certainly not one that could directly link them to the pirates of the eighteenth century.

The lack of a coherent discipline as Linebaugh and Rediker posit is further demonstrated through a case study: Henry Morgan's sacking of Panama in December 1670. Morgan was commissioned as the admiral of Jamaica's privateers and was running a military-esque operation consisting of nearly 2,000 men to attack the city of Panama.<sup>43</sup> This was most likely the biggest collective privateering undertaking in the Golden Age

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38. Richard Browne to Joseph Williamson, 21 August 1671, CO1/27, No. 24, TNA.

39. Information of Admiral Henry Morgan, and his officers, Capts. Edward Collier, John Morrice, sen., Thomas Salter, John Ansell, Thomas Clarke, and John Morrice, junr, 7 September 1668, CO1/23, No. 53, TNA.

40. Governor Sir Thos. Modyford to Sec. Lord Arlington, 31 October 1670, CO1/25, No. 59 and 59.I–IV, TNA; Richard Browne to Sec. Lord Arlington, 12 October 1670, CO1/25, No. 76, TNA.

41. Reasons presented by Chas. Modyford to the King in council, 1670, CO1/25, No. 67, TNA.

42. It is worth noting that when Jamaican planters did in fact perceive the buccaneers as detrimental to their social and political security, they passed legislation against them in an effort to better control social order on the island. See Hanna, *Pirate Nests*, 141–2.

43. Commission from Sir Thos. Modyford to Admiral Henry Morgan, 2 July 1670, CO1/25, No. 45, TNA; Pestana, 'Early English Jamaica', 357.

period. The organization of the privateers had to be strict for the attack to work. For example, Morgan was given the power to remove the commission of any privateer captain (via court martial) who departed from the fleet without command, in order to prevent the dispersal of the fleet, as had happened after the Statia and Saba campaign in 1665.<sup>44</sup> Additionally, Morgan was to appoint lieutenants to the privateer captains to ensure that the privateers did their duty, and this contributed to preventing Spain from attacking Jamaica.<sup>45</sup> This expedition was to be well organized and hierarchical, unlike the activities of the privateers before. Whilst democracy was certainly present in privateer societies, it could be removed from the hands of captains and crew members when the occasion suited.

This evidence is augmented by the actual practice of the privateers' planning of the raid, in that the articles of agreement and conduct were signed by the captains and officers, not by crew members. Alexander (John) Exquemelin notes this in *Buccaneers of America*, where he states that Morgan 'called all his captains and other officers together, and caused them to sign some articles of common agreement between them, and in the name of all' – 'in the name of all', not 'by all'.<sup>46</sup> This is further proof that the privateers could remove democratic tendencies as and when it proved necessary. We can only speculate that the crews were consulted first, with the captains acting as their representatives. However, what we can say for certain is that the ultimate decision rested with the captains and officers of the privateer fleet. Furthermore, decisions over where to attack targets and how to go about it were taken by the privateer captains in a council of war, not as a large-scale democratic vote.<sup>47</sup> The social norms of the privateers operating between the 1660s and 1680s were fluid. They did not add up to form a coherent 'discipline', and the norms expressed by the privateers could be considered tame when we consider the eighteenth-century pirates' separation from colonial society, which was a consideration that had an impact on the radicalism of the privateers' social code.

## Later privateers (1690s)

English buccaneering's utility as an auxiliary military force became superfluous upon the affirmation of peace in the Caribbean by the Treaty of Madrid (1670).<sup>48</sup> Whilst Jamaica

44. Gov. Modyford's additional instructions to Admiral Henry Morgan, 1 August 1670, CO1/25, No. 50, TNA.

45. Gov. Modyford's additional instructions to Admiral Henry Morgan, 1 August 1670.

46. John Esquemeling, *The Buccaneers of America: A True Account of the Most Remarkable Assaults Committed of Late Years upon the Coasts of the West Indies by the Buccaneers of Jamaica and Tortuga* (Cambridge, 1893), 189.

47. A true account and relation (by Henry Morgan), 20 April 1671, CO1/26, No. 51, TNA.

48. Bryan Mabee, 'Pirates, Privateers and the Political Economy of Private Violence', *Global Change, Peace and Security*, 21, No. 2 (2009), 149; England and Wales, *Articles of Peace, Commerce, & Alliance, between the Crowns of Great Britain and Spain Concluded in a Treaty at Madrid the 13/23 Day of May, in the Year of Our Lord God, 1667/Translated Out of Latin* (London, 1667); David Wilson, 'Piracy, Patronage and Political Economy: Captain Kidd and the East India Trade', *International Journal of Maritime History*, 27, No. 1 (2015), 26–7.

turned its back on privateers, the governors of England's North American charter colonies, who exercised semi-autonomous power from the Crown, utilized these rejected seafarers in varying ways – most commonly commissioning them as privateers, but with the intention for them to commit piratical activities.<sup>49</sup> East Indian goods were usually transported to London rather than the American colonies due to Charles II's and James II's Navigation Acts, which limited colonial trading opportunities through both the enforcement of the East India Company's monopoly on the trade and the taxes placed on the exporting of those goods from London.<sup>50</sup> Colonial governors like Benjamin Fletcher of New York granted 'privateering' commissions to mariners, who would sail to the Indian Ocean, capture East Indian goods (or buy them from pirates at Madagascar) and sell them in the American colonies.<sup>51</sup> This shows that the line between pirates and privateers in the 1690s was very blurred, in that privateers were still commissioned in the same manner as the buccaneers had been commissioned in the 1660s, but with the aim of committing 'piratically orientated' activities. Consequently, the social norms associated with privateers were more entrenched but not to the point that a universal discipline can be evidenced.

A problem resulted from the commissioning of privateers, which centred on the delimitation between public privateering and private privateering, as summed up in Matthew Tindal's *An essay concerning the laws of nations*. Tindal said that people in a 'private condition' had no right to commission privateers, as their privateers acted 'privately' and not in the public (or England's) interest.<sup>52</sup> Tindal was specifically referencing the

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49. Michael Kempe, "Even in the Remotest Corners of the World": Globalized Piracy and International Law, 1500–1900", *Journal of Global History*, 5, No. 3 (2010), 363.
  50. Rebecca Simon, 'The Problem and Potential of Piracy: Legal Changes and Emerging Ideas of Colonial Autonomy in the Early Modern British Atlantic, 1670–1730', *Journal for Maritime Research*, 18, No. 2 (2016), 128; Kevin P. McDonald, *Pirates, Merchants, Settlers, and Slaves: Colonial America and the Indo-Atlantic World* (Oakland, CA, 2015), 68.
  51. McDonald, *Pirates*, 68; Michael Kempe, 'The Pirate Round: Globalized Sea Robbery and Self-Organizing Trans-Maritime Networks around 1700', in Amelia Polonia, ed., *Beyond Empires: Global, Self-Organizing, Cross-Imperial Networks, 1500–1800* (Leiden, 2016), 141; Douglas R. Burgess Jr., 'Piracy in the Public Sphere: The Henry Every Trials and the Battle for Meaning in Seventeenth-Century Print Culture', *Journal of British Studies*, 48, No. 4 (2009), 912; Kevin P. McDonald, "A Man of Courage and Activity": Thomas Tew and Pirate Settlements of the Indo-Atlantic Trade World, 1645–1730", UC Berkeley Working Papers (2005), <https://escholarship.org/uc/item/7tm078mp>; Jane Hooper, 'Pirates and Kings: Power on the Shores of Early Modern Madagascar and the Indian Ocean', *Journal of World History*, 22, No. 2 (2011), 223; Hanna, *Pirate Nests*, 185; Tyler Joseph Kynn, 'Pirates and Pilgrims: The Plunder of the *Ganj-i Sawai*, the Hajj, and a Mughal Captain's Perspective', *Journal of the Economic and Social History of the Orient*, 64, No. 1–2 (2021), 118; Douglas R. Burgess Jr, 'A Crisis of Charter and Right: Piracy and Colonial Resistance in Seventeenth-Century Rhode Island', *Journal of Social History*, 45, No. 3 (2012), 622.
  52. Matthew Tindal, *An essay concerning the laws of nations, and the rights of sovereigns with an account of what was said at the council-board by the civilians upon the question, whether Their Majesties subjects taken at sea acting by the late king's commission, might not be*

legality of the privateers of the ousted James II. However, his opinion reflected privateering's situation more widely. For example, concerns were raised about the charter colonies' support for piracy through their commissioning of privateers against England's enemies, whose ulterior motive was to raid Mughal shipping in the Indian Ocean. Charter colonies were some of the older colonies on the American continent, and had the ability (due to their semi-autonomy from the monarchy) to establish their own governments in line with English laws.<sup>53</sup> Contemporaries noted that charter colonies had little devotion to the Crown and were, in reality, 'petty sovereignties', whose governors were more loyal to their immediate supporters than the monarchy.<sup>54</sup> Resultingly, there is a body of evidence from the charter colonies in the Colonial State Papers (in the UK National Archives) that shows a struggle between those wanting to control the colonies more directly, and end piracy, and the colonies acting to preserve the trade the pirates brought them.<sup>55</sup>

This is a marked difference from the buccaneering period when the Jamaican elites used privateers primarily to develop the colony militarily by providing a defence force and economically by providing inhabitants with a means of income whilst Jamaica's plantations remained embryonic. The privateers who had taken part in Morgan's raid on Porto Bello in 1668 earned £60 per head, which was invested in 'Armes, clothes, and Drinke', as well as plantations and the shipping business.<sup>56</sup> By 1668, Jamaica was 'in a very thriving condition and growes rich by privateering'.<sup>57</sup> This was usually to the annoyance of the metropole and the governors, who were sent with instructions to end the abetting of privateers in the colony.<sup>58</sup> The privateers of the 1690s did not serve a developmental role, as the buccaneers had in the 1660s. Rather, they were

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looked on as pirates?: with reflections upon the arguments of Sir T. P. and Dr. OI (*London, 1694*).

53. Simon, 'Problem', 125.

54. J. B., *A letter to a member of Parliament concerning the suppression of piracy* (London, 1700).

55. Lords Proprietors of Carolina to the Deputies and Council of South Carolina, 21 April 1693, CO5/288, pp. 232–4, TNA; Lords Proprietors of Carolina to Governor Smith and Council, 29 November 1693, CO5/289, No. 10, TNA; Peter Delanoy to (Unknown), 31 June 1695, CO5/1039, No. 7, TNA; Governor Sir William Beeston to Lords of Trade and Plantations, CO137/4, No. 12, TNA; An account of several things whereby illegal trade is encouraged in Virginia, Maryland and Pennsylvania, with methods for preventing the same, submitted to the Commissioners of Customs by Edward Randolph, 17 August 1696, CO323/2, No. 6 and 6.I–XII, TNA; Commissioners of Customs to the Privy Council, 17 January 1696, CO324/5, pp. 365–71, TNA. If readers are interested in understanding the workings of the charter colonies and their relationships to the English metropole and piracy, I would recommend they consult chapters four, five and six of Hanna's *Pirate Nests*.

56. CO1/24, No. 81, TNA; CO1/25, No. 67, TNA.

57. Rich. Browne to Williamson, 17 December 1668, CO1/23, No. 96, TNA.

58. See the altercations between Governor John Lord Vaughn and Sir Henry Morgan about privateering's role in Jamaica: Governor Vaughan to Secretary Sir Joseph Williamson, 2 May 1676, CO1/36, No. 58, TNA; Peter Beckford to Secretary Sir Joseph Williamson, 2 May 1676, CO1/36, No. 59, TNA; Governor Lord Vaughan to the Earl of Anglesea, Lord Privy

considered by contemporaries to be employed by corrupt officials residing in the charter colonies.<sup>59</sup> This perspective was combined with the fact that the metropole was putting increasing pressure on colonial governments to reject privateers, with the most prominent efforts being the passing of the ‘Act for preventing Frauds and regulating Abuses in the Plantation Trade’ and the ‘Act to punish Governors of Plantations in this Kingdom for Crimes by them committed in the Plantations’ in 1696 and 1698, respectively.<sup>60</sup> Privateers needed the legitimacy of their commissions now more than ever. Consequently, pirates demonstrated a willing deference to colonial elites, who were slow to accept Whitehall’s control over the colonies, so long as the pirates’ activities were condoned. Therefore, there was some room for a more democratic tendency to develop more overtly in privateering. However, the level of democracy was still not as pronounced as it would be in the eighteenth century. Thus, the evidence is still lacking for a cohesive discipline that linked the privateers of the 1690s to the buccaneers and eighteenth-century pirates.

The issue of public and private privateering can clearly be seen in the case of Thomas Tew, an infamous pirate, where Governor Benjamin Fletcher of New York sought to cover his piracies with an air of legitimacy.<sup>61</sup> In 1697, accusations of corruption against Fletcher were bandied about in the Council of Trade and Plantations. The main problem highlighted was that Fletcher associated with publicly famous pirates. The Council wrote to Fletcher directly, stating that, under his leadership, New York had become a pirate nest.<sup>62</sup> The Council gathered more evidence to this fact, highlighting that Tew likely bought his commission from Fletcher in 1694, as he had tried to offer the governor of Rhode Island £500 for a commission in the same year.<sup>63</sup> It was also

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Seal, 3 May 1676, CO1/36, No. 61 and 61.I–V, TNA; Governor Lord Vaughan to Secretary Coventry, 2 August 1676, CO1/37, No. 39, TNA.

59. Governor Codrington to Lords of Trade and Plantations, 5 May 1696, CO152/2, No. 3, TNA; Minutes of Council of Barbados, 5 May 1696, CO31/5, pp. 92–3, TNA; Governor Codrington to William Blathwayt, 5 May 1696, CO152/2, No. 4, TNA.
60. ‘William III, 1695–6: An Act for Preventing Frauds and Regulating Abuses in the Plantation Trade [Chapter XXII. Rot. Parl. 7 & 8 Gul. III. pt.5.nu.8.]’, in John Raithby, ed., *Statutes of the Realm: Volume 7, 1695–1701* (London, 1820), 103–7; ‘William III, 1698–9: An Act to Punish Governors of Plantations in This Kingdom for Crimes by Them Committed in the Plantations [Chapter XII. Rot. Parl. 11 Gul. III. p. 3. n. 11. 3.]’, in Raithby, *Statutes of the Realm*, 600. The context surrounding these changes in law and colonial-metropole changes is discussed in more detail in Hanna, *Pirate Nests*, 222–50 and McDonald, *Pirates*.
61. The context surrounding Tew’s activities is dealt with in McDonald, *Pirates* and McDonald, “‘A Man of Courage’”. Tew appears in the chapter on ‘Captain Misson’ in Defoe’s *A General History of the Pyrates*. In this chapter, the author defines the city of Libertalia, a city of pirates that is emblematic of the principals the ‘discipline’ revolves around. Historians have noted that this account is entirely fictional, however, and that no society like Libertalia existed. See Daniel Defoe, *A General History of the Pyrates* (Mineola NY, 2012), 383–419.
62. Council of Trade and Plantations to Governor Fletcher, 1 February 1697, CO5/1115, pp. 68–77, TNA.
63. Council of Trade and Plantations to the Lords Justices of England (2 of 2), 19 October 1698, CO5/1116, pp. 1–34, TNA.

highlighted that it was public knowledge that Tew was a pirate operating in the Red Sea, with John Graves (a customs collector at New Providence Island who was on a visit to the North American colonies) attesting that he knew Tew from Jamaica, and that Tew proudly proclaimed how he had plundered nearly £12,000 from the Mughals, earning his crew £1,000 each, despite his commission being to attack the French near Canada.<sup>64</sup> Essentially, it was argued that Tew being a pirate was public knowledge, and Fletcher abetted his practices, even proudly riding within him through New York in a horse-drawn carriage.<sup>65</sup> Fletcher tried to defend both himself and Tew, saying that Tew was a stranger when he entered New York; Tew took (but did not pay for) a commission to attack the French Canadians; Tew was one of many privateers Fletcher commissioned in service of England; and it was not his fault 'if' his privateers turned pirate.<sup>66</sup> This succinctly highlights the conflict between the metropole and the colonies on the issue of private and public privateering. The metropole was convinced that Tew was an out-and-out pirate, but Fletcher believed his actions were covered by him being commissioned. The line between piracy and privateering was incredibly thin at this point in the Golden Age of Piracy, so legitimacy (or the veil of it) was important to privateers being able to operate as they wished without the wrath of the state coming down on them. Pirates, in this instance, were certainly not anti-authority to the extent that the discipline argument postulates. Rather, pirates and privateers had to maintain close links to colonial society – specifically colonial elites – to ensure that they maintained the legitimacy that had been afforded to them in the 1660s in the face of growing intervention from the metropole in the regulation of privateering, and punishment of supporters of pirates, which took form in the 1696 Act. The evidence therefore points more towards a diluted rebellious streak among privateers and pirates at best – a willingness to undermine the desires of the state, but only if their abettors on land could promise security. It is a stretch to argue that all seafarers in the late seventeenth century were anti-authority because the evidence does not support it.

Things are more complex when we consider democracy amongst privateer crews of the 1690s. In this case, we see a furtherance of the democratic tendencies more closely associated with the discipline argument. However, it is worth noting that there were still inconsistencies between different pirate and privateer crews; thus, declaring that there was a coherent discipline remains fundamentally unconvincing. Captain Kidd's articles (as pieced together by Edward Fox in 2013) stipulate that 'whosoever shall disobey command shall lose his share or receive such corporall punishment as the Capt and major part of the company shall think fit', and that any 'man that shall breed a mutiny or ryot on board the ship or prize taken shall lose his share, and receive such corporall punishment

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64. John Graves to Council of Trade and Plantations, 19 February 1697, CO323/2, No. 33, TNA.

65. *Journal of Council of Trade and Plantations*, 20 January 1699, CO391/93, No. 15, TNA; Governor the Earl of Bellomont to Council of Trade and Plantations, 3 May 1699, CO5/1042, No. 26, TNA; Copy of a report from the Attorney-General of New York to Governor Lord Bellomont, A collection of papers handed in by Mr. Weaver, Agent for New York, 26 September 1698, CO5/1041, No. 4 and 4.I–XXVI, TNA.

66. Governor Fletcher to Council of Trade and Plantations, 22 June 1697, CO5/1040, No. 32, TNA.

as the Capt and major part of the company shall think fit'.<sup>67</sup> In Kidd's articles, the role of the 'company' in decision-making is made clear. Kidd retained ultimate authority through formally instituting his authority via the articles of agreement, but decisions had to be made after consultation with the crew – especially when it came to punishment. A contrast, however, can be made with the *Camelion's* articles, a ship that had overtly declared itself 'pirate', where the crew were told that since they had committed themselves to each other under oath, they could not resist any orders from the captain, as they were expected to 'stand one by the other as long as life shall last'.<sup>68</sup> For the crew of the *Camelion*, there was a fraternal society on board, but this fraternity was forced. If crew members had agreed to the articles, they had no right to contradict the orders of the captain, no matter their personal opinion.

Between these two pirate crews, we can therefore see an inconsistency in how democracy materialized (or not) on board pirate and privateer ships. In the case of Kidd, the rights of the crew were enshrined in the articles, as the captain could only make decisions with the consent of the crew. Conversely, on board the *Camelion*, a fraternal society had developed, but this was enforced to the detriment of any democratic voice that the crew may have hoped to exert. These inconsistencies are diametrically opposed. To argue that there was a coherent discipline in the period goes so far as to ignore the evidence that not all privateer crews were democratic; many did not oppose authority and, as such, fraternity among and between pirate crews is debatable.

## Conclusion

The notion of a Jamaica discipline obscures historians' abilities to understand the complexities that shaped maritime life in the late seventeenth century. The evidence presented in this article demonstrates that pirates and privateers were inconsistent in their aims and in their enforcement of any democratic principles, anti-authority sentiments or fraternal ideals they may have held. Rather, pirates and privateers endeavoured to embed themselves in colonial society, seeking legitimacy for their activities wherever they could get it, as historians such as Mark Hanna, Lauren Benton, David Wilson and Richard Blakemore have argued.<sup>69</sup> This desire to work alongside colonial society to ensure that their activities were protected under commissions meant that pirates and privateers had

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67. Fox, "Piratical Schemes and Contracts", 311.

68. 'Agreement to Commit Piracy. June 30, 1683', in John Franklin Jameson, *Privateering and Piracy in the Colonial Period: Illustrative Documents* (New York, 1923), 142.

69. See Hanna, *Pirate Nests*; Lauren Benton, *A Search for Sovereignty: Law and Geography in European Empires, 1400–1900* (Cambridge, 2010); Lauren Benton, 'Legal Spaces of Empire: Piracy and the Origins of Ocean Regionalism', *Comparative Studies in Society and History*, 47, No. 4 (2005), 700–24; Lauren Benton, 'Toward a New Legal History of Piracy: Maritime Legalities and the Myth of Universal Jurisdiction', *International Journal of Maritime History*, 23, No. 1 (2011), 225–40; Richard J. Blakemore, 'The Politics of Piracy in the British Atlantic, c. 1640–1649', *International Journal of Maritime History*, 25, No. 2 (2013), 159–72; David Wilson, 'From the Caribbean to Caignish: Imperial Authority and Piratical Voyages in the Early Eighteenth-Century Atlantic Commons', *Itinerario*, 42, No. 3 (2018), 430–60.



to be adaptable in their organization, using or modifying democratic and anti-authority principles as the context demanded. It was only when crews overtly declared themselves 'pirates' that they were at liberty to enact their ideals as they wished. Even then, as in the case of the *Camelion*, the ways in which they did this did not completely align with how historians who back the discipline argument envisage pirate crews organizing themselves. Rather than being a coherent discipline, the social norms that can be analysed through the source material presented here were much more fragmented than the discipline argument suggests.

Where do we go from here? How do we make sense of the social norms that were present among pirate groups? As this article has demonstrated, ascribing the term discipline to them is certainly not the answer. Even in the eighteenth century, there was no unified discipline for pirates to follow – Daniel Defoe's *A General History of the Pyrates* cites a number of examples of pirate codes, which are inconsistent with each other and do not reflect a unity of thought between the different pirate crews.<sup>70</sup> The supposed continuities have been overemphasized, and there was no coherent discipline that historians can confidently apply to the Golden Age of Piracy. Instead, historians should pay more attention to the fragmentation and flexibility of piratical culture. Only then is it possible to truly understand the complexities that underpinned pirate culture and the reasons why people may have wanted to participate in that culture across the centuries.

## Acknowledgements

Special thanks to Dr Margaret Small, Dr Tom Cutterham, Dr Margarette Lincoln, Dr Chris Ware and Dr Rebecca Simon for looking over the draft of this article and providing incredibly useful feedback.


### I.

The author declared no potential conflicts of interest with respect to the research, authorship and/or publication of this article.

## Funding

The author received no financial support for the research, authorship and/or publication of this article.

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70. Defoe, *General History*.