

State formation, maritime conflict and prisoners of war

The case of Dutch captives during the Second Anglo-Dutch War (1665-1667)

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Abstract

In the mid-seventeenth century the increasing monopolization by the state of all military matters included the situation with respect to the taking and incarceration of captives in battle. The second of the three wars between England and the Dutch Republic is employed as a test case of the degree to which, in maritime as in land warfare, formalized procedures replaced the earlier ransom culture and arbitrary decisions of field commanders. In this conflict the welfare of the Dutch prisoners became the bureaucratic responsibility of regional Commissioners. While benignly conceived, the system proved insufficiently robust against factors such as the Restoration regime's chronic lack of money and the raging of the Great Plague, so that despite its humane intentions the condition of most captives was wretched.

Keywords: prisoners of war, Anglo-Dutch wars

Introduction

The wars of the mid-seventeenth century between the Dutch Republic and England were fought at a time of rapid developments in state-building and military organization. State formation was one of the most important developments in early modern Western European history. This was marked, in most states, by the gradual strengthening of the control of national governments over their subjects and territories. Expansion of their bureaucratic apparatus was necessary in order to embrace a broader spectrum of socio-political themes, for the formulation and implementation of new policies and the issuing and enforcement of the required legislation. To realize the necessary improvement in the quality of the civil servants required for the new situation, and to reduce the influence of the nobility, university-educated men from modest backgrounds were increasingly employed. To raise the money required for governments' expanding role,

rulers and politicians attempted to maximize tax revenues by centralizing or outsourcing the collection of existing taxes and by introducing new ones. In order to tap the wealth of the developing overseas and colonial trades, and of new branches of manufacture, governments encouraged the formation of representative councils and parliaments, and sought to create symbiotic relationships with towns and cities.¹

A crucial element in the process of state formation was the monopolization and regulation of military violence. States created standing army and navy organizations in order to protect or expand their territories, defend dynastic interests, guard or strengthen their tax bases, and break the autonomy of regional power-brokers. The state dictated strategic goals, provided the funds necessary to pay its own troops and hire mercenary regiments, set up government bodies to manage military logistics, introduced standardization in drills, flags, signals, uniforms and the enforcement of discipline, and appointed commanders and officers. The state's traditional reliance on the nobility's military capacity was thus replaced by a system in which nobles became dependent on the state for their military and political careers.²

One consequence of the development of standing, professionalized, state-run military organizations during the sixteenth, seventeenth and eighteenth centuries was the monopolization by the state of all matters relating to prisoners of war. There is general consensus among military and legal historians that the late-medieval ransoming culture, in which individual captors and captives concluded private agreements about specific conditions of treatment and release, gradually gave way to a system in which states assumed the organization of the incarceration and treatment of prisoners of war and negotiated their exchange or release.³ Like most other aspects of the military transformation of the Early Modern Age,⁴ historians' agreement on this monopolization by the state of enemy captivity is principally based on research into predominantly land-based wars like the Hundred Years' War (1337-1453), the Italian Wars (1494-1559), the Eighty Years' War (1568-1648), the Thirty Years' War (1618-1648), the Wars of the Three Kingdoms (1639-1651) and the wars of Louis XIV and William III.⁵

To what extent did the treatment and release or exchange of prisoners of war taken captive during maritime conflicts correspond with the above-mentioned developments in land warfare? There were, certainly during the Middle Ages and the Early Modern Period, very considerable differences between warfare on land and at sea, the most prominent probably being the respective roles of the state and the private individual. Despite the autonomous position of regional nobility, states had a direct involvement

with feudal military power, making it a relatively small step to establish a virtual monopoly on the use of military violence in the course of the Early Modern Age. In contrast, states did not claim a monopoly on maritime violence, nor did they make systematic efforts to exercise sovereign rights or carry out the duties that followed from these rights. Maritime conflicts were frequently mercantile or commercial in origin and would, for centuries, continue to be characterized by a strong presence of private individuals. In the Middle Ages, entrepreneurs armed their ships whenever hostilities were to be expected. Most states either felt no need of permanent naval power, or they lacked the resources to acquire it; they simply hired converted merchant vessels whenever the need arose. During the Early Modern Age, state involvement grew significantly as some states developed permanent navies, including purpose-built warships, state-owned yards and docks, clear hierarchical command structures, standardized flags, signals and uniforms, tactical battle concepts and bureaucratic organizations.⁶ Yet, despite this increasing presence of the state, the private individual continued to play his part in maritime conflict. For many states, privateering, or government-sponsored *guerre de course*, remained a vital, indeed indispensable, arm of their naval power.⁷ Privateering was abolished only after 1856, when the Paris Declaration Respecting Maritime Law was ratified by the majority of states.⁸

The lack of clarity regarding state sovereignty at sea, and the continuing presence of the private individual in maritime conflict, resulted in considerable differences between military legal conventions on land and at sea. Throughout the fifteenth and sixteenth centuries, a more or less coherent cluster of generally accepted reciprocal legal conventions developed on land, regarding 'good warfare'. These covered, for example, the soldier's correct conduct during battle, the proper way to surrender to an enemy, the question of under what circumstances a defending garrison should be allowed to retreat with their weapons and flags or be put to the sword, and the treatment and release or exchange of prisoners. These conventions first emerged as an informal *modus vivendi* between belligerent armies, prompted by the awareness that atrocities would very likely be avenged by the opponent, and were subsequently formalized in bilateral agreements.⁹ It is unclear, however, under which circumstance or to what extent similar legal conventions were applied to warfare at sea. We know that, due to the relative absence of state sovereignty and the involvement of private individuals, there was much less consensus among contemporaries regarding military law and custom at sea.¹⁰ A good example of the different legal conventions applied to land and sea warfare can be found in the

Eighty Years' War between Habsburg Spain and the Dutch Republic. For the treatment and orderly exchange of prisoners taken captive on land there existed a formal agreement between the two belligerent parties since 1602. At the same time, however, the States General continued to treat Dunkirk privateers with Spanish commissions as pirates, ordering Dutch naval captains to drown them on capture. Enemy privateers brought ashore were hanged in Dutch ports as a general warning. In the Spanish Netherlands, the authorities and the population considered this attitude of the States General a flagrant breach of military legal conventions. Tit-for-tat retaliation was the predictable consequence, leading to popular outcry in the Dutch Republic against the States General's policy. Only in the mid-1630s did Dutch authorities yield and cease the practise of 'foot-watering', as the drowning of enemy privateers was euphemistically called.¹¹

In this article, the incarceration, treatment and exchange of Dutch prisoners captured in the period preceding and during the Second Anglo-Dutch War (1665-1667) is employed as a test case to examine the place of maritime warfare in the evolving pattern of West-European state formation and military developments during the Early Modern Age.¹² We will discuss the circumstances, humane or otherwise, under which the prisoners were held, their survival strategies, the involvement of Dutch representatives and the negotiations for their release. We will compare the English administration, organization and financing of their captivity with the Dutch situation. These observations will in turn be used to examine the practical application of legal conventions in maritime warfare, and to compare this case with the practices current in land warfare.

From individualized ransom culture to state monopoly

During the Early and High Middle Ages, common soldiers forced to surrender to an enemy were either put to the sword, forced to join the winning army, exchanged, enslaved or released after they had been relieved of their belongings and sometimes also mutilated. Their survival depended on whether or not the victorious commander felt that their execution would serve some political or military purpose, while it could also happen that they were killed out of vindictiveness. Officers were usually spared and detained in order to be ransomed. The captive would then negotiate with his captor about the costs of board and lodging during captivity, the price to be paid for his freedom and the time-frame within which payment had to be completed. After an agreement had been arrived at, an agent

was sent to the family or representatives of the captive to bring word of the sum demanded and the terms of payment, or the captive might be paroled to fetch the money or the agreed goods himself. The price was usually in accordance with the social status and wealth of the prisoner, so from a soldier's perspective ransoming was potentially lucrative.¹³ The fourteenth and fifteenth centuries witnessed the extension of ransoming to the lower social classes. According to Rémy Ambühl, this was the result of the growing presence of commoners in the English and French armies during the Hundred Years' War. These soldiers regarded each other as social and professional equals, who shared the same desire to survive and subsist. Imprisoning and ransoming a vanquished enemy rather than killing him was a form of solidarity among fellow-warriors. Obviously, to relatively low-paid soldiers, ransoming an enemy commoner also represented a serious economic opportunity.¹⁴

A cluster of widely accepted legal conventions developed, during the Middle Ages, regarding the conduct of 'good' warfare, the treatment of prisoners and ransoming. Captors had the obligation to provide their captives with suitable lodging and to have their wounds treated. They were to refrain from abusing and mutilating their prisoners, while killing them without proper cause was also deemed unjust. Refusing captives the possibility to buy their freedom was considered especially cruel, although political and military interests sometimes dictated that dangerous foes remain incarcerated for a long time. This 'law of war' was intended to restrict the atrocities of warfare and was based on Christian morality as well as fear of uncontrollable cycles of tit-for-tat reprisals. It was believed that the reciprocity of humane treatment was in everybody's best interest. It should be noted, however, that these legal conventions were, as often as not, not applied to foes who were considered ethnically, religiously or culturally inferior, while blatant massacres also continued to take place.¹⁵

Medieval kings had very little control over the ransoming conduct of their troops. Paying their soldiers for military service gave them a technical claim to the ownership over all prisoners but, in practice, these remained the property of their captors. A monarch had no option but to yield on this point; for most soldiers the possibility of capturing wealthy hostages was their primary motivation and to him their military service was simply indispensable. Most princes nevertheless claimed and received a certain percentage of all the profits made from booty and ransom. When they wished certain prisoners to be retained at their disposal, for example to exchange for specific individuals in enemy captivity, to trade for a place or fortress held by an opponent, or to exert political pressure on the enemy,

they needed to compensate their own soldiers for their foregone ransoms. Furthermore, their soldiers' private economic motivations were frequently diametrically opposed to their own strategic and tactical interests. Ill-disciplined soldiers dreaming of large ransoms could cause defeat on the battle field, while holding prisoners in an army camp could endanger safety and secrecy. While kings could not permanently ban ransoming, however detrimental to their policies, they could minimize its hazards and maximize its benefits by ordering that all captives held for ransom within the army encampment be reported to the captors' commanding officers.¹⁶

During the sixteenth century, as the processes of state formation and military transformation gained momentum, governments, represented by army commanders, increasingly involved themselves in all matters concerning prisoners of war. Captives were still formally considered the private property of the captor, but army command increasingly assumed a coordinating role in their incarceration, treatment, exchange and ransoming. There were three reasons for this. Firstly, increasing government intervention inevitably led to emphasis on the primacy of state over private interest. The autonomy of the individual captor was thereby reduced, giving the state a firmer grip over its own military affairs and organization. Secondly, victorious commanders sought to replace their manpower losses by recruiting captured enemies. These were often seasoned mercenaries, who were not necessarily unsympathetic to the cause they had previously served, but were usually only too eager to seize the opportunity offered to them. Pay, food and shelter formed tempting incentives to prisoners whose survival, after all, was now at the mercy of the forces they had recently fought against. A third factor was the gradual evolution of the nature of armed combat. Once battle-intensive wars, featuring *mêlée*-like man-to-man combat, had given way to technically complicated siege warfare and elaborate tactical manoeuvring with well-drilled infantry battalions armed with flintlock muskets, it became difficult to establish which prisoner belonged to which individual captor. In many cases it was the battalion or the regiment that was responsible for securing an enemy's formal surrender. Commanders of opposing armies therefore negotiated 'cartels' of limited duration and within a specific front area to exchange or ransom prisoners. This growing state involvement resulted in standardized ransom and exchange rates per military rank or salary cohort, as well as the allocation of set percentages of the ransom revenue for the captor's comrades and commander, and for the state.¹⁷

As states increasingly monopolized all matters regarding prisoners of war during the seventeenth century, the incarceration, treatment, exchange

and ransom of prisoners came to be organized by government bureaucrats. Belligerent states formalized, by concluding bilateral agreements, the cartels that had previously been concluded by the army commanders in the field. A good example of this development is the above-mentioned Dutch-Spanish agreement of 1602. During the first decades of the Dutch Revolt, the Spanish army executed Dutch captives as a matter of policy because they were considered rebels and traitors, rather than fellow professional soldiers serving another sovereign state. The growing military strength of the Dutch Republic in the 1570s and 1580s necessitated a change of policy, however, as Spain was not prepared to engage in a vicious cycle of retributive executions that would also cost the lives of Spanish prisoners. An unofficial *modus vivendi* developed between the opposing armies, concerning the asking and giving of quarter, the treatment and exchange of prisoners, and the issuing of military passports. This led to the convention of the *cuartel general* in 1599.¹⁸ In May 1602, after one and a half years of tough negotiations, representatives of the States General and Philip III formalized these front-line arrangements in a bilateral agreement. This did not imply that all prisoners were automatically exchanged or ransomed, nor would it guarantee that atrocities no longer took place; it merely provided a framework for continuing discussions about the handling of prisoners and future negotiations about exchanges. Similar contracts were drawn up between Spain and France, Sweden and the Holy Roman Empire, Denmark and Sweden, and France and the Dutch Republic.¹⁹

This monopolization by the state meant that prisoners of war were no longer the technical property of individual captors but automatically became the responsibility of the state. Soldiers or military units responsible for the surrender of enemy troops were paid a bonus on top of their salary. This policy served a number of purposes. In the first place, states were usually not interested in the insignificant financial gains to be made from ransoming individual enemy commoners, but merely aimed to neutralize enemy prisoners until it was convenient or advantageous to exchange them. Secondly, it was an important step in the realization of a state monopoly in military violence and the creation of a professional, disciplined army.²⁰ Thirdly, the proper treatment of enemy prisoners could provide states with credible claims to the moral high ground in international politics, the value of which was not to be underestimated in this religiously and ideologically highly-charged period. Yet the precise ways in which states dealt with this assumed responsibility for prisoners of war, especially as far as the less regulated case of maritime conflict is concerned, remains in need of detailed research.

The Anglo-Dutch Wars of the mid-seventeenth century, and the treatment of the thousands of prisoners generated, provide a test case of developments in warfare, specifically in maritime conflict, in the Early Modern Period.²¹ The choice as the subject of this article of the accommodation and ultimate repatriation of the Dutch prisoners taken in the Second Anglo-Dutch War has the advantage that, in addition to documentation in the form of official records and statistics, two senior officials concerned with the reception and welfare of prisoners were also among the most celebrated English chroniclers of the period. Samuel Pepys, as secretary to the Navy Board, and his friend and fellow-member of the Royal Society John Evelyn, as one of the Commissioners for the Sick, Wounded and Prisoners, provide in their well-known Diaries and their correspondence vivid accounts of their logistical and financial concerns while attempting to fulfil their obligations to them.

The Second Anglo-Dutch War, 1665-67

In 1648 the Dutch Republic saw its independence confirmed in the Treaty of Münster. The final period of its Eighty Years' War against Habsburg overlord Spain had proved no hindrance to the country's becoming the greatest trading and shipping nation in the world.²² Across the North Sea, England, itself now a republican Commonwealth under Oliver Cromwell, was anxious for the restoration of its own commerce, following the turmoil of the Civil War, but saw itself being rapidly outstripped as a trading nation by the Dutch. Proposals, in 1651, by Cromwell's regime for an alliance between the two republics were dismissed by the Dutch as attempts to curb their trade primacy.²³ English commercial disappointment and frustration found an outlet, in the form of a strongly ideological propaganda campaign, against the Dutch 'regent' regime, that had been instituted following the premature death of Stadhouder William II of Orange. Pamphlets called into question the orthodoxy of Dutch Protestantism and the sincerity of their republicanism, given the attachment of the public to the quasi-monarchical House of Orange. The Dutch were decried as corrupted by their worship of Mammon and their trade primacy was execrated as part of a plan for economic world hegemony, following the example of their former Habsburg overlords.²⁴ Tension exploded into war in 1652, when the squadron of Vice-Admiral Tromp, cruising off the English coast, failed to offer to General-at-sea Blake's ship the flag salute required of all foreign vessels in the 'English seas'. Blake's decision to open fire unleashed the First Anglo-Dutch War. In this, the

English were the overall winners, but the rapid repair of the Dutch shipping and merchant fleets soon restored their commercial dominance. Neither the peace of 1654, which was not unduly retributive to the Dutch, nor the anodyne Friendship Treaty concluded in 1662, succeeded in eliminating the principal causes of disagreement between the two countries, making a second war inevitable.

In the Second Anglo-Dutch War, commercial considerations played a larger role than in the first. Yet ideology played a role too, as did the ambitions of courtiers hoping for political and financial gain from victory over the Republic.²⁵ Following the restoration of the Stuart monarchy in 1660, the Dutch were now seen as the source of republican agitation against the regime of Charles II. As the king supported the ambitions of his nephew Willem, the posthumous son of Willem II and his sister Mary, he was in turn perceived as a threat to the regime of Grand Pensionary Johan de Witt. The *casus belli* was provided by Anglo-Dutch competition for West-African trading posts and 'factories' supplying slaves to the sugar colonies of the Caribbean and the Americas. Having displaced the Dutch from a number of their positions on the Guinea coast in 1661 and 1663, the English saw these posts re-taken in an audacious expedition led by the Dutch Vice-Admiral Michiel de Ruyter in 1664. The English actions had taken place under the auspices of the Royal Company of Adventurers Trading into Africa, to which a number of highly placed and ambitious courtiers had subscribed. The ruin of the Company as a result of De Ruyter's action made war inevitable.²⁶ Although war was officially declared only in January 1665, to both Evelyn and Pepys it was clear that hostilities had effectively commenced in the autumn of the previous year.²⁷ As a retaliation for De Ruyter's African exploit Charles II had anticipated the declaration of war by calling for a 'general reprisal' against the Dutch. With dubious legality his brother, James Duke of York, as Lord High Admiral had already issued commissions to privateers and some two hundred Dutch ships had been seized.²⁸ In the ensuing conflict, the English had the best of the naval engagements but, in the third year of the war, the Dutch made a daring raid on the naval dockyard at Chatham, destroying many ships and carrying off the flagship *Royal Charles*. As the English treasury was emptying fast owing to the combined effects of the war, the Great Plague from 1665 and the Great Fire of London in the following year, this gave them the incentive to rapidly conclude the Peace of Breda, which rewarded the Dutch on a number of points.²⁹

Dutch prisoners in the Second Anglo-Dutch War

The first major naval engagement of the war, the Battle of Lowestoft in June 1665, was a decisive victory for the English who, however, were unable to prevent the escape of most of the Dutch fleet. In June of the following year, the Dutch had the best of it in the Four Days' Fight, but suffered defeat again in the St. James's Day Battle in August. Many prisoners were taken during these battles. They included the officers and crews of ships forced to surrender when their ships had become too crippled to defend, steer or sail, and those from sinking vessels or who had taken to the water to escape ships burning as the result of a fire-ship attack. The Battle of Lowestoft alone generated five to six thousand Dutch casualties, with two thousand prisoners taken. In the St. James's Day engagement Dutch casualties numbered some 2,500, with again many taken captive.³⁰ In addition to those taken in battle, many Dutch merchantmen were seized, by both naval ships and privateers, and their crews taken prisoner; their status was the same as that of seamen taken captive in naval operations. This was in contrast to the situation with the crews of ships from neutral third countries that were captured by privateers armed with letters of marque or reprisal; these would generally be released. Charles's embargo on Dutch ships in English ports increased further the number of captives.³¹



*Illustration 1 The Battle of Lowestoft of 3 June 1665
Painting by Adriaen van Diest in the 1670s (Denver Art Museum)
Source: Wikipedia*

The growing numbers of prisoners of war were required to remain on their ships, if still afloat, until suitable shore destinations had been found for them.³² They were accommodated in coastal towns, from Hull in the north-east to Plymouth in the south-west, the magistrates of which were required to provide facilities for their reception and detention, and also in inland cities and towns such as London, Colchester in Essex, and Winchester in Hampshire.³³ Captives taken at the Battle of Lowestoft were lodged in the prisons of the Kent towns of Canterbury, Maidstone and Rochester. For others, dockside warehouses in the seaports were pressed into service. In some cases captured Dutch ships, such as the *Huis te Swieten*, were converted for use as prison ships.³⁴

The 'Dutch' prisoners were by no means all Dutch. The strong economy of Holland attracted labour from all the countries of the North Sea rim: Scandinavia, Britain and Germany. Evelyn recorded making arrangements for six captured 'Embdeners' to join the crew of a merchant ship bound for Barbados. A third of the seamen in the Dutch navy during the period in question were of foreign origin, while in the Admiralty of Amsterdam the proportion was at times more than half. From Britain, not only Scots but also some English seamen served and fought with the Dutch. Pepys recorded that, during the raid on Chatham, the voices of English sailors were heard on the Dutch ships, exulting in their regular pay, in contrast with their previous English service.³⁵ The plentiful supply of foreign seamen meant that, in general, the Republic had fewer problems in manning its fleet than England, where the press gang was frequently resorted to. This was not the case in Holland, though shortages of manpower in specific districts such as Rotterdam meant that, at times, recourse was taken to methods scarcely less severe.³⁶

Organizing state support for prisoner reception

Already in October 1664 the King had begun to appoint Commissioners 'to take care of the sick and wounded and prisoners of war' expected to be generated by the conflict. Originally the responsibility of the Commissioners for Prizes, the Privy Council found it more appropriate to add the prisoners to the tasks of the regional Commissions for the Sick and Wounded. Many prisoners were themselves injured and the Commissions could provide access to the necessary infrastructure for their treatment. They were organized regionally, Evelyn being appointed Commissioner for Kent and Sussex. A gentleman of independent means and a loyal royalist, he

had previously been employed by the Restoration regime in various minor capacities. On to his commission Sir George Downing was co-opted, following his return from the Republic. He had served as Charles's envoy in The Hague, latterly with the responsibility for the welfare of English prisoners in the Republic, until his return in August 1665; he had also had experience of mediating prisoner exchanges during and after the First Anglo-Dutch War.³⁷ The Commissioner for Hampshire and Dorset was Colonel Bullen Reymes, who had previously served as diplomat and valued committee man and who had been appointed Deputy-Treasurer of Prizes at Portsmouth.³⁸ For Devon and Cornwall Thomas Clifford was appointed. Like Reymes, he was a Member of Charles's 'Cavalier' Parliament and, as one of those forming the belligerent faction about the Duke of York, had orchestrated the resolution of April 1664 promising support and money to the King for war against the Dutch.³⁹

Although the government had not failed to anticipate the need to provide for the arrival of prisoners of war, by the end of the first season's campaigning Reymes, Evelyn and their colleagues were already faced with seemingly insuperable difficulties. Compounding the logistical problems of finding accommodation for large numbers of prisoners was their arrival, not in a steady stream but in groups that could number several thousand or more in the aftermath of a single battle. Evelyn in September noted himself 'perplexed' by the need to find accommodation for three thousand captives.⁴⁰ Financing the work of the Commissions was proving no less difficult and this continued till the end of the war. As a consequence of the parlous state of the Navy's finances, money could not even be found to pay off the country's own seamen, who were literally starving in the streets, as recorded in his diary by Navy Board official Pepys, who also bemoaned the 'great burden' of providing for the prisoners. The Commissioners were desperate to find money to relieve the plight of the English sick and wounded in their care.⁴¹ With as yet no binding international conventions regarding their treatment, the Dutch captives had to take their place in the priority order below the Commissioners' other responsibilities. As a result, they were held under conditions of often severe privation, crowded together, starving and lacking clothing and straw for bedding, as described by Evelyn in his own diary and correspondence. Some prisoners even begged to be put out of their misery.⁴² The situation was made worse by the Great Plague, still raging in 1666, which claimed the lives of some Dutch prisoners in Kent. The pestilence subjected the economy to further disruption and strain and meant that even less money was available for the prisoners.

An example of the difficulties faced by the authorities in finding accommodation for prisoners, often over local objections, is exemplified by the case of Winchester, where the mayor was persuaded to house them in the prison. Their numbers increased to some three hundred and apprehension grew among the townspeople that they would become a source of infection. The people's fears were intensified by news of the spread of the plague, though in fact the city was spared this horror. It was thought that the periodic assize courts, visited by judges on circuit, might be withdrawn from the town, with consequent loss of prestige and revenue.⁴³ It was proposed to move the prisoners to an almshouse about a mile outside the city wall. The mayor and, after an interval, the Privy Council agreed to make this 'fitt for the reception of Prisoners' and provide 'for the old people which shall be removed thereupon', though not without strong objections from the citizens at the expense.⁴⁴

The Privy Council had decreed that Dutch prisoners were to receive five pence a day for food and other necessities, and officers twelve pence, to be paid for out of the proceeds of prize auctions.⁴⁵ These had yielded less than hoped, however, owing to the disappointing results of the privateering campaign. Furthermore, it had been hoped that prize money would also pay for the campaign of the Prince-Bishop of Münster, who had been encouraged to mount an attack across the Republic's eastern border in support of England's naval campaign, and for the maintenance of Tangier, which had formed part of the dowry of the Portuguese Infanta Catarina de Bragança, on her marriage to Charles II, but was proving a financial liability.⁴⁶ Evelyn had the advantage over fellow-commissioners such as Reymes that his proximity to London gave him frequent access to the Commission's cashier or 'Receiver', George Cock,⁴⁷ the merchant and naval contractor, and to Pepys at the Navy Board, who was as appalled as Evelyn at the condition of the prisoners and on occasion cooperated with him in finding ways to relieve them.⁴⁸ This was far from sufficient, however, and at one point Evelyn was led to declare that the prisoners in his charge would starve unless ten thousand pounds were forthcoming immediately.⁴⁹ An exception to the generally poor rewards of the English privateering campaign was provided by two richly laden Dutch East-India Company ships captured by vessels of the Earl of Sandwich's squadron, after his otherwise failed attempt to intercept the returning Dutch fleets from Smyrna and the East Indies, in August 1665. Pepys proposed that the sum needed by Evelyn might be taken from the prize money from these ships. However, the cargoes had been rifled by Sandwich's officers and others, causing a scandal, and nothing came of Pepys's suggestion. In December

1665 the Privy Council was forced to conclude that the money required to pay for the sick, wounded and Dutch prisoners 'exceeds the profit of the prizes taken'.⁵⁰ The general situation deteriorated further when, at the end of the first year of the war, Charles, probably for reasons of economy since the Dutch prisoners were more numerous, decided that England should pay for the maintenance of English prisoners in the Republic, leaving to the States General the responsibility for their own captives held in England. The unwillingness of that body to shoulder the burden led to warnings that this was tantamount to a death sentence to them.⁵¹

Bargaining over conditions of imprisonment and release

Though fewer than the Dutch prisoners held in England, significant numbers of English seamen had also been captured by the Dutch: some seven hundred in the Battle of Lowestoft and eighteen hundred in the Four-Day Fight.⁵² The care of one another's prisoners of war became a source of contention between the belligerents, each accusing the other of ill treatment of its captives. The Dutch regional admiralties passed to the States General the complaints of prisoners' wives who had got wind of the situation in England. Reymes was told by Secretary of State Lord Arlington 'of the ill treatment of the English prisoners in the Low Countries under pretence that their prisoners were not well used in England'. Arlington had been briefed by a letter from Downing, enumerating the deficiencies in the prisoners' diet and accommodation and complaining that the sum allotted to their daily subsistence was far less than Dutch prisoners received in England, though Downing's impartiality is open to doubt. Reymes's conversation stimulated him to write and have translated into Dutch 'a little manifesto' for the Winchester prisoners 'to subscribe to' and make alteration if they wished. In it, the prisoners denied that they were badly treated in retaliation for the cruel treatment of English prisoners in the Republic. However, since it was from Dutch prisoners in Winchester that the Dutch Ambassador Michiel van Gogh received an appeal for help, the genuineness of the sentiments expressed in the letter may be doubted.⁵³

On the other hand, Reymes's biographer Kaufman gives examples of his attempts, under impossible conditions, to show humanity toward his charges and do his best for them. He acquiesced in the removal of some prisoners to Chelsea, near London, where conditions would be better and they would be nearer their friends, writing 'since the gentler we use them ... ye more for the King's honour ...' He was dismayed at the order of 15

November 1665, resulting from Charles's decree, reducing the prisoners' ration to bread and water. He delayed its introduction and, when some of his charges were to be moved to Bristol to be employed as seamen on ships plying to the American colonies, refused to implement it for prisoners who were being marched to their new quarters.⁵⁴ Reymes's affidavit paints a more believable picture of conditions than the earlier 'voluntary' declaration obtained, by Downing, from the prisoners in Colchester, Ipswich and Woodbridge.⁵⁵ This seemed almost to suggest that satiety, rather than dire want, was the prisoners' problem and was regarded with understandable scepticism by Van Gogh. It stands in stark contrast to the account of life at the same prison by the contemporary Dutch historian Abraham de Wicquefort. According to him, the prisoners were crowded together and forced to eat their meagre rations, sleep and relieve themselves in the same stinking enclosure, incompletely protected from the elements.⁵⁶ Not surprisingly, numbers of prisoners were driven to attempt to escape, from Winchester and elsewhere, but this seldom brought relief. Few succeeded in finding a ship to transport them back to their own country and most had no option but to voluntarily return to captivity. A number of escapees at Woodbridge, in Suffolk, drowned while attempting in a stolen boat to reach a Dutch fleet lying offshore.⁵⁷

Ambassador Van Gogh attempted to alleviate the conditions of the Dutch prisoners. He contracted a London merchant to supply prisoners held at Chelsea and appealed to the States General, explaining that, if no help were forthcoming, Dutch prisoners would take service with the English fleet to escape starvation as, in the Republic, English and Scots prisoners were induced by privation or threats to serve with the Dutch fleet.⁵⁸ Help for their most basic necessities was needed and the Dutch community in Yarmouth had collected money for them. Van Gogh obtained some assistance from the Dutch Church at Austin Friars in London, which was also approached by individual Dutch seamen, but later had to inform the States General that the church was unable to provide further succour. At the end of the war, Van Gogh requested money from the States to compensate Austin Friars for the help they had given.⁵⁹ In his last audience with Charles II, before his departure at the end of 1665, Van Gogh received the King's assurance that action would be taken to improve the prisoners' condition. From Evelyn Van Gogh received an appeal for help for prisoners held in Leeds Castle in Kent. But a year later it was noted that thirty had died of starvation and two hundred were sick, and that the need for remedial action remained undiminished.⁶⁰

Various strategies were adopted to relieve the intolerable conditions. Prisoners who were able were set to work: as crew on Newcastle colliers or merchant ships heading for the American plantations, or as fishermen, day labourers, or craftsmen. Charles decreed that one fifth of the crews of English merchantmen should be Dutch prisoners, though it is not clear to what extent this was actually realised, and that their return to England should also be ensured. Men in favoured trades such as textile workers were freed, provided they agreed to remain and ply their trade in England.⁶¹ Some pressure was relieved by prisoner exchanges although, at the end of the war, most Dutch prisoners were still in England. In mid-1666 their number was approximately 2,700. Exchange was one of the means discussed between Van Gogh and Charles to bring amelioration. Downing, who had had experience of mediating exchanges during and after the First Anglo-Dutch War, was entrusted with the same task in the second. He was granted the sum of five thousand pounds for this and for the English prisoners' maintenance. Despite their complaints of wretched accommodation and food, he succeeded in returning fifteen hundred pounds of this sum.⁶² Officers could, with his assistance, arrange to be exchanged for a named individual held by the enemy but ordinary seamen had to wait for a general exchange, such as that mediated by Van Gogh between the city of Bristol and the province of Zeeland. The freed Dutch prisoners needed to be examined for signs of plague. The States General, in negotiations with Downing, offered cash for men over and above the numbers that could be exchanged one to one, the number of Dutch prisoners being far higher. Some officers indicated their readiness to pay ransom for their release. Downing, however, advised against 'to exchange for money such as they have not men to give for ... men being the chiefe want here'.⁶³ Following the release of some English ship's boys at Amsterdam, through the mediation of a Dutch benefactor, Anna Peters, Downing's proposal to Charles for a reciprocal gesture was adopted and a hundred Dutch boys were released. Shortly thereafter, however, Downing was complaining that this had not led to the release of more English boys.⁶⁴

Article X of the Treaty of Breda specified 'that prisoners on both sides, one and all, of what degree, dignity, or condition soever they be, shall be set at liberty, without ransom, or any other price of their freedom; provided satisfaction be made by them for debts which they have contracted for diet or any other lawful cause'.⁶⁵ Following the signing of the treaty in July 1667 the final exchange of prisoners of war began. There was disagreement over the interpretation of the terms of the Treaty, leading to horse-trading scarcely less squalid than the conditions of their captivity. Downing complained that, whereas formerly prisoners had been exchanged one for one, and the



Illustration 2 The peace treaty of Breda was formally concluded on 31 July 1667

Contemporary engraving by Romeyn de Hooghe

Source: Wikipedia

prisoners in England were being released free of charge, the Dutch were now demanding, as permitted by the terms of the Treaty, to be compensated for the board and lodging of those they had had in their charge, although the remaining boys had been granted their release. The Zeeland admiralty demanded five thousand pounds for those held in the province, and eleven hundred pounds for Admiral Sir George Ayscue alone. An exchange was proposed whereby a captain would be exchanged for ten ordinary seamen, a lieutenant for four and a chaplain for three. Charles was disinclined to pay, leading the Zeeland admiralty to threaten that English prisoners would be pressed into service on ships bound for the East Indies, while Johan Meerman, the commissioner in charge of the exchange programme, proposed that English prisoners should be relieved of any money and possessions on their release, which was carried out. Pepys was ambivalent, observing that, 'as the Dutch fool us in anything', they demanded compensation for their care and feeding of the prisoners, but also noting that, in the province of Holland, prisoners had been provided with paid labour and enabled to work their passage home, 'which is done like a noble, brave and wise people'. The prisoners' captivity was cruelly prolonged by the financial wrangling but,

finally, agreement was reached and free passage granted to Dutch ships to transport the prisoners home, though it was not until December that the process was completed.⁶⁶

Conclusions

The Dutch prisoners were not subjected to the arbitrary judgement of and possible execution by their captors, but became dependent for their welfare on the English state bureaucracy. Their treatment thus relied on the competence of the responsible civil servants, and the ability and willingness of the government to provide funding for their care. The hardships they suffered cannot be ascribed to negligence, indifference or malevolence on the part of the officials. The Commissioner for Essex and Suffolk, Sir William Doyley, and Treasurer Cock may not have been impeccable, both having been involved in dubious dealings, but Reymes, Evelyn and Pepys were, compared with their often incompetent and venal masters, civil servants of ability, probity and humanity. They were relatively untainted by the prevalent corruption and showed humane concern for the prisoners in their charge. Evelyn worked tirelessly with the mayors of towns and cities, with central government and, through Pepys, with the Navy Office, to secure accommodation and funding. On occasion the commissioners were reduced to spending money of their own and, in Reymes's case, borrowing from a business associate. However, such shifts, the actions of the Dutch community in England as mentioned above, and those of individual benefactors, such as Dr John Dalben in London, and Sir Hugh Cholmley who arranged the collection of money to relieve the prisoners at Whitby, could have no more than minimal palliative effects under the prevailing economic circumstances. Downing was also an effective official, though his notorious hatred of the Dutch would not have inclined him to generous treatment of the prisoners.⁶⁷ It was thus not deficiencies in the competence of the responsible officials that was the primary cause of the crisis in prisoner care.

Instead, the hardship the prisoners experienced was the result of their unexpectedly large numbers, misjudgement on the part of the relatively inexperienced English government and a severe depression of the English economy. Although the First Anglo-Dutch War had ended only a decade earlier, and despite the anticipatory measures taken by the Restoration government, the prisoner streams of the second soon overwhelmed the facilities made available for their reception. The large numbers generated by the very first sea battle placed huge strains on the available capacity,

while the regime change from Cromwell's Protectorate to the restored monarchy had caused loss of continuity in administration. A still greater problem was the parlous financial situation of the English government. This was not entirely the fault of the 'lazy, amateurish and incompetent' Restoration regime.⁶⁸ The Civil War and Cromwell's military adventures, followed by the Great Plague and the Great Fire of London, had bankrupted the country. A satisfactory system of financing the national debt, or raising long-term credit, would have to wait until Downing's reforms of the last quarter of the century.⁶⁹ Although the Commissioners strove continually to obtain money for the prisoners' upkeep, the government was too desperate to find money to prosecute the war, and to care for its own casualties, for the enemy's prisoners to receive any priority. Evelyn's diaries are full of his desperate appeals, resulting in an occasional government disbursement by means of a privy seal.

The approach England and the Dutch Republic took to the issue of prisoners of war was very much in line with the practices and conventions found in contemporary land wars. The mutual recognition as independent, sovereign states ensured that both sides observed the cultural conventions concerning good warfare. Prisoners became the government's responsibility and were no longer subject to arbitrary judgment, intentional physical abuse or execution. Medical care was provided for those who were sick or wounded. Ransoming individual prisoners by private captors did not occur during the Second Anglo-Dutch War; the eleven hundred pounds demanded for the release of Ayscue and the desire of certain officers to buy their own freedom were merely remnant elements from the past. Furthermore, English and Dutch governments deliberated more or less continuously on the treatment and possible exchange of prisoners. However, the hardship suffered from lack of food, clothing, appropriate shelter and hygiene was an obvious violation of international conventions. The presumption of local or regional magistrates, in engaging in bilateral negotiations for premature exchange of prisoners, was contrary to the policy of the central government to deprive the enemy fleet of manpower by keeping the prisoners behind bars, while in the English case the Bristol-Zeeland negotiations were also at variance with the processes of state formation and centralization described above.

The hardships suffered by Dutch prisoners, and the negotiations between local authorities concerning premature exchanges were circumstantial and exceptional, and represented unintentional departures from the military-legal conventions regarding 'good warfare' which were becoming current. It is noteworthy that the 'private enterprise' of the war, privateering

with state-issued letters of marque, was, where the issue of prisoners was concerned, accorded the same conventions that otherwise only applied to warfare between sovereign states. Some divergence between maritime and land warfare continued until the nineteenth century, when the state monopoly on military violence was finally fully established. In the case of the Dutch prisoners in the naval and amphibious conflict of the Second Anglo-Dutch War, the treatment of both battle and privateering captives conformed to the same processes of state formation and centralization that were in progress for land wars.

Notes

1. There is a vast literature on (various aspects of) early-modern European state formation. See, for example: Michael Braddick, *State formation in early modern England c. 1550-1700* (Cambridge 2000); Philip Gorski, *The disciplinary revolution. Calvinism and the rise of the state in early modern Europe* (Chicago 2003); Michael Breen, *Law, city and king. Legal culture, municipal politics and state formation in early modern Dyon* (Rochester 2007); Olaf Asback and Peter Schröder (eds.), *War, the state and international law in seventeenth-century Europe* (Farnham 2010); Daniel Nexon, *The struggle for power in early modern Europe. Religious conflict, dynastic change and international change* (Princeton 2009); Julian Goodare, *State and society in early modern Scotland* (Oxford 2009); Christopher Storrs, *War, diplomacy and the rise of Savoy, 1690-1720* (Cambridge 2000); Paul Warde, *Ecology, economy and state formation in early modern Germany* (Cambridge 2006); Aurelia Espinosa, *The empire of the cities. Emperor Charles V, the Comunero Revolt, and the transformation of the Spanish system* (Leiden 2009); Julia Adams, *The familial state. Ruling families and merchant capitalism in early modern Europe* (Ithaca NY 2005); Thomas Ertman, *Birth of the Leviathan. Building states and regimes in medieval and early modern Europe* (Cambridge 1997); Roy McCullough, *Coercion, conversion and counterinsurgency in Louis XIV's France* (Leiden 2007).
2. Geoffrey Parker, *The military revolution. Military innovation and the rise of the West, 1500-1800* (Cambridge 1988); Jan Glete, *War and the state in early modern Europe. Spain, the Dutch Republic and Sweden as fiscal-military states* (Farnham 2002); Michael Howard, *War in European history* (updated edition, Oxford 2009); Frank Tallett, *War and society in early modern Europe, 1495-1715* (London and New York 1992); Michael Gerace, *Military power, conflict and trade* (London and Portland 2004).
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4. On the usefulness of the concept of an early modern 'Military revolution', see: Michael Roberts, 'The military revolution, 1560-1660', in: Clifford Rogers (ed.), *The military revolution debate. Readings on the military transformation of early modern Europe* (Boulder 1995) 13-35; Geoffrey Parker, *The military revolution*; Jeremy Black, *Naval power. A history of warfare and the sea from 1500* (Houndsmills 2009); Nicholas Rodger, 'From the "military revolution" to the "fiscal-naval state"', *Journal for Maritime Research* 13/2 (2011) 119-128.
5. Notable exceptions are: Elaine Murphy, 'Atrocities at sea and the treatment of prisoners of war by the Parliamentary navy in Ireland, 1641-1649', *The Historical Journal* 53/1 (2010) 21-37; Adri van Vliet, *Vissers en kapers. De zeevisserij vanuit het Maasmondgebied en de Duinkerker kapers (ca. 1580-1648)* (The Hague 1994); Holger Afflerbach, 'Going down with flying colours? Surrender in sea warfare from Elizabethan to our own times', in: Holger Afflerbach and Hew Strachan (eds.), *How fighting ends. A history of surrender* (Oxford 2012) 187-210.
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 16. Ambühl, *Prisoners of war in the Hundred Years War*, 12-14 and 259-261; Malkin, 'Prisoners of war'; Given-Wilson, 'The ransom of Olivier du Guesclin', 235-248; Ayton and Preston, *The Battle of Crécy, 1346*, 5 and 24; Prestwick, *The three Edwards*, 180-186; Roelofs, 'Hoofdstuk IV: de periode 1450-1713', 80; Contamine, 'The growth of state control', 164-168; Housley, 'European warfare, c. 1200-1320'; Strickland, *War and chivalry*, 181-200.
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