Sweden, Barbary Corsairs, and the *Hostis Humani Generis*

Justifying Piracy in European Political Thought

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Abstract

In this chapter, the intersection of piracy with scholarly discourse and state policy is traced through a period of acute political crisis in Sweden in the early years of the eighteenth century. By focusing on one student dissertation presented at Uppsala University in 1716, it is argued here that Sweden’s then precarious position necessitated a delicate navigation of piracy in both the Baltic and the Mediterranean. While the scholarly traditions of natural law provided ample resources to condemn pirates as mere sea robbers, this one dissertation illustrates how moral, philosophical, and historical arguments could be marshalled in defence of a more equivocal attitude to piracy, which also reflected the delicate balancing act performed by the Swedish state.

**Keywords:** Sweden, natural law, Barbary states, hostis humani generis, diplomacy

The definition of piracy has long been a matter of interest to philosophers and politicians alike. In this chapter, we consider the philosophical and political interest in piracy by focusing on a dissertation published in Uppsala, Sweden, in 1716 by Magnus Thelaus (1687–1765), entitled: *Dissertatio gradualis de piratica* [On Piracy]. Of Thelaus himself very little is known, beyond the

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fact that after taking his Master's degree he became a lecturer in oriental languages and theology at Uppsala in 1733, and eventually rose to become a Dean of the Lutheran church. In this chapter, we use Thelaus's *De piratica* to explore the malleable meanings of piracy in eighteenth-century Swedish philosophical and scholarly discourse against the backdrop of Sweden’s dire diplomatic situation. Various chapters in this book have considered the striking concurrence that characterized European and non-European notions of piracy in the seventeenth and eighteenth centuries. This was not simply a matter of the coexistence of divergent understandings and cultural practices around the world, but, as we show here, of the entanglement of different discourses of piracy within one state. In this chapter, we reveal how a conventional scholarly articulation of the pirate as a “common enemy of all humankind” coexisted with an urgent but almost secret debate about the uses that may be made of pirates in statecraft.

The timing of *De piratica* in 1716 was especially significant. The early decades of the eighteenth century were a pivotal period in the extension of European state sovereignty at sea and with it, of the claims of European international law. As European states were intensifying their war-making powers throughout the late seventeenth century, so war itself came to be defined existentially in terms of the elimination of an enemy's war making capacity. In this context, as Marcus Rediker and Peter Linebaugh have argued, the legal definition of piracy provided a rationale for this war-making ethos at sea; pirates were “denounced [...] as sea monsters, vicious beasts, and a many-headed hydra – all creatures that [...] lived beyond the bounds of human society.”

In this pan-European discourse, Sweden's position was especially urgent. A monarchical state and an empire centred on its precarious Baltic possessions, by 1716 Sweden had been exhausted by near constant military deployments...
in the Great Northern War (1700–1721). King Karl XII’s (r. 1697–1718) attempt at Baltic mastery had only recently ended in catastrophe at Poltava in 1709. Over the following years, he lived as a monarch in exile in the distant Ottoman Empire. Sweden’s once mighty army meanwhile had been dispersed and all but destroyed, state finances were in ruin, and the navy decayed. Swedish merchant shipping, so desperately important to restore national finances, lay exposed to piratical threats and to rivalry with other European powers. In this context, Thelaus’s choice of dissertation reflects a concern not just for scholarly rhetoric but contemporary national and world events. So desperate had Sweden’s plight become that state officials were considering collaborating with the pirates of Madagascar to secure ships and to protect foreign trade, even perhaps gaining a pirate colony in the bargain. Hence, Thelaus’s argument in *De piratica* that attitudes to piracy should be shaped by both moral stipulations and expedient calculations of advantage is of significant interest.

*De piratica* was one of only a small number of other dissertations commenting on Sweden’s maritime activities and its contemporaneous interactions with non-Christian states and empires. What makes *De piratica* so unusual was that it openly considered the moral justification of piracy and its political expediency. Historians of Sweden’s imperial and maritime ambitions in the period rarely use dissertations as source material.6 This omission seems all the more striking given the sensational subject matter in *De piratica*. Three layers of analysis will need to be traversed to fully unveil its significance. The first involves the political context of European experiences of piracy exacerbated by the desperate political and economic situation Sweden faced in the first decades of the eighteenth century. The second connects this context to the genre in which Thelaus wrote and published, the scholarly dissertation. The third involves an investigation of Thelaus’s use of the major philosophical and historical works on piracy and pirates.

**From Madagascar to Barbary: Sweden and the Pirates**

Thelaus lived at a time when piracy was rampant in every sea, and for that reason it was a well-known problem. By the second half of seventeenth century for example, buccaneering in the Caribbean had evolved from

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small-scale operations to massive land raids involving large ships with over a hundred crew, and sometimes whole fleets.7 By 1700, the first reports were recorded of pirates flying the Jolly Roger (by captain Emanuel Wynn), the infamous black flag that soon came to signify pirate identity. By the end of the War of Spanish Succession (1701–1713), piracy reemerged. In 1716, the year Thelaus published his dissertation, Caribbean pirate activity reached previously unknown heights of intensity emanating from headquarters on New Providence in the Bahamas.8 Already European pirate crews, estimated to number more than a thousand, were hunting in the Indian Ocean, setting up bases on the northeast coast of Madagascar and on the islet of Santa-Maria.9 Some among them petitioned Sweden in May 1714 for protection against persecution. Through the Swedish ambassador in Hanover, a messenger was sent to ask for king Karl XII’s clemency.10 The pirates argued that there were not many Swedes among them, and that they had never attacked Swedish vessels. Negotiations rapidly stalled until Kaspar Wilhelm Morgan, who presented himself as a pirate captain, was sent directly to Strömstad in Sweden with a petition to Karl XII in early June 1718. Morgan offered the king riches collected by the pirates, as well as the use of their ships, and a colony they had founded on Madagascar. In return, the pirates asked for asylum and to become Swedish subjects. Remarkably, Karl agreed to these terms on 24 June 1718.11

To understand why Sweden’s king was so sympathetic to the pirates, it is worth remembering that, in addition to many other European states, the Swedish made use of semi-reputable privateering ships and crews. Privateers were nominally distinguished from pirates by raiding under sovereign warrant or “letters of marque.” Between 1709 and 1721, the Swedish privateer fleet numbered no less than 156 ships. They attacked foreign merchant ships in the North Sea, operating in close proximity to the port cities of Gothenburg, Karlskrona, Stockholm, and Helsingfors.12 Yet, the

12 Lars Ericsson Wolke, Kapare och pirater i Nordeuropa under 800 år (2014), 232.
threat that Sweden’s king was most worried about lay with another kind of privateering, that of the so-called Barbary Corsairs operating from the North African coast. European powers wavered on the issue of whether the Barbary Corsairs were pirates or barely reputable privateers. The question hinged on the degree to which the Barbary states managed to control their corsair fleets. Complicating the question, however, was that although the corsairs were nominally subject to the Ottoman sultan (or his regional emirs) and professed Islam, many among their crews were European Christians, including Swedes.\textsuperscript{13}

The expansion of Sweden’s seaborne trade to the Mediterranean had intensified from the middle of the seventeenth century, when Swedish economic policies were formulated around new interests: the need for cheap salt and the development of markets for Swedish staple commodities in southern Europe.\textsuperscript{14} Rising salt prices in Setubal and Lisbon pushed Swedish merchants into the Mediterranean, a region characterized by warfare and struggle for control between the Habsburg Empire and Ottoman Empire. Tensions between them simmered in coastal raids, semi-official privateering, and outright piracy. Throughout the latter seventeenth century, Constantinople’s control over its North African vassals declined and the Barbary Coast became a base of operations for corsairs whose activities spread to Malta and Livorno in Italy. Swedish losses were considered so serious that a first attempt to negotiate peace with the most powerful North African state, Algiers, was proposed in 1667.\textsuperscript{15} An agreement never materialized however, in part because it was feared that a peace treaty between Sweden and Algiers might have caused irritation among other European powers. Hence, by the time Thelaus came to write his dissertation in the early eighteenth century, the problems of Barbary attacks on Swedish shipping, the taking of ships and enslavement of crews, were so well-known in Sweden that it was frequently reported in newspapers. Nationwide calls for alms were made to collect ransoms, and the fear of pirates was a feature of prayer books and other religious writings, denouncing them as robbers without a land.\textsuperscript{16} Given its prominence, Thelaus’s decision to discuss piracy might not seem surprising. Yet, De piratica needs to be understood in relation to its


\textsuperscript{14} Leos Müller, Consuls, Corsairs, and Commerce: The Swedish Consular Service and Long-Distance Shipping, (Uppsala: Acta Universitatis Upsaliensis, 2004), 50.

\textsuperscript{15} Östlund, Saltets pris, 104; D.Hj.T Börjeson, Stockholms segelsjöfart. Anteckningar om huvudstadens kofferdiflotta och dess män ... minnesskrift 1732–1932 (Sjökaptens-societeten, 1932), 294.

\textsuperscript{16} Östlund, Saltets pris, 246–258.
unusual genre, Swedish scholarly dissertations in the eighteenth century, which makes this choice of topic all the more remarkable.

Swedish Dissertations

In requiring a public defence of a dissertation by students, Swedish and other European universities maintained a venerable scholastic tradition. Based on medieval standards of university education that presupposed Latin as the language of approved knowledge, and the authority of the Bible and Christian scripture, scholastic methods of enquiry involved a rigorous but highly structured process of dialectical question and response seeking resolutions of apparent contradictions. Scholasticism infused all branches of knowledge from theology to medicine, in which the emphasis was placed on the practitioner’s ability to navigate within the bounds of accepted sources of knowledge to clarify meanings through exegesis, exposing faulty definitions to logical analysis.17

It has been estimated that almost 25,000 dissertations were defended at Swedish universities between 1600 and 1855. Almost all of them were written in Latin.18 Scholars defended their dissertations publicly, not only to qualify for a Master’s degree (pro gradu), but to perform a highly structured, formal scholarly exercise (pro exercitio). This meant that the majority of the dissertations did not make original contributions to knowledge, because the emphasis was placed on competence in argument and presentation within the confines of approved knowledge. The dissertations provide a unique window into what it was acceptable to claim or to propose within a scholarly setting.19 Their purpose was to show that the respondent mastered contemporary knowledge and could defend arguments in good Latin.

Thelaus’s dissertation had been preceded by others highlighting the salience of the problem of piracy in Swedish intellectual and diplomatic

circles. In February 1699, Johannes Heldingh’s dissertation *Mauritaniam Seu Regna Fes: Maroccanum Et Algier …* [On the Mauritanian Kingdoms of Fez, Morocco, and Algiers] provided a detailed description of the so-called pirate nests along the North African coast. Johannes Reftelius returned to the same question in his dissertation of October 1700, *De pactis cum barbaris* [On Treaties with Barbarians]. Reftelius considered the legitimacy of treaties with non-Christian states, as Thelaus was later to do, but he stayed closer to questions framed by earlier scholastic theologians, namely: whether Christian nations could make pacts or treaties with so-called barbarians who had no knowledge of, or disdained the Christian god? 20 Thelaus also framed his dissertation as a contribution to the natural law tradition of thought, but his argument was not so conventionally constrained.

The foundations of natural law reasoning lay in an emphasis on the divine gift of reason with which humans were to discover universal laws embodying both an imperative for self-preservation and the utility of sociability. 21 Thelaus made plain his debt to natural law in the introduction to his dissertation where he argued that because the universal aspiration to friendship and peace was regularly distorted by greed and vice, humans could not rely on reason alone to realize them. Too often, he reasoned, humans became fierce beasts to one another. Here, he cited Juvenal’s deployment of non-human animals as moral example: “When has a stronger lion ever taken a weaker lions’ life? In what meadow has a boar ever perished by the teeth of a bigger boar?” 22 Thelaus’ rhetorical strategy here was to emphasize the unnaturalness of human unsociability by contrasting it to Juvenal’s beasts who were better exemplars of natural fellow feeling. Unlike the beasts, humans were apt to be led astray from reason by their greed and vanity, and thus induced to prey upon one another like pirates. In other words, Thelaus framed piracy as a crime against natural law, human nature, and international law. 23 Having established his moral framework, Thelaus divided the rest of his discussion in *De piratica* into three parts. In the first, the concept of piracy was defined. The second part focused on assessing moral arguments about pirates and piracy from the standpoint of natural law.

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law. The practical implications of this reasoning were then explored in the third part, which considered piracy in the Mediterranean in relation to international law.

Defining Piracy

Thelaus's opening discussion of definitions predictably proceeds by way of amassing textual authority on the etymology of “pirate” and “piracy,” beginning with Cicero's definition in *De Officis* [*On Duties*] of a pirate as a faithless enemy, one with whom no oaths could be kept. Thelaus then raised a series of related meanings including, “the one who does evil at sea,” “sea robbery [...] in German Meer-Räuberei, See-Räuber, and in Swedish sjöröveri,” “the enemy of all,” “common enemy” and “Sea thief.” He then juxtaposed the ubiquity of these definitions with an ethnographic discussion of different examples of pirate communities and nations, as described by a variety of classical sources: Homer, Thucydides, Philostratus, and Apollonius of Tyana. Of them all, Thelaus used Philostratus's writing as a tool to present a rather unusual view on the identity of the pirate and the activity of piracy. Philostratus recounted the story of Apollonius who asked an “Indian” king “where he acquired his knowledge in Greek and in philosophy.” To this question the king replied:

In old times when a ship was put unto port, the people used to ask its crew if they were pirates, piracy was then so common. But now, though philosophy is God's most precious gift to man, the first question you Greeks put to a stranger, even of the lowest rabble, is 'Are you a philosopher?' And in very truth with you Greeks [...] philosophy is much the same as piracy, for the many who profess it, it is like an ill-fitting garment which they have stolen, and in which they strut about awkwardly, trailing it on the ground.

Here, Philostratus used the position of a cultural outsider to reflect critically on the practice of Greek philosophy as nothing more than a kind of

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25 Thelaus, *Dissertatio gradualis de piratice*.
intellectual piracy. Both piracy and philosophy required a life of robbery. Though a trite example, Thelaus was prepared to substantiate it by detailing a number of examples drawn from more sources to show that piracy was not only a common but widely accepted practice in the classical Greek world as well as in Europe’s Middle Ages. He cited the example of the Vikings, who had practiced piracy and encouraged or enforced it from father to son. The Normans also had plundered the seas so successfully the King of France gave them part of his realm: Normandy. Plutarch had even claimed that the Arabs and Spaniards considered piracy as the most beautiful of arts. Thelaus’s sources on the widespread practice of piracy included Julius Caesar (De Bello Gallico 6, 3), Aristotle (Politics 1, 5), and the English political philosopher, Thomas Hobbes (On the Citizen, 5, 2). Hobbes had referred to the ubiquity of piracy in human history as evidence for his own controversial argument that the insatiable acquisitiveness of human nature, coupled with constant fear, resulted in a war of all against all.

Despite both of them working within the premises of natural law, Thelaus took the time to criticize Hobbes’s reasoning. In particular, he denounced Hobbes’s depiction of “everyone’s right to everything” and “war as is of all men against all men” as a godless dogma rendered “obsolete by the supreme authorities.”27 Thelaus’s rebuttal of Hobbes was entirely conventional. The English philosopher’s doctrines were widely attacked by contemporaries as leading to atheism and the rejection of a divine basis for earthly power. Yet, in mounting another attack on Hobbes, Thelaus pivoted his argument towards the need for a more careful moral evaluation of piracy. If Hobbes had been right, and the war of all against all was universal, then piracy would be no more than expected; nor would there be any reason to suppose that piracy ended when states and empires began. In this respect, Thelaus reflected on the famous speech of Calgacus, the leader of last free Celts in Britain confronting the armed might of Rome. Calgacus and his speech were a rhetorical device of the Roman senator Tacitus, who invited his readers to reflect nostalgically on the heroic Celts. To them, the Romans were merely “robbers of the world” whose “robbery, slaughter, plunder, they give the lying name of empire; they make a solitude and call it peace.”28 Thelaus’s point

here was that empires and kings, even whole nations, might be construed as pirates, and their laws merely so many expedients to excuse piracy.

To elaborate the point, Thelaus discussed Augustine’s dialogue in the City of God between Alexander the Great and a pirate. The dialogue famously depicted the double standards by which emperors and rulers could wage war and practice pillage legitimately, while mere pirates without the dignity of law were condemned. As the pirate in this dialogue saw it, kingdoms were only “great robberies,” and there was no essential difference beyond scale between the robberies of pirates in “a petty ship” and the robberies of emperors armed with “a great fleet.” For Augustine, the dialogue served as a parable of the tainted justice available in the godless Civitas Terrena (earthly city). All earthly justice was compromised by human vanity and pride and therefore was inseparable from violence, resulting in the futility of making a distinction between pirates and emperors. Augustine’s solution consisted in human submission to divine order manifested in the Civitas Dei (city of god).

Thelaus’s discussion in this second part of the dissertation seemed therefore to have arrived at a paradox. Piracy was both common and an evil, and pirates even though they masqueraded as monarchs and emperors should be judged. That judgment required the invocation of higher standards of moral reasoning than human laws alone. Thelaus returned his readers to the moral stipulations of natural law and the divine injunction to use reason to promote friendship and sociability. Yet, this rather conventional moral argument, studded with references to a host of well- (and less-) recognized authorities drawn from Europe’s classical and more recent history, from Homer to Grotius, was merely a prelude to what followed. Here, Thelaus considered the problem of Sweden’s policy toward the pirates of the Mediterranean, and he therefore confronted once again the uneasy relationship between moral reasoning and political expediency.

**Barbary Corsairs and European States**

The focus of discussion in the final part of the dissertation was placed on the Barbary pirates. Operating from the Mediterranean coast of Africa
and centres such as Fez, Tunis, Algiers, and Tripoli, Thelaus noted that the Barbary corsairs were active throughout the Mediterranean and into the Atlantic. All of the corsairs’ cities, except for Fez, were provinces paying tribute to “the powerful sultan” in Istanbul, but each of them retained considerable independence from his control. Thelaus wrote that the evident dangers along this coast, from Egypt to Gibraltar, were the reason why it was referred to as Barbary, since the corsairs like “ferocious harpies” had infested the coast, and “you would rightly not compare them with people but with lions, tigers, wolves and foxes.” Thelaus’s focus on the evil embodied by these “corsairs” was evidently narrow. They “violate human laws when praying on European shipping,” he argued, seemingly indifferent to piracy committed against non-Europeans. Thelaus then provided a series of descriptions of Barbary cities and of their activities. Their distinguishing feature, he argued, was that they mastered a trade in slaves taken from European ships captured at sea and even from raids on land. Thelaus described the Barbary slave system, its rules on the ownership of goods and captives and the nature of their servitude; he outlined the numbers of slaves held in Barbary, and the arrangements in place for ransom. All of this was informed by references to contemporary European authors, notably Johan Ludwig Gottfried (1584–1633) and Olfert Dapper (1636–1689). 30 Both published important collations of information about the Ottoman states along the coast of northern Africa. What he took from these sources was an uncompromisingly harsh judgement of the corsairs’ barbarity. Yet, Thelaus also drew out some ameliorating evidence, as he showed in discussing slavery:

Although historians agree that the slaves […] are treated harder than in Algiers, nevertheless, there are sources claiming that the conditions of the slaves in Algiers do not feel as bad as their reputation tells us. The fact that some prisoners are whipped horribly depends on the slave, on their own stubbornness, resilience, and obnoxious minds. Even Turks, especially those who rise above the common people, are said to treat their servants as family members, so that many servants in this situation feel better than one might think. There are even those who are so pious that they do not want to buy any slaves, because they think it’s inhuman to consider and treat people like animals. 31

31 Thelaus, *Dissertatio gradualis de piratica*.
Thelaus explained that “although the Algerian state was very powerful, it cannot be feared by any European neighbor.” He opposed contemporary scholars, this time historians and geographers from the University of Leiden, Philipp Clüver (1580–1622) and Georg Horn (1620–1670), who argued that the city of Algiers with its walls and defenses was impenetrable. Thelaus’s counter-argument drew on “modern authors” who pointed out that:

[...] the land side is not so well protected, and that the security of the defense facilities is not particularly effective [...] Contemporary writers think it is beyond doubt that Europe’s kings and states, that has brought so many serious injuries to this pirate nest, would crush Algiers like a second Carthage, so that there would be no stone on stone if attacked by a united force.

The question of a united force in opposition to the corsairs presented the most innovative feature of Thelaus’s analysis. The reason why Europeans had not collaborated in a united attack on Algiers, he argued, was because of competition within Europe. Powerful states he did not name, “are pleased” to see some other European states and traders suffer from the uncertainty of piracy in these waters. The problem of Mediterranean piracy was therefore made worse by the mutual competition among “European states,” especially those that could protect their shipping from attacks while growing their own wealth and power. “Therefore, the rivalry of Europeans is the best protection” for the impunity of the Algerian pirates. This, along with the corsairs’ trust in aid from neighbouring Barbary cities, explained why the Algerians were so “confident, insolent and rude,” why they ignored treaties, and instead relied on plunder. What was significant in this analysis was that Thelaus remained clear-eyed about Mediterranean maritime diplomacy. In this domain, moral argument cut little sway and the dynamics of warfare and competition had to be understood rationally. Thelaus presented a strikingly modern analysis of the diplomatic problem of Barbary corsairs. The problem was that both European states as well as the Barbary corsairs pursued their own interests. Although Thelaus did voice dismissive sentiments about the Turks having “no skills whatsoever,” he also recognized that the corsairs should not be understood solely by reference to the religious and cultural divide between the Muslim Mediterranean and Christian Europe. Thelaus in fact had little to say on Islam, noting only that the corsairs attacked Christian ships and took Christian captives, while also acknowledging that the pirates’ motivation was not doctrinal. As Thelaus put it, “anyone can indeed become a pirate” so long as they agree to abide by the decrees of the
Ottoman courts and the prescribed allocation of shares to the local ruling Bey and the Sultan’s viceroy. He also recognized the important role that European navigators and shipbuilders played among the corsairs.

**Pirates in the System of International Law**

In the last chapter of the dissertation, Thelaus returned to the moral implications of the problem of piracy. Thelaus's reasoning was once again based on the stipulation that “natural reason” and the “natural law” was inscribed in every human heart. These principles underlay his advocacy for “compassion” and “community among humans.” The problem was that people seldom followed the universal principle of “common sense,” and therefore the “rule of the natural law has been wiped out by bad customs.” While bad customs sustained the evil of piracy, the slender hope was that bad customs could, over the course of time, be changed into better ones. It was on this basis that Thelaus argued it might be possible for European states to negotiate treaties with peoples he described as “barbarians and less civilized peoples” in order to oblige them into “friendship.” One may detest having to make such treaties, he reasoned, but by doing so they become instruments of “security,” and a weapon to force the recalcitrant to give up their piracy.

Having thus argued that pirates could be made amenable to natural law, the next important question was whether they might also fall within the umbrella of international law? Thelaus here confronted head on the conventional definition of pirates as common enemies of humankind. If this definition were sustained, pirates could have no recourse to international law because being “enemies to all, they are not a part of the human species.” By invoking the authority of Cicero, Grotius, and Pufendorf, Thelaus explained that pirates could never constitute legitimate states or governments. Pirate gangs were established with the purpose of robbery, while governments were founded with the intention to establish justice, to live honourably, and to respect property. In other words, Thelaus accepted Grotius’s reasoning that pirates may not appeal to international law. Once again however, Thelaus was prepared to leave the door slightly ajar. Though he accepted there was a “formal difference between [gangs of] looters and states,” he nevertheless conceded that sometimes pirates did constitute a kind of power to rival states.

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They could at times marshal substantial numbers and some had proven themselves able to command mighty military forces. What is more, he argued, in order to do that, those pirates maintained a kind of order that might just barely be described as honourable. Echoing Augustine’s description of the attenuated honour among thieves as an analogue for pagan justice, Thelaus wrote of the pirates that “they respect between them a certain justice without which their society would be only brawls.” This comment appears to echo Alexandre Exquemelin’s description of buccaneer and pirate crews in the Caribbean organizing themselves according to strict codes of honour among themselves. It is worth noting here that honour was also a principle that was also invoked to convey a distinctly European understanding of the elaborate but largely unwritten standards of conduct between states in order to ensure trust. In the same year that Thelaus defended his dissertation, François de Callières (1645–1717) published what was to become a foundational text in European diplomacy, *The Art of Negotiating With Princes*. Callières spoke of the art of diplomacy as a delicate balance between deceit and honour necessary to maintain the peace between “all the States of Europe” who may “be look’d upon as Members of one and the same Commonwealth.”

Significantly, Callières remained focused on diplomatic relations between European states. Many of those same states through a mix of economic necessity and geopolitical interest, had long-established relations with the Barbary corsairs, and some among Europe’s philosophers were prepared to consider them at least as lawful combatants in war.

Sensing perhaps the widening tension in his argument between distinguishing states from pirate bands on the basis that the former honourably pursued justice while conceding that pirates who were not quite states yet pursued an anomalous justice of their own, Thelaus allowed his argument to slacken. Having reached this impasse, he then claimed that not only were pirates not states, they were not even a people or nation, had no standing in “the law of war”, and were hence “enemies common to all” having “abhorred

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humanity." Having argued himself back into the conventional condemnation of piracy, he concluded by citing the authority of a Dutch scholar, Van der Müelen (1635–1702), that extending diplomatic recognition to barbary pirates may be expedient even though not properly respectable. On that basis, Thelaus was prepared to ask whether it was “possible to negotiate with the Barbary pirates?” He seemed to concede the de facto autonomy of the Barbary cities and kingdoms from the Ottoman court. While formally part of a vast and powerful empire, the Barbary cities and kingdoms constituted a “form of state although aberrant and vitiated,” and though “not being a people” united in their observance of law and justice, they were still “united” if by nothing else than their shared “rascality.” Thelaus's casuistry led him into a seeming paradox: piracy was undoubtedly an evil, yet the necessity of diplomacy, war, and foreign trade required that expedience should perhaps be allowed to trump natural law in certain circumstances.

**Conclusion: Justifying Piracy**

Assessing the significance of Thelaus' dissertation brings us back to its context. Though the topic of his dissertation was not entirely novel, its construction, location, and timing made it distinctive. As a student attending one of the premier institutions of learning in the country, Thelaus could hardly have been ignorant of the dire situation of Sweden's teetering empire and beleaguered foreign trade. Piracy was a topic widely discussed in both popular culture and high politics; it was also a frequent topic among philosophers of law. A distinctive feature of Thelaus's dissertation is his interweaving of an entirely conventional moral framework for assessing piracy, with a much more pragmatic interpretation of the place of the pirates in European affairs. The familiar natural law premises of Thelaus's arguments rendered pirates as common enemies, barely recognizable as part of the human race. Yet, Thelaus's discussion of the corsairs manifested a much more pragmatic awareness that the pirate cities and kingdoms of the Barbary coast could be accommodated. This accommodation was nothing like the recognition due to other Christian, European kingdoms or republics. Nonetheless, he was prepared to concede that even the barbary corsairs maintained a kind of piratical order that imbibed something akin to honour. The Barbary corsairs were analogous yet anomalous in comparison to European states. His argument might be regarded as merely an obscure instance of scholastic expression, were it not for Thelaus's context which illustrated a concurrent development – seemingly in isolation one from the
other, yet parallel. Thelaus entangled the moral and pragmatic arguments around piracy at a climactic moment in Sweden’s imperial decline. In the years immediately following his dissertation, these same arguments were entwined in formal debates within Sweden’s halls of power.

Only a few years after publication of *De piratica*, Swedish authorities established a state commission to investigate the proposal to make a favourable deal with the pirates of Madagascar. According to a protocol held in a Council of State on 20 April 1719, the issue was debated in the form of “pro et contra.” Among the many arguments expressed and evaluated the one concerning “honour” is of interest. One member of the Council, Johan August Andersson Meijerfeldt (1664–1749), argued that if Sweden did proceed to deal with the Madagascar pirates: “the whole world would become our enemies, and it would be an everlasting dishonour for our country.” This argument was countered by Daniel Niklas von Höpken (1669–1741), who maintained that, by letting the pirates live in Sweden, the state would provide a great service for Europe because they would be pirates no more. The debate concluded that the question should be further discussed in a Secret Committee (Sekreta utskottet) where similar “pro et contra” arguments were raised about the integration of pirates into the Swedish state, and the danger that if Sweden were too slow the pirates might make a deal with their rivals, Denmark.

Just as Thelaus considered piracy from both a moral and pragmatic perspective, so, too, did the Swedish Council of State and Secret Committee. In both the scholarly dissertation and in the halls of power, the question of piracy encroached upon another to do with national honour. Would Sweden’s employment of pirates besmirch or enhance its honour? As Thelaus and the statesmen recognized, the question of honour was inseparable from considerations of national interest and both were entangled by the persistent image of the pirate as a faithless foe, “the scum of the earth.” There is no evidence that Thelaus or his arguments were ever employed in service to the Swedish state. It is telling that this one Swedish scholar was willing to address in a very deliberate way a delicate question of state policy, almost in the same terms as Swedish officials were later to rehearse. *De piratica* was thus a most unusual dissertation. It was prepared to concede intellectual cover to a desperate Swedish state forced by necessity and interest to negotiate with the Barbary corsairs, and offer asylum to the Madagascar pirates, as desperate means to win back its fading empire.

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