

HUGO GROTIUS
MARE LIBERUM
1609-2009

Original Latin Text
(facsimile of the first edition, 1609)
and Modern English Translation

Edited and Annotated by
Robert Feenstra
Emeritus Professor of Roman Law at Leiden University

with a General Introduction by
Jeroen Vervliet
Director of the Peace Palace Library



BRILL

LEIDEN • BOSTON
2009

Colophon

Published in cooperation with the Peace Palace Library, The Hague

ISBN 978 90 04 17701 7

Copyright 2009 by Koninklijke Brill NV, Leiden, The Netherlands.
Koninklijke Brill NV incorporates the imprints Brill, Hotel Publishing,
IDC Publishers, Martinus Nijhoff Publishers and VSP.

All rights reserved. No part of this publication may be reproduced, translated, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording or otherwise, without prior written permission from the publisher. Authorization to photocopy items for internal or personal use is granted by Koninklijke Brill NV provided that the appropriate fees are paid directly to The Copyright Clearance Center, 222 Rosewood Drive, Suite 910, Danvers, MA 01923, USA. Fees are subject to change.

Design

André van de Waal and Remco Mulckhuysen, Coörsdesign, Leiden

Photography

Joost Kolkman, Leiden
Koninklijke Bibliotheek, Den Haag, p. 3 - 160
Bert Mellink, D-Vorm, Leidschendam, p. XII

Paper

Arctic Volume White 130gr/m² with a FSC-certificate. The wood used in its production originates from plantations and other controlled sources.

Printed by

Thieme Grafimedia Groep

Bound by

Jansen Binders, Leiden

Contents

VII	PREFACE
IX	GENERAL INTRODUCTION by Jeroen Vervliet
XXXI	1 The Political Setting and Origins of <i>Mare liberum</i>
	1.1 <i>Mare liberum</i> , published anonymously at the time of the conclusion of the truce in 1609
	1.2 The assignment to Hugo Grotius by the Zeeland Chamber of the Dutch East India Company in 1608
	1.3 The seizure of a Portuguese carrack in the Straits of Singapore in 1603
	1.4 The sequel amongst the directors of the Dutch East India Company
	1.5 A policy brief by Hugo Grotius, 1604-1606
XIV	2 Legal Argument in <i>Mare liberum</i>
XIX	3 Aftermath. Bilateral Negotiations and a Battle of Books around <i>Mare liberum</i>
	3.1 Introduction
	3.2 Colonial conferences in London and The Hague (1613-1615)
	3.3 William Welwood's <i>An Abridgement of All Sea-Lawes</i> (1615)
	3.4 Hugo Grotius' <i>Defensio capitis quinti maris liberi</i> (1615)
	3.5 <i>De justo imperio Lusitanorum Asiatico</i> (1625) by Seraphin de Freitas
	3.6 Hugo Grotius' <i>De jure belli ac pacis</i> (1625)
	3.7 John Selden's <i>Mare clausum</i> (1635)
	3.8 Epilogue
XXXI	EDITOR'S INTRODUCTION by Robert Feenstra
	1 Existing Editions of <i>Mare liberum</i>
	2 <i>Mare liberum</i> and <i>De jure praedae</i>
	3 Translations of <i>Mare liberum</i>
	4 The Recently Edited Old English Translation by Richard Hakluyt
	5 Recent Research on Manuscript Leiden BPL 917
	6 The Objectives of the Present Edition
	7 The Verification of the References in the Margin and the Problem of Linking Them to the Text
	8 The List of Sources
	9 The Choice of the Editions Mentioned in the List
	10 Some Final Remarks on the Authors Cited

EDITION OF THE LATIN TEXT AND ENGLISH TRANSLATION

161	Abbreviations Used for References in the Editor's Introduction, in his Notes and his List of Sources
165	List of Sources
171	Index of Sources Not Mentioned in the List
	Roman and Canon Law Sources
	2 Ancient Non-Legal Sources
175	General Index