# PERSISTENT PIRACY

Maritime Violence and State Formation
in Global Historical Perspective

Edited by STEFAN AMIRELL
and LEOS MÜLLER

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# Contents

# Figures, Map and Table

**Figures**

**Map**

**Table**

# Acknowledgements

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# Introduction

## Persistent Piracy in World History

*Stefan Eklöf Amirell and Leos Müller*

Maritime piracy is at present a subject of great public and research interest. In the West, and increasingly in other parts of the world as well, popular interest mainly focuses on the historical and cultural aspects of the phenomenon – that is, piracy as a fantasy or entertainment. Meanwhile, the activities of contemporary pirates – in areas such as the Gulf of Aden, the Gulf of Guinea, the Malacca Straits and the South China Sea – attract not only the interest of the general public and the media worldwide but are also a matter of great concern for the international community and the shipping and insurance industries. Like in most real, as opposed to fictional, cases of piracy in history, there is nothing romantic about the ravages of modern pirates.

This volume aims to present a long historical and global perspective on the problem of piracy and related forms of maritime violence, spanning close to 3000 years, from the late Mediterranean Bronze Age to the eve of the twenty-first century. More specifically, the book focuses on what we call *persistent piracy* – that is, cases in which sporadic, small-scale piratical activity has developed into well-organized, enduring and large-scale ventures that often seriously threaten the security and even the very existence of neighbouring states or start to develop into states themselves. In an effort to make a global, comparative study of such persistent piracy, we have assembled eight empirical cases of such sustained, large-scale piratical activity in world history, each of which is discussed at some length in a chapter of the book. The chapters are written by ten leading scholars of the history of piracy and maritime violence, and we have asked them to analyse their historical cases departing from a common set of research questions and a shared conceptual framework. The aim of this collaborative project has been to explore, comparatively and theoretically, the link between processes of

1

state-formation and maritime violence in world history and to trace the development, spanning thousands of years, of the limits of legitimate maritime violence in the international context.

The global and long historical perspective means that we have, for the present purposes, adopted a broad definition of piracy that includes various acts of maritime violence perpetrated, at least to a significant extent, for private gain and involving the use of vessels. Such broadly defined piratical activity thus includes, in addition to piratical attacks against ships on the high seas (that is, 'piracy' as defined by international maritime law), armed robbery against ships in waters under the jurisdiction of a state (including on rivers and in ports), coastal raiding through descent from the sea and state-licenced forms of private prize-taking, such as privateering and corsairing, both in times of war and peace.[1]

## The characteristics of persistent piracy

Throughout world history, maritime trade and traffic in combination with the practical problems of providing security at sea and in coastal areas have created opportunities for piratical activities. The scope and intensity of such activities have varied greatly between different historical settings, depending on a wide range of factors such as the volume of maritime traffic, geography, technology, geopolitical factors, degrees of regional and global economic integration, levels of legal and administrative institutionalisation and local social as well as cultural circumstances.[2] In most cases, however, piratical activity has been small-scale and relatively insignificant in a wider, regional or global, historical perspective.

By contrast, in a limited number of historical cases piratical activities have become institutionalised and thus posed a much greater and enduring threat to commercial, political and human security. Such institutionalisation has occurred in a variety of historical and cultural settings and has generally involved close connections to states, occasionally even taking the form of regular sanctioning and legitimation by recognised states. The contributions in this book all stress the importance of states in the institutionalisation of piratical activities, although the roles of the states involved have varied greatly, resulting in a vast grey borderland between the 'black' of piracy and the 'white' of state-sanctioned forms of prize-taking and maritime violence. Historically as well as in contemporary scholarship, there has been considerable disagreement about what constitutes legitimate maritime violence and

what constitutes piracy. In fact, the attempts to define 'piracy' and thus to distinguish legal forms of maritime violence from illegal ones have been an integrated part of state-building, consolidation and expansion, particularly in Europe in the Early Modern era. There, these developments occurred simultaneously with and were complementary to the principally terrestrial development of the Westphalian international system of sovereign states after 1648, a system that in the modern era came to dominate virtually all the world's territory and an increasingly large share of the world's oceans.

The importance of the distinction between legal (state-sanctioned) and illegal (piratical) maritime violence in relation to state-building was not limited to Early Modern Europe, however. It was equally important in the late Roman Republic and for the formation of early states among the Vikings of medieval Scandinavia and Northern Europe. In other parts of the world, including in North Africa and East and South East Asia, the attempts by powerful states and empires to define what was legitimate or illegitimate maritime violence were also key elements in their exercise of sovereignty and international hegemony.[3]

For the purposes of the present comparative study, six general characteristics of persistent piracy have been identified, all or most of which need to be present, at least in part, in order for a particular historical case of piratical activity to qualify for the label of 'persistent piracy'. For the most part, all or most of the six characteristics are found in the eight empirical cases discussed in the volume.

The first characteristic is the existence of sustainable, well-defended or hidden *land bases* from where the perpetrators can launch their attacks and acquire the goods and services necessary for their operations and daily needs. Such land bases have varied greatly in size, complexity, permanency and legal status. In general, a hallmark of persistent piracy has been that the land bases, rather than consisting of small hideaways in inaccessible places such as on distant islands, in bays and riverine areas, have consisted of relatively large and well-known ports and market places, such as (based on the contributions in this book): Cilician Korakesion (Alanya) from the late 140s BC to its capture by Rome in 67 BC; Viking Dublin; Algiers, Tunis and Tripoli in the Early Modern era; Taiwan in the mid seventeenth century; Tortuga and Jamaica in the late seventeenth and early eighteenth centuries; Giang Binh (on the border between China and Vietnam) around the turn of the nineteenth century; Jolo (in the Sulu Sea) in the first half of the nineteenth century; and Eyl and Haradhere in contemporary Somalia. Often these were well-established ports long before piracy developed, but in other cases

they developed rapidly from small fishing villages and the like, or were established as a result of the piratical activities, for example as forward bases from where attacks could be launched.

In many cases the land bases thrived due to the open or tacit support of the states under whose (nominal) jurisdiction they fell. Many land bases, moreover, were located in frontier regions where states exercised little actual authority, or in disputed border zones between mutually hostile or suspicious states. In spite of their knowledge about the location of the pirates' land bases, states have often been reluctant to take action against them – either because of the uncertain outcome of a military attack or because it was not in the interest of the state(s) in question to suppress the piratical activity. The latter consideration can be exemplified by English reluctance to suppress seventeenth-century piracy in the West Indies directed against Spanish interests in the region; another example is the Tay Son regime in late eighteenth-century Vietnam, whose power was based on a symbiotic relationship with the pirates based in Giang Binh and other locations. As Robert J. Antony shows in his contribution, the Tay Son regime had little interest in suppressing the activities of the Chinese pirates, particularly as their predations were mainly directed towards China and not Vietnam.

Pirates are not Robinson Crusoes; they never operate in a political or economic vacuum. As several authors have argued, piracy can be studied from an economic perspective,[4] in the context of which the *access to markets* is of fundamental importance. Whereas petty piracy and maritime-raiding can be conducted in principle in order to supplement small and mainly self-sufficient economies, persistent piracy is dependent on markets in order for the pirates to sell their booty – whether in the form of slaves, goods and/or vessels – transfer ransom payments and acquire provisions, weapons and vessels for the purpose both of consumption and investment (that is, primarily, the launching of new raids). Markets are also imperative in order to realise the economic and social profits of piracy and as such they provide incentives to further piratical activity and attract new recruits to the business. Markets, moreover, channel information about suitable targets for attacks and the countermeasures taken by potential victims and authorities. These key functions of markets for persistent piracy are as relevant throughout the Early Modern period – from the West Indies to the East China Sea – as in today's Somalia.

In most of the historical cases of persistent piracy discussed in the present volume, the pirates have been part of larger regional and global economies and they have thrived largely as a result of their integration

into these far-flung systems of exchange, as demonstrated most clearly by James Francis Warren's discussion of the role of the raiding economy of the Sulu Zone in the emerging global capitalist economy in the first half of the nineteenth century. The pirates' integration into regional and global markets may to some extent explain why piracy, in a global historical perspective, is most readily associated with periods of commercial expansion (combined with inadequate maritime security), particularly during the period from *c.*1550 to 1850 – the period during which most (five out of eight) of the empirical cases of persistent piracy discussed in this volume occurred.

The third characteristic of persistent piracy is that it consists of *large-scale activities*, including large numbers – generally thousands – of people and often fleets of tens or even hundreds of vessels. Often fleets consist of different types of vessels for different purposes – for example, either one or a few large, heavily armed ships or several small, lightly armed vessels for attacking major targets at sea, mother ships from which raids can be launched far away from the pirates' land bases and small raiding ships launched from the mother ships to attack small vessels or coastal settlements. How this process from small- to large-scale has occurred, generally over a period of several decades, has varied but often seems to have followed a pattern of integration through which small independent groups of pirates gradually join forces, more or less voluntarily. An example is provided by Neil Price, who describes how the scattered Viking raids in Britain, Ireland and Frankia around the turn of the ninth century within a few decades evolved into large-scale, well-organised fleets and drawn-out military campaigns on the Continent and the British Isles. Eventually some of these ventures developed into territorially delimited and de facto sovereign states that were integrated into the surrounding international political landscape, such as Dublin, Orkney and Normandy.

The fourth characteristic of persistent piracy – related to the increase in scale – is the emergence of relatively complex and hierarchical *organisation* involving some specialisation of tasks and a durable command structure. As a result – and for all the talk of pirates as egalitarian[5] – inequality between the participants in piratical ventures increased, for example between slaves and free men, between senior and junior members of the groups and between warriors and sailors or rowers. The increase in activities often entailed investment on a previously unseen scale and onshore financial sponsors, who did not participate personally in the raids but often took the lion's share of the profits, became key figures and were often able quickly to accumulate significant fortunes

that could be turned into social and political power. As shown for example in James K. Chin's study of the rise in the 1620s of Zheng Zhilong, the founder of the Zheng family's maritime empire, such accumulation of wealth could be an essential factor for the establishment of persistent piratical ventures.

The fifth characteristic, which may be regarded as an extension of the former two, is embryonic *state-formation*, that is, the emergence, within a defined territory, of a relatively stable social and political order intimately connected to the predatory maritime activities. The growth in scale, inequality and organisational complexity of piratical ventures tend to lead to the concentration of power in the hands of those who control the main means of sources of income and military power, that is, in general the raiding fleets and at least a substantial part of the arms used in the attacks, and it is in their interest that domestic social and political order prevails. Thus, contrary to popular descriptions of pirate societies as marked by anarchy, debauchery and arbitrary violence, the land bases with their territorial hinterlands tend to be relatively peaceful and orderly: pirates, as Stig Jarle Hansen points out, require at least a basic level of peace and social and political stability in order to thrive and their land bases are rarely found in immediate war zones.

A crucial part of the state-formation process is international recognition, including diplomatic or semi-diplomatic relations with other recognised states, for example in the form of international treaties, formal exchanges of missions and gifts or consular presence. Diplomatic recognition, at least in theory and under certain conditions, entails legitimation of the maritime violence carried out or licenced by the piratical enterprise-turned-state. As demonstrated in the chapter by Wolfgang Kaiser and Guillaume Calafat, the question of whether the so-called Barbary States of North Africa should be accorded international recognition by the European states was a major problem that remained essentially unresolved throughout the 300 or so years of their de facto existence.

The sixth and final characteristic of persistent piracy is *persistence* itself, that is, the durability of the predatory maritime activities over a long period of time – at least several decades and in extreme cases hundreds of years. During the Early Modern era, as piracy became a key element in the projection of sea power by states and in the competition for regional or global economic and political hegemony, it fulfilled important roles that made it particularly durable. North African corsairing, which was allowed to continue from the mid sixteenth century until 1830 (albeit with less intensity after the mid seventeenth century), is

probably the most well-known and protracted case of persistent piracy, but all the cases discussed in this volume spanned at least two decades and often considerably longer periods.

These six characteristics, we believe, can serve as a heuristic starting point for the comparative analysis of major cases of piracy in world history. The contributors to this volume have all been asked to consider, as far as possible, these six theoretical aspects of persistent piracy in relation to their empirical cases. In this way, we hope to make systematic comparisons between the eight geographically and chronologically separated cases possible and fruitful. We also hope that it will be possible to say something, on a theoretical level, about how piratical activities in different places and at different times relate to global historical processes, particularly those associated with the consolidation and overseas expansion of states.

## Presentation of the contributions

Each chapter in the book either discusses a relatively well-defined historical case of persistent piracy or a longer period of time during which continuous piratical activity, or frequent outbreaks of piratical activity, occurred. The aim has been to include most major, historically documented cases of persistent piracy in world history, although we are aware that there are several other cases, not discussed here, that might have qualified as well. We nevertheless hope that the present selection will serve as a useful starting point for the comparative study of piracy and state-building in world history and, no less importantly, will inspire further comparative study of 'persistent piracy' using the theoretical framework proposed here as a starting point.

In the first chapter, Philip de Souza examines the origins and development of the concepts of 'piracy' and 'pirate' in Classical Antiquity. Greek and Roman literature features many references to piracy and pirates. The works of Roman historians and politicians in particular are examined to discover what piracy really meant in the Classical world. The cases of, for example, Cretan and Cilician piracy show that the context in which the terms 'pirate' and 'piracy' were used was crucial. Terms were used very much politically, as a way to mark Rome's, or others', enemies as criminals. Cicero's well-known labelling of pirates as 'the common enemies of all mankind' should be understood against the background of this highly ideological way of understanding violence at sea. Cicero distinguished between legitimate enemies at war and pirates, the latter being not just the enemies of Rome or any other state but 'the

common enemies of all mankind'. De Souza's analysis of Classical texts indicates how fluid the borders were between different geographical, political, ethnic and economic entities in Classical Antiquity. Violence at sea was monopolised and legitimised more by military power than by a concept of law.

In the second chapter, Neil Price approaches Viking raids and the Nordic expansion in North-Western Europe, mainly in the ninth century, from a piracy studies perspective. Initially he reviews the proposed motives for Viking raiding and concludes that no current explanation is entirely satisfactory. Comparisons with modern cases of piracy show many enlightening similarities. One example is the organisational development and persistence of Viking operations. From the end of the eighth century and over the crucial first half of the ninth century, a few boatloads of opportunistic marauders developed into organised fleets numbering hundreds of ships. The marauders developed forward bases on the Continent from which they initialised raids and organised them-selves into 'armies' of thousands of men and – remarkably in the global history of piracy – women.[6] It is argued here that the first Vikings created unique forms of mobile maritime communities that amounted to polities in their own right, blending a life of itinerant violence with politically and socially transformative ambitions. In this way the establishment of Viking polities in Ireland, England and Frankia resembles the establish-ment of persistent pirate polities in North Africa and South East Asia in the Early Modern era. Price also points out surprising and in many ways fascinating similarities between Early Modern pirates and Vikings, based on studies of the material culture of the Viking Age.

The third chapter, written by Wolfgang Kaiser and Guillaume Calafat, analyses probably the most successful case of persistent piracy in world history – corsairing from the North African polities of Morocco, Algiers, Tunis and Tripoli. The authors stress the difficulty of presenting North African corsairing within the framework of a grand narrative. For exam-ple, it is too simplistic to look at North African corsairing as a manifesta-tion of the struggle between Christian and Muslim powers, although it has often been interpreted in this way. For close to a millennium, from the rise of Islam in the Middle East and North Africa, both peaceful and violent contacts between different parts of the Mediterranean had been the norm. The chapter stresses the significance of the historical situa-tion in the sixteenth century, when the Ottoman Empire signed the so-called Capitulations with European powers and Dutch and English ships in large numbers entered the Mediterranean. One of the most important aspects of North African corsairing was that it was highly

regulated, far from the image of unorganised anarchist piracy – or, for that matter, of piracy as an early form of class struggle, as proposed most influentially in recent scholarship by Marcus Rediker.[7]

Although the *guerre de course* added to the difficulties inherent in the commercial interactions between Muslim and Christian countries, it also furnished a platform for trade and contact that crossed religious, legal and normative boundaries. The highly regulated corsairing activities required extensive administrative and diplomatic work. An unexpected outcome of North African corsairing activities was thus that the Mediterranean was, metaphorically, turned into a 'sea of paper'. Another, related, outcome was the development of international and maritime law. The chapter shows that North African corsairing played a much more important role in the shaping of modern European national states than we usually admit.[8]

The fourth chapter, written by James K. Chin, shifts the focus to another case of persistent piracy in the seventeenth century, the Zheng family's maritime empire in the East and South China Seas. This merchant-smuggler-pirate empire rose in the context of the interaction between late Ming China, early Tokugawa Japan, South East Asia and the Dutch East India Company in the maritime world of East Asia. Through commercial activities and a combination of smuggling and piracy, Zheng Zhilong, a merchant from Fujian, established himself as the principal pirate leader on the Chinese coast. His family's empire eventually developed into a proto-state, based in Taiwan and even achieving a measure of international recognition, with its own powerful merchant fleet and navy, civil and military administration, currency and flag. Similarly to other cases of persistent piracy, the Zheng empire thrived because of the political turmoil in the neighbouring states – the decline of the Ming dynasty and the Manchu conquest of China – and the competition between the European maritime powers and the indigenous states in East and South East Asia. For several decades, until its final defeat in 1683 at the hands of the Qing dynasty, the Zheng family dominated China's maritime trade and its overseas contacts.

The fifth chapter provides another case of Chinese pirates gaining prominence in connection with political turmoil and transition. Robert J. Antony analyses the Tay Son Rebellion, which briefly succeeded in establishing a state that controlled most of Vietnam from the late 1780s until its defeat in 1802. Antony highlights the crucial role of Chinese pirates in the rebellion and the symbiotic character of the relationship between the Tay Son regime and the pirates. The former provided the pirates with a degree of legitimacy and justification for their activities as

well as land bases and supplies, whereas the latter provided the bulk of the Tay Son's naval power and harassed their mighty Chinese neighbour, thereby making Chinese naval action against the Tay Son more difficult. As in the case of the Zheng family empire in the seventeenth century and many other cases of piracy around the world, the Tay Son pirates combined piratical activities with commerce. Another aspect of the symbiosis between the regime and the pirates was that the booty, which mainly derived from raids in South China, boosted the Vietnamese economy and helped to finance the Tay Son regime.

The Atlantic and European waters are the focus of the sixth chapter, in which David J. Starkey and Matthew McCarthy study the practice and discourse of piracy and privateering from the mid sixteenth to the mid nineteenth century. The chapter identifies two important features of 'private prize-taking', as the authors define their subject. First, in relation to the law, itself a subjective, pliable construct, such activities ranged from the overtly illegal to the proudly legitimate. Second, private forms of prize-taking persisted in the British Atlantic for almost three centuries because it could assume different forms in different commercial, political and sociocultural contexts – a fluidity that not only suited the interests of the British state, but also the private individuals intent on profiting from the seizure of seaborne properties. As well as assessing the significance of vessels of reprisal, buccaneers, pirates and privateers in the development of Britain's Atlantic interests, the authors highlight the sea change that occurred in British policy in the early nineteenth century. Confronted by a threat to its trading and shipping interests by the revolutionary movements in Spanish America between 1800 and 1830 and their legally contested use of *corsarios insurgentes* (insurgent privateers), the British government, for the first time in centuries, adopted a neutral posture, which was highly influential in the abolition of privateering in 1856.

Sulu piracy in South East Asia in the late eighteenth and nineteenth centuries is the subject of the seventh chapter, written by James Francis Warren. It is in part a study of a mutually beneficial relationship between the English East India Company and the Sulu Sultanate, based in Jolo in the southern Philippines. The Sultanate flourished as a result of its sponsorship of large-scale annual maritime raids in the region, conducted by its clients from the Iranun and other maritime peoples of the Sulu Archipelago. The main purpose of these coastal raids was to procure slaves. But, in contrast to the North African corsairs, the Sulu predators did not for the most part liberate their slaves in exchange for ransoms. Instead the slaves were put to work producing cash crops,

such as birds' nests, *tripang* (sea cucumbers), wax and camphor that were exported to China in exchange for textiles, weapons, opium and prestige goods originating from Europe and other parts of Asia. In this way the Sulu Sultans and their clients who undertook the raids were an integral part of the expanding global capitalist economy. It was not always in the immediate interest of the colonial powers in the region (Great Britain, the Netherlands and Spain) to suppress the piratical activities – not to mention the great practical and military difficulties of doing so before the arrival of steam cannon boats towards the mid nineteenth century. Thereafter, power shifted decisively to the advantage of the European colonial powers, and in a series of naval campaigns the Spanish destroyed the pirates' bases in the Sulu Archipelago, which, combined with American, British and Dutch campaigns, put an end to the large-scale and persistent – if not the petty – forms of piracy in the region.[9]

Finally, in the eighth chapter, Stig Jarle Hansen discusses contemporary piracy with special attention to the ravages of Somali pirates in the Gulf of Aden and the Indian Ocean, in addition to recent piratical activity in South East Asia and West Africa. Opportunity, provided to a great extent by weak or non-existent state authority, combined with economic factors – rather than ethical, political or religious motives – are the most important explanations for contemporary piracy, although the business models employed in the three main areas of contemporary piratical activity vary, from hijackings of whole ships and the holding of entire crews for ransom, to petty robbery directed at vessels in port. Contemporary piracy almost exclusively takes place in the global South, but absolute poverty is not the root cause of piracy, although relative poverty and feelings of deprivation and humiliation seem to be of some consequence. The differences in economic, social and political context between (and within) the most piracy-prone areas in the world today also mean that no single solution fits all cases. With regard to Somalia, the countermeasures taken by ship owners and the international community – the latter mainly in the form of naval patrols in the Gulf of Aden – have succeeded in bringing about a drastic decline in the number of attacks and have, from the point of view of the perpetrators, resulted in sharply declining returns on investment. In spite of these improvements, however, the Somali experience shows that a military response, even by the world's mightiest naval forces, cannot completely root out piracy.

Although it is almost a truism that the ultimate solution to the problem of Somali piracy is not to be found at sea but on land, the question

remains as to what such a solution should look like. Institution – but not necessarily state – building appears to be the best long-term solution, combined with targeted campaigns to fight corruption and provide alternative livelihoods to the perpetrators and potential recruits to the piracy sector.

## Towards a theory of piracy and the state

Studying piracy in a comparative, long-term and global perspective entails a risk of focusing too much on the similarities between the cases under review. When trying to make sense of empirical cases that are so widely separated, both geographically and chronologically, there is a temptation to overemphasise similar aspects, mechanisms, motives and consequences at the expense of unique historical features and temporal developments in regional and global history.[10]

That said, however, a number of recurring themes can be identified that, albeit to varying extents and in different shapes, can be found in most of the eight chapters in this volume. The first and most important, given the points of departure for the book, concerns the role of states in the processes through which piracy evolves from petty, opportunistic and sporadic activities into large-scale, institutionalised and persistent ventures. Although maritime violence and raiding probably predates the earliest formation of states by thousands of years – piracy may be as old as man's interaction with the sea – such activities seem only to have developed into large-scale, institutionalised and persistent ventures in relation to more complex polities in historical times. To some extent this impression may be due to the fact that states, in contrast to prehistoric, stateless societies, tend to produce written sources. The presence of a 'raid mentality' in non-state (or proto-state) societies in several parts of the world – for example, based on the cases in this volume, in societies as distant in time and space from one another as Archaic Greece (*c.*800–500 BC, see Chapter 1), Viking Scandinavia (Chapter 2) and South East Asia before the arrival of the Europeans – indicates that predatory maritime violence has a long prehistory and may indeed at times have been as persistent (if not as complex in terms of organisation and scale) in prehistoric times as in historic.

Nevertheless, as de Souza demonstrates in his contribution, the very concept of piracy, in the sense of illegitimate maritime violence for the purpose of private gain, is meaningful only in relation to states. As such, the concept of piracy first developed during Antiquity in contrast to

the purportedly legitimate exercise of violence by states such as Athens, Rhodes and late Republican Rome, even when such violence was exercised far outside their territory or adjacent maritime zones. In the historical era, moreover, persistent piracy often seems to have emerged on the fringes of mighty empires or expanding maritime states, such as Rome, the Carolingian Empire, the Ottoman Empire, Imperial China, Spain and Great Britain. In many of these cases – as noted by Starkey and McCarthy in the context of the British Atlantic world in the Early Modern period – the expansion of commercial opportunities, combined with insufficient ability to protect long-distance shipping, created conducive conditions for piratical activity. In this sense, piracy may be regarded as a transitional, maritime frontier phenomenon, which in most cases eventually gave way to more centralised – but not necessarily less exploitative – modes of domination.[11] These were generally based on the projection of maritime violence by regionally or globally dominant powers that established their maritime hegemony largely as a result of their success in suppressing piratical activity.

It would be a mistake, however, to interpret the long global history of piracy in relation to states as a teleological history of the gradual imposition by the latter of law and order on the sea, or to imagine that all pre-state maritime zones used by humans were characterised by a Hobbesian state of chaos and uncontrolled violence. There were relatively peaceful waterways before the emergence of states, and many states have historically – and even in contemporary times – repeatedly changed their policies towards piratical activities, ranging from open sponsorship to violent suppression and destruction. The Indian Ocean before the arrival of the Europeans was a relatively peaceful zone of trade and shipping, largely because the major Asian states were engaged in struggles for land and not for maritime domination. The arrival of the Portuguese at the end of the fifteenth century, by contrast, led to markedly more violence, piracy and extortion to the detriment of most types of peaceful maritime commerce.[12]

In many instances, states have also been guided mainly by pragmatic considerations in their position towards piratical activity, frequently resulting in both fickle and ambiguous responses to piracy. This is evident, for example, in Chin's description of how the Ming dynasty – which admittedly was in decline and had limited means to assert its authority at the time – handled the rise of Zheng Zhilong's piracy-cum-trade empire off the Fujian coast in the 1620s and 1630s, or in Kaiser and Calafat's analysis of the relations between, on the one hand, the European powers and, on the other hand, Morocco and the

North African regencies of the Ottoman Empire in the seventeenth and eighteenth century.

A first step towards understanding, on a comparative and global historical scale, the complex relationship between, on the one hand, states and state-building and, on the other hand, piratical activity, is to identify the main types of approaches and behaviours that states throughout the close to 3000 years of global history under study here have adopted in relation to piracy. Based on the contributions in this volume, four such ideal types of state behaviour can be identified: open sponsorship, tacit sponsorship, conditional acceptance and suppression, each of which will be discussed at some length.[13]

*Open sponsorship* has historically taken many different forms, including the issue of licences to private prize-takers in times of war (for example, by the Ottoman rulers in the Mediterranean or the English and later British in the Early Modern Atlantic world and beyond), the open financing and equipping of raiding expeditions by internationally recognised rulers and governments (for example, by the Sultan of Sulu in the late eighteenth and early nineteenth century) or the integration of piratical forces in the naval forces of states (for example, by the Tay Son rebels in Vietnam in the late eighteenth century). In many of these and other similar cases, piratical activity has been a major component of state-building with the revenues from the piratical activity and the projection of sea power through large raiding fleets providing the foundations of state power. The Zheng maritime empire on the seventeenth-century Chinese coast is one of the most obvious examples of such state development based mainly on predatory maritime activities and sea power.

A second, sometimes closely related form of state posture towards piratical activity is *tacit sponsorship*, whereby a state more or less overtly supports piratical activities in order to pursue various political or economic goals. Sometimes weak states have used such tactics in order to prey on hostile, hegemonic powers, as exemplified by the Dutch East India Company's encouragement of Zheng Zhilong's raids on Chinese trade and coastal settlements in the 1620s or England's tacit sponsorship of the buccaneering raids of Henry Morgan and his companions on the Spanish American colonies half a century later. At other times, economic reasons created incentives for states tacitly to encourage, or at least turn a blind eye to, piratical activity while simultaneously denouncing it. Warren, for example, points out that the Spanish colonial authorities in Manila throughout most of the first half of the nineteenth century were reluctant to launch a major offensive against

the Sulu raiders in the southern parts of the archipelago because of their lucrative trade with the Sulu Sultanate. The English East India Company showed a correspondingly low level of interest in suppressing the raids. Even in contemporary times, states have been suspected of tacitly encouraging piratical activity for various reasons, such as when the Thai authorities in the 1970s and 1980s failed to stop the brutal attacks by Thai pirates on the Indochinese boat refugees in the Gulf of Thailand, apparently as part of an unofficial policy of deterrence aimed at diminishing the number of refugees arriving in the country.[14]

The border between tacit sponsorship and the third ideal type of state posture, *conditional acceptance*, is often a grey area or, to put it another way, it is a question of the glass being half-full or half-empty. In practice, states have often wavered between the two positions, weighing the advantages against the disadvantages of sponsoring or countering different kinds of piratical activity or doing both simultaneously. The practical consequences of a shift from one position to another may therefore not always have been readily obvious to contemporary observers. For theoretical purposes, it can nevertheless be useful to distinguish between tacit encouragement and conditional acceptance on the basis of the underlying interests and motives of the state or states involved. Conditional acceptance of piracy is essentially based on the understanding that the state has insufficient power and resources to root out the problem, or that doing so would be too costly. Countermeasures are consequently aimed at keeping piracy at bay and protecting vital ports, settlements, shipments, shipping lanes and the like. The deployment of naval patrols and the establishment of an Internationally Recommended Transit Corridor in the Gulf of Aden since 2009 is arguably an example of such conditional acceptance, at least temporarily, of Somali piracy by the international community, in spite of many strong words and declarations to the contrary. Expensive as the protection measures are, the expected cost – political as well as military and economic – and the uncertain outcome of a military intervention to destroy the pirates' bases on land is daunting by comparison. Similarly, before the arrival of steam navigation around the mid nineteenth century, the main colonial powers in South East Asia – Great Britain, the Netherlands and Spain – lacked the capacity to suppress the ravages of the Iranun and other pirates in the region even if they had had the will to do so.

Finally, *suppression* is the response most readily associated with states in relation to piracy – not necessarily because states historically, as a general rule, have tended to act forcefully to suppress piratical activity but, rather, because states produce official histories in which the state's

success in clearing the seas of pirates is often emphasised and used as a means of legitimising the state's monopoly on legal violence. Great Britain, as Starkey and McCarthy show in their contribution, only moved to that position in the nineteenth century, after more than 250 years of encouraging private prize-taking in its various guises. Rome in the last century BC provides an equally enlightening example. The famous campaign of Pompey the Great in 67 BC – in which he supposedly cleared the Mediterranean of pirates in just three months – also shows that the suppression of piracy is not necessarily most efficiently achieved solely by the deployment of violence but, rather, through a combination of violence, or the threat of violence, and appeasement. Another example of a combination of violence and appeasement is the victory of the Qing Navy over the Zheng family's maritime empire in 1683, in which the last ruler of the Zheng family was offered a noble title and a comfortable life in Beijing in exchange for his surrender. Similar solutions may also work best in order to come to terms with contemporary cases of piracy, as discussed by Hansen in his contribution.

Regardless of which of the two strategies – or a combination of them – is used, however, the suppression of large-scale organised piracy can only be achieved by strong states with the means to project sufficient sea power – even when the mere threat of violence based on such power is sufficient for the pirates to give up and accept offers of appeasement.

The ambiguous attitudes of states towards pirates correspond historically to equally ambiguous attitudes of pirates towards states. Because of the direct and indirect sponsorship offered by states, the relationship has at times been symbiotic, profitable and even essential for the perpetrators of piratical activity. At other times, states have catered to the needs of pirates in more indirect and sometimes unpredictable ways. The provision of safe havens and markets for pirated goods within state-controlled territories are two such examples, and another is the provision of arms to would-be pirates, such as in contemporary Somalia, where the pirates to a great extent are armed with small and light weapons originally provided to the Somali government by various regional and global powers during the Cold War.[15] As Hansen reveals, some of the vessels used by Somali pirates have even been provided by a foreign government (Sweden) as part of a misplaced aid project aiming to rebuild Somali fisheries in the wake of the 2004 Tsunami. Unintentional and not easily predictable as these consequences of international relations and development aid may have been, they nevertheless in some cases provide important parts of the explanations as to why persistent piracy develops.

## Law and order on the sea

For most of the historical era, maritime violence was accepted and tolerated in many ways. The raid mentality, discussed above and found in many societies around the world, even served to justify maritime violence, for example by giving it a religious sanction and by conferring high social status on the perpetrators, at least as long as the victims were foreigners or outsiders. By contrast, very few perpetrators of piratical activities have labelled themselves pirates (or the equivalent), this mainly being a label employed by their adversaries or victims. The perpetrators have instead tried in many ways to justify and legitimise their activities, for example by presenting them as motivated by political, ideological or religious convictions.

In the European cultural tradition, some of the earliest popular accounts of the exploits of pirates in the West Indies and the Atlantic, dating from the late seventeenth and early eighteenth century, emphasised the egalitarian and democratic aspects of piratical communities, thereby projecting them as champions of more just and less hierarchical social ideals.[16] Expressions of self-justification among pirates, however, are not only found in the European or Western tradition but among pirates throughout history as well and, seemingly, in all parts of the world – from the ancient Greek view, evident in the Odyssey, that maritime violence and raiding was legitimate and even honourable when appropriately carried out in deference to the will of Zeus, to the claim by contemporary Somali pirates that they are 'coastguards' protecting the country's fisheries and territorial waters against foreign intrusion and exploitation. Similar attempts at self-justification are found among the Chinese pirates encountered in this volume, most clearly in the expressions of righteousness among the supporters of the Tay Son Rebellion, as discussed by Antony.

The idea of piracy as a particularly heinous form of crime, by contrast, chimes with the attempts by states to impose law and order and establish control over oceanic space. As de Souza demonstrates, 'pirates' might be despised by the ruling elites of established societies already in the Greek Archaic period, although the distinction between legitimate maritime-raiding and piracy seems to have depended on the observer's perspective – essentially 'raider or raided' – rather than any fixed rules or moral principles.

As states developed during Classical Antiquity piracy became more clearly defined and unconditionally condemned. During the late Roman Republic the discourse on pirates as the 'enemies of all mankind' – the

origins of which seem to have been the writings of the Greek historian Polybius (*c*.200–118 BC) – established piracy as a particularly despicable activity, distinct both from other forms of violent crime and from acts of war. In the view of Cicero (106–43 BC), who is most readily associated with the expression the 'common enemies of mankind', pirates were a threat to the social and political order of civilisation, and consequently they did not deserve to be treated with respect or decency but to be exterminated. Piracy was defined as a crime against the laws of all mankind – that is, essentially, natural law – and their suppression was, in Cicero's view, the obligation of all states.

The idea of pirates as the enemies of mankind receded with the fall of the Roman Empire and the decline of state-controlled sea power in Europe and the western part of the Mediterranean, only to resurface in the fifteenth century when the rediscovery of Cicero's writings in Europe coincided with the onset of the European expansion. In that context, the condemnation of piracy as contrary to natural law regained its usefulness, not least for the purpose of justifying imperial expansion. It would, however, take until the mid nineteenth century before the leading European powers definitely renounced piratical activity as a means of exercising sea power.

This long period of ambiguity on the part of the European states arose as a result of the competition between the expanding maritime states and the difficulty of effectively controlling the vast body of maritime zones and oceans across the world. The Spanish and Portuguese efforts to divide most of the world's oceans between them – based on what in the seventeenth century would become known as the principle of *mare clausum* – in the Treaty of Tordesillas in 1494 and several preceding papal bulls is revealing. According to these bulls, unauthorised entry into the Portuguese or Spanish maritime zones was a criminal act and was punishable accordingly. The Iberian states, however, had no real power to enforce their claims and could not stop the vessels of other states from entering 'their' maritime zones for whatever purpose.[17] In that context, the heavily armed Portuguese merchant vessels in the Indian Ocean typically mixed trade with extortion – particularly through the sale of letters of protection, so-called *cartazes* – and piracy, generally resorting to the latter when more viable and profitable. From the perspectives of the major Asian territorial states – Mughal India, Ming China and Persia – as well as smaller city states along the shores of the Indian Ocean and maritime South East Asia, the Portuguese chain of trading stations in Asia must, for good reason, have resembled bases for powerful merchants-cum-pirates more than nodes of a colonial empire in the making.

The formation of a body of international maritime law is a fairly recent development in the Early Modern period and it is, as has been stressed above, a Europe-centred story, albeit with a global reach, particularly during the last two centuries. Apart from the Treaty of Tordesillas and preceding papal bulls, the origins of international maritime law in Europe can be traced to the sixteenth and seventeenth centuries, when questions pertaining to the freedom of navigation and the right to sovereignty and jurisdiction over the world's oceans began to be discussed in earnest from religious, philosophical, legal and historical perspectives. The discourse developed further in the eighteenth century and was subsequently codified in international declarations and conventions, mainly from the mid nineteenth century.[18]

Central to the development of international maritime law were discussions about the right to use violence at sea, for example as regards the definition of piracy, particularly in contrast to various forms of legal prize-taking, the legality of taking belligerent and neutral ships during an ongoing war, the definition of contraband of war, as well as blockades of ports and coasts. These questions were discussed in tandem with questions about the applicability of law at sea and the right to sovereignty and jurisdiction at sea (*mare liberum* versus *mare clausum*). The development of international law and agreements concerning these issues was in part gradual – increasing numbers of regulations, treaties, licences and other paperwork – but occasionally a result of qualitative leaps, such as the sixteenth-century transition from private reprisal to privateering as a means of warfare; the eighteenth-century sanctioning of privateering not only against enemy ships, but also against neutral vessels suspected of carrying enemy goods; and, finally, the abolition of privateering in the Paris Declaration Respecting Maritime Law of 16 April 1856. In these and many other questions, England and later Great Britain took a leading role, and the rise, persistency and eventual abolition of privateering as a means of maritime warfare in the Atlantic and other parts of the world from the mid sixteenth to the mid nineteenth centuries reflect, to a great extent, English and British *raison d'état*.

In a long, global historical perspective, the development of maritime law in the Early Modern era, with its attempt to make a clear distinction between illegitimate maritime violence – piracy – and legitimate forms of maritime violence – in principle exercised by states – marks a watershed.[19] Piratical activities certainly did not disappear with the spread of European and international law across the globe, but it affected their scope and character. From the seventeenth century, the ancient art of self-justification by pirates increasingly took on the form

of what Lauren Benton has called 'legal posturing', that is 'the practice of rehearsing stories that might serve to establish actions as legal in prize proceedings or in criminal trials if the mariners ever landed in court to be tried as pirates'.[20] Self-justification thus became a matter of life and death and – most crucially in this context – influenced the development of international maritime law, particularly as regards the establishment of a universal definition of piracy and clear, at least in theory, borders between legitimate and illegitimate maritime violence.

Significantly, the Paris Declaration was devised in Europe and in a global historical context characterised by European colonial domination and expansion, which meant that European concepts of international law became globally predominant. Non-European states had little choice but to acquiesce and renounce the use of privateers, regardless of whether they were signatories to the declaration or not.[21] In order to be internationally recognised as sovereign, states needed not only to assert their monopoly on the legitimate exercise of violence within their territory, but they also, as Janice Thomson has argued, needed to demonstrate that they were capable of controlling violence emanating from their territory that might affect the territories or interests of other states.[22] Particularly during the most intense period of colonial expansion in the second half of the nineteenth century, states that were unable or unwilling to do so were frequently colonised, and the suppression of piracy and other forms of illicit violence thus became a matter of urgent importance and even survival for many non-European states. After independence in the twentieth century, international pressure has also been strong on many states, particularly in Asia and Africa, to keep their waters and ports free of piratical activity – at least if such activity affects international shipping. Moreover, the conflation of 'piracy' (on the high seas) and 'armed robbery against ships' (in territorial waters) in contemporary statistics, has served further to impose universal legal norms in relation to the limits of legitimate maritime violence.

The development of international law and the imposition of a near global maritime security regime due to the colonial expansion from the mid nineteenth century did not put a definite end to piracy or to the mixing of piratical and commercial activities around the world. They did, however, make piracy illegal from the perspective of international law and in the eyes of the international community and established a clear legal distinction between piratical and commercial activities. At the same time, improvements in ship technology, such as the arrival of steam navigation and the invention of steel hulls, radio communications and advanced weapons, gave the European colonial states and the

United States superior means by which they could suppress piratical activity – or, more accurately, suppress activities that they condemned as piratical. Throughout the world, it thus became more difficult to thrive from piratical activities and even more difficult to turn piratical ventures into embryonic states or to credibly justify piracy as a form of legitimate, state-sanctioned exercise of violence.

The establishment of law and order on the world's oceans and the development of a body of international maritime law are, from this perspective, hallmarks of modernity and globalisation that stand out in humankind's long history of interaction with the sea. Although often taken for granted, the idea that only states should have the right, under certain, legally defined circumstances, to use violence on the high seas is a modern exception to the general state of affairs throughout most of human history. The threat of persistent piracy from contemporary pirates in different parts of the world, such as in South East Asia, the Gulf of Aden and the Gulf of Guinea, meanwhile, is a reminder of the fact that maritime security is not a generic condition at sea. Just like its opposite, persistent piracy, it is the result of a long history of states projecting their power on the world's oceans and regulating them to serve their own best interests.

## Notes

1. Cf. H. A. Ormerod, *Piracy in the Ancient World* (Liverpool: Liverpool University Press, 1924), p. 60, for a similar attempt at a definition. Article 101 of the United Nations Convention on the Law of the Sea of 1982, by contrast, limits the concept of 'piracy' to acts taking place on the high sea. Modern statistics and common linguistic usage nevertheless tend to conflate piracy and 'armed robbery against ships', that is to say, attacks taking place within the jurisdiction of a state, and often subsume both under the abbreviated label of 'piracy'. For a historical discussion of the definition of piracy in relation to international law, see further L. Azubuike, 'International Law Regime Against Piracy', *Annual Survey of International and Comparative Law*, 15 (2009), pp. 43–59.
2. See further S. Eklöf Amirell, 'Maritime Piracy and Raiding in Southeast Asia: Local and Global Perspectives', in T. Chong (ed.), *Globalization and its Counter-Forces in Southeast Asia* (Singapore: Institute of Southeast Asian Studies, 2008), pp. 207–30.
3. Cf. C. Tilly, 'War-Making and State-Making as Organized Crime', in P. B. Evans, D. Rueschemeyer and T. Skocpol (eds), *Bringing the State Back In* (Cambridge: Cambridge University Press, 1985), pp. 169–91; and A. Pérotin-Dumon, 'The Pirate and the Emperor: Power and the Law on the Seas, 1450–1850', in C. R. Pennell (ed.), *Bandits at Sea: A Pirates Reader* (New York: New York University Press, 2001 [1991]), pp. 29 and 38–9.
4. For some of the key studies of piracy as an economic phenomenon, see J. L. Anderson, 'Piracy and World History: An Economic Perspective on Maritime

Predation', *Journal of World History*, 6:2 (1995), pp. 175–99; D. J. Starkey, 'Pirates and Markets', in Pennell (ed.), *Bandits at Sea*, pp. 107–24; and P. T. Leeson, *The Invisible Hook: The Hidden Economics of Pirates* (Princeton, NJ: Princeton University Press, 2009).

5.  For example, M. Rediker, *Villains of All Nations: Atlantic Pirates in the Golden Age* (Boston, MA: Beacon Press, 2004).

6.  It may seem conservative and even androcentric to relegate the discussion of gender to a note, but there are very few known cases of female pirates in world history, apart from a number of well-known individuals, including Mary Read and Anne Bonny in the early eighteenth century and Cheng I Sao about a century later. For these and other historical cases of female pirates, see J. Stanley (ed.), *Bold in her Breeches: Women Pirates across the Ages* (London: Pandora, 1995).

7.  Rediker, *Villains of All Nations*.

8.  For a recent study of the significance of North African corsairing in the shaping of modern France, see G. Weiss, *Captives and Corsairs: France and Slavery in the Early Modern Mediterranean* (Stanford, CA: Stanford University Press, 2011).

9.  Piratical activity seems to have continued, in various forms, to the present: see S. Eklöf, *Pirates in Paradise: A Modern History of Southeast Asia's Maritime Marauders* (Copenhagen: Nordic Institute of Asian Studies (NIAS) Press, 2006), pp. 110–17; S. Eklöf Amirell, 'Suppressing Piracy in Asia: Decolonization and International Relations in a Maritime Border Region (the Sulu Sea) 1959–63', in J. Kleinen and M. Osseweijer (eds), *Pirates, Ports, and Coasts in Asia: Historical and Contemporary Perspectives* (Singapore: Institute of Southeast Asian Studies, 2010), pp. 222–36; and C. Liss, 'Contemporary Maritime Piracy in the Waters off Semporna', in Kleinen and Osseweijer (eds), *Pirates, Ports, and Coasts in Asia*, pp. 237–68.

10. Marc Bloch pointed out the danger of large-scale and long-term comparisons and stressed the significance of the specific historical factors. See M. Bloch, 'Towards a Comparative History of European Societies', in F. C. Lane and J. C. Riemersma (eds), *Enterprise and Secular Change: Readings in Economic History* (London: Allen and Unwin, 1953), pp. 494–521.

11. Cf. J. F. Warren, *Iranun and Balingingi: Globalisation, Maritime Raiding and the Birth of Ethnicity* (Singapore: National University of Singapore, 2002), pp. 379–417.

12. E.g. K. N. Chaudhuri, *Trade and Civilization in the Indian Ocean: An Economic History from the Rise of Islam to 1750* (Cambridge: Cambridge University Press, 1985).

13. Cf. K. Sörenson, 'State Failure on the High Seas: Reviewing Somali Piracy', *Swedish Defence Academy FOI Report No. 2610–SE* (Stockholm: Swedish Defence Research Agency, 2008), p. 29.

14. Eklöf, *Pirates in Paradise*, pp. 26–7.

15. S. Eklöf Amirell, 'The Tools of Terror: Technological Development and Modern Piracy', in M. Battesti (ed.), *La Piraterie: un défi pour l'état* (Paris: Éditons des PUPS, 2014, forthcoming). In addition, newer, Chinese-manufactured rocket-propelled grenades were sezied by EU naval forces in March 2008 that, according to the Chinese government, had originally been 'exported to one African Government in East Africa through normal

bilateral military trade'. Report of the Monitoring Group on Somalia and Eritrea Report of the Monitoring Group on Somalia and Eritrea Pursuant to Security Council Resolution 1916 (2010) [20 June 2011], S/2011/433, Official Documents of the United Nations (ODS), available at: http://documents. un.org/ (accessed 3 May 2012), pp. 36–7.

16. The most influential early works were *De Americaensche Zee-rovers* (The American Pirates) by Alexander O. Exquemelin, originally published in 1678, and Charles Johnson's *A General History of the Robberies & Murders of the Most Notorious Pyrates* (1724), both of which have since appeared in numerous translations and editions. The latter work in particular has been a major source for scholarly analyses of piracy as a manifestation of class struggle, e.g. Rediker, *Villains of All Nations*.

17. See further S. Eklöf Amirell, 'Global Maritime Security Studies: The Rise of a Geopolitical Area of Policy and Research', *Security Journal*, advance online publication, 1 July 2013, doi: 10.1057/sj.2013.26, pp. 2–3.

18. There is a vast literature on this subject. Among the most important contributions are H. Thornton, 'Hugo Grotius and the Freedom of the Seas', *International Journal of Maritime History*, 16 (2004), pp. 17–38; ibid., 'John Selden's Response to Hugo Grotius: The Argument for Closed Seas', *International Journal of Maritime History*, 18 (2006), pp. 105–27; and M. Kempe, '"Even in the Remotest Corners of the World": Globalized Piracy and International Law, 1500–1900', *Journal of Global History*, 5 (2010), pp. 353–72. On the role of neutral shipping and privateering, see L. Müller, 'Peace: Sweden's Neutrality and the Eighteenth-Century Inter-State System', in G. Rydén (ed.), *Sweden in the Eighteenth-Century World: Provincial Cosmopolitans* (Farnham: Ashgate, 2013), pp. 201–21. Further references may be found in Chapters 3 and 6 of the present volume.

19. For a fuller discussion of the historical development of the jurisprudence relating to piracy in the Early Modern and Modern era, particularly from the point of view of England/Great Britain and the United States, see A. P. Rubin, *The Law of Piracy* (Newport, RI: Naval War College Press, 1988).

20. L. Benton, 'Legal Spaces of Empire: Piracy and the Origins of Ocean Regionalism', *Comparative Studies in Society and History*, 47:4 (2005), pp. 700–24, p. 707. See also the discussion in Chapter 6.

21. Most major European states ratified the declaration in 1856 or shortly thereafter. Spain, however, did not ratify the declaration until 1908 and the United States to date is still not party to the declaration although it has generally adhered to it.

22. J. E. Thomson, *Mercenaries, Pirates and Sovereigns: State-Building and Extraterritorial Violence in Early Modern Europe* (Princeton, NJ: Princeton University Press, 1994).

# 1
# Piracy in Classical Antiquity
## The Origins and Evolution of the Concept

*Philip de Souza*

International maritime law and leading international organisations in the field of maritime security differentiate the high seas crime of 'piracy' from the more generalised crime of 'armed robbery against ships', which is defined as a crime occurring 'within the internal waters and territorial sea of a coastal State'.[1] This definition is in keeping with the modern legalistic assumption that all seafarers must be either private individuals who are subject to the law of one or more nation-states or the official military or police forces of a nation-state.

In the world of Classical Antiquity, however, nation-states were not the norm, and such states as did exist lacked the extensive juridical systems and law enforcement apparatus of modern states. Therefore, with regard to Classical Antiquity, piracy should be defined at a much more basic level as any form of armed robbery involving the use of ships. It is the use of ships that differentiates the modus operandi of pirates and the threat of piracy from banditry. Pirates can operate over longer distances and the actual or perceived danger of piracy can have a widespread effect on maritime trade and coastal security. While attacks were occasionally made on ships at sea, in Antiquity piratical attacks were most often directed against the land, particularly in the Mediterranean Sea, where the numerous islands and coastal cities provided ample opportunity to plunder property or livestock, as well as to seize captives for ransom or sale as slaves. The use of the term 'robbery' in this definition implies illegitimacy, but exactly where the line should be drawn between illegitimate piracy by outlaws and legitimate, state-sanctioned, violent plundering by military forces in warfare is not always clear. It is important to note at the outset that very few individuals or groups in history have ever deliberately chosen to describe themselves as pirates, although that label may have been applied to them.

In Classical Antiquity the label 'pirate' was frequently applied to a group by their political enemies in order to delegitimise them and their activities (labelled 'piracy') in the eyes of third parties, and at the same time to present those who were applying the labels to them in a positive light. The application of the label 'pirates' to certain maritime communities was more often than not a deliberate misrepresentation or distortion of the nature of those communities. It was intended to demonise them in contemporary eyes in order to justify imperialist aggression against them. Typically those applying the label 'pirates' wanted to disguise or divert attention away from the real motivations for their military operations, which were far less worthy than the suppression of piracy. Thus, while ancient historical sources make frequent mention of 'pirates' and the problem of 'piracy', we should not assume that the instances referred to were simply examples of armed robbery by men in ships whose status was unequivocally that of outlaws or criminals. In order to appreciate the fundamental significance of this point, it is necessary to review the history of piracy and pirates as concepts and to consider the origins, evolution and deployment of the vocabulary of piracy in Antiquity.[2]

## The origins of piracy in early Greek literature

There is sporadic evidence for maritime-raiding and plundering in the Eastern Mediterranean in the Late Bronze Age, that is from the mid second millennium BC.[3] However, the earliest example of raiders being designated with a word that can be translated as 'pirate' comes from the Homeric poems, written *c*.750–700 BC. On two occasions in the *Odyssey* men arriving in ships are addressed thus:

> O strangers, who are you? From where have you come along the sea lanes? Are you travelling for trade, or are you just roaming about like pirates (*leisteres*), who risk body and soul bringing harm to other people?[4]

It is generally agreed that the Homeric poems reflect quite closely Greek society and culture of the early Archaic period (*c*.800–650 BC).[5] The activities characteristic of those called *leisteres* in the *Odyssey* are very similar to those characteristic of the leaders of the Homeric Achaians. These warrior-aristocrats (*basilees* in Greek) practice armed plundering, both on land and in ships, which seems to be the principal means by which they achieve their status and wealth.[6]

The nature and functions of maritime raids are neatly encapsulated in a passage from the fourteenth book of the *Odyssey*, spoken by the returning Ithacan *basileus* Odysseus while he is pretending to be a Cretan aristocrat:

> Farming I never cared for, nor life at home, nor fathering fair children. I revelled in long ships with oars; I loved polished lances, arrows in the skirmish, the shapes of doom that others shake to see. Carnage suited me; heaven put those things in me somehow. Each to his own pleasure! Before we young Achaians shipped for Troy I led men on nine cruises in ships to raid strange coasts, and had great luck, taking rich spoils on the spot, and even more in the division. So my house grew prosperous, my standing therefore high among the Cretans.[7]

In the seventeenth book, the disguised Odysseus continues the tale of his Cretan alter-ego:

> But Zeus the son of Kronos brought me down. No telling why he would have it, but he made me go to Egypt with a company of pirates (*leisteres*) – a long sail to the South – for my undoing. Up the broad Nile and into the riverbank I brought my dipping squadron. There, indeed, I told the men to stand guard at the ships; I sent patrols out – out to rising ground; but reckless greed carried my crews away to plunder the Egyptian farms; they bore off wives and children, killed what men they found.[8]

It is significant that the disastrous outcome of this piratical venture is directly attributed to the will of Zeus. It is apparent here and elsewhere in the Homeric poems, and from other poetry of the Archaic and Classical periods (*c*.800–330 BC), that the will of Zeus is an expression of justice.[9] The pirates have received the just rewards for their reckless deeds, but Odysseus, the heroic warrior-raider, is subtly, but tellingly, distinguished from the greedy, murderous pirates who were his temporary associates. He carefully avoids identifying himself as a pirate (*leister*). When maritime-raiding is carried out appropriately, that is with due deference to the will of Zeus and the limits of prudence, it brings wealth and status to the *basileus* who leads the raids. But when it is not carried out appropriately, that is when the raiders fail to heed the will of Zeus, it brings misfortune and death. Pirates (*leisteres/leistai*) and piracy (*leisteia*) are, therefore, ambiguous terms that certainly do not imply unconditional approval, but nor do they imply absolute condemnation.

## The raid mentality in ancient warfare

Vincent Gabrielsen has argued that the kind of raiding and plundering that the Homeric poems describe was the basic form of warfare in the ancient Mediterranean world from about 750 BC onwards. It continued to be a major element of warfare, even when political communities became larger and more clearly defined, and the concept of warfare for territorial gain emerged.[10] Gabrielsen has characterised this approach to warfare as the 'raid mentality'. It was a widespread assumption of the right to practice violent acquisition of persons and property and, as states grew more powerful, to appropriate territory and the revenues derived from it. Raids could have multiple functions, including forcing the enemy to divert forces to the defence of vulnerable coastal areas, inflicting military, economic and psychological damage, obtaining vital funds and materials for the raiders and boosting their morale.[11] The principal narrative histories that are the main sources for the warfare of the ancient Greek and Roman world are dominated by major set-piece battles and sieges. Yet these narratives also recount hundreds of examples of maritime raids, showing the extent to which naval forces were deployed by those states that could command the necessary resources and manpower. Such raiding was not just a maritime phenomenon but, as we have already noted, the mobility that ships provided made seaborne raids far harder to defend against, especially if the targets were unprepared or the territory to be protected was extensive. Well-known conflicts like the Peloponnesian War (431–404 BC) and the Second Punic War (218–202 BC) provide plenty of examples.[12]

Gradually, during the Classical and Hellenistic periods of Greek history, and the Republican period of Roman history (*c.*500–30 BC), a broad consensus emerged in the Graeco-Roman world regarding the category of formally declared, or 'legitimate' warfare, which was war between political entities whose leaders justified the conflict with reference to injuries or slights suffered at the hands of their opponents. This category of war was distinct from informal raiding, which could not be so clearly justified and so might be more easily or appropriately labelled as 'piracy', characterised as 'illegitimate' and strongly condemned. The distinction between these categories was first articulated by Thucydides in one of the earliest examples of a narrative history.[13] The development of a distinction between legitimate warfare and illegitimate raiding and piracy was, however, a gradual and uneven process. So long as most states routinely used raiding tactics, often by sea, the difference between piracy and warfare remained largely a matter of subjective attribution.

The boundaries of each category were determined by the needs of those who were employing them. What one side might describe as warfare, the other might choose to label as piracy.[14]

   Under such conditions, the actual or perceived danger of maritime raids posed a threat to the security of coastal communities. It could inhibit maritime trade and damage the prosperity of those who depended on it both directly, for their livelihoods, and, in the case of cities, states and kingdoms, indirectly for their economic and military powerbases. Thus, the threat of piracy, real or apparent, might be an important justification for the use of violence to suppress those held to be responsible for it.[15] It is, however, very difficult to determine whether acts of piracy by one side and the suppression of piracy by another were the declared or even undeclared, but significant, reasons for military campaigns *at the time*. While ancient historical accounts may appear to be straightforward, factual narratives, in many cases they were written long after the events they narrate. They may have been heavily influenced by later ideas, contemporary with the composition of the narrative. In particular, many Greek and Latin histories and biographies written in the first century BC or later reflect a moralising political ideology propounded by certain powerful states, above all the Roman state, which challenges or denies the legitimacy of those who are operating according to the precepts of the raid mentality.

## Piracy and politics in the fourth century BC

The raid mentality was prominent in Greek warfare during the fourth century BC. Athenian generals like Iphikrates, Chares and Charidemos regularly raided enemy territory and sent ships out to collect money from less than willing allies. They were accused of operating 'like pirates' as they attempted to pursue Athenian imperialist policies in the Aegean and Hellespontine regions.[16] In 389 BC the Spartans used Aigina as a base from which to conduct raids against Athenian coastal communities and shipping going to and from Piraeus. They were assisted by the Aiginetans, who also provided a ready market for the sale of booty and captives, the proceeds from which were used to pay Spartan soldiers and sailors.[17] The mid-fourth-century BC rivalry between Athens and Macedon provides further examples of accusations of practicing piracy, or supporting pirates, being used to delegitimise opponents, whilst simultaneously legitimising and justifying the accusers' naval activities. At this time the Athenians and the Macedonian king Philip II, father of Alexander the Great, were competing for dominance in the Aegean and

Hellespontine regions. Both sides used a combination of intimidation and persuasion, often involving mercenary or allied naval forces, to consolidate and, where possible, increase their commercial and political influence amongst the smaller city-states, islands and ethnic leagues.[18] In this ambiguous political environment, with no clear distinctions between what was legitimate warfare and illegitimate 'piracy', the idea of strong military action to suppress piracy evolved as a tool of diplomacy, to be deployed in order to gain political advantage at the expense of one's regional rivals. Both the Athenians and the Macedonian king claimed that their aggressive naval operations were justified by the need to protect coastal communities and traders from 'pirates'. A speech delivered by the Athenian politician Hegesippos in 343 BC shows that the real issue was the exercise of power and the maintenance of prestige and authority among fickle allies:

> Regarding pirates, Philip says that you and he are duty-bound to cooperate in guarding against evil-doers at sea, but what he is really after is to be established at sea by your agreeing that without Philip you do not have the strength to mount guard at sea, and, furthermore, by giving him free reign to go sailing from island to island, stopping off on the pretext of guarding against pirates, corrupting the exiled islanders and taking them away from you.[19]

The Athenians themselves used the pretext of protection against piracy and the threat of maritime raids by their own fleets to intimidate allies and to finance their military efforts. The harsh reality of this is revealed by a speech addressed to the democratic citizen assembly in 340 BC. The famous statesman and orator Demosthenes was defending the activities of the Athenian general Diopeithes, explaining to his audience how the commanders of inadequately financed Athenian military expeditions commonly resort to intimidation in order to raise the funds needed to pay their men:

> All your generals who have ever sailed from here (or, if not, may I suffer any penalty) take money from the Chians and Erythraians, from whomsoever, I say, they possibly can among the peoples living in Asia. Those who have only one or two ships exact less than those who have a more powerful fleet. The providers do not give their large or small contributions for nothing (they are not so crazy) but on the understanding that they will not be harmed when they leave harbour, nor plundered, or that their ships will be escorted, that is

the sort of thing expected. They speak of favours being granted and that is what they call their gifts.[20]

Needing to reassure the merchants on whose maritime commerce they so heavily depended, the Athenians passed a decree in the 340s BC that instructed their generals and their allies to take action against those who injured ship owners or traders travelling by sea. The only known case of this so-called 'Decree of Moirokles' being acted upon, however, was a huge ten-talent fine imposed on the relatively weak island community of the Melians for harbouring pirates.[21] In this fashion the Athenians demonstrated their apparent readiness to punish those whom they identified as pirates, or the supporters of pirates, without the risk of significant military retaliation.[22]

## Hellenistic Rhodes and the Cretan cities

In the Hellenistic period the most enthusiastic advocates of the duty of a leading Greek maritime state to suppress piracy were the Rhodians, who expertly presented themselves as the guarantors of maritime security, acting not merely in their own interests, but for the benefit of all those who wished to be able to sail safely in pursuit of legitimate commercial gain. The historical reputation that this earned for the island of Rhodes is summed up by the first century BC historian Diodorus Siculus in the introductory remarks to his account of the siege of Rhodes by King Demetrius Poliorcetes in 305 BC: 'Indeed she had attained such a position of power that she took up the war against the pirates herself, on behalf of the Greeks and cleared the sea of their evil infestation.'[23]

A mid-third-century BC inscription from the island of Delos provides contemporary evidence of how this naval protectorate operated. It records honours for Rhodian naval commanders, three *trierarchoi* (warship captains) and a *nauarchos* (fleet commander), who are described as having been 'appointed by the people of the Rhodians for the protection of the islands and the safety of the Greeks'.[24] Like the Classical Athenians and Philip II of Macedon, the Rhodians claimed that this role gave them the right to make war on anyone they deemed to be acting contrary to their interests, and those of the wider seafaring community. In 220 BC the Rhodians headed a group of Greek states in a war to force the city of Byzantion to stop imposing tolls on all vessels exporting from the Black Sea.[25] The following year, in response to an Illyrian plundering expedition against the Cyclades, they sent a small fleet to Illyria.[26] At about the same time they despatched a squadron of Rhodian

ships commanded by Polemokles to Crete to assist the Knossians in a war against the small city of Lyttos. That particular expedition, aimed at furthering Rhodian influence on Crete and in the Aegean generally, led to the involvement of King Philip V of Macedon and escalated into a regional power struggle known as the First Cretan War. Much of this war conforms closely to Gabrielsen's 'raid mentality' model. It consisted largely of a series of maritime raids and counter-raids, mainly against the islands and coastal cities of the Aegean. One of the principal fleets was furnished by Philip V, but commanded by Dikaiarchos the Aetolian. Diodorus labels Dikaiarchos' raids, which seem to have targeted places under the protection of the Rhodians, as 'piracy', but he is probably drawing on the same pro-Rhodian sources that lay behind his praise of the Rhodians for their stance against pirates.[27]

The exact course of the First Cretan War is impossible to establish, but an inscription recording a treaty concluded around 200 BC between Rhodes and Hierapytna, one of the major cities of Eastern Crete, and others recording treaties between Rhodes and the smaller cities of Olous and Chersonisos, indicate the extent of Rhodian gains.[28] The Cretan cities acknowledged the political influence of the Rhodians and agreed to render extensive military assistance to the Rhodians, including use of their naval facilities by Rhodian fleets. Certain clauses of the treaty with Hierapytna make reference to war against pirates:

> And if pirates (*leistai*) establish bases in Crete and the Rhodians wage war at sea against the pirates, or those who provide shelter or assistance to them, the Hierapytnians shall take part in the operations by land and sea with all possible strength and at their own expense. The pirates (*leistai*) who are captured shall be handed over to the Rhodians together with their ships, while each of the allies shall take half of the rest [of the booty]. . .
>
>     . . .
>
> And if during a campaign which the Hierapytnians are waging with the Rhodians to destroy a pirate base (*leisterion*), any of those who provided shelter or assistance to the pirates wage war on the Hierapytnians because of this campaign, the Rhodians shall come to the help of the Hierapytnians with all possible strength, and anyone who acts in this way shall be an enemy of the Rhodians.[29]

There is an obvious subtext to these sections of the treaty. It will be for the Rhodians to decide whether a war being waged at sea is indeed a war against 'pirates' who have managed to 'establish bases in Crete'. It

is not hard to envisage that if any state should raise an objection to the Rhodians' claim that their current enemies are 'pirates', then they themselves would be accused of providing 'shelter or assistance to the pirates' and therefore become legitimate enemies of the Rhodians and their treaty-bound allies. Later in the same treaty the Rhodians also agree to help their allies in the event that anyone attempts to overthrow their democratic polity or tries to 'deprive them of their legitimate revenues from the sea'. Here again it is left to the Rhodians to determine what constitutes legitimate revenues.

Many scholars have taken the Rhodians at their word, labelling the Cretans, Illyrians and Aetolians as pirates and their allies as the supporters of pirates.[30] However, a close analysis of the sources reveals that, beneath the rhetorical facade of protecting trade and guaranteeing maritime security, lay a policy of regional maritime imperialism. The Rhodians depended heavily on maritime trade and the exploitation of the markets and resources of islands and coastal cities, but they faced strong competition and lacked the military might to impose their will directly. Instead they built up a wide-ranging network of alliances, similar to those documented with the Cretan cities, using an organisation of Aegean polities called the Nesiotic League, leadership of which the Rhodians assumed in the first half of the second century BC. While this Rhodian maritime hegemony must have benefited the coastal communities of the Aegean and south-eastern Asia Minor to some extent, it is clear that the suppression of piracy furnished a convenient justification for making war in order to further Rhodian commercial and political interests.[31]

## Rome and the Cilician pirates

Traditionally, Roman imperial expansion in the Republican period (509–27 BC) has been portrayed by scholars largely in terms of reluctant responses to the requests of allies, but research has stressed the manner in which Rome's competitive political system and militaristic culture encouraged the conquest of new territory under the leadership of the senatorial elite. The predominant interpretation of Roman foreign relations sees the Romans as essentially an aggressive, acquisitive people whose political leaders eagerly went to war to maintain their positions.[32] The Roman people and the Latin, Italian and other allies on whom they relied for much of their manpower had to be persuaded to cooperate with the senatorial aristocracy in their military ambitions so wars had to be justified on several levels – religious,

moral and practical. On the practical level, the Roman aristocracy played on insecurities and fears and exploited the desires and ambitions of their citizens. In moral terms, they emphasised the defence of allies against aggressive and rapacious enemies. Campaigns were inaugurated with elaborate procedures, including diplomatic and religious rituals presided over by priests called *fetiales* to ensure that, at least in the eyes of Jupiter, the Roman state's chief god, the Romans, and by extension their allies, were fighting a 'just war' (*bellum iustum*).[33]

The suppression of piracy was a key element of the ideology according to which all the Roman Republic's external wars were justifiable ones, undertaken with the purpose of defending allies or answering aggression (whether actual or potential) by Rome's enemies. There are several instances in the third, second and first centuries BC of wars being justified by the ancient sources as responses to piracy by their enemies. The First Illyrian War of 229 BC appears to have been aimed at securing access to the region for Italian traders and asserting military dominance in an area that was of considerable strategic significance. The ancient sources indicate that Rome was responding to requests from certain Greek cities and tribes in the region, who were alarmed by the large-scale raids of the Illyrians, under the leadership of ambitious, aggressive rulers.[34] The historian Polybius, who presents a very hostile view of the Illyrians, claims that the Romans were acting altruistically to protect the Greek traders and coastal cities from the piratical Illyrians, just as the Rhodians were said to have protected traders in the third century BC.[35] It is noteworthy that Polybius' narrative, written within 100 years of the events, distinguishes the Illyrians from other ethnic groups in the region and refers to them as, 'the common enemies of all peoples'.[36]

An explanation for the insistence in Roman sources that what are obviously aggressive, imperialist military operations were undertaken to protect the interests of allies and peaceful traders lies in the fact that the Romans had no standing army and, in addition to citizen levies, depended heavily on the willingness of their Italian and Greek allies to participate in their military campaigns, which often lasted for many years. In the Late Republican period, when the resources of Roman Italy were largely directed towards Spain and the Western Mediterranean, the burden in the Eastern Mediterranean fell very heavily on allies from recently conquered provinces and neighbouring territories. Local elites and monarchs were encouraged to provide a substantial part of the necessary manpower and money. This burden often proved hard to sustain, especially in the face of military setbacks and limited direct benefits as Roman imperialism met with determined resistance.[37]

The Romans deliberately stoked the fears of those communities whose men, money and other resources were so vital to them in order to obtain their support. For example, Mithridates VI, king of Pontus, who emerged as a major opponent of Roman expansion in the Eastern Mediterranean in the first quarter of the first century BC, was presented to Rome's allies as a barbaric, destructive tyrant, intent on overthrowing the social and political stability of the civilised Greek world. He was also the subject of Roman accusations of supporting and allying with 'pirates'.[38]

It is against this political background that we should consider the most notorious ancient example of 'persistent piracy' – the case of 'the Cilician pirates'. We have already identified several key elements that are important for our understanding of the historiographical tradition within which we must locate the surviving ancient accounts of Cilician piracy: the widespread use of maritime-raiding, extortion and kidnapping in warfare; the deliberate labelling of one's opponents in warfare as 'pirates' in order to delegitimise them; the consequent justification of aggressive warfare as the suppression of 'piracy'.

In the latter part of the second century BC forces based in coastal cities of Cilicia and Pamphylia in Southern Anatolia engaged in maritime-raiding that, while part of the normal practices of war, could be described as piratical. The ancient sources identify the origins of these activities in the efforts of Diodotus Tryphon, one of a long series of pretenders to the Seleucid kingship.[39] Tryphon took advantage of the shortcomings of the reigning monarch, Alexander Balas, son of Antiochos IV, who owed his position to Roman support:

> In Syria Diodotus, called Tryphon, having murdered Antiochos, the son of Alexander, who although a child was being reared for kingship, put the diadem on his own head and proclaimed himself king, fighting a war against the satraps and generals of the legitimate king.[40]

According to the first-century AD Greek historian and geographer Strabo, Tryphon's principal base was at Korakesion in Cilicia. It provided him with a secure fortress beyond the geographical limits of Seleucid power, as defined by the Romans in the treaty of Apamea in 188 BC.[41] Drawing on the resources of the maritime cities of Cilicia, he gathered a small fleet with which he raided Syria and Phoenicia in an attempt to force more cities to recognise him as king.[42] Tryphon's major rival was Demetrios II Nikator, who brought the Jews back under Seleucid control, but then lost their support to Tryphon. From about 142–139 BC Tryphon was strong enough to force many Seleucid subjects, including

the Jewish ruler Jonathan Makkabaios, to recognise him as king. He took the royal title Diodotus Tryphon Autokrator, but his non-royal lineage and the later historiographical tradition regarding Cilician piracy have resulted in a highly prejudiced legacy:

> Demetrios at first dismissed Tryphon as merely a bandit (*leistes*), ordering his soldiers to put him under arrest.[43]
>
> . . .
>
> To their good fortune the people of Arados added both foresight and a hard-working attitude in their maritime affairs. When they saw that their neighbours in Cilicia were establishing piratical bases (*peirateria sunestamenous*), they refused to participate with them at all in that kind of activity.[44]

Among the surviving fragments of Diodorus' thirty-third book is a passage suggesting that Tryphon came close to achieving formal recognition by the Romans, who were the effective kingmakers in the Eastern Mediterranean by this time:

> Tryphon, having risen from an ordinary person to the kingship, was keen to strengthen his position with a decree of the Senate. So he had a golden statue of Victory weighing 10,000 staters made and sent ambassadors to Rome to present it to the Roman people . . . The senators accepted the statue, but, securing a good omen along with the wealth, changed the attribution of the gift by replacing Tryphon's name with that of the king whom he had murdered.[45]

We cannot know when Tryphon's name was replaced on the inscription, but it is not unreasonable to suggest that the Romans may have chosen to make the change after the issue of who was the 'legitimate' Seleucid king had been settled. Tryphon's bid for the throne was brought to an end around 138 BC by Antiochos, a son of Demetrios II:

> However, having been blockaded in a certain place by Antiochos, son of Demetrios, he was compelled to take his own life. But for the Cilicians this was the beginning of organised piracy, Tryphon being responsible for establishing them, along with the incompetence of the succession of kings who ruled over both Syria and Cilicia at that time.[46]

The wider political context in which the rise and fall of Tryphon must be placed is the slow, uneven, but powerful eastward expansion

of Roman hegemony.[47] The charge of Seleucid royal incompetence, leading amongst other things to a rise in 'piracy', offered a convenient justification for the expansion of Roman control and the eventual annexation of Anatolia, Syria and the rest of the Seleucid kingdom. In 102 BC the Romans made their first overt move against the coastal communities of Southern Anatolia. The campaign of Marcus Antonius the Orator mostly used forces drawn from Rome's Eastern Mediterranean allies, including Rhodes and Byzantion.[48] It is presented in the later Roman historical tradition as a measure to suppress piracy, but it is difficult to establish from the meagre sources exactly what Antonius did. He apparently raided towns and cities on the coast from a base at Side in Pamphylia, losing his prefect Marcus Gratidius in a possible naval action. Antonius withdrew soon after and returned to Rome, where he celebrated a triumph and was elected consul for the year 99 BC.[49]

In the aftermath of Antonius' expedition a law of the Roman people, known to modern scholars as the *lex de provinciis praetoriis* of 100 BC, designated Cilicia as a praetorian province, making it a location for further Roman campaigns.[50] A key clause of this decree invited all polities in the region to align themselves with the Romans against their declared enemies. Those who did not would be deemed pirates or the supporters of pirates by the Romans, implying that aggressive action would be taken against them by the Romans and their friends and allies:

> The senior consul is to send letters to the peoples and states to whom he may think fit, to say that the Roman people will have care, that the citizens of Rome and the allies and the Latins, and those of the foreign nations who are in a relationship of friendship with the Roman people may sail in safety, and that on account of this matter and according to this statute they have made Cilicia a praetorian province. . . he is to send letters to the effect that it is also right for them to see that no pirate (*peirates*) use as a base of operations their kingdom or land or territories and that no officials or garrison commanders whom they shall appoint harbour the pirates (*peiratas*) and to see that, insofar as it shall be possible, the Roman people have them as contributors to the safety of all. . .[51]

This statute justifed the Romans' decision to take military action against those whom they had identified or would identify as pirates. Thus the Romans justified an aggressive, imperialist move by presenting it as part of a general policy of eradicating piracy from the region in the interests of peaceful maritime commerce. In doing so they offered the political

entities of the region a simple choice, either to align themselves with the Romans or to be treated as pirates or the supporters of pirates. However, while the intention seems to have been to subdue the inde-pendent city-states and minor principalities that flourished along the southern shores of Anatolia, in practice little was achieved in the next few decades, in part because of the limited availability of military forces and in part because of political and military challenges that arose elsewhere.[52]

It should be noted that none of the above is meant to imply that there were not more mundane pirates operating in the Mediterranean in this period. There appeared, from time to time, small bands of armed rob-bers with ships who owed no particular political allegiance and whose actions were motivated only by thoughts of immediate material gain. Their existence is demonstrated by occasional references to pirates in literary sources and in the inscribed decrees of maritime communities.[53] They do not, however, make a major impression on the surviving his-torical narratives because their impact was localised and sporadic.

## Pompey and the pirates

It was against this background that the most celebrated of Roman cam-paigns against pirates occurred: the 'Pirate War' of 67 BC, in which the Roman general and statesman Gnaeus Pompeius Magnus (Pompey the Great) supposedly emptied the Mediterranean of pirates in a mere three months. The starting point for this campaign was another law of the Roman popular assembly that conferred on Pompey a com-mission to clear the seas of pirates. Pompey's command gave him substantial resources of men, money and ships, as well as exceptional powers over Roman forces, allies and even other senatorial magis-trates. In order to convince the Roman citizen body to confer such powers on Pompey, his advocates emphasised the threat to the city of Rome's food supply, as well as the general vulnerability of trade and Roman and allied territory to the apparently ubiquitous pirates. In his biography of Pompey, written over 150 years later, Plutarch summa-rises the situation thus:

> Their power was felt in all parts of the Mediterranean, so that it was impossible to sail anywhere and all trade was brought to a halt. It was this which really made the Romans sit up and take notice. With their markets short of food and a great famine looming, they com-missioned Pompey to clear the pirates from the seas.[54]

After assuming his new command Pompey secured the seas around Italy and then moved into the Eastern Mediterranean, invading and conquering the areas of Pamphylia and Cilicia that still resisted Roman domination.[55] The whole campaign was over in less than 60 days. According to Plutarch's account Pompey seized 90 warships and took over 20,000 prisoners, but the only specific mention of fighting in the ancient sources is a sea battle and brief siege of Korakesion in Cilicia.[56] Some ancient narratives even claim that, because Pompey's military reputation was so impressive, there was no need to spill any blood at all.[57] The secret to this success seems to have lain in an unprecedented willingness to come to terms with Rome's enemies in the region. Pompey, wary of the demands a campaign of pitched battles and sieges would make on Roman and allied resources, yet needing decisive victories to further his political ambitions, offered a general amnesty and 'resettlement' in return for immediate surrender.[58] So attractive did his terms prove that even some of the cities and communities in Crete, who were under attack from another Roman commander, Quintus Caecilius Metellus, tried to surrender to Pompey.[59]

Pompey's magnanimous treatment of the Cilicians and Pamphylians is best understood as part of a long-term political goal to control the region, especially the coastal areas. The defeated enemies of Rome were stripped of their ships – the essential attributes of pirates – thus eliminating their capacity to mount maritime raids against any Roman or allied territory in the future. However, their continued occupation of their homelands, or in some cases their so-called resettlement in coastal areas, indicates that, far from being treated as the common enemies of all peoples, they were being welcomed into the embrace of the Roman Empire. This emphasis on the regional political significance of Pompey's extraordinary command of 67 BC against the pirates is necessary in order to counter the persistent tendency in modern scholarship to see it as an inevitable, grand maritime security measure designed to rid the Mediterranean of piracy once and for all.[60] The campaign was the culmination of a major drive by the Romans to take control of the Eastern Mediterranean.[61] It was also a key milestone for Pompey's political career, as he rose to a position of political dominance at Rome. In 66 BC another extraordinary decree, proposed by the tribune Gaius Manilius, gave the now highly successful and popular Pompey command of the war against Mithridates VI and enabled him to obtain the final victory against one of Rome's most determined enemies.[62]

## Concluding remarks

The transformation of the Pamphylians and Cilicians from regional opponents of Roman imperialism into 'pirates' owed a great deal to the rhetoric of men like the statesman Marcus Tullius Cicero, who, in his speech supporting the transfer of command in the war against Mithridates VI to Pompey, evoked the terror of vast fleets of pirates 'ruling the seas' to the detriment of Rome and her allies:

> What province did you keep free from pirates (*praedonibus*) in those years? What revenue of yours was safe? Which allies did you defend? Whom did you protect with your fleets? How many islands do you think were deserted, and how many allied cities were abandoned in fear or captured by the pirates (*praedonibus*)?[63]

Cicero offered the Roman people a vision of a recent past in which they had conspicuously failed in their obligation to protect not only themselves, but their friends and allies as well:

> We, who used to guarantee not just the safety of Italy, but were able, through the prestige of our imperial power, to preserve unharmed all our far-flung allies . . . were the same ones who were then not only kept out of our provinces, away from the coasts of Italy and our harbours, but were even driven off the Appian Way![64]

He then made the most of the contrast provided by what he claimed was the result of Pompey's almost miraculous victory in his campaign of the previous year:

> All pirates (*praedones*) wherever they were suffered capture and death, or handed themselves over to this singularly powerful commander. Even the Cretans, when they sent emissaries to him in Pamphylia to plead their case, learned that there was hope for their surrender and were ordered to give hostages.[65]

When we consider the purpose of Cicero's comments on the problem of persistent piracy in the Mediterranean, we can see that his aim was to present the situation as an unprecedented crisis that needed immediate and decisive military intervention. Cicero left his audience with the impression that the seas were overrun with piratical fleets, and that it

was only the divinely inspired genius of Pompey the Great that saved Rome and her friends and allies from utter ruin. It was a theme that became very popular in the politics and literature of the Roman Empire.

As noted above, it is important when examining ancient historical texts to differentiate between contemporary or near contemporary accounts and those that were composed long after the events and circumstances that they describe. While Cicero's speech *On the Manilian Law* was published soon after its delivery, in his political treatise *On the Republic*, written in the late 50s BC, Cicero deployed the accusation of piratical practices against some of Rome's old enemies:

> For, indeed, among the barbarians there were in former times none who were seafarers, except the Etruscans and the Phoenicians, the one on account of trade, the other for the sake of piracy (*latrocinandi*).[66]

He did this in order to highlight the immoral tendencies of coastal cities and the superiority of Rome's location: inland, but on a navigable river for access to the coast. In his famous work *On Duties*, composed in 44 BC, Cicero developed the distinction between pirates and legitimate enemies further. He argued that there is an obligation to keep one's sworn word even to enemy states, because warfare is governed by legal principles and good intentions should not be set aside when dealing with foes. To illustrate the point that the validity of a sworn oath is dependent on one's intention to keep it, he offers an instructive counter-example:

> If, for example, you do not hand over to pirates (*praedonibus*) the amount agreed upon as the price for your life, this is not perjury, not even if you have sworn an oath and do not do so, for a pirate (*pirata*) is not included in the category of lawful enemies, but is the common enemy of all mankind (*communis hostis omnium*).[67]

Here Cicero expands on the label 'pirate', presenting piracy as an all-pervading maritime evil, outside the laws and conventions of civilised peoples. Thus he classifies pirates as much lower in status than legitimate, wartime enemies and as men to whom no social, moral or legal obligations need be felt.

It is worth noting that this classification of pirates has had a lengthy *Nachleben*. Cicero's *de Officiis* became required reading for the educated upper classes of Early Modern Europe. Consequently, the phrase 'common enemy of all mankind' (*communis hostis omnium*) was

often used when dealing with 'pirates'. For example, a letter from Joseph Laws, lieutenant of HMS *Happysnow* to the *alcaldes* of Trinidad, dated 8 February 1720, quoted in Charles Johnson's *A General History of the Pyrates* (1724), calls two men 'traitors, pirates and common enemies to all nations'.[68] A century later, the General Maritime Treaty with the Arab States imposed by the British in 1820, stipulated, in Article 2 that:

> If any individual of the people of the Arabs contracting shall attack any that pass by land or sea of any nation whatsoever, *in the way of plunder and piracy and not of acknowledged war he shall be accounted an enemy of all mankind* and shall be held to have forfeited both life and goods. And acknowledged war is that which is proclaimed, avowed and ordered by government against government; and the killing of man taking of goods without proclamation, avowal and the order of a government is plunder and piracy.[69]

The Ciceronian concept of piracy implies a moral and political imperative to defeat pirates, which is also found in first-century BC Greek and Latin writers who were contemporaries of the great Roman orator. Cornelius Nepos presents the Athenian leader Themistocles as a suppressor of pirates in the early fifth century BC.[70] We have already seen how Diodorus Siculus lauded Rhodes and several other Hellenistic city-states and monarchs for their actions against pirates.[71] By the late first century BC, when Livy was writing his monumental *History of Rome*, the peoples of the eastern Adriatic coastline – namely the Illyrians, Liburnians and Istrians – could be described as largely savages, well known for practicing piracy.[72]

Given the political and intellectual history of the image of the virtuous leader who suppresses piracy, it was perhaps inevitable that Gaius Julius Caesar Octavianus, who became Rome's first emperor under the name Augustus in 27 BC, after eliminating all his political rivals in bloody civil wars, should incorporate the image of the suppressor of piracy into his vision of a new political order for the Roman world. It was articulated concisely in the *Res Gestae*, a monumental account of his achievements that functioned as a posthumous manifesto for the Julio-Claudian dynasty:

> I made the sea peaceful and freed it of pirates (*praedonibus*). In that war I captured about 30,000 slaves who had escaped from their masters and taken up arms against the republic, and I handed them over to their masters for punishment.[73]

The suppression of piracy is here skilfully coupled with the threat posed by runaway slaves to delegitimise one of Augustus' main political opponents, Sextus Pompeius, son of Pompey the Great, and to proclaim the eradication of persistent piracy as an aspect of imperial power.[74]

Historians who wrote after the establishment of the *Pax Romana*, as the new order is often called, depicted Roman power as the realisation of the policy inherent in the claims articulated in the *lex de provinciis praetoriis*, discussed above. The conquest and control of territory that Rome had achieved meant that there was nowhere left for her maritime enemies to base themselves for their raids, whether they were ordinary pirates or political entities whom the Romans found it convenient to label as pirates. These writers not only accepted the model of Rome as the suppressor of piracy and guarantor of maritime security, they also, like Cicero, projected it back into their accounts of Rome's past, enthusiastically portraying the Romans' maritime enemies as pirates. Strabo, describing the Roman Empire around AD 20, illustrates how quickly the theme was picked up.[75] Strabo credits the Romans with introducing prosperity and good government where poverty and piracy were rife. He claims that the conquest of Crete and Cilicia ended piracy everywhere.[76] After extolling the favourable winds and sea conditions between Spain and Italy he says:

> On top of that there is the current state of peace, for piracy (*leisteria*) has been suppressed, so that those sailing are beginning to relax.[77]

The second century AD *Roman History* by Appian of Alexandria makes the indiscriminate piracy of the Illyrian tribes the cause of the First and Second Illyrian Wars of 229 BC and 222 BC.[78] Elsewhere Appian distinguishes between Roman naval blockades and piratical plundering of merchant ships by the Carthaginians in his account of the Punic Wars.[79] He states that suppression of piracy was the justification for Roman attacks on Crete in 72 BC and in 69 BC, and he accuses King Mithridates VI of both practicing and promoting piracy, incorporating Pompey's campaign of 67 BC against pirates within his account of the *Mithridatic Wars*, strengthening the claim, which we have seen goes all the way back to the early first century BC, that Rome's wars of conquest in the Eastern Mediterranean were largely fought against pirates.[80]

Accounts of Rome's wars were often written by men who were contemporary with the events and in some cases played significant roles in them. Those accounts were the basic source material from which the likes of Appian synthesised their narratives, but they are mostly lost to

us now.[81] Nevertheless, in the way that Appian describes the Cilician pirates we may be able to detect the tension between these earlier versions and his own narrative:

> Holding the name of pirates (*leistôn*) in no esteem, from this time onwards they called their gains 'profits of war'. They kept craftsmen in chains to work on their never-ending projects supplying them with wood, copper and iron. Puffed up by the fruits of their success, yet being not at all inclined to give up piratical ways (*leisteuein*), they envisaged themselves as kings, tyrants and generals, thinking that if they banded together they would be invincible.[82]

Here Appian seems to have encountered some difficulties in trying to make his source material on the Cilicians fit the 'Romans suppressing pirates' model, so he was forced to present the subjects of his narrative, local Cilician dynasts, as 'pirates' who would be kings.[83]

By the end of the first century AD the Greek and Latin vocabulary for pirates – *leistai, peiratai, latrones* or *praedones maritimos, piratae* – had come to signify much the same as it does today, with pirates having the attributes of exotic outlaws. Hence, by the time Plutarch came to write about them in the early second century AD, the Cilicians had been transformed into despicable pirates of the type familiar to audiences of Hollywood films or readers of romantic fiction:

> His [*Sertorius'*] allies, the Cilicians, had no desire for peace or leisure; their interest was all in spoils and riches.[84]

> … but what was most offensive of all about them was their hateful arrogance – their gilded sails, purple coverings, silver oars – the general image that they projected of delighting in their way of life and taking pride in their malicious acts. Roman power was ridiculed by their flute-playing, cithara-plucking and drunken debauchery, by their captures of prominent Roman magistrates and their demands for ransom from captive cities.[85]

At the same time a criminal law perspective was being formulated in the writings of the growing body of Roman juridical specialists. These pioneers of the demarcation of state-sanctioned legitimacy and illegitimacy asserted that pirates were not legitimate, political enemies of the Roman people, but were outlaws, whose way of life and lack of political

allegiance placed them beyond the conventions of law and civilised society.[86]

The ancient perspectives sketched above played an important role in the evolution of the modern concept of the piracy. We are all familiar, from books, films and news media, with the application of the terms 'pirate' and 'piracy' in the modern world. Even in Antiquity the moral and legal relativity at play in the designation of some as pirates and others as the legitimate military forces of the state was noticed and observed. St Augustine's famous story from *The City of God*, telling of the captured pirate who is brought before Alexander the Great, is as clear an example as we could wish for:

> It was an elegant and true reply that was made to Alexander the Great by a certain pirate (*pirata*) whom he had captured. When the king asked him what he was thinking of that he should molest the sea, he said, with defiant independence, 'The same as you when you molest the world! Since I do it with a little ship I am called a pirate. You do it with a great fleet and are called an emperor.'[87]

## Notes

1. United Nations Division for Ocean Affairs and the Law of the Sea (UNDOALOS), 'Legal Framework for the Repression of Piracy Under UNCLOS' [United Nations Convention on the Law of the Sea] (Updated 9 September 2010), available at: http://www.un.org/Depts/los/piracy/piracy_legal_framework. htm (accessed 31 May 2013).
2. For a more detailed history of the ancient concept of piracy, see P. de Souza, *Piracy in the Graeco-Roman World* (Cambridge: Cambridge University Press, 1999). For a wider-ranging philological analysis of ancient words for piracy and related vocabulary, see B. Meissner, 'Piraterie bei den Griechen' (Piracy Among the Greeks), in V. Grieb, S. Prühlen and S. Todt (eds), *Piraterie von der Antike bis zur Gegenwart, Beiheft der Historische Mitteilungen der Ranke-Gesellschaft* (Stuttgart: Franz Steiner Verlag), pp. 21–45.
3. See de Souza, *Piracy in the Graeco-Roman World*, pp. 15–17; and J. D. Muhly, 'The Crisis Years in the Mediterranean World: A Transition or Cultural Disintegration?', in W. A. Ward, M. S. Joukowsky and P. Astrom (eds), *The Crisis Years: The 12th Century BC: From Beyond the Danube to the Tigris* (Dubuque, IA: Kendall Hunt, 1992), pp. 10–21. References given below to Classical Greek and Latin sources can be followed up in any of the modern editions and translations.
4. Homer, *Odyssey*, 3.71–4 and 9.252–5; see also the *Homeric Hymn to Apollo*, 452–5.
5. R. Osborne, *Greece in the Making 1200–479 BC* (London: Routledge, 1996); and J. M. Hall, *A History of the Archaic Greek World* ca.*1200–479 BCE* (Oxford: Wiley Blackwell, 2007).

6.  See H. van Wees, *Status Warriors: War, Violence and Society in Homer and History* (Amsterdam: Gieben, 1992); and de Souza, *Piracy in the Graeco-Roman World*, pp. 17–24.
7.  Homer, *Odyssey*, 14.222–34.
8.  Ibid., 17.424–33.
9.  For a more extended presentation of this concept, see the roughly contemporary poem by Hesiod called *Works and Days*, especially lines 248–62. On the limits of early Greek juridical concepts, see Hall, *Archaic Greek World*, pp. 131–3; and M. Gagarin, *Early Greek Law* (Berkeley and Los Angeles, CA: University of California Press, 1986), ch. 5.
10. V. Gabrielsen, 'Economic Activity, Maritime Trade and Piracy in the Hellenistic Aegean', *Revue des études anciennes*, 103 (2001), pp. 219–40. Gabrielsen's particular focus is the Aegean in the Hellenistic period (*c*.330–30 BC), but his arguments have a Mediterranean-wide application and are valid for all periods of ancient history, and beyond.
11. P. de Souza, 'Raids on the Coast of Attica', in N. Sekunda (ed.), *Ergasteria: Works in Honour of John Ellis Jones on his 80th Birthday* (Gdańsk: Gdańsk University Institute of Archaeology, 2010), pp. 82–93.
12. For example, Thucydides, *History of the Peloponnesian War*, 4.53–7 and 6.62; Livy, *History of Rome from the Foundation of the City*, 22.31, 25.31 and 29.3–4.
13. Thucydides, *History*, 1.1–19. The context is a synopsis on the development of large fleets and their use by the Greeks and their neighbours in wars prior to the war that is the main subject of Thucydides' history, the Peloponnesian War (431–404 BC).
14. De Souza, *Piracy in the Graeco-Roman World*, pp. 11–12, 26–36 and 80–2.
15. Examples from Classical Greek history include the Athenian conquest of Skyros in 478 BC, which island's inhabitants are labelled 'pirates' in Plutarch, *Life of Cimon*, 8, but not by Thucydides, *History*, 1.98, and the, probably fictional, 'Congress Decree' of *c*.448 BC, a panhellenic anti-piracy meeting attributed to Pericles (Plutarch, *Life of Pericles*, 17); on both of these, see de Souza, *Piracy in the Graeco-Roman World*, pp. 29–30.
16. For a typical example of Iphikrates' tactics, see Xenophon, *Hellenika*, 4.8.35–9. The evidence relating to Chares and Charidemos is collected in W. K. Pritchett, *The Greek State at War* (Berkeley and Los Angeles, CA: University of California Press, 1974), Vol. 2, pp. 82–9.
17. Xenophon, *Hellenika*, 5.1.1–5 and 5.1.14–24.
18. For a concise history, see P. J. Rhodes, *A History of the Classical Greek World 478–323 BC* (Oxford: Wiley Blackwell, 2006), pp. 226–43 and 294–327.
19. Pseudo-Demosthenes, *Concerning Halonnesos*, 14–15.
20. Demosthenes, *On the Chersonese*, 24–5.
21. Pseudo-Demosthenes, *Against Theocrines*, 58.53 and 56.
22. For more details, see Meissner, 'Piraterie bei den Griechen'; and de Souza, *Piracy in the Graeco-Roman World*, pp. 34–42.
23. Diodorus Siculus, *Library of History*, 20.81.3. See also Strabo, *Geography*, 14.2.5, written *c*.AD 20. Both writers were probably drawing on the works of Rhodian historians, on which see H.-U. Wiemer, *Krieg, Handel und Piraterie: Untersuchungen zur Geschichte des hellenistischen Rhodos* (War, Trade and Piracy: Investigations into the History of Hellenistic Rhodes) (Berlin: Akademie Verlag, 2002), pp. 117–30.

24. *Inscriptiones Graecae*, 11.4.596; and F. Durrbach, *Choix d'Inscriptions de Délos*: *Tome 1* (Selection of Inscriptions from Delos: Vol. 1) (Paris: Ernest Leroux, 1921), no. 39.

25. Polybius, *Histories*, 4.47–53; V. Gabrielsen, *The Naval Aristocracy of Hellenistic Rhodes* (Aarhus: Aarhus University Press, 1997), pp. 44–6; and Wiemer, *Krieg, Handel und Piraterie*, pp. 102–4.

26. Polybius, *Histories*, 4.16.6–8 and 19.7–9; and F. W. Walbank, *A Historical Commentary on Polybius*, 3 vols (Oxford: Oxford University Press, 1957–79), *ad loc*.

27. Diodorus, *Library of History*, 28.1, using a verb derived from the Hellenistic Greek word *peirates*, which is a synonym of *leistes*; de Souza, *Piracy in the Graeco-Roman World*, pp. 2–9. For a polemical account by a historian who had a grudge against the Illyrians, see Polybius, *Histories*, 18.54. For a detailed account of the conflict, see Wiemer, *Krieg, Handel und Piraterie*, pp. 144–206.

28. H. H. Schmidt (ed.), *Die Staatsverträge des Altertums, Band. 3: Die Verträge der griechisch-römischen Welt von 338 bis 200 vor Chr.* (The Inter-State Treaties of Antiquity, Vol. 3: Treaties of the Graeco-Roman World from 338 to 200 BC) (Berlin: Deutsches Archäologisches Institut, 1969), nos 551–552. A. Chaniotis, 'Vier kretische Staatsverträge' (Four Cretan Inter-State Treaties), *Chiron*, 21 (1991), pp. 241–64.

29. Schmidt, *Die Staatsverträge des Altertums*, no. 551, lines 51–8 and 80–2; translation from M. M. Austin, *The Hellenistic World from Alexander to the Roman Conquest: A Selection of Ancient Sources in Translation*, 2nd edn (Cambridge: Cambridge University Press, 2006), pp. 213–16.

30. H. A. Ormerod, *Piracy in the Ancient World* (Liverpool: Liverpool University Press, 1924); P. Brulé, *La Piraterie crétoise hellénistique* (The Hellenistic Cretan Piracy) (Paris: Les Belles Lettres, 1978); R. M. Berthold, *Rhodes in the Hellenistic Age* (Ithaca, NY: Cornell University Press, 1984), pp. 99–124; and G. Shipley, *The Greek World after Alexander 323–30 BC* (London: Routledge, 2000), pp. 81–9.

31. See Gabrielsen, 'Economic Activity, Maritime Trade and Piracy'; and ibid., *Naval Aristocracy*, ch. 2.

32. W. V. Harris, *War and Imperialism in Republican Rome 327–70 BC* (Oxford: Oxford University Press, 1979); J. North, 'The Development of Roman Imperialism', *Journal of Roman Studies*, 71 (1981), 1–9; and J. Rich, 'Fear, Greed and Glory: The Causes of Roman War-Making in the Middle Republic', in J. Rich and G. Shipley (eds), *War and Society in the Roman World* (London: Routledge, 1993), pp. 38–68.

33. See R. A. Billows, 'International Relations in the Hellenistic World and the Roman Republic', in P. Sabin, H. van Wees and M. Whitby (eds), *The Cambridge History of Greek and Roman Warfare, Vol. 1: Greece the Hellenistic World and the Rise of Rome* (Cambridge: Cambridge University Press, 2007), pp. 303–24.

34. Appian, *Illyrian Wars*, 7. For a general outline, see R. M. Errington, 'Rome and Greece to 205 BC', in A. E. Astin et al. (eds), *The Cambridge Ancient History, Vol. 8*: *Rome and the Mediterranean to 133 BC*, 2nd edn (Cambridge: Cambridge University Press, 1989), pp. 81–106. For a detailed discussion and analysis, emphasising the precedents for future campaigns, see H. Pohl, *Die römische*

*Politik und die Piraterie im östlichen Mittelmeer vom 3. bis zum 1. Jh. v. Chr.* (Roman Politics and Piracy in the Eastern Mediterranean from the 3rd to the 1st Centuries BC) (Berlin: Walter De Gruyter, 1993), pp. 58–94; with P. de Souza, 'Piracy and Republican Politics', *Classical Review*, 45 (1995), pp. 99–101. I have offered a more sceptical analysis of Roman aims in de Souza, *Piracy in the Graeco-Roman World*, pp. 76–80; but see A. M. Eckstein, *Rome Enters the Greek East: From Anarchy to Hierarchy in the Hellenistic Mediterranean, 230–170 BC* (Oxford: Wiley Blackwell, 2008), ch. 2.

35. Polybius, *Histories*, 2.8–12. On the ways in which the Romans developed, promoted and exploited the image of themselves as friends and benefactors among the Hellenistic Greeks, see A. Erskine, 'The Romans as Common Benefactors', *Historia*, 43 (1994), pp. 70–87; and Billows, 'International Relations in the Hellenistic World', pp. 318–24.

36. Polybius, *Histories*, 2.12.4–6, possibly preserving the language of Roman envoys, on which see de Souza, *Piracy in the Graeco-Roman World*, pp. 79–80. Later sources record similar accusations made against the Illyrians in the course of further wars with Rome: Appian, *Illyrian Wars*, 8; Eutropius, *Brief History*, 3.7; and Livy, *History of Rome*, 42.26.2.

37. See A. Lintott, 'The Roman Empire and its Problems in the Late Second Century', in J. A. Crook, A. Lintott and E. Rawson (eds), *The Cambridge Ancient History, Vol. 9: The Last Age of the Roman Republic, 146–43 BC*, 2nd edn (Cambridge: Cambridge University Press, 1994), pp. 16–39; and J. Serrati, 'Warfare and the State in the Hellenistic World and the Roman Republic', in P. Sabin, H. van Wees and M. Whitby (eds), *The Cambridge History of Greek and Roman Warfare, Vol. 1: Greece, the Hellenistic World and the Rise of Rome* (Cambridge: Cambridge University Press, 2007), pp. 461–97.

38. Appian, *Mithridatic Wars*, pp. 46–8; see also de Souza, *Piracy in the Graeco-Roman World*, pp. 116–21 and 125–8; B. C. McGing, *The Foreign Policy of Mithridates VI Eupator, King of Pontus* (Leiden: Brill, 1986); and R. Kallet-Marx, *Hegemony to Empire: The Development of Roman Foreign Policy in the East from 146 to 62 BC* (Berkeley and Los Angeles, CA: University of California Press, 1995), pp. 239–73.

39. For a summary account of the decline of the Seleucids, see Shipley, *The Greek World after Alexander*, pp. 320–5.

40. Diodorus, *Library of History*, 33.28.

41. Strabo, *Geography*, 14.5.2. For the treaty of Apamea, see Polybius, *Histories*, 21.43; Livy, *History of Rome*, 38.38; and Eckstein, *Rome Enters the Greek East*, ch. 8. On Cilicia as a maritime base, see P. de Souza, 'Who Are You Calling Pirates?', in M. Hoff and R. Townsend (eds), *Rough Cilicia: New Historical and Archaeological Approaches: An International Symposium Held at the University of Nebraska, October 2007* (Oxford: Oxbow Publishing, 2012), pp. 42–53.

42. E.g. Strabo, *Geography*, 16.2.19, on the destruction of Berytos.

43. Diodorus, *Library of History*, 33.4a.

44. Strabo, *Geography*, 16.2.14.

45. Diodorus, *Library of History*, 33.28a.

46. Strabo, *Geography*, 14.5.2.

47. Kallet-Marx, *Hegemony to Empire*; and N. K. Rauh, *Merchants, Sailors and Pirates in the Roman Empire* (Stroud: Tempus Publishing, 2003).

48. *Inscriptiones Graecae ad Res Romanas Pertinentes*, 4.1116, honours a Rhodian naval officer who served under Antonius and Tacitus, *Annals*, 12.62, refers to Byzantine involvement.

49. Cicero, *Brutus*, 168; *Laws*, 3.36; Livy, *Periochae*, 68; and Julius Obseqens, *Prodigies*, 44. For a detailed discussion, see de Souza, *Piracy in the Graeco-Roman World*, pp. 102–8.

50. The name Cilicia refers in this case to the general area of southern Anatolia, without precise boundaries. Roman provinces were not always clearly defined in territorii terms.

51. *Lex de provinciis praetoriis*, Knidos, III, lines 28–37; Delphi B, 10–12. Full text, translation and commentary are in M. Crawford (ed.), *Roman Statues* (London: Institute of Classical Studies, 1996), Vol. 1, pp. 231–70. Elsewhere in the text Rhodian ambassadors are mentioned, which might be an indication of Rhodian input in the law.

52. See de Souza, *Piracy in the Graeco-Roman World*, pp. 114–24; and Kallet-Marx, *Hegemony to Empire*, pp. 232–60. The Greek historian Cassius Dio summarised Roman attempts to overcome their maritime opponents prior to 67 BC as follows: 'Nothing was achieved, except that the allies had to suffer even greater hardship as a result of these attempts, until their situation became quite desperate', *Roman History*, 36.23.2.

53. For example, *Inscriptiones Graecae*, XII.3.171, an inscription from Ephesos describing a pirate attack on Astypalaia; Cicero, *Against Verres*, 2.5.60–108, on pirates operating around Sicily in the 70s BC; the capture and ransom of Julius Caesar in 74 BC, Suetonius, *The Divine Julius*, 4; Plutarch, *Life of Julius Caesar*, 2; and the killing by 'pirates' of Atyanas, an Olympic boxer around 60 BC, Cicero, *In Defence of Flaccus*, 31.

54. Plutarch, *Life of Pompey*, 25.1.

55. On the details of the campaign, see de Souza, *Piracy in the Graeco-Roman World*, pp. 167–78.

56. Plutarch, *Pompey*, 28.1; and Velleius Paterculus, *Roman History*, 2.32.

57. Appian, *Mithridatic Wars*, 95–6; Florus, *Epitome of Roman History*, 3.6.13–15. The later accounts seem to be influenced by the works of Cicero, discussed below.

58. The areas chosen for this 'resettlement' were essentially the same as those that the defeated 'pirates' already occupied. A major city of Cilicia, Soli, was refounded under the name Pompeiopolis; see de Souza, *Piracy in the Graeco-Roman World*, pp. 175–8.

59. Cassius Dio, *Roman History*, 36.19; and Appian, *Sicilian Wars*, 6.2. The campaign of Metellus was also presented as a war against 'pirates'; see P. de Souza, 'Late Hellenistic Crete and the Roman Conquest', in W. Cavanagh and M. Curtis (eds), *Post-Minoan Crete: British School at Athens Studies* (London: British School at Athens (BSA), 1998), Vol. 2, pp. 112–16; and ibid., *Piracy in the Graeco-Roman World*, pp. 157–61.

60. For example, Ormerod, *Piracy in the Ancient World*, pp. 232–47; and Pohl, *Die römische Politik und die Piraterie*, pp. 208–82.

61. See Kallett-Marx, *Hegemony to Empire*, pp. 223–34.

62. See ibid., pp. 320–34, for analysis and discussion.

63. Cicero, *On the Manilian Law*, 32. Cicero employs the Latin word *praedo*, which, like its synomym *latro*, could mean a bandit or a pirate, depending on the context; de Souza, *Piracy in the Graeco-Roman World*, pp. 12–13.

64. Cicero, *On the Manilian Law*, 55.

65. Ibid., 35.

66. Cicero, *On the Republic,* 2.9. 'Phoenicians' here refers to the city of Carthage.

67. Cicero, *On Duties*, 3.107. Here Cicero uses the word *pirata*, a latinised version of the Greek *peirates*, although in Latin it only ever means 'pirate', never 'bandit'. He is the earliest Latin author to employ this word, which may have been his own innovation. The phrasing echoes, perhaps deliberately, a passage from Polybius' account of the First Illyrian War; see above.

68. C. Johnson, *A General History of the Robberies & Murders of the Most Notorious Pirates*, ed. and with 'Inroduction' and commentary by D. Cordingly (London: Conway, 1998 [1724]).

69. Quoted in M. Al-Qasimi, *The Myth of Arab Piracy in the Gulf* (London: Routledge, 1986), pp. 225–7, emphasis added.

70. Cornelius Nepos, *Life of Themistocles*, 2.3.

71. Diodorus Siculus, 16.5.3, 16.813, 20.25 and 20.82.3; and see above.

72. Livy, 10.2.4. Similarly, the Jewish historian Flavius Josephus, *Antiquities of the Jews*, 14.43, based on the first century BC *Universal History* of Nicolaus of Damascus, features accusations of piracy amongst political rivals; see A. Avidov, 'Were the Cilicians a Nation of Pirates?', *Mediterranean Historical Review*, 10 (1997), pp. 5–55.

73. Augustus, *Res Gestae*, 25.1.

74. On the conflict with Sextus Pompeius, see de Souza, *Piracy in the Graeco-Roman World*, pp. 185–95.

75. For fuller treatments of this subject, see ibid., pp. 195–224; and ibid., 'Rome's Contribution to the Development of Piracy', in R. L. Hohlfelder (ed.), *The Maritime World of Ancient Rome: Memoirs of the American Academy in Rome*, Supplement, No. 6 (Ann Arbor, MI: University of Michigan Press, 2008), pp. 71–96.

76. Strabo, *Geography*, 10.4.9.

77. Ibid., 3.2.5; elsewhere in this work Strabo associates piracy with historical societies that, unlike the Roman Empire, suffered from poverty, the absence of strong rule and lack of good moral examples (1.3.2, 5.1–2, 6.2.2, 7.3.7 and 7.4.2).

78. Appian, *Illyrian Wars*, 3, 7, 8.

79. Ibid., *Punic Wars*, 25, 86.

80. Ibid., *Sicily and the Islands*, 6; and ibid., *Mithridatic Wars*, 62, 63 and 91–6. The military operations of Mithridates' general Archelaus in the 80s BC are described as 'more like piracy than warfare', Appian, *Mithridatic Wars*, 45.

81. See C. B. R. Pelling, 'Historiography, Roman', in S. Hornblower and A. Spawforth (eds), *The Oxford Classical Dictionary*, 3rd edn (Oxford: Oxford University Press, 1996), pp. 716–17, for a brief sketch and further bibliography.

82. Appian, *Mithridatic Wars*, 92.

83. A similar issue can be traced in Cassius Dio's description of 'pirates' of Cilicia, *Roman History*, 36.20–3. See Avidov, 'Were the Cilicians a Nation of Pirates?', pp. 44–5, on the possible relationship between these passages and the lost *Histories* of the first century BC Stoic Poseidonios of Apamea.

84. Plutarch, *Life of Sertorius*, 9.

85. Ibid., *Pompey*, 24.

86. See A. Tarwacka, *Romans and Pirates: Legal Perspective* (Warsaw: Wydawnictwo Uniwersytetu Kardynała Stefana Wyszyńskiego, 2009).

87. Augustine, *City of God*, 4.4; the earliest version of this story is to be found in a fragment of Cicero's *On the Republic*, 3, fr. 1. More recently Augustine's version was the starting point for Noam Chomsky's discussion of the manipulation of the media image of international terrorism, see N. Chomsky, *Pirates and Emperors, Old and New: International Terrorism in the Real World*, 2nd edn (London: Pluto Press, 2002).

# 2

# Ship-Men and Slaughter-Wolves

## Pirate Polities in the Viking Age

*Neil Price*

### Introduction: viewing the Vikings

The Vikings enjoy a public name recognition shared with few other ancient cultures today.[1] This hold on the imagination has a long pedigree, extending back to the late Middle Ages when they formed the stuff of saga-writing and legend, through their rediscovery during the Enlightenment and their gradual incorporation into the political fantasies of National Romanticism. When these were in turn usurped by the darker fictions of the Third Reich and its spurious myths of racial origins, the academic study of the Viking Age would take decades to recover from the contamination. Perennially drawing new audiences through exhibitions, documentaries and books, today they also saturate our popular culture in the form of everything from comics and movies to football teams, brand names, shipping lines and even spacecraft.

The early medieval Scandinavians' brief period on the global stage, from approximately the mid eighth to late eleventh centuries CE, saw the transformation of their homelands from scattered tribal groupings to the early nation-states of Norway, Sweden and Denmark that we still recognise today. With the rise of statehood also came unified kingship and a shift of religion, as the traditional beliefs and practices of the North were gradually absorbed into the more formal structures of the Christian Church. Across this 350-year span, Scandinavians ranged over the Northern world as never before, engaging with new cultures and places from Afghanistan in the East to the North American seaboard in the West. As traders, mercenaries, explorers and colonists across this vast region, the Vikings left a Scandinavian diaspora and political legacy with echoes into the twenty-first century. In this fundamental reshaping of Nordic identities, the vibrant material culture and art of the

North played a vital role, as the Vikings changed – and were changed by – those they encountered.[2]

Beyond the admittedly artificial historical construct of the 'Viking Age', the question remains as to how and why this extraordinary cultural expansion began. In particular, why did the events that primarily characterise this period – the great raids on the monasteries and settlements of Europe – commence, why did they escalate so quickly and to what effect, in terms of political organisation and state-building?

The first recorded attack came famously in June of 793, on the priory of Lindisfarne off the Northumbrian coast, and was followed by many similar assaults over the next 15 to 20 years. The perception of the raids as a 'bolt from the blue' has become a commonplace of the academic literature, and largely remains in place today, but a close reading of the contemporary sources clearly indicates that they were the work of people who had previously been well known to their victims in a trading capacity: the surprise lay in their violence, not in the Scandinavians' presence per se. These initial raids were also simple affairs at simple places, involving few individuals on either side, and they were over quickly. Even in their repetition around the coasts of Britain and Ireland, in terms of human lifespan the 'Viking Age' began gradually over decades, and at the time was probably barely perceptible. The real puzzle, however, is to understand how over the first 50 years of the ninth century, a few boatloads of opportunistic marauders became fleets numbering hundreds of ships, growing to armies of thousands. What does this mean in sociopolitical terms? At the core of this problem are of course the Vikings themselves, in the exact sense of the term as opposed to its generalist referral to the whole Scandinavian population at this time. After more than 200 years of work, scholars are still debating exactly what this identity meant in context: who specifically *were* the Viking raiders, how did they see themselves, and how did others see them?

In 2008, the archaeologist James Barrett published a useful summary of the main interpretational packages that had been traditionally put forward to explain why the raids began.[3] Essentially a choice of determinist paradigms, they each presented a different emphasis on the sociopolitical phenomena that allegedly characterised the time, especially as articulated in the practice of maritime-raiding (that is, 'going Viking'):

• *technological determinism*: advances in ship design and maritime knowledge made the raids possible

- *environmental determinism*: detrimental climate change in Scandinavia prompted the search for new possibilities overseas
- *demographic determinism*: land pressure and overpopulation pushed the Norse abroad
- *economic determinism*: the growth of Continental market centres and trading sites presented irresistible targets
- *political determinism*: the weakness of their international neighbours and an increasing centralisation of power added impetus to foreign military endeavours
- *ideological determinism*: the Vikings' fatalistic, militaristic, non-Christian world view projected them as predators in a world of legitimate prey.

Barrett sensibly notes that few of these can be justified as sudden developments of the late eighth century – or in some cases, at all – and that there is little sign of notable differences by comparison with earlier decades or centuries. His preferred explanation centres on an excess of socially restless young men largely resulting from selective female infanticide, situated in a culture that promoted violent ambition, combined with the ideology mentioned above. What receives less attention in his analysis are the deeper implications of one of the oldest components of the raiding stereotype: the Viking as pirate.

The exact meaning of 'Viking', Old Norse *víkingr*, has been debated for at least 200 years but seems to have definite connotations of lifestyle – a mode of being and a way to act. The Vikings may have originally come from the *Vikin* area of Norway, or regularly set maritime ambushes in bays (*vik* in the Scandinavian languages), or even had a taste for targeting trading centres (*wic*) for attack.[4] Piratical activity is common to all these definitions, but even this has its history, and its meaning has changed subtly over the years.

We can find a beginning in 1577, when the great Elizabethan scholar William Camden began work on what would become the first comprehensive survey of the history and antiquities of the British Isles. Published in Latin nine years later, Camden's *Britannia* was an instant success and went through multiple revised editions, remaining even now one of the foundation stones of European historiography. The first English translation appeared in 1610, and great attention was paid to the origins of the English kingdom whose continuation was of such urgent interest to Camden's contemporaries. Even in the early seventeenth century, it was clear that the ultimate beginnings of England lay some 800 years in the past, in the crucial struggles between

the Anglo-Saxon royal houses and the incoming waves of Viking raiders as they fought for control of both land and people. Here is how Camden described these Scandinavian invaders:

> [The Danes] were by the writers that penned in Latine the histories of England named *Wiccingi* for that they practised Piracie: for *wiccinga* in the Saxon tongue, as Alfricus witnesseth, doeth signifie a Pirat that runneth from creek to creeke.[5]

The same emphasis is found in Camden's contemporaries such as, amongst many others, the Dutchman Richard Verstegen writing in 1605, all probably working from Olaus Magnus' works on Northern history that had then reached Oxford. Seen through the lens of their own time, in which the Elizabethan 'sea-dogs' were fresh memories, Vikings made sense as 'Pirats' with somewhat different connotations than that term has for us today between our clichés of adventure in the Caribbean and a grittier reality on the Somali coast.

Outdated though it is as history, the gist of these subtly different Elizabethan perceptions can be usefully revived as we search for new models to explain the emergence and nature of the Vikings, and their dynamic activities that were to have such long-lasting impacts on the destiny of Europe. By this token, their aggressive pursuit of profit, including slave-raiding, can be equally taken as legitimate business activity depending on one's perspective, combined with elements of rather unstable state sponsorship (from surprising quarters) to under-take exploration for geographical knowledge and potential gain, adven-ture for the social prestige that it brought (and perhaps also for the sake of it) and, later, the command of serious seaborne military forces. In certain circumstances, a factor of what might be called a basic kind of early medieval patriotism may also have been present.

This nuancing is an important and necessary injection to Viking studies for several reasons, not least the relatively unreflective sense in which the vocabulary of piracy is routinely employed in even the best of academic works.[6] In an effort to delve deeper into the nature of Viking activity, it is helpful to seek new behavioural models outside the rather well-worked seams of early medieval European scholarship. As this present volume bears witness, there is an extensive field of piracy studies in its own right, primarily based on historical research but also incorporating archaeology, economics, legal studies, security studies and other disciplines. It is fair to say that very little of this has ever been applied to the study of Viking groups, urgent though it is to understand

how they were composed and organised, how they functioned and what their motives actually were. This chapter represents a first tentative step towards examining the Viking Age material afresh alongside the theoretical and interpretative frames of international piracy research.

## Paradigms of piracy as comparative models for the Viking Age

One of the key paradigms of the last three decades, well-known in the scholarship on piracy, has been developed by the Marxist historian Marcus Rediker. In a series of influential works, he and his collaborators controversially recast the Atlantic and Caribbean pirates of the so-called Golden Age as revolutionaries rather than opportunistic robbers, placing their operations squarely within a wide-ranging arena of maritime resistance to the sociopolitical structures of land-based empire and incipient capitalism.[7] Piracy emerges from these studies with its own political arithmetic, a 'new government of the ship', but this work quickly attracted critique for its somewhat utopian view of activities and individuals that could equally be regarded as merely violently criminal, albeit with clear underlying economic motors and societal context.[8] This debate continues today, nuanced by more recent but similarly contentious work such as that of the economist Peter T. Leeson, who addresses the concept of informal law in the context of spontaneous order. Focusing on rational choice theory and strictly regulated models of anarchy, he argues that pirate communities make sense because such intricate models of collaboration – including what might in later periods be seen as revolutionary tendencies – are necessary for the group cohesion required in a life of peripatetic maritime violence.[9] Valuable models of pirate behaviour may also be found in East and South East Asia, especially in contexts where piracy has been a matter of occasional opportunism embedded in more regular maritime lifestyles. Many of these communities have striking similarities with Viking raiders, both in their dispersed command structures, pirate bases such as those of Murakami in the Inland Sea of Japan, and the catalytic effects of their depredations of coastal China and Korea. Further into the China Seas we find extended networks of pirate activity, often concurrent with mercantile voyaging, periodic state commission (including subcontracting from foreign powers) and outright military expeditions.[10]

However, for the purposes of this chapter I wish to consciously sidestep the applicability of these ideas to their authors' chosen subjects in the 'revolutionary Atlantic', and instead discuss some of these models

of pirate communities in more general terms. With these and other interpretations of global piracy from different times and places, I employ them here not in any sense as directly imported models for superimposition on the Viking Age, but as a backdrop and as useful tools to think with.

A crucial concept is that of *hydrarchy*, minted in 1631 by Richard Braithwaite. The 'many-headed Hydra' had been evoked by European empires since the early seventeenth century, visualised as a symbol of chaos and disorder, the antithesis of its heroic slayer Hercules who in turn served useful duty as a role model for imperial power.[11] By the eighteenth century, the hydrarchy had come to refer ever more frequently to the specific context of pirate bands, perfectly capturing the nature of the threat that pirates represented to the European powers of the Early Modern period.

The destruction of individual ships and their crews – the 'heads' of the Hydra – achieved little in isolation, and indeed the social fallout often resulted in their replacement by even more pirates, again just as in the myth where the Hydra's severed heads regrew many times over. While there was no coordinated power structure that could be removed or negotiated with, the informal networks within and between pirate groups remained very real, such as to make them a genuine and collective menace. In this context, we see the negotiation of a constant interplay both with others of their kind and with state-based organisations.

## The Viking hydrarchy?

It is above all the model of hydrarchy that can be usefully applied to the ninth century and the origins of the large Scandinavian raiding fleets: the Viking ship as political space, both literally and metaphorically. In a sense, the application of the model is not new for Viking studies. The notions of 'sea-kings' and a thalassocratic model of power have earlier been applied to island polities with Viking rulers, notably the Northern and Western Isles of Scotland, the Isle of Man and some of the Scandinavian offshore islands, especially Bornholm and Gotland.[12] The concept works well in these contexts, which are essentially focused on the land as controlled from the sea, with the maintenance of the Kingdoms of the Isles through seasonal raiding. In considering the true Viking communities of the early British and Continental attacks, the hydrarchic structure comes into play, based on the sea itself as the crucial social arena.

In assessing the realities of the early raids, it is necessary to recognise the geographical and chronological variability in Viking behaviour.

Each target had its own local political context, with which the raiders were often either familiar or even embedded. Over the half-century trajectory from the early attacks, starting in Lindisfarne in 793 CE, to the major Continental assaults in the 840s, we see a clear development from groups of armed farmers under the leadership of local chieftains, to a more overtly political overtone in the command of larger fleets. As to the command structure of these Viking forces, the chronicles of early medieval Europe contain numerous entries referring to named commanders, but no kings or nobility. There are also references to collective decision-making and the use of lot-casting for this purpose. Raiding parties operated along the coasts and into the river systems from offshore 'mother fleets', eventually constructing defended island bases that were occupied over ever increasing portions of the year.

By the middle of the ninth century, a number of discrete Viking forces had formed around the coasts of North-Western Europe, respectively known in Anglo-Saxon England as the 'Great Army' and on the Continent as the three 'Armies' of the Seine, Loire and Somme. To some extent these were images created by the Vikings' victims, but at least in Frankia the reality of the three riverine 'motorways' into the heart of the Carolingian Empire – each with its fortified Norse base at its mouth – was very clear. These 'fleets' and 'armies' seem to have been essentially larger conglomerates of the small expeditionary parties that characterised the first raids, led by political players of rank whose spheres of interest spanned the power struggles of both their homelands and their targets.[13] As to the size of the forces, the texts mention flotillas of between 30 and 200 vessels, though extrapolating actual numbers from this is highly problematic.[14]

In a recent doctoral thesis, Ben Raffield has speculated that the Great Army and its Continental analogues were composed along the lines of something resembling the later Scandinavian *leiðangr* system, but supported by smaller chiefdoms or pre-state polities rather than the emerging kingdoms of the eleventh century. As he puts it:

> These were *lið*s, which in contrast to *leiðangr* involved a loose-knit group whereby leaders fed, equipped and rewarded their followers for their service (Lund 1985:106) – a system that most probably underpinned many Viking raids and may have had a place in offensive operations during the study period. These *lið*s, which survived on a leader's reputation and the promise of wealth to those who served him, would temporarily ally with other groups to undertake campaigns before breaking up again after a specified time or if success

was not forthcoming. This was the situation regarding a number of Viking bands in Frankia in 861.[15]

The internecine nature of Viking operations in Frankia has been discussed at length in several of my previous works, where the Scandinavians fought for and against various factions in the Imperial civil wars, both on their own account and as mercenaries, in addition to campaigning against each other on the same variable basis.[16] To add a further level of complexity, it is clear from the circumspections of the textual sources that many of the raiders' victims were also their occasional collaborators, as the Vikings moved deftly into civil conflicts and took advantage of the ensuing chaos. This is a key point, because as the Imperial forces of the Carolingians fragmented – taking the trappings and titles of statehood with them – so they began to sponsor Viking forces to fight their political rivals at home. The English sources, such as the *Anglo-Saxon Chronicle*, also hint at such accommodations, as we see Viking forces being provided with horses and provisions by local peoples without any mention of coercion. Tellingly, these supplies appear when the Scandinavians are about to move against a rival English kingdom.[17]

With an interesting comparison to Rediker's models of pirate interaction, one can also note how the disparate bands within the armies of the Loire, Seine and Somme were (re)absorbed according to the outcomes of these conflicts. In England, the *Anglo-Saxon Chronicle* records major splits of this nature within the Great Army in 876, 877 and 893. If these forces can be seen as separate, though interdependent, polities, the individuals of whom they were composed were constantly on the move, both leaving the 'Viking life' and being on their way from one fleet to another. Similarly, because we tend to view the period through the written record of the Vikings' victims, understandably concerned with their own fortunes and affairs, it is easy to overlook the fact that the different 'army' names are sometimes alternative labels for the same force operating in different places.

The fleets were also multiethnic, including people from all over Scandinavia, northern Germany and the Baltic. Among their crews were escaped slaves of many nationalities, and there are English references as late as the 1010s to such individuals escaping their Anglo-Saxon owners to become Vikings (the term is used specifically in the texts); it is clear that they did not join Viking groups after being captured or liberated, but instead actively ran to join them.[18]

The role of women in these Viking enterprises has also been consistently underplayed, in contrast to their participation as settlers in later

phases of Scandinavian colonisation. Viking forces may have included women, not only as camp followers but as active fighting crews. Female skeletons have been found in what are definitely mass graves of Viking raiding groups in Repton,[19] and there are Byzantine Greek textual sources of reliable quality that describe armoured women fighting alongside men in Viking armies.[20] In the archaeological record there are numerous Viking Age burials of women accompanied by weapons of various kinds, which have been, probably unwisely, explained for generations as reflecting their male partners' status, funerary gifts and the like. With the rise of metal detection and better standards of documentation, the past decade has also seen the discovery of several metalwork depictions of armed and armoured women. A number of different kinds of female supernatural beings have martial aspects – including the famous valkyries – and it is possible that these objects depict such creatures, but there is also no reason why they might not reflect genuine women warriors.[21]

There is no sense in which these groups were national forces of the Danes, Norwegians or Swedes. These countries and states did not yet exist, and Scandinavia was fragmented into numerous chiefdoms or petty kingdoms encompassing a broad spectrum of ethnicities that would later coalesce into kingdoms and eventually nation-states. While it is possible that some of these petty chiefs or kings may have formally supported raiding crews, it is very hard to see the attacks as directly political acts at this time.

What then *were* these Viking forces? It is here that the comparative models of pirate behaviour come into their own, with a key change in our understanding of the period: the Viking 'armies' or 'fleets' are actually best understood *as polities in their own right*. In this view, the 'Viking life' need in no senses have been the means to an end, such as the eventual acquisition of landed wealth or political capital, but the end in itself.

Following on from this comes the question of the Viking image, the arena of self-perceptions, projections and receptions. What did the Vikings really look like to others, and how did they wish to be seen? Archaeology, in combination with re-evaluated textual evidence, enables us to reconstruct the distinctive appearance of properly Viking groups.

## The Viking pirate in archaeology and text

We have known for many years that there were fashions in Viking dress, broadly speaking in Western and Eastern traditions. Supported by burial finds such as those from the Birka cemeteries in Sweden, these have been reconstructed into the familiar images of the popular literature.

However, new research on clothing, by Annika Larsson and others, is painting a more nuanced picture, with an accent on flamboyance, individuality and flash.[22] Clothes were cut very loosely, with extensive decoration in the form of ribbons, braids, brocade, tassels and so on. Many different fabrics were used, often in layers, in bright clashing colours of principally blue and red against which the highlights of silver and gold stood out clearly. Textile researchers have rightly objected to these outfits as being impractical for use at sea, being thick, absorbent and generally unsuited to the needs of rapid movement in wet weather. However, the history of clothing amply demonstrates that functional wearability can be the least of sartorial concerns, and this is especially true in martial contexts. It suffices here to mention the kinds of improbably cumbersome clothing worn by naval officers (and military men generally) well into the nineteenth century, including tailcoats with layered lapels of heavy fabric, tight round the waist and worn over one or more high-collared shirts. Tunics could certainly be left unbuttoned or dress codes subverted in countless ways, but we also know that clothing was worn into battle that we would now find constrictive even on the most formal occasions.

To this was added a variety of elaborate, impractical but dramatic jewellery and dress accessories in the form of arm-, finger- and neck-rings, and pendants. Even the clothes themselves could be held together with over-sized dress pins (this was particularly common among the Scottish Viking groups) that might leave up to 40 cm of bright metal visible over the wearer's shoulder. Functioning as symbols of wealth, this material culture also manifested a degree of deliberate vulgarity, an aggressive stylishness, visible ties of allegiance and dominance and emblems of competition – all deriving from ill-gotten gains that were not seen that way at all by those doing the redistributing.[23] The concept of *bling*, popularised in recent years by the trend for gangster fiction and film, is neatly applicable here, with no flippancy intended.

It is also important to remember the organic palette that has largely vanished from the archaeological record. From the writings of Arab travellers who encountered Scandinavians on the river systems of the East, we have eye-witness accounts of their appearance and it is clear that they used their bodies as canvasses. In 922, Ahmad ibn Fadlan met Vikings on the Volga River, and described how, 'each man, from the tip of his toes to his neck, is covered in dark green lines, pictures and such like'. Whether tattoos or skin paint, this clearly sounds both highly visible and extensive. Around 950, a Jewish traveller from Spain saw Vikings in their homelands, and left similar descriptions from the

urban landscape of Hedeby in southern Denmark: 'artificial eye make-up is another peculiarity; when they wear it their beauty never disappears, indeed it is enhanced in both men and women'.[24]

Even more dramatic is the mounting evidence from numerous sites around Scandinavia and further afield, indicating how at least some young male Vikings filed their teeth.[25] This took the form of horizontal notches carved into the enamel of the front teeth and canines, laid out in various patterns and combinations. Either in one–three parallel lines or occasionally chevrons, the grooves may well have been filled in with



*Figure 2.1*  A reconstruction of a Viking pirate of the 9th–10th centuries, utilising combined data from archaeology and textual sources
Drawing by Þórhallur Þráinsson, © Neil Price.

red resin, appearing bright against their white teeth. The process would have been time-consuming but not painful, and its prevalence among men who died young suggests that it may have been a signal for some kind of martial endeavour or perhaps the equivalent of a sailor's tattoos.

Are these signals of identity? It is hard to be sure, but when these elaborate clothes and dress accessories are combined with the full-body skin decoration, make-up and filed teeth, then it is clear that what emerges are 'Vikings' who look almost nothing like any of our previous reconstructions (Figure 2.1).

Taken together across the members of a Viking force, in all its striking variety this constitutes an eclectic, individual dress that nonetheless built a group image and differentiated the wearers from members of other pirate groups. These are visual codes that could have functioned in different ways according to an internal or external gaze. We should consider whether the ninth-century 'Army of the Seine' literally looked different from their contemporaries on the Loire, for example, or whether within those groupings each ship's crew or leader's retinue was visually distinctive. There is textual evidence, especially from Ireland, that also suggests specific dialects in individual Viking forces.[26] This could be a necessary lingua franca, a pirate creole or conscious affectation. Beyond even this, mention should also be made of something regrettably outside the scope of this chapter, namely the entire thought-world of ritual behaviour, supernatural beings and magical practices related to maritime, Viking violence.[27] Viewed as a cumulative image, the similarities with the pirate paradigms mentioned above are readily apparent.

The archaeology of Viking pirates also takes other forms, as in the excavations of base camps throughout Europe. These have been identified at river mouths with access to the Continental interior, inland when the fleets sent their forces into the countryside (for example, at Repton and Torksey in England), and at strategic points around the coasts (for example, several Irish *longphort* camps and the fortified base at Jómsborg-Wolin in Poland).[28] Excavated evidence suggests that these sites were also trading places and centres of manufacture, including of weapons, and were essentially self-sufficient. Some of these bases may in turn have been set within larger entities of Viking control, not necessarily formally constituted but nonetheless clearly conceptualised as a spoken idea, along the model of those established in the Caribbean during the eighteenth century. For example, I have long ago suggested that the occupation of Brittany was essentially an anachronistic 'pirate nest' that was never intended to mimic the Normandy settlement but

instead actively set itself apart from the colonies springing up around the British Isles.[29]

A clear archaeology of pirate shore-life has been identified for the 'Golden Age', not only in their maritime areas of operations,[30] but in the places to which they, sometimes temporarily, retired.[31] Caribbean havens such as Port Royal, Tortuga and the Bahamas are closely comparable to the Viking sites, and in the future it may be possible to identify a recognisable archaeological signature for pirate communities. With measurable differences in diet, material culture and patterned behaviour, this, too, demonstrates the serious potential for cross-cultural research.

We have seen above how the Vikings have traditionally been understood through the eyes of others, but even here there is potential for recovering part of the image that they may have intentionally projected. Once more, this is distinct from any suggestion of 'national' identity, which in any case would have been even less comprehensible to their contemporaries than it is to us. In the Anglo-Saxon sources, especially battle poetry that preserves contemporary descriptions of fighting the Vikings, they appear as 'ship-men', 'wave-men' and 'slaughter-wolves'. They are compared to predatory beasts, reinforced in verse by allusions to the way in which they physically move, like wolves.[32] Distinctions are drawn between 'pagans and Danes' – the latter as a generic term for all Scandinavians – and 'real' Vikings, who the English saw as specifically seaborne pirates. Emphasis is given in the texts to their carefully groomed appearance. In the Arab sources they are *majus* or 'fire-worshippers', the focus being on their infidel nature,[33] while the Byzantine Greeks were more prosaic: their term, *rhos*, means approximately 'the rowers' or 'the crews'. Scribes attached to the Imperial army recorded the Vikings howling like wolves during battle and sacrificing prisoners in the aftermath.

## Viking piracy and the Scandinavian diaspora

The impact of the ninth-century raids was considerable, with the Vikings acting as catalysts for political change and dislocation across Europe. In England, every kingdom but one was destroyed and up to half the country was occupied by Viking forces. In Frankia, the Carolingian Empire endured decades of war that, over a 100-year period, saw up to 14 per cent of the entire monetary economy surrendered to the Scandinavians as protection money. More than 120 named settlements were erased, whole regions are recorded as 'laid waste' and thousands were killed or

enslaved. The assault only ended when the civil wars that had earlier destabilised the Vikings' opponents themselves burned out, leading to improved, coordinated resistance and practical defences against them (especially on the Continent).[34]

Another factor was introduced in the transformation of some, but not all, of the Vikings' raiding bases into more permanent features. From 876 onwards, the forces that had earlier established themselves in northern England began to settle, in time forming the Kingdom of York that rivalled the Irish towns such as Dublin (themselves formed in much the same way) for decades. At about the same time, the whole of the eastern part of England was formally ceded to the Vikings and became known to later historians as the Danelaw. In Frankia, after 911 increasingly large tracts of land were granted to Viking forces encamped on the Seine, leading eventually to the creation of what is now Normandy. Initially set up as a buffer against other Scandinavian groups, the region soon became a Norse power bloc in its own right. While none of these polities entirely gave up raiding activities in the true Viking manner, the nature of their social structures changed irrevocably.[35]

In brief, the end of Viking piracy came through the processes of state-formation and the centralisation of power in Scandinavia, as the newly formed Nordic powers came to politically resemble the places that had once been their targets. Although raiding continued into the tenth and eleventh centuries, its motivations and context changed, from economic gain to political leverage. The Vikings in the exact sense of the word were absorbed into these new social structures, and Scandinavians turned to more conventional colonisation, acculturating with their previous victims to form new identities across the North. Above all, there was the crucial impact of a change of faith, with the coming of Christianity and the syncretic assimilation of the Vikings' traditional beliefs. In this new world, pagan Viking pirates had no place as the long arm of literate, Christian monarchs.

Despite these transformations there was never any such dichotomy as Vikings and Other People (within their culture): these were interchangeable. Furthermore, in Viking Age Scandinavia, piracy was culturally situated and supported by a structure of beliefs and ritual – it was always part of something else, something bigger. In its classic form during the late eighth and ninth centuries, true Viking piracy can be understood as a discrete package of behaviour, practice and outlook. We can perceive something individually motivated and guided by charismatic leadership, with a mercenary ethic that was highly adaptable to circumstance. This in turn was fuelled by an intense but mutable sense of identity,

characterised by inter- and intra-group competition. Viking piracy was subject to periodic state sponsorship within the wavering factions in the civil conflicts of their victims, but primarily operated through independent pirate polities in the form of the great fleets, with regional and chronological variation. Mindful of the dismay in the written records of its victims, in contrast to the Vikings' own perspective, we should consider that its moral dimensions were conditional.

A degree of historical evolution can be charted with hindsight. From the 780s to 830s, the raiding began on a small scale, with opportunistic and locally planned attacks. The next three decades was the time of the great Viking 'armies' and 'fleets' that devastated Europe – what, on a comparative model, we might term the 'Viking hydrarchy'. This period also saw the beginnings of family migrations and the first tentative colonial ventures, which continued thereafter. By the 860s, these had grown into the Viking city-state of York, the Danelaw settlements of eastern England and the Irish towns, with internecine warfare between them that persisted until the 970s. As this developed into the age of nation-states, with Scandinavian national forces, eventually Viking piracy quite simply outlived its usefulness and viability in the changing Europe of the Early Middle Ages.

When perceived in this way, the Vikings of the ninth century add something new to our understanding of European history. The Viking life is revealed as a combination of mindset, belief system, career strategy, ritual act, livelihood and above all, choice. In the process, these early medieval pirates created a unique maritime identity with a socio-political heritage that can still be perceived today.

## Notes

1. The work on which this and a related chapter (N. Price, 'Pirates of the North Sea? The Viking ship as Political Space', in H. Glørstad, Z. Glørstad and L. Melheim (eds), *Moving On: Interdisciplinary Perspectives on Past Colonization, Maritime Interaction and Cultural Integration* (Sheffield: Equinox, 2014, forthcoming)) is based has evolved intermittently over the last five years. Earlier versions were presented at conferences and seminars in Kirkwall, Reykholt, Johannesburg, Aberdeen, Stockholm, Uppsala and Oslo, and discussed at meetings in Singapore, Fremantle and Guangzhou; I am grateful to all those who commented then and subsequently. For particular assistance and advice I would like to thank Stefan Eklöf Amirell, Robert J. Antony, Barbara Crawford, Clare Downham, Pablo Gomes, Dawn Hadley, Hirofumi Kato, Jun Kimura, Annika Larsson, Charlotte Minh Ha Pham, Leos Müller, Donnchadh Ó Corráin, Else Roesdahl, Sarah Semple, Dagfinn Skre, Philip de Souza, Frans-Arne Stylegar, Greg Wade and Jim Warren. I am also indebted to

Þórhallur Þráinsson for his evocative reconstruction, the latest of many in our collaborative projects.

2. See S. Brink and N. Price (eds), *The Viking World* (London and New York: Routledge, 2008) for an overview of this people and their time.

3. J. Barrett, 'What Caused the Viking Age?', *Antiquity*, 82 (2008), pp. 671–85.

4. F. Herschend, 'Wikinger' [Vikings], *Reallexikon der germanischen Altertumskunde*, 34 (2006), pp. 55–9.

5. W. Camden, *Britain, or, a Chorographicall Description of the Most Flourishing Kingdomes, England, Scotland, and Ireland* (London: Bishop and Norton, 1610 [1586]), p. 194. I am greatly indebted to Dr Sarah Semple of Durham University for alerting me to properly piratical Danes in the early Jacobean histories.

6. E.g. B. Hudson, *Viking Pirates and Christian Princes: Dynasty, Religion and Empire in the North Atlantic* (Oxford: Oxford University Press, 2005), pp. 24, 90 and 182.

7. See M. Rediker, *Between the Devil and the Deep Blue Sea: Merchant Seamen, Pirates and the Anglo-American Maritime World, 1700–1750* (Cambridge: Cambridge University Press, 1987); and ibid., *Villains of all Nations: Atlantic Pirates in the Golden Age* (London and New York: Verso, 2004); of particular relevance is P. Linebaugh and M. Rediker, *The Many-Headed Hydra: The Hidden History of the Revolutionary Atlantic* (London and New York: Verso, 2000), with further references therein.

8. Some of this work is collected in D. J. Starkey, E. S. van Eyck van Heslinga and J. A. de Moor (eds), *Pirates and Privateers: New Perspectives on the War on Trade in the Eighteenth and Nineteenth Centuries* (Exeter: Exeter University Press, 1997); for an overview of some of these debates, see also the chapters in R. Pennel (ed.), *Bandits at Sea: A Pirates Reader* (New York: New York University Press, 2001).

9. P. T. Leeson, *The Invisible Hook: The Hidden Economics of Pirates* (Princeton, NJ, and London: Princeton University Press, 2009); see also his numerous other papers on this subject, collected at: http://www.peterleeson.com (accessed May 2013). For a critical view, see D. J. Starkey's review *The Invisible Hook* in *International History Review*, 33:2 (2011), pp. 357–8.

10. R. J. Antony, *Like Froth Floating on the Sea: The World of Pirates and Seafarers in Late Imperial South China* (Berkeley, CA: University of California Press, Institute of East Asian Studies, 2003); ibid. (ed.), *Elusive Pirates, Pervasive Smugglers: Violence and Clandestine Trade in the Greater China Seas* (Hong Kong: Hong Kong University Press, 2010); and his contribution in this volume. See also J. F. Warren, *Iranun and Balingingi: Globalisation, Maritime Raiding and the Birth of Ethnicity* (Singapore: National University of Singapore, 2002); ibid., *The Sulu Zone 1768–1898: The Dynamics of External Trade, Slavery and Ethnicity in the Transformation of a Southeast Asian Maritime State*, 2nd edn (Singapore: National University of Singapore, 2007); and his contribution in this volume.

11. Linebaugh and Rediker, *Many-Headed Hydra*, pp. 2–6 and 144–73.

12. See Hudson, *Viking Pirates*; C. Downham, *Viking Kings of Britain and Ireland: The Dynasty of Ívarr to AD 1014* (Edinburgh: Dunedin Academic Press, 2007); and D. Griffiths, *Vikings of the Irish Sea* (Stroud: History Press, 2010). The use of thalassocratic frameworks for Scotland and the Irish Sea was first introduced by Barbara Crawford, *Scandinavian Scotland* (Leicester: Leicester University Press, 1987).

13. See N. Price, 'Viking Armies and Fleets in Brittany: A Case Study for some General Problems', in H. Bekker-Nielsen and H. Frede Nielsen (eds), *Beretning fra tiende tværfaglige Vikingesymposium* (Odense: Odense University Press, 1991), pp. 7–24; ibid., '"Laid Waste, Plundered and Burned": Vikings in Frankia', in W. W. Fitzhugh and E. Ward (eds), *Vikings: The North Atlantic Saga* (Washington, DC: Smithsonian Institution, 2000), pp. 116–26.

14. The debate on fleet and army sizes has died down in recent years, but essentially hinges on which types of ships are meant, how many crew they held, and whether we can trust the sources at all. The basic discussions are reviewed in Price, 'Viking Armies', but today it is generally accepted that the great forces of the ninth century numbered at least a thousand combatants and probably more.

15. B. Raffield, 'Landscapes of Conflict and Control: Creating an Archaeological Atlas of Scandinavian-Occupied England, AD 878–954', unpublished PhD thesis (Aberdeen: Department of Archaeology, University of Aberdeen, 2013), ch. 3.5.

16. For a discussion of the material mentioned in this paragraph, see N. Price, *The Vikings in Brittany* (London: Viking Society for Northern Research, 1989); and ibid., 'Viking Brittany: Revisiting the Colony that Failed', in A. Reynolds and L. Webster (eds), *Early Medieval Art and Archaeology in the Northern World* (Leiden: Brill, 2013), pp. 731–42. See also Price, 'Viking Armies' and 'Laid Waste'.

17. See Price, 'Viking Armies'.

18. Wulfstan (1976 [*c.*1014]) *Sermo Lupi ad Anglos* (The Sermon of the Wolf to the English), ed. by D. Whitelock (Exeter: University of Exeter Press).

19. M. Biddle and B. Kjølbye-Biddle, 'Repton and the Vikings', *Antiquity*, 66 (1992), pp. 36–51.

20. N. Price, *The Viking Way: Religion and War in Late Iron Age Scandinavia* (Uppsala: Uppsala University Press, 2002), p. 332.

21. N. Price, 'Belief and Ritual', in G. Williams, M. Wemhoff and P. Pentz (eds), *Viking* (Copenhagen: National Museum of Denmark, 2013), pp. 164–95.

22. A. Larsson, *Klädd krigare: skifte i skandinaviskt dräktskick kring år 1000* (Dressed Warrior: Shifts in Scandinavian Clothing Styles around the Year 1000) (Uppsala: Uppsala University Press, 2007); and ibid., 'Hur såg vikingarna ut egentligen?' (What Did the Vikings Really Look Like?), *Horisont Uppsala,* Yearbook 2008, p. 30.

23. A representative selection may be found in J. Graham-Campbell, *Viking Artefacts* (London: British Museum Press, 1980).

24. H. Birkeland, *Nordens historie i middelalderen etter arabiske kilder* (The Medieval History of the Nordic Region in Arabic Sources) (Oslo: Dybwad, 1954); and J. Montgomery, 'Ibn Fadlān and the Rūsiyyah', *Journal of Arabic and Islamic Studies*, 3 (2000), pp. 1–25.

25. C. Arcini, 'The Vikings Bare their Filed Teeth', *American Journal of Physical Anthropology*, 128:4 (2005), pp. 727–33; the practice has since been found on individuals buried in an as yet unpublished eleventh-century mass grave of Viking raiders from Dorset in southern England.

26. C. Downham, '"Hiberno-Norwegians" and "Anglo-Danes": Anachronistic Ethnicities in Viking Age England', *Medieval Scandinavia*, 19 (2009), pp. 139–69;

and ibid., 'Viking Identities in England: It's Not All Black and White', *Medieval Dublin*, 11 (2011), pp. 185–201.

27. Price, *Viking Way*.
28. Ibid., *Vikings in Brittany*; ibid., 'Viking Armies'; Biddle and Biddle, 'Vikings at Repton'; and C. Downham, 'Viking Camps in Ninth-Century Ireland: Sources, Locations and Interactions', *Medieval Dublin*, 9 (2010), pp. 93–125.
29. Price, *Vikings in Brittany*; and ibid., 'Viking Brittany'.
30. For sites such as Port Royal and base regions such as Honduras, see R. K. Skowronek and C. R. Ewen (eds), *X Marks the Spot: The Archaeology of Piracy* (Gainsville, FL: University Press of Florida, 2006), pp. 11–78.
31. The best example is the extraordinary find of a seventeenth-century pirate 'retirement home' in London's Limehouse; see D. Killock and F. Meddens, 'Pottery as Plunder: A 17th-Century Maritime Site in Limehouse, London', *Post-Medieval Archaeology*, 39 (2008), pp. 1–91; and C. Catling, 'Pottery and Plunder: A Nest of Pirates Uncovered in London's East End', *Current Archaeology*, 227 (2009), pp. 38–45.
32. B. Griffiths (ed.), *The Battle of Maldon* (Pinner: Anglo-Saxon Books, 1991).
33. N. Price, 'The Vikings in Spain, North Africa and the Mediterranean', in Brink and Price (eds), *Viking World*, pp. 462–9.
34. Price, 'Laid Waste'.
35. J. D. Richards, *Viking Age England* (Stroud: Tempus Publishing, 2004); and J. Renaud, *Les Vikings et la Normandie* (Rennes: Éditions Ouest-France, 1989).

# 3
# Violence, Protection and Commerce
## Corsairing and *ars piratica* in the Early Modern Mediterranean

*Wolfgang Kaiser and Guillaume Calafat*

Like other maritime spaces, and indeed even large oceans such as the Indian Ocean, the Mediterranean was not at all a 'no man's sea' – as the sea in general appears, opposed to territorial conquest and occupation of land, in a prominent way in Carl Schmitt's opposition between a terrestrian and a 'free maritime' spatial order.[1] Large oceanic spaces such as the Indian Ocean and smaller ones such as the Mediterranean were both culturally highly saturated and legally regulated spaces.[2] The Inner Sea has even been considered as a matrix of the legal and political scenario of imposition of the Roman 'policy of the sea' that had efficiently guaranteed free circulation and trade by eliminating the pirates – Cicero's 'enemy of mankind'[3] – who formerly had infected the Mediterranean. Convergence between Roman and Islamic legal traditions seemed to ensure, after the decline of the Roman Empire, a zone of free maritime navigation and trade.[4] This 'Inner Sea' was made of other regional inner seas, gulfs, channels and straits – as represented (a shared feature) in Early Modern European, Islamic and Ottoman cartography. The Mediterranean has been, from the medieval glossators of Roman Law to the main protagonists of what has been called the 'hundred years battle of the books'[5] of the sixteenth and seventeenth century, conducted most prominently by Hugo Grotius, Serafim de Freitas and John Selden, a rich fund of examples and situations, and indeed a laboratory to forge, according to specific contexts and divergent interests, in a kind of *ars combinatoria*, both the arguments for free navigation at sea and free use of its riches and, on the contrary, legitimate control of territorial waters. It is with the emergent concept of 'jurisdiction', to fight against piracy and protect free navigation and free use of maritime resources, that the practical manifestations of *imperium*, that is, the full

exercise of power and a domanial appropriation of a maritime space, were argued and justified.

Both interpretations combine the obligation of protection (against piracy) and the right to exercise justice (jurisdiction). The claim of a *dominium maris* signified the definition of maritime boundaries, a liberty of navigation under control and constraint, reserved fishing rights and the right to impose taxes on passing ships. These were competing claims: Venice's maritime dominion, the Golfo di Venetia (as the Adriatic Sea was mainly indicated on contemporary maps), passionately defended by for example Paolo Sarpi during the 1610s,[6] was contested by the jurists in the Kingdom of Naples who reduced it to the near coastal zone (the district between Venice and Chioggia). The claim of a *dominium maris* could make the common distinction between controlled territorial waters and free 'high seas' inappropriate in the Mediterranean, for instance in the case of medieval Genoa. The *Signoria* claimed not only to control the navigation in its coastal waters (*juxta terram*) but also to exercise a regional hegemony in the 'sea of Genoa' by defending navigation and the right to exclude another (*ius excludendo altri*) on the High Sea's (*per pelagus*) lanes and constraining competitors to a coastal passage and to the payment of a tax in exchange of protection. In this complicated Mediterranean situation, it seems to be difficult to characterise corsairing that was after all part of a whole set of forms of exercising legitimate power, as 'extra-territorial violence'.[7]

Other elements add to the complexity of the medieval and Early Modern Mediterranean: the competition between European powers, including the Atlantic powers, with their own legal traditions, including the customary maritime traditions, compiled in late medieval and Early Modern times, such as the Catalan *Consolat de Mar* in the Mediterranean and the *Rôles d'Oléron* in the Atlantic and the copresence of Roman, Byzantine and Islamic law, often neglected in the narratives of the history of the law of nations and maritime law.[8] A whole literature has described the process of increasing state control and 'civilising' warfare between European powers in the medieval period. Yet, recent research, mainly concerned with intra-European wars, has shed new light on the reality of warfare and stressed the fact that violence in the Early Modern period was not random, brutal and irrational, but followed highly ritualised practices in wartime, including suspension of conflict, avoiding violence by payment and maintaining of communication and trade.[9] This is also true for the conflicts opposing the European powers to the Ottoman Empire, the rising force in the Early Modern Mediterranean,

contested by the Habsburg Monarchy and the old and new (Dutch and English) European and indeed Mediterranean powers.

The complexity of different levels and conflicting goals makes the Mediterranean an interesting and at the same time difficult case: competitive empire-building – the Habsburg composite monarchy and intercontinental empire, the expansion of the Ottoman Empire, Portuguese, English and Dutch empire-building in Asia and the Atlantic – the making of territorial states and the competition for trade in the Mediterranean. Last but not least, conflict and cooperation on the regional and local level were intertwined. In the late medieval and Early Modern Mediterranean there was no hegemonic power and there was no synchronised chronology that could structure a single master narrative, whether in terms of a 'clash' between Islam and Christendom or of progressive violence-controlling and state-building or the process of quasi-natural European domination of the Mediterranean. Thus, instead of a synthetic overview, we will discuss some contrasting features of corsairing and commerce, of violence and state-building. We will argue that violence indeed was a *stimulus* of exchange in the late medieval and Early Modern Mediterranean. In particular, the conflictual relations between, on the one hand, the North African Regencies of the Ottoman Empire, the so-called 'Barbary States', and, on the other hand, the European powers constituted a domain of regulation and legal innovation.

## Piracy, corsairing and naval warfare

*Ars piratica* (the art of piracy) was a traditional feature of Mediterranean port cities. It was an important part of the urban economy of Béjaïa on the Algerian shore in the fourteenth and fifteenth centuries. Those who engaged in it were people of modest origin – workers (*lavrador*), retailers (*tender*) or artisans in the textile sector (*canelador*, *texidor*) – which means that the exercise of *piraticam artem* was probably a part-time activity.[10] In the case of Béjaïa, piracy was directed in particular towards the coastal regions of Andalusia and Valencia and its goal was, in the context of the violent conflict called *Reconquista* in European historiography, to seize booty with maritime operations or terrestrial *razzias* (raids). Booty especially meant human booty, that is, captives to be sold into slavery or, expecting higher gains, offered to be ransomed by their families or institutions of their hometowns or countries.

The terms 'pirate' and 'corsair' seem to be used indistinctively in the sources, including the granting of licences for corsairing by the king

in late medieval Aragon.[11] Furthermore, the flourishing of 'piracy' or 'corsairing' has been linked to both the weakening of state power – for example, in Sicily after 1350, where autonomous lordships seem to have developed the practice of *piraticam artem*[12] – or, on the contrary, has been related to enforced political control by the authorities, such as in the Béjaïa of the fourteenth and fifteenth centuries and under the Hafsid dynasty in Ifriqiya (Tunisia).[13] We find the same simultaneous use of the two terms 'corsairing' and 'piracy' also in Sicilian sources of the sixteenth century where citizens of Trapani, in this case, too, people of modest social position, fishermen and sailors, engaged in corsairing and piracy in Barbary (*exercendi cursum et artem piraticam in partibus Barbariae*) with a licence from the authorities.[14]

Piratical activity was endemic in the coastal regions of the Mediterranean, linked to economic difficulties and political crisis, civil war and weak state control, such as in France during the religious wars in the second half of the sixteenth century. The famous Spanish composer Francisco Guerrero was, for example, captured twice in 1589 on the return from his pilgrimage to Jerusalem, by impoverished French gentlemen – 'Lutherans' in his eyes – first in the Camargue and a second time on the shores of the Languedoc: 'During our travel . . . the danger did not come from the Turks, the Moors or the Arabs, but exclusively from the French.'[15]

It is the licence issued by an authority considered as legitimately exercising – indeed delegating – sovereign rights of repression (*represailles*) against subjects of the enemy that makes the difference between an ordinary sea robber and a corsair. In the context of European maritime warfare, merchants and other people invested risk capital in *artem piraticam exercendi*,[16] directed for instance against the Spaniards, Catalans, Genoese or Venetians, as the enemies were spelled out in a *lettre de marque* issued in 1512 in Provence.[17]

Corsairing may thus be considered as institutionalised, legitimate and regulated violence.[18] But why do we find in contemporary sources simultaneously the use of the term *piratica ars*? It seems that this was meant to designate the shared goal of this specific activity – booty.[19] As for pirates, the objective of corsairs was primarily the rich cargo of merchant ships and captives, not warfare against other corsairs or armed naval forces. This was the argument of corsairs from Provence in the sixteenth century who refused to fight against other corsairs: 'in the fight of corsair against corsair you just win empty casks' (*de cossari à cossari non si gassanho que barilh*).[20] Booty became a legitimate prize, stated a posteriori, in the context of justified warfare and the claim to exercise sovereign rights of *represailles*.

Licenced corsairing offered to these entrepreneurs of violence – as to the *condottieri* of the Italian Renaissance – an opportunity to acquire reputation and legitimacy. At the same time, princes, sovereigns, authorities could thus cope with their weakness by delegating – a dissimulating term, as they were delegating something that they were incapable of making use of – the use of public power to licenced private persons who thus become public actors. The instrumental use of violence, as corsairing against enemies and competing powers has been characterised, is an important part of a mercantilist politics of power and an essential element of empire-building and state-formation through the offer of efficient protection. In the Indian Ocean, the Portuguese sold licences called *cartazes* – an Arab word integrated into Portuguese in the sixteenth century – that is, protection for ships against violence, foremostly the violence of the protectors themselves. As put by Jan Glete: 'Europeans used violence to get monopoly rights to trade, they sold protection to Asian and European merchants and ships and they sold their superior technology for war to Asians who were in conflict with other Europeans and other Asians.'[21]

In the Mediterranean, weakening the enemy through raids on the coasts, capturing people and the seizure of ships at sea, was a generalised practice of competing powers that pretended to sovereignty, that is, to the power to define what was legitimate corsairing and what was criminal piracy and, if useful for them, to keep this difference unclear.[22] Efficient protection ensured lesser insurance costs, a protection rent and, as Frederic C. Lane has put it, 'profits from power' for those who offered protection.[23] This explanatory model still seems useful to uncover the issues present in the competition of European powers in Constantinople to obtain the best terms of trade and efficient protection in the Ottoman Empire. Moreover, the model highlights the role of corsairing as part of the naval warfare between the European powers in the Mediterranean.[24] The use of private investment in the exercise of public violence through corsairing and the control of those entrepreneurs of violence was part of Early Modern state-formation as private investment in state activities. The use of 'private ships of war' was a weapon especially of minor sea powers or a consequence of the consideration of naval warfare as secondary. Corsairing became important in the War of the Great Alliance (1689–97) in which French corsairs – the most prominent of whom was Jean Bart – captured about 4000 ships of the enemy.[25] During the great European wars at the end of the seventeenth and beginning of the eighteenth centuries, licenced Mallorquin and French corsairs were massively present in the Mediterranean

theatres of war.[26] Simultaneously, naval warfare during the Anglo-Dutch Wars of the seventeenth century also took place in the Mediterranean, with the Battle of Livorno in 1653 and the subsequent installation of the Royal Navy from the 1670s in Livorno, 1704 in Gibraltar and 1708 in Menorca.

## North African corsairing and its impact

To what extent did the institutionalisation of piracy show signs of embryonic or even more developed state-formation in sixteenth-century North Africa and the Western Mediterranean? Corsairing shaped the commercial and diplomatic relations between Southern Europe (Iberia, the French kingdom and the Italian regional states), the Ottoman Empire and its dependent territories in North Africa. Fernand Braudel has called this endemic activity a 'secondary form of war' and indicated as its apogee the 'century of corsairing', from the Battle of Lepanto in 1571 to the end of the seventeenth century.[27]

Since at least the fifteenth century, in the context of the *Reconquista*, Muslim corsairs supported by the Ottomans operated from North African ports against Spanish ships.[28] After 1492 and for almost seventy years, North Africa became a theatre of violent conflicts between the Spaniards and the local sovereigns and authorities, from the Spanish conquest of Oran in 1509 up to the definite conquest of Tunis by ʿUlūc ʿAlī in 1574. It was the conquest of Algiers by ʿArūdj and Khayr al-Dīn Barbarossa (two brothers from Mytilene/Lesbos), first in 1517 and 1519 and then definitively in 1529, combined with the occupation, assisted by Turkish janissaries sent by the Ottoman Sultan, of the Peñon of Algiers and the expulsion of the Spanish garrison there, which opened the way for the expansion of the Ottomans in North Africa. Algiers, Tunis (which was conquered definitively in 1574) and Tripoli (conquered in 1551) were integrated as peripheral Regencies in the Ottoman Empire. On the Christian side, the settlement of the Knights of St John at Malta, established in 1530, had the mission of fighting the Turk and the 'Barbaresques', thereby giving an impulse to corsairing, reinforced by the foundation of the Tuscan Military Order of St Stephen in 1561.

In the sixteenth-century Mediterranean, naval warfare (*guerre d'escadre*) and corsairing (*guerre de course*) – the latter of which included coastal raids that occasionally could reach considerable distances inland – were intimately linked or better, different aspects of the practice of maritime warfare. The Algerian, and later the Tunisian and Tripolitan, corsairs

were sanctioned by the Ottomans and were integrated into and indeed commanded their marine forces. Khayr al-Dīn Barbarossa, the master of Algiers, was appointed First Governor (*beylerbey*) of the province of Algiers by the Ottoman Sultan and later Admiral (*ḳapudan paṣha*) of the Ottoman fleet. After the naval battle of Preveza (1538), the victorious Ottoman fleet under the command of Khayr al-Dīn cooperated with the French fleet, on the basis of the alliance between the French king and the Sultan in Constantinople. The Ottoman fleet raided Mahon on Menorca, besieged Nizza, attacked Ostia and conquered the Isle of Lipari in 1544. Immediately afterwards, 700 prisoners were ransomed in the secondary ports near Messina and then in Messina itself, which was transformed, with the permission of the vice-king, for some days into a 'bazaar', that is a slave market where the captives were offered to be ransomed by their families.[29]

These coastal raids produced more captives than corsairing at sea and had demographical consequences in the areas concerned. Towns such as San Lucido (Calabria) or Vieste and Manfredonia in the Gargano (Puglia) experienced demographic losses of between 40 and 80 per cent.[30] Coastal towns and settlements were most vulnerable, but spectacular raids, such as that in 1566 when 6000 Turks penetrated about a hundred kilometres into the hinterland of Francavilla (Puglia), showed that the corsairs had the capacity to launch attacks far inland. The goal of these raids was the capture of the local population – not necessarily to conduct them all into slavery, but to let them be ransomed directly by their families after their capture. The places where 'the white flag is erected and slaves are being ransomed'[31] was part of a local knowledge and has marked the local toponymy: in Early Modern Andalusia the practice of immediate ransoming was called *alafía*, originally from an Arabic word meaning 'grace', 'pardon'. In Melilla, a Spanish *presidio* (garrison) in Northern Africa, we still find a *torre del Alafía*.[32] The endemic practice of a partly terrestrian *artem piraticam* as a permanent threat is visible in popular belief and legend: for example, a black cat was considered in nineteenth-century Naples as a spy from Barbary. Ransom slavery was not a uniquely Mediterranean practice; it was also part of a specific frontier economy in borderlands between the Austro-Hungarian and the Ottoman empires.[33] For the Mediterranean, Michel Fontenay has proposed to use the contemporary term *corso* to designate this form of state-sanctioned maritime violence, which blurs the distinction between corsairing and piracy.[34]

With the technological change at the beginning of the seventeenth century – the shift from the galley to the bertone (a three-rigged,

originally North European, round-hulled sailing ship)[35] – the trade with captives became more important and more profitable than the traditional slave trade (even if the French consul at Livorno in the seventeenth century continued to buy valid slaves for the king's galleys at Toulon and Marseilles).[36] At the apogee of the Mediterranean *corso* in the seventeenth century, the corsairs from North Africa (Algiers, Tunis, Tripoli and the Moroccan port of Salé) armed about 100 ships of different types at any one time, while on the Christian side, estimates give about 40 ships. Due to technological change and the arrival of North European sailors converted to Islam, North African corsairing extended to the Atlantic and the English Channel. Converted corsairs such as Simon Romero from the Canary Islands, a famous captain (*raʾīs*)of Algiers in the sixteenth century, operated between Algiers, Salé and the Canary Islands and cooperated in ransoming with English merchants residing in Cadiz who worked as *alfaqueques* or ransomers.[37] The most spectacular operation of Algerian corsairs was the famous raid on Iceland in 1627, but more important was the threat exercised by North African corsairing on navigation in the Channel and on the Atlantic routes of Dutch and Hanseatic trade.[38]

In the Mediterranean, the threat of coastal raiding diminished in the seventeenth century when effective protection systems – equestrian patrols in Andalusia and improved fortifications and towers (the so-called Saracens towers) for defence and signalisation – came to cover the partly inhabited coastal zones of Andalusia, Liguria, Sardinia, Corsica and southern Italy. There were about 5000 towers in southern Italy and on the islands; in Sicily alone, historians have counted 137 towers, on average one tower about every eight to nine kilometres along the coast.[39]

Corsairing added to the difficulties inherent in cross-cultural commercial interactions between Muslim and Christian countries. But, paradoxically, far from being a mere economy of booty and plunder and an obstacle for mercantile exchanges, corsairing in the Mediterranean, with its concomitant trade in captives and other booty, offered a trading platform that crossed religious, legal and normative boundaries.

It is impossible to give an overall estimate of the economic impact of corsairing with regards to the global volume of seaborne trade. Contemporary sources tend naturally to overestimate the impact of corsairing. In the Western Mediterranean, the first decade of the seventeenth century, the years of the war of Candia (1645–69) and the last decade of the seventeenth century were periods of intense corsairing. For example, French sources give for Tunis about 10 ships captured in 1611–12, 18 French ships from 1652 to 1665 and 23 prizes from 1666 to 1672. For

Algiers, an estimate gives 963 ships from 1613 to 1622, of which 447 were Dutch and 253 French.[40] The Trinitarian Pierre Dan estimated that the Algerian corsairs from October 1628 to August 1634 had taken 80 French ships of different types. From 1674 to 1677, the Algerians captured 191 French ships.[41] Wijnant de Keyzer, Dutch consul at Algiers, estimated that the Algerian corsairs between 1618 and 1620 had taken more than 100 Dutch ships, including 76 of 125 prizes in 1620.[42] Finally, Thomas Baker, English consul at Tripoli, reported that Tripoli corsairs from 1679 to 1685 took 71 ships (27 French ships representing 74 per cent in terms of value).[43] However impressive as these figures may seem, they represent only about 2 or 3 per cent of the total French commerce in the Mediterranean in the seventeenth century.[44] French losses in the eighteenth century due to European corsairing were even more limited.

Fontenay and Lemnouar Merouche have given supplementary estimations of the impact of the 'corsairing industry' at Algiers and Malta.[45] They conclude that even if the sister 'Republics of Corsairs' were substantially engaged in these violent enterprises, this sector never constituted the major economic domain and source of income. On the whole, the benefits of corsairing were realised through the recycling of the prizes (30 per cent) in the European ports of Marseilles, Genoa and Livorno. For Malta, Fontenay has calculated that the income of the landed property (600 *commanderies*) of the Knights of St John was always more important than the profits from corsairing.[46] On the whole, investment in corsairing could be individually rewarding – *Why not I?* was the name of the ship of an English corsair in the Indian Ocean in the seventeenth century[47] – but was globally deficit-producing. This is true also for the activities of the Tuscan Knights of St Stephen, charged with defending the Tuscan coasts and procuring slaves for the Tuscan galleys. They captured about 10,000 slaves during the sixteenth and the first half of the seventeenth centuries but declined afterwards as armament had become too expensive.[48] This also explains why private investors, for instance in Malta, present in the seventeenth-century corsairing controlled by the Order of St John, turned their backs to it in the eighteenth century and preferred to invest in trade.[49] Despite its mission to fight against the Muslims, the activities of the Knights of St John at Malta in the Eastern and Central Mediterranean were directed against the Greeks who could be subjects of the Ottoman Sultan but also of the Republic of St Mark, and thus threatened the Venetian trade more than the religious enemy. Consequently, the Knights of St John encountered severe opposition from Venice, France and the Papal States (Ancona), all interested in a peaceful Levant trade.[50]

It was the redistribution of wealth from the victims of corsairing to those who offered financial services and who organised the recovery or the recycling of ships and cargo that characterised the 'economy of ransoming'.[51] It was a stimulus for trade and constituted a complementary and, in fact, securing element of normal trade and procured a religious justification for the papal bulls that banned trade with the 'infidel'. In this sector we frequently find commercial association across religious and cultural differences. Ransoming of captives was promoted with a variety of private and institutionalised initiatives that resulted in an increased demand for captives to ransom and created a dynamics of capture and inflated prices. We will probably never know how many captives were ransomed – private ransoming or the above mentioned ransoming 'on the spot' are particularly difficult to grasp – but if the figure of 1 million or so 'white slaves' seems to be exaggerated,[52] the estimate of about 180,000 from 1574 to 1644 may well be too low.[53]

## Barbary legend and reality

What was the impact of corsairing on state-formation? For the European powers, in the Mediterranean as in the Atlantic, the massive distribution of licences for corsairing, a current practice in French Mediterranean politics well into the eighteenth century, complemented official warfare, testifying to the difficulty of financing standing armies and permanent fleets.

It is in contemporary European discussion of the so-called Barbary States that we find an ambiguous and ideologically oriented treatment of piracy and corsairing. In fact, if European corsairs and the Knights of St John were considered as honourable warriors against the 'infidel', their brethren from North Africa were castigated as pirates. This labelling aimed to delegitimise the North African corsairs, although they had licences for corsairing from the pasha or bey and certificates from the French consul. The European discourse mobilised the semantic ambiguities of the term 'barbary', which could refer both to the land of the Berbers (that is, North Africa) and the adjective 'barbarian' in the sense of uncivilised. The labelling of the North African polities as Barbary States also pointed to a presumed violent usurpation of power in Algiers and Tunis by the Barbarossa brothers, although in reality it was comparable to conquests by the Italian *condottieri* of the Renaissance.

The contemporary discourse on Algiers' 'Corsairs' Republic' and corsairing as a state-controlled enterprise and a supposed main source of income reflects this perception of an illegitimate regime based on

violence exercised by partly foreign forces (janissaries, 'renegade' corsairs or *raʾīs*). In fact, corsairing was supported by the Ottoman authorities who benefited from corsairing (as in Europe or Malta): the pasha or bey received 10 per cent (Tunis) or 12 per cent (Algiers) of the booty, but concerning the prizes sold by auction, half went to the private investors and the other half was divided between the captain, the janissaries and the sailors. The dominant forces also practiced a regime of violent tax-collecting through military campaigns in the North African hinterlands, the revenues of which were used for the payment of the janissaries, for instance. Against this background, modern historians from the Maghreb have analysed a particular 'social formation' in Tunis,[54] and Italian historians have considered corsairing as a major and specific feature of Barbary maritime economies.[55] Postcolonial Algerian historians have interpreted corsairing as a violent response to the progressive exclusion of Maghreb ships from Mediterranean shipping dominated by the European powers[56] – a kind of anticipated resistance to a future colonial regime.[57]

The image of violent state-building through military conquest or usurpation, present in the expression 'Barbary States' with its connotations of illegitimate state-building,[58] and the violent origins of the riches of the rulers and the elites of these 'Corsairs' Republics,' is supported by the prominent roles and extraordinary careers of some corsairs, converts to Islam, at the apogee of corsairing (1580–1660). At this time, we find Māmī Arnawṭ, an Albanian convert and commander of the Algerian fleet, who captured Miguel Cervantes in 1575 and specialised in the ransoming business.[59] We also find ʿAlī Bičenīn, who in the 1630s was the most important slave merchant in the Maghreb and in 1638 destroyed the *Bastion de France*, a French concession for coral-fishing on the Algerian coast, with his private fleet, taking many captives. One year later, he took 1000 captives in a raid on the Calabrian coast. In Tunis, a convert from Albisola, near Savona (Liguria), Ustā Murād or Osta Moratto Genovese, became one of the most famous corsairs and the commander of the galleys of Bizerta before becoming the dey of Tunis (1637–40). Engaged in the slave trade, the ransoming business and the recycling of booty, he acquired landed property around and in Tunis, *mamluks* (slaves) and was present in trade *tout court*, selling for instance sugar to Corsican merchants in Livorno.

But these extraordinary adventures of Christian renegades do not give a realistic impression of the complex realities of power and its economic foundations. North African corsairing experienced contrasting developments: the Moroccan Sultan enforced state control of armament and

corsairing at the end of the seventeenth century,[60] while in Tunis in the second half of the eighteenth and at the beginning of the nineteenth centuries, only one-quarter of corsairing was due to the state-organised corsairing and three-quarters was financed by private investors.[61] Recent research on Algiers, Tunis and Tripoli has also shown the relatively limited significance of corsairing compared to other economic sectors and has highlighted the intense and mainly peaceful trade with the European shores of the Mediterranean, as well as the asymmetries that worked to the disadvantage of the merchants of North Africa and the inhospitality towards them in the European ports.[62] For example, the Regency of Algiers in the eighteenth century became a place of massive exportation of grain to France,[63] and the Regency of Tunis in the seventeenth century was largely integrated in the trade networks of the Western Mediterranean encompassing Tunis, Livorno and Marseilles.[64]

Why did the Europeans not eliminate these 'nests of pirates', always accused of not respecting the treaties concluded? Why did they, on the contrary, continue to negotiate, to conclude peace and commercial treatises, to pay tributes, to offer presents and to kiss the hand of the dey? The first reason, as it appears in the contemporary diplomatic sources, is that the European powers tried to direct Barbary corsairing against their European competitors and thus to obtain an advantageous position. An informal agent reported in 1663 to Louis XIV that the Algerians could not live and survive without piracy; if the king of France would conclude a peace treaty with them, 'they would make war with all the other States and would break the peace with England, which would have important consequences in the actual conjuncture'.[65] This was a shared argument, as the authorities in North Africa sought not to be at peace with all European powers at the same time, something that explains the survival of corsairing up to the beginning of the nineteenth century.[66] Second, a privileged position in the Ottoman Regencies in Northern Africa would give access to the very profitable market of the recycling of booty between Algiers, Tunis, Livorno, Genoa and Marseilles.

A third reason was the relationship of the Regencies to the Ottoman Empire. One of the main interests of the European powers engaged in the Levant trade and Mediterranean shipping was to obtain advantageous terms of trade in the Ottoman Empire and to extend protection for European merchants. A major change in the sixteenth-century Mediterranean was the expansion of the Ottoman Empire, which placed Algiers, Tunis and Tripoli under the distant suzerainty of Constantinople. As the 'Capitulations' – a unilateral act of grace, according protection and privileges to the Europeans – given by the Sultan to France in 1569,

England in 1580/1583 and the Dutch in 1612 did not ensure efficient protection against attacks by the Ottoman Regencies in the Maghreb, the European powers began progressively, starting with France and Tunis in 1605, to negotiate treaties of peace and commerce directly with the Regencies. Although Ottoman suzerainty was reaffirmed in the opening of these treaties in the seventeenth century and invoked in the negotiations, for instance with Hamburg in the eighteenth century, the North African Regencies nevertheless became autonomous actors (*personae morales*) in diplomatic relations.

European authors continued to denounce the North African Regencies as 'nests of pirates' and their actitivies as 'African banditry', but the competing European powers, most prominently France, the Dutch Republic and England, all concluded peace treaties with the Ottoman Regencies in the seventeenth century and, outside Ottoman suzerainty, with the Sultan of Morocco. These relations became a laboratory for the evolution of the law of the sea and the law of nations, and European authors gradually began to recognise the changes in the jurisprudence of the concluded treaties. The Irish lawyer Charles Molloy in 1682, in the third edition of his *De Jure Maritimo et Navali*, registered the shift in the position and treatment of 'Pirates that have reduced themselves into a Government of State, as those of *Algier*, *Sally*, *Tripoli*, *Tunis*, and the like' who should not 'obtain the rights of solemnities of war.' '[N]otwithstanding this', he continued:

> *Tunis* and *Tripoli* and their Sister *Algier* do at this day (though Nests of Pirates) obtain the right of Legation' demonstrated by the treaties concluded by Britain with Tunis and Tripoli. This makes them not Pirates (enemies of mankind) but gives them the status of enemies (in war): So that now (though indeed Pirates) yet having acquired the reputation of a Government, they cannot properly be esteemed Pirates but Enemies.[67]

In 1737, the Dutch theorist of the law of nations Cornelius van Bynkershoek offered the clearest statement on the nature and sovereignty of the North African states:

> The peoples of Algiers, Tripoli, Tunis, and Salee are not pirates, but rather organized states, which have a fixed territory in which there is an established government, and with which, as with other nations, we [i.e. the Staten-General] are now at peace, now at war. Hence they seem to be entitled to the rights of independent states.[68]

Still, the Dutch jurist made use of a kind of jurisprudential law of nations, and the eighteenth-century theorists and compilers of a *ius publicum europaeum* considered a 'law of Barbary' differing from the European tradition. This should be linked to the major shift in power relations between the European powers and the Maghreb states in the second half of the seventeenth century, with the imposition of treatises on the three Regencies by England in the 1660s and the use of massive military violence – successive bombardings of Algiers in 1682, 1683 and 1688 – by France.[69]

The imposition of 'terms of trade' on the Regencies, which could be called a juridical Europeanisation,[70] somewhat paradoxically made corsairing and ransoming a fabric of legal regulation and pragmatic innovation, leading to quite efficient paper protection. This comprised not only safe-conducts and trading licenses (*salvacondotti, patente, congé, charte-partie, bolletini di sanità*), lists of passengers and cargo and bills of lading (*police de chargement*, and so on), all of which were necessary for navigation and for entering the ports of the Mediterranean, but also the invention of 'Turkish passports' for ships from Denmark and Sweden and *passaventi*, sold by the French consuls in the Mediterranean ports, allowing verification of the origin of the ship in the North African ports.[71] An even more astonishing feature of this invention of a 'sea of paper' were the certificates delivered by the French consul to the corsairs of Algiers or Tunis, attesting their quality and role in legitimate warfare, thereby distinguishing them from ordinary sea robbers or pirates.

Perhaps the most important innovation – introduced at the turn of the seventeenth century in the Capitulations accorded to France in 1597 and 1604, in the treaty between Tunis and France (1605), in that of Algiers with the Dutch Republic (1612) and reaffirmed in the treaties of the 1670s with Algiers and Tunis (France, England, the Dutch Republic) – was the principle that the flag of the ship protected not only the vessel itself but also the cargo belonging to subjects of enemy states (free ships-free goods). This principle was essential for the powers engaged in shipping, and in particular for neutral states. Thus, authors discussing the protection of neutral ships recognised, in a positive sense, the existence and practice of a 'maritime law of the Barbaresques'. The North African corsairs, conceded the Danish Martin Hübner in his thesis *De la Saisie des bâtiments neutres* (On the Seizure of Neutral Vessels; 1759), respected the law of nations by waging war only on their enemies – Portugal, Spain and other Christian European states. Still calling them 'plunderers of the sea', he explained that the 'Barbaresques . . . never engaged in hostile behaviour with friendly and neutral ships

regarding the ownership of their cargos . . . [T]he Danish, French, Swedish, English and Dutch flags provide adequate protection for the cargos.'[72] The introduction of this principle, accepted more generally only in the nineteenth century, was accompanied by another innovation, claimed insistently by all powers present in the Mediterranean: the limitation of the rights of authorities to board and visit ships only for the purpose of formal visits and the control of documents.[73]

The abstract principle of protection was difficult to accept as it was contrary to the customs of the sea, according to which the cargo of the enemy was considered a legitimate booty, and the concrete procedures of control were the object of divergent interpretations in different legal traditions and practices. The European *topos* of the 'Barbaresques' as notoriously unreliable, treaty-breaking pirates was not only far from reality – their corsairing was perhaps the best regulated of all in the seventeenth and eighteenth centuries in the Western Mediterranean – but the *topos* was also an ideological expression of the asymmetries in the relations between the European powers and the Ottoman Regencies. The lack of respect and recognition of honour and rank demonstrated by the European powers was a constant source of complaint of the North African authorities, a circumstance that concurs with French sources from the time of Louis XIV, who explicitly ordered that the Maghreb Regencies should not be treated as equals. Evidence can be found for the increasing inhospitality of European ports to Muslim merchants from the Maghreb and the Levant, and there was a marked lack of reciprocity concerning the right to free exercise of religion for Christians in North Africa compared with Muslims in European ports.[74]

In 1674, the dey of Algiers demanded that 'Turks' captive in Genoa, Livorno or Spain who had fled to France, with which Algiers was at peace, should not be enslaved or put on the galleys again.[75] We can find examples of this practice in the petitions of Algerian slaves on Genoese galleys addressed to the dey of Algiers: they had escaped from the Genoese galleys and had fled to ships 'under the flag of France because of the peace' but were subsequently sold back to Genoa.[76] A permanent reason for frictions and complaints was due to the fact that the French consul at Livorno was authorised by Louis XIV to buy Algerian slaves for the French galleys at Toulon – during peacetime with Algiers!

Frictions were the fruit of different interpretations of the nature of the treaties, considered by the authorities on the Maghreb coast as an expression of personal friendship, an 'amity pact' (*pacte d'amitié*) that had to be constantly confirmed by visible signs and public attitude. Thus, misunderstandings or misinterpretations of gestures as aggressive

postures in the context of an encounter at sea or the boarding of a ship could end in a violent fight and capture. A question not resolved by the treaties was the presence of passengers of a different origin to that of the ship, as signalled by its flag: 'If we find two or three strangers on a French ship, we don't say anything. But if there are more, we will capture our enemies without touching the cargo,' explained the dey of Algiers in 1674 to the French king. At the same time, the dey declared that French passengers on ships from Livorno, Genoa, Portugal, Spain, Holland or Malta were to be considered as enemies and would be captured and enslaved. Living for 20 or 30 years in the country of an enemy and having married there, they had served the enemy and engaged in corsairing with him. Consequently, they were no more seen and accepted as subjects of the French king.[77]

Increasing regulation, the production of certificates and other documents and the invention of procedures thus could not eliminate the uncertainties linked with multiple identities and divergent interpretations of rules and behaviour. Papers and procedures even created new possibilities for their opportunistic use and misuse or fraud. Indeed, a traffic with false documents and flags made the fortune of some port cities in the Atlantic and the Mediterranean, such as the 'Republic of Seven Flags' (Ragusa/Dubrovnik).

Yet if we seek 'persistent piracy' – the porosity of the distinction between corsairing, piracy and maritime violence in the interstices of naval warfare – it is not to North Africa but to the Aegean Sea and the archipelago of the Cyclades that we should look. These islands passed in 1540 under Ottoman rule but were difficult to control efficiently – the habitants often paid just the _kharādj_ (tribute) to recognise Ottoman domination, and in war times, a tribute to Venice. In the second half of the sixteenth century, the archipelago became the theatre of Christian corsairing by the Knights of St John and St Stephen. A second period of mainly Christian corsairing was linked to the great wars of Candia (1645–69) and Morea (1684–99) between Venice and Constantinople. Privateers operated under the flag of Venice (from Dalmatia), Livorno (from Corsica), Malta (many from Provence) and so on. Many stayed on after the wars and the return of the isles to Ottoman rule, acting as true insular entrepreneurs of violence with little respect for the formal documents of the Ottomans, regardless of whether they were Turks, Greeks, Armenians or Jews, or the Europeans they despoiled, selling their booty at Malta or Livorno. During the Morean War the archipelago became a theatre of the War of the Great Alliance (1688–97), with intense attacks by English, Dutch, Portuguese and Mallorquin corsairs on French

merchant ships. Corsairing diminished in the eighteenth century, but some French and Corsican entrepreneurs of violence still operated in the Aegean Sea under different flags, such as those of Venice, Livorno and Portugal.[78]

   This was a liminal situation, perhaps the most resembling to the somewhat romantic expectations and visions of pirates and their 'republics' as alternatives to Early Modern state-formation. The reality was less romantic, however. In the Early Modern Mediterranean, as in other maritime spaces, sea robbery followed, as part-time activity in critical or desperate situations, economic and political conjunctures. As such, it was and remained a persistent social phenomenon but was of little consequence to regional maritime trade. Corsairing, though, as the legitimate exercise of violence and a 'secondary war' against enemies, highlights the inherent violence of state-building and its weaknesses, to be compensated with the mobilisation of private resources in warfare. It was as 'in-laws', inside the complex structures of power, in the context of competing claims to the exercise of jurisdiction and *imperium*, in a polycentric Mediterranean, that famous corsairs could assemble riches and make social and political careers, even to the point of becoming commanders of the Ottoman fleet and governors of Ottoman Regencies. It was with the Barbary corsairs – accused in European sources of violent usurpation of power and of being by nature untrustworthy – that the European powers developed the earliest modern forms of regulation and protection of the freedom of navigation and trade. The vector of this transformation of the Mediterranean was violence – the canons of the British and French vessels bombarding Algiers – which sustained a juridical Europeanisation of the Inner Sea.

   In the sixteenth century, a commander of the Ottoman fleet was presented with a *salvacondotto* by a merchant when he visited a captured ship. He refused to have a look at it, saying 'this paper is for corsairs'. A century later, everyone had paper documents, also the Aegean pirates, and they had even too many. It was with the regulation of corsairing and the repression of piracy that the Mediterranean became a sea of paper, which seems to be a sign of modernity.

## Notes

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13. Valérian, *Bougie*, pp. 84–5 and 453.
14. V. Piergiovanni (ed.), *Corsari e riscatto dei Captivi* (Corsairs and the Ransom of Captives) (Milan: Giuffré, 2010), p. 3.
15. F. Guerrero, *Voyage à Jérusalem* (Voyage to Jerusalem), French trans. by O. Trachier (Grenoble: Jérôme Million, 1997 [1611]), p. 144.
16. Archives départementales de Bouches-du-Rhône (AD BdR), 351 E 470 fol. 647v (10 February 1498).
17. AD BdR, 380 E 12, fol. 263r (November 1512).
18. Thompson, *Mercenaries, Pirates and Sovereigns*; and A. Pérotin-Dumon, 'The Pirate and the Emperor: Power and the Law on the Seas, 1450–1850', in J. D. Tracy (ed.), *The Political Economy of Merchant Empires* (Cambridge: Cambridge University Press, 1991), pp. 196–221.
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# 4
# A Hokkien Maritime Empire in the East and South China Seas, 1620–83

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Throughout its history, Fujian on the south-east coast of China has stood out from Imperial China in many respects, the clandestine maritime trade and piracy activities in particular. The people of south Fujian – better known as Hokkiens – had to rely on the sea for subsistence, which in turn not only fostered an extraordinary seafaring spirit among the Hokkiens, but also promoted the formation of an institutionalised Hokkien maritime trade network and a number of sojourning communities overseas.

An interesting case in point is the history of a Hokkien maritime empire in seventeenth-century maritime Asia headed by the Zheng family from a coastal town of south Fujian. Through the efforts of Zheng Zhilong, an influential private maritime merchant-cum-pirate on the south China coast, a small family business gradually grew into an influential sea-bandit group with different Chinese pirate groups being subdued and absorbed. The family business developed to become the first and foremost maritime empire in the East and South China Seas in the 1640s, when Zheng Chenggong took over the leadership from his father. A complex hierarchical organisation was established in order to administer this Hokkien maritime empire, which, at its apogee in the mid seventeenth century, possessed formidable armed forces consisting of more than 410,000 soldiers and 5000 vessels. Each year, a large number of junks controlled by the Zheng family were despatched to trade at the emporia of maritime East and South East Asia and a close commercial relationship was established between, on the one hand, the Zheng family and, on the other hand, local regimes or European trading companies in Japan and throughout South East Asia. The Zheng maritime empire actually controlled most of China's maritime trade for over fifteen years during the mid seventeenth century, before the

Qing Court, in the 1680s, managed to subdue the Zheng maritime empire and re-establish imperial control over China's coastal regions and Taiwan.

Based mainly on the (published) Imperial Chinese archival records and contemporary private writings, this chapter examines the rise and fall of the Zheng maritime empire with a focus on its institutionalised organisation and maritime activities. It also discusses the tendencies of this maritime empire to evolve into an embryonic state off the east and south coast of China.

## The rise of Zheng's maritime business empire

Zheng Zhilong, also known as Iquan, was born in April 1595, in a small coastal village named Caopuwei of Shijing in the Nan'an district, south Fujian, close to Quanzhou and Xiamen (Amoy). The family belonged to a locally prominent gentry lineage of merchants. Zheng Zhilong was the eldest son in the family and as a result he was given the name Long ('Dragon') in accordance with the name order recorded in the Zheng family genealogy. He had three younger brothers: Hu ('Tiger'), Feng ('Phoenix') and Bao ('Leopard'). In coastal south Fujian society during the Imperial era it was believed that it would be auspicious to name boys after strong and energetic animals. All of Zheng Zhilong's brothers, along with several cousins and other male relatives, eventually joined him and together they built up the Zheng family's maritime empire on the China coast. In other words, it was because of the support garnered from the kinsmen and fellow villagers of south Fujian that the Zheng family business was able gradually to expand and finally become the most powerful maritime regime in the East and South China Seas.

Zheng's hometown Anping (today's Anhai) was a well-known commercial entrepôt specialising in maritime trade on the south China coast from the early sixteenth to the late eighteenth centuries, and almost every family there would have some of its members sent overseas each year to trade. According to one of the contemporary local gazetteers, Zheng disliked school when he was a child but was deeply indulged in the traditional Chinese martial arts (*gongfu*). He went to Macau at the age of 18 to join his maternal uncle Huang Cheng, who was a merchant trading with the Portuguese in Macau, the Japanese in Nagasaki and the Spanish in Manila.[1] Macau had emerged as the most important entrepôt on the south coast of China in the early sixteenth century because of the Chinese trade with the Portuguese and attracted

private merchants, artisans and labourers from different parts of coastal China, especially from south Fujian. Macau thus hosted a commercial colony of Hokkien merchants at its early stage.

Zheng Zhilong regularly sailed to Manila, Hirado and Nagasaki to look after his uncle's business and he also assisted him in his daily business in Macau. There he was baptised and given the Christian name of Nicholas Gaspard. During his stay of two or three years at this Sino-Portuguese settlement, Zheng Zhilong acquired some basic but useful practical knowledge about maritime trade and accumulated the necessary capital for his future business career and established his own commercial networks of Chinese and European trading partners. Importantly for his subsequent pirate-cum-merchant career, he also learned Portuguese, which greatly facilitated his collaboration with the Dutch East India Company, the VOC (Vereenigde Oostindische Compagnie), since Portuguese was widely used as a commercial lingua franca in the region. Zheng acquired sufficient knowledge of Portuguese to become a qualified interpreter and translator for the VOC during the 1624–25 conflict and in the negotiations between the Ming government and the Dutch off the Fujian coast.

Central to the rise of Zheng Zhilong and his family business in the East and South China Seas was a leading Chinese merchant named Li Dan, who had for some decades been actively involved in maritime smuggling, as defined by the Imperial authorities. At the same time, however, he was widely known and respected both among his fellow countrymen in south China and in a number of Hokkien sojourning communities overseas, including in Manila and Kyushu. Li Dan himself was also a Hokkien from Quanzhou and collaborated closely with Zheng Zhilong's uncle Huang Cheng in Macau.

Li Dan, or Andrea Dittis, as he usually appears in Western records, was *Kapitan* or leader of the Chinese migrant community at Hirado, southern Japan, in the early seventeenth century. The diary of Richard Cocks, a merchant of the English East India Company's (EIC) factory at Hirado from 1615 to 1621, and the EIC's detailed archival records give a fragmentary but fascinating picture of the activities of this remarkable Hokkien merchant. In a letter dated 25 February 1615, Cocks reports:

> These 2 Chinas brothers, Andrea Dittis & Whaw, are greate merchantes & will contynewally [bring more?] merchandiz in this place then all the Japons in Firando. Andrea Dittis was governor of the Chinas at Manilla in the Phillippinas and in the end the Spaniardes picked

a quarrell on purpose to seize all he had, to the vallew of above 40,000 taies, [and put him?] into the gallis, from whence he escaped som 9 years since & came to Firando, where he hath lived ever since.[2]

It can be inferred from the above information that Li Dan had been a rich merchant and leader of the Hokkien community in Manila before he escaped from the Spanish galley service in 1606, soon after the first massacre of Chinese in Manila in 1603. It also seems that Li Dan established himself at Hirado very quickly and regained his influence among his fellow countrymen within a few years. It is not known exactly when he became the chief of the Hokkien community at Hirado but it can be gathered from the English sources that when the fleet of the EIC first reached the entrepôt in 1613, Captain John Saris had to ask a Chinese captain called Audassee (Li Dan) to rent one of his houses at Kibikida for the purpose of setting up the English factory, at 95 reals for six months.[3] Numerous references in contemporary Japanese and European records suggest that Li Dan was an influential merchant engaged in smuggling and piracy in the East China Sea on an extensive scale. He maintained intimate relationships with the English, the Dutch and Lord Matssura, the daimyo of Hirado, as well as the Fujian authorities of the Ming. Frequently, Li Dan was entrusted by the EIC to negotiate with the Chinese local government in Fujian. Although he bribed a large number of senior officials, he failed to obtain permission for the British to trade legally on the China coast. In the meantime, Li Dan and his family members based in Hirado and Nagasaki were involved in an extensive trade with south China, Macau and Taiwan and they pioneered the opening of the Taiwan trade in the early seventeenth century. Gradually a sizeable Hokkien maritime merchant-smuggler-pirate group headed by Li Dan was formed with its headquarters in Kyushu. Li Dan accumulated a huge amount of silver and assembled a large fleet under his control and manned by his Hokkien fellow countrymen.[4]

Zheng Zhilong, however, plied between Macau and Japan regularly on his uncle's behalf, shipping pepper, sugar, sapan wood, sandalwood, deerskin, ivory and nutmeg from South East Asia, which he traded for the Japanese gold and silver. He thus made the acquaintance of Li Dan and other fellow countrymen from his homeland. Zheng subsequently left his uncle's business and went into Li Dan's service, joining his pirate group based in Hirado and Nagasaki. Shortly after his arrival in Hirado in around 1622, Zheng married a Japanese woman from the Tagawa family. In 1624 she gave birth to Zheng Sen, who later became known

as Zheng Chenggong or Koxinga ('Lord of the Imperial Surname') in contemporary European records.[5]

Possibly because Zheng Zhilong was very capable of handling maritime business, he gained the trust of Li Dan and was commissioned to trade in south China and South East Asia. He subsequently became Li's adopted son, and when Li Dan died in August 1625, Zheng managed to forestall Li's legitimate son and heir, Li Guozhu, and secured the means to rise to fame and fortune by acquiring most of Li Dan's property, including his large fleet.[6] According to a contemporary account left by the Spanish bishop and viceroy of Mexico, Friar Juan de Palafox y Mendoza, Zheng had just arrived in Cambodia with two of Li Dan's richly laden junks when news arrived of Li Dan's unexpected death. Zheng immediately faked a handwritten will, according to which he was the sole owner of the junks' cargo. He then sold the cargo and bought several junks from ports in South East Asia, thus laying a solid foundation for the rise of his own maritime family empire.[7]

A key figure in the rise of Zheng and his maritime family business empire was Yan Siqi, or Pedro China as known in Dutch sources, a notorious pirate captain based in Taiwan. Yan was a Hokkien from Haicheng in south Fujian and the closest business partner as well as the representative of Li Dan's armed pirate group in Taiwan. Chinese pirates in Taiwan were organised in ten bands in the 1620s, each of which occupied a fortress (*Zhai*) and had their own headman. Yan was the chieftain of the ten bands. Assisted by the Taiwanese pirates, Zheng was able to intercept four Chinese junks on their way back from Siam and plundered the cargo with a total value of around 100 taels (about 3.5 kg) of silver, which made him the wealthiest pirate among his fellow countrymen, most of whom were poor fishermen or farmers. One of the habitual rules abided by Chinese pirates in Ming China was that people only respected the well-to-do confederates and that the post of chieftain normally should be given to the one who was the richest among them. Zheng consequently became the new pirate chief in Taiwan when Yan Siqi died in September 1625, taking over the leadership of the ten bands together with the fortune left by Yan.[8]

## Dutch intrusions and the flourishing of piracy

The sudden intrusion of the new and dangerous 'Red Barbarians' (*hongmao fan*), in the shape of the VOC, in the early seventeenth century greatly alarmed the Ming Court. In 1622 Dutch troops attacked Macau and then occupied Penghu Islands (the Pescadores) in the Taiwan Strait.

The Dutch initially wished to gain permission from the Fujian local authorities to engage in free trade with the Hokkien merchants on the coast. This goal was first pursued by peaceful means and later by harassing, raiding and plundering Chinese coastal villages and shipping.[9] The big gap in cultural understanding, derived from the fundamentally opposite views held by the VOC and the Chinese Imperial Court over the rights to free trade, led to a serious military conflict off the Fujianese coast. To the surprise of the Dutch, the rattle of arms did not result in panic and submission from the Chinese as it had in several places in South East Asia. On the contrary, in the summer of 1624, the Dutch in the Pescadores Fortress found themselves beleaguered by a large Chinese fleet of 10,000 troops under the command of Fujian governor Nan Juyi. In this situation, Li Dan and Zheng Zhilong came to take on a diplomatic role in the conflict. The Fujianese local authorities were informed that Li Dan was on friendly terms with the Dutch officials in Hirado and they blackmailed him into cooperation with the Ming government by detaining his trade partner in Xiamen, Xu Xinsu, as hostage. They sent an urgent message to Hirado, informing Li Dan that Xu was to be freed only when he could persuade the Dutch to withdraw from the Penghu Islands to Taiwan.[10] Li Dan had no other option but to travel quickly to the Penghu Islands to mediate between the Dutch and the Ming officials. Zheng accompanied him as interpreter, and a Dutch account shows that for a very short period Zheng was on the payroll of the VOC.[11]

A peace agreement was eventually reached between the VOC and the Ming government through the mediation of Li Dan and Zheng. The Chinese governor Nan Juyi promised that if the Dutch withdrew to Taiwan Island, a regular supply of Chinese goods, such as silk and porcelain, would be guaranteed, in exchange for products from South East Asia and Japan supplied by the Dutch company. It was against this background that Taiwan emerged as a valuable commercial entrepôt between Japan and South East Asia for the VOC. As more Hokkien merchants sailed from the south Fujian coast, the wealth and power of Xu Xinsu as well as Li Dan increased.

Meanwhile, the rampant piratical activity led by Zheng Zhilong in the South and East China Seas was to a large extent encouraged and assisted by the Dutch, as pointed out by Leonard Blussé in one of his early studies on the Dutch in the Taiwan Strait. Like the followers of Li Dan, however, Zheng had been actively involved in piracy and smuggling for many years before the arrival of the Dutch in the early 1620s.[12] Evidence shows that the Dutch and Zheng collaborated in plundering

the Chinese coast during the 1620s, thus posing a serious threat to the maritime frontier security of Ming China. A couple of months prior to the death of Li Dan in the spring of 1625, the Dutch had already commissioned Zheng Zhilong and other followers of Li Dan based in Taiwan to prey on the Chinese trade. The Dutch helped the pirates to fit out their war junks, and headed by Zheng, about a hundred armed Chinese pirates in three junks were cruising the Taiwan Strait as part of a Dutch expedition against the regular Hokkien junk trade between Yuegang of south Fujian and Manila.

The deaths of both Li Dan and Yan Siqi in 1625, however, simplified matters as regards the collaboration between Zheng and the Dutch. Almost immediately Zheng sent his pirate fleet to the north on an expedition, apparently through an agreement by which the Dutch provided part of the capital for the expedition and would receive half the captured goods in return. Zheng did not disappoint his Dutch ally, and the following year he transferred to the Dutch nine Chinese junks loaded with porcelain and provisions representing a total value of some 28,000 taels. In the next few years a large number of Chinese trade junks were plundered by Zheng's fleet. In early 1628, for example, a memorial submitted by the Chinese Board of War quoted a report from the Grand Coordinator of Fujian, Zhu Yifeng, saying that of the 43 trade junks returning from different ports of South East Asia that year, 20 were seized by Zheng's pirates. It was estimated that several million taels of silver were thus lost. In addition, Zheng's troops raided and plundered settlements on the south Fujian coast.[13]

The Ming naval forces were unable to suppress the piratical activity either on or off the coast. A report submitted by the Governor General of Guangdong and Guangxi in 1628 stated that:

> The Zheng pirate gang is very clever and tricky, and they are good at sea fighting. His pirate troops of approximately 30,000, consist of primarily Chinese bandits, are also sprinkled with some Japanese Wako [pirates] and Europeans. Their war junks and weapons were manufactured by the *wai-fan* [distant barbarians, i.e. the Dutch]. While their junks are tall and solid and their guns installed aboard can hit targets more than ten miles away, our coastal vessels, though numerous, are deployed along the long coastline. In other words, our vessels are on guard everywhere, yet no place is adequately guarded. In addition, our vessels are smaller and inferior to theirs, and our firearms decrepit and ineffective. As a result, we can patrol along the coast but we are unable to attack the pirates at sea.[14]

Within a few months of his rise to pirate chief on the China coast, Zheng Zhilong had 400 junks under his command that he used to ravage the south Fujian coast, particularly the Xiamen and Zhangzhou regions. The problem grew so large that in June 1627, the local Fujian government had to seek Dutch assistance to expel the notorious Hokkien pirate gang. The VOC fleet, however, did not attack Zheng's fleet, even though local authorities agreed to allow the Dutch to trade freely at the Bay of Xiamen. On the contrary, the Dutch prevented the Imperial squadrons from coming to grips with the Hokkien pirates. Zheng's junks thus continued their piratical activities under Dutch protection and his pirate fleet went from strength to strength. By the end of 1627, Zheng had increased his fleet to over 1000 sails. He then occupied the newly emerged commercial centre, Xiamen Island, and became the undisputed master of the China coast from Nanjing in the north to Guangdong in the south. Any ships navigating along the China coast could be Zheng's prey and target. Even a VOC vessel, the *Westcappel*, was captured, although he returned the vessel and part of the crew and cargo to the Dutch a few months later. Of the captured Dutch, 76 were taken by Zheng as his personal bodyguard, although he later replaced them by fugitive Africans from the Portuguese colony in Macau.[15]

## The rise of the Zheng family on the south China coast

The quick rise of Zheng Zhilong as pirate chief caused great alarm among the senior officials of the Ming Court. The emperor himself was shocked and dismayed by the bold, ruthless and exhaustive tactics exhibited by Zheng, who directly threatened the central government's control over the south China coast. The Ming Court had no other option but to 'summon and appease' (*zhaofu*) Zheng Zhilong, which was a long-established pragmatic strategy in Imperial China when a military victory over a rebel was unachievable. In accordance with the appeasement strategy, pirates would often be given official ranks and money in exchange for their surrender. Partly as a face-saving rhetoric, the Ming emperor ordered that the pirate chief Zheng Zhilong be given a chance to prove his sincerity and loyalty to the Court.[16]

The offer of a senior official position was very attractive and, as long as his personal wealth and power could be retained, Zheng obviously found no reason to reject the offer. He consequently accepted the rank of Patrolling Admiral (*youji jiangjun*), meaning that he would be in charge of coastal security and command substantial naval forces on the China coast. It seems that the pirate chief was quite happy with

the deal, even though it meant that he was requested to purge the South China Sea of all other pirate gangs. He showed his ability to restore peace to south China, which won him confidence, support and praise from the Imperial Court. Shortly afterwards, Zheng established himself in the country and secured even greater power and wealth in Fujian. Meanwhile, he gradually moved his family business headquarters to Xiamen Island off the south Fujian coast, which allowed him to keep some distance from the Ming government and maintain his independence.[17]

The relationship between Zheng and his Dutch allies was very tricky and intricate. Shortly after Zheng's surrender the Dutch governor of Taiwan, Pieter Nuyts, set off to pay him a visit in Xiamen, accompanied by a Dutch fleet of nine vessels. Ostensibly, the purpose of the mission was to congratulate Zheng on his promotion from poacher to gamekeeper and to thank him for the return of the *Westcappel*. On route, Nuyts fell in with Zheng's fleet and was asked by the latter whether he came as a friend to trade or on a warlike errand. Nuyts's reply satisfied Zheng and the Dutch vessels were allowed to sail into the Xiamen Bay. Zheng was invited as the Dutch governor's guest on board his flagship, the *Texel*. On boarding the ship, however, he was promptly arrested and the Dutch threatened to hold him captive until he would allow them to trade freely in all of China's coastal ports. Zheng had no alternative but to agree, and on 1 October 1628, he signed a contract, whereby he promised to provide the VOC with large quantities of Chinese commodities each year, including 1400 piculs of raw silk at 140 tael per picul; 5000 piculs of sugar at 3 reals per picul; 1000 piculs of preserved ginger at 4 taels per picul; and 5000 pieces of silk goods at 14 to 19 mas per piece. In reals, a currency used in Dutch accounts, the total value amounted to 300,000. Regarding the payment, the VOC was to deliver 3000 piculs of pepper at 11 reals per picul, and the remainder (267,000 to 278,000 reals) in cash. Given that the total sum spent annually by the VOC at that time amounted to between 400,000 and 500,000 reals, the contract was a gigantic transaction in Early Modern maritime Asia. In order to secure the fulfilment of the contract, the Dutch governor demanded to take Zheng's younger brother Zheng Zhihu to Taiwan as hostage, although he phrased it as a desire to adopt Zhihu as his son.[18]

Zheng did not give in and quietly prepared a counter-strike by launching a war-junk-building project, supported financially by the Ming Court and equipped with Western technological improvements in hull construction, gun carriages and orlop-decks. In October 1633, Zheng – who by this time had been promoted to the position of deputy

commander of Fujian, attacked and defeated the Dutch fleet consisting of eight vessels anchored at Liaoluo Bay, south of Jinmen. Zheng personally led the vanguard and encircled the Dutch fleet with 150 war junks and attempted to set the Dutch ships on fire by igniting his own small junks and steering them on a collision course with the Dutch vessels. As a result, the Dutch lost three ships while the remaining five escaped and set sail for Taiwan.[19]

Zheng was also relatively successful in the fight against his former pirate allies. With more than 800 fishermen–soldiers recruited from his homeland, together with the support of several hundred kinsmen of the Zheng clan, he defeated a large pirate fleet of around 3000 pirates headed by Li Kuiqi in 1628.[20] The next campaign targeted the most powerful pirate group on the China coast after Zheng's own surrender to the Ming authorities, led by a Cantonese pirate named Liu Xiang, or Jan Glaew in the Dutch sources. Even the heavily armed Dutch vessels were afraid of Liu Xiang's pirate fleet. Zheng discovered that some VOC officials assisted Liu Xiang in his piratical activities; Zheng, for example, found two Dutchmen among the captives after a battle against Liu Xiang. Towards the end of 1636, Zheng successfully ambushed Liu's main force at Jieshi Bay on the Guangdong coast. Realising his defeat Liu Xiang committed suicide aboard his flagship, whereas more than thirty junks and hundreds of Liu's followers were captured. This victory cemented Zheng Zhilong's reputation as the indispensable maritime lord and protector of the China coast while paving the way for him to establish a powerful and strong private maritime empire governed by himself and his close relatives.[21]

## Maritime trade and the formation of a Hokkien maritime empire

The Zheng family business concentrated on maritime trade and increased rapidly with the growth of Zheng Zhilong's personal influence in the East and South China Seas. Zheng traded successfully with the Japanese, Dutch, Portuguese and a number of South East Asian peoples. Almost all Chinese junks navigating on the traditional routes to and from China had to fly flags with the huge Chinese character for 'Zheng' on them, signifying that the ship in question belonged to the Zheng family or had been granted a licence by the Zheng regime to trade overseas.[22] For about half a century, from the 1630s to 1683, the Zheng family actually monopolised China's overseas maritime trade and the trade junks with Zheng's flag could be seen almost at all the marketplaces and entrepôts of East and South East Asia.

For private Chinese maritime merchants, the Zheng flag provided them with a measure of security and they thus willingly sought permission to fly the flag. It is recorded that every trade junk passing along the south China coast would have to pay the Zheng family 3000 taels of silver in cash each year. In addition, the Zheng family owned large estates in south Fujian; in 1640, Zheng Zhilong even removed 150 families of weavers from Macau and had them resettled in his hometown of Anping. With the fortune amassed from maritime trade, the Zheng family built an extraordinarily lavish castle in Anping, with a canal connecting the domicile to the sea. They also built a private chapel with both Buddhist and Christian elements and employed a bodyguard of some 300 former African slaves who had escaped from the Portuguese settlement in Macau.[23]

As the Ming dynasty declined rapidly under pressure from the Manchu conquerors in the north, Zheng started to consider whether to abandon the Ming emperor and transfer his loyalty to the Manchus. In 1644, the Manchu forces captured Beijing and established the Qing dynasty, but large parts of southern China remaimed loyal to the Ming dynasty. Two years later, however, the conquerors advanced into Fujian unopposed because Zheng Zhilong, according to contemporary Chinese records, deliberately pulled his forces back from the passes. Zheng Zhilong's eldest son Zheng Chenggong, however, remained loyal to the Ming dynasty, and together with other prominent members of the Zheng family he tried to dissuade his father from betraying the Ming dynasty. The Manchu field commander Dong Guoqi, however, made an attractive offer to Zheng Zhilong: he promised the former pirate leader the position of Governor General of three provinces on the south-east China coast – Fujian, Zhejiang and Guangdong – in return for his submission. The bait was very attractive to Zheng Zhilong, who was enticed to come ashore by the Manchu general and was received with great pomp, ceremony and a series of banquets and entertainments. Finally, he was separated from most of the troops he had brought with him, except his 300-man strong African bodyguard. When Zheng realised that Dong Guoqi had trapped him, it was too late. After a brief resistance by his bodyguard, Zheng was captured and taken to Beijing as hostage, thus bringing his career as a leading Chinese pirate chief and a brilliant private merchant in the East and South China Seas to an end.

With Zheng Zhilong removed from the scene, the family business passed into the hands of Zheng Chenggong. Unlike his father, Zheng Chenggong was determined to fight for the Ming dynasty and he assembled a defiant war fleet on the Fujian coast that menaced both the Manchu

regime on the Chinese mainland and the Dutch in Taiwan. He launched a number of successful large-scale naval expeditions, culminating in two great, but ultimately unsuccessful, efforts to invade the Yangzi Valley, in 1658 and 1659, respectively. Zheng Zhilong, meanwhile, had to atone for his son's refusal to submit with his life, and in 1661 he was executed by the Qing authorities.

Zheng Chenggong renamed the Island of Xiamen the 'Memorial Prefecture for the Ming' (*Siming zhou*) and it served for close to two decades as the de facto capital for the Zheng maritime empire, before Zheng Chenggong, in 1662, moved his base to southern Taiwan. In Xiamen, Zheng set up a six-board government modelled on the administrative structure of the Ming Court and invited former Ming officials to take up leading positions. In order to finance his operations, Zheng taxed the coastal population under his control,[24] but he relied above all on revenues from the seaborne commerce, which had been the backbone of his father's maritime venture.

Administratively, the Zheng maritime empire was organised in two major departments, each of which had five branches of traders and smugglers. One department – with its five subordinate branches *Jin* (Gold), *Mu* (Wood), *Shui* (Water), *Huo* (Fire) and *Tu* (Earth) – was responsible for purchasing mainland commodities and had its regional headquarters set up in Hangzhou (Zhejiang). The other department – with its five branches *Ren* (Benevolence), *Yi* (Loyalty), *Li* (Courtesy), *Zhi* (Wisdom) and *Xin* (Trust) – was established in Xiamen and was responsible for the overseas network along the Chinese coast, Taiwan, Japan and South East Asia.[25]

In order to further enhance its financial clout, Zheng Chenggong set up a central bank consisting of two branches: the *Yuguoku* ('Enriching State Bank') and the *Liminku* ('Benefiting People Bank'). During the period 1654–60, Zheng also recruited a group of silversmiths from Zhangzhou, south Fujian, and issued a large quantity of silver coins. The obverse had four Chinese characters, meaning 'quality guaranteed' (*Zuwen*) and 'circulation guaranteed' (*Tongxing*). The reverse featured Zheng Chenggong's signature, together with four Chinese characters meaning 'military currency produced in Zhangzhou' (*Zhangzhou junxiang*).[26] All of these silver coins were recast from Spanish silver coins imported from Manila through the family's maritime network. Moreover, shortly after the Zheng regime had established itself in Taiwan in 1662, Zheng Chenggong asked his relatives and friends based in Nagasaki to cast another three large batches of silver coins for his government and have them shipped back to Taiwan.[27] The silver coins produced

and issued by the Zheng authorities were circulated on the southern China coast for more than thirty years – that is, long after the fall of the Zheng maritime empire – before they were officially forbidden by the Qing Court.

Unable to defeat Zheng Chenggong's naval forces in spite of the capture of Zheng Zhilong, the Manchu regime took the drastic measure of forcibly evacuating the coast in order to deprive Zheng Chenggong of his supply chains. At the price of great human suffering, all inhabitants were forced to move 30 *li* (about 15 km) inland, thereby creating an exclusive coastal military zone where the Manchu soldiers were to be stationed. The evacuation started in 1652, when the coastal populations of Ningbo, Wenzhou and Taishan on the Zhejiang coast were forced to move inland, but the large-scale evacuation was implemented only in 1661, when virtually the whole coastal population of China, from Shandong and Tianjin in the north, to Zhejiang, Jiangxi, Fujian and Guangdong in the south, was ordered to move 30, 50 or even several hundreds of *li* inland. Millions of people died as a result of the forced evacuation, which resulted in incalculable damage to the local economy and society.[28]

Confronted with this brutal but efficient strategy, Zheng Chenggong was forced to seek an alternative land base from where he could supply his fleet – which by now consisted of about 400 junks and more than 25,000 soldiers – and seek refuge while preparing for a counterattack. The obvious choice was Taiwan, which he conquered from the Dutch in early 1662, after a nine-month siege, leaving Zheng the undisputed master of the island.[29]

Zheng Chenggong's empire-building ambitions extended far beyond Taiwan and East Asia, however. In 1662, an Italian friar Victorio Riccio was sent by Zheng from Taiwan to Manila as his personal envoy, demanding tribute from the Spanish settlement there. The Spaniards were greatly alarmed and hastily called in all the troops from the outlying islands in the Philippine Archipelago in anticipation of a possible invasion by Zheng's troops. Rumours spread that another massacre of local Hokkien merchants in Manila was being planned by the Spanish colonial authorities, and the sojourning Chinese merchants and artisans began to flee to adjacent islands and mountains. If Zheng Chenggong did in fact plan a raid on Manila, however, the plan was cancelled due to his sudden death, at the age of 39, in June 1662, only a few months after he had expelled the Dutch from Taiwan.[30]

The Zheng maritime empire survived the death of Zheng Chenggong and the leadership was taken over by his son, Zheng Jing. Under his command, the Zheng regime's commercial relations with the English

became more important, particularly during the period from 1671 to 1683, while contacts with Nagasaki and ports in South East Asia remained active. On 10 September 1670, the English East India Company signed a trade agreement with Zheng Jing, in which they referred to him as the 'King of Tywan'.[31]

The commercial success of the Zheng maritime empire under Zheng Jing was mainly due to his monopoly of certain key commodities produced in Taiwan, such as deerskin and sugar, both of which had a high market value in Japan. An English observer in the early 1670s pointed out that the Zheng and his followers based in Taiwan

> were the only merchants engrossing all the sugar and skins, and with the commodities of the country and some Chinese goods, drive a profitable trade to Japan, sending yearly 14 or 15 great junks, so that the Company's captains cannot fill up their ships with those commodities.[32]

Military equipment and arms always had the highest priority in the purchasing list of the Zheng regime, and Zheng Jing sought English assistance in order to improve his military capability. In the trade agreement signed in 1670, for example, he required the EIC 'to keep here [in Taiwan] two gunners for the King's [Zheng Jing] service'. Among the goods imported by the English vessels to Taiwan were gunpowder, guns with matchlocks and English iron.[33]

In spite of the continued commercial success of the Zheng maritime empire after the death of Zheng Chenggong, internal dissension weakened the regime and eventually led to its defeat at the hands of the Qing Navy. Due to the infighting, several military commanders surrendered with their troops and vessels to the Qing government. Among the most notable defectors was General Shi Lang, a fellow countryman of Zheng Chenggong who had served as an admiral of Zheng's naval forces in the early 1640s. When he defected to the Qing in 1646, his father, brother and son were killed by the Zheng regime. Shi Lang, whose knowledge about the coast and Zheng naval warfare was very valuable to the Qing, was engaged to take part in the war against the Zheng family and quickly rose in the Imperial military ranks.

The death of Zheng Jing in March 1681 led to a dynastic struggle between his sons that further weakened the regime. Encouraged and supported by General Feng Xifan, the younger son, Zheng Keshuang, murdered his brother, Zheng Kezang, in order take control of the remnants of the Zheng empire. The 14-year-old Zheng Keshuan, however,

was too young to rule on his own and real power was in the hands of a group of senior generals, including Feng Xifan.[34]

In 1681, the Kangxi emperor appointed Shi Lang as the commander of a fleet of 300 vessels and 20,000 men charged with the task of invading Taiwan. After defeating the Zheng navy in a major engagement near the Penghu Islands, he landed on Taiwan with his troops in mid 1683. The demoralised regime was unable to resist the advance of the Qing forces. Negotiations followed, resulting in the complete surrender of Zheng Keshuang in October 1683, along with the seal of the Zheng regime, the census and the Zheng lands. Zheng was pardoned and moved to Beijing, where he was accorded a dukal title and lived until he died of natural causes in 1717.

## Conclusion

The unique ecological environment of south Fujian is a key factor in understanding and explaining the background to the extraordinary success of the Zheng family's maritime empire and the rampant piratical activities on the east and south Chinese coast in the seventeenth century. Frequently, contemporary local records mention that the soil close to the coast was barren and its people were poor. Half of them relied on the sea for subsistence, especially in the prefectures of Zhangzhou and Quanzhou. Whenever there was a famine, huge numbers of fishermen and farmers would join pirate groups and take to maritime plundering. Piracy can thus be understood as an alternative strategy for survival when agriculture failed.[35]

The support from the fellow Hokkien countrymen was an important factor in the rise of the family's maritime empire. Zheng Zhilong, for example, understood well how to win the support of discontented and suffering population and he consequently tried hard to make himself popular in local society. In 1627, for instance, when there was a severe famine in south Fujian, Zheng Zhilong gave generous relief to those in need. He arranged for a large number of starving countrymen to immigrate to Taiwan, where he provided them with land, cows and cultivating tools. Zheng also prohibited his soldiers from killing innocent people and burning the houses of the poor. As a consequence, he earned legendary fame as a person who always could be trusted to provide support and assistance to kinsmen in need.[36]

The success of the Zheng maritime empire is also an outcome of the unique culture of Hokkien merchants. Generally speaking, the culture of Hokkien merchants was imbued with many of the cultural values or

strategies common to other Chinese merchant groups: they espoused industriousness, frugality, trust, honesty, an inclination to do philanthropic work, a desire to organise volunteer associations, profit-seeking, risk-taking and loyalty to the lineage. In addition, however, there were some cultural values or strategies that were peculiar to the Hokkien merchants. Most importantly was the system of extending family membership in order to serve the purpose of conducting overseas trade and piracy, for which numerous assistants were required. It was a common practice in south Fujian to adopt sons, including the male children of clansmen and destitute families of non-clansmen as well as domestic bondservants. The Hokkiens referred to these adopted sons by the term *minglingzi*, which means offspring of the corn earworm, referring to a small green corn earworm known as *mingling*. This worm does not know how to raise its own offspring, whereas an insect called *guoluo* has few offspring and instead takes the *mingling*'s offspring to its nest and nurtures them as its own.

Conceivably, it was because manpower was badly needed in south Fujian by those engaged in maritime trade and piracy that the practice of adopting sons became widespread among the Hokkiens. According to the local gazetteers of south Fujian, the adopted sons would as a rule be sent overseas to trade when they grew up, with capital provided by their adoptive fathers. The natural sons of the family meanwhile stayed at home enjoying a peaceful life.[37] Apart from adopting sons, Hokkien merchants who had only daughters usually used their wealth to induce or require their sons-in-law to live in their homes. In this way, sons-in-law, who were for the most part poor, became trade assistants.

Far from being a closed descent group, the porous Hokkien lineage system thus left a large scope for the merchants to create or extend their families' networks. It even allowed a person who was about the same age as the merchant himself to be recruited as his business assistant and be given the affectionate form of address *xiongdi*, or 'brother', even though they were not related by blood ties. Undoubtedly, it was in part the services of these business assistants and sworn brotherhoods that accounted for the success of the Hokkien as overseas merchants. Thus, Zheng Zhilong picked up 18 confidants as his 'brothers' to constitute the inner core of his pirate gang in his early career. A number of departments were created shortly afterwards to oversee various aspects of the Zheng empire, such as personnel management, ship-building and battle operations.[38]

The early European expansion in East and South East Asia provided a rare opportunity for the rise and expansion of private Hokkien commercial

enterprise overseas. The Dutch encouraged and supported Zheng Zhilong's and other merchant–pirate–smugglers' activities off the Fujian coast when their request to trade freely with China was rejected by the Ming government. In this sense the Dutch contributed to the deterioration of maritime security off the Chinese coast and to the weakening of the Ming dynasty during its last decades in power.

The rise and fall of the Zheng maritime empire in the East and South China Seas from 1620 to 1683 is one of the most remarkable historical cases of piracy and state-formation in Asia. The active trade-cum-piracy activities off the China coast, the growth of an influential family business based on maritime trade and plunder over a relatively short period of time, its rapid expansion on land as well as overseas, the sizeable naval and merchant fleets controlled by the Zheng family, the comprehensive administrative and financial institutions established on Xiamen Island and later Taiwan, the huge quantities of silver coins issued by the Zheng regime and its economic and military strength that permitted it to resist the Qing advances for close to forty years – all of these factors demonstrate that it was indeed a powerful and formidable embryonic state that developed from the originally small group of pirates led by Zheng Zhilong.

In several respects, the Zheng regime fulfils the criteria of a state as defined in the fields of both history and political science. It was not only a rebellion or movement aimed at restoring the Ming dynasty and expelling the Manchus. It was also a state-like polity, characterised by political purpose, centralised administrative institutions, the adoption of state insignia such as flags, coins and seals, the claim to sovereignty and jurisdiction, the establishment of order and security within its areas under control and the projection of substantial military power. In addition, similar to other states and governments, the Zheng regime conducted its own foreign policy, made war and maintained relations with a number of (*de jure* or de facto) sovereign foreign powers in East and South East Asia, such as Tokugawa Japan, Siam, Johor, Patani and other Malay city states, the Portuguese in Macau, the Dutch East India Company in both Batavia and Taiwan, the Spanish in Manila and the English East India Company.

The Hokkien merchants and pirates on whom the Zheng regime based its power belonged to the most daring and venturous entrepreneurial group in China. For several decades during the seventeenth century they were economically and militarily pre-eminent on the China coast. The Zheng family eventually established its own government, first in Xiamen Island and then in Taiwan, where they exercised full sovereignty

for more than two decades before their final defeat at the hands of the world's largest empire in 1683.

## Notes

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4. E. M. Thompson (ed.), *Diary of Richard Cocks, Cape-Merchant in the English Factory in Japan, 1615–1622, with Correspondence* (London: Hakluyt Society), Vol. 2, p. 298.
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6. Huang Zongxi, *Cixing shimo* (How Koxinga was Granted the Imperial Surname) (Taipei: Taiwan wenxian congkan, 1960 [*c*.1680]), p. 1.
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10. *Mingji Helanren Qinju Penghu candang*, pp. 1–10.
11. Iwao Seiichi, 'Li Tan, Chief of the Chinese Residents at Hirado, Japan, in the Last Days of the Ming Dynasty', *Memoirs of the Research Department of the Toyo Bunko*, 17 (1958), pp. 27–83.
12. L. Blussé, 'The VOC as Sorcerer's Apprentice: Stereotypes and Social Engineering on the China Coast', in W. L. Idema (ed.), *Leyden Studies in Sinology: Papers Presented at the Conference Held in Celebration of the Fiftieth Anniversary of the Sinological Institute of Leyden University, December 8–12, 1980* (Leiden: Brill, 1981), pp. 87–105.
13. 'Memorial Submitted by the Minister of Board of War on the Maritime Prohibition and Pirates', March 1628, in Zhongyang yanjiuyuan lishi yuyan yanjiusuo (comp.), *Mingqing shiliao* (Archival Records on the Ming and Qing Dynasties) (Taipei: Zhongyang yanjiuyuan, 1953), Series 5, Book 1, pp. 4–5.
14. 'Bingbu tixing bingke chaochu liangguang zongdu Li Ti gao' (Memorial Submitted by the Minister of Board of War Li Ti on the Application for Funds

to Pacify the Pirates on the Coast), April 1628, in Zhongyang yanjiuyuan lishi yuyan yanjiusuo (comp.), *Mingqing shiliao* (Beijing: Zhongyang yanjiuyuan, 1932), Series 2, Book 7, pp. 615–16. All translations of Chinese sources are, unless otherwise stated, by the author.

Pirate, piracy and robber were normally called *dao*, *zei* or *kou* in Imperial China, which legally shares a similar meaning as their counterparts in English. While the general term *dao* refers to piracy both on the land and on the sea, occasionally a more specific adjective would be employed to describe more accurately pirate or piracy, such as *haidao*, *haikou* or *wangyang dadao* (pirates on the sea). Rebel, however, had a different term in traditional Chinese society – *panzei* or *nizei*, which is different from *dao*, *zei* or *kou*. See further the contribution by Robert J. Antony in this volume.

15. C. R. Boxer, 'The Rise and Fall of Nicholas Iquan', *T'ien Hsia Monthly*, April–May (1941), p. 418.

16. *Min shilu Minhai guanxi shiliao* (Primary Sources on the History of Taiwan Strait Compiled from the Veritable Records of the Ming Dynasty) (Taipei: Taiwan wenxian congkan, 1971), p. 147.

17. D. N. MacLeod, *De Oost-Indische Companie als Zeemogendheid in Azie (1602–1652)* (The East Indian Company as a Sea Power in Asia) (Rijswijk, Z.-H.: Blankwaardt and Schoonhoven), Vol. 1, pp. 511–13.

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21. 'Incomplete Archival Records on the Pirate Liu Xiang', in *Mingqing shiliao*, Series 2, Book 8, pp. 701–9.

22. 'Incomplete Memorial from the Governor General of Guangdong and Guangxi Wang Guoguang on the Smuggling Trade of Hokkien Merchants Headed by Li Chu', in *Mingqing shiliao*, Series 4, Book 3, pp. 207–10. The flag of the Zheng family is mentioned in contemporary Chinese sources, but unfortunately no flag seems to have survived to the present.

23. Lin Shidui, 'Zheng Zhilong fuzi zusun sandai ju haidao' (An Account of the Three Generations of the Zheng Family in Taiwan), in *Hecha congtan* (Taipei: Tanwan yinhang, 1962 [*c.*1700]), Vol. 4, pp. 156–7; and Boxer, 'The Rise and Fall of Nicholas Iquan', p. 437.

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25. Qi Nan, 'Taiwan Zhengshi wushang zhi yanjiu' (A Study of the Five Merchant Branches of the Zheng Family in Taiwan), in Zheng Chenggong yanjiu xueshu taolunhui xueshuzu (ed.), *Taiwan Zheng Chenggong yanjiu lunwenxuan* (Fuzhou: Fujian renmin chubanshe, 1982), pp. 194–208.

26. Guo Moruo, 'You Zheng Chenggong yinbi de faxian shuodao Zhengshi jingji zhengce de zhuanbian' (The Change of Zheng Chenggong's Economic Policy as Seen from the Discovery of Silver Coins Produced by him), *Lishi yanjiu* (Beijing), 1 (1963), pp. 1–14; and ibid., 'Zaitan youguan Zheng Chenggong yinbi de yixie wenti' (A Further Discussion on the Silver Coins Produced by Zheng Chenggong), *Lishi yanjiu*, 2 (1963), pp. 1–8.

27. Jiang Risheng, *Taiwan waiji*, Vol. 7, p. 1.

28. *Mingqing shiliao*, Series 4, pp. 155 and 207.

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# 5

# Maritime Violence and State-Formation in Vietnam

## Piracy and the Tay Son Rebellion, 1771–1802

*Robert J. Antony*

Chinese pirates played a critical role in the formation of the Tay Son state in Vietnam at the end of the eighteenth century. Tay Son was the name given to a rebellion started by three brothers in south-central Vietnam in the early 1770s. What began as a small local uprising developed into a major rebellion that encompassed all of Vietnam largely because of the aid of Chinese pirates and merchants, who were often indistinguishable. After a Chinese expeditionary army sent to suppress the rebellion was defeated in 1788, a reluctant Qianlong emperor recognised the Tay Son leader as the legitimate king of Vietnam and vassal to the Great Qing Empire. Despite the new accolades, however, the war in Vietnam continued and the Tay Son rulers, in need of money and support, adopted a dangerous two-faced policy of giving tribute to China while at the same time sanctioning Chinese pirates to raid shipping and coastal towns in south China. That aid from the pirates helped to sustain the Tay Son regime and allowed it to remain in power until its final defeat in 1802.

This chapter examines the dynamic relationship between Chinese pirates and Tay Son rebels, the institutionalisation of organised piracy in the region and the function of pirates in state-building in Vietnam between 1771 and 1802. The discussion that follows is divided into three sections: first, an overview of the Tay Son uprising and the role of Chinese pirates in the uprising; second, a review of the importance of Tay Son support in the rise of Chinese piracy during this period; and, third, an analysis of the importance of the Chinese pirates to the Tay Son regime.

Before addressing these issues, however, it would be helpful briefly to discuss the meanings of the terms 'piracy' and 'privateering' in the

Chinese and Vietnamese contexts. As Anthony Reid has explained, what we label as piracy is a Western construct that was gradually imposed on the rest of the world within the context of imperialism, and therefore may have little to do with indigenous Asian perceptions.[1] What Westerners called 'pirates' were in China and Vietnam commonly referred to as 'sea bandits' (*haidao*, *haizei*, *haifei* or *haikou*). As these terms suggest, there was little distinction made between bandits on land and on sea and, furthermore, depending on the context, these terms could also mean 'sea rebels' or 'sea traitors'. In its Asian context, therefore, although emanating from the sea, piracy included a multitude of crimes – robbery, kidnapping, murder, extortion, rape, sedition, treason and rebellion – that could take place on seas, rivers and coasts.

The term 'privateering' is more troubling, because the fine legal distinctions that Westerners made between piracy and privateering would not have been apparent to most Asians. Again as Reid has argued:

> Although privateering appeared as a 'legal' form of piracy which arose from the peculiar European system of competitive nation-states, nonetheless, most Asian polities would have been familiar with the concept of government-sponsored maritime raiding, which lay at the heart of privateering.[2]

It was common practice for polities throughout South East Asia, but not for the Chinese imperial state, to support sea-raiding on the vessels and towns of their enemies. Raiding, in fact, played an important role in both warfare and statecraft. In this chapter, we examine how the Tay Son regime in Vietnam employed Chinese pirates to plunder shipping and settlements on the Chinese and Vietnamese coasts between 1771 and 1802.

## Tay Son rebels and Chinese pirates

The Tay Son Rebellion, which began in 1771 in the remote hill country of southern Vietnam, escalated into one of the biggest and bloodiest upheavals in Vietnam's history. It was the climax of more than a century of wars and social disorders in Vietnam arising, in large measure, out of the bitter rivalries between the ruling southern Nguyen and northern Trinh families. Thus, during the Tay Son wars, Vietnam was divided into three conflicting camps: the Tay Son insurgents, the Nguyen lords of Cochinchina in the south, and the Trinh lords of Tonkin in the north. In the more than thirty years that the rebellion

lasted, hundreds of thousands of people died in wars and famines and even more people became homeless refugees. The rebellion succeeded in overturning the 300-year-old Le dynasty and thwarting invasions from China and Siam (Thailand). As the conflicts dragged on, French mercenaries and Chinese pirates joined in the affray on one side or the other. By the late 1780s, the Tay Son had conquered most of Vietnam, thereby ushering in a remarkable period of political unity unknown in Vietnam for many centuries. Today, many scholars consider the Tay Son Rebellion as the start of modern Vietnamese history.[3]

Three brothers, Nguyen Nhac, Nguyen Hue and Nguyen Lu, who came from a hamlet named Tay Son (Western Hills) and were petty betel merchants among the hill people in Qui Nhon prefecture in southern Vietnam, led the uprising. The oldest brother, Nhac, also served as a local tax-collector in the regime that he rose up against. Rising taxes, together with a series of natural disasters and a mounting economic crisis in the region in the 1770s, provided the backdrop for the discontent that ignited into rebellion. Playing on an ancient prophecy that a righteous uprising from the west would succeed, the brothers led their motley army down from the mountains in September 1773 to attack the walled capital at Qui Nhon, which they captured. Instrumental in this early success was the aid of ethnic Chinese residents and merchants – especially Tap Dinh and Ly Tai (discussed below) – of the lowland ports, who organised their own armies in support of the Tay Son. The taking of Qui Nhon greatly increased the prestige and power of the Tay Son leaders, who for most of the remainder of the uprising kept the city as the headquarters of their movement.

The seizure of Qui Nhon and several surrounding areas, on the one hand, stabilised the rebellion and assured its continuance but, on the other hand, brought it to the attention of the Trinh overlords in the north. Taking advantage of the turmoil, in late 1774 the Trinh sent their armies southward, ostensibly to suppress the rebellion, but in reality to overthrow their long-time political rivals, the Nguyen lords of Cochinchina. Evicted from their capital at Phu Xuan (Hue), the Nguyen fled to the far south, to the area around Saigon in Gia Dinh prefecture. This area became the centre of Nguyen resistance against the Tay Son until the latter's final defeat in 1802. Faced with fighting a two-front war, the Tay Son brothers pragmatically decided to surrender to the Trinh in 1775, so that they could concentrate their attacks on the Nguyen. Over the next two years several naval and land battles were fought for Saigon, resulting in the near complete defeat of the Nguyen armed forces and the killing of all but one prominent member

of the family. The sole survivor was Nguyen Anh, who survived by fleeing with a small group of supporters first to the swamps of Ca Mau at the southern tip of Vietnam and then to Siam, where he received the king's protection. Slowly Anh regrouped his forces and, bit by bit, over the next 20 years extended his power over all of Vietnam, eventually triumphing as the Gai Long Emperor and founder of the Nguyen dynasty (1802–1945).

For the remaining years of the 1780s and through the 1790s, the conflict in the south bogged down to a series of annual 'monsoon wars' or *campagnes de saison*. Each side would attack when the winds were favourable: the Nguyen navy advanced northwards from bases in Gia Dinh each summer and retreated in the autumn, and conversely the Tay Son navy advanced southward each autumn and returned to their bases around Qui Nhon in the summer. As a result, Saigon changed hands several times during the early phases of the war, as did the areas around Qui Nhon. The monsoons not only facilitated the large-scale movement of naval forces for battle, but also on occasion wreaked havoc on the warships, as was the case in the spring of 1783 when the Tay Son fleet was nearly destroyed in a huge storm. In the north, the situation was somewhat different. After the Tay Son navy defeated the combined Nguyen and Siamese navy in early 1785 at the mouth of the Mekong River near My Tho, the rebel leaders decided to launch an invasion of the north against the Trinh. After quickly taking Phu Xuan in June 1786, Trinh defences collapsed and within a month the Tay Son forces had taken the northern capital at Thang Long (Hanoi).

The Le emperor, soon after the capture of Thang Long, fled to China where he sought protection and requested the Qing emperor Qianlong to help him restore his throne from the Tay Son usurpers. In 1788, the Chinese emperor obliged by sending three armies, reportedly some 200,000 strong, into northern Vietnam to help the besieged Vietnamese ruler and Qing tributary subject. Although the Chinese armies succeeded in taking Thang Long and putting the Le emperor back on his throne, the insurgents, under the able leadership of the second brother, Nguyen Hue, soundly routed the bewildered Chinese troops and forced them to retreat back across the border. A reluctant Qianlong emperor had little choice but to recognise Hue as the new master of Vietnam and invested him with the title of King of Annam, thereby legitimising his political authority. Cross-border trade was reopened between China and Vietnam. Now at the apex of its power, the Tay Son began a risky duplicitous policy of sending tribute missions to

the Qing Court in Beijing while at the same time sanctioning piratical raids into Chinese waters.[4]

The constant warfare for over a decade put heavy burdens on the finances and manpower of all sides in the conflict. To meet the needs, the Tay Son and its Nguyen rivals turned increasingly to various marginal groups for support, especially to Chinese pirates, who soon provided the bulk of all naval forces. The Tay Son, for their part, repeatedly commissioned Chinese pirates, such as Chen Tianbao, Mo Guanfu, Zheng Qi, Wushi Er and others as military officers, and authorised them to recruit more pirates for their navy. From the 1780s until their demise in 1802, Chinese pirates faithfully supported the rebel cause in its war against the Nguyen, participating in nearly every major naval battle. The Tay Son leaders also sanctioned the pirates to lead annual raiding expeditions into Chinese waters in search of booty, foodstuffs and additional recruits. The rebel camp provided the pirates with safe harbours, ships and weapons, and in return the pirates provided their sponsors with badly needed manpower and revenues.

Raids followed the rhythms of the monsoons. Each spring and early summer, availing themselves of the south-west monsoons, Chinese pirates set off from their bases in northern Vietnam to plunder shipping and settlements on the south China coast, and returned to their bases in the late autumn. Their most valued targets were Western merchantmen and large Chinese trading junks. For example, in early November 1795, Liang Xuancan's gang plundered a large Fujian merchant junk loaded with several tons of sugar, dried dates and preserved pears; afterwards the pirates returned to Giang Binh in Vietnam to sell their prize.[5] It was more common, however, for pirates to plunder fishing boats and small cargo junks engaged in the coasting trade. Booty mostly consisted not of gold and silver, but rather of varied amounts of copper coins and ordinary sundry objects, such as tea, cooking oil, salted fish, pigs, tobacco, peanuts, sweet potatoes, betel, opium, clothing, rush matting, earthenware and the like.[6]

Although the Tay Son expelled the Qing armies from Vietnam, the fruits of victory were short-lived. About the same time, in the south Nguyen Anh managed to consolidate his control over the Gia Dinh region, from which he was able to launch increasingly successful campaigns into rebel-held territories. French ships and mercenaries led by the Roman Catholic missionary Pierre Joseph Pigneau came to the aid of Nguyen, and he served his Vietnamese lord until his death in October 1799. In 1789, the youngest Tay Son brother, Nguyen Lu, died soon after

being defeated in the far south. This was followed in 1792 by the death of Nguyen Hue, the most formidable of the rebel leaders, and then by the oldest brother, Nguyen Nhuc, in the following year. The Tay Son leadership now fell into the hands of Hue's ten-year-old son and his regent, Bui Dac Tuyen. The rebel regime was beset with infighting, and although it managed to survive for another nine years, it was never as dynamic as it had been in the years before 1788. The Tay Son stronghold at Qui Nhon fell to the Nguyen forces in 1799, and even though fighting continued in the area over the next two years, Nguyen Anh succeeded in taking the war further north to Phu Xuan and beyond. While a number of pirates, such as Chen Tianbao, deserted the Tay Son cause in 1801, many others, including Zheng Qi, continued to fight for the rebel cause right up to the end in 1802. When Thang Long fell to Nguyen Anh's forces in July, the long Tay Son Rebellion came to an end and the Chinese pirates fled back into Chinese territory, where they regrouped and remained a powerful force until their own demise in 1810.[7]

## The impact of Tay Son support on Chinese piracy

As Dian Murray and others have correctly pointed out, the support of Tay Son leaders for Chinese pirates was crucial to the growth of the large-scale institutionalised piracy that dominated the south China maritime world in the several decades before 1810.[8] Most of the prominent pirate leaders, particularly in Guangdong province, began their criminal careers under the auspices of the Tay Son. Had it not been for Tay Son sponsorship, the petty opportunistic piracy that was endemic in the region probably would not have developed into formidable leagues of tens of thousands of well-armed and highly organised pirates. The Tay Son provided the Chinese pirates with four important things: protection, ships and weapons, legitimacy and organisational expertise.

The *protection* afforded to Chinese pirates by the Tay Son was of fundamental importance in the development of large-scale professional piracy. Protection, first of all, meant pirate bases. Chinese and Vietnamese sources mention several coastal and river marts that were under Tay Son control that served as pirate bases and/or friendly ports: first, those located on the Sino-Vietnamese border, such as Giang Binh (Jiangping), Bailongwei, Zhushan and Mong Cai; and, second, those located in Vietnam proper, such as Nghe An, Doan Mien, Phu Xuan (Hue) and Thang Long (Hanoi). These safe harbours, and many others

that remain unnamed and thus unrecorded, allowed the pirates places to hide, rest, recoup, take in supplies, dispose of their booty and organise new expeditions without fear of detection and arrest.[9]

Tay Son bases provided safe havens for Chinese pirates fleeing pursuit from the Qing Navy. After the Qing Court recognised Nguyen Hue as the ruler of Vietnam in 1789, the Chinese government was reluctant to send warships into Vietnamese waters to pursue pirates. Thus, in most instances, the Qing naval campaigns sailed westward only as far as the waters off Qinzhou, thereby allowing the pirates to flee back to their safe havens in Vietnam. Even after China's Jiaqing emperor ordered a vigorous 'sea war' (*haizhan*) against the pirates in the Gulf of Tonkin in 1797, the pirates easily escaped by simply sailing back into north Vietnamese coastal waters, among the thousands of islands and the Red River estuary, where they received protection from Tay Son officials.[10]

Like other seafarers, pirates could not survive without support from people on land. Pirates required bases and friendly ports where they could sell booty, careen and refit ships, recruit gang members and relax and carouse. Places like Giang Binh, Doan Mien and other countless unnamed harbours and islands along the coast of Vietnam provided bases for pirate operations. Interconnected with one another they formed an intricate and vast network of clandestine markets that extended throughout the Gulf of Tonkin to Siam and Malaysia to the south and to Zhejiang in China to the north.[11] From these Vietnamese bases the pirates also launched their annual forays into the waters of southern China, as well as the seasonal naval campaigns against the Nguyen.[12]

Before its destruction by Nguyen Anh's troops in 1802, Giang Binh had been an important centre of clandestine activities for over a hundred years.[13] Although the Qing claimed the hinterland behind Giang Binh, most of the coast and offshore islands to the west of Qinzhou belonged to Vietnam until 1887, when they reverted to China as a result of a convention signed with France that delimited the border with Vietnam. In the period under discussion in this chapter the area was ostensibly under Tay Son authority. Hemmed in by rugged mountains and dense forests at its rear and a patchwork of tiny islands and mangrove swamps at its front, Giang Binh was secluded and well protected on all sides. Its location – on a major coasting route but far removed from the seats of government – made it ideal for piracy and smuggling. Its bustling black market, known as the Heavenly Dynasty Bazaar (*Tianchao jie*), had hundreds of shops and a population of roughly 2000

households composed mainly of Chinese and Vietnamese settlers, as well as South East Asian, European and aborigine sojourners. There was also a large squatter population of mostly poor Vietnamese fisherfolk, who had settled on the sandy shoals and islands at the entrance to the harbour.[14]

Giang Binh was a major transhipment hub. Many residents specialised in handling stolen goods and provisioning pirates and smugglers who frequented the market and lived on many of the nearby islands. Traders, merchants and adventurers travelled from China, Vietnam and South East Asia specifically to this border town to sell foodstuffs and merchandise (such as rice, salt, cooking oils, weapons, gunpowder, rope, nails and other naval supplies) to pirates and to buy their booty (such as tobacco, betel, opium, peanuts, cloth, clothing and other sundry items), which pirates always sold at bargain prices. Giang Binh provided a refuge for pirates, outlaws and misfits; at the same time, it also attracted large numbers of sailors, fishermen, labourers and porters who came in search of work. These were the sorts of men who provided a ready pool of recruits for pirate gangs.[15]

Through the underground networks of pirates, smugglers and outlaws, Giang Binh's reputation as a black market and safe haven spread far and wide. A desperado like Peng Aju, who was a fisherman and pirate from Chenghai county in faraway eastern Guangdong, knew that he could receive shelter and protection in Giang Binh. He also knew that he could earn money there. After being involved in several piracies on the Guangdong–Fujian border, Peng sought the safety of Giang Binh to hide out from the Qing authorities who were seeking to arrest him. Eight months after his arrival, he organised a new gang in Giang Binh, which committed six piracies before his arrest in 1797.[16] Peng was one of thousands of Chinese, Vietnamese and other outlaws and outcasts who were attracted to Giang Binh because of its reputation as a safe haven.

The Tay Son also provided the pirates with the necessary tools of the trade, namely *ships and weapons*. Over the entire period the Tay Son regime constructed hundreds of warships each year, many of which were handed over to Chinese pirates. These ships, in the Chinese sources called *ting*, were much larger, sturdier and better armed than other Asian ships, including the Qing Navy's war junks. The Vietnamese vessels had 80-ft (24 m) masts, sides protected by layers of thick leather and nets and cannons weighing as much as 5000 catties (about 2500 kg).[17] According to the Qing scholar-official, Wei Yuan, after Nguyen Hue took power, because his troops and funds

were exhausted, turned to pirates – the 'desperadoes of the coast' (*binhai wangming*) – provided them with ships, guns and official ranks, and ordered them to plunder shipping along the south China coast to obtain revenue to pay his soldiers. Wei Yuan explained that because the 'Barbarian ships' (*yiting*) were 'tall, huge and armed with many cannons' the Qing Navy could never defeat them in battle.[18] Before his death in 1792, Nguyen Hue also began constructing a fleet of giant war junks for a planned invasion of southern China; although nothing ever came of this plan, it is likely that this fleet was being prepared for his Chinese pirate allies.[19]

Besides providing Chinese pirates with safe havens, ships and weapons, the Tay Son leaders also offered them a semblance of *legitimacy* and respectability. Sponsorship transformed pirates from being mere robbers and outlaws into lawful naval forces. Their commerce-raiding became the legitimate undertakings of a sovereign state, paradoxically one actually recognised and approved by the Qing government. The Tay Son gave lowly pirates opportunities for a better life and almost instant upward mobility. 'Men who were simply pirates of no rank or status', explains Dutton, 'were now being recognized as commanders, generals, military governors, and marquis, while a few were even named as kings.'[20] Chen Tianbao, one of the earliest pirate chiefs, began his career as a poor fisherman before joining the Tay Son. Between 1784 and 1797, he quickly rose up the ranks to brigade general (*tong binh*), to military governor (*do duc*) and then to 'virtuous marquis' (*duc hau*), becoming one of the most important officials in the rebel camp, with the authority to recruit and grant titles to other pirates.[21] One of his recruits, another fisherman named Mo Guanfu, became a brigade general and in 1796 entitled as the King of the Eastern Sea (*Dong hoi vuong*) (see further details in Table 5.1).[22]

Tay Son rulers and their pirate representatives, such as Chen Tianbao, also issued a large number of talismans, seals, certificates, permits, licences and passes to pirate chiefs, which were clear and important symbols of office and legitimacy. With official seals, titles and ranks, fishermen and sailors suddenly gained the prestige and honour that they could never have obtained on land.

Tay Son leaders were aware of what they were doing and purposely played up to the sensibilities of status conscious pirates. In the words of one recruitment edict, 'In ages past there were people who first acted as thieves, and later became noted generals, and this was in fact because they dared to mend their errors, were brave, and performed virtuous deeds.'[23] Even vicious pirates could become righteous heroes.

*Table 5.1*  Chinese pirates and Tay Son titles

| Name | Native place | Original occupation | Tay Son title (Chinese/Vietnamese) |
|---|---|---|---|
| Ji Ting (Tap Dinh) | Puning | Merchant | Founder of the Country Duke (*kaiguo gong*) |
| Chen Tianbao | Xinhui | Fisherman | Brigade General (*zongbing/tong binh*) Military Governor (*dudu/do duc*) Virtuous Marquis (*dehou/duc hau*) Governor General (*zongdu*) |
| Mo Guanfu | Suixi | Fisherman | Junk Captain (*caozhang*) Brigade General (*zongbing/tong binh*) King of the Eastern Sea (*donghai wang/dong hoi vuong*) |
| Wushi Er (Mai Youjin) | Haikang | Fisherman | Vice Admiral Who Pacifies the Sea (*ninghai fujiangjun/nin hoi phuc tuong quan*) Great Admiral Who Pacifies the Sea (*jinghai dajiangjun*) King Who Pacifies the Waves (*pingbo wang/binh ba vuong*) |
| Zheng Qi | Xinhui | Pirate | Junk Captain (*caozhang*) Brigade General (*zongbing/tong binh*) Great War Minister (*dasima/dai ty ma*) |
| Liang Guixing | Guangdong | Unknown | Total Virtuous Marquis (*hede hou/hiep duc hau*) |
| Zheng Weifeng | Xinhui | Pirate | Gold Jade Marquis (*jinyu hou*) |
| Fan Wencai | Lingshui | Fisherman | Commander (*zhihui/chi huy*) Military Governor (*dudu/do duc*) |
| Fang Liangui | Guangdong | Unknown | Military Governor (*dudu/do duc*) |
| Zheng Liutang | Guangdong | Unknown | Military Governor (*dudu/do duc*) |
| Liang Wengeng | Xinhui | Fisherman | Lieutenant (*qianzong/tien tong*) Brigade General (*zongbing/tong binh*) |
| Wang Guili (Lun Guili) | Fujian | Fisherman | Brigade General (*zongbing/tong binh*) |
| Liang Bao | Guangdong | Unknown | Brigade General (*zongbing/tong binh*) |
| Fan Guangshan | | Pirate | Brigade General (*zongbing/tong binh*) |
| Chen Abao | Guangdong | Pirate | Brigade General (*zongbing/tong binh*) |
| Lin Fazhi | Fujian | Unknown | Brigade General (*zongbing/tong binh*) |

*Source*: Murray, *Pirates of the South China Coast*, p. 55; Antony, *Like Froth Floating on the Sea*, pp. 39 and 41; and Dutton, *The Tay Son Uprising*, pp. 221–2 and 226.

Maintaining a sense of righteousness, in fact, was important to the pirate's self-image and identity. It is therefore no accident that two of the earliest supporters of the Tay Son, Tap Dinh and Ly Tai, respectively named their armies Loyal and Righteous Army and Harmonious and Righteous Army.[24] The Tay Son also referred to their troops, which included pirates, as 'righteous soldiers' (*nghia quan*) and their cause as a righteous undertaking.[25]

Lastly, as regards *organization*, under Tay Son backing the pirates also became better organised fighting forces. As small independent gangs learned how to cooperate and plan raiding expeditions, their organisation became more cohesive and complex. Previously gangs were formed for temporary undertakings but now with Tay Son support several charismatic leaders, such as Chen Tianbao, Mo Guanfu, Zheng Qi and Wushi Er, began to emerge and take charge over the petty gangs, thereby creating an elaborate hierarchical structure. By the early 1790s, the pirates were already operating in well-organised fleets divided into squadrons and gangs. Chieftains, such as Chen Abao who operated out of Giang Binh, commanded a squadron of eight vessels and over a hundred men under four subordinate captains.[26] In 1797, according to the deposition of a captured pirate named Luo Yasan, the Tay Son already had commissioned 12 brigade generals who commanded several hundred warships.[27] Although petty independent gangs continued to exist, nevertheless, they became overshadowed by the larger and better organised bands. While horizontal bonds remained weak, vertical relationships, based on personal alliances, were strong and were the keys to holding complex structures together. Authority flowed downward from the top and loyalty upward from the bottom. From their experiences in battles against the Nguyen, pirates also improved their command and tactical combat skills.[28]

## Chinese pirates and Tay Son state-building

A number of scholars have argued that pirates were instrumental in both the formation of nation-states and empires in Early Modern Europe. Before the 1680s several Western governments supported piracy as an inexpensive and effective means of advancing commerce and empire, a policy that Peter Earle has called 'piratical imperialism'.[29] In the Early Modern era, newly emerging states such as England supported piracy, often in the guise of privateering, as a means of expanding and consolidating their power and economic base. Piracy and privateering, in fact, proved to be important components in state-building. Privateers

were viewed as auxiliaries to the navy and a benefit to the national economies. Because nation-states in the process of formation were weak and incapable of controlling the seas, Anne Pérotin-Dumon explains, they came to rely on mercenaries and privateers to fight their wars.[30] They also brought revenue to their rulers, officials and investors, while at the same time they weakened the enemies of the state by attacking their ships and settlements. Often eulogised as national heroes, relatively few pirates or privateers in the West were executed before the eighteenth century.[31]

Similarly, in Vietnam in the late eighteenth century, Tay Son rebels supported Chinese piracy to help finance their cause and as a source of manpower to fight their enemies. As noted above, the Tay Son enlisted Chinese pirates in its navy and, indeed, these pirates made up the bulk of the insurgent naval forces. The pirates fought on two fronts: on the one hand, they engaged in nearly every major naval battle against the Nguyen adversary and, on the other hand, they were sent on raiding expeditions against Chinese ships and settlements. Chinese pirates were crucial to the creation and survival of the Tay Son state.

Akin to privateers, though the Vietnamese never used the term, Tay Son rulers utilised Chinese pirates, and commissioned many as officers with seals and certificates (similar to the letters of marque issued by many European states in the late seventeenth or eighteenth centuries)[32] authorising commerce-raiding in Chinese waters. One important difference, of course, was that in the West privateers were sent out (at least in theory) to raid the state's enemies during times of war; in the Tay Son case, quite to the contrary, the pirate-navy was deployed not against an enemy at war but against an overlord at a time of peace. After 1788 the Qing Court recognised the Tay Son as a sovereign government with tributary status.[33] Privateering (or sanctioned piracy) reflected the efforts of rulers to build state power; it was an indispensable weapon of the weak. The pirates–privateers constituted an important military resource that cost the state very little in monetary terms, in part because the state was able to repay the pirates for their services by other means, such as the provision of protection and legitimacy.[34]

From the very start of the rebellion in the 1770s, Chinese pirates and merchants were involved in the conflict. For centuries ethnic Chinese, mostly from Fujian and Guangdong, had settled in ports along the Vietnamese coast where they dominated trade. When the rebellion erupted in 1771–73, many of these Chinese settlers supported the Tay Son movement, while others backed the Nguyen, providing both financial and military aid to one side or the other. According to Dutton, the

money and manpower of the ethnic Chinese trading community had 'a direct and important impact on the strength of the rebel movement', and, in fact, it can be argued that without this early support the rebellion may not have developed any further.[35]

Tap Dinh (Ji Ting, alias Li Aji) and Ly Tai (Li Cai, alias Li Azhi), two Chinese merchants from the Hoi An and Qui Nhon coastal areas, were the most important early supporters of the Tay Son movement. Both men were leaders of local Chinese trading communities, who, in order to survive in the highly competitive trading environment of this period, had undoubtedly cultivated close connections with Chinese merchant guilds, triads and pirates. Tap Dinh, a native of Puning County in north-eastern Guangdong province, arrived in Hoi An in 1759 and later moved to the port town of Thi Nai in Qui Nhon. Ly Tai was a sea merchant from Fujian who had settled in Qui Nhon on the eve of the Tay Son uprising, after having lived in Hoi An for many years. Both men had Vietnamese wives and were likely members of the elite class of Minh Huong merchants.[36] In 1773, as previously mentioned, Tap Dinh and Ly Tai organised personal armed forces, respectively known as the Loyal and Righteous Army and Harmonious and Righteous Army, composed of several thousand Chinese volunteers to help the Tay Son in their fight against the Nguyen. Their military units were the most powerful forces during the first few years of the uprising, actively engaging in major battles in the south on both land and sea. Both men received official ranks and titles from the rebel leaders; for his service as a state-builder, Tap Dinh was given a jade talisman (*yufu*) inscribed with the words: 'Founder of the Country Duke' (*kaiguo gong*).[37]

After a few years, however, Tap Dinh and Ly Tai deserted the Tay Son. Tap Dinh fled back to Guangdong, where for the next several years he commanded a band of pirates who operated chiefly in the Gulf of Tonkin; in 1776, Qing authorities captured and executed him. Ly Tai joined the opposition, but was killed in factional fighting in the Nguyen camp in Dong Nai in 1777.[38] These events were followed, partly in retaliation, by several purges against the Chinese merchant communities in Hoi An, Saigon, Da Nang and elsewhere, where the Tay Son massacred several thousands of ethnic Chinese settlers and, for the time being, brought trade to a standstill.[39] When the Tay Son attacked and massacred Chinese settlers this was, perhaps, an attempt on the part of the rebel leaders to control the Chinese merchants who had long monopolised Vietnam's commerce and were economically powerful and independent. Seen in this light, the Tay Son purges were attempts to bring the Chinese communities into the orbit of the emerging rebel

polity. The massacres were also clear warnings to other Chinese not to desert the rebel camp or support the opposition. No matter what the motives, these episodes did not rupture the alliance between the Vietnamese rebels and Chinese merchants and pirates.

As the conflict dragged on, by the mid 1780s, the Tay Son leaders came to rely increasingly on the support of Chinese pirates. In fact, according to Dutton, pirates 'became a central feature of Tay Son naval strategy and indeed the regime's economy between 1786 and 1802'.[40] By the time the rebels had conquered the north (1786), piracy was entrenched and thriving in the Gulf of Tonkin region and it was only natural that the rebel leadership, badly in need of soldiers and supplies, actively recruit pirates. The arrangements were mutually beneficial to both groups: the rebels got the needed manpower and revenues and the pirates got protection, opportunities for personal gain and social advancement. After commissioning Chen Tianbao as a brigade general with the authority to enlist pirates, the numbers of new naval recruits increased expeditiously. Chen personally appointed several tens of pirate commanders who in turn recruited their own gangs. At one point, Mo Guanfu commanded over a thousand men and Zheng Qi had a fleet of several hundred ships.[41] Even in 1800, on the verge of total defeat, the Tay Son still were able to muster a fleet of over a hundred pirate war junks to attack Nguyen Anh's navy in Qui Nhon and sustain fighting for nearly a year.[42]

The Tay Son developed as a plunder-based political economy that depended on Chinese pirates for their financial support in the form of booty. One of the greatest problems facing the Tay Son regime had always been maintaining adequate revenues. The problems, however, became especially acute by the 1780s. The protracted fighting had caused the abandonment of large areas of farmland, countless displaced peasants, the disruption of businesses and the closure of ports; as a result, the regime's tax base and customs revenues dwindled. On the brink of insolvency, the rebel leaders turned to the pirates for help. As resources and revenues became increasingly scarce, pirate raids became even more important to the rebel cause. As noted above, they sent fleets of pirates out on annual raiding expeditions in Chinese waters to procure resources in the form of booty. After successful raids the pirates returned to their safe havens in Vietnam, where they handed over the booty for a share of the profits. As Wei Yuan noted, revenues from the loot were used to pay the wages of Tay Son soldiers.[43] According to the depositions of two captured pirates, Chen Gang and Cai Shijie, the

'Big Boss in Vietnam', that is, Nguyen Hue, kept between 60 and 80 per cent of the loot and gave the remainder to the pirates.[44]

## Conclusion

The Tay Son Rebellion was a watershed in modern Vietnam's history. For about three decades Vietnamese rebels and Chinese pirates cooperated to conquer and control most of Vietnam and to create the first unified state in several centuries. What developed was a reciprocal relationship of mutual benefit to both groups. On the one hand, the support of the Tay Son regime was instrumental in the formation of large-scale piracy on the south China coast. Under Tay Son protection, the pirates received safe harbours, military experience and organisational skills that allowed them to survive the collapse of the rebel regime for another eight years. On the other hand, the aid of Chinese pirates helped invigorate the Tay Son movement by providing badly needed manpower and revenue, allowing the rebels to consolidate its regime and last until 1802. In short, the Tay Son constructed a plunder-based political economy that relied largely on Chinese pirates for military and financial support. In this case, piracy represented a form of politically organised maritime violence that played a significant role in the early and eventually abortive state-formation of the Tay Son.

## Notes

1. A. Reid, 'Violence at Sea: Unpacking "Piracy" in the Claims of States over Asian Seas', in R. J. Antony (ed.), *Elusive Pirates, Pervasive Smugglers: Violence and Clandestine Trade in the Greater China Seas* (Hong Kong: Hong Kong University Press, 2010), p. 15.
2. Ibid., p. 20.
3. Much of this section on the Tay Son Rebellion derives from studies by G. Dutton, *The Tay Son Uprising: Society and Rebellion in Eighteenth-Century Vietnam* (Honolulu, HI: University of Hawai'i Press, 2006); and D. Murray, *Pirates of the South China Coast, 1790–1810* (Stanford, CA: Stanford University Press, 1987), pp. 33–40.
4. T. B. Lam, 'Intervention versus Tribute in Sino-Vietnamese Relations, 1788–1790', in J. Fairbank (ed.), *The Chinese World Order* (Cambridge, MA: Harvard University Press, 1968), pp. 175–8.
5. Gongzhongdang (Unpublished Palace Memorials) National Palace Museum (NPM), Taibei, Taiwan, (file 137), dated JQ 1.2.9 [1796]. All translations from Chinese are by the author.
6. See, for example, Gongzhongdang (NPM) (file 1047), dated JQ 1.8.19 [1796]; and (file 1496), dated JQ 1.11.18 [1796].

7.  On the Chinese pirates of this period, see Murray, *Pirates of the South China Coast*; and R. J. Antony, *Like Froth Floating on the Sea: The World of Pirates and Seafarers in Late Imperial South China* (Berkeley, CA: University of California, Institute of East Asian Studies, 2003).

8.  Murray, *Pirates of the South China Coast*, p. 49; Antony, *Like Froth Floating on the Sea*, p. 38; Y. Toyooka, 'Shindai chūki no kaizoku mondai to tai Annan seisaku' (The Qing Dynasty's Attitude towards Annamese Pirates, 1789–1802) *Shigaku zasshi*, 115 (2006), pp. 45 and 59.

9.  Gongzhongdang (NPM) (file 385), dated JQ 1.4.2 [1796]; and *Gaozong shilu* (Veritable Records of the Gaozong Reign) (1964) (Taibei: Huawen shuju), v. 1380, pp. 8–10 (dated QL 56.6 [1791]).

10. Dutton, *The Tay Son Uprising*, p. 224.

11. For a detailed discussion of pirate bases, friendly ports and the clandestine economy, see R. J. Antony, 'Giang Binh: Pirate Haven and Black Market on the Sino-Vietnamese Frontier, 1780–1802', in J. Kleinen and M. Osseweijer (eds), *Pirates, Ports, and Coasts in Asia: Historical and Contemporary Perspectives* (Singapore: Institute of Southeast Asian Studies (ISEAS) Publishing, 2010).

12. See, for example, Gongzhongdang (NPM) (file 1212), dated JQ 1.9.29 [1796]; (file 1372), dated JQ 1.11.1 [1796]; (file 2845), dated JQ 2.7.6 [1797]; (file 1728), dated JQ 3.2.19 [1798]; (file 8517), dated JQ 7.7.14 [1802]; and *Na wenyi gong zou yi* (Collected Memorials of Nayancheng) (1964 [1834]) (Taibei: Wenhai chubanshe), v. 13, p. 66b (dated JQ 10.11.22 [1805]).

13. On Giang Binh, see Antony, 'Giang Binh'.

14. Gongzhongdang (NPM) (file 385), dated JQ 1.4.2 [1796]; Shangyudang (Unpublished Record Book of Qing Imperial Edicts) (NPM), Taibei, Taiwan, dated JQ 2.1.9 [1797]; and field notes from Giang Binh, July 2011.

15. Gongzhongdang (NPM) (file 1074), dated JQ 1.8.26 [1796]; (file 1656), dated JQ 1.12.11 [1796]; (file 2531), dated JQ 2.6.11 [1797]; and Guangdong haifang huilan (A Conspectus of Guangdong's Coastal Defence) (undated) Canton, v. 26, pp. 1a–2b.

16. Gongzhongdang (NPM) (file 2531), dated JQ 1.5.29 [1796].

17. Renzong shilu (Veritable Record of the Renzong Reign) (1964) (Taibei: Huawen shuju), v. 189, p. 7 (dated JQ 12.12 [1807]); also see M.-K. Leung, 'Piracy in South China in the Nineteenth Century', in L. Kawamura and K. Scott (eds), *Buddhist Thought and Asian Civilization* (Emeryville, CA: Dharma Press), p. 157; and Toyooka, 'Shindai chūki no kaizoku mondai', p. 48.

18. Wei Yuan, *Shengwu ji* (Record of Qing Military Exploits) (no place of publication, 1849), v. 8, p. 25a.

19. Dutton, *The Tay Son Uprising*, pp. 114–15.

20. Ibid., p. 222; also see Murray, *Pirates of the South China Coast*, p. 54.

21. *Lufu zouzhe* (Unpublished Grand Council Copies of Qing Dynasty Palace Memorials; Peasant Uprising Category) First Historical Archives, Beijing, (file 3854), dated JQ 2.1.27 [1797]; Gongzhongdang (NPM) (file 2637), dated JQ 2.6.27 [1797]; (file 8517), dated JQ 7.7.14 [1802].

22. Gongzhongdang (NPM) (file 827), dated JQ 1.6.25 [1796]; (file 4516), dated JQ 4.6.2 [1799]; (file 8517), dated JQ 7.7.14 [1802].

23. Cited in Dutton, *The Tay Son Uprising*, p. 221.

24. Xu Wentang and Xie Jiyi (eds), *Da Nan shilu Qing-Yue guanxi shiliao huibian* (Material on the Sino-Vietnamese Relations in the *Dai Nam Thuc Luc* (Veritable Records of Vietnam)) (Nangang: Academia Sinica, 2000), p. 13.

25. Dutton, *The Tay Son Uprising*, pp. 74 and 76.

26. Gongzhongdang (NPM) (file 2637), dated JQ 2.6.17 [1797].

27. Renzong shilu, v. 13, pp. 6–7 (dated JQ 2.1 [1797]).

28. See Murray, *Pirates of the South China Coast*, pp. 51–3.

29. P. Earle, *Pirate Wars* (New York: St. Martin's Press, 2003), p. xi.

30. A. Pérotin-Dumon, 'The Pirate and the Emperor: Power and the Law on the Seas, 1450–1850', in C. R. Pennell (ed.), *Bandits at Sea: A Pirates Reader* (New York: New York University Press, 2001 [1991]), pp. 29 and 38–9.

31. See, for example, J. Thomson, *Mercenaries, Pirates, and Sovereigns: State-Building and Extraterritorial Violence in Early Modern Europe* (Princeton, NJ: Princeton University Press, 1994), pp. 21, 43 and 54; Pérotin-Dumon, 'The Pirate and the Emperor', pp. 28–9 and 32; and R. J. Antony, *Pirates in the Age of Sail* (New York: W. W. Norton, 2007), pp. 6–8. Recently, S. Prange, 'A Trade of No Dishonor: Piracy, Commerce, and Community in the Western Indian Ocean, Twelfth to Sixteenth Century', *American Historical Review*, 116:5 (2011), pp. 1269–93, has persuasively argued that pirates were instrumental in state-formation on the Malabar Coast in the sixteenth century.

32. In European history, of course, the issue of 'letters of marque', is quite complicated and in fact their form and meanings changed over time and place of issue. In the sixteenth century and earlier, in England at least, they were declarations issued by the Admiralty Court to private individuals who had been robbed in the territory or by the subjects of a foreign prince in a time of peace and who were unable to obtain justice in the courts of that country, allowing them to recoup losses (up to a specified sum) by seizing the property of persons belonging to the town or country concerned. By the seventeenth and eighteenth centuries, however, they had become licences issued by the Admiralty Court in time of war, granting privately owned ships to cruise against the shipping of declared enemies, to seize their cargoes and to sell their prizes only after being condemned as enemy property by such courts. See N. A. M. Rodger, *The Safeguard of the Seas: A Naval History of Britain, 660–1649* (London: Penguin Books, 2004), pp. 199–200; and the contribution by David J. Starkey and Matthew McCarthy in this volume.

33. Toyooka, 'Shindai chūki no kaizoku mondai', pp. 57–9.

34. See Thomson, *Mercenaries, Pirates, and Sovereigns*, pp. 3, 21, 26 and 54; also see Prange, 'A Trade of No Dishonor', p. 1277.

35. Dutton, *The Tay Son Uprising*, p. 42, also p. 200.

36. *Gongzhongdang Qianlong chao zouzhe* (Published Palace Memorials of the Qianlong Reign, Qing Dynasty) (1985) (Taibei: National Palace Museum), v. 38, p. 811 (dated QL 42.6.1 [1777]); also C. Wheeler, 'Identity and Function in Sino-Vietnamese Piracy: Where are the Minh Huong?', *Journal of Early Modern History*, 16:6 (2012), pp. 503–21.

37. *Gongzhongdang Qianlong chao zouzhe*, v. 37, p. 475 (dated QL 41.12.24 [1776]); *Gaozong shilu*, v. 999, pp. 6–7 (dated QL 40.12 [1775]).

38. *Gongzhongdang Qianlong chao zouzhe*, v. 38, p. 811 (dated QL 42.6.1 [1777]); and Xu and Xie (eds), *Da Nan shilu*, pp. 16–18.

39. Dutton, *The Tay Son Uprising*, pp. 202–3; also see Wheeler, 'Identity and Function in Sino-Vietnamese Piracy'.
40. Dutton, *The Tay Son Uprising*, p. 219.
41. Antony, *Like Froth Floating on the Sea*, p. 39.
42. Gongzhongdang (NPM) (file 4980), dated JQ 5.2.6 [1800]; and Xu and Xie (eds), *Da Nan shilu*, pp. 34–5.
43. Wei, *Shengwu ji*, v. 8, p. 25b.
44. *Na wenyi gong zou yi*, v. 13, p. 66b (dated JQ 10.11.22 [1805]).

# 6

# A Persistent Phenomenon

## Private Prize-Taking in the British Atlantic World, *c.*1540–1856

*David J. Starkey and Matthew McCarthy*

The British Atlantic world was 'created by kaleidoscopic movements of people, goods and ideas' that spiralled out of England, Scotland and Ireland (hereafter, Britain) from the sixteenth century onwards.[1] A desire to gain at the expense of foreigners through the forced appropriation of their seaborne properties was one of the more aggressive motives underlying these movements across and around the Atlantic. Such prize-seeking activities were perpetrated by state agencies and by private individuals, some acting within and some without and beyond, the various legal regimes that evolved to govern activity at sea during the Early Modern era. In examining the private dimension of the quest for maritime prize, this chapter is designed to elucidate how and why such a phenomenon persisted in the British Atlantic world for over 300 years.

In the substantial literature on private prize-taking, the majority of works focus on particular modi operandi, chronological periods or spatial zones. Much is therefore known about Elizabethan privateering, Caribbean buccaneering, Red Sea and Anglo-American piracy, British, British colonial and United States privateering and commerce-raiding during the Spanish–American Wars of Independence (*c.*1810–30).[2] In contrast, relatively few studies take a broad view of private prize-taking over the long run, with Janice Thomson's discussion of state monopolisation of violence at sea[3] and Lauren Benton's analysis of imperial legal frameworks[4] among the exceptions. Building on this historiography, this chapter adopts a broad, long-term perspective to address three related themes. First, it identifies the main characteristics of the various forms of private prize-taking that occurred in the British Atlantic world. The business strategies of practitioners are then considered, particularly their ability to adopt, amend and meld customs and contracts, and the artfulness of their 'legal posturing'. Third, there is an appraisal of

the British government's attitude towards private prize-taking, which ranged from turning a blind eye to altering the rules of engagement to naval enforcement. This discussion reveals that private prize-taking was carried along in varying degrees at different times by three swirling, inter-acting currents – reprisal, enterprise and neutrality – and that the interests of practitioners and policy-makers generally coincided. Consequently, the phenomenon persisted in the context of the British Atlantic world.

## A legal spectrum: black, white and many shades of grey

Various forms of private prize-taking were undertaken or suffered by British subjects during the Early Modern era. They were not always easy to define, as critical to all commerce-raiding modes was the law, an inconstant, subjective and pliable construct that rarely provided a clear dividing line between legal rights and criminal wrongs. Rather, the laws, treaties, agreements and common regulatory processes of and between nations claiming some jurisdiction over maritime activities formed a broad, fluid spectrum of legitimacy that evolved over time and space.

At the black end of this range was piracy, one of the 'dark absurdities of crime' so abhorred by Daniel Defoe.[5] Edward Teach, a contemporary of Defoe, embodied the black criminality of this prize-taking mode. A psychopath who terrorised his crew as well as the merchant seafarers, merchants and colonial administrators whose properties and persons he assaulted,[6] Teach ('Blackbeard') was one of approximately 1800–2400 people engaged in illegal attacks on trade in 1716–18, the peak years in the piratical surge that coursed through the British Atlantic world fol-lowing the War of the Spanish Succession (1701–14).[7] The 'robberies & murders of the most notorious pyrates' were recounted graphically for contemporary readers,[8] and have since captured the imaginations of much wider audiences through the lens of countless cultural represen-tations of the genre.[9] The interest of historians has also been excited by this wave of piracy, particularly in the democratic, egalitarian and fraternal traits that have been discerned in the organisation of pirate crews[10] – traits that were also evident in the outbreaks of large-scale piracy that erupted in the early seventeenth and early nineteenth centuries.[11]

While their dark deeds have assumed a legendary status, these violent predators were greatly outnumbered by the prize-takers at the white end of the legal spectrum. Here, there were men such as John Barton, who was granted a letter of reprisal in 1470 by the Scottish king, a licence that authorised him and his heirs to use force, if necessary, to

recover 50,000 French crowns from Portuguese subjects, one of whom, according to a legal judgment, had despoiled Barton to that extent.[12] While the Scots continued to seek recompense through this device until well into the seventeenth century, the premise of reprisal altered in England, where private loss recovery gave way to national military gain through private profit-generation, a strategy favoured by Henry VIII and implemented spectacularly by Francis Drake and the so-called Sea Dogs in the Anglo–Spanish conflict of 1585–1603. Situated more comfortably within the law, albeit in a later era, were privateersmen like George Walker. Appointed 'Commodore' of a squadron of five private ships-of-war, dubbed the 'Royal Family' privateers, Walker and the 752 men serving under his command were empowered by letters of marque to profit personally from the appropriation of French and Spanish seaborne properties during the War of Austrian Succession (1744–48). Proud of his status as a commander in the Crown's service, Walker led his squadron in two prize-seeking cruises off the Iberian Peninsula.[13] If this venture was highly distinctive in its scale, many other relatively large ship-rigged vessels cruised the Western Approaches in search of Bourbon vessels homeward bound from the colonies, while smacks, sloops and brigs sailed with more modest prize-taking ambitions in French coastal waters, and a handful of large-scale ventures embarked on expeditions to seek Spanish galleons in the Pacific. Such activity generally took place in wartime, but fluctuated greatly in scale according to a range of market forces. Whereas investment in privateering might be negligible when targets were few, at peak times, like June 1745, October 1756 and January 1781, the business engaged over 9000, 10,500 and 19,000 men, respectively.[14]

Authorised by the same process, and clearly working at the white end of the legal spectrum, were merchant ships carrying cargoes to or from specified destinations. Termed 'letters of marque' in recognition of the licences they carried, these vessels were manned by crews that were paid wages, but also offered a share in any prizes to incentivise them to exploit encounters with enemy vessels, perhaps by seizing a weak opponent or by resisting so vigorously that an assailant became a prize. Amongst this group were East Indiamen, Hudson's Bay Company ships, customs and excise cutters, whalers and other specialist commercial vessels, as well as comparatively well-armed and heavily manned dual-purpose ships bound on 'cruising voyages' to the Caribbean or the Mediterranean, where a cargo might be loaded if prizes proved elusive. Although the evidence does not allow a precise quantification, it is probable that 'letters of marque' comprised the majority of the 9000 or

so privately owned vessels, belonging to over 120 ports in the British Isles, licenced to make prize of designated categories of seaborne property during the 1739–1815 period.[15]

There were many shades of grey between these black and white poles. At the darker end of the range, for example, few pirates were as remote from civil society as the archetypal stateless, marauding villain of Blackbeard's ilk. Rather, many of these criminals had strong and enduring commercial connections with outwardly respectable figures in coastal communities, who supplied *materiél* and succour in return for cheap goods in markets that were often buoyant and not altogether black. Indeed, such trade was part of the fabric of the mercantile economy of large stretches of coastal England during the sixteenth and seventeenth centuries,[16] and the port-cities of Britain's American colonies for much of the eighteenth century.[17] Nor were all pirates indiscriminate in their assaults. For instance, the pirates of Jacobean England, like the men of reprisal authorised by Elizabeth I's administration, directed their violence at the seaborne properties of Spain.[18] Likewise, in the 1690s, the predatory forays led by Thomas Tew, Henry Every and others in the Indian Ocean targeted the vessels and cargoes of the Grand Mughal of India.[19] Discriminate piratical attacks continued into the nineteenth century when Cuban pirates primarily targeted British, French and North American vessels, while allowing Spanish ships to pass unmolested. One group even declared themselves the *vengadores de su patria* (avengers of their country) and justified their lawless depredations on the grounds that they were visiting reprisals on those who were insulting Spain.[20]

Towards the lighter end of the spectrum, large numbers of commerce-raiders working in the Early Modern Atlantic were neither wholly authorised by the state, nor were they outright pirates. Rather, their activities fell beyond – or sometimes between – the jurisdictions of European imperial states. This type of commerce-raiding activity occurred in two significant waves in the British Atlantic world. One was Caribbean buccaneering in the seventeenth century – a regionally specific type of commerce-raiding, the origins of which lay in the emergence in the Caribbean of various groups of outcasts, including underemployed and unemployed labourers, and radical elements from Europe. Gradually they fused into irregular and large-scale fighting forces launched against Spanish settlements and shipping in the New World. Buccaneering possessed a veneer of legitimacy, in that licences were issued by the English and French governors in Jamaica and Tortuga, and the buccaneers were theoretically obliged to deposit bonds to guarantee their good behaviour and to

ensure that they disposed of prizes in a regulated fashion according to due process of law.

Beneath this legal facade, however, there existed an underworld of robbery, deception, smuggling and misconduct. The buccaneers showed no particular loyalty towards one colony over another and would take licences from any governor, regardless of the political climate in Europe. This meant that even after the Anglo-Spanish Treaty of 1670 – designed to establish peace in the Americas – English buccaneers continued attacking Spanish targets with licences obtained from the governor of Tortuga. Prizes were often unseen by officials as remote coastlines were used to unload and distribute captured goods. This business was conducted on a significant scale, with an estimated 1500 full-time buccaneers residing in Jamaica in 1662, many of whom were involved in raiding 18 cities, 4 towns and more than 35 villages between the capture of Jamaica by the English in 1655 and Morgan's raid on Panama in 1670–71.[21] Over 1800 men engaged in this latter campaign, while similar numbers participated in other large-scale raids during the 1680s.[22]

A second significant wave of predatory activity of an ambiguous legal character occurred during the Spanish–American Wars of Independence. When colonists rebelled against Spanish rule after 1810, they commissioned *corsarios insurgentes* (insurgent privateers) to prosecute their revolutionary struggle at sea.[23] Like buccaneering in the seventeenth century, this new project to seize Spanish trade and shipping boomed into a large-scale business. Hundreds of privately owned brigs and schooners, typically armed with 12–16 guns and crewed by 100–150 men, put to sea under a variety of Central and South American flags and overhauled more than 1000 merchant ships between 1813 and 1830.[24] Spain responded by commissioning privateers whose primary intent was to prevent neutrals supplying goods to her 'rebel' American colonies, which she justified on the grounds that her by now ancient colonial monopoly was being breached.

The legitimacy of both commerce-raiding modes was contested. On the one hand, it was claimed that the revolutionary governments were not officially recognised as independent sovereign states by other powers until the mid 1820s and so they had no right to issue privateer commissions. Furthermore, revolutionary regimes took the unusual, though not unprecedented, step of permitting foreigners to participate in prize-taking under their flags. As investors and seafarers in the United States, and to a lesser extent Europe, streamed south to engage in the business, they frequently breached the neutrality laws of their own countries, thus pushing this particular brand of privateering further into the shadowy

side of the law.[25] Whereas Spanish American revolutionaries considered the deployment of *corsarios insurgentes* to be a legitimate extension of their sovereignty claims, merchants and journalists in established states heaped criticism on them. The *soi-disant* privateers cruising under Spanish American flags were 'in truth, piratical vessels',[26] which were manned by 'the greatest villains that ever blackened the human character'.[27] Spanish privateering, on the other hand, was heavily criticised, given Spain's waning ability to enforce its old colonial monopoly. In the USA House of Representatives in 1822–23, Spanish privateers were branded 'legalized pirates' guilty of committing a series of 'lawless depredations'.[28]

Although Spanish privateering was conducted on a different premise and much smaller scale than insurgent corsairing, the two modes had a key characteristic in common – their legitimacy was questionable. Over the long term, however, legal doubts and ambiguities generally constituted more of an opportunity than a problem for private prize-takers, an opportunity they endeavoured to seize by adapting their business strategies to align with prevailing commercial, political and social forces.

## Business strategies: customs, contracts, smoke and (mariners') mirrors

Although private prize-taking in the British Atlantic world assumed many guises, the business strategies deployed by practitioners during the Early Modern era had much in common. All were designed to take advantage of the gap that existed between the persistent growth in the volume, value, diversity and spatial extent of seaborne trade and the capabilities of individual and institutional proprietors to protect their vessels and cargoes. Exploiting this favourable business environment required vessels, weapons, provisions, labour and other physical resources, as well as initiative, ingenuity, managerial skill and willpower. In this setting, however, there was much scope for prize-seekers to manoeuvre, notably in devising organisational structures that were fit for particular prize-taking purposes and in negotiating the complexities of the spectrum of legitimacy in which their prize-taking business lay.

Customary practice was important in these respects. Accordingly, the medieval right of reprisal, modified by Tudor pragmatism, was both the means and rationale through which English seafarers attacked and appropriated Spanish properties in Central and South America, as well as Europe, during the late sixteenth century. Such ventures, like medieval shipping enterprises, were organised according to the Rolls

of Oleron, with inputs and outputs – risks and rewards – divided in equal parts between shipowners, victuallers and crew.[29] As the transoceanic flow of resources and enterprise gathered momentum in the seventeenth century, soldiers, seafarers and adventurers from North-West Europe joined forces with local and indigenous poachers, logwood cutters and outlaws (usually labelled 'boucaniers') to perpetrate raids on Spanish shipping and settlements. In this process, the English notion that reprisals were justifiable against the citizens of a state that used prize-taking to enforce its self-proclaimed monopoly of trading rights melded with local traditions of anti-Spanish resistance to form the so-called 'custom of the coast'.[30] Although vague, informal and by no means codified, this emerging ethos infused notions of liberty, equality and fraternity into the organisation of prize-taking ventures undertaken by quasi-military buccaneering forces. Decisions were therefore taken by councils, rudimentary welfare schemes were established to assist those injured or widowed, bonuses were offered to the diligent and a much greater proportion of any profit was shared more equally between crew members.[31] In essence, a particular business model developed in the Caribbean. In turn, this organisational structure influenced modi operandi that emerged subsequently in other commercial and geographical contexts.

Such influences travelled by various routes. In the late seventeenth century, as the institutions of European states became more effective in the Americas, and as the political climate tilted towards Anglo-Spanish rapprochement, so the prize-takers of the 'old Caribbean' adapted to a changing operational context. Some retired from the commerce-raiding business, perhaps settling for respectable employment or, like Henry Morgan, investing their gains in West Indian plantations.[32] Others decided to seek prizes beyond the Caribbean, a strategy that entailed buccaneers and their ethos migrating to the wider world. In the 1680s, for instance, Bartholomew Sharp, William Sawkins and Captain Swann led buccaneering forces across the Isthmus of Panama to raid Spanish settlements on the Pacific coasts of South America. In the following decade, the direction of the commerce-raiding thrust took an easterly course towards the Indian Ocean, where men who had honed their prize-taking skills with the buccaneers sought to plunder the rich and vulnerable Red Sea trade. This was prosecuted on a relatively substantial scale, with 'up to 1500 men altogether, most of them under the dubious protection of a privateering commission', engaged in the business down to 1700, the majority careening their vessels, reprovisioning and trading wares in Sainte Marie, a small island off Madagascar.[33]

Another alternative for erstwhile buccaneers was to deploy their prize-seeking skills and knowledge in the growing number of private ships-of-war authorised by the European belligerents during the 1689–97 and 1701–14 wars. Swimming in this stream were men who joined the complement of the *Charles*, a vessel owned by the Spanish Expedition Shipping Company, which in 1694 obtained a privateer commission in the High Court of Admiralty to authorise an attempt to retrieve and make prize of Spanish treasure on the Caribbean seabed. In the event, many of these recruits mutinied at Coruña and turned pirate under the command of Henry Every.[34]

Others familiar with the 'custom of the coast' enlisted in fully author-ised commerce-raiding expeditions that were mounted from London and Bristol against Spanish trade and settlements in the Pacific. There were buccaneering elements, for example, serving aboard the *St George* and the *Cinque Ports Gally*, which set forth in 1703 under the com-mand of William Dampier – who had sailed with the buccaneers, and had been in Coruña, and likely involved, when the men of the *Charles* mutinied[35] – on a quest to capture the Manila–Acapulco galleon.

Following this trail, but with more success, were the 300 or so men of the *Duke* and the *Dutchess*, who seized the trans-Pacific galleon in the course of circumnavigating the globe between 1708 and 1711 under the command of Woodes Rogers, with Dampier serving as sailing master. A decade later, George Shelvocke led another consortship into the Pacific to locate and capture the Manila galleon, a venture that culminated, like its predecessors, in circumnavigation, legal wrangles between owners and crews, conflict among the ships' people, uncertain profits and published travelogues that enthralled the reading public of the day. Such expedi-tions also exhibited organisational traits that derived from the 'Jamaica discipline'. Accordingly, these privateering ventures, all of which were managed in the British Isles and authorised by the High Court of Admiralty, were governed by articles of agreement that included 'storm money' for crew members who fought well in successful amphibious battles, bonuses for sighting vessels that were subsequently taken and welfare payments for those wounded and widowed by enemy action.[36]

While the incentives and welfare provisions in these contracts resem-bled the arrangements that had pertained in buccaneering raids 20 to 30 years earlier, they were also evident in the organisation of the pre-dominantly Anglo-American pirate companies that cast a black shadow over the British Atlantic world between 1714 and 1726.[37] A further similarity lay in the remuneration of buccaneers and pirates, which was generally predicated on a 'no prize, no pay' basis, with no provision

for the payment of wages. This reflected the fact that most buccaneers and all pirates were self-employed, with many also engaged as co-owner and co-manager of the vessel at the core of their venture. But it also embraced an extreme productivity scheme, for rewards only ensued if prizes were taken. Variants of this device were adopted by British shipowners who set forth their vessels with privateer commissions or letters of marque during the eighteenth century. For instance, in the articles of agreement drawn up for the privateering expeditions commanded by Dampier, Rogers and Shelvocke, the crews agreed to serve for 'half wages, half shares', the wage component offered, presumably, to attract men of the right calibre to enlist in these long-distance, high-risk voyages. In the wars of the mid eighteenth century, moreover, the agreements – which became a statutory obligation for the voyages of all British-registered vessels in 1729 – signed by shipowners and crews of most large-scale private ships-of-war not only included benefits and welfare provisions, but also stipulated that the men would forego wages and serve instead for a predetermined share in 50 per cent of the net profits of any prizes taken through their labour.

The decisions to absorb the key tenets of the 'custom of the coast' into the organisation of much later privateering voyages were rational. From the perspective of the workforce, a voice in the decision-making process, and the availability of welfare and bonus payments, were favourable aspects of the privateersman's conditions of service. More important was remuneration on a 'no prize, no pay' basis, for this afforded seafarers an opportunity to share in the profits of a commercial venture, a very rare chance to break through the ceiling that the payment of wages normally placed on earnings. 'No prize, no pay' was also attractive to privateer owners in the particular conditions of the 1739–48 and 1756–63 conflicts. During these wars, French and Spanish merchants endeavoured to convey their colonial cargoes across the Atlantic in relatively large, well-defended West Indiamen and register ships. Many of these Bourbon traders proved vulnerable to the assaults of powerful British private ships-of-war. As these assailants were worked by crews that were at least 100 strong, with some exceeding 300 men, the payment of wages would have provided the owners of the vessel with an extremely costly item of expense – especially at a time of general labour shortage – to set against a highly uncertain reward. In these circumstances, borrowing the remuneration scheme used in buccaneering and pirate ventures of a previous generation enabled privateer owners to impart some of their risks – as well as 50 per cent of their prospective returns – on to the labour force.[38]

The ingenuity of British prize-seeking venturers in adapting their business models to exploit changing commercial and political conditions was further evident in the late eighteenth and early nineteenth centuries. After the losses of the 1740s, the Bourbon powers increasingly resorted to neutral carriers to transport their colonial cargoes across the Atlantic,[39] presenting a much smaller and less valuable target to prospective prize-takers. In response, British privateering venturers set forth fewer and smaller private ships-of-war. These ventures, moreover, were organised along the lines of the commercially oriented 'letters of marque' that were set forth during all the wars in which Britain engaged during the eighteenth century. Such vessels were equipped with licences to encourage crews to protect the ship and her cargo – other people's property – through the prospect of a quarter of the share of the prizes that might ensue from a successful defence. As the surviving articles of agreement signed after 1793 indicate, the crews of private ships-of-war were now paid regular wages, a share in just a quarter of any prize fund generated,[40] and engaged, on occasion, to load and convey cargoes if the chances of taking prizes receded. As prize-taking prospects altered, the organisational structures of private ships-of-war resembled those of licenced merchantmen, rather than those inspired by the 'custom of the coast', which shipowners had adopted for 'privateers of force' in the mid eighteenth century.

The 'no prize, no pay' arrangement, however, did not fade entirely from the British Atlantic world, for the numerous large-scale, heavily manned private ships-of-war that featured prominently in the Spanish–American Wars of Independence were worked by crews incentivised on a similar basis, in principle, to those who had served with Henry Morgan in 1670, Woodes Rogers in 1708 and George Walker in 1746. The revolutionary conflict in Central and South America also offered foreign entrepreneurs the opportunity to seize Spanish shipping by setting forth private ships-of-war under insurgent flags. Accordingly, firms based in England were granted Argentinean commissions to authorise the prize-seeking missions of vessels such as the *Prince of Neufchatel*.[41] Many more external resources came from North American ports, especially Baltimore, where the sleek schooners built for the carrying trade to Europe during the Napoleonic Wars, and for privateering against Britain in the War of 1812, lay idle, along with their veteran crews.[42]

As their capital, labour and modi operandi gravitated southwards from the British Atlantic world, speculators perceived and projected their commerce-raiding activity as opportunistic, legitimate trade.[43] In so doing, they deployed the same intangible asset that their prize-seeking

forebears had used over the previous 300 or more years; that is, they engaged in 'imaginative legal posturing' by devising arguments and creating paper trails that would enable them to justify their actions in a legal tribunal.[44] This was feasible because the legitimacy of different modes of private prize-taking remained open to interpretation throughout the Early Modern period – a lack of clarity that enabled seafarers, shipowners and merchants to conduct, respond to and describe commerce-raiding activity in ways that best suited their interests.[45] Captains and seafarers engaged in long-distance commerce-raiding operations, for whom the capacity to portray their prize-taking activities as a legal occupation could be a matter of life or death, became adept at legal posturing. Because 'piracy' was a charge that could be applied to all manner of maritime misdemeanours – from unauthorised prize-taking to insubordination to mutiny – the sensible seafarer obtained commissions (genuine or fake), carried several flags to disguise a vessel's identity and constructed voyage narratives designed to reduce the scope for accusations of unlawful conduct.[46]

Prize-taking luminaries were among those whose activities were obscured by the smoke and mirrors of legal posturing. Francis Drake, for instance, mastered this craft by ensuring that detailed charts of Spanish American shores and settlements were among the prizes returned from his voyages of trade and plunder, a ploy used by Basil Ringrose a century or so later in the intelligence-rich *Waggoner* published in the wake of his buccaneering foray into the South Sea in the company of Bartholomew Sharp.[47] Henry Mainwaring took a slightly different tack by presenting James I with an account of the operational strategies of Jacobean pirates, an essay in apologetics that not only saved his life but also earned him a knighthood.[48] William Dampier added science to his posture, for each of his published voyage narratives contained remarkably sophisticated interpretations and descriptions of the flora and fauna he witnessed during what were essentially commerce-raiding circumnavigations. In these works, he never referred to his exploits as piracy and used the term 'privateer' intentionally to obscure the distinctions between the different types of violent appropriators of wealth. In doing so, Dampier was able to portray himself as an 'adventurer' – a free-spirited, venture-capitalist discoverer, trader and fighter of the kind so admired by Defoe.[49] Shelvocke and some of his officers were also economical with the truth, for their tales of derring-do omitted any reference to wrongdoing by their authors.[50]

William Kidd's resort to legal posturing was not nearly so successful, for he was hanged in 1701 despite protesting his innocence on grounds

that shifted from the contention that his captures were good prize to the claim that his crew had coerced him into illegally seizing the *Quedah Merchant* and withholding her from the authorities.[51] Kidd's misfortune is instructive. His defence not only demonstrates how seafarers tried to bend laws on piracy to establish their innocence, but also indicates the significance of the government's attitude towards piratical activity. As this had begun to change, Kidd's sponsors, fearing accusations of complicity, were persuaded to turn against him. Accordingly, it was not just seafarers who postured, for those in positions of power also interpreted laws on private commerce-raiding in ways that best suited their political interests at any given time. This mercenary streak was evident in the policies pursued by the British government.

## British policy: mobile, malleable and mercenary

As private prize-taking evolved, a host of rules, regulations, laws and agreements were established by the various authorities claiming jurisdiction over activity on the high seas. In the long term, such regulatory devices became embedded in the institutional fabric of governmental agencies to form legal and administrative frameworks within which individuals operated. However, just as private prize-seekers learned to navigate to their advantage the strictures of 'established' authority, so the interests of states required their structures to be mobile, malleable and amenable to political manipulation.

The regulatory frameworks that evolved in the British Isles to govern private prize-taking were based on principles. The right to seek reprisal, for instance, was only granted if certain conditions were met, the most important of which were verification of the amount of the loss incurred – this translated into the amount that could be recovered – and evidence that redress through the courts of the assailant's homeland had proved forlorn. Once the licence was issued, the complainant could set forth an armed vessel to make prize of goods, up to the value of the verified loss, belonging to any of the transgressor's compatriots.[52] A medieval device, reprisal was invoked to settle grievances between private individuals without resorting to formally declared war between their respective countries. But it was prone to manipulation in response to changing circumstances and strategic objectives. In the 1540s, for instance, Henry VIII's government lacked the financial and military resources necessary to prosecute war with France effectively. At this juncture, principle was compromised by pragmatism, and reprisal was adapted so that private individuals did not have to prove loss at the

hands of a French subject before setting forth vessels to seize French seaborne trade. Supplementing state forces with privately owned vessels in this manner constituted part of the strategy utilised by the English during the 1585–1603 war against Spain. Then, as 'a host of voluntaries took to the sea' to cruise in search of Spanish prizes, private prize-takers formed the backbone of England's maritime war effort.[53] In marked contrast, Scottish monarchs were much less flexible in their interpretation of reprisal, with licences issued only after losses had been established and foreign legal processes exhausted.[54]

Underpinning privateering, as it developed into its 'modern' form after 1650, were four guiding principles: prize-takers should be licenced by a recognised authority; bail should be posted to dissuade licence-holders from exceeding their remit; captured vessels and goods should be adjudicated in prize tribunals according to due legal process; and condemned properties should be distributed among the captors according to a pre-agreed schedule. Such basic premises not only informed the regulation of privateering ventures mounted from the British Isles, but also moved westwards across the British Atlantic world, a shift that was embodied in the establishment of Vice-Admiralty courts and royal naval bases in Caribbean and North American colonies from the 1690s. Accordingly, American colonial privateering conducted within the British legal framework was of some import in the wars of the mid eighteenth century,[55] and continued to be practiced according to the same principles, but under a different flag against a different target, by the rebels in the American Revolutionary War. This strategy was utilised again by the United States of America in the War of 1812.[56]

As the Spanish American empire disintegrated in the early nineteenth century, private prize-taking was practiced even more extensively by those rebelling against colonial rule. Here, practices and procedures migrated along a north–south axis, as Spanish American proto-states did as North American revolutionaries had done and looked to the mother country for inspiration when devising legislation to govern privateering. The laws decreed by revolutionaries in the Banda Oriental, Buenos Aires, Chile, Colombia, México and Venezuela obliged all privateersmen to comply with specific instructions relating to their outfit, conduct at sea and disposal of prizes. Just as in Spain, applicants for letters of marque were required to deposit bonds to guarantee good behaviour, restrict themselves to attacking specific targets and submit prizes to courts of maritime jurisdiction. Some modifications were made to European prize codes to make them suitable for the unique circumstances in which the revolutionary governments found themselves.

Spanish American privateers, for example, were authorised to dispose of prizes in the ports of allies and neutrals and were not obliged to carry them into 'home' ports that were at risk from recapture by Spanish forces. Foreigners, moreover, could, and did, deploy their capital and labour in the insurgent privateering business.[57]

In Britain, the 'standard' prize-taking rules might be modified by government in ways convenient to its purpose. For example, there was some flexibility in the authorisation process. Accordingly, to stimulate and direct the operations of the various types of private ship-of-war and 'letter of marque', two forms of licence were issued: the privateer commission and the letter of marque. The former permitted grantees to make prize of properties that did not belong to citizens of sovereign states; accordingly, in 1695, William Kidd was granted a commission that authorised him to capture pirates and their goods in the Indian Ocean, while a similar, clearly focused licence was issued to those intent on seizing vessels, goods and chattels belonging to His Majesty's colonial subjects 'now in rebellion' and operating at sea in contravention of the Prohibition of Trade Act (1775) during the American Revolutionary War. In contrast, letters of marque authorised private individuals to profit from the seizure of the seaborne properties owned by subjects of specified sovereign states, generally in the context of formally declared war. The scope of such licences might be altered as a matter of policy. In the early stages of the Seven Years' War of 1756–63, for instance, the British government unilaterally invoked the 'Rule of the War of 1756' to encourage naval and private prize-takers to search and detain neutral vessels suspected of working on behalf of the French in trades that were closed to them in peacetime.[58]

While adapting prize-taking frameworks allowed the British state to stimulate privateering in times of war, legal posturing was also a means by which the government's wider political interests could be safeguarded or enhanced. Nowhere is this more apparent than in the British government's responses to prize-taking conducted in the grey areas of the law. Buccaneering, for example, was orchestrated by colonial governors in the Caribbean acting semi-autonomously, but the English government showed little desire to restrain the activity when it escalated in the 1660s. Serving British interests by weakening Spain's grip over the Americas, the buccaneers provided a cheap means of defending newly acquired territories, and generated capital for the development of plantations and peaceful trading. The government's attitude shifted, however, with the signing of the Treaty of Madrid in 1670, which promised to establish peace between England and Spain

in the New World. Both sides pledged to recall commissions of war, Spain acknowledged England's right to possess territory in the Americas and hopes were high in England that commercial privileges would follow. As the notion of 'no peace beyond the line' faded, buccaneering was increasingly regarded as a liability by politicians and traders. The British government therefore adopted a less tolerant posture towards buccaneering and introduced new legislation to curb unauthorised and undesirable prize-taking. The re-posturing process was not straightforward, however, and even as late as 1688, Stephen Lynch, who was sent to Jamaica to enforce James II's general proclamation against pirates and privateers, was driven from the island for attempting to prosecute 56 buccaneers.[59]

To address these difficulties the British government extended its institutions to the Caribbean in the form of naval bases and Vice-Admiralty courts. This did not, however, signal the end of the British government's affinity with legal posturing when private prize-taking gave rise to delicate questions of a political nature. In the Age of Revolutions, the British government once again took refuge in – and thus perpetuated – ambiguities surrounding the legal status of private commerce-raiding. In 1780, for instance, to precipitate war with the Dutch Republic, the British government issued a Manifesto in which the treaties of 1674 and 1678 were reinterpreted to fuel grievances concerning the support that the Dutch were allegedly providing for the rebel colonists, and the support that they were allegedly failing to offer Britain.[60] Likewise, in the 1790s, 'picaroons' manned by former slaves in the French West Indies were treated by the Royal Navy as 'row-boat privateers' rather than pirates, despite the fact they were unauthorised, due to fears that suppressing them might inspire further slave revolts.[61]

Creatively responding to private maritime prize-taking was even more imperative during the Spanish–American Wars of Independence. The British government opted for a policy of neutrality in the conflict because this would allow merchants to access newly opened Spanish American markets without jeopardising Britain's alliance with Spain, which was crucial to defeating the French prior to 1815 and maintaining the balance of power thereafter.[62] This was by no means a passive policy as the British government sought to limit the influence of the United States in emerging Hispanic American nations and check the interventionist ambitions of the 'Holy Alliance' in Europe.[63] The British government was therefore unable to respond to private prize-taking in a straightforward fashion. Despite acknowledging the blatant illegality of Cuban-based piracy in the early 1820s, it was unwilling to send the

full force of the Royal Navy against the perpetrators in case such action was misinterpreted as an attempt to annex the strategically important island of Cuba.[64]

Even more problematic was the situation with regard to privateering authorised by Spain and the revolutionaries. Perceiving such authorised prize-taking in black or white terms – as illegal or legal – would have been akin to denying or acknowledging the legitimacy of the sovereignty claims of either Spain or the revolutionaries. Accordingly, prior to formally recognising the independence of Spanish American nations from 1825, the British government made no official statement about the legitimacy of insurgent privateering and implemented defensive measures such as convoys to protect British merchants.[65] An even more creative approach was taken towards Spanish privateering. As long as Spanish privateers allowed British vessels to trade with the independent provinces, the British government recognised their right to search and detain neutral ships breaching blockades, transporting contraband and carrying enemy property. In the early 1820s, however, when the privateers began to seize any British vessel trading with the rebel colonies, regardless of the cargo carried, the British government's wider political interests were threatened and tougher measures were required. The Foreign Secretary, George Canning, prescribed 'a local remedy to a local grievance' and authorised a naval squadron to sail to the West Indies with orders to seize Spanish shipping in reprisal for the depredations of Spanish privateers. On hearing news of the squadron's departure from Plymouth, the Spanish government partially renounced its colonial monopoly, ensuring that the British naval squadron was called home before its orders had been executed.[66]

This latter case reveals much about the evolution of British policy towards private prize-taking. In the absence of adequate naval forces in the sixteenth century the English had adapted the concept of reprisal to spawn a form of privateering. As state institutions developed in the seventeenth and eighteenth centuries, privateering remained a business opportunity that also contributed to British war efforts by damaging enemy commerce and, later, the trade of neutrals. Then, by the early nineteenth century, when Britain had herself become a neutral, the Royal Navy – now highly developed – was deployed to suppress the privateers of other powers that were interfering with neutral trade. Moreover, to justify such activity and avoid compromising its neutrality, the British government resurrected the medieval notion of reprisal. This should not be mistaken for the British government turning irreversibly against privateering. In Colombia in the late 1820s – now recognised by Britain

as an independent nation – British diplomats voiced their support for the rights of privateers to search and detain neutral shipping because it suited Britain's broader strategic aims.[67] Rather, the British government's response to Spanish privateering in the 1820s shows that the various forms of private prize-taking that had emerged throughout the Early Modern period had all persisted in some form or another. British statesmen, moreover, were able and willing to mould these different forms of private prize-taking to suit their wider political objectives. This, too, was a persistent feature of private prize-taking in the Atlantic between 1540 and 1830, a feature that the British state, more so than any other, was able to exploit consistently to its own advantage.

## Shifting currents: reprisal, enterprise, neutrality

Private prize-taking activity, whether authorised, ignored or outlawed by government, swirled across and around the British Atlantic world throughout the Early Modern era. It constituted one of the 'congeries of entities' that comprised this world,[68] albeit a volatile entity that assumed different guises in different spatial and temporal settings according to the interaction of a multiplicity of economic, political, cultural and environmental factors. Three overlapping currents more or less influenced the character of private prize-taking between the 1540s and 1850s. Reprisal was a prominent theme, especially in the sixteenth and seventeenth centuries. Accordingly, with the overt or covert sanction of the Crown, Francis Drake, Henry Morgan, Woodes Rogers and their ilk inflicted reprisals on the Spanish in the New World, while Blackbeard and the Anglo-American pirates sought to exact revenge on all humankind, and the Royal Navy was prepared to inflict reprisals on those who threatened Britain's Latin American interests in the 1820s. Private prize-taking entailed some measure of enterprise throughout the period, with privateering developing into a business of some importance in the wartime economies of British and colonial ports from the 1650s. The course of the current altered during the third quarter of the eighteenth century, as neutrality began to shape Britain's prize-taking interests, initially by changing the complexion of the targets – from the vessels of belligerents to neutral carriers – facing her privateers, and then through the shift in Britain's stance from belligerent to neutral after 1815. This set the scene for the British-inspired abolition of privateering in 1856,[69] a veritable sea change in policy for a nation that as recently as 1756 had rewritten the rules of engagement to encourage its ships-of-war to arrest neutral vessels carrying the goods of enemy states.

## Notes

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# 7
# Trade for Bullion to Trade for Commodities and 'Piracy'
## China, the West and the Sulu Zone, 1768–1898

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**Trade for bullion to trade for commodities**

Maritime-raiding or 'piracy' already existed when the Portuguese arrived in Asia at the turn of the sixteenth century.[1] But the incidence of piracy in South East Asia only rose dramatically in direct response to colonialism and Western enterprise. There is a strong interconnective relationship between the ascendancy of long-distance maritime-raiding on a regional scale and the development of an economic boom in South East Asia linked to the advent of the China trade at the end of the eighteenth century. In this context, maritime-raiding was closely linked to slaving and slavery as social and economic phenomena that became a crucial part of an emergent global commercial system and economic growth in the Asian region.

As cross-cultural flows of trade goods, technology, people and information circulated in late eighteenth-century South East Asia, the localised borders of states and economic regions, with their respective oceans and seas, became ever more porous and open. Eric Wolf's influential theoretical work about the application of history to world anthropology, *Europe and the People without History* (1982),[2] shows that European expansion not only transformed the trajectory of societies like the Sulu Sultanate (southern Philippines) but also reconstituted the historical accounts of their peoples after intervention, introducing powerful new concepts, myths and terminologies linked to patterns of dominance, as in the case of the introduction of the term 'piracy' in the Malay world at the end of the eighteenth century.

A meaningful discussion of late eighteenth-century maritime-raiding emanating from the Sulu Archipelago must take account of several

152

key factors, including the lack of an appropriate definition of the term 'piracy' and the difficulty of locating information about the acts committed by the *lanun* or 'pirates'. Attacks by the seafaring Iranun, a major maritime ethnic group based in the Sulu Archipelago (Figure 7.1), in late eighteenth-century South East Asia were frequently mounted on ships on the high seas for private gain by individuals or a sovereign state. These attacks involved violence, illegal detention of persons or property and/or the theft or destruction of goods.

But Iranun raiding was not simply robbery or banditry made singular by the fact that incidents occurred only on the water. No clearer or more comprehensive definition of piracy, as established by the law of Western nations, could be found than a quotation from the commentaries of



*Figure 7.1*   Iranun sea-raider from Tempasuk, north-west Borneo, *c*.1840

*Source*: Frank Marryat, *Borneo and the Indian Archipelago* (London: Longman, Brown, Green and Longmans, 1848), p. 207.

the celebrated early American jurist, Chancellor Kent, who wrote as follows of piracy and pirates: 'Piracy is robbery, or a forcible depredation on the high seas without lawful authority, and done *animo furandi*, and in the spirit and intention of universal hostility.'[3] However, this early nineteenth-century definition of piracy did not include several provisos that made for subsequent difficulty in rendering precisely the legal definition of Iranun and Balangingi marauding and slave-raiding. The first of these provisos is that an attack must be mounted for private gain. This caused problems with respect to the Iranun and Balangingi (another ethnic group based in the southern Philippines engaged in maritime predatory activities) because sometimes the identity of the attackers was in doubt and their motives unclear. While it is apparent that Iranun maritime-raiding was a real crime with real victims – robbery and violence certainly existed – a more practical definition that also takes into consideration political, economic or religiously inspired motives must be sought. The fact that many late eighteenth-century Iranun assaults on villages and coastal dwellers came from or took place on land, often along the strand or beach head, while the raiding vessels remained moored offshore and out of sight, leads to the second area of difficulty with Kent's narrow definition of the location of the attacks. Hence, a more suitable legal definition, from an ethnohistorical perspective, would define Iranun and Balangingi raiding or 'piracy' as 'an act of boarding any vessel with the intent to commit theft or other crime and with the capability to use force [against individuals and land-based communities as well] in furtherance of these acts'.[4]

This problem of terminology and definition notwithstanding, the Europeans and Americans primarily wanted *tripang* (sea cucumber) shark fins, pearls and birds' nests for the trade in Chinese tea, and the issue of the nature of productive relations in the Sulu Sultanate – slavery – suddenly became of primary importance. The soaring demand for certain local commodities in return for foreign imports affected the allocation and control of labour and the demand for fresh captives throughout the Sulu Zone. The British demand for Chinese tea grew in the late eighteenth century and European country traders based in India looked for alternatives to silver bullion to pay for the tea. Selling Indian opium to the Chinese provided part of the answer, but these traders also exploited the great demand in China for the sea and jungle products of the Malay Archipelago. By fitting into the patterns of European trade with China, the Sulu Sultanate established itself as a powerful commercial centre. The maritime and jungle products to be found within the Sulu Zone and in the area of its trading partners – *tripang*, birds' nests, wax, camphor,

mother of pearl, tortoise shell – were new products for redressing the British East India Company's adverse trade balance with China. Thus, on their way to China the European country traders could stop in the Sulu Archipelago to exchange opium, firearms and Indian textiles for these local products that they could sell in China.

In the late eighteenth century, the Taosug, who dominated the island of Jolo in the heart of the Sulu Archipelago, lived in a singular time and time meant change. They also lived in a singular place and geography meant destiny. The Sulu Zone, centred around the Sulu and Celebes seas, was a place where borders were becoming ever more porous, less bounded, less fixed, stimulated in large measure by global–regional flows of commodities, people and ideas; a kind of powerful magnet to which European and Chinese traders were drawn because that was where much of the exotica for Chinese cuisine and medicine and other commodities for the Canton market were being collected and processed. Taosug *datus* (chiefs) and their clients developed an extensive redistributive trade in which they wrested the function of the collection and distribution of these marine commodities from traditional competitors, such as the sultanates of Brunei and Cotabato (Mindanao). At the end of the eighteenth century, the emergence of Jolo, the capital of the Sulu Sultanate, as the focal point of a broad system of trade, and centre for the marketing of slaves, outfitting of maritime raiders and defiance of Spanish incursion, was in large measure attributable to its location astride the arterial trade routes near the centre of the eastern Malaysian seas.

## The Iranun phenomena

Who collected all the sea and jungle products traded at Jolo? The key to understanding this question is that Sulu's booming economy depended on the labour of people captured by Iranun and Balangingi raiders and put to work in the Sulu Zone as slaves. In short, the people collecting marine produce in various parts of the Sulu Zone along with the sultan and his chiefs, slave raiders, powerful merchants in London and India, country traders and consumers of opium and fine food in China were all part of the same economic system. As the sultanate organised its economy around the collection and distribution of marine and jungle products, there was a greater need for large-scale recruitment of workers for labour-intensive commodity procurement. Slaving activity developed to meet the intensified demands of external trade and Jolo became the nerve centre for the coordination of long-distance maritime slave-raiding.
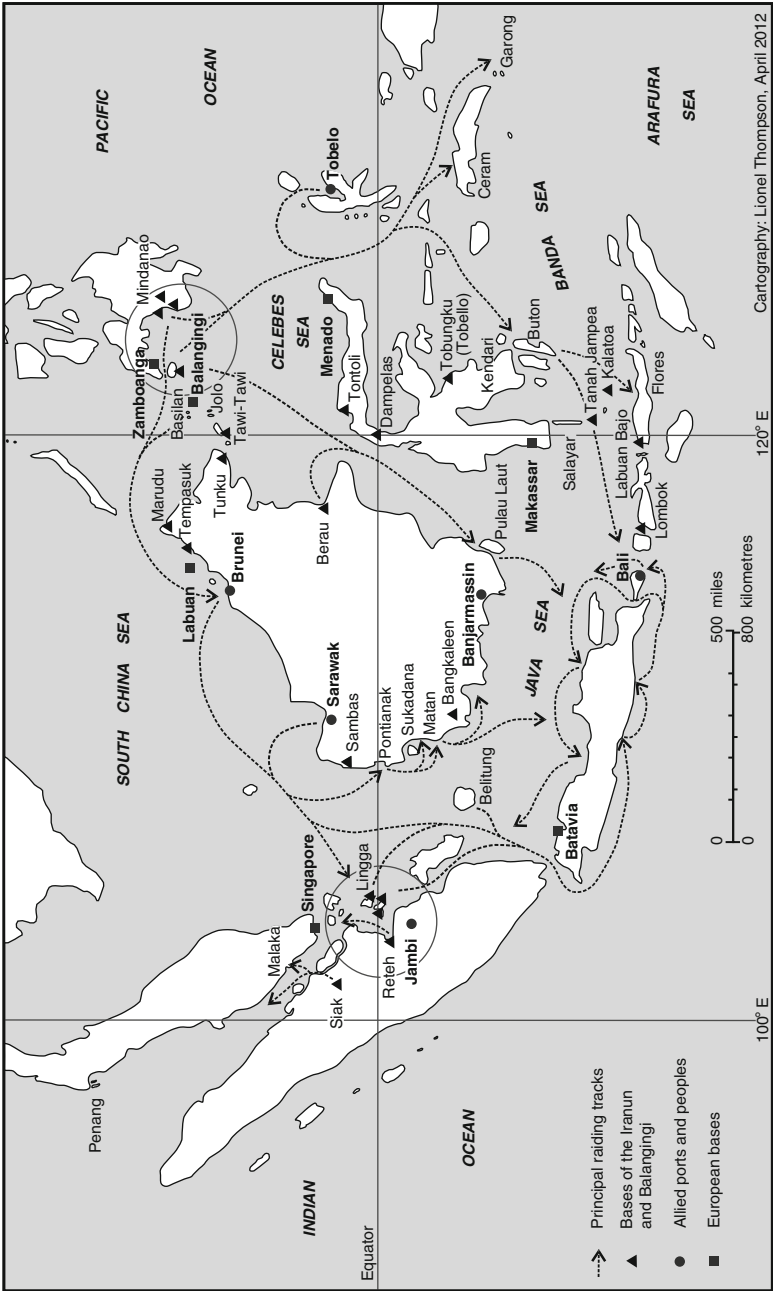
*Map 7.1* Iranun maritime-raiding in the Malay Archipelago in the first half of the nineteenth century

By the 1780s, maritime-raiding in South East Asian waters – although common in the past – had begun to occur far more frequently than colonial authorities cared to admit. The regularity, due to the monsoon wind pattern, of the Iranun raids led Malay traders and British officials in the region to refer to the months of August, September and October as the *musim lanun* – the 'pirate season'.[5] Driven by the desire for wealth and power, the Iranun and Balangingi Samal surged out of the Sulu Archipelago in search of slaves and within three decades (1768–98) their raids encompassed all of insular South East Asia (Map 7.1). Their well-armed *prahus*, sailing vessels (Figure 7.2), scoured the coasts of the Indonesian world and sailed northwards into the Philippines. In the course of these raids, they joined with other Iranun- and Samal-speakers living at satellite stations on the coasts of Borneo, Sulawesi (Celebes) and Sumatra. As Ger Teitler put it: 'In Southeast Asia seafarers – be they traders, pirates and/or privateers – always belonged to geographically mobile communities. All over the region they had founded settlements in which they could take refuge if need arose.'[6] Navigating with the monsoon, their *prahus* returned to Jolo loaded with captives to be exchanged for rice, cloth and luxury goods from the Taosug chiefs. The
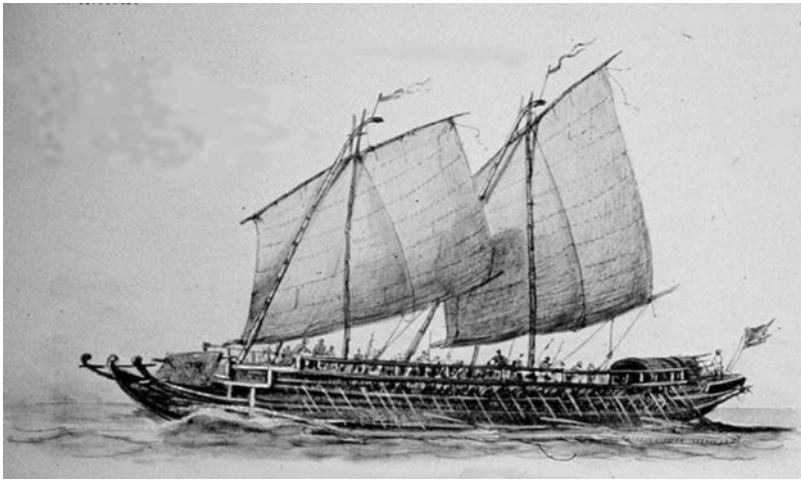


*Figure 7.2*   Iranun *joanga* (heavily armed Iranun vessel)

*Source*: Rafael Monleon, *Construccion Navales: bajo un aspecto artístico pro el restagador del Museo Naval, Catalago Descriptivo los Tomos* (Naval Construction: Under an Artistic Guise by the Curator of the Naval Museum, Descriptive Catalogue, 3 vols) (Madrid: Naval Museum, 1890), Vol. 2.

raiding system enabled the sultanate to incorporate vast numbers of people from the Philippines and eastern Indonesia into the Sulu population. At the same time, slave labour in the *tripang* and pearl fisheries helped to provide the produce introduced into the external trade commodity chain.

The fiercely competitive activities of coastal Taosug *datus* forced the demand for additional labour up and swelled the flow of external trade. By the beginning of the nineteenth century, the Jolo market offered British-manufactured brassware, glassware, Chinese earthenware and ceramics, fine muslins, silk and satin garments, Spanish tobacco and wines and opium from India. There was a constant increase not only in the variety but also in the quality of these objects of trade. These luxury goods for personal adornment, pleasure and household use were translated into power and prestige symbols by an aspirational aristocracy to form the material basis of their social superiority that was predicated on personal following. In this sense, the external trade became a vital element in the overall functioning of the Sulu social system at a time in which the demographic pattern of South East Asia was radically changing.

The speed of historical change is important here. The reverberations from the shock waves of Fernand Braudel's time of 'economic systems and states' emanating from events on the south-east coast of China, because of the intersections of the world capitalist economy, were felt especially early in the Sulu Archipelago.[7] To protect their financial interests in China, the English distributed huge quantities of firearms and gunpowder to coastal chiefs who controlled the redistributive trade of the Sulu Zone.

The early acquisition of cannon, gunpowder, flintlock rifles and ammunition from the European traders in return for exotic commodities for the Canton market led to increased traffic in slaves, warfare and ever rising levels of arms imports into Sulu in the last quarter of the eighteenth century. These arms imports exacerbated the reframing of South East Asian political boundaries, especially in the area of the Sulu Archipelago and eastern Indonesia. The insatiable demands of the Sulu Sultanate for labour to procure and process exotic natural commodities reached a peak in the first half of the nineteenth century as the China trade flourished. Now, in this new globalised world, Jolo, Balangingi, Canton, Calcutta and London were all intimately interconnected.

Wolf traces the development and nature of the chains of causes and consequences of the complex relationship between Europe and the rest of the post-1400 world. By emphasising a common past, he persuasively argues that European expansion created a market of global magnitude, by incorporating pre-existing networks of exchange and by creating new

itineraries and historical trajectories between continents that linked European and non-European populations and societies. This pattern of historical processes and competitive international exchange would also foster regional specialisation and initiate worldwide movements of commodities. This history of connection between Europe and non-European societies, moreover, gave rise to long-range maritime-raiding or 'piracy' in South East Asia on a hitherto unknown scale at the end of the eighteenth century. Essentially, the growth of European trade and dominion – capitalism – would bring about a qualitative change not only in the regnant mode of production, but also in the commercial networks with which it was connected.[8]

Central to my notion of late eighteenth-century globalisation is the realisation of the interconnectivity of local day-to-day activities and events construed as maritime-raiding or 'piracy' on one side of the world, namely South East Asia, and the consequent erasure of the economic, societal, ethnic and regional boundaries on the other side of the globe.[9] The discovery of the 'global' as a condition for the advent of Iranun maritime-raiding in the l790s requires a specific shift in subjectivity and framing; it marks, at one level, recognition of the continuing struggle of the reified 'other', in this case the Iranun, against the progress of modernity and four centuries of Western efforts to gain hegemony over the oceans and seas of Asia.

## The terror: scale of the raiding activity and its impact

European traders joined with Taosug *datus* to spark one of the largest population movements in modern South East Asian history, with hundreds of thousands of individuals sent into slavery across the Sulu Zone. Turnover in Iranun–Balangingi–Samal slave-trafficking was in excess of several million dollars a year: human cargo and Chinese tea were as profitable commodities as drugs and guns. Hence, all these commodities became mingled in a deadly global trade predicated on patterns of consumption and desire. One of the most intractable problems facing the South East Asian world in the late eighteenth and nineteenth centuries was connected with the huge number of people being enslaved and transported to the Sulu Zone, destined never to return to their original families and communities.

For the Iranun, fortune was to be found on the sea. Their maritime environment, seafaring traditions and the power struggles between rival states and colonial empires, led them to raid and plunder their richer neighbours. The pattern of Iranun marauding activity was strongly

influenced by the monsoon trade-raid wind system, the major ocean current structure, the distribution of settlement locations and the homeland of these seafaring peoples. Iranun expansion was mostly to the north, south and west – to the Philippines, Sulawesi, Borneo and east Sumatra. Hence, the sole orientation of the Iranun was, of necessity, towards the sea. As specialists in maritime-raiding, boat-building and marine procurement, they derived their strength, security and, ultimately, wealth from the sea.

Slave-raiding became fundamental to the Taosug state as its economy expanded and in the period 1768–1848 the practice contributed significantly towards making the Sulu Sultanate one of the most powerful states in South East Asia. The Taosug aristocracy depended for its prosperity on the labour of sea-raiders and slaves, who fished for marine produce and crewed the fleets. Maritime-raiding became the exclusive vocation of the Samal-speakers of Balangingi and other small islets, as they fused their activities with certain Iranun groups from the north coast of Jolo Island and Mindanao. In addition to being the fierce warriors and slavers of popular stereotype, the Iranun were artisans (smiths, shipwrights, weavers and carvers), shrewd traders and fearless intrepid explorers.

Their raiding and trading activities would stimulate political, demographic and ecological changes across East and South East Asia, Europe and America and create new societies, identities and patterns of settlement in the present-day Philippines, Indonesia and Malaysia and lead to major conflicts between the Western imperial powers and the Malayo-Muslim world.

In pursuit of captives, Iranun and Balangingi slavers terrorised the Philippine Archipelago. They preyed on the poorly defended lowland coastal villages and towns of southern Luzon and the Visayan Islands. They even sailed and rowed their warships into Manila Bay. Their annual cruises reached the northern extremity of Luzon and beyond and they earned a reputation as daring, fierce marauders who jeopardised the maritime trade routes of South East Asia and dominated the capture and transport of slaves to the Sulu Sultanate. Traffic in slaves reached its peak in Sulu in the period between 1800 and 1848.

Beginning with a ferocious series of attacks against the shipyards, churches and landed estates of southern Luzon between 1754 and 1757, large bands of Iranun warriors made violent incursions into Philippine towns and religious centres. The Iranun and Balangingi with their renegade guides were expert navigators and knew the thousands of miles of the Philippine coastline intimately. Having the fastest ships of the day, they would arrive close to the target and storm ashore in their

tens, hundreds or even thousands. If needed, they could row their swift raiding-ships upriver and if the target was some distance from the river they would leave their ships, sometimes round up available local horses, and head overland for the church, convent or village of their choice. They often had superior weapons and were well trained and disciplined. After seizing what they wanted, they would return to their ships. Their lingering ominous presence caused fear and social paralysis to spread all along an already devastated coast in some parts of the Philippines or elsewhere in insular South East Asia.

Each year on the approach of the 'pirate wind' in August, September and October that brought these lords of the eastern seas to the Philippines, Borneo and the Straits of Malacca, the Dutch, Spanish and English issued customary warnings to coastal towns and small craft. Scattered along the coastline of the Philippine Archipelago one can still find evidence of the century-long terrifying presence of these maritime raiders – an old stone watchtower, a crumbling church-cum-fortress or the ruins of a Spanish fortification and cemetery – decaying monuments to the export of *tripang*, birds' nests and other exotic commodities and the import of firearms and drugs from Europe and the United States along with Chinese goods and manufactures. The remains of such neglected sites, primarily located along the coasts of Ilocos, Catanduanes, Albay, Cebu, Leyte and Samar, bear silent witness to the advent of sudden affluence in the Sulu Sultanate and deep despair, displacement and dispersion of people throughout the Philippines.

The Iranun maritime raids had a profound and even decisive impact on South East Asia. The Iranun and Balangingi have been rightly blamed for demographic collapse, loss of agricultural productivity and economic decline, as well as the breakup of the Dutch stranglehold in the Straits of Malacca and Eastern Indonesia. The damage to the agricultural economy, coasting trade, demography and social fabric in large areas in the region was long-term. Despite occasional colonial victories at sea, the inhabitants of many coastal stretches of present day Malaysia, Indonesia and the Philippines remained too traumatised to return to their devastated villages, preferring to flee upland or found new, larger inland settlements, far removed from their fields and fisheries and the ever present spectre of the *lanun*.

## Social organisation of the saltwater raiders

The distances – both in space and time – between Sulu and Mindanao and the little frequented corners of South East Asia were reduced by an

Iranun network of associated settlements based on ramified kinship, mobility and alliances for purposes of long-distance slave-raiding and local resource exploitation. At these fortified forward bases, captives could be put to work temporarily or transferred as slaves to nearby markets; raiding vessels safely careened and repaired; and surgical strikes launched with impunity until the transient slave-raiders were ready to return to Sulu and Illana Bay. These Iranun satellite bases that engaged in regional slave-raiding were established by invasion, founded because of social unrest or a natural catastrophe in their homeland or through support rendered by a local ruler.

Not only was the territorial reach of the Iranun slavers more extensive than any other maritime-raiding group in South East Asia, but so, too, were their supply networks for the conduct of war at sea and the organisation of military force and action, involving remote traders, villagers and agents that spanned the vast distances between the strategic ports of Jolo, Singapore and Makassar (Ujung Pandang). Their mobility, kinship and diplomatic connections and their capacity either to protect or disrupt trade enabled the Iranun to forge regional-wide links, albeit a powerful fluid political confederation of sorts, that could make or break local states and destroy colonial trade networks and population centres. James Brooke, the self-styled white Rajah of Sarawak, a political arch-rival and sworn enemy of the Iranun, who interviewed the commanders of an 'Illanun' fleet in 1841, described their wide-ranging raiding exploits as a 'devastating system'.[10]

The raiding and trading activities that forged the Sulu Zone in the late eighteenth and nineteenth centuries were predicated on specialised craft. Three basic *prahu* types were associated with Iranun/Balangingi maritime activities: *lanong* (*joanga*), the large, heavily armed Iranun vessel; *garay* (*panco* or *penjajap*), a raiding ship of lighter construction used by the Balangingi as their principal craft; and *salisipan* (*vinta, baroto* or *kakap*), a canoe-like vessel with or without outriggers employed as an auxiliary craft for inshore-raiding.

Iranun and Balangingi raiding expeditions were based on concepts of hierarchy, systems of kinship affiliation and social organisation and processes of interethnic relations and cultural accommodation. They were organised around villages in Illana Bay and the Balangingi cluster of islands, with forward bases and settlements strategically situated on the coasts of the Philippines, Sulawesi, Borneo and Sumatra. This enabled the maritime raiders to emerge almost as a state alongside a series of traditional states, amid one of the fastest-growing and heavily populated economic regions of the world. At the end of the

eighteenth century, the expeditions were initially composed of scores of fleets. The largest and most important of these, the Illana Bay fleet, was made up of more than a hundred *joanga* and 10,000 to 15,000 raiders. Iranun raiding expeditions were run autocratically. There was a strict chain of command and code of conduct. The fleet commander and his captains demanded unquestioning loyalty and obedience from all crew members under their command. The Iranun generally cruised in squadrons of thirty to forty *joanga* with a single fleet commander and a *nakodah* (captain) on board each *joanga*. There were also many warriors of various ethnic groups on board and, if required, slaves would be used not only to man the oars but also to fight in desperate encounters at sea.

Most of the crew were fishers and mariners with roots in southern Mindanao and the Sulu Archipelago, where life on the sea was in their blood; or they were enslaved, hapless shore-dwellers from the coastal areas of the central Philippines and eastern Indonesia. In addition to the ordinary crew, every *joanga* carried a large fighting force trained to serve on land or sea – marines – between 60 and 80 men on the larger vessels. These warriors, renowned for their martial skills, discipline and courage, played no part in sailing the long ships and were there simply to wage war on land and at sea.

The establishment of this regional maritime-raiding system based on rapid deployment, mutual support and association to wage war at sea was a major accomplishment of the Iranun and Balangingi, whose fleets sometimes combined for the purposes of long-distance slave-raiding. The association of the Iranun and Balangingi into a formidable league of constantly shifting alliances that, by 1820, included some five hundred raiding *prahus* and 30,000 raiders struck terror into the hearts of coastal people, merchants and ship captains all across South East Asia.

## Impact: fear and dislocation

This terrifying period of Iranun slave-raiding activity severely hampered the overall social and material well-being and growth of the Philippine island world and the colonial state. The Spanish were, in fact, too weak to prevent the inland seas of the central Philippines from becoming a 'Muslim lake'. Furthermore, the success of the slave-raiders of the Sulu Sultanate was related to the deteriorating financial and military situation in the Philippines in the eighteenth century. Iranun marauding placed a tremendous burden on the colonial treasury and the Filipinos for the maintenance of coastguard fleets and the upkeep of forts, troops

and cannon.[11] The government was forced to solicit funds from religious corporations, private institutions and wealthy individuals to meet the persistent expenditures for the defence of the archipelago. In this period, financial constraints and the advent of trade between Manila and Jolo prevented the Spanish from undertaking a large-scale campaign against the Sulu Sultanate.[12]

Problems of distance and communication also posed grave difficulties for the Spanish, who could not prevent the Iranun from ranging over the poorly defended coasts and straits of the archipelago. Control of the seas by the Iranun and Samal Balangingi enabled them to penetrate up to 20 miles (32 km) upriver to attack villages in the hinterlands of Leyte, Panay and Negros.[13] This relentless aggression was to be the root cause of the migratory movement of Filipinos between Negros, Panay and Cebu for over half a century.

The dilemma facing stricken villagers in the aftermath of a large-scale slave-raid was how to resume their original way of life without risking attack and enslavement in the future. Some went to live in larger villages; some looked for new village sites, often on elevated ground; others abandoned the coast altogether for a harsh life in the 'illegible, non-state spaces' of the mountain fastness of the interior, where sometimes they were reduced to eating tubers and grass to survive. The Spanish labelled these peripheral people who were now beyond the pale of Spanish authority as *remontados* (dangerous fugitives).[14]

The slave-raids led to widespread decimation and displacement of entire populations throughout the Christian Philippines and much of the rest of island South East Asia. Fear itself threatened paralysis of daily life: it disrupted the rhythm of the rice harvest; it prevented fishers from putting to sea or casting their nets along the shore; and more generally it led to a breakdown in social practices and communication as individuals and communities were separated from one another. In certain areas, people did not visit or travel by sea or overland. Throughout this period (1790–1848), scattered groups driven by fear were constantly on the move seeking resettlement opportunities. They often remained within their province, flocking to larger municipal centres or moving well inland out of reach of the Iranun or 'Moro'.

*Lanun* and Moro – these words struck fear into the hearts and minds of riverine and coastal populations across South East Asia nearly two centuries ago. Recently, ethnohistorical research has shown that where *lanun* or Iranun maritime-raiding is concerned, old traditions die hard. The terror of the sudden harsh presence of these well-armed alien raiders lives on in the oral recollections, reminiscences, popular

folk epics and drama of the victims' descendants in the Philippines, Indonesia and Malaysia, to this day.[15]

For over four centuries, the pejorative label of 'Moro' provided a major intellectual and spiritual justification for Spanish retaliation and religious incursion against Mindanao and Sulu. Until recently, it was stereotypically associated with ignorance, depravity and treachery. According to Luis Dery, as late as the 1950s, Kabikolan mothers in southern Luzon continued to invoke the dreaded label, admonishing, '*Hala, iya-on na an mga Moros*' (Now here, the Moros are coming), which was enough to send their fearful children scurrying home.[16] The label 'Moro' – by turning history into an epic struggle between civilisation and savagism and evoking for the Spanish historical memories of the *Reconquista*, the centuries-long struggle between Muslims and Christians for control over the Iberian Peninsula – was used to connote the Muslim people(s) in the Sulu Archipelago and Mindanao, who in the eyes of most Spaniards and Filipinos were considered to be savages or demons, as well as pirates and slavers.[17] The ideological message was always clear in both the ultimate call for political action to suppress the Iranun and the fervent wish to eradicate 'despotism', 'piracy' and 'slavery' from Mindanao and Sulu. The agenda was to reform and civilise the 'Moro' character in the image of the culture of Catholic Spain. Before 1793, direct Spanish intervention in the affairs of the Sulu Sultanate to ward off the rising wave of slave-raids was virtually impossible. Thus, between the sixteenth and nineteenth centuries, Spaniards and others viewed Sulu's relations with Spain in the Philippines in terms of a pseudo-historical cycle, the 'Moro-wars cycle', according to which 'Moro piracy' led to the repeated enslavement and humiliation of Christian Filipinos, which in turn called for some form of retaliation at once 'punitive, imperial, and morally imperative'.[18]

In the l790s, a top-heavy, administratively moribund Dutch East India Company could barely keep the vast Indonesian Archipelago – already fraying at the edges – together. Few parts of the eastern Dutch East Indies seemed more prone to Iranun raiding and violence than Buton and neighbouring islands off the south-east coast of Sulawesi. For the first two decades of the nineteenth century, it was wracked by Iranun violence that left thousands of people dead and tens of thousands homeless as they abandoned the coastline and fled to the interior. The oral traditions of their descendants still speak of 'the terror'. Robert Barnes, in his classic study of Lamalera, a remote community on the south coast of the island of Lembata, near the eastern end of Flores, notes that the village was really a 'twin settlement', with the lower one

(Lamalera Bawah) on the beach and an upper one (Lamalera Atas) on a nearby cliff for protection from earlier Iranun maritime raids.[19] Such villages in eyrie-like settings were usually palisaded, but in this case (as at Tira, the site of Michael Southon's fieldwork in Buton) the main defence was inaccessibility.[20] Christiaan Heersink also notes that on Salayer most of the nineteenth-century settlements were situated in the interior.[21]

The Iranun and Balangingi were considered in the minds of ordinary Filipinos and Malays to be well organised, numerous and ruthless. The lesson to be learned everywhere across South East Asia was deep and powerful, especially for ordinary Christian converts whose belief system was essentially animist but whose world under colonial rule was rapidly becoming 'modern'. On Luzon or Sulawesi, a Christian Tagalog or Menadonese might see clearly what they could become if they did not live according to their highest evangelised nature. The Iranun warrior and Samal seafarer became important for the colonial mind, not for who they were in and of themselves, but rather because they showed 'civilised' colonised men and women what they were not and must not be. The memory of the Iranun lingered well into the first half of the twentieth century long after they had ceased to pose an imminent menace. For example, Michael Cullinane and Peter Xenos stress that the memory and fear of 'Moro depredations' are embedded in the legends and folk histories of many municipalities and parishes of Cebu to this day.[22]

In nineteenth-century Spanish literature on the *guerras piraticas de Filipinas* (Philippine pirate wars) and English accounts about the Illanoon and Malay piracy there is an association of the male Muslim physical and psychical self with the raw environment and nature that uses the sea – littoral ethnoscapes – as a canvas against which 'Moro' and 'Illanun' identity and place might be interrogated and problematised as a precursor to the cant of conquest. These images, systematically carved out of language(s) by the Spanish and British, were also imposed on the seas and islands of the Iranun and Balangingi, as a geographical sign of their dangerous, uncivilised, albeit contaminated character. They were labelled as ominous, 'vile' sites, unclean places beyond the pale of colonial and state control. The networks of atolls, rocks, shoals and submerged reefs were described as natural 'nests' and 'webs', implying a breeding ground for rats, other vermin and spiders – terrifying filthy creatures in people's minds that always caused harm. Hence, the best means of eliminating the danger of such sites of contamination and pollution, cunningly depicted to be 'infested' with rodents and

insects and carefully masked by linguistic images of dirt and disease, was to 'eradicate' or exterminate them.

## Containment: defeat and diaspora

Spain chose to wage a defensive 'sea-war' in Philippine waters throughout most of the first half of the nineteenth century. The official assumption of the containment policy was that cruising, the construction of a coastal defence network and the local building of small patrol boats such as *vintas* and *barangayanes* would deter slave-raiding. Hence, in this period, there was a proclamation that the coastguard flotillas be maintained at all cost and more vessels and coastal fortifications built.

The most obvious solution, from the point of view of the colonial state, to the slave-raiding problem would have been to launch a major offensive against the principal centres of Iranun marauding and to occupy Jolo. But, aside from the limited military strength and resources of the colonial state, this pre-emptive strategy was apparently not in the best interests of the administration in Manila that was in the ironic position of developing a lucrative regional trade with Sulu – a trade that was inadvertently predicated on the 'piracy' it so religiously decried. Instead, at the behest of the government and the friars, new coastal fortifications were built, town walls restored and cruising *prahus* constructed all along the coasts of Luzon and the Visayas. But the Spanish, and their terrified colonial subjects, still abandoned long stretches of shoreline, the lower reaches of rivers and small coastal islands to the Iranun and Samal Balangingi.

By the 1840s, however, the Spanish had adopted a far more aggressive policy towards the Muslim south. To protect Spain's claim to sovereignty over the Sulu Archipelago from political interference by European powers, Narciso Clavería, Governor General of the Philippines, authorised a punitive expedition against Balangingi in 1845 and established a small fort and naval base on Basilan, north-east of Jolo. The arrival of Spanish steam warships in the second half of the nineteenth century then marked a turning point in the long sea war (1768–1878) against Iranun and Balangingi maritime-raiding and slaving. The beginning of the end of their wind-driven way of life was inextricably tied to that moment, as the Spanish suddenly gained a decisive advantage in the maritime warfare. But the fundamental characteristic and central focus of the centuries-long conflict and tension had always been the fact that everything that mattered to the Iranun and Balangingi had come to be defined and measured by the sea – the seas that in so many ways

were invented, 'discovered' and eventually conquered by the Spanish, English and Dutch and that, in more ways than one, functioned as a political instrument, a commodity, a national prerogative and aspiration. This extreme posture and situation had always been incomprehensible to the maritime Muslim people of Sulu and Mindanao. Nevertheless, the Iranun and Balangingi were defined by it, measured by their domination and use of it, and were to be dispossessed of it, via deportation and resettlement.

The Spanish proponents of deportation and forced resettlement argued that Spanish progress in the Philippines, regarded as their 'manifest destiny', was dependent on the removal of the Balangingi and Iranun as Muslim 'savages' from the pathway of Spanish civilisation. The distant tobacco plantation in the Cagayan Valley in northern Luzon would serve not only as an economic outpost of empire, but it was also meant to be an agent of change among the banished seafarers. Farming was to be encouraged and Christianity taught in order to acculturate and assimilate the Balangingi mariners. The Spanish were determined to break down the social structure, culture and religion of the Samal slave-raiders, thus transforming them in the process into 'Filipino' farmers and colonial subjects indistinguishable from their Yoggad neighbours, the original inhabitants of Isabella in North Central Luzon.[23] United with like-minded reformers and officials in Madrid, Spanish officers in Manila quickly pushed through the removal policy designed to educate the Balangingi in Christian beliefs and civilised ways, and erase any memory of 'their bloody occupation . . . [so that they would] become docile Christians and peaceful subjects'.[24] These events surrounding the subjugation, surrender and removal of the Balangingi provide deep insight into Spanish attitudes and policy and clearly display their ethnocentric approach to the Balangingi and long-held antagonism toward Islam.

The use by the Spanish of *kapal api* (literally 'fire ships', that is, steam gunboats), against the fort at Balangingi in 1848 was the start of a new era of conflict – an era that was to bring about the end of the Iranun Age and the maritime-raiding that characterised it. For the forcibly displaced Samal slave-raiders, the trauma of the 1848 conquest of Balangingi was immense, but it was not adequately understood by them until 1858. The primary message of the deportation sought to invalidate the totality of the Balangingi way of life and replace it with Spanish–Christian values – largely by forced means. They were to practice the agriculture and arts of civilised man and learn to worship the true God. Islam, which, in the Spanish view, sanctioned slavery, was to be replaced by

Catholicism. At the same time, traffic in men, women and children, the basis of the wealth of Sulu's market, was to be replaced by the lucrative profits derived from the surplus value of the labour of the *deportados* for the tobacco monopoly in the Philippines. Clavería's mid-century decision to discipline and punish the raiders with *kapal api* had marked the start of a new era of conflict with the Iranun and Balangingi; an era that would signal the end of their way of life in less than 25 years. This was the defining moment when the slave-hunters became the hunted. By mid century, the Spanish had formulated a strategic plan to occupy key positions in the Iranun and Balangingi heartlands. The strategy now devised by naval experts, knowledgeable about Iranun and Balangingi slave-raiding, was to control 'piracy' at the source, or at least check slaving by establishing forward bases for Spanish naval operations and as places of refuge for victims of Iranun and Balangingi predation.

The southerly shift of Samal migratory raiding activity was intensified by the destruction of the Balangingi and the advent of flotillas of war steamers in Philippine waters. In 1860, under Governor General Fernándo Norzagaray, 18 prefabricated steam gunboats (*canonero*) were sent from England and assembled at the Cavite shipyards en masse. With the arrival of the fleet of steam gunboats the Spanish Navy abandoned cruising among the islands, and deployed the steamers in key straits in the archipelago through which the Balangingi passed and at several stations in the Sulu Sea.[25]

The speed, firepower and manoeuvrability of the *canonero* stemmed Samal slaving. After 1860, their raiding *prahus* no longer prowled unchallenged. Samal losses mounted. In less than three years, four flotillas were destroyed by the steamers in the Visayas alone.[26] When the *canonero* were encountered in open sea, the Balangingi were annihilated. The port of Isabella on Basilan was fortified by the Spanish and became their principal steamship post in the south. From there and Balabac in the west, nine or more gunboats regularly patrolled the Sulu Sea. The appearance of steam gunboats in the Visayas and the Sulu Sea, and a series of expeditions conducted by the Spanish Navy against Samal settlements on Tawi-Tawi from 1860 to 1864,[27] forced the Balangingi to shift their predatory activities away from Philippine waters, but Negros Oriental and Surigao suffered attacks along their coasts till 1875, and desultory raiding was still experienced in various parts of the Philippines on the eve of the twentieth century.[28]

It was at this time that a small book written by Naval Commander Santiago Patero first appeared. With insight into the economy and society of the Sulu Sultanate, Patero made 15 recommendations to reduce the

Taosug to submission and gradually convert them from a trading aristocracy to peasant agriculturalists.[29] Central to his thesis was the crucial role of the *prahu* both for pearl-fishing and the redistributive economy of the sultanate. Patero argued that if Spain wanted to insure its occupation of the Sulu Archipelago it would have to make greater use of steam power and introduce a cruising system that would eliminate Sulu craft and the villages that built them once and for all.[30] A fleet of gunboats, which was insufficient to maintain a permanent blockade but could wreak havoc and spread fear by destroying everything it encountered, began to cruise the waters of the Sulu Archipelago in the mid 1870s. Whenever a trading, fishing or passenger *prahu* was encountered, the boat was seized and the crew sent to Zamboanga or Manila to labour in irons on public works.[31] Traders, fishers or passengers found armed were tried by military courts.[32] On occasion, no quarter was given and *prahus* were simply rammed or sunk by gunfire. Punitive expeditions were also undertaken against coastal villages on Jolo and Tawi-Tawi. Cruisers shelled the villages before dawn, drove their inhabitants inland and burnt whatever remained to the ground.[33] In this manner, Balimbing, Ubian and other villages built close to the sea were destroyed.

## Conclusion

The Balangingi Samal had lived, along with Iranun and other Samal-speaking groups, in a dozen or more villages scattered along the southern Mindanao coast, the southern shore of Basilan and on the islands of the Samalese cluster of which Balangingi was dominant. As the sultanate's trade expanded at the end of the eighteenth century, Taosug *datus* increasingly retained neighbouring groups of Samal as slave-raiders. From Balangingi and related communities on other islands, Samal-speakers voyaged great distances; they swept the coasts from Luzon to Brunei and from Singapore to Menado, capturing slaves.

In the first half of the nineteenth century, the Balangingi Samal were integrated within the Sulu Sultanate by a three-level class system comprising aristocrats, freemen and *a'ata* (slaves). The Samal paid tribute in *tripang*, pearl shell, salt and slaves; and as clients of powerful Taosug *datus*, they offered their services for slaving expeditions in return for trade opportunities and for protection from rival *datus*.

Samal groups in the Sulu Archipelago were emergent populations; the success of the Balangingi as slave-raiders was due in large measure to their ethnic heterogeneity. Captives' statements present a picture of Samal populations undergoing constant readjustments until 1848. At

the beginning of the nineteenth century, there was an infusion of eth-nically diverse captive people among the Balangingi – mostly through demands for their labour on raiding *prahus* and in the *tripang* and pearl fisheries – that complicated the identity of the Samal populations. In 1836, it was estimated that only one-tenth of the male population were 'true' Balangingi Samal; the remainder were *renegados*, more particularly Visayan and Tagalog, and other captives.

Slave-raiding in the Sulu Sultanate was highly organised. There were several types of expeditions: some equipped by the Sultan and his kin-dred; some independently recruited with the encouragement of the sul-tan; and some conducted without the sanction of the Sultan. The right to organise raiding expeditions resided at all levels of the Taosug politi-cal system; however, the Sultan and certain *datus* on the coast by virtue of their control over foreign trade and their more expansive network of alliances were in the best position to actually carry it out.

The military and economic activities of Balangingi Samal populations were closely regulated by their Taosug patrons, who encouraged them over a number of generations to become fishers of men. To meet the increased demands for slave labour in the Sulu Zone between 1800 and 1848, *datus* not only equipped Samal vessels but also provided credit to the Iranun – with advances in boats, powder and ball, cannon, rice, opium and additional crew. In the political organisation of slave-raiding, the elements responsible for Taosug military efficiency and predominance in the zone can be seen. The Sultan and *datus* formed alliances with Samal groups to engage in slave-raiding. When permis-sion was given to carry out a raid, the Samal *panglima* (chief) acted as the organiser. It was he who obtained the supplies necessary to outfit the expedition from the Taosug *datus*, who in return received a share of the captives. And it was the *panglima* who appointed the *nakodah* (the *prahu* commanders). Each *nakodah* was responsible for recruiting his own crew; he mustered them from among his support groups in the village, personal kindred, dependent followers and others with whom he was allied. Balangingi fortunes changed in the 1840s and with them the pattern of raiding in South East Asia.[34]

Spain's decision in 1848 to discipline and punish the slave-raiders with *kapal api* marked the start of a new era of conflict with the Iranun and Balangingi: an era that would signal the end of their way of life in less than 30 years. This was the defining moment that marked a major turning point in the population and history of both the Philippines and South East Asia. There was a progressive fragmentation of Iranun and Samal groups because of Spanish incursions and the disruption of

the Taosug economy. No longer could their swift fleets expect to find distant coasts unprotected and towns defenceless: the era of long-range slave-raiding in insular South East Asia was over.

After the destruction of Balangingi in 1848, the Spanish initially used Samal women and children as hostages to force their husbands and kin to surrender and make peace. After a short time, the Spanish deported the Balangingi to northern Luzon. They then assembled their steamers and regularly swept the Visayas and the Sulu Archipelago from one end to the other. The scale of the effort that Spain now devoted to anti-piracy operations against the remnant dispersed Balangingi reflected the imposing resources at its disposal and the new priorities of those in power in Manila, following the destruction of Balangingi. Constant punitive campaigns ended with a series of sea battles off the coasts of Samar and Mindanao and attacks on Balangingi bases to the south.

The maritime-raiding activities of the Balangingi would be severely curtailed by the advent of steam gunboats but, in 1848, the Spanish also used slaving and the destruction of the raiders' forts on Balangingi as a pretext to declare war on the Taosug and force the Sultan of Sulu to sign a treaty acknowledging Spanish sovereignty.[35] By the 1860s, a Spanish fleet of war steamers remained on station in key straits throughout the Philippines, putting a decisive end to the seasonal raiding activities of the Balangingi slavers. From 1871 to 1879, the Spanish Navy's gunboats periodically blockaded Jolo and patrolled Sulu waters, destroying all vessels sailing across the Sulu Sea to and from Jolo and other islands in the archipelago. This systematic search-and-destroy campaign waged by navy warships against both local and international shipping and coastal settlements led to the Spanish conquest of Jolo in 1879 and the final economic and political collapse of the Sulu trading–raiding sphere by 1898.

## Notes

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# 8

## Piracy, Security and State-Formation in the Early Twenty-First Century

*Stig Jarle Hansen*

Piracy in the early twenty-first century has large costs. Although successful pirate attacks in the wider Gulf of Aden area have decreased drastically since 2011, insurance premiums covering potential threats from Somali pirates are still pushed onto consumers, including poor residents in Nairobi's slums.[1] For example, for each imported container unit (equivalent to 24 ft or 7.32 m) to Kenya, US$200 to US$300 were added because of piracy in 2011.[2] Amongst the maritime-based imports, maize is very important for poor Kenyans, indeed also for other poor in East Africa. Piracy is thus contributing to drive food prices up in some parts of the world where many people do not have access to food.[3] Piracy is not only a problem for the shipping industry; it also affects the world's consumers, including the poor, and strategies to alleviate the problem have to be searched for.

Piracy is, nevertheless, a problem that cannot be resolved once and for all, as Christopher Cooker argues. The phenomenon is similar to other crimes, and the best option is to limit the risk rather than to expect piracy ever to be completely eradicated.[4] The sad fact is that no pirate sites have been registered as completely cleared of pirates after modern statistics began to be recorded around 1985.[5] But, as shown for example in the cases of the Gulf of Aden and in the Malacca Straits, the situation can be improved and the frequency of pirate attacks reduced. Some more serious forms of piracy, such as hijackings of ships for ransom, can for example be drastically reduced by limiting the pirates' access to land bases where ships can be brought to and held during the period between the hijacking and the payment of the ransom. Access to such land bases is one of the reasons why hijackings of larger ships for ransom have been concentrated in the waters around Somalia for the last five years.[6] Somalia is a country where there are plenty of areas with

little government as well as areas controlled by actors with little inter-
est in pleasing the international community, for example by denying
pirates access to free havens. These factors have made it possible for the
Somali pirates to resupply large ships held illegally over long periods of
time. Other areas have admittedly seen waves of kidnappings of smaller
ships for ransom, such as the four hijackings of fishing vessels held
offshore for ransom in the Sulu Sea, close to Pitas, Malaysia, in 2010, or
a wave of hijackings of small trawler and fishing boats in the Malacca
Straits in 2011 (and earlier). In the latter case, however, ransoms never
exceeded US$10,000 and larger ships were never verified as being held
for ransoms. The big differences between various clusters of pirati-
cal activity indicate that each type of piracy is influenced by special
regional traits – something that authorities have to take into account
when planning their strategies to meet the problem.

What should such strategies consist of? International and regional
coalition-building, combined with the use of maritime power in
various forms have been seen as one solution. In the Malacca Straits,
for example, a regional collaboration called MALSINDO (Malaysia–
Singapore–Indonesia), consisting of coordinated naval patrols, com-
bined with air surveillance has helped to bring down piratical activity.
Operation Gurita, an Indonesian naval offensive against pirates, also
had its impact.[7] It appears that these operations efficiently reduced
piracy in the area from around 2005, although the 2004 Tsunami
disaster, generally better economic times, anti-corruption work in
China and Indonesia and a peace agreement in Aceh may all have
contributed as well.[8]

Some of these strategies are currently in use in the waters off Somalia,
where international naval forces began operations in 2009. Today there
are several coalitions: the European Union's Operation Atalanta, the
Standing NATO Maritime Group 2 (SNMG 2) and the multinational
Combined Task Force 151. In addition, China has sent naval vessels
to the area, as have many other individual countries, including Iran,
India, South Korea, Canada, Russia and Japan. Advanced forms of piracy
respond to countermeasures, but not necessarily as desired or pre-
dicted. In 2009, it seemed that the coalition forces had almost stopped
piracy after establishing and consolidating a transit corridor in the
Gulf of Aden, where the pirates had major problems in capturing ships.
However, in 2010, the pirates adapted to the new situation and pirate
groups operating in northern Somalia began to hunt in the Arabian Sea
and further east.

The Malacca Straits and Gulf of Aden are in many ways special: both areas are geographically limited and a naval presence has a relatively good chance of succeeding, but if the pirates are mobile and are allowed to keep their land bases, there is a great risk that the problem is being moved rather than solved.

It actually seems as though the maritime industry's own counter-measures, particularly the so-called Best Management Practice (BMP), have been the most effective method recently implemented against the Somali pirates. BMP consists of the use of speed – the pirates have never been able to board or hijack a ship that goes faster than 18 knots – manoeuvrability, barbed-wire obstacles, alert-and-notification procedures, the use of water hoses to deter pirates and other general methods that can be deployed to prevent or avert a pirate attack. BMP is probably the main reason why presently, piracy off Somalia is relatively under control and why the pirates' success rate – that is, the number of successful hijackings as a share of attempted attacks – has declined sharply since 2010. Thus, from the pirates' point of view and in economic terms, investment in the piracy sector has become less profitable.

The use of private or public security forces aboard merchant ships has also become more common in the Gulf of Aden and has proven very effective.[9] International regulation of the security industry, however, is partly unclear and security personnel can break the laws of several countries, for example through the possession of firearms, as well as accidentally killing or wounding innocent seafarers. Several initiatives have been taken in order to regulate the market for private maritime security-providers, including those taken by the International Maritime Organization, although many issues concerning implementation and control still need to be worked out. Regardless of these problems, in the case of the Gulf of Aden, it nevertheless seems clear that the increased use of armed security personnel since 2011 has been efficient in order to deter attackers.[10] The question remains, however, as to whether the problem has consequently been solved. Very few pirate leaders have been caught or brought to trial and are thus still able to launch attacks, although it seems as though the increased risks and decreased profits in the piracy sector have led to the channelling of investment away from piracy to other, legal, sectors of the economy in Somalia and the wider Gulf of Aden region.[11] Piracy, in other words, is contained as long as the international navies and security guards onboard commercial vessels maintain their presence. It has also become easier to intervene with

other means onshore in Somalia, because pirate groups now have less capital and their activities are less profitable.

## Onshore causes of Somali piracy – and what to do about them

Poverty is often seen as an important reason why individuals choose to become pirates.[12] In relation to Somali piracy, doing something about poverty is often suggested as a remedy. Through the creation of alternative livelihoods, pirates – it is hoped – can be lured to other, legal, pursuits.[13]

Although intuitively tempting, there are many traps in this argument. The first trap is to believe that aid alone can stop piracy. The perpetrators are likely to earn much more through taking part in an attack than they can hope to make through alternative livelihoods in Somalia. For example, in 2009, this author interviewed fishing-boat owners in Somalia who said that it was almost impossible to find recruits to the fishing industry because the compensation was so poor compared to piracy. In a situation where the perpetrators gain relatively little financially from a successful pirate attack – for instance, when pirate leaders skim most of the profits – the creation of alternative livelihoods may contribute to curb the problem. But when a Somali pirate can earn US$33,000 to US$50,000 on a successful hijacking, it becomes difficult to lure the perpetrators away from the profession by offering a common Somali monthly salary of between US$50 and US$100.[14] Livelihood projects become better potential alternatives when the risk of failure increases, as it has in the Gulf of Aden in 2011, 2012 and so far in 2013, but the major cause of the decline in piracy is then the increased risk, rather than the alternative livelihood projects in themselves.

Somalia also illustrates the problems of uncontrolled or poorly designed aid and development projects in pirate areas. Several of the boats that pirates based in Puntland (north-east Somalia) used were, for example, said to have been given to them as part of a Swedish aid project aimed at rebuilding Somali fisheries after the 2004 Tsunami.[15] Perhaps the poverty-reducing measures would be important to combat piracy where the profits are lower, such as in Bangladesh, where pirates steal cargo from the local coastal traffic, a much less profitable type of piratical activity than the hijacking of large ships. This indicates that the systems for distributing profits among the members of the various pirate groups have to be studied in order to understand how successful the

creation of alternative livelihoods can be in attracting the perpetrators away from piracy. Livelihood projects also demand planning, as they need to be targeted to reach the very local communities from which the pirates are recruited. In Somalia, as in Malaysia and Nigeria, poverty is rampant but pirates are only recruited from a very small part of the population. The pertinent geographical areas and social groups have to be identified in order that such projects reach the perpetrators and potential new recruits to the piracy sector.

It is also clear that poverty does not explain why piracy occurs. There are many poor countries with geographical conditions that are conducive to piratical activity that have no pirates. As regards Somalia, moreover, piracy has not been most rampant in the poorest regions but, rather, in some of the relatively well-to-do parts of the country, such as Puntland. This may reflect both geographical advantages of a capacity to invest in piracy due to the availability of funds and local control problems. In the Malacca Straits, poverty reduction in the wake of the Asian economic recovery in 2004 may have contributed to the reduction in piracy, although this has been contested by Stefan Eklöf Amirell, who has pointed out that poverty was much worse in many parts of Indonesia in the 1930s or 1960s without any noticeable piratical activity taking place.[16] As already mentioned, other factors, such as increased international cooperation, the 2004 Tsunami and the peace agreement in Aceh, may have been more important in curbing piracy in the Malacca Straits from 2005. The link between poverty and piracy is thus complex and piracy is a multidimensional problem. The balance between the profitability of piracy, the available alternatives and the risks involved influences the decision of potential recruits on whether or not to participate in piratical activities, as do social, cultural and technological factors.[17]

Poverty also has a more subjective side to it. Relative deprivation – individuals feeling that they have access to fewer benefits than they deserve – is frequently cited as an explanation for rebellions in the past and it may play a similar role in explaining contemorary piracy. Here it is not poverty in the absolute sense that comes into play, but the feeling of having less than one deserves in relation to others (that is, relative poverty). The same can be said about feelings of humiliation. Many Somalis, including some of the perpetrators, claim that the pirates are actually coastguards protecting Somali waters against illegal fishing and other intrustions, perceived to be a form of humiliation imposed on the country by foreigners. Similar claims have been made in Nigeria, and Indonesian pirates in the 1990s have been known

to justify their activities as a form of toll, which shipowners allegedly did not mind paying.[18] Pirates can thus maintain that they do not do anything for personal gain; they claim to be 'voluntary' coastguards.

Although illegal fishing in the 1990s and early 2000s certainly is part of the background to the surge in Somali piracy, the explanation is highly problematic. Somali pirates have, according to statistics, generally been less interested in fishing vessels, preferring to attack cargo ships.[19] The statistics of illegal fishing vessels that have been taken by pirates is probably inadequate – the owners of vessels operating illegally in Somali waters are understandably reluctant to report incidents – but it is, nevertheless, clear that the main objective of the pirates has all along been the hijacking for ransom of international cargo ships, which clearly shows that profit has been the main interest. Somali pirates, whether self-proclaimed coastguards or not, are also known to operate far beyond Somalia's territorial waters or Exclusive Economic Zone. In 2011, for example, they operated, not only in international waters but also in the waters of India, Pakistan, Iran, Oman, Yemen, Eritrea, Djibouti, Kenya, Tanzania, the Seychelles, Comoros, Maldives, Mozambique and Madagascar.

It should also be noted that other countries that have major problems with illegal fishing, such as Mozambique, do not host pirates, although poverty is widespread and the geography seems conducive to piratical activity. To combat piracy, it may be important to combat crime directed against the local population, but this is only a part of the solution. It is a narrative that serves to justify piratical activity but fails to explain why such activity occurs in the first place. Although finding a solution to the illegal fishing problem is highly important for many reasons, it is not given that it would help to curb piracy.

Can traditions and culture explain piracy? Such an explanatory model encounters serious problems, because it is often difficult to demonstrate historical and cultural continuity among the communities from where the perpetrators are drawn. Many countries and regions that in modern times have been plagued by piratical activity, such as Peru and Somalia, do not display historical continuity in this respect. Admittedly, Somalia had a maritime crime tradition, consisting of wreck-plundering, so excellently described by Muhammed Ingiriis, but it was disrupted and vanquished in the colonial period.[20] There might also be social and cultural traits that are conducive to piracy within Somali tradition, as suggested by Jatin Dua.[21] However, there must have been other events that enabled these traits to surface again after more than seventy years almost without piracy. It appears that culture as an

explanatory model has many weaknesses, as have the other types of explanations discussed above.

## State-building in Somalia – antidote or creator of piracy?

A common thesis, advocated by among others Ger Teitler and John Vagg, is that the ultimate antidote to piracy is the state.[22] This argument is in many ways tempting. One can point to Somalia and the fact that piracy surfaced in the 1990s following the collapse of the state. Amirell makes a similar argument with regard to Indonesia and the economic and political crisis in 1997–98, which contributed to an explosion of piracy and armed robberies against ships in the Malacca Straits in 1998. In general, contemporary piratical activity occurs in or around the waters of weak states, with large territorial waters and Exclusive Economic Zones, high levels of official corruption and overstretched navies and/or coastguards, such as those of the Philippines, Indonesia, Bangladesh, Nigeria and Cameroon. Several studies support this explanation; for example, Omar Azfar and Tugrul Gurgur have shown that increased corruption and inefficient state-control tend to lead to increased crime, and Helge Berger and Volker Nitsch have demonstrated the same when it comes to smuggling.[23]

In spite of these findings, the weak-state explanation is problematic for several reasons. First, instead of curbing piracy, state-building can in fact contribute to it, as happened in Somalia. The so-called Puntland administration was weakened in 2008, paradoxically, precisely because of attempted state-building in Mogadishu. Puntland authorities invested large sums of money and their most experienced officers in supporting the development of the Transitional Federal Government for Somalia, based in Mogadishu. That investment drained Puntland's finances, which in the spring of 2008 resulted in the Puntland police failing to receive their salaries. Institutional breakdown followed and piracy increased.

Second, there are cases in which states, directly or indirectly, have encouraged piracy. The historical examples are abundant, as demonstrated by several of the contributions in this book, but even in contemporary times there are examples of state-sponsorship of piracy. In the 1970s and 1980s, for example, Thailand seems tacitly to have accepted piratical attacks in the Gulf of Thailand in order to limit the flow of boat people from Indochina. In the 1990s, moreover, local Chinese authorities were accused of complicity in piratical activity, both for reasons of private gain (that is, corruption) and as part of an informal strategy aimed at asserting Chinese authority in contested maritime zones.[24]

Martin Murphy and Karl Sörenson both distinguish between states that are too weak to prevent piracy and states that encourage piracy.[25]

Nevertheless, state support for pirates has in the recent past been very limited, although states may still provide modern pirates with advantages. Olaf J. de Groot and Anja Shortland point out that pirates need markets to operate – not advanced markets but rudimentary market mechanisms to buy provisions, arms and boats for their ventures, as well as to conduct negotiations and transactions for ransom payments. The more efficient and competitive the markets are, the more the pirates thrive. The authors suggest that there is a 'soft spot' where a state is strong enough to secure the free market but too weak to regulate and control it. In such a situation weak and corrupt state institutions, including law enforcement authorities, fail to regulate the market, which gives the pirates leeway to use it for their own purposes. De Groot and Shortland also correctly point out that the piracy sector – like any business – needs logistics and tranquillity in order to thrive and that war is detrimental to business. The authors look at the state's strength as a function of the control of corruption, level of corruption, government effectiveness, the independence and quality of public services and the rule of law. They find that 'some State' is conducive to piratical activity.[26] De Groot and Shortland also point to the fact that modern pirates never have their bases directly in war zones: they like peace and states are generally required to maintain the peace. For example, in Bangladesh, Indonesia and the Philippines, there has been no war or little war (such as in Aceh and the southern Philippines) in most of the areas where the pirates use as bases.

Nevertheless, de Groot and Shortland seem to assume that government is the only thing that can provide the peace that pirates need, which is not true. The absence of a functioning state does not necessarily mean war or anarchy. It is easy to see that the absence of state institutions, in combination with peaceful conditions, is very beneficial to the pirates. Pirates can exist without a state and do so in large parts of Somalia, although such stateless areas are very rare in today's world. Pirates in other parts of the world are thus more clandestine and use stealth to a larger degree. The modus operandi of many Nigerian hijackers of temporarily hijacking chemical and product tankers in Lagos and Cotonou and then stealing their cargo, is perhaps the closest to that of Somali piracy.[27] However, the ships involved in the Nigerian cases are held for much shorter periods of time – five to eight days, compared with, typically, several months in Somalia – and thus draw less negative attention to the host country. Nigerian pirates have, at least up until

the present, seldom drawn on onshore logistic support during the hijacking itself.

In South East Asia (including the South China Sea), hijackings in the 1990s in general involved the re-registering, renaming and repainting of the victim ships, thus involving more stealth than in Somalia. In spite of these efforts, many of the hijacked ships were traced by shipowners, the International Maritime Bureau and law enforcement authorities and were found in China, causing considerable embarassment to the Chinese government. After a general anti-corruption and anti-smuggling campaign in China in the late 1990s, the Chinese market for hijacked commercial vessels collapsed and consequently the hijackings ceased as well.[28]

By contrast, two stateless sites in Somalia, Hobiyo and Haradhere, have been among the main pirate ports in the world in recent years. Both are relatively peaceful places and both were initially far away from the political struggles in the country, at least until 2010. The absence of the state in Somalia possibly enabled the emergence of the Somali piracy that exists today, namely deep-sea piracy. Such a type of piracy – in which a large ship is taken to the coast of a country, not clandestinely but openly, for ransom – is difficult in other areas because the conspicuous character of such ventures makes it difficult even for corrupt officials to abstain from doing anything. Of course, there could have been non-state entities inside Somalia that could have the same effect as a state. Somaliland, for example, despite its not being internationaly recognised as a state, prevents pirates from taking ships to its coastline, even though it has weak resources. The reason may be that Somaliland aspires to international recognition and thus tries to gain respect from the international community by keeping its house in order. Puntland, by contrast, has so far never attempted to secure formal independence or international recognition and the authorities have consequently had no interest in curbing piracy in order to gain international respect. The Puntland authorities are also relatively weak and wield little power over the region's coastal areas.

The above discussion leads to some important conclusions. Institutions – not necessarily state-based – do hinder piracy, and institutions can exist even without a state. In order to suppress piracy, such institutions need to be strengthened through international intervention, although it is imperative that the local actors involved also get something in return for their efforts. The same may apply to states: some states may be so corrupt that the police and other authorities actually contribute to the problem. Sometimes corrupt governments can support the pirates, for example

through the provision of protection against foreign intervention. But in the contemporary international system of sovereign states there will be limits as to how far such a state will be able to protect pirates – not doing enough to prevent international piracy carries its costs in the international context and several states, such as Indonesia and China, have noticed this pressure and eventually changed their policies accordingly.

All in all, states are not the only means by which piracy can be fought. A successful strategy for the suppression of piracy does not have to mean a strengthening of the state but rather a strengthening of key institutions, regardless of whether these are associated with a recognised state or not. The fight against corruption and the efforts aimed at institution-building, in other words, do not necessarily require a state.

## The way forward

It is often claimed that piracy must be fought on land, a proposition that holds some truth to it. On-sea safety measures, however, decrease the profits for the pirates, thereby weakening them on shore as well. As the risks increase and the profits, in terms of the returns on investment, decline, there is less money to spend on bribing police officers and maintaining onshore militias for protection. Piracy thus becomes relatively less attractive as an economic activity and the perpetrators become less wealthy and less politically influential.

How piracy should be fought on land remains a complex issue – particularly in view of the limited opportunities to deploy indiscriminate violence against the perpetrators, in contrast to many historical cases. Piracy, by modern definition, is a form of crime, and crime is best combated through an expansion of police and judicial authorities. As Cooker suggests, we should not expect to defeat piracy completely, but rather limit the extreme cases, such as the major hijacking operations off Somalia and the violent attacks in Nigeria. The hijackings of cargo vessels in South East Asia in the 1990s came to an end largely as a result of anti-corruption campaigns and successful police work; the same can also be applied against Nigerian pirates.

However, state-building, anti-corruption efforts and police development do not always go hand in hand. Generally, law enforcement is dealt with by a state, but that need not always be so. This gives some hope for Somalia, because the long-term project of rebuilding the Somali state is not necessarily the only effective strategy for combating piracy. Local Somali institutions, such as Somaliland and the Sharia Courts, which

briefly held power in Mogadishu in 2006–07, have proven very effective in combatting piracy by depriving the pirates of their safe havens and providing protection onshore. Puntland, however, has been infiltrated by pirates, a circumstance that complicates the efforts to solve the problem. In order for the efforts to be successful, there must be incentives – for example, through international trade, development aid and international recognition – for the key local actors to cooperate in the fight against piracy.

In this sense one can point out several variables. Successful *risk-management at sea* will decrease the profitability and thus the power of the pirate groups, but does not solve the root causes of the piratical activity. *Institution-building* (not necessarily only government efficiency) can hinder piracy by providing police services, although obstacles include both corruption and limited gains from legitimacy or, conversely, limited loss from a lack of legitimacy by the international community. Areas with relative peace, weak institutions, corruption or limited gains/loss (of both and each of the factors and all combined) are ideal hosts for the type of piracy that focuses on armed robbery of ships and illegal bunkering.

Stateless societies with *peace*, however, are even more conducive to piracy, as taxes or corruption fees do not need to be paid and there is little or no need for local institutions to strive for international legitimacy or respect since they are not members of the international system. Local assistance programmes, such as livelihood programmes, along with institution-building that focuses on issues that local people are interested in – for example, in the Somali case, illegal fishing and local law and order – will provide incentives for local actors to combat piracy. Livelihood programmes should be carefully targeted for the geographical areas and social groups from which the pirates are recruited, and that does not necessarily mean the regional and national capitals are that often, for reasons of convenience, preferred by outside actors. Local connections to international trade, and thus also a sense of the cost of piracy to their business partners through worsening international relations, will create more local will to combat piracy.

On shore, foreign intervention may be important – not primarily in the form of military intervention, but in the form of observers and advisors charged with the task of uncovering corruption and collusion between civil servants and pirates. The uncovering of such problems can be used to put those responsible for the institutions under international pressure. Such pressure worked in China, it worked in Indonesia and can also work in Puntland – although in the latter case, one has to ensure that the authorities actually have the capacity to extend their

control to the coastal areas. If this is not the case, such a capacity has to be built up.

So far the latter has not happened in Somalia, and presently only off-shore security countermeasures keep piracy under control. International maritime authorities have a role in this context, by limiting the income of the pirates, but the lasting solution remains ashore.

## Notes

1. I would like to thank Håkon Svane for his valuable comments. Thanks also to Karsten von Hoesslin and Dirk Steffens. The chapter draws on an article that previously appeared in Norwegian: S. J. Hansen, 'Sjørøvere, fattigdom og nasjonsbygging: Refleksjon motvirker naivitet' (Pirates, Poverty and Nation-Building: Reflection Works against Naivety), *Internasjonal Politikk*, 3 (2011), pp. 482–92.
2. L. Otto, 'Kenya and the Pest of Piracy', *ISS Situation Report*, Institute for Security Studies, 22 February 2011.
3. J. Oyuke, 'The Price Kenyans Pay to Pirates', *Standard Digital News*, 5 April 2011, available at: http://www.standardmedia.co.ke/?articleID=2000032564&pageNo=1&story_title=The-price-Kenyans-pay-to-pirates (accessed 15 April 2011). The commodities most needed for the poor, such as maize, are also produced in Kenya, but Kenya imported 370,000 metric tons in 2011, probably driving down the price. Maize is thus a common food for the poor. Imported maize is loaded in sacks or, when transported in great quantities (thousands of tons), usually loaded in bulk carriers, thereby increasing the cost per container. My thanks to Dirk Steffens for making this point.
4. C. Cooker, 'Piracy as a Risk Management System', Lecture Presented at the Anti-Piracy Seminar, arranged by the Norwegian Ministry of Foreign Affairs and the Mozambique Coast Guard, Maputo, 30 May 2011.
5. The first attempts to produce modern global piracy statistics was by the US Maritime Administration (MARAD). The Federation of American Scientists (FAS) published statistics for 1985–99, partly based on MARAD data, but also reported all violent episodes (not only piracy). The International Maritime Organization (IMO) started collecting statistics in 1984. M. se Bruyneel, 'Modern-Day Piracy Statistics', available at: http://home.wanadoo.nl/m.bruyneel/archive/modern/figures.htm (accessed 20 June 2012); and J. C. W. Bennet, 'The Statistics of Maritime Piracy', Maritime Protective Services, Washington, DC, 2010, available at: http://mpsint.com/2010/07/27/the-statistics-of-maritime-piracy-part-i-who-collects-what/ (accessed 20 June 2012).
6. There were also a few other incidents, see below and MaRisk (Risk Intelligence), 'Overview of Piracy', 19 April 2012, available at: https://www.marisk.dk (accessed 20 June 2012).
7. S. Eklöf, *Pirates in Paradise: A Modern History of Southeast Asia's Maritime Marauders* (Copenhagen: Nordic Institute of Asian Studies (NIAS) Press, 2006), p. 141.
8. Ibid., p. 141.

9. It seems as though armed security guards only failed to dislodge pirates in two cases: on the *Biscaglia* (28 November 2008), guards jumped overboard during a hijacking attempt; and in the case of *Tiba People* (1 January 2011), the pirates managed to capture a barge in spite of resistance from the guards from the company Mast. See M. Pflanz, 'British Crew Jump Overboard as Pirates Hijack another Tanker off Somalia', *The Telegraph*, 28 November 2008, available at: http://www.telegraph.co.uk/news/worldnews/piracy/3533644/British-crew-jump-overboard-as-pirates-hijack-another-tanker-off-Somalia.html (accessed 11 June 2013); MaRisk (Risk Intelligence), 'Status of Confirmed Hijackings in the Gulf of Aden/Indian Ocean Area, 19 April 2011', available at: https://www.marisk.dk (accessed 20 June 2012).

10. MaRisk, 'Status of Confirmed Hijackings'; and ibid., 'Horn of Africa, All Hijackings 2011', available at: https://www.marisk.dk (accessed 20 June 2012).

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15. Interview with a Puntland civil servant, Eyl, August 2009.

16. Eklöf, *Pirates in Paradise*, p. 155.

17. Hansen, 'Causes of Piracy and Links to Organised Crime'.

18. D. Montclos, 'Maritime Piracy in Nigeria: Old Wine in New Bottles?', *Journal of Conflict and Terrorism*, 35:7–8 (2012), pp. 531–41; and Eklöf, *Pirates in Paradise*, p. 130.

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21. J. Dua, 'Policing Sovereignty: Piracy and Protection in the Western Indian Ocean', Unpublished Paper Presented at the Hudson Conference for Maritime Security, Merton College, Oxford, 28–29 March 2012.

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23. O. Azfar and T. Gurgur, 'Government Effectiveness, Crime Rates and Crime Reporting', *Working Paper*, Social Science Research Network, 2005, available at: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=723681 (accessed 20 June 2012); and H. Berger and V. Nitsch, 'Gotcha! A Profile of Smuggling in International Trade', *CESifo Working Paper No. 2475* (2008).

24. Eklöf, *Pirates in Paradise*, pp. 26–7 and 70–1.

25. M. Murphy, *Contemporary Piracy and Maritime Terrorism: The Threat to International Security* (London and New York: Routledge, 2007), p. 388; and

K. Sörenson, 'State Failure on the High Seas: Reviewing Somali Piracy', *Swedish Defence Academy FOI Report No. 2610–SE* (Stockholm: Swedish Defence Research Agency, 2008).

26. O. de Groot and A. Shortland, 'Gov-arrrgh-nance, Jolly Rogers and Dodgy Rulers', *DIW Berlin Discussion Paper 1063* (Berlin: German Institute for Economic Research, 2010).

27. Anonymous, 'Nigeria Forecast: A New Focus on Security', *Strategic Insights*, 38 (2012), p. 5.

28. Eklöf, *Pirates in Paradise*, pp. 77–9.

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# Index