

# Of Pirates and Terrorists: What Experience and History Teach

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Hegel's oft-quoted observation, 'what experience and history teach is . . . that people and governments never learned anything from history', challenges us to place the present in historical perspective.<sup>1</sup> The high and complex degrees of organization attained by present-day international terrorists, their abilities to move rapidly and communicate instantaneously, and the horrendously destructive character of the weapons at their disposal are new to the world. But transnational terrorism is not new. Heinous assaults on innocent people perpetrated by non-state organizations operating transnationally are almost as old as history itself. This essay considers one variety of transnational assault, and one form of terrorist organization that has operated throughout history – piracy and pirates. In ways that this study makes clear, the activities of pirates menacing the world historically are analogous to those of international terrorists menacing the world today. Though never eliminated, and ever recurrent, piracy has been periodically suppressed. In light of the present-day challenges of international terrorism, therefore, the history of piracy might be usefully examined for possible lessons about dealing with transnational menacers.

Pirates were active, identified, dreaded and combated during every historical era. Identified by many as 'enemies of the human race' they continue to victimize the world. While never actually labelled as such, 'wars on piracy' have periodically recurred, as for example along Roman trade routes in the Ancient Mediterranean around the turn of the first century BC, in the areas of Hansa commerce in the Baltic and North Sea around the turn of the fifteenth century, in the Spanish Caribbean between 1500 and 1750, in response to the outrages of Barbary Coast corsairs during the eighteenth and early nineteenth centuries, and by the British in the Indian Ocean and Western Pacific in the eighteenth and nineteenth centuries.<sup>2</sup>

The occurrence and recurrence of piracy through history has been a wave-like or cyclical phenomenon usually beginning with spates of sporadic, small-scale attacks on vulnerable ships in especially dangerous waters. At early

stages in the cycles, pirates are more of a nuisance than a menace. Pirate activities then mount in frequency and intensity to points where pirates command flotillas, operate anywhere and everywhere on both sea and land and manage frequently to choke seaborne commerce almost completely. Meanwhile, reactions to piracy also intensify to points at which combating piracy amounts to organized warfare. Ultimately, pirate-hunting navies are formed and dispatched, pirate organizations are smashed, strongholds are assaulted and reduced and leaders are apprehended or killed. Seas and sea-coasts then remain secure for a time. But eventually spates of sporadic and small-scale attacks start again, and new cycles of piracy begin.

Philip Gosse identified these menacing cycles in one of the first systematic histories of piracy. 'In all the seas of the world in all times', Gosse writes,

Piracy has passed through certain well-defined cycles. First a few individuals from amongst the inhabitants of the poorer coastal lands would band together in isolated groups owning but one or a few vessels apiece and attack the weakest merchantmen . . . Next would come the period of organisation, when big pirates either swallowed up the little pirates or drove them out of business. These great organisations moved on such a scale that no group of trading ships, even the most heavily armed, was safe from their attack.

In the end the victory of [the anti-pirate] side would as a rule break up the [pirate] organisation . . . The component parts of the defeated side would again be reduced to the position of outlaw bands, until the victorious power was strong enough to send them scurrying back once more to the status of furtive footpads of the sea whence they had arisen.<sup>3</sup>

### **Pirates as Terrorists**

It is true that the goals of history's pirates were not analogous to those of today's Islamic and other militants who appear to be religiously and/or ideologically inflamed and politically driven and engage in international terrorism accordingly.<sup>4</sup> The wars of religion in sixteenth century Europe did fire the marauding passions of some of the French Huguenot, English and Dutch pirates that preyed on Spanish shipping and settlements in the Caribbean. Religious zeal approaching fanaticism accounted as well for atrocities committed against Spanish Catholics and the burning of their churches. Likewise, some of the Barbary corsairs who ravaged the Mediterranean during the Ottoman centuries were Muslims who perceived themselves at war with Christian infidels. But neither in these particular instances, nor generally in the history of piracy were religious or ideological motivations of very much note. International politics similarly had little to do with why pirates attacked and

whom they victimized.<sup>5</sup> Pirates fought not for countries, but for themselves. They sought mainly to acquire wealth: they robbed their victims, enslaved and sold them, or held them for ransom. Otherwise, when no profit appeared associated with keeping captives alive, pirates tortured, raped and murdered for sadistic pleasure.

Pirates preyed mainly upon unarmed, innocent people. They murdered ruthlessly, indiscriminately and often senselessly and in so doing provoked fear and insecurity throughout their theatres of operation. Among potential victims, word of pirates heightened anxiety; their appearance at sea or along coasts evoked terror. For example, 19 January 1671 must have been for the Spanish colonists of Panama City what 11 September 2001 was for the people of New York. It was on this day that a band of pirates, led by the much-romanticized Henry Morgan, entered, sacked and then incinerated the entire city. A large part of the city's population was massacred, many having first been tortured into revealing where valuables were hidden. Women were raped to satisfy the captors' lust. Six hundred prisoners from among the wealthier inhabitants were held for ransom and those unable to pay were either murdered or sold into slavery. The diarist Alexander O. Exquemelin was eyewitness to Morgan's raid. Of the city, Exquemelin wrote, Captain Morgan 'caused certain men to set fire unto several great edifices . . . nobody knowing whence the fire proceeded . . . much less what motives persuaded Captain Morgan there unto'. Of Spanish prisoners, Exquemelin reported, 'most of them were instantly killed without giving quarter to any'. Here he continues, writing that 'some religious men were brought prisoners before Captain Morgan; but he, being deaf to their cries and lamentations, commanded all to be immediately pistoled, which was accordingly done'. Of the population more generally, Exquemelin records that,

they [the pirates] spared, in these cruelties, no sex or condition whatsoever. For, as to religious persons and priests, they granted them less quarter than unto others, unless they could produce a considerable sum of money, being a sufficient ransom. Women themselves were no better used, except they would condescend unto the libidinous demands and concupiscency of the Pirates.<sup>6</sup>

At other times and in other places, pirates behaved similarly, attacking innocents, looting and destroying ships, sacking villages, spreading terror. The Barbary corsairs, for example, plundered the Mediterranean Sea and European coasts from the sixteenth to the nineteenth century. While they operated from sanctuaries provided by petty despots ruling lawless principalities along the North African coast, the Barbary pirates were not agents of the pashas. Many of the most notorious were not even Turks, Arabs or Berbers, but, like the brothers Barbarossa and the ship-builder Simon de Danser,

they were mostly renegade Europeans.<sup>7</sup> Thievery was the corsairs' general aim, but capturing and selling slaves to Ottoman customers was their primary, and most profitable, occupation. This was also and the principal source of the terror they evoked. Historian John B. Wolf describes incidents that surely occurred thousands of times:

Most of the captures at sea were made without much struggle . . . [T]he corsair vessel carried more men than any merchant ship, and when it came along side and grappled, perrier fire blasting from its side guns and men pouring over the rails with daggers, scimitars, and pistols quickly overcame resistance . . .

Captures on land were not less dramatic or terrifying . . . [B]ands of men, sometimes hundreds of them . . . would suddenly overwhelm, a peaceful village or a small town and carry away men, women, and children unfortunate enough to be in the attackers' path . . . Markets in North Africa saw thousands of peasants sold into slavery.

When the ship reached port, the captives were marched to the *jenina* or 'king's house', for the pasha or dey to assess his legal right to between ten and twelve percent of the captives . . . The remaining slaves were then marched to the *bagño* and the next morning exposed for sale at the *bezeztan*, or public market.<sup>8</sup>

Captured at sea, merchant crews and civilian passengers were at the mercy of their captors, who as a rule showed little mercy, as Neville Williams recounts:

Abominable cruelties were still practised in the urbane, civilized eighteenth century. John Roberts the New England pirate encouraged his crew to the most inhumane outrages. 'The men they took they barbarously abused; some they almost whipped to death, others had their ears cut off, others they fixed to the yard-arms and fired at them as mark'. On one prize that he caught, Roberts found the Governor of Martinique himself, and without ado he hanged him from the yard as they crossed the Tropic of Cancer.<sup>9</sup>

So numerous, ruthless and effective were pirates during different eras that seaborne commerce was periodically brought to a standstill, coastal towns and villages were abandoned, others were held for ransom, some, like Port Royal, Jamaica, were appropriated by the pirates themselves, and governments were blackmailed into paying tribute. Piracy remained a local scourge for many centuries, as marauders, limited by maritime technologies, were able to operate in regional theatres only. However, by the end of the sixteenth century, improvements in navigation and ship construction opened the way to the circumnavigation of the globe *and relatedly to the globalization of*

*piracy*. Notably, the first Englishman to circumnavigate the globe was Francis Drake – a pirate.<sup>10</sup>

### **Catalysts and Conditions**

Generally speaking, pirates do well when conditions are right. This was Mueller and Adler's point, facetiously made, when they offered their recipe for flourishing crime at sea:

- Take a maritime geography, which favors local outlaws and disfavors distant law enforcers
- Add the chance of enormous profit and little risk
- Mix it generously with strife, internal and external
- Avoid maritime law enforcement capacity, and do not add common law!
- Corruption helps for spicing! Make it hot.<sup>11</sup>

These observations are valid, and the history of piracy well bears them out. However, the first requirement for flourishing piracy is that there be men (and occasionally women) who are motivated to become pirates, as well as men (and occasionally women) who are motivated and able to lead expeditions of plunder. While the historical record is rather unrevealing regarding most of the individuals that composed the crews of pirate vessels, we do know that most were young men, some still in boyhood and few older than their mid-20s. Many began their seafaring careers in either merchant crews or in royal navies, but turned later to piracy because the promised material rewards appeared enormous. Some were turncoats who became pirates when ships upon which they were serving were captured; some became pirates after mutinies that necessarily turned all on board into outlaws; some deserted navies because of the harshness of conditions and discipline aboard men-of-war. After wars, when privateering on behalf of governments was temporarily suspended, former privateers flocked to piracy as a means of continuing employment. More generally, and importantly, pirates were mainly self-recruited from the ranks of unemployed youth, from poor peasants and town-dwellers who faced otherwise bleak futures and from sub-strata of criminals, convicts, ruffians, misfits and sociopaths present in abundant numbers in all societies. Few in pirate crews, it would appear, were attracted by promises of adventure, danger or life on the edge. These people were realists and materialists. Wealth was their passion and greed the motive force.<sup>12</sup>

Pirate captains, on the other hand, were more complex individuals. 'The master pirate', writes Philip Gosse,

had to be able to handle his ship (in the beginning often an unseaworthy one until he could steal a better) in tempests and in fights, make his way to sheltering harbors, control his unruly ruffians through disease and discontent, employ arts of the diplomat to provide himself with a safe market on shore for his stolen wares. Men like these are rare, and few respectable professions can show more masterful personalities than those to be met at the top of the pirate tree.<sup>13</sup>

The lives of several pirate masters are displayed in Neville Williams' fascinating study *Captains Outrageous*.<sup>14</sup> Among those that are known by name – Avery, Barbarossa, Bellamy, de Graf, de Denser, Drake, Hawkins, Heyn, Kidd, l'Hermite, Morgan, Smith, Sores, Teach, Tew, Ward, and many others – most were, above all, highly skilled seamen, very good at what they did. Many were also talented sea and land military tacticians. Some were well born, even educated. William Kidd, for example, was the son of a Scottish clergyman. Most, however, rose from poverty and obscurity and attained command by apprenticeship, fearlessness and ferocity in battle, personal flamboyance and charismatic appeal. They attracted followers and held the allegiance of lieutenants on the strength of their reputations for success at plundering. Mutiny ever remained a threat, but the best of the pirate captains managed restless crews by being able to credibly promise, and frequently deliver, enormous rewards to those who would persevere in following. Like pirates more generally, the captains were driven by greed. 'Why did they all choose piracy?' Mueller and Adler ask. 'At an annual profit of from £1,500 to £4,000, compared to a wage of £1 a year, what greater incentive? . . . As the laws stood, you would hang for stealing a pound out of a man's pocket. So why not steal a fortune?'<sup>15</sup> It appears nevertheless that some of the pirate captains were also alienated individuals who eschewed the laws and mocked the notions of justice of the societies of their time. Some, like Samuel Bellamy, were motivated as well by Robin hood-like, critical social creeds that excused the plundering of the rich because the rich exploited the poor. 'But damn ye altogether', Bellamy is reported to have told the captured crew of a plundered merchantman.

Damn them for a pack of crafty rascals, and you, who serve them, for a parcel of hen-hearted numbsculls. They vilify us, the scoundrels do, then there is only this difference, they rob the poor under the cover of law, forsooth, and we plunder the rich under the protection of our own courage.<sup>16</sup>

*Sanctuary* was the key to piracy's success and to pirates' survival. Pirates need periodically to come safely ashore to replenish stores and ammunition, to repair ships, to recruit crewmen, to gather intelligence, to hide from hunters, to

revel and carouse and, importantly, to market their loot. Pirates cannot function, and piracy could never have survived unless there were sympathizers, protectors and customers on shore ready, willing and able to provide sanctuary. In this sense, piracy has always been a complex system dependent for its functioning on mutually supportive arrangements between agents and abettors. Such networks of mutual dependence characterized each of the great eras of piracy. In the Ancient Mediterranean during Roman times, the pirates who plundered the grain trade between Egypt and Rome found sanctuary on the island of Crete, on Cyprus, on the Greek island of Delos, along the eastern coast of Italy, and perhaps most notoriously along the Mediterranean coast of Asia Minor where the Taurus Mountains reach the sea in the region known to ancients as Cilicia Tracheia.<sup>17</sup> In the medieval period, the pirate havens that abounded along the southeastern coast of England – particularly the infamous Cinque Ports of Hastings, Romney, Hythe, Dover and Sandwich, later joined by Winchelsea and Rye – enthusiastically supported the pillaging of North Sea and cross-channel shipping. '[P]ortsmen', Williams finds recorded in a manuscript of the time, 'trained in the tough school of piracy, could be relied upon to . . . massacre French crews "quicker than it takes to eat a biscuit"'.<sup>18</sup> During the same period and continuing into the era of the Hanseatic League, pirate havens were also to be found in the Channel Islands and scattered along the western coast of Ireland. The safe harbouring of pirates flourished as well in the British Isles during the reign of Elizabeth I, when, according to P. Bradley Nutting,

'salt water thieves' (to use Shakespeare's phrase) enjoyed the hearty support of persons in authority. During the first half of her [Elizabeth's] reign Devon, Cornwall, Wales, the Isle of Man, the Channel Islands, and the coast of Ireland became bastions of piracy. In return for 80% of the booty, local gentry provided harbors, markets, and (because the machinery of justice rested largely in their hands) freedom from indictment.<sup>19</sup>

The pillaging of the Spanish Empire likewise depended upon pirate sanctuaries. Again, there were many, Port Royal on the island of Jamaica perhaps being the best known. This city was open to pirates of all nationalities: its taverns and bordellos thrived and its merchants prospered from the transshipment of booty, including slaves. These merchants also profitably exchanged ship's stores, weapons and gunpowder for stolen Spanish pieces of eight. The island of Tortuga, off the northwest coast of Hispaniola became a pirate fortress during the seventeenth century, the launching pad for raids throughout the Caribbean, the starting point in fact for Henry Morgan's raid on Panama City, the place that runaway slaves, indentured servants and plantation workers ran to when happenstance afforded them the opportunity to become pirates.<sup>20</sup> Later, Caribbean marauders found sanctuary in Bermuda,

for a time also in Florida, and most openly and spectacularly in New York, Philadelphia and Charleston, South Carolina. Cities on the eastern coast of British North America prospered for decades as depots for pirates' stolen loot: merchants welcomed pirates, received their cargoes, and sometimes underwrote the up-front costs of launching new expeditions aimed at plunder.<sup>21</sup> When he was not preying upon the commerce of the English East India Company, Captain William Kidd lived respectably at 119–121 Pearl Street, New York City.

The corsairs of the Barbary Coast found safe haven in the harbours and fortresses of Algiers, Morocco, Tunis and Tripoli. Nominally parts of the Ottoman Empire, these principalities strung along the North African coast were independent thugocracies, ruled in their own interest by petty despots – a sheriff in Morocco, a dey in Algiers, a bey in Tunis, a pasha in Tripoli. 'They were absolute Monarchs', Donald Barr Chidsey writes, 'answerable to nobody, who possessed, and often used, the power of life and death. Their courts were sinks of corruption, where violence was a tradition, conspiracy and treachery a sport'.<sup>22</sup> But the despots of the Barbary Coast were also traders, slave traders mainly, and brazen extortionists. In exchange for sanctuary, pirates were taxed a proportion of their purloined cargoes, 10–20 per cent as a rule, and in exchange for immunity from pirate attacks, Europeans (and later Americans) were compelled to offer cash and gifts in tribute. Like the pirates themselves, the Barbary despots also exchanged Christian prisoners and slaves for hefty ransoms. The Barbary Coast then was an *entrepôt* of illicit commerce; pirates were welcome there, and they were safe.

While not exactly welcomed by indigenous inhabitants, pirates were nonetheless relatively safe on the island of Madagascar. By the early 1680s, piracy had already globalized. Commercial shipping was under assault in the north and south Atlantic, in the Caribbean, off the western coast of Africa and along the Pacific coast of Spanish South America. Booty was being illicitly marketed all along the eastern seaboard of North America. Near the turn of the eighteenth century, after exhausting opportunities for large prizes in the Caribbean, and after losing a number of sanctuaries like Jamaica, pirate bands began to find their way into the Indian Ocean. The main attraction was the commerce of the English East India Company, as well as the trading ships of the Mogul Emperor of India.<sup>23</sup> An added attraction was the East African slave trade. Because the island of Madagascar was strategically located athwart the main trading routes that connected India and the Spice Islands to Europe and North America via the Cape of Good Hope, Madagascar and the small adjacent island of Saint Marie rapidly became pirate bastions. Early on, the pirate captains offered firearms and military training to local chieftains, who were constantly engaged in inter-tribal wars, in exchange for safe havens, food and fresh water. As time went on, European and

North American merchants and middlemen arrived to supplant the Madagascar locals and to prosper as ship's resuppliers, handlers of booty and slave brokers. With their assistance a goodly proportion of the Indian Ocean plunder ended up in New York City.<sup>24</sup>

In all of the notable eras of piracy, relationships between pirates and those who abetted their projects amounted in effect to *conspiracies of greed*. The relationships were symbiotic: pirates could neither accomplish their ends nor convert their booty into profits without the aid of their protectors; for their part, the protectors could not so readily and splendidly enrich themselves without the booty brought in by the pirates. Yet, it also must be recognized that abetting piracy usually meant disregarding the law, as piracy was outlawed even in Roman times, in England at least since the time of Edward III, circa 1361, among continental European states for at least as long, by Spain with specific reference to the New World, and throughout much of the Caribbean and in British North America certainly by the turn of the eighteenth century. Disregarding the law by those who suffered pirates was frequently matched by inability to enforce the law by those entrusted with enforcement. Describing the situation during the heyday of the Cinque Ports, Williams reports that

when one Warden attempted to hold an investigation into a particularly nasty affair, involving the looting of various Gascon merchants to the staggering value of £11,200, the men of Winchelsea, Rye and Romney restrained him by force. A successor, sitting in judgment at Winchelsea, was powerless when a well-armed crowd of rascals from Dungeness and beyond entered the courtroom and broke up the proceedings.<sup>25</sup>

And later, 'even when the names of everybody concerned in an incident were known it would be rash to assume that justice was done . . . these pirates, as it happened all contrived to go free'.<sup>26</sup> There were of course also poignant moral questions raised by abetting piracy, since those who opened their ports, knowingly accepted stolen cargoes, fitted out marauders' vessels, endowed pirates with respectability or otherwise passively participated in piracy, acquiesced as well in human depravity. Pirates were thieves, rapists, torturers and murders. Those who accepted and protected them were accomplices.

## **Suppressing Piracy**

### *Some Difficulties*

There are several reasons why combating piracy has always been difficult. Primary among these is everything that has already been said about sanctuary. As long as there have been pirates, there have also been active and passive

co-conspirators in their misdeeds who have succeeded in hiding them, nurturing them, financing them and encouraging them. With their sanctuaries secure, pirates flourish. In addition, pirates cannot be caught if authorities charged with apprehending them remain disinclined to do so. Such circumstances prevailed for one reason or another through wide swaths of international history.

Second, pirates usually have been demonstrated masters at what would today be called 'asymmetric warfare'. Their assaults maximize their advantages by exploiting their victims' vulnerabilities. They usually attack unarmed merchant seaman or defenceless civilians, and even when their victims are armed, pirates at the point of attack invariably present greater numbers, superior armament, unmatched manoeuvrability, numbing ferocity and wanton unconcern for life or limb, including their own. In their choice and construction of vessels and in their tactics, pirates rely upon speed, deception and stealth, and in their strategies pirates look for favourable geography – narrow waterways, entrances to ports, and shallow estuaries, for example – and capitalize on unpredictability and surprise. Encounters between pirates and naval vessels most often favoured the latter and were therefore avoided by pirates whenever possible. However, encounters between pirates and merchantmen seldom turned out badly for the pirates. The English pirate captain Bartholomew Roberts, for example, was said to have taken 400 merchant ships in the Indian Ocean in three years, an awesome accomplishment even if a diabolical one.<sup>27</sup>

Third, and importantly, throughout most of international history piracy was not outlawed *internationally*. True, 'privateering', that is, the legal dispatch of armed private vessels against enemy shipping during wartime, was abolished with the signing of the *Declaration of Paris* in 1856, and the terms and principles of this major-power agreement have entered into international law.<sup>28</sup> That this destructive and unreasonable practice was outlawed by international agreement only in the nineteenth century testifies to the difficulty of establishing what Ethan Nadelmann calls 'global prohibition regimes'.<sup>29</sup> Privateering nevertheless has been outlawed and it is no longer practised.

International Law and *piracy*, however, are different matters. Prior to the twentieth century, effectively, that is, during the entire course of international history, piracy was not considered an international crime subject to universal jurisdiction. This is no longer completely the case, because Article 19 of the 1958 Geneva Convention on the High Seas stipulates that 'on the high seas, or in any other place outside the jurisdiction of any State, every state may seize a pirate ship or aircraft, or a ship taken by piracy and under the control of pirates, and arrest the persons and seize property on board'.<sup>30</sup> Historically, however, pirates were not identified as universal criminals, and no one could therefore legally justify hunting pirates of alien nationality on the high seas in the interest of universal justice. Why this was the case is very

complicated, as Alfred Rubin exhaustively explains in his useful study on *The Law of Piracy*.<sup>31</sup> The crucial impediments to internationally outlawing piracy were essentially twofold: (1) no agreement could be reached to open the way for nationals of one country to apprehend, detain or destroy nationals of another country on the high seas, an area, that is, over which no country exercised jurisdiction, and (2) no internationally acceptable definition of 'piracy' could be agreed upon. One country's pirates invariably turned out to be another country's patriots. At the height of its world power and naval supremacy in the middle of the nineteenth century, the British government decided to take international law into its own hands, and, in 1854, in a report to Lord Clarendon, Foreign Secretary in the Aberdeen and Palmerston cabinets, legal advisors to the Crown defined 'pirates' and universally outlawed them. '[A]ll persons', the report stipulated, '(whatsoever Flag or Papers they may Sail, or to whomever their ship may legally belong) will be pirates by the Law of Nations who are guilty of forcible robberies, or captures of Ships or Goods upon the High Seas without any lawful Commission or authority.' The report then goes on to affirm that 'They and their Vessels and Cargoes may be captured by Officers and Men in the public Service of any Nation, and may be tried in the Courts of any Nation'. And furthermore, 'For the purpose of Jurisdiction in capturing, or trying, them, it is of no consequence where, or upon whom, they have committed their Crimes, for piracy under the Law of Nations is an offence against all Nations, and punishable by all Nations'.<sup>32</sup> In effect, the British government in this instance announced to the world that international law is what Whitehall says it is. This unilateral rendition of international law of course gave 'the British discretion to keep order or not as the British chose', but its applicability lasted only as long as Britain reigned supreme on the seas.<sup>33</sup> After British power waned, it became clear again that international law was not what Whitehall said it was, and not until more than a century later were notions similar to those in the report to Clarendon to reappear as stipulations in the Geneva Convention.

Most states have long had national laws against piracy, but these embodied varying definitions of the outlawed practice and established varying procedures of prosecution and adjudication, as well as varying penal possibilities. In any event, national laws pertained to piracy either perpetrated by nationals or perpetrated in national waters. Such laws, as noted already, were often indifferently enforced, since national pirates preying upon foreigners were quite likely to be looked upon as heroes instead of villains. It often proved extremely difficult to convict a national in a national court of committing acts of piracy against foreigners. Nor was it usually possible to persuade national courts to return stolen goods to foreigners, even though they were clearly identified as pirates' loot. Generally speaking, throughout much of history the law was a rather blunt instrument for suppressing piracy.

International cooperation was similarly less than useful against piracy, because it was seldom forthcoming. Perennial rivalry among states tended time and again to foreclose any possibilities for collective action against piracy. The Barbary pirates, for example, preyed on European shipping – Spanish, French, English, Dutch, Venetian, Papal, and other – and treated all Christians alike, that is, as candidates for enslavement. Yet seldom was it possible for the Europeans to combine forces against these pirates because some or all of them were at war with one another almost all of the time. The French, in addition, were intermittently in alliance with the Turks, sometimes placing them closer to the pirates than to European neighbours who were being victimized by them. Thomas Jefferson, while United States Ambassador to France during the George Washington administration, proposed ‘a league of maritime nations, which would jointly patrol the Mediterranean’.<sup>34</sup> This, comments Donald Barr Chidsey, ‘is something that should have been done long before; but the European countries, distrusting one another, would not work together’.<sup>35</sup> That international disharmony prevented collective action against piracy in the sixteenth century Caribbean is a gross understatement. Most of the pirates were Europeans; most also came from countries that were most of time at war with one another. At the end of the sixteenth century most of the rest of Europe was at war with Spain, and an Anglo-French–Dutch coalition against piracy was conceivable (albeit for a very short time). However, it was at this time that Spain in the New World was the most ravaged victim of the pirates, which, other Europeans believed, was all to the good. In their estimation, the late sixteenth century was hardly an appropriate time for a pan-European war on piracy. Still, there were some exceptions to the general lack of international cooperation against piracy. For example, ancient Rhodes during the second century BC successfully led a coalition of Aegean and Mediterranean island principalities against piracy in the eastern Mediterranean.<sup>36</sup> There was also a modicum of effective international cooperation among Hansa principalities against Baltic and North Sea pirates around the turn of the fifteenth century. Although in this instance there was also a great deal of dissent and defection, again largely due to political squabbling, and this cut deeply into the effectiveness of collective responses to piracy. When the British began to take anti-piracy seriously, sometime in the late seventeenth century, the kind of cooperation it sought was not so much international as intra-imperial. Ironically, while merchants in England and agents of the East India Company were pressuring the British government to take action against piracy, many of the most accommodating pirate havens were to be found in the British Caribbean and North American colonies. The Madagascar connection with New York, for example, was well known, and became increasingly embarrassing to the British government. But the colonies were far away from London and were in the mid-seventeenth century

quasi-autonomous entities, and they had to be cajoled into cooperating with London when the British government turned definitively against piracy. The process of bringing the colonies into line with London took several decades, but ultimately, as elaborated later in this essay, cooperation between London and British North America proved crucial in suppressing Caribbean and Indian Ocean piracy.

### *Some Successes*

Difficult as the task was, piracy in successive eras was ultimately suppressed. Needless to say, it would be most satisfying to discover that good things do go together in international history, and thus to find that piracy was suppressed because the rule of international law eventually prevailed, or because coalitions among nations ultimately came together to protect the seas and sea coasts, or because international regimes brought compliance with principles and norms that mobilized action against pirates, or because the global issue of piracy led to the formulation of global public policy opposing it, or because the root causes of piracy were eliminated and the villainous practice was eliminated along with them. From much that has already been said, it should be clear that none of these explanations are valid. The historical fact is that *pirates were suppressed when they were sought out, hunted down and forcefully destroyed along with their strongholds and sanctuaries*. The seeking out, hunting down and destroying, moreover, were usually carried out by a single major power, frequently the hegemon of the era, commanding a capable navy, acting unilaterally to provide the collective good of heightened security for all, but acting nevertheless largely in its own self-interest. Historically speaking, might did in fact repeatedly set things right. Moreover, in every instance of which I am aware, where pirates were successfully sought out, hunted down and destroyed, the decision to forcefully suppress was a political one, taken at the highest levels of government and prompted either by intense pressure from merchants who were being ravaged, or by imperatives to respond to deteriorating national economic conditions caused by pirates' assaults.

Responding to piracy in the ancient Mediterranean during the Roman era is a story of many chapters, although there is one recurrent theme. The superior naval power of the day in the region policed the waters. Otherwise, when there were no superior naval powers or when the prevailing power failed to perform, piracy flourished. In the Eastern Mediterranean, roughly from the middle of the third to the middle of the second century, BC, the forces of the Ptolemaic emperors of Egypt combated piracy from bases in the Cyclades islands clustered around Delos. When the navies of the Ptolemies were withdrawn sometime around the middle of second century BC, the suppression of piracy was taken over by the navies of the island of Rhodes.

Quoting Strabo, Michael Rostovtzeff describes ancient Rhodes as a city with 'harbours, streets, walls and other public works [that] so greatly surpasses all other cities that there is none which is her match much less her superior'. And, continuing, 'equally admirable are her constitution and laws and the care which she lavishes upon her institutions, especially upon her navy'.<sup>37</sup> Rhodes was a commercial city, geographically positioned athwart ancient shipping lanes connecting Egypt and Asia Minor and Greece, whose existence depended upon freedom of the seas. Suppressing piracy was therefore very much in the Rhodian interest, and its vigilant and efficient navy enforced this interest for the benefit of Rhodes as well as for all others engaged in Eastern Mediterranean commerce. Rhodes continued its efforts against piracy for most of the rest of the second century, BC. During this time, Rostovtzeff reports, 'we see Rhodians fighting pirates with all their strength'.<sup>38</sup>

Roman expansion eastward eventually undermined the power of Rhodes around the turn of the first century BC. But Rome did not immediately accept the task of suppressing piracy in the Eastern Mediterranean. As Ormerod observes, 'Roman jealousy had weakened the one power in the Aegean that was capable of dealing with the pirates, and nothing was put in its place', and the result was 'one of the most dangerous outbreaks of piracy that ever threatened the ancient world'.<sup>39</sup> By 69 BC, piracy over the total expanse of the Mediterranean had brought commerce to a virtual standstill, and because the grain trade between Egypt and Rome had been ravaged, Rome faced near famine conditions.<sup>40</sup> At this point the Roman Senate was forced to act, and did so by appointing Pompeius Magnus proconsul over the entire Mediterranean and allotting him 120,000 troops, 4,000 cavalry, 6000 talents of money and 270 ships.<sup>41</sup> The Romans first cleared the Western Mediterranean of pirates, and then turned eastward with Cilicia as the main objective. There the notorious Cilician pirates were routed, their inland strongholds were overrun and razed, their leaders were executed and the remaining population was resettled 'in districts where the temptation to relapse into their old habits would not exist'.<sup>42</sup>

Near the turn of the fifteenth century, pirates operating from safe havens along the Baltic coast of Germany – the cities of Rostok and Wismar in particular – ravaged shipping first in the Baltic Sea and eventually in the North Sea, the English Channel and even as far south as the coast of Spain. They also raided countless coastal villages and in 1392 sacked and burned the city of Bergen. What began as the activities of small bands of marauders, evolved, by the first decade of the fifteenth century, into a large pirate organization, identified by people of the time as the *Vitalienbrüder*. Two ruthless captains, Godeke Mickelsen and Klas Stortebecker, both reputedly from Hanover, commanded the pirate fleets.<sup>43</sup> The operations of the *Vitalienbrüder* played havoc with the commerce of Denmark, Flanders, England, and most notably the

cities of the Hanseatic League. Piracy virtually closed the Baltic to shipping around the year 1398, cutting off the lucrative herring trade, stopping the westward flow of trade out of Russia and severely undermining the profits of Hansa merchants and the prosperity of Hansa towns.

Suppressing piracy in northern European waters in the early fifteenth century was complicated by the fact that common stances against the pirates were obviated by political conflicts among the Scandinavian states and German principalities. Added to this was the fact that local nobles were as often as not in cahoots with the pirates, taking shares of loot in exchange for sanctuary. 'The Hansa', Dollinger explains, 'tried to bring pressure to bear on Rostok and Wismar to stop them sheltering pirates', but these principalities refused 'to take any action against the pirates or even to return goods which had been looted'.<sup>44</sup> In 1376 a general diet of the Hanseatic League declared war on piracy and by taxing merchants appropriated money to equip warships. However, as only Lübeck and Strasland were willing to join in the actual fight, the expedition failed, and piracy flourished the more so. In 1398, the Grandmaster of the Teutonic Knights was persuaded to join the Baltic war on piracy, thus adding Prussian strength (84 ships and 4,000 men) to Hansa capabilities, with the result that 'the combined fleets of Lübeck and the Prussian towns then pursued the pirates so energetically that by 1400 the Baltic was entirely free of them'.<sup>45</sup>

The North Sea, however, was not yet free of pirates. When forced out of the Baltic, the *Vitalienbrüder* shifted their operations to the North Sea, where sanctuary in exchange for booty was offered by the count of Oldenburg, by towns along the coast of Friesland and by inhabitants on adjacent islands. Sometime during the first decade of the fifteenth century, Bremen and Hamburg joined the Hansa efforts to combat piracy and sent out a fleet in pursuit of Stortebecker and Mickelsen under the command of one Simon of Utrecht, a captain of reputed prowess then resident in Hamburg. The pirates were finally overwhelmed off the coast of Heligoland, and different versions of their fate are recorded. Nash reports that they were beheaded in Hamburg together with hundreds of their companions.<sup>46</sup> Dollinger says that the pirate captains and their crews were hanged.<sup>47</sup> In any event, the defeat of the *Vitalienbrüder* and the dismantling of their organization did bring the Hansa war on piracy to a successful conclusion, and, for a time at least, the Baltic and North Atlantic were relatively safe.

The Spanish government declared war on piracy in the New World as early as the sixteenth century, but Spain never effectively fought this war. As a result Spanish shipping in the Caribbean was devastated, as were countless Spanish coastal settlements. Costs in lives and treasure were immense. Part of the problem for the Spanish lay in their strategy of passive defence against pirates. This plan of action called for meeting and defeating pirates

when they attacked. At sea it involved sending warships to convoy treasure fleets, ostensibly a reasonable tactic of defence. But convoying carried with it the constant risk that individual ships might be 'cut out' from fleets and marauded. Any formation of ships invariably would have stragglers. Such vessels as were compelled by design or damage to move more slowly than the rest of the fleet were frequently 'cut out' and taken by pirates before convoy craft could come to their rescue. Straggling as well as more general disarrays in fleet formation were even greater hazards in the days of sailing ships, making convoying all the less effective. On land, passive defence involved fortifications, garrisons, militias, stores of weapons, particularly cannons, and requisite ammunition and other military supplies. Here, almost all of the advantages were shifted to the pirates, who could attack at times and places of their choosing, striking always at the most poorly defended installations. Yet, passive defence on land might have been successful, or at least more successful, if the Spanish government had been able to actually build the fortifications, staff the garrisons, and supply the cannons, the ammunition and the like, in sufficient quantities. But this was usually not the case in the New World because Spain was interminably at war with rivals in Europe, and these wars, despite the flows of wealth from the New World kept the Spanish government always without adequate resources. Under these circumstances, protecting Spanish interests in the New World from pirates was low priority in Madrid. As a result, passive defence often degenerated into no defence at all. Those, like Kris Lane, who have closely studied Spain's failures at suppressing piracy in the Caribbean, New Spain and Spanish South America, generally conclude that passive defence was not the way to combat piracy. More promising might have been a more pro-active strategy of seeking out, attacking and destroying pirates and their sanctuaries before the pirates themselves could take the offensive.<sup>48</sup>

Regarding the pirates of the Barbary Coast, legend flattering to Americans tells of the refusal of the government of the United States to buy American seaman immunity from attack, capture and enslavement by Barbary pirates by paying tribute to the beys, deys and pashas. It is true that the fledgling United States Navy acquitted itself well in the bombardment of Algiers in 1804, and that the United States Marines on their first expedition abroad succeeded in storming and overrunning the Derna fortress that protected the city's harbour. It also true that for sometime after this 'Barbary War of 1804', the beys, deys and pashas hesitated somewhat in outwardly endorsing the operations of the Barbary pirates. But, as Donald Barr Chidsey realistically concludes in his book *The Wars in Barbary*, 'we were taught, in the school-books, that the United States in its first real war had cowed the dastardly Barbary princes, freeing the European nations from their greedy grasp. This was not so'.<sup>49</sup>

The menacing activities of the Barbary pirates continued for nearly 20 years after the United States bombarded Algiers, and it was France that finally removed the menace. Despite treaties, interspersed with bombardments, followed by still more treaties between European powers and the princes of the Barbary principalities, the abetting of Mediterranean piracy continued into the second decade of the nineteenth century, as did outrages at sea committed against European people and property. Most seriously, the slave trade also continued, and 'the rulers of the Barbary states became more and more truculent, insulting and beheading consuls, firing on flags of truce and behaving like barbarians'.<sup>50</sup> Consequently, on 26 May 1820 the French sent a fleet from Toulon together with 37,000 soldiers and in relatively short order conquered and occupied Algiers. Thereafter, they conquered most of the rest of the Barbary Coast and subjugated the tribal inhabitants. Then, as Gosse observed, 'with the gradual occupation of the Barbary Coast by various Southern European powers ... occasional recrudescences [of piracy] became less and less serious, and ultimately the last remnants of corsair activity were extinguished'.<sup>51</sup>

The British government declared war on piracy near the turn of the eighteenth century. It prosecuted the struggle half-heartedly for a time, intensified its efforts through the eighteenth century, and by the nineteenth century the Royal Navy was effectively policing the waters of the entire world.<sup>52</sup> Britain's successful war on piracy was the result of an evolution of power and policy that was required by the conquest and maintenance of a worldwide empire. Between the seventeenth and the nineteenth century the prosperity, and in some senses even the survival, of Great Britain came to depend in considerable measure upon the flow of commerce within its empire. This flow depended upon the security of sea lanes; and this security depended upon the capabilities of the British Navy. All of this came to be politically understood, first by the officialdom of the British state, then by the leaders of the House of Commons and ultimately by the British public, who repeatedly and resoundingly supported the empire. Amidst this societal and political consolidation in support of world empire, piracy came to be understood as antithetical to the British national interest because it threatened the sea lanes that were the lifelines of the empire. Anti-piracy therefore became British imperial policy, and the pursuit of this policy became ever more emphatic as British power increased.

And British power did rapidly increase. First, the power of the state itself dramatically increased during the eighteenth century, as bureaucracies modernized, as recruitment and promotion within them came to depend increasingly on merit and less on patronage, and as public resources became more abundant. One result of this was that it became progressively possible for London to enforce imperial policy, including anti-piracy, *throughout the*

*empire*. The colonies were reigned in and came to more closely resemble administrative units instead of quasi-autonomous entities. Consequently, after the 1690s the pirate havens in the British Caribbean, like Jamaica, and in ports along the eastern seaboard of North America, like New York, New Jersey and Rhode Island were closed down. Colonial officials sympathetic to, and personally profiting from, piracy were disciplined or dismissed and new officials intent upon enforcing imperial policies were installed. Pirates were arrested, tried and convicted in increasing numbers, Captain William Kidd among them.<sup>53</sup> The unfortunate Kidd departed for Madagascar in 1696, with the connivance and encouragement of the British governor of New York. He proceeded to ravage Indian Ocean shipping for two years. But when he returned in 1699, a new governor had been installed in New York, British anti-piracy policies were in place and being enforced in the North American colonies, and Kidd was arrested and hanged.

Robert Ritchie is certainly correct in underlining that the new administrative and political capabilities of the British state 'had to be matched with muscle'.<sup>54</sup> They were. Not only did the powers of the British state increase in the eighteenth century, but so too the capabilities of the British Navy – more money, more ships, better ships, faster ships, more officers, more seamen.

By 1675 the navy was strong enough to send an expedition to North Africa, two ships to Jamaica, two to Newfoundland, and one to Barbados . . . By 1685 twenty-five ships were in pay and thus were manned and available for service; six were off North Africa; there was one each at Barbados, the Leeward Islands, Virginia, Newfoundland, and two at Jamaica. Besides these ships on station, the navy was reaching far beyond its normal range. One ship had been dispatched to the West Coast of Africa and another sent to cruise in the Indian Ocean. The navy continued to grow during the rest of the decade, but the advent of war in 1688 transformed it in many ways. When the conflict started, there were 88 ships ready to meet the French navy; at the height of the war in June 1696, there were 234 ships with a total complement of 45,906 men and officers. The peerless Royal Navy extended its power over very large areas . . . Squadrons patrolled the Mediterranean and the West Indies; ships were maintained on station at Barbados, Jamaica, the Leewards, Virginia, New York, and New England, while other ships held station off the Irish coast and the Shetland Islands to provide protection for vessels struggling to make it home; and others sailed with convoys. In size and mission the navy had been transformed.<sup>55</sup>

The British, who had no navy to speak of at the beginning of the seventeenth century, had the largest navy in the world by the middle of the

eighteenth century. The Royal Navy continued to enhance its capabilities into the nineteenth century, particularly during the Napoleonic Wars. It continued as well to enforce the empire's anti-piracy policies with vigour, identifying, seeking out and destroying pirates and their sanctuaries in all the oceans of the world right up into the twentieth century. The world was relatively free of large-scale piracy for most of the nineteenth century, because the British government deemed it in the national interest that this should be the case, and the Royal Navy saw to it that it was.

### **Then and Now**

To be sure, piracy in history and transnational terrorism in the twenty-first century are not the same thing. But they are analogous. For example:

- both are perpetrated by private organizations engaged in transnational activities;
- both begin as disparate bands, but evolve into sophisticated organizations;
- both are illegal according to the codes of many countries;
- both indiscriminately target and kill defenceless people;
- both employ terrifying tactics and instruments to attain their ends;
- both effectively use speed, stealth, deception, unorthodoxy and surprise;
- both sow anxiety and insecurity among potential target populations;
- both disrupt normal societal routines and undermine institutions;
- both recruit extraordinary leaders and fanatical followers;
- both depend for their effectiveness upon sympathizers, abettors and co-conspirators;
- both are difficult to suppress.

History teaches a great many lessons, and while Hegel was correct in encouraging us to learn from it, we must be wary about possibly learning the wrong lessons. Nevertheless, to the extent that piracy in history and transnational terrorism today do have many features in common, the suppression of piracy historically ought to be instructive. Eliminating pirates clearly required the use of force: they had to be sought out and physically destroyed. Reluctance to use countervailing force tended only to encourage the pirates in their boldness; failure to apply force maximally only invited pirates to shift their theatres of operation. That the task of suppressing piracy by force frequently fell to the hegemon of the day is not surprising in as much as procuring or protecting collective goods is what hegemons do. Yet, neither is it surprising that hegemons tended to act only upon recognizing that their self-interests were threatened. Historically, amid the ebbing and flowing waves of piracy, this recognition usually came well after enormous outrages had been

perpetrated, well after pirate fleets had grown to considerable size, well after pirate captains had attained real power, notoriety and sometimes even popularity as romantic heroes, and well after the task of suppressing them had evolved from a practical exercise into a major challenge. Interestingly, it was under similar circumstances at the turn of the twenty-first century that the United States reacted hegemonically to transnational terrorism. Whether the 'war on terrorism' declared and pursued by America is purchasing a collective good for the world remains a matter of debate that only future outcomes can resolve.

Among the strategies of anti-piracy, passive defence, termed 'homeland security' in today's parlance, failed. Just as homelands could not be rendered secure against pirates, they probably cannot be rendered secure against present-day international terrorists who are able to frustrate passive defences by striking in places and at times of their choosing using means limited only by the range of diabolical imagination. Like effective anti-piracy, effective anti-terrorism has to be pro-active. Suppressing piracy required not only destroying pirates but also denying them sanctuary, and this amounted to both eliminating havens and hideouts and changing the thinking and calculations of people who sympathized with pirates or otherwise profited from dealing with them. In changing the thinking of sympathizers lay the greatest challenge to those who sought to suppress piracy, and in this probably lies the greatest challenge to those who seek to suppress international terrorism. When those authorized to enforce laws against piracy were disinclined to do so, piracy flourished. So too is this obviously the case regarding present-day international terrorism. Piracy and international terrorism are both systems of relationships among perpetrators and abettors. Suppressing these phenomena requires disrupting or destroying the systems that perpetuate them.

The history of piracy also offers some hypotheticals that are worth pondering. For one thing, piracy thrived historically on dissension and rivalry among states. Conditions under which one country's pirates were another's patriots amounted time and again to granting pirates immunity, thus inviting them to behave with impunity. When states refused to cooperate in prosecuting pirates, favouring national pirates over foreign victims in legal proceedings, piracy remained unchecked and pirates and their protectors prospered. Dissension among governments also precluded collective action against pirates, which diminished countervailing power, prolonged the menaces that pirates posed, and shifted the burdens and costs of suppression onto hegemons (who were then likely to be criticized for acting unilaterally). For many reasons, then, the successive 'wars on piracy' might have been fought more effectively and expeditiously had governments been able to agree that a common menace superseded their political differences. History of course cannot be edited and replayed, but the present and future need not rehearse

the past. To the extent that the analogy between combating piracy and combating terrorism holds, everything suggests that an effective war on terrorism would be expedited by international cooperation. Yet, how much international cooperation against transnational terrorism is actually forthcoming?

Successive wars on piracy might also have been fought more effectively and expeditiously if the nations of the world could have agreed to outlaw piracy. More emphatically, piracy might have been more readily suppressed if the nations of the world could have agreed on what exactly constituted piracy. As noted, until the twentieth century piracy was not internationally outlawed in large part because it could not be internationally defined. There was therefore no anti-piracy regime whose principles and norms condemned piratical behaviour and obligated states to combat it. In Alfred Rubin's estimation there is not even today such a regime, since not even the *Geneva Convention on the High Seas* or the 1982 *United Nations Convention on the Law of the Sea* contains a 'comprehensible definition of "piracy"'.<sup>56</sup> These conventions, for example, speak of piracy on the high seas but remain silent concerning piratical assaults on coastal cities and populations. Neither do the existing conventions establish international tribunals or other machinery to try apprehended pirates, thus leaving it up to states to ultimately decide whether the apprehended 'pirates' are actually 'pirates' and what to do with them if they are. There is no way to know whether international regimes would have rendered the suppression of piracy easier, although their non-existence certainly rendered the practice of piracy easier.

Just as there is not today, and never has been, a comprehensive anti-piracy regime, there is not today, and never has been, a comprehensive international anti-terrorism regime. This is in large measure again because there is no agreement among nations on the definition of terrorism. The problem is well illustrated by the 1999 *Convention of the Organization of the Islamic Conference on Combating International Terrorism*, where international terrorism is defined as:

Any act of violence or threat thereof, notwithstanding its motives and intentions, perpetrated to carry out an individual or collective criminal plan with the aim of terrorizing people, or threatening to harm them or imperiling their lives, honor, freedoms, security or rights, or exposing the environment or any facility or public or private property to hazards or occupying or seizing them or endangering a natural resource or international faculties or threatening their stability, territorial integrity, political unity, and sovereignty of independent states.<sup>57</sup>

This definition would certainly appear to be both reasonable and comprehensive. But the problem is that Article 2 of the same convention says that 'peoples struggle, including armed struggle against foreign occupation,

aggression, colonialism, hegemony, aimed at liberation in accordance with the principles of international law, shall not be considered a terrorist crime'.<sup>58</sup> Terrorism is thus conditional, depending upon political motivations, and the legitimacy of these are politically controversial to the extent that no definition of terrorism can possibly be agreed. Resolutions of the United Nations Security Council passed after 11 September 2001 call upon the nations of the world to combat international terrorism, although the resolutions stop short of defining it, and two general conventions outlawing international terrorism are under consideration in drafting committees of the United Nations General Assembly. They remain there because the committees cannot agree what international terrorism actually is. Again, there is no way to know whether the universal outlawing of international terrorism would greatly help in the prosecution of the present-day 'war on terrorism'. But as long as international terrorism is not defined, outlawed and entered into international law, one country's terrorists will remain another country's freedom fighters, and terrorists will be further empowered.

The most obvious lesson from the history of piracy has to be sobering for those who might hope for the elimination of international terrorism. *Piracy has not been eliminated*. There was, for example, a vicious outbreak of piracy in 1978–79 when hundreds of boat people fleeing Vietnam were attacked, robbed, raped and murdered off the coast of Thailand.<sup>59</sup> Even more recently, during the first three months of 2003, there were 103 pirate assaults on international shipping, and the International Maritime Bureau reported in May 2003 that pirate attacks have tripled in the last decade.<sup>60</sup> The war on piracy will probably never end. Neither perhaps will the war on terrorism.

#### NOTES

1. *The Concise Oxford Dictionary of Quotations* (London: Oxford University Press, 1964), p.102.
2. H.A. Ormerod, *Piracy in the Ancient World: An Essay on Mediterranean History* (Liverpool, UK: Liverpool University Press, 1978), pp.190–241; Philippe Dollinger, *The German Hansa*, trans. and ed. D.S. Ault and S.H. Steinberg (Stanford: Stanford University Press, 1970), pp.78–81; Kris E. Lane, *Pillaging the Empire: Piracy in the Americas 1500–1750* (Armonk, NY: M.E. Sharpe, 1998), pp.164–203; Alfred P. Rubin, *The Law of Piracy* (Newport, RI: Naval War College Press, 1988), pp.339–41.
3. Philip Gosse, *The History of Piracy* (New York: Burt Franklin, 1968 [originally published 1932]), pp.1, 2.
4. Ahmed Rashid, *Taliban: Militant Islam, Oil and Fundamentalism in Central Asia* (New Haven: Yale University Press, 2000), pp.134–35.
5. The pirates that are the subject of this essay are to be distinguished from 'privateers' that between the thirteenth and the nineteenth century were dispatched by governments during wartime to disrupt and destroy the commercial shipping of enemies. See Francis R. Stark,

- The Abolition of Privateering and the Declaration of Paris* (New York: Columbia University Studies in History Economics and Public Law, 1897), *passim*.
6. Alexander O. Exquemelin, *The Buccaneers of America* (Annapolis, MD: Naval Institute Press, 1993 [first published in Amsterdam in 1678]), pp.263, 266, 274.
  7. John B. Wolf, *The Barbary Coast: Algiers Under the Turks, 1500–1830* (New York: W.W. Norton, 1979), pp.147–8.
  8. *Ibid.*, pp.152–3.
  9. Neville Williams, *Captains Outrageous: Seven Centuries of Piracy* (New York: Macmillan, 1962), p.164.
  10. The first circumnavigation of the globe was completed by the crew of Ferdinand Magellan in 1522, Magellan himself having died in the Philippines in 1521. Drake's circumnavigation was accomplished in 1580.
  11. G.O.W. Mueller and Freda Adler, *Outlaws of the Ocean: The Complete Book of Contemporary Crime on the High Seas* (New York: Hearst Marine Books, 1985), p.288.
  12. *Ibid.*, pp.300–301.
  13. Gosse, *The History of Piracy*, pp.2–3.
  14. Williams, *Captains Outrageous*.
  15. Mueller and Adler, *Outlaws of the Ocean*, p.298.
  16. *Ibid.*, p.298.
  17. Ormerod, *Piracy in the Ancient World*, pp.190–95.
  18. Williams, *Captains Outrageous*, pp.12–13.
  19. P. Bradely Nutting, 'The Madagascar Connection: Parliament and Piracy, 1690–1701', *The American Journal of Legal History*, Vol.22 (1978), p.203.
  20. *Ibid.*, p.124.
  21. Robert C. Ritchie, *Captain Kidd and the War against Pirates* (Cambridge, MA.: Harvard University Press, 1986), pp.34–39.
  22. Donald Barr Chidsey, *The Wars in Barbary: Arab Piracy and the Birth of the United States Navy* (New York: Crown Publishers, 1971), p.2.
  23. Nutting, 'The Madagascar Connection', p.205; Ritchie, *Captain Kidd and the War against Pirates*, p.26.
  24. Nutting, 'The Madagascar Connection', pp.204–5.
  25. Williams, *Captains Outrageous*, p.14.
  26. *Ibid.*, p.21.
  27. Nutting, 'The Madagascar Connection', p.205.
  28. Stark, *The Abolition of Privateering*, pp.141–60.
  29. Ethan A. Nadelmann, 'Global Prohibition Regimes: The Evolution of Norms in International Society', *International Organization*, Vol.44, No.4 (Autumn 1990), pp.479–526.
  30. Neale Gregson, *Issues of Maritime Law Arising from Incidents of Piracy and Armed Robbery against Ships* <<http://www.sils.org/seminar/1999-piracy-12.htm>>, p.2.
  31. Rubin, *The Law of Piracy*.
  32. As quoted in *ibid.*, p.238.
  33. *Ibid.*, p.341.
  34. Chidsey, *The Wars in Barbary*, p.24.
  35. *Ibid.*
  36. Michael Rostovtzeff, 'Rhodes, Delos and Hellenistic Commerce', in S.A. Cook, F.E. Adcock and M.P. Charlesworth (eds.), *The Cambridge Ancient History* (Cambridge, England: Cambridge University Press, 1970), Vol.VIII, pp.627–8.
  37. Strabo as quoted in *ibid.*, p.618.
  38. *Ibid.*, p.627.
  39. Ormerod, *Piracy in the Ancient World*, p.189.
  40. *Ibid.*, p.235.
  41. *Ibid.*, p.234.
  42. *Ibid.*, p.240.
  43. E. Gee Nash, *The Hansa: Its History and Romance* (New York: Dodd, Mead and Company, 1929), p.79.

44. Dollinger, *The German Hansa*, p.80.
45. *Ibid.*, p.80.
46. Nash, *The Hansa*, p.81.
47. Dollinger, *The German Hansa*, p.81.
48. Lane, *Pillaging the Empire*, pp.18–28.
49. Chidsey, *The Wars in Barbary*, p.140.
50. Gosse, *The History of Piracy*, p.69.
51. *Ibid.*, p.69.
52. My narrative in this section follows closely the informative explanation of evolving British power and policy offered by Robert C. Ritchie. See, Ritchie, *Captain Kidd and the War against Pirates*, pp.142–59.
53. *Ibid.*, p.159.
54. *Ibid.*, p.154.
55. *Ibid.*, p.155.
56. Rubin, *The Law of Piracy*, p.341.
57. Alan Baker and Daniel Reisner, 'The Evolution of International Law and the War on Terrorism', *Jerusalem Issue Brief*, Vol.2, No.14 (24 Dec. 2002), p.2.
58. *Ibid.*
59. James P. Sterba, 'The Agony of Vietnam Refugee Boat 0105', *The New York Times*, 25 July 1979, pp.1, 12; Henry Kamm, 'Refugees Raped and Murdered by Thai Fisherman', *The New York Times*, 23 Nov. 1979, p.12.
60. International Chamber of Commerce, 'ICC Piracy Conference Ends with Capture of Hijacked Tanker', *Weekly Piracy Report*, 20–26 May 2003, p.1.