

# 1 Piracy in Global and Southeast Asian History

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The term *piracy* can be traced to Greece and the third century BCE, but the modern understanding of the concept developed only from the sixteenth century, concurrent with European expansion across the Atlantic and Indian Oceans and the interaction between Christian and Muslim navigators in the Mediterranean. As such, its meaning changed over time, and it took on different connotations and functions in different cultural and political settings, not only in Europe, but also in Asia, Africa and the Americas. The European understanding of piracy was thus not, as has been claimed, static or ‘consistent over centuries’, neither as a legal nor as a vernacular concept.<sup>1</sup> As Alfred P. Rubin and others have demonstrated, the concept of piracy evolved historically over a long period of time in Europe, particularly from the turn of the sixteenth century, when the classic discussion of the concept was rediscovered in Cicero’s writings. From around the same time, moreover, European overseas expansion gave rise to new challenges in the maritime sphere, including how to define and deal with illicit and unregulated forms of maritime violence in distant seas and coastal areas.<sup>2</sup>

## Classical and Mediaeval European Understandings of Piracy

Etymologically, the modern word *pirate* can be traced to the Classical Greek word *peiratēs* (πειρατής), with its earliest attestation from the mid third century BCE.<sup>3</sup> The root of the word is *pēr-* (περ-), which means to try, risk or attempt, and which also – probably not by coincidence, as illustrated by St Augustine’s story of the pirate and the emperor – is the root for the words *empire* and

<sup>1</sup> Risso, ‘Cross-Cultural Perceptions’, 298; cf. Reid, ‘Violence at Sea’, 19.

<sup>2</sup> Rubin, *Law of Piracy*; see also Heller-Roazen, *Enemy of All*; Thomson, *Mercenaries, Pirates, and Sovereigns*; Benton, *Search for Sovereignty*; Paige, ‘Piracy and Universal Jurisdiction’; Kempe, “‘Even in the Remotest Corners of the World’”.

<sup>3</sup> de Souza, *Piracy in the Graeco-Roman World*, 3; cf. Ormerud, *Piracy in the Ancient World*, 59. Earlier Greek texts, such as those by Homer and Thucydides, generally referred to what in modern translations are called ‘pirates’ as *lēistēs* (ληστής); see further McKechnie, *Outsiders in the Greek Cities*, 101–41.

imperialism.<sup>4</sup> Originally, in Hellenistic times, however, there was no specific association between the term *peiratēs* and maritime depredations, but the word meant bandit or brigand in general, regardless of whether the activities took place on land or at sea.<sup>5</sup>

The Latin form of the word *pirate* was first used by Cicero, when he, writing in 44 BCE, famously claimed that a pirate (*pirata*) is the ‘common enemy of all’ (*communis hostis omnium*).<sup>6</sup> In so doing, Cicero echoed the words of the Greek historian Polybius, who in the previous century had singled out the Illyrians, a group of people based on the eastern shores of the Adriatic and reputed for maritime raiding, as the ‘common enemies of all peoples’. Cicero, however, developed the concept beyond that of Polybius by drawing a distinction between lawful enemies in war and pirates. The laws of war did not apply to pirates, according to Cicero, and because they were the common enemies of all, there ought to be no obligation to keep an oath sworn to a pirate.<sup>7</sup>

From the time of Cicero – and largely as a consequence of Cicero’s writings on the subject – pirates in the Roman Mediterranean world came to be associated specifically with maritime depredations rather than with brigandage in general. In contrast to the Greek meaning of the word, thus, the Latin word *pirata* only ever meant pirate in the sense of maritime raider and was not used to refer to land-based robbers or thieves.<sup>8</sup>

Cicero’s earlier writings and speeches about the Cilicians were in large part responsible for this development, because they established a firm association between piracy and subversive maritime activities with grave security implications. In his defence of the Senate’s decision to grant extraordinary military powers to the statesman and general Gnaeus Pompeius Magnus in 68 BCE, Cicero represented the situation in the Mediterranean at the time as one of unprecedented crisis, with the seas allegedly being overrun by fleets of Cilician marauders. The situation thus required immediate and decisive military action, and Rome, according to Cicero, was saved only by Pompeius, who supposedly cleared the Mediterranean of pirates in just three months.<sup>9</sup>

Pirates were thus from the outset described in highly securitising terms. Further prefiguring the modern development of the concept in Europe, pirates also became associated in the Roman imagination with exotic and uncivilised

<sup>4</sup> Rubin, *Law of Piracy*, 345–6.      <sup>5</sup> Heller-Roazen, *Enemy of All*, 35.

<sup>6</sup> Cicero, *De Officiis* [On Duties] 3.107.

<sup>7</sup> Polybius, *Historiāi* [Histories] 2.12.4–6; cf. de Souza, *Piracy in the Graeco-Roman World*, 80.

<sup>8</sup> de Souza, ‘Piracy in Classical Antiquity’, 49, n. 67.

<sup>9</sup> *Ibid.*, 39–40. In these instances, however, Cicero uses the word *praedones* (robbers, thieves) rather than *piratae*, and it was only in *De Officiis*, written in 44 BCE, that he first used the latinised form of the Greek word *peiratēs*.

outlaws, not unlike the image that dominates in Western popular culture today.<sup>10</sup> Whole villages and communities were labelled piratical by the Romans because their activities and way of life interfered with the new political and commercial order that Rome, at the height of her power from the first century BCE to the second century CE, sought to establish over the Mediterranean. In contrast to how the concept developed in Europe much later, however, piracy was not a specific legal term in Roman law.<sup>11</sup>

It is generally believed that the words *piracy* and *pirate* fell into disuse after Roman times, only to come back in the European context toward the end of the Middle Ages and particularly during the sixteenth century.<sup>12</sup> However, whereas it is true that other words were often used to describe, for example, the Vikings of northern Europe and various marauders who plagued shipping and coastal areas in the Mediterranean in mediaeval times, several laws from different parts of Europe from as early as the eleventh century had provisions that mentioned piracy or pirates, either in Latin or vernacular languages.<sup>13</sup> The principal source of maritime law in Europe in the High Middle Ages, the Rolls of Oléron from the twelfth century, for example, mentions pirates in the context of the obligation of land owners (*seigneurs*) to assist mariners who had been shipwrecked and landed on their shores. The obligation, however, did not include ships ‘exercising the profession of piracy’ (*exerçant le mestier de piraterie*) or sailors who were ‘pirates or scums of the sea’ (*pyrates ou escumeurs de mer*). In such cases – and particularly if the pirates were enemies of the Catholic faith – anyone could treat them as dogs and take possession of their property without punishment.<sup>14</sup>

Subsequent mediaeval laws and other texts also mentioned piracy and pirates, and at least from the thirteenth century a number of words apparently synonymous with the term *pirate* appear in the vernacular literature, such as the French *larrons de mer*, the English *sea thieves* and the German *Seeräuber*.<sup>15</sup> In Romance languages, the words for piracy (e.g., Fr. *piraterie*, Sp. *piratería*, It. *pirateria*) and pirate (*pirate*, *pirata*, etc.) were generally borrowed from Latin. In addition, the words meaning corsair (from mediaeval Latin *cursarius*, derived from *cursus*, raid) seem to have been used more or less synonymously with vernacular words for piracy in Romance languages in mediaeval times.<sup>16</sup> Most Germanic languages, by contrast, developed compound words in the vernacular that literally meant ‘sea robbery’ (e.g., Germ.

<sup>10</sup> de Souza, ‘Piracy in Classical Antiquity’, 43. <sup>11</sup> Rubin, *Law of Piracy*, 8.

<sup>12</sup> E.g., *ibid.*, 13; Paige, ‘Piracy and Universal Jurisdiction’, 134.

<sup>13</sup> For examples, see Weatley, ‘Historical Sketch of the Law of Piracy’, 540–2.

<sup>14</sup> Guyon, ‘Les Coutumes pénales’, 341.

<sup>15</sup> Prétou, ‘Du “larron écumeur de mer” aux “pirathes”’, 40–1.

<sup>16</sup> E.g., Rigaud (ed.), *Pirates et corsaires*, 32.

*Seeraub*, Dutch *zeerof*, Sw. *sjöröveri*) or ‘sea robber’ (*Seeräuber*, *zeerover*, *sjöröväre*) to denote piratical activities or persons.

Toward the end of the Middle Ages, there were thus several, largely synonymous, terms in the European languages that set robbery at sea apart from its counterpart on land. This conceptual framework formed the basis for the subsequent legal, political and intellectual discussions in Europe during the early modern period about the precise definition and limits of piracy, understood broadly as illicit or unauthorized robbery at sea.

### **Piracy and the European Overseas Expansion**

With the consolidation of the principal European states and the onset of European overseas expansion toward the end of the fifteenth century, piracy took on a much greater legal and political significance in Europe compared with earlier centuries. As European sovereigns acquired large fleets of heavily armed vessels capable of projecting their power to distant seas, European kings and queens began to make extensive claims to sovereignty and jurisdiction at sea, both in adjacent maritime zones and – particularly in the case of Spain and Portugal – over vast distant oceans and waterways. Such claims, however, were promptly challenged, not only by other states and commercial competitors, but also by pirates, now understood, in principle, as maritime raiders who operated without the authorisation of a lawful sovereign. With the exception of the Mediterranean, such pirates were, for the most part, of European origin, and although non-European pirates occasionally are mentioned in sixteenth- and seventeenth-century European sources, the pirates that caused by far the most concern for European governments and trading companies came from the same continent.

The operations of early modern European pirates occurred mainly in American, African and Asian waters, where the sea power of European governments was generally weaker than in Europe. The victims were not only European vessels but frequently those of Asian, African or American origin. The lack of sophisticated maritime legislation, both national and international, combined with the widespread use of privateers by European states, also created a vast grey zone between outright piracy and what was considered to be lawful prize-taking.<sup>17</sup>

Meanwhile, in the Mediterranean, piracy and corsairing shaped the commercial and political relations between Europe and the Ottoman Empire and the so-called Barbary States of North Africa (Morocco, Algiers, Tunis and Tripoli) for much of the period, from the second half of the sixteenth until the

<sup>17</sup> Rubin, *Law of Piracy*; Benton, ‘Legal Spaces of Empire’.

beginning of the nineteenth century. The legal status and character of the Barbary States – particularly with regard to the question of whether they should be understood and treated as lawful political entities or illegitimate piratical nations – was one of the central aspects of the discussions about piracy in early modern Europe and had a great impact on how the European concept of piracy developed.<sup>18</sup>

The global maritime encounters that followed as a result of European expansion had a profound influence on how piracy was understood and defined, not only in Europe but in other parts of the world as well. As Lauren Benton has argued, studying the global legal discourse on piracy is not a question of choosing between, on the one hand, a Eurocentric narrative according to which an international legal community of nation states emerged in seventeenth-century Europe and then spread around the world and, on the other, a narrative that exaggerates the autonomy and resilience of non-European legal orders.<sup>19</sup> Benton instead argues – and demonstrates in her empirical historical work – that it is artificial to separate European from non-European legal cultures and that they should instead be understood as mutually constituting one another.<sup>20</sup>

Overseas expansion led European lawyers and intellectuals to take a great interest in the concept of piracy and its legal and political implications in the contemporary global context. Among the central questions that were debated, sometimes with great intensity, were: how to define piracy; whether there was such a thing as a piratical state or nation and, if so, how one should be treated; who was invested with the authority to define who was a pirate; what difference there was between a pirate, a criminal and a lawful enemy; to what extent piracy was a crime according to natural or positivist law; whether piracy was, or should be, a crime according to international or national law (or both); and how far beyond his shores the jurisdiction of a sovereign extended with regard to the right and obligation to suppress piracy.<sup>21</sup>

In grappling with these and other questions, European intellectuals naturally turned to Cicero, whose *De Officiis* was more or less compulsory reading for young European men of the higher classes during the Renaissance. Cicero's discussion of piracy seemed to be of particular relevance in the sixteenth-century context of maritime expansion and the ensuing need to regulate maritime spaces. Jurists such as Pierino Belli and Alberico Gentili tried to find a legal definition of pirates based on Cicero, and toward the end of the century

<sup>18</sup> See Kaiser and Calafat, 'Violence, Protection and Commerce'; see also White, *Piracy and Law* for the Ottoman perspective on piracy in the early modern Mediterranean.

<sup>19</sup> Benton, 'Legal Spaces of Empire', 722. <sup>20</sup> *Ibid.*, 723; cf. 715–16.

<sup>21</sup> See Rubin, *Law of Piracy*, esp. 13–113, for a detailed discussion of these and other questions relating to piracy in early modern Europe.

pirates began to be widely described as the ‘enemies of mankind’ (*hostis humani generis*), a paraphrase of Cicero’s formulation *communis hostis omnium* with approximately the same meaning.<sup>22</sup> Even though jurists continued to debate the exact definitions of piracy in the following century, the notion that pirates were the enemies of mankind was firmly established in European legal treaties and debates from the turn of the seventeenth century.

According to Gentili, the right to define who was a pirate belonged to the sovereign, who was authorised to deploy indiscriminate violence against pirates regardless of where they were found. This doctrine, as has been pointed out by Alfred P. Rubin, put a tool of enormous power in the hands of established sovereigns.<sup>23</sup> It served to legitimise the extension of European claims to sovereignty and jurisdiction overseas and could, combined with superior seapower, be used not just to chase pirates but also to further the commercial and political interests of European states and state-sponsored ventures, such as trading companies, overseas.

The jurisprudence on piracy was also implemented in the laws and regulations of European states and sovereigns. For example, in 1569 England’s Queen Elizabeth I proclaimed pirates ‘to be out of her protection, and lawfully to be by any person taken, punished, and suppressed with extremity’.<sup>24</sup> The result of this and other proclamations and legal practices that developed in England toward the end of the sixteenth century was that alleged pirates were often summarily executed by hanging in ports around the world.<sup>25</sup> Other European states, such as France and Spain, also passed laws that prohibited piratical activity and prescribed capital punishment for piracy from around the turn of the seventeenth century.<sup>26</sup>

The attempts to outlaw and suppress piracy in early modern Europe, however, did not include privateering, that is, the commissioning of private vessels to attack enemy ships in times of war. This practice was used to varying degrees by European governments throughout the early modern period and contributed unintentionally to condoning piratical activity and to perpetuating a vast legal grey zone in which piracy could be given a quasi-legal status. Privateering also stimulated piracy, as many privateers turned pirates when

<sup>22</sup> See *ibid.*, 55 n. 61, on the possible origins of the phrase, which generally is attributed to the English jurist Edward Coke. According to Paige, ‘Piracy and Universal Jurisdiction’, 136, however, the phrase was coined by Gentili in 1598.

<sup>23</sup> Rubin, *Law of Piracy*, 19–26; *cit.*, 21. <sup>24</sup> *Ibid.*, 40; Harding, ‘Hostis Humanis Generis’.

<sup>25</sup> Paige, ‘Piracy and Universal Jurisdiction’, 135.

<sup>26</sup> In France, an edict issued by Henri IV in 1584 prescribed the death penalty and the breaking of the offender’s body on the wheel for robbery at sea, although it seems that the term *piracy* was not used before the seventeenth century; see Mathonnet, ‘L’Évolution du droit’; Isambert, *Recueil général*, 575. For Spanish laws relating to ‘the corsairs and pirates’ (*los cosarios, y piratas*) in the Spanish colonies, dating mainly from the late sixteenth and early seventeenth centuries, see *Recopilación* 2, 64–6.

their commissions expired, leading to cycles of increased piratical activity in the wake of major inter-European wars, such as the Anglo–Spanish War (1585–1604), the Nine Years War (1688–97) and the War of the Spanish Succession (1701–14).<sup>27</sup>

### Piratical Imperialism

The legal and intellectual discourse on piracy in Europe was literally a world apart from the reality of maritime encounters in the Indian Ocean and in East and Southeast Asia. Portuguese, Spanish, Dutch, English and French navigators all pursued ruthless policies to further their strategic and commercial interests in these and other eastern waters. With few goods to trade in exchange for the spices, textiles, porcelain, tea and other Asian commodities that Europeans craved, the main competitive advantage of the latter was their superior maritime power. Europeans thus made frequent use of maritime violence and coercion in order to force their will upon Asian sovereigns and communities and to eliminate any commercial competitors, whether European, Asian or African.

Historian Peter Earle has – provocatively, but nonetheless less appropriately – termed such use of maritime violence ‘piratical imperialism’, thereby highlighting the dubious legality and morality of early modern European maritime expansion in Asia and the Atlantic world. Earle concludes that piratical imperialism was even more apparent in the Indian Ocean than in most other theatres of European maritime expansion at the time, such as the Atlantic, the Caribbean and the Mediterranean.<sup>28</sup> Maritime violence thus reached unprecedented heights in the Indian Ocean in the two centuries that followed on from Vasco da Gama’s arrival in India in 1498.<sup>29</sup>

In the early sixteenth century, the Portuguese introduced the infamous system of *cartazes* in the Indian Ocean. These were passes of safe passage issued by the Portuguese authorities, and all Asian ships navigating the Indian Ocean were required to carry a *cartaz* in order to avoid seizure or destruction by the Portuguese vessels that patrolled the ocean’s coasts and sea-lanes. Essentially an institutionalised system of plunder and extortion, the policy was justified by a prominent Portuguese historian at the time, João de Barros, with reference to a combination of Portuguese sea power and Christian doctrine:

It is true that there does exist a common right to all to navigate the seas, and in Europe we acknowledge the rights which others hold against us, but this right does not extend

<sup>27</sup> Starkey, ‘Pirates and Markets’, 111; cf. Ritchie, ‘Government Measures’, 17–19.

<sup>28</sup> Earle, *Pirate Wars*, 111. <sup>29</sup> Yazdani, *India, Modernity*, 544–5.

beyond Europe, and therefore the Portuguese as lords of the sea by the strength of their fleets are justified in compelling all Moors and Gentiles [heathens] to take out safe-conducts under pain of confiscation and death. The Moors and Gentiles are outside the law of Jesus Christ, which is the true law that everyone has to keep under pain of damnation to eternal fire. If then the soul be so condemned, what right has the body to the privileges of our laws?<sup>30</sup>

Even the possession of a *cartaz*, however, did not guarantee safe passage, and there was significant mistrust on the part of Indian and other Asian merchants with regard to the sincerity of the Portuguese and their willingness to keep their promises not to harm a licensed vessel at sea or in port. Demands for compensation for losses incurred because a ship had been molested despite possessing a valid *cartaz* – either by Portuguese naval vessels or by pirates, including Portuguese and other European freebooters – were generally rejected by the Portuguese on formal or technical grounds.<sup>31</sup> At the same time, plunder and booty were a way for the Portuguese state to pay its sailors, and when a ship was taken there were stipulations as to how large a share each individual was to receive.<sup>32</sup> Such provisions obviously stimulated the use of maritime violence, and in Bengal the memory of the brutality of the Portuguese lives on to this day in ballads about the piratical *harmads*, a word meaning Portuguese, derived from *armada*.<sup>33</sup>

With the arrival in Asia of the Dutch and English around the turn of the seventeenth century, maritime violence in the Indian Ocean, the East and South China Seas, and the Malay Archipelago reached new heights. Both the Dutch and English East India Companies pursued aggressive commercial policies directed at European as well as Asian commercial competitors. The Portuguese *cartazes* did not provide protection from attacks and harassment by the newcomers, and Asian merchants were often required to buy licences from all three maritime powers in order to navigate with some degree of security. On several occasions, moreover, both the English and the Dutch plundered Asian vessels at sea in order to force local rulers to comply with their demands for trading privileges or as compensation for losses allegedly inflicted by Indian officials or subjects.<sup>34</sup> In Southeast Asia, the Dutch East India Company used similar coercive tactics to obtain trading privileges and to establish a monopoly on the production of and trade in spices and other commodities, all to the detriment of indigenous traders and communities.<sup>35</sup>

<sup>30</sup> Quoted in Whiteway, *Rise of Portuguese Power*, 21. See also Nambiar, *Kunjalis*, 35–42, for the piratical activities of Vasco da Gama in Indian waters.

<sup>31</sup> Anjum, 'Indian Shipping and Security', 161–2. <sup>32</sup> Pearson, 'Piracy in Asian Waters', 16.

<sup>33</sup> Subramanian, 'Of Pirates and Potentates', 28–9.

<sup>34</sup> Clulow, 'European Maritime Violence'.

<sup>35</sup> Reid, *Southeast Asia*, 2; see also Crawford, *History of the Indian Archipelago*, 3, 219ff.



The legally and morally dubious character of such practices did not go unnoticed by contemporary observers, European as well as Asian. In 1621, for example, a Dutch merchant in Surat, Pieter van den Broecke, worried that the navigators of the Dutch East India Company would be seen in India as ‘pirates and worse as sea-rovers’ due to their violent maritime practices.<sup>36</sup> His fears seem to have been confirmed by the fact that in the Bengal language the word *olandez* (from Hollanders) came to take on the generic meaning of pirate.<sup>37</sup> Further to the east, Chinese officials likewise often compared the Dutch to *wokou* – a term generally translated into English as pirates – because of the fear and hostility that their actions inspired along the Chinese coast.<sup>38</sup> In Japan, Tokugawa officials also frequently referred to the Dutch as pirates (*bahan*) or robbers (*nusum-ibito*). Such notions were part of the reasons for the adoption of the policy of *sakoku* (closed country) from the 1630s, which for more than two centuries succeeded in limiting the incursions of the Dutch and other European powers in Japan.<sup>39</sup>

The piratical reputation of the English in Asia seems to have been even worse than that of the Dutch. Toward the end of the seventeenth century a common assumption in India was that all European pirates were English and that the English East India Company colluded with them.<sup>40</sup> In part this notion was due to Dutch propaganda, which made out that the English were a ‘nation of pirates’, but it was also due to the depredations in the Indian Ocean and Red Sea by English pirates and privateers based, for the most part, in the Caribbean or the British colonies in North America. These acts of piracy culminated with the brutal attacks committed by Henry Avery and William Kidd on two Indian ships – the *Gang-i-Sawai* and the *Quedagh Merchant* – in 1695 and 1698, respectively. The attacks caused great anger in India and contributed to forcing the hand of the English government to take measures against the acts of piracy committed in Asian seas by its subjects, many of whom even carried letters of marque issued by the English crown. The English authorities thus took decisive measures from the turn of the eighteenth century, including the strengthening of the Royal Navy, intensified antipiracy operations, particularly in the Indian Ocean and the Caribbean, and the passing of new laws and regulations with regard to piracy, all of which were meant to deal with the problem and to restore England’s international reputation and her relations with the Moghul court.<sup>41</sup>

<sup>36</sup> Cited in Kempe, “‘Even in the Remotest Corners’”, 360.

<sup>37</sup> Van Schendel, ‘Asian Studies in Amsterdam’, 1; see further Yazdani, *India, Modernity*, 532–4, about the background of the Indian perception of European navigators as pirates.

<sup>38</sup> Calanca, ‘Wokou’, 77. <sup>39</sup> Clulow, ‘European Maritime Violence’, 91, n. 2.

<sup>40</sup> Rodger, *Command of the Ocean*, 162; Earle, *Pirate Wars*, 120. <sup>41</sup> *Ibid.*, 111ff.

In retrospect, the turn of the eighteenth century stands out as a sea-change of global significance, as England swiftly shed its reputation in India and elsewhere as a nation of pirates and instead began to take the lead in the efforts to suppress piracy worldwide. The new policy followed on from the English victories over the Netherlands in the three Anglo-Dutch Wars in the second half of the seventeenth century, which greatly strengthened the naval power of England, thereby giving her increased means by which to suppress piracy overseas.

England also adopted a series of legal positions that in effect extended the jurisdiction of English municipal law to the world's oceans. In 1700 the English Parliament passed an Act for the more Effectual Suppression of Piracy, thereby introducing 'piracy' and 'pirates' as statutory words of art in English law and prescribing severe punishments for pirates. The act expanded the definition of *piracy* compared with earlier laws and authorised the holding of Admiralty Commissions to try pirates outside England, thus disposing of the need to send suspected perpetrators home for trial.<sup>42</sup>

In the early eighteenth century the English government tried to appease the Moghuls and set an example by bringing Kidd and Avery and their crews to justice. The outcome was that Kidd was found guilty of piracy and executed, as were several members of both his crew and that of Avery. Avery, however, managed to evade capture, and his fate after 1696 is unknown. Through the trials, which were closely observed by the Moghul authorities, and the executions, the English government tried to convey the message to India and the world in general – as well as to domestic potential pirates – that they did not condone piracy and that they would do their utmost to exterminate the enemies of mankind, 'even in the remotest Corners of the World', as Leoline Jenkins, a leading judge of the High Court of the Admiralty around that time, put it.<sup>43</sup>

English efforts to suppress piracy were soon eclipsed by the outbreak of the War of the Spanish Succession (1701–14), however. England (and Britain from 1707) and other belligerents recruited large numbers of privateers, many of whom turned pirates after the end of the war, triggering the wave of piracy known as the Golden Age of Atlantic Piracy from around 1714 to 1726. In the face of this surge in piracy, which affected not only the Atlantic but also the western Indian Ocean, the Royal Navy again took the lead in chasing the pirates and managed to put an end to the large-scale European piracy that had accompanied European overseas expansion since the sixteenth century.

The result was that for close to a century, from around 1730 until the end of the Napoleonic Wars in 1815, there was relatively little piratical activity

<sup>42</sup> Rubin, *Law of Piracy*, 100–1; see 362–9 for the full text of the statute.

<sup>43</sup> Kempe, "'Even in the Remotest Corners'", 370; Burgess Jr., 'Piracy in the Public Sphere', 894.

perpetrated by Europeans and targeting European shipping around the world.<sup>44</sup> At the same time the levels of maritime violence in the Mediterranean also receded as diplomacy gained more prominence and the Ottoman Navy was centralised and modernised, leaving less opportunity for maritime raiding for Christian as well as Muslim corsairs.<sup>45</sup>

### The Rise of the Piratical Paradigm

The fact that there was little piratical activity affecting European shipping between c.1730 and the beginning of the nineteenth century did not mean that Europe's now centuries-old preoccupation with pirates declined. On the contrary, the eighteenth century was crucial for the establishment of what Daniel Heller-Roazen has called the 'piratical paradigm'.<sup>46</sup> Moreover, as we shall see, from the middle of the eighteenth century, European concerns over piratical activities perpetrated by non-Europeans increased, and piracy started increasingly to be seen as a threat to the commerce and security of European colonies and maritime commerce in eastern waters, particularly in Southeast Asia.

The exploits of early modern European pirates and privateers not only attracted the interest of jurists and naval officers charged with the task of suppressing piracy: they also evoked the interest of the general public and gave rise to a popular culture in which pirates were portrayed as both heinous criminals and as daring, romantic or patriotic heroes. Some noted pirates or privateers, such as Francis Drake (c.1540–96) and Henry Morgan (c.1635–88), belonged to the pantheon of English 'noble pirates', as Douglas R. Burgess Jr. puts it, already in their own lifetime, long before the eighteenth century. However, it was in the latter century that many of the stereotypes still associated with pirates in Western popular culture were established, based in part on actual historical events and characters and in part on fictive accounts, sometimes loosely based on authentic events and personalities.

The fate of Henry Avery in the wake of his escape from justice in 1696 is illustrative of how pirates were conceived in the popular imagination in Europe. Although the English authorities wanted Avery to serve as a warning to other would-be pirates, they were unable to effectively counter the heroic image that he acquired among ordinary Englishmen. There was great public interest in the trials of Avery and his crew, and pamphlets summarising the proceedings were printed and circulated in great numbers, both in England

<sup>44</sup> On the Golden Age of Atlantic Piracy, see Rediker, *Villains of All Nations*, and on this and the subsequent wave of piracy between 1815 and 1835, see Earle, *Pirate Wars*; Starkey, 'Pirates and Markets'.

<sup>45</sup> White, *Piracy and Law*, 177–9, 268–70. <sup>46</sup> Heller-Roazen, *Enemy of All*, 11.

and in the colonies. The purpose of the pamphlets was to spread the message that piracy would be taken seriously and be severely punished, but many people instead read them as entertaining stories of heroism and adventure. Avery became the subject of poems and ballads, as well as a popular theatre play in London, *The Successful Pyrate*, written by Charles Johnson.<sup>47</sup> William Kidd was romanticised in similar ways, and their personas contributed significantly to the establishment of the classic image of the swashbuckling pirate.<sup>48</sup>

Public fascination with pirates was not limited to England or the British Isles, although they seem to have commanded a particular fascination there. Seventeenth-century French and Dutch buccaneers, such as Robert Chevalier, dit de Beauchêne, and Laurens de Graaf, were also popular figures in their respective home countries, as was the privateer and putative pirate Lars Gatenhielm in Sweden.<sup>49</sup>

Apart from poems, ballads and plays, the stories of the exploits of the most infamous European pirates were disseminated in two purportedly true accounts of the lives and deeds of a number of notorious pirates, both of which came to exercise great influence on the picture of piracy in Europe. The first was Alexandre Exquemelin's book *De Americaensche zee-rovers* (The Buccaneers of America), which was first published in Amsterdam in 1678.<sup>50</sup> Exquemelin had, by his own account, sailed with several of the most famous English and French buccaneers in the Caribbean, including François l'Olonnais and Henry Morgan. The original manuscript for the book seems to have been based on the author's firsthand experiences, but Exquemelin's publisher took the liberty of heavily editing the text and adding several anecdotes and stories to make it more exciting. The book became an instant bestseller and was within a few years translated into German, Spanish, English and French, and was widely read across Europe. Each time the book was published in a new language, it was further edited to suit the different tastes of the respective national audiences, thus further adding to the mythical aura of the main characters in the book.<sup>51</sup>

The second, and in the long run more influential, book was Charles Johnson's *A General History of the Robberies and Murders of the Most Notorious Pyrates*, first published in London in 1724. Like Exquemelin's book, Johnson's *General History* was a great success and was translated into several European languages. The stories and legends of many of the most notorious pirates during the so-called Golden Age of Atlantic Piracy

<sup>47</sup> Burgess, 'Piracy in the Public Sphere', 888. Cf. also Netzloff, 'Sir Francis Drake's Ghost'.

<sup>48</sup> Ritchie, *Captain Kidd*, 237–8.

<sup>49</sup> E.g., Bessire, 'Le Beauchêne de Lesage'; Ericson Wolke, *Lasse i Gatan*.

<sup>50</sup> Exquemelin, *Americaensche zee-rovers*.

<sup>51</sup> Konstam and Kean, *Pirates*, 92; see also Ouellet, 'Fiction et réalité'.

are based on Johnson's account, including those of Edward Teach (Blackbeard), Bartholomew Roberts, Samuel Bellamy and Calico Jack Rackham. Unlike Exquemelin, however, there is no indication that Johnson had firsthand experience of the pirates or the piratical communities he described. Whereas some of the individuals and events described in the book can be corroborated by other sources, the author seems to have embellished his stories significantly, and some of the characters are probably entirely fictional.<sup>52</sup>

Building on centuries of legal discussions and reports of the exploits of European pirates around the world, the success and transnational dissemination of Exquemelin's and Johnson's books cemented the common European notion of piracy. This piratical paradigm, which was firmly established by the middle of the eighteenth century, influenced public perceptions of maritime raiding and violence around the world and frequently had a strong impact on policies related to piracy and its suppression, not only in Europe or involving Europeans, but also in other contexts around the world such as those of North Africa, the Persian Gulf, the South China Sea and the Malay Archipelago. Put otherwise, the ideas about pirates and piracy in European culture from the eighteenth century onward meant that any allusion to piracy, regardless of the context, would have particular cultural, as well as legal and political, significance in Europe.

In the context of the piratical paradigm, piracy, as a complex but popular vernacular concept, was associated with, among other things, excessive violence, cruelty, cunning, debauchery, political subversion, social protest, liberty and romance. Pirates could thus on the one hand be seen as monstrous enemies of mankind and on the other as social bandits, in Eric Hobsbawm's sense of the term.<sup>53</sup> Although such social bandits can be found in many cultures around the world, the association between social protest and piracy seems to be peculiar to European culture. Its origins can be traced to the last decades of the seventeenth century and was consolidated in the first half of the eighteenth century. It was further reinforced in the nineteenth and twentieth centuries through fictional as well as nonfictional writings, and through other cultural expressions such as plays, illustrations and films.<sup>54</sup>

The history of piracy and its imagery, as it developed in the course of the early modern period, influenced the understanding of the concept of piracy in complex and heterogeneous ways. When confronted with the spectre of maritime violence in nineteenth-century Southeast Asia, European colonisers and

<sup>52</sup> Johnson and Cordingly, *General History*.

<sup>53</sup> Hobsbawm, *Bandits*. Hobsbawm, however, only mentions pirates briefly in his book. Rediker, *Villains of All Nations*, by contrast, pursues the theme at greater length, as does Hill, 'Radical Pirates?'. See also Pennell, 'Introduction', 8–10, for a critical discussion of social banditry in relation to Atlantic piracy.

<sup>54</sup> Turley, *Rum, Sodom and the Lash*; Moore (ed.), *Pirates and Mutineers*.

observers readily interpreted the situation in terms of the long-standing piratical paradigm as manifested within their respective (European) national and cultural context. In doing so they simultaneously influenced the piratical paradigm, giving rise to new understandings of piracy and maritime violence, linked to maritime commerce, territorial expansion, military power, maritime jurisdiction, race, religion, civilisation and human rights. In some respects, there were common themes in these developments, but in other respects there were significant national and regional differences, both between different colonial powers and between colonies and metropolises. There were also significant differences between different Asian languages and cultures with regard to the laws and norms that defined what was lawful and accepted maritime violence.

### Asian and European Concepts of Piracy

Although the term *piracy* may not have a direct equivalent in most Asian languages – except to the extent that the European term has entered the languages in question in modern times – several Asian languages have terms that signify various types of illicit maritime violence. These terms may on the surface seem similar to the European concept of piracy, but they carry connotations that set them more or less apart, both from each other and from European understandings of piracy. European maritime expansion in Asia from the turn of the sixteenth century gave rise to numerous encounters between such concurrent concepts of piracy and other forms of maritime violence, and these encounters were often central to the processes of colonisation, commercial expansion and the suppression of piracy by the colonial powers in maritime Southeast Asia.

Compared with Europe the connotations of the various Asian words translated as ‘piracy’ in the nineteenth century show a great variety. In many languages the closest approximation to the term *pirate* was a compound word that can be literally translated as ‘sea robber’, such as the Arabic *liss al-bahr* or the Persian equivalent *duzd darya’i*.<sup>55</sup> Like *pirate*, these terms denoted a person who committed violence at sea outside the context of war and for private gain, in contrast, for example, to a *qursan*, an Arabic term derived from the Italian word *corsale* (corsair), meaning a state licensed privateer.<sup>56</sup>

This distinction between *liss al-bahr* and *qursan* in Arabic resembles the distinction between *pirate* and *privateer* that developed in Europe in the early modern period, and as in Europe there was an obligation according to Muslim law for states to combat pirates and protect shipping in coastal waters. In

<sup>55</sup> Risso, ‘Cross-Cultural Perceptions’, 300; cf. Pearson, ‘Piracy in Asian Waters’.

<sup>56</sup> Pelner Cosman and Jones, *Handbook*, 1, 216.

contrast to the Portuguese position, which, as we have seen, only set out to protect Christian (that is, Catholic) shipping, this obligation also included non-Muslim shipping, at least in theory.<sup>57</sup> Arabic concepts of piracy and privateering, like those of European Romance languages, developed mainly in the context of the interaction between Christian and Muslim shipping and maritime warfare in the Mediterranean. Against that background, and against the background of the common influences of Roman law on both Christian and Muslim jurisprudence in the Mediterranean, the similarities between Arabic and European distinctions between legal and illegal maritime violence are not surprising.

The Mandarin words normally used to refer to what Europeans called ‘pirates’ – *haidao*, *haizei*, *haifei* or *haikou* – literally meant ‘sea bandit’ but could also be translated as ‘sea rebel’ or ‘sea traitor’. The term *haifei* was particularly condescending, with the suffix *fei* being an absolute negative implying the denial of humanity and the absence of the right of a person so described to exist.<sup>58</sup> Like the European concept of piracy, the Chinese terms could thus have subversive and dehumanising connotations that in some respects were similar to the European understanding of pirates as the enemies of all. The terminology and associations were similar in other countries where Chinese cultural influences were strong, such as in Japan, Korea and Vietnam.<sup>59</sup>

The other common Mandarin term frequently translated into European languages as pirate, *wokou* (Jap. *wakō*; Kor. *waegu*), was also associated with subversion and incursion. The affix *wo* in Mandarin was a derogatory term meaning approximately ‘dwarf’, which had been used since Han times to describe the Japanese. In China and Korea, thus, *wokou* was associated with Japanese maritime marauders, although the majority of the *wokou* seem in fact to have been Chinese.<sup>60</sup> As in Europe, the labelling of both *wokou* and *haifei* as subversive implied that they were a threat to the social and political order. The problem was thus securitised, which justified the implementation of extraordinary measures to suppress and exterminate the perpetrators.<sup>61</sup> The frequent comparisons by Chinese officials of Europeans to *wokou* should be understood against this background too.

One of the extraordinary measures deployed by both the Ming and Qing Dynasties was the authorising of private vessels to take part in naval warfare in exchange for material rewards, a practice that strongly resembled the European

<sup>57</sup> Pearson, ‘Piracy in Asian Waters’, 19; see further Khalilieh, *Islamic Maritime Law*, 128–48.

<sup>58</sup> Antony, ‘Introduction’, 7–8. See also Chappell, ‘Maritime Raiding’, 4–5, for the different Chinese understandings of piracy.

<sup>59</sup> E.g., Antony, ‘Introduction’, 7; Antony, *Like Froth*, 39; Antony, ‘Maritime Violence’, 114.

<sup>60</sup> Higgins, ‘Japanese Piracy’, 261.

<sup>61</sup> Cf. Buzan et al., *Security*, and the discussion in the Introduction above.

practice of privateering during the early modern era. In the sixteenth century, for example, the Ming authorities enlisted both Chinese junk traders and Portuguese merchants based in Macau to fight the *wokou* who ravaged the Chinese coast.<sup>62</sup> Although these measures proved largely inefficient, privateering continued in China throughout the late imperial period. As in Europe, such activities tended to encourage nonauthorised maritime violence in the wake of major conflicts, particularly after the end of the Opium War (1839–42), when many junks that had been enlisted in the war as privateers by the Chinese authorities took to piracy.<sup>63</sup>

Neither was piracy, in the sense of armed robbery at sea or on rivers, an unknown legal category in China before the nineteenth century. In 1727 piratical activities were explicitly outlawed in Chinese law in an article related to ‘theft with violence’ (*qiangdao*). According to the article, those who committed armed robbery on the Yangtze or at sea were to be executed immediately by decapitation and have their heads exposed in public.<sup>64</sup> For particularly serious acts of piracy, such as those involving the killing of officials or soldiers or attacks against foreign merchant ships, the punishment was to be death by slicing.<sup>65</sup> A statute enacted in 1740, moreover, listed piracy as one of nine particularly serious crimes for which the courts were not to take into account any mitigating circumstances.<sup>66</sup>

In the Malay Archipelago there were several terms that were normally translated into European languages as piracy. One of the most common was the Malay verb *merampas* (from the root *rampas*), which did not, however, specifically refer to maritime activities. It could be translated as ‘to rob’ or ‘to loot’ but also ‘to confiscate’ or ‘to take by law or force’. The word did not carry any inherent illegal or moral connotations, and *merampas* was often seen as a legitimate activity for traditional Malay chiefs and noblemen. The distinction between trading and looting or other forms of securing wealth – such as taxation, extortion, gambling and even magic – seems to have been relatively unimportant and, above all, not a question of morality. Such attitudes were reflected in the traditional Malay chronicles, in which there are no signs of moral repugnance or surprise in relation to maritime raiding.<sup>67</sup> Malay rulers also frequently encouraged young men of high rank to take to raiding, which was regarded as a suitable occupation for a prince of insufficient means, and

<sup>62</sup> Wei-chung Cheng, *War, Trade and Piracy*, 15.

<sup>63</sup> Antony, ‘Piracy on the South China Coast’, 36, 42. <sup>64</sup> Calanca, ‘Wokou’, 78.

<sup>65</sup> Antony, ‘Suppression of Pirates’, 98–9.

<sup>66</sup> MacCormack, ‘Studies in Traditional Chinese Law’, 234. Similar provisions were made in 1780 and 1855; *ibid.*, 236–7. See also Fox, *British Admirals*, 83, about Chinese laws on piracy.

<sup>67</sup> Milner, *Kerajaan*, 19–20.



also had the advantage of relieving the ruler of the obligation to provide for the prince and his followers.<sup>68</sup>

In 1856 the Scotsman John Crawfurd – who was widely regarded as the leading British authority on Malay history and culture in the mid nineteenth century – observed that many Malay princes looked upon piracy as a ‘fair and regular branch of their incomes’.<sup>69</sup> Crawfurd also noted the resemblance between the attitude of contemporary Malay sea-rovers and that of the early Greeks, as described by Thucydides. Piracy brought no disgrace to them, the Greek historian claimed, but was rather seen as an honourable vocation that was practised by the leading men in society.<sup>70</sup>

Another similarity between the early Greek and Malay concept of piracy was the association between risk-taking and piracy. Just like the root of the Greek word, *pēr-*, meaning ‘to risk or attempt’, a euphemism for piracy on the island of Banka was ‘to seek one’s fortune’ (*mencari rezeki*), and a similar association seems to have been central to the understanding of maritime raiding in the Sulu Archipelago.<sup>71</sup>

Such attitudes, however, were not necessarily shared by all Malays, and almost certainly not by the victims of piracy and other forms of maritime violence. The chronicles, like the statements made by Malay chiefs and nobles to colonial officials defending piracy and raiding from a culturally relativist point of view, reflect the warrior ethos of the political and military elites of the traditional Malay world. As such, they should obviously not be taken as representative of Malay attitudes in general, particularly not in view of the considerable cultural variation between different groups of Malays. Many eighteenth- and nineteenth-century sources bear testimony to the horror and destruction that befell the coastal villages throughout much of maritime South-east Asia due to the depredations of the Iranun, Sama and other maritime raiders emanating from the Sulu Archipelago. Large parts of the coastal regions of Java and Sumatra and other islands were depopulated as villagers abandoned their homes and resettled inland, where the threat of raiding was less immediate. Tales of piratical raids still survive in the oral traditions of many parts of the region today.<sup>72</sup> These circumstances indicate that piracy and other forms of maritime raiding were seen as far from right or just by the majority of the Malay population.

Although it may seem remarkable that there is no mention of illegal maritime robbery in the preserved texts of the Maritime Laws of Melaka

<sup>68</sup> B. Andaya, ‘Anak Raja’, 167. <sup>69</sup> Crawfurd, *Descriptive Dictionary*, 354.

<sup>70</sup> *Ibid.*, 353–4; cf. Raffles, *Memoir*, 180. For the passage from Thucydides, see *History of the Peloponnesian War*, 1:1 §4.

<sup>71</sup> B. Andaya, ‘Anak Raja’, 167; Kiefer, *Tausug*, 83–5; cf. Ahmad, *Precious Gift*, 355.

<sup>72</sup> E.g., B. Andaya, *To Live as Brothers*, 225–6; Velthoen, ‘Pirates in the Periphery’, 215; Warren, *Iranun and Balangingi*; Gaynor, *Intertidal History*.

(compiled between the fifteenth and nineteenth centuries), the Laws of Melaka (first compiled in the mid fifteenth century) did conceptualise illegal attacks on ships and property at sea. The law, for example, established punishments for stealing a ship and then selling or secreting it. However, the punishment – a fine of ten *emas* (gold coins), in addition to returning the value of the ship to the owner – seems relatively mild, particularly in comparison with early modern European and Chinese punishments for piracy.<sup>73</sup> Coastal raids involving the taking of slaves, on the other hand, were deemed to be a more serious crime:

If a ruler's slave is stolen, the thief must be killed and (all) his property confiscated. Even in the case of a Sea-Captain (committing the theft), the rule is the same. If the slave (stolen) belongs to a high dignitary or the Chief Minister, the thief is also to be killed; likewise, if a Sea Captain is guilty of such an offence, the ruling is the same. If a slave belonging to an ordinary soldier or subject is stolen by a Sea-Captain, the ruling is that he (the Sea-Captain) shall either be killed or be fined 10¼ *tahil*. This is left to the discretion of the judge.<sup>74</sup>

These provisions in the Laws of Melaka demonstrate that there were laws against certain, if not all, forms of maritime raiding in the precolonial Malay world. There were also terms in the Malay language that signified illegal forms of maritime raiding and violence, and they resembled, at least in some respects, European understandings of piracy. The observation that notions of illegal maritime violence were understood in the precolonial Malay world is also corroborated by the studies of Carl A. Trocki and Adrian B. Lopian, both of whom argue that Malays in general recognised a distinction between legitimate and illegitimate peoples and power at sea.<sup>75</sup>

The most common terms in Malay for what Europeans called *pirates* seem to have been *bajak* (*laut*), *perompak* and *lanun*.<sup>76</sup> Of these, the term that most closely resembles the English term *pirate* is the first, *bajak laut*, which can be translated as 'sea pirate'. The word seems to have been widely used throughout the Malay Archipelago well before the mid nineteenth century, and, like the European term, *bajak laut* signified unauthorised maritime violence or, in the words of Lopian, 'every kind of violence committed at sea without the sanction

<sup>73</sup> Abel, 'Covert War at Sea', 30; Liaw Yock Fang, *Undang-undang Melaka*, 81; cf. Winstedt and De Josselin De Jong, 'Maritime Laws of Malacca'.

<sup>74</sup> Liaw Yock Fang, *Undang-undang Melaka*, 121, 123.

<sup>75</sup> Trocki, *Prince of Pirates*, 69; Lopian, 'Violence and Armed Robbery', 132–7. See also Teitler, *Zeeroof*, 123; Ahmad, *Precious Gift*, 262.

<sup>76</sup> In addition, there are several other words (apart from *lanun*) that at different times and in different parts of the Malay Archipelago have been translated as *pirate*. Most of these referred to certain ethnic groups that engaged in maritime raiding, such as the Maguindanao, Tobelo, Papuans and Tidong; Lopian, 'Violence and Armed Robbery', 134–5; Gaynor, 'Piracy in the Offing', 846–50.

of the local authority'.<sup>77</sup> Although the qualification *laut* (sea) was frequently added, moreover, *bajak* in itself implied an activity occurring at sea or close to the sea, as opposed to terrestrial raiding or violence.<sup>78</sup>

Second, the word *perompak*, from the root *rompak*, also meant 'pirate' and seems to have been largely synonymous with *bajak laut*, that is, meaning raiders operating at sea or close to the sea without the sanction of a legitimate political authority.<sup>79</sup> According to Trocki, *perompak* were groups of sea nomads (*orang laut*) who were not under the authority of a recognised chief. They consisted of 'wanderers and renegades who included hereditary outlaw bands with no fixed abode', as well as 'temporary bands of outlaws under down-on-their-luck rajas and foreign adventurers'. These were illegitimate raiders, distinct from the sea peoples whose patrol activities on behalf of a recognised ruler were seen as legitimate naval operations and part of the Malay political system.<sup>80</sup>

Finally, the word *lanun*, derived from the name Illanun (Iranun), is a contraction of *I-lanaw-en*, a Maguindanao term meaning 'people from the lake'. It was the name given by the lowland Maguindanaos of Mindanao in the southern Philippines to the Maranao-speaking people who migrated to the coast of Illana Bay from their traditional homelands in the highland lake country of Mindanao following a volcanic eruption around 1765. As James Warren has shown, Illanun or Iranun emerged as the name of a distinct ethnic group in the last decades of the eighteenth century and the beginning of the nineteenth century. Although the Iranun were relatively few, they quickly acquired a reputation as formidable maritime raiders, not only in the southern Philippines, but throughout maritime Southeast Asia. In that context, the

<sup>77</sup> Lapien, 'Violence and Armed Robbery', 134.

<sup>78</sup> See Tim Penysun Kamus, *Kamus besar Bahasa Indonesia*, s.v. 'bajak' (2), 79, for the contemporary meaning of the word in Indonesian. A Dutch–Malay dictionary from 1841 likewise translates the Dutch word *Zeeroover* as *badjak* (and *orang per-oempak*); de Wilde, *Nederduitsch–Maleisch*, 213. The British naturalist Alfred Russell Wallace, moreover, reported from a visit to Aru in the Eastern Indonesian Archipelago in 1857 that he was alarmed one evening by his hosts crying 'Bajak! bajak!', and although the alarm proved false that time, there were apparently real fears on the part of the Arunese of coastal raids conducted by *bajak-bajak*; see Wallace, *Malay Archipelago*, 502. See further Gaynor, *Intertidal History*, 44–5, 158, for the complicated etymology of the word.

<sup>79</sup> Crawford writes that there was no 'name in Malay and Javanese, or indeed in any other native language, for piracy or robbery on the high seas', and says that the usual name for piracy was *perompakan*, from *rompak*, which he claims meant to 'rob or plunder generally'; Crawford, *Descriptive Dictionary*, s.v. 'Piracy and Pirate', 353. Crawford's claim, however, is contradicted by de Wilde's dictionary, in which the first translation of *Zeeroover* is *per-oempak*; De Wilde, *Nederduitsch–Maleisch*, 213; cf also s.v. 'Roover, struikroover', 133, which is not translated as *perompak*.

<sup>80</sup> Trocki, *Prince of Pirates*, 68. Trocki also notes that the breakdown of central power and legitimate authority in the Riau-Johor Archipelago between 1787 and 1795 meant that everyone was a *perompak*, but that this was an exceptional period in Malay history.

term *Illanun* and its cognates were, somewhat inaccurately, extended to include not only the Iranun migrant population of Illana Bay, but also the non-Maranao-speaking people of southern Mindanao, as well as Tausug and Sama raiders and navigators of the Sulu Archipelago.<sup>81</sup> By the early nineteenth century the term *lanun*, according to Raffles, had been stretched to become synonymous with ‘almost all the sea-rovers of the east’.<sup>82</sup>

### Summary

Following the critical discussion of the absolutist and relativist understandings of piracy in the Introduction, this chapter has argued that a cross-cultural study of the concept of piracy can be fruitful as a point of departure for studying maritime violence in colonial Southeast Asia. The question of defining the limits of legitimate maritime violence is something that maritime cultures have had to grapple with throughout history, and there are several terms in Asian languages, including in Arabic, Persian, Bengal, Mandarin, Japanese and Malay, that have been used, to varying degrees, to correspond to the European notion of piracy. However, Europe’s strong and long-standing interest in piracy in its various forms stands out as unique in comparison with other cultures.

There seem to have been attempts to conceptualise illicit maritime violence and raiding in Arab, Indian, Malay, Chinese and other non-European languages before the onset of European expansion, but the increased maritime interaction and violence in the Indian Ocean and other Asian seas from the sixteenth century brought the problem to the fore in unprecedented ways. As a consequence, Chinese, Indians and Malays all developed concepts and laws to define and regulate illicit maritime violence. Several contemporary observers also noted that European navigators were frequently seen as pirates, even to the point of being associated with piratical behaviour through generic terms in Asian languages.

These developments took place concurrently with the establishment in Europe of the so-called piratical paradigm, a complex cluster of political ideas, jurisprudence and cultural notions, which was firmly in place by the mid eighteenth century. Although the paradigm has not been static, it has survived in modified form to date, and continues to be reproduced in contemporary popular culture, news media, international law, naval policies and maritime security operations. The establishment of the piratical paradigm was not an autochthonous European development, however. Like Asian notions of

<sup>81</sup> Kuder, ‘Moros in the Philippines’, 123; cf. Warren, *The Sulu Zone, 1768–1898*, 149; Warren, *Iranun and Balangingi*.

<sup>82</sup> Raffles, *Memoir*, 45; published in 1830, the report was written in 1811.

illegitimate maritime violence, the European concept of piracy was shaped by the global maritime interaction in the early modern era.

The concept of piracy only makes sense in relation to states and their claim to have a monopoly on legitimate violence, but state attitudes toward piracy have varied greatly throughout history, ranging from open sponsorship to violent opposition and suppression.<sup>83</sup> In the course of the early modern period, European states and trading companies moved gradually from perpetrating acts of piracy and other forms of illicit maritime violence in Asian (and other) waters to policies of suppression and nontolerance of piracy and maritime raiding. However, regardless of whether European navigators used their superior sea power to perpetrate acts of extortion, piracy and maritime raiding, or to suppress such activities undertaken by Asians or other Europeans, their deployment of maritime violence in Asia was always used to their own advantage, commercially and politically. This observation is valid with regard to the entire history of European maritime expansion and colonisation in Asia, even as England, from the turn of the eighteenth century, shifted from being widely seen as an infamous 'nation of pirates' to take the lead in the global fight against piracy, with other European nations following suit. For England and other European nations in the early modern era and later, both the perpetration of piratical activities and their suppression served to further their commercial and political interests in Asia and elsewhere around the world.

<sup>83</sup> Eklöf Amirell and Müller, 'Introduction', 12–16.