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Pirates, Privateers and the Political Economy of Private Violence[1]

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Abstract

Historical accounts of private violence in international relations are often rather under-theorised and under-contextualised. Overall, private violence historically needs to be seen in the context of the relationship between state-building, political economy and violence, rather than through the narrative of states gradually monopolising violence. Pirates and privateers in late-seventeenth and early-eighteenth century Europe were embedded in a broader political economy of violence which needed and actively promoted 'private' violence in a broader pursuit of power. As such, the de-legitimatisation of piracy and privateering were the consequence of a number of interlinked political economic trends, such as the development of public protection of merchant shipping (through the growth of centralised navies), the move away from trade monopolies to inter-imperial trade, and the development of capitalism and industrialism. Present forms of private violence also need to be seen as part of a broader historical dynamic of war, violence and political economy.

Historical accounts of private violence in international relations are often rather under-theorised and under-contextualised. A re-examination of the era of European state-building in terms of the relationship between states and private forms of violence can produce important insights about the role and context of private violence in history. Overall, private violence should be seen in the context of the broader relationship between state-building, political economy and violence, rather than through the narrative of states gradually monopolising violence. Otherwise it is all too easy to overdraw lessons from the past. Early modern forms of private violence were linked especially to two factors: the mercantilist global economy and the process of state-building. As processes of state-building, war making, and the pursuit of commerce continued, the eventual consolidation of strong states in Western Europe, with

clear distinctions between state and private violence (in naval terms, seen in the development of strong, centralised navies, especially exemplified by Britain), went hand-in-hand with the de-legitimation of private violence.

While state-building in the West certainly reached a new peak in the late-nineteenth to mid-twentieth century, state-building processes in the developing world continue, though down different historical trajectories given by the legacy of imperialism and colonialism. That the concern with private violence in the developing world is so great is therefore no surprise, and also feeds into problems with wars based on predation.[2] However, the development of a highly integrated global capitalist economy, with a leading ideology of economic liberalism should give some caution when making comparative claims. Present forms of private violence found in private military companies (PMCs) and piracy are part of a broader historical dynamic of war, violence and political economy. The forms of private violence in existence today need to be seen in the context of the present global economic system.

A key example is the relationship between privateering and piracy in late-seventeenth and early-eighteenth century Europe, which in hindsight contained a similar 'blurring' between public and private as that of current private violence. While piratical activity was always proscribed, the differences between the two were often more blurred in practice, as raiding and treasure seeking formed a continuum of activity, and the circulation of mariners between merchantmen, legitimate state-sanctioned naval vessels and pirate crews further created conceptual problems in distinguishing between actors. However, only reflecting on these blurred distinctions can cause more problems than it solves. An overemphasis on the legal status of actors (symptomatic of much of the literature on private violence) has especially contributed to a number of flawed understandings of the historical practices of private violence. While understanding the legitimacy of such actors in international relations is

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[2] E.g. Paul Collier, 'Doing Well out of War: An Economic Perspective', in *Greed & Grievance: Economic Agendas in Civil Wars*, ed. Mats Berdal (Boulder, CO: Lynne Rienner), and M. L. Ross, 'Oil, Drugs, and Diamonds: The Varying Roles of Natural Resources in Civil War', in *The Political Economy of Armed Conflict: Beyond Greed and Grievance*, eds. Karen Ballentine and Jake Sherman (Boulder, CO: Lynne Rienner, 2003).

important, broader contextual issues can actually demonstrate why such actors exist, and how distinctions work in this context.

The main argument of what follows is that piracy and privateering in the late-seventeenth and early-eighteenth century flourished due to the political-economic usefulness of the actors. Pirates and privateers were embedded in a broader political economy of violence which needed and actively promoted 'private' violence in a broader pursuit of power, both by newly forming states that relied on naval power, and by economic actors who relied on violence as a form of protection. In the emerging European naval powers in the seventeenth century, these two aspects went hand in hand, as forms of a mercantilist driven state-building. As such, the de-legitimatisation of piracy and privateering are the consequence of a number of interlinked political-economic trends, such as the development of public protection of merchant shipping (through the growth of centralised navies), the move away from trade monopolies to inter-imperial trade, and, crucially, the gradual development of capitalism and industrialism.

The embedding of piracy and privateering in a logic of state-building manifested by a mercantilist global economy where plunder and predation were part of the logic of war, but also part of the logic of commerce, does much to explain their existence. The analysis will develop in three stages. First, a critique of Janice Thomson's work on the decline of private violence will help to better understand the context of seaborne private violence in late-seventeenth century Europe. Second, this critique will be expanded to examine mercantilism as an economic system, and how this impacted on the strategy of actors. Third, more detail about the specific role of seapower in the period of roughly 1650-1750, particularly emphasising the different approaches of England and France, will show the importance of raiding and plunder to political and economic power. While the analysis is specific to seapower in the early modern period, the analysis will provide a bridge to studying seaborne predation and other forms of private violence in the contemporary period, and some suggestions to that end will be made in the conclusion.

Pirates and Privateers as Private Violence

There has recently been a rise in many forms of private violence, from the use of private military companies (PMCs) which have precedents in mercenaries of the past, to a resurgence of piracy, especially in regions where there is some lawlessness in the open seas. Such trends are exemplified by the enormous scale of the use of private military and security firms in Iraq, as well as the continuing impact of such firms in sub-Saharan Africa.[3] Additionally, and importantly in the context of the argument that follows, there has been an increasing prevalence of piracy, seen in a number of recent high-profile pirate attacks, exemplified by the October 2008 hijacking of an oil tanker in the Gulf of Aden.[4] The recent resurgence of private violence should be seen as somewhat of a surprise, as it is generally argued that forms of private violence had been all but wiped out through the course of the nineteenth century, and certainly by the early-twentieth, as national states developed monopolies over legitimate violence. With the gradual re-legitimation of private violence in the present, seen in the real overlap between private and public in contemporary military actions, there is a need to re-examine the varieties of private violence prevalent in the early-modern period of European state building, in order to provide greater analytic clarity into current happenings.[5]

Much of the contemporary debate about the use of private military actors has been focused on their legitimacy and effectiveness compared to national armed forces. In the context of the historical de-legitimation of private violence the focus on legitimacy is not surprising, considering that it comes as part of a discussion about the 'outsourcing' of state security, and has resonance with analyses of state-building. In this context, private, privatised and 'non-state' violence are often used interchangeably: I use 'private' violence in order to highlight the contingency of the national-state monopolisation of the means of violence, and

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[3] Deborah Avant, *The Market for Force: The Consequences of Privatizing Security* (Cambridge: Cambridge University Press, 2005) and P.W. Singer, *Corporate Warriors: The Rise of the Privatized Military Industry* (Ithaca, NY: Cornell University Press, 2003).

[4] William Langewiesche, *The Outlaw Sea: A World of Freedom, Chaos, and Crime* (New York: North Point Press, 2004); Roger Middelton, 'Piracy in Somalia: Threatening Global Trade, Feeding Local Wars', *Chatham House Briefing Paper* (London: Royal Institute of International Affairs, 2008); and Martin M. Murphy, *Contemporary Piracy and Maritime Terrorism: The Threat to International Security*, Adelphi Paper 388 (London: Routledge, 2008).

[5] Puchala provides one interesting take on this, examining historical piracy, and especially the war on piracy, to make contemporary comparisons with the 'war on terror': Donald J. Puchala, 'Of Pirates and Terrorists: What Experience and History Teach', *Contemporary Security Policy* Vol. 26, No. 1 (2005): 1-24.

also distinguish from 'privatised' violence, which refers to a process whereby 'public' violence is made private.[6] A focus on private violence allows a clearer analysis of both past and present forms of violence, as well as their relation to states.

Janice Thomson's *Mercenaries, Pirates, and Sovereigns*[7] was a landmark work in the use of historical sociology to understand change in a key feature of international relations: the relationship between the means of violence and the sovereign national-state.[8] A key contribution which Thomson made was the development of analytic categories to describe the variety of relationships between the state and violence. Thomson's analytic framework relies on a threefold distinction, between decision-making authority, allocation, and ownership, where all three distinctions can be categorised in terms of state or private. Decision-making authority only concerns who makes decisions about the use of force, the state or private actors. Allocation has to do with whether or not the violence is allocated by the market or authoritatively. Finally, ownership concerns which actors actually 'own' the specific means of violence, including labour and capital.

While Thomson's distinctions are a useful starting point to understanding private violence, they contain a number of problems, mainly to do with anachronistic use of concepts. The main problem with these categories is that they are state-centric, in a very profound way: though the early-modern period she discusses certainly involves the complex processes leading to the rise of national states in Europe,[9] it is anachronistic to analyse them in terms of their legitimate authority, which was only partial, and in terms of state versus nonstate, as if it was easy to distinguish between these two realms in that period.

Many of the key problems are compounded by an overriding focus on legitimacy and legality, often implied by the distinction between public and private. For example, prior to the

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[6] Thanks to Benjamin de Carvalho and Halvard Leira for these distinctions. Owens has further discussed the conceptual problems surrounding 'private' and 'public' in the case of current issues about the privatisation of violence. Patricia Owens, 'Distinctions, Distinctions: "Public" and "Private" Force?', *International Affairs* Vol. 84, No. 5 (2008): 977-90.

[7] Janice Thompson, *Mercenaries, Pirates, and Sovereigns: State-Building and Extraterritorial Violence in Early Modern Europe* (Princeton: Princeton University Press, 1994).

[8] Following Tilly, 'national state' is used to refer to the generic form of state developing in Europe, whereas 'nation-state' is more specific to states with homogenous nationalities within them (or the consequence of a nationalising process): Charles Tilly, *Coercion, Capital and European States, AD 900-1990* (Oxford: Blackwell, 1992).

[9] Tilly, *Coercion*; c.f. Perry Anderson, *Lineages of the Absolutist State* (London: Verso, 1979).

solidification of European states, seaborne protection was mainly in the hands of merchants who needed to protect their cargos, and armed merchantmen were the main force on the seas:[10] this arrangement was certainly legitimate, but understanding the relationship is highly limited by just focusing on that aspect. The problem of legitimacy during the early modern period was more precisely due to the relationship between violence and state-building, and the overall exercise in authority state-building was meant to be. Until states had practically outlawed the legitimacy of private violence, merchants that required protection on the seas would acquire it however they could. Tilly's description of war-making and state-making as organised crime are very salient in this context. As Tilly notes, 'a tendency to monopolize the means of violence makes a government's claim to provide protection, in either the comforting or ominous sense of the word, more credible and more difficult to resist.'[11] The concentration and monopolisation of violence by national states sat in tension with the existence of other sources of violence and protection. As such, legitimacy would always be an issue until national-states were fully consolidated.

Thomson further notes that such issues were bound up with the problematic nature of the high sea as a legal jurisdiction, which was not resolved until the end of the nineteenth century. In fact, the issue of legality (and tied into legitimacy) at sea was even more contentious than this: as Benton notes, in the early modern period maritime violence, particularly the actions of pirates and privateers, was instrumental in helping to define and shape the law of the seas.[12] As she concludes, 'if oceans were in some sense quintessentially "global", it was not because they were assumed to be empty, vast and lawless but because globally circulating processes were transforming them into a different kind of bounded legal space.'[13]

However, in general, the focus on legitimacy is problematic. Though it is important to analyse the legal and legitimate status of both privateers and pirates as forms of private

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[10] Jan Glete, *Warfare at Sea, 1500-1650: Maritime Conflicts and the Transformation of Europe* (London: UCL Press, 1999), chap. 1.

[11] Charles Tilly, 'War Making and State Making as Organized Crime', in *Bringing the State Back In*, eds. P.B. Evans, D. Rueschemeyer, and T. Skocpol, Cambridge: Cambridge University Press, 1985), 172.

[12] Lauren Benton, 'Legal Spaces of Empire: Piracy and the Origins of Ocean Regionalism', *Comparative Studies in Society and History* Vol. 47 (2005): 706-721.

[13] Benton, 'Legal Spaces', 724.

violence across the early modern period, it masks many complexities of historical context: in particular, that as European states developed, and the Atlantic economy with it, seaborne violence took on new roles that are not easily comparable in terms of legitimacy and law. Most historical reflection on private violence has amounted to looking at how states eventually monopolised legitimate violence within (and without) their territories, thus focusing specifically on the historical process of monopolisation and legitimation. While this historical focus serves well to point to the contingent nature of the national-state monopoly on violence,[14] it leaves the only current work to do in terms of categorising forms of private violence in terms of their relation to states. Why does this matter? By rectifying these aspects of Thomson's argument, we can add in a more thoroughly historicised understanding of private violence that will better account for the dynamics of the reclaiming of violence by private actors. Better understanding both the early modern economic factors and the complicated issue of legitimacy will help to better illuminate the environment that allowed for private violence to exist in the first place.

Beyond the issue of legitimacy, the key problem in Thomson's account is the articulation of 'public' and 'private', which impacts on both the consideration of what markets were in the mercantilist period, but also the relationship between state and economy more generally. Thomson's lack of recognition of the historical specificity of the mercantilist political economy makes the discussion of ostensibly 'private' forms of violence exceedingly difficult. The distinction between state and market which Thomson makes was highly problematic in the early modern period. The modern conception of a functionally differentiated 'private' sphere could not be said to exist in the early-modern period of state formation. As a number of writers have observed,[15] the separation of state and economy, and consequently public and

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[14] Works such as Thomson's dramatically overstate the importance of a monopoly of violence in the definition of the state, and unsurprisingly neo-Weberians such as Mann have importantly excluded the monopolisation of legitimate violence from their definitions of the state; e.g. Michael Mann, *Sources of Social Power, Vol. II* (Cambridge: Cambridge University Press, 1993). Furthermore, the focus on monopolisation misses other forms of the transnational constitution and organisation of force, through imperial power, through client-states and forms of internationalisation. For an analysis along these lines, see Tarak Barkawi, *Globalization and War* (Lanham, MD: Rowman and Littlefield, 2006).

[15] Ellen Meiksins Wood, 'The Separation of the "Economic" and the "Political" in Capitalism', in *Democracy Against Capitalism: Renewing Historical Materialism* (Cambridge: Cambridge University Press, 1995); Benno Teschke, 'Theorizing the Westphalian System of State: International Relations from Absolutism to Capitalism', *European Journal of International Relations* Vol. 8, No. 1 (2002): 5-48; Justin Rosenberg, *The*

private, was highly contingent on the development of industrial capitalism.[16] The notion of a separate non-coercive sphere of the 'economic' was a modern invention. To generalise, the system of rule that developed in the transition from feudalism to absolutism, while centralising power and authority in the state, retained many characteristics of the feudal systems. The most important for the account here, is that of proprietary kingship. The absolutist states of early modern Europe were more akin to estates that were the private property of the king. As Symcox describes it, 'European rulers of the seventeenth and eighteenth centuries still regarded their states as personal property—almost as estates—and this proprietary view of the state affected their perceptions of its interests.'[17] As such, there was no clear distinction between commerce and politics, and the idea that there were separate processes of 'market allocation' and 'authoritative allocation' is a severe anachronism. While there were certainly self-interested parties who sold services to governments, this cannot be seen in the same way as contemporary markets due to the fusion of political and economic power in absolutism.

The fusion of commerce and politics, embodied in the concept of 'political accumulation',[18] has important consequences for international relations, and particularly the mobilisation of violence. As Teschke points out, 'proprietary kingship meant that public policy and, a fortiori, foreign policy were not conducted in the name of *raison d'Etat* or the national interest, but in the name of dynastic interests.'[19] As such, the mobilisation of

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Empire of Civil Society (London: Verso, 1994); c.f. Anthony Giddens, *The Nation-State and Violence* (Berkeley: University of Califorina Press, 1987).

[16] The account given here sees capitalism as the development of a particular mode of social relations, in line with most historical materialist/Marxist accounts. However, there is no necessary assumption that 'mode of production' provides the key logic to social and political change. Though there is insufficient space to detail all of the various debates about the state-building process and its relationship to capitalism (or industrialism) and violence, the position taken here is more in line with Giddens' quasi-Marxist explanation of the development of absolutist states into national-states; Giddens, *Nation-State*. C.f. Tilly, *Coercion*; Michael Mann, 'The Sources of Social Power Revisited', in *An Anatomy of Power: The Social Theory of Michael Mann*, eds. John A. Hall and Ralph Schroeder (Cambridge: Cambridge University Press, 2006); Teschke, 'Theorizing the Westphalian System'; Rosenberg, *Empire of Civil Society*; and Robert Brenner, 'From Theory to History: 'The European Dynamic' or Feudalism to Capitalism?', in *An Anatomy of Power: The Social Theory of Michael Mann*, eds. John A. Hall and Ralph Schroeder (Cambridge: Cambridge University Press, 2006).

[17] Geoffrey Symcox, 'Introduction', in *War, Diplomacy, and Imperialism: 1618–1763*, ed. Geoffrey Symcox (New York: Harper & Row, 1974), 2. C.f. Brenner, 'From Theory to History'; and Teschke, 'Theorizing the Westphalian System'.

[18] Brenner, 'From Theory to History'; Teschke, 'Theorizing the Westphalian System'.

[19] Teschke, 'Theorizing the Westphalian System', 13.

violence in international relations was mainly done to settle issues of dynastic inheritance, and to protect monopolistic trade routes. The latter was not only reflection of the mercantilist political economy that existed internationally, but was also part of the fusion of economic and political power domestically, as privileged merchants were granted access to monopoly trading charters.[20] The regulation of all overseas trade in England by chartered companies is one example of such fusion, as was the supporting of such privileges through diplomacy, and eventually the 1651 Navigation Acts.[21] Without recognition of the broader political economic context that was mercantilism, the whole idea of what a 'market' itself is (as well as 'public' and 'private'), is highly contestable.

Overall the main problem with Thomson's account is the conflation of non-state and private: privateers and pirates are symptomatic of a system, and while certainly different, the difference between market allocation and authoritative allocation is misguided, because privateers in the early modern period should be considered *both*. All in all, these analytic categories provide a rather static view of the past, projected too much from present concerns. For example, Perotin-Dumon makes a similar claim about the 'older' historiography of piracy: 'the meaning of piracy at the beginning of the modern era came to be implicitly assessed against these notions of an all-powerful state, of a public sector quite distinct from the private sector, and of a navy serving the glory of the nation by suppressing pirates.'[22] That such categories tend to be used by many contemporary scholars shows that such attitudes towards the history of private violence are deeply ingrained, and ends up providing a real misreading of the period. The conventional narrative of the period is that of seeing private violence only in the context of states developing a monopoly of violence. What it especially leaves out is a political economy of violence, important on two different levels: first, in terms of understanding the broader economic forces shaping the role of violence within

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[20] Teschke, 'Theorizing the Westphalian System', 8. The English East India Company provides an exemplary example of this fusion of interest. See the accounts in N. Robins, *The Corporation that Changed the World: How the East India Company Shaped the Modern Multinational* (London: Pluto, 2006) and Phillip Lawson, *The East India Company: A History* (London: Longman, 1993).

[21] For a good account, see M.N. Pearson, 'Merchants and States' in *The Political Economy of Merchant Empires: State Power and World Trade, 1350-1750*, ed. James D. Tracy (Cambridge: Cambridge University Press, 1991), 41-116.

[22] Anne Perotin-Dumon, 'The Pirate and the Emperor: Power and the Law on the Seas, 1450-1850', in *Bandits at Sea: A Pirates Reader*, ed. C.R. Pennell (New York: New York University Press, 2001), 29.

international relations (understanding the nature of political economy in mercantilism); and second, for understanding the impact on seaborne violence and naval strategy implied by these notions of violence, protection and plunder.

Mercantilism, Violence and the Atlantic Economy

Thomson's main argument in her book is that private violence was de-legitimated through the specific actions of state rulers, which fundamentally altered sovereignty as an institution: 'the transformation entailed the state's monopolisation of the authority to deploy violence beyond its borders and the state's acceptance of responsibility of violence emanating from its territory.'[23] This was largely due to the unintended consequences of private violence, which, though originally utilised to enhance the power of states and further the process of state-building, began to have deleterious effects in terms of challenging the sovereignty of states themselves. While Thomson's account is partial – too focused on the norms of sovereignty, less on changing nature of political power or the advent of modernity and capitalism[24] – it is mainly focused on the process of de-legitimation. As such, the broader contours that shaped private violence are not the main focus of the book. In this light, the broader economic aspects of private violence are overlooked: both the nature of the mercantilist economy, and the economic role of predation within it.

Thomson explicitly leaves the global economy out as a research question, stating that 'there is a third question, to which the book speaks, at best, only indirectly: what is the relationship between the organization of violence and the development of a global capitalist economy?'[25] This is not to say that Thomson does not discuss these factors: they form a crucial part of the background she sets. They just do not, as she notes, play a causal role in her study, nor are they dealt with systematically. However, the actual composition of the global economy at the time is crucial for understanding the need for piracy and privateering:

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[23] Thomson, *Mercenaries*, 4.

[24] And only a final note on the second revolution of the eighteenth century: the democratic revolutions in France and the United States, and the advent of citizenship rights.

[25] Thomson, *Mercenaries*, 199, fn 13.

the mercantilist version of political economy with its related features of exclusivity and plunder, as opposed to the pursuit of free trade and commerce.[26]

Focusing on the role of private violence in such an economy can give a basic outline of the importance of a political economy perspective. For a start, the impacts of seaborne violence can be seen in economic terms, not only in the immediate losses of valuable goods and vessels, but also in the broader impact private violence may have on the reduction in trade.[27] However, what is of greater interest here is the relationship between private violence and the global economy more generally. For example, a number of historians have looked at piracy in terms of how it was 'intrinsic' to an economic system, which is crucially important for discussing piracy in the Atlantic in its 'golden age' (from about 1650 to 1730). In the most basic manner, it involves the degree to which piracy is 'part of the fiscal or even commercial fabric of the society concerned.'[28] Here the economic mingles more clearly with what could be called cultural (or perhaps ideational) factors, which show broader ideologies at work. Anderson sees this mainly in economic terms, but it easily extends to being part of a broader cultural 'way of life'. As such, we can see the intrinsic manifestation as relating to the embedding of predation within a society, be it mercantilist versions of economic power, or just the particular type of polity.

The importance of predation to the mercantilist global political economy should therefore not be understated. In basic terms, 'the term mercantilist reflects the symbiotic alliance between the state and the commercial interests in pursuit of power and wealth at the expense of other states.'[29] As such, the mercantilist conception of economic power interlinked war and commerce in a manner anathema to the liberal global economy of today. In such a

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[26] Accounts of the Atlantic with political economy at the core can be found in: Ralph Davis, *The Rise of the Atlantic Economies* (London: Weidenfeld and Nicolson, 1973); Perotin-Dumon, 'The Pirate and the Emperor'; David J. Starkey, 'Pirates and Markets', in *Bandits at Sea: A Pirates Reader*, ed. C.R. Pennell (New York: New York University Press, 2001); Marcus Rediker, *Between the Devil and the Deep Blue Sea* (Cambridge: Cambridge University Press, 1987).

[27] John L. Anderson, 'Piracy and World Markets: A Economic Perspective on Maritime Predation', in *Bandits at Sea: A Pirates Reader*, ed. C.R. Pennell (New York: New York University Press, 2001).

[28] Anderson, 'Piracy and World Markets', 86.

[29] Anderson, 'Piracy and World Markets', 91. C.f. Jacob Viner, 'Power Versus Plenty as Objectives of Foreign Policy in the Seventeenth and Eighteenth Centuries', *World Politics* Vol. 1, No. 1 (1948): 1-29; and Immanuel Wallerstein, *The Modern World-System II: Mercantilism and the Consolidation of the European World Economy* (New York: Academic Press, 1980).

system, predation during wartime was an established way of ensuring that one's enemies no longer gained from trade. In fact, it had become intrinsic to war; as Harding puts it, for England 'what emerged was a view that war should be fought in a way which did not necessarily defeat the enemy but which clearly enriched England. The enrichment came from the seizure of the enemy's share of world trade.'[30] To the extent to which war and commerce were interlinked, plunder was a means to power in an economic system predicated on an overall idea of relative gains. The link to piracy and privateering here is obvious, as the two activities merely formed a continuum of predatory activity which was part and parcel of imperial rivalry, and where, the pursuit of long-distance trade itself was seen as a 'mild form of war.'[31]

Seapower was crucial for the development of the Atlantic economy, and European mercantilist empires more generally. Mahan's articulation of the key elements of seapower in 'commerce, colonies and shipping' drives this home well.[32] The technological development of trans-oceanic ships allowed for the discovery of new lands, the expansion of trade over the seas, and also necessitated the protection of such routes. Mahan's focus on trade reflects the major preoccupation of the mercantilist economies, with an emphasis on the control of circulation over production. Rosenberg has noted that in pre-capitalist trade, surplus accumulation was accrued through control of circulation, and not through production. As he describes it, 'whereas much modern capitalist trade connects centres of production competitively, increasing the pressure for surplus extraction in the labour process, precapitalist trade connects a centre of production with a distant market and reaps windfall profits by setting prices monopolistically.'[33] The focus on monopoly trade was a particularly important feature of the mercantilist system, especially when considering why a war on the trade of other countries became a crucial part of the economic system, but also in maritime strategy.

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[30] Richard Harding, *Seapower and Naval Warfare 1650-1830* (London: UCL Press, 1999), 142.

[31] J.H. Parry, quoted in Marcus Rediker, *Villains of All Nations: Atlantic Pirates in the Golden Age* (Boston: Beacon Press, 2004), 21.

[32] Paul Kennedy, *The Rise and Fall of British Naval Mastery*, Rev. ed. (London: Penguin, 2004), 8; c.f. Alfred Thayer Mahan, *The Influence of Sea Power upon History 1660-1783* (London: Sampson, Low, Marston 1890).

[33] Rosenberg, *Empire of Civil Society*, 40.

As such, the focus in the development of long-distance seaborne trade was much focused on protection of states' merchant ships (and conversely on the destruction and capture of other states' merchant ships). Prior to the development of centralised and effective national navies, much of the cost of protection was borne by merchants themselves, either by arming merchant vessels or by paying others to provide protection (which could be done in a variety of ways: through insurance, through payments to the Barbary states, etc.). As Lane notes, 'operating with lower payments for protection was often the decisive factor in the competition between merchants of different cities or kingdoms and was achieved by complicated mixtures of public and private enterprise.'[34] Developing forms of protection were therefore crucial to the mercantilist phase.

Further to this, the complicated mixture of 'public' and 'private' noted by Lane above also meant a complicated relationship between politics (and emerging states) and merchant classes, especially in western Europe.[35] As Glete notes, 'in the early modern maritime world protection and violence depended on both private entrepreneurship and political willingness to mould foreign policy and naval strategy to the interest of capital engaged in trade.'[36] As stated earlier, the fusion of commerce and politics complemented this relationship, and it was difficult to differentiate between public and private interest. The English Navigation Acts provide one example of this fusion, in that they provided a legal basis for English (and later British) monopoly on trading to all English colonies. As Harding notes, the Navigation Acts 'formed the legal and diplomatic basis of a sustained policy of vigorous government support of maritime commerce.'[37] Maritime merchant interests were integrated with the political elites, so overall, their demands were of government concern.[38]

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[34] Frederic C. Lane, *Profits From Power: Readings in Protection Rent and Violence-Controlling Enterprises* (Albany: State University of New York Press, 1979), 58.

[35] Robert Brenner, *Merchants and Revolution: Commercial Change, Political Conflict, and London's Overseas Traders, 1550-1653* (Princeton: Princeton University Press, 1993); c.f. David Harris Sacks, *The Widening Gate: Bristol and the Atlantic Economy, 1450-1700* (Berkley: University of California Press, 1993).

[36] Glete, *Warfare at Sea*, 73.

[37] Harding, *Seapower and Naval Warfare*, 17.

[38] As Bialuschewski notes, the Navigation Acts also gave colonial merchants a reason to do business with pirates and freebooters through the development of black markets in goods, especially when many goods were not available through British sources. Arne Bialuschewski, 'Pirates, Markets and Imperial Authority: Economic Aspects of Maritime Depredations in the Atlantic World, 1716-1726', *Global Crime* Vol. 9, Nos. 1-2 (2008): 54.

Pirates were an obvious problem for merchants, who required protection to ensure their goods could be shipped (they were also prey to other states' vessels). As such, prior to the development of strong navies, merchant ships developed their own protection, or paid others to provide it. As there was no sovereignty over the seas, and most states were not willing or able to claim a monopoly of violence over the sea, such violence was not non-state, but simply private. Thomson makes an error in claiming that organisations began to question the sovereignty of the state: these organisations were part of the power of the state itself. It was more that their usefulness declined, especially for Britain's rising Atlantic hegemony. This was particularly apparent with piracy, broadly construed. Until the early eighteenth century, Atlantic piracy was tolerated to the extent that it impacted on enemies' trade (especially Spain and France), but as piracy became more and more detrimental to inter-imperial trade, and to Britain's own trade in the Americas, it became less tolerable.[39]

The developing Atlantic economy also created a mobile labour force which was intimately related to seaborne violence. Navies, merchantmen and privateering vessels all drew from the same labour pool, as mariners required particular skills that were transferable to all of these vessels. As Rediker notes, 'by 1700 seafaring labor had been fully standardised. Sailors circulated from ship to ship, even from merchant vessels to the Royal Navy, into privateering or piracy and then back again, and found the tasks performed and skills required by each were essentially the same.'[40] The relationship with violence was developed quite early, as the development of state run navies drew on an already extant community of seafarers, as this community of specialists was already well-versed in violence, as having the ability to protect merchant vessels was part of every seaman's job.[41] Different states drew on this labour force in different ways, but its existence was a crucial part of the development of seapower, in all its forms.[42]

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[39] Peter Earle, *The Pirate Wars: Pirates vs. the Legitimate Navies of the World* (London: Methuen, 2004); Robert C. Ritchie, *Captain Kidd and the War against the Pirates* (Harvard University Press, 1986).

[40] Rediker, *Between the Devil*, 83.

[41] Glete, *Warfare at Sea*, chap. 3.

[42] Harding, *Seapower and Naval Warfare*, 135-140; Peter Earle, *Sailors: English Merchant Seamen 1650-1775* (London: Methuen, 2007).

The development of 'private' forms of violence can be seen in this context. Both piracy and privateering developed from particular needs dictated by the broader political-economic context. For example, the main motive for privateering was due to lack of opportunity, not so much for lure of prizes. For example, during wartime, normal pursuits such as fishing the Grand Banks and trade became too dangerous, and privateering became an alternative.[43] The lack of opportunity also provided incentives for piracy. In times of large labour surpluses piracy was likely to have a burst of activity. The disruption of trade, often caused by war, led to economic cycling of piracy, as deep-sea labourers went out of the legitimate work force, and needed to find other occupations.[44] After 1713, most pirates had been previously working on merchant vessels; and piracy is explained more by the decrease in wages for seamen after the war, an eventual slump in the maritime economy, and an increase in labour discipline.[45]

When the link between mercantilism and private violence is made, it becomes clear why 'private' protection was so important: it enabled merchants to create monopolies over particular trading routes; it increased profits through protection rents; and the fusion of public and private (and political and economic) meant that protection was a necessary part of commerce, and not something the state provided.[46] Out of this context of mercantilism and the complex mixture of public and private come the early modern pirate and privateer. Piracy and privateering were tolerated to the extent to which they benefited the major players in inter-imperial rivalry. Privately armed merchant vessels formed a necessary part of protection while states were unable to provide protection for their merchants, and ships granted letters of marque for raiding opportunities and privately commissioned 'men-of-war' were both crucial for state that could not afford (or manage) large standing navies that could be utilised in wartime.[47] Pirates in many ways were just a further extension of this form of private violence,

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[43] Patrick Crowhurst, *The Defence of British Trade, 1689-1815* (Folkestone: Dawson, 1977), 16-17.

[44] Starkey, 'Pirates and Markets'; Rediker, *Between the Devil*, chap. 6.

[45] Rediker, *Between the Devil*, chap. 6. It was only in the early eighteenth century that piracy became fused with an ideology of anti-statism, a protest against labour conditions in the merchant marine and navy, but also an alternative form of community to the state. See Rediker, *Between the Devil*, and Rediker, *Villains of All Nations*.

[46] C.f. Rosenberg, *Empire of Civil Society*.

[47] David J. Starkey, *British Privateering Enterprise in the Eighteenth Century* (Exeter: University of Exeter Press, 1990); N. A. M. Rodger, *The Command of the Ocean: A Naval History of Britain, 1649-1815* (London: Penguin, 2006).

which were often seen as beneficial to the extent to which they attacked enemy shipping. As Anderson points out, 'throughout history, many officials at all levels of authority have found it expedient and usually profitable to ignore or even covertly sponsor acts of piracy.'[48]

The dominance of mercantilist policies is the key for understanding private seaborne violence in early modern Europe. While states still saw pirates, on the one hand, as a way of disrupting their enemies' trade, and privateers, on the other, as a legitimate extension of military and economic power, it was impossible to stop piracy, or de-legitimate seaborne private violence more generally. As Perotin-Dumon remarks, 'Western European state-building and commercial expansion were parallel developments that fed upon each other; hence the influence of politics in defining piracy at the time and, conversely, the role of piracy in the nation-building process.'[49] All of which feeds nicely into the broader political economy of piracy: that predation, commerce and state-building all went hand-in-hand.

Seapower and Maritime Violence 1650-1750

During the sixteenth and seventeenth centuries, seaborne violence went through a number of crucial changes. A number of earlier technological changes – such as the development in Northern and Atlantic European states of more manoeuvrable and faster sailing vessels to replace the Mediterranean galley ships, and especially the mounting of guns on ships – led to gradual shifts in strategy.[50] Glete notes that improvements in gun and sailing technology meant that capital began to replace manpower as key for seapower, as well as expanding the range of maritime violence.[51] The seventeenth century therefore became a time that was full of change in strategic thinking, where battleships became part of more integrated systems of strategic planning. While battleships had always been an important symbol of state power, the series of wars between the English, Dutch and French in the second half of the seventeenth century began to show the importance of battlefleets in interdicting convoys and confronting enemy battlefleets. The coordination of battlefleets in line with land warfare was

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[48] Anderson, 'Piracy and World Markets', 83.
[49] Perotin-Dumon, 'The Pirate and the Emperor', 32.
[50] Carlo Cipolla, *Guns, Sails and Empires: Technological Innovation and the Early Phases of European Expansion 1400-1700* (London: Collins, 1965); Glete, *Warfare at Sea*, chap. 2; Kennedy, *Rise and Fall*, chap. 1.
[51] Glete, *Warfare at Sea*, 32.

also increasingly important, and the 'line of battle' became an important part of concentrating power in battle.[52]

However, equally important was a broader organisational shift, that saw an increasing centralisation and bureaucratisation of naval power, that began to harden distinctions in the more generalised violence at sea, firming up much more precisely the difference between pirates and privateers, and consequently, the public and private as well.[53] As Glete argues, the switch from medieval to early modern period in terms of warfare saw a decline of private organisations that conducted war to centrally organised institutions, that were separate from society, and it was only then that centralised navies began to develop.[54] Furthermore, the interests of states and merchants also tended to coincide, so navies became a means of protecting mercantile activity. This increasing centralisation had lasting impacts on state-formation, and the development of naval strategy more generally.[55]

The changes can be seen conceptually in the increasingly formalised differentiation between piracy and privateering. As noted above, these activities previously were much more blurred in practice, though formal differentiation existed through the official granting of letters of marque and reprisal. It is quite clear that both pirates and privateers engaged in very similar forms of violence, often aimed at disrupting shipping and capturing prizes. As Rediker further argues, 'A portion of pirate terror was the standard issue of warmaking, which pirates undertook without the approval of the nation-state.'[56]

The famous privateers of the Elizabethan era, such as Walter Raleigh and Francis Drake provide an early example.[57] Privately motivated, but in the ostensible service of the English Crown, these privateers severely blurred the line between both state interest and private wealth accumulation, but also between privateering and piratical activity. Ritchie notes that

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[52] Harding, *Seapower and Naval Warfare*, chap. 3.

[53] The changes in naval organisation were reflected more broadly in the bureaucratisation of military power, well discussed by McNeill: William H. McNeill, *The Pursuit of Power: Technology, Armed Force and Society since A.D. 1000* (Chicago: University of Chicago Press, 1982).

[54] Glete, *Warfare at Sea*, 1-4.

[55] See, e.g. Daniel A. Baugh, *British Naval Administration in the Age of Walpole* (Princeton: Princeton University Press, 1965).

[56] Rediker, *Villains of All the Nations*, 15.

[57] The use of the term 'privateer' to describe these actors is somewhat contentious, but in line with scholars such as Kenneth Andrews. See Kenneth R. Andrews, *Elizabethan Privateering: English Privateering during the Spanish War, 1585-1603* (Cambridge: University Press, 1964).

they are better described as 'officially sanctioned pirates', probably a better indicator of their actual activities.[58] As Baugh notes 'their activities were commercial only to the extent that organized crime is commercial – sometimes legitimized by active war between England and Spain, sometimes not. In either case the mode was based on the use of force and aimed at aggrandizing.'[59] Overall, these actors were often an embarrassment to the Crown who continually needed to make excuses to pardon their behaviour, and the Crown was even less able to utilise them in a controlled manner.[60]

However, as naval strategy in wartime became increasingly centralised and controlled, the differentiation between these activities became more and more formalised. By the end of the seventeenth century, the differentiation between privateering and piracy became ever clearer. Piracy became ever less tolerated, in terms of its challenge to the existing order and its disruption of Atlantic trade; e.g. the English developed tighter and more effective laws against piracy in 1698.[61] In addition, privateering was ever more tightly defined and regulated by the state, in terms of the development of institutions such as prize courts[62] and during wartime, privateers were much more heavily integrated into naval strategy. As such, the Elizabethan Sea Dogs should be really seen as part of a different world – even the knighthood of Henry Morgan seems something less and less plausible by the end of the seventeenth century.[63]

The further codification of privateering and private seaborne violence can be seen clearly in the development of French and English naval strategies in the late-seventeenth and early-eighteenth century. The period from 1689-1713 is striking for a number of issues, not only because the two wars – the Nine Years' War and the War of the Spanish Succession – between the English and French (and their allies) fought in this period began to show the

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[58] Ritchie, *Captain Kidd*, 11-12.

[59] D. A. Baugh, 'Maritime Strength and Atlantic Commerce: The Uses of "A Grand Marine Empire" ', in *An Imperial State at War: Britain from 1689-1815*, ed. Lawrence Stone (London: Routledge, 1994), 189.

[60] Kenneth R. Andrews, *The Spanish Caribbean: Trade and Plunder 1530-1630* (New Haven: Yale University Press, 1978), 135-36.

[61] Rediker, *Villains of All the Nations*, 26.

[62] See J. S. Bromley, 'The French Privateering War, 1702-13', in *Corsairs and Navies, 1660-1760* (London: The Hambledon: Press, 1987); and Harding, *Seapower and Naval Warfare*, chap. 4.

[63] David Cordingly, *Life Among the Pirates* (London: Abacus Cordingly, 1995), chap. 3.

developments and codifications of different naval strategies, but also the ways in which these two leading states diverged in terms of their relationship to private force.

The French approach to naval strategy was much more focused on the '*guerre de course*', that is, on the enemies' (i.e. English/British) merchant fleet.[64] While the English were certainly still reliant on privateers, these actors were much more a part of a grand naval strategy, focused on battlefleet. Both of these strategies were partially of expedience. The French in both wars could ill-afford to maintain a large battlefleet, and because of the strong relationship between English overseas trade and naval power, the focus on the *guerre de course* was not as hopeless as some Anglo-centric strategists have suggested.[65] The English on the other hand had focused both on the development of a centralised navy, which coincided with a focus on the battlefleet. However, the focus on the battlefleet was not due to its perceived superiority: it simply fit the needs of an island nation dependent on trade, and reluctant to put its military resources in large standing armies.[66] The battlefleet provided a way to deal with both issues, by disrupting the war on English trade, and by providing a means for the English to provide a decisive impact on seapower, which could support its allies on the continent. The English had also focused on the battlefleet as the war on French shipping was much less successful, due to French reliance on internal trade and the *taille*.[67]

While this distinction between strategies is important, it goes too far in saying that each power chose one over the other. First, the *combination* of privateering and battlefleets is of great interest, as both the French and English used *both*. The French, in both wars, eventually gave up the battlefleet almost entirely to focus on English trade. The English felt this impact,

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[64] Bromley, 'The French Privateering War'.

[65] For a nuanced account, see Kennedy, *Rise and Fall*, chap. 3. More generally, see Rodger, *Command of the Ocean*.

[66] Harding, *Seapower and Naval Warfare*, 118-20 and 165-66; c.f. Rodger, *Command of the Ocean*, chap. 11.

[67] Much more could be said about the different approaches to financing the naval war as well: England's access to credit and capital during the post-1688 period was crucial to its development of naval power, much as France's less developed capital market and interest in pursing naval strength through taxation was a detriment to its naval power. See Harding, *Seapower and Naval Warfare*, 122-26; on England, see John Brewer, *The Sinews of Power: War, Money and the English State, 1688-1783* (London: Unwin Hyman 1989) and D. W. Jones, *War and Economy in the Age of William III and Marlborough* (London: Basil Blackwell, 1988); on France, see William Beik, *Absolutism and Society in Seventeenth-Century France: State Power and Provincial Aristocracy in Languedoc* (Cambridge: Cambridge University Press, 1986) and David Parker, *Class and State in Ancien Régime France: The Road to Modernity?* (London: Routledge, 1996).

but by the War of the Spanish Succession, had increased their trading power substantially. What we do see though is the development of two different organisational strategies in terms of 'private' violence.

For the English, both wars proved politically difficult in terms of the lack of decisive naval advantage that could be pressed in winning the war, and with the attacks on merchant shipping.[68] Harding notes that the former problem was mainly dealt with by attacking enemy shipping in ways that would enrich England. As such, English/British naval power in wartime was still directed at destroying both enemy trade and battlefleets. The latter was solved by an increasing attention to the protection of convoys (legislated in the 1707 Cruizers and Convoys Act).[69] This began the major issue in the development of a state monopoly on violence: the distinction between public and private protection, with the protection of trade becoming more important than predation.

The French, ironically, with an increasingly centralised state, relied on a combination of public and private naval power, which was mainly focused on predation. While the French did have one of the biggest battlefleets in Europe, the ineffectiveness of their naval campaign in the early 1690s led to a change of course, towards the *guerre de course*.[70] The strategy, based on Vauban's memo of 1695, was based on the logic that the English and Dutch war effort was mainly predicated on their success in overseas trade, and that destroying that trade would have a huge impact on their abilities to prosecute the war further. The French privateers used a mix of public and private enterprise, using loaned-out royal ships as well as private enterprise in the war on English shipping.[71] While the campaign was successful in terms of the amount vessels captured, the French were less successful in disrupting trade overall, as huge increases in overseas trade meant that the English were able to absorb much of the losses.[72]

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[68] Kennedy, *Rise and Fall*, 77.
[69] Rodger, *Command of the Ocean*, 177-78.
[70] Bromley, 'The French Privateering War'; Harding, *Seapower and Naval Warfare*, 175-79; Rodger, *Command of the Ocean*, 157-59 and 175-77.
[71] Rodger, *Command of the Ocean*, 157-58.
[72] Harding, *Seapower and Naval Warfare*, 177-178.

Overall, the period of 1650-1750 saw not the straightforward de-legitimisation of private violence through the development of state monopolies (for example through the development of centralised navies), but the integration of privateers and battleships in different styles of emergent naval strategies. While there is no doubt that state-building was a hugely important part of the process, the interaction between strategic violence at sea, and the emerging private-public divide is more complicated than a straightforward 'de-legitimisation'. Indeed, despite the increasing effectiveness of the Royal Navy in the eighteenth century, privateering flourished until the nineteenth century.[73] Furthermore, the British and French states had decidedly different approaches to privateering. For the French, privateering was mainly sponsored by the state as part of its military strategy, while in Britain it was mainly a business activity that the state facilitated.[74] These different approaches only further highlight the very different activities in the sphere of 'private violence' in the period.

The key relationship between privateering and piracy as forms of private violence in the eighteenth century was that they formed part of a continuum of economic plunder that states desired and relied upon as part of their economic well-being. When piracy lost the function of being *for* a particular state, its usefulness diminished, but it was really only a part of the broader picture of plunder that formed the core ideology of the British Atlantic world: a continuum of war and commerce. The Peace of Utrecht was a turning point in Atlantic violence, where the increasing power of the Royal Navy, the increasing radicalisation of pirates, and their increasingly negative impact on the Atlantic economy led to their destruction. It was not as if piracy was not illegal before, it was just ignored inasmuch as it could not be effectively eliminated, and to the end it was more a nuisance (and sometimes a boon, if pirates attacked rivals) than anything terribly serious. In a sense, the British gains in the War of the Spanish Succession were about increasing protection rents, which the consolidation of naval power helped with. As Perotin-Dumon states, 'merchants laid down their weapons and accepted that the state would protect their business in exchange for

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[73] Starkey, *British Privateering Enterprise.*

[74] Thanks to anonymous referee for this point. British privateering ventures also differed greatly in form over the eighteenth century: see Starkey for details. Starkey, *British Privateering Enterprise.*

regulating and taxing it. There would have been no "suppression of piracy" without this change in relationship between merchant and state.'[75]

Conclusion: Private Violence Then and Now

In early modern Europe, private violence was tolerated mainly because of its usefulness in the war against enemy trade. In an Atlantic system that was still governed by the strong relationship between wealth and power, the fusing of public and private interests was still strong. However, in the British example, this relationship was starting to wane somewhat, as the combination of state-provided protection and the overall gains of trade as opposed to predation were becoming ever more clear, the restrictive trading practices defined by the Navigation Acts began to dissipate.[76] The gradual decline of private violence was due to a combination of factors: the development of effective protection of merchants, the increasing importance of trade over predation, and the changing nature of naval warfare.

The role of private seaborne violence historically gives some very interesting parallels to present phenomena. The relationship between the sea and economic enterprise, the highly skilled nature of the maritime community, and the relationship between violence and protection were all crucial in the development of states. The reason the historical comparison is useful is that the situation of contemporary PMCs seems much more resonant with privateering than with other types of mercenary activity. This is due to some of the similarities of service between professional armed forces, the professional nature of the activity, and due to the profit-oriented nature of violent enterprise. However, the key difference between private violence in the early modern era and the present is that categories of private and public were being established, and it was not just a case of the state tightening control, but the development of particular social system that required these kinds of arrangements. In the current context, it is a question of advanced capitalism requiring ever more differentiation between public and private, and possibly a declining statism. In many ways, an adequate account of private violence in the present needs to re-examine the role of the state in the present international political economy, and in particular focus on the

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[75] Perotin-Dumon, 'The Pirate and the Emperor', 41.
[76] Baugh, 'Maritime Strength and Atlantic Commerce'.

connections between the state, globalisation and violence. The theorising of a broader context for private violence is crucial to better understand the current dynamics at work in the international system, and potential changes that the increase in private violence holds for the relationship between the state and violence.