Liberty in Piracy

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Abstract
What was the true nature of pirate life under the Jolly Roger? Popular culture has propagated an image of pirates as a philandering group of criminals, unconcerned with much except treasure and pleasures of the flesh. The idea that pirates would have even had political discourse or opinions is a remote fantasy, and yet evidence points to the institution of piracy as being not only supported by, but also founded on democratic and egalitarian principles. Pirates were not only seeking treasure and renown – they were also seeking a better life, which includes notions of suffrage and political freedom. By examining a number of sources, this paper seeks to understand the democratic nature of political organization on board pirate ships, and also to dissect the egalitarian values of pirates and how that affected their interactions with a number of social issues such as gender and racial equality.

Keywords
Piracy — Pirates — Democracy — Gender — Sexuality — Race

Piracy is commonly thought of in the popular public imagination as a violent criminal enterprise built on lawlessness. According to this perspective, life aboard a pirate ship would have been chaotic, uncivilized, filled with reckless danger, and nothing more; pirates certainly would not have had the time or the mind to think about political organization or ethics. However, the reality is that many pirate ships had somehow become destinations for democracy and equality amongst sailors. Within the supposedly ragtag melting pot of criminals and outcasts, there existed pirate laws used to organize themselves efficiently and equitably. These laws indicate a form of democracy, though limited, that very much contrasted the autocratic, monarchic states many Atlantic pirates had hailed from. For instance, while the demographic for piracy in the Atlantic consisted mostly of white men, space was made for men of colour and to a lesser extent, women. These individuals lived under the same laws as everyone else. The fact that pirate life existed outside of normal societal expectations meant that marginalized groups had more options in life at sea than they might have had on land. In this sense, the black flag of piracy could become a rallying banner for freedom and liberty, not only in sentiment, but in political process and ideology as well. It spoke to oppressed individuals seeking broader horizons and offered escape from the rigid routines of life, beckoning them to a life at sea that existed outside the inequitable laws of the state.

To effectively govern and mobilise crews, pirates had to follow a system that took into account the issues presented by both economics and politics. In “An-arrgh-chy: The Law and Economics of Pirate Organization”, Peter T. Leeson argues that pirates practiced a form of democratic government by instituting a system of checks and balances used to constrain the powers of the captain, powers which they feared he might exploit against the crew the way captains aboard merchant ships or navy vessels commonly did. There also existed constitutions and other written laws to lay down the rules of the ship and the fairness expected on board. Captain predation being one of the larger issues that worried pirates, they devised systems in which they “could and did democratically elect their captains without problem.” It was pivotal for pirate crews to establish ways which they could limit the captain’s power, and they achieved this by instituting a series of checks and balances, much like many modern democracies do today. For instance, they fragmented the amount of power that captains could have by inventing the position of the quartermaster, which “removed the captains’ control over activities they traditionally used to prey on crew members, while empowering them sufficiently to direct plundering expeditions.”

Both captain and quartermaster had to be democratically elected by the crew. Furthermore, the captain’s “lodgings, provisions, and even pay were nearly the same as that of ordinary crew members.”

In terms of constitutions, frequently referred to as Pirate Codes, crews would draw up a list of principles on which their democratic organization rested, with clauses explicitly laying out terms of compensation to prevent short-changes or

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2 Ibid., 170.


4 Ibid., 1065.

5 Ibid., 1066.

6 Ibid., 1068.
conflict on dividing the booty.\textsuperscript{7} In contrast, merchant ships were frequently owned by proprietors whose word was final, with an appointed captain whose chief loyalty lay with serving the interests of the ship owners.\textsuperscript{8} Under these conditions, it would be difficult for sailors to exercise full freedom as their fates would be completely in the hands of a dictatorial captain, and at the whims of detached ship owners. It would seem that the practice of separating powers aboard pirate ships predated its practice in governments at the time, showing the innovative determination undertaken by pirates to realize a better society for themselves.

Underlying the actual written codes and political practices of a society is the question of whether a genuine social contract exists between the governing and the governed. Peter T. Leeson in his article, “The Calculus of Piratical Consent: The Myth of the Myth of Social Contract” argues that pirates managed to create genuine social contracts with one another that helped establish a system of constitutional democracy under which pirate society thrived. Leeson first defined a genuine social contract as “a written, unanimous agreement created by individuals in the state of nature with the express purpose of establishing political authority”, which he then called a myth, saying that no society has actually created a government through social agreement alone.\textsuperscript{9} Leeson however, notes that the Pirate Codes are in fact written agreements consented to unanimously by every member of a pirate crew, which makes them social contracts in the purest sense, “the members of this society existed in a genuine state of nature before the agreement, which they explicitly created to exit the Hobbesian Jungle, establish political authority, and facilitate social cooperation.”\textsuperscript{10} This put pirates in a position that no state entity has experienced – with all members of the crew regardless of race, religion, or gender unanimously agreeing to a common political practice or way of life that was to govern their society.

Within this framework, pirates would vote on decisions and actions to be taken, each of their voices counting in a political utopia of universal suffrage. Sometimes unanimity was required, and at other times, such as during elections, simple majorities sufficed. Pirates undertook such specific measures to govern their society with the purpose of establishing “protective state” functions, productive state functions, and the need to prevent rulers endowed with the authority to perform these functions from using it to prey on society;\textsuperscript{11} Therefore, at the heart of their political process is the genuine will for the creation of a better society in which its members are in harmony and safe from oppression. Most importantly, these social contracts appeared to work toward the very purposes pirates aimed for, Leeson postulates that pirate society could very well have worked better than the “conceptual” social contracts that underlie today’s state governments.\textsuperscript{12} Thus pirates not only worked to achieve a more equal society through the very tangible means of writing constitutions and enforcing them through social agreements, their version of democracy also somehow worked for them, rightfully establishing their freedom at sea.

In questioning the egalitarianism and democracy aboard pirate ships, we must examine the social issues that might have been a cause for oppression and inequality and determine what effect these had on pirate democracies. Beginning with race, the question asked would be how pirates saw recruits of colour and how they treated them. Are the principles outlined in these seemingly egalitarian Pirate Codes truly universal? Kenneth J. Kinkor in his article, “Black Men under the Black Flag” argues that scholars should work to understand the motivations behind piracy and what their principles were in order to understand the nature of equality aboard pirate ships,\textsuperscript{13} starting with the idea that the pirates of the eighteenth century consisted of marginalised individuals in society who, driven by their anger at the system and desperation for a better life, turned to piracy as a manifestation of their vengeance against the unjust and oppressive state.\textsuperscript{14} In line with this view of pirates, Kinkor describes piracy more as a collective “revolt” than as the mere product of the criminal greed of individuals.\textsuperscript{15} Indeed, if piracy is simply banditry on the seas, why did pirates put such effort into finding ways to organise themselves democratically? The mythos surrounding the simplistic buccaneering, looting imagery of pirates with eye patches and wooden legs is negated by the more complex understanding of piracy as a movement – a reaction against the socioeconomic trends and inequality existing at the time, wherein pirates truly believed, with genuine intellectual and moral justification, in democracy. Thus, it is only appropriate that the society pirates were to create for themselves would reflect the values of “liberty, fraternity, and equality” for all, which Kinkor argues allowed pirates to see past the same racial and religious barriers that had Europe in such an uproar at the time.\textsuperscript{16}

Becoming a pirate meant openly pledging your rebellion against the state, and that was an empowering and equalizing act in itself among pirates. Pirates did not serve any monarch – rather they sailed under the Jolly Roger, or Banner of King Death, the symbolic skull and crossbones serving as imagery referring to the concept of rebirth. This allowed former slaves the idea that joining a pirate crew was a transformation of sorts, a new birth of themselves that meant they were no longer slaves, but free men.\textsuperscript{17} Kinkor points out that many pirate crews were international, encompassing members

\textsuperscript{7}Ibid., 1073. 
\textsuperscript{8}Ibid., 1074. 
\textsuperscript{10}Ibid., 444. 
\textsuperscript{11}Ibid., 457. 
\textsuperscript{12}Ibid., 457. 
\textsuperscript{14}Ibid., 196. 
\textsuperscript{15}Ibid., 196. 
\textsuperscript{16}Ibid., 3. 
\textsuperscript{17}Ibid., 3.
from all over Europe, as well as Native Americans, Asians, and Africans. According to Kinkor, evidence suggests that African pirates enjoyed the same rights and privileges as European pirates, such as the right to vote, carry arms, and receive equal share of the spoils as well as a fair wage. Furthermore, black pirates were found as leaders of predominantly white crews, taking on roles such as commanders of ships or quartermasters. This does not mean pirates set out to free slaves as a moral mission – when they did happen upon a ship carrying human cargo, the reactions could range from leaving the slaves in their shackles to freeing them on a beach. Considering all this, it would seem that a pirate ship would be a more fair and empowering place for men of colour to be compared to their options on land during the eighteenth century in the Western world.

In his journal article “When Women Pirates Sailed the Seas”, Marcus Rediker examines the cases of arguably the two most famous female pirates, Anne Bonny and Mary Read. Bonny and Read joined the crew of Calico Jack Rackham, a notorious Caribbean pirate during the height of Atlantic piracy in the eighteenth century. Bonny and Read are among many other women who similarly joined pirate crews to “seize liberty” from society, although they had to do this by disguising themselves as men because women were, as a rule, not allowed to serve on ships. Rediker notes that the stories of Bonny and Read are ones that have been long told, with much public admiration and interest, the accounts of the two women’s extraordinary bravery and exploits being documented to great reception since the eighteenth century.

However, Bonny and Read are not only interesting because they were women who served on pirate ships, but rather because their gender was widely known and accepted within their pirate circles. Despite the traditional ban on female sailors, once Bonny and Read surpassed the initial obstacle through cross-dressing, they would often dress up in women’s clothes on the ship and fully be themselves. According to Rediker, Bonny and Read only wore men’s clothes during confrontations with other vessels, whose men likely did not know their true identities. This implies that the issue of gender was simply one of perception and superstition – that while the underlying attitudes surrounding this issue certainly were misogynistic in nature, through the nature of their society being outside societal norms and propagating freedom for all, pirates were able to overcome chauvinistic values and accept women as part of their democratic society, fulfilling the true aim of universal equality.

Rediker also suggests that the phenomenon of cross-dressing taken on by Bonny and Read was not unknown for women at the time, as a significant number of females were part of an underground culture of women who presented themselves as men so that they could infiltrate occupations meant only for men, such as sailing and even the military. A common thread among such women is that they tended to come from humble beginnings, and as such “they had, in other words, little or nothing to lose, and a society that offered few opportunities for women to break out of their sharply defined positions had little to offer them.” According to Rediker, many pirate ships would refuse to take women on board, but when they did, captains would often lay down a law that prevented any member of the crew from trying to “force (the women) against their inclinations.” It should be noted however, that while this guard against rape seems to be progressive, it was mostly enacted out of fear that expressing their sexuality would distract sailors from their jobs. That being said, even though piracy was certainly not invented to assist in empowering women, it came to play a part. Being the subject of many ballads and fables about “warrior women” during their time, Rediker argues that Bonny and Read “captured the imaginations of many girls and young women who... felt imprisoned by the 19th century’s ideology of femininity and domesticity.” Feminists and suffragists of the time were able to use various examples of “warrior women”, including Bonny and Read, to challenge the dominant belief that women were mentally and physically inferior to men, and should be excluded from challenging occupations. While most of the work to promote gender equality within piracy was done by women like Bonny and Read themselves, the link between the underlying values of piracy and what would later become feminism cannot be ignored. By fighting against the norm, breaking free to seek their own liberty, and having conviction about their choices in the face of danger, Bonny and Read not only cemented their roles as feminist figures, they also acted out the destiny of piracy, which would not have been possible if piracy did not, from the beginning, believe in and enforce the ultimate equality of all sailors.

Another interesting concept of social progressiveness aboard pirate ships would be that of matelotage, which was a form of homosexual union unique to pirates. The term “matelot” was typically used to refer to an apprentice sailor who was mentored by a sailor of a higher rank. The members of the union were also called matelots, and their relationship took on the distinct characteristics of a marriage, albeit one that was between two male sailors. Outside their matelotage, they did not marry or raise other families. According to B. R. Burg in Sodomy and the Pirate Tradition, matelotage linked “a buccaneer and another male – most often a youth – in a rela-

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18Ibid., 4.
19Ibid., 5.
20Ibid., 4.
22Ibid., 105.
23Ibid., 105.
24Ibid., 105.
25Ibid., 105.
26Ibid., 107.
27Ibid., 108.
28Ibid., 109.
tionship with clearly homosexual characteristics.” In some cases, the matelots shared their property and named the other as inheritor to all their assets upon death. That being said, contemporary ideas about life at sea being filled with “rum, sodomy and the lash” was damaging to piracy’s reputation, and as such homosexual activity was still officially outlawed at sea in line with the laws of the homeland. However, Burg also argues that homosexual practices were common on-board pirate ships, though the evidence is speculative at best because records of such activity were often obscured in subtext. Yet, the existence of the matelotage showcases how pirates could use legal means to bring about progressive views on same-sex relations. At least under the Jolly Roger, certain homosexual relationships were legitimate with the acknowledgment of their matelotage, whereas in the English Navy there were no such options. Indeed, we must still recognize that bigotry and what we today call homophobia were certainly the norm in virtually all European and Atlantic societies at the time, both on land and at sea, but the homosocial environment created aboard pirate ships and the general lack of totalitarian rule on personal lives seemed to have opened up possibilities for relationships outside traditional heterosexual couplings, which might not have been possible in many other environments that existed at the time.

The evidence presented supports the notion that a pirate’s life, divorced from society as a necessity, would have been guided by egalitarian values, and subsequently would have caused the creation of social environments that were significantly more tolerant and progressive than what would have been experienced on land. The mechanics behind piratical organisation give insight into the way pirates viewed government, showcasing their belief in consent from the governed as well as the government’s existence to serve the governed. Their institutions of elections, checks, and balances were tangible solutions towards the very problems they were fleeing – that of autocratic captains abroad merchant vessels or oppressive governments that sought to limit the freedoms of everyday men. Aboard pirate ships, former slaves and women could find a new, safer avenue to express their empowerment and be treated legally the same as their white, male counterparts. Even the practice of homosexuality, though mostly incidental, was much less threatening aboard a pirate ship than it would have been on land or on a merchant ship. The social values tie into the concerns expressed by pirates in their codes and political organisation, stemming from the very motivations they had to become pirates in the first place.

Works Cited


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31 Ibid., 128.

32 Ibid., 130.