Enemies of All Humankind

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Charles Johnson: A General History of the Pyrates

The tendency to render invisible the exploitation of innocents external to the rule of law is generally typical of treatments of the pirate-emperor in modernity. Augustine’s unambiguous moral condemnation of conquest contradicts the practices of colonialism, imperialism, and strategic redistribution that constitute modern regimes. An interesting change in the Augustinian anecdote’s narrative pattern thus emerges with the rise of imperialism, as the anecdote now has to be harmonized with the claim that conquest and the economic exploitation of Other neighbors are not only legal (at least among European empires), but also just and even virtuous (Fisch, Europäische Expansion, 183). The pirate-emperor of the City of Man and the legitimate ruler of the City of God are increasingly considered different varieties of the same regime: a contradiction between two separate forms of rule becomes the internal contradiction of one and the same regime. The two rereadings of the anecdote analyzed in the remainder of this part of the book constitute very different attempts to make sense of this characteristically modern contradiction.

The rereading of Augustine’s anecdote discussed in this chapter was first published in 1728, at the beginning of Great Britain’s decisive and systematic, but most of all successful, efforts to establish an empire primarily based on trade colonialism. The passage is taken from the British anatomy of roguery A General History of the Most Notorious Pyrates, the most influential work on the so-called Golden Age of Piracy (c. 1690–1730). The General History is a two-volume collection of pirate biographies, first published in 1724 and 1728. It focuses on pirate captains of European descent who almost exclusively operate in colonial contexts. The biographies of pirate captains are accompanied by extensive descriptions of overseas locations, legal opinions on some of the pirate cases, and the biographies of a
few particularly interesting crew members, such as the female pirates Anne
Bonny and Mary Read.

The entire General History is authored by Captain Charles Johnson, a
pseudonym that has never satisfactorily been linked to an existing person. It is by no means clear whether the two volumes of the General History
were written by the same person, or even whether several persons were
involved in writing individual pirate biographies. The General History
covers the two pirate generations that comprise the Golden Age of Piracy
in reverse order. The second volume (1728) deals with the first generation
(1690–1702), which witnessed a definitive turning point in the European,
and especially British, political treatment of maritime violence in colonial
space; the first volume covers the second pirate generation, after the War of
Spanish Succession (1714–30).

Historically, both generations, but especially the first, can be seen as symp-
toms of a change in eras. Before the Golden Age, rogue privateers in colonial
realms could usually rely on their status as freelance agents of a larger imperi-
alist effort. Especially the so-called buccaneers in the Americas, though organ-
izationally independent, were considered valuable assets in expansive imperial
outreach in defiance of dominant imperial rivals (most importantly, Spain).
English buccaneers such as Henry Morgan purposefully capitalized on the
generous conflation of privateering and exploration in English history (as epit-
omized by historical characters such as William Drake and Walter Raleigh),
and suggested that their raids were not to be considered piracy at all. Morgan
even sued Alexandre Exquemelin for libel when his former fellow buccaneer
wrote about Morgan as a captain of pirates (Cordingly, Black Flag, 53).

The English, and later British, authorities moved from an attitude of leni-
ency to a zero-tolerance policy in the course of only two decades. Pirates of
the Golden Age’s second and last generation, such as Edward “Blackbeard”
Teach, were already considered primitive rebels in Eric Hobsbawm’s sense
(Primitive Rebels): they were threats to the survival of the empire, and dras-
tic measures were taken against them, but their threat was by no means
existential; most of all, they were considered entities that violently tried to
uphold an old social order in the overwhelming presence of the new. As if to
affirm this assessment, they even presented themselves as moral and social
deviants and clear-cut criminals.

The white, Christian, privateering-derived, colonial piracy that the Golden
Age stood for was virtually exterminated by 1728, the result of increasingly
coordinated military intervention by the European powers along the major
deep-sea trade routes (Earle, Pirate Wars, 205–7). By the time the General
History’s second volume was written, the outcome of the shift from strategic
lenience to ruthless persecution of pirates had been completed. It is feasible
to assume that the retrospective characterization of this shift almost necessarily focuses on its construction as a turning point in British history. The different bases of legitimate violence that have to be negotiated are thus not presented as mutual contradictions, but as different stages of an inevitable sequence, leading toward overall imperial triumph.

The General History’s second volume, which focuses on the first pirate generation, differs significantly from the first volume, which is renowned for its relative historical accuracy. In contrast, the second volume is often inconsistent in style, featuring a number of fictional accounts (notably the biography of Captain Misson) and intertextual references that indicate that a pirate’s life is already viewed allegorically to a considerable extent. A pragmatic reason for this greater fictionalization may very well lie in the limited availability of reliable sources on the volume’s protagonists at the time of writing; if several writers were involved, perhaps not all may have had the same research ethos. Finally, it was a second volume that was primarily geared at repeating the great success of the first, so other parameters than accuracy may have mattered in the production and publication phases. It is this second volume that contains the passage I will discuss here. It is taken from the biography of Samuel Bellamy and is a very well-known passage conventionally referred to as the Free Prince speech:

I can’t pass by in Silence, Captain Bellamy’s Speech to Captain Beer. “D—n my Bl—d,” says he, “I am sorry they won’t let you have your Sloop again, for I scorn to do any one a Mischief, when it is not for my Advantage; damn the Sloop, we must sink her, and she might be of Use to you. Tho,’ damn ye, you are a sneaking Puppy, and so are all those who will submit to be governed by Laws which rich men have made for their own Security, for the cowardly Whelps have not the Courage otherwise to defend what they get by their Knavery; but damn ye altogether: Damn them for a Pack of crafty Rascals, and you, who serve them, for a Parcel of hen-hearted Numskuls. They villify us, the Scoundrels do, when there is only this Difference, they rob the Poor under the Cover of Law, forsooth, and we plunder the Rich under the Protection of our own Courage; had you not better make One of us, than sneak after the A—s of those Villains for Employment?” Captain Beer told him, that his Conscience would not allow him to break thro’ the Laws of God and Man. “You are a devilish Conscience [conscientious] Rascal, d—n ye,” reply’d Bellamy, “I am a free Prince, and I have as much Authority to make War on the whole World, as he who has a hundred Sail of Ships at Sea, and an Army of 100,000 Men in the Field; and this my Conscience tells me; but there is no arguing with such sniveling Puppies, who allow Superiors to kick them about Deck at Pleasure; and pin their Faith upon a Pimp of a Parson; a Squab, who
neither practices nor believes what he puts upon the chuckle-headed Fools he
preaches to” (Johnson, General History, 587; emphasis in original removed;
quotation marks added; emphasis added)

The Free Prince speech essentially narrates the story of a failed seduc-
tion. Bellamy has captured a merchant ship and speaks to its master, Beer. Bellamy attempts to convince Beer to give up his employment for a life of
piracy and is rebuffed by a reference to Beer’s impeccable conscience. Bel-
lamy, in an enraged attempt to regain moral high ground, refers to his own
conscience, which dictates to him the Augustinian anecdote. Then he trium-
phantly dismisses Beer as a puppet of the rich and ends the conversation. In
this passage, Bellamy is presented not as the antagonist of Beer, but of “the
rich” who have employed Beer. Not only are the rich chosen as the antago-
nist in Johnson’s reading of the Augustinian anecdote, but the entire narra-
tive scenario of seduction, and the generous space devoted to the topic of the
rich in the pirate’s monologue, suggest this change in the pirate’s addressee.

In my analysis of this passage, I will restrict myself to the discussion of
three aspects: first, the characterization of the pirate as an antagonist and
equivalent of the rich instead of the emperor, and Beer’s complex position
within this constellation; second, the distinction made between a rule of law
and a rule of courage earlier in the passage, its intertextual foundations, and
its implications; and third, the Enlightenment philosophy that sees the ori-
gin of man in a state of nature, which underlies the perspective encountered
here and is central to any change in use of the Augustinian anecdote.2

The pirate and the rich must be addressed first, because it is on the basis
of a specific historical discourse that the anecdote’s reformulation must be
understood. In particular, the direct link between Enlightenment philosophy
and imperialism that is exhibited in the context of piracy must be placed in
its historical context before it can be addressed. Bellamy and the rich, in this
passage, are not mutually independent warlords whose confrontation helps
dramatize similarities in their motivation to violence, as is the case in Augus-
tine. In Johnson, they are part of the same imperial regime and represent dif-
ferent forms of organizing legitimate maritime violence within this regime.

Bellamy represents the older institution of privateering warfare. Through-
out the Middle Ages and well into the eighteenth century, the privateer was
the central maritime entity used by any war-waging power at sea. While
the specific forms of legitimation varied over time, among sovereigns, and
between wartime and peacetime, the general principle of privateering is this:
A privately equipped man-of-war is hired by a sovereign to molest the sov-
eign’s enemies and the enemy’s allies at sea, while the sovereign’s subjects
as well as his allies must remain unmolested by the privateer. The privateer
may keep the bulk of the booty acquired in these engagements but has to give a certain percentage to his sovereign. It is a profitable institution for both sides: the privateer secures access to ports where he is free from persecution, can make repairs, sell the booty, and so on. In turn, the sovereign does not have to pay for maritime warfare but in fact generates income for the crown (through the percentage of the booty) as well as his subjects (who may be investors who help equip the man-of-war, who buy the privateer’s booty comparatively cheaply and sell ship material and provisions to him, or who make money through the privateer’s shore activities).

It was generally difficult to distinguish between legitimate and rogue privateers, because the legitimacy of privateering was not based so much on procedural correctness at sea but on success in terms of the generation of profit. All privateers tended to overstep the lines of the privateering contract at least occasionally, but they could expect to do so with impunity if the financial returns for the sovereign were good. All members of the privateering crew collectively profited from the institution even though theirs was an extremely hard and dangerous trade. They were paid a percentage of the booty, so rich takings could at least potentially make a common sailor rich as well. Also, hierarchies aboard were comparatively flat. Since the privateer’s principle was that of “no prey, no pay,” each sailor had a manifest interest in making prey, and crews often pressured captains who did not deliver enough booty to be more aggressive.

In contrast, the rich represent the system of the merchantman that developed in parallel to the system of privateering. Privateering remained the central institution for maritime warfare until the establishment of the first European navies in the mid-eighteenth century and continued to exist for at least a century afterward. However, with the increasing stabilization of colonial rule and the establishment of the Atlantic trade system, the merchantman had replaced the privateer as the central maritime entity in European imperial seafaring by the beginning of the eighteenth century. The merchantman system emphasized stable and stark hierarchies on board, predictable routes and shipping schedules, and profit maximization through cost reduction. The absolute rule of captains and the violent and financial exploitation of sailors, attributes that are conventionally associated with early modern seafaring today, are specifically attributes of the merchantman system, and for these reasons, this system was unloved and widely contested at the time of transition. Golden Age pirates like Bellamy epitomized the critique of the merchantman system for many of his British contemporaries. At the same time, it was widely recognized that the merchantman system was the maritime system of the future, especially when it came to the integration of colonial spaces into the empire.
In the context of piracy, the rich thus stand for the trading companies profiting from colonial trade in a rapidly stabilizing system of mercantilism. During the Golden Age, the trading companies were powerful and extremely visible representatives of the merchant community, and they tended to represent the paradigm shift in imperial maritime politics that mercantilism entailed. The companies were also at the forefront of antipiracy measures. Especially after 1695, they aggressively, creatively, and eventually successfully promoted an end to lenient European attitudes toward piracy (Ritchie, Captain Kidd, 127–59). The knowledge in retrospect that the companies will eventually be successful in the removal of pirates like Bellamy informs the understanding of the passage’s central conflict: Johnson’s contemporary reader saw the pirate still fighting but already knew that he would lose. All of Johnson’s piratical protagonists of the second volume were dead or presumed dead by the time that volume was written.

It is at this point that Enlightenment philosophy can be linked to the debate, because that philosophy generally postulates the assumption of temporally progressive human development. For instance, Gotthold Ephraim Lessing took his idea of a perpetually civilizing world from Joachim of Fiore’s millennialist notion of three ages that lead to the replacement of imperfect law with perfect justice. Gradual human improvement can occur, according to Lessing, because of civilization’s ever more perfect reliance on reason (Eusterschulte, Trinität, 13), a philosophical orientation that is indicated in Johnson’s piratical economic man who hates to sink a useful vessel, as well as in the rationalist merchantman system as a whole, which was decried as ruthless. Beer, in turn, foreshadows the more civilized regime that must eventually follow both reasonable rogues, the pirate and the company.

While the millennialist tradition emphasizes the notion of a gradual evolution toward civilization, the Enlightenment notion of a state of nature adds the dimension of the forceful replacement of one stage in the civilizing development by a successive stage. This notion of forceful replacement is central to Johnson’s reading of piracy, because it allows the spatial interpretation of a temporal claim. If temporal development is translated as spatial expansion, it is plausible to suggest the parallel existence of several stages at the same time but in different spaces. Around the time of the publication of the General History’s second volume, it was an accepted fact that the Golden Age pirate was a figure of the past which could be addressed from a retrospective, philosophical viewpoint.

It is at this point that the pirate became a decidedly modern metaphor of rule. Rather than being a metaphor for bad rule, as he had been in Augustine, he became a metaphor for original rule in arguments based on the fiction of the state of nature. In Enlightenment discourse, the state of nature
constitutes humanity’s prehistory, from whence humanity as a whole has
developed, or is still in the process of developing, into civilization. What
this state of nature looked like, what it was characterized by, and what
was to be derived from it were the great questions of early modernity be-
cause the answer to these questions would reveal the true nature and fate
of humankind. Ingo Berensmeyer pointedly speaks of a “Ciceronian Mo-
ment” at which point European culture begins to imagine human nature
not as inherently social and political, but rather claims that “society and
civilization . . . emerge through a radical break with what precedes them (as
‘nature’)” (Contingency, 178; my translation; see also Thornton, State of
Nature). Early modern writers introduced the state of nature as the origin
of political rule and derived political legitimacy directly from the way the
state of nature was imagined (Berensmeyer, Contingency, 178–79; Kucklick,
Das unmoralische Geschlecht, 40). In this sense, colonial Golden Age pirates
could provide firsthand empirical evidence on the likely construction of the
state of nature. They offered a way to observe stages of the law prior to the
European way of organizing law and legitimacy, and thus helped affirm or
discount prevailing assumptions of the origin of humankind and civiliza-
tion. Joel Baer writes:

Interest in stories of the [Golden Age] pirate was fueled not only by their
atrocities, courage and treasure, but also by the discovery that pirate com-
munities recapitulated the evolution of law in “legitimate” societies. Readers
of Plato, Hobbes and Locke were alerted to the philosophical value of pirate
biography in prefaces and reviews of the two primary compilations.3 . . . While
some genteel readers might have been appalled to discover a kinship with
pirates, the more philosophical would have welcomed new proof of Locke’s
thesis “that man is by necessity a law-making and law-obeying animal.” (Brit-
ish Isles, 208–9)

Locke’s notion of a “law-making animal” corresponds with Hobbes’s no-
tion of war as the natural context of humanity (Leviathan, 111) in the sense
that they both naturalize the Augustinian pirate-emperor as the founding
father of human civilization. The link to Locke is particularly important in
the context of hostis humani generis, since the second of his Two Treatises
of Government: In the Former, The False Principles, and Foundation of Sir
Robert Filmer, and His Followers, Are Detected and Overthrown. The Lat-
ter Is an Essay Concerning the True Original, Extent, and End of Civil Gov-
ernment (1689) even includes a paraphrase of the Augustinian anecdote in
which Locke completely agrees with Augustine’s analysis of the conqueror

In part 2 of this book, I will discuss the importance of Locke in greater
detail. Here, it is most relevant to note that the state of nature argument creates significant overlap between the notions of illegitimate rule and original rule. The colonial pirate was not primarily an illegitimate invader to Britons, who had long sympathized with the buccaneers’ conquests. Instead, and most importantly, the pirate was deprived of Christian order and sovereign rule and lived, to all intents and purposes, in a state outside order itself (Baer, “Plot of Piracy”). This absence of order in the imperial margins made pirates into men in the state of nature, and the state of nature itself could be studied in the contemplation of pirates. A simultaneous reference to Locke could be made through the pirates’ well-ordered distribution of booty that was considered the pirates’ most characteristic feature and that confirmed Locke’s naturalization of property in the “Second Treatise”: “everyone [of the pirates] seemed to have his property as much secured to himself, as if he had been a member of the most civilized community in the world,” a 1699 preface relates with a clear sense of respectful amazement (quoted in Baer, British Isles, 208). In this sense, the illegitimate law of the band that Augustine condemns as inherently unjust is now rewritten as the defining property of any order, including a civilized one. As Baer suggests, the social order based on conquest and distributive justice is “empirically confirmed” as natural by the existence of the pirates, an amoral rather than immoral feature of worldly rule (ibid.).

Nevertheless, Enlightenment thinkers did not suggest that humanity was eternally doomed to be ruled by pirates and the rich. Instead, humanity was assumed to be collectively evolving into stages that would eventually render conquest superfluous. This notion, too, seemed empirically confirmed by the history of colonial piracy. The swift end of the Golden Age of Piracy was in no small part the result of the concerted legal and military effort of European empires to regulate colonial ports, courts, and waters. But pirates were not the only ones who felt the results of increasingly concerted imperial rule. The colonial structures established by trading companies also experienced considerable pressure to change and adapt. The original reader of the General History, well aware of the pirates’ practically achieved pastness, was routinely confronted with reports on the severe shortcomings of the companies’ representation of the empire overseas. This strongly suggests that Johnson expects “the rich”—that is, the autonomous trading companies—to share the fate of the pirate as a transitional entity that will vanish as progress toward a perfect order continues. The rich necessarily have to enter into a kinship with the pirate to populate the colonies, Johnson suggests, but once they have created a preliminary and primitive order, they may be replaced by worthier successors—namely, the imperial state that obeys the law of nature more perfectly, and that is evoked by Beer’s normative use of
the law of God and man. In that sense, the end of piracy must naturally lead to the equally complete replacement of the rich by the legitimate empire.

For Johnson’s contemporary readers, it made sense to consider the rich and the pirate as two aspects of the same thing and to assume that both would be swallowed up by the establishment of stable imperial rule. At the same time, the question arises as to how a passage with premises so different from those of Augustine’s anecdote could use that anecdote to support quite different Enlightenment conclusions. The use of the anecdote clearly helps establish the illegitimacy of these early stages in the sense that they would have to be replaced eventually, but it does not in and of itself characterize them as entities that can at least temporarily be recognized as legitimate.

As in Augustine’s (presumable) treatment of Cicero’s original anecdote, Johnson’s treatment of Augustine’s is based on a subtle reinterpretation of the figure of Alexander the Great. Augustine rejects the affirmation of Alexander as an ideal emperor that had most likely informed Cicero’s writing; Johnson, in turn, rejects Augustine’s notion that Alexander is the embodiment of endless warfare. The difference between the rich and the pirate in Johnson (but not in Augustine) boils down to a difference in understanding the principle of distributive justice: the rule of wealth versus the rule of courage, referring to different claims to legitimacy based either on traditional status or personal achievement. The struggle for the origin of legitimacy in the vocabulary of wealth versus courage is a stock reference associated with piracy in the eighteenth century. The construction of this struggle can be referred back to Homer’s *Iliad*, which, like many antique texts, was frequently cited in the eighteenth century. While the Augustinian anecdote requires that the two entities share a normative orientation that renders them both illegitimate (the love of conquest), the Homeric reference postulates that they represent two fundamentally different claims to the legitimacy of leadership over a specific band.

The subtle narrative combination of Augustine and Homer is in no small part possible because the characters of Alexander and Achilles overlap. Both are ambiguous heroes. While both are famous for their brilliance in battle, their bravery is often characterized as shortsighted; both are considered to have rash, impulsive, and brutal natures, and to be unable to accomplish anything that is lasting or substantial. These shared characteristics that allow an overlapping narrative reference to both Augustine and Homer allow for an effective change of narrative emphasis in the Free Prince speech. While the Augustinian pirate is arrested in eternal potentiality by his comparison to Alexander, Achilles is a transitional figure; he is defined by defying Agamemnon, but he dies in a battle whose victory Agamemnon will eventually claim.

The *Iliad*’s narrative revolves around a disagreement between Agamemnon,
the leader of the Greek army because of his supreme nobility, and Achilles, the army’s best fighter. After a battle, Agamemnon has to return an enslaved Trojan to his enemies, though he had previously claimed the captive as a spoil for himself. Thus deprived of a spoil of war, he claims a slave from Achilles as a replacement, arguing that the noblest man of the army should never receive less than a full share. Achilles refuses, arguing that he plays a central role on the battlefield and thus is more important to the war than Agamemnon is. The disagreement results in Achilles’s famous grudge and is the central moment in the development of the epic. Joachim Latacz has shown that the quarrel over the spoils of war dramatizes the constitutive question of the Iliad: who is allowed to rule, the noblest or the best? (“Ilias,” 117) In the Free Prince speech, this classic conflict is between the surrogates of wealth and courage instead of between those of nobility and skill.

In posing the question in this way, Homer’s Iliad naturalizes the very origin of the law of conquest that Augustine condemns on general principle. Both Agamemnon and Achilles are members of the same army, although they are rivals in their different claims to rule it; neither poses a challenge to the general concept of a rule by conquest that the army as such represents. The slave Agamemnon and Achilles fight over is a prototypical Augustinian innocent. Her ownership does not contain a personal element of justice, such as the question of who had defeated her in battle; rather, she is simply an unlucky captive whom the army had come across in enemy territory, and who was thus considered a spoil comparable to, say, a horse. She enters the legal sphere of the army only as a spoil of war—a fact that is acknowledged even by the Trojan enemies who have to argue for extraordinary circumstances to have her returned. In other words, Agamemnon and Achilles represent different systems of distributing spoils like her, but the notion of distributive law based on the exploitation of the innocent is presupposed and affirmed by both.

The Free Prince speech draws very close to this core assumption. Bellamy explicitly does not challenge the right of the rich to exploit others; he merely argues that there is a different system of exploitation that has proven to be more advantageous for him and might also prove more advantageous for Beer. The narrative reference to the Iliad also explains Beer’s centrality as an object of seduction. If the rich and the pirate are equivalents to Agamemnon and Achilles, they struggle over the domination of the same band. In the Free Prince speech, this band is represented by the merchant sailor, who is both the core employee of the rich and the primary candidate for pirate recruits (Rediker, Villains, 38–59). Both require him to affirm their ultimate legitimacy, which firmly excludes the legitimacy of their rival, and both call for Beer to decide between them. Since the rich and the pirate both represent predatory and recruitment-based regimes, Bellamy argues that the
only open question is: if there is only the choice between the two, whom should the sailor obey, the courageous or the wealthy? The actual victims of their conquest—the native peoples who live in conquered territories and are subjected to the imperial project, as it is they who produce trade-based colonialism’s spoils of war—are completely removed from the discussion. The innocent, in this passage, are invisible. The Free Prince speech is not about mercy but exclusively about distributive law.

At the same time, the insertion of the *Iliad*’s dispute between wealth and courage adds a meaning to the Augustinian anecdote that helps incorporate into it Enlightenment constructions of order as a genuinely progressive development. In Augustine, both the good, legitimate, fatherly ruler and the bad, illegitimate, predatory pirate-emperor can and do exist in parallel, as their normative orientations (and, thus, the individual bases of their rules) are independent of each other. In the *Iliad*, however, the question of a better or worse emperor is explicitly linked to a certain moment during conquest. Homer offers a clear temporal hierarchy between the two opposing regimes of rule. The courageous, brilliant Achilles manages to operate exclusively on his own terms, but he does not reap any benefit from doing so. He dies before Troy is even taken. The rich, noble Agamemnon remains the leader of the army and returns home as the victor who has conquered the city. In the *Iliad*, the regimes represented by Agamemnon and Achilles are not analogies of each other, as they are in Augustine, but necessary complements of each other. True, Johnson suggests, the rule of Agamemnon will always bring victory, while Achilles will always just die in battle—but this does not mean that a piratical Achilles is useless to the imperial Agamemnon in his struggle to win a colonial Troy; he is an important early asset. His self-interested life, as well as his violent death in battle, is for the greater good of conquest and expansion in general. Just as Achilles was able to kill Hector, the leader of the Trojan army, the pirate is able to break Spanish dominance in American waters (Beeching, introduction, 16–17).

In short, the *Iliad* reference achieves to several important things for the Free Prince speech. It establishes the notion of a pirate-emperor as a transitional entity by evoking parallels between Alexander and Achilles, which causally derives the pirate from his antagonists in the sense that it creates a hierarchy between them: the pirate paves the way for his antagonists just as Achilles paves the way for Agamemnon. The *Iliad* reference furthermore refocuses demands for justice by concentrating on the demands of band members rather than on those of the victim of conquest at large, which helps naturalize both conquest and a law based on distributive justice. In the Free Prince speech, the exploitation of the innocent is naturalized, and the imperial regime’s overall justice is instead measured by the way it treats band members.
While the *Iliad* helps pinpoint the specific construction of pirates and emperors as parts of the civilizing process in early modern discourse, the Augustinian anecdote obviously remains the most visible and most important intertextual reference in the Free Prince speech. Johnson uses this specific passage for a reason—namely, to balance out the claims to legitimacy made by the pirate and the rich. The rich are acknowledged as lawful representatives of the national interest by Beer, while Bellamy’s claim to legitimacy is explicitly rejected as immoral both by Beer and by the narrative voice. Bellamy’s own reproach of the rich, however, is given considerable force and room. It is eloquently delivered, citing accepted facts of the day such as the exploitation of merchant sailors and the factual sovereignty of trading companies in at least some colonial spaces. While Johnson uses different dialogue strategies than Augustine, the fundamental challenge of the anecdote remains the same: the conflict between the pirate and the rich is a conflict of exchangeable entities.

At this point, the specific construction of Captain Beer in the passage must be addressed once more. As mentioned above, the pirate in Johnson does not meet his opponent face to face, as he does in Augustine. Instead, their antagonism is expressed in the proxy war of seduction, of attempts to lure away the other’s followers. The merchant sailor constitutes a convincing common ground for such a proxy conflict, as he has a relationship of recruitment to both. However, Beer subverts both attempts at his seduction; he integrates the more serious implications of Augustine’s philosophy into the Enlightenment context.

As a Golden Age pirate, Bellamy originally started out as a merchant sailor like Beer, and he wants Beer to follow his example. It is appropriate for both to question their conscience on this matter, because turning or not turning pirate is a normative question that they both have or had to answer from the perspective of the common sailor in the merchantman system. Bellamy’s speech is characterized by his expectation that anyone will be most convinced by an argument focused on personal benefits, just as he was and as the rich are. The speech describes the piratical regime as superior to the merchantman regime because it offers the common sailor a better chance to make a profit. Bellamy especially emphasizes that the pirate system respects the band member instead of systematically and predatorily defrauding him, as the rich will do. In other words, Bellamy’s central argument is the offer of a more legitimate system of distributive law for the band member.

Confronted with Beer’s evocation of “the Laws of God and Man” that keep him from leaving the service of the rich, Bellamy’s reference to his own conscience destabilizes the common ground between Beer and the rich by questioning the rich’s sincerity in positioning themselves as faithful to
the laws of God and man. Although they pretend to be the representatives of legitimate rule, the piratical argument goes, the rich are in fact like the pirate: intent on establishing a kind of autonomous subregime whose only purpose is parasitical enrichment. This regime is not primarily derived from a just control over territory but from unpunished practices of exploitation. According to Bellamy, the laws of God and man are a travesty that has long lost any proximity to justice, precisely because the rich have transformed these notions into a mere cover for their ulterior motives: to systematically increase both their own security, power, and wealth, and their own detachment from the rules they claim to maintain and represent. Beer does not, Bellamy suggests, obey the laws of God and man—he obeys the interests of the rich. Correspondingly, Bellamy’s sole personal attack against Beer’s character is not a charge of malice but one of naivety.

But compelled to decide between two explicitly exploitative regimes, Beer chooses neither. Instead, his reference to the laws of God and man positions him as a prototypical Augustinian Christian soldier who agrees to do worldly, even unjust, work not as a matter of choice but because God dictates that he owes loyalty and respect to worldly regimes (Mattox, \textit{Just War}, 57). Importantly, however, the worldly regime whose unjust work must be done for the sake of the greater good is not sovereign in this case—it is the regime of the rich. This implicitly positions imperial sovereignty as the equivalent of God, in the sense that the empire is available as a legitimate successor regime from within the logic of the Free Prince speech. Once the pirate and the rich are replaced, Beer suggests, a truly legitimate and lawful imperial regime can come into existence.

In this way, the Free Prince speech suggests two aspects that are absolutely crucial for the genesis of the pirate construction in modernity: first, the emperor (here, in the form of the rich) is externalized as normatively and structurally separate from the state; and second, the state can therefore represent just rule. Bellamy cannot acknowledge these distinctions because the normative reference system represented by the pirate does not consider right and wrong, but only profitability and unprofitability. Bellamy, and by implication the rich, are portrayed as unable to see beyond the realm of the economically advantageous and immediately useful, and to consider the moral dimensions of loyalty and lawfulness as integral parts of the greater imperial interest. Yet even though they are blind to this core interest of the empire, they nevertheless serve its genesis.

As mentioned above, the link between Achilles and Agamemnon, which eventually produces Agamemnon as the enduring ruler and Achilles as a heroic asset, is in great part accomplished by a temporal construction that renders the emperor a transitional phenomenon. In the anecdote’s late antique
context, Augustine argues on the basis of a structurally similar premise, which Beer specifically cites. The Christian soldier acts on the premise that a state of justice will eventually arrive, and that his own attempt to act justly will be affirmed and rewarded once the legitimate ruler establishes his reign. Both the pirate-emperor and the Christian soldier are therefore constructed as figures whose role is fully understood only in retrospect, when legitimate rule has in fact established itself. This parallel temporal construction is evoked in the Free Prince speech by the complementary construction of Bellamy and Beer as the only figures present during the telling of the anecdote. Once legitimate imperial rule has been established, Bellamy will not have been a criminal, but a pioneer; Beer will not have been naive, but a model subject whose faith in justice has been rewarded by the establishment of a better reality. Both premises are based on a repositioning of the legitimate ruler as the worldly result of progress, rather than the divine decision to end worldly time.

In summary, the Free Prince speech uses Augustine’s anecdote to evoke something like a transitional phase of illegitimate yet necessary rule that, in the long run, will lead to the establishment of a legitimate empire when the process of economically minded appropriation is concluded. The modern meta-narrative of progress represents the most prominent new strategy for circumventing the legitimacy problems that Augustine raises. Aggressive conquest carried out by the pirate and the trading company is accepted as a regrettable yet integral early aspect of the imperial project. Because of their pursuit of private rather than public interests, these figures do not actually represent the imperial sovereign but can be externalized as the separate representatives of early stages that must eventually make room for ever more mature versions of colonialism, inevitably culminating in a regime that will be fully civilized. In this view, the naturalization of distributive law within the band of civilization becomes a universally accepted standard of justice in modernity.

As is obvious from today’s perspective, the eventual conclusion of expansion into the establishment of a static, fully civilized empire never materialized. Instead, the system of mercantilism grew into various stages of capitalism, and the modern Western person was increasingly imagined as a void defined by the need for appropriation and consumption (Berman, *All That Is Solid*, 67–71). Concerning the pirate specifically, certain aspects of the constellation of the early eighteenth century already indicate why the pirate would remain stuck in his role of a scornful reflection of imperial injustice—why he should, in fact, come to serve as a literary shorthand to help reveal the hypocrisy of imperial power structures especially during the late nineteenth century, the peak of British imperialism (Harty, “Playing Pirate”; Lutz, “Pirate Poet”).

The central problem for the pirate figure in modernity lies in a paradox
within the idea of the state of nature—namely, that such a concept is dependent on the construction of a central moment of fundamental transition. In all concepts of a state of nature, there is a basic shift between an inherently static and an inherently dynamic state, one of which represents the precivilized state of nature and the other the state of order. The problem faced by the Augustinian/Homeric constellation in the Free Prince speech is that it is based on the assumption that a dynamic state of pre-order (represented by the pirate and the rich) will eventually be replaced by a static state of order (represented by the anticipated future empire).

However, this constellation was soon reversed in dominant philosophical discourse. Central Enlightenment thinkers such as Rousseau, Kant, and Hegel turned the tables and argued that, rather than the dynamic state being replaced by the static state, the static state would be replaced by the dynamic state (Kucklick, Das unmoralische Geschlecht, 68–69). In this increasingly dominant version of the state of nature fiction, the idea was that imperial progress was perpetual and would never be replaced by any substantially different regime, because it had itself replaced a prehistoric, static state of precivilization. In the context of pirate fictions, however, this development meant that the order that would separate the legitimate ruler from the pirate would never arrive, and that the pirate would always remain the evil twin of the various versions of imperial order he encountered.

The replacement of the pirate-emperor stage with the stage of legitimate imperial order had been the key feature that allowed the modern pirate to be anything other than a metaphor for unjust rule in Augustine's sense. But if the pirate's claims remained permanently “apt” (Augustine, City of God, 101) to challenge modern claims to imperial legitimacy, the pirate as a figure became a perpetual reminder of a gaping void in imperial justice. The pirate as well as the illegitimate rich could be humiliated, defeated, and replaced, but the rich could never disappear completely as the true epitome of modern civilization in European discourse.

The adaption of the Augustinian anecdote to imperial needs thus failed because the state of nature fiction, which enabled this adaptation, changed after the discursive positioning of the pirate vis-à-vis modern rule. The pirate was established as a representative of an illegitimate element of modernity, and what he represented could no longer be replaced by an alternative. It thus became impossible, from within the British discourses of legitimate violence based on the state of nature, to delink imperial violence from the implications of the pirate as the European empire's permanent evil twin. From within the structural premises of the conversation, any modern claim to imperial violence must remain contestable. To render modern rule legitimate, the conversation about legitimate violence would have to be structurally changed.