Regulating the Ocean: Piracy and Protection along the East African Coast

by

Jatin Dua

Department of Cultural Anthropology
Duke University

Date:_______________________
Approved:

___________________________
Engseng Ho, Co-Supervisor

___________________________
Charles Piot, Co-Supervisor

___________________________
William O’Barr

___________________________
Anne-Maria Makhulu

___________________________
Edward Balleisen

Dissertation submitted in partial fulfillment of the requirements for the degree of Doctor of Philosophy in the Department of Cultural Anthropology in the Graduate School of Duke University

2014
ABSTRACT

Regulating the Ocean: Piracy and Protection along the East African Coast

by

Jatin Dua

Department of Cultural Anthropology
Duke University

Date:_______________________

Approved:

___________________________

Engseng Ho, Co-Supervisor

___________________________

Charles Piot, Co-Supervisor

___________________________

William O’Barr

___________________________

Anne-Maria Makhulu

___________________________

Edward Balleisen

An abstract of a dissertation submitted in partial fulfillment of the requirements for the degree of Doctor of Philosophy in the Department of Cultural Anthropology in the Graduate School of Duke University

2014
Abstract

From 2008-2012, a dramatic upsurge in incidents of maritime piracy in the Western Indian Ocean led to renewed global attention to this region: including the deployment of multi national naval patrols, attempts to prosecute suspected pirates, and the development of financial interdiction systems to track and stop the flow of piracy ransoms. Largely seen as the maritime ripple effect of anarchy on land, piracy has been slotted into narratives of state failure and problems of governance and criminality in this region. This view fails to account for a number of factors that were crucial in making possible the unprecedented rise of Somali piracy and its contemporary transformation. Instead of an emphasis on failed states and crises of governance, my dissertation approaches maritime piracy within a historical and regional configuration of actors and relationships that precede this round of piracy and will outlive it. The story I tell in this work begins before the contemporary upsurge of piracy and closes with a foretaste of the itineraries beyond piracy that are being crafted along the East African coast.

Beginning in the world of port cities in the long nineteenth century, my dissertation locates piracy and the relationship between trade, plunder, and state formation within worlds of exchange, including European incursions into this oceanic space. Scholars of long distance trade have emphasized the sociality engendered through commerce and the centrality of idioms of trust and kinship in structuring mercantile relationships across oceanic divides. To complement this scholarship, my work brings into view the
idiom of protection: as a claim to surety, a form of tax, and a moral claim to authority in trans-regional commerce.

To build this theory of protection, my work combines archival sources with a sustained ethnographic engagement in coastal East Africa, including the pirate ports of Northern Somalia, and focuses on the interaction between land-based pastoral economies and maritime trade. This connection between land and sea calls attention to two distinct visions of the ocean: one built around trade and mobility and the other built on the ocean as a space of extraction and sovereignty. Moving between historical encounters over trade and piracy and the development of a national maritime economy during the height of the Somali state, I link the contemporary upsurge of maritime piracy to the confluence of these two conceptualizations of the ocean and the ideas of capture, exchange, and redistribution embedded within them.

The second section of my dissertation reframes piracy as an economy of protection and a form of labor implicated within other legal and illegal economies in the Indian Ocean. Based on extensive field research, including interviews with self-identified pirates, I emphasize the forms of labor, value, and risk that characterize piracy as an economy of protection. The final section of my dissertation focuses on the diverse international, regional, and local responses to maritime piracy. This section locates the response to piracy within a post-Cold War and post-9/11 global order and longer attempts to regulate and assuage the risks of maritime trade. Through an ethnographic focus on maritime insurance markets, navies, and private security contractors, I analyze the
centrality of protection as a calculation of risk and profit in the contemporary economy of counter-piracy.

Through this focus on longer histories of trade, empire, and regulation my dissertation reframes maritime piracy as an economy of protection straddling boundaries of land and sea, legality and illegality, law and economy, and history and anthropology.
Contents

Abstract........................................................................................................................................... iv
Preface................................................................................................................................................ xiv

1. Introduction........................................................................................................................................... 1
   1.1 Introduction...................................................................................................................................... 1
   1.2 Defining the Pirate and Piracy: From the Classical Era to the UNCLOS ......................... 7
   1.3 From Piracy to Protection: Beyond the Failed State ................................................................. 20
      1.3.1 On Protection ....................................................................................................................... 23
      1.3.2 Jurisdiction without sovereignty ....................................................................................... 29
   1.4 Chapter Overview ....................................................................................................................... 33

2. A Sea of Trade: Port Cities of the Western Indian Ocean ............................................................. 36
   2.1 Introduction...................................................................................................................................... 36
   2.2 The Port City .................................................................................................................................. 41
      2.2.1 The Indian Ocean World: Cosmopolitanism and Circulation ........................................ 43
      2.2.2 Beyond Cosmopolitanism: Port Cities as Entrepot and Fort ........................................... 46
   2.3 Somali Port Cities: a Geohistory ................................................................................................. 48
      2.3.1 “Red Sea Citizen:” Making Coastal Somalia ....................................................................... 50
      2.3.2 Clan and Connection: Genealogies of Arrival ................................................................. 54
   2.4 A World of Protection ................................................................................................................... 56
      2.4.1 Trade Diasporas: Trust, Protection and the ‘Familiarity of Strangers.’ ......................... 59
      2.4.2. The Suez Canal and a Changing Global Economy ......................................................... 63
      2.4.3. Chasing Pirates: From the Atlantic to the Indian Ocean ............................................... 68
2.4.4. A Sea of Treaties: The Protection of the Protectorate .................................. 76
2.5 From Land to Sea: Abaan and a World of Protection ................................. 84
2.6 Postscript: The Afterlives of Protection ......................................................... 97

3. A Sea of Profit: Making Property in the Western Indian Ocean ...................... 100
   3.1 Introduction .................................................................................................. 100
   3.2 Pirates in a land of pastoralists ................................................................. 104
      3.2.1 Land and Sea: Rethinking the ‘Pastoral Democracy’ ......................... 109
      3.2.2 A Sea of Fish ....................................................................................... 113
      3.2.3 Rethinking Regulation ....................................................................... 119
   3.3 Scientific Socialism and the Remaking of Property ................................... 123
   3.4 A Sea of Profit: Rescaling Capture ......................................................... 130
      3.4.1 The Law of the Sea, or the Long History of Grotius v. Selden ............. 133
      3.4.2 Becoming Puntland: From Licensing to Piracy .................................. 138
   3.5 Conclusion: ‘The Resonance of Capture’ ................................................. 142

4. A Sea of Work: Piracy and Trans-regional Economies of Protection in the Indian
   Ocean .............................................................................................................. 146
   4.1 The means and ends of piracy ................................................................. 146
   4.2 Becoming Pirate: from catching fish to capturing ships ......................... 157
      4.2.1 Coastguards of the Indian Ocean ...................................................... 161
      4.2.2 The Work of Rent Seeking ............................................................... 167
      4.2.3 From Coastguard to Pirate: a Tale of Two Ships ............................. 170
   4.3 “Khat and carry”: the economy of contemporary piracy ....................... 173
      4.3.1 The Economy of khat ....................................................................... 183
4.3.2 The Gift of khat: Deb(i)ts and Credits ................................................................. 190
4.3.3 The *diya* group: rethinking the “call of kinship in Somali society” ............... 194
4.4 Economies of waiting: diya and piracy ................................................................. 200
4.4.1 Seasonality ............................................................................................................ 202
4.4.2 Chance .................................................................................................................... 204
4.4.3 Waiting and risk pooling ...................................................................................... 205
5. A Sea of Protection: Constructing a Global Economy of Counter-Piracy .......... 210
5.1 Introduction ............................................................................................................... 210
5.2 “Chasing Pirates”: From Naval Flotillas to Private Security Companies .......... 214
5.3 A Sea of Protection .................................................................................................. 225
5.4 The Protection of Insurance ..................................................................................... 237
5.4.1 Risky Trades: the Emergence of Maritime Insurance ........................................ 238
5.4.2 Maritime Insurance in England: Lloyds and the Rise of Insurance as Governance .................................................................................................................. 242
5.4.3 The Governance of Insurance .............................................................................. 243
5.4.4 Lloyd’s and the Pirates: War-risk Cover and Somalia ........................................ 247
5.4.5 War Risk Cover: a Brief History ......................................................................... 250
5.5 Conclusion: “Dusting the Sand from Our Boots and Jumping onto Skiffs”: The Privatization of Counter-piracy ......................................................................................... 256
5.5.1 From “Gangsters to Gentlemen”? Thoughts on Impossible Itineraries .......... 261
6. Conclusion .................................................................................................................. 264
References ....................................................................................................................... 272
Biography ......................................................................................................................... 292
Acknowledgements

Dissertations are chronicles of debt. This work owes much to the generosity of many who over the years have patiently listened, engaged, read and otherwise supported and fostered my work. To all of them, I owe an impossible debt and profound gratitude.

Many years ago, Montserrat Fontes sparked a curiosity about the world around me, one that somewhat circuitously landed me in Durham, NC to pursue a PhD in cultural anthropology. At Duke, I have been fortunate to encounter a set of friends and colleagues who have been indefatigable in their intellectual engagements and equally tireless in creating a social world that sustained and enriched my life. In particular Kevin Sobel-Read and Louisa Lombard adopted me into their cohort and were stimulating interlocutors in seminars and over long lunches. Azeen Khan’s friendship, wisdom, and counsel sustained me in my first week and does so until today. Brian Goldstone, Fahad Bishara, Leigh Campoamor, Attiya Ahmad and Jason Cross generously helped me navigate my first years at Duke and their work continues to inspire my own thinking. Spencer Orey endured many iterations of this project and has been an encouraging friend through the process of writing this dissertation. Thanks also to my dissertation-writing group and especially Lorien Olive, Erin Parish and Tamar Shirinian. Beyond Duke, Janell Rothenberg, Samar al-Bulushi, Aaron Jakes, Johanna Markkula, Vivian Lu, Aisha Ghani, Matthew Smith, Lisa Poggialli and Reynolds Richter also deserve special mention.
I have been incredibly lucky to have in Charles Piot and Engseng Ho, two deeply supportive and generous advisers. Along with my committee members, William O’Barr, Anne-Maria Makhulu and Edward Balleisen, they were invaluable at every stage of this project and supported me with guidance and wisdom. Additionally, I have benefited from engagements with a number of faculty members at Duke, especially Anne Allison, Stephen Smith, Rebecca Stein, Diane Nelson, Tomas Matza, and Ranjana Khanna.

Outside Duke, conversations with Bill Maurer, Janet Roitman, Susan Hirsch, William Connelly, Annelise Riles, Carol Greenhouse, Arjun Appadurai, Anja Shortland, David Anderson, Naor Ben-Yehoyada, Ken Menkhaus, Mark Bradbury, Tobias Haggman, Markus Hoehne and Lee Cassanelli have profoundly influenced my thinking and writing.

For financial support, I am thankful to the Social Science Research Council’s International Dissertation Research Fellowship; the Wenner-Gren Foundation’s Doctoral Dissertation Fieldwork Grant; Duke University’s Anne T. and Robert M. Bass Fellowship and The ACLS/Mellon Dissertation Completion Grant.

It is impossible for me to exhaustively list all those in England, Kenya, Somalia and elsewhere who gave time and energy to make this project possible, patiently encouraging and generously forgiving my missteps and blunders.

In England, I express special gratitude to Keith Miller, Andrew Barnes, Mary-Ann Gould, Ali Shirmake, Mohamed Qazi, Kristina Koceivich, Sridhar Venkatapuram, Sean Cross and Dalbir Singh.
In Kenya, Reuben Jemase, Athman Lali, Mohamed Jama, Ali Hadrami immediately took me in and supported my work throughout. Shafiq Makrani’s friendship made Mombasa feel like home. Omar Hassan did the same for me in Lamu. The crew of Thamani were the best teachers when it came to learning about dhows. Hassan helped me navigate Eastleigh and later Somaliland. Kadara Swaleh, Charles Appleton, Allan Duncan, UNODC-Nairobi, The Mombasa Magistrate’s Court, faculty at USIU, especially Francis Wambalaba and the staff at the British Institute were generous with their time and support.

In Somalia, my work would have been impossible without Abdirazak Jama’s assistance in Puntland. Additionally, Phaisal was tireless in making my project his own and helping me navigate Bosaso. The Ministry of Ports and Fisheries in both Berbera and Bosaso gave me incredible access to the port. Similarly in central Somalia and the coast Abubakr was invaluable in making research possible. Finally, thank you to all the ship captains, coastguards, stevedores, merchants and others who indulged — for the most part — my questions about life at sea.

Close friends and family in Los Angeles, India and New York have sustained me through this process. I am grateful to them all, especially to my parents, for their support and their unquestioning confidence. Finally, in saving the most important acknowledgement for last, I wish to thank my grandmothers. While neither lived to see the completion of this project, their lives and stories of mobility, exile, and family — from
Peshawar to Bangkok—shaped my interests in anthropology and continue to inspire me to write and wonder.
Preface

“I don’t want to talk about Americans today, I have a story about pirates for you.” Hamisi and I had just ordered tea and we were settling into our usual maskan (hangout) on the Lamu waterfront. It was 8 pm after the isha (night) prayers and the town was enveloped in darkness. In the summer of 2008, power cuts were a daily occurrence in Lamu, a small isolated town in the Lamu archipelago close to the Somali border in northeastern Kenya. The oldest continually inhabited town in Kenya and one of the original Swahili settlements, Lamu, like numerous port cities on the East African coast, has been host to numerous itinerant sojourners creating the creole cosmopolitanism that exemplifies the Indian Ocean littoral. In 2008, I was in Lamu to study a more recent arrival. In the aftermath of the 2000 bombing of the naval destroyer USS Cole in Yemen and the 9/11 attacks, the United States had launched a global war on terror and continental Africa and the Western Indian Ocean had emerged as central sites in this de-territorialized global conflict. With little fanfare, the Pentagon established a series of Forward Operating Sites (FOSs) across the continent, culminating in the establishment of the United States African Command (AFRICOM) headquartered in Stuttgart, Germany in 2007. Camp Simba, a Kenyan naval base in Manda Bay, an hour’s speedboat ride away from Lamu town, was a major node in this US security apparatus and I was in Lamu to begin my research on the impact of the global war on terror on this tiny seemingly forgotten corner of the Western Indian Ocean.
I had met Hamisi in Zanzibar when I was studying Swahili earlier that summer. An aspiring hotelier, he was visiting relatives and promised to introduce me to people when I arrived in Lamu. As one of the few Lamu residents who had worked directly with the US military’s Public Affairs unit on “social” and “development” outreach projects, including the building of a primary school for girls (emblematic of the merging of humanitarianism and security in a post 9/11 imaginary), Hamisi had many thoughts on the US presence and we would regularly chat about it over tea. This evening, Hamisi was captivated by an entirely different story. A merchant vessel (a Korean flagged cargo ship as I found out later) on its way from Kismayu in Southern Somalia—a day’s voyage away from Lamu—to Mombasa had been captured by a group of pirates. I had heard stories of smugglers, of daring fishermen, even of elaborate plots involving al-Qaeda operatives slipping into port cities along the East African coast, but hearing about pirates—at least in their contemporary guise was a first. “Ohh yeah, there have always been pirates but now they attack big ships,” Hamisi explained as he continued his tale over cardamom tea. “My cousin works on this ship. It’s a UN [World Food Program contracted food aid] ship that goes from Mombasa to Kismayu.” The ship had been released a few days ago and Hamisi’s cousin had been on board. “I just talked to my cousin and he told me all about his experience. He’s coming to Lamu tomorrow and he’ll tell you the story in person when he’s here.” The next evening, as promised, Hamisi’s cousin joined us along with half a dozen other residents who were equally intrigued about this tale of piracy.
“This isn’t the first time I was captured,” Abdul began, “the last time was three years ago in Nigeria. In Nigeria, people came on board and tied us up to steal things from the ship—this was different.” All eyes were on Abdul by now and a quiet descended as Abdul set the stage for us:

We were returning from a routine food drop in Kismayu. I’m a mechanic and after working my shift I was down in my cabin getting ready for bed. All of a sudden the alarm went off and captain told us we had men on board. We ran to hide in the reinforced hold where they have food and supplies, but it was too late. I walked out of the door and there was a man with an AK-47 yelling. He was speaking Somali, but when a man has a gun you don’t need a translator. [Author’s fieldnotes, July 2008]

At this point, other people had joined our conversation and were being caught up to speed by my fellow listeners. Annoyed with this chatter, Hamisi hushed the swelling crowd and Abdul started again: “We slept on the main deck in the open all night. In the morning at sunrise, I saw that there were six, maybe seven people all armed guarding us. When the sun got too hot, they took us to the tweendeck [lower deck of a container ship above the hull]. As we were walking down, I saw two small boats tied to the side of our ship. It’s unbelievable to think that two small boats with six armed men could capture a big cargo ship, but it happened.”

This dissertation focuses on the encounter between small skiffs and large ships in the watery expanses of the Western Indian Ocean. Specifically, I ask what makes it possible for half a dozen young men to take over ships as large as Abdul’s cargo ship or the MV Sirus Star, a Liberian flagged oil tanker over 1,000 feet in length and with the capacity to carry 2.2 million barrels of crude oil— the largest ship ever to be hijacked? I
focus on this question in two different registers. At one level, asking what makes piracy possible brings into view geographies of interaction stretching from London to Mombasa, via Djibouti, Berbera, Bosaso, Lamu and Dubai, uniting a range of disparate actors from navies to magistrates and from insurance agents to self-proclaimed pirates themselves. Posing this question highlights the shifts in regulation and geo-political transformations as well as competing ideas about legality and economy that made possible the emergence and transformation of a global economy of piracy (and counter-piracy) from 2008-2012. This question also allowed me as the anthropologist access into these diverse worlds and the ethnographic “field” and narrative of this work is constructed through the locales and actors where this question was posed.

---

1 A decade after Writing Culture (1986) sought to critique the epistemological conceit of anthropology as a textual practice, a number of scholars sought to unpack and critique the category of fieldwork. As Gupta and Ferguson noted, "ethnographic fieldwork is at the core of what [George] Stocking has called anthropology's fundamental 'methodological values'—the taken-for-granted, pretheoretical notions of what it is to do anthropology and to be an anthropologist" (Gupta and Ferguson 1996: 1) Beginning with Malinowski’s evocative introductory phrase "[i]magine yourself suddenly set down surrounded by all your gear, alone on a tropical beach close to a native village while the launch or dinghy which has brought you sails away out of sight" (Malinowski, 1984: 4)," anthropological fieldwork has been posited through a form of "deep hanging out." Critiquing the archetype of the lone (male, white) anthropologist with his notebook, Gupta and Ferguson among others called for a rethinking of the “field” by emphasizing the political work required to clear the field i.e. make it an adequate object of anthropological enquiry and sought to champion multi-sited projects (see also Marcus 1995 for a cautious endorsement of multi-sitedness). In contemporary ethnographies multi-sitedness has often become a fundamental methodological value and single locale based research is almost passe. At the same time there is a certain aesthetic formalism to contemporary multi-sited research with the ethnographer following established itineraries and/or networks i.e. working at the headquarters of an NGO and then moving to a field-site to highlight the limits or contestations of development paradigms. In contrast, following Maurer (2005) this work proposes multi-sitedness as a practice of emergence. Developing Latour’s notion of a "complex hybrid" Maurer argues that fields such as "medicine, science, media, law, and environment pose challenges to modernist analytical toolkits because they are always already complex hybrids of nature and culture, they do not stay put inside their analytical frames and oscillate between the general and particular." (Maurer 2005:1) Maurer argues for an anthropology of emergence that is not content to settle for “mere descriptive adequacy but that uses its objects to unsettle anthropological claims to knowledge.” (ibid) In this project, the question of what makes
In addition, the question of what makes piracy possible is equally important to understand encounters and engagements between diverse set of actors outside the national frame. The encounter between small skiffs and large ships is an encounter framed by violence, specifically the threat of violence. This threat is prior and central to creating a realm of interaction between these two floating worlds and piracy, especially within the Somali context of a kidnap and ransom economy, is premised on the dynamic and contingent management of this violence. How does one assert the threat of force without being called on to make good on it? How does one offer protection to a set of mobile objects afloat in a vast ocean, creating jurisdiction in the absence of territorial sovereignty? While pirate boats appear tiny from the main deck of a container ship, even oil tankers are small specks in a vast global sea of trade. In an increasingly virtual era, shipping retains a central role in global commerce. Approximately 90% of global imports and exports currently travel by sea on around 93,000 merchant vessels, operated by 1.25 million seafarers, carrying almost six billion tons of cargo (OEF 2010: 4). The Western Indian Ocean is central to this world of trade. According to the International Maritime Organization (IMO), between 22,000 and 25,000 vessels transit through the Suez Canal.
each year. Every day, 3.3 million barrels of oil are transported through the Bab-el-Mandeb Strait, representing 30 per cent of world’s oil supply. A host of technologies and modes of regulation, from navies to insurance contracts, are involved in making capital, labor and commodities move, channeling and protecting this global sea of trade. Maritime piracy represents not only an interruption, but also an attempt—framed through the threat of violence—of inserting oneself within this world of trade and offering a competing form of protection albeit at times from oneself. Protection is key to understanding maritime piracy and my work frames piracy as an encounter between overlapping and competing regimes of protection. Protection not only recasts the world of Somali piracy outside the framework of failed states and crises of governance, but also speaks to larger questions of law and economy within trans-regional and cross-cultural encounters in this contemporary moment.

The plural legal and economic forms captured within the framework of protection, and the specter of violence that haunts this category, are crucial to understand forms of polity and economic practices that exceed the boundaries of an enclosed social and territorial space. Protection highlights the flexible and precise ways in which juridical and quasi-juridical forms of engagement and encounter occur without an overarching legal or sovereign frame. An enduring question for legal anthropology—from Malinowski’s search for legality among the Trobriand Islanders (Malinowski 1926) to ethnographies of dispute resolution in rural California (Ellickson 1994)—the problem of “order without law” is equally important at the scale of the global in an (post)
imperial world. Piracy as protection highlights the unbundling and re-bundling of sovereignty and authority beyond the territorial frame and its complex afterlives in a world of supply chain capitalism, limited liability corporations, and drone warfare.

Protection, as the case of Somali piracy shows, is also about the extraction of rents and risk-pooling through the management of violence and a decision—often policed through force—about the legitimacy of certain actors to profit from this global economy. The story of economic globalization, a project whose current iteration from the 1970s has been characterized by increasing forms of abstraction is often seen as a process of disembedding the economy from the social relationships that undergird economic exchange (Polanyi 1944; Castells 1996). Critiquing this teleological narrative of abstraction, a number of scholars have emphasized the persistence and indeed flourishing of alternative economic orders and human economies within a neoliberal world (Hart 2010; Gibson-Graham 2006). Anthropologists have been critical in this project, highlighting the always already embedded nature of globalization (Eriksen 2003) and the limits of neoliberalism (Mains 2012; Kanna 2010; Ferguson 2010).

Complementing scholarship on the performativity of economic theory and the social studies of finance (Carrier 1998; Mackenzie et. al 2004) these works have been a useful corrective to the hegemony of neoclassical economic thinking. A focus on protection as a trans-regional economy intimately tied to longer histories of globalization productively intervenes within this literature by flipping the terms of the debate. Following Xiang Biao, I emphasize “how people develop social relations—seen as a
holistic process of which their economic activities are a part—that lead to economic globalization.” (Biao 2006: 3) Instead of highlighting whether and how piracy is embedded or disembedded, my work shows how regimes of risk-pooling from insurance and hostage negotiation to Somali clan networks and money transfer systems encounter each other and together created a global economy of piracy (and counter-piracy).

Finally, as a term that emerges within the life worlds of traders, ship captains, navy officers, insurance adjustors, pirates and preachers—protection is a unifying category (see chapters 1 and 2 for more detailed etymologies of protection) that brings to the fore problems of commensurability/incommensurability and a theoretical understanding of encounters that exceed the binaries of colonizer and colonized, native and settler through which the question of encounter has often been theorized. Instead of a “parochial geography” (Ho 2004: 239) tied to the terrestrial state, protection opens up an expansive imperial frame, which as Ann Stoler has noted brings into view “imperial formations as supremely mobile politics of dislocation, dependent not on stable populations so much as on highly moveable ones.” (Stoler 2006: 138). It is this politics and practice of mobility and becoming that the remainder of this work sketches through a focus on encounters in the Western Indian Ocean that move between land and sea, law and economy, history and anthropology, piracy and protection.
1. Introduction

1.1 Introduction

“Maharamia wamekuja (the pirates have come).” As the murmurs about their impending arrival circulated through the courtroom, conversations gradually faded and a thick humid stillness enveloped the room. Amidst the whirring of an unusually loud fan the suspected pirates paraded in one at a time into courtroom number seven at the High Court in Mombasa, Kenya in June 2009. Dressed in ragged blue jumpsuits, the group of seven silently walked to the stand without acknowledging the crowd or their court appointed lawyer. Once the suspected pirates were seated, the courtroom was abuzz with conversations as the packed visitors gallery traded stories about the maharamia (pirates) and their exploits in the Indian Ocean. Some surreptitiously snapped pictures with their camera phones prompting angry glares from the policeman standing lethargically near the empty magistrate’s chair. A few minutes of restless rumbling later, the policeman shouted to us to stand up as the magistrate made her way into the courtroom. Shuffling to our feet the crowd respectfully and absent-mindedly bowed as the magistrate walked in, enacting a centuries old common law ritual— one of the many legacies of Kenya’s British colonial past.

Paying little attention to the suspected pirates the magistrate summoned the attorney general and the defense lawyer to her bench and discussed procedural matters. After a few minutes of animated discussion, the magistrate gestured to the defense and
prosecution to return to their table and turned to the suspected pirates. In a mix of Swahili and English she explained that the defense appeal for dismissal, based on lack of jurisdiction, was rejected and the trial would proceed. A sprightly young Somali man dashed up to the stand and translated the magistrate’s declaration to the unexpressive group. Over the course of the next several hours, numerous EU naval officers, Kenyan police and customs officials testified in the overcrowded courtroom as the magistrate attempted to decide whether this group of mute seven men were pirates or fishermen as their lawyer claimed. After the first hour or so the crowd slowly trickled out and by the end of the hearing, I was one of the few spectators left in the courtroom along with a scattering of committed journalists—even a piracy trial is a tedious affair. In this hearing, the multiple languages: French, German, Spanish, Somali, Swahili, and English that we cycled between in testimony and counter-testimony made an already ponderous process even slower. At one point, the languid proceedings were punctuated by an irritated off-script outburst. In response to the constant questioning of the defense lawyer on the true identity of pirates; the German naval captain who had arrested these suspected pirates went off script and launched into an angry tirade:

I don’t think you understand or want to understand. The sea is not an empty space. There are merchant ships, pleasure boats, and fishing vessels. A skiff used for piracy today can be used for fishing tomorrow. Someone who is a pirate can show up as a dhow captain or on a smuggling boat. Our job is to look out for the unexpected and then react so we can protect these waters. I might add in our counter-piracy mission we also are serving Kenyan interests. [Author’s fieldnotes, June 2009]
Signed with much fanfare, the Memorandum of Understanding (MOU) between Kenya and the European Union marked the beginning of a judicial global war on piracy to complement the naval armada— from countries as disparate as Iran and the United States—that had been gathering offshore in response to a drastic and unprecedented upsurge in maritime piracy off the coast of Somalia.

Once understood as an obsolete vestige of a bygone era, the end of the Cold War saw the return of maritime piracy to the world’s oceans. According to the International Maritime Bureau (IMB), a commercially-funded organization that maintains piracy statistics for the global shipping and insurance industry, beginning in 1991 a number of regions including the Straits of Malacca, the Gulf of Guinea and the Red Sea saw a sharp increase in maritime predation. From 1991 to 2006, the Straits of Malacca were the most heavily pirated waters traversed by global shipping. By 2006, Somali piracy overtook the Straits of Malacca and, according to the IMB, 23 percent of all global piracy attacks took place off the coast of Somalia. By 2011, that number rose to 60 percent. As a recent World Bank report notes, “in the last four years [2008-2012] one of every two vessels that reported a piracy-related incident had been attacked off the Horn of Africa. Over the last decade, no other maritime area, even the Malacca Strait, had suffered so much.” (IBRD 2013: 2) From 2005-2013, “pirates from Somalia have carried out 1,068 attacks. Of these, 218 resulted in successful hijackings with abduction of at least 3,741 crewmembers of 125 different nationalities, and payment of US$315million–US$385 million in ransoms.
Between 82 and 97 non-Somali seafarers are believed to have died in attacks, detention, or rescue operations.” (ibid)

The absence of a functioning centralized government in Somalia since 1991 was seen as simultaneously the cause behind this upsurge in piracy and the reason for an unprecedented international response. More than 40 countries have been involved in military counter-piracy operations, including three naval coalitions: the European Union Naval Force Somalia (EUNAVFOR-Atalanta), the Standing Naval Group of the North Atlantic Treaty Organization (NATO) through Operation Ocean Shield, and the US Combined Task Force 151. These national and coalition naval authorities have been granted rights to enter Somali territorial waters and even coastal land through over 13 UN resolutions adopted since 2008.

This was not the first time that piracy in the Indian Ocean had led to an international response. In the eighteenth century, a British-led global war on pirates stretched from the Atlantic to the Indian Ocean targeting former privateers and other former imperial agents whose work and lives were rendered superfluous with the transformation of the British navy into a regularized public institution. As Marcus Rediker writes: “In London, New York, Port Royal, Cape Town, and Salvador an international campaign of terror was unleashed with spectacular executions of those who had committed sea banditry. At these ports the gibbeted corpse of one who had sailed under the black flag, flesh rotting, crows picking at the bones would greet the arriving mariner” (Rediker 2007: 243-44). In courtrooms, pirates like William Kidd
“turned lawyer” (Benton 2010: 112) and claimed that they were privateers, extending crown law with letters of marque and reprisal in lawless seas. The judges for the most part refused and sent them to the gallows—Empires had created pirates and empires executed them. Legal trials were the spectacles that marked—gruesomely—the end of an age of piracy.

Contemporary piracy trials in Kenya, and elsewhere in the Indian Ocean littoral and beyond, are considerably less gruesome in contrast, though controversial affairs. The failed state narrative along with creating an international naval response engendered the need for courts outside Somalia to detain and prosecute suspected pirates. By the summer of 2009, the Mombasa High Court had become a venue of first choice for the prosecution of suspected pirates apprehended at sea and it was here that I first encountered pirates as defendants in criminal trials under Kenyan jurisdiction. Framed within a technocratic legal imaginary, the Kenyan piracy trials sought to create in the words of a UN legal expert, “a ring of law around the Indian Ocean. We want those who attempt piracy to recognize that there is no legal no man’s land from where to escape culpability” (Interview with the author, May 2009). Alongside the piracy trials

---

1 From the outset the piracy trials in Kenya were surrounded by controversy. Beginning with the secret nature of the Memorandum of Understanding (MOU), a situation that led varied opinions regarding the quid pro quo arrangements contained within. Broadly the arrangement was criticized on (1) jurisdictional grounds [see Gathii (2010) for a detailed analysis of jurisdictional questions surrounding the piracy prosecution]; (2) procedural grounds: numerous human rights groups argued that Kenyan courts were inadequately equipped to handle the logistics of these international, extra-territorial trials and an already over-burdened court system was being asked to handle cases it was ill equipped to do. As Taussig-Rubbo (2011) notes, this was particularly salient given that the timing of the trials coinciding with the International Criminal Court prosecutions of Kenyan leaders accused of crimes against humanity in 2007 post-election violence; (3) security grounds: spearheaded by the media the piracy trials became a site to further a set of anxieties about the presence of Somalis within Kenya with rumors of pirates planning daring rescue missions or attacks on prominent targets circulating throughout the media.
there was a concerted effort to transform, and at times to create, domestic legal norms that would allow for the prosecution of piracy in states like Djibouti, Kenya, Tanzania, Mauritius, and Seychelles and also quasi-states like Somaliland and Puntland. While the UN Convention on the Laws of the Sea (UNCLOS) grants universal jurisdiction for the crime of piracy, legal officials insisted on the importance of domesticating piracy within local jurisdictions: the hostis humani generis (enemy of all mankind) had been transformed into a rights-bearing accused entitled to the protections of the late twentieth century liberal human rights project, transforming piracy into an ordinary criminal offense. The various legal functionaries involved in the trials also expressed this sense of the mundane. In a moment of candor at the conclusion of one of our meetings, the Magistrate presiding over piracy cases commented that she preferred to preside over property disputes—“property disputes have more interesting stories than these piracy cases…I sometimes feel bad for the pirates, they are nothing but petty thieves at sea” (Interview with the author, June 2009).

The long history of piracy law highlights these slippages between spectacle and the mundane, between enemies of all mankind to petty thieves deserving the protection of legal procedure. Through a brief genealogy of the pirate as a figure of law, this Introduction focuses on these slippages and specifically the mobility of the pirate between land and sea, legal and illegal, law and economy, empire and state. This semantic instability highlights that the question of piracy and the pirate is always related to the scope of jurisdiction and meaning of political authority. The different ways in
which pirates become legible as subjects of law and the movement between piracy and privateering is shaped by the relationship between the actors and the social, economic and moral worlds they inhabit. The claim is not simply that piracy is constructed and hence arbitrary, but that the particular ways in which piracy gets constructed illuminates broader economic and political linkages. At the same time, the legal archive is also mute about the pirate as a social figure. The world of law tells us relatively little about “how people develop social relations—seen as a holistic process of which their economic activities are a part” (Biao 2006: 3) and to understand how it became possible for a small skiff to take over a large ship my project emphasizes the need to de-center the courtroom and move into a broader economy, one that I term as an “economy of protection.” The remainder of the Introduction and Chapter 2 focus on protection as a way to both critique the dominant framing of piracy as a desperate act committed by desperados from a dysfunctional land and highlight the implications of protection for bridging land and sea, law and economy, the pirate and the protector.

1.2 Defining the Pirate and Piracy: From the Classical Era to the UNCLOS

Pirate: Middle English from latin pirata, from Greek peirates, ‘attacker’ from peiran to attempt...from Indo-European root per-.per-... to try, risk; from which come the modern English words: fear, peril, experience, empire, and pirate.


In his masterful survey of the law of piracy, the legal scholar Alfred Rubin notes that a “cursory examination of learned literature, treaty articles and national statutes
shows at least six different meanings of piracy” (Rubin 2006: 1). These meanings range from:

A vernacular usage with no legal implications; 2) An international law meaning related to unrecognized states or recognized states whose governments are not considered empowered at international law to authorize the public activity that is questioned, like the Barbary States (1600-1830), The Malay Sultanates (1800-1880) and the Persian Gulf Sheikhdoms (1820-1830); 3) An international law meaning related to unrecognized belligerency; 4) An international law meaning related to the private acts of foreigners against other foreigners in circumstances making criminal jurisdiction by a third state acceptable to the international community; 5) various special international law meanings derived from particular treaty negotiations; and 6) various national domestic law meanings defined by statutes and practices of individual states. [ibid.]

As Rubin notes, all these usages, from vernacular and popular writings on piracy to precise international legal definitions, rest on classical writing and precedents from Greek and Roman sources. Turning to these classical sources, Rubin discovers a mobile and shifting set of words and idioms to define acts ranging from war to banditry in the Eastern Mediterranean littoral. In Thucydides’ *The History of the Peloponnesian War*, Rubin highlights that the Greek word *peirates* was used not to describe individual acts of banditry or takings on sea, but rather to describe the political structure of bands along the Aegean “where forcible seizure was one way to acquire metal or other goods from outside sources” (5). For Thucydides and later Herodotus and other Greek commentators, *pirates* did not include individual acts of banditry, war or raids for essential supplies. What emerges in Rubin’s survey of Greek sources then is an understanding of piracy as an economic system practiced by sea faring communities in the Aegean where raiding was a secondary system of transfer and redistribution subordinated to gift-exchange which remained the principle means of commerce.
In his survey of Roman understandings of piracy notably in the works of Livy, the Greek Plutarch, and Cicero, Daniel Heller-Roazen (2009) notes a shift from the Greek understanding of piracy as a system of commerce and economic transfer to a Roman focus on piratai as rebels or enemies who refused to recognize the supremacy of Roman law. Citing Livy’s History of Rome, Heller-Roazen notes that in addition to being a celebration of the Republic and Augustus, Livy frames actions against pirates through a language of war [belloque]:

Gnaeus Pompeius was ordered by a law passed by a popular assembly to pursue the pirates who had cut off the traffic in grain. Within forty days he had cleared them from all the seas. He brought the war against the war against them to an end in Cilicia, received the surrender of the pirates and gave them land and cities. [Livy, quoted in Heller-Roazen 2009: 55]

As this description suggests, pirates were not treated as criminals but enemies to be met in war and defeated, enemies with whom the Romans could sue for peace and treaties could be upheld.

Similarly, for writers like Plutarch writing around 100 AD, pirates represented an alternative to Roman hegemony and hence came into conflict with Rome as violators of this specific conception of hegemony and not as criminals writ large. In his writings on the life of Pompey, Plutarch paints a clear picture of pirate societies and the threat they represented to Roman control of commerce in the Eastern Mediterranean:

The power of pirates has its seat in Cilicia...from where they attack not only navigators but also lay waste islands and maritime cities...[t]heir religious practices center around the town of Olympus and their flutes and stringed instruments and drinking bouts along every coast, their seizures of persons and ransoming of cities are a disgrace to Roman supremacy. [Plutarch, quoted in Heller Roazen 2009: 67]
Plutarch goes on to describe the conquest of Cilicia by Pompey and notes that not only were peace treaties signed between pirates and Pompey, the Roman “admiral” even sent military assistance to these communities once they had acknowledged Roman hegemony. Yet, there is a critical difference between the time of Livy and Plutarch. For Livy pirates were simply rebels who threatened Roman access to the Eastern Mediterranean through blockades and other measures, while for Plutarch, as evidenced in his quasi-ethnographic writings on pirate communities, pirates were both a “disgrace” to Roman supremacy and represented an improper and antiquated mode of social, political and economic life. The war against pirates, while (just) war for Plutarch was also a war against their religious practices, string instruments and drinking bouts.

In opposition to an understanding of the pirate as enemy to be defeated in battle but one with whom peace could be negotiated is the idea of the pirate as hostis humani generis (common enemy of mankind) traced back to the writings of the Roman jurist Cicero. An active lawyer and political contemporary of Julius Caesar, rumored to have been assassinated on the orders of Marc Anthony, Marcus Tullius Cicero is the most commonly cited authority for the Roman conception of piracy. In particular, Cicero’s address to the senate on the validity of Pompey’s treaty with the Cicilian pirates is often quoted to justify an understanding of piracy as universal crime and not simply lawful belligerence. As Cicero noted:

There is no perjury if the ransom for life, which had been agreed upon even under oath, is not paid to pirates, for the reason that the pirate is not entitled to the rights of war, but
is the common enemy of mankind, with whom neither good faith nor a common oath should be kept. [Cicero, quoted in Ian Baucom, unpublished MS, 2008]

Although seen as foundational for establishing the crime of piracy as universal crime, a number of scholars, including the Dutch legal scholar Hugo Grotius, have cautioned against such a reading of Cicero. While writing his highly influential natural law treatise, The Rights of War and Peace, Grotius criticized this passage as a non sequitur and notes, “it seems there is no reason why an oath to God should not be kept even with brigands; it is hardly logical or moral to construe a violation of law to lead to the conclusion that the violator is no longer protected by law, observance of an oath is owed to God, not to the person receiving the benefit of the oath” (Grotius 2005: 17). Others such as Alfred Rubin have noted that the passage from Cicero appears in a “work of moral duties and not law; as Cicero himself noted the two do not always coincide” (Rubin 2006: 10).

While it is debatable whether Cicero’s conception of the pirate as the common enemy of mankind was intended as legal argument or moral critique, there is nonetheless a move within the rest of his juridical corpus to treat piracy and pirates as distinct from bandits and criminals. Indeed this distinction can be seen as a key feature uniting an otherwise disparate and mobile set of legal and moral arguments during the Greek and Roman era. Piracy in these texts did not emerge from a Greek or Roman right to police the seas, but from the assertion of a right to territorial (and maritime) sovereignty in the Eastern Mediterranean. Pirates were not criminals or bandits (latrones
and *praedones*) but rather enemies (*hostes*) against whom war (*bellum*) could be waged.

This war could be permanent and the enemy could even (in a certain reading of Cicero) be an enemy not owed oaths. But, pirates and piracy in this era did not imply criminality under any legal system, Roman or law of nations; it was rather “a descriptive noun for the practices of communities in the Eastern Mediterranean who had become obstacles to Greek and Roman trade and during the age of Rome, inconsistent with Roman views of the world order under Roman hegemony” (12). In the aftermath of the Roman “war on pirates” and for a thousand years after Justinian the word “pirate” appears to have “remained buried in texts familiar to learned monks but not considered significant to soldiers and statesmen” (13). It was only in the context of a changing Mediterranean world of the 15th and 16th century that piracy appears again, though in ways and with meanings different from the earlier epoch of piracy.

The Annalist historian Fernand Braudel has highlighted the emergence of “city-centered economies of the European past” from the fifteenth century onwards characterized by “near perfect movement, but with few resources outside itself” (Braudel 1992: 90). Cities like Venice and Genoa in the absence of territorial resources relied on implanting themselves within long distance economies of circulation and exchange and it was within this context that the Mediterranean emerged as key space of commerce, competition and conflict. As Braudel notes in his survey of the Mediterranean world:
Piracy was the child of the Mediterranean...In the 16th century the sea was filled with pirates...commerce raiding takes a mask, disguises itself as semi-official warfare, with letters of marque...[t]hat which is called “piracy” when done by Barbary corsairs is called heroic, pure crusading spirit when done by the Knights of Malta or commerce when done by merchants based at Pisa under the protection of Cosimo dei Medici. [Braudel 1995: 694]

The image vividly painted by Braudel is of a Mediterranean world of licensed and unlicensed warfare, trade and raid and conflicting claims to authority among rival cities vying to be centers of the European world economy.

It was within this world economy that the Italian born jurist Alberico Gentili sought a return to Cicero and other Roman sources in order to put forth a legal opinion on piracy that can be labeled, perhaps anachronistically, as a legal positivist treatise on piracy. In his *Commentaries on the Law of War*, Gentili defines the legal state of war as a “just and public contest of arms between princes” (Gentili 1964: 42). Pirates in his formulation could not be seen as just enemies and hence, “a state of war cannot exist with pirates and robbers” (ibid. 44, emphasis mine). Gentili then goes on to quote the passage from Cicero discussed earlier as support for excluding pirates from the rights and obligations given to belligerents and public enemies in times of war. What Gentili does though this (mis)citation of Cicero is recast piracy from a (permanent) state of war with communities pursuing practices of raiding and other form of economic transfers at sea while creating an alternative form of legitimacy to creating an equivalence between piracy, robbery and other forms of criminal taking of people or property not authorized by sovereign authority. As Carl Schmidt (2006) has noted, Gentili places the moment of
decision between just and unjust enemy in the hand of the sovereign, a move with tremendous consequences given the time of Gentili’s writings. In Gentili’s formulation all takings and seizures were illegal unless authorized by a sovereign authority: no degree of legitimacy or organization thus could make a “pirate” into a lawful combatant, and at the same time no taking or seizure could be deemed “piratical” if supported by letters of marques or other forms of sovereign authority. A certain form of piracy, i.e. privateering, crucially not recognized as piracy by Gentili, emerged, then, as a key “technique” of power for sovereigns of the city centered economies and later emerging monarchies in Europe from the sixteenth century onwards that initially lacked the resources or military might of their rivals. Given Gentili’s position as an advocate for the Spanish monarchy in England, his legal arguments then can also be read as an early mode of legal positivism, i.e. law in service of a particular public policy: the extension and solidification of a sovereign right to wage war and decide between just and unjust enemies.

Gentili’s approach was soon critiqued and eclipsed by the Dutch legal scholar Hugo Grotius. In his two seminal texts The Rights of War and Peace and Mare Liberum (Free Seas) Grotius highlighted the role of natural law in creating a definition of piracy that moved between universal right and particular acts. The Rights of War and Peace takes as its point of departure a critique of Gentili and Cicero specifically on the question of sovereign decision and recognition. Like Gentili, Grotius begins with a definition of war and considers if all forms of armed conflict can be regarded as war in a legal sense.
Instead of a sweeping distinction between just and unjust enemies, Grotius argues for a case-by-case analysis in defining the distinction between piratical and non-piratical acts. As he notes, “the label piratical only fits those who are banded together for wrongdoings, but does not include societies formed for other reasons even if in so forming they commit illegal acts” (Grotius 2005: 4). Unlike Gentili, who argued for Barbary States as piratical states, Grotius seeks to distinguish between states and gatherings of pirates and brigands. For a pirate to be a pirate, the sole reason of their existence must be to commit wrongdoings, whereas a state may commit illegal acts but it does not cease to remain a state since the reason for its existence extends beyond the committing of wrongdoings. On this basis Grotius creates a legal distinction between piratical and non-piratical acts, and crucially allows for a shift or what he terms a “mutatio” that may take place with regard to individual chieftains of brigand bands who can become lawful chiefs in some situations. Whereas Gentili saw no legal recognition for pirates outside criminality, Grotius acknowledges the potential for transformation and this definition in contradiinction to Gentili does not rest on sovereign recognition.

When in 1603 the Dutch East India Company seized the Portuguese carack Santa Maria in the Eastern Indian Ocean, Grotius was commissioned by the Company to issue a defense of this seizure, which had been labeled as piratical by the Portuguese. With a reference to Ovid: “nor sun nor air nor water’s gentle flow/are private things by natural design/The gifts I seek are public property” (Grotius 2004: iv), Grotius began his defense of Dutch East India Company on grounds that under the primary law of nations, whose
principles are both universal and immutable it is permissible for any nation to trade with another nation. Based on Vitoria and Vasquez’s distinction between primary and secondary law of nations, Grotius argued for a natural law basis for freedom of navigation as opposed to the papal decree claimed by the Portuguese giving them a divine right claim to monopoly trade in the Indian Ocean. The rejection of divine right fits within Grotius’ critique of Gentili and sovereign recognition as well as the ambitions of an emerging imperial corporate power, which was the status of the Dutch East India Company at the time of Grotius’ writings. By establishing a natural law right to navigation and extending that right to non-state actors, Grotius was able to claim that the Dutch attack on the Portuguese was just war and that seizure was a war prize rightfully claimed by the Company, given prevailing understandings of prize law on sea in times of war. Additionally, by establishing a just war between the Dutch and the Portuguese the question of piracy was rendered moot as Grotius had defined piracy as those illegal acts committed for the sole purpose of committing illegal acts and takings undertaken in situations of lawful war could not by definition be seen as piratical.

In addition to these transnational debates between “naturalists” and “positivists” on the definitions of piracy, trade, and raid, a crucial feature of the sixteenth and seventeenth century was the transposition of piracy within municipal and domestic jurisdictions, where piracy emerged not in relation to defining just and unjust war and lawful and unlawful combatants but in the context of fixing property rights and granting extra-territorial jurisdiction to domestic courts.
The “golden age of piracy” in the late sixteenth and seventeenth century, as scholars such as Robert Ritchie (1986), Peter Linebaugh and Marcus Rediker (2013) have highlighted, was also an era of imperial competition. In a world dominated and divided through papal decree between Spain and Portugal, newcomers such as the English, French and Dutch relied on a form of privateering initially financed by monarchs and later by private enterprises and legally supported by natural law and positive law claims to legitimacy. As Ritchie notes, “Dutch, English, and French policy makers sought empire, but did not have the resources to achieve this goal. It was left to entrepreneurs to carry out state policy by private means” (Ritchie 1986: 15). Through the issuance of letters of marque, monarchs “legalized” piracy and ensured a percentage of the profits to finance state expansion and consolidation. Yet, legalized privateering was always a precarious identity and often privateers in wartime turned pirate in peacetime. These pirates then threatened the very empires they had helped create, defend and finance. This fear of privateers gone rogue turned into a full-scale “war on pirates” in the late seventeenth and early eighteenth century, but unlike the campaigns of Pompey and the Roman Empire, the end of the golden age of piracy was ushered not through a declaration of war but through naval police actions and trials by admiralty courts and other municipal jurisdictions. Piracy, as jurors were regularly reminded in the seventeenth century, “was merely robbery committed at sea” (ibid.: v). It was during this time that figures such as Captain Kidd and Samuel Bellamy, whose operations extended from the Atlantic to the Indian Ocean, were brought before admiralty courts in England
and publicly executed in order to serve a warning to other sailors who harbored dreams of “turning pirate.”

The English response to piracy within domestic municipal jurisdiction emerged from a number of factors. At one level, it reflected the primacy of property rights within the English common law tradition. Courts held that pirates could be tried by English courts for crimes committed on the high seas if their actions of piracy violated the property rights of English subjects as well as of the Crown. In multiple cases, judges upheld not a Grotian natural law right to commerce, but rather the specific property rights of the Crown. Additionally, this form of universal jurisdiction was recognition of what John Seeley has termed the “expansion of England” (Seeley 1883). In acknowledging the extra-territorial dimension of admiralty courts, a vision of England as a maritime and mobile empire was both being reflected and constructed. As David Armitage has highlighted, the “myth of an empire of the seas was critical to defining the British Empire as both free and benign” (Armitage 2000: 104). As noted earlier, the end of piracy and the shift in the monopoly on violence at sea was an essential aspect of creating a myth of British Empire as free and benign.

By the nineteenth century maritime piracy was a relic of an earlier time. Along with the transition from sail to steam, vast portions of open-ocean were increasingly regulated, so much so that by 1924 the legal scholar Edwin Dickinson asked in the pages
of the Harvard Law Review: “Is the Crime of Piracy Obsolete?” In an era of territorial states, piracy was relegated to actions that existed outside the boundary of the nation-state, whether at sea or air, and, importantly, to actions that were aimed towards private ends. Thus in the UNCLOS that came into effect in 1982, piracy is defined as consisting of the following acts:

(a) any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed:
   (i) on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;
   (ii) against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;
(b) any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft;
(c) any act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b). [Article 101, UNCLOS]

Piracy law, as this preliminary sketch from Rome to the UNCLOS demonstrates, is a mobile concept intimately related to projects of empire. In foregrounding this mobility and these shifts in meaning, I have attempted to highlight definitional slippages that, as Jacques Derrida notes in Philosophy in a time of Terror, are critical to the very project of international law:

Semantic instability, irreducible trouble spots on the borders between concepts, indecision in the very concept of the border; all this must not be analyzed as a speculative

2 Beginning in the late seventeenth century there was also a move to pluralize and territorialize the realm of piracy in the world of printing and patents. The current proliferation of digital piracy, media piracy and intellectual property rights is a legacy of this attempt on land to label forms of circulation and innovation as piratical that eluded or circumvented the reach of the state or private monopoly. This Introduction does not engage with this now burgeoning literature on piracy in other guises but is nonetheless informed by these approaches, specifically on questions of circulation and the boundaries between legitimate/illegal. For a good overview on the history of piracy outside the maritime realm see Johns (2009). For recent exemplary ethnographic engagements with intellectual property and media piracy see: Coombe (1998); Larkin (2008); Dent (2012); and Coleman (2013).
disorder, a conceptual chaos or zone of passing turbulence in public or political language. We must also recognize here strategies and relations of force. The dominant power is the one that manages to impose and thus, to legitimate, indeed to legalize (for it is always a question of law) on a national or world stage, the terminology and thus the interpretation that best suits it in a given situation. [Derrida, cited in Borradori 2003: 105]

Recognizing the semantic instability and the oscillations between land and sea, the *hostis humani generis* and the petty thief, my argument works within and against this legal framing of piracy. In this work, I recast piracy outside the world of the courtroom and within what I term are economies of protection. These economies bring together a diverse set of actors and modes of governance united in their attempt to regulate the ocean. The remainder of this Introduction sketches some of these contours of protection, including the ways that protection moves beyond the specter of the failed state that haunts any attempt to render life on the Somali coast and in the contemporary Western Indian Ocean before outlining the argument of the chapters to follow.

1.3 From Piracy to Protection: Beyond the Failed State

In 2009, Mombasa, Kenya’s second most populous city and home to the largest port in East Africa had been transformed into a “modern day pirate’s port of call.” A regular stop for naval vessels patrolling the Indian Ocean and the first port of call for hijacked vessels upon release, the Mombasa port had been intimately tied to the geography of piracy. A few kilometers from the port, in the shadow of Fort Jesus, the sixteenth-century fort erected by the Portuguese to mark their violent entry into the world of Indian Ocean commerce, is Makadara Road. Historically inhabited by descendants of Baluch soldiers who served in the sultan of Oman’s army, the road and
the surrounding area in recent years has transformed into a Somali neighborhood lined with Internet cafés, tea and mirra shops, moneychangers and phone booths offering cheap international calls. The street bustles with activity late into the night. One ubiquitous feature is the groups of young men, mostly Somali, who walk around with bundles of Kenyan currency offering to change money at rates considerably better than those provided by neighborhood banks. When I began research in 2008, Makadara Road was the place to go to for delicious shawarma and to convert dollars. By 2009, rumors were rife of piracy money circulating through the area and Kenyan friends would point to the construction boom occurring across the city and blame pirates and piracy for the transforming cityscape. Others conflated pirates with terrorists or members of al Shabaab — an Islamist movement that emerged in Somalia following the US backed Ethiopian overthrow of the Islamic Courts Union in 2007. Maritime piracy and the Somali pirate easily slipped into narratives about the contentious and tenuous relationship between Somalia and Kenya\(^3\) or wider fears about “terrorism.” This conflation of the pirate and piracy was perhaps best exemplified in October 2011, when following a series of high profile kidnappings of foreigners from the archipelago of Lamu in northern Kenya, the Kenyan government crossed the border into Southern Somalia ostensibly in pursuit of al Shabaab members and pirates who were blamed for

\(^3\) For a good overview on this relationship between Somalia and Kenya see Mburu (2005). Mburu highlights the history of the ethnically Somali Northern Frontier Districts and the various ways in which the Somali question was central to defining the relationship between Kenya and Somalia from the Imperial Partition in the late nineteenth century until the post-Cold War context, especially in the aftermath of state collapse in Somalia.
these kidnappings. Dubbed Operation *Linda Nchi* (protect the nation), the Kenyan government emphasized the absence of a strong state in Somalia and the threat of piracy and terrorism in order to justify the violation of Somalia’s state sovereignty.

Offshore, a rapidly expanding naval presence sought to legitimize itself by claiming to act simultaneously in the name of the failed state of Somalia and in the name of protecting global trade. As the underwriters to this world of trade, maritime insurance companies also joined in through the creation of special anti-piracy policies and “Recommended Best Practices” for ships transiting through the region. On-shore in secessionist Somaliland and non-secessionist, but autonomous, Puntland—quasi states that emerged in the aftermath of the collapse of the Siad Barre regime in 1991, the ability to provide protection against pirates was central in claiming legitimacy and securing funding from international donors. Finally, those who were labeled as pirates also claimed to be offering a form of protection. Hassan was a particularly savvy and well-read individual in this world of hijack and ransom. In 2010, when I interviewed him for the first time he wanted to make sure I knew that he was not a pirate. “We are not pirates,” Hassan declared, “but rather fishermen who have become protectors of the sea, even our group is called the Puntland Fishing Collective.” As he explained his transition from fisherman to protector, he thrust into my hands a newspaper article on the problems of overfishing in the Western Indian Ocean and its connection to the emergence of piracy. A few months later, I encountered Hassan with a different newspaper article. Pointing to a journalistic investigation of the economics of Somali
piracy, Hassan noted, “we have changed the name of our group, we are now the Puntland Private Investment Group. We are pirates, but piracy is just a business in Somalia, a business of protection.” In yet another twist, in the summer of 2012, Hassan’s group once again changed its name. “We are not pirates anymore, the new name of our group is the Puntland Coastguard,” he explained as he enquired if I might have any leads in helping his group secure funding from the UN or other international donors.

A focus on these varied forms of protection—from the protection of the Kenyan nation state to global navies, maritime insurance and even the protection of the pirate—moves beyond the failed state paradigm that haunts most understandings of Somalia and questions of piracy and non-state actors, while acknowledging the productivity and afterlives of failed states as a way to claim legitimacy, capital and jurisdiction. Instead of the absence of a regulatory authority, the Somali case highlights a plurality of regulatory figures encountering each other in the Western Indian Ocean and framing their practices through a language of protection. Beyond an ethnographic object, a unifying category deployed by differentially situated actors, protection is a conceptual framework through to understand maritime piracy along the East African coast and a variety of cross-cultural encounters in this contemporary moment.

1.3.1 On Protection

In the midst of the 2012 U.S. presidential election and its somewhat predictable, at times shrill, discussions on domestic taxation, an editorial cartoon from the St. Louis Dispatch started circulating on the Internet, focusing primarily on what, within the
American political system, is understood as “liberal” blogs and websites. The cartoon depicts a somewhat despondent looking middle-aged white male wearing a baseball hat and a t-shirt, both embossed with the stars and stripes, and being asked a series of questions: “Do you hate taxes? Hate government? Hate regulation? Love guns?” The man, presumably having answered in the affirmative, is shown in the next panel as sitting in the midst of African militiamen and raising his fists triumphantly with a big smile, as the caption above reads “It’s better in Somalia.” Just in case there was any doubt on the political message of the cartoon, his t-shirt no longer carries the American flag but the slogan “Anarchy” written in bright orange.

This cartoon expresses a particular narrative about the role of taxation in the United States that stretches back to the founding myth of the country forged in a moment of anti-tax protest. This anti-tax narrative—often a critique of the redistributive aspects of taxation—is countered (as in this editorial cartoon) with a support for taxes as the marker of civilization, progress and modern statecraft. These sentiments are best expressed in the 1927 dissenting opinion for the Supreme Court by associate justice Oliver Wendell Holmes Jr. who wrote, “taxes are what we pay for civilized society, including the chance to insure” (Compañía General de Tabacos de Filipinas v. Collector of Internal Revenue 1927). A revised version of this statement “taxes are the price we pay for civilized society” marks the entrance to the offices of the Internal Revenue Services in Washington, D.C. The linkage between taxation and civilization in large part emerges from histories of state formation in early modern Europe where scholars have argued
that the modern, representative state emerged as the result of negotiations between autocratic governments who needed tax revenues in order to survive inter-state conflicts on the one hand, and citizens who were only willing to consent to taxation in exchange for greater government accountability on the other.\(^4\) In these historic cases, government dependency on local sources of revenue provided those in control of economic assets with significant leverage over the state, leverage they used to demand the development of more accountable and representative political institutions through a process often referred to as “revenue bargaining.” State formation, thus, is inextricably linked to principles of taxation and practices of revenue bargaining. This story of taxation also brings to the fore the centrality of violence and plunder in establishing political communities. As Hobbes notes in the *Leviathan*, the state emerges through a social contract that can be extracted either through “natural force, as when a man maketh his children to submit themselves and their children to his government, as being able to destroy them if they refuse…” (Hobbes 1994:109) or “when men agree amongst themselves to submit to some man, or assembly of men, voluntarily on confidence to be protected…” (110) This latter arrangement is termed by Hobbes as a commonwealth by institution and the former, a commonwealth by force. For Hobbes both modes of attaining sovereignty are legitimate and indeed earlier in the text he emphasizes the

\(^4\) Moore (2008) provides an excellent overview of this literature, one that is heavily influenced by the legacy of Charles Tilly, specifically Tilly (1990), and emphasizes the centrality of taxation in the transition from feudalism to the nation-state. Outside the European context, an influential historiography on revenue farming in Southeast Asia, see e.g. Rush (1990), has similarly highlighted the role of revenue collection in the creation of the late nineteenth and early-twentieth century colonial state and its postcolonial iterations.
validity of contracts extorted by fear, including ransom payments. As he notes, “if I covenant to pay a ransom, or service for my life, to an enemy, I am bound by it. For it is a contract wherein one receive the benefit of life; the other is to receive money, or service for it.” (ibid: 80) As Kojin Karatani has noted this covenant extracted through force is in fact a moment of exchange between two communities. Only when what appears at first glance as extortion is seen as an exchange can a commonwealth be sustained:

If a community wants to exchange in continuous plunder, the dominant community cannot simply carry out acts of plunder but must also give something to its targets: it must protect the dominated community from other aggressors, as well as foster it through public works, such as irrigation systems. Herein lies the prototype of the state. (Karatani 2014: 6)

Similarly, Charles Tilly has focused on the relationship between taxation and state formation by recasting the history of state making as part of a long continuum from “banditry, piracy, gangland rivalry, policing and war making.” (Tilly 1985: 170).

Payment is central in the creation of the state for Tilly and he highlights state-formation as the consolidation of protection within the form of the state. As Tilly has explained, “the word ‘protection’ sounds two contrasting tones. One is comforting, the other ominous. With one tone, ‘protection’ calls up images of the shelter against danger provided by a powerful friend, a large insurance policy, or a sturdy roof. With the other, it evokes the racket in which a strong man forces merchants to pay tribute to avoid damage—damage the strong man himself threatened to deliver” (ibid). Building on Tilly’s ideas of protection, scholars like Diego Gambetta (1993), Alpa Shah (2010) and Timothy Raeymaekers (2010) have noted the centrality of protection in creating state-like
forms from the Sicilian Mafia, Naxalbari movements in South Asia and cross-border traders in eastern Congo. These works explicitly engage ideas of protection and fit within a larger body of literature on the emergence of governance structures in the absence of or in the aftermath of states. Protection thus is a politics of coping, an alternative to the state, or the pre-history of state formation.

Often explicitly engaging with this literature, within the context of Somalia, a number of scholars have highlighted the development of plural forms of regulatory authority and the creation of “governance without government” since the collapse of the Somali state in 1991 (Menkhaus 2006; Hagmann and Hoehne 2008). The case of Somaliland in northeast Somalia is perhaps the clearest example of governance without a (recognized) government where, since 1991, a de facto if not de jure government has developed that provides basic services and has successfully managed elections including a peaceful presidential transition (Bradbury 2008, Hoehne 2013). Similarly, even in South Central Somalia, the region most closely resembling the “anarchic” visions of statelessness and violence, a variety of localized and often ad-hoc forms of governance have developed since 1991. In a recent article Jutta Bakonyi focuses on the Rahanweyn Resistance Army (RRA) in the southwestern region of Bay and Bakool, sites of major violence in recent years, and highlights the establishment of local governance initiatives. As Bakonyi notes “the RRA administration was able to ensure three core functions of governance, albeit rudimentary: it managed violence and enhanced security; it made
local legal and judicial services available to the population and it established a tax
system to finance these services” (Bakonyi 2013: 272).

Bakonyi’s narrative of RRA administration resonates with other forms of local
governance in Somalia and wider examples throughout sub-Saharan Africa that
highlight the ways in which state-like formations appear in the absence (or in the
aftermath) of a strong centralized state (Bayart 2009; Ferguson 1999; Jones 2011; Piot
2010; Raeymaekrs 2010; Roitman 2005). These recent rethinkings of the state in Africa
have significantly enhanced our understanding of governance and sovereignty and have
sought to move beyond the idealized narratives of state formation that continue to
inform academic scholarship and policy making in this part of the world and beyond. In
many ways this scholarship is part of a longer legacy of anthropological engagements
with “African political systems.” As A. R. Radcliffe-Brown cautioned in 1940, there has
been:

[a] tendency to concentrate attention too much on what is called the ‘sovereign state.’ But
states are merely territorial groups within a larger political system in which their
relations are defined by war or its possibilities, treaties, and international law. A political
system of this kind, such as now exists in Europe, of sovereign nations linked by
international relations, is only one type of political system. Political theory and political
practice (including colonial administration) have often suffered by reason of this type of
system being set up, consciously or unconsciously, as a norm. [1970 (1940): xxi]
Similarly, in a context of neoliberal restructurings of the state, a number of

scholars have sought to decouple state and sovereignty and emphasize the plurality of
figures and institutes that today exert de-facto and at times de-jure sovereignty.

Following Trouillat, this scholarship has evocatively studied “entities acting in a
statelike manner and producing statelike effects” (Trouillat 2001: 36), and emphasized the “state” as a set of practices rather than institutions set in contrast to “society” (Mitchell 1991; Clastres 1987). All these distinct streams of scholarship, even when they decouple state and sovereignty, remain premised on an understanding of an ideal type political community built on ideas of representation, rights and citizenship. While successful in pluralizing sovereignty and forms of political authority, sovereign capability is still rooted in a form of jurisdiction over populations and territory (Foucault 2007). The protection of the state or those who act like the state is premised on a jurisdiction over territoriality. In opposition to this understanding of protection as jurisdictional sovereignty, is a form of protection that is not territorialized or centralized but emerges in the moral reach of persons and in moments of mobility: a jurisdiction without sovereignty.

1.3.2 Jurisdiction without sovereignty

In 1664, Edward Coke, in one of the earliest treatises on common law attempted to define jurisdiction. For Coke jurisdiction is “the authority to give decisions among parties concerning actions to be taken over people and property…[jurisdiction] is the power to give judgment on a public matter and is instituted by necessity.” (Coke 1664: Preface B) From this statement jurisdiction can be seen as granting authority in a public setting over persons and objects. Additionally, as is made clear from its etymology, jurisdiction (ius decere) is a speech act: to speak the law. Jurisdiction pronounces and often inaugurates law. Within the western legal tradition, the history of jurisdiction is a
gradual containment of this speech act into the vessel of the state or the territorialization of jurisdiction. The Westphalian fantasy of modern state sovereignty is premised on the ability to exercise exclusive jurisdiction over mutually exclusive territorial domains. The unbundling and re-bundling of sovereignty in a post-Cold War moment and under conditions of neoliberalism retains this connection between territoriality and jurisdiction. The post-World War II UN system far from abolishing this connection reinforced the authority of the territorial state by making the state the sole legitimate actor in the field of international law. Even the charter of the International Criminal Court, widely heralded by critics and supporters alike as marking the emergence of a global system of legal protection conceives of jurisdiction in a territorial sense. As the ICC charter states:

The Court does not have universal jurisdiction. The Court may only exercise jurisdiction if: The accused is a national of a State Party or a State otherwise accepting the jurisdiction of the Court; The crime took place on the territory of a State Party or a State otherwise accepting the jurisdiction of the Court; or The United Nations Security Council has referred the situation to the Prosecutor, irrespective of the nationality of the accused or the location of the crime. (ICC Charter on file with author.)

In all these contexts, territoriality is tied to its etymological origins in land or the ground. As described earlier, even in the case of piracy law, an expanding British Empire in the 18th century and a human rights regime of the 21st century sought to territorialize pirates within domestic jurisdictions from London to Mombasa. In contrast there is another etymological origin for territory, one that provides an opening into a different vision of protection, one tied to persons and not land. As Gottman notes, territory has an
alternative genealogy and may derive from ‘terrere’—to frighten, the ability to warn off, to exert authority through the moral authority of the person. As Paul Dresch has noted in the context of Yemen:

[M]any forms of law appear to start from an idea of mutual recognition, so that law works ‘sideways’ and concerns not least the validity of people shielding their fellows from the wrath of others. Where people, collectively or as persons, are defended both by and against their fellows, even centralizing systems begin not from an identity of rights and top-down authority but from what can be called ‘protection’. (Dresch & Skoda eds. 2012: 154)

Drawing from Dresch and a non-rooted form of territory, this work proposes a concept of jurisdiction without sovereignty (chapter 2 provides an etymology of territorial and non-territorialized forms of protections and their historical encounters in port cities of the Indian Ocean littoral). Tied to a field of action dedicated to the encounter between strangers and clients these forms of protection are not about control over a specific territory, but space as the reach of a person. These forms of protection deal with the mobility of objects and persons and are about keeping spaces open and providing restitution. Some forms like sab/somaal relationships between patrons and clients in Somalia are solidified through genealogy, involve incorporation through kinship and pass down generationally. This form of protection is tied to restitution and the perpetuation of hierarchy. Other forms of protection, namely the protection of escort or abaan, regulate interactions with strangers, including the relationship between small skiffs and large cargo ships. This relationship is inaugurated by payment and is tied to the honor and prestige of the host and their ability to provide security. Unlike the
protection of genealogy, *abaan* is temporally limited and the relationship ends once a space has been successfully navigated or a business transaction conducted. This form of protection emerged in the context of the pre-colonial caravan trade that connected the Indian Ocean to the riches of Abyssinia and has transformed in contemporary Somalia as a mode of engaging a host of strangers from UN official and NGOs to global shipping along the East African coast. Returning to the encounter between small skiff and large ships that frames this work, the lens of jurisdiction without sovereignty also includes the protection of insurance, navies and private security companies and brings into view a vision of protection as a regime of profits and the management of violence in a global economy of transit and mobility.

The economies of protection highlighted in this work are thus not limited to a story of the state and political communities built on ideas of representation, rights and citizenship. Simultaneously a practice of hospitality, a claim to jurisdiction, and a right to work, profit and power—protection exceeds the frames through which we understand divisions between state and society, land and sea, legal and illegal, history and anthropology. The chapters that follow recast piracy within long histories of trade, plunder, and protection in the Western Indian Ocean, with each chapter focusing on a different facet of this world. Protection highlights how the worlds of coastal fishing in Northern Somalia are interconnected with maritime insurance markets in London conceptually move beyond the binaries of “national” or “global” and “formal” or “informal.” My study of piracy as protection highlights broader contestations of a
rapidly shrinking global commons in a moment when the state has ceded its authority to a variety of private actors from NGOs to private security contractors. Thus, far from being an anachronistic practice or aberration, maritime piracy calls attention to the logics of contemporary capitalism and new forms of regulation while emphasizing longer histories and the oceanic contexts of these systems.

1.4 Chapter Overview

Through a geohistory of the port city of the Western Indian Ocean, specifically Somali port cities on the Gulf of Aden littoral, Chapter 2 brings into view a set of commercial and legal relationships constituted by languages and practices of protection. This idiom of protection constructed the infrastructure for a set of mobilities and politics (one where law and economy were inseparable) within these spaces. Specifically, focusing on the long nineteenth century encounters of Somalis and various imperial projects on the East African coast, I highlight the development of a sea of trade built on a mix of protection, prestige and plunder. As a way of conceptually framing occasionally incommensurable set of encounters, this chapter provides an etymology of protection where variously located actors claimed jurisdiction without sovereignty over a set of oceanic mobilities. This conceptualization then provides the frame through which I understand the world of the Western Indian Ocean, including the emergence of maritime piracy as a kidnap and ransom practice off the coast of Somalia.
The next chapter provides a pre-history to the contemporary upsurge in maritime piracy by highlighting the interplay between pastoralism and the development of a maritime fishing economy in coastal Somalia. By emphasizing the centrality of capture—and notions of bounty, payment and redistribution nested within it—Chapter 3 illuminates shifts in relationships of property and profit across scale and historical time and suggests that understanding the emergence of piracy requires an explication of the interplay between sea and land (fishing and pastoralism) within regimes of governance in Somalia and the Western Indian Ocean.

Chapter 4 engages with the world of piracy by taking seriously the self-framings of piracy as an economy of protection located within a world of circulation and exchange. I highlight how a series of actors were able to build the infrastructure required to hijack ships and normalize this within a world of work and labor. Through a focus on khat, an economy within which piracy is deeply imbricated, I highlight the development and perpetuation of social relationships, including systems of debt and credit that make it possible to become a pirate/protector.

The final chapter shifts scale and moves to the world of counter-piracy. From national navies to private insurance companies, I highlight how a theory of protection shapes counter-piracy, including the distribution of force between public and private. If previous chapters emphasized the centrality of protection within the world of privatized trade and piracy in the Western Indian Ocean, in Chapter 5 I return to protection as a form of management that attempts to redistribute the risks of global shipping between
the public and private in ways that belie contemporary understandings of intervention and policing.
2. A Sea of Trade: Port Cities of the Western Indian Ocean

2.1 Introduction

I begin this chapter with two moments of arrival and departure, centuries apart.

In 1331, the venerable Moroccan traveler Ibn Battuta reached Somali shores and landed in the Northern port of Zeil’a (in present day Somaliland). Within a day he had set sail again, glad to have left behind the “most desolate and smelliest place in the known world,” a condition he attributed to the presence of a large fish market in the center of the town and the blood of numerous camels that were slaughtered daily. Travelling south for fifteen days and fifteen nights he finally arrived in Mogadishu, a city far more to his liking. Ibn Battuta noted that immediately upon mooring:

> when a ship arrives at the anchorage, the sanabig (local small boats) come out to it. In every sanbug (sing.) is a group of young men from town and every one of them brings a covered dish with food in it. He offers it to one of the merchants of the ship and says, “you are my guest.” Each sanbug does similarly. When the merchant disembarks from the ship he goes nowhere but to the house of his host...When he lodges with the host, he [the host] sells the merchant’s goods and buys on his behalf. He who buys from him at too low a price or sells to him without the presence of his host—that transaction is considered rejected. [Ibn Battuta 1967: 245]

Ibn Battuta’s arrival into this cosmopolitan and urbane port city is a chronicle of the slippages between hospitality, protection and being hold hostage and one of the first descriptions of the Somali practice of abaan (protection) in the historical record. This vignette vividly highlights the encounter between strangers and hosts as an institutionalized exchange. Upon entering the port, the visitor is enticed to choose a host based on the presumed quality and taste of food. The offering of food as a gesture of
hospitality is a recurring theme within Somali oral traditions. Here, instead of the space of the home, the host and visitor encounter each other in the port and hospitality is part of a commercial transaction. The nature of this commercial transaction is binding, not through the force of law, but an obligation where the host and visitor and bound to each other during a commercial transaction. The relationship between host and guest thus becomes the legal framework for determining the legitimacy of transactions while also policing the mobility of the visitor. This is not the world of free markets devoid of any regulation, but rather protection and the relationship between hosts and guests is the regulatory framework for constructing this market.

Ibn Battuta was no ordinary merchant and as soon as he declared his status as a faqih (legal scholar) and musafir (traveler), rather than a trader he was considered the guest of the qadi (judge), an Egyptian scholar named Ibn al Burhan. The remainder of Ibn Battuta’s time in Mogadishu was spent as the guest of the qadi and his rihla (travelogue) details the quotidian and spectacular aspects of life in this town “endless in size,” including a meeting with the Sultan of Mogadishu. After a couple of weeks as a guest of the Sultan, Ibn Battuta set sail again, this time to the port cities of the Swahili coast.

The second moment of arrival and departure is a more recent one. In the semi-arid scrub land of Northeastern Kenya, a land long forgotten by the elites of Nairobi and far removed from the romantic visions of lush savannah and the safari-scapes of touristic Kenya, there exists what would numerically be the third largest city in the country. Except that this is not a city, but the largest refugee camp in the world. Hastily
built, 50 kilometers from the border with Somalia to accommodate the influx of refugees pouring in from across the border following the collapse of the state in 1991, the Dadaab refugee camp originally comprised three camps—Dagahaley, Ifo and Hagadera—set up to host a total of 90,000 people. Over twenty years of statelessness and numerous droughts, civil wars and failed interventions later, Dadaab today has over 380,000 people registered in this sprawling complex, making it the fourth largest settlement of Somalis anywhere in the world and the third largest city in Kenya.

Somalis from all across the country and from every clan and sub-clan have passed through the reception center at Dadaab in order to be interviewed by UN officials, assigned refugee status and for the lucky ones re-settled in locations around the world. In 1992, an unusual family arrived at the reception center in Dadaab. Looking distinctively South Asian, this family claimed refugee status as displaced Somalis who has belonged to a small but thriving commercial diaspora in Mogadishu prior to the war and whose roots extended in coastal Somalia for at least three generations. At first, UN officials refused to believe them and assumed this family was a Kenyan Asian family hoping to take advantage of what was then a generous re-settlement program to send Somali refugees to Europe and the United States. After numerous interviews including a Somali language test, a decision was rendered assigning the Somali Indian family a legally binding refugee status owing to their membership to a “protected group.” Here too we have a system of protection that regulates relationships between hosts and others. Instead of an idiom of hospitality the world of protection here is a bureaucratic
framework of international law. Protection is afforded through belonging either as a citizen or as a member of a legally-defined “verifiable” member of a protected group.

These several juxtapositions—of port city and refugee camp; of the fourteenth century and the late twentieth century; of a venerable Moroccan jurist and Somali-Gujarati refugees; of abaan and the bureaucratic protection of international refugee resettlement; of arrivals and departures and the movement of people, things and ideas across trans-regional space—form the crux of this chapter. Through a geohistory of the port city of the Western Indian Ocean, specifically Somali port cities on the Gulf of Aden littoral, this chapter brings into view a set of commercial and legal relationships constituted by languages and practices of protection. This idiom of protection constructed the infrastructure for a set of mobilities and politics (one where law and economy were inseparable) within these spaces. Specifically, focusing on the encounters of Somalis and various imperial projects on the East African coast, I highlight the development of a sea of trade built on a mix of protection, prestige and plunder. Protection as a conceptual category of framing encounters is the way through which I understand the world of the Western Indian Ocean, including the emergence of maritime piracy as a kidnap and ransom practice off the coast of Somalia. Piracy, then, is not an aberration or anomaly in this sea of trade, but an integral part of practices and processes of moving and mooring in trans-regional spaces.

In what follows, I begin with the port city as a conceptual and ethnographic space to emphasize the unique configurations of “economic sovereignty” (Makhulu
2010) within this location. Port cities emphasize regimes of sovereignty and sociality built on ideas of protection, which encompass but are not limited to notions of citizenship in liberal democracies. The port city is a de-territorialized space with a logic that goes beyond coastal East Africa, while being simultaneously also deeply rooted in the particular movement between land and sea, history and geography that is unique to this coastline. I then turn to the Gulf of Aden and the Western Indian Ocean and highlight a historical geography of Coastal Somalia and the making of port cities along the Red Sea coast. The second section of the chapter turns to the long nineteenth century. This period was marked by a sea change in geopolitics and economic life along the Gulf of Aden and Western Indian Ocean littoral. Religious and commercial revival along the port cities of East African coast—processes that often went hand in hand—accompanying Imperial scrambles involving Muhammad Ali’s Egypt, the Ottomans, the Zanzibar Sultanate, French, British and later Italian interests, transformed local and regional politics and economies and presented new opportunities and perils for those who were drawn into this orbit. In this section, I begin with the political and economic transformations that occurred in the wake of the opening of the Suez Canal in 1869. The narrative then shifts back in time to the question of piracy in the Indian Ocean and I chronicle a series of encounters, incidents, and legal regimes that drew on languages and practices of protection. These ideas of protection were central in the encounter between Somalis and others and continue to frame engagements and contestations over the realms of law, politics and economy.
2.2 The Port City

In *Invisible Cities*, Italo Calvino describes two vantage points from which to arrive to the city of Despina:

Despina can be reached in two ways: by ship or by camel. The city displays one face to the traveler arriving overland and a different one to him who arrives by sea. When the camel driver sees, at the horizon of the tableland, the pinnacles of the skyscrapers come into view, the radar antennae, the white and red wind-socks flapping, the chimneys belching smoke, he thinks of a ship; he knows it is a city, but he thinks of it as a vessel that will take him away from the desert, a windjammer about to cast off, with the breeze already swelling the sails, not yet unfurled, or a steamboat with its boiler vibrating in the iron keel; and he thinks of all the ports, the foreign merchandise the cranes unload on the docks, the taverns where crews of different flags break bottles over one another’s heads, the lighted, ground-floor windows, each with a woman combing her hair. In the coastline’s haze, the sailor discerns the form of a camel’s withers, an embroidered saddle with glittering fringe between two spotted humps, advancing and swaying; he knows it is a city, but he thinks of it as a camel from whose pack hang wine-skins and bags of candied fruit, date wine, tobacco leaves, and already he sees himself at the head of a long caravan taking him away from the desert of the sea, toward oases of fresh water in the palm trees’ jagged shade, toward palaces of thick, whitewashed walls, tiled courts where girls are dancing barefoot, moving their arms, half-hidden by their veils, and half-revealed. Each city receives its form from the desert it opposes; and so the camel driver and the sailor see Despina, a border city between two deserts. [Calvino 1972: 54-55]

Like Calvino’s Despina, the port cities that appear in this chapter are “borderscapes” (Mezzadra and Neilson 2013) straddling two geographic media: land and water, a liminality that is central to processes of moving and mooring; of circulation and exchange. In his masterful study of the Mediterranean, Fernand Braudel turned the historical gaze away from a narrow view of territoriality to a geo-history of the interaction between land and sea. Braudel’s work compellingly makes the case for understanding the Mediterranean as a “complex of seas…broken up by islands, interrupted by peninsulas, ringed by intricate coastlines” (Braudel 1972: 7). This
particular dynamic creates, for Braudel, a society oriented simultaneously towards land and sea:

Its life is linked to the land, its poetry more than half-rural, its sailors may turn peasants with the seasons; it is the sea of vineyards and olive trees just as much the sea of long-oared galleys and the roundships of merchants, and its history can no more be separated from that of the lands surrounding it than the clay can be separated from the hands of the potter who shapes it. [ibid.: 17]

For Braudel, geography and the movement of people and goods through space and time—centered on a series of key port cities—gave unity to the Mediterranean and allowed for the creation of a world economy (Weltwirtschaft). Constituted by circulation and exchange—of goods, specie, people and ideas—this city-centered economy of the Mediterranean “ignored the frontiers of empires—whether the Spanish Empire completed by Charles V (1519-1555) or the Turkish Empire…it also ignored the well-marked and strongly felt boundaries between the civilizations which divided up the Mediterranean” (Braudel 1992: 22). This (port) city-centered world is thus an alternate mode of imagining region beyond the grounded vision of territoriality. In addition, Braudel provides a history of capitalism that focuses on trans-regional exchange and circulation, where the economy exceeds the spatial frame, rather than processes of production and consumption spatialized within the national frame. This Braudelian vision of region and economy, of geography and history and the liminal nature of the port city as straddling two geographical media: land and water, “a border city between two deserts” is a fitting frame through to understand the port cities of the Indian Ocean littoral.
2.2.1 The Indian Ocean World: Cosmopolitanism and Circulation

The Mongol conquest of Baghdad in 1258 rerouted long-distance trade between Europe and the Asia. Prior to the sacking of Baghdad, as Engseng Ho has noted, “trade between the East (China, the Spice Islands of the Malay Archipelago, India) and Europe went through the Persian Gulf up to Baghdad and then by land...[with the fall of Baghdad]...the maritime route from the East across the Indian Ocean shifted from the Persian Gulf to the Red Sea” (Ho 2006: 48). This shift made prominent a series of cities now connected to each other stretching from Europe to Asia—from Venice to Pasai in north Sumatra. In the Red Sea and the Indian Ocean these routes were identified with an ecumenical Islam, specifically the Shafi’I school of jurisprudence and Muslim merchants and states. This was not a “Muslim lake” but rather a restless cosmopolitan ocean of multiple religious communities and social movements.

Developing Braudel’s insights on the Mediterranean, scholars such as KN Chaudhuri (1985), Micheal Pearson (2007), and Sugata Bose (2009) have sought not only to highlight the ocean as a means of connecting regions divided by water but as forming a zone of connections created through centuries of cross cultural exchange and the mobility of people, ideas and goods. Given the Braudelian influence, early scholarship on the Indian Ocean emphasized the trade and exchange over the long duree. In his sweeping history of the Indian Ocean, Trade and Civilization in the Indian Ocean, K. N. Chaudhuri focuses on the centrality of Islam in giving shape to the trans-regional space and proposes from the eleventh century a segmentation of the trade into three main
circuits centered around the Bay of Bengal, the Arabian Sea and the South China Sea. Similarly, Janet Abu Lughod (1991) notes the emergence of an Indian Ocean centric world system from around 1250. The port cities along the shoreline epitomized this (creole) cosmopolitan ethos and numerous scholars have highlighted the centrality of towns from Mukalla to Malacca in the circulation and exchange of goods, people and ideas. Port cities thus can be seen as the trope through which to understand the Indian Ocean “before European hegemony” (Abu Lughod 1991: title).

Within this broader literature on the Indian Ocean, the relationship between the Indian Ocean and Africa was initially effaced. As Chaudhuri noted in *Trade and Civilization*: “The exclusion of East Africa from our civilizational identities needs a special word of explanation. In spite of its close connection with the Islamic world, the indigenous African communities appear to have been structured by a historical logic separate and independent from the rest of the Indian Ocean” (Chaudhuri 1985: 36). Themes of separation or connection of East Africa to the Indian Ocean world re-appear within the largely tedious debate over the nature of Swahili language and peoples as either authentically “African” or “Arab”. From the coastal societies of the Red Sea littoral to the port settlements of the Mozambique Channel in the south, East African port cities have been described as “strange foreign jewels on a mournful silent shore” (Reese 1996: 1). Bearing little resemblance, physically and culturally to the

---

1 For a good overview of earlier views of coastal African (primarily Swahili) society see Thomas Spear and Derek Nurse *The Swahili* (1985) and John Middleton *The World of the Swahili* (1994)
interior, these Muslim trading communities were imagined as mere replicas, poor ones to boot, of their Arab and Persian progenitors across the waters.

In opposition to this narrative of foreign-ness and other-ness, a counter-current of historical and archaeological scholarship locates these societies as “authentically” African and elides all connections across the Indian Ocean to construct a history of coastal East Africa within the grand narratives of African nationalism. Between these two poles and their reductive quest to locate the coast as either foreign or authentically “African,” a sophisticated and ever expanding anthropological and historical literature has emerged that highlights coastal settlements as places where “people and culture mix; a perfect lieu de mestissage, a locus of intermixing par excellence”2 (Miran 2009: 18).

Writing primarily about the Swahili coast (notable exceptions being the work of Jonathan Miran and Scott Reese) these studies have convincingly refuted the alien origin theory of coastal societies while simultaneously recognizing the importance of trans-regional linkages and long distance trade in shaping these locales.3 If scholarship on the Indian Ocean has emphasized a world of cosmopolitanism and exchange, there also exists another vision of the port and enclave as spaces of coercion and control.

---

2 See Simpson and Kreese (2007) for an example of the newer historiography of the Western Indian Ocean that focuses centrally on this mode of understanding and engaging cosmopolitanism.

3 Beyond historiography an emergent literary archive focuses on cosmopolitanism as the frame through which to understand translocal linkages across the Indian Ocean. See Ghosh (1994) and Vassanji (2004) for two exemplary works. For a critical assessment of this literature through a focus on South Asian writings on East Africa and the Indian Ocean see Gaurav Desai (2013).
2.2.2 Beyond Cosmopolitanism: Port Cities as Entrepot and Fort

Alongside this vision of cosmopolitanism and flow is an understanding of the violence and coercion that was and remains equally central in creating the port city. As Braudel (1992) has noted, port cities combined entrepot and fort, trade and cannon. This imbrication is clearly visible in the fact that the precursors to contemporary forms of military and navy lie not in the territorial states that emerged in Europe from the sixteenth century onwards but the private militias regularized by trading post Empires like Venice from the fourteenth century onwards. In the Indian Ocean, as scholars like Prange (2011) and Margariti (2008) have highlighted, there emerged forms of predation and violence that accompanied the peaceful cosmopolitan flow of people and ideas across the ocean. In the aftermath of containerization and the logistics revolution, the port city has been de-linked in the analytical frame from the social and the realm of ethnography, and most recent reflections on the port city—some notable exceptions being Chalfin (2010) and Simone (2004)—position themselves in the fields of design and urban planning. Depopulated, in a literal and analytical sense, the contemporary port has been decoupled from the city and is a mostly silent, shimmering monstrosity of cranes and containers loading and unloading with clockwork precision, fulfilling the logics of a just-in-time mode of supply chain capitalism. Nonetheless, the logic of channeling and flow that emerges from the port is central to a set of related spaces from enclaves to exclusive economic zones that dot the contemporary globe.
Within the ethnographic archive, a number of scholars have focused on this “variegated process of segmentation, hierarchization and logistical coordination” (Mezzadra & Neilson 2013: 206) that occurs in spaces that are simultaneously within and outside national jurisdictions. In the case of sub-Saharan Africa, James Ferguson (2004) has argued for the emergence of “enclave capitalism” as a modality to understand contemporary modes of African engagements with the global economy. As Ferguson has noted, “new forms of capital investment are intersecting with new techniques for establishing political order on the continent” (Ferguson 2004: 377). In his review of contemporary resource extraction economies, Ferguson contrasts between “thick” social investments as exemplified by copper mining and “thin” extractive enclaves that involve no social investment, identifying the latter as the dominant mode of extraction on the continent today. These enclaves are often regimes of “graduated sovereignty” (Ong 2000) where tax regimes along with labor and safety regulations are channeled to meet the needs of neoliberal extraction. Anna Tsing’s framework of supply chain capitalism exemplifies this mode of thinking enclave spaces outside a language of flows and hybridity, while simultaneously moving between the scale of the local and global. For Tsing, supply chain capitalism is central to an understanding of “the dilemmas of the human condition today” (Tsing 2009: 148). Defined as “commodity chains based on subcontracting, outsourcing, and allied arrangements in which the autonomy of component enterprises is legally established even as the enterprises are disciplined within the chain as a whole” (148-9), supply chains, for Tsing, are the lens through
which to understand the “bigness” of contemporary capitalism without losing site of its heterogeneity. This mode of making heterogeneity visible within the scale and frame of the global is a key corrective to the majority of literature on “zones of exceptions” that almost take at face value the claims of just-in-time supply chains, depopulating these sites and rendering invisible the frictions and breakdowns that are at the heart of these new economic zones. Working within this understanding of supply chains and heterogeneity, my work brings into view an understanding of protection that emerges in port city and littoral encounters. Protection is simultaneously essential to the worlds of hospitality and cosmopolitanism as well as sovereignty and supply chain capitalism, thus reconciling these different modes of imagining flow and control. I now turn to Somali port cities and the long nineteenth century as a moment for articulating this model of protection.

2.3 Somali Port Cities: a Geohistory

The flight to Somalia usually cuts across the desolate heart of Northern Kenya. Departing Nairobi—a green landscape interspersed with concrete and bright red clay, the view from the window rapidly changes as the tree-covered hills and valleys of the Rift Valley are replaced with brush land. Within a few minutes from departure, everything on the ground looks coated with a thick layer of dust. This uninterrupted view continues until the flight veers right and heads to shimmering emerald of the Indian Ocean and lands into Mogadishu, an expansive and sprawling city that hugs the
jagged coastline. After a brief halt at Mogadishu’s Aden Adde Airport, the flight heads north this time along the coast. North of Mogadishu the coastline is a desolate strip between the expanse of desert and ocean, occasionally interrupted by small coastal settlements. Soon the spiky peaks of the Golis Mountains—with their frankincense and myrrh trees—become visible just behind the coast as the plane descends a sign that we’re about to descend into Bosaso in Northern Somalia.

In January 2011, our flight path was somewhat different. Instead of heading north, the plane went straight east to the Kenyan coast. As we turned north near Mombasa, the belt of nyika (wilderness) that runs alongside the coast came into view. This “forest-and-sea” region of eastern Africa begins in Mozambique in southern Africa and extends up to Southern Somalia, where the green shamba and palm-fronded houses transform into a rocky desert. Traveling up this coast, one can very clearly see the “forest-and-sea” landscape transform into a “desert-and-sea” region, a region that extends north from Mogadishu across the Horn of Africa, South West Asia and the Indus Basin. Off shore, a series of wind patterns and oceanic currents circulate between Asia and Africa, between the Red Sea and the Western Indian Ocean creating both a rhythm to life on land and sea and, prior to the coming of steam, an infrastructure to trans-oceanic movement. This dynamism of hinterland and coast, of wind and currents was central to the varied interactions that have shaped coastal Somalia from Zeil’a in the North on the Red Sea coast to the Bajuni Islands and the Lamu archipelago in the South. In this chapter, I focus primarily on port cities on the Red Sea coast in Northern Somalia,
with an understanding that these spaces are connected to ports and hinterlands throughout East Africa and places as far as China.

2.3.1 “Red Sea Citizen:” Making Coastal Somalia

Touted as one of the success stories of the privatized stateless economy, mobile phones are both cheap and ubiquitous throughout Somalia. Offering some of the most economical rates in the region as well as a host of services including mobile money transfers it seemed logical that one of the first things I would do after arriving in Berbera was to procure a mobile phone simcard. As I sat in the waiting area of the Golis mobile phone office, an elderly man in the standard Somali male attire of maavis (sarong), mauve shirt and walking stick started up a conversation. Gesturing vaguely in the direction of the port—a few kilometers down the road from the Golis office, he enquired if I had come by boat. After finding out I was traveling alone, and not by boat, he helpfully suggested, as he walked over to the counter, “You should go to the port, there are many Indians there…boats come from India here everyday.”

In the course of research I found myself visiting the port of Berbera many times, watching the constant arrival and departure of boats from India and Pakistan via the Gulf. Like in the nineteenth century, when Berbera was called the butcher shop of Aden, livestock remains the central export item at this and similar cheap and casualized ports in Somalia. Animals are often brought from as far away as Northern Kenya and the lowlands of Ethiopia. Peaking during the annual Hajj season, and involving networks of herders, traders and brokers, the trade transcends national, ethnic, religious, and
geographic boundaries. The ports connect the sea to the crisscrossing hinterland paths of camels, cattle and goats. The seasonality of the trade gives a certain rhythm and routine to the passage of ships. In the weeks and the days preceding the Hajj, holds are unloaded and loaded with livestock in a matter of hours, while during the lull of the rainy season boats lie idly at dock. Crews mill around in an unusual mix of boredom and companionship as they exchange stories, watch movies, cook meals, drink tea and “time pass”. Occasionally, they may leave port for the market, mosque or meetings with brokers and traders. Sometimes, they buy khat and attempt a group chewing session onboard, though, for the most part, they prefer pan leaves or tobacco.

Once cargoes and itineraries are arranged, the portside bustle begins anew. Holds are kitted out with two or three layers of temporary deck, each furnished with pens made from planks and lined with straw. A procession of livestock arrives from nearby quarantines. These are run by Saudis and Emiratis and have been key in rescinding the ban on the export of livestock from Somalia to the UAE following outbreaks of Rift Valley Fever. The quarantines provide the paperwork and test results necessary for the export of livestock, highlighting the regulatory frameworks that structure this seemingly “informal economy.”

During the summer, livestock are loaded

---

4 First used by Keith Hart (1973) in a study on urban Accra, informality, for Hart, was a structural necessity produced by the inadequacy of urban wages. “Denied success by the formal opportunity structure, these members of the urban sub-proletariat seek informal means of increasing incomes” (Hart 1973: 67). This “superfluity” refers to activities and roles and not to persons, and the same individual often operated on both sides of the informal/formal divide. Hart’s concept of the informal economy has enjoyed a rich afterlife in the works of economists, policymakers and anthropologists. In 1982, an influential study by the International Labor Organization (ILO) on income and employment in Kenya focused on the “informal
at night, the ship slipping away before the port is bathed in ferocious morning sunlight. At other times, the sights, sounds and smells of livestock being loaded intermingle with the other daily rhythms of port life. Livestock and hides make the journey to the ports of the Emirates, as well as those of the Red Sea. In the evenings, watching these boats slip away from Berbera, as the heat and haze turned the sky and water a bright red it was easy to imagine an almost timeless sense of mobility across the sea.

The Red Sea was known as Yam Suf (Sea of Reeds) in the Hebrew Old Testament, Bahr al-Hijaz (Sea of Hijaz) in Arabic, Kızıl Deniz (Coral Sea) in Turkish and the Mare Rubrum (Red Sea) to the Romans. The sea is salty and hot, with air so stifling, one medieval traveller wrote, “it turns wine sour within ten days” (quoted in Lapidoth 1982:

sector” as a major source of employment and national development. Early usages of the informal economy focused on a certain normative claims regarding this “sector.” Was the informal economy a positive attribute as the ILO report suggested? Or, did this valorization mystify the exploitative labor relations of “petty commodity production” (Bromley 1978)? As Janet MacGaffey has argued, these views “neglect the political dynamics that help to explain the scale and expansion of second economies” (MacGaffey 1991: 9).

Instead of seeing the informal economy as solely existing on the “society” side of a seemingly impenetrable “state-society” divide, MacGaffey proposed a focus on the “real economy,” a broad encompassing framing to understand all components of economic activity within a given area. This focus on the real economy and the second economy productively moved the conversation on informal economies beyond both the normative claims of informality as good or bad and sought to partially transcend the state-society divide. Citing MacGaffey’s causal narrative of the rise of the second economy as a reaction to the failing state, Janet Roitman notes the centrality of the continuing centrality of the state in defining the extent and nature of the informal economy. For MacGaffey the second economy emerged “in response to the predatory state and the pillaging activities of state personnel, subordinated classes organize the system of production and distribution that make up the second economy. Its activities provide alternatives to wage labour and thus the means to avoid proletarianisation.” For Roitman, the tensions inherent in the literature on informal economies result from a dichotomy inherent in studies of the economy (especially in sub-Saharan Africa) built on older Marxist understandings of the dual economy with its emphasis on the “uncaptured peasantry.” Attempting to resolve this theoretical impasse, she proposed a conception of “straddling” to move beyond the state-society divide. Drawing on a rich corpus of ethnographic material from across the continent (Berry 1989; Robertson 1987), she formulated this idea of straddling as a useful corrective to highlight that “the formal and informal constitute an entire system of production, distribution and exchange (and not two separate spheres)” (Roitman 1990: 685). The contemporary maritime economy of Somalia highlights precisely these forms of straddling between formal/informal; national/regional in ways that productively move the conversation beyond the framework of state and economy as distinctive categories.
4). This geography has led many to see the Red Sea as merely a space of transit between the Mediterranean and the Indian Ocean, “a sea on the way to somewhere else” (Miran 2012: x). However, this view of geographical inhospitality ignores the vast populated regions from the Nile Valley to the Yemeni highlands and the Horn of Africa that depend on the sea. These regions, while oriented landwards, have been dependent on the Red Sea for the flow of goods, people and ideas, thus creating cross-continental and trans-regional networks of connectivity. As early as the first century AD, tales from ports in the “land of Punt” appeared on papyrus in ancient Greece. Compiled and copied to parchment by a Byzantine scribe in the early tenth Century, The *Periplus Maris Erythraei* is one of the few extant chronicles of an Indian Ocean world prior to the coming of Islam. Over 66 chapters long, this practical handbook lists in great detail the prevailing wind patterns and tips on sailing the monsoonal seas, good to buy and sell and brief references to the nature of political authority along the coast from Egypt to the Malay Peninsula. On the “Far-side Ports” along the Somali Peninsula, the anonymous author of the manual highlights the major imports and exports, including the demand for myrrh and frankincense (*lubban* or *foox* in Somali) that brought traders from across the world to ports like Berbera and Mogadishu.

Following the *Periplus*, in the written record, the East African coast and Somalia appear in the early Islamic works in the ninth century including notably the *Kitab Mu’jam al-Buldan*, a geographical dictionary that noted the importance of Mogadishu as the central trade emporia on the East African coast. Based on these geographical
treatises and archaeological evidence scholars such as Lee Cassanelli (1982), I. M. Lewis (1965 and *passim*) and Said Samatar (1986) have noted that by the “first half of the tenth century a ring of coastal emporia had been created, largely as a result of Arab enterprise, and through these ports Islam and Arab trade had gained a foothold which, consolidated and strengthened in succeeding centuries, was to become the foundation for Muslim expansion in North East Africa” (Lewis 1965: 22). It was within this tenth century milieu that the genealogies traced by contemporary Somalis reach backwards towards, specifically the arrival of two notable saints from the Arabian Peninsula.

2.3.2 Clan and Connection: Genealogies of Arrival

In their oral traditions, the Darod (one of the largest clan families in Somalia whose sub-clans the Majeerteen and Dulbhahante are central protagonists in this story) trace their ancestors back to a certain Abdirahman bin Isma’il al-Jabarti (Darod).

According to oral retellings and the *manaaqib* (collection of glorious deeds) by Sheikh Ahmad bin Hussen bin Mahammad titled *Manaaqib as-Sheikh Ismaa’iil bin Ibraahiim al-Jabarti*, the Sheik fled his homeland in modern day Yemen following a familial argument. During the 10th or 11th century AD, he is believed to have then settled in northern Somalia just across the Red Sea. He subsequently married Dobira, the daughter of Dagale (Dikalla), the Dir clan chief, which is said to have given rise to the Darod clan family. Similarly, the Isaaq, the dominant clan in Somaliland, and the other major protagonists in this text, trace their lineage back to Sheikh Ishaq ibn Ahmad al-‘Alawi, a Banu Hashim who came to Somalia around the same time. While Somali traditions on
Sheikh Darod and Sheikh Ishaq abound with tales of their piety and virtue in converting the non-Muslim Soomals of the Horn, little exists about these sheikhs or their families in hagiologies recorded on the Arabian Peninsula.

For Said Samatar, the historicity of these connections is not the point. What these narratives represent is an expression in genealogical terms of trade and social relations across the Red Sea. As I. M. Lewis notes:

> Here the genealogies become charters for the Islamic foundations upon which Somali culture is built, and they also serve to express in religious terms the political prestige and exclusiveness of large autonomous lineages. At the same time, although the particular genealogical claims they make seem completely untenable, they nevertheless record a tradition which is true— that of long historical contact between Somaliland and Arabia. [Lewis 1962: 47]

Similar to Ibn Khaldun’s idea of *asabiyyah* (social cohesion), these narratives and the genealogies they spawn are central in creating identities and histories for Northern Somali clans that were forged in the 10th century port cities of the Red Sea and Indian Ocean littoral. They provided, and continue to provide pathways to traverse the world of the Indian Ocean.

In addition to providing a genealogical and mythical connection to the wider world, on a more mundane level, the emergence of these port cities connected the world of pastoralism and long distance trade. As Laitin and Samatar note:

> Contact with coastal communities helped transform the Somali economy from a single mode based on pastoralism to one in which pastoralism went hand in hand with long distance trade. These elements combined to create, or stimulate two principle trends of Somali history in the next several centuries—namely the occurrence of a second great Somali migration and the development of centralized state systems. [Laitin and Samatar 1987: 8-9]
Lee Cassanelli has noted how an important byproduct of this connection between port cities and pastoralism was the spread of Islam into the hinterlands that drew the “Somali peninsula into sustained contact and a measure of interdependence and conflict with the Abyssinian hinterland and with the Oromo lands in the southwest” (Cassanelli 1982: 9). This “cross-cultural” contact significantly shaped political and social identities in the region. Ideas and institutions of protection were an essential dynamic within this long distance trading world both on land and sea. In the next section, I focus on this world of protection, specifically encounters between multiple regimes of protection in the long nineteenth century along the Somali coast.

2.4 A World of Protection

In 1825, the British brig Marianne (Mary Ann) was attacked in the port of Berbera by a group of local Somalis, potentially aided by a Hadrami trading agent, resulting in the death of two lascars and the looting of cargo from the hold of the brig. Concerned that the scourge of “piratical looting that inflicted the Mijirteen [Majeerteen]” (“The Red Sea and Somali Coast Papers” F.O. 0.881/310) farther east near Ras Haafuun, as well as the recently vanquished Qawasim of Ras Al Khamenian, might be rearing it’s head among the Habar Awal and other Isaaq clans who controlled the port of Berbera, the British sought decisive action and blockaded the port during the annual trading fair.

After two seasons of blockading the port during the annual trading fair, in 1827, the British signed a treaty of “friendship and restitution” with members of the Habr
Awal tribe who controlled the port of Berbera. In addition to awarding a payment to the families of the two lascars killed in the attack, “according to the Mahomedan [sic] law in such cases” and compensation for the plunder of cargo, the treaty also spelled out the reciprocal duties of protection:

Article 2

[An]y vessels bearing the English flag which may come to the port of Berbera (or any port under the authority of the Sheikhs of the Habr Owul [Habr Awal] tribe,) for the purpose of trade shall not be molested or injured, but shall receive every protection and support from the said Sheikhs, that they shall be at liberty to enter into any trade they may think fit to choose, and that they be at liberty to depart from the said port at their pleasure without impediment, injury or molestation.”

Article 3

It is agreed that in like manner any vessels or persons belonging to the said Sheiks of the Habr Owul [Habr Awl] tribe which will come into any port belonging to His Majesty the King of England shall receive protection and support, and be treated in all respects the same as other vessels or persons trading to those ports. [Belletely 1876]

Curiously, the witness and guarantor of the treaty, an individual mentioned as “Shurmarkey Ali Sualeh” was not a member of the Habr Awl tribe. In official reports and the travelogues of colonial officials such as Richard Burton, this “friend and unofficial agent of the British” (Burton 1856: 121), a local Somali of the Habar Yunis clan, Haji Shurmarkey Ali Sualeh [Shirmarke ‘Ali Salih] emerged as a key figure in the Mary Ann affair. A former dhow captain turned successful businessman, Haji Ali intervened and rescued the survivors of the brig, an act that secured him the gratitude and cooperation of the British. Working within the local institution of abaan (protection), Haji Ali transformed himself into a protector of British interests in Berbera. This act allowed Haji Ali to reinvent himself from businessman to political powerbroker, gaining a seat at
the negotiation of the treaty between the British and the elders of the Habar Awal clan, thus allowing the Habar Yunis, an entry into the profitable Berbera trade. It was this status as protector that eventually saw Haji Ali working for the Ottoman Empire and becoming the governor of Zeila. For the British, the model of the treaty was one that had developed in engagements with Bedouin tribes on the opposite shores of the Red Sea. The expanding Empire of the nineteenth century was ordered through a language and logic of protection. From “Protector of Slaves” in the Trinidad to the Protector of the Arabian Gulf, these treaties imagined an Empire that was just and built on the edifice of free trade.

The world of Empire with its (international) legal apparatus of treaties and protectorates is often seen as radically distinct from the idioms of hospitality, honor and payment that were central to Somali institutions of abaan. But, as the contestations over Berbera and Bosaso (and other port cities in the Indian Ocean littoral) highlight, protection was a unifying, if often incommensurable, category through which regimes of law and commerce engaged each other in the space of the port city. Within the backdrop of nineteenth century Berbera and Bosaso, I now disentangle some of these modes of protection articulated within moments of encounter. Juxtaposing the protection of Empire with the protection of abaan brings into a view a project of sovereignty without jurisdiction, a project whose legacies are acutely felt in the encounters between pirates, navies, private security contractors, merchants and others in the contemporary Indian Ocean. Protection is a key category in these encounters due to what I argue is the
centrality and obsession with trust in shaping long distance trading worlds. Common to both Empire and non-European mercantilist communities was an anxiety over distance and transit. As chapter four highlights, this anxiety was productive in shaping a host of risk pooling mechanisms including maritime insurance and militarization at sea. Here, I focus on the juridical and quasi-juridical modes of creating protection to assuage anxieties in the familiar world of strangers in a port city.

2.4.1 Trade Diasporas: Trust, Protection and the ‘Familiarity of Strangers.’

The boundaries of trading relationships have been a central concern for the development and expansion of long distance trading networks. Francesca Trivellato (2009) has noted the anxieties on the acceptable norms of trade among European merchants in Early Modern Europe and highlighted how questions of trust: whom to trust and how to guarantee trust were central in shaping mercantile interactions.5 Through a focus on a community of Sephardic merchants settled in Livorno, a port city in Tuscany, beginning in 1590s, Trivellato focuses on questions like: “What enabled strangers to cooperate? Which economic and legal institutions were at the foundations of cross-cultural trade? And what were the social and cultural implications of the practice” (Trivellato 2009: 3)? In Africanist anthropology Abner Cohen suggested one solution to this problem of trust. In his work on Hausa trading networks, Cohen put forward the

---

5 The question of trust and the pirate is explored in the Introduction. Often the distinction between a merchant and pirate was based on juridical status but also the fact that pirates, as Cicero notes, are those who are not owed the trust of contract. It is possible to break an oath with a pirate without repercussion.
idea of a “trading diaspora” as a way of organizing pre-modern commercial networks.

For Cohen, the problems of carrying out long distance trade were assuaged by a situation where “men from one ethnic group control all or most stages of trade in specific commodities” (Cohen 1971: 266-7). These trading diasporas were both distinct from their society of origins and from the host communities they lived and worked in, creating a distinct “moral community which constrains the behavior of the individual and ensures a large measure of conformity with common values and principles” (ibid.).

The historian Philip Curtin expanded the idea of a trading diaspora beyond the Hausa and Africanist anthropology in order to posit it as central organizing feature of long-distance trade in the pre-modern world. Curtin described a trade diaspora as:

Whatever the earliest forms of cross-cultural trade, the most common institutional form after the coming of a city life was the trade settlement. Commercial specialists would remove themselves physically from their home community and go to live as aliens in another town, usually a fringe town, but a town important in the life of the host community. There, the stranger merchants could settle down and learn the language, the customs, and the commercial ways of their hosts. They could then serve as cross-cultural brokers, helping and encouraging trade between the host society and people of their own origin who moved along the trade routes. At this stage, a distinction appeared between the merchants who moved and settled and those who continued to move back and forth. What might have begun as a single settlement soon became more complex. The merchants who might have begun with a single settlement abroad tended to set up a whole series of trade settlements in alien towns. The result was an interrelated net of commercial communities forming a trade network, or trade diaspora—a term that comes the Greek word for scattering, as in the sowing of grain” [Curtin 1984: 2].

For both Cohen and Curtin, diaspora groups were universal facilitators, providing the infrastructure of trust and mobility required for the perpetuation and expansion of cross-cultural trade.
This conception of “diaspora” and “trading diaspora” has been instrumental in understanding trading communities and mercantile networks in the Indian Ocean, while simultaneously drawing criticism from a variety of scholars. Roger Brubaker, critiques the expansion of diaspora as a term and argues for definitional specificity by noting that “in order to qualify as true diasporas, communities must first be dispersed, second be oriented towards a real or imagined homeland, and third preserve a distinctive identity towards host societies” (Brubaker 2005: 5). Others have critiqued the instrumentalized view of ethnic and kinship relationships within this conception or noted that empirical realities of trade in the pre-modern world necessitated engagement and interaction with a variety of strangers. Trade networks, as Jessica Goldberg (2012) has shown in her work on the Geniza documents, were never closed societies, but involved a plurality of groups and religious identities. Finally, a number of scholars have critiqued the homogenous populations and the singularity of origins that are at the heart of understandings of trading diasporas. In his study of the Hadrami diaspora, Engseng Ho (2006) speaks of the dispersal of the descendants of the prophet, Sayyid from Hadramawt across the Indian Ocean as linking places through genealogy and religion. The Hadrami diaspora as a “society of the absent” is constantly expansive always referring to names and places elsewhere. This notion of “society of the absent” allows us to productively engage with diaspora and highlight the ways in which thinking oceanically brings us a different view than the one seen from the fixity of terra firma.
Instead of a vision of a diaspora as people who were originally homogenous and then moved, the Hadrami case highlights diaspora as a composite where mobility is a process that reshapes the basic units of sociality:

People move, and in the process of movement, create a form of sociality that while anchored in certain referents of kinship, religion and place nonetheless constantly expands and absorbs. Over the past half-millennium, there has been a continuous and vigorous movement of persons from Hadramawt to destinations throughout the Indian Ocean: East Africa, western India, and the islands of South-east Asia. The travelers are almost invariably men, and they marry local women where they land. The offspring of such unions may assimilate into local society. But often they retain a mixed, creole identity and form whole new third communities, which are understood to be partly Arab, partly local, and fully Muslim. Their movement became identified with a missionary purpose, of spreading the religion. The Hadrami diaspora as a universalist project brought together not just peoples from the homeland, but peoples in destinations throughout the Indian Ocean as well. Here, Hadramis played a major role in the expansion of Islam. In their marriages with local women, Hadramis and their offspring became Swahilis, Gujaratis, Malabarís, Malays, Javanese, Filipinos. Natives everywhere. [Ho 2006: 188-89]

Similarly S. D. Aslanian (2014) points out that the notion of trading diasporas presupposes a centre, or home culture as it was called above. This was not the case with the Armenian trading community studied by Aslanian, nor, for that matter, with the polycentric Jewish community documented in the Cairo Geniza, which included merchants permanently based in Egypt, South Arabia, and India, as well as in Mediterranean ports. Aslanian suggests instead the concept of “circulation societies.” Here, I build upon and expand this understanding this understanding of diaspora. Specifically, in ways similar to the Hadrami diaspora, I want to disentangle diaspora from its focus on homogenous populations and the singularity of origin. Instead I focus on the Western Indian Ocean and the Red Sea as a diasporic space, i.e. a space of
scattering characterized by constant exchange and interaction, tied to genealogy and religion, but also to encounters fleeting and ephemeral. Specifically, I highlight contestations over protection in the long nineteenth century were central in shaping encounters and engagements beyond binaries of colonizer and colonizer; land and sea.

With this background, I now turn to a rapidly transforming nineteenth century world of the Red Sea and the Indian Ocean.

The long nineteenth century was marked by a sea change in geopolitics and economic life along the Gulf of Aden and Western Indian Ocean littoral. Religious and commercial revival along the port cities of East African coast—processes that often went hand in hand—accompanying Imperial scrambles involving Muhammad Ali’s Egypt, the Ottomans, the Zanzibar Sultanate, French, British and later Italian interests transformed local and regional politics and economies and presented new opportunities and perils for those who were drawn into this orbit. In this section, I begin with the political and economic transformations that occurred in the wake of the opening of the Suez Canal in 1869. The narrative then shifts backwards in time between the Atlantic to the Indian Ocean, where I chronicle a series of encounters, incidents, and legal regimes that drew on languages and practices of protection and piracy. These ideas of protection were central in the encounter between Somalis and others and continue to frame engagements and contestations over the realms of law, politics and economy.

2.4.2. The Suez Canal and a Changing Global Economy

The idea to cut a sea-lane through the Sinai Peninsula—to connect the
Mediterranean to the Red Sea and to ease access to the riches of the Indian Ocean—had existed from at least the mid-sixteenth century. The Ottoman grand vizier had planned to dig a canal between the Mediterranean and the port of Suez in 1568, but the idea was abandoned after surveyors deemed it infeasible (Casale 2010: 135-137). It was only in the mid-nineteenth century, when the semi-private Suez Canal Company took on the task, that the idea came to fruition. The opening of the Suez Canal in 1869 marked a watershed moment in world economic history. The distance one had to travel from London to India was reduced by almost half, and the volume of goods that made their way to the port cities of the Indian Ocean increased exponentially. Within this reconfigured economic seascape, the port cities that dotted the Gulf of Aden’s shores were transformed from commercial entrepots to strategic political, economic and military strongholds: targets of imperial expansion. The scramble for the Gulf of Aden had begun.

These transformations had great ramifications for the economic life of the Western Indian Ocean, specifically along the East African coast. As Johnathan Miran notes in his exhaustive study of the Red Sea port of Massawa in present day Eritrea, “trade in pre-colonial East Africa occurred within two discrete spheres of exchange; one involving luxury goods and another subsistence goods. Prestige goods were exchanged for goods in the same category and subsistence goods for other subsistence goods, thus constituting multi-centric economies” (Miran 2004: 91). The expansion of global, inter-regional and regional trade in the nineteenth century broke down the borders between
these two spheres, resulting in an increasing shift towards market trade and monetization.

The port cities of the Gulf of Aden and the Western Indian Ocean reflected these political and economic shifts. Although there was a British military presence in Aden since the late 1830s, it was during the later half of the nineteenth century that the British administrative machinery in the port began to grow, firmly establishing it as a colony of the Government of India. The port of Massawa, on the coast of what is now Eritrea, emerged as an important regional meeting point for goods coming from India and Arabia and precious commodities from the Horn itself, including pearls, ivory and hides, but also necessary mundane goods like meat, mats, and fruit. At different times, it fell under the imperial ambit of the Ottomans, the Egyptians, the Italians, and the British. Jeddah, farther up the Red Sea, served as the entry point into the Hejaz for pilgrims and traders from all over the Muslim world. And just around the Horn of Africa, the port city of Baraawe, on the Benadir Coast of Somalia, established itself as a key transit center for goods coming in from the interior and those arriving from across the Indian Ocean. It, too, became the target of imperial expansion by the Sultanate of Zanzibar, the Italians, and finally the British.

But it would not do to think of these ports as mere pawns in an endless imperial game. Within this shifting world, these port cities deftly shaped their own commercial and political destinies. Merchants and tribal chiefs in the port of Baraawe as described at the beginning of this paper in the early-nineteenth century maneuvered strategically
among different regional powers, alternatively aligning themselves with the Sultan of Zanzibar or the Qasimis in Sharjah and Ras Al-Khaimah in their bid to drive British ships out of the Gulf of Aden. And as Aden rose in commercial prominence it constantly circulated its own scholars, merchants, and statesmen between Persian Gulf, East Africa and Southeast Asia, underscoring its centrality to regional networks of trade, knowledge and politics.

With commercial opportunity came optimism, drawing in fortune-seekers from around the Indian Ocean rim. And as the ports of the Red Sea and Horn of Africa grew into attractive commercial destinations, they drew large communities of Indian, Arab, Persian and Armenian traders and merchants, who produced a dense web of sociality and intimacy that stretched across the shores of this coral-ridden narrow strip of salty sea. Aden had already become host to a cosmopolitan trading community by the end of the first millennium; the opening of the Suez Canal much later in 1869 only reinforced its superior commercial and political position. And by the middle of the nineteenth century, other ports could at least boast similar populations: Massawa was home to a range of Arabs and Africans, but also a sizeable community of Gujaratis, Italians and Greeks. According to one mid-nineteenth century traveler, “the mixture of races [there] renders it hopeless to give its inhabitants a distinct name” (Plowden 1868: 3). Even Baraawe, which most nineteenth-century observers dismissed as little more than a hornet’s nest of

---

For a detailed account of the attempts by the rulers of Baraawe to petition the Al-Qawasim to wage war against the British pirates see Sultan bin Mohammed Al-Qasimi, Risāla min A’yān Al-Sūmāl
angry tribes and bandits, had attracted its share of entrepreneurs and scholars from as far away as Hadhramaut, Kutch and Bombay (Reese 2008; Vianello and Kassim 2005).

As the nineteenth century revival of trade connected Somali ports to the Indian Ocean it also brought a vast hinterland into contact with the port cities of the coast and transformed the “desert-sea” (Geshekter 1981: 5) dynamics that have since shaped Somali society and economy. Mordechai Abir (1980) has highlighted how long distance caravan trade has been a crucial mechanism of economic life in Somalia since at least the medieval era when it connected the vast hinterlands of Eastern and Central Africa with the port cities on the coast. By the beginning of the nineteenth century, the upper Shabeelle River served as a rough dividing line between two long distance caravan networks in the Somali Peninsula. The northern trading caravan “flowed northward through Harar or Dhagaxbuur in the Ogadeen to the ports of Zeila, Bullaxaar and Berbera on the Gulf of Aden, and the other whose routes terminated at the Benaadir towns of Muqdisho, Marka and Barawee” (Cassanelli 1982: 150). In the early nineteenth century, culminating with the establishment of a British presence in Aden, the northern trading corridor acquired renewed importance as a supplier of meat to Aden and a strategic base for British operations in the Red Sea. The Southern Somali trading corridor was deeply connected to the Swahili coast and Zanzibar, and for a period of time ruled by the Sultanate of Zanzibar. In the nineteenth century, the town of the Benaadir “attracted the interest of European, American and Zanzibari merchants as suppliers of ivory, aromatic woods, animal skins, and increasingly as the century wore on,
agricultural commodities” (ibid.). While the Suez Canal set the stage for this competition between port cities and “rival empires of trade,” it was the problem of pirates and piracy that set into motion a set of encounters and events that culminated in the world of nineteenth century Protectorates and protection treaties. I now highlight this story of piracy from the Atlantic to the Indian Ocean.

2.4.3. Chasing Pirates: From the Atlantic to the Indian Ocean

In the al-Muntakhab al-Lubab, a seventeenth century text by Maulavi Kabir Al-Din Ahmad (Kafi Khan), the author describes a particular gruesome incident of raiding at sea. In 1695, the Ganj-I-Sawai, one of the largest Mughal trading vessels belonging to the emperor Aurangzeb, was returning to Surat with around 600 pilgrims from Mecca escorted by the ship Fateh Muhammad. As the ships sailed across the Bab el Mandeb, a rag tag group of pirate vessels led by the notorious “King of Pirates” Henry Avery started chase. After sacking the Fateh Muhammad, Avery’s crew pursued the Ganj-I-Sawai and after a ferocious battle, boarded and ransacked the ship. The Muntakhab details the gruesome treatment meted by Avery and his crew:

For four days and five nights the pirates (durad darya) tortured the faithful. Beatings and murder were commonplace and even the honor of women was not spared. So much so that many women jumped overboard in order to escape the fate that awaited them at the hands of these barbarians. Once the treasure was located the pirates left the survivors to sail back broken and violated. [Ahmad n.d.]

As Patricia Risso notes, news of the attack on the Ganj-I-Sawai dealt a further setback to an already tenuous and fragile relationship between the East India Company
and the Mughals:

At the ship’s home port, Surat, angry locals tried to lynch any available English merchants, on the assumption that Avery’s attack was somehow sponsored, condoned, or facilitated by the East India Company. The Mughal governor of Surat intervened to prevent lynching, but he also ordered his troops to occupy the East India Company’s establishments in Surat and nearby Suwali, to incarcerate their sixty-three employees, and to stop their trade. The English governor of Bombay, Sir John Gayer, had to plead with Mughal officials in both Surat and Delhi for nearly a year before the employees were freed. Gayer tried to dissociate company employees from Avery, arguing, “we are merchants, not pirates.” Aurangzeb was unimpressed. Finally, Gayer was able to reestablish trade by offering to hire out two English ships to the Mughals as protective convoy for pilgrim vessels of Surat. [Risso 2001: 308 emphasis mine]

What the English Governor did not mention in his discussions with Aurangzeb was that the “King of Pirates” had not always been a pirate. Like many of his contemporaries Avery’s biography reflected the fluid and brutal world of life at sea chronicled in vivid detail by scholars such as Marcus Rediker (2004).

Like a number of infamous seventeenth and eighteenth century pirates who captivated public attention, little is known of Avery’s life before he left the Royal Navy in 1690. Reportedly involved in the slave trade on the West African coast for a few years after his discharge, Avery achieved infamy when he transformed himself from a nameless mariner to the captain of a pirate ship. Employed as first mate aboard the privateering vessel Charles II, commissioned to prey on French shipping in the Caribbean, the ship’s crew grew discontent as they waited for four months in the Spanish port of Coruna for a letter of marque and their wages. On the evening of May 7, 1694, the restless sailors mutinied. With the Charles II renamed the Fancy and Avery elected as the new captain, the Fancy sailed south en route to the Indian Ocean, soon
plundering five ships off the West African coast before finding a home amongst the burgeoning pirate communities in Madagascar and the Comoros Islands.

Following the treaty of Tordesilas in 1494 that divided the lands outside Europe between Spain and Portugal, Spanish ships regularly started plying the waters between the Americas and Europe bringing back silver from mines in Zacatecas and Potosí. Initially a French practice, state-sanctioned piracy or privateering sought to target the annual Spanish Armada bringing back treasures from the New World. As the historian Robert Ritchie describes, “In 1523 Jean Fleury, commanding a French squadron captured a few ships of the heavily laden Spanish fleet…when the French broke into the sealed chests on board, there wildest fantasies were realized. Before their eyes were the treasures Cortez had plundered from the Aztec” (Ritchie 1986: 11). Soon the French were followed by the British and later the Dutch (in the East Indies) in these practices of state-sanctioned pillage. Under the banner of free trade and utilizing legal technologies of the letter of marque and reprisal, privateering commissions were created in an attempt to disrupt Spanish and Portuguese monopolies. In the sixteenth and seventeenth century Atlantic world the question of piracy was deeply tied to inter-imperial rivalry and Empire and ultimately one of policing boundaries between legitimate and illegitimate sponsorship, between piracy and privateering. As Lauren Benton has highlighted, by the sixteenth century there was a consensus that the “extension of jurisdiction into the international space of the seas was a function of the extension of municipal law through the presence of legal actors with ties to particular sovereigns” (Benton 2010: 113). With
the spatial demarcation of the globe into “zones of amity” (Steele 1986) and war and the continuation of inter-imperial rivalry onto the high seas, documents such as letters of marque were the only distinction between an act of piracy and a legitimate form of plunder or reprisal. The cyclical nature of war and peace led to a steady ebb and flow between pirate and privateer. In times of war, “the demand for privateers surged and during times of peace, privateers were decommissioned and continued engaging in raiding without sponsorship thus becoming pirates” (Starkey 2001: 108). While some privateers— notably Francis Drake and Henry Morgan—transformed themselves into governors and permanently moved from sea to land, the majority remained offshore oscillating between pirate and privateer. The sea change of the long eighteenth century Caribbean world (1689-1856); including the end of the Anglo Spanish Wars, the declining fortunes of the Spanish and the emergence of British, Dutch and French colonies in the Caribbean transformed the relationship between pirates and Empire. For scholars such as Janice E. Thomson (1994), the long eighteenth century is marked by an ever-expanding monopoly of the state over the means of violence and the decline of piracy in the Atlantic is seen as emblematic of this shift from private to public violence. The Declaration of Paris in 1856, which inter alia abolished privateering is seen in this narrative as the ultimate triumph of the state and its Weberian monopoly on violence. In opposition to this narrative, the mobility of piracy from the Atlantic to the Indian Ocean moves away from the teleological triumph of the state and its control on violence to highlighting the importance of pirates, contingency and protection in shaping regimes
and distribution of violence.

A desire to flee the rapidly shifting Atlantic world or a thirst for adventure led men (and this was a mostly masculine world with important exceptions) like Avery and William Kidd to the relative hospitality of the Indian Ocean, specifically the Island of Madagascar and some of the Comoros Islands. Pirates found camaraderie, supplies and, importantly, ready and willing crew members in order to stage attacks on dhow and other vessels traversing the great trade highways of the Indian Ocean from these island hideaways. Away from the tightening embrace of British Imperial control in the Atlantic, exemplified by the Navigation Acts, the pirates of Madagascar enjoyed a profitable, if not peaceful existence in what became known as the “pirate’s last frontier” (Ritchie 1986: 50). The attack on the Ganj-I-Sawai, followed by William Kidd’s marauding in the Red Sea and attack and capture of the Quedah Merchant, another ship owned by the Mughals in 1698, transformed and ultimately destroyed this brief utopic world of ‘hydrarchy’ (Linebaugh & Rediker 2013: 160).

As noted earlier, the Ganj-I-Sawai incident threatened the tenuous relationship between the East India Company and the Mughals. In the immediate aftermath, company officials were arrested, trade stopped in western Indian ports, and equally troublingly, company monopoly over trade—a monopoly granted by royal decree—was threatened by the presence of these British subjects who operated without company license. The movement of pirates from the Atlantic to the Indian Ocean was productive in manufacturing a “crisis” that transformed the relationship between public and private
violence at sea in the Atlantic and the Indian Ocean. Representatives of the East India Company not only called upon the English state for protection and assistance against pirates in the Indian Ocean, but also had to construct piracy as a global problem tied to imposing British imperial hegemony. Rumors circulated of the patronage enjoyed by pirates such as Avery and William Kidd within American colonies. Additionally, pirate ports like Johanna and Saint Marie were described as markets for unscrupulous (American and French) merchants to circumvent provisions of the Navigation Acts. The East India Company capitalized on this anxiety and tied its difficulties with British pirates in the Indian Ocean to wider geopolitical currents and advocated for the creation of bodies such as the Board of Trade and expanding the powers of Admiralty Courts.

In addition to calling on the British state, the Ganj-I-Sawai and Kidd’s capture of the Quedah Merchant was also an opportunity to transform the role of the East India Company. In an attempt to assuage the Mughal Emperor Aurangzeb, Samuel Annesley, the East India Company president at Surat, accepted the role of providing escort and protection for Mughal shipping. For Philip Stern, Annesley’s acceptance of this role within the parameters of the “Lawes of Nature and hospitality” highlights a particular vision of the East India Company as a sovereign sea power “asserting a form of sovereignty over the sea lanes and, remarkably, over Mughal ships and subjects as well” (Stern 2011: 254). For Stern, a vision of the company as a “politie of civill and military power” is a corrective to the traditional understanding of the East India Company as a commercial body that only
“turned” sovereign—accidentally, haphazardly, and unwillingly—with the Company’s great territorial acquisitions in Bengal following Robert Clive’s victory at the Battle of Plassey in 1757 and the assumption eight years later of revenue and governance responsibilities in the Mughal office of diwan. [ibid.]

Following Stern, I locate this conflict over piracy as productively highlighting not only a distinct vision of the East India Company elided in the “trade to empire” narrative, but also the ways in which piracy and the boundaries between regular/irregular trade were central in establishing a regime of protection that moored itself in port cities of the Indian Ocean, where it encountered other visions of protection.

The world of Thomas Avery and his compatriots in the monsoonal waters of the Indian Ocean was short-lived. After the Ganj-I-Sawai incident, the East India Company convinced the Privy Council of William III to launch a worldwide manhunt against Avery. As the British state sought to regularize maritime violence, William III issued a proclamation offering pardon and employment to any pirate who abandoned his old ways and returned back into the fold of the legal maritime world.7 Concerned that Avery, Kidd and others would seek this reprieve while simultaneously continuing their piratical antics in the East, the company successfully petitioned a removal of this provision for pirates operating in the Indian Ocean. Finally, the end of patronage and

---

7 Admiralty records from the seventeenth and eighteenth century highlight a specific anxiety about “turning pirate” (ADM 3.1-256) Given the fluid lines between pirate, merchant mariner and privateer cases would often highlight the rapid transition between these categories. The early debates on the proclamation to pardon pirates are covered in some detail in Blackstone’s Commentaries on the Laws of England (http://avalon.law.yale.edu/subject_menus/blackstone.asp last accessed April 8, 2014). See also Barbara Fuchs (2000) for a discussion on concerns about piracy and anxieties the lines between the pirate and other mariners.
sponsorship on land meant a slow demise to the marauding freedom enjoyed by British and American pirates. William Kidd’s trial and execution marked the end of a global cycle of piracy, one that had reverberated across the Indian Ocean. But the question of piracy remained central for the East India Company and its claim to sovereign protection and jurisdiction over British and Mughal shipping. After the 1720s, the Company turned its gaze towards the Marathas in Western India and the Al-Qawasim in the Arabian Peninsula and began wars on these new found pirates: the pirate now simply a term for potential maritime rival. As Philip Stern has shown, ironically “the East India Company’s lobbying efforts to protect its jurisdiction from American pirates opened the East Indies to the biggest interloper of all: the British state, which used its pirate-hunting squadrons to extend authority over the company as well” (Stern 710). The hegemony of the state over company has been recounted elsewhere.8 British (and Italian) arrivals in Northern Somalia in the nineteenth century were located within this long history of protection and regulation at sea. I now return to nineteenth century Berbera and Bosaso to highlight the emergence of a regime of protection—performed through a proliferation of treaties—that marked the advent of Empire, and also a mode of engagement between Europeans and others that goes beyond the dichotomies of citizen and subject; colonizer and colonized.

2.4.4. A Sea of Treaties: The Protection of the Protectorate

Beginning in the 1790s, practices of raiding (gazu) and charging protection fees (guwayzah) for ships transiting through the Red Sea by Bedouin tribes on the Arabian Peninsula (primarily present day Oman and United Arab Emirates) posed a threat to British shipping interests. In 1806, the British blockaded a fleet of dhows belonging to the Qawasim and in the next few years sent naval fleets against ports along what was termed as the “Pirate Coast” by the British. Following a series of skirmishes, the Qawasim and British signed the General Treaty of 1820 that abolished the practice of maritime toll paying and established a Political Agent for the Lower Gulf to protect British India’s ships and subjects in Arabian waters. Over the course of the next few decades numerous treaties and truces were signed between the British and various rulers, establishing by 1853, a trucial system “where Gulf rulers gave up their right to wage war by sea in return for British protection. This arrangement...cast Britain in the role of ‘arbiter and guardian of the Gulf’...[and bound] Trucial states into exclusive treaty relations with, and ceding control of their foreign affairs to, the British Government” (Onley 2004: 32).

This legal arrangement was symptomatic of a broader shift in the project of Empire. Beginning in the early nineteenth century and culminating with the Berlin conference and the high epoch of late nineteenth century colonialism, industrialized nation-states of Europe sought to fulfill their ambitions of Empire and embarked upon a scramble for territorial colonies in Africa and Asia. In the Indian Ocean, “European
capital and non-European labor poured into colonial destinations in liberal measures as native sovereignties were being reconfigured within a tightening imperial embrace” (Ho 2006: 65). Sovereignty in this period was “conceptualized as a bundle whose parts could be divided and portioned out” (ibid.) in this emerging system of indirect rule. The sovereign conduct of foreign affair across the ocean, from Malaya to the Somalia, was gradually turned over to colonial powers through treaties of protection in return for a limited bundle of jurisdiction in internal affairs in this emerging world of native states, chiefdoms, and tribes. The reasons for this particular form of imperial expansion and shifts in trading relationships across the Western Indian Ocean were deeply tied to the ideological project of European empires.

This second wave of empire was built on the ideological edifice of civilization and commerce. Responding to late eighteenth century Enlightenment critiques of earlier empires, specifically in the Americas, as burdensome monopolies, the imperial projects envisioned throughout Asia and Africa in the nineteenth century were posited as simultaneously civilizing and binding the world together through the “sweet commerce” of free trade. The historian Anthony Pagden (1995) notes:

For the languages in which the nineteenth-century empires sought to frame themselves were transfigured products of the early-modern forbears. They were the transfiguration, however, not of the languages of empire but instead of the critique which the enemies of imperialism had levelled against them in the closing years of the eighteenth century. This had insisted that the inescapable legacy of all forms of colonialism could only be human and material waste followed by moral degeneracy. Empire’s relationship with the non-European world should, in future, be limited to a programme of harmonious exchange. [Padgen 1995: 21]
If nineteenth century Empire was structured on protection, this particular legal arrangement of protection was far from atypical. Coastal sovereignty in the Indian Ocean littoral prior to British rule according to Sugata Bose was built on a “shared and layered concept of sovereignty, which had helped create certain autonomous spaces for the inhabitants of port cities. Surat and Aden, for instance had been part of the great land-based Mughal and Ottoman Empires, yet had autonomy enough not to be unduly harassed by their inland masters” (Bose 2009: 25). Similarly, James Brennan (2008) notes the emergence of “suzerainty” or control over a vassal state’s foreign affairs while allowing autonomy in internal affairs throughout the coastal sultanates of East Africa, that were under nominal Ottoman control since the sixteenth century. Thus, far from the imposition of a monolithic vision of sovereignty British protection treaties did not represent a moment of rupture, but were legible within a pre-existing system of “layered and shared sovereignty”: a world of protection. Other scholars have located protection treaties as institutional “fixes” for the problem of maintaining law and order in an era before formal colonization where Empires were unwilling or unable to exert dominion (Johnston 1973, Benton 2001). These works have notably highlighted the “invention of tradition” and the ways in which practices of indirect rule and legal pluralism constructed native categories as much as they sought to respect these categories. Building this thesis Mahmood Mamdani highlights the project of colonial difference that was at the heart of practices of legal pluralism and indirect rule.

For Mamdani the system of indirect rule instituted across much of Africa was a
mode of governance that sought “not just to acknowledge difference but also to shape it” (Mamdani 1996: 2). Colonial authorities reified race and tribe in order to distinguish between two distinct subjects of law. European and outsiders, including Indians and Arabs were subject to civil law and thus distinguished from “natives” who were subjects of customary law. The aim of the colonial state was to create a classificatory structure that contained Africans within a multiplicity of mutually exclusive tribal categories, each with its own distinct traditions and territories: divide and rule thus became “define and rule” (ibid.). His work deftly traces the ideological roots of colonial rule in colonial Africa, exemplified in Lugard’s treatise on Indirect Rule, to British India in the aftermath of the 1857 rebellion. Henry Maine is a key figure in this trans-continental narrative, specifically Maine’s idea of divisible sovereignty:

Sovereignty is a term which, in international law, indicates a well-ascertained assemblage of separate powers or privileges.... A sovereign who possesses the whole of this aggregate of rights is called an independent sovereign; but there is not, nor has there ever been, anything in international law to prevent some of those rights being lodged with one possessor, and some with another. Sovereignty has always been regarded as divisible. [Maine, in Benton 2010: 248]

For Maine, the notion of divisible sovereignty allowed for the project of colonial governance while ensuring the continued viability of “traditional institutions.”

Convinced that the rebellion had been caused by the disintegration of Indian society under the onslaught of Western modernity, Maine argued that colonial policy needed to bolster the traditional bonds of kinship and custom that sustained the village community, which he considered the key stabilizing institution of Indian life. Indirect
rule, thus, was a key mode of organizing colonial rule, and as Mamdani argues, indistinguishable from the more direct assimilationist practices of French colonialism in the *long duree*. Finally, within the history of International Law, the world of protectorates and indirect rule is seen as a liminal moment in the transformation from natural law to legal positivism. The Protectorate, as Martti Koskenniemi has noted, was a “stepping stone to a universal model of sovereignty and nation states. The central question for international law [in this period] was the limits of recognition and the ability/inability to create relationships through treaty making” (Koskenniemi 2001: 119).

What remains un-interrogated in all these approaches is the idea of protection itself. Protection was a unifying category for constructing a legal regime that operated both inside and outside empire. Protection highlighted the humanitarian natural law impulses behind an increasingly positivist international law, couched as it was in an

---

9 *Lex Naturalis*, or natural law is a term used to describe a wide and disparate set of legal theories united in their appeal to a universal in their justification for prescribing social behavior. For proponents of natural law certain legal principles and rights are universal by virtue of human nature. For example, Cicero in *De legibus* locates the origin of law in nature and from what the human mind perceives. Similarly, Grotius’ claim for freedom of navigation in *Mare liberum* originated in what he argued was an inherent natural right for the free sea. In contemporary legal jurisprudence the natural law paradigm is often used to circumscribe the role of the judge in emphasizing that laws are immanent in nature and the role of the judge then is to discover law not create it. This vision of natural law also conflates justice and law.

10 Beginning in the eighteenth and nineteenth century, primarily in the works of Bentham and Austin, a system of legal positivism gained prominence among the newly professionalized cadre of international lawyers. In contrast to a natural law system where laws are universal and merely discovered by the jurist through human reasoning, legal positivism highlights law as a social construction and focuses on the sources of the law and not its merits. For Bentham, legal positivism focused on what law in practice entailed and not what it ought to be in theory. Positivist jurisprudence, as Anthony Anghie has argued, is “premised on the notion of the primacy of the state. Despite subsequent attempts to reformulate the foundations of international law, the fundamental positivist position, that states are the principal actors of international law and they are bound only by that to which they have consented, continues to operate as the basic premise of the international legal system” (Anghie 1999: 2). Anghie’s work exemplifies a rich vein of scholarship on nineteenth century international law and colonialism that highlighted how legal positivism (and its centrality of sovereign recognition) was crucial in expanding colonialism throughout the globe premised on logics of difference between those who possessed sovereignty and those who did not. Protection, with its
idiotm of hospitality and reciprocity. Additionally, protection had an inbuilt flexibility that contrasted with the cumbersome alternative, namely annexation. As Lord Selborne noted in a memorandum on protectorates prepared in anticipation of the Berlin Conference is 1883, “Annexation is the direct assumption of territorial sovereignty. Protection is the recognition of the right of the aboriginal, or other actual inhabitants, to their own country, with no further assumption of territorial rights than is necessary to maintain the paramount authority and discharge the duties of the Protecting power” (F.O. 84/1819).

Protection, thus, was a way to check the excesses of prior forms of colonial control while allowing imperial reach to extend and expand. Protection was also a mode of exercising jurisdiction in ways that were both horizontal and vertical: engaging with Europeans and with a variety of natives simultaneously. Finally, protection allowed for the possibility of abandonment. I briefly consider the history of British treaties in Berbera to highlight these fluid ways of constructing protection as well as the encounter of protection with another regime, namely the protection of abaan.

As nineteenth century Imperialism encountered non-European others, a central legal question emerged regarding the relationship between Europeans and the “uncivilized.” Within an emerging world of legal positivism, where legal relationships claim of jurisdiction without sovereignty, offers a different history, while not negating the ways in which (positivist) international law was central to the colonial endeavor.
could only exist between two sovereign nations, how might one understand the non-European other? While the majority opinion only envisioned legal relationships between Europeans, citing international law “as a product of the specialized civilization of modern Europe... [that] forms a highly artificial system of which the principles cannot be supposed to be understood or recognized by countries differently civilized” (Hall 1881: 40), Jon Westlake in his now classic Chapters on the Principles of International Law suggested that international law turn to established form of the Protectorate that was flourishing in parts of the British Empire. As Westlake noted:

> When a people of European race comes into contact with American or African tribes, the prime necessity is a government under the protection of which the former may carry on the complex life to which they are accustomed in their homes, which may prevent European powers for supremacy on the same soil, and which may protect the natives in the enjoyment of a security not less than they enjoyed before the arrival of strangers. [Westlake 1894: 141]

In this brief description of establishing governance after encounter between Europeans and “American or African tribes”11 Westlake shows the multiple modalities of protection that I now highlight through a discussion on protection treaties in Northern Somalia.

As noted earlier, protein and plunder brought Northern Somalia into the ambit of the British Empire. After signing the treaty of restitution and friendship with the Habr Awl in the aftermath of the Marianne (Mary Anne) incident, the British returned to Berbera, this time to another violent welcome. The second treaty negotiated by Richard

---

11 For Westlake and other international lawyers relationships between Europeans and Ottomans, Asians and other “established” civilizations were on a different scale and implied a degree of recognition given the antiquity of these civilizations.
Burton on behalf of the British was primarily to ensure the protection of British subjects in Berbera and included the establishment of a protectorate officer to guarantee safe passage and safety for British subjects trading in the region, fulfilling Westlake’s criteria of establishing a government for the protection of Europeans. Initially the British had little interest in establishing any presence on the desolate Somali coast and rejected even the idea of a Protectorate given an understanding that “[p]rotectorates over savage or semi-barbarous races are, as a rule, temporary resting places on the road to complete incorporation” (quoted in Johnston 1973: 178). By 1840 as protectorates became the de facto mode of engagement, this fear of incorporation was reduced and protectorates were seen as “permanent temporary resting places” in a world of competing Imperial projects. In 1884, following Egyptian withdrawal from Red Sea ports and expanding French interests, the Government of India felt that supplies to Aden might be threatened. Given Aden’s strategic importance as a coaling station, Major Frederick Hunter was dispatched to the Somali coast to investigate the possibility of establishing a military base. Hunter was reminded that his responsibilities included: “entering into engagements with Somali tribes on the coast for the maintenance of order, freedom of trade and suppression of the Slave Trade.”

In addition, these protection treaties were also seen as important in establishing obligations and engagements between European powers. In numerous circulars the

12 The papers quoted are from the “Red Sea and Somali Coast Papers” F.O.881/5057
Administrative officer is repeatedly reminded that the purpose of the protectorate is to communicate—to the Italian and French—about British intentions in the area, while respecting rival imperial expansion. The protectorate was simultaneously a project for protecting British interests and subjects; for protecting Somalis from other Europeans, Arabs, and the Abyssinian Empire; for the protection of other Africans from Somali and Arab slave traders and for the protection of free trade. These multiple layers of protection were enacted in the various documents that circulated in the aftermath of the declaration of the Protectorate. Following Matthew Hull, I see the “circulation of the material files as the principal instrument of the organization’s cohesion” (Hull 2012: 14). In this case, the cohesion of the protectorate emerged in the context of these treaties and circulars. The language of protection—protection as a projection—was not coincidental but emerged from a recognition that this form of protection was a liminal category, and that the British could abrogate and abandon without liability: the protection of the Protectorate was a form of limited liability. But, this language and these institutions of protection were not merely European constructs. On the Somali coast, like across the Red Sea, the British entered into a pre-existing world of protection. I now turn to that world and highlight the encounter of the British (and Italian) protectorate with abaan.

2.5 From Land to Sea: Abaan and a World of Protection

When the British returned to the Somali coast in 1854, during an expedition led by Richard Burton, Haji ‘Ali their former protector in the aftermath of the attack on the
Brig Marianne (Mary Anne) had reinvented himself as the governor of Zeil’a, an important port city to the west of Berbera and seat of the Ottoman empire in the Red Sea. In the absence of their abaan, Burton’s party was attacked with two British officers wounded and one killed. One of the injured officers was John Hanning Speke, most famous for his part in the expedition that “discovered” the source of the Nile and Lake Victoria and propounding the Hamitic hypothesis on the racial origins of the Tutsi. After a narrow escape, an injured Speke returned to the ship waiting to recover strength and return to Aden. In his travelogue Adventures in Somali Land, Speke describes picking up an unusual passenger as they awaited the return of Burton:

During the time of waiting, a poor man, with no covering on his body, crawled up to the vessel, and implored the captain, in the name of Allah — the fakir’s mode of begging — to give him a passage to Aden. His prayer was answered, and he came on board. He was a Mussulman, born in Cashmere, and had been wandering about the world in the capacity of a fakir; but was now, through hunger and starvation, reduced to a mere skeleton of skin and bones. His stomach was so completely doubled inwards, it was surprising the vital spark remained within him. On being asked to recite his history, he said, “I was born in the ‘happy valley’ of Cashmere; but reduced circumstances led me to leave my native land. When wandering alone in some woods one day, I had a visitation, which induced me to turn devotee, and wander about the world to visit all places of pilgrimage, carrying only a bottle and a bag, and ask charity in the name of God, who supplies the world with everything, and takes compassion on the destitute. At first I travelled in India, visiting its shrines and temples, and then determined on crossing the sea to see what other countries were like. Taking passage at Bombay, I first went to Muskat in Southern Arabia, and thence travelled overland to Aden, begging all the way, and receiving kind hospitality wherever I spent the night. In Aden I remained a while, and by constant begging accumulated sufficient property to purchase food for a considerable time, when I again set out, in the name of Allah, to see what the Somali Land was like. At first I went across to Kurrum, and lived there as long as my little stock held out, but I could get no assistance from the people of the place. The stock exhausted, I was spurned from every door. At last, despairing of obtaining anything on the coast, I

---

13 Richard Burton was negotiating the treaty that was discussed previously which expanded the gambit of protection into Berbera, including paving the way for the establishment of a protectorate officer after the attack on his group.
ventured to see what the interior would produce, but I found the Somali everywhere the same; they were mere hywans (animals), with whom no human beings could live. A man might travel in Arabia or any other place in the world, but in the Somali Land no one could exist. Finding myself reduced to the last stages of life, for no one would give me food, I went to a pool of water in a ravine amongst the hills, and for the last fortnight have been living there on water and the gums of trees. Seeing I was about to die, as a forlorn hope I ventured in this direction, without knowing whither I was going, or where I should come to; but God, you see, has brought me safely out. [Speke 1860: chap ii]

Commiserating with the fate of this “naked fakir,” perhaps in response to his less than hospitable encounter in Berbera, Speke notes that they agreed to give this “poor man without protection” free passage back to Aden. The attack on Burton and Speke’s camp and the naked fakir—the poor man without protection—brings into view a distinct yet deeply intertwined world of protection that existed alongside and interacted with the world of protectorates and treaties described above. Tied to idioms of hospitality, honor, violence and recognition as well as notions of contract and regulation, this world of *abaan* (protection) both predates and postdates the colonial project while being dynamic and transforming with time. The institution of *abaan* expanded from land to sea to engage and interact in a world of strangers and this section focuses on this particular encounter. Before discussing *abaan*, I begin with a more general discussion on modes of incorporation on the Northern Somali coast.

2.5.1. Modes of Incorporation: *Sab* and Genealogy

The essence of the Bondsman is to exist for another, not for self. But the master also lacks true independence, since his independent existence . . . is mediated by the Bondsman.

-- Hegel
In a tiny little corner of Berbera, not far from a series of ramshackle buildings with brightly painted exteriors and names such as “Bab alMandab Fish Market” are the houses of the Yibbir (Yahhar). Known for their soothsaying and magical ability, the Yibbir are a category of the sab—minority clans that include a series of occupational groups including the Midgaan (hunters, leather-workers, barbers etc.) and Tumaal (blacksmiths). Often glossed as “low caste” Lewis and Goldsmith argue that the sab are more correctly understood as bondsmen. “Traditionally each member of this [sab] class was bound in servitude to a noble Somali family. Not every noble Somali had a sab bondsman attached to him but all sab were subject to a noble patron or protector” (Lewis and Goldsmith 1958,188). Lewis and Goldsmith note that the sab live “in real or putative patrilineages on a pattern similar, though reduced to those of their noble Somali (Aji) protectors” and except through their protectors have no rights in the field of Somali political relations or the ability to marry into the main Somali clan families (Darod, Isaaq, Hawiye, Dir). Like the bondsman for Hegel, the “essence” of the sab is to exist for another. Similarly—and this is made particularly clear in the magical properties associated with the Yibbir— the master, the freeborn Somali, is simultaneously tied to the bondsman.

Unlike the Midgaan, Tumaal, or fishing communities that were a visible yet unremarked part of daily life in Somalia, the Yibbir would often be spoken of in hushed tones. One of my hosts in Berbera, a manager at the local port claimed it was impossible to find a Yibbir grave, “they don’t die,” he said, “they vanish.” The origin story of the
Yibbir, highlights the centrality of the magical and also the mutuality of master and bondsmen:

When Sharif Barkhadle, a famous saint and companion of Sheikh Isaq, first settled near his eventual place of burial in the northern Somaliland region, he was confronted by Mohamed Hanif (Bu‘ur Ba‘ayer), a local Yibir leader who ruled the territory contrary to the laws of Islam. The two leaders then decided to settle the issue of legitimacy between them via a test of mystical strength. Barkhadle challenged Hanif to traverse a small hill near Dogor, Hanif twice successfully accomplished this task asked of him. However, during Hanif’s third demonstration of his powers, Barkhadle “invoked the superior might of God and imprisoned his rival for ever within the mountain.” Islam thus triumphed over paganism. Hanif’s descendants are said to have subsequently demanded blood money or diya from Barkhadle for the death of their leader and in perpetuity Barkhadle granted them their wish and this gave rise to the modern custom of samanyo or samayo (“birth gift”) payment made to the Yibir by their Somali patrons. [quoted in Rayne 1921]

This mode of incorporation is akin to Dumont’s idea of encompassment. For Dumont, hierarchy — “the unthought of modern ideology” (Dumont 1980: xvi)— is a relationship between the encompassing and the contrary, specifically the encompassment of the contrary. Within the landed world of the Ethiopian highlands, Donald Donham (1986) similarly highlights the relationship between the gult (lord) and the gebber (client) as a relationship of protection. These patron-client relationships, like the relationship between the Yibir and freeborn Somali, are vertical modes of incorporation. Barkhadle’s triumph over Hanif is an important prerequisite to establish a form of relationality between these two groups. Patronage in this case requires being subsumed. At the same time there is a residue that is assuaged through a practice of payment. Akin to the principle of annexation in international law as articulated by Westlake and other legal positivists in the nineteenth century, the protection of
patronage is a mode of being incorporated and subsumed within the world of another. Like the master and bondsman, this is a world of intimacy and simultaneous alterity. In opposition to this mode of incorporation understood within analytic vocabularies of kinship and feudalism is a form of association made possible through the institution of abaan. Etymologically tied to a world of kinship (ab=father), abaan is distinct from the hierarchical encompassment of patrons and clients sab iyoo Soomali (sab and Somali). Structuring relationships between Somalis and foreigners, abaan is deeply tied to ideas of political authority and hospitality, while also making possible, as in the case of Haji Ali in the nineteenth century and Somali pirates today, modes of social and political mobility that are otherwise restricted.

2.5.2 The Protection of Abaan

Other than the port or Friday prayers at the local mosque, I seldom encountered other South Asians in Bosaso. I had rented a room at one of the few hotels in town approved by my friend, a trader and unofficial sponsor of my visa, Abdihaj. The first time I conducted research in Bosaso, Abdi had insisted on traveling with me and negotiating the details of my schedule and everyday movements. This time was a bit different. Delayed due to a business engagement, Abdi had stayed behind in Garowe and left me in the care of his friend Mounim One morning I awoke to loud hammering. The construction, I had been promised would begin in two weeks had commenced with
gusto at seven A.M. Amidst the drone of hammers breaking brick, I heard not the by
now familiar sounds of Somali, but a north Indian accented Hindi, a linguistic register
until now alien to me in the port cities of the East African coast, where Gujarati, Kutchi
or other coastal languages flourished. Walking outside, three construction workers were
hard at work destroying the wall on one side of the building revealing the harsh
morning sun and the glint of the Red Sea in the distance. That morning Ramu, Arif, and
Shyam told me they were on a six-month contract working for a Dubai based company:

*We thought we would go to Dubai, make some money, see all the big buildings instead
we arrived and went straight to the old airport. From there we flew to Mogadishu where
we worked for one month at the airport. We never left the airport. We couldn’t tell you
anything about that city. All we saw was the terminal and the sea on the other side of the
runway. Last week we came up here to Bosaso. We live two minutes away from the hotel
and from today will be working here until the extension is completed. [Author’s
fieldnotes, May 2012]*

For the next few weeks, the morning hammering and the Hindi conversations
were a central part of my morning routine. One afternoon as I returned from the port, I
found a handwritten note inviting me to dinner with the construction crew. Excited at
the opportunity to do something in the evening—Mounim was no fan of *khat*, so the
usual nighttime forays and sociality centered around the *mafrish* was replaced with
watching Universal TV for an hour after night prayers and then diligently writing
fieldnotes—I texted Mounim and wanted to find out where we could buy some juice to
take over for the dinner. Five minutes later, Abdi called from Garowe. After exchanging
pleasantries, Abdi explained that I was not to leave the hotel at night. “Al Shabaab are in
Bosaso these days [May 2012] I can protect you inside the hotel or when you are with
my friends. But these foreigners are not able to protect you if something happens. Only a Somali can be your protector, so you cannot go out.” Dismayed, I tried to argue with Abdi, but the only concession he gave was that I could invite the other Indians to the hotel and the cook would make the food with some pepper and chilies so it would taste like Indian food.

Distinct from the protection of incorporation or the “governance without government” (Menkhaus 2007) that has come to characterize stateless Somalia, the practice of abaan is closely tied to what has been called hospitality (Derrida, Shryock). Whereas hospitality is about the rights and duties owed to strangers when they cross the threshold, a form of inhabiting together: the protection of abaan is a claim of jurisdiction over mobile people, objects and goods. Unlike in hospitality, where as Bourdieu notes, the question of monetary payment is hidden from view, abaan is an explicit transaction where payment by the stranger creates an obligation of protection. A form of law that regulates the stranger, abaan is a form of engagement in a non-centralizing system and like the protection of the protectorate system, abaan works ‘sideways’, horizontally extending protection to a stranger and for a limited time. For Simmel, “the stranger everywhere appears as the trader, or the trader as stranger” (Simmel, in Wolff 1964: 402). Given this intermingling of trade and the stranger, the protection of abaan emerged in the context of long distance trade networks.

The intermingling of coastal cities and pastoral hinterlands throughout East Africa created a rich and vibrant caravan-trading world from the tenth century onwards.
A dense assemblage of routes brought into contact littoral worlds with the pastoral roaming grounds and agricultural production zones of the Horn of the Africa. Among the major caravan routes, the northern routes between the Harar Sultanate and the coast (Zeil’a and Berbera) were the most lucrative and the main highway for the rich, landlocked Abyssinian hinterlands. A list of the products that moved back and forth along these routes highlights the complex relations of production, distribution and consumption and the global circuits that tied coastal and interior East Africa to the wider global economy. Ivory, ostrich, hides and skins, frankincense and myrrh, coffee, livestock, slaves and gold traveled along dusty paths from the interior and textiles, rice, dates, swords and, beginning in the nineteenth century, firearms flowed inland from places as far away as India and China.

Within this world of merchants, farmers, landlords, corvee labor, Sultans, livestock, ships, winds, and credit instruments—what made trade flow, particularly when crisscrossing the desert of land and sea, were practices and institutions of protection. In pre-colonial Somalia, traders passing from the coast to the interior routinely paid protection money. As the historian Lee Cassanelli notes: “Each [clan] required some access to the major nodes and arteries of commercial exchange; each guarded its right to oversee one leg of the caravan trade as jealously as its guarded its home well and reserve grazing areas. Tribute – or protection money – exacted from caravans in transit was a source of income and prestige for the local community” (Cassanelli 1982: 156). Like the protectorate system, abaan is structured with
a dual orientation. To provide protection required an ability to control and exert jurisdiction over itinerant merchants, traders and other foreigners without a claim of sovereignty or incorporation. At the same time, *abaan* was always oriented within local political structures and was a means of moving within the world of clan, kinship and genealogy. A successful *abaan* was exalted in idioms of Somali poetry and the failure to protect simultaneously memorialized in these oral idioms. This dual orientation of *abaan* is central to understanding the ways in which a form of law and work oriented horizontally towards strangers and circulation within an idiom of jurisdiction without sovereignty while also grounding prestige and honor territorially.

The life of Haji Ali, introduced earlier in this chapter illustrates this dual orientation. Until the rise of Haji ‘Ali, the town of Berbera had been controlled by the Habar Awal, with two rival lineages Ayyal Yunnis and Ayyal Ahmed jointly managing the port trade and “sharing in the profits on all commercial transactions as protectors (*abans*) of foreign merchants from Arabia and India” (Lewis 1965: 43). Haji ‘Ali managed to bypass the stranglehold held by the two rival Habar Awal lineages securing the role of *abaan* for the newly emerging British commercial interests. The establishment of Aden, as a coaling station and strategic British port, directly across the Red Sea from Berbera in 1839, found Haji ‘Ali once again attempting to navigate the shifting political alliances and trade routes. Berbera emerged as a major livestock supplier for the burgeoning port of Aden, resulting in increased prosperity and importance for Berbera. As trade revenues increased, so did conflicts over political authority and control. A feud
between the two lineages that controlled trade in Berbera led to Haji ‘Ali again moving in and with the help of one of the clans establishing control over Berbera and the Aden trade. Yet, this position was to be fleeting as within ten years Haji ‘Ali found himself on the outside of the Berbera trade, his role as abaan upstaged by a reunited Habar Awal. The ability to offer protection was thus crucial to the rise, fall and transformation of Haji Ali from a dhow captain to the Governor of Zail’a. Further east similar wrangling over trade, plunder, and protection were afoot as the British and later the Italians encountered the Majeerteen Sultanate.

In the early nineteenth century, about a week after leaving the relatively calm seas of Aden or Berbera a ship would find itself at the promontory of Cape Guardafui where the Red Sea meets the Indian Ocean. During the kusi season, roughly from May to November, when strong currents and gusty winds blow from the south, ships would often get caught in a whirlpool that developed northeast of Ras Haafun due to strong currents flowing northward to Ras Haafun turning directly east. An unfortunate ship caught in this whirlpool would find itself thrown westward to the rocky coast between Haafun and ‘Alula. By the beginning of the nineteenth century, the coast around Ras Haafun and the Majeerteen inhabitants of the area had developed a ferocious reputation for plundering vessels that had the misfortune of being stranded along this desolate coast. As Wayne Durril has noted, “[b]y 1800 the Majeerteen confidently expected two or three European ships to be wrecked on the shores each season. When that happened, nearby residents converged on the site, chased away the survivors and looted the
vessels.” (Durril 1986: 1839) This form of plunder, he goes on to show provided the means by which local Majeerteen chiefs assured themselves of political power. “They supervised the sale of loot in Arabia and distributed half of the proceeds to their kinsmen-now clients—thus creating obligations that could be exchanged later for rights in labor, water and the use of pastures” (ibid.).

Prior to 1840, the Majeerteen political economy consisted of small groups of inland herders and fishing communities along the coast with each group living a life of basic subsistence. By the mid-nineteenth century this world had significantly transformed. The ‘Ismaan Mahamuud, one of the three major lineages of the Majeerten had consolidated power and created a new regional political economy built around participation in the Indian Ocean trading world. “All that comes from the sea belongs to Boqor (Sultan)” (Cruttenden 1884: 45), proclaimed the ‘Ismaan Muhamuud as they jealously guarded “the bounty of the sea” with the Sultan’s house exercising sovereignty and ownership over the profits of plunder. This often led to violent confrontations with other sub-clans and even internecine warfare within the ‘Ismaan Mahamuud, with each group asserting their right to booty and the trading networks along the coast.14 Within the Majeerteen Sultanate, plunder and trade were inextricably linked. The emergence of British and later Italian interest along the Majeerteen coast led to the transformation of the role of the Boqor from plunderer of ships to protector of British and Italian shipping

---

14 See Giulio Baldacci, “The Promontory of Cape Guardafui” (1909) for a discussion of these violent interactions over control of ports and other resources of the ocean.
and commercial interests. The first treaty a Somali Boqor ever signed with a Western power was an agreement with the British in 1838. It engaged him to protect the British ships and nationals when passing by or shipwrecked on the shores of his chiefdom. As in Berbera, participation in a mix of trade, plunder and protection was the terms through which the Majeerteen were able to engage with a wider oceanic trade network and from the mid nineteenth century the world of colonial powers. Piracy, and the threat of illegitimate commerce was the frame within which local polities and imperial powers encountered each other along the Somali coast. Plunder and later protection in both Berbera and along the Majeerteen coast was the difference between subsistence and profit and set the stage for an incorporation into the global economy and marked the beginning of formal colonization: the movement from sea to land. The centrality of protection as a form of work and a source of prestige for the Majeerteen was underscored in the immediate aftermath of the creation of the Italian Protectorate. In 1899, the Majeerteen entered into a treaty of protection with the Italian representative thus establishing the Italian Protectorate in northern Somalia. One of the first tasks for the Italian protectorate was to construct a lighthouse at Café Guardafui. At the point where the Indian Ocean and the Red Sea meet was a mist-covered promontory that attracted an annual share of shipwrecks. A lighthouse it was argued would “protect ships and provide comfort to sailors in these treacherous waters” (Baldacci 1909: 68). From its beginning the project was staunchly opposed by the local residents. As
Baldacci, a representative of the Italian Protectorate noted in his report on the
Majeerteen Sultanate:

A little beyond Olok rises the majestic promontory of Guardafui, where these many years
past a lighthouse has been projected, though up till now the only ascertainable result of
these projects has consisted in words and promises. The inhabitants are violently
opposed to the idea, seeing themselves about to be deprived of a very profitable source
of income, and Sultan Osman, himself being the person principally interested, is the head
and front of the opposition. Tradition states that on the summit of the headland lives a
santon praying day and night for the shipwreck of the infidel on that iron-bound coast.
[ibid. 71]

After a series of sabotage attempts and violent protests, the lighthouse was finally
constructed in 1924. Named after the Italian Prime Minister Francisco Crispi the
shimmering beam of the lighthouse cutting through the dense fog marked the transition
from one regime of protection to another.

2.6 Postscript: The Afterlives of Protection

In February 2004, a group of British Parliamentarians arrived in Hargeisa, the
capital of Somaliland, for a brief visit to the fledgling republic. Established in the
aftermath of the collapse of the Siad Barre regime in 1991, Somaliland continues to
function de facto like a state even as it lacks de jure recognition. Aaden Ja’lo, a retired
merchant marine, who had sailed on British ships in his youth, briefly living in Bristol
before returning to Somaliland in the 1990s, recounted his memories of the event:

I was wearing my merchant marine uniform. We were in a group of 10, including
pensioners from World War II. John Drysdale [oldest British resident of Somaliland] was
in our group as well. We had the Somaliland flag and pictures of the Queen as we waited
at Hargeisa airport for the delegation to arrive. When the flight landed we sang ‘God
save the Queen’ and I got to shake hands with the visitors. I told one of them how much I
liked living in Bristol, but Somaliland was my home and we were looking forward to

97
This staging of the relationship between the British and Somaliland is built on reimagining of the histories of protection that drew the British and residents of Northern Somalia together in the early nineteenth century. From uniforms to singing “God save the Queen” while holding aloft pictures of Queen Elizabeth, a performance of loyalty was enacted in this moment of arrival. At the same time, this claim to the protectorate is a historically tenuous claim given the extremely light footprint of the British protectorate in this region. As noted earlier, the Protectorate was proclaimed primarily to demarcate boundaries between French and Italian territories. The British influence and interest in Somaliland were limited to protecting sea-lanes to India and ensuring food supplies for the port of Aden. Interventions in native affairs rarely extended beyond setting up a few schools, giving scholarships to a small section of the population for higher education in England and recruiting men like Aaden for the merchant marine or the British Army. Through re-fashioning this Imperial connection, Somaliland sought to take seriously the promise of protection implied within the Protectorate. As Aaden and others who had participated in the event made clear, the welcome was not an act of supplication, but that a promise of protection implied a sense of duty and responsibility. “We wanted to remind the British government that we need their protection to get recognition in the international community.” This vision of protection, like the protection of the protectorate and abaan sits alongside, though distinct from, vocabularies of citizenship or
It is this nature of protection as partially inside and partially outside various modes of incorporation and allegiance that this chapter has sought to highlight.

Locating itself within the world of port city, I emphasized a set of interactions framed within languages and institutions of protection. While the protection of treaties and Empire seem radically different from institutions of *abaan*, I highlighted the centrality of protection as a flexible form of jurisdiction without sovereignty that was and continues to remain crucial in constructing a variety of projects and politics of mobility. Though the frame of this chapter was historical, the conceptual vocabulary of protection and specifically the idea of competing regimes of protection shape the story that follows. The next chapter turns to the sea, but this time as a space of profit and fish. I highlight the emergence and transformation of regimes of property and property in order to locate the sharp upsurge of maritime piracy from 2008 onwards within these ebbs and flows of attempts to regulate the ocean.
3. A Sea of Profit: Making Property in the Western Indian Ocean

3.1 Introduction

On a windswept beach in the North Eastern Somali port city of Bosaso, Farah, a self-proclaimed pirate boss, sought to correct my understanding of piracy:

I was a fisherman from Eyl, I grew up catching lobster, tuna and snapper. One night a trawler cut our nets when we were fishing not far from the coast. A few of us decided enough was enough and we boarded the boat. The captain was a Pakistani. We made him pay $1000 as a tax to fish in our waters. We went back to the village and told everyone about it. Soon the boys started getting on the fiber boats and chasing trawlers to get money from them. This is how we became pirates. After a while, we started going after bigger boats. As a fisherman I used to capture small fish, now I capture a different kind of fish, a bigger fish. [Farah, interview with the author, January 2011]

Now I capture a different kind of fish, a bigger fish. The dramatic upsurge in maritime piracy off the coast of Somalia has, perhaps inadvertently, also drawn global attention to fishing, specifically the problem of illegal fishing in the Western Indian Ocean. While reports highlighting the prevalence of Illegal, Unreported, and Unauthorized (IUU) fishing vessels in Somali waters date back to the 1990s when large-scale foreign trawling first made its appearance in the Western Indian Ocean, this renewed emphasis on illegal fishing can be directly linked to the spectacular rise in incidents of maritime piracy and international efforts to curb this practice since 2007.
In January 2009, the Somali journalist Mohamed Abshir Waldo published an article titled, “The two piracies in Somalia: Why the World Ignores the Other? [sic].” Noting the emergence of a “Global Armada” to combat Somali piracy in recent years, Waldo questioned the international community’s silence with respect to the “older and mother of all piracies in Somalia—illegal foreign fishing piracy” (Waldo 2009). For Waldo, like in Farah’s story, the “roots” of piracy could be located squarely in the damage wrought by the illegal poaching of Somalia’s maritime resources following the collapse of the Siyad Barre regime in 1991.

In this chapter I recast the story of piracy through Farah’s proclamation of “capturing a different kind of fish.” By emphasizing the centrality of capture—and notions of bounty, payment and redistribution nested within it—my narrative illuminates shifts in relationships of property and profit across scale and historical time and suggests that to understand piracy requires, in part, an explication of the long and complex interplay between sea and land and between fishing and pastoralism within regimes of governance in Somalia and the Western Indian Ocean.

Based loosely on the 2009 hijacking of the Maersk Alabama, a recent Hollywood film starring Tom Hanks, Captain Phillips, attempts to cinematically render this upsurge in maritime piracy in the Western Indian Ocean. In the film, during a safety exercise on a routine voyage from Oman to Kenya, two skiffs suddenly appear alongside the ship. Evading one of the boats, the large lumbering Maersk is unable to escape the climbing ladder of the second boat. Within minutes a pirate foursome has boarded the ship and
taken the captain and his crew hostage. “Don’t be afraid, I’m the captain now,” declares the young leader of this rag-tag gang. True to its name, Captain Philips remains focused on its namesake and the Somali hijackers remain just that: hijackers with only vague references to a pre-pirate past of fishermen who turned pirate presumably due to desperation. The idea of ‘desperados from a dysfunctional land’ has been a central trope in explaining the modern rise of Somali piracy. From Captain Philips to a number of academic and popular accounts (Bahadur 2011; Kaplan 2010; Murphy 2011), specters of failed states and crises\(^1\) of governance haunt understandings of maritime piracy. In response, like the Somali journalist quoted above, a number of scholars and commentators have sought to contextualize maritime piracy in Somalia by emphasizing illegal fishing and other marine resource exploitation in the aftermath of the collapse of the Somali state. Abdi Ismail Samatar, Mark Lindberg, and Basil Mahayni argue for pluralizing our understanding of maritime piracy by focusing on a number of different forms of piracy operating off the coast of Somalia. Illegal fishing in this narrative is a form of “resource piracy” that emerged in 1991 and led to a response from Somali fishing communities, a response they label “defensive piracy”:

The second type of piracy appeared along the Somali coast after the political disintegration of the country in 1991. Two sub-groups of pirates constitute what we would like to call ‘resource pirates’. They include companies from Asia, Europe and

---

\(^1\) Roitman and Mbembe (1995) highlight the lived experience of crisis in Cameroon and the ways in which crisis emerges as a form of apprehending and living with “immediate agonies.” In critiquing the narrative of crisis, I am attendant to the modes in which crisis functions as a way to narrate daily life in Somalia, but the argument here seeks to push back at an epistemology of crisis that forecloses the histories through which piracy as a particular regime of labor and value (discussed in Chapter 3) emerged from shifting currents of regulation and forms of property in the Western Indian Ocean.
Africa who are driven by the lure of Somalia’s unprotected rich fish resources, and others who are motivated by the search for unguarded territories where Europe’s surplus trash and toxic waste could be dumped….in the absence of any state authority that could fend off resource pirates, fishing communities along the coast have watched factory ships anchor short distances from the shore for days and ransack Somali resources. Consequently some of the former government’s coast guard decided to challenge the predators before local fishermen joined the fray. These Somalis were attempting to protect their marine resources and were not interested in looting the merchant marine. We consider these to be ‘defensive pirates. [Samatar et al. 2010: 1379]

The notion of “defensive piracy” is a useful corrective that, especially in its ability to highlight a wider space of interaction where only certain actions are labeled as piratical, also locates piracy within a narrative of crisis and state failure. A close attention to the genealogy of capture shows how piracy emerged from sediments and resonances of attempts to make property at sea, thus pushing against narratives of state failure, foreign exploitation and local response. In addition to critiquing this dominant framing, this analysis has implications, not only for how we comprehend the practices of these maritime actors in Somalia, but also for understandings of property regimes and questions of governance of global commons.

I begin this story on the Somali coast and explore the role of fish and fishing within a pastoral world. The focus then shifts to the heyday of the Somali state and the period of Scientific Socialism (1969-75). The argument tracks shifting claims to property and access and the transition from artisanal fishing to a “sea of fish” as the Somali government and other private actors sought to exploit and harness the resource rich sea. I highlight the remaking of property and the development of licensing regimes that were at the heart of fishery development in Somalia from the 1970s onwards. Rent seeking
through a form of licensing was crucial to the establishment of fisheries and constituted a central logic of statecraft in Somalia more generally. In this sense the contemporary upsurge in maritime piracy off the coast of Somalia is not a moment of rupture resulting from the absence of a centralized government but rather an extension of the rent-seeking, licensing regime, now pursued by non-state actors in the guise of “piracy.”

3.2 Pirates in a land of pastoralists

Berbera was my first introduction to the Somali coast. When contacts in Puntland, the autonomous region to the east of Somaliland and home to most pirates, proved to be less than forthcoming, I decided to begin research in the relatively safe confines of secessionist Somaliland. Armed with contacts obtained from boat captains, Somali wholesalers, and traders in Dubai and Mombasa, I arrived in the capital, Hargeisa, for six weeks of preliminary research while I awaited a visa and a security guarantee to travel to Puntland. In Hargeisa, ministers and people on the street constantly informed me that I was in the wrong place looking for pirates. “We have honest fishermen and law and order in Somaliland,” remarked Admiral Ahmed Osman during our weekly chats in the small Somaliland Coastguard Office. Visibly bored, after imparting yet another history lesson on Somaliland and the problems of underfunding the Somaliland Coastguard, Admiral Osman suggested a trip to Berbera. “You won’t find pirates—but you’ll learn about fishing and you must meet Muse the director of
SOMAFISH (Somaliland Fishing Association) who will explain everything” (Ahmed Osman, interview with the author, November 2010).

Unlike the labyrinthine limestone and coral towns that dot both sides of the Gulf of Aden—whose physical structures echo long histories of trade and mobility that connected distant places in the Red Sea and the wider Indian Ocean world—Berbera is by every measure architecturally unremarkable. Drab concrete buildings, shops and warehouses line the dusty rough road connecting the port city to Hargeisa. Nestled between parched and jagged mountains and the hazy blue of the Red Sea, the relentless and harsh sun is a constant reminder of why the Saaxil (coast) remains relatively peripheral and often inaccessible in Northern Somaliland/Somalia.

In the nineteenth century, Berbera’s annual trade fair—lasting from October through March—drew merchants and pastoralists from far and wide transforming the dusty speck on the Red Sea into a hub of activity. In his travelogue, Lieutenant C.J. Cruttenden of the British Indian Navy described arriving in Berbera at the height of the trade fair in 1848 as anchoring into a “perfect Babel, in confusion as in languages” amidst the chaos of “small crafts from the ports of Yemen; the valuably freighted Bagalas from Bahrein [Bahrain], Bussorah [Basra, Iraq], and Graen [?] and the clumsy Kotias of the fat and wealthy Banian traders from Porebunder, Mandavie, and Bombay” (C.J. Cruttenden 1849: 54). Gazing from his ship, Cruttenden noted a constant dust cloud on the horizon as rows and rows of livestock marched through the harsh Somali interior in
order to be loaded onto waiting boats ready to transport them across the Red Sea to feed the burgeoning British colony of Aden and its environs.

While few physical reminders exist of this vibrant nineteenth century trading entrepôt, the cycle of commerce continues unabated as *dhows* and the odd container ship arrive, from places as far afield as India, laden with goods from dentist chairs to rice, in this heavily import-dependent economy. In addition to this long history of trade, Berbera is also littered with remains of other, more recent, more violent histories.

The main road leading to the port is lined with shelled-out and bullet-pocked buildings and abandoned and rusted tanks—ruins of an ongoing civil war since 1989 that pitted the inhabitants of Somaliland against the dictatorial regime of Siyad Barre (1969-91). Adjacent to the port float half-sunken ships, reminders of the aerial bombing campaigns that marked the twilight years of the Barre regime, when all dissent was viciously quelled.

Legacies of the Cold War, when Somalia oscillated between the Soviet Union and the United States, also linger in the shadows of the city. The seemingly endless airport runway constructed by the Soviet Union and used by NASA as an emergency space shuttle landing site is perhaps the most visible reminder of Berbera’s then-strategic importance. But there are also smaller imprints of the Cold War moment: health clinics, fisheries cooperatives, and schools that have mostly been reduced to rubble due to the shelling or just neglect. One such building, a former Cuban health clinic at the edge of town, was recently reoccupied and renamed the Somaliland Fishing Association
(SOMAFISH). These historical sediments, these visible and invisible legacies of trade, war and geo-strategic rivalry all serve as reminders of a long history of connection between Berbera and a wider world. The simultaneous interplay of marginality and strategic importance is one that continues to shape the Saaxil’s relationship to a wider oceanic world.

After a week of back-and-forth phone calls and text messages, Muse, the director of Somafish, agreed to meet with me right after the asr (afternoon) prayer. To get to his office I had passed a veritable graveyard of fiber fishing skiffs, the preferred vessels of local fishermen as well as the pirates who roamed farther out in the Gulf of Aden. Sitting across a desk littered with papers and a somewhat odd trinity of a Somaliland flag, shark jaw with teeth intact, and a replica of an anchor, Muse recounted his personal biography, intertwined with the story of Somali fisheries—from the heydays of industrialized fishing in the Barre regime to the calamities of war and the tentative re-emergence of this industry in Somaliland, in the shadow of piracy and foreign interlopers:

I worked in the canning factory in Las Qooray until the end of Siyad Barre’s regime [1991]. During the war after the government ended most people started to return to their clan homelands. So we moved from Las Qooray and ended up here in Berbera because my father is from Somaliland. The factory in Las Qooray was completely destroyed. I remember one morning people coming in and taking everything, the machines, roofing material, anything that could be sold was taken from the factory and sold. Also, at this time people started returning to their clan homelands and I returned to Berbera in 1996, and I’ve been involved in fishery projects with the government of Somaliland since 2000. Mostly we are involved in finding ways to prevent illegal fishing and setting up ice factories along the coast. As you can see, we are not very far from Yemen and Yemeni fishermen often come to Somaliland to steal our fish. We also have foreign trawlers that are responsible for overfishing. At Somafish our main goal is to protect against illegal
fishing and establish ice factories to bring development to Somaliland and also prevent piracy. [Abdulwahab Muse, interview with the author, Berbera, December 2010]

At the end of our conversation I offered to take Muse to the seafood restaurant favored by the occasional UN official visiting Berbera as a gesture of appreciation. Muse smiled and politely declined, explaining that he found the idea of eating fish “repulsive” and had no plans on being a “afkalluun” (lit. fish mouth).

Muse’s story, his reliance upon and revulsion of fish, and the physical landscape of Berbera brings into view geographies of commerce, conflict, and community that have shaped Somalia’s history and present. From working at a fish factory to “returning” to Somaliland, Muse’s career trajectories were shaped by the fantasies of the developmentalist state and the horrors of internecine conflict. Similarly, the physical landscape of Berbera reflects a port city whose fortunes ebbed and flowed with political, social and economic shifts. Amidst all this, the simultaneous marginality and importance of the coast, the importance and revulsion towards fish emphasize an ambiguity that is central to the narrative of this chapter. While far away from the pirate ports of Puntland; Muse and Berbera highlight the movement between land and sea and the ambiguous status of fish, fisheries (and pirates) in a land of pastoralists that I argue are crucial to understand the recent rise of maritime predation in the Western Indian Ocean. In this next section, I will briefly sketch out the interplay of land and sea in Northern Somalia through an exploration of fish and camels. I am interested in the logic of bounty and capture that animates these relationships—a logic that continues to frame
the actions of maritime actors in Somalia, including pirates and other itinerant sojourners. In addition, these ideas of bounty and capture shape broader claims to the sea as a space of profit (and piracy) and attention to these claims helps rethink forms of property and the status of global commons in this contemporary moment more broadly.

3.2.1 Land and Sea: Rethinking the ‘Pastoral Democracy’

“A person who owns a camel is a man, someone who owns a goat is half a man and a fisherman is no man at all.” Hassan had a satisfied chuckle as he laid out the hierarchy of Somali masculinity, one in which as an owner of many camels, he clearly enjoyed an exalted status. Within the anthropological archive, pastoralists and their relationship to livestock occupies a central focus in writings on East Africa. Beginning with Hershkovitz’s (1926) “cattle complex” to Evans-Pritchard’s (1940) classic ethnographic account of the Nuer, anthropologists have long emphasized the “bovine mystique” of livestock. Through ethnographically nuanced accounts, this scholarship has highlighted the role of livestock as a storehouse of value in multiple registers (Hutchinson 1992); a means for forging sociopolitical ties (Kuper 1982); and a mode of linking economies of production and exchange across local/regional, and pre-colonial/colonial scales (Ferguson 1985; Comaroff & Comaroff 1990).

Somalia’s “camel complex” fits neatly within this literature on pastoralism. In their oral histories, poetry and encounters with visiting ethnographers, Somalis emphasize the centrality of livestock in shaping the rhythms of everyday life. As a
marker of prestige and status, livestock, specifically the ownership of camels, is also tied to social structure and clan. As one of the most successful livestock traders in Bosaso, with a wide networks of contacts throughout the region, Hassan Heyri knew all about me when I finally got to meet him at the customs office in Bosaso port. Like Berbera, Bosaso is a semi-bustling port on the Red Sea and the commercial hub for Puntland. Unlike Berbera, the world of maritime piracy was a visible presence and feature of life in 2011.

Officials at the newly created ministry of Counter-Piracy, Ports, and Maritime Security had immediately taken me under their wing; an affiliation I appreciated for the contacts but which I also feared would dissuade “real pirates” from speaking with me. The ministry’s location inside the Bosaso port gave me ample opportunity to slowly understand the goings and comings at the port as well as access to dockworkers, port security, merchants, boat captains and others whose work lives were transformed in the

2 The question of clan in Somalia is deeply contested within both academic and non-academic contexts. Within the anthropological archive, particularly the ouvre of the British social anthropologist I.M. Lewis (2003, 1999, 1994), Somali society has been characterized as a “pastoral democracy” organized according to the principles of segmentary lineage (Evans Pritchard, 1940) and the idiom of clan. For Lewis, patrilineal descent (tol), Somali customary law (xeer) and Islamic prescriptions were the fundamental principles of social organization in pre-colonial Somalia. While Lewis recognizes the flexibility of identity, his work emphasized this flexibility as emerging from within the system of kinship and lineage. In opposition to this seemingly unchanging and primordialist vision of Somali society, Abdi Samatar (1989,) and L. Kapteijns (2008) argue that this basis of society was transformed during colonial and post-colonial times in the context of political and economic change. For these scholars, clan (tol) was disembedded from its local and customary contexts and manipulated by power hungry elites. Most scholarship on Somalia has stressed the importance of pastoralism and clan, whether primordial or historically constructed, in shaping forms of community, political contestation and violence. Catherine Besteman (1999) challenges this centrality of clan within Somali studies. For Besteman, this characterization naturalizes the post-1991 dissolution of Somalia as inevitable while glossing over other kinds of segmentations, which are historically embedded within Somali society—especially class, race, and regional divisions—that have added fuel to sectarian violence. While sympathetic to Besteman’s critique, my purpose here is to focus on the linkage between pastoralism and the coast and the attempts to translate pastoral idioms into imaginings of property at sea; a process in which claims to clan and genealogy occur alongside other sets of claims.
wake of piracy. Port traffic, I was informed repeatedly, had transformed in the years following the upsurge in piracy. Prior to 2007, World Food Program (WFP) contracted ships, older bulk carriers and the occasional dhow would halt at the port of Bosaso. Piracy significantly transformed this sea traffic. Bulk carriers and WFP ships for the most part began to avoid Somali ports and coastal waters given the easy target they presented for pirates at sea. In their absence, dhows from South Asia, sensing new opportunities, started bringing goods, food-aid and the Land Cruisers coveted by “pirate bosses” to Somali ports. More labor intensive in loading and unloading than bulk carriers, this renewed dhow traffic created a constant buzz of labor and movement at the port, including a constant crowd around the port office. It was at this office that I met Hassan.

“So many people have been calling me and asking me to meet with you,” Hassan remarked when we were introduced by the customs officer who had watched, bemused, my daily attempts at striking up conversation with merchants and boat owners as they passed through the port. After meeting Hassan, we ended up sitting in the hold of his boat, an MSV (Motorized Sailing Vessel) class dhow built in Mandvi, India. As he explained the hierarchy of livestock ownership in Somalia, Hassan noted that unlike sheep and goats, camels were both his individual wealth and a joint stock of his lineage (summad): “My business success led me to buy the dhow that we are sitting in right now,  

3 Bulk carriers are merchant ships designed to carry goods directly in the hold of the ship. While used primarily to transport goods such as coal, grains etc. they are also used to transport goods to smaller non-containerized ports such as Bosaso.
but this money, even this boat is not just mine. My clan has a claim on it because they have a claim on my camels and the camels bear the stamp of my lineage.” I.M. Lewis has noted this shared property claim, in addition to the ecological needs of pastoralism in a harsh and unforgiving climate, as leading to social solidarity and clan cohesion. At the same time, the shared wealth in camels has historically also led to the emergence and perpetuation of raiding economies built around capture and systems of redistribution and incorporation (Samatar 1976; Lewis 1994 and *passim*). What is often occluded in this understanding of wealth and property is the linkage between land and sea, between port cities and fishing and those who live inland.

The communities that inhabit this coastline, known locally as *sab* or “occupational castes,” are seen as removed from the world of lineage and clan. While most *sab* communities exist at the physical and social periphery of Somali society and traditionally intermarry and often speak dialects of Somali distinct from the standardized *Af. Soomaali*, nonetheless, through patronage and incorporation they are deeply intertwined within both pastoral worlds and wider national and regional markets and politics. Not only is there a constant movement of people and livestock between the coast and the hinterland (with pastoralists arriving on the coast during dry season to work on fishing boats and fishermen moving inland to pastoral camps during the monsoons to tend goats and camels), but pastoral idioms of ownership and the prominence of capture/collection and re-distribution shape the world of the coast. Livestock and fish mediate relationships between pastoralists and coastal *sab*, including
ideas of property and wealth. Instead of a marginal littoral space that only looks outward towards other port cities in the Indian Ocean, I bring to the fore a “sea of fish” as a space for claiming wealth and profit in ways that reveal the deep interconnection and interplay between land and sea.

3.2.2 A Sea of Fish

In 1962, a British businessman named William Travis arrived in Mogadishu, the capital city of newly independent Somalia, with a “plan to open up the world’s first turtle cannery” (Travis 1967: 5). In his memoirs, The Voice of the Turtle, one of the few 20th century English-language accounts of the Somali coast, Travis writes in vivid detail of his travels from the Bajuni islands in the south bordering Kenya to the Red Sea coast. Along the way, Travis and his business partner Knud encounter an assortment of fishing communities, Islamic clerics, Italian businessmen, Texas oilmen, USAID officials, Soviet technical assistants and the occasional North Korean civil engineer. Woven within the story of their attempt to establish turtle canneries are reflections on coastal habits and customs and a chronicle of the brief window between independence and the military coup of Siyad Barre in Somalia.

At one point in their journey, Travis and Knud spend the night on a beach in the ancient port city of Merka and are regaled by tales of the coast from Mzee (elder) Ibrahim, a “net-maker, arbitrator and fable weaver extraordinaire.” After a particularly gruesome set of stories involving face-eating hyenas, the Mzee begins reminiscing on his
travels to the Red Sea coast, “now you people have never been further than the Guiba [Jubba] river and so you do not know what goes on outside. But in my youth I went far, by boat and by road, even as far as Alula and Berbera in the north and distant M’kullah, Socotra [in present day Yemen]. I know the abode of djinns and Ras Haafun, where the fish and the bounty of the sea is so plentiful it casts itself onto the shore” (Travis 1967: 130). At this point, Travis remarks “I thought this a great lie, till I visited the north a year later and found it to be true” (ibid.: 131).

One of the last chapters of the book is dedicated to Travis’ solo journey to the north, a place, following in the footsteps of the nineteenth century British adventurer Richard Burton, Travis calls bilad wa-Issi (the land of give-me-something). Like Burton’s account from the 1850s, Travis recalls numerous roadblocks and demands for “cigarettes,” “matches” or “news” from strangers he encountered along the road. After a weeklong journey that included several days of “treacherous zig zags down mountains with the exact shape of monstrous stone elephants,” (ibid.: 181) Travis reached the northernmost point in Somalia where the Red Sea meets the Indian Ocean to discover a “fish factory” under construction and two Russian “trawlers” lying at anchor. After being chased away by the surly Russian owner of the factory, Travis spends the remainder of the chapter detailing the habits and customs of the fishing communities (sab) of Northern Somalia and unsuccessfully searching for his true treasure: emeralds and other precious stones that he believes are hidden along this desolate coast.
Equal parts travelogue, ethnography, business proposal, and reconnaissance mission, *The Voice of the Turtle* is a fascinating account of coastal Somalia, not simply as a string of port cities connected to the wider Red Sea and the Indian Ocean; but as a space of harnessing the bounty of the sea. Alongside the more familiar figures of merchants and pastoralists, the figures that inhabit the narrative are fishermen, seamen (and these are mostly always men) and other sojourners who make their living from the sea. Here I wish to read *The Voice of the Turtle*, specifically the chapter on northern Somali “ambergris villages”, alongside my fieldwork with artisanal fishing communities in that same region as articulating a distinct vision of property, access and regulation. This vision, built on ideas of bounty, capture, and redistribution operated both at the local level, but was also connected to the hinterland and the wider Indian Ocean economy. These understandings of property and access were transformed with the advent of Scientific Socialism, a historical moment that *inter alia* converted the ocean into a space of “national” extraction.

Ambergris is one of the more unusual flotsam of the sea. Produced in the digestive tract of sperm whales in order to ease the passage of hard, sharp objects—such as squid beaks—that the whale may have ingested, ambergris was valued for its medicinal properties and as a fixative for perfumes (allowing scents to last much longer). In the Indian Ocean, under the influence of the southeast monsoon, pieces of ambergris jettisoned from the whales find their way up into the northwest corner of the ocean, in the bottleneck formed by Somalia and the peninsula of southern Arabia. In his
chapter on Northern Somalia, Travis noted that “along these parts of the Somali
cost...[there] are certain localities where the floatsam of the sea is more easily cast up
than at other places. Here the “ambergris villages” have become established, the
occupants of which earn their entire livelihood by collecting the valuable wax as it is
deposited on their doorsteps by the obliging waves” (ibid.: 183). Travis then goes on to
describe the particular systems of tenure and property that had developed within these
villages for benefiting from this floatsam of the sea.

Ambergris was seen as a “gift from the ocean” whose bounty tied these coastal
villages to wider economies in the region. In Travis’s account, Indian and Arab
merchants routinely visited these villages to purchase the substance and the resulting
cash that would allow villagers access to livestock and other products of the pastoral
economy. Echoing rules regarding the distribution of salvage from shipwrecks in the
nineteenth century, the ambergris economy was built on a mix of capture, collection and
redistribution. Few restrictions existed at sea for its appropriation, and chance and risk
were crucial to the acquisition of this bounty. Once the floatsam washed onto shore, rules
regarding property and ownership were strictly, and often violently, enforced. Each
family, according to Travis, was “allocated a section of the beach, with the sole right to
collection. Like plots of precious farmland they [were] zealously tended and handed
down from father to son” (ibid.: 183). The transformation of profits from ambergris into
livestock or payments for labor, such as hiring askaris (guards) or for the cleaning of sea
frontages, created a re-distributive network built around clan payment groups bringing
together land and sea: capture and redistribution.

With the development of synthetic substitutes, demand for ambergris decreased
as the perfume industry was able to use cheaper substances to fix scents. Additionally,
beginning in the 1970s, the possession and trade of ambergris was prohibited by
numerous countries as part of a wider ban on the hunting of sperm whales. While
ambergris continues to enjoy a niche market, mostly for its reputed properties as an
aphrodisiac, the ambergris economy, like shipwreck salvage in the nineteenth century, is
no longer a mainstay in coastal Somalia. But crucially, understandings of property
implicated within the practices and the circuits of redistribution that it engendered
continue to frame the practices of a variety of actors in this littoral space, from artisanal
fishermen to pirates.

“Fish are fugitive,” explained Ali, a fisherman from the pirate port of Eyl with a
fabled reputation for catching shark. “You and I can go into the ocean right now in the
same area and I can guarantee we will come back with very different catch, actually I
will come back with fish and you will come back with salt-water on your face” (Ali,
interview with author April 2011). The notion of “fugitive property” has a long history
within the annals of property law, primarily concerning the status of foxes, whales, and
in the early twentieth century, oil and sub-surface natural resources. In a now classic
case Hammonds v. Central Kentucky Natural Gas Co., the Court of Appeals in Kentucky
turned to the rule of capture from common law doctrine in England in order to decide
the ownership over natural gas extracted from the ground. In 1930, the Central
Kentucky Natural Gas Company leased tracts of land above deposits of natural gas, but
the geological dome of natural gas lay partly under the land they were leasing and
partly under someone else’s land. When the company began extracting the gas,
Hammonds, one of the other landowners, sued, claiming that some of the gas they were
extracting came from under her land. Through analogy to classic common law doctrine
on hunting, specifically fox hunting cases from the nineteenth century, the court held:

In seeking for an analogous condition in the law, the courts, since the early Pennsylvania
case, have compared natural gas and oil to that of animals ferae naturae. The analogy, as
we have seen, formed the basis of the all but universal doctrine of property in these
wandering minerals. So we may look to that analogous law. From the beginning, wild
animals have been regarded as quasi property of the entire human race. It is the
recognition of land titles rather than of any individual property in the game that prevents
its pursuit, and, barring all questions of trespass, exclusive property in birds and wild
animals becomes vested in the person capturing or reducing them to possession. But
unless killed, this is a qualified property, for when restored to their natural wild and free
state, the dominion and individual proprietorship of any person over them is at an end
and they resume their status as common property. Similar for fish, foxes, and water. We
are of opinion, therefore, that if in fact the gas turned loose in the earth wandered into
the plaintiff’s land, the defendant is not liable to her for the value of the use of her
property, for the company ceased to be the exclusive owner of the whole of the gas—it
again became mineral ferae naturae. [Hammonds v. Central Kentucky Natural Gas Co.: 1314]

By analogizing the status of natural gas to that of wild animals (ferae naturae), the court
upheld a principle of “first possession” or the rule-of-capture in making property claims
for fugitive property. This understanding resonates strongly with claims of tenure over
fish in Somalia and across fishing communities in the Western Indian Ocean, where the
sea is the “gift of god” and cannot be owned or enclosed. In opposition, camels, wells,
fish and boats can be owned, stolen or captured, and the boundaries of this ownership
are often violently policed. This highlights the centrality of mobility in shaping claims to resources including fish in this littoral space.

Thinking seriously about capture entails the recognition of this practice as embedded within a social world of obligation and reciprocity. In his classic text *Stone Age Economics*, Marshall Sahlins proposes a typology to understand gifts, capture and other forms of credit/debit relationships. For Sahlins, theft and capture is essentially an attempt to break the credit/debt relationship by seizing the credit and disavowing the debt. In opposition to this neat typology, the capture of fish is always already located within pre-existing ideas about reciprocity and return. “Fish are the bounty of the sea,” Ali explained. “This means that I share with others, but also that my prize gives me the right to demand and expect things and respect from others” (Ali, interview with the author, April 2011). Capture, then, is akin to Karl Polanyi’s “embedded economy” and entails a politics of recognition. Capture challenges the idea of common resource management and provides a way of thinking about the sea that brings together international property law with local responsibilities that include redistribution.

### 3.2.3 Rethinking Regulation

By highlighting a logic of property whose resonances are felt in this contemporary moment, the story of a sea of fish highlighted above allows us to reimagine a different relationship between overexploitation and shared resource management: a relationship central to the ways in which global commons such as the
oceans are imagined into view.\(^4\) In his now classic treatise on fisheries off the coast of California, Arthur McEvoy outlines the fisherman’s problem as the failure of the fishing industry to “respect the biological limits of its resource’s productivity” and argues:

Fishing industries, do not generally manage their affairs in a rational way. This is primarily because fishery stocks are common property resources; that is, although many different individuals or firms may compete with each other for fish, no one of them owns the resource so as to keep others away from it. As a result, everyone has an incentive to keep fishing so long as there is money to be made in the effort, whereas no one has an individual incentive to refrain from fishing so as to conserve the stock. [McEvoy 1990: 9-10]

As McEvoy notes, one of the first scholars to stress the importance of institutional and legal arrangements in managing fishery resources was the economist H. Scott Gordon. In a 1954 article, Gordon criticized the sustainable yield theory of fishery management. For Gordon, the fisherman’s problem was the direct result of the industry’s legal and economic organization as opposed to a problem of biology or population dynamics. Gordon’s solution sought to transform fisheries from a common property resource to a limited entry regime, making fisheries into “private property or public (government) property, in either case subject to a unified directing power able to exclude outsiders and adjust harvesting efforts to maximum advantage” (Gordon 1954: 125).

\(^4\) This focus on imaginaries draws from Carol M. Rose’s (1994) scholarship on property, narrative and vision. In *Property and Persuasion*, Rose highlights the centrality of “storytelling” in naturalizing concepts of property. While Rose’s emphasis is on the power of stories about private property and propriety, this idea is equally relevant to the manner in which imagining the commons as always constituted by scarcity and the idea of inevitable overexploitation continues to frame discussions on the commons. See also, Hugh Raffles (2010), for a different imagining of air outside of the notion of the commons from the vantage point of insects.
In 1968, the biologist Garrett Hardin published “The Tragedy of the Commons,” expanding and canonizing Gordon’s argument about private property and common resource management. For Hardin, the tragedy of the commons, namely ecological degradation, is located in free and unregulated access to scarce resources. Hardin argued that freedom becomes tragic because individuals would rather maximize their own use of a shared resource than protect it from overuse. The solution to this tragedy implicit within Hardin’s thesis was privatization because individuals can be expected to protect only their own property. While admitting that this solution might be draconian and, at times, unjust, Hardin defended his findings by noting that the alternative was “too horrifying to contemplate.” “Injustice”, he wrote, “is preferable to total ruin.” As Ian Mingus has noted, “since appearing in Science in December 1968, ‘The Tragedy of the Commons’ has been anthologized in at least 111 books, making it one of the most-reprinted articles ever to appear in any scientific journal” (Mingus 2008). Alongside this popularity, Hardin’s thesis has also been subjected to many critiques and revisions.

In their analysis of Hardin’s work and influence, McCay and Acheson highlight the individualistic bias central to Hardin’s approach. The tragedy of the commons, they argue, fails to distinguish between the commons as a theoretical condition in which there are no relevant institutions (open access), and common property as a social institution” (McCay & Acheson 1987: 12). They argue that Hardin’s mistake is to conflate these two, thus ignoring the presence of regulatory institutions that manage the use of collectively shared resources. McCay and Acheson also point to the absence of any
understanding of “community” in Hardin’s analysis: “Hardin assumed only a collection of individuals using a common resource. He did not recognize the existence of communities that dealt with conflicts and ecological problems associated with the commons by creating and enforcing rules about their use.” In addition to McCay and Acheson, a rich interdisciplinary literature has developed in recent years highlighting multiple systems of governance, including polycentric forms of governance that complicate and indeed challenge Hardin’s original tragedy of the commons.

In contrast to this framing of the problem of the commons, between overexploitation and a communitarian management of resources (i.e. an enclosure within limits), fishing in Somalia highlights a different relationship beyond the story of over-exploitation and shared resource management. The notion of the sea as a distinct property regime and the question of scarcity are central to both Hardin and the critiques of the “tragedy of the commons” thesis. Where Hardin sees utility maximization, others point to shared resource management. The Somali case highlights a different relationship. The sea is not a commons being over-exploited or managed communally, but rather a distinction is made at the shoreline, creating two seemingly distinct but interrelated regimes of property. At sea, capture creates property. But this property, like Hassan’s camels and boats, is embedded within claims that can be made by others on land. Capture thus works alongside re-distribution and connects the coastal world to the pastoral hinterland through a shared idiom of property and ownership, but also through the material transformation of fish into goats and camels. “Provincializing” the
commons as a particular mode of understanding property is not simply about de-centering the hegemony of neo-classical economics and its modes of imagining property, but highlighting the importance of scale and the recognition that things that appear like the commons are in fact often embedded in a variety of property regimes. Looking at embeddedness makes it possible to ask what is at stake in the framing of each particular question about property and access through a specific property regime, and the transformation of these understandings over time. The next section turns specifically to this transformation and highlights how property was transformed and reshaped within the context of Scientific Socialism, though, like Berbera’s physical landscape, debris of the older system continued to shape attempts at regulating the sea and harnessing the bounty of the “sea of fish” even during the heyday of the Somali state.

3.3 Scientific Socialism and the Remaking of Property

On October 15, 1969, seven months after his election as President of the Somali Republic, ‘Abd ar-Rashid ‘Ali Shirmarke was assassinated by a disgruntled soldier during a presidential visit to the drought stricken region of Las Anod in northern Somalia. While the Somali parliament debated the election of a successor in the days following the assassination—a debate that revealed the “deep sores in the Somali body

---

5 The debates between the Dutch jurist Hugo Grotius and the Scotsman John Selden regarding the status of the sea as *Mare Liberum* (open sea) or *Mare Clausum* (closed sea) can be seen as illuminating precisely this ambiguous and politically constituted nature of the commons. Instead of simply critiquing Hardin’s thesis for misreading actually existing modes of commons management, I highlight the political project inherent in creating distinctions between land and sea, private and public regimes of property. From a slightly different theoretical orientation Stephen Helmreich (2008) makes a similar claim about imagining the ocean from the perspective of microbial worlds explored by marine biologists.
politic” (Laitin & Samatar 1999: 43) divided along clan and regional lines—a group of army officers staged a coup. In the early hours of October 21, the army occupied key points throughout the capital, members of the government and other leading politicians and personalities were placed in detention. The Constitution was suspended, the Supreme Court abolished, the National Assembly closed, political parties declared illegal, and rule by Supreme Revolutionary Council (SRC) established. The membership of the SRC was announced on November 1, 1969 and the new President, as widely anticipated, was General Muhammad Siyad Barre. According to David Laitin and Said Samatar, the early days of the SRC were focused on the corruption of the old regime:

Drawing on an onomatopoeic expression from the poetry of the Sayyid, the SRC accused the politicians of *musuq maasuq*-of going in different directions at the same time. Politicians were also accused of *afmisahaarism*-literally, acting like “saw mouths”-because they put praise singers on the government payroll. Government cars were being used as private taxis; government medicine was on sale in local pharmacies. The new government helped mobilize people’s support through its campaign of *hisaabi hil male*, an “accounting without shame.” The use of these colloquial political expressions lent a populist aura to the military junta’s image. [ibid.: 53]

Additionally, to bolster this populist sentiment, the SRC engaged in a discourse of anti-Americanism that resonated with a large segment of the Somali population who saw the United States as anti-Muslim and against the unification of “Somalia’s dismembered nation.” This anti-Americanism was also fueled by closer alignment to the Soviet Union, and within a year U.S. Peace Corps volunteers, along with other remnants of American foreign interest, were ordered to leave Mogadishu to be replaced by Soviet technical assistance and expertise. This realignment towards the Soviet Union was completed when on the first anniversary of the coup (that had now been reframed as a
revolution) Siyad Barre proclaimed on Radio Mogadishu that Somalia would henceforth be dedicated to “hanti-wadaagga ‘ilmu ku disan” (Scientific Socialism).

Somalia’s Cold War shift towards the Soviet Union occurred within a broader chessboard-like trading of loyalties across the Horn of Africa and the Middle East in the period immediately following decolonization. From Libya to Somalia, newly independent countries moved back and forth between the Soviet Bloc and the United States. These movements had significant political repercussions within the region and for the broader balance of power in the Cold War era, allowing local elites to consolidate and centralize their political power through arms transfers and economic subsidies funded by their patrons. Additionally, this era also led to the emergence of curious economic experiments like Scientific Socialism in Somalia and Bedouin Socialism in south Yemen. Within popular memory and the scholarly archive on Somalia, Scientific Socialism is largely remembered for the ways in which the promise of the Revolution unraveled and as a precursor to the process of dissolution of the Somali state. My focus in revisiting the era of Scientific Socialism is slightly different. Specifically, I am interested in the rescaling of the economy and the remaking of property during this period and the ensuing transformation of the relationship between fish, property, and profit, even as continuities with, and echoes of, the past made their place within the socialist moment. This transformation continues to shape encounters between Somalis and others within the watery expanses of the Indian Ocean.
Following the proclamation of Scientific Socialism, Barre’s regime sought to quell criticism regarding the un-Islamic nature of Scientific Socialism. In a speech marking the end of the Muslim holy month of Ramadan Barre declaimed:

Our Islamic faith teaches us that its inherent values are perennial and continually evolving as people progress. These basic tenets of our religion cannot be interpreted in a static sense, but rather as a dynamic source of inspiration for continuous advancement...to help our brethren and our fellows, we must go beyond the concept of charity, and reach the higher and more altruistic concept of cooperation on a national scale. If we decide to regulate our national wealth it is not against the essence of Islam. [Barre 1974: 24]

Reach the higher and more altruistic concept of cooperation on a national scale. In her study of the development of an Indian national political economy, the historian Manu Goswami argues that “in their attempt to envision a nationalist political economy... Indian nationalists [in the 1940s] assembled a strongly autarkic vision of the nation as the natural scale of capital accumulation” (Goswami 2004: 240). As Goswami and others have highlighted in the Indian case, nationalists criticized a drain of wealth by colonial economic practices while sharing a broader epistemology with their colonial adversaries that emphasized the universalistic promise of development. The task at hand, as understood by Indian nationalists on the eve of independence, was not to dismantle developmentalism altogether but to scale it to the nation. Economic practices, however localized, regional, or transoceanic, were to be given new meaning as part of national reconstruction. The developmentalist project of Siyad Barre’s Scientific Socialism
involved a similar re-scaling of a set of divergent local, regional, and trans-regional economic practices into the national frame and as part of a project of Somali nation building.

Somalia’s economy at the time of independence consisted of a thriving livestock trade centered primarily in northern Somalia and a small but profitable plantation economy in the inter-riverine areas of southern Somalia. While trade in the north was controlled by the Berbera trading community and consisted mainly of Indians, Arabs and Somali middlemen, the southern economy was dominated by Italian companies (the Filonardi and the Benadir companies) who established a monopoly over property, export, customs and tariff regulations. From 1970 onwards, Scientific Socialism sought to rescale this trans-regional economy, an economy that had been underdeveloped by both Italian and British colonial authorities, into the frame of the nation through a process of property nationalization.

Bolstered by Soviet assistance and technical advisors, Barre’s regime initially nationalized a number of institutions such as banks, petroleum distribution firms, and schools. Imports and exports were also controlled by government agencies with the exception of livestock on the hoof. Bananas, the principle cash crop, were marketed and exported solely through government agencies. All grain grown privately was bought by

---

6 Neil Brenner’s rethinking of scale-making as inherent to the “continual deterritorialization and reterritorialization that has underpinned the production of capitalist spatiality since the industrial revolution of the early nineteenth century” (Brenner 1999: 42), is a useful frame for thinking through the transformations that occurred in the Scientific Socialism moment. At the same time, as Section 2 highlights, scale-making needs to be historicized beyond the nineteenth century.
the government controlled Agricultural Development Corporation and sold at controlled prices. At the same time, government officials reassured pastoralists that livestock would not be nationalized and continued to allow the private ownership of banana plantations, thus ensuring that the two major export sectors remained firmly in private hands.

Nationalization, then, was not simply a straightforward transformation of “private” property into “public” property, and brings into view what Katherine Verdery argued in the context of Socialist and post-Socialist Romania: “property is a process of making and unmaking certain kinds of relationships; and… its end point is not known” (Verdery 2003: 14). Verdery’s observations on property regimes in socialism are key to understanding property transformations in Socialist Somalia.

The Definition of property under socialism in Romania, as Verdery notes, was distinct from definitions of property in Western economic and legal systems which are based on distinctions between real and personal property, tangible and intangible property, and state commons and private property: “Socialist property categories by contrast emphasized a different set of property types based on the identity of the owners and the social relationships among them” (ibid.: 49). In Romania these category types included the state, socialist cooperatives and individuals or households and the role of socialist transformation entailed the distribution of property according to these three ownership patterns. In addition, and crucially for Verdery, what defined property and a
theory of socialist property was not the status of ownership but rather “patterns of use, administrative rights and social networks of exchange and reciprocity” (ibid.: 70).

Socialist Somalia similarly entailed the existence of a dichotomous economy with a strong and public form of nationalization and state level re-scaling of the economy while simultaneously leaving key sectors of the economy, i.e. livestock export and ownership of banana plantations, in private hands. This private economy, organized according to the lineage and clan logics, ostensibly smuggled back “clanism” while the state sought to eradicate clan and lineage as basis for political authority and legitimacy.

As Hassan, a businessman based in Mogadishu during the Barre years, explained:

Siyad Barre used to make speeches about evils of clan all the time. He made clanism a crime and the government even policed how we addressed each other. Before Barre, a polite form of addressing a stranger was to say “cousin” (ina’adeer). Since this is a clan terminology we were banned from using it and instead told to say “friend” (jaalle). But nationalization was completely done in a clan logic with everything divided between MOD [MOD was the acronym used to surreptitiously refer to the three clans that were beneficiaries of the Barre regime: The Marrehaan (Barre’s patrilineage), the Ogadeen (his mother’s clan) and the Dulbahante (his son in law’s lineage)]. [Hassan Abdi, interview with the author, Mombasa, Kenya, October 2010]

Thus, Scientific Socialism sought to remake and rescale property relations in Somalia. The attempted transformation of a trans-regional pre-colonial and colonial economy into one scaled to the space of the nation-state entailed the redistribution and capture of forms of property and transfers in ownership. While the primary export economy remained in private hands, the state, which quickly transformed itself into an extension of Barre’s lineage, captured rents from this private economy, creating a clan based patronage system while simultaneously disavowing the possibility of claim-
making or access to property and resources through the language of lineage and clan.

This property system had a significant impact in shaping the development of fisheries and transforming claims to the ocean from the capture/re-distribution system to a regime built on state appropriation and licensing.

In addition, a cornerstone of Barre’s economic policy was the creation of cooperatives across the country, primarily as a way to settle the nomadic pastoralist population. In 1974 the government decreed a Law on Cooperative Development that allocated exclusive grazing land for nomadic groups that were settled in one of the 14 cooperatives set up throughout the country. The cooperative system sought to create an intermediary structure, likewise invisibly governed in an idiom of clan, between the state and the private economy. It functioned simultaneously to “modernize the economy” by settling pastoralist groups and transforming extant property systems through practices of licensing and enclosure.

3.4 A Sea of Profit: Rescaling Capture

In 1972, the government decreed in Law No. 37 on the Territorial Sea and Ports that the Somali territorial sea extended to 200 nautical miles as opposed to the traditional designation of 12 nautical miles. This move was followed by the launch, primarily through Soviet assistance, of a deep sea trawling fleet and the construction of fish factories and processing plants along the coast. Additionally, Siyad Barre also
sought to transform common perceptions of fish and fisheries through radio messages and other forms of public outreach:

We used to listen to Radio Mogadishu back then [in the 1970s]. One afternoon, the presenter started talking about eating fish and selling fish as important to the project of *hanti-wadaagga cilmi ku dhisan* (Scientific Socialism). This was surprising to us at first because most Somalis don’t like to eat fish. The Ogaden, my mother’s family, have a saying, “don’t trust a man whose mouth smells of fish.” Siyad Barre tried to change all that. When he was president we used to hear a jingle on the radio saying “let us fish and make a profit.” There was lots of opportunity in fishing for many people including my family. I came to Laas Qoray and got work in the tuna factory. My brothers got a fiber boat and fishing nets and went to sea to become guards for the Italian boats that used to come to Somalia to buy fish and lobster. [Joole, interview with the author, Bosaso, March 2011]

As Laitin and Samatar (1984) have noted, the drought of 1974 created a new impetus for the establishment of cooperatives, including fishing cooperatives in northeast Somalia. In particular, a major counter-drought relief measure was the development of Soviet-aided re-settlement programs, including coastal fishing cooperatives. By 1975, new settlements along the coast were built for the resettled nomads at ‘Eel Haamed, Eyl, Adale, and Barawa. These settlements attempted with Soviet and later Australian and Italian capital and advisors to transform nomads into fishermen and create a vibrant fishing sector. In 1970, fisheries only accounted for less than one percent of the country’s GDP. The Food and Agricultural Organization of the United Nations (FAO) noted in their 2005 report on fisheries in Somalia that:

with the introduction of 500 mechanized boats in the early 1970s, the annual catch increased from about 5,000 tonnes to a peak of 8,000 tonnes in 1975. However, due to the lack of maintenance and spare parts for the new boats that had been distributed to the fishermen, about two-thirds were out of operation after only two years, and, as a direct consequence, by the late 1970s annual fish production was back to 5,000 tonnes. [FAO: 2005]
This short-lived development enterprise nonetheless created a pattern of licensing and concessions. The Somali government and local elders along the coast benefited from the establishment of fisheries primarily through practices of rent-seeking and other forms of licensing that transformed and built upon prevailing understandings of fishing and bounty.

By 1986 the virtual monopoly of Australian and Italian trawlers was disrupted with the entrance of Norwegian and Japanese trawlers. Responding to the establishment of regional fishery management systems in the Northern Atlantic and the Pacific and a growing global appetite for seafood, these trawlers sought to circumvent the Seldenian oceanic enclosure envisioned in United Nations Convention on the Law Of the Seas (UNCLOS) and moved into the Western Indian Ocean. Before turning to the Somali coast and the transformation of licensing regimes into piracy, the analytic lens of the chapter shifts scale briefly and highlights the impact of wider oceanic shifts in oceanic management specifically the emergence of exclusive economic zones as a consequence of the ratification of UNCLOS.

7 While Ferguson (2005) and Mbembe (2000; 2008) locate licensing, i.e. the transformation of sovereignty in sub-Saharan Africa into a rubber stamp for resource extraction, as a central feature of the neo-liberal post-Cold War state, the Somali experience highlights the centrality of licensing during the heyday of the socialist moment with wider consequences for thinking about state and sovereignty in Cold War Africa.
3.4.1 The Law of the Sea, or the Long History of Grotius v. Selden

In January 1983, a fisherman set himself on fire in Kagoshima Prefecture, on the island of Kyushu, in Southern Japan. Prior to his self-immolation, in a letter addressed to his colleagues and the Japanese government, this fisherman declared that the recently agreed upon United Nations Convention on the Law of the Seas (UNCLOS) had destroyed his livelihood. In particular, he blamed the advent of the nihyaku kairi jidai (200 mile exclusive economic zone) as sounding the death knell for the tuna industry and explained the reasons for his actions as follows: “Given that tuna is a migratory species that does not respect borders and is often caught close to shore, I have decided [due to the creation of the exclusive economic zone] that my work has no future and I am giving up.”

This incident and several other less fatal protests against the advent of the nihyaku kairi jidai are found in the archives of the Kagoshima Prefecture Tuna and Skipjack Fisheries Cooperative. Alongside the oil shock of the 1970s, the creation of exclusive economic zones emerges in this record as the biggest threat to the Japanese deep water fishing fleets. Yet, curiously in 1995 in a speech commemorating the agreement for trawling licenses between the Government of Japan and Kenya, the president of the Kagoshima Prefecture hailed ten straight years of profit and pointed to

---

8 I’m indebted to Mr. Koshi Kondo for allowing me access to the Kagoshima Prefecture Tuna and Skipjack Fisheries Cooperative Archives and for translating material relevant to Japanese fisheries and their expansion into the western Indian Ocean.
the exclusive economic zones as key to the growth of the Japanese tuna industry in the Western Indian Ocean. What explains these radically different narratives about the exclusive economic zones? How did the Japanese tuna industry, as well as the global fishing fleets of countries such as Norway, South Korea and Spain, not only create a viable, but indeed profitable, enterprise in the years following the ratification of the UNCLOS and its attempted enclosure of the ocean?

I argue that while the creation of the exclusive economic zone represented an initial victory for coastal states by “putting regions of the high seas adjacent to territorial waters entirely within the management purview of the coastal state” (Steinberg 2001:148), the significant obligations on the coastal state to manage those resources as well as the centrality of the flag state in governing the conduct of vessels allowed deep sea fishing fleets an entry back into this system and indeed created significant opportunities for illegal and unregulated fishing. Specifically, the principle that coastal states are obligated to promote “optimum utilization” of marine resources by giving third States access to the excess “allowable catch” (Article 62 UNCLOS) allowed long distance trawling companies a legal entry back into a newly constructed national oceanic enclosure. These encounters, in addition to transforming property relations, laid the groundwork for systems of protection in the Western Indian Ocean.

From the vantage point of the Western Indian Ocean, the late 1980s and early 1990s saw a diaspora of long distance fishing vessels enter the region as coastal states from India to Kenya liberalized their exclusive economic zones. Off the coast of Somalia,
these vessels confronted, and sometimes cooperated with, existing licensing and concessionary systems that had developed in the aftermath of the establishment of fisheries during the period of Scientific Socialism. Additionally, as regional management systems created spaces of enclosure elsewhere in the global seas, fishing fleets aggressively moved into regions where coastal states had significant marine resources but limited policing capabilities. The Western Indian Ocean was one such space of regulatory displacement. Based on extensive oral histories along the coast of Somalia and Kenya, as well as interviews with trawler captains, the following narratives exemplify the consequences of these shifting regulatory currents and displacements.

A former trawler captain turned restaurant owner in the coastal city of Mombasa, “CH,” a South Korean national, arrived in Kenya in 1986 to set up a fishing company. Recounting the days of his arrival, he said:

Kenya has no mechanized fishing or deep-sea capability, but plentiful fish just off the coast and in the exclusive economic zone. After they signed the law of the seas treaty, [President] Moi was handing out fishing licenses. I can tell you in those years almost anyone could get licenses, provided you paid for them. I paid dearly for my license and got my two boats flagged in Kenya and we began our operations. [“CH”, interview with the author, Mombasa, Kenya, October 2010]

He then went on to describe the expansion of his fleet as well as the daily challenges of operating in Kenya, including his struggles to learn Swahili. Towards the end of our conversation, “CH” acknowledged that since 1990 his boats had stopped fishing and described the economic logic of his decision: “Repairing nets and keeping the equipment in good order can be very expensive, especially here in Africa. From 1990
we’ve essentially been involved in transshipment. Our boats go north up to Somalia and then we meet with Somali fishermen and then transfer the catch from their boats to ours.” When I asked “CH” if he considered his business to be illegal, his response echoed the frustrations of the Japanese boat captains quoted earlier, and he blamed the demarcation of the exclusive economic zone for “forcing” him to engage in these water-to-water transshipments. “Look, fish don’t respect these boundaries [exclusive economic zone], so why should the fishermen?”

The artificiality of the UNCLOS created exclusive economic zones was echoed in numerous interviews with trawler operators. From water to water transshipments to fake licenses, vessels operating in the region found ways to navigate these oceanic enclosures in ways that brought them into conflict and sometimes led to cooperation with local fishing communities. The relationships between foreign trawlers and fishermen in northern Kenya provide a fascinating contrast to those in northeastern Somalia and complicate our understanding of these oceanic encounters.

In the aftermath of the liberalization of the Kenyan exclusive economic zone, numerous fishing trawlers appeared along the Kenyan coast, particularly in the northern archipelago of Lamu. An artisanal fishing community and formerly an important node in the wider Indian Ocean trade world, Lamu’s economy, in the aftermath of Kenyan independence, was forced to re-orient itself towards the Kenyan mainland and tourism. In the 1980s under pressure from international environmental groups, the Kenyan government banned the export of mangroves, ending overnight a trans-regional
economy that connected Lamu to the Arabian Peninsula and transformed traders and
merchants into tourist boat captains and fishermen. In 1996, frustrated by the ever-
encroaching presence of foreign trawlers, fishermen in Lamu banded together and
created a community policing initiative. Mzee Hasan recounted the workings of this
group:

We initially started patrolling to make sure none of the trawlers entered the channel. If
we saw vessels fishing close to land, we would gather a group of small dhows or skiffs
and try and force the boat to go elsewhere. One day, we arrested a boat that was cutting
our nets and towed it back to Lamu town so we could hand over the captain and his crew
to the Kenyan navy. The navy arrested the captain, but within a few days the boat was
freed. We heard rumors that someone paid off the government officials. After this
incident, the local council put pressure on us to stop patrolling and eventually we ended
this policing initiative. [Mzee Hasan Lamu, interview with the author, Kenya September
2010]

In contrast to this ill-fated attempt at community policing, the interaction
between foreign trawlers and local communities proved to be somewhat mutually
beneficial in northeastern Somalia. The village of Benderbeyla on the northeastern tip of
Somalia has been at the center of the recent upsurge in maritime piracy. A fishing village
that was also the site of a major fishing cooperative in the 1970s, Benderbeyla is the
perfect vantage point from which to understand the complex relationship between
fishing, licensing and piracy. Mohamed Hershi, a clan elder explained the licensing
system that his village developed with the state backed SOMFISH in the early 1980s.

When SOMFISH wanted to fish near our village, they agreed to pay us $1000 a month so
that we stayed out of their way. They also hired a number of men from here to give
protection to the trawlers and make sure no other vessels came into the area. Most of the
time we were just keeping the area free from fishermen from Bossaso or other places
around the coast. [Mohamed Hershi Benderbeyla, interview with the author, March 2011]
Villagers recalled that the trawlers began to arrive from other countries in 1986. While most of these vessels stayed away from the coast or were chased away by the local protection group, many interviewees pointed to Norwegian trawlers attempting to make similar protection deals with the local community. A number of these trawlers had obtained licenses from the regime in Mogadishu and hired groups such as the local protection group in Benderbeyla to keep other fishing boats out of the water. This is not to suggest that this was a harmonious system or one geared towards sustainability or benefit for Somali fishermen. Numerous interviewees recalled violent confrontations between local protection groups and foreign fishing vessels, especially those that attempted to fish in the area without official or unofficial “licenses.” In addition, foreign trawlers, especially those using bottom trawling techniques, greatly harmed local fishing grounds and impacted the artisanal fishing communities along the coast. Following the collapse of the Somali state, in the aftermath of the emergence of Puntland as a sub-regional entity, this system continued, scaled up, and transformed into piracy.

3.4.2 Becoming Puntland: From Licensing to Piracy

Established in 1998, through a process of intra-Harti cohesion and concession, the semi-autonomous region of Puntland was part of a “building blocks” approach to reconstituting the Somali state. As the International Crisis Group (2009) notes, this approach was built on the argument that any attempts to recreate a unitary centralized Somali state were bound to fail. Instead, each of the four major Somali clans should
build a “block” within a loose federal or con-federal structure. It was thought this “decentralised route to unity” was better suited to Somalia. In addition, the developments occurring within its neighbor Somaliland were seen as a model to emulate as well as disavow, especially the former’s call for secession and international recognition. The charter of Puntland recognized the in-between status of Puntland as a placeholder for a yet-to-come future Federal Somali Republic.

Beginning in 2000, the government of Puntland, especially under the administrations of Abdullahi Yusuf Ahmed and Adde Muuse, also turned to fisheries as an additional source of revenue. In addition to developing small-scale fish and lobster processing plants, the government and the private sector attempted to exert Puntland’s sovereignty over the ocean. Roland Marchal’s (1996) study of the post-civil war private sector has highlighted the continued operation of Somalia’s small fishing fleet in the aftermath of the civil war. This privatized fishing fleet alongside the foreign trawlers complicated the Puntland government’s attempts to collect revenues and develop a primarily export-oriented fishery sector. In order to exert its sovereignty over the sea, the Puntland government, beginning in 2000, contracted private security companies to regulate the ocean.

The arrival of private security helped with mixed results to deal with illegal fishing, but it also impacted the informal licensing systems that existed in coastal communities throughout Puntland. While a few coastguard initiatives attempted to create an inclusive and salaried employee pool, most attempts at coastal regulation were
tied to patronage networks and often led to violent confrontations at sea. In Benerbeyla, Mohamed Hersh noted that starting out from 2001, official coastguards attempted to shut down their informal licensing system leading at times to armed confrontations between competing coastguards over the “right to tax and issue licenses.”

When the Puntland government started issuing fishing licenses, the Thai trawlers that used to pay us to fish in our area stopped paying and said they would deal with the Hart people [Puntland Coastguard which was trained by a British private security firm Hart Security Maritime Services Limited] instead. Since this was our right to issue licenses we fought the Hart boats if they came close to our area. This was a time when even a fisherman had to take a gun when he went out to sea because everyone was trying to become a coastguard. [Mohamed Hersh Benderbeyla, interview with the author, March 2011]

The rise and fall of various coastguard initiatives was deeply tied to contestations over political power on land and they underscore the close relationship between profits from a “sea of fish” and political authority in Puntland. The short-lived coastguard initiatives also had a major consequence that is linked directly to the upsurge in maritime piracy. As official coastguards fell in and out of favor depending on their connections with the ruling elite in Garoowe, these multiple and scattered attempts at regulation left behind a well-trained, unemployed labor force along the coast that took to the seas in order to extract revenues from fishing vessels, dhows and cargo ships.

Hashi, a former employee of Somcan, exemplifies the experience of a number of Somali coast guards from the early 2000s who were left without a salary when the

---

Somcan was one of the numerous private maritime security companies that were involved with the Puntland government in providing licensing to foreign fishing vessels and “anti-piracy activities.” Unlike its predecessor Hart Security, Somcan was a locally run company although registered in the UAE. The Taar family who had close personal relationships with the former president, Abdullahi Yussuf, ran the company.
shifting political alliances found one such coast guard Somcan and its director Abdiweli Taar out of political favor:

Many of us had been trained in GPS and also to do boarding of ships. When the Taar brothers lost their contract, I decided to join another group and we became our own private security. At some point we decided to move from capturing fishing vessels to capturing even bigger fish and we moved to capturing oil tankers and other vessels. At this point, this is our work. Why would anyone go back to catching tuna when you can catch an oil tanker? [Hashi Eyl, interview with the author, March 2011]

Hashi’s transformation from coastguard to pirate; from capturing fishing vessels to even bigger fish, like the 2009 hijacking of the *Sirius Star*—a Saudi flagged oil tanker and the largest ship ever to be hijacked—highlights the scalar transformations of idioms of capture and bounty that this chapter has sought to narrate. Far from a story of failed states or disgruntled fishermen, acts of maritime predation are extensions and breakdowns of contestations over property, access and wealth in this oceanic space. Focusing on the historical and scalar transformations of property regimes not only provides an alternative narrative for understanding the emergence of piracy in its current guise, but also a story of the development of a “sea of fish”: a space for harnessing the bounty of the ocean. Capture, bounty and redistribution also entail forms

It was this personal connection that has been seen by many as resulting in rapid deterioration in relations between the company and the administration, following the election of Mohamud Muse Hersi. See Kinsey, Paul, Hansen & Franklin, “The impact of private security companies” (2009). Kinsey et al. focus exclusively on political connections or lack thereof as determinants of efficacy. My focus on private companies concerns specific claims to the ocean and rent-seeking. The coastguard projects of Puntland in my account are tied to a longer history of protection as highlighted in this chapter. Protection, in this sense, then, is a source of resource extraction and also a modality of governance as opposed to reflecting corruption or nepotism. These ideas are developed in the next chapter, which theorizes the work of protection within moral economies of labor in this region.

141
of violence. This question of violence has so far been only gestured at throughout this chapter. In the conclusion, I turn to thinking about capture, specifically in the register of violence and the broader global debts and credits within which Somalia’s relationship to the world is embedded.

3.5 Conclusion: ‘The Resonance of Capture’

In 2010, spurred by the sudden popularity of all things camel in the Arabian Gulf and Kenya, from camel milk chocolate to camel burgers, the price of camels reached an all-time high in the livestock markets of northern Somalia. At the same time a story started circulating in the port-cities and the “pirate towns” of northern Somalia; a tale about raiding and capture. Sheikh Yusef narrated this story to me one night as we were walking back from an evening session spent drinking tea and watching the Manchester derby:

On nights like this we must be very careful, especially if we are near a geelher (camel camp). My cousin’s son Osman disappeared from a camp about a week ago. He was guarding his camels when all of a sudden he heard a loud noise in the sky. It was a helicopter that had come from the navy ships out in the ocean. All of a sudden some marines jumped from the helicopter and quickly tied camels with ropes. Then they climbed back into the helicopter and Osman could only watch as helicopters came one after another and stole four camels. When the fifth helicopter came, Osman tried to fight the marines and I think that’s when they captured him as well. This is why the navies are here. Pirates are an excuse... they are here to steal our wealth. [Sheikh Yusuf Bosaso, interview with the author, November 2010]

Marines in Blackhawk helicopters, livestock raiding, disappeared young men.

These are not strange images in Somalia. Before Captain Philips, the Hollywood blockbuster Black Hawk Down sought to render an earlier violent encounter between the
US Marines and young Somali men, an encounter framed yet again by a narrative of state failure and chaos. Those recent and not so recent histories, of violence, of dispossession, of intervention frame the ways in which maritime piracy is understood within Somalia. As Bruce Grant (2009) has reminded us, capture is always emplaced within these histories and naturalizes and indexes the forms of violence that shape colonial encounters from the Caucasus region to Somalia. Recent accounts, particularly those that emphasize the “freakonomics” or the “business models” of piracy tend to focus on the “rationality” and the almost “victimless nature of the criminal enterprise” (cf. Percy & Shortland 2012; Leeson 2012). Sarah Percy and Anja Shortland highlight what they call the absence of violence as one of the successes of the business model of Somali piracy. When violence appears, it is usually in the figure of the hostage and the seafarer on whose behalf a multi-billion dollar intervention off the coast of Somalia is supposedly being waged. These stories, these rumors of livestock stolen, of young men disappeared refuse this erasure.

Since the recent upsurge in incidents of maritime piracy, numerous young Somali men have been detained and killed, numerous others have disappeared or drowned. By placing piracy squarely within histories of violence, these narratives are at one level an attempt to come to terms with this violence of piracy. As the mother of one disappeared pirate reminded me: “We don’t know whether to laugh or cry. My son could be in Kenya buying a big house, he could be in jail in Denmark where he will get asylum and bring me to Europe, or he could be at the bottom of the ocean.”
By locating piracy within idioms of capture (and exchange), these stories also highlight the productivity and resonance of piracy as a frame for thinking through global credits and debts and the role of Somalia within this global order. A few days after my late night stroll with Sheikh Yusef, I heard the same story told by different people at a khat chew. But this time at the end of the story one of the participants refused to condemn the theft of livestock and blamed the pirates for initiating this cycle of raiding. “The pirates stole their [navy] ship, so why shouldn’t they come and try and steal our camels? The problem is that piracy is haram and they [pirates] bring this problem to us. Now the navies have captured our livestock and this cycle will only continue.”

In a provocative re-reading of American Indian captivity narratives and UFO abduction narratives, Susan Lepselter highlights the “resonances of capture” and the ways in which images and stories of captivity highlight anxieties about power and containment in the United States. Working through Freud’s idea of the uncanny, Lepselter notes how familiar but repressed material reappears in altered forms, how the half-forgotten won’t stay down. And it suggests as well a poetics: it gets in to the ways that inexplicable repetition and reiteration create a specific sensation. Noticing the weird patterns between various things in everyday life produces anxiety but also a sense of meaning that is never totally explained, a half-dreaded conviction that some undiscovered agency lurks behind the scenes, creating the reiterative pattern. [Lepselter 2012: 86]

Stories about capture, camels and helicopters in Somalia, similarly point to a longer history of interventions and engagements with the outside world. At the same
time, these narratives reference sediments of an older and ongoing process of making and unmaking property in the Western Indian Ocean. In opposition to the pirates who appear suddenly, and without warning over the horizon of the azure blue ocean, this chapter has emphasized a longer history and logic from which forms of rent-seeking emerged in Somalia under the guise of piracy. Maritime piracy in this narrative then is a story of land and sea, of the ocean as a space of profit and property and the scalar and temporal movement from collecting ambergris to hijacking ships. The next chapter turns to the practice of hijacking ships and highlights the economies and logics within which contemporary maritime piracy is normalized within a world of circulation and exchange, of debt and credit in the Western Indian Ocean.
4. A Sea of Work: Piracy and Trans-regional Economies of Protection in the Indian Ocean

4.1 The means and ends of piracy

On the other side of the Indian Ocean, not far from the other infamous piracy hotspot—The Straits of Malacca—is the province of Trang in Thailand. Like much of the Andaman coast, this area was devastated during the 2004 Indian Ocean tsunami. Trip, who was born in the fishing village of Lat Chao, was thousands of miles away in the Atlantic working on a fishing trawler when the tsunami struck. It was six long months before he could return to his village to survey the destruction and figure out if his home and land still existed. Like many in this part of Thailand, Trip spends most of his time laboring at sea, one of the thousands employed in what Greenpeace and other environmental activists often term as the piratical underbelly of the global fishing industry. I met Trip at a fishing dock near the container port of Djibouti, his dilapidated and odiferous boat a stark contrast to the glistening container ships across the bay.

Trip’s boat with its motely crew of Burmese, Malay and Thai fishermen “go where the fishing is good” a mandate that in years past would often find them fishing off the coast of Somalia:

We fish everywhere. We are gone for months, sometimes even a full year fishing and unloading fish in different ports. We used to fish in Somalia as well...One night as we were working a skiff approached and opened fire. I thought maybe they were Arab [Yemeni] because they have a tendency to shoot, but it was a Somali group. They got on board. All of them had guns. One of the guys had a map in his hand with a town in Somalia circled and said “we go here.” They locked me and the other guys in the hold for a few days. The captain later told us that he called his company and they sent $50,000 for the release of the boat. [Interview with author, June 2010]
As Trip narrated his ordeal, some of his fellow crewmembers gathered around and began narrating their tales of capture. As we talked, I asked them if the increased naval presence in the Indian Ocean made them feel safer. Gesturing towards the container ships, Trip shrugged, “the navies are here to protect the big ships because the shipping companies don’t want to pay ransoms anymore. For me paying ransom is no different than someone stealing fuel in Nigeria or being chased by the coastguard in Spain. They [the pirates] are doing their work and we do ours, that’s how things work at sea.”

I was reminded of Trip’s seeming normalization of piracy a year later through an unlikely source. Sheikh Usman had promised to take me to the lighthouse of Gees Gwardafuy (Cape Guardafui). A native of Benderayla and a self-proclaimed amateur historian and qadi [Islamic legal jurist] of the Bari (coastal) region of Puntland, the Sheikh claimed to have visited every coastal settlement from Berbera to Mogadishu and in the course of a long, bumpy, and ultimately unsuccessful trip to the fabled lighthouse regaled me with many stories of the sea. As the bustling port of Bosaso faded into the distance, I asked the Sheikh about the pirates that had thrust this region in the global spotlight:

My home is in Benderayla and these days there are many pirates in that area. The pirates have brought us much misery. Many young men have been recruited by them and go to sea and sometimes never return. Others have taken to drinking and drugs and made the area very unsafe. There is also a huge problem now with inflation. Food is too expensive because the pirates come with $100 USD to buy one bottle of biyo [water]. There are also food shortages because why will a shopkeeper sell me pasta or rice when she can sell it to a pirate for so much more money. My friend Abdi jokes that the hostages
on the ship eat better than the people of Benderbayla. [Interview with the author, April 2011]

At the same time, Sheikh Usman refused to condemn the practice of piracy.

Referring to my use of burcad badeed (sea robber) to describe pirates, the Sheikh offered a corrective:

Yes, many of these people have done bad things and as I said earlier they are “pirates” but they are not just robbers, they have a reason for doing what they do. The pirates of today are bad people, but what they are doing is a kind of work in Somalia, they are saying [to ships] we will protect you as you pass through our part of the ocean if you pay us our protection fee (baad). [ibid.]

For both Sheikh Usman and Trip, piracy is normalized through a recognition that however undesirable the practice might be (whether in the act of being held hostage or the high price of bottled water), the ends of piracy as a mode of providing for oneself are as legitimate as fishing or accompanying an anthropologist for a fieldtrip to the point where the Red Sea meets the Indian Ocean. Drawing from the infrastructures of the trans-regional economy of circulation and exchange and changing visions of the ocean as a space of profits and extraction as described in previous chapters, this chapter details the emergence of maritime piracy as a kidnap and ransom practice. Specifically, building on the frameworks of normalization as described in the beginning of this chapter, I emphasize the idea of piracy as a form of work—“a trade of no dishonor” (Prange 2011)—in order to bring into view the forms of value that are the heart of the enterprise i.e. the ways of becoming pirate and the movement of capital and labor in this exchange. Focusing on languages and practices of work and labor not only highlights the entanglements of piracy with worlds of circulation and exchange on land and sea, but
also a framework to understand the relationship between the means and ends of work more generally.

I begin with a discussion on Aristotle and Marx on questions of natural and unnatural acquisition in order to set up a framework through which to understand the economy of piracy. Then the chapter turns to the coast of Somalia and the high seas in order to chart the emergence of contemporary maritime piracy, specifically focusing on the normalization of piracy within practices of taxation and payment. Khat (a mild narcotic plant chewed throughout East Africa and Yemen) was my entrée into the world of piracy and provides an analytical and ethnographic foil for my discussions on the economy of piracy. The chapter then moves to the moment of capture in order to highlight hijacking as the continuation (and beginning) of a series of debt and credit relationships that reveal the ways in which the economy of piracy is created within a world of exchange, payment, risk and redistribution. These relationships, and the centrality of waiting, are crucial in constructing piracy as a trans-regional economy of protection.

Within the Aristotelian corpus, his thoughts on the “economy” are usually seen as restricted to two discreet reflections in Ethics (2014 Book V) and Politics (1962 Book I: 8-10). As M.I. Finley has noted, these reflections were “fragmentary, wholly out of scale with his monumental contributions in fields ranging from metaphysics… [to] politics” (Finley 1970: 4). Additionally, dismissed by a number of neoclassical economists as nothing better than “decorous, pedestrian, lightly mediocre, and more than slightly
pompous commonsense” (Roll 2002: 57), Aristotle is often reduced to a passing reference in the history of economic thought with classicists like Finley concluding that in fourth century Athens “the notion of what we call the economy did not exist and was properly the exclusive business of outsiders.” (Finley 1970: 25).

In opposition to this wholesale dismissal of Aristotle’s “economic analysis,” Karl Polanyi (1971) in an aptly titled chapter “Aristotle Discovers the Economy” in Trade and Market in Early Empires revisits this material to emphasize Aristotle as a scholar on the “border of economic ages” providing crucial insights on the question of exchange. Aristotle’s meditations on exchange are central to Polanyi’s larger project on the nature of archaic societies and the critique of the ahistorical homo oeconomicus. Polanyi’s theory of the economy drew both from an anthropological archive (particularly Malinowski, Raymond Firth, Marcel Mauss, Robert Lowie and A.R. Radcliffe Brown) and this long durée history to highlight that the relationship between trade, markets, and money far from being a central interlocking system built on ideas of demand and supply varied with the dominant mechanism of integration in any given society. In the world of fourth century Athens, this mode of integration was the household (oikos).

It was out of this association formed by men with these two, women and slaves, that the first household was formed; and the poet Hesiod was right when he wrote, “Get first a house and a wife and an ox to draw the plough.” (The ox is the poor man’s slave.) This association of persons, established according to the law of nature and continuing day after day is the household, the members of which Charondas calls “bread-fellows.” (Aristotle 1962: 27)
For Aristotle, the provision of the household (*oikos*) is the central end towards which all productive activity is directed and he emphasizes the connection between acquisition and one’s way of life. For Aristotle there are three basic or natural modes of acquisition: nomadism, hunting and farming. On the nomad, he notes: “they derive their sustenance from tame animals without exertion and amidst leisure though as it is necessary for their herds to move about on account of their pastures, they are compelled to move along with them as if tending a living farm.” (ibid.: 43) Next comes the life of the hunter; “others live from hunting, and different sorts from different sorts of hunting. Some for example live from piracy, others from fishing” (ibid.: 44). Finally Aristotle turns to the last mode of acquisition namely farming. As he explains, “the type of human being that lives from the land and from cultivated crops is the most numerous.” (ibid.) What is striking about this listing and one that highlights the resonance between Aristotle, Thai fishermen and Somali amateur historians is the inclusion of piracy as a natural form of acquisition. As he notes:

Getting a living in this self-supporting way is clearly given by nature herself to all her creatures…plants exist for the sake of animals…all other animals exist for the sake of man…if then we are right in believing that nature makes nothing to no purpose, it must be that nature has made all things for the sake of man. This means that it is part of nature’s plan that the art of war, of which hunting and piracy is a part, should be a way of acquiring property. [ibid.: 39-40]

At first, there is something jarring about the inclusion of piracy in this list. Why would Aristotle include piracy — the taking of another’s property — as a “natural” form of acquisition? In addition, both war and piracy do not rely on the spontaneous products
of nature, but on other people and thus do not have the same natural limits to acquisition that hunting entails. Yet, Aristotle conflates all three and sees them as natural forms of acquisition. The answer to this puzzle goes back to the oikos. The provision of the household namely the maintenance and reproduction of the household under the stewardship of a master is, as described earlier, the telos for Aristotle. Within this logic war making and piracy acquire a form of naturalness as long as the ends of war and piracy are not limitless expansion, but rather the provision of the oikos.

What is unnatural in this economy of ends and the main object of critique in Aristotle’s economic analysis is a world of means, a world of exchange where the ends are not self-sufficiency, but instead means as ends. To explain this, I revisit his theory on the origins of exchange in Ethics. Book V of Ethics focuses on the concept of justice. Critiquing an understanding of justice in general as reciprocity, Aristotle posits that such a conception fits neither the distributive or corrective model and thus is not a basis to understand justice. However, in “associations for exchange justice in the form of reciprocity is the bond that maintains the association.” (Aristotle 2014 Book V: 1) Within this world of voluntary transactions for the exchange of goods, reciprocity is a form of justice on the basis of proportion and not equality. This idea of proportionality and the fact that the need for exchange is predicated on inequalities of resource endowment require commensurability.

All things that are exchanged must be somehow comparable. It is for this end that money has been introduced, and in a sense an intermediate; for it measures all things, and therefore the excess and the defect—how many shoes are equal to a house or to a given
amount of food. The number of shoes exchanged for a house (or for a given amount of food) must therefore correspond to the ratio of builder to shoemaker. For if this be not so, there will be no exchange and no intercourse. And this proportion will not be effected unless the goods are somehow equal. [Aristotle 2014 Book V: 5]

This story, of exchange and the origin of money, is familiar to readers of Marx and in the *Grundrisse* Marx begins with a vision of autarky in which the working subject is owner, producer and consumer.

In the best case he relates not only as worker to the land and soil, but also as proprietor of the land and soil to himself as the working subject. Ownership of land and soil potentially also includes ownership of the raw material, as well of the primordial instrument, the earth itself and of its spontaneous fruits...This is historic state No. 1. [Marx 1993: 264]

In opposition to a “natural propensity to truck, barter and exchange one thing for another” (Smith 1973: 1.2.1), exchange is a necessity for Aristotle only insofar as it helps restore the natural equilibrium of the household. The need for exchange only arises due to differential geographic endowments and thus an absence of self-sufficiency. For Marx exchange takes us far away from the primordial state where production and consumption are inseparable into a self-perpetuating, ever-expanding form of capital accumulation.

Money is central in this narrative of exchange for both Aristotle and Marx. In a state of primitive or natural exchange, where one useful thing was exchanged for another in order to satisfy the natural requirements of sufficiency, there was no role for money. To account for natural inequities in resource endowment, barter was the central economic activity in this unmediated exchange of two commodities. As one moves beyond the social space of the household or the village and into new forms of circulation
of goods, the use of money emerges in this moment. One commodity is exchanged for money, i.e. a sale (C-M), and money in turn for another commodity, i.e. a purchase (M-C). This form of exchange or circulation (C-M-C) while not as ideal as barter still keeps distinct the relationship between means and ends and thus is a natural form of acquisition. As Aristotle writes:

When, in this way, a currency had once been instituted, there next arose, from the necessary process of exchange (i.e. exchange between commodities, with money merely serving as a measure), the other form of the art of acquisition, which consists in retail trade (conducted for profit). At first, we may allow, it was perhaps practiced in a simple way (that is to say, money was still regarded as a measure, and not treated as a source of profit); but in the process of time, and as the result of experience, it was practiced with a more studied technique, which sought to discover the sources from which, and the methods by which, the greatest profit could be made. [Aristotle 1962: 24]

It is precisely at this moment when money becomes an end in itself that we move beyond a world of household management to a world of unnatural forms of acquisition that are “justly censured.” (ibid.) Similarly for Marx, money was originally a means of exchanging commodities and subsidiary to commodities: a circuit of exchange and circulation that began and ended with use value. In Vol. I of Capital, Marx lays out the transition from a world of use values to a system where exchange value reigns supreme and money begets more money (M-M’). Money in this narrative is central to a story of alienation and abstraction— of the confusion of means for ends.¹

¹ While the “myth of barter” central to Marx and Aristotle’s history of money has been critiqued by a number of anthropologists, including recently by David Graeber in his tour de force on debt (Graeber 2013), a rich ethnographic archive has highlighted the alienation and rupture that resulted from the hegemony of money (Taussig 1980 et al). In opposition to this largely Marxian inspired scholarship there has been a renewed focus, through the work on Georg Simmel, on the productivity and creativity in moving between
My purpose in giving this gloss on Aristotle and Marx is twofold. First, as Sheikh Usman, Trip and many of the self-identified pirates I encountered in the region highlight: the question of means and ends, of licit and illicit is central to the framing of this economy and the normalization of piracy as simply a form of work and a legitimate means of fulfilling necessity. Through a discussion on roadblocks, coastguards and licensing systems, I highlight the normalization of piracy within a world of rent-seeking. Additionally, I want to locate the economy of piracy in the Western Indian Ocean within this long narrative of thinking through the means and ends of practices glossed under the sign of the “economic.” The project of economic anthropology has long focused on the question of means and ends as a way to de-familiarize the conceits of neoclassical and orthodox economics. In his work on the household economy in Colombia and an essay on Physiocracy, Stephen Gudeman focuses on production as a “an act of signification and intention” (Gudeman 1980: 242) in order to highlight “cultural logics, other modes of relating means to ends, other ways of expressing temporal transformation than that of efficiency.” (ibid.:243) As Gudeman emphasizes, both the Physiocrats in eighteenth century France and Colombian peasants see agriculture and the soil as productive and the source of all wealth. Human labor in both systems is simply an additive or an expenditure that obfuscates real value that lies in “the strength multiple registers of value and valuation. For a rich overview of this literature and meditations on the relationship between money and anthropology see Maurer 2006.
of the earth” (Gudeman 1990: 18). In a similar vein to Gudeman, drawing on Karl Polanyi’s ideas on embeddedness, a rich scholarship under the sign of substantivist economic anthropology highlighted the primacy of “cultural reason” (Sahlins 1978) in shaping activities that can be considered economic. Extending these insights into contemporary finance, scholars like Karen Ho (2009) have shown the face-to-face encounters and embeddedness of seemingly abstract worlds of finance. In contrast to this project of economic anthropology, my focus on means and ends highlights the ways in which an economy of piracy is constructed and necessity generated within a social field. The question is not how piracy is embedded within a local economy and specific logic of exchange, but how a set of economic relationships make possible the ability to capture and extract rents from the global shipping industry. In this chapter, I show, drawing from Aristotle, how a similar conception to the oikos, namely the diya group is operable within the economy of piracy as a way to structure the practices of debt, credit and redistribution that are at the heart of this enterprise. Unlike Aristotle, the ends of piracy are not the maintenance of a household or domestic economy, but the diya group is a dynamic and historically contingent structure that produces a field of necessity that exceeds the boundaries of the social unit. Piracy then is constituted by constant mobility and “conversion” (Guyer 2004) between spheres and economies of circulation and exchange. With this background in mind I now turn to watery expanses in the Western Indian Ocean to highlight the normalization of piracy and the transformation of coastguard to pirate in the creation of a kidnap and ransom piracy economy.
4.2 Becoming Pirate: from catching fish to capturing ships

In March 2011, I was traveling by road from Somaliland to Puntland against the better judgment of numerous friends in both regions. Since their establishment in the 1990s Somaliland and Puntland have existed in a state of open hostility over the regions of Sol and Sanaaq that lie along the eastern frontiers of Somaliland. Heeding the advise of my more knowledgeable interlocutors, I had initially booked a plane ticket on the only commercial airline that flew between Somaliland and Puntland, an airline appropriately named Punt Air. Arriving at the airport on the day of my departure, I was informed that our plane had been indefinitely delayed and flights would resume sometime in the next month or so. As the ticket agent was telling me about the delay, I noticed the airport staff removing all Punt Air signage in the terminal and thus found myself the next day on a two-day car journey to Puntland. Given the absence of public transportation in Somalia, including shared taxis, car journeys involve negotiating with local administrative officials to rent one of the ubiquitous Land Cruisers—popular with pirates, politicians, and merchants alike—and a small retinue of armed protection. When I explained my plan to travel from Somaliland to Puntland, the administrative official laughed and shook his head muttering “harb harb” (war, war). It’s too dangerous he insisted, I would need at least ten armed guards. After a prolonged afternoon of negotiation we finally agreed to two guards and a driver to take me to Lasanood, where it was understand I would negotiate again for protection.

Armed with my road atlas of Somaliland, the road trip to Garowe, the
administrative capital of Puntland, seemed fairly straightforward until we arrived at roadblocks in Eastern Somaliland/Western Puntland. From Hargeisa, the capital of Somaliland to Burao a small dusty non-descript town in the scorched, dry Somali highlands we sped along on tarmac roads occasionally being overtaken by trucks carrying the leafy stimulant khat from the Ethiopian highlands driving dizzyingly dangerous speeds. Other times we zoomed past overloaded long distance trucks and the occasional herds of camels and goats. On our second day, a few hours after our sunrise departure from Burao we were confronted with a makeshift roadblock. Slowing down the first thing I noticed was a tattered blue Somali flag on the side of the road instead of the more familiar Somaliland tricolor. Once we were gestured to stop, a bored young man approached the window and asked for my Somali visa. Slightly confused, I pointed to my road atlas and informed the man that were still in Somaliland.

Roadblock guard (Xaasan): “No, your map is wrong. You must get a visa and pay a tax (cashuur).”
J: I don’t understand, we are not even in Lasanood and that is in Somaliland last I checked.
X: This is not Somaliland, you have to get a visa and pay a tax.
J: I’ll get the visa but why do I have to pay a tax.
X: The tax is for your security, we will provide you with four security guards from here to Lasanood and you must pay them for protection.
J: But I already have to travel with two guards. Where will they fit? I don’t want four security guards, can we just pay for one?
X: No, the four men are working today and you have to pay for all of them. It is their work (hawl) and you have to pay for their work. [Interview with author March 2011]

After purchasing a Somali visa and paying the appropriate “tax” for security, four, somewhat surly, armed men crowded into our vehicle, while the two guards that I
traveled with from Hargeisa, left complaining angrily. Together with the driver and my four new protectors we quietly made our journey to Laasanood. It is easy to gloss this moment of “tax collection” as a form of corruption/extortion in the aftermath of the “retreating state” (Hibou 2001). Indeed, a number of travelers criticized roadblocks and the armed men who charged, “tax” (canshuur/gabbaro/baad)². The absence of roadblocks was often mentioned as a sign of “progress” and stability. After a long drive from Garowe to the port-city of Bosaso, one of my informants Abdi, an aspiring politician, mentioned with a degree of pride the lack of roadblocks en-route (except for official police check points which look the same just with better uniforms). For Abdi the lack of roadblocks seamlessly transitioned into a narrative on the viability of an independent Puntland if relations with the Transitional Federal Government (TFG) based in Mogadishu ever soured. Within the history of Somalia and indeed across the Horn of Africa, roadblocks were important sites for the manifestation and contestation of political authority³. As previously highlighted the institution of abaan operated on a

² There is a plurality of terms within Somali (including both the English “tax” and “imposta” from Italian) that were operational at roadblocks. The most common word is canshuur that carries a more administrative, bureaucratic resonance and also is an Arabic loan word that refers to a tithe or 1/10th. Often, in speaking of payment for protection the term baad was used. Less common is the word gabbaro that comes from the Oromo language and has a cognate in Amharic (Gabare) that translates to slave. Gabbaro, as Blackhurst (1996) has noted, can refer to slave, cultivator or taxpayer and implies a positionality of hierarchy within Oromo society.

³ Related to this narrative about states and governance, where the roadblock mimics and makes visible the authority of the state, is a story of the roadblock as a theatre of violence (Masquelier 2002). As Pradeep Jeganathan has noted, the roadblock is a “node in a map of anticipated violence…it is that place in the lived world that acknowledges the emergent quality of violence without producing a normalization that is also its effacement” (Jeganathan 2004: 74). The question of violence was always ever-present in these encounters,
similar logic and travelers in this region from Ibn Battuta to Richard Burton; from UN officials to solitary anthropologists all encounter blockages and demands for payment in return for protection. In addition, as Xaasan noted repeatedly in my roadblock encounter, the roadblock was a place of work, of generating income for the armed guards who otherwise sat around waiting all day. Roadblocks make visible and normalize practices that are otherwise rendered as extortion or seizure through a language and understanding of work and value. This normalize and the ways in which it can move across scale and between land and sea was made clear when I arrived in Laasanood.

Later that evening after a series of interviews with former employees of fishing cooperatives, I was expressing my frustration to my host about the extortion at the roadblock. Wali, the guesthouse owner, smiled apologetically and with a shrug remarked that I had met pirates, “there is no need for you to go to Eyl, you met the “land-pirates” piracy is nothing else but a roadblock at sea.” Wali was relatively nonplussed with this analogy until the enormity of that claim struck him. Laughing he turned to me, “mashallah it’s an amazing idea to create a roadblock at sea, it’s so good...only a Somali could think of it!” (Author’s field-notes March 2011) Like the Aristotelian mode of normalizing piracy as a natural mode of acquisition, these attempts

but it is the anticipation and management of forces in roadblocks or relating to hostages that makes the claim of protection possible.

160
to make piracy legible through analogies and comparison render piracy within a familiar world to Sheikh Usman, Trip, Wali and numerous others within this world. Whether in a language of abaan (protection), hawl (work) or cashuur (tax), piracy is understood through these analogies. At the same time, as Wali’s understanding of piracy as simultaneously ordinary (“just a roadblock”) and extra-ordinary (the idea that one can create and police a roadblock at sea) highlight the somewhat unbelievable nature of this practice. The juxtaposition of oil tankers with outboard motor skiffs, of often-barefoot young men armed with AK-47s taking outsmarting navies, dreams of adventure and escape and the reality of being arrested and transported across the globe for trials, coexist with an understanding that piracy is a form of work, often legitimate and with a specific history. While this section focuses on the normalization of piracy it does so with an understanding of this excess and the role of rupture and transformation as one scales and moves between regimes of roadblock on land to a pirate at sea. I now return to an earlier moment off the coast of Puntland and the world of private security companies and coastguards to highlight the transformation of the azure waters of the Red Sea and the Indian Ocean into a sea of profit and fishermen into coastguards into pirates.

4.2.1 Coastguards of the Indian Ocean

Farah was probably the first pirate I encountered. Though he preferred to think of himself as an ex-pirate and would remind me that he had entered retirement (hawlqab). The first time I met Farah was on a windswept beach on the Red Sea coast in
Northeast Somalia. He told me he picked the location because he wanted to explain the “true story of piracy,” a story that required us to be close to the sea. As we walked along the shimmering beach, the howl of the wind and the taste of saltwater and sand on my tongue, Farah told me this true story. Farah, was born in the fishing village of Eyl, home to the numerous fishery collectives that developed in the Siad Barre regime whose rise and fall was discussed in the previous chapter. Like a number of pirates belonging to what has been called as the “first generation of piracy” (Murphy 2011), Farah was a hooyo ka saaxil (native of the coast) belonging to the Isse Muhammad sub-clan of the Majeerteen whose ancestors battled over the fate of shipwrecks off the coast of Somalia in the 19th century. Farah’s transformation from fisherman to pirate—“though I never gave up fishing” he insisted when I asked him why he became a pirate—emerged in the context of encounters with international trawlers and other illegal fishing vessels:

In the 1990s the Asian trawlers started fishing close to our village. One night they cut our nets, it was the fourth time this had happened and we decided enough was enough. We created a coastguard, boarded the ship and demanded a tax to fish in our waters. The captain refused to pay so we brought the boat back to Eyl and finally negotiated a payment of $10000. That is how we became pirates. [Interview with the author, March 2011]

But piracy, for Farah, was always a temporary plan:

I have worked for many years in this business. It’s hard work being a pirate. Sometimes the waves are too high and you spend many days at sea. I’m a fisherman but I still get seasick. You make money but you also lose money. I got tired and my body hurts. It was then when I realized I wanted to retire. Today I no longer work and have happily retired. [ibid.]

Piracy, as an earlier chapter outlined, emerged as an occasionally opportunistic practice within a plurality of regulatory schemes and coastguard initiatives seeking to demarcate
zones of ownership and control along the East African coast. Acting like roadblocks at
sea, these informal initiatives were a central part of this sometimes competing,
sometimes cooperative relationship between global fisheries and coastal fishermen. The
collapse of the Siyad Barre regime in January 1991 marked the continuation of these
regulatory schemes that had developed in conjunction with the creation of fisheries and
the post-UNCLOS vision of *mare liberum*. At the same time the argument here is not that
there was nothing new under the sun. The late 1990s saw the proliferation of numerous
coastguard initiatives that developed in conjunction with private security companies
and is part of a broader narrative of “corporate warriors” and privatized security in late
Cold War and post-Cold War Africa. These initiatives were tied closely to various sub-
state actors and administrative units that emerged in the aftermath of state collapse and
created a transition from the informal policing and extraction of a roadblock at sea to a
practice of tax-farming tied to building state like projects.

Founded in 1989 by Eden Barlow, a veteran of South Africa’s “bush wars” in the
1970s and 1980s, Executive Outcomes (along with the organization formerly known as
Blackwater) is perhaps the most well-known private security company in the world.
Containing a multinational group of ex- South African Defense Forces, US Green Berets
and Marine Corps veterans, Israeli Defense Force officers and former British Special
Forces, Executive Outcomes was heavily involved in conflicts in Angola and famously in
Sierra Leone from 1989 until the company was officially “disbanded” in 2000. Executive
Outcomes was part of a wider shift in sub-Saharan Africa on the privatization of security
and central to the protection of what James Ferguson (2005) has effectively called “enclave capitalism” in neoliberal Africa. In addition, private security companies from G4S to DynCorp regularly contract with the United Nations and other ostensibly developmental organizations creating the “securitization of humanitarian aid” (Duffield 2010) and blurring boundaries between humanitarianism and war making.

In the Western Indian Ocean, waves of private security actors washed ashore in the aftermath of the establishment of the semi-autonomous state of Puntland in the late 1990s. In 2000, President Abdullahi Yusuf4 of Puntland contracted with Hart Security, a UK based private security company to police the maritime resources off the coast. After two contentious years, Hart Security was replaced by a series of short-lived official coastguards enjoying the patronage of Puntland’s political elite. As in the Barre years, these official coastguards operated alongside, and often competed with, a variety of informal and local coastguards with members switching back and forth between them.

Maxahmed, a native of Eyl, was one of the first recruits for Hart Security. When I arrived in Eyl, the birthplace of the current president Mohamed Farole and until recently an infamous pirate port, Maxahmed took me under his wing and helped me navigate this shape-shifting world between fishermen, coastguards and pirates. Prior to joining

4 The centrality of Abdullahi Yusuf in attempting to regulate informal coastguard protection regimes and control profits from the sea is often narrated as a result of his belonging to the Majeerteen sub-clan of the Harti. As previous chapters have highlighted the Majeerteen Sultanate was one of the first groups to be accused of piracy in the 19th century and has a long historical connection to extracting rents from the sea. There is an alternative story of piracy that exists among certain segments of the coastal population (including in Somaliland) that locate piracy squarely with a Majeerteen mode of claiming profits from the sea.
Hart, Maxahmed had been a member of the Somali Salvation Democratic Front (SSDF), a political and paramilitary organization that had been fighting the regime of Siad Barre since the late 1970s and had been instrumental in establishing Puntland (Hoehne 2009).

“We had been fighters for the militia (jabhadda) and when President Yusuf came into power we were demobilized. Some of us became part of the Dervish [the Puntland Security Forces] and a number of fighters like me who came from the Baari region [coast] were given training to become coastguards.” Coastguard training entailed learning navigational skills, hailing ships to heave to, boarding vessels, coping with sea-sickness including learning the best ways to keep khat fresh on long voyages (skills that would be useful when transitioning from coastguard to pirate). Additionally, and distinctively from prior forms of extracting rents at sea, Hart Security paid its employees through a profit sharing model based on the sale of licenses. As Maxahmed explained, “Hart gave us some training with a British soldier (jeysh) and would pay us in fuel. The rest of our salary was supposed to come from the licenses we sold to fishing vessels. We used to go to the foreign fishing boats and make them buy a license. A small percentage of that money belonged to us the rest went to the company.”

Hart, and other private security companies faced resistance from international trawlers who often refused to recognize their authority due to the non-recognized status of Puntland within the international legal order and accused the coastguards of piracy. Indeed, a number of coastguards frequently targeted dhows and other commercial vessels engaged in cargo transport and forced them to buy licenses blurring the difficult
to police and constantly shifting lines between pirate and coastguard. For Mahaxmed a significant reason for this slippage was the nature of the payment structure, “our money came from selling licenses, the more licenses you could sell the more money you made. Once Hart left and other companies came in the competition was very stiff so we started targeting other ships to buy a license to come to our waters.” Gradually, the system expanded into a protection economy targeting any and all ships transiting through the region. In this story of transformation of moving from land to sea, from charging caashur at a roadblock to tax farming, and the different relationships to politics and mobility entailed in each practice what remains consistent is an understanding of these systems as forms as work. Before highlighting the transformation of this economy of protection into the kidnap and ransom economy of piracy, I focus briefly on this question of work and labor.5

5 In much critical scholarship there is a distinction between labor and work, often with one category valued over another. In Marxist scholarship the question of labor is at the center of analysis, specifically living labor. As Kathi Weeks notes, “[c]onceived as a collective and creative human capacity harnessed by capital to the production of surplus value, living labor can yield both a critical standpoint from which the alienating and exploitative conditions of modern work can be critically interrogated and a utopian potential that can inform speculation about the revolutionary transformation of those conditions.” (Weeks 2011: 14-15) This emphasis on living labor emerges from Marx’s shift of analysis from market-based exchange to wage-based production. In Vol. 1 of Capital, Marx proposes a shift from “the noisy sphere [of the market] where everything takes place on the surface and in full view of everyone…to the hidden abode of production [where] we see, not only how capital produces but how it is produced.” (Marx 1992: 279-80) In opposition, and directly critical of this approach, Hannah Arendt in The Human Condition proposes a tripartite division between work, labor and action. For Arendt, labor relates to the natural and biologically necessitated dimension of human existence, and work is “the activity which corresponds to the unnaturalness of human existence, which is not embedded in, and whose mortality is not compensated by, the species’ ever-recurring life-cycle.” (Arendt 1998: 147) Work is thus a distinctively human activity that shapes a world of objects. Both labor and work are subsumed in varying degrees to the question of need and contrasted with a world of action; a singular space of freedom and the political. Arendt’s distinction is to separate out the world of the oikos and the polis and privilege the political as the true space of political as opposed to the
4.2.2 The Work of Rent Seeking

From the calluses on their hands and feet, to stories of being sea-sick; thrown overboard and remembering those who disappeared at sea, coastguards, pirates and others would carefully catalog the labor involved in rent seeking. The language of work is a way to normalize these practices within a social and moral universe and also an acknowledgement, as Farah pointed in our walk on the beach, that “piracy is hard work.” Within classical political economy from Ricardo to Malthus to Marx, the question of rent is a troubling problem for theories of labor. For Marx, rent arises from a system of private property as he describes in Volume III: “private persons can, under the laws of private property acquire monopoly powers over definite portions of the globe, as exclusive spheres of their private will to the exclusion of all others” (Marx 1998: 615). In this definition, “rent in the final analysis, is simply a payment made to landlords for the right to use land and its appurtenances (the resources embedded within it, the buildings placed upon it and so forth)” (Harvey 2007: 330). The question for a labor theory of value in the case of both Ricardo and Marx becomes if rent seeking has any value within a system built on embodied labor time or socially necessary labor time. In the Limits of Capital David Harvey takes this puzzle as a starting point for a theory of rent. Harvey Marxian emphasis on labor. Following Weeks, I find the distinction between work and labor to be untenable and use both interchangeably in this chapter. Whereas Week’s intervention is a critique of the necessity of work and the meanings associated to it and deeply tied to the shift from Fordist to post-Fordist labor formations and political recognition, the world I render in this work is where work and labor are both tied to questions of means and ends which is the focus of this chapter.
highlights that in opposition to “Ricardians who depicted landlords as parasites, as useless and superfluous holdovers from the feudal era [or the Malthusians] who gave them a more positive role, as consumers, and therefore as a source of effective demand” (331), Marx’s theory of rent sought to prove the “theoretical possibility of rent without violating the law of value” (Marx, quoted in Harvey: 349). To do so, Marx argues that under capitalism rent can take on four different forms: monopoly, absolute, and two types of differential rent.

While Marx’s territorial focus precluded the possibility of imagining practices of rent-seeking at sea, such as the forms of piracy that developed in the Western Indian Ocean, the central idea that rent seeking is legible within a labor theory of value informs my analysis here. A language of protection rents taken from the works of Frederic Lane and scholars of the Indian Ocean and the Mediterranean (sources) is a useful corrective to the landed focus of Marx. In his essay on the “Economic Consequences of Organized Violence,” Lane turns the lens of the economic historian onto the question of violence. For Lane, the use of violence as a monopolistic “protection” service and the “income” derived from the production of protection may structurally influence the allocation of scarce resources and the pattern of demand, saving, and investment. Other economic effects of organized violence appear. Enterprises, producing goods other than protection, may derive a profit from the variations in the cost and quality of protection. Lane termed “protection rent” the extra income that some merchants derived from lower costs they paid for protection services against bandits, pirates. Through a series of
stages, mercantile profits from protection rent became more important than tribute; finally, the use of violence increasingly comes under the control of the consumers of protection, and industrial innovation becomes more important than protection rent as a source of business profits. Working through Marx (via Harvey) and Lane highlights a way in which the work of rent seeking can be legible within a theory of labor and value. This moves the question of rent seeking beyond a vocabulary of predation and extortion and locates piracy within a sea of practices tied to claiming jurisdiction and payment over forms of mobility. Rent seeking is a practice of regulating forms of mooring and moving on land and sea.

So far I have explained how piracy is normalized within a world of rent seeking and pre-existing ideas about work and labor. Historical contingency is also a central aspect to this economy. In 2008, the economy of protection that existed off-shore jumped scale and emerged as the kidnap and ransom economy that entangled a wide swath of actors from Kenyan fishermen to navy sea vessels, from *khat* merchants to insurance adjustors. The reason for this is a story of two ships. The economy of piracy that developed in the aftermath of these hijacking required different forms of funding, financing, expertise and redistribution. After telling the story of *MV Faina* and the *MV Golden Nori*, the remainder of this chapter will focus on this economy of piracy—through the world of *khat*.
4.2.3 From Coastguard to Pirate: a Tale of Two Ships

Outside Somalia, especially within western media representations, Somali piracy emerged as an object of concern and global spectacle following the hijacking of the MV *Faina*. In September 2008, the Ukrainian flagged *roll on roll off* carrier, *MV Faina* was hijacked approximately 100 miles off the coast of Somalia. When it was discovered that the vessel was carrying $30 million worth of weaponry including RPGs, tanks and other heavy artillery destined for South Sudan in potential violation of a UN arms embargo, the hijacking became an international concern with warships from the US and Russia rushing to the area to avoid the weapons falling into the hands of the Al-Shabaab who at that time were battling the U.S. backed Ethiopian military. When I asked Farah about the *Faina* incident, he brushed it off, “why would we have given those weapons to Al-Shabaab? We are different clans, different groups. When that ship was hijacked we had already established the system for piracy.” Farah continued, “it was the *Golden Nori* that really established the business, that is when people like me thought, maybe this can be our work” (interview with the author, March 2011).

On October 28th 2007, the Panamanian flagged Japanese oil tanker *MV Golden Nori* was traveling from Dubai approximately 8 nautical miles off the coast of Somalia with a crew of 28 merchant marines. Abdi (“Laptop”), a psychic consultant for the Eyl group headed by the charismatic and imposing figure of Abdirashid Boyah, had predicated a major reward for Boyah as his crew headed out on a clear calm evening. Within a few hours, the *Golden Nori* came into sight trudging along at a slow cruising
speed of 8 knots an hour. "The ship was a gift from God, the sea was calm and the
distance to climb [freeboard] was very low," said Xaasan who claimed to have been the
first man on board the Nori (a claim he later vehemently denied when I met him for the
second time). Once on board, things became a little tricky for Boyah’s crew. Just prior to
their entering the bridge, the captain had been able to send a distress call that was
received by the USS Porter*, a US destroyer patrolling international waters under the
counter-terrorism mandate of CTF-150 established in the aftermath of the bombing of
the USS Cole. The Porter arrived shortly and shot warning rounds in the direction of the
Nori sinking the skiffs that had been attached to the aft side of the tanker. Soon, a
German naval vessel and a French Chinook helicopter also arrived and started following
the ship. Luckily for Boyah’s crew the Nori was carrying highly flammable benzene and
the ship owners requested a ceasefire. "We brought the ship back [to Bosaso] and the
Americans and Germans were outside the port, blockading us from entering the port.
From where we are sitting we would have seen the ships." Xassan, gestured into the
distance as he told the story. We were sitting outside the Bosaso port, on a small fishing
jetty rumored to be the departure point for a number of pirate skiffs and human
smugglers, staring out at the hazy Red Sea sunset sipping shah (tea) and nibbling on khat
leaves. "Boyah was negotiating with the ship-owners. I was on guard duty outside so I
don’t know what was said, but we were all scared to be surrounded by all the navy

*See Chapter 5 for a discussion on the Nori incident from the perspective of the USS Porter
Negotiations dragged on for two months and Xaasan recalled the extensive fatigue, boredom and hunger as they waited for a resolution. In the end, on December 27th, two months after the hijacking, Boyah secured a $1 million ransom and safe passage from the ship. “That night, with the Americans giving escort we landed at this jetty and went back home free and strong.”

Soon after the Danica White was released after prolonged negotiations with rumors that a ransom amount exceeding $1.5 million had been paid to secure its release. Prior to the Golden Nori, with few exceptions, average ransom payments ranged from $100,000-$150,000 which meant that the ransom amount seldom circulated in the wider economy. As Xaasan emphasized, the Golden Nori emboldened groups like Boyah’s crew to carry out more daring raids, target bigger ships and demand higher ransoms. This shift in scale required a transformation in the organization of piracy. Increased ransom payments circulated in and transformed local economies and bigger ships required more men, fuel, and khat to carry out these expeditions.

By 2008, the hijack and ransom model of piracy had been firmly established and in their 2008 report the UN monitoring group on Somalia and Eritrea reported the establishment of a number of “major piracy networks extending from Lasqooray in north-west to north of Kismayoo, with Benderbeyla, Eyl, Hobyo and Haxaardare as the major hubs of piracy operations.” The Monitoring group also estimated that over a 1000 members belonged to these various piracy networks and at their peak in 2011, over 50 ships were hijacked with total ransom payments ranging from $85-$120 million. What
were the forms of exchange and redistribution that made possible this world of hijack and ransom? What forms of risk pooling were essential in transforming the risks of piracy into the rewards of ransom? I now focus on this world of piracy, a world I understand through *khat*. Apart from being my entrée into the world of piracy, *khat* is the fuel and foil of this economy.

### 4.3 “*Khat and carry*”: the economy of contemporary piracy

Abdi (Laptop) was an unusual pirate. Apart from his famed psychic abilities, his quiet and soft-spoken manner made him stand out from the typical pirate in Garowe. One evening while chewing *khat* he turned to me and whispered, “*Khat* is the reason we have piracy. Afwenye, Boyah [prominent pirate bosses] they all came up with the idea when chewing *khat*. We say that *khat* makes you think big ideas; piracy is one such big idea that came from *khat*.” While perhaps overstating its role in shaping the economy of piracy, *khat* is central to this world. In the spaces of sociality structured by *khat*, deals are struck and piracy expeditions planned. In addition to food, water, and fuel *khat* is an essential ingredient when boats go out to sea. Structured as a credit economy, these initial supplies often represent moments of investment for a variety of local businesses. As Abdi explained, “even before a pirate leaves land he is already in debt. The supplies, the boat, the *khat* we chew, it is all owned by different people. Becoming a pirate is about becoming indebted. That’s why all these young men can never stop going to sea.” In this section, *khat* functions as the equivalent of a literary foil to help navigate the world of
piracy. In the international imagination, *khat* is also deeply associated with piracy (and terrorism). Much like the anti-marijuana ads and anti-(media) piracy campaigns, there is a certain rhetorical power in linking the unsanctioned circulation of certain objects/substances to terrorism in a post 9/11 imaginary. *Khat* has come to be clearly linked with piracy (and its shadowy cousin *al-Shabaab*) in ways that fit within this broader mode of representation. In this section, I work within this linkage between *khat* and piracy but in a different register from ideas about addiction/health or the narrative of criminality and money laundering. I begin with two artifacts that are exemplary of how *khat* is understood in the international imaginary. From here the section turns to Somalia and the spaces of sociality generated by *khat*. I explain how in the *mafrish* (chewing session) a performance of the pirate occurs that links piracy to ideas about prestige and social hierarchy that resonate with older histories of abaan and tie piracy within this world of gaining prestige through protection. Then I follow the economy of *khat* as it circulates throughout the region. This “cash and carry economy” (Guyer 2004) is the vantage point to understand the relationships of debt, credit, obligation, circulation, profit and violence that structure the contemporary economy of piracy.

In 2010, the European Union Naval Force issued a pamphlet for commercial shipping vessels transiting the piratical waters of the Western Indian Ocean entitled *Surviving Piracy off the coast of Somalia*. Printed in Arabic, Chinese, English, Hindi, Japanese, Russian and Tagalog the pamphlet consisted of a series of recommendations for crewmembers in the aftermath of a hijacking ranging from being patient to seeking
counseling upon release. One particular recommendation stands out in an otherwise straightforward list. Under the heading “Avoid drugs” the pamphlet goes on to note:

*Khat* is a common drug used in the Somali region. If the pirates onboard your vessel use this or other drugs, you should be careful to avoid any confrontations whilst they are under the influence of such substances. You should not be tempted to take drugs, other than for legitimate medical conditions, whilst in captivity. The taking of drugs may offer temporary relief, however the negative effects of withdrawal symptoms and increased tension due to cravings could result in unnecessary violence from your captors. [on file with author]

The image of pirates intoxicated on *khat* appeared again, this time in a 2012 UK parliamentary proceedings on the legality of *khat*. Banned across the United States and much of Western Europe, the United Kingdom is (until February 2014) one of the last havens for legally obtaining and chewing *khat* outside of East Africa and Yemen. The proceedings began with the testimony of a doctor representing the UK office on Drugs and Addiction where the doctor disputed the medical scare around addiction and effects and compared *khat* to coffee and “certainly less dangerous than beer and wine.”

Following his testimony a counter-terrorism official began his rebuttal highlighting the pernicious effects of *khat*, beyond the physical body and its danger to the social body of the UK, Europe and the West. Citing US intelligence reports the representative noted; “even if *khat* is not as addictive as my colleague from the UK Drug office notes, an assertion I respectfully disagree with, *khat* has dangers beyond the body. We have reports that *khat* fuels terrorism. *al-Shabaab* profits from *khat* and additionally *khat* is central to piracy. A fact that has been well documented.” Within Somalia and East Africa, *khat* circulates outside this framework of fueling terrorism, addiction, and piracy.
This is a world of millionaire businesswomen, aficionados who can smell the different varieties in the market, drivers, militiamen who provide security, politicians who debate the future of Somalia, Kenyan middlemen, Hadrami Sheikhs, Ethiopian farmers and within this world—of pirates who recount stories of heroics at sea, of those who sit by the dock hoping to become pirate and finally those in debt who are tied to the sea.

Ali claimed to hate Kenyans. “I spent some time in Africa [Kenya] and I didn’t like the people at all. I’d rather be in Somalia than Eastleigh [Somali neighborhood in Nairobi]” (interview with the author, Hargeisa, January 2011). Given my proficiency in Swahili, Ali assumed I was a Kenyan-Asian traveling through Somalia looking for business opportunities in spite of my repeated protestations to the contrary. I never did find out the exact reasons why Ali hated Kenyans. Without fail after his anti-Kenyan declaration, Ali would mention the only thing he truly loved about Kenya: the *khat*. “The best *khat* comes from Kenya. Here in Hargeisa [Somaliland] we get *khat* from Harerge [*khat* growing region in Ethiopia] but nothing is better than *khat* from Kenya. If there is ever any Kenyan *khat* from Meru in the market I can smell its sweet smell (*caraaf*) from afar.”

Praised as the flower of paradise, the tender shoots and leaves of the *Catha edulis*—an evergreen tree with a slender trunk and a white bark—produces a mild narcotic effect that leaves one alert and acts as a euphoriant. Writing in 1855, Baron Ernst von Bibra, “the early pioneer of drug studies” (Carrier 2007: 5) described the effects of *khat* as follows:
*Khat* seems to have a pleasant excitant effect on the organism. People who take *khat* become cheerful, talkative, and wide-awake. Some people also fall into pleasant dreams. The violent excitement caused by opium and sometimes by hashish does not seem to occur with *khat*. *Khat* more closely resembles coffee than those more violent excitants, although it is stronger than coffee. [Von Bibra, quoted in Carrier 2007: 25]

While ubiquitous throughout contemporary Somalia, *khat* was until the 20th century primarily Northern Somali habit. As Lee Cassinelli notes until the 1940s, “southerners had previously viewed *khat* chewing as the somewhat eccentric and amusing habit of northern nomads and traders” (Cassinelli 1986: 240). Along with pastoralists and Hadrami traders, the main consumers of *khat* in the late nineteenth and early twentieth century Somalia were the *Qadiriya tariqa* (Sufi brotherhoods). The consumption of *khat* and coffee, along with the profusion of frankincense were central in the *dhikr* sessions (*ziyaaro* in Afsomali) where members of the brotherhood would recite Quranic phrases often accompanied by rhythmic movements and dance. The use of *khat* in *ziyaro* was decried by the followers of Sayyid Muhammad (known by the British as the Mad Mullah) and in a famous *khutbah* (sermon) upon his return from Mecca to the town of Berbera, Sayid Muhhamad declated *khat*, tobacco, coffee and even tea as *haram*. In his anti-*khat* zeal Sayid Muhhamad found an unlikely ally in the British who also opposed the export and consumption of *khat* primarily given the trans-regional nature of this trade and the links between Yemeni, Somalia and Ethiopian Muslims that were forged through this trade network. British (and French) attempts at banning *khat* throughout Empire in Djibouti, Somaliland, Aden and Kenya proved both to be “unworkable and unpopular” (BO N37.5) and were quietly abandoned.
By the 1940s with better infrastructural connections, including a road from Isiolo in Northern Kenya across the border to Somalia as well the creation of an urban intelligentsia, the use of khat spread beyond Sufi brotherhoods, nomads and Hadrami merchants and transformed into a “secular activity of progressive young male Somali men” (Gebissa 2004: 80). Gebissa goes on to highlight this spread of khat and the emergence of the mafrish as a central institution for structuring male sociality:

As Somalis moved to towns, they formed social clubs and self-help societies, whose membership consisted of the new elite. Their goal was to promote interest in secular education, to exhort Somalis to overcome clan divisiveness in the name of Islamic unity and to seek appropriate privileges for civil servants. Over time traders, coffee-shop owners, personal servants of British officials, truck drivers and the foreign educated elite began to develop new interests and aspirations. In their chewing clubs (mafrish), the intelligensia and others discussed politics and a sense of Somali identity was formed through regular afternoon chew sessions. [Gebissa 2004: 81]

For scholars like Gebissa and Cassinelli, khat produced a sense of horizontal integration and in the spaces of sociality engendered by khat a vision of Greater Somalia was “imagined” not dissimilar to the role of print in forming the imagined communities highlighted by Benedict Anderson (1982). Within Somalia and in the Somali diaspora in the UK the mafrish continues to be an important space of politics and performance. Former participants in the negotiations that led to the establishment of Somaliland have highlighted the importance of daylong khat chew sessions in producing a vision of Somaliland in addition to the formal meetings of clan elders (Bradbury 2008). During fieldwork, the mafrish provided a crucial space to understand the ebbs and flows of Somali politics, listen to masterful poetic compositions and it was where I met my first pirate boss.
I had met a few pirates but had never come across the elusive pirate boss. I had asked my research assistant, Abdi to set up a meeting with a pirate boss, but was either rebuffed or quoted exorbitant price figures. One afternoon, Abdi came running into my guesthouse and breathlessly explained, “Hassan has agreed to meet you. We are going to a mafrish.” Hassan was a pirate boss who had demanded $10,000 for a meeting, so I was stunned by this opportunity. Hastily, I got dressed and we headed to the market to purchase some khat. Arriving at the mafrish with some Meru Miraa (Kenyan khat) in the twilight hours with the sounds of the isha prayers in the background, I encountered a fairly mellow scene of seven or eight young men sitting around a table with bundles of khat and bottles of 7 Up scattered on the table. My eyes darted around to see if I could figure out who Hassan was in this group. I placed my bundle and quietly sat down in one corner. Fifteen minutes into sitting patiently and not saying much, a middle-aged man in an Egyptian style gallabeeya stepped in and in Cairene inflected Arabic introduced himself as Hassan.

“Ana birate” (I am a pirate), Hassan said in a playful but stern voice. Hassan liked being called a pirate, not buraad (bandit in Somali) or even the more sympathetic rendering of badhinta bahar (saviors of the sea) popularized in recent Somali and Western journalistic accounts that recast Somali piracy as a local response to problems of overfishing and global exploitation. “Call me a abaan (in this context used to define the person providing protection) or just use the English word “b[p]irate,” he told me. Those are words that indicate prestige (sumcad). I became a big man through this business, it’s
important to me.” Unlike the stories of desperation or fishermen-turned-pirates, Hassan saw importance in his status as a pirate/protector, a status he performed by hosting these daily gatherings.

Hassan was fairly animated throughout the chew in a voice that ranged seamlessly between playful, stern and bombastic especially once the mirqaan (effect) set in. We sat parsing through leaves and sipping sickly sweet 7 Up. In a corner a Bollywood movie was playing and the smell of apple flavored tobacco hung thickly. It was hard to focus in the midst of the smells and sounds of various parts of my life and the khat was slowly running through my system, like a more intense first cup of espresso on a drowsy morning. A Majeerteen belonging to the Usman Muhammad sub-clan, Hassan’s father had worked in the Gulf and later moved to Cairo, where Hassan grew up.

I was sixteen years old when we returned from Cairo. My father had an idea that he would build a plastics business in Kismaayo. The Il-ittihaad (ittihād al-mahākim al-islāmiyya or the Islamic Courts Union) had just come into power and we were hopeful for peace. During the Ethiopian invasion, we became refugees and ended up going to Moshi (Tanzania). I was an errand boy there and even worked as a matatu conductor. My cousin wanted to become a pirate, but he didn’t have the strength to become one. It’s not easy...that’s why we shouldn’t hide from this label. I became a big man through this business. [Interview with the author, n.d.]

Almost on cue, Bole a soft spoken young man from the Ogaden region in Ethiopia who had been waiting for many years to cross the Red Sea before becoming a pirate, turned to Hassan and offered him a particularly green stem. “This is the boqorka lanta.” The stem of the boqor (ruler) is one customarily given to the elder within a group,
emphasizing the importance of khat chews as places where hierarchy is performed. As he chewed the stem with particular relish, “this is what piracy has given me.”

As the reference to the boqorka lanta and the claim to being abaan highlights, in the space of the mafrish, piracy folds into a long history where the ability to provide protection and jurisdiction over mobility is a mode of claiming prestige and authority. Hassan’s rise from matatu (mini-bus) conductor in Tanzania to the head of this gathering mirrors the biography of Haji Ali in the 19th century whose rise from dhow captain to Governor of Zeil’a was facilitated by his ability to provide protection to the British. If the previous section highlighted the normalization of piracy as a form of labor embedded within a world of rent seeking—from charging caashur at roadblocks to the world of coastguards—the mafrish brings into view the performative ways in which piracy is normalized and the affective labor central to becoming pirate.

The labor of piracy is also a labor that requires inspiration, desire and other non-numerical modes of valuation that are best understood within a rubric of immaterial and affective labor (Hardt and Negri 2006; Virno 1996; Weeks 2011). For Hardt and Negri immaterial labor is “labor that produces an immaterial product, such as ideas, images, forms of communication, affects, or social relationships” (2006:176). Paolo Virno (1996, 2004) describes this immaterial labor as resembling artistic virtuosity in the sense that it is an act of production with no material product, a performative act. Most scholarship on practices of immaterial labor (with the notable exception of feminist theories of work and value) locate immaterial labor within a post-Fordist mode of production and
symptomatic of the shift from the industrial labor of Fordism to the just-in-time production of Toyotaism. Here I emphasize immaterial and affective labor as a useful additive to the theory of rents illustrated by Marx and Lane in the previous section and highlight that the relationship between *khat* and piracy is also the performance of prestige (*sumcad*) and inspiration.

Highlighting these distinct modes and disentangling the relationship between *khat* and piracy from the stories of addiction and terrorism is not simply a question of refuting the connections that are implicit in the narratives that began this section. It is rather to understand the different registers and temporalities through which the intimacies between *khat* and piracy are constructed. Doing so foregrounds the performative nature of both *khat* and piracy and the poetics that frame this intimacy. I now follow the economy of *khat* as it circulates through the region in order to highlight the creation of capital, collateral, and connection in this economy of circulation and exchange.

---

7 It is critical to note the poetics of the *mafrish* through which the pirate is constructed ex-post facto. In Somali oral traditions (see Samatar 1982), spaces of male sociality are central to constructing heroic narratives (for a related discussion in a different context see Edwards 1996). The *khat* session is also performance, a poetics that after the fact narrates the story of piracy. It is thus a central space to construct the pirate as much as the high seas.
4.3.1 The Economy of khat

Growing at an altitude of 5000-8000 feet, the *Catha edulis* is found in the highlands of Yemen, Ethiopia, Kenya and Madagascar with each region and variety having a distinctive smell and taste, creating both grades of khat and along with it distinct markets and classes of customers. Widely consumed throughout Somalia, khat is not indigenous to the region and attempts to grow the plant in the arid, dry, harsh highlands along the coast in Northern Somalia have so far been unsuccessful. This geographical separation and the fact that khat loses its potency within 48 hours creates a particular temporality and trans-regional network linking farmers in northern Kenya to street vendors in Mogadishu with millions of dollars transacted on an everyday basis. Khat comes to Somalia on regular flights and on heavily guarded trucks and when I was there, sold for about $80 for a fresh bundle of leaves. This division between production and consumption and the short-lived efficacy result in the economy of khat being at its most visible in the moments of arrival into the market.

A common sight throughout coastal East Africa, from Djibouti to Bagamoyo, is the arrival of the khat trucks. Every day around noon when the calls of the *dhuhur* prayer have ended and the faithful amble in and out of the mosque into the harsh midday sun, the languid lethargy of the day is abruptly and loudly shattered by the honking and rumbling of white pickup trucks as they speed into town. Loaded down with bag upon bag of the *ubax jannada* (flower of paradise) khat — picked merely hours ago from the
mild, cool highlands of Ethiopia or Kenya— these trucks transform the sensory
landscape of cities across the Horn and East Africa.

In his journalistic reportage on Somali piracy, the Canadian journalist Jay
Bahadur described the arrival of khat trucks in Garowe, the administrative capital of
Puntland as follows:

The angry honking of the incoming vehicles rouses the city, bringing expectant crowds
flocking into the streets in defiance of the midday heat. Screaming down the highway at
reckless speeds, high beams flashing, guards perched on top, the transports arrive on the
southern road. Turning off the highway and rumbling down the embankment towards
Garowe’s main checkpoint they are eagerly greeted by barking soldiers, who fill their
arms with leafy bundles before waving the vehicles through. Behind the barrier; a fleet of
white station wagons [the ubiquitous Toyota Mark II] stand ready to be loaded; hired
hands follow behind female merchants decked in vibrant headdresses, hauling
rectangular bushels wrapped in brown canvas. [Bahadur 2011: 89]

My encounter with the arrival of the khat trucks was similar to Bahadur’s description.
Most afternoons when offices would shut down and most “respectable” people retreated
into the shade of their homes, I would wander over to the central market in whatever
town I was in and await the coming of the khat trucks. These afternoon breaks were
usually spent sitting in shops with moneychangers and traders and often were some of
the more productive moments of research. This afternoon was different. I was in a white
Toyota Land Cruiser sitting in the front seat listening to the crackling sounds of Radio
Daljir as we sped north through a dusty landscape to the small Garowe airport. I had
just met Aisha, a prominent khat merchant, earlier that morning. Her number had been
given to me in Addis Ababa, Ethiopia, by a trade representative for a company that
claimed to supply a significant portion of the half a million dollar a day khat trade
between Ethiopia and Puntland. Instead of relying on trucks coming from Galkaayo,
Aisha had recently started importing *khat* directly from Dire Dawa (in Ethiopia) to
Garowe. We were heading to the airport to receive her second shipment. As we drove
north away from Garowe, Aisha explained that her plan was simple.

The *khat* that come from Galkaayo takes a 3 hours to get to Garowe. In the middle there
are small roadblocks. I think I lose 20-30 bundles everyday as gifts (*hadiyad*) for the
checkpoints on the road, the guards etc. My plan is to bring the *khat* straight to Garowe
and get it to the market quicker and with less “leakage.” This deal I have with the
Ethiopian company will soon make me the biggest trader in the market. [Interview with
author Feb 2011]

Aisha’s comments reflect the ways in which merchants and others involved in
economies of circulation— like the economy of *khat*, attempt to circumvent the “gifts” of
protection. If the previous section focused on the checkpoint as a legitimate space of
work, here from the vantage point of the merchant the checkpoint reappears but as a
way of slowing things doing and “leaking” the profits from this economy. Like the
Venetian merchants discussed by Lane, the ability to navigate and transform protection
costs is a major source of income and the difference between a rich businesswomen and
the *khat* kingpin, an aspirational status that Aisha sought for herself. Aisha is also the
first woman to appear in this chapter and one of the few women I encountered within
the economy of piracy.

The economy of *khat* is a gendered economy. The vast majority of chewers,
whether in the *mafrish* or idling around the market, are men. Women—especially in
Somaliland and Djibouti my informants would always point out, also chew though not
in a mafrish or in public. But the vast majority of sellers and traders, like Aisha, are women. Every afternoon when khat trucks arrive into the suq (market), alongside the over-eager buyers and children looking to collect a few stalks that drop from the bundles are the women traders in their multi-colored dirac supervising the distribution of the bundles from the trucks to their station wagons. Citing the example of Khadija, the successful merchant and wife of the Prophet Muhammad in Islamic history, a number of khat traders emphasized the importance and prestige of women traders in Islam. Others had a more pragmatic reason. Aisha always maintained there was a simple reason for the preponderance of women traders in the khat market. When we got to the airport, Aisha explained: “If men controlled the khat trade, nothing would ever be sold. The men would just sit and chew. When women sell, we don’t chew and waste khat…we sell for a profit.”

After her pragmatic take on the gendered economy of khat, our conversation came to a lull and we sat quietly waiting for the plane to arrive. It was only 10 am but the sun was already in its intense and fiery glory making the little tin-roofed two-room concrete “airport terminal” a sweltering space. The gradually increasing hum of the twin-prop cargo plane was a welcome relief and Aisha and I walked out onto the runway to watch her supervise the loading. As soon as the plane landed, Aisha called out to a number of armed men who had been milling about, their AK-47s casually slung on their shoulders. “Askari halkan, (guards come here) the plane is landing, time to work.” Aisha was in the middle of inspecting the cargo and yelling out instructions
when she was interrupted by a phone call. The ringtone, a discordant *nashid* (Quranic verse), punctuated the quiet efficiency of the unloading and loading and Aisha stepped away to answer the phone. Coming back to the area next to the hold where I was standing, Aisha remarked, “You have brought me luck today. A ship has been captured and the pirates called to secure some *khat*. They have ten guards on board and I just made a deal with them to supply fresh *khat* every day. Depending on how long the negotiations take, I’ll be a rich woman!” As we headed back from the airport, I watched one of the pick-up trucks speed away north away from the city towards the coast, where I imagined a group of expectant pirates eagerly awaited its arrival.

Later that evening, as I transcribed the encounter with Aisha in my field-notes, I realized that I had completely forgotten to ask her about payments. She had made no mention of money and I had failed to be a good anthropologist and enquire about how one guaranteed a deal with a pirate. These were pirates after all, why would they pay money to a constantly smiling middle-aged woman? The next day arriving at Aisha’s shop right before the arrival of the *khat* trucks I sat with notebook in hand waiting to ask her about the question of payment. As she walked out of the Land Cruiser, fresh *khat* in tow, a large crowd gathered around the shop and I watched, admiring her astute business sense, as she sold out her daily shipment before the trucks from Galkaayo even arrived. Observing the steady stream of transactions I wrote in my field notebook:

*Khat* seems like a cash economy. Eighty percent of people are paying cash, mostly Somali shillings. Aisha’s assistant doesn’t even really count the money. He looks at the size of the bundle and the way the notes are arranged before placing them in the *sandroq* (steel
chest). It’s almost like barter. The assistant feels and weighs the currency bundle in his hand and in return Aisha similarly gives him a pre-packaged bundle. Nothing is weighed or counted. The transaction is based on a kind of non-numerical assessment. The people who don’t pay cash seem to be familiar to Aisha or are day laborers or markedly poor in some way. With the people who are familiar she makes an entry in her account book with the others they just get a few stems that have fallen out of bundles. Almost all the people buying are men, though women seem to hang out around the shop and will stop and chat with Aisha, sometimes slipping a few bundles into their bui-bui. Some of the transactions happen by phone (people pay with zaad [mobile money platform] or buy on the phone).

In the quiet aftermath of the daily sale when the buyers retreated with their bundles to homes or the mafrish for a long evening of chewing, I asked Aisha about pirates, specifically how she ensured that pirates would pay and not abscond once the ransoms were received. “What do you mean by they will not pay? Of course they have to pay. The person who called yesterday, the dilaal (broker) is part of my mag (diya) group. I extend him credit and of course he needs to pay his debts, I have a claim on him if he does not pay me back.” Turning to her notebook, Aisha showed me a page where scribbled in were written the debts owed to her with amounts ranging from a few dollars to thousands of dollars. “Some of these people are businessmen, others are poets and politicians and of course some of the biggest debts are those owed to me by pirates.”

I was struck by this account book and its easy equivalence between pirate, poet and merchant. In addition to putting everyone literally on the same page, the account book also listed scribbled next to the name a brief genealogy or the name of a sub-clan. Far from the hostis humani generis, the enemy of all mankind—a figure removed from the realm of enmity and friendship—the Somali pirate is deeply nested within a world of kinship, obligation, and debt. It is this entanglement that makes possible for Aisha to
remark, “of course the pirates have to pay me back, what do you mean by they will not pay?” After staring at the book for a while, I asked Aisha if I could take a picture. Snatching the book away from me, Aisha responded, “No! I don’t know who you are. You could be CIA.”

The economy of *khat* is structured by a particular geographical and temporal necessity. The spatial difference between production and consumption and the narrow timeframe of efficacy necessitates a move beyond the *oikos* not dissimilar to the world of Athens that Aristotle described in the beginning of this chapter. Unlike the ends centered economy favored by Aristotle, the world of *khat* as seen through this encounter with Aisha entails a series of transactions that happen in the process of circulation. From checkpoints to making deals with pirates and giving away *khat* at the shop to stragglers and itinerants, multiple transactions occur within the wider circulation between Ethiopia/Kenya and Somalia. These transactions transform means into ends and ends into further means while creating both obligations and potential sources of profit and connection. Who is included and excluded from these obligations and connections is, as demonstrated by the notebook, a question of genealogy and kinship creating a possibility where pirates can be trusted to pay back debts but the solitary anthropologists cannot be trusted with a picture (“you could be CIA”). Before turning to this kinship system, I want to briefly reflect on the question of debt and obligation and how Aisha’s notebook reminds us that the gift and commodity are both structured through calculation.
4.3.2 The Gift of *khat*: Deb(i)ts and Credits

“Be sure to give *khat* to your Special Protection Unit guys” was the advice of a German academic I had been in contact with prior to leaving for Somalia. The Special Protection Units, ex-fighters affiliated with police forces or local militias throughout Somalia tasked with the protection of foreigners highlight the continuing centrality of *abaan* in structuring interactions and engagements between Somalis and foreigners. In return for a payment SPUs help facilitate mobility throughout the region of their jurisdiction and a guarantee of protection. The gift of *khat* was a visible guarantee of this agreement of protection and the debts it entailed. The nature of *khat* gives this gift a particular significance in ways not dissimilar to Anna Tsing’s reflections on the gifting of Matsutake mushrooms in Japan. Given the expense of mushrooms and the quick time frame in which they must be eaten, Tsing notes “there is almost an element of coercion to accept the relationship it brings with it. It is impossible to refuse it without wasting it completely.” (Tsing 2013: 22) Similarly the expense and ephemerality of *khat*, gives this gift a similar compulsion: to refuse, especially if one chews regularly (there are legal and ethical contests over *khat* central to its consumption and distribution that I bracket in this discussion) is to refuse the debt of protection, and given the short window of potency it is impossible to re-gift *khat*. The gift of *khat* is a payment that entails debt and like a good economic anthropologist I wanted to ensure my protection in Somalia through creating as many debt relationships as possible.
Debt, specifically the debt of the gift as anthropologists, from Mauss to Graeber have repeatedly reminded us is about relationality and the building, perpetuating and ending of relationships. This understanding of debt and relationships has been crucial within an economic anthropology that has sought to distinguish transactions that privilege relationality with those that are about alienation. Often contrasted between “gifts” and “commodities” these distinctions are icons for different modes of valuation. Paraphrasing Chris Gregory, Marilyn Strathern notes, “If in a commodity economy things and persons assume the social forms of things, then in a gift economy they assume the social forms of persons” (Gregory 1982: 41, quoted in Strathern 1988: 134; see also Mauss 2000; Graeber 2001). Capitalist commodities are disengaged from their makers and at the mercy of market transactions. Things are exchanged for things, and once exchanged, the exchange, and the steps that led to it, can be forgotten; the commodity is available for use or further transactions. Gifts, in contrast, are akin to persons; they bring something personal with them, drawing the receiver into a social field, and serving as a continual reminder of the need for reciprocation. They thus animate different systems of value: “[V]alue in a commodity system is in things for use and exchange. Value in a gift system is in social obligations, connections, and gaps.” (Tsing 2013: 20)
Numerous scholars have highlighted the inadequacy and rigidity of this typologizing. In the transactions I observed at Aisha’s shops an entire network of relationships was constructed through the sale of khat. From single transactions to gifts given in the spirit of charity, the economy of khat clearly defies the distinction between gift and commodity. But, both gifts and commodities involve calculation. Some forms of calculation are listed in the account book others in the margins of this artifact of double-entry bookkeeping. Highlighting the centrality of calculation brings into the framework a somewhat overlooked question in this world of gifts and commodities—how are debts insured? What are the processes through which one guarantees a return whether in the world of obligations created in the gift of khat or in supplying a truck’s worth of khat on credit to pirates on the coast?

In a recent article Gustav Peebles turns to this question of the payment of debt. Tracing an intellectual lineage from Aristotle to Levi-Strauss, Peebles notes that for these thinkers lurking within a world of truck, barter and exchange is a desire for complete autarky, a possibility of “seizing and fixing that fleeting moment when it was permissible to believe that the law of exchange could be evaded, that one could gain without losing, enjoy without sharing...a world in which one might keep to oneself” (Levi Strauss in Peebles 2012: 429). Juxtaposing nineteenth century practices of leg-

---

8 For a recent example see Anna Tsing’s work on Matsutake mushrooms (2010; 2013) and they ways that “matsutake worlds” defy the gift/commodity binary with gift relationships often being central to the production of capitalist value.
bailing—disappearing outside a given jurisdiction—with twenty-first century practices of tax evasion, Peebles highlights the existence of that possibility, of keeping without giving, through these “quasi-ritualistic circumscriptions of time and space.” (ibid.) For Peebles, the possibilities of escaping debt are two-fold: either an escape from the bounds of the society (a form of social death) or the entry into a socially constructed zone of debt forgiveness. These practices of debt escape and forgiveness are in fact coterminous with each other.

Rituals of debt-forgiveness require the power of the community; not only must it force both the creditor and the debtor to come to terms (often against both of their wills), but the community must often socialize the lost debt itself. And thus, in creating this line of communal power, communities perforce create also the other side of the boundary—the space of exile into which one can flee in order to evade debts completely, and thus, the social itself. [ibid.: 440]

For Peebles the community in central in creating the spatial boundaries of debt. Debt-forgiveness, leg-bailing, tax evasion and the debtor’s prison all emerge as social institutions to deal with the question of deb within this system. While Peebles is interested in how a desire for autarky is regulated within the social, my question is less about autarky but how a system socializes debt, but also the ways in which how debt obligations transform risk and provides a space of investment for Somalis in ways that encompass the economy of piracy, but also go beyond while simultaneously transforming the means and ends of piracy. I now turn to the marginalia in Aisha’s account book and the ways in which a kinship system, specifically the diya group transforms risk and creates the infrastructure that makes possible an economy of piracy.
4.3.3 *The diya group: rethinking the “call of kinship in Somali society”*

In his classic treatise on the Nuer, Evans-Pritchard (1969) sought to understand the relationship between kinship and political organization in acephalous societies. The idea of segmentary structure was central in Evans-Pritchard’s understanding of the organization of Nuer society. For Evans-Pritchard segmentary structure denoted the relationships between positions in an agnatic lineage system, in which every claim to structural proximity between groups or people was made through reference to the ancestor common to the parties in question. In his later work, Evans-Pritchard sought to move beyond a static understanding of segmentary structure and highlight its importance in processes of political mobilization in a dynamic and historically changing field. In his work on the Sanusi, he highlighted how attempts at political mobilization refer to point within a genealogical structure that maps on to a present predicament i.e. when calling upon a cousin for help the Sanusi mention the common grandfather. In this way within segmentary systems, in the words of Bourdieu, “every adult male, at whatever level on the genealogical tree, represents a point of potential segmentation, which may be actualized for a particular social purpose” (Bourdieu 1992: 167). Distant cousins of the Nuer, the Soomaaliyeed have been understood in the anthropological archive through a language of kinship and segmentary lineage. As I.M. Lewis notes, “patrilineal descent (*tol*) is all pervasive: most corporate activities are contingent upon it; in the veneration of local lineage saints Islam is interpreted to some extent according to
it; and politics stem from it” (Lewis 1995: 19). This reckoning of ancestors (abtirsiinyo) is indeed a discernible feature of everyday life and every social situation where I facilitated the introduction of two previously non-familiar Somalis, would involve a quick fire quizzing on ancestors and mostly emerge with a smile having located a common ancestor; a fact that both highlight the centrality and the pragmatics and fictions embedded within abtirsiinyo.

Within this world of patrilineal descent, the diya-paying group is often seen as the basic jural and political unit of society. Lewis defines the diya group as a “lineage or coalition of a few small lineages tracing descent to a common ancestor from between four and eight generations...The dia [sic]-paying group is essentially a corporate agnatic group whose members are united in joint responsibility towards outsiders” (ibid.:21). Initially an oral agreement, the contract was transformed into a written form during the British protectorate in 19th century Somaliland. The diya group explicitly states the rights and duties of members with respect to the burdens of payment and the distribution of receipts of blood compensation. I.M Lewis locates the diya group along with clan and primary lineage as the trinity that organized Somali society and its fissures and fusions over the years.

The question of blood compensation and the diya group is one that goes beyond Somalia and is at the heart of Islamic fiqh and modes of restitution and retaliation. As Wael Hallaq (2009) has noted, belonging to the same family as qisas (retaliation) and hudud (restriction), the category of diya is the non-punitive socialized mode of dealing
with harm. *Diya* in this sense belongs to the “realm of private law and is the financial liability arising from a specific type of tort (i.e. homicide and wounding)...that *diya* is not punishment is clear from the fact that in many situations it is not the perpetrator who is liable for blood price but his *aqila* (agnatic male relatives).” (ibid.: 54) Mentioned in three different verses of the Quran and noted in various Hadith, *diya* payments are central to an Islamic juridical universe and rooted in idioms of solidarity, equivalence and distinctions between lawful and unlawful. At the same time unlike *qisas* and *hudud*, *diya* groups are anchored less in the sovereignty of god than socialized within an everyday moral universe and the oscillation between injury and repair central to sustaining a social.

During the heydays of Scientific Socialism, the Siyad Barre regime attempted to legislatively outlaw the juridical power of the *diya* group through a series of laws ostensibly aimed at technocratic reform. In November 1970, the government passed a law on social security that reconfigured the logic of risk and responsibility. Article 6 stated: “no one can be held liable to payment of compensation except the person responsible for a homicide or for material or moral injury.” (Quoted in Ibrahim 1978: 45) These laws aimed at transforming the locus of responsibility and thus also the possibility of repair and redistribution away from a kinship based system to a relationship of state and citizen. In the aftermath of the demise of the Barre regime the *diya* group has re-emerged as an important locus of regulating everyday conflict as well as providing a
source of capital in areas outside the juridical realm. This everyday repair and restitution of the *diya* group was made abundantly clear to me in the aftermath of a road accident.

After a few weeks in Puntland, I came to recognize a certain “pirate style:” young men with gold-rimmed sunglasses, ostentatious watches, wearing English Premier League football jerseys casually chewing stalks of *khat* and sitting about in teashops. And, there was the driving. “That’s a *haram gaari,*” Timo, a Canadian Somali I had befriended in my first week in town due to a shared fondness for the Los Angeles Lakers remarked as a shiny new Land Cruiser zipped past near the main roundabout heading south from Bosaso on the highway to Mogadishu.

Pirates love to buy expensive things, especially the Land Cruisers. You know they say the first guy who climbs aboard a ship is given a Land Cruiser as a gift for his bravery. But these guys are really bad drivers man; they’re crazy. They go to the beach and have races and break the gearbox in a week. We call the car *haram gaari* [illicit cars] because you can tell it’s from piracy money. [Interview with the author, March 2011]

Timo, like a number of people in Puntland, was deeply ambivalent about piracy. Simultaneously impressed with their “bravery and ability to make lots of money,” he would often tell me that pirates brought shame to Somalia and was always critical of the “piracy style.” That day as we were driving to a sweet shop on the southern edge of town so we could buy some *xaalwa kismaayo,* Timo was perhaps a little too carried away in our conversation or distracted for some other reason. In the midst of his talk of bad pirate drivers all of a sudden we had rear-ended a Toyota sedan that was sputtering along on the road. We were both slightly dazed but otherwise unhurt and after checking on me Timo walked out to the other car. A small crowd had gathered at this point and I
decided to sit inside the car and let Timo handle the situation. Five minutes of
negotiations later Timo ran back to the car. “We’re going to stay here for a little bit, let’s
have tea.” As we sipped tea next to the silent burly man whose car we had damaged,
Timo explained that we were waiting for an elder from his diya group to come so they
could decide on the amount of compensation. An hour later, an older man arrived and
within a few minutes a payment was agreed upon, a hastily drawn out contract signed,
and we were on our way again. “That’s how we do it here,” he said, when it comes to
accidents, the diya group is like insurance, it’s like I got GEICO.”

This ability for the diya group to socialize risks—to offer repair and reparation—
is central to the purposes of my argument. From everyday accidents to injuries and
death, the diya group spatializes and distributes risk: moving them from the individual
to the collective. In addition, as Aisha’s story emphasizes, the diya group is also a
reservoir of capital, collateral, and connection. Aisha was able to rely on her broker to
ensure payments from ransoms would make their way to the debit and credit column of
her account book. Similarly, pirate groups were able to call on the infrastructure of diya
groups to ensure credit, a necessity to fund piracy, especially the work of waiting as will
be discussed later. The marginalia of her account book and the kinship structures
embedded within it create a form of collateral\(^9\) that acts as protection against the potential of default or escape. This collateral also has a redistributive function.

While recognizing the importance of *diya* as insurance, Timo complained that as a Canadian-Somali he was always expected to contribute a higher *qaaran* (obligatory payment to the *diya*) in addition to paying *shaxad* (friendly contributions), *sako* (zakat or compulsory alms in Islam) and *sadaka*. “Every month there are lots of bills, lots of things I have to pay for my *diya.*” The redistributive impetus within Somali social organization has been highlighted earlier in discussions on the transformation of property. Here, I want to emphasize how the *diya* group simultaneously provides a de-territorialized form of restitution and insurance in addition to being sources of capital that can be used for a host of transactions including selling *khat* to pirates. Within the economy this dual nature of insurance and loan in the *diya* group is central in making things happen on land and sea. In addition, the way the *diya* socializes and recirculates money creates a form of necessity and debt central to expanding and perpetuating a system of piracy financed through the debts and credits of *khat* and the *diya* group. I now turn to the act of piracy and highlight the ways in which an economy of protection is made possible through the world of *diya*: of risk pooling and investment.

---

\(^9\) Collateral, within lending agreements, is defined as the pledge of a specific property in order to secure repayment for a loan. Collateral is a form of protection for the lender from the borrower’s default. Within the credit economy of *khat*, a kinship connection made visible through the *diya* group is collateralized essentially making kinship a form of property that can be securitized in this system.
4.4 Economies of waiting: diya and piracy

On a cloudy moonless night, where the humidity was only occasionally tempered by a faint southwesterly breeze, the MV Enterprise, a 4,000 net weight tonne Roll-on/Roll-off carrier loaded with an assortment of second hand vehicles trudged along the calm, soupy waters of the Gulf of Aden. Flying the flag of the great maritime state of Mongolia, the Enterprise like many in her class was affectionately described as a “rust bucket” by the motley crew of Indian, Filipino and Syrians that manned the ship.

“We’d been at sea for about a week at that point and given our current speed anticipated being in Mombasa in 3-4 days.” Suraj an Indian merchant marine had been sailing these waters for over 20 years and was accustomed to the ebbs and flows of life at sea. “There is always a little bit of anxiety when you get close to Somalia, so I tell myself you only have a 0.3 percent chance of getting hijacked and hope for the best.”

Inside the bridge, further evidence of why the Enterprise was called the rust bucket. Instead of an ECDIC (Electronic Chart Display and Information System) the ship carried an older marine scanner. Hafiz, the Syrian captain watched as ships transmitted their AIS (Automatic Identification System) number on the screen. But, not all fuzzy dots on the scanner had little numbers attached to them. Lots of little dots: fishing boats, Indian dhows, and other “rust buckets” with faulty AIS transmitters lit up the screen.

“You try to watch, see if anything unusual shows up. If a dot is approaching too close, you get on the radio. Usually it’s a fishing boat or dhow and they adjust accordingly.”

This night was different, 3 dots appeared on the stern side and started tailing the ship.
“One boat stayed on the stern and the other two split up and went on port and starboard side.” Overloaded with cargo, the Enterprise could only go as fast as 10 knots. Within minutes the dots were alongside the ship. “I knew it was the pirates. I did a little prayer and sounded the alarm.”

Suraj was on pirate watch that night, carrying the replica gun the owners had issued to the crew in lieu of following the recommended best practice list: a list that included installing barbed wires, water cannons and other defensive measures. Given the darkness of the night and the loud hum of the ship’s engine, drowning out any other noise, Suraj’s pirate watch was as symbolic as the replica gun he was carrying. “I had no idea until I heard the alarm.” The muzzled sound of gunshots near the bridge was when he realized the attackers were on board. “I threw my toy gun off the ship, because I didn’t want them to panic and shoot and waited for them to find me…I knew at that point we had been captured. There was nothing more for us to do” (Interview with author August 2010).

Capture is a moment of interruption and fear. For the merchant shipping vessels that trudge along the Red Sea/Western Indian Ocean corridor, capture represents the breakdown of a just in time logistics within the world of long distance shipping. It is also a moment of despair, danger and uncertainty. From the vantage point of the Somali pirate skiff, capture is neither the guarantee of profit, nor the end of an expedition but merely the continuation of a set of debt and credit relationships. It is also a moment of uncertainty, of promise and peril. Finally, capture is a “spatiotemporalizing practice”
unfolding in a specific “intersubjective spacetime” (Munn 1986: 9) In this section I focus on the spatiotemporality of capture, including the centrality of waiting within this economy. Maritime piracy like other maritime trades is shaped by the rhythms of seasonality, the risks of chance, and the work of waiting. This means that piracy is not a self-sustaining world and the economy requires a movement outside the social field where it intersects and engages with a number of economies, including the world of khat described earlier in this chapter. This movement and entanglement both makes possible the act of capture and necessitates for many a constant and seasonal return into the waters of the Indian Ocean in an attempt to make a claim of protection and profit from the world of global shipping. I now highlight how seasonality, chance and waiting shape this economy and the ways that the security of the diya group spatialized debt.

4.4.1 Seasonality

“The first thing you need to understand is that our work is seasonal. When the waves are too high from roughly May until September no one is going to go out to the ocean.” In June 2009, following an unprecedented six months of piracy attacks off the coast of Somalia all of a sudden the hijackings of ships stopped. At a press conference the NATO official sought to congratulate the recently assembled naval coalition for “sending a loud and clear message against piracy and ensuring a steep decline in the number of attacks.” Abdi (“Laptop”), introduced earlier as the pirate psychic, had become a major negotiator/financier when I met him in 2012. He recounted the amusement with which his group and other pirate groups treated the premature victory
announcement by NATO in this war on piracy. “As soon as the monsoon ended we were back out in the ocean and they [NATO] realized how wrong they had been in saying piracy had declined.”

Things in the Indian Ocean, including pirates, move at a monsoonal pace. The annual cycle of the winds that sweep into South Asia from the southwest in the summer and from the northeast towards East Africa in the winter have shaped and structured the Western Indian Ocean. The winds are part of a weather pattern that is essential to the agricultural production of South Asia as well as Southern Arabia. At sea, mariners on the Indian Ocean discovered how to harness the monsoon several thousand years ago, and thus constructed a social, cultural and religious tied to seasonality of these winds. Indeed, as Philip Curtin has noted, it was the discovery of the wind system more so than technological advancements that framed the way for European incursions in this oceanic space.

Embedded within the ebbs and flows of this monsoonal sea, the seasonality of piracy creates a rhythm to life on land. As with other maritime trades, the monsoonal break is a period of great activity, when weddings are arranged, earnings reinvested, homes repaired and preparations made for another round of time at sea when the waters calm down enough for skiffs (the preferred craft of choice for Somali pirates) to navigate safely in the open ocean. A major consequence of this seasonality is that no one is a pirate all the time. People move between piracy and other forms of trade and work. Ali, a member of a pirate group based in Benderbeyla noted this seasonality of piracy as
a reason why he continued to work as a pastoralist. “During the Gu (short rains) I travel with my father’s herds. During those months no one goes to sea so the pirate bosses tell us to go back to our life on land.” Similarly Badoo, a navigator for the same group works as a fisherman during the monsoon months as he joked with me “when we are no not going to catch ships far out in the ocean, I catch fish closer to the shore.”

4.4.2 Chance

In addition to this seasonality, the element of chance critically shapes the contours of this economy. By 2008, maritime piracy had developed a level of expertise and stories circulated of people working inside the maritime industry offering logistical support to potential pirates. While conducting research in Mombasa, I encountered one such “expert.”

Not far from Fort Jesus, the sixteenth-century fort erected by the Portuguese to mark their violent entry into the world of Indian Ocean commerce, is a small office near the old port of Mombasa. Scattered inside are copies of Seatrade and other maritime trade magazines. An old desktop computer displays the “Baltic Dry Index”, which tracks international shipping prices for dry bulk cargo, as well as the shipping movements list from Lloyd’s of London highlighting the movement of commodities on ships registered with the insurance company. A former shipping agent, “Salim,” single-handedly manages this office, providing “logistical support” to individuals and organizations he describes vaguely as “interested parties.” When he started, “about three years ago,” Salim explains, “I was one of the first people providing this service.
Today there are quite a few people in London, Dubai and Minneapolis, and a few others in Mombasa as well. I could go to some of these other cities, but I like staying here.” “I might start selling real estate,” he adds with a wry grin, alluding to the real estate boom, rumored to be fueled by piracy money, in the Kenyan town. “It is a good city for business.”

Similarly, within Somalia, negotiators have emerged as key figures within the piracy economy, acting as translators and *dilaals* (brokers) within this economy. Abdi, the psychic turned pirate financier, perhaps best exemplifies the linkage of chance and expertise within this world. A former policeman in Mogadishu, like many of his Darood brethren, he fled the capital in 1991 and returned to the relative safety of Puntland where he quickly developed a reputation for his psychic abilities. After numerous high profile predictions including confounding a group of Sufis who were angered by his claims to psychic power, Abdi acquired the name “laptop” and soon found himself as an advisor to pirate groups in Puntland. Eventually, Abdi transformed his expertise from advisor to pirate boss and by 2012 had the dubious honor of being listed in the UN sanctions report as a high profile pirate leader with a travel ban and asset freeze.

4.4.3 Waiting and risk pooling

While “experts” like Salim and Abdi have become indispensible to the piracy business and move from broker to leader with relative ease, the average piracy operation continues to be built on fairly rudimentary forms of expertise and a degree of chance. Xaasan recounted a typical piracy operation:
We usually go out in a bigger boat [usually a *dhow* or larger fishing vessel] towards the open ocean. The pilot of the boat will sail in the direction of where ships are transiting the area. Once we get close to a ship we will launch the smaller skiffs and start chasing the big ship. Sometimes they see us and accelerate or do other maneuvers to avoid us. On average it maybe takes us three to four attempts before we get lucky and can board a ship. Though many times we are unsuccessful and come home empty handed. Once you are on the skiff, your mind is racing…will we catch the ship, will the crew be armed…all these questions. The waves are very big as well and many times the skiff starts to capsize. Finally, you get on board and find the captain…show him the map of where you want him to take the ship and then we wait…waiting for a long time…[interview with the author, June 2012]

Waiting is a key component of the work of piracy. From waiting for the winds to die down in the *hagga* season to the wait for ransoms, every moment of the enterprise is characterized by a form of waiting and often boredom. Capture begins a whole set of transactions and debt-credit relationships. Ships are anchored just offshore in cell phone range and hostages and hijackers share a strange sort of domesticity in the weeks, months and sometimes years it takes for negotiations to transpire. Guards and hostages are not allowed to leave the ship and food, water and *khat* are shipped in daily. “We wait before we catch a ship and then we wait afterwards.” Waiting is not a time between work— but an integral part of the work of piracy. As guards wait they chew *khat*, eat food, drink water, use cell phone air time (often to buy goods ranging from cars to TVs, make contributions to their *diya* group and arrange for “leisure activities” when finally onshore). Debts and payment obligations are constructed in this moment of waiting and networks of investors, entrepreneurs, debtors and delinquents created while waiting for the ransom. As laptop the psychic pirate boss introduced earlier explained,
“As soon as a ship is captured, I’m always on the phone…people will call my cousins other relatives saying they want to invest in the operation. Some will sell food, sometimes we will hire a cook. The *khat* merchants are always the first to call. I keep an account book, the shopkeepers have their own account book…we know how much everyone is owed throughout the negotiations.”

Drawing from the resources of the *diya* group a kind of joint stock enterprise emerges in the aftermath of hijackings. Like the historical joint-stock enterprises in the Indian Ocean, the proliferation of account books and the creation of shares once a ship has been captured are premised on a principle of risk pooling and profit sharing. Capture is certainly no guarantee of payment, which vary greatly based on the structures and racial inequalities that constitute global shipping. Once a ship is brought close to shore, the navigators and skiff captains depart the ship leaving on board guards who are joined by a negotiator. Often diasporic Somalis negotiators tend to work on percentages instead of fixed returns and are engaged in processes of assessment. “The first thing we must do is find out what kind of ship it is, does it look old or new is the crew European or Indian/Filipino.” Abdullahi was a retired negotiator and was explaining the system of assessment. In addition the aftermath of the hijacking is a moment of encounter between the *diya* group and a world of counter-piracy structured around a similar logic of risk and protection. The next chapter focuses on this precise encounter. The diya group simultaneously allows for this encounter between pirate and global shipping, it allows for the possibility of becoming pirate and it is the obligations
and structures of debt constructed within it that often force one to remain indebted to the sea.

“What did Boyah do with ransom, he was a big millionaire after the Nori right?”

In the fading light at the jetty, Xaasan looked at me somewhat puzzled and a bit annoyed at my question about Boyah’s riches. “Boyah’s made a lot of money, but he didn’t become a millionaire with the Nori hijacking. Lots of people had rights to that money and he had debts to pay. I think maybe he made $100,000.” When I asked Xaasan about his earnings, he ignored my question at first, then finally beckoned me to open the third bundle of khat. “If I had lots of money, I would not be asking you to buy the khat.”

Xaasan like many involved in piracy had spent more than he made and was perpetually broke whenever I encountered him. He had dreamt of being a big man through piracy. “Now I just wait to go to sea to pay the debts I accrued when I was trying to become a pirate.” While the diya group socializes the costs of piracy, those debts end up creating a set of obligations. Unable to pay back the money he borrowed to become a pirate, Xaasan was working at the port unloading boats that arrived from Dubai bringing goods ranging from dentist chairs to the latest Land Cruiser while on the lookout for possibilities to go back to sea and capture a big ship. In this world it seemed like the only ones who profited were the khat merchants like Aisha and the bosses like Hassan who enjoyed the fruits of prestige and profit. In my last week in Puntland, I returned to Aisha’s store when she happily announced that all week her khat was going to the coast, another ship had been hijacked. I asked Aisha if she was worried about financial
interdiction schemes that were tracking piracy money. Ignoring my question, Aisha launched into a long critique of piracy for promoting, what she termed as “drunkenness” and “illegal sex” among the youth. Immediately after, and without a moment of hesitation, she began an equally impassioned critique of financial interdiction and its failures to distinguish between “business” and “theft,” between “lawful” (halal) and “unlawful” (haram) and animatedly said, “if you track money like this we are all pirates; I am a pirate. This chapter has focused on the normalization of piracy within a world of work. From roadblocks to acts of capture at sea, piracy is understood and made possible through logics of work and exchange. The diya group as capital, connection and collateral structures this exchanges in ways that draw upon “customary” forms of risk-pooling and insurance but also transform these systems and the logics of means and ends that construct these economies. From here, I shift scale and locale and turn to the encounter between this world of protection and a competing, though deeply interlinked system of global protection ranging from mercenaries to insurance companies.
5. A Sea of Protection: Constructing a Global Economy of Counter-Piracy

5.1 Introduction

“Do you know how much it costs to keep the navies out on the ocean patrolling against pirates?” I was sitting in the office of the Puntland Minister of Ports and Counter-piracy. A respite from the heat and the constant buzz of port activity, the minister’s office was sparsely furnished, though thankfully air-conditioned. The walls were covered with two large hastily drawn nautical maps, indicating water depths and approaches to the port of Bosaso. A portrait of the Puntland President Abdirahman Farole, displayed prominently above the minister’s chair, seemed to glare down at me as I stumbled for an answer. Before I could come up with a number, the minister brought out a dusty file folder and started listing facts and figures. “Right here it says the cost for one destroyer is $1 million dollars a day,” the minister said, pointing to an international NGO report on the costs of Somali piracy.

If there are 26 ships patrolling the Gulf of Aden every day that is about $26 million a day, which means every year it costs $9,490,000,000 to fight piracy. The navies have been here for two year, so that means almost $20 billion. And how many pirates have been arrested? How many ships saved from piracy? Let me tell you, when they capture pirates they just end up releasing them back to Somalia, they call it “catch and release.” All that money is spent just to catch and return pirates back to Somalia. If they gave us even 1/10 of that money, actually I’ve calculated that all we need is 1/20 of the annual naval budget for counter-piracy in order to solve the piracy problem for good. You have to understand we know the pirates; they’re our cousins, our family….our clan. We know where they live and what we need to do in order to fight piracy. We just need to be given the right amount of money to protect the world from piracy. Why doesn’t the international
community give us this money? [Siyad Rage Bosaso, interview with the author, April 2011]

This chapter takes these calculations about counter-piracy as its point of departure and attempts to answer the minister’s puzzled inquiry by recasting counter-piracy in the Western Indian Ocean as a global economy of protection. A number of scholars have focused on the international response to piracy in recent years. Writing primarily in the fields of international studies and security studies these works have emphasized questions of geo-politics (Bouchard & Crumplin 2010) or problems of coordination within international naval operations (Streutt et al 2012). Others have emphasized the role of shipping, insurance and problems of regulating the private security industry within the world of counter-piracy (Kraska & Wilson 2008; Percy & Shortland 2013). Shipping, private security, navies and insurance companies all emerge as separate actors and separate worlds within this literature.

In contrast, through an ethnographic engagement, allied with a theory of protection, this chapter brings together the diverse, yet interconnected, actors involved in counter-piracy. From national navies to private insurance companies, I highlight how a theory of protection shapes counter-piracy including the distribution of force between public and private. If previous chapters emphasized the centrality of protection within the world of privatized trade and piracy in the Western Indian Ocean, here I return to protection as a form of management that attempts to redistribute the risks of global shipping between the public and private in ways that belie contemporary
understandings of intervention and policing. Maritime insurance, that “classical and venerable form of commercial protection” (Spooner 1983:1) organizes this redistribution of protection within counter-piracy. I argue that the shift of piracy from “Hull and Machine (H&M) cover” to “war-risk cover” highlights two different modalities of organizing protection with differing constellations of public and private actors. H&M cover as standard shipping insurance distributes risks across the global economy of shipping. Given the highly international nature of global shipping, insurance functions as a trans-national regulator governing the organization of shipping in ways that resonate with recent interventions in the anthropology of insurance while leaving the business of protection to navies and shipping companies. The shift to “war-risk cover” transforms this logic by adding a penalty to ships based on their proposed itinerary into regions classified as “war-risk areas.” Insurance then is no longer simply a project of risk-pooling but a direct form of governance, and as Lobo-Guerrero (2012) has noted, “an instrument of war” where insurance companies punish or reward counter-piracy measures through deductions thus transforming the distribution of violence across the spheres of public and private on a global scale.

At the same time, instead of positing a straightforward calculative logic of risk minimization and profit maximization, I emphasize the role of historical contingency (in this case sharp reductions in military budgets and the post-Iraq boom in private security contractors) and the limits of protection by emphasizing the impossibility of Somalis (especially those not recognized as legitimate sovereigns by the international
community) participating in or profiting from this regime of counter-piracy. I begin with an ethnographic account of counter-piracy operations in the Western Indian Ocean, tracing the shift from navies to private security contractors. Drawing on Foucault’s (2009) reflections on security, this section highlights the transformation of the Indian Ocean into a sea of piracy. Part II of the chapter builds a theory of protection in order to explain the shift from navies to private security companies. Expanding the works of scholars like Frederic Lane (1979) and Charles Tilly (1985), alongside histories of European incursions in the Indian Ocean, this section highlights how the problem of protection is a central concern for long-distance trade, even in an era of containerized shipping. Through a historical focus, this section also highlights the consistently shifting and contingent distribution of force between public and private in organizing protection for long-distance trade. In Part III, I expand the lens of protection to bring into the frame insurance companies as a central actor in shaping counter-piracy. Building on the history of Lloyd’s Insurance, I locate the contemporary response to piracy in the Western Indian Ocean within practices and techniques of maritime risk management. In the final section, I offer a tentative reply to the question posed by the Somali minister at the beginning of this chapter and highlight the ways in which a simultaneously hyper-economic and non-economic rationale frames the legitimacy of actors who can benefit from the economy of counter-piracy. Thus, rethinking counter-piracy through the framework of protection highlights the concrete ways in which a “global market” is constructed and governed: in the case of counter-piracy, a project that entails the
distribution and management of violence on a global scale while policing the lines between those who can “legitimately” call themselves protectors and those who can only be pirates.

5.2 “Chasing Pirates”: From Naval Flotillas to Private Security Companies

Over lunch at the Army/Navy Club in Washington, D.C., far removed from the monsoonal currents of the Western Indian Ocean, Rear Admiral Terry McKnight, the former commander of the United States Navy’s counter-piracy operations in the Western Indian Ocean, described to me the precise moment when the United States Navy “got serious about Somali piracy.”

It was Friday June 1, 2007, 205 miles off the coast of Somalia when pirates hijacked the MV Danica White. A twenty-year-old, 200-foot bulk carrier, the Danica was the perfect ship for pirates to capture. The ship was making six knots against a southerly wind and current. The five-person crew had no special watch or evasive measures in place to protect against piracy and the freeboard was less than five feet. The only thing missing, honestly, was a “welcome pirates” doormat! [Terry McKnight, interview with the author, October 2012]

Once the ship had been hijacked, the admiral noted, the Danica drastically changed course and started heading towards land. The USS Carter Hall, an amphibious assault ship operating as part of the Combined Task Force 150, a multi-national counter-terrorism force established after September 11, 2001, to patrol and monitor the Horn of Africa, noted this erratic shift and started following the Danica White. “After sending a private captain’s message to the ship and contacting the ship’s owners in Copenhagen, the Carter Hall realized the ship had been hijacked and began following Danica White
while awaiting orders from Bahrain.” The admiral proceeded to tell a riveting tale of hot pursuit at sea:

The *Danica White* did not change course or slow down. The skipper of *Carter Hall* had done everything short of disabling maneuvers and boarding the ship. When the ship owner’s suggested disabling the ship, CENTCOM declined because they were worried about the safety of the hijacked crew. It’s a risk and cost-and-benefit analysis for us, and endangering the life of the seafarer is never worth it. All the *Carter Hall* could do was fire warning shots; sink the skiffs attached to the ship and watch as the *Danica White* inched closer towards the territorial waters of Somalia. Once the *Danica White* entered Somali waters, CENTCOM instructed us not to violate Somali maritime sovereignty. The crew of the *Carter Hall* could only watch, even though there is no effective government in that country. It was like a kid’s game: they got past the line without being tagged, and they were free. [ibid.]

The aftermath of the *Danica White* incident led to a transformation in the rules of hot pursuit at sea. The spectral fiction of Somali sovereignty was gradually disbanded, and five months later, in October 2007, when the *MV Golden Nori* was captured—traveling from Singapore to the southern Israeli port of Eilat with a cargo of flammable benzene—US and German destroyers did not stop at the boundary of Somali territorial waters but blockaded the port of Bosaso in Northern Somalia. A navy lawyer who had been involved in this event remarked that “no one at that point [in the *Golden Nori* incident] would dare say out loud that we were violating Somali sovereignty.... In any case, the hijacking was a terrorist action in the making and we knew the question of legal authority would be moot in this ticking bomb scenario.”

In a striking parallel, the *Golden Nori* hijacking emerges as a central moment within both the world of piracy and counter-piracy. As described in the previous chapter, the *Golden Nori* scaled up and emboldened an emergent logic of kidnap and
capture and transformed piracy from an opportunistic form of rent seeking, to a violent insertion into a global system of maritime commerce. Within the framework of counter-piracy, the *Golden Nori* hijacking allowed the international community to move beyond the “tyranny of borders” and transform what the admiral termed an “over-the-horizon form of policing” into an active engagement and intervention. The *Golden Nori* heralded the beginning—*de facto* if not *de jure*—of a new global war on piracy, traveling alongside and building on the legal and regulatory architecture of the ongoing global war on terror.¹

Almost a year after the *Golden Nori* incident and following the hijacking of the U.S. bound, Saudi Arabian, 1,090-foot, very large crude carrier (VLCC) *MV Sirius Star* 450 miles south-east of the Kenyan coast, the UN Security Council, in 2008, adopted a series of resolutions to construct the legal edifice for the 21st century’s global war on piracy. Specifically, UN Resolution 1816, while “respecting the sovereignty, territorial integrity, political independence, and unity of Somalia” gave unprecedented authority to international naval vessels to pursue pirates in international waters, Somali territorial waters, and even on land, thereby suspending Somali national sovereignty even as it claims to respect its sovereignty. Established under the Chapter VII powers of the Security Council, which deals with the UN’s authority to address threats to international

1 The aftermath of the attack on the *USS Cole* in October 2000 in the port of Aden in Yemen created a spatial imaginary of the Western Indian Ocean as a space of terror and threat. A number of practices that developed in the aftermath of these attacks, including extra-judicial killings, became central to the post 9/11 Global War on Terror. The naval response to piracy is thus always haunted by the specter of “terrorism.” See Prestholdt (2013) for an insightful discussion on US engagements in East Africa through a focus on the specters of the “terrorist.”
peace and security, the 2008 resolutions on counter-piracy (UN Security Council Resolutions 1816, 1838, 1846, and 1851) effectively dissolved distinctions between land and sea; territorial waters and high seas—distinctions that have been central to the construction of piracy as a legal category separate from armed robbery and smuggling. In addition to re-spatializing piracy as an act that can occur in territorial waters and even on land, these resolutions placed the newly emerging coalition of national navies at the center of counter-piracy operations and gave them authority to take “all necessary means or measures at sea and on land to suppress piracy and armed robbery at sea.”

Within a year, by 2009, an international coalition had assembled off the coast of Somalia. Almost a century after the conclusion of a British Navy led war on piracy in the Indian Ocean, international naval vessels were back and once again involved in “chasing pirates.”

5.2.1 Managing a Sea of Piracy: Security and Circulation in the Gulf of Aden

Located in the quiet suburb of Northwood, a few miles from central London, a 1950s-style office block conveys very little of its central role in counter-piracy operations in the Western Indian Ocean as the headquarters of the EU counter-piracy mission. On a grayer-than-normal London morning, Col Pierre, a French naval officer working for the European Union’s counter-piracy taskforce (EU-NAVFOR-ATALANTA) described the unprecedented logistical coordination that transpired on a daily basis inside this office
complex as we navigated the complex maze of security protocols to enter the hub of the building:

On an average day we have about 20 to 30 vessels patrolling the Gulf of Aden. The primary countries are of course the US and the EU forces, but we also have vessels from India, China, Iran, Thailand and Russia patrolling the region. There is now an Internationally Recommended Transit Corridor in the Gulf of Aden, which is the equivalent of a well-lit street in a bad neighborhood and most of these ships provide safe passage through that corridor. In addition to the naval vessels, we also have aircraft surveillance with manned and unmanned craft that constantly patrol and are also engaged in reconnaissance on land and sea. Djibouti alongside Bahrain is one of the key nodes in this counter-piracy effort. Here in Northwood we are coordinating between all these different stakeholders, keeping track of ships and personnel.... As you can imagine, our job requires a great deal of coordination and engagement across all these different sectors. [Col. Pierre, interview with the author, London, June 2010]

Spanning three continents and employing over 2,000 military personnel working to provide what the officer described as a “24 hour manned response to the threat of piracy,” the EU counter-piracy operation has transformed the Western Indian Ocean into an ocean of piracy. Incidents of piracy, both attempted and successful, are updated on a live piracy map that circulates between navies, shipping companies and insurance agencies. Regular “fly-bys” and aerial surveillance through manned and unmanned craft have created detailed and often classified mapping of this oceanic space. In addition, naval ships and helicopters regularly patrol shipping lanes with full authorization to board suspicious vessels and conduct search-and-seizure operations at sea.

At the Northwood monitoring station this disparate “data” is visualized onto maps and satellite images that function as “maps of legibility” (Scott 1998: 3) rendering a vast seascape into knowable grids and quadrants. As Col. Pierre and I watched the dots
moving slowly across the map of the Gulf of Aden, I asked him about life at sea. Leaning back into his chair, his gaze still focused on the satellite map, the colonel spoke almost anthropologically about the distance between representation and reality.

These dots, all the satellite images, they tell us many things. But, for a sailor like me, there is so much more to navigating than a point on the map. I want to feel the wind. Is the water choppy or calm? How long before the next port? The sense of anxiety, anticipation that is part of sailing and determines so many decisions captains make; decisions that can help or hinder if there is a piracy attack....[Those decisions] I’m not privy to here. We just watch and try and determine if something out of the ordinary is happening. We’re managing from afar here. [Col. Pierre, interview with the author, London, June 2010]²

After reflecting more on the limited nature of management, Pierre promised to give me a taste of life at sea when I went to Djibouti: “When you’re doing research [in Djibouti], we’ll make sure you can go on a patrol,” he promised as we walked out of the observation station.

A former French colony, located strategically on the Bab-el-Mandeb that allows it to control access to the Red Sea and the Indian Ocean, Djibouti has since independence in 1977 sought to arbitrage its location in order to emerge as a key security and commercial hub for the Horn of Africa. From the port run by Dubai Ports World to the foreign military bases, Djibouti—echoing James Ferguson’s (2005) reflections on “enclave capitalism”—is perhaps one of the best examples of the transformation of

² This anticipation of the anthropological critique is one that Strathern (2005), Riles (2006), and Maurer (2005) among others have highlighted in their work and was clearly evident in my encounters at Northwood (and indeed throughout my encounters with institutions and actors involved in counter-piracy). Highlighting the problematics of legibility, of rendering “piracy” onto satellite maps (or insurance profiles) was never contested, and as Pierre’s comments show, was in fact often anticipated by my informants. Management as a “good enough” practice allows for the folding of critique onto itself and is a feature shared across the economy of counter-piracy.
sovereignty into contract for capital extraction. After I had been in Djibouti for a few weeks, living with French legionnaires and observing anti-piracy drills at the French military base, I finally got the phone call letting me know I had permission to board an EU vessel.

At the port of Djibouti, intermingled with dhows and merchants ships, the counter-piracy naval vessels seem both accessible yet removed from the buzz of the port. Security barriers prevent easy access, although the soldiers seemed uninterested in shooing away the crowds that milled about next to the barriers on the docks. With my visitor badge, I was escorted onto a waiting SUV at the entrance of the port, thus avoiding the long stifling walk in the heat that had become my daily ritual. As we were waved past the barriers, a young midshipman walked me up the bridge inside the heart of the naval destroyer. Unlike the merchant ships I had visited until then, the destroyer was remarkable in its order and in the fact that none of the instruments looked old or rusted. The smell of humidity, salt water and sweat I had come to associate with ships was noticeably absent. The accents, the uniforms and the sensation of feeling cold for the first time in months, all reminded me of being back in a miniature version of Northwood, the headquarters of the EU taskforce.

---

3 It is important to note the longer history of this project in Djibouti and the ways in which protection and economy come together through the simultaneous presence of military bases and the port in ways not anticipated by Ferguson's work. See chapter 4 for a discussion on the labor practices of rent-seeking as well as Part II of this chapter where I explore the economy of protection.
Ships, as Lauren Benton has highlighted, “played a dual role as sources of order in the ocean; they were islands of law with their own regulations and judicial personnel, and they were representatives of ‘municipal’ legal authorities—vectors of crown law thrust into ocean space” (2005: 704). This dual role seemed equally apt today, as it did for the era of European expansion that Benton writes about, when viewed from the vantage point of the EU destroyer. Naval ships are disciplinary regimes par excellence while simultaneously projecting themselves as islands of law in a sea of piracy. After a somewhat rehearsed tour of the vessel, including a rapid listing of crewmembers, miles covered and pirates intercepted, the captain remarked in an off-handed way, “we’re not actually here to eliminate piracy.” The captain continued; “if we wanted to eliminate piracy we’d have to occupy Somalia. No one has the appetite for that, not Britain and certainly not the United States. We manage piracy, nothing more, nothing less.” This repetitive emphasis on management, from the EU offices in Northwood to the deck of the naval destroyer in the port of Djibouti, is best understood within Michel Foucault’s distinctions between discipline and security. In his 1978 and 1979 College De France lectures, Foucault traced a genealogy of a different form of governance that he at first called “security,” but then later renamed “governmentality.”

In Security, Territory, Population, and The Birth of Biopolitics Foucault highlights that in contrast to the raison d’État of the sixteenth and seventeenth centuries, modern governmentality “was characterized by its own self-limitation. It was all about ‘not governing too much.’” In these lectures Foucault seeks to distinguish between discipline
and security. If discipline regulates everything, security on the other hand is a form of management that “lets things happen. . . . allowing prices to rise, allowing scarcity to develop, and letting people go hungry….“ (Foucault 2009: 45). In contrast to disciplinary power, which works through a negative feedback mechanism to create homeostasis in a closed territory, security is concerned with the unpredictable arrival of foreign elements onto sovereign territory and the spatial dimension of security, unlike disciplinary power is open ended. Security amounts to the management of a series of mobile elements and is concerned with the regulation and distinction between “good” and “bad” circulation. Through the example of the eighteenth-century town at a moment of shift from mercantilism to free trade, Foucault notes that as towns opened their walls to trade routes to prompt economic growth, they made themselves vulnerable to a whole host of undesirable objects. As he describes:

An important problem for towns in the eighteenth century was allowing for surveillance since the suppression of the city walls made necessary by economic development meant that one could no longer close towns in the evening or closely supervise daily comings and goings, so that the insecurity of the towns was increased by the influx of the floating population of beggars, vagrants who might come from the country…. It was a matter of organizing circulation, eliminating its dangerous elements, making a division between good and bad circulation and maximizing good circulation by diminishing the bad. [ibid.: 54]

This sense of distinction and distinguishing between good and bad circulation is at the heart of the contemporary naval response to piracy. Policing for pirates entails not the elimination of all piracy everywhere, but the management of piracy incidences within an optimal range. Additionally, policing for pirates is not simply about finding
pirates “out there” but rather constructing a physical and social seascape within which good circulation (shipping and fishing) is separated from bad circulation (piracy).

A key element through which this distinction between good and bad circulation is constructed is through practices of seeing and surveillance; practices characterized by a host of technologies, drones and radar but also through hours and days of anticipation and waiting. On board the EU patrol boat, “Karl,” a member of a Danish boarding team, described standing on the vessel’s bridge for hours on end scanning the choppy azure waters of the Gulf of Aden during his deployment with the naval transit corridor force. “We’ve geo-mapped all the piracy incidents, so when you’re escorting merchant vessels you realize that the threat of piracy is always present with you. For the days you’re assigned to escort duty, you can never rest because you’re constantly wondering when the next piracy incident will be and if you’ll be close enough to respond. Most of the time though, you’re just waiting and watching … with the occasional burst of action.”

I was reminded of Karl’s description back at the French base, when watching a cell phone video that my neighbor had recorded on a recent deployment with the US navy in the Gulf of Aden. The grainy video begins like a first-person-shooter video game. One observes the vast emptiness of the ocean from the vantage point of the stern of the vessel. Suddenly from what appears to be the break of a particularly choppy wave, a skiff materializes and seems to be accelerating towards the ship. As we watch the skiff appear closer, the ambient sound of wind and waves is punctuated with a series of rapid and controlled bursts. A voice narrates, “Skiff engaged, warning rounds fired.”
The skiff now is much closer and in the grainy video it’s impossible to tell how many people are onboard, but it is clear that there are at least six. The camera shakes and switches direction as a second boat appears from the starboard side of the vessel. More gunfire. Another voice shouts, “Second skiff approaching, these are not fishermen, engage both skiffs.” At this point a constant hail of gunfire erupts as the two skiffs approach from the aft and starboard side. The two skiffs suddenly change direction and stop pursuit. Right as the video ends, one of the off-screen Marines jokes, “Can you believe it? The skinnies tried to capture a warship.” His companion, also unseen, responds: “A bad day to be a Somali pirate, I guess.”

### 5.2.2 From Navies to Private Security

One of the drawbacks of a multi-sited research project is the multiplication of the inevitable goodbyes that frame ethnographic exits from the “field.” The initial discomfort of living in 115-degree-Fahrenheit weather surrounded by soldiers and assorted military types whose politics and practices I struggled to comprehend was gradually replaced by a comfortable rhythm as acquaintances and friendships developed. As I prepared to leave Djibouti, a number of my informants at the EU decided to take me out for a meal at a French restaurant, a holdover from Djibouti’s recent colonial past. Over dinner, a EU pilot congratulated me on picking what he saw as a good topic. “I don’t think Somalia is going to be resolved anytime soon and the piracy problem is good for us all. We’re going to be here for a long time, and that means you’ll have things to write about for a long time. When you come back we’ll still be
here.” Despite the pilot’s prediction, by 2012 the navies were backgrounded in the fight against piracy. In January 2013, a newspaper article reported the creation of a “private navy” ready to take to the seas in order to hunt pirates. In 2012, the International Maritime Organization and the US State Department had also revised their position on the role of private sector in the response to piracy. It is easy to see this shift from public to private within a narrative of the privatization of security that marks this contemporary neoliberal moment and the realities of policing in an era of austerity. Here, I argue that such a reading effaces longer histories of managing maritime protection in ways that undercut the distinction between public and private as well as the central role of insurance in shaping the distribution of protection and violence within this global economy of counter-piracy. If security helps us understand the everyday life of counter-piracy, the notion of protection expands this framework to illustrate the relationship between various actors involved in counter-piracy and the movement between public and private in this global system of management. Working through historiographies of the Mediterranean Sea and the Indian Ocean, I highlight protection as central to the problem of long-distance trade before turning to insurance as a central technique of protection in the global economy of counter-piracy.

5.3 A Sea of Protection

[H]e hath an argosy bound to Tripolis, another to the Indies, I understand moreover upon the Rialto, he hath a third at Mexico, a fourth for England, and other ventures he hath squand’red abroad,--- but ships are but boards, sailors but men, there be land-rats, and water-rats, water-
thieves, and land-thieves, (I mean pirates), and then there is the peril of
the waters, winds, and rocks.

---The Merchant of Venice

As one of Shakespeare’s “problem plays” The Merchant of Venice has been the
subject of much scholarly critique, notably for its depiction of Shylock as the Jewish
other and, related to this figure, for its commentary on the broader economic transitions
from feudalism to an emerging capitalism located within the practice of usury. At the
same time, as highlighted in the quotation that begins this section, the play is also a
meditation on the risks of trade, specifically oceanic trade, which was central to this
emergent capitalism.

After counting the numerous ventures that Antonio was entangled in from
Tripoli to Mexico, recognizing the frailty of ships and sailors, and noting the perils of the
sea from pirates to rough winds and jagged rocks, Shylock gleefully agrees to take
Antonio’s bond, suspecting that the merchant has overextended his threshold for risk. In
an insightful essay, Walter Lim (2010) notes this fascination with the implications and
meanings of risk-taking involved in merchandizing activities throughout The Merchant
as highlighting a broader cultural anxiety in early modern England about the activities
of merchants, specifically those involved in long-distance, oceanic trade. As Lim
highlights, “Shakespeare’s keen interest in the bourgeois figure of the merchant is
informed and energized by England’s emerging recognition that commerce would be
the indispensable lifeblood of England and the world” (Lim 2010: 363). Thus The
Merchant brought to the early modern English playhouse many of the cultural, legal and
philosophical debates over the nature of long-distance trade that were taking place in
Elizabethan England. Lim focuses on Antonio and specifically the nature of “surety"
within the play by emphasizing that “if Shylock sets the terms of reference for
determining the play’s engagement with the cultural significance of usury, the merchant
Antonio facilitates a consideration of surety’s very important relationship to the
interconnected legal matters of contract and equity” (ibid: 368). Surety, defined in most
common-law jurisdictions as a promise by one party to assume responsibility for a debt
obligation if the borrower defaults emerged, as Lim highlights, emerged from longer
theological debates on the “contract between God and the activities of his faithful” (ibid:
392). The promise of surety functioned as a form of protection. In its original use the
surety bond was extended as a way to assuage and contain the anxieties over risk-taking
and the extension of credit for trade.

Building on this relationship between trade and risk, this section reframes
counter-piracy within longer histories and debates on the nature of protection.
Protection, I argue, is the central problem of long-distance trade, even in an era of
containerized shipping. Expanding on the work of scholars like Frederic Lane and
Charles Tilly, alongside histories of European incursions in the Indian Ocean, this
section articulates a framework of protection as a promise of safety, often guaranteed
through violence that moves across the frames of public/private and small scale/large
scale that shape the economy of counter-piracy in the Western Indian Ocean.
In 2009, when the EU naval force for Somalia was established, its original mandate specified the goals of the international counter-piracy force as “the protection of vessels of the World Food Programme (WFP) and the protection of African Union Mission is Somalia (AMISOM) shipping.” While the protection of vessels belonging to the WFP and AMISOM remains a central reason for the continued presence of EU vessels in the Western Indian Ocean (indeed on their webpage EU-NAVFOR keeps a running tally of the number of WFP and AMISOM vessels protected), the mandate of this international counter-piracy force has expanded in recent years to include the “deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast and the protection of vulnerable shipping off the Somali coast” (emphasis added). The US-led Combined Task Force-151 (CTF-151) similarly frames its mandate in Somalia within the ambit of protection:

In accordance with United Nations Security Council Resolutions, and in cooperation with non-member forces, CTF-151’s mission is to disrupt piracy and armed robbery at sea and to engage with regional and other partners to build capacity and improve relevant capabilities in order to protect global maritime commerce and secure freedom of navigation. [CTF-151 mandate, on file with author]

These framings of protection are not incidental but continuations of a historical legacy of maritime commerce where long-distance trade and protection (violence) were integrally tied together. In his ambitious study on the longue durée interaction between technology, armed forces and society William McNeill highlights the adaptation of
forms of protection of long-distance trade into the emerging norms of war and
diplomacy among the city-centered, pre-modern Mediterranean world:

Ordinary long distance trade depended upon free access to weapons, for an unarmed
ship or caravan could not except to arrive safely at its destination. Indeed, successful
trade across political frontiers required the same delicate combination of diplomatic
negotiation, military readiness and financial acumen that was needed for the successful
management of close in defense of the city and its dependent territory. Perhaps the
relationship could be put the other way: skills and aptitudes developed for the successful
pursuit of long distance trade upon which the wealth and power of the great cities of
Italy had come to depend, provided the model and context within which Italians
developed a new and distinctly European pattern of diplomacy and war. [McNeill 1982:
79-80]

For McNeill, “Venetian precocity” in regularizing the free companies (*condotta*)
into something akin to free standing armies loyal to the city “arose in part from the fact
that similar practices had long prevailed in the fleet. Since before the first crusade,
salaried rower-soldiers, formed into standard ships’ companies, had been employed
season after season to make Venetian power effective overseas” (ibid: 76). Given the
centrality of Venice in shaping the relationship between trade and violence (protection),
it is perhaps no surprise that Frederic Lane, the magisterial historian of medieval and
early modern Venice, was one of the first scholars to posit a model (in the Braudelian
sense) for thinking about violence (protection) as a productive activity.

In his concept of protection, Lane distinguishes between violence that generates
no economic service as in the case of the robber and productive violence as in the case of
organized racketeering. Lane examines this concept of protection within the expanding
world of maritime empires, notably Venice. As Lane noted, in the medieval and pre-
modern world, “a very large part of the costs of the long distance merchant was payment for protection or insurance against losses by bandits or pirates” (Lane 1979: 150). At the same time, the distribution of protection across the spectrum of pre-modern trade was hardly uniform: some merchants could buy protection of a better quality than others or buy the same quality at lower costs. This difference between the cost of protection and the payment made by merchants for protection is termed by Lane as “protection rent” and Lane argues “protection rent during the Middle Ages and the early modern period was a more important source of income than profits due to superiority in industrial techniques and industrial organization” (ibid.: 251). In Lane’s schema, initially merchants could pay others for protection, provide their own, or even sell protection to others. With the rise of maritime empires like Venice, the state emerged as a monopoly provider of protection (for Lane the production of protection is a natural monopoly with large economies of scale) and the expansion of Venetian trade resulted from merchants paying protection rent to the state (i.e., the cost of protecting economic activities from the disruption of violence), which then used force to protect long-distance trade and thereby linked state, trade and protection. The Venetian mode of organizing protection in the form of a “trading-post empire” was one mode of organizing protection for long-distance trade. As John Pocock (1975) has noted, Florence continued a tradition of citizen self-defense and eschewed the organization of protection at a state level given the “Machiavellian moment” and the enthrallment with Roman republican institutions amongst the Florentine elite.
In his provocative re-reading of the rise of the European nation–state, Charles Tilly extends Lane’s idea of protection and recasts the history of state making as part of a long continuum from “banditry, piracy, gangland rivalry, policing and war making.” (Tilly 1985: 170). Highlighting the double-edged nature of protection, Tilly notes that “in contemporary American parlance, the word ‘protection’ sounds two contrasting tones. One is comforting, the other ominous. With one tone, protection calls up images of shelter against danger… With the other it evokes the racket in which a local strong man forces merchants to pay tribute in order to deliver” (ibid.: 170). Critiquing Lane for “containing his analysis within the neoclassical theory of industrial organization,” Tilly gestures at a way to think more broadly about protection and specifically its imbrication with practices of war making and state making. At the same time, unsurprisingly given Tilly’s focus on “bringing the state back in,” his narrative roots discussions on protection within the national framework, where the modern nation–state emerges as a “norm or a necessary destination of historical development” (Stern 2012: 258). If Tilly territorializes Lane’s ideas about protection rents, historiography on the Indian Ocean has sought to set this concept adrift by re-examining Europeans incursions into this oceanic space as encounters between radically different modes of organizing protection.

5.3.1 Interlopers in the Indian Ocean

And it is He who placed for you the stars that you may be guided by them through the darkness of the land and sea. We have detailed the signs for a people who know.

---The Holy Quran Surat al-anam, verse 97
In February 1498, after encountering a hostile reception in Mombasa—partly in response to having committed acts of piracy against unarmed Arab merchant ships prior to entering port—Vasco Da Gama’s fleet found succor in the friendlier environment of Malindi, a port city a hundred miles north of Mombasa. Overlooking the Indian Ocean, a forlorn, white coral pillar, supposedly erected by Vasco da Gama on his return journey, is the sole reminder of his presence in modern Malindi, a town more famous today for its Italian expatriate population and a thriving narcotics shadow economy.

“All of these Italians: they are all mafia” Abdullahi, a university student at the nearby Pwani University and my guide to the legacies of the Portuguese on the coast, warned me as we walked past the row upon row of concrete apartment–resort complexes that lined the coastal road out to Vasco da Gama’s pillar. Our destination was not the pillar, but rather a family that Abdullahi had promised I would be very interested to meet. As we approached a small kibanda (Swahili hut) with its characteristic palm frond roof (makuti), Abdullahi, unable to contain his excitement, remarked that we were meeting the descendants of the mysterious navigator “perhaps even Ibn Majid’s” family who had guided Vasco da Gama from Malindi to Calicut on the South Indian coast in 1498.

From the purview of Europe in the fifteenth century, the Indian Ocean with its trading routes, religious, kinship and social networks was a distinctive and denser social

---

4 Ahmad ibn Majid (b. 824 A.H.) was a famous navigator–cartographer who was reputed to have helped Vasco da Gama navigate from Malindi to Calicut (a fact disputed in most Portuguese and Arabic chronicles of the time). Born in Ras Al Khaimah on the Arabian Peninsula, Ibn Majid is most famous for Kitab al-Fawa’id fi Usul ‘Ilm al-Bahr wa ‘l-Qawa’id, an encyclopedic treatise on navigation, port locations and sailing lore collected from sailors from across the Indian Ocean.
space than the oceanic worlds known to the Portuguese and the Spanish. Europeans conceived of this ocean as a “Muslim lake” corresponding to the Ptolemaic image of the Mediterranean as a Roman lake. Vasco da Gama’s entrance into this oceanic world—with assistance from the mysterious local navigator variously claimed by coastal communities from Malindi to Malabar and by Muslims, Christians and Jews—marked the beginning of a truly global economy connecting the trans-regional Indian Ocean economy to the world of the Atlantic. The Portuguese, as Philip Curtin has noted, brought to the Indian Ocean a “new mode of organizing commerce and protection costs.” In the Indian Ocean, prior to the arrival of the Portuguese, merchants provided their own protection and paid pirates and other times port cities a fee to facilitate trade across the ocean. Protection costs in this scheme remained low, and trade remained free, given the mutual interest of merchants and pirates for the continuity of trans-regional trade. This is not to argue that “the Vasco Da Gama epoch” (Pannikar 1993 [1953]) introduced politics in the Indian Ocean or that oceanic exchanges in a pre-European world were peaceable. Violence, plunder and piracy were features of maritime life and references to the threat of pirates and piracy extend back to the earliest mentions of maritime trade in this region. In the first century, Pliny the Elder described Roman vessels picking up armed guards in Socotora and the ports of Hadhramaut en route to Malabar as the waters of the Western Indian Ocean “were greatly infested with pirates” (Prange 2011: 1272). Similarly, accounts of medieval travelers such Ibn Battuta and Marco Polo are rife with the threat of piracy in the Indian Ocean and speak of well-
organized and coordinated pirate communities. What was novel about the Portuguese foray into the Indian Ocean was the melding of state power and protection based on an idea of extra-territorial sovereignty⁵ by importing the Venetian model of “trading-post empire” (Curtin 1984: 143) into the Indian Ocean. The Portuguese sought to monopolize trade and mobility in the ocean by gaining control of key choke points, including the Bab-el-Mandeb and the Gulf of Aden, and by requiring ships to carry a cartaz, or permit. Ostensibly done in the name of providing protection against piracy, the Portuguese system militarized the ocean and transformed protection costs from a system of collecting fees or tax to a state-backed military regime that now declared certain shipping practices piratical while “protecting” others ostensibly from themselves. The inability to capture Aden as well as the high financial costs on the Portuguese treasury hampered Portugal’s attempt to create a Venetian-style trading post maritime empire in the Indian Ocean.

Portuguese failure nonetheless transformed protection costs and, more centrally for this argument, brought to the Indian Ocean an idea of extra-territorial sovereignty. Prior to the fifteenth century, even the most organized maritime states in the Western Indian Ocean did not conceive of their jurisdiction extending on the ocean. Practices of bandar haqq (port tax), blockades, salvage hunting, and raiding⁶ were both crucial to the

---

⁵ Contemporary Somali pirates who claim sovereignty over the ocean and argue for a right to “tax” global shipping thus can be seen as heirs to the Portuguese model of extra-territorial sovereignty.

⁶ See Margariti (2007) and (2008) for a discussion on Aden and the relationship between state and commerce including port taxes and blockades. The Zanzibar archives also contain fragments that reference eighteenth-
economic wellbeing of a number of littoral states and often articulated in terms of sovereign privilege. Yet what was notably absent within non-European modes of organizing commerce and protection were techniques such as the *cartaz* or a spatial claim to the totality of the ocean.

Where the Portuguese failed to control the Western Indian Ocean world with warships and the *cartaz* systems, Dutch and later British expansion in the Indian Ocean “internalized” the costs of protection by giving large, joint-stock companies\(^7\) the right to monopolize trade and to conduct warfare east of the Cape of Good Hope. For Niels Steensgaard, (1974), these shifting practices of protection have been useful to explain Western European success and Portuguese decline in the Indian Ocean. What I want to emphasize here is the hybrid sovereignty of the joint-stock company and the ways in which the risk of imperial expansion was divided between the company and the crown. On this monopoly marriage between commerce and crown, Adam Smith noted with a measure of disdain:

> To found a great empire for the sole purpose of raising up a people of customers, may at first sight appear a project fit only for a nation of shopkeepers. It is, however, a project altogether unfit for a nation of shopkeepers; but extremely fit for a *nation whose government is influenced by shopkeepers*. Such statesmen, and such statesmen only, are capable of fancying that they will find some advantage in employing the blood and treasure of their fellow citizens, to found and to maintain such an empire. [Adam Smith 1776 [2005]: Book IV, section vii.]

---

\(^7\) See Chapter 2 for a longer discussion on the East India and piracy in the Indian Ocean.
Smith’s critique is prescient in that it highlighted that the East India Companies (Dutch and British) functioned as “one-body corporate and politick” while at the same time exerting great control on the state. When the activities of English pirates like William Kidd\(^8\) threatened Company interests in the late seventeenth century, the East India Company was able to bring in the legal and naval apparatus of the crown to guarantee their commercial interests. At other times, the companies used their monopoly right to exclude interlopers and managed protection independently of the crown creating a hybrid system of protection that nonetheless had backing of the crown until the nineteenth-century turn away from mercantilism.

Through a discussion on protection (specifically the question of protection costs) I have sought to locate contemporary responses to piracy within a long history of managing the risks of long-distance trade. Instead of a unitary march from private to public or from small scale to large scale, this historical overview has emphasized a consistently shifting and contingent relationship between protection and trade. At the same time, debates around protection in this historiographical literature have focused solely on merchants and the state. In the next section, I expand the lens of protection by bringing into view maritime insurance as a central actor in the shaping of protection for long distance trade. Beginning with a general overview of the institutionalization of

\(^8\) On William Kidd see Ritchie (1986) for a discussion on the rise and fall of Captain Kidd. As Ritchie notes, Kidd was a useful figure for the British as a privateer but once he started challenging East Company interests in the Indian Ocean he became a pirate who was executed upon his return to England.
maritime insurance, I highlight how maritime insurance emerged as a technique of governance and the distribution of violence in ways that undercut public and private. The shift from navies to private actors is then explained through shifting techniques from H&M cover to war-risk cover.

5. 4 The Protection of Insurance

In his reflections on risk, Ian Hacking (1990) notes the origins of risk from the Italian *rischio*, a term that arose in the sixteenth century among the Venetian merchant classes to account for losses incurred in oceanic long-distance trade. As Mary Poovey (2008) highlights, the uncertainties of oceanic voyages represented the limits of accounting. Balanced bookkeeping required the details about merchant activities, primarily the dangers and uncertainties of being at sea to be written out of the record. *Rischio*, in the beginning was the unaccountable, the omnipresent, yet uncertain danger of leaving the solidity of land and heading down liquid paths. Given these hazards, maritime trade was central to the development of a number of risk-management techniques. In the pre-modern Mediterranean world, practices such as transporting goods in little ships to divide the risk as well as merchants sailing with their goods as “supercargo” in order to supervise stowage and carriage were central to developing incipient forms of marine insurance (Braudel [1949] 1995).

The story of modern (maritime) insurance is not simply the institutionalization of these earlier modes of managing risks but also the “purification” of insurance from a
variety of seemingly similar practices, namely usury (in the pre-modern world) and gambling (from the eighteenth century onwards). In this section, I briefly sketch the contours of this process of institutionalizing insurance. While most scholarship (Baker 2000; Zelizer 1979) has sought to unearth the moral and ethical claims that continue to undergird insurance practices, behind the seemingly technocratic and abstractive actuarial logic of insurance, my goal here is slightly different. I focus here on maritime insurance as a practice of protection that distributes the risk of long-distance trade through techniques such as Hull & Machine Cover and War Risk Cover that entail the division of force and violence throughout the global economy. Following from the discussion in the previous section, insurance then is an instrument of “war making” (Tilly 1985) that seeks to extract “profit from power” (Lane 1979).

5.4.1 Risky Trades: the Emergence of Maritime Insurance

One of the earliest forms of marine insurance was the ancient Greek practice of “bottomry.” Instead of a direct transfer of risk, this type of bond can be likened to a mortgage whereby the master of the ship borrowed money upon the bottom or hull of the ship. If the ship was lost at sea, the lender would lose money advanced on her, but if the ship arrived in the port of destination the lender would get back the loan, and in addition, a previously agreed-upon premium. Bottomry became one of the most popular forms of marine insurance in the ancient Mediterranean world due, in part, to its simplicity and the ability for insurers to secure profits that escaped prevalent sanctions
against usury by arguing that bottomry was a product that could be exchanged and not an interest on a loan.

By the thirteenth century, an incipient insurance industry had developed in the port city of Genoa, institutionalizing bottomry and other maritime loans. Merchants adopted complex systems of insurance and credit for sea voyages, especially those involved in the Indies trade. Land voyages and intra-European trade were usually not insured. Insurance at this point was still associated with “rich trades,” i.e., trades in overseas commodities such as spices, silks, cotton fabrics and semi-precious and precious stones and metals. These cargoes traveled long distances in well-armed ships and fetched high profits at port cities throughout Europe. In opposition, the intra-European bulk trade mostly included goods such as grain and hides and “the ratio of value to cargo space was not favorable enough to require insurance” (Ebert, 2011:102).

While the problem of usury was easily discarded through the construction of techniques like bottomry that created spaces for profit beyond interest, the relationship between insurance and other (unethical) speculative practices like gambling was trickier to navigate and remained central to anxieties about the expansion and institutionalization of insurance.

One of the first obstacles insurance practices encountered beyond usury was the distinction between insurance and forms of divination. For Giovanni Ceccaralli, “as soon as the economic use of random events [was] no longer considered of as a divinatory practice, insurance could be considered a form of collective defense from the threats of
chance” (Ceccaralli 2001: 631). These debates were further amplified with the rise of a more “modern” type of insurance in Pisa and Florence in the fourteenth century that involved paying a premium against risk to an underwriter or a group of underwriters. Insurance then became a form of protection against a future potential event, whose contours were yet unknown. As Jean Favier (1998) has noted, this form of insurance quickly spread beyond maritime uses with merchants attempting to insure themselves against the effect of epidemics and political change.

The anxieties over divination were not so much resolved, but put aside in the context of broader epistemological transitions that accompanied the probabilistic revolution of the late seventeenth and early eighteenth century. The shift from “prophesy to prognosis” (Roitman 2012; Koselleck 2004)—the move from the unknowability of God’s will to an “evental thinking” (Gigerenzer et al 1989) where action in the present became a mode of governing a future “not as eschatological in design but an opportunity for a new order of governance focused on the generation of profit and wealth” (ibid.: 7)—transformed the grounds upon which debates over ethical and unethical risk-taking emerged.

Additionally, regulatory transformations necessitated in part by the “insurance mania”9 sweeping early modern Europe sought to police the boundary between

---

9 The Lloyd’s archive is replete with attempts to insure against a range of actions beginning in 1710, when the society sought to branch beyond maritime insurance. For example Lloyd’s ADM 2/3989 lists a Genoese merchant’s attempt to insure “his handsome profie [profile?] frahm [from] forhereregain [the ravages of]
acceptable and unacceptable forms of risk-taking. Until the seventeenth century, insurance remained a localized practice concentrated amongst the mercantile diasporas of port cities. The precocity of England in creating a regulatory environment that distinguished between acceptable and unacceptable form of speculation notably through the creation of the Chamber of Assurances (1576); the Assurance Act of 1601—establishing a Court of Assurances to settle disputes over insurance matters; the Bubble Act of 1720 restricting the formation of corporations to those with royal charters and finally the 1745 Maritime Insurance Act and the 1774 Life Assurance Act solidified England, and London’s role in the institutionalization and expansion of insurance. The 1745 Maritime Insurance Act sought to distinguish between “passion” and “interest” and created the element of “economic interest” as a necessary precondition to insurance. The Life Assurance act went further and forbade “insurers to cover people or events where the insurer could not prove an interest in the person or event insured against” (Knights and Vurdubakis 1993: 739 in Maurer 2007: 137 and Hirschman [1977] 1997) at the time of making an insurance claim. Linking the ability to profit to a matrix of economic interest set the stage for developing an insurance industry in London, with maritime insurance and Lloyd’s at the helm of this practice.

scurvy.” The South Sea Bubble was also an impetus to regulate commercial speculation from gambling. See Murphy (2009) for a discussion on the South Sea bubble and the emergence of financial markets in England.
5.4.2 Maritime Insurance in England: Lloyds and the Rise of Insurance as Governance

In his 1781 treatise on insurance, John Weskett highlighted the role of commerce in making Britain the “envy, and till lately, the Veneration of all other maritime States” (Weskett 1781: vi). For Weskett, and indeed a great many thinkers and writers in the aftermath of the Glorious Revolution of 1688, commerce was the “grand Source, from whence is derived all that enriches, strengthens and adorns a State” (ibid). Insurance (specifically maritime insurance) in Weskett’s argument was indispensable for the expansion of trade, for “without Insurance, commerce could neither have been promoted, nor carried on; nor can it ever proceed, unsupported by Insurance; and consequently the national, as well as the private Advantage of well regulated insurance is obvious and indisputable” (ibid.).

From its beginnings in England as an informal set of risk-pooling arrangements primarily among the mercantile diasporic communities, maritime insurance by the 1720s had taken on a recognizably modern form with four established centers in London: Lloyd’s Coffee House, the Sun Fire Office, the Royal Exchange Assurance Corporation, and the London Assurance Corporation. As described earlier, England was at the forefront in establishing the regulatory architecture necessary to transform these practices of risk management and risk pooling into the institutional form of insurance. Following Weberian and Science and Technology Studies scholarship on markets and expertise (Weber 1978; Callon 1987; Bourdieu 1977; Boyer 2005), the emergence of
insurance markets in London by the eighteenth century can be seen as an instance of knowledge practices, legal regimes and commercial interests coming together to “perform” the market. At the same time, whereas Callon et al seek to write against a dis-embedded view of the late capitalist market inherited from neoclassical economics, insurance markets emerged prior to the disembedding of economics from political economy (Mitchell 2002). As Weskett’s quote above illustrates, the centrality of maritime insurance to Empire (in its seventeenth- and eighteenth-century mercantilist monopoly mode, and from the nineteenth century, the empire of free trade) was always already apparent from the beginning and continues to shape the encounter of insurance as a regime of protection in the Western Indian Ocean.

5.4.3 The Governance of Insurance

In the summer of 2010, after weeks of shadowing insurance underwriters throughout London as they developed norms and policies to manage piracy off the coast of Somalia, I finally got to visit the Lloyd’s building at One Lime Street. As we entered the massive underwriting room with its labyrinthine interconnected interior escalators, my sponsor, a maritime insurance underwriter, began listing the standard history of Lloyd’s. He noted with a degree of pride the “humble beginnings of Lloyd’s” as the Lloyd’s Coffee House on Tower Street as he explained:

Edward Lloyd was a name of incredible intelligence. The Coffee House was a popular place for all sorts of maritime folk, and Lloyd would gather intelligence about the comings and goings of ships. Initially, he would compile the information he collected from merchants into a list and eventually created a system of insurance when the Coffee House relocated to Lombard Street in 1691. It was his intelligence and foresight that led
him to realize the need for improving methods of marine insurance, and from that coffee house to this building on Lime Street is all the result of the vision of Edward Lloyd. [Jack Smith London, interview with the author, July 2010]

The maritime echoes of Edward Lloyd’s Coffee House are found everywhere in the headquarters of Lloyd’s, from the shipping bell used to announce major trades to the wood-paneled desks built from the wreckage of old ships. What is elided is the acknowledgement of the central role of Lloyd’s in the trans-Atlantic slave trade. In his powerful treatise on capitalism and slavery, the historian Eric Williams (1944) named Lloyd’s as one of the biggest profiteers in this system. Insurance, underwritten by organizations like Lloyd’s, was central in aggregating the risks of trans-Atlantic shipping as well as providing a source of capital accumulation that expanded an incipient insurance market and re-invested this capital into a burgeoning industrial capitalism.10

In addition to this history of profiteering, Lloyd’s and maritime insurance in general enacted a form of governance: transforming risk distribution into a form of protection. When I asked my underwriter friend why he considered Edward Lloyd to be so visionary, considering that some form of maritime insurance had been around for a long time, he immediately responded, “The difference with Edward Lloyd was that he

10 Ian Baucom notes the centrality of insurance in providing the original impetus for the system of finance capitalism we inhabit today. As Baucomb writes, “Absent the principle of insurance finance capitalism could not exist. The world of things would stage its revenge on value each time some object or another was destroyed, would refasten value to embodied things and make one as mortal as another. Licensed by insurance to utterly detach value from the material existence of objects, however finance capital is free to speculate in and profit from its imaginary markets” (Baucom 2005: 154).
transformed insurance from a profiteering enterprise to a practice of intelligence. It isn’t just numbers, it’s also about intelligence. He legitimized insurance and made it into a profession that could genuinely offer protection to the shipping industry.” A few days later in the National Maritime Archives, reading through the papers of Sir Henry Hozier, the general secretary of Lloyd’s in the late nineteenth century, I came across a similar sentiment that echoed the underwriter’s emphasis on intelligence. In explaining the significance of Edward Lloyd to a journalist, Hozier writes:

He [Edward Lloyd] was an enterprising man, and because of his close contact with seafaring men and with merchants engaged in foreign trade, came to the early realization of the importance of improving shipping and the methods of marine insurance. He it was who originated the system of maritime and commercial intelligence, which has since been developed into its present day effectiveness. [NMR 23/43]

These stories all place Edward Lloyd at the center of a grand narrative of the transformation of maritime insurance from a speculative, profiteering, morally suspect practice to a respectable project of protection built on a foundation of intelligence. In opposition to this triumphalist narrative, I want to read the transition from risk-pooling enterprise to economy of protection as entailing a shift in the relationship between the state and maritime merchants. Prior to Lloyd’s, insurance functioned as a private risk-pooling scheme built on the principle of distributing the risk of long-distance trade. The institutionalization of insurance was simultaneously a project of cleansing insurance from critiques of usury and gambling, thereby attracting new investors and broadening the risk pool, but also altering the relationship between state, commerce and protection.
As Luis Lobo-Guerrero has shown, the Napoleonic Wars (1803-1815) transformed the relationship between maritime insurance and the newly emerging “commercial kingdom of Great Britain” (2012: 34). The development of a regulatory structure in late-eighteenth-century England transformed London into the center of maritime insurance and “insurable interest that accrued in insurance companies from merchants throughout Europe became the cornerstone of public and private credit” (ibid.: 36). The American Revolution and the Napoleonic Wars made this credit accrual a moral question as underwriters debated the ethics of insuring “enemy property” — namely ships belonging to the United States and France. The archives of Lloyd’s highlight a long-ranging debate on the role of maritime insurance in the context of the Napoleonic War. Far from claiming a neutral, business-interests-first position, Lloyd’s and other maritime-insurance companies saw themselves as active partisans in the war effort and insurance as a political project for the benefit of the British Commercial Kingdom. In their official history of Lloyd’s, Wright and Fayle note that the aftermath of the Napoleonic Wars “reflected in the increasing influence of the society on naval and commercial affairs. Lloyd’s was now a power in the State…” (1928: 231 emphasis in original) The legacies of this moment continue to shape the relationship between maritime insurance and the protection of long-distance trade. The transformation of Lloyd’s and maritime insurance is not simply from coffee shop to rationalized bureaucracy, but entailed a shift in the relationship to the state. Maritime insurance was no longer reactive to the effects of war, but sought to transform state policy — a process
similar to regulatory capture. Framed within this long history of insurance, I now turn to
the encounter of maritime insurance and Somali piracy to highlight maritime insurance
as a regime of protection that seeks to “manage” piracy through a distribution of
violence across the scales of public and private.

5.4.4 Lloyd’s and the Pirates: War-risk Cover and Somalia

The notion of insurance as governance is one that is familiar to scholars working
in conversation with literatures on governmentality (Foucault 1991) and “risk society”
(Ulrich Beck 1992). Either describing the disaggregating effects of insurance or
highlighting the continued moral valence within insurance, the anthropology of
insurance has primarily oscillated between the poles of disembedded or embedded,
rationalization or moral economy. Bringing maritime insurance—the original form of
insurance—into this conversation not only adds an important dimension missing from
this literature, but also highlights that the governance of insurance is not simply enacted
at an individual level. How best to protect shipping: through navies or private
contractors? With weapons or non-lethal measures? These questions are explicitly about
the division of violence globally and cut across the divide of sovereignty and biopolitics;
threat and security undergird contemporary studies of regulation and governance.

Maritime insurance plays a central role in converting major seafaring risks from
individual shipping companies to the wider economy of global shipping. Even in
today’s increasingly virtual era, global shipping constitutes anywhere between eighty to
ninety percent of international trade, and merchant vessels often require as much capital
to build and operate as modern factories. In spite of drastic transformations in global shipping from containerization to transshipment, the practices of maritime insurance have remained relatively unchanged since Edward Lloyd’s moved from his coffee house to One Lime Street.

In general maritime insurance covers four aspects: a) cargo insurance covers goods carried aboard ships; b) protection and indemnity clubs (P&I) protect third-party liabilities, such as damage to port facilities or the environmental consequences of oil spills; c) hull and machinery (H&M) policies insure ships; and d) war risk policies cover losses caused by deliberate acts of third parties including piracy, maritime terrorism, war losses etc.

A particular feature of contemporary shipping is the deeply international nature of the shipping industry. As the Maritime Knowledge Center of the International Maritime Organization notes:

Shipping is perhaps the most international of all the world’s great industries. The ownership and management chain surrounding any particular vessel can embrace many different countries; it is not unusual to find that the owners, operators, shippers, charterers, insurers and the classification society, not to mention the officers and crew, are all of different nationalities and that none of these is from the country whose flag flies at the ship’s stern. [IMO Information Bulletin, September 2011]

This international nature of the shipping economy and specifically the policy of flags of convenience, namely a system where ships fly the flag of a country other than the country of ownership as a way to avoid regulatory regimes and tax burdens, has created a marine insurance system where policies are based on a detailed risk profile
built around individual biographies of particular ships and voyages. As Francois Ewald has argued, “insurance functions as a political technology… of social forces mobilized and utilized in a very specific way” (1991: 207). This political technology comes to existence on the basis of what Ewald terms as the three techniques of insurance: “economic and financial,” “moral” and “repartition and indemnification.” Within the world of shipping insurance these three techniques are equally prevalent. Marine insurance, as my informants repeatedly stressed, is first and foremost an economic tool to allow for a shipping economy to function by underwriting the high rates of risk involved in buying and operating ships. Additionally, insurance underwriters repeatedly stressed the centrality of insurance in creating a system of protection and reparation for the shipping industry. As one underwriter noted, “without maritime insurance there is no justice for the seafarer.”

As Ewald and others have shown these techniques are not unique to maritime insurance. What makes maritime insurance unique, I argue, is the particular nature of the shipping industry as operating and structured in a realm outside the nation–state system. The mare liberum of contemporary shipping is one without strong state-regulatory oversights, and insurance companies, through their ability to decide what can and cannot be covered, create a de-facto system of sovereignty over global shipping and, as I argue here, over the broader global economy of counter-piracy. The governance of maritime insurance is not simply a system of regulating and indemnifying individual
ships or shipping companies, but shifting protection costs across a global economy of counter-piracy. I now turn to Somalia to highlight this process.

5.4.5 War Risk Cover: a Brief History

Following the institutionalization of insurance in eighteenth-century London and throughout Continental Europe, maritime insurance contracts typically covered ships on either a time or voyage basis and did not distinguish between times of war or times of peace. During the Napoleonic Wars the risk of capture at sea led to an increase in premiums as well as the possibility of spectacular profits and indeed losses. Given the volatility of this war market, Lloyd’s and the wider London insurance market began excluding the risks of war from standard hull and cargo policies. This exclusion was formalized in 1898 following the Fashoda incident when a small group of French explorers under the command of Captain Jean Baptiste Marchand planted a French flag in the village of Fashoda in the Sudan, then under the dominion of Great Britain. The resulting diplomatic incident threatened to develop into war between Britain and France until Marchand was ordered to withdraw. The 1890s also saw considerable tension between Britain and the United States. The watching marine underwriters were acutely aware of the power of the navies of both France and the United States and a General Meeting of Lloyd’s, held on June 15, 1898, adopted for the first time a formal policy of severing marine and war risks.

The status of piracy has oscillated between marine and war risks within this world. As Michael Miller (1994) notes, prior to 1983, underwriters at Lloyds covered
piracy as a war risk. In 1983, as global incidents of piracy declined significantly, underwriters decided to amend their clauses and placed piracy under the hull and machinery policies as a generic “threat” that didn’t require a specific specific technique of indemnity. A Hull and Machinery (H&M) policy is an insurance contract that typically brings together three parties: (1) a ship owner or one of the investors, (2) a broker hired to negotiate a contract by the party seeking insurance and (3) a group of underwriters. The H&M contract covers the contents of a hull and the everyday running of ships. An H&M policy is thus akin to other insurance policies and is negotiated on a time basis. Profit margins for an H&M insurer come from spreading the risks of trade as widely as possible. As an underwriter explained, “We want to make sure the ship is running, but beyond, we have no vested interest in making sure it can go from point A to B.”

In October 2005, partly in response to a post 9/11 re-imagining of threat and the attacks on *USS Cole* and *MV Limburg*, the Joint War Risk Committee at Lloyds reclassified piracy out of standard hull insurance and into war-risk policies. War-risk cover generally has two components: War Risk Liability, which covers people and items inside the craft and is calculated based on the indemnity amount, and War Risk Hull, which covers the craft itself and is calculated based on the value of the craft. A key distinction between hull war-risk cover and regular hull-and-machinery insurance is that war-risk cover is a spatial practice that is based on the proposed itinerary of the ship. Certain areas of the world are constructed as high-risk areas and ships transiting
through that region have to pay a higher premium. Additionally, war-risk cover is a negotiable cover, and shipping companies can often reduce the cost of coverage by following certain recommended practices such as updating satellite navigation or in the case of ships transiting through the Gulf of Aden post 2012, hiring private security guards.

In 2008, following the upsurge in acts of piracy off the coast of Somalia, the Joint War Committee (JWC) added the Gulf of Aden as a war-risk area, essentially requiring all merchant vessels to cancel their H&M policies and take out a war-risk-cover policy that cost significantly more than the standard ship insurance. Given the potential for high payouts, war-risk cover is not calculated through standard actuarial models but is a flat fee (usually 0.5 percent) that is then negotiated down by individual shipping lines if they take adequate precautions. War-risk cover both individualizes insurance and shifts the logic of protection from risk-pooling to payment. Instead of distributing risks across a wide number of actors, the war-risk cover is protection in the form of a penalty: insurance companies charge ships to transit through risky areas, a charge that varies on whether ships agree to follow a certain set of rules or modifications that are put in place by insurance companies.

In 2010, in addition to shadowing a number of underwriters who worked with Lloyd’s, I also apprenticed with the “intelligence department” of “Ship Safe” a private insurance company with offices in Mombasa, Dubai and London. The intelligence department was responsible for weekly reports on security threats at port and sea
ranging from potential storms to acts of piracy for the regions where ships underwritten by Ship Safe were sailing at any given moment. These reports were compiled using a mix of statistical data (often bought from private companies like Jane’s List) and information gained from reading newspapers and surfing the internet. One morning, as I walked in—prepared for yet another day to be spent watching Simon, the head of the department, read newspapers while I read ship blogs—an underwriter stopped me as I passed his office. “Today is your lucky day; you’re coming with us for a war risk cover seminar.” Given the monopoly of Lloyd’s in underwriting war-risk covers either directly or through reinsurance contracts, JWC’s decision to mark the Gulf of Aden as a war-risk area had significantly impacted the London insurance market. While the actions of the JWC are non-binding, most insurance companies follow the lead of Lloyd’s, and through seminars and trainings the JWC creates informal regulatory standardization on war-risk policies.¹¹

At the beginning of our seminar, Neil Gladwell, a former member of the War Risk Committee and the facilitator noted, “For many years, war risk classification was simple and followed the outbreak of war and conflict.” Stressing the “reactive rather than proactive” nature of war-risk classification, Gladwell proceeded to give a list of “crises” from the former Yugoslavia to Iraq where war risk cover had been utilized in

¹¹ The work of insurance in this way resonates with the institutional practices of “soft law” organizations that participate in rule-making at an international level outside the judicial realm. Insurance thus adds to the anthropology of global governance in ways that move beyond questions of translation or vernacularization (Merry 2006) or a focus on the aesthetics of norm production (Riles 2000; 2011).
the aftermath of the outbreak of hostilities. “Of course as you all know, 9/11 changed everything and today we have a proactive mode of ascertaining war risk,” Gladwell glossed, before beginning a PowerPoint presentation on Somalia and the impact of the JWC recommendations. After the seminar, I asked Gladwell why the World Trade Center attacks had impacted the war-risk cover market. Initially surprised by my naivety, Gladwell remarked, “You must not be an insurance man to ask such a question.” When he discovered I was an anthropologist, Gladwell proceeded to give me long explanation for the shift in war-risk cover:

Prior to Eleventh September, War-risk cover was a relatively unproblematic system. Following the outbreak of a conflict, say, for example the civil war in Yugoslavia, the JWC would add that region to its risk-list area, and once conflict ended, the area was no longer considered a war risk. The World Trade Center attacks changed that system for good. Insurers and reinsurers reported a loss of over $8 billion from those attacks. Given that Lloyd’s is the hub of the reinsurance industry that impact was felt rather strongly here to say the least. The JWC realized that we can no longer be reactive but need to be proactive in understanding the security threats and the potential for terrorism, including maritime terrorism and piracy. A number of positive steps were taken in order to improve the accuracy of risk management in order to predict and not just react to events. But, numbers are only the beginning; we need human intelligence, maybe even anthropologists to help us anticipate the future! The utility of war-risk cover is precisely that it gives the insurance industry more say in determining the present course of action...to make the future easier to fathom and understand. [Neil Gladwell, interview with the author, August 2010, emphasis mine]

This idea of prediction was at the heart of insurance from its inception in the city-states of the Mediterranean. The rise of probability and the probabilistic sciences transformed and legitimized these predictive practices into a technocratic regime of risk-pooling and risk distribution. War-risk cover is both the apogee and limit of these predictive practices. After 9/11, war-risk cover has moved simultaneously in a direction
of greater “accuracy of risk management” through mathematical modeling often undertaken by private consultancy companies and a renewed emphasis on “intelligence” (referring to access to classified information and data and also the knowledge practices of underwriters that go beyond numbers). Anticipating the future for the JWC involves this alchemy of number and its limit. The shift from reactive to proactive also echoes the transformation of insurance in the Napoleonic Wars when Lloyd’s transformed itself into a partisan for the British Commercial Kingdom.

In the contemporary world of counter-piracy, the negotiability of the war-risk cover allows insurance companies, through the creation of new techniques, a form of “Indirect steering” namely an ability to shape the market they are supposedly providing indemnity for by distributing the organization of force. No longer hiding behind the numbers, maritime insurance seeks to instrumentalize risk as a tool of governance, shaping the contours of counter-piracy, including the distribution of force and violence, as well as determining who counts as part of counter-piracy. Given the sharp increases in insurance prices due to the war-risk cover (covers range from 0.5% to 0.75 percent of the cost of the ship, amounting to anywhere between $20,000 and $75,000 per voyage) and a steep decline in ships transiting through the Western Indian Ocean, maritime insurance companies sought to change the protection regime operating in the Indian Ocean. By 2010, insurance had started licensing private security agencies to provide non-lethal measures, including loudspeakers, barbed wire and high-pitched sound guns. In the following two years, by 2012, insurance companies expanded this ambit of
protection even further and started created kidnap-and-ransom packages and offering security teams to travel alongside ships. As Gladwell explained to me, “We realized that shipping companies were hiring private guards, so we decided the best way would be to license companies and then reduce the war-risk cover for shipping lines that used licensed maritime security companies.” While geared towards profit maximization and risk minimization, insurance nonetheless has its “moral” limits. As a way of conclusion, I return to the shift to private security companies as primary actors in counter-piracy by juxtaposing the experience of two private actors who sought to protect global shipping with wildly divergent results in order to reflect on the limits of protection and pose a tentative response to the minister’s question posed at the beginning of this chapter.

5.5 Conclusion: “Dusting the Sand from Our Boots and Jumping onto Skiffs”: The Privatization of Counter-piracy

“Let’s meet at a bar in Place Menelik, the Mer Rouge; it’s a fun place.” Slightly annoyed at the cliché of the private security contractor wanting to meet in a seedy bar, I nonetheless agreed to meet “Jack” a contractor for “Oceansafe” a UK-based private security company that had recently moved from Basra to Djibouti. Jack, a former royal marine, certainly looked the part with his shaved head, large frame and intricately tattooed arms as we chatted amidst the din of synthesized Europop surrounded by an assorted motley crew of French foreign legionnaires and their evening companions.

“Private maritime security is the wave of the future,” Jack explained as he described the
relatively short history of Oceansafe, a short history that nonetheless made them veritable old timers in the maritime security business:

Most of us involved in Private Maritime Security Companies (PMSCs) started off working in the private security sector in Iraq. That war really marked the coming of age for private contracting; there were billions of dollars in contracts and we all did quite well for ourselves. So when the drawdown negotiations occurred and it was clear that immunity was off the table, we decided it was time to move elsewhere. Piracy has certainly been a boon for business; I've dusted the sand off my boots and jumped onto a skiff. [Jack Djibouti, interview with the author, June 2011]

Beginning in the 1990s, Private Security Companies (PSC) and Private Military Companies (PMC) emerged with growing prominence in a number of post-Cold War conflict zones. With names like Executive Outcomes and Sandline, these companies sought to distinguish themselves from the mercenaries of the 1960s and 1970s with their promise of corporate, market-driven solutions to intractable conflicts. In his study of the rise of “corporate warriors,” Peter Singer (2003) notes the growing importance of private security and military companies in contemporary conflicts. Sarah Percy illustrates the rapid growth of private security in her study of the norms against mercenaries: “During the first Gulf War, American troops were assisted by private security forces: one in fifty personnel were PSC employees. In Iraq in 2006, that number jumped to one in ten” (Percy 2007: 206). Jack was a veteran of this surge in PSC employees and in 2011, hesitantly starting a PMSC in Djibouti, even though the official policy of the US State Department, UK Foreign Office, and maritime insurance companies all cautioned against the use of armed guards on merchant ships.
When I suggested to Jack that he was perhaps profiteering from piracy, he angrily retorted, “No, we are the ones who can actually provide protection; the navies were the real profiteers.” He continued angrily:

Look at how much they [naval forces] spend per day to do something we can provide for a fraction of the cost. I’m not saying the navies have no role, I’m an ex-Marine, I respect the institution, but in an age of austerity it makes no sense to have 650-plus people in a warship patrolling the sea when you can have 7 people attached to a merchant vessel. For the last three years, we’ve been lobbying the [shipping] industry and the UN to allow us with weapons onboard, and finally we seem to be making some progress. [Jack Djibouti, interview with the author, June 2011]

Deeply uncomfortable with this triumphant narrative of private security as the panacea for piracy, I quizzed Jack on the problem of trigger-happy security guards and indicated that I had heard first-hand accounts from fishermen in places as diverse as Lamu and Somaliland complaining of being shot at from commercial vessels with PMSCs on board. Jack, surprisingly, acknowledged the problem but indicated that Oceansafe adhered to rigorous standards that made such incidents impossible:

We account for each and every bullet used by our teams. If there ever is a live-fire incident, they have to document in great detail and honestly we drown them in paperwork, it’s quite the deterrent. But you’re right. The problem is the upstarts, you know, all these new companies that are coming up. The real issue is that most think this [maritime security] is simply a logistics question. But security isn’t about logistics; it’s providing protection, and if you start firing at anything that moves, chances are one day someone will fire back. So we think about both short-term and long-term protection and not just about getting a boat from point A to point B. We need a good regulatory system, and all these issues will be sorted. [ibid.]

Other actors in this global economy of counter-piracy did not share Jack’s faith in a regulated PMSC as panacea for piracy in the Indian Ocean. In the summer of 2011, private security companies like Oceansafe were the outliers within a counter-piracy
world where navies were seen as the legitimate protectors of global shipping. This position had been reaffirmed by the insurance industry that warned private shipping against using armed guards. In a brochure distributed to maritime insurance underwriters by Allianz insurance, insurers were warned of the “potentially costly” implications of hiring private security guards for transit through the Indian Ocean: “Insurers should be very wary of insuring any vessel that carried arms or armed guards on board. A potential liability claim for shooting a pirate—or causing a crew member’s death—could be very costly, as could the resulting damage to the hull” (Allianz 2011: 2).

Given this risk, private security companies found themselves operating at the margins of the counter-piracy world from 2007 until 2011. Ironically, this margin meant that private security companies were geographically closer to piracy than the ships patrolling the Indian Ocean. A number of companies established coastguards and informal “navy colleges” in some of the mini-states in Northeast Somalia. A few like Oceansafe operated what Jack called “under-the-radar forms of protection”:

The legal environment unfortunately doesn’t allow us to operate freely. A number of ports like Mombasa and Jeddah don’t allow weapons on merchant ships. But we’re resourceful and have found some ways around it. We’ll dump our weapons when we arrive near port or often just have a boat stationed in international waters with our weapon stash. [Jack Djibouti, interview with the author, June 2011]

As he finished yet another drink, he added, “It’s really frustrating to be honest. I don’t want to move to bloody Hargeisa or fucking Puntland to have a job while these navy blokes sit at the Kempinski [a luxury hotel in Djibouti where most of the EU experts are based]. Though I’m optimistic things will change soon.”
By 2012, partly in response to intensive lobbying from the private-security sector and widespread budget cuts, the UK and US governments made Jack’s optimistic predictions come true. In January 2012, the UK Foreign Office released a statement acknowledging that “following the lead of insurance companies that have been offering a premium discount for merchant ships transiting through the Western Indian Ocean/Gulf of Aden corridor since 2011, the Foreign Office reverses its objections to the use of private armed security on merchant ships.” Within days, the US state department also withdrew its objections to private security escorts, and Jack and his fellow mercenaries were now the central providers of protection in the Western Indian Ocean with all indications that the naval mandate for the EU and US navies would be severely curtailed from 2014, when the current mandate expires. Benefitting from this shift in insurance policy, Jack and Oceansafe were certified by Allied Insurance in 2013 and now operated legally in the Indian Ocean, escorting ships from Djibouti to Mombasa.

So far the story I’ve told has operated on a global scale, where navies, private security outfits and insurance companies all attempt to insert themselves in this contingent and ever-shifting economy of counter-piracy, and where the insurance industry frames the movement across public and private spheres and the acceptability of certain financial techniques and indeed forms of violence. At the same time, counter-piracy, like markets writ large, has its forms of exclusions and impossibilities. Returning once more to the question posed by the Puntland Minister of Counter-piracy at the beginning of this chapter forces us to acknowledge the limits of who counts in the
calculability of counter-piracy and brings to the forefront the centrality of exclusion in shaping the making of markets.

5.5.1 From “Gangsters to Gentlemen”? Thoughts on Impossible Itineraries

“We’ve never been buraad (pirates).” Hassan Abdi was a man with a fearsome reputation. Relatively short and somewhat pudgy he seemed entirely harmless when I met him—until we started to talk. Fists shaking and waving his AK-47 towards me rather precariously, Hassan joked about his shooting abilities and his desire to be known as the most famous abaan (protector) in Somalia. “As I’ve said, I’ve never been a pirate; it’s a dirty word. When you use it, you make me angry. What if I came to your country and asked you if you were a pirate? You could shoot me and that would be legitimate. I’m a coastguard. I’m a business man. I’m many things, but not a pirate” (Hassan Abdi, interview with the author, Eyl, March 2011).

He ended his admonition, and we sat in silence, the buzz of the fan the only sound as I tried to register what had happened and what to say or do. “Stop fidgeting with your pen.” I had been nervously playing with my pen in our awkward silence and Hassan clearly did not like it. Incredibly self-conscious, I turned to my research assistant and attempted to signal that we try and extricate ourselves from this situation, but he, too, seemed struck by silence. Hassan got up, rewrapped his mavis (sarong) and started walking towards the door. Strangely relieved at the failure of my interview, I mumbled “Maalin wanaagsan (see you later)” and got up to leave. Ignoring my attempt to take
leave, Hassan came towards me, grabbed my hand and started telling me about his new business plan.

You know you came to see me because I am a person who is an important person. Everyone must have told you to talk to me. So I’m thinking that I will use this importance to help the foreigners. In the past, I made some money from piracy, I will admit to that. But today, I want to think about my children and our future and have decided to create a security team to help ships pass through Somalia. We will go to sea and guide the ships. If someone tries to attack them we will fight. I will fight personally to guarantee their safety. I think it is a good business idea. [ibid.]

A year later when I returned to Somalia, I called Hassan to enquire about the success of his new venture. When no one answered the phone, I asked a few people in town about Hassan and his private security company. “Hassan is gone.” Gone where, I asked? “He decided to make his company, but they had no clients. One day he decided to go to sea like the coastguards used to in order to sell licenses to some ships. They tried to approach a ship to negotiate a license, but the ship had private security guards on board. They shot at Hassan’s boat. His boat was damaged and he decided to try and go to Yemen or Dubai…he left, I don’t know where” (Fatima Eyl, interview with the author, July 2012).

This chapter has sought to reframe counter-piracy as a global economy of protection that brings together, as well as excludes, a wide range of actors from Somali fishermen like Hassan to insurance agents in London. The distribution of violence across the scale of public and private is at the heart of techniques of risk management as insurance companies, navies and private security contractors seek to offer protection to global shipping. Locating these strategies within a long history of maritime risk
management emphasizes a consistently shifting and contingent relationship between protection and trade. This contingency nonetheless does not imply a completely open-ended system where anyone can assert a right to protection. Global hierarchies and the policing of lines between protector and pirate have been central to the world system in ways that defy the logics of management. The brief conclusion continues this theme and focuses on the centrality of exit, the ways in which those implicated and involved in piracy frame itineraries away from piracy and the afterlives of protection in this region.
6. Conclusion

Who would think, then, that such fine ladies and gentlemen should regale themselves with an essence found in the inglorious bowels of a sick whale! Yet so it is. By some, ambergris is supposed to be the cause, and by others the effect, of the dyspepsia in the whale. How to cure such a dyspepsia it were hard to say, unless by administering three or four boat loads of Brandreth’s pills, and then running out of harm’s way, as laborers do in blasting rocks.

-- Melville, *Moby Dick*

In the week before I left Somalia in 2010, Sheikh Usman had promised to take me to the lighthouse of Cape Guardafui. “The water in Ras Asir [Cape Guardafui] is the bluest water you will ever see,” the Sheikh remarked with a smile, as we wound our way on the rough roads of the Northern Somali coast. From the beginning our trip was beset with trouble. Encountering a less than accommodating checkpoint right after leaving Bosaso to the car breaking down repeatedly, the two-day trip had turned into four days and we were over at least a 100 kms away from our destination. That evening, Sheikh Usman decided that the trip was cursed and it was time for us to return. There was nothing I could do to convince the Sheikh otherwise, and disappointed I agreed to turn back. “We’ll take a little detour,” the Sheikh said and proposed a brief visit to one of the fabled ambergris villages on the northern Somali coast. Continuing the theme of the cursed road-trip, the village we were supposed to visit had become a pirate hideout in the last few weeks. A ship was anchored offshore and the guards shooed us away. Determined to redeem some aspect of the trip, Sheikh Usman mustered all his connections and finally we were given permission to visit with the Oday (elder) of the
village. Shirmayo, the Oday, a somewhat frail older man with a bright orange henna beard apologized for the less than friendly welcome in perfect English punctuated with a slight Australian drawl. When I explained my interest in ambergris, Shirmayo jumped up to his feet with an energy that was startling given his slight frame. Disappearing to the back of the house, he reemerged a minute later holding a copy of Moby Dick. “Ali, the leader of the pirates gave me this gift when they came to the village. Look here, there is a whole chapter about ambergris,” Shirmayo leafed through the Dover thrift edition, stopping at chapter 92 and haltingly began reading Melville’s description of ambergris.

After this impromptu book reading the Oday walked with Usman and I down to the beach for a brief stroll before the two of them went to the little shoreline mosque for maghrib (evening) prayers.

Sitting in the courtyard of the mosque before prayers, Shirmayo told me of growing up and waiting by the shore everyday in the hope of collecting ambergris. “We used to sit patiently hoping and praying to get a gift from the sea.” Our conversation was interrupted with the call to prayer and I sat in the courtyard watching the light fade over the Red Sea, waiting for Usman and Shirmayo to return from prayers. Close to the equator day turns into night quite rapidly and soon the sea was pitch black, with only the distant twinkle of light coming from the hijacked ship. When my hosts returned from prayer, the conversation turned again to ambergris. Shirmayo sighed noting the changing times, “there is no ambergris here anymore. The whales have all gone away and also they can just make the chemical in a factory. Today you cannot just wait for a
gift from the sea; you have to be like these men,” He gestured in the direction of the ship, “you have to go out to sea and bring the gift of the sea home.”

In this dissertation, I have sought to reframe the recent upsurge in maritime piracy along the East African coast within histories and economies of protection on land and sea. From collecting ambergris to capturing ships, the ocean whether as a sea of trade or a sea of bounty is central in facilitating projects and processes of mobility, prestige, and profit. Working within long histories of engagement and encounter with goods, people, and ideas across land and sea, this dissertation recasts the story of piracy. Far from being a problem of failed states and an absence of governance, piracy in my dissertation is a way to understand a world of exchange and circulation—a world of protection where nineteenth century colonial officials, clan chiefs, khat dealers, fishermen, naval sea vessels, insurance agencies, private security contractors and other itinerant sojourners encounter each other with often surprising results and afterlives.

Beyond the world of piracy, the concept of protection offered in this work is a way to rethink enduring anthropological questions from the nature of law and economy to the commensurability of encounters in a (post) imperial frame. In a world of unbundling and re-bundling sovereignty, social theory remains either trapped in the parochial gaze of the nation-state or the boundlessness of de-territorialization that often replicate the spatial fantasies of global capital and its neoliberal proponents. Correctives on either side miss the flexible and precise ways within which mobility is channeled and regulated and the historical antecedents of these practices. The worlds of protection
introduced in this work highlight how “order without law” is constructed without either emphasizing the enduring importance of the state or its weakness in a moment of contemporary globalization. Protection thus exceeds the national and territorial frame without losing sight of the ways in which authority and political community are constructed, from the legal norms of Kenyan courts to the protection of *diya* groups in coastal Somalia.

Beyond the world of law, protection is central to the global economy. Integral to the development of risk pooling techniques such as insurance, protection also highlights the intimacy between trade and cannon from the city-centered economies of antiquity to the world of contemporary supply chain capitalism. A focus on protection highlights how the management of violence is crucial to the extraction of profits and its uneven distribution across the globe.

This final point was brought into sharp focus as I returned to Somalia to follow up on the lives of self-proclaimed pirates in the aftermath of the ‘piracy boom’. By the end of 2012, the golden age of Somali piracy had ended. From its heyday between 2007 and 2011—a period in which over 200 ships and some 3,741 crewmembers were held hostage—incidents of maritime piracy, successful or otherwise, plummeted by over 80 percent in 2012. Sensing these shifting currents, a number of self-proclaimed pirates sought to create itineraries beyond piracy. I end with a story of two ex-pirates as they attempt to create itineraries beyond piracy. This movement from piracy to development,
politics and entrepreneurship illuminates the continuing centrality of protection in framing encounters with multiple regimes of regulation.

In January 2013 the notorious pirate boss Mohamed Abdi Hassan “Afweyne” (Big Mouth) announced his retirement at a press conference in Hardadhare, a once notorious pirate base in the Mudug region of central Somalia. Afweyne’s group, the Central Somalia Piracy Network had been responsible for a number of high profile hijackings including the capture of the Saudi oil tanker the *Sirius Star* in 2007, the largest ship ever to be hijacked. Surrounded by members of the local government and a number of business and religious elites, Afweyne delivered a minute long statement where he announced that:

> We’ve been in this dirty business for a long time, but we tasted the bitterness and bad consequences. I have chosen to retire from this business and want to make my intentions clear to everyone including people in the government about wanting to end this dirty business. I also believe the new [Hassan Sheikh Mohamud’s] government will eradicate this work. I would like to encourage my colleagues to retire from piracy as well and hand over their weapons, boats etc. Some have already announced their retirement and I hope the rest who are still in the business follow their footsteps as well. [Radio Mudug, January 2013, translation by the author]

Within a few months of his retirement, the UN funded Somali radio station Bar-Kulan reported that Afweyne was traveling around Central Somalia with a letter from the Galmudug government stating his new position as “anti-piracy officer.” In an interview with the radio station, Afwenye explained he was traveling around demobilizing pirates and wanted to protect Somalis from the scourge of piracy. In a surprising Hollywood style twist to Afwenye’s story, in October 2013 the Belgian government announced they had arrested Afwenye as he landed in Brussels lured by the fake promise of being a
consultant for a documentary on Somali piracy. In April, 2014 Afwenye awaited trial in Brussels, the first attempted prosecution of a self-styled pirate boss.

If Afwenye was the classic pirate boss with the right kinship and political connections, Arale could hardly be more different. An Abgaal from the Hawiye clan, who consider southern Somalia and the fertile Jubba valley their homeland, Arale seemed quite at home on the desolate Northern Somali coast working with groups far removed from his patrilineal network. When I first encountered him in 2010, he openly talked about his distinct ancestry as proof that pirates were a motley crew of local fishermen rising up to protect their livelihoods, regardless of clan and regional affiliation. “We are now our own clan—those who are trying to defend from illegal fishing and dumping”—he insisted, when I asked whether he encountered any tensions or hostility as an outsider. A year later— as the tide of public opinion and official patronage began to turn against crews like Arale’s on both land and sea—the romance of piracy and the narrative of illegal fishing were long gone and Arale was eager to know if I had any connections with the Puntland Maritime Police Force (PMPF). When I responded that not only did I not know anyone in the PMPF but had in fact been physically chased from their compound by a gruff looking South African mercenary, Arale reassured me that he would get a job with PMPF and eventually get me access to their compound in Bandar Siyada, a few miles west of Bosasso. Unfortunately, Arale never got the job with PMPF and the closest I got to the compound was when flying out of Bosasso from the air. Yet, Arale remained unfazed and by 2012, like many in Puntland, he was seeking to tie his
fate to oil. “We have oil in Puntland now. The country is going to be like UAE very soon. *Inshallah* I will get a job for the oil company. I have retired from piracy and am waiting for oil to make my life better.”

Arale and Afweyne follow in a long tradition of pirates as slippery shape-shifters who move between the worlds of licit and illicit, confusing and confounding these categories. This slippage has been famously noted as far back as in Homer’s *Odyssey*, where we find Polyphemus greeting Odysseus and his crew with these words:

Strangers, who are you?  
From where do you come sailing over the watery ways?  
Is it on some business, or are you recklessly roving as pirates do,  
when they sail on the salt sea and venture  
their lives as they wander, bringing evil to alien people [Odyssey Book 9: 252-255]

Within this shape-shifting world my dissertation has highlighted how social worlds are constituted and transformed through the giving and receiving, selling and buying, of protection, while also being acutely aware of the wider frames of geo-politics, of empire, of terrorism, and free trade that shape the possibilities and impossibilities of certain itineraries.

In a final twist within this world of protection, 2012 also marked the arrival of an airplane at Mogadishu airport. On March 6, 2012 a Turkish Airlines flight left Istanbul with the deputy Prime Minister of Turkey and key members of the Turkish government. Landing later that day in Mogadishu airport, the Turkish Airlines flight was the first major commercial airlines to land in Somalia in over twenty years. In a speech given to members of the Somali parliament and the Somali President, the Deputy PM Bekir
Bozdağ reached back into history to the Ottoman Empire and its presence on the Somali coast to legitimize this Turkish return to coastal East Africa. In his speech Bozdağ promised “to connect the Somali people to the rest of the world and protect Somalia from the ills of terrorism and piracy so that in the near future Somalia will become a stable place, a very normal country.” Rumored to be operating at a loss, Turkish Airlines continues to fly its planes to Mogadishu twice a week, a visible reminder of its promise of protection.
References

Abu-Lughod, Janet.  
1991  

Abir, Mordechai.  
1980  

Anghie, Antony.  
1999  

Appadurai, Arjun.  
1988  

Arendt, Hannah, and Margaret Canovan.  
1998  

Aristotle, and Sir Ernest Barker.  
1962  
*Politics of Aristotle.*  

2014  
*Nichomachean Ethics.* CreateSpace Independent Publishing Platform

Armitage, David.  
2000  

Aslanian, Sebouh David.  
2014  

Baldacci, Giulio.  
1909  
Bahadur, Jay

Bakonyi, Jutta.

Barre, Siyad M.

Battutah, Ibn, and Tim Mackintosh-Smith.

Bayart, Jean-Francois.

Benton, Lauren A.


Berry, Sara.

Besteman, Catherine.

Borradori, Giovanna.
Bose, Sugata.  
2009  
_A Hundred Horizons: The Indian Ocean in the Age of Global Empire._ Cambridge, MA: Harvard University Press.

Bowden, Anna, and Eamon Aloyo  
2010  
_The Economic Costs of Maritime Piracy._ One Earth Future Foundation.

Bowen, H. V.  
2008  
_The Business of Empire: The East India Company and Imperial Britain, 1756-1833._ Cambridge: Cambridge University Press.

Bradbury, Mark.  
2008  

Braudel, Fernand.  
1992  

1996  

Brautigam & Moore eds.  
2008.  
_Taxation and State-Building in Developing Countries: Capacity and Consent._ Cambridge University Press.

Brennan, James.  
2008  

Brenner, Neil.  
1999  

Bromley, Ray.  
1978  
“Introduction - the Urban Informal Sector: Why Is It Worth Discussing?”  

Brubaker, Rogers.  
2005  
Burton, R.

Calvino, Italo.

Carrier, J. & Miller, D.

Carrier, Neil.

Casale, Giancarlo.
2011 *The Ottoman Age of Exploration*. Oxford: Oxford University Press, USA.

Cassanelli, Lee V.

Castells, Manuel.

Chalfin, Brenda.

Chaudhuri, K. N.


Clastres, Pierre, Robert Hurley.
Clifford, James & Marcus, George eds. 

Cohen, Abner. 

Coleman, E. Gabriella 

Comaroff, James. L. 

Comaroff, Jean, and John L. Comaroff, eds. 

Coombe, Rosemary J 

Cruttenden, C. J. 

Curtin, Philip D. 

Dent, Alexander S. 

Derrida, Jacques, Anne Dufourmantelle, and Rachel Bowlby. 

Derrida, Jacques, Jürgen, Habermas, and Giovanna Borradori. 
2003 Philosophy in a Time of Terror Dialogues. Chicago: The University of Chicago press
Desai, Gaurav.

Dickinson, Edwin D.

Donham, Donald L., and Wendy James.

Duffield, Mark

Dumont, Jean-Paul.

Dumont, Louis.

Durrill, Wayne K.

Evans-Pritchard, E.

Ellickson, Robert C.

Ferguson, James.


2010 “The Uses of Neoliberalism.” *Antipode* 41 (January): 166–8

Finley, M. I.

Foucault, Michel.

Fuchs, Barbara.

Gambetta, Diego.

Gathii, James Thuo.

Gebissa, Ezekiel.

Ghosh, Amitav.
Gibson-Graham, J. K.  

Goldberg, Jessica L.  
2012  “The Use and Abuse of Commercial Letters from the Cairo Geniza.”  

Man 58: 188–90.

Gordon, H. Scott.  
1954  "The economic theory of a common-property resource: the fishery."  

Goswami, Manu.  
2004  Producing India. New Delhi: Orient Blackswan.

Graeber, David  

Grant, Bruce.  

Gudeman, Stephen F.  
1980  “Physiocracy: A Natural Economics.”  

Gudeman, Stephen, F. and Alberto Rivera  
1990  Conversations in Colombia: The Domestic Economy in Life and Text.  
Cambridge: Cambridge University Press.

Gupta, Akhil, and James Ferguson.  

Guyer, Jane.  
Hagmann, Tobias, and Markus V. Hoehne.  

*Hammonds v. Central Kentucky Natural Gas Co.*, 75 S.W.2d 204, 255 Ky. 685 (1934).

Hardin, Garrett.  
1968  "The tragedy of the commons." *Science*.

Hart, Keith.  

Hardt, Michael, and Antonio Negri.  

Harvey, David.  

Heller-Roazen, Daniel  

Helmreich, Stefan.  

Herskovits, Melville J.  

Ho, Engseng.  
2004  “Empire through Diasporic Eyes: A View from the Other Boat.” *Comparative Studies in Society and History* 46 (02): 210–46

Ho, Karen

Hobbes, Thomas.

Hoehne, Markus Virgil.

Hoffman, Daniel

Huber, Dr Valeska.
2013  *Channelling Mobilities: Migration and Globalisation in the Suez Canal Region and Beyond, 1869-1914*. Cambridge: Cambridge University Press.

Hull, Matthew S.

Hutchinson, Susan.

International Crisis Group (ICC).

Johns, Adrian

Jones, Ben.
2009  *Beyond the State in Rural Uganda*. Edinburgh University Press.

Kanna, Ahmed.
Karatani, Kojin.  

Kaplan, Robert D.  

Kapteijns, Lidwien.  

K.C.M.G, Eric Roll of Ipsden  

Keay, John.  


Koskenniemi, Martti.  

Kuper, Adam.  

Laitin David, and Said S. Samatar.  


Lapidoth, Ruth.  
Larkin, Brian

Leeson, Peter T.

Lepselter, Susan.

Lewis, Ioan M.


Linebaugh, Peter, and Marcus Rediker.

Lobo-Guerrero, Luis.

MacCay, Bonnie J., and James M. Acheson, eds.

MacGaffey, Janet, et al.


Maurer, Bill.  
2005  
2006  

Masquelier, Adeline.  
2002.  

Mbembe, Achille.  
2000  

Mbembe, Achille, and Janet Roitman.  
1995  

McEvoy, Arthur F.  
1990  

Menkhaus, Ken.  
2007  

Mezzadra, Sandro, and Brett Neilson.  
2013  
*Border as Method, Or, the Multiplication of Labor.* Durham: Duke University Press.

Middleton, John.  
1994  

Miran, Jonathan.  
2009  
2012  
Mitchell, Timothy.  

Moore, Donald S.  

Morris, William  

Murphy, Martin N.  

Munn, Nancy.  

Nurse, Derek, and Thomas Spear.  

Ong, Aihwa.  

Pagden, Anthony.  

Pearson, Michael.  

Peebles, Gustav.  

Pennell, C. R.  
Percy Sarah. & Shortland, Anja.

Piot, Charles.

Plowden, Walter Chichele.

Polanyi, Karl, Conrad M. Arensberg, and Harry W. Pearson


Raeymaekers, Timothy.

Raffles, Hugh.

Rayne, Major A.

Rediker, Marcus

Reese, Scott.
Riles, Annelise.

Ritchie, Robert.

Risso, Patricia.

Robertson, A. F.

Roitman, Janet.

Rose, Carol M.

Rubin, Alfred P

Rush, James.

Sahlins, Marshall D.


Samatar, Abdi Ismail
Samatar, Abdi Ismail, Mark Lindberg, and Basil Mahayni. 

Schmitt, Carl 

Schmitt, Carl, and G. L. Ulmen. 

Seeley, Sir John Robert. 

Shah, Alpa. 

Shryock, Andrew. 

Simmel, George, and Kurt H. Wolff. 

Simone, AbdouMaliq. 

Simpson, Edward, and Kai Kresse. 

Soto, Hernando De. 
Steele, Ian K.

Stern, Philip J.


Stoler, Ann Laura.

Taussig, Michael

Taussig-Rubbo, Mateo

Thomson, Janice E.

Tilly, Charles.

Travis, William.

Trivellato, Francesca.
Trouillot, Michel-Rolph.  


Tsing, Anna.  

Vassanji, M. G.  

Verdery, Katherine.  

Vianello, Alessandra, Mohamed M. Kassim, and Lidwien Kapteijns.  

Virno, Paolo, and Michael Hardt.  

Waldo, Mohamed Abshir.  
2009 "The Two Piracies in Somalia: Why the World Ignores the Other?" *Hiiran Online*.

Weeks, Kathi  

Xiang, Biao.  
Biography

Jatin Dua was born on April 2, 1981 in New Delhi, India. He graduated high school from John Marshall High School in Los Angeles, California in 1999. He earned a BA in Anthropology at Reed College in 2003. He earned a MA in International Law (Human Rights Law) from the American University in Cairo in 2007 and began doctoral studies at Duke University in Fall 2007. He received an MA in 2010 and a PhD in 2014. His publications include articles for the Journal of East African Studies (“Sea of Trade and a Sea of Fish”); Middle East Report (“A Modern Day Pirate’s Port of Call”); encyclopedia entries for “Horn of Africa” and Borders and Borderlands” in the Oxford Encyclopedia of the Modern World; and a co-authored piece with Horn of Africa expert Ken Menkhaus in the Journal of International Criminal Justice (“The Context of Contemporary Piracy”). He has also published numerous policy papers and briefings for non-governmental and international organizations, as well as several reviews and popular articles about his research. His awards include International Dissertation Research Fellowship, the Dissertation Travel Award, and the Summer Research Fellowship at Duke University. He received the Social Science Research Council’s International Dissertation Research Fellowship; the Wenner-Gren Foundation’s Doctoral Dissertation Fieldwork Grant; The ACLS/Mellon Dissertation Completion Grant; and a Watson Institute Postdoctoral Fellowship at Brown University. Starting in Fall 2014, he will be an Assistant Professor of Anthropology at the University of Michigan-Ann Arbor.