PRIVATEER OR PIRATE: THE DIFFERENCE

Wil Zapalac

Ah, yes...the difference.

In days of old, the "difference" between privateer and pirate could have meant either death or a prosperous but dangerous existence. It could have been a gray area, neither black nor white, but yet filled with skulls and crossbones. A Letter of Reprisal, a Letter of Marque, a privateering commission--this was the difference.

Yet, it is perhaps almost too well known just what made the specified where, when and how in the Letters of Marque--the difference. However, in the whisly-washy sense of fake privateering commissions or the altogether absence of the genuine article, this was sometimes not so well known.

American piracy was more entrenched long before the American Revolution than patriotic historians would care to admit. And the English government knew all too well the lack of authenticity in numerous "privateering commissions".

According to some sources, King Henry the Third granted the first Letter of Reprisal in 1243. The precursor of the Letter of Marque, these letters licensed a ship to attack enemy ships without fear of punishment. In exchange, King Henry received a share of all plunder and increased the size of his navy without having to pay to maintain, supply or crew those ships. Originally, ships that were granted such licenses were called "private-men-of-war" but this was shortened to privateer. In time, the term privateer came to represent the ship, the captain and the crew.

As greedy and lazy as those in power were, they were not totally stupid. Privateering commissions held clauses specifying how long the holder could maraud ships of a certain nation. The dove of peace could flutter unpredictably through an open window and thus allow for considerable international embarrassment.

There is reportedly ongoing research being conducted to establish whether Captain Kidd was an actual privateer, not a pirate, and that he was denied admission of certain "French Passes", as proof of his innocence, at his trial in England.

And, yet, it would have been possible for a ship's captain to have been both a privateer and a pirate. Using Letters of Marque for its original purpose was easy enough, just as it was easy to stray from the letter's directives and blow the daylights out of some richly stocked merchantman vessel of a friendly nation.

Crooked customs collectors would rake in any specie, regardless of origin of capture. Holders of fake Letters of Marque could cause substantial headaches for legitimate privateers, and judicial heads could care less which was which.

The point of all the above is the exasperating question--Was Jean Laffite privateer, pirate or both?