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## Influence of Religion on Modern Piracy: A Socio-Legal Analysis

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### ABSTRACT

Research suggests that piracy is linked to religion through politics, ocean security and trade. Pointedly, it appears that terrorism also links piracy to religion. However, studies analysing piracy have neglected to explore it. This article uses a doctrinal legal methodology to examine the linkages between piracy and religion. It shows that from the classical era through the golden age to the modern era, piracy and religion are intertwined, and terrorism appears evident in the process. This is revealed in piracy in Southeast Asia and the Gulf of Aden. The article argues that piracy and religion linkage presuppose a forceful and violent control over people's lives for economic, security and political hegemony. Thus, terrorism, in some cases, becomes a conduit through which piracy and religion are joined. Given the importance of technology in criminal acts, especially in communicating, recruiting and locating targets etc, the use of social media becomes key in terrorising and hijacking vessels. Consequently, the article suggests a sociolegal strategy for curbing piracy by enforcing antipiracy legislation and using social media to reaffirm the significance of religion in crime reduction, including piracy.

**Keywords:** Piracy; Religion; Terrorism; Politics; Economy; Anti-piracy legal regime; Social media platforms

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### 1. Introduction

Religion's role in people's lives, especially the youth, cannot be over-emphasised. Several studies have revealed the benefits derivable from religion among youths. Through self-



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control, among other theories,<sup>1</sup> the conclusion suggests that young people who are religious or participate actively in religious activities are less likely to engage in illegal activities, like substance use or abuse,<sup>2</sup> take part in less violence,<sup>3</sup> and exhibit fewer antisocial behavioural traits, exemplified by crime.<sup>4</sup> Despite the positive effects of religion, social control<sup>5</sup> arguably fosters extremist religious groups, such as Al-Shabaab (East Africa), Da'esh (a jihadist group in Middle East) and Hizb ut-Tahrir (a non-jihadist group in Asia) to take advantage of sociocultural and religious values of targeted groups, particularly the youths who are most times unemployed poor and exploited by the government and the elite, to bolster their socially mediated terrorism.<sup>6</sup> Thus, extremist religious groups, including other transnational criminal organisations, use social media to obtain public attention for extremist causes. They utilise misguided attention to recruit unsuspecting youths and elicit support from sympathisers to facilitate their extremist ideologies.<sup>7</sup> In other words, religion can be exploited for criminal purposes, such as piracy.

In view of the linkage between religion and violence, Cavanaugh suggests that the distinction between religion and politics is blurred, as 'Roman *religio* was inextricable from duty to the emperor and to the gods of Roman civic life.'<sup>8</sup> The implication is that religion could and does influence terrorism, violence, extremism,<sup>9</sup> and possibly piracy. According to Wampler, religious people were among the most vicious pirates on the high seas during the different eras of piracy.<sup>10</sup> This implies that some pirates were either men of faith or that piracy was a conduit for enforcing religious agendas, especially for states. Thus, from the classical era (classical Greece and Rome) to the Golden Age (the period between 1650 and

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<sup>1</sup> Amy Adamczyk, Joshua D Freilich and Chunrye Kim, 'Religion and Crime: A Systematic Review and Assessment of Next Steps' (2017) 78(2) *Sociology of Religion* 192 <<https://doi.org/10.1093/socrel/srx012>>.

<sup>2</sup> Christopher Salvatore and Gabriel Rubin, 'The Influence of Religion on the Criminal Behavior of Emerging Adults' (2018) 9(5) *Religions* 141 <<https://doi.org/10.3390/rel9050141>>.

<sup>3</sup> Christopher Salas-Wright, Michael G Vaughn and Brandy R Maynard, 'Buffering Effects of Religiosity on Crime: Testing the Invariance Hypothesis Across Gender and Development Period' (2014) 41(6) *Criminal Justice and Behavior* 673; Salvatore and Rubin (n 2).

<sup>4</sup> Colin J Baier and Bradley RE Wright, "'If You Love Me, Keep My Commandments": A Meta-Analysis of the Effect of Religion on Crime' (2001) 38(1) *Journal of Research in Crime and Delinquency* <<https://doi.org/10.1177/0022427801038001001>>.

<sup>5</sup> Melvina Sumter and others, 'Religion and Crime Studies: Assessing What Has Been Learned' (2018) 9(6) *Religions* 7 <<https://doi.org/10.3390/rel9060193>>.

<sup>6</sup> Claire Smith and others, 'The Manipulation of Social, Cultural and Religious Values in Socially Mediated Terrorism' (2018) 9(5) *Religions* 168 <<https://doi.org/10.3390/rel9050168>>; Natalya Davidko, 'Violence in the History of England's Christianity: A Study on the Basis of Religious and Literary Discourse' (2024) 10(3) *Athens Journal of History* 213 <<https://doi.org/10.30958/ajhis.10-3-3>>.

<sup>7</sup> Smith and others (n 6).

<sup>8</sup> William T Cavanaugh, *The Myth of Religious Violence: Secular Ideology and the Roots of Modern Conflict* (Oxford University Press 2009).

<sup>9</sup> Mehmet Ozkan, 'How Religion Shapes Foreign Policy? An Explanatory Model for Non-Western States' (2021) 12(8) *Religions* 617 <<https://doi.org/10.3390/rel12080617>>.

<sup>10</sup> Sarah Wampler, 'Piracy and Religion: Navigating Their Connections During the Golden Age' (2017) 7(1) *Oglethorpe Journal of Undergraduate Research* 1 <<https://digitalcommons.kennesaw.edu/ojur/vol7/iss1/2/>>.

1730) and beyond, piracy and institutionalised religion ventured into establishing order within ‘the vast new sea of challenges presented in the wake of the Reformation and the discovery of the New World’.<sup>11</sup> According to researchers, both concepts became instruments used by the state to establish policy and dominance over the emerging and expanding world.<sup>12</sup> The Catholic King of France supported dangerous heretics, wild pirates, buccaneers and freebooters against the Catholic King of Spain, and it lends credence to the linkage between piracy and religion.<sup>13</sup> Piracy and religion became instruments that states continue to utilise to impose their policy and control over a world that has been expanding continuously.<sup>14</sup>

Though it has been noted that piracy and religion existed outside the state, both were directly connected to it.<sup>15</sup> Rediker suggests that the creation of global trade routes gave new impetus to imperialism, and European political disputations expanded to worldwide conflict that resulted in the capture of more than two thousand ships navigating through Atlantic trade sea lanes alone during the Golden Age through acts of piracy and religion.<sup>16</sup> The Reformation introduced a religious dimension to these disputes, and it purportedly provided moral justification for the barbaric actions of the nations involved that culminated in human carnage and trade stoppages.<sup>17</sup> In all, piracy was clothed in the garbs of religion and became a tool for the radical Reformation movement. Hence, the manipulation of religion led to piracy becoming, perhaps, a justification for the condemnation of other faiths or countries.<sup>18</sup>

From the foregoing, piracy has always had a devastating effect on the world. Historically, for example, piracy has humanitarian implications,<sup>19</sup> as people were killed, maimed, tortured and shot at, leading to post-traumatic stress disorder (PTSD). For instance, research shows that Drake, during the Golden Age, killed many Spanish sailors.<sup>20</sup> In the same vein, modern piracy attacks reveal that seafarers have been killed and maimed. Demonstrably, in 2011, 35 hostages died at the hands of pirates in the Gulf of Aden, while an Azerbaijani seaman on board a Turkish vessel was killed by pirates in the Gulf of Guinea in

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<sup>11</sup> Wampler (n 10).

<sup>12</sup> Joshua M White, ‘Holy Warriors, Rebels, and Thieves: Defining Maritime Violence in the Ottoman Mediterranean’ in Stefan Amirell, Hans Hagerdal and Bruce Buchan (eds), *Piracy in World History* (Cambridge University Press 2021); Wampler (n 10).

<sup>13</sup> Amedeo Policante, ‘The New Pirate Wars: The World Market as Imperial Formation’ (2013) 3(1) *Global Discourse* 57 <<https://doi.org/10.1080/23269995.2013.804760>>.

<sup>14</sup> Wampler (n 10).

<sup>15</sup> Wampler (n 10).

<sup>16</sup> Marcus Rediker, *Villains of All Nations: Atlantic Pirates in the Golden Age* (Boston: Beacon Press 2004).

<sup>17</sup> Wampler (n 10).

<sup>18</sup> Wampler (n 10).

<sup>19</sup> Robert A Denmark, ‘Piracy, State-Formation, and the Bounding of Social Systems’ (2017) 8(1) *Journal of Globalization Studies* 51. Even during the classical Greece and Rome Era, seaborne raids and reprisals were commonplace. These sometimes may lead to casualties.

<sup>20</sup> Wampler (n 10) 20.

2021.<sup>21</sup> Additionally, in the course of repelling piracy attacks, officials of maritime enforcement agencies are wounded or killed.<sup>22</sup> Seafarers are usually kidnapped, tortured, starved and sometimes injured in the course of piracy, which could lead to the crewmembers suffering from PTSD for the rest of their lives. Thus, research suggests that seafarers may suffer lasting trauma due to piracy acts,<sup>23</sup> and also transiting piracy high-risk areas could trigger or cause stress and worry to seamen.<sup>24</sup> It is indubitable that the workplace may make such stress or trauma worse, considering that seafarers are always on the high seas, far away from the comforting presence of their family members.<sup>25</sup>

Beyond its humanitarian effect, piracy also impedes trade. To establish itself as a trading country, the Roman Empire had to curb piracy in the 1st century BCE because piracy states along the Anatolia coast threatened the commerce of the Empire.<sup>26</sup> Subsequently, the creation of international trade routes gave impetus to imperialism, and European political disputes escalated to a global conflict through piracy that resulted in the capture of more than two thousand vessels on the Atlantic trade routes alone during the Golden Age.<sup>27</sup> Presently, the annual cost of piracy on international trade is between US\$7 billion and US\$12 billion.<sup>28</sup> From a regional standpoint, the cost of ransom payments in West and Central Africa is between US\$1 million and US\$1.5 million annually, the cost of government anti-piracy initiatives per year is about US\$524 million, and the cost of transport is hundreds of millions of dollars annually.<sup>29</sup>

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<sup>21</sup> Ifesinachi Marybenedette Okafor-Yarwood and Freedom C Onuoha, 'Whose Security Is It? Elitism and the Global Approach to Maritime Security in Africa' (2023) 44(5) *Third World Quarterly* 953 <<https://doi.org/10.1080/01436597.2023.2167706>>; Chijioke J Nwalozie, 'Exploring Contemporary Sea Piracy in Nigeria, the Niger Delta and the Gulf of Guinea' (2020) 13 *Journal of Transportation Security* 161 <<https://doi.org/10.1007/s12198-020-00218-y>>.

<sup>22</sup> Kalu Kingsley Anele, 'Analysis of the Enforcement of the Suppression of Piracy and Other Maritime Offences Act in Nigeria: Matters Arising' (2023) 34 *Criminal Law Forum* 375 <<https://doi.org/10.1007/s10609-023-09462-y>>; Seokwoo Lee and Young Kil Park, 'Republic of Korea v Araye' (2012) 106(3) *American Journal of International Law* 630 <<https://doi.org/10.5305/amerjintelaw.106.3.0630>>; *Republic of Korea v Araye* No 2011 Do 12927, Supreme Court of Republic of Korea, 22 December 2011; 'South Korea Rescues Samho Jewelry Crew from Pirates' *BBC News* (London, 21 January 2011) <<https://www.bbc.com/news/world-africa-12248096>>.

<sup>23</sup> D Conor Seyle and others, 'The Long-Term Impact of Maritime Piracy on Seafarers' Behavioral Health and Work Decisions' (2018) 87 *Marine Policy* 23 <<https://doi.org/10.1016/j.marpol.2017.10.009>>.

<sup>24</sup> Seyle and others (n 23).

<sup>25</sup> Samantha K Brooks and Neil Greenberg, 'Mental Health and Psychological Wellbeing of Maritime Personnel: A Systemic Review' (2022) 10 *BMC Psychology* 1 <<https://doi.org/10.1186/s40359-022-00850-4>>.

<sup>26</sup> Cornelis Roelofse, 'Comparative Issues of Piracy and Terrorism on the West and East Coasts of Africa with a Focus on Nigeria and Somalia' (2014) 27(1) *Acta Criminologica: African Journal of Criminology and Victimology* 1 <<https://hdl.handle.net/10520/EJC164224>>; Giulia Berlusconi, 'Piracy: History' in ME Beare (ed), *Encyclopedia of Transnational Crime and Justice* (Sage Publications 2014).

<sup>27</sup> Wampler (n 10).

<sup>28</sup> Nusret Sogancilar, 'Maritime Piracy and Its Impacts on International Trade' (2021) 4(1) *Journal of Politics, Economy and Management* 44 <<https://dergipark.org.tr/en/pub/jopem/issue/63151/938594>>.

<sup>29</sup> Curtis Bell and others, 'Pirates of the Gulf of Guinea: A Cost Analysis for Coastal States' (2021) *Stable Seas Report* 1.

There is a dearth of research on the linkages between piracy and religion, especially in contemporary society. Moreover, gaps exist not only in the connections between piracy and religion but also in the role of terrorism in these connections. Though Wampler's research extensively analysed the influence of religion on piracy, it failed to adequately connect religion to piracy through terrorism.<sup>30</sup> Most publications also mention piracy and religion without engaging in an extensive review of the linkages.<sup>31</sup> This article adopts a doctrinal legal methodology to analyse the linkages between piracy and religion and the role terrorism plays in the linkages. From a historical purview, it argues that piracy and religion have always been intertwined, which is subtly manifested in contemporary piracy. Specifically, the Golden Era and the Ottoman Empire's use of corsairs for political, trade, security and religious purposes lend credence to that fact. Further, the article identifies terrorism as the umbilical cord that could join piracy to religion in contemporary society. It posits that given the need for pirates to have access to weapons, free hand in their illicit activities in specific territories, acquisition of modern technological tools and the financial burden of terrorism, it becomes predictably pragmatic that pirates and terrorists could collaborate in their unlawful acts. This suggests that piracy and terrorism sometimes overlap or converge, and both pirates and terrorists share some commonalities in terms of fundraising and engaging in transnational organised crime, such as human, arms and drug trafficking, differing in objectives: piracy occurs for personal gains, while terrorists act for political reasons. The article suggests a need to enact and effectively enforce anti-piracy legislation and policies, complemented by the use of social media platforms to revive the role religion plays in crime reduction in society.

The next section critically reviews the fluid meaning of religion, pirates, corsairs and privateers and their linkages to religion. It reveals that though research suggests that privateers, buccaneers and corsairs etc, were regarded as pirates during the classical and Golden Age periods, contemporary piracy is committed by pirates according to extant antipiracy legal instruments. Thereafter, a review of the history of the connections between piracy and religion is undertaken. Historically, it was discovered that both Christianity and Islam, with the active participation and connivance of the monarchs and states, were channels through which piracy and religion intertwined. The subsequent section addresses the issue of the linkages between contemporary piracy and religion. The nexus between piracy and religion through the instrumentality of terrorism is further discussed. Lastly, the article reiterates that though the influence of religion on piracy has waned, religious inclinations seem to influence piracy acts in some regions. It suggests a need to enact and

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<sup>30</sup> Wampler (n 10); Travis Bruce, 'Piracy as Statecraft: The Mediterranean Policies of the Fifth/Eleventh-Century Taifa of Denia' (2010) 22(3) *Al-Masaq* 235 <<http://dx.doi.org/10.1080/09503110.2010.522383>>.

<sup>31</sup> Patrick Connolly and Robert J Antony, "'A Terrible Scourge": Chinese Piracy and Coastal Defence in Broad Historical Perspective' in YH Teddy Sim (ed), *The Maritime Defence of China: Ming General Qi Jiguang and Beyond* (Springer 2017); Peter D Shapinsky, 'Japanese Pirates and the East Asian Maritime World, 1200–1600' [2019] *Oxford Research Encyclopedia of Asian History* <<https://doi.org/10.1093/acrefore/9780190277727.013.63>>; Max Boot, 'Pirates, Then and Now: How Piracy was Defeated in the Past and Can Be Again' (2009) 88(4) *Foreign Affairs* (New York) 94; Barbara Fuchs, 'Faithless Empires: Pirates, Renegades, and the English Nation' (2009) 67(1) *English Literary History* 49 <<https://doi.org/10.1017/CBO9780511486173.007>>.

enforce antipiracy legislation and policies and effectively implement other counterpiracy measures. This should be complemented by reaffirming the importance of religion in reducing crime and, by extension, piracy, through social media platforms.

## **2. Conceptual Analysis of Religion, Corsairs, Privateers and Pirates**

### **2.1. Exploring the Definition of Religion, Pirates, Corsairs and Privateers**

Like all concepts,<sup>32</sup> there is no generally accepted definition of religion.<sup>33</sup> While Aristotle suggests that the only definition of religion relies on specifying the essence of religion and listing 'the necessary and sufficient conditions for a phenomenon to count as religious,'<sup>34</sup> Durkheim defines religion as 'a unified system of beliefs and practices relative to sacred things, that is to say, set apart and forbidden, beliefs and practices...'<sup>35</sup> Johnston and Sampson define religion as 'an institutional framework within which specific theological doctrines and practices are advocated and pursued, usually among a community of like-minded believers.'<sup>36</sup> In view of that, Mwandumba suggests that on many occasions, the church intervenes in state affairs, particularly where such intervention fosters good governance, equality, the rule of law,<sup>37</sup> and perhaps, other causes deemed important by the state. Aside from arguing that piracy has become institutionalised in terms of entrenched organisational structures and self-financing mechanisms,<sup>38</sup> Dubner and Raturi mention that 'many of the countries that were trying to thwart piracy today are composed of Caucasians and are usually Christians, whereas the Somalians are mostly people of colour and Muslims.'<sup>39</sup> Against this backdrop, it could be argued that a state could adopt religion in its

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<sup>32</sup> Sabine Molenaar and others, 'Concept Definition Review: A Method for Studying Terminology in Software Engineering' (2025) 180 *Information and Software Technology* 2 <<https://doi.org/10.1016/j.infsof.2024.107648>>; Ginny Mounce and others, 'Approaches to Concept Clarification: Issues for Consideration' (2024) 81(5) *Journal of Advanced Nursing* 2243 <<https://doi.org/10.1111/jan.16553>>; Mordechai (Muki) Haklay and others, 'What is Citizen Science? The Challenges of Definition' in Katrin Vohland and others (eds), *The Science of Citizen Science* (Springer 2021).

<sup>33</sup> Adamczyk and others (n 1) 12, opine that '[r]eligion is a challenging subject to study, in part, because determining what religion means to different people is tricky.'

<sup>34</sup> Jonathan Jong, 'On (Not) Defining (Non) Religion' (2015) 2(3) *Science, Religion and Culture* <<https://doi.org/10.17582/journal.src/2015/2.3.15.24>>, citing Aristotle.

<sup>35</sup> Jong (n 34) 18.

<sup>36</sup> Shameer Modongal, 'The Resurgence of Religion in International Relations: How Theories Can Accommodate It?' (2023) 9(1) *Cogent Social Sciences* 3 <<https://doi.org/10.1080/23311886.2023.2241265>>, quoting D Johnston and C Sampson; Ayesha Akter Sumi and others, 'Investigating the Function of Religion and Social Capital in Shaping Sustainable Social Development' (2025) 6 *Discover Sustainability* 2 <<https://doi.org/10.1007/s43621-025-01622-x>>.

<sup>37</sup> Judith Victoria Mwandumba, 'Church-State Relations in Malawi. The Roman Catholic Church as an Agent of Political Reform (From 1992 Until Present)' (2015) XXXIII *Danubius Supplement* 78.

<sup>38</sup> Barry Hart Dubner and Ritvik Raturi, 'On the Economics of International Sea Piracy—A Case of History Repeating Itself' (2012) 20 *Michigan State International Law Review* 759 <<https://ssrn.com/abstract=2763265>>.

<sup>39</sup> Dubner and Raturi (n 38) 750.

sociopolitical and economic expansion quests, which implies that piracy could be adopted to achieve such goals as witnessed in the Golden Age.

From the foregoing, the meaning of a pirate is fluid as certain connotations and stigmas have been attached to it, and its meaning relies on the beliefs, the period and the occupation of the person doing the defining.<sup>40</sup> Thus, it was stated that '(t)he stigma of piracy...has provoked heated historical and political debate without always shedding much light on its meaning and substance.'<sup>41</sup> Macfarlane suggests that the definition of a pirate is transient.<sup>42</sup> While older and contemporary historians differentiate the term using cultural origins to title accurately, and adopting a blanket term to describe illegal behaviours on the high seas, religion and politics created and used particular terms to define specific forms of piracy, namely the difference between legal and illegal, such as pirates versus privateers or corsairs.<sup>43</sup> The ambiguity in the description of individuals involved in piracy reveals the level of 'confusion, and in most extreme cases, the collapse of the distinction between criminal and political categories.'<sup>44</sup> It is argued that there have always been controversies surrounding the legality and morality of piracy, as each nation proffered divergent definitions and laws that determine what should be legal or illegal on the high seas.<sup>45</sup> Consequently, the differences between terms, such as pirate, privateer and corsair and their specific classifications were determined by states and circumstances linked to the ideas of legality and illegality. Thus, it implies that the definition of a pirate was fluid, changing given the location of pirates and the environment in which they operate.<sup>46</sup> For instance, a person can be a barbaric pirate in one port during a particular year, and later be seen as a patriotic privateer the next day at a port in another region.<sup>47</sup>

In light of the religious designations of these terms, Catholic nations faced some difficulties in approving piratical acts, whether sanctioned by the state or not, as they included many strong Catholic countries, unlike the Protestant countries whose monarchs were often the head of the church.<sup>48</sup> In other words, while it was difficult for Catholic countries to openly support and promote pirates, the Protestant countries, where the monarchs doubled as the head of the church and country, exemplified by England, openly

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<sup>40</sup> Wampler (n 10) 4; Simon Layton, 'Discourse of Piracy in an Age of Revolutions' (2011) 35(2) *Intinerario* 81 <<https://doi.org/10.1017/S0165115311000301>>.

<sup>41</sup> Layton (n 40) 81–82.

<sup>42</sup> Alasdair C Macfarlane, 'Pirates and Publicity: The Making and Unmaking of Early Modern Pirates in English and Scottish Popular Print' (2020) 9(1) *Humanities* 14 <<https://doi.org/10.3390/h9010014>>.

<sup>43</sup> Wampler (n 10) 4; Macfarlane (n 42).

<sup>44</sup> Nick P Kardulias and Emily N Butcher, 'Piracy in a Contested Periphery: Incorporation and the Emergence of the Modern World-System in the Colonial Atlantic Frontier' (2016) 22(2) *Journal of World-Systems Research* 544 <<https://doi.org/10.5195/jwsr.2016.652>>, citing Heller-Roazen.

<sup>45</sup> Wampler (n 10).

<sup>46</sup> Wampler (n 10) 5; Jessica L Peters, 'A Nation of Those Without a State: A Case Study of Nationalism Regarding Piracy in the Atlantic Before and During the Golden Age' [2013] WWU Graduate School Collection 42.

<sup>47</sup> Wampler (n 10).

<sup>48</sup> Wampler (n 10) 5–7.

supported pirates (privateers) and most times embraced their activities. Consequently, some notable pirates during the Golden Age were, to an extent, employed or supported by governments. Such pirates were authorised to confront the enemies of their employer by any means necessary and were given some reward—a share in the bounty or a cut from the captured ship.<sup>49</sup> To illustrate this, popular privateers, like Drake and Raleigh, were seen as heroes by the monarchs and defenders of the Protestant faith. Nevertheless, they were regarded as barbaric pirates by the Spanish and French, both of whom these pirates killed on many occasions.<sup>50</sup> Though '[p]rivateering became a profession having no necessary connection with the politics, commerce, or religion of those that practised it, though all these motives continued to be used to disguise individual cupidity', privateers were regarded as pirates by the Spaniards.<sup>51</sup>

Tai argues that the '[s]ubjective assignment of terms like 'pirate', 'corsair', and 'zeerauber', accordingly furnish evidence of the simultaneous operation of competing systems of law that allowed medieval piracy to lie in the eye—or, rather, with the law—of the beholder'.<sup>52</sup> That notwithstanding, Kardulias and Butcher argue that '[t]he numerous terms used to refer to piracy in the early modern period reflect the state of flux that characterised the enterprise. Privateers were 'seaborne mercenary forces' who served as extensions of European governments...while pirates operated independently without government approval.'<sup>53</sup> Gounaris submits that privateers were different from pirates and corsairs in terms of the 'distinction between state and stateless sea robbers.'<sup>54</sup> This argument purportedly relied on the legal status of privateers: the issuance of a letter marque (license) by the government gave privateers some legitimacy, unlike pirates and corsairs.<sup>55</sup>

Presently, the meaning of a modern pirate, which does not relate to the terms privateer and corsair, can be gleaned from the definition of piracy contained in the Law of the Sea Convention (LOSC),<sup>56</sup> which, in article 101, defines piracy as follows:

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<sup>49</sup> Wampler (n 10) 7.

<sup>50</sup> Wampler (n 10).

<sup>51</sup> Violet Barbour, 'Privateers and Pirates of the West Indies' (1911) 16(3) *The American Historical Review* 531 <<https://doi.org/10.1086/ahr/16.3.529>>.

<sup>52</sup> Emily Sohmer Tai, 'The Legal Status of Piracy in Medieval Europe' (2012) 10(11) *History Compass* 839 <<https://doi.org/10.1111/hic3.12009>>.

<sup>53</sup> Kardulias and Butcher (n 44).

<sup>54</sup> Basil C Gounaris, 'Unwanted Heroes?: British Privateering, Commerce, and Diplomacy in the Mid-Eighteenth-Century Eastern Mediterranean' (2014) 22(2) *Mediterranean Studies* 135; Jonathan L Still, 'Resurrection Letters of Marque and Reprisal to Address Modern Threats' [2012] *Strategy Research Project* 4.

<sup>55</sup> Sila Senlen Guvenc, "'A Foe to All Christians": The Notorious English Corsair Captain and Ottoman Reis John Ward in Early Seventeenth Century English Literature' (2020) 29 *The Turkish Yearbook of Canakkale Studies* 38; Gounaris (n 54) 135; Greg Bak, *Barbary Pirate: The Life and Crimes of John Ward, the Most Infamous Privateer of His Times* (Sutton Publishing 2006) 65.

<sup>56</sup> United Nations Convention on the Law of the Sea, adopted 10 December 1982, (entered into force 16th November 1994) 1833 UNTS 3.



- (a) Illegal act of violence, detention or depredation committed for private ends by the crew or any passenger of a private ship or aircraft and directed—
  - (i) in international waters against another ship or aircraft or against a person or property on board the ship or aircraft, or
  - (ii) against a ship, aircraft, person or property in a place outside the jurisdiction of any State;
- (b) 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; and
- (c) act of inciting or intentionally facilitating an act described in subparagraph (a) or (b).

From the above definition of piracy, a pirate, therefore, means a person who has committed any of the crimes mentioned above. There are limitations to the LOSC definition of piracy. For instance, the geographical location principle that implies that piracy occurs only on the high seas prevents coastal states with vast and complex coasts and limited maritime enforcement capabilities, like Indonesia (an archipelago) and Nigeria, from effectively combating piracy.<sup>57</sup> Moreover, the ‘two ships’ element of the LOSC piracy definition prevents the prosecution of pirates, as witnessed in the *Achille Lauro* case.<sup>58</sup> In terms of the private ends requirement, which is relevant in this article, the debate has anchors on *animo furandi*. Ahmand argues whether it excludes acts committed under state sponsorship or if it requires the element of *animo furandi* that excludes politically motivated acts.<sup>59</sup> It is submitted that the two ships’ requirement paves the way for pirates to avoid piracy prosecution under the guise of avoiding politically motivated attacks. As Honnibal concludes, it is important not to ‘exclude violent acts perpetrated by individuals from effective punishment merely because such actors were motivated by political goals.’<sup>60</sup> Given the limitations of the LOSC’s definition of piracy, the 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA Convention) was enacted to complement the LOSC.<sup>61</sup>

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<sup>57</sup> Yunias Dao and others, ‘The Concept of the Archipelagic State in Addressing Maritime Security Threats’ (2024) 3(4) *Formosa Journal of Social Sciences* 940 <<https://doi.org/10.55927/fjss.v3i4.12109>>; Dirham Dirhamsyah, Saiful Usman and Zainab Arifin, ‘Maritime Law Enforcement: Indonesia’s Experience Against Illegal Fishing’ (2022) 229 *Ocean and Coastal Management* 1 <<https://doi.org/10.1016/j.ocecoaman.2022.106304>>.

<sup>58</sup> *Klinghoffer v SNC Achille Lauro*, 739 F Supp 854 (SDNY 1990).

<sup>59</sup> Mazyar Ahmad, ‘Maritime Piracy Operations: Some Legal Issues’ (2020) 4(3) *Journal of International Maritime Safety, Environmental Affairs, and Shipping* 62 <<https://doi.org/10.1080/25725084.2020.1788200>>.

<sup>60</sup> Arron N Honnibal, ‘Private Political Activists and the International Law Definition of Piracy: Acting for “Private Ends”’ (2015) 36(2) *Adelaide Law Review* 282 <<https://ssrn.com/abstract=3533785>>.

<sup>61</sup> The Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, adopted 10 March 1988, (entered into force 1 March 1992) 1678 UNTS 221 was introduced to cover violent acts on the sea (armed robbery), including territorial waters of coastal states.

Various countries have enacted anti-piracy legislation. For instance, Nigeria<sup>62</sup> and Kenya<sup>63</sup> adopt the LOSC piracy definition, including maritime offences.<sup>64</sup> In contrast, Article 542 of the Indonesian Criminal Code states that any person who uses the ship to detain or commit violence or threats of violence against other vessels or against persons or goods located aboard a ship on the high seas or somewhere outside the jurisdiction of any country with a view to: control persons or possess or own ships or goods unlawfully, commits piracy at sea.<sup>65</sup> Again, South Korea's (Korea) Criminal Act defines piracy as the threat of collective force in the sea, forcibly seizing a ship, or forcibly taking another's property after intruding upon a ship.<sup>66</sup> Beyond the existence of antipiracy legislation, effective implementation is key to curbing piracy, as witnessed in the prosecution of pirates in Korea in the case of the *Republic of Korea v Araye*.<sup>67</sup> Though the definition of piracy by these antipiracy instruments varies, the meaning of a contemporary pirate can be understood. Thus, unlike the ambiguity that arises in separating these words, to wit, pirate, privateer and corsair, before, during and after the Golden Age, contemporary pirates do not have such ambivalence. However, modern pirates arguably seem to share common traits or interests with terrorists: they use violence to achieve their goals.

### 3. Historical Analysis of the Linkages Between Piracy and Religion

Prior to 9/11, religion had not been recognised as an influential factor in international relations.<sup>68</sup> Arguably, this may account for the dearth of specific studies on the nexus between piracy and religion. Modongal implies that religion is an impactful factor in policies of state and non-state actors, especially in swaying public opinion and how people respond to security.<sup>69</sup> Other researchers opine that religious fundamentalism, religious extremism and 'religious difference have emerged as crucial factors in international conflict, national

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<sup>62</sup> Suppression of Piracy and Other Maritime Offences Act 2019 ('SPOMO Act'), s 3.

<sup>63</sup> Merchant Shipping Act 2009 ('MSA'), s 369(1)(a).

<sup>64</sup> SPOMO Act (n 62), s 4; MSA (n 63), s 371; SUA Convention (n 61).

<sup>65</sup> The Criminal Code No 1, Laws of the Republic of Indonesia, 2023.

<sup>66</sup> Criminal Act No 15982, art 340(1), 18 December 2018.

<sup>67</sup> Kalu Kingsley Anele, 'Repressing Piracy off the Nigerian Waters: Lessons From Korea' (2021) 8 *Maritime Safety and Security Law Journal* 13; Lee and Park (n 22). Contrast the punishments in the Araye's case that were heavy and the decisions of the courts in Nigeria and Indonesia, where the pirates were given light punishments: Nigerian cases of *Federal Republic of Nigeria v Binaebi Johnson & Co*, Suit No FHC/PH/62c/2020 (unreported); *Federal Republic of Nigeria v Frank Insort Abaka and 9 Others*, Suit No FHC/L/170C/2020 (unreported); Indonesian cases of District Court Decision No 600/PidB/2015/PN Sgl 3 December 2015 (*Kasim Bin Sariman*); District Court Decision No 524/PidB/2014/PN BTM, 4 November 2015 (*Sintus Bin Petrus*); District Court Decision No 160/PidB/2012/PN TBK, 27 November 2012 (*Azri Bin Maulana*); Adam J Fenton and Ioannis Chapsos, 'Prosecuting Pirates: Maritime Piracy and Indonesian Law' (2019) 19(2) *Australian Journal of Asian Law* 217 <<https://ssrn.com/abstract=3398030>>.

<sup>68</sup> Modongal (n 36) 1–2; Samantha May and others, 'The Religious as Political and the Political as Religious: Globalisation, Post-Secularism and the Shifting Boundaries of the Sacred' (2014) 15(3) *Politics, Religion and Ideology* <<https://doi.org/10.1080/21567689.2014.948526>>.

<sup>69</sup> Modongal (n 36) 5–6.

security, and foreign policy.<sup>70</sup> Hence, terrorists, including perhaps pirates, are all extremists or jihadists inspired by religion: radical Islamist beliefs.<sup>71</sup> Furthermore, the use of meta-analysis to review piracy and religion linkage reveals that there is a relationship between the two concepts.<sup>72</sup> Sociological theories, like self-control, reciprocal relationship and social control theories etc, foster the linkages between piracy and religion.<sup>73</sup> These theories are significant in exploring the piracy and religion connections.

Studies are replete with the adoption of piracy as a tool in the fight between Christians and Muslims, among other things, in the 9th century and beyond.<sup>74</sup> The reciprocal relationship theory, which suggests the commission of crime based on reciprocal relations with parents and peers etc.,<sup>75</sup> can be used to explain the linkage between piracy and religion.<sup>76</sup> Referred to as a secondary form of war, piracy was regarded as ‘another way of fighting the battle between Christianity and Islam.’<sup>77</sup> It is imperative to note that research reveals that the Catholic Church, in its Third and Fourth Lateran Councils in 1179 and 1215, respectively, denounced piracy, and the penalty of excommunication was imposed on pirates, only if the crime was committed against Christians,<sup>78</sup> and, as may be added, when it culminated in economic enrichment.<sup>79</sup> During the 13th and 14th centuries, ‘piracy was often seen as a crime against religion ...’<sup>80</sup> Fuchs observes that though ‘English piracy might seem like a romantic, individualistic response to the age of empire-formation, it existed in a complicated web of geopolitical and religious exchanges.’<sup>81</sup> Indeed, Venetian and Maltese corsairs operated arbitrarily in Greek waters, attacking Orthodox Greeks, Muslim Turks and other non-Catholics.<sup>82</sup> Pirates were even knighted for their criminal activities and efforts to

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<sup>70</sup> May and others (n 68) 341; Elizabeth Hurd, *The Politics of Secularism in International Relations* (Princeton University Press 2008).

<sup>71</sup> Adamczyk and others (n 1) 4.

<sup>72</sup> Adamczyk and others (n 1).

<sup>73</sup> Adamczyk and others (n 1) 21–27; Sumter and others (n 5) 7–9.

<sup>74</sup> Guvenc (n 55); Michael J Kelly, ‘The Pre-History of Piracy as a Crime and Its definitional Odyssey’ (2013) 46(1) *Case Western Reserve Journal of International Law* 25; Magdalena Satora, ‘Piracy from the Middle Ages to the 19th Century’ (2012) 1(1–2) *Polish Review of International and European Law* 76; Authur Nussbaum, *A Concise History of the Law of Nations* (Macmillan 1947); Bruce (n 30) 235–237.

<sup>75</sup> Jennifer M Traver and others, ‘The Reciprocal Relations Between Well-Being and Maternal and Peer Warmth in Adolescents Involved in the Juvenile Justice System’ (2023) 95(3) *Journal of Adolescence* 401 <<https://doi.org/10.1002/jad.12122>>.

<sup>76</sup> Adamczyk and others (n 1) 26–27.

<sup>77</sup> Fuchs (n 31) 49; Fernand Braudel, *The Mediterranean and the Mediterranean World in the Age of Philip II* (vol 1, Collins 1973).

<sup>78</sup> Kelly (n 74) 29; Satora (n 74) 80; Nussbaum (n 74).

<sup>79</sup> Bryan Mabee, ‘Pirates, Privateers and the Political Economy of Private Violence’ (2009) 21(2) *Global Change, Peace and Security* 139 <<https://doi.org/10.1080/14781150902871994>>; Richard Harding R, *Seapower and Naval Warfare 1650–1830* (Routledge 1999).

<sup>80</sup> Satora (n 74) 79–80.

<sup>81</sup> Fuchs (n 31) 49.

<sup>82</sup> James A Wombwell, *The Long War Against Piracy: Historical Trends* (Combat Studies Institute Press 2010).

undermine the economic activities of their targets.<sup>83</sup> Subsequently, the issuance of the Papal Bull in 1493 by Pope Alexander VI, dividing the ocean between Spain and Portugal, may have elicited responses from other maritime powers, like England and France, which suggest the use of pirates to disregard the Papal Bull.<sup>84</sup> The malleability of piracy and the church was utilised by the monarchs to their advantage, thereby providing them 'the option of using pirates and religious differences as scapegoats if they began to see either as an obstacle to their own goals.'<sup>85</sup> Moreover, there was an overlap between piracy and religion, which reflected on how each concept was adopted as a conduit to traverse and establish order within the new political circumstances that the discovery of the new half of the world generated.<sup>86</sup>

Further, the prominence of the linkages between piracy and religion is traced to the Golden Age. During this era, factors like security, expanding trade engagements due to the discovery of the new world, the attempt to dominate the ocean, state building and the reformation period,<sup>87</sup> led to a need to control activities on the high seas. It must be stated ab initio that Christianity<sup>88</sup> and Islam<sup>89</sup> played a prominent role in the unholy alliance between piracy and religion. A historical overview of piracy reveals that pirate society was both heterogeneous and dynamic, which suggests that the social control theory is relevant in connecting piracy to religion.<sup>90</sup> The social control theory implies that 'individuals, who have achieved more and thus have more to lose, are less likely to offend.'<sup>91</sup> As a result, some pirates were motivated by mere greed, and others ventured into maritime criminality for many reasons, including becoming political and religious zealots.<sup>92</sup> It has been implied that the Renaissance piracy 'sometimes in surprising and resourceful ways overlap and connect with, rather than challenge, some of the foundations underpinning contemporary orthodoxies—absolutism ... and the superiority of Europeans and the Christian religion over other peoples and belief systems.'<sup>93</sup>

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<sup>83</sup> Wombwell (n 82) 11–16. For example, English seadogs, John Hawkins and Francis Drake, who were brutal to their Spanish victims, were 'knighted and held in high regard by Queen Elizabeth I'.

<sup>84</sup> Stefan Amirell, Hans Hagerdal and Bruce Buchan, *Piracy in World History* (Cambridge University Press 2021) 19–20; Wombwell (n 82) 11–12.

<sup>85</sup> Wampler (n 10) 4.

<sup>86</sup> Wampler (n 10).

<sup>87</sup> Amirell and others (n 84) 10.

<sup>88</sup> Wampler (n 10) 1; Barbour (n 51) 529.

<sup>89</sup> White (n 12).

<sup>90</sup> Adamczyk and others (n 1) 7–9.

<sup>91</sup> Adamczyk and others (n 1) 21.

<sup>92</sup> Wampler (n 10) 2–3.

<sup>93</sup> Claire Jowitt, *The Culture of Piracy, 1580–1630: English Literature and Seaborne Crime* (Routledge 2010).

Situational theory,<sup>94</sup> akin to rational theory,<sup>95</sup> in which crimes could be committed during specific situations in terms of the possibility of crime prevention, could be used to address the event precipitating the unholy alliance between piracy and religion—the Protestant Reformation that began in 1517—‘which created a permanent division in Christendom’s goals.’<sup>96</sup> The Reformation culminated in religious conflicts that lasted for a long time within and between European nations, and it led to different ways of fighting for international domination goals.<sup>97</sup> The significance of the Reformation is that nations had to compete for control in the New World and contend with domestic disturbances due to the rejection of the authority of the Papacy, which implies that the power of strongly Catholic nations, like Spain and France, is delegitimised.<sup>98</sup> Wampler observes that the Reformation paved the way for the conflicts that began with the New World’s ideological edge that permitted violence in the Reformation process—exemplified by piracy—while maintaining the image of Godliness in the world’s eyes.<sup>99</sup> From the foregoing, European countries utilised both piracy and religion as extra political mechanisms during the Reformation period to assert authority or attempt to control other countries to absolve themselves from being blameworthy.<sup>100</sup> Thus, while piracy signified impunity from rival nations, religion was used to justify such actions against the accusations of other nations and the nation’s citizens. In light of that, Catholic France and Spain and Protestant England were three of the most powerful nations in Europe during this aeon of time.<sup>101</sup> These countries had several grievances against each other that perhaps reflected the desire to control the others, using piracy as an efficient way to achieve that, while using religion as a justification. Little wonder some pirates were presented and seen, especially in the quickly growing British Empire, as national and religious heroes engaging in both the nation’s and God’s work across the sea.<sup>102</sup>

The sequel to the Reformation was the advent of Protestantism. Protestantism led to significant Catholic backlash or counter-Reformation in predominantly Catholic countries, like Spain and France.<sup>103</sup> On account of this, the Protestants declined to recognise the authority of the Papacy and the agreements, like the Treaty of Tordesillas, that gave the Old World and the New World some sense of order and political tolerance were countermanded goals.<sup>104</sup> In the late 16th century, Philip II of Spain and Elizabeth I of England, followed later by James I, were some of the very prominent monarchs who used religion to rule their

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<sup>94</sup> Adamczyk and others (n 1) 25.

<sup>95</sup> Adamczyk and others (n 1) 24.

<sup>96</sup> Wampler (n 10) 11.

<sup>97</sup> Wampler (n 10).

<sup>98</sup> Wampler (n 10).

<sup>99</sup> Wampler (n 10).

<sup>100</sup> Wampler (n 10).

<sup>101</sup> Wampler (n 10).

<sup>102</sup> Wampler (n 10) 12.

<sup>103</sup> Wampler (n 10).

<sup>104</sup> Wampler (n 10) 13.

subjects, and they championed the use of pirates (privateers) to attack other countries in the name of religion.<sup>105</sup> Consequently, religious differences became the spiritual pretext required to engage pirates in a supposedly virtuous manner following 1517.<sup>106</sup> Examples abound where monarchs used pirates to execute the purported propagation of religion or religious duty, among other things. A prominent case is the use of Francis Drake, a pirate (also a privateer) and a religious zealot, by Queen Elizabeth I to deal devastating blows to the Spanish, by murdering, pillaging and attacking, among other things, against Spanish vessels.<sup>107</sup> The fact that such carnage was perpetrated under the guise of the good of the country and God reveals the nexus between piracy and religion.<sup>108</sup> Similarly, Francis I, the King of France, entrusted French corsair Jean-Francois Roberval with unbridled authority to oversee an overwhelming Catholic colony to spread the Catholic faith and wrestle the monopoly of the New World civilisation from Portugal and Spain.<sup>109</sup> The foray against the perceived enemies of Catholics by Roberval left in its wake death and destruction.<sup>110</sup> Since these pirates attacked other countries' vessels in the name of religion, politics and trade with the active support of their countries, it is argued that it established the linkage between piracy and religion during the Golden Age in Europe.

Given the connection between religion and politics, it could be argued that Islamic countries that supported pirates in their nefarious activities lend credence to the nexus between piracy and religion. Jihad became a concept to engage in criminality, including piracy, in the name of religion. For instance, though they were nominally part of the Ottoman Empire, Barbary state leaders in Morocco and Algeria needed piracy to maintain their positions as rulers and extract tributes from weaker countries,<sup>111</sup> and the theory of life course is significant in this regard:<sup>112</sup> this theory suggests a strong connection 'between individual lives and the historical and socioeconomic context in which these lives unfold.'<sup>113</sup> It was observed that the political landscape in the Barbary states extremely favoured piracy, and both state and commercial enterprises relied on piracy proceeds to sustain their activities.<sup>114</sup> More importantly, pirates targeted vessels belonging to the purported infidels, thereby combining religious obligations with economic gain.<sup>115</sup> Furthermore, in linking

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<sup>105</sup>Wampler (n 10) 13–16.

<sup>106</sup>Wampler (n 10) 17.

<sup>107</sup>Wampler (n 10) 20–23. Other pirates who got the support of the crown include Henry Morgan, Martin Frobisher and Sir Walter Raleigh.

<sup>108</sup>Wampler (n 10) 21.

<sup>109</sup>Wampler (n 10) 13–21.

<sup>110</sup>Wampler (n 10) 21.

<sup>111</sup>Wombwell (n 82) 61–74; Daniel D Sunvold, 'Understanding Modern Maritime Piracy: A Complex Adaptive System Approach' (Master thesis, National Defense University 2014) 10–11.

<sup>112</sup>Adamczyk and others (n 1) 25.

<sup>113</sup>Barbara A Mitchell, 'Life Course Theory' in J Ponzetti (eds), *The International Encyclopedia of Marriage and Family Relationships* (Macmillan Reference 2003).

<sup>114</sup>Wombwell (n 82) 61–74; Sunvold (n 111) 11–12.

<sup>115</sup>Wombwell (n 82); Boot (n 31) 96.

piracy to religion, Ali submitted that several holy warrior heroes who spearheaded the introduction of North Africa to the Ottoman dynasty were pirates, exemplified by Hayreddin Barbarossa and Turgud Reis, who engaged in maritime jihad against the purported enemies of Islam.<sup>116</sup> Similar to what transpired in Europe, pirates were, after repenting of the transgressions and devoting themselves to maritime jihad against the alleged enemies of Islam and the Ottoman dynasty, given a place in the Ottoman pantheon, etc.<sup>117</sup>

Comparably, in Asia, during the 19th century, the Arabs and Malays engaged in piracy to supplement their income.<sup>118</sup> It is arguable that some of these pirates, especially the Arab pirates, may have also targeted vessels belonging to supposed infidels for attacks. For example, Warren observes that the Taosug pirates, who were also Muslim insurgents, operated in the waters of Semporna, Malaysia.<sup>119</sup> Historically, piracy in Southeast Asia was linked to political instability and trade.<sup>120</sup> Though the arrival of the European trading companies in Southeast Asia ignited piratical acts in the region, piracy had existed before that.<sup>121</sup> The advent of the European trading companies in Southeast Asia, especially Britain and the Dutch, who utilised piracy as a weapon of trading, among other things, could be seen to have some religious ramifications, particularly in terms of vessels to be attacked by the privateers under these European countries' control.<sup>122</sup> Non argues that the Moro incursions in the Christian communities in the Philippines during the Spanish period were due to religious motivation.<sup>123</sup>

In the same vein, since the Greek Revolution began on 25 March 1821, the Greek brigands (*klefts*) that fought for independence from Ottoman rulers were regarded as heroes by the Orthodox Christians, and the piracy activities of the *klefts* were considered honourable.<sup>124</sup> The Greek pirates attacked vessels from Turkey, Egypt, Barbary, Australia, France, Britain, America and ships owned by other countries.<sup>125</sup> Like the use of privateers and the issuance of the letter of marque in Europe, the Sultanic authorisation gave impetus or consecrated the attacks against the so-called enemy infidels, thereby keeping the corsair

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<sup>116</sup>White (n 12) 150; Boot (n 31).

<sup>117</sup>Wombwell (n 82) 91.

<sup>118</sup>Wombwell (n 82).

<sup>119</sup>James F Warren, 'A Tale of Two Centuries: The Globalization of Maritime Raiding and Piracy in Southeast Asia at the End of the Eighteenth and Twentieth Centuries' in P Boomgaard (eds), *A World of Water: Rain, Rivers and Seas in Southeast Asian Histories* (KITLV Press 2007).

<sup>120</sup>Ger Teitler, 'Piracy in Southeast Asia: A Historical Comparison' [2002] *History, Political Science* 67 <<https://www.marecentre.nl/mast/documents/GerTeitler.pdf>>.

<sup>121</sup>Teitler (n 120) 68.

<sup>122</sup>Teitler (n 120) 70.

<sup>123</sup>Domingo M Non, 'Moro Piracy During the Spanish Period and its Impact' (1993) 30(4) *Southeast Asian Studies* 402.

<sup>124</sup>Wombwell (n 82) 75.

<sup>125</sup>Wombwell (n 82) 76.

on the jihad island.<sup>126</sup> By contrast, the payment to states and non-state actors for the protection offered to pirates and investments in providing essential supplies to people held hostage due to piracy was implemented under the principle of *diyya*—including other principles—under the Islamic *fiqh* lends credence to the linkage between piracy and religion.<sup>127</sup> In concluding this section, it is necessary to reflect on White’s observation that as Ottoman naval defence initiatives collapsed in this era of continuous ‘land wars and fiscal crisis, a diverse assortment of Catholic corsairs and English and Dutch merchant pirates poured into the Ottoman Mediterranean, while homegrown Muslim and Christian coastal raiders proliferated from the Aegean to the Adriatic.’<sup>128</sup>

#### 4. Unbundling Contemporary Piracy and Religion

Fundamentally, corruption, weak state, poverty, unemployment, lack of maritime domain awareness, pollution of the environment, absence of antipiracy legislation, weak and ill-equipped maritime enforcement agencies and the absence of regional cooperation are some of the differences between modern piracy and piracy in the classical and Golden age eras. Arguments have been advanced that suggest that the nature and objectives of piracy in the past are comparable to modern piracy.<sup>129</sup> This implies that since piracy has been inextricably linked to religion in the past,<sup>130</sup> both concepts are intertwined presently. For example, research reveals that the Iranun and Balangingi people’s marauding (piracy) activities were *jihad* to prevent the spread of Christianity by the Spaniards in the Philippines.<sup>131</sup> Generally, the Malay, Borneo, Indonesia and Philippines’ piratical activities existed as a response to ‘Western colonisation, which monopolised the trades, took over the sovereignty of local authority, spread Christianity (the Philippines case) and colonised their own motherland’.<sup>132</sup> Similarly, Barbary pirates and Barbary Islamists joined forces in the form of a *jihad* in the 16th century to prevent the spread of Christianity and in defence of Islam.<sup>133</sup> Again, the linkage between piracy and religion can be understood from the purview of religion being a subject or object of an act of violence. Conflict or violence due to religion, such as piracy, arises when believers of a particular faith take extreme views and coerce other faiths to accept those beliefs.<sup>134</sup> These can be exhibited through attacking investments of opposing or

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<sup>126</sup>White (n 12) 157.

<sup>127</sup>Jatin Dua, ‘Hijacked: Piracy and Economies of Protection in the Western Indian Ocean’ (2019) 61(3) *Comparative Studies in Society and History* 485 <<https://doi.org/10.1017/S0010417519000215>>.

<sup>128</sup>White (n 12) 150.

<sup>129</sup>Santiago Iglesias Baniela, ‘Piracy at Sea: Somalia an Area of Great Concern’ (2010) 63(02) *The Journal of Navigation* 192 <<https://doi.org/10.1017/S0373463309990439>>.

<sup>130</sup>Ismail Ali, ‘Observation and Discussion on the History of Maritime Archipelago’ (2010) 1(2) *TAWARIKH: International Journal for Historical Studies* 139.

<sup>131</sup>Ali (n 130).

<sup>132</sup>Ali (n 130); Eric Frecon, *The Resurgence of Sea Piracy in Southeast Asia* (IRASEC 2018).

<sup>133</sup>Currin Singh and Arjun Singh Bedi, ‘War on Piracy: The Conflation of Somali Piracy with Terrorism in Discourse, Tactic, and Law’ (2016) 47(5) *Security Dialogue* 453 <<https://doi.org/10.1177/0967010616665275>>.



rival faiths, specifically attacking the vessels of members of such opposing faiths or ships of similar faith members who disapprove of extreme doctrines.

Comparable to the marriage of convenience between piracy and religion during the Ottoman Empire's Corsair era, the adoption of ideological dedication to global jihad and the ease with which young Somalis are indoctrinated and used by Al Shabaab (a terror group affiliated with Al-Qaida) to perpetrate both piracy acts and terrorism buttress the point that contemporary piracy and religion are intertwined.<sup>135</sup> It has been suggested that religious militancy and piracy impede the security architecture in Puntland, Somalia.<sup>136</sup> The payment of *diya* by pirates for the protection given to them by non-state actors and the provision of essential utilities and services to people held hostage by pirates support the notion that piracy is connected to religion.<sup>137</sup> The Somali coast (Gulf of Aden and the Indian Ocean) is one of the costliest modern piracy locations in terms of humanitarian, economic, security, transportation and trade costs, and piracy off the coast of Somalia intensified due to on-land insecurity magnified by religious extremism.<sup>138</sup> In terms of the costs and the seriousness of piracy off the coast of Somalia, Smith observes that the attacks became regular and costly, as hostages were taken and oil tankers hijacked, and attacks became sophisticated as the operational range extended to 500 nautical miles, among other things.<sup>139</sup> Reflecting on piracy/religion linkage in Somalia, researchers opine that 'Hawal, which is an informal money transfer system used almost solely by Muslims, is also the primary system pirates use to launder ransom payments.'<sup>140</sup>

From the foregoing, aside from the cooperation between pirates and terrorists in adopting piratical acts in actualising their objectives, Banlaoi argues that due to frequent piracy attacks in Southeast Asia, terrorists potentially adopted pirate tactics of stealing a ship, and subsequently blowing them up or ramming them into other vessels or port facilities, to spread fear.<sup>141</sup> This argument not only links piracy acts to religion but also reaffirms that piracy is a conduit for targeting the economic and perhaps the security interests of other nations. The implication is that due to the need to impede the economic and security development of a country, piracy may be adopted by a terrorist group. Simply

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<sup>134</sup> Murchana Nath and Thomas Karthik Varghese, 'An Analysis Into Religious Violence and Socio-Economic Impacts in India' (2021) 2(1) *International Journal of Policy Sciences and Law* 2647.

<sup>135</sup> Puntland Development Research Center and Interpeace Regional Office for Eastern and Central Africa, *Peace in Puntland: Mapping the Progress—Democratization, Decentralization, and Security and Rule of Law* (2015) p 19.

<sup>136</sup> *Peace in Puntland* (n 135) 25.

<sup>137</sup> *Dua* (n 127).

<sup>138</sup> *Peace in Puntland* (n 135) 4.

<sup>139</sup> Michael E Smith, 'The EU as a Maritime Actor: EUNAVFOR Somalia' in M Smith (eds), *Europe's Common Security and Defence Policy: Capacity-Building, Experiential Learning, and Institutional Change* (Cambridge University Press 2017).

<sup>140</sup> *Dubner and Raturi* (n 38) 750.

<sup>141</sup> Rommel C Banlaoi, 'Maritime Terrorism in Southeast Asia—The Abu Sayyaf Threat' (2005) 58(4) *Naval War College Review* 64; David Last and Anthony Seaboyer, 'Clan and Islamic Identities in Somali Society' (2011) *Defence Research and Development Canada* 19.

put, modern piracy sometimes arises as a way to fight back or inflict heavy economic and security blows to a country when a religious group perceives that a particular country is maltreating members of that religion in its country.

## 5. Piracy and Terrorism: Siamese Twins?

### 5.1. Piracy and Terrorism Linkages

Research suggests that there are commonalities between pirates who were stamped out by Pompey and modern terrorists, especially in terms of the level of threat.<sup>142</sup> As an illustration, Ali suggests that those who committed piracy acts can be labelled pirates and savage seaborne terrorists.<sup>143</sup> Skowronek opines that '[t]hese contemporary accounts of piracy are almost identical to historic acts of piracy.'<sup>144</sup> Even Asian pirates may have adopted terror as a means of eliciting compliance from victims.<sup>145</sup> The medieval pirates that operated during wars and political conflicts show commonalities with modern terrorists who use terror and violence for political purposes.<sup>146</sup> Sterio suggested that the Golden Age pirates acted like modern-day terrorists in terms of being barbaric and ferocious, and likewise, terrorists, pirates 'had their own organisational rules and punishments for disobedience.'<sup>147</sup> More importantly, it is argued that 'pirate motivation throughout history closely resembles contemporary terrorism motivation.'<sup>148</sup>

In contemporary piracy, the linkages between piracy and religion align with terrorism.<sup>149</sup> Thus, it has been argued that piracy and terrorism converge or overlap in many instances, especially in the tactics of ship seizures and vessel hijackings. And some of the conditions which allow it to thrive are similar to the causes of terrorism, for example, poverty, political instability, permeable international boundaries, and ineffective enforcement.<sup>150</sup> Researchers suggest that the nexus between piracy and terrorism can be established through the transfer of ransom money, food and arms to warlords or terrorist

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<sup>142</sup> Anna Tarwacka A, '*Romans and Pirates Legal Perspective*' (Wydawnictwo UKSW 2009); EOS Odhiambo and others, 'Prosecuting Somalia Pirates as Terrorists' (2011) 2(2) *Journal of Defense Resources Management* 37.

<sup>143</sup> Ali (n 130) 143. The piracy and terrorism linkages in Somalia may be substantiated by the actions of pirates that have been justified through the lens of politics and corrective justice, due to their sufferings 'from the dumping of toxic waste by international ships in offshore waters, illegal fishing, and degassing'; Mark A Drumbl, 'Child Pirates: Rehabilitation, Reintegration, and Accountability' (2013) 46(1) *Case Western Reserve Journal of International Law* 250 <<https://scholarlycommons.law.case.edu/jil/vol46/iss1/12>>.

<sup>144</sup> Russel K Skowronek, 'Setting a Course Toward an Archaeology of Piracy' in CR Ewen and RK Skowronek (eds), *Pieces of Eight: More Archaeology of Piracy* (University Press of Florida 2016) 3.

<sup>145</sup> Robert J Antony, 'Bloodthirsty Pirates? Violence and Terror on the South China Sea in Early Modern Times' (2012) 16(6) *Journal of Early Modern History* 481 <<https://doi.org/10.1163/15700658-12342337>>.

<sup>146</sup> Satora (n 74) 76.

<sup>147</sup> Milena Sterio, 'Fighting Piracy in Somalia (and Elsewhere): Why More is Needed' (2010) 33(2) *Fordham International Law Journal* 377.

<sup>148</sup> Sterio (n 147) 381.

<sup>149</sup> Singh and Bedi (n 133); Bruce (n 30) 235–237.

groups, as exemplified in Somalia or Yemen: these terrorists wage war against Christian countries and most times attack their vessels.<sup>151</sup> In funding their illicit activities, pirates and terrorists may work together.<sup>152</sup> Further, it has been observed that in central and southern Somalia, some level of coexistence is entrenched, whereby the Al-Shabab terror group reportedly taxed successful piracy missions in areas under the terror group's control.<sup>153</sup> Because of that, Kraska suggests that the entrance of Al-Shabab into piracy could be a game-changer in piracy scholarship.<sup>154</sup> This apparent apprehension stems from the event in which a Ukrainian freighter, *the MV Faina*, carrying military hardware, including grenade launchers, thirty-three Russian-made tanks and ammunition, was hijacked in September 2008.<sup>155</sup> The potential linkages in piracy-terrorism-insurgency cannot be overlooked.<sup>156</sup> Hence, the likelihood of an alliance between Somali pirates and Somali Islamic militias, such as Al-Shabab, to carry out acts of maritime terrorism, including piracy, cannot be overemphasised.<sup>157</sup> Since terrorism most time has a religious undertone and terrorists adopt piracy tactics, it is argued that piracy and religion could be linked together through terrorism.

In furtherance of the above, the nexus between pirates and terrorists cannot be questioned, since both threats have been rising, and in recent times, piracy and terrorism 'sometimes appear to converge or overlap, especially in maritime areas',<sup>158</sup> and in using piracy to fund terrorism.<sup>159</sup> For example, though Al-Shabab had initially exhibited a nonchalant attitude and showed intolerance to pirates because it was considered that piracy had no linkage to Islamic beliefs, the group's ideological stance became moribund due to financial pragmatism.<sup>160</sup> Moreover, in the Gulf of Aden, the Red Sea and off the coast of Somalia, Salkar suggests that Al-Qaeda in the Arabian Peninsula (AQ-AP), the Abdullah Azzam Brigades and Al-Shabaab are linked to maritime crimes, like piracy.<sup>161</sup> Consequently, in 2010, Mohamed Abdi Hassan, known as Afweyne, including his commanders, entered

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<sup>150</sup> Adam J Young and Mark J Valencia, 'Conflation of Piracy and Terrorism in Southeast Asia: Rectitude and Utility' (2003) 25(2) *Contemporary Southeast Asia* 269.

<sup>151</sup> Smith (n 139) citing Murphy and others.

<sup>152</sup> Bjorn Moller, 'Piracy, Maritime Terrorism and Naval Strategy' (2009) 2 *Danish Institute for International Studies Report* 26.

<sup>153</sup> Awet Tewelde Weldemichael, 'International Counter-Piracy as a Means and an End' in *Piracy in Somalia: Violence and Development in the Horn of Africa* (Cambridge University Press 2019); Boot (n 31) 95.

<sup>154</sup> James Kraska, *Contemporary Maritime Piracy: International Law, Strategy, and Diplomacy* (Bloomsbury Publishing 2011) 50.

<sup>155</sup> Smith (n 139) 217.

<sup>156</sup> Smith (n 139) 215–218.

<sup>157</sup> Gilberto C Oliveira, 'The Causal Power of Securitisation: An Inquiry into the Explanatory Status of Securitisation Theory Illustrated by the Case of Somali Piracy' (2018) 44(3) *Review of International Studies* 14 <<https://doi.org/10.1017/S0260210517000559>>.

<sup>158</sup> William M Carpenter, 'Terrorism and Piracy: Converging Maritime Threats in East and South Asia' (2004) 11(2) *American Journal of Chinese Studies* 119.

<sup>159</sup> Roelofse (n 26) 5.

<sup>160</sup> Roelofse (n 26).

into a formal agreement with Al-Shabaab in which the former pays US\$100,000 fee per ransom received and/or per hijacking of a vessel in exchange for non-interference from the latter.<sup>162</sup> Accordingly, the two groups had no political relationship, only a transactional affiliation based on money, and this implies that the piracy and terrorism nexus arises because of financial pragmatism.<sup>163</sup>

From the foregoing, it is indubitable that terror organisations require money to fund their nefarious activities, and it is projected that other terror groups, like Boko Haram, that exist in countries where pirates operate, may need money to finance their illicit campaigns, which could lead to collaborative agreements with pirates.<sup>164</sup> Also, the likelihood of Al-Shabaab and Boko Haram exchanging training skills and even cadres or engaging in joint training means that there is a likelihood that in the future, Boko Haram may be involved in piracy, most likely for financial benefits.<sup>165</sup> Even the United Nations Security Council (UNSC) has exhibited concerns about the potential connections between pirates in the Gulf of Guinea and terrorist groups in West and Central Africa and the Sahel.<sup>166</sup> Little wonder in the Gulf of Guinea, the Movement for the Emancipation of the Niger Delta (MEND) and the more radical Boko Haram are slowly emerging as suspects associated not only with piracy and oil theft but are believed to be involved in the illegal drug trade transiting through Nigeria.<sup>167</sup>

Comparably, terrorism in the Strait of Malacca and the adjoining sea areas involves terror groups, like Jemaah Islamiyya, Moro Islamic Liberation Front, and Abu Sayyaf Group, carrying out terrorist attacks against their governments as part of Islamic separatist movements.<sup>168</sup> In particular, it is common knowledge that Jemaah Islamiyah and the Abu Sayyaf Groups possess maritime capabilities believed to have been transferred by Abdul al-Rahim al-Nashiri, Al-Qaeda's maritime operations commander who orchestrated the suicide attack on the *USS Cole*.<sup>169</sup> Aside from cooperation between pirates and terrorists in adopting piratical acts in actualising their objectives, Banlaoi argues that due to the frequent piracy attacks in Southeast Asia, terrorists have adopted piracy as a means to engage in terrorism: stealing vessels, blowing up ships and ramming ships into other ships or ports.<sup>170</sup> Hence,

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<sup>161</sup>Gaurinandan Sadashiv Salkar, 'Global Maritime Security Challenges: Finding the Nexus Between Piracy and Maritime Terrorism' (2015) 14(2) NDC Journal 106 <<https://ndcjournal.ndc.gov.bd/ndcj/index.php/ndcj/article/view/161>>.

<sup>162</sup>Roelofse (n 26) 5.

<sup>163</sup>Roelofse (n 26).

<sup>164</sup>Roelofse (n 26).

<sup>165</sup>Roelofse (n 26).

<sup>166</sup>United Nations Security Council Resolution 2634 (2022). Adopted by the Security Council at its 9050th Meeting, para 9; Thomas Greminger and Nayef Al-Rodhan 'Maritime Security: Piracy in the Gulf of Guinea' (2022) Geneva Centre for Security Policy Brief No 1, 6.

<sup>167</sup>Salkar (n 161) 106.

<sup>168</sup>Salkar (n 161).

<sup>169</sup>Salkar (n 161).

<sup>170</sup>Banlaoi (n 141) 64.

pirates terrorise seafarers, and terrorists adopt ‘pirates’ methods either to attack ships, or to seize ships to use in terror attacks at megaports, much like the Sept. 11 hijackers used planes.<sup>171</sup> Additionally, it is argued that terrorist groups’ access to the seas has a multiplier effect on the threat because it diversifies their revenue base and enhances their survival.<sup>172</sup> Overall, it has been suggested that currently, three terrorist groups possess maritime capabilities, which include piracy, namely, Abu Sayyaf Group (Southeast Asia), Al-Shabaab (Somalia) and Ahlus Sunnah Wal Jamaah (Mozambique).<sup>173</sup>

Besides, there were suggestions that piratical attacks spanning many years were linked to terrorist/ separatist organisations, exemplified by the Free Aceh Movement (Gerakah Aceh Mederka, GAM).<sup>174</sup> This conclusion may be due to the proximity of Aceh to the affected area and the nature of attacks, the motivation to acquire funds for the purchase of weapons, the attacks against oil tankers and natural gas carriers were due to the excess profits accruing to Jakarta, and the fact that the attacks decreased after the August 2005 peace agreement between the Indonesian government and GAM.<sup>175</sup> Contemporary pirates have been likened to terrorists in terms of going ‘after any prey that they estimate easy to capture, irrespective of the nationality of the ship or its crew members.’<sup>176</sup> As Teo suggested, terrorists could adopt piratical acts in continuation of terrorism.<sup>177</sup> This article argues that since pirates and terrorists collaborate to engage in piracy, there is a thin line between pirates’ gain and the purported political motive of terrorists.<sup>178</sup> Lending credence to this fact, the use of sophisticated weapons, the increase in the level of violence in the course of piracy, and the commission of similar crimes have made it difficult to distinguish the effects of piracy attacks and attacks by terrorists.<sup>179</sup> The continuation of jihad on the high seas, similar to the Ottoman Empire’s era<sup>180</sup> and the likelihood of the proceeds from contemporary piracy

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<sup>171</sup>Banlaoi (n 141).

<sup>172</sup>Kenneth Yeo Yaoren, Rueben Ananthan Santhana Dass and Jasminder Singh, ‘Maritime Malice in Malaysia, Indonesia and the Philippines: The Asymmetric Maritime Threat at the Tri-Border Area’ (2021) International Centre for Counter-Terrorism.

<sup>173</sup>Kenneth and others (n 172).

<sup>174</sup>John Haller, ‘Overcoming the Past; History and Transition of Indonesian Internal Security Infrastructure’ (Graduate School of Public and International Affairs, University of Pittsburgh 2006 <[https://www.files.ethz.ch/isn/26360/06\\_indonesia.pdf](https://www.files.ethz.ch/isn/26360/06_indonesia.pdf)>).

<sup>175</sup>Haller (n 174).

<sup>176</sup>Sterio (n 147) 408.

<sup>177</sup>Yun Yun Teo, ‘Target Malacca Straits: Maritime Terrorism in Southeast Asia’ (2007) 30(6) *Studies in Conflict and Terrorism* 541 <<https://doi.org/10.1080/10576100701329568>>.

<sup>178</sup>Teo (n 177).

<sup>179</sup>Arron N Honniball, ‘One Treaty to Apply Them All? Defining Maritime Terrorism by Cross-References and Reservations: The ASEAN Region Example’ (2023) 100(62) *International Law Studies* 68; Aniruddha Rajput, ‘Maritime Security and Threat of a Terrorist Attack’ (2022) 34 *Pace International Law Review* 11.

<sup>180</sup>Gerrie Swart, ‘Pirates of Africa’s Somali Coast: On Terrorist’s Brink?’ (2011) 37(2) *Scientia Militaria: South African Journal of Military Studies* 43.

underwriting extreme Islamist movements<sup>181</sup> confirm the linkage between piracy and terrorism through the instrumentality of religion.

## **5.2. Differences Between Piracy/Religion and Piracy/Terrorism**

Although there is a tsunami of events and studies that suggest the linkage between piracy and religion through terrorism, piracy and terrorism are different violent acts. In terms of religion and terrorism, Dawson argues that religion motivates terrorism.<sup>182</sup> It is common knowledge that the principle of private gain in piracy differs from the political motive of terrorism. Arguably, terrorists sometimes engage in maritime terrorism by attacking vessels, ports (including port facilities) and other onshore facilities; their motive is always to score a political point, unlike pirates who engage in attacks for private gain.<sup>183</sup> However, Fabe argues that terrorism financing in the maritime sector is a factor that creates a nexus between piracy and maritime terrorism.<sup>184</sup> More importantly, while piracy occurs off the coast of coastal states' waters, terrorism occurs on land, in the air, on water and in ports.<sup>185</sup> From the foregoing, it is argued that though there is a dearth of research linking religion to piracy through terrorism, existing studies indicate that there is a possibility that such convergence may happen in the future.

## **6. Concluding Reflections**

It is trite that piracy and religion have had a long relationship, traceable from the classical era through the Golden Age till date. The influence of religion, among other things, determined whether pirates had state support: privateer or corsair. This has been linked to the cultures of the geographical locations in which piracy has been prevalent. For instance, Young opines that the meaning of piracy should consider the different times, places, and cultures in which the crime occurred.<sup>186</sup> Also, piracy has been described as 'dynamic traditional practices spanning 1500 years in Southeast Asia.'<sup>187</sup> Emphasising the impact of

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<sup>181</sup> Boot (n 31) 103.

<sup>182</sup> Lorne Dawson, 'Bringing Religiosity Back In: Critical Reflection on the Explanation of Western Homegrown Religious Terrorism (Part II)' (2021) 15(2) *Perspectives on Terrorism* 2 <<https://www.jstor.org/stable/27007293>>.

<sup>183</sup> Salkar (n 161) 106.

<sup>184</sup> Amparo Pamela Fabe, 'Maritime Terrorism Nexus with Piracy and Sea Robbery: Terrorism Financing in the Maritime Sector' A ReCAAP ISC Capability Building Webinar (Philippines, 7 August 2014) 79 <[https://www.recaap.org/resources/ck/files/Presentation%20Slides/Maritime%20Terrorism%20Nexus%20to%20Piracy%20and%20Sea%20Robbery%20Incidents%20\(7%20Aug%202024....pdf](https://www.recaap.org/resources/ck/files/Presentation%20Slides/Maritime%20Terrorism%20Nexus%20to%20Piracy%20and%20Sea%20Robbery%20Incidents%20(7%20Aug%202024....pdf)>.

<sup>185</sup> Mikhail Zelenkov and others, 'Maritime Terrorism as a Threat to Confidence in Water Transport and Logistics Systems' (2022) 63 *Transportation Research Procedia* 2260 <<https://doi.org/10.1016/j.trpro.2022.06.256>>; Muhammad Reza Suleiman and Kayode Omojuwa, 'Strategic Intelligence and Nigeria's Diplomatic Engagements: Enhancing National Security in an Era of Transnational Threats' (2025) 20(2) *Journal of Policing, Intelligence and Counter Terrorism* 1 <<https://doi.org/10.1080/18335330.2025.2467953>>.

<sup>186</sup> Adam J Young, 'Roots of Contemporary Maritime "Piracy" in Southeast Asia' (Master thesis, University of Hawaii 2004) 24; Alfred P Rubin, *The Law of Piracy* (Naval War College Press 1998) 2.

<sup>187</sup> Young (n 186) 25.

culture on piracy, Amirell states that the meaning of piracy changed over time, taking different connotations and functions in variant cultural and political milieus, especially during the interaction between Christian and Muslim navigators in the Mediterranean etc.<sup>188</sup> Lending credence to the argument that piracy has a strong cultural background in some regions, which strengthens the linkage between piracy and religion, Bradley opines that pirates means merchants that engaged in trade, smuggling, and any form of coastal raiding carried out in defiance of countries that impeded trade, as exemplified by the Ming Chinese that attempted to encumber trade which is instrumental to the livelihoods of merchants from all parts of the South China Sea region.<sup>189</sup> In contextualising piracy as a cultural phenomenon, including the linkage between piracy and religion, White opines that 'Muslims targeted Christians and Christians targeted Muslims for sale in distant markets. But the line between legal and illegal raiding in the eastern half of the Mediterranean was not simply religious, in spite of the theoretical holy war that permitted Muslims to enslave non-subject Christians and vice versa.'<sup>190</sup>

Nevertheless, the influence of religion on piracy seems to be waning in light of advancements in technology, generally, and in naval warfare, in particular. Moreover, religious organisations, like Christianity and Islam, have called for global peace and an end to violence, given the sociopolitical, economic and security expansion.<sup>191</sup> While this might be true, some religious extremists, such as Al-Shabaab, have continued to use piracy to engage in jihad against people of other faiths, especially targeting vessels from countries like the United States and the United Kingdom, among others. The implication is that currently, terrorism is becoming a melting point between piracy and religion. Among other reasons, terrorist groups either collaborate with pirates or use piracy to raise funds for their extremist causes. Consequently, it is imperative to adopt measures that not only criminalise piracy and prosecute pirates but also robustly revive the use of religion as an antidote to the crime, and address the issue of influencing young people to engage in crimes, like piracy, under the pretext of religion.

From the foregoing, though antipiracy laws existed during the classical era of piracy,<sup>192</sup> like the law passed by the Senate in 68 BC Roman,<sup>193</sup> the Rhodian Seas Laws enacted by the

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<sup>188</sup>Stefan Eklof Amirell, *Pirates of Empire: Colonisation and Maritime Violence in Southeast Asia* (Cambridge University Press 2019) 21.

<sup>189</sup>Francis R Bradley, 'Piracy, Smuggling, and Trade in the Rise of Patani, 1490–1600' (2008) 96 *Journal of the Siam Society* 29.

<sup>190</sup>White (n 12) 1.

<sup>191</sup>John Coakley, C Nathan Kwan and David Wilson, 'Introduction' in John Coakley, C Nathan Kwan and David Wilson (eds), *The Problem of Piracy in the Early Modern World: Maritime Predation, Empire, and the Construction of Authority at Sea* (Amsterdam University Press 2024) 14; Hassan S Khalilieh, *Islamic Law of the Sea: Freedom of Navigation and Passage Rights in Islamic Thought* (Cambridge University Press 2019) 107.

<sup>192</sup>Connolly and Antony (n 31). Similarly, antipiracy policies, like the closure of maritime trade, introduced during the Ming era led to honest merchants becoming pirates.

<sup>193</sup>Rubin (n 186) 7.

Greeks between 800 and 900 BC,<sup>194</sup> the Hammurabi Code (1948–1905 BC),<sup>195</sup> and the Golden Era exemplified by the enactment of the Offences at the Act of 1536 of England,<sup>196</sup> it could be argued that many reasons impeded the elimination of the crime. For instance, while the implementation of the laws was not effective, the absence of adequate maritime enforcement agencies and the protection of national security,<sup>197</sup> in this case, the use of privateers etc, the English Civil War and the elusive pirates<sup>198</sup> rendered nugatory antipiracy efforts.<sup>199</sup> By contrast, Satora argues that though piracy was a constant threat from ancient times, it was not contemplated in the legislation of developing medieval European states because ‘medieval rulers made use of pirates during wars and political conflicts’.<sup>200</sup> Later in 1698, the Piracy Act was promulgated, which, like the 1536 legislation, paid lip service to privateering etc.<sup>201</sup> Similarly, the Judiciary Act of 24 September 1789 and the Act of 1790 were legislation promulgated in the United States that prohibited crimes committed on the high seas.<sup>202</sup> Even the 1958 Geneva Convention on the High Seas and the LOSC that replaced it have their limitations, like the two-ship principle and the private ends requirement, in curbing piracy.<sup>203</sup>

Nonetheless, states must incorporate the definition of piracy by LOSC and the meaning of maritime offences under the SUA Convention in their domestic anti-piracy legal framework. Beyond that, anti-piracy legislation should be effectively implemented to curb piracy, as was done in Korea, in which the pirates received the prescribed punishment, unlike in Nigeria and Indonesia, where the sentences were lenient.<sup>204</sup> This article acknowledges that other researchers have robustly recommended several anti-piracy measures. They include the cultivation of the political will to curb piracy,<sup>205</sup> adequate funding of maritime enforcement agencies,<sup>206</sup> regional cooperation<sup>207</sup> and curbing poverty

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<sup>194</sup> Kelly (n 74) 28–29.

<sup>195</sup> Wombwell (n 82) 1; Berlusconi (n 26). The code contained antipiracy norms in response to repeated attacks on Sumerians by pirates.

<sup>196</sup> Jon Neufeld, ‘The Evolution of the Legal Concept of Piracy in Early Modern England’ (2011) 63 *The Atlas: UBC Undergraduate Journal of World History* 1.

<sup>197</sup> Kelly (n 74).

<sup>198</sup> Boot (n 31) 100.

<sup>199</sup> Neufeld (n 196) 2–10. In 1681, there was a Jamaica Law that was promulgated due to the increasing piracy acts in the waters of the country.

<sup>200</sup> Satora (n 74) 76.

<sup>201</sup> Neufeld (n 196) 12–13.

<sup>202</sup> Rubin (n 186) 127–126.

<sup>203</sup> Honniball (n 60).

<sup>204</sup> Kalu Kingsley Anele, ‘Comparative Analysis of the Impact of Piracy on International Trade in Korea, Indonesia and Nigeria’ (2023) 31(1) *Asia Pacific Law Review* 28 <<https://doi.org/10.1080/10192557.2022.2117476>>.

<sup>205</sup> Anele (n 204) 29–31; Katja Lindskov Jacobsen and Johannes Riber Nordby, ‘Maritime Security in the Gulf of Guinea’ (Royal Danish Defence College 2015) 47; Jonathan Bellish, ‘The Systemic Prosecution of Somali Pirate Leadership and the Primacy of Multi-level Cooperation’ (One Earth Future 2014) 39.



and unemployment through progressive economic policies;<sup>208</sup> the use of religion to curb piracy would reduce the penchant for the youths to join extremist groups that lead them to become pirates. This can be achieved by using social media platforms to advocate for religious tolerance and the need to avoid violence and crime, such as piracy.<sup>209</sup>

It is a truism that religion facilitates good behaviour, thereby entrenching the exhibition of fewer antisocial behaviours, like crime, by the youths. Due to the susceptibility of the youths based on the positive effects of religion, extremist religious groups have exploited the socio-cultural and economic values of targeted groups, particularly the youths who are most times unemployed, poor and vulnerable to exploitation by governments and the elite, to bolster terrorism.<sup>210</sup> Given the impact of social media platforms, like Facebook, X (former Twitter) and Instagram, in terms of outreach and spontaneity, which have benefitted these extremist religious groups, this article suggest that these platforms should be adopted by major religions, such as Christianity and Islam, civil society groups and government agencies to propagate the advantages of religion in crime reduction. This will not only counter the propaganda of extreme religious groups but also engender and encourage good behaviour, which is the value preached by these religions, among the youth. In the same vein, it is important to use social media to enlighten the youth about the government's efforts towards curbing or reducing the causes of piracy. For instance, the government should use social media to outline its policy towards eliminating poverty and providing pathways towards gainful employment. Government can also use social media platforms to inform its citizens steps and programmes it has introduced to mitigate or find solutions to other lingering issues, such as marginalisation, pollution of the environment and corruption.

In light of the attribute of religion as a platform to promote peace, maritime enforcement agencies in countries bedevilled by piracy could leverage social media tools to combat piracy. For instance, the use of social media platforms can be used to inform people of the existence of anti-piracy legal regimes, like the existence of the SPOMO Act, and institutional frameworks, such as the Nigerian Maritime Administration and Safety Agency (NIMASA) in Nigeria and Korea's Coast Guard. The implication is that, through social media platforms, the public will be aware of the appropriate maritime enforcement agency

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<sup>206</sup> Anele (n 204); Terence Roehrig, 'South Korea's Counterpiracy Operations in the Gulf of Aden' in Scott Snyder (ed), *Global Korea: South Korea's Contributions to International Security* (Harvard University 2024).

<sup>207</sup> Kalu Kingsley Anele, 'Reimagining Regional Cooperation as a Springboard for Curbing Piracy off the Coast of Nigeria' (2022) 9(2) *Journal of Comparative Law in Africa* 33 <<https://doi.org/10.47348/JCLA/v9/i2a2>>.

<sup>208</sup> Kalu Kingsley Anele, 'Theoretical Analysis of the Linkages Between the IOC's Oil Exploration Activities and Piracy in Nigeria' (2023) 36 *Security Journal* 732 <<https://doi.org/10.1057/s41284-022-00361-2>>; Jade Lindley, 'Criminal Threats Undermining Indo-Pacific Maritime Security: Can International Law Build Resilience?' (2020) 2(2) *Journal of Asian Economic Integration* 206 <<https://doi.org/10.1177/2631684620940477>>.

<sup>209</sup> Kristin Finklea, 'Law Enforcement and Technology: Using Social Media' (2022) Congressional Research Service 1; 'Social Media Use in Law Enforcement: Crime Prevention and Investigative Activities Continue to Drive Usage' (LexisNexis 2014) 3 <<https://centerforimprovinginvestigations.org/wp-content/uploads/2018/11/2014-social-media-use-in-law-enforcement-pdf.pdf>>. Research shows that the use of social media platforms to curb crime has become important to law enforcement agencies.

<sup>210</sup> Smith and others (n 6).

in any country that should be notified of the planning, occurrence and sale of items stolen by pirates. Likewise, social media can be utilised to inform the public the consequences of piracy, for example, the punishment for acts of piracy as enshrined in extant anti-piracy laws, and measures various governments have introduced to tame the tide of piratical acts in piracy-infested sea routes. Policies and programmes tailored towards obtaining maritime domain awareness of maritime zones, gainfully engaging the youths in community policing of coastal areas and protection of economic infrastructures, and curbing other land-based causes of piracy can also be effectively publicised through social media platforms.

Similarly, the use of social media mechanisms by maritime enforcement agencies would lead to the prevention of crimes, as the plan to commit a crime would be known to law enforcement agencies. More importantly, during and after a raid, the disposal or use of stolen properties will be quickly relayed to law enforcement agencies, culminating in the investigation and arrest of suspected pirates. In other words, during the planning stages of a piracy attack, the use of social media platforms will lead to the leak of the operation, and one of the consequences of such a leak will be the intervention of a maritime enforcement agency at the proposed crime scene: the specific area of the sea. It also implies that during piracy attacks, maritime enforcement agencies could intercept such piracy operations. Lastly, the proceeds of such piratical attacks can be easily monitored and arrests made due to information about the time, location and individuals involved has been relayed to the proper authority: maritime enforcement agencies. As Khalilieh suggests, pirates should not be tolerated, whether they are jihadists or people of other faiths.<sup>211</sup> Pirates must be suppressed to avoid their socioeconomic, political, cultural, humanitarian and security impacts.<sup>212</sup>

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<sup>211</sup>Khalilieh (n 191).

<sup>212</sup>Khalilieh (n 191).