

U.S. Privateering and China in the 21st Century: Tied at Anchor
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Appropriate ISMS Working Groups:

1. War Studies
2. Defence Policy and Strategy

Abstract

Blockade, interdiction, and violence against maritime commerce have long been features of statecraft and warfare.¹ As competition, if not confrontation, between the United States and China took center stage in the 21st century, analysts turned their attention to what role commerce warfare might play.² As a subset of this, there are advocates calling for the United States to conduct privateering.³ This practice involves the state sanctioned use of private force to seize enemy vessels and cargoes to achieve both policy and remunerative ends.

This paper's objective is to examine the likelihood of success should the United States (re)embrace privateering. This is necessary because though U.S. privateering was important in the War of Independence and the War of 1812, the United States has not commissioned a privateer for over two hundred years. During the intervening centuries, global commerce and the international shipping industry evolved, decolonization came to an end, and how the use of force at sea is developed, applied, and owned has changed. Moreover, not only have great powers come and gone, the particular nature of China's weight and activism on the world stage needs to be considered.

The paper argues that renewed U.S. privateering would not be successful given contemporary developments regarding trade and violence at sea and China's diplomatic and economic linkages in global maritime affairs. To make this case, the paper first provides the dynamics and requirements for privateering by examining its historical components. It then reflects upon these dynamics and requirements to assert that the contemporary private military and security industry – the focal point of present assertions – is not attuned to privateering. This is because of the following: its defensive posture; quantitative and qualitative issues related to maritime vessels; its non-U.S. ownership; concerns about innocent passage; and the nature of its expertise. The paper also contends that despite legal uncertainty regarding privateering, the necessary international relationships for privateering to function are not in place. China's global maritime presence would further complicate the ability of U.S. privateers to bring seized vessels – prize ships – into port.

¹ Bruce A. Elleman and S.C.M. Paine, eds., *Commerce Raiding: Historical Case Studies, 1755–2009*, Naval War College Newport Papers, no. 40, 2013; David Morgan-Owen and Louis Halewood, eds., *Economic Warfare and the Sea: Grand Strategies for Maritime Powers, 1600–1945* (Liverpool: Liverpool University Press, 2020).

² Gabriel B. Collins and William S. Murray, “No Oil for the Lamps of China?” *Naval War College Review* 61, no. 2 (2008): 79–95; Sean Mirski, “Stranglehold: The Context, Conduct and Consequences of an American Naval Blockade of China,” Carnegie Endowment for International

Peace, February 12, 2013, <https://carnegieendowment.org/2013/02/12/stranglehold-context-conduct-and-consequences-of-american-naval-blockade-of-china-pub-51135>; T.X. Hammes, “Offshore Control: A Proposed Strategy for an Unlikely Conflict,” *Strategic Forum* no. 178 (2012): 1–14.

³ Christopher D. Booth and Walker D. Mills, “Unfurl the Banner! Privateers and Commerce Raiding of China’s Merchant Fleet in Developing Markets,” *War on the Rocks*, February 18, 2021, <https://warontherocks.com/2021/02/unfurl-the-banner-privateers-and-commerce-raiding-of-chinas-merchant-fleet-in-developing-markets/>; Brandon Schwartz, “U.S. Privateering is Legal,” *U.S. Naval Institute Proceedings* 146, no. 4 (2020), <https://www.usni.org/magazines/proceedings/2020/april/us-privateering-legal>; Mark Cancian and Brandon Schwartz, “Unleash the Privateers! The United States should issue letters of marque to fight Chinese aggression at sea,” *U.S. Naval Institute Proceedings* 146, no. 4 (2020), <https://www.usni.org/magazines/proceedings/2020/april/unleash-privateers>.