Performing piracy: A note on the multiplicity of agency

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Abstract: This is an empirical study of agency in world politics. Relying on a relational concept of agency as an effect of 'agencements', the objective is to empirically re-construct types of agency and how they are produced in practice. Drawing on the case of 'piracy', I demonstrate how different agencements produce different forms of agency. Six such formations for pirate agency are reconstructed, relying on a range of cultural and analytical experiences with Somali piracy. Throughout this reconstruction, we meet different pirates: moral bandits, enemies and villains, criminals, entrepreneurs, pirates as 'symptoms' and the pirate in denial. These forms of agency are the effects of the relations and practices of distinct agencements. Various 'actors', 'objects' and 'practices' produce these relations and a diverse set of rhetorical and material activities stabilize them. The analysis presents a primer for the study of the multiplicity of international agency and its production.

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Introduction

In November 2013, the international Contact Group on Piracy off the Coast of Somalia held its 15th plenary during a week-long counter-piracy seminar at the Kempinski Hotel in Djibouti. The Contact Group is an informal global governance forum mandated with addressing Somali piracy. A wide range of actors participates in it, including representatives of major nation states, international organizations, regional organizations, industry associations and a number of other non-governmental bodies. Attending the meeting, I made a surprising observation: though this was a meeting of the contact group on piracy, hardly anyone used the term 'pirate'. Participants discussed the 'HRA' – the so-called 'High Risk Area' – 'networks' and 'illicit financial flows', 'root causes', 'PSCAP' – Private Security Contractors – and 'capacity building'. Discussing who the pirates were, their actions, or what motivated them, apparently seemed too abecedarian for the gathered participants, was considered settled, or unrelated to developing responses to the problem of piracy.

If I didn't encounter pirates in Djibouti, luckily, a week before travelling there, I saw a Hollywood action drama named *Captain Phillips*. From the comfort of my cinema seat, I encountered Abduwali Muse and his friends Assad, Bilal, Elmi, and Hufan – a 'gang' of more or less tragic young boys who fail terribly in committing an act of piracy, being outsmarted by the American hero Captain Phillips. The 1990 feature *Home Alone* came to mind several times; just as I felt sympathetic towards Harry and Marv – the two clumsy 'Wet Bandits' who attempt to burgle Kevin's home – the fate of Muse and his gang triggered similar sentiments.

Whilst discussing the first draft of this article with one of my colleagues, he revealed that he was the 30,000th most feared pirate in the world. As it happened, he had spent his free time that weekend plundering ships, hunting for treasure and looting islands. That is, he had become Edward Kenway, a Welsh privateer-turned-pirate exploring the Caribbean – in the virtual world of Xbox game *Assassin's Creed IV: Black Flag*.

These three anecdotes are examples of how one can experience piracy and encounter pirates today. While all are 'virtual', in that they did not include face-to-face encounters with pirates, the technocratic meeting in Djibouti and the consumer experiences at the cinema and on the Xbox are quite different. If, in the former case, pirates were absent as immediate actors and only present as a technical problem, in the latter they featured as tragic protagonists or romantic heroes. These experiences represent instances of what I shall call the 'agencements' of piracy. In such situations, certain forms of pirate agency are produced.

Pirates are used in this study as a paradigmatic case of international agency. The primary objective of my discussion is to offer a renewed understanding of agency and how its multiplicity can be empirically reconstructed. Too often in the study of international relations, agency is either neglected at the expense of structural arguments, or simply taken for granted (Bucher 2017). In particular, we frequently speak of states or international organizations as actors, without actually having understood what kind of agency these forms imply and what they depend upon.[1] What are the resources and relations that are required to produce distinct types of agency? Addressing this question and opening the black box of agency allows for a better understanding of how agency is performed. It also gives us a gateway to grasp the multiplicity of agency, that is, to inquire how one actor (individual or organisation) can rely on different – potentially contradicting – forms of agency. I start with a note on the theoretical suppositions of this study and a brief outline of the relationalist concept of agency as product of agencements. I then engage in an empirical study of pirate agency that outlines six different forms, while the conclusion discusses some of the consequences of my reconstruction for international relations theory more broadly.

To theory: A relational account of agency

This article proceeds from the assertion that agency is not exclusively, or primarily, the property of 'persons', 'individuals', 'humans' or 'subjects' (or however you choose to term what we colloquially refer to as 'I', 'me', or 'us'). In political science and international relations (IR), the idea that there is more to agency than the individual subject is a well-established concept. Indeed, it was a core concern in the so-called 'agency-structure' debate of the 1990s.[2] When this debate, in large part inspired by

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[1] There is, of course, also a substantial discussion of what makes states and international organizations actors. See e.g. Passoth and Rowland (2010) and Schindler (2014).

[2] See in particular Doty (1997) for a summary and critique.

Anthony Giddens' framing of the problem (Wendt 1987), fell out of fashion, the meagre conclusion was that agency, defined as the capacity to act, is dependent upon structure, which constrains and enables, but that neither agency nor structure in their own right could explain the world of international relations as it is. Contemplating the relation between agency and structure has since made it to the core curriculum of the discipline. There are manifold 'solutions' to the conundrum, one of them being that thinking in dualisms may not be the way to approach the problem.[3]

If one does not want to glean an understanding of agency by contrasting it with structure, what other options are available? Turning to social theory, as usual, helps, and here it is the sub-branch of 'theories of action' that is of interest. If agency is the capacity to act, what does 'action' or 'acting' mean? One maynow subscribe to either of the most widespread models of action, that is, the infamous 'homo economicus' – the interest-following and maximizing individual proposed by economists, or so-called 'theory of rational choice' – or the 'homo sociologicus' – the norms and 'ought-to' rule-evaluating individual proposed by various branches of sociology.

Alternatively, one can proceed by means of distinction, and differentiate, for instance, 'action' from 'behaviour'.[4] Insisting upon this difference leads one to the conclusion, that, if they are different at all, action, in contrast to behaviour, presupposes a system of meanings, or culture, by which action becomes meaningful.[5] This step, once again, opens up a pluriverse of different understandings of 'culture', whether to understand it as a textual, cognitive or practical phenomenon, and how it relates to action.

It is useful to employ a pluriversal notion of agency; it is not a single concept with one meaning, but several. There are different forms of agency, none of them being the only 'true' or 'real' expression. I leave it to others to provide a taxonomy of forms of agency – something that would be more than welcome.[6] For our present purposes, I draw on a notion of agency outlined by pragmatism and relationalist sociology also known as Actor-Network Theory, Sociology of Translation, or New French Pragmatism. The proposal is to understand agency as a 'distributed' form. Agency depends upon, and is the effect of, webs of relations set up in and through practice.[7] Such sets of relations provide the capacity to act. This represents a break with the notion of an identifiable habitual subject within structures, and highlights instead the multiplicity within actors. Agency is seen as constituted and constructed in and through the movement of a distinct practice. In other words, persons are not persons or actors outside their actions (Benatouil 1999). Agency is an effect of practices and relations. Agents are bestowed with agency qua their participation in a practice. The focus turns to the empirical intricacies of agency and an analysis of concrete practices and relations.

Several terms have been proposed to signify the set of relations and practices that produce agency. This includes the concept of 'actor-network' or 'assemblage'. In the following, I draw on the concept of 'agencement' as introduced to the debate by Michel Callon. As Callon (2007) suggests, agencement is a French term that has no direct English counterpart, but is close to 'arrangement' or 'assemblage'.[8] Indeed, agencement has often been translated into English as 'assemblage'. As noted by, among others, Callon (2007), Hardi and McKenzie (2007: 58), and Gherardi (2016), this translation shifts the meaning

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[3] See Hay (2009) for an argument that the relation should be seen as more complex. This is also stressed by contemporary practice theorists, such as Adler and Pouliot (2011). See also the discussion in Bucher (2017).

[4] See Adler and Pouliot (2011) for such a move.

[5] See Reckwitz (2002) for this argument.

[6] Useful primers in this regard are e.g. Reckwitz (2002) and Joas (1996).

[7] Theoretical contributions that outline such an understanding of agency include Emirbayer and Mische (1998), Hay (2009), Berard (2005), Callon (2007), and Licoppe (2010).

[8] See the discussion of the concept in Phillips (2006) and Gherardi (2016).

of the concept considerably towards a structural metaphor, however, and removes the distinct emphasis on agency. Agencement is a preferable concept since it has a common root with the term 'agency': "agencements are arrangements endowed with the capacity of acting in different ways depending on their configuration" (Callon 2007). Agencements comprise a set of heterogeneous elements that have carefully been adjusted to each other. Within agencements subjectivities, that is, the capacity to act, are formed. Actors become constructed as such and gain the capacity to act in a distinct way. As Callon and Caliskan (2010: 9) note, "agencements denote sociotechnical arrangements when they are considered from the point [of] view of their capacity to act and to give meaning to action". This implies that "actors do not have inherent properties or a fixed ontology. Their characteristics are constituted by the agencements of which they are made up" (Hardie and McKenzie 2007: 58).

As Callon, referring to the work of economists, points out, one element in these configurations is 'statements'. Economists studying markets, should not, Callon insists, be understood as producing statements outside the agencement that produce markets. There is nothing left outside agencements. The construction of the agencement is part of an agencement. "It includes the statements pointing to it, and it is because the former includes the latter that the agencement acts in line with the statement, just as the operating instructions are part of the device and participate in making it work" (Callon 2007). For the case of piracy, such statements include, for instance, the examples with which I began this article, that is, intergovernmental deliberations, such as those that took place in Djibouti, and movies representing pirates, such as *Captain Phillips*. It also includes experts discussing counter-piracy or the representations manufactured in what can be called the 'community of inquiry' of piracy, or 'piracy studies' (Bueger 2014).

What I am interested in is, therefore, the relations and practices that form the agencements of piracy. If agency is the product of agencements, a logical consequence is the potential multiplicity of these forms. I have used the plural on purpose. Agency is multiple. The empirical concern of an analysis of agency is then to identify as many of the agencements amongst which actors move as possible. The objective is less to find a single agencement. Indeed, a situation where research will lead to the identification of one agencement, or two agencements (e.g. a binary of hegemony and resistance), is expected to be rare. Although empirical inquiry might lead to such results, the prevalence of an all-encompassing, or hegemonic, agencement will be the exception rather than the norm. In any case, agency becomes an empirical, rather than an ontological problem.

As to methodology and the following study of piracy agency: the starting point of my analysis is a set of experiences with the pirates of Somalia. The objective of my empirical reconstruction is to identify a number of agencements of piracy and the forms of agency they produce for pirates. My methodology is based on my own experience and encounters with pirates. Following the principle that we cannot establish *a priori* which forms of statements, relations and practices constitute pirate agency, I rely on various epistemic practices and as broad a range of sources as possible. This includes media experiences such as watching movies and playing computer games, but also more classic scholarly practices, including participating as an observer in counter-piracy governance meetings, taking field notes, talking to interlocutors, as well as reading academic literature. The starting point is the question: in which experiences can one encounter (Somali) pirates today?

My concern is not with objectifying the agency of piracy. Neither do I claim that the agencements I identify represent an exhaustive set, nor am I here concerned with documenting the borders and boundaries between each of the agencements. My modest intent is to show how Muse, his friends and other actors described as pirates are subjected to different agencements which provide them with

differing forms of agency. This has, of course, consequences for how we think about agency in international relations and study it empirically, which is an issue I shall come back to in the conclusion.

In the following, I discuss six agencements of piracy that can be identified empirically. Each of these agencements provide differing forms of agency. As summarized in table one, depending on the agencement, Muse and his friends are provided with the capacity to act quite differently. The remainder of the article fleshes out each of these agencements.

Table 1: Agencements of Somali Piracy

Pirates as	Main relations	Agency
"Moral Bandits"	Ethical relations	Pursues justifiable outcomes, is subject to ethical judgement
"Enemies"	Security relations	Can resort to indiscriminate violence, is subject of violence
"Criminals"	Legal relations	Violates the law, has rights, is subject to law enforcement
"Entrepreneurs"	Economic relations	Calculates and maximizes economic gains, partners in economic transactions
"Symptoms"	Causal relations	Effect of causes, no agency *per se*
"Political Actors"	Political relations	Counter-agencement, pursues political objectives, follows rules, is politically recognized

Bandits: Moral Agency?

Let us start from my experience with *Captain Philips*, as many readers may have seen this movie and draw their understanding of piracy from it. This first agencement brings me to Hollywood, *Captain Philips*, *Home Alone* and films such as Disney's *Pirates of the Caribbean* series. In these popular movies, pirates are projected as romantic or tragic 'bandits', or even 'heroes'. This agencement understands piracy in a somehow positive light. It is based on a set of normative-affective relations.

The former commander of one of the naval counter-piracy task forces operating in the Gulf of Aden, Terry McKnight, opens his auto-biographical reflections on counter-piracy with the following words:

> "Why write a book about Somali piracy? More precisely, why did I write such a book? The answer is surprisingly simple. I was bitten by the piracy bug while working the mission in the Gulf of Aden. Pirates are fascinating, and I don't mean the Disney kind, although Johnny Depp is a very cool customer. But at times, I felt like Peter Pan chasing Captain Hook in the Neverlands of Somalia. I'm definitely not trying to romanticize what pirates do because, as a mariner, I find their actions reprehensible. But it does take guts. Most of these pirates come from the hill country of Somalia; they've never been to sea. A lot of them can't even swim. Yet, in the spirit of the pioneers who opened the American West, they get into tiny boats and head out on one of the earth's great oceans, oftentimes hundreds of miles toward the unknown, gambling their lives on very long odds" (McKnight and Hirsh 2012: xiii).

McKnight's reflection is paradigmatic in at least three ways. Firstly, he draws on cultural and historical references to make sense of Somali pirates (Disney, *Pirates of the Caribbean*, Captain Hook). Secondly,

his statement reflects an emotional attachment to pirates and a form of admiration ("it takes guts", "pioneers of the American West"). Thirdly, in his statement, he separates actions and deeds from other aspects (he finds the actions reprehensible, but admires the character attribute of bravery).

Throughout discussions of Somali piracy, references to movies such as *Pirates of the Caribbean* and to characters such as Johnny Depp's Captain Sparrow are frequently made, whether in newspaper articles, conference presentations or academic papers. This not only points to the success of the Disney Corporation and its franchises to commodify, if not even monopolize, the meaning of piracy (Jess-Cooke 2010). Cultural products provide the main common-sense source of statements on and interpretations of piracy. As David Cordingly (1995:2-3) remarks, "the picture [of pirates] which most of us have turns out to be a blend of historical facts overlaid with three centuries of ballads, melodramas, epic poems, romantic novels, adventure stories, comic strips and films." He continues: "in this process, the pirates have acquired a romantic aura" (Cordingly 1995:3). Whether or not the romantic imagery has any historical basis is a theme of interest and indeed controversy among historians. The cultural historian Rediker (2004) argues that pirates, formerly poor seamen in the main, were libertarian heroes and anarchic rebels that fought against the injustices of the shipping labour market as well as the brutality and hierarchy of the navy and the merchant captains. They developed a democratic and egalitarian culture on board pirate ships that included the election of captains or the equitable division of plunder (see also the analysis of Parker 2012: 46-51 and Land 2007). For Land (2007), historical pirates were adventurers and anarchists that challenged the dominant social order of the time. Much of the public fascination and appeal as well as the 'news value' of piracy is related to such an understanding. The underlying form of admiration and sympathy either in romanticizing piracy, or appreciating their tragedy or heroism, is part of an agencement which situates piracy in a web of affective as well as normative relations.

A study by Ali and Murad (2009) interviewed people who had settled in Canada from Somalia. Some of the quotes are quite revealing. One interviewee is cited as saying that "although they [pirates] can be bad people, what they are doing is good for the country because the international community is dumping and fishing in Somali waters and the piracy is stopping this; piracy is bad, but the intruders are also doing bad things" (Ali and Murad 2009: 98). Another describes pirates as a "bunch of thieves, but some, as far as Somalis are concerned, are heroes because they are defending our natural and marine resources" (Ali and Murad 2009: 98). A third says, "I don't agree with the piracy by itself. But, in this case, to go against the illegal dumping and the fishing…they have a right to do that, they have a right to protect the country and the water." (Ali and Murad 2009: 98). These three statements all make a similar argument. They agree that what seajackers do is condemnable ("bad people", "piracy is bad", "a bunch of thieves") but that the objectives, as well as effects, are morally justified ("what they are doing is good for the country", "are heroes", "have a right to do that"). Such statements are indicative of the way that this agencement is not only affective, but also centred on the normative evaluation and justifiability of pirate action. An academic study that feeds into this understanding is provided by the political theorist James Patinson (2013). Evaluating the behaviour of Somali pirates against the standards of just war theory, he finds that the pirates act on justifiable moral grounds.

This discussion hence points us to a first piracy agencement. In this agencement, the pirate is a moral bandit. A pirate pursues ethically justifiable ends and is the subject of such evaluations. Agency is based on cultural, historical as well as ethical relations. Movies, novels and other cultural goods are the main artefacts that establish affective relations while the statements of normative political theorists strengthen those relations. The outcome is that pirate action is seen in a relatively positive light, as long as he operates within the ethical and affective boundaries. This is in sharp contrast to the agencement I discuss next.

Enemies of all Mankind: Security Agency?

In the opening scene of the 2010 action movie *The Expendables,* featuring Sylvester Stallone as well as an impressive line-up of other action heroes, pirates make a noteworthy, if brief, appearance. Marshall Fine (2010) describes the scene as follows: "Stallone plays Barney Ross, leader of a crew of mercenaries, first glimpsed taking out a gang of Somali pirates on a freighter the raiders have held for three months. Stallone and friends show up with the money – but it's not as much as the pirates asked for. When the pirates get chesty with Stallone and Co., bang, no more pirates." In an even more nuanced manner, Ty Burr (2010) commented: "The opening scene is set aboard a Somalian pirate ship, with the rough, tough mercenary team led by Stallone's Barney Ross using extreme prejudice to rescue US hostages from badly accented, badly acted villains. Bodies and knives fly through the air, limbs are separated from their owners, obscene amounts of ordnance are deployed. It's all so ... uncomplicated."

Those that have seen the movie will certainly have an understanding of what Burr means by the "badly accented, badly acted villains". For those who missed out, the following (impressively delivered) line of pirate dialogue provides a flavour: "I will kill all, I will kill all of them". What makes the movie interesting is that it is the first contemporary mainstream feature to address the motif of the Somali pirate. It does so in projecting the pirate as an evil villain that without doubt – or in Burr's word, without 'complication' – can be killed. The pirate is not a moral or political being, nor a criminal, he is the radical 'other'. This image of the pirate presents quite a radical shift from the way that Hollywood usually presents pirates, especially in the light of the *Pirates of the Caribbean* series (screened from 2003-2011). The movie reflected a broader trend in 2009 and 2010. Calls for "eradicating piracy, once and for all" by using brute force were especially widespread during the early heyday of counter-piracy in 2008.[9] The military repertoire of targeted strikes, drone attacks, snipers and special forces to raid piracy camps, attack them at sea or violently re-capture hijacked vessels were touted as primary means. Analysts and commentators cited historical cases including Julius Caesar's raid against pirates and the US navy's Barbary Wars as precedents documenting that a "war against piracy" directed at killing pirates is the only viable option that promises success.[10]

The pirate as an antagonist and the underlying agencement, to which the movie and commentators point, has a long history. Daniel Heller-Roazen (2009) provides a political history reconstructing how an understanding of pirates as a universal type of enemy that must be eradicated by violent force can be traced back to the Roman Empire and its attempt to establish authority over the Mediterranean. The well-known description of pirates as the "common enemy of all" (*communis hostis omnium)* is commonly ascribed to Cicero, and has significantly shaped thinking about pirates as the universal antagonist operating outside the law or social conventions. In this understanding, the pirate is neither a political, nor a moral, legal, or economic subject, since he stands outside of humanity. Hence, rights and obligations do not apply to pirates.

If in the first agencement, the bandit has to balance his moral goals and his immoral means, the pirate in this agencement is free of such considerations. The pirate is an enemy, a radical 'other'. He operates outside of humanity and international relations and its social conventions and laws. Free to determine his course of action and able to rely on any means available, he conversely also faces the risk, like a bothersome fly, of being killed without hesitation. The agencement works by establishing historical

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[9] See, for instance, the summary in Bliss (2009).
[10] E.g. Bellamy (2011).

relations and in adopting a security logic in which pirates are presented as enemy of humanity which requires extra-ordinary measures. This agencement turns pirates into agents outside the law, the third agencement does the opposite in turning piracy into a legal category.

International Criminals: Legal Agency?

The United Nations Convention on the Law of the Sea (UNCLOS) defines piracy in article 101 as

> Any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship and directed on the high seas, against another ship, or against persons or property on board such ship, or against a ship, persons or property in a place outside the jurisdiction of any State. Any act of voluntary participation in the operation of a ship with knowledge of facts making it a pirate ship. Any act of inciting to or of intentionally facilitating such acts.

When the negotiation of UNCLOS was concluded in the 1980s this presented a stepping stone; it turned pirates into subjects of the international legal order. The definition is the outcome of centuries of controversy and negotiations of how to define piracy and where it might fit into the web of international law (Rubin 1988). The debate over the definition, how it relates to other legal documents and what it implies has by no means ended, and continues to fascinate several legal practitioners and theorists.

Indeed, UNCLOS is one text in a more complex legal thicket of transnational legal documents that forms the legal agencement within which pirates are criminal and subject to international criminal law. Other legal texts of the agencement include the International Convention for the Safety of Life at Sea, UN Security Council resolutions, national criminal laws (under which pirates are prosecuted) and a diverse set of bilateral and multi-lateral agreements and memoranda of understanding, such as so-called transfer protocols by which suspects are moved from an arresting national legal system to the prosecuting one.[11] Such documents are the core artefacts that produce the legal agencement of piracy. Since documents do not speak for themselves, or fall from heaven, a vital element of the assemblage is the drafting and interpretation work of legal experts. Legal experts were not only required to interpret how existing laws were appropriate for Somali piracy, although a new legal thicket was woven in the assemblage. For instance, groups of legal experts, such as the Working Group 2 of the Contact Group on Piracy off the Coast of Somalia attempted to develop a canon of interpretation that can be used to prosecute pirates and national laws could be aligned with each other. To be a pirate in this assemblage, implies to be turned from a 'suspect' into a pirate. It is dependent upon the work of a court. It is within a judge's discretion and his interpretation of the legal basis and evidence whether and when an individual is to be considered a pirate.

Paying closer attention to the UNCLOS definition is important since it provides an influential fixation of the meaning of piracy. It establishes a noteworthy categorical system that determines who a pirate is. UNCLOS establishes a set of pirate activities: 'violence', 'detention', 'depredation', 'operation of a ship' or 'facilitation of such acts'. Secondly, it defines that these acts constitute piracy if they are "committed for private ends", and thirdly, that these activities take place "outside the jurisdiction of any state". This technical legal definition thereby establishes a distinct type of agency: firstly, in a legal

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[11] Attempts to disentangle this thicket are made in Geiss and Petrig (2011), Kraska and Pedrozo (2013: 691-738), Guilfoyle (2013) as well as an estimated 300 articles on the law of piracy published since the conclusion of the UNCLOS negotiation.

sense, piracy is not directed at political goals or sanctioned by a state – piracy is *apolitical,* and as a pirate, you cannot claim political or moral motives, nor are you outside the law.

Secondly, pirate activity must occur in international waters. International border agreements are hence the constitutive boundaries for piracy acts. In legal terminology, acts occurring within the jurisdiction of a state therefore require a different term – the customary one is that of *'armed robbery at sea'*. Pirates hence navigate a fine line between being a pirate or an armed robber. If you cross the line you become a pirate, you move back and become an armed robber at sea. To be a pirate you need to know where you are and where the border is.

Thirdly, the legal structure defines piracy as a 'crime'. Pirates are, therefore, *criminals*. As Friman and Lindborg (2013: 174) concisely summarize, "this implies that pirates, like all other criminals, are presumed innocent until proven guilty in a fair trial before a court of law. It also means that (persons suspected to be) pirates may not be killed as if they were the enemy nor may they be unlawfully renditioned, tortured or held for years without trial." Hence, under the assumption of innocence, without a trial, no one is a pirate, but a suspect of piracy – hence, the concept of the *'piracy suspect'* is established. The relations and categorical systems that turn pirates into legal subjects also establish a set of rights. Pirates have human rights, can claim asylum (Dutton 2011), and have the right to a fair trial (e.g. Osiro 2011, Friman and Lindborg 2013).

The agencement then not only consists of legal texts, but also their interpreters, legal experts, prosecutors, lawyers and judges, diplomats relying on legal expertise, as well as the wider spectrum of criminological professions. It also includes those actors and practices engaging in legal capacity building, such as the UN Office on Drugs and Crime's work on developing the legal sector in Somalia and its neighbouring states.

In this agencement, pirates are subjects of legal and criminological relations. To become a pirate requires passing through a set of legal interpretations and institutions such as courts and conforming with criteria set out in legal texts. These legal relations also establish rights. In contrast to the former agencement in which the pirate as enemy can simply be shot, in the legal agencement they are treated as suspects, and must be arrested and prosecuted.

Business Model: Economic Agency?

In 2009, tech culture magazine *Wired* published an article on Somali piracy along with an enjoyable online game entitled 'Cutthroat Capitalism' (Carney 2009). The well-illustrated article and the accompanying game presented piracy as an interactive mathematical model between pirates, shippers, insurance companies, security consultants, and navies. Each actor group follows a distinct logic, namely 'pirate's math', 'shipper's math' and 'insurance company's math'. For the author of the article and the designers of the game, piracy can be modelled following three calculations that a (prospective) pirate has to ponder.

The first calculation of pirate's math, titled 'Plunder Pays', addresses whether to engage in piracy (Carney 2009: 122). This involves weighing estimated income from piracy against the average income in Somalia. The second calculation, 'When to Attack', is a calculation of the likelihood of success of a piracy attempt (Carney 2009: 123), requiring consideration of the characteristics of the target and the likelihood of military response. The third and final calculation, 'How Much to Demand', concerns factors influencing the ransom negotiation process (Carney 2009: 125), such as prior ransoms, cargo

surcharge, or time to resolution. On the basis of these formulas as well as the respective ones for shippers, insurance companies, security consultants, and navies, an interactive online game is presented that simulates being a pirate. Skipping the first calculation, once in the game, one makes decisions and attempts to attack vessels and, if successful, negotiates ransoms.

The Wired game is most likely the first in a wider series of attempts to simulate pirate activity on the basis of mathematical modelling. For instance, a more advanced and complex model was developed by the Czech university-based Agent Technology Center (2014). In their project "AgentC: Employing Agents to Fight Maritime Piracy", sponsored by, among others, the US Office of Naval Research, a team of computer scientists developed a maritime simulation model with a focus on fighting maritime piracy. The model is based on artificial intelligence theories and aims at developing algorithms for the behaviour of actors (navies, shipping companies, and pirates). The graph below shows how Agent C models the behaviour of pirates.

Graph 1: AgentC's finite state machine of the pirate vessel agent

Figure 1: A finite state machine of the pirate vessel agent.
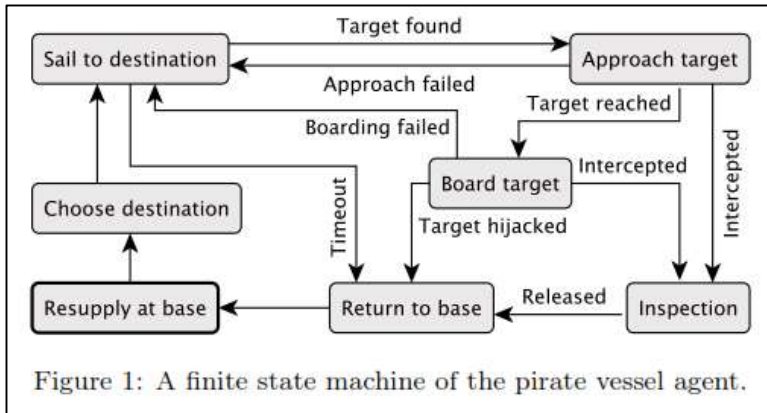
Source: Jakob et al. 2012: 4

The declared objective of the project is "to improve the efficiencies of counter-piracy measures and to assess the risk of piracy" (Agent Technology Center 2014). Both the Wired game and the AgentC simulation are projects that turn piracy into a calculated entity. They feed an agencement that makes piracy part of economic relations. The pirate becomes an economic subject; that is, a rational economic actor that evaluates expected costs and benefits and makes choices. This is what Koray Çalışkan and Michel Callon (2009) have referred to as a process of "economization". The pirate becomes part of an economic agencement and is considered an economic subject. As reflected in the Wired game, the pirate is part of two market interactions. The first one is that between the shipper trying to escape or avoid being hijacked and the pirate. This is also what AgentC describes, along with a growing number of economists (e.g. Bendall 2010; Hallwood and Micelli 2013a). The second interaction is ransom negotiations between pirates and ship owners, usually mediated by security consultants. These can also be described, as by the Wired model and economists, as market interactions (Hallwood and Micelli 2013a, b). As Jan Stockbruegger (2013) argued in his study of the economization of piracy, the phenomenon has increasingly been turned into an (illicit) economy. This does not only involve the actors and models introduced above, but also the pirates who, to follow Stockbruegger, increasingly behave like market actors. To describe piracy as a 'business model' has become widespread across the various kinds of actors dealing with or interested in piracy. This is the outcome of a range of practices

of economic actors, including shipping companies, security and intelligence consultants, lawyers, or insurance companies. Based on an understanding of piracy as a calculable subject, these actors make the pirate part of relations, such as risk mitigation as well as ransom negotiations. Piracy is considered a form of market exchange in which one commodity (vessel, cargo, and crew) is exchanged for another (ransom). This exchange can be managed through risk calculations as well as negotiation models. Part of this agencement is, moreover, the work of economists. Besides the already cited university-based economists, these include those working for the World Bank (2013) or the advocacy organization Oceans Beyond Piracy, which produces an annual *Economic Costs of Piracy* report. In this agencement, the pirate is a calculated subject and his agency is subject to the logic of business.

Symptoms: No Agency?

My next agencement is quite different. It does not provide pirates any form of agency. Pirates are not actors in their own right. Instead, pirates form part of a set of causal relations in which the pirate is a 'symptom' of 'root causes'. The agencement relies on relations made within quantification, causal analysis, bio-medical metaphors, and state-building projects.

Since the 1980s, the International Maritime Bureau of the International Chamber of Commerce and the International Maritime Organization have compiled databases of piracy incidents worldwide, and a wide network of actors and practices is required to maintain them (see Anonymous 2015). The data is based on voluntary reporting, and contains a number of core characteristics of a given piracy incident (e.g. location, time, weapons used, type of incident). These databases translate piracy into a quantitative entity (Porter 1994). As Porter (1994: 389) argues, quantification is an "aspiration to escape the bounds of locality and culture" (Porter 1994:389). It provides the means to de-contextualize and objectify piracy activity. Acts become translated into statistics and graphs. Quantification allows for the measurement of piratical activity (even in real time) and the documenting of geographical and regional trends. Such trend analyses are important to formulate policies and, in particular, strengthen consensual interpretations of developments. They also provide the backdrop for scholarly analyses, however. Peace researchers and economists draw on this data to run correlations and thereby translate piracy into a set of causal relations (Anonymous 2013a:4). Analyses, such as those of Hastings (2009), draw on the data sets to identify the causes of piracy statistically. In these analyses, the occurrence of piracy, and in turn the pirate, become a product of so-called 'root causes'. While some of these causes are relatively banal – such as the vicinity of sea lanes – others are more complex. One of the major causal factors emphasized in quantitative studies is that of "state failure" or "weak governance". Here, the claim is that a dysfunctional state is causally related to the 'outbreak' of piracy. In contrast to the economic agencement, in this causal system of relations, piracy is no longer a question of individual choice; it is a causal consequence of a number of structural conditions that turn people into pirates.

The causal link is also a statement commonly found in official policy documents. UN Security Council resolutions argue that the link between Somalia's state failure and piracy justifies international action against piracy under Chapter Seven.[12] International officials repeatedly refer to piracy as the outcome of root causes. As, for instance, a representative of China stated at a UN Security Council debate: "Piracy comes about as a result of deeply rooted economic and social factors. […] poverty and economic

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[12] See for instance UNSC Res. 1816.

and social underdevelopment are the root causes of piracy."[13] A World Bank official is cited as saying that "piracy is a symptom of the breakdown of Somalia's political system" (The World Bank 2013b).

Oliveira (2013) notes that such statements link the problem of piracy to the wider discourse on state-building. The argument is that state failure causes piracy and that in turn, a state-building project provides the adequate response in addressing the problem of piracy. Notions such as 'symptoms' and 'root causes' point to a bio-medical vocabulary that is not only prevalent in the discussion of piracy, but as Mary Manjikian (2008) has shown, in the wider state failure discourse. Following Manjikian (2008) within this vocabulary, state failure is naturalized and presented as an illness. In consequence, failed states become patients that may even be treated against their will. In other words, agency is moved into the hands of statebuilders, the doctors capable of treating the patient.

As these observations imply, within this agencement the pirate is a product of nature. Quantification, causal analysis, and bio-medical vocabulary produce a system of relations in which piracy is a natural cause. Instead of agency, pirate behaviour is the causal effect of state failure. There is no room for action in this causal system of relations; the pirate is the effect of a natural system of causal relations. In this agencement, hence agency is largely denied to pirates.

Resistance: Political Agency?

Between 2008 and 2011, pirates were ever present in international news media. They frequently gave media interviews. Reading statements from such interviews leads to the outline of a sixth form of agencement. This one is somewhat different from the others. Within its relations, actors resist being made part of any of the above agencements. Asked about what they do when they go out and hunt for ships, Muse and his friends refuse to be described as pirates. Instead, they argue that they are political actors that perform practices of sovereignty. They collect taxes, police the sea, and protect sovereign boundaries and natural resources. Insofar as the status of pirate is refuted, this presents us with a form of counter-agencement.

In 2009, the New York Times printed the following telephone conversation between the correspondent Jeffrey Gettleman and Sugule Ali, a Somali who was at that time on board the *MV Faina* – a Ukrainian freighter loaded with weapons and held hostage for a couple of days.

"Q. Have the pirates been misunderstood?

A. We don't consider ourselves sea bandits ["sea bandit" is one way Somalis translate the English word pirate]. We consider sea bandits those who illegally fish in our seas and dump waste in our seas and carry weapons in our seas. We are simply patrolling our seas. Think of us like a coast guard.

Q. Why did you want to become a pirate?

A. We are patrolling our seas. This is a normal thing for people to do in their regions.

Q. Isn't what you are doing a crime? Holding people at gunpoint?

A. If you hold hostage innocent people, that's a crime. If you hold hostage people who are doing illegal activities, like waste dumping or fishing, that is not a crime." (Gettleman 2008)

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[13] UN Doc. S/PV.6865, 15.

This empirical snippet provides elements of what I have described as a "coastguard narrative" (Bueger 2013). Within this narrative, hijacking ships and holding hostages are presented as lawful and political activities. Piracy as a meaningful frame of reference is rejected – and the other agencements described above are resisted. The activities of Muse or Sugule Ali are situated in a very different set of relations and linked to Somalia and its sovereignty. Other forms of agency are claimed. In the above statement, it is the agency of a coastguard. Indeed, several of the Somali hijacking gangs describe themselves as coastguards (Anonymous 2013b: 1817). The claim to agency, therefore, is related to Somalia and its culture and practices. It is not one of the (global) pirate agencements, but specific Somali agencements that provide the agency. The coastguard narrative suggests that the actions of the seagoing hijackers have state-like character and that the sea-going crews act on behalf of the Somali people. This configuration relies on a certain cultural (Somali) context and action on behalf of the state. The agencement plays with the modern discourse of sovereignty as the claim is that seajacking is a sovereign state-like practice of protection and taxation whose need arises in the context of a dysfunctional state. The following statement from another media interview provides an example of this line of argument:

> "We don't see the hijacking as a criminal act but as a road tax because we have no central government to control our sea. […] We will not stop until we have a central government that can control our sea" (Rice and Hassan 2008).

If the seajackers themselves are core elements in this agencement, they are not the only ones. Indeed, similar statements are made by Somali coastal populations or the diaspora. Sadia Aden, president of the Somalia Diaspora Network, for instance, suggests that "opinions are mixed on the pirates. Some of the people are saying the pirates are defending our territory" (Shabazz 2008).

The agencement rejects any claims that the seajackers are pirates. Instead, it establishes a form of agency which claims lawful political motives. The basis is relations between the Somalian situation and the discourse of sovereignty. Rather than acts of piracy, the activities are state-like practices of protecting, patrolling or taxation.

Conclusion

We have considered six agencements which each provide a distinct type of agency for pirates. The moral bandit-type pirate is produced in a web of normative-affective relations; within a security web of relations, the pirate is the arch-enemy, standing outside of humanity and its rules; within legal relations the pirate is a criminal that requires to be treated as innocent suspect until he has been prosecuted in court; economic relations produce pirates that are calculating individuals, and part of an economic business logic; while state failure and root cause agencement strips pirates of any agency and turns them into symptoms of a natural causal system. The final agencement is a local counter-agencement, insofar as actors resist being turned into such within the other agencements.

These 'pirates' are forms of agency which, as I have shown, are effects of the relations and practices of distinct agencements. The agencements turn pirates into political, normative, security, legal, or economic subjects, or into structural symptoms. They accelerate and intensify agency in particular directions.

Throughout my reconstruction, we have met various 'actors' who form part of the agencements, including journalists, moviemakers, actors and directors, game developers and graphic artists, diplomats, military officers and international bureaucrats. We have also met various scientists across

the disciplinary spectrum that produce statements within the agencements. These actors, not conventionally under the spotlight of IR analysis, are all in the business of producing pirate agency. To do so they engage in a diverse set of rhetorical and material activities; practices range from describing and interpreting to calculating or modelling. The agencements also reveal a rich set of objects and artefacts: movies, graphs, formulas, games, Xboxes, policy documents, or legal texts as well as the technologies that are used to produce them. Agency is inscribed in these objects, things, and technology. These various objects, practices, and actors make up the heterogeneous elements of the agencements that produce pirate agency. The notion of agencement brings these actors, practices and objects, often hidden in other forms of analysis, to the fore.

IR has increasingly considered relationalist and practice-driven arguments. These arguments have not been seriously developed in a way that re-thinks agency, however. Poststructuralist analyses, such as those documenting how the discourse of sovereignty provides subject positions and identity, arguments that international relations are primarily about relations and networks, or the range of practice-theoretical investigations showing how world politics is made in a diverse set of practices, advanced similar theoretical arguments.[14] If these arguments are increasingly familiar to the discipline, surprisingly they have hardly triggered any empirical research on how the actors of international relations are produced, and how they navigate through a multiplicity of forms of agency. The core concern of my study was to show how relationalist perspectives can be used to empirically reconstruct a spectrum of different configurations that produce agency, in this case pirate agency. Paying empirical attention to the diversity of actors, artefacts, statements and other practices allows us to gain a better understanding of what the relations of international relations are actually made of. With the focus on agencements and agency, we break down taken for categories, and reconstruct how the actors of international relations are actually made and produced, instead of assuming their characteristics *a priori*.

"Exploring, describing and analysing agencements, as well as their diffusion/transportation, constitutes an immense research project whose achievement still lies ahead", claim Caliskan and Callon (2010: 10). My reconstruction is a modest contribution to that project. Reconstructing agencements empirically is challenging and demanding. Tracing them is potentially endless, and easily risks producing laundry lists. The productivity of the form of analysis conducted is perhaps best measured by the way that it spurs further interesting questions; empirical ones on the case, but also more general abstract questions. Let me conclude by outlining a number of such further questions, concerning piracy, but also other kinds of agency.

The results of the analysis firstly lead to a number of further empirical questions in the case of Somali piracy. Investigating pirate agencements not only provides interesting insights into piracy agency, but also, potentially, the agency of other international players that are related to the pirates. The agencements I described above are also productive of other forms of agency. For instance, in counter-piracy the legal agencement transforms the agency of naval forces from an actor of warfare and deterrence to an international constabulary force. Instead of preparing to fight or attempting to threaten each other, navies now cooperate to patrol the oceans. The outline of six agencements therefore allows us to study the (transformation of) agency of the counter-piracy actors more broadly.

Another open question is how the six agencements relate to each other and how actors – pirates and others – move between them. Uncovering multiplicity does not only, or primarily, have the objective of debunking unitary or binary understandings of a phenomenon. Understanding multiplicity, as Annemarie Mol (2002) and John Law (2004) have argued, implies also studying the means of how

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[14] See among others, Walker (1991), Jackson and Nexon (1999), Adler and Pouliot (2011).

different agencements are coordinated, are patched together, and allow actors to proceed in the face of difference as they move between them. How the outlined agencements are coordinated or constituted would be a major next step for analysis. Are there certain agencements that dominate and coordinate the others? Addressing this question for the case of piracy will be revealing to learn what kind of problematizations dominate ocean governance and security at sea. Is it a security logic, an economic, legal or normative order that prevails?

Thirdly, following this question provides a starting point for zooming out historically. The pirate is a particular historical figure and has interesting relations to the negotiation of international order. As a variety of historians and theorists have shown, pirates are core figures in the negotiation of modernity: pirate discourses occur throughout history, and debates over who is a pirate have been core controversies in the negotiation of international authority, legitimacy, rights and the private/public distinction.[15] The agencement perspective allows for a nuanced contribution to that debate. From the viewpoint of such a differentiated and diversified picture, a number of interesting questions can be asked. If we treat contemporary pirates as an indicator of modernity and contrast them to historical forms of piracy, is there a form of evolution? Are there any 'new' agencements one can observe compared to the earlier discourses of negotiating the agency of piracy? Although a more detailed analysis would be required, the answer to these questions is, perhaps, yes. In comparison to ancient piracy, today's international law provides a set of fixed categories. This not only renders the legal agencements of piracy as quite influential, but also points us to the ongoing legalization of the oceans. Both the economic agencement and the causal agencement point to processes of rationalization and innovation in practices reflected in the techniques that these agencements draw on, such as the complex calculations of economics, or modelling through computer sciences. The evonolution of those agencements hence is indicative of a rationalization and scientification process that subjects the governance of the sea. A study of piracy agencements therefore leads us to major puzzles in the form of contemporary agency and its relation to international order.

These indicative further questions demonstrate that the agencement perspective is open because it is not committed to, or restricted by, an ontological framework. We can zoom in and out as it suits us. If we initiate our investigations from a notion such as agencements, research does not require heavy ontological baggage to start with. Understanding international relations through the agencement perspective raises major ontological and methodology points:

We do not need to know *a priori* what agency is or looks like. Instead, we derive notions of agency through the interpretation of experience. Agency and how it is produced becomes an empirical rather than philosophical puzzle. This refers to all of the major categories of international relations, whether it is 'the state', 'international organizations' or 'non-governmental organisations' and 'social movements'. These are equally produced in a multiplicity of agencements. The basic outline of types of agencements (moral, security, legal, economic, causal, and counter) developed in my study of piracy, are potential starting points for an empirical analysis. Studying this multiplicity will allow to better understand the inherent contradictions and conflicts within and between actors.

Another implication is methodological: we do not need to differentiate *a priori* between different forms of experience, different forms of producing statements or kinds of epistemic practices. For instance, it is neither a necessary nor a futile move for an analysis to differentiate between or prioritize media, popular culture, diplomacy or science – each, of course, being epistemic configurations and agencements in their own right. In agencements, these play into and inform each other to a degree that

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[15] See in particular Thomson (1994) and Heller-Roazen (2009).

disentangling them is not necessarily productive. Relying on ontological parsimony and prioritizing empirical inquiry therefore allows us to more fully apprehend the complexity of international relations.

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