

Introduction by the Editorial Board - Piracy

Michiel van der Wolf

To some readers the subject of piracy may have a somewhat romantic ring to it. This may be understood from a literary and cinematographic perspective, because piracy has a history of being portrayed in a romanticized fashion from *Treasure Island* to the *Pirates of the Caribbean* series. But also from a societal and legal perspective, piracy may be regarded with a touch of romanticism. For example, the *Buccaneers* consisted of adventurers, exiles and runaway slaves and formed ‘floating’ societies, which were – as plunderers albeit outlawed from a mainland perspective – governed by their own ‘codes’. What has survived in lore as the code of Bartholomew Roberts includes rules on egalitarian sharing of the loot, social schemes for those who could not contribute due to disability or illness, no fighting, gambling or women on board, sanctions such as death or exile to a desert island for not fulfilling duties, silence on subjects of personal pasts and futures, lights out at 8pm and of course a rest day for musicians on the Sabbath.

However, the fact that these codes share similarities with those of modern ‘outlawed’ groups such as mobsters and motor gangs, already suggests that reality was and is less romantic than grim. Already in the seventeenth century and still in this day and age, piracy plundering is a highly damaging criminal act that is hard to prevent through law enforcement because of several international legal issues. Not only because it is still a universal and topical issue, but also because of this interplay between legal issues in several domains, such as (comparative) criminal law and international (maritime and trade) law, the subject is especially fit for discussion in our law review. Recently, especially the prevention tactic of armed on-board protection of merchant vessels is often discussed.

Therefore we invited guest editors from Denmark and the Netherlands with expertise on the issue to form their on-going comparative efforts on this subject within Europe into a coherent special issue. The body of the issue therefore consists of ‘country reports’ from – in alphabetical order – Denmark, Germany, Italy and the Netherlands, preceded by an article on the international legal framework. These contributions are preceded by a further introduction to the subject which also lays out the comparative methodology and completed by a concluding chapter with comparative insights. Contrary to the contributions in the body of the issue, these two chapters are shorter in length, and do not qualify as independent academic articles. Hence, these have only undergone editorial (board member) review instead of peer review.

Allow me to end on a personal note, as I am glad that I can mark the finish of a six year period in the editorial board of the Erasmus Law Review with such a prototypical issue. The characteristics of this issue, discussing important issues in a debate between jurisdictions and legal disciplines, are exactly what have made this period more than worthwhile. For what I have learned in discussions with my fellow board members, I am thankful. As I am leaving the Erasmus School of Law my farewell is a given, but I rest assured that the criminal law expertise in the Editorial Board of ELR will be adequately maintained by my successors. All the best to ELR.

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