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## Greeks into Privateers: Law and Language of Commerce Raiding under the Imperial Russian Flag, 1760s-1790s

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In February 1769 the head of Russia's College of Foreign Affairs Nikita I. Panin asked Ivan G. Chernyshev, the Russian special envoy to London, to relay "a true and comprehensive summary of English practices and customs relating to the use of privateers (*partikuliarnye armatory*) in wartime."<sup>1</sup> Of greatest interest to Panin were details such as whether Admiralty patents – or letters of marque, as they were known in England – were entrusted to native-born subjects only or whether "foreign volunteers" (*chuzhestrannye okhotniki*) might also secure such letters; whether privateers could sail from the empire's ports only or from any neutral or allied port; how much latitude privateers were given in their action against enemy vessels and in conducting searches of neutral vessels; what rules were to be followed in adjudicating cases involving enemy and neutral ships; and, whether the government collected any guarantees or bonds from the privateer that could be used to hold him accountable in the event that he should commit a crime.<sup>2</sup> Panin dispatched his inquiry just as the State Council debated the question of commissioning privateers in the spring of 1769 during the first Russian-Ottoman war (1768-1774) of Catherine II's reign.<sup>3</sup>

Before the eighteenth century was out, the Russian state had sanctioned privateers under the Russian flag; however, due to the ongoing uncertainty over which individuals or social groups actually fit into this category, this sanction boiled down not to a single legislative moment but rather to a process spanning three decades.<sup>4</sup> Panin's inquiry notwithstanding, the Russian government at first sought to fit naval auxiliaries within the existing social structures of its armed forces. These early efforts baldly assumed the "eagerness" of voluntaries to serve the Russian monarch in the wording of the first invitations to foreign subjects sail under a Russian

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<sup>1</sup> In 1718 Russia appropriated the collegiate model of government administration akin to the one used in Sweden. Each college of ten members was headed by a president. Panin, however, was never formally given the rank of chancellor or made president of the College of Foreign Affairs despite being head of Russia's foreign policy in the 1760s and 1770s. Isabel de Madariaga, *Russia in the Age of Catherine the Great* (London: Phoenix, 2002), 189.

<sup>2</sup> Panin to Chernyshev, 20 February 1769, *Sbornik Imperatorskago Russkago Istoricheskago Obshchestva* (hereafter, SIRIO), 87 (1893): 334.

<sup>3</sup> The State Council, or "Council attached to the Court," was formed in 1768 to consider questions related to the breakout of the first Russian-Ottoman War (1768-1774). Madariaga, *Russia in the Age of Catherine the Great*, 205-6. On deploying privateers, see Appendix 39 in Vladimir Ulianitskii, *Dardanelly, Bosfor i Chernoe More v XVIII Veke* (Moscow: Tipografiia A. Gatsuka, 1883), cxx-cxxi; Catherine to Aleksei G. Orlov, 6 May and 11 August 1769, SIRIO 1 (1867): 19, 23.

<sup>4</sup> A relic of private naval warfare, privateers were understood by a canon of Western jurists as privately-owned vessels engaged in a public act of war. On the development of this legal regime, see N. A. M. Rodger, "The Law and Language of Private Naval Warfare," *The Mariner's Mirror* 100, no. 1 (2014): 5-16.

flag, an assumption also conveyed semantically through Panin's choice of the word *okhotnik* in 1769.<sup>5</sup> When this endeavor proved ineffective, the Russian government expressed a clearer, more specific notion of privateers that it recruited to join its war efforts. Tentatively at first, Russian bureaucrats, naval personnel, and admiralty courts attempted to define the nature and expectations of that relationship by adjusting their vocabulary, recruitment tactics, remuneration, and regulation of these combatants – a process that continued well into the 1790s.

Ultimately, the government adapted elements of two longstanding Russian practices – recruitment of foreigners into Russian service and deployment of irregular troops – to create a conceptual and legal framework in which privateers would become comprehensible within Russia's social structures. For this reason, in imperial Russia the starting point for understanding such combatants was not the legal ownership of their vessels but the underlying relationship between these persons and the Russian state. Russian privateers, though nowhere near in number as those operating under British, French, or Dutch flags, reflected a different mechanism by which the Russian government would control this subset of its armed forces – through legal instruments and individual incentives as opposed to strict military discipline and semi-autonomous estate privileges. They represented a third, albeit seldom-used, type of combatant used by the Russian armed forces.

The search for a conceptual formulation of a privateer under the Russian flag came amidst a host of changes to the old Muscovite social and political order, which was built on military service that Russian subjects owed to the tsar.<sup>6</sup> Two social groups that had a notable presence within imperial Russia's military apparatus were central to this shifting political framework: the courtly elite was involved in an ongoing dialogue with the ruling monarchs about reforms to the social and political order while the Russian bureaucracy tried to understand how groups that had historically fallen outside the tsar's remit fit into that very order. Among the ongoing societal transformations, the 1762 emancipation of the nobility from state service was one notable change that called for a new ethos among the Russian officer corps, observable through, among other dimensions, a fresh look at merit and talent as the basis for promotion.<sup>7</sup> The broad discussions around advancement in the military hierarchy incorporated the nobility's own new discursive strategies of articulating why officers who were no longer obliged to serve the state continued (or ought to continue) to do so. The ideology of state service pervaded the Russian polity's relations with multiple groups of foreign subjects as well, as evident in the ambiguous status of Russia's long-time military allies on the Eurasian steppe that was nevertheless frequently painted in imperial and hegemonic terms by the Russian

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<sup>5</sup> In eighteenth-century Russian this term used to designate "volunteer" also means "enthusiast," suggesting that the Russian chancellors saw in these voluntaries more than mere willingness, but rather an ardent desire for service to the Russian Empire. For eighteenth-century meanings and usage see "Okhotnik," *Slovar' russkogo iazyka XVIII veka* 19 vols. (St. Petersburg: Nauka, 2011) 18: 147-48. (The term's third meaning is "hunter," which also seems apt to describe commerce raiders, but was not the meaning intended by Panin since it also applied to volunteers in infantry forces and was used interchangeably with *voluntéry* – calqued from "voluntary" and its cognates.)

<sup>6</sup> For an overview of the political order of early-modern Russia and military obligations, see the excellent essays in Frederick W. Kagan and Robin Higham, eds., *The Military History of Tsarist Russia* (Basingstoke: Palgrave, 2008); Richard Hellie, *Enserfment and Military Change in Muscovy* (Chicago: University of Chicago Press, 1971); John Keep, *Soldiers of the Tsar: Army and Society in Russia, 1462-1874* (Oxford: Clarendon Press, 1985).

<sup>7</sup> Eugene Miakinkov, "Your Excellency Needs Only to Wish It': Awards and Promotion Culture in the Army of Catherine II," *Russian Review* 75 (July 2016): 457-76.

bureaucracy.<sup>8</sup> As I show in this chapter, these very questions of state ideology and political order underlay the Russian approach to organizing its forces at sea and lie at the root of the difficulties of transposing the practice of privateering into Russian society.

Russia's sanction of privateers points not to a "Westernization" in Russia's armed forces (as much of the traditional historiography of the military in this period assumes), for government-backed commerce-raiding was not a Western phenomenon even if discussions over its legality took place within the discourse of European law, but to wide changes in Russian political culture in the final third of the eighteenth century. Although privateers were by no means a litmus test for changes in Russian society, they offer an opportunity to place Russia's participation in the European maritime legal regime and the empire's organization of its military force – two big questions that underlie the recent flurry of academic scholarship on privateers – in historical perspective.<sup>9</sup> Because the Anglophone historiography of imperial Russian sea forces has been so focused on technical modernization and foreign expertise, we know little about the political and cultural aspects of naval ideology. But by turning to privateers, the Russian elite signaled changes in Russian political culture just as much as a shift in Russia's approach to naval warfare.

While privateering has been a prominent topic of research in European, and especially British, historiography, it has been nearly invisible in Russian historiography and histories of Russia. For a variety of ideological reasons, the question has not merited much interest among historians in the late imperial and Soviet periods. For one, many commerce-raiders under the Russian flag were not Russian subjects, which rendered them of little interest to patriotic naval historians.<sup>10</sup> Moreover, as in other historical contexts, the strategic contribution of privateers to the outcome of any war was unclear. Privateers in the Russian-Ottoman wars attempted to disrupt food supplies to Constantinople – a strategy even Catherine II doubted as being effective – and to divert at least some of the Ottoman Empire's naval forces away from the Black Sea.<sup>11</sup> From the point of view of naval strategic scholarship, these reasons alone offered little reason to study them. On the other hand, Russian-flagged commerce raiders of Eastern Mediterranean origins were subsumed into the pre-history of the Greek revolution, as brave combatants against the Ottoman Empire who paved the way to a large-scale rebellion and Greek liberation.<sup>12</sup> Both narratives

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<sup>8</sup> Gregory Afinogenov, "Languages of Hegemony on the Eighteenth-Century Kazakh Steppe," *International History Review* (June 2018): 1–19. DOI: 10.1080/07075332.2018.1475403.

<sup>9</sup> Janice E. Thomson, *Mercenaries, Pirates, and Sovereigns: State-Building and Extraterritorial Violence in Early Modern Europe* (Princeton: Princeton University Press, 1994); Lauren Benton, "Legal Spaces of Empire: Piracy and the Origins of Ocean Regionalism," *Comparative Studies in Society and History* 47, no. 4 (October 2005): 700–724; Sarah V. Percy, *Mercenaries: The History of a Norm in International Relations* (Oxford: Oxford University Press, 2007); Alejandro Colás and Bryan Mabee, eds., *Mercenaries, Pirates, Bandits and Empires: Private Violence in Historical Context* (New York: Columbia University Press, 2010); David Parrott, *The Business of War: Military Enterprise and Military Revolution in Early Modern Europe* (Cambridge: Cambridge University Press, 2012).

<sup>10</sup> For representative scholarship, see F. F. Veselago, *Kratkaia istoriia Russkago flota* (St. Petersburg: Tipografiia V. Demakova, 1893); E. V. Tarle, *Tri ekspeditsii russkogo flota* (Moscow: Voennoe izdatel'stvo, 1956); L. G. Beskrovnyi, *Russkaia armiiia i flot v XVIII veke: ocherki*. (Moscow: Voennoe izdatel'stvo, 1958): 460-521.

<sup>11</sup> M. S. Anderson, "Russia in the Mediterranean, 1788-1791: A Little-Known Chapter in the History of Naval Warfare and Privateering," *The Mariner's Mirror* 45, no. 1 (1959): 34.

<sup>12</sup> G. L. Arsh, *Rossiiia i bor'ba Gretsii za osvobodzhenie: ot Ekateriny II do Nikolaia I: ocherki* (Moscow: Indrik, 2013); Arsh, *Eteristskoe dvizhenie v Rossii* (Moscow: Nauka, 1970); Nicholas Charles Pappas, *Greeks in Russian Military Service in the Late Eighteenth and Early Nineteenth Centuries*

have overlooked the imperial dimension of Russian policy where this story surely belongs.

There are also several semantic ambiguities in Russian terminology and usage that have rendered the activities of many would-be privateers invisible in the historical record, preventing a systematic examination of this phenomenon in the Russian context. First, both the source material and secondary scholarship make frequent mention of cruisers (*kreisery*), meaning all ships that patrolled sea-lanes and sought to intercept and disrupt enemy trade and communications, without differentiating between the different kinds of ships or crews involved in the action.<sup>13</sup> The distinction may not have been material to the strategic outcome, but as we shall see below, it was significant to the combatants themselves. Second, eighteenth-century Russian was imprecise in its terminology, employing cognates of European words that had distinct legal meanings in their original contexts to refer to the same idea.<sup>14</sup> Eighteenth-century Russian parlance included cognates of the English “privateer” (*privator*), the Dutch “kaper” (*kaper*), French “armateur” and “corsair” (*armator*, *korsar*), all of which were used interchangeably in historical documents without much consideration of the historical origin of the term. The *Naval Statute* of 1720 made reference to *kapery* who had equal standing with Russian ships of war (*voinskie korabli*).<sup>15</sup> By the second half of the eighteenth century new words – many of French origin – largely supplanted the use of *kaper*.<sup>16</sup> Panin used the word *armator* in the letter cited above, but in drawing up its Rules for Privateers (*Pravila dlia partikuliarnykh korsarov*), the Admiralty employed the term *korsary* to describe those enlisting to fight the Ottoman Empire.<sup>17</sup> Lest one think this cognate made reference to the overt religious symbolism of the war, the term *korsary* was transposed to the Baltic theater when privateers (*partikuliarnye korsary*) were invited to prey on Swedish commerce.<sup>18</sup> This multiplicity of terminology in Russian vernacular and official usage points to the fact that in Russia the idea of a privateer was well understood and existed in the abstract before it acquired any meaningful distinction from irregular or auxiliary troops in practice.

The eventual emergence and development of privateers as a separate social category in imperial Russia could be observed in three ways: in the specific vocabulary referring to concrete activities perpetrated at sea under the Russian flag; in distinct financial incentives that were codified only during the 1787 Russian-Ottoman war; and, in the use of legal instruments and law-based strategies employed to regulate the activities of this specific subclass of combatant. The argument in this chapter begins with an explanation of the historical role of irregular troops in Russian strategy to show how this precedent was first used to organize recruits in the Eastern Mediterranean. It then pivots to an overview of Russia’s approach to commerce-

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(Thessaloniki: Institute for Balkan Studies, 1991). For an overview see Lucien J. Frary, *Russia and the Making of Modern Greek Identity, 1821-1844* (Oxford: Oxford University Press, 2015), 20-27.

<sup>13</sup> Instructions to Russian ships of the line, frigates, and accompanying vessels all used the verb “to cruise,” reinforcing the idea that all naval auxiliaries engaged in the same kinds of activities.

<sup>14</sup> For precise legal meanings of commerce-raider terminology in historical context, see Rodger, “The Law and Language of Private Naval Warfare.”

<sup>15</sup> *Morskoi Ustav* Book IV, Chapter 4, §5. Published in *Polnoe Sobranie Zakonov Rossiiskoi Imperii* (hereafter, PSZ), ser. 1, no. 3485, 13 January 1720.

<sup>16</sup> On the profound impact of the French language on Russian culture and society in the second half of the eighteenth century, see Derek Offord et al., eds., *French and Russian in Imperial Russia*, 2 vols., Russian Language and Society (Edinburgh: Edinburgh University Press, 2015).

<sup>17</sup> PSZ, ser. 1, no. 16,599, 31 December 1787.

<sup>18</sup> PSZ, ser. 1, no. 16,708, 10 September 1788.

raiding and the changes that followed in the 1770s and 1780s. The final part argues that these developments set privateers apart from both foreign recruits and irregular troops.

***“Irregular troops and regular warriors, as well as Greeks serving in our fleet”***

Military service in imperial Russia, like other obligations, was determined by one's social status. Subjects of the tsar belonged to social groups called *sosloviia* (singular: *soslovie*), each of which came with a unique set of privileges and obligations owed to the sovereign in exchange for those privileges. Although we mainly think of four major estates when describing the social structure of Russian society – nobility, clergy, merchants, and peasants – in reality, there were many more. Social categories were created not only from social classes of people or professions, but sometimes from localities or discrete communities (e.g. Cossacks).<sup>19</sup> Military obligations cut across the estates in several ways. With the introduction of the Table of Ranks in 1722, nobles owed a lifetime of service to the tsar in either a military or civil capacity. This expectation abated over the next few decades until 1762, when nobles were released from the obligation to serve, although most continued to do so. Peasants (serfs) provided the pool for army and naval recruitment.<sup>20</sup> In addition to the regular army and navy, the state also conscripted large numbers of irregular forces from non-Russian communities in the borderlands. The military obligations of Cossacks, Tatars, Bashkirs, Kalmyks and others were determined by the specific agreements these communities negotiated as part of their integration into the imperial fold.<sup>21</sup>

More than just a matter of existential and military necessity, the state's incorporation of frontier communities into the Russian military structure was an imperial tactic as well. The gradual creation of a new military elite at the head of these former nomadic communities proved to be a successful mechanism of integrating non-Russian subject populations into the Russian Empire.<sup>22</sup> The idea of

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<sup>19</sup> Janet Hartley, *A Social History of the Russian Empire, 1650-1825* (London: Longman, 1999), 28–76; Alison K. Smith, *For the Common Good and Their Own Well-Being: Social Estates in Imperial Russia* (Oxford: Oxford University Press, 2014), 4–12; Elise Kimerling Wirtschafter, *Social Identity in Imperial Russia* (DeKalb: Northern Illinois University Press, 1997). As Gregory Freeze has argued, group identity had not fully coalesced until the nineteenth century, and in the eighteenth century societal structures were still evolving. See his “The *Soslovie* (Estate) Paradigm and Russian Social History,” *American Historical Review* 91, no. 1 (February 1986): 11-36.

<sup>20</sup> On military obligations, see Janet Hartley, *Russia, 1762-1825: Military Power, the State, and the People* (Westport, CT: Praeger, 2008); Hartley, *A Social History of the Russian Empire, 1650-1825*; Elise Kimerling Wirtschafter, *From Serf to Russian Soldier* (Princeton: Princeton University Press, 1989); Keep, *Soldiers of the Tsar*.

<sup>21</sup> For an overview of the incorporation process, see Michael Khodarkovsky, *Russia's Steppe Frontier: The Making of a Colonial Empire, 1500-1800* (Bloomington: Indiana University Press, 2002), especially 126-83. For studies of individual groups, on Bashkirs see Charles Steinwedel, *Threads of Empire: Loyalty and Tsarist Authority in Bashkiria, 1552-1917* (Bloomington: Indiana University Press, 2016); Robert F. Baumann, “Subject Nationalities in the Military Service of Imperial Russia: The Case of the Bashkirs,” *Slavic Review* 46, no. 3/4 (Autumn-Winter 1987): 489–502; on Cossacks, see Brian J. Boeck, *Imperial Boundaries: Cossack Communities and Empire-Building in the Age of Peter the Great* (Cambridge: Cambridge University Press, 2009); on Kalmyks, see Michael Khodarkovsky, *Where Two Worlds Met: The Russian State and the Kalmyk Nomads, 1600-1771* (Ithaca: Cornell University Press, 1992).

<sup>22</sup> Kelly A. O'Neill, “Between Subversion and Submission: The Intergration of the Crimean Khanate into the Russian Empire, 1783-1853” (Ph.D. Dissertation, Harvard University, 2006), 148–210; Michael Khodarkovsky, “The Indigenous Elites and the Construction of Ethnic Identities in the North Caucasus,” *Russian History* 35, no. 2 (2008): 129–38; Baumann, “Subject Nationalities in the Military

using ethnic regiments in particular roles in the southern and steppe frontiers extended to new settlers in the eighteenth century. Serbian settlers to Russia's southern provinces in the 1750s were formed into nationality-based regiments and assigned the defense of the frontiers of New Serbia (Novoserbiia) and Slavic Serbia (Slavianoserbiia).<sup>23</sup> These conventions continued with the regiments formed by migrants and refugees from Ottoman territories who settled in southern Russia in the 1770s. Initially known as the Albanian Irregular Battalions (*Albanskie irreguliarnye batal'ony*), these regiments were renamed Greek Infantry Battalions (*Grecheskie pekhotnye batal'ony*) in the late 1770s.<sup>24</sup> By all accounts, the actual ethnic composition of any of these regiments was indeterminate and of little interest to the imperial administration, but the practice perpetuated the link between social groups and specific military roles.

In 1770, when the first Russian naval squadrons arrived in the Eastern Mediterranean, Russian naval command organized irregular troops, naval auxiliaries, and volunteers in the region according to the same ethnic logic. As we know from their reports, circulars, and muster rolls, Russian naval leaders understood local troops through several categories: regular forces (*riadovye voiska*), irregular forces (*nereguliarnye voiska*), volunteers (*volontëry*), Albanians (*albantsy*), and Greeks (*greki*). Russian ship rosters included ethnic categories as stand-ins for particular ranks or functions, noting the numbers of Greeks, Slavonians, Maltese, or Arabs on board.<sup>25</sup> Some orders even directed squadron leaders to group sailors by ethnicity, with all Greeks crewing one ship and Slavonians another.<sup>26</sup> It is not clear that the latter two categories were necessarily different from irregular forces, as the "Albanians," usually marine infantry units, were organized into special irregular battalions with a distinctive organizational structure.<sup>27</sup> If *albantsy* referred to the marine infantry troops, the term "Greeks" was used synonymously with sailors on Russian vessels or captains of auxiliary boats. The usage is inconsistent, but the documents reference "Greeks," "Greeks with patents," and in one instance a "cruiser from among the Greeks."<sup>28</sup> The term "Greek" is also misleading as it was often used in reference to any Ottoman Christian, mainly from the Aegean archipelago, who was hired to crew a Russian ship or to assist Russian naval operations with his own

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Service of Imperial Russia: The Case of the Bashkirs"; John Keep, "The Origins of Russian Militarism," *Cahiers Du Monde Russe et Soviétique* 26, no. 1 (1985): 10.

<sup>23</sup> I. I. Leshchilovskaia, *Serbskii narod i Rossiia v XVIII veke* (St. Petersburg: Aleteia, 2006), 39, 256–58; Roger Bartlett, *Human Capital: The Settlement of Foreigners in Russia, 1762-1804* (Cambridge: Cambridge University Press, 1979), 18–21.

<sup>24</sup> Pappas, *Greeks in Russian Military Service*, 79–84; Beskrovnyi, *Russkaia armiiia i flot v XVIII veke*, 313.

<sup>25</sup> See for example muster rolls in RGAVMF f. 188 (Chancellery of Rear-Admiral Elmanov) op. 1 ll. 21-22ob, 32-33, 262.

<sup>26</sup> RGAVMF f. 190 op. 1 d. 56 ll. 15, 59-59ob.

<sup>27</sup> The term *albanets* was synonymous with *arnaut*, a Turkish loan word meaning "Albanian" and used in reference to Balkan soldiers serving in the Ottoman army. Smilianskaia, *Rossiia v Sredizemnomor'e*, 22-23; G. L. Arsh, "Albania: Rost separatizma mestnykh vlastitelei," in *Istoriia Balkan: vek vosemnadtsatyi*, ed. V. N. Vinogradov (Moscow: Nauka, 2004), 486. The geographical conception of Albania was indeterminate, often simply a reference to the Balkan peninsula. The contrast was largely between the insular populations of the Aegean and the inhabitants of the Balkan mainland. On the distinctive organizing structure, see Radi Boev, "Voenno-politicheskoe sotrudnichestvo mezhdru balkanskimi narodami i Rossiiei v khode russko-turetskoi voiny 1768-1774 godov," *Études Balkaniques*, no. 2 (1975): 118–27.

<sup>28</sup> See, for example, Petition of Angeli Ladiko, *Rossiiskii Gosudarstvennyi Arkhiv Drevnikh Aktov* (RGADA) f. 10 (Cabinet of Catherine II) op. 1 d. 620 l. 26; Smilianskaia, *Rossiia v Sredizemnomor'e*, 137-38, 189 n.177.

vessel.<sup>29</sup> The attempt to correlate social identities with specific roles was ultimately fruitless, as Admiral Grigorii A. Spiridov's mouthful of an address to the "leaders of the irregular troops and regular warriors, as well as Greeks serving in our fleet, and others irregular troops, who deign to assist your squadrons, and the Greeks on those ships" suggests.<sup>30</sup>

Compensation for naval auxiliaries in the 1768-1774 Russian-Ottoman war remained unclear throughout the conflict and for over a decade after the conclusion of the peace treaty, making the financial incentives for naval auxiliaries that emerged in the 1780s a distinctly notable change. Various classes of irregular troops had until December 1771 "received and demanded wages from the treasury, some more and others less," an indeterminate state of events that Spiridov put to an end in a proclamation issued on 5 December 1771. In a circular to all squadrons in the Eastern Mediterranean he announced that "no one serving as a sailor, either Albanian or of whatever nation," on any Russian or auxiliary ship would receive more than one *chervonets* per month with a standard allotment of provisions.<sup>31</sup> Spiridov was almost certainly referring exclusively to the infantry regiments on board Russian ships, as most naval auxiliaries serving on their own ships assured the Russian government that they had entered Russian service in 1770 as "voluntaries" (*na sobstvennom koshte, voluntery*). Notably, some records suggest that monthly wages were allocated even to the ordinary sailors but not to any of the senior personnel on auxiliary vessels.<sup>32</sup>

As auxiliary captains assisting the Russian navy received no remuneration from the treasury, one might assume they supported themselves and recruited crews with the spoils of war. To incite compliance with Russia's own regulations, the acting commander in the Eastern Mediterranean Grigorii Spiridov announced to all "irregular troops, majors, captains, lieutenants, ensigns, and ordinary troops" that they will receive "wages according to their merits" and all those who "bravely acted against the enemy and remained in good standing" without committing acts of "illegal plunder" would be duly rewarding according to the regulations.<sup>33</sup> Indeed, the records of the *kriegsrekht* (war tribunal), which adjudicated prizes among its other judicial functions, show many instances of "Greeks with patents" and other ship commanders hauling in merchant vessels to be condemned as prizes. The proceedings were conducted according to Russia's *Naval Statute* of 1720 which, fifty years after its introduction, still provided the only guidance on distribution of prize money for Russian courts. The *Naval Statute* offered little commentary on naval auxiliaries except to state that privateers (*partikuliarnye liudi, kapery*) had the same rights as naval personnel to capture ships.<sup>34</sup> According to this foundational document, those rights included one-tenth of the value of the prize going to the commander of the ship, with other shares of one-tenth allocated to ranks of admiral and flagman, and the remainder reserved

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<sup>29</sup> On the overlapping linguistic, religious and professional implications of the term "Greek" in this period, see Roumiana Mihneva, "Les 'Grecs' et le commerce entre les Balkans et la Russie (milieu XVIIe-milieu XVIIIe s.). Des privilèges à la crise," *Études Balkaniques*, no. 1 (1990): 80–99; Traian Stoianovich, "The Conquering Balkan Orthodox Merchant," *Journal of Economic History* 20, no. 2 (June 1960): 234–313. Judging from the usage in Russian correspondence, to the naval leadership it also meant "sailor."

<sup>30</sup> RGAVMF f. 188 op. 1 d. 38 l. 80.

<sup>31</sup> RGAVMF f. 188 op. 1 d. 38 ll. 81-81ob.

<sup>32</sup> RGADA f. 10 op. 1 d. 644 ll. 321-322.

<sup>33</sup> RGAVMF f. 188 op. 1 d. 38 ll. 82-82ob.

<sup>34</sup> *Morskoi Ustav* Book IV, Chapter 4, §5; *Reglament o upravlenii Admiralteistva i verfi i chast' vtoraiia Reglamenta Morskago* Chapter I, §100 (published in PSZ ser. 1, no. 3937, 5 April 1722).

for the other officers and sailors.<sup>35</sup> However, as the proceedings of the prize commission reveal, “Greeks” were seldom rewarded for their attacks on Ottoman commerce. Desperate for provisions, the tribunal confiscated most foodstuffs for the commissary and high-value items for the treasury.<sup>36</sup> Of the prize items that went to the public auctions, I came across only one instance where the prize commission ruled that one-tenth of the prize amount should be paid to the “Greek” who made the capture.<sup>37</sup>

### **“For brave and excellent services rendered”**

In organizing irregular troops in the Eastern Mediterranean, the state drew on the Russian imperial model that had transformed peripheral military allies into loyal servitors and subjects of the Russian state. In the case of other irregular troops such as the Cossacks and the Bashkirs, the obligatory nature of their military service was reinforced with imperial decrees to produce troops under the coercive threat of the government’s own land forces or other infringements on their semi-autonomous lifestyle.<sup>38</sup> On the other hand, excellence in service to the tsar by the borderland communities was compensated with lavish rewards and additional privileges.<sup>39</sup> The Eastern Mediterranean combatants, on the other hand, were invited to serve through proclamations issued by Catherine and Spiridov, and sometimes recruited by local agents.<sup>40</sup> Under the assumption that they held interests similar to the Russian state, local recruits were incorporated into the Russian armed forces to serve the Russian monarch. However it soon became clear that there was a mismatch of expectations between the government and these auxiliary troops.

The naval auxiliaries of the 1768 war were not only denied prize rewards at the hands of the prize commissions during the war, but they were dealt a further blow in 1777 when the Admiralty College deemed them ineligible for any of the rewards outlined in the *Naval Statute*. As was Russian practice, after the conclusion of the 1768 war, the Admiralty College appointed a special commission to calculate the prize shares for all participants of the Archipelago Expedition. The Admiralty Commission’s calculations were based on the schedule of actions outlined in the *Naval Statute*, which included burning of enemy vessels, as the Russians had done in the Battle of Çeşme. The admiralty’s allocation of rewards was based on rank and made use of the muster rolls provided by each squadron commander. In contravention of Spiridov’s earlier promises, the commission excluded all auxiliary troops on Spiridov’s rosters, arguing that the “rewards [were] authorized by the *Naval*

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<sup>35</sup> *Morskoi Ustav*, Book IV, Chapter 6, §1-3.

<sup>36</sup> Spiridov even commented in a report to Panin from 2 July 1770 that his squadron was able to overcome the loss of a fabulous amount of 132,000 guilders in bills of exchange (*veksel*) and the treasury aboard a burned ship, the fleet had almost no need for supply or money, as they collected provisions from prizes. *Materialy dlia istorii flota* (hereafter, MIF) 11: 562.

<sup>37</sup> For the payment of one-tenth of the prize money to Fedor Murza see “Drafts of prize commission decisions for September 1772,” RGAVMF f. 42 (Admiralty Commission in Naoussa in 1768-1774 Russian-Ottoman War) op. 1 d. 129 ll. 36ob-37, 38-39. Compare to Rizo’s captures from March 1772 where there is no mention of any such reward, RGAVMF f. 42 op. 1 d. 21.

<sup>38</sup> Boeck, *Imperial Boundaries*, 125–26; Steinwedel, *Threads of Empire*, 56.

<sup>39</sup> Boeck, *Imperial Boundaries*, 127.

<sup>40</sup> Catherine II’s manifesto, 29 January 1769, *Institut Rossiiskoi Istorii Rossiiskoi Akademii Nauk* (hereafter, SPb II RAN) f. 184 op. 1 d. 2; Manifestos from February 1768, RGADA f. 15 (Diplomatic Department) op. 1 d. 226; Boev, “Voenno-politicheskoe sotrudnichestvo.”



*Statute* for naval personnel” and that the “irregular troops... included in Admiral Spiridov’s lists [were] ineligible for these rewards.”<sup>41</sup>

The commission’s purposeful exclusion of auxiliary captains did not go unnoticed, and lack of remuneration for their service was the central complaint of dozens upon dozens of petitions submitted to the Russian empress in the 1770s and 1780s.<sup>42</sup> Petitioners, armed with certificates of service from Russian commanders attesting to the “brave and excellent services rendered,” itemized their contributions to the Russian war effort.<sup>43</sup> One petitioner claimed that the Ottoman vessels he captured contained up to 11,800 *chetverty* of grain, which were turned over to the Russian commissary “in a time of deficit of grain for feeding the troops.” He estimated the total value of his captures, in vessels burned and provisions seized, as about 115,000 rubles.<sup>44</sup> Another petitioner, Ioannis Varvakis, explained that he “was sent on various missions to the farthest reaches of Ottoman lands by Admiral Spiridov in his own vessel.... One time in the Archipelago waters, [he] caught a Turkish prize, laden with all sorts of goods costing more than 25,000 rubles. Preserving them in full, [he] delivered them to Her Majesty’s Treasury to Admiral Spiridov, who surrendered them to the Commissary.”<sup>45</sup> Even Fedor Murza, who was the only Greek auxiliary with a documented prize reward in the prescribed one-tenth share, petitioned the empress for further monetary recognition of his service and use of his own ship “following the example of his compatriots.”<sup>46</sup>

Notable for their linguistic and formulaic similarities, the petitions walked a fine line between the petitioners’ expressed subservience to the Russian monarch, who they claimed was their protector, and the voluntary nature of their exceptional service to the “August Monarchess.” Although my focus remains on commerce raiders, the deeds outlined in the sources include translation work, prisoner exchange, supplies, and in one instance even a foiling an assassination attempt on Aleksei Orlov’s life.<sup>47</sup> Strikingly, while most petitioners emphasized their personal investment in the war and support of large crews, none of the petitioners ever referred to himself as a privateer or argued that he was legally entitled to prize money. On the contrary, Varvakis stated that he did not ask for rewards for the prizes he took because he did not know the “Russian custom.”<sup>48</sup> Eventually, most petitioners were granted a sum between 200 and 600 rubles as a token of Russian generosity, not as outright recognition of Russian obligation for their service.<sup>49</sup>

In this respect, the Russian government took a different approach to compensating naval auxiliaries, whom it now understood to be as privateers, in the 1787 war. If previously the Russian government sought to exploit a perceived natural predisposition towards Russia among warriors and sailors in the Mediterranean region, the evidence from the 1780s points to efforts to incentivize commerce raiders with generous rewards, far more lavish than the prizes described in the *Naval Statute*

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<sup>41</sup> RGA VMF f. 243 (Chancellery of Commander of Black Sea Fleet and Ports) op. 1 d. 5012 II. 92ob-93.

<sup>42</sup> These petitions, numbering several dozen, are held in RGADA f. 10 op. 1 dd. 644, 645, 676.

<sup>43</sup> For examples of testimonials of service see RGADA f. 10 op. 1 d. 644 I. 322; RGADA f. 10 op. 1 d. 645 I. 66.

<sup>44</sup> One *chetvert* of grain equals about 210 liters or just under 6 bushels. RGADA f. 10 op. 1 d. 644 I. 52.

<sup>45</sup> RGADA f. 10 op. 1 d. 644 I. 128.

<sup>46</sup> RGADA f. 10 op. 1 d. 644 II. 321-322.

<sup>47</sup> For the foiled assassination, see RGADA f. 10 op. 1 d. 645 II. 143-150ob.

<sup>48</sup> RGADA f. 10 op. 1 d. 644 II. 128-128ob.

<sup>49</sup> RGADA f. 10 op. 1 d. 645 II. 158-168.

of 1720. The highest rewards were offered to combatants who armed and sailed their own ships and did not draw government salaries. Article 9 of a document issued in the early months of the war, the Rules for Privateers, allocated nine-tenths of the value of a vessel and goods to the privateer and his crew, with one-tenth going to the treasury. A separate article offered compensation of 5 rubles for every prisoner of war taken from an enemy vessel.<sup>50</sup> Other individuals recruited for Russia's war efforts received different prize terms, reflecting different terms of service. We will consider these differences in the next section.

***“To prevent their undertaking anything contrary to these principles”***

The government's new vision for private maritime combatants extended beyond clearly articulated financial incentives; characteristically for Catherine II's reign, they were rooted in international legal norms and legal institutions.<sup>51</sup> Legal themes also prevailed in the emerging public sphere through art, theater, publication, and literature.<sup>52</sup> Despite the fundamental tension between the autocracy and the law, legal institutions acquired greater relevance in interpreting Russian laws and the monarch's will in this period.<sup>53</sup> For the first time in its history the Russian government created its own institutions to disseminate and reinforce the legal norms that were intended to control and restrain privateer actions.<sup>54</sup> Legal-administrative approaches that facilitated an evolution towards a different kind of combatant also included individual contracts between privateers and the Russian state, and benefited from a changed attitude towards state service and personal property.<sup>55</sup> Building on the experience of the 1768-1774 Russian-Ottoman war, fundamental questions in understanding and defining privateers in Russian political and naval practice that arose throughout the final third of the eighteenth century were filtered through changing ideas and conceptual transformations in Russia more broadly.

The government's vision of private armed ships hunting enemy commerce was articulated in the 1787 Rules for Privateers – a document that laid out the practical mechanisms of these endeavors in twenty-seven statutes. While offering lucrative financial incentives, the document relied on elements common to European practice to regulate privateers: bond requirements to receive a patent, universal instructions for treatment of enemy and neutral vessels, and a legal requirement to account for the circumstances of the capture in front of a prize court.<sup>56</sup> The newly developed

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<sup>50</sup> PSZ, ser. 1, no. 16,599, 31 December 1787.

<sup>51</sup> Emphasis on legal rhetoric and images of justice was a hallmark of the reign of Catherine II. Attributed to Catherine's "enlightened absolutism," projects such as the "Instructions to the Legislative Commission of 1767," the creation of the Court of Conscience, incisive reading of Blackstone's *Commentaries on the Laws of England*, and a whole host of symbolic imagery have highlighted the importance of legalism to the monarch herself. On these projects see Madariaga, *Russia in the Age of Catherine the Great*, 139-150; Marc Raeff, "The Empress and the Vinerian Professor: Catherine II's Projects of Government Reforms and Blackstone's Commentaries," *Oxford Slavonic Papers* VII (1974): 18–41.

<sup>52</sup> Wortman, *Scenarios of Power*, 110-46; Elise Wirtschafter, *The Play of Ideas in Russian Enlightenment Theater* (DeKalb: Northern Illinois University Press, 2003), 129-138.

<sup>53</sup> For example, there were analogous developments in property and inheritance law. See Michelle Lamarche Marrese, *A Woman's Kingdom: Noblewomen and the Control of Property in Russia, 1700-1861* (Ithaca: Cornell University Press, 2002).

<sup>54</sup> Julia Leikin, "The Prostitution of the Russian Flag': Privateers in Russian Admiralty Courts, 1787-1798," *Law and History Review* 35, no. 4 (November 2017): 1049-1081.

<sup>55</sup> Richard Pipes, "Private Property Comes to Russia: The Reign of Catherine II," in *Cultures and Nations of Central and Eastern Europe: Essays in Honor of Roman Szporluk*, ed. Zvi Gitelman et al. (Cambridge, MA: Harvard Ukrainian Research Institute, 2000), 431–42.

<sup>56</sup> PSZ, ser. 1, no. 16,599, 31 December 1787.

system drew on the symbolic legal power of patents, prize commissions, and plenipotentiaries to conceptualize the relationship between the Russian Empire and these combatants. Contracts and patents defined the privateers' connection to the Russian state rather than qualifying a preexisting relationship. Through these legal instruments introduced to control privateers, the Russian Empire extended its admiralty jurisdiction through the Baltic, Black, and Mediterranean Seas. Focusing on law and international norms, and relying on a wide network of consular jurisdiction and neutral allies, the Rules for Privateers ushered in a new relationship between the government and privately armed combatants that marked them as different from other Russian troops. This relationship was contractual, rather than a form of "imperial citizenship."<sup>57</sup> For the most part, privateers now fell outside of the paternalistic relationship with the monarch and the strictures of traditional military discipline, even if some contracts implied that misdeeds would be punished according to the *Naval Statute*.<sup>58</sup> The *Naval Statute* prescribed standards of behavior for Russia's naval forces, allowing war tribunals and other admiralty courts to administer punishment in the event of criminal or disciplinary infractions. Not subject to the *Naval Statute*, privateers for the most part evaded any disciplinary measures Russian naval officers and sailors faced. Even the crew in Guglielmo Lorenzi's flotilla faced no criminal penalties for deserting their posts in favor of joining Lambros Katsonis's crew (Lorenzi's contract stated that he was to abide by both the *Naval Statute* and the Rules for Privateers).<sup>59</sup> Unlike sailors who deserted their service and faced the strict penalties of the *Naval Statute*, the only punishment deserters from Lorenzi's flotilla faced was to see their prize money withheld.<sup>60</sup> Privateers were also beyond the Russian Empire's use of law and practices of allegiance that required military service from some subject populations in exchange for rights and privileges. In the case of irregular troops, in most cases the communities retained rights to customary legal self-regulation as part of their semi-autonomous status. Community elders were held responsible for the behavior of their subordinates and fined for their infractions.<sup>61</sup> It is unclear whether any crimes by irregular troops were prosecuted according to the *Military Statute* of 1716, the *Naval Statute*'s land army analogue, in addition to their own customary laws. As for privateers, it became abundantly clear in the 1787-1791 Russian-Ottoman war that the Russian government lacked any disciplinary and coercive means to regulate them, rendering it entirely dependent on the legal mechanisms outlined in the Rules for Privateers.<sup>62</sup>

The problem of control over privateers was compounded by a related legal question: what legal authority did the Russian Empire have over foreign subjects outside of its sovereign realm? Although the Rules for Privateers in the preamble imagined a patriotic fervor among "loyal subjects" eager to arm their vessels "to begin

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<sup>57</sup> On this model, see Jane Burbank, "An Imperial Rights Regime: Law and Citizenship in the Russian Empire," *Kritika: Explorations in Russian and Eurasian History* 7, no. 3 (2006): 397–431.

<sup>58</sup> Only some contracts suggested that privateers would be subject to the discipline of the *Naval Statute*, and in practice that was never enforced. On military justice, see Elise Kimerling Wirtschafter, "Military Justice and Social Relations in the Pre-reform Army, 1796-1855," *Slavic Review*, 44, no. 1 (Spring 1985): 67-82; on the cultural norms and deviation from those norms of the naval officer corps, see E. M. Lupanova, *Offiterskii korpus russkogo flota: norma i deviatsiia povsednevnoi zhizni, 1768-1812 gg.* (St. Petersburg: Lema, 2011).

<sup>59</sup> Gibbs to Bezborodko, 11 August 1789, MIRF 13: 568-69.

<sup>60</sup> RGADA f. 10 op. 1 d. 676 l. 136.

<sup>61</sup> Steinwedel, *Threads of Empire*, 56.

<sup>62</sup> Consider the numerous complaints from Gibbs to officials in St. Petersburg, RGAVMF f. 150 op. 1 d. 97 ll. 46ob, 49ob, 51ob, 60ob, 189ob, 194ob-196ob.

searches for enemy vessels, both military and merchant,” in reality few of the persons they were intended to regulate were Russian subjects. With the exception of Lambros Katsonis, Russia’s most notorious privateer, and a handful of other captains fitted out in the Black Sea ports at the beginning of the 1787 Russian-Ottoman war, few irregular naval combatants and commerce raiders were subjects of the tsar. Most were recruited in the Eastern Mediterranean by the respective flotilla captains and Russian naval commanders. Some evidence even suggests that the government feigned allowing its own subjects to privateer to encourage foreign captains in the Mediterranean region to accept Russian commissions.<sup>63</sup> So if being a privateer had little to do with practicing imperial citizenship, then the state had only the prescriptive power of international norms to control the private maritime violence it sanctioned. The relationship between the privateer and the state was established through a patent – essentially the equivalent of a letter of marque or a commission – that would allow privateers to raise naval ensigns on their ships. In Russia, patents were generic documents issued to signify any rank or manner of government service. While patents were generic, contracts that at times accompanied them were notable for their diverseness. Contracted foreign naval talent formed a spectrum between the Western model of a private combatant and state naval forces. Where one stood on the Russian commerce-raiding spectrum could be gleaned from highly individualized contracts addressing particular demands or interests of the privateer. For instance, in the summer of 1788, senior Russian officials contracted three Corsican captains, veterans of the British fleet at Gibraltar, to join Russian forces. The contract the Corsican captains signed allowed them to form a battalion consisting solely of other Corsicans, complete with its own priest. Their contract also promised an enlistment bonus of 6 *chervonnyi* to be paid to every recruit, as well as compensation, table money, uniforms, and ordnance equivalent to that received by regular Russian sailors. The Corsicans were also promised a pension of 200 rubles per year if they were injured in the line of duty.<sup>64</sup> The notorious Maltese corsair Guglielmo Lorenzi recruited in 1789 to command a flotilla in the Mediterranean was also given a separate contract and set of instructions that stipulated his terms of service: his infractions would be punished according to the *Naval Statute* – the same legal code that applied to Russian naval officers and crew – although he was simultaneously expected to abide by the Rules for Privateers. However, contrary to the Rules, Lorenzi’s division of prize money would be radically different. At the discretion of the prize commission, members of his flotilla would divide one-third of the value of their prizes while two-thirds would go to the treasury.<sup>65</sup>

Russian privateers existed on a spectrum, in variety of different contractual models that differentiated them from one another, but also made them different from other kinds of foreign and irregular troops in the Russian Empire. The differences between the arrangements made by the privateers themselves suggest that in Russian law it was not the financial and legal arrangements that determined who was a privateer but rather a more abstract quality assessed by the government: the ethos of service. Russia’s relationship with commerce-raiders was often fraught with the

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<sup>63</sup> Notes of State Council meeting from 18 October 1787, in *Arkhiv Gosudarstvennago Soveta* 12 vols. (St. Petersburg, 1869) 1: 485.

<sup>64</sup> For contracts and special privileges, see RGADA f. 21 (Naval Department) op. 1 d. 86 ll. 187-187ob.; RGAVMF f. 150 (Commission for Archipelago Affairs) op. 1 d. 67, ll. 28-29; RGADA f. 10 op. 1 d. 676 ll. 50-66. A list of additional crewmembers recruited in 1789 to serve on the state flotilla can be found in MIRF 13: 569-70.

<sup>65</sup> RGAVMF f. 150 op. 1 d. 97 l. 162.

assumption that their goals were synonymous with its own. Introducing the marks of distinctions that it did with a different vocabulary, financial incentives, and contracts moved the government towards a conceptual distinction of privateers as financially motivated persons with no personal relationship to the Russian monarch. Instead of personal obligations of service, it was contracts that regulated the activities of these persons; bereft of a sovereign's power to punish privateers for infractions, the Russian Empire turned to the normative force of law to regulate their behavior.

### **Conclusion**

Although they were won on the ground, each of Russia's three major wars under Empress Catherine II – two against the Ottoman Empire (1768-1774 and 1787-1791) and one against Sweden (1788-1790) – had a substantial naval component. In these wars Russia's naval strategy evolved towards a more determined effort to attack enemy commerce to destabilize the seat of enemy power and to harm commercial interests, with the deliberate use of privateers to achieve these goals. Their deployment under the Russian flag reflected a shift in Russian political and strategic culture where the privateer became a new kind of Russian combatant, representing an entirely different relationship to the Russian state. As this chapter has shown, elements of the old Russian political order gave way for this historical process to transform auxiliary troops from the Eastern Mediterranean into "privateers." Privateers were emblematic of changes that took place in Catherine II's Russia as it turned to new strategies of imperial rule that included an emphasis on law and legality, new articulations of the relationship between the state and its subjects, and diverse mechanisms for exercising Russian sovereignty at sea and overseas.

For nearly three decades the Russian Empire tried to reconcile eager foreigners asking for commissions to plunder Russian enemies at sea with the Russian model of military service only to realize the privateers did not fit into the social structures of Russian society. For this reason it is particularly striking that Russia's Rules for Privateers were addressed to Russian subjects, as there were few Russian subjects qualified to sail their own vessels who were not already enlisted in the imperial Russian navy. The genesis of this document is not clear, but it was likely intended to guide the several merchant ships fitted out in the Black Sea and the notorious Lambros Katsonis who headed the Mediterranean where by the middle of 1788 his privateer flotilla was in full operation. Most of the cases that were ultimately adjudicated according to this legislation by the Commission for Archipelago Affairs were not concerned with the affairs of Russian subjects. However, they stood in sharp relief with foreigners as well. Foreign subjects in Russian service were governed by the laws of the *soslovie* to which they belonged. As Eric Lohr has noted, *soslovie* membership was more important than Russian subjecthood to determining one's belonging in early-modern Russia.<sup>66</sup> And until the late eighteenth century, foreigners in Russia's armed forces were subject to the disciplinary power of the *Military and Naval Statutes*.

Instead, privateers came to have a different arrangement with the government, one that rested not on a belonging to the society and obligations to the state but on the combatants' specific services. The existence of privateers reflected many things about the Russian government: its belief in the normative power of law to regulate the privateers' behavior; the gallicization of the Russian language in the vocabulary used to describe them; greater emphasis on commerce raiding in wartime. But by

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<sup>66</sup> Eric Lohr, *Russian Citizenship: From Empire to Soviet Union* (Cambridge: Harvard University Press, 2012), 14–19.

emphasizing financial incentives and legal norms to regulate privateer activities, the Russian state signaled that privateers existed in a different conceptual space from its other troops. The ambiguity of their legal status in the Catherinian era ended with the case of Lambros Katsonis, in which the Commission for Archipelago Affairs determined that Katsonis's actions in wartime ultimately did not support state interests.<sup>67</sup> With this decision came moral clarity and privateers came to represent a social group with no allegiance to the Russian state, no longer confused for the Russian monarch's "loyal subjects" imbued with "zeal and willingness to serve Her Imperial Majesty." When the Russian Empire recruited privateers in the nineteenth century, it never again looked to its own subjects for the role.

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<sup>67</sup> Leikin, "The Prostitution of the Russian Flag," 1073-74.