Differentiating Naval Warfare and Piracy in the Late Bronze–Early Iron Age Mediterranean: Possibility or Pipe Dream?

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The difference between warfare and piracy, particularly when it comes to naval conflict in the Late Bronze and Early Iron Age Eastern Mediterranean, has been in need of theoretical attention for some time. While both terms are frequently used, the acts themselves remain imprecisely delineated. This paper endeavors to begin the process of exploring to just what degree that is possible.[1]

Introduction

Documentary evidence from the end of the Bronze Age in the Eastern Mediterranean is spectacular in its portrayal of a chaotic time of transition, with textual references to events that modern scholars have vividly interpreted as lightning–fast attacks by enemy ships that appear from nowhere, pillage and set fire to cities, and quickly disappear, leaving behind only ruin and, in the cases where survivors remained to feel it, fear. These texts and inscriptions are complemented by the famous sea battle depiction from Medinet Habu, whose painted original must have been striking to behold, as well as by fragments of pictorial pottery from the Greek mainland and western Anatolia showing ships of warriors facing off in combat on the high seas.

How much of this is an accurate reflection of the events of this time, and how much is the result of modern interpretation being projected onto a time three millennia before our own? To be sure, modern conditions and sociopolitical theory have frequently colored our interpretation of times before our own.[2] The significance of these individual data points can certainly be overstated, and each has been imputed with its own share of significance at different times in the past. Further, while the collapse of the great Late Bronze Age civilizations certainly attests to significant changes in the delicate balance of the Eastern Mediterranean world at this time, a certain level of low–intensity conflict seems to have been a constant throughout the Late Bronze Age.

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1 The subject is particularly timely in light of the recent flurry of pirate–related scholarship, particularly with regard to the end of the Bronze Age (see, e.g., Hitchcock, Maeir 2014: 624–640; 2016; forthcoming A; forthcoming B), as well as recent studies dealing with the 'Galley Subculture,' or a charismatically–led society built around galleys, rowing crews, and their captains (e.g. Wedde 2005: 29–38; Tartaron 2005: 132–133; Emanuel, forthcoming).

2 See, e.g., Silberman 1998: 268–275.

Rather than amphibious combat being a new phenomenon, the established powers had experience dealing with these threats. In spite of this, a combination of internal and external factors in the late 13th and early 12th centuries combined to make seaborne attacks more effective than they had been in the past, and polities more vulnerable to them. These included the rapid spread of improvements in maritime technology, with the development of the oared galley, brailed sailing rig, crow's nest, and rower's gallery covered with partial decking. These also included an increase in the scale of ship–based hostilities, which was likely part–cause and part–result of the displacement of people in the years surrounding the Late Bronze Age collapse.

Warfare or Piracy?

But what, of the events we see, should be considered *warfare*, and what *piracy*? How do we define each of these? On the surface, it seems like it should be simple; after all, in war, armies meet each other in a series of battles for the purpose of serving a larger strategic goal. This sounds good, but it doesn't take more than a few moments' thought to recognize that this is a simplistic approach. Nonstate actors, irregulars, declared and undeclared conflicts, and a wide variation in the size and complexity of combatants and the organizations they represent all serve to compound this issue. Add to this the geopolitical and military realities of a world before the Westphalian state, before the Geneva conventions and law of armed conflict, and before the advent of professional standing armies – all of which, in the grand scheme, are ultra–recent developments – and we may *begin* to appreciate the complexity of the question, and the multiplicity of possible answers, each as potentially correct as the last.

Shifting ever so slightly to differentiation between pirates and soldiers, who, in this period three millennia prior to our current laws of war, and at a time when texts like the Hebrew Bible speak approvingly of treating conquered cities to the *ḥērem*, can be considered what we might call a "lawful combatant," and who a "pirate"?

While these may seem like they should be simple questions, they are, in reality, very difficult, having been debated for centuries and more without satisfactory resolution. My hope with this paper is to begin the process of teasing out an answer – or, at very least, to leave the discussion a bit less cloudy.

Background: A Tour of the Evidence

In order to properly understand the role of these changes at the end of the Bronze Age, it will be beneficial to first review the evidence for this constant state of sea–based conflict, considering the brief increases in intensity and corresponding lulls in light of some specific actions – and, in the case of some Ugaritic and Hittite texts, some less specific allusions to action – taken in response to these ongoing threats.

Documentary evidence from XVIII dynasty sources suggest that both Egypt and Cyprus in particular were regular targets of seaborne raiders, probably by multiple aggressors. Some of these were identified with the geographic region of Lycia by the

king of Alašiya, whose letter to the Egyptian pharaoh (Amarna letter EA 38) simultaneously declares his own innocence with regard to the charge of sanctioning raids on Egypt, and denounces the "men of Lukki" whom, he claims, wage annual campaigns against his own territory.[3] Meanwhile, an Egyptian inscription commissioned by Amenhotep son of Hapu, dating to the reign of Amenhotep III, refers to establishing defenses "at the heads of the river–mouths," likely a measure taken against maritime raiders.[4] After the date of this inscription, but still a full century prior to the vividly depicted battles of Ramesses III's reign, Ramesses II claimed in the Aswan stele of his second year to have "destroyed" [*fḫ*; also 'captured'] the warriors of the Great Green (Sea)," so that Lower Egypt can "spend the night sleeping peacefully."[5] In a separate inscription on the Tanis II rhetorical stele, Ramesses mentions the defeat and conscription of seaborne Sherden warriors "whom none could ever fight against, who came bold–[hearted], in warships from the midst of the Sea, those whom none could withstand."[6] This is frequently assumed to have been the same battle as that referenced in the Aswan stele,[7] although there is no clear evidence that this is the case. The aggressor is not named in the Aswan inscription, and the frequency with which the coasts of Egypt seem to have been raided during this period certainly leaves open the possibility that this text refers to a different adversary. Likewise, the likely "mixed multitude" nature of these raiders, discussed further below, suggests that even references to the same "groups" might not refer to the people from the same point of origin, nor to people with a single cohesive identity.[8]

Based on its absence from extant written accounts, the defeat of this "bold–hearted" enemy seems to have coincided with a temporary dissipation of the maritime threat to Egypt, which seems to have lasted for the remainder of Ramesses II's reign. The defeat and capture of the Sherden and the raiders mentioned in the Aswan stele may have contributed to this, as may the series of forts Ramesses II established, beginning in the Delta and concluding 300 kilometers west on the North African coast.

While these fortresses likely served multiple purposes, one seems likely to have been defense of the desert coast and the fertile Nile Delta from sea raiders, from restless eastward–looking Libyans, or from a combination of both. This seems particularly true for Zawiyet Umm el–Rakham, an "isolated military outpost reared against a backdrop of near total emptiness" located at the western edge of the Egyptian frontier.[9] This fortress sat a scant 20 km west of Marsa Matruh, the small, lagooned site that may have served as a revictualing station for mariners, and may

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3   Moran 1992: 111.
4   Breasted 1906–7: §916; Helck 1979: 133.
5   de Rougé 1877: §253.8; Kitchen 1996: 182.
6   Kitchen 1996: 120.
7   See, e.g., Cline, O'Connor 2012: 186.
8   Hitchcock, Maeir 2014; 2016.
9   White, White 1996: 29.

have been the southwesternmost known point on the Late Bronze Age maritime
trading circuit, or perhaps even have been a base for pirates, much as the coastal
waters of Crete, Cilicia, Cyprus, and elsewhere were at times.[10] Effective as they
may have been for the duration of his lengthy reign, Ramesses II's line of fortresses
does not appear to have survived beyond his death in 1213 BCE. As these defenses
went out of use, as if on cue, sea raiders, and those we associate with them, arose
once again in Pharaonic records, this time in the accounts of Merneptah and,
ultimately, those of Ramesses III.

Now, we go outside Egypt. Frequently–cited texts from Hatti and Ugarit of
likely 13th and early 12th century date may either demonstrate the devolution of the
Late Bronze Age Mediterranean system, or provide further evidence for continuous
conflict between maritime raiders and coastal polities (as well as larger powers who
owned an interest in the latter). Two texts from Ugarit, RSL 1 and RS 20.238, are
both particularly relevant and often treated as companion letters. In the former, the
sender – likely either the king of Alašiya or the king of Karkemiš – admonishes
King ʿAmmurapi of Ugarit to prepare the city against a rapidly–approaching
seaborne enemy: "If indeed they have spotted [enemy] ships," he writes, "make
yourself as strong as possible. [...] Surround your towns with walls; bring troops and
chariotry inside. [Then] wait at full strength for the enemy."[11]

The second text, a letter from ʿAmmurapi to the king of Alašiya, has traditionally
been seen as a response to RSL 1, although this is obviously not the case if the latter
was sent from Karkemiš. ʿAmmurapi writes that "the ships of the enemy have been
coming. They have been setting fire to my cities and have done harm to the land.
Doesn't my father know that all of my infantry and [chariotry] are stationed in Hatti,
and that all of my ships are stationed in the land of Lukka?" He concludes with a
report and a plea: "Now the seven ships of the enemy which have been coming have
done harm to us. Now if other ships of the enemy turn up, send me a report
somehow(?) so that I will know."[12] Also relevant is a report sent from the prefect of
Alašiya to ʿAmmurapi, which states that *"(the) twenty enemy ships* – even before
they would reach the mountain (shore) – have not stayed around but have quickly
moved on, and where they have pitched camp we do not know."[13] These numbers
presented no small threat: depending on their size, the seven ships listen in RS
20.238 may have contained up to 350 rowers (and, therefore, potential warriors),
while the twenty ships mentioned in RS 20.18 may have collectively contained as
many as one thousand if each was a fifty–oared *pentekontor*.[14]

Traditional assumptions aside, the relationship between these texts is difficult to
discern, as is their meaning. They clearly speak of a threat, particularly from the sea,

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10 Bietak 2015: 29–42.
11 Hoftijzer, Van Soldt 1998: 343–344; Singer 2011: 117, n. 394.
12 Hoftijzer, Van Soldt 1998: 343.
13 Hoftijzer, Van Soldt 1998: 343.
14 Emanuel 2014: 21–56.

and of circumstances which seem to have prevented Ugarit from mounting a proper defense of its borders, but they also raise several questions. In particular, why were Ammurapi's ships "stationed in the land of Lukka" instead of at their home port at this time of need? Two other texts, RS 94.2530 and RS 94.2523 (= Ahhiyawa Text 27A and AhT 27B)[15] describe a mission to Lukka on behalf of Hatti, to deliver a shipment of metal ingots to "the (Ah)hiyawans." Does this, or a similar undertaking, explain their absence from Ugarit at this critical time, as Itamar Singer once suggested?[16] If so, this seems to have been an extraordinarily poorly–timed expedition, particularly because it evidently removed the entire Ugaritic fleet from its home port and thereby abandoned the defense of their coastal waters.

The idea that it would have taken every serviceable ship at 'Ammurapi's disposal to carry out this venture is difficult to accept, particularly in light of the key role the Ugaritic fleet seems to have played in Ḫatti's maritime strategy, such as it was – a fact recognized in Karkemiš, as evidenced by RS 34.138, a letter instructing the queen of Ugarit that she may not send her ships to places more distant than Byblos and Sidon on the Phoenician coast.[17] What, then, can help us make sense of this situation? It is admittedly speculative, but perhaps Ugarit maintained a number of combat–capable vessels, much smaller than its merchant fleet, which carried the dual charge of defending the coastal waters against pirates and invaders and escorting shipments of particular value or import to foreign ports. Singer discounted this possibility, instead arguing that "Ugarit did not possess a separate military fleet... [r]ather, some of the commercial ships were used in times of war for the transportation of troops and for fighting the enemy."[18] However, as we have seen, piratical activity was a significant threat at this time, and individual merchants and polities alike may have attempted to mitigate this threat in part by placing armed individuals on heavily–laden merchant ships, as suggested by the Syrian, Aegean, and possibly Balkan or Italic weapons and armor on the Ulu Burun vessel.[19] Could it be possible that vessels carrying precious cargo were also provided with combat–equipped escorts? If this were the case, then 'Ammurapi's declaration that "all of my ships are stationed in the land of Lukka [and] haven't arrived back yet" may mean that this critical, albeit notional, subset of the Ugaritic fleet was, most inopportunely, away on such an escort mission when the enemy ships were wreaking havoc on the city and its surrounding territory.[20]

The companion complaint that Ugarit's infantry and chariotry were "stationed in Hatti" may be related to events taking place elsewhere in northwestern Syria at this time, as well. Two texts, RS 16.402 and RS 34.143, address the king of Ugarit's unwillingness to send troops to the aid of the Hittite viceroy in Karkemiš, who was

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15 Beckman, Bryce, Cline 2011.
16 Singer 2006: 250.
17 Singer 2000: 22.
18 Singer 2011: 66–67.
19 Pulak 1998: 207–208; Yasur–Landau 2010: 44; Sauvage 2012: 171, 290.
20 But cf. Singer 2011: 65–66.

responsible for overseeing the vassal state of Ugarit on behalf of the Hittite king. The viceroy was evidently dealing with an enemy that had established what Singer referred to as a "bridgehead" in in Mukiš.[21] In the Ugaritic letter RS 16.402, a representative informs the queen that the enemy is in Mukiš, while RS 34.143, the king of Karkemiš accuses the king of Ugarit of misrepresenting the location of his army, which is evidently supposed to be aiding the combat effort in Mukiš, but is positioned in the northern city of Apšuna instead. Mukiš consisted of the 'Amuq plain and its surrounding areas, with its major center at Alalakh. Could the enemy movement in Mukiš recorded in RS 16.402 and RS 34.143 be connected to the arrival in the 'Amuq of the intrusive people (or peoples) with Cypro–Aegean affinities who would ultimately settle Tell Ta'yinat and the surrounding area and establish the polity of *Palistin*?[22] We should note again that this is not confirmed by text or archaeology, but rather is one possible conclusion that could be drawn from a synthesis of the available evidence. Alternatively – or, perhaps, also – it is possible that this overland movement through Mukiš is related to the seaborne threats noted in RS 20.18 and RS 20.238, and that it should therefore be seen as the land component of a combined land and sea assault. This would be a similar situation to that described by the Hittite king Šuppiluliuma II (KBo XII 38), who claimed that he met "ships of Alašiya [...] in the sea three times for battle." He continues, "and I smote them; and I seized the ships and set fire to them in the sea. But when I arrived on dry land(?), the enemies from Alašiya came in multitude against me for battle [...]."[23]

Based on the Medinet Habu inscriptions and this Hittite claim to having fought three sea battles and a land battle against the "enemies from Alašiya," the tactic of parallel land and sea assaults seems to have been the *modus operandi* of at least some groups at this time – perhaps one or more of those we associate with the 'Sea Peoples.' Whatever the reason for Ugarit's dire defensive situation, the seven ships of RS 20.238 seem to have been sufficient to cause significant damage to the lands under his control. We cannot be certain where these texts fit in Ugarit's late history, nor if they are representative of anything other than the standard threats a wealthy coastal polity had to endure from the sea simply as what we might call "the price of doing business." However, as noted above, the destruction and permanent abandonment of the site attests to the fact that something did eventually change in the early 12th century, and that Ugarit finally met an aggressor whose attacks it could neither fend off nor recover from.

Warfare or Piracy, Once Again

So what in this documentary evidence should be seen as piracy, and what as warfare? The issue is one of theory and terminology – the Scylla and Charybdis, if you will, of any clear argument and historiographical reconstruction.

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21 Singer 2011: 119–121.
22 Harrison 2009: 174-189; Janeway 2017: 121–123; Emanuel 2015.
23 Güterbock 1967: 78.

The term "piracy" is consistently used to describe sea attacks of almost any kind, from state–sponsored to private, while it has been prominently argued that, in the Bronze Age, there was no distinction to be made between this and warfare.[24] In the "War and Piracy at Sea" chapter of his seminal work *Seagoing Ships and Seamanship in the Bronze Age Levant*, Shelley Wachsmann seems to regard the difference as hinging on the involvement or absence of a state (in the form of troops or vessels), even if that involvement is one–sided. For example, he classifies the Egyptian defeat of Sherden "in the midst of the sea" that is recounted in Tanis II, and the three sea battles against the "enemies of Alashiya" mentioned in the Hittite text KBo XII 38, as warfare.[25] Raids, on the other hand – perhaps conducted by these same enemies – are classified as piracy.[26]

While acts of war and of piracy can be placed into these categories, the distinction between them can be difficult to negotiate. If, for example, a fleet of nonstate actors – for example a half–dozen ships of Lukka, or Sherden, or Odysseus' fictional Aegean raiders – were to conduct a successful raid on the Egyptian coast, striking quickly, gathering plunder, and escaping to open water, then that would, under this system, be classified as piracy (and, in my view, rightly so). However, if something went awry on that raid, and the aggressors were unfortunate enough to come into contact with Egyptian troops, either while ashore (as described in *Odyssey* XIV 258–268),[27] while afloat but still in sight of land (as in the Medinet Habu relief), or even in the open water (as Tanis II seems to suggest), this would transform from *piracy* to *war*. In other words, it is not the involvement of the *nonstate* actor that dictates the terminology employed to describe this type of action or conflict, but that of the *state* actor.

Philip de Souza, with whose 1999 study on piracy in the Greco–Roman world any scholar working in this area must contend, declined to split hairs on the issue, instead arguing that piracy simply was not practiced in the Bronze Age. "It cannot be said that there is evidence of piracy in the historical records," he writes, "without some distinctive terminology. People using ships to plunder coastal settlements are not called pirates, so they cannot really be said to be practicing piracy."[28] Citing the lack of terminological differentiation in ancient records, he continues in this vein, saying "It seems to me that there is no other possible label for this activity than warfare."[29] However, de Souza has also noted elsewhere that, "if piracy is defined in general terms as any form of armed robbery involving the use of ships, then it seems to have been commonplace in the ancient Mediterranean world by the Late Bronze Age,"[30] noting the texts we have already mentioned here as evidence. I would agree

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24 Karraker 1953: 15; Baruffi 1998: 10; de Souza 1999: 16.
25 Wachsmann 1998: 317.
26 Wachsmann 1998: 320.
27 Emanuel 2017: 149–150.
28 de Souza 1999: 17.
29 de Souza 1999: 16.
30 de Souza 2010: 290.

with this latter statement, and go a step further by suggesting that we can differentiate, at least for our own purposes, based on the evidence at hand.

State Versus Nonstate Actors

It is certainly true that piracy typically involves nonstate actors. As Augustine wrote, in a retelling of a Ciceronian anecdote, "It was an elegant and true reply that was made to Alexander the Great by a certain pirate whom he had captured. When the king asked him what he was thinking of, that he should molest the sea, he said with defiant independence: 'The same as you when you molest the world! Since I do this with a little ship I am called a pirate. You do it with a great fleet and are called an emperor'" (Aug. *de Civ. Dei* IV 4.25).[31]

This point of view rings true across the millennia. In his *Treatise on International Law*, 19th century attorney William Edward Hall noted that, "Piracy includes acts differing much from each other in kind and in moral value; but one thing they all have in common; they are done under conditions which render it impossible or unfair to hold any state responsible for their commission."[32] An important corollary to this is that, if the perpetrators do belong to a state or organized community, their actions are a violation against their own state as well as that of their victims, and their own community can be responsible for disciplining the offenders. A glimpse of this can be seen in Amarna letter EA 38, with the king of Alašiya's declaration that, "My brother, you say to me, 'Men from your country were with them.' ...If men from my country were (with them), send (them back) and I will act as I see fit."[33]

Hall continued his excursus on piracy by defining the term as "violence done upon the ocean or unappropriated lands, or within the territory of a state through descent from the sea, by a body of men acting independently of any politically organized society."[34] Daniel Heller–Roazen, in his book *The Enemy of All: Piracy and the Law of Nations*, notes that pirates have traditionally been "defined as stateless persons for whose acts on the high seas no state would be held accountable."[35]

War and Warfare

Conversely, for violence – even organized violence – to be classified as *war* or *warfare*, is participation by multiple states or statelike actors required? *Contra* Rousseau, this seems overly restrictive; after all, a state could well regard ongoing, low–intensity combat against even a loosely organized nonstate threat as *warfare*. In the recently–published and highly publicized U.S. Army field manual on

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31 via de Souza 2002: 185.
32 Hall 1890: 253.
33 Moran 1992: 111.
34 Hall 1890: 257.
35 Heller–Roazen 2009: 144.

Counterinsurgency, for example, now–retired generals David Petraeus and James Amos defined warfare as "a violent clash of interests between organized groups characterized by the use of force" and noted that the means these "organized groups" utilize "to achieve [their] goals are not limited to conventional forces employed by nation–states."[36] In the mid–1970s, Webster's dictionary defined war as "a state of open and declared hostile conflict between political units," and both Hedley Bull and Keith Otterbein defined the term as a planned and organized armed dispute between such units.[37] This follows Bronisław Malinowski's definition of war as "an armed contest between two independent political units, in the pursuit of a tribal or national policy."[38] The flexibility on state status that terms like "political units," "political communities," and "organized groups" provide rightly "extend[s] the phenomenon of warfare to a large range of societies."[39]

Expanding the scope even wider, anthropologists Allen Johnson and Timothy Earle, for example, considered all "organized aggression" to be warfare, while noting that "warfare is on one phenomenon of the varying expression of aggression in varying institutional settings."[40] Historian Helen Nicholson, writing on the medieval period, offered a similarly broad definition by suggesting that it be defined as "any form of ongoing armed violence between bands of men."[41]

A common thread in these definitions is that they are too broad, as the only clear factor that it serves to differentiate warfare from any other form of armed violence is its "ongoing" nature. Clearly, as anthropologist Stephen Reyna has noted, "while most would agree with a proposition that all war is organized violence, few would agree with its converse that all organized violence is war."[42] The level of organization, both of the conflict and of its participants, is important, as is size – not necessarily of those involved in the conflict, but of the organization they represent, as well as the nature and scope of that conflict. After all, as military historian David Buffaloe has correctly noted, "By its very nature, warfare is a struggle at the strategic level. Battles are fought at the tactical level and campaigns at the operational level, but warfare is waged at the strategic level."[43] Thus, a *battle* is not itself a *war*, but is one part of an ongoing strategic struggle that we may call *warfare*.

If the correct reading of Ramesses III's records at Medinet Habu and in the Great Harris Papyrus is one of systematic, coordinated land and sea campaigns by a confederation of tribes, for the purpose of a strategic objective, then this can very well be defined as warfare. This might also be seen in the Ugaritic texts of seaborne

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36 U.S. Army, Counterinsurgency 2006: 1.
37 Bull 1977: 184; Otterbein 1989: 3.
38 Malinowski 1968: 247.
39 Otterbein 1989: 3.
40 Johnson, Earle 2000: 33.
41 Nicholson 2003: 1.
42 Reyna 2000: 30.
43 Buffaloe 2006: 2.

assault that we discussed earlier, particularly if they are correctly combined – as Itamar Singer suggested[44] – with Ras Shamra texts 16.402 and 34.143, which address the Hittite viceroy at Karkemiš's struggle with an enemy that had established a "bridgehead" in in Mukiš. Should the enemy movement in Mukiš be connected to the aforementioned accounts of seaborne attack, and seen as a land component of a combined land and sea assault? If we accept these interpretations, then they seem to suggest that the tactic of parallel land and sea assaults was the *modus operandi* of at least some groups at this time. Perhaps this includes those we associate with the 'Sea Peoples.' On the other hand, while the situation described by Šuppiluliuma II in KBo XII 38, who claimed that he fought "ships of Alashiya" three times at sea, and then met this enemy once again on land, could be read similarly, it could just as easily be read less as warfare than as a tenacious a counter–piracy operation against an equally tenacious enemy.
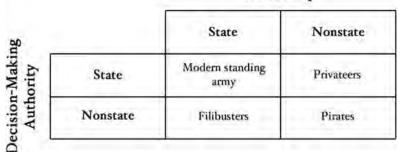
Piracy and Privateering

While acts of a piratical nature can be perpetrated by one state or political unit against another, piracy itself is not carried out between states. This position was perhaps most explicitly defended by Hall, who unequivocally declared that "acts which are allowed in war, when authorized by a politically organized society, are not [themselves] piratical."[45] This is in keeping with the aforementioned definition of "piracy" that includes the requirement that no state be able to be held liable for its perpetrators. At its most extreme, then, acts between states that are piratical in nature would be classified as privateering, which, while considered "but one remove from pira[cy]," is itself, to quote Fernand Braudel, "legitimate war,"[46] which, as historian David Starkey has explained, "might serve public as well as private interests; at once a business opportunity, a tool of war and a factor in the diplomacy between nations." Starkey further notes the fact "that privateering was, and still is, confused with piracy is hardly surprising given the similarities in the aims and methods of the two activities. Both privateersman and pirate were intent on enriching themselves at the expense of other maritime travelers, an end which was often achieved by violent means, the forced appropriation of ships and merchandise. However, there had always been a theoretical distinction between the two forms of predation."[47]

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44 Singer 2011: 119–121.
45 Hall 1890: 256.
46 Braudel 1972: 866.
47 Starkey 1990: 13, 19.

	Ownership	
	State	**Nonstate**
State	Modern standing army	Privateers
Nonstate	Filibusters	Pirates

(Left axis label: **Decision-Making Authority**)

Fig. 1: Matrix of military and piratical classifications, after Thomson 1996: 8.

As we see from historian Janice Thomson's helpful matrix,48 an adapted version of which can be seen here (Fig. 1), the difference between a Privateer and a Pirate is no more and no less than the state's investment in each. It is unlikely, of course, that freebooting sailors in at the end of the Late Bronze Age were carrying physical letters of marque while plundering foreign ships; such documentation, at least in the form we think of it, is an invention of the early second millennium CE. However, state sanction of piratical acts (either *de facto* or *de jure*) obviously predates the conflicts of late medieval and early modern history, and we should recognize that non–state actors committing piratical acts on behalf of a supportive state are very much the ancient equivalent of the privateer, both medieval and modern.[49] The use of privateers, both in war proper and to harass adversaries, is well documented in Greek history in particular, from the Classical to the Hellenistic periods. In other words, the lack of what we may now think of as formal privateer status does not mean that this function did not exist at the end of the Bronze Age.

At this point, we seem to be closing in on the heart of the mater: namely, if war and warfare require the involvement (and assent) of the state or similar organized political unit, then privateers can be said to have been participants in war, while pirates likely cannot.

This is not to say that states involved in a conflict with each other cannot (or do not) consider their adversary to be engaging in piracy through certain seaborne acts of violence. In a 4th century BCE example, both Demosthenes of Athens and Philip II of Macedon accused each other of engaging in (and enabling) piracy, for the purpose both of politically undermining and of physically and economically harming the other.[50] On the other hand, an Athenian treaty from the 5th century BCE clearly differentiates between enemies of the state and pirates, declaring that their partners in the agreement are "not to admit pirates, nor to practice piracy, nor are they to join

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48 Thomson 1996: 8.
49 Cf. Richard 2010: 411–464.
50 de Souza 1999: 36–37.

in a campaign with the enemy against the Athenians," although the demarcation between *campaigning*, or conventional warfare, and *piracy* may be as relevant here as that which de Souza emphasized, which was the difference between *pirates* and *the enemy*.[51]

This fits with what Philip Gosse, writing in the early 20th century, described as a "well–defined cycle" of piracy.[52] In this cycle, piracy is initially conducted by small groups, which work independently, using their privately–owned boats to pick off the most vulnerable prey. Success breeding success, this can lead to collaboration between groups, and greater danger to merchantmen. While unwieldy size, internal conflict, or a lack of sufficient prey to support it can lead to the disintegration of the larger group, this confederation can also grow to the point where it is not just recognized by one or more states, but becomes allied with them, effectively becoming a mercenary navy, at least for a time.[53] Thus, in Gosse's words, "what had been piracy then for a time became war, and in that war the vessels of both sides were pirates to the other."[54]

Left out of this cycle, which we should add, is the liminality between trader or other maritime actor and pirate, which Michal Artzy so aptly summed by noting that, as economic conditions became less favorable for "fringe" merchants and mariners, a number may have "reverted to marauding practices, and the image of 'Sea Peoples' familiar to us from the Egyptian sources emerged."[55] This was a reversible condition, though, and as it became more favorable to engage in what we might call above–board activities, they could re–enter what we might call "civilized society" at will.

Guerrilla and Asymmetric Warfare

Piratical operations can also be seen as a form of guerrilla warfare on the sea. Long looked down upon by states that boasted effective armies, irregular fighters have been described as "cruel to the weak and cowardly in the face of the brave" – a statement that is likely only half true, with the latter portion being a response borne of frustration.[56] Likewise, counter–piracy operations could be classified as asymmetric warfare, or "nontraditional warfare waged between a militarily superior power and one or more inferior powers."[57]

Documentary sources suggest that in the Late Bronze Age, civilized people were expected to communicate both the date and location of a battle, and to wait until their adversary had arrived and completed preparations before engaging. Only barbarians utilized the element of surprise, exploiting their opponents' weaknesses

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51 *IG* I 75:6–10 via de Souza 1999: 32.
52 Gosse 1932: 1.
53 Anderson 1995: 184; Hitchcock, Maeir 2014; 2016.
54 Gosse 1932: 1–2.
55 Artzy 1997: 12.
56 Keegan 1993: 9.
57 Buffaloe 2006: 17.

by attacking under cover of darkness and avoiding pitched battle with regular troops. In Mario Liverani's words, "This is not war... it is just guerrilla activity – small–scale warfare, by small people, of small moral stature."[58] However, for those without a professionally trained and equipped military force at their disposal, such tactics offered the best chance not only of success, but of survival. Because of this, for the barbarian – or for any nonstate actor – war as, by its nature, an irregular, guerrilla affair. Piracy was similarly hit–and–run, at least in part for the same reason, thus making true warfare and guerrilla activity on land, and piracy at sea, indistinguishable only for the non–state actor.

In the ancient records, then, rather than being unable to differentiate between warfare and piracy, we can safely say that we are seeing elements of both. Hit–and–run raids conducted from the sea, such as those carried out year after year by the "men of Lukki," should in fact be classified as piracy, as are the unnamed threats that armed escorts, such as those that may have been aboard the Ulu Burun ship, seem to have been employed to protect against. However, once confederations like those described by Ramesses III become involved, it is possible to say that we have shifted from banditry on the sea to *warfare* – even if actions taken by either side can be described as piratical in their nature.

Lest we conclude this examination in possession of a false sense of certainly, though, it bears repeating that the gray area between warfare and piracy remains large, and the conversation will, like the U.S. Supreme Court's 1964 ruling on obscenity, likely always hinge on at least some element of "you'll know it when you see it." Or, to use an alternate cultural reference, we must come down, to at least some degree, on the side of Obi–Wan Kenobi: the definitions of warfare and piracy depend on your point of view.

However, as we have seen, there are lines that can be drawn between the two, and those can be extended back through time to the Late Bronze Age, where we can differentiate – from the point of view of our various actors – between warfare and piracy, however closely connected they may be.

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58 Liverani 2001: 109.

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