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Attic Deme Harbours, the Rural Economy, and State Oversight of Maritime Trade: The Incident at Φωρῶν Λιμῆν ([Dem.] 35.28-29)

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Abstract

Ancient Greek coastal cities imposed stringent rules on maritime traders arriving from other states, requiring them to sail to the official *emporion* alone, abide by their laws when in their territory, use local coinage, and pay the relevant taxes. Yet the territories of these cities often contained other *limenes* (a word that encompasses both artificial harbours and natural moorages) that its legal residents used for fishing and local coastal trade. This article explores the strengths and weaknesses of state oversight of maritime trade by investigating a case study ([Dem.] 35.28-29) where Phaselite merchants allegedly crossed the divide between interstate *emporion*-trade and intra-state coastal trade, avoiding the *emporion* at Piraeus and mooring at a local harbour named Phōrōn Limēn (Thieves' Harbour) yet making use of the market at Piraeus nonetheless. It argues that traditional interpretations of this harbour's function in terms of smuggling are improbable and that the Phaselites used it instead to conceal important knowledge from their creditors whilst accessing the *emporion* on foot. This case study also underscores the important economic function of minor relay ports, particularly in terms of the agricultural economy, since these moorages facilitated essential transport links between the countryside and city markets.

Keywords

Smuggling; piracy; maritime trade; harbours; emporion; agriculture; transport

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Introduction

In studies of ancient seaborne trade, the model of widespread tramping outlined in Horden and Purcell's *The Corrupting Sea* (2000), derived from studies of Medieval Mediterranean trading patterns and retrojected into antiquity, has proven popular among historians of ancient economy and society.¹ This model likens the majority of seaborne merchants to roving peddlers, tramping from one place to the next trying to sell their wares; Horden and Purcell characterise this activity as 'Brownian motion' and 'background noise', even extending it beyond local horizons to long-distance trade.² However, Alain Bresson and Pascal Arnaud have argued that maritime trade was less random than the 'Brownian motion' model suggests, and they propose a firmer distinction between how inter-state and intra-state maritime trade functioned in the Classical Greek world. This approach holds that seaborne traders operating between different states were required to sail to and from *emporía* – that is, ports legally designated for this purpose by the state in question and monitored by magistrates of several sorts.³ There is little room in this model for building up and subsequently selling a cargo piecemeal by tramping speculatively along the coastline from port to port. However, the model does admit that interstate journeys could be segmented, a mixture of short hops between *escales techniques* (that is, navigational landings) and longer open-sea passages.⁴ Nevertheless, this model does not reduce all maritime trade to inter-state *emporion*-trade, for it freely admits the existence of much low-level, intra-state relay trade conducted via minor ports and moorages, of a sort that can resemble the *cabotage* model of Horden and Purcell in the sense of short-range coasting, though the degree to which this equates to tramping is up for debate.⁵ Such low-level intra-state trade and the minor regional moorages and harbours that served it were the preserve of the legal residents of the region in question: the state excluded foreign merchants from this activity, whose business lay solely with the *emporion*. Of course, adverse weather might force foreign sailors to seek shelter in a minor regional moorage, but the conduct of trade there was not permitted.⁶ Yet, the model of Bresson and Arnaud accepts that not everyone followed the rules and that some degree of smuggling should be acknowledged.⁷

¹ Horden and Purcell, 2000: 137-152. For the influence of this model, Constantakopoulou, 2007 *passim*; Bang, 2008: 141-142; Mazurek, 2016; Kowalzig, 2018. Horden and Purcell (2000: 40) label tramping *cabotage*, but the French term refers to coastal navigation, not to tramping as a form of commerce; cf. Arnaud, 2011: 60; Wilson, 2011: 53-54. On Medieval seafaring, note that the *cabotage* model has attracted robust criticism, e.g., Gluzman, 2010.

² 'Brownian motion' (i.e., the random motion of particles suspended in a medium): Horden and Purcell, 2000: 142-143; 'background noise': Horden and Purcell, 2000: 150. See especially Horden and Purcell (2000: 149), where the authors subsume under the term *cabotage* the trade between Phaselis and Egypt mentioned in the famous Aramaic customs scroll of 475 BCE (*TAD C.3.7*).

³ Bresson, 1993: 165-171; 2007; 2016: 286-317; Arnaud, 2005: 107-126 (= *idem* 2020: 121-140); *idem* 2011: 61-66; Descat, 2007. The debate over *emporía* is admirably summarised in Demetriou, 2011: 255-262.

⁴ Arnaud, 2005: 112 (= *idem* 2020: 126) and *passim*. Open-sea navigation techniques: Davis, 2009.

⁵ Nieto, 1997; Arnaud, 2005: 107-126 (= *idem* 2020: 121-140); *idem* 2011: 59, 64; Wilson, 2011: 53-54; Bresson, 2016: 364-368; and for the integration of local relay ports with the central *emporion*, 311-313. For archaeological case studies, Leidwanger, 2013; 2020: 166-193.

⁶ A good illustration of this can be found in Antiphon's speech *On the Murder of Herodes*. Here, we learn that an undecked vessel bound from Mytilene on Lesbos for Ainos in Thrace was forced by stormy weather to put in at a moorage in the territory of Methymna, and that various other vessels were moored there too (*Ant.* 5.20-21). This moorage is referred to both as a *chorion* (*Ant.* 5.21-22) and as a *limēn* (*Ant.* 5.26-28), but was clearly not an *emporion*. Interestingly for our purposes, the speaker is eager to point out (5.22) that his exit from his own vessel and subsequent boarding of a decked vessel was not part of some ruse or plot, but was simply due to the need to shelter from the storm in its hold – this protestation makes sense in terms of the rules discussed in Bresson, 2007.

⁷ Arnaud, 2011: 63; Bresson, 2007: 58; 2016: 182, 288, 306-307.

The present article investigates the practical problems posed by the co-existence of these two tiers of trading activity and their oversight by ancient Greek states by exploring a case study where the division between these tiers becomes blurred. The events in question are described in the speech *Against Lacritus*, attributed (rightly or wrongly) to the orator Demosthenes ([Dem.] 35, c. 350 BCE).⁸ The speaker⁹ relates how he and his partner loaned 3,000 dr to two Phaselites – Artemon and Apollodoros – to finance a trading voyage from Piraeus to the Black Sea in a ship skippered by a man named Hyblesios; the terms were written up in a contract that Artemon’s elder brother Lakritos, a Phaselite residing at Athens, helped to broker. According to the speaker, the borrowers did not abide by the terms of the contract and, among other underhand deeds, behaved as follows on their return to Attica:

ὁ δὲ πάντων δεινότατον διεπράξατο Λάκριτος οὕτως, δεῖ ὑμᾶς ἀκοῦσαι· οὗτος γὰρ ἦν ὁ πάντα ταῦτα διοικῶν. ἐπειδὴ γὰρ ἀφίκοντο δεῦρο, εἰς μὲν τὸ ὑμέτερον ἐμπόριον οὐ καταπλέουσιν, εἰς φωρῶν δὲ λιμένα ὀρμίζονται, ὅς ἐστιν ἕξω τῶν σημείων τοῦ ὑμετέρου ἐμπορίου, καὶ ἔστιν ὅμοιον εἰς φωρῶν λιμένα ὀρμίσασθαι, ὥσπερ ἂν εἴ τις εἰς Αἴγινα ἢ εἰς Μέγαρα ὀρμίσαιτο· ἕξεστι γὰρ ἀποπλεῖν ἐκ τοῦ λιμένος τούτου ὅποι ἂν τις βούληται καὶ ὀπηνίκε’ ἂν δοκῇ αὐτῷ. καὶ τὸ μὲν πλοῖον ὥρμη ἐνταῦθα πλείους ἢ πέντε καὶ εἴκοσιν ἡμέρας, οὗτοι δὲ περιεπάτουν ἐν τῷ δείγματι τῷ ἡμετέρῳ, καὶ ἡμεῖς προσιόντες διελεγόμεθα, καὶ ἐκελεύομεν τούτους ἐπιμελεῖσθαι ὅπως ἂν ὡς τάχιστα ἀπολάβωμεν τὰ χρήματα. οὗτοι δὲ ὠμολόγουν τε καὶ ἔλεγον ὅτι αὐτὰ ταῦτα περαίνοιεν. καὶ ἡμεῖς τούτοις προσῆμεν, καὶ ἅμα ἐπεσκοποῦμεν εἴ τι ἔξαιροῦνται ποθεν ἐκ πλοίου ἢ πεντηκοστεύονται.

[Dem.] 35.28-29

You must now hear the most dreadful thing of all which this man Lakritos has done, since it was this man who oversaw the whole affair. For when they arrived here, they did not sail into your port, but moored in Thieves’ Harbour (*Phōrōn Limēn*), which is outside of the signs designating your port; and it is the same thing to moor in Thieves’ Harbour as it is if someone were to moor in Aigina or Megara, for anyone can sail out from that harbour to wherever he wishes and at any time he deems fit. And their ship was moored there for more than twenty-five days, whilst these men strolled about in our sample-market (*deigma*); and we approached and spoke with them, urging them to see to it that we should receive the money as quickly as possible. And they were in agreement and kept saying that they wished to bring about that very end. At the same time as we were with them, we were keeping an eye open to see if they were unloading anything from a ship anywhere or paying the two-per cent tax.

After stringing the speaker along with excuses, a startling fact eventually came to light. Lakritos admitted that Hyblesios’ ship had sunk off the Crimean coast – and since the contract was null and void in the event of a shipwreck, the borrowers did not have to repay the loan ([Dem.] 35.30-31; cf. 56.22). The ship on which the Phaselites had subsequently sailed, and which later moored at Thieves’ Harbour, was skippered by another Phaselite, whose name is not given ([Dem.] 35.52-55) – and none of these details was apparently disclosed to the speaker straight away.

⁸ For the date, MacDowell, 2009: 262; for an overview of the legal arguments, Harris, 2015: 24-27. This speech may or may not be a genuine work of Demosthenes, and the issue is at any rate immaterial for my argument; I square-bracket the authorship out of convention.

⁹ Named as Androkles of Sphettos in the *hypothesis* and non-stichometric inserted documents at §§10 and 14, but not in the main text of the speech itself.

The significance of this passage for the debate over the division between interstate and intra-state maritime trade has often been misconstrued by modern scholars due to the common belief that Thieves' Harbour was a smuggler's cove (or, according to one hypothesis, a pirate's port) and that the speaker was, in a roundabout manner, implying that the Phaselites were smuggling goods. In this article, I argue that the imputation of smuggling is far from certain. Instead, it is more likely that the Phaselites were trying to make use of the facilities at Piraeus for their regular trading activity whilst delaying news of their return from reaching the ears of their creditors. Above all, they moored at Thieves' Harbour – a moorage used for local coastal trade – in order to keep from one very important fact from their creditors for as long as possible: that the ship carrying the cash loan and cargo had sunk and that the Phaselites had returned to Attica on board a different vessel. Our exploration of this episode will require an in-depth look at the location of Thieves' Harbour (§I), the practicalities of local coastal trade in Attica (§II), and certain weaknesses in the Athenian state's oversight of maritime trade – weaknesses that cunning and unscrupulous merchants knew how to exploit (§III).¹⁰

I. Thieves' Harbour: Its Location and Traditional Interpretations of its Function

The description of the behaviour of the Phaselites on their return to Attica, quoted above, suggests that Thieves' Harbour lay within walking distance of Piraeus. Strabo provides a more explicit statement of its location, listing toponyms along the approach to Piraeus from the west:

ὑπὲρ δὲ τῆς ἀκτῆς ταύτης ὄρος ἐστὶν ὃ καλεῖται Κορυδαλλός, καὶ ὁ δῆμος οἱ Κορυδαλλεῖς· εἶθ' ὁ Φώρων λιμῆν καὶ ἡ Ψυττάλεια, νησίον ἔρημον πετρῶδες ὃ τινες εἶπον λήμην τοῦ Πειραιῶς· πλησίον δὲ καὶ ἡ Ἀταλάντη ὁμώνυμος τῇ περὶ Εὐβοίαν καὶ Λοκρούς, καὶ ἄλλο νησίον ὅμοιον τῇ Ψυττάλειᾳ καὶ τοῦτο· εἶθ' ὁ Πειραιεὺς καὶ αὐτὸς ἐν τοῖς δήμοις ταττόμενος καὶ ἡ Μουνυχία.

Strab. 9.1.14

Above this shore is a mountain which is called Korydallos, and also the deme Korydalles; next one comes to the Thieves' Harbour (*Phōrōn Limēn*), and to Psyttaleia, a deserted, rocky islet which some have called the eyesore of Piraeus. And also close by is Atalantē, homonymous with the island near Euboea and the Locrians, and this is another islet like Psyttaleia. Next is the Piraeus, which also is numbered among the demes, and Mounychia.¹¹

Thieves' Harbour was therefore located on the coast to the west of Piraeus, somewhere between modern Keratsini and Perama; it still existed when Dodwell visited the area in the early nineteenth century. Travelling from Eleusis to Piraeus, the same route as Strabo's itinerary, he wrote:

As we approached the Piraeus, Port Phōrōn became visible, at the foot of Aigaleos. The port is at present known by the name of Κλεφθο-λιμανη, 'The Thieves' Port;' and the same sense was designated by its ancient appellation. A neighbouring tower is

¹⁰ For the broader range of tricks used by unscrupulous merchants, Leese, 2021: 136-177.

¹¹ A useful dissection of the evidence for toponyms in the straits can be found in Wallace (1969), whose interpretation of Strabo's Greek is followed here. Atalante is modern Talandonisi.

called Κλεφθο-πυργος, the Thieves' Tower, and here are some traces of antiquity; the remains, probably, of a small fort.¹²

The exact location now lies under the heavy industrial development of this stretch of coastline, but a good candidate for Dodwell's Κλεφθο-πυργος (*sic.*) is marked on Curtius' and Kaupert's *Karten von Attika* as the 'Venetianischer Thurm' ('Venetian Tower', *Karten von Attika* Bl. III). Another nineteenth-century traveller, W. M. Leake, wrote that the eastern entrance to the strait of Salamis was demarcated by the western cape of Port Phōrōn on the mainland and the cape of Agia Varvara on Salamis (the easternmost extremity of the island, close to Psyttaleia).¹³ Leake placed Phōrōn Limēn at Keratsini, the bay to the east of this tower, and not at the bay of Trapezona (mod. Drapetsona), which he thought was too close to Piraeus.¹⁴ Curtius and Kaupert were inclined to agree with him.¹⁵



Map I: *Karten von Attika* Bl. III. (1) foothills of Mt. Aigaleo; (2) the 'Venetianischer Thurm'; (3) Keratsini; (4) Trapezona; (5) Leipsokoutala, ancient Psyttaleia. Modern Perama lies beyond the boundaries of this map, extending to the left of (1) and (2).

¹² Dodwell, 1819: 587.

¹³ Leake, 1841: 171.

¹⁴ Leake, 1841: 273. Leake (1841: 33) identifies Phōrōn Limēn with the harbour of the deme of Thymaitadai, where according to a myth reported by Plutarch (*Theseus* 19.5) Theseus secretly built ships. Thymaitadai was at Keratsini (Traill, 1975: 52). Mauro (2019: 97) also locates Phōrōn Limēn at Keratsini.

¹⁵ Curtius and Kaupert, 1883: 8: 'Die Bucht von Trapezona bildet an sich zwar einen vorzüglichen Schlupfwinkel, liegt aber meines Erachtens der Peiraeuseinfahrt zu nahe, um leicht unbeachtet erreicht zu werden; auch bot die rasch ansteigende Höhe dem Landtransport der defraudirten Waaren grössere Schwierigkeiten und geringere Sicherheit vor Entdeckung, als das westlichere Gebiet, wo die Vorhügel des Gebirges bequeme Schleichwege eröffneten'. ['The Bay of Trapezona, while in itself an excellent hideout, is, in my opinion, too close to the entrance of Peiraeus to be easily reached without noticing; also, the rapidly increasing altitude offered greater difficulties to the land transportation of defrauded goods, and less security against discovery than the western region, where the foothills of the mountains opened up convenient secret routes'].]

Even though the approximate location of Thieves' Harbour somewhere between modern Perama and Keratsini is clear, its function is rather less so. Many scholars, on the basis of nothing more than the passages from [Demosthenes] and Strabo quoted above – but above all the striking name *Phōrōn Limēn* – have concluded that a smuggler's cove existed virtually round the corner from Piraeus where cargoes were surreptitiously unloaded away from the prying eyes of the *pentēkostologoi* – the officials tasked with exacting a 2% tax on imports and exports in Piraeus.¹⁶ Isager and Hansen, alternatively, translate *Phōrōn Limēn* as 'Pirates' Harbour', and write: 'Presumably, the pirates' harbour originally served as a refuge for those pirates who carried their booty to Attica'.¹⁷ It is important to look more closely at this issue, for as we shall see, the association with smuggling (or piracy) is far from certain and does not make good sense of what is described in the *Against Lacritus*.

The least likely of the hypotheses canvassed above is that to do with piracy. Objections can be levelled on linguistic and historical grounds. Isager and Hansen translate *phōr* as pirate because the word is glossed as *leistēs* by the *Suda* and the *Lexica Segueriana*.¹⁸ The term *leistēs*, as de Souza has noted, can apply both to the terrestrial and maritime sphere, and therefore can mean either 'bandit' or 'pirate'.¹⁹ Presumably, the maritime context and pairing of the word with *limēn*, 'harbour', led Isager and Hansen to choose 'pirate' from these two options. Much better than relying on late lexica, however, is a contextual analysis of the semantic range of the term *phōr* in contemporary Greek texts, which reveals that the word is far less specific: it is a general term for thief and a synonym of the much more common word *kleptēs*. For instance, Herodotos repeatedly uses *phōr* in his tale of Pharaoh Rhampsinitos and the thief (Hdt. 2.121) to label the men who burgle the Pharaoh's treasure chamber (he also uses the word *kleptēs* at 2.121β as a synonym; cf. 2.174). Plato uses the word in the same way in the *Laws* (874b-c; 954 b-c) in reference to housebreakers. All other contemporary attestations of the word lack maritime connotations and are just general references to theft and thieves.²⁰ The translation

¹⁶ E.g., LSJ s.v. φῶρ III: 'φωρῶν λιμῆν, a harbour near Athens, a little westward of the Piraeus, used by smugglers'; Leake, 1841: 33: 'the small circular harbour at the entrance of the Strait of Salamis, which bordered on the demus of Corydalus, and which received the name of Phōrōn from the frauds there committed against the Athenian revenue'; cf. Curtius and Kaupert, 1883, in n. 15, *supra*. A. T. Murray's Loeb of 1939 comments (ad loc.): 'Some small inlet, which cannot be identified with certainty, used by thieves and smugglers'; Gernet, 1954: 189 n. 4: 'un rendez-vous (...) de détousseurs'; Garland, 1987: 95: 'The commonest violation is likely to have been non-payment of harbour dues and the failure to unload two-thirds of grain cargo. Such are the allegations against a Phaselian *nauklēros* made in one of the private speeches of Demosthenes...'; Casson, 1991: 99, 'There was a way to avoid both tolls and dues if one wanted to run the risk: to the west of the port and outside its jurisdiction was a quiet cove so well known as a mooring point for smugglers that it was called "Thieves' Harbor"'; van Nijf and Meier, 1992: 182: 'Smugglers could use a little bay east (sic.) of Piraeus, known as the Thieves' Harbour'; Descat, 2007: 615: 'à Athènes, par exemple, l'*emporion* est au Pirée et, dans la crique très proche de Phalère (sic.), il y a une *rade des voleurs* qui, comme son surnom l'indique, est fréquentée par ceux qui auraient la tentation de frauder, ou au moins qui ne veulent pas s'engager trop pour la vente dans une cité (mais éventuellement repartir pour vendre ailleurs, là où les prix seraient plus intéressants)'; MacDowell, 2009: 263: 'It was used by traders who wanted to evade the customs duties or harbour dues at Piraeus'; Leese, 2021: 161: 'the point of the speaker's description is to show that the defendants were avoiding harbor officials and duties'. Cf. also de Ste. Croix, 1972: 286; Leidwanger, 2020: 205 with n. 28.

¹⁷ Isager and Hansen, 1975: 171.

¹⁸ Isager and Hansen, 1975: 171; *Lex.Seg.* 315,14; *Suda* s.v. φῶρας. In fact, Bekker, *Anecdota Graeca* I 315.14-15, is even more explicit: ὁ φωρῶν λιμῆν ἐστὶν ἐν μεθορίῳ τῆς Ἀττικῆς, ἔνθα οἱ ληστὰι καὶ κακοῦργοι ὀρμίζονται ('the harbour of thieves is on the boundary of Attica, where the pirates and wrongdoers moor').

¹⁹ de Souza, 1999: 2-9.

²⁰ *S. TrGF* fr. 853; *Sophr.* fr. 1 K-A; *Ar.* fr. 60 K-A; *Pl. Resp.* 334a5; *Arist. EE* 1235a9; *HA* 553b; 624b-625a; *Hyp. Against Athenogenes II* fr. 1 Kenyon *ap.* Harp. s.v. τὰ τῶν φωρῶν κρείττω; *Alex. Aet.* fr. 5 Powell *ap.* Ath. *Deip.* 699c; [Hp.] *Ep.* 17 Littré, line 224. We may compare the phrase ἐπ' αὐτοφῶρῳ, used in relation to several species of thief caught red handed, including *andrapodistai* (people-stealers) and *lōpodytai* (clothes-stealers): the phrase has a broad rather than a narrow meaning; see Harris, 2006: 373-390.

‘Thieves’ Harbour’, therefore, more accurately captures the semantics of the locution in Classical Greek – there are no linguistic grounds for translating Phōrōn Limēn narrowly as ‘Pirates’ Harbour’.

Isager and Hansen rightly note that Phōrōn Limēn cannot have been used by pirates by the fourth century and suggest that it got its name during the archaic period.²¹ However, one ought not to view piracy in archaic Attica as an illicit activity conducted by outcasts who required some secret bolthole but as an integral feature of archaic society practised openly that gradually faded over time. Small raiding crafts such as pentekonters and triakonters, belonging to local members of the elite and presumably used for plundering voyages, were still to be seen on the coast near Vouliagmeni later in the sixth century.²² In the fifth century, Athens’ maritime empire endured partly because it kept the seas clear of piracy and protected merchants, supporting economic growth among its subject cities.²³ Privately owned warships became a thing of the past after the Persian Wars, and the idea of acquiring one could engender heated debate in the Assembly.²⁴ In short, an explanation to do with piracy makes no sense because in the archaic period, there was no need for a secluded refuge, and later on, it would have been strategically suicidal to practise piracy next to the home port of the largest fleet in the Aegean, whose duties included suppressing piracy.

Nor is the interpretation of Phōrōn Limēn as a smuggler’s cove without problems. Chariton’s *Chaereas and Callirhoē* presents a revealing vignette of opportunistic smuggling, where the pirate Theron and his crew ponder where to offload and sell Callirhoē:

Ὠρμίσαντο δὴ καταντικρὺ τῆς Ἀττικῆς ὑπὸ τινα χηλῆν· πηγὴ δ’ ἦν αὐτόθι πολλοῦ καὶ καθαροῦ νάματος καὶ λειμῶν εὐφυῆς. Ἐνθα τὴν Καλλιρρόην προαγαγόντες φαιδρύνεσθαι καὶ ἀναπαύσασθαι κατὰ μικρὸν ἀπὸ τῆς θαλάσσης ἤξιωσαν, διασώζειν θέλοντες αὐτῆς τὸ κάλλος· μόνοι δὲ ἐβουλεύοντο ὅποι χρὴ τὸν στόλον ποιῆσθαι. καὶ τις εἶπεν Ἀθηναίω πλησίον, μεγάλη καὶ εὐδαίμων πόλις. Ἐκεῖ πλῆθος μὲν ἐμπόρων εὐρήσομεν, πλῆθος δὲ πλουσίων. Ὡσπερ γὰρ ἐν εὐρήσομεν, πλῆθος δὲ πλουσίων. ὥσπερ γὰρ ἐν ἀγορᾷ τοὺς ἀνδρας οὕτως ἐν Ἀθήναις τὰς πόλεις ἔστιν ἰδεῖν. ἐδόκει δὴ πᾶσι καταπλεῖν εἰς Ἀθήνας, οὐκ ἤρεσκε δὲ Θήρωνι τῆς πόλεως ἢ περιεργία· μόνοι γὰρ ὑμεῖς οὐκ ἀκούετε τὴν πολυπραγμοσύνην τῶν Ἀθηναίων; δῆμος ἐστὶ λάλος καὶ φιλόδικος, ἐν δὲ τῷ λιμένι μυριοὶ συκοφάνται πεύσσονται τίνες ἐσμὲν καὶ πόθεν ταῦτα φέρομεν τὰ φορτία. ὑποψία καταλήψεται πονηρὰ τοὺς κακοήθεις. Ἄρειος πάγος εὐθύς ἐκεῖ καὶ ἄρχοντες τυράννων βαρύτεροι. μᾶλλον Συρακουσίων Ἀθηναίους φοβηθῶμεν. χωρίον ἡμῖν ἐπιτηδεῖον ἐστὶν Ἴωνία, καὶ γὰρ πλοῦτος ἐκεῖ βασιλικὸς ἐκ τῆς μεγάλης Ἀσίας ἄνωθεν ἐπιρρέων καὶ ἄνθρωποι τρυφῶντες καὶ ἀπράγμονες· ἐλπίζω δὲ τινὰς αὐτόθεν εὐρήσειν καὶ γνωρίμους· ὑδρευσάμενοι δὴ καὶ λαβόντες ἀπὸ τῶν παρουσῶν ὀλκάδων ἐπισιτισμὸν ἔπλεον εὐθὺ Μιλῆτου, τριταῖοι δὲ κατήχθησαν εἰς ὄρμον ἀπέχοντα τῆς πόλεως σταδίου ὀγδοήκοντα, εὐφύεστατον εἰς ὑποδοχὴν. Ἐνθα δὴ Θήρων κώπας ἐκέλευσεν ἐκφέρειν καὶ μονὴν ποιῆν τῇ Καλλιρρόῃ καὶ πάντα παρέχειν εἰς τρυφήν. ταῦτα δὲ οὐκ ἐκ φιλάνθρωπίας ἔπραττεν ἀλλ’ ἐκ φιλοκερδίας, ὡς ἔμπορος μᾶλλον ἢ ληστής. αὐτὸς δὲ διέδραμεν εἰς ἄστυ παραλαβὼν δύο τῶν ἐπιτηδείων. εἶτα φανερώς μὲν οὐκ ἐβουλεύετο ζητεῖν τὸν ὄνητήν οὐδὲ περιβόητον τὸ πρᾶγμα ποιῆν, κρύφα δὲ καὶ διὰ χειρὸς ἔσπευδε τὴν πρᾶσιν.

Ch. 1.11–12

²¹ Isager and Hansen, 1975: 171.

²² Van de Moortel and Langdon, 2017. On archaic raiding and state formation, Gabrielsen, 2013; van Wees, 2013.

²³ Bresson, 2016: 303-305; Gabrielsen, 2018: 25-32.

²⁴ Is. 11.48-49 with Casson, 1995b.

Presently they anchored in the shelter of a headland across from Attica, where there was an ample spring of pure water and a pleasant meadow. Taking Callirhoë ashore, they told her to wash and to get a little rest from the voyage, wishing to preserve her beauty. When they were alone, they discussed where they should make for. One said, 'Athens is nearby, a great and prosperous city. There we shall find lots of dealers and lots of the wealthy. In Athens, you can see as many communities as you can men in a marketplace.' Sailing to Athens appealed to them all. But Theron did not like the inquisitive nature of the city. 'Are you the only ones,' he asked, 'who have not heard what busybodies the Athenians are? They are a talkative lot and fond of litigation, and in the harbour, scores of troublemakers will ask who we are and where we got this cargo. The worst suspicions will fill their evil minds. The Areopagus is near at hand and their officials are sterner than tyrants. We should fear the Athenians more than the Syracusans. The proper place for us is Ionia, where royal riches flow in from all over Asia and people love luxury and ask no questions. Besides, I expect to find there some people I know.' So, after taking on water and procuring provisions from merchant ships nearby, they sailed straight for Miletus and two days later moored in an anchorage seventy stades from the city, a perfect natural harbour. Theron then gave orders to stow the oars, to construct a shelter for Callirhoë, and provide everything for her comfort. This he did not out of compassion but from a desire for gain, more as a merchant than a pirate. He himself hurried to the town with two of his companions. Then, having no intention of seeking a buyer openly or of making his business the talk of the town, he tried to make a quick sale privately without intermediaries.

(Trans. by Goold, adapted)

Although this novel is set in the Classical period, it is, a product of the Roman Imperial era. Yet as Bresson notes, the passage underscores some practical points that ought to be valid for Lakritos' day.²⁵ For one thing, Theron moors his galley (*kelēs*) seventy stades (about eight miles) from Miletos to avoid unwanted official attention; evidently, mooring close to Miletos would be to invite trouble, despite the fact that its officials tended not to ask awkward questions.²⁶ Secondly, he avoids Attica altogether because of the Athenian reputation for nosiness and litigiousness, something corroborated by (and probably derived from) classical-era sources: Aristophanes jokes about this very reputation (*Pax* 505; *Vesp.* 764-1008; *Nub.* 207-208), and the Old Oligarch grouses about the reputation that the Athenians have among the elites of their empire for harassing them with lawsuits and for requiring allies to come to Athens and be judged by the *demos* ([Xen.] *Ath. Pol.* 1.14; 1.16-18; cf. Thuc. 1.77). We must also consider the state power of Athens. Recent research into the state capacity of ancient polities and empires has considered in detail how they projected power and imposed law and order within their borders.²⁷ Athens' fourth-century democracy would seem feeble indeed if an out-and-out smuggler's cove existed within walking distance of Piraeus, its second-largest city. Thieves' Harbour may have lain outside the boundaries of Piraeus and thus beyond the jurisdiction of its officials, but it did come under the purview of the local demarch. Besides, Athens yearly empanelled ten generals, one of whom was the 'general for the countryside', and they also appointed a *peripolarchos* whose duties included

²⁵ Bresson, 2016: 306-307.

²⁶ The *kelēs* was a kind of merchant galley, much like the *eikosoros* of Hyblesios in [Dem.] 35. On pirate galleys, Lewis, 2019, with references to specialist studies.

²⁷ E.g., Morris and Scheidel, 2009; Ando and Richardson, 2017.

manning the various border forts and protecting the coastline against enemies.²⁸ Since Athens was a direct democracy whose citizenry suffered financially if cargo ships skipped Piraeus and its customs officials and unloaded their cargoes tax-free a few miles along the coast, it would appear strange that, having the resources at hand, the Athenians did not stamp out this practice in short order.

One might also question the economics of smuggling from a would-be smuggler's perspective. Smuggling goods into a specific area makes economic sense when certain items are unobtainable on the legal market or where the duty on imports is high. Evan Jones' study of smuggling in sixteenth-century Bristol has shown how, rather than just being the habitual activity of a specific class of individuals, smuggling could also constitute a technique used by merchants to manage volatile market conditions and that under certain conditions legal trade might be more profitable. He notes, in particular, 'specific' taxes, *viz.* set taxes per commodity unit that were not calibrated to reflect a percentage of the commodity's market value. Looking at Medieval wool price schedules, he notes that 'at a given time, the price of English wool could range from £13 per sack (364 lbs) for the best 'March' wools to £2, 10s. per sack for the cheapest Sussex wools. This is important because it meant that the 'specific' duties on wool, typically £2 per sack, would have amounted to a 15 per cent tax on the most expensive wools but an 80 per cent tax on the cheapest varieties'.²⁹ The situation seems to have been very different in Classical Attica, for we know of no imports that were explicitly banned by the state, and one wonders why anyone would take the risk of being caught simply to avoid the *pentēkostē* (2% *ad valorem* tax), especially when the pool of potential buyers (and thus the competition for the commodity in question and the attendant higher sale price) would be so much smaller than that at the legal market.³⁰ In other words, any money saved by dodging the 2% tax could be lost in fencing the cargo illegally. The Athenians were less worried about smuggling *into* Attica than the opposite – the smuggling of critical commodities, above all, grain, *out of* Attica (Dem. 34.37; 35.50; 58.8-9). It does not mean that smuggling did not often occur, especially in out-of-the-way places, but the proximity of Thieves' Harbour to Piraeus (and thus to busybodies, officials, and the navy) makes it an unlikely candidate as a smuggler's cove.³¹

Above all, the idea of smuggling sits uncomfortably with what is described in the *Against Lacritus*. The fact that the speaker assumes that his audience has heard of Thieves' Harbour shows that this was not some secret cove known just to smugglers but that everyone knew about it. Furthermore, his main point at §28 is that merchants can sail from this harbour to any destination at any time without officials noticing. Still, he says nothing about smuggling and does not claim that the Phaselites were trying to land cargo at Thieves' Harbour. According to the actions that he describes, the Phaselites openly moored at Thieves' Harbour for nearly a month; if Thieves' Harbour were solely a smuggler's cove, this behaviour would have been extremely risky. Instead, the Phaselites spent their time walking around (περιεπάτουν: [Dem.] 35.29) in the *deigma* (sample market), where merchants would mill about offering samples of their cargo to be tested for quality by prospective buyers, and purchases would be agreed for bulk sales based on the sample.³² Bresson notes an anecdote in Plutarch's *Life of Demosthenes* (23.4) where grain merchants at the *deigma* carry around (περιφέρωσι) samples of their produce in a bowl; the verb περιεπάτουν at [Dem.] 35.29 could therefore potentially refer either to

²⁸ Harris, 2013: 21-59, esp. 34-37.

²⁹ Jones, 2012: 18-19.

³⁰ Cf. Jones, 2012: 17-36.

³¹ As Alain Bresson points out to me, merchants still wanted to avoid the 2% tax (and other harbour fees) if possible, which is why *ateleia* was a coveted privilege. On *ateleia* and the merchant's profit margins, Gabrielsen, 2007.

³² Bresson, 2016: 309-313.

the Phaselites looking to sell or buy a cargo.³³ It is perhaps too easily assumed that the Phaselites must have been looking to sell a cargo; but they could as easily have arrived under ballast with money to buy a cargo (cf. [Dem.] 35.25) – we simply do not know, and both possibilities should remain open. It is crucial to note that the speaker states explicitly that the Phaselites did not unload a cargo ([Dem.] 35.29-30); if by this statement he meant only ‘at the *emporion*’, it is strange that he makes no rhetorical capital about the possibility of smuggling. Nor should we suppose that clinching a deal at the *deigma* must necessarily have led to cargo being loaded or unloaded at Thieves’ Harbour. That is, of course, possible (Theron-style). But the Phaselites may have wished to keep their vessel out of sight for as long as possible. On this scenario, once they had struck a deal (either to buy or to sell a cargo) in the *deigma*, they could have entered Piraeus at dawn, concluded their business, and sailed away.

This explanation has the advantage of avoiding the awkward argument that the Phaselites were smugglers moored next to a huge centre of naval power for nearly a month. It also addresses an obvious difficulty that the Phaselites faced: they returned to Attica principally to do business in the *deigma* – Piraeus was, after all, the largest *emporion* in the Eastern Mediterranean. However, if they moored openly in Piraeus, news about their return on a different vessel than that on which they had departed would quickly have reached their creditor’s ears, and they would have instantly faced the headache of having to convince them that the shipwreck off Crimea was a valid reason for not repaying the loan.³⁴ The prospect of a lengthy lawsuit was the last thing a merchant wanted, and it is exactly what the Phaselites got in the end (including Artemon’s brother Lakritos being dragged into the business and having to lodge a *paragraphē* against the indictment). Their behaviour, as described in the speech, fits far better the role of nervous debtors who are eager to do business at Piraeus but want to avoid a messy and potentially expensive lawsuit. They may well have lacked confidence that their case could be proven in court. Instead of assuming that the Phaselites had moored at Thieves’ Harbour to conduct some kind of smuggling side-hustle, it makes better sense to see this action as an attempt to keep the news of the shipwreck away from their creditors long enough to conclude their business in Piraeus before they found out and lodged an indictment.³⁵

To explore further this possibility – and the vulnerabilities in Athens’ formal oversight of maritime trade – we must examine the role of intra-regional maritime trade along the Attic coastline. As we shall see, the Phaselites were in a good position to attempt such a ruse.

II. Attica’s Regional Harbours

In enumerating Attica’s resources, Xenophon wrote that ‘just like the land, so too is the sea surrounding the countryside extremely productive’ (*Vect.* 1.3). Apart from the significance of fish to the Athenian diet, the role of local fishermen in meeting this demand, and the possibility of low-level shipbuilding

³³ Bresson, 2016: 309.

³⁴ Note also that the contract ([Dem.] 35.24-25) gave the creditors control of whatever cargo the Phaselites brought back to Athens until the loan had been repaid, and mandated full repayment within twenty days. As Edward Harris points out to me, this clause is omitted from the inserted document at §§10-13 which purports to be the original contract; its absence is an argument against the authenticity of the document.

³⁵ [Dem.] 35.28-29, therefore presents a comparable argument to that used at Lyc. *Leocr.* 17 and 55, where Leokrates allegedly fled Piraeus at dusk through a postern gate, using a tender moored at the beach to reach his ship which was itself riding at anchor offshore – the characterisation of Leokrates by Lykourgos underscores the furtive actions of a crook, for an honest merchant would depart from the port in daytime with his friends seeing him off.

industry and ferrying in certain demes,³⁶ we must also consider the integration of agriculture and seafaring. As early as c. 700 BCE, Hesiod assumed that a prosperous farmer living close to the sea would own a boat and he advised his brother about how to ship off his agricultural surplus for sale (*Op.* 43-46; 622-632; 643-645; 671-672; 689-693; 805-809; 814-818).³⁷ For Hesiod, overloading a boat is like overloading a cart; the parallelism gives equal weight to the two main technologies for transporting produce in bulk (*Op.* 689-693). Around the same time, Homer could imagine Odysseus' holdings sprawling beyond Ithaca, with herds pastured on the adjacent mainland whose herders would transport fattened cows across to Ithaca by boat (*Od.* 20.185-190). There is no reason to suppose that a similar integration of agriculture and seafaring did not occur in Greece three or four centuries later. Indeed, Leidwanger has shown that this was true of the Roman Eastern Mediterranean.³⁸ By the time of the Peloponnesian War, even the rugged interior of the Peloponnese was well integrated with maritime trade and the coastal economy through networks of roads and harbours (Thuc. 1.120.2). We know of specific cases of retailers who loaded baskets of fish onto shoulder-yokes at coastal locations like Epidaurus and Argos and proceeded on foot towards markets in Arcadia (Arist. *Rhet.* 1365a26; *SEG* 42.293).³⁹ *A fortiori*, this was all the more true of Attica, whose topography presented fewer logistical problems and whose coastline was dotted with several perfectly legitimate minor harbours used for intra-regional coastal trade, which included the relaying on of local Attic cargoes (esp. silver from the mines at Laurion, but also fish and agricultural products) to Piraeus and, conversely, the redistribution of goods either manufactured in the urban centre or imported into Piraeus via long-distance trade to consumers in the various Attic demes.⁴⁰ It is also possible that this infrastructure facilitated the delivery of Attica's products to merchants operating out of the *emporion* who had made bulk purchases based on samples tried at the *deigma*.⁴¹ A glance at a recent map (see Map II below) plotting known wagon roads in classical Attica shows that a number of these touched at or terminated in bays along the Attic coast, strong circumstantial evidence for the integration of agriculture and coastal trade.⁴² Looking clockwise, wagon roads link to: (1) Rhamnous, (2), Marathon Bay, (3) Brauron, (4) Porto Rafti,⁴³ (5) Thorikos, (6) Sounion, (7) Agia Marina, (8) Vouliagmeni Bay, (9) Kavouri Bay, and (10) Eleusis Bay (including Skaramangas).

³⁶ McArthur (2021: 500) notes a shipbuilder from the coastal deme Steiria at *IG I³* 1032.291. Could this man have learned his trade at Steiria? For low-level shipbuilding, Herakleides Kritikos' description of Anthedon in Boiotia (*FGrHist* 369A F1, §§23-24) provides an interesting parallel; on this passage, Bresson, 2015; on the harbours of Boiotia, Kontaxi and Memos, 2006. On ferrying, Barnes, 2006; Constantakopoulou, 2007: 222-226. Alain Bresson suggests to me that small-scale shipbuilding of the sort depicted in Alciphron 1.1 could have taken place in numerous locations around the Attic coastline.

³⁷ van Wees, 2009: 445-452.

³⁸ Leidwanger, 2020. For so-called *transhumance maritime* in the Classical and Hellenistic Aegean, Chandezon, 2003: 142, 149, 285, 302-304, 333.

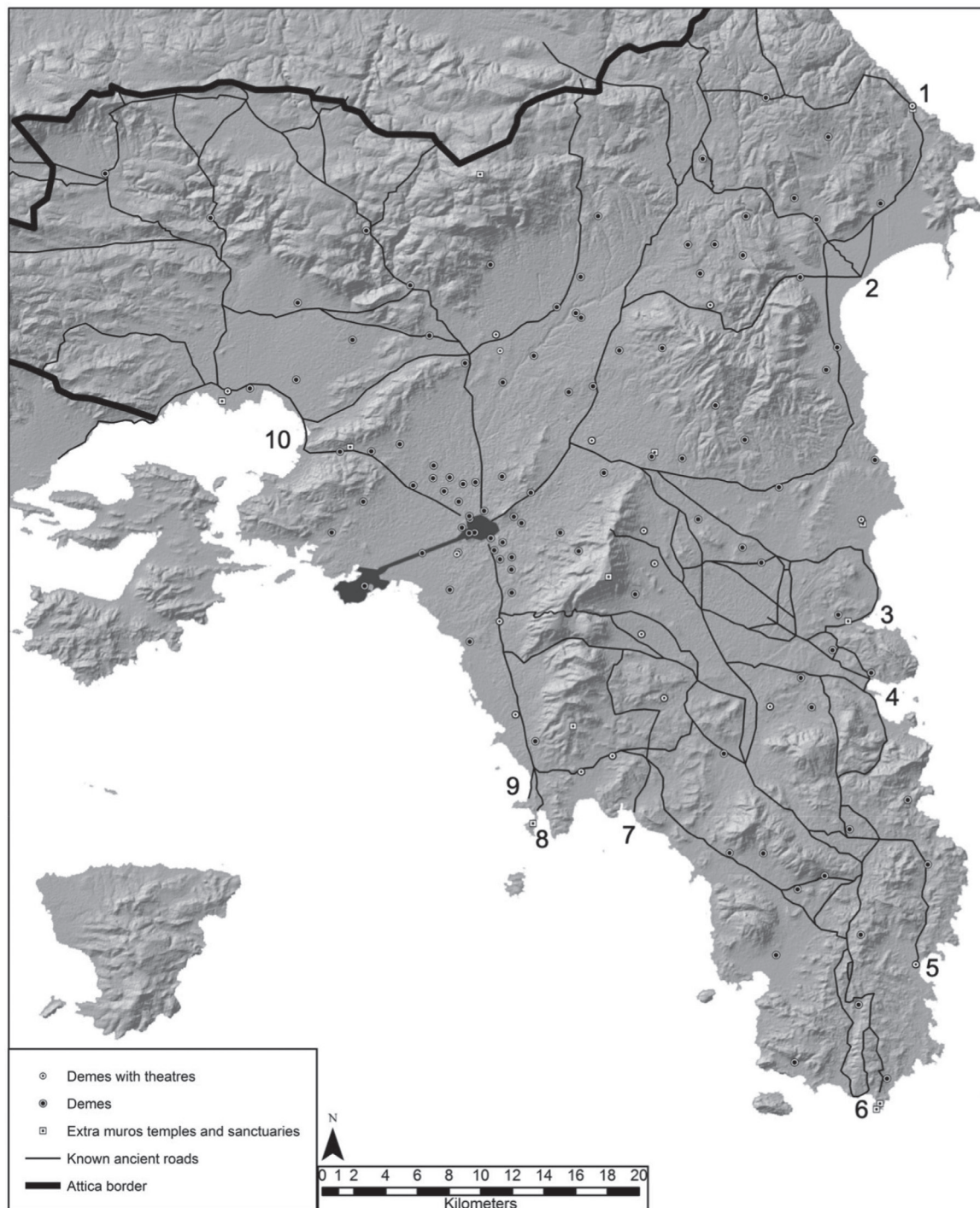
³⁹ On the roads and harbours of the northern Peloponnese, Bonnier, 2016. Fine Attic illustrations of fish-carriers can be seen in a red-figure *kylix* by Onesimos (Thorvaldsen Museum, Copenhagen, inv. H605 = *ARV²* 329.131) and a red-figure *pelikē* by the Pan Painter (Kunsthistorisches Museum, Vienna, inv. 3727 = *ARV²* 555.88).

⁴⁰ For the economic activities of Rhamnous, Oliver, 2001, and on its harbours, Blackman, Pakkanen and Bouras, 2021; for Aixone, Ackermann, 2018: 177-268; for fishing out of Eleusis, *IG I³* 994 with Oranges, 2017; Lytle, 2007 (Imperial period). See also Whitehead, 1986: 331 and 339, for demes named in Attic comedy as sources of this or that kind of fish.

⁴¹ Bresson, 2016: 311-313. *Cf. Syll.³* 344 §11 (Teos, c. 303 BCE; my thanks to Moritz Hinsch for the reference).

⁴² McHugh, 2019: 217, reproduced here with kind permission of the author. Note that what follows is intended only to serve the immediate argument, and makes no pretence at being a comprehensive study of deme harbours or the integration of Attic farming and maritime trade, a subject that requires a lengthy dedicated study by a suitably qualified archaeologist.

⁴³ An outlet for the rich Mesogaia district that avoided crossing or skirting the Hymettos range by road; Murray et al., 2020.



Map II: The road network of Attica. Image courtesy of Maeve McHugh.

Literary sources provide key evidence too. Pseudo-Scylax (*Periplus* §57) mentions no fewer than seven Attic harbours: one at Salamis, three at Piraeus, one at Anaphlystos, and two at Thorikos; and he also mentions that ‘there are many other harbours in Attica’. As Graham Shipley has pointed out, Pseudo-Scylax overlooks the harbour at Sounion and the double harbour at Rhamnous, though he mentions the forts at both these locations.⁴⁴ We might also note the busy harbour at Oropos, a

⁴⁴ Shipley, 2010: 108-110; cf. Blackman, Pakkanen and Bouras, 2021: 185. Mauro, 2019 notes several other anchorages in Attica: see her Appendix (pp. 81-101) nos. 6 (Dipsa); 27, 84, and 164 (all three on Salamis); 137 (Pasa Limani); 142 (Phaleron). On harbour facilities on Salamis, Lolos and Simossi, 2020.

settlement that at times lay within, at other times outwith, Athenian control.⁴⁵ It is worth noting that these local moorages or harbours were generally natural features: the Greek word *limēn* is not limited to artificial harbours in the modern sense; and these deme harbours will, of course, have been used in accordance with the rhythms of the wind and seasons.⁴⁶

This ought not to be surprising, for local moorages and small wooden vessels played an important role in the movement of agricultural produce to market in many coastal parts of Greece until quite recently, though the post-WWII improvement of Greece's road network and the increasing use of trucks significantly reduced the volume of such trade. Philip Betancourt's ethnographical study of coastal trade around the Gulf of Mirabello in Eastern Crete has shown how Mochlos acted as the hub port for the gulf through which longer-distance traffic passed, whilst local fishermen and residents of the coast used smaller moorages to integrate their activities with such larger coastal towns.⁴⁷ He notes that 'the Union of Greek Shipowners recorded over 15,000 small sailing boats involved in coastal shipping in 1938, carrying over a million tons of goods annually (...) Because the official figure represents only the recorded cargo, one must assume it is very conservative'.⁴⁸ Similarly, Leidwanger and Knappett note the resistance of Cypriot coastal traders, particularly carob traders, to British attempts to centralise the nodes of maritime distribution, preferring long-established patterns of trade that made use of numerous coastal bays.⁴⁹ Even during the 1970s and into the 1980s, along the eastern shore of the Pagasitikos Gulf, smaller loads of agricultural produce were still sent from villages like Afisos and Lefokastro to the regional hub of Volos by boat, despite the region possessing a road network fit for truck transport (which dealt with bulkier loads).⁵⁰ While the volume of trade in twentieth-century Greece and Cyprus obviously exceeded that of antiquity, the infrastructural patterns of trade show certain similarities.

What can we say about coastal traffic around ancient Attica? Already in the sixth century BCE, shepherds in the Vouliagmeni area were scratching onto the bare rock depictions of the ships of merchants plying the Attic coastline – local men whose names they knew, e.g., 'the *holkas* of Egertios and Chariades', and 'the *holkas* of Diphilos'.⁵¹ We do not know where these vessels were constructed, but a century or more later, there was a flourishing shipbuilding industry in the vicinity of Piraeus.⁵² A passage from Xenophon's *Hellenica* (5.1.23) provides a glimpse of the quotidian bustle of Attica's

⁴⁵ Busy harbour with greedy officials: *FGrHist* 369a F1 §§6-7.

⁴⁶ US Hydrographic Office, *Mediterranean Pilot* vol. IV (Washington, 1916): 116-124, describes anchorages around Attica, some of which are unusable in winter. For the near equivalence of ancient and modern winds, Murray, 1987. We must also consider the agricultural year; the grain harvest fortuitously coincided with the early summer, a good time for seafaring. The use of deme moorages for transporting agricultural goods to market may then have had its peak not long after the harvest. (Fishing boats, on the other hand, could be launched year-round, weather permitting; in this respect, Ephraim Lytle has pointed me to Dio Chrys., *Euboecus* 7.2-3; Oppian, *Halieutica* 19-20.) For unloading vessels in natural bays using lighters rather than beaching, Votruba, 2017 and Nakas, 2019. For ships' tenders (*lemboi*), which could be used as lighters for loading and unloading, Dem. 32.6-7 (*Against Zenothemis*); 34.10 (*Against Phormio*); Anaxandrides fr. 34.7 K-A, and esp. Lyc. *Leocr.* 17. Merchant galleys (on which, see below) will have been less constrained by contrary winds and calms than sail-driven *holkades*. Note how sea transport around Attica might under some conditions prove more arduous than transport by land: Thuc. 7.28.1.

⁴⁷ Betancourt, 2004.

⁴⁸ Betancourt, 2004: 92.

⁴⁹ Leidwanger and Knappett, 2018: 11.

⁵⁰ Natasha Terlexi, *per litteras* (31 May 2022), based on memories from her youth and conversations with her grandmother, Kyria Katina.

⁵¹ Van de Moortel and Langdon, 2017.

⁵² McArthur, 2021, esp. p. 495 on [Dem.] 17.27 (*On the Accession of Alexander*), which describes an attempt to build small commercial craft at Piraeus.

coastal economy in the fourth century and the mixture of local coastal trade and longer-range external trade. When the Spartan commander Teleutias raided Piraeus in 388 BCE, he first captured the large merchant ships; then he cruised southwards to snap up the smaller fry plying the western Attic coastline: ‘he captured many fishing boats and ferryboats sailing in from the islands; and having come to Sounion he captured merchant ships, some full of grain, others of merchandise’.⁵³ More can be said about Sounion, for an inscription dating to c. 460-450 BCE mentions the tolls paid by merchants using this harbour: if they carry a cargo weighing up to 1,000 talents (around 26 tonnes), they must pay a fee of seven obols; if they carry over 1,000 talents, they are to be charged a further seven obols per thousand talents (*IG I³ 8*).⁵⁴ These fees seem to have accrued to the cult of Poseidon at Sounion.⁵⁵ Of course, Sounion could act both as a harbour for local intra-state trade and as a stop-off point for inter-state traders on the way from Piraeus to other more distant destinations or vice versa.

This overview of Attic coastal trade has a significant bearing on our interpretation of Thieves’ Harbour and the description of its use in [Dem.] 35.28-29. First, Thieves’ Harbour should be understood not as an isolated example of a non-emporion harbour in Attica, but as one of a string of local moorages that dotted the Attic coastline. Secondly, we must reckon with a general background of more-or-less constant coastal trade and fishing, differing in intensity throughout the year. In other words, the mooring of a small merchant vessel there need not have aroused any suspicions. This is key contextual information in understanding why the Phaselites moored there without official interference for nearly a month. But above all, the location of Thieves’ Harbour adjacent to Piraeus is crucial for understanding why it, and not some other coastal moorage, was the destination of the Phaselite merchants.

III. Vulnerabilities in Athens’ Oversight of Maritime Trade

We noted earlier that the Athenian state aimed to reap the benefits of foreign maritime trade, both in terms of its general economic benefits accrued to the citizenry, and the specific tax income levied at Piraeus. At the same time, the state did not wish to deprive its citizens of the infrastructural benefits of local coastal trade. Accordingly, it aimed at keeping the practitioners of these two tiers of trade separate. But this system was vulnerable to exploitation for two reasons.

First was the comparative lack – or in some cases complete absence – of state regulation of these local harbours and moorages, some of which, as we have already noted, were only used seasonally. Even a modern state, with all its sophisticated surveillance apparatus, cannot police all transactions in its territory; plenty of trade goes on under the radar, and this must have been all

⁵³ Xen. *Hell.* 5.1.23: ἄτε ἐκ τοῦ λιμένος πλέων, πολλὰ καὶ ἀλιεντικά ἔλαβε καὶ πορθμεῖα ἀνθρώπων μεστά, καταπλέοντα ἀπὸ νήσων. ἐπὶ δὲ Σούνιον ἔλθων καὶ ὀλκάδας γεμούσας τὰς μὲν τινὰς σίτου, τὰς δὲ καὶ ἐμπολῆς, ἔλαβε.

⁵⁴ *IG I³ 8*, ll. 20-22: [ἐὰν μέχρι χ]ιλίον ταλάντων ἄγε[ι], ἑπτὰ | [ὀβολός, ἡόσα] δὲ ὑπὲρ χίλια, ἑπτὰ ὀβο[λ]ός | [κατὰ τὰ χίλι]α.

⁵⁵ *IG I³ 8*, line 6. If the term [ἐπιβατ]ικὸν is correctly restored at lines 6-7, this makes most sense as a fee for travellers hitching a ride up or down the coast in addition to the *naulon* or ferry-charge they would have to pay (*Ar. Ran.* 270; Xen. *Anab.* 5.1.12, *Din.* 1.56, etc.). It is possible that the tolls in this inscription only applied during the *trieteris* festival of Poseidon, see line 18 with Vélissaropoulos, 1980: 221. As an example of ships below the 1,000-talent threshold, we may consider the Ma’agan Mikhael ship, able to carry 15.9 tonnes, or the Kyrenia ship, able to carry 23.3 tonnes; Nantet, 2016: 314-318 (Ma’agan Mikhael), 323-326 (Kyrenia). As Bresson (2016: 86) points out regarding the Kyrenia ship, such vessels ‘were best suited for the needs of a redistributive trade in a short- and medium-distance horizon’.

the truer of ancient states.⁵⁶ Travelling peddlers traversing the Attic countryside like the Boiotian in Aristophanes' *Acharnians* (860-958) had to pay a fee to enter foreign territory, but they did not have to worry about roaming *agoranomoi* when they tramped from farm to farm or village to village hawking their wares.⁵⁷ Nor did fish-sellers who loaded their yoke-baskets with fish caught by fishermen from Attica's coastal demes and proceeded inland to sell their wares to farmers (Antiphanes fr. 69 & 127 K-A; cf. Alciphron 1.1) have to worry about the intervention of the state. The Athenian state took a pragmatic approach, concentrating its regulatory oversight on the main nodes of market exchange, viz. Piraeus and the city *agora*, which were, at any rate, the best places to do business since they brought together many buyers, sellers, and a vast range of commodities.⁵⁸ And indeed, this system was to no small degree a self-regulating one because of the basic incentives that foreign merchants faced. For a small 2% tax *ad valorem*, the merchant entering Piraeus could access the greatest number of potential buyers of his cargo in a tightly regulated environment whose institutions were designed to protect both buyers and sellers from fraud. As for coastal moorages beyond the *emporion*, regulation was less elaborate. We do know of some taxes (and exemptions from the same) imposed by the demes.⁵⁹ Rhamnous is of particular interest: Bresson notes a tax raised from activity in the *agora* of Rhamnous (*SEG* 41.75),⁶⁰ and we also know of one Athenian citizen who was granted *ateleia tou plou* by the Rhamnousians in relation to their harbours during the third century BCE (*SEG* 15.112). Blackman suggests an exemption from a local harbour tax,⁶¹ and the small docking fee known from Sounion (*IG* I³ 8) provides a parallel. But in general, it is safer to assume uneven official oversight, which is precisely what the speaker says in the *Against Lacritus* (§28): 'it is the same thing to moor in Thieves' Harbour as it is if someone were to moor in Aegina or Megara, for anyone can sail out from that harbour to wherever he wishes and at any time he deems fit'.⁶² The point here is not that Aegina and Megara lack officials in their ports but that Thieves' Harbour, like the ports of Aegina and Megara, was not policed at all by Athenian officials.⁶³ For the Phaselites, Thieves' Harbour presented several advantages over Piraeus. First, official oversight was much weaker. Secondly, as long as they did not try to unload cargo, they could moor there without interference indefinitely. But thirdly (and most importantly), Thieves' Harbour was within reasonable walking distance of Piraeus, allowing the Phaselites to enjoy the best of both worlds: access to the biggest *emporion* of the Eastern Mediterranean, at whose *deigma* they could broker a deal (either as buyers, or sellers with a small portable sample), but also the advantage of maintaining a low profile and keeping their creditors in the dark for as long as possible.

⁵⁶ Cf. Lytle, 2016: 111-112: 'Of course, the ancient definition of a harbour could itself be ambiguous. There is no expectation that a harbour necessarily required infrastructure. Any bay suitable for sheltering or offloading vessels could suffice. And not all such harbours would have been subject to supervision, which would have imposed an impossible regulatory burden on cities with long coastlines and limited resources.'

⁵⁷ Bresson, 2016: 287-288, 295-297.

⁵⁸ Bresson, 2016: 294.

⁵⁹ Whitehead, 1986: 150-152.

⁶⁰ Bresson, 2016: 237. On deme *agorai*, Jones, 2004: 86; Kakavogianni and Anetakis, 2012; Harris and Lewis, 2016: 13.

⁶¹ Blackman, Pakkanen and Bouras, 2021: 188-191; Osborne, 1990: esp. 292-293, where he provides a translation of *SEG* 25.112.

⁶² [Dem.] 35.28: καὶ ἔστιν ὁμοῖον εἰς φωρῶν λιμένα ὀρμίσασθαι, ὥσπερ ἂν εἴ τις εἰς Αἴγινα ἢ εἰς Μέγαρα ὀρμίσαιτο· ἔξεστι γὰρ ἀποπλεῖν ἐκ τοῦ λιμένος τούτου ὅποι ἂν τις βούληται καὶ ὀπηνίκ' ἂν δοκῇ αὐτῷ.

⁶³ Cf. Osborne, 2018: 291: 'When Demosthenes glosses "Thieves' cove" (35.28), it is to make the technical point that because it is outside the formally constituted port it might as well be Aegina or Megara as far as formal controls are concerned.'

A further vulnerability of this two-tier system of maritime trade was that there were not two distinct classes of vessels, one used for foreign trade, the other for local coastal trade. It would, of course, have been rather fishy if one of the larger merchantmen active in long-distance bulk trade (often large enough to carry cargoes of around 100-200 tons; some were even larger) sailed past Piraeus and anchored at Thieves' Harbour – this could hardly have had an innocent explanation.⁶⁴ But the situation was rather murkier for smaller vessels that might engage alternatively in interstate or intra-state trade. The speaker describes the crooked Phaselite merchants as using just such a vessel on their outbound voyage to the Crimea: this ship, skippered by Hyblesios, was an *eikosoros*, a twenty-oared merchant galley – an intermediary type between the sail-dependant 'round ships' used for trade and the oar-dependant 'long ships' used for military purposes ([Dem.] 35.18).⁶⁵ This particular ship was large enough to be used for long-distance trade.⁶⁶ Yet it could equally be pressed into service for intra-regional coastal trade, which is what the speaker claims that the ship was doing along the Crimean coast when it sank; at [Dem.] 35.31-32, he relates that the *eikosoros* was carrying salt fish and eighty amphoras of low-quality Coan wine for a farmer travelling in the boat from Pantikapaion to Theodosia, for the use of his farm labourers.⁶⁷ This, we may note, was not illegal activity for a foreign trader, since Theodosia had been made an *emporion* by King Leukon.⁶⁸ We do not know what sort of vessel the Phaselites were travelling aboard when they anchored at Thieves' Harbour, but we do know that it was skippered by another Phaselite, and if it were of a similar class, then it might have as easily passed as a local coastal merchant as it could an interstate trader.⁶⁹ And we might further note the speaker's claim that Lakritos – who was a pupil of Isocrates and ran his own educational establishment at Athens ([Dem.] 35.15, 40-41) – had schooled his brothers there ([Dem.] 35.42). Artemon probably spoke Attic Greek like a local. In other words, the Phaselites moored at Thieves' Harbour were well-equipped to fit in and maintain a low profile, all the while visiting the *deigma* for business and keeping the news of the shipwreck from the ears of their creditors.

⁶⁴ On the size of ships, Nantet, 2016.

⁶⁵ On merchant galleys, Casson, 1995a: 157-168. At p. 169 n. 5 Casson argues (against Morrison in Morrison and Williams, 1968: 245) that the term *eikosoros* in [Dem.] 35.18 is just a generic term for sailing ships and that the size of this particular ship makes it unlikely that it was a merchant galley. But as Davis (2009: 53 n. 6) shrewdly notices, just a few pages earlier Casson writes of various much larger merchant galleys, which would appear to negate his objection. Furthermore, *pace* Casson, in none of the occurrences of this term in Classical and Hellenistic literature (a brief list: Nicostratos fr. 9 K-A; *Anth. Pal.* 5.161 and 6.222; Teles, *On Exile* p. 27) is there any reason to think that 'merchant galley' is not the intended meaning. Casson writes that the term was applied to Hiero II's super-freighter, but the text (Athen. *Deip.* 5.207c) does not *describe* this ship as an *eikosoros*; it says: ἦν δὲ ἡ ναῦς τῆ μὲν κατασκευῆ εἰκόσορος, τριτάροδος δέ, which Casson (1995a: 195-196) rightly translates as 'The vessel, *though built after the model of a twenty-er*, had three levels of gangways' (my italics). In sum, there is no good reason to follow Casson's claim that the term *eikosoros* was used 'indiscriminately' of all merchant ships.

⁶⁶ According to the contract paraphrased at [Dem.] 35.18, Hyblesios had to take on a cargo of 3,000 *keramia*, which Nantet reckons at around 78-108 tons (Nantet, 2016: 548). However, the detail about these jars being Mendaean (on which Nantet's calculation is based) is found only in the document at [Dem.] 35.10-13 and in the testimony at [Dem.] 35.20, which may be later forgeries and at any rate lie outside the stichometry of the speech (as Mirko Canevaro points out to me).

⁶⁷ For an image found in Athens of a merchant galley that was probably involved in the Piraeus-Black Sea trade, Scholl, 1993. The wreck of such a vessel has recently been found in deep water in the Black Sea: <https://www.bbc.co.uk/news/world-europe-45951132> (accessed 30/12/2021).

⁶⁸ Dem. 20.31-33 (*Against Leptines*). See further Canevaro, 2016: 254-255.

⁶⁹ Indeed, the merchant galley type that Greek sources call *phasēlos*, and Latin sources *phaselus*, more probably derived its name from the city of Phaselis (as argued by J. S. Morrison in Morrison with Coates, 1996: 262) than from the Greek word for a bean (the view followed by Casson, 1995a: 167-168). In other words, this kind of merchant galley may have been a local Phaselite invention and commonly used by its sailors.

Conclusion

It seems that the picaresque name of Thieves' Harbour – whose origin may have any number of explanations and is at any rate unknowable today – has boxed-in modern scholars' interpretation of [Dem.] 35.28-29 from the start, priming them to interpret the passage and the location itself in terms of smuggling. However, we have seen both how the sources provide no clear evidence of smuggling or piracy there, and that there are good practical reasons for explaining the actions of the Phaselites differently. The passage should therefore be read on its own terms without assuming smuggling (or piracy) based on the name Phōrōn Limēn. When we do so, what emerges is rather significant; for not only can we make better sense of the speech itself – the episode also sheds light both on chinks in the armour of Athens' institutional oversight of maritime trade and on an underappreciated element of Attica's economic infrastructure: its string of coastal moorages, whose role in the practical operation of the economy (particularly the agricultural economy) provides further evidence against the primitivist view that Attica's farmers were isolated from markets.⁷⁰

⁷⁰ E.g., Gallant, 1991: 101. Cf. Lewis, 2018: 181-193, with reference to the broader debate and specialist studies.

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