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Exposé

Proposed title of doctoral thesis:

The juridical paradigm in the Mycenaean administration of land (ca. 1450-1200 BC)

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Outline of topic

The object of this doctoral project is to explore how the earliest Greek epigraphy in the form of the Mycenaean tablets may contribute to a prehistory of Greek law. The research shall examine whether the strategies and forms of power employed by the advanced bureaucracies of the Late-Bronze-Age palaces reveal the presence of a certain conception of the 'juridical' in their treatment of relations with respect to land. In doing so, the project shall consider what these earliest Greek written sources may contribute to Greek legal history despite the absence of formal written law in this period.

The doctoral project seeks to make several contributions to scholarship, first to push the conventionally-defined boundaries of Greek legal history, and second to contribute to a theorisation of the juridical paradigm in the context of theories of state power. Through its focus on the Mycenaean epigraphy, the project aims to expand the scope of evidence which is considered relevant to the legal history of ancient Greece. In doing so, it seeks to emphasise the significance of non-formalist conceptions of power and authority, in examining how these early sources can contribute to building a concept of the 'juridical' which resists the restrictive formalist and positivist categories often used to analyse formations of state power. The project further seeks to make a contribution to Mycenaean historiography by offering the perspective of legal history to the study of the administrative practices of the palaces.

The project shall focus on the administration of land, documented by the particularly rich series of relevant epigraphic evidence (especially from Pylos).[1] The choice of land as the focus of the project follows its dominant presence in legal historical scholarship as a way to build an epistemological connection between legal history and the approach to the Mycenaean sources proposed here. The historical forms of property raise significant questions about the relationships between centre and periphery, urban and rural, state and subject, group and individual (to mention certain basic paradigms).[2] Such questions have traditionally been key themes in legal history broadly speaking. Furthermore, they correspond closely to certain major problems of the Mycenaean historiography, such as the nature of the palatial relationship to the

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[1] See infra, '**Structure, sources, and methodology**'.

[2] Studies on the structures of landholding have played a particularly important role in modern historiography generally, some of these having great influence on the epistemology even beyond their own historical context. For example, a turn in approaches to land relations in the mediaeval western European context was marked by an attempt to break the analytical impasse posed by the Bloch–Ganshof debate in Susan Reynolds, *Fiefs and Vassals: The medieval evidence reinterpreted* (Oxford University Press, 1994); see, in particular, the discussion of terminology in ch 3; note recently the survey in 'The afterlife of the *Libri feodorum*' in Attilio Stella (ed.), *The Libri Feudorum (the 'Books of Fiefs')* (Brill, 2023), 30–52, also 1–5. A notable Viennese contribution was the 'völkisch' work of Otto Brunner, *Land und Herrschaft: Grundfragen der territorialen Verfassungsgeschichte Österreichs im Mittelalter* (first ed. 1939; rev. 1959), (English translation by H Kaminsky and J van Horn Melton, University of Pennsylvania Press, 1992). In the Classical Athenian context, note Moses I Finley, *Studies in Land and Credit in Ancient Athens, 500-200 B.C.: The Horos-inscriptions* (Rutgers University Press, 1952); this is contextualised in the introduction to Nikolaos Papazarkadas, *Sacred and Public Land in Ancient Athens* (Oxford University Press, 2011), 1–15, 4ff. See also the discussion on the historiographical debate on the Byzantine 'pronoia' in Mark C Bartusis, *Land and Privilege in Byzantium: The Institution of Pronoia* (Cambridge University Press, 2013), 1–13. To close the circle, we might note that studies of the applicability of Western paradigms of landholding to the mediaeval Frankish dominions of the eastern Mediterranean (including Greece) have been deeply significant for illuminating the strategies of rule in that period; in particular, through the *Assizes of Romania*, in edition with commentary by David Jacoby, *La féodalité en Grèce médiévale* (Mouton & Co, 1971); further, merely indicatively, see Elisabeth Santschi, *La notion de «feudum» en Crete venitienne (XIIIe-XVe siècles)* (Ganguin et Laubscher, 1976); more recently, Charalambos Gasparis, *Η γη και οι αγρότες στην μεσαιωνική Κρήτη, 13ος-14ος αι.* (Εθνικό Ίδρυμα Ερευνών, 1997).

rural landholders. Despite this, the Mycenaean sources have received little attention from the perspective of legal history.[3] It is this gap in the scholarship to which the doctoral project is directed.

Structure, sources, and methodology

The research shall be based on the published written sources from the Late Bronze Age centres of mainland Greece and Crete, in the form of clay tablets inscribed in the Linear B script. Following the focus on property relations, the most relevant sources will be the large series of land-related documents from Pylos.[4] Beyond Pylos, there are smaller series of relevant landholding documents from other palatial centres which allow insight into possible differences between the administration of land under the control of different palaces.[5] For historiographical reasons which shall be explained below—in particular, to avoid exceptional readings of isolated texts such as the Eritha dispute from Pylos—it is important that the proposed study approach broadly the presence of juridical structures in the Mycenaean sources. This includes texts beyond those strictly concerned with landholdings as such, which may nevertheless allow further insight into the relationship between the palace and the administration of land in its regional territories. This is particularly important where the strictly land-related documents are fewer and poorer than those in the large series from Pylos. Such sources which provide relevant information include tablets relating to the administration of rural agricultural production from Knossos (in particular for their insight into the territorial paradigm in administrative organisation),[6] those which reveal relations of work, obligation and exchange owed to the palace.[7]

The design of an appropriate methodology for the project shall form a significant part of the dissertation, since one of the main objects of the research is to consider how the Late Bronze Age context might complicate established approaches in the epistemology of ancient Greek legal history. The methodology shall be concerned not merely with serving this project alone through the study of the selected Mycenaean textual sources, but shall seek to offer a theorised approach to the study of other early ancient sources which fall beyond the traditional scope of legal history. Given the nature and form of the Mycenaean tablets, the research shall consider the material aspects of writing as a complement to a philological approach to the text through study of the temporal, archival, and scribal aspects of the Mycenaean epigraphy. Such a method follows a growing literature which emphasises the materiality of the Linear B tablets in understanding Mycenaean administrative practice.[8] By offering an approach to the materiality

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[3] See infra, '**State of research and research questions**'.

[4] The E series: in Melena and Firth 2021, 67–111; Olivier and Del Freo 2020, 75–132.

[5] See the survey covering the evidence from Pylos, Knossos, Tiryns and Thebes in Zurbach 2016a; and the broader study in Del Freo 2005. On the interpretation of TH Ft 140 as a register of landholdings and their sizes rather than a list of expected quantities of wheat and olives by the palace, see Killen 1999, 217–19 (where the same tablet is labelled Ft 149); Palmer 1998–9, 223–4 n 1; Killen 2006, 79–81; cf. the alternative view of Hiller 2006, 73–4; Shelmerdine 2011, 23; and generally on its context Aravantinos 2010, 59–60.

[6] For example, the Knossos Co series; discussed in Bennet 1985, 240; see moreover infra n 31. Cf. Ruipérez 1957. On territoriality as a paradigm of administrative organisation, see Bennet 1999; idem 2011; idem 2017; the proceedings in Eder and Zavadil 2021; Efkleidou 2022.

[7] For example, the PY N series. On several relevant such series, see the survey in Perna 2016. On obligations in the Mycenaean documents, see Duhoux 1968; Heubeck 1969; Lejeune 1975; Killen 1992–3; Morpurgo-Davis 1979; Apostolakis 1987–8; Chadwick 1987; Gallagher 1988; Del Freo 2005; Perna 2006b; Del Freo 2017; Rougemont and Vita 2021. Generally see the contributions on fiscality in the edited volume Perna 2006a.

[8] For example, Steele 2008; Bennet 2014b; Steele 2011; Postgate 2001; Postgate 2013; Karagianni 2015; Bennet and Halstead 2014; Finlayson 2021. On recent material approaches generally, see Boyes 2021. De Fidio has

of the Mycenaean epigraphy from the perspective of legal history, the research will expand on scholarship relating to the materiality of legal inscriptions in Archaic Greece.[9] In particular, the project shall consider the typology of documentary forms in the Mycenaean corpus in seeking to understand the absence of written law in the context of the proliferation of other administrative forms.[10]

State of research and research questions

The proposed approach to Mycenaean administrative practice from the perspective of legal history is confronted by a general problem of early Greek historiography, namely the extent of continuity or discontinuity between the Bronze and Iron Ages after the collapse of the Mycenaean palatial centres.[11] The research shall explore how the Mycenaean evidence may contribute towards an understanding of the emergence of the legal structures in the later Greek context, without trying to trace a linear narrative of historical development between the Late Bronze Age and Archaic evidence.[12] Until recently, the dominance of Classical Athens in Greek historiography has meant that scholarship on Greek law has largely been limited by the traditionally defined extent of the ancient evidence, which tends to be dominated by an interest in codified law and formal legal documents.[13] Recent work has shown a greater interest in sources beyond Classical Athens, in particular Archaic Cretan legislation, but this broadening has not yet extended to the Mycenaean epigraphy.[14] At the same time, in the extensive archaeological and linguistic literature on the Linear B documents, 'legal' or 'juridical' concepts are often mentioned (in particular in the context of textual evidence related to landholding), but rarely does this correspond to an extended treatment of the applicability of those concepts to the Mycenaean context. Legal historical treatments of the Mycenaean sources do not appear as standalone approaches in any of several recent synthetic handbooks to the discipline, despite the adoption of legal historical concepts by some scholars.[15] One series of annotated bibliographies of studies on Mycenaean administration, for example, assumed the title 'Epigrafía jurídica micénica' without justification for use of the term.[16]

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written, 'it is not possible to write a 'history' of the Mycenaean world in the traditional sense ... texts are lacking in what would enable us to trace the events of the period, or delineate the roles of individuals ... the Linear B tablets, which date mostly from the last few months of the life of the palaces, offer invaluable material for an essentially synchronic analysis focussing on economic factors and the contemporary social and political structure.': De Fidio 2008, 81. Of course, cf. the recent methodology in Nakassis 2013.

[9] See infra n 14.

[10] See infra n 51.

[11] From the perspective of archaeology, see Dickinson 2006; Thomas 2014; Bennet 2014a; Murray 2017. On political continuity and discontinuity after the collapse, see Lenz 1993, with a survey of the 'decapitation theory' in the literature until then at 108ff; Maran 2006, with extensive bibliography; Palaima 2006; Lane 2009; Foxhall 1995. See generally de Fidio 2008.

[12] See generally Bennet 2007, 209–10; idem 2014a; and with respect to law, see Gagarin 2008, 3 n 3.

[13] On disciplinary problems in Greek legal history generally, see Wolff 1975; Cohen 1989; Finley 1986; and more recently Harris 2018; Papakonstantinou 2012, 1–17 and literature therein. See also a recent survey of some of these issues in the introduction by A Lanni and RW Wallace in Perlman 2018, 1–9.

[14] In particular, Gagarin 1986; idem 2008; Gagarin and Perlman 2016; cf Papakonstantinou 2012; Cantarella 1984. The sources are in van Effenterre and Ruzé 1994–5 (2 vols); Guarducci 1935–50 (4 vols).

[15] For example, the handbooks usually provide chapters on 'society' and the 'economy', the two divisions which tend to cover the historiographical problems relevant to this project: see Shelmerdine 2008; Shelmerdine and Bennet 2008; Killen 2008. Cf. Shelmerdine 2009; and the synthetic overview in Fischer 2012. Cf. infra n 16. Note also one recent chapter on landholding, which refers to the 'natura giuridica dei possessi', but generally is cautious with respect to assuming the legal typology of the property series: Zurbach 2016a, 349; see infra n 51.

[16] See Adrados 1957; idem 1965; Aura Jorro 1968; Adrados 1971; idem 1975; Adrados and Aura Jorro 1978.

Those few scholars who have approached the question of law in the Mycenaean context have often first tasked themselves with explaining the complete absence of formal legal texts from the surviving epigraphic record. It is ordinarily accepted that law was most likely not recorded in Greece until literacy was restored in the Archaic period with the advent of alphabetic writing around 750 BC.[17] Few scholars subscribe to the thesis that Mycenaean written law *did* exist but that evidence of it simply did not survive. This would assume that the Mycenaean rulers 'served as a living source of law' by analogy to the law-giving sovereigns of the Near East.[18]

Despite the unlikely existence of written law in the Greek context during the Late Bronze Age, it has been suggested by van Effenterre that 'un droit mycénien a dû exister' even if it was not written.[19] What this 'droit' might have been has been the subject of rather little exploration by the scholarship. Thomas has proposed that social norms were likely transmitted orally, since literacy was limited solely to a few palace functionaries.[20] She argues that 'justice would have been a matter of spoken – not written – words … Proper order was maintained by the … oral tradition'.[21] Whether or not the palaces performed a law-giving or arbitrating function relates to the problem of the extent to which the palaces were involved in the local affairs of the rural communities which lived within the territories under their influence.[22] Scholarship on this problem has given particular attention to two related tablets from Pylos: PY Ep 704.5–6 and Eb 297. The text recorded on these two tablets describe a dispute between a priestess and the local community over the status of land:

PY Eb 297:

.1 i-je-re-ja, e-ke-qe, e-u-ke-to-qe, e-to-ni-jo, e-ke-e, te-o
.2 ko-to-no-o-ko-de, ko-to-na-o, ke-ke-me-na-o, o-na-ta, e-ke-e
.3 GRA 3 T 9 V 3

The priestess has, and swears that she has, an *e-to-ni-jo* for the god, but the landowners [claim] that she has *o-na-ta* from the *ko-to-na-o ke-ke-me-na-o* [… quantity of seed]

(Melena and Firth 2021, 77; Olivier and Del Freo 2020, 89; translation my own)

PY Ep 704.5–6:

.5 e-ri-ta, i-je-re-ja, e-ke, e-u-ke-to-qe, e-to-ni-jo, e-ke-e, te-o(,) da-mo-de-mi, pa-si, ko-to-na-o,
.6 ke-ke-me-na-o, o-na-to, e-ke-e, to-so pe-mo GRA 3 T (9)

The priestess Eritha has, and swears that she has, an *e-to-ni-jo* for the god, but the community says that she has an *o-na-to* from the *ko-to-na-o ke-ke-me-na-o*, so much seed […quantity of seed]

(Melena and Firth 2021, 103; Olivier and Del Freo 2020, 118; translation my own)

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[17] Gagarin 2008, 2–3; Hansen 2018.

[18] Thomas 1984, 248; Steele 2008, 34, 44. However, note Steele's caution regarding the absence of formal legal documentary forms from the Mycenaean corpus (namely, that the absence of evidence is not evidence of absence): Steele 2011, 125.

[19] van Effenterre 2013, 5.

[20] 1984, 249–50; cf Bennet 2001, 30

[21] Thomas 1984, 253.

[22] See infra n 29.

The literature on the Pylian land-related E series is large, but resists the identification of a clear consensus between the various readings of the technical vocabulary relating to landholding (in the Eritha dispute texts: *e-to-ni-jo*, *ke-ke-me-na*, *o-na-to*).[23] Particularly significant is the debate on etymology and interpretation of the terms *ke-ke-me-na* and *ki-ti-me-na*,[24] where Lupack has identified two opposing trends in the literature.[25] The first school sees these terms as descriptive of the agricultural functions or natural properties of the land, whereas the second, which has dominance in the more recent literature, prefers readings which emphasise the juridical character of the Mycenaean terminology of landholding.[26] In respect of the two texts which record the Eritha dispute, the 'juridical' school emphasises the distinction drawn between the priestess's own description of her landholding (*e-to-ni-jo*), on the one hand, and the description offered by the community (sing. *o-na-to* in Eb 297.1, pl. *o-na-ta* in Ep 704.6), on the other. Lejeune's classic study on the local community (*damos*) reads the dispute as a 'litige' in which the local community assumes a 'personnalité juridique' in its position as a party in the dispute.[27] Indeed the contradicting claim made against the priestess's declaration by the local community makes it clear its voice on the matter of the status of her landholding (setting aside the question of its functional or juridical nature) had some authority in the matter.[28] This would agree with

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[23] The standardisation of the syllabic transcriptions has been avoided here for caution, but the various possibilities are presented by the lemmata in the *Diccionario micénico*, s.vv; also, in particular, Ruijgh 1965, 109–10 (*e-to-ni-jo*), 171 n 366 (*ko-to-na*), 314–21 (the Eritha dispute), 364–66 (*ke-ke-me-na*); and Duhoux 1976. Studies on landholding in the Myceneaean documents include Webster 1954; Brown 1954; Bennett 1956; Masai 1956; Ruipérez 1957; Finley 1957a; Finley 1957b; Palmer 1963, 186–224; Deroy and Gérard 1965; Tegyey 1965; Heubeck 1966; Jones 1966; Lejeune 1966; Heubeck 1967; Deroy 1968; González Escudero and Rabanal Alonso 1971; Ruijgh 1972; Panagl 1973; Duhoux 1974; Lejeune 1974; Duhoux 1976; Mele 1976–7; Hutchinson 1977; Foster 1981; Sarkady 1981; Dunkel 1981; Perpillou 1981; Carpenter 1983; idem 1984; Ruijgh 1984; Krigas 1985; Krigas 1987; Carlier 1987; Deroy 1988; Deroy 1989; Deger-Jalkotzy 1988; Kazanskiene 1995; Adrados 1996; Del Freo 2005; Uchitel 2005; Zurbach 2006; Del Freo 2008; Zurbach 2008; idem 2010; Fischer 2012, 43–8; Lane 2012; Nikoloudis 2012; Nikoloudis 2014; Zurbach 2016a; Del Freo 2017; Zurbach 2020; idem 2022. Note also some discussion in Chadwick 1987. With particular focus on religious landholding, see Adrados 1956; Adrados 1961; de Fidio 1977; Lupack 2008; de Fidio 2017.

[24] *ki-ti-me-na* is not attested by PY Eb 297 or Ep 704.5–6, but found in the series En, usually held by the officials known as *te-re-ta* (*telestai*), as explicit in En 609.2, but generally implied elsewhere: see Del Freo 2005, 113–5. On the distribution of the terms see, briefly, Carpenter 1983; and in more detail, Duhoux 1976, 9–27; on each of the Pylian E subseries see the useful surveys in Del Freo 2005, 71–172, and on landholding in other series from Pylos, 172–96.

[25] See the review of the literature in Lupack 2008, 57ff. Lupack herself prefers the juridical readings: see 62ff, especially the reflections at 72.

[26] In the 'functional' school, notable are the etymological considerations in Duhoux 1976, 9–65, and particularly 22–7 (on the opposition of *ki-ti-me-na and ke-ke-me-na*), 41–65 (on *o-na-to* and *e-to-ni-jo*); Dunkel 1981, 28–9; cf. Carpenter 1983. In the 'juridical' school, note Furumark 1954, 36; the early reflections in *Documents* = Ventris and Chadwick 1973, 232–9; Lejeune 1965, 7–8, 12; Foster 1981, 85ff; Deger-Jalkotzy 1983, 90–1; Werlings 2010, 27–8. Note also the specific treatments of the Eritha dispute, infra nn X, Y (Eritha). The possibility of an alternative approach, which emphasises formulaic and structural considerations of the texts (rather than relying on etymology or assuming the authority of an approximate comparandum) is hinted by Dunkel, when he writes that 'it is precisely the common cooccurrence of *pa-ro da-mo* ... with *o-na-to* that distributionally supports the meaning "lease", etymology aside'. See Dunkel 1981, 24. On the formula *pa-ro da-mo* see infra n 28.

[27] Lejeune 1965, 12. Note the commentary in *Documents* = Ventris and Chadwick 1973, 135.

[28] Note, for example, the significant formula *pa-ro da-mo* which appears regularly in respect of *o-na-ta* in the registers in the PY Ep series (rendered παρὸ δᾶμῳ by Lejeune 1965, 1, 8); and perhaps its equivalent abbreviation in the form *da-mi-jo* (δάμιος) on Ea 803 (on this, literature in *Diccionario*, s.v.). This is usually taken to represent the higher interest of the *damos* in respect of the same land, reading therefore the formula as equivalent to the landholding being 'held from the local community': Lejeune 1965, 1–2, 8; Lupack 2008, 50–3. This formula is absent from both PY Eb 297 and Ep 704.5–6, but appears in two other entries on Ep 704 at lines 3 and 4. One of these entries (Ep 704.3) refers to another *o-na-to* held by the same priestess Eritha. Dunkel implies the formula into the entry on lines 5–6 on the basis of 'context': Dunkel 1981, 22. Some elaboration is given by Lupack,

the consensus which has grown in the literature regarding the significance of the rural communities, which appear to have maintained considerable power despite coming under the influence of the palace and owing obligations of taxation.[29]

This view of the role of the local communities is further in line with more general trends in the recent scholarship on the Mycenaean economies, which lean towards a more limited and strategic view of the role of the palace in society than the model of centralised kingdoms favoured in the earlier literature. In particular, studies on the production, movement, and taxation of goods at Pylos and Knossos suggest that large sectors of the Mycenaean economies operated without the direct intervention of the palaces.[30] This has meant the more recent scholarship has emphasised forms of power which reflect the delegation of official responsibilities and authority to individuals beyond the palace proper.[31] Such a network of strategic technologies of power allowed the palace to satisfy its material needs and desires without intensive and direct intervention in all aspects of society beyond its walls.

However, the trend in the scholarship appears to be contradicted by recent 'strong' readings of the Eritha dispute. Since the Eritha dispute describes two competing claims, its record by the palatial archive has been taken as evidence that the palace at Pylos had a role in its adjudication, treating the texts as a singular and exceptional example of the operation of a fully developed Mycenaean system of legal procedure.[32] It has been argued that 'the palace is probably in a position to adjudicate ... and would presumably conclude the dispute itself'.[33] Other scholars have gone so far as to refer to a palatial 'δικαστήριο', or to suggest that the palace could even order punishment.[34] Such approaches are essentially based on typological considerations, namely the very existence of the record of the dispute in the palatial archive, and the view that it describes two opposing claims about the content of two parties' interests. Some scholars,

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including some palaeographical considerations: Lupack 2008, 55 (with respect to its absence from Ep 301.8–14), 58–9, 61; cf. Jones 1966, 246. See also Krigas 1987.

[29] On the status of the *damos* and the character of the rural communities, see Lejeune 1965, 12; Muellner 1976, 104; van Effenterre 1977; Deger-Jalkotzy 1983, 90–1; Carlier 1984, 95–9, 130 (on the *da-mo-ko-ro* as a local official); de Fidio 1987, 114; Hooker 1995, 14–20; Killen 1998; de Fidio 2001; Nikoloudis 2006, 76ff with literature; Shelmerdine 2007, 45–6; Lupack 2008, 66–7; Shelmerdine 2008, 133–5; Shelmerdine and Bennet 2008, 298–303; Werlings 2010, 21–46; Nikoloudis 2014, 233; Carlier 2016, 667–70; Zurbach 2017, 187–209. Cf. Killen 2006, who steers clear of a focus on the Eritha dispute and instead emphasises relations of labour in reconstructing the social structure.

[30] See the survey in Bennet 2007. Also, see generally the contributions in the volumes edited by Voutsaki and Killen 2001; Galaty and Parkinson 2007; and indicatively, with literature, Lupack 2011; Bennet and Halstead 2014; and, indicatively, the significant analysis in Killen 1998.

[31] There has been particular focus on the presence of delegates in the rural economies. See scholarship on the *a-ko-ra-jo* (perhaps ἀγοραῖοι) in the regional livestock industry, documented by the Knossos Co series tablets: Bennet 1992; cf. Lupack 2008, 86–130 with extensive literature; more recently Kyriakidis 2010. These figures appear to have held local 'responsibility for overseeing production and the delivery of products to the palace' and thus represent an example of delegation in contrast to direct control: Bennet 1985, 239–40; cf. idem 2007, 194–5; 1992; Nakassis 2013, 142, 174–5. On delegation and elite individuals in Pylos, see Nakassis 2013, 109–10, 142, 144; also Carlier 1984, 95–9, 117–34. On the religious sector, see Lupack 2011, 209–11. See also, on the motives and objects of the palace, Bennet and Halstead 2014, 273, 275, 278; Shelmerdine 2006, 74. Cf. Killen, who emphasises the 'extreme degree of the division of labour' in the evidence: Killen 2006, 87. See also the literature on the local communities, infra n 29.

[32] Apostolakis 1984; idem 1990; idem 2002; Steele 2008, 44; Steele 2011, 124–5; Loginov and Linko 2018, 83, 91; Recently, Loginov and Linko have gone so far as to describe the record of the dispute as insight into the process of 'eine Gerichtsverhandlung': Loginov and Linko 2018, 81. Cf. the caution expressed by Beltrán Jiménez Sancho 2020, 28, who nevertheless notes the exceptionalism of the Eritha dispute.

[33] Steele 2008, 44; 2011, 124–5; cf Palaima 2000: 9.

[34] Apostolakis 1984; idem 2002, 59; cf idem 1987–8, 172; Loginov and Linko 2018, 91–3.

however, have offered textual evidence for their formalist interpretations through a reading of the verb 'e-u-ke-to' which both texts use to describe the claim made by the priestess.[35] This act of declaration is read in line with oral testimony given under oath, as in the procedure of adjudication familiar from the famous Homeric trial depicted on the shield of Achilles shield (*Il*. 18.499).[36]

In general, such strong readings to the Eritha dispute which treat it as an example of formalised litigation isolate it from other records of the palatial administration of land. If the example is taken to represent a dispute over right, then it is unique in Mycenaean epigraphy.[37] To suppose, then, that it exemplifies a developed procedure of arbitration (which just happens not to appear anywhere else in the various palatial corpora) requires the import of non-Mycenaean evidence to make the case for reconstructing Mycenaean legal procedure. This usually takes the form of analogies drawn between the Greek palaces and the centralised legal procedure of the Near East, largely justified on the basis that the presence of the example among the Pylian tablets reveals that the palace has an interest in adjudicating private disputes.[38] The Near Eastern comparison makes a convenient intervention into the Mycenaean zone of undecidability, dispensing with a difficult question of typology posed by a singular example for which there is no clear parallel in the Greek context.[39] Given the Eritha dispute appears as a dispute over the nature of a landholding, it is assumed rather than interrogated that the dispute exemplifies some kind of 'legal' process for the adjudication of disputes over right.[40] Thus, even where it is admitted by one scholar that a Near Eastern comparison here is 'desperate', it is still assumed that Eritha is a litigant in want of a settlement, that this is a dispute in need of adjudication.[41] The assumed 'legal' nature of the dispute thus opens the door to the kinds of strong hypotheses surveyed, which tend to emphasise the formality of the procedure, and the interest of the state in adjudicating disputes between parties in the territories within the influence of the palace.

As we have seen, the emphases and assumptions of such strong readings of the Eritha result in a particularly strong view of the intervention of the palace in social relations among the rural communities, one which tends to contradict the general trends in the scholarship.[42] There is a need for caution against certain methods which have led to this discord. Most important for this project is to avoid the kind of formalist approaches to the Mycenaean evidence which seek to assimilate the texts of the Eritha dispute into the categories of legal documents from contexts with advanced formal legal structures, such as the corpora from the Near East.[43] It is difficult to disagree with the warning of Papakonstantinou, that 'any reconstruction of Mycenaean law

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[35] Cf. Arcadian εὔχετοι, or perhaps imperfect εὔχετο.

[36] Loginov and Linko 2018, 81, 83–6, 86 n 20. On *e-u-ke-to*, see Tausend 2001; Muellner 1976, 102–5; Citron 1965, 84; Ruijgh 1965, 73; Bennett 1956, 108. On procedure in the Archaic evidence, see Thür 1970, 1996.

[37] Note the record of one other controversy featuring another priestess Karpathia on the same tablet PY Ep 704.7–8 (cf PY Eb 338) which Steele views as a 'disagreement … between the palace and the priestess herself, rather than between two extra-palatial parties' (Steele 2011, 125).

[38] Loginov and Linko 2018, 83; cf Steele 2008, 43–4; Steele 2011. Cf. the comparative approaches in Hooker 1995, 16; Uchitel 2005, in particular 484–5.

[39] Note the other controversy on Ep 704.7: see infra n 37.

[40] In particular, Steele (2008, 43–4, 34ff) advances the argument that the Eritha dispute is a possible candidate for the kind of 'bilateral' type of documentation identified by Postgate in his study on Near Eastern bureaucracy; see Postgate 2001; 2013.

[41] Palaima 2000, 9; cf. Steele 2008, 2011, Lupack 2011.

[42] On the rural communities, see infra n 29.

[43] For example, see the discussion of Near Eastern land documents in the introduction to Gelb, Steinkeller and Whiting 1991, 1–26. An overview is offered in Westbrook 2003, 54–62.

… must remain largely conjectural and elusive', insomuch as 'law' or 'legal' structures are imputed with the formal content they developed in the Greek context during the Archaic period.[44] As we have seen, a formalist or positivist approach to order in the context of the Mycenaean documents is confronted by very little evidence to allow the reconstruction of formalised legal procedure under palatial control. Indeed this has even been recognised by Gagarin, who has avoided a treatment of the Mycenaean evidence given its resistance to legal formalism, while advocating it in the context of the later Greek epigraphy.[45] Even some scholars who have proposed 'legal' readings of the Eritha dispute have recognised that there is an epistemological problem when it comes to the application of 'legal' concepts to the Mycenaean evidence. Indeed, Steele has supposed that

> '[t]he fact that such disputes could arise suggests that some sort of "legalisation" of contracts, perhaps through citing a means of evidence such as the presence and/or seals of witnesses, would have been useful within the Mycenaean system. However, there is no evidence, … that any such legal document had been created in this case or in any other.'[46]

These comments provide useful guidance for defining the problem of approaching the Mycenaean evidence from the perspective of the developed legal categories from a different historical context, where formal legal institutions and practices are abundant in the written evidence, such as Classical Greece or the Bronze-Age Near East. Thomas has highlighted the absence of formal legal documents from the Mycenaean evidence, arguing that oral norms and practices must have been important in their place.[47] While Steele has been cautious to remind us that '[a]bsence of evidence … is not evidence of absence', Thomas has offered some reflection on the absence of Mycenaean documents (or administrative practices) which match formal legal models.[48] She has written, that 'order … did not achieve an objective, independent existence within the administrative structure of the Mycenaean kingdoms'.[49] This point has also been made by Frezza, who has sought to understand why such extensive corpora of administrative texts as those produced by the Mycenaean palaces do not precisely align to a 'legal' system in terms recognisable from other contexts. Frezza has cautioned an approach to Mycenaean bureaucratic practice which imputes its formulaic and abundant production of texts with the values of a rationally ordered system.[50] More recently, the same epistemological problem has been approached with caution by Zurbach and Del Freo, who have sought a more 'neutral' description of the land-related series of tablets which avoids making the assumptions in loaded terms like 'cadastre'.[51] A recent treatment by Zartaloudis of the problem of 'normativity' in the early Greek evidence traces how the Greek vocabulary (in particular, the family of words related to the verb νέμειν [*nemein*]) developed the character of what he describes as a 'juridical-political ordering'.[52] Zartaloudis has emphasised the need to reach

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[44] Papakonstantinou 2008, 20.

[45] Gagarin 2008, 2–3, cf. 3 n 3. There is no similar comment in Gagarin 1986, with the Bronze Age only mentioned in some comments on the transition to written law at 134–6. On the influence of positivism on Gagarin's earlier work, see the discussion in Cohen 1989, 90–5; cf. Gagarin 1986, 1–17; Gagarin 2008, 3–4.

[46] Steele 2011, 125.

[47] Thomas 1984, 253.

[48] Steele 2011, 125; Thomas 1984, 253.

[49] Thomas 1984, 253.

[50] Frezza 1965, 327. Frezza's work follows French critical approaches to Greek political thought. See Detienne 1965, which discusses the classic Vernant 1962; and idem 1965. Compare Gernet 1948–9.

[51] Zurbach has proposed 'registri fondiari': Zurbach 2016a, 349. Del Freo has discussed the problem at more length in Del Freo 2005, xvii–xxvii, especially xxvi–xxvii.

[52] Zartaloudis 2018, 119. On the Mycenaean evidence, where the root is not attested, see 74–89.

beyond categories provided by modern conceptions of ownership as aides to understand the Mycenaean evidence for landholding.[53] These approaches all express the need for a non-formalist approach to understanding the emergence of administrative order in the ancient Greek world. This is the contribution which this doctoral project seeks to make in the context of the Mycenaean evidence for landholding.

The conceptual organisation of the dissertation shall seek to avoid assuming the applicability of particular analytical categories which reflect formalist approaches to the evidence (such as the opposition between public and private) or strict categories of formalised landholdings (like the leasehold).[54] Rather, the research proposes to identify certain key juridical paradigms which appear in the evidence for Mycenaean land relations and which appear to organise or condition how the palaces managed them.[55] These paradigms are then intended to provide the structure for the synthetic part of the dissertation. Restricting ourselves to problems already discussed in the review of the literature, possible examples include the opposition divided/undivided (significant to the question of allocated, conceded, or communal land),[56] nomination and classification (in the typological debate on the land-series tablets),[57] originary/derivative interests (relevant to the independence of the *damos* from the palace as a higher landholder),[58] and obligation/exemption (e.g. in the interpretation of the terms *e-to-ni-jo* and *o-na-to*, cf. also *o-no*/*a-no-no*).[59]

In considering the Mycenaean evidence in this way, the doctoral project aims to offer to ancient legal history a consideration of particular juridical paradigms in the earliest Greek written evidence, contributing to an understanding of power beyond the formalised context of a developed legal order.

Time schedule and planning

The doctoral studies are intended for completion by the end of the winter semester 2025, with completion of the dissertation intended for the preceding semester. It is intended that work research shall be conducted in Greece using the resources in the libraries of the major foreign archaeological institutes at Athens.

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[53] Zartaloudis 2018, 89.

[54] See infra n 23 for the literature on handholding, and especially infra n 26 with citations of key works in the 'juridical' school. Note, most recently, a similar caution to economic models taken in Murray's study of the collapse of the economy: Murray 2017, see 'Introduction', and 31ff.

[55] The idea of the paradigm has been important in the revival of anti-formalist critical theory and so-called critical legal theory following its popularisation by the philosopher Giorgio Agamben. See 'The Two Paradigms' in Giorgio Agamben, *The Kingdom and the Glory* (Lorenzo Chiesa trans, Stanford University Press, 2011), 1–16; also Giorgio Agamben, 'What is a paradigm' (lecture at the European Graduate School, August 2002, transcribed by Max van Manen); cf. 'Che cos'è una paradigma?' in Giorgio Agamben, *Signatura rerum: Sul metodo* (Bollati Boringhieri, 2008), 11–34. The theory shall be examined in the dissertation.

[56] See infra nn 26, 51, 28, and 29.

[57] See infra n 51.

[58] See infra nn 28 and 29.

[59] See infra n 7.

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