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Early Greek legal history and the Mycenaean sources

Le origini della storia giuridica greca e le fonti micenee

‘Vormals richtete Gott.
Könige
Weise.
wer richtet denn izt?’
Hölderlin, *Zu Sokrates Zeiten*.

Abstract
Legal historians of ancient Greece often begin with the Homeric poems as the earliest sources for a study of the emergence of normative order in Greece. By contrast, the large corpora of administrative records produced by the Mycenaean palaces from ca. 1450-1200 BC have aroused little interest in the legal historiography. Despite this, discussions of themes such as property, relations of obligation, and dispute resolution are prominent in the specialist Mycenaean literature, but often with uncritical and selective reliance on legal conceptions. This paper outlines several key problems for a legal historical approach to the Mycenaean evidence, through a critical consideration of the reasons why these sources have long been excluded by legal historians. It is argued that a legal historical approach must avoid applying formalist conceptions of law and legal categories to the Mycenaean evidence, and must engage with trends in specialist studies which have recognised a more limited role of the Mycenaean palaces in the broader economy. Following the example of recent critical histories of the production of normativity in other premodern contexts, this article outlines some key considerations for a legal history of the Mycenaean world and emphasises the broader social and economic context of the

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administrative practices which produced the documentary records. It is argued that the evidence should not merely be read from the perspective of the palace as the only centre of order, but that the records reveal limitations to the scope of palatial normativity, especially in the sphere of property relations where the local communities held considerable power. This article calls for future studies of the Mycenaean records to adopt a more pluralistic conception of the production of normativity, and to engage with trends in critical legal historiography.

Gli storici del diritto dell'antica Grecia partono spesso dai poemi omerici come prime fonti per studiare l'emergere dell'ordine normativo nel mondo greco. Al contrario, gli ampi *corpora* di documenti amministrativi prodotti dai palazzi micenei tra il 1450 e il 1200 a.C. circa hanno suscitato scarso interesse nella storiografia giuridica. Ciononostante, le discussioni su temi quali la proprietà, i rapporti di obbligazione e la risoluzione delle controversie sono importanti nella letteratura specializzata, ma spesso con un affidamento acritico e selettivo sulle concezioni giuridiche. Il presente lavoro delinea alcuni problemi chiave per un approccio storico-giuridico alle testimonianze micenee, attraverso una considerazione critica delle ragioni per cui queste fonti sono state a lungo escluse dagli storici del diritto. Si sostiene che un approccio storico-giuridico deve evitare di applicare alle testimonianze micenee concezioni formaliste del diritto e delle categorie giuridiche e deve confrontarsi con le tendenze degli studi specialistici che hanno riconosciuto un ruolo più limitato dei palazzi micenei nell'economia più ampia. Seguendo l'esempio di recenti storie critiche della produzione di norme in altri contesti premoderni, questo articolo delinea alcune considerazioni chiave per una storia giuridica del mondo miceneo e sottolinea il più ampio contesto sociale ed economico delle pratiche amministrative che hanno prodotto i documenti. Si sostiene che le testimonianze delle tavolette non dovrebbero essere lette solo dal punto di vista del palazzo come unico centro dell'ordine, ma che i documenti rivelano piuttosto limiti alla portata della capacità normativa del palazzo, soprattutto nella sfera dei rapporti di proprietà dove le comunità locali detenevano un potere considerevole. Questo articolo invita i futuri studi sui documenti micenei ad adottare una concezione più pluralistica della produzione di normatività e a confrontarsi con le tendenze della storiografia giuridica critica.

Keywords: ancient Greek law, Mycenean civilization, Linear B, administrative documents, legal theory, historiography

Parole chiave: diritto greco antico, civiltà micenea, lineare B, documenti amministrativi, teoria del diritto, storiografia

The decipherment of the Linear B script in the mid-twentieth century caused a great wave in ancient Greek historiography, yet barely a ripple among legal historians.[1] This earliest form of written Greek extended the evidence for the Greek language by five centuries (the attested texts date between 1450 and 1200 BC), and brought within the scope of history an age which had been imaginable only through the archaeological remains and the ambiguous indications of the Homeric poems.[2] These earliest written Greek sources now comprise several thousand short, formulaic texts which have been separated into thematic series corresponding to specific administrative functions. [3] In the words of their main decipherer, they 'contain nothing of any literary value, but merely record the prosaic and often trivial details of the palace administration.'[4] Yet the study of patterns of administration and social forces among this prosaic and trivial detail has allowed us to understand life in these first Greek polities with much greater precision than was possible on the archaeological evidence alone.[5] Several thousand inscribed clay tablets in the Linear B script have since been published. The various categorised series of texts each have a discrete, technical scope, concerned with specific details of production, personnel, the movement of goods, and so on. In the words of Moses Finley, they are 'stripped down to the barest minimum of words and figures' (excepting two texts, perhaps the most complex of all, which just happen to be those in the corpus most receptive to a legal historical approach, as we shall see below).[6] This formulaic brevity, and typological specificity of the texts lends to the common view that the '*raison d'être* of the Linear B tablets is not society but economy'.[7] For legal historians, the most striking absence from the Mycenaean corpora is formal legal documents. As already lamented by Finley in the wake of the decipherment, '[n]ot a single communication, agreement, ad-

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[1] On the historiographical problems relating to the sources generally, see Hooker 1995; de Fidio 2008. Similar problems are discussed in Bennet 1997. On the decipherment, see Pope 2008; Robinson 2012.

[2] See above note 1.

[3] On the classification of the texts, see Del Freo 2016a; 2016b.

[4] Announcement by Michael Ventris, BBC Radio, 1 July 1952: https://www.bbc.com/news/av/magazine-22799109.

[5] See an overview, with citations, in Bennet 2007a, 178–182.

[6] Finley 1957, 129.

[7] Shelmerdine 2008, 115.

ministrative ruling, law, or judicial decision has been found'.[8] Yet many of the records would be seemingly very familiar to legal historians, such as the extensive series relating to landholdings from Pylos, which this piece shall consider as an entry-point for a legal historical intervention.[9] Other important records which allow insight into Mycenaean normativity include tablets relating to the delegated administration of rural agricultural production from Knossos,[10] and those which reveal relations of work, obligation and exchange owed to the palace.[11] More, still, may be said about what the documentary and textual forms themselves reveal about the structure of power, and about the inscribing of the clay tablets as administrative documents in their palatial context, many centuries before the alphabet was used to record the first laws.

This article identifies the key problems for further study of this earliest Greek evidence from the perspective of legal history. This first part of this article considers how the Mycenaean evidence has been treated by legal historians so far, both by those who have denied the possibility of their legal historical treatment, and by those very few scholars who have made an attempt to conceive Mycenaean power in terms of normative order. The second part shall then turn to focus on two of the most famous texts in the corpus from Pylos, which appear to represent a dispute over the landholding of the priestess Eritha, identifying the key legal historical themes in the Mycenaean evidence and interrogating the assumptions which have been made about them. The final part shall then locate the specific questions raised by this dispute among the broader problem of 'normativity' in the Mycenaean world, towards the construction of a methodology for the Mycenaean sources which engages both with the recent specialist scholarship

[8] Finley 1957, 129.

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

[10] For example, the Knossos Co series, discussed in Bennet 1985, 240. See moreover below note 66. Cf. Ruipérez 1957. On territoriality as a paradigm of administrative organisation, see Bennet 1999; 2011; Del Freo 2016c; Bennet 2017; the proceedings in Eder and Zavadil, eds. 2021; Efkleidou 2022.

[11] 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; Morpurgo Davies 1979; Chadwick 1987; Apostolakis 1988; Gallagher 1988; Killen 1993; Perna 2006; Zurbach 2016a, 686–688; Del Freo 2017; Rougemont and Vita 2021.

and with critical debates in legal history beyond Ancient Greece. I shall argue that 'normativity' is a useful lens for understanding the relationship between practice and norms where they do not reflect the categories imposed by positive, formal frameworks.[12] With a consideration of typology and documentary practices, I will emphasise the need to understand the Mycenaean documents not simply as the records of a central administration, but of its interaction with other centres of order, such as the communities (*damos*). The lens of pluralism, or multicentrism, shall be presented as a possible framework for understanding normativity in this early Greek context. I shall argue that a legal historical approach to the Mycenaean documents must consider normativity as the product of multiple centres of order. Such an approach, I believe, aligns closely with growing trends in Mycenaean studies broadly, and brings these into contact with recent legal historical approaches to decentralised power in other premodern contexts. My introductory survey shall, I hope, show the urgency of legal historical treatments of specific themes in the Mycenaean documents, which should focus on key debates about the structures of landholding and the forms of relations of obligation. This will require interdisciplinary engagement, and an openness to the possibility of disrupting accepted conceptions about the contingency between central power, written law, and formal legal documents, especially those which predominate in early Greek legal history.

I: The laws of Minos? The Mycenaean evidence in the legal historiography

Before the discovery of archaeological and textual evidence, the Greek experience of what we now call the Late Bronze Age was recalled by the Classical tradition as a mythical, distant heritage.[13] A key theme in this tradition was the presence of powerful, law-giving kings in the earliest days of the

[12] The term 'normativity', popularised in recent legal historical discourse, emphasises the relation between practice and norms in contexts where the lens of formal 'legal' categories built in respect of modern European positive law are unsuitable analytical frames. I use the 'normativity' in a broader sense, and 'order' to represent systems or structures of norms which may coexist with others (thus I speak of a palatial 'order' in respect of its administrative practice). Some useful treatments in Füssel 2015; Duve 2017; 2020a; Bastias Saavedra 2022. Also see below at nn. 39, 40, 148.

[13] This foundational problem of Greek self-perception is impossible to cover with a few indicative citations, but those which attempt the problem with clarity include Press 1982, Introduction, chs II and III; Gehrke 2014.

Greeks. The mythical Cretan king Minos appears in several literary works as the first Greek law-giver in a motif established by Greek writers that was later adopted by the Romans.[14] In Homer, Minos, the son of Zeus, judges over the dead with his sceptre in hand.[15] The Homeric motif is taken up by Plato, whose *Laws* recalls the divine influence on Minos's legislation.[16] In the pseudo-Platonic dialogue *Minos* — the alternative title of which is 'On Law' — Minos is recalled as an 'old' and 'great king', a 'good lawmaker', whose 'laws live on even today as though they were divine beings', and which are recognised as 'the oldest laws among the Greeks'.[17]

The contradiction between this tradition and the reality of the Late Bronze Age evidence did not go unmissed among the earliest scholars of Linear B. No written laws or formal legal documents (the like of contracts, wills, etc) appear among the palatial documents, something indeed observed by the early commentary on Linear B by its decipherers Ventris and Chad-

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[14] Note, the distinction between the Minoan and Mycenaean in archaeology is a modern construct, which does not reflect the classical conception of the mythical past.

[15] Hom. *Od.* 11.568–71 ('ἔνθ' ἦ τοι Μίνωα ἴδον, Διὸς ἀγλαὸν υἱόν, / χρύσεον σκῆπτρον ἔχοντα, θεμιστεύοντα νέκυσσιν, / ἥμενον, οἱ δέ μιν ἀμφὶ δίκας εἴροντο ἄνακτα, / ἥμενοι ἑσταότες τε κατ' εὐρυπυλὲς Ἄϊδος δῶ.'). Cf. Virg. *Aen*. 6.431–3 ('Nec vero hae sine sorte datae, sine iudice, sedes: / quaesitor Minos urnam movet; ille silentum / conciliumque vocat vitasque et crimina discit.'). Some other worthwhile Greek examples: Ps.-Pl. *Minos* (passim, and see below n. 16); Diod. 5.78 (specifically 5.78.3: 'θεῖναι δὲ καὶ νόμους τοῖς Κρησὶν οὐκ ὀλίγους, προσποιούμενον παρὰ Διὸς τοῦ πατρὸς λαμβάνειν, συνερχόμενον εἰς λόγους αὐτῷ κατά τι σπήλαιον'); Strab. 10.4.19–20, 16.2.38–9. From the Roman sources: Cic. *Rep*. 2.2 ('singuli fuissent fere, qui suam quisque rem publicam constituissent legibus atque institutis suis, ut Cretum Minos...'); cf. a similar passage in Tac. *Ann.* 3.26 ('leges malverunt. ... maximeque fama celebravit Cretensium, quas Minos ...'); cf. Cic. *Tusc.* 1.10 ('inexorabiles iudices, Minos et Rhadamanthus'), 2.34 ('Cretum quidem leges, quas sive Iuppiter sive Minos sanxit de Iovis quidem sententia'); Polyaenus, *Strategems* 8.4.1 (on the influence of Minos and Rhadamanthus on the laws of the Roman king Numa). See generally Stenger 2006.

[16] Pl. *Laws* 624a–b (on Minos as pupil of Zeus as law-maker, 'κατὰ τὰς παρ' ἐκείνου φήμας ταῖς πόλεσιν ὑμῖν θέντος τοὺς νόμους').

[17] Ps.-Pl. *Minos* 318c: [Socrates] 'τίς δὲ λέγεται τῶν παλαιῶν βασιλέων ἀγαθὸς νομοθέτης γεγονέναι, οὗ ἔτι καὶ νῦν τὰ νόμιμα μένει ὡς θεῖα ὄντα;'; at 318d [Socrates], 'οὐκοῦν οὗτοι παλαιοτάτοις νόμοις χρῶνται τῶν Ἑλλήνων;' and 'οἶσθα οὖν τίνες τούτων ἀγαθοὶ βασιλῆς ἦσαν; Μίνως καὶ Ῥαδάμανθυς, οἱ Διὸς καὶ Εὐρώπης παῖδες, ὧν οἵδε εἰσὶν οἱ νόμοι.' The passages which follow consider the tradition of Minos as a harsh lawmaker and judge. Some literature on this dialogue is given in Zartaloudis 2018, xii n 1, 386 nn 144 and 145 and 146.

wick, and by the ancient historian Finley.[18] This problem has been dealt with variously by the scholarship on Greek law. Generally speaking, there are two positions with respect to the Mycenaean sources: either they are not mentioned at all, or their relevance is expressly ruled out (the exceptions shall be considered later). The broader-scope monographs and handbooks on Greek law most often do not mention the Mycenaean sources at all. Beyond the formally legal epigraphic evidence, the approach to other Greek written sources follows the canonical definition of the corpus of Classical literary evidence, with the exception of the Hellenistic papyri representing rich documents from practice.[19] While the problem of defining the scope of research is unavoidable, it becomes acute in studies which profess an approach to 'early' Greek law. In these works, the discovery and existence of the earliest Greek written sources in the form of the Mycenaean administrative documents is treated with silence, which permits the assumption that the Greek evidence begins with the Homeric poems. At the most basic level, the poems are assumed — by an extrapolation from their formative, pan-Hellenic cultural influence — that they represent certain shared basic themes in Greek justice and procedure, which might later have developed separately in the course of history.[20] One scholar, Gagarin, goes so far as to state that 'for our purpose, Greek civilization begins ... following the fall of the Bronze Age', as though the decipherment never happened at all.[21]

The definition of what 'early' Greek law is, and which sources are considered relevant to its study, has been largely shaped by two epistemic influences. One of these is the legacy of a reliance by the pioneering Greek legal historians on conceptions from Roman law to construct (and defend)

[18] See above notes 4, 6 and 8. Finley 1957, 129; Ventris and Chadwick 1973, 110.
[19] See, for example, the contents of Gagarin and Cohen, eds. 2005
[20] This ultimately owes to the famous dictum of Homer as the 'educator' of Greece: 'λέγουσιν ὡς τὴν Ἑλλάδα πεπαίδευκεν οὗτος ὁ ποιητὴς καὶ πρὸς διοίκησίν τε καὶ παιδείαν' in Pl. *Rep*. 10.606e. See, indicatively, the comments in the subchapter 'Homère "éducateur de l'Héllade"' in Cantarella 2003, 26–9. Cantarella, it must be noted, does engage with the Mycenaean evidence (her work cited below in nn. 53 and 68). Even the work by Gagarin on 'early' Greek law, while avowedly positivist, takes an approach to Homer which assumes certain common origins of Greek procedure: see below nn. 21, also n. 31 and cf. n. 32. On the historiographical turn in readings of Homer, see Bennet 1997; Raaflaub 1997; 2006; more generally Bennet 2007a.
[21] Gagarin 2008, 3.

their own disciplinary approaches.[22] The important study by Steinwetter on Greek procedure (1925), for example, treats all the pre-Classical evidence in a short chapter entitled 'Altgriechisches Recht'; this mirrors the classification of pre-Classical Roman law as 'Altrömische' (that is, *Alt-* denotes the relative antiquity between two defined, and linked, stages on an evolutionary path).[23] The other influence has been the historiography on the emergence of the Greek *polis* in the Archaic period, a problem beginning with attempts by the nineteenth-century scholarship to define certain social and economic preconditions.[24] The definition of this problem in the historical literature has indeed evolved since the decipherment of Linear B. Several studies have sought to consider the possible Mycenaean 'inheritance' of the early *poleis*, largely on the view that the 'post-Mycenaean processes of state-formation cannot have been a wholly virgin or independent growth.'[25] This has particularly concerned scholarship on social actors which appear prominently in Homer, like the *basilees* and the *demos*.[26] The legal historians, however, remain wedded to an older notion of origins and conceptual genealogies (again, the exceptions are considered below). Typically, they deny the Mycenaean evidence has a place among the 'early' Greek sources.[27] Still, even where an analytical, rather than teleological, approach is taken to the Greek sources — as in studies which propose a treatment of problems such as the causes for the drafting of written legal codes after the (re-)adoption of writing in the Archaic period — the consequence of leaving out the Mycenaean evidence is all the more problematic.[28] For exam-

[22] On this influence generally, see the classic Finley 1951; Todd and Millett 1990, 2–7. On disciplinary problems in Greek law generally, see Finley 1951; 1975; Wolff 1975; Cohen 1989; Thür 1991; Gagarin 2005; Papakonstantinou 2012, 1–17.

[23] Steinwenter 1925, 29–48. For example, one scholar writing after the decipherment defended her beginning with Homer, because the epics described the 'origins' of a 'long and rich tradition': Tsouyopoulos 1966, 10–11. Cf. recent volumes of the series *Symposion*, where a section 'Altgriechisches Recht' encompasses all the pre-Hellenistic.

[24] See a good overview of the historiography in Davies 1997.

[25] Davies 1997, 25.

[26] For example, see Lenz 1993, 108ff (survey of literature on the so-called 'decapitation theory'); Foxhall 1995; Dickinson 2006; Palaima 2006; de Fidio 2008; Lane 2009; Werlings 2010; Crielaard 2011; Bennet 2014; Thomas 2014; Murray 2017 at 16-18 for an overview.

[27] See, for example, above note 21.

[28] See, for example, a thorough consideration of a methodology for problem, still without consideration of the Mycenaean sources, in Hölkeskamp 1999, 11–20; cf. Ruzé 2017.

ple, a study on the relationship between public legal inscription and other written legal documents which compares the codes of 5th-century Gortyn and Hammurabi's from 18th-century Babylon does not even mention the Mycenaean tablets, when they clearly pose a problem for this comparison given the dating of the Linear scripts in the Aegean.[29] The Linear B evidence has obvious relevance at least as a complicating factor, because it begs us to ask why the adoption of writing as an administrative practice does not inevitably lead to the kind of written legislation or public legal inscription attested in the Near East, or in Archaic Greece. Even from a more conservatively defined approach to the evidence (one interested only in formal legal sources), the deafening silence on the Mycenaean is difficult to defend in view of the prominence of the idea of mythical 'Minoan' legislation in the Classical tradition itself, as we have seen (the abstractions Minoan and Mycenaean are our own). The views of the Greeks themselves are at least useful in identifying the problems for our own study, something which has been widely realised, for example, with respect to the Greek historians' own conceptions of history. The value of the Mycenaean sources as comparative evidence for later Greek legal history has been appreciated by very few scholars, among them Henri and Micheline van Effenterre, and Giorgio Camassa, whose work has emphasised the possibility of a Mycenaean comparandum to the Archaic legislation.[30]

The other approach to the Mycenaean evidence is taken by scholars who acknowledge their existence but decide they fall outside the bounds of legal history. The classic monograph by Gagarin on 'early Greek law' did not specifically rule out the Mycenaean evidence, but offered the impression that 'the sort of closed, scribal culture' of writing in the Late Bronze Age was inconsistent with the 'public inscription of laws and the acts of legislation necessary for public inscription'.[31] Gagarin's emphasis on written law means he has been hesitant to offer any impression of the Mycenaean evidence, with his work adopting Hart's positivist definition of law in preference to a treatment of normative order more broadly defined.[32] Another

[29] Gagarin 2006.

[30] See van Effenterre and van Effenterre 1995; 2000, 177. Moreover, see below n. 46. Also see Camassa 1988; 2011.

[31] Gagarin 1986, 135. Cf. Gagarin 2006, 11. ('In Greece, professional scribes do not appear to have had any role in the area of law').

[32] Gagarin 2008, 2–3. Note, however, Gagarin declaring a broader approach elsewhere:

scholar, Papakonstantinou, describes the Linear B evidence as 'meagre', and cautions of 'the total lack of documentation regarding law in the period in question'.[33] He warns, 'any conclusions reached based solely on comparative evidence must inevitably remain largely conjectural'.[34] Despite his own warning, the author offers his own impression of the evidence by 'analogy to the legal systems of the Near East', with the conclusion that 'Mycenaean Greeks possessed a system of customary, mostly unwritten set of laws, sanctioned and administered – including presumably the articulation and enforcement of norms and procedures – exclusively by the palaces and their appointed representative'.[35]

The contradiction raises questions. The one assumes the Mycenaean kings were lawgiving sovereigns but admits the absence of evidence, while the other treats the extant records as irrelevant because they are not public legislation. The view expressed by Papakonstantinou represents a very strong conclusion about Mycenaean practice, yet no treatment of the textual evidence is offered. Gagarin meanwhile casts the evidence aside as irrelevant to legal history, because the typology of the documents makes it difficult to compare, or align, with the inscriptions from Archaic Greece. Both make certain problematic assumptions about the evidence itself, which are not interrogated. Gagarin, for example, comments in respect of two studies on the problem of Mycenaean law, that they 'assume a moderate degree of continuity between the Bronze Age and later Greek civilization', while he believes 'in most respects the break was nearly complete'.[36] Yet this is not a dominant theme in the specialist literature, and has nothing to say of studying the Mycenaean written records on their own terms, without the objective of writing a grand civilisational narrative of the development of Greek law from Minos and Nestor to Athens. Papakonstantinou, on the other hand, offers a very contingent and specific impression of Mycenaean procedure, for which he offers little justification. Thus extreme interpretations of the evidence are offered, seemingly without reading the evidence at all, in order to justify its ultimate irrelevance or unsuitability for legal

Gagarin 1991, 87 n 1.

[33] Papakonstantinou 2012, 20.

[34] Papakonstantinou 2012, 20.

[35] Papakonstantinou 2012, 20.

[36] Gagarin 2008, 3 n. 3. Gagarin there cites van Effenterre 1989; Thomas 1984. On the problem of continuity, see above n. 26.

history. What this article seeks to show is that, had the assumptions on which such unread readings were based been interrogated any further, they would at least show the need for a lengthier treatment of the evidence on its own terms.

The great wall erected by legal historians between the Mycenaean evidence and 'historical' Greece is all the more difficult to tolerate when it means that legal historians exclude as unsuitable thousands of administrative documents (the Linear B records), while the representations of justice in epic poetry (Homer and Hesiod) have quite readily been accepted as evidence for historical practice. Historical evidence is always limited in scope and plagued by interpretive difficulties. Here, I shall argue it is no longer justifiable, with the expansive growth in the specialist literature on the Linear B documents, and the great advancement in our understanding of the period, to simply reject the possibility of a legal history based on the Mycenaean evidence, especially when so many assume it must conform to uninterrogated preconceptions of power in the 'prehistoric' period which have been largely abandoned by the specialists themselves. In particular, the adoption in many cases by ancient legal historians of abstracted and ahistorical conceptual frameworks — such as those built by the positivists like Hart in the shadow of modernity — bucks the trend of the legal historical scholarship beyond the Ancient Greek world. Legal historians working in varied premodern contexts have particularly emphasised the need for a critical and sensitive approach to different normative regimes in varied time and space, in contrast to the tendency to extend of modern legal conceptions to historical evidence beyond the contexts in which those conceptions are grounded.[37] In ancient history, a recent provoking study by Esu on the negotiation of 'divided power' in Classical Athenian lawmaking similarly questions the reliance of the scholarship on modern conceptions of consolidated 'sovereignty', which Esu rightly treats as an idea 'embedded … in modern European political and legal thought.'[38] Another key example is represented by the extensive debates on the study of Early Modern colonial contexts, where legal historians like Tamar Herzog and Thomas Duve have emphasised the need to pursue more contingent analytical frameworks

[37] For a discussion of the literature on 'legal pluralism', and its critique, see some key references below at n. 148.
[38] Esu 2024, 10.

for understanding what they place under the inclusive term 'normativity', which envelops the various sources of norms in specific time and space.[39] Such approaches emphasise the significance of studying behaviour as it is conditioned by the norms which apply to it, which often need to be reconstructed from the evidence of practice alone, including from documents which reflect the application or implementation of norms rather than stating or defining them. This serves to contrast with the rigidity of readings of the evidence which approach it with predetermined conceptions of the normative structures that it is assumed it should represent, meaning that practice (including documentary) has tended to be marginalised or doubted as evidence because it usually presents complications for our assumptions about the norms at play. The promise of the growing critical approaches has been realised in our increased understanding of the interplay of multiple sources of norms (what Duve calls 'multinormativity'), something which had been underplayed or outright denied by earlier scholars who had sought to defend the distinction, and exceptionalism, of consolidated and sovereign legal orders.[40] Thus the framework of institutional and normative pluralism have become important critical devices for reimagining the allocation and operation of power beyond the model of the modern European state and the framework of a modern legal system. While we do not need to subscribe to the particular choices and emphases of the specific approaches, this critical literature has shown that historical normativity cannot be understood purely through the lens of modern law or modern positivist legal philosophy. Importantly, these frameworks always require us to reconstruct power structures from the ground up, rather than locating the centre and assuming its omnipotence. It is striking that these growing approaches in legal history correspond to the developing view of the palace in Mycenaean studies, which has revised its relationship of centre and periphery and emphasised the non-palatial sphere, as I shall outline below. This coincidence represents an opportunity, for a more sensitive and critical approach built with the epistemic experience of legal history, to develop our conception of normativity in the Mycenaean world.

[39] E.g. Duve 2017; 2020a; 2020b; 2021; Herzog 2024. See also below around n. 86 for a discussion of documents and normativity.

[40] The term is discussed in the context of a growing literature on normativity in the social sciences in Duve 2017.

Nevertheless, one of the aversions to the Mycenaean sources among ancient Greek legal historians seems that they represent an inconvenience which risks complicating neater narratives of the development of written law in Archaic Greece, which assume that the emergence of alphabetic script must relate to the formalisation of law and ignore the presence of an earlier writing culture with very different circumstances. Yet even approaches which are avowedly formalist, and focus on formal legal documents alone, cannot avoid the problem of context. In reflection of this, a consideration of the conditions of literacy when written law emerged is, rightly, a common prelude to studies of 'early' Greek law. This largely relies on Homer (and less so, Hesiod), for an insight into what are assumed to be 'traditional', or 'oral' procedures from a time before writing.[41] However, there is no reason why a line ought to be drawn which excludes earlier, written Greek sources from this problem. This has been realised by a smaller number of scholars, whose work we will now turn to consider, in the light of certain key problems in the Mycenaean evidence.

As we have seen, any approach to the Mycenaean sources must confront a broader problem of early Greek historiography, being the extent of continuity or discontinuity between the Bronze and Iron Ages. The same holds for a legal historical approach, which must avoid either imposing a hard division between the two periods, or tracing a linear narrative of development across them.[42] The first part of this article has simply sought to explain the epistemological reasons for the prevailing disinterest of most Greek legal historians in the Mycenaean evidence. At the same time, as we shall see in the next part, 'legal' conceptions have become increasingly popular in the specialist literature on the Linear B documents, mainly from archaeologists and linguists. While legal historical approaches are not found as standalone approaches in the major handbooks to the Mycenaean sources, many scholars have adopted legal historical conceptions, particularly in the context of sources relating to landholding.[43] Despite this, there are no extended treat-

[41] Relevant are the debates on the relationship between law and writing as a technology, and the question of literacy in the Archaic period. See Whitley 2024; Chabod 2022; 2024a; 2024b. More generally on the problem of historicity in Homer, see above n. 20.
[42] On this problem see above n. 26.
[43] The handbooks usually feature chapters on 'society', 'administration', and 'economy': see cf. Shelmerdine 2006; Killen 2008; Shelmerdine 2008; Shelmerdine and Bennet 2008; cf. the synthetic survey in Fischer 2012; Carlier 2016; Zurbach 2016a; De Fidio

ments of the epistemological problem which these conceptions raise. For example, one bibliographical series on Mycenaean administration assumed the bold title 'Epigrafía jurídica micénica', though use of the term was never justified, nor its scope defined.[44] In sum, while the legal historians have tended to deny the relevance of the Mycenaean sources to the history of law, Mycenaeologists have often sought to understand normativity in the Late Bronze Age through the assumption of legal conceptions and legal historical analytical categories, often uncritically. This appeal to legal historical concepts has been directed, in particular, to explain the consequences of the total absence of formal legal documents from Mycenaean epigraphy. The possibility that written law had once existed in this period, yet did not survive, is usually ruled out by the consideration of the Mycenaean practices of writing.[45] However, a common view among specialists is represented by the impression of van Effenterre, that 'un droit mycénien a dû exister', though it was never put to writing.[46] How, then, can we understand this Mycenaean 'law'?

II: Where to begin? Some legal historical problems in the Mycenaean evidence

Specialist treatments of the question of Mycenaean law have situated it within a more general problem in the scholarship on Greece in the Late-Bronze-Age, namely the extent of intervention by the palaces into the affairs of the communities who lived within their influence.[47] The two texts often considered most relevant to this problem — and perhaps the most famous texts in Mycenaean epigraphy — are two related tablets from Pylos,

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2024a; Shelmerdine 2024a. Cf. below n. 44. Note also one chapter on landholding in a major handbook, which refers to the 'natura giuridica dei possessi', but generally is cautious with respect to assuming the legal typology of the property series: Zurbach 2016b. On the debate on typology see below note 80. The very recent *New Documents in Mycenaean Greek* contains a detailed survey on landholding which exhibits a strong interest in applying legal categories like possession and ownership: Duhoux 2024.

[44] Adrados 1957; 1965; Aura Jorro 1968; Adrados and Aura Jorro 1971; Adrados 1975; Adrados and Aura Jorro 1978.

[45] Thomas 1984, 248; Steele 2008, 34, 44; cf. the caution in 2011, 125. The common assumption is that law was not recorded until the revival of literacy in the Archaic period: see, e.g., Gagarin 2008, 2–3; Hansen 2018.

[46] van Effenterre 1989, 5.

[47] Some literature on the *damos* below at note 60.

PY Eb 297 and Ep 704 (lines 5–6). These two texts record what appears to be a dispute over the status of land, between a priestess and the local community:

PY Eb 297:[48]

.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 claims that she has, an *e-to-ni-jo* for the god, but the landholders <say> that she has *o-na-ta* from the *ko-to-na ke-ke-me-na* [of land-size equivalent to so much seed:] GRA 3 T 9 V 3

PY Ep 704.5–6:[49]

.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 claims that she has, an *e-to-ni-jo* for the god, but the *damos* says that she has an *o-na-to* from the *ko-to-na ke-ke-me-na* [of land-size equivalent to] so much seed: GRA 3 T (9)

The two texts belong to the landholding-related series from Pylos. The smaller 'palm-leaf'-shaped tablet Eb 297 contains this record alone, as quoted above. The larger 'page'-like tablet Ep 704, however, contains a synthetic list of records which correspond to six individual tablets of the type of Eb 297. These are all records of landholding in the locale *pa-ki-ja-ne* (likely *Σφαγιᾶνες),[50] among which this dispute over land appears by chance. That is to say, the dispute is recorded in the formulaic manner of records of landholdings, not in a register of disputes as such, a point I will return to in Part III.[51] Despite this, the elaborated form of this particular example relative to the short form of most records allows us to analyse its

[48] Olivier and Del Freo, eds. 2020, 89; Melena and Firth 2021, 77. Translation my own.
[49] Olivier and Del Freo, eds. 2020, 118; Melena and Firth 2021, 103. Translation my own.
[50] On the toponym, see Lupack 2008, 44–50; Garcia Ramón 2011, 237 n 83.
[51] The literature on the Mycenaean landholdings is very large. See the synthetic overviews in Del Freo 2005; Lupack 2008 ch. 4; Zurbach 2016b; Duhoux 2024; Palmer 1998.

separate elements, towards identifying certain problems they raise for a legal historical approach to the Mycenaean sources more broadly. These themes will then be considered analytically in Part III, towards a more critical approach to the Mycenaean tablets from the perspective of legal history.

The dispute on Eb 297 and Ep 704.5-6 seems to be represented by a claim and counterclaim over the status of a particular plot of land. The priestess Eritha's claim that this plot is an *e-to-ni-jo*, against the view of the community (*damos*) that it was an *o-na-to* (singular in Ep 704.6, plural *o-na-ta* in Eb 297.1), has been taken to show the opposition between these types of interests. A common impression is that the interest described by the community (*o-na-to*) is akin to a derivative interest in land imposing some obligation (most have interpreted this as a leasehold),[52] while that obligation is freed in the case of the interest claimed here by the priestess (*e-to-ni-jo*).[53] Still, there is no clear consensus in the literature between various readings of the technical vocabulary relating to landholding, which includes several other terms (such as *ko-to-na ke-ke-me-na* in both texts here).[54] A tension between two different trends in the literature has been identified by Lupack, largely on the basis of preferred etymological readings.[55] One school prefers to see the terms as descriptions of the agricultural function or natural properties of the land.[56] The other, dominant more recently in the specialist literature, emphasises the terms as definitions of the proprietary interests as

[52] The *o-na-to* was read as leasehold in the first edition of the *Documents*, and this has been followed by most scholars: e.g. at Ventris and Chadwick 1956, 235. This raises problems — specifically in respect of form of the relation of obligation on which such leases were based — which are beyond the scope of this survey. An alternative view is argued by Uchitel, who interprets the texts as evidence for compulsory agricultural labour: Uchitel 2005. On obligations, see above n. 11. A very significant recent reconsideration of the land regime in Del Freo 2020.

[53] See, with citations, Lupack 2008, 66. Also note Cantarella 2011; Del Freo 2020, 141ff.

[54] Another important term (*ki-ti-me-na*) is not attested by Eb 297 or Ep 704.5–6, but found in the En series, associated with officials known as *te-re-ta* (*telestai*): Del Freo 2005, 113–5. On the distribution of the terms see Duhoux 1976, 9–27; and, more briefly, Carpenter 1983.

[55] Lupack 2008, 57ff.

[56] Notable are 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. On the possibly analogous opposition of *ke-ke-me-na* with *pu-te-ri-ja* (cf. Pylian *ki-ti-me-na*) in the Knossos records, see Duhoux 2024, 623.

such, that is, as juridical terms.[57] Others, still, like Dunkel, have sought to break the impasse of the reliance by philology on etymological reconstructions with an emphasis on a study of textual formulae and structure.[58]

The opposition between the two claims in the dispute is the basis for various conclusions on other aspects of the dispute as such, such as the nature of the parties, the procedure, and the role of the palace. While the dispute appears to be between two parties, their individual status is not completely clear. The priestess appears to be in possession of the land in dispute, and the community has been interpreted to be speaking collectively with a 'personnalité juridique' as a party.[59] It is clear the priestess holds her land from the community, which appears as the higher interest-holder, as it does on other tablets where interests in land are held *pa-ro da-mo* (cf. παρὸ δάμῳ).[60]

How then, did the dispute unfold? The verb *e-u-ke-to* (εὔχετοι),[61] mean-

[57] Notable are Furumark 1954, 36; Lejeune 1965, 7–8, 12; the early reflections in Ventris and Chadwick 1973, 232–9; Foster 1981, 85ff; Deger-Jalkotzy 1983, 90–1; Werlings 2010, 27–8.

[58] E.g., 'it is precisely the common cooccurrence of *pa-ro da-mo* ... with *o-na-to* that distributionally supports the meaning "lease", etymology aside': Dunkel 1981, 24. The formula *pa-ro da-mo* appears regularly in respect of *o-na-ta* interests in the PY Ep series (rendered παρὸ δᾶμῳ by Lejeune 1965, 1, 8; cf. its likely equivalent form *da-mi-jo* (δάμιος) on Ea 803: on this, literature in Aura Jorro, ed. 1985 s.v.). This formula is interpreted to represent the higher interest of the *damos* in the land, meaning land so described is 'held from the local community': Lejeune 1965, 1–2, 8; Lupack 2008, 50–3. While the formula is absent from both PY Eb 297 and Ep 704.5–6, it appears in two other entries on Ep 704 at lines 3 and 4. Line 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. Lupack gives further reasons, including palaeographical: cf. Jones 1966, 246; Also see Krigas 1987; Lupack 2008, 55 (with respect to its absence from Ep 301.8–14), 59–9, 61.

[59] Lejeune 1965, 12; cf. Ventris and Chadwick 1973, 135.

[60] See above n. 58. More generally on the status of the *damos* and the character of the rural communities, see Lejeune 1965; Muellner 1976, 104; Deger-Jalkotzy 1983, 90–91; Carlier 1984, 95–9, 130; de Fidio 1987; Hooker 1995, 14–20; Killen 1998; de Fidio 2001; Nikoloudis 2006, 76ff; Shelmerdine 2007, 45–6; Lupack 2008, 66–7; Shelmerdine 2008, 133–5; Shelmerdine and Bennet 2008, 298–303; Lane 2009; Werlings 2010, 21–46; Carlier 2016, 667–70; some interesting, if somewhat problematic, discussion in Kyriakidis 2017; Zurbach 2017, 187–209; Lupack 2024; Shelmerdine 2024a; also emphasis on the damos in Del Freo 2020. For an approach avoiding a focus on the Eritha dispute on this question, and instead emphasising relations of labour, see Killen 2006a

[61] Cf. Arcadian εὔχετοι, or perhaps Epic imperfect εὔχετο. On the term see Tausend 2001.

ing something like 'claims', appears in both texts. The consistency — notable given other elements, like the names of the two parties, are not consistently recorded — might suggest this term referred to a specific procedure. Several scholars have suggested this might have taken the form of formalised procedure for oral testimony (maybe with a religious dimension), comparing it with the famous Homeric example from the trial on the shield of Achilles.[62] A major question which remains is whether this was a traditional procedure used in dispute resolution by the rural communities, or perhaps one later adapted for use in a kind of 'court' under palatial authority, or one even imposed by the palace. There is no evidence to allow us to make a conjecture about the determination of a resolution. Does the reiteration of the priestesses' claim ('has and claims that she has...') suggest the palace took the same view? Certainly, there is no recorded outcome, and the position of the palace with respect to the two claims is ambiguous. The texts are not records of a dispute as such, but concerned with the landholding in a defined region, one which perhaps attracted the special interest of the palace for its association with religious landholders.[63] We will return to this important theme in Part III.

The problem of the role of the palace represents perhaps the most difficult interpretive problem for the dispute. A consensus has grown in studies of the Mycenaean world that the rural communities maintained considerable power despite coming under the influence of the palaces, to whom they owed some obligation (probably taxation).[64] At the same time, the impressions in the early scholarship of the palaces as a 'massive redistributive operation' or as highly centralised kingdoms have been qualified by more recent research.[65] The current view of the palaces emphasises their limited and strategic involvement in particular economic activities, while much of the economies in the territories under palatial influence operated without

[62] Hom. *Il*. 18.499. On *e-u-ke-to*, see Bennett 1956, 129; Citron 1965, 84; Ruijgh 1967, 91; Muellner 1976, 102–5; Tausend 2001; more recently Loginov and Linko 2018, 81, 83–6, 86 n 20. On procedure in the Archaic evidence, see Thür 1996.
[63] Lupack 2008.
[64] On the *damos*, see above n. 60.
[65] That famous formulation owes to Finley 1957, 135. See the survey of the literature in Bennet 2007a. Also, see Killen 1998; Voutsaki and Killen, eds. 2001; Galaty and Parkinson, eds. 2007; and, indicatively, with literature Lupack 2011; Bennet and Halstead 2014.

direct intervention of the palaces. One administrative strategy identified clearly at Knossos, and to an extent at Pylos, sees the palace delegate official authority to individuals beyond its small circle of elites to undertake specific administrative functions in the regions. This allowed the palace to secure its material needs and desires while avoiding intensive and direct intervention into all aspects of the economy. [66]

The general, qualifying trend in the view of the palace by the scholarship is, however, contradicted by several recent readings of the 'Eritha dispute' which see it as evidence for the operation of a kind of Mycenaean law of procedure under palatial supervision. The two texts are taken to show that the Pylian palace adjudicated the dispute, though they are the singular and exceptional example of such a function in all Mycenaean epigraphy.[67] The basic premise of these approaches follows the assumption that 'the palace is probably in a position to adjudicate ... and would presumably conclude the dispute itself'.[68] Thus it has been argued that the palace functioned as a

[66] On delegates in the rural economies, see Bennet 1985, 239–40; 1992; 1992; 2007a, 194–5; Lupack 2008, 86–130; Rougemont 2009; Kyriakidis 2010; Nakassis 2013, 142, 174–5. On delegation and elites, see Carlier 1984, 95–9, 117–34; Lupack 2011, 209–11; Nakassis 2013, 109–10, 142, 144. See also, on the motives and objects of the palace, Shelmerdine 2006, 74; Bennet and Halstead 2014, 273, 275, 278. Cf. Killen, who emphasises the 'extreme degree of the division of labour' in the evidence: Killen 2006a, 87. See also the literature on the local communities (*damos*) above at n. 60.

[67] Note one other supposed controversy featuring a different priestess Karpathia, on the same tablet PY Ep 704.7–8 (cf. PY Eb 338), which Steele interprets as a 'disagreement … between the palace and the priestess herself, rather than between two extra-palatial parties': Steele 2011, 125. Likely equivalent constructions noting the non-performance of other landholders is found in Ep 539.7 and Ep 613.4. On Karpathia and these texts, see: Bennett 1956, 125–8; Scafa 2006, 202; Fischer 2012, 45; Duhoux 2024, 575–6; regarding obligations and exemptions generally, see Killen 1993; Del Freo 2009; Zurbach 2017, 163 n. 172; also generally on obligations above n. 11. Del Freo reads the reference to Karpathia's non-performance as a formulaic statement of an exemption from an obligation: see Del Freo 2009. Strong readings of the Eritha dispute are found in Apostolakis 1984; 1990; 2002; Steele 2008, 44; 2011, 124–5; Loginov and Linko 2018, 83, 91. Cf. the caution expressed by Jiménez Sancho 2020, 28 who nevertheless notes the exceptionalism of the Eritha dispute. Another reading of the Eritha dispute, seeing it as evidence of the *damos* as a 'decision making, landholding body' which decided in the dispute, is offered in Kyriakidis 2017, 501–2. See my comments below around n. 149.

[68] Steele 2008, 44; 2011, 124–5. Cf. Palaima 2000, 9. And cf. 'Les royaumes mycéniens étaient dirigés par un souverain absolu', a view with little support in the modern

court, and that it could even order punishment.[69] The construction of such a strong view of the palace in social relations is given little support by the Eritha dispute alone, meaning such interpretations are usually made by reference to the developed legal procedure in the Near Eastern kingdoms.[70] The palace at Pylos, by analogy, must have shared the same interest in adjudicating the disputes among the communities within its influence.

As for the texts of the dispute themselves, the strong readings are selective in that they each emphasise particular typological and textual features among the themes we have outlined. The very record of the dispute by the palatial scribes is taken to indicate the palace's embedded interest in the dispute.[71] As we have seen, the claim by the priestess is read, together with the Archaic evidence, to represent oral testimony in the context of a formalised dispute resolution.[72] These emphases of the strong readings of the Eritha dispute tend to isolate the two texts from other palatial records of landholdings, something which permits their assimilation into the records of formal legal disputes from the Near East. This analogy makes a convenient, but problematic, intervention into the Mycenaean zone of undecidability, since the ambiguity in these two exceptional texts lends little support for the strong conclusions about the formality of Mycenaean 'procedure', or the interest of the palace in adjudicating 'private' disputes.

These readings project a particularly strong view of the palace inconsistent with the trend in the broader scholarship on the Mycenaean economy, which emphasises the limited and strategic nature of palatial action.[73] This discord serves as a warning for the construction of a legal historical methodology for the Mycenaean sources. It is difficult to disagree with the kind

scholarship: Cantarella 2003, 55. Cf. Cantarella 2011, 37–8.

[69] Apostolakis 1984; 1988, 172; 2002, 59; Loginov and Linko 2018, 91–3.

[70] Steele 2008, 43–4; 2011; Loginov and Linko 2018, 83. Also see the comparative approaches in Hooker 1995, 16; Uchitel 2005 in particular 484-5. An overview of the landholding documents in the Near East is given in Westbrook 2013, 54–62.

[71] In particular, Steele advances an argument which views the texts of the Eritha dispute as an exceptional Mycenaean example of 'bilateral' documentation, following the scheme in Postgate's study of the Near Eastern bureaucracy: Postgate 2001; Steele 2008, 43–4, 34ff; Postgate 2013.

[72] See above nn. 61, 62.

[73] See above nn. 60, 65, 66.

of caution expressed by scholars like Papakonstantinou and Gagarin, that 'any reconstruction of Mycenaean law … must remain largely conjectural and elusive'.[74] So much is true, if we impute 'law' or 'legal' structures with the formal content they have in the systems of the Near East, or in Archaic Greece, and therefore consider the singular attested dispute the only possibly relevant Mycenaean evidence for legal historians. A formalist or positivist approach to law applied to the Mycenaean context is indeed confronted by very little evidence towards the reconstruction of a kind of developed, formalised system of palatial adjudication. Even Steele, while preferring a strong reading of the Eritha dispute, has rightly warned against the assumption that the palaces engaged in other 'legal' practices, such as the '"legalisation" of contracts, through citing a means of evidence such as the presence and/or seals of witnesses', since no such evidence exists.[75] Obsessive readings of the two lines of the Eritha dispute and terminological exegeses are not enough. What is needed is a critical framework for interpreting the normative structures in the Mycenaean documents beyond Eritha, particularly looking at how interpersonal obligations, and obligations owed to the palace, formed the background of the land regime. In the next part I shall try to establish a less palace-centred framework for interpreting the documents as evidence for the production of norms, with an emphasis on typology and documentary practice. I shall argue that the complexity of the normative structures in the records probably shows the interaction between the palatial order and other spheres of order beyond it, most significantly the *damos*.

III: Towards a conception of Mycenaean 'law'

This final part shall sketch a legal historical framework for the Mycenaean sources by attempting to bring recent developments in the specialist literature into conversation with trends in critical legal histories of other premodern contexts. Some useful guidance towards conceptualising Mycenaean normativity on its own terms has been offered by a few scholars. One specialist, Thomas, in highlighting the lack of formal legal documents in the Mycenaean epigraphy, has emphasised the importance which oral

[74] See Gagarin 2008, 2–3, cf. 3 n 3; Papakonstantinou 2012, 20. Also see the discussion, above, around nn. 33, 34.
[75] Steele 2011, 125.

norms and traditional practices must have had in their place, meaning 'justice would have been a matter of spoken — not written — words' and that '[p]roper order was maintained by the … oral tradition'.[76] Thomas further considers that 'order … did not achieve an objective, independent existence within the administrative structure of the Mycenaean kingdoms', a view which emphasises the absence of formal legal categories among the attested documentary forms.[77] This point had earlier been made by the Italian Romanist Frezza, who stressed the need to resist the temptation to associate the prolific, abundant and formulaic bureaucratic practices of the Mycenaean palaces with the values of a rationally ordered system.[78] Frezza writes 'they did not practice the *ars iuris civilis*'.[79] The same problem has been identified recently by the specialists Zurbach and Del Freo, who have sought to avoid the use of loaded terminology in the classification of the land-related texts, preferring neutral descriptions to terms like 'cadastre' which were very popular in earlier studies.[80] Similarly, a recent, broad study of the Greek juridical vocabulary by the legal theorist Zartaloudis has sought an approach to 'normativity' in the early Greek evidence which resists the categories provided by modern conceptions of ownership, which are perhaps inappropriate aids to interpreting the Mycenaean land regime.[81] We shall now consider some of these broader themes in the light of the specific problems posed by the Eritha dispute, which I have outlined above, and the landholding tablets more generally. The following sections do not so much argue for a particular reading of the dispute, or for the content of the relations of landholding disputed, rather working towards the outline of a critical framework suitable for approaching these earliest Greek sources.

III.a. Documentary typology and palatial 'jurisdiction'

The disappointment expressed in the early years after the decipherment of

[76] Thomas 1984, 249, 253. Cf. Steele, who cautions that '[a]bsence of evidence … is not evidence of absence': Steele 2011, 125.
[77] Thomas 1984, 253.
[78] Frezza 1965, 327.
[79] Frezza 1965, 327 (My translation).
[80] Zurbach has proposed 'registri fondiari': Zurbach 2016b, 349. Del Freo has discussed the problem at more length in Del Freo 2005, xvii–xxvii, especially xxvi–xxvii. It had been already stressed by Lejeune that 'A strictement parler, il n'existe pas de cadastres mycéniens' in Lejeune 1974, 81.
[81] Zartaloudis 2018, 89, 119, and generally 74-89 (on the Mycenaean evidence).

Linear B about the lack of 'legal' texts in the corpus, as we have seen, seems to have sentenced the Mycenaean documents to irrelevance in the minds of many ancient legal historians. Nevertheless, legal historical methodology cannot be built on normative legal texts alone (such as legislation), but very often must extend to sources from practice (the 'documentary sources'), or even those which are relevant even if not formally legal, with the necessary interpretive caution.[82] In other well-studied contexts, such as Roman legal history, the scope of the evidence is often skewed in favour of documents with normative legal content (those which state what should or should not be). However, the earlier reliance by Romanists on such sources as evidence for historical legal institutions has been disrupted by the discovery and intensive study of the documentary papyri, which provide insightful, and often problematic, evidence for the application (or perhaps violation) of the law in administrative and private practice.[83] Manning's landmark study of 'land and power' in the Hellenistic papyri, for example, sought to unpick older emphases on royal economic power by reconstructing the local agrarian economy built on small transactions in land which complicate earlier conceptions of central power.[84] Further, in respect of Classical and Greek documentary practice, the recent work by Boffo and Faraguna on the archives of the *poleis* has shown the significance of studying public and private documentary practices alongside the normative sources to fully understand the function of a legal order with all its limitations and weaknesses.[85] As I have already outlined, for the Greek world of the Late Bronze

[82] See a synthetic presentation on the normative vs. documentary sources in Ibbetson 2024. This use of 'normative' is different to the sense of 'normativity' intended by the critical discourse mentioned above at n. 12, which treats practice (including documentary) as a source of evidence for norms. Another, somewhat different but relevant distinction in documentary types is posited, for example, by Postgate's study of the Near Eastern sources, which speaks of legal vs. administrative documents: Postgate 2013, 80. On the emergence of written law in Archaic Greece, see some useful contributions in Camassa 1988; Thomas 2006; Ruzé 2017.

[83] Generally, see Alonso 2013; 2016. The comparison and contrast of Linear B archival practices with the Egyptian papyri has featured, for example, in Ventris and Chadwick 1973, 108–9 (on textual structure), 234, 237–8 and 260 (the Wilbour Papyrus); Duhoux 1974, 33; Olivier 1987, 494 (regarding slavery); Zurbach 2016a, 678; Duhoux 2024, 585 (specifically on the Wilbour Papyrus).

[84] See the methodological discussion and overview of the historiographical problems in Manning 2003, 13–24. Further discussion on this question in Part III.

[85] Boffo and Faraguna 2021, in particular see the discussion of the state of the scholarship and methodology in chs 1 and 2.

Age, the skew of the evidence is in the other direction; for thousands of administrative documents which record with precision the interventions of the palaces into the economies of their regions, we have not a single text stating a positive rule, nor any decision applying one. Nevertheless the administrative documents in Linear B are not so foreign to recurrent themes in legal history that they resist study, as clearly shown by the landholding records from Pylos.

Documentary records — or documents 'from practice' — have long been problematic for legal historians trained instead on treatises and legislation. Telling is the treatment of documentary records in a recent synthetic handbook to comparative ancient legal history, where Ibbetson identifies their utility for legal history while emphasising their limitations.[86] Writing in respect of the Near Eastern documentary records, Ibbetson warns they 'presuppose legal ideas rather than stating them directly', though 'the sheer number of surviving texts makes it possible to get some sense of the fundamental ideas'.[87] One noted criticism of historical study based on the documentary papyri from Egypt, to return to a pertinent example, is that these are 'parochial' sources providing limited evidence.[88] Of course, a key difference between the rich and varied textual evidence from the Near East and the Mycenaean sources is the lack of 'bilateral' documents among the latter, in particular contracts and other 'private' transactions.[89] We must nevertheless work with what we have. What Ibbetson identifies as a weakness of documentary records — that 'documentary forms may be conservative, repeating formulae that are known (or expected) to achieve the desired

[86] Ibbetson 2024

[87] Ibbetson 2024, 9. See, more analytically, Pfeifer 2019.

[88] Manning 2003, 20.

[89] The typological distinction between unilateral and bilateral documents is presented in Postgate 2013, 80; cf. 2001; also see Steele 2008. Here is not the place to consider the possibility of the existence of other documentary forms in the Late-Bronze-Age Aegean context, beyond the surviving tablets, though this has again been raised in a new handbook: Del Freo 2024, 229–31. Notable is the possibility, argued for by Olivier, that private contracts may be attested, somewhat obliquely, on tablets from Knossos which may be derivative of other documents: Olivier 1987. In this section I generally use the term 'document' in a looser sense than that advocated by Zurbach ('*una* tavoletta *non* è un documento; il documento è l'unità di redazione e di registrazione formata da *più* tavolette in un ordine determinato'), which while justifiable, is unnecessary for our purposes: Zurbach 2016b, 350.

end'[90] — should be considered a strength for working with the Linear B documents, in view of their other limitations. The high formulaic homogeneity of the texts, and the striking uniformity of the technical terminology between the various find-spots, together mitigate against the otherwise narrow scope of coverage by the documents.[91] On the one hand, these factors tend towards the maturity of the practices and terminology developed by the palatial administrator-scribes, while the apparently narrow scope of the records shows these were directed to satisfy precise ends.[92]

To return to the Eritha dispute in particular, we saw that a key problem posed by the two unique records in respect of the landholding records from Pylos in general regards the role of the palace in the dispute.[93] Evidently this is not a court report, neither a decision, nor a description of a particular form of arbitration between the disputing parties.[94] A problematic assumption by much of the scholarship, as we saw, is that the recording of the quarrel must indicate the palace's positive interest in the dispute as such.[95] For this reason, typological considerations are key to an essentially legal historical problem regarding the extent of intervention of the palace into social relations, in this instance proprietary relations, but have been overlooked.

What is missing from the records of the dispute suggests the limits of the palace's concern for the dispute between Eritha and the *damos*. It has long been warned that the objective of the palatial documents is the record of the quantities, with the textual forms supporting the various types of record reduced to their technical minimum.[96] While Eb 297 and Ep 704.5–6 both refer to the claim and counterclaim made over the status of the land (the nature of the interest held), there is no record of any determination. This may indicate that the palace was less concerned by the outcome of the dispute than with its very happening; this, because the dispute perhaps put at risk its own claim to some tribute which would be calculated on the size of the landholding. While working within the bounds of certain readings already

[90] Ibbetson 2024, 5. See also some comments on practice above around n. 39.
[91] On the typology of the documents see Del Freo 2016b; 2016a.
[92] Cf. Ibbetson's comments on the consciousness of the record-keepers in a Near Eastern context: Ibbetson 2024, 9.
[93] In particular, see the strong readings cited above nn. 68, 69, 70.
[94] These points have been unjustifiably missed by some scholars, as in Kyriakidis 2017, 501–2.
[95] See above nn. 68, 69, 70.
[96] Chadwick 1976, 27; cf. Killen 2024a, 420.

proposed in the literature, as regards the substance of the dispute, a closer consideration of typology can nevertheless offer a different interpretation of the consequences of these unique records. As others have suggested as an explanation of the cause of the quarrel, one consequence between the two disputed interests could be that, in the case of it being the preferable *e-to-ni-jo*, the interest-holder may be released from a certain obligation.[97] This obligation was probably owed by Eritha to the *damos* as the higher landholder, reflected by the fact the dispute arose between Eritha and the *damos*.[98] The consequence of Eritha's failure to pay, under such readings, may be that a larger burden would then fall on the *damos* to fulfil, if we presume the burden tied to the land it held was independent of whether or not it had granted interests in that land to others, such as Eritha.[99] These considerations lead us to the view that the palace is concerned by the dispute but we have no evidence that it was involved.

A problem which remains for this discussion of the typology of Eb 297 and Ep 704.5–6 is why only Eritha's dispute has come down to us. A few other texts in the Pylian landholding tablets also record the failure of landholders to meet their obligations, apparently to work the land, but these have rightly been distinguished because they do not appear as a dispute between two landholders but rather as a failure to meet an obligation to the palace.[100] Together with the Eritha dispute, however, they seem to underscore palace's self-interest, which is reflected by a bias in the records. We must remain open to the possibility that the records in the E-series are perhaps not representative of the operation of landholding further from the centre. The subseries Eo/En and Eb/Ep concern landholding in the locale of Sphagianes (*pa-ki-ja-ne*), near to the palace.[101] It is no surprise that this general administrative slant is strongly reflected in the detailed recording of landholding in the territory closer to the centre, and the special emphasis on Sphagianes within this has been explained by its important associations

[97] On *o-na-to* versus *e-to-ni-jo* see above nn. 52, 53.
[98] On the *damos* see above n. 60.
[99] See Del Freo 2020, 142 n. 122
[100] E.g. the records which give that Karpathia 'the keybearer' is not working her plots: *o-pe-ro-sa-de wo-zo-e o-wo-ze* ('while she is obliged to work [the land], she does not work [it]'): Eb 338 and cf. Ep 704.7-8. This example belongs to a family of related records, including Ep 539.7 and Ep 613.4. The particular formula has been interpreted as an exemption to an obligation: see Del Freo 2009. Also see above n. 67.
[101] On the geography of Pylos, see Bennet 2024a, 262–4; 1999; 2011; 2017; Killen 2012

with the religious sphere, represented by sacred officials, including Eritha.[102] The impression that the palace at Pylos seems more administratively preoccupied with its immediate environment than with the periphery would also make sense of the bias in the landholding records from Knossos, which mainly concern toponyms near to the palace.[103] Eritha's quibble with the *damos* therefore seems to have made it into the archive not as a record of a dispute itself, but as one in the right place (at the right time).

III.b. Multiple centres of order?

The experience of Greek history is defined by the persistent theme of conflict over a limited supply of cultivable land. Disputes between landholders, like Eritha's, must have been common in her time. Similarly, after the fall of the Late-Bronze-Age palaces around ca. 1200 BC, the vacuum in centralised power in their former territories is what many scholars believe allowed the rise of the regional elites who appear dominant in the Archaic sources (foremost the *basileis*).[104] The lingering shadow of sources of power beyond the palaces has long posed a problem for the interpretation of the Mycenaean period in its totality, namely the task of reading the textual sources in the light of the archaeological evidence. As we have seen, the dominant trend in the recent scholarship has been to emphasise the fact that the documentary practices of the palaces do not comprehensively reflect all social and economic activity in the territories under palatial influence.[105] In particular, it is clear that the economies were larger and more complex than the selected sectors of production which the palace either operated or closely monitored and recorded on the tablets. A similar reckoning with the realities of the evidence has defined debates on the interpretation of the documentary papyri in Egypt, where recent scholarship has emphasised the need to wind back our conceptions of central or 'royal' authority in Hellenistic Egypt and imperial power under Roman rule, arguing that the local evidence presented by the documents shows the persistence of traditional practices and structures which were never subsumed by the centre.[106] In our

[102] See the excellent monograph by Lupack 2008.
[103] As restated in Duhoux 2024, 568. The argument that Knossos, like Pylos, was most interested in landholding near to the centre is outlined in Killen 1987; cf. 2008, 166.
[104] See above n. 26.
[105] On these trends in the economic historiography see above nn. 65, 66.
[106] Such an approach is advocated by Manning in respect of landholding in Hellenistic

context, while the Mycenaean palaces indeed operated as powerful redistributive centres, a growing view based on a synthesis of both the textual and material evidence sees that the territories which surrounded them were subjected to more selective and limited interventions by the central power than the tablets would themselves suggest.[107] Is the same pattern also capable of explaining the structure of landholding, or normativity more generally? There is indeed some cause to extend this trend to the sphere of normativity, through an appreciation of both the 'negative' evidence (for the limitations of palatial power), on the one hand, and the 'positive' evidence (for the existence of sources of authority beyond the palace), on the other. Together these support the possibility that the palaces operated alongside deeper, perhaps older, power structures which were not eradicated despite their relative dominance in their region.[108] Here we can sketch some of this evidence in contribution to further extended study.

Limitations of the palatial order

Indications of the limited extent of the powers of the palaces, or for strategic choices in their interventions into society beyond the palace walls, may be divided between the internal and external evidence. The external evidence is largely based on the non-palatial economy. While the strong view of Finley that the palaces operated as a 'massive redistributive operation' may hold in respect of the image painted by the textual evidence alone, archaeologists in particular have emphasised that the documents are silent about many other significant economic activities which are archaeologically attested.[109] It is widely accepted that the documents represent just a snapshot in time of selected sectors of the economy subjected to palatial su-

Egypt: Manning 2003 with some comments on the theory of pluralism at 135, though Manning does not expressly conceive things in terms of legal pluralism, rather adopting a plural conception of economic action. Legal pluralism become a popular, though not unproblematic, framework in many contexts. Some literature on multinormativity, a more critical concept, above at nn. 39 and 40; also see below n. 148.

[107] See above nn. 65, 66.

[108] The idea of a 'residual' (meaning pre-palatial or extra-palatial) land regime features in the *New Documents* in contributions by Duhoux 2024, 570, 584; De Fidio 2024a, 272; Shelmerdine 2024a, 297.

[109] See above nn. 65, also 60, 66.

pervision, taxation, extraction, and so on.[110] Trade, for example, represents a key lacuna of the texts. While the discovery of Mycenaean goods widely throughout the Mediterranean represents the integration of Aegean productive economies in trade with distant partners, the relevant documentary evidence is limited to a few tablets.[111] A similar situation is represented by land. The land in territories subject to the influence of the palace was probably intensively cultivated, as implied by the use of equivalent measures (in grain) for the productive capacity of land to represent surface-area,[112] and clearly shown by series of tablets which record the redistribution of various agricultural commodities (e.g. flax, wine, oil).[113] There is no doubt that such intensive production relied on complex interpersonal relationships with respect to land, whether represented by reciprocal relations of exchange (e.g. contractual leaseholds, and contracts for work) or by vertical relations of obligation (the 'feudal' model had provided a popular early comparison).[114] Setting the question of the better model aside for now, what is important is that the silence of the documentary record for these activities should be regarded as a deficiency — whether strategy, or handicap — of palatial administrative practice, and not as representative of the quietness of Greek social and economic activity in the period. The tablets are not a record of all life. To return to an important comparandum, Manning's work on land in Ptolemaic Egypt adopted a conception from Braudel of the 'infra-economy' to help explain the relationship between economic practices reflected by the central archives and those which are poorly documented.[115] In the context

[110] Generally on the economy, see Bennet 2007a; Killen 2008; Shelmerdine and Bennet 2008; Zurbach 2016a; De Fidio 2024a. Some theorised archaeological approaches to the textual lacunae in Kardulias 2007; Parkinson 2007

[111] On trade, see Burns 2012; Cline 2007; also Murray 2017. On the textual lacunae: Shelmerdine and Bennet 2008, 306–8; De Fidio 2024a, 285–6; Murray 2017, 33–34.

[112] Duhoux 1974; Del Freo 2005, 7–8. On the totals, see Del Freo 2020.

[113] Killen 2024b.

[114] On the nature of the relations of production, see some recent comments on the terminology in De Fidio 2024a, 282–3. On obligations see above n. 11. The popularity of the feudal model was established already by Ventris and Chadwick 1956, 121. It was, however, already criticised by Finley 1957, 141; and persuasively in Del Freo and Killen 2015, 414. It has tended to be rejected in recent studies, but reliance on feudal conceptions reappears in some discussions of landholding. Another approach, arguing for a model of an 'estate' to understand Mycenaean territoriality in Small 2007. See also, regarding territory and state formation, Pullen and Tartaron 2007; and generally above n. 10.

[115] Manning 2003, 14; see Braudel 1992.

of his own study of the Early Modern economy, Braudel's term was offered as a gloss for a dark corner of the economic historiography, the 'shadowy zone, often hard to see for lack of adequate historical documents, lying underneath the market economy'.[116] For legal historians, shadowy zones of this sort are significant because they pose an important interpretive problem for interrogating the normality (or exceptionality) of the forms of power documented by central recordkeepers.

This brings us to the 'internal' evidence for limitations to the extent of palatial order, by which we mean the formal and systematic ordering of relations of power by the central authority as reflected in its documentary practices. Systematic terminological and structural analysis of the Linear B texts provides some important clues about the tendencies, biases, interests and disinterests of the palatial administrators. De Fidio's recent synthesis on the economy has stressed, for example, that 'the taxation terminology is … limited to terms deriving from the verb *didōmi*, "I give"' which altogether construct 'a vocabulary lacking in technicality, based on the somewhat vague notion of "donation" and "giving", applied in contexts that are not of reciprocity, but of unequal social relationships.'[117] The terminology of the palaces in respect of the payment of tributes is therefore conceived to satisfy the palace's need to record the obligations and exemptions held by certain individuals to pay precisely quantified commodities to the palace, but does not offer much detail about the nature of the status or relations which give rise to those very obligations. The administrative documents, in other words, gloss over a richer background story about relations of obligation which they do not record.

We might make a similar reflection on the complex terminology of landholding employed most fully by the Pylian E series, though attested in finds from other palaces too.[118] The vocabulary is structured by categories (e.g. *ka-ma*), oppositional pairs (*ke-ke-me-na* vs. *ki-ti-me-na* being kinds of land; and *o-na-to* vs. *e-to-ni-jo* being kinds of interests), and formulae (e.g. the alienations represented by the preposition *pa-ro*). The complexity of this structure in contrast with the administrative simplicity of the records (which

[116] Braudel 1992, 23–4.
[117] De Fidio 2024a, 282. Also see Jasink 2006; and above n. 11. For a brief and useful overview of the economic theory (heavily indebted to Polanyi) behind the specialist scholarship, see Zurbach 2016a, 679–680.
[118] See the overviews of landholding cited above n. 51.

are foremost interested in numbers, here being the surface area of land) perhaps suggests that these are terms with complicated historical lineages of their own, perhaps with meanings established over time and by influences wider than the palace, rather than simply being a technical language of the scribes alone. While the terminology is employed systematically and mostly consistently, the tablets alone do not offer enough certainty to eradicate the many ambiguities. To outline just one aspect of interpretive problems, we can consider some aspects of opposing terms *ke-ke-me-na ko-to-na* and *ki-ti-me-na ko-to-na* used to describe different categories of land (popularly glossed as 'public' and 'private' respectively).[119] Interests in *ke-ke-me-na* lands are associated by the texts with the *damos* through the common formula *pa-ro da-mo* (cf. παρὸ δάμῳ); a popular etymological derivation of *ke-ke-me-na* itself suggests these lands have been 'cut' (cf. κεάζω), perhaps from common land and granted by the community to individual landholders.[120] The other term *ki-ti-me-na* is perhaps more complicated. Most scholars emphasise the association with 'settling', 'inhabiting', 'building', 'cultivating', but not all scholars are convinced that this demarcates it, say, as common wasteland later privately occupied for cultivation.[121] Interests in this kind of land registered in the Pylian Eo and Er subseries are limited to a small class of elites called the *telestai*, who seem to stand in a close relation to both the palace and the *damos* (cf. PY Er 312 and Un 718).[122] Duhoux has recently presented a rather idiosyncratic interpretation of *ki-ti-me-na* land which causes us to reflect on the alignment between legal categories and the administrative vocabulary of the palatial scribes. He argues that the *ki-ti-me-na* plots 'resulted not from the historical cultivation of waste ground, but rather from the attribution of plots to a carefully selected panel of prominent people', and that 'contrary to the prevalent opinion, *ktimenā* would not mean "privately owned", but "privately owned (by the crown)", since we have concluded that the *telestai*'s plots were probably allocated by the king'.[123] In this reading, it seems Duhoux maintains the term 'private'

[119] Duhoux 1976, 9–27; Heubeck 1967; Dunkel 1981; Carpenter 1983; Krigas 1985; Palmer 1998; Lupack 2008 ch. 4; Duhoux 2024, 570–574.
[120] Ibid. On the derivations see Aura Jorro, ed. 1985 s.v.
[121] See above n. 119. The derivations in Aura Jorro, ed. 1985 s.v.
[122] On the comparison between PY Er 312 and Un 718 see De Fidio 2024b, 643–657; Shelmerdine 2024a, 297.
[123] Duhoux 2024, 573–574. See the discussion of the approach to legal concepts in the *New Documents in Mycenaean Greek* in Nikias 2024.

to contrast with the *ke-ke-me-na* lands of the *damos* representing the 'public' sphere, but this seems to apply the distinction in a different sense to that assumed by most scholars, who associate the private sphere with individual landholders. Duhoux's reading may simply be equivalent to 'crown land', in which case the private/public paradigm perhaps ought to be supplanted by the opposition communal/crown in respect of the pair *ke-ke-me-na/ki-ti-me-na*, since Duhoux sees the latter as land accumulated by the palace as it expanded its territorial control.[124] Whatever the interpretive choice, what is clear is that the technical terms pose a semantic ambiguity in that the implications of their etymologies are difficult to reconcile with a precise legal meaning bearing administrative significance. This is at least an indication, as we see with other aspects, that the administrative order represented in the palace's documents does not of itself fully construct a system of landholding within the bounds of its limited and specific recordkeeping practices. The normative framework of the land regime was undoubtedly bigger than the palace's records of it, perhaps partly based on traditional or customary practices, and partly developed under the influence of the palace.

Another important, if complex, theme in the Linear B corpora is the relationship between administrative practice and territoriality, or the distribution of power and space.[125] The two most extensive sets of records from Pylos and Knossos share the characteristic that the palaces seem more interested in directly administering economic activity in their near vicinity than in their far regions, though this was achieved in different ways on Crete than in the Peloponnese.[126] State power on Crete was exercised directly on the areas most central to Knossos, while administrative functions were delegated to intermediaries (the so-called 'collectors'), possibly local elites, in areas more distant from the centre.[127] The written evidence from Pylos, together with the archaeological record, seems to represent the gradual expansion of palatial power over a large part of Messenia, but places further

[124] Duhoux 2024, 584. Nevertheless note the unease about whether the pair is a true opposition, as discussed in Carpenter 1983.
[125] See Bennet 2011; Del Freo 2016c; Bennet 2017; Eder and Zavadil, eds. 2021; Efkleidou 2022; Bennet 2024a.
[126] See above n. 103.
[127] Generally Bennet 1985; 1992; Driessen 2001; Bennet and Halstead 2014; Bennet 2017; 2024a, 259–260. Specifically on the 'collectors' and delegation in the Knossian administration, see Rougemont 2009 part 2, covering the old bibliography; Bennet 1992; Kyriakidis 2010.

from the centre apparently were subjected to more limited monitoring and intervention by the palace than those closer.[128] Noteworthy is that the evidence of toponymy has been at the forefront of work on the territoriality of Pylian power in Messenia, with a large number of attested place names but the focus of the records concentrated on a relatively small subset.[129] To compare again with Manning's study of land in Ptolemaic Egypt, toponyms in official land documents may be a useful indication of the extent of a particular land regime over a territory administered from the centre, or perhaps of its subjection to administration influence.[130] We might then imagine that the detailed focus of the landholding documents from Pylos on the palace's nearest vicinity, in contrast to the way the records skirt over distant place names, indicates the relative absence of state interference with 'private' land relations in the periphery.

Order beyond the palace

Setting the 'negative' evidence for the limitations to the palatial order aside, in pursuit of the fullest understanding of Mycenaean normativity, we must consider some of the 'positive' evidence for order beyond the palaces. Where there is orderly (let alone intensive) economic activity of whatever mode — as we have seen clearly was the case for the Late-Bronze-Age Greek world — there must be relations of obligation, forms of property, and means of resolving disputes about landholding.[131] There is no doubt about the sophisticated productive and trading economies in the territories under palatial influence. The question is whether the system of order attested by the surviving palatial records could alone support the social and economic relations on which this intensive production and trade relied, or whether it rested on a normativity beyond the selective view offered by the

[128] Bennet 1995; 1999; Bennet and Davis 1999; Bennet 2001; 2007b; Nikoloudis 2008; Killen 2012; Kyriakidis 2017; Bennet 2024a, 262–4.
[129] Especially significant is the large number of toponyms attested by the Pylian records, almost half of which occur just once: Bennet 2024a, 263; for Knossos, cf. above n. 103. A small number of localities are subjected to intensive supervision, such as the special area Sphagianes.
[130] Manning 2003, 19.
[131] An overview of theories of society and economy in the scholarship in Bennet 2024b. For a useful general survey of anthropological approaches to property regimes, see Canfield 2022.

administrative documents. The shift towards a more limited conception of the extent of palatial power has raised the profile of the evidence for the experience of society beyond the palace, both the material archaeological record and whatever can be gleaned from the palatial documents.

The strongest body of evidence for power beyond the palace relates to the palpably significant authority maintained by the *damos*, representing the rural communities in an unclear institutional arrangement, over land in a territory under palatial influence.[132] On a first impression, the Pylian land records suggest the palace took a strong interest in land relations, with scribes registering the identity of landholders (personal names are recorded), the nature of their proprietary interest (e.g. *o-na-to* or *e-to-ni-jo*), and the size of their landholdings (surface area).[133] Yet the surviving documents from Pylos focus on selected districts and are not a cadastre of a whole kingdom, nor of a part.[134] A recurring theme in the documents is that many individual landholders could hold a plot of land 'from' the *damos* (typically *pa-ro da-mo*, though perhaps exceptionally *da-mi-jo* on Ea 803). A more complex web of property relations probably explains the case of landholders who, say, hold an interest from another individual (represented by the formula *pa-ro* + PERSONAL NAME) who may in turn hold that land from the *damos* (as perhaps on Ea 825, where the landholder *ta-ra-ma-ta* holds land from *ko-do*, who in turn holds land from the *da-mo* on Ea 824, and likely Ea 803).[135] At Knossos, an equivalent relation of alienation of land by one landholder to another is perhaps represented by the preposition *o-pi* (cf. ἐπί) on KN Uf(3) 983.[136] While much is unclear, it is undeniable that this web of property relations was founded on a system beyond the surviving documents. The internal deficiencies of the palatial records do not allow us to decide whether such relations concerning land were based on customary and oral formulae, as some have imagined, or based on written agreements

[132] See above n. 60.

[133] The formulaic structure of the various subseries is surveyed in Del Freo 2005.

[134] This is discussed in Killen 2008, 165–166. On the debate about cadastral typology, see above n. 80. On territoriality, see above n. 10.

[135] The formulaic variants for the Pylian land documents are outlined in Del Freo 2005, 80–81, 98–100, 105–6, 116–7, 127–8, 140–1, 149, 165, 171. The interpretation of these formulae as representing property relations is denied by Uchitel, who instead advocates for a reading that sees *pa-ro* as a relation of labour: Uchitel 2005. On the landholder *Ko-do* see the prosopography in Nakassis 2013, 292–293.

[136] See Killen 1968; Morpurgo Davies 1983; Duhoux 2024, 622, 625; cf. Uchitel 2005, 477.

perhaps documented on perishable media, as suggested by Olivier in the context of contracts for the sale of slaves.[137] Perhaps we may interpret the instance of Eritha disputing her interest with the *damos* without the record-keeper taking a stance as an indication that the administrators were unaware or simply disinterested in the 'background' behind landholding.[138] The extant records would otherwise represent a rather poor system of account if the palace were involved as a land-granting body, as had been imagined in the early scholarship on the basis of a popular comparison with mediaeval feudalism.[139] Whatever the basis of a particular interest in land held by an individual from the *damos*, those interests recorded by the administrators were likely subjected to some claim by the palace, probably taxation.[140] While the registrations of landholdings record their surface area, they are not fiscal documents like those which directly record the calculated tribute (*do-so-mo*: δοσμός) owed by landholders, as in the Es series concerning a special district dedicated to Poseidon.[141]

In brief, we can identify three significant features of the records which indicate the limits of the palaces' involvement in the Mycenaean land regime. First, as we have seen, the land records cast the eye of the palace on a limited part of the territory under palatial influence. At Pylos, there is no evidence for the palace taking an interest in landholding everywhere in Messenia. The land records from Knossos (the Uf series) and a possible land document from Thebes (TH Ft 140) also list toponyms located in districts relatively near to the palace.[142] While the land records from Knossos are more limited than the rich series from Pylos, considering the Pylian administration is usually seen as more centralised than the Knossian, it would be unlikely that rural Cretan landholding was subject to more intense

[137] On oral law, see Thomas 1984. Also see above n. 61, 62. The arguments for contracts on perishable media, such as papyrus, are outlined on the basis of some evidence from Knossos in Olivier 1987; 1996; cf. Zurbach 2016a, 688. This has been defended recently by Kelder 2024.

[138] Cf. 'A first complication comes from our almost total ignorance about the background situation, of which the tablets record only marginal elements.': Duhoux 2024, 565.

[139] See above n. 114.

[140] On the taxation of land, with bibliography, see Killen 2008, 163. On taxation more generally, see Nakassis 2021; Shelmerdine 2024b.

[141] These are extensively studied in de Fidio 1977; and surveyed recently in De Fidio 2024b.

[142] This point has been made by Killen 2008, 166. On Knossos, see above n. 103. On TH Ft 140, see its interpretation as a land record in Killen 1999; 2006b.

palatial intervention.[143] While the palaces may well have controlled some land directly (as in the case of the *wanakteron temenos*, and the *lawagesion temenos* on PY Er 312),[144] or possibly even granted a certain number of plots on account of an obligation of service,[145] and taxed other landholdings which its administrators surveyed in particular areas, the evidence would indicate that the palace did not exert equally intensive control over all land everywhere in the territory under its influence.[146] Second, the landholdings in areas that the administrators do survey are clearly based on relations, between individuals or between an individual and the *damos*, which are more complex than the simple records portray. Third, and perhaps towards an explanation of the former point, a key role in the land regime is played by the presence of the *damos*. There is a prevalence of individuals holding land from the *damos*, whether directly, or from another landholder who held it in turn from the *damos*. Again the example of Eritha is useful insomuch as it indicates that her efforts to claim a particular interest (the preferable *e-to-ni-jo*) were directed to contradict the position of the *damos*, as the body from whom she held the land, meaning it must have had authority over the substance of her interest. We do not need to resort to the kinds of strong views of the palace's involvement in the dispute, which we surveyed above, in order to accept that the palace was at least concerned by the consequence of the dispute for its coffers. Eritha's case clearly presents at least one general condition of the land regime, namely that land could be subject to at

[143] Killen also made this argument: see above n. 103. A comparison between the various centres is offered in Shelmerdine 2008, 149–150.

[144] See De Fidio 2024b, 646–649.

[145] Land which some have proposed may have been under the direct control of the palace and granted out to individual landholders include *ki-ti-me-na* plots held by the *telestai*, who appear as prominent figures in the elite, and also *ka-ma* lands which obliged the holders to 'work' the land (cf. PY Ep 704.7: *ka-pa-ti-ja ka-ra-wi-po-ro e-ke ke-ke-me-no o-pe-ro-sa du-wo-u-pi wo-ze-e o-u-wo-ze*). See the recent overview by Duhoux 2024, 571–576. Alternatively, Nikoloudis argues that *ka-ma* lands were a subset of the *ke-ke-me-na* which were worked by the *ka-ma*-holders and owed a portion of their product to the palace, but were administered by the *damos* 'as ultimate owner or custodian': Nikoloudis 2014, 229; cf. Carlier 1987. Cf. the emphasis on the *damos* in Del Freo 2020, 141. On the case of the Karpathia on Ep 704.7-8, see, above n. 67.

[146] This is not to say the palace was not equipped to survey landholdings in the periphery, when it needed, but the evidence suggests this was not standard practice. Note the comments of Killen, presenting some evidence for the ability of the palaces to survey landholding in more remote areas when required for some economic need: Killen 2008, 168–171.

least two authorities: the *damos* from whom many interests were held, and the palace, which was probably interested in the taxable capacity of certain districts. These represent, therefore, the interaction of two sources of power and spheres of order, with authority for apparently different aspects of landholding. The one is recognisable in the proprietary relations between the community and landholders, and those between individual landholders. These relations were no doubt governed by a system far more complex than our written sources allow us to understand and perhaps subject to custom transmitted orally. The other, the source of the surviving records, might then be conceived as a layer built upon this and represented by the selective interventions of the administrators who keep account of certain information needed to secure the fiscal needs of the palace.

The focus of this discussion on the overlap between the palace and the *damos* in respect of land does not intend to suggest these are the only sources of power in the Mycenaean world. Evidently much remains to be said for the religious sphere, not least for the fact that so much of the land which is surveyed by the records at Pylos is held by figures who hold religious offices (including the priestess Eritha).[147] Rather than situating all power in the palaces, I have sought to emphasise the possibility of plurality as a paradigm for understanding the Mycenaean evidence, one especially attractive in the complicated social context of rural landholding. Plurality contrasts with the habit of the scholarship to assimilate the evidence to one or another particular system which can neatly explain things from one perspective (traditionally, this has been to emphasise the central and dominant role of a palace which controlled all aspects of life). In legal history broadly, the paradigm of pluralism is now an established lens through which to understand the interaction of systems and structures of power which operate at once in the same space, often governing over separate aspects of social and economic relations, or perhaps competing for authority among them.[148] This

[147] Lupack 2008.

[148] See the brief discussion of normativity and practice above at n. 12, and some recent approaches in other premodern contexts above at nn. 39, 40. Not being possible to survey all the relevant literature, we can cite some works of particular significance, including the useful if outdated Merry 1978; also recently Tamanaha 2021. The theory of legal pluralism has been applied extensively in Early Modern colonial contexts, as in Benton and Ross, eds. 2013. In the ancient world, legal pluralism is a popular explanation for the difficult case of Egypt: see Alonso 2013; but not without problems, as outlined in: Czajkowski 2019. Casting a wider net, we can also include the emphasis

general concept in itself is not altogether new for the Mycenaean specialist scholarship. Yet where scholars have pointed to the existence of power beyond the palaces, they have also tended to prosecute stiff arguments about the institutional structure of these sources of power, relying too often on the later Greek evidence of the Archaic period to build up the character of the *damos* as a formal institutional body,[149] or to create further evidentiary conflicts by reading the role of the Mycenaean *qa-si-re-we* and *ke-ro-te* as local elites like the βασιλῆες and γέροντες in the idealised Homeric polity.[150] There is also a risk of assuming that, if some authority over land was held by the *damos*, this must have put the body at odds with the palace, which must have wanted to extend its reach and tighten its grip over all the land as its influence expanded.[151] Perhaps another explanation is possible, one which envisages a more complicated relationship between social actors, with more tactical action on the part of the rural communities seeking to maintain a hold over land as their traditional sphere of influence, and the formidable authority of the palace, which made selective and strategic interventions in the economy. Indeed such strategies have been imagined by some in specific contexts, as in the case of *ka-ma* landholders representing an overlap between the productive activity of private landholders, the landholding authority of the *damos*, and the fiscal needs of the palace.[152] In conceiving palatial power in this way, we develop the impression of van Effenterre, who spoke of Minos as '[r]oi *en* Crète, et non roi *de* Crète'.[153] What this article has proposed is to explore this motif as an explanation for the distribution of power in the Mycenaean world more generally, as a way of understanding normativity as a site of tension between formal and informal order, and between central authority and life in the periphery.

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on 'institutional pluralism' in the recent study by Esu 2024.

[149] For example, Kyriakidis makes some interesting and useful arguments about the power of the *damos* but prosecutes a very strong view of its role in the Eritha dispute as a 'decision making, landholding body called "the people"', no doubt to contrast the view of the palace as an adjudicator in much other literature: Kyriakidis 2017, 501–502. Cf. De Fidio 2024b, 649. See the other interpretations which emphasise the palace at above nn. 68, 69, 70. Generally on the character of the *damos*, see above n. 60.

[150] See above n. 26.

[151] This has been addressed with persuasive arguments in Killen 2008, 166; De Fidio 2024a, 272.

[152] This was briefly mentioned above n. 145. For example, such a model is proposed by Nikoloudis 2014.

[153] Van Effenterre 1967, 19 (emphasis mine).

IV: Conclusion

This broad overview of the limitations and possibilities of the evidence has sought to direct the debate to a more contingent, nuanced understanding of normativity in the Late Bronze Age. In doing so, I have emphasised the need to engage with current trends in the specialist literature on the Linear B texts which have promoted a more restrained view of the power of the palaces in respect of economic activity. While legal historical studies of the period are uncommon, for the reasons I have explained, those few treatments of the Mycenaean evidence by legal historians either characterise it as an orderless space beyond the scope of legal history, or simply extend the model of the Near East, imagining the early Greek 'kings' as powerful lawgiving sovereigns. Neither of these views can be sustained against the recent developments and steady trend in the specialist literature which has reconsidered the relationship between Mycenaean rural societies and the palaces as centres of concentrated power. The extensive evidence for landholding, and the longstanding preoccupation of legal history with property relations in varied contexts, represents one opportunity for more serious study. Another which we have outlined is the form and substance of social and economic exchanges, which has notably troubled specialists who have tended to be divided between those who emphasise Mycenaean relations as either based on reciprocal relations of obligation or hierarchical bonds.

Working towards a methodology for a legal historical approach to the Mycenaean sources, we must avoid assuming that administrative order in these earliest Greek centres of power followed a pattern of formalist development which allows either the assimilation of the evidence with the Near East, or its complete subsumption into a system of traditional procedure without any central or 'state' influence. Whereas the philological approaches to the Eritha dispute have sought to recognise parallels with other contexts (be they Archaic or Near Eastern), a legal historical approach must be built on an attempt to understand the practices of Mycenaean administration as a system of order on its own and, importantly, in contact with other spheres of order, such as that of the *damos*. The problem of the nature of the terminology of landholding, for example, is unlikely to be solved by the litigation of the disputed etymologies alone. We must seek to understand, more globally, the patterns and strategies in the palace's interest in landholding, whether it appears as systemic and comprehensive, or limited to certain objectives. To this end, our approach would benefit

from close engagement with recent trends in legal histories of other premodern contexts which have emphasised asymmetries and plurality in the production of normativity. Fresher approaches to the texts are needed to complement the terminological and philological method. The turn to 'material' approaches to administrative documents opens further possibilities for a legal historical treatment which is more sensitive to the role of administrative writing in Linear B as both an act of producing normativity and of recording norms.[154] At the most basic level, the absence of written law among the otherwise abundant, formulaic administrative Mycenaean documents suggests a very different relationship between practices of writing and normativity than the one which obtained in Archaic Greece with alphabetic script and public inscription.[155] It has often been assumed that we can pose (and answer) key questions, like whether and how a procedure of adjudication operated under palatial control. Yet the scholarship has so far failed to see that these questions are preceded by the more difficult problem of how we conceive of Mycenaean normativity as such. Are the Mycenaean documentary forms and administrative practices really designed to support an internal palace-centred system for allocating rights and interests? What I have sought to show here is that the palace should not be considered the singular centre of power and source of norms, but that the the tablets reveal the interaction of multiple systems of order which together characterised the Mycenaean experience of normativity. Future work remains to pursue this possibility, and thus to build on a popular theme in modern legal historical approaches, which have emphasised plurality as an important framework for understanding premodern contexts. Such explorations would offer a theorised legal historical perspective to complement the results of specialist studies which have reconceived the role of the rural communities under palatial influence, and reinterrogated the question of the continuity of power structures in these communities after the collapse of the palaces. Perhaps a legal historical perspective may further disrupt our assumptions about the distribution of power in this earliest of Greek worlds.

[154] Two significant recent volumes of the material turn are Petrovic, Petrovic, and Thomas, eds. 2019; Boyes, Steele, and Astoreca, eds. 2021 especially the theoretical chapter by Philip J. Boyes, 'Towards a Social Archaeology of Writing Practices', at 19-36.

[155] As realised by Camassa 1988; van Effenterre and van Effenterre 1995; 2000, 177; Camassa 2011.

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