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SAGGI, ENIGMI, APOPHORETA

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Napoli, 2023

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A short introduction to Homeric θέμις. Some remarks on *Iliad* Rhapsody 9 and Anatolian references di Luigi De Cristofaro

The paper introduces a more extensive study of the Homeric legal-religious term $\theta \notin \mu \varsigma$. The basic meaning is "something made/established" by the gods and takes the significance of divine law becoming human rules in several different contexts in the *Iliad* and the *Odyssey*. Three exemplary study cases in *Iliad* Rhapsody 9 will be briefly examined, with a glance at similar terms in Anatolian traditions.

L'articolo introduce uno studio di più ampio respiro sul termine omerico $\theta \epsilon \mu \varsigma$, dotato di una forte accezione giuridicoreligiosa. Il significato di legge divina, in quanto indicante un qualcosa posto in essere dagli dèi, diventa regola umana in differenti contesti nell'*Iliade* e nell'*Odissea*. Vengono presentati brevemente tre casi particolari nel nono *Canto* dell'*Iliade*, e, di seguito, alcuni rapidi accenni a termini che possono assumere significati parzialmente corrispondenti nelle tradizioni letterarie anatoliche.

This short comment focuses on Homeric $\theta \xi \mu \zeta$ referring to *Il.* 9.33, *Il.* 9.99, and *Il.* 9.156. The noun is related to the Indo-European root of Greek verb $\tau(\theta \eta \mu)$ and Latin *facĕre*, $*d^h$ - h_1 -, "which assumes a wide range of meanings: 'put, lay down, make, create, etc.'."¹ $\Theta \xi \mu \zeta$ basically means "ce qui est établi par la costume, conforme à l'usage",² etymologically meaning something made/set/established by someone else, having the strong legal-religious connotation "Lex naturae, lex a diis sancita quam deorum timore migrare veremur, ritus".³ It is the only Homeric word which may take the meaning "law"; vóµo ζ , the specific term meaning "law",⁴ is never mentioned in both poems, except for the personal name 'Evvoµo ζ , indicating the Mysian chief killed by Achilles (*Il.* 2.858, 17.218)⁵ and a Trojan warrior killed by Odysseus (*Il.* 11.422).⁶ $\Theta \xi \mu \zeta$ it is also attested as a deity name at *Il.* 15.87, 15.93, 20.4, and *Od.* 2.68. A Goddess $\Theta \xi \mu \zeta$ is inferred in some Linear B texts from Pylos in the compound place name *ti-mi-to-a-ke-e / ti-mi-to-a-ke-i*, made of the genitive $\Theta \xi \mu \sigma \tau \varsigma$ and dative-locative $* a \gamma \kappa \xi h \alpha$ (cf. *Il.* 20.490, *Od.* 4.337). It probably means "the valley of Themis". ⁷ The shift from the abstract notion to the proper name of one specific deity had already occurred in Mycenaean age. We can, therefore, assume that the noun $\theta \xi \mu \zeta$ was a well-known word in the pre-Archaic Greek vocabulary since the meaning differentiation had taken place in the Late Bronze Age.

^{*}The paper is an introduction to the more extensive work *Divine Laws and Human Rules*, on the Homeric word θέμις and Hittite corresponding terms, which is part of the Project "Registri linguistici, linguaggi e stilistica nella letteratura ittita: analisi della documentazione e confronti con le letterature delle culture coeve", hosted by La Sapienza University of Rome and directed by Prof. Rita Francia. I would like to thank Prof. George W.M. Harrison for having read the paper and his friendly advice on my English. I wish to express my deepest gratitude to Prof. Gregory Nagy for his attention to my works and his invaluable moral support.

¹ EDG/2: 1483; cf. DELG: 1116-1117; GEW/2: 897-898. The conceptual meaning is roughly corresponding to Latin *fās*, which is maybe related to a different IE root; cf. DELL: 217; EDL: 203; the etymology proposed by Arnout/Meillet, "reposerait sur un ancien **dhəs*", is however not incompatible with **d*^h*eh*₁-.

² DELG:427-428; cf. EDG/1: 539: "In Av. $d\bar{a}$ -mi- [f.] 'creation', also 'creator' ([m.] and [f.]), we seem to have a formation corresponding to θέμις. Cf. the same difference between θέσις, -θετο as opposed to $-d\bar{a}$ -ti-, $d\bar{a}$ -ta- ("basis, justice, law" = θέμις)"; GEW, I, pp. 660-661; Lexikon des frühgriechischen Epos. (LfgrE). Begründet von Bruno Snell, I-IV, Göttingen-Oakville 1955-2010, II, pp. 990-994 [LfgrE]. Cf. Hesych. θ 236 (II p. 311 Latte): *θέμις· δίκαιον ASvg. ἄξιον. πρέπον Svg. καὶ δίκη n, ἢ προσήκει. καὶ ἡ τιμή. καὶ τὸ ἀζίωμα. καὶ τὸ ἀρμόζον· S ἦ θέμις ἐστί (B 73). καὶ νόμος. Cf. Hesych. θ 237-248; Dmic/2: 327-328.

³ *LH*/1: 558.

⁴ DELG: 742-743; GEW/2: 302; EDG/2: 1006-1007; cf. LH/1: 1161.

⁵ Kirk 2001: 259; Hainsworth 2000: 271.

⁶ Sch. *II.* 2.858 and Sch. *II.* 17.218c; Sch. *II.* 11.422b; Brügger/Stoevesandt/Visser 2010: 281-282. Cf. Bryce 2006: 140; Beckman/Bryce/Cline 2011: 140-144 (*AhT* 7 §3); cf. *ibid.*: 24-27 (*AhT* 1A, §§26', 27'), 40-42, 44-45 (*AhT* 1B, §§11', 14'), 154-155 (*AhT* 11 §1).

⁷ Dmic/2: 348: *ti-mi-to-a-ke-e*, PY Cn 600.7.8.11.12.13.14.15, Jn 829.13, Ma 123.1, Na 361; *ti-mi-to-a-ke-i*: PY An 661.10. On Mycenaean texts editions and literature, see DAMOS, Database of Mycenaean at Oslo, and MNAMON, Ancient Writing Systems in the Mediterranean.

We can count 19 and 12 occurrences in the *Iliad* and the *Odyssey* respectively.⁸ All the mentions in both the singular and plural forms in the *Iliad* are only found in speeches. This noun is never used in other narrative typologies, such as, e.g., type-scenes, similes, and battle-scenes. The only exception is the simile at *Il*. 16.384-393, where the accusative plural θέμιστας is mentioned in close association with the assembly and its religious and legal implications: οι βίη είν ἀγορῆ σκολιὰς κρίνωσι θέμιστας (*Il*. 16.387).⁹

The mention of accusative plural at *Il.* 16.387 is the only one in 6 occurrences where $\theta \dot{\epsilon} \mu \omega \tau \alpha \zeta$ are not connected to $\sigma \kappa \eta \pi \tau \rho ov.^{10}$ The passage talks about "men" ($\dot{\alpha} v \delta \rho \varepsilon \sigma \omega$, 16.386) as responsible for the administration of justice. This detail seems to refer to a more advanced non-monarchic phase.¹¹ However, such a legal case-in-point, where judgement is delegated to other judicial authorities than the king, is documented in the Hittite Laws¹² and the Pylian tablets PY Ep 704 and PY Eb 297.¹³ A legal dispute between a priestess and the land district ($d\bar{a}mos$) is recorded in PY Ep 704 at lines 5-6 and PY Eb 297, where there is no mention of the king as a judge.¹⁴ These Linear B texts also show the use of verb $\varepsilon \omega \omega \alpha \alpha$ as "a functionally marked word" in "a functionally marked context" in Mycenaean age.¹⁵ The tablets have been related to the judicial scene on the shield of Achilles at *Il.* 18.497-508, indicating the possible Bronze Age origin of this Homeric tradition.¹⁶

Homeric θέμις is related to some significant words: ἀγορή, the assembly (*II*. 2.73, 9.33, 11.807, 16.387), where the chiefs only have effective freedom of speech (*II*. 2.198-206), attested in some Linear B texts;¹⁷ ἄναξ (*II*. 9.33, 9.276, 19.177) and ξεινίη-ξείνιος (*II*. 11.779), both evocative of the Mycenaean lexicon;¹⁸ σκῆπτρον, which indirectly recalls the monarchic and Palatial system (*II*. 1.238 referring to 1.234; 2.206; 9.99; 9.156; 9.298).¹⁹ The mention of ξεινίη (*II*. 11.779) is especially relevant since it is one of the Homeric keywords,²⁰ just like ληΐς, -ΐδος.²¹ They both call Mycenaean echoes, and indicate two particular cases of the general legal-religious case-in-point expressed by the word θέμις according to Ebeling's definition.²²

- ¹⁵ Muellner 1976, p. 107.
- ¹⁶ *Ibid*.: 100-106; cf. Nagy 2021c.

⁸ *II*. 1.238, 2.73, 2.206, 5.761, 9.33, 9.99, 9.134, 9.156, 9. 276, 9.298, 11.779, 11.807, 14.386, 16.387, 16.796, 19.177, 23.44, 23.581, 24.652; *Od*. 3.45.187, 9.112, 9.205 (= *II*. 9.99), 9.268, 10.73, 11.451, 14.56, 14.130, 16.91, 16.403, 24.286. *Themis* as a goddess is mentioned at *II*. 15.87,93, 20.4; *Od*. 2.68.

⁹ Janko 1999: 366. Cf. Sch. *II*. 16.387a-c; Eust. *II*. 16.384-93 (3: 867, 13 – 868,10); Eust. *II*. 16.388 (3: 869, 3-13). About the *Scholia vetera* and Eustathius' Commentary editions, I refer to Erbse 1969-1988 and van der Valk 1971-1987, respectively.

¹⁰ Janko 1999: 364-367.

¹¹ The composition structure of *II*. 16.384-386 and the linguistic analysis also seem to support this assumption. *II*. 16.384-393 is a 10-lines passage, made up of 5 + 4 + 1 verses. *II*.16.384-386 are 3 interdependent lines, forming a syntactical unit. The following 7 verses, 16.387-393, are independent hexameters. There are a very few remarkable linguistic features: ἄνδρεσσι and κοτεσσάμενος (16.386), and στενάχοντο (16.393). On the compositional structure of *Iliad* 16, see De Cristofaro 2016a: 318-319.

¹³ Bennett/Olivier 1972: 126 (PY Ep 704) and 94 (PY Eb 297); *DMic*/1: 261-262. On the new editions of the Pylian tablets, see Godart/Sacconi 2019-2020.

¹⁴ Cf. Dmic/1: 153-154.

¹⁷ *DMic*/1: 46-47 (*a-ko-ra*), 47-48 (PN *a-ko-ra-jo*, neut. plur. *a-ko-ra-ja*); the term *a-ko-ra* has a different meaning, and probably indicates the place of common pasture for sheeps or cattle/livestock market.

¹⁸ Cf. DMic/2: 400-401 (wa-na-ka); DMic/1: 353-354 (ke-se-ne-wi-ja, ke-se-ne-wi-jo, ke-se-nu-wi-ja, ke-se-nu-wo).

¹⁹ On *Il*. 2.46, see Nagy 2018a.

²⁰ De Cristofaro 2014. This bond was felt and recognized as stronger than blood ties (Sch. *Il*. 6.218: ὅτι περιττὸς ὁ καί σύνδεσμος) and clearly endowed with legal-religious connotations (εὐχόμεθ', *Il*. 6.231).

²¹ De Cristofaro 2018; cf. Id. 2019 b and c; cf. also Id. 2019a.

²² Cf. above n. 3. Paris' violation of sacrosanct ξεινίη triggers the Homeric saga (cf. *Il.* 13.4-7, 13.620-639, 13.660-672, 22.358), while the violation of Achilles' equally sacrosanct ληΐς makes rise his wrath, namely the starting point of the plot of the *Iliad* (cf. *Il.* 1.1-7, 2.688-693). Sheltering and hosting were closely related to each other in pre-Archaic society: see Muellner 1976: 84-88. About Mycenaean hospitality, see Santiago Álvarez 2012; Santiago Álvarez/Oller Guzmán 2013; about Mycenaean attestation of λᾱρίς and λᾱρός, cf. *Dmic/*2: 233-234 (*ra-wi-ja-ja*); *Dmic/*2: 230-231 (*ra-wa-ke-ta*); see also *ibid*.: 234-235 (*ra-wo-do-ko*, *ra-wo-ke-ta* with 'Aeolic' change *-a-* into *-o-*, *ra-wo-po-qo*, *ra-wo-qo-no*, *ra-wo-ti-jo*); cf. De Cristofaro 2021a: 98-99; Id. 2019a: 17-26. On hospitality between Achaean and Anatolian members of ruling class, namely the stay of an Achaean king or crown prince to the court of Hattuša, see *AhT* 4 (*CTH* 181),

Achilles refuses to wash his head before the funerary rites for Patroclus at Il. 23.44: οὐ θέμις ἐστὶ λοετρὰ καρήατος ἆσσον iκέσθαι.²³ His helmet rolls amid blood and dust when Patroclus falls dead at II. 16.796: which was not allowed by the gods when it was covering Achilles' head: αἴματι καὶ κονίησι· πάρος γε μὲν οὐ θέμις ἦεν.²⁴ Another negative expression indicates that the disrespect towards what is $\theta \epsilon \mu c$ may be extremely dangerous to men at *II*. 14.386: είκελον ἀστερο $\pi \eta$. τῷ δ' οὐ θέμις ἐστὶ μιγῆναι. It refers to how it may be inadvisable to fight against Poseidon, who "grasped his terrible sword, keen of edge and flashing like lightning".²⁵ The description of "unreasonable" Ares "who does not know any rule/law", is made by Hera to Zeus at II. 5.761: ἄφρονα τοῦτον ἀνέντες, ὃς οὕ τινα οἶδε θέμιστα.²⁶ This expression is péndant to Nestor's simile referring to the man who instigates civil discords at *II*. 9.63: ἀφρήτωρ ἀθέμιστος ἀνέστιος ἐστιν έκεῖνος.²⁷ Both mentions match the description of Polyphemus' wild, namely unlawful and irreligious, style of life.²⁸ The meaning "usual practice" is recorded (although ironically) at Il. 24.652, which is part of Achilles' speech to Priam at Il. 24.649-658: βουλὰς βουλεύουσι παρήμενοι, η θέμις ἐστί.²⁹ The reference to θεμις as showing loyalty is made at *Il*. 23.581, when Menelaus rebukes Antilochus for his trickery in the chariot race during the funeral games in honor of Patroclus.³⁰ Il. 23.581 relates θέμις to oaths, providing a further sacred-religious connotation.³¹ The word θέμις also expresses the regulation of sexual intercourse according to natural law, a sort of marriage sacred law which - so to say - 'sacramentalizes' (see above n. 3) the relation between man and woman according to Homeric mental practice (11. 9.135, 9.276, 19.177; cf. 9.340-343). The accusative plural forms take the meaning of "laws", probably referring to the power and right to legislate (Il. 2.206, 9.99), "judgments", presumably referring to judicial power (Il. 1.238, 16.387, and, probably, "feudal dues" and "obligations" (Il. 9.156, 9.298):³² "au pl. 'droits', d'où 'jugements', parfois rapproché de δίκη, etc. (Il., Od. Hés., voir Il. 16.387, Hès. Tr. 221, Th. 85) 'tributs' (Il. 9.156), 'oracles' (Od. 16.403, Pi.)."33

The inquiry will be narrowed to *Iliad* 9, where 6 occurrences were retained throughout the centuries-old transmission of Homer's "Multitext",³⁴ focusing on *Il.* 9.33, 9.99, and 9.156. The adjective $\dot{\alpha}\theta\dot{\epsilon}\mu\omega\tau\sigma\varsigma$ occurs at *Il.* 9.63. They are the most numerous mentions of this word in one single Homeric Rhapsody. The attestations of $\theta\dot{\epsilon}\mu\mu\varsigma$ in *Iliad* 9 occur in assembly-contexts, enlarged to all the chiefs and Achaeans (*Il.* 9.33, 9.63) or narrowed to a select committee of leaders (*Il.* 9.99, 9.135, 9.156, 9.276, 9.298). The association of word $\theta\dot{\epsilon}\mu\mu\varsigma$ with princes and kings has strong religious connotations as well, since Zeus himself gives them their political power, just as he gives them victory and booty.³⁵ *Iliad* 9 is an extensive dialogical section, made of 4 main parts (*Il.* 9.1-88, 9.89-181, 9.182-668, 9.669-713), where 3, 3, 6, and

²⁶ Muellner1996: 11; Kirk 2000:137; cf. Eust. *Il.* 5.765-66 (2: 197, 26 – 198, 2).

³² Hainsworth 2000: 79.

Beckman/Bryce/Cline 2011: 101-122; Heinhold-Krahmer/Rieken 2019. On Mycenaean Thebes, see Aravantinos/Godard/Sacconi 2001-2006; cf. Barker/Christiansen 2020.

²³ Richardson 2000: 170, 174-176; Eust. *II*. 23. 42-7, 43s. (4: 679,7-16; 4: 679.16-25). Θέμις takes a clear religious connotation in the passages where it is connected to the ritual sphere and heroes' fate: cf. *II*. 23.83-90; cf. Sch. *II*. 23.86a¹⁻²-b; Sch. *II*. 23.89; Eust. *II*. 23.85-90 (4: 688, 17 – 689,5), *II*. 23.85 (4: 689,5-8), *II*. 23.86 (4: 689.8-14), *II*. 23.90 (4: 691.17-21). Cf. also Nagy 2021b; De Cristofaro 2021a: 94.

²⁴ Nagy 2018b. Cf. Eust. Il. 16.793-6 (III, p. 935, 7-15); Sch. Il. 16.793-804a-b; Sch. Il. 16.796-7.

²⁵ Krieter-Spiro 2018: 178-179; *ibid.* 179: "οὐ θέμις ἐστὶ: 'it is no order, it is impossible, forbidden' (*LfgE s.v.* θέμις 992.34 ff.; on θέμις 'prevailing order', see also 2.73n"; cf. Janko 1999: 210. See Eust. *Il.* 14.386 (3: 665, 8-11): Τὸ δὲ «οὐ θέμις ἐστίν» ἀντὶ τοῦ οὐ δυνατόν. ὅθεν καὶ τὸ ἐθέμωσεν ἐν 'Οδυσσεία ἀντὶ τοῦ δυνατ\ὸν ἐποίησεν. Ὅτι δὲ καὶ θεμίσσειν ῥῆμά ἐστιν, ἐξ οὖ μάλιστα ἡ θέμις, καὶ ὅτι σύστοιχος ἡ θέμις καὶ ὁ θεσμός, ἤδη δὲ καὶ τὸ τέθμιον, ὅ ἐστι νόμιμον, δηλοῦσιν οἱ παλαιοί.

²⁷ Hainsworth 2000: 67-68; Sch. II. 9.63 b1-b2; Sch. II. 9.63a and Sch. II. 9.63c; Eust. II. 9.63s. (2: 657, 6 - 660, 4).

²⁸ Cf. Hom. Od. 9.189.

²⁹ Richardson 2000: 345; cf. Eust. on *Il*. 24.652 (IV, p. 971, 3-7).

³⁰ Richardson 2000: 230, 232; cf. Sch. II. 23.581a-c; Sch. II. 23.566. Eust. II. 23.581 (4: 785, 21 – 786, 1): Τὸ δὲ «ἦ θέμις ἐστίν» ἔοικε δηλοῦν μὴ πρὸς Μενελάου πρώτου ἐπινοηθῆναι τὴν ἐνταῦθα κρίσιν, ἀλλ' οὕτως ἐκ παλαιοῦ τὰ τοιαῦτα θεμιστεύεσθαι. ['Ως δὲ καὶ περισπᾶται, καὶ αῦ πάλιν ὀζύνεται ἄλλως τὸ ἥ, ἐν τῷ «ἢ θέμις» δεδήλωται καὶ ἐν ἄλλοις.]; cf. also Eust. II. 23.585 (4: 786, 11 – 787, 10).
³¹ Cf. Dardano 2021; Basile 2018; Bernabé 2015; Kitts 2011.

³³ DELG: 428.

 ³⁴ *Il.* 9.33, 9.99, 9.135, 9.156, 9.276, 9.298; see Nagy 2010b; Id. 2020a; *HMP*, Dué/Ebbott (eds.) 2016- ; cf. Dué/Ebbott, 2016; Dué 2017.
 ³⁵ Cf. Hom. *Od.* 14.86; De Cristofaro 2018: 58; Id. 2021a: 115-116.

3 substantial speeches are reported.³⁶ The core of the Rhapsody is the passionate but extremely rational speech of Achilles, constructed with a series of logical and entirely credible arguments (*Il*. 9.307-431).³⁷

1. θέμις as "regulation" of assembly

The first mention of θέμις in *Iliad* 9 occurs at *Il*. 9.33: η̈ θέμις ἐστιν ἄναξ ἀγορη̄· σὐ δὲ μή τι χολωθῆς, in Diomedes' first speech 9.31-51, as a reply to Agamemnon, who had decided to give up the siege of Troy (*Il*. 9.16-30)³⁸.

II. 9.31-51:

II. 9.31: ἀψὲ δὲ δὴ μετέειπε βοὴν ἀγαθὸς Διομήδης· Il. 9.32: "Ατρεΐδη σοὶ πρῶτα μαχήσομαι ἀφραδέοντι, II. 9.33: η θέμις ἐστὶν ἄναξ ἀγορη· σὺ δὲ μή τι χολωθης. II. 9.34: ἀλκὴν μέν μοι πρῶτον ὀνείδισας ἐν Δαναοῖσι Il. 9.35: φὰς ἔμεν ἀπτόλεμον καὶ ἀνάλκιδα· ταῦτα δὲ πάντα Il. 9.36: ἴσασ' ᾿Αργείων ἠμὲν νέοι ἠδὲ γέροντες. 11. 9.37: σοὶ δὲ διάνδιχα δῶκε Κρόνου πάις ἀγκυλομήτεω· Il. 9.38: σκήπτρω μέν τοι δῶκε τετιμῆσθαι περὶ πάντων, Il. 9.39: ἀλκὴν δ' οὕ τοι δῶκεν, ὅ τε κράτος ἐστὶ μέγιστον. Il. 9.40: δαιμόνι' οὕτω που μάλα ἕλπεαι υἶας 'Αγαιῶν Il. 9.41: ἀπτολέμους τ' ἕμεναι καὶ ἀνάλκιδας ὡς ἀγορεύεις; Il. 9.42: εί δέ τοι αὐτῶ θυμὸς ἐπέσσυται ὥς τε νέεσθαι Il. 9.43: ἕρχεο· πάρ τοι ὁδός, νῆες δέ τοι ἄγχι θαλάσσης Il. 9.44: ἑστᾶσ', αἴ τοι ἕποντο Μυκήνηθεν μάλα πολλαί. II. 9.45: ἀλλ' ἄλλοι μενέουσι κάρη κομόωντες 'Αγαιοί Il. 9.46: εἰς ὅ κέ περ Τροίην διαπέρσομεν. εἰ δὲ καὶ αὐτοὶ Il. 9.47: φευγόντων σύν νηυσὶ φίλην ἐς πατρίδα γαῖαν· II. 9.48: νῶϊ δ' ἐγὼ Σθένελός τε μαγησόμεθ' εἰς ὅ κε τέκμωρ II. 9.49: Ἰλίου εὕρωμεν· σὺν γὰρ θεῷ εἰλήλουθμεν." 11. 9.50: [•]Ως ἔφαθ', οἱ δ' ἄρα πάντες ἐπίαχον υἶες ᾿Αχαιῶν Il. 9.51: μῦθον ἀγασσάμενοι Διομήδεος ἱπποδάμοιο.

[A]t last Diomedes of the loud battle-cry made answer saying, "Son of Atreus, I will chide your folly, as is my right [themis] in council. Be not then aggrieved that I should do so. In the first place you attacked me before all the Danaans and said that I was a coward and no warrior. The Argives young and old know that you did so. But the son of scheming Kronos endowed you by halves only. He gave you honor as the chief ruler over us, but valor, which is the highest both right and might he did not give you. Sir, think you that the sons of the Achaeans are indeed as unwarlike and cowardly as you say they are? If your own mind is set upon going home - go - the way is open to you; the many ships that followed you from Mycenae stand ranged upon the seashore; but the rest of us stay here till we have destroyed Troy. I tell you: though these too should turn homeward with their ships, Sthenelos and myself will still fight on till we reach the goal of Ilion, for the gods were with us when we came." The sons of the Achaeans shouted approval at the words of Diomedes, breaker of horses.

 $^{^{36}}$ *II.* 9.1-88: first Agamemnon's speech (9.16-30); first Diomedes' speech (9.31-51), first Nestor's speech (9.52-79); 9.89-181: second Nestor's speech (9.95-113), second Agamenon's speech (9.114-161), third Nestor's speech (9.162-173); *II.* 9.182-668: first Odysseus' speech (9.222-306), first Achilles' speech (9.307-431), Phoinix' speech (9.432-605), second Achilles' speech (9.606-619), Ajax' speech (9.624-642) third Achilles' speech (9.643-655); *II.* 9.669-713: third Agamemnon's speech, (9.672-675), second Odysseus' speech (9.676-692), second Diomedes' speech (9.696-709). 7 Heroes are engaged in 15 dialogues (3 + 3 + 6 + 3) in *Iliad* 9: Agamemnon (3 speeches); Diomedes (2 speeches); Nestor (3 speeches); Odysseus (2 speeches); Achilles (3 speeches); Phoinix (1 speech); Ajax (1 speech). *Iliad* 9 is mainly made of regular and recurring modular hexametric blocks, mostly made up of independent lines, showing many unreplaceable or easily restorable old linguistic features. Therefore, it is related to the early oral phases in processing the epic traditions. ³⁷ De Cristofaro 2018: 60-72, 112-115.

³⁸ All translations of Homer's texts are from S. Butler, revised by S.-Y. Kim, K. McCray, G. Nagy, and T. Power: https://chs.harvard.edu/primary-source/homeric-iliad-sb/, and https://chs.harvard.edu/primary-source/homeric-odyssey-sb/.

Diomedes proudly claims his firm decision to insist on continuing the war, 'inviting' Agamemnon to cowardly flee home: he and the "long-haired Achaeans" (*Il.* 9.45)³⁹ will stay and fight until the destruction of Troy.⁴⁰ His words find enthusiastic approval from "the sons of the Achaeans" (*Il.* 9.40, 9.50). This is a fine example of composition-in-performance:⁴¹ the symmetrical structure of the speech (a), made of recurring hexameter groups (b), made up of 18 = (8 + 10) independent and formulaic lines (c),⁴² forming regular modular blocks of (2 + 3 + 3) + (2 + 3 + 3 + 2) hexameters (d), the unreplaceable Mycenaean features, Archaisms, and Aeolicisms⁴³, underlined in the text (e), indicate that this Homeric passage is probably related to earliest oral-extemporaneous composition techniques and the earliest epic traditions.⁴⁴

The systematic dissection of Homer's texts reveals that they are mainly made of regular and recurring modular blocks of 7, 9, 10, 12, and 14 hexameters, which are something similar to musical patterns according to fixed bars sequences, just as, e.g., the blues songs and ballads (8, 10 and especially12 bars). This phenomenon is due to oral improvisation techniques. The sections are made of independent or interdependent lines. The independent lines are syntactically autonomous and complete and can join other verses elsewhere in other hexametric segments. Independent lines and regularly recurring modular blocks are suited to oral improvisation but are unnecessary for written composition. These specific oral composition marks may be connected to the earliest phases in processing the epic traditions. By contrast, the interdependent lines can hardly join to hexameters that are not the previous or the following one, showing insoluble syntactical links between the lexical units that form the sequence of two or more lines. This is a possible mark of written composition, which does not need interchangeable standards. The presence of old linguistic features, words, and formulas is not indicative of the antiquity of the examined line or piece per se, of course, since they will become part of the usual component of epic diction in later ages, just like, e.g., Mycenaean and Thessalian genitive ending -010, also found in Hellenistic Apollonius' Argonautica (3rd c. BC). They become a significant factor when we find unreplaceable or easily restorable pre-Archaic linguistic forms and features embedded in certain prosodic structure in independent lines forming regular and recurring modular blocks of hexameters, which, in turn, were the basic tool of early bards' composition-inperformance techniques.45

³⁹ Sch. *II*. 2.11b2: D κάρη κομόωντας: τῶν Ἑλλήνων τὸ παλαιὸν; Brügger/Stoevesandt/Visser: 137: "κάρη κομόωντας Ἀχαιοί: VE-Formel (lln.); cf. *LH*/1: 653; De Cristofaro 2015: 26 and n. 47. Ἀχαιορί and Ἀχαιρία were the name by which the Bronze Age Greeks named themselves and their homeland respectively: see Nagy 2011b: 82; De Cristofaro 2021a: 102-103; cf. KN Ga 738a, PY Jo 438,18: *a-ka-wo*; KN C 914.B: *a-ka-wi-ja-de*; *DMic*/1: 35. About the correspondence between the Homeric formula Ἀχαιδά γαῖαν and Hittite ^{KUR/URU}Aḫħiya(wā) see De Cristofaro 22021a: 103; on the name of Achilles as an ancestral and hypostatic "Predatory Achaean", see *ibid*.: 102-105; Id. 2019a; Id. 2019c; Id. 2016b. On Thessaly, namely Achilles' homeland, as the area in continental Greece where the Indo-European speakers settled at first, and becoming the birthplace of Greek language and civilization, see Id. 2021a 104-105; Id. 2021b; Id. 2019a: 22-26; cf. Janko 2018: 122; Willi 2011: 463; Finkelberg 1999. On the archaeological evidence see Wiersma/Voutsaki 2017b; Rutter 2017; Wiersma 2016; cf. Maran 2007. Both linguistic and archaeological evidence are somehow consistent with the preponderance of Thessalian army forces in the s.c. *Catalogue of Ships* in *Iliad* Rhapsody 2; see De Cristofaro 2019a: 18. "Achilles' homeland *Phthie* is identified with toponym *Hellas* at 2.683 and his Thessalian Myrmidons are identified with *Hellenes* and *Achaioi* at 2.684. They are the 21st contingent in the *Catalogue* and the first of the nine forces from Thessaly which end the list: they are 'the most of the Achaeans'. If we add them to the Boeotian squads starting the *Catalogue*, we see that Aeolian components of the army led by Peloponnesian Agamemnon are 11 in 29 total contingents". Cf. Brügger/Stoevesandt/Visser 2010:144-154; Kirk 2001:168-189; on the Boeotian contingents see Brügger/Stoevesandt/Visser 2010:155-165; Kirk 2001:178-179,190-199.

⁴⁰ Hainsworth 2000: 61-62, 63-66; Eust. *II*. 9.32s. (2: 650, 16 – 651, 13); Eust. *II*. 9.32s. (2: 654, 14-16); Sch. *II*. 9.33c2 θέμις δὲ τῆς δημηγορίας τὸ τὸ δοκοῦν παρρησιάζεσθαι. b(BCE3E4); cf. Sch. *II*. 9.33a, b, c1, c3, d1, d2.

⁴¹ De Cristofaro 2021a: 95.

⁴² Nagy 2011a: 133-134: "In such a context, as Lord (1960:47) has said with reference to any orally composed poem, '*There is nothing in the poem that is not formulaic*.' I aim for such a broad understanding of the Homeric formula, viewing all the phraseology of Homeric diction as formulaic."

⁴³ *Ibid*.: 136: "For the moment, I am saying only *Aeolicisms*, not *Aeolic forms*, since some of these forms may turn out to be not exclusively Aeolic."

⁴⁴ The brief section *II*. 9.31-51 is made of 21 independent hexameters according to the scheme 1 + 18 + 2 = (1) + (2 + 3 + 3) + (2 + 3 +

⁴⁵ De Cristofaro 2023 (forthcoming); cf. Id. 2016a: 9-27; see also Id. 2019a: 18-22; Id. 2018: X-XI; Id. 2016c.

The wording $\hat{\eta}$ θέμις ἐστὶν, made of particle + θέμις + verb "to be", occurs as an opening formula on 4 occasions in the *Iliad* (*Il.* 9.33, 9. 276, 19.177, 24.652) and on 5 occasions as an ending formula (*Il.* 2.73, 11.779, 16.796, 23.581, 24.652). Some variations are recorded at 9.135, 5.761, 11.807, and 14.386. The opening and closing positions suggest that we deal with a special word expressing basic concepts, similarly to the prosodically corresponding clausula εὕχομαι + εἶναι and related variations.⁴⁶

The opening formula $\hat{\eta}$ θέμις ἐστὶν (⁻, ⁻) is also recorded at *II.* 9.276 ($\hat{\eta}$ θέμις ἐστὶν ἄναξ ἤτ' ἀνδρῶν ἤτε γυναικῶν) and *II.* 19.177 ($\hat{\eta}$ θέμις ἐστὶν ἄναξ ἤτ' ἀνδρῶν ἤ τε γυναικῶν). The slight variation retaining the same prosody is où θέμις ἐστὶ at *II.* 23.44 (où θέμις ἐστὶ λοετρὰ καρήατος ἀσσον ἰκέσθαι). A similar position is retained at *II.* 9.135, where the trochee of dactyl in second foot is replaced by the spondee (⁻, ⁻, ⁻; $\hat{\eta}$ θέμις ἀνθρώπων πέλει ἀνδρῶν ἤδὲ γυναικῶν). The same sequence $\hat{\eta}$ θέμις ἐστὶν (⁻, ⁻, ⁻) is used as an ending formula at *II.* 2.73 (πρῶτα δ' ἐγὼν ἕπεσιν πειρήσομαι, $\hat{\eta}$ θέμις ἐστὶ), *II.* 23.581 ('Αντίλοχ' εἰ δ' ἄγε δεῦρο διοτρεφές, $\hat{\eta}$ θέμις ἐστὶ), and *II.* 24.652 (βουλὰς βουλεύουσι παρήμενοι, $\hat{\eta}$ θέμις ἐστὶ). The variations are recorded in *II.* 11.779 (ξείνιά τ' εὖ παρέθηκεν, ἄ τε ξείνοις θέμις ἐστίν) and *II.* 16.796 (αἴματι καὶ κονίησι· πάρος γε μὲν οὺ θέμις ἦεν). The same prosodic-metrical ending sequence, but changing the position of θέμις, is retained in *II.* 11.807 (ἶξε θέων Πάτροκλος, ἵνά σφ' ἀγορή τε θέμις τε) and *II.* 5.761, where the word is in singular accusative (ἄφρονα τοῦτον ἀνέντες, ὃς οὕ τινα οἶδε θέμιστα). The singular nominative in association with the verb "to be" is also attested at *II.* 14.386, where the collocation of the sequence is different from all the previous ones: εἴκελον ἀστεροπῆ· τῷ δ' οὺ θέμις ἐστὶ μιγῆναι ($\| - ^ {- + - +} \|$).

The formula η θέμις ἐστὶν ends line *Il*. 2.73, which is part of Agamemnon's speech at *Il*. 2.55-75.⁴⁷ It may be translated "according to/in compliance with what is established (by Zeus)".⁴⁸ The context is similar but not the same: in *Il*. 2.55-75, Agamemnon speaks to selected leaders at the ships of Pylian king Nestor before the assembly, while Diomedes speaks to the assembly of the Achaeans. In *Iliad* 2, Agamemnon, deceived by the tricky dream, overconfidently says he wants to "arm and call the long-haired Achaeans" (2.65). He gives the order to the chiefs to make "the sons of the Achaeans" put on their armor (2.72), feeling sure that he will launch the final attack on Troy. He wants to "first sound them", acting "in compliance with what is established" for assembly rules (2.73), pretending to propose leaving Troy and come back home (2.74). By contrast, Agamemnon really proposes to give up the siege of Troy at *Il*. 9.16-30, demoralized by the disastrous outcomes of the war. Diomedes then claims his right to speak to the assembly at *Il*. 9.33: this kind of θέμις clearly enables him to forcefully oppose Agamemnon (9.32-33). The key-passages, *Il*. 2.55-75 and 9.31-51, show two facets of Homeric θέμις as regulatory law in assembly matters: 1) the possibility to test the audience (ἔπεσιν πειρήσομαι, 2.73), 2) and the right of free speech (σοὶ πρῶτα μαχήσομαι... η θέμις ἐστὶν ἄναξ ἀγορη, 9.32-33). Both prerogatives are given

⁴⁶ Muellner 1976: 67-98; see also *ibid*.: 53-66.

⁴⁷ Sch. *II*. 2.73b1: (BCE3E4)T Hrd. η θέμις ἐστί: τὸ η̌ δασυντέον· οὐ γάρ ἐστι σύνδεσμος, ἀλλ' ἰσοδυναμοῦν τῷ ὡς ἐπιρρήματι. Cf. Sch. *II*. 2.73 and b2; Eust. *II*. 2.73-5 (1: 266, 12-267, 1); Eust. *II*. 2.73 (1: 267, 1-2): Ιστέον δὲ ὅτι τὸ θέμις ἐστιν ἀντὶ τοῦ θεσμός· θέμις γάρ ἐστιν, ὡς εἴρηται, στρατηγῷ ἀποπειρᾶσθαι πρὸ τῆς μάχης τοῦ στρατεύματος. Brügger/Stoevesandt/Visser 2010: 29-30. *II*. 2.55-75 is made of 21 hexameters: *II*. 2.55 is an independent line and the speech introduction; three interdependent lines *II*. 2.56-58 follow, opening the discourse to the assembly. *II*. 2.59 is the speech-introduction that the deceptive dream addresses Agamemnon. The speech is reported in *II*. 2.60-70a; *II*. 2.70b-271 are interdependent lines. Four independent lines *II*. 2.272-275 end Agamemnon's speech. The composition pattern is the following: 1 + 20 = (1) + (3) + (1) + (12) + (4). On section *II*. 2.48-84, made up of 3 line-groupings, *II*. 2.48-54, 2.55-75, 2.76-84, arranged in 7 + 21 + 9 hexameters, see De Cristofaro 2016a:70-73.

⁴⁸ Kirk 2001: 122-123: "The proposal to 'test them with words', which turns out to mean ordering their immediate return home, is introduced quite unexpectedly. It is not suggested by the Dream, nor it is a regular device for getting the troops into action: in fact there is nothing really similar anywhere else in the *Iliad* – the closest is the disguise Odysseus' 'testing' of his father Laertes in *Odyssey* book 24 (...). η̂ θέμις ἐστί is a formular expression (6 x *Il.*, 4 x *Od.* in this exact form), coming either at the beginning or at the end of the verse (except only at *Od.* 3.187) to designate proper behaviour, including that of a ritual and family kind: for example it is customary and right to pour libations and offer prayer at a religious feast; to embrace one's father; to swear an oath that one has obeyed the rules in a contest; to disagree with the king in assembly if necessary. It can also serve, vague as it is, to justify a kind of behaviour which a character – or the poet himself – does not wish to spend time in elaborating further (...)."

to the Achaean leaders only, as we can assume from Odysseus' speech at *Il*. 2.198-206.⁴⁹ This passage suggests that we probably are seeing some vestiges of pre-Archaic society before the rising and consolidation of the common-shared model of Archaic and Classical $\pi \delta \lambda \epsilon \iota \varsigma$. The Achaean assembly maybe recalls something similar to Mycenaean rulers' meetings. The Mycenaean world was formed by several kingdoms and districts, similarly to the Achaean coalition recorded in the "Catalogue of Ships".⁵⁰ From the Hittite sources, we know that there was a prominent reign under a "Great King" called "The Great King of Ahhiyawa" in 14th-13th c. BC, who probably was their common legal representative in international relations.⁵¹

So, is it possible that Ahhiyawa was similarly a confederation of Mycenaean kingdoms, rather than one single kingdom? Such a suggestion may resolve many of the lingering questions about Ahhiyawa, including the problem of why there was a single "Great King" recognized by the Hittites, when we know that there were multiple Mycenaean kings ruling at the same time. If so, we might perhaps draw a parallel and see Ahhiyawa as a very early version of the Delian League (which itself morphed into the Athenian Empire), with members contributing money, men, and ships to a common cause such as overseas trade or warfare.⁵²

In any case, the mentioned passages indicate $\theta \notin \mu \varsigma$ as a regulatory law in the assembly context: "It is here, next to the beached ship of Odysseus, that the Achaeans of the *Iliad* hold their assemblies and perform their sacrifices, as we see from the wording at *Il*. 11.807-808. Such a centerpoint, then, is not only topographical: it is also political - even sacral."⁵³

2. θέμις as "law" in legislative and judicial context

The plural accusative θέμιστας is recorded in Nestor's speech at *Il.* 9.95-113: ⁵⁴ σκῆπτρόν τ' ἠδὲ θέμιστας, ἵνά σφισι βουλεύησθα (9.99).⁵⁵ The dialogue between the wise Pylian king and Agamemnon occurs during the summit in Agamemnon's tent (cf. 9.89-94), as previously suggested by Nestor himself (9.52-78). *Il.* 9.95-113 is made of 1 + 18 lines, just like Diomedes' speech at *Il.* 9.31-49. In the case of Diomedes' speech, two descriptive-narrative ending lines are placed between Diomedes' words and Nestor's reply at *Il.* 9.52-78, where the adjective ἀθέμιστος occurs (9.63).⁵⁶ By contrast, Agamemnon's

⁴⁹ Brügger/Stoevesandt/Visser 2010: 136-137. There are no *Scholia* on *Il*. 2.206; Eustathius does not comment line *Il*. 2.206 \approx *Il*. 9.99, only focusing on the divine origin of kingship at lines 2.204 and 2.205. *Il*. 2.198-206 is made up of 9 independent lines, mainly made of archaizing features, according to the recurring pattern 2 + 7. The speech is part of section *Il*. 2.155-210. On the structure of *Il*.2.198-206 and *Il*. 2.155-210 see De Cristofaro 2016a: 244-246. The full meaning of *Il*. 2.198-206 (Odysseus' speech to the troops) is clearly understandable if it is read together with previous hexameter group *Il*. 2.188-197 (Odysseus' speech to the chiefs). Kirk 2001: 137: "Many MSS omit this verse; those that have it read βασιλεύη, which is metrically impossible. Monro and Allen retain it in OCT, but with Dio Chrysostom's βουλεύησι; but many editors have regarded it as an unnecessary addition based on 9.99 and designed to supply an object for δῶκε in 205 - 'which does not need one', Leaf. But surely δῶκε *does* need an object, and the retention of σφισι, which has not specific point of reference in this context, suggests strongly that 9.98f. (or its prototype) is indeed the model, which is deployed here very much in the oral style. The solecism βαασιλεύη is irrelevant, and is due to βασιλεύς in the preceding verse". Cf. Brügger/Stoevesandt/Visser 2010: 68.

⁵⁰ Bányai 2019; cf. Dickinson 2019; Kirk 2001: 166-189.

⁵¹ Waal 2019; Beckman/Bryce/Cline 2011: 5-6, 267-286; cf. Kelder/Waal 2019.

⁵² *Ibid*.: 6.

⁵³ Nagy 2021a.; cf. *Il.* 11.807: ἶξε θέων Πάτροκλος, ἵνά σφ' ἀγορή τε θέμις τε.

⁵⁴ Hainsworth 2000: 71-72.

⁵⁵ Ibid.: "It is Agamemnon's Zeus-given privilege to decide what is θέμις and was it not. Nestor tactfully implies that Agamemnon's interpretation of his rights in book I was not, so to speak, *intra vires*, though others might complain that he 'kept θέμις by his side' (cf. [Aesch.] PV 186): οὐ γὰρ εἶχον γραπτοὺς νόμους, ἀλλὰ τὸ πᾶν ἦν ἐν τοῖς κρατοῦσιν (bT)". Sch. Il. 9.99a: ex. σκῆπτρόν <τ'> ἡδὲ θέμιστας: σκῆπτρον διὰ τὸ κράτος, θέμιστας διὰ τὸ δίκαιον· οὕπω γὰρ εἶχον γραπτοὺς νόμους, ἀλλὰ τὸ πῶν ἦν ἐν τοῖς κρατοῦσιν (bT)". Sch. Il. 9.99a: ex. σκῆπτρόν <τ'> ἡδὲ θέμιστας: σκῆπτρον διὰ τὸ κράτος, θέμιστας διὰ τὸ δίκαιον· οὕπω γὰρ εἶχον γραπτοὺς νόμους, ἀλλὰ τὸ πῶν ἦν ἐν τοῖς κρατοῦσιν· ὅθεν καὶ ,,δικασπόλοι, b(BCE3E4)T οĩ τε θέμιστας </ πρὸς Διὸς εἰρύαται>" (A 238-9). T †εὐγενῆ† δ' αὐτὸν ποιεῖ τὰς εὐτυχίας ἐξαριθμούμενος, καὶ ἄζια δὲ τῆς ἰδίας δόξης ποιεῖν ὑποτίθεται. καὶ ὅτι πρώτη ἀρετῶν ἐστιν ἡ φρόνησις. b(BCE3)T. Cf. Sch. Il. 9.99b; Eust. Il. 9.93-99 (2: 664, 25 – 665, 3); Eust. Il. 9.99 (2: 666, 17-22).

⁵⁶ *II.* 9.63: ἀφρήτωρ ἀθέμιστος ἀνέστιός ἐστιν ἐκεῖνος / *II.* 9.64: ὃς πολέμου ἕραται ἐπιδημίου ὀκρυόεντος. Nestor's speech at *II.* 9.52-79 is made of 28 lines = (1) + (26) + (1) = 9.52, speech introduction (1), 9.53-78, Nestor's words = 7 + 5 + 5 + 9 = (2+2+3) + (3+2) + (1) + (3+4) + (1), 9.79 narrative ending (1): [°]Ως ἕφαθ', οι δ' ἄρα τοῦ μάλα μὲν κλύον ἡδὲ πίθοντο. The passage shows many Aeolicisms and Mycenaean features (cf., e.g., the unaugmented verbs at 9.79). Hainsworth 2000: 66-70 (on 9.63, see *ibid.*: 67-68).

reply to Nestor immediately follows at *Il*. 9.114-161. Nestor's speech *Il*. 9.95-113 shows the symmetrical scheme (1) + (4 + 3) + (1) + (4 + 6).⁵⁷

II. 9.95-113:

11.9.95: ὄ σφιν ἐϋφρονέων ἀγορήσατο καὶ μετέειπεν· Il.9.96: "'Ατρεΐδη κύδιστε ἄναξ ἀνδρῶν 'Αγάμεμνον Il.9.97: ἐν σοὶ μὲν λήξω, σέο δ' ἄρξομαι, οὕνεκα πολλῶν 11.9.98: λαῶν ἐσσι ἄναξ καί τοι Ζεὺς ἐγγυάλιξε Il. 9.99: σκῆπτρόν τ' ἠδὲ θέμιστας, ἵνά σφισι βουλεύησθα. 11.9.100: τώ σε χρή περί μέν φάσθαι έπος ήδ' έπακοῦσαι, *Il.*9.101: κρηῆναι δὲ καὶ ἄλλω, ὅτ' ἄν τινα θυμὸς ἀνώγῃ Il.9.102: εἰπεῖν εἰς ἀγαθόν· σέο δ' ἕξεται ὅττί κεν ἄρχῃ. Il.9.103: αὐτὰρ ἐγὼν ἐρέω ὥς μοι δοκεῖ εἶναι ἄριστα. Il.9.104: οὐ γάρ τις νόον ἄλλος ἀμείνονα τοῦδε νοήσει Il.9.105: οἶον ἐγὼ νοέω ἠμὲν πάλαι ἠδ' ἔτι καὶ νῦν 11.9.106: ἐξ ἔτι τοῦ ὅτε διογενὲς Βρισηΐδα κούρην Il.9.107: χωομένου 'Αχιλῆος ἔβης κλισίηθεν ἀπούρας Il.9.108: οὕ τι καθ' ἡμέτερόν γε νόον· μάλα γάρ τοι ἔγωγε Il.9.109: πόλλ' ἀπεμυθεόμην· σὺ δὲ σῷ μεγαλήτορι θυμῷ Il.9.110: εἴξας ἄνδρα φέριστον, ὃν ἀθάνατοί περ ἔτισαν, Il.9.111: ήτίμησας, έλὼν γὰρ ἔγεις γέρας· ἀλλ' ἔτι καὶ νῦν Il.9.112: φραζώμεσθ' ώς κέν μιν ἀρεσσάμενοι πεπίθωμεν Il.9.113: δώροισίν τ' άγανοῖσιν ἕπεσσί τε μειλιχίοισι."

He, therefore, with all sincerity and goodwill addressed them thus: "With yourself, most noble son of Atreus, king of men, Agamemnon, will I both begin my speech and end it, for you are king over many people. Zeus, moreover, has granted that you wield the scepter and uphold things that are right [*themis*], that you may take thought for your people under you; therefore it behooves you above all others both to speak and to give ear, and to turn into action the counsel of another who is minded to speak wisely. All turns on you and on your commands, therefore I will say what I think will be best. No man will be of a truer mind [*noos*] than that which has been mine from the hour when you angered Achilles by taking the girl Brisēis from his tent against my judgment [*noos*]. I urged you not to do so, but you yielded to your own pride, and dishonored a hero whom the gods themselves had honored - for you still hold the prize that had been awarded to him. Now, however, let us think how we may appease him, both with presents and fair speeches that may conciliate him.

Il. 9.99, σκῆπτρόν τ' ἠδὲ θέμιστας, ἵνά σφισι βουλεύῃσθα,⁵⁸ is almost equal to *Il.* 2.206: σκῆπτρόν τ' ἠδὲ θέμιστας, ἵνά σφισι βουλεύῃσι, where θέμιστας is also before the medial caesura which follows the unstressed syllable (| ~~~~~ |), according to the same prosody of the opening formula ἢ θέμις ἐστὶν (~~~~). In both sentences, *Il.* 9.99 and *Il.* 2.206, the accusative plural θέμιστας follows the opening spondee

⁵⁷ *II.* 9.95 is the speech introduction: ὅ σφιν ἐῦφρονέων ἀγορήσατο καὶ μετέειπεν, which shows the 'Aeolic' splitting diphthong ἐῦφρονέων, the unaugmented aorist ἀγορήσατο, and uncontracted μετέειπεν. Lines *II.* 9.96-113 are arranged in two main line-groupings: *II.* 9.96-102 and *II.* 9.103-113. Part one of Nestor's speech, *II.* 9.96-102, is made up of 7 independent lines according to 4 + 3 lines pattern, which is one of the more recurring in the *Iliad:* this is a possible clue of composition-in-performance. The hexameter grouping *II.* 9.96-102 is made of several archaisms and Aeolicisms, underlined in the text. Part two is introduced by the independent line *II.* 9.103: αὐτὰρ ἐγὼν ἐρέω ὥς μοι δοκεῖ εἶναι ἄριστα. The following 10 hexameters, *II.* 9.104-113, are, 4 independent lines (*II.* 9.104-107) and 6 interdependent lines (*II.* 9.108-113). Part two of speech's ending hexameter grouping (*II.* 9.108-113) doubles the length of part one's ending grouping (*II.* 9.100-102). This is probably a stylistic device aimed to strengthen the rhetorical impact on both Agamemnon and bard's audience. Both groups *II.* 9.104-107 and *II.* 9.108-113 also show some remarkable archaisms and Aeolicisms. At any rate, the passage *II.* 9.108-113 is probably related to later and probably written traditions because of the use of interdependent lines. The overall structure by recurring modular blocks, made of independent lines in *II.* 9.96-102, 103-107, and the presence of some unreplaceable old linguistic features, suggest that the subject traces back to earlier traditions that evolved over time into the current form. On similar composition structures 8 + 10 line-groupings, see above n. 44.

⁵⁸ Hainsworth 2000: 71-72; *ibid*.: 71: "It is Agamemnon's Zeus-given privilege to decide what is θέμις and was it not. Nestor tactfully implies that Agamemnon's interpretation of his rights in book I was not, so to speak, *intra vires*, though others might complain that he 'kept θέμις by his side' (cf. [Aesch.] *PV* 186): οὐ γὰρ εἶχον γραπτοὺς νόμους, ἀλλὰ τὸ πᾶν ἦν ἐν τοῖς κρατοῦσιν (bT)".

σκῆπτρον; σκῆπτρον indicates the political power of the kings and its divine origin: "you are the lord of the $\lambda\alpha(F)$ oí (lit., the men able to plunder, *II*. 9.98)⁵⁹ and Zeus put into the palm of your hand (ἐγγυάλιξε, 9. 98) the scepter and laws (σκῆπτρόν τ' ἡδὲ θέμιστας, 9. 99), so that you may guide them (ἴνά σφισι βουλεύησθα, 9.99)". The variation at *II*. 2.205 underlines the same idea: εἶς βασιλεύς, ῷ δῶκε Κρόνου πάϊς ἀγκυλομήτεω: "just one king, to whom the son of sharp-mind Cronus gave (the scepter and laws, so that he may guide them", 2.206). The close association and parataxis σκῆπτρον - θέμιστας - βουλεύησθα in the wording of *II*. 9.99, corresponding to σκῆπτρον - θέμιστας - βουλεύησι at *II*. 2.206, seem to indicate σκῆπτρόν and θέμιστας as two distinct and complementary components of the power of the king. In these specific passages, they refer to the political and legal power respectively, and seem to indicate both the legislative and judicial authority of the legitimate ruler. This assumption is suggested by the meaning of verb βουλεύειν (βουλεύησθα, *II*. 9.99, and βουλεύησι, *II*. 2.206 the same verb clearly refers to these peculiar functions and prerogatives of the king, as well as to his political (and military) leadership embodied in the scepter. Just like the scepter, θέμιστας takes on a strong religious and sacred connotation since they are given to him by Zeus himself (cf. *II*. 9.36-38).

The association σκῆπτρον - θέμιστας occurs on other 3 occasions in the *Iliad*, namely at 1.238 (referring to 1.234: ναὶ μὰ τόδε σκῆπτρον), and $9.156 \approx 9.298$:

Il. 1.238: ἐν παλάμης φορέουσι δικασπόλοι, οι τε θέμιστας

- Il. 9.156: καί οἱ ὑπὸ σκήπτρῷ λιπαρὰς τελέουσι θέμιστας
- Il. 9.298: καί τοι ὑπὸ σκήπτρῷ λιπαρὰς τελέουσι θέμιστας
- Il. 16.387: οι βίη είν ἀγορῆ σκολιὰς κρίνωσι θέμιστας

The prosody sequence $\neg \neg \neg \neg$ is the same in all the occurrences, despite the different position within the verse. At *Il.* 2.206 and *Il.* 9.99, it is placed at the end of first hemistich, immediately before medial caesura: $\sigma\kappa\eta\pi\tau\rho\sigma\tau$, $\eta\delta\epsilon$ $\theta\epsilon\mu\sigma\tau\alpha\varsigma$ ($\neg \neg \neg \neg \neg$). In the other occurrences *Il.* 1.238, 9.156, 9.298, and 16.387 it is an ending verse clause: $\delta\kappa\alpha\sigma\sigma\delta\lambda\sigma\iota$, $\sigma\tau\epsilon$ $\theta\epsilon\mu\sigma\tau\alpha\varsigma$ ($\| \neg \neg \neg \neg \neg \neg$), $\lambda\pi\alpha\rho\alpha\varsigma$ $\tau\epsilon\lambda\epsilon\sigma\sigma\sigma\iota$ $\theta\epsilon\mu\sigma\tau\alpha\varsigma$ ($\| \neg \neg \neg \neg \neg \neg$), $\lambda\pi\alpha\rho\alpha\varsigma$ $\tau\epsilon\lambda\epsilon\sigma\sigma\sigma\iota$ $\theta\epsilon\mu\sigma\tau\alpha\varsigma$ ($\| \neg \neg \neg \neg \neg \neg$), $\sigma\kappa\sigma\lambda\iota\alpha\varsigma$ $\kappa\rho\iota\sigma\sigma\sigma\iota$ $\theta\epsilon\mu\sigma\tau\alpha\varsigma$ ($\| \neg \neg \neg \neg \neg \neg$). The occurrences at *Il.* 9.156 \approx *Il.* 9.298 and *Il.* 16.387 show a similar prosody and wording. The mention of $\theta\epsilon\mu\sigma\tau\alpha\varsigma$ at *Il.* 1.238 is linked to the mention of $\sigma\kappa\eta\pi\tau\rho\sigma\sigma$ at *Il.* 2.234 and is consistent with *Il.* 9.99 and *Il.* 2.206, where $\theta\epsilon\mu\sigma\tau\alpha\varsigma$ as "laws received directly from Zeus" ($\sigma\tau\epsilon\theta\epsilon\mu\sigma\tau\alpha\varsigma$, 1.238 / $\pi\rho\delta\varsigma\Delta\iota\delta\varsigma\epsilon\epsilon\rho\sigma\sigma\tau\alpha$, ⁶¹ 1.239) related to the legal-religious authority of the $\delta\kappa\alpha\sigma\sigma\delta\lambda\sigma\iota$, "the ones who are responsible of administration of justice" (1.238), ⁶² who bring in their hand (1.238) the Zeus-given scepter (1.234), which is an exclusive prerogative of chiefs and kings:

The *skeptron* 'scepter' that is held by Agamemnon is described as golden, and gold is the symbol for the artificial continuum of immortality as expressed by the epithet *aphthito*- in the sense of 'imperishable, unwilting'. But this scepter

⁵⁹ Noun λā_F-ός is attested in some Mycenaean words, such as, e.g., *ra-wa-ke-ta*, *ra-wi-ja-ja*, etc.: *DMic*/2: 229-231, 233-235. It is related to λā_F-íς ("booty"), both stemming from the same IE root **lāu-*, meaning "erbeuten, genießen": Pokorny 1954-1959/2: 379-380; λā_(F)ός therefore indicates the sum of the adult males able to plunder and so meaning "army", similarly to Latin *populus* from *populari*, "to plunder": *DELG*: 619-620; *DELL*: 521-522; *EDL* : 480; cf. De Cristofaro 2021a : 97-98 and n. 22-27, 103-105.

⁶⁰ On the primary meaning of verb βουλεύω as "Med. and Pass. '-take counsel, deliberate', in past tenses 'determine' or 'resolve after deliberation' (...) c. dat. pers. 'to advise', ἵνά σφισι βουλεύησθα", just quoting *Il*. 9.99, *LSJ*: 325.

⁶¹ Cf. *LSJ*: 694; *DELG*: 377; *EDG*/1: 467-468.

 $^{^{62}}$ About the term δικασπόλοι see δίκη (*DELG*: 284; *EDG*/1: 334-336) + πέλομαι (cf. *DELG*: 878; *EDG*/2: 1169). Pan-Greek πέλομαι shows the Aeolic outcome of IE Labiovelar, and indicates an early stage in Greek language evolution, probably connected to a prehistoric phase before the differentiation of the main dialects; cf. Nagy 2011b; Janko: 2018.

was originally wooden and then covered over in gold; and wood is a symbol for the natural discontinuity of mortal life as expressed by the verb *phthinesthai* in the sense of 'wilt'. This aspect of the *skēptron* 'scepter' as a symbol for the natural discontinuity of mortal life is highlighted by the Oath of Achilles at I.01.233-246.⁶³

Il. 1.233-239 is part of Achilles' vehement speech *Il.* 1.223-246,⁶⁴ which immediately follows Athena's physical intervention that stops him from drawing his sword and killing Agamemnon.⁶⁵ This passage links the "divine laws", θέμιστας, and "the great oath" (1.233: ἐπὶ μέγαν ὅρκον ὀμοῦμαι, 1.239: ὃ δέ τοι μέγας ἔσσεται ὅρκος).⁶⁶ That is a further basic legal-religious concept in the *Iliad* and the *Odyssey*,⁶⁷ related to the general legal-religious case-in-point expressed by the word θέμις (cf. *Il.* 9.132: ἐπὶ δὲ μέγαν ὅρκον ὀμοῦμαι): the violation of the oath is a violation of θέμις, just like the violation of the hospitality and legitimate war prize.⁶⁸Oaths and divine laws have a symbiotic relationship also at *Il.* 9.132-134 ≈ 9.275-276. *Il.* 9.132-134 is part of *Il.* 9.128-134, that is, the hexametric group No. 3 in Agamemnon's speech at *Il.* 9.114-161⁶⁹ while *Il.* 9.275-276 is part of *Il.* 9. 224-306, where Odysseus reports Agamemnon's promises to Achilles (*Il.* 9.264-299).⁷⁰

3. θέμις as "obligation" and "service due".

Il. 9.156, καί οἱ ὑπὸ σκήπτρῷ λιπαρὰς τελέουσι θέμιστας is part of *Il.* 9.149-157, the hexametric group No. 6 in Agamemnon's speech *Il.* 9.114-161.⁷¹ *Il.* 9.149-157 follows the previous sections *Il.* 9.121-127,

⁶³ Nagy 2018a.

⁶⁴ *II*. 1.223-246 is made up of 24 lines according to the scheme (2) + (8 + 7 + 5) + (2); Kirk 2001: 76-78; Latacz/Nünlist/Stoevesandt 2000: 96-103. This speech is part of the 5th section of *II*. 1.223-311 On *II*. 1.238, see Kirk 2001:77-78; Latacz/Nünlist/Stoevesandt 2000: 100; Sch. 1.238-239: ex. οἴτε θέμιστας </ πρὸς Διὸς εἰρύαται>: εἰς δικαιοσύνην παρακαλεῖ τοὺς ἄρχοντας, εἶγε τὸ δίκαιον ἐγχειρίζει αὐτοῖς ὁ Ζεύς, παραφθειρομένου δὲ αὐτοῦ δίκας δώσουσι Διτ. ἢ ὅτι οὕπω νομογραφίας οὕσης ὁ λόγος τῶν βασιλέων νόμος ἦν. b(BC) T. Eust. *II*. 1.234 (I, p. 145, 24-27: τοῦτο μέντοι μέγα τὸ παρὰ τῷ 'Αχιλλεῖ διὰ τὴν δίκην καὶ τὴν τοῦ Διὸς θέμιν, ὧν ἐστι σύμβολον. διὸ καὶ δἰς ἐπεσημήνατο τὸ αὐτοῦ μεγαλεῖον ὁ ποιητὴς πρό τε τοῦ ὅρκου εἰπών· «μέγαν ὅρκον ὀμοῦμαι»· καὶ μετὰ τὸν ὅρκον· «ὃ δέ τοι μέγας ἔσσεται ὅρκος» τοῖς τε νῦν δηλαδὴ καὶ τοῖς μετὰ ταῦτα μανθάνουσιν. Cf. also Eust. *II*. 1.234-7 (1: 144, 26-30); Eust. *II*. 1.238 (1: 145, 33 - 146, 6). On the composition and structure of *II*. 1.1-311 according to regular and recurring modular blocks mainly made of independent lines see De Cristofaro 2016a: 56-59.

⁶⁵ *Il.* 1.206-214; cf. De Cristofaro 2021a: 92-93, 95-96, 105-110.

⁶⁶ Kirk 2001: 77, 78; Latacz/Nünlist/Stoevesandt 2000: 99, 100.

⁶⁷ See, e.g., Hom. Od. 10.297-301 (299), 342-344, 345-347; De Cristofaro 2018: 26; Id. 2016d: 43.

⁶⁸ See De Cristofaro 2018; Id. 2914 ; about oath sacrality, cf. above n. 31.

 $^{^{69}}$ *II.* 9.128-134 is made up of 7 independent lines according to the scheme 3+4, that is one of the most frequent in the *Iliad*: De Cristofaro 2016a: 360-367. This is the 3rd line grouping in Agamemnon's speech at *II.* 9.114-161, made up of 47 lines, arranged in seven groupings made of 6 + 7 + 7 + 6 + 8 + 9 + 4 independent hexameters, mostly made of unreplaceable Aelicisms and ancient features = (1 + 3 + 2) + (4 + 3) + (3 + 4) + (6) + (3 + 5) + (5 + 4) + (1 + 3): 9.115-120; 9.121-127; 9.128-134; 9.135-140; 9.141-148; 9.149-157; 9.158-161.

⁷⁰ *Π*. 9.134: ἡ θέμις ἀνθρώπων πέλει ἀνδρῶν ἡδὲ γυναικῶν, *Π*. 9. 276: ἡ θέμις ἐστὶν ἄναξ ἤτ' ἀνδρῶν ἤτε γυναικῶν ≈ *Π*. 19.177: ἡ θέμις ἐστὶν ἄναξ ἤ τ' ἀνδρῶν ἤτε γυναικῶν. Hainsworth 2000: 75-76; *ibid*.: 76: "The rhythm, with a strong syntactical break at the end of the third foot, is very rare, cf. 5.580, 11.154, *Od*. 3.34, 5.234, 11.260, 11.266. For the relation of 134 and 276 see 264-99n.". Such a sacralization of the sexual relationships between men and women, due to the divine establishment/law, θέμις, strikingly corresponds to the Biblical statements at *Gen*. 1.27 and 2.24: *wayyibrā 'õṯām bārā ūnaqêbāh zākār*, "So created them, He created female and male" (*Gen*. 1.27); *'al 'ehād labāšār wəhāyū bə 'ištōw*, "Therefore, one flesh and they shall become to his wife (*bə 'ištōw*, from the word *'iššāh*, which corresponds to Greek γύναιξ, lit. 'woman'; *Gen*. 2.24)". Although in some legal texts from the LBA Anatolian and Mesopotamian worlds there are some regulations of sexual intercourses, this kind of 'sacramentality' of sexual rule expressed in *Il*. 9.134, 9, 276, and 19.177, since it is a different case in point, especially related to the ritual sphere, referring to the royal pair or to the king/hero and a goddess. The literature on this topic is too extensive to be summarized here. I only refer to some basic works: Stol 2016; Nissinen/Uro 2008; Lapinkivi 2004; cf. Anagnostou-Laoutides/Charles 2018. The linguistic analysis and structure examination suggest that *Il*. 9.134, 9, 276, and *Il*.19.177 probably trace back to the early epic traditions before the Archaic age (cf., e.g., *Il*. 9.663-668). In addition, there is neither iconographic nor literary Greek documentation on homosexuality or homoerotic relations in the human or divine world before 7th-6th c. BC: see Hubbard 2011; on the same topic in Mesopotamian and Anatolian civilizations se Wiggermann 2010; Hoffner 2010.

⁷¹ About commentaries and references, especially focusing on *II*. 9.128-140, cf. De Cristofaro 2018: 23-27; Agamemnon's speech, recorded in *II*. 9.114-161 (48 hexameters), is placed between two Nestor's discourses (*II*. 9. 95-113 and *II*. 9.162-173). The speech introduction *II*. 9.114 is made up of two formulaic expressions: Tòv δ' αῦτε προσέειπεν (9.114a), ἄναξ ἀνδρῶν 'Αγαμέμνων (9.114b). Then the 47 lines follow, arranged in seven hexametric groups, according to the scheme 6 + 7 + 7 + 6 + 8 + 9 + 4 = (1 + 3 + 2) + (4 + 3) + (3 + 4) + (6) + (3 + 4) + (6) + (3 + 4) + (4 + 4) + (3

9.128-134, 9.135-140, 9.141-148, where Agamemnon lists the promised gifts and honors: 7 new tripods, 10 talents of gold, 20 iron cauldrons, 20 horses "that have won races and carried off prizes" (*II.* 9.124) and that will enrich the owner both in land and gold (*II.* 9.121-127); 7 beautiful women "skilled in flawless handiwork" (*II.* 9.128) from Lesbos and Briseis (*II.* 9.128-134); the honor to "let him come when we Achaeans are dividing the spoil (είσελθών, ὅτε κεν δατεώμεθα ληΐδ' 'Αχαιοί, *II. II.* 9.138)": gold, bronze and 20 Trojan women "the loveliest after Helen herself" (*II.* 9.135-140); the honor of becoming Agamemnon's son-in-law, equal to Orestes, letting Achilles take one of his three daughters of as his choice as a wife, "freely and without gifts of wooing", also promising to add such dower as no has man ever yet given with his daughter (*II.* 9.146-147).

Lastly, Agamemnon lists the 7 towns and related territories that he will give to Achilles (*Il.* 9.149-157). The number of the towns matches the number of promised new tripods and women from Lesbos (*Il.* 9.122, 9.128). The other sets of gifts also show similar symbolisms: 10 (the count of hands' fingers) gold talents, 20 (doubled 10) iron cauldrons (*Il.* 9.122-123) and 20 (doubled 10) Trojan women (9.139), 12 (3 x 4) horses (9.123). Number 7 had a strong symbolic connotation, already attested in the Sumerian literature at the end of 3rd millennium BC: it is the combination of 4, the number of the cardinal points, and number 3, the indivisible number par excellence, and so indicating something infinite. ⁷² The use of such a kind of symbolic numbers is a possible clue of the antiquity of these epic materials. These symbolic series were shared in the Indo-European, Semitic, and autochthonous cultures of Bronze Age Ancient Near East, indicating complete fullness or limitless and endless measures in space, extent, or size, something impossible to calculate.⁷³ Homer's attitude to listing and cataloging systems is probably a Mycenaean heritage, as Domenico Musti pointed out.⁷⁴

II. 9.149-156:

- 11.9.149: ἑπτὰ δέ οἱ δώσω εὖ ναιόμενα πτολίεθρα
- Il.9.150: Καρδαμύλην Ἐνόπην τε καὶ Ἱρὴν ποιήεσσαν
- Il.9.151: Φηράς τε ζαθέας ήδ' "Ανθειαν βαθύλειμον
- Il.9.152: καλήν τ' Αἴπειαν καὶ Πήδασον ἀμπελόεσσαν.
- Il.9.153: πᾶσαι δ' ἐγγὺς ἀλός, νέαται Πύλου ἠμαθόεντος·
- 11.9.154: ἐν δ' ἄνδρες ναίουσι πολύρρηνες πολυβοῦται,
- Il.9.155: οἴ κέ ἑ δωτίνῃσι θεὸν ὡς τιμήσουσι
- Il.9.156, καί οἱ ὑπὸ σκήπτρῷ λιπαρὰς τελέουσι θέμιστας.
- Il. 9.157: ταῦτά κέ οἱ τελέσαιμι μεταλήξαντι χόλοιο.

[I] will give him seven well established cities, Kardamyle, Enope, and Hirē, where there is grass; holy Pherai and the rich meadows of Anthea; lovely Aeipeia also, and the vine-clad slopes of Pedasos, all near the sea, and on the borders of sandy Pylos. The men that dwell there are rich in cattle and sheep; they will honor him with gifts as though he were a god, and be obedient to his comfortable ordinances [*themis* pl.]. All this will I do if he will now forgo his anger.

⁺⁵ + (4 + 1 + 4 + 1) + (1 + 3): 9.115-120; 9.121-127; 9.128-134; 9.135-140; 9.141-148; 9.149-157; 9.158-161. The dialogue is part of the first main section of Rhapsody 9 (*ll*. 9. 1-184).

⁷² See, e.g., Cavigneaux/al-Rawi 1996: 108, 126: Gilgamesh fights against the Bull of Heaven using a 7-talents axe; on this symbolic numeration, and the combination of number 7 and 10, up to the 1st c. in Semitic environments, see, e.g., *Mt*. 18.22. About an overview on this topic, also referring to Hurrian-Hittite, Akkadian, and Canaanite traditions, cf. De Cristofaro 2012.

⁷³ On number 10, and numbers 9 and 7 in Anatolian contexts see, respectively, Hoffner 2007 and Oettinger 2008.

⁷⁴ Musti 1996. Sadovski 2012.

The 9-line grouping *II*. 9.149-157 is made of 5 + 4 = (4 + 1) + (3 + 1) independent hexameters,⁷⁵ showing many prosodically unreplaceable archaisms and Aeolicisms⁷⁶ in each line, which, therefore, probably trace back to the early composition phases. The mention of $\theta \dot{\epsilon} \mu \sigma \tau \alpha \zeta$ at *II*. 9.156 is repeated by Odysseus at *II*. 9.298, only changing the 3rd into 2nd person pronoun.⁷⁷ The meaning of $\theta \dot{\epsilon} \mu \sigma \tau \alpha \zeta$ in this line has been debated in antiquity,⁷⁸ since the adjective $\lambda \iota \pi \alpha \rho \dot{\alpha} \zeta$, "prosperous", "rich", does not fit the usual meaning of $\theta \dot{\epsilon} \mu \sigma \tau \epsilon \zeta$, "laws", "customs": "Elsewhere $\theta \dot{\epsilon} \mu \sigma \tau \epsilon \zeta$ are clearly 'ordinances' or 'decisions' meted out by those who bear the symbol of authority, the $\sigma \kappa \eta \pi \tau \rho \sigma v$ ".⁷⁹ The right interpretation is probably "customary service due by feudal tenants to their lord" (...). A feudal due would be a special sort of royal ordinance".⁸⁰

In this specific case, the divine 'establishment'/'imposition' is neither related to assembly-contexts nor legislative-judicial authority: it is rather related to a ruler's divine right over his subjects to collect tax duties and demand service. This detail also evokes a monarchic system that might be reminiscent of Palatial society. There are no attestations of this meaning of plural $\theta \dot{\epsilon}\mu \omega \tau \alpha \zeta$ except for *Il.* 9.156 and *Il.* 9.298, but this is not a decisive element in excluding the possibility of such interpretation. Homer's texts show words which have no parallel elsewhere, such as, e.g., Athena's epithet $\lambda\eta\tilde{\imath}\tau\iota\zeta (<\lambda\bar{\alpha}F\tilde{\imath}\tau\iota\zeta)$ at *Il.* 10.460, which may preserve old features lost in time during the age-long composition and transmission.⁸¹ The translation should be: "and they (the inhabitants of the promised towns and territories), will perform ($\tau\epsilon\lambda\dot{\epsilon}\omega\sigma\tau$) rich service dues/corvées ($\lambda\iota\pi\alpha\rho\dot{\alpha}\zeta \theta\dot{\epsilon}\mu\iota\sigma\tau\alpha\zeta$) to you under your scepter (namely, because of your royal power)".

Bryan Hainsworth refers to "an expression on the enigmatic Cnossos tablet KN As 821 *e-ne-ka ti-mi-to*" interpreted as "ἕνεκα θέμιστος".⁸² The tablet is now renamed Am (2) 821 and the commonly accepted reading is *e-ne-ka e-mi-to*, ἕνεκα ἐμμίσθων, "because of the salaried-workers/mercenary-soldiers".⁸³ The sign formerly read as *ti*- actually seems to be *e*-, according to Sourvinou's reading.⁸⁴ The dot under the *e*-sign retained in the latest editions, clearly indicates that this reading is somehow uncertain. KN Am (2) 821, however, shows an irregular wording. The scribal hand is unknown. The only ordered recurring sequence is *eneka opa*, which occurs in both lines 1 and 2 (line 3 *vacat*) and precedes the mention of one

⁷⁵ Hainsworth, *The Iliad: A Commentary*, III, cit., pp. 177-179. On the composition scheme of Agamemnon's speech at *Il.* 9.114-161 see above n. 71. The 'Catalogue of towns' shows some interesting historical-geographical details on the boundaries of Agamemnon's kingdom and its frontiers with the Pylian realm. About 5 + 4 lines groupings, namely one of the most used pattern in the *Iliad* (69 occurrences), cf., e.g., *Il.* 1.493-501; *Il.* 4.183-191 *Il.* 6.242-250; *Il.* 6.242-250; *Il.* 7.181-189; *Il.* 7.433-441; *Il.* 9.80-88; *Il.* 11.473-481; *Il.* 12.427-435; *Il.* 15.405-413; *Il.* 16.818-826; *Il.* 17.210-218; *Il.* 18.608-616; *Il.* 20.321-329; *Il.* 21.139-147; *Il.* 22.367-375; *Il.* 23.262-270; *Il.* 23.353-361; *Il.* 24.534-542; *Il.* 24.582-590.

⁷⁶ See, e.g., οἰ, πτολίεθρα (9.149); ποιήεσσαν (9.150); ζαθέας (9.151); ἀμπελόεσσαν (9.152); νέαται, ἡμαθόεντος (9.153); ναίουσι (9. 154),⁷⁶ πολύρρηνες (9.154); κέ, ἑ, δωτίνησι (9.155); οἱ (9.156); κέ, οἱ, χόλοιο (9.157).

⁷⁷ Nagy 2004:145-147.

⁷⁸ Cf. Sch. II. 9.156a (Ariston. καὶ ὑπ' αὐτοῦ βασιλευόμενοι εἰρηνικῶς βιώσονται), Sch. II. 9.156b (λιπαρὰς δὲ τὰς θέμιστας καλῶν τοῦτο δηλοῖ ὅτι τὸ κρίνειν καλῶς εὐδαιμονίαν ἄγει). Grammarians' misunderstanding was due to the lack of knowledge and consciousness of pre-Archaic civilization in Hellenistic and later ages. Cf. also Eust. II. 9.153-6 (2: 687, 1-14); Eust. II. 9.156 (2: 688, 3-4).
⁷⁹ Hainsworth 2000: 78.

⁸⁰ *Ibid.*, p. 79: "Shipp, *Studies* 267, compares Eng. 'customs', originally 'customary service due by feudal tenants to their lord' (*OED*). A feudal due would be a special sort of royal ordinance".

⁸¹ De Cristofaro 2021a: 96-102.

⁸² Hainsworth 2000: 79.

⁸³ DMic/1 :217-218: *e-mi-to*, KN Am (2) 821.1: ἕμμσθος, "salariado" (...). Lectura de Sourvinoú, Minos 9, 1968, 185, que invalid la antigua *ti-mi-to* y las intetrp. sobre ella basadas, cf. en este sentido: Docs. 168 s.; etc..."; cf. Firth/Melena 2019, p. 19; Montecchi 2014: 85-87, "mercenaries"; *contra* José L. García Ramón (2007: 121) who reads *te-mi-to*: "Bemerkenswert sind auf jeden Fall KN Am (2) 821 + frr (-) und PY Ae 303.a (S8-H. 42). In der Personalliste Am (2) 821 .1]*ra-jo*, / *e-qe-ta-e*, *e-ne-ka*, *te-mi-to* VIR 2 // *ki-ta-ne-to*, / *su-ri-mo*, *e-ne-ka*, *'o-pa*' VIR 1(ist *e-ne-ka*, *te-mi-to35* /*themitos*/) als 'um die Grenze zu schützen', 'zu Lasten der Grenze' (eine Aufgabe, für die zwei *e-qe-ta* bestimmt worden sind) zu verstehen. Seinerseits kann sich *e-ne-ka* 'o-pa' (auch in .3 belegt), zu interpretieren als 'mit einem Frondienst (*o-pa*) beauftragt', auf die Aufgabe der Hirten oder auf die von den Hirten beauftragten Männer beziehen (PN *ki-ta-ne-to* in .2, *po-me* /*poimēn*/ in .3)36. Die speziellere Lesart 'zu Lasten von / im Auftrag von' erklärt sich aus der gewöhnlichen Bedeutung 'wegen'37". Cf. Palmer 1966: 279.

⁸⁴ Sourvinou 1968.

man (VIR 1) to be assigned to the called *opa* task. This is the key word in the interpretation of this puzzling text. The formulation *eneka opa* is related to a personal name + place of origin at line 1, and to place of origin + personal name + qualifications at 1. 2; *eneka opa* at 1. 2 should be also related to the last-mentioned personage, an *e-qe-ta*, who had to give or receive one man. The regular wording *eneka opa* matches *eneka emito*:⁸⁵

L.1 :]*ra-jo, / e-qe-ta-e, e-ne-ka, e-mi-to* VIR 2// *ki-ta-ne-to / su-ri-mo+, e-ne-ka 'o-pa'* VIR 1 L. 2: *si-ja-du-we, ta-ṛa, / i-je[-re-]u, po-me e-ne-ka 'o-pa'* X VIR 1 // *ko-pe-re-u / e-qe-ta e-ki- 'si-jo'* VIR 1 L. 3: *vacat*

L.1: from PN (eth. adj.]*ra-jo*) / two *epetai* because of the *themis* obligation (gives? receives?) two men// *Skirtainetos* from *Sylamos* because of the *opa* obligation (gives? receives?) one man

L. 2: from *si-ja-du-we* (place name Siadus?) Talas/Talai the priest and shepherd because of the *opa* obligation (gives? receives?) one man // Kopreus the *epetas* from *Eksos* (ethn. adj.) (gives? receives?) one man

L. 1: Place name/ethnic adjective – two officials (qualification) – because of the *e-mi-to* -task/obligation – two men given or received / Personal name (without qualification) – Place name – because of the *opa*-task/obligation – one man given or received.

L. 2: Place name – Personal name – qualifications – because of the *opa*-task/obligation - one man given or received / Personal name – qualification - ethnic adjective - one man given or received (probably because of the *opa*-task/obligation).

The formulaic repetition "because of the *opa*-task/obligation" and "because the *e-mi-to*-task/obligation", their contextualization and the nature of the document, suggest that the kinds of obligations or tasks called *opa* and *e-mi-to* were probably of similar nature. The term *opa* clearly indicate a "contribución", o meior aún 'trabajo", and not a class of workers just as, on the contrary, *emmisthoi* should be.⁸⁶ It is therefore probable that *e-mi-to* similarly indicates a corvée or an obligation to perform services to the palace administration. The number of men assigned to the *e-mi-to* task/obligation discourages us to think that we deal with a mercenary service. It would seem to be strange that two high-ranking officials, just as the two *epetai* at line 1 were, had to give or receive only two mercenary soldiers or pay their salary as an obligation to the *wanax*: how many *epetai* were there in Knossos to form a squad of soldiers if each one of them had to give or receive one man only or pay the salary of only one mercenary soldier respectively? Moreover, the sign *e-* instead of *ti-* might be possibly due to a scribal mistake: the two signs are very similar, only changing in internal horizontal (*e*) or vertical (*ti*) strokes.⁸⁷ Such mistakes and "oral-aural mistakes and corrections", ⁸⁸ are not so infrequent in Linear B texts, which were crude clay drafts hurriedly written, and planned to be copied on leather plates or wooden tablets afterward.⁸⁹ The *o*-

⁸⁵ KN Am 821, https://damos.hf.uio.no/519; https://liber.cnr.it/tablet/view/2644. The hand of the scribe of KB Am (2) 821 is otherwise unknown; on the Knossos scribes, see Firth/Melena 2016.

⁸⁶ *DMic*/2: 30-31; "subst. fem. (...) όπα (NB όπα) < *sep- ἕπω, ὅπλον (...) 'contribución', o meior aún 'trabajo''; E. Scafa, *Sui termini micenei* o-pa *ed* o-pi, 2007, https://publications.cnr.it/doc/61802. See also *DELG*: 363 *s.v.* ἕπω (*ibid*.: 30); cf. also *DELG*: 809-810 *s.v.* ὅπλον; *EDG*/2: 1089 *s.v.* ὅπάζω, and *s.v* ὅπάων: "The form * ὅπά- ϝων 'belonging to the retinue' is derived from * ὅπά [f.]'; see also *LSJ*:1237 *s.v.* ὅπή ("Of Place, by which or what way, ... of Manner in what way, how"). The term *o-pa* * ὅπά seems to clearly indicate an obligation and not a class of workers, as it would be *e-mi-to* *ἕμμισθος'. Cf. *Od.* 11.489-490: βουλοίμην κ' ἐπάρουρος ἐὼν θητευέμεν ӑλλω, / ἀνδρὶ παρ' ἀκλήρω, ὄ μὴ βίοτος πολὺς εὕη, which are part of Achilles' speech to Odysseus in the underworld *Od.* 11.487-303, made up of (1) + (4 + 6 + 6) independent lines; cf. Heubeck1995: 296-298; on θητευέμεν see *ibid.*, p. 297. The epic word indicating the salaried worker is θής, -ητός (*Od.* 4.644, *Hes.* Op. 602), related to the Aeolic infinitive θητευέμεν; cf. *DELG*: 436; *LSJ*, p. 800. Hesychius connects θής, -ητός to Cypriote traditions (Hsych. Θ 131: θᾶτας· θῆτας, τοὺς δούλους. Κύπριοι), which, in turn, are closely connected to heritages of Mycenaean language and society: see Nagy 2011b: 84, 88-91. This detail suggests that θής, -ητός <*θᾶς, -ᾶτός might be the Mycenaean word indicating the salaried worker, and not the post-Homeric noun ἕμμισθος (cf. *LSJ:* 542).

⁸⁷ Judson 2020; cf. Palaima 1998-99.

⁸⁸ Ibid.: 209; cf. Kazanski 2008.

⁸⁹ Nagy 2020b; Id. 2011b: 88-89; Marazzi 2013.

pa and *e-mi-to/ti-mi-to* obligation or task in the Knossos tablet were something similar to the λ ιπαρὰς θέμιστας at *Il*. 9.156.⁹⁰

4. A brief overview of some Hittite expressions

A fine parallel to the scribal mistake hypothesis can be found in the Hittite text *CTH* 44.2: "Or (if someone) belittles the king's government or the king's law ([š]a-ak-li!-in text: [š]a-ak-di-in) before [you]". ⁹¹ The mistake *ša-ak-di-in* instead of *ša-ak-li-in*⁹² deals with the Hittite word *šaklai-* which roughly corresponds to Homeric $\theta \notin \mu \varsigma$ ' meaning "custom", "law" and that is also related to the religious sphere and terminology.⁹³ It can take three different meanings:⁹⁴ 1) custom, customary behavior, rule, law, requirement;⁹⁵ 2) rite, ceremony;⁹⁶ 3) privilege, right.⁹⁷ *CTH* 44 is a decree of King Šuppiluliuma I (ca. 1350-1322 BC), "more like a vassal treaty, which describes the obligations of the Priest to the king of Hatti, and not surprisingly the document is identified as an *išhiul-*, 'obligation'."⁹⁸ The document is

⁹⁶ *CTH* 421, Great substitution ritual (*KUB* 17.31 I 21), MH; *CTH* 381, Prayer of Muwattalli II to the assembly of gods (*KUB* 6.45 + *KUB* 30.14 III 62-63), MH; *CTH* 489 Ritual "When a woman conceives" (*KBo* 17.65 rev. 58), MH; CTH 70, Prayer of Mursili II concerning the affair of Tawannanna (the widow of Šuppiluliuma I) and her banishment (*KUB* 14.4 I 14-15), MH; *StBoT* Beiheft 1:24f., Treaty between Tuthaliya IV of Hatti and Kurunta of Tarhuntašša (Bronze Tablet III 65-66), MH; *CTH* 264 (*išhiul*- Series), Instructions for the priests and temple officials (*KUB* 13.4 III 69-70, IV 35-36;), MH; *CTH* 570 Liver oracles = *AhT* 20, where the deity of Ahhiyawa and Lazpa are mentioned at §24, II 57 and 60 (*KUB* 5.6 I 39-41, I 44-45), MH; *CTH* 275 (*išhiul*- Series), Fragments of instructions and protocols (*KUB* 31.113 I 4-7), uncertain date; *CTH* 61, Annals of Muršili II (KBo 4.4 I 6-8), where reference to the burial rites is made; *CTH* 832 Hittite fragments with diverse content (IBoT 3.121:3, fragment of prayer?), uncertain date; *CTH* 295, Diverse depositions (*KUB* 26.69 VI? 8), uncertain date. About the editions and literature see *HPM* (https://www.hethport.uni-wuerzburg.de/HPM/index-en.php).

⁹⁸ Bilgin 2018: 43 and n. 35-36; cf. Taggar-Cohen 2006: 375-377; Beckman 1996: 157 (Text No. 30 §10). The word *šaklai* is mentioned in another Šuppiluliuma's document, *CTH* 44, a treaty, namely *išhiul*, with the vassal chief Huqqana of Hayasa in Northeastern Anatolia: Beckman 1996: 27 (Text No. 3 §23). In this case, the Hittite king refers to "the law of the palace", which must be observed by everyone: "Because the custom (*ša-ak-la-i*[*š...*]) of the palace [is...], it is important" (*KUB* 26.38 III 19-20 + *KBo* 5.3 + *KBo* 5.12 III 4-5): *ibid.*, p. 27

⁹⁰ A further and more detailed discussion will be provided in the forthcoming work *Divine Laws and Human Rules*.

⁹¹ I report the quotation of *KUB* 19.26 I 22-24 (*CTH* 44.2) from *CHD* S/1: 45: *našma*[*=du=za*] / [Š]A LUGAL *maniyahhaen našma* ŠA LUGAL [š]*a-ak-li*!-*in* (text: [*š*]*a-ak-di-in*) *peran tepnuzi*, "Or (if someone) belittles the king's government or the king's law before [you]". *Editio princeps*: Goetze 1940; Beal 1986: 435-436.

 $^{{}^{92}}KUB$ 19.26 I 24. About editions and literature, see *HPM*, https://www.hethport.uni-wuerzburg.de/hetkonk/hetkonk_abfrage.php?c=42. See also *CHD* S/1: 45: "*CHD* L-N:168a *s.v. maniyahhai-* 2 suggests emending to $\check{S}A$ LUGAL [\check{s}]*a-ak-li*!-*in* "the king's law", which gives an appropriate and already elsewhere attested word. Reading $\check{s}a-ak-di-in$ "care (?) and connecting this word with $\check{s}aktai$ - "to care for, treat" faces problems. Use of the *di* sign (instead of *ti*) after consonants other than \check{s} , *l*, *n*, *m*, and *r* (i.e. continuants) is extremely rare in Hittite scribal practice, while the spelling $\check{s}a-ak-li$ for $\check{s}aklai$ - is well attested. The parallel with *maniyahhai*- "rule, government" suggests a meaning like "law" for this word. Although "care" can be stretched to relate to government, the only known use of the verb $\check{s}aktai$ - is not governmental but medical, and personal. These factors favor the emendation $\check{s}aklai$ -".

⁹³ *CHD* S/1: 44-46; *EDHIW*: 700-701: "Since Sturtevant (1933: 87), this word is generally connected with Lat. *sacer* 'sacred' and ON *satt* 'treaty'. These words reflect a root $*s(e)h_2k$ -[...], so $šakl\bar{a}i$ - must reflect $*s(e)h_2k$ - $l\bar{o}i$ -s. If in the root the zero grade has generalized, then this word would show a development $*sh_2k$ - > šak-[...], but this is unlikely in view of the fact that "[t]here is no solid evidence for "vocalization" of $*/h_2$ / anywhere in Anatolian" [...]. We should rather assume generalization of the *e*-grade throughout the paradigm, which is strongly supported by the plene spellings *ša-a-ak*- (in an OH/MS text already)."

⁹⁵ *CTH* 42, Treaty of Šuppiluliuma I with Huqqana of Hayaša (*KBo* 5.3 III 28-29; *KUB* 26.38 III 19-20 + *KBo* 5.3 + *KBo* 5.12 III 4-5), Middle Hittite Age (= MH, ca. 14th-13th c. BC); *CTH* 404, Rituals of Maštigga of Kummanni (*KBo* 2.3 IV 10-12), MH; *CTH* 372, Hymn and prayer of a mortal to the Sun-god Šamaš (*KUB* 31.127 I 16-17) Old Hittite Age (= OH, ca. 16th-15th c. BC); *CTH* 374, Prayer of a King to the Sun-god Šamaš (*KUB* 31.130 obv. 1-2), OH; *CTH* 146, Mita of Pahhuwa text (*KUB* 23.72 rev. 52), MH; *CTH* 406, Ritual of Paškuwatti of Arzawa against effeminacy (*KUB* 9.27 obv. 26-29 + *KUB* 7.5 I 1-2), MH; *CTH* 264, Instructions for the priests and temple officials (*KUB* 13.4 III 21-23), MH; *CTH* 382, Prayer of Muwattalli II to the Storm-god of Kummanni (*KBo* 11.1 obv. 20-24), MH; *CTH* 259, Instructions of a Tuthaliya for the military (*KUB* 13.20 I 31), MH; *CTH* 255, Instructions of Tuthaliya IV to the princes, lords and courtiers (*KUB* 26.1 III 29-31); *CTH* 44, Edict of Šuppiluliuma concerning the priesthood of Telipinu in the land of Kizzuwatna (*KUB* 19.26 I 22-24). About the editions and literature see *HPM* (https://www.hethport.uni-wuerzburg.de/HPM/index-en.php).

⁹⁷ Prerogative of men: *CTH* 373, Prayer of Kantuzzili to the Sun-god (*KUB* 30.10 rev. 22-24), OH; *CTH* 372, Hymn and prayer of a mortal to the Sun-god Šamaš (*KUB* 31.127 III 15-16), OH; *CTH* 70, Prayer of Mursili II concerning the affair of Tawannanna (the widow of Šuppiluliuma I) and her banishment (*KUB* 14.4 I 12-13), MH; StBoT Beih. 1:18f (Treaty between Tuthaliya IV of Hatti and Kurunta of Tarhuntašša (Bronze Tablet II 79-82), MH; *CTH* 293, Deposition of Ukkura (*KBo* 16.62 + KUB 13.35 I 42), Late-Hittite (= NH, 12th c. BC); *CTH* 822, Narrative of the merchants (KBo 12.42 rev. 12-14), NH. Prerogative of a deity: *CTH* 574, Tadorna (MUŠEN HURRI) oracles (KBo 13.64 obv. 18-19), NH. About the editions and literature see *HPM* (https://www.hethport.uni-wuerzburg.de/HPM/index-en.php).

addressed to his son Telipinu, appointed to the office of Priest of Kizzuwatna.⁹⁹ It was a religious office of course,¹⁰⁰ but one that had a strong political role in handling the Syrian and South Eastern Anatolian affairs and boundaries.¹⁰¹ The importance of Hurrian-Luwian Kizzuwatnean cultural milieu in the Homeric and Hesiodic traditions has been pointed out in some previous works,¹⁰² as well as the possible mention of women from Kizzuwatna in some Linear B texts.¹⁰³

The short passage is all the more interesting for this overview on $\theta \notin \mu \varsigma$ in *Iliad* 9 since it relates *šaklai*-(law, custom)¹⁰⁴ to *išhiul*- (binding, obligation).¹⁰⁵ Both *šaklai*- and *išhiul*- share similar meanings with the Homeric word.¹⁰⁶ Furthermore, the passage is somehow related to the background of the plot of the *Iliad*, namely Achilles' raids in Cilicia, roughly corresponding to LBA Kizzuwatna,¹⁰⁷ where both Chryseis and Briseis were taken as war prizes, triggering the storyline. Cilicia was Andromache's homeland as well, the unlucky bride of his Trojan alter ego, Hector.¹⁰⁸ They were probably Hurrian women from Kizzuwatna before becoming "Aeolian women".¹⁰⁹

Šaklai- indicates "king's law" in Tuthaliya I/II's instructions and oath imposition to the army (*CTH* 259, late 15th c. BC),¹¹⁰ but is surprisingly lacking in the Hittite Laws.¹¹¹ By contrast, it is found in several literary texts from the 16th to the 12th c. BC. The noun is embedded in different linguistic registers and patterns related to the different genres where it occurs.¹¹² But a formulaic expression similar to Homeric $\hat{\eta} \theta \hat{\epsilon} \mu \varsigma \hat{\epsilon} \sigma \tau \hat{\nu}$ cannot be found in any of them. The religious connotation of šaklai- is clearly documented by its usage in some hymns and prayers, rituals, and oracles. In a later document it may indicate the part

¹⁰⁷ Ünal 2015; Yağci 2015; Forlanini 2015; Id. 2013; cf. Oreshko 2018; Breyer 2011; Meyer 2011.

¹¹² See above n. 95-97.

⁽Text No. 3 §25). Reference to vassal's "obligations" related to sacred "oath" is made at §19 (A II 60-69): *ibid.*, p. 26. In the same document the word referred to sexual practices and may roughly recall the mention of $\theta \dot{\epsilon} \mu c$ in *II*. 9.134, *II*. 9.276, and *II*.19.177. In the Hittite text, it lacks, however, the connotation of "divine law" as in the Homeric lines mentioned above: "In the country of Hatti (this) law (*ša-a-ak-la-iš*) is observed: a brother doesn't take his sister of female cousin sexually" (*KBo* 5.3 III 28-29): *CHD* S/1:44; Beckman 1996: 27 (Text No. 3 §25); *ibid.*: 23: "The basic concern of the Suppiluliuma-Huqqana treaty is the loyalty of the subordinate to the Hittite king in the face of both internal and external threats to his rule. In addition, since Huqqana has entered the intimate circle of Suppiluliuma's court through marriage to his sister, the Hittite monarch issues several injunctions concerning the personal behavior of the vassal. Haqqana must not divulge any information he might learn about the affairs of the court (§§24-25), and he must observe the sexual customs of Hatti, even though they are stricter than those of his native region." On *šaklai* as a term related to sexual behaviors cf. *CTH* 406, Ritual of Paškuwatti of Arzawa against effeminacy (https://www.hethport.uni-wuerzburg.de/hetkonk/hetkonk_abfrage.php?c=406), and *CTH* 264.A, Instructions for the priests and temple officials (https://www.hethport.uni-wuerzburg.de/hetkonk/hetkonk_abfrage.php?c=264).

³⁹ On the Hurrian-Luwian kingdom of Kizzuwatna see Gilan 2019; Novak/Rutishauer 2017; Hawkins/Weeden 2017; cf. Kaynar 2018; Miller 2004; on the relation between Kizzuwatnean environments and Homeric poetry, see Morris 2013; Rutherford 2020: 129-130; cf. de Martino 2011; see also Id. 2019; Id. 2018.

¹⁰⁰ On the political role of Hittite priesthood, cf. the Middle-Hittite Age text *CTH* 264.A (ca. 15th-first half of 14th c. BC), Instructions for the priests and temple officials, *KUB* 13.4 III 21-23: "(Concernig) the rule (δa -ak-la-a- $i\delta$) which exists for someone up in the city of Hattuša: if a priest (or) a ^{LÚ}GUDU₁₂ is in the habit of releasing watchmen, whoever he is, by all means let him continue to release them". About the editions and literature, see https://www.hethport.uni-wuerzburg.de/hetkonk/hetkonk_abfrage.php?c=264.

¹⁰² De Cristofaro 2021a; Id. 2021b; Id. 2019a; Id. 2019b: 319-347; Id. 2018: XIII-XIV, 104-106; Id. 2016a: 23-37.

¹⁰³ Id. 2021a: 99-102.

¹⁰⁴ CHD S/1: 44-46; EDHIW: 700-701.

¹⁰⁵ *HED* 1/2: 400-401; *EDHIW*: 392.

¹⁰⁶ The noun *išhiul*- is related to verb *išhai*- , "to tie, to bind", "to impose (a service or a fine) upon someone", that expresses a meaning similar to λιπαρὰς θέμιστας in *Il*. 9. 156, 298. It has a strong legal connotation and often occurs in the Hittite Laws: Hoffner 1997: §158/43 (aa, n), 94 (A x 2), 95 (A), XLI, 94 (O), 95 (B, P), 95 (F), 94 (O), 94 (F), 95 (P), 158/43 (p); cf. *ibid*.: 279.

¹⁰⁸ Hom. II. 1.364-375, 2.688-693, 6.395-397, 414-416, 421-425; see De Cristofaro 2021a: 101-102.

¹⁰⁹ Nagy 2017; Id. 2016; cf. De Cristofaro 2019a: 25, 26-35.

¹¹⁰ *KUB* 13.20 I 31 (*CTH* 259): "You should value the king's law (LUGAL-*unwaš ša-ak-li-ya*) in the same way and administer it well"; cf. Miller 2013: 150-151 (Text No. 10 §13"). On editions and literature, see *HPM*, https://www.hethport.uni-wuerzburg.de/hetkonk/hetkonk_abfrage.php?c=259.

¹¹¹ See Hoffner 1997: 295-300; cf. van den Hout 2020: 92-94.

of the victim reserved for the god (*CTH* 574).¹¹³ In one case only, this term is recorded in a narrativemythological text from the Late Hittite Age as well (*CTH* 822),¹¹⁴ meaning "royal prerogative", where the religious implication is due to the 'genetic' relation between myth and ritual.¹¹⁵ It is, however, a juridical word since it indicates a custom/law to be observed in secular contexts too.¹¹⁶ The legalreligious meaning 'privilege' as a '(sacred and lawful) right' is intended in *CTH* 70,¹¹⁷ a prayer of Šuppiluliuma's son and heir, Muršili II, referring to his father's second wife and her 'privileges and righs' (*šaklainna=kán išhiūlla*).¹¹⁸

5. Sacred custom and law: diachronic šaklai and synchronic išhiūl

"When the early kings come back and concern themselves with the law of the country (var. with the country and law)"¹¹⁹. This is a passage from the *corpus* of the rituals of priest Maštigga of Kummanni, the sacred town in Kizzuwatna.¹²⁰ It clearly indicates that the vertical line of *šaklai*- from the gods to men is diachronic: (1) customs, laws, and rights, intended as *šaklai*-, are given by the deity in the past, (2) become elders' tradition, (3) take a strong ethical and legal-religious value. The close connection between the religious and legal spheres is shown in two prayers to the Sun-god, dated to the Old Hittite period, *CTH* 372 and *CTH* 374.¹²¹ In both passages, he is indicated as the one who establishes "the custom and law (*šaklain išhiūl*) of the Lands" using the same formulaic expression: this detail definitively gives to "custom and law" the sacred and religious significance.¹²²

The frequent association of *šaklai*- and *išhiul*- shows that these words had different overtones. The noun *išhiul*-, "binding, obligation, injunction, statute, treaty",¹²³ is a derived term from the verb *išhai-i / išhi*-, "to bind, to wrap, to obligate with, to impose upon".¹²⁴ It is probably related to the PIE root **seh*₂ and to the Vedic verbal forms °*siáti*, *sināti* (pres.), *siṣāya* (perf.), *sāt* (aor.): "It is remarkable that the Skt. perf. *siṣāya* (note that in classical Sanskrit we also find a perfect sasau < *se-sóh₂-e) can be directly equated with Hitt. *išhāi* < *(*si*-)*sh*₂-ó*i*-e."¹²⁵

https://www.hethport.uni-wuerzburg.de/hetkonk/hetkonk_abfrage.php?c=822.

¹²⁵EDHIW: 393.

¹¹³ KBo 13.64 obv. 18-19: ša-ak-la-in=ma=wa=kan parā UL išļuwaer [nu=wa]=za=kan apez azzikimi, "But they didn't pour out(?) the šaklai-(part of the victim reserved for the god?). Shall I eat from that? (The following broken lines speak of brewers and maršaštarri-sacrilege)". About editions and literature, see HPM: https://www.hethport.uni-wuerzburg.de/hetkonk/hetkonk abfrage.php?c=574.

¹¹⁴ *CTH* 822, "Narrative of the merchants", *KBo* 12.42 rev. 12-14: "Whatever [commodities(?)] (are) the royal prerogative (\tilde{s}]*a-ak-la-a-iš*, var. $\tilde{s}a$ -*ak-la-i*[\tilde{s}]), all (that) we have on hand." About editions and literature, see *HPM*,

¹¹⁵ Cammarosano 2018: 6; cf. Bachvarova 2016: 250-255.

¹¹⁶ See above n. 114.

¹¹⁷ About editions and literature, see HPM, https://www.hethport.uni-wuerzburg.de/hetkonk/hetkonk_abfrage.php?c=70.

¹¹⁸ "The privilege [and rights(?)] that she had [at the time] of her husband, and that which was forbidden to her [at the time of her husband, I did not change at all(?)]. And the privileges and rights(?) she carried on." Singer 2002: 75 (Text No. 17 §2, *KUB* 14.4 I 12-15); the expression *ša-ak-la-in-na-kán išhiūll-a* in line 14 is used by Singer in restoring the lacuna at line 12: *ša-ak-la-iš* / [. Paragraph §5' mention the visit of Muršili to Kummanni, the sacred town in Kizzuwatna. CTH 70 is possibly related to *AhT* No. 12 (*CTH* 214.12.A = *KUB* 14.2) as well, where the probable exile of a Hittite queen into one Ahhiyawa kingdom is recorded at §2': see Beckman/Bryce/Cline 2011: 158-161. If so, the author of *AhT* 12 should be Muršili's son Muwatalli II. On *CTH* 70 see Singer 2002: 71-77 (introduction and translation); on the editions and literature, see *HPM*, https://www.hethport.uni-wuerzburg.de/hetkonk/hetkonk abfrage.php?c=70.

¹¹⁹ KBo 2.3 IV 10-12: kuwapi-wa karūlēs LUGAL.MEŠ EGIR-pa uwanzi nu-wa-za KUR-yaš ša-ak-la-a-in (var. ša-ak-la-in, KU^rR-e šaak-li¹-in-na) EGIR-an kappuwanzi; see Miller 2004: 105.

¹²⁰ *CTH* 404, Rituals of Maštigga of Kummanni: Miller 2004: 11-60, 61-124. On editions and updated literature, see *HPM*, https://www.hethport.uni-wuerzburg.de/hetkonk/hetkonk_abfrage.php?c=404.

¹²¹ Singer 2002: 36-40 (*CTH* 372) and 33-36 (*CTH* 374). On the editions and literature on *CTH* 372 see *HPM*, https://www.hethport.uni-wuerzburg.de/hetkonk/hetkonk_abfrage.php?c=372; on *CTH* 374, see https://www.hethport.uni-wuerzburg.de/hetkonk/hetkonk_abfrage.php?c=374.

¹²² "You (Sungod) alone always establish the customs and laws of the lands": *utniyandaš ša-ak-la-in išhiūl* (var. [*išhiū*]*l ša-ak-l*[*i-in*]) *zik-pat hanteškiši* (*KUB* 31.127 I 16-17); [...D]UMU ^dNIN.GAL [*ŠA* KUR.KUR.MEŠ *išh*]*iūl š*[*a-ak*]-^{*l*}*la-i*?¹- [*in* Ø] / [x x x *zik=pat hant*]*eškiši* (*KUB* 31.130 obv. 1-2).

¹²³ HED 1/2: 400.

¹²⁴ *EDHIW*: 391. For an overview on this verb, see *ibid*.: 391-393; *HED* 1/2: 398-403.

The noun *išhiul*- indicates a strong vertical hierarchy, from the god to the king, from the king to his subjects. This term is also connected to the word that means "oaths", just as $\theta \xi \mu \zeta$ is connected to őρκος:¹²⁶ "This combination, the prescription of obligations (ishiul-) paired with the imposition or prescription of an oath (lingai), constitutes what the Hittites seemed to have regarded as a textual category, what one might call an 'obligation and oath' genre". 127 Hittite is hiul- is 'synchronic', since it is not due to tradition but is directly communicated by the gods to the kings, who, in turn, imposes it on their subjects immediately.¹²⁸ The derived word *šahhan*, related to the same root $*seh_2^{129}$, indicates "a kind of obligation, service, or payment due from land tenants to the real owners of the land (palace, temple, community, or individuals)":¹³⁰

If a person holds another person's land, he shall perform the *šahhan* services entailed by it. But if he fails to work (?) the [[and (?)] he shall relinquish the land: he shall not sell it.¹³¹

This kind of obligation, a sort of emphyteusis ante litteram, could be assigned to a special class of war prisoners, called arnuwalas, who were "semifree".¹³² The sahhan-services mentioned in the Hittite Laws are something similar to the $\lambda i \pi \alpha \rho \dot{\alpha} c \dots \theta \dot{\epsilon} \mu i \sigma \tau \alpha c$ to be performed by the inhabitants of the promised towns at Il. 9.156 and 9.298. Something similar to the o-pa and e/te-mi-to services or feudal duties in the Knossos tablet KN Am 821.

The diachronic and synchronic connotations of *šaklai*- and *išhiul*- respectively are somehow synthesized in Homeric θέμις. The Hittite distinction between different specific words or specialized terms is probably related to the fact that the Hittites had written laws since the Old Period, at least. The need for more specific 'technical' terms, indicating the single case-in-point, testifies to a more advanced stage of Hittite civilization when Homeric traditions started to be formed. By contrast, Homeric θέμις is an allencompassing term that may take different specific meanings as a functionally marked word depending on the different functionally marked contexts where it occurs, similarly to the verb εύγομαι.¹³³ The difference between the Hittite and Homeric vocabularies suggests that, at the time when the early epic bards were weaving their fabic of singing,¹³⁴ there were no written laws. The Mycenaean documentation would seem to support this assumption. But we can't exclude a priori the possibility that new discoveries might modify or overturn this view.

¹²⁸ Yamamoto 2016a; Id. 2016b; cf. Miller 2013: 1-13, 15-27, 43-55.

¹²⁶ See, e.g., *Il.* 23.581; cf. also above n. 31 and n. 98.

¹²⁷ Miller 2013: 2: "The terms ishiul-, 'bond, obligation,' and lingai-, 'oath,' are central to defining the genre. The first, ishiul-, is derived from the verb ishai-lishiya-, 'to bind,' and thus literally means 'bond.' It can be translated depending on context as 'instruction,' 'obligation,' 'contract,' or 'treaty.' The second term, lingai-, 'oath, curse,' is likewise a deverbal substantive, from link-, 'to swear.' This combination, the prescription of obligations (ishiul-) paired with the imposition or prescription of an oath (lingai), constitutes what the Hittites seemed to have regarded as a textual category, what one might call an 'obligation and oath' genre; and it is this dual structure that distinguishes these 'obligation and oath' documents from, for example, epistolary texts authored by the king, which often contain instructions in a style and pertaining to matters quite similar to what one might find in the 'instructions,' or from edicts, which are composed of similar normative, prescriptive statements, but are not connected with an oath or any other response on the part of the subordinate." Cf. ibid.: 19-20.

¹²⁹ EDHIW: 692: "Rieken (...) convincingly reconstructs this word as *seh₂-n, assuming that, together with *išhanittar* 'relative by marriage' (q.v.), it derives from $*seh_2$ - 'to bind' (for which see s.v. išhai-i / išhi-). This means that we are dealing with a proterodynamic paradigm * seh_2 -n, * sh_2 -en-s > pre-Hitt. seh_2 -n, * seh_2 -en-os > Hitt. šahhan, šahhanaš."

¹³⁰ CHD S/1: 2.

¹³¹ Hittite Law No. 39, OH, Hoffner 1997: 46; Text A: KBo 6.2 + 19.1 II, and Text B: KBo 6.3 I, are part of CTH 291. On editions and literature, see HPM, https://www.hethport.uni-wuerzburg.de/hetkonk/hetkonk abfrage.php?c=291. On the attestation of šahhan- in the Hittite Laws, see Hoffner 1997: 295: §40, 41, 46, 47a, 51, 54, 112/12. On the attestations in the legal texts in general, see CHD S/1: 3-4; as 'instructions', so having a similar meaning of išhiul, Hoffner 1997: 4-5; in decrees and concessions, ibid.: 5-6; in treaties, ibid.: 6-7; in historical texts, ibid.: 7; in prayers, ibid.: 7.

¹³² Hoffner 2002: 62; on šahhan- assigned to arnuwala-men see Hittite Law No. 50, Hoffner 1997: 47-49; cf. De Cristofaro 2019b: 334-336.

¹³³ Muellner 1976: 107-140.

¹³⁴ Cf. Bonifazi 2012.

The noun $\theta \xi \mu \zeta$ indicates something imposed on mankind by the deity, and so becoming unavoidable custom encoding sacred traditions. In this regard, $\theta \xi \mu \zeta$ is comparable to Hittite *šaklai*-.¹³⁵ On the other hand, the Achaean chief owns the right to directly impose obligations on his subjects thanks the royal power granted him by Zeus. From this point of view, $\theta \xi \mu \zeta$ is comparable with *išhiul*- and its cognate word *šahhan*.¹³⁶ Lastly, custom or law, meant by Hittite *šaklai*-, is specifically established by the Sungod, namely a heavenly and day-light deity.¹³⁷ It seems an intriguing detail that the supreme Hittite Storm-god is not the one who establishes this kind of custom becoming law. Zeus was not only the Greek *Wettergott*, but basically the day-light god, as the etymology of his name clearly testifies:¹³⁸ Homer's Zeus, who gives $\theta \xi \mu \zeta$ and $\lambda \eta \zeta$, and presides over $\xi \iota v \eta$ and $\delta \rho \kappa \varsigma$, is related to the earliest phases of pre-Archaic Greek religion when he was still the god of daylight before he became solely identified with the Olympic 'theology', just like Homeric Athena "coming down from the sky" instead of Olympus mount.¹³⁹ Zeus-given $\theta \xi \mu \zeta$ and the conceptual framework synthesized within this word, including the meanings of custom, law, and obligation, trace probably back to the Bronze Age and pre-Archaic civilization, as is also true for and the origin of the Homeric traditions related to the passages where $\theta \xi \mu \zeta$ is found.

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¹³⁷ Cf. Hoffner 1997: 4 and n. 22. Cf. Steitler 2017.

¹³⁵ *DELG*: 427-428, 1116-1117.

¹³⁶ Miller 2013: 135, Text No. 8 (§1: *UM-MA TA.BA.AR.NA* ^m*TU.UD.HA.LI.IA* LUGA.GAL): "In any case, the present text is one of several in this volume (see the introduction, n. 38) that are introduced with *umma*, "thus (speaks RN)," placing the words directly in the mouth of the king. Unique among the instructions (but cf. No. 27, §1), the body of the text is preceded by a prologue describing the historical situation that gave rise to the needs being addressed in its directives (§§1-2)." *Ibid.*, Text No. 8 is related to the Aššuwa Rebellion, to whom also refers *AhT* 6: Beckman/Bryce/Cline 2011: 134-139; cf. Rutherford 2021. The formulaic *UM-MA TA.BA.AR.NA* etc., strikingly recalls the Avestan formulary, in turn cognate to the Homeric secular wording using εὕχομαι; see Muellner 1976: 124-125: "Younger Avestan *aoxta* (= εὖκτο) is consistent with Gathic *aogədā*. For example, the verb occurs at Y. 41.5 with a predicate nominative in a phrase parallel to Gathic *staotā aojāi … aŋhācā*. It is frequently used to introduce the direct speech of Zarathuštra to Ahura Mazdā, as at Y. 9.16 *āaţ aoxta zaraθuštrō* 'also sprach Zarathuštra', where it introduces a prayer, and in secular, heroic contexts as well. Avestan *aoj*- is in fact the only cognate of εὕχομαι, whose speech connotations are overt enough to be recognized lexicographically. Thus Bartholomae's definition *praedicāre*, which coincides closely with our hypothesis that the original meaning of εὕχομαι was 'say' in a functionally marked context. In Avestan the semantic derivation we are proposing is transparent and needs no proof."

¹³⁸ *DELG*: 399; *EDG*/1: 498-499; the dative form *di-we* is attested in the Knossos (14th c. BC) and Pylos (13^{thc.} BC) tablets: KN Fp 1.2, F 41 v. 1; PY Tn 316. v. 9 (gen. *di-wo* v. 10) *DMic*/1: 180-181; about other Mycenaean attestations and compound names see *ibid.*, pp. 181-184.

¹³⁹ Hom. *Il.* 2.208; on commentaries and references, see De Cristofaro 2021a: 94-96.

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