

The Primacy of Ownership and the Problem  
of Plunder in Archaic Greece

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## **Introduction**

The goal of this thesis is to extract from the Homeric and Hesiodic poems Archaic Greek thought on the concept of personal ownership and its interrelation with plunder. As is often the case when working with the *Iliad* and *Odyssey*, the discussion is broader in focus than is currently the norm for academic theses. In this instance a wide-ranging scope is necessary, since the purpose is to identify patterns concerning ownership and plunder in the epics. The process of extrapolating the depictions of life in the Homeric epics to the conditions and realities of Archaic Greece is achieved most effectively by ascertaining unified portrayals of concepts as opposed to minutely analyzing singular occurrences in the works.

This study utilizes an historical approach to the epics, following Raaflaub, who states:

If we succeed in making a plausible case for the thesis that the social background description in the epics is sufficiently consistent to reflect elements of a historical society, we will be able to use the epics – despite their poetic nature and complicated history – as valuable literary evidence to illuminate a period for which we would otherwise have to rely almost entirely on archaeological sources.<sup>1</sup>

There is no intention to discount the archaeological evidence, but, as A.G. Geddes elucidates, “archaeology is particularly unhelpful in providing evidence about social institutions and social values.”<sup>2</sup> Similarly, while Archaic lyric poetry sheds light upon these matters, it is for the most part beyond the scope of this paper.<sup>3</sup> The focus is first to establish a coherent view of ownership and its relation with plunder in “Homeric society”; then, if it is not materially contradicted by other Archaic

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<sup>1</sup> Raaflaub (1998), p. 170. Others who argue for the portrayal of a coherent society in the *Iliad* and *Odyssey*: Seaford (1994), p.6-7; Nagy (1996a), p. 20; Morris (1986a), Scully (1990), p. 81; Finley (1977), p. 49-50; van Wees (1995), Donlan (1981), O. Murray (1980), Podlecki (1984), p. 10. *Contra*: Long (1970), Snodgrass (1974), Kirk (1985).

<sup>2</sup> Geddes (1984). Morris (1997), p. 539, argues for the usability of Iron Age archaeology to inform “a fuller cultural history.”

<sup>3</sup> For an introduction to the relationship between the lyric poetry and the Homeric epics, see Raaflaub (2000); also Kurke (1991), (1999).

evidence, to extrapolate this view which the poems illustrate to Archaic Greek thought.

Crucial to the discussion is the growth of the *polis* in the early Archaic age. Sometime during the ninth and eighth centuries B.C., the communal values of the Greek world underwent a metamorphosis from *oikos*-based production and ensured redistribution to a more *polis*-based economy. Here I agree with Tandy that the budding markets of these forming *poleis* became “important to survival, perhaps even crucial.”<sup>4</sup> There is an abundance of archaeological evidence for the existence of Greek *poleis* starting in the late 9<sup>th</sup> and early 8<sup>th</sup> centuries, but Homer’s depiction of the institution is not as transparent.<sup>5</sup>

The debate between those who favor the argument that Homer presents a stateless society and those who see the *polis* in his poems has become quite animated in recent years.<sup>6</sup> As convincing as I find J. V. Luce’s reasoning based on the examination of *polis* and *astu* in the contexts of the poems, other scholars have capably noted the lack of centralized systems of government and civic responsibilities in the poems.<sup>7</sup> That Homer presents a muddled picture of society somewhere between the traditional kinship structure and the emerging *polis* system should not be troublesome. The poems appear to reflect the uncertainty of the changing political, economic, and social paradigms during the founding of the city-states in the early Archaic era. As Bruno Gentili observes, Greek epic poetry is “an essentially practical art, clearly linked to

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<sup>4</sup> Tandy (1997), p. 2.

<sup>5</sup> Archaeological evidence for *polis*: See Coldstream (1977), Snodgrass (1977), (1980), Hurwit (1985), Scully (1990), p. 86-7.

<sup>6</sup> *Pro*: Morris (1986), Hall (1989), Scully (1990), Seaford (1994), von Reden (1995), Raaflaub (2000); *contra*: Posner (1979), Finley (1977), Adkins (1972).

<sup>7</sup> Luce (1978).

the realities of social and political life, and to the actual behavior of individuals in a community.”<sup>8</sup>

Thus the lack of political and economic stability as well as the new allegiances being formed with the civic community outside of the confines of the *oikos* led the Greeks to reconsider their place in, and obligations to, their family and their city.<sup>9</sup> And as an individual’s ownership over a certain amount of goods or ability to produce became vital in order to maintain one’s status as a fully enfranchised citizen, the question of who had the ability and under what circumstance one could take the private property of another became paramount, as the works of Hesiod and Homer reflect. I argue that the Archaic epics illustrate the primacy of individual, private ownership of goods in the lives and thought of the Archaic Greeks. In providing evidence for this argument, I demonstrate that the poems of Homer and Hesiod depict plunder as more problematic than has previously been argued and, more importantly, that the poems portray laws or customs as flawed whenever they come into conflict with an individual’s ownership rights rather than questioning the validity of those rights.

## **Methodology**

In order to avoid various methodological pitfalls common when dealing with “Homer”, let us consider three secondary questions:

- 1) What time period(s) do the Homeric epics represent?
- 2) Do the epics accurately depict Archaic Greek thought concerning ownership and plunder? (or, how do we know “Homer” isn’t employing anachronisms here?), and
- 3) Do the poems as we have them represent the Archaic “Homer” or later recensions?

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<sup>8</sup> Gentili (1988 [1985]), p. 3. See also Foley (2004), p. 181, for a definition of epic’s “function as a source of identity representations in the traditional community.”

<sup>9</sup> von Reden (1995), p. 17.

Historians' perspectives on the first question have varied widely.<sup>10</sup> Much of early classical scholarship, influenced in part by Heinrich Schliemann's discovery of Troy and Mycenae and in part by Milman Parry's insight into the necessity of an oral tradition to produce the Homeric epics, favored the supposition that the *Iliad* and *Odyssey* depicted Mycenaean civilization.<sup>11</sup> But the evidence provided by the Linear B tablets demonstrated a highly bureaucratic society in Mycenaean times which is completely absent in the Homeric poems. Moses Finley opted to place "Homeric society" in the 10<sup>th</sup> and 9<sup>th</sup> centuries, since the absence of certain elements in the poems and the inclusion of others excluded the possibility that the poems could represent either the Mycenaean or Archaic ages.<sup>12</sup>

In more recent years a consensus has begun to form which maintains that the Homeric epics represent the Archaic age, particularly pertaining to social structure and interaction. James Redfield and Ian Morris both stress the importance of public performance of epic poetry; Redfield maintains that the views of the audience helped to shape the poems into a "collective representation," and Morris argued that "Homeric poetry had to conform to [the audience's] ideas of the way reality was structured and the way the world worked."<sup>13</sup> Thus they both concluded that Homer modeled the societal structure of his poems on the world in which he lived.<sup>14</sup> Along the same lines, Jan Paul Crielaard illustrated that the archaeological and ethnographic data (specifically pertaining to colonization, overseas contacts, and the expansion of

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<sup>10</sup> Hammer (2002), p. 12, n. 49, provides a concise bibliography for the discussion of what time period Homer's epic world portrays. For a more in-depth analysis, see Raaflaub (1998).

<sup>11</sup> Parry (1971).

<sup>12</sup> Finley (1977), p. 48; Griffin (1980), p. 8; Andrewes (1967); Adkins (1960).

<sup>13</sup> Redfield (1975), p. 40-41, and Morris (1986), p. 89. In this respect, current scholarship counters the arguments of Lord (1960) which maintained, in Hammer's (2002), p.7, words, "that the language of the epic was univocal, unreflective, and unconceptual."

<sup>14</sup> Redfield (1975), p. 75 and Morris (1986a), p. 89. See also Podlecki (1984), p. 17.

religious activities) supports Morris' argument.<sup>15</sup> Other scholars have noted the similarity between the representation of the *polis* in Homer and the development of the *polis* in the early Archaic age.<sup>16</sup> More recently Raaflaub synthesized these approaches and provided a defense against the critique that the contradictions in Homer present "a hopeless amalgam" of various historical eras that render Homer unhistorical.<sup>17</sup>

We have seen above that the Homeric epics apply to Archaic Greek society and issues, but do they accurately depict Archaic Greek thought concerning ownership and plunder? Similarly, how do we know that Homer does not employ anachronisms in his descriptions? Anthony Podlecki indirectly offers a solution to this problem when he repeatedly mentions Hesiod's historicity in his discussion of Homer.<sup>18</sup> If Hesiod, as an historically accurate source, depicts ownership and plunder as societal issues, and his descriptions mirror those of Homer, then it is unlikely that Homer uses anachronisms in his portrayal of these conceptual realities. And indeed, the evidence from Hesiod coincides with Homer; in the *Works and Days* alone, Hesiod deplors plunder and theft of personal property in five different instances.

Considering that the poem is only 828 lines long, most of which focuses on the farming calendar, it certainly emphasizes Hesiod's familiarity with the importance of ownership and the problematic nature of plunder. There are minor differences between Homer's and Hesiod's presentation of these topics, but Hesiod's account provides valuable evidence for the historicity of Homer concerning the Archaic Greek

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<sup>15</sup> Crielaard (1995).

<sup>16</sup> Luce (1975), (1978), p. 5, 14; Scully (1990), p. 88.

<sup>17</sup> Raaflaub (1998), p. 174; (2000), p. 26. For the principal arguments against the historicity of Homer, see Kirk (1962), (1975), esp. p. 821, 849; Long (1970), Snodgrass (1974), Coldstream (1977).

<sup>18</sup> Podlecki (1984), p. 19-20: "For an unmistakably realistic picture, we have only to look at Hesiod's description in *Works and Days*", and "Hesiod is an altogether more solid historical figure than Homer."

perspective on ownership and plunder. In addition, it is not important to the discussion whether the Homeric poems reference a Mycenaean bronze shield or an Archaic red-figure *skyphos*, the focus, rather, is on the attitudes of the poet and characters' attitudes regarding the ownership of the goods. While the audience could readily understand the inclusion of various objects just as a modern one understands the concept of a skeleton key, they would no doubt have trouble if the attitude towards such goods were not in line with recent or current thought.

The last problem to solve methodologically is whether the extant texts of the *Iliad* and *Odyssey* represent Archaic "Homer" or later recensions. The theory of a "Peisistratid redaction" in which the poems were dictated and written down in a finalized form at a sixth-century Panatheneia has been quite prevalent in recent scholarship, but Robert Fowler notes that Richard Janko's chronology of the Homeric and Hesiodic poetry refutes this theory in part.<sup>19</sup> Since the *Iliad* and the *Odyssey* linguistically predate the *Works and Days*, which we can date close to 675 B.C.,<sup>20</sup> chronology requires an earlier "fossilizing" of the work. There exist various theories for how the works remained static from their composition in the late eighth century, but they mostly agree that the works were largely unchanged from that time until they were catalogued and disseminated in late sixth-century Athens.<sup>21</sup> Nagy's evolutionary model of the Homeric epics notes that the poems underwent a gradual progression down through Aristarchus in 150 B.C., but he ultimately finds that the

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<sup>19</sup> Fowler 2004, p. 225, citing Janko (1982), p. 228-31. Nagy (1996a), p. 102-6, argues that although the poems were disseminated at the Panathenian festival, the Peisistratid recension is a myth perpetrated by Peisistratus himself.

<sup>20</sup> Janko (1982), p. 98. Against Janko's dating and chronology, see Crielaard (1995), p. 274.

<sup>21</sup> See Nagy (1996a), p. 99-106, for a discussion of the views of S. West (1988a), Jensen (1980), Sealey (1957), and Davidson (1962) concerning the Peisistratid recension.

*Iliad* and *Odyssey* reached “near-textual status” by the middle of the sixth century B.C.<sup>22</sup>

Thus, for the most part, the *Iliad* and *Odyssey* in their current form are likely not substantially different than they were when composed in the early Archaic age. Due to the vagaries associated with transmission of the poems through the centuries, it is still important not to approach them in the manner of a literary deconstructionist trying to find single lines that negate the whole meaning or historicity of the poem. As Finley has warned, the Homeric poems must be considered in their entirety, and it is a fool’s errand to base one’s entire argument on a small section or to over-analyze the importance of single lines.<sup>23</sup>

### **Assumptions**

To summarize briefly then the assumptions from which I base my argument:

- 1) The *Iliad* and the *Odyssey*, though composed at different times and likely by different authors, represent, in the main, a unified view of a single society.
- 2) The Homeric epics that we have are, or are extremely close to, the “fossilized” form which was written down sometime between 750 B.C. and 525 B.C.
- 3) Due to the nature of the performance of epic poetry and the importance of its relevance to the audience, the audience not only relates to the thematic content and social values of the poems, but also influences the poet’s portrayal of them.
- 4) The Homeric epics represent, for the most part, the thoughts and social and economic structure of the Archaic Greeks.
- 5) The way in which the *Iliad*, *Odyssey* and Hesiod’s *Works and Days* present the social and economic effects of ownership and plunder reflects the reality of, and dominant perspective regarding, the practice in Archaic Greece.

### **Method**

I will first investigate “Homer’s” presentation of a unified society specifically in regard to ownership. Next I will compare and contrast this depiction with Hesiod’s *Works and Days* in order to test the historicity of the Homeric representation. Then I will progress through the Homeric illustration of plunder, both through law and

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<sup>22</sup> Ibid., p. 106.

<sup>23</sup> Finley 1977, p. 49.



custom as well as by violence, and determine its interrelation with ownership rights.

Lastly, I will extrapolate this information in respect to Archaic Greece when possible, being wary not to overextend the material or draw conclusions beyond what the evidence provides.

## Ownership<sup>24</sup>

The regime that we see in the [*Iliad* and *Odyssey*] was, above all, one of private ownership ... It is enough to indicate that there was a free, untrammelled right to dispose of all movable wealth – a right vested in a *filius familias* as well as in a *pater familias*; that the continuous circulation of wealth, chiefly by gift, was one of the major topics of society; and that the transmission of a man's estate by inheritance, the movables and immovables together, was taken for granted as the normal procedure upon his death. These rights might be disturbed on any given occasion, but that was always because of some defect in the sanctions, specifically the capacity of the holder of the right to exercise it; never because the existence of such rights was questioned.<sup>25</sup>

The above quotation from Moses Finley has not been sufficiently challenged in its entirety for good reason: the Homeric poems illustrate a variety of social and economic structures (the camp of the Achaeans, Troy, Ithaca, Pylos, Sparta, Scheria), all of which feature the private ownership of goods. That the Homeric description of ownership represents Archaic Greek thought at the time is not in question; rather, what deserves scrutiny is his explanation for the occasional breach of one's ownership rights: that it "was always because of some defect in the sanctions". Here Finley provides a rather circular answer against which it is impossible to argue. Naturally, if a right is "disturbed" it is – from one perspective – because the right is not perfectly defined or upheld and therefore "has some defect in the sanctions." From another perspective, however, one can see the various forces that act against private ownership as the catalysts themselves. For instance, Achilles' decision to sack and plunder Eetion encompasses more than simply the ownership rights of the Eetionites over their goods. Achilles' martial prowess overcomes the Eetionites' right to private property through no fault of their laws and sanctions pertaining to possession and ownership. But before we can investigate how plunder affects individuals' rights of possession, we must first delineate the basic tenets of ownership in the poems. Then

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<sup>24</sup> All translations from Greek in this work are from the Loeb editions (A.T. Murray for the *Iliad* and *Odyssey*, and Glenn Most for *Works and Days*).

<sup>25</sup> Finley (1981), p. 217.

we can test Finley's statement that the "regime" in the poems is "above all, one of private ownership" and apply it to the realities of Archaic Greece.

In this regard, it is my intention to demonstrate that the omnipresence of private possessions in the poems correlates to the paramount position they held in the perspective of the Archaic Greeks. Then, I will delineate the limits of ownership, determine in what situations public need could trump private ownership, and discover the degree of primacy which private possessions held in Archaic Greek thought. In addition, I will discuss the ownership rights over gifts received and argue that, contrary to the current consensus opinion which holds that gifts remained part of a "transitory system" of exchange and did not imply ownership, guest-gifts were treated by those who received them as private property.

### **Present-ness and immediacy of private property and chattels**

In this discussion, I employ "property" or "private property" as an encompassing term to include anything which a person can own, including: objects (goods), slaves, animals, received gifts, and land. "Chattel" refers to objects, slaves, and animals; it does not include land or anything intangible. And in reference to the ownership of land, I will use either "land" or "territory". With the terms defined, let us investigate the depiction of private property in the Homeric epics in order to elucidate to what degree the Archaic Greeks valued the ownership over tangible goods.

The concepts of property and goods were omnipresent in the minds and collective consciousness of the Archaic Greeks. The *Iliad* and the *Odyssey* repeatedly provide extensive descriptions not just of prized objects but of utilitarian goods as well. Even items as insignificant as the rope that Philoetius uses to tie shut the door from the feasting hall in Ithaca receive a background: "Now there lay beneath the portico the

cable of a curved ship, made of papyrus plant, with which he made fast the gates” (*Od.* 21.390-1). In addition, a substantial portion of the Homeric extended similes and metaphors contain reference to various craftsmen at work creating new goods.<sup>26</sup> Beyond the obvious examples of craftsmanship such as the shield of Achilles and the breast-band of Aphrodite, there are plenty of instances where the poems allude to the work done by mortal artisans. When the Trojans are charging against the ships, the tenseness of the Argives’ line is likened to the chalk-line that a shipwright uses to measure and cut wood (*Il.*15.410-2). Other similes include the equating of Hector’s hard heart to an axe used by a shipwright, the comparing of Ajax and Odysseus’ arms locked in a wrestling match to rafters fastened together by a master craftsman (*klutos tekton*), and the likening of Athena’s enhancing of Odysseus’ features to the silverwork of a skilled man (*aner hidris*) whom Hephaestus has taught all types of craft (*technen pantoien*).<sup>27</sup>

The Homeric epics also contain many seemingly throw-away lines where heroes mention the labor that went into their weapons or feasting implements. When Menelaus is struck by Pandarus’ arrow in Book Four of the *Iliad*, he settles his men by noting that his armored belt which the coppersmiths (*kalkhees andres*) made for him protected him from serious injury (*Il.*4.187). And yet for all the diversity of tangible items and property throughout the *Iliad* and the *Odyssey*, the poems reveal a coherent framework for the creation and use of material goods. Chattels are not employed radically differently from poem to poem or scene to scene. Joanna Luke

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<sup>26</sup> Scott (1974) does not include a “craftsmen” category in his division of the subject matter of the similes, being as the heroes are not directly likened to craftsmen. The slain hero Asios, for instance, is compared to a falling oak “that among the mountains shipwrights (*tektones andres*) fell with whetted axes to be a ship’s timber” (*Il.*13.390-1). Scott, p. 101, does, however, note the prominence of craftsmen in the contrasting theme of war and peace: “In the fields men tend their flocks, plough their fields, and reap their harvests; on the hillside woodcutters chop trees; at the farmsteads men thresh wheat and gather their beans and peas.”

<sup>27</sup> *Il.*3.60-3. *Il.*23.710-3, *Od.*23.159-62, respectively. Other occurrences of craftsmen: *Il.*4.110, 6.315, 15.411, 16.483; *Od.* 9.126, 17.340, 17.384, 19.56, 21.43

notes this unified portrayal in her examination of the *krater* in the Homeric epics, citing particularly the internal consistency of the poems in their depiction of the use and social setting of various goods.<sup>28</sup>

Other scholars have noted this tendency of Homer to elaborate on the creation, appearance, and ownership of certain goods, and have ascribed it primarily to the metrical and recitative needs of the poet.<sup>29</sup> Essentially, they claim that the poet relied upon these formulaic lines both to give the audience a mental break as well as to provide him with time to decide or remember where to direct the story next. While these scholars are no doubt correct, that is not all that is at play here. The importance of one's possession of his or her goods as well as the concept of personal ownership shines conspicuously throughout the Homeric epics. When minor characters die in the *Iliad*, the poet often colors their background with a few lines concerning their property. Amphius, for example, is described as a man of many possessions (*polyktemon*) as he falls by Telamonian Ajax's spear (5.613), and Oresbius is remembered for his exorbitant concern for wealth (5.708). Similarly in the *Odyssey* when Penelope denounces Antinous, she recalls the time when Odysseus saved his father from being killed and having his property and wealth divided (*Od.*16.423).

One's goods in the Homeric epics are not only a mortal obsession: the gods also concern themselves with people's property. In order to get Nausicaa to the sea-shore to meet Odysseus, Athena prompts her to take better care of her beautiful clothes, since it is from such an action (*ek touton*) that she will get a good reputation among men (*Od.*6.25-30). Athena's advice here reflects the importance of one's wealth upon

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<sup>28</sup> Luke (1994), p. 23.

<sup>29</sup> Buxton (2004), Scott (1974), p. 52, Snell (1953); *Contra*: Hainsworth (1968), p. 41. Griffin (1980), p. 11-2, notes the frequency at which the practical and normal human activities occur in the similes, even as they provide contrast to their heroic subjects. Thus, the poet is able to "include aspects of the world which otherwise would not have been got in."

one's reputation in Archaic Greece; as Hesiod mentions in *Works and Days*, excellence and fame wait upon the wealthy one.<sup>30</sup> Athena is also responsible for helping Odysseus procure goods and guard them safely. When Odysseus reaches Ithaca, he finds his goods hidden under an olive tree – the tree sacred to Athena – where they will be protected from searching eyes (13.122-4).<sup>31</sup> Then when Athena reveals herself to him, she makes sure to quell his fears about his newly acquired goods:

καὶ δέ σε Φαιήκεσσι φίλον πάντεσσιν ἔθηκα.  
νῦν αὖ δεῦρ' ἰκόμην, ἵνα τοι σὺν μῆτιν ὑφήνω  
χρήματά τε κρύψω, ὅσα τοι Φαίηκες ἀγαυοὶ  
ῥήσασαν οἴκαδ' ἰόντι ἐμῆι βουλήι τε νόω τε

Yes, and I made you beloved by all the Phaeacians. And now I have come here to weave a plan with you, and to hide all the treasure, which the lordly Phaeacians gave you by my counsel and will, when you set out for home (*Od.*13.302-5).

It is not only Athena who concerns herself with mortals' possessions. Thetis calls in a favor with Hephaestus and bargains one of her nymphs in marriage in order to secure a new shield for her son, Achilles.

In this trade of one of her nymphs to Hephaestus, Thetis demonstrates that the ability to possess private goods extends beyond the mortal realm to include the gods. This should come as no surprise since the Greeks anthropomorphized their gods: if they owned goods, their gods should as well. Helios, as we remember, has his cattle on Thrinacia, for whose loss he demands the lives of Odysseus' crew (*Od.*12.375-83).<sup>32</sup> The genitive *Heelioio boon* (353) and *meu* (379) signify that the cattle are under Helios' ownership. Hera, as patron goddess of Argos, Sparta, and Mycenae,

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<sup>30</sup> *Op.*313. *ploutoi d' arete kai kudos opedei.*

<sup>31</sup> According to myth, Athena presented the Athenians with the olive, and olive oil became the victors prize at the Panatheneia. Herodotus (8.55) mentions that the Athenians believed Athena herself planted the olive tree on the Acropolis. For further discussion, see Ferrari (2002), p. 16; Luyster (1965); Hopper (1963), p. 5.

<sup>32</sup> Apollo also owned cattle, the theft of which provides the main plot of the Homeric Hymn to Hermes. Shelmerdine (1986) argues that the poem has a greater Homeric influence than previously thought due to its parallels with Odysseus on Thrinacia.

offers the future destruction of her favorite cities to Zeus in order that she might destroy Ilium (*Il.*4.51-54). And, much like Thetis offers one of her nymphs in a trade, so too does Aphrodite proffer Helen as if she were her possession to Paris in order to win the golden apple earlier in the epic cycle.

Likewise, Hesiod provides numerous examples of the importance of ownership in his poems. His *Works and Days* comprises a two-part manual for property and ownership. The first half of the poem consists of discussion and advice on the proper ways to acquire, employ, and give wealth in the political and social spheres; the second half comprises a “how-to” farming manual which explains in detail various – and some times extemporaneous – methods of constructing wagons, building houses, distributing rations among one’s laborers, and other pragmatic agrarian instructions. Hesiod represents the gods as owners of property in the *Theogony*, since they possess Olympus (113); he also demonstrates the gods’ concern for the wealth of mortals, as Hecate remains ready to bestow a full net of fish or increase a man’s flock of pasture animals as she wishes (441-7). In the *Works and Days* as well, Hesiod postulates that the men who belonged to the race of gold exist as spirits who watch over humans and have the ability to bestow wealth upon them (124-6). These examples in Hesiod’s writing mirror the Homeric portrayal of chattels and the importance of ownership.

The importance of ownership of land should not be overlooked in this discussion. In his analysis of the description of Laertes’ farm in Book 24 of the *Odyssey*, Victor Hanson provides an encompassing overview of land ownership and tenureship which includes an insight integral to this topic. Following his argument that most free Greeks farmed land that they owned in much the same manner as did Laertes,<sup>33</sup> Hanson notes:

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<sup>33</sup> Hanson (1995), p. 51-2, citing Aristotle, *Pol.*5.1305a19-21.

Indeed, the permanent creation of houses on the land may itself explain the independent nature of the Greek city-state, which in its origin was more a forum than a home—really no more than a point of assembly where the larger community of outlying farmers could gather to exchange produce and to craft legislation or deliberate on other crucial matters.<sup>34</sup>

While I do not share the same view of the role of the *polis* in regard to the local tenant farmers, I do agree with his recognition of the role that private ownership of land played in *polis* formation and subsequent laws. It would be very difficult to distinguish which came first, the ability to privately own chattels or own land, but the two are necessarily intertwined and certainly give the *polis* and its people an “independent nature.”

It is clear from the regularity of their use and their consistent portrayal in the poems that material goods and their possession were ever-present concepts in the minds of the Archaic Greek audience and their performing poets. They comprise the lone description of dying men, lengthen the Homeric metaphor, and are a concern of both mortals and immortals alike. This level of attention to material wealth is not unique in oral poetry, but what sets the *Iliad*, *Odyssey*, and *Works and Days* apart is their treatment of the thematic and political aspects of ownership and property.<sup>35</sup>

### **Ownership and thematic development**

Goods, wealth, and their ownership are central to the plot and themes of the *Iliad*, *Odyssey*, and *Works and Days*. In the *Iliad*, not only does the feud between

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<sup>34</sup> Ibid., p. 55.

<sup>35</sup> See Foley (2004) and Lord (1991) for the place of the *Iliad* and *Odyssey* in oral tradition, and Osborne (2004) and Hammer (2002) for the political nature of the poems. Finley (1981) has noted that *Beowulf*, the *Song of Roland*, and the *Nibelunglied* all contain visages of vassalage and land tenure, while the *Iliad* and *Odyssey* do not contain a complete reference to one particular system. However, despite the Homeric poems’ dearth of concrete detail in that regard, they are much more concerned with the question of ownership and property; as Finley admits, the *Odyssey* “returns endlessly to the question of Odysseus’ estate” (215).



Agamemnon and Achilles arise over who has rightful possession of the slave girl Briseis, but also the supposed impetus for the Trojan engagement in the first place is the recapture of Helen *and her possessions*.<sup>36</sup> While various heroes – both Trojan and Achaean – blame Helen for the war, she is always mentioned in conjunction with her wealth whenever men are deciding with whom she will live. When Hector sets down the rules for the duel between Paris and Agamemnon, he declares that they will be fighting for Helen and all her possessions (*ktemata*) (*Il.3.91-3*). Agamemnon accepts, twice mentioning Helen and all her goods within the space of five lines:

εἰ μὲν κεν Μενέλαον ἼΑλέξανδρος καταπέφνηι,  
αὐτὸς ἔπειθ' Ἑλένην ἐξέτω καὶ κτήματα πάντα,  
ἡμεῖς δ' ἐν νήεσσι νεώμεθα ποντοπόροισιν.  
εἰ δέ κ' ἼΑλέξανδρον κτείνηι ξανθὸς Μενελαός,  
Τρῳᾶς ἔπειθ' Ἑλένην καὶ κτήματα πάντ' ἀποδοῦναι,  
τιμὴν δ' Ἀργείοις ἀποτινέμεν ἢν τιν' ἔοικεν

If Alexander kills Menelaus, then let him keep Helen and all her treasure; and let us depart in our seafaring ships. But if tawny-haired Menelaus kills Alexander, then let the Trojans give back Helen and all her treasure, and pay to the Argives such recompense as is proper (*Il.3.281-6*).<sup>37</sup>

In these instances the word for Helen's possessions, *ktemata*, occupies the same place in each line, which suggests that the poetic tradition may have included Helen's possessions merely as a matter of metrical convenience. However, Paris' announcement (*Il.7.362-4*) wherein he states his willingness to return Helen's possessions (*ktemata*) and add yet more, but he will not give her back, demonstrates that her property plays a substantial role in the plot and thematic development of the *Iliad*.<sup>38</sup> Thus the battle for one's private property, whether for the slave-girl Briseis or for Helen and her *ktemata*, is a major thematic and political strain in the *Iliad*.

<sup>36</sup> Instances where Helen is mentioned with her possessions: *Il. 370-2, 91-3, 281-4; 7.350, 357-64.*

<sup>37</sup> Murray prefers to translate *ktemata* as "treasure", though a more accurate translation would be "acquisitions." At the same time, it is likely that her property in this case is comprised wholly of treasure, as it would have been the easiest of her assets to transport from Sparta.

<sup>38</sup> Hainsworth (1993), p. 114.

Similarly, the *Odyssey* portrays the ownership of one's goods as paramount. As Friedrich Klinger has noted, Telemachus' prime concern lies in securing his steadily decreasing patrimony from being further depleted by the suitors.<sup>39</sup> Meanwhile Odysseus, who Jeffrey Barnouw describes as "wily yet single-minded," has, rather, a double focus: to return home to his family, home, and possessions and also to acquire as many gifts as possible along the way.<sup>40</sup> Despite having pleaded to depart for Ithaca as soon as possible, Odysseus attempts to garner further gifts from Alcinous and the Phaeacians, intoning that he would be willing to remain an entire year with them if he were to gain *aglaa dora* as recompense (11.355-9). Even upon returning home disguised, Odysseus informs Penelope that he found it more profitable (*kerdion*) to remain away in order to acquire more precious goods (*khremata*) (19.283-6).

Not surprisingly, Odysseus is just as eager to protect his possessions as to acquire more; he keeps what Morris calls an 'eagle eye' on his gifts.<sup>41</sup> Upon arriving in Ithaca, his primary focus is to count his property and find a place to hide it.<sup>42</sup> Even after his harrowing meeting with Achilles in Hades wherein the fallen hero relates his preference for life over *kleos*, Odysseus states that he would rather die than have his possessions wasted away by the suitors (16.105-11). Odysseus does not simply yearn to return home to rejoice in his family and country; he wants to enjoy his goods as well. While supplicating Alcinous and pleading for a ship home, Odysseus mentions his true desire: "Yes, even let life leave me, once I have seen my possessions, my slaves, and my great high-roofed house" (*Od.7.223-5*). In this tri-colon crescendo, there is no mention of family or homeland; rather, Odysseus yearns for the comforts of his goods: his chattels, his helpers, and his house. The exclusion of family and

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<sup>39</sup> Klinger (1997), p. 193-4.

<sup>40</sup> Barnouw (2004).

<sup>41</sup> Morris (1986*b*), p. 6.

<sup>42</sup> Counting his treasure: 13.215-6. Seeking help to protect it: 13.230.

homeland is also evident in the episode in Hades where the prophesies of Teiresias reference Odysseus' wealth rather than about Penelope or Telemachus (11.134-7).<sup>43</sup>

The role of goods and property, then, is prominent in the motifs, plot, and themes of the *Odyssey*.

From the very beginning of *Works and Days* (that is, after the appeal to the Muses), Hesiod outlines the thematic focus concerning the role that hard work and proper household management play in the acquisition of possessions. In his description of the two types of Strife, Hesiod intones that one type (more aptly defined as “competition”) is good for humans:

εἰς ἕτερον γὰρ τίς τε ἰδὼν ἔρψοιο χατίζων  
πλούσιον, ὃς σπεύδει μὲν ἀρώμεναι ἠδὲ φυτεύειν  
οἶκόν τ' εὖ θέσθαι, ζηλοῖ δέ τε γείτονα γείτων  
εἰς ἄφενος σπεύδοντ';

For a man who is not working but who looks at some other man, a rich one who is hastening to plow and plant and set his house in order, he envies him, one neighbor envying his neighbor who is hastening towards wealth (21-24).

Hesiod develops the theme with numerous examples and advice for the proper times to work and stockpile wealth. He tells Perses to reflect upon the concept of storing up property, little by little, so that he may eventually have much (361-7). He also makes clear that Perses needs to labor for his wealth: “property is not to be snatched: god-given is better by far” (320). After his continuous admonishing of Perses to work rather than to attempt to bribe the magistrates, Hesiod spends the second half of the poem giving advice on the timing necessary to complete certain farming tasks in order that Perses might store up wealth and possessions. As M.L. West notes, Hesiod's

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<sup>43</sup> Teiresias does mention Penelope, but only in reference to the present. When he foretells the future, Teiresias tells Odysseus that he will: 1) crush the suitors, 2) travel to a land where they refer to an oar as a winnowing fan, and 3) die old, happy, rich, and at peace.

focus is to narrate a poem, not “a technical manual”, and the details serve to further the themes of work, proper household management, and increasing wealth.<sup>44</sup>

Thus the ownership and possession of goods were paramount in the day-to-day consciousness of the Archaic Greeks, and these concepts were reiterated in the thematic content of their poetry as well. In order to illuminate the significance of ownership it is necessary to (1) define the limits of ownership, (2) analyze the difference between public and private ownership, and (3) to determine to what extent goods received in gift-exchange represent private property.

### **Limits of ownership**

The ability to own goods extended beyond the *basileis*, free men, free women, and the gods to also include even those who themselves were another’s property.

Eumaeus, the loyal retainer<sup>45</sup> and swineherd of Odysseus, is often cited as the prime example for the rights of indentured servants to ownership as he himself bought a slave with his own property (*Od.*14.450-1). Whether or not one follows the Aristotelian argument that a slave is a *ktēma*,<sup>46</sup> it is more important to note that Eumaeus acquires the slave by means of his own private possessions in trade.

Further, servants could commandeer their master’s property as Eumaeus does when he has a piglet slaughtered in order to provide a meal for Odysseus disguised as a beggar (*Od.*14.414-7). On this matter, Anthony Edwards posits that the Homeric poems recognize a “principle of ownership based upon the effort invested in a product

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<sup>44</sup> West (1988), p. xiv.

<sup>45</sup> It is important not to confuse Eumaeus’ status as Odysseus’ retainer to that of a slave (*doulos*). Eumaeus is always referred to as a swineherd (*subotes*) and Odysseus as his master (14.526-7; 21.83).

<sup>46</sup> Arist. *Pol.* 1253b32: *ktēma ti empsuchon*. *Nic.* 1161b4-5: *ho gar doulos empsuchon organon, to d’ organon apsuchos doulos*. See Thalmann (1998), p. 25-48, for an extended treatment of Aristotle’s view on slavery and its relation to the *Odyssey*.

by the laborer himself.”<sup>47</sup> The idea being that while the pig is not technically owned by Eumaeus, he considers it his since it represents a measure of his labor. This argument is not wholly convincing, as Eumaeus appears to be constructing a two-pronged *apologia* for his personal appropriation of his master’s goods: 1) I have labored for this pig, and 2) the undeserving suitors, who have not worked at all, will consume the pig if I do not. Although Eumaeus does not, in fact, directly own his labor, Edwards lights upon the general basis for private ownership as presented in the Homeric and Hesiodic poems: “Eumaeus appears to presuppose that an individual, even a slave, ‘owns’ his own physical efforts, and continues to own them even after they have been incorporated into another object or animal.”<sup>48</sup> The primary way to acquire goods in Archaic Greece, as in most all societies throughout history, was through one’s own labor<sup>49</sup>; Hesiod’s *Works and Days* is quite clear on the matter as well. Thus, the limits of ownership extended to all in Archaic Greek society, including women and slaves. While the slave did not usually own his own labor, the fact that he considered his work to be “his” demonstrates a conscious link between work and ownership in Archaic Greek thought.

Those fortunate enough to be born into a wealthy family experienced another type of acquisition and ownership: inheritance. Hesiod describes a system of partible inheritance rather than one of primogeniture when he mentions that he and Perses divided their father’s estate (*Op.*37). The Homeric evidence appears to coincide with

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<sup>47</sup> Edwards (1993), p. 66-8. Here Cartledge (2002), p. 23, argues a different line: “labor, moreover, as an abstract theoretical category (as in ‘labor power’, or a ‘labor theory of value’) was unknown to the ancient Greeks, by whom it was understood in the most concrete, physical sense.” The two perspectives are reconcilable: the Greeks most likely thought of labor in the physical sense, but that did not prohibit them from thinking of the labor they performed as “their” work.

<sup>48</sup> Edwards (1993), p. 68.

<sup>49</sup> Status and class standing no doubt could subsidize one’s labor, especially in the case of a *wanax* or *basileus*; however the primary mode of acquisition was through one’s labor, or through the labor of one’s possessions, whether slaves or animals.

Hesiod's example of partible inheritance. Priam's sons, for example, all live in equally allotted rooms in the palace, and there is no mention of favoritism in relation to the goods and wealth each brother has (*Il.*6.242-6). Both of these instances have historical precedent in Archaic Greece. The Archaic Spartans practiced partible inheritance among their sons and even distributed patrimony among their daughters as well.<sup>50</sup> However, the most informative evidence for inheritance resides in the *Odyssey*. When Odysseus left for Troy, he put Mentor in charge of his goods until he returned or until Telemachus reached manhood (2.225-7). At the beginning of the *Odyssey*, Athena prompts Telemachus to assume his role as man of the family, and he does, even to the extent of taking responsibility for his mother and ordering her to her room (1.356-9). At this point, Odysseus' goods belong to Telemachus, not Penelope. Contrary to modern inheritance practice wherein commonly the wife inherits the majority of her husband's estate, the son in Archaic Greece received the bulk of his father's inheritance. By asserting his future right to inherit the property, Telemachus assumes ownership in his father's absence. Simultaneously, Telemachus' maturation allows Penelope to remarry if she wants – an action which would saddle Telemachus with the difficulty of having to repay her dowry to her father.<sup>51</sup> Thus, Telemachus assumes ownership of his father's patrimony, but also of the debts owed as well.

When Telemachus fights for his patrimony, he is not simply attempting to preserve his father's goods: he is also trying to maintain his social status. A loss of his due inheritance might force him to become a day-laborer or retainer to another *oikos*. But even if he were able to retain a portion of the land and property he would

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<sup>50</sup> Hodkinson (2000).

<sup>51</sup> This situation is alluded to (2.129-45) in Telemachus' response to Antinous' suggestion that he send his mother back to her father. Telemachus states that he cannot order his mother around (even though he has just sent her to her room). A likely cause for his refusal is his inability to repay the dowry due to the suitors' depletion of his flocks.

inherit, he still would have to spend his time working his land and therefore be unable to participate in assemblies or various other social and political engagements that required an abundance of leisure time to attend. In effect, Telemachus' right to his property presupposes his right to be a citizen. As Martin Ostwald has noted, the ability to serve the community in political decision-making, which formed the basis for citizenship, "required the ownership of property not only in oligarchies but also in democracies."<sup>52</sup> While the depiction of the Ithacan political structure is somewhat enigmatic, the Archaic Greek audiences who lived and participated as citizens in the emerging *poleis* would understand that Telemachus faced the possibility of losing not only his property, his leisure, and his *arete*, but also his citizenship.<sup>53</sup> Property and the right of personal possession, then, became necessary pre-requisites to citizenship and participation in the ideal of the Greek city-state, and therefore assumed a greater role in the life and thought of the Archaic Greeks. Therefore one's possessions serve a dual purpose: to some they uphold their citizen-rights and status, but to all, they represent their livelihoods.

### **Public and Private Ownership**

While Finley has noted that "the regime that we see in the poems was, above all, one of private ownership," there are instances in the poems where the public and private ownership intersect.<sup>54</sup> In this section I briefly explore these occurrences and attempt to demonstrate that whenever public need necessitated the allotment or

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<sup>52</sup> Ostwald (2000).

<sup>53</sup> Finkelberg (2002), p. 42, notes that the "*arete* of a free citizen becomes something that the pauper cannot afford." She supports this statement with Archaic evidence, including Theogonis (651-2), the Spartan *hupomeiones*, and the *hektemoroi* of "pre-Solonian" Athens.

<sup>54</sup> Finley (1981), p. 217.

distribution of private goods, it did so only with the compliance of individuals whose possessions were affected.

The first case occurs during a regrouping from battle when Poseidon orders the men with the best armor to give it to the better fighters, so that the best men might fight with the best equipment (*Il.*14.370-83). Although Poseidon (we are not told whether or not he is disguised as a mortal), an individual, is making the request, he does it on behalf of the public good; the Achaeans are supposedly more likely to succeed in battle if they follow his advice. When Odysseus, Agamemnon, and Diomedes choose who exchanges the armor, there is implicit agreement as no fighter complains. In this instance, the individual and public need is the same: to survive the battle. Although the weaker fighters are even more at risk, they have a better chance of surviving, despite their inferior armor, than they do if they lose the battle. It is the extraordinariness of the situation – the dire straits in which the Achaeans find themselves – that highlights the privately-owned nature of weaponry. And while it is possible that some of the warriors – likely the poorer ones such as Thersites – had their armor provided for them by their chieftains, certainly any who had armor brought their own. Indeed, the armor in every arming scene is privately owned.

Another crossroads of public and private goods occurs during the divvying up of the booty and collected spoils of plunder after battle. Both the *Iliad* and *Odyssey* describe these events, and the rules appear to be the same in each poem. The distribution of spoils is never directly depicted in the *Iliad*; rather, it is alluded to in the quarrel over Briseis. It is the *huios Achaion*, the “sons of the Achaeans,” not the *primus inter pares*, Agamemnon, who allocate the goods (1.162, 1.275, 1.392).<sup>55</sup>

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<sup>55</sup> “Sons of the Achaeans” refers to the whole army, including the non-*basileis*. When Achilles refers to the leaders of the army, he calls them the “sons of the Achaeans that pass judgment” (1.237-9).



One can imagine the scene as an assembly where the various leaders take turns honoring each other by proposing to give them various prizes while the *laoi* shout approval, thus solidifying the transfer of goods. When the “sons of the Achaeans” sack Thebe, they divide the spoils among themselves and chose the best prize, Chryseis, to give to Agamemnon (1.365-9). Even the king does not select his own prize. Similarly, in the *Odyssey*, Odysseus twice relates the distribution of booty, mentioning each time that he divvied up the goods together with the men, so that none would feel cheated by him (9.39-42, 11.705). In both instances, then, the distribution is executed in a public setting, under the watch of all, and with the participation of all. However, once distributed, the public property (*ksuneia*) becomes private property. When Agamemnon demands a replacement prize for Briseis, Achilles rebukes him, saying that he will have to wait for the next round of plunder as there is no common property left to distribute (*Il.*1.124-6). He continues admonishing Agamemnon, telling him that it would not be right (*epeoike*) to recall and re-collect them. The careful distribution of spoils and *ksuneia* highlights the importance of individuals to be rewarded with private property for their labor on the battlefield.

In the same exchange with Agamemnon, Achilles indicts the king as *philokteanotate*, “one most desirous for possessions” (*Il.*1.122). His insult cannot simply mean that he is very keen on gaining possessions – all the Achaeans are. They compete for them, they fight for them, and they die for them.<sup>56</sup> It is not just for the glory of winning them, but it is for the prizes themselves. Upon winning the chariot race, Diomedes does not even take time to exult in his victory in front of the people; rather, his aide Sthenelus immediately takes possession of his prize and leaves the crowd (*Il.*23.510-3). Thersites’ verbal tirade directed at Agamemnon clarifies the

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<sup>56</sup> Competing: *Il.*23; Fighting: Diomedes takes Aeneas’ immortal horses, *Il.*5.257-64; Dying: Dolon, 10.303-12.

insult, giving it a definition more akin to an “overweening lust for goods”. The bandy-legged soldier underscores Agamemnon’s greed when he intones that Agamemnon’s tent is already packed with treasure and women (*Il.2.225-8*). He has no use for more, but he still ushers the Achaeans into war and peril to appease his own desire for excess abundance. Thersites’ argument here is that Agamemnon, as an individual, has no right to force other individuals into battle for his own private gain. Therefore the insult against Agamemnon demonstrates that, although the Greeks strongly desired to acquire further goods, there was a degree to which desire for goods crossed the bounds of moderation and was an undesirable quality even in a *basileus*.

Another apposite example is the case of Agamemnon’s scepter. Its genealogy harkens back to the gods, through Atreus, Thyestes, Pelops, Hermes, Cronus, and Hephaestus, which suggests its owner held a divine mandate to govern (*Il.2.100-8*). While the scepter is Agamemnon’s possession “to use to rule over Argos and the many islands,” it is also employed in a public context at assemblies to denote which leader held the right to speak.<sup>57</sup> In the assembly at the beginning of the *Iliad*, Achilles swears upon the scepter when he foretells the grief the Argives will suffer when he abstains from battle (1.233-44). On the ensuing day, Agamemnon has the heralds call an assembly of the people, which he leads with the scepter. When Agamemnon’s leadership fails, Odysseus relieves him of the scepter and uses it to corral the men back to the assembly; he politely orders the leaders back to their places and forces the common soldiers into submission with his will (2.100, 2.185-210). While the scepter is a semi-public object, the limits of its temporary ownership extend only to the *skeptouchoi basilees* (2.86). When the common man Thersites stands up to abuse

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<sup>57</sup> For further discussion of the role of the scepter, see Collins (1996) section on “The Politics of Sceptered Speech”, p. 29-35.

Agamemnon, he is not handed the scepter nor is his right to talk recognized.<sup>58</sup> So, while the scepter can be used by a select group, it ultimately returns to Agamemnon at the end of an assembly. A similar situation occurs in the *Odyssey*, when Telemachus calls the Ithacans to assembly. The wizened lord Aegyptius asks who summoned the meeting, and the herald places a scepter in Telemachus' hands, signifying he is the one who called the meeting and will be the first to speak (2.35-8).<sup>59</sup> The scepter provides the most visible exception to the general rule that goods are privately owned and privately employed, as it is more often used by various members of the public. However, in the majority of the instances where public necessity trumps private ownership, it does so with the consent of the individuals whose goods are reassigned.

### **Toward an encompassing perspective on ownership**

To return to the question that prompted this chapter: how do the Homeric epics depict the concept and reality of ownership? The ensuing discussion addresses the primacy and immediacy of private property to the Archaic Greeks. The ability to own chattels and land ensured citizenship or status for some, but it comprised the livelihood of all. The limits of ownership did not exclude those who served as retainers to others and were thus already "owned" to some degree by their masters. And while public necessity did, on occasion, temporarily overrule private ownership, it did so with the permission or tacit consent of those whose individual property rights were being transgressed. That these depictions of ownership which inform our knowledge of the practice in the Archaic Age are present in the poems is not mere

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<sup>58</sup> Contrary to Geddes (1984) there is indeed a class difference in Homer. While Geddes argues that Thersites is not a man of lesser or common rank based on the Greek, he ignores the preceding lines where Odysseus treats leaders and officers differently from rank-and-file soldiers. Willcock (1976), p. 20, views Thersites as a common man.

<sup>59</sup> Another instance of a herald passing the scepter to the speaker: *Il.* 23.568.

happenstance; rather, the poems actively incorporate the centrality and ubiquity of private property into their themes and motifs. It is because of this reason then, that I disagree with David Tandy, who opines that the “epics are part of a concerted effort to distract the *demos* from perceiving [...] that goods from abroad contributed to the development of private property.”<sup>60</sup> The Homeric and Hesiodic epics, as demonstrated above, do the exact opposite. Rather than distract the audience, they constantly remind the audience of the primacy and prominence of private ownership and even employ the importance of ownership thematically. How the epics portrayed the importation of foreign goods is discussed later in relation to Odysseus’ sea-raids and in his search for gifts.<sup>61</sup> First, though, it is necessary to analyze to what degree objects obtained through the ritualized process of gift-exchange were treated as private property.

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<sup>60</sup> Tandy (1997), p. 73.

<sup>61</sup> See Chapter “The Problem of Plunder in Archaic Greece”.

## Gift Exchange

It is critical to the discussion of ownership to examine the ideology of Homeric gift-exchange in order to establish the degree of ownership that the Greeks held over the gift-items. In constructing this argument, I intend to deviate slightly from the current perspectives on Homeric gift-exchange as put forth by Sitta von Reden, Richard Seaford, and Ian Morris by arguing that the gifts, once given, become the alienable commodity of the recipient. This is not to deny the importance of their symbolic meaning or the indebtedness of the recipient of a gift, but rather to assert that the recipient of Homeric gift-exchange gains complete ownership over the gift as *de facto* private property.<sup>62</sup> While this assertion runs somewhat contrary to the prevailing anthropological views on gift-exchange, the Homeric evidence supports it, since both the *Iliad* and the *Odyssey* present a predominantly unified portrayal of society and gift giving.

Theories on gift-exchange predate scholarship on the Homeric gift-economy, specifically those of Marcel Mauss and Claude Lévi-Strauss, who defined the gift as “an inalienable thing exchanged between two reciprocally dependent transactors.”<sup>63</sup> Likewise, Chris Gregory terms gift-exchange “an exchange of inalienable things between transactors who are in a state of reciprocal dependence.”<sup>64</sup> Following in their footsteps, Sitta von Reden has stated that in Homer “there is no concept of property attached to a gift; its possession is transitory and creates no rights of subjects over objects.”<sup>65</sup> She bases her argument upon the supposition that the exchange is positive only for the contributor, since the giving of the gift “obliges the recipient to

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<sup>62</sup> On symbolic value, see Kurke (1999).

<sup>63</sup> Mauss (1967), Lévi-Strauss (1969); Morris (1986*b*), p. 2.

<sup>64</sup> Gregory (1982).

<sup>65</sup> von Reden (2003), p. 18. Here von Reden builds upon the work of Hyde (1979) and Strathern (1984).

the donor.”<sup>66</sup> Therefore von Reden considers gifts to be inalienable and unable to be removed from the transitory system of gift exchange. Her statement appears to indicate that she views the Homeric gift as an item bound to a transitory gift-exchange system which confers no rights of private ownership to the one who receives it.

In the same vein, Ian Morris follows Gregory in noting that “the aim of the gift economy is accumulation for de-accumulation; the gift economy is above all a debt-economy, where the actors strive to maximize outgoings.”<sup>67</sup> Yet he later acknowledges that no one was so resourceful in obtaining and maintaining gifts as was Odysseus. If the goal of the gift economy truly was to accumulate strictly in order to de-accumulate, then Odysseus would present a crucial, and most likely reviled, anomaly. He strives with great effort to acquire gifts, even stating his willingness to postpone his homeward journey, but rarely is depicted giving gifts. In fact, when he does proffer a gift in his bestowing of the unmixed wine on the Cyclops, his de-accumulation contraverts the usual result of gift-exchange. However, Morris does not go so far as to consider a gift as a completely inalienable item. He likens the semi-alienability of gifts to the semi-alienability of land: “it could be alienated under certain circumstances in the eighth century, but probably only within the community in normal situations.”<sup>68</sup>

Like Morris, Seaford maintains a more moderate position, accepting that gifts are not wholly dependent on those completing the exchange: “although this failure of complete separation [from the participants of the exchange] is to be found in Homeric gifts, it has been clearly limited by the (incomplete) development of the principle of

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<sup>66</sup> Ibid., p. 18

<sup>67</sup> Morris (1986*b*), p. 2, citing Gregory (1980), (1982).

<sup>68</sup> Morris (1986*b*), p. 4.

alienability, i.e. in effect of private property.”<sup>69</sup> He concludes that “Homeric gifts may create dependence, but not in the extreme form sometimes found in societies that are entirely clan-based and non-hierarchical.”<sup>70</sup>

The more recent scholarship of von Reden, Morris, and Seaford has directed debate away from Finley’s perspective on gift-exchange. Finley notes,

The twin uses of treasure were in possessing it and in giving it away, paradoxical as that may appear. Until the appropriate occasion for a gift presented itself, most treasure was kept hidden under lock and key. It was not used in the narrow sense of the word.<sup>71</sup>

Here Finley approaches gift-giving from a different angle in analyzing the means by which the characters in the Homeric epics employ treasure. His assertion that most treasure was “kept hidden under lock and key” is quite sensible in terms of security, but is not fully warranted by the Homeric evidence. While some gifts are fetched from various storerooms, various other pieces of treasure reside ostentatiously in plain view so that guests might perceive the wealth of their host, while others are put to use on the battlefield or at feasts.

I plan to take this line of thinking one step further and to demonstrate the complete alienability of the gift in Homer, and, in turn, establish the gift as the private property of the recipient. Instead of attempting to fit the Homeric epics into a theoretical model of gift-exchange, I will extrapolate the Homeric depiction of gift giving as it appears in the poems, specifically pertaining to the concept that the recipient is the “owner” of the gift. Contrary to the recent scholarly trend, spearheaded by Kurke and von Reden, which concentrates on the symbolic aspect of the gift, the focus of this argument will be on the economic value and tangible

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<sup>69</sup> Seaford (1994), p. 14., Mauss (1967) p. 31, 79.

<sup>70</sup> Seaford (1994). p. 14, n. 55 and 56. Cf. Donlan (1981), (1982), (1989*b*) on the argument for dependence. Here Seaford’s argument coincides with that of Morris (1986*b*), who extends the theories of Mauss (1967), Sahlins (1972), and Gregory (1982) to include Homeric society as one capable of using the gift alongside commodity as a ‘primary mechanism’ of exchange.

<sup>71</sup> Finley (1977), p. 61.

application of the received gift.<sup>72</sup> Once analyzed and defined, each instance of Homeric gift-exchange can be compared with evidence in Hesiod and other Archaic and Classical sources to establish an historical basis for gift-exchange and its relation to private property. Central to this discussion is the Greek vocabulary which the Homeric epics utilize to define ownership: *ktema*, *ktesis*, and *khrema*.

### **Gifts as commodities**

Let us investigate first one of the most well known (and also most problematic) of the exchange scenes in Homer: the exchange of armor between Glaucus and Diomedes in *Iliad* 5. Instead of focusing as most scholars do on the question of why Glaucus gives up his golden armor for Diomedes' bronze or the question of who gains the most from the transaction,<sup>73</sup> let us consider that the two warriors now have to fight in each other's armor. They do not have their attendants rush back to their huts to retrieve an extra set of armor and deposit each others' gifts for safe keeping. Although we do not see them fighting in their new armor immediately, as the scene shifts away to Hector and Andromache, when Hector emerges from Troy to challenge the best of the Achaeans, Diomedes is among those who answer his call (*Il.*7.163). Presumably, there has been no cessation of fighting during this time, since the priestess Theano fervently prays to Athena to strike down Diomedes before (*proparoithe*) the Scaean Gates (*Il.*6.306-7). Similarly, Glaucus kills his man before the gates as soon as Hector emerges from Troy (*Il.*7.13-6). If he had rushed inside the city to exchange his armor and store Diomedes' for use as a future gift, then surely he would have joined Hector and Paris in their emergence from the city (*Il.*7.1-2). Thus

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<sup>72</sup> Kurke (1999), von Reden (2003).

<sup>73</sup> See Donlan (1989a) for discussion of these questions. Also, contrary to Calder (1984), it seems highly improbable that Homer would allow Glaucus to indebt Diomedes and hence lower his *timê* right at the end of Diomedes' *aristeia*.



the two warriors, both resuming the battle wearing each other's armor, immediately treat their new gifts as their own private property. The gifts could become damaged in battle or stripped from their fallen corpses by an enemy; thus, after the gifts have been exchanged, they become the commodities of Glaucus and Diomedes. In this instance, the gifts do have certain symbolic, ritualistic, and socio-political aspects, but they are ultimately the private property of their new owners. The utility of the gifts demonstrates that they are not items in a "transitory" system of gift-exchange; rather, they are the armor protecting each hero's chest from spears. Neither hero asks his attendant to run back to the tents to store it for safekeeping "hidden under lock and key" as Finley would have it. Both heroes immediately treat the gifts as their property, illustrating the importance of their utility in the midst of what might otherwise be a symbolic exchange.

There are other gifts that are offered which, by nature, do not have the ability to be exchanged *ad infinitum*. Horses, for instance, have a limited life span, yet are offered as gifts: once in the *Iliad*, once in the *Odyssey*.<sup>74</sup> In the Embassy to Achilles, Odysseus relates Agamemnon's offer of 'worthy gifts' (*axia dora*) which include twelve strong horses. When he describes their value, Odysseus emphasizes that the man who owns the horses will never lack gold, since the horses will constantly win him prizes in various contests (*Il.9.266-9*). Thus, the owner of the horses can employ them to his own advantage, but he also must feed and stable them at his own cost. And the horses will eventually die, so they cannot be passed from generation to generation like metal-wrought objects. This perhaps explains why Telemachus angles for a different gift when Menelaus proposes to give him three horses and one chariot (*Od.4.589-92*). Telemachus responds by asking for another gift, specifically one of

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<sup>74</sup> Horses are often given as prizes, such as at the funeral games for Patroclus (*Il.23.257-61*), but only twice given as *dora*.

treasure (*keimelion*), as he states that Ithaca does not have enough flat area or pasture land to properly stable horses (*Od.4.600*). If one views Telemachus' request as not simply polite protocol, but the desire to acquire better and more useful gifts,<sup>75</sup> then one can draw the following conclusions: firstly, Telemachus either does not have the proper resources to stable, feed, and train the horses, or he does not want to run the expense; secondly, there are not (m)any races held on Ithaca or neighboring islands for Telemachus to win; and, lastly, Telemachus would likely prefer to receive a gift that will last his lifetime and retain its value. All of these possibilities treat the gift horses as private property and the recipient as both the owner of the prizes they win and the one responsible for their upkeep.

Wine, too, is given as a gift in multiple instances. The traders led by Euneos from Lemnos, who bring wine and food to barter at Troy, gift a thousand measures to the Atreidai in what appears to be a goodwill gesture akin to paying a "port tax" (*Il.7.464-77*). In the Cyclops scene Odysseus re-gifts the wine he previously received from Maron, the priest of Apollo, to the Cyclops, who consumes it immediately. Although the normal expectations of gift-exchange are subverted in this scene, its inclusion into the Homeric opus supports the conclusion that the Homeric audiences understood wine to be a common – or at least accepted – gift in Archaic Greek society.<sup>76</sup>

### **Limits of gift exchange: who could participate?**

While Homer portrays gift-exchange primarily between members of the aristocracy, there are instances in the epics where nobles extend gifts to prophets,

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<sup>75</sup> A trait very indicative of his father. At lines 19.285-6, Odysseus is described knowing more about gains and profit than does any other mortal.

<sup>76</sup> For analysis on the subversion of *xeineia* in the Cyclops scene, see von Reden (2003), p. 33.

travelers, and beggars. When the seer Theoclymenus tells Penelope that her husband is already in Ithaca, she responds that she would confer upon Theoclymenus so many gifts that whoever met him would call him blessed (*Od.*17.163-5). Surely Theoclymenus would not be expected to give all these gifts away to assorted visitors, or else he would lose his wealth and not be considered blessed anymore. In this case, the gifts are his to keep as his private property. Similarly, when travelers and beggars receive new clothes from various queens and nobles, they are expected to wear them. Eumaeus even goes so far as to accuse the disguised Odysseus of being willing to lie to Penelope in order to obtain a new cloak and tunic (*Od.*14.131-2). Later, Odysseus tells Eumaeus of how Pheidon, king of the Thesprotians, fed and clothed him (*Od.*14.320). Eumaeus responds by telling Odysseus that Telemachus will provide him with clothing when the young prince returns (*Od.*14.516-7). In all these instances of gift-exchange between different status groups, Homer presents a single picture of gift-exchange in which the recipient obtains not only a gift, but also the ability to treat it as his private property.<sup>77</sup>

### ***Ktema and khrema***

A brief excursus into the usage of the Greek words for possession is necessary here. The Greek word *ktema* and its sister noun *ktesis* derive from the root verb *ktaomai*, “to acquire for oneself”, and come to mean “something one has acquired” and “acquisition”. *Khrema*, coming from a different root, *khre*, has a similar definition to *ktema*: “a thing that one uses or needs; goods, property, money, gear, chattels”. Later *khrema* would come to form the root word for “money” and

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<sup>77</sup> The same situation occurs between members of the aristocracy when Helen gives Telemachus a robe that she sewed herself so that his future wife might wear it upon her wedding day (*Od.*15.125-9).

“coinage”.<sup>78</sup> From the outset there does appear to be a slight difference in secondary meanings in their definitions, but to what degree does this difference exist in Homeric usage? *Khrema* occurs only in the *Odyssey* while *ktema* and *ktesis* occur in both Homeric epics. *Ktema* is the more frequently used of the two, occurring 60 times in the epics to 15 times for *khrema*.<sup>79</sup> There are two occasions where the words are employed in close proximity: at 16.384-9 and 19.284-93. In Book 16 of the *Odyssey*, Antinous proposes that the suitors kill Telemachus and take his goods:

ἀλλὰ φθέωμεν ἐλόντες ἐπ’ ἀγροῦ νόσθι πόλῃος  
 ἢ ἐν ὁδῷ. βίον δ’ αὐτοὶ καὶ κτήματ’ ἔχωμεν,  
 δασσάμενοι κατὰ μοῖραν ἐφ’ ἡμέας, οἰκία δ’ αὐτε  
 κείνου μητερι δοῖμεν ἔχειν ἢ δ’ ὅστις ὀπιῖοι.  
 εἰ δ’ ὑμῖν ὄδε μῦθος ἀφανδάνει, ἀλλὰ βόλεσθε  
 αὐτὸν τε ζῶειν καὶ ἔχειν πατρώια πάντα  
 μή οἱ χρήματ’ [...]

No let us act first, and seize him in the field far from the city, or on the road; and his property (*ktemat’*) let us ourselves keep, and his treasure, dividing them fairly among us; though the house we would give to his mother to possess, and to him who weds her. However, if this plan does not please you, but you choose rather that he should live and keep all the wealth (*khremat’*) of his fathers (16.383-9).

There is no saliently poetic need to interchange the words in this instance as they both have the same metrical structure; the accusative plural of each noun (*ktemata* and *khremata*) fills a metrical foot with one long and two short syllables, and the most common form of these words in epic poetry elides the final alpha in both cases. There is a slight difference in meaning, as *ktema* refers to tangible chattels (here, specifically not treasure or precious metals), while *khrema* is used to represent a more encompassing and intangible idea of one’s wealth. However, the poet could just have easily used *ktema* twice in this instance. This brings us to the interesting case

<sup>78</sup> For example, Arist. *Pol.* 1253b32.

<sup>79</sup> Finley (1981), p. 219, lists *aphenos*, *biotos*, *keimelia*, *kleros*, *kteana*, *ktemata*, *ktesis*, *patroia*, and *temenos* as words “comparable to the English ‘property’, ‘possessions’, ‘wealth’, and ‘goods’,” and adds that they can be “used more or less interchangeably.” Why he chose to omit *khrema* is unmentioned.

presented by the scene in Odyssey 19 wherein Odysseus – disguised as a beggar – informs Penelope of the riches that Odysseus has acquired throughout his travels:

καὶ οἱ πολλὰ δόσαν πέμπειν τέ μιν ἤθελον αὐτοὶ  
οἴκαδ' ἀπήμαντον. καὶ κεν πάλαι ἐνθάδ' Ὀδυσσεύς  
ἦν. ἀλλ' ἄρα οἱ τό γε κέρδιον εἶσατο θυμῷ,  
χρήματ' ἀγυρτάζειν πολλὴν ἐπὶ γαῖαν ἰόντι.  
ὥς περὶ κέρδεα πολλὰ καταθνητῶν ἀνθρώπων  
οἶδ' Ὀδυσσεύς, οὐδ' ἄν τις ἐρίσσειε βροτὸς ἄλλος.  
ὥς μοι Θεσπρωτῶν βασιλεὺς μυθήσατο Φεΐδων.  
ᾤμνυε δὲ πρὸς ἔμ' αὐτόν, ἀποσπένδων ἐνὶ οἴκῳ,  
νῆα κατειρύσθαι καὶ ἐπαρτέας ἔμμεν ἐταίρους,  
οἳ δὴ μιν πέμπουσι φίλην ἐς πατρίδα ψαΐαν.  
ἀλλ' ἐμὲ πρὶν ἀπέπεμψε. τύχησε γὰρ ἐρχομένη νηὺς  
ἀνδρῶν Θεσπρωτῶν ἐς Δουλίχιον πολύπυρον.  
καὶ μοι κτήματ' ἔδειξεν, ὅσα ξυναγείρατ' Ὀδυσσεύς,  
καὶ νῦ κεν ἐς δεκάτην γενεὴν ἕτερόν γ' ἔτι βόσκοι,  
ὅσσα οἱ ἐν μεγάροις κειμήλια κείμενα ἄνακτος.

And indeed Odysseus would long since have been here, only it seemed to his mind more profitable to gather wealth (*khremat'*) by roaming over the wide earth; so truly does Odysseus beyond all mortal men know many gainful ways, nor could any other mortal vie with him. Thus Pheidon, king of the Thesprotians, told me the tale. Moreover he swore in my own presence, as he poured libations in his halls, that the ship was launched and the men ready who were to convey him to his own native land. But he sent forth first, for a ship of the Thesprotians chanced to be setting out for Dulichium, rich in wheat. And he showed me all the treasure (*ktemat'*) that Odysseus had gathered; truly unto the tenth generation would it feed his children after him, so great was the wealth (*keimelia*) that lay stored for him in the halls of the king (19.281-95).

In a total of 12 lines, from 284-95, both *ktema* and *khrema* occur in close proximity to *keimelion*, which serves to differentiate the type of *ktema* and *khrema*, in this case treasure, to which Odysseus refers.<sup>80</sup> Unlike its usage in the previous example, *ktema* here represents precious metallic goods. The treasure Odysseus describes is no doubt comprised primarily of guest gifts.

Between this passage and the previous one, it is possible to make a differentiation in the Homeric use of *ktema* and *khrema*. *Ktema* appears in both instances to refer to tangible wealth that is present, or at least close in proximity, to the characters.

Antinous talks of stealing Telemachus' *ktemata* (presumably the gifts from Nestor

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<sup>80</sup> Morris (1986b), p. 9, citing Gray (1954), p. 2: "In Homer, metal objects, whether gold, silver, bronze or iron, are *keimelion*, treasure." van Wees (1995) defines *keimelia* as "storable property" or "treasure."

and Menelaus) as he returns down the road, and the disguised Odysseus speaks of the *ktemata* he witnessed in person. *Khrema*, on the other hand, seems to represent the more abstract and amorphous concept of “wealth”. This *khrema* constitutes Telemachus’ inheritance in the first passage and “wealth” Odysseus gathers around the world in order to increase that inheritance. However, when Odysseus mentions the magnitude of the *ktema* which he had witnessed, he mentions that it was so great as to be able to feed (*boskoi*) ten generations of his progeny. In this case, *ktema* represents both the present tangible wealth as well as its ability to constitute future inheritance. This explanation supports Seaford’s analysis, which finds that while *ktemata* can be employed for the concept of “wealth in general” it “refers generally to the more durable possessions.”<sup>81</sup> Despite the slight difference in the meaning of the *ktema* and *khrema* in the epics, both words signify the same lot of goods in the second passage, which demonstrates that Odysseus considers the gifts to be his own personal possessions. It is possible that Odysseus’ meaning here is that the treasure could be given as guest-gifts throughout the future in order to continually secure his family’s aristocratic status and therefore its right to own large tracts of land with which it could feed itself for ten generations. On the other hand, the following sequence suggests toward the possibility of trading the *ktema/keimelia* in this sequence, which is reminiscent of the scene at the end of *Iliad* 7:

νῆες δ’ ἐκ Λήμνοιο παρέστασαν οἶνον ἄγουσαι  
πολλάι, τὰς πρόηκεν Ἰησονίδης Εὐνήος,  
τόν ῥ’ ἔτεχ’ Ὑψιπύλη ὑπ’ Ἰήσωνι, ποιμένι λαῶν.  
χωρὶς δ’ Ἀτρείδης, Ἀγαμέμνονι καὶ Μενελάῳ,  
δῶκεν Ἰησονίδης ἀγέμεν μέθυ, χίλια μέτρα.  
ἔνθεν οἰνίζοντο κάρη κομόωντες Ἀχαιοί,  
ἄλλοι μὲν χαλκῷ, ἄλλοι δ’ αἶθωνι σιδήρῳ,  
ἄλλοι δὲ ῥίνοϊς, ἄλλοι δ’ αὐτῆσι βόεσσιν,  
ἄλλοι δ’ ἀνδραπόδεσσι. τίθεντο δὲ δαῖτα θάλειαν.

And ships bringing wine were at hand from Lemnos, many of them sent by Jason’s son, Euneos, whom Hypsipyle bore to Jason, shepherd of men. And separately to the

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<sup>81</sup> Seaford (2003), p. 44.

sons of Atreus, Agamemnon and Menelaus, had Euneos given wine to be brought, a thousand measures. From these ships the long-haired Achaeans bought wine, some for bronze, some for gleaming iron, some for hides, some for live cattle, and some for slaves; and they prepared a rich feast (467-75).

Here any Achaean besides the Atreidai who desires food has to pay for it in trade, including the other *basileis*. And it is not the common men like Thersites who are able to trade for the wine, since few members of the *laoi* would have cattle, slaves, or spare metal to barter; the responsibility and ability to hold a feast lay with the *basileis* and other members of the aristocracy as they had the means and leisure time to prepare one.<sup>82</sup> In order to secure a critical component of the feast—the wine—some of the leading men exchange their bronze and iron. Thus, the nature of the gifts that Odysseus receives from the Phaeacians supports the argument that Odysseus or his descendants could barter them to traders in order feed future generations. The lot of cauldrons that the Phaeacian chiefs bestow upon Odysseus in addition to the other, more personal gifts, have a large commodity value, but a negligible gift-value. They are not unique or personalized enough for Odysseus to gain much from re-gifting them. In this instance, the cauldrons appear to represent the standard, non-descript utilitarian gift of the Archaic Greeks much in the way that cash or a cheque in the Hallmark card does today. They do not indebt Odysseus to the Phaeacian chiefs to any extent further than speaking of their hospitality favorably.

### **The importance of metals and the role of gift-exchange**

For many of the *basileis*, the only access to precious metals came through gift-exchange or trade and likely through a combination of the two.<sup>83</sup> The tin necessary to

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<sup>82</sup> van Wees (1995), p. 147.

<sup>83</sup> Raiding presents a third option for acquiring *keimelia*. Its problematic nature is discussed below in the chapter on Plunder.

make bronze, for example, was not found on the Greek mainland, and thus must have been attained from those who had access to it. Athena, disguised as Mentès, lord (*hegetori*) of the Taphians, reaches harbor at Ithaca on his way to trade iron for bronze at Temese (*Od.*1.105, 182-4). Like Mentès, Homeric chieftains could participate in trade and direct commodity exchange, especially if they ruled over a sea-faring people, but it is more difficult to imagine Homer portraying *basileis* like Nestor, Diomedes, or Odysseus guiding merchant ships in search of bronze and iron. As Tandy elucidates, trading in order to acquire precious metals does not fit within the heroic *ideal*, while gift-exchange does.<sup>84</sup> Seaford also notes the “general absence from Homer of money functions”, and notes the various ways in which the Greeks could acquire gold and silver.<sup>85</sup> Most frequently the *basileis* received metals as gifts, and one can imagine that they often received these from traders or community leaders as gift tribute much in the way the Atreidai obtain their wine at Troy. But, most importantly, having received *keimelia* as gifts in their possession at some point in the past, the Homeric *basileis* can and do exchange them in barter with the Lemnian traders.

This ability to trade one’s gifts, including *keimelia*, for perishables such as wine demonstrates that Odysseus’ description of his *ktemata* as enough to feed ten generations of his line can be taken literally. The gifts could be employed through the status-awarding system of gift-exchange in order to maintain one’s claim to one’s land or they could be traded with common men for food and drink when necessity required.

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<sup>84</sup> Tandy (1997). Redfield (1986), p. 36, outlines a model of the Homeric ideal of gift-exchange.

<sup>85</sup> Seaford (2003), p. 30-1.



In all the above instances, those who received gifts – both nobles and peasants – could use them as their private property. Horses grew old and died, armor could become damaged or stripped from one’s body, clothes were meant to be worn, wine was exchanged to be poured at feasts, and even *keimelia* could be traded in order to provide food for one’s family or comrades. Thus all types of gifts, perishable and treasure alike, became the private property and alienable commodity of the recipient of gift-exchange.

In addition, it is important to note that the gifts are employed as private property even when passed on and re-gifted to another *ksenos*, because the one in possession of the gift has the ability to choose when, where, what, and upon whom to bestow the gift. He is not simply a custodian whose charge it is to preserve a gift until its rightful owner returns. The donor selects the exact gift that he wants to give in order to obtain his goal, whether it be to indebt a friend, to appear altruistic, or to ensure that strangers report favorably on their hospitality throughout their travels.<sup>86</sup> Thus, even when men give their possessions as gifts, they treat them as their private property.

### **Gift-exchange in Hesiod**

While the Homeric epics present a single, integrated depiction of gifts as the alienable commodities of the recipients, this fact provides only circumstantial evidence that the Archaic Greeks viewed gifts in this light. However, if the other Archaic and Classical evidence corroborates the Homeric depiction of gifts as private property, then the historicity of the Homeric poems should not be doubted in this regard. Hesiod’s portrayal of gift-exchange in *Works and Days* is more negatively

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<sup>86</sup> As is a preoccupation of Alcinous: *Od.*8.100-3, 241-53.

charged than Homer's, although it is not wholly negative. When advising Perses on the most profitable method for conducting friendship with his neighbors, Hesiod offers an idealistic and altruistic approach to gift-giving:

ὅς μὲν τις ἔδωκεν, ἀδότη δ' οὐ τις ἔδωκεν  
χαίρει τῷ δωρῷ καὶ τέρπεται ὄν κατὰ θυμόν.

For whatever a man gives willingly, even if it is much, he rejoices in the gift and takes pleasure in his spirit (*Op.* 357-8).

Here Hesiod describes the *thumos*-enhancing nature of gift-giving, noting prior to the statement that giving (*dos*) is noble (*agathe*). While Hesiod does promote the practice, he also tempers his statement by advising Perses to obtain proper measure from his neighbor in return for treating him well (*Op.* 349-50).

Although Hesiod appears to both condone and appreciate the ideal of gift-exchange, he presents a more harrowing reality of the practice throughout the *Works and Days*. The excursus into the Pandora myth provides the primary instance of gift-exchange in the poem. Here, Zeus commands Hephaestus to create the first woman, which he then gifts guilefully to Epimetheus. The gift is in effect an anti-gift, as Pandora, representing women, appears to become a bane to all mankind. Beyond this subplot, Hesiod also depicts a negative aspect to gifts in his references to the magistrates of the city as *dorophagoi*, “gift-eaters.”<sup>87</sup> When Hesiod warns his brother against associating with these men, he admonishes him for using his half of the inheritance to honor and bribe them:

ἤδη μὲν γὰρ κληρὸν ἐδασσάμεθα, ἄλλα τε πολλὰ  
ἀρπάζων ἐφόρεις μέγα κυδαίνων βασιλῆας  
δωροφάγους, οἳ τήνδε δίκην ἐθελουσι δικάσσαι

For already we had divided up our allotment, but you snatched much more besides and went carrying it off, greatly honoring the kings, those gift-eaters, who want to pass this judgment (*Op.* 37-39).

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<sup>87</sup> *Op.* 39, 221, 264.

Here, Hesiod's description of gift-exchange parallels closely the scene in *Iliad* 7 where the Lemnian traders offer gifts to the Atreidai. In both these instances, the gift-exchange is not between equals, and the lesser men supplicate to their betters in hopes to gain favors in return. Hesiod's indictment of towns' leaders as *dorophagoi* expresses their willingness to swallow and keep the gifts without providing due recompense for the one bestowing them. Hesiod's depiction of gift-exchange not only varies from the Homeric aristocratic ideal, but it also challenges the common argument that the donor in gift-exchange places the recipient under obligation and is the one who profits more from the interaction.<sup>88</sup> That may be the case when gift-giving occurs between equals or when the richer gives to the poorer, but is not necessarily the reality when the lesser man is giving to the greater one. The greater man is in the position to accept the gift and repay it when and if he wants, since the lesser can do little but wait and hope, as he does not have enough social or political standing to demand reciprocity.<sup>89</sup> While von Reden argues here that the "greed for unreciprocated gifts" of the *dorophagoi* "is symbolic of their political weakness and inability to represent justice", their ability to successfully garner gifts without having to offer recompense demonstrates the exact opposite: they have both political strength and the ability to pervert justice.<sup>90</sup>

A similar situation occurs in the Homeric epics when men offer gifts of sacrifice to the gods: sometimes they offer them in prayerful requests for personal benefit, at

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<sup>88</sup> von Reden (2003), p. 45: "Property rights over a gift are, rather, transitory and determined by the fulfillment of social obligations arising from its acquisition"; Morris (1986*b*). Redfield (1986) describes the interaction between rich and poor, "The great houses hold the surplus; they are in the best position to defend it. The smallholders make faithful contributions; in return they have a claim on the great house at times of shortage or danger." Redfield describes the gift-economy in the Homeric Phaeacian and Lydian communities well, but Hesiod's deploring of the *dorophagoi* demonstrates that the "great houses" and wealthier men often chose to ignore the expectation of reciprocation.

<sup>89</sup> As Tandy (1997) notes, "Hesiod's voice in *Works and Days* is one of explicit protest on behalf of those who are being harmed" by the current economic and social system.

<sup>90</sup> von Reden (2003), p. 82.

other times they give them simply to propitiate or placate the gods. No wonder, then, the Homeric *basileis* are often likened to gods: they are served by the common man.<sup>91</sup> Even in Scheria, which scholars often identify as a Homeric utopia<sup>92</sup>, the *basileis* seek to replenish the wealth they have given to Odysseus by making the Phaeacian *demos* repay (*тино*) them (*Od.*13.13-15).<sup>93</sup> The reality of gift-exchange that Hesiod portrays and Homer hints at in this passage is that the members of the aristocracy could expect to receive a significant portion of their wealth from the common men as a quasi-tax or bribe for good governance.

The sum of the Hesiodic evidence offers a more complete and more well-rounded picture of Archaic gift-exchange. Although Hesiod appears to be in favor of the practice as an ideal and as a mechanism to cement friendship among neighbors, he is not loath to admonish the “gift-eating magistrates” who subvert the ideal of gift reciprocity in Archaic Greece. Most importantly, though, he concurs with the Homeric depiction of gift-exchange in the respect that gifts, once received, became the private property of their new owners. His *dorophagoi* are more realistic *basileis* than the noble-minded Lycian chiefs, Glaucus and Sarpedon, yet they both receive the same gifts from the common man. And while he touches upon the indebtedness inherent in gift-exchange with one’s neighbor, the *dora* which are given remain with the recipients as their private property, much as Pandora remained among mortals after Epimetheus accepted her from Zeus.

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<sup>91</sup> *Il.*12.310-6: Sarpedon and Glaucus are looked upon as immortals, and are given the choice cuts of meat and the best wine, much like they offer the first fruits and pour libations to the gods. Geddes (1984) argues that there is little or no class differentiation in the Homeric epics, based on an analysis of the words *demos*, *laos*, and *plethus*. However, he ignores examples such as the above scene with Sarpedon and Glaucus, and, as will be demonstrated below, misinterprets the poet’s use of Thersites.

<sup>92</sup> Scheria as an Homeric Utopia: Seaford (1994), p. 3; Vidal-Naquet (1986), p. 26-9; Finley (1973), p. 100; Maronitis (2004), p. 106; Kahane (2005), p. 154.

<sup>93</sup> Here, against Scully (1990), p. 1.

Historical accounts of gift-exchange show the continuation of the practice into Classical times and later. Xenophon's *Anabasis* contains instances that run the gamut of gift-exchange: reward for faithful service (1.9.14), gifts of hospitality (4.8.23), gifts for advice (5.6.11). There is even a scene wherein all the Greek soldiers are obliged to give a gift to the richer man, Seuthes; Xenophon finds himself in an awkward position, since he has nothing tangible to offer him. As Xenophon describes this account, it becomes quite clear that Seuthes has no intention of reciprocating with gifts in return.

In light of the Classical authors, Morris argues that gifts are portrayed more often as private property during the passing centuries because of the development of the *polis* and the shift from the *oikos*-economy to a more market-based economy.<sup>94</sup> Here Morris is no doubt correct, but the Homeric evidence does not fit completely satisfactorily with his assessment. The frame of reference of the *Iliad* and the *Odyssey* is more often the heroic ideal. As Finley has noted, the poems are "filled with the action of heroes."<sup>95</sup> Adkins observed that "Homer is not much interested in the relations of non-*agathoi* with one another."<sup>96</sup> The fact that the Homeric poems contain an unusually high percentage of examples of gift-exchange among the *agathoi* and a very small proportion of gift-exchange with the common man of the *demos* or *laos* could demonstrate that they were composed during the earlier stages of this economic metamorphosis. Either way, the Homeric portrayal of gift-exchange retains a highly positive view of the aristocratic ideal of the practice (especially when compared with Hesiod), but nonetheless includes other instances such as those of the

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<sup>94</sup> Morris (1986b), p. 4.

<sup>95</sup> Finley (1977), p. 32.

<sup>96</sup> Adkins (1963), p. 31. Scott (1974), p. 4, disagrees indirectly with Adkins, noting that the Homeric similes often forge a link between the *basileis* and the common man as the descriptions of the heroes are likened to the daily events of the "men who quarrel over the boundary marker of their corn field or old women who squabble in the streets."

Lemnian traders and the Phaeacian kings, which both afford more realistic depictions of the practice in Archaic Greece and undercut the ideal of gift-exchange at the same time. More importantly for the discussion of ownership and plunder, both Hesiod and Xenophon provide a consistent perspective in the depiction of gifts as private property, which reflects the evidence of the practice from the *Iliad* and the *Odyssey*.

## Legal Plunder in Archaic Epic Poetry

How is this legal plunder to be identified? See if the law takes from some persons what belongs to them, and gives it to other persons to whom it does not belong. See if the law benefits one citizen at the expense of another by doing what the citizen himself cannot do without committing a crime.<sup>97</sup>

Frederic Bastiat's insight into the nature of legal plunder derived from his experience within the 19<sup>th</sup> century French bureaucracy, which was a far cry from the developing political systems of the various Archaic Greek *poleis*, Hesiod's city-state, and the Homeric depiction of order and ownership in the *Iliad* and *Odyssey*. However, except for the need to adjust the definition slightly due to the lack of a completely formalized law system in the Homeric epics, Bastiat's perspective on legal plunder can be applied successfully to the poems. Let me briefly define my terms: since the Homeric epics do not depict a more concrete and formalized legal system, I employ the term "custom" instead of "law" when referencing the social and political imperatives as well as the decisions made in the assemblies both at Troy and in Ithaca. While the Homeric use of "custom" has much the same force as the Hesiodic use of "law", this distinction is necessary for accuracy. As to a refined definition of legal plunder: legal plunder occurs when one or more individuals within a society assume control of the private property or goods of another individual in that society – who is not indebted to them – through customary legal channels such as an assembly or the law courts. While this definition does not encompass every avenue or detail of legalized plunder, it should provide a substantial differentiation from the normalized concept of plunder. Plunder occurs when one takes from another by sheer force of strength; legal plunder occurs when one takes by means of manipulating social custom, rites, or a legal system.

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<sup>97</sup> Bastiat (1998), p. 17.

Defining the way in which the Archaic Greeks depicted the practice of legal plunder can give further insight into the way they viewed ownership and the ability to own private property. Indeed, in his outline of the structure of limited government in the Homeric world, Richard Posner notes: “the internal aspect [of limited government] has to do with securing the individual’s person and property from coercive invasions such as murder or stealing.”<sup>98</sup> A factor necessary for the legalized form of stealing (legal plunder) is a governmental system that allows for individual ownership and private property.

The idea of legal plunder was not a foreign concept to the Archaic Greeks. In fact, Hesiod’s *Works and Days* provides a vivid historical example. Unlike the Homeric epics, *Works and Days* describes a more concrete political system complete with law-courts and magistrates. In the opening lines, Hesiod reproaches his brother for seizing more than half of their father’s estate by paying tribute to the lords and magistrates (37-40). Perses’ use of bribes and gifts allowed him to obtain through the law-courts what was rightfully Hesiod’s. Beyond this obvious mention of legal plunder, Hesiod practically gives a 7<sup>th</sup> century B.C. definition to the phrase when he advises Perses against theft:

χρήματα δ' οὐχ ἄρπακτά. θεόσδοτα πολλὸν ἀμείνω.  
εἰ γὰρ τις καὶ χερσὶ βίη μέγαν ὄλβον ἔληται,  
ἢ ὄ γ' ἀπὸ γλώσσης ληίσσεται, οἷά τε πολλὰ  
γίνεται, εὐτ' ἂν δὴ κέρδος νόον ἐξαπατήσῃ  
ἀνθρώπων, Αἰδῶ δέ τ' Ἄναιδείη κατοπάσῃ,  
ῥεία δέ μιν μαυροῦσι θεοί, μινύθουσι δὲ οἶκον  
ἀνέρι τῷ, παῦρον δέ τ' ἐπὶ χρόνον ὄλβος ὀπηδεῖ.

Property is not to be snatched: god-given is better by far. For if someone grabs great wealth with his hands by violence, *or plunders it by means of his tongue*, as often happens when profit deceives the mind of human beings and Shamelessness drives Shame away, then the gods easily make him obscure, and they diminish that man’s household, and wealth attends him for only a short time (320-6).

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<sup>98</sup> Posner (1979), p. 29.



Hesiod's reference to "plunder[ing] by means of his tongue" harks back to his lamenting the loss of his inheritance to Perses in the law-courts. The resulting legal plunder affects society as a whole, as the "crooked judgments" made by those easily bribed or swayed by sophisticated arguments disrupt justice and decency for everyone:

αὐτίκα φὰρ τρέχει Ὀρκος ἅμα σκολιῆσι δίκησιν,  
τῆς δὲ Δίκης ῥόθος ἐλκομένης ἢ κ' ἄνδρες ἄγωσιν  
δωροφάγοι, σκολιῆς δὲ δίκης κρίνωσι θεχμιστας.

For at once Oath starts to run along beside crooked judgments, and there is a clamor when Justice is dragged where men, gift-eaters, carry her off and pronounce verdicts with crooked judgments (219-221).

This understanding put forth by Hesiod, that the legal plunder of an individual's ownership rights has the ability to impact adversely an entire society, will factor into the discussion as a secondary effect of the practice. Thus, Hesiod's denunciation of an historical instance of organized injustice and legal plunder demonstrates both that the problem did persist in Archaic Greece, and that at least one person was cognizant of the threat it posed to ownership rights.

*Works and Days*, however, does not comprise the sole extant literary evidence in the Archaic Age. The Homeric epics not only illustrate the problem of legal plunder as a facet of Archaic Greek life which affected both individuals and society, but they also incorporate the issue and consequences of legal plunder into the main conflicts of the poems. Agamemnon takes Achilles' slave-girl, Briseis, after announcing his intentions in front of the assembly of the Achaeans in the *Iliad*, and the suitors abuse the accepted courting rites and wooing rituals by their devouring of Odysseus' goods, Penelope's dowry, and Telemachus' patrimony in the *Odyssey*. In analyzing the Homeric evidence, some literary analysis and interpretation is necessary in order to determine whether or not these instances of legal plunder in the text were included passively by happenstance or actively by a realization and condemnation of the

practice. It is my intention to demonstrate that the Homeric poet(s) understood the concept of legal plunder and purposefully included it in the plot and themes of the *Iliad* and *Odyssey*. For the purposes of this discussion, the primary effect of legal plunder is a sense of injustice in the victim and discord between the participants; the secondary effects of legal plunder are constituted by both the detrimental impact on society as a whole and the active camouflaging of justice and right.

### **Legal plunder in the *Iliad***

While Bastiat refers to unjust written laws as the instigators of legal plunder, the Achaeans at Troy have no written laws. Rather, they have a loose extra-political structure due to their being outside of their *poleis* and outside of what they consider the civilized world.<sup>99</sup> Everyone has a role to play within this paradigm: the common soldiers constitute an assembly-like body which listens to the leaders and either shouts assent or tacitly dissents; the leaders and wealthy men form an advice-giving council, which has the ability to speak at the assemblies; and finally, there is King Agamemnon, with whom the decision-making ultimately rests. However, the *Iliad* is not devoid of references to more formal legal systems. There is, of course, the example of the court case on the Shield of Achilles (18.497-508) as well as this description of the Trojan charge against Patroclus:

ὡς δ' ὑπὸ λαίλαπι πᾶσα κελαινὴ βέβριθε χθῶν  
ἦματ' ὀπωρινῷ, ὅτε λαβρότατον χέει ὕδωρ  
Ζεὺς, ὅτε δ' ῥ' ἄνδρεςσι κοτεσσάμενος χαλεπήνη,  
οἱ βίη εἰν ἀγορῇ σκολιάς κρίνωσι θέμιστας,  
ἐκ δὲ δίκην ἐλάσωσι, θεῶν ὄπιν οὐκ ἀλέγοντες.

And just as beneath a tempest the whole black earth is oppressed on a day in harvest time when Zeus pours down rain most violently, when in resentment he grows angry

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<sup>99</sup> Hammer (2002); Osbourne (1996), p. 150, sees the assembly as a more definite political entity: the “Greek camp at Troy is itself transformed into a community structured politically like any other.”

against men who by violence give crooked judgments in the place of assembly and drive justice out, regarding not the vengeance of the gods (16.384-8).

Here the *Iliad* not only demonstrates the knowledge and existence of a budding legal system, but also illustrates that legal proceedings could occur in places of assembly without official judges being present—much like the quarrel scene between Achilles and Agamemnon. With these examples of both fledgling quasi-legal systems and legal plunder present in the *Iliad*, we can confidently analyze the instances of legal plunder as active and conscious and deliberate inclusions by the poet(s).

The passages in the *Iliad* most relevant to the discussion of legal plunder reside mainly in Books One and Nine, which comprise the quarrel between Agamemnon and Achilles as well as the embassy to Achilles.<sup>100</sup> These passages include some of the most studied material of the entire Homeric opus, and there is no intention to enter into the debate as to what degree the prizes are tangible markers of Achilles' *kleos* or how far the exact nature of the heroic code extends into daily Archaic Greek life. Rather, the ensuing discussion will attempt to demonstrate that Agamemnon's taking of Briseis from Achilles represents an act of legal plunder and that Achilles' responses stem from Agamemnon's violation of his ownership rights as opposed to his desire for tangible goods or the honor they bestow. The importance of custom will factor into the discussion, particularly concerning whether or not Achilles is required to accept Agamemnon's ransom.

When Agamemnon first hints at the possibility that he might appropriate the prize of one of the heroes, Achilles reminds Agamemnon of his loyal service and of the fact

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<sup>100</sup> On the later inclusion of Book Nine: Willcock (1976), p. 94; Reeve (1972), p. 4; Hainsworth (1993), notes that the "primary contribution of the Book is to the ethical plot of the *Iliad*." Ultimately, the possibility of Book Nine being a late inclusion to the Iliadic corpus further supports the argument that legal plunder is a prevalent concept in the minds and lives of the Archaic Greeks.

that his fighting shows support for Agamemnon.<sup>101</sup> He also mentions that the Trojans never harmed him directly nor pillaged his cattle or destroyed his crops (153-5).<sup>102</sup> In essence, Achilles' original defense against being legally plundered is his martial ability currently devoted to Agamemnon's service. While he objects to Agamemnon's desire to take someone else's prize, Achilles also notes his own prowess on the battlefield as a justification for his possessions being exempt from plunder. Surely there are some lesser warriors from whom Agamemnon could take if he absolutely feels he must. Agamemnon escalates the confrontation by threatening Achilles personally. In response to Agamemnon's threat to take Briseis, Achilles springs up and reaches for his sword before Athena restrains him (193-8). If Achilles were to complete his attack, there is little doubt as to Agamemnon's fate. Thus Agamemnon's acquisition of Briseis is not an example of "might makes right" as one might believe, since Agamemnon does not take the slave-girl by force. Rather he leverages his superior political position as the leader of the most soldiers to appropriate Briseis through the social and legal apparatus of the assembly. Agamemnon, then, as per our definition above, legally plunders Achilles.

Achilles' reaction to Athena's arrival is extraordinary. In what might be the most humorous line of the poem, Achilles asks Athena if she has come in order to get a closer look at Agamemnon's *hubris* (202-3).<sup>103</sup> At the same time, Achilles' question is very telling: he thinks that the gods have come to witness and correct Agamemnon's misconduct and disregard for his property. Contrary to Achilles'

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<sup>101</sup> Zanker (1994), p. 75.

<sup>102</sup> Postlethwaite (2000), p. 37, notes that, according to the heroic code, "fighting for a cause essentially means seeking revenge for personal harm or insult; [the Greeks] do not go to war to fight for the flag."

<sup>103</sup> Griffin (1986), p. 52, notes that Achilles is the only character in the *Iliad* to mention *hubris*. While Hainsworth (1993), p. 101-2, argues – and I believe correctly – that Achilles is the most elegant orator in the *Iliad*, his overuse of openly hostile and derogatory words (see Griffin (1986), p. 52, for the full list), and his inability to appear open to compromise in matters that require moderation make him an ineffective orator.

expectation, Athena attempts to dissuade him from drawing his sword and attacking Agamemnon. She explains to him that Hera has sent her, that the gods prefer him to retaliate only with words, and that he will one day receive three times as many gifts in repayment for Agamemnon's insult (207-14). While many scholars interpret Achilles' obedience to Athena as a tacit desire to garner these future prizes or the *kleos* that comes with them, Achilles' response does not justify their conclusions.<sup>104</sup> Achilles seemingly ignores Athena's offer of future prizes and instead says that he obeys her for two reasons: 1) one must respect the words of the gods, and 2) the gods answer the prayers of those who obey the gods (216-8).<sup>105</sup> If Achilles' goal here is not the acquisition of future possessions or the augmentation of his honor, what is it?

Once Achilles reluctantly obeys, he has no options left but to withdraw.

Agamemnon will not be swayed; he has already threatened a priest, a seer, and his best soldier in a single assembly. The gods will not allow Achilles to use his strength to fight Agamemnon, and the men do nothing to rein in Agamemnon's overweening display of power. In addition, Achilles knows he stands no chance in a further war of words in the assembly, as he repeatedly bemoans throughout the poem that he is not a man of words.<sup>106</sup> He knows he has been wronged and no one is on his side. Thus he

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<sup>104</sup> Willcock (1976), Postlethwaite (2000). Hainesworth (1993), p. 57, even goes so far as to say that Achilles has "set on his honor an infinite value in material things."

<sup>105</sup> One might argue correctly that Achilles' omission of the prizes from this speech does not prove that he had no desire to gain the prizes. However, as we shall see below, Achilles' treatment of tangible goods throughout the poem is consistent: they are a means to an end, except when it comes to his unique possession, the slave girl Briseis. Von Reden (1995) and Lynn-George (1988) have argued that the difference between Agamemnon's offer of gifts and Athena's promise of recompense is that Agamemnon's is for a fixed amount while Athena's is less defined. Von Reden, p. 21, notes that "Athene's gifts, by contrast, refer to the timeless order of metaphysical justice in which recompense awaits man with 'indefinite certainty'." I am still convinced that Achilles is not interested in acquiring a tangible repayment for his wrongs, but he is seeking a just righting of the wrongs done to him, as von Reden and Lynn-George elucidate.

<sup>106</sup> See Friedrich and Redfield (1978), p. 270, who state that in contrast to his own opinion of his rhetorical ability, Achilles is the most effective speaker in the poem. While his speeches

becomes enraged and lashes out not only at Agamemnon, but also at the *laoi* – the ones he derides as “worthless nobodies” – who obey their unjust leader (231).

Achilles’ actions here represent common reactions to legal plunder.<sup>107</sup>

When one is wronged in the presence of silent onlookers, one often blames the onlookers and the perpetrator of the crime equally, as their silence implies consent. At this point, Achilles lets his anger continue to overflow and vows upon that the Achaeans will suffer at the hands of Hector since they did not honor him (241-4). Certainly, Achilles does not mean here that they dishonored him because they did not offer enough prizes through the course of the Trojan campaign. Rather, he feels dishonored because none of them stood up to their king and instead let Achilles be robbed in their presence. Again, Achilles’ resentment here is the indifference of the Achaeans to his being legally plundered by Agamemnon, not the degree to which they honor him with prizes. The importance of an unrestricted right to ownership of one’s private property is paramount to Achilles, while actual goods themselves and the honor they can bestow is secondary.

Achilles’ prayer to Thetis supports this conclusion, as Achilles begs his mother to persuade Zeus to assist the Trojans in a slaughter of the Achaeans:

τῶν νῦν μιν μνήσασσα παρέζεο καὶ λαβὲ γούνων  
αἶ κέν πως ἐθέλησιν ἐπι Τρώεσσιν ἀρήξαι,  
τοὺς δὲ κατὰ πρύμνας τε καὶ ἀμφ’ ἄλα ἔλσαι Ἀχαιοὺς  
κτεινομένους ἵνα πάντες ἐπαύρωνται βασιλῆος,  
γυνῶ δὲ καὶ Ἀτρείδης εὐρὺ κρείων Ἀγαμέμνων  
ἦν ἄτην, ὅ τ’ ἄριστον Ἀχαιῶν οὐδὲν ἔτισεν.

Remind him now of this and sit by his side and clasp his knees, in the hope that he may be minded to help the Trojans, and to pen in those others, the Achaeans, among the sterns of their ships and around the sea as they are killed, *so that they may all have profit of their king*, and the son of Atreus, wide-ruling Agamemnon, may know his blindness in that he honored the best of the Achaeans not at all (407-12, italics added).

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are the most memorable and, in the opinion of many scholars, the strongest, they are not particularly effective, especially when spoken to Agamemnon.

<sup>107</sup> Bastiat (1998), p. 7.

Here Achilles' anger is two-pronged. First, he seeks revenge against the Achaeans, wishing them to suffer as a result of their king's mistake, and, secondly, he wants Agamemnon to acknowledge his error. Malcolm Willcock's comment on this passage epitomizes the opinions of many scholars: "[Achilles'] personal honor means more to him than the lives of his friends."<sup>108</sup> Contrary to Willcock's statement, however, Achilles no longer considers these men his friends. Achilles wishes them to suffer so that they can "profit from their king" (*hina epaurontai basileos*); or, in other words, so that they reap the rewards of supporting Agamemnon as their king and ruler. The fact that they watched Agamemnon wrong him and continued to obey Agamemnon renders the Achaeans guilty in Achilles' eyes. Achilles displays the response which is common to those who are legally plundered and considers himself wronged by the unresponsive onlookers.

*A failed attempt at reconciliation: custom, once breached, is not a viable argument*

The evidence in Book Nine of the *Iliad* further clarifies the importance of ownership rights and brings to the fore a new factor, the place and importance of custom. One of the questions that the epic broaches in this book is to what extent society impels one to accept custom, especially when the individual's property rights have been violated in full view of and with the tacit consent of that same society. Achilles' actions in Book Nine suggest that one's individual ownership rights are on par with the social imperative to abide by custom. While some characters blame Achilles for his removal of himself from society or his refusal to accept Agamemnon's ransom, neither the gods nor the narrative voice censure his actions.

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<sup>108</sup> Willcock (1976), p. 13.

After Agamemnon admits his folly – blaming it on his blindness/folly (*ate*) – he sends an embassy to persuade Achilles to rejoin the ranks (115). As scholars have noted, Agamemnon’s admission of fault contains no proper apology, and, in fact, seeks to re-impose the king’s power over Achilles through marriage.<sup>109</sup> Thus Agamemnon’s impulse to compel the submission of his subjects overrides the purported motive behind the embassy to Achilles: to honor Achilles that he may reenter the fighting and turn the tide of the war. So although Odysseus, Phoenix, and Ajax might have an earnest and pure desire to persuade Achilles to fight, they depart knowing that Agamemnon is unrepentant in his desire to see Achilles submit to him. Despite this knowledge, they still willingly support their king.

After the three Achaeans arrive and are feasted, Odysseus proceeds with his entreaty to Achilles; his speech consists of four parts, each appealing to different parts of Achilles’ psyche: 1) the Trojans are bragging that no one can stop them, 2) remember your father’s advice to avoid quarrels that you may win greater honor, 3) Agamemnon will give you many gifts, and 4) even if you still hate Agamemnon, take pity on us Achaeans. But, for all of Odysseus’ tact, his speech does not sway Achilles; Odysseus fails to strike the proper chord in the heart of the best of the Achaeans. That the Trojans brag about being the best warriors does not disturb Achilles enough to elicit a response in that regard. Instead, he lists his complaint with the current method for distributing plunder, likening himself to a mother bird who brings all her food to her offspring and has nothing for herself (323-5). Achilles’ overriding desire here is neither for more goods nor for the honor that they bring; it is the simple wish to keep what he himself earns. Again, Achilles considers his ownership rights to be paramount and cannot stand to see them breeched. He

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<sup>109</sup> Postlethwaite (2000), p. 131.



dismisses Agamemnon's gifts, stating that he already has plenty back in Phthia (362-7).

At the conclusion of his reply, Achilles practically taunts the upper echelon of the Achaean chiefs, telling Odysseus to inform them of his refusal to fight "so that they may devise some other plan in their minds better than this, one that might save their ships" (421-26). While he is prone to falling victim to his overweening *menis* (his father even warned him about it before he left for Troy), Achilles does not spout his wrath indiscriminately at this stage. Rather, he aims it at the men who he believes should have stood up to Agamemnon—the men who, although they held status similar to Achilles and saw the injustice Agamemnon perpetrated against him, still support the king. Achilles' response to Odysseus reprises and underscores the already existing points pertaining to legal plunder: the importance of un-breachable ownership rights and the righteous anger displayed towards those who silently permitted legal plunder.

In his speech, Phoenix takes a different approach. He tells Achilles 1) that he is like a son to him and thus should heed his advice, 2) that he should be wary of holding out too long and not receiving gifts in recompense, and 3) that if he chooses to fight, the Achaeans will glorify him as if he were a god.<sup>110</sup> Like Odysseus before him, Phoenix misses the mark and does not hit upon the nature of what Achilles truly desires. Achilles makes it quite clear that he has no need for further honor, since he is honored by Zeus, and he does not even waste a word concerning the gifts (607-10).

He warns Phoenix to stop currying favor with Agamemnon, lest he, too incur

Achilles' wrath:

ἄλλο δέ τοι ἔρέω, σὺ δ' ἐνὶ φρεσὶ βάλλεο σῆσι.  
μή μοι σύγχει θυμὸν ὄδυρόμενος καὶ ἀχεύων,  
Ἄτρείδη ἥρωι φέρων χάριν. οὐδέ τί σε χρὴ

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<sup>110</sup> *Il.* 9.485-518, 529-99, and 600-5, respectively.

τὸν φιλέειν, ἵνα μὴ μοι ἀπέχθῃαι φιλέοντι.  
καλὸν τοι σὺν ἐμοὶ τὸν κήδειν ὅς κ' ἐμὲ κήδη.

And another thing I will tell you, and do you lay it to heart; seek not to confuse my heart by weeping and sorrowing, doing a favor to the warrior, son of Atreus; you must not love that man lest you be hated by me who loves you. A good thing it is if with me you should distress the one who distresses me (611-5).

Here Achilles spells it out for Phoenix: your support of the king who wronged me will sever our friendship, no matter how close we are. He cannot abide being amiable with anyone who does not react to Agamemnon's injustice by distancing himself from the king. This is the insidious detrimental effect of legal plunder: one's friends or allies often side with the established law, government, or custom, because the status quo, over time, often takes on the force of "common sense" even if it results in occasional miscarriages of justice. Indeed, as the economist Richard Ebeling notes, the consequences of legal plunder include "the breakdown of morality through the blurring of the distinction between right and wrong."<sup>111</sup> With open pillaging, such as when the Trojans try to strip Achilles' armor from Patroclus' corpse, the heroes readily rally their allies to the cause of preventing the plunder (17.246-55). But when Achilles challenges the legal ability of Agamemnon to breach his ownership rights, he does so alone.

Following suit with Odysseus and Phoenix, Ajax is unable to persuade Achilles. His concise speech, which, according to Achilles, is the closest to his heart, consists of three parts: 1) Achilles' heart is too proud and hard, 2) other men accept ransom for murdered relatives, especially when the reconciliatory gifts that are offered are more than sufficient,<sup>112</sup> and 3) if nothing else, pity us, your friends. The crux of Ajax's

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<sup>111</sup> Ebeling (1998), xvii.

<sup>112</sup> To clarify Ajax's statement—he sees Briseis as a prize or girl whose worth to Achilles matches the debt owed for homicide. Here I agree with Dué (2002) and Suzuki (1989) that Achilles values her greatly. However the argument that she is a true 'second Helen' whom Achilles would want to marry in the future, as Due suggests, appears dubious because of

address lies in his explanation of the custom of accepting a recompense (*poinen*) for a dead relative. He makes his point persuasively, and custom certainly impels Achilles to make amends with Agamemnon. On the other hand, this same custom constitutes part of the quasi-governmental structure that earlier allowed for the organized injustice and legal plundering of Achilles. Achilles does not articulate his answer quite so lucidly, but he does make the point that Agamemnon treated him like an exile and deprived him of his rights (*atimeton metanasten*, 9.648).<sup>113</sup> If he must suffer like an outcast with no rights, he cannot also be expected to uphold the various social imperatives of law and custom.

*Toward a new understanding of Achilles' anger and the importance of legal plunder*

Herein lies the heart of Achilles' *menis* prior to the death of Patroclus. Most scholars blame Achilles for the damage done to the Achaean soldiers and community. Some, such as Jasper Griffin, place the blame squarely on Achilles' shoulders, citing that his "heroic stubbornness" harms both the community and himself due to the death of Patroclus.<sup>114</sup> Others prefer to blame Achilles for his actions but not his rationale for them: "Akhilleus is wrong but from an excess of rectitude. He rejects a fair offer, but does so from the highest heroic motives."<sup>115</sup> M. Reeve argues that Achilles overestimates the worth of his honor, but this reasoning promotes the unlikely conclusion that Achilles would accept the ransom if only it were more lucrative.<sup>116</sup>

Certainly there are various factors that affect Achilles' actions in the *Iliad*, but the one

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Achilles' outburst at 9.395, and because Briseis relied upon Patroclus to convince Achilles to make her his wife at 19.297-9.

<sup>113</sup> See the remarks of Cairns (2001), p. 211, who interprets Nestor's speech at 1.254-84 as "an evaluation which adumbrates a universal feeling of *nemesis* at Agamemnon's breach of *aidos*."

<sup>114</sup> Griffin (1980), p. 44.

<sup>115</sup> Hainsworth (1993), p. 57.

<sup>116</sup> Reeve (1973).

that underpins and explains them all is his strong objection to legal plunder that goes unacknowledged as such and unreturned to him. It accounts for his withdrawing from battle, his anger at the Achaeans as well as Agamemnon, his lack of interest in obtaining further gifts and prizes, and his decision to break social convention and refuse to accept Agamemnon's ransom. Many scholars follow Phoenix in their assessment of Achilles' refusal to accept Agamemnon's gifts: Achilles had the right to be angry at first, but not after Agamemnon offers the ransom.<sup>117</sup> However, they ignore Agamemnon's prior infringement of protocol. Because Agamemnon was the first to breach Achilles' ownership rights, his legal plundering provides Achilles with the precedent of spurning the customary reconciliatory actions. The ransom custom is one that Achilles has previously adhered and will follow again later in the poem: Andromache mentions that Achilles accepted ransom for a captive woman (6.425-7), and Achilles honors Priam's request for Hector's body. When Achilles explains to Patroclus his reasoning for refraining from battle – another action of Achilles which contradicts his obligation to the Achaeans – he says it is because “one man is minded to rob one who is his equal, to take from him a prize, since he surpasses him in power” (16.53-4). Thus, Achilles' candid answer to Patroclus provides further evidence for there being no more pressing impetus for Achilles' withdrawing from battle than his having his ownership rights violated by Agamemnon.

A close reading of the text reveals that recompense and gifts clearly are of secondary importance to Achilles, and thus his repeated disregard of them suggests that Achilles' objection to legal plunder constitutes the primary catalyst for his bold actions. Never in his rebuttals to Odysseus, Phoenix, or Ajax does he express a yearning for the proposed prizes. When Achilles does mention possessions, he

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<sup>117</sup> *Il.*9.523: “before now no man could blame you for being angry.” von Reden (1995), *et al.*

decries the problems associated with the allocation of ownership of booty. Regardless of how instrumental he was to the gathering of the booty, he has to watch Agamemnon secure the lion's share. In this instance his argument rails against the wrong done him when the sons of the Achaeans award the goods he pillaged to Agamemnon. This is another instance of legal plunder: what Achilles earned is taken and given to Agamemnon by those present at the assembly. However, Achilles does not publicly lament this fact until after Agamemnon personally demands Briseis from him. Up until this point he supported Agamemnon's claim, through the sanction of custom to secure unearned the largest portion of the plunder. Odysseus also defends Agamemnon's right to receive the best of the plunder when he rebukes Thersites for his outburst (2.254-64). However, he intentionally ignores Agamemnon's most recent act in his rebuttal; even the ever-plotting Odysseus cannot defend Agamemnon's plunder of Achilles. Thus, since Agamemnon has transgressed custom with his unjust action, Achilles does not consider himself bound by law or custom to accept Agamemnon's offer at 9.341-45. No apology has been tendered either by Agamemnon for plundering him or by the chiefs for supporting Agamemnon. Justice and ethics have become amorphous as a result of the legal plunder, and Achilles remains on the sidelines at Troy. Achilles' motives here are best explained as the common reactions to being the victim of legal plunder. He does not care for extraneous prizes, the coaxing words of those who sat silently during his mistreatment, or the social conventions that have fostered an environment that allows Agamemnon to take away his hard-earned goods away. Ultimately, then, Agamemnon's legal plundering of Achilles has detrimental effects on the whole Achaean army, as it catalyzes Achilles' withdrawal from battle and the ensuing dominance of Hector. Another secondary effect caused by legal plundering—the

obscuring of what is right and just—has lasting implications for the entire army at Troy: once an individual’s right to personal ownership is trammled, that individual no longer feels compelled to obey custom. If this cycle of disregarding rights and social institutions were to continue unabated, it would quickly lead to the breakdown of societal order.

### **Legal plunder in the *Odyssey*<sup>118</sup>**

The *Odyssey* contains many of the same basic constructs underpinning the concept of legal plunder as does the *Iliad*. A similar quasi-political structure is present in Ithaca: the men do meet in a more formal assembly, but noticeably lacking are the middle-aged men of Odysseus’ generation who will not return from Troy. Also, the suitors’ abuse of the courting rites in order to legally plunder Odysseus’ house and Telemachus’ future patrimony proves detrimental both to the individuals’ ownership rights as well as to Ithacan society as a whole. Ebeling’s insight concerning the “blurring of the distinction between right and wrong” again factors into the discussion, as does the question of when custom can be breached in response to being legally plundered. There are differences, however, between the legal plunder situations in the poems. Foremost, the reactions of the gods to the moral implications of the practice are undivided. Telemachus’ initial reaction to being legally plundered varies greatly from that of Achilles, and the *Odyssey* has a dissimilar outcome in that the protagonists are able to exact physical vengeance from the suitors. An

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<sup>118</sup> Much of this discussion focuses on the first four books of the *Odyssey*. Arguments for the late inclusion of the *Telemachy*: Hermann (1832), Lesky (1966), Garbrah (1969). *Contra*: Heubeck (1988), West (1988*b*). Ultimately, a later inclusion of the material does not impede the argument for legal plunder; rather, it promotes the proposition that the concept of legal plunder occupied a position in the forefront of the Archaic Greek mind.

investigation of the similarities and differences in the depictions of legal plunder will demonstrate that the Archaic perspective on ownership rights remains consistent both on the periphery of the battlefield and in a city-state in peacetime.

*Dissimilarities between the Homeric epics regarding legal plunder*

From the opening scene of the gods' council, the *Odyssey* differs significantly from the *Iliad*. Unlike the *Iliad*, there is a clear moral division in the *Odyssey*: Odysseus' family, loyal servants, and *xenoi* represent the upright protagonists, while the suitors play the role of antagonists. The poet's use of the gods reinforces this ethical stratification. Whereas they supported opposing armies and often acted immorally at Troy, the gods are united against the suitors and do not stray from "right" or "justice" in the *Odyssey*.<sup>119</sup> Athena even impels Telemachus to find a way to bring about the slaughter of the suitors—a far different action from her persuading of Achilles not to kill Agamemnon. From the very beginning of the *Odyssey*, then, the poet depicts the plunder of Telemachus' patrimony as immoral and deserving of condemnation and retribution.

While the gods side with Telemachus, the suitors' defense of their revelry and consumption at Telemachus' expense has the sanction of law on its side, as the courting rite permits them to do so (2.198-205). Antinous does not refer to an old, outdated, or questionable custom, since both Telemachus (2.58) and Penelope (17.532-8) recognize this rite. Indeed, when we first encounter Telemachus, his

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<sup>119</sup> Poseidon's anger with Odysseus for blinding Polyphemus is separate from the situation with the suitors at Ithaca. While Finley (1977) has noted that the pantheon of the gods is mostly non-existent in the *Odyssey*, it would seem that their absence demonstrates implicit support (or at the very least, non-opposition) for Athena and Zeus' plan. Kearns (2004): "‘Gods behaving badly’ is not then a theme prominent in the *Odyssey*, and this facilitates the much greater concern with human morality that they display in this epic."

acknowledgement and acceptance of their ability to legally plunder his house and patrimony is painfully evident:

τὴν δὲ πολὺ πρῶτος ἶδε Τηλέμαχος θεοειδής,  
ἦστο ψὰρ ἐν μνηστήρσι φίλον τετιημένος ἦτορ,  
ὄσσόμενος πατέρ' ἐσθλὸν ἐνὶ φρεσίν, εἴ ποθεν ἔλθῶν  
μνηστήρων τῶν μὲν σκέδασιν οἷσιν ἀνάσσοι.  
τὰ φρονέων, μνηστήρσι μεθήμενος, εἴσιδ' Ἀθήνην.

The godlike Telemachus was far the first to see her, for he was *sitting among the suitors*, troubled at heart, seeing in thought his noble father, should he perchance come from somewhere and make a scattering of the suitors in the palace, and himself win honor and rule over his own house. As he thought of these things, *sitting among the suitors*, he beheld Athena (1.113-8, emphasis added).

The poet depicts Telemachus' goal and desire clearly; the young prince wants to banish the suitors from his house and reclaim it for himself and his family. However, his dreams extend beyond his reach and require more strength than he, a boy bordering on manhood, can muster. His situation invites comparison with that of Orestes, whose successful purging and reclaiming of his house is related at the beginning of the *Odyssey*.<sup>120</sup> More importantly for the discussion of legal plunder, Telemachus' dilemma contrasts with that of Achilles. At this stage in the *Odyssey* there are three main differences between Telemachus' and Achilles' experiences of legal plunder: 1) Telemachus does not separate himself from his enemies as does Achilles at Troy, 2) Telemachus does not have the same strength or martial valor as Achilles, and thereby can not entertain a realistic prospect of overcoming his enemies in battle, and 3) the suitors are continually taking from Telemachus, while Agamemnon no longer appropriates Achilles' goods. It is perhaps this continuous violation of Telemachus' ownership rights that causes the ethical stratification and the clear demarcation, at least in the eyes of the gods, of who is right and who is wrong. But the ethics of this situation are not originally so clear to Telemachus.

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<sup>120</sup> West (1988b), p. 60.



The passage referenced above (1.113-8) states twice in six lines that Telemachus sits amongst the suitors (*en mnestersi*) during the feasts and courting revels. There is the possibility that the poet has him sitting amongst the suitors for the same reason that Odysseus later dons the rags of a beggar in his own house: to gather information on the suitors. However, the passage does not depict Telemachus as plotting like his father, but rather as fantasizing about how his father's return would solve his problem. At this point, Telemachus is still very much a boy, and his initiation journey into manhood does not begin until Athena's arrival catalyzes it. His choice to remain among his enemies can be better explained as a result of his being legally plundered. While Achilles rules his own men and has the independence and confidence to remove himself from the rest of the Greek army, Telemachus lacks the opportunity to oppose the suitors or remove himself from their presence until Athena prompts him. He has grown up with the suitors' pillaging being the norm, and, here at the beginning, wishes for his father to simply drive out the suitors from his home. Thus far to Telemachus, they are a nuisance who have the sanction of custom and the law. But, Athena's arrival as "Mentes" changes Telemachus' attitude toward the suitors. She tells him to search for his father, plot out how to kill the suitors, and to forget his childhood ways by following in Orestes' footsteps (1.296-300).

It is important to note, however, that Telemachus appears to dismiss 'Mentes'' advice at first; it is not until "Mentes" leaves and Telemachus becomes aware that he had spoken to a god that he becomes emboldened and confronts the suitors.<sup>121</sup> Knowing that the gods are on his side propels Telemachus into action for two reasons, the most obvious being the importance of obedience to the gods. The second and more subtle reason is that the gods' authority on matters of right, justice, and custom

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<sup>121</sup> Here, I agree with S. West (1988*b*), p. 55, (1988*c*), p. 115-6, that "the real psychological change in Telemachus comes [at 1.320]."

overrules the suitors' claims to being in the right due to the courting rite. Since Telemachus had come to accept the suitors' treatment due to its "lawful" nature, Athena's advice clears the moral quandary. He is no longer alone in thinking that the suitors' actions are immoral despite being permitted by custom. Penelope may have lamented over the suitors' actions as well, but the fact that the gods support punishment for the suitors spurs Telemachus into action.

Immediately, Telemachus sends his mother away and tells the suitors that he will call an assembly the next day in order to publicly ask them to hold their revels elsewhere (372-8). Eurymachus' reply defines the suitors' ability to legally plunder by making it absolutely clear that they are not openly and illegally stealing from him:

κτῆματα δ' αὐτὸς ἔχοις καὶ δώμασιν οἷσιν ἀνάσσοις,  
μὴ γὰρ ὅ γ' ἔλθοι ἀνὴρ ὅς τις σ' ἀέκοντα βίηφιν  
κτῆματ' ἀπορραΐσει, Ἰθάκης ἔτι ναιετώσης.

But as for your possessions, keep them yourself and be lord in your own house. Never may that man come who by violence and your will shall wrest your possessions from you, while men yet lie in Ithaca (1.402-4)

Eurymachus' defense represents the exact injustice that Telemachus rails against when he first speaks at the assembly. In trying to incite the Ithacan townspeople against the suitors, Telemachus intones that if it were the townspeople who were feasting at his house, he could rightly press his claim for recompense:

ἐμοὶ δέ κε κέρδιον εἶη  
ὕμέας ἐσθέμεναι κειμήλιά τε πρόβασίν τε.  
εἴ χ' ὑμεῖς γε φάγοιτε, τάχ' ἂν ποτε καὶ τίσις εἶη  
τόφρα γὰρ ἂν κατὰ ἄστῦ ποτιπυσοίμεθα μῦθῳ  
χρήματ' ἀπαιτιζόντες, ἕως κ' ἀπὸ πάντα δοθείη.

For me it would be better that you should yourselves eat up my treasures and my flocks. If you were to devour them, some day there might be recompense; we should go up and down the city pressing our suit and asking back our goods, until all was given back (2.74-8).

Telemachus employs the best example he can. If anyone else, the townspeople included, were to act as the suitors, they would be stealing and have to repay the

damage they caused. He attempts to rouse the Ithacans to his defense, appealing to “the values that would impel the *demos* to end the injustice perpetrated by the suitors”: “shame, disapproval, and the wrath of the gods.”<sup>122</sup> To Telemachus’ dismay, they remain unmoved. Even after Halitherses’ prophecies in his favor, the townspeople maintain their silence. At this point Mentor stands up for Telemachus and berates not the suitors, but the townsfolk:

ἀλλ’ ἢ τοι μνηστῆρας ἀγήνορας οὐ τι μεγάρῳ  
 ἔρδειν ἔργα βίαια κακορραφίησι νόοιο.  
 σπᾶς γὰρ παρθέμενοι κεφαλὰς κατέδουσι βιαίως  
 οἶκον Ὀδυσσῆος, τὸν δ’ οὐκέτι φασὶ νέεσθαι.  
 νῦν δ’ ἄλλω δήμῳ νεμεσίζομαι, οἶον ἅπαντες  
 ἦσθ’ ἄνευ, ἀτὰρ οὐ τι καθαπτόμενοι ἐπέεσσι  
 παύρους μνηστῆρας καταπαύετε πολλοὶ ἔόντες.

But truly I begrudge not the proud suitors that they do deeds of violence in the evil contrivings of their minds, for it is at the hazard of their own lives that they violently devour the house of Odysseus, who, they say, will no more return. Rather, it is with the rest of the people that I am indignant, that you all sit thus in silence, and utter no word of rebuke to make the suitors cease, though you are many and they but few (2.235-41).

*Qui tacet consentit*: he who remains silent consents. Just as when Achilles rages at the Achaeans for tacitly consenting to Agamemnon’s unjust actions, so to does Mentor upbraid the Ithacans. This is the reason Telemachus has called an assembly. Although there is no approaching army, his misfortunes are public matters to discuss (2.30-2). Mentor makes the point that the people must act *rightly* and *justly* and indict the suitors or else there is no reason for lawful governance at all (2.230-4).<sup>123</sup> Mentor’s reasoning highlights the far-reaching detrimental side-effects of legal plunder, especially concerning its impact on moral clarity. Still, the people remain silent, allowing Leocritus to talk disrespectfully to Mentor, his elder, and vaunt the

<sup>122</sup> Seaford (1994), p. 4.

<sup>123</sup> Haubold (2000), p. 102, argues that “the *Odyssey* is not primarily concerned with the *laoi*.” While he is correct for the most part, he overlooks the importance of the *laoi* in the *Telemachy*. It is their notable absence from daily affairs that is made clear from the beginning of the assembly, and it is they who are singled out by Mentor for censure. Their absence and/or silent acceptance of the suitors’ actions are crucial factors in both the *Odyssey* and the *Telemachy*. Without their tacit compliance with the suitors, there would be no slaughter of the suitors and Odysseus would return home without a final test.

prowess of the suitors, saying that they would kill Odysseus if he returned home (2.242-56).

In his outburst, Leocritus makes the suitors' true intentions known: they plan to kill Telemachus. Thenceforth they begin their plotting to waylay Telemachus on his return journey, and conspire openly to divide his wealth upon his death (2.334-6). Herein lies a potential answer to the question of why the gods permit Agamemnon's lawful plundering of Achilles while condemning the suitors' pillaging of Telemachus: the suitors' intentions are far more sinister than merely transgressing a person's rights of ownership. At the same time, this brings into account the old problem of cause and effect when dealing with the gods and fate. It is contentious to place blame upon the suitors for planning to kill Telemachus before they ever exhibit any signs of wanting to do so. A rather better answer to the question lies in the suitors' appalling lack of *sophrosune* in their courting of Penelope.

#### *Transgression of custom and the violation of ownership rights*

Much like is the case in the *Iliad*, the aggressor's transgression of custom and ritual simultaneously constitutes a violation of an individual's ownership rights.

Penelope herself states the clearest and most concise case against the suitors' overbearing consumption:

ἀλλὰ τόδ' αἰνὸν ἄχος κραδίην καὶ θυμὸν ἰκάνει.  
μνηστήρων οὐχ ἦδε δίκη τὸ πάροιθε τέτυκτο.  
οἳ τ' ἀγαθὴν τε γυναῖκα καὶ ἀφνειοῖο θύγατρα  
μνηστεύειν ἐθέλωσι καὶ ἀλλήλοις ἐρίσωσιν,  
αὐτοὶ τοί γ' ἀπάγουσι βόας καὶ ἴφια μῆλα,  
κούρης δαῖτα φίλοισι, κα' ἀγλαὰ δῶρα διδοῦσιν.  
ἀλλ' οὐκ ἀλλότριον βίοτον νήποινον ἔδουσιν.

But in this has bitter grief come upon my heart and soul: such as yours was never the way of suitors before this. Those who wish to woo a lady of worth and the daughter of a rich man and vie with one another, these themselves bring cattle and fat sheep, a

banquet for the friends of the bride, and give to her glorious gifts; they do not devour the livelihood of another without atonement (18.274-80).

She notes that the suitors' behaviour does not fit within the accepted courting ritual and that they are the ones that are supposed to be offering gifts instead of devouring her privately owned goods. Athena, Menelaus, and Eumaeus condemn the suitors' actions as well. Upon being welcomed into Telemachus' house, Athena describes the suitors' revelries as outrageous (*hubrisdontes*) and arrogant/shameful (*hyperphialos*) (1.227). Similarly, Menelaus calls them cowardly (*analkides*) in their attempt to usurp Odysseus' position as head of the household (4.334). But it is the swineherd Eumaeus who offers the most revealing remarks concerning legal plunder:

καὶ μὲν δυσμενέες καὶ ἀνάρσιοι, οἳ τ' ἐπὶ γαίης  
ἀλλοτρίας βῶσιν καὶ σφι Ζεὺς ληίδα δῶη,  
πλησάμενοι δέ τεν ἡσ ἔβαν οἰκόνδε νέεσθαι,  
καὶ μὲν τοῖς ὀπιδος κρατερὸν δέος ἐν φρεσὶ πίπτει.  
οἶδε δὲ καὶ τι ἴσασι, θεοῦ δέ τιν' ἔκλυον αὐδὴν,  
κείνου λυγρὸν ὄλεθρον, ὄτ' οὐκ ἔθελουσι δικαίως  
μνάσθαι οὐδὲ νέεσθαι ἐπὶ σφέτερ', ἀλλὰ ἔκηλοι  
κτῆματα δαρδάπτουσιν ὑπέρβιον ἐξαφύοντες.

Even men who are enemies, bound by no ties, who set foot on foreign soil, and Zeus gives them booty, and they fill their ships and depart for home—even on the hearts of these falls great fear of the wrath of the gods. But these men here must know something, and have heard some voice of a god, my master's woeful death, seeing that they will not woo fairly, nor go back to their own, but at their ease they waste our property insolently, and there is no sparing" (14.85-92).

Eumaeus' condemnation of the suitors specifically contrasts their legal plundering of their fellow citizens, Telemachus and Penelope, with the actions of men who conduct sea-raids. The distinction here is crucially important. Social and religious customs and rituals all require someone to provide for the feast or sacrifice, and so one could expect to share his or her goods at certain times on certain occasions. However, the suitors' pressing of their courtship of Penelope beyond the bounds of what the custom was meant to permit is depicted by Eumaeus and others as an intentional and malicious attempt to use the courting rights to legally plunder Telemachus and Penelope.

Ultimately a willful lack of moderation in and of itself can constitute justification for the suitors' violent demise, but this lack of moderation is much more condemning in that it causes them to violate the courting customs and wooing rites that they also use to defend their ravenous consumption. In this manner Penelope's denunciation of their actions parallels Achilles' reasoning for rejecting Ajax's advice in the *Iliad*. The suitors have transgressed the hospitality they could rightfully expect to receive in their courting of Penelope. As they have become arrogant in their suit, they cannot expect her, Telemachus, or Odysseus to countenance their actions despite the norms of the courting rite. Nor could they expect Odysseus to accept their plea to follow custom and allow them to pay a ransom to escape their slaughter.

To this point, then, the Homeric epics depict the importance of preserving private property and ownership rights untrammelled, as both poems demonstrate an understanding of the detriment of legal plunder and incorporate it into primary conflicts in both poems. However, the Homeric epics do not simply employ the concept of legal plunder in the plots; the concept is incorporated then into the thematic strains of the poems as well.

### **Parallel Construction**

Thus far I have endeavored to demonstrate the importance of legal plunder in the development of the plot in the *Iliad* and *Odyssey*. It represents the cause of conflict amongst allies or citizens of the same *poleis* in both poems, and drives the development of character for both Achilles and Telemachus. Some similarities between the epics have not yet been as thoroughly discussed, however, because they deserve particular treatment and pertain more to the themes than to the plot of the epics. I intend to further support the argument for the importance of ownership rights

by demonstrating that the poet(s) actively included legal plunder in the thematic elements of the Homeric epics by means of a parallel construction concerning the protagonists' reactions to being legally plundered.

Although Achilles and Telemachus exhibit different initial reactions to legal plunder (as has been mentioned above) they both proceed from that point to perform the same actions in the same order for the duration of the epics. A brief overview of Achilles' and Telemachus' responses would be thus: at first they vent their anger at the individual or group plundering them, then they become angry with the passive bystanders as well. Next, they pray to the gods for help, which they receive. Only one mortal in each poem defends them as the victims of legal plunder. Achilles and Telemachus (at this point) refuse to eat with their enemies, who transgress custom first, yet expect the victim to adhere to similar social customs. Neither Achilles nor Telemachus (or at this point, Odysseus as well) choose to honor the custom of accepting a ransom, and neither offer any forgiveness to the one(s) who legally plundered them. Below is a demarcation of the nine courses of action through which each protagonist travels in the course of their specific response to being legally plundered.

Elements of parallel construction:

- 1) Arousal of anger against the aggressor
- 2) Arousal of anger against the silent onlookers
- 3) Lone voice of conscience from the silent many
- 4) Withdrawal from society
- 5) Appeal to the gods
- 6) Refusal to dine with the enemy
- 7) Rejection of social customs
- 8) Forgiveness withheld
- 9) Unification of the still-damaged community

Of the above nine phases, six (1-2,4-6,8) are direct reactions by the protagonists, while three require the narrator to input other characters' actions. The poems' enlisting of the secondary characters to perform the same actions in both poems suggests that the parallel construction is shaped around the concept of legal plunder as opposed to being formed merely around the characterizations of Achilles and Telemachus.

1) Arousal of anger against the aggressor

The first of the steps—anger directed against the aggressor—is self-explanatory. Achilles' *menis* constitutes the opening line of the *Iliad*, and he has little trouble unleashing the brunt of it at Agamemnon whenever possible. Although it takes a little prodding from Athena to get Telemachus to cultivate his anger, he wastes no time directing it at the suitors; he even mentions his hope to see them dead in his halls (1.380).

2) Arousal of anger against the silent onlookers

The second phase—the arousal of anger against the silent onlookers—merits a brief re-examination. Achilles' *menis* would not be as thematically relevant nor worthy of being the opening line of the *Iliad* if it did not extend beyond Agamemnon.<sup>124</sup> His anger at those who do not stand up for him and who continue to support Agamemnon includes all the other chiefs, not excepting Phoenix, Ajax, and Odysseus, whom he considers to be his closest friends outside of the Myrmidons at

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<sup>124</sup> Achilles' wrath does eventually focus upon Hector, but needs more than a single target for the first fifteen books of the *Iliad*.



Troy. Telemachus, however, does not give his anger such free reign. He indicts the Ithacan townspeople, saying they should feel shame for the havoc the suitors are wreaking on his household (2.64-6). He is not an ensconced hero like Achilles, though, and he still needs to request from the people a ship to travel to Pylos and Sparta. Thus, he allows the Ithacan citizens to witness his anger with them, but he restrains it in order to achieve his objective of traveling to hear word of his father. So, while there is a difference in the degree of vitriol which each hero directs toward the onlookers, Achilles and Telemachus both become angry with the bystanders who silently accede to their being legally plundered.

### 3) Lone voice of conscience from the silent many

In both epics only one man comes to the defense of the victim of legalized plunder while the men are at assembly. Thersites upbraids Agamemnon and Mentor chastises the Ithacans. Both men speak up defiantly against the legalized plunder of Telemachus and Achilles, respectively, and both men receive a quick rebuke. That Mentor's speech appears to carry more weight can be ascribed to various factors. Kouklanakis highlights the narrator's negative description of Thersites in the preface to his speech, while Nagy blames Thersites for understating Achilles' anger.<sup>125</sup> Kouklanakis' point is sound; I would argue that, contrary to Nagy, it is not Thersites' misconception of Achilles' wrath, but rather his mistake in choosing against whom to direct his invective. As a man of the *demos*, he can rightly upbraid his fellow men for supporting Agamemnon (just as Mentor deplores the Ithacans' complacency), but he exceeds his bounds in attacking Agamemnon. Ultimately, in neither case does either

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<sup>125</sup> Kouklanakis (1999); Nagy (1979).

man's reasoning convince the crowd. They both receive a swift rebuke and the situation remains unchanged. The poems' inclusion of these scenes demonstrates again the lack of moral clarity in the willingness of the many to support implicitly the violation of an individual's ownership rights, which, given another circumstance, they would fight to uphold.

#### 4) Withdrawal from society

Once both heroes upbraid their fellow allies or citizens and receive no direct support, they withdraw from the society that harmed them. Achilles stays within the camp of the Myrmidons and Telemachus leaves Ithaca to search for his father. Although Telemachus has an ulterior motive, neither he nor Achilles chooses to remain amongst those who do not recognize the validity of their grievance or support their cause. As is mentioned earlier, the ill-will harbored toward those fellow citizens who silently support the laws or customs that permitted the violation of one's ownership rights represents a secondary effect of legal plunder.

#### 5) Appeal to the gods

Intertwined with the protagonists' isolation of themselves is their plea to the gods for help. Achilles heads to the shore to enlist his mother's aid, while Telemachus calls upon Zeus in front of the suitors and assembly:

εἰ δ' ὑμῖν δοκέει τόδε λωίτερον καὶ ἄμεινον  
ἔμμεναι, ἀνδρὸς ἑνὸς βίοντος νήποιον ὀλέσθαι,  
κείρετ'. ἐγὼ δὲ θεοῦς ἐπιβώσομαι αἰὲν ἔοντας,  
αἴ κέ ποθι Ζεὺς δῶσι παλίντιτα ἔργα γενέσθαι.  
νήπινοὶ κεν ἔπειτα δόμων ἔντοσθεν ὀλοίσθε.

But if this seems in your eyes to be a better and more profitable thing, that one man's livelihood should be ruined without atonement, waste on. But I will call upon the

gods that are forever, in hopes Zeus may grant that deeds of requital take place.  
Without atonement then would you perish within my halls (2.141-5).

That the gods answer both of their requests to some degree suggests that justice or right is on their side. Although Thetis has to call in her favor with Zeus, he still helps Achilles receive his due honor. Meanwhile there is little question of right and wrong in the *Odyssey*; the gods – specifically Athena – have driven the plot from the beginning. Not only do the Homeric poems present both heroes' appeals to the gods, but they also show the gods responding positively and helping them in their quest to receive atonement from the aggressors.

#### 6) Refusal to dine with the enemy

One of the more interesting reactions of Achilles and Telemachus is that they refuse to eat with the one(s) who stole from them. When Achilles withdraws from the fighting, he withdraws from the feasting of the chiefs as well.<sup>126</sup> Before Odysseus, Phoenix, and Ajax embark on their embassy to Achilles, they feast with Agamemnon (9.89-90). Upon their arrival at the camp of the Myrmidons, Achilles feasts them as well, which illustrates his distance from Agamemnon's banquet and his preference to provide his own. Odysseus even remarks to Achilles that he does not lack a proper banquet whether with Agamemnon or in Achilles' tent (9.225-8). Achilles does eventually eat with Agamemnon in Book 23, which will be further discussed below in the section about forgiveness. As has been noted above, the *Odyssey* first depicts Telemachus sitting amongst the suitors during their revelries. After Athena catalyzes Telemachus' psychological transformation, he begins to see the suitors as his overt enemies and refuses to dine with them. He does not join the suitors' carousing in the

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<sup>126</sup> Seaford (1994), p. 159, notes the irregularity of Achilles' decision to dine apart from the other Achaean chieftains.

end of Book One, and, in Book Two, he outright refuses Antinous' request that he refrain from further invectives and join them for a feast after the assembly. His rebuke is quick and concise:

Ἄντινο', οὐ πως ἔστιν ὑπερφιάλοισι μεθ' ὑμῖν  
δαίνυσθαί τ' ἀκέοντα καὶ εὐφραίνεσθαι ἔκηλον.  
ἦ οὐχ ἄλις ὡς τὸ πάροιθεν ἐκέριτε πολλὰ καὶ ἔσθλα  
κτῆματ' ἐμά, μνηστῆρες, ἐγὼ δ' ἔτι νήπιος ἦα;

Antinous, in no way is it possible for me in your arrogant company to enjoy the feasting quietly and to make merry with an easy mind. Is it not enough, you suitors, that in time past you wasted many fine possessions of mine, while I was still a child? (310-3).

Telemachus states his point clearly: the suitors have arrogantly squandered his goods, and he cannot take any pleasure in dining with them. Thus both he and Achilles refuse to feast with those who are legally plundering them.

#### 7) Rejection of social customs

Another element of parallel construction occurs when the protagonists choose not to abide by custom. Achilles rejects Ajax's advice that he accept Agamemnon's ransom, because it represents an established atonement for even the most serious of crimes. As Achilles explains to Patroclus, Agamemnon has attempted "to rob one who is his equal, and take from him his prize, since he surpasses him in power" (16.53-4). Since Agamemnon has breached custom by robbing Achilles and retaking his prize, he cannot expect Achilles to abide by custom either. Similarly, after Odysseus strikes down Antinous to begin the slaying of the suitors, Eurymachus suggests to Odysseus and Telemachus that the suitors should repay for everything they consumed, and adds that they will each add twenty oxen worth of precious metals to appease their justified anger (22.55-9). Just as Achilles does, Odysseus and Telemachus refuse the stated ransom. But, unlike Achilles, they have the blessing of

the gods (specifically from Athena, who, interestingly enough, was the same god who stopped Achilles from attacking Agamemnon) to draw weapons and kill their enemies (22.226-35). Thus, the protagonists of both poems shun custom by rejecting a proper ransom, and they justify their refusal by noting that their enemies broke with convention first in their stealing from them.

#### 8) Forgiveness withheld

Neither Achilles' nor Telemachus' anger subsides. After the death of Patroclus, Achilles publicly acknowledges that his anger has hurt the Argives, but he does not say that he is no longer angry (19.61-2). On the contrary, he mentions that he will curb his wrath due to his anguish (19.65-6). Achilles here has not forgotten his discord with Agamemnon, but rather his grief at the death of Patroclus and his desire for revenge on Hector overshadow his earlier anger. When Agamemnon makes his trite 'acceptance of responsibility' speech (it cannot rightly be called a proper apology), Achilles responds:

Ἄτρείδη κύδιστε, ἄναξ ἀνδρῶν Ἀγάμεμνον,  
δῶρα μὲν αἶ κ' ἐθέλησθα παρασχέμεν, ὡς ἐπιεικές,  
ἢ τ' ἔχεμεν, παρὰ σοί. νῦν δὲ μνησώμεθα χάρμης  
αἶψα μάλ'.

Most glorious son of Atreus, Agamemnon, lord of men, as for the gifts, give them if you are so minded, as is proper, or keep them—it is up to you. But now let us take thought of battle quickly (19.146-9).

Achilles does not make amends with Agamemnon at this point; his sole purpose and driving force is to fight Hector, and he is willing to go along with whatever façade of formality allows him to enter into battle as soon as possible. Achilles does not even care to spend thought or time in accepting the ransom, which represents the tangible marker of Agamemnon's wrongdoing.

Later, during the funeral games for Patroclus, Achilles shows deference and tact in awarding first prize for spear-throwing to Agamemnon before the contest can begin, stating that everyone knows that he is the best of the Achaeans with the spear (23.890). Some scholars have employed this passage to demonstrate that Achilles has forgiven Agamemnon, while others argue that Achilles gains moral ascendancy over Agamemnon by exemplifying how a host should behave towards his guests and by indebting him through gift-exchange.<sup>127</sup> Donna Wilson finds a third reason for the poet's inclusion of Achilles' action: to illustrate that Agamemnon often garners *timé* without having to compete for it.<sup>128</sup> Seaford notes that the funeral games are a cooperative ritual, and thus it is likely that Achilles' intentions are to anticipate possible quarrels and placate those involved in the same way that he calmed Menelaus and Antiochus after the chariot race.<sup>129</sup> Ultimately, Agamemnon never formally apologizes to Achilles, and Achilles never accepts the ransom. There is no extended scene of mutual acceptance and forgiveness like the one between Achilles and Priam in Book 24. It is telling, too, regarding the importance of ownership rights that Achilles forgives Priam, the father of the man who struck the final blow against Patroclus, but he never forgives Agamemnon for legally plundering him.

As has been noted above concerning the intentional disregard for custom, Telemachus and Odysseus do not pardon or offer any quarter to the suitors. When Eurymachus proposes that the suitors all give a ransom to Odysseus, his speech contains no apology; rather, he attempts to place the blame for their collective behavior on Antinous (22.45-59). Just like in the *Iliad*, no formal apology is given

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<sup>127</sup> Forgiveness: Richardson (1984), Frazer (1993), p. 248, *et al.*; Moral ascendancy: Postlethwaite (2000).

<sup>128</sup> Wilson (2002), p. 125: "It is possible to understand Achilleus' action as a demonstration of altruism, though it is not without an ironic appropriation of Agamemnon's own tactics, which have been to rely on his fixed position to win *timé*."

<sup>129</sup> Seaford (1994).

(rather blame is attributed to *Ate* or Antinous), and there is no forgiveness in return. Those who trammel maliciously upon custom in order to legally plunder others are not able to induce their victims to adhere to custom or law in return.

#### 9) Unification of the still-damaged community

Another instance of parallel construction between the *Iliad* and *Odyssey* occurs with the descriptions of the damage done to the community as a result of the victims' reaction to being legally plundered. As has been mentioned briefly above, the Achaeans suffer greater harm in battle because Achilles refrains from fighting. They are well aware of his prowess: Agamemnon decries his refusal to fight; Nestor acknowledges Achilles' ability to single-handedly turn the tide of battle (11.656-68); and Patroclus himself balks at the trouble Achilles' anger has caused (11.648-54). Without Achilles ranging on the front lines, the greater Achaean chiefs sustain wounds and the lesser Achaeans die at the hands of Hector. Their incapability to succeed certainly demonstrates their mistake in not properly honoring Achilles, but it may also represent a type of early social or political commentary. If we strip the overarching plot regarding legal plunder of the more finite details, the thematic concept that remains is that legal plunder harms both the individual and society as a whole. The same theme occurs in the *Odyssey*. Even before the suitors are slaughtered, the Ithacan community suffers harm due to the suitors' pillaging of Telemachus' patrimony. Ithaca and the surrounding islands lose a generation of youths from ruling families, since the suitors abandon their social and familial obligations to revel in their courting of Penelope. In addition, the suitors do not respect the elder men of the town. Leocritus verbally abuses Mentor and threatens

physical harm against anyone – including Odysseus, should he return – who attempts to suppress the courting feasts (2.242-56). The slaughter of the suitors catalyzes their family members to attack Odysseus before Athena concludes a pact between them. In this instance, the entire community is in turmoil socially and politically due to the after-effects of legal plunder. Since Athena sanctions and even urges on Telemachus and Odysseus in their killing of the suitors, their reaction does not constitute the root cause of the upheaval. Thus, both Homeric poems depict legal plunder as detrimental to the victims as well as to those onlookers who silently permit the injustice to continue, both in terms of loss of ownership rights as well as the loss of transparency of morality.

#### *Implications of a parallel construction*

While the argument for a parallel construction of thematic elements in the *Iliad* and *Odyssey* provokes more questions in Homeric scholarship than it answers, it does further highlight the importance of ownership rights in Archaic Greece. The occurrence of a parallel construction does not necessarily suggest that both poems were written or performed in their near-final form by one master poet. Rather, it suggests an oral tradition and lineage of poet-performers who understood and represented the concept in the poems, thus demonstrating an even greater social awareness of legal plunder amongst the Archaic Greeks. Having investigated the evidence for the importance of ownership rights and the awareness of the concept of legal plunder in the Homeric epics, we can compare it with Hesiod's works to refine our understanding of the nature and significance of the rights and practice in Archaic Greece.



## **Toward an understanding of the historicity of legal plunder**

Whereas the Homeric epics present a poetic world that is based on a conglomeration of mythology, history, and contemporary events, Hesiod's *Works and Days* is much more centered in the everyday life of Archaic Greece. The poem relates historical information that not only corroborates the Homeric depiction of legal plunder, but also details the circumstances and realities surrounding the practice in Archaic Greece. This corroboration between Hesiod's *Works and Days* and the Homeric poems concerning evidence of legal plunder further supports the theory that the *Iliad* and *Odyssey* present an historical example of Archaic thought and perspective on legal plunder. One crucial difference, however, is that Hesiod's depiction of legal plunder occurs in the law-courts whereas the Homeric evidence takes place in the assembly. I intend to demonstrate that the conditions and circumstances of legal plunder remain otherwise unchanged between the Homeric and Hesiodic evidence and that Hesiod's *Works and Days* illustrates the next stage in the historical evolution of legal plunder. The sometimes enigmatic customs, rites, and less-organized assembly of the older Homeric epics become the more clearly defined laws and law-courts of Archaic Greece. Let us return, then, to where this chapter began and bring the Homeric evidence to bear on Hesiod's *Works and Days*.

In *Works and Days* Hesiod reports that his main reason for his composing of the poem is to advise his brother, Perses. His guidance can roughly be summed up as "work hard and do not attempt to take others' possessions". He describes the situation that precipitated his need to counsel his brother:

τοῦ κε κορεσσάμενος νείκεα καὶ δῆριν ὀφέλλοις  
κτῆμασ' ἐπ' ἀλλοτρίοις. σοὶ δ' οὐκέτι δεύτερον ἔσται  
ᾧδ' ἔρδειν, ἀλλ' αὐθι διακρινώμεθα νείκος  
ἴθειησι δίκης, αἶ τ' ἐκ Διός εἰσιν ἄρισται.  
ἤδη μὲν γὰρ κλῆρον ἐδασσάμεθ', ἀλλὰ τε πολλὰ  
ἀρπάζων ἐφόρεις μέγα κυδαίνων βασιλῆας  
δωροφάγους, οἱ τήνδε δίκην ἐθελουσι δικάσσαι,  
νήπιοι, οὐδὲ ἴσασιν ὅσῳ πλέον ἤμισυ παντός,  
οὐδ' ὅσον ἐν μαλάχῃ τε καὶ ἀσφοδέλω μέγ' ὄνειαρ.

When you take your fill of [the assembly], then you might foster quarrels and conflict for the sake of another man's wealth. But you will not have a second chance to act this way—no, let us decide our quarrel right here with straight judgments, which come from Zeus, the best ones. For already we had divided up our allotment, but you snatched much more besides and went carrying it off, greatly honoring the kings (*basileas*), those gift-eaters, who want to pass this judgment—fools, they do not know how much more the half is than the whole, nor how great the boon is in mallow and asphodel<sup>130</sup> (33-41).

Here Hesiod indicts both his brother for overreaching his bounds and the *basileis* for their incorrect judgment, which has allowed Perses to legally plunder him. In this instance, the *basileis*, acting as magistrates of the law, draw the ire of Hesiod much as the Achaean and Ithacan assemblies did from the protagonists in the *Iliad* and *Odyssey*. He depicts them as doubly responsible, since they not only witness the injustice, but also actively perpetrate the plundering. In addition, the result of their actions causes a breakdown in right and justice, which, in turn, harms the community. Hesiod makes frequent reference to the impact that the crooked judgments of the *basileis* have on the law:

χειροδίκαί. ἕτερος δ' ἐτέρου πόλιν ἐξαλαπάξει.  
οὐδέ τις εὐόρκου χάρις ἔσσειται οὐδέ δικαίου  
οὔτ' ἀγαθοῦ, μᾶλλον δὲ κακῶν ῥεκτῆρα καὶ ὕβριν  
ἀνέρα τιμήσουσι. δίκη δ' ἐν χερσὶ καὶ αἰδῶς  
οὐκ ἔσται. βλάβει δ' ὁ κακὸς τὸν ἀρείονα φῶτα  
μῦθοισι σκολιοῖς ἐνέπων, ἐπὶ δ' ὄρκον ὁμῆται.

Their hands will be their justice, and one man will destroy the other's city. Nor will there be any grace for the man who keeps his oath, nor for the just man or the good one, but they will give more honor to the doer of evil and the outrage man. Justice will be in their hands, and reverence will not exist, but the bad man will harm the superior one, speaking with crooked discourses, and he will swear an oath upon them (*Op.* 189-94).

<sup>130</sup> M.L. West (1988) notes that mallow and asphodel represent the most inexpensive fare for the common man.

This passage concludes Hesiod's digression into the Ages of Man, which catalogues the de-evolution and weakening of the minds and bodies of mankind through each successive generation. He censures the magistrates for aiding his brother in legal plunder, and demonstrates that it is through these sorts of crooked judgments that law is in disarray. This inability of the law and magistrates to properly support *dike* causes the blurring of morality. That Hesiod attributes the cause of this deterioration to the turbulent administration of the law and blames the greedy nature of the gift-eating magistrates further supports the theory that Hesiod was not only actively aware of, but particularly concerned about, the problems created by legal plunder.

Despite his frequent resentment toward the *dorophagoi*, Hesiod here could be accidentally grasping the concept of legal plunder in his indictment of the corrupt law system. However, Hesiod specifically elucidates the difference between theft and legal plunder when he states that property is not to be plundered (*leissetai*) by violence or "by means of the tongue" (Op.320-2). Hesiod delineates the two different types of plunder: by the threat of violence, or through argument. His reference to the frequency of legal plunder as *hoia te polla ginetai* implies that this type of theft occurred commonly enough as to present a familiar and pressing problem to his Archaic Greek audience. Thus, within 326 lines, Hesiod has provided a fitting definition of legal plunder, mentioned an individual instance of the institution, and asserted that continued acts of legal plunder lead to an ambiguous law system. In addition to discussing the various aspects of legalized plunder, Hesiod places himself in firm opposition to its practice. He is much like Zeus in the *Iliad*, who "grows angry at men who give crooked judgments in the place of assembly" (16.387).

Hesiod's resentment toward the *dorophagoi* lends itself to multiple interpretations. The more apparent cause stems from the misuse of their power in

awarding his brother more than his rightful share of the inheritance, due to his brother's continued honoring of them with gifts. For this reason, some translators, including M.L. West, have rendered *dorophagoi* into "bribe-swallowers" in order to define the nature of the gifts that Perses offered. Indeed it is very likely that these 'gifts' induced the magistrates to alter their judgments, but this explanation does not provide the only interpretation of *dorophagoi*. As the rulers and aristocrats of the land, they could expect to profit from their position of power. While they might not have received the extent of *temenea* or the generosity of gifts that Glaucus and Sarpedon supposedly enjoyed from the Lycians (*Il.*12.310-6), they could reasonably anticipate receiving some portion of their wealth through gifts from the common people in the same way that the Phaeacian chiefs planned to recover the bronze cauldrons they proffered to Odysseus (*Od.*13.13-5). These gifts might, *prima facie*, appear to be nothing more than goodwill gifts, but they are more aptly described as a form of tribute or taxation.<sup>131</sup> From the viewpoint of a common Phaeacian man, the munificence of his chiefs toward Odysseus implied that his gift-taxes were being devoured. For this reason, the Phaeacian episode contradicts Scully's statement that "in Homer, *politai* are [...] neither conscripted nor taxed."<sup>132</sup> But were the *dorophagoi* of Hesiod more akin to the Phaeacian chiefs who could expect tribute from the populace, or were they more like the magistrates on the shield of Achilles – older men who were not necessarily the kings or lawmakers?

Twice when decrying the actions of the *dorophagoi*, Hesiod terms them *basileis*: *basileas dorophagous* (38-9), and *tauta phulassomenoi basiles ithunete muthous dorophagoi* (263-4). As Finley notes, the *basileis* are born into their status-

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<sup>131</sup> Tandy (1997), p. 107: "Thus Alcinous and each of the other *basileis* are able to recoup their 'loss' by taxing the people and will be able to continue to do so as long as it does not appear unfair, or at least avoidable."

<sup>132</sup> Scully (1990), p. 1. *Contra*: Posner (1979), p. 32.

position.<sup>133</sup> Naoko Yamagata observes that “the status of a *basileus* is objectively determined by certain privileges, mostly the gifts from others, and corresponding duties.”<sup>134</sup> The “corresponding duties” of the *basileus* include serving as “decision-makers” for the public.<sup>135</sup> Homer himself connects these two facets of the *basileus* – giving/receiving gifts and making decisions for the public – in the Phaeacian narrative. At the beginning of Book Six, Nausicaa comes across her father as he heads out to the council:

ἡ μὲν ἐπ’ ἐσχάρῃ ἦστο σὺν ἀμφιπόλοισι γυναιξιν  
 ἠλάκατα στρωφῶσ’ ἀλιπόρφυρα. τῷ δὲ θύραζε  
 ἐρχομένῳ ξύμβλητο μετὰ κλειτοῦς βασιλῆας  
 ἐς βουλήν, ἵνα μιν κάλεον Φαίηκες ἀγαυοί.

[...] and her father she met as he was going out to join the glorious kings (*basileas*) in the place of council, to which the lordly Phaeacians called him (6.52-5).

The *basileis* maintain the ability and right to confer at the *boule*, and, at a later point, are called counselors (*boulephoroi*):

εἶματα μὲν δὴ ξείνῳ ἐυξέστη ἐνὶ χηλῷ  
 κείται καὶ χρυσὸς πολυδαίδαλος ἄλλα τε πάντα  
 δῶρ’ ὅσα Φαίηκων βουληφόροι ἐνθάδ’ ἔνεικαν.

Clothing for the stranger lies already stored in the polished chest, with gold curiously wrought and all the other gifts which the counselors of the Phaeacians brought here (13.10-2).

Therefore, it appears that Hesiod employs *basileus* with the same meaning as do the Homeric epics: the *dorophagoi* who pervert justice in his law-courts are members of the ruling class like the chieftains in Phaeacia. This similarity provides yet another link between Hesiod and Homer and further strengthens the argument that Hesiod’s poem offers a contemporary portrait that both corresponds with and updates the Homeric depiction of legal plunder.

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<sup>133</sup> Finley (1977), p. 95-7.

<sup>134</sup> Yamagata (1997), p. 10.

<sup>135</sup> Yamagata (1997), p. 11.

### *Final thoughts on legal plunder*

Hesiod's identification of the problems of legal plunder demonstrates both that the practice was prevalent in Archaic Greek society, and that at least some Greeks viewed it as problematic. As its historicity is thus established, one can use the concept to approach how the Homeric epics characterize the heroes and address the various aspects of strife amongst allies or people of the same *polis*. That the Homeric poets employed legal plunder as one of the main conflicts in both poems underscores the importance and centrality of the issue in the Archaic era. The depiction of legal plunder in the *Iliad* provides further characterization of Achilles and illustrates more fully the reason for his overweening *menis*. Similarly, it offers better justification for Odysseus' disregard for custom during the slaughter of the suitors in the *Odyssey*. Therefore, any argument that concerns itself with Achilles' anger or morality in the *Odyssey* should take these principled objections to legal plunder into account. Further, in regard to the larger theme of this paper, the Homeric treatment of legal plunder highlights the primacy of personal possession of property in the Archaic age.

It is also worth noting that no political system in the Homeric or Hesiodic poems is immune to the problem of legal plunder. The autocratic governance of Agamemnon in the *Iliad* is as susceptible to legal plunder as the oligarchy of magistrates in *Works and Days*. Even in the *Odyssey*, where the semi-democratic Ithacan political system suffers due to the absence of its leader, the suitors are able to perpetrate the lawful theft and consumption of Telemachus' patrimony. That all variations of governmental systems in the developing *poleis* proved susceptible to legal plunder further highlights the centrality of the concept in Archaic literature since

its pervasiveness could conceivably extend to anyone living in the emergent city-states.

## Problem of Plunder in Archaic Greece

In the introduction to his discussion of war as “raiding”, Alastair Jackson denotes the prominence of plunder in the *Iliad* and *Odyssey*: “In Homer’s picture of heroic warfare, plundering is manifestly significant.”<sup>136</sup> Plunder both precipitates and elongates the Trojan expedition. Paris’ abduction of Helen and theft of her possessions catalyzes the Achaean invasion, and the need to sack Troy in order to justify (or pay for) the operation not only fuels the plot of the *Iliad* but features significantly in the *Odyssey* as well. The Greek word *enarido* (to strip, to despoil a corpse of its armor) occurs forty-nine times in the *Iliad*, and is only one of an assortment of words, including *sulao*, *lambano*, *duo*, and *ainumai*, that denote the taking of armor from an individual, usually a corpse, on the battlefield.<sup>137</sup> Likewise, plunder is prominent in the *Odyssey*. Whenever his hosts press him for his identity and how he came to their shores, Odysseus relates accounts of raiding expeditions on various people, including the Cicones, Helios, and the Egyptians. Certainly, then, plunder plays a significant role in the *Iliad* and *Odyssey*, but how is it depicted? More precisely, how does the poet’s treatment of plunder inform our knowledge of the practice during the Archaic era? Then, to extend the question to the underlying theme of this paper, how does this treatment relate to the importance of the possession and ownership of goods during the formation of *poleis*?

While the Homeric poems distinctly present legal plunder as problematic because it permits citizen to plunder fellow citizen and creates issues for collectivized justice through law, their treatment of plunder by force is more ambiguous. At first glance,

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<sup>136</sup> Jackson (1993), p. 68.

<sup>137</sup> See Pritchett (1974), p. 54-58 for a discussion of the Greek terms for plundered goods and booty.



the concept of plunder seems quite straightforward, especially in the *Iliad*: the Homeric warrior is propelled by a combination of personal desire for glory and the expectations of the “heroic code” to despoil his fallen enemies in battle and to pillage their cities or countryside in both raids and open sieges.<sup>138</sup> However, putting the ideal into practice yields a more problematic result. Stripping armor in battle is a risky adventure: here the distraction provided by the possibility of plundering causes soldiers to lose battle-focus; and distribution of spoils from raids often leads to strife and division of forces. Similarly, in the *Odyssey*, raiding parties fail through greed or recklessness; the gods punish raiders and those who capture slaves; and the destruction of Troy is viewed by those who participated in it as destructive – *even for the victors*. If indeed it can be demonstrated that the poems depict plunder as more nuanced and complex than is recognized by current scholarship, then we can examine the historical circumstances, specifically those related to ownership rights, that may have influenced them to form this perspective on plunder.

The purpose of this chapter is two-fold: first, to demonstrate that the Homeric epics portray plunder as problematic and, in instances, destructive to all parties; and, second, to relate the problems of plunder in the poems to the recognized conditions of Archaic Greece. By employing Hesiod and other historical evidence, it can be shown that the negative consequences of plunder illustrated in the poems depict the realities of the practice in Archaic Greece, including the effect that reprisals from raiding had on *poleis* relations and the citizen-status of those involved in the raids. In addition, I will argue that the negative impact that the practice of raiding by sea had on the growth of trade and commerce—which was fostered by developments in private

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<sup>138</sup> Donlan (1980), p. 4.

property rights—further induced the Archaic Greeks to view plunder as a problematic venture.

### **Plunder in the *Iliad***

While the *Iliad* does include instances wherein the besieged lament their futures as corpses or slaves when the Achaeans finally sack Ilium, the attacking forces generally do not hold a negative view toward plunder in battle or pillaging afterward. The *Iliad* portrays the gods in a similar vein: they are either callous (e.g., when Hera barter the future destruction of Mycenae, Argos, and Sparta to Zeus for his promise to allow the defeat of Ilium, 4.51-72) or resigned to fate when the destruction of a city is in question. There is little overt resistance to the concept of plunder, or to the right of the stronger force to pillage the weaker. However, there are three main facets of plunder that the *Iliad* demonstrates as troublesome even to those garnering the booty: the risk inherent in the act of despoiling a fallen enemy; the problem posed to the commanders by the distraction of plundering amidst fighting; and the inherent impossibility of a fair distribution of spoils after a battle.

#### *Difficulties of despoiling the enemy*

Most first-time readers of the *Iliad* are surprised by the frequency at which the poem describes the despoiling of a fallen enemy. As has been noted above, *enarisko* (to strip) alone occurs forty-nine times in the *Iliad*, and is often substituted by a variety of other Greek words meaning “to take” or “to seize.” The importance of stripping one’s enemy lies not only in the tangible worth of his armor, but also in the symbolic power that the weaponry holds as a visible, palpable marker of the feat,

which enhances the *kleos* and *timé* of the victorious warrior. In addition, the despoiling of an enemy can be seen as symbolic of emasculation. As Thomas MacCary notes, the stripping of one's armor is equal to castration, because a man without armor cannot fight, and a man who cannot fight is not considered a man.<sup>139</sup> When Hector contemplates how the Trojans can effect the departure of the Achaeans, he thinks of the damage that capturing the armor of the opposing leaders would cause:

ἀλλ' ἔφομαρτεῖτον καὶ σπεύδεται, ὄφρα λάβωμεν  
 ἀσπίδα Νεστορέην, τῆς νῦν κλέος οὐρανὸν ἵκει  
 πᾶσαν χρυσεῖην ἔμεναι, κανόνας τε καὶ αὐτήν,  
 αὐτὰρ ἀπ' ὤμοισιν Διομήδεος ἵπποδάμοιο  
 δαιδάλεον θώρηκα, τὸν Ἑφαιστος κάμε τεύχων.  
 εἰ τοῦτω κε λάβοιμεν, ἐελποίμην κεν Ἀχαιοὺς  
 αὐτονοχὶ νηῶν ἐπιβησέμεν ὠκείων.

But come along and hurry, so that we may take the shield of Nestor, of which the fame now reaches heaven that it is all of gold, the rods and the shield itself; and that we may take moreover from the shoulders of horse-taming Diomedes his elaborate breastplate which Hephaestus toiled over making. If we could take these two, then I might hope to make the Achaeans this very night embark on their swift ships (8.191-7).

Hector's goal of taking Nestor's armor represents a concerted effort to keep Nestor and Diomedes from the front lines by either killing them or depriving them of their armor.<sup>140</sup> In this instance, even the Trojans seek to strip armor from the Achaeans while defending Ilium. Since plunder is not a one-sided affair in the *Iliad*, its evidence is more applicable to our discussion as it cannot be linked solely with the Achaeans as a way to characterize their actions. But while Hector envisions the disarming of Nestor and Diomedes, the reality of the practice proves much more difficult.

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<sup>139</sup> MacCary (1982), p. 154-6.

<sup>140</sup> Johnston (1988), p. 82, notes that "Nestor's shield matters, not because Hektor requires a superior weapon ... but rather because the shield has a public reputation, a fame, which Hektor will acquire if he can get it for his collection." No doubt Johnston is correct in that winning Nestor's shield will win Hector great glory, but his personal *kleos* constitutes only a secondary goal. His primary goal, of course, is to cause the departure of the Argives (9.197).

For the most part, the plain outside the city of Troy is described as less of a battlefield and more of a disorganized ruck wherein individuals run amok attempting to kill and strip the armor from their enemies. At times heroes successfully loot an opposing warrior's panoply without hindrance,<sup>141</sup> but equally as often they are injured or killed—Achaean and Trojan alike—in their rush to procure the armor of an opponent. The Achaean Elephenor receives Agenor's spear "where his side was left uncovered by his shield as he stooped" to strip the corpse of Echeplus (4.457-72); Paris strikes down Eurypylus with an arrow as he attempts to despoil Apisaon (11.580-4); and even Diomedes incurs a wound from Paris' bow while ripping the corselet from the chest of Agastrophus (11.368-75). When a *basileus* is killed, the warriors lose their head (figuratively and, in some cases, literally) trying to win the armor or the corpse. The difficulty and danger inherent in the stripping of an opponent's armor suggests that the poems are composed from a perspective that recognizes the hazardous nature of plundering. And the frequency with which heroes are injured fighting for prized armor demonstrates that this danger is not tangential to the fighting or on the periphery of the battle amongst the *laoi*; rather, it is a commonplace occurrence throughout the fighting and is especially prominent in Book 17. In this way raiding and plundering is depicted as dangerous even for the victorious warrior.

#### *Distraction of plunder in battle*

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<sup>141</sup> Idomeneus (13.259-65): "Spears, if you will, you will find, be it one or twenty, standing in the hut against the bright entrance wall, spears of the Trojans, which I take from their slain. For I am not minded to fight with the foe while standing afar off; so I have spears and bossed shields and helmets and corselets gleaming bright."

The likelihood of receiving an injury while despoiling an enemy is not the only example of the difficulty inherent in plundering. The allure of looting often distracts individual warriors from pressing their advantage in battle as a coordinated unit and thereby garnering further goods. This drawback of plunder in the midst of the fighting is referenced in the exhortations of Nestor and Hector to their respective sides to eschew the immediate gains of plunder in order to pursue their present advantage in the skirmish. In Book 6 Nestor calls upon the Argives to continue their attack after Menelaus pauses to consider whether to accept Adrastus' plea for ransom:

ὦ φίλοι ἦρωες Δαναοί, θεράποντες Ἄρηος,  
 μή τις νῦν ἐνάρων ἐπιβαλλόμενος μετόπισθε  
 μιμνέτω, ὡς κε πλεῖστα φέρων ἐπὶ νῆας ἵκηται,  
 ἀλλ' ἄνδρας κτείνωμεν. ἔπειτα δὲ καὶ τὰ ἔκηλοι  
 νεκροὺς ἄμ πεδίον συλήσετε τεθνηῶτας.

My friends, Danaan warriors, attendants of Ares, let no man now stay back in eager desire for spoil, so that he may come to the ships carrying the greatest amount; but let us slay men; then at your ease shall you strip the armor from the corpses that lie dead over the plain (6.67-71).

At this point, Nestor counsels the Argives to postpone the accepted practice of returning (or sending one's attendant) back to the ships with their loot from the front lines. That Nestor feels compelled to make this exhortation not only illustrates that the nature of the fighting is more akin to raiding skirmishes than open battle, but also suggests the detrimental impact that the desire to plunder has upon the victorious warrior's battle focus and, therefore, the safety of the force as a whole. The poet does not relegate this phenomenon to the raiding force alone. When the Trojans are in the midst of a successful counter-attack that might drive the Achaeans from the plains of Ilium for good, Hector has to remind his men to focus on their duty.

Ὅφρ' οἱ τοὺς ἐνὰριζον ἀπ' ἔντεα, τόφρα δ' Ἀχαιοὶ  
 τάφρω καὶ σκολόπεσσιν ἐνιπλήξαντες ὀρυκτῇ  
 ἔνθα καὶ ἔνθα φέβοντο, δύοντο δὲ τείχος ἀνάγκη.  
 Ἐκτωρ δὲ Τρῶεσσιν ἐκέκλετο μακρὸν αὔσας,  
 "νηυσὶν ἐπισσεύεσθαι, εἴαν δ' ἕναρα βροτόεντα.  
 ὄν δ' ἂν ἐγὼν ἀπάνευθε νεῶν ἐτέρωθι νοήσω,  
 αὐτοῦ οἱ θάνατον μητίσομαι, οὐδέ νυ τόν γε

γνωτοί τε γνωταί τε πυρὸς λελάχωσι θανόντα,  
ἀλλὰ κύνες ἐρύουσι πρὸ ἄστεος ἡμετέροιο.”

While they were stripping the armor from these men, meanwhile the Achaeans were flinging themselves into the trench they had dug and against the palisade, fleeing this way and that, and were being forced inside their wall. And Hector shouted aloud, and called to the Trojans: “Speed against the ships and leave the blood-stained armor. Whomever I see holding back from the ships elsewhere, on the very spot I will devise his death, nor will his kinsmen and kinswomen give him his due share of fire in death, but the dogs will rend him in front of the city” (15.343-51).

Certainly the poet embellishes Hector’s declaration for dramatic effect, but the fact that the men need to be commanded to cease their stripping of armor and pursue the fleeing Achaeans before them highlights the same problem that Nestor faced in Book Six. There, the overwhelming desire of the Achaeans to plunder, whether for personal wealth or to obtain tangible markers of *timé*, prevents them from pressing their advantage and therefore jeopardizes their safety in the long run by prolonging the conflict. Here, again, the desire to plunder becomes problematic in that it is detrimental not just to the victims, but to the victors as well.

#### *Problem of distributing plunder*

The Achaean heroes who risk their lives in order to strip immediately the corpses of their fallen enemies have an individual impetus to do so. As Jonathan Ready explains, there were two methods by which the Achaeans gained spoil: through winning it on the field and through the redistribution of spoils after a battle or raid.<sup>142</sup> The individual has a claim to what he is able to personally take from the battlefield, but he is not assured of receiving from the redistribution following the conclusion of the day’s fighting or raiding. Whatever remains after the fighting is pooled into the common property (*ksuneia*), and thenceforth dispersed. Because a warrior, especially one of lower status, is unlikely to receive from the *ksunia* as much as he could garner

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<sup>142</sup> Ready (2007), p. 13.

individually from the battlefield, this method of distribution explains the tendency of the warriors both to place themselves in harm's way and to delay in pressing an advantage on the battlefield in order to strip their enemies' panoply.

The difficulty of distributing plunder fairly has been well discussed in previous scholarship, and the problem has been ascribed to everything from human nature to politics to the heroic code,<sup>143</sup> but the discussion has not properly taken into account the role that the plundered goods themselves play in the distribution. Seaford comes the closest to doing so in his analysis of the distribution of booty and sacrificial meat, as he deems the problematic nature of distributing plunder as the “crisis that dominates the *Iliad*.”<sup>144</sup> Certainly the tension in alliances,<sup>145</sup> Agamemnon's overly acquisitive nature, and Achilles' response to being legally plundered all represent primary causes of the quarrel over the spoils in the *Iliad*, but these would not have come to the fore if there had been no plunder to distribute. Simply put, the mere existence of common property booty causes an unsolvable problem, because there is no possible way to distribute indivisible goods equally per capita or fairly according to fighting prowess.

An example from the *Odyssey* can aid in our understanding of the difficulties in the apportionment of pillaged goods. In Book 9, Odysseus' actions highlight the inherent problem of distributing plunder when he attempts to ensure a fair allotment of the plunder from the raid on the Cicones and from the looting of the Cyclops sheep:

ἐκ πόλιος δ' ἀλόχους καὶ κτήματα πολλὰ λαβόντες  
δασσάμεθ', ὡς μή τις μοι ἀπεμβόμενος κίσι ἴσης.

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<sup>143</sup> Human nature and heroic code: Ready (2007); heroic code: Seaford (1994), Donlan (1982); politics: Hammer (2002).

<sup>144</sup> Seaford (2003), p. 39-47.

<sup>145</sup> See Donlan (2002), for a discussion of Achilles' status as an “ally” of Agamemnon.

And from the city [of the Cicones] we took their wives and much treasure and divided it among us, that so far as lay in me no man might go defrauded of an equal share (9.41-2).

μηλα δὲ Κύκλωπος γλαφυρῆς ἐκ νηὸς ἐλόντες  
δασσάμεθ', ὡς μή τις μοι ἀτεμβόμενος κίοι ἴσης.

Then we took out of the hollow ship the flocks of the Cyclops, and divided them, that so far as lay in me no man might go defrauded of an equal share (9.548-9).

His attention to detail in these matters, as well as the fact that he makes a specific point to mention the fair distribution, contrasts with Agamemnon's arrogant blundering in the distributions in the *Iliad*. It is important to note, however, that not even the ever-planning Odysseus can prevent the jealousy of his shipmates when they open the bag of winds from Aeolus:

πολλὰ μὲν ἐκ Τροίης ἄγεται κειμήλια καλὰ  
ληίδος, ἡμεῖς δ' αὖτε ὄμην ὁδὸν ἐκτελέσαντες  
οἴκαδε νισσόμεθα κενεὰς σὺν χεῖρας ἔχοντες.  
καί' νῦν οἱ τάδ' ἔδωκε χαριζόμενος φιλότῃτι  
αἴλολος. ἀλλ' ἄγε θᾶσσον ἰδῶμεθα ὅτι τάδ' ἐστίν,  
ὄσσοις τις χρυσός τε καὶ ἄργυρος ἀσκῶ ἔνεστιν.

Much beautiful treasure is [Odysseus] carrying with him from the land of Troy from the booty, while we, who have accomplished the same journey as he, are coming home bearing empty hands. And now Aeolus has given him these gifts, granting them freely out of love. No, come, let us quickly see what is here, how much gold and silver is in the bag (10.40-45).

In this instance, the remainder of Odysseus' unequal share of the booty from Troy provides his shipmates with a motive and justification for their curiosity, which ultimately causes him to continue his wanderings after reaching sight of his native Ithaca. Thus, the problem caused by the distribution of plunder at Troy not only instigates the conflict between Achilles and Agamemnon, but also plagues Odysseus long after the destruction of Ilium. Odysseus' efforts to rectify the difficulty of distribution by assigning equal shares demonstrate an active realization, both on the part of the character Odysseus and of the poet, of the issues inherent in divvying and allotting plundered goods in the *Iliad*.



So then, how can we sum up the evidence in the *Iliad* relating to the problems of plunder? Despite the normality and prevalence of raiding expeditions and pillaging, there are three occurrences in the *Iliad* where plunder is demonstrated as either extraordinarily difficult or problematic: the despoiling of an enemy, the distraction of plundering mid-battle, and the distribution of spoils from the *ksunia*. By no means do these instances counter the accepted viewpoint that raiding is considered a viable institution both by the opposing factions in Troy and also by the Greek pantheon. However, the realities of the practice as described by the poet demonstrate how problematic the custom is, especially for the victors. Thus while the poet outwardly extols the accomplishments of the heroes in their fighting and pillaging, he also provides plenty of evidence of the toils and tribulations it causes for the more astute among the audience to draw their own conclusion.

If, then, the poet offers us both a positive and negative view of plunder, how does this inform our understanding of Archaic Greek thought on the matter? And how does this aid in our understanding of the importance of ownership in the Archaic age? Does “Homer” openly voice the opinions of the social majority of his audience (the *aristoi*) while subtly but succinctly presenting the opposing argument of the minority of his audience (the *laoi*)? Or does the poet present the aristocratic ideal of plunder while also giving voice to the disadvantages of the institution for the common warrior? While I will argue the latter to be the case, let us first analyze the evidence in the *Odyssey*, much of which relates more closely to the everyday conditions of the Archaic Age, as well as the evidence offered by Hesiod.

### **Plunder in the *Odyssey***

The *Odyssey* addresses and explores many of the issues and themes of the *Iliad*, directly referencing Troy/Ilium fifty-eight times.<sup>146</sup> Viewed from an encompassing perspective after the passage of literary time, the sack of Troy is described in terms of sorrow and mourning in the *Odyssey*. Helen and Penelope lament the loss of life, and the victorious heroes regret the devastating toll the battles and raids exacted from themselves and their allies. Menelaus openly criticizes his role in the conflict and expresses his wish that he could exchange his wealth for the lives of his fallen comrades (4.97-103). When prompted by Telemachus, Nestor too gives a striking account of the expedition to Troy, which mentions not only the actual siege of Ilium, but also the sailing and pillaging as well:

ὦ φίλ', ἐπεὶ μ' ἔμνησας οἰζύος, ἦν ἐν ἐκείνῳ  
 δῆμῳ ἀνέτλημεν μένος ἄσχετοι υἱεὺς Ἀχαιῶν,  
 ἡμὲν ὅσα ξὺν νηυσὶν ἐπ' ἠεροειδέα πόντον  
 πλαζόμενοι κατὰ ληίδ', ὄπη ἄρξειεν Ἀχιλλεύς,  
 ἡδ' ὅσα καὶ περὶ ἄστῳ μέγα Πριάμοιο ἄνακτος  
 μαρνάμεθ'. ἔνθα δ' ἔπειτα κατκταθεν ὄσσοι ἄριστοι.  
 [...]  
 ἄλλα τε πῶλλ' ἐπὶ τοῖς πάθομεν κακά. τίς κεν ἐκείνα  
 πάντα γε μυθήσαιτο καταθητῶν ἀνθρώπων;  
 οὐδ' εἰ πεντάετες γε καὶ ἑξάετες παραμίνων  
 ἐξερέοις ὅσα κείθι πάθον κακὰ δίοι Ἀχαιοί.  
 πρὶν κεν ἀνηθεῖς σὴν πατρίδα γαῖαν ἴκοιο.

My friend, since you have recalled to my mind the sorrow which we endured in that land, we sons of the Achaeans, dauntless in courage – all that we endured on shipboard, as we roamed after booty over the misty deep wherever Achilles led and all our fightings around the great city of king Priam; in a word, there all our best were slain [...] And many other ills we suffered besides these; who of mortal men could tell them all? No, even if for five years' space or six years' space you were to abide here, and ask of all the woes which the noble Achaeans endured there, you would grow weary before the end and get yourself back to your native land (3.103-8,113-7).

Nestor repeats the ills (*kaka*) that the Achaeans endure (*tlao*) or suffer (*paskho*). That Nestor mentions Achilles to be their leader as opposed to Agamemnon further draws attention to the raiding part of the expedition, and demonstrates that Nestor views the pillaging along the sea-coast as destructive in its own right. Nestor's focus on the

<sup>146</sup> References to *Troie*: 36, *Ilios*: 22.

sea-raiding near Troy reflects the ocean-bound setting of the *Odyssey*, which contrasts with the *Iliad*'s land-based environment. It also draws a connection between the battlefield atmosphere of the *Iliad* where warriors are constantly stripping armor and the smaller skirmishes in the *Odyssey*.<sup>147</sup>

Thus, the Trojan raid and the pillaging therein are viewed as regrettable and unfortunate by the Achaean heroes in the *Odyssey*. Since the difficulty inherent in the distribution of plunder has been noted previously, this section will focus mostly on the aspect of plunder concerned with piracy and coastal raids. Specifically, we will examine two categories that highlight the difficulties and problematic nature of piracy: the repeated failure of raiding parties and the punishment of raiders by the gods. Also worth noting are the abilities of Odysseus and Menelaus to ultimately succeed in obtaining goods through gift-exchange where they previously failed in raiding, which suggests that trade had already become more profitable to seafarers than pillaging. The Odyssean perspective on sea-raiding, as Jackson notes, represents “at least what Homer’s audiences knew had happened in the not too distant past and what was probably happening in the eighth century itself.”<sup>148</sup> Therefore the evidence in the *Odyssey*, once analyzed, can be brought to bear on the discussion of Archaic Greek thought on ownership and how it was affected by plunder.

#### *Failure of raiding expeditions*

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<sup>147</sup> A brief glance at vocabulary aids in making this delineation. *enarido* (to strip) occurs often in the *Iliad*, but is entirely absent in the *Odyssey*. Likewise, *leistores* (pirates) is found only in the *Odyssey*. Pritchett (1974) notes that Homer employs *leis* (booty) in both the *Iliad* and the *Odyssey*; however, the term for those who pillage by sea is reserved for the *Odyssey*.

<sup>148</sup> Jackson (2000), p. 133.

One of the most striking facets of the *Odyssey* is the frequency with which raids led by the protagonist fail. Odysseus always narrates these forays in his stories to his hosts, and there is a distinct likelihood that he composes a fictitious self-history at each opportunity possible.<sup>149</sup> Naturally he shies from the truth when he returns to Ithaca disguised, but, as Glenn Most has demonstrated, Odysseus appears to be using the story of his wanderings as an exemplum for Alcinous of the proper treatment of strangers and guest-friends.<sup>150</sup> Regardless of how the Archaic audience may have viewed Odysseus' economy of truth, his tales must have had the appearance of reality in order to be accepted. Not including the Pyrrhic victory over Polyphemus, Odysseus or his men fail in three separate raiding attempts: against the Cicones (9.39-61), with Helios' cattle (12.339-88), and in Egypt (14.257-84, 17.424-41).<sup>151</sup>

In the raids against the Cicones and the Egyptians, Odysseus reasons that he and his men suffer defeat due to their greed.<sup>152</sup> Odysseus paints himself as blameless in their failures, noting that his men disobey his orders in both instances: they loiter around enjoying their plunder while the Cicones gather allies for a counterattack (9.47-61), and they pillage the Egyptians when Odysseus had commanded them to guard the ships (14.259-65). Let us put aside discussion of the sailors' greed for a moment and analyze the inability of the protagonist of the poem to succeed in his raiding expeditions. Jackson notes that these repulses do not originate "because Homer's eighth century royal and noble audiences disapproved of the raids described and required Homer to punish the raiders with calamitous native counter attacks," offering instead the reason that "the *Odyssey* has to be full of peril, disaster and

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<sup>149</sup> Pucci (1987), p. 98.

<sup>150</sup> Most (1989), p. 25.

<sup>151</sup> While the raid against the Egyptians is a tale concocted by Odysseus, it closely parallels the results of the raid against the Cicones and represents a situation which Homer's contemporary audience would find realistic.

<sup>152</sup> de Souza (1999), p. 20.

adventure for its brave hero ... to endure and overcome.”<sup>153</sup> He does not support his statement and denies the possibility that the Archaic Greeks viewed plunder-raids as problematic simply because Odysseus must suffer some reversals in his voyage home. However, it is noteworthy that Odysseus—who of all Achaean heroes has the right combination of brains and brawn to succeed—fails in these ventures, and it is especially noteworthy because he ultimately succeeds in obtaining more goods through gift-exchange than he does through raiding, as I will demonstrate later.

There is more to these two instances than should be dismissed without further investigation, since the companions of Odysseus become overly acquisitive, both in their desire to immediately enjoy their booty without a second thought to safety from the Cicones (9.45-6) and in their premature raid of the women in Egypt (14.262-5). The inability of the plunderers to resist various temptations causes them to surpass the bounds of *sophrosyne* and *dike*. This quasi-moral factor of “greed” is developed in tandem with the role that the gods play in the raids, specifically in their reactive retribution toward those who capture and enslave men.

### *Gods and plunder*

The role of the gods in the *Odyssey* is a mixed one when it concerns plunder. Eumaeus’ depiction of Zeus as the one who grants spoil to raiders provides a good example:

καὶ μὲν δυσμενέες καὶ ἀνάρσιοι, οἳ τ’ ἐπὶ γαίης  
ἀλλοτρίας βῶσιν καὶ σπι Ζεὺς ληίδα δῶη,  
πλησάμενοι δέ τε νῆας ἔβαν οἰκόνδε νέεσθαι,  
καὶ μὲν τοῖς ὄπιδος κρατερὸν δέος ἐν φρεσὶ πίπτει.

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<sup>153</sup> Jackson (2000), p. 135.

Even men who are enemies, bound by no ties, who set foot on foreign soil, and Zeus gives them booty, and they fill their ships and depart for home – even on the hearts of these falls great fear of the wrath of gods (14.85-8).

In this instance, Zeus is seen as both an active collaborator in the sailors' pillaging, and, at the same time, as a quasi-judge who oversees the interaction and doles out retribution if the raiding transgresses moderation. That the plunderers pillage with one eye to Zeus and fear the vengeance of the gods demonstrates that even those practicing plunder understood it to be problematic from a religious standpoint. Nonetheless, Athena is described as a *leititis*, "one who dispenses booty," in the *Iliad*<sup>154</sup>; in the *Odyssey*, she promises Odysseus that, with her help, he could overcome fifty squadrons of men and even lead away their cattle and sheep (20.49-51).

Examples such as these, combined with the fact that the plunderers sacrificed to the gods after their expeditions (14.249-51), led Jackson to posit that "there was no religious limitation or objection to raiding, as long as holy places and people were protected."<sup>155</sup> But he ignores that the men who plunder fear the gods' retribution for their actions. Indeed, in the evidence he offers, the men sacrifice to the gods not in reverential thanks, but in order to placate their wrath and ensure a safe trip home:

ἔξημαρ μὲν ἔπειτα ἐμοὶ ἐρίηρες ἑταῖροι  
δαίνυντ'. αὐτὰρ ἐγὼν ἱερῆια πολλὰ παρείχον  
θεοῖσιν τε ῥέζειν αὐτοῖσιν τε δαῖτα πένεσθαι.  
ἑβδομάτῃ δ' ἀναβάντες ἀπὸ Κρήτης εὐρείης  
ἐπλέομεν Βορρῆ ἀνέμῳ ἀκραεὶ καλῷ  
ῥηιδίως, ὡς εἴ τε κατὰ ῥόον. οὐδέ τις οὖν μοι  
νηῶν πημάνθη, ἀλλ' ἀσκηθέες καὶ ἄνουσοι  
ἦμεθα, τὰς δ' ἀνεμός τε κυβερνήται τ' ἴθουνον.

Then for six days my comrades feasted, and I gave them many victims, that they might sacrifice to the gods, and prepare a feast for themselves; and on the seventh we embarked and set sail from broad Crete, with the North Wind blowing fresh and fair, and ran on easily as if downstream. No harm came to any of my ships, but unscathed and free from disease we sat, and the wind and the helmsman guided the ships (14.249-56).

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<sup>154</sup> 10.460: *kai ta g'Athenaiei leitidi dios Odysseus*

<sup>155</sup> Jackson (1993), p. 68.

Much like Eumaeus' description earlier in Book 14, the raiders in this example are more concerned with escaping the vengeance and anger of the gods than they are with actively worshipping them.

Artemis, too, plays a role in punishing raiders. When Eumaeus relates the story of his being sold into slavery, he notes the fate of the woman who captured him:

ἐξῆμαρ μὲν ὁμῶς πλέομεν νύκτας τε καὶ ἡμαρ.  
ἀλλ' ὅτε δὴ ἑβδομον ἡμαρ ἐπὶ Ζεὺς θῆκε Κρονίων,  
τὴν μὲν ἔπειτα γυναῖκα βάλ' Ἄρτεμις ἰοχέαιρα,  
ἄντλῳ δ' ἐνδούπησε πεσοῦσ' ὡς εἰναλίη κήξ.

For six days we sailed, night and day alike; but when Zeus, son of Cronus, brought upon us the seventh day, then Artemis, the archer, struck the woman, and she fell with a thud into the hold, as a sea bird plunges (15.476-79).

While no motive for Artemis' strike is stated, the only reprehensible actions the woman committed were the stealing of three cups as well as Eumaeus. She was not technically a pirate herself, but she stole goods, enslaved a child, and fled seaward. Artemis thus strikes down the woman on her voyage in much the same way that Zeus harries the Achaeans after Troy:

αὐτὰρ ἐπεὶ Πριάμοιο πόλιν διεπέρσαμεν αἰπήν,  
βῆμεν δ' ἐν νήεσσι, θεὸς δ' ἐκέδασσεν Ἀχαιοῦς,  
καὶ τότε δὴ Ζεὺς λυγρὸν ἐνὶ φρεσὶ μῆδετο νόστον  
Ἄργείοις, ἐπεὶ οὐ τι νοήμονες οὐδὲ δίκαιοι  
πάντες ἔσαν.

But when we had sacked the lofty city of Priam, and had gone away in our ships, and a god had scattered the Achaeans, then, even then, Zeus planned in his heart a woeful return for the Argives, since by no means were all prudent or just (3.130-4).

The core of the argument for the gods' reaction to plunder lies here. The slave woman who stole Eumaeus, the son of her master, acts neither justly nor prudently. Neither do the Achaeans during or after the destruction of Troy. The gods, then, are not portrayed as having an objection to the institution of plunder *per se*, but in the way the mortals practice it. It appears, rather, that the nature of acquisition through plunder tends to incite men to exceed moderation.

Since the gods' reactions to plunder vary for different situations, the evidence they provide is somewhat circumstantial. At times they are indifferent, at others they actively participate in raids, and at other times they punish those who plunder. Thus, the evidence does not allow us to pick a broad category of "good" or "bad" within which to place plunder in a religious context. It does, however, demonstrate that as various moral, social, political, and religious ideals were being challenged in the Archaic Age, the moral and religious implications of plunder were becoming more enigmatic, likely due to the developing importance of ownership rights.

### *Plunder in the Homeric epics*

To bring the discussion back to the question that concluded the section on plunder in the *Iliad*: the problems illuminated here do not suggest that the *aristoi* or even the *laoi* among Homer's audience viewed plunder completely in a wholly unfavorable light. It does provide further evidence, however, that they recognized that plunder was more often detrimental than beneficial to those engaging in the practice. Through the depiction offered in the *Odyssey*, it becomes clear that the Homeric epics are more likely presenting side-by-side both the heroic ideal and the reality of their time than they are simultaneously attempting to flatter the aristocratic portion of their audience and surreptitiously applaud the commoners.

### **Impact of plunder on the Archaic view of ownership**



Since the Homeric epics demonstrate both the heroic ideal and the reality of the practice of plunder, what factors motivated the Archaic Greeks to view plunder as problematic and troublesome to the victors?

Both the *Odyssey* and *Works and Days* were composed on the point of the defining element of the Archaic Age: they are contemporary to the early stages of *polis* formation and governance along the coastline of Greece. It is at this moment that production of food and/or goods within *poleis* created a greater surplus at a constant enough rate for the profitability of trade to outweigh the risks inherent with the venture. Indeed, both poems include instances of over-production to the point where there are surplus goods for trade. In the *Odyssey*, Athena poses as Mentor who exchanges iron for copper (1.179-84) and holds debts of foreign peoples (3.366-8). Hesiod mentions in his advice on sea-trading to his brother that their father sailed in order to exchange his excess production (630-3).

As would be the case in any city-state where private property rights are recognized, the wealth of the populace comprises the wealth of the city-state.<sup>156</sup> It follows, then, that city-states had an incentive to protect the private possessions of their individuals.<sup>157</sup> Naturally, this caused city-states to defend their citizens both from repeated raids by other *poleis* as well as from one-off raids from pirates.<sup>158</sup> What is not so readily apparent, however, is that the city-states also had an incentive to protect their citizens' ability to trade and conduct commerce.<sup>159</sup> This meant both

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<sup>156</sup> Achilles mentions this scenario in his refusal of Agamemnon's ransom: "[...] to Thebes of Egypt, where treasures in greatest store are laid up in men's houses" (*Il.*9.381-2).

<sup>157</sup> Posner (1979), p. 29.

<sup>158</sup> See Jackson (1993), p. 65-75 for further discussion on reprisal raids.

<sup>159</sup> Morris (1991), p. 34, notes that the "high inter-annual variability in crop yields around the Mediterranean" likely presented another impetus for city-states to engage in trade, as they faced the necessity of procuring food in years with meager harvests. Osbourne (1991), p. 120, notes the importance of strong production within the *polis* as it made it easier to "maintain political independence" due to not having to rely upon other city-state's trade goods.

building trade relationships with nearby *poleis* and discouraging any acts by their own citizens – specifically piracy or raiding – that would endanger these relationships. From this vantage point, I intend to argue that as trade became more profitable, the Archaic Greeks began to view raiding as more disruptive than helpful not only because it hindered trading, but also because it caused political strife during a time when many inter-*polis* relations were being forged. It is for this reason that I argue that the *Odyssey* portrays Odysseus and Menelaus as being more successful in receiving gifts than in their raids along their returns home. As a corollary to this argument, I will venture into new territory and contend that gift-exchange can be viewed in some instances (specifically when Odysseus receives his bow from Iphitus) as ritualized trade between *aristoi* that symbolizes a treaty between not just two *baseleis*, but between two *poleis*, securing reciprocal trading rights for them.<sup>160</sup>

Before we delve into the subject of trade in the Archaic Age, it is important to first heed caution, taking advice from Reed: “we *can* go from knowing less to knowing *slightly more* about the place of those who engaged in archaic exchanges.”<sup>161</sup> Indeed his warning must be kept in mind, but the ensuing discussion will focus less on the exact place and station of traders and more on the broad concepts which affect and are affected by trade, specifically: *polis* formation, surplus production, and gift-exchange.

### *An enlightened perspective on sea-faring traders*

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<sup>160</sup> Both von Reden (2003), p. 33 and Seaford (2003), p. 23 note that gifts maintain alliances between important individuals. Below I extend this concept to its next logical conclusion: if gift-exchange maintains alliances between community leaders in an era characterized by the growth of the *polis* and the extension of trade, then it is probable that they formed these alliances in pursuit, at some level, of securing reciprocal trading rights.

<sup>161</sup> Reed (2003), p. 63.

As the production of various goods advanced at an accelerated pace within the newly developed city-states, the Archaic Greeks were presented with a new dilemma. Previously, only the *basileis* had been able to wrest a surplus from their land or laborers, but, by the time of the *Odyssey* and *Works and Days*, even an immigrant such as Hesiod's father produced enough to personally brave the risks of seafaring in order to increase his wealth. As has been documented by Tandy, the first among the Achaeans to attempt trading expeditions were the *basileis* or their retainers, as they were the first among the populace to experience overproduction on a large scale.<sup>162</sup> While Tandy refers to the *basileis* in the monarchical sense, I find more credence with von Reden's description of the *basileis* as leaders in the *polis* community.<sup>163</sup> There are at least eleven instances<sup>164</sup> in the *Odyssey* that directly reference trade or traders, most of which mention the bartering of goods for slaves. These instances generally refer to professional traders, or, as Reed terms them "maritime traders".<sup>165</sup> He uses this terminology to represent both the merchants who made their living through trading—like the Phoenicians—and the men who bartered as an intermediary for a *basileis*. However, when it comes to the Greek *basileis*, the examples in the *Odyssey* suggest that they are non-professional seafarers. Athena, posing as Mentos, leader of

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<sup>162</sup> Tandy (1997), p. 4. Hasebroek (1965), p. 50, posits that it was not necessary in the Archaic age to have large-scale production in order to participate in trade. While his argument coincides with the evidence that Hesiod's *Works and Days* provides concerning his brother and father participating in trade ventures, Tandy's point still holds, since the first of the Greeks with the ability and capital to build and outfit a trading vessel would be the *basileis*.

<sup>163</sup> von Reden (2003), p. 16; also Drews (1983), Millet (1984).

<sup>164</sup> 1.179-84, 3.71-5, 3.366-8, 8.159-64, 9.252-6, 13.272-3, 14.449, 15.415, 15.445, 20.382. Seaford (2003), p. 25, finds three instances of active trade in the Homeric epics: *Il*.7.467-75, *Od*.1.183-4, *Od*.15.416.

<sup>165</sup> Reed (2003), p. 65. See also Silver (1995), p. 88, for a discussion of the scholarship on early Greek trade.

the Taphians,<sup>166</sup> mentions her trading voyage where she plans to exchange iron for copper, but she never refers to herself as a trader (1.179-84).

Regardless of to the degree to which the Greeks were engaging in trade, the Phoenicians were well ahead of the Greeks in this activity, and some of the characters in the *Odyssey* describe them the Phoenicians as notoriously greedy. Van Wees translates the Greek reference to them, *troktai*, as “nibblers”, and there is very little doubt as to the negative opinion that the Greeks have formed about the Phoenician traders.<sup>167</sup> It is important, however, to distinguish how they view the professional Phoenician traders from how they view Greek sea-farers. And while some have argued that either the communal nature of the *polis* or the need for direct consumption discouraged the Greeks from actively seeking profit,<sup>168</sup> I agree with van Wees when he states:

However, we shall find that the corollary to [the ideal of autarchy], the notion that Homeric households do not strive to produce more than they need for their own use, and that they seek to acquire goods abroad only to cope with specific shortages at home, is a much more questionable proposition.<sup>169</sup>

To assume that the Greeks traded only to supply their immediate needs is as shortsighted as to claim that the Achaean heroes at Troy wanted to despoil their enemies only for the *timé* that their armor represented.<sup>170</sup> It is reasonable to conjecture that the Greeks warmed to the possibilities of trade more quickly than they relaxed their prejudices against the Phoenician traders. Indeed, neither Nestor nor

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<sup>166</sup> Seaford (2003), p. 27, notes the uncertainty of location for the Taphian race. That Athena would assume the likeness of a non-Greek, however, does not seem appropriate in the Homeric narrative.

<sup>167</sup> van Wees (1992), p. 242. References in the *Odyssey*: 14.289, 15.415. Herodotus employs the root of *troktai* to describe food that is edible (2.92).

<sup>168</sup> Finley (1977), p. 67; Humphreys (1978), p. 167.

<sup>169</sup> van Wees (1992), p. 221.

<sup>170</sup> Seaford (2003), p. 32, notes that the Greek terminology the narrator uses to describe the acquisition of goods in the instance of Menelaus in Egypt is “gathering much livelihood” (*biotós ageíron*). That the narrator considers these gifts and goods as *biotós* further supports the proposition that the wealthy *basíleis* had an active desire to increase their goods through travel, gift-exchange, and trade.

Polyphemus voices or exhibits disapproval of traders when conversing with arriving sea-farers; rather, both reserve their unveiled criticism for the raiders who “wander hazarding their lives and bringing evil to men of other lands” (3.73-4, 9.254-5). *Prima facie*, then, this more nuanced perspective on traders reflects the moral and religious implications of plundering: the problem is not with the practice itself, but in the way it is practiced. Traders are not held in total disrepute in the Homeric or Hesiodic epics, but they do receive censure when their actions exceed moderation and venture into the realm of greed. While these examples are often referenced in Homeric scholarship, what is not often considered when analyzing trade and seafaring in the *Odyssey* is the role that gift-exchange can encompass—either as trade, or as ritualized trade representing a trading compact.

### *Gift-exchange and trade*

In attempting to use the examples of gift-exchange in the *Odyssey* to further analyze trade, some objections arise. Neither Odysseus nor Menelaus offer goods in gift-exchange while abroad, but rather they are the beneficiaries of being well-favored by their hosts. For instance, Menelaus travels around Egypt receiving guest-gifts (3.299-301, 4.120-32) to the point that his ships are completely full (3.311-12). While it is possible he may have traded for some of these goods, the only mode of acquisition mentioned is through gift-exchange. Similarly, when Odysseus receives goods from King Alcinous, we know that Odysseus acquires through gift-exchange because he washed ashore naked on Phaeacia. Now while in neither instance do the Achaean *basileis* engage in trade *per se*, I suggest that the Archaic audience would have viewed their accumulation of goods through travel and gift-exchange as such. I

argue, following Morris Silver, that the Archaic Greeks viewed gift-exchange as serving multiple purposes, one of which was to tangibly and symbolically conclude a pact between the leaders of different *poleis* that included but was not limited to the right of their respective peoples to peacefully engage in trade.<sup>171</sup> In this case, the importance of ownership of goods is employed in a ritualized but lasting way by the permanent exchange of the gifts, which, as stated above, become the private property of those receiving them.

As mentioned previously, the *Odyssey* contains evidence of professional traders in the references to the Phoenicians. The *aristoi* among the Greeks were beginning to engage in trade, as the example of Athena posing as Mentès demonstrates. This paralleled the conditions in Archaic Greece at the time, since professional traders from Phoenicia and Crete already existed when the Greek landowners began to engage in trade. Now, if Glotz and van Wees are correct in their assessment, based on Homer, that the *basileis* sailed the coast and decided to either trade or raid based on military strength, then trading would be quite a dangerous undertaking.<sup>172</sup> It follows that the coastal *poleis* would naturally be wary of all who traveled by sea, including traders. And indeed, the evidence in the *Odyssey*, as has been noted above, depicts the Greeks as quite wary of maritime traders. Since, as Vidal-Naquet notes, “there are no fairs in Homer and the *agora* has no economic function, but is only a meeting place”, it is likely that the leaders, both of the trading company and the local *polis* would meet and come to an agreement before much trading occurred in order to ensure a

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<sup>171</sup> Silver (1995), p. 50, referencing gift-exchange: “In addition, a variety of *publicly performed, conventional* gestures operated to lower the costs of making and enforcing commercial contracts”

<sup>172</sup> Glotz (1926), p. 49; van Wees (1992), p. 220. Their assessment is based on Nestor’s question at 3.71-4 (reused by Polyphemus at 9.252-5), which has been cited above. Cartledge (1983) and Mele (1979) also note this occurrence, with Cartledge stating that these dual goals catalyzed the development of the pentekonter. Silver (1995) and Snodgrass (1985) reach similar conclusions.

*peaceful* exchange of goods.<sup>173</sup> And what makes more sense for the conclusion of a trading pact than to have the leaders exchange gifts in a ritualized and public setting? Anytime, then, that rulers of various *poleis* could enter into pacts for reciprocal trading rights, they, in effect, opened another port of commerce for themselves and their townsmen.<sup>174</sup> And indeed what would logically occur in Archaic Greece in a world adapting to *polis* formation, surplus goods, and sea-trading is mirrored in the Homeric epics. The evidence in the *Iliad* is quite straightforward: the Lemnian traders offer gifts to the Atreidai before trading with the *laoi* at Troy (*Il.*7.464-77). While there is no evidence this precise in the *Odyssey*, there is a similar instance where Odysseus receives a bow from Iphitus through gift-exchange while attempting to collect a debt from the Messenians for a former raid on Ithaca (21.11-21). In this instance, Odysseus acts as a diplomat for Ithaca, effects a peaceful resolution for himself and for Ithaca, and receives through gift-exchange a tangible marker of the peace between communities. The evidence in the Homeric epics does not give us a comprehensive or encompassing depiction of gift-exchange, especially in its relation to inter-*polis* trade, but when we combine it with the logical necessity for peace compacts for trade during the Archaic age, the possibility should not be dismissed outright.

#### *Success rates of gift-exchange vs. raiding*

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<sup>173</sup> Austin and Vidal-Naquet (1977), p. 43.

<sup>174</sup> Here Hansen (2006), offers a similar view: “there was a fine-meshed network of personal relationships between prominent persons in different cities [...] *xenia* was gradually supplemented by a formal political institution called *proxenia* [...] The city-state of Eretria, for example, could pass a decree saying that a named citizen of the city-state of Taras should be *proxenos* for all the citizens of Eretria who found themselves in Taras.” While Hansen does not discuss the importance of trade in this relationship, the catalyst for inter-*polis* relations was to maintain a beneficial trading relationship.

Ultimately, whether or not one is persuaded by the argument that Homeric gift-exchange, especially as it is portrayed in the *Odyssey*, can represent a form of highly ritualized trade negotiations, one cannot deny the success that both Odysseus and Menelaus have in acquiring goods through peaceful processes. In fact, not only are their ratios of successes to failures much higher in peacetime than in war or strife, but also they garner more and better goods through gift-exchange.

Not counting his victory in reclaiming of his house from the suitors, Odysseus fails in all three martial attempts in the *Odyssey*. He is unsuccessful in his raid against the Cicones (9.39-61), fails to prevent his men from plundering Helios' cattle (12.339-88), and is repelled in the fictitious account of his raid on Egypt (14.257-84). Since he does not actively "raid" his own house, having returned to Ithaca by himself in order to reclaim it, Odysseus' success rate in raiding attempts in the *Odyssey* is abysmal, especially considering he is a seasoned warrior. The tally—three failures to no successes. Contrast these outcomes with Odysseus' peaceful attempts at garnering wealth. In the seven attempts that Odysseus makes to interact diplomatically with the leaders of foreign peoples, he succeeds in receiving gifts five times. He and his men do suffer setbacks twice: once with the Cyclops and the other with the Laestrygonians. In both of these instances, the Cyclopes and the Laestrygonians are presented as barbaric races who do not heed the laws of Zeus (9.275-6, 10.199).<sup>175</sup> Certainly, they represent the danger inherent in the process of developing new trading partners by sea as not every people or town on the coast would live by the same laws or customs of the traders. But while this hazard is ever-present, Odysseus achieves a desired outcome through diplomacy and gift-exchange five different times: in Aeolia,

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<sup>175</sup> von Reden (2003), p. 33, referencing Goldhill (1991): "the impossibility of an alliance between civilized man and the uncivilized world is the essence of the story of the Cyclops." I agree, and posit that we can extend von Reden's reasoning to Odysseus' failure in sending a herald to the Laestrygonians.



with Circe, in Phaeacia, with Eumaeus, and in the fictitious account of his failed raid on Egypt.

In Aeolia and with Circe, Odysseus' achievement is quite straightforward in that he both times receives something that will help him on his voyage home: from Aeolus he acquires a bag with all the winds save Boreas (10.1-27), and from Circe he hears all the information and warnings necessary to ensure his return home (10.487-540, 12.37-110). Odysseus is so successful in his interactions with the Phaeacians that he receives multiple gifts, including safe passage home (7.317-28), a silver-hilted sword from Euryalus (8.401-5), assorted goods including twelve talents of gold (8.390-3), and a further thirteen tripods after he thoroughly recounted his tale (13.4-15). From Eumaeus, Odysseus is fed and obtains the use of a wool cloak (14.520-2). The most telling of Odysseus' successes occurs in his fabricated tale of his being captured while raiding in Egypt. When his men are defeated in their reckless raiding attempt, Odysseus supplicates to the Egyptian king and is granted pardon. During his seven years there he receives gifts from "all the Egyptians" (14.285-6); that Odysseus does not feel the need to go into further detail here suggests that the king of the Egyptians acts in a way that Eumaeus would deem to be a common and appropriate response. If this is the case, then it highlights the importance of inter-*polis* relations in Archaic Greece. That the king of an attacked community would not only spare the life of the opposing *basileus* but also seek to make him an ally through gift-exchange further demonstrates the extent to which the Archaic Greeks valued their trade partners. This should not be surprising, especially in the case of Egypt, as Hasebroek has noted the importance of the trade routes and relationships between the late-Archaic Greeks and

the Egyptians.<sup>176</sup> Beyond this possibility, it is not difficult to see that Odysseus achieves a greater rate of success through peaceful means than through martial raids. His success to failure ratio on raids is 0:3, while he maintains a 5:2 ratio on peaceful endeavors with his only two negative outcomes resulting from interaction with uncivilized races who would not understand the importance of trade and *polis* relations.

That Odysseus does so much better for himself employing nonviolent methods is not just an aspect of his character. Menelaus, too, finds success in gift-exchange rather than raiding. In his account of his time spent in Egypt, he mentions that he traveled around gathering together (*ageiro*) goods from many peoples (4.90). He is not raiding in this case: he mentions the gifts that he and Helen received: a rug, silver basket, two silver baths, two tripods, and ten talents of gold (4.124-32); drugs (4.227-30); and a gold and silver *krater* from a Sidonian hero on Menelaus' return from Egypt (4.614-9). That Menelaus never mentions plundering during his time in Egypt demonstrates that he did not find it as profitable, either in the short or long run, as gift-exchange, or else he surely would have mentioned it. As far as the *Odyssey* provides evidence, Menelaus has a success rate of 2:0 through gift-exchange. His experience coincides with Odysseus' and supports the argument that the composers of the *Odyssey* (and, by extension, the Archaic Greek audience) viewed inter-*poleis* relations and trade as more fruitful than plunder.

### **Plunder in Archaic Greece**

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<sup>176</sup> Hasebroek (1965), p. 60: "Naucratis was the *entrepôt* of traffic between Greece and Egypt, and perhaps also the economic centre of the Eastern Mediterranean."

When faced with a sizeable body of evidence for the dissenting opinion on the permissibility of plunder in the Archaic Age, it is necessary to analyze the diversity of the levels at which plunder affects society. While the detriments of the practice to those being pillaged need no analysis, the drawbacks faced by those who perpetrate plunder, even when successful, provide a much more insightful and damning critique of the practice. At the personal level, those attempting to loot and pillage risk injury and death to do so. The *Iliad* contains numerous occurrences that highlight the danger inherent in stripping armor from the enemy as well as the difficulty of keeping battle focus when the chance to loot presents itself. Similarly, many of Odysseus' crew lose their lives after getting carried away with their pillaging in the *Odyssey*. At the political level, the Achaeans face the problem of dividing and distributing the plundered goods equally. This leads to the quarrel between Achilles and Agamemnon in the *Iliad* and to the opening of Aeolus' bag of winds in the *Odyssey*. At the moral and religious levels, the gods oftentimes punish raiders, and even the Achaean heroes most beloved by the gods fear their vengeance for the plunder they perpetrate. And at the community level, the trouble initiated by sea-raiders could hinder inter-*polis* relations, especially in regard to the possibility for trade and commerce. The contrast in the *Odyssey* between Nestor and Polyphemus' concept of traders as conducting business and the sea-raiders as bringing evil upon men supports this position. Similarly, the success that Odysseus and Menelaus experience through peaceful means—namely gift-exchange—versus martial methods further exemplifies the growing importance of acquiring wealth through peaceful channels.

All this evidence representing the spectrum of ways in which plunder negatively affects the people and society that perpetrates it contradicts Jackson's assertion that Eumaeus constitutes the "one dissenting voice" that believes plunder to be

problematic.<sup>177</sup> Since the Homeric evidence represents to some degree the actual conditions present at its composition, what does it reveal about the reality of plunder, raiding, and ownership in Archaic Greece? The analysis above suggests that the development of the *polis* caused the Archaic Greeks to begin to view plunder at some level as problematic. As the *poleis* developed and changed the political structure from monarchical to oligarchical, aristocratic, or democratic, the Archaic Greeks began to experience greater personal ownership and autonomy regarding private property. It is this crucial ability to own one's goods privately that provides an individual with the impetus to engage in trade and commerce. The concept of fighting as an *oikos* or small collective of *oikoi* over booty no longer held the same allure when compared to the rising profitability of trade for individuals, and by proxy, for the *polis*.

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<sup>177</sup> Jackson (1973), p. 250.

## **Conclusion**

Beginning from a set of assumptions that allowed us to investigate the Archaic view on personal ownership and its interrelation with plunder through their portrayal in the extant contemporary texts of Hesiod and Homer, we have explored a wide range of scholarship on Archaic Greece. This broad-reaching approach necessarily has not always allowed for a comprehensive examination of all pertinent Homeric scholarship that addresses or touches on this topic; rather, the focus has been to identify patterns in the epics and, ultimately, to present a unified depiction of the practice of ownership and plunder and to discover to what degree this depiction informed and was informed by the actual conditions of Archaic Greece.

In the first chapter, I demonstrated that the omnipresence and described significance of private possessions in the Homeric epics correlate to the paramount position they held in the perspective of the Archaic Greeks. To this end, I explored the limits of ownership and determined which cases permitted the temporary usurpation of private ownership by public need. In doing so, I contended with Buxton, Scott, and Snell in arguing that Homer's use of private property to color the background of characters extends beyond metrical need. Similarly, the weight of the evidence of the chapter disqualifies Tandy's assessment that the "epics are part of a concerted effort to distract the *demos* [...] that goods from abroad contributed to the development of private property."<sup>178</sup> Structurally, the first chapter laid the groundwork for a discussion of the interrelation of plunder with ownership rights by expanding upon Finley's conception of personal property in the Homeric epics.

The second chapter focused on the institution of gift-exchange, and attempted to establish the degree of ownership that the Greeks held over items and goods received

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<sup>178</sup> Tandy (1997), p. 73.

through this practice. By investigating the numerous instances in the Homeric epics wherein recipients of gifts treat them as they would their own private property, I demonstrated that the conceptions of von Reden, Morris, and Seaford on gift-exchange are incomplete. While they rightly cite the significance of the symbolic aspect of the gifts, they fail to recognize that, while gifts retain their symbolic and social importance, those receiving them can and do employ them as private property. This distinction has two noteworthy consequences: 1) it suggests that the scholars of ancient gift-exchange have an obligation to re-examine the prevailing perspective which is overly dismissive of the non-symbolic aspects of the gifts, and 2) concerning discussions on plunder, it eliminates the need to differentiate the origins of stolen goods to determine that they are privately owned.

In the third chapter, I delineated the bounds of legal plunder by extending Bastiat's concept and definition to encompass any instance in which one or more citizens are able to, with the sanction, approval, and oftentimes aid of the existing legal system or political structure, take or consume the goods of their fellow citizen without his or her consent. By applying a perspective to the poems that recognizes the detriment of legal plunder, both to the individual and to society as a whole, we were able to discover that Hesiod and the Homeric poets understood (though did not thoroughly define) the concept of legal plunder and purposefully included it in their works. This analysis led to many fruitful insights, including the discovery of a parallel construction in the *Iliad* and the *Odyssey*. I would argue that any discussion of Achilles' character, Telemachus' growth, the themes of forgiveness and reconciliation, the distribution of booty, as well as the main interpersonal conflicts in the poems, among other possible topics in Homeric scholarship, remains incomplete and unless it addresses concept of legal plunder. Beyond Homeric scholarship, the

conclusions drawn regarding legal plunder can aid in our understanding of Archaic Greek life and thought. That the Homeric and Hesiodic epics depict law and custom as capable of being abused rather than depict personal ownership as problematic, demonstrates the primacy of ownership. This evidence should provide historians with a further basis for a reformed perspective on the ancient economy and perhaps refocus the scholarly debate on the tangible and non-symbolic importance of goods and ownership.

The final chapter focuses on the problematic nature of plunder and investigates an aspect that is usually ignored: the negative effect plunder that has on those perpetrating it. While evidence is drawn from the *Iliad*, the depiction of sea-farers (both pirates and traders) in the *Odyssey* provides more fertile grounds for discussion of how plunder affected the lives of the Archaic Greeks. By noting that Odysseus and Menelaus are far more successful in securing goods through peaceful means than they are through their raiding expeditions, I extrapolated this evidence to the economic realities of Archaic Greek city-states and suggested that the Greeks, for many reasons, began to view trade as more beneficial than raiding for many reasons. In this manner I extended the discussion of the problematic nature of plunder far beyond Jackson's brief excursus and demonstrated that it could not be dismissed as a rare or tangential occurrence. In addition, I made a connection between the need to have some formal method for establishing trading relationships between *poleis* and the existence of gift-exchange. But this is where more research needs to be done. While I have laid certain groundwork by applying the Homeric and Hesiodic evidence to the reality of the formation of city-states and their budding inter-*polis* relationships as well as to the increase in the importance of trade due to personal ownership, much of the evidence goes beyond the scope of this paper, especially in the task of trying to establish to

what degree we can employ early classical sources as evidence for plunder and ownership in Archaic Greece.

Ultimately, then, despite the often enigmatic nature of the Homeric epics, they provide a coherent depiction of private ownership. They permit us to further Finley's concept of the "world of Odysseus", and, through an analysis of the detriment of legal plunder and the problematic nature of plunder, to extrapolate the importance of private ownership to the contemporary realities of Archaic Greek life and thought. These insights compel us to rethink how we conceive of the Archaic practices of gift-exchange, custom, sea-raiding, trade, and, in a broader sense, how we understand the relationship between an individual and the state.



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