

I. ARCHAIC AND CLASSICAL GREEK LAW

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PENELOPE'S DOWRY AND ODYSSEUS' KINGSHIP

1. Introduction

The Homeric poems contain numerous references to legal rules and practice, but in the form of fragmentary, unconnected allusions. Attempts to recreate a system from these references alone are doomed to failure. They will inevitably create an imaginary legal universe, where literary topos is identified with legal rule and legal institutions are artificial constructs.

Fragmentary references can only be understood when placed in the context of a working legal system. In exposing the underlying principles that they represent, the proper context not only enables us to judge whether the visible fragments are internally consistent, but also reveals the application of hitherto unrecognized rules in the narrative. The proper context, however, is lacking. There are virtually no contemporary sources of Greek law, at any time from the Mycenaean period, in which the poems are set, to the seventh century, when the process of composition is presumed by most scholars to be complete.

The nearest well-documented system is classical Athenian law. Scholars are understandably reluctant to force its sophisticated technicalities upon the very different society described in the Homeric poems. Instead, recourse is had to ethnographic data which, having no historical connection whatsoever, can only serve to support the feasibility of putative structures. It cannot serve as confirmation that imagined laws existed in reality.

I propose as a more satisfactory substitute not a single system; rather, a whole legal tradition. The societies of the ancient Near East were diverse in language and culture, but they appear to some considerable extent to have shared a common legal tradition.¹ The underlying structure of their legal systems was the same, while the

¹ There is no fixed criterion for determining what constitutes a "society." If we separate Near Eastern sources by political units (i.e. by kingdom and reign, or even dynasty), then over the course of three thousand years the number runs into hundreds. At the other end of the scale, intelligible records are confined to no more than a dozen or so languages: Sumerian, Akkadian (which divides into Assyrian and Babylonian), Elamite, Persian, Hurrian, Hittite, Luwian, Urartian, Aramaic, Ugaritic, Phoenician, Hebrew, Egyptian. There was, however, no necessary correlation between society and language. A more practical, if rough, guide is by archives: the sources tend to cluster into archives covering not more than three generations. A few examples will illustrate the complexity of the situation. 1) Old Assyrian archives (18th century) come almost exclusively from Assyrian

content of the law drew upon a canon of received wisdom that had originated in Mesopotamia in the third millennium or earlier and had spread across the fertile crescent to Anatolia and the Mediterranean coast. The tradition was very tenacious, lasting well into the first millennium.²

The ancient Near Eastern legal tradition was thus contemporary with Homeric society, whichever period is taken as applicable, and in close geographical proximity. At all material times there were extensive contacts between the two areas and demonstrable cultural influences.³ I have argued elsewhere that those influences included elements of legal culture.⁴

When seen in the context of ancient Near Eastern law, Homeric law presents a coherent, viable system that fits into the mainstream tradition. The variants that it displays are no greater than those exhibited by any individual system within the ancient Near East. Furthermore, the tradition acts as a control for classical Athenian law, identifying elements that already existed in earlier periods.

As an example, I propose to examine the case of Penelope's dowry. Using the Near Eastern legal tradition and Athenian law as a framework, I hope to show the legal coherence of her dowry arrangements, their wider constitutional significance, and how they were used to subtle effect in the narrative. The results will be further evidence, I hope, that the widespread ancient Near Eastern legal tradition did not stop dead at the shores of the Eastern Mediterranean.

2. Marriage and Marital Property in the Ancient Near East

One of the advantages of the huge amount of legal material available from the ancient Near East is that we can avoid reliance on isolated parallels. This survey, being concerned with a common tradition, is based either on rules that recur in more

merchant colonies in Anatolia, mainly Kanesh. Written in Assyrian, they inform us of the community of expatriate merchants, of the local Anatolian kingdom (language unknown), and of the capital city, Assur. 2) The city of Alalakh on the Orontes in Syria has produced two archives, from the 18th and 15th centuries, with several layers of destruction in between. The earlier layer uses the Old Babylonian dialect and the later Middle Babylonian with an admixture of Hurrian, reflecting its position as a vassal of Mitanni. The native language, unrecovered except for isolated terms, was a West Semitic dialect. 3) The archives from Elephantine represent a Persian garrison town in 5th century Egypt. They are the records of Egyptians, Arameans, Jews, Persians and sundry other ethnic groups, written in Aramaic and Demotic.

² See Malul, *The Comparative Method...*; Muffs, *Studies in the Aramaic Legal Papyri...*; Westbrook, "What is the Covenant Code?"; "Adultery in ancient Near Eastern Law"; "Codification and Canonization."

³ E.g. Burkert, *The Orientalizing Revolution*, for the area of myth.

⁴ Westbrook, "The Trial Scene on the Shield of Achilles." See also idem, "Adultery in Ancient Near Eastern Law"; "The Nature and Origins of the Twelve Tables"; "Vitae Necisque Potestas"; Yaron, "Semitic Influences in Early Rome."

than one system or on principles or concepts that are illustrated by rules from different systems, even though individual solutions may vary and even conflict.

Marriage, which created a relationship of status between husband and wife, was preceded by betrothal, a contract normally between the groom and the father of the bride. Betrothal could be sealed by a payment – the so-called “bride-price” – by the groom to the bride’s father. Marriage and purchase were in fact two distinct institutions, and the payment had nothing to do with a price. It would be better to refer to it as a betrothal payment, since it inaugurated a special state of betrothal.⁵ To avoid confusion, however, the conventional term will be retained here. The “bride-price” was not necessary, but it was desirable, because it secured for the groom an exclusive right to the bride. As far as outsiders were concerned they were already married, pending the groom’s exercise of his right to claim the bride from her father’s house.⁶ The various languages of the region all have a special technical term for bride-price, e.g. *terhatu* (Akkadian), *níg.mí.ús.sá* (Sumerian), *mohar* (Hebrew, Aramaic), *kussata* (Hittite). Some languages (e.g. Hebrew, Ugaritic) also have a verbal form from the same root.

The dowry was in essence a gift from the bride’s father to the bride, which could be enhanced by gifts from other sources. Economically, it represented her share of the inheritance, but legally it differed fundamentally from male inheritance. As in Athenian law (and exactly as in *Od.* 14.208-209), sons had a vested right to their father’s estate, which they divided by lot after his death, but a father was not obliged in law to provide his daughter with a dowry; it was theoretically a voluntary gift.⁷ The terminology reflects the distinction. Technical terms for dowry are derived from words for gift, or in some cases are simply a word for gift, e.g. *nudunnu*, *šeriktu* (Akkadian), *sag.rig₇*, *níg.ba* (Sumerian), *iwaru* (Hittite), *šilluhim* (Heb.), *tlh* (Ugaritic). Frequently, no special term at all is used, the context supplying the special purpose for the transfer of property.

The dowry entered the husband’s house with the bride and was thus transferred to him. It disappeared into his assets for the duration of the marriage. The duality of the transfer is reflected in a slight ambiguity of language. Sometimes the father is said to give it to his daughter, the bride, who brings it with her to the husband’s house. At other times he is said to give it to the husband with his daughter.⁸

⁵ The legal principles are discussed in Westbrook, *Old Babylonian Marriage Law*, 53-60.

⁶ Called “inchoate marriage” by Driver & Miles, *The Babylonian Laws*, 249-250. LE 26: If a man brings the “bride-price” for the daughter of a man and another abducts her and deflowers her without asking her father and mother, it is a capital offense – he shall die.

⁷ See Kraus, “Erbrechtliche Terminologie”; Westbrook, “Mitgift,” 273-275; cf. MacDowell, *The Law in Classical Athens*, 91-93.

⁸ Compare the following clauses: “All this is the dowry of A daughter of B, which her father B has given to her and caused to enter the house of C for his son D [groom]” (BE 6/1 84:32-39, Westbrook, *Old Babylonian Marriage Law*, 113); “A has given to B [groom] as the dowry of his daughter C with C...” (Roth, *Babylonian Marriage Agreements*, no. 12:10-12); “A [bride’s mother] has given as dowry to B [groom] torques

Except for a small and significant part, to which I shall return, the husband had control and management of the dowry property. What the wife had was a right to restoration of the dowry on termination of the marriage. Her right was not to the return of specific items, but to their full value. If she could be said to retain ownership in the dowry, it was only in the sense of a contingent ownership in a fund. If by the end of the marriage the husband had dissipated dowry assets, the shortfall had to be made good from his own property.⁹

If a wife survived her husband, the dowry served to provide for her during her widowhood. On her death, it would be inherited by her children and her children only. The sources emphasize that neither the husband, his family, nor his children by another marriage were entitled to inherit the dowry.¹⁰ If, on the other hand, the widow remarried, her children from both marriages were entitled to share after her death. In the meantime, the second husband controlled the dowry assets just like the first. It is important to note that if she predeceased her second husband, her children would have to wait until his death in order to inherit her dowry.¹¹

The “bride-price” has no equivalent in Athenian law, but the contours of the law of dowry will be very familiar. The Athenian *proix* had the same legal basis and followed the same devolution.¹² So also did the wife’s marital property at Gortyn.¹³ The most notable difference with Athens is that the ancient Near Eastern widow seems to have had somewhat more independence, becoming head of household if her children were still young, not necessarily being obliged to return to her father’s

and rings (worth) 20 shekels of silver belonging to her daughter C” (Roth, *ibid.*, no. 8:5-8); “[Groom speaking:] ‘Your daughter A has brought into me in her hand...’” (Porten and Yardeni, *Aramaic Documents...*, B 2.6: 6 [= Cowley 15]).

⁹ NBL 12: A wife whose husband took her dowry and she has no sons or daughters and her husband dies: a dowry as much as the dowry shall be given to her from her husband’s estate.

¹⁰ LH 162: If a man marries a wife and she does not provide him with children and the woman dies..., her husband shall have no claim to the woman’s dowry; her dowry belongs only to her father’s house. Cf. LE 17-18; MAL A 27. MAL A 29: If a woman enters her husband’s house, her dowry and whatever she brings from her father’s house, or her father-in-law gave her upon her entry, are reserved for her sons; her father-in-law’s sons have no claim.

¹¹ LH 167: If a man marries a wife and she bears him children and the woman dies, and after her death he marries a second woman and she bears children: after the father’s death, the sons shall not divide according to mothers; they shall take the dowries of their (respective) mothers and divide equally the property of the father’s house.

¹² Harrison, *The Law of Athens*, 46-49, 55-57.

¹³ III 17-20 (see next note), 31-34: if a wife dies childless, (the husband) is to return her property to the relatives (*epiballontes*).

house (except in some cases where childless), and having control over her dowry and her own remarriage.¹⁴

3. Homeric Marital Property

References to marital property in the Homeric poems fit neatly into the above pattern. The “bride-price,” which is designated by the term *hedna* (see below), is normally given by the groom to the bride’s father (*Od.* 8.318-319).¹⁵ Payment secures the bride against third parties (*Od.* 6.159; 15.16-18; 16.390-392; 21.160-162) and entitles the groom to claim the bride at the father-in-law’s house (*Il.* 22.471-472). It is not a necessary item; some marriages are said to be “without ‘bride-price’” (*anaednon*).¹⁶

Dowry is not designated by a technical term; instead words for gift are used (*meilia*, *doron*), with the context revealing that the gift in question was a dowry, namely that the bride’s father is giving it to the groom. The father is said to give it either directly to the groom (*Il.* 6.191-193; *Od.* 7.311-315; cf. *Hymn to Aphrodite* 139-140) or indirectly through his daughter (*Il.* 9.147-148; 22.51), hence the epithet *alochos poludoros* for Penelope (*Od.* 24.294; and for Andromache: *Il.* 6.394). The dowry is subsumed into the husband’s assets and is used by him. A clear example is

¹⁴ The position of the widow at Gortyn seems to have been closer to the Near Eastern model. According to III 17-20: If a man dies leaving children, if the wife so desires, she may marry, keeping her own property and whatever her husband may have given her.

¹⁵ In the case of Penelope it is unclear whether the recipient is herself, Telemachus, or her father and brothers, in the event that she returns to the family home. See Lacey, “Homeric *hedna* and Penelope’s *kurios*.”

¹⁶ Lacey suggests that these were all uxori-local marriages, “bride-price” applying only to virilocal marriages. The division of marriages into two rigid categories on the basis of a limited sample illustrates one of the problems that arise from creating a system out of the Homeric references alone: the danger of equating literary topos with legal category. The many references from the ancient Near East show that the connection between uxori-local marriage and the absence of “bride-price” is legally speaking fortuitous. It is obviously more likely to occur in such a marriage, where the groom tends to be poorer and his father-in-law is more interested in his services. It is a favorite topos of heroic stories, but even there the absence of “bride-price” is more apparent than real. When Saul offers his daughter in marriage to David, he informs him: “the king has no desire for ‘bride-price’ (*mohar*) but for a hundred foreskins of the Philistines, to have revenge on the king’s enemies” i.e. a deed of heroism (1 Sam 18:25). David obliges, and duly takes up residence in Saul’s palace with his bride. Some years later, however, when he is embroiled in civil war with Saul’s son, he is able successfully to claim that the latter had over to him “my wife...whom I betrothed for a hundred foreskins of the Philistines” (2 Sam 3:14). David’s heroic deed thus had the legal effect of a “bride-price.” Closer examination of the examples in Homer show that where the term “without ‘bride-price’” is used, there is in fact a *quid pro quo*: Othryoneus offers Priam military service in exchange for Cassandra (*Il.* 13.363-382), and Agamemnon makes his offer to Achilles in anticipation of the same (*Il.* 9.144-148). Nor would the latter arrangement appear in any case to be uxori-local.

Priam's decision to ransom two sons of his who have been captured: "We will certainly ransom them with bronze and gold, for there is much of that in my house; for many gifts did the old Altes, of glorious name, give to his daughter" (*Il.* 22.51). Priam's policy is to limit the amount available for ransom to the value of the son's mother's dowry (a sensible approach, given the number of wives and sons that he has). The funds, however, are in his possession. The first person plural verb could refer to Priam and his wife jointly, but could equally be unspecific or (the most likely hypothesis) refer to Priam and Hector, whom Priam is addressing at that moment. There is no evidence as to the devolution of the dowry after termination of the marriage.

4. Penelope and Marital Property

There are two passages where the term *hedna* is used regarding Penelope, on the contingency of her returning to her father's house and the latter giving her in marriage to one of the suitors. In *Od.* 1.276-278 (= 2. 196-197) it is stated:

Let her go back to the hall of her powerful father, and there they will prepare a wedding feast and make ready the gifts (ἀρτυνέουσιν ἔεδνα) in their abundance, all that should go with a beloved daughter.¹⁷

According to *Od.* 2.52-54:

They (the suitors) shrink from going to the house of her father, Icarius, that he may himself see to his daughter's bride-gifts (*eednosaito*), and give her to whom he will.

The possibility that in the context the term should be interpreted as dowry, or at least as a gift from the bride's father to the groom (as Murray's translation suggests), has led to a lively debate on the nature of marital gifts.

According to Finley, *hedna* was a general term for gifts accompanying marriage in either direction. The system was one of gift-exchange, in which the groom's gifts to the girl's father were intended to provoke a counter-gift commensurate in value, together with the girl herself.¹⁸ Snodgrass rejects Finley's schema, pointing out that there are no cases in Homer (with one dubious exception) of parity between the groom's gifts and the bride's father's gifts, that would suggest gift-exchange. Instead, there are at least two forms of marital gift, bride-price and dowry. Anthropological evidence adduced by Snodgrass shows that their coexistence in the same legal system is unlikely. His conclusion is that Homer does not present a coherent system, but describes a mixture of practices, derived from a diversity of historical sources.¹⁹

¹⁷ Unless otherwise stated, the English translation of all passages cited from the *Iliad* and the *Odyssey* is that of A. T. Murray (rev. W. F. Wyatt and G. E. Dimock, respectively), *Loeb Classical Library*, 1995.

¹⁸ "Marriage, Sale and Gift in the Homeric World."

¹⁹ "An Historical Homeric Society?"

Against Snodgrass, Morris argues that the marriage practices described by Homer are consistent, but he reaches this conclusion only by denying the existence of dowry altogether in Homeric society. In his analysis, *hedna* are in all cases gifts from the groom; *dora* are gifts exchanged in both directions, a distribution apparently found also among the Trobriand Islanders.²⁰

From the Near Eastern perspective, a debate centered on reservations about the compatibility of “bride-price” and dowry is bemusing. A typical marriage involved both, not to mention the possibility of gifts from other relatives to the bride, from husband to wife, from groom to members of the bride’s family – even a settlement by the groom’s father on the groom.²¹ In marriage negotiations between the rulers of Egypt and Babylonia (14th century), for example, the Babylonian king shamelessly tries to bid up the “bride-price” for his daughter (“If during this summer, in the months of Tammuz or Ab, you send the gold I wrote you about, I will give you my daughter”) while the Pharaoh tries to shame his counterpart by suggesting that he has a mercenary attitude to marriage (“It is a fine thing that you give your daughters in order to acquire a nugget of gold from your neighbors!”). Nonetheless, when the marriage takes place, it is accompanied by a sumptuous dowry, not to mention further gifts from the Egyptian side.²² There was also a non-binding custom whereby the bride’s father would return the “bride-price” to the groom as a supplement to the dowry.²³

In assuming a contradiction, Finley and Snodgrass confuse the economic and legal aspects of marital gifts. The dowry is a share of the paternal estate and has essentially an economic function: its purpose is to help set up a household for the new couple, to maintain the wife during widowhood, and to provide the issue of the marriage with an inheritance. The essential function of the “bride-price,” in contrast,

²⁰ “The Use and Abuse of Homer.” It seems to me that this is an abuse of ethnographic material, pressed into service to support an artificial construct. Morris admits the existence of a trousseau, an archaic version of later *pherne*, but wrongly attributes it to Laothoe in *Il.* 22.51. An archaic form of *pherne* does in fact exist in the poems, and is discussed below.

²¹ If the wife dies childless, dowry and “bride-price” are to be returned to source. The law-codes even provide for the one sum to be set off against the other, e.g. LH 164: If his father-in-law has not returned the “bride-price” to him, he (the husband) shall deduct the value of her “bride-price” from her dowry and return her dowry to her father’s house. For gifts from relatives, see Renger, “Who Are All Those People?” For gifts from the husband, see Ezek. 16. Settlement on the groom: NBL 8: A man who gives his daughter to the son of a man and (the latter’s) father assigns and gives his son property in his tablet and the father-in-law assigns the dowry of his daughter and they write tablets in mutual agreement, they shall not alter their tablets.

²² EA 4:36-50; EA 1:61-62; EA 13,14. Transl. Moran, *The Amarna Letters*.

²³ E.g., CT 48 50: 15-20: A [bride’s father] has received 10 shekels of silver, her “bride-price,” has kissed (it/her?) and bound it in the hem of his daughter B – it has (thus) been returned to C [groom] (transl.: Westbrook, *Old Babylonian Marriage Law*, 122).

is legal: its purpose is to secure the bride against the claims of outsiders. There is no reason for them to be equal in value or to be compared on that basis.

If the “bride-price” has a specific legal function, then it is understandable that it would be described by a dedicated technical term. In the Homeric poems, the term *hedna* in all cases except the two passages under discussion unambiguously describes a payment from the suitor to the bride’s father.²⁴ In the context of the Near Eastern parallels, this fact suggests that *hedna* is indeed a technical legal term, not a vague description of marital gifts going in either direction. In interpreting these two ambiguous passages, therefore, we agree with those scholars who regard *hedna* as “bride-price” that Penelope’s father demanded for her rather than dowry that he gave with her.²⁵

There is a further reason for rejecting the notion that Penelope’s father was about to dower her. The marriage in question was Penelope’s second and she would already have a dowry from her first marriage. It might well have been acceptable for a widow (or her family) to demand a “bride-price” from her subsequent spouse(s),²⁶ but it could not be expected of her family that they provide her new husband with what was in practice an inheritance share every time she remarried. Following both the Near Eastern and the later Athenian pattern,²⁷ we would expect Penelope to take her dowry from her first marriage with her when she left the matrimonial home to enter her second marriage.

Given Penelope’s high status and the fact that she is called *poludoros*, we may assume that she brought a substantial dowry into her marriage to Odysseus. We can immediately identify two items.

In the ancient Near East, a small part of the dowry did not follow the normal path described above. Instead, the wife retained control of the property. By the same token, she bore the risk of it perishing, the husband or his heirs having no duty to reimburse her on termination of the marriage. In Rabbinic law it is called *melog*. The same term is found in Ugaritic in 13th century Syria (*mlg*) and in Akkadian at Nuzi, in eastern Mesopotamia, in the 15th century (*mulugu*).²⁸ It is clearly also comparable to Athenian *pherne*. The latter, however, seems to have been regarded as something entirely separate from the dowry, a trousseau of purely personal items.²⁹ In the Near

²⁴ The term *anaednos* has the same function, indicating that the bride’s father foregoes payment of *hedna* from the suitor: see Finley, “Marriage, Sale, and Gift...,” 182.

²⁵ Perysinakis, “Penelope’s *EEDNA* Again”; Wagner-Hasel, “Geschlecht und Gabe: Zum Brautgütersystem bei Homer.”

²⁶ The ancient Near Eastern sources provide no direct evidence on this point. At Elephantine the father of a lady named Miphtahiah receives a bride-price for what appears to be her second marriage. See Porten and Yardeni, *Aramaic Documents*, p. 15 ad B.2.6.

²⁷ See Harrison, *The Law of Athens*, 56-57.

²⁸ See Levine, “*mulugu/melug*: The Origins of a Talmudic Legal Institution”; Westbrook, “Mitgift,” 274-275.

²⁹ Harrison, *The Law of Athens*, 46-47; cf. Finley, “Marriage, Sale and Gift...” 183.

East, it was regarded as a component of the dowry, although sometimes listed separately, and devolved together with the rest of the dowry. Furthermore, it could include any property, even land, although most commonly it consisted of slaves. The personal slaves Dolius and the daughter of Actor, who, we are told, were given to Penelope by her father before she entered Odysseus' house, fit into this category. Penelope's gift of a brooch to Odysseus before his departure may adumbrate further personal wealth from the same source (*Od.* 19.256-257). At the same time, these items could only account for a fraction of her dowry.

The content of the rest of the dowry is bound to remain speculative, in the absence of direct evidence. I suggest, however, that from the logic of its legal context we may deduce the presence of one very substantial asset. A slight hint emerges from the epithet given to Icarius. Although a shadowy figure, who does not appear to be present in Ithaca nor to have any interest in his grandson's welfare, he is described as her greatly powerful father (*Od.* 1.276: *patros mega dunamenoio*). I would postulate that the power in question was political and that the primary asset of the dowry that Icarius gave Odysseus through his daughter Penelope was the kingship of Ithaca.

5. Odysseus' Kingship

The nature of Odysseus' rule over Ithaca has long been regarded as problematic. He is called a king (*basileus*) and his son Telemachus is acknowledged to have an hereditary right to the throne (*Od.* 1.386-387). Yet even when Odysseus is believed to be dead, Telemachus is unable to assume power. The position of Laertes is even stranger. It is not clear why and when he relinquished the throne to Odysseus, nor why he should not return to it in Odysseus' absence. Notwithstanding the emphasis on his old age, he is by no means incompetent to rule: he still manages the estate (*Od.* 16.138-145) and he would be able to address the assembly (*Od.* 4.739-741).

Odysseus' absence has left a power vacuum in Ithaca. In the words of Laertes: "wanton and reckless men now possess it" (*Od.* 24.282). These are the suitors, whose behavior Eurymachus in a key passage reveals to have had ulterior motives:

But he now lies dead who was to blame for everything, namely Antinous; for it was he who set on foot these deeds, not so much through desire or need of the marriage, but with another purpose ..., that in the land of ...Ithaca he might be king (*basileuoi*), and might lie in wait for your son and kill him (*Od.* 22.48-53).

Finley described the situation as follows: "The king is dead! The struggle for the throne is open! Not, however, by straight violence; the suitors give Penelope the right to choose Odysseus' successor by choosing her spouse."³⁰ Therein lies the

³⁰ *The World of Odysseus*, 97.

difficulty, not in the suitors' goal, but in the curious means that they adopt to achieve it. Finley found it strange that such a power should have been placed in the hands of a woman. There is nothing about Penelope, he noted, that could have won her this right as a personal triumph. In the absence of a rational explanation, Finley concluded that Homer is neither clear nor quite consistent about the legal picture.³¹

Halverson, on the other hand, denies that Odysseus had the functions of a king at all. In his view there was no throne, no office of king, indeed no real Ithacan state. It is true that Odysseus is called *basileus*, but "king" is a mistranslation. Odysseus was the leading man of the region, but his position was one of status, not an office, a position based above all on wealth. As others in Ithaca are called *basileus* (in particular two of the suitors, Antinous and Eurymachus), he was merely the greatest *basileus* of the area. There was therefore no succession struggle; the suitors were contending for Penelope herself and nothing more. At most, acquisition of Odysseus' wife (and his wealth) would give the successful suitor something of Odysseus' prestige and Eurymachus' statement has to be interpreted in this light.³²

Before considering these opposing positions, some remarks are in order on the nature of Homeric kingship, against the Near Eastern background. First, monarchy was the standard form of government throughout the ancient Near East, including Anatolia and the eastern Mediterranean. Oligarchies did exist, but were rare and were generally regarded as a more primitive form of government.³³ Secondly, the same term was applied to any political ruler from a petty chieftain to an emperor.³⁴ Thirdly, that term still applied to a ruler when he himself was subordinate to another ruler. In a world of empires based often on loose vassalage or spheres of influence, there existed political hierarchies of kings.³⁵ As the dispatch of a diplomat from Mari in the 18th century cynically reports:³⁶

³¹ *Ibid.*, 101-102.

³² "The Succession Issue in the *Odyssey*"; cf. Drews, *Basileus*, 129.

³³ For example, among the semi-nomadic Kaskean peoples of Anatolia, whom the Hittites noted as not having kingship (Götze, *Die Annalen des Muršiliš*, 88.). For the Biblical narrator, the pre-monarchic period was a time of anarchy, when "each man did what was right in his own eyes" (Jud. 21:25). Oligarchy was characteristic of local, rather than central, government.

³⁴ The earliest term, in Sumerian, is *lugal*, literally "big man." It continues to be used as a logogram in later cuneiform texts in other languages, e.g. Akkadian, Hittite. As an alternative, the logogram *lú* "man" is sometimes used, in the sense of head of household, the concept of king being of a householder writ large (e.g. Hammurabi is called "the man of Babylon"). The Akkadian term is *šarru*, Hittite *hassu*, West Semitic *mlk*, all explicitly made equivalent in lexical lists. In Old Babylonian legal documents, *lugal* is sometimes used as the logogram for "owner" (Akk. *belu*). The Akkadian term *šarru*, however, is never used to mean private owner.

³⁵ A clear terminological distinction is made between king and mayor (Akk. *rabianu*, *hazannu*), who was an official within the administrative hierarchy with a limited term of office, albeit head of the local council. The distinction is blurred in a significant manner in the Amarna Letters (14th century), in correspondence between the Egyptian ruler and

There is no king who is powerful by himself: ten to fifteen kings follow Hammurabi, the man of Babylon, as many follow Rim-Sin, the man of Larsa, as many follow Ibal-pi-el, the man of Eshnunna, as many Amut-pi-el, the man of Qatna; and twenty kings follow Yarim-Lim, the man of Yamhad.

Thus there is no problem in the existence of other kings (*basileis*) in Ithaca or in two of the suitors, Antinous and Eurymachus, being called kings. They could still be subordinate to King Odysseus.³⁷ Indeed, a hierarchical structure is the only possible explanation of Eurymachus' claim that Antinous was scheming to become *basileus*, when both Antinous and himself already have that title (22.48-53; 18.64-65). A relationship of overlord and vassal also explains how the remote but powerful Icarus could have had Ithaca, together with its kings, in his gift.³⁸

Homeric kingship is conceived of as monarchy: the incumbent rules alone, not as part of an oligarchy, and permanently, not for a limited term of office.³⁹ His function as a war leader is emphasized, of course, but he also has peacetime functions, which are listed in Agamemnon's offer of territory to Achilles:

And seven well-peopled cities will I give him...and in them dwell men rich in flocks and rich in cattle, men who will honor him with gifts as though he were a god, and beneath his scepter will bring his ordinances to prosperous fulfillment (*Il.* 9.149-156).

Behind the poetic hyperbole lie two very prosaic functions of government: the receipt of revenues and the administration of justice. The same two functions are attributed to Odysseus: in 2.230-234 we are informed that he did justice as a sceptered king, and in 23.354-30 he looks forward after his restoration to receiving revenues from the Achaeans. Odysseus' kingship may have been modest, but he had real political authority.

his vassals, the petty kings of Syria-Palestine. He refers to them as kings, while they often refer to themselves as his mayors (*hazannu*), in an attempt to suggest that they are a part of the internal Egyptian administration, which is patently not the case.

³⁶ G. Dossin, *Syria* 19 (1938) 117.

³⁷ The poem ends with a solemn oath between the suitors' relatives and Odysseus confirming Odysseus as king for ever (24.482-486; 546). This is the typical pattern of a vassal treaty from the ancient Near East. See e.g. Parpola and Watanabe, *Neo-Assyrian Treaties and Loyalty Oaths*, *passim*.

³⁸ The *Odyssey* gives no other clues as to what the contemporary audience knew of Icarus. He was certainly not an invention of the poem, but must already have existed independently in myth. Later legends about him, which connect him with Sparta or Acarnia, are unreliable. Of the many children that they attribute to him, only Penelope is mentioned in the *Odyssey*, while the later legends fail to include Penelope's sister, Iphthime, who is mentioned in the poem (4.797).

³⁹ Agamemnon's leadership of the Trojan expedition is not relevant, being an ad hoc arrangement necessarily limited in duration and without territory. Agamemnon was, of course, a king in his own right, with his own kingdom.

The question remains whether Odysseus' kingship is the true target of the suitors' machinations. Halverson argues that, notwithstanding Eurymachus' statement, the suitors cannot be after the kingship, since a) they contemplate dividing Odysseus' *oikos* among all 108 of them and b) Penelope's marriage entails her departure from the house and thus her separation from Odysseus' estate.⁴⁰ Both arguments confuse personal property, Odysseus' *oikos*, with political privileges, Odysseus' kingship. Telemachus expressly distinguishes between them:

It is no bad thing to be king (*basileuemen*). Straightway one's house grows rich and oneself is held in greater honor. However, there are other kings of the Achaeans in plenty in seagirt Ithaca, both young and old. One of these, it may chance, will have this honor, since noble Odysseus is dead. But I will be lord (*anax*) of our own house and of the slaves that noble Odysseus plundered for me (*Od.* 1.392-398).

Eurymachus makes the same distinction:

Telemachus, this matter surely lies on the knees of the gods, who of the Achaeans shall be king (*basileusei*) in seagirt Ithaca; but as for your possessions (*ktemata*), keep them yourself, and be lord (*anassois*) in your own house (*Od.* 1.400-402).

In the same way, when Odysseus in Hades asks after his property, the answer he receives distinguishes between his lands (*temenea*), which Telemachus holds unchallenged, and his *geras*, which no one has (*Od.* 11.174-185). *Geras* in Homer is an entitlement: a benefit received as one's due either by way of reward for services rendered or by reason of one's position or status. The distinction is thrown into relief by Achilles' bitter criticism of Agamemnon (*Il.* 1.158-168). Whenever the Achaeans sack a city, Achilles receives as a reward for fighting in the battle a small share of the booty, whereas Agamemnon receives a much larger share, simply by reason of being the leader of the expedition. Both shares are called *geras*. Other examples of a reward are the command of the Trojan armies, which Achilles mockingly suggests that Aeneas hopes to receive from Priam in return for slaying him (*Il.* 20.178-183), and the payment expected by a bath attendant (*Od.* 20.296-298). Entitlements arising from status or office are, for example, offerings to the gods (*Il.* 4.49) or the portion of meat due to a king (*Od.* 4.65-66). When Odysseus wishes for the nobles dining at Alcinous' court that each may hand down to his children his property (*ktemata*) and the *geras* that the people have given him (*Od.* 7.149-150), the former must refer to their personal estates and the latter to the feudal dues that they receive by virtue of their status. Accordingly, I interpret the *geras* in our passage simply as Odysseus' royal revenues.⁴¹ He had expected Laertes and Telemachus to receive them on his behalf, but evidently they have been in abeyance since his departure.

⁴⁰ "The Succession Issue...", 122-123.

⁴¹ Wagner-Hasel similarly interprets *geras* in this context as a material privilege, the right to receive honorific gifts and to exploit labor for work on the *temenos*, like the *time* of which Bellerophon received a share ("Geschlecht und Gabe...", 54-55). See below for her reasons for drawing this analogy.

The fate of the kingship is not therefore dependent upon the fate of Odysseus' personal estate. Failure to obtain Odysseus' personal estate would not prevent a suitor from exercising kingship from his own estate. Nevertheless, if the kingship were heritable in the same way as the *oikos*, we would expect whoever acquires Odysseus' *oikos* at the same time to acquire his kingship. Marriage to Penelope would be an irrelevancy. As Halverson points out, a departing widow would not take with her her late husband's estate, to which she had no inheritance claim.⁴² She would, however, take with her her dowry. For this reason I consider that the dowry, rather than the line of male succession, was the source of Odysseus' kingship.

The transfer of political power through the medium of a dowry is attested both in ancient Near Eastern and Homeric sources. The Bible contains a striking example: in 1 Kings 9: 16 we are told that when king Solomon married an Egyptian princess, the Pharaoh captured the city of Gezer and gave it as a dowry to his daughter. In the same way, Agamemnon offers seven cities as the main part of a munificent dowry that is to accompany whichever of his three daughters Achilles chooses to take in marriage (*Il.* 9.147-156).⁴³ A slightly different but equally cogent example is where Bellerophon marries the daughter of the Lycian king, who shares half the *time* of his kingship with him (*Il.* 6.191-194). *Time* cannot be honor in the abstract here; as Wagner-Hasel points out, it must refer to material privileges. The offer in this case is not separate territory, but co-regency.⁴⁴

6. The Devolution of Penelope's Dowry

In both ancient Near Eastern sources and later Athenian law, we have seen the same general pattern of devolution of a dowry. It is subsumed into the husband's assets; it resurfaces on his death; if the widow remarries the process is repeated; on the wife's death (or her husband's, if later) it is inherited by her children from both marriages. If we place Odysseus' kingship in the context of that pattern, a coherent picture emerges of the events on Ithaca and the actions and motivations of the principal protagonists.

The first question to be resolved is the curious position of Odysseus' father and son, neither of whom seem able to exercise kingship in his absence. Finkelberg explains their lack of a role – and the dependence of the kingship on marriage to Penelope – by positing an ancient tradition of dynastic succession through the female line, from mother to daughter. In each generation the only way a man can become king is by marrying the incumbent queen's daughter. The incumbent king's

⁴² "The Succession Issue...." 122.

⁴³ Murray's translation cited above ("And seven cities will I give him") might give the impression that this was a separate gift offered directly to Achilles, but there is in fact no (dative) pronoun in the Greek. The passage immediately follows (linked by *de*, not *kai*) the offer of dowry at large (lines 147-148). Of course, the dowry will pass into Achilles' possession on marriage.

⁴⁴ "Geschlecht und Gabe...." 54-55.

son can never qualify as his father's successor for reasons of incest. This would disqualify both Laertes and Telemachos.⁴⁵ Unfortunately, Finkelberg's logic is not supported by the text, which explicitly concedes to Telemachus at least a hereditary right to the kingship (*Od.* 1.386-387). There is in any case no need to presume the existence, or survival, of some anomalous, otherwise unattested system of succession alongside agnatic inheritance. The attested rules of dowry permit a different approach, which differentiates between the status of Laertes and that of Telemachus.⁴⁶

If Odysseus had received the kingship of Ithaca as dowry from Penelope's father, then the inaction of Laertes is simply explained. Laertes cannot exercise kingship. He has no claim to reoccupy the throne, because he never was king. Laertes states that he once acted as lord (*anasson*) of the Cephallenians (*Od.* 24.375-378), but it is clear that he was only a military commander on that occasion.⁴⁷ *Anax* is a more flexible term than *basileus*, covering everything from a king to the owner of a dog (*Od.* 10.216, cf. 9.440). Elsewhere, Laertes is referred to as having been one of the elders (*Od.* 21.20), which would exclude a higher office.

Laertes was thus a military commander and a high-ranking member of society, but not a king. There are many references to him being wealthy (*Od.* 1.430; 15.483; 24.137; 24.206-207). His son Odysseus was also a military commander and gained great wealth in terms of herds of animals (*Od.* 14.96-108). Part of his wealth derived from booty, as Odysseus himself states: "Thus my house (*oikos*) at once grew rich" (*Od.* 14.230-234). Telemachus refers to the slaves that Odysseus plundered for him (*Od.* 1.398). The potential sources for the rest of Odysseus' personal property were capitalized revenues from his kingship and his father's estate. Since Laertes appears to have only one farm remaining from his great wealth (*Od.* 24.206-207), it is reasonable to presume that he had transferred the residue to his son *inter vivos* (cf. *Od.* 24.337-344).⁴⁸ We are informed that Laertes was still overseeing the work on Odysseus' farmland in his absence (*Od.* 16.138-145), but apparently he had left the house to Penelope's management while Telemachus was still a child.

⁴⁵ "Royal Succession in Heroic Greece," 307.

⁴⁶ Postulating the remnants of an archaic matrilineal succession creates almost as many problems as it resolves. Finkelberg constructs a highly complex schema for heroic sources outside of Homer, involving a kingship by marriage rotating among patrilineal clans. Discussion of her system is beyond the scope of this article, but it might be worth investigating whether dowry could provide a solution to some of the cases she presents.

⁴⁷ Cf. *Il.* 20.180-182: Achilles mocks Aeneas for hoping that by killing Achilles he will become *anax* of the Trojans: Priam will never grant him that privilege (*geras*), since the latter has sons and is not stupid. See also Wender, *The Last Scenes of the Odyssey*, 53-54.

⁴⁸ This is a well-known procedure in the ancient Near East, if rare, for obvious practical reasons. One has only to think of the case of the Prodigal Son in the New Testament. More frequent is the assignment of an irrevocably fixed inheritance share, with actual possession postponed until after the testator's death.

The role of Telemachus is more complex. Initially, his age holds the key to his position. Homeric kingship was based upon two conditions: strength and legitimacy. The former is exemplified by military leadership, often, as Finley points out, associated with the term *iphi* ("by force").⁴⁹ The second derives from rightful succession, symbolized by the scepter.⁵⁰ Odysseus had fulfilled the first condition by being a hero and military leader and the second from possession of his wife's dowry as husband and head of household.⁵¹ Telemachus fulfilled the condition of legitimacy, as Antinous expressly acknowledges: "which thing (kingship) is by birth your heritage (*patroion*)" (*Od.* 1.386-387). Use of the term *patroion* might suggest that it was inherited from his father, but the term is used in the *Odyssey* in a general sense of property to which one is entitled (and may pass on to one's own issue), not in the strict sense of an inheritance from the father, as opposed to one from the mother. *Od.* 17.79-80 shows that it can include property acquired other than by inheritance, i.e. the gifts that Telemachus received from Menelaus. As will be seen below, a better explanation of the unfolding events is legitimacy based on Telemachus being heir to the kingship through his mother Penelope. Nonetheless, being a child, Telemachus could not yet fulfill the other condition, however legitimate his claim to the throne.

In Odysseus' absence, any one of the suitors might be able to seize the throne by force, but he would then be faced with 107 powerful opponents, each with an equal claim. To settle the matter among themselves, the suitors had to resolve the question of legitimacy. Their plan was as follows. Telemachus was heir to Odysseus' personal fortune and to the kingship through his mother, Penelope. He was, however, still a child. If a suitor married Penelope, he would become head of that household and would be entitled to control of her dowry, i.e. the kingship. Penelope's dowry was in theory heritable by her heirs, namely Telemachus and any issue of her second marriage with the successful suitor, but only on the death of the second husband (not of Penelope if she predeceased him). Furthermore, unlike an ordinary estate, kingship was indivisible – only one son could inherit it.⁵²

⁴⁹ *The World of Odysseus*, 96.

⁵⁰ Cf. Agamemnon, *Il.* 2.100-108; Achilles, *Il.* 9.155-156.

⁵¹ In the false autobiography he gives to Eumaeus, Odysseus hints at his true situation: his own ancestry, not being the direct line of succession, got him only a small portion of land and a dwelling. "But I took to me a wife from a house that had wide possessions, winning her by my valor: for I was no weakling, nor a coward in battle" (*Od.* 14.199-212). At the end of the poem, Zeus reestablishes Odysseus' kingship on a new basis: an oath of loyalty sworn to him by the nobles (*Od.* 24.482-486, 546-547). This constitutional practice also has strong ancient Near Eastern parallels: see note 35 above.

⁵² The co-regency of Bellerophon and his father-in-law is an exception made possible by their belonging to different generations. Bellerophon will ultimately succeed to the old king's throne anyway. Telemachus and the suitors, in spite of differences in age, belong to the same generation. They can only be rivals. In the ancient Near East, co-regency is not attested, except possibly between Amenhotep III and Amenhotep IV (Akhenaten), i.e.

Consequently, the suitor who married Penelope would have a good chance of excluding Telemachus in his own lifetime and thereafter in favor of his own son. Telemachus would inherit only his father's personal assets.

This is the suitors' plan – summarized by Telemachus himself when he wryly notes that the suitors are eager, and Eurymachus most of all, to marry Penelope and so acquire the *geras* of Odysseus (*Od.* 15.518-522). Wagner-Hasel notes the importance of this passage in showing that the transfer of *geras* must involve the female line. She considers, however, only two possibilities. The first is that it was inheritable through the female line, which she rightly rejects. The second is that Odysseus' marriage must have been uxori-local, as in the case of Bellerophon, creating a quasi-familial relationship that enabled Odysseus to share in the privileges of the host household.⁵³ There is no indication whatsoever that Odysseus' marriage was uxori-local nor, in my view, would it make the slightest difference if it were. Bellerophon was not absorbed into the privileges of his father-in-law's household in some mysterious way; he was assigned a discrete share, exactly in the manner of a dowry. *A fortiori* Odysseus on Ithaca, his homeland.

When the poem opens, the plan is in disarray. The suitors have two problems. First, Penelope by her deception over Laertes' shroud has successfully stalled them for three years. The suitors are attempting to counter her delaying tactics by devouring her son's inheritance – Odysseus' personal estate – thereby forcing her hand.

Secondly, Telemachus has reached manhood. He asserts himself before the suitors, ostensibly about their depredation of his personal estate, but all understand the implications for the kingship, hence Antinous' furious reaction:

May the son of Cronos never make you king in seagirt Ithaca, which thing is by birth your heritage (*Od.* 1.386-387).

Antinous makes clear that Telemachus lacks the necessary strength for kingship, at which point Telemachus retreats, ceding his right to the kingship and asserting his claim only to the paternal estate (*Od.* 1.392-398).

Telemachus' concession, however, turns out to lack credibility. For even if he excludes himself from the kingship, he remains able and willing to bar others from it, as long as Penelope herself refuses to marry and he allows her to stay in the house in which he is now head of household. The suitors' new tactic is therefore to separate Penelope from Telemachus. She must be persuaded to leave his house, taking her dowry, the kingship, with her.

father and son. Division between brothers meant division of the territory into two kingdoms.

⁵³ "Geschlecht und Gabe....," 56-58.

Penelope, however, refuses to leave, a right accorded to a woman in her situation by both Near Eastern and Athenian law.⁵⁴ Telemachus, for his part, refuses to send her away. His excuse is that he would suffer a penalty payable to Icarius, divine wrath, and general censure, if he were to send her away against her will (*Od.* 2.132-137).⁵⁵ From the suitors' viewpoint, it looks like collusion between mother and son. For their mutual refusal once more gains time, which Telemachus could use to garner military support in order to end the occupation of his house.⁵⁶

Such is the state of affairs when Odysseus makes inquiry of his mother in Hades (*Od.* 11.174-196). While purporting to ask about each of his family in turn – his mother, Laertes, Telemachus, and Penelope – Odysseus alludes to the political situation in Ithaca. He first posits two alternative scenarios:

a) His *geras* (which I have interpreted as his royal right to revenues) is still with Laertes and Telemachus. Their joint role does not presume political power; quite the contrary. The two together can only be acting as his representatives to receive or collect the revenues due, on the basis that his absence is temporary.⁵⁷ They would not be able to perform the other main peacetime role of a king – dispensing justice – on his behalf.

b) A stranger has his *geras*, because he has been given up for dead. Odysseus does not explain how a stranger, not acting as his representative, could have access to the royal revenues, without usurping his throne or Telemachus' right to it.

The process that he assumes, however, emerges from the second set of alternatives that he posits. Ostensibly concerning Penelope's marriage, they might be taken as regarding her personal status alone. In my view, however, they merely repeat the first set of alternatives as to the political situation, from the point of view of Penelope. Odysseus posits that:

i) Penelope remains head of household in his absence, and guardian of Telemachus. The assumption is that Odysseus' return is expected and the implication is that his throne is safe.

⁵⁴ MacDowell, *The Law in Classical Athens*, 88-89; LH 172: If her sons harass her (the widow) to make her leave the house, the judges shall investigate her case and impose a penalty on the sons; the woman shall not leave her husband's house.

⁵⁵ As Wagner-Hasel points out, the sum payable is a penalty, not return of the dowry ("Geschlecht und Gabe..." 45). The dowry would be returnable even if she left of her own free will. In LH 172 (previous footnote) the court imposes a penalty on sons who try to drive out their widowed mother; if she leaves of her own accord, however, she takes only her dowry with her.

⁵⁶ He has two potential sources of support against the nobles: from the populace and from abroad (*Od.* 2.60-79, 314-317). His first attempt to garner support in the assembly is a failure – he does not even get a ship and crew in order to seek news of his father: *Od.* 2.1-257. Nonetheless, the threat to the suitors remains, particularly when they learn that he has assembled a crew after all.

⁵⁷ Collecting debts for the government may have been a typical task allotted to a callow youth on his way to manhood: cf. Odysseus' mission in *Od.* 21.16-21.

ii) Penelope has remarried. The new spouse would become head of household, and thus be entitled to the royal revenues, through her dowry. Telemachus' ultimate right to the throne would not necessarily be excluded, because he is still Penelope's first heir.

Odysseus' questions thus reveal a naive optimism about the constitutional machinery of Ithaca. He supposes that Penelope's second husband will play the role of regent accorded to him by possession of her dowry, taking its income without prejudice to Telemachus' prospects of succession. He could not be expected to guess that a far uglier situation has developed, an oligarchic conspiracy to usurp the throne that will give the usurper the power to exclude Telemachus altogether. Nor does his mother's answer tell him the full truth, although it drops strong hints that all is not well. His mother answers his questions chiasmatically, dealing with each member of the family in turn: Penelope, Telemachus, Laertes, his mother. She reveals that:

a) Penelope remains loyal to him and unmarried. This good news should mean that his throne is safe.

b) No one has his *geras*. Here is an unexpected turn of events which hints at anarchy.

c) Penelope is no longer head of household, because Telemachus has reached manhood. He holds Odysseus' estate (*temenea*) unchallenged (*hekelos*), which is strictly speaking the truth, since the suitors have publicly conceded his right to inherit Odysseus' personal property, while consuming his inheritance. It implies that he is not so secure elsewhere, in particular in the matter of *geras*.

d) Laertes has withdrawn from public life altogether.

Faced with this impasse, the suitors decide once more to change their tactics. With some hesitation, they agree upon a more drastic step – the assassination of Telemachus. Although an unlawful act, it will not delegitimize their bid for the throne, since they regard legitimacy as a matter between themselves, not relevant vis-à-vis an outsider to their group.⁵⁸ Their first attempt proves unsuccessful, but it achieves the desired result. Penelope finally gives in to their demands and agrees in principle to marry one of them. Her motive is to save Telemachus' life, by removing him as a bar and potential rival for the kingship.⁵⁹

⁵⁸ For this reason also they can contemplate the illegal act of dividing the dead Telemachus' estate among themselves or awarding his house to the winner (by an ironic reversal in one version, as a dowry for Penelope: *Od.* 2.335-336). Nonetheless, some have scruples about killing a legitimate heir to the throne (*Od.* 16.400-401). There is also the fear that if Telemachus tells the assembly of the failed first attempt, he will be able to stir the people to act against them (16.371-386), thus fulfilling the condition of strength that earlier he had failed to meet. Eurymachus falsely denies Penelope's accusations (16.434-447).

⁵⁹ Penelope engages in one final ruse: to recover some of the losses to Odysseus' personal wealth by beguiling precious gifts from the suitors. It is for this reason that Odysseus, observing her incognito, approves of her action (*Od.* 18.281-283).

7. Summary

Odysseus' kingship is mentioned explicitly only twice in the poem, but in a way that frames the whole narrative of events in Ithaca. At the beginning, Telemachus' challenge to the suitors is interpreted as a bid for the kingship, and at the end, Eurymachus, on the point of death, reveals that marriage to Penelope was really a tactic to gain the kingship. In between, there is an indirect allusion when Odysseus inquires whether Laertes and Telemachus have his *geras*, which we have interpreted as royal revenues, and is informed that no one has them. Telemachus, however, reveals his awareness of the suitors' plan when he states that Eurymachus is the most eager to marry his mother and to have the *geras* of Odysseus (*Od.* 15.518-522).⁶⁰

Otherwise, the issue of kingship is not raised. The protagonists give the impression that the suit is entirely about the charms of Penelope. Nonetheless, it is my view that kingship was the hidden agenda behind the struggle for Penelope, which remains the underlying, unspoken assumption of all until Eurymachus finally blurts it out.⁶¹ The reason is that the kingship of Ithaca was not a direct, automatic consequence of marrying Penelope. Rather, marriage was an essential pre-condition, a gateway to legitimacy that would enable a powerful noble to gain the acceptance of his fellow nobles and to push aside the legitimate but impotent heir to the throne.⁶² The rules of dowry were well understood by Homer's contemporary audience; there was no need to spell out the implications. Devolution by dowry, however, was less direct and less certain than normal agnatic inheritance. Its vagaries provided convolutions for the plot, opportunities for moves and counter-moves that added to its dramatic tension.

⁶⁰ Ironically, Eurymachus is only suitor to enjoy any of Penelope's dowry, but it is the wrong part. He seduces Penelope's maid, Melantho, the daughter of her personal slave, Dolius (*Od.* 18.320-325).

⁶¹ It is noteworthy that Penelope's suitors are frequently described as the suitors "of the glorious queen" (*agakleites basileies*).

⁶² The order of events in Eurymachus' accusation of Antinous is significant: "that he might rule as king (*basileuoi*), yet might lie in wait for your son and kill him" (*Od.* 22.52-53). Interestingly, Athene urges on Telemachus a similar sequence: if his father is dead, he should marry off his mother and then kill the suitors (1.289-296).

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ABBREVIATIONS

LE	Laws of Eshnunna
LH	Laws of Hammurabi
MAL A	Middle Assyrian Laws, Tablet A
NBL	Neo-Babylonian Laws

