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THE LAWS OF ANCIENT CRETE

c.650–400 BCE

OXFORD

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THE LAWS OF ANCIENT CRETE C.650-400 BCE

For
Henri van Effenterre
Scholar and Friend

PREFACE

The island of Crete was the center of Greek Bronze-Age civilization until at least 1400,¹ and continued to have a vibrant palace economy until around 1200, at which time this economy collapsed, palace buildings were largely abandoned, and the population declined significantly. With the demise of the palaces, the syllabic script known as Linear B, which had primarily been used to record the activities of palace bureaucracies, also disappeared, leading to several centuries during which writing was apparently unknown in Greece.

During these centuries (c. 1200–800), the population remained widely dispersed, and although some continuity is evident from the Bronze Age to the Early Archaic period, the civilization that begins to develop in the tenth and ninth centuries is substantially new. It is characterized by the rise of small nucleated settlements with up to a few thousand inhabitants mostly located on the tops of hills, presumably for defense (Nowicki 2000; Wallace 2010a; see further Introd. 2A). As in other parts of the Greek world, a new form of writing, an alphabetic script was introduced, probably some time before 750. At first, this script was used for private writing, primarily personal expressions of gratitude or hope and other short graffiti, but in the second half of the seventh century it began to be used to write longer, public texts, the vast majority of which were laws (Gagarin 2008a: 39–44).

Inscriptions with archaic and classical laws are found all over the Greek world, but they are especially numerous on Crete. Thus far, inscribed laws have been found from ten poleis (city-states), all located in the central part of the island: Axos (**A**), Datala (**Da**), Dreros (**Dr**), Eleutherna (**Ele**), Eltynia (**Elt**), Gortyn (**G**), Knossos (**K**), Lyktos (**L**), Phaistos (**Ph**), and Prinias (**Pr**). New laws are continually being discovered and continuing excavation may add other poleis to this list, but many inhabited sites have now been excavated without yielding any trace of laws, either because these poleis did not write laws at the time or because they wrote them on more perishable materials which no longer survive.

The roughly two hundred texts in this volume represent only a fraction, probably quite a small fraction, of the total number of legal texts inscribed in Crete during this time; they represent a disproportionate percentage, however, of the total number of surviving Greek laws from this period. Gortyn, in particular, has yielded many more inscribed laws than any other city. It is very unlikely that this large number is purely the result of the accident of discovery, because at the

¹ All dates in this book are BCE unless the contrary is either indicated or obvious. The Note on Chronology (below) explains the various periods into which for convenience we divide Greek history.

same time, very few inscriptions have been discovered at Gortyn or elsewhere on Crete of the sort found everywhere else in the Greek world during this period, such as epitaphs. It seems, then, that the Gortynians, at least, both enacted more legislation than most other Greek poleis and inscribed more of their legislation on stone, the most durable material available.

Most of the surviving texts are now fragmentary; those that are complete range from single sentences to the Gortyn Code with more than 600 lines of text (G72). As far as we can tell, all but one (**Dai**, which is not a statute but an agreement between the city and an individual) were originally displayed in public spaces, some on terrace walls and on the walls of public buildings, others on freestanding walls or stelae (stone slabs). They are written in an epichoric (local) script, which is broadly similar across the island but varies a bit from city to city. Some of the letters in this script differ widely from their equivalents in the Ionic script familiar to most readers of ancient Greek and still in use today (see Introd. 3B). Interpretation of these texts is often not easy. In addition to the usual problems posed by fragmentary texts, we confront significant uncertainties about the dialect and vocabulary of these texts. More important, besides the laws, we have very few contemporary sources of information about Cretan life at the time other than what is provided by archaeological excavation and survey, and since about 1900, archaeological exploration on Crete has largely been concentrated on Bronze-Age sites, to the neglect of archaic and classical sites. This is beginning to change, but at present we still must reconstruct the legal system and the social and political order of the period mostly on the basis of the laws alone.

Although many of the texts in this volume are included in one or both of the recent collections of archaic Greek laws—Koerner 1993 and van Effenterre and Ruzé 1994–5, with German and French translations respectively—they are still not widely known, especially in the English-speaking world. The main publication of most of the texts is the four volumes of *Inscriptiones Creticae* (IC = Guarducci 1935–50); this is a superb work of scholarship but its Latin commentary is not easily read by many who might otherwise be interested in these laws. New texts discovered since the publication of IC have appeared in a variety of journals and for the most part have been little studied. For these reasons, we are presenting here a collection of all significant archaic and classical legal texts from Crete that have thus far been published, together with an English translation and commentary. Our aim is to make these laws more accessible to scholars and students, including those who know no Greek. We have not included any previously unpublished inscriptions.

Many of the texts published in IC are very fragmentary; some contain only a letter or two. We include here only those texts in which some significant content can be identified. Thus we include some texts in which only one significant word survives but omit other texts where two or three very common words survive (such as *ai de ka*). We are more likely to include a very fragmentary text if it is not

in *IC*, and we regularly provide more detailed notes concerning texts not in *IC*, because many of them are published in works that are not readily available and, perhaps because of this, have generally received less discussion than those in *IC*.

Since the beginning of the twentieth century, the study of these texts from the Archaic and Classical periods has taken second place to the study and excavation of Bronze Age Crete. Interest in the later periods has, however, increased considerably in the last two decades, as have excavations and studies of the material from earlier excavations from these periods. As a result, recent scholarship has begun to challenge some long-standing views, and the picture of post-Bronze-Age Crete will undoubtedly continue to evolve. We have tried to take account of work published through 2013, but have undoubtedly overlooked some of it.

Our present work, then, is not intended to be the final word. We seek in the first place to provide Greek texts that are as complete as possible, with enough epigraphical evidence that readers can form their own judgments about uncertain or incomplete texts. The translations are intended to clarify our understanding of the text, and are thus often more literal than elegant. In the Introduction we have tried to note the range of existing views on various issues, but we do not hesitate to express our own views, even when they are controversial. When we are uncertain, we say so. Our hope is that others will study these texts, and challenge, revise, and probably disprove some of what we write here. Our goal is not to present a definitive account of the laws of Crete but to provide a foundation for others to build on.

Because of the difficulty in establishing firm dates for these inscriptions, we have not used a fixed chronological cut-off point for the texts we include; instead, we have included all suitable texts written in the epichoric alphabet, before it was replaced by the Ionic (and ultimately pan-Hellenic) alphabet. The latter was officially adopted in Athens in 403, and the transition in Crete probably took place around the middle of the fourth century; after this date laws continued to be inscribed but in much smaller numbers. We take a broad view of what qualifies as a law, using the term to include all texts that record authorized public actions; thus, among our laws are interstate agreements (e.g. **G80**) and other sorts of agreements or contracts (e.g. **Dar**) entered into by the polis, as well as many fragmentary texts whose nature cannot be determined with certainty. However, because only a handful of the Cretan inscriptions on stone from this period are clearly not laws, and because many of the fragmentary texts we include contain language that either is legal or occurs often in laws of the period and none contains language that is inconsistent with its being a law, we are fairly confident that virtually all the texts in this collection are legal in nature.²

² We have not included two legal texts with possible relevance for our period, the oath of the Drerians (*IC* 1.9.1) and the agreement between Argos, Knossos, and Tylissos (*IC* 1.30.1 + 1.8.4; M&L no. 42; VER 1.54; Rhodes and Lewis 1997: 308, 310). The former dates from the late third century and is thought to

To assist the reader, we first present an Introduction to the material found in the texts. This is intended to provide background, including our approach to the question of unity or diversity in archaic and classical Crete (Intro. 1), the archaeological and historical context for written law in Crete (Intro. 2), and information about more technical matters, such as dialect (Intro. 3), as well as a more extended discussion of some of the issues raised in the texts than is possible or desirable in a commentary (Intro. 4–10). The reader may wish to read parts or all of the Introduction first, or just refer back to it in the course of reading the texts. We refer to its different sections by number: e.g. ‘Intro. 5B’, referring to the section on women.

The texts are arranged by city. Those that have been published in *IC* are numbered with the abbreviated name of the city of origin (for which see above), followed by the *IC* number, all in bold face; thus *IC* 2.5.1 from Axos is **A1**, *IC* 2.5.4 is **A4**, and between **A7** and **A9** we do not include an **A8**, because too little of *IC* 2.5.8 survives. After the *IC* texts from a city come any texts from that city not included in *IC*. To distinguish these from the texts in *IC*, they are identified by the full name of the city and are numbered consecutively, beginning with 1 (e.g. **A12** is followed by **Axos1** and **Axos2**). When we include no *IC* texts for a city, we use the abbreviated name for all that city’s texts (**Dai**, **Dr1–7**, **Ph1**). Our hope is that any confusion this may initially cause will be outweighed by the benefit of preserving the *IC* numbers with which some readers are familiar—e.g. the Gortyn Code (*IC* 4.72) is numbered **G72**, even though fewer than seventy-one texts from Gortyn precede it.

Except for two large texts, **G41** and **G72**, where for convenience we divide our discussion into columns or sections respectively, we present each text in its entirety, with a translation either next to or below it depending on the length of the lines, followed by notes and then a commentary, somewhat after the model of van Effenterre and Ruzé 1994–5. The translations are intended to explain our understanding of the Greek; where possible, we try to stay close to the word order of the Greek, even if this is slightly awkward in English. The notes are more technical and assume knowledge of classical Attic Greek; in them we primarily discuss epigraphical and linguistic matters. The Introduction and commentary are devoted especially to historical and legal matters, and assume no knowledge of Greek (except for parts of 3B and 3C). In cross-references we use n. for notes and comm. for commentary; where these are omitted, it is understood that cross-references in the notes are to other notes, those in the commentary to other parts

incorporate some archaic language, but we are not confident that we can reconstruct an actual archaic text. The latter, usually dated to c.450, is written in the Argive dialect, and thus may reflect the thought and language of Argos rather than of the two Cretan cities. We also omit the so-called Eteocretan inscriptions from Praisos (*IC* 3.6.1, 3.6.3), both sixth century, and from Dreros (van Effenterre 1946b), c.650.

of the commentary. We include photographs or drawings of all inscriptions published since *IC*; for those in *IC*, we only include a photograph or drawing where we want to illustrate a specific point.

We have ourselves seen and studied all the texts that we have been able to find (see Locations). Some stones were lost long ago, others disappeared more recently, and still others may be in museum storerooms or elsewhere though we have not been able to find them. A systematic inventory of all inscriptions on the island would be very helpful. Despite our autopsy, we only rarely suggest new readings, especially for texts discovered long ago. Some of these older inscriptions, especially those still *in situ*, have deteriorated since they were first recorded to the point where some are nearly illegible today. We thus rely heavily on the work of earlier editors, especially Halbherr and Guarducci, who fortunately were very fine epigraphers. For this reason, we have also consulted the notebooks of Halbherr and De Sanctis together with a few notebooks of Guarducci, which are located in the archive of the Italian School in Athens.

Although this work is a joint product, and we take joint responsibility for everything in it, we initially distributed the work between us as follows: the section on Gortyn was first prepared by MG; those of all the other cities were first prepared by PP. We then read and revised each other's work more than once. The Introduction was written in different pieces and has been revised several times by each of us.

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Our work was initially supported by a collaborative grant from the National Endowment for the Humanities, and has been further supported by the University of Texas, the College of Liberal Arts, and the Department of Classics.

It was our intention from the start of this project in 2006 to study firsthand as many of the laws as we were able to locate and to consider them in their archaeological and historical contexts. To advance these objectives we made seven trips to Crete, most recently in 2014. Our fieldwork would have been impossible without the cooperation of the French, Greek, and Italian directors of excavations of the sites whose communities enacted the laws and the Greek archaeologists and staff of the 23rd, 24th, and 25th Ephorates of the Greek Archaeological Service who graciously made available for study the inscriptions under their authority. We are deeply indebted to many. They are far too numerous to name them all, but we must mention in particular the wonderful individuals in Crete, who welcomed and assisted us at all the sites and museums. We gratefully acknowledge the assistance of the archaeologists and staff of the 23rd Ephorate (central Crete) and the Archaeological Museum of Heraklion, and in particular Nota Dimopoulou-Rethemiotaki, Athanasia Kanta, Ioanna Serpetsidaki, Giorgos Rethemiotaki, Danae Kondopodi, and Maria Kyrimi. We also thank Maria Englesou, Popi Galanaki, Yanis Giaourakis, Michalis Karouzakis, Evi Kourouthianaki Papadaki, and Chrysi Tsihlaki for their assistance and warm hospitality at Gortyn. We thank as well the archaeologists and staff of the 25th Ephorate (west Crete) and the Archaeological Museum of Rethymno, particularly Maria Andreadaki-Vlasaki, Anastasia Tzigounaki, Nikolas Stampolidis, Eva Tegou, and Giorgos Droudakis, for their assistance in our study of the inscriptions from Axos and Eleutherna, and Stavroula Apostolakou, Chrysa Sofianou, and Vaso Zographaki of the 24th Ephorate (east Crete) for their assistance with the inscriptions from Dreros. We are particularly indebted to Eva Tegou and Vaso Zografaki, not only for their assistance with our study of the laws from Axos and Dreros respectively, but also for their generosity in sharing with us the results of their fieldwork and for their warm hospitality.

We have discussed different aspects of this project with many additional scholars. Three colleagues in particular have been especially helpful in reading sections of our work: Monique Bile has read most of the Catalogue, parts of it more than once, and given us invaluable advice on matters relating to the Cretan dialect; Alberto Maffi has read the entire section on Gortyn and has offered many useful comments and criticisms; Antonis Kotsonas provided much-appreciated feedback on sections of the Introduction and Catalogue that rely heavily on the archaeological record.

Other colleagues have also helped us by answering questions or advising us on specific points. We are grateful to Nicola Cucuzza and Vance Watrous who shared with us their knowledge of ancient Phaistos and the western Mesara. Florence Gaignerot-Driessen discussed with us questions concerning the archaeology and history of settlement in the vicinity of Mirabello bay and Dreros in particular. Donald Haggis introduced us to ancient Azoria and discussed with us the implications of this remarkable settlement for our understanding of archaic Cretan society. Charilambos Kritzas shared with us his knowledge of laws from Eltynia and Lyktos. Jenny Moody discussed with us questions concerning the climate and geology of Crete and aspects of production on the island.

Other individuals have contributed to this volume in a variety of ways. We thank Ilaria Simiakaki, archivist at the Scuola Archeologica Italiana di Atene, who provided invaluable assistance in our study of the notebooks of Federico Halbherr and other early Italian archaeologists and epigraphers, and Charles Crowther, Assistant Director of the Centre for the Study of Ancient Documents (CSAD), Oxford, who answered our questions concerning *Poinikastas: Epigraphic Sources for Early Greek Writing*, the archive of the papers of Liliane (Anne) Jeffery, and provided us with access to materials that are not available on the website of CSAD. Judith Swaddling and Alex Truscott at the British Museum made it possible for us to study the bronze mitra inscribed with **Da**1. Maria Pilali and Ioanna Damanaki of the American School of Classical Studies in Athens deserve special mention for their invaluable assistance with permit applications. We especially thank Deena Berg and Chris Williams, who patiently created, made legible, or redrew all of the figures in this volume, for their artistry and advice. Finally, we thank Hilary O'Shea at Oxford University Press for her continuing support of this project, even when it may have seemed as if we would never finish. Also at OUP, we are grateful to Commissioning Editor Charlotte Loveridge, Assistant Editors Taryn Das Neves and Annie Rose, Production Editors Kizzy Taylor-Richelieu and Caroline Hawley, and copy-editor Heather Watson for their assistance in producing this volume. David Pelteret provided invaluable help with the difficult proofs.

MG and PP

Our work is dedicated to Henri van Effenterre, whose path-breaking studies have influenced our work at almost every step. From the time I first met him in 1985, we discussed my work (and his) on many occasions in Paris and Austin and at conferences around the world. We disagreed on many points of detail (as will be evident in our comments throughout), but he always encouraged our work, and in particular this project, which pleased him greatly. Regrettably, we did not complete it soon enough for him to see it published.

MG

ABBREVIATIONS

(Abbreviations for journal titles can be found at the head of the Bibliography)

Bile	= Bile 1988.
Blass	= Blass 1905.
C	= Comparetti.
<i>FGrH</i>	= Jacoby 1923–58.
G	= Guarducci 1935–50.
H	= Halbherr.
<i>IC</i>	= <i>Inscriptiones Creticae</i> (Guarducci 1935, 1939, 1942, 1950).
<i>IG</i>	= <i>Inscriptiones Graecae</i> .
<i>IK Knidos</i>	= <i>Die Inschriften von Knidos</i> (Blümel 1992).
<i>IvM</i>	= <i>Die Inschriften von Magnesia am Maeander</i> (Kern 1967).
<i>IvO</i>	= <i>Die Inschriften von Olympia</i> (Dittenberger and Purgold 1896).
J-MD	= Jeffery and Morpurgo-Davies 1970.
JP	= Jeffery, Poinikastas: Epigraphic Sources for Early Greek Writing (web site for the Jeffery archive: http://poinikastas.csad.ox.ac.uk).
K	= Koerner 1993.
<i>Kerameikos</i>	= Peek 1941.
LSJ	= Liddell, Scott, Jones 1940.
<i>LGPNI</i>	= Fraser and Matthews 1987.
M	= Magnelli 2008.
M&L	= Meiggs and Lewis 1969.
<i>OCD</i>	= <i>Oxford Classical Dictionary</i> (Hornblower, et al. 2012).
<i>SEG</i>	= <i>Supplementum Epigraphicum Graecum</i> .
<i>Syll³</i>	= <i>Sylloge Inscriptionum Graecarum</i> (Dittenberger 1915–24).
VER	= van Effenterre and Ruzé 1994–5.
W	= Willetts 1967.

In cross-references, comm. = commentary, n. = note—either footnote or a note in the text concerning the Greek text.

‘Dialect’ followed by a number (e.g. ‘Dialect 13’) refers to the subsection of Introd. 3C on ‘Dialect’.

NOTE ON CHRONOLOGY

All dates in this book are BCE unless the contrary is either indicated or obvious. The periodization and absolute dates assigned to the Bronze Age and Early Iron Age in the chronological table follow those of Gaignerot-Driessen (2013: 19–20).

Main Periods	Subdivisions	Absolute Dates	Traditional Subdivisions of the Bronze Age
Bronze Age	Protopalatial	c.1900–1600	Middle Minoan IB–Middle Minoan III
	Neopalatial	c.1600–1360	Late Minoan IA–Late Minoan IIIA ₁
	Postpalatial	c.1360–1190	Late Minoan IIIA ₂ –Late Minoan IIIB
	Final Palatial or Postpalatial	c.1190–970	Late Minoan IIIC–Subminoan
Early Iron Age	Protogeometric	c.970–810	
	Geometric	c.810–700	
	Orientalizing	c.700–630	
Iron Age	Early Archaic	c.630–575	
	Archaic	c.575–480	
	Classical	c.480–330	
	Hellenistic	c.330–67	

The rubric ‘Orientalizing’ reflects the view of many archaeologists that during the period c.700–630 Crete appears to have been remarkably (and precociously) open to Near Eastern and Levantine products and influences. Recent scholarship has, however, begun to examine the ‘orientalizing phenomenon’ more closely and to contest the appropriateness of both the rubric and the termini assigned to the period (e.g. Kotsonas 2013; Whitley 2013). Kotsonas, for example, argues that ‘orientalizing’ styles were produced and circulated in Crete throughout the Early Iron Age (eleventh to seventh centuries), but it is wrong to refer to any archaeological phase on Crete as ‘orientalizing’. He proposes the rubric ‘Proto-Archaic’ for the diverse styles (especially in vase painting) of the seventh century.

The chronological termini of the Archaic period are particularly resistant to scholarly agreement. Morris (1998), for example, follows Snodgrass (1980: 15–84) in identifying the eighth century as the time when the important structural changes that characterize the seventh and sixth centuries begin—a sort of ‘Proto-Archaic phase’ in historical rather than archaeological terms, although neither Morris nor Snodgrass refers to the eighth century in this way. The material record of Crete strongly indicates that significant cultural changes occurred around 600, starting a generation or so earlier in some places (c.630) or somewhat later in others (c.575). The changes, which result in decreased archaeological

visibility in several contexts (e.g. cemeteries and sanctuaries), are apparent throughout the island by the middle of the sixth century (below, Introd. 2A). We refer to this transition (*c.* 630–575) as the early archaic cultural horizon and the chronological phase during which it took place as the Early Archaic period.

The end of the Hellenistic period on Crete is traditionally assigned to the year 67 BCE when the Roman Q. Caecilius Metellus completed Rome's subjugation of the island.

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