The Gortyn Laws in Architectural Context

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“And if one party contend that he is a free man, the other party that he is a slave, whichever persons testify that he is a free man are to prevail.”

– The Gortynian Law Code, i.15-18

“One of their own prophets has said it: “Cretans are always liars.”

– Paul’s letter to Titus, Bishop of Gortyn
Preface

I began this project with a simple goal. I wanted to bring together what I see as the two halves of my academic experience at Dartmouth: my archaeological studies in the Classics department and my theoretical studies in the English department. My idea was to undertake an interdisciplinary study of the intersection of material culture and text. I saw a great, largely untapped potential for this kind of study in the area of monumental writing, that is, texts with architectural contexts. I had observed that epigraphers tend to treat texts as bodiless, ignoring their spatial and material context, while architectural specialists are generally too concerned with building typologies, construction methods, and so on to give much space to any inscriptions a building may bear, except insofar as they are useful for dating the building or identifying its function. I decided, therefore, to pursue a reading of a text in light of its associated architecture and, simultaneously, to explore architecture through the lens of its associated texts. Narrowing down the possible kinds of texts, I thought that laws would prove a particularly fertile field of investigation, since the social and political dimensions of the text would be “near the surface.” Furthermore, I decided to study a public building or buildings, since the architecture would be reflective of the state authority underwriting the text. A public building bearing legal inscriptions would constitute an intricately interwoven legal text, architectural context, and political subtext.

I eventually selected the Gortynian Law Code as an appropriate monument for this study, but it was not long before I discovered that this “Queen of Inscriptions” was only one of several similar legal publications at Gortyn, and so I expanded my study to consider all of “the Gortyn Laws.” Therefore, I include in my report a discussion of the early development of the Gortynian polis culminating in the inscription of an assortment of laws on the walls of the Temple of Apollo Pythios. This discussion constitutes an important prologue to my investigation of the later
Gortynian Laws and the sociopolitical situation they reflect. I also take up the other laws from the area of the Gortynian agora, including the so-called Second Code. The physical remains of the Gortynian Law Code and of the other laws from the agora, as well as the content of these other laws, is the subject of my first chapter. In my second chapter, I discuss the content of the Gortynian Law Code in some depth and detail. In my third chapter, I investigate the architectural history of a sequence of buildings in the Gortynian agora in which the later Gortyn Laws were displayed during several different phases. In my final chapter, I advance some conclusions about the relationship between text and architecture at Gortyn.

As I waded into the scholarship surrounding the Law Code, I also discovered that the literature on the primary archaeological question I would need to answer—how to reconstruct the multiple stages of the building(s) in which the Law Code was displayed—was a thicket of vague conjectures and misleading claims. Therefore, throughout this project I have concerned myself with clarifying the evidence and setting out an approachable description of the Code in both its material and textual aspects. I have attempted to set in order many of the arguments that have been made by my predecessors and to review them critically. This process has made it clear to me that many of the traditional views about the Gortynian Laws have very shaky foundations.

This thesis examines the important later Gortynian Laws, and especially the Gortynian Law Code, both as text and as monument, in the process exploring what the relationship between the Code’s content and form indicates about the sociopolitical system they represent. I conclude that both the laws themselves and the original manner of their display captured the forces of competition and exclusion at work in the polis, and that in later stages, the shrinking and progressive dispersal of the inscriptions point to their gradual artifactualization.
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Prologue: The Laws of the Python and the Gortynian Synoikismos

The history of Gortyn began in the Greek Dark Ages with the establishment of several small settlements on hills overlooking the site of the later polis. According to Perlman, the earliest settlement at Gortyn was on Hagios Ioannis. A second settlement, this one on Profitis Ilias, was founded some time later, which — although located in close proximity to the earlier community [on Hagios Ioannis], was not attached to it in any obvious way.” A third settlement at Charkià Pervoli was founded around the same time. Figure 1 is a map showing the location of these settlements.

The development of the polis proper began after — the inhabitants of the three Geometric settlements at Hagios Ioannis, Profitis Ilias, and Charkià Pervoli appear to have abandoned their hilltop villages around 700 BC” and gradually settled in the plain. The character of the nascent polis’s settlement pattern and political organization is obscure in its early stages. According to Perlman, — We do not know where the former members of these three communities built their new homes, nor is there scholarly consensus about the organization of the early Archaic community; some scholars suggest that in its earliest phase the community in the plain was settled κατὰ κώμας, while others view the process of relocating from the hills to the plain as one of synoikismos.” Di Vita generally confirms Perlman’s account regarding the three hilltop villages, but he tells a more complete story of the transition toward the settlement in the plain, relating the abandonment of the hilltop villages to a series of destructions by earthquakes.

1 Perlman 2000: 63.
2 ibid.
3 Perlman 2000: 71.
4 ibid.
The distinction between a settlement —κατὰ κώμας— that is, as a village (κώμη or kome) or collection of villages without a central authority—and a young polis formed through synokismos signifies a significant difference in terms of political organization.\textsuperscript{6} Hansen defines —synoikismos” or —synoeicism” as —emigration from a group of closely set neighbouring settlements to a place in the vicinity or an unoccupied place where a new polis was founded or to an already existing polis whose population was powerfully increased by the immigration.”\textsuperscript{7} In his Politics, Aristotle describes the —natural” progression of state development as beginning with the oikos and proceeding through synoikismos from the kome to the polis:

The first thing to emerge from [the relations between husband and wife, master and slave] is a household [oikos]… The first community constituted out of several households for the sake of satisfying needs other than everyday ones is a village [kome]… A complete community constituted by several villages once it reaches the limit of total self-sufficiency, practically speaking, is a city-state [polis].\textsuperscript{8}

Though Hansen argues that in general —it is extremely difficult to find examples that will fit Aristotle’s model,”\textsuperscript{9} he does cite Kassope as —an example of the emergence of a polis by a synoikism of komai, the model advocated by Aristotle.”\textsuperscript{10} Furthermore, no contemporary accounts exist of the emergence of the first poleis in the late Geometric and early Archaic periods, and so while Aristotle‘s model may not describe the typical pattern of organizational

\textsuperscript{6} Hansen writes, —Kome” is traditionally rendered by village but, like polis, it has a whole range of meanings and uses which must be differentiated from one another to avoid confusion. Since it is often stated in our sources that kome was a form of settlement that preceded the polis we must be aware of the difference between kome used in a historical, sometimes even in a pre-historical context, and kome used about contemporary society. Furthermore, we must distinguish between kome in a purely topographical sense, i.e. when it denotes a small settlement, and kome in a more political and constitutional sense, i.e. when, like demos, it denotes one of the subdivisions of the polis and of its citizens. Finally instances in which polis is opposed to kome must be treated separately from those in which kome is seen as the backbone of the polis-organization itself, i.e. αἱ κατὰ κώμας οἰκούμεναι πόλεις” (Hansen 1995: 50-51). I understand Perlman to be referring to —kome” in the —political and constitutional” sense, as it is distinguished conceptually from the synoeiced polis, and in the —historical” sense, as it is postulated as a stage in Gortyn’s development into a polis.

\textsuperscript{7} Hansen 2006: 52.

\textsuperscript{8} Aristotle Pol. 1252b (1998: 2-3).

\textsuperscript{9} Hansen 1995: 57.

\textsuperscript{10} Hansen 1995: 61.
development in the late Archaic and Classical periods, it may serve adequately to describe the initial stages of the emergence of complex society from the Dark Ages.

Was the settlement in the plain at Gortyn a settlement κατὰ κώμας or a nascent polis formed through synoikismos? The former alternative suggests the possibility that the political synoecism of the hilltop settlements was subsequent to their physical synoecism in some respect, but according to Hansen, this two-phase process probably reflects an artificial and perhaps arbitrary distinction. He writes, “The emergence of the polis by a purely political synoikism seems to be an abstraction just like the social contract in later political philosophy... All well-attested examples of polis formation by synoikism seem to have involved a physical synoikism as well as a political one.”\(^\text{11}\)

Furthermore, Hansen points out that in the description of the origin of society kome is used in two different senses (a) about scattered villages before the emergence of the polis or (b) about early poleis which were made up of a cluster of villages, close together but not protected by a wall.”\(^\text{12}\) Clearly, either of these situations may have described the initial stage of the settlement on the plain at Gortyn and in either case “kome” would be an appropriate description of the settlement. Therefore, the processes of physical and political synoecism, which Perlman appears to separate in her analysis, should perhaps be understood as complementary and simultaneous processes rather than as stages in the development of the polis that can be isolated. Hansen supports this view: “In Greece most poleis arose by natural growth: it was, mostly, a long drawn-out and almost unnoticeable process, and with the sources we have, it is impossible to say exactly when the inhabitants of a city began to feel themselves to be citizens of a polis.”\(^\text{13}\)

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At Gortyn, however, there are indications in the material record of the development of this collective identity and of the manner in which it was achieved.

According to Perlman, the temple-building activity at Gortyn during the seventh century reveals distinct stages in the settlement’s organizational evolution. She writes, “It seems to have taken the new community a generation or so after the abandonment of the old settlements to rebuild and reorganize.”\(^{14}\) The first visible sign of this reorganization is the establishment of the old settlement site on Hagios Ioannis as the center of cult activity for the new settlement on the plain. As Perlman observes, “The construction of the temple in the sanctuary on Hagios Ioannis during the second quarter of the seventh century B.C. provides the earliest evidence of a new political apparatus capable of marshalling and deploying public resources on behalf of the community.”\(^{15}\) Just one or two generations later, the sanctuary on Hagios Ioannis was abandoned in favor of the newly built temple of Apollo Pythios on the plain (see Figure 2).\(^{16}\) Perlman reasonably concludes, “The shift in the religious focus of the community away from this old sanctuary to the new temple in the plain should be understood to reflect a new stage in the development of the spatial, religious and social organization of the \textit{polis}.”\(^{17}\)

This shift in religious focus is only one example of numerous shifts in social orientation that the community in the plain would necessarily have to undergo in order to forge a single identity as a \textit{polis} from the diverse strands of community identity that would have survived from the inhabitants’ previous occupation of several discrete hilltop settlements. Perlman writes, “The old sanctuary on Hagios Ioannis must have continued to be more closely associated with those members of the new community who had formerly resided on Hagios Ioannis… Perhaps the new

\(^{14}\) Perlman 2000: 72.
\(^{15}\) \textit{ibid.}
\(^{16}\) \textit{ibid.}
\(^{17}\) \textit{ibid.}
temple of Apollo was intended to compromise if not eliminate a source of authority and privilege which one segment of the population derived from its association with the earlier sanctuary."^{18}

Perlman also discusses the possibility that the Gortynian calendar’s usage of a series of Apolline months, each of which attests a different ethnic origin… may have served to consolidate the ethnically diverse community in the plain."^{19}

This process of accommodation should be understood as the product of the competition between the elite families or clans who formerly possessed hegemonic status in their individual settlements. The process should also not be divorced from its economic aspects. As Lacey writes, ‘The society [of Gortyn] is clearly based on the ownership of lands which were divided into klaroi (i.e. kleroi)… a klaros was a family allotment of land.’^{20} If the economy of the later polis was based upon lands held by clans, then it seems reasonable to suggest that such was the case in the early hilltop settlements. It is probable that in each of these settlements one or more dominant clans secured their social position through land ownership.^{21} If this was the case, then the formation of the Gortynian polis would have involved the reorganization not merely of settlement patterns but of the landholding-based economies of the three settlements into a single structure of economic relations. The solution eventually settled on in Gortyn seems to have been to preserve the identity and independence of the individual clans by keeping their klaroi intact and restricting the alienation of property outside of the clan.^{22}

\[18\text{ Perlman 2000: 74.}
\[19\text{ ibid.}
\[20\text{ Lacey 1968: 209-211. ‘Family’ should be understood here in a wide sense, encompassing a variety of kinship relations including quite distant ones. ‘ Clan’ might be a preferable alternative.}
\[21\text{ Following Aristotle, if we suppose that each hilltop settlement was populated by a kin group, we might identify the hilltop settlements as the komai, which through synoikismos formed the polis of Gortyn. As he writes, ‘As a colony or offshoot from a household, a village [kome] seems to be particularly natural, consisting of what some have called ‘sharers of the same milk,’ ‘sons and the sons of sons’ (Aristotle, Pol. 1252b [1998: 3]).}
\[22\text{ See ‘Inheritance” pg. 55 below.}
However, beyond forging a collective identity, the process of becoming a *polis* entails the development of the political apparatus of a state. As Hansen explains, “Almost always *polis* is used either in the sense of a settlement, for what we call a city, or in the sense of a political community, for what we call a state. The word often has both significations at once, so the word “city-state” is an extremely precise translation of *polis* and not an anachronistic mistranslation, as it has become fashionable to allege.”

Therefore, in tracing the history of the Gortynian *polis*’s development, it is important to identify the earliest date at which the settlement can be said to have definitely demonstrated that it possessed the distinguishing features of a state. Hansen suggests three criteria for making this determination. He writes, “Three elements are involved in the concept of a state: a territory, a people and a government with the sole right to exercise a given legal order within a given area over a given population.”

Before turning to the importance of the presence of “a given legal order” as a prerequisite for a *polis*, I would also introduce a second definition of the *polis* proposed by Hansen, which privileges its social aspects over its political ones. Hansen writes, “A *polis* was a small institutionalized self-governing society, a political community of adult male citizens (*politai* or *astoi*), who along with their families lived in a—usually—fortified city (also called *polis* or sometimes *asty*) or in its hinterland (*chora* or *ge*) along with two other sets of inhabitants, free non-citizens (*xenoi* or often *metoikoi*) and slaves (*douloi*).” Hansen recognizes the essentialness of the *polis*’s having under its authority two subordinate populations, the statuses of whom are explicitly differentiated from the status of the citizens and vice-versa. Therefore, it seems likely that the free citizen and unfree non-citizen distinction, which is central to the later Gortynian social system, crystallized in this period of the *polis*’s formation (if not before), probably

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formalizing a social hierarchy already in force in the komai. Indeed, Di Vita comments that at Gortyn even in the time of the hilltop villages, “Si tratta di una società già stratificata” [It is an already stratified society].\textsuperscript{26} While it is impossible to be certain whether the social stratification observed by Di Vita in the material culture of the Gortynian komai would map neatly onto the structure of class distinctions proposed by Hansen, these distinctions are certainly manifested in the polis’s later stages, and so this seems probable. The important point is that social stratification does not materialize with the creation of a central authority, but rather, the government of the polis reflects structures of privilege and authority already in force in earlier stages of civic development.

If Hansen is correct that the existence of a particular legal order is requisite for the identification of a state and so for the identification of a polis, then Gortyn’s attainment of polis-status is clearly attested by the inscription in the late seventh and early sixth century B.C. of a series of laws on the settlement’s principal public building, the Temple of Apollo Pythios. In her “synthetic, contextual study” study of these inscriptions,\textsuperscript{27} Perlman acknowledged, “Any attempt to tease out the content of these laws from the snippets of text which survive is fraught with difficulty. In some cases it is impossible to draw any conclusions regarding the issues which they treat; in others, a single word is all that survives to suggest what the law is about. Nor is it much easier to deduce the nature of the issues addressed in the longer fragments.”\textsuperscript{28} The first observation Perlman makes is that the inscriptions were meant to attract an audience… what can be determined about the disposition of the texts on the walls of the temple, the organization of the laws, and their syntax suggests that both the drafters of the laws and the masons who inscribed them endeavored to help potential readers navigate and so comprehend the writing on

\textsuperscript{26} Di Vita 2010: 31.
\textsuperscript{27} See Perlman 2002.
\textsuperscript{28} Perlman 2002: 187-88.
Perlman argues against Whitley's claim that Cretan laws were no more intended to be read by the average inhabitant of Dreros or Gortyn than was the Code of Hammurabi by the average Babylonian. Whitley writes, “Why else is the writing so clear and so carefully inscribed, if not to be read by the general populace? Why else are each of the terms of the law so specific, if they are not to be read, and, once read, adhered to? I would contend that the purpose of such inscriptions is as much symbolic as practical.” The purpose he proposes is one of impressing the usually illiterate viewer with “the majesty of the Law.” Whitley's argument proceeds from his study of literacy in Crete, from which he concludes, “The heyday of public, written law in Archaic Crete—the sixth century—coincides with the virtual absence of all other forms of writing. This is exactly what we would expect in a situation where few were literate, perhaps because literacy was the preserve of a scribal class.”

Perlman contends, however, that the evidence for private writing in Archaic Crete that Whitley adduces in constructing several of the key points in his argument can be interpreted differently than he does. She first focuses on Whitley's observation that the number and variety of private inscriptions is greater in the early Archaic period (eighth-seventh century B.C.) than in the sixth. Perlman argues that a large collection of bronzes and a graffito (the dates of which are in dispute) should not be considered in the comparison between the two periods. With this adjustment to the sample of writing under consideration, she notes, “With due respect to the difficulty of dating these Archaic texts, it appears to the contrary that both the number of private texts and the variety of purposes to which writing was put increase dramatically in the

29 Perlman 2002: 188.
31 ibid.
32 ibid.
34 Perlman 2002: 195.
35 ibid.
36 ibid.
sixth century.‖ Against Whitley’s contention that writing was confined to a scribal class, Perlman cites Frisone’s suggestion that one of the Pythion laws prohibits the retrial… of a public debtor whose name has been published… the law might be understood to assume that many Gortynians knew how to read and write their names and were expected to consult public records.‖ Ultimately, Perlman concludes, –Literacy was not the exclusive possession of a narrow scribal class as Whitley argues.‖

The next question Perlman considers is the importance of the relationship between the Temple of Apollo Pythios and the laws carved on its walls. She writes, –The inscribing of laws on temple walls, perhaps the most tangible expression of the intersection of law and religion, has been explained in terms of divine enforcement; in the early state, it is argued, only the gods exercised sufficient authority to ensure the enforcement of the laws.‖ She is careful to distinguish between the enactment of legislation and its enforcement: –A divine role in lawgiving… has been generally rejected in modern discussions of law and religion in ancient Greece. The gods enforce the laws, they do not make them.‖ However, Perlman suggests that because –the earliest laws of Gortyn do not disclose anything about their genesis… the Pythion laws might just as well be understood as divine or oracular pronouncements rather than as legislative acts of the political community.‖ Of course, this argument fails to take into account anything of the content of the laws, and while notions of divine enforcement may have played a role in the selection of the temple of Apollo for the inscription of the laws, there is no reason to believe that there was any other public building of comparable size and importance that might

37 ibid.
38 Perlman 2002: 196.
39 ibid.
40 Perlman 2002: 198.
41 ibid.
42 Perlman 2002: 199.
have served as an alternative. Furthermore, if the establishment of the cult center in the plain and the monumentalizing of the nascent polis’s legal system were both external signs of the synoecism, then it would make sense to combine the two in one architectural entity. Elsewhere Perlman comments that the absence of an enactment formula (i.e., "The assembly of the Gortynians voted to...") from all of the early inscriptions suggests that neither the polis as a political community, not its institutions, was willing (or able?) to take responsibility for the formulation and enactment of laws, even though the laws themselves indicate an advance in the authority of the state over the lives of its members. It seems likely that at this early stage in the polis’s development the absence of an enactment formula might be best explained by a lack of legitimating value.

Perlman's discussion of the content of the laws is constrained by the difficulty of extracting any continuous sense from the fragments. Her analysis consists of the generalities it is possible to make from the available evidence. However, this analysis is not without value. For example, she writes, "Eight of the sixteen laws which are sufficiently preserved to say something about their content appear to address matters of procedure." Likewise, "Seven of the Pythion laws record fines calculated on the basis of the lebes (cauldron)... [one probable analysis would suggest] that lebes in these laws refers to a standard value rather than to the actual vessel." The last of the legible laws discussed by Perlman is a calendar of sacrifices.

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43 Perlman 2002: 212.
44 Perlman 2002: 201.
46 Perlman 2002: 192. The classification of this inscription as a "law" is dubious, but its appearance alongside the polis's other laws is a strong reason to believe that the Gortynians considered it to have some considerable force. In this respect it is perhaps a highly useful illustration of the overlap of "eustom" and "law," which is captured in the Greek term for both concepts: nomos. This overlap is common in the matter of sacred laws. Parker writes, "Modern scholarship is familiar with a class of inscriptions known as sacred laws. The term has authority insofar as Greeks sometimes spoke of "sacred laws' and sometimes even so described some texts found in the modern collections... Many sacred laws' are indeed true laws, in the sense of regulations emanating from the citizen assembly or other legislative body of the city concerned, and backed by its authority... But other sacred laws' are
From her study of the Python laws, Perlman draws several important conclusions. First, she observes that the inscribed laws of Archaic Gortyn include all four categories of law—procedure, tort, public, and family law. Second, she identifies the theme which unites most of the laws: If anything emerges as a central concern of these laws and so of Archaic Gortynian society it is the protection and disposal of property. The centrality of this concern becomes even more pronounced in the later epigraphic legal record at Gortyn. Perlman also identifies a secondary area of special concern which is reflected in various ways in a number of the laws is misconduct by public officials particularly in their judicial capacity. Finally, regarding the development of the polis’s social organization, she writes, Before the end of the sixth century, public authority in Gortyn recognized the statuses of citizen, of legitimate, adopted and perhaps foster children of citizens, of dependents of citizens, and of free non-citizens, and was equipped with specialized officials and judicial procedures for the regulation of their relations.

Conclusion

The earliest stage in the settlement of Gortyn consisted of three hilltop villages that overlooked the plain in which the polis was later established. The traditional account of polis formation from komai, villages each dominated by a clan or handful of clans, as well as the later rules governing the ownership of family estates, suggest that each of these hilltop villages was occupied by a clan or clans who secured their social position through land ownership. The synoecism of the polis began with the abandonment of the hilltop villages and the establishment rather what one might call recommendations for best ritual practice. They seem to be designed not as a check on potential lawbreakers but as a source of guidance to those who wish to be pious, to respect local ritual tradition in all its pernickety particularity” (Parker 2005: 62-63).

47 Perlman 2002: 205.
48 ibid.
49 Perlman 2002: 213.
50 Perlman 2002: 207.
of a settlement in the plain. The construction of a new religious center in the plain was one aspect of a process of accommodation by which the previously independent clans of the ruling class developed a new collective identity as citizens of the *polis*. It is also at this stage that the free/un-free distinction became formalized by state authority and partially conflated with the citizen/non-citizen distinction. Nowhere is this more evident than in the publication of Gortyn’s first written laws on the Temple of Apollo Pythios, the symbol of the ruling class’ sociopolitical unity. That the laws are centrally concerned with property rights and regulating the behavior of magistrates should be interpreted as an effort by the elite to protect their inherited estates and to prevent other elites from abusing their offices and upsetting the balance of power among the ruling class.
Chapter 1: The Laws in the Area of the Gortynian Agora

Discovery

The modern history of the Gortyn Laws began with the recovery in 1857 of an inscribed block (Block 31) built into the wall of a mill in the village of Hagioi Deka in the Messara plain of southern Crete.\(^{51}\) In 1878, the text was interpreted, revealing it to be concerned with adoption. In 1879, a fragment (Block 30) bearing a similar inscription concerned with inheritance was found built into the wall of a house near the mill. Both stones were known to have come from the mill stream that powered the mill.\(^{52}\)

In 1884, Federico Halbherr visited the site and found the water to have been diverted from the mill stream, revealing a wall a short distance below the mill. A map of the site is reproduced in Figure 3.\(^{53}\) Finding that there were letters inscribed at the top of this wall, Halbherr began an excavation that revealed four columns (subsequently numbered Columns IX-XII) of a *boustrophedon* inscription reading, as a whole, from right to left. Figure 4 is a diagram of the inscription with the columns numbered. Because the leftmost column (Column XII) was only partially inscribed, Halbherr inferred that it marked the conclusion of the inscription in that direction. He also believed that the inscription continued to the right (i.e., to the east), but he did not have permission from the landowner to dig further in that direction. Later in the same year, Ernst Fabricius obtained permission to excavate the remainder of the inscription and uncovered eight additional columns (Columns I-VIII) for a total of twelve. The portion of the inscription discovered *in situ* was contained on twenty-nine blocks of a curved wall. The text of the

\(^{51}\) See Willetts 1967: 3-4 and Gorlin 1991: 7-10 for expanded accounts of the discovery of the Code.

\(^{52}\) Willetts 1967: 3.

\(^{53}\) This map of the site is by Fabricius and was drawn in 1884. It is reproduced by Di Vita 2010: 45, fig. 65. Note the mill, *Mühle,* the mill stream, *Mühlbach,* and the inscription, *Inschrift.*
previously discovered fragments (Blocks 30 and 31) was demonstrated to belong at the top of Columns VII-XI of this inscription.

Halbherr’s and Fabricius’s excavation also uncovered a section of a second wall, this one straight, running east-west just to the north of the curved wall. Halbherr refers to this wall as *muro settentrionale,* “the north wall.”\(^{54}\) The exposed section of this wall was found to contain an inscribed block (Block NW-1) similar to those of the curved wall, though rectilinear rather than curvilinear in section. Halbherr returned to Gortyn in 1899-1900 and completed the excavation of the North Wall, a diagram of which can be found in Figure 5.\(^{55}\) Two sections of the wall are extant, a western section and an eastern section.\(^{56}\) See Figure 6 for photographs of each section of the North Wall.\(^{57}\) The western section of the North Wall features six reused inscribed blocks on its exterior (i.e., north) face (Blocks NW-1, NW-2, NW-4, NW-5, NW-8, and NW-19) and one on its interior (i.e., south) face (Block NW-IntW). The eastern section of the North Wall features a single inscribed block on its interior face (Block NW-IntE). Halbherr also excavated a wall known to Guarducci as *murus orientalis,* “the east wall.”\(^{58}\) The East Wall features seven reused inscribed blocks on its exterior (i.e., east) face (Blocks EW-3, EW-4, EW-5, EW-7, EW-8, EW-9, and EW-11) and one on its interior (i.e., west) face (Block EW-Int). Figure 7 is a drawing of the East Wall with the blocks numbered.\(^{59}\)

\(^{54}\) Halbherr 1885: 49.
\(^{55}\) I will refer to this wall as the *North Wall* with capitalized letters. References to the blocks of this wall will take the form *Block NW-#.*’ This system is my own. Figure 5 includes a diagram of the North Wall with the blocks labeled in this fashion, as well as a concordance of these designations and their corresponding entries in Guarducci 1950.
\(^{56}\) Where necessary, I will distinguish between the two sections of the North Wall by referring to them as *North Wall (East)* and *North Wall (West).*’
\(^{57}\) Guarducci 1950: 89.
\(^{58}\) Guarducci 1950: 88.
\(^{59}\) I will refer to this wall as the *East Wall* with capitalized letters. References to the blocks of this wall will take the form *Block EW-#.*’ This system is my own. See Figure 7 for a diagram of the East Wall with the blocks labeled in this fashion, as well as a concordance of these designations and their corresponding entries in Guarducci 1950.
A complete excavation of the area could not be undertaken until the mill stream had been diverted away from the ruins. Following the completion of this hydraulic project, Luigi Pernier and a team from the Italian School of Archaeology at Athens excavated the entire structure between 1911 and 1914. Pernier’s plan of the site can be found in Figure 8, which also indicates the location of the North and East Walls.\(^6^0\) The curved wall, as well as the North and East Walls, were found to belong to a Roman odeion. In 1920, Enrico Stefani recreated the vault of the Roman Odeion that had sheltered the curved wall in Roman imperial times. He also reincorporated Blocks 30 and 31 into the curved wall and added stones where needed to fill in gaps in the wall and foundations. Figure 9 compares photographs of the Gortynian Law Code\(^6^1\) before and after the restoration, and the stones added by Stefani are shaded in Figure 10, a diagram of the GLC as it appears today.\(^6^2\)

**Description of Current State**

The inscription uncovered by Halbherr and Fabricius occupies a section of a curved wall of poros ashlar blocks laid in a pseudo-isodomic style. In its present arrangement, this section of inscribed blocks is 9.2m in length, measured along the curve. According to Halbherr’s original estimate, if the inscribed section of this curved wall belonged to a complete circle, that circle would have an interior diameter of about 33.3m.\(^6^3\) In 2004, Di Vita and Montali recalculated the diameter of the circle defined by the inscription —*sulla base di un'accurata misurazione della curvatura rilevabile su ognuno dei blocchi più lunghi dell'iscrizione*” [on the basis of an accurate

\(^{60}\) Reproduced by Di Vita 2010: 109, fig. 137 with his annotations. Note the position of the —*Nuova Canale*” at the far left; compare with the course of the —*Mühlbach*” in Fabricius's original map of the site (Figure 3).

\(^{61}\) See n. 66 below for an explanation of this term.

\(^{62}\) Additional fragments of Block 30 have been discovered since the restoration. See Figure 11.

\(^{63}\) Halbherr 1885: 6-7.
measurement of the detectable curvature of each of the longest blocks of the inscription]. They determined that the complete circle would have an internal diameter of 27m. This reduction in the circle’s circumference suggests that, in its original arrangement, the section of inscribed blocks was approximately 7.5m in length, measured along the curve. As to its angular size, accepting Di Vita’s measurement of 26.94m for the diameter of the circle defined by the Gortynian Law Code (GLC), the circumference of the circle would be 84.6m. The GLC’s longest block measures 1.92m or 2.3% of the total circumference of the circle and, therefore, 8.3° of arc. Each meter, then, is 4.3° of arc, and at 7.5m in length, the GLC represents 32.3° of arc.

The four courses of ashlar blocks that bear the GLC measure a total of 1.7m in height. Figure 4 is a diagram of the wall with the blocks and courses numbered. The blocks of the lowermost course (Course 1) are uniformly 0.31m in height. The next course up from the bottom (Course 2) contains blocks of essentially two different heights: the first two blocks on the right are 0.58m in height, the third block is 0.58m in height at the right but is cut down to 0.56m roughly halfway along its length, the fourth through eighth blocks are 0.56m in height, and the final block (Block 16) is 0.56m in height at the right but features a rebate 10cm high and 55cm long at the west end of its underside. The next course (Course 3) again contains blocks of two heights: the first two blocks on the right are 0.31m in height and the remaining eight blocks are

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64 Di Vita 2010: 56, n.140.
65 ibid. fig. 69 on Di Vita 2010: 47 indicates an even more precise measurement of 26.94m.
66 I will use this term (abbreviated ―GLC‖) to refer to the curved wall, including both the thirty-one remaining blocks and any further inscribed blocks that were once part of the law code, and the text of the law code inscribed on them. Halbherr and others have referred to this artifact as the ―Great Inscription,‖ which privileges the material form of the GLC over its textual content. It would perhaps be helpful to have terms distinguishing between the aspects of the artifact in which it is a material object, an inscription, and in which it is a text, that is, the law code. However, the terms are simply too cumbrous, and so the conflation of these two aspects in a single term is preferable. I will also refer to many inscriptions by their entry in Guarducci’s Inscriptiones Creticae. These references will take the form: <IC><period><volume><period><inscription><column><line number(s)>, e.g. IC.IV.72vii32-33 [Inscriptiones Creticae, volume IV, inscription 72, column 7, lines 32-33].
0.33m in height. The variations in height of the blocks of Courses 2 and 3 are complementary, such that the two courses together have a uniform height of 0.89m (ignoring the rebate in Block 16). Block 10 is the site of correction between the heights of Courses 2 and 3. This shift in block heights is probably an architectural refinement meant to compensate visually for the slope of the ground in the wall’s original construction. The blocks of the topmost course (Course 4) are uniformly 0.51m in height, with the exception of Blocks 25 and 25A, which together constitute a special case. On its left side, Block 25 is 0.51m in height, the same height as the other blocks of Course 4. A rebate 31cm in height and 21cm in length at the east end of its underside allows for the insertion of Block 25A, which is 31 cm in height.

It is clear from the inscription that there was originally a fifth course (Course 0) of inscribed blocks located beneath these four, and the discovery of one of the missing blocks (Block AI-E) confirms this. According to Di Vita, Block AI-E — fu recuperato nel muro perimetrale dell’Odeion” [was recovered from the perimeter wall of the Odeion] In the original construction of the curved wall, Course 0 was probably the wall’s lowest course, set at roughly ground level. This can be inferred from the projected height of the wall, since (assuming that Course 0 was approximately 0.5m in height in keeping with the alternation of courses approximately 0.5m in height and courses approximately 0.3m in height in the rest of the wall) the top line of text would be nearing the limit of visual access for a viewer of average height. See Figure 12 for a reconstructed diagram of the GLC with human scale. At present, the four inscribed courses rest on a string course of ashlar blocks approximately 0.16m high. Below this string course are two rough courses of rubble masonry, the upper course being approximately

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67 The need to compensate for the ground’s slope is evidence for the wall’s continuation from its original construction in roughly the same location, since the presence of the nearby river would account for the slope of the ground. For additional discussion of this point, see pg. 64 and n. 255 below.

68 Di Vita 2010: 45.
0.30m in height and the lower course (the lowermost course of the wall) being approximately 0.15m in height. Unlike the inscribed upper courses, these three lowermost courses are set in mortar. They date to the Roman period. The string course serves as a leveling course between the rubble foundation and the ashlar superstructure. There is no reason to believe that this string course or any course below Course 0 was included in the original construction of the GLC. The total preserved height of the wall in its present (essentially Roman) state is approximately 2.3m.

Each of the GLC's four extant courses contains blocks of varying lengths, which can be seen in Figure 4 and Figure 13, which lists the lengths of the blocks. There is no pattern that is common to all four courses. From right to left, Course 1 features three short blocks followed by four long blocks. The blocks in Course 2 are the most nearly uniform in length. All nine blocks measure between 0.84m and 1.24m and have a mean length of 0.98m. From right to left, Course 3 features a long block followed by two particularly short blocks, four blocks about 1m in length, and another long block. Course 4 appears to follow a regular pattern of alternating short blocks (<1m) and long blocks (>1.3m). Blocks 30 and 31, which were discovered out of context, present a challenge, since their complete lengths are not preserved. Block 30 is fragmentary, while Block 31 appears to have been shortened for reuse. However, the preserved length of Block 30 is >1.3m. Therefore, Block 31 may be supposed to have had an original length similar to Blocks 25, 27, and 29. Assuming that their original measurements were consistent with the pattern of Course 4, Blocks 30 and 31 should be restored as immediately adjacent to one another without intervening blocks.

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69 McDonald 1943: 190.
70 See “Discovery” pg. 13 above.
71 It should be noted that, according to this model, the combined length of Blocks 30 and 31 would be approximately 2.46m, such that at least one of the two blocks would be longer than the other blocks of its type in Course 4. However, neither block need be more than 10cm longer than the other blocks of its type.
Guarducci believed that in the wall’s original state there was probably a window above Column XII, because the text of Column XII begins on Course 3, a course lower than the other columns of text. However, the text begins only about 3cm from the top of Block 16. If the space above were left open as a window, the light coming in would create a glare that would make the top portion of Column XII virtually impossible to read. So, while additional light might improve the legibility of the Code, the space immediately above Column XII is not likely to have served in that capacity. The absence of a block in that location at the time of discovery is no argument for its absence in antiquity, since Blocks 30 and 31, which would have been immediately adjacent to the hypothetical block above Column XII, were found out of context. It seems reasonable to suggest that Blocks 30 and 31 were dislodged by the flow of the mill stream during the time that Columns IX-XII were submerged in its course. The same may have been the fate of the hypothetical Block 32, but its identification would be less likely supposing that, as it appears, it was not inscribed.72

The irregular pattern of the blocks as seen on the face of the GLC makes it difficult to speculate about the pattern of the wall’s coursing in cross-section. The excavators did not conduct any study that involved the disassembly of any portion of the wall in order to investigate this aspect of its construction. The only available clues as to the nature of the wall’s construction are the exposed end of the wall to the west of Column XII and a few photographs from the early twentieth century that provide a view of the wall from above prior to the construction of the brick vaulting that currently serves as a roof over the GLC. The blocks exposed at the wall’s west end are ancient but may not be from the same original context as the GLC. The pattern of the top three courses suggests that the wall may consist of alternating headers and stretchers.

72 It is possible that the block might be distinguished by its molding, if Guarducci was correct in supposing that it possessed one. However, a positive identification would remain unlikely in any case.
Relative to the end of the wall as shown in Figure 14, WE-7, WE-9, and WE-11 are headers and WE-6, WE-8, and WE-10 are stretchers. Relative to the south face of the wall these designations would be reversed.

The east end of the wall has several features which are important to note. Blocks 1, 17, and 25A all have a vertically oriented fascia on their right sides. Gorlin suggests that the fascia indicates the position of a door in the original structure. This molding was partially destroyed sometime in late antiquity, after the original doorway was no longer in use. The construction of the wall’s upper right corner, with Block 25A projecting eastward from the rebate at the base of Block 25, provides a resting surface 36cm in length (east-west) for the door's lintel, which would originally have rested atop Block 25A. The portion of Block 25 that extended over the end of Block 25A would serve as a counterweight, thus balancing Block 25A as it served to support the lintel as a cantilever. This design would have effectively reduced the space spanned by the lintel, reducing the strain on it. This system was probably also mirrored on the other side of the door. The lintel was probably about 0.5m in height, such that if a course of stones about 0.3m in height was placed along the top of Course 4 in keeping with the alternation between thick courses (~0.5m in height) and thin courses (~0.3m in height) in the lower portion of the curved wall, the top edge of the lintel would be flush with the top of this course (see Figure 12).

In addition to the fascia, Block 25A has an Ionic egg-and-dart molding on its east face. This would seem to be a highly unusual arrangement, since this molding would be inside the door frame immediately under the lintel. However, a closer examination of the doorway suggests

73 Gorlin 1991: 12.
74 The damage to the fascia occurred when a groove for a door pivot was roughly hacked into the wall to the left of the old opening marked by the molding. The lateness of this alteration is attested to by the roughness with which the wall is treated, after it had been carefully preserved for centuries, and by the pivot itself, which is cut for a door that would have closed across the passage framed at the north by the GLC rather than across an entryway through the GLC from the north. This striking alteration, both basic and crudely implemented, indicates a total change in the space's function. The most probable date for this door pivot is in the late Roman or Byzantine period, by which time this curving passage had become an underground space that might have served for storage.
that the molding may actually be a later addition to Block 25A. Because Block 25A bears part of
the inscription (thirty letters from Column I), the block is certainly original to the GLC. However, it is equally clear that in its present condition, Block 25A is a poor fit with the blocks
around it (see Figure 15). It is in alignment neither with Block 17 below nor with the portion of
Block 25 above but appears to be pushed in slightly from the face of the wall. Likewise, it ends
2cm short of the east end of the wall as established by Blocks 1 and 17.75 The likeliest
explanation for this poor fit is that Block 25A was cut back sometime after the inscription was
carved, and that the molding was added at that time. One possible alteration that may have
precipitated this change would be the transformation of the doorway from a post-and-lintel
design to an arched doorway.76 The resting surface afforded by Block 25A originally for the
lintel would, as reworked, have accommodated the springer for one side of an arch composed of
radiating voussoirs. The molding would serve to decorate the transition to the arch from the
doorjamb of the original post-and-lintel arrangement below.

If Blocks 1, 17, and 25A all originally shared an east face, then it is likely that Block 8
originally shared this same face and has likewise been cut back, more severely than Block 25A.
At present, Block 8 terminates 30cm short of the east end of the wall and is also one of the
shortest blocks in its course. Were it restored to a length 30cm longer than its present state, it
would still not be the longest block in Course 2 nor even unusually long for a block in Course 2.
Block 8 may have been cut back when the doorway was walled up in a later building phase in
order to allow the new section of wall to bond with the old. At present, the right (or east) end of

75 We can be confident that Blocks 1 and 17 mark the true east end of the wall as it was in its original form. Block 17
still has a lifting boss on its east face, which shows that it preserves its original length. The east end of Block 1 is
aligned precisely with the east end of Block 17.

76 I owe this suggestion to Prof. Roger Ulrich.
Block 8 marks the start of the fascia that originally framed the post-and-lintel doorway, suggesting that the block was cut back to a natural stopping place, the molding.

It is noteworthy that Blocks 16 and 25, the two blocks with rebates,\(^{77}\) are situated at opposite ends of the GLC, as are Blocks 17 and 24, the two extraordinarily long blocks. This shift in the construction, mirrored at both ends, may suggest that the west end of the wall was, like the east end, the site of an opening or other important architectural feature, which would also explain why the GLC appears to end at this point when in fact we know that it continued, probably to the west.\(^{78}\) However, unlike the rebate in Block 25, the rebate in Block 16 may not be original and could date to a later phase of the wall, so it cannot be used to reconstruct the original design with any confidence.

**Numerals**

Two series of alphabetic numerals are inscribed in the margins of the GLC, presumably added to assist one or another set of the Roman builders and restorers of the Odeion in putting the blocks back together in the proper order.\(^ {79}\) Figure 16 is a diagram of these numerals organized by block. According to Cook, “The alphabetic system [of numeration] allocates numerical values to the letters of the alphabet, the units from 1 to 9 being represented by *alpha* to *theta*, the tens to 90 by *iota* to *qoppa*, and the hundreds by *rho* to *sanpi* (ϡ).”\(^ {80}\) One series of numerals numbers the blocks sequentially, alpha through lambda (1-30), beginning at the bottom right and proceeding right to left (i.e., east to west) along the courses. I will refer to this series of

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\(^{77}\) Note that the rebate in Block 16 occurs at a significantly lower elevation in the wall’s construction than that in Block 25.

\(^{78}\) See “Block 43 and the Continuation of the GLC” pg. 25 below.

\(^{79}\) See pg. 74ff. below for a discussion of the construction of the Roman Odeion on the site where the GLC was originally located.

\(^{80}\) Cook 1987: 12.
numerals as the –block numerals.\(^{81}\) The other series maps the inscription by column and row, numbering the columns alpha through iota-alpha (1-12) and the rows alpha through epsilon (1-5), and combining column and row numbers to form planar coordinates. I will refer to this series as the –column-row numerals.\(^{82}\) The use of the alphabetic system provides a *terminus post quem* for the numeration of the blocks (though not, unfortunately, a *terminus ante quem*), since as Cook observes, –The alphabetic system was not introduced until the second century BC and survived beyond the Roman period into the Byzantine era.\(^{83}\) Halbherr dated the GLC’s numerals to the first century B.C., \(^{84}\) and this dating has been accepted by all subsequent scholars including Guarducci and Keyser, the last of whom published the most complete study of these numerals to date in 1987.

An examination of the letter-forms used for both series of alphabetic numerals suggests that the accepted account of their dates both relative to each other and in an absolute sense may not be firmly grounded in the evidence. The letters used as numerals on the GLC are alpha, beta, gamma, delta, epsilon, digamma, zeta, eta, theta, iota, kappa, lambda, and mu.\(^{85}\) See Figure 17 for sketches of these forms and number of examples of each. Of these, alpha, theta, iota, and kappa are clearly represented in more than one form. There are three varieties of alpha present among the numerals. Alpha-1 is a straight-crossbar alpha, Alpha-2 is a slanted-crossbar alpha, and Alpha-3 is a bent-crossbar alpha. Alpha-3 occurs only once, as the block numeral for Block 1, Alpha-1 occurs as both a block numeral and a column-row numeral, and Alpha-2 occurs only

\(^{81}\) Block numerals will be cited individually in what follows by the appropriate Arabic numeral preceded by capitalized Block (e.g., Block 14).

\(^{82}\) Column-row numerals will be referred to in the text by their column numbers spelled out as well as their row numbers, the two separated by a slash (e.g., Theta/Beta).

\(^{83}\) Cook 1987: 12.

\(^{84}\) See Keyser 1987: 287. He writes, –The letter forms are dated to the first-century [sic] BC (Roman bent-crossbar alpha, digamma in form of ‘stigma,’ sloping-vertical zeta, square/round theta, iota with ‘serifs’).”

\(^{85}\) There is one intrusive and probably unintended ‘pi,” which is inscribed on Block 5, according to Keyser –possibly a false start on H” (Keyser 1987: 286). See Figure 18 for a list of letter-cutters‘ errors.
as a column-row numeral. Iota-1 and Kappa-1 are sans-serif forms, while Iota-2 and Kappa-2 are elaborated with serifs. All of the examples with serifs of these letters on the GLC, with the single exception of the iota on Block 23 (column-row numeral: Iota/Beta), occur as block numerals. Theta-1 has a rectangular outline, while Theta-2 has a circular outline. It is arguable that Theta-2 only occurs as a block numeral. While a column-row numeral on Block 22 is reconstructed by Guarducci as Theta-2/Beta, the reconstruction is questionable purely on the grounds that the letter has been so nearly obliterated (see Figure 19, a detail from Willetts's photograph of Column IX). Conversely, the form of the Theta-2 serving as part of the block numeral for Block 19 is indisputable.

However, it is clear that the letter-forms to which Keyser attributes Guarducci’s dating of the inscription, –Roman bent-crossbar alpha, digamma in form of ‘stigma,’ sloping-vertical zeta, square/round theta, iota with ‘serifs,’” are not proof positive of a first-century B.C. date. Most scholars have agreed that the most likely date for the Odeion’s construction is after Gortyn became the capital of Crete in 27 B.C., so Guarducci’s dating of the numerals to the first century B.C. actually suggests that they date to roughly the final quarter of the first century B.C. Any claim to this degree of precision is unjustifiable. For one thing, in dating an inscription by its letter-forms, it is wise to err on the side of a later date. Cook explains, –It is always necessary to remember that while the introduction of new styles of lettering may be dated approximately from inscriptions securely dated by other means the older styles tend to persist: inscriptions are sometimes later than they appear at first sight.” For another, the numerals display a diversity of forms, and while the single Alpha-3 may demand a terminus post quem in the Roman period, the other forms of alpha cannot be ignored. Guarducci’s own guide to the evolution of the alphabet

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86 See pgs. 75-84 below for a discussion of the dating of the Odeion’s construction.
87 Cook 1987: 15.
indicates that the letter-forms create an incoherent picture of the numerals’ date. She writes, “Alla fine del V secolo, la sbarra... è divenuta perfettamente orizzontale; poi, seguendo la tendenza all’incurvamento delle linee rette, s’incura anch’essa; infine si spezza. Nell’età imperiale essa torna talvolta ad essere obliqua come nell’epoca arcaica” [Toward the end of the fifth century, the bar... has become perfectly horizontal; then following the trend toward the bowing of straight lines, it bends too; finally it breaks. In the Imperial age it sometimes returns to being slanted as in the Archaic period]. The progression she traces is from Alpha-1 through an intermediate form not appearing on the GLC to Alpha-3 and from Alpha-3 to Alpha-2. The simultaneous appearance of all three forms and particularly the suggestion of a later date by the presence of Alpha-2 should incline us to treat Guarducci’s initial assessment (1950) of the numerals’ date with more skepticism than is generally expressed. Of course, the discrepancy between Guarducci’s dating of the numerals and her later work on letter-form development may reflect a gradual evolution in her views, but the fact remains that recent scholars have not updated the original dating of the numerals on the basis of her later work.

**Block 43 and the Continuation of the GLC**

In 1922, Halbherr partially disassembled a portion of the Odeion’s perimeter wall in order to recover some inscribed blocks that he knew to be contained therein as early as 1914. Among these was Block 43 (*IC.*IV.73), which was identified by the numeral it bore (MG or mu-gamma) as originally belonging to the GLC. Figure 20 is a photograph of Block 43. The block is broken on its left side. Its preserved length is 0.57m. It is 0.305m in height, approximately

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89 La Rosa 2002: 277.
90 Photograph from Guarducci 1950: 171.
91 Guarducci 1950: 171.
the same height as the blocks of Course 1 or Course 3 from the GLC. This block indicates that an additional section of this inscription of significant size has been lost. Following the numbering system of the other blocks of the GLC, which counts from right to left and from bottom to top, this additional section of inscribed wall should have been to the left of the preserved inscription in the GLC’s original design. Guarducci believed that the missing section was “forse separatone da una porta e non solo nell’edificio originario ma anche nella costruzione ellenistica che i Romani ridussero a teatro” [perhaps separated by a door and not only in the original building but also in the Hellenistic construction that the Romans reduced to a theater].

The projected scope of the missing section depends on how one reconstructs the numbering system taking into account the gap between Column XII of the GLC and the section of the wall that contained Block 43, whether one interprets “MG” as a block numeral or as a column-row numeral, and whether one assigns Block 43 to Course 1 or Course 3. It is difficult to tell from a photograph whether the “MG” numeral is deeply incised in the manner of the block numerals or shallowly incised in the manner of the column-row numerals. However, the interpretation of “MG” as a column-row numeral can be ruled out on other, better grounds. The column-row system numbers the blocks from top to bottom starting with alpha on Course 4. Therefore, if interpreted as a column-row numeral, the gamma on Block 43 would assign it to Course 2, for which it is not of the proper height. Furthermore, a column-row numeral of “40-3” would indicate that there were at least twenty-eight additional columns of inscription after Column XII of the GLC, no traces of which have been found with the exception of Block 43.

92 The dimensions of Block 43 are provided by Guarducci. See Guarducci 1950: 171.
93 See “Description of Current State” pg. 15 above.
94 Guarducci 1931: 10.
Regarding the other interpretative possibilities, one should consider a total of six options, two of which can be ruled out almost immediately. Supposing that the block numbering system resumed counting, after Block 31, at the next decad (at either \(40\) or \(41\))\textsuperscript{95}, one may safely conclude that Block 43 could not belong to Course 3. Block 43 preserves part of two columns of text. Because the left side of the block is broken, it is impossible to say with certainty whether the whole of the left-hand column might have fit on Block 43, and it must remain uncertain whether the text continued to the left. That is, there may or may not have been any inscribed blocks to the left of Block 43. But because the right side of Block 43 is intact and because it is clear that the text continued in that direction, there must have been at least one inscribed block to its right. Therefore, if the numbering began at \(41\), Block 43 could not belong to Course 3, since Block 43 would have to sit directly atop Blocks 41 and 42, and there would be no inscribed block to its right.\textsuperscript{95} If the numbering began at \(40\), one could construct a wall in which Block 42 was to the right of Block 43 with both of these blocks on top of Blocks 40 and 41. However, in this hypothetical design, Blocks 40 and 41 would need to be roughly 1.5m in length in order to contain the widths of two full columns of text. In that case, Block 41 would be substantially more massive than any other block from the GLC. While not impossible, this reconstruction seems less likely to be accurate than the remaining alternatives.

The four remaining reconstructions of Block 43’s position in the lost section of the GLC are illustrated schematically in Figure 21. Of these four, the least likely is that in which the numbering is supposed to resume at \(32\) and Block 43 is assigned to Course 1. This reconstruction would suggest that at least eighteen to twenty additional columns of the GLC have

\textsuperscript{95} This reasoning assumes that all inscribed blocks, without exception, received numerals. This assumption would seem to be warranted in light of the evidence of Block 25A. The letter-cutter carves \(\text{KE}\) twice, once on Block 25 and once on Block 25A. The two identical numerals are only about 20cm apart in the same margin, and Block 25A contains less than thirty of the more than one thousand letters from Column I.
been lost with Block 43 as the only surviving fragment to be identified. However, this reconstruction is a stronger possibility than any of the three previously discussed. As to the remaining three possibilities, it is difficult to say which is the most likely. Supposing that the numbering started at –32” and that Block 43 belonged to Course 3, this would mean that a minimum of roughly seven or eight columns of text have been lost, which is not inconceivable. Supposing that the numbering started at –40” or –41” and that Block 43 belonged to Course 1, the number of missing columns becomes yet smaller, a minimum of four to six. So, in conclusion, if Block 43 belonged to Course 3, the numbering of the missing section of wall probably began at –32,” and if Block 43 belonged to Course 1, the numbering of the missing section of wall probably began at –40” or –41.” Which of these reconstructions one supposes to be correct will determine how many additional columns one supposes there to have been in the original arrangement of the GLC.

Guarducci interprets the larger fragment of text on Block 43 as being concerned with water rights. Specifically, she writes that it allows anyone to divert water (presumably for irrigation) from a neighbor’s property provided that the neighbor is notified in advance; it also establishes a penalty for diverting water without the neighbor’s permission.96 It is important to note how different this law is from the typical subject matter of the intact portion of the GLC.97 Since the GLC appears to reach some form of conclusion with Column XII, such that the column is only partially inscribed, it may be that the section of the Code to which Block 43 belonged dealt with a different category of laws than the property and family laws of the intact portion of the GLC. It is also noteworthy that the law from Block 43’s first column is apparently part of a

97 See —Analysis of the Text” pg. 31 below for a discussion of the extant content of the GLC.
long tradition of laws governing water rights, an earlier example being IC.IV.43b.98 Less survives of the second column, but the text there appears to concern the proper use of sacred space. Taken in combination with the law concerning water rights, this second law implies that the common theme of this portion of the Code may have been the use of different kinds of space—agricultural, sacred, public, and private—but this is only one possible interpretation.

Until quite recently, Block 43 has been largely overlooked by scholars in spite of its important implications for our understanding of the GLC. At a minimum, it demonstrates that there were at least four and perhaps as many as twenty additional columns of the inscription and that the inscription may have been divided into sections of topically related laws. The historical tendency to underappreciate the significance of Block 43 is a product of multiple factors. Most scholars interested in Gortyn have been primarily concerned with Greek law in the abstract or with epigraphy. Block 43 provides little information of significance to those scholars. Other factors to consider in this context are scholars’ proclivities to view the extant portion of the GLC as a complete document and to emphasize its status as a Code. This view of the Code was expressed by Halbherr as early as 1885: “La grande iscrizione è completa” [The Great Inscription is complete].99 While Willetts and others have acknowledged the possibility that other columns of writing, at least in the old building, once stood to the left of the Great Inscription,”100 scholars have continued to treat the inscription as a complete document until fairly recently. Thus, Gorlin ignores Block 43 entirely, perhaps because of the prejudicial implications of its evidence for her thesis that the use of the inscribed wall in the Roman Odeion constituted an official republication of the Code, an interpretation which loses much of its force

98 See pgs. 32-33 below for further discussion of this law.
99 Halbherr 1885: 7.
100 Willetts 1967: 4.
as the incompleteness of the Code in the Roman period comes into focus.\textsuperscript{101} The notion of the Code’s integrity began to change with the publication of articles by John Davies (\textit{Deconstructing Gortyn: When Is a Code a Code?},” 1996) and Henri van Effenterre (\textit{La Codification Gortynienne, Mythe ou Réalité?},” 2000) which questioned the notion of the GLC’s completeness and discouraged the view that it represented the whole body of law in the Gortynian \textit{polis}.

\textsuperscript{101} See pgs. 83-84 below for additional discussion of Gorlin’s thesis.
Chapter 2: Analysis of the Text

The Laws of the North and East Walls

The inscriptions from the North and East Walls display considerable variety in organization and content. What they all seem to have in common is date, as all appear to belong to a relatively brief period preceding the GLC, perhaps 500-450 B.C.\textsuperscript{102} Several of the inscribed blocks reused in the North Wall (Blocks NW-1, NW-2, and NW-5) were found to have originally belonged to a multi-column inscription similar to the GLC in format and like the GLC recording a series of laws. This other major inscription is known as the ‘Second Code’\textsuperscript{103} (abbreviated ‘SC’). The SC’s legal content differs from that of the GLC. Its primary concern is private debt, particularly the status of animals and persons pledged as security for debts, although it is also concerned with animals more generally, including theft of or damage to livestock.\textsuperscript{104} The SC contains portions of eight columns of text with columns roughly 0.48m in width inscribed \textit{boustrophedon}.\textsuperscript{105} Each line of the inscription contains, on average, seventeen letters, which measure approximately 3x3cm.\textsuperscript{106} Columns 41.i and 41.ii of the SC deal with damage caused by

\textsuperscript{102} Davies 2005: 306.
\textsuperscript{103} Scholars have used the term ‘Second Code’ to refer to both \textit{IC.IV.41}, an inscription with seven partial columns and traces of an eighth inscribed on three blocks from the west section of the North Wall, and to the entire collection of inscriptions appearing on the North and East Walls, \textit{IC.IV.41-51}. The latter sense has been adopted by Perlman (for example, see Perlman 2000: 72) among others. This usage is misleading, since it implies that \textit{IC.IV.41-51} are interrelated in a way that is not supported by the evidence. I will use the term ‘Second Code’ to refer specifically to \textit{IC.IV.41}. However, it should be noted that the ‘Second Code’ is not ‘second’ in the sense of ‘later’ but is, in fact, somewhat earlier than the GLC. Perhaps to avoid this possible confusion, Davies uses the term ‘Little Code,’’ but I find this terminology to be equally misleading, because although the preserved portion of the Second Code is less extensive than that of the GLC, we cannot say what its original size may have been. Furthermore, it suggests that the Second Code was of lesser importance than the GLC, a supposition which is not supported by the available evidence.
\textsuperscript{104} Davies 2005: 307.
\textsuperscript{105} Guarducci 1950: 90. See ‘Organization of the Text’ pg. 37 below to compare the organization of the SC and GLC.
\textsuperscript{106} Guarducci 1950: 91-93.
livestock for which the owner is held liable. The Gortynian law is similar to the Roman “
actio de pauperie,” in which owners were held liable for damage caused by animals beyond that which could be reasonably anticipated given the nature of the beast in question. The second column also addresses restitution paid for damaged or, perhaps, stolen animals. Column 41.iii is concerned with “recompense for hunting dogs [and] the return of animals pledged as security.” Column 41.iv allows for the sale of a fugitive serf. Columns 41.v and 41.vi define the legal rights and responsibilities of a person pledged as security. Finally, Column 41.vii provides a procedure by which the sale of a serf can be canceled.

The other reused inscribed blocks in the North Wall display considerable variety in their form and subject matter. Block NW-8 bears the partial remains of a two-column inscription (IC.IV.42). The right-hand column is too fragmentary to read, but the left-hand column, according to Guarducci, “ad iudicum munera pertinere videtur; et quidem spatia temporis constitui apparet intra quae iudicibus sententiae dicendae sint” [“seems to pertain to the offices of judges, and also the amounts of time within which the judicial opinions ought to be declared”]. Block NW-4 also bears the partial remains of a two-column inscription (IC.IV.43). The right-hand column concerns the responsibilities of one accepting land or slaves as pledges. The left-hand column contains two separate enactments, one establishing

108 Guarducci 1950: 93.
113 Guarducci 1950: 97-98.
115 The Latin word “munera” is usually translated “gifts.” I understand Guarducci to be using it to mean “offices” in the sense of “services” or “posts.” The confusion is a product of orthographic change. The word used in this context is identical in meaning to “moenera” in Lucretius 1.29. However, it is certainly possible given the context that Guarducci means something like “the awards of judges,” meaning the amounts awarded in a lawsuit, although this does not seem to be a usual sense of the word.
public fields at “Keskoria” and “Palai,” the other regulating the diversion of water from the river for the purpose of irrigation. The surface of Block NW-19 has been badly damaged, but seems to have originally borne a single column of text (IC.IV.44). From what little remains, Guarducci believes that this text concerned heiresses, making it a possible precursor to the GLC’s discussion in Columns VII-IX of the probate process in cases where the sole inheritor of an estate is female. Block NW-IntW, on the interior of the west section of the North Wall, bears the partial remains of a two-column inscription (IC.IV.46). The right-hand side is too fragmentary to read, but the left-hand side concerns the fine for damaging or obstructing a smoke hole. Block NW-IntE, the final inscribed block from the North Wall and the only one from the east section, bears the partial remains of a two-column inscription (IC.IV.45). The right-hand side is too fragmentary to read, and the left-hand side is too fragmentary to fully interpret but seems to concern pledges or oaths.

The inscriptions of the East Wall are of a markedly different character from those of the North Wall. Like several blocks from the North Wall, Block EW-8 bears the partial remains of a two-column inscription (IC.IV.47), but unlike inscriptions with similar layouts, both columns from Block EW-8 seem to be concerned with the same subject and thus may constitute a single enactment. This inscription concerns slaves given as pledges, as do IC.IV.41 and IC.IV.43. Blocks EW-3, EW-4, EW-8, EW-9, and EW-11 all bear traces of inscriptions (IC.IV.48), which have been largely obliterated and perhaps intentionally erased. Only one legible word is preserved: “Θιοί,” on Block EW-4. This indicates that this inscription was perhaps a law or

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118 See pg. 58 below.
120 Guarducci 1950: 103-104.
decree, since this invocation seems to be a common feature in such a context, for example, in IC.IV.43 or the GLC itself. Blocks EW-5 and EW-7 each preserve only a single line of text.\footnote{Guarducci 1950: 108-109.} Block EW-5 bears only the fragment \(\pi\nu\tau\omicron\sigma\varsigma \tau\acute{a}v\varsigma \tau\ldots,\) (IC.IV.49) while Block EW-7 bears a kalos inscription (IC.IV.50). Finally, Block EW-Int bears a single column of an inscription (IC.IV.51), which concerns money deposited by a litigant as a security for a future judgment in cases where the penalty may exceed ten staters.\footnote{Guarducci 1950: 109-111.}

**Conclusion**

The North and East Walls from Gortyn reuse several inscribed blocks from earlier buildings. The inscriptions date to approximately 500-450 B.C. Three of these blocks belonged to a large multicolumn inscription, known as the Second Code, which had at least eight columns. The SC shows that there was a tradition at Gortyn of publishing large numbers of laws as a single body of legislation prior to the creation of the GLC. Several of the laws from the North and East Walls develop themes observed in the laws of the Pythion and anticipate aspects of the GLC. For example, additional regulation of state officials, especially judges, may be related to earlier efforts at curbing abuses by magistrates in order to provide a level playing field for elite competition. The laws also continue to refine definitions of social status, clarifying the problematic position of a person pledged to secure a debt as well as the legal rights of masters over their un-free and non-citizen dependants.
The Gortynian Law Code

Dating

The dating of the GLC has been the subject of much disagreement among scholars. Its three most significant features with respect to date are the style of the inscription, especially its *boustrophedon* format, the letter-forms, and the Ionic molding on Block 25A. Depending on what weight is assigned to each of these features, the GLC may be assigned an early, middle, or late date. As to the early date, Willetts writes, “The state of the alphabet, the forms of the letters and the *boustrophedon* style of writing would not be inconsistent with a date in the sixth century B.C. for the inscribing of the Code.”\(^{126}\) That the inscription’s *boustrophedon* is the primary driver of the argument for an early date is attested by the several attempts to explain it away or otherwise discount its relevance to the dating issue. For example, Willetts writes, “The Cretan alphabet was markedly conservative in retaining old forms and methods. This insular conservatism is evidently also responsible for the retention of the *boustrophedon* system through the fifth century.”\(^{127}\) Likewise, A.G. Woodhead writes, “It may be that this was a conscious archaism, for it is noteworthy that the subject is a code of law, and it may have been thought desirable to retain the old style as more august and traditional.”\(^{128}\) Therefore, while the letter-forms may not be inconsistent with a sixth century *boustrophedon* inscription, according to Willetts and Woodhead, neither are they inconsistent with a fifth century *boustrophedon* inscription.

\(^{125}\) Willetts 1967: 5 [“The Code is inscribed in the archaic alphabet of eighteen letters including F (digamma). The non-Phoenician signs Φ, Χ and Ψ had not been introduced and Ξ was not used.”].

\(^{126}\) Willetts 1967: 8.

\(^{127}\) *ibid*.

\(^{128}\) Woodhead 1981: 27.
This reasoning underscores the flexibility of the letter-forms, the possibility of interpreting them to agree with a variety of dates. Perhaps for this reason, Woodhead, in *The Study of Greek Inscriptions*, cautions against weighting letter-forms very heavily in questions of date: "This criterion, so often used as a first resort, is much better left as a final refuge; its evidence is far less precise and secure than is popularly supposed." Yet, it is on this basis that Guarducci estimated the date of the inscription to be between 480 and 460 B.C., a date which Gorlin writes, "has been generally accepted." Yet, it is on this basis that Guarducci estimated the date of the inscription to be between 480 and 460 B.C., a date which Gorlin writes, "has been generally accepted."129

Gorlin is wrong to ignore the several scholars who have dissented from Guarducci’s dating. Davies, for example, goes so far as to call the 480-460 B.C. date "unorthodox."131 The form of the Ionic molding on Block 25A in particular has resulted in several scholars assigning a later date to the GLC. Shoe, for example, writes, "In view of the controversy concerning the date of the inscription, it is important to note that the moulding should date in the second half of the 5th century."132 With regard to this molding, Carpenter writes, "[The] nearest parallel is found on the Nereid Tomb of the late fifth century B.C."133 More precisely, *The Princeton Encyclopedia of Classical Sites* states the date of the Nereid Monument of Xanthos to be "about 400 B.C."134 It seems, then, that on the basis of the molding, a date in the latter half of the fifth century is well-founded, and the letter-forms present no objection. Jeffrey, the preeminent authority on letter-forms, concurs with Shoe's opinion that the GLC could not be earlier than 450 B.C.135 However, if we suppose that Block 25A was cut back and the molding added in a later phase of the wall, especially if the doorway was transformed from a simple post-and-lintel to an arched design,

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131 Davies 2005: 306, n.5.
132 Shoe 1936: 18.
135 Jeffrey 1990: 313.
then the later date suggested by the molding may reflect the date of this renovation rather than the original date of the wall. Shoe's testimony only establishes a *terminus post quem* for the molding, and she cites examples of similar moldings that date as late as the fourth century B.C.\(^\text{136}\) Arches and barrel vaults come into use in the Greek world during the later fourth century,\(^\text{137}\) so it is certainly possible to use the evidence of the molding as an indication of a later fourth century renovation of a doorway in an early to mid-fifth-century wall.

There are, then, three competing assessments of the GLC's date, early (Archaic or even sixth century), middle (Early Classical, 480-460 B.C.), and late (High Classical, after 450 B.C.). At present, the early and middle dates are usually discounted, primarily on the basis of Shoe's testimony concerning the molding. Another reason for the rejection of the early date is the GLC's supposed relation to the Second Code, which is believed to be a generation or more earlier.\(^\text{138}\) Acceptance of the early date would mean shifting the entire relative chronology of the epigraphic evidence backwards, further into the Archaic period, and this shift is generally considered untenable. However, the molding on Block 25A is probably not original but dates to a renovation, probably in the fourth century B.C., when the lintel of the doorway, with which the molding would be out of place, was replaced with an arched ceiling. Ultimately, then, Guarducci may be correct in dating the GLC to 480-460 B.C. on the basis of the letter-forms, and later scholars such as Jeffrey were perhaps too quick to revise her dates.

**Organization of the Text**

The surviving inscription is arranged in twelve columns of between 54 and 56 lines. It is possible that some columns, the final lines of which were inscribed on the missing Course 0,
could have had more than 56 lines. Each column is approximately 165-170cm in height and approximately 65cm in width. The columns are separated by margins of about 3cm. The lines contain roughly two dozen letters on average, though some contain as few as 20 and some as many as 27. The first line of each column runs right to left, and the whole inscription runs according to a strict *boustrophedon* pattern. The individual letters measure approximately 3x3cm.

The organization of the inscription has been the subject of several influential articles that have attempted to describe in full the ways the GLC indicates changes in subject. Willetts notes that the Archaic system of paragraphing, in which vertical lines divided text into relevant sections, is not reflected in the text of the Code, and he does not believe that the *vacat*’s, short blank spaces in the text, are, strictly speaking, indicators of paragraph breaks or breaks between sections of the Code. While he acknowledges that there may be some instances in which a *vacat* coincides with a change of subject, he stresses that a *vacat* can occur for non-linguistic reasons… presumably where the letter-cutter preferred a smoother surface. Willetts identifies asyndeton, the deliberate omission of conjunctions, as the only reliable indicator of a change in subject within the text. However, his explanation of the *vacat*’s is both obscure and conceptually puzzling. To be sure, the masons who finished the surfaces of the ashlar blocks likely left some sections of the stone smoother than others, but the letter-cutter carving the inscription would be perfectly capable of smoothing the surface of the stone further if it suited his purpose. Furthermore, Willetts’ own photographs demonstrate that while sometimes a *vacat* may coincide with an apparently rougher surface or a pit in the stone, the blank area frequently contains no visible defect whatsoever. This is visible in Figure 22, which reproduces Willetts’

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140 *ibid.*
141 *ibid.*
photograph of Column I with several *vacat*’s highlighted, demonstrating the variability in their surfaces.\(^{142}\)

Gagarin’s interpretation of the GLC’s organization is more complete. *Contra* Willetts, he does believe that the *vacat*’s, as well as the painted *palmulae*, function, at least in some cases, as punctuation. He writes, “Every asyndeton marks the beginning of a new section and indicates that the provision or group of provisions it contains was originally enacted or assembled as a unit.”\(^{143}\) He adds, “In addition to the division of the Great Code into sections by means of asyndeton, there are a large number of gaps [*vacat*’s] not followed by asyndeton. Most of these mark subsections within the main sections and enable us, I shall argue, to see the internal organization of a section.”\(^{144}\) He rejects Willetts’s explanation that the *vacat*’s reflect the letter-cutter’s desire for a smoother surface on the grounds that “it is highly unlikely that so many rough spots would coincide with the beginning of a sentence when fewer than ten gaps (caused by a rough surface) occur in the middle of a sentence… in almost all the gaps occurring at the beginning of a sentence the surface is smooth.”\(^{145}\) As an example of the organizational system defined by these two elements, asyndeton and *vacat*, Gagarin applies it to the first part of the GLC. The start of the first section (*IC.IV.72i2-5*) is marked by asyndeton, then, “The gaps within the first section of the Code reveal the following organization: first the most general provisions concerning the seizure of persons, then a group of supplementary provisions, and finally three separate additional provisions.”\(^{146}\) The general provisions consist of the basic rule, the penalty for its violation, and the judicial procedure for deciding claimed cases of such violations. The first subsection deals with potential complications in the trial of the case, such as the

\(^{142}\) From Willetts 1967: Plate 1.

\(^{143}\) Gagarin 1982: 130.


\(^{145}\) ibid.

\(^{146}\) ibid.
disagreement of witnesses, and the final subsection deals with special cases, such as if one of the litigants is a *kosmos*. The entire section, marked by asyndeton, might be generally labeled “seizure of persons,” and each subsection is preceded by a *vacat*. According to Gagarin, the system of organization he describes confirms the traditional view that the Code is not a systematic and comprehensive set of laws; on the other hand, however, it reveals a greater organization of provisions than is sometimes acknowledged.”

Perhaps the most interesting aspect of Gagarin’s interpretation of the code’s organization is his belief that the ordering of the text within the sections marked by asyndeton reflects the law’s historical development. He suggests that the codification of the laws followed a pattern in which a self-contained group of basic provisions comes first and these provisions seem to reflect an early stage of written law… Later, certain situations not covered by the basic law would arise… Experience with such situations would lead to the enactment of a group of supplementary provisions.” Gagarin believes that this process of composition occurred over time and that the GLC is the collection of these many separate enactments and amendments in a single place. Kristensen refines Gagarin’s interpretation of the GLC’s organization, sorting sections into “simple single enactment,” “elaborated single enactments,” and “codified enactments.” Her “single simple enactment” is essentially the same as Gagarin’s hypothetical first step in the legislative process, a general rule and a penalty for its violation. “Elaborated single enactments” are those laws that acquire supplementary provisions separated from the

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147 The *kosmos* is a magistracy in a Cretan *polis*. Often the term signifies a group who are exercising the government of the *polis* collectively, such as a tribe (see IC.IV.72v5-6), but it may also signify an individual magistrate. For additional discussion of the *kosmos* and *kosmoi* see Davies 2005: 310.
149 Gagarin 1982: 139.
150 ibid.
151 Kristensen 2004: 142.
simple enactment by a *vacat*.\(^{152}\) Codified enactments” are those that combine multiple simple and elaborated enactments. Kristensen cites the first law of the GLC as an example of this form.\(^{153}\)

Kristensen also interprets the painted signs appearing on the GLC as part of the Code's organizational scheme. In his article, Gagarin writes, “Here and in a few other places a gap is filled with a painted *palmula*, which has no significance in our study.”\(^{154}\) Conversely, Kristensen argues that a *palmula* or *folium* (another shape that sometimes appears) is significant for our understanding of the process of enactment (*palmula* or *folium* were painted within a *vacat*, and the overall significance is the presence of a *vacat*).\(^{155}\) In other words, the painted designs are not merely expressions of *horror vacui*, but serve to emphasize the gaps in the text and support their function as organizational markers. Kristensen does not take up the question of whether a distinction can be made between the function of the *palmula* versus the function of the *folium*. It is surprising that Gagarin does not himself recognize the significance of the painted designs as synonymous with a *vacat*, since he provides the strongest piece of evidence for the hypothesis. He writes, “At 5.17\(^{156}\) [where one would expect a *vacat*] there is no gap, but a *palmula* is painted in between the two sentences. This *palmula*, which is occasionally painted in a gap (see *supra* n.35), must indicate that the scribe intended to leave a gap at this point.”\(^{157}\)

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\(^{152}\) Kristensen 2004: 143.

\(^{153}\) Kristensen 2004: 146. This is the same section as parsed by Gagarin above. Kristensen's elaboration of Gagarin's thesis is concerned with how the structure is understood to reflect the historical process of codification. She takes Gagarin's general premise that the organization of the GLC reflects the historical development of the laws and defines three distinct patterns of this development, each expressed by a characteristic schema of the text's organization.


\(^{155}\) Kristensen 2004: 143.

\(^{156}\) That is, IC.IV.72v17.

\(^{157}\) Gagarin 1982: 142 (n.48).
**Content of the Laws**

The Gortynian Law Code has been published in various editions and translations, the earliest being by Fabricius (1884) and Comparetti (1885). Guarducci’s (1950) has proved the most enduring and influential edition overall, while Willetts's (1967) is the best known edition in English.\(^{158}\) The GLC is a collection of laws including both procedural and substantive rules.\(^{159}\) Figure 23 presents a catalog of their contents. The laws pertain to a variety of subjects, and as Davies writes, “The areas of particular preoccupation—procedures within the family in general, especially adoption and the management of heiresses, and other aspects of the due process of transfer of property—stand out at once.”\(^{160}\) The distinction between free citizens and slaves is also a theme of the text, expressed indirectly in a variety of laws.

**Seizure of Persons**

The first line of Column I (IC.IV.72i1)\(^{161}\) of the GLC is an invocation, “Gods!” Thereafter, the column is taken up by a single law prohibiting the seizure of persons prior to trial.\(^{162}\) The precise meaning of the phrase “ός θεσθαι ἐλευθέροι ἐδόλοι μέλλει ἀνπιμολὲν, πρὸ δίκας ἂγεν” has been a subject of considerable debate. According to Gagarin, the phrase has traditionally been understood to mean “whosoever may be likely to contend [in court] about a free man or a slave is not to seize him before trial.”\(^{163}\) Gagarin believes that the intent of the law

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158 The complete text of the GLC and its translation by Willetts can be found on pg. 98ff.
159 By “procedural rules,” I mean those laws that establish a process for settling disputes between members of the community. By “substantive rules,” I mean those laws that prohibit or command particular actions by the members of the community.
160 Davies 2005: 308.
161 All laws in this section can be understood to come from IC.IV.72 and will henceforth be referred to solely by their column and line numbers (e.g., i.1). All translations of the GLC are from Willetts (1967), except where otherwise noted.
162 This law is i.2-ii.2.
is to forbid self-help only in the case of seizure of persons whose status is in dispute,164 such as disputed claims of ownership of a slave and claims of temporary power over someone in bondage.165 Other scholars have argued that the law prohibits seizure of an opposing litigant before trial and the column can be understood as a general prohibition of seizure in the process of self-help.166 Gagarin rejects the idea that the law prohibits the seizure of an opposing litigant on philological grounds and because, as he says, This more extreme form of self-help is fundamentally incompatible with legal proceedings... It thus seems very unlikely that seizure of an adversary would be followed by a dispute in court, and it is impossible to imagine a law being written to provide for such cases.167

While the philological grounds of his argument may be perfectly sound, a few questions can be raised regarding Gagarin's legal argument. After all, the practice of seizing opposing litigants is routine in the American legal system; such an order is known as a body attachment.168 One can easily imagine a situation arising in which it would be necessary to compel one of the parties in a dispute to appear before the court, and indeed the law in question creates just such a possibility by forbidding the seizure of disputed persons. Gagarin offers the following example of limited self-help, If A has a dispute with B concerning C, A can seize C before the trial and

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164 Gagarin 1995: 7-8. The term self-help refers to any form of dispute settlement, especially inflicting retribution or extracting compensation, without the sanction of a recognized legal system or judicial authority. Self-help signifies not so much vigilantism, taking the law into one's own hands, as the primitive modes of dispute settlement employed prior to their being formalized and communalized as legal processes, which sometimes continue to be used in situations in which the rule of law has not been firmly established or in which the central authority lacks the power to enforce the process.

165 Gagarin 1995: 7, n. 3.

166 Gagarin 1995: 7.

167 Gagarin 1995: 9. Gagarin's philological argument concerns the technical interpretation of the datives ἔλεσθέροι and δόλοι. He writes, [The opposing view] would require the datives ἔλεσθέροι ἑ δόλοι to have different constructions in the sentence... although the text provides not the slightest hint of this difference... it is highly improbable that these two closely parallel words could be construed in such different senses (Gagarin 1995: 8-9). I am inclined to defer to his expertise on this philological issue, but I believe that some of his other conclusions might benefit from reexamination.
there will still be a trial to decide if his possession is legal.”\textsuperscript{168} However, this scenario is exactly that which is forbidden by the law against seizure of persons. \textit{A} is effectively barred from any form of justice unless \textit{B} will appear in court. This would lead to a situation in which \textit{A} might seize \textit{B} in order to compel \textit{B} to appear in court to decide the dispute concerning \textit{C}. It is not impossible, therefore, that the law concerning seizure of persons is meant to prohibit both these forms of self-help, since prohibiting the seizure of disputed persons prior to trial would create situations in which it would be necessary to seize opposing litigants in the pursuit of justice.

Gagarin also argues that the “\textit{free men}” in Line 2 who are protected from seizure are those whose status is contested, as is reflected in Line 15, which “\textit{indicates that such a dispute would arise when one party claims that another has, among the slaves in his possession, a person who is in fact free}” or when “\textit{a man sees a person living as a free man whom he thinks is actually his slave.”\textsuperscript{169} This is not at all an unlikely scenario in Gagarin’s opinion, because, “\textit{Status was very difficult to prove in ancient Greece, where the lack of documentation meant that one had to rely primarily on witnesses… The ability of the Gortynians legally to pledge themselves as surety for debt probably made disputes about the status of ‘free men’… more common there [than in Athens].}”\textsuperscript{170} Tying the evidence of Line 15 back to his interpretation of Line 2, Gagarin writes, “\textit{A dispute about a free man in this sense may not be about status precisely ‘in the same sense’ as a dispute about a slave, but the two senses are surely close enough that the lawgiver...}"

\textsuperscript{168} Gagarin 1995:9.
\textsuperscript{169} Gagarin 1995: 10-11. Lines 1 – 15 (i.1-i.15) read, “\textit{Whosoever may be likely to contend about a free man or a slave is not to seize him before trial. But if he make seizure, let (the judge) condemn him to (a fine of) ten staters for a free man, five for a slave of whomsoever he does seize and let him give judgment that he release him within three days; but if he do not release him, let (the judge) condemn him to (a fine of) a stater for a free man and a drachma for a slave, for each day until he do release him; and the judge is to decide on oath as to the time; but if he should deny the seizure, unless a witness should testify, the judge is to decide on oath. And if one party contend that he is a free man, the other party that he is a slave, whichever persons testify that he is a free man are to prevail}” (Willetts 1967: 39).
\textsuperscript{170} Gagarin 1995: 11.
would reasonably treat the two in a single provision.”171 There are two problems with this argument. First, while Gagarin’s interpretation of Line 15 might justify his interpretation of Line 2, it creates a situation of redundancy, which Gagarin does not explain. If the plain sense of Line 2 were identical to Line 15, then Line 15 would add nothing to the law. Gagarin must explain why the additional explanation provided by Line 15 is necessary or acknowledge that Line 2 is ambiguous. Second, Gagarin does not consider here that the primary concern of this law is prohibiting seizure of persons. The first line does not explicitly address the situations in which this ban might be enforced. That information is supplied by the subsequent provisions. Therefore, it is not obvious why the seizure of a free man whose status is in dispute and the seizure of a slave whose status is not in dispute are more equivalent situations than the seizure of a slave and the seizure of an opposing litigant. Gagarin’s own argument excludes the possibility of a distinction based on the status of the parties, so by appearing redundant according to his interpretation, Line 15 is not as strong evidence for Gagarin’s argument as it may at first appear.

Following the general prohibition, Column I takes up a series of more specific provisions regulating situations that might arise in implementing the general law.172 These special situations include: –the seizure is denied and there are not witnesses [i.12-14]; witnesses disagree whether the seized man is a slave or free [i.15-18]; two parties dispute the possession of a slave [i.18-24]; the loser in a dispute refuses to release the seized person [i.24-39]; after the trial a slave flees to a temple rather than going to the winner of the dispute [i.39-49].173 According to Gagarin, Line 49 marks the start of a second subsection of three provisions.174 He writes, –The first concerns the possibility that a seized person may die during a trial (1.49-51),

174 See “The Organization of the Text” pg. 37 above.
the second concerns disputes in which one party is a *kosmos* (1.51-55), and the third allows the seizure of two special categories of persons (1.56-2.2).”\(^1\)

According to Gagarin, Column I of the Code is illustrative of a general feature of the GLC as a whole. He writes, "It is surely significant that the opening sentence emphasizes the importance of the legal process and that the first column clearly sets forth a process of debate between litigants (supported by witnesses, if available) and free decision-making by the judge under some circumstances."\(^2\) Gagarin is at pains to emphasize how this concern for procedure contrasts with other ancient law codes, such as the Code of Hammurabi, which are primarily concerned with finding the appropriate punishment for each crime.”\(^3\) As for the Gortynians, "less important, evidently, was the precise setting of penalties.”\(^4\) Gagarin expands this observation into a more general comment on the Code's content: "Indeed (as is well known) Gortynian legislators had relatively little interest in criminal law in general. We do not know why this is so, but the other laws from Gortyn are generally consistent with the code on these points, and so we may conclude that this legislator [the formulator(s) of the GLC] represents the interests and attitudes of Gortynians in general.”\(^5\) Here, Gagarin seems to be engaging in some subtly anachronistic reasoning. To say that the Gortynians had "little interest in criminal law” is to apply a modern distinction, even perhaps a Western distinction, which separates harms into public and private categories, to an ancient context. While in the liberal democratic state, public harms are generally treated according to one set of procedures (i.e., "criminal law") and private harms are generally treated according to another (i.e., "civil law”), this is not a natural or

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175 Gagarin 1982: 139. See n. 148 above for an explanation of *kosmos.* The two special categories of persons” referred to by Gagarin are the *κατακείμενος* and the *νενικαμένος.* The former signifies one who has pledged his person as security for a debt. The latter signifies one —who was condemned for debt and handed over in bondage to his creditor.” See Willetts 1967: 14.
177 Gagarin 2001: 50.
179 *ibid.*
necessary arrangement. Not only might the Gortynians not make this particular distinction between public and private harms; there are an unlimited number of possible distinctions that they may have made regarding their laws which might go unrecognized by modern scholars.

Gagarin’s own study of Athenian homicide law demonstrates the inappropriateness of transposing the categories of criminal and civil law to an ancient Greek context. In Athens, homicide was treated as a crime against an individual or perhaps, more accurately, against the victim’s relatives. It was never treated as a crime against the state. For this reason, a private plaintiff was required for the prosecution of a murder charge. Gagarin writes, “The normal procedure for prosecuting a homicide case was a δίκη φόνου, a procedure which goes back at least to Drakon’s homicide law (ca 620 B.C.).”¹⁸⁰ This procedure was detailed in Drakon’s homicide law: “A proclamation is to be made against the killer in the agora [by relatives] up to the degree of first cousin once removed and first cousin. The prosecution is to be shared by cousins and cousins’ sons and sons-in-law and fathers-in-law and phratry members.”¹⁸¹ Having considered a variety of questions posed by this evidence, Gagarin concludes, “The right and duty to prosecute [in murder cases] lay with family members and were normally the concern of no one else. When someone other than the relatives wished to have a homicide suit brought, he persuaded (perhaps bribed) a relative to bring it.”¹⁸²

While Gagarin is primarily interested in cases in which the convention of prosecution by relatives is abandoned in favor of prosecution by non-relatives, a more essential observation to be made about this system is that whether the prosecutors were relatives or non-relatives, the fact remains that in Athens murder was prosecuted by individuals on a voluntary basis. In American

¹⁸² Gagarin 1979: 313.
law, for example, this procedure would be more characteristic of a civil matter, even though homicide is the paradigm of what constitutes a public harm in our legal system. It is important to use caution, then, in applying modern categories to ancient law.

**Sexual Offenses**

Line 3 of Column II begins a new section of the Code’s content devoted to several related sexual offenses including provisions on rape (2.2-10), forcible intercourse with a household slave woman (2.11-16), attempted seduction (2.16-20), and adultery (2.20-45). Each law in this section takes the form of a conditional sentence in which the protasis names the offense and the apodosis names the penalty. For example, “If a person commits rape on the free man or the free woman, he shall pay one hundred staters.” This section on sexual offenses has been used extensively to comment on Gortyn’s system of social class because of the importance of social class for determining the appropriate punishment for a given act. Willetts observes, “The relative positions of these classes in the social hierarchy of Gortyn can be roughly measured from… the scale of fines for certain offences.” For example, as quoted above, the penalty for the rape of a free man or woman was set at one hundred staters, but the rape of a Φοικεύς, a serf, by a free person carries a fine of only five drachmas. The penalty for the rape of a free person, then, is forty times the penalty for the rape of a serf by a free person. Furthermore, the penalty for the rape of a free person by a slave (δοῦλος) is doubled to two hundred staters. Figure 24 is a table that compares the variable penalties according to social class for rape, adultery, and seduction, according to the GLC.

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184 ii.3-4.
186 ii.7-9.
187 ii.5-7.
188 After Willetts 1967: 10.
As Willetts notes, "Rape, seduction and adultery are treated in the Code as offences of the same category, not viewed as criminal and public wrongs but as matters calling for private monetary compensation."\(^{189}\) As was the case with Gagarin, it is anachronistic for Willetts to import the notion of public and private harm in order to analyze the views of the Gortynians about sexual offenses. Nevertheless, he is correct in observing that, however the Gortynians may have categorized these offenses, they certainly saw them as a group of similar offenses. For example, the same system of differentiation by class that is evident in the laws concerning forcible sexual offenses is at play in the laws relating to adultery and seduction. If anything, it is more pronounced. For example, as Willetts observes, "There is no mention of adultery between a free man and the wife of a serf. This omission is hardly likely to be accidental. We must conclude that no redress was allowed in such cases."\(^ {190}\) However, there is one additional factor that affects the amount of the penalty in the case of adultery. Willetts writes, "Adultery with a free woman is punishable by the full fine of one hundred staters only if the offence occurs in the house of her father, her brother or her husband; if in another house, by a fine of fifty staters."\(^ {191}\)

That the Gortynians viewed rape, adultery, and seduction as related offenses suggests that the underlying conception of harm that influences the law was related to the right of the husband to be the sole sexual partner of his wife and the importance of restricting sexual behavior that might produce illegitimate children.\(^ {192}\) As Willetts observes, this paradigm is very different than that in which "the topic of wrongful sexual intercourse is divided into the wrong of intercourse with a woman, whether married or unmarried, against her will (namely, rape); and of intercourse

\(^{189}\) Willetts 1967: 28.
\(^{190}\) ibid.
\(^{191}\) ibid.
\(^{192}\) See "Dissolution of Marriages and Illegitimate Children" pg. 51 below.
with a woman by consent, this latter being divided into (a) adultery, where the woman is married, and (b) seduction, where she is unmarried.”\footnote{Willetts 1967: 28.}

The Gortynian law resembles its Athenian counterpart with respect to its motivation and definition of sexual offenses, but differs from the early Athenian laws with respect to the degree of punishment inflicted. In Athens, –Draco guaranteed impunity to the man who had killed another man caught "next to" (epi + dative) his wife, mother, daughter, sister, or the concubine (pallakē) he kept for the purpose of having free children, that is, his free concubine.”\footnote{Cantarella 2005: 239.} This law is similar to the Gortynian version, in that, –In perfect adherence to the social stereotypes that had inspired it, [Draco's law] did not take into account women's consent… the law made no distinction between the lover and the rapist, granting immunity to the person who killed either.”\footnote{Cantarella 2005: 240.} Cantarella observes, –Exactly as in the Homeric poems, because sexual relations with these women was an offense to the man who had the power and responsibility to control them, their real consent or lack thereof was simply irrelevant.”\footnote{Cantarella 2005: 241.} In addition to the need to –protect” the women of the oikos, Cantarella argues, –A second rationale induced Draco to allow the killing of the lover, a rationale tied to the birth of the polis: these women… all gave birth to Athenian citizens. The second, but not secondary, aim of Draco’s law, then, was to protect the purity of the civic lineage.”\footnote{Cantarella 2005: 240.} The same rationale would no doubt apply to the Gortynian situation. In regards to punishment, however, the Gortynian and Draconian statutes differ dramatically. First, the Draconian statute does not positively inflict any punishment on the committer of a sexual offense, but only provides that if the offended party takes revenge by killing the offender, the offended party shall not be liable. The Gortynian statute, on the other

\begin{footnotes}
\item[194] Cantarella 2005: 239.
\item[195] Cantarella 2005: 240.
\item[196] Cantarella 2005: 241.
\item[197] Cantarella 2005: 240.
\end{footnotes}
hand, by providing a specific penalty may be implicitly forbidding this extreme form of self-help. However, it should not be assumed that the Gortynian punishment was always less severe than the Athenian. As Cantarella writes, “The only revenge the law cared to regulate in the realm of sex crimes was, as we know, the killing of the adulterer and the rapist caught in flagrante. Other forms of revenge, the so-called minor penalties, were left to the realm of common practice and probably also practiced on the rapists.”198 In Athens, then, sexual offenses were not, in the strict sense, legally prohibited; only self-help in the case of sexual offenses was regulated by Draco’s law. In Gortyn, on the other hand, sexual offenses were the subject of legal enactment.

Dissolution of Marriages and Illegitimate Children

The next section of the Code, beginning at ii.45, is concerned with the dissolution of marriages by divorce or the death of one of the spouses. Willetts divides the passage from ii.45-iii.44 into four sections: “Property rights of the divorced wife of a citizen” (ii.45-iii.16), “Procedure in the event of the death of husband and wife” (iii.17-iii.37), “Regulation about special payments” (iii.37-iii.40), and “Dissolution of a serf marriage by divorce or death of husband” (iii.40-44).199 While this manner of subdividing the text is not incorrect, it is important to recognize the thematic unity of the passage as a whole, because this passage is perhaps the clearest example of the manner in which the text is organized beyond the formal devices. These tend to be focused on to the exclusion of the undeniable but inconsistent interest the Gortynian legislators show in grouping laws that address similar subjects. Thus, it is clear that this section (ii.45-iii.44) might be labeled “Dissolution of Marriages” in spite of the fact that it is not defined

198 Cantarella 2005: 244. About the minor penalties, Cantarella writes, “Finally, we must recall that according to some authors the Athenian law on adultery authorized some so-called minor punishments that included depilation of the genitals, raphanismos (or raphanidōsis) which consisted of anally raping an adulterer with a radish, and an analogous action performed with a mullet, a particularly spiny fish” (ibid.). Presumably, a fine might also be the form of revenge imposed by the offended party.
199 Willetts 1967: 34.
by any discernible formal indicators. This is probably one of the passages Willetts has in mind when he writes, "The Gortyn Code is really a codification, not of law, but of laws. The formal arrangement… is not motivated by reference to legal principle, to the internal development of law, but rather by the practical requirement of grouping together statutory legislation relevant to similar or identical circumstances." While Gagarin and Kristensen may have elucidated the logic of the Code's organization within individual laws, their analyses fall short of accommodating and interpreting all aspects of the Code's organization, some of which, Willetts is right to point out, are best explained as practical measures designed to aid the reader of the Code in finding the law relevant to their situation.

The GLC provides no insight into what constituted grounds for divorce in Gortynian society. Willetts is of the opinion that "Husband and wife had the right of divorce at their pleasure," which he notes "is a general feature of primitive law." At any rate, it is undeniable that "the main concern of the law was to safeguard property interests," primarily it would seem those of the wife, but also those of the husband. The essential provision of the Gortynian law on divorce says, "And if a husband and wife should be divorced, she is to have her own property which she came with to her husband and half of the produce, if there be any from her own property, and half of whatever she has woven within, whatever there may be." The Code adds, "…plus five staters if the husband be the cause of the divorce." This clause is noteworthy because no similar clause penalizes the wife should she be the cause of the divorce. The general law of divorce is followed by a list of penalties for violation of the procedure it

\[\text{\textsuperscript{200}} \text{ibid.}\]
\[\text{\textsuperscript{201}} \text{Willetts 1967: 29.}\]
\[\text{\textsuperscript{202}} \text{ibid.}\]
\[\text{\textsuperscript{203}} \text{ibid.}\]
\[\text{\textsuperscript{204}} \text{i.45-51.}\]
\[\text{\textsuperscript{205}} \text{i.51-52.}\]
defines by either the husband or wife taking property to which they are not entitled.\textsuperscript{206} The law of divorce between serfs (iii.40-44) offers less protection to the wife than in the case of the divorce between citizens. The law says, \(\text{\textquotesingle}\text{\textquoteleft};\ \text{\textsuperscript{207}}\text{\textquotesingle}\text{\textquoteright};\ \text{\textit{If a female serf be separated from a serf while he is alive or in case of his death, she is to have her own property; but if she should carry away anything else, that becomes a matter for trial.\textsuperscript{207}}\text{\textquotesingle}\text{\textquoteright};\) It is also significant that in the case of serfs, divorce and death of the spouse are treated as essentially similar cases and resolved according to an identical procedure. The law concerning the death of a spouse in a citizen marriage, however, explicitly protects the rights of children and other heirs, such that \(\text{\textquotesingle}\text{\textquoteleft};\ \text{\textit{If she [the surviving wife] should take away anything belonging to the children, that becomes a matter for trial. And if he [the deceased husband] should leave her childless, she is to have her own property and half of whatever she has woven within and obtain her portion of the produce that is in the house.\textsuperscript{208}}\text{\textquotesingle}\text{\textquoteright};\) Therefore, a surviving wife was never entitled to inherit more from her husband than in the case of divorce, and the husband’s heirs could inherit in place of children his share in the wife’s produce.

Another example of the topical organization of the Code is the placement of the section dealing with illegitimate children, including children of recently divorced women, immediately following the section on divorce. The law (iii.44-iv.23) primarily defines the procedure by which paternity of such children was established: \(\text{\textquotesingle}\text{\textquoteleft};\ \text{\textit{If a wife who is separated (by divorce) should bear a child, (they) are to bring it to the husband at his house in the presence of three witness; and if he should not receive it, the child shall be in the mother’s power either to rear or to expose.\textsuperscript{209}}\text{\textquotesingle}\text{\textquoteright};\) The only possible violation of this procedure addressed explicitly by the text points to its principal intention: \(\text{\textquotesingle}\text{\textquoteleft};\ \text{\textit{If a woman separated (by divorce) should expose her child before presenting it as}\text{\textquoteright};}$$^2$\textsuperscript{209}$

\textsuperscript{206}iii.1-16.
\textsuperscript{207}iii.48-53.
\textsuperscript{208}iii.20-26.
\textsuperscript{209}iii.45-49.
written, if she is convicted, she shall pay, for a free child, fifty staters."  As Willetts says, such a law protecting the rights of the citizen father to the freeborn child was "a natural development in a society where law promoted the growth of patriarchal institutions and where citizenship was a privileged birthright."

Furthermore, "The paternity of serf children was also important for the masters of estates which depended on servile labor." Therefore, the procedure for establishing the rights of mastership over the illegitimate children of serfs is very similar to the procedure for establishing the paternity of the illegitimate children of citizens. The Code specifies that a divorced female serf must present her child to her ex-husband's master, but if this master should refuse to receive the child, then "the child shall be in the power of the master of the female serf." The Code also adds, "If she [a divorced female serf] should marry the same man [from whom she had been divorced] again before the end of the year, the child shall be in the power of the master of the male serf." It is somewhat difficult to envision the scenario that might precipitate this piece of legislation. Perhaps an earlier version of the law that did not include this provision was abused by the masters of female serfs, who could force temporary separations between serf couples in order to gain rights over children that would otherwise be under the power of the male serf's master. Like the corresponding law for citizens, exposure of a serf child prior to presenting the child to the appropriate master carried a fine, although at half the amount. The Code also provides for the birth of a child to an unmarried (not separated) female serf: "the child shall be in the power of the master of her father; but in case the father

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210 iv.9-13.
212 ibid.
213 iv.1-3.
214 iv.3-7.
should not be living, it shall be in the power of the masters of her brothers.”²¹⁶ No similar provision exists for the birth of a child to an unmarried citizen.

**Inheritance**

With the beginning of a new section at iv.23, the pattern of topical organization evident throughout the section of the Code dealing with the separation of spouses and illegitimate children begins to break down. The law reads, –The father shall be in control of the children and the division of property and the mother of her own property. So long as they are living there is no necessity to make a division.”²¹⁷ Thus, for his lifetime, the father in an oikos was entitled to control over the oikos's property, but he could make distributions of his property at will. The wife's retention of her rights over her own property, their separation from the common property of the oikos, is consistent with the procedures established for divorce. Upon the father’s death, the sons would inherit, apparently in equal shares, the real property and livestock of the oikos, which was not in the possession of serfs.²¹⁸ The sons were also entitled to equal shares in the residual estate, including all of the father’s personal property, while daughters were entitled to half shares.²¹⁹ Upon her death, the mother's personal property was divided in a similar fashion.²²⁰ The law also limits the amount of the oikos’s property that the father could distribute to a married daughter: –And if the father, while living, should wish to give to a married daughter, let him give according to what is prescribed, but not more. Any (daughter) to whom he gave or pledged before shall have these things, but shall obtain nothing besides from the paternal property.”²²¹ This would seem to imply that married daughters were not generally eligible to

²¹⁶ iv.17-22
²¹⁷ iv.23-29.
²¹⁸ iv.31-37.
²¹⁹ iv.37-43.
²²⁰ iv.43-48.
²²¹ iv.48-5.1.
inherit from their fathers, and the general intent of the law would seem to be to preserve the property of the *oikos* intact. However, the provision of this section of the Code suggests that daughters, perhaps including married daughters, may have previously had greater rights of inheritance than under the Code, since it says, “Whatever woman has no property either by gift from father or brother or by pledge or by inheritance… such women are to obtain their portion; but there shall be no ground for action against previous female beneficiaries.”\(^{222}\) As Willetts writes, “The effect of this new rule was to deprive them of more substantial benefits which had previously been their right, perhaps, most likely, on a basis of equality with their brothers. The new enactments… were a prelude to the Athenian condition, when the daughter could expect nothing but a dowry.”\(^{223}\)

The remainder of the Code’s fifth column is concerned with inheritance in a more general light. First, it presents an exhaustive account of the nearness of various kinship relations in Gortyn for determining the progression of next-of-kin rights to inheritance.\(^{224}\) The law awards property to members of the *oikos* first and ultimately ensures that property remains within the *klaros*, the clan’s hereditary estate. The remainder of the column is concerned with the procedure for dividing the property among the rightful heirs. The sixth column prohibits the sale or mortgage of family property, that is, property that children would stand to inherit from either the father or mother.\(^{225}\) As with the laws of inheritance, whereby wealth was retained among the closest possible family relations, this law would seem to be directed toward the maintenance of the hereditary estates of Gortyn’s *oikoi*. Its effect would be to conserve the balance of power among the *polis*’s elite clans. The bottom of Column VI (vi.46-56) is devoted to a law

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\(^{222}\) v.1-9.  
\(^{223}\) Willetts 1967: 22.  
\(^{224}\) v.9-28.  
\(^{225}\) vi.2-46.
concerning the ransom of prisoners. It reads, “If anyone, bound by necessity, should get a man gone away to a strange place set free from a foreign city at his own request, he shall be in the power of the one who ransomed him until he pay what is due.” It is difficult to say with certainty how this law might relate topically to the others surrounding it. However, it might be that a demand for ransom was a common situation in which the sale or mortgage of family property would be undertaken. In this way, it might be related to the statute requiring that a fine incurred by a son of the oikos be paid from his share of the inheritance.

### Marriages between Free and Non-free Persons

The next topic the Code addresses is the matter of mixed marriages between persons of free status and persons of slave status. The law (vi.56-vii.10) reads, “(If the slave) goes to a free woman and marries her, their children shall be free; but if the free woman goes to the slave, their children shall be slaves. And if free and slave children should be born of the same mother, in a case where the mother dies, if there is property, the free children are to have it; but if there should be no free children born of her, the heirs are to take it over.” In his commentary on this passage, Willetts emphasizes the possibility of mixed marriages. He writes, “Not only are regular marriages allowed between individuals of equal status—free or serf—but also (and this is of considerable interest and importance) between a free woman and a man who was not free.” Willetts, however, fails to address the logic underlying the law, which distinguishes between patrilocal and matrilocal marriages between free women and slave. The substantive difference between the two scenarios relates, as is usual in the GLC, to the condition of the klaros. In the case that the free woman “goes to the slave,” she is extracting an amount of property from her

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226 vi.46-51
227 iv.29-31.
228 vi.56-vii.9.
229 Willetts 1967: 15.
oikos, either in the form of a dowry or, perhaps, in some situations, in the form of inherited property. Therefore, it is necessary that her children, who would no longer reside in her paternal oikos as members of her clan, be ineligible for inheritance in order that the epiballontes, or heirs, can recover the woman’s property upon her death, preserving the family’s klaros intact. In the alternative case, in which the “slave goes to the woman,” the children would remain attached to the klaros and the woman’s clan, and, therefore, are eligible to inherit as free citizens. As usual, the law’s principal concern is maintaining the landholdings of the citizenry. This is why the law does not regulate relationships between free men and non-free women. Since wives are not eligible to inherit and since the children of such a union would naturally belong to the paternal oikos attached to the klaros, there is no need for the law to regulate such marriages.

Heiresses

Nowhere in the Code is the priority of the klaros more clear than in the lengthy discussion of the ἐπίκληρος or heiress, which begins in Column VII. An heiress was a woman with no living father or brothers of the same father and who was, therefore, the inheritor of her father’s estate.230 The law (vii.15-9.24) establishes that the heiress was under obligation to marry the next of kin.231 This is established in the first section of the law (vii.15-24): “The heiress is to be married to the brother of her father, the oldest of those living… And if there should be no brothers of the father, but sons of the brothers, she is to be married to that one (who is the son of the oldest).”232 The Code further elaborates this list of kinship ties in order of priority for marriage to the heiress up to: “Ad if there should not be kinsmen of the heiress as is defined, she may hold all of the property and be married to whomsoever she may wish from the tribe.”233

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230 viii.40-42.
232 vii.15-17, 19-23.
233 viii.8-12.
The law goes on to say, “And if no one from the tribe should wish to marry her, the relatives of the heiress are to proclaim throughout the tribe: ‘Does no one wish to marry her?’ And if anyone should marry her, (it should be) within thirty days from the time they made the proclamation; but if not, she is to be married to another, whomsoever she can.” Ultimately, then, the Code will not go so far as to disinherit the heiress or to force her into celibacy in order to maintain the klaros, but one must imagine that situations in which no one in an entire tribe would consent to receive an heiress (and her inherited property) would be extremely rare. The law additionally provides for several exceptional cases, such as the heiress being unwilling to marry the groom-elect or marrying someone contrary to the law, the heiress inheriting an estate that was in debt, or the sale or mortgage of the property of an heiress. In all cases, the law tends to keep the property of the heiress intact and to ensure that it is returned to the klaros through her marriage to the deceased’s next of kin.

The next section of the Code is related to the law on the heiress’ inheritance of debt, and sets up a general rule for the discharge of debts after death, establishing a statute of limitations in which to file a claim on the estate. The law (ix.24-40) says, “If one dies who has gone surety or has lost a suit or owes money given as security or has been involved in fraud (?) or has made a promise (?) or another (be in like relationship) to him, one must bring suit before the end of the year.” Following this provision, there is provision on the liability of the father for a son who stands surety, and for the settling of other kinds of debts. The first 14 lines of Column X are highly fragmentary. When the legible portion resumes (x.15-32), the subject is the prohibition of certain gifts. For example, the Code allows that “A son may give to a mother or a husband to a

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234 viii.11-18.
236 ix.1-22.
237 ix.40-43.
238 ix.43-54.
wife one hundred staters or less, but not more. And if he should give more, the heirs are to keep the property if they wish, once they have handed over the money.”

To one who has studied the Code up to this point, this law is clearly written in the same vein as those of inheritance and the heiress; the intent is to keep property within the paternally inherited *klaros*. The law concerning adoption (x.33-xi.25) that follows is no different. Willetts writes, “In the Code, adoption is naturally looked upon from the point of view of inheritance rights… The provision that, if the adopted son died without legitimate issue, the property he had received from the adopter must be returned to the adopter’s *epiballontes*, clearly emphasizes that the principal aim of adoption … was to ensure adequate succession in the male line.” Women are explicitly forbidden to adopt.

The remaining lines of the Code are supplementary provisions to other laws.

**Conclusion**

Whitley writes, “One of the facts we can glean from the Great Code itself is a concern with stable inheritance, in keeping family wealth and family lands intact from generation to generation. This suggests that, in Crete, we have an elite which is truly (and unusually) based on birth and inherited wealth.” This observation of Whitley’s captures not just “one of the facts” that the GLC reveals about Gortynian society, but the essential and central fact about their legal system. The Code is designed to protect elite interests even by constraining the elite in certain ways so as to limit competition between them and maintain the *polis*’s stability. In the GLC, the social hierarchy is even more clearly expressed than in earlier documents, and now legitimated and monumentalized to an unprecedented degree.

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239 x.14-19.
241 xi.18-19.
Interpretations of Gortynian Architecture

There are two main schools of thought regarding the chronology of the architecture in the area of the Odeion at Gortyn. Gorlin, Sanders, and Guarducci rely solely on the evidence produced by the late nineteenth and early twentieth-century excavations led by Halbherr, Fabricius, and Pernier. Di Vita has since undertaken excavations in 1997 and 2004, which uncovered new evidence challenging some earlier conclusions and complicating the archaeological picture of the site’s later phases, especially the evolution of the Odeion. In all periods, the problem of reconstructing the architecture is a difficult one. As Gorlin writes, “The fact that later buildings were built on top of—and with blocks from—earlier ones presents further difficulties in tracing the structures associated with the Law Code.” Furthermore, the Gortynian agora seems to have been a site of considerable architectural experimentation over the course of its history, and certain features from different periods appear to be practically without parallel, making their date and ultimate significance difficult to determine.

The Agora

The excavations by Halbherr and Pernier revealed that the area of the Odeion first acquired the character of a public center in the last quarter of the sixth century B.C. This early public activity is attested by the numerous inscriptions associated with the site beginning in this period. IC.IV.62-64 date to the sixth century, while IC.IV.41-61 and IC.IV.65-71 date to the first half of the fifth century. Erickson’s study of the site’s historical pottery, in which he notes that “a concentration of pottery ca. 525-500 B.C.” may mark an intensification of activity in the same period, 243 Gorlin 1991: 10.
area of the later Odeion,\textsuperscript{244} corroborates the epigraphic evidence for the date of the area’s emergence as a public center that could be identified as the Gortynian agora. However, the area of the temple of Apollo Pythios was also an important location in the polis during the Archaic and Classical periods and could make a competing claim to be an agora. But as Perlman points out, inscriptions from Gortyn refer to the city’s agora in the sense of a particular and singular civic center. For example, IC.IV.72x34-35 says, \textit{And the declaration of adoption shall be made in the place of assembly [the agora] when the citizens are gathered.}\textsuperscript{245} Which of the two public centers identified archaeologically (that is, the area of the Odeion or that of the Pythion) is the agora referred to in the inscriptions? Basing her argument on IC.iv.43B, Perlman identifies the area of the Odeion as the Archaic and Classical agora. She writes, \textit{The law permitted a Gortynian to divert water from the river to his own property so long as he leaves the flow as much as the bridge holds at the agora, or more, but not less} (τὰν δὲ ροὰν λεῖπεν δέπυρα ἐπ’ ἀγορᾶς ἔπλιον, μεῖον δὲ μή).\textsuperscript{246} Perlman concludes that the proximity of the Metropolitanos River to the foundations associated with the original publication of the [Gortynian Law Code] and with the later Hellenistic and Roman reuse of both the Second [Code] and [GLC] makes it very likely that the agora to which the inscriptions refer was located in the vicinity of the Roman Odeion.\textsuperscript{247} Di Vita makes a similar argument toward the same conclusion.\textsuperscript{248}

\textsuperscript{244} Erickson 2000: 243.
\textsuperscript{245} Willetts's translation (1967: 48).
\textsuperscript{246} Perlman 2000: 72.
\textsuperscript{247} ibid.
\textsuperscript{248} Di Vita 2010: 38-39.
The Earliest Buildings

Prior to Di Vita’s excavations in 1997 and 2004, it was believed that the earliest architectural remains in the agora belonged to a stoa oriented east-west and on the same axis as the later Bouleuterion and Odeion.\(^\text{249}\) This stoa was dated to the Archaic period on the basis of Halbherr and Pernier’s excavations.\(^\text{250}\) Based on his own stratigraphic excavations, Di Vita rejects Halbherr and Pernier’s dating of the stoa to the Archaic period and dates its original construction to the second century B.C., followed by an extensive renovation several centuries later in the second century A.D.\(^\text{251}\)

The earliest public buildings from the agora are known only from the inscribed blocks from such buildings that were reused in later structures. Halbherr was the first to suggest that many of the inscribed blocks belonged to two buildings, one rectangular building from which came the inscribed blocks reused in the North and East Walls and one round building from which came the GLC.\(^\text{252}\) The inscribed blocks from the North and East Walls belonged to a rectangular building of the Archaic or Early Classical period. Di Vita writes that this structure was "un edificio pubblico (un tempio o sacello?) di VI o inizi V secolo ubicato nell’area dell’agorà arcaica, verosimilmente sulla balza dell’Odeion romano o meglio nel piano a Sud di esso ove..."
po. Dopo troviamo realizzata l’agorà ellenistica e che andò distrutto forse nel IV o nel III sec. A.C.” [a public building (a temple or shrine?) of the sixth or early fifth century located in the Archaic agora, probably on the site of the Roman Odeion or better in the plain to the south of it where we later find the Hellenistic agora, and destroyed in the fourth or perhaps in the third century B.C.].

Di Vita prefers not to locate this rectangular building on the site of the Odeion, because he believes that the site was actually occupied by the round building of slightly later date which originally contained the GLC.

The form of the round building to which the GLC originally belonged has been the subject of much debate. Pernier, Guarducci, and Di Vita all raise and dismiss the possibility that the round wall belonged to an apsidal building. Pernier correctly points out that if the curved portion of wall were part of a half circle, the resulting apsidal structure would be exceptionally large for the Archaic period. Halbherr and Pernier favored a reconstruction of the building as a tholos on the model of the tholos in the Athenian agora. This comparison was no doubt especially attractive because the tholos in Athens would be approximately contemporaneous with the round building at Gortyn. Guarducci, however, objected to the tholos hypothesis, pointing out the unlikelihood that so large a structure could have been roofed in the Archaic period. Of course, Guarducci was relying on Pernier’s measurements, which indicated that this hypothetical tholos would have had an internal diameter of 33.3m. She did not have the benefit of Di Vita and Montali’s recalculation of the diameter to roughly 27m. Nevertheless, the internal diameter of

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253 Di Vita 2010: 43.
254 “A mio parere il portico circolare occupava più o meno esattamente il posto dell’Odeion romano” [In my opinion, the circular portico occupied more or less exactly the place of the Roman Odeion] (Di Vita 2010: 50).
256 Gorlin 1991: 12. She writes, “The analogy would have been the unique bouleuterion at Olympia” (ibid.). The apses from the bouleuterion at Olympia have radii of about 5m. See Figure 25. An analogous apse at Gortyn, reconstructed from the extant portion of the GLC, would have a radius of about 13.5m.
257 Halbherr 1885: 7; Pernier 1929: 12.
258 Thompson and Wycherley 1972: 42.
the hypothetical Gortynian _tholos_ would still be significantly greater than that of the _tholos_ in the Athenian _agora_, which had an internal diameter of 16.9m.\(^{260}\)

Guarducci proposes that rather than an apsidal building or _tholos_, “parrebbe logico pensare ad un grande portico rotondo le cui pareti interne fossero state ricoperte di testi legali” [it would seem logical to think of a great round portico whose inner walls were covered with legal documents].\(^{261}\) Gorlin expresses some skepticism regarding this reconstruction: “While this is an attractive idea…there are no parallels for the structure [Guarducci] proposes.”\(^{262}\) However, Guarducci’s circular portico does avoid the objections that rule out the other suggestions, and it may not be altogether unparalleled.

According to Di Vita, the Ekklesiasterion at Metaponto might constitute a parallel structure, and Mertens does indeed discuss the round building at Gortyn as having a somewhat similar form and function as the Ekklesiasterion at Metaponto. However, Mertens does not strongly support the idea that the two structures are truly analogous. He writes that unlike the Ekklesiasterion at Metaponto, the round building at Gortyn, “non era una stuttura di carattere tecnico, nata cioè per sorreggere dispositivi atti ad accogliere grandi masse di spettatori, ma piuttosto una specie di recinto intorno ad una piazza sulla quale si affacciavano le grandi iscrizioni incise sul lato interno del monumento muro circolare” [was not a structure of a functional nature, that is created to support arrangements to accommodate large numbers of viewers, but rather a kind of fence around a court, onto which faced large inscriptions incised on the interior surface of the circular monumental wall].\(^{263}\) So, while the Ekklesiasterion at

\(^{260}\) Thompson and Wycherley 1972: 42.
\(^{261}\) Guarducci 1938: 267.
\(^{263}\) Mertens and de Siena 1982: 32.
Metaponto may not provide a precise analogy for the reconstruction proposed by Guarducci, Mertens does endorse her reconstruction as an appropriate interpretation of the remains.

Whether we suppose that this building could provide an analogy with Guarducci’s reconstruction and so remove the objection to its uniqueness, her idea of the circular portico remains the most likely and least objectionable interpretation of the remains. Di Vita is persuaded of its correctness as well. He writes, “A mio parere si trattava di un luogo di riunione circolare—come già proposto dalla Guarducci—limitato da un porticato sul cui muro di fondo erano iscritte le leggi di cui faceva parte il Codice pervenutoci” [In my opinion it was a circular place of meeting—as already proposed by Guarducci—bounded by a portico, on the rear wall of which were inscribed the laws which were part of the Code which has come down to us].

Mertens agrees with Di Vita, “La più probabile interpretazione pare dunque essere quella di M. Guarducci, che vede il monumento destinato ad ‘adunanze del popolo’, ed è da preferire ad altre idee più generali già espresso” [The most likely interpretation therefore seems to be that of M. Guarducci, who sees the monument is intended for ‘assemblies of the people‘, and it is preferable to other more general ideas already expressed]. Accepting that the round building to which the GLC originally belonged was a circular portico or monumental fence, which served as a place of assembly for the citizens of Gortyn, I believe that “Ekklesiasterion” is an appropriate term by which to refer to it.

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264 Di Vita 2010: 50.
265 Mertens and de Siena 1982: 32.
266 I will refer to the Ekklesiasterion, Bouleuterion, and Odeion with capital letters to indicate that these refer to phases in the architectural context of the GLC. I believe that these are the most probable forms of the architecture associated with the GLC, but more importantly, these terms indicate general time periods or phases (i.e., Hellenistic for the Bouleuterion) in which the GLC was displayed in certain architectural contexts.
The Hellenistic Bouleuterion

The North and East Walls originally belonged to a rectilinear building of the Hellenistic period. With a vagueness which is characteristic of virtually all discussions on the subject, Gorlin writes, “Sometime during the Hellenistic era, a rectangular structure was built on the site later occupied by the odeion.” This building was first dated to the fourth or third century B.C. by Pernier. Pernier’s reasoning for this date was probably flawed, since he believed that the supposedly Archaic stoa was a factor in the building’s construction when, in fact, the stoa would not be built for at least another century. However, Di Vita believes that however Pernier may have arrived at his dating, it is approximately correct. He writes, “L’opera pseudo-isodomica in cui i muri sono costruiti… si può ben accordare con una datazione nel IV o nel III sec. a.C.” [The pseudo-isodomic style in which the walls are constructed… accords well with a date in the fourth or third century B.C.]. Gorlin writes about this building’s form that, “There are no traces of the south wall of the Hellenistic building.” However, if the building were restored with a square plan, the south wall would correspond precisely to the line of the later Odeion’s postcaenium, which may have incorporated its foundations. Di Vita reconstructs the building with an external width of 28.22m and an internal width of 26.9m. The building’s dimensions

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269 Di Vita 2010: 107. Gorlin refers to “the pseudo-isodomic style in which the walls are constructed” as “the typically Hellenistic ‘Pergamene’ technique” (Gorlin 1991: 14). Gorlin’s use of this term is imprecise. She incorrectly states that the GLC is also constructed “in the so-called ‘Pergamene’ fashion” (Gorlin 1991: 16). However, the GLC and the North and East Walls do reflect two different styles of pseudo-isodomic construction. What is distinct about the “Pergamene” style of the North and East Walls is the use of blocks of roughly equal size, which are laid in “thick” courses of the blocks laid on edge as stretchers alternated with “thin” courses of the same blocks laid flat as headers. See Figure 6b for a photograph of the North (East) Wall illustrating this style of construction.
272 ibid. Gorlin gives the North Wall’s length as 28.7m. This measurement may include the width of the west side’s foundations, including a euthynteria with two steps, whereas Di Vita’s measurement does not. Otherwise, the discrepancy is difficult to explain. See Gorlin 1991: 14.
are established by the North and East Walls, which originally belonged to it, and by the remains of its *euthynteria* and stepped entrance on the west side. It is believed that no sections of the West Wall of the building are preserved because no such wall existed, that is, the building was completely open on its west side, which was the building’s primary entrance.²⁷³

As to this building's form, Sanders writes, “Its purpose is uncertain but the interior of the walls was rough and given the later Odeion and the Code it is quite likely that this was a bouleuterion with a *cavea* within the walls.”²⁷⁴ McDonald expresses skepticism about the building’s identification as a bouleuterion: “There is no good reason to suppose that [the building] was a bouleuterion.”²⁷⁵ However, as Gorlin notes, “While McDonald says that the identification of the Hellenistic building as a bouleuterion is ‘unlikely, or at least not susceptible to proof,’ he never really gives a good reason for this opinion.”²⁷⁶ While Gorlin’s counterpoint that the identification of the building as a bouleuterion would establish “architectural and functional continuity at the site” may not be a particularly strong reason to accept it as such, it should suffice in the absence of counterevidence.²⁷⁷ Di Vita is confident enough in the building’s status as a bouleuterion that he does not bother to address the question directly.²⁷⁸ At any rate, if the building was a bouleuterion as Sanders proposes, according to Di Vita, its plan would probably resemble the bouleuterion at Miletus or the ekclesiasterion at Priene.²⁷⁹ See Figures 26 and 27 for the plans of these two buildings. Both of these buildings are somewhat later than the Bouleuterion at Gortyn. The ekclesiasterion at Priene dates to about 200 B.C.,²⁸⁰ while the

²⁷³ Di Vita 2010: 108.
²⁷⁵ McDonald 1943: 192.
²⁷⁷ *ibid*.
²⁷⁸ Di Vita 107-108.
²⁷⁹ Di Vita 2010: 108.
bouleuterion at Miletus dates to about 175 B.C.\textsuperscript{281} The two buildings are also substantially smaller than the remains at Gortyn. The ekklesiasterion at Priene is nearly square with an exterior width of 18.18m, while the bouleuterion at Miletus is rectangular with a length of 21.21m and a width of 12.12m. The analogy to the ekklesiasterion at Priene is also complicated by the pi-shaped seating arrangement in that building, which is unlike the semi-circular cavea envisioned for this hypothetical Hellenistic bouleuterion at Gortyn. Meinel has sketched what the plan of the Gortynian Bouleuterion might have looked like assuming this interpretation of its function and architectural parallels (See Figure 28). His reconstruction, however, seems to ignore the open west side of the building. In conclusion, the published reconstructions of the Bouleuterion offered thus far do not provide a fully satisfactory interpretation of the building. However, it is generally agreed that the building functioned as a bouleuterion and possessed some of the typical structural features associated with that function. I will therefore refer to the rectilinear Hellenistic building as the Bouleuterion, a term which should be understood to indicate a stage in the architecture of the Gortynian agora which, though the available evidence is somewhat limited, most likely was a bouleuterion in both form and function.\textsuperscript{282}

An important question is the relationship between the Bouleuterion and the GLC, since supposing, as Di Vita does, that the earlier Ekklesiasterion occupied the site of the later Odeion, then the GLC must have been moved or somehow incorporated into the Bouleuterion. Gorlin favors the latter hypothesis. She writes, “While there is no evidence that the Law Code ever stood in the Hellenistic building, both the Code and building are monuments one would expect to find in an agora.”\textsuperscript{283} It is certainly not a coincidence that the dimensions of the Bouleuterion (28x28m) recall the diameter of the Ekklesiasterion (27m). Di Vita, committing some subtle

\textsuperscript{281} Izenour 1992: 50.
\textsuperscript{282} See n.266 above.
\textsuperscript{283} Gorlin 1991: 15.
sleight of hand, produces a chart that suggests that this similarity of the dimensions indicates that
the Ekklesiasterion might have fit inside the Bouleuterion. See Figure 29 for Di Vita’s chart. Of course,
the problem with this suggestion is that supposing that the walls of the Bouleuterion were no thicker than what is preserved today, which seems somewhat unlikely given the enormous weight of the roof which the building would require, the Bouleuterion would have an interior diameter roughly equal to the interior diameter of the Ekklesiasterion, which makes it clear that latter could not have been nested within the former as Di Vita’s drawing suggests. Di Vita seems to recognize the impossibility of this reconstruction as well, but rightly maintains that the dimensions of the Bouleuterion seem to have been dictated in some measure by the dimensions of the Ekklesiasterion. He offers a more reasonable solution: “Ne traggo l’ipotesi che un largo lacerto con i blocchi con la Grande Iscrizione, avanzo dell’edificio circolare, era stato incorporato nel bouleuterion ellenistico” [I derive from this hypothesis that a large percentage of the blocks with the Grand Inscription remaining from the circular building were built into the Hellenistic bouleuterion]. So, while the whole of the Ekklesiasterion could not have been incorporated into the Bouleuterion, it seems likely that the GLC was, including at least two of its elements which are now lost, Course 0 and the section to which Block 43 belonged. Figure 30 provides a few possible reconstructions of how these sections of wall may have been incorporated into the building’s plan.

284 I do not wish to exaggerate the discrepancy between Di Vita’s plan and the archeological realities of the site. However, the first impression his diagram gives is misleading. At any rate, there would be at least .5 to 1 meters of difference between the external diameter of the Ekklesiasterion and the internal diameter of the Bouleuterion.
285 Reproduced from Di Vita 2010: 47, fig. 69.
286 Di Vita 2010: 52.
287 Figure 29 includes a rough illustration of the suggestion made by Di Vita that “forse in uno degli angoli dell’edificio... avesse inglobato il tratto di muro iscritto rimasto in piedi. Poiché la corda fra centro e centro delle pareti dell’edificio quadrate è di m 19, può immaginarsi che l’arco di cerchio con l’iscrizione salvatasi sviluppaces una lunghezza pressoché doppia del testo pervenutoci” [perhaps in one of the corners of the building... the inscribed section of the wall it had incorporated remained standing. Since the chord between the center and the
The End of the Bouleuterion

The end date of the Bouleuterion has been a subject of much debate. One significant factor in the perpetuation of the discussion turns out to be essentially a red herring. Pernier published a pottery fragment from this Hellenistic building with a stamp *in planta pedis* of P. Clodius Proculus\(^{288}\) which, according to Sanders, "is evidence for the continuation of this building into the Augustan period."\(^{289}\) What he means by "continuation" is unclear, but Gorlin interprets this statement to mean that the Hellenistic building was in use until the Augustan period when the Odeion was built over it, and this timeline is ostensibly established by the presence of the P. Clodius Proculus stamp. However, the *Corpus Vasorum Arretinorum* assigns the potter P. Clodius Proculus a date of 40-100 A.D.\(^{290}\) Pernier did not have the benefit of Oxé and Comfort’s exhaustive and systematic study of these stamps, so his dating of the stamped fragment to "the late Hellenistic or Roman period"\(^{291}\) is a forgivable error. Likewise, Gorlin appears to have been dependent on Sanders, and this explains her apparent misunderstanding of the stamp’s evidentiary value. Sanders appears to be simply mistaken, though he correctly cites the stamp as "Oxé-Comfort no.454."\(^{292}\) Of course, the 1968 edition of Oxé and Comfort’s guide to Arretine stamps did not provide dates for P. Clodius Proculus and cited only 66 examples.\(^{293}\) Kenrick’s revision of Oxé-Comfort, published in 2000, has 135 examples, and so perhaps these additional finds helped to establish the potter’s dates. It is impossible to reconstruct Sanders’s reasoning. However, since Pernier did not publish a discussion of the precise context in which

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\(^{288}\) See Pernier 1929: 31.

\(^{289}\) Sanders 1982: 66.

\(^{290}\) Oxé and Comfort 2000: 186.

\(^{291}\) Pernier 1929: 31.

\(^{292}\) Sanders 1982: 66, n.32. Oxé-Comfort 454 is the potter’s designation in the 1968 edition of the *Corpus Vasorum Arretinorum*. In the 2000 edition, revised by Kenrick, P. Clodius Proculus is designated "592."

\(^{293}\) See Oxé and Comfort 1968: 149.
the stamp was discovered, it is of no significant value for the building’s chronology in any case. It should therefore not have played the role in speculation about the Hellenistic building’s dates that it has. Di Vita confirms this point: "In verità il frammento arretino con la firma P. Clodius Proculus non può attribuirsi ad alcuna stratificazione significativa" [In truth the Arretine fragment with the signature of P. Clodius Proculus cannot be attributed to any significant stratified context].

Another problem with determining a terminal date for the building is that the North Wall (West) and the East Wall may have been rebuilt at some point long after the original construction of the Bouleuterion. Di Vita believes that these walls were rebuilt in the Severan period, and while the remains of the North and East Walls do not appear typical of those other parts of the Odeion that Di Vita attributes to a Severan rebuilding in that they are not built with cement, their construction does demonstrate a lack of respect for the inscriptions, which are placed upside down, out of order, and so on, that suggests a late date. The North Wall (East), on the other hand, is constructed in a very regular pseudo-isodomic style for at least the lowermost four of the six preserved courses and lacks any re-used inscribed blocks, which indicates that it may have come down to us virtually unchanged.

Pernier makes an argument for the terminal date of the Bouleuterion based upon a graffito found incised into the top step of the building’s western entrance. Di Vita accepts Pernier’s argument and presents this evidence as conclusive: "L’edificio andò distrutto al più presto solo verso la metà del I sec. a.C., come provano le quattro lettere incise sul primo scalino dell’ingresso occidentale, sia che esse siano iniziali o meno del nome Panafr̄es, Πανάφρης, il ‘pirata’ cretese che combattè i Romani tra il 74 e il 67 a.C.” [The building was destroyed no

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294 Di Vita 2010: 158, n. 343.
295 Di Vita 2010: 118.
296 Pernier 1929: 30-31, n.1.
earlier than towards the middle of the first century B.C., as evidenced by the four letters inscribed on the top step of the west entrance, which are the initials or part of the name Pana[res], the Cretan ‘pirate’ who fought the Romans between 74 and 67 B.C.\textsuperscript{297} Pernier and Di Vita’s dating of this graffito is supported to some degree by its use of the broken-bar alpha (see Figure 31).\textsuperscript{298} Di Vita, then, believes that the Bouleuterion was destroyed sometime between ca. 50 B.C. and the construction of the Odeion in the Augustan period. He does, however, raise the possibility, also supported by Meinel, that rather than being dismantled and replaced by the later Roman Odeion, the Hellenistic Bouleuterion may have come to be called, and perhaps used as, an odeion with few if any structural changes. Gorlin provides some additional argumentation in favor of this position. She writes, ‘Indeed, we have records of bouleuteria being used for non-political purposes such as oratorical competitions, and the conversion of a bouleuterion to an odeion by the addition of a stage was not an uncommon development.’\textsuperscript{299} Meinel’s argument hinges on his interpretation of IC.IV.331, an inscription stating that Trajan rebuilt the odeion of Gortyn. Meinel notes ‘\textit{la difficulté ressentie, dans un texte latin, à characteriser le lieu de réunion d’une assemblée municipale grecque que l’on n’osait officiellement appeler curie}’ [the difficulty experienced, in a Latin text, in characterizing the meeting place of a Greek municipal assembly which one dared not officially term a council].\textsuperscript{300} Meinel supposes that the reference to an odeion in the record of Trajan’s rebuilding may not be using the term in a typological sense but only to roughly describe its form and function.\textsuperscript{301} Di Vita calls this ‘\textit{un’ipotesi cui non mi è

\begin{footnotes}
\footnote{Di Vita 2010: 51.}
\footnote{Reproduced from Pernier 1929: 31.}
\footnote{Gorlin 1991: 15.}
\footnote{Meinel 1980: 184-85.}
\footnote{Di Vita 2010: 56, n.159.}
\end{footnotes}
facile associarmi” [a hypothesis which is not easy for me to endorse]. To understand why, we must turn to the evidence for the Roman Odeion.

The Roman Odeion

The Odeion at Gortyn is a structure of the Roman period that went through several phases of building. It occupies the same site in the agora as the earlier Bouleuterion and Ekklesiasterion, and the GLC from the Ekklesiasterion and the North and East Walls from the Bouleuterion (which contain reused inscribed blocks from the Archaic or early Classical temple or shrine from the agora) were reused in its construction. Prior to Di Vita’s recent excavations, the Odeion was believed to have been constructed in the Augustan period, destroyed in the first century A.D., and rebuilt by Trajan. Di Vita accepts this series of events but believes that the Odeion was destroyed again and underwent a second major rebuilding in the late Antonine or Severan period. However, Di Vita’s insistence on not one but two major renovations during the second and third centuries A.D. leaves little evidence for an Augustan Odeion. It is now doubtful whether any such building existed, and the hypothesis that the building renovated by Trajan was, in fact, essentially the Hellenistic Bouleuterion, perhaps incorporating a few minor Augustan modifications, seems to be at least as consistent with the evidence as Pernier’s traditional account.

The perimeter wall of the Odeion is curved from east to west, consisting of approximately 240° of the circumference of a circle with a diameter of 32.5m (see Figure 8). The curved wall is roughly two meters thick for most of its length. On the south side, the perimeter wall is straight, oriented on the same axis as the scaena and pulpitum. A row of brick piers inside

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302 ibid.
the perimeter wall marks the separation between what were two vaulted passageways, an outer passageway into which opened the vomitoria located at the northwest and northeast, and an inner passageway, which supported the cavea. The GLC was incorporated into the perimeter wall on its southern face within the outer passageway on the northwest side. The North and East Walls of the earlier Bouleuterion were incorporated as terrace walls outside the circular perimeter wall. See Figure 32 for a restored plan of the Odeion.

**The Odeion before Di Vita**

Gorlin speaks for herself, Sanders, Pernier, and most scholars who studied the Odeion before Di Vita when she writes, “Archaeological excavations carried out on the building and inscriptional evidence have shown two building periods: initial construction of the odeion in the 1st c. B.C, and a rebuilding by Trajan in c. 100 A.D.” The first-century B.C. date for the original construction of the building was narrowed by Sanders to the Augustan period. He writes, “The *opus quadratum* work probably dates to the original Augustan building.” The *opus quadratum* work to which he refers is best preserved in the eastern side of the Odeion’s perimeter wall (See Figure 33). Similarly, according to Pernier only the circular wall defining the perimeter of the cavea and the external rectilinear walls framing it can be said to have certainly belonged to the Augustan construction. These are the same walls which provide our best examples of *opus quadratum* in the Odeion. The original construction of the building is supposed to have taken place shortly after the formation in 27 B.C. of the joint province of Crete

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304 Augustus reigned from 27 B.C. to 14 A.D. Sanders is not, I believe, intentionally complicating the dating of the Odeion by suggesting that it might belong to the early years of the first century A.D., which are included in the —Augustan” period (Sanders 1982: 65-66). I take Sanders to mean that the first phase of the Odeion belonged to the first quarter century or so of Augustus’ reign in the first century B.C.  
305 Sanders 1982: 66.  
306 Reproduced from Di Vita 2010: 115, fig. 148.  
307 Pernier 1929: 51. “Dall’esame delle varie strutture dell’edificio risulta che all’odeum pretraiano si potrebbero attribuire con certezza soltanto i resti del muro circolare e dei suoi paramenti esterni rettilinei” (ibid.).
and Cyrene of which Gortyn was named the capital.\textsuperscript{308} Notwithstanding his architectural
argument, however, Sanders acknowledges that the main evidence for the first-century B.C.
construction of the Odeion \textit{is} that the [GLC bears] letters of 1ce BC form presumably to indicate
their order when it was moved."\textsuperscript{309}

As previously discussed, there are two series of numerals inscribed in the margins of the
text of the GLC which several scholars have attributed to the first century B.C. Determining the
rationale for the use of two series of numerals was a major concern of Keyser's 1987 study. He
writes, \textit{A plausible reconstruction of the odd and otherwise unexplained double numeration of
these stones is that the stones were first numbered in the natural linear fashion, but that just
before actual disassembly was to take place, it was realised that a planar (two-coordinate)
numbering was needed.}\textsuperscript{310} He notes that the column-row numerals are less deeply incised and
that this series contains more letter-cutters' errors, which suggests that they were cut in haste, a
fact that he believes corroborates his reconstruction.\textsuperscript{311}

There are several issues worth noting in Keyser's argument regarding the dates of the
block numerals and column-row numerals relative to one another. First, the difference between
the two series is not merely a difference of multiple letter-cutters' individual styles. This much is
clear from the fact that the two series contradict one another with regard to the disposition of the
builders toward the missing fifth course. The column-row numerals include this course, while the

\textsuperscript{308} See Gorlin 1991: 17.
\textsuperscript{309} Sanders 1981: 66. Sanders adds as another major piece of evidence, \textit{that the blocks [of the inscription] rest on
smaller ones of a different style from the Hellenistic walls} \textit{(ibid.).} Unfortunately, it is unclear whether Sanders
means that the smaller blocks are of a different style from the blocks of the inscription and originally belonged to the
Hellenistic walls or that the smaller blocks are of a different style from the blocks of the Hellenistic walls. Adding
insult to injury, the sentence which follows and which intends to provide context is equally ambiguous: \textit{These were
reused in the main entrances...} \textit{(ibid.).} Again, it is unclear whether the antecedent of \textit{these} is the blocks of the
inscription, the smaller blocks, or the blocks of the Hellenistic walls. At any rate, no possible construction of
Sanders's language would seem to provide any significant evidence for the date of the building, since it seems only
to indicate that the construction of the GLC occurred during the Roman period and after the destruction of the
Hellenistic Bouleuterion, facts which are easily established by other means.
\textsuperscript{310} Keyser 1987: 290.
\textsuperscript{311} Keyser 1987: 289-90.
Keyser, who implicitly assumes that the blocks were disassembled and reassembled only once, must account for this contradiction. His reconstructed scenario for the numbering of the blocks, however, serves only to deepen its mystery. According to Keyser, the builders had originally intended not to include the fifth course because it is not counted by the block numerals, which Keyser believes were inscribed first. The builders had changed their minds by the time the column-row numerals were carved, now intending to include the fifth course in their rebuilding of the GLC. But they reversed this decision again when it came to the actual reassembly of the wall, and did not include the fifth course in the final construction. Keyser’s imagined builders are simply too vacillating to provide a convincing narrative of the numbering’s history.

Furthermore, his theory that the builders renumbered the blocks after they realized that a sequential numbering would not provide enough information to facilitate the wall’s reassembly in the proper order is fundamentally flawed. Simply put, a planar system of numbering is not necessary in order to place the blocks in the correct order. As long as the simple rule of numbering right to left along the rows is followed, then the change in block height at the end of a row is an obvious indicator that the next row has begun, and the next block should be placed at the right end of the wall. The columns of the GLC in tandem with the block numerals would have been perfectly sufficient to enable the proper reassembly of the blocks. But if the planar system was not an afterthought that corrected for the inadequacy of the previous system, what purpose did it serve? I would suggest that the column-row numerals were, in fact, the first series of numerals inscribed. This order would explain the contradiction between the two series in such a way as to postulate only a single change of mind on the part of the builders, since the appearance of the reassembled wall would be consistent with the final form its numbering took,

312 Keyser’s assumption is probably inaccurate; see pgs. 80-81 below.
the block numerals. The decision to exclude the fifth course from the reassembled wall may have motivated the inscribing of the second set of numerals.\textsuperscript{313} Alternatively, as Keyser observes, the column-row series of numerals features numerous letter-cutters’ errors,\textsuperscript{314} and the addition of the block numerals may have been partially motivated by a desire to emend the numbering. The single use of an iota with serif in a column-row numeral on Block 23 might therefore be interpreted as a correction added by this later letter-cutter. As to the apparently greater care shown in the engraving of the block numerals, this would arguably be more appropriate to the second series of numerals inscribed than the first. Carving the block numerals more deeply and elaborating them with serifs could be an attempt by the letter-cutter to make the correct series to be followed by the masons charged with the wall’s reconstruction more obvious.

However, the inscription of the numerals –AI-E” on the block from the missing fifth course does seem to suggest that this course was intended at one point to be included in its proper location below Course 1. What happened to these missing blocks? The blocks of the fifth course may have been inscribed by the first century B.C. rebuilders, but then discarded for reasons unknown after the wall was disassembled. This scenario is consistent with Pernier’s opinion that the GLC was rebuilt in its present form in the first century B.C. Alternatively, the first century B.C. rebuilders may have rebuilt the wall with the missing fifth course in its proper location, but, \textit{contra} Pernier and Gorlin, the wall later collapsed, and the fifth course may have been discarded by the Trajanic renovators of the Odeion. A similar argument could be made about the missing section of the GLC to which Block 43 belonged. The blocks of this section of wall may have been included in the Augustan Odeion, but discarded by the Trajanic renovators,

\textsuperscript{313} There are many possibilities as to why the letter-cutter may have chosen to add the block numerals to the GLC, but the fact that these numbers expressly exclude the wall’s lowest course and seem to function as a correction of the column-row numerals in this regard suggests a connection between the builders’ apparent change of mind and the addition of the block numerals.

\textsuperscript{314} See Figure 18 for a complete list of the letter-cutter’s errors, reproduced from Keyser 1987: 289-90.
perhaps because they were too severely damaged to be reused. If the Augustan Odeion was actually a the slightly modified version of the preceding Hellenistic Bouleuterion, then the numerals might have been carved roughly contemporaneously as Keyser suggested, with a change of plans regarding the wall’s design dictating the changes in the numbering prior to the wall’s reassembly. Alternatively, Di Vita’s Antonine-Severan reconstruction (see –Di Vita’s Revision of the Odeion’s Chronology” below) provides another occasion for when the blocks might have been renumbered.

Unlike the Augustan phase of the Odeion for which we must rely on rather hazy assessments of construction methods and letter-forms, the Trajanic rebuilding of the Odeion is documented by an inscription from the site. IC.IV.331 records that Trajan –eivitati Gortyniorum / Odeum ruina conlapsum restituit” [–restored to the city of the Gortynians the odeion having fallen into ruin”]. See Figure 35 for a photograph of the inscription.315 This renovation is datable by Trajan’s terms as tribune and consul (recorded in the inscription) to 100 A.D. Gorlin believes, –The words “ruina conlapsa‘ [sic] in the Trajanic inscription imply that not much of the original odeion was left at the time of the rebuilding… The destruction may have been due to the earthquake of 66 A.D.”316 Pernier believed that all the internal features of the building probably belonged to the Trajanic phase: –Tutte le parti interne, compreso l’edificio della scena, sarebbero dovute al rifacimento dell’epoca di Traiano” [All internal parts, including the building of the stage, were attributable to the rebuilding of the time of Trajan].317 Sanders also identifies portions of the extant walls as belonging to the Trajanic rebuilding of the Odeion: –But much of the structure as it is now visible, including the arcade, is in brick-faced concrete which probably

315 Di Vita 2010: 47, Fig. 68.
316 Gorlin 1991: 17-18. Gorlin misquotes the inscription. She writes, –ruina conlapsa,” while the inscription actually reads –ruina colapsum.” On page 16, she also mistranslates the phrase as –collapsed ruins” as if the two words agree (as they do appear to do in her misquotation).
317 Pernier 1929: 51.
dates to AD 100. This distinction is probably the same one made by Pernier when he attributed the external parts of the Odeion’s architecture, the circular perimeter wall of the cavea and the external rectilinear footprint of the whole, to the pre-Trajanic phase of the Odeion and the internal architecture to the Trajanic renovation, since it is portions of the external walls that are constructed in the *opus quadratum* style, while the brick and concrete work is characteristic of the internal architecture.

**Di Vita’s Revision of the Odeion’s Architectural History**

Di Vita conducted new excavations at Gortyn in 1997 and 2004, which resulted in his revising the traditional understanding of the Odeion’s development. His central conclusion is that “*il monumento come lo vediamo oggi è il frutto di larghissimi, ripetuti restauri*” [the building as we see it today is the result of very large, repeated restorations]. Although he accepts the Augustan date of the building’s original construction (“*It is one of the monuments built roughly around the same time as the creation of the province of Crete and Cyrene*”), he rejects the clear two-phase progression from original Augustan building to Trajanic renovation favored by his predecessors. Though he agrees that the Odeion was first constructed toward the end of the first century B.C. and later renovated during the reign of Trajan, Di Vita also adds a third building phase in the Severan period, when he believes that the Odeion was rebuilt once again. He writes, “*This first Augustan-Trajanic Odeion is not the monument which has come down to us. In fact, between the last quarter of the second century and the beginning of the third, apparently*

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320 Di Vita 2010: 112.
321 “*Esso rientra tra i monumenti realizzati all’incirca contemporaneamente alla creazione della provincia di Creta e Cirene*” (Di Vita 2010: 108-110.).
322 Di Vita attributes very few specific and no important alterations to the possible late fourth century renovation mentioned in the preceding note. For example, Pernier identified some very late changes to the stage area of the Odeion as Byzantine, but Di Vita argues that they were part of the renovation of the late fourth century, perhaps after the building was damaged by an earthquake in 365 A.D. (Di Vita 2010: 112.).
after a further destruction—an earthquake hits Gortina for certain, and perhaps all of central Crete, in the age of Marcus Aurelius…it appears to have been redone from top to bottom.”\textsuperscript{323} In all, Di Vita believes that the Odeion was largely rebuilt in the Trajanic period, then between the end of second and third centuries A.D., and probably in the late fourth.”\textsuperscript{324}

Di Vita's belief that the Odeion was rebuilt “from top to bottom” in the Antonine-Severan period means that he reassigns elements of the architecture that previously were identified as Augustan or Trajanic to this later phase, including the so-called opus quadratum section of the perimeter wall and the brick piers. He writes, “To the Late Antonine or Severan period in fact can be dated not only the brick pillars that we see today separating the two passageways and the front of the pulpitum in brick, but also much of the outer perimeter ring wall, the one featuring the opus listata [Di Vita’s reclassification of the opus quadratum indentified as Augustan by Pernier and Sanders] that we know was widely used in Gortina precisely in that period.”\textsuperscript{325} As previously discussed, the only remaining evidence proposed for an Augustan building, the letter-forms of the numerals, are flexible enough in their dating that they could date as late as 100 A.D.,\textsuperscript{326} and, therefore, could belong to the Trajanic renovation. It would seem, then, that there is no solid evidence for an Augustan Odeion at all.

However, Di Vita argues that there is one architectural feature that provides clear evidence for an Augustan date by identifying a portion of the vault which supported the cavea as

\textsuperscript{323} Questo primo Odeion augusteo-traianeo non è però il monumento pervenuto fino a noi. Infatti tra l’ultimo quarto del II secolo e gli inizi del III, evidentemente dopo un’ulteriore ruina—un terremoto colpì di sicuro Gortina, e forse tutta la Creta centrale, nell’età di Marco Aurelio… appare essere stato rifatto da cima a fondo” (Di Vita 2010: 115.).

\textsuperscript{324} Anche se l’Odeion visse a lungo, giacché fu largamente rifatto in età traianea, poi fra fine II e III sec. D.C., e probabilmente ancora nel tardo IV” (Di Vita 2010: 108-110.).

\textsuperscript{325} Ad età tardoantonina-severiana infatti vanno datati non solo i pilastri in laterizio che oggi vediamo separare i due ambulacri e la fronte del pulpitum in mattoni, ma anche gran parte del perimetro anulare esterno, quella che presenta un’opera listata che sappiamo largamente impiegata a Gortina appunto in quel periodo” (Di Vita 2010: 115.).

\textsuperscript{326} See “Numerals” pg. 22 above.
evidence for the Odeion’s original construction in the first century B.C. He writes, “To the original Augustan structure is attributed, however, in my opinion the unique technique of building the springing vault of the inner passageway which previously were the lowest tiers of the maenianum with massive limestone blocks, shaped like inverted T’s or double-T’s, so as to provide either a supporting surface or a deep recess so that side to side they were supported by indentations of the thick slabs of limestone.” He explains, “The blocks constituted many ribs of a wall that sloped up to support the wall which formed in the earliest phase of the Odeion the inner ring of the building, a technique to make the vault without a lot of parallels in Roman architecture, which is explained in our case by the traditional sophisticated style of work in blocks not yet supplanted by the more durable and easier to use Italo-Roman cement work.” However, Di Vita misunderstands the significance of this style of vault. Its construction hardly reflects a lack of experience with vaulting but actually betrays the builders’ sophistication. The ribs served as centering for the arches of slabs in between when the vault was being constructed. This is a very rare construction method, the principal (and perhaps only substantial) parallel being a vault in the “Temple of Diana” at Nimês. Adam describes this technique: “The architect who built the “Temple of Diana” at Nimês devised a method of separating each section by an equal gap; the arches already in place then acted as centering and slabs were positioned in the gaps to finish the structure.” He explains further, “Rib arches with lateral supporting

327 Alla struttura originaria augustea va attribuita invece a mio avviso la singolare maniera di rendere la volta rampante dell’ambulacro interno su cui gravavano le gradinate del meniano più basso con possenti conci calcarei sagomati a T rovesciato o anche a doppio T, si da presentare o un piano di appoggio o un profondo incasso laterale per parte in cui venivano appoggiato o indentate delle spesse lastre di calcare” (Di Vita 2010: 114).

328 I blocchi costituivano tante nervature di una parete che saliva inclinata fino a posare sul muro che costituì nella più antica fase dell’Odeion l’anello interno dell’edificio, una tecnica di rendere la volta senza molti confronti nell’architettura di età romana, che si spiega nel nostro caso con la tradizionale raffinata maniera di lavorare a blocchi non ancora soppianta dall’opera cementizia italico-romana più duratura e di più semplice utilizzazione” (Di Vita 2010: 114.).

329 Adam 1994: 419. See Figure 35, a detail of the vault from the “Temple of Diana” at Nimês. Notice how the interlocking of the arches has prevented the vault from collapsing.
projections were constructed on a centring. The slabs of the infilling were then simply put in position by lifting gear."\(^{330}\) The principal aim of this method of construction is to reduce the amount of wood used for centering and to speed up construction, though the ribs do make the wall stronger. However, scholars have traditionally assigned the only notable parallel for this building method, the "Temple of Diana" at Nimêš, a date in the second century A.D.\(^{331}\) It therefore seems more likely that this unusual vault dates to the Trajanean renovation than to a hypothetical Augustan predecessor, with the consequence that the evidence for this Augustan building is once again reduced to essentially nothing.

How does Di Vita’s revision of the Odeion’s history relate to the GLC? According to Di Vita, "In the Antonine-Severan period, the Great Inscription, which collapsed with the Augustan-Trajanean Odeion—destroying a large part of the missing bottom row and the rows to which Block 43 belonged …—was reassembled for the *third time* in rows and blocks that were still connected according to the numbering that they already bore."\(^{332}\) That the GLC was not put into its present position in the first century B.C. but in the third century A.D. substantially undermines Gorlin’s thesis that the Roman reconstruction of the GLC as we see it today constituted an =official republication.” Di Vita writes, "It is not possible to adhere to the idea that this was an official republication of a text which, moreover, would have retained its legal status."\(^{333}\) He cites additional reasons for rejecting Gorlin’s thesis, other than the lateness of the

\(^{330}\) Adam 1994: 421.

\(^{331}\) Grenier 1960: 502-506.

\(^{332}\) "In età antonino-severiana la Grande Iscrizione, crollata con l’Odeion augusteo-traiano e andata distrutta per una parte certo cospicua—disperse il filare di base e i filari di cui facevano parte il blocco 43… —fu rimontata per la terza volta nei filari e nei blocchi che erano ancora in connessione secondo la numerazione che già portavano.” (Di Vita 2010: 118.).

\(^{333}\) "Non è possibile aderire all’idea che si sia trattato di una ripubblicazione ufficiale di un testo che per di più avrebbe conservato tutto il suo valore legale” (Di Vita 2010: 119.).
renovation, including the inscription’s lack of legibility in the dark, vaulted, semi-subterranean passageway in which it was ultimately reinstalled.\textsuperscript{334}

**Conclusion**

Of the two main views expressed by scholars regarding the development of the architecture at the *agora* at Gortyn, Di Vita’s is by far the more compelling. Where Gorlin, Sanders, and Guarducci had only the data from the excavations at the turn of the twentieth century to rely on, Di Vita incorporates new findings from his own excavations at Gortyn to assemble a new reconstruction of the architectural history at Gortyn.

Both schools of thought agree that the *agora* where the Odeion is now located became a site of importance in the late sixth century B.C. But where previous scholarship asserted that a rectangular stoa was the first building to be constructed on that site, Di Vita dissents by assigning a much later date to the stoa. He begins his chronology with what previous scholarship identified as the second period of construction in the *agora*, that is, a pair of buildings of which one was round and the other rectangular. The latter he identifies as a shrine, while for the former he adopts the somewhat controversial theory first proposed by Guarducci that it was a large circular portico displaying the inscribed GLC on its interior wall surface, a building that Di Vita refers to as the Ekklesiasterion. Despite Gorlin’s skepticism on the subject, it is clear that there is an analogous and roughly contemporary structure for Guarducci’s and Di Vita’s Ekklesiasterion known from Metaponto. Thus a building such as that proposed by Guarducci remains the most likely option for the GLC’s initial location.

In addition to the GLC, the North and East Walls found by the first excavators at Gortyn must also be accounted for, and an account provided for how the GLC was transmitted through

\textsuperscript{334} Di Vita 2010: 119.
the building to which these walls belonged to its final location in the structure of the Roman Odeion. Though some questions remain as to the shape and function of this second-stage building, it is generally agreed to date to the fourth or third century B.C., to have been rectangular in plan, and to have served as a bouleuterion, the term routinely used to describe it. Di Vita’s argument that the GLC must have been incorporated into the Bouleuterion is plausible and must suffice in the absence of clearer and more compelling evidence for alternative arrangements.

Though Di Vita adds a third stage of Roman rebuilding in the Severan period to his predecessors’ account of an Augustan building and Trajanic rebuilding of the Odeion, he nevertheless continues to date the initial construction of the Odeion to the last quarter of the first century B.C. Both Gorlin and Di Vita acknowledge the possibility that the Hellenistic Bouleuterion might not have been destroyed before the Roman conquest and the subsequent creation of the Imperial province of Crete and Cyrene but rather might gradually have come to be used as an odeion. Yet both reject this hypothesis in favor of a destruction of the Bouleuterion in late Hellenistic times and an initial construction of the Roman Odeion in the last quarter of the first century B.C. The evidence for such an early date for a freshly built Roman Odeion is tenuous at best. Di Vita retains this stage, however, because he assigns the stone vaulting undergirding the cavea of the Odeion to the Augustan period. In view of the late date of this vaulting’s only persuasive parallel in the Temple of Diana at Nimês, I believe that it is more consistent with the evidence to reject an Augustan stage of construction altogether and to postulate that the Hellenistic Bouleuterion was gradually converted into an odeion and functioned as such before its destruction and complete restoration during the Trajanic period.
Chapter 4: Conclusions

The intent of this project was to investigate whether any connections or comparisons can be drawn between the content of the Gortyn Laws, the socio-political structure which they both reflect and shape, and the manner of their original architectural display. Another aim was to examine how the significance of the Code evolved, and to explore to what degree its political significance can be determined through the evolution of its architectural display.

In Gortyn, the emergence of legal institutions and the formation of the citizenry as defined in opposition to those who were not citizens were parts of a process of accommodation that was related to that of synoecism. The peaceful coexistence of members of the ruling class who previously enjoyed autonomy and uncontested leadership in smaller settlements required that elite competition be regulated through state authority. This culminated in the formulation of laws for the community. According to Whitley, “Public [legal] inscriptions… put a lid on the potentially disruptive social effects of extreme aristocratic competition—not by abolishing competition (that would be impossible), but by refusing to validate its material and cultural expression.” Other forms of accommodation also contributed to the polis’s stability. These include institutions like new cults and syssitia. By defining themselves as an elite population and ruling class over and against the non-citizen and slave elements of the settlement’s population, the social elite formed for themselves a common identity preserving their former privilege while allowing for equality among peers.

In addition to laws regulating elite competition, the law formalized and crystallized the hegemony of the citizenry and legalized the oppression and exclusion of the non-citizen, non-free population. Perlman writes, “There is still a widespread view that the creation of written law

335 Whitley 2005: 50.
represents progress of a kind, and that the writing down of laws was a catalyst, if not a cause, for the development of a more equitable social order… [But] few now believe that written law developed simply in order to curb the arbitrary power of magistrates or lords in aristocratic states.”

Through the publication by carving and public display of written laws, the non-citizen and slave became subject not merely to the personal power of their masters, but also to a state in which they lacked representation and political power of any kind. The backing of state authority legitimized the traditional hierarchies of master over slave, husband over wife, and rich over poor.

The Ekklesiasterion’s form embodies these very important distinctions between how classes are defined and treated by the law. Its circular plan symbolizes the equality and community of the assembly of citizens, but from this circle of equality were excluded the non-citizens, slaves, and women of the polis who were not part of the assembly. The situation of the law on the interior walls of the building signifies its application to the gathered citizens, from which position the law overlooks and supervises the activity of the state and its citizens. However, it equally defines and regulates the status and condition of those who are denied access to it by their exclusion from the assembly. Whitley points out that,

Not being able to read its specific terms, an unfree or only partially free Gortynian… could not notice the disparity between the punishment that would be meted out to him, were he to commit adultery or rape, and the punishment that a free man would receive. He would not be able to criticize the fact that offenses to him would, under the law, receive only a small recompense. He would not be able to notice that the spirit of the code would be well represented by the adage that some men are equal, but some are much more equal than others.

In these ways, the non-citizens, slaves, and women of the polis are both under the law and yet outside the law (in a state of exclusion if not of exception).

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336 Perlman 2002: 639.
337 Whitley 1997: 661.
For instance, women in particular were assigned a place both within and outside of the structure of the law. As citizens, they enjoyed certain rights and privileges not afforded to the slave classes, but as women, their status was afforded to them by laws which they did not have a direct influence in shaping. While it is unclear to what degree women might have had an indirect influence on the legal development of the *polis*, their position with respect to the law was still one of being legislated upon, in contradiction to their status as citizens. In this respect, female citizens were both inside and outside the ruling class in the same way that the wife and mother both belongs to and is separate from the *oikos*: her property rights are retained only insofar as her property remains separate from the commonly held property of the *oikos*, which neither wives nor mothers could inherit.

The power of the male citizens, then, was strengthened by the law. But this communal masculine power is different from the male citizen’s power as an individual, which was decreased by the shift towards collective state power. The extent of the individual’s property was restricted by the strict limits placed upon division of inherited estates. In this way the privilege of citizenry came at a price, and yet it remained highly desirable to be an insider rather than an outsider.

The manner of the GLC’s display in later phases of the architectural development of the *agora* reflects changes in its political and social relevance. By the Roman period, when the GLC was incorporated into the Odeion inside a dark, practically subterranean passageway where it might be viewed by curious spectators who were probably unable to read the letters and who would have lacked any sort of sociopolitical context for the content of the document even had they been able to read it, the GLC is purely an artifact. The discarding of large portions of the material during successive rebuildings is further evidence of the Code’s continuing but ever
declining significance as a historical relic in the later phases of its display. This process culminated with the defacement of the molding in the Byzantine period when the GLC was probably one wall of an underground storeroom.

Just as in antiquity the GLC was gradually broken up, such that what comes down to us is but a fragment of a fragment, so the initial assessment of its importance and integrity have been chipped away at by over a century of study. The GLC has proved less successful at maintaining its reputation as “the Queen of Inscriptions” than it ever was at preserving the klaroi of its drafters. But while the most recent scholarship, especially Di Vita’s contributions, have acknowledged the fragmentation of the Code evidenced by Blocks 43 and AI-E, they have stopped short of criticizing the Code’s importance at its earliest stage. However, the presence of the Second Code and the other roughly contemporary legal inscriptions from the agora do indicate that the GLC was far from unique in terms of its legal significance. The conversation surrounding the monument’s significance needs to shift away from its relevance to the polis as a whole to interrogate its relationship to the social elite whom it benefited and for whom it was an important symbol of unity and strength.
Bibliography


# Text and Translation of the Gortynian Law Code


## Symbols Used in the Text

- `[αβγδ]` enclose letters believed to have been originally engraved, but now lost or illegible.
- `<αβγδ>` enclose letters accidentally omitted by the engraver.
- `[αβγδ]` enclose letters accidentally added by the engraver.
- `(αβγδ)` enclose letters for which the engraver wrongly substituted other letters, or letters added to complete an abbreviated form.
- `⋯⋯γδ` Dots placed under letters indicate that parts of the letters are lost or illegible.
- ⋯⋯ represent lost letters whose number seems to be certain.
- ⋯⋯ represent an uncertain number of lost letters.
- | for the beginning of a new line in the original.
- || for the beginning of every fifth line in the original.

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Gods!

Whosoever may be likely to contend about a free man or a slave is not to seize him before trial. But if he make seizure, let (the judge) condemn him to a fine of ten staters for a free man, five for a slave of whomsoever he does seize and let him give judgment that he release him within three days; but if he do not release him, let (the judge) condemn him to a fine of a stater for a free man and a drachma for a slave, for each day until he do release him; and the judge is to decide on oath as to the time; but if he should deny the seizure, unless a witness should testify, the judge is to decide on oath. And if one party contend that he is a free man, the other party that he is a slave, whichever persons testify that he is a free man are to prevail. And if they contend about a slave, each declaring that he is his, the judge is to give judgment according to the witness if a witness testify, but he is to decide on oath if they testify either for both or for neither. After the one in possession has been defeated, he is to release the free man within five days and give back the slave in hand; but if he should not release or give back, let (the judge) give judgment that the (successful party) be entitled, in the case of the free man to fifty staters and a stater for each day until he releases him, in the case of the slave ten staters and a drachma for each day until he gives him back in hand; but at a year's end after the judge has pronounced judgment, the three-fold fines are to be exacted, or less, but not more. As to the time the judge shall decide under oath; but if the slave on whose account a man has been defeated take sanctuary in a temple, (the defeated party) summoning (the successful party) in the presence of two free adult witnesses, shall point him out at the temple where he takes refuge, either himself or another for him; and if he do not summon or point out, let him pay what is written; but if he should not give him back at all within the yearly period, he shall in addition pay the single penalties. If he (the defeated party) die while the suit is being tried, he shall pay the single penalty. And if one who is kosmos make a seizure or another (seize the slave) of one who is kosmos, they are to contend after he resigns, and, if defeated, he shall pay what is written from the day he made the seizure. But one who seizes a man

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4 Quatam litteram lapidariu primum T inciderat, unde A corretit.
6 ἄννις F, acc. B: ἄνι μ C. ἰγίς(τ) F C
15 ἐλέαθο(s) F, acc. F C
16 άπλος F
17 (ἔτος) B: ἔτος C. (στότος?) F Ελέαθος F
19—20 φανοντος, Ἐνα Ελέαθος F, γαἰς F
27 χρανε (χρανε) F C. F al.
29 πολε [‘βριγεν’ Bau Mei

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condemned (for debt) or who has mortgaged his person shall be immune from punishment. If a person commits rape on the free man or the free woman, he shall pay one hundred staters; and if on account of an apetairos, ten; and if the slave on the free man or the free woman, he shall pay double; and if a free man on a male serf or a female serf, five drachmas; and if a male serf on a male serf or female serf, five staters. If a person should forcibly seduce a slave belonging to the home, he shall pay two staters; but if she has already been seduced, one obol by day, but if in the night, two obols; and the slave shall have preference in the oath. If someone attempt to have intercourse with a free woman who is under the guardianship of a relative, he shall pay ten staters if a witness should testify. If someone be taken in adultery with a free woman in a father’s, brother’s or the husband’s house, he shall pay a hundred staters; but if in another’s fifty; and if with the wife of an apetairos, ten; but if a slave with a free woman, he shall pay double; and if a slave with a slave, five. Let (the captor) proclaim in the presence of three witnesses to the relatives of the one caught in (the house) that he is to be ransomed within five days; and to the master of the slave in the presence of two witnesses; but if he should not be ransomed himself, it is to be within the power of the captors to deal with him as they may wish; but if anyone should declare that he has been taken by subterfuge, the captor is to swear, in a case involving fifty staters or more, with four others, each calling down solemn curses upon himself, and in the case of an apetairos with two others, and in the case of a serf the master and one other, that he took him in adultery and not by subterfuge. And if a husband and wife should be divorced, she is to have her own property which she came with to her husband and half of the produce, if there be any from her own property, and half of whatever she has woven within, whatever there may be, plus five staters if the husband be the cause of the divorce; but if the husband should declare that he is not the cause, the judge is to decide on oath. And if
she should carry away anything else belonging to the husband, she shall pay five staters and whatever she may carry away; and let her restore whatever she may have filched; but as regards things which she denies (the judge) shall decree that the woman take an oath of denial by Artemis, before the statue of the Archedes in the Amykleian temple. And whatever anyone may take away from her after she has made her oath of denial, he shall pay the thing itself plus five staters. If a stranger should help her in packing off, he shall pay ten staters and double the value of whatever the judge swears he helped to pack off. If a man die leaving children, should the wife so desire, she may marry, holding her own property and whatever her husband might have given her according to what is written, in the presence of three adult free witnesses; but if she should take away anything belonging to the children, that becomes a matter for trial. And if he should leave her childless, she is to have her own property and half of whatever she has won within and obtain her portion of the produce that is in the house along with the lawful heirs as well as whatever her husband may have given her as is written; but if she should take away anything else, that becomes a matter for trial. And if a wife should die childless, (the husband) is to return her property to the lawful heirs and the half of whatever she has won within and half of the produce, if it be from her own property. If the husband or wife wish to make payments for porterage, (these should be) either clothing or twelve staters or something of the value of twelve staters, but not more. If a female serf be separated from a serf while he is alive or in case of his death, she is to have her own property; but if she should carry away anything else, that becomes a matter for trial. If a wife who is separated (by divorce) should bear a child, (they are) to bring it to the husband at his house in the presence of three witnesses; and if he should not receive it, the child shall be in the mother’s power either to rear or expose; and the relatives and witnesses shall have preference in the oath as to whether they brought it. And if a female serf should bear a child while separated, (they are) to bring it to the master of the man who married her in the presence of two witnesses.  

Col. III ὅμιοντα κρίνειν. αἱ δὲ τὰ ἄλλα τὸ πέρα τὸ ἀνδρὸς, πέντε στατηρίων καταστασις κάθιντα καὶ πέρα τῶν αὐτῶν, καὶ μᾶλλον ἔλλα ἀποθάνον αὐτῶν. δὲν δὲ γὰρ ἐκοιμάστηκα δυσάκεια τε- ἀν γεναι ἀπόκρυψαι τὸν Ἀρ- τεμὺν πάρ Ἀμυκλαίαν πάρ τὰν Τοσκίαν. δεῖ δὲ τὶς ἀποκρυ- 

5 σῖναι παρέλθην, πέντε στατη- 

10 ἐρίους καταστασις καὶ τὸ κρι- 

15 τῶν αὐτῶν. αἱ δὲ καὶ ἀττεκνὸν 

20 κατατείτισθαι, τὰ τὰ διὰ αὐτῶν ἐξε- 

25 νοῦν καὶ καὶ τὸ κακόν, αἱ τι ἐς 

30 ἑπιβάλλον ἀποθάνον αὐτῶν 

35 καὶ τὸ κακόν, αἱ τι ἐς 

40 τὸν Ἅρτεμίαν, τὸν ἔμειν- 

45 δὲν καὶ καὶ δικαίως αὐτήν ἐκ- 

50 τῆς αὐτής ἐπίδειξαν ἀνθρώπων μόρον ἡμέρα, πλὴν δὲ μὲν. αἱ αὐ- 

55 μα Φοκείας, Φοικέα κρατεῖ δόθη ἐπιθύμησιν, τὰ διὰ αὐτῆς ἐξε- 

60 νοῦν καὶ δὲ αὐτήν, ἐπέλευσεν τὸν ἄ- 

65 νόημα καὶ στὰ στοιχεῖα τῶν ἁγιων καὶ τοῦ κακοτρόφου. αἱ 

70 τῆς αὐτής ἐπίδειξαν ἀνθρώπων 

75 καὶ τὸ κακόν ὡς δὲ. δὲ δὲ 

80 τὸν Ἅρτεμίαν, τὸν ἔμειν- 

85 δὲν καὶ καὶ δικαίως αὐτήν ἐκ- 

90 τῆς αὐτής ἐπίδειξαν ἀνθρώπων μόρον ἡμέρα, πλὴν δὲ μὲν. αἱ αὐ- 

95 μα Φοκείας, Φοικέα κρατεῖ δόθη ἐπιθύμησιν, τὰ διὰ αὐτῆς ἐξε- 

100 νοῦν καὶ δὲ αὐτήν, ἐπέλευσεν τὸν ἄ- 

105 νόημα καὶ στὰ στοιχεῖα τῶν ἁγιων καὶ τοῦ κακοτρόφου. αἱ 

110 τῆς αὐτής ἐπίδειξαν ἀνθρώπων μόρον ἡμέρα, πλὴν δὲ μὲν. αἱ αὐ- 

115 μα Φοκείας, Φοικέα κρατεῖ δόθη ἐπιθύμησιν, τὰ διὰ αὐτῆς ἐξε- 

120 νοῦν καὶ δὲ αὐτήν, ἐπέλευσεν τὸν ἄ- 

125 νόημα καὶ στὰ στοιχεῖα τῶν ἁγιων καὶ τοῦ κακοτρόφου. αἱ 

130 τῆς αὐτής ἐπίδειξαν ἀνθρώπων μόρον ἡμέρα, πλὴν δὲ μὲν. αἱ αὐ- 

135 μα Φοκείας, Φοικέα κρατεῖ δόθη ἐπιθύμησιν, τὰ διὰ αὐτῆς ἐξε- 

140 νοῦν καὶ δὲ αὐτήν, ἐπέλευσεν τὸν ἄ- 

145 νόημα καὶ στὰ στοιχεῖα τῶν ἁγιων καὶ τοῦ κακοτρόφου. αἱ 

150 τῆς αὐτής ἐπίδειξαν ἀνθρώπων μόρον ἡμέρα, πλὴν δὲ μὲν. αἱ αὐ- 

155 μα Φοκείας, Φοικέα κρατεῖ δόθη ἐπιθύμησιν, τὰ διὰ αὐτῆς ἐξε- 

160 νοῦν καὶ δὲ αὐτήν, ἐπέλευσεν τὸν ἄ- 

165 νόημα καὶ στὰ στοιχεῖα τῶν ἁγιων καὶ τοῦ κακοτρόφου. αἱ
Col. IV  αὶ δὲ καὶ μὲ δέσσεται, ἐπὶ τὸν πάσην Ἰησοῦς τὸν τι-
ας Φοκινᾶς. αὸ δὲ εἰς αὐτὴν στὶ-
ν ἔχως ἀνάβας πρὸ τοῦ ἑναντι-
5, τὸ πάσιν οὖν τὸν πάσην ἅμως τὸν τοῦ Φοκινᾶς, ἐκεῖθε

10 πασιν πρὸν ἐπελατὴς υπο-
5 τὰ ἐγκυμοσύνα, ἐνεπιθύμη τὸν ἑναντι-
5 σης ἐκεῖθεν, καὶ τὸ μετέμεινος, καὶ τὸ 

15 εἰ ἔρχεται τὸ καθεὶς ἐπέλεγο- 

20 τὸ καθεὶς ἐπέλεγον τὸ 

25 τὸ καθεὶς ἐπέλεγον τὸ 

30 ἐπέλεγον τὸ καθεὶς ἐπέλεγον τὸ 

35 με λαμβάνει καὶ τὸ μετέμεινος, εἰ 

40 τὸ καθεὶς ἐπέλεγον τὸ 

45 αὐτὸν ἐπέλεγον τὸ καθεὶς ἐπέλεγον τὸ 

50 ἐπέλεγον τὸ καθεὶς ἐπέλεγον τὸ 

And if he do not re-

44 Focasii C. 

49 δὲ δὲ, αὐτὸ δὲ δὲ, αὐτὸ δὲ δὲ, αὐτὸ δὲ δὲ, αὐ-

54 Ἐπισκέπτης τοῦ ναοῦ F, BZ, corr. Bau

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μὲν ἢ πλοῦτων, τοῖς δὲ ἑ βασιλεῖς τοῦ ἀποικοῦντος

10 τοὺς xνὲς ἀθὴν[α]ς τέκνων ἐν τοῖς τούτων τέκνων ἐν τοῖς τούτων τέκνων, τοῖς τούτων τέκνων, τοῖς τούτων τέκνων.

to] τούτων τούτων τούτων, τοῖς τούτων τούτων, τοῖς τούτων τούτων,

15 τοῦς τούτων τούτων τούτων τούτων, τοῖς τούτων τούτων τούτων, τοῖς τούτων τούτων, τοῖς τούτων τούτων, τοῖς τούτων τούτων,

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50 τοῖς τούτων τούτων τούτων, τοῖς τούτων τούτων, τοῖς τούτων τούτων, τοῖς τούτων τούτων, τοῖς τούτων τούτων,

Whatever woman has no property either by gift from father or brother or by pledge or by inheritance as (enacted) when the Aishalians statos, Kyllos and his colleagues, formed the κόσμος, such women are to obtain their portion; but there shall be no ground for action against previous female beneficiaries. When a man or a woman dies, if there be children or children's children or children's children's children, they are to have the property. And if there be none of these, but brothers of the deceased and brothers' children or brothers' children's children, they are to have the property. And if there be none of these, but sisters of the deceased and sisters' children or sisters' children's children, they are to have the property. And if there be none of these, these are to take it up, to whom it may fall as source of the property. And if there should be no kinsmen, those of the household composing the κλαρος are to have the property. And if some of the next-of-kin wish to divide the property while others do not, the judge shall decree that all the property shall be in the power of those who wish to divide until they divide it. And if anyone enters in by force or drives or carries off anything once the judge has made his decision, he shall pay ten staters and double the value of the piece of property. So far as livestock, produce, clothing, ornaments and movables property are concerned, if they do not wish to make a division, the judge shall decide under oath with reference to the pleas. And if, when dividing the property, they cannot agree about the division, they shall offer the property for sale; and, having sold it to him who offers most, let each of them take his share of the values. And when they are dividing the property, three or more adult free witnesses are to be present.
Col. VI

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Should be given to a daughter, the same procedure is to be followed. As long as the father lives, no one shall offer to purchase any of the paternal property from a son nor take out a mortgage on it; but whatever (the son) himself may have acquired or inherited, let him sell, if he wishes. Nor shall the father sell or mortgage the possessions of his children, whatever they have themselves acquired or inherited. Nor shall the husband sell or pledge those of his wife, nor the son those of his mother. And if anyone should purchase or take on mortgage or accept a promise otherwise than is written in these writings, the act shall be in the power of the mother and the wife, and the one who sold or mortgaged or promised shall pay two-fold to the one who bought or accepted the mortgage or the promise and, if there be any other damage besides, the simple value; but in matters of previous date there shall be no ground for action. If, however, the defendant should maintain, with reference to the matter about which they contend, that it is not in the power of the mother or the wife, the action shall be brought where it belongs, before the judge where it is prescribed for each case. If a mother die leaving children, the father is to be in control of the mother's property, but he shall not sell or mortgage unless the children consent and are of age; but if anyone should otherwise purchase or take on mortgage, the property shall be in the power of the children and the seller or mortgagee shall pay two-fold the value to the purchaser or mortgagor and, if there be any other damage besides, the simple value. And, if he should marry another woman, the children are to be in control of the mother's property. If anyone, bound by necessity, should get a man gone away to a strange place set free from a foreign city at his own request, he shall be in the power of the one who ranched him until he pay what is due; but if they do not agree about the amount or on the ground that he did not request to be set free, the judge is to decide on oath with reference to the pleas. . . . (If the slave) goes to a free wo-

Col. VII ἐπὶ τὸν ἐλεύθερον ἐξοῦν ἄπεικλό, ἐλεύθερον ἦμεν τὰ τέκνα. οἱ δὲ κ' ἀ ἐλεύθερον ἐπὶ τὸν δίδον, ἐλεύθερον ἦμεν τὰ τέκνα. ραβμιᾶ οἱ δὲ κ' ἐπὶ τὰς ἀντι-
3 ἂς μετράς ἐλεύθερον καὶ δίδον τέκνα γένεται, ἢ κ' ἀποθεώθεν ἢ μάρτιος, αἱ κ' ἐκ τρισμάτων, τῶν ἄνε

4 νόσηρος ἦπεν, αἱ ἐλεύθεροι κἀκεῖνοι, τῶν εἰρήκουν-

5 τοις ἀναθηματοις. οὐκ ο[ν]τ' ἄγ-

6 ορας αὐτοὺς ἐκπαύοντο μεῖον περιπο-

7 ους τοῦ Ἱσαιάντων. ἢ κ' ἐπιρρέω καὶ ἀρκετός, ἢ τὸ πεποίη 

8 τὸν τὸν οὐκ ἂν ἔγνωzp, εἰ οὐκ ἐπιρρήσηται ἀποθεώθεν, αὐτοὶ δὲ καὶ μὲν ἐπιρρήσῃ τὸν οὐκ ἂν ἔγνωz, εἰ οὐκ ἐπιρρήσῃται ἀποθεώθεν, αὐτοὶ δὲ καὶ μὲν ἐπιρρήσῃ τὸν οὐκ ἂν ἔγνωz, εἰ οὐκ ἐπιρρήσῃται ἀποθεώθεν, αὐτοὶ δὲ καὶ μὲν ἐπιρρήσῃ τὸν οὐκ ἂν ἔγνωz, εἰ οὐκ ἐπιρρήσῃται ἀποθεώθεν, αὐτοὶ δὲ καὶ μὲν ἐπιρρήσῃ τὸν οὐκ ἂν ἔγνωz, εἰ οὐκ ἐπιρρήσῃται ἀποθεώθεν, αὐτοὶ δὲ καὶ μὲν ἐπιρρήσῃ τὸν οὐκ ἂν ἔγνωz, εἰ οὐκ ἐπιρρήσῃται ἀποθεώθεν, αὐτοὶ δὲ καὶ μὲν ἐπιρρήσῃ τὸν οὐκ ἂν ἔγνωz, εἰ οὐκ ἐπιρρήσῃται ἀποθεώθεν, αὐτοὶ δὲ καὶ μὲν ἐπιρρήσῃ τὸν οὐκ ἂν ἔγνωz, εἰ οὐκ ἐπιρρήσῃται ἀποθεώθεν, αὐτοὶ δὲ καὶ μὲν ἐπιρρήσῃ τὸν οὐκ ἂν ἔγνωz, εἰ οὐκ ἐπιρρήσῃται ἀποθεώθεν, αὐτοὶ δὲ καὶ μὲν ἐπιρρήσῃ τὸν οὐκ ἂν ἔγνωz, εἰ οὐκ ἐπιρρήσῃται ἀποθεώθεν, αὐτοὶ δὲ καὶ μὲν ἐπιρρήσῃ τὸν οὐκ ἂν ἔγνωz, εἰ οὐκ ἐπιρρήσῃται ἀποθεώθεν, αὐτοὶ δὲ καὶ μὲν ἐπιρρήσῃ τὸν οὐκ ἂν ἔγνωz, εἰ οὐκ ἐπιρρήσῃται ἀποθεώθεν, αὐτοὶ δὲ καὶ μὲν ἐπιρρήσῃ τὸν οὐκ ἂν ἔγνωz, εἰ οὐκ ἐπιρρήσῃται ἀποθεώθεν, αὐτοὶ δὲ καὶ μὲν ἐπιρρήσῃ τὸν οὐκ ἂν ἔγνωz, εἰ οὐκ ἐπιρρήσῃται ἀποθεώθεν, αὐτοὶ δὲ καὶ μὲν ἐπιρρήσῃ τὸν οὐκ ἂν ἔγνωz, εἰ οὐκ ἐπιρρήσῃτα
wait, the heiress is to have a house, if there be one in the city, besides whatever may be in that house, and, obtaining half a share of the rest, she is to be married to another, whomsoever she may wish of those who ask from the tribe; but she is to give a share of the property to that one (i.e. to the rejected groom-elec). And if there should not be kinsmen of the heiress as is defined, she may hold all the property and be married to whomsoever she may wish from the tribe. And if no one from the tribe should wish to marry her, the relatives of the heiress are to proclaim throughout the tribe: "Does no one wish to marry her?". And if anyone should marry her, she is to be married within thirty days from the time they made the proclamation; but if not, she is to be married to another, whomsoever she can. And if a woman becomes an heiress after her father or brother has given her in marriage, if she should not wish to remain married to the one to whom they gave her, although he be willing, if she has borne children, she may be married to another of the tribe, dividing the property as is prescribed; but if there should be no children, she is to be married to the groom-elec, if there be one, and take all the property; and if there is not, as is prescribed. If a husband should die leaving children to an heiress, let her be married to whomsoever of the tribe she can, if she should so wish, but without any compulsion; but if the deceased should leave no children behind, she is to be married to the groom-elec as is prescribed. And if the man who has the right to marry the heiress should not be at home, and the heiress should be of marriageable age, let her be married to the next groom-elec as is prescribed. Now an heiress is one who has no father or brother from the same father. And as long as she is not of an age to marry, her father's brothers are to be responsible for the property, while she takes half a share of the produce; but if there should be no groom-elect while she is not of an age to marry, the heiress is to have charge of the property and the produce and is to be brought up with her mother as long as she is not of an age to marry; and if there should be no mother, she is to be brought up with her mother's brothers. Now if anyone should marry the heiress otherwise than is prescribed, the lawful heirs are to lay information...
before a magistrate. If someone owing money should leave behind a heiress, the either personally or through her paternal and maternal relatives shall mortgage or sell to the value of the debt, and the purchase and mortgage shall be legal. And if anyone should otherwise buy or take on mortgage the property of the heiress, the property shall be at the disposal of the heirress, and the seller or mortgager, if he be convicted, shall pay double to the buyer or mortgagee, and if there is any other damage he shall pay the simple value in addition, since the inscription of this law, but there shall be no liability in matters of previous date; but if the defendant should maintain, with reference to the matter about which they contend, that it does not belong to the heiress, let the judge decide under oath. And if he should win his case that it does not belong to the heiress, action should be brought where it is prescribed for each case. If one dies who has gone surety or has lost a suit or owes money given as security or has been involved in fraud (?) or has made a promise (?) or another (be in like relationship) to him, one must bring suit against that person before the end of the year; and let the judge give his decision according to the testimony. If the suit be with reference to a judgment won, the judge and the recorder, if alive and a citizen, and the heirs as witnesses (shall testify), but in the case of surety and money given as securities and fraud (?) and another (?), the heirs as witnesses shall testify. And after they have testified, let (the judge) decree that (the plaintiff), when he has taken oath himself along with the witnesses, have judgment for the simple amount. If a son has gone surety, while his father is living, he and the property which he possesses shall be subject to fine. If one has formed a partnership with another for a mercantile venture, in case he does not pay back the one who has contributed to the venture, whether one is of age should testify — three in a case of a hundred staters or more, two in a case of less down to ten staters, one for still less — let (the judge) decide according to the testimony; but if witnesses should not testify, in case the contracting party comes, whichever course the complainant demands, either to deny on oath or —
A son may give to a mother or a husband to a wife one hundred staters or less, but not more. And if he should give more, the heirs are to keep the property if they wish, once they have handed over the money. If anyone owing money or being the loser in a suit or while a suit is being tried should give anything away, the gift shall be invalid, if the rest of the property should not be equal to the obligation. No one shall offer to buy a man while pledged until the mortgagee release him, nor one who is the subject of legal process, nor accept him (in payment) nor accept him (in pledge) nor take him in mortgage. And if anyone does any of these things, it shall be invalid, if two witnesses should testify. Adoption may be made from whatever source anyone wishes. And the declaration of adoption shall be made in the place of assembly when the citizens are gathered, from the stone from which proclamations are made. And let the adopter give to his beteireis a sacrificial victim and a measure of wine. And if he (the adopted person) should receive all the property and there should be no legitimate children besides, he must fulfill all the obligations of the adopter towards gods and men and receive as is written for legitimate children; but if he should not be willing to fulfill these obligations as is written, the next-of-kin shall have the property. And if there should be legitimate children of the adopter, the adopted son shall receive with the males just as females receive from their brothers; and if there should be no males, but females, the adopted son is to have an
equal share and it shall not be incumbent upon him to pay the obligations of the adopter and accept the property which the adopter leaves; for the adopted son is not to take possession of more (than the females); but if the adopted son should die without leaving legitimate children, the property is to revert to the heirs of the adopter. And if the adopter wishes, he may renounce (the adopted son) in the place of assembly when the citizens are gathered, from the stone from which proclamations are made; and he shall deposit ten staters with the court, and the secretary (of the magistrate) who is concerned with strangers shall pay it to the person renounced; but a woman shall not adopt nor a person under puberty. And these regulations shall be followed from the time of the inscription of this law; but as regards matters of previous date, in whatever way one holds (property), whether by adoption or from an adopted son, there shall still be no liability. Anyone may at any time receive a man if any person seize him before trial. Whatever it is written that he shall give judgment upon, either according to witnesses or under oath of denial, the judge is to give judgment as is written; but in other matters he shall decide under oath according to the pleas. If a person should die owing money or having lost a suit, if to whom it falls to receive the property should wish to pay the fine on his behalf and the money to those to whom he may owe it, they are to have the property; but if they do not so wish, the property shall belong to those who won the suit or those to whom he owes money, and the heirs shall not be liable to any further fine; and the paternal property shall be laid under obligation for the father's debts. If a judge has decreed an oath in a case where a wife is divorced from her husband, let her take the oath of denial of whatever one charges within twenty days in the presence of the judge; and let the initiator of the suit make his denunciation to the woman and the judge and the secretary (of the court) on the fourth day beforehand in the presence of a witness who has been adult for fifteen years or more. If a son has given...
Col. XII ματρὶ νόσ[1]ς ἐ ὡ[ν]ὴ γυναικὶ
χρήματα αἱ Ἐδώκει, δὲ ἔγραφη-
tο πρὸ έτοιμα τόν γραμμάτων,
μὲ χρόνιον ἔχειν τὸ δ᾽ ὡσπε-
5 ρον δοθέντε ἔγραφην. νας.
tαῖς πατρίδοις αἱ καὶ μὲ
τόντε ἄρανδοις ταῖς, ἡ-
z καὶ ἔνθος ἔνθος, κρήνας κατὰ
tο ἑγγορίμηνα. νας. διδὸ δὲ κ᾽ ὡ-
9 πατρὶ[ν]ῶν μὲ τόντος ἑπι-
βάλλοντας μὴν ἄρανδοι-
σατον πῆρ ταὶ ματρὶ τράπε-
tαι, τὸν πάτρῳ καὶ τὸν μάτ-
ρῳ τός ἑγγορίμενος τέ-
15 ἄραντα καὶ τὰν ἑπικορπί-
αν ἄργων ὅπως καὶ καὶ ἄργων
cάλλος, πρὸν κ᾽ ἐπικορπί-
σαι δὲ δουδοκεῖς τία ἐ πρε-
γενος. νας.

property to his mother or a husband to
his wife in the way prescribed before
these regulations, there shall be no lia-
bility; but henceforth gifts shall be made
as here prescribed. If there are no judges
in the affairs of orphans, the heiresses
shall be treated according to these reg-
ulations so long as they are not of mar-
riageable age. And where the heiress, in
default of a groom-elect or of judges in
the affairs of orphans, is brought up with
her mother, the paternal and maternal
relatives, those who have been nominat-
ed, shall administer the property and the
income to the best of their ability until
she is married. And she is to be married
when twelve years of age or older.
Figures
Figure 1.  
Map of the Gortyn area showing the sites of the three original hilltop settlements.

Source: Di Vita 2010: 5, fig.7.
Figure 2.
Photograph of the Temple of Apollo Pythios.
Figure 3.

Source: Di Vita 2010: 45, fig. 65; arrows added by the author.
Figure 4. Diagram of the GLC with blocks and columns numbered.

Source: Diagram created by the author.
Figure 5a.
Diagram of the North Wall (West) with blocks numbered according to my system.

Source: Diagram from Guarducci 1950: 88; block numbers added by the author.

Figure 5b.
Concordance of North Wall blocks and Guarducci entry numbers.
Figure 6a. Photograph of the North Wall (West).

Source: Guarducci 1950: 89.

Figure 6b. Photograph of the North Wall (East).

Source: Di Vita 2010: 107, fig. 133.
Figure 7a.
East Wall with blocks labeled according to my system.

Source: Diagram from Guarducci 1950: 88; block numbers added by the author.

Figure 7b.
Concordance of East Wall blocks and Guarducci entry numbers.

<table>
<thead>
<tr>
<th>Block #</th>
<th>Guarducci #</th>
</tr>
</thead>
<tbody>
<tr>
<td>EW-3</td>
<td>IC.IV.48</td>
</tr>
<tr>
<td>EW-4</td>
<td>IC.IV.48</td>
</tr>
<tr>
<td>EW-5</td>
<td>IC.IV.49</td>
</tr>
<tr>
<td>EW-7</td>
<td>IC.IV.50</td>
</tr>
<tr>
<td>EW-8</td>
<td>IC.IV.47, IC.IV.48</td>
</tr>
<tr>
<td>EW-9</td>
<td>IC.IV.48</td>
</tr>
<tr>
<td>EW-11</td>
<td>IC.IV.48</td>
</tr>
<tr>
<td>EW-Int</td>
<td>IC.IV.51</td>
</tr>
</tbody>
</table>
Figure 8.
Plan of the site by Luigi Pernier after the whole building containing the Great Inscription had been excavated. The locations of the North and East Walls have also been indicated.

Source: Di Vita 2010: 109, fig. 137; location of walls indicated by the author.
Figure 9a. Photograph of the GLC before its reconstruction.

Source: Guarducci 1950: 124.
Figure 9b. Photograph of the GLC after its reconstruction.

Source: Photograph by the author, August 2010.
Figure 10.
Diagram of the GLC in its current state.
Shaded blocks were added by Stefani, and the labeled blocks are those that do not form a part of the original curved GLC wall.

Source: Diagram created by the author.
Figure 11a.
Photograph of Block 30 as it was set in place by Stefani.

Source: Detail from Willetts 1967: Plate 9.

Figure 11b.
Additional fragments of Block 30 discovered after the restoration that have not been incorporated into the wall shown in context as reconstructed by Guarducci.

Source: Detail from Guarducci 1950: *Apographum Tit. 72.*
Figure 12.
Reconstructed diagram of the GLC as it probably appeared in its original context with a human figure for scale.

Source: Diagram created by the author.
Figure 13.
Table of the lengths and heights of the blocks in the GLC.

<table>
<thead>
<tr>
<th></th>
<th>Course 1</th>
<th>Course 2</th>
<th>Course 3</th>
<th>Course 4</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Length in m</td>
<td>Length in m</td>
<td>Length in m</td>
<td>Length in m</td>
<td>Stone #</td>
</tr>
<tr>
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<td>0.86</td>
<td>0.84</td>
<td>1.68</td>
<td>0.57</td>
<td>25A</td>
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<tr>
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<td>0.82</td>
<td>0.87</td>
<td>0.83</td>
<td>0.96</td>
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<tr>
<td>3</td>
<td>0.96</td>
<td>1.10</td>
<td>0.69</td>
<td>1.37</td>
<td>26</td>
</tr>
<tr>
<td>4</td>
<td>1.40</td>
<td>1.10</td>
<td>1.06</td>
<td>0.87</td>
<td>27</td>
</tr>
<tr>
<td>5</td>
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<td>0.86</td>
<td>0.97</td>
<td>1.38</td>
<td>28</td>
</tr>
<tr>
<td>6</td>
<td>1.54</td>
<td>0.87</td>
<td>1.02</td>
<td>0.87</td>
<td>29</td>
</tr>
<tr>
<td>7</td>
<td>1.37</td>
<td>0.93</td>
<td>1.00</td>
<td>[1.32]</td>
<td>30</td>
</tr>
<tr>
<td>8</td>
<td>1.00</td>
<td>1.24</td>
<td>1.92</td>
<td>0.60</td>
<td>31</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Course 1</th>
<th>Course 2</th>
<th>Course 3</th>
<th>Course 4</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Height in m</td>
<td>Height in m</td>
<td>Height in m</td>
<td>Height in m</td>
<td>Stone #</td>
</tr>
<tr>
<td>1</td>
<td>0.31</td>
<td>0.58</td>
<td>0.31</td>
<td>0.31</td>
<td>25A</td>
</tr>
<tr>
<td>2</td>
<td>0.31</td>
<td>0.58</td>
<td>0.31</td>
<td>0.31</td>
<td>25</td>
</tr>
<tr>
<td>3</td>
<td>0.31</td>
<td>0.58? 0.56</td>
<td>0.33</td>
<td>0.33</td>
<td>26</td>
</tr>
<tr>
<td>4</td>
<td>0.31</td>
<td>0.56</td>
<td>0.33</td>
<td>0.33</td>
<td>27</td>
</tr>
<tr>
<td>5</td>
<td>0.31</td>
<td>0.56</td>
<td>0.33</td>
<td>0.33</td>
<td>28</td>
</tr>
<tr>
<td>6</td>
<td>0.31</td>
<td>0.56</td>
<td>0.33</td>
<td>0.33</td>
<td>29</td>
</tr>
<tr>
<td>7</td>
<td>0.31</td>
<td>0.56? 0.46</td>
<td>0.33</td>
<td>0.33</td>
<td>30</td>
</tr>
<tr>
<td>8</td>
<td>0.56? 0.46</td>
<td></td>
<td>0.33</td>
<td>0.33</td>
<td>31</td>
</tr>
</tbody>
</table>

Source: Table created by the author.
Figure 14.
Diagram of the blocks at the west end of the GLC. The blocks are labeled according to my own system.

Source: Diagram created by the author.
Figure 15.
Photograph of the Ionic molding on Block 25A. Note the poor fit of Block 25A with those surrounding it.

Source: Guarducci 1950: 127.
Figure 16. Diagram of the column-row and block numerals by block.

Table of the letter forms and number of occurrences of the GLC numerals.

<table>
<thead>
<tr>
<th>Sketches of Letter Forms</th>
<th>Number of Occurrences as Column-Row Numeral</th>
<th>Number of Occurrences as Block Numeral</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alpha-1 : A</td>
<td>12</td>
<td>1</td>
</tr>
<tr>
<td>Alpha-2 : A</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Alpha-3 : A</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Beta : B</td>
<td>17</td>
<td>3</td>
</tr>
<tr>
<td>Gamma : Γ</td>
<td>14</td>
<td>4</td>
</tr>
<tr>
<td>Delta : Δ</td>
<td>13</td>
<td>3</td>
</tr>
<tr>
<td>Epsilon : E</td>
<td>6</td>
<td>4</td>
</tr>
<tr>
<td>Digamma : ψ</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Zeta : Ζ</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Eta : Η</td>
<td>4</td>
<td>3</td>
</tr>
<tr>
<td>Theta-1 : Θ</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Theta-2 : Θ</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Iota-1 : Ι</td>
<td>5</td>
<td>1</td>
</tr>
<tr>
<td>Iota-2 : Ι</td>
<td>1</td>
<td>9</td>
</tr>
<tr>
<td>Kappa-1 : Κ</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Kappa-2 : Κ</td>
<td>0</td>
<td>9</td>
</tr>
<tr>
<td>Lambda : Λ</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Mu : Μ</td>
<td>0</td>
<td>1</td>
</tr>
</tbody>
</table>

Source: Table created by the author.
Figure 18. List of letter-cutters’ errors.

Two stones of IC IV 72 have no extant stone-numeral (seven-A and thirty-one/two). Once a stone numeral is repeated (stones twenty-five and twenty-five-A) probably to keep the smaller stone with the larger,13 probably thrice a column-row numeral is entered twice (AA almost certainly, EA perhaps, HA almost certainly). There are seven intrusive numerals (Δ stone one, Γ stone two, Π stone five, Γ stone nine, E stone ten, Δ stone fourteen, and K stone sixteen)14 and one engraver’s error (ZE for ZΔ on stone five). The large lacuna between stones thirty and thirty-one/two may have contained more of stone thirty, a lost stone thirty-one, or most likely, more of stone thirty-one/two.

From inspection of the photographs it seems that the column-row numerals are often (on twenty of thirty stones where comparison is possible) less deeply incised than the stone numerals (see AA vs. A, ΓΔ vs. Γ, ΒΓ or ΑΓ vs. Η, ΓΓ vs. Θ, ΔΓ vs. I, ΕΓ or ΖΓ vs. IA, ZΓ vs. IB, ΙΓ or ΘΓ vs. ΙΔ, AB or BB vs. IZ, ΓB vs. IH, ΔB vs. IΘ, EB or ΖΒ vs. K, ZB vs. KA, IB vs. KΓ, AA vs. KE, BA or GA vs. K5, EA or ΔA vs. KZ, 5A vs. KΓ, HA vs. KΘ, and HA vs. A), though only autopsy would be decisive. The one certain engraver’s error (ZE for ZΔ on stone five) and those five of the seven intrusive numerals which might be engraver’s errors (Δ stone one, Γ stone two, Π stone five, Γ stone nine, and E stone ten) are all associated with column-row numerals. The engraver’s error ZE for ZΔ (on stone E) suggests that the stone numeral E was engraved first.15 Of nine iotas in column-row numerals, only one is serifed, while of ten in stone numerals six are serifed.

Figure 19. Close-up of Block 22 with the numeral that Guarducci claims is a column-row numeral example of Theta-2/Beta.

Figure 20.
Photograph of Block 43.

Source: Guarducci 1950: 171.
Figure 21.
Schematic illustration of possible reconstructions for the location of Block 23 in the continuation of the GLC beyond Column XII.

Source: Created by the author.
Figure 22.
A reproduction of Willetts’s photograph of Column I with several *vacat*’s highlighted, demonstrating the variability in their surfaces.

Source: Willetts 1967: Plate 1; *vacat*’s indicated by the author.
Figure 23.
Catalog of the contents of the GLC.

(1) 1.2–2.2: Seizure of Persons (57 lines)
(2) 2.2–10: Rape (8)
(3) 2.11–16: Forcible Intercourse with a Slave (5)
(4) 2.16–20: Attempted Seduction (4)
(5) 2.20–45: Adultery (25)
(6) 2.45–3.16: Divorce (26)
(7) 3.17–37: Separation of Spouses (21)
(8) 3.37–40: Special Payments to a Spouse (3)
(9) 3.40–44: Separation of Slaves (4)
(10) 3.44–4.8: Children of Divorced Women (19)
(11) 4.8–17: Exposure of Children (9)
(12) 4.18–23: Unwed Slave Mothers (5)
(13) 4.23–5.1: Distribution of Property among Children (32)
(14) 5.1–9: Non-retroactivity of Law on Gifts to Women (8)
(15) 5.9–54: Inheritance and Division of the Estate (45)
(16) 6.1–2: Gifts to a Daughter (1)
(17) 6.2–46: Sale and Mortgage of Property (44)
(18) 6.46–56: Ransom of Prisoners (10)
(19) 6.56(?)–7.10: Marriage of Slave Men and Free Women (10)
(20) 7.10–15: Liability of a Master for his Slave (5)
(21) 7.15–8.30: Marriage or Remarriage of the Heiress (70)
(22) 8.30–9.1: Further Provisions concerning Heiresses (26)
(23) 9.1–24: Sale or Mortgage of Heiresses’ Property (23)
(24) 9.24–40: Liability of Heirs (16)
(25) 9.40–43: The Son as Surety (3)
(26) 9.43–10.?: Business Contracts (11+)
(27) 10.?–25: Gifts of Males to Females (10+)
(28) 10.25–32: Restrictions on the Sale of Slaves (7)
(29) 10.33–11.23: Adoption (43)
(30) 11.24–25: Amendment to Section 1 (1)
(31) 11.26–31: The Duty of Judges (5)
(32) 11.31–45: Amendment to Section 24 (14)
(33) 11.46–55: Amendment to Section 6 (9)
(34) 12.1–5: Amendment to Section 27 (4)
(35) 12.6–19: Amendment to Section 22 (13)

**Figure 24.**
Table of the penalties for sexual offenses addressed in the GLC according to class.

### For Rape

<table>
<thead>
<tr>
<th>Sexual Offense</th>
<th>Fine</th>
</tr>
</thead>
<tbody>
<tr>
<td>Against a free person</td>
<td>1,200 obols</td>
</tr>
<tr>
<td>Against an <em>apetairos</em></td>
<td>120 obols</td>
</tr>
<tr>
<td>By a slave against a free person</td>
<td>2,400 obols</td>
</tr>
<tr>
<td>Against a serf by a free person</td>
<td>30 obols</td>
</tr>
<tr>
<td>Against a serf by a serf</td>
<td>60 obols</td>
</tr>
<tr>
<td>Against a household slave</td>
<td>24, 1 or 2 obols depending on circumstances</td>
</tr>
</tbody>
</table>

### For Adultery

<table>
<thead>
<tr>
<th>Sexual Offense</th>
<th>Fine</th>
</tr>
</thead>
<tbody>
<tr>
<td>With a free woman</td>
<td>600–1,200 obols</td>
</tr>
<tr>
<td>With the wife of an <em>apetairos</em></td>
<td>120 obols</td>
</tr>
<tr>
<td>A slave with a free woman</td>
<td>Slave pays double (1,200–2,400 obols)</td>
</tr>
<tr>
<td>Slave with slave</td>
<td>60 obols</td>
</tr>
</tbody>
</table>

### Other

<table>
<thead>
<tr>
<th>Sexual Offense</th>
<th>Fine</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attempted seduction of a free woman</td>
<td>120 obols</td>
</tr>
</tbody>
</table>

Figure 25.
Plan of the apsidal bouleuterion at Olympia.

Olympia, Bouleuterion

Figure 26.
Plan of the bouleuterion at Miletus.

Source: Izenour 1992: 55, fig. 1.5.
Figure 27.
Plan of the ekklesiasterion at Priene.

Source: Izenour 1992: 49, fig. 1.4.
Figure 28.
Meinel’s sketch of the plan of the Bouleuterion.

Source: Meinel 1979: 597.
Figure 29.
Di Vita’s plan for fitting the Ekklesiasterion into the Bouleuterion.

Source: Di Vita 2010: 47, fig. 69.
Figure 30.
Reconstruction of the incorporation of the Ekklesiasterion into the Bouleuterion.

Source: Created by the author.
Figure 31.
Graffito from the steps of the Odeion.

Figure 32. Restored plan of the Odeion.

Source: Izenour 1992: 131, Figure 2.12.
Figure 33. View of the *opus quadratum* work on the east side of the Odeion.

Source: Di Vita 2010: 115, fig. 148.
Figure 34. Photograph of the Trajanic Inscription from the Odeion.

Source: Di Vita 2010; 47, fig. 68.
Figure 35.
Detail of the vault from the “Temple of Diana” at Nimès.

Source: Public domain.