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Some Cretan Bastards

In his *Aristocratic Society in Ancient Crete*, R.F. Willetts devoted a short chapter to children born out of wedlock.¹ His remarks are based on the most important source for Cretan society, the ‘law code’ of Gortyn. With regard to extra-marital children, this document deals only with two groups: (i) those borne after divorce and (ii) children of unmarried women of unfree status. The silence of the ‘law code’ about children born by unmarried free women should not lead us to erroneous assumptions about their chastity. It has long been recognized that the Gortynian inscription is not a comprehensive law code, but a collection of regulations concerning actual or probable legal disputes.² The recognition of the child of a divorced woman and the ownership of an unfree child born out of wedlock seem to have given rise to such issues.

It has also been observed that although the word νόθος (‘illegitimate son’, ‘bastard’) does not appear in this document, the use of the term γνήσιος (‘legitimate son’, *I.Cret.* IV 72 col. X 41 and 44, and col. XI 7) proves that there was a status of bastardy in Gortyn.³ The latter view has recently been challenged by D. Ogden, who pointed out that “the context in which it [the word

¹ R.F. Willetts, *Aristocratic Society in Ancient Crete* (London 1955) 94f.

² Cf. most recently J.K. Davies, ‘Deconstructing Gortyn: When Is a Code a Code?’, in L. Foxhall and A.D.E. Lewis (eds.), *Greek Law in its Political Setting. Justifications not Justice* (Oxford 1996) 33-56; for points of criticism concerning some of Davies’ views see A. Maffi, *RHDFE* 75 (1997) 495-497; cf. H. van Effenterre and F. Ruzé, *Nomima. Recueil d’inscriptions politiques et juridiques de l’archaïsme grec. II* (Paris 1995) 3f.

³ Cf. M. Guarducci, *I.Cret.* IV p. 168; R.F. Willetts, *The Law Code of Gortyn* (Berlin-New York 1967) 77; C. Patterson, ‘Those Athenian Bastards’, *ClAnt* 9.1 (1990) 54; R. Koerner, *Inschrifliche Gesetzestexte der frühen griechischen Polis* (Cologne-Weimar-Vienna 1993) 548 (he translates γνήσιοι as “legitimate Kinder”); van Effenterre and Ruzé, *op.cit.*, 142 (they translate γνήσιοι as “enfants légitimes”).

γνήσιος] appears is that of the adoption law, and it stands clearly in opposition to the Gortynian word for 'adopted' (*ampantos*, the equivalent of Attic *poiotos*), and the word is used therefore without question in its other sense of 'of the blood'.⁴ This assumption is not compelling, but it may well be true. Ogden concludes that the silence of the 'law code' 'is sufficient to indicate that bastardy was of no great concern to the Gortynians;" although there is no reason to assume that Gortyn was 'bastardless', "the status, if it did exist, was evidently erasable," namely through adoption.⁵ It is indeed plausible that adoption gave young men born out of wedlock a father, but what about girls of illegitimate birth? Evidence for the adoption of girls in Crete is lacking.

In modern scholarship the discussion of bastardy on Crete appears to begin and end with the Gortynian 'law code'. And yet there is more evidence both from Gortyn and from other Cretan cities for this legal status. That Cretan law and society recognized the existence of illegitimate children is attested directly through onomastics. The name Nothokartes, attested only in Crete, is composed of νόθος and κρατέω (probably 'the one who prevails or rules being a nothos'). It is known both in Classical Knossos and in Hellenistic Gortyn.⁶

⁴ D. Ogden, *Greek Bastardy in the Classical and Hellenistic Periods* (Oxford 1996) 263. Ogden has not noticed that the term γνήσιος is also attested outside the 'law code' as well; it is mentioned in a fragmentary law concerning inheritance (*J.Cret.* IV 20, ca. 550 B.C.). It is not clear if this document uses this term in opposition to adopted children or if it has the meaning 'legitimate child' (Koerner, *op.cit.*, 371: "echtbürtig"); cf. van Effenterre and Ruzé, *op.cit.*, 134f. no. 37.

⁵ Ogden, *op.cit.* 264. Ogden has not consulted a series of recent studies on adoption in Gortyn: A. Maffi, 'Adozione e strategie successorie a Gortina a ad Atene' in *Symposion 1990. Papers on Greek and Hellenistic Legal History* (Cologne-Weimar-Vienna 1991) 205-231; Koerner, *op.cit.*, 547-554; S. Link, *Das griechische Kreta* (Stuttgart 1994) 57-62; van Effenterre and Ruzé, *op.cit.*, 134-146.

⁶ See the references in P.M. Fraser - E. Matthews, *A Lexicon of Greek Personal Names I* (Oxford 1987) 340. For the meaning cf. W. Pape - E. Benseler, *Wörterbuch der griechischen Eigennamen* (Braunschweig 1863-1870) 1013. This name is included in Ogden's list of nothos names (*op.cit.* 27), but not considered in the rest of the discussion. The name Nothokartes clearly contradicts C. Patterson's claim (*art.cit.* 54) that νόθος was not a Dorian word. From Ogden's

Indirect evidence for illegitimate children is provided by 'metronymics'. Usually, a person is identified by reference to the father, in particular cases (e.g., in order to distinguish one person from another, to underline noble birth, or to claim citizenship) with reference to both father and mother.⁷ It follows that illegitimate children, i.e., children whose father was not known or was of unfree status, must have used their mother's name. There is in fact abundant evidence for this practice, and A. Christophilopoulos has expressed the view that persons who used only metronymics were extra-marital children; they were given their mother's name because they were not legally entitled to their father's.⁸ D. Ogden has recently rejected Christophilopoulos' interpretation (in a discussion of bastardy in Classical Athens), claiming that metronymics were used primarily by women or in the context of women's cults;⁹ this assumption is, however, based on antiquated collections of the relevant evidence (the latest from 1946) and is (at least in its generalized form) wrong. Just a quick look in the subject indices of recent volumes of *Supplementum Epigraphicum Graecum* shows that metronymics were used not only in religious context, but also in epitaphs (e.g., SEG XXXI 1327; SEG XXXII 1323) and public documents (e.g., SEG XLII 580-583), and not only by women, but also by men (e.g., SEG XXXII 1234, 1335, 1337, 1346, 1348; XXXIX 534; XLV 696). For this reason all scholars who have discussed this issue share

list of nothos names one should erase Κλεινόθος ('glorious nothos'), which has nothing to do with νόγωφ. It is composed of κλεινός and θοός ('glorious in speed'); its uncontracted form (Κλεινόθοος) is attested in Peparethos (Fraser and Matthews, *op.cit.* I, 258); cf. Ἀλκίθοος and Ἀλκίθος in Aigion (Fraser and Matthews, *op.cit.* IIIa, 29).

⁷ Cases in which the names of both the father and the mother are given should not be regarded as metronymics. See A. Chaniotis, 'Zu den Inschriften von Amnisos', *ZPE* 71 (1988) 157f., with regard to a Cretan inscription from Amnisos: SEG XXXIII 724 (cf. 725), 2nd/1st cent. B.C.: ἐπὶ κόσμων | τῶν σὺν Λαϊσθένῃ τῷ | ἐκ Πεισιῶς.

⁸ A.P. Christophilopoulos, 'Αἱ μητρωνυμιαὶ παρὰ τοῖς ἀρχαίοις Ἑλλησιν' in id., *Δίκαιον καὶ ἱστορία* (Athens 1973) 60-67.

⁹ Ogden, *op.cit.* 94f.

Christophilopoulos' views, at least for the majority of instances in which only metronymics are used.¹⁰

Until very recently the use of metronymics on Crete was not attested with certainty. When I collected the relevant material in 1992, the only cases I was able to find were problematic (below nos i, v, and vi, cf. also note 7).¹¹ However, recent finds (nos ii, iv and viii) have shown that metronymics did exist on Crete as elsewhere in the Greek world and allow us to reconsider some of the cases which seemed problematic (nos iii, v, and vi). I present a new collection of the evidence in a chronological order:

(i) *SEG XXVI 1050*, graffito on a pithos, Phaistos, late 8th cent. B.C.: The inscription used to be read as Ἐρπετιδάμω Παιδοπίλας ὄδε, and O. Masson has recognized here a metronymic: "of Erpetidamos, the son of Paidop(h)ila".¹² However, both the reading and the interpretation have been challenged many times, most recently by G. Manganaro, who reads Ἐρπετίδας ὁ παιδοπίλας ὄδε ("I am Erpetidamos, the paedophile").¹³ The question must remain open.

¹⁰ For recent treatments of the subject (overlooked by Ogden) see M.-F. Baslez, 'Citoyen et non citoyen dans l'Athènes Imperial au Ier et au IIe siècles de notre ère', in S. Walker and A. Cameron (eds.), *The Greek Renaissance in the Roman Empire* (BICS Suppl. 55), London 1989, 26 notes 54-55; A.B.Tatakis, 'From the Prosopography of Ancient Macedonia: The Metronymics', in *Ancient Macedonia. Fifth International Symposium*, Vol. 3 (Thessaloniki 1993) 1453-1471; ead., *Ancient Beroea. Prosopography and Society* (Athens 1988) 433-435; cf. A. Chaniotis, *art.cit.* (note 7). All these studies are easily accessible through the subject index of *SEG*.

¹¹ A. Chaniotis, 'Die Inschriften von Amnisos', in J. Schäfer (ed.), *Amnisos nach den archäologischen, topographischen, historischen und epigraphischen Zeug-nissen des Altertums und der Neuzeit* (Berlin 1992) 315-317 (summarized in *SEG XLIII 604*). Cf. A. Chaniotis, *Die Verträge zwischen kretischen Poleis in der hellenistischen Zeit* (Stuttgart 1996) 423 note 2040.

¹² C. Davaras - O. Masson, 'Amnisos et ses inscriptions', *BCH* 107 (1983) 396.

¹³ G. Manganaro, 'Rilettura di tre iscrizioni arcaiche greche', *Kadmos* 34 (1995) 141f. Cf. *SEG XLV 1332* for further bibliography.

(ii) *SEG XLIV 714*, dedicatory inscription written on the rim of a bronze vessel (unpublished), Idean Cave.¹⁴ The letter forms suggest a date in the late 6th or early 5th cent. B.C. The dedicator is $\text{F}\alpha\sigma\tau\omega\text{S}$ $\text{S}\mu\beta\rho\iota\tau\alpha\omega$. One is tempted to see in the second name an ethnic ($\text{S}\mu\beta\rho\iota\tau\alpha\omega$, i.e., 'from Sybritos'), but the attested form of this ethnic in coins and inscriptions is $\text{S}\mu\beta\rho\iota\tau\iota\omega$; this form is attested as early as the 5th cent. B.C. and it is used henceforth without a single exception.¹⁵ Given the fact that many Cretan personal names derive from the names of Cretan poleis ($\text{K}\nu\hat{\omega}\sigma\sigma\omicron\varsigma$, $\text{L}\alpha\pi\pi\alpha\iota\omicron\varsigma$, $\text{P}\epsilon\tau\rho\alpha\iota\omicron\varsigma$, $\text{P}\rho\alpha\iota\sigma\iota\omicron\varsigma$, $\Upsilon\rho\tau\alpha\kappa\iota\eta\alpha\varsigma$, $\Phi\alpha\iota\sigma\tau\iota\omicron\varsigma$),¹⁶ we should regard this as a metronymic ('Phaistos, son of Sybrita').

(iii) *I.Cret. IV 165*, dating formula in a joint decree of Gortyn and Phaistos, ca. 240-220 B.C.: ἐπὶ τῶν Δυμάνων κορμιόντων (τῶν) | σὺν Εὐρυβῶτα τῷ Δαμασίλας. Because of the high status of Eurybotas (chair of the Gortynian board of kosmoi) all scholars (including myself) have preferred to correct the text to Δαμασίλα {Σ}, i.e., 'Eurybotas, son of Damasilas', rather than to accept a metronymic.¹⁷ This correction is not improbable, since the mason of this inscription made many other mistakes, but the possibility of a metronymic should not be excluded.

(iv) *SEG XXXIX 956*, dedication, Eleutherna, 2nd/1st cent. B.C.: Κληπάτρα Παισῶς, "Kleopatra, daughter of Pauso", certainly a metronymic.

(v) *I.Cret. I vii 16*, epitaph, Chersonesos, 1st cent. B.C.: Κλευμενίδας^{vac}. Νικασχοῦς. Νικασχοῦς is the genitive of a female

¹⁴ I owe this information to Dr. H. Matthäus, who will publish the bronze vessel.

¹⁵ See M. Guarducci, *I.Cret. II* p. 289-291 for the coins and the inscriptions; for more recent epigraphic finds see G. Le Rider, *Monnaies crétoises du Ve au Ier siècle av. J.-C.* (Paris 1966) 258f.

¹⁶ A. Chaniotis, 'Die Geschichte von Amnisos von Homer bis zur Eroberung Kretas durch die Türken', in J. Schäfer (ed.), *op.cit.* (note 11) 78 with note 181; cf. *SEG XLIV 714*.

¹⁷ M. Guarducci, *I.Cret. IV* p. 227 (with bibliography); Fraser and Matthews, *op.cit. I*, 114; Chaniotis, *Verträge* (cf. note 11) 423 with note 2040 and further bibliography.

name (“Kleumenidas, son of Nikascho”). There is no reason to suspect the genitive of (the unattested) Νικάσχη¹⁸ or to assume that we have two female names in the genitive (“of Kleumenida (and) Nikascho”).¹⁹

(vi) *I.Cret.* II xxv 6, dedication to Artemis, Soulia, 1st cent. A.D.: Στέφανος Ἀριστώς (“Stephanos, son of Aristo”), certainly a metronymic (cf. note 7 and nos iv and viii: Πεισῶς, Πανσῶς, Νικασῶς). There is no reason to make radical corrections (Ἀριστω<νο>ς) or to assume an irregular genitive of a male name in -ως (Ἀρίστως = Ἀρίστω / Ἀρίστου) with an -ς added “sans raison”.²⁰

(vi) *I.Cret.* II xxvi 19, epitaph, Sybritos, 1st cent. A.D.: [Σ] ωτάδα [ς] | Σαμηράμιφ[ς?]. If the restoration of the second name is correct, this is another case of a metronymic (“Sotadas, son of Sameramis”). The female name Sameramis is also attested in Kydonia (*I.Cret.* II x 17).

(vii) *SEG* XLV 1306, epitaph, Kydonia, 2nd/3rd cent. A.D.: Ἰουλία Λουκήλλα Νικασῶς, “Iulia Lucilla, daughter of Nikaso”, certainly a metronymic.

This evidence is not very abundant, but it is very diverse. It consists of epitaphs, dedications, and possibly public documents; it concerns both men and women. The ‘law code’ of Gortyn (col. VI 55-VII 10) stipulates that the children of free women and unfree men received the legal status of their mother, while the children of free men and unfree women probably also received the legal status of their mother, according to R.F. Willetts’ interpretation.²¹ The Cretan men

¹⁸ Fraser and Matthews, *op.cit.* I, 331.

¹⁹ This was my suggestion: Chaniotis, *art. cit.* (cf. note 11) 316f. M. Guarducci, *I.Cret.* I p. 40, asked herself: “an Νικασχοῦς nominativus generis feminini?”.

²⁰ This is the interpretation of M. Bile, *Le dialecte crétois ancien* (Paris 1988) 132: “un s peut être ajouté sans raison, par exemple dans le génitif de l’anthroponyme Aristvw (= Aristv)”. Cf. M. Guarducci, *I.Cret.* II p. 282, who regards the genitive Καραιθως in *I.Cret.* II xxiii 8 as a possible parallel.

²¹ Willetts, *op.cit.* (cf. note 1) 34f.; id., *op.cit.* (cf. note 3) 60; cf. R. Koerner, *Inschrifliche Gesetzestexte der frühen griechischen Polis* (Cologne-Weimar-Vienna 1993) 516f; Link, *op.cit.* (note 5) 45f.; van Effenterre and Ruzé, *op.cit.*

and women who identified themselves by stating their mother's name in inscriptions from the Archaic to the Imperial period must have been persons who owed their legal status to their mothers, in other words extra-marital children. Cretan metronymics point to Cretan bastards.

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(note 2) 132. On the contrary, D. Ogden, *op.cit.* 265f. assumes that unions between free men and serf women "were banal and the fruit of them unproblematically free;" the first assumption may be correct, but the free status of such children is anything but certain.