

## THE GREAT INSCRIPTION, ITS POLITICAL AND SOCIAL INSTITUTIONS AND THE COMMON INSTITUTIONS OF THE CRETANS

### IS THERE SUCH A THING AS CRETAN NOMIMA? METHODOLOGICAL CONSIDERATIONS

In the eighth and seventh centuries Crete had been one of the most advanced regions in Greece. The Cretans adopted the alphabet very early; Cretan artists played a leading part in the development of Greek art, especially in the fields of metallurgy and stone sculpture; in the early seventh century they participated in colonisation, founding Gela together with the Rhodians; the Homeric hymn to Apollo associates the Cretans with the foundation of the sanctuary at Delphi. It is in this period of cosmopolitanism and close contacts to the Orient, a period of a visible advance of trade, arts, and culture, that Crete seems to petrify. From the late seventh century onwards trade and arts do not disappear, but they certainly lost the innovative power they had had; the Cretan institutions do not keep pace with the developments in the rest of Greece; and although Crete was never isolated from the rest of Greece, its contacts with other Greek areas in the sixth and fifth centuries were not impressive. The decline of Crete as a cultural pioneer in the Greek world goes hand in hand with the rise of its fame as a model of law and order. The Cretans did not any longer produce impressive works of art, but they produced more legal inscriptions than the rest of Greece taken together.<sup>1</sup> The age of innovation was followed by the age of delimitation; the age of experiments by the age of normativity and the prevention of change. The question I address in this paper is simple: Can we regard Crete as a homogeneous area of legal practices?

Long before Aristotle treated Crete as an area with a single constitutional order, around 400 B.C. Charon of Lampsakos had written a work called *Kretika* in which he described the laws established by Minos.<sup>2</sup> There are good reasons to suspect that the positive picture of Minos in the fourth

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<sup>1</sup> See the collections of the relevant texts compiled by KOERNER 1993 and VAN EFFENTERRE – RUZÉ 1994 and 1995.

<sup>2</sup> *FrgHist* 262 T 1.

century, but also the belief in the homogeneity of Cretan institutions are Charon's invention. From Charon's *Kretika* onwards the perception and presentation of Crete in our sources is characterized by a fundamental discrepancy: the discrepancy between the homogeneity of Crete, which is underlined by the literary sources – especially the works of the political theorists –, and the heterogeneity underscored especially by our documentary sources.

Homogeneity should in fact be rather surprising. Already the *Odyssey* (19, 175-177) describes Crete as an island occupied by populations of different origins: the Pelasgians, the Eteocretans, the Dorians, the Achaians, and the Kydonians; this heterogeneity of origins can be supported by other sources (e.g., place and month names, Eteocretan inscriptions)<sup>3</sup>. From the *Iliad* onwards Crete is known as *hekatompolis*, as the island with the hundred independent poleis. Division, not unity, is the common feature of Cretan history: the never ending wars among the Cretan communities, not the legendary *synkretismos* (the alleged unification to defend the island against foreign enemies)<sup>4</sup>.

If we look for other evidence for the heterogeneity of the Cretans we will not be disappointed. There are no two Cretan cities with the same calendar,<sup>5</sup> in other words with the same festivals; there are no two Cretan cities with the same tribal subdivisions<sup>6</sup>. We find in Crete the "Dorian" tribes of the Hylleis, the Dymanes, and the Pamphyloi, but never all of them in the same polis. Perhaps this may be explained if we assume that the Dorian immigrants came in small groups, possibly consisting of members of only one tribe, who then joined populations of other origins.

Given the different origin of the population, the political fragmentation of Crete, and the endemic wars on the island, we should not be surprised if we find differences among the cities in cults, onomastics, tribal subdivisions, and names of magistracies. We should be surprised if we were to find the uniformity which Plato and Aristotle underline when they refer to a Cretan *politeia* as common constitutional order.

3 See, e.g., VELL. PATERC. 1, 1 (foundation of the cities Mykenai, Tegea, Pergamon on Crete); *Schol. ad Apoll. Rhod., Argon.* 4, 175 b (Achaia on Crete); TRÜMPY 1997, 196–197 (heterogeneous origin of the month names); DUHOUX 1982 (Eteocretan inscriptions); DUHOUX 1988 (heterogeneity of dialects).

4 For the Cretan wars see WILLETTS 1955, 234–241; for the Hellenistic period see CHANIOTIS 2005a, 9–12. For the notion of *synkretismos* see CHANIOTIS, 1996, 6–7.

5 For the Cretan month names see TRÜMPY 1997, 188–197.

6 On the Cretan tribes see most recently MANDALAKI 2004, 34–40; see also JONES 1987, 219–231, who, however, does not include among the Cretan tribes the tribe Archeia (see CHANIOTIS 1988 a, 159–160) and the tribe Lasynthioi (see SEG L 937 and below).

The existence of such an order has already been challenged, on good grounds, by Paula Perlman in an article published in 1992, in which she urged not to accept the views of the political theorists about a Cretan *politeia* without scrutiny of the documentary sources<sup>7</sup>. Perlman's study stressed the heterogeneity of Cretan institutions, e.g., with regard to the designation of the chief magistracy (*kosmoi* in most cities, but *demiourgoi* in Olous, Polyrhēnia, Aptera, and Kydonia, and *archontes* in Itanos and Praisos), with regard to the number of the *kosmoi* of the Cretan cities, with regard to the selection of the *kosmoi* (not necessarily from only a restricted number of families), and with regard to Aristotle's claim that the Cretan cities functioned without written laws. Perlman's study has to a great extent discredited Aristotle's view on Crete's constitutional unity. Perlman is certainly right in stressing the necessity of critically reviewing Plato's and Aristotle's claims and in paying more attention to the differences between the Cretan cities.

On the other hand, and despite all the differences which Perlman has observed, we should not overlook the homogeneity in certain fundamental issues:

- the preoccupation with status,
- the focus on military training,
- the preservation of the common meals, the men's clubs (*andreia*), and the age classes,
- the petrification of Cretan social and political institutions,
- and the effort to delimitate the rights and duties of foreigners, artisans, women, and various categories of dependent persons.

It is not so important whether Gortyn had ten *kosmoi* and another city only five. What is far more important is the fact that wherever we find *kosmoi* — and we do find them in almost every city — these officials represent the executive power, that the entire board of the annually elected *kosmoi* belonged to a single tribe and that, consequently, they must have been military leaders of the tribes<sup>8</sup>. It is not so important that we find different designations for the age-classes in the various cities (*ebion*, *anebos*, *anoros*, *apodromos*, *pentekaidekadromos*, *peiskos*, *agelaos* etc.)<sup>9</sup>, what is important is the preservation of age-classes until the late Hellenistic period as we may infer from the ephebic

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<sup>7</sup> PERLMAN 1992.

<sup>8</sup> This can be inferred from the dating formula in Cretan inscriptions ("when the tribe NN provided the *kosmoi*"); e.g., *IC* I, ix 1; IV 181; *SEG* XXVI 1049; XLI 770; L 937. LINK 1994, 97–112, especially 101–103, 108–111.

<sup>9</sup> BILE 1988, 343–344 and 1992; TZIFOPOULOS 1998; cf. CHANIOTIS 1996, 124–126; COBETTO GHIGGIA 1999.

rituals mentioned in Cretan inscriptions<sup>10</sup>. These similarities are indeed striking, the more so when we take into consideration the political fragmentation of Crete and the lack of any hyper-polis organisation earlier than the foundation of the Cretan Koinon in the early third century. Evidence for a Koinon in earlier periods does not exist<sup>11</sup>, and the only hyper-polis organisation we may observe (or rather, assume) are a few regional sanctuaries.<sup>12</sup>

These observations call for a study of the Law Code in the context of early Cretan norms — not so much in an effort to find, e.g., whether the regulation concerning adultery is found in another Cretan legal document, but rather in an effort to see whether the Law Code stems from a particular tendency to structure a community and from the need to face the same challenges as in other cities in a similar way.

I should not leave the difficulties of such an undertaking unmentioned. We know next to nothing about the political situation in Gortyn in the fifth century. The Law Code does not define any of the social, economic, legal, and political institutions, for which norms are introduced, modified, or just written down; it *presupposes* the understanding of all these institutions, and this is why the interpretation of terms and clauses is still a matter of controversy. It does not explain what an *oikeus* and a *doulos* are; it does not define the *klaros* or the *pastas*<sup>13</sup>. The second difficulty is the rather limited material beyond Gortyn. Our documentary evidence for the seventh, sixth, and fifth centuries is predominantly Gortynian. R. Koerner's collection of early legal inscriptions has 29 texts from the rest of Crete as opposed to 48 from Gortyn alone<sup>14</sup>. In addition to this, most of the texts found in other cities are extremely fragmentary. For this reason we should not be surprised if some terms, such as *katakeimenos*, *antatas*, *kadestas*, and *anpasis*, are only attested in Gortyn — or, rather, to put it more cautiously, some terms are *hitherto* attested only in Gortyn. The publication of new material from other cities has repeatedly demonstrated that terms that

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<sup>10</sup> For the Cretan ephebic rituals see, in general, LEBESSI 1985, 1991, and 2002; BILE 1992; CAPDEVILLE 1995, 202-214; LEITAO 1995; GEHRKE 1997, 31-35; VATTUONE 1998; WALDNER 2000, 222-242; CHANIOTIS 2005b. For the Hellenistic period see CHANIOTIS 1996, 124-125, 129. For terms related to age classes in Hellenistic inscriptions see also *IC* II, v 25 (Axos, *anebos*) and II, xii 26 (Eleutherna, *agelatai*).

<sup>11</sup> CHANIOTIS 1996, 30-31.

<sup>12</sup> CHANIOTIS 2005b.

<sup>13</sup> See the very useful overview of MAFFI 2003. For *doulos* and *oikeus* see most recently the studies of BRIXHE — BILE 1999, 93-97, LINK 2001 (with my critical remarks in *SEG* LI 1135), and MANDALAKI 2004, 69-72. For *pastas* see DUBOIS 1999, 59-61; for *klaros* see below.

<sup>14</sup> Gortyn; KOERNER 1993, nos. 116-162 (47 documents) and nos. 163-181 (the Law Code); other Cretan cities: nos. 87-115.

we only knew from Gortyn, were in fact more widely distributed. The terms *amphimolos* and *amphimoleo*, e.g., attested in a Gortynian inscription from the sixth century onwards, are now paralleled by the verb *amphimoleo* in a new inscription of Eleutherna.<sup>15</sup>

A final introductory remark: The early legal texts surviving from Crete are not widely distributed in the entire island; they have been found in a particular region of central Crete, between Dreros in the East and Eleutherna in the West. There is a striking concentration of texts in the communities around and in the vicinity of Mt. Ida (Axos, Eleutherna, Gortyn, Phaistos, and Prinias), while the rest of the texts are concentrated around Lassithi (Datala, Dreros, Eltynia, and Lyttos), with Knossos in the middle between the two areas.<sup>16</sup> Thirty years ago one might have claimed that this concentration reflects the state of research and the focus on central Crete. However, intensive research in east and west have not changed the picture in every way. There are only a few early inscriptions in other cities, but none of them can be recognized as a legal document.<sup>17</sup> We have either to assume that in East and West Crete other materials than stone were used (e.g., bronze tablets), or that for certain reasons there was a more intensive occupation with legislation and norms in central Crete. As I will argue later, this distribution of the testimonia may be connected with the existence of two supra-local sanctuaries, which served as meeting places of the elite in the Archaic period, on Mt. Ida and at Simi Viannou. This distribution also reminds us that Crete is not as uniform in terms of behavior, epigraphic habits, and institutions as ancient philosophers often want us to believe.

In the first part of my paper I will provide some examples of similarities in the legal vocabulary and the institutions of the Cretan cities — not all the Cretan cities, but those from which we have early material. In the second part I will suggest that these similarities may not be the result of a slow evolution, but of mutual influence.

<sup>15</sup> Gortyn: *IC* IV 57 (KOERNER 1993, n° 142); IV 72 (KOERNER 1993, nos. 163, 170, 174, 179). Eleutherna: TZIFOPOULOS 2004, 155 n° 11 (line 1: [ἀν]πιμολοί; line 4: [ἀνπιμο]λίοντι?).

<sup>16</sup> Axos: *IC* II, v 1–12; *SEG* XXIII 565 (cf. KOERNER 1993, nos. 101–108); Datala: *SEG* XXVII 631; Dreros: *SEG* XV 564 (= *SEG* XXXIX 954); XXIII 530; KOERNER 1993, n° 90; Eleutherna: *IC* II, xii 1–19; *SEG* XXIII 571; XLI 739–740; XLV 1256? (KOERNER 1993, nos. 109–115); Eltynia: *IC* I, x 1–2 (cf. KOERNER 1993, n° 94); Gortyn: *IC* IV 1–49, 51–78, 80–140; cf. *SEG* XLIX 1221–1223; Knossos: *IC* I, viii 2 (KOERNER 1993, n° 89); Lyttos: *IC* I, xviii 1–7; *SEG* XXXV 991 (cf. KOERNER 1993, nos. 87–88, 95–100); Phaistos: *SEG* XXXII 908, perhaps *SEG* XXIII 556; Prinias: *IC* I, xxviii 7–8.

<sup>17</sup> Hyrtakina: *IC* II, xv 1; Kydonia: *SEG* XXVIII 746; XLIV 719 = XLV 1305; Lappa: *IC* II, xvi 1 (cf. *SEG* XXXIX 970); Phalasarna: *IC* II, xix 1; Polyrhena: *SEG* XLIV 733; Praisos: *SEG* XLV 1336.

## THE VOCABULARY OF THE CRETAN INSTITUTIONS: CASES OF CONVERGENCE

*The military nature of kosmos, startos, and klaros and its consequences*

The names of the chief magistrates are *kosmoi*, a word that literally means the men who set the army in array. The *kosmoi* are attested in all Cretan cities from which we have early material (Axos, Dreros, Eleutherna, Eltynia, Lyttos, and Gortyn) and in later inscriptions in all the Cretan cities. As we know from the later evidence, the Cretan *kosmoi* were elected every year from a different tribe.<sup>18</sup> This principle is found invariably in every Cretan city and seems to be one of the most striking similarities in the political institutions of the Cretan cities. This similarity becomes even more striking if we take into consideration the fact that this rule seems to be an innovation of the late Archaic period, and not an old tradition. One of the early Gortynian laws (*IC IV 121*, sixth century) forbids the same person to occupy the office of the *kosmos* for a second time in a period of three years: “the same person should not be *kosmos* within three years” (*trion etion ton aton me kosmein*). If in the period in which this law was issued a different tribe provided the *kosmoi* every year, then this regulation would have been obsolete. A person would have to wait for three or four years — depending on the number of tribes — to occupy the same office again anyway. This inscription demonstrates that the rotation of the tribes in the magistracies was introduced in the sixth century at the earliest.<sup>19</sup> The earliest Cretan legal document, the Drierian decree limiting the iteration in office (ca. 650-600 B.C.) shows that as early as the seventh century the Cretan cities were concerned with this issue.<sup>20</sup> A solution was found later. What we should keep in mind is that exactly the same solution, the rotation of tribes, was adopted by all Cretan cities. This requires an explanation.

In Gortyn, this rule had already been adopted earlier than the Law Code. The Law Code in column V refers to the year in which the *kosmoi* of the *startos* of the Aithaleis under Kyllos were in office (col. V 5-6). This important passage associates the *kosmoi* in office with a particular *startos*. The meaning of the word *startos* has been disputed in research (see below), but in this particular passage there can be little doubt that *startos* designates a subdivision of the citizen-body, in other words a tribe. The Aithaleis are in fact attested as the name of a tribe in Dreros, Gortyn,

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<sup>18</sup> See above n. 8.

<sup>19</sup> LINK 1994, 108.

<sup>20</sup> KOERNER 1993, n° 90; cf. KOERNER 1987, 451-457; LINK 1994, 107-108.

Knossos, and Malla;<sup>21</sup> and from the later evidence we know that every year the *kosmoi* were elected from a different tribe. Consequently, this passage in the Law Code is the earliest evidence for the fact that the officers (*kosmoi*) of subdivisions of the citizen-body (tribes), which were military units (*startoi*), rotated in the leadership of their community, a principle which is found, without any exception throughout Crete until the end of the Hellenistic period.

The use of the term *startos* as a designation of the subdivisions of the community<sup>22</sup> has some consequences for our understanding of the military, economic, and social organization, but also for our understanding of the process of homogeneity in Crete. Let us consider for a moment these implications.

First, it is important to note that the term *startos/stratos* as a designation of a subdivision of the citizen-body is not limited to Gortyn. It is also known from Lyttos from an inscription of the Imperial period which concerns itself with the restoration of old practices.<sup>23</sup>

The word *startos* is a local Cretan designation of *phyle/pyla*, which is the more widely attested word for tribe; *pyla* is also used in Crete.<sup>24</sup> The tribal names Diphyloi and Pamphyloi, which are attested in Crete, imply that the original designation of the tribe was *phyle*, and that *startos/stratos* was either introduced at some later point<sup>25</sup> or that it designated a particular section of the tribe. A plausible assumption is that the *pyla/phyla* denotes all the members of the tribe, while *stratos* only refers to the warriors among them.<sup>26</sup> This would easily explain why the Law Code designates the Aithaleis, who provided the *kosmoi* in that particular year, as a *startos*. This term denotes the members of the tribe's military assembly that elected its officers. In Greek cities tribes were conceived as military units, as military catalogues and lists of casualties of tribesmen show.

The implications stemming from the conception of the tribe as a military unit are far reaching. Let us consider the function of the tribe/*pyla* in the Law Code. The regulations concerning the *patroiouchos* in the seventh

<sup>21</sup> MANDALAKI 2004, 35 n. 8; cf. JONES 1987, 220–221, 223–227.

<sup>22</sup> For the meaning of *startos/stratos* see WILLETTS 1955, 28–29 (clan); LINK 1994, 103 (the warriors of a phyle); cf. GUIZZI 1999, 279–280; MANDALAKI 2004, 38. BILE 1988, 338 n. 69 left the question open.

<sup>23</sup> Lyttos: IC I, xviii 11; cf. GUIZZI 1999.

<sup>24</sup> WILLETTS 1955, 27; BILE 1988, 343; MANDALAKI 2004, 37.

<sup>25</sup> The evidence for the Diphyloi and Pamphyloi in JONES 1987, 221, 227–228 and MANDALAKI 2004, 35–37. It should be noted the *pyla* is attested in Gortyn already in the late seventh century (IC IV 19), earlier than *startos* or *startagetos*.

<sup>26</sup> LINK 1994, 102; GEHRKE 1997, 36 n. 60; MANDALAKI 2004, 33.

and eighth columns show a strong interest in marriage within the same tribe.<sup>27</sup> If the *patroiouchos* has to marry a member of the same tribe – in other words, if property needs to remain within the tribe –, this can only mean that membership in a tribe was somehow connected with property rights, i.e., with the possession of land. If there is such a strong interest in keeping the land property of the tribe intact by making the marriage between the *patroiouchos* and a tribesman obligatory, could it then be that the Cretan tribes were not only military units providing a certain number of soldiers, but also territorial units owning a certain amount of land? This question unavoidably leads us away from Gortyn and to the mountains of Lassithi. A recent discovery by Charalambos Kritzas may point to the territorial nature of the tribes.<sup>28</sup> A building inscription from the sanctuary of Hermes Kedrites in Simi Viannou attests the Lyttian tribe of the Lasynthioi.<sup>29</sup> The tribe of the Lasynthioi derives its name from Lasynthos, the ancient name of the high-plain of Lassithi, and associates the tribe with a particular area. Of course one should be cautious and not attempt far reaching conclusions based on a single text. What this inscription shows is that at least one tribe in at least one city may have been a geographical unit.

The hypothesis that in Gortyn, Lyttos, and possibly other cities the tribes were at the same time military and regional units, which occupied a certain part of the territory, is not yet proven. But an interdependence between land and warriors would be anything but unique or surprising in Greek history; from the Thessalian reforms of Aleuas in the sixth century, who divided the land into *klaroi* which were in possession of real or virtual family groups obliged to contribute a certain number of cavalrymen,<sup>30</sup> to the Hellenistic *klerouchoi*,<sup>31</sup> the possession of land was often connected with military obligations.

The interdependence between land ownership and military obligations may be the key for understanding the notion of the *klaros* in the Law Code (col. V 25-28). “If a man or woman die, if there be children, or children from these, they shall have the property; but if there be none of these, and there be brothers of the deceased, and children from the brothers, or children from these, they shall have the property; but if there

<sup>27</sup> IC IV 72 col. VII 50–52, VIII 8–33 (KOERNER 1993, n° 174); KARABÉLIAS 2004, 29 with n. 41, 46–48.

<sup>28</sup> KRITZAS 2000; SEG L 937.

<sup>29</sup> The Lasynthioi are also mentioned in another inscription of Lyttos, in which the name had originally been restored as Hyakinthioi (IC I, xviii 13; SEG L 933).

<sup>30</sup> HELLY 1995, 279–328.

<sup>31</sup> The Ptolemaic *klerouchoi*: PRÉAUX 1939, 400–403, 463–477; UEBEL 1968; VAN T’ DACK 1977; the Seleukid *klerouchoi*: COHEN 1978, 45–71.



be none of these, but sisters of the deceased, and children from these, or children from the children, they shall have the property; but if there be none of these, to whomsoever it belongs where there is property, these shall receive it. But, if there should be no relations, the *klaros* of the house, whoever they may be, these shall have the property” (translated by A. C. Merriam). If in Gortyn *klaros* was an undividable land unit which supported a group of citizens (i.e., of warriors), then we understand why this clause stipulates that this group inherited the property of the possessor of a plot who had died without any other relatives. Claude Brixhe and Monique Bile have recently argued that in Gortyn land did not constitute private property and did not change hands;<sup>32</sup> the *klaros* in the fifth column consisted of the descendants of the original recipients of a lot. In her discussion of col. V 25-28 Aikaterini Mandalaki reached a similar conclusion;<sup>33</sup> she has argued that at some point the territory of Gortyn was divided into broad territorial units, possibly for military purposes, as in Thessaly. These units which were subdivided into smaller lots, were assigned to families; when there was no heir to the property of a family, the property passed over to the families that belonged to the same unit.

Let me summarize the complex arguments of this section of my paper. I have tried to show that there may be a connection between six separate phenomena:

- the military function of the *kosmoi* which is suggested by the name of this office and the ancient definitions;
- the election of the *kosmoi* from separate tribes, a practice attested in the Law Code and in later inscriptions all over Crete;
- the military character of the tribal subdivisions, which is suggested by the name *startos* in Gortyn and Lyttos;
- the possibly regional character of the tribal subdivisions, which may be inferred from the name of the Lyttian tribe of the Lasynthioi;
- the relevance of the tribe for inheritance, which is attested in the clause that concern the marriage of the *patroiouchos* in the Law Code; and
- the interpretation of the *klaros* as an undividable land unit in the possession of a group of citizens.

Some of these elements are found in Gortyn alone, others in Gortyn and Lyttos. This convergence alone cannot support the theory of common Cretan nomima, but it should be considered together with other evidence for peculiar institutions attested in more than one Cretan city.

<sup>32</sup> BRIXHE – BILE 1999, 108-115.

<sup>33</sup> MANDALAKI 2000; cf. MANDALAKI 2004, 39-40, 144-153.

*Convergence in the peculiar Cretan terminology of social and legal institutions*

We may observe a convergence in several terms which concern social and legal institutions, such as the position of foreigners and illegitimate children, the organization of the citizen-body, and judiciary practices.

The expression *allopoliatas* is attested in Lyttos and Eleutherna<sup>34</sup> — two cities which otherwise have little in common. The word *allopoliatas* literally means “the one from another city”; the word *allopolia*, in the meaning “foreign territory” is also used in the Law Code (col. VI 47). We find again an interesting convergence in the legal vocabulary used in Gortyn, Lyttos, and Eleutherna. It should be noted that in Gortyn the term *allopoliatas* coexists with the term *xenos* (foreigner),<sup>35</sup> which must have a different meaning. I assume that *xenos* was used to designate foreigners already living in another city and subject to its norms (cf. the term *xenia dika*, *xenios kosmos*, and *xenodokos*),<sup>36</sup> whereas the *allopoliatai* were foreigners who were not subject to legal protection or were not the object of interstate agreements; e.g., in Lyttos this term is used to designate the foreigners who were not welcome as residents.

A convergence may also be observed in the case of terms connected with the social organisation of the Cretan cities: *hetaireia* is directly or indirectly attested in the Law Code and other inscriptions of Gortyn, but also in Axos, Dreros, Malla, and in an anonymous city near Rethymnon,<sup>37</sup> *apetairos* in Gortyn and Knossos,<sup>38</sup> *agela* in Dreros, Eleutherna, and Eltynia,<sup>39</sup> *andreia* (the men’s houses where *syssitia* took place) in Axos, Datala, Eltynia, and Gortyn, in later periods also in Dreros, Hierapytna, Lyttos, and Priansos.<sup>40</sup> A striking similarity is found with regard to the designation of the young men between twenty and thirty years, the group of the *neoi* in Greece. In Crete, and only in Crete,

<sup>34</sup> Lyttos: SEG XXXV 991; possibly to be restored in IC I, xviii 2 line 5 and 3 B line 2. Eleutherna: IC II, xii 3.

<sup>35</sup> Eleutherna: IC II, xii 4.

<sup>36</sup> *xenia dika*: IC IV 80; *xenios kosmos*: LINK 1994, 47–48, 106–108; *xenodokos*, in Gortyn: IC IV 13 (KOERNER 1993, n° 120); in Thessaly: ZELNICK-ABRAMOVITZ 2000.

<sup>37</sup> Axos: SEG XXIII 566 line 17; Dreros: IC I, ix 1; SEG XXIII 530; Gortyn: IC IV 42, 72; Malla: IC I, xix 3 A line 41; unknown city near Rethymnon: SEG XXVIII 753; BILE 1988, 52–53 n° 49.

<sup>38</sup> Knossos: BILE 1988, 54–55 n° 52. Gortyn: IC IV 72 col. II; IC IV 84.

<sup>39</sup> Dreros: IC I, ix 1; Eleutherna: IC II, xii 26; Eltynia: IC I, x 2.

<sup>40</sup> Axos: IC II, v 1 and 25 A; Datala: SEG XXVI 631; Dreros: IC I, ix 1; Eltynia: IC I, x 2; Gortyn: IC IV 4; Hierapytna and Priansos: IC III, iii 4. On the *andreia* see LAVRENCIC 1988. For the possible identification of a building as an *andreion* see HAGGIS et alii 2004.

these persons are designated as *dromeis* (in Archaic Crete, in Eleutherna and Gortyn).<sup>41</sup>

With regard to legal statuses we find the term *aphamia*, which designates a particular group of unfree persons, not only in the literary sources (*aphamiotai*), but also in Eleutherna<sup>42</sup> in West Crete and centuries later in Hierapytna in East Crete.<sup>43</sup> The term *pastas* (owner) is found in Axos, Knossos, and Gortyn;<sup>44</sup> the *oikeis* of Gortyn and Lyttos perhaps correspond to *oiketeia* in Eleutherna and Lato.<sup>45</sup>

The Law Code treats in the fourth column the legal status of the offspring of mixed marriages between free and unfree. The children born in matrilineal mixed marriages, i.e., when the serf lived with a free woman, were regarded free. We do not have direct evidence from other cities for this principle, but it is indirectly confirmed through the existence of a large number of so-called metronymics, i.e., persons who are not identified by the name of their father, but by the name of their mother.<sup>46</sup> These metronymics, used by persons born out of wedlock who owed their free status to their mothers, are found in Gortyn, Eleutherna, Chersonnesos, Kydonia, Sybritos, and Soulia.

If we move to the area of judiciary practices, one notes the use of the rare term *homomotai* (those who take an oath together with one of the parties to a dispute, his supporters) in Lyttos (98) and in Gortyn (117),<sup>47</sup> and the terms *anatos* or *apatos* (free of charge) in Eltynia, Gortyn, and Eleutherna.<sup>48</sup> A series of composita with *molos* (battle), are used with regard to lawsuits: *antimolos* ("adversary", in Axos and in the Law Code), *anchemolia* (lawsuit on behalf of a close relative, in the Law Code and in Eleutherna), *antimolia* (lawsuit, in Gortyn), *amphimoleo* in Gortyn, and *moleo* in Gortyn, Lato and Eleutherna.<sup>49</sup> In this context I should also point to the practice of letting the *kosmoi* decide the outcome of a lawsuit upon

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<sup>41</sup> TZIFOPOULOS 1998.

<sup>42</sup> IC II, xii 16 Ab.

<sup>43</sup> SEG XXVI 1049 line 72 (CHANOTIS 1996, n° 59).

<sup>44</sup> Axos: IC II, v 2; Knossos: IC I, viii 5 B.

<sup>45</sup> Eleutherna and Lato: IC I, xvi 17 (CHANOTIS 1996, n° 37); Gortyn: see n. 13; Lyttos: KOERNER 1993, 98.

<sup>46</sup> CHANOTIS 2002.

<sup>47</sup> Gortyn: KOERNER 1993, n° 117; Lyttos: KOERNER 1993, n° 98.

<sup>48</sup> Eleutherna: IC II, xii 11. Eltynia: IC I, x 2; Gortyn: IC IV 41 col. V 6. The many Cretan composita of *apo* (e.g., *apokosmos*, *apetairos*, *apodromos*, *apatos*, *apagelos*) reveal a common way in constructing new terms (for these terms see BILE 1988, 274). But such composita are not exclusively attested in Crete. See VELIGIANNI 2001, 26-30.

<sup>49</sup> BILE 1988, 351.

oath in Eltynia (*gignoskein omnyntas*) and in Gortyn (*omnynta krinein*).<sup>50</sup>

This similarity in the legal vocabulary of several Cretan cities may be the result of a mutual influence, e.g. the impact of written contracts or of the exchange of documents. Such a convergence, taken by itself, should not be overestimated. When, however, it is considered together with the evidence concerning common structures, it becomes more significant.

#### THE STRUCTURE OF CRETAN INSTITUTIONS: CASES OF CONVERGENCE

I conclude this survey by pointing to some common features in the surviving fragments of Archaic and early Classical legislation in Crete. At first sight, the Law Code stands out with its regulations which concern subjects that are not treated in other early legal texts, such as the ownership of slaves, rape, adultery, divorce, illegitimate children, inheritance, mixed marriages, the *patroiouchos*, trade, donations, and adoption.<sup>51</sup> The earlier fragments from Gortyn treat other subjects, such as loans, mortgage, funerals, the use of water resources, purifications, freedmen, etc.<sup>52</sup> With respect to subject matter there is hardly any convergence between the legislation in Gortyn and that of other cities, or between other Cretan cities.

And yet, there are a few subjects that are treated in more than one city, namely restrictions with regard to iteration in office (Dreros and Gortyn, see notes 19 and 20), restrictions with regard to foreigners (Lytos and possibly Eleutherna),<sup>53</sup> and regulations concerning artisans (Axos, Datala, Eleutherna, and Gortyn).<sup>54</sup> We may also still detect some common features in the aims of the norms.

A first common feature is the clear preoccupation with status and with the normative delimitation of the rights and privileges of persons or groups of persons of a particular status. Although the surviving texts do not define statuses, we continually observe an effort to consolidate the existing lines and to introduce clear-cut norms that determine the lives of individuals depending on their status (artisans, foreigners, slaves, illegitimate children). The clearest evidence for the importance of status in

<sup>50</sup> Eltynia: *IC I*, x 2; Gortyn: *IC IV* 41 and 72.

<sup>51</sup> See the summary by LÉVY 2000.

<sup>52</sup> See the systematic survey in KOERNER 1993, 364-454 nos. 116-162.

<sup>53</sup> Lyttos: *SEG XXXV* 991 A = KOERNER 1993, n° 87. Eleutherna: *IC II*, xii 3-4 = KOERNER 1993, nos. 109-110.

<sup>54</sup> Axos: *IC II*, v 1 = KOERNER 1993, n° 101; BILE 1988, 36-37 n° 27. Datala: *SEG XXVII* 631; BILE 1988, 37-40 n° 28. Eleutherna: *IC II*, xii 9. Gortyn: *IC IV* 79 = KOERNER 1993, n° 154. See the systematic discussion by VAN EFFENTERRE 1979.

the Law Code is provided by the fines, which vary depending on the legal position of the victim and the culprit.<sup>55</sup>

This is not the place to treat this matter systematically; the regulations concerning foreigners may serve as a characteristic example. The best known document is a Lyttian decree of the late sixth century which forbids the acceptance of foreigners (*allopoliatai*), except for dependent persons — possibly prisoners of war or captives of raids — and except for the Itanians.<sup>56</sup> Henri and Madeleine van Effenterre regarded this decree as evidence of *xenelasia*,<sup>57</sup> Reinhard Koerner suspected a restriction with regard to the participation in cults (see note 56), but there is nothing in this text that supports his assumption. We are clearly dealing with a restriction of the presence of foreigners in the territory of Lyttos. Such regulations were not limited to Lyttos. As we have already seen, the same term, *allopoliatas*, is used in a small fragment in Eleutherna;<sup>58</sup> another fragmentary text in Eleutherna deals with *xenoi*.<sup>59</sup> We should associate these references to norms concerning foreigners also with the function of the *xenodokos* in Gortyn.<sup>60</sup> Again, the context in which this word is used is fragmentary, but the function of the *xenodokoi* is better known from Thessaly. As R. Zelnick-Abramovitz has recently demonstrated, this term originally designated persons who received foreigners, protected them, and mediated between them and the authorities;<sup>61</sup> in this respect, their role was similar to that of the *prostatai* of metics. The word retained its original meaning even after it acquired the additional meaning of 'witness'; later, the *xenodokoi* witnessed transactions made by their polis with foreigners. The *xenioi kosmoi* in Gortyn<sup>62</sup> should also be added to the efforts of Cretan cities to regulate the relations between citizens and foreigners.

The introduction of rules means the clear definition of rights and privileges, the strict control of the life and the activities of persons of a particular status. The foreigners were not the only group of such persons, whose presence in Cretan cities had to be regulated and controlled. The second group were the freedmen, who in Gortyn were obliged to live in a particu-

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<sup>55</sup> KOERNER 1993, 466–467 (zu IC IV 72 col. II 1–15).

<sup>56</sup> KOERNER 1993, n° 87.

<sup>57</sup> VAN EFFENTERRE – VAN EFFENTERRE 1985, 179.

<sup>58</sup> KOERNER 1993, n° 109.

<sup>59</sup> KOERNER 1993, n° 110.

<sup>60</sup> KOERNER 1993, n° 120.

<sup>61</sup> ZELNICK-ABRAMOVITZ 2000.

<sup>62</sup> KOERNER 1993, n° 121.

lar area;<sup>63</sup> I suspect that similar regulations existed also in Eleutherna.<sup>64</sup> A third group were those who contributed to the welfare of the community not with their military skills, but with their skills in handicrafts and arts. We have regulations concerning craftsmen in Datala (the famous decree for the scribe Spensitheos), Axos, Eleutherna, and Gortyn. To the four texts studied by Henri van Effenterre in his important article concerning the status of dependent craftsmen in archaic Greece (see note 54), we may now add an inscription from Eleutherna concerning a *skyteus*, a worker of leather, possibly in connection with the making of armaments.<sup>65</sup>

Finally, an interest in the preservation of status may be detected in the Law Code in the regulation which obliges the father to give during his life time his share of the property to a son, if the son has been condemned to a fine.<sup>66</sup> In this way the condemned man was able to pay the fine and retain freedom and citizenship.

#### CRETAN SANCTUARIES AS MEETING PLACES OF THE ELITE AND THE CONVERGENCE OF CRETAN NOMIMA

In the first part of my paper I have tried to demonstrate that despite all the differences between the institutions of the Cretan cities, which should be expected given the different origins of the population and the political fragmentation of Crete, we still find similarities in the use of a particular Cretan vocabulary, but also in the preoccupation with particular issues. Of course generalisations should be avoided. There are offices that are attested only in a single city, such as the *orphanodikastai* in Gortyn<sup>67</sup> or the *damioi* and the *ikati hoi tas polios* only in Dreros.<sup>68</sup> We cannot claim that there was a common Cretan *politeia* or a common Cretan law. Nevertheless, there are certain similarities, which call for an explanation. It is not necessary to think of a Minoan origin of the Cretan institutions, as Madeleine and Henri van Effenterre suggested a few years ago, based on the similarity between a law of Eleutherna limiting the consumption of

<sup>63</sup> IC IV 78; KOERNER 1993, n° 153. The interpretation of this text by VAN EFFENTERRE – RUZÉ 1994, 72–75 n° 16, has not found any followers. See CHANIOTIS 1996, 162–163 with n. 1039; PERLMAN 1996, 254; P. GAUTHIER, *Bull. Épigra.* 1995, 9; PETZL 1997, 615 n° 16.

<sup>64</sup> CHANIOTIS 1996, 162–163, 406 (with regard to the Artemitai).

<sup>65</sup> SEG XLI 740. For the interpretation of this text see CHANIOTIS 1995, 51 with nn. 71 and 73 (SEG XLV 1257) and 1999, 207.

<sup>66</sup> IC IV 72 col. IV 28–30 (KOERNER 1993, n° 169).

<sup>67</sup> IC IV 72 col. XII 7 and 11.

<sup>68</sup> KOERNER 1993, n° 90.

wine and a similar law allegedly introduced by Minos.<sup>69</sup> Some of the similarities may be the result of a slow process of interaction between the Cretan cities. But I would like to suggest another possibility, especially given the fact that beyond the differences in the designation of offices or details of legislation the political and social structure of the Cretan cities seems uniform: citizenship was limited to a small group of warriors, the common meals and the men's houses retained their importance, economic activities were primarily based on the existence of a dependent population of various statuses.

This uniformity in the basic features of the political and social institutions presupposes conflicts and negotiations, exchange of information and experiences. The large regional sanctuaries, such as the sanctuary of Hermes Kedritres in Simi or the Idaean Cave, precisely in the areas in which early laws survive, served in this period as meeting points of members of the elite, who participated in the cult or fulfilled initiatory rites.<sup>70</sup> The case of the Idaean Cave is of particular interest, since the literary sources stress its importance as an early Cretan cult place. Even though we can determine the exact legal status of this sanctuary, there is no doubt that it served as a supra-local sanctuary. The early finds suggest that a large part of the worshippers had the warrior status. In addition to the famous bronze shields found in 1886, the recent excavations by Jannis Sakellarakis have brought to light a small number of weapons, arrow-heads — which of course may be the result of hunting activities and not dedications —, and gold sheet with representations of warriors.<sup>71</sup> The most important find in this context is a closed group of seven ivory seals of the late eighth century with a unique iconography, hitherto attested only in this sanctuary.<sup>72</sup> The representation follows the same pattern: a man with a helmet and a horse, accompanied with a dog or a bird. The helmet characterizes the man as a warrior, the horse alludes to his high social position. Ephoros refers to a board of *hippeis* (riders) in the Cretan cities;<sup>73</sup> this information cannot be confirmed by the documentary sources, but it is paralleled by the representation of riders in early Cretan art,<sup>74</sup> and by the popularity of names

<sup>69</sup> VAN EFFENTERRE – VAN EFFENTERRE 1995.

<sup>70</sup> CHANIOTIS 1988; I have substantially revised the views expressed in this article in later studies, adding further material; see especially CHANIOTIS 2005 b. See also SPORN 2002, 85–89 (Simi Viannou), 218–223 (Idaean Cave).

<sup>71</sup> SAKELLARAKIS 1985, 27 fig. 6 SAKELLARAKIS 1988, 177–181.

<sup>72</sup> SAKELLARAKIS 1987, 251–252 fig. 11; cf. SAKELLARAKIS 1985, 30 fig. 10 and SAKELLARAKIS 1988, 174 n. 17.

<sup>73</sup> *FrgHist* 70 G 145 (= STRAB. 10,4,18 (C 481–482)).

<sup>74</sup> E.g., D'ACUNTO 1995.

composed with the word *-hippos* in Cretan onomastics.<sup>75</sup> The standardized iconography suggests that we are dealing with a standardized type of dedication, in other words, with a ritual reserved to the members of the military class of Cretan communities.

The Idaean Cave was a meeting place of worshippers from various communities, among them also the members of the elite. Sanctuaries such as that of Hermes in Simi Viannou and the cave of Zeus on Mt. Ida, comparable to the great Panhellenic sanctuaries of mainland Greece, may have been the places in which the exchange of information and experience took place and the elite developed common strategies in order to face the challenges of an innovative and revolutionary age. The legends about Epimenides associate him with one of these sanctuaries (the Idaean Cave), make him an advisor of Solon, an author of works about the Cretan constitution, and an author of letters addressed to Solon in which he described the laws of Minos.<sup>76</sup> None of these legends can be taken at face value, but they may reflect memories of sacred meeting places, where legal norms were discussed and developed.

Such an interaction may explain the similarities I have described in this paper. And yet each community dealt with the particular issues separately. The Law Code of Gortyn is certainly not the result of a uniform legislative process in Crete, but one of the last responses of the Gortynians to the social challenges of the Archaic age.

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<sup>75</sup> CHANIOTIS 1991, 100 with n. 41, with further evidence for horse breeding in Crete.

<sup>76</sup> See the collection of fragments and testimonia in *FrgrHist* 457. Idaean Cave: T 4f (with app. crit.); Solon: T 1 (DIOG. LAERT. 1, 112) and T 4b (PLUT., *Solon* 12); *Peri tes en Kretei politeias*: T 1 (DIOG. LAERT. 1, 112); the laws of Minos: T 1 (DIOG. LAERT. 1, 112).



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