

The First Law of the Gortyn Code

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THE FIRST COLUMN of the great inscription of laws at Gortyn (*I.Cret.* IV 72) begins with a prohibition against pre-trial seizure. For nearly a century after this magnificent inscription was discovered in 1884, the first sentence, ὅς κ' ἐλευθέροισι ἐ δόλοισι μέλλει ἀνπιμῶλεν πρὸ δίκας μὲ ἄγειν (1.2f), was unanimously understood to mean “whoever is going to contend (in court) about a free man or a slave is not to seize (him) before trial.”¹ The succeeding provisions (as traditionally understood) elaborate the law concerning seizure of persons: fines are set for violations (1.3–12), rules are given governing specific points of dispute and the rôles of the witnesses and the judge are specified in each case (1.12–39), provision is made for a disputed slave’s taking refuge in a temple (1.39–49), and three additional contingencies are provided for (1.49–2.2).² Together these provisions establish clear and reasonable rules, which were intended to replace an earlier system of self-help in which the disputed person was forcibly seized by the stronger party.

This interpretation of the first sentence and (with some disagreement over details) the first column stood unchallenged until the recent presentation by Haiim B. Rosén of a “linguistic analysis,” which amounts in fact to a radical reinterpretation of the provisions of this entire section. Most significantly Rosén argues that in the first sentence the datives ἐλευθέροισι and δόλοισι designate not the object of contention (“contend about *x*”) but rather the other party to the suit (“contend against *x*”). He thus translates, “quiconque va aller à un

¹ I give the text as printed by M. Guarducci, *I.Cret.* Other editions (cited hereafter by author’s name): F. Bücheler and E. Zitelmann, *Das Recht von Gortyn (RhM Ergänz.* 40 [Frankfurt 1885]); D. Comparetti, *MonAnt* 3 (1893) 93–242; R. Dareste, B. Haussoullier, Th. Reinach, *Rec. inscr. jurid. gr.* I 352–493; J. Kohler and E. Ziebarth, *Das Stadtrecht von Gortyn* (Göttingen 1912); F. Blass, *SGDI* III 4991; R. F. Willetts, *The Law Code of Gortyn (Kadmos Suppl.* 1 [Berlin] 1967). Like Guarducci and Willetts I begin numbering the law with line 2 (*θεοί* forms line 1); Rosén (n.3 *infra*) begins his numbering with line 1 and his numbers for the first column thus differ by one. For the traditional interpretation I give Willetts’ translation with minor modifications. Despite certain reservations (*cf.* n.2 *infra*: 129) I use the traditional appellation of this inscription, the ‘Great Code’.

² See my “The Organization of the Gortyn Law Code,” *GRBS* 23 (1982) 129–46, esp. 138–40.

procès *contra* un homme libre ou un esclave, ne doit pas enlever avant le procès.”³ This interpretation of the first sentence leads Rosén to understand it and the rest of this section as prohibiting the seizure of any animate being, human or animal, in the course of any dispute.

The implications of Rosén’s interpretation have been elaborated by Henri van Effenterre, who despite reservations about some of Rosén’s arguments accepts his view of the first sentence and concludes that lines 2–18 (at least) contain general procedural rules.⁴ Objections to this interpretation have been raised, partly on linguistic grounds but primarily on legal grounds, by Alberto Maffi, who alleges parallels between these provisions and Roman and Athenian law and concludes that the Gortynian law has a somewhat narrower application than traditionally assumed; it allows only a process of ἀφαίρεσις to prevent the abduction (ἀγωγή) of either a free man or someone’s slave.⁵ Most recently, in a review of Maffi, van Effenterre has rejected this conclusion and reaffirmed the basic elements of Rosén’s argument.⁶

Now, it is certainly healthy to have century-old views challenged, and Rosén’s paper has done a service in forcing a reconsideration of the traditional understanding of this law. Legal scholars certainly must not ignore linguistic considerations and must be especially careful when treating inscriptional evidence in unfamiliar dialects. In particular, we must bear in mind the potential ambiguities in the transcription of the Cretan dialect. The potential for ambiguity should not, however, lead us to manipulate the meaning of the law at will, nor can linguists interpret a legal text without regard to legal considerations. I shall argue that both legal and linguistic considerations support the traditional understanding of the first sentence and in general of the whole first column. In what follows I shall focus on the first sentence, which (as Rosén realizes) is the key to interpretation of the whole section, and I shall not attempt to deal with many of the legal and linguistic problems of the rest of the column. I should add that all three scholars whose work I shall be discussing have made

³ “Questions d’interprétation de textes juridiques grecs de la plus ancienne époque,” *Symposion 1977* (=Akten der Gesellsch. f. gr. u. hellenist. Rechtsgesch. 3 [Cologne 1982]) 9–32, esp. 9–18 (translation p.11).

⁴ “Le droit et la langue à propos du code de Gortyne,” *Symposion 1979* (=Akten der Gesellsch. f. gr. u. hellenist. Rechtsgesch. 4 [Cologne 1983]) 115–25. It is misleading to assert, as van Effenterre does, that the traditional view understands this law “as a kind of prefiguration of *habeas corpus*” and the first step on the road to the Helsinki accords, since the law clearly restricts seizure only of one individual by another and is limited to cases of disputed ownership.

⁵ *Studi di epigrafia giuridica greca* (Milan 1983) 3–117.

⁶ “Problèmes d’épigraphie juridique grecque,” *RHD* 62 (1984) 47–52.

points with which I agree, although I shall naturally concentrate here on points of disagreement.

The foundation of Rosén's case is his interpretation of the infinitive *ἀνπιμολῆν*. The first problem is phonological. The prefix is undisputably a variant of Attic *ἀμφί*, but the stem is less certain. Early editors varied as to the quantity of the *ο*: Bücheler/Zitelmann (14f) argued that it is the short vowel, comparing the later expression *ἕτερομόλιος δίκη* (a trial where only one party appears), whereas Comparetti (142f) took it to be long. After other inscriptions were unearthed, however, it became clear that as soon as *ω* was introduced into the Cretan script in the late fifth century, *μολῆν* was written with *ω*,⁷ and so all later editors have followed Comparetti in printing *ἀνπιμῶλῆν*. Even those who consider the *ο* short, however, have always connected *μολῆν* with Homeric *μῶλος*, 'battle fray'; for support many scholars cite Hesychius *s.v.* *μωλεῖ*: *μάχεται, μωλήσεται, μαχήσεται*.⁸ Despite this unanimous tradition, which has included many linguists in addition to legal historians,⁹ Rosén apparently considers the vowel short, for he asserts with scarcely any argument that "*ἀμφιμολεῖν* est un composé de *ἀμφι-* et d'une racine dont le sens implique 'aller'" (by which he presumably means Attic *μολεῖν*). From this assumption he concludes that *ἀμφιμολῆν* "corresponds exactly" to the Attic verb *ἀμφισβητεῖν*, that it must thus take exactly the same construction as this Attic verb, namely a dative indicating the opponent in the dispute and a genitive (with or without *περί*) indicating the object of dispute, and that, therefore, the datives in the first sentence at Gortyn can only designate the opposing litigants.¹⁰

Rosén and van Effenterre have portrayed this as a dispute between linguists and jurists, but (as we have noted) Rosén stands alone among linguists. Phonological considerations make it impossible to connect *μῶλῆν* with Attic *μολεῖν* and make a connection with Homeric *μῶλος* very likely. Moreover, in addition to Hesychius' gloss, which is likely to be based upon considerably more evidence than we have at

⁷ See *e.g.* *I.Cret.* IV 165.8, 12 (first published in 1900); cited by K. Meister, "Der syntaktische Gebrauch des Genetivs in den kretischen Dialektinschriften," *IF* 18 (1905/6) 133–204, at 161 n.2.

⁸ See esp. Bücheler/Zitelmann 14f, whose decision to write *μολῆν* does not involve divorcing the word from *μῶλος*. There is often confusion in our manuscripts between *ο* and *ω* in such words as *μῶλυσσις*.

⁹ See, in addition to the editors already noted, H. Frisk, *Gr. etym. Wörterbuch* (Heidelberg 1961); P. Chantraine, *Dict. étym. de la langue grecque* (Paris 1968–80), both *s.v.* *μῶλος*; and E. Schwyzler, *Dialectorum graecarum exempla epigraphica potiora* (Leipzig 1923) 179.

¹⁰ Rosén 13; Rosén cites Meister (*supra* n.7) but makes no mention of the epigraphical evidence for *μῶλῆν*.

our disposal, there are semantic considerations that make a connection with *μῶλος* and the idea of combat very attractive. The derivation of legal language from the language of battle is exemplified, as is well known, by the primary verbs of legal dispute, *φεύγειν* and *διώκειν*.¹¹ Thus it would not be surprising if a verb equivalent to *μάχεσθαι* became the primary verb designating a legal struggle in Cretan. It would be much more difficult to explain the use of a verb equivalent to *βαίνω*, as Rosén would have it. *ἀμφισβητεῖν* might, to be sure, provide a parallel for the compound verb *ἀνπιμῶλεν*,¹² but this does not explain the common use of the simple verb *μῶλεν* for contesting a legal case. Nor would it provide as good a parallel for other compounds of *μῶλ-* in Cretan, such as *ἀμῶλει*, which probably means ‘without a trial’ (*I.Cret.* IV 75.D.4f). Thus a connection with Homeric *μῶλος* and with the language of combat is clearly preferable on semantic grounds.

Whichever derivation we accept, neither provides a certain guide to the syntax of *ἀνπιμῶλεν*. This is so in part because *ἀμφί* in the sense of ‘about/concerning’ has a relatively flexible construction in Greek. In Homer *ἀμφί*, when used with *μάχεσθαι* in the sense ‘fight for, fight over’, is followed by the genitive (e.g. *πίδακος ἀμφ’ ὀλίγης*, *Il.* 16.825), or (more often) by the dative (*ἀμφ’ Ἐλένη καὶ κτήμασι πᾶσι*, 3.70, 3.91)¹³ or the accusative (*ἀμφὶ πόλιν*, 9.530).¹⁴ In many of these instances it is likely that some of the original locative sense remains. The same uses are found when the verb and preposition are written together (*ἀμφιμάχεσθαι*) rather than separately. Thus, if there is a connection between *μῶλεν* and *μάχεσθαι*, we may find that the syntax of *ἀνπιμῶλεν* (and *μῶλεν . . . ἀνπί*) is also variable. Certainly we could not assume, as Rosén apparently does, a simple identity of syntax between *ἀνπιμῶλεν* and *ἀμφισβητεῖν*, even if the verbs were semantically equivalent.

If we truly wish to ascertain the syntax of *ἀνπιμῶλεν*, moreover, our starting point should be not a hypothetical (or even a fairly certain)

¹¹ See e.g. Frisk and Chantraine (*supra* n.9). The military associations of *μῶλεν* are more fully noted by Hans Trümpy, *Kriegerische Fachausdrücke im griechischen Epos* (Basel 1950) 160–62, and C. J. Ruijgh, *L’élément achéen dans la langue épique* (Assen 1957) 95f. Rosén mentions *μῶλος* only in passing (13 n.7), without comment.

¹² Van Effenterre (*supra* n.6: 48) is right to note Maffi’s erroneous analysis of *ἀμφισβητεῖν*.

¹³ This expression is often cited in connection with *ἀνπιμῶλεν*, since the struggle over Helen is in some ways quite similar to a legal contest over the ownership of a person.

¹⁴ In this and other instances, *ἀμφί* is ambiguous between a locative (‘around’) and objective (‘for the sake of’) sense. Probably both are intended.

etymology, but a survey of the use of the word in Cretan legal inscriptions. The simple verb $\mu\delta\lambda\acute{\epsilon}\nu$ is found from the earliest period at Gortyn (*I.Cret.* IV 1.1.a–b) and clearly means ‘to contend in a law suit’, or ‘to plead a legal case’. It is common in the Great Code,¹⁵ where we also find other compounds of the verb, whose sense is fairly evident: $\acute{\epsilon}\pi\iota\mu\delta\lambda\acute{\epsilon}\nu$ (“proceed against in court,” 9.28f, 31f), $\acute{\alpha}\pi\omicron\mu\delta\lambda\acute{\epsilon}\nu$ (“assert as part of one’s legal case,” followed by indirect statement, 6.26=9.18f), and $\acute{\alpha}\nu\tau\acute{\iota}\mu\delta\lambda\omicron\varsigma$ (“an opposing litigant,” 6.25f=9.18).¹⁶ The compound $\acute{\alpha}\nu\pi\iota\mu\delta\lambda\acute{\epsilon}\nu$ occurs (in addition to 1.2f) in 6.27 and 9.19f and the noun $\acute{\alpha}\mu\pi\acute{\iota}\mu\delta\lambda\omicron\varsigma$ in 10.27f.¹⁷

The simple verb is most often used, both in the Great Code (1.53, 6.29, 7.43, 9.23) and elsewhere (e.g. *I.Cret.* IV 41.vi, three times), absolutely in the sense of ‘bring the case to trial’. In 1.15 it is followed by an accusative in an elliptical indirect discourse: $\mu\delta\lambda\acute{\epsilon}\iota \dots \acute{\epsilon}\lambda\epsilon\acute{\upsilon}\theta\epsilon\rho\omicron\nu$, ‘contends (that he is) free’; this is similar to the construction of $\acute{\alpha}\pi\omicron\mu\delta\lambda\acute{\epsilon}\nu$ (see above). And the passive participle is used with $\delta\acute{\iota}\kappa\eta$ of ‘the case being tried’ and with the neuter plural article to mean ‘the pleadings’ (‘the things being pleaded’).¹⁸ None of these instances provides much help when we come to the one use of the simple verb with $\acute{\alpha}\nu\pi\acute{\iota}$ (1.18) or the three uses of $\acute{\alpha}\nu\pi\iota\mu\delta\lambda\acute{\epsilon}\nu$.

To begin with the simple verb, at 1.18–20 we find: $\acute{\alpha}\iota \delta\acute{\epsilon} \kappa' \acute{\alpha}\nu\pi\acute{\iota} \delta\delta\lambda\omicron\iota \mu\delta\lambda\acute{\iota}\delta\nu\tau\iota \pi\delta\nu\acute{\iota}\omicron\nu\tau\epsilon\varsigma \phi\delta\nu \phi\epsilon\kappa\acute{\alpha}\tau\epsilon\rho\omicron\varsigma \acute{\epsilon}\mu\acute{\epsilon}\nu. \dots$ All previous editors interpret $\delta\omicron\lambda\omicron\iota$ here as a dative with $\acute{\alpha}\nu\pi\acute{\iota}$, and the sentence is usually understood to mean “and if they contend about a slave, each declaring that he is his. . . .” Rosén, however, takes $\delta\delta\lambda\omicron\iota$ as nominative plural and $\acute{\alpha}\nu\pi\acute{\iota}$ as an adverb meaning ‘on both sides’; he translates (11f, cf. 14), “Mais si de part et d’autre des esclaves vont en justice, disant, chacun d’eux, que sa (parole) est (= est valide). . . .” Leaving aside for the moment the legal objections, we should note first that adverbial $\acute{\alpha}\nu\pi\acute{\iota}$, like other ‘prepositions’ used as adverbs, is common in epic but occurs rarely if at all elsewhere. One would certainly not expect it in a prosaic text like a law. We should also note that $\acute{\alpha}\nu\pi\acute{\iota}$ would appear to be superfluous, since the sentence would convey the same sense without it (especially with the following $\phi\epsilon\kappa\acute{\alpha}\tau\epsilon\rho\omicron\varsigma$), and that the interpretation of $\phi\delta\nu \dots \acute{\epsilon}\mu\acute{\epsilon}\nu$ to mean “sa parole est valide” goes considerably

¹⁵ See 1.15, 1.18, 1.49f ($\mu\delta\lambda\omicron\iota\mu\acute{\epsilon}\nu\alpha\varsigma \tau\acute{\alpha}\delta \delta\acute{\iota}\kappa\alpha\varsigma$, “while the case is being tried”), 1.53, 6.29, 7.43, 9.23, 10.21f (as at 1.49f), and three occurrences of $\tau\acute{\alpha} \mu\delta\lambda\acute{\omicron}\mu\acute{\epsilon}\nu\alpha$, “the things that are pleaded” (5.44, 6.54f, 11.30f).

¹⁶ Cf. $\acute{\alpha}\nu\tau\acute{\iota}\mu\delta\lambda\acute{\iota}\alpha\iota$ in *I.Cret.* IV 13.b.1 and $\acute{\alpha}\nu\tau\acute{\iota}\mu\delta\lambda\omicron\varsigma$ (?) in 13.a.1.

¹⁷ Cf. $\acute{\alpha}\nu\pi\iota\mu\delta\lambda\omicron\varsigma$ in *I.Cret.* IV 57.9 (the sole preserved word in the line).

¹⁸ For references see *supra* n.15.

beyond the sense of the Greek,¹⁹ and if true would give us a useless specification: every litigant presumably asserts that his plea is valid. Laws do not bother to add qualifications that would be true in every case. Rosén's interpretation must, therefore, be rejected, and we may conclude that *μδλῆν* is here used with *ἀνπί* and the dative to mean 'contend about something'. It is entirely consistent with this conclusion that we find *ἀμπίμδλος* at 10.27f in the sense of the 'object of a legal dispute'.²⁰

If the simple verb can thus be used with *ἀνπί* and the dative to designate 'bring a suit concerning', we may reasonably expect that the compound verb *ἀνπιμδλῆν* might also be found with a dative in the same sense, and this expectation is satisfied in the opening sentence, if we accept the traditional interpretation. First, however, let us consider the other two occurrences: 6.27 and 9.19f. The wording of the two passages is almost identical and I shall therefore examine only the first (6.25–29):²¹ *αἰ δέ κ' ὁ ἀντίμδλος ἀπομδλεῖ ἀνπὶ τὸ κρέος οἱ κ' ἀνπιμδλίδντι μὲ ἔμεν τὰς ματρὸς ἔ τὰς γυναικός, μδλῆν. . .* Following the traditional view Willetts translates, "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. . . ." Rosén, on the other hand, takes *οἱ κ' ἀνπιμολιουντι* as the subject of the infinitive *μδλῆν*. Presumably he understands this to mean something like "if the litigant makes a declaration concerning the matter, those who are contesting the case, (claiming) that it is not in the power of the mother or wife, shall bring the case. . . ."

This interpretation would apparently have the law provide for cases in which on one side a litigant merely declares something (unspecified), whereas on the other side litigants (plural!), who do make a spe-

¹⁹ Rosén maintains (14) that *ἔμεν* repeats the same verb in 1.16, and that *κάρτονας*, which is used in the earlier instance, is thus meant to be understood in 1.19f. This is unlikely, and one would want a reflexive (cf. *ῥίν αὐτῶι* at 2.40) to convey the sense of "his own (plea)." Even then the ellipsis would be extreme.

²⁰ Van Effenterre (*supra* n.4: 121) also rejects Rosén's interpretation of 1.18–20 in favor of the traditional view. He notes that in this case "the local sense of the preposition is respected."

²¹ 9.18–20 reads *αἰ δ' ὁ ἀντίμδλος ἀπομ[δλ]οῖ ἀ[νπ]ὶ τὸ κρέος οἱ κ' ἀνπιμδλίδντι μὲ τὰς πατριόκο ἔ[μ]ῆν . . .* In his brief remarks on this passage Rosén (13 n.6) proposes two new supplements: *ἀ[ντ]ὶ* at 9.19, where the traditional *ἀ[νπ]ὶ* is supported by the corresponding passage at 6.26; and *[μολ]ῆν* in place of the traditional *[ἔμ]ῆν* (or *ἔ[μ]ῆν*—a bare trace of the beginning of E is perhaps visible in Willetts' photographs) at 9.20, where the gap has just enough room for EM but certainly not for MOA. I see no warrant for either of Rosén's supplements.

cific plea, are to bring the case. This is impossible. On this view the initial conditional clause would be meaningless (since every litigant declares something), the shift from a singular noun designating one litigant to a plural relative clause designating the other would be confusing at best and would violate the standard use of the plural to designate the two litigants, and the second *κα* would be unexplained (one cannot have a general relative clause describing litigants on one side after the designation of the litigant on the other side by a specific noun). I can thus see no reason whatever to accept Rosén's interpretation of 6.25–29 and 9.19f and every reason to adhere to the traditional view that in both passages *οι* is to be construed with *ἀνπιμῶλιῶντι* as a dative (*ῶι*) indicating the object of the dispute.

Let us now return to the opening sentence of the law. We have concluded that Rosén's "linguistic analysis" is based on the invalid claim that Attic *ἀμφισβητεῖν* is the "syntactical model" for *ἀνπιμολῆν*, and it is supported only by impossible interpretations of 1.18–20, 6.25–29, and 9.18–20. Since the traditional interpretations of these passages seem valid, we have no choice but to rely on them as the basis of our understanding of the opening sentence. We can therefore conclude that the datives in line 2 represent the normal construction with *ἀνπιμῶλῆν* and indicate the object of contention, and the purpose of the provision is to prevent the seizure of a person whom one claims to possess without a trial. We might add that this use of *ἀνπί* with the dative is fully consistent with its use in Homer.²²

Since we have found Rosén's interpretation to be impossible on linguistic grounds, we need not labor the many legal difficulties it raises, but a few remarks on this aspect of the question are not out of place. The most obvious objection, one that in itself would probably be sufficient to refute Rosén's view, is that there is no parallel at Gortyn for the direct participation of slaves in litigation. In fact masters at Gortyn (and elsewhere) regularly engaged in litigation on behalf of their slaves, as is clear from a number of laws concerning slaves, such as *I.Cret.* IV 47.1–8, inscribed perhaps a little earlier than the Great Code.²³

²² Note that elsewhere in the Great Code *ἀνπί* is used with the accusative (as often in Homer) in the sense of 'about, concerning'. In addition to the passages already considered (1.18, 6.26f, 9.19), it is used twice (5.46f, 6.52) in the context of disagreement 'about' a point. Rosén is thus wrong to claim (13 n.6) that the genitive is always used in legal language to indicate the object of the dispute; he also wrongly invokes Meister's support for this claim (*supra* n.7).

²³ I follow Guarducci's text, except that I take *κατακείμενος* as part of the first sentence modifying *δῶλος* and *δόλα* but placed first in order to indicate to the reader the subject of the provision; see *supra* n.2 135 n.26.

κατακείμενος, αἰ κ' ἀδικήσει δόλος ἢ δόλα, ὅτι μὲν κα καταθεμένῳ
κελομένῳ ἀμάρτη τῷ καταθεμένῳ τὰν δίκαν ἤμην, ὅτι δέ κ' αὐτὸς
πρὸ φιαυτῷ τῷ ἀρκαίδι πάσται τὰν δίκαν ἤμην τῷ δὲ καταθεμένῳ
μή.

If a male or female slave given as security wrongs (someone), if he does wrong on the order of the man who accepted him as security, the suit shall be against the man who accepted him as security; but if he himself on his own (wrong someone), the suit shall be against his old master and not against the man who accepted him as security.

The law adds (8–10) that in this latter case, if the old master loses, he is to pay the man who accepted the slave as security “what he owes.” The exact meaning of this last provision is unclear, but it is abundantly clear that all the legal transactions in this case are handled by the slave’s past and present masters; the slave himself takes no direct part in the litigation.²⁴

This law concerns the procedure for remedying wrongs done by slaves who are given as security. It addresses the question, which master is to be sued in court for the slave’s wrong, his old, permanent master or his new, temporary master? The law does not even consider the possibility that a suit might be brought against the slave. On the contrary, it presumes that suits involving the wrongdoing of slaves are brought against their masters. Here there is simply a question of which master. Thus this law provides clear evidence at Gortyn for the otherwise universal Greek practice of masters engaging in litigation on behalf of their slaves, and it seems inconceivable in such circumstances that the first column of the Great Code could so frequently and easily speak of slaves being involved in litigation, even against one another, as Rosén would have us believe.²⁵ Van Effenterre tries to meet this objection by arguing that slaves at Gortyn were allowed to marry and own property, so that it is possible that someone could have wished to carry out a pretrial seizure against a slave, even if his master would in the end represent him in court.²⁶ True enough, but the first sentence reads (according to Rosén) “whoever is going to

²⁴ Cf. *I.Cret.* IV 41.v.4–11 (cf. *GRBS* 25 [1984] 345f), which concerns a situation in which a free man is temporarily indentured to another man. If he does wrong on the order of his temporary master, he shall not be liable (presumably the master is), but if the master denies giving the order, the judge shall decide. The implication is that the indentured man is himself liable if he acted on his own. The contrast between the free man, who is liable for actions he commits on his own, and the slave, whose master is liable, is clear.

²⁵ See especially his interpretation of 1.18–20 (discussed above).

²⁶ *Supra* n.6: 50f; he is responding to an objection raised by Maffi (*supra* n.5) 13.

contend in court (*ἀνπιμολῆν*) against a free man or a slave.” Such a law would clearly envision the possibility of a trial in court with a slave as the opposing litigant,²⁷ not just a dispute with a slave who would then be represented in court by his master, and the objection still stands that in Gortynian law a slave is always represented in a legal case by his master.

Other difficulties with Rosén’s interpretation of the first sentence are the lack of an object for *ἄγεν* in line 3, the fact that the fines for an illegal seizure would apparently be the same whether one seized one’s neighbor’s wife or his goat, and the fact that a slave would be fined only half as much as a free man, whereas for the sexual offenses in column 2 a slave is fined twice as much.²⁸ There are also many difficulties with his interpretation of the remainder of the column. But enough has been said that we may with full confidence lay aside Rosén’s proposal and retain the traditional interpretation of the first sentence at Gortyn. Let me add, however, that in rejecting Rosén’s interpretation of this and several other passages whose interpretation stems from his view of the first sentence, I do not mean to dismiss all his comments on the language of the Code. In particular his remarks on the impersonal use of *δικάδδεν* and the transitive force of *ὀμνύντα* bear further examination in the context of Gortynian legal procedure. To repeat, it is never wrong to subject traditional views to close scrutiny. In the case of the first sentence of the Gortyn Code, however, the traditional view is clearly right.

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²⁷ *μᾶλῆν* designates the formal bringing of a case to court, not just an informal dispute, as is clearly seen in a passage like *I.Cret.* IV 41.vi, where *μᾶλῆν* occurs three times without an object and means ‘bring a suit’.

²⁸ On these problems see Rosén 15f, Maffi (*supra* n.5) 14f, van Effenterre (*supra* n.6) 50.