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Houses in which a serf living in the country does not reside: a reconsideration of Gortyn Laws column 4 lines 31–37

Eleanor Dickey and Philomen Probert

Among the most difficult and controversial passages in the (so-called) Gortyn Law Code (*Inscriptiones Creticae* IV 72, from the middle of the fifth century BC) is the regulation about the division of an inheritance between sons and daughters.[1] This passage reads:

ἦ δέ κ' ἀποθάνēι τις,
'τέγανς μὲν τὰνς ἐν πόλι κἄ-
τι κ' ἐν ταῖς 'τέγαις ἐνēι αἳ-
ς κα μὲ ϝοικεὺς ἐνϝοικēι ἐπ-
ὶ κὅραι ϝοικίōν καὶ τὰ πρόβατα κα-
ὶ καρταίποδα ἄ κα μὲ ϝοικέος ἒι,
ἐπὶ τοῖς υἱάσι ἔμēν, τὰ δ' ἄλ-
λα κρέματα πάντα δατēθθα-
ι καλōς, καὶ λανκάνεν τὸς μ-
ὲν υἰὺνς, ὀπόττοι κ' ἴōντι, δύ-
ο μοίρανς ϝέκαστον, τὰδ δ-
ὲ θυγατέρανς, ὀπόρται κ' ἴōν-
τι, μίαν μοῖραν ϝεκάσταν. δ-
ατēθ[θ]αι δὲ καὶ τὰ ματρōια, ἦ
κ' ἀποθά[νē]ι, ἤιπερ τὰ [πατρō]ι'
ἔγ[ρατ]ται, αἰ δὲ κρέματα μὲ εἰ-
ē, στέγα δέ, λακὲν τὰθ θ[υ]γατέ-
ρας ἄι ἔγρατται. (iv.31–48)

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1 We are grateful to Rudolf Wachter for decades of inspiration on linguistic and epigraphic topics, to Andreas Willi for encouraging us to develop this work, and to both of them as well as the other participants in the excellent conference 'Sprachgeschichte und Epigraphik' for fruitful discussion. One of us has already laid out our interpretation of the passage in passing (Probert 2015: 374–377); here we take the opportunity to work the idea out in more detail, and with more context.

'And if a man dies, the houses in the city and whatever there is in the houses in which there does not live a *woikeus* living in the country, and the small animals and large animals[2] that do not belong to a *woikeus*, shall belong to the sons; and all the other property shall be fairly divided, and the sons, however many they are, shall each receive two shares, while the daughters, however many they are, shall each receive one share. And the mother's property shall be divided too, if she dies, in the same way as is written for the father's property. But if there is no property, but a house, the daughters shall have their share as is written.'

The most difficult portion of this passage is lines 31–37, whose interpretation is complicated by their convoluted syntax[3] and lack of clarity about exactly what the various words refer to, as well as by uncertainty about exactly what types of property could be owned in archaic Crete: what might have been included in 'all the other property'? The number of different theories that have accumulated about these seven lines results in a situation in which scholars propose new ideas without a full understanding of the arguments that have so far been made.[4] In offering here a new interpretation of lines 31–37 we take the opportunity to explain the most significant of the earlier interpretations and how they differ from one another.

Preliminary points

Interpretation of lines 31–37 is of course connected to the rest of the passage, to other passages in the Gortyn code, and to the workings of archaic Cretan society. Although these topics are not without many difficulties of their own,

2 The expression πρόβατα καὶ καρταίποδα, here translated 'small animals and large animals', is traditionally rendered in English with 'cattle, small and large', using an archaic meaning of 'cattle' to include certain farm animals other than bovines. We hope our 'animals' will be clearer to speakers of modern English, but it should be noted that the Greek terms do not include all animals: πρόβατα refers primarily to sheep and goats and καρταίποδα to larger farm animals, so poultry, dogs, etc. are not mentioned (so already Comparetti 1894: 186).

3 In addition to the problems discussed below, matters have been further complicated by an idea due to Comparetti (1894: 185) that ϝοικιον in line 35 could be read as ϝοικιῶν (genitive plural of what would in Attic be οἰκία) rather than ϝοικίων (present participle of what would in Attic be οἰκέω). This idea has rightly been rejected (e.g. Willetts 1967: 64) since the Cretan genitive plural form would be ϝοικιᾶν, and we do not consider it further.

4 So much has been written on the Code that it is close to impossible to absorb it all. We cite only the works most relevant to this passage; others can be found in the bibliographies provided by Guarducci (1950: 146–147) and Maffi (2003).

some points are clear enough to provide crucial background for the interpretation of lines 31–37. Certain other points are more difficult yet ought to be considered, since they too bear on our passage.

The statement in lines 44–46 that the property of the mother is to be divided in the same way as that of the father indicates that a woman's property could be substantial enough to be worth dividing; the same indication is given by several other passages. For example, we learn that a daughter's dowry can be no more than her share of the inheritance under the law (iv.48–51), and that in the event of divorce the wife takes back to her original family the property she brought to the marriage and half the subsequent καρπός (produce) of that property, if any (ii.45–50). Evidently a woman might, but did not necessarily, inherit property of a type that creates produce (i.e. land and/or animals).[5]

The statement in lines 46–48 of our passage, that in the event of there being a house but no (other) property[6] the daughters are to receive a share of the house, is another clue to the expectations about a daughter's inheritance. The phrase ἦι ἔγραττ[αι 'as is written' almost certainly refers to the type of division mentioned in lines 39–43, in which sons receive two shares each and daughters one. Therefore if there was one son and one daughter, the son inherited two-thirds of the house and the daughter one-third, if there were two sons and one daughter the sons each inherited two-fifths of the house and the daughter one-fifth, if there were two daughters and one son the son inherited half the house and the daughters each a quarter, etc. It is clear from the context that this share of a house represents a minimum inheritance for the daughters: if

5 The implications of this are discussed e.g. by Guarducci (1950: 158). Some scholars (e.g. Gagarin and Perlman 2016: 101) take καρπός to mean exclusively the produce of land, and that would be convenient for our argument, but in view of the range of meanings of καρπός presented by LSJ we prefer to leave open the possibility that the Cretan meaning of the term could include animal produce.

6 As Guarducci (1950: 158) and Willetts (1967: 65) note, the term κρέματα 'things, property' is given a narrower meaning here (one in which a distinction between house and κρέματα is possible) than e.g. at iv.24 and iv.27, where the term has to denote all the inheritable property. For the point that in general the term κρέματα includes land, see also Meiggs and Lewis (1988: 97). At iv.37–38 in our passage, the expression τὰ δ' ἄλλα κρέματα πάντα has to cover all the inheritable property not already covered by lines 32–36, otherwise serious questions about the division of property would be left open.

there was other property to inherit the amount received by the daughters would normally be greater than the share of a house envisioned here.

The combined effect of these passages is to show that the property inherited by a daughter of a wealthy family would have been fairly valuable. This point has a bearing on our understanding of the phrase τὰ δ' ἄλλα κρέματα πάντα 'all the other property' in lines 37–38: the property included under that heading must have had the potential to be substantial enough that even a minority share could constitute a significant inheritance for the daughters.

What would this other property have been, given that it did not include houses in the city, (at least some of the) contents of houses, or (some of the) animals? Land is an obvious possibility, but we have no positive evidence that land was individually owned and inherited in Crete; the community might have followed a system like the Spartan one of assigning parcels of land to adult male citizens for their maintenance. A similar problem arises with the *woikeis*, who are sometimes compared to Spartan Helots:[7] were they individually owned and therefore inheritable, or did they belong in common to all the citizens? And were there houses outside the city, i.e. in the country, that could be inherited? Without private ownership of land, private ownership of houses on that land might have been difficult.

If none of these three types of property was inheritable, it is difficult to see how the 'all the other property' portion of the inheritance could have been valuable enough for the daughters' minority shares to be significant. Therefore it is likely that at least one of these types of property was inheritable – and indeed there is evidence in favour of the inheritability of all three types. The fact that the drafter of the laws specified that houses *in the city* belonged only to the sons is strong evidence that houses not in the city also existed as part of the inheritable property: had such houses not existed or not been privately owned, it would have sufficed to say that sons inherit houses, rather than houses in the city. The existence of inheritable houses in the country probably entails the inheritability of land, which is also favoured by the fact that women's inheritances evidently included a type of property from which produce arises.[8] Therefore the inheritable property probably included both land and houses in the country.

7 Cf. e.g. Dareste, Haussoulier, and Reinach (1895: 424).

The *woikeis* pose a more complex problem, because there is considerable debate about exactly who these people were and how they fitted into the evidently complex social structure of archaic Crete.[9] Some passages appear to make a distinction between *woikeus*, traditionally translated 'serf', and *dōlos*, another term for unfree people that is clearly the same word as Attic *doulos* 'slave'. Some scholars infer from the existence of these two terms that the *woikeis* were not slaves in the same sense as an Athenian slave, and therefore that they were not inheritable. But both inferences are doubtful: many passages make no distinction between *woikeis* and *dōloi*, and even if such a distinction existed we cannot be certain exactly what a *dōlos* was in Crete. Moreover even if a Cretan *dōlos* was a slave in the Athenian sense and a *woikeus* was something different, it does not necessarily follow that the *woikeis* were not inheritable: the distinction might have been, for example, that *dōloi* could be individually bought and sold but *woikeis* were tied to the land and could only be transferred with it.[10]

In fact, the Code offers considerable evidence that *woikeis* were inheritable. Several passages indicate that *woikeis* belonged to individual masters, a status that would have necessitated transfer of ownership upon the death of the master. For example, the law specified that if an unmarried *woikea* (female *woikeus*) had a child, it belonged to her father's master or, if her father was dead, to her brothers' masters (iv.18–23). Likewise the owner of the child of a divorced[11] *woikea* is specified as her former husband's master – unless he did not want the child, in which case her own master would have it (iii.52–iv.3). A law found on a different Gortynian inscription (*Inscriptiones Creticae* IV 41 iv.6–10) states that if a *woikeus* ran away there was a waiting period before he could

8 Maffi (2003: 175–180) offers a detailed discussion of various recent arguments for and against the inheritability of land in Gortyn; he concludes that land was inheritable. Gagarin and Perlman (2016: 101–102) provide a somewhat shorter discussion with the same conclusion.

9 See e.g. Gagarin and Perlman (2016: 81–84, 102–103), Davies (2005: 315–317), Link (2001), Calero Secall (1997: 31–46), Maffi (1997a: 439–441, 1997b: 119–151), Lévy (1997), van Effenterre and Ruzé (1995: 12–14), Garlan (1988: 99–101), Willetts (1967: 13–17).

10 This is the view of Dareste, Haussoulier, and Reinach (1895: 424).

11 For discussion of the legal status of *woikeus* marriages see Lewis (2013).

be sold; this stipulation indicates that *woikeis* were in principle saleable. It may be that *woikeis* were saleable only if they ran away, but even if the sale of *woikeis* was restricted to unusual circumstances, the fact that it was possible at all suggests that they were owned in a sense that made them liable to inheritance.

The Code's mentions of the property of *woikeis* offers further evidence for the inheritability of *woikeis* themselves. The *woikeis* must have in some sense possessed property, for if one of their marriages ended in divorce the woman took back to her family the property she had brought to the marriage (iii.40–43). But our passage suggests that the property of *woikeis* was not owned outright but rather held at the pleasure of their masters, i.e. *peculium* in Roman terms.[12] The key point here is that the property of *woikeis* is exempted from the inheritance that goes to the sons alone,[13] for the need to specify such an exemption indicates that the property involved was ultimately part of the paternal estate. In antiquity, as in modern times, instructions about inheritance do not specify that property not belonging to the deceased at all is not passed to his heirs at his death; that is too obvious to need stating. It is common for the property of the deceased to be not physically separated from that of other people living in the same household; for example furniture belonging to a man is quite likely to be intermingled in the house with furniture belonging to his wife, and children living in the same house usually also have personal property in that house. It is clear that in archaic Gortyn sons and daughters could own property of their own before the death of their parents (e.g. vi.5–7), and equally clear that the property of husband and wife was not merged at marriage (indeed even upon the death of its original owner such property did not pass to the surviving spouse, only to the children). Yet the drafters of the Gortyn Code nowhere state that on the death of a man the property belonging to his wife and children is exempted from the division of his property: as their property was not his to begin with, of course it was not

12 So expressed already by Dareste, Haussoulier, and Reinach (1895: 425).

13 Probably what the drafter intended was to exclude the property of *woikeis* from the portion of the estate inherited by the sons in order to include it in the portion inherited by both sons and daughters ('all the other property'), but some scholars think the property of *woikeis* is excluded from the entire estate. Interestingly even these scholars often acknowledge that the need to spell out an exclusion of this property shows that it was ultimately the property of the master; see already Zitelmann (in Bücheler and Zitelmann 1885: 138).

divided by his heirs. Therefore the fact that the property of *woikeis* is mentioned tells us that that property was part of a deceased man's estate in a way that the property of his wife and children was not. And if the property of *woikeis* was part of the inheritable estate, they themselves must also have been inheritable.

Therefore many scholars believe that 'all the other property' included both *woikeis* and land; although there is virtually no aspect of this passage on which general agreement has been reached, these points come closer than most.[14] It is also reasonably clear that animals were divided so that the animals attached to *woikeis* belonged to 'all the other property' and animals not attached to *woikeis* were inherited by the sons alone. What is truly difficult is the division of the houses and their contents, so it is these that we shall now examine in detail.

Lines 31–37: previous theories

A very early interpretation of this clause, by Merriam (1885: 348) (cf. Dareste 1885: 307), claimed that all the houses and all their contents went to the sons alone, except for country houses inhabited by *woikeis* and their contents, which belonged to the 'all the other property' shared by sons and daughters. This view is attractive in its simplicity but unlikely to be right, because it is a poor match for the Greek: if every house is kept together with its contents, it makes little sense to mention first one set of houses and then the contents of another set.

Apparently more promising is the interpretation of Willetts (1967: 64–65, cf. 12, and 1961), who argued that the sons inherited the houses in the city and their contents, as well as the contents of houses in the country – but not *woikeis*' houses in the country or the contents of those *woikeis*' houses, which belonged to the 'all the other property'. He thus took 'in the country' to be implied with ταῖς 'τέγαις, from the mention of *woikeis* living in the country. But Willetts left uncertain the disposition of country houses not inhabited by

14 Cf. van Effenterre and Ruzé's comment (1995: 15) "Ces *krèmata* comprennent-ils aussi le *klaros* et ses *woikêes*? C'est ce que tous les auteurs pensent, plus ou moins explicitement." In fact they do not themselves hold this view (1995: 15–18), but their opposition has not persuaded others to abandon it; see e.g. Gagarin and Perlman (2016: 366), Davies (2005: 319–320), and Maffi (1997*a*: 441, 2003: 176–180).

woikeis: the contents of such houses go to the sons, but what happens to the houses themselves?[15]

Link (1994: 81–82, following Zitelmann in Bücheler and Zitelmann 1885: 140) has essentially the same division of houses and contents as Willetts, but with a different rationale that justifies the unclarity about houses in the country not inhabited by *woikeis*. In his view the animals belonging to *woikeis* are not in any sense their property but rather ones in the care of *woikeis*, on the master's land; these are opposed to another group of animals that are pastured on common land not by *woikeis* but by slaves or communal herders. Such herders would of course have needed somewhere to live, so there were communal buildings on the common land to house them; these buildings were not individually owned and therefore not inheritable (which is why the drafter of the laws did not specify who would inherit them), but their contents were provided by the master and therefore belonged to him and could be inherited on his death. This scenario is surprising,[16] especially as Link is a strong advocate of the view that there is no difference between *woikeis* and *dōloi*, with only one category of unfree people mentioned in the Gortyn Code (Link 2001). Yet here he introduces another category of unfree people not directly mentioned in the Code at all.[17]

Van Effenterre and Ruzé (1995: 180, 182; cf. H. and M. van Effenterre 1997: 13–14) take the view that 'all the other property' includes all houses in the country and their contents; the sons inherit houses in the city, plus the contents of city houses if a *woikeus* is not living in them. They suggest that we should read not ἐπὶ κόραι but ἐπικόραι 'for helping, for rendering a service' (= Attic ἐπικουρίᾳ): the sons get the houses in the city and the contents of those houses, provided a *woikeus* is not currently living there to render some service. This reinterpretation of the Greek has been soundly rejected by subsequent

15 Gagarin and Perlman (2016: 365) claim that, "In a long, complicated explanation, W seems to argue that on this interpretation the sons would also get the country houses in which no serf is living". They are probably thinking of Willetts's commentary (1967: 65, also 1961: 46), where he does seem to make this argument – but in his paraphrase of the same passage (1967: 12) his views seem to be different, and his translation (1967: 42, also 1961: 47) fits better with his paraphrase than with his commentary. Cf. Probert (2015: 375 with n. 50). We do not think that Willetts had actually made up his mind on this point.

16 For a detailed refutation see Maffi (1997b: 66–67).

17 For the more general problems with Link's analysis of the Code see Chaniotis (1997).

scholars:[18] the claim that Cretan abstract nouns in -ία had variants in -α is based on a very doubtful parallel. In addition, it is difficult to believe that the mere presence of a *woikeus* in a house that would clearly have been inhabited primarily by the master's family could cause *all* the contents of that house to pass to a different set of heirs.

Dareste, Haussoulier, and Reinach (1895: 367, 424), Guarducci (1950: 158), Meiggs and Lewis (1988: 96–97), and Koerner (1993: 499) take the view that not only the contents of houses in the city but also the city houses themselves go to the sons if not inhabited by *woikeis*, but to the sons and daughters if inhabited by *woikeis*; country houses and their contents go to the sons and daughters in any case. On this view the relative clause αἳς κα μὲ ϝοικεὺς ἐνϝοικεῖ ἐπὶ κόραι ϝοικίōν 'in which there does not live a *woikeus* living in the country' needs to be understood as having two antecedents, both the immediately preceding ταῖς 'τέγαις 'the houses' and the earlier 'τέγανς [...] τὰνς ἐν πόλι 'the houses in the city'. At first glance this interpretation appears incompatible with the Greek, which specifies that the *woikeis* in question are living in the country, not the city. But these scholars take ἐπὶ κόραι ϝοικίōν to mean something like 'pertaining to the rural domain':[19] for them this phrase refers not to the current habitation of the *woikeis* but to their long-term status. On this view houses in the city may have 'some connection with' *woikeis* (so Meiggs and Lewis 1988: 97), and if so these houses are counted like the country houses and their contents. For Dareste, Haussoulier, and Reinach (1895: 424) the relevant houses are personal property of *woikeis*; for Guarducci (1950: 158) they are residences where *woikeis* live while doing business in the city or in winter; Meiggs and Lewis and Koerner leave the precise arrangement unspecified. Against all variants of this view, we note that it is difficult to believe that the Greek really means that the *woikeis* are living in the city, or that they control houses in the city, when it appears to say that they are living in the country. In addition, any variant on which the *woikeis* are being housed temporarily in the city, in houses that are not primarily for them, would be im-

18 See Gagarin and Perlman (2016: 362–363), Dubois (1999: 62–63), Brixhe and Bile (1999: 90), Maffi (1997a: 440), Lévy (1997: 36), etc.

19 So Dareste, Haussoulier, and Reinach (1895: 367): "attachés au domaine rural"; Guarducci (1950: 143): "qui ruri habitare soleat".

plausible because it would be difficult to see how such temporary occupancy could result in the house and all its contents passing to a different set of heirs.

Zitelmann (in Bücheler and Zitelmann 1885: 137–138) proposes the same division but avoids both these objections by interpreting ἐπὶ κόραι as meaning not 'in the country' but 'auf der Stelle'; on his interpretation this phrase shows that the *woikeus* mentioned is not a temporary resident but has been permanently (or at least for the long term) entrusted with the entire house to use for business purposes; the whole contents of the house are therefore his trading stock. As far as we can tell no-one writing subsequently has explicitly refuted this interpretation of ἐπὶ κόραι, but neither has anyone followed it:[20] all other scholars simply assume the phrase must mean 'in the country' (or by extension 'pertaining to the rural domain'), and even the re-interpretation of van Effenterre and Ruzé, mentioned above, is based on the assumption that if taken as two words the phrase would have to mean 'in the country'. This assumption is probably right,[21] and Zitelmann offers no parallels or other evidence to support his interpretation of the phrase, making it difficult to accept that interpretation.

Maffi (1997*a*: 441, cf. 1997*b*: 64–70) has an interpretation that, at first sight, is much simpler: everything in the city goes to the sons alone, and everything in the country is divided between sons and daughters. To make this work Maffi assumes that all animals in the country are being looked after (rather than owned) by *woikeis*, that all houses in the country are occupied by *woikeis* (Maffi 1997*b*: 68), and that city houses have space for some animals: it is these animals in the city that go to the sons. A city house might well have had a courtyard garden (see Maffi 1997*a*: 441), but it is unlikely that such houses included space to pasture large animals (καρταίποδα) or that cattle were regularly kept in the city in large enough numbers to make it worth creating a separate inheritance category for them. Cattle require a great deal of food, which it is impractical to transport for them on a regular basis without modern machinery, and therefore until the advent of the railroad keeping a cow normally meant having a pasture in which the cow could feed itself: it would not have been practical to keep significant numbers of cattle in an ancient city (cf. Gagarin and Perlman 2016: 165). Moreover, on this theory the following three expressions would all amount to the same thing: (i) ἐν πόλι, (ii) αἳς κα μὲ ϝοικεὺς ἐνϝοικεῖ ἐπὶ κόραι ϝοικίον, and (iii) ἃ κα μὲ ϝοικέος ἒι. Such a degree of stylistic *variatio* would be utterly untypical of the Gortyn Code.

20 Zitelmann's work has not in general been ignored, so the failure to engage with it here is probably due to the oblique way in which Zitelmann presented his interpretation of the phrase: he did not explicitly discuss the meaning of ἐπὶ κόραι, but (as Comparetti 1894: 185 also saw) the interpretation 'auf der Stelle' must be what underlies his statement (p. 137) that "Ausgenommen von der Erbmasse ist der Häusler-Besitz, und zwar wohl alles Häuslervermögen, obwohl das Gesetz ausdrücklich nur das Vieh ausnimmt, welches einem Häusler gehört, und die Stadthäuser, denen ein Häusler einhaust, der *auf der Stelle* haust" [emphasis ours].

21 Certainty is difficult, however, because there are no close parallels. The exact phrase ἐπὶ χώρᾳ is exceedingly rare: the only other inscriptional example we can find, on a second-century BC funerary verse inscription from Delos (Couilloud 1974: no. 469 line 3), has ἐρημαίῃ δ' ἐπὶ χώρῃι meaning 'and in a deserted place', and in the only literary example of the sequence ἐπὶ χώρᾳ, Henri Estienne's conjecture in the Roman-period author Dio Cassius (38.32.4), ἐπί governs not χώρᾳ but χώρα τινί, and ἐπί plus dative conveys a condition or price (see LSJ, s.v. ἐπί B.III.3, 4): ἐπὶ χώρᾳ τινί 'on condition of (having) some land', 'in return for some land'. Merriam (1885: 348) cited a parallel for ἐπὶ τᾷ χώρᾳ meaning 'in the country' as opposed to 'in the city', but on current interpretation the parallel is less relevant than Merriam thought: *Inscriptiones Creticae* III iii.4 lines 11–12 (c. 200 BC) contains the expression καὶ ἐπὶ τᾶι χώραι ἃι ἑκάτεροι ἔχοντες καὶ κρατόν[τες τὰν συν]θήκαν ἔθεντο ἐς τὸν πάντα χρόνον 'and on the condition that they keep the land that each party held and controlled when they made the permanent treaty' (cf. Chaniotis 1992: no. 28). It seems from the rarity of the examples that ἐπὶ χώρᾳ cannot have been a set phrase with a fixed meaning; rather its meaning was determined by the context and the meanings of its constituent parts. – Our conclusion that the traditional assumption is probably right, therefore, relies on examination of other uses of the individual words in this phrase. In the Gortyn Code ἐπί with dative normally means 'belonging to', 'in the power of' (e.g. iv.37 ἐπὶ τοῖς υἱάσι ἔμεν 'shall belong to the sons', v.32 ἐπὶ τοῖλ λείονσι δατεῖθθαι ἔμεν τὰ κρέματα πάντα 'that all the property shall be in the power of those wishing to divide it') but can also mean 'in', 'at' (i.43 ἐπὶ τõι ναõι 'at the temple') and 'next after' (vii.26 ἄλλõι ὀπυίεθαι τõι ἐπὶ τõι ἐς [τ]ō πρετυ[ί]στō 'she is to be married to another, the one next after the son of the oldest brother'); of these meanings only 'in' is plausible for our passage. Other early Cretan inscriptions provide further examples of these meanings and add another meaning incompatible with our passage: ἐπὶ τοῖος 'on these terms' (*Inscriptiones Creticae* IV 80 line 1, fifth century, cf. ἐπὶ τõι μ[ισ]τõι αὐτõι 'for that very salary' in *Inscriptiones Creticae* IV 79 lines 8–9, fifth century). Therefore of the senses of ἐπί with dative attested in early Cretan, 'in' appears to be the only one feasible for our passage. The word κόρα does not occur elsewhere in the Code, but it does appear on at least one other Cretan inscription before 200 BC, and there it means 'land', 'territory' (*Inscriptiones Creticae* II v.17 line 9, from Teos but with Cretan dialect features, third century: τᾶς τε πόλεος α ὐτῶν καὶ τᾶς χώρας 'their city and territory'). Although 'territory' is not exactly the same as 'country as opposed to city', these parallels nevertheless suggest that 'in the country' is probably what ἐπὶ κόραι means in our passage.

Youni (2005: 199) has a very different understanding of the passage, based on the assumption that 'whatever there is in the houses' is not to be taken literally as the entire contents of the houses. On this theory sons alone get the houses in the city, furniture, and herd animals, while the property shared by sons and daughters mainly consists of non-furniture movable objects – clothes, textiles, household utensils, jewellery, money, agricultural and pastoral produce –, but possibly also some farmland and small animals such as chickens. As regards animals this interpretation is in fact possible: the disposition of poultry is not specified in the text (cf. n. 2 above), and therefore poultry could have been included in 'all the other property'. As regards inanimate objects, however, it is unlikely that anything of potentially significant value, such as money or jewellery, should be understood as not covered by the phrase 'whatever there is in the houses'.

Lévy (1997: 35–37), Dubois (1999: 61–63), and Brixhe and Bile (1999: 89–91) all claim that the sons get the houses in the city, plus the contents of houses in both city and country – except for the property of *woikeis* in the country, which stays with the *woikeis* – while houses in the country belong to the 'all the other property' that is shared between sons and daughters.[22] This is clearly the easiest way to interpret the Greek: it allows 'τέγανς [...] τὰνς ἐν πόλι to mean 'the houses in the city' (i.e. all the houses in the city), and κἄτι κ' ἐν ταῖς 'τέγαις ἐνεῖ αἷς κα μὲ ϝοικεὺς ἐνϝοικεῖ ἐπὶ κὄραι ϝοικίᾱν to mean quite literally 'whatever there is in (all) the houses in which there does not live a *woikeus* living in the country' (i.e. this clause refers to the contents of all houses other than those housing a *woikeus* in the country, and strictly to the contents, not the houses as well). However, this solution leaves an open problem. The specification that the property of a *woikeus* living *in the country* goes with the *woikeus* carries a strong implication that there could also be property of *woikeis* living in the city: what would happen to that property? Neither Dubois nor Brixhe and Bile addresses this issue, but Lévy (1997: 37) specifies that if a *woikeus* lived in the city he had no property of his own.[23] It is difficult to imagine that *woikeis* could have property when they were in the country but

22 With the complication that both Dubois and Brixhe and Bile argue that some of this other property is not really inherited at all but belongs permanently to families rather than individuals.

23 One reason for this stipulation is that Lévy, unlike most scholars, does not believe that the *woikeis* or their property were part of the estate at all (1997: 35–36).

not when they were in the city, so Lévy's resolution of the difficulty is not completely convincing.

Gagarin and Perlman (2016: 362–366) take the unusual step of explicitly remaining undecided on the disposition of the property that this last group of scholars would assign to the sons alone but Guarducci, Meiggs and Lewis, etc. would assign to the sons and daughters. Thus Gagarin and Perlman leave open the question of who inherits houses in the city inhabited by *woikeis*, the contents of those houses, and the contents of houses in the country not inhabited by *woikeis*.[24]

24 Gagarin and Perlman (2016: 366) also introduce a complication that, while not directly relevant to our question about the division of the estate, would certainly affect the overall outcome for the heirs: they suggest that the portion of the estate reserved for the sons might not actually have been owned by the sons but only managed by them on behalf of the whole group of heirs. This argument (made more fully by Gagarin 2008: 11) depends on the use of the phrase ἐπὶ τοῖς υἱάσι ἔμεν in line 37: what is the difference, Gagarin asks, between that and the more usual term for inheritance, λανκάνεν (e.g. line 39)? Normally it is believed that there is no difference, and therefore line 37 is normally translated 'shall belong to the sons', but Gagarin starts from the premiss that different terminology should have different meanings (2008: 6 with n. 6) and notes that in another passage in the Gortyn Code (v.32–33) ἐπί with the dative is used for temporary possession. Gagarin and Perlman therefore translate line 37 'shall be in the hands of the sons' and assert that this does not refer to outright ownership but rather to the use and management of the property. "This might", they acknowledge (2016: 366), "often amount to the same thing as ownership, but it may be that if, say, a son sold any of this property, the proceeds would be divided among all the children according to the proportions established in 37–43."

We are unconvinced by this interpretation. We are uncomfortable about the premiss that different expressions should have different meanings, and we do not accept Gagarin's interpretation of the parallel in column 5. Taken as a whole, that passage states that if some heirs want a division and others do not, the judge should rule that all the property be in the control of (ἐπί + dative) those who want a division until (πρίν) they divide it (v. 28–34). So while the control indicated by ἐπί is certainly temporary, that temporary nature is signalled and delimited by the πρίν clause: this passage does not prove that the same ἐπί phrase would not have indicated permanent control if there had not been a πρίν clause.

Moreover, an inheritance law needs to indicate the ultimate disposition of property: if the control exercised by the sons had been temporary, the writer would have been obliged to specify an end point. Are we to assume that, unless sold, the houses and animals in the control of the sons were *never* divided between the heirs but remained under joint ownership indefinitely? What would then happen several generations later: is it plausible that a house could be owned jointly, in many tiny shares, by all the great-grandchildren of the original owner? Of course, such children would also own tiny shares in the houses of all

A summary of these different views is presented in Table 1, where 'S' stands for property inherited only by sons and 'S & D' stands for property divided among sons and daughters.

Lines 31–37: new interpretation

Our own interpretation of this passage starts from that of Lévy, Dubois, and Brixhe and Bile but takes account of the likelihood that *woikeis* living in the city did sometimes have property of their own and that this property stayed with the *woikeis* when the estate was divided. Making this adjustment produces the division shown in Table 2.

On our view, the basic principle of property division was that the sons alone got houses in the city, movable goods, and animals, while sons and daughters together got land, *woikeis*, and houses in the country – but there was an exception to this principle, namely that the property of *woikeis* stayed with the *woikeis* and therefore went to the sons and daughters along with the *woikeis* themselves.

> their other great-grandparents; one's total shares might add up to a whole house, but that house ownership would be divided among e.g. eight actual buildings. Not only is this an unworkable system of property ownership, but it is one that would have had to show up in the inheritance laws, for the division of an estate that is not entirely owned by the deceased parent is complicated. No such complication is addressed in the Code: it is simply assumed that the father and mother are likely to own their property outright, something that could only happen if they themselves could fully inherit individual shares of their own parents' estates.
>
> Indeed the purpose of the Gortyn inheritance regulations is clearly a permanent division of the estate, one that allows the daughters to take their shares off to their new families, allows sons who have incurred fines to pay those fines from their shares, etc. Such a permanent division is necessary not only for houses but, even more, for the other type of property reserved to the sons, animals. How would the animals belonging to the sons individually be kept distinct from those managed by them on behalf of all the siblings? Given the relatively short lifespans of many farm animals, and the need to make strategic decisions about which ones to eat and which to keep for breeding, how long could such a distinction be maintained? When a jointly-owned animal was slaughtered (surely a more common fate in archaic Crete than being sold), how was it divided among the owners? Who was responsible for transporting the perishable meat to owners who lived far away? The impracticalities are endless, and none of them is mentioned in the Code; evidently its drafters did not envision this type of joint ownership.

	Houses in city not inhabited by *woikeis*	Contents of ←	Houses in city inhabited by *woikeis*, if any	Contents of ←	Houses in country not inhabited by *woikeis*	Contents of ←	Houses in country inhabited by *woikeis*	Contents of ←
Merriam	S	S	S	S	S	S	S & D	S & D
Willetts, Link	S	S	S	S	?	S	S & D	S & D
van Effenterre and Ruzé	S	S	S	S & D	S & D	S & D	S & D	S & D
Dareste *et al.*, Guarducci, Meiggs and Lewis, Koerner, Zitelmann	S	S	S & D	S & D	S & D	S & D	S & D	S & D
Maffi	S	S	S	S	none	none	S & D	S & D
Youni	S	divided	S	divided	?	divided	?	divided
Lévy, Dubois, Brixhe and Bile	S	S	S	S	S & D	S	S & D	S & D
Gagarin and Perlman	S	S	?	?	S & D	?	S & D	S & D

Table 1: Previous interpretations of lines 31–37

	Houses in city not inhabited by *woikeis*	Contents of ←	Houses in city inhabited by *woikeis*, if any	Contents of ←	Houses in country not inhabited by *woikeis*	Contents of ←	Houses in country inhabited by *woikeis*	Contents of ←
Dickey and Probert	S	S	S	divided	S & D	S	S & D	S & D

Table 2: Our interpretation of lines 31–37

In the case of animals this exception was easy to state: the sons inherited animals that did not belong to *woikeis*, and by implication animals that did belong to *woikeis* went with the *woikeis* themselves to the sons and daughters. But in the case of movable property it was harder to say concisely what should stay with the *woikeis*; clearly their own clothes and cooking utensils would need to stay with them if the *woikeis* were to remain useful and productive, and it is likely that the need to keep the *woikeis* productive also required them to keep the tools of their trade, such as looms for making their clothing and equipment for farming.

The place of farming equipment in this property division has generally been overlooked, and such discussion as has taken place seems to ignore the realities of pre-modern farming. Lévy, for example, argues that farming equipment would need to go to the sons alone, since the sons alone inherited the animals.[25] Such an argument starts from the assumption that the farming equipment would have been primarily related to the animals, but in fact the pre-modern raising of animals, who typically graze in pastures until they are butchered, requires very little movable equipment. Animals raised for meat and/or wool may need only some knives for shearing and butchering, and dairy farming adds only buckets, churns, cheese presses, etc., which would have been wooden, easily replaceable, and of little monetary value: ancient Cretan farmers did not need the modern farmer's capital of milking machines, refrigerated storage tanks, stanchions, or machinery for bringing food, water, and calcium-enriched grain mixture to cows permanently tethered in barns.

On the other hand arable farming did require expensive equipment even in archaic Crete: ploughs, scythes, threshing equipment, olive presses, wine presses, etc. These tools would have been largely useless without land, and

25 In contrast to most scholars, who believe that the houses in the country not inhabited by *woikeis* were the houses where the master lived when in the country and their contents were therefore his personal property, Lévy believes that the master never lived in the country and that the country houses not inhabited by *woikeis* were agricultural buildings such as barns. Their contents were therefore the farming equipment: "Il doit s'agir de simples bâtiments agricoles permettant d'entreposer récolte et matériel, qui auraient plus de valeur que les murs qui les abritent; d'ailleurs, héritant du bétail qui n'appartient pas à un *woikeus*, il est normal que les fils héritent aussi des étables." (Lévy 1997: 36–37) This argument is rejected by Dubois (1999: 63 n. 11), who points out that buildings in the country clearly do not go to the sons, whatever happens to their contents.

land would have been largely useless without them; therefore the agricultural equipment had to remain with the land where it was needed and the people who would actually use it. If the *woikeis* were primarily and independently responsible for the agricultural labour – something implied by the existence of houses in the city where the master evidently lived for at least part of the year – it is likely that they 'owned' the agricultural equipment. It would have been far easier for the master to make the *woikeis* simply responsible for producing a certain amount of grain at harvest time, like medieval peasants, than to micromanage the process by being himself responsible for the equipment that the *woikeis* needed to do the farming. But as we have seen above, the likelihood is that the property of *woikeis* was ultimately the property of the master, and therefore part of the inheritance to be divided when he died; agricultural equipment would have had real monetary value and could therefore have been a significant part of that inheritance, so its ownership was worth specifying.

The drafter of the law therefore sought a way to distinguish the property of *woikeis* (everything that needed to stay with them in order for them to remain maximally useful to the estate, from their clothing to the farming equipment) and the master's personal property (which had nothing to do with the *woikeis* and could be disposed of in any fashion without affecting the productivity of the estate). Since the vast majority of property pertaining to *woikeis* would have been in the country, in buildings occupied by *woikeis* (whether or not they actually slept in those buildings at night; quite possibly the masters neither knew nor cared where the *woikeis* slept), the property of *woikeis* in the country was most easily identified by being in their buildings rather than in the master's own house. In the city, on the other hand, it is unlikely that there were special buildings for the *woikeis*: the *woikeis* must sometimes have come to the city, since otherwise the qualification 'living in the country' would have been meaningless, and they must have come with at least their clothes and probably some other property as well. But since that property and clothing had little monetary value, the drafter of the law did not bother to mention it specifically and contented himself with mentioning the property of *woikeis* in the country.

The division of property is therefore that sons alone get houses in the city and their contents (with the unstated exception of the personal property of any *woikeis* who happen to be in those houses), animals (except those belong-

ing to *woikeis*), and the contents of their father's own house or houses in the country. Sons and daughters together share the land, the houses in the country, and the *woikeis* with their personal property. The structure of the passage is as follows:

ἐ δέ κ' ἀποθάνēι τις,	And if a man dies,
MAIN POINT (1): 'τέγανς μὲν τὰνς ἐν πόλι	the houses in the city
MAIN POINT (2): κάτι κ' ἐν ταῖς 'τέγαις ἐνēι	and whatever there is in the houses
QUALIFICATION: αἳς κα μὲ ϝοικεὺς ἐνϝοικεῖ	in which there does not live a *woikeus*
QUALIFICATION: ἐπὶ κόραι ϝοικίōν	living in the country,
MAIN POINT (3): καὶ τὰ πρόβατα καὶ καρταίποδα	and the small animals and large animals
QUALIFICATION: ἃ κα μὲ ϝοικέος ἒι,	that do not belong to a *woikeus*
ἐπὶ τοῖς υἱάσι ἒμεν [...]	shall belong to the sons [...]

Cretan relative clause syntax: some additional support

On our interpretation the relative clause αἳς κα μὲ ϝοικεὺς ἐνϝοικεῖ, the participial phrase ἐπὶ κόραι ϝοικίōν, and the further relative clause ἃ κα μὲ ϝοικέος ἒι each make a point that could almost have gone without saying. The idea that the contents of houses go to the sons almost does not need the explicit qualification 'unless a *woikeus* lives in them', because it was an obvious principle that the property of *woikeis* needed to stay with the *woikeis*. This qualification, in its turn, almost does not need its own explicit qualification 'living in the country': it was obvious that the contents of a city house did not (on the whole) go with a *woikeus* merely because a *woikeus* happened to be living there. The point that small and large animals go to the sons also barely needs the explicit qualification 'which do not belong to a *woikeus*', once again because it was an obvious principle that the property of *woikeis* needed to stay with the *woikeis*. In this section we consider the syntax of the relative clauses αἳς κα μὲ ϝοικεὺς ἐνϝοικεῖ and ἃ κα μὲ ϝοικέος ἒι, and their contribution to the sense, before returning in the final section to the participial phrase ἐπὶ κόραι ϝοικίōν.

Our relative clauses αἳς κα μὲ ϝοικεὺς ἐνϝοικεῖ and ἃ κα μὲ ϝοικέος ἒι belong to the category of 'postnominal' relative clauses, in the classification adopted by Probert (2015: 126–128). That is to say, each of these relative clauses modifies an expressed noun phrase or antecedent, and this antecedent precedes the relative clause: ταῖς 'τέγαις is the antecedent for αἳς κα μὲ ϝοικεὺς ἐνϝοικεῖ, and τὰ πρόβατα καὶ καρταίποδα is the antecedent for ἃ κα μὲ ϝοικέος ἒι.[26] In addition, both relative clauses are introduced by a form of the basic relative pronoun ὅς (= Attic ὅς), and both antecedents are accompanied by a definite article. Probert (2015: 367–379; cf. 386–389) shows that it is typical of Cretan relative clauses with these syntactic characteristics (i.e. postnominal, relative pronoun ὅς, modifying a noun phrase with definite article) that they contribute a mild clarification – one making an obvious enough point that the reader is likely to have understood it even had the relative clause been omitted.[27] Cretan inscriptions up to 400 BC yield nine further relative clauses with our syntactic characteristics,[28] and their contribution to the meaning is discussed fully in Probert (2015: 367–379). We illustrate the point more briefly here by quoting the five further examples coming from the Gortyn Code itself, with brief explanations. Antecedents will be given in bold, and relative clauses underlined.

Sentence (A) comes from a series of regulations on what happens when a woman bears a child after divorce:

(A) αἰ δὲ ϝοικέα τέκοι κερεύονσα, ἐπελεῦσαι τōι πάσται τō ἀνδρός, ὃς ὄπυιε, ἀντὶ μαιτύρōν δ[υ]ōν. (Gortyn Law Code iii.52–55)

'And if a female *woikeus* 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.' (tr. after Willetts 1967: 41)

The reader could have been expected to understand τō ἀνδρός here as denoting the man who had married the relevant woman, even in the absence of the relative clause. This point is brought home by a passage just a little earlier,

26 Various views could be taken as to whether the articles ταῖς and τά belong, strictly speaking, to the 'antecedents'; this question need not concern us here.

27 More generally, Probert (2015: 211–213, 214, 216–220, 223–227, 232–239, 261–262, 268–299) finds that postnominal relative clauses modifying a definite noun phrase are usually either non-restrictive or (like all our Cretan examples) clarificatory, across the whole range of early Greek texts considered. Since she studies Cretan inscriptions up to a considerably later date than other texts it is striking that they fall so closely in line with the other texts considered: see Probert (2015: 386–389).

28 This figure discounts examples that are too badly preserved to be usable as evidence, and examples that raise insurmountable difficulties of structural analysis: see Probert (2015: 350 with n. 2).

where we are told that if a free woman bears a child after divorce ἐπελεῦσαι τῶι ἀνδρὶ ἐπὶ στέγαν ἀντὶ μαιτύρων τριῶν 'they are to bring it to the man at his house in front of three witnesses' (iii.45–47). This time there is no relative clause, but τῶι ἀνδρί obviously refers to the man who had married the relevant woman.

The context for sentence (B) concerns a situation in which somebody has lost his case for possession of a slave (of disputed ownership) or free person (of disputed status):

(B) αἰ δέ κα ναεύῃ ὁ δῶλος ὃ κα νικαθῇ, καλίων ἀντὶ μαιτύρων δυῶν δρομέων ἐλευθέρων ἀποδεικσάτω ἐπὶ τῶι ναῶι ὅπᾱ κα ναεύῃ ἢ αὐτὸς ἢ ἄλος πρὸ τοῦτο (Gortyn Law Code i.39–44)

'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 [...]' (tr. Willetts 1967: 39)

The relative clause helps to make clear that ὁ δῶλος here refers to our disputed person (in the event that he is a slave). But the expression ὁ δῶλος 'the slave' has already been used repeatedly for this hypothetical person, without further qualification (Gortyn Law Code i.5, i.9, i.26–27, i.32): once again, our relative clause gives a clarification that could demonstrably have been left to the imagination.

Sentences (C) and (D) are both from contexts in which the right to sell or mortgage property is in dispute:

(C) αἰ δέ κ' ὁ ἀντίμῶλος ἀπομῶλεῖ ἀντὶ τὸ κρέος ὃι κ' ἀνπιμῶλίδντι μὲ ἔμεν τᾶς ματ[ρ]ὸς ἢ τᾶς γυναικός [...] (Gortyn Law Code vi.25–29)

'But if the defendant alleges, with reference to the property about which they contend, that it does not belong to mother or the wife [...]'

(D) αἰ δ' ὁ ἀντίμῶλος ἀπομ[ῶλ]ίοι ἀ[νπ]ὶ τὸ κρέος ὃι κ' ἀνπιμῶλίῶντι μὲ τᾶς πατρῳᾶκῶ ἔ[μ]εν [...] (Gortyn Law Code ix.18–20)

'But if the defendant should allege, with reference to the property about which they contend, that it does not belong to the heiress [...]' (tr. after Willetts 1967: 47)

The relative clauses here add little to τὸ κρέος 'the matter/thing/property': had they been left out, one would still have to interpret τὸ κρέος as the property under dispute in the present contexts.

Sentence (E) prescribes that declarations of adoption are to be made in the *agora*, from 'the stone from which proclamations are made':

(E) ἀμπαίνεθαι δ ἐ κατ' ἀγορὰν καταϝελμένον τῶμ πολιατᾶν ἀπὸ τῶ λάω ὃ ἀπαγορεύοντι. (Gortyn Law Code x.34–36)
'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.' (tr. Willetts 1967: 48)

Even without the relative clause, it is likely that people whose *agora* contained a stone for making proclamations would have understood that τῶ λάω here referred to this very stone: it has already been made clear that the proclamation is to be made in the *agora*, and it is very unlikely that any other stone would have merited serious consideration.

Our interpretation of column 4 lines 31–37 is supported, then, by the point that the contribution 'mild clarification' is just what we expect from relative clauses with the syntactic characteristics in question. It is worth emphasising that by no means all relative clauses in the Gortyn Law Code (or in Cretan inscriptions more generally) make this kind of contribution: this value belongs specifically to postnominal relative clauses with the relative pronoun ὅς, modifying a noun phrase with the definite article.[29] The relative clause beginning with ἄτι κ' ἐν ταῖς 'τέγαις ἐνῆι 'whatever there is in the houses', for example, does a completely different job, but it is not a postnominal relative clause (it does not modify any preceding noun phrase), and its relative pronoun is a

29 Probert (2015: 380–385) argues that there are probably no genuine examples of postnominal relative clauses with ὅστις in Cretan inscriptions up to 400 BC, and that apparent examples involve, instead, a relative clause standing in apposition to a preceding noun phrase, and itself also functioning as a noun phrase. If this is so, the specification 'with the relative pronoun ὅς' is redundant, strictly speaking, in our list of syntactic characteristics for relative clauses providing 'mild clarification'.

form of ὅστις, not ὅς. It is also worth emphasising that although the two relative clauses just discussed contribute a 'mild clarification', in the sense that they could almost have been left to the imagination, this does not mean that they fulfil no useful function: in our legal context it is worth clarifying that it is the contents of houses *in which there does not live a woikeus* that goes to the sons alone, and the small and large animals *that do not belong to a woikeus*, because potentially significant amounts of property are at stake.

The participial phrase ἐπὶ κόρᾰι ϝοικίῡν and the prehistory of the Code

If the drafter was indeed trying to express what we believe he was trying to express, would there have been a better way to say it? At first glance it seems that there must have been, given how convoluted the syntax is in this passage, and the existence of such a better formulation might be a good argument against our interpretation. The provisions of the Gortyn Code are in general clearly expressed; the significant disagreements over their interpretation in modern times generally come not from unclarity on the part of the drafters of the Code, but from our ignorance of background facts that in his day were so obvious that they did not need to be stated. This passage is unusual for being hard to understand in terms of the actual language as well as in terms of its wider implications.

We have seen that the relative clauses αἷς κα μὲ ϝοικεὺς ἐνϝοικεῖ and ἃ κα μὲ ϝοικέος ἦι actually do what a Cretan would have expected: each adds a clarification or qualification to the preceding point. The clarifications are mild in that they could have been left to the imagination (it was obvious that the property of *woikeis* needed to stay with the *woikeis*), but they are worth making because the property implications are potentially significant. If they are difficult for us today, this is because we lack relevant cultural and linguistic background: the principle that the property of *woikeis* will stay with the *woikeis*, and the expectation that relative clauses like these will contribute mild clarification. However, the first of these relative clauses is made unusually long and syntactically cumbersome by the additional phrase ἐπὶ κόρᾰι ϝοικίῡν 'living in the country'.[30] There would undeniably be easier ways to make the crucial point that all the property of the *woikeis* remains with the *woikeis*.

30 On the unusual complexity of the syntax here see also Probert (2015: 404).

If the phrase ἐπὶ κόρᾰι ϝοικίῡν 'living in the country' were omitted, however, the passage would be far more straightforward and would match the language of the rest of the Code better. We suggest that a version without this phrase may be precisely what the drafter originally wrote: sons alone inherit the contents of houses not inhabited by *woikeis* and animals not belonging to *woikeis*. Such a rule would have been very much in keeping with the rest of the Code, but it would have contained a loophole: daughters wishing to inherit a share of the property their father kept in the city could install a *woikeus* in his city house before his death and then claim that the law entitled them to a share of the contents of that house. Whether that loophole was ever actually exploited or whether its exploitation merely occurred to lawmakers as a possibility, the phrase 'living in the country' might have been added to close the loophole.

If in fact this phrase is a later addition to the law, it must have been made before the Code was inscribed, for it is not a later addition to the inscription. But such an addition is not inconceivable: several passages at the end of the Code are clearly later additions to the content, though it is debated whether they are additions to the inscription. Laws may go through a long drafting process before being finally inscribed, and it could well be that the desire to close this loophole arose at an advanced stage of the drafting process, when it would have been undesirable to change the sentence itself. If someone started with a clause saying 'τέγανς μὲν τὰνς ἐν πόλι κᾰτι κ' ἐν ταῖς 'τέγαις ἐνεῖ αἷς κα μὲ ϝοικεὺς ἐνϝοικεῖ καὶ τὰ πρόβατα καὶ καρταίποδα ἃ κα μὲ ϝοικέος ἦι, ἐπὶ τοῖς υἱάσι ἔμεν 'the houses in the city, and whatever there is in the houses in which there does not live a *woikeus*, and the small animals and large animals which do not belong to a *woikeus*, shall belong to the sons', and wanted to close the loophole it offered without altering any of the wording of that clause, the best way to do it would indeed have been to add the phrase ἐπὶ κόρᾰι ϝοικίῡν 'living in the country'.

Conclusion

We submit that our interpretation of lines 31–37 not only makes better sense of the content of the passage than do previous interpretations, but also fits better with what we know about Cretan syntax. And it may provide insight into the process of drafting the Code.

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