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Nomima and the Laws of Ancient Crete: A Personal Memoire

Nomima et les lois de la Crète ancienne : un souvenir personnel

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Acknowledgements

I am grateful to Olivier Mariaud for inviting me to participate in this tribute to Nomima and also for allowing me to discuss my personal relationship both with the work Nomima and with its main author Henri van Effenterre.

- ¹ I obtained a copy of *Nomima* as soon as the two volumes were published in 1994 and 1995,¹ but I did not use it very much until a decade later when my Texas colleague Paula Perlman and I embarked on a project to publish an edition of the laws of archaic and classical Crete, texts that were inscribed, primarily on stone, in different cities on the island.² During the ten years that we worked on this volume, we made extensive use of *Nomima*, almost half of whose texts were from Crete (97 out of 209), but the most immediate influence *Nomima* had on our work had to do with its format.
- ² The format that *Nomima* provided was to have a Greek text of each inscription together with a French translation on facing pages, followed by a bibliography, a commentary, and “notes critiques”, the latter with epigraphical, linguistic, and other details. For our volume, Oxford University Press allowed us larger than normal pages so that for most inscriptions we could put our English translation side-by-side with the Greek text on the same page; for texts with long lines of Greek, we put our translation underneath the Greek. Below the text and translation, we had a set of Notes on epigraphical, linguistic, and other details (including some bibliography), intended for specialists who knew Greek, and then a Commentary dealing with more general historical, legal, and other matters intended for legal scholars, historians, and others, who may or may not know Greek. This organizational structure was directly influenced by *Nomima*.
- ³ Earlier publications had some of these features. The venerable French *Recueil des inscriptions juridiques grecques* by Dareste, Hassoullier, and Reinach provided texts with translations but added only a handful of short notes.³ The four volumes of Margarita

Guarducci's magisterial *Inscriptiones Creticae* provided two commentaries, written in Latin, one epigraphical and the other general, but no translation.⁴ The two older volumes of *Greek Historical Inscriptions*, the first by Russell Meiggs and David Lewis, the second by Marcus Tod, had the Greek texts, without translations, followed by discussions of whatever issues, large or small, the authors felt were important.⁵ And Reinhard Koerner's *Inchriftliche Gesetzestexte der frühen griechischen Polis*, which appeared a year before *Nomima* and covered much of the same ground, provided texts and translations but only a single commentary focused largely on social and political matters.⁶ But no work before *Nomima* had all of its features.

- 4 Our purpose in following this format was to make our volume as easy as possible for others to use, in the hope that scholars in many different fields, most of whom knew little or nothing about the laws of Crete besides the Great Code of Gortyn and perhaps one or two others, could make use of the full range of Cretan laws in their work. We appear to have succeeded, judging from the many comments we have received from other scholars and from the fact that sales of the expensive volume were far greater than Oxford University Press anticipated, which caused them very soon to publish a lower-cost paperback version.
- 5 In my view, the *Nomima* format is one that could and probably should be adopted by many other epigraphical publications. For example, Kent Rigsby's *Asylia*, about agreements by one city to protect the inviolability of another, contains over two hundred Greek texts with brief commentaries and no translations.⁷ Specialists in the field may not need translations, but their absence makes the book much less useful for non-specialists, who may want to get a quick sense of the contents of a certain document but will not take the time to translate an entire unfamiliar Greek text. On the other hand, I am very pleased to see that the new, updated *Greek Historical Inscriptions* by Robin Osborne and Peter Rhodes, two volumes of which have appeared so far, does include full translations of all their texts together with an *apparatus criticus* and an extensive commentary.⁸ All Greek historians and many other scholars who wish to consult these texts will be grateful for this.
- 6 Now, although we followed the format of *Nomima* in the way we presented each text, we did not follow it in organizing our texts by subject matter. *Nomima* was specifically a collection of political and legal texts and its texts were grouped by subject matter. Volume One covered politics, beginning with civic identity followed by the city, and then the powers in the city, with each of these categories broken down into sub-categories. Volume Two covered law, and was divided into procedure, law of persons, patrimony, criminal law, regulations, and others. Our work, on the other hand, covered a single geographical area, Crete, and so we organized our texts by city and chronologically within each city, following the numerical order of *Inscriptiones Creticae*. It turned out that when enough survived to identify the subject matter of these texts, they were all laws, and so we assumed that even the tiny fragments that we included were also laws.
- 7 In *Nomima*, most of the texts from Crete are in Volume Two, including the Gortyn Code, which is presented as a complete text with translation at the end of the volume. Before this, however, different bits of the Code, with translation and commentaries, are scattered through the volume in different sections according to subject matter. Our volume on the other hand treats the entire code continuously, dividing it into sections by subject matter in order to keep each section to a manageable size. Each section then

has the Greek text, translation, notes and commentary. One other difference is that our work is a corpus and includes all the texts from our period, even those in which only a single word can be detected, whereas *Nomima* is a “recueil”, or a collection of the major texts, and thus does not include many of the small fragments that we include.

- 8 Now, in addition to following the format that *Nomima* provided, we also drew heavily on the content of the work for our interpretations of the texts. As noted above, almost half of the archaic texts in the two volumes are from Crete. In addition, van Effenterre in particular has written extensively about many of these texts in his earlier books and articles. In fact, he alone, or in collaboration with another scholar, was responsible for the *editio princeps* of more than a dozen of the Cretan texts, including most of the early texts from Dreros.
- 9 In a rather extraordinary sequence of events, in 1936 Henri was a 24-year-old graduate student in archaeology when he accompanied Professor Pierre Démargne on an excavation at Dreros, where they unearthed, among other things, seven archaic Greek inscriptions. The following year, 1937, they together published the first of these inscriptions in the *Bulletin de correspondance hellénique*; this is the well-known text prohibiting anyone from repeating as *kosmos* within 10 years. Under normal circumstances publication of the other 6 texts would have appeared in the following year or two, but publication was delayed by the impending war, the war in which Henri lost an arm defending France against the Germans. After the war was over, Démargne became occupied with excavating at another site and so he gave Henri permission to publish the six remaining texts from Dreros, even though Henri was still a graduate student. These six appeared under Henri’s name alone in 1946, and he would go on to publish many more Cretan texts including several that my colleague and I are currently using as we prepare our second volume of Cretan inscriptions from the post-classical period.
- 10 This meant that we were continuously consulting his work either directly in *Nomima* or in an earlier work that lay behind the *Nomima* texts. The only other scholar whose work we consulted to almost the same extent was Alberto Maffi. But Alberto’s interests were primarily in the laws and legal system of Gortyn, especially those contained in the Great Code, and he had written little about the texts from other Cretan cities. The main difference between Alberto’s views and ours was that he tended to see the legal system of Gortyn as more similar to the Athenian legal system than in my view it really was, but by continuously challenging us to defend our understanding of the Gortyn texts, he certainly helped us make our arguments stronger, even if in the end he did not persuade us.
- 11 Henri’s influence was different. Certainly, we also disagreed with him at times on our interpretation of a text, but we were more likely to agree. One reason for this was that we agreed with an important underlying principle of *Nomima* and of all of Henri’s work, that the texts had to make sense as a rational solution to problems encountered by the essentially rural, agricultural society of archaic and classical Crete. Henri was primarily an archaeologist. He spent many years excavating and living in Crete and his love of the island and its people, whom he came to know well, was always evident. He also came believe that life in rural Crete had changed very little in the time between the 5th century BCE and the 20th century, so that his familiarity with rural Crete today gave him an understanding of Crete in antiquity. He also benefitted from being able to discuss all his ideas with Françoise Ruzé, who was especially knowledgeable about

political and social conditions in archaic Greece.⁹ I have also found it impossible to say exactly what the specific contribution of each author was to the final text. In the Preface many people are named as having contributed to the discussion of these texts, but nothing is said about anyone's specific contribution. In an obituary notice, however, Françoise Ruzé describes many long hours of discussion about all the texts with both Henri and Micheline, but she indicates that in the end it was Henri who made the final decisions.¹⁰

- 12 In any case, in our work on Cretan laws, we always gave serious thought to the views expressed in *Nomima*, even when we disagreed with them, as we did on the question of the political organization of Cretan cities. Both authors of *Nomima* subscribed generally to the overall picture of an aristocratic Crete society, derived from Plato, Aristotle, and others. Our study of the inscriptions, on the other hand, led us to conclude that the community as a whole, often meeting as a large body in an assembly-like setting, played a large role in the governance of Cretan cities, whereas whatever aristocratic Council may have existed (and in most cities there is no evidence that one did) played a very minor role. Our picture has been controversial and has been rejected by some, but I remain convinced that it is correct.
- 13 In sum, the two volumes of *Nomima* are a vital resource for those working on early Greek law and society, and they were an invaluable resource for Paula Perlman and me in producing our study of the laws of archaic and classical Crete.
- 14 Now, in addition to this assessment of the content of *Nomima*, the organizers of this session have kindly allowed me to add a few personal reminiscences about Henri van Effenterre, who became a mentor and good friend. I came to know Françoise Ruzé later, but we were never as close as I was to Henri, whom I first met in 1985 at the Symposium conference on Greek law in Germany. This was my first international conference and I was young and very nervous, although I was fairly confident that my paper was a good one and made an important point. My subject was the function of witnesses in the laws of Gortyn, and I was the last speaker before lunch on the first day. The speakers before me had gone over their time limit, so when I finished my talk it was time for lunch. The Chair asked what we should do about discussion of my paper. Now the Symposium is a different kind of conference from most. It limits invitations to about 30 speakers and puts great emphasis on having time for discussion. While people were wondering how long we could delay lunch, and what that would do to the rest of the day's schedule, Henri, who had evidently found my paper interesting and worthy of more discussion, made the suggestion to postpone discussion until that evening, after dinner, when nothing else was planned. This was accepted and I will never forget that evening.
- 15 The conference took place in a castle south of Munich, Schloss Ringberg, which had been built around 1900 by mad King Ludwig of Bavaria and it had high stone walls all around. It was a lovely evening and we placed a number of chairs in a circle just outside the walls. Discussion lasted more than an hour, and Henri in particular encouraged me to continue pursuing the issues that arose. I learned later that he was well known for encouraging the work of young scholars.
- 16 I continued to see Henri at the Symposium meetings and at other scholarly conferences for the next fifteen years, but our relationship became much closer beginning in 1990, when the Symposium was held in California. Henri and Micheline stopped in Austin on their way to the meeting and spent two days with me and my wife and children. Henri

was wonderful with children, and ours, who at the time were 7 and 10 years old, greatly enjoyed his visit. After that I managed to spend some time in Paris almost every year, usually in connection with a conference somewhere in Europe, and I would regularly see Henri and Micheline when I was there, often going to their apartment for dinner. It was there that I first met Françoise Ruzé and her husband.

- 17 One visit in particular sticks in my mind. A few years after the 1990 Symposium, I was in Paris with my whole family and Henri and Micheline invited us all to dinner. During dinner Henri suggested that we have an excursion the following day and that we go to Versailles. Donna and I had visited Versailles before as tourists, but our children had never been there, so we readily agreed. The next day we set off, reaching Versailles in the late morning. My wife recalls that Henri told us stories about the war during the drive to the chateau. When we arrived, we did not drive up to the grand front entrance, where the tourist busses were discharging their passengers. Instead we took a small side road that led us around to the back of the estate, where we stopped at a gate in the fence. The guard at the gate evidently knew Henri well and greeted him as a friend when we arrived. They exchanged a few words and then we drove through the gate and into the wooded grounds behind the Chateau. There Henri drove us around on a network of small roads pointing out various sights like Marie Antoinette's cottage. It turned out that he had spent much of his childhood in this area, and so in addition to famous sites he showed us places where he and his friends used to play. It was a remarkable tour. We then stopped for lunch in a nearby village and returned to Paris in the afternoon. The whole day was magical, as if we had been in a fairy kingdom.
- 18 After he turned 90, Henri stopped going to conferences. He explained that he had once been present when an old professor makes a fool of himself at a conference and he did not want to risk doing the same. But I continued to see him and Micheline whenever I was in Paris.
- 19 In 2005 my colleague and I began planning our work on the laws of Crete. We obtained a research grant for the year 2006–7, which allowed us to spend six weeks in Crete in September and October doing preliminary work on the inscriptions. In December of 2006 I was invited to a conference in Paris, and so I went to see Henri and Micheline and told them about our work on the laws of Crete and how it was modeled on *Nomima*. Henri was obviously pleased to hear about it and we spent some time discussing our plans. I stopped again in Paris in July 2007, on my way to a conference in Strasbourg and visited Henri for the last time, just a few months before his death. At that point he was confined to a wheelchair and was being taken care of by a very good woman in his Paris apartment. Micheline had already moved to a home for the elderly. I arrived at lunch time while Henri was eating the lunch that the woman had prepared. He ate, and talked with difficulty, but I told him about our progress on the laws of Crete. He was clearly interested and even asked a couple of questions. After that I left after only a short visit. Henri died a few months later. *The Laws of Ancient Crete c. 650–400 BCE* is dedicated to him.

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NOTES

1. Van Effenterre & Ruzé (1994–95).
2. Gagarin & Perlman (2016).
3. Dareste, Hassoullier & Reinach (1891–1904).
4. Guarducci (1935–50).
5. Meiggs & Lewis (1969), Tod (1948).
6. Koerner (1993).
7. Rigsby (1996).
8. Rhodes & Osborne (2003), Osborne & Rhodes (2017).
9. See, e.g., Ruzé (1997).
10. Ruzé (2008).

ABSTRACTS

My paper discusses the influence *Nomima* had on *The Laws of Ancient Crete c. 650–400 BCE*, a collection of inscriptions I produced together with my colleague Paula Perlman. *Nomima* influenced both the format and the content of our work. I also discuss the benefits of this format, which I feel is a model for epigraphical publication. I also describe the influence Henri van Effenterre had on me and my career and relate a few of the memorable episodes during the course of our thirty-year friendship.

Cet article évoque l'influence qu'a eu *Nomima* sur l'ouvrage *The Laws of Ancient Crete c. 650–400 BCE*, une collection d'inscriptions que j'ai produit avec ma collègue Paula Perlman. *Nomima* a influencé à la fois le format et le contenu de notre travail. J'évoque aussi dans cet article les avantages de ce format, que je considère comme un modèle pour la publication épigraphique. Enfin, je décris également l'influence qu'Henri van Effenterre a eu sur ma carrière et je relate quelques souvenirs mémorables au cours de nos trente années d'amitié.

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Keywords: Nomima, Henri van Effenterre, inscriptions, epigraphical publication, Crete

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