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WRITING GREEK LAW

The use of writing in the development of Greek law was unique. In this comparative study Professor Gagarin shows the reader how Greek law developed and explains why it became so different from the legal systems with which most legal historians are familiar. While other early communities wrote codes of law for academic or propaganda purposes, the Greeks used writing extensively to make their laws available to a relatively large segment of the community. On the other hand, the Greeks made little use of writing in litigation whereas other cultures used it extensively in this area, often putting written documents at the heart of the judicial process. Greek law thereby avoided becoming excessively technical and never saw the development of a specialized legal profession. This book will be of interest to specialists in the history of law, as well as ancient historians.

MICHAEL GAGARIN is James R. Dougherty, Jr. Centennial Professor of Classics at the University of Texas, and has published widely on Greek law. Recent publications include *Antiphon the Athenian: Oratory, Law and Justice in the Age of the Sophists* (2002) and *The Cambridge Companion to Ancient Greek Law* (co-edited with David Cohen; 2005).

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For Donna, Daniel, and Alexandra

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Preface and Acknowledgments

The ideas in this book have been developing in my mind for more than a decade, but they first began to take shape as a comprehensive view of Greek law when Joseph Mélèze-Modrzejewski invited me to give a set of lectures at the Sorbonne in 2001. (See “Ecriture et oralité en droit grec,” *Revue historique de droit français et étranger* 79 (2001) 447–62.) I had earlier presented ideas about writing and law in lectures to audiences at the Centre Gernet in Paris, and in Copenhagen, Milan, Houston, and Columbia, MO; but during this month-long stay in Paris I first worked out a comprehensive thesis about the role of writing in Greek law and its very different role in other comparable societies. I am grateful to Jo for this opportunity, for his hospitality, and for the stimulating sessions of his seminar at the Ecole Pratique des Hautes Etudes, to Pauline Schmidt for arranging for me to address a session of her Greek History seminar, and to Jean-Marie Bertrand for helping in so many ways make my time in Paris both fruitful and enjoyable. Since that visit I have presented different parts of my ideas to audiences in Glasgow, Chicago, Philadelphia, Knoxville, San Diego, Austin, Athens, Graz, Lexington KY, Caen, Marshall CA, Marburg, Manchester, Charlottesville VA, Salerno, Nicosia, Montreal, and Auckland; I am grateful for the criticisms and suggestions I have received on all these occasions. Several of these lectures have been published in various conference proceedings (see Bibliography), but in writing this book I have rethought all these earlier presentations, and in some cases I have changed my mind significantly in the process. Faraguna (2007), which covers some of the same ground as I do but takes issue with some of the positions I have expressed, reached me only when this book was in press. A shorter version of his paper together with my response to it will be published in *Symposion* 2007.

Research leave for this project was provided by a Guggenheim Fellowship in 2002–3, and by several semester-long leaves from the University of Texas. I am most grateful to both organizations for support.

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I also thank Paula Perlman, Lene Rubinstein, and Josh Sosin for reading earlier drafts of chapters, correcting errors, and making many helpful suggestions (not all of which I followed). Harvey Yunis and one other anonymous reader for Cambridge University Press gave me very useful criticism. My editor Michael Sharp provided encouragement and useful advice throughout, and copy-editor Linda Woodward improved the manuscript in many ways. Deena Berg of Georgetown, Texas prepared the illustrations.

Although the material in this book will (I hope) be of interest to scholars and students of Greek law, I have throughout tried also to make it accessible and of interest to those in other fields, including readers who know little or no Greek. I have relegated almost all the Greek to footnotes and have put the longer Greek texts in Appendices at the end of the book. Chapters Two, Five, Six, and Seven include texts from early non-Athenian inscriptions, which even those who know classical Greek may not find easy to read. I have tried to provide enough information about these to allow classicists to work with the original Greek texts if they wish, without creating a burden for other readers. Those who would prefer more scholarly presentations of these texts can consult specialized publications. In addition, Paula Perlman and I are currently preparing a full edition (texts, translations, commentaries, and essays) of the laws of ancient Crete, which will provide more detailed support for some of the views about Cretan laws that I express here.

Finally, I would like to dedicate this book to my family, who have provided me love and support for more than thirty years. I have dedicated previous books to each of them individually, but together they are more than the sum of three individuals.

Austin, March 2007

Abbreviations

CH	= The Law Code of Hammurabi.
GC	= The Gortyn Code.
<i>ICret</i>	= Guarducci 1935–50 (<i>ICret</i> 4 contains all the inscriptions from Gortyn).
<i>IGT</i>	= Koerner 1993 (references are to the inscription number).
<i>IJG</i>	= Dareste <i>et al.</i> 1891–1904 (references are to volume and page number).
ML	= Meiggs and Lewis 1969 (references are to the inscription number).
<i>Nomima</i>	= van Effenterre and Ruzé 1994–5 (references are to the volume and inscription number).
<i>IPArk</i>	= Thür and Taeuber 1994 (references are to the inscription number).
<i>SEG</i>	= <i>Supplementum Epigraphicum Graecum</i> (references are to volume and inscription number).
<i>SB</i>	= Preisigke and Rupprecht 1913– (<i>Sammelbuch</i>).

For editions of papyri, I follow the abbreviations in Wolff 2002: 213–48.