

Women's Lives at Gortyn: Seeing Beyond the Law

The fifth-century BCE laws from the Cretan city of Gortyn, and especially the famous Gortyn Law Code (Willets 1967) have much to say about women. For most scholars (Schaps 1979, Gagarin 2008) they indicate clearly that the legal position of Gortynian women differed in several major ways from that of Athenian women. Gortynian women owned property, including real property, in their own right and did not need a “guardian” (*kyrios*) to buy, sell, or otherwise manage it. Second, they could appear in court as either plaintiff or defendant without needing a male to speak for them. And third, they seem to have had more freedom than Athenian women in choices about marriage. What the laws do not tell us, however, is what women's lives were really like. In Athens, forensic speeches, comedy, and other sources paint a rich picture of women's daily lives; at Gortyn, by contrast, we have no other evidence besides the laws and a negligible amount of archaeological evidence. Can we read between the lines, so to speak, to discover the *de facto* (as opposed to *de jure*) conditions of women's lives at the time? I think we can, though the conclusions reached below must be to some extent speculative.

Some laws, for example, give women rights but are silent about similar rights for men. In a divorce a woman is allowed to have “her own property” and if the husband disputes it, she has the right to swear an oath that the property is hers and then take it. The laws say nothing of the man's property (and never use the expression “his own property”). This suggests that men normally owned more property than women and perhaps that they normally managed all the family property together, so that divorce was seen primarily as a process of separating out the wife's property from the couple's total

property. It also suggests that women would normally take their property with them, leaving their husband's house; and thus that married couples normally lived in a house belonging to the husband, even though women could own houses themselves. The law thus takes for granted that men will keep their own property in a divorce, but sees the need to emphasize that women too have their own property. This may mean that women's ownership of property was a recent development, and laws concerning retroactivity seem to confirm that women's property rights were increasing.

Another section of the Code prohibits men from selling or otherwise mismanaging a woman's property. Men's property is not given similar protection, which suggests that men often managed -- and sometimes mismanaged -- their wives' property, but that women only rarely managed or mismanaged men's property. Laws allowing men to give gifts to women (within certain limits) but not mentioning gifts by women to men similarly suggest that men were more likely to give gifts, presumably because they had more property. All these laws indicate that at Gortyn, women's right to own property existed in a world that was still male-dominated. Men as a group owned more property than women, and in most cases may have managed and in effect controlled their wives' and daughters' property. Women may have gained the right to own property only recently, and this reform had apparently been met with some resistance.

Such a historical development would be consistent with the archaeological evidence showing that in the seventh century, just before they began to write a large number of laws, the Gortynians moved their community from three small fortified hilltop settlements down to a new unfortified site at the edge of the Mesara plain (Di Vita 2010). This move was unusual among Cretan cities at the time and reflects the Gortynians'

increased sense of security and confidence that their affairs could be managed through laws and treaties rather than by force. And this diminished concern with military force (reflected in the scant mention of military matters in the laws) prepared the way, I suggest, for the higher status of women and increased attention paid to women and their affairs in the laws. In contrast, the laws from other Cretan cities at this time scarcely mention women.

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