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INSCRIBING LAWS IN GREECE AND THE NEAR EAST

For some time now I have been studying the uses of writing in ancient Greek law. Part of this study involves comparison with other pre-modern legal systems, and I am finding that the uses of writing in Greece are quite different than they are in other places with premodern legal systems. In an earlier paper, I examined certain procedural aspects of the Gortyn Code and the Code of Hammurabi[1] and noted that, although the former comes from the middle of the fifth century B.C.E. and the latter from the middle of the eighteenth century B.C.E., the two are quite similar in their total length and in the range and variety of subjects treated. In this sense, they are suitable candidates for comparison. In addition, each contains a small group of laws on adoption of roughly the same total length, which will allow us to compare how each lawgiver approached this particular subject. My specific concern in returning to a comparison of these two codes is to explore certain aspects of the process of inscribing these two codes, in particular physical features of the inscriptions themselves, references to writing and written documents in the codes, and the organization of laws in each. In all these areas there is a significant difference between the Gortyn Code and Hammurabi's Code that may shed some light on the lawgiver's purpose in each case.

The Gortyn Code (*Inscriptiones Creticae* IV, 72), with 621 lines of text and more than 3,000 words, arranged in eleven and a half columns, presents rules concerning family and property law, but also a wide range of other issues. The large clear letters are generally well preserved and easy to see, and the original red paint would have made them stand out even more clearly, so that with few exceptions the text is easy to read, even if its interpretation is not always clear. The laws of Hammurabi, on the other hand are inscribed on a diorite stele now in the Louvre. The hardness of the stone means that the incisions forming the words are shallow, so that it is much more difficult even to see the writing, let alone read it.[2] At a distance

[1] Gagarin 2001. I use "code" for convenience to describe these two collections of laws. I do not mean to imply that they are complete or systematic codes in a modern sense. See van Effenterre 2000.

[2] I should note that I do not know Akkadian or how to read the cuneiform script. For the laws of Hammurabi I am relying on the recent translations of Roth 1995 and Richardson 2000, (and for the rules on adoption, Westbrook 1993), together with the edition of

of two or three meters, the letters at Gortyn still stand out clearly, whereas the writing on Hammurabi's stele can hardly be discerned. This visual difference suggests that the Gortyn legislator was more concerned than was Hammurabi to ensure that the actual inscription of his laws be read by others. One reason for this may be that copies were made of Hammurabi's laws, so that those who wanted to read them did not have to view the inscription on the stele.

Another difference with respect to the use of writing in the two codes is the nature of references to writing in each. At Gortyn, words and expressions for writing like *ta grammata* ("the things that are written"), which occur thirty-four times in the Code,[3] refer exclusively to other laws, some of them inscribed in the Code itself, others presumably inscribed elsewhere. This use of words for writing means that, the word "writing" can essentially be taken to be the Gortynian word for law. For example, 12.1-4 read: "If a son has given money to his mother or a husband to his wife *as was written before these writings* (ἃι ἔγραττο πρὸ τõνδε τõν γραμμάτον) the matter shall not be brought to court; but for the future, gifts should be given *as is written* (ἃι ἔγρατται). The expressions referring to writing here essentially mean "in accordance with the law in effect before this law was enacted," and "in accordance with the law."

In Hammurabi's Code, there are (as best I can tell) about the same number of references to writing and written documents – 25 references to documents which were almost certainly written, even though only nine of them are explicitly characterized as written, and then another 6 mentions of writing in the epilogue (as compared to 34 total mentions of writing at Gortyn).[4] But in Hammurabi's Code the only references to writing that refer to a law are the six instances in the Epilogue where Hammurabi refers in the first person to, e.g., "the commands I have written on this stele" (E15). In the body of the law, however, all references to written texts are to documents other than laws. In some cases we find the word for "contract" (*riksu*), but more often the word used is simply "tablet" (or "sealed tablet"), which essentially means "document." We can only determine by the context that these

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Driver and Miles 1952. I have also made some use of the transliterated texts that both Roth and Richardson provide alongside their translations.

[3] 1.46, 1.55, 3.20-21, 3.29-30, 4.11, 4.30-31, 4.46, 4.48, 4.51, 6.14-16 (3x), 6.31, 7.47-48, 8.10, 8.25-26, 8.29- 30, 8.35-36, 8.40, 8.54, 9.16 (2x), 9.24, 10.45, 10.46, 11.20 (2x), 11.27-29 (2x), 12.2-3 (2x), 12.5, 12.9, 12.14.

[4] In the body of Hammurabi's laws there are references to contracts called *riksu* (7, 47, 52, 122, 123, 128, 264); a judge's verdict (5), transfers of property (37, 150, 151, 165, 171b, 178, 179, 182, 183), records of debts (48, Fragment a), other words for contracts (177?, and fragments m?, v, w), and receipts for payment (104, 105). In the epilogue Hammurabi speaks of commands or words that he has written on the stele (E8, E11, E14, E15, E18, E19). In order to identify references to writing and written texts, I have used Richardson's translation (2000), checking it as far as possible against words in the Akkadian transliteration he provides. Using Roth 1995 would change the numbers slightly but not significantly.

documents include a judge's verdict, transfers of property, records of debts, other sorts of contracts, and receipts for payment.

Evidently, written documents were widely used in Hammurabi's time, especially in financial transactions, and as such they played an important role in the judicial process. Several provisions require a person under certain conditions to present a particular written document in court. And provision 5, which mentions a judge's written verdict, comes at the beginning of the laws where we find other provisions that regulate judicial procedure.[5] This provision may imply that judges routinely recorded their verdicts on tablets that were then sealed, in part to prevent anyone from changing them. But despite its many references to the role of written documents in the legal process, the provisions of Hammurabi's Code never include a reference to another provision of the Code or to any other written laws.

All these references to writing surely indicate that written documents were a normal feature of the Babylonian judicial system, and, in fact, actual documents of the sort mentioned in Hammurabi's laws have been found, some in large quantities. And all these documents were probably written by professional scribes, who in addition to knowing how to write, must have known the rather formulaic language of most documents and must also have been fairly knowledgeable in financial and legal matters. Thus most people who wanted to enter into a contract or obtain a receipt for payment probably had the written document prepared by a professional scribe. In Greece, professional scribes do not appear to have had any role in the area of law, except (presumably) in the process of inscribing laws.

One explanation for the fact that Hammurabi's laws do not contain any cross-references to any other substantive legal rules may have to do with the difficult question, in what sense (if any) these provisions are truly laws. The consensus among Near-Eastern scholars now seems to be that the purpose of Hammurabi's Code was not legislative but "academic" – that is, it is not actual legislation but a kind of intellectual or jurisprudential treatise. The main arguments for this view are clearly set out by Bottéro.[6] First, Hammurabi's laws are too particularized to be actual legislation: they treat a few very particular situations but say nothing of many other situations that would be just as common. Take, for example, 229-30:

229. *If a builder has built a house for a man but does not make his work strong enough and the house he has made has collapsed and caused the death of the owner of the house, that builder shall be killed.*

230. *If it has caused the death of a son of the owner of the house, they shall kill that builder's son.*

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[5] For the context of provision 5 see Westbrook's response (in this volume). The first part of 5 reads (trans. Richardson): "If a judge has conducted a trial, given a verdict, had a seal placed on the document, but some time later modifies his verdict, they can show that that judge is guilty of changing the verdict he has reached, and he shall pay 12 times the amount of the loss which had occasioned that trial."

[6] Bottéro 1992: esp. 157-69; see also the recent paper of Roth 2000.

These articles presuppose that a builder with a son builds a house for a client with a son and that the house's collapse kills one or both of these. The provisions could be read as an incentive for builders to do good work, and they can, of course, be extended by analogy: for example, if the owner's daughter is killed, the builder's daughter is put to death. But this does not help one decide a case where the builder has no son or daughter or equivalent relative. It seems more plausible, therefore to see provisions such as these as particular examples of the *lex talionis*, on the order of "an eye for an eye." Their purpose is to illustrate particularly appropriate responses to different offenses, and like the rule "an eye for an eye," which later gave rise to various academic disputes about one-eyed men and the like, such rules are better understood as illustrations of general principles of justice than as working law.

Scholars have also noted discrepancies between certain rules, amounting at times to a contradiction. But discrepancies in collections of laws (ancient and modern) are not uncommon and do not necessarily tell us anything about the legislator's intent. A more valid argument may be that the many other legal documents that survive from the time of Hammurabi make no reference to the authority of his Code, even when this contains relevant rules. In actual legal situations, if an authority is sought, the parties appeal to "decisions of the king" not these rules. Finally, Westbrook (1989) has noted that by contrast with actual legislation, which takes effect at a specific time and must address the issue of retroactive application whenever a piece of legislation significantly changes existing law, Hammurabi's laws give no evidence of being temporally situated, that is of coming into existence at a specific time and place, and they never mention the possibility of retroactivity. By contrast, the Gortyn Code does locate itself at a specific time with the reference in 5.4-6 to "when Kyllos and the Aithalian *startos* were *kosmoi*.[7] The reference is mysterious to us, but it must have meant something to Gortynian readers at the time. And several provisions at Gortyn specify that it is not retroactive.

To these scholarly arguments and others one can add certain physical features. I have already mentioned that it requires sharp eyes to make out the incised wedges on Hammurabi's stele, but the inscription also presents other difficulties for potential readers. It is hard to compare the size of the two scripts, since they are so different, so I simply observe that although the letters on Hammurabi's stele are about the same size as many other cuneiform texts in the Louvre and elsewhere, the writing is smaller and more difficult to read than many other roughly contemporary Akkadian inscriptions. In addition, the text is inscribed all the way around the cylindrical stele, so that a person cannot read the full text without walking around the stone. The twelve columns of the Gortyn text, by contrast, are inscribed on a slightly concave surface; one would have to move over a few steps to read a new

[7] The *kosmos* was the highest official in Gortyn. We do not know if there was more than one at a time, or how long his term was (most likely a year).

column but one could read each column without moving. These physical features suggest that those who directed the inscribing of Hammurabi's laws made relatively little effort to assist readers, and this supports the view that these laws were not written and displayed in this fashion so that they could be read and used in the course of actual litigation but were intended rather as a memorial of the just king, to be preserved for future generations.

Now, if Hammurabi's goal in having his law inscribed on a stele was fundamentally different from that of the Gortynian legislator, it may not surprise us that the organization of provisions in the two codes is also quite different. Hammurabi's Code has been described as an anthology of specific provisions grouped together according to subject and following one another in linear fashion. Different arrangements are possible,[8] but in any arrangement the connection between adjacent sections is close in some cases but quite distant in others. Much the same can be said of the overall organization of the Gortyn Code.[9] Within the individual sections of each code, however, the organization is quite different. In Hammurabi's Code the arrangement of specific provisions also tends to be linear; and there is a strong tendency to arrange closely similar provisions in pairs or small groups. The first two provisions in the Code, for example specify the penalty for false accusation,[10] first for a false accusation of murder and then for one of witchcraft. Then the third and fourth provisions give penalties for false testimony, first in a capital case and then in other cases. Finally, a fifth provision is added that

[8] Bottéro (1992: 159) proposes the following: false testimony (1-5), theft (6-25), tenure of royal fiefs (26-41), agricultural work (42-66), places of dwelling (76-? – at this point a number of provisions are illegible), commerce (?-111), deposits and debts (112-26), wives and the family (127-94), assault and battery (195-214), free and subordinate professions (215-77), and slaves (278-82).

[9] I once created a more detailed outline based on the use of asyndeton (Gagarin 1982: 131): seizure of persons (1.2-2.2), rape (2.2-10), forcible intercourse with a slave (2.11-16), attempted seduction (2.16-20), adultery (2.20-45), divorce (2.45-3.16), separation of spouses (3.17-37), special payments to a spouse (3.37-40), separation of slaves (3.40-44), children of divorced women (3.44-4.8), exposure of children (4.8-17), unwed slave mothers (4.18-23), distribution of property among children (4.23-5.1), non-retroactivity of law on gifts to women (5.1-9), inheritance and division of the estate (5.9-54), gifts to a daughter (6.1-2), sale and mortgage of property (6.2-46), ransom of prisoners (6.46-56), marriage of slave men and free women (6.56-7.10), liability of a master for his slave (7.10-15), marriage or remarriage of the heiress (7.15-8.30), further provisions concerning heiresses (8.30-9.1), sale or mortgage of heiresses' property (9.1-24), liability of heirs (9.24-40), the son as surety (9.40-43), business contracts (9.43-10.?), gifts of males to females (10.?-25), restrictions on the sale of slaves (10.25-32), adoption (10.33-11.32), amendment (11.24-25), the duty of judges (11.26-31), four further amendments (11.31-12.19).

[10] Although the actual wording of the two provisions specifies an accusation that one does not prove, but which could, of course, be a true accusation nonetheless, it is generally assumed that the accusation in both cases is false. I omit the texts of these and the following provisions, since they are given in Westbrook's response (in this volume).

is loosely related to the first four in that like them it refers to a violation of the judicial process (a judge who later changes his verdict). By contrast, within the sections or groups of related laws at Gortyn we sometimes find a significantly different arrangement of provisions that (to use Bottéro's term) we can call hierarchical.

This contrast will be illustrated by the sections on adoption, but first I want to examine the more complex organization of the first section of laws at Gortyn (1.2-2.1), which concerns persons of disputed status. It begins with the prohibition against seizing such persons before trial and the consequences of doing so, and then proceeds to give rules for conducting the trial.

1.[11] (1.2-14) *Whoever is going to contest [the status of] a free man or a slave is not to seize him before trial. And if he does seize him, let [the judge] sentence him to pay ten staters for a free man, and five for anyone's slave whom he seizes, and let him give judgment that he release him within three days. And if he does not release him, let him sentence him to [pay] a stater for a free man and a drachma for a slave for each day until he releases him. And the judge is to decide the amount of time on oath. And if he should deny the seizure, the judge is to decide on oath, unless a witness should testify.*

2. (1.15-24) *And if one party contends that he is a free man, and the other party that he is a slave, whichever side testifies that he is a free man shall prevail. And if they contend about a slave, each pleading that he belongs to him, if a witness testifies, [the judge] is to give judgment according to the witness; but if they testify either for both sides or for neither, he is to decide on oath.*

3. (1.24-39) *And when the person in possession [of the disputed person] has lost the case, he shall release the free man within five days and give back the slave in hand. And if he should not release him or give him back, let [the judge] give judgment that [the successful party] shall win, in the case of the free man fifty staters and a stater for each day until he releases him, and in the case of the slave ten staters and a drachma for each day until he gives him back in hand. And when the judge has pronounced judgment, after a year, triple (?) fines are to be exacted, or less, but not more. And the judge is to decide the amount of time on oath.*

4. (1.39-49) *And if the slave [who was claimed by] the person who lost the case takes sanctuary in a temple, [the defeated party] shall summon [the successful party] in the presence of two free adult witnesses, and either he himself or another for him shall point out [the slave] at the temple where he is taking refuge. And if he does not summon him or point him out, let him pay what is written. And if he should not give him back at all within the year, he shall pay the single penalties.*

5. (1.49-51) *And if [the defeated party] dies while the suit is being tried, he shall pay the single penalty.*

[11] The translation is a modified versions of Willetts 1967; the paragraphing is my own.

6. (1.51-55) *And if someone who is kosmos makes a seizure or someone else [seizes a person] belonging to someone who is kosmos, they are to contend after his term of office is over, and if [the kosmos] loses the case, he shall pay what is written from the day [of the seizure].*
7. (1.56-2.2) *And someone who seizes a man who has lost his case, or one who has pledged his person shall be immune from punishment.*

As I have arranged them, the first group of rules in this section (1) begins with the general prohibition against seizing a person by force if someone disputes that person's status. This is followed by the penalty for violating this rule, and then, since the penalty includes a further injunction to give up the person seized, another penalty follows if that injunction is violated. Then, this first group of rules ends with statements of the procedure the judge should follow in determining the length of time of a seizure and in ruling in case the person accused of seizure denies it. The second group of rules (2) governs the trial that will settle the original dispute, which still must be decided whether or not the person in dispute was seized. Rules are given for two kinds of cases, those that concern whether the person is free or not, and those that concern the ownership of a slave. The third group (3) then addresses situations where the verdict has gone against the person in possession of the disputed person. The loser must give up the person, and penalties are specified if he fails to do so. Finally, there come four additional rules (4-7) covering various situations that require special treatment. The last of these grants an exception to the general prohibition against seizure in certain specific cases.

It is evident that this section is organized systematically in a manner that is logical and hierarchical. The order is partially chronological, with a progression that begins with part 1, which states the basic rule prohibiting seizure by force in cases of disputed status and then gives rules for handling cases where this basic rule is violated. Then, parts 2 and 3 follow with rules for deciding cases where the trial stipulated at the beginning takes place and for enforcing the verdict reached in this trial. Finally, in parts 4-7 come rules for special situations. In some of these parts (1, 3, 4, and 6) the provisions are arranged chronologically, following the order in which an actual dispute would proceed to settlement. Parts 5 and 7 are single provisions that stand alone. In part 2, however, since two different sorts of disputes are possible (whether a person is slave or free, and to whom an undisputed slave belongs), and the trial procedures for them differ slightly, each kind of dispute is treated in turn.

This degree of organization cannot be accidental; it must have taken some effort to produce such a clear and practical statement of a large and complex set of rules. As far as I know, this kind of systematic organization is unparalleled in Near-Eastern laws and I am not aware of it in any other premodern legislation either. And although we cannot necessarily infer the legislator's intent from the results of his work, it is reasonable to speculate that his reason for organizing this legislation in

such a clear and practical manner was to make it more useful for those judges and litigants who would actually make use of it.

No other section of the Code is organized in quite the same way, but some degree of logical and systematic organization is also evident in several other sections, including in the two largest sections, which deal with inheritance and with heiresses, both of which attempt to give comprehensive coverage of the area at some cost to the tightness of the organization. But rather than take the time to analyze these sections, let us turn now to a smaller section of rules, those on adoption (10.33-11.23), which have a parallel in the Code of Hammurabi.

1.[12] *One may adopt from any source one wishes.*
2. And the adoption shall be done at a gathering of citizens in the agora, from the stone where proclamations are made. And let the adopter give his hetaireia ("cohort") a sacrificial victim and a measure of wine.
3. And if [the adopted son] is to receive all the property and there are not also legitimate children, he shall fulfill all the adopter's religious and civic obligations and shall receive the property just as is written for legitimate children. And if he does not wish to fulfill these as is written, the next-of-kin shall have the property.
4. And if the adopter has legitimate children, if there are males, the adopted son among them shall receive just as the females receive from their brothers.[13]
5. And if there are no males, but females, the adopted son is to have an equal share, and he does not need to fulfill the adopter's obligations and accept the property that the adopter leaves, but he shall not have any more.
6. And if the adopted son dies without leaving legitimate children, the property is to revert to the adopter's next-of-kin.
7. And if the adopter wishes, he may renounce [the adoption] in the agora at a gathering of citizens from the stone from which proclamations are made. And he shall deposit ten staters with the court, and the rememberer (mnamôn) of the magistrate concerned with foreigners shall pay it to the person renounced.
8. A woman shall not adopt nor shall a minor.
9. And these rules shall be followed from the time he wrote these writings, but in matters before this time, in whatever way someone has [property], whether by adoption or from an adopted son, no legal action shall be taken.

Here the legislator begins the section on adoption by stating the general rule that adoption can come from any source and specifying the procedure by which an adoption is carried out (1-2). He then gives rules for inheritance of the property depending on whether or not the adopter has other legitimate children (3-5), and

[12] As above (see preceding note), this translation is a modified version of Willetts 1967, but the paragraphing is my own.

[13] This apparently refers to the one-half share of the inheritance that a daughter at Gortyn receives compared to a son.

these are followed by a provision concerning the disposal of an adopter's property if his adopted son dies without children (6). The legislator then provides for revoking an adoption (7), adds a provision that women and minors cannot adopt (8), and concludes the section by stating that these rules take effect immediately but are not retroactive (9).

For the most part, the arrangement of these provisions is systematic, logical, and partly chronological; it resembles the organization of the first column of the Code, which we examined above, but is even more tightly organized because of its smaller size. The organization seems to highlight what was probably a main purpose of adoption at Gortyn – to provide an heir for someone's property – since after stating the basic rule allowing adoption and the procedure for carrying it out, the legislator then gives specific rules governing the inheritance of the adopter's property by his adopted son (3-5), and then regulates an even later stage of the process, inheritance from an adopted son – presumably after the original adopter has died (6). To this group of rules the legislator then adds additional regulations (7-9), on revoking an adoption, clarifying who can adopt, and providing for non-retroactivity of the whole section of laws on adoption.

Note in particular that the three provisions on inheritance (3-5) follow a logical order of division (there are or are not legitimate children) and subdivision (there are legitimate children but they do or do not include males). Only one clause might seem out of place – the provision that women and minors cannot adopt, which might perhaps have been better placed earlier in the section, right after the initial rule that one can adopt from any source. Its position can perhaps be explained as a result of what was likely a wide-spread assumption among readers of the Code, that anyone who adopts would be an adult man. Since this was generally understood, the legislator did not feel he needed to say this at the beginning of the section; in case there might be some doubt, however, he included an explicit statement restricting adoption later in the section. But even with this rule coming here, the provisions are both comprehensive and practical.

The group of rules on adoption numbered 185-193 in Hammurabi's laws take a very different approach to the subject.[14] Essentially they all address one kind of concern: the various conditions under which an adopted child must or may or may not return to his natural parents. This may have been the most important issue for an adopter at that time (though this seems unlikely), but even if it was, the Babylonians must have had rules about other aspects of adoption that were not thought worthy of inclusion here. Clearly Hammurabi has not attempted to write a comprehensive law on adoption such as we find at Gortyn, but has instead produced a group of closely related rules about specific situations involving adoption.

[14] Richardson puts 192 and 193 in a separate section on child care problems, but the problems these rules address involve adopted children; see the detailed study of Westbrook 1993.

If we look more closely at the arrangement of these rules a pattern appears: eight of the rules form four pairs (185-186, 188-189, 190-191, 192-93), the ninth (187) being a supplement to the first of these pairs, and in each pair the two rules are in some way contrasted with or opposed to each other.

185: If a man has taken in a tiny child at birth as a son and has brought him up, that ward shall not be reclaimed.

186: If a man has taken in a tiny child as a son and then soon after he has taken him in his father and mother search him out, that adopted child shall return to his father's house.

The first pair provide that if an adopted child is reared by the adopter, he shall not be returned to his natural family; but an adopted child who is sought by his natural parents (before being reared) shall be returned. In other words, the natural parents may reclaim their child soon after he is adopted but not after he has been reared. The contrasted situations form a natural pair (after rearing and before), and the rules seem appropriate and fair.

187: The son of an official with a position in the palace and the son of a priestess shall not be reclaimed.

The next provision then supplements this pair by (apparently) prohibiting children of certain parents from being returned after they have been adopted. It is not certain why children of these parents are treated differently, but there must have been a reason that would have been evident to people at the time – perhaps because these people were forbidden or unable to have natural offspring.

188: If a professional craftsman has taken in a child as a ward and has instructed him in manual skills, he shall not be reclaimed.

189: If he has not instructed him in manual skills, that ward shall return to his father's house.

The next pair similarly present contrasted situations: a craftsman who adopts and teaches his adopted son his skill vs. one who does not teach him his skill. Again the consequence in each case seems fair: a craftsman who takes the trouble to teach his craft deserves to keep his son, whereas one who does not has failed in his duty and rightly loses his son.

190: If a man has not counted together with his own sons the child whom he has taken in as a son and whom he has brought up, that ward shall return to his father's house.

191: If a man has established his house after taking in a child as a son and bringing him up, and then has his own children and reaches a decision to expel the ward, that child shall not go away empty-handed. The father who brought him up shall give him as his inheritance one-third of his wealth, and then he shall go away. He shall not give him any field, orchard, or house.

The third pair appear to contrast the adopter who has natural children at the time he adopts with one who has children after he has raised the adopted son. It seems that the father in 190 did not treat his adopted son as a regular child, and so this

child receives nothing, whereas the father in 191 did treat his adopted son as a regular child, and so when this child leaves his adopted father's house he receives a share of the estate.

192: If the son of an official or the son of a priestess has said to his father or mother who has brought him up, "You are not my father. You are not my mother," they shall cut out his tongue.

193: If the son of an official or the son of a priestess declares he knows his father's house, and he hates the father and the mother who have brought him up, and he has gone away to his father's house, they shall pull out his eye.

The last pair concern a son adopted by certain parents, who according to 187 is not supposed to return to his natural parents. It would be reasonable to see these as stating the punishment for violations of the rule in 187, and therefore to place them immediately after it, but instead they are included as a separate pair. Taken together, they present not so much an opposition as a contrast between a son who verbally renounces his adopted parent and thus deserves to lose his tongue, and one who simply leaves his adopted home out of anger and is punished by losing an eye. The first penalty certainly seem appropriate, the second less so. It may be present simply to provide a contrast.

Hammurabi thus arranged these nine provisions into four pairs, to the first of which he added a related addendum that is then picked up by the last pair. For the most part, the contrasting treatments in each pair seem reasonable and appropriate. Besides this arrangement, he may also have intended a certain progression from more general conditions under which the adopted son may or may not return to his natural parents (185-187) to the special case when a craftsman adopts (188-189) to a later stage in the process (190-93) when the fully reared adopted son wishes to leave the house, though this progression is not entirely obvious. But in any case, by addressing only the question of the adopted son leaving (or not leaving) his adopted father's house, Hammurabi limits the practical value of his rules, since many situations that adopters and adoptees must have commonly faced are not mentioned at all. It thus appears that Hammurabi's purpose in writing just these nine rules on adoption was not to provide practical guidance to his subjects. Instead, these specific rules, structured as a series of contrasting situations, each with an appropriate outcome, would serve well to illustrate the lawgiver's sense of justice and were probably selected for this reason.

The section on adoption thus supports the view that Hammurabi's rules are "instructive and educative in the judicial order," as Bottéro puts it (1992: 167). The organization of sections at Gortyn, on the other hand, is consistent with the view that this Code was true legislation, intended to be read and used by those involved in actual litigation at the time. And the same general method of organization is also found in other early Greek inscribed laws, most notably in Draco's homicide law. Finally, the Code itself is the product of a long tradition of organizing inscribed legislation at Gortyn, in which an increasing degree of consolidation and

organization of provisions can be seen. But this is too large an area to be treated in this paper.[15]

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[15] In a forthcoming work, I undertake a full treatment of the role of writing in Greek law, including the organization and other features of legal inscriptions.