

CRETAN ΚΑΔΕΣΤΑΣ

According to a gloss of Hesychios¹, κηδεσται were connexions by marriage, though apparently sometimes mistakenly equated with συγγενείς, kinsfolk. In Classical literature, apart from the cases where the term bears the meaning of «connexion by marriage», it has more specific meanings within this general category: son-in-law², father-in-law³, brother-in-law⁴. But Plato uses it of a wife⁵; and though a wife is a man's primary connexion by marriage, she is not usually described, in ancient Greek or in most languages with which Europeans are familiar, by her generic, as opposed to her special descriptive name. In fact, most languages outside Australia and parts of Melanesia, have developed separate terms for husband and wife. But often their secondary origin, as in the case of Greek γυνή, is apparent from their real meaning – «man», «woman», «partner», «couple», «two-joined» and so on⁶.

Now the term we are discussing can also include, from the internal evidence of the Gortyn code, the mother of the heiress and the mother's brothers. For the Gortynian heiress was defined as having no father or brother of the same father⁷. As long as she was unmarriageable, she was brought up by her mother and, if she had no mother, by her mother's brothers⁸. Therefore in passages 6 and 7, τὸς καδεστάνος must include the mother's brothers.

We are therefore called upon to explain why a single term can bear the general meaning of «connexion by marriage» and the spe-

¹) κηδεσται: πενθεροί, οἱ τῆς κόρης γονεῖς, καὶ οἱ τῶν γαμούντων οἰκεῖοι ἐκδιδόντες, καὶ συγγενεῖς, καταχρηστικῶς.

²) Antipho 6.12; Isoc. 10.43; Ar. Th. 210.

³) Ar. Th. 74; D. 19.118 etc.

⁴) E. Hec. 834; And. 1.50; Lys. 13.1; Is. 6.27; D. 30.12; Timae, 84.

⁵) Pl. Lg. 773b.

⁶) Morgan L: H., Systems of Consanguinity and Affinity of the Human Family 369.

⁷) Leg. Gort. 8. 40-2.

⁸) Ib. 8. 51-53. This arrangement was later modified. See my discussion of ib. 12. 6-17 in Aristocratic Society in Ancient Crete 78-80.

cific meanings of wife or mother, mother's brother, son-in-law, father-in-law, and brother-in-law.

Cretan social institutions of the historical period had their roots in primitive tribal custom. Though tribal society had passed away, to give place to the polis, its forms, terminology and influence survived. The tribal institutions themselves, undergoing successive changes, had been adapted to serve the purposes of a quite different social system. The clan, the phratry (a group of clans), the tribe (a group of phratries), are organically related, as the ancient authorities testify⁹ (treating Greek γένος, φατρία and φυλή as equivalent to Latin gens, curia, and tribus) and as modern anthropology confirms. In the epigraphic evidence of Crete, the tribe is so named (φυλὰ) as a still active institution and women were enumerated in it¹⁰. The Cretan ἔταιρεία was analogous to the Athenian φατρία¹¹. The clan seems clearly to be referred to as σταρτός, a Cretan form of the familiar word στρατός¹². There are other tribal survivals in the ἀνδρήριον and κοιμητήριον, in the system of age-grades and in the organisation of the youth, the ἀγέλα. The latter is especially important for our present discussion. Ephoros, cited by Strabo¹³, informs us that all the young men promoted from the ἀγέλα were obliged to marry at the same time. This feature, of great antiquity, means that marriage normally continued to be a public, collective ceremony, comprising all those who belonged to the same age-grade¹⁴. An exception to this general rule occurs when, at Gortyn, a legal right is given to a minor to marry the heiress, to safeguard the interests of the household, in defiance of ancient custom¹⁵. From the evidence of the treaty between Hierapytna and Priansos¹⁶, which dates to the beginning of the 2nd C.

⁹) Arist. fr. 385; D. H. AR 2.7.3, 6.89.1; Plu. Rom. 20, Popl. 7; D. C. 1-34, 5-9.

¹⁰) Leg. Gort. VII-VIII. cf. Inscr. Cret. 4.19.3; ib. 104; BCH 70 590; Willetts, Aristocratic Society in Ancient Crete 27. Also Inscr. Cret. 3. III. 4, ib. IV I.B. 5.

¹¹) Willetts, op. cit. 19-27.

¹²) Boisacq, Dictionnaire étymologique de la langue grecque 4 ed. s. v.; Leg. Gort. V; Inscr. Cret. I. XVIII. 11.1, 4.80, 142.2; Willetts, op. cit. 28-9.

¹³) 10.482.

¹⁴) Cf. Willetts, op. cit. 8.

¹⁵) Leg. Gort. VII 35-40.

¹⁶) Inscr. Cret. 3. III. 4.

B.C., and where, among other privileges, the right of *ἐπιγαμία* (intermarriage) is granted to all those who are tribal kinsfolk, we can infer that the ancient custom was both persistent and tribal in character, based on the existence of well-defined, intermarrying groups.

Therefore, we must look for an explanation of the word *καδεστὰς* in terms of existing Cretan conditions, not in terms of the family as we know it and as it came to be established in other parts of Greece, such as Athens.

With the family as we know it, with its descriptive system of terminology, the father is distinguished from his brothers, mother from sisters, brothers and sisters from ortho-cousins, sons and daughters from nephews and nieces. Father-in-law and mother-in-law, brother-in-law and sister-in-law, son-in-law and daughter-in-law, are denoted by distinctive terms.

In primitive languages all over the world terms of relationship are used in a way which is different from our own. For example, this kind of terminology does not distinguish between father and father's brother. Our term father denotes a physiological relationship determined by parenthood. In a primitive tribe it denotes a collective social relationship. Similarly with the other terms, in what is called the classificatory system. The details of this system differ but its general principles are well-defined¹⁷.

When a term is used in the classificatory sense it covers an infinite series of collaterals. The speaker's generation falls into two categories. The first includes the brother and sister, the father's brother's children, and the mother's sister's children. These are the «ortho-cousins». The second includes the mother's brother's children and the father's sister's children. These are the «cross-cousins».

The cross-cousins include the brother-in-law, if the speaker is a man, or the sister-in-law, if the speaker is a woman. Therefore if a man's male cross-cousin is his brother-in-law, his female cross-cousin must be his wife: and if a woman's female cross-cousin is her sister-in-law, her male cross-cousin must be her husband.

Though in most languages there are special terms for husband and wife, it so happens that in Australia the term for cross-cousin

¹⁷) For a full discussion see G. Thomson, *Studies in Ancient Greek Society* I² Ch. 2.

includes the wife, if the speaker is a man, and the husband, if the speaker is a woman. In general, the whole system depends upon the continuous intermarriage of cross-cousins, the form of marriage relations resulting from the intermarriage in each generation of two exogamous groups. Relatives are classified according as they belong to the speaker's own group or to the other.

Hence Plato, in the *Laws*, uses *κηδεστής* in the old tribal sense of «one who is eligible to be a wife», i. e. a cross-cousin. The term is classificatory. That is why it still bears elsewhere the specific meanings of son-in-law, father-in-law, and brother-in-law, even when the family system has developed, when there is no longer intermarriage in each generation of two exogamous groups. But there is evidence to show, as we have seen, that in Crete collective intermarriage of this kind continued until a late date. Hence we can say that Cretan *καδεστὰς* is a classificatory term denoting cross-cousin relationship, classifying one set of relatives of one exogamous group.

Cretan society was, in the main, patriarchal, based on the development of a smaller unit within the clan, the *οἶκος*. At Gortyna, the code¹⁸ provides that the father shall have power over the children and the property to divide it among them; that as long as the parents are alive, there is no necessity for division; and that if a man or woman die, their children, or grandchildren or great-grandchildren, shall have the property. Hence the headship of the *οἶκος* and the ownership of property were vested in the parent as long as he lived and wanted to retain his proprietary right.

When a man or woman died¹⁹, leaving no children, the deceased's brothers, and brother's children, or grandchildren then inherited. If there were none of these, the deceased's sisters, their children or grandchildren inherited. If there were none of these, the heirs who had the next claim, the *ἐπιβάλλοντες*, inherited the property. The *ἐπιβάλλοντες* were kinsmen in any degree, who, though not members of the *οἶκος*, belonged to the same clan as the members of the *οἶκος*²⁰. The regulations about the Gortynian heiress make it clear that the members of the tribe could still exercise their rights of marriage to an heiress when, in certain circumstanc-

¹⁸) *Leg. Gort.* 4. 24 ff.

¹⁹) *Leg. Gort.* V. 9 ff.

²⁰) *Cf. Hdt.* 4, 115; *Luke* 15.12; *Willetts*, *op. cit.* 61.

es, she did not marry the next of kin²¹. Hence it can be inferred that tribal endogamy was still the normal rule; and that, within the tribe, the *ἐπιβάλλοντες*, one exogamous clan grouping, intermarried with their *καδεσταί*, who must have formed another exogamous clan grouping; and that mutual ties of social obligation existed between them. Thus, *ἐπιβάλλοντες* and *καδεσταί* are complementary terms, denoting the close ties established by kinship on the one hand and by marriage on the other. How these close ties brought about habits of mutual obligation becomes clear when we now turn to the epigraphic evidence from Gortyna.

The first two pieces of evidence relate to funerals. No. 1 (of the early 5th C B.C.) prescribes that if there is no public road, the corpse can be carried over another person's land. A fine of ten staters is imposed for obstructing the provision. The final part of this document—if we accept *καδεσταί*—seems to mean that when a road does exist, and the relatives of the deceased carry the corpse over another's land, they are liable to a fine specified in the missing portion. But another document (dated between 480–450 B.C.), No. 2, begins by specifying that if the *ἐπιβάλλοντες* are not willing to perform the appropriate lustration (i. e. a f t e r the funeral), a judge is to pronounce upon their responsibility. If they fail to comply with his decision, the judge himself is to be responsible for the lustration and, under oath, is to exact double the cost (i. e. from the *ἐπιβάλλοντες*).

Why do *καδεσταί* function in the one case, *ἐπιβάλλοντες* in the other? Morgan²², who discovered the classificatory system, made the following remarks, which provide us, I believe, with a vital clue.

«Among the Iroquois, and what is true of them is generally true of other Indian tribes in the same status of advancement, all the members of the gens are mourners at the funeral of a deceased gentilis. The address at the funeral, the preparation of the grave, and the burial of the body were performed by members of other gentes».

Frazer cited and supplemented this evidence²³. I need only add that when *καδεστὰς* is used for the first time in Greek literature

²¹) Leg. Gort. VII 50 ff., VIII 5 ff., 8 ff., 20 ff.

²²) Morgan L. H. *Ancient Society* 84 cf. 95.

²³) *Totemism and Exogamy* 3. 17, 275 cf. 316.

by Erinna, it refers to the bridegroom's father who lights the funeral pyre of the dead bride²⁴.

We are now in a position to see fresh significance in the passages quoted from the Gortyn Code where *καδεστὰς* occurs. Of these, Nos. 6 and 7 are the most straightforward. The *καδεσταί* of the heiress have to take the initiative in cases where the matter of her marriage is, or may become, a tribal concern, affecting both of the intermarrying groups, since tribesmen still have certain rights in such cases.

In No. 3—taking *ἀκεύοντος καδεστᾶ* to mean that the free woman is under the care of a *καδεστὰς*—the offender, normally a married man, since he is unlikely to have been still in the *ἀγέλα*, has violated the social ties binding upon a clansman and the clan with which his own has a compact of intermarriage. Otherwise why mention *καδεστὰς*?

No. 4 occurs in the regulation which begins by stating that if someone is taken in adultery with a free woman in a father's, brother's or the husband's house, he shall pay a hundred staters, if in another's fifty, and so on. The captor has to proclaim to the *καδεσταί* of the culprit that he is to be ransomed within five days because he too would normally be a married man and the *καδεσταί* would therefore include not only his wife but her people, who might well be involved in the payment of the fine, apart from the trespass against social ties.

No. 5 concerns the wife who is separated by divorce and bears a child. She is obliged to bring it to the husband in the presence of three witnesses. If he does not receive it, the child may be reared or exposed by the mother. The *καδεσταί* and the witnesses are to have preference in the oath as to whether they brought it. The *καδεσταί* are the wife's people and the witnesses presumably fellow-clansmen of the husband. Both intermarrying clans are represented and the issue is settled by tribal custom, not individually by, or between, husband and wife.

Thus all the relevant passages in the Gortyn Code turn upon marriage rights or their violation. This reinforces the conclusion that *καδεστὰς* is a classificatory term reflecting a continuous intermarriage of cross-cousins, creating close ties of obligation, loyalty and respect far outside the immediate family circle. The Gortyn

²⁴) AP 7.712.

Code pays much attention to the marriage of the heiress and therefore to the rights of marriage of the ἐπιβάλλοντες. We cannot properly appreciate the implications of this legislation affecting the heiress until its relative novelty is seen against the background of older social customs. Therefore the passages which introduce καθεσταί, though less spectacular, are equally important. Without a correct appreciation of the contrast between ἐπιβάλλοντες and καθεσταί we cannot put into perspective a major aspect of the rich social documentary evidence bequeathed to us in the legislation of Gortyn.