Leg. Gort. 3. 37—40

χόμιστρα αἱ κα λέει δόμεν
άνερ ἔ γυνὰ, ἔ Μῆμα ἔ δόμεκ·
α στατεράνς ἔ δούδεκα στατ·
ἔρων χρέος, πλοῦν δὲ μέ.

The translation and interpretation of this sentence of the Code are still in doubt because there is no agreement about the meaning of χόμιστρα in the context¹). The provision occurs at the end of a series of regulations defining the rights of a wife in the case of divorce or death of the husband³). It is followed by a provision relating to the rights of the wife of a serf in like circumstances⁴).

The nature of the preceding regulations led to the conjecture that χόμιστρα might be either funeraticia (Bücheler-Zitelmann, Merriam) or donatio divorci causa (Dareste, Baunack) or gifts of one kind or another bestowed by husband or wife. All that can be said with certainty from the immediate context is that the regulation is in keeping with what precedes in safeguarding the interest of joint possessions, i.e. of the household property, by limiting personal rights of disposition of husband or wife⁵). But the absence of the connecting particle δὲ, as in the immediately following regulation about serfs, could indicate the introduction of a specific topic, certainly related to the general purpose of the whole section, but emphasizing the special nature of χόμιστρα. Hence the meaning of χόμιστρα is decisive.

On the analogy of other words with suffix -τρον (e.g. λύτρον, νικατρόν, θρέτρον, δίδακτρον, λατρα, τέλεστρα) χόμιστρα should mean payment for effecting some usage of χόμισω⁶).

The other passages where the word is found, usually dismissed as unhelpful, do nevertheless limit the area of choice, at least in a general kind of way:

1) πολλῶν πατησιμῶν δ᾿ εἰμάτων ἀν ἡράμην,
δόμοισι προωνεχθέντος ἐν χρηστηρίοις
φυτῆς χόμιστρα τήθεε μηχανωμένη. (A. A. 963-5)⁷)

2) ἄθλου κυνός
χόμιστρα δ᾿ ἄργος συγκατάστησον μολὼν. (Ε. HF 1386-7).

1) L. S. J. s. v. suggests "payment for maintenance?"; Guarducci, (Inscr. Cret. 4. 72 ad loc.), after citing possible alternatives, adds: "Quorum sententiarum quae nam veri simillima sit vix diiudicari potest"; Buck, (The Greek Dialects p. 325), translates "gifts" and suggests that the word is "perhaps a technical term for certain kinds of gifts".

2) 2. 45—3. 37.

3) 3. 40—44.

4) Cf. Latte Gnomon 3 (1927) p. 40; Guarducci ad loc.


6) Cf. ib. 804, of getting back Helen, ἀνδραίς θησαυροὶ κομιζον.
(3) ἀποδόντι μὲν [ὁ]σια καὶ ἐλευθέρα (καὶ) κομισμένης τι[ά]
κόμιστρον [καὶ ἐμοὶ τῇ] κομισμένη καὶ τοῖς ἀποδόντιν;
(SIG 1184 (Cnidus))

(4) Under Περὶ διαρεῖς:: καὶ τῷ φέροντι, κόμιστρα. Poll. 6. 186.
(5) Under Μισθωτῶν ὑμόματα, καὶ ἔργα:: Τὸ δὲ ἐγεγραμμένον,
φορά. καὶ δ μισθός, κόμιστρον. Poll. 7. 133.

Κόμιστρον seems to have been regularly used of a payment, in money
or in kind, in exchange for the bringing of something else. The usage in
the Code is consistent in one sense. Its application to payment in money
or in kind is emphasized.

Of the parallel passages, those of Pollux may be of more than gene­
ral value in solving the problem. For Pollux uses κόμιστρον as the comple­
ment of δ φέρων or of φορά. It may then be significant that, in the regu­
lations preceding our disputed passage, the wife is forbidden to take away
more than the law allows, in the following terms:

(a) ἂν δὲ τι ἄλλο•

ο πέροι τὸ ἀνθρώπος, πένες στη­
νεράς καταστασις, κότι
κα πέρεϊ αὐτόν, κότι κα παρ­
έλει ἀποδότο αὐτόν. 3. 1-5

(b) ἂ

δὲ τι τῶν τέχνων πέροι, ἐνδι­
κον ἐμὲν. ib. 22-4.

(c) ἂ δὲ τι ἄλλο πέροι ἐν­
dικον ἐμὲν. ib. 30-1.

What she is allowed to have includes, in varying circumstances, her own
property, up to half of the produce from her property and half of what
she has woven. She might often have needed assistance in transporting her
possessions. Hence κόμιστρα may be used here in the technical sense defined
by Pollux; and the translation would then be: "If the husband or wife wish
to make payments for porterage, (these should be) either clothing or twelve
staters or something of the value of twelve staters, but not more."

University of Birmingham

R. F. Willetts

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