

Leg. Gort. 3. 37—40

κόμιστρα αἱ κα λῆϊ δόμεν
 ἀνῆρ ἔ γυνά, ἔ Fῆμα ἔ δυόδεκ-
 α στατῆρας ἔ δυόδεκα στατ-
 ῆρον κρέος, πλιον δὲ μῆ.

The translation and interpretation of this sentence of the Code are still in doubt because there is no agreement about the meaning of κόμιστρα 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 husband²⁾. It is followed by a provision relating to the rights of the wife of a serf in like circumstances³⁾.

The nature of the preceding regulations led to the conjecture that κόμιστρα might be either *funeraticia* (Bücheler-Zitelmann, Merriam) or *donatio divortii 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 wife⁴⁾. But the absence of the connecting particle δέ, 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 κόμιστρα. Hence the meaning of κόμιστρα is decisive.

On the analogy of other words with suffix -τρον (e. g. λύτρον, νικαστρον, θρέπτρα, διδακτρα, ἵατρα, τέλεστρα) κόμιστρα should mean payment for effecting some usage of κομίζω⁵⁾.

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 πατησιμόν δ' εἰμάτων ἄν ηὔξάμην,
 δόμοισι προυνεχθέντος ἐν χρηστηρίοις
 ψυχῆς κόμιστρα τῆσδε μηχανωμένη. (A. A. 963-5)⁶⁾
- (2) ἀθλοῦ κυνός
 κόμιστρ' ἔς Ἄργος συγκατάστησον μολῶν. (E. 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: "Quarum sententiarum quatenam 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.*

5) Cf. Buck *ib.* p. 132.

6) Cf. *ib.* 804, of getting back Helen, ἀνδράσι θνήσκουσι κομίζων.

- (3) ἀποδόντι μὲν [δ]σια καὶ ἐλεύθερα (καὶ) κομισσάμενοις τ[ὸ] κόμι[σ]τρον [κ]αὶ ἐμοὶ τῆι κομιζομένῃ καὶ τῷ ἀποδιδόντι.
(SIG 1184 (Cnidus))
- (4) Under Περὶ θωραῆς:- καὶ τῷ φέροντι, κόμιστρα. Poll. 6. 186.
- (5) Under Μισθωτῶν ὀνόματα, καὶ ἔργα:- Τὸ δὲ ἔργον αὐτῶν, φορὰ. καὶ ὁ μισθός, κόμιστρον. Poll. 7. 133.

Kόμιστρον 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 general value in solving the problem. For Pollux uses κόμιστρον as the complement of ὁ φέρων or of φορὰ. It may then be significant that, in the regulations preceding our disputed passage, the wife is forbidden to take away more than the law allows, in the following terms:

- (a) αὶ δὲ τι ἄλλ-
ο πέροι τῷ ἀνδρός, πέντε σ-
ατέρανς καταστασεῖ, κῶτι
κα πέρεῖ αὐτόν, κῶτι κα παρ-
έλῃ ἀποδότῳ αὐτόν. 3. 1-5
- (b) αὶ
δὲ τι τῶν τέκνων πέροι, ἔνδι-
κον ἔμῃν. ib. 22-4.
- (c) αὶ δὲ τι ἄλλο πέροι ἔν-
δικον ἔμῃν. 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 portage, (these should be) either clothing or twelve staters or something of the value of twelve staters, but not more."

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Anmerkung der Redaktion: Erfreulicherweise ist jetzt ein anastatischer Neudruck des Beiheftes des Rh. Mus. 40, der grundlegenden Interpretation des Rechtes von Gortyn durch Bücheler-Zitelmann, im Verlag Sauerländer erschienen.