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Laws of the Land: Archaic and Classical "Rights of Pasture"

Although the creation of communal, formal procedures in which disputes might be settled publicly and peaceably has long been recognized as a major achievement of the Greek polis during the Archaic period (Gagarin, *Early Greek Law*, 1986), the fact that many of these early "laws" revolved around issues of grazing has often been overlooked. Two fragmentary laws dating around 500 BCE from the central Cretan community of Lyttos come to mind. One (SEG 35.991 A) seems primarily concerned with prohibiting magistrates from using state authority to extend their private pastures at public expense, while the other (SEG 35.991 B) is concerned with establishing a communal pasture, complete with arbitrators to settle disputes about usage, over-grazing, boundaries and even ownership of animals. Clearly, these laws were a reaction by the other wealthy men of Lyttos to the seizure of their land by the reigning magistrates, since the common man, who could at best afford to keep only a few animals, would have been less concerned by the increase of a particular aristocrat's holdings than his aristocratic (and pastoralist) neighbors, at whose expense the land had been gained.

This paper brings a new context to the study of early Greek law by exploring the links between legislation and elite animal production. Beginning with a consideration of the importance of pastoralism among the Greek ruling elite, it is argued that a desire to curb over-grazing and protect pasture moved the elites of the Archaic and Classical periods to enact legislation that both regulated "rights of pasture" and regularized the procedures to be followed in case of violation. Because the Greek communities were small-scale agrarian societies where citizens were potentially both members of the ruling elite and owners of land and livestock, the demands of animal husbandry often had an impact upon the socio-political life of the community at large. Indeed, competitive pressures for animals and the resources with which to raise animals, created a constant tension within and between Greek communities. Meiggs and Lewis #13; SEG 35.991 A and B, 29.439; *Insc. Eryth.* 1.17; *BCH* 89. 665-7; and *IG* 7.3171 all show that Greek communities throughout the Archaic and Classical periods often employed formal legislation in order to curb internal conflict and protect grazing resources.