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SOME NOTES ON THE SPENSITHEOS DECREE\*

The text was first published in 1970 by Lilian H. Jeffery and Anna Morpurgo-Davies (*Kadmos* 9, 118—154 under the title ΠΟΙΝΙΚΑΣΤΑΣ and ΠΟΙΝΙΚΑΖΕΝ: *BM* 1969. 4—2.1, a new archaic inscription from Crete). A. E. Raubitschek added a note to the first edition (*Kadmos* 9, 1970, 155—156), and subsequently he gave a short account of the document in H. Hoffmann's *Early Cretan Armorers*, Mainz 1972, *Appendix I*.

Since then, the following papers have appeared; —

R. F. Willetts, The Cretan inscription BM 1969, 4—2.1: further provisional comments, *Kadmos* 11, 1972, 96—98

P. Chantraine, A propos du nom des Phéniciens et des noms de la pourpre, *Studi Classici* 14, 1972, 7—15

H. van Effenterre, Le contrat de travail du scribe Spensithios, *BCH* 97, 1973, 31—46

G. P. and R. B. Edwards, Red Letters and Phoenician Writing, *Kadmos* 13, 1974, 48—57.

Of these, only that of van Effenterre is concerned with the decree as a whole; Willetts, Chantraine and the Edwards concentrate their attention on the origin and meaning of the words ποινικαστάς, ποινικάζεν.

This article was written without knowledge of R. Merkelbach Die Rechte des lyttischen ποινικαστάς, *Zeitschrift für Papyrologie und Epigraphik* 9, 1972, 102—3, and F. Gschnitzer, Bemerkungen zum Arbeitsvertrag des Schreibers Spensithios, *ib.* 13, 1974, 265—75. Both writers have anticipated parts of my interpretation of side B of the text, or have advanced alternative suggestions of which no account could be taken here.

\* Parts of this paper were read to the Mycenaean Seminar in the Institute of Classical Studies, London, on 20th March 1974. I am indebted to members of the Seminar for criticisms and suggestions made during the discussion that followed. For the paper as a whole I owe much to my Edinburgh colleagues, particularly to Dr A. M. Snodgrass and Dr N. K. Rutter for their advice on Cretan pottery in relation to coinage and to Mr J. G. Howie for his comments on linguistic matters. Special thanks are due to Professor R. F. Willetts of Birmingham who read the typescript and made many corrections. For the blemishes which remain I alone am responsible.

In this article, I offer a few changes in text and punctuation. These are not very extensive but they have led me to a new interpretation of some important points and to a revised translation of the decree as a whole. I should like to stress, however, my indebtedness to the first editors. Their work is a model of its kind and will remain the foundation of future essays on the subject. I acknowledge also with gratitude the contributions made by the other writers whom I have listed, and particularly by van Effenterre, whose knowledge of Cretan history and epigraphy is unique and invaluable.

The text is as follows:

#### A.

θιοί. ἔφαδε Δαταλεῦσι καὶ ἐσπένσαμες πόλις | Σπενσιθίωι, ἀπὸ  
 πυλᾶν πέντε ἀπ' ἐκάστας, θροπά|ν τε καὶ ἀτέλειαν πάντων, αὐτῶι  
 τε καὶ γενιᾷ, ὦ|σκα πόλι τὰ δαμόσια τὰ τε θιήια καὶ τάνθρώπινα |  
 ποινικάζεν τε καὶ μναμονεύῃην. ποινικάζεν δὲ<sup>5</sup> | π|όλι καὶ μνα-  
 μονεύῃεν τὰ δαμόσια μήτε τὰ θιή|α μήτε τάνθρώπινα μηδέν' ἄλλον  
 αἰ μὴ Σπενσίθ|ι|ο|ν αὐτόν τε καὶ γενιάν τῶνυ, αἰ μὴ ἐπαιροῖ τ|ε καὶ  
 κέλοιτο ἢ αὐτὸς Σπενσίθιος ἢ γενιᾷ | τῶνυ ὅσοι δρομῆς εἴεν τῶν  
 [υῖ]ῶν οἱ πλίες.<sup>10</sup> | μισθὸν δὲ δόμεν τῷ ἐνιαυτῷ τῶι ποινι[κ|α]στᾷ  
 πεντήροντά τε προϋόος κλεύκιο|ς κήνδυ[τ]ῆ[ρα]ς ἱκατιδαρκμῖος ἢ  
 κάρο|ν|ος. δόμεν δὲ τὸ κλεῦθος ἐς τὸ μόρῳ ὃ|πω κα λῆι ἐλέσθαι.  
 αἰ δὲ μὴ δοίῃ τὸ κλεῦθ<sup>15</sup>|ος ᾧ δε[...]|σ[.3—4]|α|. |εσδ[.3]|ς ῥόσ-  
 μ|ος ἐπεσταῶς ἀ|c.4|ι|c.4| λε|.|εκ[.|.]|σαι ἀπλοπίχ[.|.]|α|. |αἰ  
 μὴ αὐτοῖς|ι|c.3—4| πολ|..|αν ἐσῆμεν τῶι ῥόσ[μωι 7] ε|..| τεμένια  
 πε[.|.]|ῥ.<sup>20</sup>|[.c.2] τὸ Φῖσον λακὲν ῥό[σμωι] ας[.c.4|c.17]|α[.c.6].

#### B.

τὸ Φῖσον λακὲν τὸν ποινικαστάν. καὶ παρῆμε|ν καὶ συνῆμεν ἐπὶ  
 τε θιήϊων καὶ ἐπ' ἀνθρωπί|νων πάντῃ ὅπῃ καὶ ὁ ῥόσμος εἴη καὶ τὸν  
 ποινι|καστάν. καὶ ὅτιμί κα θιῶι ἱαρεὺς μῆι δι' ἄλο|ν| θύεν τε τὰ  
 δαμόσια θύματ|α τὸ(ν) ποινικαστᾶ<sup>5</sup>|ν καὶ τὰ τεμένια ἔκεν. μῆδ'  
 ἐπάγχων ἡμ|ε|ν| μῆδε ῥύτιον αἰλὲν τὸν ποινικαστάν. δ|ίκα δέ,  
 ὀτερόν κα βώληται ὁ ποινικασ[τ|ά]ς. αἵπερ οἱ ἄλλοι κρήσεται ἢ 'ν  
 ῥόσ|μῳι ἄδικά Φοι τέλεται, ἄλῃ δὲ οὐδὲ<sup>10</sup>|ῆν. δίκαια ἐς ἀνδρήϊον  
 δώσει δ|έκα πελέφους κρέων, αἰ κα ῥῶι ἄλο|ι| ἐν|άρφωνται, καὶ τὸ  
 ἐπενιχύτιον. τὸ| δὲ λάκσιον συνβαλεῖ, ἀλο δὲ μ|ηδ|ῆ|ν ἐπάνανθον  
 ἡμεν αἰ κα μὴ λῆι<sup>15</sup>| δόμεν. ἡμεν δὲ τὰ θιήια τ[...|.....] ἰστωι.

## Translation:

## A.

The People of Dattalla have approved and we, the City (to wit the five men from each of the Tribes), have ratified the award to Spensitheos of free subsistence and of immunity from all taxes, to himself and his issue; on condition that they shall serve the City as Reeve and Clerk in all public affairs, both sacred and secular.

No other person than Spensitheos himself and his issue shall serve the City as Reeve and Clerk in public affairs, sacred and secular, but only Spensitheos himself and his issue (to wit the majority of his sons who are of age) appoint and instruct him.

As stipend the City shall pay annually to the Reeve fifty measures of must, together with pitchers to the value of twenty drachmas each or better. They shall pay the must from whichever holding he wishes to choose. If the farmer (?) does not pay over the must as he (the Reeve) decides (?), the Kosmos in charge shall ..... impunity ... If the City does not ..... to them, the Kosmos shall have power .....

Benefits from precincts ..... the Reeve (?) shall receive the same portion as the Kosmos .....

## B.

... the Reeve shall receive the same portion.

The Reeve shall both attend and take part in sacred and secular ceremonies wheresoever the Kosmos himself is present.

The Reeve shall through a deputy perform public sacrifices for any god who is without a priest, and he shall have the benefits from the precinct.

There shall be no right of seizure, and the Reeve shall not take compensation.

Legal action shall be by whichever procedure the Reeve may decide. He shall take action, in the same way as the others (sc. Councillors), if any wrong is done to him in the presence of the Kosmos, but not in any other circumstances.

As dues to the Andreion he shall pay ten axe-weights of meat, in the same way as the others (sc. Councillors) on the day of their inauguration, and also the annual fee. He shall contribute the fee-by-ballot: but it shall not be compulsory to pay any other fee, if he does not wish to do so.

The Senior (?) shall have the sacred .....

## A. 1—2

ἔφαδε Δαταλεῦσι καὶ ἐσπένσαμες πόλις . . . ἀπὸ πυλᾶν πέντε ἀπ' ἐκάστας . . . There is a switch from the 3s.-impers. ἔφαδε to the 1p. ἐσπένσαμες; and ἐσπένσαμες is followed by two nominatives—first the collective πόλις and then the definitive numeral πέντε (ἄνδρες), “five men from each of the tribes”. We might have expected ἔφαδε to be followed by θροπὴν τε καὶ ἀτέλειαν δόμεν, but in fact ἔφαδε is left hanging in the air and ἐσπένσαμες has θροπὴν τε καὶ ἀτέλειαν as its direct object. The decree moves abruptly from the taking of a decision to its ratification. So J-MD; and I agree with them, in respect of syntax but not of their interpretation of Δαταλεῦσι and πόλις (see below).

The apparent irregularity of ἐσπένσαμες πόλις caused Raubitschek (*Kadmos* 9, 155—156) to propose ἔσπενσ' ἃ μὲν πόλις. This will not do, because the μὲν cannot be related to anything else, either in the first sentence (A.1—5) or in the second (A.5—10). Even if the last letter of ἐσπένσαμες could be shown to be ν, I would prefer to regard the word as a 1p. form with an un-Doric ending. (See J-MD, p. 128, fn. 9).

J-MD (p. 128) quote a number of Cretan texts to show that πόλις and βολά can serve as the subject of 3p. verbs. The combination of 1p. verb and singular collective subject is not likely to occur in inscriptions but can be found in literature. Cf. Aeschylus, *Persae* 788—789 πῶς ἂν ἐκ τούτων ἔτι|πράσσοιμεν ὥς ἄριστα Περσικὸς λεῶς; Expressions of this type may be thought to be related to others where a 1p. personal pronoun and the 1p. demonstrative οἶδε are associated with a 1p. verb; e.g. Homer, *Odyssey* i. 76—77 ἄλλ' ἄγεθ' ἡμεῖς οἶδε περιφραζώμεθα πάντες|νόστον, ὅπως ἔλθῃσι, also Theocritus xvi. 3—4 (with Gow's note). On the other hand, remarkable switches between the 3s.-impers. c. dat. and the 1p., or 2p. personal pronoun are to be found in the truce between the Athenians and the Lacedemonians reported in Thucydides iv. 118,4. Here τάδε δὲ ἔδοξε Λακεδαιμονίοις καὶ τοῖς ἄλλοις ξυμμάχοις ἐὰν σπονδὰς ποιῶνται οἱ Ἀθηναῖοι is followed, first, by ἐπὶ τῆς αὐτῶν ἐκατέρους ἔχοντας ἅπερ νῦν ἔχομεν and, later in the same sentence, by μήτε ἡμᾶς πρὸς αὐτοὺς μήτε αὐτοὺς πρὸς ἡμᾶς. Again at iv. 118,7 we find τοὺς δὲ αὐτομόλους μὴ δέχεσθαι . . . μήτε ὑμᾶς μήτε ἡμᾶς; and so also in 8. In 9 the construction reverts to the impersonal τοῖς μὲν Λακεδαιμονίοις . . . ταῦτα δοκεῖ; but from this point the Athenians are again addressed in the 2p. form: εἰ δέ τι ὑμῖν κάλλιον . . . δοκεῖ εἶναι, ἰόντες ἐς Λακεδαίμονα διδάσκετε. In contrast with the official resolutions adopted by the two sides in iv.

118, 11—14 and 119, 1—2, the draft put forward in 118, 1—10 is an odd mixture of formality and informality.

In any event the combination ἐσπένσαμες πόλις is well rooted in Greek idiom and we should beware of supposing, with J-MD (p. 126), that Spensitheos himself drafted the decree and that he slipped inadvertently from the impersonal construction into the first person at the very beginning. If Spensitheos *had* been charged with drafting a contract of which he himself was to be the principal beneficiary, it would have been odd if he had confused the other contracting party (the City) with himself. But, as we shall find, drafting legal documents was not his business.

πόλις is used without the article here and at A. 4,6. The article is also omitted when other institutions are mentioned (A. 2 πυλᾶν, B. 11 ἀνδρῆιον) or when reference is made to holders of public appointments (A. 2 Σπενσιθίωι, also A. 7, 9; A. 16 ῥόσμος, also A. 21, B. 9). It is used, however, when one official is mentioned in relation to another (A. 11 τῷ ποινικαστᾷ, also B. 1, 3—4, 5, 7, 8—9; B. 3 ὁ ῥόσμος; B. 9 οἱ ἄλλοι, also B. 12).

Δαταλεῦσι, πόλις, πυλᾶν. It may be reasonable to assume at the outset that the Δαταλῆς who decide to appoint Spensitheos and the πόλις who ratify (ἐσπένσαμες) the appointment are not the same. On the other hand, 'the five from each of the tribes' seem likely to be the same as the πόλις (or perhaps *nearly* the same), since πέντε is in apposition to πόλις. See below on A. 2 ἀπὸ πυλᾶν πέντε.

In the second century B.C. there was in the western territories of the city of Lato, a place called Δάτταλλα (see M. Guarducci, *IC* I xvi 5, 64; also P. Faure in *Europa, Festschrift Grumach*, 1967, 94f.). Dattalla was at that time dependent on Lato. Van Effenterre (pp. 35—36) identifies the Δαταλεῦσι of our inscription with Dattalla and considers the community so named to have been under the control of Lato, in earlier times as in the second century. J-MD (pp. 126—127) reject the idea that Δαταλεῦσι refers to an independent city called Dattalla or to the Dattalla that later belonged to Lato. Relying partly on the hypothesis that the Spensitheos inscription was found near Afrati and partly on peculiarities of the script in which it is written, they prefer to regard Δαταλεῦσι as the designation of a σταρτός or γένος of a city in the region of Arkades. Both van Effenterre and the editors may be right, in varying degrees, but I am inclined to seek another solution.

The city with which we have to do may be among those already known or it may have been unidentified hitherto. It may have been

small—perhaps among the least important of the ‘ninety’ cities attributed to Crete by Homer (*Odyssey* xix. 174ff.); and its constitution may have been quite archaic. It would doubtless be a community such as Homer describes by the expression δῆμός τε πόλις τε (*Odyssey* vi. 3 etc.). That is to say, it would consist of a walled citadel and surrounding countryside, of city-dwellers, who were mostly land-holders, and peasants (περίοικοι) who were bondsmen, of those who were politically and socially privileged and those who were not. Slaves, whether of the city or of the country, were of course excluded from political rights and did not carry arms. Such communities underlie the Cretan way of life even in the time of Aristotle (*Politics* 1271 b20—1272 b23).

Aristotle tells us that after the disappearance of princely dynasties the cities of Crete were ruled each by ten Kosmoi, who were in origin military commanders. (I accept Aristotle’s figure, which is supported by Ephorus *ap.* Strabo X, 4, 22 C 484. It is true that when Kosmoi are listed in inscriptions they usually fall well short of ten, but this may be explained on the ground that several members of the board had other titles or designations. The archons at Athens may be compared. See below on the situation at Dreros.) The Kosmoi were chosen from ‘certain families’; i.e. they presumably belonged to the privileged city-dwellers (πολιᾶται) and not to the peasantry (δαμόται) whom they commanded in battle. Secondly, there was a Council, chosen from former Kosmoi. Aristotle calls this body βουλή in the Attic-Ionic style, but he refers to its members as γέροντες. These Elders were appointed for life and their acts were not subject to periodic review. Finally, there was an Assembly, called ἐκκλησία by Aristotle; it included *all* the citizens (πάντες). According to Aristotle, it had power only to confirm proposals already approved by the Council and Kosmoi and laid before it by them (*Politics* 1272 a 10—12). The power to elect the principal officers of state in any Greek city normally lay with the Assembly; so we may guess that the full Assembly, organised in ten φυλαί or σταρτοί—perhaps including the Dorian Hylleis and Dymanes and all the major parts of the Pamphyloi—chose the ten Kosmoi year by year from the families whose members were eligible. The appointment of Councillors, however, presumably lay with the city-dwellers. Indeed it may have amounted to little more than cooption by Councillors who held office at the time of any vacancy. Cf. also Polybius vi. 45, 5, 6 = *FGH* 70, 148 Jacoby.

The terms used by Aristotle do not match those that survive in early Cretan inscriptions. We do find for example, at Itanos ἔδοξε

[Ἰτα]νίων ταῖ βουλαῖ καὶ ταῖ ἐκκλησίαι (*IC* III iv. 2, 2—4) and at *Artera* ἔδοξε ταῖ βωλαῖ καὶ τῶι δάμῳ (*IC* II iii. 3, 1). Formulae of this kind may indicate a large Council and a full muster of citizens in the Assembly, as in 5th century Athens and the run of Hellenistic cities; or they may reflect an older form of constitution, with no more than a shift of political terminology towards the Attic-Ionic style. The expressions are, in any case, rare. In earlier times and in all parts of Crete, typical formulae are: τῶν Γορτυνίων οἱ κόσμοι καὶ ἁ πόλις . . . or ἔδοξε τῶν Γορτυνίων τοῖς κόσμοις καὶ ταῖ πόλι . . . If Aristotle's account has any validity, it is to these phrases that his expression τὰ δόξαντα τοῖς γέρονσι καὶ τοῖς κόσμοις must correspond. That is to say, his βουλή or γέροντες must be equivalent to the Cretan term ἁ πόλις; or, to put the matter another way, the word πόλις in Crete must have been restricted in certain contexts to mean the executive body which normally handled questions of policy and administration, the Council of Elders. The *Kosmoi*, representing the *σταρχοί* both in and outside the city, remain distinct from the πόλις and so from the Council, even if they and the Council constantly work hand-in-hand.

This conclusion may have to be modified presently, but it will serve as a start to the discussion which follows. It will help at the outset to explain a well-known inscription from Dreros (P. Demargne and H. van Effenterre, *BCH* 61, 1937, 33ff., no. 1 = Meiggs-Lewis *GHI* 2, 2—3—quoted by J-MD, p. 129). The last part of this text reads: ὁμόται δὲ κόσμος κοὶ δάμιοι κοὶ ἑκατι οἱ τᾶς πόλιος. The *Kosmos* here appears to be the leading member of the ten, who gives his name to the year. He probably corresponds to the *φόσμος ἐπεστακός* of the Spensitheos decree, who is also referred to simply as *φόσμος*, and to the *φόσμος ὁ ἐπιστάς* of Gortyn (*IC* IV 14 g—p. 2). The δάμιοι, officers of the δᾶμος, I take to be the other nine *Kosmoi*. All ten would be elected by the full Assembly. And, finally, the Twenty of the City are not a number of citizens co-opted for the purpose of taking oaths but the Council of Elders. So at Dreros the *Kosmos*, *Damioi* and Twenty of the City will be none other than οἱ κόσμοι καὶ ἁ πόλις in the standard Cretan formula. (The function of the genitive τᾶς πόλιος in the Dreros text will thus be definitive and not ablative).

We may also use the equivalence which we have provisionally established between πόλις and Council to elucidate one point of difficulty in the Spensitheos decree. The ἀπὸ πυλᾶν πέντε ἀπ' ἐκάστας, a phrase which stands in apposition to πόλις will be "the five (men) from each tribe" who constitute the Council. If, moreover, we suppose

that the tribes of the City were the Dorian Hylleis, Dymanes and Pamphyloi, the Council will be of fifteen members. But if, as at Argos, there was a fourth tribe, it will be of the same size as the Council at Dreros; and it may be reasonable to assume that at Dreros the Council was composed of tribal representations (for four tribes), as in Spensitheos' City. On the other hand, it is not absolutely necessary to restrict the number of tribes in Spensitheos' City to three or four; there might have been more.

Three documents from Gortyn may be taken to prove that πόλις means more than the Council of a city. a) *IC IV 162, 1—2* τὰδ' ἔφαδε τῇ [πόλι] ψαφίδδονσι τριακατίων παριόντων suggests that a meeting of the πόλις might seem to be an Assembly rather than a Council. b) *IC IV 181, 7 ...* ψαφίζανσι τριακατίων παριόντων points in the same direction. c) *IC IV 78, 1* τὰδ' ἔφαδε τοῖς Γορτυνίοις ψαπίδδονσι... is problematical. We cannot tell whether τοῖς Γορτυνίοις is the same as τῇ πόλι τριακατίων παριόντων. Let us assume, however, that it is. M. Guarducci comments on a) and b): *e quo colligitur minimum numerum civium comitia efficientium vel saec. II a. Chr. n. trecentorum fuisse*. This is no doubt the general opinion. We may wonder, however, whether at Gortyn the full Assembly of citizens (including the δᾶμος) could have had a quorum as low as 300 or could have been referred to, even loosely, as "the Three Hundred". Both in the 2nd century B.C. and earlier Gortyn must have been a well-populated area with a large Assembly.

A key to the problem may be given by another Gortynian text of the third century B.C.; *IC IV 165, 3—4* τὰδ' ἔαδε ταῖς πόλιθι ἀμφοτέραις τῇ τ' ἄνω καὶ τῇ κάτω. The two cities are Gortyn and Phaistos, and, following Guarducci, scholars generally take τῇ ἄνω to be the former and τῇ κάτω to be the latter. It is assumed, mainly because of two fragmentary Phaistian inscriptions found in Gortyn (*IC IV 229, 230*), that Gortyn had established some kind of political domination over Phaistos at this time; see also Guarducci on *IC I. xvi, 1 = IV 169*. I find this assumption improbable. In this instance the two cities have combined to make rules for dealing, each in its own courts, with a community, the Kransopeioi, which has obligations to one and the other.

The situation may remind us of the ancient distinction between πόλις (ἄκρα πόλις) and ἄστυ. In both Gortyn and Phaistos there are citizens who live on the upper city or at least exercise offices which are associated with the upper city; and these are the Councillors. Others



in each place live in the lower town and have no special function; these are citizens (πολιῖται). Council and assembled citizens in each case agree on a matter of court procedure.

So "the Three Hundred" at Gortyn may represent a facet of the Cretan constitutions that does not appear very distinctly in Aristotle's *Politics*. When the Council of Elders meets, it may have a gathering of citizens called the Three Hundred in attendance (παριόντων); and the two bodies may occasionally be called "the Upper and Lower Cities". Conceivably at Gortyn there were three separate "hundreds" marshalled by heralds and each corresponding to one of the Dorian tribes; but despite the wealth of inscriptions that have survived there, not enough is known of the tribal organisation to settle this matter. It seems to me that, when Aristotle speaks of an assembly which only confirms what the Kosmoi and Elders have previously decided, he is referring to routine meetings of the Kosmoi and Council, month by month, and of the Assembly of the lower town, which met with the Council. When, on the other hand, he speaks of an assembly in which *all* citizens take part, he must have in mind the full Assembly, which would meet annually, to elect the principal officers of state, and perhaps also in times of emergency.

The role of the Three Hundred at Gortyn may call to mind the Achaean soldiers at Troy, marshalled by tribes and brotherhoods, listening to the speeches made by their leaders and approving by a shout the proposal which in the end the leaders accepted (Homer, *Iliad* ii. 333, 394; vii. 403; ix. 50, etc.). If we are to look, however, for a parallel institution in historical times, we may find it at Sparta. When the Ephors and Elders decided to take action against Kinadon, they did not of course summon a gathering of all the Lakedaimonioi. Such a body could not deal with current matters of state, and it was convened only on occasions like the Karneia. They could, however, have called together a smaller body, τὴν μικρὰν καλουμένην ἐκκλησίαν (Xenophon, *Hellenica* III iii. 8) and ordinarily would have been expected to do so. They decided, however, in view of the need for secrecy and swift action, to act on their own authority. The "little assembly" of Sparta may well have provided an audience for the Council when it met in normal circumstances. Pausanias indeed tells us (iii. 12, 10) that in his day an assembly met by the well-known *Skias* and the circular building of Zeus and Aphrodite. This was situated close to the market-place and must have been quite near to τὸ τῆς γερουσίας βουλευτήριον and the ἀρχεῖα of the ephors and other magistrates (Paus. iii. 11, 2; 12, 4). An older assembly place

was preserved on the Aphetais road, not far from the ἀρχεῖα (Paus. iii. 12, 6).

Another name for the "little assembly" may have been the Three Hundred. This body is known to us through the early historians primarily as a fighting force. According to Herodotus (vi. 56), one hundred picked men guarded the Kings on expeditions outside Laconia; this perhaps means that normally a third of the force was assigned to one of the Kings. Thucydides, however, tells us that all *three* hundred fought with Agis at Mantinea (v. 72, 4 οἱ τριακόσιοι ἱππῆς καλούμενοι). The selection of recruits is described by Xenophon (*Lak. pol.* iv. 3). The ephors appointed three ἱππαγρέται and each of these enrolled one hundred men of military age (ἡβῶντες), giving reasons for the acceptance or rejection of each candidate. Everyone concerned was subject to criticism both before and after appointment. The ideals of the regiment were valour (ἀρετή) and heroism (ἀνδραγαθία). Cf. also Dion. Hal., *Ant. Rom.* II 13, 4 (οἱ γενναιότατοι τῶν νέων τριακόσιοι φύλακες ἦσαν τῶν βασιλέων). We are not told whether the Three Hundred were re-constituted annually by the newly-appointed *hippagretai* or how often the *hippagretai* themselves or their men could be re-appointed from year to year. The title ἱππῆς was an indication of rank and wealth, not of the Three Hundred's mode of fighting. They fought as hoplites; cf. Hesychius s. v. ἱππαγρέτας· ἀρχὴ ἐπὶ τῶν ἐπιλέκτων ὀπλιτῶν, also Dion. Hal., *loc. cit.* ἱππεῦσί τε οὔσι καὶ πεζοῖς. Indeed ἱππῆς may not have been used officially (see below).

Even in the earliest period recorded, the Three Hundred were evidently more than a royal bodyguard. In the 6th century a certain Lichas, a senior member of the regiment, had become one of five in each year who on retirement were appointed ἀγαθοεργοί and were charged with special duties; he went to Tegea—no doubt under orders—and discovered the bones of Orestes and took them to Sparta. Again, when the Spartans honoured Themistocles after the battle of Salamis, the Three Hundred escorted him on his return journey by accompanying him as far as the Tegean border (Herodotus viii. 124, 3 τριηκόσιοι Σπαρτιητέων λογάδες οὗτοι οἱ περὶ ἱππέας καλέονται); and he was the only man known to have received this honour. The bodyguard can hardly have been sent to protect Themistocles from Laconian marauders or invading Peloponnesians; they were taking part in a ceremony of state. A century later, when the Ephors and Elders were planning to remove Kinadon and did not venture to call the "little assembly", they nevertheless passed orders to the senior *hippagretas* to send any six or seven

of *his* men who happened to be available to take part in their plot (Xenophon, *Hellenica* III iii. 9). In this instance the men seem to have been used partly as soldiers and partly as police agents.

The political character of the Spartan Three Hundred is stated plainly by Archytas ap. Stobaeus, *Floril.*, IV 1, 138 Hense. He says that in Lacedaemon, as the Kings represent the monarchical element in the constitution, the Elders the aristocratic and the Ephors the oligarchical, so the *hippagretai* and *koroi* represent the *democratic* element; and he adds that, while the Ephors were balanced with the Kings and the Elders with the Ephors, the *koroi* and *hippagretai* were in the middle. There is no reason to doubt the validity of this evidence, and it points clearly to the conclusion that the *hippagretai* with their Three Hundred not only provided a royal bodyguard in war, but also formed an assembly of soldier-citizens in times of peace. Incidentally, the Spartans seem to have preserved in this context, as no other Greek community did, the Homeric sense of *κοῦρος* in such passages as *Odyssey* iv. 652—653 *κοῦροι δ' οἱ κατὰ δῆμον ἀριστεύουσι μεθ' ἡμέας, οἳ οἱ ἔποντο*; cf. viii. 35, 48 and *Iliad* xiii. 95, with the ancient scholia, esp. schol. L . . . *οἳ δὲ Λάκωνες τὸ κοῦροι ἀντὶ τοῦ εὐγενεῖς*, schol. V *ὄντες εὐγενεῖς καὶ νέοι*. It looks as if the men who “were known as Knights” were officially styled *κόροι*. For their Cretan counterpart see Ephorus ap. Strabo x. 4, 18 C 481 = *FGH* 70, 149 Jacoby.

Thus we arrive unexpectedly—but, it seems, unavoidably—at the conclusion that Xenophon’s “little assembly” is the same as the Three Hundred Knights and, conversely, that the senior *hippagretas* and his men who were sent to trap Kinadon were actually members of this assembly, acting not, as things turned out, in a deliberative role in attendance on the Elders, but as militia or police. We may then proceed to look for further evidence of this assembly at Sparta, and in Xenophon we find several instances where envoys are brought before an assembly (*Hellenica* V ii. 11 *τὴν ἐκκλησίαν καὶ τοὺς συμμάχους*; V ii. 33 *εἰς τοὺς ἐκκλήτους*; VI iii. 3 *ἐπὶ τοὺς ἐκκλήτους τε τῶν Λακεδαιμονίων καὶ τοὺς συμμάχους*; II iv. 38 *οἱ ἔφοροι καὶ οἱ ἐκκληται*). It is clear in each of these instances that the matter is decided quickly and action taken without delay. There can be no question of a gathering of the great *Karneia* (*ἀπέλλαι*). In each of them, I suggest, the Ephors convened the “little assembly”, the Three Hundred. I would interpret in the same way Thucydides’s reference to a *ξύλλογος* at Sparta (i. 67, 3), called also *τὴν ἐκκλησίαν τῶν Λακεδαιμονίων* (i. 87, 1), and to *τῇ ἐκκλησίᾳ τῶν Λακεδαιμονίων*

in a treaty (v. 77, 1); and I am inclined to treat Herodotus's ἀλίη (vii. 134, 2) as equivalent. Looking in another direction, we may also wonder whether the mission of Lichas to Tegea and the "escort" given to Kinadon may not throw light on the secret massacre of two thousand Helots described at Thucydides IV 80.3 and, more generally, on the type of service known as ἡ κρυπτεία. Cf. Plato, *Laws* 633b; Aristotle fr. 538 = Plutarch, *Lycurgus* 28, and esp. Plutarch, *Cleomenes* 28.4, where ὁ ἐπὶ τῆς κρυπτείας τεταγμένος appears, oddly enough, as a member of Cleomenes's headquarters during a battle. This officer is ordered to report on the tactical situation, and I suggest that he was none other than the senior *hippagretas* of the Three Hundred. When Plutarch in his discussion of the *krypteia* says (*Lycurgus* 28.3) that τῶν νέων οἱ ἄρχοντες sent out τοὺς μάλιστα νοῦν ἔχοντας on missions of this kind, it must be clear that he means the *hippagretai* and *koroi* of the Three Hundred. It was to this body that even the distinguished Pedaritos failed to gain admission (*ibid.*, 25.6; cf. also 15.7 and 25.2—3).

The Spartan "little assembly" may thus have been a good match for the Three Hundred at Gortyn. At Megara too there was a Three Hundred, which was sometimes known as ἡ βουλὰ and which tried cases of high treason. This example should perhaps remind us that when terms like βουλὰ appear in Crete in Hellenistic times their precise meaning may not be obvious. Similarly, Xenophon's use of ἐκκλησία to indicate a body of the same size as the Megarian may carry a lesson for us as regards the use of ἐκκλησία in Cretan inscriptions.

Even at Athens bodies called the Three Hundred were set up to investigate the Cylonian conspiracy and also in the fourth century. See PW, *RE* s. v. οἱ τριακόσιοι on these bodies and on the Megarian "council". In the 6th century the Athenians may have been following a Delphic precept on matters involving desecration of shrines; and the priests at Delphi might well have conformed to a practice that was normal in Dorian cities. Cf. *IG* V ii. 3, 20 etc. (Tegea); Justin ix. 4, 7 (Thebes).

Mr Howie has drawn my attention also to Herodotus vi. 23,6: τοὺς δὲ κορυφαίους τριηκοσίους ἔδωκε Σαμίοισι κατασφᾶσαι. The rest of the population of Zankle were enslaved. The three hundred leading citizens who were put to death may well have been members of an inner assembly of the City. Although it is a far cry from Crete to Zankle, the concept of 'hundreds' in the formation of political units may have been deeply rooted in a wide range of cities.

The constitutional pattern which seems to emerge from this sketch

of the literary and inscriptional evidence is as follows. The city-state is, broadly speaking, a combination of δᾶμος and πόλις. The δᾶμος, on the one hand, forms the full Assembly of citizens. It includes, besides the people who live in the πόλις—representatives, it may be assumed, of the traditional Dorian φυλαί and of any others elevated to the same status—the φυλαί or σταρτοί of the country-dwellers (περίοικοι). This full Assembly elects officers of state, including the ten Kosmoi, although these are taken from the city-dwellers and not from the περίοικοι themselves.

On the other hand, the word πόλις carries more than one meaning. It denotes, obviously, the city itself, upper and lower, and the citizens who dwell in it. From these citizens are drawn candidates for the office of Kosmos for election by the δᾶμος. And from citizens who have been Kosmos come the Elders who make up the Council. The city-dwellers also form an inner Assembly, which at Gortyn is called the Three Hundred. This inner Assembly attends certain meetings of the Council. When inscriptions refer to decisions of οἱ κόσμοι καὶ ἡ πόλις the second term may include the inner Assembly as well as the Council; but the oath-taking at Dreros and the appointment of Spensitheos confirm the impression given by Aristotle's reference to decisions of the Kosmoi and Gerontes that πόλις often meant the Council alone. The inner Assembly possibly chose new Elders when any vacancy arose in the Council; but it is prudent to allow that elections of this kind may have been in the hands of the δᾶμος or at least approved by that body.

How, then, may the Δαταλῆς and the πόλις of the Spensitheos decree be fitted to this pattern? If the Δαταλῆς are a σταρτός of the full Assembly, it follows that one section of the δᾶμος proposes to the πόλις, i.e. to the Council and inner Assembly, the appointment of an officer who is to serve the πόλις itself. It is true that his sphere of activity covers τὰ δαμόσια completely and that he associates regularly with the Kosmoi, but his appointment and emoluments come directly from the Council. We might think that a particular σταρτός had a right in perpetuity to nominate to the office of ποινικαστάς, perhaps from one of its own families; and this possibility cannot be dismissed. It does, however, seem to me rather unlikely. In any case, if a σταρτός of the δᾶμος were involved, it would surely take its nomination first to the full Assembly; and the *Assembly*, having taken the final decision, would pass it, via the Kosmoi, to the πόλις for execution.

It might of course be suggested that the Δαταλῆς did not belong to the δᾶμος but were a φυλά of the πόλις ranking with the Dorian φυλαί. Thus the nomination would come from a constituent part of the inner Assembly to the Council to be given effect. But in this case too we might well expect the decision to be taken by the inner *Assembly* as a whole before it was referred to the Council.

In the light of these two hypotheses, it looks as if Δαταλῆς should be the name not of a φυλή or σταρτός but of a city-state in full Assembly. An important appointment is being made, and in any settled constitution in early Greece it is the assembled δᾶμος who hold authority over such matters. Once the decision has been taken, it may go quite properly from the Assembly to the Council.

Accordingly I am inclined to identify the Δαταλῆς of our text with the Dattalla that was later part of the state of Lato and to say that in Spensitheos' time it was still an independent city and that later, through conquest or political union, it passed under Lato's control. The full Assembly of Dattalla decides to appoint Spensitheos; and the πόλις, in the narrowest sense of the term—i.e. the Council of Elders, consisting of five men from each tribe within the city—publishes the appointment, specifying emoluments and obligations. (See also below on ἀπὸ πυλᾶν κτλ.).

## A.2

Σπενσιθίωι. The name of the person appointed is placed immediately after ἐσπένσαμες πόλις and precedes the nominative phrase qualifying πόλις. The word-order is logical; and we may also suppose that the echo of the stem σπενσ- in a short space pleased the composer's ear. For the position of αὐτῶι τε καὶ γενιᾶι see below on A.3.

Although the benefits of free subsistence and exemption from taxation apply to Spensitheos's household and although his sons share in his duties, it is Spensitheos himself who is appointed and it is he who is designated ὁ ποινικαστάς throughout the text. Cf. A.8—10, 11; B.1, 3, 5, 7—8.

Only the name Spensitheos is given; there is no patronymic, no designation by tribe or phratry, no place of origin. The absence of this information has led van Effenterre (*BCH* 97, 37) to the opinion that Spensitheos was not a citizen but an incomer. He and his family would thus be landless; they could live and serve the city only if they were provided with food and given tax-relief. The French scholar believes, however, that the family could and did possess live-stock. He supposes that they spent much of the year herding animals in the hill-

country around the city and also tending shrines that were usually deserted. Their visits to the city would be related to the calendar of festivals and other gatherings, when Spensitheos would come with animals for sacrifice and would take up his work as a scribe. This conception is based on van Effenterre's profound knowledge of early Cretan communities and in particular of Lato and its environs. Nevertheless, I find it hard to accept as it stands. The assumed combination of herding and keeping records seems to me unlikely. But in the end I think that the case fails because Spensitheos is neither a herdsman nor a professional scribe; see below on A.5.

Spensitheos, it seems to me, is named without any designation not because he is a stranger to the community but because he is already well-known there. His name suggests that he may have belonged to a family which had an inherited vocation. His father and grandfather may have held the office to which he is now appointed. His duties, emoluments and status are all, as we shall see, in harmony with this conception. Families of this kind are of course well-known elsewhere; see Homer *Il.* i. 69 (Kalchas); *Od.* xv. 242—255 (Theoklymenos), *Od.* xxii. 33 (Phemios). Herodotus (vi. 60) tells us that in Lacedaemon heralds, pipers and cooks were all hereditary officers. A line of Talthybiadae held office at Sparta even in the 5th century, providing heralds from generation to generation; see Herodotus vii. 134, 137. Cf. also the Eumolpidae and Kerykes at Eleusis; e.g. Thucydides viii. 53,2.

I would agree with van Effenterre that Spensitheos held no land. His forebears, because of their calling, may have stood apart from the Cretan system of land-tenure. Perhaps they were entitled, as a family or clan which provided the City not only with the ποιδικαστάς but also with any assistants who were needed, to live at public expense. We may recall, first, the status of δημιουργοί in Homeric society. Prophets and bards, healers and builders—all were evidently maintained by princes; see Homer, *Od.* xvii. 382—386, xx. 134—135. But, when the princes vanished from the cities of Crete, they left behind officers of state more exalted than the δημιουργοί had been—officers who succeeded to some of the duties of a prince. These included the Kosmoi, who succeeded to the military functions of the princes. The Elders too had administrative and judicial duties that must at one time have belonged to princes; and they held office for life. In historical times, however, both the Elders and the Kosmoi must have held land. In contrast, the position of the ποιδικαστάς may have been unique in Dattalla. He is a partner of the Kosmoi and Elders; he holds office, apparently, for life; and he and

his family are maintained by the state. If he has no *temenos* in the Homeric sense, he seems in other respects to carry the marks of a priest and even of a king.

The notion of a family whose members held an inherited office generation after generation and bore names linked with that office is not of course in harmony with the accepted interpretation of ποιδικαστάς as a writer of official documents. Alphabetic writing probably came to Greece too late for any family of scribes to reach such a privileged position. I shall try to show however that Spenthiseos' knowledge and duties were equal to his dignity. See below on A. 5—6.

ἀπὸ πυλᾶν πέντε ἀπ' ἐκάστας. Lit., "From the tribes, five from each." The phrase, as J-MD rightly say, stands in apposition to πόλις. There is no possibility of its being dependent on the following words, θροπὴν τε καὶ ἀτέλειαν πάντων, so as to mean, "food from the five Tribes, viz. from each in turn." The order of phrases would then be very strained. In any case it is the πόλις, and not the φυλαί, that enters into a contract with Spensitheos, and his service is to the πόλις. Officers of the City would collect grain and other agricultural products from the περίοικοι and distribute rations to those who were entitled to them. Similarly, the πόλις would collect taxes in the City and would grant exemption from them. The Tribes individually would not take part in these activities. On the collection and distribution of food-stuffs see Willetts, *Aristocratic Society*, 192—193.

We have already seen that the sense of the word πόλις is variable. It is perhaps for this reason that the words ἀπὸ πυλᾶν κτλ. are added to it here. The particular purpose may have been to show that in this context only the Council of Elders is meant and to exclude both the Kosmoi and the inner Assembly. The ceremony at which Spensitheos was installed in office may have been a private meeting of the Elders.

With πόλις + numeral in apposition we may compare πόλις + ethnic; cf. *IC* IV 233, 1—2 ἃ πόλις οἱ Γορτύνιοι, also 266, 5—6 (together with 80, 12 τὸ κοινὸν οἱ Γορτύνιοι). See also Buck, *Greek Dialects*<sup>2</sup> no. 23, 2 (Idalion).

J-MD (p. 129) quote three inscriptions to illustrate the proportional representation of tribes in relation to Councils. They are *IG* I(2) 10, 44—45 (Erythrae); R. Meiggs and D. Lewis, *Greek Historical Inscriptions*, Oxford 1969, 8C, 5—9 (Chios); and M. N. Tod, *Greek Historical Inscriptions*, Oxford 1948, ii. 138, 2—4 (Mylasa). The Erythrae text seems to offer a delegation of *seven* men from each tribe, while that from Chios mentions a Council formed by taking *fifty* men from each tribe.



The third seems to me more interesting, insofar as it may provide a parallel for the Three Hundred at Gortyn or the Councils of Dreros and Dattalla; see above on A.1 ἐσπένσαμες πόλις. The formula at II.2—4 runs . . . ἔδοξε Μυλασεῦσιν, ἐκκλησίης κυρίης γενομένης, καὶ ἐπεκύρωσαν αἱ τρεῖς φυλαί; it recurs without change at II. 19—20, 43—44. The decree is concerned with condemned men and the disposal of their property. Decisions are taken in the three cases by the full Assembly of the people. Evidently they cannot be referred for confirmation to three tribes which together constitute the Assembly. They must surely pass from the Assembly to a smaller executive body which will ensure that action is taken. I would guess accordingly that “the three Tribes” are *either* small delegations from each of three Tribes forming a Council of Elders *or* three Hundreds, also chosen from the Tribes, forming an inner Assembly of the city; but neither conjecture can be proved.

#### A.2—3

Θροπὴν τε καὶ ἀτέλειαν πάντων. Cf. *IC* II. v. 1, 3—4 (Axos) τῶς τροπᾶς καὶ τῶς ἀτελείας πάντων; *ibid.* 14—15 τῶν δ’ ἄλλων πάντων ἀτέλειαν καὶ τροπὴν ἰν ἀντρογίῳ. The latter case differs from that of Spensitheos, however, in that his emoluments extend to his household and also that he, but not his sons, is admitted to the *andreion*.

#### A.3

αὐτῷ τε καὶ γενιᾷ. For the structure of the opening sentence, see above on A.1 ἔφαδε Δαταλεῦσι κτλ. This pair of datives should, I think, be taken closely with Θροπὴν τε καὶ ἀτέλειαν πάντων and not with Σπενσιθίῳ. What is intended is probably (δόμην) Θροπὴν τε καὶ ἀτέλειαν following the original ἔφαδε, rather than an appositional phrase repeating and expanding Σπενσιθίῳ.

The γενιᾷ will have included Spensitheos’s adult sons and, no doubt, their wives and children—everyone, indeed, within Spensitheos’s household. The conditions laid down in the decree will presumably remain valid throughout his life-time and in the interval between his death and the appointment of his successor. One of his sons or near kinsmen may hope to be appointed in his place.

#### A.3—4

The place of the γενιᾷ in the social structure is well illustrated, as Professor Willetts reminds me, by an early decree from Elis: *GDI* 1152 = Buck, *Greek Dialects* 61.1 ἃ Φράτρα τοῖς Φαλείοις· θαρρῆν

πατρίαν καὶ γενιὰν καὶ ταῦτοῦ. The household is a sub-division of the patria or clan.

ὥσκα = Att. ὥστε in final-consecutive phrases. For -κα cf. ὄκα, πόκα, τόκα.

#### A.4

τὰ δαμόσια τὰ τε θιήια καὶ τάνθρωπινα. The word δημόσιος has a wide range of meaning. It refers to public property of any kind and particularly to public funds. In this sense it is close in meaning to κοινός, and the two are sometimes used together: e.g. Aristotle, *Politics* ii. 1267 b33f. It also appears in legal contexts; e.g. *Politics* ii. 1320 a11f. ἔτι δὲ τὰς γινομένας δημοσίας δίκας ὡς ὀλιγίστας, and fr. 378, 1541 a8f. καὶ ταῖς ἀρχαῖς ἐπικληροῦσι τὰ ἴδια καὶ τὰ δημόσια. Elsewhere it is applied to eating at public expense (Herodotus vi. 57,2 σιτεόμενοι μετὰ τῶν βασιλέων τὰ δημόσια, of the Pythioi at Sparta) and of sacrificial victims (*SIG* 1015 θύσει τὰ ἱερὰ τὰ δημόσια καὶ τὰ ἰδιωτικά, of the priestess of Artemis at Halicarnassus).

At B.5—6 Spensitheos is indeed required to sacrifice τὰ δαμόσια θύματα on certain occasions; and it is possible that in the fragmentary context of A.20—22 and B.1 he was allowed to receive, along with the Kosmos, a share of sacrificial animals. Presumably τὰ δαμόσια θύματα would be included amongst τὰ δαμόσια τὰ θιήια with which he is charged. But no one will suppose that his chief duty is either to sacrifice animals on behalf of the state or to record such sacrifices in writing; nor can τάνθρωπινα be equated with τὰ ἰδιωτικά, so as to make him responsible for privately offered sacrifices too.

Again, we find at B.7—11 that Spensitheos may be involved in legal action in court, apparently with the purpose of protecting his official interest; but it seems unlikely that action on this scale corresponds to the general obligation laid on him with regard to τὰ δαμόσια.

It is evidently impossible to determine the reference of “things public, both divine and human” until the meaning of ποινικάζεν τε καὶ μναμονεύῃην has been ascertained. We may be sure at least that μναμονεύῃην implies the keeping of records; and these might well include not merely archives of an administrative nature but also codes of law and decisions taken in the courts. But Spensitheos’s primary role is ποινικάζεν and he is known as ὁ ποινικαστάς. These are new terms and their origin and meaning are debated; it is not a foregone conclusion that they too refer to writing. All that can be said about τὰ δαμόσια at the present stage is that the manner of Spensitheos’s appointment by people

and City and the scale of the emoluments granted to him and his family, together with the possibility that his office is ancient and hereditary, point to his principal function being one of considerable importance and prestige. Consequently, we may expect τὰ δαμόσια in this passage to have a wide reference, perhaps to all public property (e.g. buildings, stores and funds) and to all litigation that might affect public property. On the other hand, it may be said with confidence that τὰ ἰδιωτικά are not his concern.

## A.5, 6

ποινικάζεν τε καὶ μναμονεύῃην. The difference between the spellings μναμονεύῃην and μναμονεύῃεν is interesting but of limited importance. See below, B.3 πάντῃ ὅπῃ, B.10 ἄλλῃ. It seems possible that an original long  $\bar{\epsilon}$ , either in final position or before final -η, may have varied in either length or quality, so that writers may have felt free to use either ε or η. See below on A.13 κήνδυτῆρας and on B.9 φόσμοι.

The two verbs evidently constitute a legal formula. They may then be synonymous (or nearly so) or they may be different in meaning but complementary to each other. Μναμονεύῃην, as has been indicated in the previous note, means "to act as recorder." We know of μνήμονες and ἱερομνήμονες whose duties included custody of shrines and supervision of religious ceremonies. From B.4—6 it appears that Spensitheos's duties at least extended to this field of activity. Sometimes, however, a μνάμων looked after secular affairs, including public registers. This was the case especially in Crete, and at Gortyn we see a μνάμων acting to settle a variety of social problems. It is important to notice that he is not a mere clerk but an administrative officer of a responsible kind. (See R. F. Willetts, *The Law Code of Gortyn*, Berlin 1967, 74, n. 32.)

In Dattalla, however, Spensitheos is primarily a ποινικαστάς —a ποινικαστάς who acts also as μνάμων. J-MD, after a brief discussion (pp. 132—133), decide that ποινικάζεν means basically "to do ποινικήια", "to write". They prefer to relate the word to Φοῖνιξ or perhaps, in order to account for the suffix -άζω, to the Homeric Φοινίκη, "Phoenician territory"; but they do not exclude the possibility that it originally meant "make red", i.e. paint letters in red (cf. φοινίσσειν). The notion that ποινικάζεν stands for φοινικάζην and denotes "writing" has been accepted generally, but opinion is still divided between "Phoenician characters" and "writing with red paint".

Willetts (*Kadmos* 11, 1972, 97) took up the idea of red colouring and he was followed by Chantraine (*Studi Classici* 14, 7ff.) with a lengthy analysis of the linguistic material. Now G. P. and R. B. Edwards (*Kadmos* 13, 1974, 48—57) seek by a fresh examination of the evidence to lead the way back to “Phoenician” writing. It is unnecessary to review here the arguments used by Chantraine and the Edwards. The objections raised on one side and on the other seem to me to be generally valid, and the two cases cancel each other out.

A morphological gap separates ποινικάζεν both from Φοῖνιξ, φοινικήιος and from φοίνιος, φοινίσσειν, φοινίκεος. Derivation from Φοῖνιξ or from φοινίσσω should yield φοινικίζω, not ποινικάζω. Homer’s Φοινίκη does appear to make a bridge from Φοῖνιξ to ποινικάζεν, but the meaning of such a derivative should be “act as in Phoenicia”, “be like a Phoenician”, not “write in Phoenician characters”. Similarly, if ποινικάζεν could be traced from φοινίκεος etc., it should mean “be red”, “turn red”, not “write letters in red”. So far as we know, there is no expression τὰ φοινικά that means either “Phoenician characters” or letters “painted in red.”

It is noticeable that in the rest of the decree Spensitheos is not required to write or record anything at all. Side A deals with the terms of his appointment and with his emoluments; on side B he is required to see to the performance of sacrifices, to take action in the law-courts in certain circumstances and to pay contributions to an *andrῆion*. If then writing *was* his chief responsibility, this would seem to be taken for granted in the text. The fact that he was μνάμων as well as ποινικαστάς may seem to suggest that he was a writer but does not prove it: for, as I have already said, the first duty of a μνάμων was to *know* the law and earlier decisions, not to write them down.

The words ποινικάζεν, ποινικαστάς recall a series of legal and political terms with the same endings. Examples are:—

άλια		
ἡλιαία	ἡλιάζομαι	ἡλιαστής
ἐκκλησία	ἐκκλησιάζω	ἐκκλησιαστής
γερούσια		γερουσιαστής
φρατρία	φρατριάζω	φρατριαστής
ἀπέλλαι	ἀπελλάζω	
ὠΦά	ὠΦάζω	
φυλά	φυλάζω	

The verbs are as a rule intransitive, indicating various functions; and the agent derivatives refer to people who exercise such functions.

It is possible to extend the list without departing from the sphere of law and politics; e.g. ἐξετάζω, ἐξεταστής; κολάζω, κολαστής; ῥύσιον, ῥυσιάζω.

Although scholars have hitherto connected ποινικάζεν with Φοῖνιξ or with φοίνιος etc., the first letter of the word may obviously be Att. Ion. π and not φ. If so, the question arises whether the verb may not be derived from ποινή, "blood-money", "requit". It might then mean "deal with cases involving blood-shed", "deal with capital crimes"; and the ποινικαστάς might be a judge responsible for such cases. In this light Spensitheos would be both a judge and a recorder; he would try criminal cases of a serious nature and at the same time he would be the custodian of laws and precedents concerning them. In Crete ποινά seems to be attested only in IC IV 8 a—d ἐ]κατὸν ποινᾶς καταστᾶμεν τρίποδα ἕνα[. It must, however, have been a current term in early law everywhere.

It may be objected that there is also a morphological gap between ποινή and ποινικάζεν. This is true, to the extent that there is no direct evidence of an adjective \*ποινικός in ancient Greek and that adjectives in -ικός did not in any case lead to verbs ending in -ικάζω. Nevertheless, the objection need not be fatal to my hypothesis. Ποινή did produce a derivative ποινίζω, attested in IG V (2), 261 14 (Mantineia) ποινίζασθαι, "exact penalties". Given the existence also of ποίνιμος, it is clear that -ι- and -ικ- suffixes were not completely strange to this word-stem.

The history of the adjectival suffix -ικός in early Greek is somewhat obscure, but the occurrence of pairs like παρθένος: Hom. παρθενική and ὄρφανός: ὄρφανικός suggests that ποινή: \*ποινικός, or even ποινή: \*ποινική (subst.), would be possible. People in Crete may well have spoken of \*ἅ ποινικά, \*τὰ ποινικά or \*ποινικαὶ δίκαι. Athenians in the 4th century referred to ἐμπορικαὶ δίκαι, ναυτικαὶ δίκαι, φονικαὶ δίκαι and δεκατάλαντοι δίκαι; and \*ποινικαὶ δίκαι would be an expression of the last-named type, specifying the nature or amount of the penalties imposed by a court.

Again, while adjectives with -ικός do not elsewhere yield verbs with -ικάζω, the existence of the political-legal terms which I have listed and in particular of terms referring to punishment (κόλος, κολάζω; ῥύσιον, ῥυσιάζω) might well have encouraged the development of \*ποινικός: ποινικάζω. Obviously the rhyming word-group δικά: δικάζω: δικαστάς—current in Crete as everywhere else—might have provided a powerful impulse.

The Law-code of Gortyn makes frequent mention of a δικαστάς, a judge who heard cases of many kinds, unsupported by assessors or jurymen, and pronounced judgment according to the law or, in certain situations, on oath. It also refers occasionally to a μνάμων. Here there are two officials with different functions; e.g. *IC* IV. 72, cols IX. 32 ὁ δικαστάς κὸ μνάμων, also col. XI. 52. At Dattalla, evidently a small community, the two functions are combined in the case of the ποινικαστάς, although in this community there may have been δικασταί who co-operated with μνάμονες, as at Gortyn. It may be significant, however, that the functions of ποινικαστάς and δικαστάς, each in relation to μνάμων, appear to be similar. In this light the ποινικαστάς, like the δικαστάς, should be a judge.

The connection between μνάμων and ποινᾶ may be further illustrated by Aeschylus, *Agamemnon* 155 μνάμων Μῆνις τεκνόποινος. (I am indebted to Mr Howie for this observation.) E. Fraenkel in his note on μνάμων in his edition of 1950 quotes *Prom.* 516 μνήμονές τ' Ἐρινύες and *Eum.* 383 κακῶν τε μνήμονες, σεμναί but hesitates, with Latte, to find a close link in Attic-Ionic poetry with the use of μνάμων in Dorian law.

It may be appropriate at this point to take note of an inscription which is quoted by J-MD (p. 132). This is from Eleutherna (*IC* II. xii. 11, 3f.). The text is fragmentary and cannot, I think, be re-constituted. Nevertheless two or three points can be established with fair probability. Ll. 3—5 read as follows:—

]οπιος. αἱ τις τῶινυ ποινικα[  
τ]ῶινυ μὴ δικάζοντας τὸς ζ[  
]ἀπατῶς ἤμεν. αἱ δὲ καρπῶσαιτο[

It can hardly be doubted that l. 3 is to be supplemented ποινικα[στᾶι. Moreover, it is clear from δικάζοντας and ἀπατῶς (?) that the context is judicial. Indeed, l. 2, which reads ]ος διαλαίη ἐκς ἐνιοϜτιτο[ might be interpreted as ]ος διαλαίη ἐ(κ) κσῆνιῶ οὔ τι το[; and a reference to a κόσμος ξένιος would confirm further the judicial nature of the context. The Eleutherna text may thus provide a welcome parallel for the words ποινικαστάς, ποινικάζεν at Dattalla and support for the argument that they are concerned with the substance of the law rather than with the art of writing.

Both ποινῆ and ἀποινα apparently referred in early times to cases of homicide and abduction. Although, to our way of thinking, these often concerned individual persons and might be considered private cases, they

would in ancient society have affected the structure of the family and so of phratries, tribes and the state. In Homer's description of the Shield of Achilles (*Iliad* xviii. 503 ff.) a trial of this kind is heard by a council of elders; and in Athens the Council of the Areopagus dealt with such cases both in remote antiquity and in historical times. Whether Spensitheos sat with the Council at Dattalla or as their president and recorder, we do not know. It seems to be implied that he acts on his own authority. Moreover, he is said to deal specifically with *public* matters, *divine* and *secular*. These limitations seem to point in other directions than cases of homicide among the citizen population. We may concede that these cases would remain with the Council. Spensitheos may perhaps have been concerned with serious acts of impiety, including desecration and spoliation of shrines and temples, and with serious offences against the state, e. g. insults and acts of violence directed against magistrates and councillors.

To conclude, I would suggest that ποινικάζεν, ποινικαστάς are connected not with Phoenician characters or characters painted in red but with ποιναί, and that Spensitheos is not a scribe but a judge of a special kind. It is certainly hard, and perhaps impossible, to find English terms that will convey adequately the meaning of ποινικαστάς. "Reeve" and the Scots "Sheriff" may suffice for the secular side of his responsibilities; but neither takes account of τὰ θιήια. I have used "Reeve" in my translation, but it may be best to leave both Poinikastas and Mnāmōn untranslated.

The development of the administration of justice in Crete is discussed by Willetts, *Law Code*, p. 32. He draws a parallel between Athens and Crete in the 7th and 6th centuries. In Athens magistracies were held at first for life, later for ten years at a time and in the end on annual tenure; but in Crete the ten-year period is reflected only in one law from Dreros which prescribed a maximum tenure of ten years for a Kosmos in the first instance, followed by a period of ten years before the start of a second (see P. Demargne and H. van Effenterre, *BCH* 61, 1937, 222—248 = Meiggs-Lewis *GHI* 2, 2—3. At Gortyn there was a three-year limitation at an early date (see *IC* IV. 14, 9, p. 2). There is no evidence, Willetts remarks, that magistrates previously governed for life. But at Dattalla we may now have such evidence in the case of Spensitheos.

No limit is set in the text on Spensitheos' appointment. It is perhaps conceivable that Spensitheos and his sons should hold office for one year only. The only references to time are at A. 11 τῷ ἐνιαυτῷ and at B. 13 τὸ ἐπενιούτιον, and they might possibly be brought into line with annual tenure. It is more likely, however, that they refer to recurring annual

events in a career intended to last a life-time. The appointment is, after all, not a simple election to a vacancy but a decree of the People in response to which the Council issue a contract. It requires, moreover, knowledge of the law and of precedent on the part of the *poinikastas*. Even if other judges could be found after a year or a decade, the incumbent's experience could not be replaced at short notice. Finally, if Spensitheos were to be in office till death or incompetence removed him, it would be sensible to include his adult sons and even co-opted deputies in the contract (cf. A. 8—10); but for ten years or less, such precautions might have been excessive. So we may believe that the Reeve held office for life and that his successor would be found eventually amongst his sons and other kinsmen whom he had trained in the law. The Kosmoi who had succeeded the princes of the prehistoric age as leaders may have had their tenure reduced to one year; but the Reeve, to whom had fallen some of the judicial prerogatives of a prince or king, seems to have held office for as long as his remote predecessors, albeit with contractual limitations.

## A. 8

αἱ μὴ ἐπαιροῖ τε καὶ κέλοιτο. J-MD read ἐπαίροι (optative of ἐπαίρω), meaning "propose", "nominate". This sense might have originated in a custom of making candidates for adoption stand up in public. A similar interpretation may be obtained, however, from ἐφαιρέοι or ἐπαιροῖ; cf. *IC* IV. 21, 7—8 (Gortyn) δικά]ζε[ν] ἄ(F)τὸς ἐπαιρηῖ πέντε λέβητας καταστᾶσαι... and see *LSJ* s.v. ἐφαιρέομαι, "choose". Although this text has αἰλῆν (B. 8), ἐπάγρην (B. 6) and ἐλέσθαι (A. 15), forms of αἰρέω and its compounds are also possible. Since, moreover, syncopated forms like κοσμώντες, κατοικόντας, ἐπεστάτον occur in eastern Crete (and also in the Peloponnese), similar forms of -έω verbs may well be expected to occur in North central Crete. There need be no objection on linguistic grounds to ἐπαιροῖ. (See Schwyzler, *Gr. Gr.* I, 252—253.)

If Spensitheos and his sons needed help to discharge their duties, he or they were evidently authorised to appoint an assistant from outside their own household. I assume that any such appointment would be permanent and that it meant adoption of the new man into the γενιό. In most cases it would probably be the appointment of a close kinsman; a family such as Spensitheos' would guard its privileges jealously. Besides, a period of instruction would be necessary for anyone admitted to the sacred and secular duties of the family.



The Reeve may have consulted his adult sons before making any appointment of this kind; and the sons may have acted in his place only if he himself had died or was incapacitated. If he were dead, they would exercise this right only to the time when the People and City appointed his successor.

It is not easy to guess how Spensitheos' sons and deputies were employed. The Reeve himself, we learn from B. 1—4, attended public ceremonies in the company of the Kosmos and from B. 11—17 that he took part in the proceedings of the *andreion* along with other senior officials. Presumably his sons assisted him personally at great *panēgyreis* and acted on his behalf at gatherings which he himself could not attend. They would ensure that the laws governing matters sacred and secular were observed and would perform rites that normally fell to the Reeve. See below, on B. 4—7.

### Ä. 11

μισθὸν δέ. The most valuable part of Spensitheos's emoluments were obviously those mentioned in A. 2—3. The payment of wine which he received—fifty measures of must together with the necessary storage-jars—may not have had exceptional monetary value. It was, however, the best wine to be had. Spensitheos may have needed it in virtue of his office, for public libations more than for his own use. The custom looks archaic and it may have carried great prestige. The damaged part of the text (A. 15f.) apparently contained provisions to ensure delivery of the wine.

δόμεν, sc. πόλιν as subject; cf. A. 1, 4.

### A. 11—12

τῷ ποινικαστᾷ, for the article, see above on A. 1 πόλις; for ποινικασταῖ, see on A. 5 ποινικάζεν τε καὶ μναμονεύῃην.

### A. 13

κῆνδυ[τ]ῆ[ρα]ς, sc. καὶ ἐνδυτήρας. This reading seems to fit the lacunae. For alternation of ε and η, see above on A. 5 μναμονεύῃην, 6 μναμονεύφεν. I would conjecture that the alternation already observed in the case of -ῆ and -ῆν- may also have applied to -ῆρ-, i. e. to final -ῆ and -ῆ + liquid and nasal consonants.

Cf. Hesychius *s. v.* ἐνδύτας· αὐλωτὸς στάμνος. Neither this nor the -τήρ form occur elsewhere. Both are evidently Doric. Although Latte suspects αὐλωτός and suggests ῥαβδωτός in its place, I feel that the reading is sound and that it refers to a kind of spout to facilitate pouring from one vessel into another.

Ἐνδύτας, ἐνδυτήρ are obviously derived from ἐν and δύνω. Here ἐν corresponds to Att. εἰς and the sense is "put into", "pour into". Neither δύνω nor its other compounds are applied elsewhere, so far as I know, to the handling of liquids. Possibly, however, Hesychius *s. v.* ἐνδυσις· κατάδυσις is relevant. I would suggest that an ἐνδυτήρ was a storage jar—of no great size—small enough either to be lifted or tipped over on its lower rim for pouring.

"Fifty prochooi" may refer to the gross amount of must, delivered to Spensitheos not in fifty vessels but in a smaller number of sealed ἐνδυτήρες. The content of a *prochous* appears to be uncertain, and indeed it may have varied from region to region. I assume that the amount given to Spensitheos was substantial, that it was meant to last the year and that it served not his personal requirements or those of his family, but his official needs. It is possible that the number of *prochoi* allotted to him indicates roughly the number of occasions in the year when he had to dispense wine and the amount that he used on each occasion. If the *prochous* at Dattalla was comparable with the Attic *chous*, the allocation may have been something like 164 litres a year; cf. Hultsch, *Griechische und Römische Metrologie*, 87. So modest an allocation might be in harmony with the suggestion made above on A. 11 that the wine was required for official duties. At Sparta a member of a *syssition* contributed eight *choes* a month (Plutarch, *Lycurgus* 12.3).

ἱκατιδαρκμῖος. A minimum value is set on the storage vessels to ensure that they were worthy of the Reeve's status. We know that in 4th century Olynthos, a large vessel could cost up to 53 drachmas; see D. A. Amyx, *Hesperia* 27, 1958, 163 ff., with *Excavations at Olynthus* VIII., 313 ff. See also J. H. Jongkees, "On Price Inscriptions on Greek Vases", *Mnemosyne* 4, 1951, 258—266, for relatively high prices of vessels in the early 5th century. So if the Dattalla vessels were on the small side, as I suppose, they may have been of quite good quality. Contemporary Cretan ware may have sufficed; but, as Dr. Snodgrass has suggested to me, pottery of this kind might have been imported from Athens.

It is hard to say whose coinage is meant. According to Head, *Historia Nummorum*<sup>2</sup>, 457, the oldest coins of Crete, so far as they have been identified, cannot be assigned to a date earlier than 500 B.C.; and Willetts,

*Law Code*, 9, adheres to this reckoning. Dr. Rutter, however, has drawn my attention to the fact that, since Head wrote in 1911, most Greek coinages have been moved to a later date. Hirmer and Kraay, *Greek Coins*, 1966, 346, say: "Although frequently difficult to date, probably no Cretan coinage is earlier than the middle of the fifth century, and apart from a few issues of Cnossus, Gortyna and Phaestus, nearly all is later than 350 B.C." The coinages of Knossos and Gortyn, which are now regarded as the earliest, are assigned to about 450 B.C.

Evidently prices of goods expressed in coin-values were familiar to people in Dattalla early in the 5th century, but the coinage used can hardly have been their own or even that of a neighbouring city. It is possible that the values are Aeginetan, since coins of Aegina were used in Central and Southern Crete at this time.

#### A. 13—14

κάρο[ο|ν]ος = κάρονος. I would suggest either this reading or κάρόνους instead of J-MD's καρο[?π|ός. From their photograph and their drawing it seems to me that there might be room for two letters after κα and also one letter before ος.

The word καρούς may not be appropriate to the context. Even if my suggestion ἐνδυτέρως be wrong, δόμεν still has, apart from μισθόν two objects, one quantified by a number (πεντήφοντα) and the other by a price per unit (ἱκατιδαρκμῖος). If there were to be an alternative for either or both of these objects, such as καρπός, surely this would have to be quantified too. It would be necessary to know exactly which fruits and how much of them. There are indeed references to καρπός (sing., but also plur.) in texts from Gortyn and elsewhere (J-MD, p. 138); but the contexts in which they occur do not seem to me to match that of the Spensitheos text.

For κάρων in Doric literature, see *LSJ* s. v.; the earliest example is Alcman, fr. 105 Page; for κάρων, see Willetts *Law Code*, 39 and *IC* IV. 72 col. I., 16.

The particle ἢ seems to me to introduce an alternative, not to the fifty measures of must-wine but to the storage-vessels at twenty drachmas each. Delivery of the wine is guaranteed beyond doubt by A. 15ff. Thus the choice will be between ἱκατιδαρκμῖος and κάρωνος rather than between the vessels themselves and κάρωνος. So κάρωνος may be taken to be equivalent to πλείονος, "of greater value", and the whole phrase may be interpreted as ἐνδυτέρως ἱκατι δαρκμῶν ἢ κάρωνος. Cf. *IC* IV. 72, col. II. 38—39 τὸ πεντέκονταστατῆρὸ καὶ πλείονος; also col. IX. 47—48.

## A.14

ἐς τὸ μὀρῶ. When the must is chosen by the Reeve, it is probably still in the possession of the farmer; see J-MD (pp. 139—140). The Reeve would choose the farm (μὀρος) which he judged to have the best grapes or the best must in any given year. In a small community, this would not present a serious problem. This interpretation seems more likely than the alternative, that the wine had already been delivered from the vineyards to a store in the city and the Reeve's lot was chosen in the store from marked vessels. In such a situation, the store-keeper would in any case have found it hard to avoid delivering the fifty *prochooi* demanded. While the must was still on the farm where the grapes had been grown, the farmer might easily have evaded his obligation (cf. A.15f.) by substituting one lot of wine for another.

The question remains: who provided the expensive vessels in which the must was stored? The farmer or the City itself? The Council, as the authors of Spensitheos's contract, may have bought the vessels; but nothing in the text suggests that they did. Possibly the farmer chosen to supply the must had to give the vessels as well. Both the must and the storage-jars would then be a service to the City, like the Athenian λειτουργίαι. Again, however, it must be conceded that the text does not make this plain.

## A.16

αἰ δὲ μὴ δοίῃ τὸ κλεῦφος, sc. the farmer; see fore-going note. αἰδε[...], conceivably αἰ δέται = δέηται, "as he may request"; less probably αἰ δέται = δέαται, "as may be decided" (cf. *IG* V(2) 6, 10, 18 from Tegea; 343, 24, from Orchomenos).

## A.16—17

φóσμ|ος ἐπεσταφώς. Cf. *IC* IV., 14, 9—p2 (Gortyn), φóσμος ὁ ἐπιστάς. The reference is to the senior Kósmos of each year. This may be true also of φóσμος without qualification at A.19—20, A.21, B.3 and B.9—10. See below on B.9 οἱ ἄλοι, B.12 φῶι ἄλο[ι].

## A.19

ἰαγεσημεν, perhaps ἰᾶν ἐσῆμεν = Att. ἐξεῖναι; tr. "it shall be in the power of the Kosmos."

B.  
B.1

τὸ Ϝῖσον λακὲν τὸν ποινικαστάν. The sentence ends here; a protasis must have been set forth in A.22. The subject τὸν ποινικαστάν stands at the end of sentences; cf. B.3—4 and 7. It is virtually in this position also at B.5 although a second infinitive follows it. The order of words at A.11 is not dissimilar; there τῶι ποινικαστᾷ stands at the end of the main clause, which is supplemented by accusative phrases in apposition to the initial accusative.

## B.4

ὅτιμί κα θιῶι ιαρεὺς μῆι = μὴ ἦι. This reading seems to complete the relative clause in the sense which J-MD postulate in their translation. It also leads to the elucidation of the letters διαλο. (It is probably useless to try to supplement the letters ιδιαλο as a verb following μῆ).

I know of no other instance of μὴ ἦι contracted as here. The phenomenon is similar, however, to Aristophanes, *Thesm.* 536 μὴ ἡμεῖς, scanned as a spondee. In Ionic we find τῆι Ἡρηι spelt τῆρηι. At a later date, Boeotian κῆ ἦ is contracted in writing to κῆ. For this kind of contraction, see Schwyzer, *Gr. Gr.* I., 399—404.

## B.4—5

δι' ἄλο|ν, i.e. δι' ἄλλον, or perhaps δι' ἄλλων. The latter reading implies an abnormal use of ο for ω; but cf. B.9—10 where φόσμοι stands for φόσμωι. See above on A.5, 6 μναμονεῦΦην, μναμονεῦΦεν; A.13 κῆνδυτῆρας.

For δι' ἄλλον, acc., see *LSJ* s. v. διὰ B.III.1. I prefer this reading. Presumably one person—one of Spensitheos's sons—would suffice to act as substitute for a missing priest. It should be borne in mind that the shrines referred to may not have had a resident priest. They may have been among τὰ δαμόσια τὰ θιήια which were properly in his care. See above A.6—7. The "others" concerned would be the Reeve's grown sons and coopted helpers; see on A.8—10.

## B.6

τὰ τεμένια. Cf. A.20. J-MD (p. 142) observe that this may be the n.p. of the adjective τεμένιος rather than the noun τέμενος. I agree; for a short visit to untenanted shrines, for the duration perhaps of one festival, the Reeve could not have "taken possession"

of the precincts concerned in any meaningful sense. He or his representatives might, however, have made use of the priest's lodging at one shrine or another: cf. *SIG* 987.3 (Chios) οἰκὸν τεμένιον ἱερὸν οἰκ]οδομήσασθαι. They might have received dues for stabling and pasturing animals brought by worshippers and rent for the worshippers' sleeping accommodation. They would also be entitled to the portions of victims that were due to the Reeve in any case; see above on B. 1.

#### B.6—7

μηδ' ἐπάγραν ἡμεν μηδὲ ῥύτιον αἰλῆν. For αἰλῆν in place of αἰλῆν, see above on A. 5, 6 μναμονεύφην, μναμονεύφεν; also on A. 13, B. 3, 4.

It is hard to say whether the first of the two μηδέ's is resumptive, making the double prohibition refer to the sacrificial matters dealt with in the preceding sentence, or simply correlated with the second μηδέ, leaving the sentence in asyndeton. In the latter case the reference might still be to sacrifices; but equally there might be a complete change of subject-matter, with the double prohibition directed to all matters affecting the public interest, in which the Reeve might be concerned.

Ἐπάγρα is evidently a compound of ἐπί and ἄγρα. The noun refers to hunting, in a literal or metaphorical sense; and the adjective ἐπαγρος, cited by LSJ from Aristotle and Callimachus, is used in much the same way. Neither word seems to have been applied to legal contexts. The form ἄγραν, which occurs in *IC* IV. 9 a—b, i—l (Gortyn) may be related; but its meaning is obscure.

μηδ' ἐπάγραν ἡμεν possibly signifies that the Reeve and his representatives have no right to seize goods in addition to the amounts prescribed as their entitlement by the decree. μηδὲ ῥύτιον αἰλῆν may mean that the Reeve himself is not to take or accept goods in lieu of what is legally due to him, in order to ensure its delivery later on. Alternatively, the ῥύτιον might be a payment which the Reeve might conceivably have accepted from a person whose goods he had distrained, as an inducement to release the goods. There are doubtless other possibilities and the problem does not seem to me to be soluble on the present evidence.

I am inclined to think that B. 6—7 is not a direct sequel to B. 4—6 but a general prohibition, limiting the power of the Reeve to enforce his rights. Certain emoluments are laid down for him and his family. If he does not receive them he is to take action in court. There appears to be no connection between B. 6—7 and the following sentence which begins with δίκᾱ δέ; see below on B. 7—8 ὅτερον.

## B.7—8

δίκη δέ ὅτερόν καὶ ὥληται ὁ ποινικαστάς. J-MD do not commit themselves to a complete interpretation of the passage that runs from δίκη δέ to οὐδὲ ἔν (B.7—11), and it may be foolhardy for anyone else to do so; but I feel that an attempt may be worth-while.

The first letter of ὥληται looks like  $\varphi$  without the upper horizontal. J-MD compare the Theran form of  $\beta$  and suggest βώληται rather tentatively. They think also of μώληται; this is harder, however, both in terms of epigraphy and in sense. βώληται is in my opinion correct. It is confirmed by a similar phenomenon at B. 14; see below. There are no other examples of  $\beta$  in the text.

ὅτερον = ὁπότερον; cf. *IC* IV. 20a—b2; 72, col. IX. 53. We should expect this word to indicate a choice between two specified procedures, and this may be the case. It is unlikely, however, that it has any bearing on ἐπάγρην and ῥύτιον in the previous sentence. Both these things having been excluded, the text moves on to actions which *are* open to the Reeve.

First, it is necessary to punctuate after ποινικαστάς. The syntax of the sentence that runs from αἵπερ to οὐδὲ ἔν (B.9—11) is clear once this is done; but I do not think that it can be combined either with δίκη δέ or with ὅτερόν . . . ποινικαστάς. Incidentally, there may be some advantage in making the sentence end with ποινικαστάς; cf. A. 11—12, B. 1, 3—4, 5 and 6.

Secondly, we should regard δίκη either as a *nom. pendens*, serving as the heading of a new section, or as the subject of a nominal sentence. Thus the meaning will be *either* “legal procedure: whichever type the Reeve chooses”, *or* “legal procedure is whatever the Reeve chooses.” The particle δέ is adversative, signalling a transition from ἐπάγρην, ῥύτιον; see above. It is tempting to supply ἔσται, fut.-imper., as the subject of δίκη; for the three sentences that follow have future verbs of this kind; viz. B.9 κρήσεται, 11 δώσει, 14 συνφαλεῖ. This might not be entirely wrong; the δίκη δέ . . . sentence certainly leads towards this sequence. Nevertheless it seems difficult to postulate ἔσται at a point where no future has yet been used. I am inclined to take δίκη as *nom. pendens*.

The question remains, what procedures are implied by ὅτερον? It is impossible to do more than guess. To me it seems that we are concerned here with the court where the Reeve himself sits as judge and with cases concerning τὰ δαμόσια τὰ θιήια. Within his own jurisdiction he may use either one procedure or another. The choice must be a standard one,

so well-known that it need not be specified. Perhaps it is akin to the alternative open to the δικαστάς at Gortyn, to give judgment based on testimony or on the judge's oath. See Willetts. *Law Code*, 32, 78. (Professor Willetts has suggested to me that at this point the *poinikastas* does no more than indicate which procedure is to be followed, without himself presiding over the court).

## B.9—10

αἴπερ οἱ ἄλλοι κρήσεται. With αἴπερ sc. δίκῃ; cf. Euripides *Iph. Aul.* 316 οὐδέν τῇ δίκῃ χρῆσθαι θέλει, etc. With οἱ ἄλλοι sc. κρῶνται. The initial asyndeton is explanatory.

οἱ ἄλλοι. Cf. IC IV. 4, 1 ὅπερ οἱ ἄλλοι μὴ πρίασθαι; 53 B. 4—6 ἄλλη δ' ἔπερ κ' οἱ ἄλλοι νέμονται. The expression occurs again in our text at B. 12 φῶι ἄλλοι. There it emerges that the Reeve and οἱ ἄλλοι are members of an *andreion*, to which all are required to pay dues. This *andreion* is, I suggest, the place where the Councillors and, no doubt, the Kosmoi, as well as guests of the city, dine together. I would also suggest that in B. 9 the same group of officials is meant. The Reeve is assured of the same legal rights as the Councillors and Kosmoi in certain circumstances. The conditional clause beginning at B. 9, ἥ'ν φόσμοι, indicates what these circumstances are.

ἥ, or ἔ, modal or conditional conjunction. For the length of the vowel, see above on A. 5 μναμονεύῃην etc.; also B. 3 πάντῃ ὅπῃ, B. 10 ἄλλῃ.

ἥ'ν φόσμοι, "in the presence of the Kosmos", perhaps referring particularly to the senior Kosmos; cf. A. 11—12, 21, B. 3. For the length of the ending, see on A. 5. It looks as if *ō* could be written *o* or *ω* in final diphthongs, just as final *ē* and *ēn*, *ēr* could be written *ε* or *η*.

ἄδικα. This word may occur in a fragmentary context at IC IV. 13. *g—i*, 2. Cf. Aeschylus, *Suppl.* 403—404, νέμων εἰκότως ἄδικα μὲν κακοῖς, ὅσια δ' ἐννόμοις; Aristophanes, *Clouds* 99, λέγοντα νικᾶν καὶ δίκαια κᾶδικα. In literature τὰ δίκαια is commonly used as a noun, notably by Theognis; ἄδικα is usually combined with ἔργα, ἔργματα, e.g. by Hesiod, Solon and Theognis, no doubt for metrical reasons.

ἄλλῃ δέ. The modal ending corresponds to ἥ(ἔ) in the protasis.

This section seems to cover wrongs suffered by the Reeve in the presence of the Kosmos, i.e. publicly and in the performance of his official duties; cf. B. 1—4. He is allowed to take action in court in the same way as his official colleagues, in order to protect his dignity.



## B. 11

δίκαια ἐς ἀνδρήιον δώσει δέκα πελέφους κρέων. Coming immediately after references to litigation (δίκαια, ἄδικαια), the word δίκαια might be expected to mean “penalties” awarded by a court. Yet this does not seem possible. The Reeve’s contributions to the *andreion* could hardly be assessed in terms of possible gains from future litigation. Δίκαια, it seems, must introduce the new topic of contributions and must mean “what is legally due”.

The form of the sentence is broadly similar to that which begins at A. 11 μισθὸν δὲ δόμεν . . . πεντήφοντά τε πρόφους κτλ. It is questionable whether ἐς ἀνδρήιον depends on δώσει, “pay into the *andrēion*” or on δίκαια, “dues (payable) to the *andrēion*”. I prefer the latter construction.

ἀνδρήιον. For the absence of the article, see above on A. 1 πόλις. For the nature of the *andrēion*, see above on B. 9—10 and below on B. 12—15.

## B. 11—12

δέκα πελέφους κρέων. I assume that this payment was made in kind but would not deny that this or the other payments specified may have been in cash. Van Effenterre’s suggestion that Spensitheos, in addition to carrying out his official duties, herded live-stock on the mountains and so was bound to pay his dues in the goods that he possessed is over-ingenious. As a controller of sacrifices, Spensitheos would be entitled to receive a great deal of butchered meat; and so would his sons. See above, A. 21—22, B. 1, 4—7. His subscription to the *andrēion* conceivably came from this source, but there can be no certainty.

## B. 12—15

αἱ κα φῶι ἄλο[ι | ἐν]άρφονται. J-MD read tentatively αἱ κα and ἀπ]άρφονται. A modal conjunction αἱ (cf. B. 9 αἱπερ) seems to me more likely. On ἀπ]άρφονται, see below.

αἱ c. indic. is well known in Cretan texts, notably in the expression αἱ ἔγραπται; and αἱ c. aor. subj. also occurs, with or without κα as a temporal conjunction in IC IV. 4.1, 11 αἱ δείκσει, “when he shows”; 105 αἱ κα ἀποστᾶντι, “when they demit office”. But αἱ c. subj., with or without κα, has also a modal use; cf. IC IV. 83.3—6 αἱ δέ]κ’ ὁ πευσθὲνς συγκατί[ει, αὐτ]ὸς δικαδέθῃ αἱ περυσθεῖ, οἱ δὲ νᾶῶσαντες αἱ

ἐγγρατ[αι ἀπο]δόντων. Here, despite gaps in the text, both the restoration and the sense, "as he may be informed", seem fairly secure. At *IC* III 3,67 καθά κα δόξει offers an alternative construction to that postulated here. See Schwyzer, *Gr. Gr.* II., 647; C. D. Buck, *Greek Dialects*, Chicago 1955, para. 132,5.

φοῖ. Cf. *IC* IV. 64.3 φοῖ = καὶ οἱ. For the meaning of ἄλλοι, see above, on B.9.

ἀπ[ι]άροφονται, the reading proposed by J-MD, would certainly give sense: "just as the others make an initial offering." A similar meaning might also be got from ἐπ[ι]άροφονται. I believe, however, that ἐν[ι]άροφονται may be better. This compound has a wider range of meaning than the others: see LSJ *s. v.* ἐνάροχομαι. It can refer to the start of a sacrificial rite (cf. Euripides *Iph. Aul.* 435, etc.; Aeschines 70.31), but in later prose it means generally "make a start." The nominal form ἐναρχος occurs only in late inscriptions from Aetolia, Phocis, Boeotia and Lesbos, with the sense "holding office." See LSJ *s. v.* and examples in Schwyzer, *Dial. gr. exempla epigraphica potiora*, Leipzig 1923. (The single instance of ἐνάροχω, act., quoted in LSJ, is mistaken; in *IG* XII(5), 526,5, an Aetolian text found in Ceos, ἐνάροχοντα stands for ἐναρχον ὄντα).

The αἱ clause will then mean, "just as the others inaugurate themselves." This plainly means, in the first instance, that everybody admitted to membership of the *andrēion* pays an entrance-fee. I do not doubt that, like Spensitheos, each man provided ten weights of meat. Admission to the *andrēion* had, however, a further significance. The new members, like Spensitheos on his appointment as Reeve, must have been entering on tenure of a political office. They would include recently elected Elders of the Council; but, since the Elders held office for life, vacancies in this category would be rather infrequent and would occur at irregular intervals. There may have been other officers with special powers, like Spensitheos; but these would presumably be very few in number. If we may suppose that the Kosmoi of the year were admitted *ex officio*, they would provide a regular supply of members, although only for their term of office of one year.

### B.13

καὶ τὸ ἐπενιαύτιον. It is best to punctuate after this word. The ten weights of meat and the ἐπενιαύτιον together form the regular dues, payable by all. What follows in B.13—16 deals with an optional

payment. The balance between πέλεφους κρέων and ἐπενιάυτιον on the one hand and between λάκσιον and ἄλο μηδέν on the other requires a major syntactical division.

We may ask whether the ten weights of meat were paid only once and only by new members. Spensitheos has to contribute in addition τὸ ἐπενιάυτιον. The article suggests that this was a statutory charge, paid annually by all members. The name could perhaps denote "the charge for the year" (ἐπ' ἐνιαυτόν), i.e. an annually recurrent subscription unrelated to the special entrance-fee of meat; but it is perhaps more likely to mean "an additional annual charge", "an annual surcharge" (ἐπ-ἐνιαύτιον). Members may have provided other foodstuffs than meat on a prescribed scale; perhaps they even paid cash as a substitute for goods in kind. In any case, it is tempting to suppose that the *basic* subscription—τὰ δίκαια or \*τὸ ἐνιαύτιον, if that name can be postulated—was the ten weights of meat. No doubt ten *pelekues* was a substantial amount of meat. It may have sufficed for more than one sitting of the *andrēion*. But it seems unlikely that a single contribution on this scale could be reckoned a sort of life-subscription for an Elder or for someone like Spensitheos. We do not of course know whether meat and other supplies came to the *andrēion* from tithes paid by the rural population. I am inclined to guess, however, that life-members of this distinguished body paid in their ten weights of meat not once, on being introduced for the first time, but annually thereafter, and that they also paid the annual surcharge.

It is interesting that, despite his stipend of "food and exemption from all taxes" (see A.2—3), Spensitheos is required to subscribe to the *andrēion* in the same way as other officers of the state. He is offered remission only of one additional charge: see below, on B.13—16. Apparently we have to distinguish his position from that alluded to in a fragmentary inscription from Axos; *IC* II, V, 1, 15 τροπὰν ἰν ἀντρογήϊοι.

#### B.13—14

τὸ δὲ λάκσιον συνφαιῖ. On the punctuation see above on B.13.

For συνφαιῖ = συνβαλεῖ, see above, on B.8 φώληται. In this case φ appears in its normal form. In the absence of any example in this text of a recognisably Cretan β, we should assume that the engraver used instead either φ or a modified form of φ.

J-MD read συνφαλεῖ here and interpret it in terms of the stem φελ-. This stem occurs thrice in Cretan texts, always in forms of the perfect participle passive and with reference to assemblies. It seems to me unlikely that it was ever applied to the payment of dues. Συμβάλλειν, συμβολή are more appropriate to the context; see LSJ s. *vv*.

λάκσιον is pretty certainly a derivative of λῆξις, "balloting". It may be guessed that from time to time, perhaps at the approach of great festivals, members supplemented the income to the *andrēion* from regular dues by casting lots to determine who should pay a special surcharge. (It may be relevant to compare the ἔπαικλα imposed in various ways on members of the Lacedaemonian dining halls; see Athenaeus, *Deipnosophistae* IV. 140c—141e).

#### B. 16—17

ἡμεν δὲ τὰ θιήια τ[ῶι πρειγ]ίστωι. J-MD's interpretation of this section is to me attractive. Cf. *IC* III. 7,23 (Hierapytna) βουλῆς πρήγιστος; *IC* IV. 80,11 and 184,13 (Gortyn).

If, as J-MD suggest, the sentence has been added to a text that had stopped at δόμεν, it is not easy to discover why this should have been done. The connective may indicate a change of subject-matter, but it also suggests that the new sentence is meant to follow logically on what precedes. As far as a modern reader is concerned, it must be taken as an integral part of the decree.

Its purpose may be to limit the perquisites due to the Reeve. We already know from A. 21—22, B. 1 and 3—6 that the Reeve was entitled as custodian of τὰ δαμόσια, to share portions of sacrificial meat with the senior Kosmos, and to receive temple-dues on his own account. It might have been argued that, as the holder of an exceptionally privileged office, he was entitled to receive similar portions of animals sacrificed at the *andrēion*. This final sentence may have been put in to baulk any such claim. Within the walls of the *andrēion*, responsibility for τὰ θιήια—no doubt including sacrificial knives and vessels, as well as the animals sacrificed—would belong to the senior Elder. Possibly this did not exclude the Reeve altogether; but it would limit his rights in this direction to times when he happened to be senior in age or duration of membership.

#### A Note on the *Prytaneia* of Crete

In Crete, as elsewhere in Greece, each city had a central hall where the senior magistrates and councillors dined and where they entertained citizens who had won distinction, in war and statesmanship or the like, and

strangers, such as ambassadors, who were guests of the city. Inscriptions show that in the third and second centuries this place was generally called the *prytaneion*; for references see Willetts, *Aristocratic Society in Ancient Crete*, London 1955, 198—199.

As the centre of public hospitality, the *prytaneion* was the hearth of the city, worshipped as the goddess Hestia. Guests are sometimes called not to the *prytaneion* but ἐς τὸ πρυτανήιον ἐς τὰν κοινὰν ἐστίαν or simply ἐς τὰν κοινὰν ἐστίαν. These formulae are not confined to Crete; cf. *GDI* 215,48 (Mitylene, 2nd century) and see LSJ s. v. ἐστία 4. A text from Lato (*IC* I xvi. 5,31) and another from Malla (*IC* I xix. 3, A38) confirm that the Kosmoi dined in the *prytaneion*.

In one inscription of Hierapytna (*IC* III iii. 3) reference is made to an ἀρχεῖον (B4). This is the administrative headquarters of the Kosmoi (cf. *IC* III iii. 4, 37 and 69) and is to be distinguished from the *prytaneion* to which envoys are invited (*ibid.* C14—15). So, at Sparta, the *archeia* of the ephors and other magistracies faced the market-place and adjoined the council-house, as well as the meeting-place of the little assembly and the Skias: cf. Pausanias iii. 11,2; 12,4.

At Lato, and also at Olous, there was a building called Εὐνομία. It was occupied in each case by a legal or administrative body and was quite separate from the *prytaneion*. See Guarducci on *IC* I xvi. 5,3; 24,2.

The term *prytaneion* may have been native to Crete, but it is not recorded there before the third century. It had long been used in cities of the islands and on the Ionian coast and, as we have seen, was sometimes associated there with Hestia. The form ἀρχεῖον, which appears in Crete about the same time, is probably of Ionic origin, and it was then that βουλή and δῆμος, or their Cretan equivalents, and ἐκκλησία began to make their way into the official jargon of Cretan cities. We shall find presently, moreover, that the central hall was known in earlier times, at least occasionally, by another name. Accordingly I am inclined to regard *prytaneion* as a word introduced to Crete at the beginning of the Hellenistic period.

One text from Axos, fragmentary as it is, contains enough to prove that in the late sixth or early fifth century *andreion* could be used not only of the mess-halls of *betaireiai* in the city but also of the central hall; cf. *IC* II v. 1, 14—15 ... τῶν δ' ἄλὼν|πάντων ἀτέλειαν καὶ τροπὰν ἰν ἀντρογίῳ ... It is also possible that a fifth century inscription from Gortyn (*IC* IV 4,4 ἰν ἀνδρογίῳ) offers an example of the same usage; see Guarducci's note on 1.4. And now from Dattalla we

have Spensitheos, apparently holder of an inherited office and certainly the partner of Kosmoi in the supervision of public affairs, introduced to an *andreion* under special conditions. It seems to me that the *andreion* here must be the city-hall and that the use of ἀνδρήιον in this sense must have been wide-spread in the fifth century. *Prytaneion* may have been adopted in the end to distinguish the central institution from the rest.

Dosiadas, who may have written in the first half of the third century, described the *andreia* in the fourth book of his work on Crete (Athenaeus, *Deipnosophistae* IV. 22, 143a—d = FGH 458 F2 Jacoby). The first part of his account (143a οἱ δὲ Λύττιοι... b καλοῦσι δε ταύτας (sc. ἐταιρίας) ἀνδρεῖα) deals with the supply of food to the small messes. Each member contributes a tithe of his crops for his own *betaireia* and also (another tithe?) for the public levy—there is some doubt about the text here—which the magistrates in turn distribute to the ‘houses’ of the *betaireiai*. Each slave pays a tax of one Aeginetan stater for the same purpose. The currency seems to indicate that the information comes from the fourth century at the latest. The term ‘slaves’ as applied to Cretan society is open to more than one interpretation. Dosiadas goes on to explain how the wife of one of the members of each *betaireia* supervised the catering arrangements (143c τὴν δὲ ἐπιμέλειαν ... καλοφόρους).

What Aristotle says about supplies for the *andreia* is unfortunately impaired, like Dosiadas’s version, by a minor fault in the text. He does make it clear, however, that the food came from a general levy (*Politics* ii. 1271b, 28). Later 1272a, 17, where I prefer the reading of π<sup>3</sup>), he appears to say, “From all crops and livestock and from public (levies) and from the taxes paid by the περὶοικοι, a portion is set aside for the gods and for public services, and another for the συσσίτια.” Apart from the fact that he adds live-stock to crops, Aristotle seems to be in agreement with Dosiadas. “All crops and live-stock” will correspond to the tithe paid for the *andreia* by members of the *betaireiai*; ‘public levies’ will be the part handed over to the authorities for re-distribution; and the ‘taxes’ are the money paid by Dosiadas’s slaves. I would suppose that the food-stuffs set aside for the gods and for “public services” (τὰς κοινὰς λειτουργίας) would include rations of flour, oil, cheese etc. for the *prytaneion* and the public hearth.

It is perhaps against such a background that we should set Spensitheos’s initial contribution to the *andreion* of ten axe-weights of meat, *epeniaution* and *laxion*.

Little is known of the location and structure of city-halls in Crete. At Lato J. Demargne identified a building close to the market-place as a *prytaneion*, consisting of three chambers, ἐστιατόριον, Ἑστία and ἀρχεῖον; see *BCH* 27, 1903, 206—219. And at Dreros P. Demargne and H. van Effenterre, following a suggestion put forward by S. Marinatos, claimed that a building discovered on a hill-top at Dreros—but at some distance from the market-place—had been an *andreion*; see *BCH* 61, 1937, 7—18. The site of this building argues against its having been the *prytaneion* of the city. On the market-place and *prytaneion* at Gortyn, see Guarducci *IC* IV, *praefatio* 7—9.

It is possible that Dosiadas's account of *andreia* sheds some light on this question. From the management of the 'houses' of the *hetaireiai* at Lyktos he goes on to say (143b' εἰσὶ δὲ πανταχοῦ ... c κοιμητήριον προσαγορεύουσι). "Everywhere in Crete there are two houses for communal entertainment, one of which is called *andreion* and the other, in which they put strangers overnight, *koimeterion*". This seems to mean that every *hetaireia* throughout Crete normally had both a dining-hall in which guests dined and a guest-house in which they slept. Dosiadas's next sentence (143c κατὰ δὲ τὸν συσσιτικὸν οἶκον ... αἱ τῶν ἄλλων) runs as follows: "In the banqueting house there are set, first, two guest-tables, so called, at which sit those of the company who are guests; and then in sequence are the tables for the rest". The remainder seems to refer to a session of any *hetaireia*, with provision for the treatment of boys and old men who attend.

Athenaeus adds to his quotation from Dosiadas another from the third book of Pyrgiōn's Κρητικὰ Νομικά (IV. 22 cf. = *FGH* 467 Fl.). Neither the author nor his work are mentioned elsewhere. Pyrgiōn too speaks of the rations given to boys and orphans. He continues: "There were seats for guests and also a third table on the right as one entered the *andreia*; the third they called the table of Zeus Xenios and 'Xenia'." Here the seats for guests are obviously the two guest-tables of Dosiadas; the table of Zeus may have been an altar and smaller than the other tables or different in shape, so that Dosiadas would not include it among the places for members or guests.

It may be surprising that the *hetaireiai*, the membership of which must often have been quite small, should have kept two tables for guests. It is perhaps curious too that bodies which were by nature exclusive should have laid such stress on the worship of hospitality. Yet it would be wrong to question the reliability on a matter of this kind of the only two writers who offer detailed accounts of procedure

in the *andreia*. We cannot say that their information on the συσσιτικός οἶκος and on Zeus Xenios and the two guest-tables really belongs to the *prytaneion*. What *can* be inferred from their statements is that the provision for strangers in the smaller *andreia* must have been copied quite closely from the design and furnishing of the city-hall.

For an account of the Cretan *andreia* derived from Ephorus, see Strabo x. 4, 16—20 C 480—483 = *FGH* 70.149 Jacoby.