

THE MEANING AND ETYMOLOGY OF ΠΟΙΝΙΚΑΣΤΑΣ

The meaning of 'scribe' for ποινικαστάς, which was proposed by the first editors of the Spensithios inscription and has been generally accepted, is called into question by Professor A. J. Beattie in his detailed study of the text.¹ He finds both morphological and semantic difficulties in the way of an etymological connection with φοινικήια 'letters', and he regards the meaning 'scribe' as inappropriate for Spensithios in the context of the inscription as a whole. Instead he proposes the meaning of 'judge', connecting the word with ποινή.

We take the linguistic problems first. Beattie writes (p. 27) that "a morphological gap separates ποινικάζεν both from Φοῖνιξ, φοινικήιος and from φοίνιος, φοινίσσειν, φοινίκεος. Derivation from Φοῖνιξ or from φοινίσσω should yield φοινικίζω, not φοινικάζω." Unfortunately he does not substantiate this argument with references or examples, and the parallel case of φρίξ, φρίσσω and φρικάζω (with φρικασμός), never *φρικήζω, would appear to contradict his statement. It is clear from Debrunner's discussion (Wortbildung, 118—20) that denominative -άζω verbs are formed from all kinds of stems: he points out that the most satisfactory etymology for the -άζω suffix is from *-αδ-ι- in such forms as λιθάζειν (from λιθάς, -άδος), or from *-ατ-ι- by way of *-αδ-ι- in the type ὀνομάζειν (from ὄνομα, -ατος); analogical extension gives rise to many

¹ 'Some notes on the Spensitheos decree', *Kadmos* 14, 1975, 8—47, esp. 25—30 but also 12, 22, 23, 31, 32 and 38f. The other key references are the *editio princeps* by L. H. Jeffery and A. Morpurgo-Davies in *Kadmos* 9, 1970, 118—54 (hereafter abbreviated as J-MD); A. E. Raubitschek, *ibid.* 155f. and in H. Hoffmann, *Early Cretan Armorers*, 1972, 47—9; P. Chantraine, *Studi di Classica* 14, 1972, 7—15, esp. 12—15; R. F. Willetts, *Kadmos* 11, 1972, 96—8; R. Merkelbach, *Zeitschr. f. Papyrol. und Epigr.* 9, 1972, 102f.; F. Gschnitzer, *ibid.* 13, 1974, 265—75; H. van Effenterre, *BCH* 97, 1973, 31—46; J. Boardman, reviewing Hoffmann and Raubitschek, *CR* 25, 1975, 114f.; G. P. and R. B. Edwards, 'Red letters and Phoenician writing', *Kadmos* 13, 1974, 48—57 (hereafter abbreviated as RLPW).

-άζω verbs from a-stems, like αἰχμάζειν (from αἰχμή); o-, i-, u-, and consonant-stems commonly give rise to verbs in -ίζειν rather than -άζειν, but examples of the latter are by no means lacking. It happens that Debrunner mentions none from k-stems, but we may add to φρικάζω, already noted, such forms as ἄμπυκάζω, μηρυκάζω and σαρκάζω beside ἄμπυξ, μήρυξ and σάρξ. It must be concluded that the formation in -άζω provides no good reason for rejecting the possibility of a connection between ποινικάζω and φοῖνιξ, even though φοινικίζω, 'to behave in the Phoenician manner', is known elsewhere in Greek.² The attestation of the patronymic Φοινικάδης in 5th century Euboean³ beside Φοινικίδης in later Greek offers further evidence that a separation of ποινικάζω from φοῖνιξ and its associated words is unnecessary.

What appears to be a more substantial objection to the etymology from φοῖνιξ can be raised on semantic grounds. If ποινικάζω is formed directly from Φοῖνιξ it should mean something like 'behave as a Phoenician';⁴ if it is from Φοινίκη (cf. J-MD 133) it should mean 'act as in Phoenicia' (so Beattie 27). Neither of these meanings leads readily to the idea of 'to write Phoenician letters'.⁵ It was to meet this difficulty that in our earlier article we offered an explanation invoking the neuter plural φοινικικά (= φοινικήια) giving ποινικάζω through

² Such doublets are numerous, and it seems impossible to determine what conditions caused one form to be preferred to the other. Thus σαρκάζω occurs more frequently than σαρκίζω, but both are attested in the 5th century B.C.; μηρυκάζω is found in Aristotle and Theophrastus, but μηρυκίζω in Galen; both νοσάζω and νοσίζω are used in Aristotle.

³ IG XII. 9, 56 no. 416, one of a set of over 400 lead tabellae, another of which has the name Φοῖνιξ (417); several other such pairs occur in the set, e.g. Διδῶν and Διδωνίδης (85—7), Μελάνθιος and Μελανθιάδης (270—3). These inscriptions are dated to c. 475? by Jeffery, *Local Scripts* 88 no. 26. For the parallelism of patronymics in -ίδης/-άδης/-ιάδης with the -ίζω/-άζω/-ιάζω verbs see Buck and Petersen, *Reverse Index of Greek Nouns and Adjectives* 442.

⁴ See RLPW 50 and Chantraine 13; this seems to us to be the only argument of any weight which Chantraine put against the 'Phoenician' explanation of ποινικάζω: see our remarks in RLPW 56f.

⁵ They are not however impossible etymologies: an explanation from Φοινίκη or Φοῖνιξ only requires us to suppose that alphabetic writing was, for a short period at least, regarded by some Greeks as an accomplishment peculiar to or characteristic of Phoenicia or Phoenicians: cf. RLPW 55f.; Raubitschek 155 and in Hoffmann 49; Boardman 115. Even so, a development by way of the denominative adjective seems more plausible, being suggested not only by φοινικήια but also by more general considerations: cf. in English 'Arabic' numerals, 'Italic' printing types, the latter giving rise to the noun 'italics' and the verb 'italicise'.

haplology by way either of *φοινικικάζω or of *φοινικά (RLPW 51). While there is doubt about the existence of an expression τὰ φοινικά meaning 'letters' (so Beattie 27, though see below), the possibility remains of φοινικάζω having arisen from *φοινικικάζω; since there is ample evidence for the adjective Φοινικικά being applied to letters and for the neuter plural φοινικήια serving as a noun meaning 'letters' (RLPW 51 n. 6 and 57). Is there any objection to this etymology on morphological grounds?

The formation of -άζω verbs from o-stems is said by Debrunner (Wortbildung 119f.) to be rare in comparison with examples from a-stems, but instances do occur as early as Homer (ἐτοιμάζω, ισάζω, ἱππάζομαι), and there are a good many examples attested by the 5th century, e.g. γυμνάζω and νεάζω in Aeschylus, δοκιμάζω in Herodotus and Thucydides. All these, it is true, are from o-stem nouns or adjectives in -ος rather than from neuter plural nouns in -α, but the distinction is often a fine one: who can say whether an ancient Greek speaker regarded ἱεράζω as meaning 'to be ἱερός' or 'to do ἱερά'? The verbs ἀκρωτηριάζω, found in Herodotus (III. 59) in the sense 'to cut off the ἀκρωτήρια' (of ships), and θεσμοφοριάζω, 'to attend the θεσμοφόρια' in Aristophanes, provide examples from the 5th century of such verbs being formed from neuter plurals. Certainly if a word φοινικά were known to have existed, like φοινικήια, with the sense of 'letters', there would appear to be no serious obstacle to understanding ποινικάζω as meaning 'to do letters', 'to write', and ποινικαστάς as 'scribe'.

The existence of a form Φοινικός 'Phoenician' is not generally recognised in the dictionaries or elsewhere, but a considerable amount of evidence for it can be found and has been set out at length in another article.⁶ The main evidence is the attestation in MSS. of Φοινικός itself, sometimes as a variant for Φοινικικός (less frequently for Φοινικήιος) and sometimes as the only reading transmitted for a particular text. The form occurs in well over forty passages of about twenty-five different authors from Herodotus onwards, and the MSS. concerned range in date from the 10th to the 16th centuries. This large number of instances, written over a period of several hundred years, suggests that Φοινικός is not merely a haplographical error for Φοινικικός, as is widely supposed in the lexica, but a genuinely haplogological form which might go back to classical times. The Aristophanean

⁶ G. P. Edwards, 'Φοινικός (= *Punicus*): a neglected lemma?', forthcoming in CQ 27, 1977; cf. RLPW 51 n. 7.

form Μοσσυνικός beside the expected Μοσσυνοικικός, and the early Latin *Poenicus* (from which *Poenus*, not otherwise satisfactorily explained, could have arisen as a back-formation), provide some indirect support for the possible existence of an adjective Φοινικός in classical and early Hellenistic Greek.

With regard to Beattie's argument (p. 27) that no expression τὰ φοινικά meaning either 'Phoenician characters' or letters 'painted in red' is known, we would draw special attention to the appearance of φοινικός in the context of 'letters' at the following places:

(a) Anonymous author in Codex Vat. Graec. 711, f. 97 (saec. xiv): χρή εἰδέναι ὅτι πρότερον οἱ Ἕλληνες φοινικοῖς ἐχρῶντο γράμμασιν (see R. Devreesse, *Codices Vaticani Graeci* III, 1950, 197; the passage is conveniently transcribed *in extenso* by E. L. von Leutsch in his notes on Apostolius Cent. XVII. 89 in *Corpus Paroemiographorum Graecorum* II, 1851, 713). The word πρότερον here contrasts with the subsequent (ὕστερον) invention of the Greek alphabet, in several stages, by Palamedes and others.⁷

(b) Diodorus Siculus V. 58. 3 (the subject is a bronze cauldron which Kadmos dedicated to Athena Lindia on the island of Rhodes): οὗτος δ' εἶχεν ἐπιγραφὴν Φοινικικοῖς γράμμασιν, ἃ φασὶ πρῶτον ἐκ Φοινίκης εἰς τὴν Ἑλλάδα κομισθῆναι. So Vogel's Teubner text, but he notes φοινικοῖς as the reading of all the MSS. (earliest is saec. xi); cf. Wesseling's edition (Amsterdam, 1746) where Φοινικοῖς is kept in the text, with Φοινικικοῖς noted as a conjecture of Scaliger.⁸

(c) Georgius Cedrenus, *Historiarum Compendium* 19C (ed. Bekker, *Corpus Script. Hist. Byzant.*, 1838, I p. 35; Migne, *Patrol. Gr.-Lat.* vol. 121, 1894, col. 61): Φοῖνιξ δὲ ὁ υἱὸς τοῦ Ἀγήνορος ἀνὴρ ἐγένετο σοφὸς, ὃς συνεγράψατο Φοινικοῖς γράμμασι τὴν ἀριθμητικὴν φιλοσοφίαν. No variant.

(d) Schol. Vat. in Dionys. Thrac. *Artem Gram.* 6 (ed. Hilgard, *Gram.*

⁷ For this 'Theory of Division' which is found in many writers, see Jeffery in *Europa, Festschrift Grumach* 1967, 155, and her nn. 10 and 12 ad fin. for the particular variant followed here.

⁸ The reading φοινικοῖς appears to account for the additional phrase τὰ καλούμενα φοινικικά found in some MSS. (see Vogel's apparatus) after κομισθῆναι — a "manifestum grammatici interpretamentum" (so Wesseling ad loc.) which would be rather pointless in conjunction with a reading Φοινικικοῖς. The possible ambiguity of the Greek form in a context such as this, as well as the ambiguous Latin *punicus*, may have been a factor giving rise to the medieval tradition in which the letters of Kadmos were thought of as being simultaneously both 'Phoenician' and 'red' (see RLPW 53f.).

Graec. I. iii p. 184 line 20): Φοινίκηια δὲ τὰ γράμματα ἐλέγοντο, ὥς φησιν Ἐφορος ὁ Κυμαῖος καὶ Ἡρόδοτος, ἐπεὶ Φοίνικες εὗρον αὐτά. So Hilgard's text; his apparatus says "Φοινίκηια b, φοινικὰ CΣ¹", i.e. he follows Bekker (*Anecd. Gr.* II, 1816, 782) in reading Φοινίκηια whereas φοινικὰ is what stands in the MS. (cod. Vat. Graec. 14, saec. xiii) and in the MSS. of Schol. Lond. which run parallel to Schol. Vat. in this section (cf. Hilgard p. 483 and the references in his *Explicatio Siglorum* pp. L-LI). This reference is especially remarkable since the context concerns the Phoenician origin of letters itself as the reason for the Greek name: it would be hard indeed to get closer than this to an expression τὰ φοινικά meaning 'Phoenician characters'.

It is true that divergent views have been expressed about the way in which φοινικ- came to be connected with letters (Chantraine 12—15; RLPW 48f., 56f.), and this is adduced by Beattie (p. 27) as a reason for doubting the whole connection of ποινικάζω with writing. But the attestation in the 5th century of φοινικήια 'letters', to which exactly the same doubt would apply, seems to us to deprive this argument of whatever force it might otherwise have had.

What then of Beattie's counter-suggestion, explaining ποινικάζω and ποινικαστάς as being etymologically connected with ποινή? There can be no doubt that the -ικ- syllable is a major stumbling-block here, and the resort to hypothetical *ποινικαῖ δίκαι, though ingenious, does little to help matters. Beattie indeed concedes (p. 28) that the absence of any evidence for an adjective *ποινικός in ancient Greek is a difficulty in the way of his hypothesis, and he appeals to the form ποινίξασθαι attested at Mantinea (IG V. 2, 261. 14) as supporting his theory that an -ικ- suffix might have been used with the stem of ποινή; but this extension of the -ξ- aorist from velar stems to other verbs in -ίζω is a widespread phenomenon, especially in West Greek dialects (C. D. Buck, *The Greek Dialects* ed. 3, 115f.; Thumb-Kieckers, *Handbuch der gr. Dial.* I. 73); the -ικ- in ποινίξασθαι is merely part of the aorist formation where -ίζω forms the present, and it does not suggest the existence of an adjective *ποινικός, any more than the Thera δειπνίξεν (δειπνίζω) would suggest a *δειπνικός, or Hesiod's φημίξουσι (φημίζω) a form *φημικός. On grounds of sense also Beattie's *ποινικαῖ δίκαι with *ποινικός "specifying the nature or amount of the penalties imposed by a court" (his p. 28) must fail to carry conviction: it seems highly improbable that a relatively small community (cf. his p. 29) would specialise their administration of justice to this degree, and still less likely that, having appointed a special judge

to deal with these cases, they should make this appointment a hereditary one. The precise interpretation of *ποινή* in this context raises other problems: Beattie takes it in its narrow sense of 'blood-money', so that the verb *ποινικάζω* might mean "deal with cases involving blood-shed", "deal with capital crimes" (his p. 28); but in his later discussion (p. 30), in the light of what is known of ancient legal practice generally and because of the particular reference in lines A.4—7 of the Spensithios inscription to τὰ δαμόσια τὰ τε θιῖα καὶ τὰνθρώπινα, he has to modify this interpretation very substantially, conceding that homicide cases would remain with the Council, leaving the *ποινικαστάς* to be concerned with "serious acts of impiety" and "serious offences against the state". All this seems to enfeeble the argument for an etymology from *ποινή* even further.

This brings us to the more general arguments put forward in favour of the meaning 'judge' or 'Reeve' rather than 'scribe'. These turn chiefly upon the rôle and status of the *ποινικαστάς* as far as they can be deduced from the inscription, and rest in particular upon the evident prestige of the office as indicated by its emoluments and also its possible ancient and hereditary nature (Beattie 22f. on A.2, 25f. on A.4). But the honours accorded to Spensithios are perfectly consistent with the interpretation of *ποινικαστάς* as 'scribe', as analogies from ancient Babylon, Egypt and Israel show (e.g. C. J. Gadd, *Camb. Anc. Hist.* ed. 3, II. 1, 1973, 211; W. C. Hayes, *ibid.* 363). Thus the Hebrew scribe (*sōphēr*, LXX γραμματεὺς) appears in the Old Testament as an important official, concerned not only with writing and the charge of documents but also with matters of state; and he is often mentioned along with another official, the recorder (*mazkîr*, i.e. 'he who causes to remember', LXX ἀναμνήσκων, ὑπομνήσκων or ὑπομνηματογράφος). The parallel between these two offices and those of Spensithios, who is appointed to the double task of *ποινικάζεν τε καὶ μναμονεύειν*, is striking. These men clearly ranked high in the king's court, a point brought out rather amusingly by comparing the (1611) Authorised Version's "Shebna the scribe and Joah the recorder" with the (1970) New English Bible's grandiloquent "Shebna the adjutant-general and Joah the secretary of state" (II Kings 18.18; Isaiah 36.3). It commonly happens that scribal offices acquire increasingly important responsibilities and enhanced status while still retaining their 'scribal' name: for example the *Notary* (Lat. *notarius*) began as an ordinary clerk, but in the later Middle Ages became "an official of considerable standing and dignity" (H. C. Lea, *History of the*

Inquisition, rev. ed. 1908, I p. 377) and now plays a prominent part in the administration of civil law in Scotland and many other countries in Europe and elsewhere. Similarly the English *Recorder*, whose name presents a close analogy with that of μνάμων, was originally appointed by the mayor and aldermen in a city or borough "to 'record' or keep in mind the proceedings of their courts and the customs of the city, his oral statement of these being taken as the highest evidence of fact" (Ox. Eng. Dict. s.v.), but his title came to be used for the sole judge of criminal cases tried before the Borough Quarter Sessions.

As to the hereditary nature of Spensithios's office (cf. Beattie 23), we would point out that (a) similar practices are attested in the contemporary Near East: compare for example B. Porten's comments on the scribal profession passing from father to son among the Jews resident at Elephantine in Egypt in the 5th century B.C. and on the occurrence of four scribes in five generations in the archives of one family from Egyptian Thebes (Archives from Elephantine, 1968, 237 n. 7; 192 n. 16); (b) the idea of a whole family whose names are linked with the office is inferred by Beattie solely from the etymology of Spensithios's own name, which may be purely coincidental; (c) not all inherited offices go back to a remote period: they all have to begin some time, and while the Spensithios inscription refers to the succession of his sons, it is quite possible that Spensithios himself was the first holder of a new office (cf. J-MD 150, where they assume that this is so, and Willetts, *Kadmos* 11, 1972, 96f.); (d) if on the other hand the office is an old one—and there would surely have been sufficient time for such a hereditary office to have become established in the interval of two centuries or more between the introduction of the alphabet to Crete and Spensithios's appointment—it is still possible that the privileges accorded to Spensithios as holder of it are new, reflecting the office's increasing importance.

Three other arguments put forward by Beattie must be briefly discussed:

(1) He suggests (p. 27) that ποινικάζω and ποινικαστάς belong with "a series of legal and political terms with the same endings" which he then lists, including such groups as ἐκκλησία, ἐκκλησιάζω, ἐκκλησιαστής and ἐξετάζω, ἐξεταστής. We doubt whether this argument from terminology can carry much weight, since it is possible to compile similar lists from quite different fields of activity, e.g. for athletics: γυμνός, γυμνάζω, γυμναστής; Ἴσθμια, Ἴσθμιάζω, Ἴσθμιαστής; παγκράτιον, παγκρατιάζω, παγκρατιαστής; or

for miscellaneous personal occupations of a general kind: ἀγορά, ἀγοράζω, ἀγοραστής; ἐγκώμιον, ἐγκωμιάζω, ἐγκωμιαστής; ἔργον, ἐργάζομαι, ἐργαστής. Spensithios's appointment obviously falls within the general sphere of public administration, and to that extent may be said to belong with Beattie's group of 'legal and political' terms. But this would apply just as much to a 'scribe' as to a 'judge'. Indeed, if we follow Beattie's understanding of πόλις in the inscription as a Council within the community of the Dataleis (his pp. 11—21), the meaning of ποινικάζεν πόλι in lines A.4—6 would be to act not so much as 'Stadtsschreiber' (so Gschnitzer 266 and *passim*) but rather as 'Ratsschreiber', and the office would correspond, *mutatis mutandis*, to that of γραμματεὺς τῆς βουλῆς or γροφεὺς (τᾶς) βωλᾶς attested elsewhere.⁹ This seems to us an extremely attractive interpretation.

(2) He implies (p. 12) that the use of the first person ἐσπένσαμες in A.1 is inconsistent with the notion of the ποινικαστάς as drafter of the document. But it is common practice for the secretary of a committee or of any organization, in drafting official minutes or resolutions, to refer to the corporate body in the first person plural ('We resolve...'), and to himself as 'the Secretary'. The inscription on this mitra is a document of the Polis recording a public decision, not a private or personal statement by an individual. In any case, it could easily have been drafted by a subordinate official or by the predecessor of Spensithios in office rather than by Spensithios himself.

(3) He seeks to support his interpretation of ποινικαστάς as 'judge' by referring (p. 29) to the apparent association of the word ποινικα-[στᾶι] with a judicial context in the fragmentary Eleutherna decree (IC II. xii. 11, 3f.). But even if it is granted that this restoration of the reading is correct, it would hardly be surprising to find a 'scribe' in the context of a lawcourt.¹⁰ The decree is too fragmentary to provide any indication of what his precise rôle was, but even if it were concerned, as Beattie assumes, with "the substance of the law" rather than with recording, this might still be quite consistent with the developed rôle of a Scribe or Recorder, as we have seen in other situations.

⁹ Busolt, *Griechische Staatskunde* I, 1920, 478—80; Schulthess in Pauly-Wissowa, RE VII, 1912, 1710ff., esp. 1720—2, 1763—5.

¹⁰ For γραμματεῖς in association with judges see Schulthess in RE VII, 1740—3 on 'der Gerichtsschreiber'. For the rôle of the Cretan μνάμων in the lawcourts see Busolt, *Gr. Staatsk.* I, 368 and Willetts, *The Law Code of Gortyn*, 1967, 74.

It seems to us that the general nature of Spensithios's appointment is reasonably clear. He is appointed simultaneously as ποινικαστάς and μνάμων for the πόλις, to deal with "public affairs both sacred and secular". When Beattie discusses the twofold nature of this office, he rightly notes that in the phrase ποινικάζεν τε καὶ μναμονεύῃην the two terms "may be synonymous (or nearly so) or they may be different in meaning but complementary to each other" (p. 26). He opts for the second of these alternatives; but several considerations suggest that the first interpretation, taking the words as near-synonyms, is more likely to be right.

First, there is the occurrence elsewhere within this relatively short inscription of other pairs of words which appear to be nearly synonymous: ἐπαίροι τε καὶ κέλοιτο, παρῆμεν καὶ συνῆμεν; cf. van Effenterre 38, where he refers to all three phrases as "expressions redoublées qui peuvent être des hendiadys". Secondly, there is the fact that while Spensithios is appointed to the double task ποινικάζεν τε καὶ μναμονεύῃην, he is referred to throughout simply as ὁ ποινικαστάς. This strongly suggests that the office of the μνάμων was so closely related to that of the ποινικαστάς that the one could be embraced by the other and included under the same title. Now the work of the μνάμων was originally to 'remember', and thus to record without the aid of writing, the laws and decisions of a community — to be, as it were, a 'lebendiges Archiv' of its affairs.¹¹ It is very easy to see how, after the introduction of writing and its extension to various spheres, it should be felt necessary to commit official decisions, laws, decrees and the like, to the more permanent medium of inscribed letters, with the result that gradually the need for an oral Remembrancer or Recorder would decline. Thus the old office of μνάμων might easily be subsumed in the more novel office of Scribe.¹² Μνάμων and ποινικαστάς would then represent a single rôle in the community, though the words would not be strictly synonymous, the first involving oral record, the second written.

Finally we must consider what light is shed on the work of the ποινικαστάς by side B of the mitra. The arrangements concerning

¹¹ Busolt, Gr. Staatsk. I, 488, taking up the expression 'archives vivantes' of Dareste (et al.), Recueil des inscriptions juridiques grecques I, 1895, 7, cf. 431. On this aspect of the rôle of the Cretan μνάμων see also Willetts, loc. cit. in n. 10.

¹² So J-MD 150; Willetts, Kadmos 11, 1972, 96; cf. "Das ganze Kollegium (sc. of Kosmoi) hatte seinen Mnamon, an dessen Stelle in späterer Zeit ein Grammateus trat" (Busolt-Svoboda, Gr. Staatsk. II, 1926, 749).

priestly duties and perquisites mentioned in B.4—6 might well appear to fit the office of a Secretary to the Polis more appropriately than that of a Judge. Beattie does not discuss this, but he does imply that in lines B.7—9 there is another reference to Spensithios's work as a 'judge'. The whole passage is difficult and line 8 obscure enough for the original editors to leave it untranslated. Beattie renders it: "Legal action shall be by whichever procedure the Reeve may decide", and notes that "we are concerned here with the court where the Reeve himself sits as judge" (pp. 10, 38). But even following Beattie's restoration and translation of the text, there is nothing here to suggest more than that Spensithios was to have the right or responsibility of deciding the order of procedure in court — a task fully consistent with the office of Scribe, Clerk or Secretary to the community or to the controlling group within it: compare Willetts's comment cited by Beattie (p. 39) and the rather different interpretations of other scholars (van Effenterre 33, 43—6, Merkelbach 103, and especially Gschnitzer 271—4). The sentence immediately following (B.9—11), which is paragraphed together with B.7—9 in Beattie's translation, is even more full of obscurities (see J-MD 143), but his own rendering of it — "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" (p. 10) — would suggest that this part of the text is concerned with legal rights belonging to the *ποινικαστάς* himself. The almost contemporary inscription on a bronze plaque from Olympia containing a decree of the Eleans about "(? Πατρίας) ὁ γροφεύς" is likewise evidently concerned with defining the scribe's legal position, even though many details in its interpretation remain obscure.¹³

We conclude that the case for an etymology from *ποινή* giving 'judge' as the meaning of *ποινικαστάς* is to be rejected, and that the word should be understood as 'scribe' both for etymological reasons and because this sense, together with the meaning of 'to write', 'to be a scribe' for the verb *ποινικάζεν*, is fully consistent with the context in which the words are used in the inscription. It is not thereby suggested that Spensithios was being appointed as a 'mere clerk': indeed, it appears that, for the purposes of this document at least, the title of *ποινικαστάς* had almost eclipsed the ancient and honoured name of *μνάμων* well-known elsewhere in Crete.

¹³ Schwyzler, *Dial. Graec. Exempla*, no. 409; Buck, *Greek Dialects* ed. 3, no. 61; Jeffery, *Local Scripts*, pl. 43 no. 15 and pp. 218—20, esp. 218 n. 5 on the interpretation and date.