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THE SPENSITHIOS DECREE AND ARCHAIC CRETAN CIVIL STATUS

aus: Zeitschrift für Papyrologie und Epigraphik 74 (1988) 159–165

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## THE SPENSITHIOS DECREE AND ARCHAIC CRETAN CIVIL STATUS\*

The publication in 1970 of an archaic Cretan mitra has provided a wealth of new information about archaic Cretan society and institutions. The bronze mitra which in its original form is slightly curved (it was a piece of body armor intended to protect the groin) had been flattened out to serve as a pinakion. Small holes in the corners show how it was hung up for display.<sup>1</sup> Inscribed on the mitra is a decree naming one Spensithios scribe and remembrancer for a polis. The name and precise location of the decree's polis are not known, but L.H.Jeffery and A.Morpurgo-Davies in the *editio princeps* ascribe the inscription to the Lyttos-Afrati region in central Crete, and dated it to ca. 500 B.C. on epigraphic and linguistic grounds.<sup>2</sup> The inscription is of great importance for a number of reasons. It is the earliest record of the creation of high technical office in a greek polis. It also provides invaluable information about the traditional Doric *syssition* system of communal citizen dining as it existed in Crete during the archaic period (as opposed to the later times about which Aristotle writes in the *Politics*). The decree specifies that the office of scribe and remembrancer is to be hereditary to Spensithios and his sons, and it delineates the responsibilities and benefits of that office.

Judging from this job description, Spensithios' status in the polis must have been relatively high; he was involved in the social and political institutions which formed the cornerstone of Cretan society.<sup>3</sup> The question of Spensithios' citizenship naturally arises, and scholarly opinion has been divided. This aspect of the text has already received some attention in the studies of Jeffery and Morpurgo-Davies, Van Effenterre, et al. Jeffery and Morpurgo-Davies in the *editio princeps* posit that Spensithios was a citizen and cite his participation in the *kosmos* and *andreion*, the fact that his sons are *dromeis* (a term reserved for citizens), his priestly duties, and the lack of mention of any initiation into a tribe

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\* This work grew out of the Greek Epigraphy seminar at Brown University with Professor Alan Boegehold in 1987. I wish to thank Professor Boegehold for his suggestions and criticisms. Thanks are also due Professor Charles Fornara who read a copy of this article in draft form. Needless to say, all faults are my own.

<sup>1</sup> L.H.Jeffery and A.Morpurgo-Davies, "ΠΟΝΙΚΑΣΤΑΣ AND ΠΟΙΝΙΚΑΖΕΝ: BM 1969.4-2.1, A New Archaic Inscription from Crete," *Kadmos* IX (1970), pp. 119-120.

<sup>2</sup> *ibid.*, p.122.

<sup>3</sup> see *infra*.

or *startos*.<sup>4</sup> Van Effenterre, however, has argued against the thesis that Spensithios was a citizen, saying that the privileges and goods granted - particularly the *ateleia* and *trophe* - are like those granted specialized 'foreign' workers in Cretan inscriptions.<sup>5</sup> Clearly, however, Spensithios' specific privileges and duties bespeak for him a higher standing in the community than that of many of the aforementioned 'foreign' workers, and Van Effenterre explains this higher status by arguing that the benefits and honors accorded Spensithios constitute de facto citizenship.<sup>6</sup>

There has not, however been any discussion of certain evidence that I believe to be relevant to the question of Spensithios' civil status. I use the term "civil status" because I believe that "citizenship" is not sufficiently expressive of the varying degrees of participation in the *politeia* possible in the greek world as attested in Athens, for example, by the terms *thes*, *hippeus*, *metoikos*, etc., and in Crete by the terms *hetairos*, *apetairos oikeus*, etc. The issue is further complicated by the fact that in both the Dorian and Ionian world citizens could lose some or all of their rights and participation in the franchise due to the debt or other misfortune or malfeasance.<sup>7</sup> In this paper, I shall review the arguments to date about Spensithios' citizenship and make further refinements concerning his civil status in light of comparanda not previously cited in this context. An examination of this new evidence with the old may clarify for us the full intentions of the polis in drafting and publishing the decree, and add to our knowledge of archaic Cretan society and ancient Greek notions of citizenship in general.

Jeffery and Morpurgo-Davies' argument in favour of citizenship for Spensithios is convincing, yet the alternative is not so clear-cut as the scholarly debate might indicate. Archaic Cretan society was highly stratified, and there were many people in it who were not full citizens and yet were neither serfs, slaves, nor foreigners. These *apetairoi* were not members of *hetaireiai* (or phartries) and consequently did not belong to an *andreion* (or communal dining hall) or enjoy full political rights or responsibilities.<sup>8</sup> Our inscription makes it clear that in this early period members handed over their contributions of food

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<sup>4</sup> Jeffery and Morpurgo-Davies, op. cit., pp. 148-9. The editors are followed in their judgement by A.E.Raubitschek, apud H.Hoffmann *Early Cretan Armorers* (Mainz: 1972), pp.47-49, and R.F.Willetts, "The Cretan Inscription BM 1969.4-2.1: Further Provisional Comments," *Kadmos XI* (1972), pp.96-98.

<sup>5</sup> H.Van Effenterre, "Le Contrat de Travail du Scribe Spensithios." *Bulletin de Correspondence Hellénique* 97 (1973), pp.31-46, and "Le Statut Comparé des Travailleurs Etranges en Chypre, Crète et Autres Lieux a la Fin de l'Archaisme", *Acts of the International Archeological Symposium "The Relations Between Cyprus and Crete ca. 2.000 - 500 b.c."*, Nikosia, 1978 (Nikosia: 1979), pp.279-288.

<sup>6</sup> Van Effenterre, *BHC*, p.38.

<sup>7</sup> on *atimia* at Athens with some references to Sparta, see M.H.Hansen, *Apagoge, Endeixis and Ephegesis against Kakourgoi, Atimoi and Pheugontes: A Study in the Athenian Administration of Justice in the Fourth Century B.C.*, Odense University Classical Studies, vol.8 (Odense: 1976), ch.III.1: *Atimia*, pp.55-98.

<sup>8</sup> R.F.Willetts, *Aristocratic Society in Ancient Crete* (London: 1955), pp.22-25.

directly to the *andreion*, as was the case at Sparta; the Cretan system that Aristotle commends, whereby the food is farmed communally rather than by each member individually on his own *klaros* was a later innovation.<sup>9</sup> One of Aristotle's criticisms of the Spartan system was that if an individual could not contribute his share of food to the *andreion*, he became disenfranchised. One can infer from this new evidence that during this early period in Crete when the same system of *andreion* contribution prevailed as the one in Sparta, the consequence for those Cretans unable to provide their *andreion* contributions was disenfranchisement, just as at Sparta in later times.<sup>10</sup> As Jeffery and Morpurgo-Davies point out, the provisions outlined in our archaic Cretan decree would not make Spensithios a citizen; there is no mention of introduction into *phyle*, *startos*, or *hetaireia*.<sup>11</sup> The provisions outlined would, however, insure that he remain enfranchised and not become an *apetairos* because he could not meet his civic obligations of tax payment and *andreion* contribution; indeed, the supply of dressed meat guaranteed him by decree of the polis rendered impossible the very source of *atimia* that Aristotle criticized at Sparta.<sup>12</sup> In light of Spensithios' job description as given in the decree, it is a worth examining the civil status of others fulfilling these functions in Greek poleis. A comparison with these examples indicates the importance of the fact that Spensithios be a citizen by birth and remain fully enfranchised. This examination can add to our knowledge of class mobility and responsibility in archaic Crete.

It goes without saying that the *kosmoi*, the highest Cretan elected officials, had to be citizens. Jeffery and Murpugo-Davies stress that Spensithios is not merely appointed to perform a technical job:

He does not merely attend (παρήμεν), but also participates in (συνήμεν), all meetings of the kosmos in his capacity as secretary and he performs the functions of priesthood (in public sacrifices) for certain cults, those which were not already managed by existing priesthoods hereditary in the local families.<sup>13</sup>

If, therefore, it was necessary for Spensithios to be a *hetairos* to perform his functions with the *kosmos*, then the polis had to guarantee his tax exemption and *andreion* contribution so that he remain fully enfranchised and not become *atimos*.

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<sup>9</sup> Side B, ll.11-12: δίκαια ἐξ ἀνδρήιον δώσει δλέκα πέλεκυς κρέων. Jeffery and Morpurgo-Davies, op.cit., p.151 see Aristotle, Politics 1271a 30-31 on the Spartan system.

<sup>10</sup> Aristotle, ibid.

<sup>11</sup> Jeffery and Morpurgo-Davies, op.cit., p.149.

<sup>12</sup> for exemption from taxes (*ateleia*), see side A, 1.1-3; on *andreion* contribution, see n.5, supra.

<sup>13</sup> Jeffery and Morpurgo-Davies, op.cit., p.149.

Van Effenterre's view that *ateleia* and *trophe* (which he takes as equivalent to meals in the *andreion* rather than the foodstuffs given Spensithios annually as recorded on side A, II.11ff.)<sup>14</sup> "sont en verité les conditions concrètes de la citoyenneté" misses the point; many civic and religious rights and duties were the exclusive province of those who were born citizens.<sup>15</sup> Although not Cretan, the Athenian grant of citizenship to the Plataeans in 427 B.C. is a parallel case in point.<sup>16</sup> After Sparta and Thebes took Plataea in 427, the Athenians allowed the Plataeans that were left to relocate in Athens and passed a decree that enrolled them in demes and tribes so that they could enjoy full citizen rights. Yet even after this enrollment, they still could not serve as priests or as any of the nine archons:

ΨΗΦΙΣΜΑ ΠΕΡΙ ΠΛΑΤΑΙΩΝ: Ἴπποκράτης εἶπεν, Πλαταιέας εἶναι Ἀθηναίους ἀπὸ τῆσδε τῆς ἡμέρας, ἐπιτίμους καθάπερ οἱ ἄλλοι Ἀθηναῖοι, καὶ μετεῖναι αὐτοῖς ὧνπερ Ἀθηναίοις μέτεστι πάντων, καὶ ἱερῶν καὶ ὁσίων, πλὴν εἴ τις ἱερωσύνη ἢ τελετή ἐστὶν ἐκ γένους, μηδὲ τῶν ἐννέα ἀρχόντων, τοῖς δ' ἐκ τούτων. κατανεῖμαι δὲ τοὺς Πλαταιέας εἰς τοὺς δήμους καὶ τὰς φυλάς. ἐπειδὴν δὲ νεμηθῶσι, μὴ ἐξέστω ἔτι Ἀθηναῖω μηδενὶ γίνεσθαι Πλαταιέων, μὴ εὐρομένω παρὰ τοῦ δήμου τοῦ Ἀθηναίων.<sup>17</sup>

This law has naturally received much attention from scholars writing on Athenian citizenship, but has not to my knowledge been discussed in the context of the Spensithios decree. Even though the decree granting citizenship to the Plataeans is later than the Spensithios decree and not Doric, the character of public religion was essentially conservative in both archaic Crete and classical Athens. Both decrees deal with priestly duty in public religion. The Athenian decree prohibits the naturalized Plataeans from serving in any of the ancestral priesthods:

καὶ μετεῖναι αὐτοῖς [scil. Πλαταιεῦσι] ὧνπερ Ἀθηναίοις μέτεστι πάντων, καὶ ἱερῶν καὶ ὁσίων, πλὴν εἴ τις ἱερωσύνη ἢ τελετή ἐστὶν ἐκ γένους, κτλ.<sup>18</sup>

<sup>14</sup> μισθὸν δὲ δόμεν το ἐνιαυτο τῶι ποινι[κ] | [α]στῶι πεντή•οντά τε πρό•οος κλεύκιος κηνδυ[.]ε[.]ς ἰκατιδαρικμιοσ ἢ καρ[?] π | ὅς.

<sup>15</sup> Van Effenterre, *BHC* . p.38.

<sup>16</sup> Thucydides, III 55.5.

<sup>17</sup> Demosthenes, LIX.104.

<sup>18</sup> *supra.*, II.13-15

The Cretan decree says that Spensithios is to serve s priest in public sacrifices for any cult not having its own priest:

καὶ ὅτιμι κα θιῶι ἱαρεὺς μὴ ἰδιαλοῖ[c.1-2] θύεν τε τὰ  
δαμόσια θύματα τὸ(ν) ποινικαστὰν καὶ τὰ τεμένια ἔκεν,  
κτλ.<sup>19</sup>

In light of these similarities, it seems probable that Spensithios was a citizen of his polis by birth just as the priests in public sacrifices at Athens were. An inscription dating after 140/39 that includes the decree naturalizing one Telesias of Troezen<sup>20</sup> would seem to contradict the decree in Demosthenes. Telesias, after he became a citizen, served as priest (for an unspecified cult), an *epimeletes* of Zeus Soter, and as one of the organizers of the procession at the Dionysia. We should not, however, make inferences about the archaic Cretan polis and its scribe from phenomena of the different world of Hellenistic Athens. Osborne remarks ad loc.:

The implications of this impressive religious career are that the clauses in the law of naturalization forbidding naturalized citizens to hold the archonships or priesthoods had by the time of this decree either fallen into neglect or been repealed. This, however, is the tale that might be deduced from the other evidence. For by the 120's at the latest the ephebate had been thrown open to foreigners, and this innovation was surely connected with the transformation of naturalization from being a gift to being an automatic right for suitable candidates who desired to be Athenian.<sup>21</sup>

But what about mobility in social status in Crete itself? There is an interesting and telling provision concerning a *mnamon* in the Gortynian Law Code in the section dealing with cases involving financial obligations undertaken by persons no longer living at the time of the current suit. This passage, not mentioned heretofore in discussions of the Spensithios decree, is relevant to the question of Spensithios' civil status. The Gortynian Law Code is Cretan, approximately contemporaneous with the mitra inscription,<sup>22</sup> and this section deals with a magistrate fulfilling some of the same duties as Spensithios. This section of the code

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<sup>19</sup> side B, ll.4-6.

<sup>20</sup> IG ii 2 971

<sup>21</sup> M.J.Osborne, *Naturalization at Athens*, 4 vol., Verhandelingen van de Koninklijke Academie voor Wetenschappen, Letteren en Schone Kunsten van Belgie. (Brussels: 1981-1983), v.II, pp. 190-191.

<sup>22</sup> Willetts is inclined to follow Guarducci in dating the inscription of the code to c.480-460 B.C., R.F.Willetts, ed., *The Law Code of Gortyn, Kadmos* supp.1 (Berlin: 1967), p.8.

specifies that if the present case concerns a judgement won by the deceased, the judge and the *mnamon* from the first suit are to testify if both are living and are still citizens:

αἰ μὲν καὶ νίκας ἐπιμολεῖ, ὁ δικαστὰς κ' ὁ μνάμων, ἢ αἴ καὶ  
 δόει καὶ πολιατεύει, οἱ δὲ μαιίτυρες οἱ ἐπιβάλλοντες ...  
 ἀποπονιόντων.<sup>23</sup>

The inference is clear that citizenship was a requirement at Gortyna for the *mnamon* (the office filled in the unnamed polis of our decree by Spensithios),<sup>24</sup> and furthermore that there was need to anticipate instances where a *mnamon* would not be able to remain a citizen. Willetts in his note ad loc. remarks,

One of the two (ie; judge or remembrancer) might no longer be a citizen, having become *atimos* either through debt or other misfortune. It is worth pointing out that *atimia* is regarded, like death, as a normal hazard and can hardly therefore have been a rare occurrence.<sup>25</sup>

The exemption from taxes and the meat awarded Spensithios with the specification that it is designated for his *andreion* as a contribution are to protect Spensithios; the award also insures that the polis not lose its scribe and remembrancer. As was stated above, the meat to be given in *andreion* contribution will insure that he does not lose *andreion* membership - a corner-stone of Cretan citizenship.<sup>26</sup> As for the *ateleia*, one assumes that if as at Gortyna, non-payment of a private debt could cause a citizen to become *atimos* then non-payment of a public debt (taxes) would result in some degree of disenfranchisement as well.<sup>27</sup>

Our inscription together with the passage in the Gortyn Code bears witness to the phenomenon of downward social mobility through *atimia* in archaic Crete. Certain civic and religious functions had to be performed by citizens, and Jeffery and Morpurgo-Davies' conclusions about Spensithios' status still stand. The parallel of the Plataeans at Athens, however, indicates that a refinement of the original editor's argument may be needed: we should, perhaps, think of Spensithios as a citizen of his polis by birth, rather than imagine that the decree is in some way making him a naturalized citizen. The polis recognized the possibility that Spensithios could lose the full enfranchisement he needed in order to perform his assigned duties. Therefore, it insured that he meet the economic obligations of citizenship

<sup>23</sup> col.IX, ll.31-37, *LCG*.

<sup>24</sup> Side A, ll.4-5 list Spensithios' function as remembrancer: ὅλις καὶ πόλι τὰ δαμόσια τὰ τε θήλια καὶ τ' ἀνθρώπινα ἢ ποινικάζεν τε καὶ μναμονεῦεν·

<sup>25</sup> Willetts, *LCG*, p.74.

<sup>26</sup> see *supra*.

<sup>27</sup> *LCG* I 56- II 1



through guaranteeing him exemption from taxes and awarding him ten axes' weight of dressed meat for his *andreion* contribution. Our inscription in addition to all its other revelations also tells us more about class mobility in archaic Crete, and ancient Greek notions about citizenship.

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