



# THE ATHENIAN ASSEMBLY

In the Age of Demosthenes

*Mogens Herman Hansen*

Basil Blackwell

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## THE ATHENIAN ASSEMBLY

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# Preface

This book is a revised and slightly enlarged version of my book *Die athenische Volksversammlung im Zeitalter des Demosthenes*. Xenia 13, Konstanz 1984, which, again, is a revised and much enlarged version of my *Folkeforsamlingen. Det athenske Demokrati i 4. årh. f.Kr.*, København 1977.

Like the earlier versions in German and Danish this book is intended not only for specialists, but also for students of classics, history and political science, as well as for anyone who takes interest in the history of ancient Greece and of democracy. Thus, since many readers will have little or no knowledge of Greek, all quotations are brought in translation and all technical terms in italicized transcription. Furthermore, all the technical terms are explained in a glossary (pages 205-24). It is my hope that, with these aids, anyone interested can read my book in an armchair and get an idea of the Athenian assembly by going through the text without the notes.

The more than eight hundred endnotes, on the other hand, are primarily for the specialist who requires a full documentation and a more elaborate discussion of how I interpret the sources. Now, in the last decade I have published more than twenty articles on various aspects of the Athenian assembly. Twelve have been collected in a book: *The Athenian Ecclesia. A Collection of Articles 1976-83*, cf. page 204, and nine more have been published in various periodicals in the period 1983-87, cf. pages 198-9. In these articles I endeavoured to collect and discuss all relevant sources. Many sections of this book repeat in a shorter and, I hope, more readable form the views I have argued in my articles. In the notes I have adopted the following system: whenever I discuss a problem which I have treated previously

in one of my articles, I restrict myself to a few references to sources and literature and, for full documentation, I refer to my article. This is the procedure followed in most of chapter 2 and in the first five sections of chapter 3. On the other hand, I attempt to bring a fuller discussion of problems which I treat for the first time in this book. In order to have a clear and uniform text throughout the book, the more detailed discussion of these problems has been confined to the notes. Consequently the notes to the rest of chapter 3 and to most of Chapter 4 are much more elaborate. The result has been that the notes are not so uniform as the text and, to obtain a full documentation of all aspects of the Athenian assembly, the specialist will have to supplement this book with my *The Athenian Ecclesia* (1983) and with the articles published since 1983 in various periodicals, particularly in *Greek Roman and Byzantine Studies*.

It remains for me to state my acknowledgements. I would like to thank Dr Oswyn Murray, who accepted this book for the Blackwell Classical Series; Professor Theodore Buttrey, who read the typescript and made numerous helpful suggestions; Dr Carolyn Steppler, who translated the glossary from the German; and last but not least, Professor Wolfgang Schuller, whose extremely competent translation into German of my Danish typescript resulted in several improvements of my text which, I hope, have survived in this English version for which I am responsible. Finally, I would like to thank the editor, Emma Dales, whose careful work has saved me from several omissions and inconsistencies.

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# 1

## Introduction

Historians writing about Athenian democracy always state that the *ekklesia* was the sovereign body of government in classical Athens, and it is often emphasized that the peculiar form of direct democracy practised in many Greek city-states was closely connected with the people's assembly and the wide powers given to this institution.<sup>1</sup> Considering the amount of scholarship dealing with Greek political institutions in general and Athenian democracy in particular, one would expect to find a substantial number of publications describing and discussing the Athenian *ekklesia*. But when, some ten years ago, I began to study the Athenian democratic institutions I noticed to my surprise that the most recent monograph on the Athenian *ekklesia* was G. F. Schömann, *De Comitibus Atheniensium* (Greifswald, 1819). In the second half of the nineteenth century two small German dissertations had been devoted to two aspects of the *ekklesia*;<sup>2</sup> and from this century I could find no more than a few scattered articles on various aspects.<sup>3</sup> Even the important excavations of the Athenian assembly place on the Pnyx (1930–7) resulted in only one, excellent, study apart from the excavators' report.<sup>4</sup> The major contributions to scholarship on the Athenian *ekklesia* were the articles in the lexica,<sup>5</sup> and some chapters in the handbooks on Greek political institutions.<sup>6</sup> On the other hand, the council of five hundred and the board of generals had attracted much more interest, and the only two aspects of the Athenian *ekklesia* which have been thoroughly studied in this century are the relation between the *ekklesia* and the *boule*, i.e. the *probouleusis*,<sup>7</sup> and the election of *strategoi*.<sup>8</sup>

Why have ancient historians concentrated on the *boule* and the *strategoi* to the neglect of the *ekklesia* itself? Probably because the election of generals resembles the election of political leaders in modern

societies,<sup>9</sup> and the council of five hundred is an institution resembling the parliament in a modern representative democracy. The size is the same; the council is often (erroneously) described as a representative body of government,<sup>10</sup> and we can imagine how the debates were conducted and the vote taken. There is even some evidence that the council tended to split up into political groups.<sup>11</sup> Conversely, political mass meetings attended by several thousand citizens who all had the right to speak and to vote are unknown to the modern historian. Accordingly, he is puzzled by many passages in the sources which take it for granted that the reader knows how such mass meetings were organized.

Faced with this problem I wondered whether it would be possible to find parallels in other periods and in other parts of the world, which might illuminate the difficulties in the sources describing the sessions of the Athenian *ekklesia*. The Roman *comitia* are very different from the Greek *ekklesia* and cannot be adduced as a proper parallel.<sup>12</sup> The Icelandic *Althing* was a representative meeting from its very beginning c. 930 AD.<sup>13</sup> The sources for the early medieval and Scandinavian *Thing* are few, late and obscure.<sup>14</sup> The Italian city-states in the Renaissance were either oligarchies or monarchies.<sup>15</sup> The American town-meetings are usually attended by only a few hundred citizens.<sup>16</sup> But the Swiss *Landsgemeinde*, introduced in the thirteenth century and still existing, offers in many respects a striking parallel to the Athenian *ekklesia*; and I believe that my studies of this institution have helped me to a better understanding of the proceedings in a political mass meeting.<sup>17</sup>

In this study I focus on the *ekklesia* itself, not on the *boule*, and the scope of my book gives occasion for some general remarks on method and sources.

(1) I present an account of the assembly in the age of Demosthenes, and not in the age of Perikles. The reason is the information we have. (a) We have no reliable sources whatsoever for the sixth century; and it is worth mentioning that all the constitutional reforms ascribed to Solon in fourth-century Athens relate to the people's court, the council of the Areopagos, the council of four hundred and the magistrates.<sup>18</sup> There is no tradition of any Solonian reform of the *ekklesia* itself.<sup>19</sup> (b) For the fifth century we have a number of valuable inscriptions, but many of them relate to the Athenian empire rather than to domestic policy and the working of the democracy.<sup>20</sup> In the historians, especially in Thucydides, Xenophon and the historical part of the Aristotelian

*Athenaion Politeia*, we find some information about the *ekklesia*, but mostly in connection with the oligarchic revolutions of 411–410 and 404–403. We learn less about the *ekklesia* in the years of democratic rule. The *Athenaion Politeia* ascribed to Xenophon and the comedies by Aristophanes are good sources but biased and difficult to interpret. Plutarch's lives of fifth-century Athenian 'politicians' are often used by historians discussing the *ekklesia* but are not reliable sources for the democratic institutions of classical Athens.<sup>21</sup> (c) The fourth century is by far the best-attested period in our sources. We have many more inscriptions, especially decrees of the people; and they are much more valuable sources for the *ekklesia* than the fifth-century inscriptions, because the preambles of the decrees become more and more detailed.<sup>22</sup> We have some published versions of symbouleutic speeches delivered in the assembly. Most are by Demosthenes, and they are probably genuine documents, more valuable than the artificial reports of symbouleutic speeches given by Thucydides.<sup>23</sup> Furthermore, the *ekklesia* is described and discussed at great length in many forensic speeches, and some of the (probably genuine) documents inserted in several forensic speeches are first-rate sources for the *ekklesia*.<sup>24</sup> There are some precious chapters in the second, systematic, part of Aristotle's *Constitution of Athens*;<sup>25</sup> and we have accounts of *ekklesiai* and of decrees in Xenophon's *Hellenika* 3–7 and in fragments of the Attidographers. Finally, the comedy by Aristophanes that tells us most about the people's assembly is the *Ekklesiazousai* of 393–392, and some of the *Characters* of Theophrastus (composed in 319?) bring interesting bits of information on the *ekklesia*. (d) For the Hellenistic period we have mostly epigraphical sources, and it is extremely difficult, if not impossible, to describe the working of the *ekklesia* on the basis of inscriptions alone without the support of literary sources. The only author of any importance is Lucian but he is difficult to interpret because he tends to project a description of contemporary institutions back into the classical period.<sup>26</sup> In conclusion, an account of the Athenian *ekklesia* must, in my opinion, begin with a systematic description of the *ekklesia* in the fourth century, followed by a historical account of the development of the institution from the sixth century to the end of the Hellenistic period.

(2) The possibility of reconstructing the working of the *ekklesia* has been immensely improved by the Greek-American excavations of the Pnyx in 1930–7. Especially for the fourth century (Pnyx II and III)

many new conclusions can be based on a combination of the physical remains of the assembly place with the literary and epigraphical sources.<sup>27</sup>

(3) Like all other historians I sometimes have to rely on analogies and *a priori* assumptions. But I tend to avoid analogies with representative government in modern democracies and, as stated above, I prefer analogies with the Swiss *Landsgemeinde*, which is an exceptional but outstanding example of direct democracy, practised in small face-to-face societies.<sup>28</sup>

(4) I do not share the belief that the democracy of 403–322 was identical with the so-called radical democracy of 462–411 and 410–404. On the contrary, I hold (a) that the democracy restored in 403 was different from the fifth-century democracy in many important respects, and (b) that the democracy underwent many more changes and reforms during the years 403–322 than is usually assumed. In particular the defeat in the Social War, in 355, and the defeat in the second war against Philip of Macedon, in 338, seem to have entailed major reforms of the democratic institutions in general and the *ekklesia* in particular. Consequently, I cannot follow historians who project fourth-century sources back into the fifth century and use them as evidence for the working of the assembly in the age of Perikles.

(5) Since the fourth century was not a static period and since the sources become much more abundant in the second half of the century, I concentrate on the years 355–322. This period is distinguished both by constitutional development and by the preservation of sources. The democratic constitution was reformed in 355, and democracy was replaced by oligarchy in 322. The greatest period of Attic rhetoric begins precisely in 355. For the next thirty-four years we have an unparalleled number of good sources relating to Athenian public life, primarily the speeches of Demosthenes, Aischines, Hypereides, Lykourgos and Deinarchos, but also the late speeches of Isokrates. On the other hand, not a single speech is later than Antipatros' abolition of the democracy in 322/1. The period 355–322 also coincides with Demosthenes' political career which began in 355 with the public actions against Androtion and Leptines and was terminated by his suicide in 322. Thus I have chosen to call my book: *The Athenian Assembly in the Age of Demosthenes*.

## 2

# The Organization of the *Ekklesia*

### THE EKKLESIA AS A MANIFESTATION OF DIRECT DEMOCRACY

In most modern books about democracy the author opens his account by distinguishing between direct and representative democracy.<sup>29</sup> But even in systematic treatments of the subject this problem is invariably dealt with in a historical context, which is not surprising. Until the end of the eighteenth century the classical tradition prevailed and democracy was always taken to mean direct democracy. Representative democracy did not exist and would have been considered to be a contradiction in terms.<sup>30</sup> The first occurrences of the concept 'representative democracy' are found in Jeremy Bentham's *A Fragment on Government* published in 1776 and in a letter by Alexander Hamilton dated May 1777. In the following decades both the concept and the term gain ground, and from the mid nineteenth century democracy is invariably representative democracy.<sup>31</sup> Direct democracy has become a historical concept. Everyone acknowledges that direct democracy does not exist any longer, at least as a form of government, and this indisputable fact is usually followed by a statement, not quite as convincing, that this form of popular rule nowadays is impossible because of the size of modern states. Most authors tend to overlook the fact that modern technology has made a return to direct democracy possible (but perhaps not desirable).<sup>32</sup>

The historical view, however, varies according to the author's nationality. Following Montesquieu some German and Scandinavian scholars concentrate on 'diegermanische Urdemokratie'.<sup>33</sup> The French have since Bodin and Rousseau had a propensity for giving an account of the Swiss cantons,<sup>34</sup> whereas Anglo-American writers give

prominence to the Greek city-states and especially to the Athenian democracy of the classical period.<sup>35</sup> We can exclude a fourth possible historical parallel, viz. the Italian cities in the Renaissance. Admittedly, Florence, Venice and Milan were city-states and in many respects comparable to the Greek *poleis*; but the form of government was either monarchic or oligarchic, and accordingly no parallel can be established when dealing with democracy.<sup>36</sup> Of the three other examples we must reject 'die germanische Urdemokratie' as a romantic fiction without any foundation in reliable sources. Since the thirteenth century some of the smaller Swiss cantons have practised a form of direct democracy in which sovereignty rests with the people in assembly.<sup>37</sup> For the study of how an assembly works the Swiss *Landsgemeinde* is the best possible parallel,<sup>38</sup> but for the study of direct democracy as a form of government, the Greek *poleis* are more important. They were independent states, whereas the Swiss cantons are constituent states without autonomy.

The three essential institutions in a democratic *polis* are perspicuously listed by Aristotle in the sixth book of the *Politics*. They are: (1) boards of magistrates selected by lot for a short term of office so that all citizens take turns; (2) popular courts manned with jurors selected from all citizens; (3) a popular assembly in which all citizens make decisions about all major political issues. A further requirement is that citizens are paid for all forms of political participation.<sup>39</sup>

In this book I concentrate on the assembly and I confine my investigation to fourth-century Athens, because Athens is the only *polis* and the fourth century the only period in which our sources are sufficient for us to reconstruct the organization, the working and the powers of a popular assembly. All adult male Athenian citizens were entitled to attend the *ekklesia*, to address the people and to vote on the proposals. A decision made by the *ekklesia* was in theory a decision made by all Athenians,<sup>40</sup> but in fact only a fraction of the citizens attended the sessions. In order to estimate to what extent Athenian democracy was a direct democracy we must discuss some simple but basic questions: who were entitled to attend the *ekklesia*? How did the geographical, occupational and social composition of the Athenian citizen population influence the attendance? How many citizens attended? How often did the *ekklesia* meet? Who composed the agenda and presided

over the meetings? How did the people debate and how did they vote? etc.

#### WHO WERE ADMITTED TO THE EKKLESIA?

The right to attend the *ekklesia* was restricted to adult male Athenian citizens. Thus, not only metics, foreigners (*xenoi*) and slaves<sup>41</sup> but also female citizens were excluded from political rights. Only an eccentric like Plato<sup>42</sup> or a mocker like Aristophanes<sup>43</sup> could take it into their heads to enfranchise women, and only the threat of complete destruction could bring the Athenians to pass a block grant of citizenship to all metics: after the Athenian defeat at Chaironeia, Hypereides proposed and carried a decree prescribing that citizen rights be granted to all metics, that all slaves be manumitted and that amnesty be granted to exiles and to disfranchised citizens. The decree, however, was immediately indicted as unconstitutional and the Athenians changed their mind as soon as they learned that Philip of Macedon offered them peace on easy terms. The decree was never carried into effect.<sup>44</sup>

On the other hand, the right to attend was open to all male citizens and was not conditioned by ownership of land<sup>45</sup> or by a property census.<sup>46</sup> The only citizens who were excluded from the *ekklesia* were the *atimoi*, i.e. persons who by law or by sentence had lost their political rights.<sup>47</sup> An Athenian citizen came of age on attaining the age of eighteen. He was then enrolled in his deme and inscribed in the deme's roster (*lexiarchikon grammateion*).<sup>48</sup> But in the fourth century he did not obtain full political rights until he had reached the age of twenty. In the 370s at latest and probably in 403/2 the Athenians introduced a two-year military training of all citizens aged eighteen and nineteen (the *ephebes*).<sup>49</sup> Presumably the institution was modelled on Sparta. After the next major defeat, at Chaironeia in 338, a law was passed to tighten up the training of the *ephebes*,<sup>50</sup> and now, if not earlier, the service entailed garrison duty by which the *ephebes* were precluded from exercising their political rights, e.g. from attending the *ekklesia*.<sup>51</sup> In order to be admitted to the *ekklesia* a citizen had to have his name registered in a special roster, the *pinax ekklesiastikos*,<sup>52</sup> and it is reasonable to assume that young citizens could not be inscribed in the *pinax ekklesiastikos* until the age of twenty, when the *ephebes* had completed their military training.<sup>53</sup>



THE GEOGRAPHICAL, OCCUPATIONAL AND  
SOCIAL COMPOSITION OF THE AUDIENCE

In Attic orations the terms *demos* (people) and *ekklesia* (assembly) are often used synonymously;<sup>54</sup> and in the decrees passed by the *ekklesia* the enactment formula runs: *edoxe to demo* 'resolved by the people'.<sup>55</sup> When a speaker said *demos*, he meant all Athenian citizens,<sup>56</sup> and the decrees were taken to be decisions made by the entire people. On the other hand, when the philosophers used the term *demos* in a political context, the reference is regularly to the common people in opposition to the middle and upper classes.<sup>57</sup> Consequently, they took the people's assembly to be a body of government in which the urban population (composed of artisans, dealers, labourers and idlers) controlled the majority and dominated a minority of peasants and men of property.<sup>58</sup> The supporters and the opponents of democracy had a different notion of what *demos* denoted, and the clash of views, 'the entire people' versus 'the common people', raises a fundamental question: to what degree did the geographical, occupational and social composition of the citizen population influence the composition of the audience in the *ekklesia*?

In former times direct democracy could be practised only in a state which had a small territory and a small number of citizens so that all citizens could participate in the decision-making process by attending an assembly. Most Greek *poleis* satisfied both requirements. The typical *polis* controlled a territory of 50–100 sq. km and had a citizen population of some 500–1,000 adult males. Major *poleis*, such as Megara or Corinth, covered a territory of a few hundred square kilometres and had a population of a few thousand citizens.<sup>59</sup> Athens, however, was an exceptionally large *polis*. Attica, including Oropos, covered c.2,600 sq km and the citizen population was too numerous to fulfil the Aristotelian ideal: that all citizens must know each other.<sup>60</sup> From Thucydides' estimate of Athenian manpower in 431 we can infer that the citizen population must have numbered at least 40,000 adult males, and probably more than 50,000.<sup>61</sup> The plague in 430 and 426, the numerous defeats in the Peloponnesian war, the siege of Athens in 405–404 and the civil war of 404–403 may have halved the number of citizens, and in the age of Demosthenes the democratic institutions were run by some 30,000 citizens living in Attica.<sup>62</sup> But even in the fourth century the number of full citizens by far exceeded the number of persons who can possibly attend a decision-making assembly. If the