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R. MALCOLM ERRINGTON

Ἐκκλησία κυρία in Athens

For Ernst Badian: 8.8.1995.

I

The Aristotelian author of the *Athenaion Politeia* (AP) describes in chapters 42 f. the constitution of his own time, ἡ νῦν κατάστασις, in the 320s B.C.¹ In chapter 43 he deals with officials and assemblies, in 43, 3–6 in particular the *demos* and its meetings (*ekklesiai*). These take place four times in each prytany. He continues as follows: «(4) They (i.e. the *prytaneis*) also summon the *ekklesiai*. One is *kyria*, and in it they (i.e. the Athenians) vote to confirm the officials – if they seem to be doing a good job; they also deal with the corn supply and the security of the countryside; those who wish bring in public accusations (*eisangeliai*) on that day; lists of confiscated property are read out, also claims on inheritances and heiresses, so that nobody remains uninformed about any unclaimed estate. (5) In the sixth prytany in addition to these items already mentioned they vote on whether or not an ostracism should be held and hear accusations against sycophants, both Athenian and metic, up to three of each; also if any one has not fulfilled a promise made to the *demos*. (6) The second meeting is for petitions. At it anyone may present a petition on any subject he wishes, whether private or public, and speak to the *demos* about it. The other two are for other business. The laws lay down that three agenda items are to be for religious affairs, three for heralds and ambassadors, and three for secular affairs. Occasionally they deal with the business even without a preliminary vote. Heralds and ambassadors approach the *prytaneis* first and present them the letters they bring.»²

¹ On the date cf. e.g. P.J. RHODES, *A Commentary on the Aristotelian Athenaion Politeia*, Oxford 1981, 51 f.

² (4) προγράψουσι δὲ καὶ τὰς ἐκκλησίας οὗτοι· μίαν μὲν κυρίαν ἐν ἣ δεῖ τὰς ἀρχὰς ἐπιχειροτονεῖν εἰ δοκοῦσι καλῶς ἄρχειν, καὶ περὶ σίτου καὶ περὶ φυλακῆς τῆς χώρας χρηματίζειν, καὶ τὰς εἰσαγγελίας ἐν ταύτῃ τῇ ἡμέρᾳ τοὺς βουλομένους ποιεῖσθαι, καὶ τὰς ἀπογραφὰς τῶν δημευομένων ἀναγνώσκειν καὶ τὰς λήξεις τῶν κλήρων καὶ τῶν ἐπικλήρων, ὅπως μηδὲνα λάθῃ μηδὲν ἔρημον γενόμενον. (5) ἐπὶ δὲ τῆς ἕκτης πρυτανείας πρὸς τοῖς εἰρημένοις καὶ περὶ τῆς ὁστροκοφορίας ἐπιχειροτονίαν διδόναι εἰ δοκεῖ ποιεῖν ἢ μὴ, καὶ συνοφαντῶν προβολὰς τῶν Ἀθηναίων καὶ τῶν μετοίκων μέχρι τριῶν ἑκατέρων, ἅν τις ὑποσχόμενός τι μὴ ποιήσῃ τῷ δήμῳ. (6) ἑτέραν δὲ ταῖς ἱκετηρίαις, ἐν ἣ θείῃ ὁ βουλόμενος ἱκετηρίαν ὑπὲρ ὧν ἂν βούληται καὶ ἰδίων καὶ δημο-

At the time of the AP, it is thus clear, the agenda of the *ekklesia* was pre-ordained to a significant extent by legal prescriptions. In particular the meeting called *kyria* had an especially important fixed agenda, its importance being additionally emphasised by the AP's information that the pay for this meeting was 150 % of the normal payment, 9 obols instead of the usual one drachma.³ That it was normally well-attended seems confirmed by his comment on the announcements about confiscations and heiresses, «so that nobody remains uninformed». But even the meetings which were not described as *kyria* had certain items of their agendas fixed in advance. In principle the system which the AP describes in this passage imposed a legal limitation on the freedom of the council and the *prytaneis* to fix the agenda of the *ekklesia*. No doubt this is the reason why the AP presents these matters in the course of his treatment of the council.

Various questions arise in this connection, and not all have received satisfactory answers in the past. The prescription of four *ekklesiai* in each prytany has been the subject of intense discussion in recent years, in particular the contributions of MOGENS HERMAN HANSEN have been concerned with this question. His view is that there was a gradual development in the regulation of numbers of meetings: he thinks there is evidence that at some time before 354/3 or 353/2, the date of Demosthenes' speech against Timokrates, a formal restriction to three *ekklesiai* in each prytany had taken place;⁴ HANSEN argues further that already in 347/6 the number

οίων διαλέξεται πρὸς τὸν δῆμον. αἱ δὲ δύο περὶ τῶν ἄλλων εἰσὶν, ἐν αἷς κελεύουσιν οἱ νόμοι τρία μὲν ἱερῶν χρηματίζειν, τρία δὲ κήρυξιν καὶ πρεσβείας, τρία δὲ ὁσίων χρηματίζουσιν δ' ἐνίστε καὶ ἄνευ προχειροτονίας. προσέρχονται δὲ καὶ οἱ κήρυκες καὶ οἱ πρέσβεις τοῖς πρυτάνευσιν πρῶτον, καὶ τὰς ἐπιστολάς φέροντες τούτοις ἀποδιδόασιν.

³ AP 62,2.

⁴ The law cited in Demosth. 24,20–23, to which M.H. HANSEN and F.W. MITCHELL, *The Number of Ecclesiai in Fourth-Century Athens*, SO 59, 1984, 13–19 (= HANSEN, *The Athenian Ecclesia II*, Copenhagen 1989, 167f.), draw attention, is undated, though they wish to place it in the economic crisis caused by the Social War in the 350s (see on this below, n. 49). The passage is, however, by no means as decisive as they suggest, since it is concerned with one particular legal procedure, the ἐπιχειροτονία νόμων, and with only one prytany, the first of the year. The reference in Demosth. 24,21 to τὴν τελευταίαν τῶν τριῶν ἐκκλησιῶν seems to refer to procedural rules already mentioned in a part of the law not cited by Demosthenes, which had already mentioned three *ekklesiai*. Strictly speaking, there is no reason to extend this regulation to the remaining prytanies of the year, since they were not concerned with ἐπιχειροτονία νόμων, nor is it clear that, in the case of a vote expressing satisfaction with the laws, which rendered the procedure for alternative laws inapplicable, the «three *ekklesiai*» foreseen by the law for this case had to take place (whether the phrase means three more meetings or three including the present meeting i.e. two more, as HANSEN and MITCHELL argue, is not strictly relevant to the rules, if any, about the number of meetings in a normal prytany).

E.M. HARRIS, *When did the Athenian Assembly Meet?*, AJPh 112, 1991, 325–41, draws attention to a scholion on Demosth. 24,20, which alleges three meetings κατὰ μῆνα with the possibility of one more in case of military emergency, and gives the days of the month when they were held (11th, around 20th and around 30th). HARRIS shows by comparing the hellenistic

four had been reached, which was still canonical in the time of the AP.⁵ The evidence is extremely thin, but HANSEN's interpretation seems at first sight not wholly implausible, though it rests on a range of suppositions which make it extremely fragile.⁶

inscriptions that this seems to be quite good information for the period of the twelve tribes, when each prytany was one month (cf. Pollux 8,15; HARRIS, *ibid.* 327 n.7), and argues the same for the period of the ten tribes, where unfortunately the epigraphical evidence is much thinner and is only significant for 11th and «around 30th». HARRIS wishes, however, (341) also to apply the scholiast's number of meetings to the period of the ten tribes. But this is not possible. The scholiast, commenting on Demosth. 24,20, obviously made no distinction between months and prytanies, thus assumed (wrongly) that a prytany was at this time one month long, otherwise he could not have sensibly produced his information κατὰ μῆνα to explain a text which only deals with prytanies. The scholion thus provides no extra argument against HANSEN's postulate of three compulsory *ekklesiai* in each prytany in the 350s, or for the meaning of σύγκλητος in the fourth century. The evidence about the month-dates might nevertheless be in principle correct, since it is related to calendaric functions (festivals etc.), which were independent of the prytany calculation and might well have been as relevant in the period of the ten tribes as in that of the twelve.

The scholion does, however, show what happened to the AP's rule of four *ekklesiai* in each prytany when the twelve tribes were introduced. Instead of 40 compulsory meetings a year after 336/5 there were 36, but the scholion offers the explicit and feasible information that an extra meeting might be held if necessary; cf. also HANSEN, *How often did the Ekklesia Meet?* GRBS 18, 1977, 43f. (= *The Athenian Ecclesia I*, Copenhagen 1983, 35f.), 49 (41), 59 (67).

⁵ HANSEN, GRBS 18, 1977 (as n.4), 43f. See now his summary in: *The Athenian Democracy in the Age of Demosthenes*, Oxford 1991, 133f.

⁶ He has been challenged by E. M. HARRIS, *How often did the Athenian Assembly Meet?*, CQ 36, 1986, 363f., and summarily rejected by P. J. RHODES, *Nomothesia in Fourth-Century Athens*, CQ 35, 1985, 55 n. 4. His answer to HARRIS appeared as: *How often did the Athenian Ekklesia Meet? A Reply*, GRBS 28, 1987, 35f. (= *Ecclesia II* [as n.4] 177f.). The debate remains inconclusive, both sides making points damaging the other, but turning on questions which cannot be decisively answered, in particular: a) whether the *ekklesiai* on 18th and 19th Elaphebolion 346 counted as one or two *ekklesiai* (it seems special pleading to regard them as one!); and b) the interpretation of Demosth. 19,154, where Demosthenes states that all the *ekklesiai* were used up, so he had proposed a psephisma in the council, which had been given competence to send off the ambassador. This certainly seems to imply a restriction on the number of *ekklesiai*, though what the number was depends not least on a) – it could not unreasonably be argued that it was five. But while the passage allows an upper restriction of four (or five) *ekklesiai* in a prytany, it is no evidence for four (or five) having been compulsory in each prytany. The passage Aeschin. 2,72 is sarcastic and exaggerated, thus hardly a mere statement of fact, and therefore inconclusive for a number exceeding five (cf. also P. J. RHODES, review of HANSEN, *The Athenian Assembly in the Age of Demosthenes*, CR 38, 1988, 311).

The argument also revolves around the meaning of Ἑκκλησία σύγκλητος in the fourth century (the use of hellenistic material from the restored democracy after 229 by both authors is, however, an unpromising approach), whether σύγκλητος means «extra» (HARRIS and a long tradition of scholarship) or «summoned under special conditions» (HANSEN). Here also the debate remains inconclusive. See however for a further possible argument against HANSEN n.87 below.

If the matter is problematical for the mid-fourth century, the situation before HANSEN's postulated «three-meeting law» is wholly speculative. No evidence suggests that before this there was any restriction, either a maximum or a minimum, on the number of *ekklesiai* in a prytany; no source suggests that every group of *prytaneis* was obliged to call even one *ekklesia*, nor that they were limited in any way concerning the number they might summon. Nevertheless, the classic explanation has been that at first, on the introduction of the prytany system, only one *ekklesia* in each prytany was foreseen, and that this was the AP's ἐκκλησία κυρία, whether or not an explicit take-over into the fifth-century of the functions described by the AP is considered feasible or not.⁷ But there is absolutely no evidence

⁷ The AP's ἐκκλησία κυρία is explicitly referred to the fifth century by all authors from BOLSOLT-SWOBODA, *Griechische Staatskunde*, München 1920, 1926, 987–8, to HANSEN, *Democracy* (as n.5) 133: «*Ekklesia kyria* means «chief meeting», and it can be inferred from the term that at one time the Athenians had only ten fixed Assembly meetings a year i.e. an *ekklesia kyria* in each prytany, and in addition called extra meetings ad libitum.» The logic seems faulty. The adjective only makes sense when there was regularly more than one meeting in each prytany, from which the ἐκκλησία κυρία is to be distinguished; the system described by the AP only makes sense at a time when there were several «regular» meetings in each prytany.

Thuk. 2,22,1, referring to the period of the first Spartan invasion in 431, writes: ἐκκλησίαν τε οὐκ ἐποίει αὐτῶν οὐδὲ ξύλλογον οὐδένα. HANSEN, assuming that there was one obligatory *ekklesia* in each prytany, explains Thukydides' phrase by assuming that the ca. 40 days of the invasion covered parts of two prytanies and that the postulated obligatory meetings will have taken place before and after the invasion (*Democracy* [as n.5] 133, with references to earlier discussions). This would be a possible explanation, if a meeting in each prytany were compulsory.

HANSEN's general interpretation of Thuk. 2,22,1, the detailed statement of which is in an article published together with J. CHRISTENSEN, *What is Syllogos* at Thukydides 2,22,1?, *C&M* 34, 1983, 17–31 (= *Ecclesia* II [as n.4], 195f.), is however not convincing. It proceeds as follows: 1. an assumption that Thukydides is merely expressing himself pleonastically, that ἐκκλησία and ξύλλογος mean the same thing, is improbable in view of his normal style, therefore (2.), ξύλλογος must mean something different from ἐκκλησία, 3. the AP distinguishes different types of *ekklesiai*, therefore (4.) different types of *ekklesiai* are meant by Thukydides; thus (5.) Thukydides' ἐκκλησία is what the AP calls ἐκκλησία κυρία, and Thukydides' ξύλλογος means the AP's ἐκκλησία. (This is not argued, merely asserted: «In Th.2,22,1 we may then take ἐκκλησίαν to be a reference to the obligatory ἐκκλησία κυρία and ξύλλογον οὐδένα to be a reference to other meetings of the people's assembly» [p.20]. They thus imply that Thukydides, in order to avoid technical terms, deliberately chose misleading expressions, which were bound to confuse those who knew the technical terminology. This cannot be right: rhetorical writers avoid technical terms by choosing vaguer, allusive words, not by juggling with words taken from the same range of technical jargon.) 6. This is in any case, whatever ξύλλογος might mean, «the best explanation of ἐκκλησίαν». Here the reasoning breaks down completely, since the authors admit that there is no proof – and indeed, some indication to the contrary (Thuk. 2,59–60) – that ξύλλογος in Thukydides means the AP's ἐκκλησία. They do not seem to realise that this admission removes the whole logical basis for their regarding Thukydides' ἐκκλησία as equivalent to the AP's ἐκκλησία κυρία. They argue, not implausibly, that ξύλλογος here probably means a meeting of soldiers: «Syllogos then, in Th.2,22,1, would be understood

for this, nor for the connection of the functions related by the AP for specific meetings for any time before the AP itself; there is no evidence for there having been a fixed rule about a minimum or a maximum number of *ekklesiai* in a prytany before HANSEN's alleged three-meeting rule of the 350s, if it is authentic.

II

If the question of the existence of a legal fixation of a precise number, minimum or maximum, of meetings in a prytany is obscure – though, if there was one, it was almost certainly an achievement of the fourth century – the fixation of specific items of agenda to specifically designated meetings is even obscurer. The only systematic description we have is that of the AP in the passage cited above, but this relates explicitly to the time of writing and *prima facie* allows no conclusion about other times.⁸ Other sources – above all Demosthenes and Aeschines – are concerned with specific political or trial-related events, and since they argue *ad hoc* or *ad hominem*, they offer no evidence about other aspects or activities of the *ekklesiai* to which they refer. For what it is worth, the impression created is that the only restriction, if any, at this time in the 340s was an upward restriction on the number of meetings (not more than four – or perhaps five) and it is certain that neither the orators⁹ nor the law which mentions «the three *ekklesiai*»¹⁰ make any use of the AP's technical term Ἐκκλησία κυρία for any of the *ekklesiai* which they describe.

A – perhaps the – solution lies however to hand. Careful historians who have dealt with this problem have regularly drawn attention to the fact that from 336/5 onwards most Athenian *psephismata* preserved on inscriptions record the type of

by contemporaries, we suggest, to refer to a military meeting, first because it was the only important type of public meeting it could reasonably refer to under the circumstances, and second, because such an interpretation could have been reinforced by the military associations of the term: its use as denoting the act of gathering or mobilizing an army, and as denoting formal meetings of soldiers in a military context» (p. 25).

A less formal usage of ξύλλογος, meaning an informal gathering of people of any sort, still however seems possible, indeed probable, the contrast then being between a formal and an informal meeting. A. W. GOMME's claim, *A Historical Commentary on Thucydides*, vol. 2, Oxford 1956, *ad loc.*, that the Roman *contio* was parallel spoiled an otherwise convincing assertion of this interpretation. CHRISTENSEN and HANSEN (*ibid.* 18 [196]), seize rather unfairly on this false parallel, argue too formalistically against him, and also stretch the evidence. Thucydides does not say that Perikles «prohibited spontaneous gatherings of the citizens», merely that Perikles himself undertook no initiative in this respect.

⁸ Pace (most recently) HANSEN, GRBS 28, 1987 (as n. 6), 35, who, following a long interpretative tradition, claims to know more: «... in the early 340s was raised to four, each with a fixed agenda, as described by Aristotle in the *Ath. Pol.* (43.3–6).»

⁹ For discussion of their evidence on the number of meetings see HANSEN, GRBS 18, 1977 (as n. 4).

¹⁰ Demosth. 24, 20–23 with Demosthenes' own discussion, *ibid.* 24–26.

ekklesia according to the definition of the AP, at which the decree was voted.¹¹ No further conclusions have been drawn from this striking fact, yet from this time onwards the notice had a fixed and invariable place in the prescript of a *psephisma*. It stands among the dating criteria after the day-date of the prytany and immediately before the name of the *prohedros* responsible for putting the vote. The Athenians thus recorded in a fixed formula whether a meeting of the *demos* was simply an ἐκκλησία or whether it was an ἐκκλησία κυρία.¹² This was done by adding the appropriate words, always in the same order, (i. e. ἐκκλησία κυρία, not κυρία ἐκκλησία) and always in the nominative case. A prescript from 332/1 may serve as an example:

ἐπὶ Νικήτου ἄρχοντος, ἐπὶ τῆς Ἐρεχθίδος ἐνάτης πρυτανείας, ἥι Ἀριστόνου Ἀναγυράσιος ἐγγραμμάτευεν, Θαρρηλιῶνος ἐνδεκάτει, τρίτῃ καὶ εἰκοστῇ τῆς πρυτανείας, ἐκκλησία κυρία· τῶν προέδρων ἐπεψήφισεν Ἐπιχάρης Ἀγνούσιος. ἔδοξεν τῷ δήμῳ.¹³

Occasionally the place of meeting, but only when it was not the Pnyx, is recorded at the same position in the prescript (e. g. ἐκκλησία ἐν Διονύσου¹⁴ or ἐν Πειραιεῖ¹⁵). This formal notice in the prescript, once begun, was kept up until at least the late first century B. C.¹⁶

In principle the notice registering the type of meeting was regular from 336/5 onwards. It is important to emphasise this point, since RHODES has recently claimed that it occurs only «sometimes».¹⁷ But BUSOLT-SWOBODA had already pointed out that out of the 119 prescripts from the years 336 to 220 contained in IG II² only twenty do not have the notice registering the type of meeting, and these belong almost exclusively to the fourth century.¹⁸ It will be worthwhile investigating more closely where these exceptions occur and to explore possible reasons for them. For the «Age of Alexander» there is a convenient recent collection of all decrees which

¹¹ E. g. BUSOLT-SWOBODA (as n. 7) 991 n. 4. The first known decree with ἐκκλησία: IG II² 330 from the 10th prytany 336/5.

¹² The first preserved decree with ἐκκλησία κυρία: IG II² 336 from the fourth prytany of 334/3.

¹³ Syll.³ 287 (= CYNTHIA J. SCHWENK, *Athens in the Age of Alexander*, Chicago 1985, no. 41).

¹⁴ E. g. IG II² 780.

¹⁵ E. g. IG II² 785. On these texts see e. g. BUSOLT-SWOBODA (as n. 7) 991 with n. 4.

¹⁶ E. g. Syll.³ 796 III.

¹⁷ Commentary (as n. 1) 523. So also HANSEN, *Die athenische Volksversammlung im Zeitalter des Demosthenes*, Konstanz 1984, 9: «manchmal».

¹⁸ As n. 7, 991 n. 4 (on p. 992).

allows this examination relatively painlessly and, as it happens, it contains almost all the defective decrees.¹⁹

From the archonship of Pythodelos (336/5) to that of Philokles (322/1) 51 decrees are preserved, from which the prescript is either complete or where it has been restored at the critical place with complete certainty. Texts wholly restored by the prescript specialists are not included in this count. Of these 51 the notice marking the type of meeting is included in 37 and missing in 14. Yet this is by no means the only defect in the decrees of these years. A close examination of these texts shows that «complete» prescripts, containing all the usual items of protocoll, are comparatively rare – some item is usually missing. Of the 14 texts where the notice of the type of meeting is missing, there are only five cases where it is the only item which is missing. In SCHWENK no. 19²⁰ the day-date of the prytany is missing; in SCHWENK no. 27²¹ not only the month and day-date but also the whole of the dating by the prytany are not recorded; in SCHWENK no. 45²² the secretary has left his own name out; in SCHWENK no. 59²³ something is certainly missing, either in the dating by the month or the prytany (or there are wrong readings); in SCHWENK no. 68²⁴ the name of the month is missing; in SCHWENK no. 79²⁵ the day-date of the prytany is missing; in SCHWENK no. 80²⁶ the month-date is missing. From those decrees in which the notice of the type of meeting is correctly recorded, almost half of the prescripts is in some other way incomplete: only 20 of the 37 seem to be perfect. This surprisingly regular irregularity makes that popular *jeux d'esprit*, the restoration of the prescripts of even the tiniest stoichedon fragments, seem historically fruitless.²⁷

Given incompleteness on such a massive scale, it cannot surprise when occasionally the missing item is the notice registering the type of meeting, since it is clear that the only items of the prescript which were regarded as being so important that they were never allowed to be missing were those recording the responsible persons, from whose names the date could also be calculated: the Archon Eponymos, the number of the prytany and the name of the *prohedros* who put the issue to the vote. Any other item might be missing, and the reason for this casual attitude can only be found in the lack of attention to detail paid by the secretaries or the masons, or both, at this period. It means, however, that when the notice of type of meeting

¹⁹ SCHWENK (as n. 13).

²⁰ *Hesperia* 9, 1940, 237.

²¹ IG II² 337.

²² IG II² 349.

²³ *Hesperia* 3, 1934, 3–4 no. 5.

²⁴ IG II² 360.

²⁵ IG II² 365.

²⁶ IG II² 366.

²⁷ Cf. e.g. SCHWENK (as n. 13) no. 20, completely restored on the basis of 2 or at most 3 letters per line; no. 25, where the first seven lines are completely restored; no. 33, where the first 13 (!) lines are completely restored.

is missing, this also means no more than that the responsible secretary has exercised the carelessness customary at the time.²⁸

The example of one *ekklesia*, which met on 19th Elaphebolion, which was the seventh day of the eighth prytany (of Antiochis) in the archonship of Niketas (332/1) shows nicely the general correctness of this explanation. Four decrees have survived from this one session, only two of them however bear the notice of the type of *ekklesia* – a simple ἐκκλησία in the terminology of the AP, which met in the theatre of Dionysos.²⁹ Had only the other two survived,³⁰ this information would not have been preserved, since they do not have the notice. One must therefore conclude that when an *ekklesia* passed several decrees – which must have been entirely normal – the secretary did not at this time always record in each separate case the full prescript, or at least did not pass it on to the stonemason. Who was responsible for such haphazardness in the last resort will, of course, never be quite clear. Everybody's favourite, the mason's error, will doubtless have played its part. But it will now be clear when we regard the mere five cases out of 51 in the years from 336 to 321, where the only item missing from the prescript is the notice about the type of meeting (two of which are the decrees mentioned here), that the most probable explanation is not that this represents real historical change, but that it is merely accidental, the result of the carelessness of those Athenians responsible for the publication of the texts.

It must now be clear that the notice registering the type of meeting had become part of the normal structure of the full Athenian prescript in and after 336/5, even if it belonged to those parts of the prescript which at this period did not merit the full care and attention of the authorities. The extension of the standardised prescript by adding this notice certainly reflects the Athenian inclination to record as many formal criteria for dating and responsibility as were available. But as far as I can see the Athenians never changed or extended their prescripts for trivial or purely casual reasons. A permanent change in the prescript of the decrees always reflects an immediately preceding formal change in the constitutional structure, therefore in constitutional practice.³¹ Since with the inclusion of the notice registering the type of meeting we

²⁸ A. S. HENRY, *The Prescripts of Athenian Decrees*, Leiden 1977, 104–5, notices the unreliability of the *grammateis*, but draws no conclusions. He also gives no statistics. For some few inscriptions the explanation of the incomplete prescripts may lie in the fact that the inscribing was not done officially but on the private initiative of beneficiaries of the decree, who may not have been concerned to record all the purely formal items of the prescript. This seems a likely explanation for the incomplete prescript of the decree for the traders of Kition, which was found in the Piraeus (SCHWENK no. 27 = IG II² 337).

²⁹ SCHWENK nos. 36 and 39.

³⁰ SCHWENK nos. 37 and 38.

³¹ Comparable cases are e.g. the introduction of the *probhedroi* sometime before 378/7: D. M. LEWIS, *ABSA* 49, 1954, 31f.; cf. G. GLOTZ, *REG* 34, 1921, 1f.; the *anagrapheus*: cf. S. DOW, *The Athenian Anagrapheis*, *HSCPh* 1963, 37–64; cf. ERRINGTON, *Diodorus Siculus*

have precisely such a change attested as beginning in 336/5, the conclusion must be drawn that it reflects a constitutional change in this area, which in all probability began in that year. The first recorded notice is from the 10th prytany of this year, that of Pythodelos, therefore about June/July 335;³² the preceding decrees, two preserved from the 10th prytany of his predecessor Phrynichus (337/6), therefore about June/July 336,³³ do not contain the notice. Nor does it occur in any earlier decree of the Athenians. Given the demonstrable carelessness of the Athenian secretaries, it cannot, of course, be ruled out with complete certainty that the change was not indeed somewhat earlier and merely not registered in the prescripts until Pythodelos' year. But the likelihood that the change was voted in 337/6 and first practised under Pythodelos seems high. For this it is, of course, necessary to make the surely reasonable assumption that such new regulations for the meetings of the *ekklesia* which affected all prytanies will have taken effect at the beginning of a civil year.

The type of meeting thus began to be registered from this year onwards because – for the first time, we must assume – there were different types of *ekklesia* with different functions, which it seemed advisable to register in the prescripts. A new law must therefore have recently formally changed the structure of the Athenian *ekklesiai*, otherwise the sudden regular appearance of the notice about the meetings would be incomprehensible – and, incidentally, other historical conclusions about other times drawn from similar changes in the form and content of the prescripts illegitimate. In this situation it is particularly satisfying to find that the author of the AP, describing his own time, as he so rightly says, records precisely the distinction between types of *ekklesiai* which the inscriptions beginning in 336/5 so clearly illustrate.

The usage of the terms *ἐκκλησία* and *ἐκκλησία κυρία* in the nominative case in the prescripts of Athenian decrees is unknown before 336/5. Neither the literary tradition nor the epigraphic show any trace of it. Of the 63 prescripts of the fourth century completely preserved, or at least with great probability restored, and recorded in IG II², there is not the slightest hint of such a prescript notice (nor, as far as I am aware, has anyone ever tried to restore one). The same holds good for all fifth-century texts collected in IG I³. It is against this background that we must examine three epigraphic and one literary occurrence of the combination of the adjective *κυρία* with *ἐκκλησία* in the fifth century.

The epigraphic examples offer no formal parallel to the use of *ἐκκλησία κυρία* in the prescripts after 336/5. The stones are all badly damaged, and the precise con-

and the Chronology of the Early Diadochoi 320–311, *Hermes* 105, 1977, 488f.; HENRY (as n. 28) 50f.; the number of the ἐπὶ τῇ διοικήσει: cf. CH. HABICHT, *Untersuchungen zur politischen Geschichte Athens im 3. Jh. v. Chr.*, München 1979, 70f.; the ἐξεταστής and the τριτύαχοι after Ipsos: cf. HABICHT, *ibid.* 8 n. 30.

³² IG II² 330.

³³ IG II² 240, 243.

text in which the words occur is not satisfactorily restorable. It is, however, clear enough that in each case they occur not in the prescript but in the running text of the decree itself, that they occur in the order *κυρία ἐκκλησία*, and that they are in each case equipped with the definite article.³⁴ The precise context of the occurrences, given the extremely fragmentary state of all three texts, remains unclear, yet one of them offers critical internal evidence – apart from the formal points of difference from the later practice already noted – that ἡ *κυρία ἐκκλησία* in these fifth-century inscriptions cannot have been the same institution (if it is right to call it an institution at all) as *ἐκκλησία κυρία* after 336/5 described by the AP. One vital characteristic of the AP's *ἐκκλησία κυρία* is that in each prytany there was only one of it – *μίαν μὲν κυρίαν* – yet IG I³ 49, line 10 explicitly refers to more than one – the genitive plural *κυρίων ἐκκλησιῶν* is preserved on the stone – and the not implausible reconstruction of the sense of the context printed in IG I³ 49 restores an instruction to the first *prytaneis* of the year to bring the matter concerned before «the first of the *κυρίαι ἐκκλησίαι*»,³⁵ that is, there was more than one meeting called ἡ *κυρία ἐκκλησία* in at least the first prytany of the year. This contradicts decisively the system described by the AP; and, taken together with the formal differences already noted, rules out the AP as a constructive help in determining what ἡ (or αἱ) *κυρία(ι) ἐκκλησία(ι)* might have been in the fifth century. Whatever it was, it was clearly not the *ἐκκλησία κυρία* of the AP and of the decrees after 336/7.

I have no final solution to offer on this point, though the definite article suggests a more pregnant use of the adjective and thus a less technical meaning for it – «sovereign», or «competent» seems worth considering, particularly in view of the use of *κύριος* in connection with political terms in the literary tradition. Antiphon, for instance, calls the voters in the *ekklesia* *κύριοι πάσης τῆς πολιτείας*,³⁶ the same people functioning as *dikastai* are *τῶν μεγίστων κριταὶ καὶ κύριοι*.³⁷ Isokrates says of

³⁴ IG I³ 41 line 37, 49 line 10, 237 line 13. One other inscription, *ibid.* 123 lines 5–6 seems to refer to the institution in a different way: ὅτα[μπερ προτον ἐκκλησία κ][υρία γένηται . . . The restoration is one of those familiar tours de force, since not more than seven letters are preserved in any line, and LEWIS, following MERITT, prints a text in IG I³ with stoichedon lines of 36 letters. This is not helpful, and a less misleading text is in R. MEIGGS – D. M. LEWIS, *A Selection of Greek Historical Inscriptions*, Oxford 1969, no. 92, which records but does not adopt MERITT's adventurous restoration of the whole text. In view of the form in which *κυρία* is used with *ἐκκλησία* in the other three texts of the fifth century, it will certainly be necessary to reverse the order of adjective and substantive, but more importantly to add a definite article, if the restoration is to stand: something like ὅτα[μπερ ἡ πρώτη κυρία ἐκκ][ησία γένηται . . . might do (for the shortening of the double consonant in *ἐκκ* cf. L. THREATTE, *The Grammar of Attic Inscriptions I*, Berlin 1980, 514). But it might be best simply to admit ignorance.

³⁵ [. . . ἐν τῇ πρώτῃ τῶν] | *κυρίων ἐκκλησιῶν προτ[ον μετὰ τὰ ἱερά]*.

³⁶ *Tetr.* 2,1,1.

³⁷ *Tetr.* 1,2,13.

Theseus, τὸν δῆμον καθίστη κύριον τῆς πολιτείας,³⁸ elsewhere he calls the *demos* κύριος of its own δυνατώτατοι;³⁹ in late Plato the *demos* is even νόμων κύριος.⁴⁰

The same type of interpretation seems to be required for a passage of Aristophanes' *Acharnians*, which has regularly been used to support an interpretation of these inscriptions in terms of AP 43,4–6.⁴¹ I cite the text:

... ὥς νῦν, ὅπότε οὔσης κυρίας ἐκκλησίας
 ἐωθινῆς ἔρημος ἢ πνύξ αὐτή,
 οἱ δ' ἐν ἀγορᾷ λαλοῦσι κᾶνω καὶ κάτω
 τὸ σχοινίον φεύγουσι τὸ μεμiltωμένον.
 οὐδ' οἱ πρυτάνεις ἤκουσιν, ἀλλ' ἄωρίαν
 ἤκοντες ...⁴²

Aristophanes is concerned here to point out (ironically, surely!) the difference in behaviour between the citizens in the agora, which is full and noisy, and the κυρία ἐκκλησία on the Pnyx which, he pretends, is «deserted». This cannot be the ἐκκλησία κυρία of AP 43,4–6, since in the *Acharnians* ambassadors are received, and this was excluded for the ἐκκλησία κυρία described by the AP.⁴³ The point of the joke, it seems clear, is not of a constitutionally formalistic kind. The language of the passage is thoroughly comic and typically exaggerated: the Pnyx is ἔρημος, the citizens λαλοῦσι, they flee from (φεύγουσι) the red rope. In this over-drawn context, κυρίας can also only be an over-drawn adjective of contrast, «sovereign», contrasting with the ἔρημος of the Pnyx, not a technical term taken from constitutional law. Technical terms, if one wishes to see them as such, are ἐκκλησίας and πνύξ, not the parallel adjectives.⁴⁴

This widespread use of κύριος in an unofficial context in literary sources suggests that a usage of this kind might have been creeping into the official language used in decrees in the fifth century. If so, it did not survive the Peloponnesian War. The reformers of 337/6 who introduced the new structure of the *ekklesiai* may indeed have been influenced by this older and more general usage of κύριος; the fifth-century inscriptions nevertheless remain obscure in the precise meaning of the expression. The only certainty is that they are not concerned to reflect the same institutional structures as the reformers of 337/6 introduced and the AP 43,4–6 describes.

³⁸ 10,36.

³⁹ 2,27.

⁴⁰ Leg. 700 a 3.

⁴¹ Most recently to my knowledge HANSEN, *Ecclesia I* (as n. 4), 9,131.

⁴² Ach. 19–24.

⁴³ Noted already by the commentaries of W.J.M. STARKIE, *The Acharnians of Aristophanes*, London 1909, ad loc., and of B. ROGERS, *Aristophanes, Acharnians*, London 1930, p. XXVI f.

⁴⁴ For what it is worth, neither the anonymous hypothesis nor that of Aristophanes Grammaticus (printed by HALL and GELDART in the OCT edition) paid any attention to the adjective (ἐκκλησία ὑφέστηκεν Ἀθήνησιν, Anon., ἐκκλησίας οὔσης, Aristoph. Gr.).

III

The implications of establishing that the structure of the *ekklesiai* described in AP 43,4–6 was first introduced shortly before it first occurs in the decrees preserved in the inscriptions in 336/5 – whether or not the number of *ekklesiai* in a prytany was earlier restricted or not – carries major implications for a wide range of aspects of Athenian constitutional history. Whether or not normed agendas had developed over the years – which is in itself perhaps not implausible, though the rules we know seem to be all concerned with fixing specific procedures at particular times of year, rather than at particular meetings within a prytany⁴⁵ – the new rules introduced in 336/5 implied a substantial restriction in the freedom of the council and the *prytaneis* to fix the agenda for the *ekklesiai*. This certainly meant a limitation of the possibility of manipulation and misuse of influence in or by the council, but implied no restriction on the rights of the *ekklesia* itself. Particularly effective in restricting the length of agendas must have been the restriction of *ἱερά* and *δσια* to two specifically designated meetings in each prytany, and then to only three cases of each;⁴⁶ the restriction of *eisangeliai* to the new *ἐκκλησία κυρία*,⁴⁷ and the regulation that *προβολαί* against sycophants might be heard only in a limited number and only once a year.⁴⁸ These rules will have ensured that the council did its work and really decided which items deserved to come before the *ekklesia*, filtering out trivial and mere annoyance motions.

Here I wish at first merely to indicate briefly some of the implications of the new rules; others will follow in more detail. I am concerned to make clear that the reform

⁴⁵ E.g. the law on *ἐπιχειροτονία νόμων* in Demosth. 24.20f. fixing the first meeting of the first prytany for the procedure; the election of military officials at the first suitable meeting after the 6th prytany (AP 44,4) – a rule clearly reflecting the earlier period and not changed by the reform of 337/6; the rule recorded by Philochoros (FGrHist 328 F30) that an initial decision on whether to hold an ostracism should be held «before the 8th prytany», if it is authentic. On this latter see below p. 155.

⁴⁶ AP 43,6. HANSEN, *Ecclesia I* (as n. 4), repeated in GRBS 28, 1987 (as n. 6), interprets the regular clause in decrees *πρῶτον μετὰ τὰ ἱερά* (he is actually concerned with IG II² 212, but the implication is much wider) as referring to this rule, but he cannot be right. HARRIS, CQ 36, 1986 (as n. 6) 370, correctly reasserts the standard interpretation, that the phrase refers to initial religious rites at the opening of an *ekklesia*. A further argument: if we strictly follow AP (as HANSEN does explicitly) *hierā* are restricted to two meetings in each prytany only – and such a restriction contradicts the purpose of the *πρῶτον μετὰ τὰ ἱερά* phrase, which is always a special privilege or an expression of particular urgency. It would be absurd to restrict such a privilege with the AP to two *ekklesiai* in each prytany.

⁴⁷ AP 43,4; cf. below p. 159.

⁴⁸ AP 43,5. RHODES, *Commentary* (as n. 1) 526–7, sees «no obvious reason why these accusations should be submitted only once a year, in the 6th prytany», and seems inclined to follow GILBERT in disbelieving the AP. But the contemporary witness surely must have known what he was talking about here, and I see no obvious reason to disbelieve him. The reformers clearly wanted to control the number and frequency of such cases coming before the *ekklesia*.

was substantial, not just a routine «tidying» operation (though perhaps this also). For the first time, as far as we know, certain items were prescribed by law for every prytany, indeed, for every single *ekklesia* in the year. For the first time, as far as we know for certain, four *ekklesiai* were prescribed by law for each prytany. This means that those responsible for the reform of 337/6 took a conscious decision in that year to prescribe all the agenda-items which the AP lists and in the form the author lists them: all must therefore have seemed to have had an immediate relevance in 337/6, and none of them can have been previously so closely connected to a particular meeting, since the *ekklesia* called κυρία was created by these reformers. Every item attached by them to it received a new importance with the reform.

Since the reform was fundamental, it will be clear at once that the AP's description of the constitution after it cannot be used to explain Athenian constitutional practice before it. It is also scarcely legitimate merely to assume without further evidence that the items of agenda, which the AP lists in connection with specific meetings, all belonged to the regular normal agenda (if there were such a thing) of an *ekklesia* before 336/5. This will apply especially to the items listed for the newly created ἐκκλησία κυρία, and in particular to those requiring a vote in each prytany.

Three of the most important politically are the vote on the conduct of affairs by the office-holders (ἐπιχειροτονία), the discussions on the food supply (οἶτος) and on the security of the territory (φυλακή τῆς χώρας). The first of these, seemingly modelled on the annual ἐπιχειροτονία νόμων dating perhaps as early as 403/2,⁴⁹ and like it, doubtless including complex regulations for the case of a negative vote, seems to be quite unknown before the AP, which has, however, not prevented some modern historians from postulating its presence much earlier.⁵⁰ The second and third items are unknown earlier as agenda-items to be discussed with systematic regularity.⁵¹

⁴⁹ Demosth. 24,20–23. On this law see D.M. MACDOWELL, *Law-Making at Athens in the Fourth Century B.C.*, JHS 95, 1975, 66 f., followed in the dating by RHODES, CQ 35, 1985 (as n. 6), 55–60. If the dating is correct, it implies that the references to the *prohedroi* in the law will have been added later, when that institution, which is not known in the inscriptions before 379/8 (see above n. 31) was created. Otherwise a date for the law after ca. 379/8 seems indicated. HANSEN and MITCHELL, SO 59, 1984 (as n. 4), would date the law in the 350s.

⁵⁰ E.g. RHODES, *The Athenian Boule*, Oxford 1972, 55. The AP takes up the point again, but only for the *strategoí* (61,2) and the *hipparchoi* (61,4). The reason might be that this rule had been introduced after Chaironeia with the military officials above all in mind, and remained particularly important for them. See also below p. 148.

⁵¹ RHODES, *Commentary* (as n. 1), cannot name a single instance. The φυλακή, defence of the land, is not the same as the discussion περὶ πολέμου καὶ εἰρήνης (cf. Aristot. Rhet. 1, 1359B 21–23), war and peace, which by the nature of things is quite unsuitable for a compulsory discussion in every prytany. It is obvious, however, that there will have been earlier discussions of φυλακή, but irregularly and clearly not to the satisfaction of the reformers. Four decrees εἰς φυλακὴν τῆς χώρας are preserved, all later than 336 (IG II² 435, 1629, 1631; Hesperia 11, 1942, 56: cf. RHODES, *Boule* (as n. 50), 231 f.). The phrase seems quickly to have become a technical term.

The reason why they should be treated with such urgency in the new law of 337/6 does not require much thought: in the period immediately following the battle of Chaironeia in August 338 precisely these points were of burning actuality – even if a compulsory regular discussion in the *ekklesia* would scarcely have prevented the disaster. The Athenians took a series of emergency measures in and after the crisis period of August/September 338. Immediately after the battle the city walls and other static defence works (φυλακαί) were repaired and men stationed in them; there was trouble with, or at least concern about, the corn supply, and in the crisis Demosthenes was elected to the emergency office of σιτώνης.⁵² After the lost battle there can have been little satisfaction with many of the office-holders, in particularly with the military ἀρχαί. It can thus scarcely be an accident that precisely these points take the position of highest priority on the reformed agenda for the new structure of the *ekklesia* which passed into law in the course of the very next year, 337/6. It is most probable that it was precisely the military and political events of the crisis of 338/7 which in the last resort was responsible for the creation of the institution of the ἐκκλησία κυρία. Through its form and its extra payment for attendance it tried to guarantee the regular discussion of precisely these existential items before a more than ordinarily full *ekklesia*.

Two other reforms, long recognised and well-known, belong to this phase of reconstruction after Chaironeia. The reformed structure of the training of the ephebes which also, like the reform of the *ekklesia*, began in 336/5 brought the young men, through the compulsory military service in the frontier posts of Attika in their second year as ephebes, into the direct service of the territorial defence (φυλακή τῆς χώρας, as it was now officially termed).⁵³ The second, almost exactly contemporaneous, reform, is the decree of the *nomothetai* against potential tyrants, dating from May/June 336.⁵⁴ This law provides evidence for a threat, which was clearly regarded as acute, that the Areopagos Council might co-operate with a future tyrant, and attempts to prevent this.

These two well-known reforms, to which the reform of the *ekklesia* must now be added, create a strong impression that, as soon as the immediate military crisis of August 338 had passed by, the Athenians began systematically to reform and reconstruct certain critical areas of the social and political structure of their state. The aim was in no way to weaken essential aspects of the democracy, but rather to strengthen them by making them more efficient for coping with issues which had suddenly become

⁵² Demosth. 18,248; Lykurg. In Leokr. 16.

⁵³ See O. W. REINMUTH, *The Ephebic Inscriptions of the Fourth Century B.C.*, Leiden 1971, 123f. The most recent brief discussion in: J. BLEICKEN, *Die athenische Demokratie*², Paderborn 1994, 491–2.

⁵⁴ SEG 12,87 = Schwenk (as n. 13) no. 6, with bibliography until 1984. Since then add J. ENGELS, *Das Eukratesgesetz und der Prozeß der Kompetenzerweiterung des Areopags*, ZPE 74, 1988, 189–209; R. WALLACE, *The Areopagos Council to 307 B.C.*, Baltimore 1989, 190f. The law dates from the 9th prytany of Phrynichos (337/6).

very important, in particular the internal and external security of the Athenian state. The reform of the *ekklesia* fits here extremely well, with its new transparency, with its restriction on the total freedom of the council and the *prytaneis* to fix the agenda of the *ekklesia*. From 336/5 onwards certain important items had to be treated once in each prytany, at least ten times a year; and the attractiveness of participation in precisely these *ekklesiai* was increased by raising the attendance money. The individual sessions of the *ekklesia* were thus raised in value and were less likely to be affected by carelessness or manipulation in the council. In the context of raising the authority of the *ekklesiai* the improvements carried out to the seating area on the Pnyx would make admirable sense, if they belonged to the 330s, as seems possible – even if the plans were older.⁵⁵ As with so much of the politics of Athens, it is not easy to show which political groups were responsible for this democratic renewal. We can perhaps reckon with a fairly broad consensus of democratic groupings, whereby the name Lykurgos, the man responsible for the reconstruction of the Athenian finances after Chaironeia, springs particularly to mind.

IV

The state of our sources does not allow recognition of specific contemporary reasons for each and every one of the items which the reformers prescribed and which are listed by the AP as belonging to the Ἐκκλησία κυρία. But at least it should now no longer be possible to regard the regular discussion of these items as a firmly fixed principle of the Athenian democracy for many years past, since the introduction of a certain systematisation and the creation of transparency in decisions of the council must be seen as a new aim and a principle of the new rules. System and transparency will also explain the rule that inventories of confiscated property (ἀπογραφαὶ τῶν δημευομένων) and claims on legacies and heiresses (λήξεις τῶν κληρῶν καὶ τῶν ἐπικλήρων) must in future be announced only in a well-attended Ἐκκλησία κυρία. The aim of this rule that the AP gives, so that everybody might know what was going on, is in the context entirely plausible.⁵⁶

In the case of *eisangeliai*, however, there are some indications that the reform might perhaps have gone farther. The restriction to one *ekklesia* in a prytany will certainly have produced a more systematic procedure, the fact of its being the Ἐκκλησία κυρία will have perhaps made it less easy to have merely malicious cases accepted.⁵⁷ But it seems possible that at the same time the procedure of *eisangelia*

⁵⁵ Cf. H. A. THOMPSON, *The Pnyx in Models. Studies in Attic History and Topography Presented to Eugene Vanderpool*, *Hesperia* Suppl. 19, 1982, 134–47; HANSEN, *Ecclesia I* (as n. 4), 16f., 25f., is sceptical about the date.

⁵⁶ AP 43,4.

⁵⁷ The one case where more information is available, that against Euxenippos of ca. 329 B. C. (cf. J. ENGELS, *Studien zur politischen Biographie des Hypereides*, München 1989, 213f.)

before the council may have been restricted to procedures against office-bearers (ἄρχαί).⁵⁸ HANSEN's detailed study of *eisangelia* has shown that in some of the cases of *eisangelia* introduced to the council private individuals, who were not office-bearers, were accused. He claims that this contradicts the AP.⁵⁹ All these accusations, however, were made before 336; and since the procedure of *eisangelia* before the *ekklesia* was in any case reformed in that year, it seems a reasonable conclusion that what the AP says about *eisangelia* before the council is also correct for his own time, that it therefore reflects the reform of 337/6, not the pre-reform procedures. We may therefore conclude that before 336 *eisangelia* before the council was not restricted to office-bearers.

This change will no doubt have caused an alteration of the νόμος εἰσαγγελτικός, which existed at least as early as 353/2, the date of Demosthenes' speech «Against Timokrates», where some procedural clauses are cited;⁶⁰ it is otherwise known only from Hypereides «For Euxenippos»⁶¹ and from a fragment of Theophrastos' Περί Νόμων.⁶² We are scarcely in a position even to guess at the clauses which might have required attention to accommodate the reform of 337/6, or to say how much of what we know from post-reform writers is actually attributable to the reform. It is tempting, in view of Hypereides' complaint that «now» mostly trivial cases were brought in as *eisangeliai*,⁶³ to think that the reformers, whether successful or not, had at least aimed at restoring the original serious purpose of the procedure in offering direct access to official organs of state for accusations involving the highest interests of the state. If this were their aim, it might be possible to discover the origin of the AP's attribution of the *eisangelia* procedure to Solon, as a measure against τοὺς ἐπὶ κατὰ λύσει τοῦ δήμου συνισταμένους.⁶⁴ This statement is, no doubt correctly, rejected by almost all modern commentators as being in this form a historically correct explana-

known from Hypereides' speech for the defense (Hyp.4) suggests, however, for what it is worth, that trivial or malicious cases continued: Hypereides complains explicitly about the triviality of recent cases, compared with the important cases of the past (ibid. 1–9). Either he exaggerates, or perhaps the reform failed in its aims.

⁵⁸ AP 45,2.

⁵⁹ *Eisangelia. The Sovereignty of the People's Court at Athens in the Fourth Century B.C. and the Impeachment of Generals and Politicians*, Odense 1975, 27–28. HANSEN claims moreover (p.25) that the AP's information about the responsibility of the ἐκκλησία κυρία for *eisangeliai* is supported by other sources. But the ἐκκλησία κυρία plays no part in any of the four earlier cases which he cites.

⁶⁰ Demosth. 24,63.

⁶¹ Hyp. 4.

⁶² Lex Cantab. s.v. εἰσαγγελία; Pollux 8,52, cf. HANSEN, *Eisangelia* (as n.59) 12f.

⁶³ Hyp. 4,1–3. It was, of course, in the interest of Hypereides' client for him to argue that Euxenippos' case was trivial and should never have been brought. There may well have also been, as here, a more serious element in the parallel «trivial» cases he cites in 4,3.

⁶⁴ AP 8,4.

tion of Solon's purposes.⁶⁵ It could, however, seem to make good sense in and after 337/6, when at the same time as the reform of the *eisangelia* the law against tyrants was being discussed and passed by the *nomothetai*.⁶⁶ Do we have here in the AP a reflection of the traditionalist argumentation of the reformers of 337/6, who might well have claimed Solon's support for their reconstructionist reform? Does the AP not perhaps merely attribute to Solon the phraseology of the reformulated νόμος εἰσαγγελτικός, in the post-337/6 version, as quoted by Hypereides: ἐάν τις, φησί, τὸν δῆμον τὸν Ἀθηναίων καταλύη. . ἢ συνίη ποι ἐπὶ καταλύσει τοῦ δήμου. . ?⁶⁷

V

In 43,5 the AP lists two agenda-items which were to be dealt with only once a year, in the ἑκκλησία κυρία in the sixth prytany. The first of these is the vote on whether or not an ostracism should be held, the second the decision on (or discussion of) προβολαί against sycophants. For the latter there seems to be no further information which could help explain why it was regarded as particularly relevant to introduce the restriction in 337/6, if indeed it were new, or at least to reformulate it in terms of the new structure of the *ekklēsiai*.

The situation is different with ostracism. It is a commonplace of scholarship to assert that in practice ostracism was long dead when the AP took shape. The standard reference is to the last successfully completed ostracism, that of Hyperbolos around 416.⁶⁸ Characteristic is the opinion of RHODES: «Presumably the institution was not formally abolished, and the assembly voted each year not to hold an ostracism»;⁶⁹ or that of CHAMBERS: «Zu Aristoteles' Zeit war das Gesetz anscheinend

⁶⁵ Cf. RHODES, Commentary (as n. 1) 156, with thoughts in this direction: «The formulation is more at home in the late fifth and fourth centuries», though he sits on the fence concerning the ultimate reliability of the AP by allowing Solon a law against tyrants. HANSEN, *Eisangelia* (as n. 59) 17–19, shows greater scepticism. M. CHAMBERS, *Aristoteles, Staat der Athener*, Berlin 1990, 179, discusses also the most recent detailed treatment by RHODES, *Eisangelia in Athens*, JHS 99, 1979, 103–14, and HANSEN, *Eisangelia in Athens: a Reply*, JHS 100, 1980, 89–95, esp. 90–91. See also HANSEN's synthesis in: *Democracy* (as n. 5) 212 f.

⁶⁶ SEG 12,87, cf. above n. 54.

⁶⁷ Hyp. 4,8. The importance of the development of the Athenian perception of Solon, from lawgiver to constitutional reformer, particularly, it seems, in the second half of the fourth century, was emphasised by J. DAY and M. CHAMBERS, *Aristotle's History of Athenian Democracy*, Berkeley-Los Angeles 1962, 71 f. They try to establish a development between Aristot. Pol. 2 and the AP and pose the question (74): «Why did Aristotle alter his view of Solon, expanding the democratic reforms and changing his interpretation of these reforms?» If their observation is correct, then perhaps the reforming arguments of the reconstructionists after Chaironeia will provide an answer (for this purpose it is unimportant whether the AP is by Aristotle himself, as DAY and CHAMBERS think, or written in his ambience).

⁶⁸ Plut. Nikias 11; Alkibiades 13; Aristides 7.

⁶⁹ Commentary (as n. 1) 526.

noch gültig, aber seine Behauptung (43.5), daß die Athener jährlich über einen eventuellen Ostrakismos abstimmten, ist wahrscheinlich nur als eine in der Verfassung vorgesehene Möglichkeit zu verstehen.»⁷⁰ Such is leading scholarly opinion about the evidence of the contemporary witness – perhaps even Aristotle himself, as CHAMBERS believes – who was describing the constitutional practice of the city in which he lived.

As long as scholarship was attached umbilically to the opinion that the rules about the ἐκκλησία κυρία which the AP lays down also referred in some way to the fifth century, it seemed possible to pardon the normally extremely pragmatic Athenians for keeping up a merely formal vote for nearly a century (presumably until the constitutional restrictions imposed by Antipatros after the Lamian War, though the end point for the compulsory formal vote is not normally considered), which never again produced a positive result. The conception is more than slightly absurd, though many modern states preserve such ritualistic constitutional relics in their political practice. This explanation will no longer do. Since the ἐκκλησία κυρία was first created in the known form by the reformers of 337/6 they must have taken a positive conscious decision in that year to include a vote on ostracism in the new actualised agenda for all future years, beginning in 336/5. What the AP describes is thus no constitutional fossil, but a well-considered decision of the hard-headed constitutional reformers in the light of their negative experience of events leading up to and immediately following the battle of Chaironeia. In the political situation in which they found themselves in 337/6 they decided that the Athenian *ekklesia* should in future take a decision on ostracism once a year in the sixth prytany in the newly created ἐκκλησία κυρία. However the ostracism procedure may have looked in the fifth century, however dead it might have appeared after 416, after 337/6 ostracism as such was no longer a dead letter but deliberately and consciously revived and carefully incorporated into the new structure for the business of the *ekklesia*. There must have been good reason for this; merely the wish to keep up a dead tradition – it was now 80 years since the last ostracism – is an insufficient explanation for this revolutionary step in the years of crisis after Chaironeia. A dead tradition does not belong in the most important, and most expensive, *ekklesia* of a prytany.

The AP itself may offer a decisive interpretative indication. When describing the original introduction of ostracism the author attributes it to the Athenians' fear of those in positions of power, τῶν ἐν ταῖς δυνάμεσιν, since Peisistratos had made himself tyrant while being *strategos*.⁷¹ When he then comes to deal with the ostracisms which actually happened, he does not recur to this reason, though he does assert that the first man to be ostracised, Hipparchos son of Charmos, was a relative of the

⁷⁰ Aristoteles (as n. 65) 241.

⁷¹ AP 22.3, cf. 22.1. The AP seems to have used the phrase οἱ ἐν ταῖς δυνάμεσιν to indicate explicitly those in military office (not just office-holders in general, ἀρχαί), his one example being Peisistratos, who δημαγωγός καὶ στρατηγός ὢν τύραννος κατέστη.

tyrants: he does not, however, seem to have been a very recent military office-holder at the time of his ostracism, though he was Archon Eponymos eight years before.⁷² But even if he had been, the AP creates insoluble difficulties by claiming that the law creating ostracism had been directed above all at this Hipparchos, but was only used after twenty years – precisely against him.

Now the AP seems to have its information about Hipparchos from Androtion, but the date of the law perhaps does not come from him.⁷³ The crux is well-loved, and I have no inclination to spoil the fun of future generations of ancient historians by joining those who deem to offer a solution.⁷⁴ An explanation of why the AP thought the historically improbable reason given by Androtion for the introduction of ostracism to be plausible can however perhaps be won from the contemporary situation in Athens in 337/6, at the time when the ostracism was revived. For at almost exactly the same time the *nomothetai* were discussing and passing the law against potential tyrants; and this law provides evidence for a danger, felt to be immediate, that a tyranny, doubtless pro-Macedonian, might be revived in Athens. This was in the ninth prytany, therefore ca. May/June 336, shortly before news of the death of Philip II will have reached Athens and briefly brought renewed enthusiasm for the Athenian extreme democratic anti-Macedonian group.⁷⁵

The threat of a tyranny, if we may judge from the situation which the «Tyranny Law» conceives as possible in 336, that the Council of the Areopagos might co-operate with a future tyrant,⁷⁶ was perceived as coming from conservative, anti-democratic quarters. No Athenian resident, in particular no contemporary who set himself the task of describing the structure of the Athenian constitution in the 330s, could have failed to perceive the chronological relationship between this law and the law making the new rules about the meetings of the *ekklesia*, which provided for a vote in each prytany on the office-bearers and a fixed annual vote in the sixth

⁷² For discussion see J.K. DAVIES, *Athenian Propertied Families, 600–300 B.C.*, Oxford 1971, 451 f.

⁷³ Androtion, FGrHist 324 F6. The verbal parallels make this traditional conclusion difficult to avoid, though the AP has extended the range of those under suspicion to military office holders in general, whereas the Androtion fragment writes precisely of διὰ τὴν ὑποψίαν τῶν περὶ Πεισίστρατον. P. HARDING, *Atthis and Politeia*, *Historia* 26, 1977, 157, summarises sympathetically recent attempts to show that the AP and the Androtion fragment also refer to the same time. I am not convinced that re-writing the text can produce a valid solution. Both Androtion and the AP were probably only guessing.

⁷⁴ The most recent mise-au-point is CHAMBERS, *Aristoteles* (as n. 65) 239 f.

⁷⁵ M. SORDI's recent suggestion, *Il decreto di Eucrate e la liceità del tirannicidio*, *GFF* 9, 1986, 59–63, that the lack of punishment foreseen for the murderer of a tyrant re-stated in the Athenian law had something to do with Philip's murder is far-fetched. The law concerns the prevention of a tyranny at Athens, not elsewhere. In any case, the news of Pausanias' death – which followed within minutes of Philip's (Diod. 16,94,4) – will have reached Athens at the same time as that of Philip, and left no time for such thoughts.

⁷⁶ SEG 12, 87, lines 11 f.

prytany on whether to hold on ostracism. In a period of political crisis it is not unreasonable to conclude from a close chronological connection and internal similarity that a material connection also existed. Some important aspects of the new rules about the meetings of the *ekklesia* seem therefore to be in substance and aim complementary to the law against tyrants. In particular the attempt to revive the ostracism fits splendidly into the climate of 337/6, the political context of the «Tyranny Law». The first vote on ostracism under the new rules will have taken place in the sixth prytany of 336/5, therefore in spring 335.⁷⁷

A contemporary who had experienced the arguments of the politicians responsible for this collection of reforms, in particular the close material connection between the control of the office-bearers, the revival of ostracism and the prevention of tyranny, can easily have been led to conclude that the reasons offered will also have been valid for the original introduction of ostracism in the sixth century – particularly since the AP seems to have had no further information about it available beyond what Androtion had written. That Androtion, and perhaps the arguments of the reformers, had provided the AP with his reason for the original introduction of ostracism, although the historical facts which he had available did nothing to support this view, seems therefore a reasonable hypothesis.

The construction of history on the model of the present is not restricted to the AP. The reason and circumstances he gives are valid historically only for 337/6: only then was it historically true that the Athenians had acute fears of office-bearers and potential tyrants and took measures to control them, one of which was the ostracism. The same question as for the AP must be posed for Androtion. Why did this active political personality choose to believe what he wrote about the reason for the introduction of ostracism, about the link between suspicion of the Peisistratids in military office and ostracism? The precise date of Androtion's *Atthis* is not known. In JACOBY's view⁷⁸ «as a rough date c. 340 B.C. may serve», and this must be at least approximately correct.⁷⁹ This brings him, however, so close to the date of the reform-discussions after Chaironeia that it is tempting to imagine an immediate connection between the reform debates and measures and the way in which Androtion's *Atthis* presents the introduction of ostracism. This connection could function in one of two ways. If JACOBY's guess about the date of publication is correct and Androtion's *Atthis* was already written when the reformers began their reconstruction, then it might be suggested that this recent publication of highly relevant historical material had not only provided the responsible reconstructionist politicians with historical arguments for their proposals, but conceivably first given

⁷⁷ On the dating of the new structure of the *ekklesia* cf. II above.

⁷⁸ FGrHist 324, Commentary 103.

⁷⁹ Cf. DAVIES (as n. 72) 33–4. P. HARDING, Androtion's Political Career, *Historia* 25, 1976, 186f., emphasises the uncertainty of the date of Androtion's exile, during which he wrote his *Atthis*.

them the idea of reviving the ancient and almost forgotten institution of ostracism. This would, however, leave unexplained why Androtion wrote what he did. It therefore seems preferable to adjust JACOBY's approximate date for the publication of the *Atthis* slightly to place it after the period of reconstruction (to, say, ca. 336), in which case the immediate political connection between the tyrants, control of military office-holders and ostracism will have been responsible for Androtion's version of the introduction of ostracism; and the author of the AP, also a contemporary, having shared the same experiences, will have had few qualms about taking over Androtion's actualised version of history, in the process extending the range of those persons felt to be under suspicion.

Even now no ostracism was carried out. Perhaps the «Tyrant-Law» and the other measures taken had dissipated the danger; perhaps events from outside Athens led to ostracism's seeming too dangerous and no longer appropriate. For before the first vote could take place in spring 335 Philip was dead and the time hardly ripe for ostracising a potential pro-Macedonian candidate for the tyranny. He might even be needed.

This dating and interpretation of the AP's rules about ostracism help to solve another problem connected with ostracism. Philochoros in the preserved fragment of his work which treats of ostracism, wrote that a preliminary vote on the question, whether or not to hold an ostracism, should be taken *πρὸ τῆς ὀγδόης πρυτανείας*.⁸⁰ The imprecision of the expression, although it is in itself perfectly comprehensible, has irritated countless historians, and JACOBY even suggested an emendation of the text in order to make Philochoros say the same thing (but with greater precision) as the only marginally older AP: «But the form of Ph.'s dating is surprising; it surely is an abbreviation of a more accurate text – *προεχειροτόνει μὲν ὁ δῆμος (ἐπὶ τῆς ζ' πρυτανείας) εἰ . . . εἰσφέρειν ὅτε δ' ἐδόκει (ἐπὶ τῆς ἡ' πρυτανείας) ἐφράσσετο κτλ.* or whatever the wording was. This combination – preliminary vote in the 6th, final voting in the 8th prytany – is more credible than the assumption of a graver corruption.»⁸¹

But grave enough, if true. This was already a violent attack on the perfectly comprehensible transmitted text, never satisfactory, only acceptable even as a temporary solution because no scholar had a better suggestion. Its basis is JACOBY's unspoken assumption that the institution of the *ἐκκλησία κυρία* as described by the AP was old, that ostracism was dead in the time of the AP and that both the AP and Philochoros were writing about the distant past. These assumptions, which have influenced the history of ostracism until today, are all three incorrect. The *ἐκκλησία κυρία* described by the AP was not old but first created after Chaironeia, ostracism was not dead – at least in principle – but newly revived; and at least the AP is not

⁸⁰ FGrHist 328 F30: *προεχειροτόνει μὲν ὁ δῆμος πρὸ τῆς ὀγδόης πρυτανείας, εἰ δοκεῖ τὸ ὄστρακον εἰσφέρειν. ὅτε δ' ἐδόκει, ἐφράσσετο σάνισιν ἢ ἀγορά . . .*

⁸¹ FGrHist, Commentary ad 328 F30, p.316.

writing about the distant past but, as the author explicitly says, describing the constitutional practice of his own time.

This has major consequences for assessing the state of our knowledge about the original ostracism in the fifth century. JACOBY was certainly right when he wrote that the AP was concerned about the activity of the ἐκκλησία κυρία and therefore mentions only the date fixed for the preliminary vote and not the final vote (which, following his own imaginative re-writing of the fragment of Philochoros) he fixes in the eighth prytany. The fact that the AP does not lay down the date of the final vote must, however, mean that in his time it was not fixed by law, since the AP is concerned only with compulsory pre-fixed items of the agenda which limited the freedom of the council and the *prytaneis*: whether or not a final vote took place at all was in any case dependent on the result of the vote in the 6th prytany; and if it took place, the reformers must have been sure that the event would be attractive enough in itself to attract a large attendance, without its being necessary to specify an ἐκκλησία κυρία or a specific prytany for it. The traditional quorum of 6000 for an ostracism guaranteed in any case a satisfactory number of participants.⁸² The date must have been fixed ad hoc by the council and *prytaneis* on each occasion.

⁸² Plut. Aristides 7. G. A. LEHMANN, *Der Ostrakismos-Entscheid in Athen*, ZPE 41, 1981, 85–99, and Überlegungen zur Krise der attischen Demokratie im Peloponnesischen Krieg: vom Ostrakismos des Hyperbolos zum Thargelion 411 v. Chr., ZPE 69, 1987, 48, followed by C. SCHUBERT, *Die Macht des Volkes und die Ohnmacht des Denkens*, Stuttgart 1993, 20f., have recently re-opened the question, which had long seemed adequately solved, of whether the number of 6000 ostraka mentioned in several accounts of ostracism in the *ekklesia* refers to a quorum for the meeting or to the minimum number of votes needed to be cast against an individual. If Philochoros F30 were correct in asserting that it means votes against, then Plutarch's circumstantial story (Alkibiades 13; Nikias 11) of the ostracism of Hyperbolos in 417 or 416 (substantially accepted by LEHMANN, ZPE 69, 1987, 48) in which no less than three men, Nikias, Alkibiades and Phaiax seriously feared ostracism, would imply ineluctably – since each of the three must have anticipated more than the minimum 6000 ostraka required – an *ekklesia* with significantly more than 18000 voters. This cannot be correct (see HANSEN's sensible discussion of numbers attending *ekklesiai*, *Democracy* [as n. 5] 130f.). Plutarch's view (Aristides 7) that the number 6000 was a quorum must therefore be correct, as most writers accept (most recently BLEICKEN [as n. 53] 40). Moreover, finds of ostraka tend to confirm this view (this against LEHMANN, ZPE 41, 1981, 95). If the huge Kerameikos find of ostraka comprises the ostraka of one (successful) ostracism (that of 486), when Megakles son of Hippokrates was ostracised (AP 23.5), it confirms Plutarch, since Megakles did not receive 6000 votes (4145 were found: so F. WILLEMSSEN – S. BRENNE, *Verzeichnis der Kerameikos-Ostraka*, AM 106, 1991, 147f.); if the find-complex is neither closed nor complete, but perhaps contains ostraka from several ostracisms (see e.g. D. M. LEWIS, *The Kerameikos Ostraka*, ZPE 14, 1974, 1–4), then it neither supports nor weakens Plutarch, nor will it ever make a contribution to this problem! (Cf. the useful critical bibliography by A. MARTIN, *L'ostracisme athénien*, REG 102, 1989, 124–143.) This means that Philochoros did not know what the real situation in the fifth century regarding the 6000 votes was, unless perhaps his text has suffered in transmission (so JACOBY, *FGrHist*, Commentary p. 317, who rather than admit that Philochoros was wrong, suggested rewriting the text here also, this time to make it complement Plutarch). The

But Philochoros was also a contemporary, if a rather younger one,⁸³ and we must certainly take into account that he also will have had full knowledge of the law of 337/6, its fixing a preliminary vote on ostracism in the 6th prytany, and the political practice of the 330s and 320s. If we reject JACOBY's violent emendation – as we must, since it is based on false premises – the only possible consequence which can be reached from the differences in expression between Philochoros and the AP is that they are deliberate, that in this way Philochoros wished to draw attention to the fact that the conditions which he as a contemporary knew in his youth were not the historical conditions of the ostracism as it had been introduced and practised in the fifth century. The reason for his deliberately choosing to do this can only be that he knew that the fixation of the preliminary vote to the ἔκκλησία κυρία of the sixth prytany was recent, that it was a new rule introduced by the reformers in 337/6. He must therefore either have known that this rule in this form was not valid in the fifth century, or at least have been so uncertain whether it was or not that he did not record it. In neither case, it seems, can he have possessed reliable information about this aspect of the technical procedure of ostracism before the reform of 337/6. As far as the transmitted texts are concerned, it is now clear that the AP describes the post-reform ostracism, whereas Philochoros is at least trying to describe the original.⁸⁴

The important question which remains concerns the historical reliability of Philochoros, the only source left which claims to describe the original practice of ostracism. Did Philochoros know from his sources for the fifth century that there had certainly been a preliminary vote then, and is the chronological uncertainty implicit in his expressing the time limit as a *terminus ante quem*, «before the eighth prytany», related only to the time when this took place? Or has he simply extrapolated from the conditions of his own time, that the original ostracism must also have had a preliminary voting procedure because there was one after 337/6? In the first case it is clearly possible that the date of the preliminary vote was decided on each time ad hoc by the council and the *prytaneis* within their function of fixing the agenda, and that the actual law said exactly what Philochoros says, that the vote had to

extravagant late byzantine account brought into the discussion on ostracism by J.J. KEANEY and A.E. RAUBITSCHKE, *A Late Byzantine Account of Ostracism*, *AJPh* 93, 1972, 87–9 (= id., *The School of Hellas*, New York-Oxford 1991, 77f.), which among other things also asserts that 6000 hostile votes were necessary to ostracise somebody, does not therefore confirm the truth of Philochoros' statement, as LEHMANN, *ZPE* 69, 1987, 48, and SCHUBERT, *op. cit.* 21, explicitly claim, but either follows his (or the lexicographer's) mistake, or makes the same simplifying error independently.

⁸³ Probably born at the latest ca. 340: so JACOBY, *FGrHist* 328 Commentary p. 220; cf. id. ad F67. JACOBY's discussion of the date of his death ὑπὸ Ἀντιγόνοῦ (*Suda* s.v. = *FGrHist* 328 T1) remains indecisive.

⁸⁴ G. SUMNER, in a review of E. S. STAVELEY, *Greek and Roman Voting and Elections* (1972), *Phoenix* 29, 1975, 197–199, recognised that the AP and Philochoros speak of different periods, though he thought that the AP reflected the original form and Philochoros that of the fourth century.

take place before the eighth prytany, no more and no less. If so, the reform of 337/6 would imply here also a limitation in the original freedom of the council and *prytaneis* to arrange the agenda for the *ekklesia*, as it thought fit. Indeed, the rule – if it is one – which Philochoros records might not be original but itself belong to an intermediate phase of the institution, introduced with the aim of reducing the total freedom of the council in this respect at some date later than the original introduction of the ostracism procedure.⁸⁵ This would offer substantial conformity with the general tendency of the reform of 337/6. Should the second assumption be correct, that Philochoros was merely extrapolating from what he knew to what he did not know, then the reform of 337/6 will have been even more drastic in this respect, since the preliminary vote will then have been introduced for the first time. Whatever the solution – I see at present no convincing reason for preferring one over the other – it is clear that the traditional interpretation of early ostracism reached by simply applying the system described by the AP to the fifth century and accepting JACOBY's recycling of Philochoros is not confirmed by other evidence and is methodologically unacceptable. It is wrong and will have to be abandoned.

VI

The reform of 337/6, with the introduction of the ἐκκλησία κυρία, produced probably for the first time a fixed hierarchy of meetings of the *ekklesia*. It is therefore incorrect to posit a «main meeting», «Hauptversammlung», or whatever phrase is used to translate it, before this reform. All *ekklesiai* will have been in principle equally competent to despatch any business. There is evidence for an upper limita-

⁸⁵ It cannot be ruled out that at some stage before the reform of 337/6 there may have also been quorum rules for the vote on the *probouleuma* in the council, which decided the agenda. A legal limitation on the fundamental freedom of the council for this purpose might even be an explanation for the late byzantine fragment (KEANEY and RAUBITSCHKE, as n.82), which states that the council was originally responsible for the ostracism and that more than 200 votes were required to ostracise somebody. The ostraka had to be thrown (ὀίπτειν) into the περίφραγμα τοῦ βουλευτηρίου, whatever that might have been.

The status of this fatherless fragment is obscure, though perhaps no more so than much of the lexicographic material we use (cf. CHAMBERS, Aristoteles [as n.65] 240, for a survey of opinions, whereby the number of sceptics seems to be diminishing and believers increasingly unconscious of the problems of using this text: add to the sceptics BLEICKEN, Demokratie² [as n.53] 452; to the believers LEHMANN ZPE 41, 1981 [as n.82] and SCHUBERT [as n.82, quite uncritical]). It might be saved for those reluctant to swallow it whole, if we consider the possibility that it might have originated in the misunderstanding of a regulation attached to an original council *probouleusis* on ostracism (for which a quorum, modelled on the quorum in the *ekklesia*, would be appropriate enough), mistaking it for the substantive decision. In this case it could be a regulation which was valid in the fifth century (other sources, such as they are, are concerned with the more important decision in the *ekklesia*, and the AP is describing the situation after 337/6, when the new rules about the agenda of the *ekklesia* had abolished the *probouleusis* for ostracism).

tion in the number of *ekklesiai* in 347/6 to four (or five),⁸⁶ but there is no evidence for a widely assumed rule that these four (or five) *ekklesiai* were legally obliged to meet in each prytany or – extrapolated from that assumption – that there was a fixed number of meetings in a year. Any statement about how many *ekklesiai* took place in any year before 337/6 can only be based on guesswork.

The reform also aimed at restricting the freedom of the council and the *prytaneis* to fix the agenda by prescribing by law in advance that particular items must be dealt with at particular specified meetings. These new rules seem to imply a significant level of dissatisfaction with the working of the council up to this time. It is also conceivable, perhaps even likely, that the rule recorded by Photios, that a four-day notice of meetings of the *ekklesia* had to be given, also belonged to this reform. It would certainly conform with the aim of the reformers to raise the participation and competence of the *ekklesia*, and there is no evidence, pace HANSEN, that it applied earlier.⁸⁷

The new rules for the agenda of the *ekklesia* which began to be applied in 336/5 imply a significant and deep re-organisation of the decision-making procedures of the Athenian democracy. They were probably the most far-reaching structural reforms since the restoration of the democracy in 403. They were not anti-democratic. The aim was quite the opposite: to reconstruct the decision-making process in such a way as to raise the participation, hence the authority and the efficiency of the *ekklesia*; the new rules limiting the freedom of councillors to fix the agenda aimed at achieving a more efficient conduct of business in the *ekklesia*. These changes and

⁸⁶ Demosth. 19, 154. As HARRIS, CQ 36, 1986 (as n. 6), 369, points out, HANSEN's reconstruction, Ecclesia I (as n. 4), of the meetings of Elaphebolion 346 implies five *ekklesiai* in that prytany, and his special pleading that they only counted as four is no more convincing in his replique, GRBS 28, 1987 (as n. 6), than it was originally. The point is not important for my argument.

⁸⁷ Photios, Lexikon s.v. πρόπλεπτα. HANSEN claims the rule for the earlier fourth century, but there is no evidence. Meetings on two successive days are known, i.e. on 18th and 19th Elaphebolion 346 (Aeschin. 2,61); 11th and 12th Hekatombaion ca. 354 (Demosth. 24,26) which might be explained by special arguments, but these are unnecessary if the rule were later. HANSEN, Ecclesia I (as n. 4) 75 n. 12 argues that his wish to apply the rule to the earlier fourth century is justified because Demosth. 19,185 complains of the difficulty of summoning meetings at short notice, that a meeting was only possible ὅταν ἐκ τῶν νόμων καθήκη. But this is quite inconclusive. There were all kinds of reasons which «the laws» might provide for not summoning an *ekklesia*, in particular festival days were avoided (J.D. MIKALSON, The Sacred and Civil Calendar of the Athenian Year, Princeton 1975) and court days were excluded (Demosth. 24,80, cf. also HANSEN, Democracy [as n. 5], 136).

The purpose of the rule cited by Photios ἵνα καὶ οἱ ἐν τοῖς ἀγροῖς συνέλθωσι would admirably conform with the aims of the Lykurgan reforms. But I do not insist on this. The rule might even be still later, like that recorded by Photios *ibid.* s.v. κυρία ἐκκλησία, rejected also by HANSEN (*ibid.* 40). If the rule did not apply before 337/6, it would deal a death blow to HANSEN's interpretation (in my view, in any case not very convincing) of ἐκκλησία σύγκλητος in the fourth century as meaning «irregularly summoned» as against the traditional «extra».

their aims at restoring faith in democratic procedures after the disaster of Chai-
roneia fit admirably into the Lykurgan programme of reconstruction of the state.
The recognition that they were new and what their basic aims were offers new in-
sights into the need the Athenians felt to reform their political system, but also pro-
vides additional evidence for their will and ability even in those dark days to carry
the reforms they thought to be necessary.⁸⁸

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