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# The Assembly

## SUMMARY

The Assembly (ἐκκλησία) was the regular gathering of male Athenian citizens (women also enjoyed the status of “citizen,” but without political rights) to listen to, discuss, and vote on decrees that affected every aspect of Athenian life, both public and private, from financial matters to religious ones, from public festivals to war, from treaties with foreign powers to regulations governing ferry boats.

## INTRODUCTION

The Assembly (ἐκκλησία) was the regular opportunity for all male citizens of Athens to speak their minds and exercise their votes regarding the government of their city. It was the most central and most definitive institution of the Athenian Democracy. Before 462 BCE, the Court of the Areopagus controlled legislation in Athens, but in that year Ephialtes instituted a reform that diminished the power of the Areopagus and increased the power of the Assembly of the people (Aristot. *Ath. Pol.* 25.2; Aristot. *Ath. Pol.* 27.1;

Plut. *Cim.* 15.2; Plut. *Per.* 9.5). This Assembly became synonymous with democracy. When Aristotle describes how democratic government was restored after Sparta defeated Athens in 404 BCE he says that this restoration happened when “the People became sovereign over affairs” (ὅτε δὲ κύριος ὁ δῆμος γενόμενος τῶν πραγμάτων) (Aristot. *Ath. Pol.* 41.1). Under this government, he says, the People administers all business “by decrees and by law-courts” (ψηφίσμασιν καὶ δικαστηρίοις) (Aristot. *Ath. Pol.* 41.2). When Aristotle mentions the People and government by decrees, he is describing the Assembly.

In the Assembly each male citizen of Athens could speak, regardless of his station. The orator Aeschines says that the herald (κῆρυξ), acting as a sergeant-at-arms, “does not exclude from the platform the man whose ancestors have not held a general’s office, nor even the man who earns his daily bread by working at a trade; nay, these men he most heartily welcomes, and for this reason he repeats again and again the invitation, ‘Who wishes to address the assembly?’” (Aeschin. 1.27) Demosthenes can chide his fellow Athenians for failing to recollect certain events, because they “were present at every assembly, as the state proposed a discussion of policy in which every one might join.” (Dem. 18.273) “Everyone”, in this context, refers to the body of citizens who were registered on the assembly list (πίνακα τὸν ἐκκλησιαστικόν) for their local district, or deme (Dem. 44.35). Under the Democracy of Aristotle’s time (after 330 BCE), young men were enrolled on this list

when they were 18 years old (Aristot. *Ath. Pol.* 42.1), then spent two years as military cadets, or ephebes (Aristot. *Ath. Pol.* 42.4), after which they were members of the citizen body (Aristot. *Ath. Pol.* 42.5).

Of course, some people might be better qualified than others to speak on certain subjects, and the citizens of Athens could be very critical when anyone tried to speak outside of his expertise. The character Socrates in Plato's *Protagoras* says that when the Athenian Assembly discusses construction, the citizens call for builders to speak, and when it discusses the construction of ships they call for shipwrights, "but if anyone else, whom the people do not regard as a craftsman, attempts to advise them, no matter how handsome and wealthy and well-born he may be, not one of these things induces them to accept him; they merely laugh him to scorn and shout him down, until either the speaker retires from his attempt, overborne by the clamor, or the archers (τοξόται) pull him from his place or turn him out altogether by order of the presiding officials (κελευόντων τῶν πρυτάνεων)" (Plat. *Prot.* 319b–c). But, Socrates continues, when the discussion is not about technical matters but about the governing of the city, "the man who rises to advise them on this may equally well be a smith, a shoemaker, a merchant, a sea-captain, a rich man, a poor man, of good family or of none" (Plat. *Prot.* 319d).

There is the question of participation by Athenians living in the countryside of Attica, outside the city of Athens. While these people were certainly citizens of Athens, it may

often have been difficult for them to attend a meeting of the Assembly. This would have been especially true when emergency meetings were called on short notice, such as the occasion that Demosthenes describes, when news of a military disaster came to the city in the evening, and a special Assembly convened the very next morning (Dem. 18.169). This assembly, and any others like it, must have consisted mainly of citizens living close to the city. And even when there was more warning before a meeting, we have to wonder how many Athenians living in the countryside of Attica would have made a 50 or 60 mile round trip to downtown Athens and back. In 400 BCE we can estimate that there were between 20,000 and 30,000 male citizens in Athens – it is beyond the scope of this article to give evidence and justification for this, but the arguments are presented in Victor Ehrenberg, *The Greek State*, 2nd English Edition (Methuen, 1969) 31, whose estimate is 20,000–25,000, and in A.W. Gomme, *The Population of Athens in the Fifth and Fourth Centuries B.C.* (Blackwell, 1933) 26, whose estimate is 22,000 – but the number of Athenians in attendance at a given meeting seems to have been considerably lower. Thucydides makes the statement that during the Peloponnesian War (331 – 404 BCE) there were usually only 5000 people at a meeting (Thuc. 8.72), although he may be exaggerating downwards; a better measure of regular attendance might be the fact that 6000 citizens were required for a valid vote conferring citizen-

ship on a non-Athenian (the earliest evidence for this rule dates from 369 BCE) (*IG II<sup>2</sup>* 103; Dem. 24.45; Dem. 59.89).

#### FREEDOM TO SPEAK

The Assembly met so that the male citizens could discuss the affairs of the city, and such discussion required that each citizen have freedom to speak his mind. This freedom was vital to the proper functioning of the Assembly, whether the issue at stake was some important public policy (Dem. 15.1), or the rights of a single citizen (Dem. 18.3). In an anecdote from the distant past, Demosthenes suggests that freedom of speech had a long history at Athens, and that it persisted despite periodic attempts to limit it. He recounts how in the 6th century BCE the island of Salamis had revolted from Athenian control, and the Athenians had forbidden anyone to propose a war to recover the island; but Solon, a real person whose place in Athenian history became subject of legend, composed a poem on the subject (poetry on the subject was evidently not forbidden), and through this ruse got around the law and convinced Athens to fight for Salamis (Dem. 19.252). By the 4th century BC, discussions of motions in the Assembly were opened with a general invitation to all the male citizens, as the Herald (κῆρυξ) asked, “Who wishes to speak?” (Dem. 18.191; Aeschin. 1.26; Aristoph. *Ach.* 46). We might note, here, that Demosthenes claims a certain freedom of speech to have extended even to resident foreigners and slaves (Dem. 9.3), although he is certainly not

talking about participation in the Assembly, and we should wonder how much freedom these people actually enjoyed.

This freedom to speak was not absolute or without regulation. Aeschines tells us, for example, that in the early democracy (before the 5th century) citizens over 50 years of age could speak first, and only after those had their say could younger men speak (Aeschin. 1.23; Aeschin. 3.2). Other formal restrictions could apply, such as decrees limiting discussion of certain topics to certain meetings of the Assembly (Aeschin. 2.109), or even laws forbidding discussion of issues already settled in a court (Dem. 24.54). Other, less legitimate (but perhaps more effective) limits could be imposed: the crowd might raise a clamor and refuse to listen to a speaker advocate an unpopular proposal (Dem. 19.111), and this seems to have happened often enough that orators regularly asked, beforehand, not to be shouted down (Dem. 13.14).

#### EXCLUSION FROM THE ASSEMBLY

Individual citizens could lose the right to participate in the Assembly by committing various offenses (Aeschin. 1.23). Demosthenes mentions legal penalties for people who attend a meeting of the Assembly while owing a debt to the public treasury (Dem. 24.123), or who have been stricken, for some reason or another, from their deme's register of citizens (Dem. 18.132). Also prohibited from participating were: anyone convicted of prostituting himself (Aeschin. 1.72; Aeschin. 1.21; and Aeschin. 1.32, where the orator adds,

“however well he speaks”), anyone who beat his father or mother, or failed to support them, or who threw away his shield in battle, or who squandered his inheritance (Aeschin. 1.28 – Aeschin. 1.30). Any citizen who suspected another of being unqualified to participate in the Assembly could challenge him to *dokimasia*, or “scrutiny” (δοκιμασία), whereupon the issue would be decided by a jury in a law-court (Aeschin. 1.32).

#### PAYMENT FOR PARTICIPATION

Citizens were paid for attending the Assembly, to ensure that even the poor could afford to take time from their work to participate in their own government. Aristotle recognized that inclusion of all citizens and freedom to speak are not the only hallmarks of a democratic constitution, but that the most democratic states pay their citizens for attending the Assembly. He claims that in the absence of payment, the Council (βουλή) is the most democratic of magistracies (Aristot. *Pol.* 1317b), but in states that can afford to, and do, pay their citizens for attending meetings of the Assembly, “all the citizens actually take part in it and exercise their citizenship, because even the poor are enabled to be at leisure by receiving pay” (Aristot. *Pol.* 1293a). A historical anecdote recorded in Aristotle’s *Constitution of the Athenians* further supports this assertion: In 411, when a group of Athenians temporarily overthrew the democracy and established an oligarchy, one of their first acts was to pass a law that no one should receive pay

for political activity (Aristot. *Ath. Pol.* 29.5; and Aristot. *Ath. Pol.* 33.1, referring to the subsequent regime of 411 and 410). In the 4th century, when Timocrates had proposed that the Athenians loosen enforcement of penalties against those who owe debts to the state, Demosthenes claimed that there would be no money left in the treasury to pay for attendance at the Assembly, and he went on to equate that outcome with an end to Democracy (Dem. 24.99).

Aristot. *Ath. Pol.* 4.2 says that under the “Constitution of Draco”, a mostly legendary period in the history of pre-democratic Athens, citizenship was limited to those who could afford to arm themselves. Under the laws instituted by Solon in the 6th century, the Athenians were divided into four property classes, and only those who possessed a certain amount of property could hold office (Aristot. *Ath. Pol.* 7.4; IG II<sup>2</sup> 30). This property qualification survived into the 4th century, but came to be disregarded – in the 4th century, candidates for office were asked about their property class, but everyone simply claimed to belong to the higher classes (Aristot. *Ath. Pol.* 7.4; Aristot. *Ath. Pol.* 47.1). Demosthenes mentions Theogenes of Cothocidae, who was appointed to the office of Archon Basileus, although he was so poor that his friends had to help him meet the expenses that went along with taking office (Dem. 59.72).

But even under the old system, where only the wealthy could hold office, we do not hear of any property qualification for participating in the Assembly; even the poorest



citizens were eligible to meet on the Pnyx and speak their minds. As Athens became increasingly democratic, the city began to pay its citizens to attend the Assembly, first one obol per meeting, then two, then three (Aristot. *Ath. Pol.* 41.3). A character in one of Aristophanes' comedies (produced in the early 4th century) complains that "in the old days," when the pay was only one obol, all the citizens stayed at home, but now that the pay is three obols, meetings are too crowded (Aristoph. *Eccl.* 302; see also the parody of the 3-obol payment at Aristoph. *Eccl.* 44). In Aristophanes there are several jokes about people getting to the Assembly too late to receive their pay, which suggests that citizens had to be present at the beginning of the meeting in order to receive pay, or perhaps that only the first 6000 citizens to arrive got paid (Aristoph. *Eccl.* 290; Aristoph. *Eccl.* 385; Aristoph. *Eccl.* 395). The rate seems to have remained at 3 obols until around 388, if we can trust a passing reference in Aristophanes' *Wealth* (Aristoph. *Pl.* 330) (source for date: *OCD*<sup>3</sup>, s.v. "Aristophanes"). By the 330s and 320s, the payment had increased to one drachma (six obols) for an ordinary meeting, and a drachma and a half (nine obols) for a "sovereign assembly" (κυρία ἐκκλησία, see below) (Aristot. *Ath. Pol.* 62.2). Demosthenes mentions, in a rather vague passage, that taxation alone was not sufficient to pay for the expense of holding meetings of the Assembly, and that various laws ensured supplemental income for that purpose (Dem. 24.97).

## MEETING PLACES

The traditional meeting-place for the Assembly was the open space on top of the hill of the Pnyx, (Thuc. 8.97), and the Pnyx seems to have been considered the proper place for the business of the Assembly: Aeschines mentions a law requiring that anyone awarded a crown by the Assembly be given the crown on the Pnyx and nowhere else (Aeschin. 3.34). In fact, if we compare Aeschin. 3.34, which specifies that the crown be awarded “on the Pnyx” (ἐς τὴν Πύκνα), with Aeschin. 3.32, which specifies that it be awarded “in the Assembly” (ἐν τῇ ἐκκλησίᾳ), we might conclude that “Assembly” and “Pnyx” were used synonymously. The Pnyx was open to the sky, and thus meetings of the Assembly must have been influenced by the weather; the laws that mandated “good weather omens” before the election of military officers (Aristot. *Ath. Pol.* 44.4) might have been as interested in ensuring a comfortable day for discussion as in ascertaining divine favor.

When the Assembly was to meet on the Pnyx, “hurdles” (τὰ γέρρα) were set up on the hill to separate the citizens, meeting in the Assembly, from non-citizens, who presumably would gather as spectators (Dem. 59.90). Hurdles were also set up in the marketplace (ἀγορά) before meetings of the Assembly, perhaps to channel citizens toward the Pnyx (Dem. 18.169). In 5th century comedy we also find jokes about people in the marketplace fleeing a “red rope” (τὸ σχοινίον φεύγουσι τὸ μεμιλωμένον) (Aristoph. *Ach.* 20),

a rope dipped in wet red paint, which seems to have been used to herd people out of the marketplace and to the Assembly. In the 4th century, when payment for attendance was sufficient motivation to ensure attendance, this red rope seems to have been used to keep people out of a meeting that was already full (Aristoph. *Eccl.* 379).

But the Pnyx was clearly not the only place at which an Assembly could convene. Before a meeting of the Assembly, the Prytanies (οἱ πρυτανεύοντες) were supposed to post the upcoming meeting's agenda and the location of the meeting (ὄπου καθίξειν) (Aristot. *Ath. Pol.* 43.3). Demosthenes mentions a law (νόμος) mandating a meeting of the Assembly in the Theater of Dionysus on the day after the Festival of All-Zeus, (the Πάνδια); this assembly is to deal with, first, any religious matters, and then hear any complaints that arise from the procession or contests at the festival (Dem. 21.8). Aeschines mentions a session of the Assembly held in the Theater of Dionysus after the festival of the City Dionysia (Aeschin. 2.61). He also reports a "vote of censure" (καταχειροτονία) being passed against a certain Meidias in the Theater of Dionysus (Aeschin. 3.52).

#### SCHEDULE OF MEETINGS

In the 4th century, there were 40 regularly scheduled meetings of the Assembly each year, four in each prytany (each prytany was one tenth of the year) (Aristot. *Ath. Pol.* 43.3; *IG II<sup>2</sup>* 336a).

One of the four meetings in each prytany was the “Sovereign Assembly” (κυρία ἐκκλησία), the agenda for which included the confirmation of magistrates currently serving, issues of the food supply and defense, announcements of private property to be confiscated, and announcements of lawsuits regarding inheritance (Aristot. *Ath. Pol.* 43.4).

In each prytany, there were three regular assemblies in addition to the “Sovereign Assembly” (κυρία ἐκκλησία); these were simply called “Assemblies” (ἐκκλησίαι) (Aristot. *Ath. Pol.* 43.3; *IG II<sup>2</sup>* 330). It seems likely that in the 5th century only the Sovereign Assemblies were regularly scheduled, because Thucydides mentions a period of 40 days in the year 431 in which there was no Assembly (Thuc. 2.22.1); if there were four scheduled assemblies in each prytany at that time, 40 days could not have passed without a meeting.

Apart from the Sovereign Assembly, one of the remaining three was an occasion for any citizen who wished to present a suppliant-branch (ικετηρία) and address his fellow citizens about any public or private matter that concerned him (Aristot. *Ath. Pol.* 43.6). The ability of citizens to voice complaints in this public forum may have deterred certain bad behavior, or at least made the perpetrators think twice. Aeschines recounts how some men assaulted a man named Pittalacus; on the next day Pittalacus went to the marketplace, and his attackers came up to him and tried to placate him, because there was to be an Assembly that day, and they were afraid that the whole city would

learn of their crime (φοβηθέντες ὃ τε Ἡγήσανδρος καὶ ὁ Τίμαρχος μὴ ἀνακηρυχθῆ αὐτῶν ἢ βδελυρία εἰς πᾶσαν τὴν πόλιν παρ, ἐπήει δὲ ἐκκλησία) (Aeschin. 1.60).

The other two regularly scheduled meetings in each prytany were concerned, according to Aristotle, with “other things” (περὶ τῶν ἄλλων) (Aristot. *Ath. Pol.* 43.6). Some of this other business was scheduled to happen at particular assemblies during the year. At an assembly held on the 11th day of the first prytany, the people voted on whether or not to hold a review of all the laws (νόμοι) (Dem. 24.21). In the 6th prytany, there was discussion of whether or not to hold an ostracism, discussion of any information against people charged with being informers (συκοφαντῶν προβολάς) – in this category, no more than three citizens and three metics – and discussion of people accused of failing to perform some assigned public service (κᾶν τις ὑποσχόμενός τι μὴ ποιήσῃ τῷ δήμῳ) (Aristot. *Ath. Pol.* 43.5). A meeting during the 6th prytany was also the occasion for election of military officers (Aristot. *Ath. Pol.* 44.4).

At least until the middle of the 4th century the Assembly occasionally met to conduct a trial, most often an impeachment (Dem. 49.10). This is a complex matter, since the laws regarding impeachment were revised during the 4th century. For a full discussion, see the article on Impeachment.

Assemblies do not seem to have taken place on fixed days during each prytany, but they did not happen on days

when the law-courts were in session (Dem. 24.80). They seem also to have been scheduled around other important events, such as religious festivals. Aeschines is highly critical of an Assembly that was called on the 8th day of the month Elaphobolion, a day of sacrifices to Asclepius (the orator says that this was unprecedented in memory) (Aeschin. 3.67), and Demosthenes criticizes a motion to have the Assembly meet on the 12th of the month Hecatombaion, a festival day for Cronus (Dem. 24.26).

In addition to Sovereign Assemblies (κυρίαί ἐκκλησίαι) and Assemblies (ἐκκλησίαι), there were “Called-together Assemblies” (σύγκλητοι ἐκκλησίαι); the term appears only in literary evidence (not in inscriptions) during the 4th century, and its meaning is not entirely clear. Sometimes our sources seem to use it to refer to extra meetings, in addition to the normal four that happened in each prytany. Aeschines mentions a time when Athens was in such a panic over Philip of Macedon’s war against Amphipolis, that “there were more Called-together Assemblies (ἐκκλησίας συγκλήτους) than scheduled Assemblies (τὰς τεταγμένας)” (Aeschin. 2.72). But at other times the term seems to indicate an Assembly called at short notice, but not necessarily an extra Assembly. During a military crisis involving Philip, Demosthenes says that a regular Assembly met and disbanded, but that people continued to discuss matters in the Agora, thinking that another Assembly, a “called-together Assembly” (σύγκλητος ἐκκλησία), might be called at any time (Dem. 19.123). One such As-

sembly was called on short notice when news came that a fleet under the command of Leodamas had been captured by Philip of Macedon (Dem. 18.73); another was called, with the hurdles set out and the trumpeter summoned, upon news that Elatea was captured (Dem. 18.169). Other examples of Called-together Assemblies are at Aeschin. 2.63, where we find that the Assembly met on two subsequent days to discuss foreign policy issues (in this case, the first Assembly was devoted to discussion of the issues, and at the second there was only voting, without discussion [Aeschin. 2.65]), and at Aeschin. 3.68, where Demosthenes calls for an Assembly to meet immediately and discuss a treaty with Philip. This last provides good evidence that the term συγκλήτος ἐκκλησία referred mainly to an Assembly called on short notice, because an inscription shows us that at this very Assembly a certain amount of normal business was discussed before the pressing issues regarding Philip came up for a vote (*IG II<sup>2</sup> 212.53–7*). Furthermore, another inscription mentions a “Called-together Sovereign Assembly” (ἐκκλησία κυρία συγκλήτος) (*IG II<sup>2</sup> 359*), which must refer to a Sovereign Assembly called on short notice.

It seems, too, that extra Assemblies were not called lightly. Demosthenes mentions an occasion on which the Council chose to act on its own, because there was “no remaining Assembly” (ἐκκλησία υπόλοιπος) in that prytany (Dem. 19.154).

## THE CONDUCT OF MEETINGS

Officials of the Council called together a meeting of the Assembly, which opened with various religious rituals before the citizens were invited to speak and vote on matters of public business.

“Those serving as Prytaneis” (οἱ πρυτανεύοντες) (the same word, “prytaneis” refers to the governmental “months”, ten each year, and to the members of the Council who were presiding during a given “prytany”), normally called meetings of the Assembly (Aristot. *Ath. Pol.* 43.3), and posted the agenda beforehand (Aristot. *Ath. Pol.* 43.4). In the case of the special Assembly for the ratification of laws, if the Prytaneis failed to call for an Assembly on the assigned date, they were each to be fined 1000 drachmas (Dem. 23.21). If the Assembly was to vote on some matter by ballot, the Prytaneis distribute the ballots (Dem. 59.90).

In the 5th century, the Prytaneis actually managed the conduct of a meeting of the Assembly (Xen. *Hell.* 1.7.14), but in Aristotle’s time (after the middle of the 4th century), the President of the Council (ἐπιστάτης) appointed nine Proedroi (προέδροι) for each Assembly; these were chosen from members of the Council who were not currently serving as Prytaneis (οἱ πρυτανεύοντες) (Aristot. *Ath. Pol.* 44.2). These Proedroi managed the conduct of the Assembly; deciding when to put a question to the vote (Aeschin. 2.84; Aeschin. 2.68), and deciding when to cut off discussion of a matter (Aeschin. 2.67).



The People did, on occasion, override the will of the officials conducting the meetings, as when, in the late 5th century, the Prytaneis were unwilling to allow a vote, the People overrode them with menacing shouts (Xen. *Hell.* 1.7.14).

The selection or appointment of Proedroi was potentially subject to corruption, which Aeschines hints at on two occasions (Aeschin. 3.73; Aeschin. 2.90). In addition to these Proedroi, the Assembly elected a clerk (γραμματεύς) to read documents aloud (Aristot. *Ath. Pol.* 54.5); the orator Aeschines served as a clerk early in his career, although we do not know whether he was the clerk appointed to read in the Assembly (Dem. 19.79).

The opening of a meeting of the Assembly was marked by rituals. A sacrifice was made and carried around the area, and there was a prayer, both of these intended to purify the proceedings (Aeschin. 1.23; Aeschin. 2.158; a parody of this prayer is found at Aristoph. *Thes.* 314). The heralds (κῆρυξ) offered the prayer (Aeschin. 1.23; Dem. 24.20). If a joke in Aristophanes is to be trusted, libations played some part in these rituals as well (Aristoph. *Eccl.* 140). The herald also called down curses (καταρᾶται) on anyone who would mislead the Assembly (Dem. 19.70; Dem. 23.97; there is a parody of this at Aristoph. *Thes.* 335). After these rituals, the Herald asked “Who wishes to speak” (τίς ἀγορεύειν βούλεται), and the assembly was opened (Dem. 18.191; Aeschin. 1.26; Aristoph. *Ach.* 46; cf. a possible parody of this at Aristoph. *Eccl.* 130).

## CHECKS AND BALANCES

While any male citizen was invited to speak in an Assembly and all male citizens could vote, the topics for discussion and vote were limited by what amounted to a system of checks and balances between the Assembly and the Council.

The Council could pass “Decrees of the Council” (βουλῆς ψηφίσματα) – as opposed to “Decrees of the Assembly” (ἐκκλησίας ψηφίσματα), which the Assembly passed – but only regarding minor matters (for the terms for the two kinds of decrees, see Dem. 19.179; Dem. 23.92; for examples of Decrees of the Council, see the article on Council). Important decrees were passed by the Assembly. The Assembly, too, could act on certain things without any intervention from the Council, such as the business that regularly appeared on the agenda for the Sovereign Assembly in each prytany (Aristot. *Ath. Pol.* 43.4), or the annual vote on the laws that took place in the first Assembly of the year (Dem. 24.20).

But in important matters, the Council and the Assembly had to work together. The Assembly could not discuss or vote on a matter that the presiding officials, the Prytaneis, did not put on the agenda, and the Prytaneis could not put anything on the agenda unless the Council had considered it first (Aristot. *Ath. Pol.* 45.5). The Council had to approve a *probouleuma*, or resolution (προβούλευμα), which was

read at the Assembly, whereupon the citizens could discuss it and vote on it (Dem. 19.85; Dem. 19.34).

Once the resolution came to the Assembly, it ceased to be a *probouleuma* and became a *psephisma* (ψηφισμα), a “thing to be voted on” (Dem. 19.234). A very clear example of this process in action is Dem. 59.4, where the orator mentions a *probouleuma* passed by the Council asking the Assembly to discuss and vote on how to spend a budget surplus: should it go to military preparations or to public festivals?

It seems that the Council could send two different kinds of *probouleumata* (the plural of *probouleuma*) to the Assembly. Sometimes the Council would pass an open-ended *probouleuma* to the Assembly, which would debate it and vote on it; the ensuing decree, when it was inscribed on stone, would then begin with the words “It was decided by the People that...” (ἔδοξε τῷ δήμῳ) (IG II<sup>2</sup> 240; IG II<sup>2</sup> 337). Because the Council had not made a specific recommendation, the decree was credited to the will of the Athenian people. At other times, the Council might send a decree with a specific recommendation, which the Assembly would simply vote on; in these cases, the ensuing decree would begin with the words “It was decided by the Council and the People that...” (ἔδοξε τῇ βουλῇ καὶ τῷ δήμῳ) (IG II<sup>2</sup> 206). In this case, because the Assembly merely ratified the Council’s decision, the decree was credit to the will of both.

Anyone who introduced a measure in the Assembly that had not been approved by the Council was subject to prosecution for illegal procedure (Aristot. *Ath. Pol.* 45.5); the Council would try his case, but if he were found guilty before the Council, he could appeal his case back to the Assembly (Aristot. *Ath. Pol.* 45.2).

The relationship between the Council and the Assembly seems to have been a complicated one. Demosthenes, for example, mentions a probouleuma being passed by the Council “in the hopes that it might be ratified by a deluded Assembly” (ἵνα κυρώσειεν ὁ δῆμος ἐξαπατηθείς), which suggests that some Athenians, at least, thought the Assembly to be more easily fooled than the Council, although both were composed of a cross-section of citizens (Dem. 23.18). The rules governing probouleumata and psephismata also seem to have been somewhat ambiguous. One dispute over the interpretation of those rules focused on a law (νόμος) that allowed the Assembly to give an award to the Council, if the citizens thought that the Council had done a particularly good job; on this occasion, the Presiding Official (πρόεδρος) put a motion to the vote, and the Assembly approved it by a show of hands (χειροτονία). The dispute, between Demosthenes and Androtion, was over the legality of this vote. Androtion claimed that because there was already a law allowing the Assembly to make such a vote, no probouleuma was necessary; but Demosthenes argued that the existence of the law merely allowed a probouleuma to be passed, and any vote by the Assem-

bly without a probouleuma was illegal (Dem. 22.5). We do not know, unfortunately, how this particular dispute was resolved.

## VOTING

Most voting in the Assembly was by a show of hands (χειροτονία), although some votes were conducted by secret ballot (ψηφος).

Aristotle says that payment for attendance was instituted specifically to “get people to come to vote by show of hands” (Aristot. *Ath. Pol.* 41.3). Even the most serious of matters were often decided by show of hands, such as the impeachment and condemnation of generals (Aristot. *Ath. Pol.* 34.1) and the approval of formal laws (νόμοι) (Dem. 24.20) (laws were more significant than decrees; see below and on Legislation). This method of voting limited the business of the Assembly to daylight hours, as this anecdote from Xenophon shows: “it was decided, however, that the matter should be postponed to another meeting of the Assembly (for by that time it was late in the day and they could not have distinguished the hands in the voting).” (ἔδοξε δὲ ἀναβαλέσθαι εἰς ἑτέραν ἐκκλησίαν, τότε γὰρ ὄψε ἦν καὶ τὰς χεῖρας οὐκ ἂν καθεώρων) (Xen. *Hell.* 1.7.7). Under certain circumstances, the Assembly would vote by “ballot”, literally “pebble” (ψηφος); this was organized by Tribes (φυλαί), with two urns, serving as ballot-boxes, for each Tribe (Xen. *Hell.* 1.7.9). Voting by ballot was limited

to issues which had to be decided by a quorum of 6000 citizens (Dem. 59.89 – Dem. 59.90).

Once the Assembly had approved something, the decree, its date, and the names of the officials who put the matter to the vote, were recorded and preserved as a public record of the proceedings of government (Aeschin. 2.89; Aeschin. 2.58; Aeschin. 3.75). Thus Aeschines could refer to a decree (ψηφισμα) “as originally written” (ὡς ἐξ ἀρχῆς ἐγράφη) (Aeschin. 2.66). When Aeschines officially declined to serve as an ambassador when selected by the Assembly, his affidavit refusing that office was preserved with the original decree in the Metroon, the Temple of Demeter (Dem. 19.129).

#### DECREES AND LAWS

The assembly passed “decrees” (ψηφισματα) by show of hands (χειροτονία), but, in the 4th century at least, these decrees were not the same as “laws” (νόμοι). Laws were more permanent, more universal, and therefore harder to pass; for example, a quorum of 6000 citizens was needed to vote on a law that named an individual (a νόμος ἐπ’ ἄνδρι) – such a law revoking someone’s citizenship – but decrees naming individuals required no special quorum (Andoc. 1.87; Dem. 24.59).

Aeschines distinguishes between the two, once asking rhetorically why the laws are good, but the decrees of the Assembly are bad (Aeschin. 1.177). Aristotle makes a theoretical distinction between laws and decrees, noting that in

some kinds of democracy the laws rule, but in other kinds decrees of an assembly can override laws (Aristot. *Pol.* 1292a). Athens was the former kind of democracy, according to Demosthenes, who quotes a principle of Athenian governance, that “No decree, either of the Council or the Assembly shall have more authority than a law” (ψήφισμα δὲ μηδὲν μήτε βουλῆς μήτε δήμου νόμου κυριώτερον εἶναι) (Dem. 23.87). On the other hand, the laws could determine what sorts of decrees the Assembly could pass, such as a law that allows the Assembly to pass a decree honoring a citizen, but that limits the circumstances of such an honor (Aeschin. 3.36). Based on the laws, the courts could disallow a decree (Dem. 23.96).

The Assembly was responsible for creating laws, but did not pass them or repeal them directly, as it did decrees. On the 11th day of the first prytany, the Assembly met for ratifying the laws (ἐπιχειροτονία νόμων); the Assembly voted approval or disapproval, first, the laws having to do with the Council, then laws having to do with the nine Archons, and the laws having to do with other officials. If the votes expressed disapproval of any category of laws, then the last meeting of the prytany was set aside for discussion of those laws (Demosthenes adds that there were severe penalties for any officials, prytaneis or proedroi, who failed to follow this procedure) (Dem. 24.20 – Dem. 24.22). If, during those discussions, the Assembly decided that the laws needed to be changed, it could vote, on the third meeting after that decision, to appoint of Board of Legislators, a

small committee of citizens who would make the final decision regarding the laws; these were called Nomothetae (νομοθέται) (Dem. 24.25).

Only these Nomothetae could repeal a law (νόμος), but any Athenian citizen could propose the repeal, as long as he suggested a law to replace the one being repealed (Dem. 24.33). Demosthenes himself was once charged with improperly suggesting the emendation of a law governing the maintenance of warships (Dem. 18.105). Whoever wanted the Nomothetae to repeal a law, or wanted them to enact a new law, had to write down his proposal and post it publicly near the statues of the Eponymous Heroes; the Assembly could then see the number of proposed changes and allot the Nomothetae an appropriate amount of time for their work (Dem. 24.33). Whenever someone proposed that a law should be repealed, the Assembly appointed five citizens to argue, before the Nomothetae, in favor of keeping the existing law (Dem. 24.23).

In addition to considering and acting upon proposals for new laws and proposals that existing laws be changed, the Nomothetae also undertook an annual review of all existing laws, looking for any contradictions (Aeschin. 3.38). If they found any contradictory laws, the Prytaneis were to call an Assembly, which would vote on how to resolve the contradiction (Aeschin. 3.39). Demosthenes praises this practice of legislating (τοὺς νόμους τιθέναι) as being open and democratic (παρ' ὑμῖν, ἐν τοῖς ὁμωμοκόσιν, παρ' οἷσπερ καὶ τᾶλλα κυροῦνται), and in helping the average



citizen keep track of the laws of the city: “ [The Nomothetae undertake their annual review – CWB] so that there may be only one law dealing with each subject, and that the plain citizen may not be puzzled by such contradictions and be at a disadvantage compared with those who are acquainted with the whole body of law, but that all may have the same ordinances before them, simple and clear to read and understand.” (Dem. 20.93).

Any new laws proposed by the Nomothetae were to be published near the statues of the Eponymous Heroes and read aloud to the next meeting of the Assembly (Dem. 20.94).

#### ELECTION OF OFFICIALS

A large responsibility of the Assembly was the election of public officials, both civil servants and military officers.

Aristotle says that the Assembly elected generals (ἀρχαιρεσίας στρατηγῶν), officials with civic and military responsibilities, cavalry commanders (ἰππάρχων), and other “War Leaders” (τῶν πρὸς τὸν πόλεμον ἀρχῶν), “in whatever manner seemed good to the people” (καθ’ ὅ τι ἂν τῷ δήμῳ δοκῆ); these elections happened at a meeting of the Assembly held as soon as possible, weather permitting, after the 6th prytany (Aristot. *Ath. Pol.* 44.4; also Dem. 4.26). The Assembly elected ten generals (στρατηγοί), and voted on which general would assume which specific duty: one commanded heavy infantry on foreign expeditions; one took charge of the defense of Attica; one managed

the military harbor at Munychia and one the harbor at “the Point” (εἰς τὴν Ἀκτὴν); one managed the Symmories (συμμορίαί), which were the groups of citizens, called trierarchs (τριήραρχοι) responsible for maintaining warships; and others were dispatched wherever they were needed (Aristot. *Ath. Pol.* 61.1). The Assembly also elected ten infantry commanders or taxiarchs (ταξιάρχαι) (Aristot. *Ath. Pol.* 61.3). Demosthenes mentions being, himself, elected taxiarch (Dem. 40.34). They elected two cavalry commanders, or hipparchs (ἵππαρχοι) (Aristot. *Ath. Pol.* 61.4), and a special hipparch for the island of Lemnos (Aristot. *Ath. Pol.* 61.5). The Assembly elected ten phylarchs (φύλαρχοι), who each commanded the cavalry units contributed by one of Athens’ Tribes (Aristot. *Ath. Pol.* 61.4).

In addition to these officials, the Assembly elected “stewards” (ταμίας) who were responsible for the ships *Paralus* and *Ammon*, which were used for special official functions (Aristot. *Ath. Pol.* 61.7). The Assembly could dispatch these ships on missions and establish their budgets (Dem. 21.173). Naval architects (ἀρχιτέκτονας ἐπὶ τὰς ναῦς) were also elected by the Assembly (Aristot. *Ath. Pol.* 46.1). On at least one occasion, Demosthenes proposed that the Assembly meet on a certain date to elect officials to oversee the maintenance of the city walls (Aeschin. 3.27). At one time, according to Aristotle, the Assembly also elected an official to manage the parade featuring a 30-oared ship that carried young people through the streets of the city during

the Festival of the Dionysia (ἀρχιθέωρον τῷ τριακοντορίῳ τῷ τοὺς ἡθέους ἄγοντι) (Aristot. *Ath. Pol.* 56.4).

The Assembly chose a Treasurer of Military Funds, the Controllers of the Theoric Fund, and the Superintendent of Wells; all of these officials held office from one Panathaea (the “All Athens Festival”) to the next, four years (Aristot. *Ath. Pol.* 43.1). The Assembly elected by show of hands ten sacrificial officers called “Superintendents of Expiations” (τοὺς ἐπὶ τὰ ἐκθύματα), responsible for making sacrifices to appease the gods (Aristot. *Ath. Pol.* 54.6), and ten “yearly Sacrificial Officers” (τοὺς κατ’ ἐνιαυτὸν), who performed sacrifices and administered all the four-yearly festivals, except the Panathenaea (Aristot. *Ath. Pol.* 54.7). Demosthenes accuses a man named Meidias of demanding to be elected overseer of the festival of the Dionysia, which might suggest that a certain amount of campaigning went on for these offices (Dem. 21.15).

Aristotle says that the Assembly elected, by show of hands, a clerk to read document at meetings of the Assembly and of the Council (Aristot. *Ath. Pol.* 54.5); at one time a special “Clerk of the Presidency” (γραμματέα τὸν κατὰ πρυτανείαν) was also elected, but later came to be chosen by lot (Aristot. *Ath. Pol.* 54.3). These clerks enjoyed free meals in the Tholos (Dem. 19.249).

Demosthenes mentions a law that no commissioner (σύνδικος) elected by the people is permitted to serve more than once (μὴ ἐξεῖναι ὑπὸ τοῦ δήμου χειροτονηθέντα πλεῖν ἢ ἅπαξ συνδικῆσαι) (Dem. 20.152). But he also claims

that the Assembly elected Meidias to the offices of steward (ταμίας) of the Paralus, hipparch, and superintendent of the Mysteries, sacrificer, and buyer of victims (μυστηρίων ἐπιμελητήν καὶ ἱεροποιόν ποτε καὶ βοώνην), which certainly suggests that there was no limit to the number of different offices a man could hold (Dem. 21.171).

Just as the Assembly could elect officials, it could also impeach them. See Impeachment.

#### FOREIGN POLICY: SENDING EMBASSIES

The Assembly was responsible for the general conduct of Athens' public business, which included sending embassies to conduct business with other states.

Aristotle, after listing the two special meetings of the Assembly in each prytany, says that the remaining two meetings were reserved for "all other business" (αἱ δὲ δύο περὶ τῶν ἄλλων...προξειροτονίας) (Aristot. *Ath. Pol.* 43.6). Included in that general category were matters of foreign policy, and especially the appointment and dispatch of embassies (πρέσβεις, πρεσβευταί) to other states. The sources contain many specific references to embassies sent out by the vote of the Assembly. Demosthenes mentions embassies sent by the Assembly to discuss peace with Philip of Macedon (Dem. 18.29; Dem. 19.13), one of three citizens to Philip to discuss his capture of some Athenian grain ships (Dem. 18.75), an embassy to Philip asking him to make war on Persia, and a later embassy to the Persian King asking him to make war on Philip (Dem. 18.75). On one occasion

we hear of a private individual, and not even an Athenian citizen, asking the Athenian Assembly to dispatch an embassy: Phrynon of Rhamnus had been captured by pirates and subsequently ransomed, whereupon he asked the Athenian Assembly to appoint an embassy to go to Philip and get Philip to help get his ransom back (Aeschin. 2.13).

Certain embassies were recurring, such as the Hieronomon (ἱερομνήμων) and the Pylagoras (πυλάγορας), who were ambassadors with specific religious duties; Aeschines mentions a decree that orders them to travel to Themopylae and Delphi “at the times appointed by our fathers” (ἐν τοῖς τεταγμένοις χρόνοις ὑπὸ τῶν προγόνων) (Aeschin. 3.127).

The Assembly could appoint citizens to serve on embassies, but a citizen could excuse himself by swearing an oath (ἐχόμνυμι), as Demosthenes claims to have done once (Dem. 19.122). Aeschines cites a law that says that an ambassador chosen by the Assembly can excuse himself only by swearing before the Assembly, not before the Council (Aeschin. 2.95). Once an embassy was approved, the Assembly could also dispatch an Athenian warship to convey the ambassadors to their destination (Dem. 53.5). The Assembly would also give the ambassadors instructions as to how to conduct their business (Dem. 19.6). As evidence that the Athenians regarded their ambassadors as sacred and immune from interference, we have mention of an incident in which Megara arrested some Athenian ambassadors, whereupon the Assembly voted to exclude

all Megarians from participation in the Mysteries at Eleusis (Dem. 12.4).

Once an embassy, dispatched by the Assembly, completed its mission, it was to report to the Assembly (Aeschin. 3.125, Aeschin. 2.47). These reports were important: Aeschines mentions a motion to hold a meeting of the Assembly on a sacred day, so that the Assembly could hear an embassy's report as quickly as possible (Aeschin. 3.67). The Assembly could not make foreign policy decisions until they had heard from their returning ambassadors, and we hear of at least one occasion when the business of several cities, which were engaged in multi-lateral negotiations, came to a standstill until an Athenian embassy reported to the Athenian assembly (Aeschin. 2.60). Demosthenes accuses an embassy, which he claims reported only to the Council, of failing in its duty by not reporting immediately to the Assembly (Dem. 19.19); and the responsibility went in both directions, since Aeschines suggests that a returning had a right to the opportunity to report to the Assembly (Aeschin. 2.121). If the Assembly reacted favorably to the report, it could pass a vote of thanks to the ambassadors and treat them to a meal at public expense (Aeschin. 2.53). But not all reports were so well received, such as that of Epicles, who was subject to impeachment and condemned to death for mishandling an embassy (Dem. 19.276). There is also a parody of an embassy's report in Aristophanes' *Acharnians*, during which a character complains that an embassy to Persia wasted the city's money (Aristoph. *Ach.*

60); the jokes here may reflect a common topic of discussion in the Assembly when embassies reported their activities.

#### FOREIGN POLICY: RECEIVING AMBASSADORS

When ambassadors from other states came to do business with Athens, they appeared before the Assembly.

Aeschines mentions an occasion on which Philocrates moved, in the Assembly, that Athens send out ten ambassadors to Philip for the purpose of inviting Philip to send his own ambassadors to Athens (Aeschin. 3.63). Just as the Assembly could send out embassies and hear their reports when they returned, it could also receive embassies from foreign powers. Aeschines mentions a motion before the Assembly to receive ambassadors from Cersobleptes (Aeschin. 2.83), and a decree granting safe passage to ambassadors from Philip (Aeschin. 2.109). Ambassadors from Philip and other states came before the Assembly to make their case (Dem. 7.19, Dem. 19.111). Foreign ambassadors might mount the platform to be questioned before the Assembly (Aeschin. 3.72). The Assembly might vote special honors for foreign ambassadors, such as a free dinner in the Prytaneum (Dem. 19.234) or choice seats for a play in the Theater of Dionysus (Dem. 19.111).

## FOREIGN POLICY: GENERAL ISSUES

The Assembly directed most of Athens' foreign policy, including making specific decisions regarding alliances and military strategy.

When the Assembly sent out ambassadors or received ambassadors from elsewhere, it was conducting foreign policy. So, on the motion of Demosthenes, the Assembly dispatched five citizens as ambassadors to negotiate a treaty of peace between Athens and Philip of Macedon (Dem. 18.29). But the Assembly's powers over foreign policy extended far beyond the dispatch of embassies. When the embassy just mentioned returned to Athens, the Assembly had to decide how to respond to the diplomatic developments. We hear of two subsequent meetings. At one, the Assembly discussed formalizing a treaty of peace with Philip, and at the other, it discussed making an alliance with Philip (Aeschin. 2.53). When these diplomatic efforts resulted in a specific proposal, the Assembly voted to make the treaty official (Aeschin. 2.82; Aeschin. 2.109; Dem. 19.14).

There are other examples of the Assembly managing foreign policy. The Assembly voted to send Timotheus to help the Persian Ariobarzanes, who was leading a revolt against the Persian king (Dem. 15.9). The Assembly voted to exclude all Megarians from the celebration of the Mysteries at Eleusis, after Megara had arrested some Athenian ambassadors (Dem. 12.4). The Assembly received a petition



from Thessaly, which was asking that Philip of Macedon be admitted into the Amphictyonic Council, which was a body, consisting of representatives from several cities, that governed the shrines of Apollo at Delphi (Dem. 19.111).

One significant disadvantage of conducting foreign policy in the Assembly, on the Pnyx, out in the open, was a complete lack of secrecy. When Athens voted to make peace with Philip of Macedon (Aeschin. 2.82; Aeschin. 2.109; Dem. 19.14), the people of Phocis, who were at war with Philip, learned of this within four days, according to Demosthenes, because some Phocians were in Athens and overheard the proceedings on the Pnyx (Dem. 19.53; Dem. 19.59).

#### CONFERRING REWARDS

The Assembly could confer honorary Athenian citizenship on non-Athenians, or could award someone with immunity from taxes (ἀτελεία), and could honor citizens with gold crowns (στέφανοι).

To confer citizenship, six thousand Athenians had to vote, by secret ballot (Dem. 59.90); once citizenship had thus been voted on someone, only a court could withdraw it (Dem. 59.91). Among the people on whom the Assembly granted honorary citizenship were Teres and Cersobleptes, rulers of Thrace (Dem. 12.8), Ariobarzanes (a Persian), Philiscus, and Charidemus (Dem. 23.141), Timotheus (Dem. 20.84), and once, after the Battle of Marathon, all male citizens of Plataea (Dem. 59.104). Demosthenes says, in one

speech, that Meno of Pharsalus and Perdicas of Macedonia were granted citizenship by the Assembly (Dem. 23.199 – Dem. 23.200), but at another place he says, quite explicitly, that these two were not granted citizenship but merely immunity from taxes (Dem. 13.23 – Dem. 13.24).

It is important to note a passage in Demosthenes where he says that the Athenians considered honorary citizens to be “real” Athenians only when it was convenient. (πῶς ἐστὶ τοῦτ’ ἴσον ἢ δίκαιον, ὅταν μὲν ὑμῖν συμφέρη, πολέμιον εἶναι φάσκειν αὐτὸν τῆς πόλεως, ὅταν δ’ ἐμὲ συκοφαντεῖν βούλησθε, πολίτην ἀποδείκνυσθαι τὸν αὐτὸν ὑφ’ ὑμῶν) (Dem. 12.9), and that the honorary citizenship that the Assembly granted to Teres and Cersobleptes of Thrace was not “real” (οὐτ’ Ἀθηναίους ὄντας) (Dem. 12.8).

The Assembly could also confer lesser honors by passing a decree that named the honored parties “friends of the state, benefactors, and immune from all taxes” (προξενίαν, εὐεργεσίαν, ἀτέλειαν ἀπάντων) (Dem. 20.60). Epicerdes, who saved the Athenians captured in Sicily, was granted such immunity (Dem. 20.42), as was the general Conon (Dem. 20.42). The Assembly could also pass a more simple vote of thanks, as it did for Callias (Dem. 12.6).

One honor that the Assembly could bestow was a crown. The Assembly awarded crowns, by decree, as rewards for some service to Athens. So, Nausicles was crowned several times for spending his own money on a military expedition while he held the office of General (στρατηγός) (Dem. 18.114). Diotimus and Charidemus were crowned for do-

nating shields to Athens (Dem. 18.115). Neoptolemus was crowned for raising money toward certain public works (Dem. 18.116). Demosthenes himself claims to have been awarded a crown for overseeing the repair of some fortifications and for having been a good manager of the Theoric Fund (Dem. 18.118). A crown could be held out as an incentive, as on one occasion when we hear of the Assembly offering a crown to the first trierarch to get his ship ready for sea (Dem. 51.1). The crowns awarded by the assembly became the property of the recipient and his family, as opposed to being hung in a temple and thus dedicated to the gods in the recipient's name (Aeschin. 3.46). There is a great deal of evidence regarding this procedure because Aeschines prosecuted Ctesiphon for illegally moving that the Assembly bestow a crown on Demosthenes; both Aeschines' speech for the prosecution and Demosthenes' speech in defense of Ctesiphon survive (Aeschin. 2.1; Dem. 18.1).

The details of crowning are not particularly clear, because Aeschines and Demosthenes, naturally, present two different versions. Aeschines quotes a law mandating that anyone crowned by the Assembly must receive the crown on the Pnyx (Aeschin. 3.55; compare Aeschin. 3.32 and Aeschin. 3.204, where he seems to use the word Assembly [ ἐκκλησία ] as a synonym for the Pnyx). Elsewhere he mentions this law from another direction, saying that any crowns awarded during a meeting of the Assembly must be awarded by the People (δῆμος) (Aeschin. 3.42). Dem-

osthenes interprets the law differently, saying that when the Assembly bestows a crown, it may be conferred on the Pnyx, but may also be conferred somewhere else (Dem. 18.120). Demosthenes evidently had cited a law saying that the People (δῆμος) could vote to crown someone in the Theater of Dionysus (Aeschin. 3.36). According to Aeschines, the problem with awarding crowns in the Theater of Dionysus was this: since non-Athenians might be present in the Theater, such an award conferred more widespread glory on the recipient than if the crown were given on the Pnyx, and this was not fair to those who received their crowns on the Pnyx (Aeschin. 3.43).

#### COMPLAINTS ABOUT RELIGIOUS MATTERS

The Assembly also dealt with questions of religious ritual and accusations of impious behavior, particularly because the democracy sponsored public festivals, which were both civic events, to celebrate the glory of Athens, and religious events, to honor the gods.

There was a special meeting of the Assembly regularly held in the Theater of Dionysus after the festival of the City Dionysia (Aeschin. 2.61; Dem. 21.8, which says that this was mandated by a law [ νόμος ] and was to be held on the day after the Pandia, the Festival of All-Zeus). The purpose of this meeting was, at least in part, to deal publicly with any issues that arose during the Festival. Demosthenes claims to have lodged complaints against Meidias for crimes he committed during the City Dionysia (Dem. 21.1), and Ae-

schines mentions that a vote of censure (καταχειροτονία) was passed against Meidias in the Theater of Dionysus (Aeschin. 3.51). Demosthenes mentions the Assembly condemning a man, the father of Chariclides. The son was an Archon, and the father was serving as his Presiding Official (πάρεδρος); the father expelled a man from the Theater of Dionysus, which was proper, since the man was in the wrong seat, but in doing so the father laid a hand on him. Thus he was deemed, by the Assembly, to have profaned the Festival and was condemned (Dem. 21.178). Another man condemned for profaning the Festival was Ctesicles, who was drunk during the procession and struck a man with a lash (Dem. 21.180). Demosthenes mentions a decree, moved by Evegorus, that no one creditor may seize any property from his debtors during the Festival, and that if he does, a complaint may be lodged at the meeting of the Assembly immediately following the Festival (Dem. 21.10).

Other cases of religious profanation came before the Assembly. The Assembly convicted Euandrus of profaning the Eleusinian Mysteries because he had won a suit against Menippus and arrested him during the Mysteries (Dem. 21.175). And Aeschines claims to have prosecuted Demosthenes for guest-murder (ξενοκτόνος), an offense against the gods, and to have convicted him “in the presence of all Athenians” (ἐν ἅπασιν Ἀθηναίοις), which strongly suggests that this took place at a meeting of the Assembly (Aeschin. 3.224).

## FINANCIAL MATTERS

The Assembly made decisions in financial matters as well.

A topic of discussion for at least some meetings of the Assembly was the “dole” (τοῦ λαβεῖν), and whether monies should be distributed generally to all citizens, or only to those who provided some service (Dem. 13.1). Demosthenes complains, on one occasion that “we have surrendered the Assembly to discussion of doles” (ὡς περὶ τοῦ λαβεῖν ἐκκλησίαν ἀπεδώκαμεν), and we might suspect that this was a popular and controversial topic (Dem. 13.3). The Assembly voted on how to spend any surplus funds; on one occasion, after the Council had passed a *probouleuma* (the preliminary measure that put a piece of business on the Assembly’s agenda), the Assembly had to decide whether to spend surplus funds on military things or on funding public festivals (Dem. 59.4). This particular choice, defense or festivals, appears elsewhere, where the question is whether the Legislators (νομοθέται) should repeal a law and allow the Theoric Fund to be spent for military purposes (Dem. 3.10). We know that the Assembly determined military budgets, as when Meidias was dispatched in a ship on a military mission and the Assembly set his budget at 12 talents (see Money) (Dem. 21.173).

The Assembly was the forum for accusations of financial misdeeds and the body responsible for investigating them. Dem. 24.11 mentions a decree that established a special investigation into any public money that might be in the

hands of private citizens; this investigation brought its results to the Council, which then asked the Assembly to vote for further investigations (Dem. 24.11). A man named Pamphilus, from the deme Acherdous denounced Hegesandrus and Timarchus before the Assembly, accusing them of having stolen 1000 drachmas from the Parthenon (Aeschin. 1.110). Demosthenes reports a case in which someone was charged with defrauding the treasury, and the matter went before the Council, the Assembly (which spent a whole day on the matter), and two different juries (Dem. 24.9). If someone were imprisoned because he owed money to the treasury, the Assembly could agree to let him remain free as long as someone else posted bond (Dem. 24.79). However, if someone lost his citizenship because of an unpaid debt to a temple, the Assembly could not restore his citizenship without 6000 votes in his favor (Dem. 24.45).

#### MILITARY MATTERS

The Assembly passed decrees on military matters, beginning with votes to make preparations for war (Dem. 14.14). Since Athens relied on a citizen militia to fight its wars (see, for example, Dem. 3.4), military decisions were of immediate and vital relevance to those citizens as they gathered in the Assembly.

Military questions and financial questions were often inseparable, as when Philip was besieging Heraeum and the Assembly voted to launch a fleet of forty ships and levy

a special tax to pay for the expedition (Dem. 3.4). It was not unknown for a private citizen to offer, during a meeting of the Assembly, a voluntary donation (ἐπίδοσις) for a military expedition (Dem. 21.161). The military decisions in the hands of the Assembly were not limited to broad political matters; while the Council decided, each year, whether to spend money on the construction of warships, it was the Assembly that decided what types of warships to build that year (Aristot. *Ath. Pol.* 46.1). Demosthenes, in one speech, asks the Assembly to vote to raise an army (to fight Philip) consisting of 2000 men, of whom 500 were to be Athenians, of any suitable age, serving for a specified period, and other specific details (Dem. 4.21); this request shows the level of detail with which the Assembly involved itself in planning. Demosthenes goes beyond appropriations to strategy when he asks that the Assembly vote that this army should wage a “war of continuous annoyance” against Philip (ἢ συνεχῶς πολεμήσει καὶ κακῶς ἐκεῖνον ποιήσει) (Dem. 4.19).

In times of crisis, the Assembly was responsible for voting to mobilize, and the first step seems to have been a vote that the trierarchs (τριήραρχαι) get their ships ready for sea (Dem. 50.4; Dem. 50.6). The Assembly could set incentives for speed in this matter, and hand down punishment for inefficiency; we hear of the Assembly awarding a crown for the first to get his ship ready, and at the same time decreeing that those who did not launch on time were subject to imprisonment (ὄς ἂν μὴ πρὸ τῆς ἔνης καὶ νέας ἐπὶ χῶμα



τὴν ναῦν περιορμίσῃ, δῆσαι καὶ δικαστηρίῳ παραδοῦναι) (Dem. 51.4). Likewise, the Assembly could, at any time, replace one military commander with another, as when Autocles was relieved of command, and the Assembly dispatched Menon to replace him (Dem. 50.12; see also Impeachment).

#### OTHER MATTERS

It is important to remember, in the face of all of these specific actions by the Assembly, that this body could pass a decree on almost anything, as long as the Council presented a *probouleuma* (Aristot. *Ath. Pol.* 45.5). In certain matters the Legislators (νομοθέται) could bring special matters before the Assembly, such as impeachments, audits of generals, or prosecutions for improper legislation (Aristot. *Ath. Pol.* 59.1). The Areopagus, too, could bring matters before the Assembly, such as a report on the subject of private residences being built on the Pnyx (Aeschin. 1.81). And certain business seems to have happened in the presence of the Assembly, but without necessitating a vote or a decree, such as the Archons assigning flute players to tragic choruses (Dem. 21.13). So when we hear of the Assembly approving a law (νόμος) stating that if any one of the captains of the ferry-boats, which traveled between the mainland and the island of Salamis, should capsize his boat, he is to lose his job (Aeschin. 3.159), we should not necessarily assume that governance of the ferry-boats was an ongoing part of the Assembly's agenda, only that this

was an issue that seemed sufficiently important for the Assembly and the Legislators (νομοθέται) to take it up on one occasion.

#### DISORDERLY CONDUCT, CORRUPTION, AND MANIPULATION

Meetings of the Assembly were not always orderly affairs. Orators seem to have resorted to theatrics from time to time, such as in the 5th century when Cleophon came forward, drunk, wearing armor, and threatening anyone who wished to make an arrangement with Sparta (Aristot. *Ath. Pol.* 34.1). According to Aeschines, Demosthenes once threatened to drag away, by the hair, anyone who advocated peace with Philip (Aeschines explicitly compares this incident to Cleophon's antics many years before) (Aeschin. 3.150). Aeschines also mentions Timarchus throwing off his clothes and leaping around "like a gymnast" to punctuate some point (Aeschin. 1.26). Aristotle blames the late 5th century politician Cleon for this sort of behavior, saying that he was the first to use "unseemly shouting and coarse abuse on the platform" (ἐπὶ τοῦ βήματος ἀνέκραγε καὶ ἐλοιδορήσατο, καὶ περιζωσάμενος ἐδημηγόρησε), and to hitch up his cloak (Aristot. *Ath. Pol.* 28.3). In addition to the antics of speakers, the assembled crowd could get rowdy. Demosthenes laments that many citizens would come to the Assembly for "diversion" (παρέργως) rather than for serious deliberation (Dem. 17.13). When Philocrates tried to speak in favor of an unpopular motion, according to

Demosthenes, the assembly “raised a clamor” and refused to listen to him, forcing him to step down (θορυβούντων ὑμῶν καὶ οὐκ ἐθελόντων ἀκούειν αὐτοῦ, καταβαίνων ἀπὸ τοῦ βήματος) (Dem. 19.111).

There were laws against such behavior. Aeschines quotes a law that if anyone who spoke off subject, failed to speak on each proposition separately, spoke twice on the same subject on the same day, spoke abusively, interrupted, shouted disapproval, or laid hands on the Presiding Officials (πρόεδροι), then that person could be fined up to 50 drachmas for each offence, and under certain circumstances, the Council could vote to fine him even more (Aeschin. 1.35). But, as the evidence suggests, this law was not uniformly or consistently enforced, a fact that Aeschines laments (Aeschin. 3.2).

Misbehavior of a more serious kind was possible, as well, and was the subject of debate in the Assembly. Aeschines mentioned a decree, proposed by one Demophilus, that was to set certain punishments for attempts to bribe member of the Assembly (Aeschin. 1.86). Aeschines accuses Demosthenes of bribing “hirelings” (μισθοφόροι) to attend meetings of the Assembly and vote a certain way (Aeschin. 2.72). And Aeschines elsewhere complains of corruption deeper than specific instances of bribery, claiming that the Presiding Officials (πρόεδροι) are not chosen fairly, but by a corrupt process (Aeschin. 3.3).

Short of bribery, but equally subject to accusations, complaints and condemnations by the orators, were efforts to

manipulate the normal workings of the Assembly and the government generally. For example, Aeschines argues that Demosthenes proposed a decree sending ambassadors to Thermopylae and Delphi “the times appointed by our fathers” (ἐν τοῖς τεταγμένοις χρόνοις ὑπὸ τῶν προγόνων); this decree was a ruse, Aeschines claims, to prevent those ambassadors from being at Thermopylae for an important meeting of the Amphictyonic Council, the body that governed the sanctuaries at Delphi (Aeschin. 3.127). In another passage, Aeschines makes a complicated argument that Demosthenes manipulated the Council into passing a certain probouleuma for consideration by the Assembly (Aeschin. 3.125). And again, Aeschines criticizes Callias for delivering, as his own words, a speech that Demosthenes had written for him (Aeschin. 3.95). In his turn, Demosthenes claimed that a cabal was formed against him (συστάντων), that set in motion all sorts of indictments, audits, and impeachments (γραφάς, εὐθύνας, εἰσαγγελίας). Aeschines claims that impeachment (εἰσαγγελία) was often used when a prosecutor preferred to argue a case before the Assembly, thinking that it would not be successful if argued before a jury (Aeschin. 3.4).

#### THE DANGERS OF BAD GOVERNMENT

The Athenians themselves were well aware of the potential dangers of direct democracy as exercised by the Assembly, and the orators, particularly, mention them often. Demosthenes says, “A man can do no greater wrong than by telling

lies to a popular assembly; for, where the political system is based upon speeches, how can it be safely administered if the speeches are false?" (Dem. 19.184). He complains of partisanship and the dangers it poses to orderly process: "You conduct your politics by syndicates (συμμορίας); each syndicate has an orator for chairman, with a general under him, and three hundred to do the shouting." (Dem. 2.29). He complains that the Assembly was given to hysteria, describing how, on one occasion, someone broke into the Parthenon and stole a few oars, and at the ensuing meeting of the Assembly "all those coming forward to speak" (οἱ παριόντες ἅπαντες) cried that the democracy was overthrown and all the laws were null and void (Dem. 13.14). Aeschines complains that actions by the Assembly could interfere with justice, noting an occasion on which a jury acquitted someone of corruption, not based on the evidence, but on the fact that the Assembly, earlier, had awarded him a crown (Aeschin. 3.10). He also complains of the reverse, that lawsuits (or the threat thereof) could stand in the way of proper deliberation in the Assembly (Aeschin. 3.146).

The most famous example of the Assembly behaving rashly and inconsistently comes from Xenophon. He describes the case of the generals at the battle of Arginousae in 406 BCE, who were accused of failing to rescue the survivors of the ships that had sunk in the battle (the account begins at Xen. *Hell.* 1.6.24). These men were put on trial for their lives, and when the Prytaneis refused to put the mat-

ter to a vote in the Assembly, arguing that the proceedings were illegal (the generals should have been tried individually, not all at once), the Assembly overrode them, and the Prytaneis gave in out of fear of the crowd (Xen. *Hell.* 1.7.14 – Xen. *Hell.* 1.7.15). The generals were condemned to death and executed, but after it was too late, the Athenians had a change of heart, and the Assembly voted a complaint against “those who had misled them” (οἵτινες τὸν δῆμον ἐξηπάτησαν) (Xen. *Hell.* 1.7.35).

The affair of the Arginousae generals was one of the darkest moments of the Athenian democracy, an over-reaction following the temporary oligarchic revolution of 411 BCE.



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