How Often Did the Athenian
Dicasteria Meet?

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In fourth-century Athens the three principal bodies of government were the ecclesia, the boule and the dicasteria. The ecclesia was convoked forty times in a year and the boule met every day except on ήμεραι αφέσιμοι comprising annual festival days, and probably ήμεραι ἀποφράδες. But how often did the dicasteria meet? The only direct evidence bearing on this question is the famous passage from Aristophanes’ Wasps in which Bdelycleon explains to his father that only a fraction of the revenue is paid out to the dicasts as μιθόες, whereas the young, smart politicians keep the lion’s share (660–63).

τούτων πλήρωμα τάλαντ’ ἔγγυς διεχίλια γίγνεται ἡμῶν.
ἀπὸ τούτων νυν κατάθεσ μιθόν τοῖς δικασταῖς ἐναντίον
ἐξ χιλιάδεσ, καθένας ἐν τῇ χώρᾳ κατεναχθεῖν,
γίγνεται ἡμῶν ἕκατον δήσου καὶ πεντήκοντα τάλαντα.

The scholiast is undoubtedly right in his explanation that Bdelycleon arrives at the sum of 150 talents by assuming that 3 obols are paid out to 6000 jurors on 300 court days (quoted infra n.5).

Most modern historians agree that Aristophanes is exaggerating, but apart from stating that the figures 6000 and 300 are inflated, they leave the problem unsolved and assume without further discussion that the Athenian courts sat very frequently, quite often daily. In this note I shall argue that a study of the Athenian calendar provides

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us with some indirect information pointing to the conclusion that the number of court days in an ordinary year of 354 days probably amounted to no less than ca 150 days and no more than ca 200 days.

The maximum of ca 200 days is based on the following calculations. The dicasteria were convened neither on assembly days nor on festival days. Furthermore, the dicasteria were probably closed on ἡμέραι ἀποφράδες, viz. the day of the Plynteria and the days reserved for homicide trials heard by the Council of the Areopagus. In the fourth century the Athenians held forty meetings of the ecclesia during one year (supra n.1), and the number of annual festival days seems to have amounted to at least seventy-five. The number of ἡμέραι ἀποφράδες is more difficult to assess since a day undoubtedly counted as ἀποφράς only if the Council of the Areopagus did in fact meet to hear a homicide case. Homicide trials were fixed to the 27th, 28th and 29th of the month, but of the thirty-six possible days probably no more than, say, ten to fifteen were actually ἡμέραι ἀποφράδες. So the number of possible court days in a year is 354 - (40 + ca 75 + ca 15) = ca 225, but the number of actual court days must be somewhat lower.

In the Constitution of Athens 59.1 Aristotle states that the θεσμοθέται have the function of fixing the days on which the law courts are to sit. This provision is absurd if the dicasteria were convened on all possible court days, and accordingly we can fix the maximum number of actual court days in a year to ca 200.

It is more difficult to estimate the minimum number of actual court days, but, on the basis of J. D. Mikalson's careful study of the Athenian festival calendar (supra n.3), one could advance the follow-

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5 Assembly days: Dem. 24.80, ἀδύνατον δ' ὅστος αὐθημερόν ἐκκλησίαν ἀμα καὶ δικαστήριον γενέσθαι. Festival days: Ps.-Xen. Ath.Pol. 3.8, πρὸς δὲ τούτος οἴς ἐξέβαι χρὴ καὶ ἐστάτω ἄγειν χρήσεις Ἀθηναίους, ἐν ὃς ὀχθὸν τε δικάζειν. καὶ ἄγουσι μὲν ἐστάτω διπλασίους ἢ οἱ ἄλλοι; schol. Ar. Wasps 663, εἰς τ' ἡμέραν λογίζεται τὸν ἐναυστών, ὡς τὼν β' εἰς ἐστάτω προχωροῦσιν. ἕκαστο γὰρ τριώβδολον τῇ ἡμέρᾳ [ἰε' τοῦ μηρὸς] τάλαντα ἔποιε, ὡς ἐκ τῶν ἐξήδη δήλου γίνεται; Ar. Thesm. 78-80, ἐπεὶ νῦν γ' ὄντε τὰ δικαστήρια μέλλει δικάζειν ὅπερ βουλής ἐδρα, ἐπεὶ τρίτη 'τε Θεσμοφορίων ἡ μέση; Lys. 26.6, ἡ γὰρ αὕριον ἡμέρα μόνη λοιπὴ τοῦ ἐναυστὶ ἔστω, ἐν δὲ ταύτῃ τῷ Δι τῷ εἰσώρητῳ θυσία γίγνεται, δικαστήριον δὲ παρὰ τοὺς νόμους ἀδύνατον πληρωθῆναι.

6 Cf. Mikalson, op.cit. (supra n.2) 26.

7 Cf. Mikalson, op.cit. (supra n.3). In Calendar VII on page 202 Mikalson lists 36 firmly dated and 24 probable annual festival days. To these 60 days must be added 9 annual festival days coinciding with monthly festival days (cf. infra n.10) and at least 6 festival days which cannot be dated, viz. 3 days for the Apatouria and 3 days for the Mysteries at Agrai (cf. Mikalson 201).

8 Cf. Mikalson, op.cit. (supra n.2) 25.
ing reasons for suggesting that the dicasteria must have been convoked on more than 150 days during a year.

In addition to the annual festival days the Athenian calendar included no less than eighty-four monthly festival days, viz. days 1–4 and 6–8 of every month. On nine occasions, however, a monthly festival day coincided with an annual festival day, and so the number of monthly festival days in excess of annual festival days amounts to seventy-five. Now, Mikalson has demonstrated that the ecclesia was convoked neither on annual nor on monthly festival days, whereas the boule did not meet on annual festival days but was regularly convoked on monthly festival days. What about the dicasteria? In Ps.-Xenophon, Athenaios Politeia 3.8, and the scholium to Aristophanes, Wasps 663 (quoted supra n.5), it is stated without further specification that the dicasteria did not meet on festival days. On the other hand, several sources demonstrate that the monthly festival days were regarded as regular court days.


⁹ Cf. Mikalson, op.cit. (supra n.3) 13–24.
¹⁰ Annual festival days coincided with monthly festival days on 7 Hekatombaion(?), 2, 3 and 6 Boedromion, 7 and 8 Pyanopsion, 8 Poseidon(?), 6 Mounichion, 7 Thargelion. Cf. Mikalson, op.cit. (supra n.3) 186. 7 Hekatombaion and 8 Poseidon are not mentioned by Mikalson in his survey on page 186 but discussed on pages 26 and 89.
¹¹ Mikalson, op.cit. (supra n.3) 186–90 and 196–97.
¹² A fifth possible example is Dem. 42.5: τοῦ γὰρ Μεταγειτιωνος … τῇ δευτέρᾳ ἱσταμένου ἐσοῦν οἱ στρατηγοὶ τοῖς τριακοσίοις τὰς ἀντιδόσεις. In this case, however, we do not know whether the phrase πουεῖν τὰς ἀντιδόσεις indicates a session of a dicasterion or a meeting of the board of generals.
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So the dicasteria were regularly convened on monthly festival days like the boule but in opposition to the ecclesia. It is a reasonable assumption that the Athenians would not have convoked the dicasteria on monthly festival days if the available number of 'week-days' had sufficed for the business to be transacted by the people's court. Now, if the seventy-five monthly festival days are added to the ca 75 annual festival days, the 40 assembly days and the ca 15 ἡμέραι ἀποφράδες, the number of days left in an ordinary year of 354 days is ca 150 days. The conclusion seems to be that this number of days was insufficient, and so the number of actual court days in an ordinary year can be fixed within the limits of ca 150 days (minimum) and ca 200 days (maximum).

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