How Did the Athenian Ecclesia Vote?

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In Classical Athens two kinds of voting were employed: the assembly voted by a show of hands and the popular court by ballot. The vote by ballot is known in every detail thanks to the account given by Aristotle in the Constitution of Athens 68–69 and to the discovery of several bronze psephoi of the classical period. The cheirotonia, however, is described neither by Aristotle nor by any other contemporary author and, although in this case archaeological evidence seems to be ruled out, it is in fact the excavations of the Pnyx which constitute the basis of the two most recent discussions of the subject by A. L. Boegehold and E. S. Staveley. In discussing the Athenian voting procedure we are once more faced with the curious fact that the working of the people’s court is abundantly attested, whereas the ecclesia is shrouded in mystery because of the silence of our sources.

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The scattered publications of the bronze psephoi are collected by Boegehold 366 n.1. All the psephoi are dated by letter forms to the fourth century B.C.
If the scanty evidence, however, is combined with an a priori argument, it should be possible to reconstruct a fairly reliable picture of how the Athenians passed their decrees and elected their officials.

In the orators the vote taken by the people is described either with the verb ψηφίζεται or with the verb χειροτονέω. Whereas ψηφίζεται, in the fourth century at least, must be interpreted metaphorically, we have sufficient evidence that χειροτονέω has to be taken in the literal sense of the word. In Aristophanes’ Ecclesiazusae (262–65) the women are reminded that on the Pnyx they have to raise their arms instead of (as usual) their legs; and Xenophon (Hell. 1.7.7) provides us with the valuable information that the majority was assessed by surveying the assembly: he tells us that the first ecclesia hearing the trial of the generals was adjourned because it was too late to see the hands. Several sources state that the χειροτονία took the form of a διαχειροτονία. When the people voted on a single proposal, first the ayes and then the nays were asked to raise their hands; and similarly, when the choice was between two proposals, the chairman asked first for those supporting proposal A and then for those supporting proposal B. So the voting was conducted by stages, and this is sufficient proof that the citizens raised their hands while seated and that no kind of division was applied. It is apparent from Lysias 12.75 that a citizen might abstain from voting, but the number of abstentions was probably not assessed, since all sources dealing with διαχειροτονία mention only two successive stages.

So far we are on safe ground. The difficulties accumulate when we seek to know the officials in charge of the cheirotonia and the method of assessing the majority. Concerning the fifth century we are (as usual) almost ignorant of the procedure. The only relevant source is Arist. Ath. Pol. 30.5, a paper constitution of 411 B.C. prescribing that a board of five councillors chosen by lot be entrusted with the cheirotoniai. Under the democratic constitution it may be assumed that the prytaneis were responsible for deciding the outcome of the vote, but the assumption is no more than an argument from analogy with the following period. The fourth-century evidence is more satisfactory:
from about 380 the ecclesia were presided over by the nine proedroi, and two sources state that the vote was conducted and the show of hands assessed by this board of councillors (Aeschin. 3.3; Arist. Ath.Pol. 44.3).

In most treatments of the Athenian voting procedure it is cautiously suggested without any discussion of the problem that an exact count of the votes might possibly be omitted in a procheirontonia or when a proposal was passed by an overwhelming majority. But it is taken for granted that usually the votes were counted with precision, and the main source oί πρόεδροι... τὰς χειροτονίας κρίνουσιν (Ath.Pol. 44.3) is unhesitatingly rendered by the phrase “the proedroi... count the votes” (von Fritz/Kapp 118; Boegehold 373). It is admitted that the count of several thousands of hands is no simple task, but the inference has been that the Athenians attending the ecclesia must have been ordered into groups on the Pnyx and that each of the tellers must have been responsible for the count of one of the sections of the auditorium. This has led to the further inference that the citizens were grouped according to their tribes. So there must have been ten tellers and, faced with the problem that the proedroi numbered only nine, the solution has been to call in the επιστάτης τῶν πρυτάνεων as the tenth enumerator. Only slight evidence can be produced in support of this elaborate reconstruction:

1. The assumption that the citizens were ordered into groups (the ten phylae) is based entirely on archaeological evidence which is difficult to interpret. Describing the Pnyx of the first period (ca 500-ca 404), the excavators state that “a number of stele beddings cut in the rock surface suggest that the seating area was divided in some manner” (Kourouniotes/Thompson 104)... “It is uncertain whether we have to do with a formal arrangement according to which the citizens were required to seat themselves” (p.105). In addition to the a priori assumption that the votes must have been counted, these cuttings are in fact the principal evidence for the theory proposed by Beogehold and Staveley. In my opinion too much has been based on the excavators’ cautious statements and, even supposing that the auditorium

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* Gilbert 332; Busolt/Swoboda 1002; Koch 2226; Boegehold 373; Staveley 86.

7 Staveley 86; cf. Boegehold 374.
was subdivided in some way or another, we need not draw the conclusion that this arrangement was based on the phylae and introduced in order to facilitate the count of the votes.

2. The evidence of the count of votes is even more doubtful. The only source which can be cited is a note on the lemma κατεχειροτόνησεν αὐτοῦ:8 ἀντὶ τοῦ κατεψηφίσατο αὐτοῦ. καταχειροτονία δὲ καὶ ἀποχειροτονία διαφέρει. καταχειροτονία μὲν γὰρ ἐγένετο οὕτως. ἔλεγεν ὁ κήρυξ· ὅτως Μειδίας δοκεῖ ἀδικεῖν, ἀράτω τὴν χείρα· εἶτα οἱ θέλοντες ἐξέτεινον τὰς χεῖρας, καὶ ἐκάλεστο τοῦτο πρῶτον καταχειροτονία. ἀποχειροτονία δὲ οὕτως· ὅτως μὴ δοκεῖ ἀδικεῖν Μειδίας, ἀράτω τὴν χείρα· καὶ ἐξέτεινον τινες, καὶ ἐκάλεστο ἀποχειροτονία. λοιπὸν πάσας ἡρίδους τὰς χεῖρας καὶ ἑώρα ὁ κήρυξ ποιάν πλείους εἰς, πότερον τῶν φακόντων αὐτῶν ἀδικεῖν ἢ μὴ· καὶ δει τῶν εἶπεν πλέον ἐνδείκνυα, ἐκεῖνη ἡ γνώμη ἐκράτει. In this comment on Demothenes' speech Against Meidias it is unequivocally stated that the votes were counted, but it is worth noting that the official responsible for the count is the keryx. This is inconsistent with the fact that, in the fourth century, the proedroi were entrusted with the assessment of the cheirotoniai. We know, however, that the keryx of the boule and the demos, who in the classical period was an insignificant official, rose to prominence in the Roman period and that he then ranked as one of the three most important officials in Athens.9 The scholion is a comment on a passage in Demosthenes, but it cannot be adduced as reliable evidence for the conditions of the fourth century B.C. since it refers to institutions of the Roman period. Moreover, it is apparent from a decree preserved on stone that a proposal was put to the vote by the proedroi even in the third century.10 So I conclude that the note found in the scholia and the lexica has no value at all even for the Roman period.11

9 Geagan 104-06.
10 Geagan 89; Oliver, nos. 31 and 32.
11 In Hermotimus 16 Lucian suggests that a cheirotonia was decided either by estimating or by counting votes: ΛΥΚ: πόσω τινὶ πλείους τῶν Ἐπικουρείων ἡ Πλατανηκὼν ἡ Περιπατητικῶν; ἡρίδους γὰρ αὐτοῦ δηλαδὴ καθάπερ ἐν ταῖς χειροτονίαις. ΕΡΜ: ἀλλ' οὐκ ἡρίδους ἐγκατε. Λυκιανὸς ἤμιστο, however, hardly has any value as a source for this problem. First, it is not stated whether the reference is to an ecclesia or a boule. Second, assuming that Lucian has an ecclesia in mind, we do not know whether he refers to the Athenian ecclesia attended by several thousand citizens or to an ecclesia in a small poleis. Third, Lucian's casual references to the Athenian ecclesia in the classical period bristle with misunderstandings and anachronisms. Cf. Delz 115-50.
3. Aristotle’s famous comment on the Spartan voting procedure may indirectly shed some light on the Athenian cheirotonia. The Spartan voting βούς is described as childish (παιδεριώδης Pol. 1271a10). The implication seems to be that the Athenian form of voting by a show of hands was the ‘adult’ procedure. But on this assumption Aristotle’s comment may be interpreted as an indication that the hands were counted: the Spartan way of voting is childish when compared with a cheirotonia because it is impossible to count the votes. In my opinion, however, there is an important difference between the Spartan and the Athenian voting procedure even when the majority in a cheirotonia was assessed on a rough estimate only. The right explanation of Aristotle’s scornful remark may be that by voting viva voce a person may assume more than one vote by shouting loudly. If, for example, a proposal is supported by 1,000 citizens moderately in favour of the scheme, but vehemently opposed by 800, the ‘nays’ may have it simply by shouting more energetically than the ‘ayes’. Accepting the principle ‘one man, one vote’, one can describe the Spartan system as childish compared with the Athenian, although neither of the voting procedures entails a count of the votes.

II

Thus we are left with an a priori argument as the principal basis for the assumption that a cheirotonia in Athens entailed a count of the hands. But this argument is contradicted by another a priori argument based on a careful consideration of how the Athenian ecclesia worked. I have argued elsewhere\(^{12}\) that the meetings of the Athenian ecclesia were usually attended by 6000 citizens. In Boegehold’s and Staveley’s reconstruction each of the tellers must have counted a total of ca 600 hands by two stages, first the ayes and then the nays, and afterwards the board must have had a short conference to add up the figures obtained by each of the proedroi and the epistates. Such a procedure must have consumed at least a quarter of an hour. It is apparent from Aristotle’s Constitution of Athens that the agenda for a simple meeting of the ecclesia comprised at least nine items.\(^{13}\) More-

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\(^{12}\) Hansen, GRBS 17.129–30.

\(^{13}\) Arist. Ath.Pol. 43.6: three items on religious matters, three on foreign policy and three on domestic policy. This minimum program was fixed for two of the four ecclesiai held every prytany. The agenda for the ἐκκλησία κυρία was considerably longer.
over, some of the proposals must have entailed several cheirotoniai: first a procheirotonia;\textsuperscript{14} then a vote on the main proposal and finally a vote on one or more amendments. Suppose that one of the decrees was an alliance prescribing that ten envoys be forthwith elected from among all the Athenians.\textsuperscript{16} Such a decree would require a minimum of eleven successive cheirotoniai. A total of twenty-five cheirotoniai is in my opinion a moderate estimate of the votes that had to be taken during a single session. In the electoral ecclesia, for example, the Athenians must have voted at least sixty times. If all or most of the cheirotoniai resulted in an exact count of the hands, the time consumed by the voting procedure itself would amount to something between five and ten hours, which is impossible even on the assumption that a session of the ecclesia occupied an entire day. I have argued elsewhere that a meeting of the assembly did not usually fill more than a part of the day.\textsuperscript{16} The necessary implications are that the majority was assessed on a rough estimate of the hands raised and that an exact count of the votes was carried out either exceptionally or never at all.

This conclusion is supported by an argument from analogy. From various places and various periods we have examples of votes taken in large assemblies resembling the Athenian ecclesia: the decisions are always made, in the first instance, on a rough estimate of the majority, and if an exact count is required in cases of doubt, the procedure employed seems invariably to have been either a poll or some form of division.\textsuperscript{17} To count the hands of several thousand seated attendants is unparalleled and presumably impracticable.

Admittedly, counting and estimating are different only in degree

\textsuperscript{14} Harp. s.v.; Dem. 24.11; Aeschin. 1.23; Arist. Ath. Pol. 43.6.
\textsuperscript{15} Mosley 56.
\textsuperscript{16} Hansen, CP 74 (1979).
\textsuperscript{17} A few examples may serve. (a) In the Swiss Landsgemeinden (attended by several thousand citizens) the vote is taken by a show of hands and the votes are not counted (Ryffel 107–10, 314–15). The majority is assessed by the Landammann (Glarus, cf. Stauffacher 311–13) or by a board of Weibel (Obwalden, cf. Ryffel 315). In cases of doubt the show of hands is repeated, and continued doubt may result in a count of the votes after a division of the assembly. (b) In the New England town meeting (attended by a few hundred citizens) the voting is usually \textit{viva voce} and the majority is assessed by the moderator (Sly 152–53). (c) The election of representatives to the House of Commons in the Tudor period was conducted by the sheriff. The vote was taken by voice; and only when competition was close, the election proceeded to assessment implying a division of the electors (ca. 1000–2000) but not any count of votes—or to the poll (Neale 87–88).
and not in kind, but a distinction is nevertheless apparent in several important respects. Counting the votes is a slow procedure, but in a close vote it inspires more confidence than a rough estimate, and the line between a fair and a crooked assessment of the majority can be sharply drawn, at least by the tellers themselves. An estimate of the majority can be made in a moment, but in cases of doubt the show of hands has to be repeated, perhaps several times; a biased teller may easily persuade himself that the ayes or the nays have it, and protests against the assessment are much more likely to be made, especially in Athens where the proedroi were chosen by lot and served for one day only; they were barred from reappointment until the next prytany (Arist. Ath.Pol. 44.3), and so it must have been impossible for them to acquire any particular ability in estimating the majority.

III

After this preliminary investigation we must return to the sources. Whereas the assumption that the votes were counted is unwarranted by the literary evidence, it is in fact possible to adduce some important passages in favour of the opposite view, viz., that the majority was estimated.

1. Most important is Aristotle's statement in the Constitution of Athens 44.3 that the proedroi were responsible for the cheirotoniai. The text runs as follows: 

\[\text{ο]{ο)(Εννέα πρόεδροι) παραλαβόντες (τὸ πρό-
γραμμα) τὴς τ' εὐκοσμίας ἐπιμελοῦνται καὶ ὑπὲρ ὧν δεῖ χρηματίζειν προτιθέασιν καὶ τὰς χειροτονίας κρίνουσιν καὶ τὰ ἄλλα πάντα διουκόντων καὶ τοῦ[τὸ] ἄφεωτα κύριον εἶναι.} \]

As mentioned above the Greek is usually rendered “the proedroi count the votes,” but ‘to count’ is a mistranslation of krínein. This verb implies some decision made by the proedroi, and the correct translation is “the proedroi judge the cheirotoniai.” Now the show of hands can only have involved a decision on the part of the proedroi if they had to estimate the majority instead of counting the votes.

2. Next comes a curious passage in the sixth book of the Laws where Plato prescribes that the officers of the army be elected by cheirotonia and that the vote be taken by the whole army (ca 5000 men) under

\[\text{κρίνειν is the verb used by Aristotle to describe the assessment of the majority, not only in this passage but also in his account of the constitution of 411 (Ath.Pol. 30.5; cf. supra p.124).} \]
the supervision of the thirty-seven nomophylakes. The last section of the passage runs as follows: τὰς δὲ ἀμφιβητήσεις τῶν χειροτονίων μέχρι δυὸν εἶναι τὸ δὲ τρίτον ἕναν ἀμφιβητὴ τις, διαψήφιζεθαι τούτους ὀλεθρὸ τῆς χειροτονίας μέτρον ἕκαστος ἕκαστον ἢν (756b). It is usually taken for granted that the votes had to be counted and that any protest against the cheirotonia would result in a recount, perhaps even in two recounts of all the hands. Against this it can be objected, first that Plato nowhere says that the votes were counted, second that it is grotesque to provide for a double recount of all the hands, and third that it makes no sense to transfer the powers to the presiding board of officials (either the thirty-seven nomophylakes or the prytaneis) after no less than three cheirotoniai all involving an exact count of ca 5000 votes. On the other hand, if we assume that the majority was estimated by the presiding board, the elaborate procedure in cases of doubt is only natural, and we have in fact an exact parallel to the voting procedure adopted by some of the Swiss Landsgemeinden (n.17).

Now the ideal state described in the Laws is certainly not Athens, but it is worth noting that Plato, especially concerning procedural details, has often modelled his Utopia on Athenian institutions. Plato’s vocabulary for military officers shows that in this section of the Laws he has Athens in mind, and so his provisions for electing military officers are probably a more or less modified copy of the Athenian procedure.

3. One more indication that the votes were not counted can be obtained by comparing the cheirotoniai in the ecclesia with the psephophoriai in the dikasteria. In the courts the votes were always counted with precision, and accordingly we have some information on the exact number of votes cast by the jurors: Socrates, for example, was found guilty by a majority of sixty votes (Plat. Ap. 36A) whereas Aeschines was acquitted by thirty votes (Plut. Mor. 840c). Cephisodotus escaped capital punishment by three votes only (Dem. 23.167), and Hyperides (3.28) states that Aristophon was acquitted ἐν τούτῳ τῷ δικαστηρίῳ παρὰ δύο ψήφους. Only a tie saved Leocrates from a sentence of death (Aeschin. 3.252), and even in inscriptions the exact number of votes cast is sometimes recorded (IG II² 1641B). Although the preserved speeches contain references to hundreds of decrees passed by the people in the assembly, we have not a single piece of

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18 England 557; Morrow 160.
information of the same kind concerning *cheirotoniai*, which points to
the conclusion that exact figures were unknown. The only source
where numbers are mentioned is Demosthenes’ statement that
Aeschines was elected *pylagorus* by three or four votes: *προβληθείς
πυλάγορος οὗτος καὶ τριών ἡ τεττάρων χειροτονησάντων αὐτῶν ἀνερρήθη*
(Dem. 18.149); but this scornful remark must be grossly exaggerated
and is useless as a source whether we assume that the votes were
counted or not. Conversely, Thucydides reports that after the debate
between Cleon and Diodotus the people overruled their former
decision by a close vote: *καὶ ἐγένοντο ἐν τῇ χειροτονίᾳ ἄγχωμαλοι,
ἐκράτησε δὲ ἡ τοῦ Διοδότου* (Thuc. 3.49.1). The vague statement is in
conformity with my theory, but no conclusion can be drawn since it
is most unlikely that Thucydides would have informed us of the
exact figures even if they were known.

4. So far I have dealt only with *cheirotoniai*. We have in fact some
evidence of the counting of votes cast by the people in the assembly.
Citizenship decrees had to be ratified by a vote taken among 6000
citizens (Dem. 59.89), and similarly a quorum of 6000 was required in
order to grant an *adeia* (Dem. 24.45) or to allow the *nomothetai* to pass
a *νόμος ἐπ' ἄνδρι* (Andoc. 1.87). Here an exact count of the votes was
necessary, and the crucial point is that *cheirotonia* in these cases was
replaced by a vote taken by ballot.*20 ἔαν μὴ ἔξακισχίλιοις δέξῃ κρύβον
ψήφιζομένωις is the statutory requirement of all the laws prescribing
a quorum. The reason may be that voting by ballot is secret whereas
the voters reveal their position in a *cheirotonia*. But we must not
forget that citizenship decrees in the first instance were passed by a
show of hands and only *ratified* by the *psephophoria.*21 So a citizen
would in any case have revealed his stand in the first vote, and
accordingly secrecy cannot have been the primary concern. It is
tempting to suggest that *psephophoria* was prescribed because it was
the only possible way of counting the votes.

Additional evidence of this view can be found in some decrees
published on stone in the Hellenistic and Roman periods. In a few
decrees of the first century B.C. passed by ballot a count of the votes is
recorded towards the end of the inscription: τῶν ψήφων αἱ πλήρεις

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20 In addition to the *nomoi* prescribing *psephophoria* we have one example of a decree
ordering that an *eclesia* take the vote by ballot instead of by a show of hands, viz.
Callixenus’ decree ordering the execution of the generals in 406 (Xen. Hell. 1.7.9).
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The usual form of voting in the ecclesia was still cheirotonia, but in this case the vote is described in the following way:

The difference is significant: although in both cases all voted for the proposal and none against, the exact number of ayes is only recorded in connection with the vote taken by ballot. So it is most unlikely that the hands were ever counted in a vote taken by a show of hands.

This conclusion is confirmed by a study of inscriptions from other parts of Greece, especially from the cities of Asia Minor: Colophon, Magnesia, Miletus, Iasus, Halicarnassus, Theangela and Cnidus. Whenever exact figures are recorded, the vote is invariably by ballot.

The only problematical example is an inscription from Cnidus where the form of voting is described as cheirotonia, but the votes cast are called ψάφοι. The passage is discussed by Brandis (2194), who, rightly in my opinion, suggests that cheirotonia in this context does not mean more than 'vote' whereas ψάφος is the significant word showing that the vote was taken by ballot. Two inscriptions from Halicarnassus record the respective numbers of 4000 and 1200 ψάφοι. These figures are probably rounded. By way of contrast it is worth noting that the Athenian decrees discussed above seem to record exact numbers. Moreover, Aristotle’s description of the table for counting pebbles (the ἄβαξ τρυπήματα ἐχων, Ath.Pol. 69.1) indicates that when the

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\[\text{IG II}^a 1053 \text{lines } 11-13. \text{Cf. IG II}^a 1051 \text{and } 1353; \text{’Εφμ. } \text{Αρχ. } 1884, 167-68 \text{line } 3, \text{where the exact figures are preserved: } 3461 \text{ voted for and } 155 \text{ against the proposal. Cf. further IG II}^a 1343 \text{ line } 44.\]

\[\text{IG II}^a 1053 \text{lines } 11-13. \text{Cf. IG II}^a 1051 \text{and } 1353; \text{’Εφμ. } \text{Αρχ. } 1884, 167-68 \text{line } 3, \text{where the exact figures are preserved: } 3461 \text{ voted for and } 155 \text{ against the proposal. Cf. further IG II}^a 1343 \text{ line } 44.\]

\[\text{Delphi: Fouilles de Delphes III.1 no.294 lines } 2-3 (454 ψάφοι); \text{BCH} 19 (1895) 7 \text{lines } 21-23 (\text{=Michel } 995) (182 ψάφοι). \text{Anaph. } \text{IG XII.3 249 line } 39 \text{(95 ψάφοι). Colophon: Inschriften von Priene, ed. Hiller von Gaertringen (1906), } 57 \text{lines } 20-21 \text{(1023 (?) ψάφοι ?)} \text{restored by } \text{Wilhelm, SBWien 183.7. Magnesia: Inschriften von Magnesia, ed. O. Kern (1900) 92a (4678 ψάφοι); 92b (2113 ψάφοι); 94 (3580 ψάφοι). Miletus: SIG}^a 683 \text{line } 66 \text{(ψάφοι for: } 584 \text{; against: } 16). \text{Iasus: REG } 6 \text{(1893) 170 \text{line } 23 (ψάφοι ? for: } 7 \text{; against: } 4). \text{Halicarnassus: Michel } 455 \text{ (4000 ψάφοι); } \text{BCH} 14 \text{(1890) 95 \text{line } 4 (1200 ψάφοι). Theangela: IG XI.4 1054 b \text{lines } 21-22 \text{(620 ψάφοι). Cnidus: Inscr.Brit.Mus. 783 line } 22 \text{(ψάφοι for: } 2 \text{; against: } 0); \text{SIG}^a 953 \text{line } 86 \text{(ψάφοι for conviction: } 78 \text{; for acquittal: } 126). \text{Cf. Brandis } 2193-96; \text{Busolt } 446 \text{and } 454; \text{Wilhelm, SBWien 183.4-9, AEM 20.79-82.}\]

\[\text{Inscr.Brit.Mus. 788; ἑκατότης χειροτονίας ἐν βουλῇ ἑκατότης καὶ ἐν τῷ [δῖμῳ χειροτονίᾳ-ψάφοι αἰς ἐδοξεῖ κυρίαν . . . . αἰς ἵνα μὴ, οὐδεμία.}\]
Athenians had to take a vote by ballot, they practised an exact count of all votes cast.

5. If I am right in maintaining that a cheirotonia was decided by the proedroi (and before ca 380 B.C. by the Prytaneis), it is unbelievable that their decisions were always allowed to pass unchallenged, and it would indeed be strange if objections against the result of the voting had left no traces in our sources. Now three passages can be adduced which are, in my opinion, best explained as protests against the presidency’s assessment of the majority in a show of hands.

a. When the eight generals were put on trial in 406, Euryptolemus tried as a last resort to prevent the passing of Callixenus’ probouleuma by making a counterproposal, but without success. Xenophon gives the following account of the incident: τούτων δὲ διαχειριστονυμένων τὸ μὲν πρῶτον ἐκριναν τὴν Εὐρυπολέμου ὑπομονομένου δὲ Μενεκλέους καὶ πάλιν διαχειριστικὸς γενομένης ἐκριναν τὴν τῆς βουλῆς (Hell. 1.7.34). The crucial word ὑπομοσαμένου may be interpreted as a hypo­mosia in a graphe paranomon raised by Menecles against Euryptolemus, but in this case it would be unconstitutional to pass immediately to a second vote on Callixenus’ probouleuma instead of awaiting the jurors’ hearing of the graphe paranomon. It is of course possible that we are faced with one more unconstitutionality committed during this notorious session of the ecclesia, but we must not forget that ὑπομοσία is the technical term for various types of demurrer. A more likely interpretation of ὑπομοσαμένου is that the enemies of the eight generals, because of the Prytaneis’ earlier attempt to stop the trial, were suspicious of their assessment of the majority and, quite constitutionally, demanded a second cheirotonia.

b. The second source is a malignant joke in Aristophanes’ Plutus. When Cario relates how Plutus was led to Asclepius’ sanctuary in order to recover his sight, the woman asks whether other suppliants were present. Cario answers that he saw, among others, the purblind politician Neocleides. But the god prepared for him a terrible unguent which, when rubbed in his eyes, blinded the wretched fellow totally. In reply to Neocleides’ cry of pain the god maliciously remarked: ἐνταῦθα νῦν κάθεκο καταπεπλασμένος, ἢ ὑπομνύμενον παύσω σε τὰς ἐκκλησίας. If there is a point in Aristophanes’ story,
it must be that Neocleides’ total blindness in future will prevent him from lodging sworn objections against the decisions made by the ecclesia. Now even a blind man can listen to a debate and bring a sworn indictment against a decree which, in his opinion, is unconstitutional, but only a man in possession of the faculty of vision can protest against the presidency’s declaration of the result of a show of hands. So ὑπομυσίμων in Plutus 725 is presumably to be taken in the sense suggested above for Xen. Hell. 1.7.34. I admit, however, that my interpretation is highly conjectural and may be questioned.

c. In the opening of the speech Against Ctesiphon Aeschines complains bitterly of the general decay of the democratic institutions due to the corruption of the politicians and the carelessness of the people. His point is that the graphe paranomon heard by the jurors is the only safeguard of democracy still left. One of Aeschines’ complaints is connected with the declaration of the vote in the ecclesia ... ἄν δὲ τις τῶν ἄλλων βουλευτῶν ὅτως λάχη κληρούμενος προεδρεύειν, καὶ τὰς ψυκτέρας χειροτονίας ὄρθως ἀναγορεύσῃ, τούτου οἱ τὴν πολιτείαν οὐκέτι κοινὴν, ἀλλ’ ἰδίῃ ἰδιὰν αὐτῶν ἡγούμενοι, ἀπειλοῦσιν εἰσαγγελεῖν ...

(Aeschin. 3.3). This passage can be interpreted only as an accusation against some proedroi of having been bribed to tamper with the result of the cheirotonia for which they were responsible. They may have done so by intentionally discounting the votes, but the accusation of fraud is much more understandable if the board of proedroi was empowered to estimate the majority. Furthermore, one of the reasons for the frequency of the graphe paranomon may have been the difference between the form of voting in the assembly and that in the courts. A politician may sometimes have refused to accept a defeat in the ecclesia because he was suspicious of the proedroi’s assessment of the majority, and accordingly he may have found some reason for bringing an indictment against the decree passed and for having the case referred to the jurors, who voted by ballot.

6. Finally, the theory proposed is neither proved nor disproved by the archaeological evidence. The stele beddings cut in the rock forming the seating floor of the Pnyx of the first and of the third period were tentatively interpreted by Kourouniotes and Thompson as evidence of subdivisions of the auditorium. Accepting the excavators’ suggestion, Boegehold and Staveley assumed a division (both of Pnyx I, II and III) into ten sections and argued that the arrangement must have been adopted in order to make an exact count of the votes
possible. I have no objection to the view that the stone beddings are evidence of subdivisions of the auditorium (parallels can be found in other Greek cities), but I would prefer a different interpretation. Not only when the votes are counted, but also when a board of officials has to assess the majority on a rough estimate, it is reasonable to make each of the members responsible for the estimate of the majority within a well defined section of the assembly. In fourth-century Athens the seating floor of Pnyx II and III could have been divided into, e.g., nine sections so that each of the proedroi was responsible for one section. After the cheirotonia the decision on the result of the vote was presumably made, in cases of doubt, by a vote taken among the nine proedroi themselves. On this theory there is no reason for inventing a tenth vote-counter added to the nine proedroi in order to reach “the logical number for the sections” (Boegehold 374). Quite the contrary, the point of the whole system may have been to have an uneven number of members serving on the board which assessed the majority.

7. The theory that the auditorium of the ecclesia was divided into ten sections is based on the assumption that the Athenians in the assembly were grouped according to their phylae. Staveley favours this view and adduces some evidence which may support his contention (81–82). Boegehold is much more cautious. He is well aware that the theory entails a somewhat strained interpretation of several passages (Ar. Ecel. 289ff; Thuc. 6.13.1; Plut. Per. 11.2). He suggests instead (374) a division into ten random groups, and his only argument for ten groups is that ten seems to be the logical number.

In my opinion the problem is decisively settled by Aeschines 2.64–68, where a certain Amyntor gives evidence that he, during the assembly held on 19 Elaphebolion 347/6, was seated next to Demosthenes, who showed him a proposal drawn up in writing and discussed with him whether he should hand it over to the proedroi. Now Amyntor is of Erchia (Aegeis II) whereas Demosthenes is of Paeania (Pandionis III). It is of course possible that each phyle occupied a fixed section of the ecclesia following the official order of the tribes, in which case Pandionis was next to Aegeis; but Demonsthenes always

29 McDonald 61–62.
30 In Glarus, for example, when the Landammann is in doubt, he calls four members of the Regierungsrat, each of whom is entrusted with the assessment of roughly a fourth of the Ring. Cf. Stauffacher 311.
placed himself beneath the *katatome*,\(^{31}\) so that he must have been barred from speaking to any citizen from another *phyle*. Furthermore, if the *phylae* were placed according to their official order, the two *phylae* occupying the area beneath the eastern and western *katatome* must have been Erechteis (I) and Antiochis (X) but never Pandionis (III). Admittedly, Demosthenes was a councillor in 347/6 (Aeschin. 3.62), but he was not a *prytanis* during Pryt. viii (*IG II*\(^{2}\) 212),\(^{32}\) and there is no evidence that a special area was reserved for the 450 ordinary councillors. Moreover, assuming that the ordinary citizens were grouped according to their *phyle* in the assembly, we must *a fortiori* conclude that the same division applied to the councillors. The passage Aeschin. 2.64–68 is incompatible with the theory that the Athenians were grouped according to their tribes, and accordingly the theory must be dismissed.

The discussion between Demosthenes and Amyntor took place late in the year 347/6. During the following year (346/5) the Athenians passed a law by which one of the ten *phylae* was entrusted with the maintenance of order during the meeting (Aeschin. 1.34). The law was indicted as unconstitutional, but it must have been upheld by the court since Aeschines fifteen years later refers to the institution as a fact (Aeschin. 3.4). The obligation was binding on all members of the *phyle* attending that particular meeting of the assembly, and it may have entailed a system by which the area around the *bema* was reserved for the members of the *phyle* responsible for the maintenance of order during the session.

**IV**

I conclude with a short outline of how the Athenian *ecclesia* voted in the fourth century B.C. Apart from the basic proposal (that the *proe­droi* made a decision on the result without any exact count of the votes), my description is conjectural, and some details are little more

\(^{31}\) Hyp. 1.9; that *κατατόμοι* designates the scarps of Pnyx II and III is convincingly suggested by Colin in the Budé edition of Hyperides (250 n.1).

\(^{32}\) The *phyle* holding the eighth prytany was Aeges (II). This is a very strong indication that Amyntor cannot have been a councillor, for in that case he would have been among the *prytaneis*, for whom a special area was reserved in the *ecclesia*, and could not have been seated beside Demosthenes. Nor does Aeschines offer any basis for assuming that Amyntor was a councillor. The most likely interpretation of Aeschines is that Demosthenes as a councillor and Amyntor as a private citizen had taken their seats where they pleased.
than guesswork. I believe, however, that my reconstruction is on the right lines and more in accord with the evidence than earlier accounts of the subject.

In the Athenian ecclesia the vote was usually taken by a show of hands. The board of officials responsible for the declaration of the result was that of the nine proedroi, who made their decision on a rough estimate without counting the votes. If they were in doubt, they probably took a vote among themselves and the majority decided the question. Possibly the seating floor of the Pnyx was subdivided into nine sections, and each of the proedroi was responsible for estimating the majority within a section. After the proedroi's declaration of the result, any citizen was entitled to lodge a sworn objection against the decision, whereupon a second vote was taken, once more by a show of hands and once more without any exact count of hands. We are totally ignorant of the procedure adopted if even the second cheirotonia was questioned. If the ecclesia had to vote for a third time, the vote was perhaps taken by ballot.\textsuperscript{33} An exact count of the hands raised was presumably impracticable, and no source supports the assumption that any kind of division was practised in the assembly. Another possibility is that the decision was left to the board of proedroi or to the prytaneis, but nothing is known and I prefer to desist from further speculations.

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\textsuperscript{33} If so, it probably had to be postponed until the meeting was closed or until the next meeting of the assembly. The description of the psephphoria in connection with citizenship decrees in Dem. 59.89-90 indicates that a vote by pebbles was usually taken at the beginning of a meeting when the Athenians ascended the Pnyx (\textit{προσώπων τῷ δήμῳ}). It would no doubt have been too complicated in the middle of a meeting to let the whole people pass by the voting urns and back again to their seats (\textit{cf.} Hansen, \textit{GRBS} 17.127). In 406 the ecclesia hearing the trial of the generals probably concluded with the passing of the sentence by ballot (see \textit{supra}, n.20).