

How Often Did the Athenian *Ekklesia* Meet? A Reply

Mogens Herman Hansen

A DECADE AGO I advanced the views (a) that, in the 350's, the Athenians put a limit on the number of *ekklesiai* to be held in a prytany and (b) that an *ekklesia synkletos* was not an extra meeting, but one of the prescribed meetings held extraordinarily, e.g. in an emergency with shorter notice than usual, sometimes even overnight.¹ In its fully developed form my theory is that, in the 350's, the Athenians held three meetings of the assembly in a prytany, but that the number in the early 340's was raised to four, each with a fixed agenda, as described by Aristotle in the *Ath. Pol.* (43.3–6).²

This new interpretation of the number and types of meeting of the Athenian *ekklesia* has sometimes been met with opposition or doubt, but the critique has been stated only briefly and vaguely in the form 'I am not persuaded', *vel sim.*³ Recently, however, a full discussion of my views has been undertaken by Edward M. Harris,⁴ who offers a clever and clearly argued restatement of the traditional views (a) that there

¹ In referring to my own publications I use the following abbreviations: *AE*=*The Athenian Ecclesia. A Collection of Articles 1976–83* (Copenhagen 1983); *AV*=*Die athenische Voksesammlung im Zeitalter des Demosthenes* (=Xenia 13 [Konstanz 1984]); *AA*=*The Athenian Assembly* (Oxford 1987). My views were first presented in "How Often did the *Ecclesia* Meet?" *GRBS* 18 (1977) 43–70 (=AE 35–72). They were further developed in "Ἐκκλησία Σύγκλητος in Hellenistic Athens," *GRBS* 20 (1979) 149–56 (=AE 73–81) and "When Did the Athenian *Ecclesia* Meet?" *GRBS* 23 (1982) 331–50 (=AE 83–102).

² Cf. the addenda in *AE* 63–72, 81, and 102; M. H. Hansen and F. W. Mitchel, "The Number of *Ecclesiai* in Fourth-Century Athens," *SymbOslo* 59 (1984) 13–19, and *AV* 31f n.113.

³ Cf. e.g. P. J. Rhodes, *A Commentary on the Aristotelian Athenaion Politeia* (Oxford 1981) 521f; K. W. Welwei, *Die griechische Polis* (Stuttgart 1983) 200; J. Bleicken, *Die athenische Demokratie* (Shöningh 1985) 105. The only argument against my view had been that of M. M. Markle, "Jury Pay and Assembly Pay at Athens," *Crux. Essays . . . G. E. M. de Ste Croix* (=History of Political Thought VI [Exeter 1986]) 274 n.18. Markle holds that the *ekklesiai* convened on Elaph. 18 and 19 of 347/6 must be reckoned as two meetings, thus giving five *ekklesiai* in prytany VIII instead of four; but cf. *AA* 29 with n.198, and 43 *infra*.

⁴ "How Often Did the Athenian Assembly Meet?" *CQ* n.s. 36 (1986) 363–77 (hereafter 'Harris').

was no restriction on the number of *ekklesiai* to be held, and (b) that *ekklesiai synkletoi* were always extra meetings.

The greater part of Harris's article is a rejection of my interpretation of a number of passages, but he begins by stating two positive reasons for accepting the traditional view. (1) An *a priori* argument: there *must* have been extra meetings, and any restriction on the people's right to assembly is against common sense. (2) The lexicographers and scholiasts who define *ekklesia synkletos* as an extra meeting deserve to be taken seriously and should not be "tossed out without further consideration" (366). I will discuss these two essential points first, starting with the *a priori* argument that it is unbelievable that the Athenians could have had a maximum number of *ekklesiai* in a prytany.

Harris admits that "the assembly tried, especially in the fourth century B.C., to conduct its business according to set rules"; but he contends (1) that "these rules were *self-imposed*" and (2) they "did *not represent any limitation* on the powers of the assembly" (364, my italics). The sources we have tend to disprove both of Harris's assumptions.

Re (1), in 346/5, for example, the Athenians passed a law by which front-row seats in the *ekklesia* were reserved for all members of one tribe entrusted with the maintenance of order during the meeting.⁵ This νόμος on the εὐκοσμία τῶν ῥητόρων was in all probability, like other *nomoi*, passed by the *nomothetai* and not by the *ekklesia*.⁶ Thus the rule was *not* self-imposed.

Re (2), in or around 355 the *ekklesia* was deprived of all jurisdiction in political trials, and thereafter all major public actions opened in the *ekklesia* were referred to the *dikasteria* which heard the case and passed the verdict.⁷ We do not know precisely how and when the reform was enacted, but that it took place is no longer doubted, not even by my critics,⁸ who are sceptical about the limited number of *ekklesiai* I propose. *Pace* Harris, this reform unquestionably imposed an important limitation on the powers of the assembly.

Next, Harris believes that a restriction on the number of meetings per prytany "would have inhibited the ability of the assembly to re-

⁵ Aeschin. 1.33f, 3.4; Dem. 25.9; cf. *AE* 30–32.

⁶ We have a few examples of general, permanent rules which, in an emergency, were passed by the *ekklesia* and took the form of *psephismata* (cf. *AE* 183–91); but in our sources there is no example whatsoever, after ca 400, of the *ekklesia* passing a *nomos* (cf. *AE* 163f). Other *nomoi* regulating the assembly's powers and procedures include e.g. the *merismos*: cf. P. J. Rhodes, *The Athenian Boule* (Oxford 1972) 101–03; *AE* 191f.

⁷ Cf. *AE* 60 with further references.

⁸ Cf. e.g. Rhodes (*supra* n.3) 525.

spond to emergencies” (364). Let us suppose, for example, that an emergency occurred at the end of a prytany when all four meetings had been held. “Would the *prytaneis* have simply turned to the people and said that they could not call another meeting and that the matter would just have to wait until the beginning of the next prytany?” (364). Of course not. They would have broken the rules, as all people have done in all states throughout history. But that does not prove that there could not have been any rule as to the number of assemblies to be held constitutionally in a prytany. As a parallel, I adduce two examples from modern constitutions.

In Texas and in Montana the legislature meets only every second year. This rule is often felt to be a serious obstacle to the constant demand in modern society for new legislation. But the rule is laid down in the constitutions of both states, and all attempts to have the constitutions changed have so far failed. Here there is a clear and strongly-felt limitation on the legislature’s right to assemble, and the only escape has been, very exceptionally, to ask the governor to call an extra session.⁹ Again, in many states of the United States and also in the United Kingdom, sessions of the legislature or Parliament or their committees can run for a fixed number of days only. What happens if important business has not yet been transacted when the time is running out? The clock is stopped just before midnight and the session goes on, sometimes for several hours, sometimes even for several days, under the fiction that stopping the clock is stopping time.¹⁰

Harris argues that a restriction on the number of *ekklesiai* would have been in conflict with common sense and would have to be violated in an emergency. He is absolutely right, but this is precisely what has always happened in all states in all periods. Thus, I have no difficulty in believing both that the Athenians had a rule limiting the number of *ekklesiai* per prytany and that, occasionally, they broke the rule and held an extra meeting. Whether this exceptional extra meeting was warranted by some exemption clause in the law regulating the number of *ekklesiai* (the Texas/Montana model) or was held unconstitutionally (the stopping-the-clock model) we do not know, since we have no indisputable evidence that such a meeting was ever held. But

⁹ Constitution of Texas (1876) Art. III Sect. 5; Constitution of Montana (1972) Art. V Sect. 6.

¹⁰ On the Montana legislators’ practice of stopping the clock on the last day of a session cf. J. J. Lopach, ed., *We the People of Montana* (Missoula 1983) 69. The device is used in many other states, e.g. in Texas, regularly for a few hours only but sometimes for longer periods; and in Britain, committees of the House of Commons may stop the clock for several days.

the Athenians may well have convened such sessions of the *ekklesia* on more than one occasion in the course of the period *ca* 355–322. We simply do not know.

Harris's other reason for accepting the traditional definition of *ekklesia synkletos* is that it is endorsed by some scholiasts and lexicographers (364–66). He grants me that several of the lexicographical notes are muddled and betray ignorance of Athenian institutions. Furthermore, of the three lexicographical notes quoted by me (*AE* 73) and reproduced by Harris (364) only two (Σ *ad* Dem. 18.73 and 24.20) define *ekklesia synkletos* as an extra meeting held in an emergency.¹¹ The third note, by Harpocration, is ambiguous and defines *ekklesia synkletos* as an emergency meeting only: τῶν ἐκκλησιῶν αἱ μὲν ἐξ ἔθους καὶ κατὰ μῆνα ἐγίνοντο· εἰ δέ τι ἐξαίφνης κατεπείξειεν ὥστε γενέσθαι ἐκκλησίαν, αὕτη ἐκαλεῖτο σύγκλητος ἐκκλησία· Δημοσθένης ἐν τῷ κατ' Αἰσχίνου. Harpocration is undoubtedly the most reliable of the three, and he is even good enough to identify his source, Dem. 19.123: ἐφοβοῦντο δὴ μὴ σύγκλητος ἐκκλησία γένοιτ' ἐξαίφνης. This passage does support the view that *ekklesia synkletos* was an emergency meeting, but contains no explicit information about whether or not it was an additional meeting. Thus, it is cautiously and correctly reproduced by Harpocration; Harris notes, “even though the authors of the scholia and lexica in this case do not name any sources, it does appear that they must have had some” (365). But Harpocration *does* mention his source, and the two scholia may be based only on the same source. The difference is that, like many modern historians, they tend to infer that an emergency meeting must be an extra meeting.

It is probably worth while to elaborate the point that the learned Harpocration cites Dem. 19.123 as his source. This is an indication (but admittedly no proof) that he could find no better source to quote. The reason may well be that the lexicographers were as badly informed about the exact meaning of *ekklesia synkletos* as we are today. Admittedly they had access to hundreds of speeches now lost. Nevertheless they may have found no better source to rely on for the meaning of *ekklesia synkletos* than Dem. 19.123. This is not at all surprising. There

¹¹ It may be useful to adduce a fourth late account of the *ekklesia synkletos*, Liban. *Decl.* 32.18: γέμει δὲ (τὸ βαλάντιον) πλείονα κὰκ τῆς ἐκκλησίας τρίτου διδούσης ἐκάστου μηνός, ἵνα τοὺς συγκλήτους ἀφῶ. Here the *ekklesiai synkletoi* are obviously extra meetings, and we learn that citizens were paid for attending an *ekklesia synkletos*. But in the following lines we are told that the Pnyx was locked with a key kept by the *epistates*; that higher rates were paid if important matters were debated; and that first-comers were paid twice, first when they arrived before others and again, with all the others, when they left the *ekklesia* after the session. This account does not inspire confidence but may well have inspired the scholiasts.

are numerous parallels, *e.g.* the lexicographers' attempt to explain what a *lexiarchikon grammateion* was.¹²

Having discussed the evidence that supports the traditional definition of *ekklesia synkletos*, Harris proceeds to the negative part of his argument. My definition was based on a number of passages which he now submits to a penetrating scrutiny, arguing that my interpretation of each is wrong or at best not cogent. The passages are Dem. 19.154, Aeschin. 2.61, Arist. *Ath.Pol.* 43.3–6, Aeschin. 2.72, *IG II²* 212.57ff, some sources relating to the number of *ekklesiai* held in Elaphebolion 346, and finally the Hellenistic decrees in which the term *ekklesia synkletos* is actually attested.

On one count I plead guilty. I misinterpreted Aeschin. 2.61, *προυφαιρῶν τὰς ἐκκλησίας*. The correct interpretation was pointed out to me by David Lewis,¹³ and is now stated independently by Harris (368). I add that in my latest treatment of the problem, published in 1984, I omitted Aeschin. 2.61 from the account; as to the other sources I am still inclined to uphold my original interpretation.

(1) Dem. 19.154. Referring to the period after 25 Elaph. 346 Demosthenes states: *ἐπειδὴ γὰρ ἐκκλησία μὲν οὐκέτ' ἦν ὑπόλοιπος οὐδεμία διὰ τὸ προκατακεχρηῆσθαι . . . γράφω ψήφισμα βουλευῶν, τὴν βουλήν ποιήσαντος τοῦ δήμου κυρίαν. . . .* My interpretation of this passage was, and remains, that Demosthenes' emphatic expression must comprise both regular and extraordinary meetings (*AE* 36)—which Harris does not deny, but he believes that Demosthenes attempts to take in his audience and that “the possibility of summoning an extra meeting of the assembly . . . is cunningly passed over in silence” (367). I agree with Harris that Demosthenes often tries to mislead his audience, and I am willing to accept his interpretation of the passage if he can demonstrate from other sources that an *ekklesia synkletos* was an extra meeting. As the passage stands, Dem. 19.154 points in my favour and has to be explained away in order to uphold the traditional interpretation of *ekklesia synkletos*.

(2) In the *Ath.Pol.*, extra meetings are mentioned neither at 43.3–6 (the detailed description of the four meetings held in each prytany) nor at 62.2 (briefly listing the rates for ecclesiastic pay).¹⁴ The second

¹² Photius and *Suda s.v.*; cf. D. Whitehead, *The Demes of Attica* (Princeton 1986) 35 with n.130.

¹³ “M. H. Hansen on the Athenian *Ecclesia*,” unpublished paper read in September 1984 at the Norman Baynes Annual Meeting of UK Ancient Historians (cf. *AV* 29 with n.105).

¹⁴ Harris (374 n.33) finds it unlikely that *ekklesiastikon* was paid at *ekklesiai synkletoi*. But if I am right in maintaining that an *ekklesia kyria* could be held as an *ekkle-*

passage is of little consequence for our problem; the first, on the other hand, carries some weight. Harris (368f) and I (*AE* 203f) agree that *argumenta e silentio* based on the *Ath. Pol.* are of no value if other sources point to the existence of institutions or procedures that Aristotle omits from his account. But again my point is that there *is* no reliable source indicating that an *ekklesia synkletos* was an extra meeting. Therefore, until new evidence points the other way, I am inclined to accept the information given by Aristotle as it stands: the Athenians held four *ekklesiai* in a prytany, neither more nor less. How they were summoned (as ordinary *ekklesiai* or as *ekklesiai synkletoni*) is another matter passed over in silence by Aristotle.

(3) In his speech on the embassy (2.72) Aeschines tells the jurors that, because of their fear and the general confusion, the Athenians had to convene more *ἐκκλησῖαι σύγκλητοι* than *ἐκκλησῖαι τεταγμένοι ἐκ τῶν νόμων*. In my first article I pointed out that the reference must be to the spring of 346, in particular to prytany VIII running from early Elaphebolion to mid-Mounichion.¹⁵ This is accepted by Harris (371, 373). Again, we both believe that Aeschines is probably telling the truth and that this piece of information is to be taken seriously and literally. We also agree, essentially, that *ἐκκλησῖαι τεταγμένοι ἐκ τῶν νόμων*—*i.e.*, arranged for by law—must be ‘regular’ or ‘ordinary’ meetings.¹⁶ But on the meaning of *ekklesia synkletos* our roads part. On my interpretation Aeschines’ statement implies that three out of four *ekklesiai* held in prytany VIII were *synkletoni*, *i.e.* summoned in a special way and not just held as ordinary meetings (*AE* 57f). Harris, by contrast, takes the passage to mean that “things were so bad in early 346 that, in addition to the four ordinary meetings, at least five *ἐκκλησῖαι σύγκλητοι* were called every prytany for purposes of discussing urgent business” (371). Now, according to Harris, Aeschines (in 2 and 3) and Demosthenes (in 18 and 19) discuss only four meetings held in prytany

sia synkletos, (*cf.* 46 *infra*) there can be little doubt that the Athenians were paid the usual rate, *i.e.*, in the age of Aristotle, nine obols for an *ekklesia kyria synkletos* and one drachma for other *ekklesiai synkletoni*.

¹⁵ *AE* 44–46, 64. We must keep in mind, however, that the period described by Aeschines may cover not only prytany VIII, but also prytany VII; *cf.* Harris 371.

¹⁶ Harris 370. His distinction between *ἐκκλησῖαι τεταγμένοι* and *προγεγραμμένοι* misrepresents my ideas: on my interpretation, Aeschines’ phrase *ἐκκλησῖαι τεταγμένοι ἐκ τῶν νόμων* is synonymous with *ἐκκλησῖα ἐκ τοῦ νόμου* (*Hesperia* Suppl. 17 [1978] 4 lines 86–88; *cf.* *AE* 63) and is an antonym of *ἐκκλησῖα κατὰ ψήφισμα* (sources listed and discussed at *AE* 40, 49, 68, 76, 81). Since I take an *ἐκκλησῖα κατὰ ψήφισμα* to be an *ἐκκλησῖα σύγκλητος*, I have no difficulty in explaining Aeschines’ use of the opposed terms *ἐκκλησῖα σύγκλητος* versus *ἐκκλησῖα τεταγμένη ἐκ τῶν νόμων*.

viii, *i.e.* the assemblies held on Elaph. 16, 18, 19, and 25.¹⁷ Of these assemblies the meeting held on Elaph. 16 in the precinct of Dionysus after the Dionysia was undoubtedly an ordinary meeting. And so were probably, according to Harris, the meetings convened on Elaph. 18 and 19.¹⁸ We have no information about the meeting held on Elaph. 25. Thus we have evidence of three, perhaps four, ordinary meetings as against one *ekklesia synkletos*, or none at all. Harris proceeds, "We cannot rule out the possibility that Aeschines and Demosthenes did not report all meetings of Assembly which took place during prytany viii of the archonship of Themistokles. After all, they were only interested in discussing the Peace of Philocrates and may well have left out of their speeches any references to other meetings of the Assembly which met during prytany viii simply because these meetings did not discuss business which was relevant to this treaty" (373). True enough. It is unlikely, but not inconceivable, that an *ekklesia* was held between Elaph. 19 and 25 in which the envoys were (re-)elected.¹⁹ And it is just possible that yet another *ekklesia* was held that has left no trace in our sources (*cf.* *AE* 49, 58). But Harris asks us to believe that no less than five meetings are passed over in silence in all four speeches delivered by Aeschines and Demosthenes in 343 and 330. Moreover, he asks us to believe that at least four of these unknown meetings were *ekklesiai synkletoi*, *i.e.*, according to his view, extra emergency meetings. This is simply impossible. If Harris is right about *ekklesiai synkletoi* being extra meetings, held in addition to the four ordinary meetings, the inference must be that, at 2.72, Aeschines is lying about the number of *ekklesiai synkletoi* held in prytany viii during Elaph. 347/6.

(4) If, on the other hand, Aeschines at 2.72 is right that, in connection with the peace negotiations, the Athenians convened more *ekklesiai synkletoi* than ordinary meetings, it follows that most of the sessions described by Aeschines and Demosthenes must have been *ekklesiai synkletoi*. Now, the *ekklesia* held after the Dionysia, on Elaph. 16, was probably an ordinary meeting. Accordingly, at least one and probably all of the *ekklesiai* held on Elaph. 8, 18, and 19 must have been *ekklesiai synkletoi*. These meetings, however, were *not* summoned at

¹⁷ On the meeting of Elaph. 8 see 44 *infra*. The evidence for the meetings held on Elaph. 16 (?), 18, 19, and 25 is listed and discussed at *AE* 47f and 70f.

¹⁸ These two were not summoned at short notice, but before the Dionysia in accordance with the decree proposed and carried by Demosthenes (*Aeschin.* 2.61; *cf.* *AE* 40). Harris (371 and esp. 375) rejects my view that *ekklesiai* summoned by decree of the *demoi* and *boule* were *ekklesiai synkletoi*. Thus, according to Harris, the sessions held on Elaph. 18 and 19 were ordinary *ekklesiai*, not *ekklesiai synkletoi*.

¹⁹ *AE* 52, 57, and esp. the addendum at 68, where the problem is discussed in the light of what we know from other sources about the appointment of envoys.

short notice but many days in advance in accordance with decrees proposed and carried by Demosthenes. The inference is that an *ekklesia synkletos* was not only a session called overnight; it could also be a session summoned by decree, as against a session summoned by the *prytaneis* on their own initiative. Furthermore, we must not forget that of the five unquestionable examples of *ekklesiai synkletoi*, all attested in Hellenistic decrees, three were convened *στρατηγῶν παραγγελάντων* (*IG II² 911*, *SEG 24.134*, *I.Délos 1507.39f*), while the other two were summoned *κατὰ τὸ ψήφισμα ὃ ὁ δεῖνα εἶπεν* (*IG II² 838*, 945). This is a strong indication that an *ekklesia synkletos* could be called in two different ways, and that one way was to pass a decree for this purpose.

(5) Now, the *ekklesia* held on Elaph. 18 is not only described in Aeschin. 1–3 and in Dem. 18–19; it is also referred to in a decree honouring the Bosporan princes, *IG II² 212.53–57*: *περὶ δὲ τῶν χρημάτων τῶν [ὀφει]λ[ο]μένων τοῖς παισὶ τοῖς Λεύκωνος ὅπ[ως ἂ]ν ἀπολάβωσιν, χρηματίσαι τοὺς προέδ[ρος οἱ] ἂν λάχωσι προεδρεύειν ἐν τῷ δήμῳ [τῆι ὄγ]δόμη ἐπὶ δέκα πρῶτον μετὰ τὰ ἱερά. . . .* This provision shows, on my interpretation, that on Elaph. 18 the peace and alliance with Philip was not debated until the Athenians had dealt with the sacred business (three items, according to *Ath.Pol.* 43.6) and the debt to the Bosporan princes.

According to Harris, “there is only one problem with this last argument, but it is a fatal one: τὰ ἱερά does not refer to a discussion of the τρία . . . ἱερῶν mentioned at *Ath.Pol.* 43.6, but to the sacrifices which were performed at the beginning of every meeting of the assembly. In the inscription no reference is made to a discussion of sacred matters, but to the sacred matters. It is important to note the presence of the article in the phrase μετὰ τὰ ἱερά and its absence in the phrase τρία . . . ἱερῶν” (370). Harris’s sharp distinction, however, between ἱερά with the article (referring to sacrifices before the *ekklesia*) and without it (referring to sacred matters on the agenda) breaks down in the face of *IG II² 74.7–9*, εἶναι δὲ αὐ[τῷ πρόσδο]ν πρὸς τὴν βολὴν καὶ τὸν δῆμον πρῶτῳ μ]εθ’ ἱερά. Harris’ interpretation of μετὰ τὰ ἱερά is also contradicted by the frequent usage of cities in Hellenistic kingdoms, μετὰ τὰ ἱερά καὶ τὰ βασιλικά (*i.e.*, post legationes epistolasque a regibus missas).²⁰ The analogy with τὰ βασιλικά strongly indicates that τὰ ἱερά refers to sacred business, not to sacrifices. Moreover, the business given priority by the phrase πρῶτον μετὰ τὰ ἱερά must, on Harris’s

²⁰ An example is *Syll.³ 333.21–24* (Samos, after 306 B.C.), εἶναι δ’ αὐτῷ καὶ ἔφοδον ἐπὶ τὴν βουλήν καὶ τὸν δῆμον, ἅν του δέηται, πρῶτῳ μετὰ τὰ ἱερά καὶ τὰ βασιλικά.

interpretation, follow immediately after the sacrifices; but we know from Aeschines 1.23 that the sacrifices were followed not by the first item on the agenda but by the *procheirotonia*, and the debate on the first item on the agenda was opened only after the *procheirotonia* with the herald's proclamation: *τίς ἀγορεύειν βούλεται*; (cf. *AE* 123f). For these reasons I still prefer the traditional view that *πρῶτον μετὰ τὰ ἱερά* means immediately after the (three items of) sacred business had been completed.²¹ The consequence, as I pointed out in 1977 (cf. *AE* 43), is that the debate on the peace treaty was only the fifth item on the agenda for the meeting held on Elaph. 18. On the other hand, I can well imagine that the first four items on the agenda may have been transacted in only a few minutes.²² Again, as indicated above, Harris has not disproved my view that this meeting was an *ekklesia synkletos*. Thus, the preferable view seems still to be that an *ekklesia synkletos* was one of the meetings described by Aristotle at *Ath.Pol.* 43.3–6, which, however, was summoned in a special way and not by the *prytaneis* on their own initiative in accordance with the *nomoi*.

(6) The examination of Aeschin. 2.72 naturally entails closer scrutiny of the *ekklesiai* held in Elaphebolion 346. Harris and I disagree about two important problems: (a) Were the *ekklesiai* of Elaph. 18 and 19 two separate meetings or rather a double meeting to be reckoned as only one of the four sessions convened (*συνάγειν*) by the *prytaneis* (Arist. *Ath.Pol.* 43.3)? (b) Did the Athenians convene an *ekklesia* on Elaph. 8, the day for the *proagon* and a festival day for Asclepius?

Re (a): I find this question very difficult. In 1977 I suspended judgement and left both possibilities open (*AE* 51); in the addenda of 1983 (*AE* 71) I preferred to see them as a double meeting, reckoned as one by virtue of a single summons and a single agenda. Harris has no doubt (371f): "it is simply unacceptable to count the two meetings on 18 and 19 Elaph. as one meeting. Reading from the decree of Demosthenes which sets the dates for the meetings, Aeschines (2.61) refers quite plainly to two meetings (*δύο ἐκκλησίας*). Cf. Aeschin. 2.60, 65, 67; Dem. 19.13." Harris seems to have overlooked Aeschin. 2.53, *ἐκκλησίαν ἐπὶ δύο ἡμέρας*.²³ Next, *pace* Harris, there can be no doubt that Demosthenes' decree (Aeschin. 2.61) by which the *prytaneis* were instructed to summon the people, covered both sessions.²⁴ Third, a

²¹ Cf. e.g. Tod II 104 (on lines 33–38); Rhodes (*supra* n.3) 529; A. S. Henry, *Honours and Privileges in Athenian Decrees* (Hildesheim 1983) 197.

²² For the speedy transaction of business cf. *AE* 128f, 216f.

²³ For discussion of Demosthenes' decree referred to in Aeschin. 2.53, 61, 109f, and 2.68 see the addendum in *AE* 64–67.

²⁴ Harris (371) takes my expression that the agenda was the same for both meetings

double meeting (or two consecutive meetings) seems to have been a statutory requirement for the conclusion of peace and probably of other important treaties as well.²⁵ Fourth, given the ambiguous nature of the problem, we must consider the possibility that a double session or two sessions on consecutive days was the Athenians' way of 'stopping the clock' (*cf. supra* 37). Harris presents an oversimplified version of the evidence.

Re (b). On the other hand, Harris wants to eliminate the meeting that, according to Aeschin. 3.67f, was held on Elaph. 8. He believes (372f) that Aeschines attempts to mislead the jurors by telling them about an *ekklesia* that in fact never took place. This is a strikingly novel interpretation. Furthermore, if Harris is right in his view that there was no meeting of the *ekklesia* on Elaph. 8 of 347/6, but two on Elaph. 18 and 19, he ends with a total of four attested *ekklesiai* held in prytany VIII (Elaph. 16, 18, 19, 25) and, as he himself admits, has removed a possible objection to my hypothesis that there was a limit to the number of meetings that could be called in one prytany.

Harris's interpretation of Aeschin. 3.67f, however, should not be accepted for the following reasons. According to Harris "we need to note that Aeschines does not say whether or not this proposal was passed and nothing in the text allows us to give a definite answer to this question" (372). This is not true; in the following section (Aeschin. 3.68) we are told that Demosthenes *succeeded* in having *yet another* decree passed: ἐνταῦθ' ἕτερον νικᾷ ψήφισμα Δημοσθένης. The inference is that Demosthenes proposed *and carried both* decrees.²⁶ We must of course consider the possibility that Aeschines is simply lying; but if he is, he is lying both about the proposal and about its passage by the people. Next, it is unlikely that Aeschines should lie about a decree proposed and carried by Demosthenes. One could probably always lie about what was said during an *ekklesia* and about who said it. For in all probability no exact minutes were kept and the audience's memory, undoubtedly vague after sixteen years, was the only possible check. But to allege that non-existent decrees had been proposed and carried

(*AE* 51) to mean that the agenda on Elaph. 18 must have comprised exactly the same items as the agenda on Elaph. 19. This is of course not true and has never been my view. What I meant, and still mean, is that both sessions were warranted by one and the same decree and that this decree prescribed business to be transacted on both days.

²⁵ Aeschin. 2.60 (τὸ τῶν συμμάχων δόγμα); *IG* I³ 71.33–36; II² 21.9–11; Thuc. 1.44.1, 3.36.4–6. Two *ekklesiai* on consecutive days are attested for the year 302/1, prytany VIII 27 and 28 (*IG* II² 500, 501; *cf. Hesperia* 9 [1940] 341f). *Cf. AE* 51.

²⁶ *Cf.* Aeschin. 2.62f, discussing two decrees proposed and carried by Philocrates and connected with the phrase νικᾷ γὰρ ἕτερον ψήφισμα Φιλοκράτης.

is a different matter, for decrees were recorded and kept in the Metroon.²⁷ Similarly, it would be hard to lie about a session of the *ekklesia* that never took place. Harris points out, correctly, that this meeting is mentioned only in Aeschin. 3, delivered in 330, and not in Aeschin. 2, delivered in 343; but the same applies to other pieces of information, not to be doubted for that reason alone.²⁸ I cannot of course preclude the possibility that Aeschines is simply deceiving the jurors about the *ekklesia* allegedly held on Elaph. 8. But I prefer the traditional view: that an *ekklesia* was in fact held on this (festival) day in accordance with a decree proposed and carried by Demosthenes. Thus it was, on my interpretation, an *ekklesia synkletos*: it was festival day and was warranted by a decree of the *demos* (or of the *boule*) and not just summoned by the *prytaneis* on their own initiative.

(7) Holding meetings on festival days is a crucial problem only briefly touched on by Harris in his discussion (373) of the fourth century and almost brushed aside in his section (375) on the Hellenistic period.²⁹ The problem, however, deserves serious consideration. According to Mikalson (followed by both Harris and me) the Athenians did their utmost to avoid *ekklesiai* on festival days. Thus the few cases of *ekklesiai* attested on annual or monthly festival days must have

²⁷ Cf. Aeschines' revealing comment on a decree passed in the following *ekklesia* (3.75): ὅτι δ' ἀληθῆ λέγω, ἀνάγνωθί μοι, τίς ἦν ὁ ταῦτα γράψας, καὶ τίς ὁ ταῦτα ἐπιψηφίσας. ΨΗΦΙΣΜΑ. καλόν, ὡ ἄνδρες Ἀθηναῖοι, καλόν ἢ τῶν δημοσίων γραμμάτων φυλακῆ ἀκίνητον γάρ ἐστι, καὶ οὐ συμμεταπίπτει τοῖς αὐτομολοῦσιν ἐν τῇ πολιτείᾳ, ἀλλ' ἀπέδωκε τῷ δήμῳ, ὅποταν βούληται, συνιδεῖν τοὺς πάλαι μὲν πονηροῦς. . . .

²⁸ Harris (372 with n.28) claims to have detected five other false charges made by Aeschines in 330 but not in 343. None of them is straightforward. Two can be dealt with fairly briefly. The story of the exclusion of Chersobleptes (3.73–75) is, according to Harris, refuted by Aeschin. 2.83–86, where evidence is produced “that Chersobleptes did indeed have a person in Athens who could have acted as his *synedros*, namely Critobulus of Lampsacus. . . .” Now, at 3.74 Aeschines claims that Chersobleptes had no *synedros* in Athens, which was probably true, since, at 2.83, Aeschines tells the jurors that Critobulus of Lampsacus *claimed* that he had been sent by Chersobleptes, *i.e.* he was *not* a *synedros* and an acknowledged member of the *synedrion* in Athens. There is no contradiction. Aeschines, of course, prefers to tell the jurors what suits him best in both cases, but that is different. Next, it is true that the charge against Demosthenes for having bribed his way onto the council in 347/6 is mentioned by Aeschines in 330 (3.62) and not in 343. But we must not forget that Meidias, in 347, attacked Demosthenes in the *dokimasia*, and Demosthenes admits (21.111) that Meidias' charges against him proved to be dangerous. Thus there is no reason to believe that Aeschines, in 330, invented the charge that Demosthenes had used bribery to become a councillor. Since Harris announces a forthcoming study on these problems, I will take this point no further until I have seen his arguments.

²⁹ “Hansen assumes that these meetings must have been ἐκκλησίαι σύγκλητοι because they were summoned on festival days. I see nothing which compels us to accept such an assumption and to rule out *a priori* the possibility that these could have been ordinary meetings of the assembly, whether the term ordinary is used in the traditional sense or in the sense which Hansen prefers” (375).

been emergency meetings,³⁰ and accordingly, on Harris's own definition, *ekklesiai synkletoi*, i.e., extra meetings called at short notice, and not ordinary meetings as described by Aristotle (*Ath. Pol.* 43.3–6). Some of the (few) meetings, however, that *were* held on festival days are explicitly labelled ἐκκλησία κυρία, and the inference seems to be that the Athenians could hold an ἐκκλησία κυρία σύγκλητος. This applies not only to several Hellenistic decrees,³¹ but also to one fourth-century decree, *IG II*² 359. The preamble of this decree was restored by Meritt to give [Elaph.] 8=pryt. [vii] 30. The restoration has been questioned both by Mikalson and by Harris, but for no good reason. No matter how the month is restored, there can be no doubt that this decree was passed on the eighth of the month, a festival day in all twelve months (*cf. AE* 88f). So even if we reject the perfect equation [Elaph.] 8=pryt. [vii] 30, we must still admit that this *ekklesia* was held on a festival day and thus was an *ekklesia synkletos*. But in line 7 we learn that the meeting was an *ekklesia kyria*: i.e., the meeting must have been an ἐκκλησία κυρία σύγκλητος. Thus the attestation of *ekklesiai kyriai* held on festival days seems to disprove Harris's clearcut distinction between *ekklesiai synkletoi* (always extra meetings held in an emergency) and ordinary *ekklesiai* (four per prytany, of which one was the *ekklesia kyria*).

(8) The term βουλή σύγκλητος is attested in three Hellenistic inscriptions: *SEG* 21.440, *IG II*² 897, and 954. The formula used is the same in all three: βουλή ἐν βουλευτηρίῳ σύνκλητος στρατηγῶν παραγγειλάντων καὶ ἀπὸ βουλῆς ἐκκλησία κυρία ἐν τῷ θεάτρῳ.³² On my interpretation σύγκλητος goes with both βουλή and ἐκκλησία, and as a parallel I adduced (*AE* 76) the assembly held in 339 after Philip's capture of Elateia (*Dem.* 18.168ff): the Athenians had, overnight, to summon first the *boule* for an early meeting and then the *ekklesia* for an emergency meeting. Harris admits (375) that the assembly held in 339 was probably an *ekklesia synkletos*, but (to avoid the attestation of ἐκκλησία κυρία σύγκλητος) he prefers a different interpretation of the Hellenistic decrees (375):

³⁰ J. D. Mikalson, *The Sacred and Civil Calendar of the Athenian Year* (Princeton 1975) 189f. Furthermore, if we follow Harris in assuming that meetings summoned on festival days were probably ordinary meetings but that meetings held on festival days were extremely rare and were held only because the Athenians could not postpone the meeting until the festival was over, we will have to admit that both ordinary *ekklesiai* and *ekklesiai synkletoi* could be held as emergency meetings, and Harris's sharp distinction between the two types of meeting tends to break down anyway.

³¹ *Cf. AE* 78 nos. 13–17 and Mikalson (*supra* n.30) 72, 128 144, 146.

³² The formula ἐκκλησία κυρία appears in *SEG* 21.440 and *IG II*² 897; in 954 we find ἐκκλησία ἀρχαιρεσίαι.

one could argue that the meetings of the Assembly referred to in these inscriptions had already been scheduled by the *prytaneis* several days earlier and that the *prytaneis* had posted the agenda for each of these meetings well in advance. At the last moment, however, a new concern arose, one which the generals wished to be dealt with immediately, but to be placed on the agenda for this meeting it needed to be approved first by the Council. To clear this hurdle, an emergency meeting of the Council was called at the request of the generals. At this meeting of the Council the new item was introduced, passed and placed on the agenda of the previously scheduled meeting of the Assembly, which was then convened immediately afterwards. This explanation certainly makes more sense than Hansen's. . . .

It does not, however, for the following reasons. First, I note that the reconstructions suggested by Harris and by myself both presuppose that, in the Hellenistic period, the *boule* and the *ekklesia* were run more or less according to the same rules as in the fourth century.³³ Thus the *boule* probably met every day, except on holidays. Let us now examine one of the inscriptions according to which a *boule synkletos* was followed by an *ekklesia*, e.g. IG II² 897. This decree was passed on Moun. 11, which was an ordinary 'weekday', as were also Moun. 9 and 10.³⁴ Let us assume, following Harris, that the *ekklesia* had been summoned already on e.g. Moun. 5, but that a new concern suddenly arose that needed to be placed before the people immediately and, accordingly, discussed first in the *boule*. If the emergency occurred more than twenty hours before the *ekklesia* to be held on Moun. 11, the *strategoï* would not have had to summon a *boule synkletos*. They could simply have raised the matter in the ordinary meeting of the *boule* held the day before the *ekklesia*. And even if the urgent business had been reported to the *strategoï* so late that the ordinary meeting held on Moun. 10 was finished, the *strategoï* would not have had to summon

³³ This assumption is difficult to test, *inter alia* because in the Hellenistic period the epigraphical sources cannot be supplemented with literary sources explaining the institutions in greater detail. We must bear in mind that the system was changed in at least one respect: when the number of tribes was raised from ten to twelve, the number of *ekklesiai* convened in a prytany was reduced from four to three, thus giving a total of 36 *ekklesiai* per year instead of 40. In one case, 303/2 pryt. XII, decrees passed in all three *ekklesiai* have survived: IG II² 498 with p.661, passed on the 8th day of the prytany in an *ekklesia kyria*; 493+518 and 494, both passed on the 23rd day of the prytany in an *ekklesia kyria*; and 495, 496+507, and 497, all passed on the 31st of the prytany in an *ekklesia*. I should like to thank Christian Habicht for drawing my attention to these decrees. I find it worth noting that the *ekklesiai* held on the 8th and the 23rd were both *ekklesiai kyriai*, i.e., there were two *ekklesiai kyriai* in the same prytany.

³⁴ Cf. Mikalson (*supra* n. 30) 141f.

an extra meeting of the *boule*, for the council would in any case have to convene before the *ekklesia* required for selecting *proedroi* by lot (cf. *AE* 135). The only anomaly would then have been to have the urgent business debated during the early session in connection with the allotment of the *proedroi*. On my interpretation, however, an emergency meeting of the *ekklesia* presupposed an emergency meeting of the *boule*, since the *boule* would normally not meet before sunrise, except on assembly days when the allotment of *proedroi* had to be completed before the *ekklesia* began early in the morning. Thus an emergency occurring on Moun. 8–10 and resulting in an *ekklesia* held on Moun. 11 would necessitate a *boule synkletos* held on Moun. 11 before the *ekklesia*. *IG* II² 897 and *SEG* 21.440 were both passed in an *ekklesia kyria*, and I still find most likely the assumption that these sessions of the assembly were *ekklesiai kyriai synkletoi*. We must bear in mind, however, that the reconstructions advanced by Harris and by myself only apply if the rules affecting sessions of *boule* and *ekklesia* were basically the same as in the fourth century, and this is admittedly a far-reaching assumption.

(9) Finally a word about the contents of the decrees passed in *ekklesiai synkletoi* in the Hellenistic period. For the sake of argument I grant Harris that the examination should be restricted to those decrees in which the phrase *ἐκκλησία σύνκλητος* is actually attested; thus I leave out decrees passed on festival days, on one of the first four days in the prytany, and during meetings introduced by a *boule synkletos*.³⁵ Now, five decrees are attested as passed during an *ekklesia synkletos*, but in two cases (*IG* II² 911 and *SEG* 24.134) only the preamble is preserved. So we are left with three decrees, all honorific. I found it remarkable (*AE* 79) that such decisions were regularly on the agenda of an *ekklesia synkletos*, and I concluded that an *ekklesia synkletos* cannot have been a session reserved for some urgent matter. Harris objects that “the honorary decrees *IG* II² 838 and 945 were not just passed for some minor *proxenoi* from small towns in Thrace. They were for close friends of Ptolemy III and Eumenes II. These men merited special treatment and what could be more flattering than to call an entire meeting of the assembly just to confer honours on them?” (376). I suspect that Harris makes too much of these honorific decrees and note his further comment: “One might ask, didn’t the Athenians have better things to do at the meetings in this period? The unfortunate answer to this question is ‘probably not.’” More important, Harris offers no discussion of the third honorific decree passed during an *ek-*

³⁵ *I.e.* the decrees listed at *AE* 75–78 nos. 5–17.

klesia synkletos, I.Délos 1507.37–54: this is a mere ratification by the Athenian *ekklesia* of some honours conferred by the Delian cleruchs on some of their own officials!³⁶ Furthermore, IG II² 911 was passed in an *ekklesia synkletos* held in the summer of 168. In this case only the prescript survives, but we have a second decree passed during the same session.³⁷ The decree is honorific, bestowing a crown on a certain Calliphanes, who had served in the Roman army and reported their victory to Athens. As Meritt suggests, the *ekklesia synkletos* may in fact have been occasioned by the Roman victory at Pydna. The honorary decree for Calliphanes, however, is probouleumatic, and the probouleumatic formula includes the standard phrase that the business in question be transacted *εἰς τὴν ἐπιούσαν ἐκκλησίαν* (line 29). This indicates that the matter was not urgent but rather was to be taken up in the next assembly—which now happened to be an *ekklesia synkletos*—and thus that this type of meeting was not reserved for urgent matters.

To sum up. I still hold that my view of *ekklesia synkletos* and the restricted number of meetings is supported by Arist. *Ath. Pol.* 43.3–6, and, much more important, by Dem. 19.154 and Aeschin. 2.72; that my position is considerably strengthened by the fact that *ekklesiai kyriai* were sometimes held on festival days; and that additional support is provided by the Hellenistic decrees in which the phrase *ekklesia synkletos* occurs. Demosthenes is right: by Moun. 3 the Athenians had used up all the *ekklesiai* to be held in pryt. VIII. Aristotle's information can be accepted as it stands: the *prytaneis* convened four meetings of the *ekklesia* in a prytany, neither more nor less. Demosthenes and Aeschines do *not* mislead the jurors by suppressing information, in all four speeches, about numerous sessions of the *ekklesia*. They report the meetings actually held but disagree of course fundamentally—and lie—about what was said during these meetings. On the other hand, Aeschines is probably right about the Athenians having held more *ekklesiai synkletoni* than ordinary *ekklesiai* during pryt. VIII 347/6 (2.72), and he has not invented a meeting that never took place, *i.e.*, the meeting held on Elaph. 8 (3.67f). If *ekklesia synkletos* denotes an urgent meeting (as opposed to ordinary meetings called at several days' notice) it follows that the extremely infrequent *ekklesiai* held on festival days must have been *ekklesiai synkletoni*, and we have to accept

³⁶ Quoted and discussed in the addendum *AE* 81.

³⁷ Moretti, *Istor. ellen.* 35 (=B. D. Meritt, *Hesperia* 3 [1934] 18–21). In this inscription the session is described as an *ἐκκλησία ἐν Πειραιεῖ* only, not as an *ἐκκλησία σύγκλητος*, which proves that the term *synkletos* was optional. I should like to thank Christian Habicht for drawing my attention to this inscription.

that the Athenians sometimes held an *ekklesia kyria synkletos*. At least one—and probably several more—of the *ekklesiai synkletoi* convened in the Hellenistic period was *not* reserved for some urgent matter but included the transaction of routine business.

What can be placed in the other scale? An *a priori* argument of no value (*supra* 37). The unproved assumption that Demosthenes and Aeschines repeatedly misinformed the jurors about the number and dates of *ekklesiai* held in Elaph. 346. And two scholia, both at variance with the best lexicographical note we have (Harpocration's explanation of *ekklesia synkletos*, referring to Dem. 19.123). For me it has been reassuring to see that Harris's well argued and clearly structured attack on my interpretation has led no further than taking away one of my testimonies, *viz.* Aeschin. 2.61, which I misinterpreted in my first article. Thus I am inclined to maintain my view: from the 350's on there was a limit on the number of *ekklesiai* to be held in a prytany,³⁸ and an *ekklesia synkletos* was not an extra meeting, but one of the stipulated meetings summoned in a special way, often at short notice, to deal with urgent matters in addition to the regular business to be transacted.³⁹

THE INSTITUTE FOR ADVANCED STUDY, PRINCETON
January, 1987

³⁸ In passing (373f) Harris disputes my suggestion that in the fifth century the Athenians called only one obligatory meeting of the *ekklesia* in a prytany, the *ekklesia kyria*. Harris refers only to Hansen and Mitchel (*supra* n.2). The full discussion of this point appears in J. Christensen and M. H. Hansen, "What is *Syllogos* at Thukydides 2.22.1?" *ClMed* 34 (1983) 15–29.

³⁹ I should like to thank Christian Habicht for reading a draft of this paper and for making several valuable suggestions on Hellenistic decrees (cited above). Let me add, however, that he has not endorsed my views on *ekklesia synkletos* and the number of meetings, and for the present suspends judgement.