

How Did the Athenian *Ecclesia* Vote?

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I

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.¹ 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.

¹ References in this article, hereafter cited by author's name and page number, are to: A. L. BOEGEHOLD, "Toward a Study of Athenian Voting Procedure," *Hesperia* 32 (1963) 366–74. C. G. BRANDIS, "Ἐκκλησία," *RE* 5 (1905) 2163–2200. G. BUSOLT and H. SWOBODA, *Griechische Staatskunde* I–II (München 1920–26). J. DELZ, *Lukians Kenntnis der athenischen Antiquitäten* (Freiburg 1950). E. B. ENGLAND, *The Laws of Plato* I–II (London 1921). K. VON FRITZ and E. KAPP, *Aristotle's Constitution of Athens and Related Texts* (New York 1950). D. J. GEAGAN, *The Athenian Constitution after Sulla* (*Hesperia* Suppl.12, 1967). G. GILBERT, *Handbuch der griechischen Staatsaltertümer* I (Leipzig 1893). M. H. HANSEN, "How Many Athenians Attended the *Ecclesia*?" *GRBS* 17 (1976) 115–34. Idem, "The Duration of a Meeting of the Athenian *Ecclesia*," *CP* 74 (1979). Idem, *The Sovereignty of the People's Court in Athens in the Fourth Century B.C. and the Public Action against Unconstitutional Proposals* (Odense 1974). E. KOCH, "Χειροτονεῖν," *RE* 3 (1899) 2225–26. K. KOUROUNIOTES and H. A. THOMPSON, "The Pnyx in Athens," *Hesperia* 1 (1932) 90–217. J. H. LIPSIUS, *Das attische Recht und Rechtsverfahren* I–III (Leipzig 1905–15). W. A. McDONALD, *The Political Meeting Places of the Greeks* (Baltimore 1943). G. R. MORROW, *Plato's Cretan City* (Princeton 1960). D. J. MOSLEY, *Envoys and Diplomacy in Ancient Greece* (*Historia Einzelschr.* 22, 1973). J. E. NEALE, *The Elizabethan House of Commons* (London 1949). J. H. OLIVER, *The Sacred Gerousia* (*Hesperia* Suppl.6, 1947). H. RYFFEL, *Die schweizerischen Landsgemeinden* (Zürich 1903). J. F. SLY, *Town Government in Massachusetts 1620–1930* (Cambridge [Mass.] 1930). E. S. STAVELEY, *Greek and Roman Voting and Elections* (London 1972). W. STAUFFACHER, *Die Versammlungsdemokratie im Kanton Glarus* (Zürich 1963). A. WILHELM, "Neue Beiträge zur griechischen Inschriftenkunde," *SBWien* 183 (1921) 1–79. Idem "Zu griechischen Inschriften," *AEM* 20 (1897) 79–82. 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 *ψηφίζεσθαι* or with the verb *χειροτονεῖν*. Whereas *ψηφίζεσθαι*, in the fourth century at least, must be interpreted metaphorically,² we have sufficient evidence that *χειροτονεῖν* 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;³ 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.⁴ 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 *cheirotomia* 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 *cheirotomiai*. 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.⁵ The fourth-century evidence is more satisfactory:

² When describing decisions made by the *ecclesia* the verb *ψηφίζεσθαι* is often used synonymously with *χειροτονεῖν*, e.g., Isoc. 8.52.

³ Dem. 22.5 and 9, 24.20, 59.4–5; Aeschin. 3.39. The councillors: Arist. *Ath. Pol.* 49.2; IG II² 223 A 5.

⁴ IG I² 57.5ff; Xen. *Hell.* 1.7.34; Dem. 24.33 (the *nomothetai*); Dem. 47.43 (the councillors).

⁵ We know that in the fourth century the *proedroi* were responsible for (a) putting a

from about 380 the *ecclesiai* 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 *procheirotonia* or when a proposal was passed by an overwhelming majority.⁶ But it is taken for granted that usually the votes were counted with precision, and the main source οἱ 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 ἐπιστάτης τῶν πρυτάνεων as the tenth enumerator.⁷ 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 Boegehold and Staveley. In my opinion too much has been based on the excavators’ cautious statements and, even supposing that the auditorium

proposal to the vote and (b) assessing the majority. We have ample evidence that the *prytaneis* in the fifth century were responsible for putting the proposals to the vote (e.g., Xen. *Hell.* 1.7.14–15), and by analogy we may assume that they were entrusted with the decision on the outcome of the vote.

⁶ 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. ἔλεγε δὲ κῆρυξ· ὅτω Μειδίας δοκεῖ ἀδικεῖν, ἀράτω τὴν χεῖρα· εἶτα οἱ θέλοντες ἐξέτεινον τὰς χεῖρας, καὶ ἐκαλεῖτο τοῦτο πρῶτον καταχειροτονία. ἀποχειροτονία δὲ οὕτως· ὅτω μὴ δοκεῖ ἀδικεῖν Μειδίας, ἀράτω τὴν χεῖρα· καὶ ἐξέτεινόν τινες, καὶ ἐκαλεῖτο ἀποχειροτονία. λοιπὸν πάσας ἠρίθμουν τὰς χεῖρας καὶ ἑώρα ὁ κῆρυξ ποῖαι πλείους εἰσί, πότερον τῶν φασκόντων αὐτὸν ἀδικεῖν ἢ μὴ· καὶ ὅσαι ἂν εἴησαν πλείους εὐρεθεῖσαι, ἐκείνη ἡ γνώμη ἐκράτει. In this comment on Demosthenes' 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

⁸ Schol. Dem. 21.2 (Baiter and Sauppe). The same note is reproduced by several other scholiasts and lexicographers, cf. Photius, *Suda*, *Etym. Magn.*, s.v. *κατεχειροτόνησεν αὐτοῦ*, and schol. Plat. *Axiochus* 368B.

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: πόσῳ τινὶ πλείους τῶν Ἐπικουρείων ἢ Πλατωνικῶν ἢ Περιπατητικῶν; ἠρίθμησας γὰρ αὐτοὺς δηλαδὴ καθάπερ ἐν ταῖς χειροτονίαις. ΕΡΜ: ἀλλ' οὐκ ἠρίθμησα ἔγωγε, εἰκαζὼν δέ. Lucian's information, 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 *polis*. 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 *cheirotomia*. The Spartan voting *βοή* is described as childish (*παιδαριώδης* *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 *cheirotomia* 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 *cheirotomia* 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 *cheirotomia* 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 elsewhere¹² 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-

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*,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.¹⁵ 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.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.¹⁷ To count the hands of several thousand seated attendants is unparalleled and presumably impracticable.

Admittedly, counting and estimating are different only in degree

¹⁴ Harp. *s.v.*; Dem. 24.11; Aeschin. 1.23; Arist. *Ath. Pol.* 43.6.

¹⁵ Mosley 56.

¹⁶ Hansen, *CP* 74 (1979).

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 *Landamman* (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 *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: οἱ δὲ (ἐννέα πρόεδροι) παραλαμβάνοντες (τὸ πρόγραμμα) τῆς τ' εὐκοσμίας ἐπιμελοῦνται καὶ ὑπὲρ ὧν δεῖ χρηματίζειν προτιθέασιν καὶ τὰς χειροτονίας κρίνουσιν καὶ τὰ ἄλλα πάντα διοικοῦσιν καὶ τοῦ[[τ']] ἀφεῖναι κύριοί εἰσιν. As mentioned above the Greek is usually rendered "the *proedroi* count the votes," but 'to count' is a mistranslation of κρίνειν. This verb implies some decision made by the *proedroi*, and the correct translation is "the *proedroi* judge the *cheirotoniai*."¹⁸ 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

¹⁸ 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 ἀμφισβητήσεις τῶν χειροτονιῶν μέχρι δυοῖν εἶναι· τὸ δὲ τρίτον ἐὰν ἀμφισβητῆ τις, διαψηφίζεσθαι τούτους οἷσπερ τῆς χειροτονίας μέτρον ἑκάστοις ἑκάστον ἦν (756B). It is usually taken for granted that the votes had to be counted and that any protest against the *cheirotomia* would result in a recount, perhaps even in two recounts of all the hands.¹⁹ 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 *cheirotomiai* 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 *cheirotomiai* in the *ecclesia* with the *psephophorai* 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

¹⁹ 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: *προβληθεὶς πυλάγορος οὗτος καὶ τριῶν ἢ τεττάρων χειροτονησάντων αὐτὸν 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 ἀγχώμαλοι, 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' ἀνδρὶ* (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 *ἐὰν μὴ ἑξακισχιλίους δόξῃ κρύβδην ψηφισομένοις* 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 αἰ πλήρη]ις*

²⁰ In addition to the *nomoi* prescribing *psephophoria* we have one example of a decree ordering that an *ecclesia* 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).

²¹ Hansen, *GRBS* 17.125–27.

αἷς ἐδόκει τὴν ἐγφερομένην γνώ[μην κυρίαν εἶναι——] τριάκοντα πέντε, αἱ τετρυπημένα[ι αἷς οὐκ ἐδόκει οὐδεμία.²² The usual form of voting in the *ecclesia* was still *cheirotomia*, but in this case the vote is described in the following way: [ὁ πρόεδρος· ὅτω δοκεῖ κύρια εἶναι τὰ ἀνεγνώ]σμένα ἀράτω τὴν χεῖρα. πάντες ἐπῆραν. καὶ ὅτῳ [μὴ δοκεῖ κύρια εἶναι ἀράτω τὴν χεῖρα. οὐδεὶς ἐπῆρεν.]²³ 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.²⁴ The only problematical example is an inscription from Cnidus where the form of voting is described as *χειροτονία*, but the votes cast are called *ψᾶφοι*.²⁵ The passage is discussed by Brandis (2194), who, rightly in my opinion, suggests that *χειροτονία* in this context does not mean more than 'vote' whereas *ψᾶφος* is the significant word showing that the vote was taken by ballot. Two inscriptions from Halicarnassus record the respective numbers of 4000 and 1200 *ψηφοί*. 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 ἔχων, *Ath. Pol.* 69.1) indicates that when the

²² IG II² 1053 lines 11–13. Cf. IG II² 1051 and 1353; 'Εφημ.' *Αρχ.* 1884, 167–68 line 3, where the exact figures are preserved: 3461 voted for and 155 against the proposal. Cf. further IG II² 1343 line 44.

²³ Oliver, no.31 lines 30–32. The restorations proposed are secured by SIG³ 1109.20–24 and by IG II² 2090.

²⁴ DELPHI: *Fouilles de Delphes* III.1 no.294 lines 2–3 (454 *ψηφοί*); BCH 19 (1895) 7 lines 21–23 (=Michel 995) (182 *ψηφοί*). ANAPHE: IG XII.3 249 line 39 (95 *ψηφοί*). COLOPHON: *Inschriften von Priene*, ed. Hiller von Gaertringen (1906), 57 lines 20–21 (1023 [?] *ψηφοί* [?]) restored by Wilhelm, SBWien 183.7. MAGNESIA: *Inschriften von Magnesia*, ed. O. Kern (1900) 92a (4678 *ψηφοί*); 92b (2113 *ψηφοί*); 94 (3580 *ψηφοί*). MILETUS: SIG³ 683 line 66 (*ψηφοί* for: 584; against: 16). IASUS: REG 6 (1893) 170 line 23 (*ψηφοί* [?]) for: ?; against: 4). HALICARNASSUS: Michel 455 (4000 *ψηφοί*); BCH 14 (1890) 95 line 4 (1200 *ψηφοί*). THEANGELA: IG XI.4 1054 b lines 21–22 (620 *ψηφοί*). CNIDUS: *Inscr. Brit. Mus.* 783 line 22 (*ψηφοί* for: ?; against: 0); SIG³ 953 line 86 (*ψηφοί* for conviction: 78; for acquittal: 126). Cf. Brandis 2193–96; Busolt 446 and 454; Wilhelm, SBWien 183.4–9, AEM 20.79–82.

²⁵ *Inscr. Brit. Mus.* 788; ἐκυρώθη χειροτονία ἐν βουλᾷ· ἐκυρώθη καὶ ἐν τῷ [δ]άμῳ χειροτονία· ψᾶφοι αἷς ἔδοξε κυροῦν . . . αἷς δὲ 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 *cheirotomia* 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, Eurypolemus 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 διαχειροτονουμένων τὸ μὲν πρῶτον ἔκριναν τὴν Εὐρυπτολέμου ὑπομοσαμένου δὲ Μενεκλέους καὶ πάλιν διαχειροτονίας γενομένης ἔκριναν τὴν τῆς βουλῆς* (Hell. 1.7.34). The crucial word *ὑπομοσαμένου* may be interpreted as a *hypomosis* in a *graphe paranomon* raised by Meneclides against Eurypolemus,²⁶ 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 *ὑπωμοσία* is the technical term for various types of demurrer.²⁷ 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 *cheirotomia*.

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 κάθησο καταπεπλασμένος, ἵν' ὑπομνύμενον παύσω σε τὰς ἐκκλησίας*.²⁸ If there is a point in Aristophanes' story,

²⁶ The interpretation I proposed in *The Sovereignty*, Catalogue no.3, p.29.

²⁷ Lipsius 393 and 902.

²⁸ Ar. *Plut.* 724–25. *ἐπομνύμενον codd.* : corr. Girardus.

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 *ὑπομνύμενον* 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* . . . ἂν δέ τις τῶν ἄλλων βουλευτῶν ὄντως λάχῃ κληρούμενος προεδρεύειν, καὶ τὰς ὑμετέρας χειροτονίας ὀρθῶς ἀναγορεύῃ, τοῦτον οἱ τὴν πολιτείαν οὐκέτι κοινήν, ἀλλ' ἤδη ἰδίαν 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 *cheirotomia* for which they were responsible. They may have done so by intentionally miscounting 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),²⁹ 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.³⁰ 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 *cheirotomia* 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. *Eccl.* 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 Demosthenes 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 II² 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 *κατατομή* 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 Aegeis (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.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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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 *psephophoria* 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 (*προσιόντι 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 (*cf.* Hansen, *GRBS* 17.127). In 406 the *ecclesia* hearing the trial of the generals probably concluded with the passing of the sentence by ballot (see *supra*, n.20).