

## How Often Did the Athenian *Dicasteria* Meet?

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IN FOURTH-CENTURY ATHENS the three principal bodies of government were the *ecclesia*, the *boule* and the *dicasteria*. The *ecclesia* was convoked forty times in a year<sup>1</sup> and the *boule* met every day except on *ἡμέραι ἀφέεσιμοι* comprising annual festival days, and probably *ἡμέραι ἀποφράδες*.<sup>2</sup> But how often did the *dicasteria* meet? The only direct evidence bearing on this question is the famous passage from Aristophanes' *Wasps* in which Bdelycleon explains to his father that only a fraction of the revenue is paid out to the dicasts as *μισθός*, whereas the young, smart politicians keep the lion's share (660–63).

τούτων πλήρωμα τάλαντ' ἐγγὺς διςχίλια γίγνεται ἡμῖν.  
ἀπὸ τούτου νυν κατάθες μισθὸν τοῖσι δικασταῖς ἐνιαυτοῦ  
ἕξ χιλιάδων, κοῦπω πλείους ἐν τῇ χώρᾳ κατένασθεν,  
γίγνεται ἡμῖν ἑκατὸν δῆπου καὶ πεντήκοντα τάλαντα.

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

Most modern historians agree that Aristophanes is exaggerating,<sup>3</sup> but apart from stating that the figures 6000 and 300 are inflated, they leave the problem unsolved and assume without further discussion that the Athenian courts sat very frequently, quite often daily.<sup>4</sup> In this note I shall argue that a study of the Athenian calendar provides

<sup>1</sup> Cf. M. H. Hansen, "How Often Did the *Ecclesia* Meet?" *GRBS* 18 (1977) 43–70.

<sup>2</sup> Cf. M. H. Hansen, "The Duration of a Meeting of the Athenian *Ecclesia*," *CP* 74 (1979) 45–46. On *ἡμέραι ἀποφράδες* cf. J. D. Mikalson, "Ἡμέρα ἀποφράς," *AJP* 96 (1975) 19–27.

<sup>3</sup> J. H. Lipsius, *Das attische Recht und Rechtsverfahren* I (Leipzig 1905) 160–61; A. Andreades, *Geschichte der griechischen Staatswirtschaft* (München 1931) 269; A. H. M. Jones, *Athenian Democracy* (Oxford 1957) 6; J. D. Mikalson, *The Sacred and Civil Calendar of the Athenian Year* (Princeton 1975) 203. The three hundred days are accepted by: G. Glotz, *The Greek City* (London 1929) 241, and (with modifications) by G. Busolt and H. Swoboda, *Griechische Staatskunde* I.2 (München 1926) 1153.

<sup>4</sup> V. Ehrenberg, *The Greek State* (Oxford 1960) 73.

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

The maximum of *ca* 200 days is based on the following calculations. The *dicasteria* were convened neither on assembly days nor on festival days.<sup>5</sup> Furthermore, the *dicasteria* were probably closed on *ἡμέραι ἀποφράδες*, *viz.* the day of the Plynteria and the days reserved for homicide trials heard by the Council of the Areopagus.<sup>6</sup> In the fourth century the Athenians held forty meetings of the *ecclesia* during one year (*supra* n.1), and the number of annual festival days seems to have amounted to at least seventy-five.<sup>7</sup> The number of *ἡμέραι ἀποφράδες* is more difficult to assess since a day undoubtedly counted as *ἀποφράς* only if the Council of the Areopagus did in fact meet to hear a homicide case.<sup>8</sup> Homicide trials were fixed to the 27th, 28th and 29th of the month, but of the thirty-six possible days probably no more than, say, ten to fifteen were actually *ἡμέραι ἀποφράδες*. So the number of *possible* court days in a year is  $354 - (40 + ca\ 75 + ca\ 15) = ca\ 225$ , but the number of *actual* court days must be somewhat lower. In the *Constitution of Athens* 59.1 Aristotle states that the *θεσμοθέται* have the function of fixing the days on which the law courts are to sit. This provision is absurd if the *dicasteria* were convened on all possible court days, and accordingly we can fix the maximum number of actual court days in a year to *ca* 200.

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

<sup>5</sup> Assembly days: Dem. 24.80, ἀδυνάτου δ' ὄντος αὐθημερόν ἐκκλησίαν ἄμα καὶ δικαστήριον γενέσθαι. Festival days: Ps.-Xen. *Ath.Pol.* 3.8, πρὸς δὲ τούτοις οἶεσθαι χρῆ καὶ ἑορτὰς ἄγειν χρῆναι Ἀθηναίους, ἐν αἷς οὐχ οἷόν τε δικάζειν. καὶ ἄγονσι μὲν ἑορτὰς διπλασίους ἢ οἱ ἄλλοι; schol. Ar. *Wasps* 663, εἰς ἑ' μῆνας λογιζέται τὸν ἐνιαυτόν, ὡς τῶν β' εἰς ἑορτὰς προχωρούντων. ἐκάστῳ γὰρ τριώβολον τῆς ἡμέρας [ιε' τοῦ μηνός] τάλαντα ἐποίει, ὡς ἐκ τῶν ἐξῆς δῆλον γίνεταί; Ar. *Thest.* 78–80, ἐπεὶ νῦν γ' οὔτε τὰ δικαστήρια μέλλει δικάζειν οὔτε βουλῆς ἐσθ' ἔδρα, ἐπεὶ τρίτη 'στὶ Θεσμοφορίων ἡ μέση; Lys. 26.6, ἡ γὰρ αὔριον ἡμέρα μόνη λοιπῆ τοῦ ἐνιαυτοῦ ἐστίν, ἐν δὲ ταύτῃ τῷ Διὶ τῷ σωτῆρι θυσία γίγνεται, δικαστήριον δὲ παρὰ τοὺς νόμους ἀδύνατον πληρωθῆναι.

<sup>6</sup> Cf. Mikalson, *op.cit.* (*supra* n.2) 26.

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

<sup>8</sup> Cf. Mikalson, *op.cit.* (*supra* n.2) 25.

ing reasons for suggesting that the *dicasteria* must have been convoked on more than 150 days during a year.

In addition to the annual festival days the Athenian calendar included no less than eighty-four monthly festival days, *viz.* days 1–4 and 6–8 of every month.<sup>9</sup> On nine occasions, however, a monthly festival day coincided with an annual festival day, and so the number of monthly festival days in excess of annual festival days amounts to seventy-five.<sup>10</sup> Now, Mikalson has demonstrated that the *ecclesia* was convoked neither on annual nor on monthly festival days, whereas the *boule* did not meet on annual festival days but was regularly convoked on monthly festival days.<sup>11</sup> What about the *dicasteria*? In Ps.-Xenophon, *Athenaion Politeia* 3.8, and the scholium to Aristophanes, *Wasps* 663 (quoted *supra* n.5), it is stated without further specification that the *dicasteria* did not meet on festival days. On the other hand, several sources demonstrate that the monthly festival days were regarded as regular court days.

*IG II*<sup>2</sup> 1678 lines 27–28: [ἐμ]ις[θ]ώ[θ]η Βοηδρομιῶνος τρίτη ἱσταμένου δι[κ]αστή[ρ]ιο[ν] (cf. Mikalson, *op.cit.* [*supra* n.3] 48).

*Hesperia* 5 (1936) 393–416 no.10 lines 11–12: [Πυανο]ψιῶνος δευτέρ[αι] ἱσταμένου δικαστήριον] πρῶτον τῶν καινῶν (cf. Mikalson, *op.cit.* [*supra* n.3] 66).

*IG II*<sup>2</sup> 1629 lines 204–12: ὄπω[ς] δ' ἂν [καὶ] αἱ σκήψεις εἰσαχθῶσι, [τοῦ]ς θεσμοθέτας παρα[πλ]ηρώσαι δικαστήρια εἰς [ἐν]α καὶ διακοσίους τῶι [στ]ρατηγῶι τῶι ἐπὶ τὰς συμ[μ]ορίας ἡϊρημένωι ἐν τῶι [Μ]ουνιχιῶνι μηνὶ τῆι δευ[τ]έραι ἱσταμένου (cf. Mikalson, *op.cit.* [*supra* n.3] 138).

*Hesperia* 5 (1936) 393–413 no.10 lines 115–16: Σκιροφοριῶ[νος δε]υτέραι ἱσταμένου δικαστήριον τὸ μέγ[ον τῶ]ν καινῶν (cf. Mikalson, *op.cit.* [*supra* n.3] 165).<sup>12</sup>

<sup>9</sup> Cf. Mikalson, *op.cit.* (*supra* n.3) 13–24.

<sup>10</sup> Annual festival days coincided with monthly festival days on 7 Hekatombaion(?), 2, 3 and 6 Boedromion, 7 and 8 Pyanopsion, 8 Poseideon(?), 6 Mounichion, 7 Thargelion. Cf. Mikalson, *op.cit.* (*supra* n.3) 186. 7 Hekatombaion and 8 Poseideon are not mentioned by Mikalson in his survey on page 186 but discussed on pages 26 and 89.

<sup>11</sup> Mikalson, *op.cit.* (*supra* n.3) 186–90 and 196–97.

<sup>12</sup> A fifth possible example is Dem. 42.5: τοῦ γὰρ Μεταγετιῶνος . . . τῆ δευτέρᾳ ἱσταμένου ἐποίουν οἱ στρατηγοὶ τοῖς τριακοσίους τὰς ἀντιδόσεις. In this case, however, we do not know whether the phrase ποιεῖν τὰς ἀντιδόσεις indicates a session of a *dicasterion* or a meeting of the board of generals.

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So the *dicasteria* were regularly convened on monthly festival days like the *boule* but in opposition to the *ecclesia*. It is a reasonable assumption that the Athenians would not have convoked the *dicasteria* on monthly festival days if the available number of 'week-days' had sufficed for the business to be transacted by the people's court. Now, if the seventy-five monthly festival days are added to the *ca* 75 annual festival days, the 40 assembly days and the *ca* 15 ἡμέραι ἀποφράδες, the number of days left in an ordinary year of 354 days is *ca* 150 days. The conclusion seems to be that this number of days was insufficient, and so the number of actual court days in an ordinary year can be fixed within the limits of *ca* 150 days (minimum) and *ca* 200 days (maximum).

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