

# How Often Did the *Ecclesia* Meet?

*Mogens Herman Hansen*

THE SUBJECT of this article is two interrelated problems: the number of *ecclesiai* held by the Athenians during a year and the meaning of the term *ἐκκλησία κύκλητος*.<sup>1</sup> The accepted view seems to be that the Athenians in the fourth century B.C., and possibly in the second half of the fifth century as well, held forty ordinary meetings of the assembly every year, viz. four meetings every prytany; but in addition to the ordinary sessions extraordinary meetings could always be summoned whenever a crisis demanded rapid action or whenever the people decided to call a special meeting and reserve it for the discussion of one important problem. Of the four ordinary meetings held every prytany, one was the principal meeting (*ἐκκλησία κυρία*), the other three meetings were labelled *ἐκκλησίαι νόμιμοι οἱ ὠρισμένοι*, whereas the technical term for an extraordinary meeting was *ἐκκλησία κύκλητος*.<sup>2</sup> This view is usually bound up with the assumption that the *ecclesia* was the true sovereign and that no restriction could be imposed on the people's freedom of assembly.

Two important objections can be raised against this view: (a) in Aeschines' and Demosthenes' speeches *On the Embassy* two crucial

<sup>1</sup> References in this article, hereafter cited by author's name and page number, are to: H. BENTSON, *Die Verträge der griechisch-römischen Welt von 700 bis 338 v.Chr.* (München 1962). K. G. BÖHNECKE, *Forschungen auf dem Gebiete der attischen Redner* (Berlin 1843). G. BUSOLT and H. SWOBODA, *Griechische Staatskunde I-II* (München 1920–26). V. EHRENBERG, *Der Staat der Griechen* (Stuttgart 1965). G. GLOTZ, *La cité grecque* (Paris 1928). M. H. HANSEN, *Eisangelia. The Sovereignty of the People's Court in Athens in the Fourth Century B.C. and the Impeachment of Generals and Politicians* (Odense 1975), and "How Many Athenians Attended the *Ecclesia*?" GRBS 17 (1976) 115–34. A. H. M. JONES, *Athenian Democracy* (Oxford 1960). D. M. LEWIS, "Notes on Attic Inscriptions, XXVI Elaphebolion 346," BSA 50 (1955) 25–26. B. D. MERITT, *The Athenian Year* (Berkeley and Los Angeles 1961). J. D. MIKALSON, *The Sacred and Civil Calendar of the Athenian Year* (Princeton 1975). A. W. PICKARD-CAMBRIDGE, *The Dramatic Festivals of Athens*,<sup>2</sup> rev. J. Gould and D. M. Lewis (Oxford 1968). W. Kendrick PRITCHETT and O. NEUGEBAUER, *The Calendars of Athens* (Cambridge [Mass.] 1947). P. J. RHODES, *The Athenian Boule* (Oxford 1972). A. SCHAEFER, *Demosthenes und seine Zeit I-III*<sup>2</sup> (Leipzig 1885–87). E. S. STAVELEY, *Greek and Roman Voting and Elections* (London 1972). H. WEIL, *Les plaidoyers politiques de Démosthène* (Paris 1883–86).

<sup>2</sup> Busolt 987–88, Glotz 182–83, Jones 108–09, Ehrenberg 67, Staveley 79.

passages, which have passed almost unnoticed,<sup>3</sup> show that there was a limitation on the number of assemblies convened during a year or rather during a prytany, and (b) an analysis of the term *ἐκκλησία κύκλητος* points to the conclusion that it certainly denotes a meeting of the assembly summoned in a special way, but not a meeting held in addition to the four meetings summoned every prytany.

### The Number of *Ecclesiai* held in a Prytany

The two passages in Aeschines and Demosthenes are both concerned with the controversy over the Peace of Philocrates. The text runs as follows:

DEM. 19.154. *ἐπειδὴ γὰρ ἐκκλησία μὲν οὐκέτ' ἦν ὑπόλοιπος οὐδεμία διὰ τὸ προκατακεχρησθαι, οὗτοι δ' οὐκ ἀπῆσαν, ἀλλ' αὐτοῦ διέτριβον, γράφω ψήφισμα βουλευῶν, τὴν βουλὴν ποιήσαντος τοῦ δήμου κυρίαν, ἀπιέναι τοὺς πρέσβεις τὴν ταχίστην. . . .*

AESCHIN. 2.61. *παρανάγνωθι δὴ μοι καὶ τὸ Δημοσθένους ψήφισμα, ἐν ᾧ κελεύει τοὺς πρυτάνεις μετὰ τὰ Διονύσια τὰ ἐν ἄστει καὶ τὴν ἐν Διονύσου ἐκκλησίαν προγράψαι δύο ἐκκλησίας, τὴν μὲν τῇ ὀγδόῃ ἐπὶ δέκα, τὴν δὲ τῇ ἐνάτῃ ἐπὶ δέκα, ὀρίζων τὸν χρόνον καὶ προῦφαιρῶν τὰς ἐκκλησίας, πρὶν ἐπιδημησῆαι τοὺς ἀπὸ τῶν Ἑλλήνων πρέσβεις.*

Following a muddled scholion, stating that Demosthenes refers to the three (*sic*) ὠρισμένα ἐκκλησία (see p. 49), most scholars assume that *ἐκκλησία οὐδεμία* means no ordinary assembly (Weil I 304); but this interpretation cannot, in my opinion, be upheld, for the following reasons. (a) Demosthenes says explicitly that not a single *ecclesia* was left, and his emphatic expression must comprise both regular and extraordinary meetings. (b) This interpretation is confirmed by Demosthenes' additional information that the people in this awkward situation had bestowed special powers on the Council of Five Hundred.<sup>4</sup> Why should the people resign some of their powers if an extraordinary assembly could be summoned at any moment? The

<sup>3</sup> In *Eisangelia* 51–57 I discussed Dem. 19.154 in relation to Aeschin. 2.72. The interpretation of Dem. 19.154 offered in this article is basically the same, but since in 1975 I still believed in the traditional definition of *ἐκκλησία κύκλητος*, my interpretation of Aeschin. 2.72 was inadequate. In this study I amplify and improve what I wrote about Aeschin. 2.72 in *Eisangelia* 54–55 and 57.

<sup>4</sup> For special powers bestowed on the Council by the *ecclesia* cf. IG II<sup>2</sup> 127.34–35; 204.85–86; 435.7–9; 1629.264–69; SEG XIV 47 v 3; and Rhodes 82.

most reasonable explanation is that only a fixed number of assemblies could be held every prytany and that the people in the spring of 347/6 had exhausted the number prescribed by law.

Demosthenes carried his decree of the Council referred to in 19.154 on the third of Mounichion (Aeschin. 2.92). His information is confirmed by Aeschines (2.61), who, referring to the preceding period, maintains that Demosthenes (in the *ecclesia* held on Elaph. 8) arranged two meetings of the assembly on the 18th and 19th of Elaphebolion in order to 'snatch away in advance' (*προῦφαιρῶν*) the meetings of the assembly before the envoys from the other Hellenic cities had arrived in Athens. It is a much debated problem whether or not embassies from the other Greek cities were expected in Athens at this moment, but this is of no consequence for our argument. The important point is the tactics of which Demosthenes has allegedly availed himself. How could Demosthenes *προῦφαιρεῖν τὰς ἐκκλησίας*? Only if a fixed number of assemblies were held every prytany, since the Athenians were now forced to discuss the peace during the meetings held on Elaph. 18 and 19 and take the vote on the peace. This interpretation squares with Demosthenes' information that the Athenians later in the prytany had in fact exhausted the number of *ecclesiai* at their disposal.

We must turn to the only source which mentions explicitly how often the *ecclesia* met, viz. Arist. *Ath. Pol.* 43.3: οἱ δὲ πρυτανεύοντες . . . συνάγουσιν καὶ τὴν βουλὴν καὶ τὸν δῆμον· τὴν μὲν οὖν βουλὴν ὅσαι ἡμέραι, πλὴν ἐάν τις ἀφέσιμος ᾖ, τὸν δὲ δῆμον τετράκις τῆς πρυτανείας ἐκάστης. All scholars hold that Aristotle is referring to *ordinary* meetings of the assembly, but this interpretation is not warranted by the text. Extraordinary meetings are passed over in silence by Aristotle both in this passage and in 62.2, where he informs us of the *per diem* paid out to those who attended an *ecclesia*; the rate is 1½ dr. for an *ἐκκλησία κυρία* and one dr. for an *ἐκκλησία*. If the *Constitution of Athens* is isolated from other sources, the inference must be that the Athenians during a year held forty meetings of the assembly, no more and no less. This inference is confirmed by Dem. 19.154 and Aeschin. 2.61, whereas the accepted view—that the Athenians summoned extraordinary meetings when required *in addition to* the forty ordinary meetings—is based on a combination of Aristotle's information with information derived from sources referring to *ἐκκλησίαι σύγκλητοι*. The clue to the problem is therefore the meaning of the term *ἐκκλησία σύγκλητος*.

## What is an ἐκκλησία σύγκλητος?

'Ἐκκλησία σύγκλητος is usually translated by 'extraordinary meeting of the assembly' and is taken to denote an urgent meeting summoned at short notice *in addition to* the ordinary meetings. This interpretation is only to a certain degree supported by our sources, which are of three types. Most important are two passages in the forensic speeches of the fourth century; next comes the epigraphical evidence represented by some decrees of the Hellenistic period; and finally a dozen notes on the term σύγκλητος ἐκκλησία can be found in the scholia and lexica of late antiquity and the Byzantine period. I will begin with the contemporary evidence:

AESCHIN. 2.72. πλείους δὲ ἐκκλησίας συγκλήτους ἠναγκάζεσθε ἐκκλησιάζειν μετὰ φόβου καὶ θορύβου, ἢ τὰς τεταγμένας ἐκ τῶν νόμων.

DEM. 19.122–23. ἔτι γὰρ τῶν πραγμάτων ὄντων μετεώρων καὶ τοῦ μέλλοντος ἀδήλου, σύλλογοι καὶ λόγοι παντοδαποὶ κατὰ τὴν ἀγορὰν ἐγίγνοντο τότε· ἐφοβοῦντο δὴ μὴ σύγκλητος ἐκκλησία γένοιτ' ἐξαίφνης, εἴτ' ἀκούσαντες ὑμεῖς ἐμοῦ τᾶληθῆ ψηφίσαισθέ τι τῶν δεόντων ὑπὲρ τῶν Φωκέων, καὶ τὰ πράγματα ἐκφύγοι τὸν Φίλιππον.

In the Aeschines passage ἐκκλησίαι σύγκλητοι are opposed to ἐκκλησίαι τεταγμένας ἐκ τῶν νόμων, and we can infer that the calling of an ἐκκλησία σύγκλητος must have been exceptional in times of peace. On the other hand, Aeschines does not tell us how an ἐκκλησία σύγκλητος differed from an ἐκκλησία ἐκ τῶν νόμων. In this respect Demosthenes is more informative. He describes the conflict over the appointment of the third embassy sent to Philip in 346. Demosthenes was elected by the people together with most of the other envoys who had served on the first and second embassies, but he declined to serve for a third time and lodged an ἐξωμοσία. Demosthenes' course of action took the other envoys by surprise, and they feared that he, after their departure, would arrange an ἐκκλησία σύγκλητος and turn the scales. In Dem. 19.123 the adverb ἐξαίφνης is sufficient proof that an ἐκκλησία σύγκλητος means a meeting of the assembly summoned at short notice, and this is confirmed by Demosthenes' moving description of the famous meeting of the *ecclesia* after Philip's capture of Elatea in 339 (18.168ff). The news is reported to Athens in the evening. The booths are immediately removed from the agora. Early the next morning the Council prepares its *probouleuma* while the people assemble on the Pnyx so that the meeting of the assembly can take its

beginning immediately after the Council has concluded its session. Although the term is not used, this meeting was probably an *ἐκκλησία κύγκλητος*. Conversely, *ἐκκλησίου τεταγμένοι ἐκ τῶν νόμων* must mean meetings held on fixed days or summoned at proper notice, which is in fact borne out by the only other occurrence of this term in the literary sources: Dem. 19.185 *ὑμῖν δὲ πρῶτον μὲν τὴν βουλὴν ἀκοῦσαι περὶ πάντων καὶ προβουλευσαι δεῖ, καὶ τοῦθ' ὅταν ἢ κήρυξι καὶ πρεσβείαις προγεγραμμένον, οὐκ ἀεὶ εἴτ' ἐκκλησίαν ποιῆσαι, καὶ ταύτην ὅταν ἐκ τῶν νόμων καθήκη*. In this passage Demosthenes gives a detailed description of how the Athenian democracy worked. The phrase *ὅταν ἐκ τῶν νόμων καθήκη* indicates that the meetings of the assembly were held on fixed days or summoned at several days' notice. There is no reference to *ἐκκλησίου κύγκλητοι*, but Demosthenes' silence on this point is not surprising. He wishes to emphasize the laborious and slow democratic procedure in opposition to the efficiency of an oligarchy or a tyranny. Accordingly, he concentrates on the ordinary procedure prescribed by the law and the possibility of summoning an urgent meeting is cunningly passed over in silence.

No contemporary source mentions the extent of the period prescribed by law for the summoning of an *ecclesia* at proper notice, but we can presumably trust Photius, who in a note on the word *πρόπεμπτα* states that the *prytaneis* were requested to publish the agenda for the *ecclesia* at four days' notice: *πρόπεμπτα· τὸ πρὸ πέντε ἡμερῶν τῆς ἐκκλησίας προγράφειν ὅτι ἔσται ἡ ἐκκλησία εἰ τύχοι, ἵνα καὶ οἱ ἐν τοῖς ἀγροῖς συνέλθωσι . . .* (cf. *Lex.Seg.* 296.8; *Arist. Ath.Pol.* 44.2; *Dem.* 25.9).

In the decrees preserved on stone the term *ἐκκλησία κύγκλητος* does not occur until the third century B.C. This observation, however, cannot form the basis of any argument from silence, since the preambles of the decrees passed before 336 do not include any information about the type of assembly, and since only a few examples of the terms *ἐκκλησία* (*IG II<sup>2</sup>* 330, 331, 335, 354, 358, 375, 405, 408, 436), *ἐκκλησία ἐν Διονύσου* (*IG II<sup>2</sup>* 345, 348, 350; *Hesperia* 8 [1939] 26–27 no. 6) and *ἐκκλησία κυρία* (*IG II<sup>2</sup>* 336, 340, 344, 352, 356, 359, 362, 363, 367, 368, 448) can be found in the decrees of the period 336–322. In some of these decrees the terms are in fact restored. Now, in a few decrees of the third and second century it is stated that the decision was made at an *ἐκκλησία κύγκλητος*. Conversely, a variant of the probouleumatic formula indicates that the phrase *ὅταν αἱ ἡμέραι αἱ ἐκ τῶν νόμων ἐξήκωσιν* (cf. *Dem.* 19.185 and *Aeschin.* 2.72) forms a counterpart of

the term *ἐκκλησία σύγκλητος*. In these decrees *ἐκκλησία σύγκλητος* is described not as an urgent meeting but as a meeting summoned by decree either of the Council (*Hesperia* 7 [1938] 476–79 no. 31; IG II<sup>2</sup> 897, 954, cf. 911) or of the assembly (IG II<sup>2</sup> 838, 945, cf. 554) as against the meetings warranted by law (IG II<sup>2</sup> 652, 667, 682). The problem is whether the information derived from the Hellenistic sources can be extrapolated and applied to the democratic constitution of the fourth century. By a combination of several sources this problem can be answered in the affirmative. We know from Aeschin. 2.72 that the Athenians during a crisis had summoned more *ἐκκλησῖαι σύγκλητοι* than *ἐκκλησῖαι τεταγμέναι ἐκ τῶν νόμων*. It can be demonstrated (see p.53) that Aeschines' statement refers to the spring of 346, when the peace with Philip was discussed and passed by the people. Through the detailed accounts of this period in Aeschines' and Demosthenes' speeches *On the Embassy* and *On the Crown* we have information about most—or probably all—of the *ecclesiae* summoned during this period. It is significant that neither Aeschines nor Demosthenes mentions any urgent meeting, whereas they both describe several meetings summoned by decree, viz. the meetings held on Elaph. 8, 18 and 19 (see p.55). It must be these *ecclesiae* that Aeschines has in mind when he refers to the numerous *ἐκκλησῖαι σύγκλητοι*. But these meetings of the assembly were not urgent meetings. The sessions on Elaph. 18 and 19, for example, were summoned at ten days' notice (see p.55). The traditional definition of *ἐκκλησία σύγκλητος* must therefore be modified or rather extended so as to cover not only meetings summoned at short notice but also meetings warranted by a decree.

The second part of the traditional definition is that the term *ἐκκλησία σύγκλητος* denotes a meeting summoned *in addition to* the ordinary meetings. The only evidence which can be produced in support of this view derives from the lexis and scholia, e.g. the scholion on Dem. 24.20: *ἰστέον γὰρ ὅτι κατὰ μῆνα τρεῖς ἐκκλησίας ἐποιοῦντο, βουλευόμενοι περὶ τῶν ἐν τῇ πόλει πραγμάτων, πλὴν εἰ μὴ ἄρα ἀνάγκη τις κατέλαβε πόλεμον, ὥστε καὶ περὶ ἐκείνου ἄλλην ἐκκλησίαν ποιῆσαι πλέον τῶν ὠρισμένων*. Explicitly or implicitly the same description can be found in the other scholia (schol. Ar. Ach. 19; schol. Dem. 18.73, 19.123; schol. Aeschin. 1.60, 3.24) and in the notes on the term *ἐκκλησία σύγκλητος* (Poll. 8.116; Harp.; *Suda*; *Etym. Magn.* s.v. *σύγκλητος ἐκκλησία*; Photius s.v. *κυρία ἐκκλησία*). However, the lexicographic tradition must be rejected, partly because the notes are muddled

and contradictory and partly because they all refer to the period of twelve phylae.

All the scholiasts and lexicographers seem in their descriptions of an *ἐκκλησία σύγκλητος* to have had serious difficulties in describing the contrary term. Some of them set off *ἐκκλησίαι σύγκλητοι* against *ἐκκλησίαι κύριαι* (Photius; schol. Ar. Ach. 19; schol. Aeschin. 1.60), which is manifestly wrong, whereas others introduce the terms *ἐκκλησίαι νόμιμοι* (schol. Ar. Ach. 19) or *ὠρισμέναι* (schol. Ar. Ach. 19; schol. Dem. 18.73, 19.123, 24.20), neither of which can be found in the sources of the classical or even the Hellenistic period. On the contrary, the descriptions given by Aeschines (*τεταγμέναι ἐκ τῶν νόμων*, 2.72) and Demosthenes (*ὅταν ἐκ τῶν νόμων καθήκη*, 19.185) indicate that there was no technical term for what the lexicographers and scholiasts call *ἐκκλησίαι νόμιμοι* or *ὠρισμέναι* and modern historians 'ordinary meetings'. It is worth noticing that Harpocration *s.v.* *σύγκλητος ἐκκλησία* refers to Demosthenes' speech *On the Embassy* (same reference in *Etym. Magn.* and the *Suda*), and there is no indication in the notes that the ancient and mediaeval scholars have based their descriptions on other sources (e.g., forensic speeches lost to us).

Furthermore, the scholiasts and lexicographers refer invariably to three *ecclesiae* every month instead of four *ecclesiae* every prytany.<sup>5</sup> In so far as their notes are reliable they refer to the period of twelve phylae (when a prytany probably was concurrent with a month),<sup>6</sup> although their notes are brought as comments on passages in Aristophanes, Aeschines and Demosthenes.

Thus the lexicographic tradition must be rejected. The description found in the Hellenistic decrees of what an *ἐκκλησία σύγκλητος* is could be reconciled with the information derived from Aeschines and Demosthenes. The same does not hold good of the lexicographers' explanation of the relationship between *ἐκκλησίαι σύγκλητοι* and other meetings of the assembly. The view that *ἐκκλησίαι σύγκλητοι* were meetings summoned in addition to 'ordinary meetings' does not square with Arist. *Ath. Pol.*, and it is plainly contradicted by IG II<sup>2</sup> 212.

#### *Ἐκκλησίαι σύγκλητοι* and the Number of *Ecclesiae* in a Prytany

At *Ath. Pol.* 43.3 Aristotle states that the *prytaneis* summoned the

<sup>5</sup> *τρεις τοῦ μηνός* schol. Ar. Ach. 19; schol. Aeschin. 1.60; schol. Dem. 18.73, 19.123. *τρεις κατὰ μῆνα* Phot.; schol. Aeschin. 3.24; schol. Dem. 24.20. *κατὰ μῆνα* Harp., *Suda*; *Etym. Magn.*

<sup>6</sup> Cf. Pritchett and Neugebauer 68.

people four times in the course of their term of office, and he describes the obligatory items on the agenda for each of these four meetings. According to the traditional view Aristotle's account is misleading in so far as he does not refer to *ἐκκλησίαι κύκλητοι* which could be summoned in addition to the forty *ἐκκλησίαι νόμιμοι*. I have argued above that this conception of the term *ἐκκλησία κύκλητος* is not founded on reliable sources. Instead of interpreting Aristotle in the light of the lexicographers, we should rather compare his account with the information obtained from the forensic speeches. Demosthenes 19.154 shows that there was a limit to the number of assemblies, and if we combine Demosthenes' statement with Aristotle's account, the inference is that the forty assemblies represent the total of assemblies held every year. It follows that the forty assemblies comprised both *ἐκκλησίαι κύκλητοι* and *ἐκκλησίαι τεταγμένοι ἐκ τῶν νόμων*. If one of the four meetings held during a prytany was summoned by the *prytaneis* at short notice or in accordance with a decree passed on a previous assembly or by the Council, the meeting was an *ἐκκλησία κύκλητος*. On the other hand, if it was summoned by the *prytaneis* at their own initiative and at four days' notice it was an 'ordinary meeting'. Now, Aristotle describes some fixed items on the agenda for all the four meetings held during a prytany. If the *ἐκκλησίαι κύκλητοι* were included among the four meetings we must assume that the people at an *ἐκκλησία κύκλητος* had to deal with routine matters prescribed for this meeting before they could debate the urgent or important matter which had occasioned the summoning of the people at short notice or by a special decree. This assumption is proved by IG II<sup>2</sup> 212.

IG II<sup>2</sup> 212<sup>7</sup> is an honorific decree for the Bosporan princes Spartocus, Paerisades and Apollonius. It was moved by Androtion of Gargettus and passed in the archonship of Themistocles (347/6) in a meeting of the assembly held during Prytany viii. After an enumeration of the honours bestowed on the princes it is decreed that a point of detail be postponed to a subsequent meeting. The prospective *proedroi* for the meeting fixed to Elaph. 18 are requested to bring up for discussion the Athenian debt to the Bosporan princes. Now, the *ecclesia* held on Elaph. 18 in the year 347/6 was the notorious meeting when the peace with Philip was discussed. It was an *ἐκκλησία κύκλητος*, since the date

<sup>7</sup> = Syll.<sup>3</sup> 206; Tod II 167. During the same meeting of the assembly the Athenians concluded an alliance with Mytilene (IG II<sup>2</sup> 213).



of the meeting was fixed by a decree carried by Demosthenes in the *ecclesia* held on Elaph. 8 (see p.55). Consequently the honorific decree for the Bosporan princes must have been passed either during the meeting held on Elaph. 8 or in the subsequent meeting held immediately after the Greater Dionysia, presumably on Elaph. 16 (see p.58). When IG II<sup>2</sup> 212 was passed it was known that the meeting on Elaph. 18 was scheduled for the discussion of the peace with Philip. Nevertheless the people decided to place on the agenda for this *ecclesia* an item which does not seem to have been urgent, and furthermore the discussion of this point was to take place only after the assembly had dealt with some items concerning religious matters. The passage in question runs: *περὶ δὲ τῶν χρημάτων τῶν [ῥφει]λ[ο]μέων τοῖς παισὶ τοῖς Λεύκωνος ὄπ[ω]σ ἄ]ν ἀπολάβωσιν, χρημασίαι τοὺς προέδ[ρο]σ οἷ] ἂν λάχωσι προεδρεύειν ἐν τῷ δήμῳ [τῆ] ὄγ]δότη ἐπὶ δέκα πρῶτον μετὰ τὰ ἱερά, . . . (IG II<sup>2</sup> 212.53–57). These lines must be compared with Aristotle's description of the agenda for two of the four meetings held during a prytany: *αἱ δὲ δύο (ἐκκλησίαι) περὶ τῶν ἄλλων εἰσὶν, ἐν αἷς κελεύουσιν οἱ νόμοι τρία μὲν ἱερῶν χρηματίζειν, τρία δὲ κήρυξιν καὶ πρεσβείαις, τρία δὲ ὀσίων* (Ath.Pol. 43.6). A combination of IG II<sup>2</sup> 212.53–57 and Ath.Pol. 43.6 must lead to the conclusion that the *ecclesia* on Elaph. 18 was opened by a discussion of three items on *ἱερά*. Then came the Athenian debt to the Bosporan princes as the first of the three items *κήρυξιν καὶ πρεσβείαις*, and the peace with Philip can only have been the fifth item discussed in this crucial meeting. So an *ἐκκλησία κύκλητος* was not reserved for the discussion of some urgent matter. It was not an additional meeting, but one of the forty *ἐκκλησίαι* described by Aristotle.*

#### Distribution of *Ecclesiai* according to Days of the Prytany

If the *prytaneis* were empowered to summon only four meetings of the assembly during their term of office, they must have reserved at least one meeting for one of the last days of the prytany, so that they, in an emergency, always had the possibility of calling up an *ἐκκλησία κύκλητος*. The result must have been a concentration of *ecclesiai* held on the last days of the prytany, and this assumption seems to be confirmed by the epigraphical evidence. In his study *The Athenian Year*, B. D. Meritt has collected and discussed the dated meetings of the assembly recorded in the decrees of the period between 346/5 (the first known example of a reference both to the

conciliar and to the festival year) and 310/09 (the last example before the introduction of the two additional phylae). Meritt discusses a total of 70 decrees passed on 63 meetings of the assembly. Of these 63 *ecclesiai* 38 are assigned to ordinary years, 24 to intercalary years, whereas in one case the type of the year cannot be ascertained. A tabulation of the evidence adduced by Meritt shows that in ordinary years more than one-third and in intercalary years more than two-fifths of all meetings of the assembly were held in the last quarter of the prytany. The calendar equations, however, are often restored and many of Meritt's restorations are debatable. Accordingly it is impossible at the present state of the inquiry to arrive at any indisputable conclusion. This complicated problem must be reserved for a future study.

#### Aeschines 2.72 and the Number of Ordinary and Extraordinary *Ecclesiai*

I have only briefly discussed the most important source for the relationship between ordinary and extraordinary meetings of the assembly, viz., Aeschines' information about the number of *ἐκκλησίαι κύγκλητοι* compared to the number of *ecclesiai* prescribed by law. I will quote this crucial passage once more and this time in its context: *ἐξέλειπον δὲ Χερρόνησον ἡμῶν οἱ πολῖται, τὴν οὖσαν ὁμολογουμένως Ἀθηναίων· πλείους δὲ ἐκκλησίας συγκλήτους ἠναγκάζεσθε ἐκκλησιάζειν μετὰ φόβου καὶ θορύβου, ἢ τὰς τεταγμένας ἐκ τῶν νόμων. οὕτω δ' ἦν σφαλερὰ καὶ ἐπικίνδυνα τὰ πράγματα, ὥστε ἠναγκάσθη γράψαι ψήφισμα Κηφισοφῶν ὁ Παιανιεύς, εἰς τῶν φίλων καὶ ἐταίρων τῶν Χάρητος, ἐκπλεῖν τὴν ταχίστην Ἀντίοχον τὸν ἐπὶ τῶν ὑπηρετικῶν, καὶ ζητεῖν τὸν στρατηγὸν τὸν ἐπὶ τῇ δυνάμει τεταγμένον . . .* Aeschines offers this piece of information in a digression on the political and military situation leading up to the Peace of Philocrates (Aeschin. 2.70–73). The passage is opened by the phrase *βούλομαι δ' ὑμᾶς καὶ τοὺς καιροὺς ὑπομνήσαι ἐν οἷς ἐβουλευέσθε* (70), and the end of the argument is *ὅτι δ' ἀληθῆ λέγω, ἀκούσατε τοῦ ψηφίσματος, καὶ ἀναμνήσθητε τοῦ πολέμου, καὶ τὴν εἰρήνην τοὺς τῶν ὀπλων ἡγεμόνας, ἀλλὰ μὴ τοὺς πρέσβεις, ἀπαιτεῖτε* (73). In these few paragraphs Aeschines surveys the whole war from 357 to 346, and consequently we must determine which period Aeschines has in mind when he refers to the numerous *ἐκκλησίαι κύγκλητοι*.

Aeschines' point of departure is the struggle for Amphipolis at the

beginning of the war, but the information about the ἐκκλησίαι κύγκλητοι is concerned with a description of a military crisis in the Chersonese caused by Philip's attack on Thrace. Aeschines' statement about the *ecclesiai* is preceded by the information that the Athenian cleruchs were about to leave the Chersonese, and it is followed by a reference to a decree proposed and carried by Cephisophon of Paiania to the effect that Antiochus, the commander of the dispatch-boats, shall leave Athens and seek out the *strategos* Chares, whose whereabouts are unknown to the Athenians. Since Schaefer (I 443 n.1) most historians have connected Cephisophon's decree with Philip's attack on Thrace in 353, but I will adopt the older view proposed by Böhncke (384–85) and argue that the decree was passed in the spring of 346 in connection with Philip's campaign against Cersobleptes.

a. There is nothing strange about Aeschines mentioning the beginning of the war and the struggle for Amphipolis, but it would indeed be odd if Aeschines had concluded his survey with a reference to events which took place seven years before the peace.

b. Aeschines ends his digression by having Cephisophon's decree read out to the jurors. This is in keeping with §§ 90–92 where Chares' letter from the spring of 346 is adduced as evidence and cited *in extenso*. It is most unlikely that Aeschines would have given such prominence to a decree passed seven years before the peace negotiations; furthermore, the date 353 is incompatible with Aeschines' comment on the decree in § 74: ΨΗΦΙΣΜΑ. οἱ μὲν καιροὶ τῆς πόλεως τοιοῦτοι ἐν οἷς οἱ περὶ τῆς εἰρήνης ἐγίνοντο λόγοι. We know from Aeschin. 2.90–92 that Chares was general in 347/6 and active in Thrace during the spring of 346. The natural interpretation of 2.72–73 is in my opinion that Cephisophon's *psephisma* is contemporary with the negotiations for peace and must be dated Elaph. 346.

c. In his speech for the prosecution Demosthenes anticipates one of Aeschines' lines of defense (19.332). He has recently heard, so he tells the jurors, that Aeschines will clear himself of suspicion by blaming Chares. In his speech for the defense Aeschines refers twice to Chares. In 90–92 he is mentioned as the author of a letter sent to Athens, whereas in 70–73 Aeschines does in fact blame Chares for the conduct of the war. For our purpose it is of no consequence whether Demosthenes knew in advance what Aeschines intended to say or later revised his speech in accordance with what Aeschines actually said. The important point is that Dem. 19.332 must be a refutation of

Aeschin. 2.70–73, and accordingly Cephisophon's decree concerning Chares must be dated to the spring of 346.

d. According to Demosthenes (19.78–79) Aeschines will argue in favour of the peace by maintaining that the Chersonese was saved. Demosthenes rejoins that Philip's menace to the Chersonese and the conclusion of the peace are irrelevant to the trial, which is about the unconditional surrender of Phocis. Demosthenes' argument must apply to Aeschin. 2.72–73, and the conclusion is that Aeschines in these paragraphs deals with the situation in 346.

### Survey of the *Ecclesiai* held in Elaphebolion 346

Assuming that Aeschines' statement about the numerous *ἐκκλησίαι σύγκλητοι* refers to the spring of 346, we are in a position to give a precise interpretation of his statement since our sources provide us with information about most, probably even about all the *ecclesiai* held during this period.

According to Aeschin. 2.82 Philip opened his campaign against Thrace at the same time that the first Athenian embassy set out for their home journey. The Athenian envoys arrived in Athens in the beginning of Elaphebolion, and during this month took place those stormy meetings of the assembly that resulted in the Peace of Philocrates and the dispatch of the second embassy to Philip in the beginning of Mounichion. Thanks to the detailed information provided by Aeschines and Demosthenes in their speeches *On the Embassy* and *On the Crown*, we can date most of the *ecclesiai* held during this period and we can approximately date the remainder within a margin of only three to five days. Admittedly, there are fundamental contradictions between our sources, but it is important to emphasize that Demosthenes and Aeschines do not quarrel about the number and dates of the meetings. Their disagreement is concerned only with what happened during these meetings. Admittedly, Aeschines accuses Demosthenes of tampering with the chronology (Aeschin. 2.96, 130–31, 153), but this controversy is not over the assemblies held during Elaphebolion. Aeschines protests against Demosthenes' timetable for the second embassy in relation to the military situation in Thrace and Phocis (Dem. 19.57–61).

*Elaph. 5–7*: The first embassy's report to the Council (Aeschin. 2.45–46;

3.63, 66–67; Dem. 19.234). Demosthenes proposes and carries two *probouleumata*, one granting Philip's envoys a safe-conduct (Aeschin. 3.63) and another honouring the envoys who have served on the first embassy (Aeschin. 2.45–46; Dem. 19.234). Furthermore, Demosthenes moves a decree of the Council ordering the *prytaneis* to summon a meeting of the assembly on Elaph. 8 (Aeschin. 3.66–67; see Note A on p.56).

*Elaph. 8*: The first embassy's report to the *ecclesia* (Aeschin. 2.47–54, 61, 65, 67, 109–10; 3.64–65, 67–68; Dem. 19.234–36). The people ratify Demosthenes' *probouleuma* on a safe-conduct to Philip's envoys (Aeschin. 2.53, 109) and his honorific decree for the first embassy (Aeschin. 2.53; Dem. 19.234). Demosthenes proposes and carries a decree that the *prytaneis* summon the assembly on two successive days immediately after the Greater Dionysia and the assembly held in the precinct of Dionysos. The meetings are fixed for Elaph. 18 and 19 and are intended for the conclusion of peace and alliance with Philip. The first day is reserved for the discussion of the peace, the second for the passing of the decree (Aeschin. 2.53, 61, 65, 67, 109–10; 3.64–65, 68).

*Elaph. 16(?)*: Meeting of the assembly after the Greater Dionysia in the Theatre of Dionysos (Aeschin. 2.61; see Note B on p.57).

*Elaph. 18*: First meeting of the assembly (Aeschin. 2.63–66, 134; 3.69–71; Dem. 18.21; 19.13–14, 144; see Note C on p.59). The meeting is opened by a discussion of three items *περὶ τῶν ἱερῶν* and of the Athenian debt to the Bosphoran princes (IG II<sup>2</sup> 212). Then follows the debate on the peace with Philip. All the *rhetores* who address the people speak in favour of *τὸ δόγμα τῶν συνέδρων* and oppose the proposal made by Philocrates (Aeschin. 3.71). Proxenus' letter is read out to the people (Aeschin. 2.134).

*Elaph. 19*: Second meeting of the assembly (Aeschin. 2.63, 65, 66–68, 75–80; 3.71–72; Dem. 18.21; 19.15–16, 57, 144, 159–61, 174, 291). Antipater addresses the people on behalf of the Macedonian envoys; the debate on the peace is reopened, and the result is that Philocrates' proposal is passed.

*Elaph. 20–24(?)*: Appointment of the members of the second embassy to Philip (Aeschin. 2.82; Dem. 19.17, 150) and passing of the decree containing the instructions for the embassy (Aeschin. 2.98, 101, 104, 120; Dem. 19.37, 151, 161, 174, 278; see Note D on p.60).

*Elaph. 25*: Demosthenes is appointed *proedros* and presides over this

meeting of the assembly (Aeschin. 2.82–85, 90; 3.73–75). Philocrates proposes and carries a decree that the allies take the oath on the peace immediately after the meeting on the same day (Aeschin. 3.74). Aleximachus of Peleces moves a proposal that Critobulus take the oath on behalf of Cersobleptes. The proposal is put to the vote in spite of Demosthenes' protests (Aeschin. 2.83–86).

*Moun. 3*: Since no more meetings of the assembly are left, Demosthenes proposes and carries in the Council a decree that the second embassy to Philip set out immediately in order to find Philip and administer the oath on the peace (Aeschin. 2.91–92; Dem. 18.25–29; 19.150–54; see Note E on p.60).

#### Notes on the *ecclesiai* held during Elaphebolion 346

A. *The meetings of the Council and of the assembly during the beginning of Elaphebolion*. Since Schaefer's account in *Demosthenes und seine Zeit* (II 207–11) there has been some confusion concerning the number of assemblies held in the beginning of Elaphebolion. To summarize the relevant passages of Aeschines:

2.45–46: The embassy's report to the Council; Demosthenes proposes a *probouleuma* honouring the envoys. 47–54: The embassy's report to the people; ratification of the honorific decree for the envoys and of the decree granting Philip's envoys a safe-conduct; Demosthenes proposes and carries a decree prescribing two *ecclesiai* on Elaph. 18 and 19. 55: In the Council Demosthenes proposes and carries a decree providing *proedria* for Philip's envoys when they arrive.

3.63: In the Council Demosthenes moves a *probouleuma* granting Philip's envoys a safe-conduct. 64–66: digression. 67: Demosthenes carries a decree prescribing an *ecclesia* on Elaph. 8. 68: Philip's envoys arrive, and Demosthenes proposes and carries a decree ordering the *prytaneis* to summon two *ecclesiai* on Elaph. 18 and 19.

Schaefer takes it for granted that Demosthenes' decree for an *ecclesia* on Elaph. 8 was a *ψήφισμα τοῦ δήμου* ('Volksbeschluss', 210 n.2), and consequently he is forced to assume that no less than four meetings of the assembly were held during the first part of Elaphebolion. *First ecclesia* (208–10): The Athenian envoys' report to the people (Aeschin. 2.47–54). *Second ecclesia* (210): Demosthenes carries his decree that the *prytaneis* summon a meeting of the assembly on Elaph. 8 (Aeschin. 3.67). *Third ecclesia* (210–11): The meeting held on Elaph. 8 (*ibid.*). *Fourth ecclesia* (211): During the Greater Dionysia

Demosthenes proposes and carries his decree that the *prytaneis* summon two meetings of the assembly on Elaph. 18 and 19 (Aeschin. 3.68).

This reconstruction is open to several objections, of which the two most important are: (a) according to Aeschin. 2.53 Demosthenes proposed and carried his decree fixing the two *ecclesiai* for Elaph. 18 and 19 on the *first* meeting of the assembly after the envoys' return to Athens. Schaefer's reconstruction results in a contradiction between Aeschin. 2.53 and 3.68. (b) Schaefer assumes that an *ecclesia* took place during the Dionysia. Since Aeschines complains of the *ecclesia* held on Elaph. 8, the day for the *proagon*, he would undoubtedly have pointed it out to the jurors if Demosthenes' policy had resulted in an *ecclesia* held *during* the festival itself. Aeschines' silence disproves Schaefer's reconstruction.

The clue to the problem is, in my opinion, that Demosthenes' decree ordering the meeting of the assembly on Elaph. 8 was passed as a decree of the Council and not of the people. We know from the *Hellenica Oxyrhynchia* (6.2) and from the epigraphical evidence (see p.48) that an assembly might be convened by order of the Council. Aeschines does not state whether the decree was passed in the Council or in the *ecclesia*, and we have other examples of decrees of the Council being described by Aeschines as *ψηφίσματα* without any specification.<sup>8</sup>

Assuming that Aeschines in 3.67 refers to a decree of the Council, we may conclude that the meeting of the *ecclesia* described at 2.47–54 is the meeting held on Elaph. 8 and fixed by Demosthenes' decree, which was proposed and carried in the Council during the meeting when the envoys made their report on the embassy. On this interpretation only one minor problem is left. According to Aeschin. 2.53 and 55 Philip's envoys did not arrive in Athens until after Elaph. 8, but at 3.68 he indicates that they had already arrived when, on Elaph. 8, Demosthenes proposed and carried his decree prescribing the two *ecclesiai* on Elaph. 18 and 19. In 3.68, however, the chronological sequence of the events is not stressed, and I prefer this slight inaccuracy to the complicated reconstruction proposed by Schaefer.

B. *The date of the ecclesia after the Greater Dionysia.* Apart from the people's revision of the laws, which took place on Hecatombaion 11

<sup>8</sup> Demosthenes' decree on *proedria* for the Macedonian envoys is described as a decree of the Council in Dem. 18.28 and Aeschin. 2.55, whereas in Aeschin. 2.110 and 3.76 it is referred to as a *ψηφίσμα* without further indication.

(Dem. 24.20, 26), the *ecclesia* held after the Greater Dionysia was the only regularly scheduled meeting of the assembly. The epigraphical evidence indicates that in the fourth century this meeting was usually held on Elaph. 19, whereas some decrees of the Hellenistic period point to Elaph. 21.<sup>9</sup> In the year 347/6, however, the meeting took place before Elaph. 18, as is apparent from Aeschines' paraphrase (2.61) of Demosthenes' decree passed on Elaph. 8, *παρανάγνωθι δὴ μοι καὶ τὸ Δημοσθένους ψήφισμα, ἐν ᾧ κελεύει τοὺς πρυτάνεις μετὰ τὰ Διονύσια τὰ ἐν ἄστει καὶ τὴν ἐν Διονύσου ἐκκλησίαν προγράψαι δύο ἐκκλησίας, τὴν μὲν τῇ ὀγδόῃ ἐπὶ δέκα, τὴν δὲ τῇ ἐνάτῃ ἐπὶ δέκα*. Now, we have some examples of *ecclesiai* held on Elaph. 12, 13 or 14 (cf. Mikalson 127–29), but in all three cases the assembly summoned was an extraordinary meeting interrupting the festival. The *ecclesia* referred to by Aeschines at 2.61 must have been the ordinary meeting held in the Theatre of Dionysos after the festival was over, where one of the items on the agenda was the conduct of the festival and offences committed during the festival. The Greater Dionysia probably included the days Elaph. 10–14,<sup>10</sup> but Dem. 21.9 shows that the meeting of the assembly was summoned not only after the Dionysia but also after the Pandia. Accordingly, the date for the meeting in 347/6 must be either Elaph. 16 or 17. Two arguments can be adduced in support of Elaph. 16. IG II<sup>2</sup> 212 was presumably passed at the meeting held after the Dionysia, and in lines 53–57 the *ecclesia* held on the 18th is described not as a meeting *εἰς αὔριον* but as the meeting held on the 18th. Furthermore, in his recent study on the civil calendar Mikalson has pointed out that the 16th was a regular meeting day, whereas we have not a single example of any assembly summoned on the 17th in any month.<sup>11</sup> Elaph. 16 is therefore the probable date of the meeting after the Dionysia referred to in Aeschin. 2.61.

<sup>9</sup> Elaph. 19: IG II<sup>2</sup> 345; *Hesperia* 8 (1939) 26–27 no.6 (332/1); IG II<sup>2</sup> 348 (331/0). IG II<sup>2</sup> 372 (322/1), according to Schweigert's restoration in *Hesperia* 8 (1939) 173–75 no.4. Meritt (110–11) prefers the restoration Elaph. 13 on the assumption that 322/1 must have been an intercalary year. Elaph. 21: The evidence is collected and presented by Mikalson (132–33).

<sup>10</sup> Pickard-Cambridge 68ff. Aeschin. 2.61 and IG II<sup>2</sup> 212 disprove Mikalson's suggestion (137) that the Dionysia included the days Elaph. 10–16 and that the Pandia occurred on Elaph. 17.

<sup>11</sup> It must, however, be remembered that Mikalson's table of meetings of the *ecclesia* according to days of the month is only of limited value since the assemblies were summoned in accordance with the conciliar calendar and since his statistics cover both the period of ten Phylae and that of twelve Phylae.



C. *The ecclesiai on Elaphebolion 18 and 19.* An investigation of the number of *ecclesiai* held by the Athenians in Elaph. 346 presupposes a discussion of the problem whether the *ecclesiai* on Elaph. 18 and 19 were reckoned as one or as two meetings. The principal source for this problem is Aeschines' *On the Embassy* where he repeatedly refers to Demosthenes' decree that the *prytaneis* summon the people on Elaph. 18 and 19 for a debate on the peace. In the first of these passages (53) Aeschines tells the jurors that Demosthenes ordered the *prytaneis* to summon one meeting over two days (*ἐκκλησίαν ἐπὶ δύο ἡμέρας*), but when Aeschines recurs to this decree in 61 and 65, he states that Demosthenes proposed two meetings of the assembly, the first on Elaph. 18 and the second on Elaph. 19: *προγράψαι δύο ἐκκλησίας, τὴν μὲν τῇ ὀγδόῃ ἐπὶ δέκα, τὴν δὲ τῇ ἐνάτῃ ἐπὶ δέκα* (2.61); *τῇ μὲν προτέρᾳ τῶν ἐκκλησιῶν συμβουλευεῖν τὸν βουλόμενον, τῇ δ' ὑστέρᾳ τοὺς προέδρους ἐπιψηφίζειν τὰς γνώμας . . .* (2.65). For our purposes the passages in 61 and 65 seem to be more carefully phrased than 53, and similarly, in their detailed descriptions of the debate on Elaph. 18 and 19, both Aeschines and Demosthenes speak of two different meetings (Aeschin. 2.63, 67; 3.71; Dem. 19.13). Finally, in support of the view that the *ecclesiai* on Elaph. 18 and 19 must be treated as two separate meetings I can adduce the allies' counterproposal to Demosthenes' decree paraphrased by Aeschines at 2.60: *προγράψαι τοὺς πρυτάνεις ἐκκλησίας δύο κατὰ τὸν νόμον, ἐν δὲ ταύταις βουλευέσθαι περὶ τῆς εἰρήνης Ἀθηναίους*. A double debate in two successive meetings seems to have been a statutory requirement for the conclusion of a peace and probably of other important treaties as well (Thuc. 1.44.1, 3.36.4–6; IG I<sup>2</sup> 63.33–36 = Meiggs and Lewis no.69). The inference is that an *ecclesia* ran for one day only and that an *ecclesia* held on the next day was a new meeting presided over by a new board of *proedroi* and a new *ἐπιστάτης τῶν προέδρων*.

On the other hand, the two meetings on Elaph. 18 and 19 were prescribed by one decree, the agenda was the same for both meetings, and the *prytaneis* issued probably only one summons. Aristotle writes that the *prytaneis* were empowered to summon four meetings during their term of office, and it is not inconceivable that two *ecclesiai* on successive days were reckoned as only one of the four summonses. The problem cannot be solved on the basis of the available evidence, and accordingly, in my survey of the number of *ecclesiai* held during Elaphebolion 346 (see p.65), I will take both possibilities into account.

D. *The appointment of the second embassy to Philip.* In their detailed account of the *ecclesiai* held on Elaph. 18 and 19 neither Demosthenes nor Aeschines mentions the appointment of the second embassy, and the election of the envoys is only briefly referred to in three passages. Aeschin. 2.82, Dem. 19.17 and 19.150. At 19.17 Demosthenes states that the envoys were appointed by the people, and it is apparent from Aeschin. 2.82 that the election took place before the meeting of the assembly on Elaph. 25. On the other hand, the Aeschines passage indicates that the envoys were appointed only after the *ecclesia* on Elaph. 19, which means that the Athenians must have held a meeting of the assembly between Elaph. 19 and 25. Dem. 19.17 points to the same conclusion, since there is an obvious break in the argument after the description in §§ 15–16 of the assembly held on Elaph. 19.

At 19.150, however, Demosthenes proceeds immediately from the conclusion of the peace (on Elaph. 19) to a description of his own efforts to persuade the embassy to leave Athens as soon as possible. The election of the envoys is taken for granted as a part of the peace. Furthermore Aeschin. 2.82 and Dem. 19.17 are not incompatible with the view that the election took place on Elaph. 19. Thus we cannot be sure that an electoral assembly was held between Elaph. 19 and 25. We can seek light on this difficult problem only by investigating whether the Athenians usually, when a treaty was passed, appointed their envoys at the same meeting or at a subsequent meeting of the assembly. The epigraphical evidence provides us with four indubitable examples of envoys being appointed at the meeting when the treaty was passed (*IG II<sup>2</sup>* 34, 36, 43, 360) and four more examples where immediate appointment is likely or at least possible (*IG II<sup>2</sup>* 31, 41, 124, 230). Against this we find only one alliance providing for the election of five envoys without mentioning the names of those appointed (*IG II<sup>2</sup>* 116). In this case the appointment may have been made at a subsequent meeting and published on a separate *stèle* (*IG II<sup>2</sup>* 175 as interpreted by Bengtson no.293). This evidence favours the view that the Athenians in 346 did appoint their envoys at the *ecclesia* held on Elaph. 19, but *IG II<sup>2</sup>* 116 and 175 may be interpreted as an example of an election at a subsequent meeting, and accordingly the answer to the question must, on the basis of this evidence, be a *non liquet*.

E. *The period from Elaphebolion 25 to Mounichion 3.* In 19.154 Demosthenes states that his proposal ordering the second embassy to leave

Athens without delay was passed (on Moun. 3) as a decree of the Council, since no more meetings of the assembly were left and since, accordingly, the people had empowered the Council to take action. The preceding *ecclesia* described by Aeschines and Demosthenes is the meeting on Elaph. 25 when Demosthenes was *proedros*, and we may now ask whether there is any possibility of assuming a meeting of the assembly held during the period Elaph. 26 to Moun. 2.

Moun. 1 and 2 were festival days, and an *ecclesia* could be summoned only in an emergency (Mikalson 183, 186). It is most improbable that an urgent meeting was held which has left no traces in our sources. If an *ecclesia* took place, it must have been an ordinary meeting held on one of the last days of Elaphebolion.

Demosthenes emphasizes in 19.150–54 that he pressed on and tried to persuade the other envoys to set out immediately after Philip's envoys had administered the oaths and left Athens on Elaph. 25. His account implies that no meeting of the assembly took place after Elaph. 25, and conversely, if we assume the existence of a meeting during this period, we must suppose that Demosthenes distorted the facts and cunningly passed over this meeting in silence. Now on this point Demosthenes' account is confirmed by Aeschines' description of the same events (2.89–92). He discredits Demosthenes' efforts to secure rapid action, and he mentions neither that the decree passed on Moun. 3 demanded immediate dispatch nor that it was proposed by Demosthenes. If Demosthenes had allowed a meeting of the assembly to pass without addressing the people and without demanding rapid action, Aeschines would undoubtedly have pointed it out to the jurors in order to take the sting out of Demosthenes' charge that the other envoys had deliberately postponed the departure of the embassy to Philip. Thus we may safely assume that no meeting took place after Elaph. 25.

F. *Was the year 347/6 an ordinary year or an intercalary year?* In our sources the dates of the *ecclesiai* are given in terms of the civil calendar, whereas the people were summoned by the *prytaneis* in accordance with the conciliar year. Consequently, all references given by Aeschines and Demosthenes to meetings held during Elaphebolion and Mounichion must be translated into days of the prytany. Since in the fourth century the conciliar year was of equal length with the festival year and since both began on the same day, such a conversion is perfectly possible if we have one piece of evidence at our disposal:

was the year 347/6 an ordinary year of 354 days with prytanies of 36 and 35 days, or was it an intercalary year of 384 days with prytanies of 39 and 38 days? We have some evidence bearing on this problem, but—as usual—the sources are too scanty to afford a decision.

1. On average, every third year was an intercalary year. We know that 346/5 was an ordinary year (Meritt 72–73), and consequently the chances for 347/6 are even.

2. As discussed above, the decree IG II<sup>2</sup> 212 includes a reference to the *ecclesia* held on Elaph. 18. The decision to summon an *ecclesia* on Elaph. 18 was made during the *ecclesia* held on Elaph. 8. Accordingly, IG II<sup>2</sup> 212 must have been passed either on Elaph. 8 or on Elaph. 16. In the preamble to the decree it is stated that it was passed during Pryt. viii. In an ordinary year the equations of Elaph. 8 and 16 are Pryt. vii,30 and viii,3, whereas in an intercalary year the same equations are Pryt. viii,4 and 12. If IG II<sup>2</sup> 212 was passed on Elaph. 8, the year 347/6 must have been an intercalary year; but since honorific decrees were often passed at the *ecclesia* held after the Greater Dionysia (IG II<sup>2</sup> 345, 346, 347, 348; *Hesperia* 8 [1939] 26–27 no.6), we cannot preclude the possibility that IG II<sup>2</sup> 212 was passed two days before the *ecclesia* on Elaph. 18, viz. during the meeting of the assembly held in the Theatre of Dionysos (*pace* Lewis p.25).

So we cannot decide whether 347/6 was an ordinary year or an intercalary year, and in our reconstruction of the equations between the festival year and the conciliar year we must take both possibilities into account.<sup>12</sup>

	ORDINARY YEAR		
<i>Day</i>	<i>Conciliar Calendar</i>	<i>Festival Calendar</i>	<i>Event</i>
237	Pryt. vii,23	Elaph. 1	
238	24	2	
239	25	3	

<sup>12</sup> My chronological tables are based on the following assumptions: ORDINARY YEAR: Pryt. i–iv are of 36 days and Pryt. v–x of 35 days each. The eight months Hecatombaion to Anthesterion amount to 236 days (4 × 30 + 4 × 29). Ex.: *Hesperia* 7 (1938) 476–79 no.31: Elaph. 12 = Pryt. vii.34 = 248th day (Meritt 122). INTERCALARY YEAR: Pryt. i–iv are of 39 and Pryt. v–x of 38 days each. The month repeated is Poseideon II. The nine months Hecatombaion to Anthesterion amount to 266 days (5 × 30 + 4 × 29). Ex.: IG II<sup>2</sup> 336b: Elaph. 30 = Pryt. viii.26 = 296th day (Meritt 119). Since the Athenians allowed slight deviations from this standard scheme, my equations (Pryt. viii.1 = Elaph. 14 in an ordinary year and Elaph. 5 in an intercalary year) may be wrong by one or at most two days in either direction. But this inaccuracy is of no consequence for my argument since it does not affect the distribution of assemblies in Pryt. vii and Pryt. viii.

Day	Conciliar Calendar	Festival Calendar	Event
240	26	4	
241	27	5	} Report to the Council Elaph. 5-7
242	28	6	
243	29	7	
244	30	8	<i>ecclesia</i> Elaph. 8
245	31	9	
246	32	10	Dionysia
247	33	11	Dionysia
248	34	12	Dionysia
249	35	13	Dionysia
250	Pryt. viii,1	14	Dionysia
251	2	15	Pandia?
252	3	16	<i>ecclesia</i> Elaph. 16
253	4	17	
254	5	18	<i>ecclesia</i> Elaph. 18
255	6	19	<i>ecclesia</i> Elaph. 19
256	7	20	} <i>ecclesia</i> Elaph. 20-24 (??)
257	8	21	
258	9	22	
259	10	23	
260	11	24	} <i>ecclesia</i> Elaph. 25 <sup>13</sup>
261	12	25	
262	13	26	
263	14	27	
264	15	28	
265	16	29	
266	17	30 1	
267	18	Moun. 1 2	
268	19	2 3	} decree of the Council Moun. 3
269	20	3	

## INTERCALARY YEAR

Day	Conciliar Calendar	Festival Calendar	Event
267	Pryt. vii,35	Elaph. 1	
268	36	2	
269	37	3	

<sup>13</sup> Following Pritchett and Neugebauer (31), I hold that *ἐκτὴ φθίνοντος* is the 25th day of the month both in hollow and in full months. Those who accept Meritt's reconstruction (45) must admit that this meeting was held on Elaph. 24 if Elaph. was a hollow month.

Day	Conciliar Calendar	Festival Calendar	Event
270	38	4	
271	Pryt. viii,1	5	Report to the Council Elaph. 5-7 <sup>14</sup>
272	2	6	
273	3	7	
274	4	8	<i>ecclesia</i> Elaph. 8
275	5	9	
276	6	10	Dionysia
277	7	11	Dionysia
278	8	12	Dionysia
279	9	13	Dionysia
280	10	14	Dionysia
281	11	15	Pandia
282	12	16	<i>ecclesia</i> Elaph. 16
283	13	17	
284	14	18	<i>ecclesia</i> Elaph. 18
285	15	19	<i>ecclesia</i> Elaph. 19
286	16	20	<i>ecclesia</i> Elaph. 20-24 (??)
287	17	21	
288	18	22	
289	19	23	
290	20	24	<i>ecclesia</i> Elaph. 25
291	21	25	
292	22	26	
293	23	27	
294	24	28	
295	25	29	
296	26	30 1	
297	27	Moun. 1 2	decree of the Council Moun. 3
298	28	2 3	
299	29	3	

<sup>14</sup> In Note A on p.56 I suggested that Aeschin. 2.47-54 and 3.67-68 referred to one and the same meeting of the assembly, held on Elaph. 8. Even accepting the traditional view and assuming the existence of two *ecclesiai* in the beginning of Elaphebolion, we cannot place the other *ecclesia* later than Elaph. 4-5: *Elaph. 8: ecclesia* (Aeschin. 3.67-68). *Elaph. 7*: arrival of Philip's envoys (Aeschin. 3.68). *Elaph. 6*: Demosthenes' decree on *proedria* passed before the arrival of Philip's envoys (Aeschin. 2.55). *Elaph. 4-5: ecclesia*, the Athenian envoys' report to the people (Aeschin. 2.47-54). It is not attested and improbable that an assembly was held on the first day of a prytany and, moreover, the equation of Elaph. 5 in an intercalary year is Pryt. viii.1 only on the assumption that five of the first nine months were of 30 days. If the distribution is  $4 \times 30 + 5 \times 29$  the equation of Elaph. 5 is Pryt. vii.38. Consequently, the assembly held on Elaph. 8 must, on any theory, be the first *ecclesia* held in Pryt. viii.

The number of *ecclesiai* held in 347/6, Prytany viii

We can now form an opinion of how many *ecclesiai* the Athenians held in 347/6, Pryt. viii. We must keep in mind, however, that our reconstruction is subject to certain reservations since three questions were left unanswered. It was impossible to decide (a) whether the year 347/6 was an ordinary year or an intercalary year, (b) whether the *ecclesiai* held on Elaph. 18 and 19 rated as one or two meetings of the assembly, and (c) whether the envoys were appointed at the assembly held on Elaph. 19 or at a special meeting convened on one of the days Elaph. 20–24. Accordingly, no simple conclusion can be drawn, and we are left with  $2^3=8$  solutions to our problem. A clearer picture emerges if we tabulate the possibilities:

	<i>ecclesia</i> on Elaph. 20–24		no <i>ecclesia</i> on Elaph. 20–24	
INTERCALARY YEAR	1. Elaph. 8 2. Elaph. 16 3. Elaph. 18 4. Elaph. 19 5. Elaph. <i>ca</i> 22 6. Elaph. 25	1. Elaph. 8 2. Elaph. 16 3. Elaph. 18–19 4. Elaph. <i>ca</i> 22 5. Elaph. 25	1. Elaph. 8 2. Elaph. 16 3. Elaph. 18 4. Elaph. 19 5. Elaph. 25	1. Elaph. 8 2. Elaph. 16 3. Elaph. 18–19 4. Elaph. 25
ORDINARY YEAR	1. Elaph. 16 2. Elaph. 18 3. Elaph. 19 4. Elaph. <i>ca</i> 22 5. Elaph. 25	1. Elaph. 16 2. Elaph. 18–19 3. Elaph. <i>ca</i> 22 4. Elaph. 25	1. Elaph. 16 2. Elaph. 18 3. Elaph. 19 4. Elaph. 25	1. Elaph. 16 2. Elaph. 18–19 3. Elaph. 25
	Elaph. 18–19 = 2 <i>ecclesiai</i>	Elaph. 18–19 = 1 <i>ecclesia</i>	Elaph. 18–19 = 2 <i>ecclesiai</i>	Elaph. 18–19 = 1 <i>ecclesia</i>

On the basis of this table we may return to the two sources which are central for a proper understanding of what an *ἐκκλησία σύγκλητος* is, *viz.* Dem. 19.154 and Aeschin. 2.72. The accepted view is that the Athenians summoned extraordinary meetings of the *ecclesia* whenever required in addition to the four ordinary meetings. Accordingly the usual interpretation of these two passages is that no *ordinary* meeting was left at the beginning of Mounichion 346 (Dem. 19.154)

and that the number of extraordinary meetings exceeded the four ordinary meetings which could be summoned in the course of a prytany (Aeschin. 2.72). This interpretation, however, is disproved by the table. (a) It is impossible to find room for four ordinary meetings during Pryt. viii, and (b) it is impossible to find room for a number of extraordinary meetings exceeding the four ordinary meetings.

(a) Since the meetings held on Elaph. 8, 18 and 19 were *ἐκκλησίαι κύκλητοι* (see p.48), our sources provide us with information of only one or two ordinary meetings, viz. the *ecclesia* held on Elaph. 16 and presumably the meeting held on Elaph. 25, which may have been an ordinary meeting. Even if we assume the existence of an *ecclesia* for the election of the envoys held during the period Elaph. 20–24 we can only reach a total of three ordinary meetings, and it is impossible to find room for the fourth meeting before Moun. 3, when, according to Demosthenes, no more meetings of the assembly were left.

(b) Let us for a moment assume that Aeschines and Demosthenes have omitted at least one ordinary meeting from their account. Accepting a special meeting for the election of the envoys we must now place one more ordinary meeting in the period Elaph. 20–24 or in the period Elaph. 26–30. On this assumption we can muster a total of seven meetings held during Pryt. viii, four ordinary and three extraordinary meetings. But this reconstruction is incompatible with Aeschines' information that the number of *ἐκκλησίαι κύκλητοι* exceeded the number of ordinary meetings. If we will maintain the traditional definition of *ἐκκλησία κύκλητος*, we must postulate the existence not only of one more ordinary meeting in addition to the doubtful electoral assembly but also of at least two more extraordinary meetings which have left no traces whatsoever in our sources. It is quite impossible that three or more meetings are passed over in silence by Demosthenes and Aeschines in their detailed accounts of this central period, and consequently the accepted definition of the term *ἐκκλησία κύκλητος* must be abandoned. Dem. 19.154 must mean that no meeting of the assembly, neither ordinary nor extraordinary, was left when Demosthenes moved his decree in the Council, and Aeschin. 2.72 must be taken to mean that three out of the four assemblies held during Pryt. viii were *κύκλητοι*, and only one *ecclesia* was summoned as an ordinary meeting. Accepting this interpretation we are left with three out of the eight possibilities tabulated above:



INTERCALARY YEAR		ORDINARY YEAR			
Elph. 8	S	Elaph. 16	O	Elaph. 16	S
Elaph. 16	O	Elaph. 18-19	S	Elaph. 18	S
Elaph. 18-19	S	Elaph. ca 22	S	Elaph. 19	S
Elaph. 25	S	Elaph. 25	S	Elaph. 25	S

S = ἐκκλησία κύκλητος

O = ordinary meeting

### Conclusion

The conclusion of this investigation is that the Athenians convened a maximum of four assemblies during a prytany, and that each of these *ecclesiai* was an ordinary meeting if it was summoned by the *prytaneis* at their own initiative and at four days' notice, whereas the meeting was an ἐκκλησία κύκλητος if it was summoned at short notice in an emergency or prescribed by a decree passed in a previous meeting. But this conclusion is valid only for the second half of the fourth century. The sources indicate that, during the period of twelve phylae, ἐκκλησίαι κύκλητοι may have been summoned in addition to the three ordinary meetings summoned every month, whereas in the first part of the century there was no restriction on the number of *ecclesiai*.

#### The period after 307/6

If we trust the information given by scholiasts and lexicographers, we must assume that ἐκκλησίαι κύκλητοι in the sense of additional meetings were introduced in connection with the phylae reform of 307/6, and this part of the reform can easily be explained: a change from ten prytanies (and four *ecclesiai* summoned during each prytany) to twelve prytanies (and three *ecclesiai* summoned in a prytany) resulted in a reduction of the number of *ecclesiai* from forty to thirty-six during a year. It is a reasonable guess that some ἐκκλησίαι κύκλητοι could now be summoned as additional meetings in order to make up the difference. On this theory, the only serious mistake made by the scholiasts and lexicographers is that they mix up the democratic constitution before 322 with the conditions valid for the period of twelve phylae after 307/6.

## The period 403–355

The most important sources for the first part of the century are the numerous *eisangeliai* which could be heard either by the court or by the assembly.<sup>15</sup> A survey of all known *eisangeliai* from 493 to 324 shows that the assembly usually referred an *eisangelia* to a *δικαστήριον* and only exceptionally took it upon itself to act as a law court. We know of eleven *eisangeliai* heard by the assembly, however, and eight of these can be dated within the period 389–362.<sup>16</sup> The last examples of *eisangeliai* having been heard by the assembly are the trials of Callisthenes and Ergophilus in 362. All later *eisangeliai* were apparently brought before the jurors. From this evidence Thalheim and especially Lipsius concluded that some time in the middle of the fourth century the *νόμος εἰσαγγελτικός* was amended in such a way that henceforth the *δικαστήριον* was the only body empowered to pass a sentence in an *eisangelia* initiated in the assembly (*cf.* Hansen, *Eisangelia* 53).

A closer examination of all known *eisangeliai* shows that this conclusion is legitimate. Including all possible examples of *eisangeliai* to the assembly from the period 403 to 324 and organizing them in two groups with the year 362/1 as our point of division, we get the following figures. A. 403–362: eight *eisangeliai* were heard by the assembly and four by the court. (In eleven cases it is unknown whether the trial took place before the people or before the jurors.) B. 361–324: twenty-seven *eisangeliai* were heard by the court and not a single one by the assembly. In four cases the *eisangelia* was withdrawn before the trial, and in two cases we do not know whether the trial took place. In seven more cases we have no evidence that the case was heard by the court.

The total absence of *eisangeliai* heard by the assembly after 362 is remarkable when compared with the high number of *eisangeliai* brought before the jurors, and it is even more significant when contrasted with the frequent examples of the assembly acting as a law court in the preceding decades. Summing up, we may conclude that an important change in the administration of justice must have taken place shortly after 362.

<sup>15</sup> For the following *cf.* Hansen, *Eisangelia* 51–57 (*Eisangelia*, the Assembly and the Popular Court) and 66–120 (Catalogue of Known *Eisangeliai*).

<sup>16</sup> *Eisangelia*, Catalogue Nos. 2 Miltiades 489, 3 Hipparchus 480–60, 66 the generals 406. 73 Ergocles 389, 75 Thrasybulus 387, 76 Thrasybulus 382, 80 Timotheus 373, 81 Antimachus 373, 82 Timagoras 367, 85 Callisthenes 362, 86 Ergophilus 362.

*Eisangelia* was a public action, and the hearing of a public action occupied a whole day from sunrise to sunset (Xen. *Hell.* 1.7.28; Arist. *Ath.Pol.* 67; Aeschin. 3.197; cf. Busolt 1161). Thus it was impossible to place the trial on the agenda of one of the four *ecclesiai* which, according to Aristotle, could be summoned during a prytany. The conclusion is that the fixed agenda described by Aristotle for all the four meetings was not introduced until after the hearing of *eisangeliai* had been transferred from the assembly to the court. Similarly, a limitation of the number of assemblies is incompatible with the frequency of *eisangeliai* heard by the people.<sup>17</sup> Forty meetings would not have sufficed if several of them were reserved for the hearing of a political process.

#### The period 355–22

The amendment of the νόμος εἰσαγγελτικός can be dated within the period 362–54. The limitation put on the number of *ecclesiai* is attested for the year 347/6. These two measures were probably part of the same reform. The sources provide us with no information as to the purpose of this reform, but it was undoubtedly introduced partly for economic and partly for political reasons. For attendance at the ἐκκλησία κυρία an Athenian citizen received nine obols, whereas for attendance at all other assemblies the fee was one drachma. Against this the jurors had only three obols per session. These figures are given by Aristotle (*Ath.Pol.* 62.2) writing ca 325. On the reasonable assumption that the same figures apply to the period ca 350 and that a session of the assembly was attended by ca 6000 citizens (cf. Hansen, *GRBS* 17 [1976] 129–30), the cost of an *eisangelia* was one talent if heard by the assembly, against only 250 dr. if heard by a court manned by 500 jurors. Since the Athenian state was bankrupt after the Social War, a law restricting the number of assemblies would be a convenient measure to save money. According to Aristotle democracy was the most costly of all constitutions, and radical democracy even more than other types of democracy. The reform adopted by the Athenians in the middle of the fourth century is almost identical

<sup>17</sup> ὁ δῆμος is the usual designation for the assembly acting as a law-court, e.g., Ἀντίμαχον . . . κρίναντες ἐν τῷ δήμῳ ἀπεκτείναστε (Dem. 49.10). Furthermore, Xenophon states at *Hell.* 1.7.9 that such a meeting was an *ecclesia*: ἐντεῦθεν ἐκκλησίαν ἐποίουν, εἰς ἣν ἡ βουλή εἰσήνεγκε τὴν αὐτῆς γνώμην Καλλιξένου εἰπόντος τήνδε. Admittedly the trial of the generals in 406 was handled unconstitutionally, but it is important to notice that Callixenus' opponent Eurypotlemus does not raise any objection against the *ecclesia* acting as a law-court.

with one of the remedies proposed by Aristotle (*Pol.* 1320a22ff) in order to change a radical democracy into a moderate one: ὅπου μὲν οὖν πρόοδοι μὴ τυγχάνουσιν οὐκ αἰ, δεῖ ποιεῖν ὀλίγας ἐκκλησίας καὶ δικαστήρια πολλῶν μὲν ὀλίγας δὲ ἡμέρας. When revenues run short the constitution may be modified by cutting down the number of *ecclesiai* and by instructing the courts to hear many cases in a few sessions.<sup>18</sup> This line of argument suggests that the Athenians passed the two intimately connected reforms in the year 355, after the end of the Social War. During the period 355–322 no more than forty meetings of the assembly could be summoned during a year, and in the same period all *eisangeliai* were heard by the people's court and the assembly deprived of all power to act as a law court.

UNIVERSITY OF COPENHAGEN

November, 1976

<sup>18</sup> *πολλῶν* is usually interpreted as masculine, but in my opinion the passage gives much better sense if the adjective is neuter. Cf. Arist. *Ath. Pol.* 67.1, stating that a panel of jurors during a session lasting one day had to hear no less than four cases.