

## Drafting Decrees in Late Classical Athens: A Proposal and Some Amendments

Athenian decrees were made through a process that began in the council and ended in the assembly, and thus modern scholars often treat those bodies as the “the authors” of decrees (Osborne 2010). But who put them in writing? In the *Phaedrus*, Plato suggests quite plainly that the citizen who proposed the decree wrote it (Phaedr.257d-258b). Yet modern scholars have suspected that this is a ruse, useful for moving the dialogue from the topic of love to the theme of rhetoric and writing, but not based in any reality that an Athenian might recognize (Dover 1980; Yunis 1996). Why? Because Plato does not mention the secretary of the council, whom modern scholars have long agreed was in charge of drafting the decree that would be deposited in the city archive and perhaps inscribed (Klaffenbach 1960; Guarducci 1969; Dover 1980; Low 2007; Osborne 2010).

What did the secretary base that document on? In all but a few decrees the proposer is named with the formula ὁ δεῖνα εἶπεν. Modern scholars have occasionally taken that phrase to refer to the proposer in his role as a speaker in the council or assembly. Occasionally they translate the phrase as “so and so spoke,” as though what followed reflected, in part or whole, a speech delivered by the proposer (Lambert 2011). If right, this inference might support the widely held notion that the secretary kept minutes, that these minutes were an abbreviated or otherwise edited transcript of words *spoken* in the assembly, and that therefore what we study today was not the text ratified by the assembly but one drawn up afterward. (Osborne 2010, Osborne 2012). But there is no explicit evidence that the secretary kept minutes. Moreover, modern scholars have often noticed that in the lawcourts, the assemblies, and in literature, the proposer of a decree was often called its author (e.g. Dem.23.70: ταῦτα μέντοι πάνθ’ οὕτω καλῶς καὶ νομίμως ἔχονθ’ ὁ γράφων τὸ ψήφισμα τουτὶ παραβεβηκῶς φαίνεται). Thus, some have

cautiously observed that this might mean proposers could (but did not have to) submit motions in writing, that discussion in the assembly might (or might not) revolve around a draft of a decree (Rhodes 2001; Sickinger 2002).

This paper argues that motions were, as a rule, submitted in writing in order to lead to a vote, probably by the late fifth century. The orators often indicate that giving speeches and proposing decrees were distinct acts. Historians after Herodotus and Thucydides do too. Speakers seem to have anticipated that they would write what they advised for the citizens to ratify or reject. Citizens in the assembly did too. Moreover, the words and phrases that look like they might introduce a formal proposal, i.e. one that could lead to a vote, cannot support that inference. Therefore, since there is no explicit evidence that the secretary kept minutes, I suggest that whatever happened to the text during debate and after ratification, the basis of Athenian decrees were, as a rule, motions submitted by proposers in writing for the council and assembly to consider. If so, then the modern tendency to divide the labor of making decrees between a citizen who proposed and a secretary who kept minutes and drafted the decree may be no more than scholarly invention. Decrees, if ratified, ended up in the archive or on stone. They began, in writing, in the council and assembly.

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