Book-rolls on the *Bema*: Aristophanes' *Birds* and the Papyrology of the Athenian Assembly

We think of the Athenian assembly as a place for giving and hearing speeches. But the task of an assembly was to produce a decision, and in Athens all decisions of the assembly were embodied in written documents known as decrees *(psephismata*).

Most scholars assume that decrees were a kind of bare-bones summary of what a speaker said in his speech. In other words, the arc of any given assembly followed a path from speech to writing, with the latter being used not to *create* law but simply to record what was created in speech (Low 2013).

There are lots of reasons to be skeptical of this position, most of which come from fourth-century Attic oratory. Proposers of decrees regularly refer to themselves as having written the decree. There isn't a clearly identifiable speech-act through which orators made clear what counted as a formal proposal and what was simply meant to persuade. And the *demos* itself seems to have acknowledged a formal distinction between what an orator said on the *bema* and what he was willing to write, i.e. to propose formally. The clear implication is that decrees were fashioned in writing.

Is this an innovation of the fourth-century? The way we understand the evolution of literacy in Athens would suggest so: Athenians only really became document-minded, we are told, in the fourth century (Thomas 1989; 1992). But some passages in Aristophanes' *Birds* suggests that the fifth-century assembly, like its fourth-century counterpart, revolved around writing as much as it did speech.

Building upon the observation that the decree-seller in *Birds* is a parody of the *rhetor* (Jackson 1919), this paper argues for a new interpretation of the description of the

Athenians in lines 1286-1289 as flying at dawn ἐπὶ νομόν, where they devour decrees. The consensus interpretation, relying on other works of Aristophanes that refer to bookstalls in the Agora where (it is thought) decrees could be purchased. But there is no evidence that a market for copies of decrees existed, and most of the book-rolls in *Birds* are explicitly or implicitly associated with the assembly. So, I propose, is the image of Athenians as birds devouring book-rolls. The reference to Athenians converging at dawn is, I propose, an oblique reference to the fact that every meeting of the assembly began at that time. The phrase ἐπὶ νομόν is a pun: to the field in other contexts means "to legislate." Thus, the picture of Athenians-as-birds-devouring decrees is a joke about the assembly at work, not individual citizens buying decrees in the marketplace.

This reading fits better with the rest of the references to book-rolls in *Birds*, and it does not require us to presume that there was a market for copies of decrees, a presumption for which no evidence exists. And it might do more than that: we've long known that decrees were recorded on papyrus. Aristophanes, in these lines and in his caricature of the *rhetor* as a seller of decrees, implies that decrees were in fact created on papyrus. If this reading of the book-rolls of *Birds* is accepted, then what is true of the fourth-century assembly is true of its fifth-century predecessor: decrees were created in writing, not speech. What's more, they belonged to a domain that, if any of them survived, would belong not to the epigrapher or the rhetorician but to the papyrologist, which suggests that writing at Athens was not only epigraphic or literary.

The book-roll scenes of Aristophanes' *Birds* are often thought to reflect the suspicions that fifth-century Athenians held about the place of writing in their lives (Anderson & Dix), and the dominant model of literacy in Athens suggests that that place

was miniscule. My reading of those scenes, and especially lines 1286-1289, suggests the opposite: Athenians relied on writing not only to record their decisions but to create them, and this reliance was part of a 'papyrological habit' that (for Aristophanes) was worth mocking and (for modern students of democracy) is worth reconstructing, since it suggests our model of literacy, based mainly on epigraphy and literature, is missing a key part of the picture.

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