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The Original Function of the Boule at Athens

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be thought that my hypothetical Early-Colonial culture is as supposititious as Mr. Lang's Achæan world. There is this difference: the soil of Greece, and of many outlying places, has been raked over almost to exhaustion, and has yielded nothing which bears Mr. Lang's required characteristics. The shores of Asia Minor and the great islands are practically untouched; the spade has hardly gone below the middle-historical period. Even Mr. Hogarth's temple-offerings at Ephesus are not dated earlier than 700 B.C. Here therefore the negative cannot be proved as it is

proved in the case of the mainland. Archaeology does not forbid Homer to have anachronised from his own age; it does forbid him to have given a true description of the civilisation of the Achæans. Until excavation has shown that the Ionians of 900 enjoyed a culture unlike the Homeric, this seems to me the account to accept. We thereby escape the impossible task of accommodating Homer to material evidence, and the equally impossible duty of compelling archaeology to admit a period for which it has no place.

T. W. ALLEN.

THE ORIGINAL FUNCTION OF THE BOULE AT ATHENS.

THE 'Αθ. πολ. c. 4 § 3 attributes to Draco the institution of a βουλὴ of 401 members, chosen by lot from the whole body of citizens over thirty years of age. This is the only notice we have of a Draconian Council; and scholars are more inclined to believe that the Boule was first instituted as part of the Solonian constitution. Βουλὴν δ' ἐποίησε τετρακοσίους, says Aristotle, 'Αθ. πολ. c. 8 § 4; and, as Dr. Sandys points out, these words could hardly have been used if it was meant that Solon merely substituted a new Boule of 400 for the Draconian Boule of 401. This view is further supported by Plutarch's statement, *Solon*, c. 19. What was the original function of the Boule in Solon's constitution? It is noteworthy that Aristotle in 'Αθ. πολ. l.c. gives us no certain information on that point. He does indeed contrast the new Council with the already existing Boule of the Areopagus, but only to say that the latter was appointed ἐπὶ τὸ νομοφυλακεῖν, and exercised a general supervision over all the most important matters—τὰ τε ἄλλα τὰ πλείστα καὶ τὰ μέγιστα τῶν πολιτικῶν διετῆρει. It took cognisance, too, of cases of high treason. Plutarch says more definitely that Solon assigned to the 400 the duty of preparing measures for the people—οὓς προβουλεύειν ἔταξε τοῦ δήμου κοὶ μηδὲν ἔαν ἀπροβούλευτον εἰς ἐκκλησίαν εἰσφέρεισθαι.

Grote (c. xi.) regarded the Council

as in the first instance a probouleutic assembly, and this is the view adopted by Bury (c. iv.). It was undoubtedly an important function of the Boule in later times to prepare business for the Ecclesia; but can it have been the sole or the chief reason of its creation in 594 B.C.? In the sixth century the Ecclesia was not engaged in the civil and criminal legislation which occupied it in the fifth century. Its two chief duties were to elect certain public officials and to call them to account at the end of their year of office—Σόλων ἔοικε τὴν ἀναγκαιοτάτην ἀποδιδόναι τῷ δήμῳ δύναμιν, τὸ τὰς ἀρχὰς αἰρεῖσθαι καὶ εὐθύνειν (*Ar. Pol.* II. 12. 1274a 16); and none of our authorities suggests that in Solon's time the powers of the Ecclesia went further. It does not, then, seem probable that the main object of the establishment of the new Council by Solon was to prepare for the introduction of these two pieces of business into the Ecclesia. For how could a προβούλευμα anticipate the public election of magistrates by the δήμος? And if a προβούλευμα were passed before the magistrates submitted to the εὐθυνα in the Ecclesia, it can have been a merely formal act, except in the case of the financial officials ('Αθ. πολ. c. 45). As the business submitted to the Ecclesia grew in quantity and variety in the course of the fifth century, it was only natural that the smaller and more expeditious body should act as a committee

of reference, and that its probouleutic duties should become the most prominent feature in the work of the Boule.

Ed. Meyer (*Gesch. d. Altert.* II. § 409) has suggested that the Solonian Boule was only a further development of the older βουλή τῶν ναυκράρων, which had to advise on the administrative, financial, and naval duties undertaken by the ναυκραρίαι.

But a recently discovered κύρβις from Chios suggests an alternative explanation—that the Boule originated as a judicial body. A full account of the κύρβις is given by Wilamowitz-Moellendorf and Dr. Jacobsthal in the *Abhandlungen der kön. preuss. Akademie*, Berlin, 1909. The style of the script, which is βουστροφηδόν with Θ and ⊗ for θ, † for χ, and retains the use of the early letter ϕ (Koppa), leads Wilamowitz to the conclusion that the stone was inscribed *circa* 600 B.C., earlier rather than later. Its special interest is that it defines the powers of a βουλή popularly elected, as at Athens, at a time antecedent to the traditional date of Solon's legislation. Sixteen lines are preserved complete, and these read:

ἐκκαλέσθω ἐς βολὴν τὴν δημοσίην· τῇ τρίτῃ ἐξ Ἑβδομαίων βολὴ ἀγέρεσθω ἢ δημοσίῃ ἐπιθώϊος λεκτὴ πεντήρουτ' ἀπὸ φυλῆς τὰ τ' ἄλ[λα] πρήσσειν τὰ δῆμο καὶ δίκαι[ς] ὁκό[σαι] ἂν ἐκκλητοὶ γένων[ται τ]ὸ μὲν πᾶσας ἐπ. . .

Here the βουλή is a representative assembly chosen from the whole citizen body, 50 from each tribe, as at Athens. The addition, δημοσίῃ, implies the existence of another βουλή—the βουλή γερόντων, as we find it in Homer, corresponding to the βουλή ἐξ Ἀρείου πάγου in Athens. This βουλή must meet once a month, and it is charged with a general administration of the affairs of the people. But, what is most noteworthy for our purpose, its main function is obviously judicial: it appears as a popular tribunal, with power to supersede even the sentence of a magistrate. May we transfer the analogy to Athens, and suppose that originally the principal function of the Boule was to act as a judicial court, representative of the whole people, just as the δικαστήριον of 201 judges represented the Athenian demo-

cracy in its judicial aspect in the fifth century?

Now Aristotle says nothing of the judicial competence of the Boule, when he speaks of its institution under Solon (c. 8), but when he comes to describe the functions of the βουλή in detail in the second half of the Ἀθ. πολ. (c. 45), he speaks *first* of its judicial powers. He then makes the definite statement: ἡ δὲ βουλή πρότερον μὲν ἦν κυρία καὶ χρήμασιν ζημιῶσαι καὶ δῆσαι καὶ ἀποκτείνειν. He adds that it was deprived of all these powers by the demos, and comparing this with the statement in c. 41—αἱ τῆς βουλῆς κρίσεις εἰς τὸν δῆμον ἐληλύθασιν—we are justified in assuming that the greater part of its judicial functions were transferred to the popular law-courts shortly after the restoration of the democracy in 403 B.C.

Of the judicial competence of the βουλή in the fifth and fourth centuries we know that εἰσαγγελίαι were laid before it, and that it could also deal with cases of ἔνδειξις, ἀπαγωγὴ and φάσις; but it could not inflict any fine above 500 drachmae. Demosthenes (24 § 144) quotes a clause from the βουλευτικὸς ὄρκος, limiting the Boule's power of imprisonment, which he attributes to Solon. But Aristotle (Ἀθ. πολ. c. 22) expressly states that the form of oath, ὃν ἔτι καὶ νῦν ὁμνύουσιν (οἱ πεντακοσίοι), was first introduced ἐφ' Ἑρμοκρέοντος ἀρχοντος, 501/0 B.C. Possibly some limitation of the judicial powers of the Boule was a part of the reforms of Cleisthenes, which was not put into effect before 501 B.C.

This is all we know of the judicial competence of the Boule. Nor do we hear of its taking part in any political or legislative action during the sixth century B.C. Yet its popular and democratic nature is revealed by the fact that it was prominent in resisting the attempt of Cleomenes and Isagoras to overthrow the Constitution in the interests of the oligarchic faction (Ἀθ. πολ. c. 20).

The conclusions suggested by a consideration of these statements about the powers of the Boule are: that the democratisation of the Athenian Constitution developed *pari passu* with the devolution of the judicial powers originally monopolised by the Council of the

Areopagus; and that the elective and legislative functions of both *βουλή* and *ἐκκλησία* followed on their judicial. The Council of the Areopagus—itself a survival of the Homeric assembly of *γέροντες βουλευφόροι*, who acted as assessors to the king in his capacity of judge—was forced to surrender some of its judicial competence first to a body of 51 *ἐφέται* chosen from men of more than fifty years of age belonging to noble families, *ἀριστίνδην αἰρεθέντες* (Pollux, viii. 125), then under the Solonian legislation to a new *βουλή* of 400. The

original mode of their election is unknown; at the same time the *ἡλιαία* was constituted as a court of appeal against the decision of a magistrate. First the Boule gained judicial powers at the expense of the Council of the Areopagus, then the popular law-courts at the expense of the *βουλή*, and, as at Rome, so at Athens the publication of the law and the construction of a popular court of appeal paved the way for the elective and legislative supremacy of the people.

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DOLON THE WOLF.

WHEN Dolon sallied forth from the Trojan camp he was not clad in armour, but in the hide of a grey wolf (K 334). He was bound upon a perilous adventure, where life might depend upon his speed of foot, and the rattle of bronze might betray him. It was so dark that you could not see the moorfowl that rose with a startled scream at your feet (274, 275); so that a spy must guide himself mainly by the glimmer of the thousand camp fires running in a long line from the ships to the Xanthos (Θ 553 ff. K 12). Then there was always the chance of encountering a foeman bent on a similar enterprise, or disturbing some midnight pillager of the dead (387 f. 342, 343). Yet, when once he was clear of the Trojan lines, he pressed eagerly on his way—*βῆ δ' ἄν' ὁδὸν μεμαῶς* (339), and so heedlessly that he ran past Odysseus and Diomedes as they crouched among the heaps of the slain (349, 350). Clearly, he had some plan in his mind. Homer does not tell us what it was; but the author of the *Rhesus* does.

Dolon, in the play, has just undertaken his dangerous mission, and now he speaks to the Chorus of Trojan sentinels (201 ff.).

Δο. *στείχοιμ' ἄν· ἐλθὼν δ' ἐς δόμους
ἐφέστιος
σκευῇ πρεπόντως σῶμ' ἐμὸν καθά-
ψομαι,
κάκειθεν ἦσω ναῦς ἐπ' Ἀργείων
πόδα.*

Χο. *εἴπ' εἴ τιν' ἄλλην ἀντὶ τῆσδ' ἔξεις
στολήν.*

Δο. *πρέπουσαν ἔργῳ κλωπικοῖς τε
βήμασιν.*

Χο. *σοφοῦ παρ' ἀνδρὸς χρὴ σοφόν τι
μανθάνειν.*

λέξον τίς ἔσται τοῦδε σώματος σαγή.

The reply of Dolon is very precise.

Δο. *λύκειον ἀμφὶ νῶτον ἄψομαι δοράν,
καὶ χάσμα θηρὸς ἀμφ' ἐμῷ θήσω
κάρῃ,*

*βάσιν τε χερσὶ προσθίαν καθαρ-
μόςας*

*καὶ κῶλα κώλοις τετράπουν μμή-
σομαι*

*λύκου κέλευθον, πολεμίους δυσεύ-
ρετον,*

*τάφροις πελάζων καὶ νεῶν προβλή-
μασιν.*

*ὅταν δ' ἔρημον χώρον ἐμβαίνω ποδί,
δίβαμος εἰμι· τῇδε σύγκειται δόλος.*

τῇδε σύγκειται δόλος—the wolf-skin is a disguise. When he approaches the trenches of the enemy, he is to crawl on hands and knees, so that a Greek sentinel, happening to espy him in that dim light, will think of other shadowy four-footed forms he has observed gliding over the battlefield, and pay the less attention. But in the deserted spaces he may walk man-like on his feet—a weird, ambiguous figure.

If the author of *Rhesus* were singular in his opinion, one might regard it as the product of a somewhat eccentric imagination. But he is not. There is