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By the Late James Wycliffe Headlam

Excerpt

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CHAPTER I.

THERE is no institution of ancient history which is so difficult of comprehension as that of electing officials by the lot. We have ourselves no experience of the working of such a system; any proposal to introduce it now would appear so ludicrous that it requires some effort for us to believe that it ever did prevail in a civilised community. There can be few people who, when they first hear that it existed at Athens and in other Greek states, do not receive the information with incredulity. The first impulse is to doubt the fact and to suppose there is some misunderstanding. And there have been scholars who have attempted to show that election by lot did not exist; that what is commonly known as such was really secret voting by ballot. The attempt fails; for the evidence of the authorities is overwhelming¹.

Other historians recognising the fact of election by lot have treated it as a matter of no great importance; without explicitly saying so, they seem to hold that its effects were not great because the chief

¹ See an article in the *Philological Museum*, vol. ii., apparently by Sir G. C. Lewis, referring to an attempt of this kind.

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offices in the state were filled in some other way: they point out truly enough that when an office such as the Archonship which in earlier times was filled by popular election came to be filled by lot, it ceased to be of any political importance; and hence they conclude that if numerous minor administrative posts were so filled, the custom is curious and rather foolish, it is characteristic of the democratic jealousy, but did not seriously affect the government of the state. That was in the hands of men elected by the Assembly. This view is natural and recommends itself to our common sense: it contains this amount of truth that of all the officials elected by lot there is no single one who stands out above the others as entrusted with especially weighty duties. But it ignores, what is equally true, that, though no individual office is of particular prominence, the work done by all the officials elected by lot was together of the greatest extent. It is scarcely too much to say that the whole administration of the state was in the hands of men appointed by lot: the serious work of the law courts, of the execution of the laws, of police, of public finance, in short of every department (with the exception of actual commands in the army) was done by officials so chosen. And, what is still more surprising, the council before which all public business passed; the council which was the only permanent governing body in the state, which had superintendence of financial matters, through which negotiations with foreign powers were conducted, this too was chosen by the lot. The whole business of the city, with the exception of that small

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portion which could be directly decided on by the Assembly, was in the hands of men selected by "chance."

The more closely we analyse the working of the Athenian state, the more universal appears the operation of the lot, and the greater appears the anomaly. This has led other scholars to suggest as a solution of the difficulty that election by lot was not really what we should suppose; names were indeed put into an urn and drawn out by the Archon; but this was only a convenient veil; the result was not really left to chance: many names might be put in, but it was well known beforehand which name would come out; there were recognised conventions by which the whole thing was worked. A returning officer who did not use his discretion would have failed in his duty. Unfortunately this view also, attractive though it is, fails, as did that mentioned above, from the complete absence of evidence. I believe I am right in saying that there is not a single particle of evidence in any classical writer which justifies us in supposing that the result of the lot was not really the verdict of chance; still less that the whole community was aware of the existence of any such understanding¹.

Another method of explaining away the difficulty is to suppose that although the lot did really decide between the different candidates for any post, yet there was not really much left to chance, because the number of candidates was in one way or another strictly limited; either we may suppose that each

¹ Cf. *infra*, p. 54 n. 1 and 2.

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candidate must be nominated, or that public opinion was strong enough to prevent unsuitable persons becoming candidates.

I shall content myself with mentioning this view here; I shall refer to it again later, when I believe I shall be able to show that there was (at least in the times after Pericles) no important restriction of this kind to the free action of the lot; had such existed it would have been an effectual check on the objects for which the lot was introduced.

I propose therefore to enquire what were the reasons for which the Athenians adopted a custom so strange, and also to examine what were the effects of it on the political system of which it formed a part. It is scarcely necessary to point out that, without an explanation of this matter, we cannot hope thoroughly to understand or appreciate the nature of the Athenian Democracy; and I hope the enquiry, even if it is of no other use, will help to draw attention to some peculiarities of the administrative system and will thereby throw light on certain tendencies which seem to be essential to democratic government.

The connection of the lot with religious beliefs.

But before I discuss the first question, what political advantages were supposed to come from the use of the lot, it is necessary to consider a suggestion which, if true, would greatly alter the character of the enquiry. It is often maintained that the essence of the lot was religious. If this were true then we should have to consider it as we do omens and oracles; it would be another case of an old superstition interfering with the political life of the

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people; its preservation would be another instance of that deep-rooted conservatism in all that concerned their worship which often reminds us that the Athenians were not all philosophers or sceptics.

It is well established that in early stages of society the lot is regarded as one among many ways through which the Gods give counsel and advice to men. This was the case both in Greece and Italy. The Greek lived in constant intercourse with his Gods; for every work which he began and every decision which he made he looked to them for advice and guidance. He required some hint as to the result of his labours or some sanction for his enterprise. And the drawing or casting of lots was always one way in which this communication took place. This is abundantly proved from the times of Homer down to the latest days of the Roman Empire: and, as might reasonably have been expected, the lot was chiefly used when the matter on which the Gods were consulted was the choice either of some man from a limited number to receive certain honours or perform certain duties, or the division among a few men of an equal number of duties.

The best illustration of this is the fact that throughout Greece it was the regular custom to use the lot for the appointment of priests and others who ministered in the temples¹. There is no doubt that this was done because it was held fitting that the God himself should choose those who were to

*Priests
appointed
by lot.*

¹ Cf. Jules Martha, *Les Sacerdotes Athéniens* in the *Bibl. des Écoles Françaises*, xxvi. 1882. pp. 30—35.

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serve him. If he had not declared his pleasure by an omen or a dream, an opinion could always be secured by the use of the lot. This custom prevailed till the latest times, and though it had probably become a mere ritual observance, it is at least a sign that the appointment of a priest had not the highest validity unless it had received the express sanction of the God.

It is easy then to assume that the lot which was so essential a part of the religious ceremonial retained its religious significance when used for political purposes; and even to draw the conclusion that the religious belief was really the chief reason why it was so extensively used. There is nothing in what we know of Athenian habits of thought to make this improbable; whatever may have been the opinions of a few educated men, there is no doubt that the great mass of the people firmly believed in the continual intervention of the Gods in the affairs of men. They were not ashamed, nor were they frightened, to allow affairs of the greatest moment to be influenced by dreams, omens, portents and oracles. They were guided by these in private and public life alike¹. We should therefore be quite prepared to find that the use of the lot in state affairs

¹ Perhaps the most remarkable illustration of this is contained in one of the speeches of Hypereides. We there find the Assembly solemnly ordering three men to go and sleep in a temple in order that one of them might learn in a dream the opinion of Amphiaraus on a disputed point of property (Or. iii pro Euxenippo, xxvii—viii.† It is only necessary to refer to the *Anabasis* and *Hellenica* of Xenophon for instances of the readiness with which men would incur the greatest dangers rather than neglect an omen.

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was, at least by the great mass of the people, upheld because they wished thereby to get the sanction of the Gods for the appointment of their officials.

This view becomes still more plausible when we remember that the most conspicuous of the officials so appointed were the nine Archons; men who had special religious duties and still represented in their office the old union of priest and magistrate. And the state worship at Athens was so closely connected with the public functions that even though the newer offices did not have the same religious importance as the Archonship, it is easy to suppose that the pious Athenians liked to have the same divine sanction extended also to those who filled them¹.

This however will not really explain our difficulty. The explanation has been put forward² by those who have confined their attention to the Archonship and have not sufficiently appreciated the reality and extent of the use of the lot. It may be true that there was a religious sentiment which made the

¹ Cf. Lugebil, l. c. p. 666 etc.

² Fustel de Coulanges, *Nouvelle Revue Historique de Droit*, ii. 1878, p. 617—643; and *La Cité antique*, p. 213. “Le caractère sacerdotal qui s’attachait au magistrat se montre surtout dans la manière dont il était élu. Aux yeux des anciens, il ne semblait pas que les suffrages des hommes fussent suffisants pour établir le chef de la cité. Les hommes paraissent avoir cherché, pour suppléer à la naissance, un mode d’élection que les dieux n’eussent pas à désavouer. Les Athéniens, comme beaucoup de peuples grecs, n’en virent pas de meilleur que le tirage de sort. Pour eux le sort n’était pas le hasard; le sort était la révélation de la volonté divine.” He gives no illustrations of this except two passages from the *Laws of Plato*. Cf. p. 8 n. 1.

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common people cling to the lot, and it could have happened that far-sighted statesmen used this to help in carrying out their policy, but it will not explain why statesmen who certainly were not influenced by religious conservatism wished to extend the use of it, nor how it was that the state which used it could possibly exist and prosper. What evidence there is for the view is, I believe, entirely confined to passages which speak of the Archonship, and, as I shall show, the use of the lot for this was only a small and scarcely the most important part of its application.

Use of the lot at Athens cannot be explained by reference to religious beliefs.

The fact is that at Athens where the use of the lot was most common the evidence for its religious signification is smallest. This can be seen by the small number of references put forward by those who maintain this view. I believe the only passages which expressly refer to the lot as giving religious sanction to an appointment are two which occur in the *Laws of Plato*¹; and it will be sufficient to point out that the constitution of the ideal state which the philosopher is describing is essentially different from that of Athens, and that he is in the second of the two passages expressly showing how different is his ideal from the "equality" of a democracy. He is gravely reminding his readers of what the lot ought to be. Everyone will agree that the lot could be regarded as a religious institution, and that it had been such in old times, but nevertheless after the beginning of the fifth century it does not appear to have been so regarded at Athens.

This is shown even by the poets. In the *Tra-*

¹ Plato, *Leges* iii. 690^c; vi. 757^d.†

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gedians mention is often made of the lot; and occasionally in such words that we are reminded it had a religious origin. But this is only the case when it is mentioned in direct connection with the services of some temple¹. In no other cases is it spoken of as religious; and never do we find attaching to its use the awe and mystery which belongs to other more impressive means of divine utterance. Even in Æschylus it has none of the associations which belong to oracles and dreams. Still more is this true of Euripides. We find in the *Heracleidae* one striking instance of this "secularisation" of the lot. Macaria says she is willing to be made a sacrifice to Demeter, who has demanded the offering of a maiden. Iolaus demurs. He represents that it would be juster if she and her sisters drew lots, and selected the victim in this way. But Macaria will not hear of this; such a death would not please her.

*οὐκ ἂν θάνοιμι τῇ τύχῃ λαχοῦσ' ἐγώ·
χάρις γὰρ οὐ πρόσεστι².*

It would be wanting in the graciousness which belongs to a voluntary sacrifice. And Euripides does not think it necessary to put into the mouth of either of his characters the suggestion that to submit to the will of the goddess expressed in this way would be even more gracious than self-willed to force oneself upon her³.

This and similar passages do not go far: but

¹ Eur. *Ion*, 416. Æsch. *Eum.* 32.

² Eur. *Heracleidae* 547.

³ Mr Frazer in the *Golden Bough* gives an account of an old

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they are some evidence that the religious feeling connected with the lot was, even in a matter directly connected with the gods, extremely weak, and point to the fact, not that the political use of the lot was a religious ceremony, but that the constant use of it for secular purposes had almost completely destroyed the old religious associations.

So when Socrates freely expressed contempt for the lot, this was made the ground for a charge of political discontent, but it is never referred to as connected with the accusations of atheism. And the speeches of the orators afford stronger testimony to the same phenomenon. These clever men who are so ready to use every fallacy likely to be effective and appeal to every prejudice or commonplace likely to give them the appearance of right, never once, in the speeches which are preserved, allude to the lot as sacred; and this though the audience they were addressing was in nearly every case selected by the lot. The absence of such a reference is sometimes startling. There is a passage in Deinarchus where he makes a passionate appeal to the dicasts to condemn Philocles. "The people," he says, "have deprived this man of his office; they did not think it right or safe that he should longer have the care of their children, and

custom which used to prevail in many parts of Scotland; pieces of dough, one of which is blackened, are put into a hat; the inhabitants one after another take each one of the pieces blindfolded out of the hat. The one who draws the black piece is a victim. He is not now burnt, but part of the company make a show of putting him into the fire. Vol. ii. p. 255—6.