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**Autor:** Walbank, F.W.

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## The Achaean Assemblies again

By F. W. Walbank, Liverpool

The long-standing question of the assemblies of the Achaean Confederation has sprung up once more. In a lucid and plausible article<sup>1</sup> Dr A. Giovannini has proposed a new solution, which would save Polybius' reputation for clarity and consistency and make Achaean an orthodox democracy. The Achaean constitution, he suggests, operated without substantial changes from the mid-third century to 146 B.C. It provided for a college of magistrates, a council or *boule* chosen from among male citizens over 30 (which sifted the business and produced *probouleumata*), and an assembly or *ecclesia* open to all men of military age. There were four *synodoi* – regular meetings of the assembly at which magistrates and *boule* were also present – each year, and occasional meetings of the assembly summoned to take decisions on grave and urgent matters of foreign policy. These and any other special meetings (of whatever composition) were called *synkletoi*. But there was no such thing as an institution called 'the *synkletos*': '*la synklêtos, elle n'existe pas*'<sup>2</sup>.

If it can be substantiated, this solution would resolve many problems – for instance, what precisely Polybius means when he talks about the perfect Achaean democracy<sup>3</sup>. It has already won some support<sup>4</sup>, and is likely to win more. For a long time I was tempted to accept it, especially after some of my original difficulties had been resolved in the course of a friendly correspondence with its author. But, after much thought on the subject, I have eventually reached the conclusion that his theory leaves us with as many difficulties as it removes. I am therefore putting forward my reservations as a contribution to the discussion that his paper is bound to elicit. I must confess at the outset that I have no new solution of my own to offer. The explanation of Achaean institutions and their evolution given by Professor J. A. O. Larsen<sup>5</sup> still seems to me the most convincing – though I readily concede that no theory yet put forward solves every difficulty to everyone's satisfaction. That is perhaps too much to hope for in a field where constitu-

<sup>1</sup> *Polybe et les assemblées achéennes*, Mus. Helv. 26 (1969) 1–17.

<sup>2</sup> Op. cit. 7. 13.

<sup>3</sup> Polyb. 2, 38, 6 *δημοκρατίας ἀληθινῆς σύστημα καὶ προαίρεσιν*; see my *Commentary on Polybius*, ad loc. and the recent discussion in G. A. Lehmann, *Untersuchungen zur historischen Glaubwürdigkeit des Polybios* (1967) 377–89; D. Musti, *Annali della scuola normale superiore di Pisa: Lettere, storia e filosofia*, ser. 2, 32 (1967) 155–207; J. A. O. Larsen, *Greek Federal States* (1968) 232.

<sup>4</sup> Cf. G. Daux, BCH 93 (1969) 430.

<sup>5</sup> *Representative Government in Greek and Roman History* (1955) 75–102. 165–188; *Greek Federal States* 215–40.

tional procedure and organisation have to be deduced from recorded practice, and where from time to time the circumstances of the moment may well have led to actions which fell short of what was constitutionally correct. I shall have more to say on this point later<sup>6</sup>.

### 1.

I had better begin with what has always been a key passage in arguments about Achaean institutions. According to Polybius (29, 23, 8–25, 7) a *synodos* was in progress at Corinth in 168, when envoys arrived from Egypt to ask for military help – 1,000 foot and 200 cavalry under Lycortas and Polybius respectively – against Antiochus IV. The *πληθός* (23, 9) were for acceding to this request, but Callicrates eventually had the proposal thrown out (24, 5) by asserting – and apparently getting the point accepted – that according to the laws they had no authority to discuss the sending of help in an *agora*, ἐν ἀγορᾷ βουλευέσθαι περὶ βοηθείας. Some time later (μετὰ δέ τινα χρόνον) a *synkletos* was held at Sicyon, at which it so happened that not only the Council but all citizens over thirty years of age were present (24, 6)<sup>7</sup>. Speeches were made, and on the second day, when according to the laws those who wished had to bring forward motions (24, 10: ἐν ἧ κατὰ τοὺς νόμους ἔδει τὰ ψηφίσματα προσφέρειν τοὺς βουλομένους), Lycortas proposed sending help to Ptolemy; but his opponents managed to produce a courier with a letter from Q. Marcius Philippus and the proposal was rejected (25, 1–6).

This passage is of vital importance for the meaning of the words *synodos* and *synkletos*. As regards the *synodos* one can only welcome G.'s argument confirming that the word means 'meeting'<sup>8</sup>, as indeed Cary and Larsen have already insisted<sup>9</sup>. G. believes it to be a meeting of a primary assembly and takes Callicrates to be saying that the law forbade discussion of the proposal to send help to Ptolemy (βουλευέσθαι περὶ βοηθείας) at a session of the primary assembly (ἐν ἀγορᾷ) – or even a vote on the matter without a *probouleuma* from the Council<sup>10</sup>. Since he carried his point, no progress could now be made until the proposal had gone to Council; but this was not possible immediately (although the *boule* was present at Corinth) because Achaean assemblies could only deal with the question for which

<sup>6</sup> See below pp. 140–141.

<sup>7</sup> On the phrase 'it so happened that ...' (συνέβαινε ...) see below p. 135 and n. 37.

<sup>8</sup> Op. cit. 15; the word G. uses is «session», which I render as 'meeting', i.e. a meeting lasting several days (of which there were four each year). In English, the word 'session' is better reserved for each 'sitting' within the period of the meeting. Thus there may have been daily sessions, or morning and afternoon sessions – we do not know; for these G. uses the word «séance». To avoid confusion, it seems advisable to define these differences of English and French usage at the outset.

<sup>9</sup> M. Cary, JHS 59 (1939) 154–55; Larsen, *Rep. Gov.* 77ff.; cf. Giovannini, op. cit. 15 n. 86.

<sup>10</sup> Op. cit. 16 and n. 88.

they had been called together<sup>11</sup>. Hence the proposal would have to await the next *synodos* or a specially convoked meeting. Accordingly a *synkletos* was summoned to Sicyon, with an unusual composition: it consisted not only of the *boule* but of all citizens over thirty, i.e. it was a smaller body than the *synodos* that had met at Corinth (which G. believes to have included a primary assembly open to all men of military age)<sup>12</sup>.

## 2.

The first difficulty in this account lies in the notion that the *synodos* (*ex hypothesi* a primary assembly) could not discuss the sending of help and could not vote on it because it had no resolution on the subject from the Council. In fact, there is no evidence at all for the Council acting as a probouleutic body for the Achaean assembly in the second century. We may leave aside meetings of *synodoi*, since it is precisely their composition that is a subject of controversy, and clearly if Larsen is right in regarding them as meetings of the *boule* to talk of *probouleusis* is irrelevant. But Livy 32, 19–23, closely following Polybius, describes an assembly (usually taken to be a *synkletos*) specially called to Sicyon in 198 to discuss whether Achaea should abandon Philip for Rome, which is very relevant to the point at issue. At this meeting the first day was spent hearing envoys from Rome, Pergamum, Rhodes and Macedonia. On the second day, when the herald called for proposals<sup>13</sup>, there was silence, until eventually Aristaenus spoke, making it clear that he did so to prevent a disastrous failure to reach any decision at all. Throughout Livy's narrative it is clear that the whole issue, which was of vital importance to Achaea, had been left to the assembly without any kind of guidance or resolution from the Council. The same procedure appears to be followed at the meeting held at Sicyon in 168. But before discussing this, we must consider more closely G.'s view of this *synkletos*, which he believes to have been an unusual body with an *ad hoc* composition determined in advance at the *synodos* held at Corinth<sup>14</sup>. This *synkletos*, he argues (pp. 6–7), is unusual in consisting not only of the *boule* (the presence of which, he says, Polybius here regards as the normal element in

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<sup>11</sup> In support of this G. quotes (op. cit. 16 n. 89) Livy 31, 25, 9 *non licere legibus Achaeorum de aliis rebus referre, quam propter quas conuocati essent*. This was asserted by Cycliadas, the Achaean general, in autumn 200, to prevent discussion of Philip V's proposal to obtain Achaean garrisons for Oreus, Chalcis and Corinth; but the meeting at which Philip appeared was clearly a specially convened one to discuss war against Sparta, a *synkletos*, and one may not therefore take this passage as evidence that the agenda was fixed in advance and immutable for all Achaean meetings.

<sup>12</sup> Op. cit. 8–9.

<sup>13</sup> Livy 32, 20, 1 *cum per praeconem, sicut Graecis mos est, suadendi si quis uellet potestas a magistratibus facta esset*.

<sup>14</sup> Op. cit. 6. The text of Polybius does not in fact say that the decision to call the *synkletos* was taken at the *synodos*; it is equally possible that the decision to call it was taken by the magistrates later, under pressure from Lycortas' party (as Professor Larsen has suggested to me).

the situation) but also of all citizens over thirty: in short this is abnormal in being an expanded *boule*. One would in fact, he says, have expected a meeting of both the *boule* and the *ecclesia* (p. 16)<sup>15</sup>, and this substitution of a *synkletos* with an *ad hoc* constitution equivalent to an expanded *boule* obviously requires some explanation. G. quotes with approval a suggestion of Professor Chr. Habicht, that the men under thirty were dispensed with for military reasons. Now this explanation is not wholly cogent; for the only military emergency – it is the eve of Pydna – would be one arising from a Roman request for military aid, and this, having been proffered and rejected the previous year<sup>16</sup>, was unlikely to be wanted now. If it was required, and on any substantial scale, the men would on the other hand be as well assembled at Sicyon as scattered through the towns and countryside of Achaëa, and they could easily have brought their arms with them, if this was judged necessary.

In the course of correspondence following the publication of his article<sup>17</sup> G. has reported with approval a further suggestion by Professor Gschnitzer, to explain the supposed abnormality of the *synkletos* of 168. This is that certain matters were withdrawn from the sphere of the *synodos* (a meeting of the primary assembly) because of the publicity of its proceedings. Proposals involving issues of military importance (though not those affecting foreign policy in general) were discussed in the *boule* and the final decision alone was taken in the assembly. In the circumstances of 168, once the question of sending help to Ptolemy had been defined as falling within this category, the *boule* would have to meet to discuss it, and an assembly would have to be summoned to vote on it; and since the sending of help was not one of the topics for which a special meeting of the assembly might be called<sup>18</sup>, if the rules were followed, a final decision could not be reached until the next *synodos*. To avoid this delay, the *synodos* at Corinth authorised the special meeting of an expanded *boule* both to discuss and to take a decision on the issue. Now this hypothesis seems to me unlikely for several reasons. First, the notion of a category of military secrets and ‘classified material’ reserved for a body with restricted membership, though common enough today, looks somewhat anachronistic in a world in which the delicate question of whether to abandon Philip and join Rome could be debated at a full primary assembly of the Achaean confederation<sup>19</sup>. Secondly, it seems very odd if the Achaeans simultaneously had provisions

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<sup>15</sup> There is perhaps a slight inconsistency here; G. does not make it clear whether he regards the *synkletos* as abnormal in being something *more* than a *boule*, or in being something *less* than a combination of *boule* and *ecclesia*.

<sup>16</sup> Polyb. 29, 24, 2. In 169 Appius Cento had asked the Achaeans to send 500 men to Epirus (Polyb. 28, 13, 7), but since the arrival of two legions in Illyria the request would hardly be likely to be repeated.

<sup>17</sup> I should like to take this opportunity to thank Dr. Giovannini for his willingness to discuss these problems in a helpful correspondence following the publication of his article.

<sup>18</sup> Polyb. 22, 12, 6; see below pp. 133–134.

<sup>19</sup> See above p. 131.

to ensure the widest discussion of issues involving war but others to ensure the most restricted discussion of proposals involving the sending of military aid; indeed it appears *prima facie* more likely that in this case the trouble about the Ptolemaic request was that it could be held to involve war with Antiochus – a category of proposal for which, as we have just noted<sup>20</sup>, a special meeting of the assembly would normally have to be summoned. Thirdly, one cannot see why the Achaeans should tie themselves up with a complicated constitutional machinery which would inevitably produce the sort of difficulties postulated here, and then gaily cut the Gordian knot by calling a special meeting containing at any rate a substantial percentage of the electorate to discuss this supposedly ‘top secret’ issue; moreover, if G.’s assumptions are right, this appeal from Egypt can hardly have been an isolated instance. For these reasons G.’s revised explanation of this *synkletos* seems to me to be difficult to accept. It is however closely linked with his general theory about *synkletoi*; and to this we must now turn.

### 3.

As is well known, the word *synkletos* appears only twice in an Achaean context, here in 29, 24, 6 and in Syll. 675, a decree of Oropus from c. 154–149 honouring Hieron of Aegira for helping the Oropians on the occasion of their appeal to Achaea against Athens; the Oropians had first presented themselves *εἰς τὴν ἐν Κορίνθῳ σύνοδον*, and the Achaeans had resolved *συναγαγεῖν σύνκλητον ἐν Ἄργει περὶ τούτων*. The composition of the *synkletos* mentioned in this inscription is not defined. It has, however, been argued by Larsen<sup>21</sup> that the wording of Polyb. 29, 24, 6, describing the *synkletos* summoned in 168, implies that since this contained not only the *boule* but all men over thirty, logically there must have been *synkletoi* which contained the *boule* alone. This point seems cogent and I shall return to it later: but in any case it would seem to follow from the Oropus inscription that the term *synkletos* could be used without further definition<sup>22</sup> and that its meaning would be generally understood. And since we know of the frequent summoning of special meetings of the Achaean primary assembly, it is a likely, if not absolutely demonstrable, assumption that it was to such a special primary assembly that the name *synkletos* was normally given, and there is a *prima facie* case that this is the meaning in Syll. 675.

Polyb. 22, 12, 6, reveals the fact that in the early second century primary assemblies could only be summoned in certain circumstances. According to this passage, Achaean envoys at Rome in 185/4 defended their magistrates for having refused

<sup>20</sup> See above n. 18.

<sup>21</sup> *Rep. Gov.* 87–90; cf. *Greek Federal States* 224; Giovannini, *op. cit.* 7 n. 39.

<sup>22</sup> The fact that the inscription mentions first the *synodos* and then the *synkletos* as if they were both well-known Achaean institutions, is against assuming that *σύνκλητος* here simply means ‘some kind of undefined meeting’.

to call a special assembly for Caecilius Metellus because he could produce no written instructions from the Senate listing the matters it wished to be discussed; the Achaean laws, they said, forbade the summoning of an assembly (τοὺς πολλοὺς) except to pass a resolution involving alliance or war (περὶ συμμαχίας ἢ πολέμου)<sup>23</sup> unless someone was the bearer of a letter from the Senate. The reference is to an *ecclesia* as the next sentence makes clear; and the general context of the envoys' explanation suggests that they were speaking about summoning a special *ecclesia*. But their statement seems further to imply that this was the only situation in which *any ecclesia* could be summoned; whence it would follow – and, as we shall see, other evidence supports the view<sup>24</sup> – that the regular *synodoi* were not meetings of the *ecclesia*<sup>25</sup>.

The Achaean envoys, being anxious to protect the magistrate and to stress his inability to oblige Caecilius, however much he wished, expressed the rule in a negative form; and indeed there is no reason to doubt that it contained a list of grounds on which alone a special assembly might be convoked. But it is a reasonable assumption that the law was phrased in such a way as also to contain a positive injunction: not only was it forbidden to call a primary assembly except for the purposes mentioned (presumably as a protection against the vexatious summoning of superfluous meetings) but also, whenever any of these was on the agenda, an *ecclesia* must be called and it was *ultra vires* for the *synodos* to deal with them. This is, at any rate, implied by Callicrates' intervention<sup>26</sup>. No doubt the Oropian appeal, which might well have led to military action, would also fall into the category of issues *περὶ πολέμου*<sup>27</sup>.

G. argues that it is incorrect to speak of *the synkletos* to describe such specially convoked assemblies, and he points out that in both Polyb. 29, 24, 6 and Syll. 675 the word *σύνκλητος* is used without the definite article<sup>28</sup>. There were, he says, *synkletoi*; but 'the' *synkletos* did not exist. This is largely a matter of words rather than substance, for clearly if one is speaking of a kind of assembly that by its nature meets irregularly, then it is, as G. says, of *a synkletos* and not of *the synkletos* that one speaks. But more important is his argument<sup>29</sup> that 'contrary to the general opinion' the expression *synkletos* 'is used to describe assemblies of which neither the composition, nor the competence, is fixed by Achaean law'. Since in fact the word is used in relation to Achaea only in these two instances, and since

<sup>23</sup> Under 'war' was probably included not merely the formal issue of declaring war but any action, such as military intervention, which might involve Achaea in war. This at least seems a likely interpretation of the clause: but we must remember that the Achaean envoys probably retailed this part of the law in an abbreviated form and the actual clause will have been more detailed (see below p. 140).

<sup>24</sup> See below pp. 135ff.

<sup>25</sup> On this see Larsen, *Rep. Gov.* 90.

<sup>26</sup> For fuller discussion of the *synkletos* of 168 see below pp. 135ff.

<sup>27</sup> Cf. A. Aymard, *Les assemblées de la confédération achaienne* (1938) 218 n. 2.

<sup>28</sup> See above p. 129.

<sup>29</sup> *Op. cit.* 7.

we have no direct information about the composition of the *synkletos* mentioned in Syll. 675, clearly the substantiation of G.'s argument depends on his establishing the irregular character of the *synkletos* of 168.

## 4.

But is the *synkletos* of 168 an unusual and irregular body? In many ways it seems comparable to the other specially convoked meetings of the Achaean assembly<sup>30</sup>. Like that of 198<sup>31</sup>, its procedure shows no trace of *probouleusis*; it discusses the subject for which it was summoned, and nothing else, and, as we know from Livy 31, 25, 9<sup>32</sup>, the Achaean law restricted special assemblies in precisely this way; and it was governed by a definite procedure, which ensured that on the second day those who wished had to propose motions<sup>33</sup>. G., it is true, argues that this procedure applied not simply to *synkletoi*, but was a general rule, perhaps originally destined for the Council or for all Achaean meetings of whatever kind. But it seems unlikely that the Achaeans would have shackled themselves by imposing a rigid time-table equally applicable to special assemblies summoned to debate and decide on a single issue of importance and to routine sessions of the *synodos* at which (as the example of the one held at Megalopolis in 185 shows)<sup>34</sup> a vast number of separate issues, many no doubt of a formal nature, might well arise. The most natural interpretation of Polyb. 29, 24, 10 is that it describes a procedure specifically applicable to that sort of meeting.

Is this then an example of a specially summoned primary assembly? Let us consider Polybius' exact wording. 'It happened that not only the *boule* was present, but all the citizens over thirty years.' The phrase *συνέβαινε ... συμπορεύεσθαι* should not receive too much emphasis. Polybius frequently uses *συμβάλνει* with the infinitive virtually as a circumlocution for the simple verb<sup>35</sup>. On the other hand, its use here implies a certain possibility of alternatives; the phrase, for example, seems to rule out interpreting the passage to mean 'a *synkletos* was called in which *consequently* not only the *boule* but all men of over thirty were present'. In other words, it seems to leave open and indeed to require the possibility that there could have been *synkletoi* at which the *boule* alone was represented<sup>36</sup>. Never-

<sup>30</sup> See above pp. 133–134. G. has listed several such special meetings from both the third and second centuries (op. cit. 10); and for a full catalogue and discussion of Achaean meetings, regular and special, see Larsen, *Rep. Gov.* 165–88.

<sup>31</sup> See above p. 131.

<sup>32</sup> See above n. 11.

<sup>33</sup> Polyb. 29, 24, 10, quoted above p. 130.

<sup>34</sup> Polyb. 22, 7, 2–9, 14.

<sup>35</sup> See Schweighaeuser, *Lex. Polyb.* s.v. *συμβάλνειν*: «familiarissimus praesertim est pleonasticus quidam usus verbi *συμβάλνει*, *συνέβη*, sequente infinitivo verbi principalis, ut 1, 22, 3; 1, 32, 3; 3, 61, 5 etc.»; the imperfect is used as well as the present and aorist, cf. 5, 46, 12. Cf. Aymard, *Assemblées* 74.

<sup>36</sup> Cf. Larsen, *Rep. Gov.* 88; Giovannini, op. cit. 7 n. 39. See above p. 133.

theless, why should Polybius judge it necessary or appropriate to mention the fact that *this synkletos* included the men of over thirty as well? The easiest and most plausible answer is that he is contrasting it with the meeting that has just taken place, the *synodos* at Corinth, which will therefore have consisted of the *boule* alone. In this context Polybius' remark makes perfectly good sense. The *synodos* i.e. of the Council, Polybius is explaining, was adjudged incompetent to deal with the matter of aiding Ptolemy; so a special meeting was called to Sicyon, which in fact<sup>37</sup> included not only the Council (like the *synodos*) but all men of over thirty years (i.e. all citizens entitled to vote)<sup>38</sup>. However, before we can take this as firmly established, three points will need discussion: the meaning of *βουλευέσθαι*, the meaning of *ἀγορά*, and the age-limit of thirty for voting in the federal assembly.

## 5.

As we have seen<sup>39</sup>, G. argues that the phrase *οὐκ οὔσης ἐξουσίας κατὰ τοὺς νόμους ἐν ἀγορᾷ βουλευέσθαι περὶ βοήθειας* (Polyb. 29, 24, 5) means that a primary assembly (*ἀγορά*) was not allowed to discuss (*βουλευέσθαι*) the sending of help to Ptolemy, because this discussion was the prerogative of the Council. The primary assembly was empowered only to vote, yes or no; and accordingly G. believes the ensuing *synkletos* to be an extended Council authorised exceptionally to do both the discussing and the subsequent voting in place of meetings of the Council and of the assembly as envisaged by the constitution. 'The use of the terms *βουλευέσθαι* and *διαβούλια* is,' he says<sup>40</sup>, 'characteristic when describing the activity of the Council. There is no question of taking a decision or of voting at all.' The context in which G. makes this statement is his analysis of another passage in Polybius (22, 8, 4–6) in which an Achaean *synodos*<sup>41</sup> is discussing an offer from Eumenes of Pergamum to pay the Achaean *boule ἐπὶ ταῖς κοιναῖς συνόδοις*; the words *βουλευέσθαι* and *διαβούλια* are used to refer to the work of the *boule* in 8, 4 and 8, 6 respectively. Unfortunately, this argument does not take account of the fact that at 9, 1, still describing the proceedings of this same *synodos*, *εἰσῆχθη τὸ περὶ Πτολεμαίου διαβούλιον* and at 9, 14 the members of the *synodos* *περὶ τούτων βουλευσάμενοι διέλυσαν εἰς τὰς ἰδίαις ἕκαστοι πόλεις*. It could, I suppose, be argued that if indeed the *synodos* is a meeting of the *boule* both words have their proper sense in the two last passages. But the *synodos*, whatever its composition, certainly voted as well as discussed, and consequently it seems clear that *βουλευέσθαι* can perfectly well mean 'to discuss and decide on'. In that case the use of *βουλευέσθαι* in Polyb. 29, 24, 5 provides

<sup>37</sup> The phrase 'in fact' seems to me to give the force of *συνέβαινε* better than 'it happened that' or any such expression.

<sup>38</sup> The decision to call it was not necessarily taken at the *synodos*. See above n. 14.

<sup>39</sup> Above pp. 132–133.

<sup>40</sup> Op. cit. 16 n. 92.

<sup>41</sup> The word is used at Polyb. 22, 7, 2.

no support for the view that the issue involved in the reference of the Egyptian proposal to a *synkletos* was the absence of *probouleusis* and the impossibility of securing it at the *synodos*.

## 6.

Next, *ἀγορά*. G.<sup>42</sup> quotes Aymard<sup>43</sup> for the view that this word means a primary assembly. There is epigraphical evidence for this from Delphi, Larisa, Mopsion, Phalanna, and other places<sup>44</sup>. But it is not commonly used at all in prose to mean an assembly<sup>45</sup>, and it is certainly unsafe to assume that it *must* mean a primary assembly in Achaea or to Polybius writing about Achaea. If, as Larsen has argued<sup>46</sup>, the Achaean *synodos* included a primary assembly during the third century, but in the second century was merely a meeting of the Council, and if the Council was large<sup>47</sup>, there is no inherent reason why the term *ἀγορά*, used to describe *synodoi* at a time when these included primary assemblies, should not have continued to be used when they were meetings of the *boule* alone. In short, Callicrates may well be saying: 'The law forbids the sending of help to be discussed at a *synodos*', the word *ἀγορά* being used simply as a variant<sup>48</sup>.

This is probably the right explanation. But there is another possibility – I rate it no higher – that should perhaps be mentioned. According to Mauersberger<sup>49</sup>, the word *ἀγορά* is used only three times in all our extant text of Polybius in the sense of a 'political gathering'. Of these three passages one, 5, 8, 5, referring to the *ἀγοράς τε καὶ πανηγύρεις ἐπιφανειστάτας* at Thermum, can be excluded, for the meaning here is almost certainly 'markets' or 'fairs', as Schweighaeuser, Shuckburgh and Paton all take it, and not 'Versammlung', as Mauersberger says. This leaves only the present passage (28, 24, 5) and 28, 7, 3, in which the envoys sent by Attalus to Achaea arrive *εἰς τὴν πρώτην ἀγοράν*; the reference is to an Achaean

<sup>42</sup> Op. cit. 4 n. 31.

<sup>43</sup> *Assemblées* 77 n. 3.

<sup>44</sup> For the references see Aymard, loc. cit. (above n. 43).

<sup>45</sup> So Liddell-Scott-Jones s.v. *ἀγορά*; it is of course common enough in the sense of market-place or market.

<sup>46</sup> See above n. 5.

<sup>47</sup> On the size of the *boule* see Larsen, *Greek Federal States* 226. He concludes that the Council was large but that we have no evidence as to its exact numbers; attempts to calculate these from the 120 talents offered to pay the members in 168 by Eumenes break down because we do not know the number of days involved, nor the proposed rate of pay. Moreover, the numbers probably increased with the growth of the confederation, and it is possible (though again there is no evidence) that the Achaeans may have expanded the size of the *boule* when they made their *synodoi* meetings of that body alone.

<sup>48</sup> For the identity of *agora* and *synodos* see Lehmann, op. cit. (above n. 3) 378; Larsen, *Rep. Gov.* 183; and other works quoted by Giovannini, op. cit. 5 n. 33. (Some scholars, however, e.g. Aymard, *Assemblées* 74, go on to argue that the *synodos* must therefore be a primary assembly – which by no means follows.)

<sup>49</sup> *Polybios-Lexicon* s.v. *ἀγορά*.

meeting, and the word *ἀγορά* here has usually been treated as a synonym for *synodos*<sup>50</sup>, which is indeed quite a likely interpretation. G., however, has argued that the meaning here is 'session' («séance»), in the sense 'morning-session', 'afternoon-session', i.e. 'sitting'<sup>51</sup>. If this is so, can it perhaps mean the same in 29, 24, 5? If we assume (and it is no more than an assumption) that the word *ἀγορά* was used in Achaea without further qualification as a technical term for a session of the *synodos* (as on G.'s argument it is in 28, 7, 3)<sup>52</sup>, Callicrates may have been saying 'the laws forbid the sending of help to be discussed at a session (sc. of the *synodos*)'. However, I would not press this argument, and it would be definitely invalidated if G. were right in claiming<sup>53</sup> that Livy (32, 19, 13) has rendered an original Polybian *ἀγορά* by *contio* to describe the sitting of a specially convoked assembly i.e. a *syncretos*; for in that case *ἀγορά* cannot be a terminus technicus for a session of the *synodos*. However, Livy is notoriously inconsistent in his choice of Latin equivalents when translating Polybius<sup>54</sup>, and it would be unwise to base an argument on his vocabulary; so perhaps the above-mentioned hypothesis may stand. In either case we are left with the possibility that *ἀγορά* refers to a representative council, meeting in the *synodos*.

## 7.

The interpretation of Polyb. 29, 23–25, defended above implies that only citizens of over thirty were entitled to attend the primary assembly. This may seem *prima facie* strange, but that is no reason for rejecting our one piece of evidence on the

<sup>50</sup> Cf. Aymard, *Assemblées* 77 n. 1; Larsen, *Rep. Gov.* 183; and other authorities quoted by Giovannini, op. cit. 5 n. 36.

<sup>51</sup> Op. cit. 5 n. 36. Two arguments here adduced in favour of this equivalence are however invalid. The phrase *εἰς τὴν πρώτην ἀγοράν* in Polyb. 28, 7, 3 has often been compared to *ἐπὶ τὴν δευτέραν σύνοδον* in Polyb. 23, 16, 12. G. argues that whereas Polybius normally writes *εἰς τὴν σύνοδον*, the presence of *δευτέραν* in the latter passage causes him to use *ἐπὶ*, which he does not do in the former passage with *ἀγορά*, despite the numeral. But the use of *ἐπὶ* has nothing to do with the presence of *δευτέρα*: it is used quite naturally because Polybius says that the Achaeans assembled *εἰς Μεγάλην πόλιν* 'at Megalopolis'... 'for the second *synodos*', *ἐπὶ τὴν δευτέραν σύνοδον*. Secondly, G. argues that when referring to the *synodos* Polybius always specifies *τῶν Ἀχαιῶν*, whenever foreign ambassadors appear before it, whereas this is not so with *ἀγορά* in Polyb. 28, 7, 3. This seems to me an unreal distinction, for in the passage he quotes the subject is someone else, and so it is natural to specify 'the *synodos* of the Achaeans'. In 2, 50, 4 there is a contrast with the independent action of Megalopolis, and in 2, 54, 3 and 52, 13 Doso is the subject; in 5, 94, 1 the subject is Aratus, and there is a contrast with what has just been going on locally at Megalopolis. Moreover, in 28, 7, 3, although Polybius does not say 'to the *agora* of the Achaeans' the next phrase is *καὶ διαλεγόμενων τοῖς Ἀχαιοῖς*. Finally, since in Syll. 675 we have the phrase *εἰς τὴν ἐν Κορίνθῳ σύνοδον* without the words *τῶν Ἀχαιῶν*, it seems clear that there is no force in this argument.

<sup>52</sup> Compare the English usage by which 'sessions' can mean the periodical sittings of justices of the peace.

<sup>53</sup> Op. cit. 6 n. 36.

<sup>54</sup> Cf. Aymard, *Assemblées* 16 n. 2 (some of whose arguments are however fairly criticised by Giovannini, op. cit. 6 n. 36).

subject<sup>55</sup>. The very reason which led to the growing importance of the Council to the detriment of the assembly may have influenced the fixing of an age-limit of thirty, viz. the difficulties involved in attending central meetings for those living at a distance; and in addition a high age limit would encourage the conservative tone discernible in Achaean institutions. However, G. has raised several objections to this assumption and these must now be considered. In a passage contrasting Philopoemen's activity as hipparch with that of others Polybius remarks that they treat<sup>56</sup> the office as a step to the generalship and *ἐξεριθεύονται τοὺς νέους καὶ παρασκευάζουσιν εὔνοους συναγωνιστάς εἰς τὸ μέλλον* (10, 22, 9). G. discusses<sup>57</sup> the various attempts that have been made to reconcile this passage with a voting age of thirty; but the difficulty is unreal. *νέους* here means simply 'soldiers', as elsewhere in Polybius<sup>58</sup>; like the slightly commoner *νεανίσκοι*, it has no specific reference to extreme youth, any more than *iuvenes* in Latin. Polyb. 21, 3 b, 2 relates how the Achaeans send *νεανίσκους* to help Eumenes; but we know from the fuller text of Livy (37, 20, 2), based on Polybius, that these very men *ueterani omnes et periti belli sunt*. There seems no reason why *νέοι* should not be equally elastic.

In 217 the Achaean *ἐπίλεκτοι* mentioned along with mercenaries in Polyb. 5, 92, 10<sup>59</sup>, are missing shortly afterwards in Polyb. 5, 94, 1. It has been suggested that they had been sent on leave in view of the imminence of the federal *synodos* (which at this time involved a primary assembly)<sup>60</sup>, and this may well be so, even if not all or even a majority had the vote. But before using this passage as evidence that membership of the assembly was open to everyone who served in the army, we should remember that we do not know the composition of the *ἐπίλεκτοι*, that they may well have been sent on leave even though not all of them were entitled to vote, and finally that their absence may be due to other reasons quite unconnected with the holding of the *synodos*<sup>61</sup>.

<sup>55</sup> There is one other passage, Plut. *Philop.* 21, 1, where after the news of Philopoemen's death *οἱ δ' ἐν ἡλικίᾳ μετὰ τῶν προβούλων συνελθόντες εἰς Μεγάλην πόλιν ... ἐλόμενοι στρατηγὸν Λυκόρταν εἰς τὴν Μεσσηνίαν ἐνέβαλον*. Aymard, *Assemblées* 213 thinks that the procedure here was quite irregular, with the army acting virtually as a *syncretos* in a time of crisis (contra E. Ghinati, *Parola del Passato* 1960, 359 n. 39). D. Musti, *Annali ... di Pisa* 1967, 197 takes the passage as evidence that all men of military age could vote; but it is dangerous to rely over-much on the precise wording of Plutarch, who will have known little or nothing of Achaean procedure, and gives the impression of having compressed his source (Polybius). The *πρόβουλοι* will be members of the *boule* and, as Larsen argues (*Rep. Gov.* 178), it may well be they who elected Lycortas, not the whole army. This passage cannot be used as sound evidence for the view that all men of military age could vote in the Achaean *ecclesia*.

<sup>56</sup> The use of the present tense indicates that this criticism applies to hipparchs generally, including those of the time when Polybius is writing, and not merely to Philopoemen's predecessors.

<sup>57</sup> *Op. cit.* 9.      <sup>58</sup> Cf. 1, 88, 6; 5, 26, 8.

<sup>59</sup> Cf. 2, 65, 3; 4, 10, 2.

<sup>60</sup> See Aymard, *Assemblées* 88–95; Larsen, *Rep. Gov.* 169.

<sup>61</sup> It could, I suppose, be argued that all men of military age had the vote in 217, but that the age for voting was raised later to thirty; but this seems very implausible.

## 8.

G. also argues that there is no clear difference in competence between the specially convoked meetings of the *ecclesia* and *synodoi*<sup>62</sup>, which of course he believes to have been regular meetings of the *ecclesia* (along with the magistrates and council) right down to 146. Here, I think, we must be careful not to demand a greater degree of consistency than practical politics are likely to have produced, nor to press too hard evidence which is slender and meagre. For example, our knowledge of what subjects were reserved to the *synkletos* depends on a single passage (Polyb. 22, 12, 6)<sup>63</sup>, which does not permit us to reconstruct the precise terms in which the primary assembly's competence was defined, and is indeed more concerned with the clause covering the carrying of written instructions from the Senate, than with the original<sup>64</sup> provisions for matters concerning alliance or war. We do not know, either, what machinery existed for calling a *synkletos*, whether it was done by the *synodos* or by the magistrates<sup>65</sup>, or by either, nor how much notice had to be given, nor whether *synkletoi* could be called to coincide with *synodoi*<sup>66</sup>. We can however be certain that there must have been many occasions, like the *synodos* of 168, when there was a difference of opinion, genuine or politically motivated, as to whether a particular issue fell within the competence of the *synodos* or of a *synkletos*<sup>67</sup>; and on the other hand the confederation can hardly have put itself in the absurd position of having to summon a special meeting of the primary assembly every time a treaty had to be renewed, a matter which must often have been a mere formality or an act of courtesy<sup>68</sup>. In fact, the lack of seriousness with which much business of this kind was approached can be seen from the passage<sup>69</sup> in which Polybius describes how neither Philopoemen nor Lycortas, when challenged, could say *which* treaty with Ptolemy V had been renewed. Presumably then it will normally have been only the making of *new* alliances or the renewal of an old alliance which presented controversial features, that would be referred to a *synkletos*<sup>70</sup>. With these general points in mind we may now turn

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<sup>62</sup> Op. cit. 10–13.

<sup>63</sup> See above p. 133–134.

<sup>64</sup> For the hypothesis that originally only matters of alliance and war were reserved for a *synkletos* see Larsen, *Rep. Gov.* 89–90; the clause requiring one to be called if anyone brought a written message from the Senate will be a later addition. It may, however, have taken the place of some original clause related to the king of Macedon, for we hear of Philip V summoning a special meeting of the Achaean assembly in 218 (Polyb. 5, 1, 6–7), and the same procedure is mentioned in Polyb. 4, 85, 3.

<sup>65</sup> See above n. 14 for the possibility that in 168 the *synkletos* was called by the magistrates.

<sup>66</sup> That they could seems suggested by the events of 146; see below p. 142.

<sup>67</sup> Cf. Lehmann, op. cit. (above n. 3) 302 n. 332.

<sup>68</sup> See Lehmann, op. cit. 234 n. 184; Larsen, *Rep. Gov.* 90–1; Giovannini, op. cit. 13 n. 73, on the dangers of the abuse of the clause on the summoning of special assemblies.

<sup>69</sup> Polyb. 22, 9, 5–12.

<sup>70</sup> This seems a perfectly reasonable distinction, despite the objections of Aymard, *Assemblées* 215 n. 1; it is clear that difficulties would arise in putting it into practice.

to the cases raised by G. to support his view that there is no differentiation between the competence of the *synodos* and that of the specially convoked *ecclesia*.

First he draws attention to three *synodoi*<sup>71</sup> of 220 which vote military aid to Messenia, confirm this aid and vote to admit Messenia to the Hellenic symmarchy, and ratify the war-decision against Aetolia, respectively; all this, he rightly observes, is business such as we find dealt with on other occasions by the *synkletos*. But this fact (as indeed G. recognises)<sup>72</sup> is hardly significant if Aymard and Larsen are right in arguing that in 220 either the *synkletos* was not yet a regular part of the Achaean constitutional machinery or its duties were not yet properly defined<sup>73</sup>. Nor is there any difficulty in the renewal of an alliance<sup>74</sup> with Seleucus IV and the proposed renewal of an alliance with Ptolemy V (which fell through on technical grounds)<sup>75</sup> at a *synodos* held at Megalopolis in 185; as renewals of existing relations both will have fallen within the competence of the *synodos* where they were in fact discussed. Slightly more difficult is the *synodos* of 154/3 at which, as G. points out<sup>76</sup>, a decision was taken to remain neutral in the conflict between Rhodes and the Cretans; the situation seems precisely similar to that of 168, when the appeal for help came from Egypt, but on this occasion Callicrates gained his way against the majority, who favoured helping Rhodes, and the question of the competence of the *synodos* was never raised. Aymard and Lehmann<sup>77</sup> assume that the *synodos* here acted slightly *ultra vires*; but it is equally possible that such appeals for help were precisely the sort of issue which might or might not be regarded as likely to involve the risk of war, and so left the competence of the *synodos* to be accepted or challenged in each particular case, no doubt often on opportunist grounds (as by Callicrates in 168). Without a more detailed knowledge of the rules governing the reference of items to a *synkletos* we cannot hope to be more precise. In the case of Rhodes and Crete the decision taken was to observe neutrality i. e. to do nothing; but had the pro-Rhodian party wished to press their case, it may well be that we should have heard of reference to a *synkletos*. Similarly as regards the admission or re-admission of states into the confederacy: we find the settlement with Messenia after Philopoemen's death made at a *synodos*<sup>78</sup>, whereas the readmission of Sparta to the confederacy shortly afterwards was decided at a *synkletos*<sup>79</sup>.

G.'s last example comes from 146, when at a large meeting held in Corinth the decision was taken to declare war on Sparta – an action which clearly should have

<sup>71</sup> Polyb. 4, 7, 1–5; 4, 15, 1–4; 4, 26, 7.

<sup>72</sup> Op. cit. 12 n. 68.

<sup>73</sup> Aymard, *Assemblées* 220ff. and 416; Larsen, *Rep. Gov.* 178–179.

<sup>74</sup> It is in fact *φιλία*, not an alliance: Polyb. 22, 9, 13.

<sup>75</sup> See above n. 68.

<sup>76</sup> Op. cit. 12 n. 69; the reference is Polyb. 33, 16, 1–8.

<sup>77</sup> Aymard, *Assemblées* 219; Lehmann, op. cit. 302 n. 332.

<sup>78</sup> Polyb. 23, 16, 12.

<sup>79</sup> Polyb. 23, 17, 5; see Larsen, *Rep. Gov.* 178–179.

fallen within the scope of a *synkletos*<sup>80</sup>. Yet, he rightly points out, this looks like the *synodos* referred to by Critolaus as due to be held in six months, when Sex. Julius interviewed him at Tegea in the autumn of 147<sup>81</sup>; for Critolaus would hardly have called a *synkletos* before then, after his curt reply to the Romans. Larsen<sup>82</sup> surmounts the difficulties of this passage with the hypothesis that Critolaus, foreseeing the likelihood of the issue of war with Sparta, had taken the precaution to call a *synkletos* to coincide with the *synodos*, thus obviating delay. If that is so (and it is a plausible theory) we have what looks like a somewhat irregular situation and in effect a reversion to the procedure of the third century. But we must remember that at this time the confederacy had fallen into the hands of extreme democrats, who may well have been prepared to circumvent (or even to ignore) normal constitutional procedure so as to gain access to popular support. That they had such support at Corinth is clear from Polybius' reference to the *πλήθος ἐργαστηριακῶν καὶ βαναύσων ἀνθρώπων*<sup>83</sup>.

## 9.

It appears then that G.'s arguments against a distinction in competence between the *synodos* and specially convoked meetings of the *ecclesia* are not very compelling, and that the flouting of the rules is not greater than can be accounted for by the ambiguity of some situations and our own lack of knowledge of the precise definition of the terms under which the *synkletoi* operated. Against the view that the *synodos* was a meeting of the Council during the second century G. points<sup>84</sup> to Polybius' use of such expressions as *οἱ πολλοί*, *τὸ πλήθος*, *οἱ Ἀχαιοί*, and even *ἔδοξε τοῖς Ἀχαιοῖς*, to describe the body meeting and its decisions; they are, he says, only really correct if the assembly to which they refer is a reunion of all active citizens. But – to revert to a point already made in discussing the use of the word *ἀγορά* (above p. 137) – if the numbers attending the *ecclesia* had been dropping prior to the postulated reform of the *synodos*, with the result that the new *synodoi* (containing only the Council) were not substantially different from the old *synodoi* (consisting of a depleted *ecclesia*, which may often have contained very few others than the Council members)<sup>85</sup>, then surely the continued use of such phrases as G. quotes in relation to the body which had now become for most purposes the voice of the confederacy, is very natural. It is moreover not irrelevant to note that the phrase *ἔδοξε τοῖς Ἀχαιοῖς* is used by Polybius<sup>86</sup> to describe the decision of the *synkletos* called to discuss the sending of help to Egypt in 168;

<sup>80</sup> Polyb. 38, 12–13.

<sup>81</sup> Polyb. 38, 11, 5; cf. Aymard, *Assemblées* 120ff.

<sup>82</sup> *Rep. Gov.* 187–188.

<sup>83</sup> Polyb. 38, 12, 5.

<sup>84</sup> *Op. cit.* 8 n. 44–48.

<sup>85</sup> On the size of the *boule* see above n. 47.

<sup>86</sup> Polyb. 29, 25, 6.

on the hypothesis that this was a meeting of the assembly there is obviously no difficulty. But G. believes it to be an *ad hoc* special meeting of the Council and only a limited selection of the Achaean electorate: on his own premises the phrase would therefore be improperly used.

## 10.

To sum up, the explanation of the Achaean assemblies proposed by G. makes the following questionable assumptions:

a) that the only *synkletos* mentioned in the extant parts of Polybius is an *ad hoc* body convoked for special reasons;

b) that the composition of this supposedly unusual meeting is to be explained as an attempt to cope with difficulties arising out of the normal procedures laid down by the laws of the confederation, including the use of *probouleusis* (which is not attested for the second century and in fact seems excluded by the account of what actually occurred at the special assembly of 198);

c) that having evolved an elaborate procedure to safeguard supposed military secrets, in the one case known to us the confederation throws the whole of the rules overboard, and allows the matter to be debated at a special assembly open to all citizens over thirty;

d) that the procedure mentioned as governing the *synkletos* held at Sicyon in 168 is in fact the general procedure applying to the *boule* and perhaps all Achaean assemblies, despite its manifest unsuitability for these;

e) that discussion on sending military help was kept from the assembly and restricted to the *boule*, whereas discussions on alliance and war were reserved for the widest possible debate in the assembly<sup>87</sup>.

Taken together, the difficulties raised by these assumptions seem to weight the scale heavily against this new hypothesis, and it seems simpler to accept Larsen's view that from 200 (and perhaps from 217) onward the Achaean *synodos* comprised the magistrates and *boule* alone; that all routine matters including elections were managed by this body and that issues of alliance and war (probably defined in greater detail than we possess) and (after 198) the reception of Romans bearing written communications from the Senate were assigned to a special meeting of the *ecclesia*, called a *synkletos*, which consisted of all male citizens over thirty, with the *boule* and magistrates in attendance, and was empowered to decide the matter after full debate and without any probouleutic resolution from the *boule*. To the present writer this still seems the most satisfactory solution to this ancient problem.

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<sup>87</sup> Note that even if the *synodos* is *ex hypothesi* a primary assembly (as G. believes), the purpose of calling a special primary assembly could only be to give warning of the important issue to be debated and so to ensure the fullest publicity and a larger attendance.