Popular Participation in the Comitia Centuriata of the Late Republic

Elisa Scipioni

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Abstract

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After conferring with your project mentor, briefly describe your overall project as follows: 1) discuss the problem(s)/issues(s) you plan to pursue/investigate and state your objective(s); 2) set forth the question(s) you will attempt to answer and/or hypotheses you plan to test; 3) tentatively explain your plan to answer the questions and/or test the hypotheses by describing your methods. This abstract should be brief, but complete so that anyone who reads it will know what you plan to do. The abstract should fit on this page and be returned with a completed Form 1.

We intend to study the relationship between the formal structure of the government and the actual participation of the citizenry in the late Roman Republic. To this end we shall study the major secondary authors and evaluate their interpretation of selected primary sources.

[Signature]
R. A. Gerbings
Popular Participation in the *Comitia Centuriata* of the Late Republic.

By

ELISA SCIPIONI

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I Intro

Although traditional interpretations of Late Roman Republican politics and society have upheld the political predominance of an “iron law of the oligarchy” in Roman political life, recent historical analysis reevaluates the degree of popular participation. One of the basis on which the doctrine of oligarchy relied besides the power of the Senate, was the exclusively oligarchical character traditionally attributed to the Comitia Centuriata i.e. the assembly of centuries, that denied political participation to the urban plebes in this assembly. This is particularly stressed in the analysis of the election process for the higher offices of consuls and praetors that took place in the Comitia Centuriata. In those elections nobles and homines novi were said to be those who maneuvered the elections. Scholars, such as Taylor, who support this conclusion, imply that there was no space for political participation in the structure of the Comitia Centuriata. On the other hand, new interpretations, such as Yakobson’s, rely on the centurial structure as evidence to prove the existence of political participation in the centurial assembly and to deny the exclusively oligarchic character of the Late Roman Republic.

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3 R. Syme, The Roman Revolution (1952), 15; L. R. Taylor, Roman Voting Assemblies (1966), 87; M.I. Finley, Politics in the Ancient World (1983), 90-91; C. Roebuck, The World Ancient Times (1965), 490. Roebuck believes “kingdoms, provinces, statutes, laws, courts, was and peace, in short all things human and divine, were in the hands of a few.” Finley’s more radical vision also denies the political participation attributed by Taylor to the two main assemblies i.e. Comitia Centuriata and Comitia Tributa.

4 Taylor, op. cit. (n. 3), 87. Referring specifically to the Comitia Centuriata, she states “…to the end of the Republic the choice of consuls and praetors was far more under the control of the aristocrats than was the election of lower officers”.
1.1 Argument

In this paper I, along with Yakobson, shall argue that the very structure of the Comitia Centuriata of the Late Republic provides evidence for a substantial degree of popular participation within this assembly. Although the nobles and homines novi seemed to control the political arena assuring the election of their candidates, three facts in the structure of the Centuriata suggest a very different view: first, the large number of voters in the composition of the first class, second, the upper strata’s minority of centuriae within the total number required to reach the majority, and third, the unlikeness of a homogeneous vote of the upper strata.

Therefore, in view of such conditions, it is necessary to propose the following questions: was the first class really composed only of aristocratic and wealthy people? What was the real composition of the first class? How did the order of voting affect the outcome of the election? Could the upper strata reach a majority before lower-strata was called to vote? Did the upper strata always vote unanimously? And overall, did the evidence of a popular participation in the Comitia Centuriata of the Late Republic prove a certain degree of democracy within the Roman system? In other words, did the reform of 241 BC which changed the Comitia Centuriata’s structure really lead εἰς τὸ δημοτικ isize="50%" width="50%" /ετερον, to a greater democracy as Dionysius of Halicarnassus had suggested?

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6 For upper strata or upper classes, I mean the portion of the society who possessed either aristocratic lineage or economic wealth. Specifically, this class was composed of nobles and homines novi.
1.2 Sources

Late Republican narrative sources are particularly fruitful for our investigation because the authors were direct protagonists and were involved in the political arena of their times. In order to extract sound information from their texts, it is important to consider the historic and political, as well as the social context pertaining to the writing of these authors. As Millar points out in his interpretation of the principal authorities (Livy, Dionysius of Halicarnassus and Cicero) on the Comitia Centuriata's structure, "all three of these analyses of the Comitia Centuriata are themselves also expressions of Roman antiquarianism."8 By antiquarianism, he means the common practice among the Roman authors of referring to the past without clear distinction between past and present. This mingling often makes it difficult for modern readers to put the information they provide in its proper historical context. For example, in the description of the structure of the Comitia Centuriata, Cicero used the phrase tum quidem to refer to the time of Servius Tullius9

1.3 Definition of Popular Participation

I shall define popular participation in the following two denotations: one, as a direct sharing of the citizenry in the decision making process and policy, largely expressed by voting. Second, an indirect sharing in electoral process by the urban plebes, since their need to be persuaded affected the "campaign style" of the candidates before voting.

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8 F. Millar, The Crowd in Rome in the Late Republic (1998), 200; see also op. cit. (n. 7), 45.
1.4 **Time Limits:**

We shall limit our analysis of the political activities to a period which extends from 78 BC, the end of Sulla's dictatorship, to the 49, when Caesar crossed the Rubicon. This particular period presents intense political activity, allowing a greater participation of all of the social strata because of the vacuum created by the absence of a dictator and the resultant rivalry, which characterized the individuals within the leading class.

II **Functions and Social Composition of the Comitia Centuriata**

2.1 **The exercise of power by the upper strata in the Comitia Centuriata**

The *Comitia Centuriata* had great influence in Roman policy making because the assembly's main functions were the election of magistrates, passing of laws, declaration of war, and judicial power at the highest court of appeal. In the late Republic, the only normal and regular function of the assembly was the election of the senior magistrates, consuls and praetors, the state's holders of *imperium*.

As reported by Livy, the *Comitia Centuriata* was presided over by two consuls, who acted as commanders-in-chief, since this entity was in theory a military organ. There were also two praetors; they were legal officers, and they could convene the *comitia* in lieu of the consuls. However, it was the responsibility of the Senate to provide the names of the candidates for both consulship and praetorship. Once the presiding magistrates had consulted the Senate, elections were held.

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URL:<http://www.ku.edu/history/index/europe/ancient_rome/E/Roman/Texts/secondary/SMIGRA*/Comitia.html>

11 Millar op. cit. (n. 8), 18

12 L. Schmitz, op. cit. (n. 10), n.p.
2.2 Division and membership in the comitia

In the Late Republic, the division and the membership, in the Comitia Centuriata reflected the reform made in 241 BC. The membership of each citizen in one of the 193 voting units called centuriae was determined primarily on class affiliation followed by age. The voters were divided in five classes according to property. Traditional interpretations assume that the first class was formed by citizens with the highest income and descended the scale as the income lowered. Within the centuriae there was a division between iuniores and seniores. The iuniores were the citizens from age 17 to age 45 and seniores from 45 to 60. The citizens were also divided into tribus, which indicates a division of the citizenry based on locality, instead of clan or a familial group. There were two types of tribes: rural and urban, which divided the voters between residents of Rome and those who were not. The reform made in 241 BC combined the Tribal system with the Centurial system. The classes became subdivisions of the tribes, and the centuries were common within both.

2.3 Composition of the first class

It has been previously assumed that people with the highest incomes were assigned to the first class, while people of lower income were in the lower classes. Millar does not accept the sharp division of lower and higher income within the classes. Instead, he argues that the first class also included people of lower income levels. Since the first class was the traditional backbone of the hoplite army, there was a significant presence of citizens of the plebes within this very class. In addition, in the second century there was a registration in the rural tribes of freedmen, who were slaves freed by a legal process called manumission. The registration permitted those freedmen to register
in the two first classes. The presence of ex-hoplite plebeian soldiers and freedmen within the first class shows a larger political participation of the plebes in an election.\textsuperscript{14}

During the middle of the second century, the property qualification, which was required to become a member of the first class, changed from asses to sesterces. While some scholars believe that the change was from 100,000 asses to 40,000-50,000 sesterces, Yakobson argues that the 100,000 asses were just converted into sesterces.\textsuperscript{15} Hence, the rate-census changed from 100,000 asses to 25,000 sesterces. In this way, the rate-census seems to decrease. However, since the change was effected at a rate of four asses to one \textit{sestertius}, the real value of the census-rating was not affected.\textsuperscript{16} The income requirement to be in the first class was thus 25,000 sesterces. From these numbers, we can infer that the first class was open to a large number of people of the lower strata. Thus, Yakobson suggests that the “first class was a pyramid, in which the greater mass would be concentrated at the bottom not at the top,”\textsuperscript{17} meaning that the lower value of the property permitted a larger number of plebeians into the first class.

\textsuperscript{13} Yakobson op. cit. (n. 7), 45.  
\textsuperscript{14} Taylor, op. cit. (n. 3), 98.  
\textsuperscript{15} Taylor, op. cit. (n. 3), 149 based on Livy 1.43.  
\textsuperscript{16} The real value of money could be determined either by its purchasing power or its gold or silver’s equivalence. \textit{Microsoft Encarta Encyclopedia 2000}; the nominal value of money is determined independently of the equivalency of the money to any financial criteria such as purchase, gold, silver. Yakobson, op. cit. (n. 7), 44, n. 63. One \textit{sestertius} was equivalent to four asses, <http://www.roman-britain.org/coinage.htm>; L. Schmitz, op. cit. (n. 10), n.p; Livy I. 43; Dionysius IV.16, VII. 59.  
\textsuperscript{17} Ykobson, op. cit. (n. 7), 44.
III Order of Voting

3.3 Importance of lower-strata participation in the electoral process and in the election of senior candidates for the consulship or praetorship

3.3.1 Evidence based on the structure

The reform made in 241 BC changed the order of voting in the Comitia Centuriata. After the reform, the centuries of equites, which initially totaled 18, were reduced to 12 and were incorporated into the centuries of the first class. In the first class, the number of centuries of the iuniores as well as the one of seniores was reduced from the 40 centuries to 35 centuries. Both one senior and one junior centuriae were then selected from each of the 35 voting tribes.

One century, the centuria praerogativa, had the right over the other centuries to first vote. The centuria prerogativa was chosen by lot among the centuries of iuniores, within the first class.\footnote{Taylor op. cit. (n. 3), 94. In Taylor op.cit. (n.3), 92, she suggests that the praerogativa be chosen by lot within the juniores because of they had played a significant role in the 24 years of first Punic War. Thus they may have expressed resentment toward the aristocratic older equites which exercise a great influence in the assemblies. proverbial expression sexagenarios de pontes deicere “to hurl the sixty years-olds from the bridge!” Since pontes were the place to vote, the phrase has been interpreted as a request for depriving seniores of their vote. Moreover, the names of the centuriae chosen by the lot refer always to juniones centuriae. Cic. R.P. 4.2.} The centuria prerogativa stood as a single vote which was independent of the other classes. Once the centuria praerogativa had voted, the result of the vote was announced to the other centuries, so that it highly influenced the voting behavior of the other centuriae. The praerogativa was important because the voting ended once a candidate received a majority of the votes. The following table explains the changes made by the reform.\footnote{Taylor op. cit. (n. 3), 94. In Taylor op.cit. (n.3), 92, she suggests that the praerogativa be chosen by lot within the juniores because of they had played a significant role in the 24 years of first Punic War. Thus they may have expressed resentment toward the aristocratic older equites which exercise a great influence in the assemblies. proverbial expression sexagenarios de pontes deicere “to hurl the sixty years-olds from the bridge!” Since pontes were the place to vote, the phrase has been interpreted as a request for depriving seniores of their vote. Moreover, the names of the centuriae chosen by the lot refer always to juniones centuriae. Cic. R.P. 4.2.}
### Comitia Centuriata organization

<table>
<thead>
<tr>
<th></th>
<th>“Sevian” Assembly</th>
<th>No.of votes/centuries</th>
<th>“Reformed” Assembly</th>
<th>No.of votes/centuries</th>
</tr>
</thead>
<tbody>
<tr>
<td>Equites equo publico</td>
<td>18</td>
<td></td>
<td>Centuria praerogativa</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(Chosen from juniores of the first class)</td>
<td></td>
</tr>
<tr>
<td>Pedites</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>I class</td>
<td>80</td>
<td></td>
<td>First Class</td>
<td>82</td>
</tr>
<tr>
<td>II class</td>
<td>20</td>
<td></td>
<td>(34 iun. + 35 sen. + 12 equites + 1 artisan)</td>
<td></td>
</tr>
<tr>
<td>III class</td>
<td>20</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>IV class</td>
<td>20</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>V class</td>
<td>30</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unarmed centuries</td>
<td>5</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL votes/centuries</td>
<td>193</td>
<td></td>
<td>TOTAL votes/centuries</td>
<td>193</td>
</tr>
</tbody>
</table>

The fact that one of the 83 centuries within the first class was allowed to vote first left the remaining 82 centuries within the first class, to vote in bloc. Only when the 82 centuries had completed their voting, would the results be announced to the other centuries. Six centuries, called *sex suffragia*, then had the right to vote ahead of the second class. The *sex suffragia* were not part of the second class but stood as a distinct voting entity. The result of that vote was then announced, as explained for the centuriae praerogativa and the first class. The second class was then called to vote. We do not know the number of the centuries which comprised the second class. If the election’s results showed a clear majority the election was closed, disenfranchising class three through five. Recapitulating, the voting order started from the *centuria praerogativa*, progressed to first class, followed by the *sex suffragia* and conclude in either the second class, or if necessary calling the other lower classes.

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19 The table as been designed after the one provided on Taylor op. cit. 84.
Before the reform of 241 BC, the total number of the upper-strata centuries was 98 both the 18 centuriae of equites plus the 80 of the first class. The 98 centuries guaranteed that the upper strata could reach a majority without calling the second class to vote. After the reform of 241 BC, the votes of the centuria praerogativa, the first class, and the sex suffragia totaled 82, while the total count of centuries amounted to 193 votes. This means that the upper strata did not have enough centuries to reach the majority. At this point, the votes of the second class become necessary to the upper strata to reach the majority.

We do not know the number of centuries the second class and we cannot be sure that even the second class voting was sufficient to reach a majority. The total number of the centuries (votes) for the four remaining classes was 100, but the percentage spread among the second through the fifth classes remains unknown. Consequently, we cannot calculate if the voting total for the first and second classes would constitute a majority with any degree of certainty.

Despite the lack of evidence, Taylor states that by the time the voting process reached the second class, there were sufficient votes to guarantee a majority to one candidate or another.\(^{21}\) To Taylor rapidly reaching a majority proves that the votes from the lower strata were rarely required. Yakobson opposes this view, arguing instead that the reform of 241 BC expanded the possibility for the lower strata to vote (thus affecting the results and the candidate’s selection).\(^{22}\) After the reform, the equites and first class did not represent a majority any longer. They possessed a total of 89 votes out of 193 centuries, with one vote from the centuriae praerogativa, 82 from the first class, and six from the

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\(^{20}\) Taylor, op. cit. (n. 3), 85.
\(^{21}\) Taylor, op. cit. (n. 3), 84.
sex suffragia.\textsuperscript{23} Since the majority could have not been reached with the votes of the centuries of the centuria praerogativa, the first and the sex suffragia and the number of the centuries of the second class is unknown, the vote must have been extended to the lower classes.\textsuperscript{24}

3.3.2 	extit{Evidence based on the sources}

Taylor bases her conviction on her interpretation of Cicero,\textsuperscript{25} who stated that the majority of votes might have been reached with the voting of the second class. On the other hand, Yakobson re-interprets the same excerpt as evidence that the voting continues after the second class in a random succession of classes. Both interpretations appear valid, but the context in which the passage was written gives more credit to Yakobson’s reading:

Behold, the day of the comitia for the election of Dolabella arrives the prerogative century draws its lot. He is quiet. The vote is declared; he is still silent. The first class is called. Its vote is declared. Then, as is the usual course, the votes are announced. Then the second class. And all this is done faster than I have told it. When the business is over, that excellent augur (you would say he must be Caius Laelius) says,—"We adjourn it to another day." Oh the monstrous impudence of such a proceeding!\textsuperscript{26}

The passage refers to the election of 44 BC. Cicero complain that the augur, probably Caius Laelium, had quickly adjourned the election to alio die even if everything was

\textsuperscript{22} Yakobson, op. cit. (n. 5), 45.
\textsuperscript{23} Taylor, op. cit. (n. 3), 88.
\textsuperscript{24} Taylor, op. cit. (n. 3), 88.

accomplished (*omnia sunt...facta*) faster than it took Cicero to mention the anecdote (*quae omnia sunt citius facta quam dixi*). The puzzling part of the text is the omission of any reference to the voting of the remaining classes. Taylor considers this omission as confirmation of her idea that the majority was reached within the upper strata, just after the vote of the second class. On the other hand, Yakobson brings the excerpt as evidence that “the descending order of voting was not preserved in the lower strata of the assembly.”

To Yakobson, Cicero did not mention the voting of the other classes because, after the reform, the order of voting from the third class through the fifth was established by lot.

Other sources, such as the *Roman Antiquities* of Dionysius of Halicarnassus confirm such a view. Yakobson calls it to support the idea that after the voting of the second class, the descending order was replaced by a random order established by lot. Dionysius of Halicarnassus reports that the voting proceeded

\[
\text{Not by abolishing the centuries, but by no longer observing the strict ancient manner of calling them.}
\]

The “ancient strictness” (*archaiak akribieian*) refers to the accounting process created by Servius Tullius which adopted a descending order. Dionysius’s assertion that the old order was modified reconciles Cicero’s omission of the voting of the rest of the classes with the effectiveness of the reform.

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27 Yakobson, op. cit. (n. 7), 47.
28 A. Yakobson, op. cit. (n. 7), 47
IV  Differing voting behaviors in the upper strata

4.1.  The praerogativa vote and the other classes

Taylor does not believe in the existence of a split in the vote of the upper strata. She believes instead that the conclusive voting of centuria praerogativa affected all the system, and states that the voting of the centuria praerogativa was a sufficient indicator of the outcome of the election, similar to the an indication of heavenly will. Cicero confirms the crucial influence of the praerogativa's vote, declaring that the candidate that would have been first in the praerogativa would "certainly" have become consul:

*Una centuria praerogativa tantum habet auctoritatis ut nemo umquam prior eam tullerit quin remuntiatus sit aut eis ipsis comitiis consul aut certe in illum annum.*

Yakobson finds a direct correlation in the text to Servius Tullius because of the demonstrative pronoun *illum*, which accompanies *annum*, refers to an action that happened in the past.

Also, Yakobson noted that the election was also unpredictable for the praetors. The centuria praerogativa had to choose among eight candidates. Hence, the centuria praerogativa accounted for one candidate out of eight. The vote within the centuria praerogativa could have been split. Moreover, an unanimous vote of the remaining 82 centuries seems to be highly improbable, having eight different candidates coming mainly from the upper strata.

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30 Yakobson, op. cit. (n. 5.), 49; A. Yakobson op. cit. (n. 7), 47.
31 M. T. Cicero, *Orationes: Pro Tullio, Pro Fonteio, Pro Sulla, Pro Archia, Pro Plancio, Pro Scauro* (ed. Albert Clark): *Pro Cn. Plancio Oratio*, 49. URL: <http://perseus.csad.ox.ac.uk/cgi-bin/pgettext?lookup=Cic.+Planc.+49>. "Is it not the case that the one prerogative century carries such weight with it that no one has ever gained the vote of that, but what he has been declared consul either at that very comitia, or at all events consul for the year?"
Thus the *centuria praerogativa*’s election was not a conclusive guarantee of the victory in consular and praetorian elections, since the voting split in the upper strata could have also been more decisive.

4.2 *Voting division in the upper strata, as evidenced in the sources.*

In reality, a “closing of the ranks” that is, calling an end to the election because a majority had been reached, in the election for the *Comitia Centuriata* was rare if not exceptional. As Asconius wrote,

Cicero has been elected consul with the consensus of all the upper strata: Antonius defeated Catiline by a few centuries.

The rarity of a unanimous vote for the upper strata can be proved by the fact that Cicero was proud of the 63 election outcome in which he was elected *omnium consensu* with the voting of all the centuries. This consensus would have represented the sum of the vote of the first and the second classes and would have been sufficient to reach the majority. Asconius contrasts this result with the outcomes of the elections between Catiline and Antonius, where the latter received only a few centuries more than his adversary:

“*Antonius pauculis centuriis Catilinam superavit.*” Taylor claims that “the voting was continued apparently to the end,” but the split in the centuriae is clear from this passage, defeating the assumption of unity of voting behavior.

Another example of the voting split recurs with the election of L. Turius in 65 BC.

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32 Yakobson, op. cit. (n. 7), 46.
34 Yakobson, op. cit. (n. 7), 46; Ascon. 94 C.
35 Ascon. 94 C. “Only a few centuries more than Catiline”; Taylor op cit (n 3)98;155; Yakobson op. cit. (n. 7), 46.
Even though he was a practical person (*parvo ingenio sed multo labore*) who always achieved the desired results (*quoque modo poterat*), Turius lost the election (*defuerunt*) because lacked the support of few centuries (*ei paucae centuriae*). The election of Turius confirms again that the vote had not been unanimous within the centuries of the upper strata. Since the ranks were closed once the majority was reached, Turius’s election would have required the other classes to vote. The result would be a higher popular participation, since the lower classes were called to the vote. Therefore, Cicero’s unanimous consensus was rare in the political arena of the Late Republic, requiring no ulterior support. This strengthens Yakobson’s conclusions that the upper classes did not vote unanimously and the voting split pushed the vote down to lower classes.37

4.3 *Competition as a cause of the voting split in the upper strata*

Since the ruling class was self-contained, the competition among the ruling classes should have been intense.38 As Finley argues, also those who had a “family head start” and could count on a “constant background,” found obstacles in the struggle for the leadership.39 Most candidates had “family prestige and connections, great wealth, the readiness to use (them) for political advancement, personal popularity, and sometimes political support, personal political *amicitia*, ties of *gratia* of various kinds, including patronage.”40

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36 M. T. Cicero, *M. Tulli Ciceronis Brutus*, 237. “L Turius often said to have little talent but such great industry, that in some way he was capable. Few centuries were lacking to him for the consulship.” URL:<http://www.thelatinlibrary.com/cic.brut.html#237>
37 Yakobson, op. cit. (n. 7), 46
38 Yakobson, op. cit. (n. 7), 45. “The elections were fiercely competitive contests within the ruling class.”
39 Finley, op. cit. (n. 3), 64.
40 Yakobson, op. cit. (n. 5), 49.
Even though some individuals within the nobility reached the official appointments due to their family name, it was difficult for them to keep an office within the family lineage, especially the positions of consul and praetor. For instance, Ascanius explains the observation Cicero made in reference to the consul Scaurus in 115, to express a trend common to Cicero’s time:

Possit aliquis quaerere cur hoc dixerit Cicero, cum Scaurus patricius fuerit: quae generis claritas etiam inertes homines ad summos honores provexit. Verum Scaurus ita fuit patricius ut tribus supra eum aetatibus iacuerit domus eius fortuna. Nam neque pater neque avus neque etiam proavus - ut puto, propter tenues opes et nullam vitae industriam - honores adepti sunt. Itaque Scauro aeque ac novo homini laborandum fuit.41

Although Scaurus was a patrician, he did not benefit from his status in his political career because he belonged to a family of limited estate (tribus super eum aetatibus iacuerit domus eius fortuna). Indeed, neither his father nor his ancestors had assumed any offices (honores adepti sunt) because of their limited resources and their idleness (propter tenues opes et nullam vitae industriam). The fact that Scaurus had to struggle to complete his career, and that he was an homo novus (aeque ac novo homini laborandum fuit) demonstrate in Cicero’s eyes that the family name was not enough to succeed. Industry and wealth were essential to gaining favors by the electorate. Moreover, the ambitious young nobles would have thought it inconceivable to ruin their reputation. As Tatum

41 Q. P. Asconius, Q. Asconii Pediani Commentarii II. Pro M. Scauro, 23
URL: <http://www.thelatinlibrary.com/asconius.html>. “One might ask why Cicero said this [that Scaurus example led him to believe that he might attain to a brilliant career, though he lacked high birth, by dint of hard work and determination], since Scaurus was a patrician. The splendor [claritas] of that Class has brought even the laziest men to high office. But Scaurus, though patrician, belonged to a family whose fortunes had been low for three generations. For neither his father nor his grandfather nor even his great grandfather had held office - I suspected this was due to their slender resources and their complete lack of industry. Consequently, Scaurus had to struggle just like a new man.” Trans. in W. J. Tatum, The Patrician Tribune: Publius Clodius Pulcher (1999), 37.
declares, "every election placed the candidate’s reputation at risk- hence, ubiquitous expression contentio dignitatis,"\textsuperscript{42} which would have created high level of competition.

Industry and wealth were also the engine for the homines novi, who could not use aristocratic origins but possessed enough resources to carry on their political campaigns. Competition between nobiles and homines novi was added to the split within the class of nobles created by the common background and equal aspiration for power.

The electorate of the Comitia Centuria was split among the different candidates. It has also been noted that after Sulla’s reform of 80 BC, consuls and praetors resided in Rome for the first part of their office, instead of in the provinces as it was previously required. This attracted a large number of political competitors to Rome, and gave the candidates the opportunity to practice their ambitio, “going around” the forum to conduct their campaigns.\textsuperscript{43}

The pressure of the competition, the fear of ruining one’s reputation, personal interests, and political ambitions were the causes for a deeper split among the centuries of the upper class. The split would have hampered the accomplishment of a voting majority, requiring the participation of the lower classes to vote.\textsuperscript{44}

\textbf{4.4. The rising of a new social group within the Comitia Centuria}

In 241 BC, the praerogativa was shifted from the centuries of the equites to centuries of first class, chosen by lot. While Roebuck interprets the shift as placing the election of the higher magistrates in the hands of the upper classes and blocking the rise of “new men”, Taylor suggests that the wealthy iuniores of the first class were the transforming

\textsuperscript{42} Tatum, op. cit. (n. 41) 36-37.
\textsuperscript{43} Millar, op. cit. (n. 8), 19.
\textsuperscript{44} Yakobson, op. cit. (n. 7), 46. What was bringing the voting down to the lower classes was the deeper split if the whole centuria not of the single voters.
elements of the change. Although Taylor detected the existence of the *homines novi* in the first class, she believes that the reforms did not affected the management of the *Comitia Centuriata*, by the aristocracy. In fact, the *iuniores* were serving in “the cavalry and outnumbered the eighteen hundred men enlisted men, known as *equites equo publico*.” The latter was mostly senators and the older knights since, as Cicero states, senators were not forced to return their public horses after the Gracchian law.

According to Taylor, the *iuniores* had played a significant role in the 24 years of the First Punic War, and may have expressed resentment toward the aristocratic older *equites*, who exercised a great influence in the assemblies.

V Uncertainty and unpredictability of the election

5.1 The *conficere tribum* (carrying the tribes)

The split in the voting behavior of the upper class provoked a sense of uncertainty and unpredictability, which was tangible in the election of praetors and consuls. This was accentuated in the Late Republic with the election of consuls and praetors as the only regular function of this assembly.

To consolidate a majority within the centuries and to attain the *conficere tribum*, the candidate often sought coalitions among the tribes, (perhaps including his own), organized along the traditional fellowships that existed between them. However, support was not always assured along these lines, “for all these things are only acts of mutual

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45 Taylor, op. cit. (n. 3), 91-92; Cic. R. P. 4.2; Roebuck op. cit. (n.3), 490-491.
46 See n.5.
47 Taylor, op. cit. (n. 3), 91.
48 Taylor, op. cit. (n. 3), 92; Cic. R.P. 4.2.
49 Millar, op. cit. (n. 8), 17
50 See II, 2.1.
51 Cic Planc. 45; Yakobson, op. cit. (n. 5), 50. “Conficere necessariis suis suam tribum possint” “to canvass them on behalf of their friends.”
kindness and politeness and are sanctioned by ancient customs and precedent.\[52\]. In his statement, Cicero says: "Favonius meam tribum tulit honestius quam suam, Luccei perditit"\[53\] that Favonius was able to carry Cicero’s own tribe better than his own. However, Favonius lost Lucceius’s tribe. An example that better clarifies the relationship among tribes is provided again by Cicero:

Ob hasce omnes res sciasne te severissimorum hominin Sabinorum, fortissimorum virorum Marsorum et Paelignorum, tribulium tuorum, iudicio notatum, nec post Romam conditam praeter te tribulem quemquam tribum Sergiam perdidisse.\[54\]

Cicero taunts Vatinius alleging that for the election of aediles,\[55\] held in 58 BC, he lost not only the votes of his own tribe, the tribus Sergia, but also those of the tribes traditionally associated with it, such as the Sabines, Marsians, and Paelignians.

In order to solicit support of the tribes during their campaigns, candidates also needed to persuade the members of the lower classes in case they could not gain the full support of the upper classes’ members. Roe this purpose, candidates employed curatores, special officers who managed the property shared by the tribes. The curatores were assisted by divisores who delivered gifts from the candidates to assure the votes of individual members of the tribe.\[56\] Several judicial cases for bribery prove that gifts were bestowed to the lower strata in order to gain their vote. Since the candidates put forth a

\[52\] Cic. Planc. 45. URL: http://perseus.csad.ox.ac.uk/cgi-bin/ptext?lookup=Cic.+Planc.+44 "haec enim plena sunt offici, plena observantiae, plena etiam antiquitatis. isto in genere et fuimus ipsi."


"Favonius carried my tribe with even more credit than his own, but lost that of Lucceius"

\[54\] M.T. Cicero, Pro Sestio, In Vatinium. 1958. Trans. R. Gradner Cambridge: the Loeb Classical Library Vat. XV. 36. "For all these offenses do you know that the Sabines, most austere of people, the Marsians and Paelignians, most heroic of men, your fellow-tribesmen, branded you as dishonored, and that, since the foundation of Rome you are the first member of the Sergian tribe who has lost his tribal vote?" p. 291.

\[55\] Aediles was a step in the cursus honorum that even though was not required for the access to upper offices was felt in any case as very important.

\[56\] Tatum op. cit. (n. 48), 24.
great effort to persuade and influence the lower strata to vote for them, we are led to think that the votes of the plebes affected the outcome of the election. We can also infer that they were called to vote more often than previously thought.

5.2 The Secret Ballot

The electoral process increased popular participation and unpredictability of the election results after the secret vote was introduced by the Marian law in 119 BC.\textsuperscript{57} Previously the candidates could verify the allegiance of electorate by overseeing the actual voting; this, however, was no longer possible after the adoption of the Marian law. Cicero also criticizes this law because it further curtails the aristocracy’s control of the votes. He proposes the replacement of the secret ballot with a non-secret written vote in order to guarantee the freedom to the people.\textsuperscript{58}

The secret ballot can be seen as an added guarantee of validity and independence from the aristocratic manipulation of the voting process. It increases the influence of the lower classes in the electoral process and guarantees their right to an independent casting of the vote. Therefore, the candidates had to persuade both the upper strata and lower strata in order to guarantee their support.

VI Conclusion

Contrary to traditional interpretation of the Roman late Republic, the structure of Comitia Centuria allowed the Roman plebes to participate in the election of consuls and praetors. The vertical structure did not significantly affect the outcome of the election for the post of consul and praetor. Furthermore, even if the “praerogativa” was interpreted by the Romans to be an omen from the gods, an thus affecting the vote of the upper

\textsuperscript{57} Cic. Leg. 3.33/39. The introduction of the secret ballot was made by the Marian Law in 119.

\textsuperscript{58} Cic. Leg. 3.39.
strata, it still did not ultimately guarantee the electoral results because a majority could not be reached without the support of the lower strata.

In addition, the voting of the upper strata was divided by internal competition, which rose not only among the nobiles themselves, but also between nobiles and homines novi. Thus, to be elected, the candidates had to rely on their personal industry and wealth. Only by the use of the “ambitio” could the candidates attain the vote required and gain the supports of the tribes (conficere tribum) necessary to achieve the majority within his centuries. Membership in a tribe and its affiliates also did not guarantee the electoral support required to win the election. Due to the aforementioned reasons, a division of the allegiances and associated votes would have hampered the winning of the election by the upper classes, requiring the participation of the plebes to achieve a majority. Since the elections were uncertain and unpredictable, a candidate would have to assure the support of the lower strata before the election. The direct political participation of the lower strata was guaranteed by the nature of the voting structure, and this in turn caused candidates to change the contests of their campaigns by more persuasive arguments to attract the lower strata. Roman plebes also gained the privilege of secret ballots, thus assuring the freedom of choice of candidates.

We can therefore conclude that within the Late Roman Republic no evidence suggests that the Comitia Centuriata was elitist or oligarchic. This assembly was traditionally thought of as a symbol of the “iron law of oligarchy”, but it proved itself different because the Comitia Centuriata needed substantial popular support. The evidence presented allows for the detection of a more equally distributed representative process, showing them to have had a great deal of participation in the composition of the
governing body. The changes occurred in 241 to the Centuriata's structure led eis to δημοτικωτερον,\(^{59}\) by increased representation and direct electoral participation, as Dionysius of Halicarnassus had suggested.

\(^{59}\) Dion. Hal. IV, 21.
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