

PETITIO ET LARGITIO: POPULAR PARTICIPATION IN THE CENTURIATE ASSEMBLY OF THE LATE REPUBLIC

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It seems to be generally accepted that electoral bribery, together with various other forms of munificence aimed at securing electoral advantage, was widespread in the late Republic.¹ The sources repeatedly describe how the magistracies of the Republic were sought and won by providing feasts, entertainment, and often money, to the urban plebs. At the same time, the centuriate assembly, which elected the higher magistrates, is generally thought to have been dominated by the rich. The urban plebs, according to the prevailing view, was 'practically disfranchised' in this assembly.²

Why then did the candidates consider the urban plebs worth bribing? How can we account for the money and energy spent, and the dangers incurred, by the candidates for higher office in Rome in pursuit of the support of the urban plebs, if this support did not seriously affect the outcome of the elections? If the votes of the common people were worth as little as is usually supposed, then those members of the Roman ruling class who courted them with money, 'bread and circuses', spending huge sums and sometimes risking criminal prosecution, appear to have made a remarkably poor bargain.

In this paper I shall argue that the scope and character of electoral bribery, and of the various *largitiones* connected with elections to which our sources bear witness in the late Republic, are incompatible with the prevailing views on the extent of popular participation in the centuriate assembly. The electoral power of the urban plebs must have been considerably greater than is often supposed.

The notion that the centuriate assembly was dominated by the rich is based on two assumptions: first, that those registered in the first property-class were wealthy people; and secondly, that the centuries of *equites* and of the first class, which are known to have comprised almost half of the voting units, voted as a rule together and would consequently exercise a decisive influence on the outcome of a vote. I intend to question both these assumptions.

According to the sources, King Servius Tullius set up the centuriate assembly with the express intention of minimizing the voting rights of the poor. Modern perceptions of the centuriate assembly are inevitably influenced by these accounts of the 'Servian system', for they are the only detailed ones that we have for the structure of the assembly. But how far these accounts reflect later (especially late republican) realities may well be questioned.

The sources dealing with electoral bribery and electioneering in general are mostly well known and often quoted; whether they point in the direction suggested here is a matter of interpretation. A Roman politician could have many reasons, personal as well as political, to

¹ I wish to thank Dr Hannah Cotton for her generous assistance throughout my work on this paper, and Professors F. Millar and I. Shatzman for their illuminating comments on earlier versions of it. I would also like to thank the Editorial Committee for their helpful comments and criticisms. This paper is part of a programme of research on elections and canvassing in the late Republic. Some of the conclusions are tentative; all of them, especially those which are mistaken, are my sole responsibility.

² T. P. Wiseman, *New Men in the Roman Senate* (1971), 125. This is an emphatic statement of a widely-shared opinion. E. Gruen, *The Last Generation of the Roman Republic* (1974), 122: 'Ballots of the urban plebs carried little weight in the *comitia centuriata*'; L. R. Taylor, *Party Politics in the Age of Caesar* (1949), 57: 'In these elections the city populace was never the decisive factor'; A. Lintott, 'Electoral bribery in the Roman Republic', *JRS* 80 (1990), 11: 'the *comitia centuriata* . . . [was] dominated by the votes of the wealthy'; P. Veyne, *Le pain et le cirque* (1976), 425: 'cette poignée de riches électeurs . . . qui contrôlait les comices'; P. A. Brunt, *The*

Fall of the Roman Republic (1988), 429: 'The votes of the poor . . . counted for almost nothing in the centuriate assembly'; cf. P. A. Brunt, 'The Roman mob', *Past and Present* 35 (1966), 6: 'the class of wealthy landlords . . . controlled the centuriate assembly'. P. J. J. Vanderbroeck, *Popular Leadership and Collective Behaviour in the Late Roman Republic* (1987), 163, holds that the votes of 'artisans and shopkeepers' (i.e. not just those of the destitute) 'hardly counted in the centuriate assembly'. C. Nicolet, *Le métier de citoyen dans la Rome républicaine* (1976), 419, calls this assembly 'oligarchic'. M. I. Finley, *Politics in the Ancient World* (1983), 86; 91, describes the centuriate assembly as fully dominated by the 'élite' (i.e. the centuries of *equites* and of the first property-class); M. Beard and M. Crawford, *Rome in the Late Republic* (1985), 51, call this 'an extreme statement of the orthodox position' on the subject. Elections in the centuriate assembly are often said to have been decided largely by the votes of propertied men or 'local aristocracies' from the Italian municipalities, see below n. 39 and text.

practise and display generosity; not all of them had to do with elections. When a *largitio* was clearly made for electoral purposes, it might still be unclear who was meant to benefit from it, and whose vote was meant to be influenced. In examining the various *largitiones*, I shall in every case try to establish whether their purpose was actually to buy votes, and, as far as possible, whose votes were to be bought.

The precise legal definition of what constitutes electoral bribery was a moot point in the Roman Republic, as it is in every society which practises contested elections. We need not address this problem here. In trying to assess the political significance of electoral bribery I shall use this term in the widest possible sense, covering any kind of *largitio* which was thought to improve a candidate's chances of winning. The vote, as Brunt has remarked, was a marketable commodity.³ A clearer picture of how the laws of supply and demand operated in this market may help us to understand the nature of the Roman political system better. It may also provide part of the explanation for this system's eventual failure and collapse. The electoral market benefits only those who have access to it. Unlike the city populace, the greater part of the rural plebs in the late Republic could not participate in the voting and did not enjoy the benefits which their voting power brought to those living in the city and around it.⁴ These outsiders had virtually no stake in the system and no interest in its preservation.

I. MASS BRIBERY IN AN 'OLIGARCHIC' ASSEMBLY?

The difficulty of reconciling the evidence on electoral bribery with the prevailing views on the composition of the electorate in the centuriate assembly has not passed unnoticed. In his recent article on 'electoral bribery in the Roman Republic', Lintott finds it

at first sight puzzling [that bribery] is chiefly to be seen in elections for the higher magistracies, which took place in the *comitia centuriata*, an assembly dominated by the votes of the wealthy. Unless the candidates made a gigantic outlay, bribery would only benefit significantly the poorer members of the assembly [whose votes] counted for comparatively little. The richer voters on the other hand . . . would be less likely to change their allegiance for the immediate small benefit of a bribe.

Lintott proposes to solve the difficulty in the following way:

However, if the effect of bribery in a tribe, *collegium*, *pagus*, or *vicus* was, through helping the poor, to advance the standing of certain local *principes* in this social group *vis-à-vis* the other members, then the candidate could achieve two things at once — favour among the *tenues* and a close connection with the local men who were their local patrons.⁵

Thus, the candidate's main purpose in bribing the poor was not, according to Lintott, to win *their* votes, but rather to win the gratitude of their wealthy patrons, who would subsequently vote for the candidate. Such a strategy of electoral bribery, while not inconceivable in Roman conditions, is not, to my knowledge, attested in the sources. It seems clear from the context, and from his references to *collegia*, *pagi*, and *vici*, that Lintott has in mind the advice given Cicero in the *Commentariolum Petitionis* attributed to his brother Quintus:

Then, reckon up the whole city: all the *collegia*, the suburbs, the environs (*pagi*, *vicinitates*); if you strike a friendship with the leading men (*principes*) from among their number, you will easily, through them, secure the remaining masses (*per eos reliquam multitudinem facile tenebis*). (*Com.Pet.* 30)

³ P. A. Brunt, *The Fall of the Roman Republic* (1988), 127.

⁴ Those living far away could not come to vote, and the number of small farmers in the area around Rome declined. This, and the sheer magnitude of the city and its population, must have made the typical 'Roman mob' in the late Republic mainly urban in its composition, and this is assumed throughout this paper. However, the electoral

power of the rural plebs did not disappear altogether; see, e.g., Sall., *Iug.* 73.6 — a strong indication of the influence which both the urban and the rural plebs could exercise on the outcome of consular elections. Moreover, the very boundary between city and country was blurred, Dion.Hal. iv.13.4. Some voting power must have been in the hands of the 'suburban plebs'.

⁵ Lintott, *op. cit.* (n. 2), 11.

The 'multitude' was clearly supposed to vote for Cicero. The *principes*, not unlike modern political 'fixers', were expected to bring Cicero the votes of the masses; he is urged to cultivate his ties with the *principes* for the sake of the masses' votes, not the other way round. It cannot be inferred from this passage that the *principes* comprised the whole, or the main part, of the electorate at consular elections.

Lintott translates 'reliqua multitudo' as 'the mass of remaining members'.⁶ The word 'members' denotes something restricted and formalized; [Quintus] seems to be speaking simply of the masses of inhabitants in the various neighbourhoods of the city (cf. Suet., *Div. Aug.* 30). Taylor and Wiseman note that the canvassing of the urban plebs receives comparatively little attention in the *Commentariolum Petitionis*, presumably because the urban plebs was of little value at consular elections.⁷ A passage in the *Com.Pet.* seems to point in a different direction:

You have already won over those city masses (*urbanam illam multitudinem*) and the favour of those who hold mass gatherings (*contiones tenent*) by advancing Pompey, by undertaking the case of Manilius and defending Cornelius; now we have to mobilize the support which nobody has ever possessed without the good graces of the highest personages. (*Com.Pet.* 51)

Similarly Cicero writes during his campaign for the consulship expressing concern about the attitude of the nobility to his candidacy, and confidence as for the rest (*Cic., Att.* 1.1; 1.2). If the 'urban multitude' is considered to be already favourable to Cicero's candidacy, there is less need to elaborate on how it should be canvassed; even so, canvassing the urban plebs cannot be dispensed with. Cicero is said to be popular with the masses, and is obviously expected to benefit from this popularity at the polls; all this has apparently nothing to do with the patronage system.

The theory that the poor were bribed in order to ingratiate the candidate with their rich patrons can hardly provide an exhaustive explanation of the various ways in which the poor were wooed and bribed by the candidates. The *largitiones* were not always channelled through tribes, *collegia*, etc., where they could strengthen the ties of patronage; they were sometimes distributed *vulgo* or *passim*.⁸ Nor should we necessarily imagine, whenever we are told that people were bribed *tributum*, some 'local patrons' lurking behind the scenes. It is by no means certain that Roman elections were dominated by the patronage system to such an extent;⁹ indeed, the very fact that electoral corruption was so rampant in the late Republic can be seen as proving that the traditional patronage system was in crisis and did not control large sections of the electorate.¹⁰ Lintott himself accepts, to a large extent, the arguments of those who caution against overestimating the significance of patron-client relations in republican politics, and particularly in the electoral process.¹¹ The prevalence of bribery in the centuriate assembly cannot then be explained chiefly in terms of patron-client relations. On the assumption that the centuriate assembly was 'dominated by the votes of the wealthy', the evidence on *ambitus* remains puzzling.

The inherent contradiction between 'vulgar' electoral bribery and an electoral assembly dominated by the rich is also pointed out by Nicolet, who concludes that the entire picture of electoral bribery brought out in the sources should be taken *cum grano salis*. The historical sources at our disposal, he argues, are largely a chronicle of gossip and scandal, with a suspicious predominance of sensational incidents; we lack the statistics which would show us how frequent electoral corruption really was; the electoral system itself imposed limits on malpractice. Since the centuriate assembly was dominated by the equestrian centuries and the first property class, 'il est peu probable que ces privilégiés aient eu tant d'intérêt à se laisser corrompre . . . L'assemblée centuriate, à coup sûr oligarchique et conservatrice, était de ce fait même moins sensible à la pure corruption'.¹²

⁶ *ibid.*, 10.

⁷ Taylor, *op. cit.* (n. 2), 58; Wiseman, *op. cit.* (n. 2), 132.

⁸ e.g. *Com. Pet.* 44; *Cic., Mur.* 67, 72-3.

⁹ See Brunt, *op. cit.* (n. 3), ch. 8; F. Millar, 'The political character of the classical Roman Republic', *JRS* 74 (1984), 17.

¹⁰ See A. Wallace-Hadrill (ed.), *Patronage in Ancient Society* (1989), 71; J. Linderski, 'Buying the vote: electoral corruption in the late Republic', *Ancient World* 11 (1985), *passim*.

¹¹ *op. cit.* (n. 2), 14.

¹² Nicolet, *op. cit.* (n. 2), 418-19. Cf. Veyne, *op. cit.* (n. 2), 3.

It is, of course, not electoral corruption as such that seems out of place in an 'oligarchic assembly', but that people should sell their vote for a loaf of bread or a place at the circus. But in fact the sources tell us much more about electoral bribery than about how the centuriate assembly actually worked. Perhaps the argument should be turned on its head: if massive electoral bribery is hard to account for in an 'oligarchic assembly', should we not conclude that the assembly was less oligarchic than is often thought, rather than doubt the testimony of the sources? The evidence that we have on the subject of bribery is far from being always 'scandalous', as I hope to show. The repeated, and hence evidently unsuccessful attempts made in the late Republic to suppress electoral bribery by ever more severe and comprehensive penal legislation show that the matter was taken quite seriously by contemporaries.¹³ In fact, Nicolet himself notes that the very multiplication of laws against bribery in this period shows that bribery was more and more frequent and difficult to prevent.¹⁴ Nor was it always a question of 'pure corruption'. Certain forms of 'generosity' that could improve the chances of a candidate in the centuriate assembly were considered quite legitimate by Roman standards; these were often, as we shall see, no less 'democratic', i.e. directed at the masses, than overt bribery that could be the subject of biased accounts, gossip, and scandal. The evidence on electoral bribery cannot be dismissed, nor should its significance be minimized.

Whether it would be worth a candidate's while to bribe the disfranchised is rightly doubted by Aigner.¹⁵ He argues that electoral bribery could not have been aimed at the *proletarii*, since it would make no sense to invest so heavily in buying the vote of just one century, which would almost never get to vote. The argument is quite convincing, as far as it goes, but it does not go very far. The lower property-classes of the centuriate assembly had many more centuries, and some of those registered in them, especially members of the fifth class, may not have been significantly richer than the *proletarii*.¹⁶ It seems more than probable that the *proletarii*, too, benefited from the *largitiones* — especially those such as games and feasts — that were aimed primarily at the humbler sort of the *assidui*. The votes of the city populace in general, if not those of the *proletarii* specifically, were certainly courted by the candidates, and must have been worth courting.

II. LARGITIONES AND ELECTIONS

Cicero's speech *Pro Murena*, a successful defence of L. Murena, consul-elect for 62 B.C., against the charge of *ambitus*, is one of the principal sources dealing with electoral bribery and electioneering in the late Republic. It may be worth while to examine it in some detail. Cicero's case is based, *inter alia*, on an attempt to demonstrate that his client *did not have to* resort to bribery: he had won wide support among the people by legitimate and honourable means, such as distinguished military service and good conduct in office.¹⁷ One reason for Murena's popularity, according to Cicero, was the lavish games he had given as praetor (65 B.C.). On the electoral importance of games Cicero has this to say to Servius Sulpicius, Murena's disappointed competitor and prosecutor:

Do not despise so completely the splendour of the games and the magnificence of the spectacles that he [Murena] gave. These helped him considerably. For why should I speak of the great delight the people and the ignorant crowd (*vulgus imperitorum*) take in games? It is not to be wondered at. And yet this is enough for our case; elections are a question of numbers and a crowd (*quamquam huic causae id satis est: sunt enim populi ac multitudinis comitia*). So if the splendour of games pleases the people, it is no wonder that this helped L. Murena with the people. But if we ourselves (*nosmet ipsi*), who are kept from the common entertainment by business, and who can find many other pleasures in the work itself, if we nevertheless are delighted by games and attracted to them, why should you be surprised at the ignorant crowd (*multitudo indocta*)? (Cic., *Mur.* 38–9)¹⁸

¹³ For a list of sources on the laws and *senatus consulta* against *ambitus*, see Brunt, *op. cit.* (n. 3), 425, n. 115. For a survey of the matter, see also Linderski, *op. cit.* (n. 10), 92–3.

¹⁴ *op. cit.* (n. 2), 402.

¹⁵ 'Gab es im republikanischen Rom Wahlbestechung für Proletarier?', *Gymnasium* 85 (1978), 228–38.

¹⁶ See P. A. Brunt, *Italian Manpower* (1971), 406.

¹⁷ Cic., *Mur. passim.*, esp. 20–2, 35–42. Cf. Cic., *Planc.* 17–26; 30.

¹⁸ cf. Cic., *Mur.* 37; 40. English translations will generally follow the Loeb Classical Library.

So far from being a piece of malicious gossip about Murena, this is in fact a central point in Cicero's defence of the man. Cicero is saying that the *vulgus imperitorum* (*multitudo indocta*), won over by lavish games staged by Murena, gave him their votes at the consular elections. Moreover, he asserts that Murena's popularity with the masses, thus won, could serve as a *sufficient explanation* for his victory at the polls — 'huic causae id satis est'. Such a statement should not, of course, be taken at face value. This is an advocate's plea, not an impartial description of how the centuriate assembly works. For the very same reason, however, the picture of consular elections drawn here cannot be totally false: Cicero could hardly have hoped to help his client by defending him with patently implausible arguments. The senators, *equites*, and *tribuni aerarii* who tried Murena knew well enough who could and who could not be expected to vote at consular elections; a good advocate would not try to persuade them that his client could be chosen as consul by the ignorant mob won over by games and spectacles were it not known that the urban plebs exercised considerable influence on the outcome of consular elections.

Such expressions as *multitudo indocta* or *vulgus imperitorum* are, to a certain extent, self-explanatory, although we cannot be sure what they mean here in terms of the property-classes of the centuriate assembly. In *Att.* I. 16. 11 Cicero writes that he is believed by 'that blood-sucker of the treasury, the wretched and starveling plebs, frequenters of mass gatherings (*illa contionalis hirudo aerari, misera ac ieiuna plebecula*)' to enjoy the favour of Pompey, and accordingly he is unanimously applauded at games and gladiatorial shows. This is not said in a context of elections, but the author of *Com. Pet.* thought that the support of 'illa urbana multitudo', which Cicero enjoyed as a known supporter of Pompey, was relevant to Cicero's chances of winning the consulship (*Com. Pet.* 51). There seems to be no reason to suppose that the 'plebecula' mentioned in the letter to Atticus was radically different in its composition from the 'urbana multitudo' of *Com. Pet.*, or from the 'multitudo indocta' which was won over by Murena's lavish games and voted for him at consular elections. In any case, the 'multitudo indocta' is sharply contrasted by Cicero with 'nosmet' — presumably members of the mixed jury and men of comparable social standing: such people, according to Cicero, were also not indifferent to games, but Murena's success at the polls is emphatically attributed to the effect of the games on the 'ignorant multitude', and to its votes.¹⁹ It should be noted that the efficacy of games in winning votes at consular elections is presented by Cicero as a well-known feature of Roman politics, not as something peculiar to Murena's case (*Mur.* 40).

As for Murena's activities during his campaign for the consulship in 63, these, too, included providing 'bread and circuses' for the people. The prosecution claimed that such actions by a candidate came under the law of *ambitus*. Without really disputing the facts, Cicero offers a different interpretation:

'But grandstands were erected for whole tribes and crowds were invited to feasts (*at spectacula sunt tributim data et ad prandium vulgo vocati*)'. . . . Murena did not do this at all, gentlemen, it was done by his friends as usual and with moderation . . . For when in our own memory or our fathers' memory was there ever a time when the desire — be it ambition or generosity — did not exist, to provide seats in the circus or at the games for friends and fellow-tribesmen? (*Cic., Mur.* 72, cf. 73)

All these things are the duty of friends, the perquisites of men of little means, the gifts that are expected of candidates (*commoda tenuiorum, munia candidatorum*). (*Mur.* 73)

And so the Roman plebs should not be prevented from enjoying games, or gladiatorial contests, or banquets — all these our ancestors established — nor should candidates be restrained from showing that generosity which means liberality (*liberalitas*) rather than bribery (*largitio*). (*Mur.* 77)

What is *ambitus* to Murena's accusers is described by Cicero in terms of legitimate *beneficium* — either of Murena to his fellow-tribesmen, or of his friends to him.²⁰ But whether one chooses to regard Murena's actions as *liberalitas* or as *largitio*, it is quite clear what he was trying to achieve by them. Not content with the popularity which, according to Cicero, the games staged during his praetorship had earned for him, he sought to strengthen his popular

¹⁹ *contra* Veyne, *op. cit.* (n. 2), 425.

²⁰ cf. *Cic., Planc.* 45.

support by games and mass feasts during the electoral campaign, thereby exposing himself to the danger of criminal prosecution. The danger was real: a decree of the Senate had just been passed warning the candidates that providing feasts and games to the people *passim* or *tributum* infringed the Lex Calpurnia de ambitu (Cic., *Mur.* 67). The example of Autronius and Sulla, consuls-elect for the year 65, who had been prosecuted for bribery, convicted, deprived of the consulship and exiled, must have been fresh in everybody's memory. Murena must have thought that the votes of those who could be won over by *spectacula* and mass feasts were of some importance to him.

The games and feasts are, according to Cicero, traditional 'commoda tenuiorum, munia candidatorum'; the Roman plebs should not be deprived of them in the name of suppressing bribery. It could always be claimed that too wide a definition of *ambitus*, or too strict an enforcement of the ban on it, would hurt the lower classes of society,²¹ and might arouse their resentment. Such resentment could materially damage the chances of a candidate in the centuriate assembly. Cicero claims that Servius Sulpicius lost many votes because of his complaints in the Senate about the spectacles and feasts provided to the people by Murena *tributum* and *vulgo*:

I recall how many votes (*quantum punctorum*), Servius, we lost by complaints about this [i.e. games and feasts] made in the Senate. These things men of humble rank (*homines tenuiores*) receive from their fellow-tribesmen as rewards and favours by ancient custom.²²

The underlying assumption behind all this is that the votes of the *tenuiores* mattered. Another passage in the *Pro Murena*, however, is sometimes adduced to prove that the votes of the poor were of little value. Defending Murena against the charge of having employed hired attendants, Cicero poses again as a defender of the poor, this time minimizing the value of their vote: if *homines tenues* are denied the right to attend upon candidates, they will lose their only effective way of earning or repaying favours from senators (*Mur.* 70):

Do not, then, take from the humbler class of men this kind attention of theirs . . . ; let those who depend on us for everything have themselves also something to give us. If they are to have nothing except their suffrage, even if they vote, humble men still have no influence (*tenues, etsi suffragantur, nihil valent gratia*). (*Mur.* 71)²³

We should not, perhaps, expect total consistency in Cicero's descriptions of the voting power of the *tenues*: allowances should be made for the different, and contradictory, rhetorical needs of the orator in the various passages, and the word *tenues* (or *tenuiores*) itself may mean different things in different contexts. But should Cicero's words be taken to mean that the votes of the poor *as a class* were of no value, even if they voted? The lower property-classes of the centuriate assembly would only be called to vote if there was a split in the vote of the higher ones. Thus, if the lower property-classes took part in an election, their vote would actually tip the scales in favour of one of the candidates; it could hardly be described as having no influence. Cicero is perhaps talking not of 'the poor' in general and their electoral power, but of the limited value of the vote of those individual *tenues* who would serve as a candidate's attendants. The centuries of the lower property-classes, to which the *tenues* in question presumably belonged, were probably much larger than those of the higher classes,²⁴ hence the

²¹ cf. Cic., *Planc.* 45: 'Nor has our senatorial order ever been so hard on the plebs as to be unwilling that it should be cultivated by our modest liberality (*coli nostra modica liberalitate*), nor must we forbid our children to court the respect and affection of their fellow-tribesmen, or to secure for their friends the votes of their tribe (*conficere . . . suam tribum*), or to look for a like service from their friends in their own elections. Such a course I myself adopted, when it was required by the exigencies of my own candidature (*cum ambitionis nostrae tempora postulabant*).'

²² Cic., *Mur.* 72 (Cicero had supported Sulpicius in the canvass, *ibid.* 7). Cf. Plut., *Cat. Min.* 44; 49: Cato's failure to win the consulship for the year 51 is partly attributed to a similar attitude. Pompey's vigorous action against electoral corruption in 52 is also said to have

provoked popular resentment (App., *B.Civ.* 11.24; 27). Still, the people voted time and again for laws against *ambitus*. . . . this may have been another instance of the view that bribery is something that happens to someone else, in your own case it is a matter of perfectly proper gifts' (Lintott, *op. cit.* (n. 2), 14).

²³ The manuscripts differ here; I am following the Oxford edition. Nicolet, accepting the other reading ('*tenuis est, si suffragantur nihil valent gratia*', which is not materially different), takes this passage to mean that the *tenues* as a class had little influence in the centuriate assembly (*op. cit.* (n. 2), 411-12).

²⁴ See L. R. Taylor, *Roman Voting Assemblies* (1966), 149; E. S. Staveley, *Greek and Roman Voting and Elections* (1972), 126.

value of each vote given in them was comparatively low. A candidate's poor attendant may well have been of greater service to him in this capacity than as a voter; this does not necessarily mean that the *classis* to which he belonged had little or no influence on the outcome of the elections.²⁵

On the canvass of T. Annius Milo for the consulship of the year 52 and the role played in it by *largitiones* we have relatively detailed evidence from reliable sources. In a letter written to his brother Quintus in November 54 (*QF* III.8.6), Cicero describes the launching of Milo's campaign for the consulship. Milo is preparing to give games of unprecedented splendour, spending on them more than he can afford, in spite of the fact that he has already given a magnificent gladiatorial show (*munus*).²⁶ Cicero finds this unwise: Milo's bribery goes 'beyond the call of duty'. Writing again to Quintus a month later, Cicero expresses confidence in his friend's chances of winning the election, but is gravely concerned about his financial situation: Milo's games are going to cost him a million sesterces (*QF* III.9.2).²⁷ In the summer of 53 Cicero writes to Curio, asking him to assist Milo in his campaign. Cicero enumerates Milo's electoral advantages:

All these points are in our favour: the support of the *boni* which his tribunate has won for him . . . ; that of the common people and the masses, on account of the magnificence of his public shows and the generosity of his disposition (*vulgi ac multitudinis propter magnificentiam munus liberalitatemque naturae*), that of young citizens, and of men of influence in securing votes (*gratosorum in suffragiis*), due to his own outstanding popularity (*gratia*), or it may be his assiduity in this connection, and lastly, my own electoral support (*suffragatio*) . . . (*Fam.* II.6.3)

This description of the different elements which contributed to a consular candidate's electoral strength, in a letter from one Roman politician to another, is highly instructive. The support of the *vulgus* and *multitudo* is presented by Cicero as a valuable electoral asset, and is clearly attributed to the magnificence of Milo's public shows and his generosity. Note that the support of the *vulgus* is mentioned before, and is treated as something distinct from, the support of the *gratosi in suffragiis*. This passage does not imply that 'the mob' had its votes tightly controlled by anyone; still less that it was disfranchised.

The electoral campaign of 53 is notorious for the bribery and violence which accompanied it. According to Asconius, the three consular candidates competed 'not only by lavish and open bribery (*largitione palam profusa*) but also by gangs of armed retainers' (*Asc.* 30c).²⁸ Milo's competitors were supported by Clodius, who was standing for the praetorship of 52 and trying to prevent his enemy from attaining the consulship of the same year.²⁹ Repeated disturbances caused the elections to be postponed, and the year 52 opened without curule magistrates. At this stage, according to Asconius,

. . . Milo desired that the elections should be carried out at once, putting his trust both in the support of the *boni*, because he was opposing Clodius, and in that of the people, because of his generous largesse and great expenditure upon stage-plays and gladiatorial *munera*, on which Cicero says that he had squandered three patrimonies . . . (*Asc.* 31c)

Both Cicero and Asconius treat the support of the masses as a crucial element in Milo's strength as a candidate, and attribute this support to Milo's *largitiones* — in particular to the *ludi* and *munera* staged by him: whether Cicero, in his letter to Curio, and Milo himself, according to Asconius, were correct in their assessment of the attitude of the masses towards

²⁵ cf. *Com. Pet.* 34: 'As for attendance, you must take care to have it daily, from all sorts and ranks and ages, for the very numbers (*ipsa copia*) will give an idea of the resources of strength you will have at the poll itself (*quantum sis in ipso campo virium et facultatis habiturus*)'. This should perhaps be taken to imply that the same kind of people who would offer their services as *adsectatores* to a candidate could also be expected to vote at consular elections, though other interpretations are also possible.

²⁶ Perhaps during his praetorship in 55, see Lintott, 'Cicero and Milo', *JRS* 64 (1974), 65.

²⁷ On the financial aspects of Milo's canvass for the consulship and the enormous debts incurred by him on

that account, see I. Shatzman, *Senatorial Wealth and Roman Politics* (1975), 293–4.

²⁸ cf. *Plut.*, *Cat. Min.* 47.

²⁹ See *Asc.* 30c; *Cic.*, *Mil.* 25. The very fact that Clodius could hope to win the praetorship seems to indicate that the urban plebs had considerable influence in centuriate elections. Clodius' main power-base was the urban plebs, and by 53 he no longer was, if he had ever been, an agent and protégé of Caesar and Pompey. See E. Gruen, 'P. Clodius: instrument or independent agent?', *Phoenix* 20 (1966), 120–30; Vanderbroeck, *op. cit.* (n. 2), 30–1.

Milo's candidacy does not concern us here. The 'three patrimonies' squandered on *munera* to which Asconius refers are first mentioned by Cicero in his speech in defence of Milo in the charge of killing Clodius, where Milo's bribing of the populace with *munera* is portrayed as a service to the Republic — one of the numerous services which, according to Cicero, made his client worthy of the judges' sympathy:

As for the plebs and the base mob (*plebs et infima multitudo*) which, under the leadership of Publius Clodius, was menacing your welfare, he reminds us that for your safety he did his best not only to control them by his *virtus*, but also to use his three patrimonies as a means of mollifying them; he has no misgivings that, after appeasing the plebs with his shows (*munera*), his extraordinary services to the republic might have failed to win your favour. (*Mil.* 95)

Throughout his speech Cicero had claimed that Clodius' prospective praetorship had been a grave threat to the Republic and to the fortunes of the *boni* — a threat that only Milo, if elected consul for the same year, could have averted.³⁰ The huge sums of money spent by Milo in order to win the support of the people for his candidacy can thus be described as a service to the Republic. Milo would eventually, after his conviction for murder, be convicted for *ambitus* as well (*Asc.* 54c), but Cicero's statement would not be damaging to his client in this respect: the shows staged by Milo did not, apparently, violate the laws on *ambitus* (unlike his distributions of money to the people).³¹ *Infima multitudo*, of the kind that supported Clodius, is how Cicero describes the people won over by Milo's shows: these, surely, should qualify as part of the urban plebs.

Games and spectacles clearly played a major role in improving the chances of a candidate to win higher office.³² Generally, games staged by private persons during the late Republic tended to take place when an election was in view.³³ A *lex de ambitu*, carried by Cicero in 63, forbade 'giving gladiatorial shows during the two years that one is a candidate for office actually or prospectively, except *ex testamento*' (*Cic., Vat.* 37). This was explained as 'because of *ambitus*, lest the people should succumb to [the candidate's] canvassing under the influence of the shows' (*Schol. Bob.* 140 Stang). Cicero accuses Vatinius of openly flouting this law by staging a gladiatorial show during his canvass for the praetorship of 55, *in ipsa petitione* (*Cic., Vat.* 37).³⁴ As for banquets, in the *Commentariolum Petitionis* Cicero is advised to show his generosity 'in banquets, to which you and your friends should convoke the people both at large and tribe by tribe (*et passim et tributim*)' (*Com. Pet.* 44). On the other hand, according to Cicero, Q. Aelius Tubero, for all his nobility and prestige, was defeated for the praetorship because of the poor feast he had presented to the people on the death of his uncle (*Cic., Mur.* 75–6). '... Courting the plebs and currying favour (*gratia*) by banquets' is described by Sallust as the usual way to attain public office in his times (*Iug.* 4.3). Games (mostly gladiatorial) staged by private persons in honour of deceased parents were occasionally accompanied by distributions of food and public banquets,³⁵ which is probably one of the reasons why such games were so popular and politically important. Many thousands could take part in a public feast;³⁶ an 'invitation' to such a banquet could hardly be called an 'oligarchic' form of electoral bribery.

³⁰ See *Cic., Mil.* 25–6; 32–4; 43; 76; 78; 88–9.

³¹ See Lintott, *op. cit.* (n. 26), 65.

³² See Shatzman, *op. cit.* (n. 27), 164–5, for a number of examples.

³³ See Vanderbroeck, *op. cit.* (n. 2), 99; Shatzman, *op. cit.* (n. 27), 87. Cf. *Asc.* 88c.

³⁴ cf. *Cic., Sest.* 133–5. The *nisi ex testamento* proviso looks very much like a loophole that made it possible to circumvent the law, although Vatinius used other pretexts (*Cic., Sest.* 135). Cf. *ILS* 6087: the charter of Urso (Colonia Genetiva Iulia) forbids candidates in local elections to provide entertainments and banquets in the year of their candidacy.

³⁵ *Cic., Vat.* 30; Cass. Dio xxxvii. 54.4 (a distribution of oil). For an earlier period see Livy xxxix. 46.2–4; xli. 28.11. Cf. Livy viii. 22.2–4. See on this Shatzman, *op. cit.* (n. 27), 88; H. H. Scullard, *Festivals and Ceremonies of the Roman Republic* (1981), 221. Games organized by aediles were regularly accompanied by banquets:

Scullard, 186 and 197. On aediles (and praetors, who also staged games) distributing food to the populace, see Hor., *Sat.* ii. 3.180–4; see below on the importance of the aedileship in the *cursus honorum*. On the frequency of public banquets in the late Republic, see Varro, *R.R.* iii. 16.

³⁶ See *Cic., Vat.* 31 on the banquet given by Q. Arrius as part of a funeral celebration during his unsuccessful canvass for the consulship in 59 (cf. *Schol. Bob.* 149 Stang; *Cic., Att.* ii. 5.2; *Cic., Att.* ii. 7.3); cf. Livy xxxix. 46.3: 'a banquet at which ... tables had been arranged throughout the forum'. On the electoral importance of feasts and banquets, see E. Deniaux, 'De l'ambitio à l'ambitus: les lieux de la propagande et de la corruption électorale à la fin de la République', *L'Urbs — Espace urbain et histoire*, Coll. Ec. Fr. Rome 98 (1987), 299–302. Banquets could of course vary in scope and character, and not all of them were 'popular'; cf. *Cic., Mur.* 73.

Moreover, 'if the urban rabble had practically no power in the centuriate assembly, it is difficult to understand the importance of the aedileship as a stepping-stone to the higher offices'.³⁷ That the office of aedile did come to assume such importance in the *cursus honorum* is widely accepted, though most descriptions of the social character of the electorate in the centuriate assembly are uninfluenced by this consideration. According to L. R. Taylor, for example, the aedileship could be 'a great help to the aspirant for the consulship', on account of the theatrical, circus, and, sometimes, gladiatorial games that were put on by the aediles.³⁸ At the same time she holds that in the elections for praetorship and consulship 'the city populace was never the decisive factor'. Taylor believes that the elections in the centuriate assembly were decided by the propertied men from the Italian municipalities who came to Rome to vote for their friends and patrons among the Roman nobility.³⁹ One wonders if the games — and feasts — given by the aediles in the city could have been aimed primarily at such people.

The magnificent games and lavish feasts given by Julius Caesar during his aedileship in 65, clearly described as paving his way to higher office, are a famous example (Plut., *Caes.* 5). According to Plutarch, Sulla blamed the populace (τοῖς ὄχλοις) for the failure of his first attempt to win the praetorship:⁴⁰ they wanted him to stand for aedileship first, expecting, because of Sulla's known friendship with Bocchus, to be entertained by hunting shows, and therefore elected others to the praetorship (Plut., *Sull.* 5.1).⁴¹ The considerable influence of games staged by aediles, and of games in general, on the outcome of consular elections emerges in the letter of Cicero to Atticus in which the relative strength of the different candidates for the consulship of 53 is discussed (*Att.* iv. 16.6). L. Lamia's chances of winning the praetorship in 43 are seen by Cicero as greatly enhanced 'magnificentissimo munere aedilicio' (*Fam.* xi. 16.3). Towards the end of contested popular elections, under Augustus, it was still possible to use one's generosity as aedile for political advancement, as is shown by the career of Egnatius Rufus, before it came to an abrupt end:

... Rufus Egnatius, ... securing the favour of the people in his aedileship by putting out fires with his own gang of slaves, increased it daily to such an extent that the people gave him the praetorship immediately after his aedileship; soon he dared to seek the consulship ... (Vell. Pat. II.91.3)

It is clear that Egnatius Rufus' action benefited, and was intended to ingratiate, the city populace (especially the poor, the inhabitants of the *insulae* who were constantly threatened with conflagrations,⁴² though perhaps not just them), and not 'the propertied men from the Italian municipalities'. It is the gratitude of the urban plebs which brought him the praetorship, and, according to Velleius Paterculus, seemed certain to bring him the consulship as well, until he was forbidden to stand for that office (II.92.4).

Cicero's testimony in the *De Officiis* is detailed and unambiguous. In the tradition of the Roman upper classes, Cicero deprecates indiscriminate *largitiones* to the people. While giving money for worthy causes and helping one's friends (including, presumably, the humbler ones) is honourable generosity (II.56; cf. 60),

they are lavish (*prodigi*) who squander their money on public banquets, doles of meat among the people, gladiatorial shows, magnificent games, and wild-beast fights. (II.55)

³⁷ F. B. Marsh, *A History of the Roman World* (1935), 37.

³⁸ Taylor, op. cit. (n. 2), 30-1.

³⁹ *ibid.*, 57. Cf. H. H. Scullard, *Roman Politics* (1951), 22; Staveley, op. cit. (n. 24), 193-4; Wiseman, op. cit. (n. 2), 123-4.

⁴⁰ cf. Cic., *Fam.* VIII.9.5 (Caelius to Cicero, on the failure of Favonius to win the praetorship in 51): 'Do not think that Favonius was rejected by the *columnarii* only; all the best men refused to vote for him (*nolo te putare Favonium a columnariis praeteritum; optimus quisque eum non fecit*)'. Shackleton Bailey comments on the word *columnariis*: 'Evidently the lower orders; probably = *subbasilicanis*, loungers in the colonnades of basilicas and temples'. Caelius' remark would be quite pointless if the

columnarii (i.e. the urban plebs) could in any case exercise no real influence on the outcome of the elections.

⁴¹ Shatzman, op. cit. (n. 27), 269: 'Though Plutarch doubts whether this was the true explanation for Sulla's failure, he notes that ultimately Sulla was elected by outright bribery ... Further, as praetor he put on a show of beasts fighting (Plin., *NH* 8.52), and in view of his own explanation of his earlier defeat, we may safely assume that he had announced his intention to do so, if elected.'

⁴² See on this Z. Yavetz, 'The living conditions of the urban plebs in Republican Rome', *Latomus* 17 (1958), 512. The setting up of a fire brigade by Augustus was meant, according to Yavetz, to put an end to the activities of demagogues such as Rufus.

Spending one's money in this way is deplorable,⁴³ but sometimes inevitable:

And yet I realize that in our country, even in the good old times (*iam bonis temporibus*), it had become a settled custom to expect magnificent entertainments from the very best men in their year of aedileship. (II.57)

Cicero then names famous individuals who were generous to the people during their aedileship. Failure to follow this practice can cost a man his consulship:

We should avoid any suspicion of penuriousness (*avaritia*). Mamercus was a very wealthy man, and his refusal of the aedileship was the cause of his defeat for the consulship. If, therefore, [such entertainment] is demanded by the people, men of right judgement must at least consent to furnish it, even if they do not like the idea. (II.58)

The people's favour can be won by feasts, or, as in the case of M. Seius (aedile 74), by distributions of grain at a reduced price (*ibid.*).⁴⁴ *Largitio* is justified either by (political) necessity, or by (electoral) expediency ('*si aut necesse est aut utile*', *ibid.*). The whole system of *largitiones* is intrinsically wrong, but is sometimes necessary; even then, moderation should be observed:

tota igitur ratio talium largitionum genere vitiosa est, temporibus necessaria, et tum ipsum et ad facultates accommodanda et mediocritate moderanda est. (II.59)

To have reached higher office without giving any entertainments is exceptional and a source of pride. Cicero mentions several such people and claims that to some extent he can make this boast his own, for in comparison with the eminence of the offices to which he was elected at the earliest legal age, the outlay of his aedileship was quite moderate (II.59); according to Plutarch, Cicero lowered the price of grain in the city while he was aedile, using the money given him by the Sicilians grateful for his prosecution of Verres (*Cic.* 8). Throughout this passage, feasting and entertaining the populace are presented as a long-term investment by the aediles, aimed at gaining popularity in general, and, in particular, paving one's way to the higher magistracies.

That the aedileship was indeed a stepping-stone to higher office is supported, at least as far as the praetorship is concerned, by prosopographical research. 'Election to the consulate was less connected with service as an aedile', *inter alia* because of the longer interval between the aedileship and canvassing for the consulship.⁴⁵ Of course, statistical examination cannot distinguish between a 'magnificent' aedileship, like Caesar's, and a more modest one, and it was possible to improve one's chances of winning the consulship by giving games without having been an aedile, as Murena did during his praetorship.

Distributions of money by the candidates were the most flagrant form of electoral bribery, amply attested in the sources.⁴⁶ We are not usually told who received the money, or how much was paid, but it is highly improbable that these handouts would have been confined to the rich. In line with Lintott's argument it seems reasonable to suppose that the amount likely to be given *per capita* in most cases would only benefit significantly the poorer members of the assembly, whereas the rich would be less likely to be influenced by a small bribe.⁴⁷ Of course, a candidate could pay more to some and less to others. Murena was accused of bribing the equestrian centuries (*Cic., Mur.* 54),⁴⁸ and these were surely small enough for the results to be influenced by large sums of money offered to individual voters. Two candidates for the

⁴³ cf. *Cic., Att.* vi.6.2. Though it would be rash to conclude that this attitude was shared by all in the period under discussion, the traditional hostility of the Roman ruling class to indiscriminate *largitiones* distributed to the masses is notorious; see on this Staveley, *op. cit.* (n. 24), 193; Nicolet, *op. cit.* (n. 2), 256–7 (contrasting Greek and Roman attitudes).

⁴⁴ M. Seius also distributed oil, *Plin., NH* xv.2. Quintus Hortensius, the magnificence of whose aedileship is mentioned in *Off.* II.57, sold grain for less than the market price during his aedileship in 75, earning the people's gratitude for this *largitio* (*Cic., Verr.* II.3.215);

he was praetor in 72 and consul in 69. On Cicero himself (aedile 69), see *Plut., Cic.* 8 and *Cic., Mur.* 40. For earlier examples of aediles distributing grain at low prices, see *Livy* xxxi. 4.6; 50.1; xxxiii. 42.8.

⁴⁵ See Shatzman, *op. cit.* (n. 27), 159–66.

⁴⁶ For a list of sources and a discussion of twenty known cases, most of them related to the centuriate assembly, see Shatzman, *op. cit.* (n. 27), 88.

⁴⁷ cf. p. 33 above.

⁴⁸ On securing the equestrian centuries for a candidate (through some kind of influence, not necessarily illegitimate), cf. *Cic., Fam.* xi.16.3.

consulship of 53 were willing to pay as much as ten million sesterces to the *centuria praerogativa* (Cic., *QF* II. 14.4), more than a fair sum for each member of what must have been a relatively small voting unit. But when, as is usually the case, we hear of money distributed to the people tribe by tribe (*tributum*), much larger numbers of recipients and much smaller sums of money are presumably meant. Milo returned to Rome after the murder of Clodius and the resulting riots, and renewed his canvass for the consulship and his bribery, paying a thousand asses per man *tributum* (Asc. 33C). At a time when two thousand sesterces may have been sufficient to pay a moderate rent for a year,⁴⁹ the two hundred and fifty sesterces paid by Milo would have been appreciated not just by the poorest, but it was perhaps too small a sum to buy the vote of a rich man. Moreover, it is likely that the sum offered by Milo was unusually high, which is perhaps why Asconius mentions it: one should bear in mind the exceptional circumstances, and Milo's exceptional profligacy. Caesar's will would probably not have seemed so generous to the people if the sum of three hundred sesterces he left *virutum* (Suet., *Div. Iul.* 83) had not been much higher than what could usually be expected as a bribe from a candidate for consulship. Augustus would pay a thousand sesterces to each member of the two tribes with which he was connected on an election day, 'that they may not desire anything from any candidate' (Suet., *Div. Aug.* 40.2). The sum seems high, if it was meant to compensate the voter for the 'loss of revenue' in consular elections only. But it was probably supposed to outweigh quite considerably the sum total of the bribes that a voter could expect to get from all of the candidates.

It is sometimes asserted, or assumed, that the distributions of money were confined to the first property-class, or to the 'higher strata', of the centuriate assembly.⁵⁰ The sources do not say so, nor, in my opinion, do they imply that this was the case. A single mechanism of bribery operated in both electoral assemblies, the tribal and the centuriate. The money was distributed through the tribes by the *divisores*, the tribal bribery agents, who may actually have been officials of the tribes.⁵¹ We are told that the same *divisores* who had handled consular and praetorian elections were asked by Verres to prevent the election of Cicero to the aedileship in 70 (Cic., *Verr.* I.22). Distributions of money on behalf of the candidates in the tribal assembly could not, of course, discriminate between *classes*. It is perhaps more natural to suppose (though this is no real proof) that if the system of distribution in the centuriate assembly had been so radically different as to exclude members of the lower property-classes, different agents of distribution would have been used there. If the *divisores* regularly deprived all but a minority of their *tribules* of the most lucrative bribes, which were surely those offered by the candidates for higher offices, their *gratia* among fellow-tribesmen might perhaps have been undermined.⁵²

On the other hand, the sources sometimes indicate that the money was distributed among the same kind of people whose support was won by games. In the above-mentioned letter to Curio, Cicero states that Milo's candidacy is popular with the *vulgus* and *multitudo* 'propter magnificentiam munerum liberalitatemque naturae' (*Fam.* II.6.3). If the 'liberalitas naturae' is something distinct from the 'magnificentia munerum', it may well be simply a polite name for cash.⁵³ The testimony of Asconius is more unambiguous: Milo's canvassing was conducted 'by lavish and open largesse (*largitione palam profusa*)' (Asc. 30C.); he was sure of the people's support at the polls 'because of his generous largesse and great expenditure upon stage-plays and gladiatorial games (*propter effusas largitionas impensasque ludorum scaenicorum ac gladiatorii muneris maximas*)' (ibid. 31). It is clear that Milo had bribed the *populus* (Cicero's *vulgus* and *infima multitudo*) both by distributing money and with games, whereas the support of the *boni*, according to both Cicero and Asconius, was politically motivated. Sulla, having failed in his first attempt to win the praetorship, was elected to the office later,

⁴⁹ See P. A. Brunt, 'The Roman mob', *Past and Present* 35 (1966), 13; cf. B. W. Frier, *Landlords and Tenants in Imperial Rome* (1980), 39-47.

⁵⁰ Nicolet, op. cit. (n. 2), 415; Vanderbroeck, op. cit. (n. 2), 95.

⁵¹ See, e.g., L. R. Taylor, *The Voting Districts of the Roman Republic* (1960), 15.

⁵² The controversy over the co-ordination of tribes and centuries in the centuriate assembly is beyond the scope of this paper. Those who deny that the co-ordination extended to the second class, e.g. L. J. Grieve, 'The

reform of the comitia centuriata', *Historia* 34 (1985), 278-309, must in any case suppose that members of this class, without whose votes a majority could not be reached, were bribed through distributions of money *tributum*, by tribal *divisores*.

⁵³ cf. Cic., *Att.* IV.17.3 (canvassing for the consulship in 54): 'Our friend Messala and his fellow-competitor Domitius were very liberal to the people, and could not be more popular. They were certain of election (*Messala noster et eius Domitius competitor liberalis in populo valde fuit. Nihil gratius. Certi erant consules*).'

according to Plutarch, by courting the people and bribing them with money; he was said to have bought the magistracy (*Sull.* 5.1). It seems likely that the same ὄχλοι who first denied Sulla the praetorship, hoping to force him into the aedileship in order to enjoy his hunting shows, sold it to him later for money, and for a promise to stage the hunting shows as praetor.⁵⁴

The language of buying and selling is frequently used in the sources dealing with electoral bribery.⁵⁵ The sources take it for granted that the candidates were indeed trying (often successfully) to buy votes, not just attempting to enhance their social standing. It stands to reason that massive *largitiones* distributed by a candidate on the eve of an election throughout the voting units (*tributum*) were aimed at bribing the voters; indeed the laws against *ambitus* assumed that much. But even when a *largitio* was not directly connected with elections, the benefactor might still have had future elections in mind. We have seen this in the case of aediles. Crassus feasted tens of thousands during his consulship in 70, and distributed food to the people for three months (*Plut., Crass.* 12.2; *Plut., Comp.Nic.et Crass.* 1) — a display of wealth and generosity, first and foremost; but Crassus would be elected censor four years later. His generosity in 70 may not have been entirely uninfluenced by electoral considerations.⁵⁶

To sum up: members of the Roman ruling class aspiring to the higher offices are regularly described by the sources as bribing the urban plebs, or treating it with generosity, and are frequently said to have obtained those offices by such means. Now it is true that popularity, as well as unpopularity, can be contagious; the attitude of the lower orders towards a candidate could 'spill over' into the higher strata and affect his standing there.⁵⁷ This is all the more likely if, as I believe is probable, the social gap between the lower strata and many of those registered in the first class was less dramatic than is often assumed. This indirect influence that the masses could have on the outcome of an election should account for some of the efforts made by the candidates to win popularity among the common people. But it could hardly have been the main reason for such efforts. The sources do not merely indicate that it was advisable for a candidate to be on good terms with the 'multitude'. They assert repeatedly that it was the multitude itself that supported the candidate at the polls (as in the case of Murena), or was expected to support him (as in the case of Milo) because of his generosity towards it. And Sulla could blame the populace for actually rejecting his candidature because of similar considerations.

All this indicates that the urban plebs did exercise considerable direct influence on the outcome of elections in the centuriate assembly, although we certainly hear of the higher strata being canvassed, and occasionally bribed. It is true that 'the urban plebs' is a fairly vague term, probably comprising different social elements.⁵⁸ Those who are called 'ignorant mob' or *infima multitudo* by Cicero are not necessarily the poorest of the poor. Cicero can speak of 'artisans and shopkeepers and all those dregs of cities' (*opifices et tabernarii atque illa omnis faex civitatum*) (*Flacc.* 18). If *opifices* and *tabernarii* 'qualify' as *faex civitatum*, we must suppose that when the sources speak of *vulgus* or *multitudo* in the context of elections they are at least partly referring to such people.⁵⁹ But when the sources describe how a praetorship or a consulship was 'bought', at least partly, from the multitude bribed by handouts, entertained in the circus, and feasted on the streets of Rome, there is no good reason to suppose that they are actually referring to wealthy landlords, municipal aristocrats, or the élite of Roman society.

⁵⁴ cf. n. 41 above.

⁵⁵ cf. *Asc.* 19C; *Cic., Verr.* 1.26 (cf. 20); *Cic., Verr.* 11.2.101; *Cic., Off.* 11.22; *Plut., Gaius Marc.* 14; *Plut., Mar.* 28.8; *Plut., Cat.Min.* 42; *App., B.Civ.* 11.19; *Luc.* 1.173 ff.; *Juv.* x.77.

⁵⁶ cf. *Livy* xxxvii.57.11: M. Acilius Glabrio is helped in his canvass for the censorship in 189 by the *gratia* he had earned by distributing *congiaria* during a triumph. See on this, and on the electoral importance of triumphs and *congiaria* in general, Millar, *op. cit.* (n. 9), 11–12; cf. E. Badian, 'The death of Saturninus', *Chiron* 14 (1984), 121 n. 46.

⁵⁷ cf. *Com.Pet.* 17.

⁵⁸ This is sometimes denied. Taylor and Brunt hold that Rome was inhabited by the rich and the poor, with virtually no middle class intervening between them: Taylor, *op. cit.* (n. 2), 55; Brunt, *op. cit.* (n. 16), 383. For a contrary view see e.g. Z. Yavetz, *Urban Plebs in Rome*

and *Abolition of Debts* (1958). The evidence on electoral bribery, in my opinion, makes the former view very unlikely. Brunt, *op. cit.* (n. 49), 23–4, seems to draw a different picture of the 'Roman mob', including Clodius' supporters: it is said to have consisted largely of relatively respectable 'artisans and shopkeepers'. Of course, 'rich' and 'poor' are inherently relative and imprecise terms.

⁵⁹ On the other hand, these terms should not be presumed to signify the opposite of their natural meaning. When Cicero speaks of optimate praetors elected '*vulgi suffragiis*' (*Sest.* 113), no artificially 'oligarchic' interpretation of this term is necessary. It is a central theme of this passage, and of *Pro Sestio* in general, that the same '*vulgus*' (or 'plebs', or indeed 'populus'), which used to support the older and more reputable sort of *populares* like the Gracchi, is now allegedly supporting the *boni* against the likes of Clodius and Vatinius.

III. THE STRUCTURE AND FUNCTIONING OF THE CENTURIATE ASSEMBLY

Can this conclusion be reconciled with what we know about the structure and functioning of the centuriate assembly? I believe it can, for neither is it safe to assume that the first property-class, as a whole, should be identified with 'the wealthy', nor is there any reason to suppose that the eighteen centuries of knights and the seventy centuries of the first class would as a rule vote together *at the elections*,⁶⁰ which were almost the sole business of the centuriate assembly in the period under discussion.

As for the members of the first property-class, no doubt they were quite wealthy compared with the destitute, but it is only on the improbable view that there were no middle strata in Rome that we are forced to classify as rich all those (at least in the city) who were better off than the poor. In fact, the widely accepted view as to the census rating of the first class — forty to fifty thousand sesterces⁶¹ — lends little support to the notion that we are dealing with a wealthy élite of Roman society. Commenting on these figures, which she calls 'generally accepted', U. Hall notes: 'This seems to me in fact relatively modest and rather puzzling, when set in the context of increased wealth and differentiation in wealth in the middle and late Republic. Of course there were plenty of much more prosperous people in class 1.'⁶²

But in fact these figures are not universally accepted: it has been suggested that twenty-five thousand sesterces is the right figure for this period, which, if true, is more modest still.⁶³ The differentiation in wealth within the first class must indeed have been very considerable. As for the relative strength of the more wealthy and the less wealthy elements within it, it is likely enough that the first class was a pyramid in which the greater mass would be concentrated at the bottom, not at the top. It is true that among those living outside Rome, the vote of the more wealthy must have been disproportionately more influential, as the less wealthy would find it more difficult to come to the city to cast their votes. In an exceptional case, like the voting in the centuriate assembly on a bill for Cicero's recall from exile, when a concerted effort was made by a powerful political coalition (Pompey and the *optimates* working together) to bring to the city as many *boni* from all over Italy as possible, 'the propertied men from the Italian municipalities' may well have come to Rome in sufficient numbers to dominate the centuries of the first class, and hence, to a large extent, the assembly. Cicero himself says that he was recalled from exile by voters who had come from all over Italy, 'on the closure not just of shops, but of whole towns' (*non tabernis, sed municipiis clausis*) (*Dom.* 90). This must have been the centuriate assembly at its most 'oligarchic': the *boni et locupletes* were both numerous and unanimous. The bill was in fact passed 'by all the centuries', i.e. by the united vote of the upper strata supported by eight centuries of the second class (*Dom.* 142). It is highly unlikely that the competing candidates in an average consular or praetorian election would be able to bring to Rome similar numbers of wealthy Italians; the vote of those who did come must have been split between the different candidates whom they had come to support, and hence was less influential within each century, and in the assembly in general.

In fact, though the sources certainly refer to the canvassing of the Italian vote by the candidates, and to the great importance attached to it,⁶⁴ there are indications that under

⁶⁰ I am following the widely accepted view on the composition of the centuriate assembly after the third-century reform, based mainly on Cic., *Rep.* II. 39–40 and Cic., *Phil.* II. 82: 193 centuries in all, 70 of them belonging to the first class.

⁶¹ e.g. Taylor, *op. cit.* (n. 24), 149, based mainly on Livy I. 43 and Dion. Hal. IV. 16–18. The suggestion of H. Mattingly, 'Property qualifications of the Roman classes', *JRS* 27 (1937), 106, that the first-class qualification was raised to 100,000 sesterces by Sulla in 88 and stayed at that level, is in my view unconvincing. The reform mentioned by Appian in *B. Civ.* I. 59 has nothing to do with census-qualifications, and may not have been renewed by Sulla as dictator; see on this R. Develin, 'The third-century reform of the comitia centuriata', *Athenaeum* NS 56 (1978), 365–6 and Taylor, *op. cit.* (n. 2), 206. See J. W. Rich, 'The supposed Roman manpower shortage of the later second century B.C.', *Historia* 32 (1983), 313 for other arguments in favour of the 100,000 figure, which he

finds unconvincing. If Dio LVI. 10. 2 shows that the census rating of the first class under Augustus was 100,000, which is doubted by Rich, it is far more natural to suppose that it was Augustus who raised it to this level.

⁶² U. Hall, 'Greek and Roman secret ballot', in E. M. Craik (ed.), *Owls to Athens. Essays on Classical Subjects Presented to Sir Kenneth Dover* (1990), 197.

⁶³ Rich, *op. cit.* (n. 61), 315; Nicolet, *op. cit.* (n. 2), 394. According to this view, the 100,000 asses were converted into sesterces in the middle of the second century at a rate of four to one, without affecting the real value of the census-rating. For a contrary view (the rate of conversion of one to one), see M. H. Crawford, *Coinage and Money under the Roman Republic* (1985), 149–51. Such a steep rise in the real value of the census rating would have 'downgraded' a large part of the first class, and seems improbable.

⁶⁴ e.g. Cic., *Att.* I. 1; *Com. Pet.* 30–1; Cic., *Phil.* II. 76; Cic., *Sull.* 24; Hirt. in Caes., *B. Gall.* VIII. 50.

normal circumstances the *suffragium* of those living in Rome would be of still greater importance. Cicero asserts repeatedly that he owes his election to the highest offices to the popularity he had won in the forum, as an advocate, which points mainly, though not exclusively, to the influence of the urban vote. When this is said in a *contio* (*Leg. Man.* 1–3; *Phil.* vi. 17) Cicero may be flattering his audience; but he also says it in the Senate (*Phil.* vii. 7).⁶⁵ Verres must have bought his praetorship, according to Cicero: he had not spent enough time in the city to have won it otherwise (*Verr.* ii. 1. 101). Whether or not the specific charge against Verres is true, Cicero's remark probably reflects, at least to some extent, contemporary reality. The whole system of direct and indirect electoral bribery (especially the latter, such as lowering the price of grain in the city) was of course inherently biased in favour of city residents.⁶⁶

We can only guess what percentage of the entire citizen body, in Rome and in Italy, was registered in the first class at any given time. If indeed, as is commonly accepted, the first class of the centuriate assembly was originally the backbone of a hoplite army, it could not have then contained only an insignificant minority of the citizen body. Later, the real value of the census-ratings must have fallen considerably if they remained static over a long period in spite of inflation; unless they were then raised very sharply (cf. n. 63 above), the threshold of the late-republican first class would be relatively low, and many would be able to pass it. Cicero's remark in the *De Republica* which is usually taken to mean that in the sole century of the *proletarii* 'already then (*tum quidem*, i.e. in the time of Servius Tullius) more people were registered than almost in the whole of the first class', is certainly meant to stress the hierarchical nature of the centuriate assembly, but in fact it cuts both ways. 'Tum quidem' sounds perhaps like an attempt to attribute to the legendary past the state of things known to contemporaries (Cicero's or Scipio's) from experience.⁶⁷ If there was any time in Roman history when the number of *proletarii* roughly equalled the number of those registered in the first class, the first class represented then, in all probability, a substantial part of the population.

It is therefore unsafe, in my opinion, to assume that the composition of the first class was narrowly oligarchic, or to treat the terms 'the first class' and 'the urban plebs' as mutually exclusive.⁶⁸ But even if this view is wrong, this still does not make the assembly as a whole oligarchic. The first class, together with the centuries of *equites*, could dominate the centuriate assembly to the virtual exclusion of the lower property-classes only if its centuries voted together, for the voting was conducted from top to bottom and was stopped as soon as an absolute majority of centuries was reached. It might perhaps be natural for the upper strata of the assembly to 'close ranks' when voting on a bill, or adjudging a capital case with political ramifications, on the extremely rare occasions when such matters were brought before the centuriate assembly in the period under discussion. But why would they do so at an election?⁶⁹

The elections were fiercely competitive contests *within the ruling class*. The rival candidates were either *nobiles* or rich and influential *homines novi*; those standing for higher offices were experienced politicians who had accumulated *gratia* during their career. It is quite misleading to talk of the influence, formal or informal, of the Roman ruling class on the electoral process, without bearing in mind the fact that the very essence of the elections was that the ruling class was, at the polls, divided against itself.⁷⁰ The resources at the disposal of

⁶⁵ See also Cic., *Brut.* 321; Cic., *Off.* ii. 70 (defending the *tenues* is important because of the popularity with the great mass of 'deserving poor' that can be gained thereby); *Att.* ii. 22.3, Cicero's activities *in foro* find favour with the *vulgus*.

⁶⁶ cf. Brunt, *op. cit.* (n. 3), 251.

⁶⁷ This is, of course, highly speculative, as is perhaps any attempt to estimate the proportion of *proletarii* in the population. According to Dionysius, the proportion was considerably higher (*Dion. Hal.* iv. 18.2; vii. 59.6); this is accepted by Brunt, *op. cit.* (n. 16), 23–4. Rich, *op. cit.* (n. 61), 287–331, argues that the numbers of *assidui* in the second century are greatly under-estimated, cf. A. E. Astin, *Scipio Aemilianus* (1967), 337.

⁶⁸ cf. *Ad Caesarem senem de republica epistula* vii. 10–12: (Pseudo) Sallust, writing to Caesar, urges him to 'remove the influence of money'; a man's wealth should not determine whether he is fit to serve as a juror, 'to choose jurors on the basis of money is shameful'. He proposes that the juries should be empanelled from the entire first class, and praises the democratic juries

of Rhodes, where 'rich and poor indiscriminately' (*promiscue dives et pauper*) decide on all cases.

⁶⁹ Except perhaps to bar an extreme *popularis* like Clodius; but Clodius must have thought he had a fair chance when he stood for the praetorship. Vanderbroeck, *op. cit.* (n. 2), 36–9, examines the career patterns of eighty-seven tribunes who can be classified as either *populares* or *optimates* between 78 and 49, and concludes that the *populares* had an equal chance to reach the praetorship, though the *optimates* were more successful in attaining the consulship. On politics and canvassing see n. 71 below; the most popular of the popular platforms may often have been electoral bribery, direct and indirect, and *optimates* were quite willing to adopt it.

⁷⁰ cf. Millar, *op. cit.* (n. 9), 2: 'Certainly, the people were subject to influence from above. But (especially at elections) it was . . . a matter of competing, conflicting or contradictory influences'. Cf. J. A. North, 'Democratic politics in Republican Rome', *Past and Present* 126 (1990), 18–19.

the rival candidates (family prestige and connections, great wealth and the readiness to use it, personal popularity and perhaps political support,⁷¹ personal and political *amicitiae*, patronage) must have been, in most cases, of the same order of magnitude. It is natural to assume that a deep split in the vote of the upper strata of the assembly would be quite normal.⁷² That the people elected to higher office invariably belonged to the upper class, and most of them to the nobility, does not at all imply that the common people did not take part in their election. On the contrary, it is precisely because all the candidates belonged to the upper class that the vote of the upper strata of the assembly must usually have been split. Such a split would mean that the required absolute majority could not be reached without the votes of the lower property-classes: the deeper the split (in the first class as well as below it), the lower the classes that would have to be called to vote. Technically, the lowest property-class that took part in the voting would be the one that finally decided the issue, by tipping the scales in favour of one of the candidates.

It must, of course, be remembered that only the split vote of whole centuries, and not of individual voters as such, would bring the voting down to the lower classes; but there is good reason to believe that competing candidates would often be able to win majorities within many centuries, not just many votes. A candidate's power-base, in both the tribal and the centuriate elections, was a 'coalition' of his own tribe, which he was expected to win as a matter of course (to be rejected by one's own tribe was considered a disgrace), and the tribes of his *amici*, who would do their best to secure their tribes for him, 'conficere tribum' (Cic., *Planc.* 45).⁷³ Some tribes would be won, some lost (cf. Cic., *Att.* II. I. 9: 'Favonius carried my tribe with even more credit (*honestius*) than his own, but lost that of Lucceius'). At least in the first class there was a co-ordination between tribes and centuries, with two centuries per tribe. Under such a system the votes of the centuries of the first class, not merely the votes of its individual members, must usually have been split (though probably not to the same extent); the lower classes had to be called to vote. A candidate had to bear in mind that the votes of the members of the fifth class, who were virtually indistinguishable from the *proletarii*, might in the end be indispensable to ensure his victory.

In fact, though the sources almost never indicate by what majority a man was elected, there are strong indications that this is what actually happened at two consular elections within the space of several years, possibly at two consecutive consular elections. In 64 Cicero was elected 'by all the centuries', i.e. without any split in the votes of the higher strata, but Antonius received only a few centuries more than Catiline (*pauculis centuriis Catilinam superavit*) (Asc. 94C). If we take Asconius' *pauculis centuriis* literally, as perhaps we should, then 'on this occasion all or nearly all the centuries must have been called to decide between them (i.e. between Catiline and Antonius)'.⁷⁴ A similar situation must have arisen either in the previous year or perhaps several years earlier, when L. Turius lost the election by a margin of a few centuries: 'ei paucae centuriae ad consulatum defuerunt' (Cic., *Brut.* 237).⁷⁵ Now it is probably safer to assume that at most consular elections the split in the vote of the upper strata was not as deep as that, chiefly because many centuries of the first class would follow the vote of

⁷¹ Roman elections are often said to have been run on an entirely personal basis, uninfluenced by political considerations: see e.g., Taylor, *op. cit.* (n. 2), 1-23. I believe that this view is exaggerated, but to the extent that it is true, it makes the 'closing of ranks' by the upper strata of the assembly behind one candidate and against another all the more unlikely.

⁷² This is emphasized by K. Hopkins, *Death and Renewal* (1983), 33, and by H. H. Scullard, *Roman Politics* (1951), 21, who contrasts in this respect elections with legislation. For a similar view see Beard and Crawford, *op. cit.* (n. 2), 51, who stress the lack of unity within the 'élite' (i.e. the centuries of *equites* and the first class) in the late Republic.

⁷³ See on this Cic., *Vat.* 36; *Com. Pet.* 18; Cic., *Mur.* 72-3; Cic., *Planc.* 48. Cf. Taylor, *op. cit.* (n. 2), 63-4.

⁷⁴ Brunt, *op. cit.* (n. 3), 343, and so Taylor, *op. cit.* (n. 2), 98: 'the voting was continued apparently to the end'.

⁷⁵ Turius' unsuccessful attempt is dated either to 65 (D. R. Shackleton Bailey, *Cicero's Letters to Atticus* (1965), I, 292-3; T. R. S. Broughton, 'Candidates defeated in Roman elections', *TAPA* 81, part 4 (1991), 19) or between 73 and 71 (Munzer, *RE* 14, col. 1388). Cf. [Aur. Vict.], *De Vir. III.* on Metellus Macedonicus, elected consul in 143, after being defeated for the consulships of 145 and 144: 'unpopular with the plebs because of excessive severity, he was, after two defeats, elected consul with difficulty (*post duas repulsas consul aegre factus*)'. *Aegre factus* probably means by a small majority of centuries. Many candidates for the higher offices are known to have been defeated in their first attempt, only to obtain the office later, sometimes in the following year: cf. Broughton, 3-4; 19-20. There seems to be no reason to assume that in all those cases they first suffered a crushing defeat, and then won an overwhelming victory.

the *centuria praerogativa*,⁷⁶ but a candidate could not be sure of this beforehand, and could not afford to take chances. This uncertainty, inherent in the centuriate system, must have been most beneficial to the lower orders.

At praetorian elections a deep split in the vote of the upper strata bringing the voting down to the lowest classes must have occurred more often. The use of the *centuria praerogativa* may have been confined to consular elections,⁷⁷ and in any case the *omen praerogativae*, as described by Cicero (cf. n. 76), would only have ensured the election of one praetor out of eight. At praetorian elections it is virtually unthinkable that each of the ninety-seven centuries voting first regularly voted for the same eight (earlier, six) candidates. We are told that Marius was elected praetor only with difficulty, and received the last place (Plut., *Mar.* 5). This means, in all probability, that the number of centuries which voted for him was much lower than for the one who was 'factus primus' (cf. n. 81 below); the lower property-classes had to be called to vote before Marius received the necessary absolute majority. Nor was Antonius Hybrida elected praetor by the unanimous vote of the upper strata. Cicero taunts him with having received only the third place, allegedly thanks to his competitors who had conceded centuries to him, 'upgrading' him from the last one: 'Nescis me praetorem primum esse factum, te concessione competitorum et collatione centuriarum et meo maxime beneficio ex postremo in tertium locum esse subiectum?' (Asc. 85c).

Moreover, it is uncertain whether the strict descending order of calling the five classes to vote was always preserved. Dionysius of Halicarnassus says that the Servian system described by him was later changed 'into one more democratic', 'not by abolishing the centuries, but by no longer preserving the ancient strictness (i.e., presumably, the ancient strict order) of calling them to vote' (IV.21.3). If this passage refers to the third-century reform of the assembly, as is often supposed,⁷⁸ it may well mean that the descending order of voting was not preserved in the lower strata of the assembly (below the second class, cf. Cic., *Phil.* II.82) after this reform. Indeed Tibiletti and Staveley, who believe (wrongly, in my view) that the passage of Dionysius refers to a reform carried out by Augustus, take it to mean that the classes were henceforth called to vote at random.⁷⁹ M. I. Henderson argues that in the later Republic the old property-classes had lost their military significance and 'their static *minima* could no longer reflect the real gradations of a society expanding in size and wealth'; 'the inferior grades of census (may have been) confused or ignored'.⁸⁰ If the strict descending order of voting was not observed in the lower strata, the fourth and the fifth classes had of course a greater chance of taking part in a vote.

No *nobilis* (or *homo novus*) aspiring to reach the highest offices could ignore the possibility that he would need the votes of what to him must have been the lowest dregs of the city populace: not just in distributing bribes before the elections, but as an aedile, as an organizer of private *munera*, in his social life, and whenever he had occasion to display generosity or be charged with a lack of it. Cicero, for example, would not eventually need the votes of the lower property-classes (below the second), for he won both the praetorship and the consulship 'omnibus centuriis', i.e. without any split in the vote of the higher strata.⁸¹ He could not, however, have known that this would be so back in 69, when, as an aedile, he was reducing the price of grain in the city (Plut., *Cic.* 8); Cicero's letters to Atticus during his canvass for the consulship betray considerable anxiety (Cic., *Att.* I.1; 2). If it should be granted that Cicero's

⁷⁶ According to Cicero (*Planc.* 49), the vote of this century would virtually ensure the election of one of the two consuls: 'una centuria praerogativa tantum habet auctoritatis ut nemo umquam prior eam tulerit quin renuntiatus sit aut eis ipsis comitiis consul aut certe in illum annum'. 'The words in *illum annum* are not clear, and the text may be wrong', Taylor, op. cit. (n. 2), 204. Christian Meier remarks that 'nemo umquam' is probably a rhetorical exaggeration; the passage indicates that in the period directly preceding the speech the candidate named first by the *centuria praerogativa* was always chosen consul, while the candidate named second sometimes, or often, lost (*RE* (Suppl. 8), col. 593); cf. Taylor, op. cit. (n. 2), 57.

⁷⁷ Develin, op. cit. (n. 61), 377. This suggestion is not disproved by Plut., *Cat.Min.* 42.

⁷⁸ e.g. P. A. Brunt, 'The Lex Valeria Cornelia', *JRS* 51 (1961), 81-3; Taylor, op. cit. (n. 24), 87; J. J. Nicholls,

'The reform of the comitia centuriata', *AJPh* 77 (1956), 234 and 252; Nicolet, op. cit. (n. 2), 301.

⁷⁹ G. Tibiletti, *Principe e magistrati repubblicani* (1953), 60ff.; Staveley, op. cit. (n. 24), 129 and 247. The change is said by Dionysius to have been 'forced by some pressing needs' (ἀνάγκαις τοῖς βίαισθεις ἰσχυραῖς), which can hardly apply to any conceivable motive for a change in the structure of the assembly under Augustus.

⁸⁰ 'The establishment of the equester ordo', *JRS* 53 (1963), 64.

⁸¹ He took great pride in it: e.g. *Leg.Man.* 1.2; *Off.* II.58. To have been elected 'by all the centuries' was clearly a mark of distinction, which shows that at least some split in the votes of the higher strata was usual. Priority of election, which was also considered important, would usually, though not necessarily, mean having received the votes of more centuries: see on this U. Hall, 'Voting procedure in Roman assemblies', *Historia* 13 (1964), 290; cf. Asc. 85C.

action did eventually benefit him at the polls (as seems in fact to be indicated by Cicero himself in *Off.* II. 59), it implies that at least some of the voters in the first class were not too rich, or too rural, for their votes to be influenced by bread having been made cheaper in the city. In any case, it is universally accepted that the *Leges Frumentariae* of the late Republic were meant to benefit the urban plebs and gain its support, even though others might also occasionally benefit from them (cf. *Cic., Tusc.* III.48); why should the lowering of the price of grain by aediles be interpreted differently?

The vote was indeed a marketable commodity; demand was high, and in the late Republic the market was freer than before, for the voting was secret. Numerous precautions were taken to ensure the effective secrecy of the voting (*Cic., Leg.* III.38), and at least in the lower classes the voting units were probably so large that it was impossible to guess how anyone had voted (the same applies to the voting units of the tribal assembly). The significance of this is explained by Cicero in *Planc.* 16:

The people cherishes its privileges of voting by ballot, which allows a man to wear a smooth brow while it cloaks the secrets of his heart, and which leaves him free to act as he chooses, while he gives any promise he may be asked to give.

A voter could thus take bribes from the different candidates and then be free to vote the way he liked, no doubt often rewarding 'the highest bidder',⁸² though it should not be assumed that this was the sole consideration that determined the voters' choice. Quintus Cicero's complaint in *De Legibus* that the *Leges Tabellariae* had destroyed the influence of the *optimates* (III.34) is surely exaggerated, but they must have bankrupted a good many of them.⁸³ The price that the urban plebs could exact for its votes was very considerable.

At some earlier time, when a majority could be reached without the votes of the second class, when the voting was open and less free, the lower strata of the *assidui* not yet proletarianized, and competition within the ruling class less fierce, the centuriate assembly may well have been a very different institution. According to some historians, there may originally have been no competition at all between different candidates, and the voters were only asked to give a yes/no answer to a list of candidates submitted by the presiding officer.⁸⁴ If the sources which describe the functioning of the centuriate assembly as originally established reflect some such tradition, the usual unanimity of the higher strata of the assembly to which they bear witness is of course entirely expected, and clearly irrelevant to understanding how the assembly functioned at later times.

It is surely wrong, as is sometimes done, to read the sources describing the establishment of the centuriate assembly by Servius Tullius, or even the assembly of the early Republic, as if they were telling us how it operated in the age of the Roman Revolution. These sources describe a remote and idealized past, not late-republican politics, and Dionysius states explicitly that the Servian system was later changed 'into one more democratic'. Yet even these descriptions are in fact less 'oligarchic' than is sometimes claimed.

Dionysius of Halicarnassus says that Servius Tullius, by his organization of the centuriate assembly, virtually excluded the poor from any part in the government. The term 'poor' (*ἄποροι* or *πένητες*), however, is in this context consistently applied by Dionysius to the *proletarii*, those exempt from military service and taxation, and not to the lower classes of the assembly.⁸⁵ The confinement of 'the poor' to just one century (rather than any exclusive predominance of the first property-class) is expressly presented by Dionysius as the main plutocratic feature of the Servian system (IV.21.1). According to Cicero, Servius Tullius so organized the centuriate assembly

that the voting was controlled, not by the multitude, but by the rich (*locupletes*) and took care that the greatest number should not have the greatest power (*ne plurimum valeant plurimi*), a principle which ought always to be adhered to in a commonwealth. (*Rep.* II.39)

The *multitudo* which is here said to have been practically disfranchised does not mean the lower property-classes, but the *proletarii*, for Cicero expressly (and rather strangely) identifies

⁸² cf. Linderski, *op. cit.* (n. 10), 91.

⁸³ cf. *Plut., Cic.* 10; *Cic., Off.* II.54. On electoral bribery and the problem of debt, see M. F. Frederiksen, 'Caesar, Cicero and the problem of debt', *JRS* 56 (1966), 128 ff.

⁸⁴ Hall, *op. cit.* (n. 81), 286.

⁸⁵ cf. IV.18.3; 20.1; 20.5; 21.1; 21.2.

the *locupletes* with the *assidui*, not with the first class: *locupletes* were called *assidui* because they paid the expenses of the state ('qui cum locupletis assiduos appellasset ab asse dando', *ibid.* 40). The main contrast in this passage is not, apparently, between the first class and the lower ones, but rather between the *assidui* and the destitute, even though the large number of centuries allocated to the first class, and its great influence in the assembly, are certainly noted and emphasized (*ibid.* 39). 'Ne plurimum valeant plurimi' means chiefly, though not exclusively, that the destitute could not, by virtue of their numbers, actually control the assembly against the wishes of the more respectable citizens, as could certainly happen in the tribal assembly. The centuriate assembly still satisfied this basic undemocratic requirement in Cicero's own day, even though the lower strata of the *assidui* had become proletarianized, while their vote, as is argued here, had become more influential. But whatever laudable intentions he ascribed to the legendary king, Cicero the politician behaved, and described others as behaving, as if the votes of the common people mattered.

Livy says, immediately after explaining the structure of the assembly as established by Servius Tullius, that it was rare for the centuries of the *equites* and the first class to disagree and for lower classes to be called to vote (Livy I.43.11). It is worth noting, however, that when Livy describes how canvassing for higher offices was actually conducted, he repeatedly attributes 'popular' methods to the candidates. In Livy XXII.34, for example, Gaius Terentius Varro is described as a candidate (eventually successful) of the *volgus*; he had won the support of the plebs *popularibus artibus*.⁸⁶ In Livy IV.13.1-4 the gratitude of the plebs to Spurius Maelius for his distribution of grain in time of famine is said to have promised him 'haud dubium consulatum'. The famine is said to have been caused by the farmers' neglect of their fields (IV.12), and if so Spurius' action may have benefited farmers as well, and not just the city populace (though it would hardly be aimed primarily at wealthy landlords). But the whole account of this legendary fifth-century attempt to establish a *regnum* must have been heavily anachronistic, and Livy may well have been thinking in terms of a much later period, when any distribution of grain in the city would have been aimed at winning the gratitude of the city populace.⁸⁷

When seditious tribunes are described by Livy as complaining about their inability to reach higher offices, they blame either the plebeians, for their deference to the nobility, or the *patres*, for their 'mixed entreaties and threats' (IV.25.9-14), presumably quite effective when the voting is open. Never once do they complain, in this or in any other context, that the urban plebs, or the poor in general, are in fact virtually disfranchised in the centuriate assembly. This is generally true of popular rhetoric found in the sources,⁸⁸ although it must be remembered that we have relatively few examples of it. The alleged disfranchisement of the urban plebs, and of the poor in general, in the centuriate assembly is certainly the least voiced constitutional grievance of the *populares*, strangely ignored by popular tribunes who would have been its greatest victims.

Dionysius, describing the centuriate assembly as established by Servius Tullius, says that in most cases (τὰ πολλά) the votes of the first class would decide the issue (IV.20.5). In the second part of the same sentence, however, he adds that it would be rare for the voting to reach the fourth class, which obviously means that it would not be exceptional for it to reach the third one. In VII.59.8 Dionysius is again describing the Servian assembly, this time stating that the issue would be decided, τὰ πολλά, by the *first classes* (ἐπὶ τῶν πρώτων κλήσεων), not by the *first class*. Perhaps we may suppose that the first three (heavily armed) classes are meant.⁸⁹

⁸⁶ cf. *ibid.*, III.35.3-7; XXXVII.57.11; XXXIX.39.10-13; 41.1-4. For extreme cases of a deep split in the vote of the centuries at consular *comitia* leading to supplementary elections (since none of the competitors for the second consulship could obtain the necessary absolute majority in the first round), see Livy XXII.35.2; XXXVII.47.7; cf. IV.16.6-7; IX.34.25.

⁸⁷ cf. Dion. Hal. XII.1.9; see R. M. Ogilvie, *A Commentary on Livy. Books 1-5* (1965), 550-1.

⁸⁸ (Pseudo)Sallust, writing to Caesar, supports the proposal which he attributes to Gaius Gracchus for a democratic reform of the centuriate assembly (*Ad Caes. sen. de r.p. ep. 8.1*). Sallust, *Oratio Macri tr. pl. 6*, quotes a popular tribune of 73, C. Licinius Macer, telling the people in a *contio* that they choose their masters: '(vos

multitudo) ipsi per suffragia, ut praesides olim, nunc dominos destinatis'. Cf. Sall., *Iug. 37.16*, a similar statement by another popular tribune, Memmius, in similar circumstances; see also *Rhet. Her.* IV.48.

⁸⁹ Note that the third class is the last one specifically mentioned in the preceding sentence, which describes the descending order of voting in the centuriate assembly. Moreover, Dionysius describes the assembly as consisting of six classes, the eighteen centuries of horse and eighty centuries of foot comprising the first one, with the highest rating (ἡ τῶν ἐχόντων τὸ μέγιστον τίμημα, VII.59.3; cf. IV.21.1), the single century of the *proletarii* being counted as the last one (IV.18.2-3; 20.3-5; VII.59.3-8). It seems natural to assume that in VII.59.8 he regards the first three classes as πρώτοι and the last three as ἑσχατοί.

Similarly, in VIII.82.6 the voting in the centuriate assembly is said to have been, as a rule, controlled by τὰ πρῶτα τιμήματα ἔχοντες, again the first classes rather than just the first class (cf. n. 89). Both Dionysius in these passages and Livy in I.43.11 are describing an assembly which not only still gave an absolute majority to the combined votes of the *equites* and the first class, which was changed later, but still dealt, alongside elections, with legislation, questions of war and peace, and trials, in which it would be more natural for public opinion to be split horizontally rather than vertically (cf. Dion.Hal. XI.45.3). In VII.59.9 Dionysius is describing the trial of Marcus Coriolanus. Marcus' supporters demand that he should be tried by the centuriate rather than by the tribal assembly, expecting him to be acquitted by the votes of the first class, 'and if not — the second or the third'. The whole point of the demand is of course the expectation that in such a case the more respectable citizens would be relatively united in their support of the 'good cause'; yet even so, it cannot be taken for granted that the third class will not be called to vote. Dionysius' testimony does not support the view that the first class alone was, at any time in Roman history, 'the effective arbiter of centuriate decisions'.⁹⁰

Dionysius does in fact mention a case where a consul was elected by a united vote of the *equites* and the first class manifestly against the wishes of the other classes: this was after the leading members of the Senate, consulting together in private, agreed among themselves to entrust the consulship to L. Quintus Cincinnatus (X.17.2; cf. Livy III.19.2-3).⁹¹ Whether or not this is how Cincinnatus was elected consul, this is certainly not how elections were conducted in the late Republic.

IV. CONCLUSIONS

The urban plebs was wooed and bribed by the Roman nobles, and by the aspirants to nobility (the *novi homines*), because it could offer them, for an appropriate price, something which to them was of crucial importance: its votes in the elections for both the lower and, as is argued here, the higher offices. The Roman nobles who, perhaps more than any other social élite in history, were dependent on popular elections for the very definition of their relative status in society, were willing to pay a high price for the votes of the urban plebs. They paid this price directly and indirectly, not just on the eve of an election, but throughout their political career; that is to say, to a large extent, throughout their adult life.

Not all *largitiones* were aimed at winning votes at elections. The votes of the urban plebs were of great value in the legislative tribal assembly (or *concilium plebis*), and it must be remembered that this assembly could bestow *imperia extraordinaria* as well as pass important legislation. Quite apart from voting, 'the voice of the people' could not be ignored at a *contio*, in the theatre, or on the streets of the city. In the final analysis the city populace had to be fed and placated in some way simply because it was there — a huge mass of people, many of them needy and restless. Moreover, the Republic had no police force to control these masses; it was all the more necessary to provide a carrot because the stick was not readily available. The most rational way for the ruling class to deal with this situation would be through a system of public doles, such as the *Leges Frumentariae*. But to this tendency, which certainly appears in the late Republic, most of the ruling class was generally opposed. Its members preferred a system of private *largitiones* which imposed the cost directly on themselves and continuously increased that cost through competition, which forced them to demean themselves before their inferiors,⁹² incur enormous debts, and sometimes risk a criminal prosecution and severe penalties. All this does not make sense unless it is accepted that the individual *nobilis* could not reach the highest honours without competing with his peers for the votes of the common people. Many senators would eventually welcome the abolition of competitive popular elections by Tiberius: 'the Senate, being now released from the necessity of bribery and of

⁹⁰ Develin, op. cit. (n. 61), 360.

⁹¹ cf. Dion.Hal. VIII.82.4-6; 87.1-2; XI.42-43.1 for similar cases of consular candidates supported by the whole of the nobility and imposed on 'the people' (specific property-classes are not mentioned) in apparently uncontested elections.

⁹² Canvassing might be considered humiliating to a *nobilis* (Cic., *Planc.* 10-11 and 50; Cic., *De Or.* I.112), and indiscriminate *largitiones* were repugnant to traditional aristocratic sentiment in Rome — cf. n. 43 above and text. See on this Linderski, op. cit. (n. 10), 89.

degrading solicitations, gladly upheld the change (*senatus, largitionibus ac precibus sordidis exsolutus, libens tenuit*)⁹³ (Tac., *Ann.* 1.15). But as long as the Republic lasted this was, of course, inconceivable.

Aristocratic magnificence and munificence — a feature common to many societies — certainly played, by itself and apart from considerations of direct political expediency, an important role in Rome.⁹³ Popularity can be valued for its own sake, and a man's social standing could be enhanced by *beneficia*. But the ultimate test and measure of *dignitas* for a republican *nobilis* (and no less so for an ambitious *homo novus*) was his ability to reach higher office. Moreover, not every kind of *largitio* would necessarily increase the benefactor's prestige in the eyes of his peers; some of the most widely practised ones might be accepted as a necessary evil rather than regarded as particularly reputable in themselves. And nobody needed to run the risk of prosecution for *ambitus* unless he was actually looking for votes, not merely being generous or ostentatious. The exact scope of the prohibitions imposed by the bribery laws is imperfectly clear to us, and may even have been a matter of some doubt to contemporaries. But it is clear that they left ample room for generosity towards one's clients and *tribules*, and those wishing to benefit their fellow-citizens at large did not have to do it on the eve of an election.

Because it was so bribed, the urban plebs (or parts of it) could often be relied upon by the nobles to behave in a way reminiscent of what at other times was called the 'Church and King Mob'.⁹⁴ This is why it was notoriously faithless to some of the *populares* attacking the established order, though it would stay faithful to a man like Clodius who built his power base entirely by ingratiating himself with the urban (as opposed to the rural) plebs. This is also why it was possible for Cicero, speaking before the legislative *concilium plebis*, the most urban and popular of the popular assemblies,⁹⁵ to urge his hearers to reject the agrarian bill of Servilius Rullus as a poor bargain:

But do you, citizens, if you wish to listen to me, keep possession of the influence you enjoy, of your liberty, your votes, your dignity, your city, your forum, your games, your festivals, and all your other enjoyments (*possessionem gratiae, libertatis, suffragiorum, dignitatis, urbis, fori, ludorum, festorum dierum, ceterorum omnium commodorum*), unless perhaps you prefer to abandon these privileges and this brilliant republic, and to settle in the dry sands of Sipontum or in the pestilential swamps of Salapia . . . (*Leg. Agr.* 11.71)⁹⁶

In the late Republic, the urban plebs and electoral bribery were growing together. The city population swelled as impoverished farmers came to Rome in great numbers, with little property but their vote, which they were often ready to sell 'to the highest bidder'.⁹⁷ The votes of such people were especially valuable since, as is widely accepted, at least some of them were allowed to keep their registration in the rural tribes.⁹⁸ Electoral bribery, and the *largitiones* indirectly connected with elections, became more rampant; this, in its turn (together with the *Leges Frumentariae*), made life in the city, under conditions which should not of course be idealized, more attractive, considering the alternative, and encouraged further migration to the city:

Young men who had maintained a wretched existence by manual labour in the country, had come, tempted by public and private doles (*iuventus . . . privatis atque publicis largitionibus excita*) to prefer idleness in the city to their hateful toil. (*Sall., Cat.* 37.7; cf. *Varro, R.R.* 11.3)

From the viewpoint of the upper classes, a vicious circle was created.

But in fact, competitive elections were not the only possible way for the nobles to secure their *dignitas*, and for the urban plebs to secure its *commoda*. The emperors would offer all of its traditional *commoda*, and more, to the urban plebs, and would relieve the nobles of the bother and expense of contested popular elections.⁹⁹ Some, though not all, of the nobles would

⁹³ This aspect ('euergetism') is emphasized by Veyne in *op. cit.* (n. 2), 488–90.

⁹⁴ Vanderbroeck, *op. cit.* (n. 2), 93.

⁹⁵ See on this Taylor, *op. cit.* (n. 2), 61–2.

⁹⁶ cf. *Leg. Agr.* 11.102: 'vos, quorum gratia in suffragiis est'.

⁹⁷ Linderski, *op. cit.* (n. 10), 91, describing the whole process.

⁹⁸ See Brunt, *op. cit.* (n. 3), 25–6 on the voting power of the urban plebs in the 'nominally rural tribes' in the late Republic.

⁹⁹ Senatorial munificence was severely restricted under the Principate, but it did not disappear altogether although it could no longer directly help to advance one's political career, it probably came to be valued by senators as a remnant of the old Republic, when senators were 'free to court and be courted by the plebs' (Tac., *Ann.* 111.55). Cf. Tac., *Ann.* 111.55. See on this, and on further developments under the later Empire, Veyne, *op. cit.* (n. 2), 685–9.

for a long time be unhappy with the new dispensation, because it involved, for them, a loss of real political power; but the urban plebs seems to have accepted it without reservations. The Roman mob (*turba Remi*), says Juvenal,

iam pridem ex quo suffragia nulli
vendimus, effudit curas; nam qui dabat olim
imperium fasces legiones omnia, nunc se
continet atque duas tantum res anxius optat
panem et circenses. (x. 77–81)

Now that no one buys our votes, (it) has long since cast off its cares; those who once bestowed commands, high office, legions and all else, now meddle no more and long eagerly for just two things — Bread and Circuses.

What is called the Roman Revolution, however, was not brought about principally by the urban plebs. For whereas individual nobles went bankrupt because they had to buy the votes of the urban plebs, the aristocratic republic may well have collapsed partly because the nobles *did not have to* buy the votes of the rural plebs, and therefore completely neglected its interests.¹⁰⁰

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¹⁰⁰ cf. P. A. Brunt, 'The army and the land in the Roman revolution', *JRS* 52 (1962).