

THE VOTING POSITION OF THE EQUITES AFTER THE CENTURIATE REFORM

In the third century B.C. (the generally agreed date) there occurred some kind of reform of the centuriate system. Before that reform the *equites* were called first in the order of voting¹), but afterwards this was not so, as during the Hannibalic War we find junior centuries of the first class performing the prerogative function²). For 169 B.C. we have a text of Livy (XLIII. 16.14 ff.) where a centuriate trial of the censors is the subject:

et cum ex duodecim centuriis equitum octo censorem condemnassent multaeque aliae primae classis, extemplo principes civitatis in conspectu populi anulis aureis positis vestem mutarunt ut supplices plebem circumirent.

While the position of the twelve equestrian centuries in the text need not indicate their voting position – indeed it cannot if the prerogative century was from the first class – but rather reflects their social status, the natural conclusion is that the six remaining equestrian centuries (for there were eighteen in all) consisted of the *principes civitatis*. This should then mean the *sex suffragia*, the most ancient centuries, originally reserved for patricians³). That the change from a purely patrician senate to a mixed patrician-plebeian order should entail the corresponding transformation of the *sex suffragia* into mixed centuries for the senatorial vote is a logical assumption. At Cicero *de rep.* IV. 2 we read “*equitatus, in quo suffragia sunt etiam senatus*”; the passage will concern us later in its larger context, but “*etiam*” can be taken to imply that the senate was a distinct element in the *equitatus* and that element would be the *sex suffragia*.

One would conclude, therefore, that after the reform the *sex suffragia* voted before the second class, as a separate entity consisting of the most influential men in the state, so that their vote constituted a virtual prerogative opinion for the second

1) Livy I. 43.8; Mommsen, *Röm. Staatsr.* III. 1.290 f.

2) Livy XXIV. 7.12; XXVI. 22.4; XXVII. 6.3.

3) See H. Hill, *The Roman Middle Class in the Republican Period*, (Oxford, Blackwell, 1952), 16; C. Meier, *RE Suppl.* VIII (1956), s. v. *praerogativa centuria*, 589. Cf. A. Alföldi, *Der frühromische Reiteradel und seine Ehrenabzeichen*, (Baden-Baden, 1952), 100.

class⁴). The position of the other twelve equestrian centuries cannot be ascertained from Livy, though a passage of Cicero (*Phil.* II. 33.82f.) dealing with Dolabella's *comitia* in 44 B.C., by omitting a separate reference to them, implies they voted with the first class at the time:

Ecce Dolabellae comitorum dies. Sortitio praerogativae; quiescit. Renuntiat; tacet. Prima classis vocatur; renuntiat. Deinde, ita ut adsolet, suffragia. Tum secunda classis vocatur. Quae omnia citius facta quam dixi.

The natural reading is to take "suffragia" as the *sex suffragia*; additions have been suggested to make the passage say as much⁵). De Sanctis saw that for "ita ut adsolet" to be meaningful, it must refer to the order of voting and not the mere act⁶), and it should be clear that Cicero is describing the order of the vote. As a final demonstration of the separability of the *equites* and the *sex suffragia* we may adduce Cicero *de rep.* II. 22.39, where we read, as part of the totaling of votes before the second class "equitum centuriae cum sex suffragiis"; such a notice of the distinction would seem essentially pointless if they voted as a unit⁷).

This last text I cited with what might seem undue confidence; it is a correction from an obviously erroneous original⁸). The correction I believe to be accurate, but its susceptibility makes it a loophole. For not all agree with the above interpretation of texts. On the one hand it has been supposed that *all* the equestrian centuries now voted after the first class⁹); this requires the assumption that "suffragia" at Cicero *Phil.* II. 33.82

4) Meier, loc. cit. 588f.; cf. Mommsen, *Röm. Staatsr.* III. 1.292, though his opinion that the *sex suffragia* remained patrician is, I think, out of the question. A. Momigliano, *JRS* LVI (1966), 21, thinks the *sex suffragia* voted after the *classis* (i.e. the first class) in the late Republic as an archaism and because they were less important! He does not consider the reform as a factor at all.

5) See Mommsen, *Röm. Staatsr.* III. 1.254 n. 2, 292 n. 2; so too Hirschfeld after Niebuhr; see C. Nicolet, *L'ordre équestre à l'époque républicaine*, I (Paris, 1966), 135 n. 24 *bis* and the Teubner text and the *apparatus criticus* of the Oxford text.

6) *Storia dei Romani*², (Firenze, 1967), III. 1.358ff.

7) I have argued elsewhere, in a paper dealing with this passage, that the corrections (see next note) must be allowed to stand.

8) See L. R. Taylor, *AJPb* LXXXII (1961), 337ff.

9) G. V. Sumner, *AJPb* LXXXI (1960), 147ff. n. 13, in support of an emendation of Cicero *de rep.* II. 22.39 which he later rejected (*Historia* XIII (1964), 125ff.); cf. L. R. Taylor, *Party Politics in the Age of Caesar*, (Berkeley, 1949), 204 n. 38.

refers to all the eighteen centuries and either emendation of Livy XLIII. 16.14ff., supposing that an original text reading "ex XVIII centuriis equitum XII censorem condemnassent" has been corrupted to "... XII...VIII...", or the conclusion that Livy is recording the eight of the twelve out of the eighteen centuries which had voted up to that point (which allows the other six to be the *sex suffragia*), though all the equestrian centuries voted together. But to read "suffragia" as all equestrian centuries is indefensible and the text of Livy gives no grounds for emendation. The final supposition would presume that voting in centuriate trials was successive and not by class or order as in other areas; but this cannot be demonstrated¹⁰). We are left, incidentally, with the possibility that in 169 the twelve centuries of *equites* voted as a distinct unit, while this was not so in 44, when they were not singled out.

On the other hand it has been suggested, most recently by Nicolet¹¹), that the eighteen equestrian centuries retained the prerogative role. The fact of the junior centuries of the first class being prerogative in the Hannibalic War is explained by referring this to crisis circumstances; in concert is adopted the heretic attribution of the centuriate reform to 179 B.C.¹²). It is supposed that in 209 the system of 193 centuries was created and ascribed to Servius (one wonders why) and that the censors of 179 related centuries, classes and tribes. This most fragile edifice is founded upon a notice in Livy (XL. 5 1.9) for that year: "mutarunt (censores) suffragia regionatimque generibus hominum causisque et quaestibus tribus descripserunt". Whatever this means, it cannot even be safely ascribed to the centuries in any way; only tribes are mentioned. It certainly cannot be made to outweigh the obvious implication of Livy that by the Hannibalic War a first class (junior) century provided the prerogative vote as a regular feature. In our source the elections begin in routine fashion; complications arise, but there is no crisis. It is hard to see how such an expedient would in any event respond to general crisis conditions of wartime.

Surely the most suspicious element of Nicolet's reconstruction is his appetite for textual emendation. Naturally he seizes

10) *Pace* F. W. Walbank, *A Historical Commentary on Polybius I* (Oxford, 1957), 686.

11) *op. cit.* 125 ff.

12) *op. cit.* 23; cf. also *Rev. hist. droit fr. et étranger* XXXIX (1961), 341 ff. The idea, as he points out, is not of his invention.

upon Cicero *de rep.* II. 22.39 and he accepts Sumner's conjectural restoration of Livy XLIII. 16.14. Cicero *Phil.* II. 33.82 would be assumed to say "then the vote proceeded as usual", but the emendation is adopted "deinde, ita ut adsolet, suffragiatum secunda classis vocatur". The first two devices are at least doubtful, the emendation of the third text ruins its effect entirely! Cicero is pointedly following the progress of the vote in staccato phrases; in that context the extended sentence of the emendation is an enormity. As noted, without the emendation, "deinde, ita ut adsolet" cannot mean "then the vote proceeded as usual", a statement utterly otiose when the second class is named, especially since, again, the writer is reproducing the stages and speed of the actual proceedings.

A reasonable reading of the sources must result in the conclusion that after the reform the *sex suffragia* voted after the first class as a separate unit; this was a constant factor through the remainder of the Republic. If practice was constant in other respects, then the other equestrian centuries would seem to have voted with the first class. But in 169 their votes were at least distinguishable in the record. Of course, this could emerge simply from the *renuntiatio* and as in 169 the interests of the *publicani* were involved, the equestrian vote was especially relevant. Nonetheless, it remains possible that they voted as a block before or after the first class or even among them. If before, it would be most odd, since the prerogative century was from the *prima classis*; our instances of the prerogative century at work tell us that most of subsequent centuries voting "iure vocatae", whatever that might entail. If the twelve centuries voted after the first class, then effectively they and the *sex suffragia* would be a unit, though separable in fact. In 169 at any rate their interests were apparently not identical.

That that practice may not have been constant is suggested by the events on 129 B.C., a year the importance of which has recently been emphasized¹³). This is the dramatic date of Cicero's treatise *de republica* and therein (IV. 2) we find Scipio remarking "Quam commode ordines descripti, aetates, classes, equitatus, in quo suffragia sunt etiam senatus, nimis multis iam stulte hanc utilitatem tolli cupientibus, qui novam largitionem quaerunt aliquo plebiscito reddendorum equorum". While Nicolet wishes to

¹³) Nicolet, op. cit. 103 ff.; E. Badian, *Publicans and Sinners*, (Ithaca, 1972), 56 ff.

place this plebiscite in 123 among the measures of Gaius Gracchus¹⁴), Badian has with reason remarked that laws did not remain a subject of discussion for years and were attached to an individual whose magistracy was only annual; Cicero will have known the date and if it was passed later – we cannot doubt that it was passed – he would not represent it as in the air earlier¹⁵). It is theoretically possible that the law was rejected in 129 and revived later, it is possible to allow Cicero a literary conceit of sorts and ideas can and did sometimes circulate before final passage. Nonetheless, 129 is by far the more likely date, especially since no source refers such a measure to Gaius. More important for us, however, is the general atmosphere of the time. Badian convincingly associates the plebiscite with the aftermath of the events of 133 and with the political situation of 129, part of the continuing trend which culminated in Gaius' legislation, and he plausibly places in the same context the granting of fourteen rows of seats at games as a privilege to the *equites*.

The *utilitas* to which Scipio/Cicero refers must be the association of the senate with the equestrian order and the effect of returning the public horse would be the separation of senate from *equitatus*¹⁶). In fact the opposition of the *sex suffragia* and the other equestrian centuries is to be seen already in the events of 169 and now the divergence of the two groups was eminently feasible. There can be little doubt of a general association of the equestrian centuries with the financial interests of the *publicani*; the privilege of membership of an equestrian century was at least largely won on a basis which the *publicani* could appreciate, while the senate was a political body often at odds with financial concerns. Such a situation occurred in 129 when an unfavourable senatorial judgment was given in a case of publican interests in Pergamum¹⁷).

To Badian “nova largitio” is “new kind of bribery”, the aim of which was to give the *equites* a corporate identity apart from the ruling order; it is suggested the bribe came from the Gracchan land commission, whose schemes worked against the *equites* as large landowners. *Largitio* does not mean “bribe”,

14) *op. cit.* 103 ff.

15) *op. cit.* 56 f.

16) See M. I. Henderson, *JRS* LIII (1963), 71; T. P. Wiseman, *Historia* XIX (1970), 79 n. 64; Badian, *op. cit.* 56; also A. Alföldi, *Historia* XVII (1968), 459.

17) See Badian, *op. cit.*, 58 ff.

though most often it carries such a pejorative connotation¹⁸); Scipio/Cicero's attitude is clear – it was contrary to Cicero's beloved *concordia ordinum*. It is in fact “something for nothing”, and in this context is perhaps best translated “favour”, as it is apparent that those who wished to change the status quo were the ones who wanted to receive (“quaerunt”) the *largitio*; that is, there was a fairly large demand (“nimis multis” is Scipio/Cicero's point of view) for the measure from those who would benefit.

Wiseman has proposed that the plebiscite removed the *sex suffragia* from the *equites equo publico* to create room to meet an increasing demand for enrollment in these centuries¹⁹). If that were so, six centuries would be vacated and the *sex suffragia* still existing would add six to the total of the centuries in the whole organization; of this there is no inkling. Alternatively, the *sex suffragia* should have been disbanded and the senators made to vote in the first class, in itself an unlikely expedient and one seemingly denied by the *comitia* of 44. Any interpretation which ignored the identity of the senate and the *sex suffragia* would be liable to such criticism.

The conclusion, then, must be that the senators were deprived of the public horse, which left only twelve centuries of *equites equo publico*. It has, of course, generally been assumed that there were eighteen such centuries in the first century B.C., but to my knowledge no source cites a number and it cannot be so. In the late Republic the senators and *equites* are clearly opposable quantities and though the term *equites* comes to cover more than just the centuries so called, the point of reference necessarily remains the centuriate census. Something of this may be contained in Cicero's remark (*pro Cluentio* 55.152) that senators of honesty and integrity “*equites ordini senatorio dignitate proximos concordia iunctissimos esse cupiunt*”. Sulla's measure supplementing the senate from *equites* may in part have been intended to bring the two orders back together²⁰). And when Augustus made

18) See H. Merguet, *Lexikon zu den Reden des Cicero*, (Hildesheim, 1962), III, 10; J. Hellegouarc'h, *Le vocabulaire latin des relations et des partis politiques sous la République*, (Paris, 1963), 168, 519, 537, 566 and especially 219 ff.

19) loc. cit.; cf. Hill, op. cit. 106.

20) Sources in H. H. Scullard, *From the Gracchi to Nero*³, (London, 1970), 414 n. 39; cf. H. Hill, *CQ* XXVI (1932), 171 ff.; P. A. Brunt, “The Equites in the Late Republic”, *Second International Conference of Economic History*, Aix-en-Provence, 1962, Vol. I, 120 n. 4.

ten new centuries of senators and the 3000 *equites* of the three judicial decuries to be prerogative to the *comitia centuriata*²¹), perhaps we should see it as a contribution to concord, eliminating the senatorial privilege of voting immediately before the second class as the *sex suffragia*.

While it is probable that the number of *equites equo publico* increased over time, they must have done so within the framework of twelve centuries; no vacancies were created in 129. That the senators must give up the public horse (presumably on entry to the senate or at the next census thereafter) can hardly be called a benefit to them. The recipients of the *largitio* must have been the *equites* and Cicero's words would lead to the conclusion that elements among that body were agitating for it. The reason could hardly be economy and since the *sex suffragia* retained their voting position, it made no difference in those terms. Again as Cicero seems to suggest, the point was precisely the symbolic separation of the senate from the *equites*, who were now to gain corporate identity more and more. The act responded to contemporary circumstances, Gracchan or not. This was enhanced by the seating privilege at games.

There is no reason why the senate should have objected to all this, as they were as aware of the implied distinction as others – the *sex suffragia* were already a manifestation of it. The concession of the public horse in such circumstances was a small price to ensure peace and quiet in troubled times. It is not for us to follow this further. We may ask whether the same situation caused the *equites* now to vote with the first class, though we cannot answer definitively. One might suppose that now they were associated with the class in which the wealthier elements voted, not least their peers who had not been chosen for the public horse. This cannot, of course, be shown, but if there was such a change, this is the most likely time, as we do not hear that Sulla, who represents the most plausible context outside that with which we are presently concerned, made any such move. All in all it would seem safest to assume that throughout the Republic after the centuriate reform the twelve equestrian centuries voted among the first class, though their votes might be noted separately.

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21) Scullard, *op. cit.* 448 f. n. 26.