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IN AMBITIONE ARTIFICES:

ELECTIONEERING AND ELECTIONS IN THE ROMAN REPUBLIC

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Edited by

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INTRODUCTION

Eleonora Zampieri

The volume offers the proceedings of the international conference "*In Ambitione Artifices. Canvassing and Elections in the Roman Republic: Re-Assessments and New Perspectives*", held at the Department of Historical, Geographical and Antiquity Studies (Dipartimento di Scienze Storiche, Geografiche e dell'Antichità – DiSSGeA) of the Università degli Studi di Padova on 4-6 July 2024. The conference was organised as part and in the concluding stages of my 3-years Marie Skłodowska-Curie Career Restart project "AMBIRE – AMbitious Bids: Investigating Roman Elections (78-46 BC)", generously funded by the European Union's Horizon 2020 Research and Innovation Programme.[1]

The purpose of this event was to provide a space for debate and discussion on Roman Republican elections, in order to assess the current state of research on their institutional, social, cultural, and political aspects, and propose new lines of investigation. Coincidentally, 2024 marked the 25th anniversary of the publication, in 1999, of Alexander Yakobson's seminal volume *Elections and Electioneering in Rome*, a book that challenged the contention of Rome's history as the 'history of the governing class'; since then, scholarly debate on Roman electoral campaigns and elections has been lively and stimulating, with contributions on a wealth of diverse issues.

Surely, canvassing and elections were a very important part of Roman political life: if one only considers the main ordinary magistracies (quaestorship, aedileship, tribunate of the *plebs*, praetorship and consulship), 44 people had to be chosen every year. Since magistrates were elected by the popular assemblies, and candidates had to ask electors for their vote, the investigation of this topic has evident repercussions on the historiographical debate concerning the form of the political system of the Roman Republic, its oligarchic or democratic traits, its functioning, and the balances of power between its two main poles, the senate and the people. The discussion was famously sparked by Fergus Millar 40 years ago, with his 1984 paper on the political character of the Roman Republic at the beginning of the 2nd century, followed by other ground-breaking contributions[2] that challenged the idea of the Roman Republic as an oligarchy dominated by a closed aristocracy (later called the 'frozen waste' theory by North).[3] According to its main proponents, chiefly Gelzer, Münzer, and Syme,[4] their members were the only protagonists of the political struggle, aimed at factional power, and dominated the popular assemblies; families within this aristocracy were bound by stable, long-term alliances, which left no space for the individuality of their members, or the contingency of the historical context, let alone differences in policies or ideology; voters in popular assemblies acted in accordance to their ties of *clientela* or mutual obligations, no matter what their personal opinions, interests or mindset was.

Critiques to this theory highlighted, first of all, that the Roman aristocracy was not as closed as it was thought to be; secondly, that the ties of *clientela* were not as binding and static, but fluid and negotiable,[5] as were the same ties among the *nobiles*;[6] and Millar, in particular, forcefully advocated the need to go back to Polybius, who perceived the popular assemblies as the democratic element of the Roman republican political system, and attributed a critical role to them. Indeed, only the people elected the magistrates and voted the laws (and, up to the creation of the *quaestiones perpetuae*, voted in

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2 Millar 1998; main essays of Millar from 1984 in Millar 2002. A change of perspective, with a focus on the individuality of the Roman citizen, his identity, interests, and strong sense of integration and participation to the *res publica* had been offered by Nicolet 1976.
3 North 1990: 7; see also the critique made by Wiseman 2002.
4 Gelzer 1912 (he later retracted his position); Münzer 1920; Syme 1939.
5 Brunt 1988: 382-442.
6 Meier 1966.

trials); the secret ballot, furthermore, made people much less liable to pressures by the rich; finally, the *contio* might be seen as a space for political debate, as even if the people could not take part to the debate, they could express their opinion by applauding or booing. The scholarly discussion, however, while agreeing on the unsuitability of the old orthodoxy to explain the workings of Roman politics, developed to reach different conclusions, mainly in the light of the apparent contradiction between the fact that while the power exercised by the political assemblies is undeniable, it is equally unquestionable that the Roman élite held enormous power and influence. Those who uphold the predominance of the ruling elite stress the wealth-related character of the *comitia centuriata*, where the decisional power was heavily unbalanced towards the well-off components of the Roman society; furthermore, they insist on the fact that only the wealthiest could have access to magistracies, and that magistrates were the only ones who could summon a *contio* or a popular assembly, or could propose a law. People thus were excluded from the debate, and, in any case, very few of them had the possibility or the interest in showing up for voting. By acknowledging the idea of the public dimension of Roman politics underlined by Millar, some German scholars, such as Flaig, Hölkeskamp, and Jehne,[7] focus on its communicative dimension, and argue that the elite ensured its own leading position and the obedience of the people through a series of public ceremonies, performances, and civic rituals with symbolic character that cemented the sense of belonging to a shared identity, and legitimated the dominance of the elite as well as the constituted order. Rituality also pervaded, for example, the oratory of politicians, or the activities of the popular assemblies. According to this model, the people, even though possessing a fundamental role for the functioning of the Republican system, was thus led to accept their subordinate position, on the condition that members of the elite follow suitable models of behaviour, exploiting the 'symbolic capital' of their families in order to obtain consensus.

One of those who contested the rituality of Roman politics has been Mouritsen,[8] who, nevertheless, did not move away from an oligarchic vision of it. Being one of the differences between oligarchy and democracy related to the number of people who could exercise their power, one of the issues that he

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7   See, for example, Hölkeskamp 2004; Jehne 1995; Flaig 2004; on political culture, most lately Hölkeskamp 2020; Arena – Prag 2022.

8   Mouritsen 2001; 2017.

tackles is the one related to the actual participation of the people to *contiones* and assemblies. Attempts of quantitative analysis had been carried out by Taylor, who tried an esteem of the number of people who could fit in the physical space of the *comitium*, the forum, or the Ovile/Saepta, giving low numbers as a result. Even lower numbers were hypothesised by MacMullen, and especially by Mouritsen himself.[9] In addition to this, he argued for the public at *contiones* and *comitia* as made up only by people who possessed enough wealth as to be able to spend their time in a *contio* or at the assembly without being compelled to work in order to survive. Both this model and the one elaborated by the aforementioned German scholars deprive the people of any real influence and power, and exclude the existence of any content in the political struggle or discourse.[10]

As mentioned, Millar's work was a reaction to a vision of Roman politics which completely excluded the popular element from the equation. He turned the spotlight on what Polybius had defined the democratic element of the Roman Republic, recognising its role and power in Rome's political life and reaffirming its importance; furthermore, the public and open character of politics is read in a very different way: it forced the governing elite to responsibility towards the people, and thus its dependence on public opinion. The critiques towards Millar's point of view prompted a defence of a more democratic vision of the Roman Republic – even if not as radical as Millar's.[11] Yakobson[12] argued that in order to understand Roman elections it is necessary to investigate the behaviour of the candidates, who knew the system much better than us. He insisted on the heavy dependence of the Roman governing class from the vote of the people, and argued that the alleged unbalance of decisional power towards the wealthiest classes in the *comitia centuriata* might

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9 Taylor 1966; MacMullen 1980; Mouritsen 2001; see also Jehne 2013.

10 Jehne 2010, for example, maintained that the symbolical reinforcement of the Roman citizens' identity and sense of integration provided by participation to voting as a ritual might have been more important than the issues there discussed, and might have constituted the main incentive to attend assemblies; Mouritsen 2017: 150 maintains that elections in the centuriate assembly were apolitical.

11 Lintott 1999: 199-208, for example, connotes it as "a kind of democracy"; Tatum 2009: 226 acknowledges the reality of the people's sovereignty, but points out that it was constrained by social conditions and aristocratic traditions, and labels it as "delegative democracy". Pani 2002: 283 asks what kind of democracy did Rome have; Pina Polo 2019 insists on the fact that Romans would have never described any part of the Republican system as a 'democracy'.

12 Yakobson 1999.

have been less dramatic than commonly thought: the *census* requirements, in fact, although debated, probably included people whose income was considerably lower than that of a member of the governing elite;[13] furthermore, it was probably more common than previously believed that the poorer classes were called on to vote. According to him, the simple fact that *largitiones* had such an important role in the electoral campaign and that candidates often had to resort to bribery makes it clear that electoral results were not a given (and the approval of the laws on the secret ballot conferred a further degree of unpredictability to them);[14] the *Commentariolum Petitionis*,[15] although explicitly meant to refer to Cicero's consular campaign, is a testimony of the candidate's effort needed to persuade all the different classes of the population, both in Rome and in Italy. Although Roman electoral campaigns did not entail the publication of anything similar to an 'electoral programme' in modern terms, nor rallies in which the candidate could set out his policies, politics influenced electoral results, at least in times of conflict and intense debate on particular issues. In sum, if the candidates' effort in terms of money and time was as substantial as the sources show, it is very difficult to believe that the weight of the people's opinions and decisions was irrelevant. The scholar also engaged with the discussion on Roman political culture, suggesting that elitist and popular aspects of it were not, in his words, a 'zero sum game' (meaning that the Roman Republican system is considered to have been more oligarchic in so far as it was less democratic, and vice versa), but complemented and strengthened each other in a mutually dependent interplay.[16]

The question of voters' turnout at the pools is one of the issues about which the scholars who advocate a more incisive role of the people have focused. Tatum[17] pointed out that even if low numbers of voters showed up at individual elections in the *comitia centuriata*, there was no possibility for candidates to know in advance which groups would attend them each year, thus canvassing had to be as vast as possible; it was also not possible to foresee whether the lower classes would be called on to vote, therefore votes needed to be solicited from as many people as possible in every class. At any

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13 See also Rees 2009: esp. 91-93. *Contra* Mouritsen 2017: 72; 78-79; 81.
14 In particular, see Yakobson 1995.
15 On this, most lately Tatum 2018; Prost 2020.
16 For example, Yakobson 2006a: 385-392; 2006b: 391; most lately, Yakobson 2022a.
17 Tatum 1999: 29-20; 2009: 220.

rate, doubts have been raised about whether turnout was actually so low: legislative *comitia*, because of their higher frequency, probably attracted fewer people, but elections for magistracies could constitute an occasion for many people (even after the conferment of Roman citizenship to the Italians) to travel to Rome once a year to attend to other business, meet people, or watch games and theatrical plays; furthermore, sources seem to imply that large numbers of people flocked to Rome on those occasions.[18] Even on the more conventional way of esteeming the number of voters, that is, to measure the capacity of voting areas, there has been fierce debate, with scholars such as Courrier[19] underlining that voting operations were dynamic, and thus the calculation of the capacity of voting spaces has to be evaluated accordingly.

Attributing a stronger role to the popular element of the Roman Republic, and refusing the idea that the struggle was only internal to the elite, has involved the exploration of the presence and weight of political issues in the public debate, and their impact on the decisions of the popular assemblies, as well as the production and circulation of information independently from the governing elite, thus the existence of ideology and public opinion. Although it is widely recognised that it is not possible to use the modern notion of political party in the context of ancient politics, many scholars argue for the existence of a political ideology, possessing substance and finding confirmation in practice, both for the leading elite and for the people, and bring the attention to the content of politics.[20] Furthermore, studies on political communication, the diffusion of information, the culture of the *plebs*, and the creation of public opinion have explored how political communication worked and how Roman citizens (and not only) exploited the spaces for them in the system to consciously influence the decisional process.[21]

Within this picture, the way in which the governing elite and the people interacted has also been explored with the help of studies on the organisation of popular assemblies and voting procedures, clarifying the mechanisms

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18   Pani 2002: 280-281; Rafferty 2021; Morstein-Marx 2024.
19   Courrier 2014: 437-439.
20   Among them, Ferrary 1997; Pani 2002: 282-283; 2007: 14-19; Wiseman 2009: 5-32; van der Blom – Gray – Steel 2018; Pina Polo 2021.
21   Morstein-Marx 2004; Steel – van der Blom 2013; Courrier 2014; van der Blom 2016; Angius 2018; 2022; Rosillo-López 2017a; 2017b; 2019; 2022; Yakobson 2022b.

through which the people could express their vote,[22] and on the senate and individual magistracies.[23]

As can be seen, the topic of Roman elections continues to offer exciting and fruitful areas of debate, particularly with reference to the balances of power between the governing elite and the people, their ways and spaces of interaction, but also, more technically, in relation to voting procedures and rules, an area of research in need of revision. The papers collected here were written by both established and young scholars, who accepted the challenge to revise, question, explore some of the lines of research on the subject and to open new ones. The first ten contributions concern different, more general aspects of Roman elections from various points of view, and deal with the nature of the Roman Republic, popular turnout to elections, candidates, the spaces of popular sovereignty, elections to lower magistracies, specific categories of voters, and the sources on Roman Republican elections. The last three chapters are more focused on the particularities of elections in the post-Sullan period.

The volume starts with Yakobson's contribution, which inserts itself in the aforementioned debate on the nature of the Roman Republican system. While acknowledging the indisputable elitist aspects of Roman elections, such as the inequality of suffrage, the fact that voters could only choose among few aristocratic candidates, the impossibility for the people to advance their demands and wishes directly, he also underlines that there were some other elements, such as the fact that magistrates were elected only by the people, and the strong competition within the elite (which forced members of the oligarchy to seek the favour of their social inferiors to maintain their status), that counterbalanced the elitist character of the system and strengthened its legitimacy. Furthermore, aristocratic competition was increased by the fact that politics was the only available career for a member of the elite, and competition was on a personal level, since parties did not exist. This made it difficult for the elite to close ranks, unless when confronting an emergency, and gave leverage to the people, as a politician's chances of career depended on his popularity. Yakobson also explains that this system

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22   Mainly Taylor 1966; Staveley 1972; Yakobson 1999; Vishnia 2012; very useful collection of sources, with comment, in Chillet 2023.
23   Most lately, Brennan 2000; Beck – Duplá – Jehne – Pina Polo 2011; Pina Polo 2011; Daguet-Gagey 2015; Becker 2017; Pina Polo – Díaz Fernández 2019; Coudry 2020; 2021; Lanfranchi 2024.

made the emergence of radical politicians possible, but very rare: the weight of the wealthiest class in the centuriate assembly would have made the advancement of someone who had alienated its support impossible, and few ambitious aristocrats would have acted against their chances of a future career. Most of them made use of moderate populist methods, which nevertheless gave leverage to the voters. However, if aristocratic competition became very strong, the limited choice of candidates could make it possible for a radical populist to emerge, and in this case he had a very strong position, given by his aristocratic authority mixed with popular appeal. Cases such as these were very rare, though. Popular leverage was more constantly exercised through the aristocrats' need of votes, which had an impact on their political and social behaviour with accumulative effect. Yakobson concludes that the Roman Republican system was characterised not just by a mixture of elitist and popular elements, but by a symbiosis between them, mutually reinforcing each other.

Chillet's paper tackles the issue of popular participation to elections, since, as seen, the number of voters is a pivotal question in trying to understand Roman Republican political life. While acknowledging the aristocratic structure of the Roman Republic on a social level, Chillet admits that, on the political level, its aristocratic character seems more of a combination of its social structure and of a system much more open than what it might appear at first. He aims at showing that electoral participation was wider than usually maintained, by studying electoral procedures in the centuriate assembly and subsequently achieve a more theoretical description of the Roman political system. By focusing on the fact that there was a minimum threshold for the number of centuries by which a candidate had to be elected in order for his election to be declared valid, the fact that there were elections (four cases in Livy) in which the available places for office could not be filled immediately, but a second voting needed to be held, leads Chillet to affirm that there must have been other cases in which the votes of the first class were not sufficient to fill all the posts. This minimum threshold was a relative majority within each voting unit, but an absolute majority (half of the units plus one) for the final result. According to the author, this latter aspect reveals two elements of Roman mentality regarding politics: first, that there was a universalistic vocation within it, meaning that the legitimacy of elections rested on the decision of the absolute majority of the Roman people; second, since the elected candidates were the ones who reached the absolute majority of units first, and the order of scrutiny depended on how units were drawn by lot, lot had a pivotal role in reintroducing the element of *dignitas* in the process. Therefore,

Romans conceived their system as one where the people had a decisive role, and where the lot contributed to regulate the ranks of *dignitas*.

The question of turnout at elections is tightly intertwined with that of the reasons that led people to go and vote. The promises of Roman candidates are the focus of Smith's contribution; he disputes the idea, held by a part of modern scholarship, that candidates never exposed themselves on their perspective political policies during the campaign, and seeks to explore how electoral promises featured on that occasion. Smith shows that, on the one hand, personal promises of favours were pivotal; on the other, candidates usually created expectations over their year of magistracy by way of intermediaries. Explicit electoral promises were uncommon, and seem to have characterised canvassing during particularly hardly-fought elections, whereas policies seem more commonly to have been formulated in the months after the vote and prior to entering office. In this situation, the voters' agency expressed itself in the environment they created where candidates knew they had to meet the people's expectations in order to obtain their votes. Zampieri, instead, looks into the personal characteristics and qualities of candidates that most attracted voters, and that were thus promoted by the candidates themselves, during the post-Sullan period. Starting from the *Commentariolum Petitionis*, she identifies the personal features that its author thinks most important for Cicero to display – and that, arguably, were the most relevant for voters; she then looks at the characteristics attributed by the sources to other three of the most-known consuls of the post-Sullan period, and argues that most of them are similar to the ones deemed important for Cicero, with a few additions. By sketching the profile of the perfect candidate, Zampieri relates all features to four overarching qualities that a politician needed to have: knowledge and competence to carry out his duties; ability to lead people to action; sensibility for the problems and necessities of others; honesty and sincerity. Finally, she draws a parallel with the results of modern research in political psychology on the voters' choices of candidates, and maintains that the traits that were considered important for successful consular candidates can be traced back to the same four factors according to which we evaluate candidates in contemporary politics. Conclusions point out that the results of research in political psychology can be used as a further tool to think more critically about Roman electoral outcomes and might help reveal further insights into the workings of public opinion during the Republican period.

Elliott has us turn our attention to the land- and cityscapes which defined the Roman people – *populus* – as capable (or not) of political action, and thus

offers further means to reflect on the power of the popular element of the Roman Republic. In particular, by analysing Pompey's and Caesar's interventions in the Campus Martius (Pompey's theatre complex and the Saepta Iulia), his chapter explores the two different directions in Roman political thought of conceiving the *populus* as a collective subject. Pompey's complex framed the *populus* as a much more passive entity, whose sovereignty was both facilitated and curbed by the elite, and by Pompey in particular. Caesar's *Saepta*, on the contrary, celebrated the centrality of the popular assemblies, albeit under his patronage, and underlined the sovereign role of the Roman *populus* by monumentalising the process of the vote.

Most of our sources on elections concern those for the consulship, but Steel and Angius offer two contributions on the voting for quaestors and the so-called *vigintisexviri* respectively. Moving from a passage of Cicero's *Pro Plancio*, and arguing that Plancius' prosecutor, Laterensis, had affirmed that Plancius could only stand for the aedileship because he had evaded proper scrutiny as a candidate when he was elected quaestor, Steel discusses the effects of Sulla's reforms on post-Sullan quaestorian elections. She analyses the voting procedures for them, and argues that, in some years, becoming quaestor was a matter of luck: it surely depended on the order in which the votes of the tribes were announced, but also on the fact that most candidates were unknowns to the Roman people, and both factors impacted on the unpredictability of the results. This phenomenon probably encouraged more individuals to canvass for the quaestorship; it also fostered new methods for vote manipulation. All these factors made quaestorian elections more unpredictable than those for the other magistracies of the *cursus honorum*; although the importance of the capacity of choice of the electorate is out of question, Sulla's reforms affected the possibility of the people to care about all the quaestors that were elected. Angius' paper on the *vigintisexviri* disputes the notion that these offices constituted a separate career for people who did not aim at obtaining a seat in the senate during the 2nd century BCE. His paper focuses on the *tresviri capitales*, a magistracy which, he argues, constituted the lowest level of the magisterial *cursus* and, together with the military tribunate, granted access to the senatorial elite by guaranteeing their holders the *ius sententiae dicendae* at the end of their year of office. Angius' conclusions challenge the notion that only men of noble origin could access the senate, as some *tresviri capitales* came from more humble backgrounds, a factor which suggests the presence of more egalitarian elements in political participation at the end of the 2nd century BCE.

The papers of Bellomo, Rocco and Vettori deal with different categories of people who, in differing ways, had an influence on elections in the Republican period. First of all, the army: Bellomo argues in favour of soldiers playing a significant role in the consular elections during the 3rd and 2nd century BCE. Recent scholarship has recognised the emergence of political consciousness within the armies of this period, and Bellomo's paper examines the role of soldiers who, for different reasons, were in Rome during consular elections, and exercised an active influence on electoral results. He underlines that, from the 3rd century BCE, triumphs increasingly took place at the end of winter or at the beginning of spring, thus in the proximity of consular elections, and analyses some case studies in which the presence of the triumphator's army in the city might have had an impact on their outcome. Furthermore, two other instances are investigated: the deliberate granting of leave to soldiers to ensure their presence in Rome during elections; and the leverage exercised by soldiers who had been enlisted in the urban legions since 217 BCE. Conclusions stress the influence of those soldiers both from a numerical perspective, and in terms of their even distribution among the tribes, and the fact that, at least from the early 3rd century BCE, commanders became increasingly aware of it and strove to maintain active relationships with their troops. Keeping the focus on the Roman army, Rocco's contribution moves to the late Republic, from Marius' first consulship up to the civil war between Caesar and Pompey. It investigates the progressive acquisition on the part of the soldiers of a group conscience, by seeking to have their economic and social interests met and analysing their motivations and attitudes towards their commanders. Rocco presents a series of instances which lead him to highlight the fact that soldiers gradually became an autonomous social group within the Roman citizenry, and increasingly acquired bargaining power towards their commanders. By the mid-1st century BCE, they were chiefly pursuing their particular interests, such as booty, donatives, or land acquisition after the end of military service, and progressively prioritised their own welfare over that of the *res publica* and of their commander, to the point of not refraining from violating the law.

Vettori's chapter, instead, deals with a group that has long been excluded from discussion on elections, namely women. She explores the contexts and ways in which women could influence electoral competition: first, through the analysis of cases in which women were involved in the electoral strategies of their kinsmen, such as the delivery of funeral eulogies for deceased female relatives as a way for men to present themselves as role models. Secondly, through the examination of instances of female agency, in which women can

be seen promoting the careers of their male relatives, by means of their social respectability, by their direct involvement in canvassing, but also by being involved in the network of informal communication which characterised Roman Republican politics. Furthermore, they also contributed to the canvassing of their male relatives thanks to their personal wealth, both in the form of dowries or donations.

A contribution to the study on the reliability and value of ancient sources for Roman Republican elections and electioneering is offered by van der Blom's chapter on Valerius Maximus' *Facta et dicta memorabilia*. She problematises the selection of the anecdotes offered by the author, underlining the need to consider their function within the context of the work or the historiographical and historical traditions, taking as a case study the famous episode of the *repulsa* of Scipio Nasica at the elections for his aedileship. Building on her previous research on Valerius Maximus, van der Blom argues that this anecdote, although only handed down by the historian, was probably taken from another source, from which he reproduced the meaning and probably at least some of the words pronounced by Nasica, as it happens in relation to other episodes that can be checked against other sources. She also maintains that Nasica's and the other anecdotes in the chapter were carefully selected, and they were chosen on the basis of the topic of *repulsae*, and because they were known to Valerius and his contemporary readership, who could learn how to correctly deal with electoral defeat. Furthermore, her analysis of other electoral anecdotes in Valerius' work show that the historian can be deemed reliable in his accounts, and did not fabricate details, allowing us to trust what he reports on the behaviour and expectations of candidates and voters; finally, his chapter on the *repulsae* suggests that this topic was still of interest at his time.

The last two chapters focus on the post-Sullan period. Rosillo-López and Pina Polo analyse the question of the children, both sons and daughters, of the people proscribed by Sulla, the effects that this issue had on Roman elections in the post-Sullan decades, the consequences of the dictator's measures on the children's lives, and how they coped with them. The authors explain that the *liberi proscriptorum*, in fact, were deprived of the right to stand for offices – thus banished from the leading elite for generations – and stripped of their fathers' properties, which implied that they were excluded from the senatorial group and the highest centuries, and could not afford to pay for an electoral campaign. Even when Caesar lift the ban on their candidacies in 49 BCE, some of them could barely, or could not afford the

expenditures of the magistracies. On the contrary, those who had acquired their wealth or had become rich thanks to the proscriptions, and their sons, had used that money to advance their political careers. Rosillo-López and Pina Polo proceed then to examine the effects of Sulla's measures on the daughters of the proscribed: clearly the exclusion from public offices did not apply to women, but the impossibility to recover their dowries from their proscribed husbands, or to acquire their proscribed fathers' inheritances impacted not only on them, but also on their sons, who could not rely on their mothers' assets for their political career; it also had consequences on the women's marriage chances. Finally, two cases of families that seem to have circumvented Sulla's prohibitions, as well as the consequences of Caesar's lift of the ban to run for offices for the son of the proscribed, are investigated. The conclusions highlight that Roman elections were affected by the consequences of Sulla's proscriptions for three decades, although the question of the children of the proscribed was kept alive, and partially solved only by Caesar in 49 BCE.

Urso focuses on the consular elections between 68 and 63 BCE. He argues that the Sullan reform of the *cursus honorum*, the *lex Aurelia de tribunicia potestate* of 75, and the restoration of the censorship caused a sharp increase in electoral competition and corruption, a growing inability to control voting operations on the part of the *nobilitas*, and strengthened the role of the lower classes in the *comitia centuriata*. By analysing the consular candidates and elections of that period, he highlights some trends: the presence of candidates of scarce quality, a factor that made results more unpredictable, fostered electoral corruption (a topic much discussed in that period, when two laws against *ambitus* were voted in the space of five years), but also the use of unorthodox means on the part of the consul presiding the *comitia*. At the same time, this equality among candidates made it more difficult for the voters to decide among them; such a situation implied a more frequent possibility for the lower classes of *census* to be called to cast their vote and tip the scale in favour of one candidate or the other.

As can be seen, all chapters engage with the most stimulating and debated aspects of the discussion on the nature of the Roman Republic; the volume, therefore, constitutes an important contribution to it, which will foster further debate and inspire reflection.

I would like to express my gratitude to the speakers for having kindly accepted my invitation and for having contributed to this volume, as well as for their enthusiasm throughout the conference, which has been fundamental

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ARISTOCRATIC COMPETITION FOR THE PEOPLE'S VOTES – ROMAN ELECTIONS AND SOME OF THEIR COMPLEXITIES

Alexander Yakobson

Introduction

In any account of the Republican political system and culture, elections present a particularly crucial aspect of the whole picture. This is so because of the power of Roman magistracies, especially the highest ones, and because climbing the ladder of the *cursus honorum* was central to a Roman aristocrat's ambitions. In what follows I am discussing some of the complexities and internal tensions that characterized the Republican electoral system with the help of two pairs of headings: limited choice and fierce competition, unequal suffrage and elite dependence on social inferiors. Some tentative comparisons will be drawn, under these headings, between the Republican electoral system and modern democratic ones; in some cases, comparisons will also be made with pre-modern electoral systems that included an element of genuine competition and some, even if limited, popular participation. This will be done without any implication that Roman elections should be "judged" by modern – or some other post-Roman – standards, but in the hope that such comparisons may sometimes be useful, to a degree, in understanding Roman realities.

The ongoing debate on the character and the most appropriate definition of the Republican political system, provoked by Fergus Millar's attack on

the "orthodoxy" that defined it as fundamentally oligarchic,[1] is of course the background of the present discussion. However, no precise position on this controversy needs to be taken here. The arguments presented here tend, in my view, to undermine positions on the far "oligarchic" end of the spectrum,[2] but are compatible with varying readings of the Roman political system and culture.

The elitist aspect and its ambiguities

Limited choice and unequal suffrage represent the elitist, hierarchical aspect of the system. Oligarchic readings of Roman elections owe much to the fact that the Republic's magistrates were chosen from a limited and elitist pool of potential candidates, and that they were not chosen by a democratic electorate.

The electoral assembly that chose the Republic's powerful higher magistrates, the timocratic *comitia centuriata*, was avowedly and fundamentally non-egalitarian. The degree to which it privileged the rich and the better-off is debated, but it is clear at any rate that this advantage was very considerable. While I do not share the view that the assembly was fully dominated by its upper strata (the *equites* and the first property-class), and have argued against this view elsewhere,[3] its non-egalitarian character should not be minimized. The assembly, if less "oligarchic' than often supposed, was certainly undemocratic enough to make sure that the poorer majority could not impose a candidate of its choice if the higher strata[4] had closed ranks against him.

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1   In a series of papers leading to Millar 1998.

2   Cf. note. 15 below.

3   Yakobson 1999: 20-59. See Cornell 2022: 225-226, partially accepting these arguments, but with an emphasis on the bias in favor of the well-to-do that "has been described as 'savage' (North 1990: 15)". On the chances of the lowest property-classes to take part in the voting see Yakobson 1993, based on an interpretation of Dion Hal. 4.21.3 according to which the strict descending order of calling the classes to vote was no longer observed after the 3rd-century reform.

4   After the 3rd-century reform (see now Tan 2023: 110-113), 8 centuries of the second class were needed to create an absolute majority of centuries required for an election. While there is no reason to assume that this potential majority would regularly materialize in a unanimous vote for a candidate, it - the upper strata with a modest addition of centuries from the class just below its level – still presented a potent political factor since no candidate could be imposed on it. But see note 26 below and text.

Thus, it still conformed, after the 3ʳᵈ-century reform that deprived the upper strata of their absolute majority, to the basic undemocratic rule on which, according to Cicero, the original "Servian" centuriate assembly had been based: the rule "which must always to be adhered to in the commonwealth, that the greatest number should not have the greatest power".[5]

The tribal assembly was less blatantly biased in favor of the wealthy, but still far from fully egalitarian.[6] Wealthy people who lived in the city but owned landed property outside it were registered in the rural tribes where their votes carried greater weight. The urban *plebs* was originally confined to the 4 urban tribes, and its voting power was thus limited – though at some point this was no longer so in practice, or at least not fully so: the legislative record of the late-Republican tribal assembly shows that the urban *plebs* could actually dominate it. But the large population of freedmen was still confined to those 4 tribes (out of 35), which severely limited their voting power. And, of course, in all assemblies, wealthy people who lived far away from the city had a better chance to come and take part in the voting than the poorer ones – an advantage that inevitably became more significant as Roman citizenship spread throughout Italy.

As for limited choice – Roman voters chose from a limited pool of people belonging to the Republic's social and political elite, and within this elite itself there was a de facto hierarchy as regards the access to the highest – by far the most powerful and prestigious – offices. Whether formally or informally, candidates needed to be at least equestrian, and consular candidates were either – in the great majority of cases, apparently – *nobiles*, or distinguished candidates from non-*nobilis* senatorial background, or wealthy and influential *homines novi*. The office-holding class of the Roman republic was restrictive enough socially, and powerful enough, to justify the usual practice of dubbing its members "aristocrats"; at the same time, it should always be borne in mind that this aristocracy differed from later European aristocracies formally defined by descent, that conferred legal privileges and were unrelated to popular choice.[7] All the arguments between

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5   Cic. *Rep.* 2.39: *curavitque quod semper in re publica tenendum est, ne plurimum valeant plurimi*.

6   Cf. Cornell 2022: 226-228.

7   Cf. Christian Meier's famous dictum, "*Wer* Politik trieb, gehörte zum *Adel*, und *wer* zum *Adel* gehörte, trieb Politik", Meier 1966: 47, criticized by Millar 1998: 4-5, defended by Hölkeskamp as "only apparently circular, and it is by no means merely a banal tautology" (Hölkeskamp 2010: 89; see on this Yakobson 2022a: 95-96).

scholars as to various relevant details regarding the character of the Roman governing class – however important in their own right – do not change the overall elitist picture.

However, as I intend to argue here, the impact of this elitism on the question of the weight of the popular element in Roman politics was not unambiguous. It should, of course, be regarded – alongside the unequal suffrage – as a significant undemocratic factor. On the other hand, it is precisely the fact that all active players in Roman politics belonged to the elite, and thus were considered as qualified, in principle, to govern the state, that also gave the Roman voters, their social inferiors, a relatively strong leverage, given the crucial fact that these elections were often, in historically documented times, hotly contested. A genuine contest between candidates, all of whom are in principle considered eligible, makes the voters' psychological freedom of choice more genuine, and the electoral outcome less of a foregone conclusion. This was so in the Roman Republic precisely because all of the compering candidates belonged to a privileged elite,[8] often possessing electoral assets (including their nobility) in the same order of magnitude. This tended to force candidates to work harder in order to find favour with the electorate. A Roman candidate, however aristocratic, did not enjoy the kind of advantage over his rivals that a dominant ruling party may enjoy in a modern election. Moreover, an aristocratic populist[9] is apt to be more formidable, in a traditional and hierarchic society, that someone who challenges the elite from outside, or from the margins of the politically active part of the population. Some measure of competitive populism was built into the system. Though legislative rather than electoral assemblies were the natural setting for a political challenge to the senatorial majority, the two spheres could not be wholly separated, since legislative challenges were launched by elected officials (usually tribunes of the *plebs*) who typically expected to be elected to further

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8   Cf. Hölkeskamp 2010: 32: "the principle of basic *social* equality between members of the privileged ('senatorial) class" (despite differences of rank); cf. 104 on the fundamental equality between competitors ("die grundsätzliche Gleichheit der Konkurrenten" in the original) as one of the basic principles of the system. Naturally, this did not prevent hierarchies and snobberies within the office-holding class.

9   "Populism" is used here in a non-judgmental sense of political behaviour involving an appeal to the wider public regarded as demagogic and dangerous by the "powers that be". On "populism" in Ancient Rome see Lundgreen 2021 and other papers in the same volume; Mouritsen 2023.

offices.[10] When competitive elitist populism started to get out of hand in the late Republic, this contributed to the system's collapse.

As for the nature of the electorate: before the advent of modern representative democracy, free and competitive electoral systems were apt to disenfranchise large sections of the citizenry altogether. This was not entirely the case in the Roman Republic, where the *proletarii* were virtually (though not formally) disenfranchised in the centuriate assembly, but not in the tribal one. However, in modern democratic elections, universal and equal suffrage (gender-inclusive) is a sine qua non. Moreover, a representative system, with polling stations spread country-wide, enables a much higher percentage of voters to participate. The voting itself is thus much more democratic; at the same time, it is also much less frequent, compared with Roman – and generally, city-state – elections (not to mention non-electoral voting), and frequency has a 'popular' impact of its own.

As for the pool of potential candidates, it was apt to be severely limited in pre-modern competitive elections. A modern democratic voter's choice cannot be limited socially in any formal way. It is, nevertheless, limited de facto, since not everybody can afford to stand for elected office, but much less so than in Rome. A much wider social stratum typically enjoys, in a modern democracy, a potential access to elected office. Apart from the fact that elected officials and deputies get paid, political parties, unions and other mass organizations and movements in a modern democracy help facilitate the participation of candidates from humbler background.

The absence of party structures and the strictly personal nature of a man's candidacy in Rome naturally favoured the more aristocratic and more

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10   There are cases of electoral campaigns that are described as openly political (including the support of "seditious" tribunes for the candidate), presenting a direct challenge to the ruling circles, or to the nobility. However, this degree of "politicization" seems to have been exceptional. See Livy 22.34-35 - the consular campaign of Gaius Terentius Varro for 216; Sall. *Iug.* 73-74; 84.1 – Marius' election to his first consulship in 107. In Livy 21.63 Gaius Flaminius's election to the consulship of 217 is attributed to his earlier support of a law (*Lex Claudia*, restricting the use of sea-going ships by senators and their sons). This measure "was vehemently opposed, had produced resentment on the part of the *nobiles* against Flaminius, and procured for him the favour of the *plebs* and afterwards a second consulship" (*res per summam contentionem acta invidiam apud nobilitatem suasori legis Flaminio, favorem apud plebem alterumque inde consulatum peperit*). Livy does not say that Flaminius' consular campaign actually appealed to voters on the strength of his political record ("popular" since the agrarian law that he had passed as tribune in 232), but the passage does link the impact of a specific piece of controversial legislation to an electoral outcome. See next note.

powerful candidates vis-à-vis humbler ones pitted against them, who could not rely on organized structures for balancing out their opponents' personal advantages. These factors strengthened the hierarchic aspect of Roman politics – though I intend to argue that they can also be regarded, in some ways, as enhancing the voters' leverage in the system, because a candidate's defeat was also fully personal. The absence of a party structure in anything like the modern sense also meant that there was no Roman equivalent of a ruling party losing a general election, and the people transferring the reins of power to its political opponents. Thus, there was no equivalent to a modern government (and ruling party) fashioning its conduct and policies in a way calculated to avoid this dim prospect. Even when a particular electoral result in Rome was politically significant – and this, I think, actually happened more often than is usually allowed[11] – there was nothing in the Roman system parallel to a dramatic upset that a modern democratic general election is capable of producing.

This also applies to elections in pre-modern and pre-democratic political systems that were free and competitive – like 19th century Britain. The Roman governing class, or some clique that may have dominated the senate at a particular point of time, or perhaps the *optimates* at some points in the late Republic, could never lose an election. Thus, 19th century Tories, who could lose an election, were more dependent on the voting public than the Roman *optimates*[12] – although, of course, that was also a case of limited choice and limited (heavily limited) electorate. *Collectively*, therefore, the Roman elite was less dependent on public opinion and popular votes than modern democratic – and some pre-modern – political elites and ruling cliques. *Individually,* however, I intend to argue that these people were, in some important ways, more dependent on public opinion than modern elected politicians.

Aristocratic competition, elite dependence on social inferiors

This brings us to the second pair of headings: fierceness of the competition and elite dependence on inferiors. The proud Roman "oligarchs" were forced by the logic of the system to compete for the favour of their social inferiors.

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11   On Roman elections and politics see Yakobson 1999: 148-183 (Chapter 6).
12   The analogy of course very partial at best, and some will be rejected it outright; cf. Robb 2010; Yakobson 2012.

Even though the "oligarchy" as a whole could never lose an election, each individual "oligarch" depended for his power and prestige in society – and hence, for his place in the internal hierarchy of the ruling class – on the (often unpredictable) outcome of repeated popular elections. This generated fierce competition for the people's favour between upper-class candidates, including the most blue -blooded aristocrats. And although the electorate in the assemblies was, in varying degrees, not a fully democratic one, there was a considerable, and keenly felt, social gap between the candidates and the mass of voters. This gap gained in significance precisely due to aristocratic snobbery which looked down not just on the poor. Defending Lucius Licinius Murena on a charge of *ambitus* after his election as consul for 62, Cicero argues that his client's victory at the polls does not need to be attributed to bribery – it can easily be accounted for given his electoral assets. These included his popularity with the "ignorant mob" won by the magnificent shows he had staged as praetor:

> "Do not despise so completely the splendour of the games and the magnificence of the spectacles that he [Murena] gave. These helped him considerably (*noli ludorum huius elegantiam et scaenae magnificentiam tam valde contemnere; quae huic admodum profuerunt*). For why should I speak of the great delight the people and the ignorant crowd (*populus ac vulgus imperitorum*) take in games? It is not to be wondered at. And yet this is enough for our case, for elections belong to the people and the multitude (*quamquam huic causae id satis est, sunt enim populi ac multitudinis comitia*)…But if we ourselves (*nosmet ipsi*) who are kept from the common entertainment by business (*negotiis*), and who can find many pleasures of another sort in the work itself, if we nevertheless are delighted by games and attracted to them, why should you be surprised at the ignorant crowd (*quid tu admirere de multitudine indocta*)?"[13]

It is the electorate at consular elections that Cicero is describing here as (dominated by) *vulgus imperitorum and multitudo indocta* that is sharply contrasted with *nosmet* – the upper-class members of the mixed jury hearing the case (two-thirds of them non-senatorial). His account may well have been manipulative, tailored to his forensic needs, but it could not have been wholly implausible to his listeners. Even if consular *comitia* were not really *populi ac multitudinis* quite to the extent implied here, they must have been *populi ac multitudinis* to a considerable degree, and the gap between this "ignorant mob" that might influence the outcome and upper-class "us" must have been

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13 Cic. *Mur.* 38-39. English translations will follow the Loeb edition, with some changes.

a banal, widely known fact of life.[14] This was so despite the fact that this "we" included many people whom true aristocrats (well capable of looking down on Cicero himself) would also not be glad to have to entreat for their votes. We cannot know how "vulgar" the *vulgus* in question was. No doubt, "we" could look down not just on the really poor; what matters here is that there was clearly a wide gap between "us" and "them". If this is a minimally-plausible description of the electoral *comitia centuriata*, it must have applied *a fortiori* to the tribal assemblies. The view that Roman voters "broadly belonged to the same propertied classes as the politicians themselves, with whom many would have been personally acquainted" and were "in fact only a slightly wider section of the political elite than the senatorial class"[15] cannot stand.

This created what J. Tatum has aptly called "the paradox of an aristocracy selected by its inferiors":

> "*Repulsae*… made it plain that that the People had a choice that was real enough, which is why candidates had to beg for their honours, a demeaning exchange as repellent to aristocratic sensibilities as it was vital for electoral success. The reality of the canvass, the paradox of an aristocracy selected by its inferiors, suffused its circumstances with an uncomfortable degree of social perversity: it was an *inepta res*, in which a man distinguished by birth, wealth, and accomplishment drew attention to these advantages by way of an appeal to popular favour. Candidates like the younger Cato or the still younger Marcus Juventius Laterensis, each too proud to beg, were left out in the contest for *honores*".[16]

It is true that to some extent, every elected leadership is elected by social inferiors. But in the Roman case this factor was especially potent, precisely because of the vital importance of social hierarchy, and, specifically, of noble

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14   Cf. Cic. *Fam*. 2.6.3: Cicero is numerating, in a letter to Curio, Milo's electoral advantages in his campaign for the consulship: "the support of the *boni* which his tribunate has won for him… that of the masses and the multitude, on account of the magnificence of his public shows and the generosity of his disposition (*habemus haec omnia, bonorum studium conciliatum ex tribunatu…, vulgi et multitudinis propter magnifiucentiam munerum libertalitatemque naturae*)"; then other upper-class influences are mentioned, including Cicero's own support. Here there is no question of public posturing, and Cicero's assessment attaches importance to both upper-class and "vulgar" sources of support, with a clear distinction between the two. The support of *boni* it attributed to Milo's political record, cf. notes 10 and 11 above.

15   Mouritsen 2017: 72; 81; 78-79 ("in fact, only a slightly wider section of the political elite than the senatorial class" is quoted from North 2007: 274-275). Mouritsen accepts what North raises as a possibility without fully endorsing it.

16   Tatum 2013: 133, see note 13 with sources (*inepta res*: Cic. *De Orat*. 1.112)

lineage. The greater the importance of hierarchy, the greater the paradox, the Saturnalia-like inversion of the usual and normative order of things, occasioned by the election of aristocracy by its social inferiors. In a society with a more egalitarian ethos, the paradox involved in popular elections is less dramatic, though any free popular election contains an element of upsetting the usual hierarchy.

On the other hand, the question of how far below the candidates the voters were on the Roman social ladder – while obviously of crucial importance in an overall assessment of the system – does not seem to affect the significance of the specific phenomenon discussed here. With the aristocratic sensibility to status and hierarchy, having to court someone merely somewhat lower than oneself might be no less offensive than having to court the lower orders. In some sense it might actually be more offensive – which is probably one of the reasons why Roman senators who accepted, as a fundamental fact of Roman public life, that the Roman people could judge them in criminal cases, resented so strongly being judged by equestrian courts.[17] If "having to beg" one's inferiors for the honours that defined a Roman aristocrat's social and political standing might be felt "demeaning" (despite being inevitable and routine), being denied those honours by one's inferiors was, naturally, much worse. This made Roman aristocrats all the more dependent on the people's votes – not only for the sake of advancement, but for avoiding humiliation.

These two interconnected factors – fierce electoral competition and an aristocracy elected by social inferiors – represent the popular aspect of the system, that can be regarding as balancing the elitist aspect, or as qualifying its dominance – depending on how one chooses to define the system as a whole. "Popular", in this context, is preferable to "democratic". "Democracy", especially as an overall definition, is best avoided in this discussion: in our world it can scarcely serve as a purely neutral analytical term, and using it tends to make the discussion at once too semantic and too ideological.

It can be argued that, in the final analysis, the popular aspect inherent in the elections (as well as in other forms of popular participation) was more of an asset than a handicap to the Roman elite, since it strengthened the system by enhancing its popular legitimacy. The important point is that the popular aspect was real, not just a game that the elite played in order to fool the

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17   Cf. Cic. *De Orat*. 1.126.

people. It was a game that members of the Roman elite aspiring for political advancement *had* to play. They were constrained to play it, sometimes at a great cost, not seldom finding the experience not merely arduous and costly but downright humiliating.[18]

The intensity of the competition was enhanced (relative to other free political systems) by two powerful factors: the fact that this was the only career open to a member of the elite, a scion of a senatorial family; and, secondly, the essentially personal nature of the electoral contests. As K.-J. Hölkeskamp aptly points out, it was "a fundamental fact of Roman aristocratic life" that:

> "There were no alternative career options available that would have promised anything comparable in the way of ideal and material rewards in the form of social prestige, political influence, and also wealth. The curriculum, vitae, the personal identity and the 'persona" of an aristocrat were exclusively defined and completely determined by his *cursus honorum*".[19]

A Roman aristocrat, member of the office-holding class, could not hope to satisfy his ambition by becoming a corporate Mogul, a high-ranking bureaucrat, a high court judge, an ambassador, a bishop, a general, a communicational or cultural star or celebrity of various kinds – not to speak of the great honour of becoming an important University professor. In order to get to the top (and enjoy many of the things listed above) – preferably sooner than the other guy, or at least not much later than him, and at any rate to get there, at long last – you had to face the electorate, repeatedly. An aristocrat's son could avoid a political career altogether, and spend his life "quietly", and often profitably, as a Roman *eques*, but this was not a way to the top, and this was not the social norm and the expectation. This choice did not offer anything comparable, in power, influence and prestige, to the various career possibilities available to a modern (and pre-modern) member of the social elite who is unwilling to depend on the people's votes. For an ambitious Roman aristocrat there was no way to avoid this dependence, and it was by repeatedly winning competitive popular elections that he established his relative standing within the aristocracy itself: "The rise into higher office was the only means of obtaining prestige and influence within the elite".[20]

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18   See on this Yakobson 2018; Tatum 2013 (see note 16 above and text).
19   Hölkeskamp 2010: 91; cf. 2024: 145.
20   Hölkeskamp 2010: 90, note 91.

The effect of this comprehensive dependence on the electorate in increasing the people's leverage within the system should not be minimized. The ground rules of Republican politics forced members of Rome's powerful ruling class to vie with each for the voters' favor and made it difficult for them to close ranks – though most of them could unite against a perceived common threat at a time of crisis, like the ones generated by the Gracchi.[21] Admittedly, in modern democratic systems the people's leverage is enhanced by important factors that were absent in Rome: the universal and equal suffrage and the instruments of organized mass politics that are able to articulate and advance popular demand directly. While the legal right of political initiative is still confined, in the great majority of cases, to elected officials – either governments or members of legislatures – and thus, in a broad sense, to the elite, the modern democratic elite is both much broader than in Rome and may include organized forces that are not merely oppositional but radical and, at least to some extent, anti-systemic.

There was no Roman equivalent to all this. The Roman voting public fully depended on members of the elite for giving official voice to its wishes and demands. But they, on their part, depended on the voting public for their entire standing in the state and among their fellow "oligarchs". They depended on it in some ways more heavily, comprehensively and personally than members of modern (even if broader) elites, who have various other means of advancement and satisfaction apart from competitive electoral politics. The relative weight of these factors, on both sides of the tentative comparison, cannot be precisely measured. Overall, the natural assumption is that a properly functioning modern democracy is more responsive – in some important ways, no doubt, far more responsive – to popular wishes and demands than the Roman Republic ever was. But the people's leverage in the Roman system had its own peculiar potency that is important to appreciate.

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21   Cf. Gruen 1974: 38: "On the matter of institutions and structure, the Roman ruling class stood together. Divisions in the aristocracy operated on other levels. Internal politics involved power and faction: influence within the government was the object of attention". I would argue that this (full or overwhelming) consensus applied to things that were perceived as the fundamentals of the system but did not preclude serious disagreements on important political and constitutional issues – as in the case of the debate between Marcus and Quintus Cicero on the tribunate and the secret ballot in the third book of the *De Legibus*, purporting to describe a political disagreement within the senatorial class, and between *optimates* (cf. note 32 below and text).

The dynamics of aristocratic competition –
how far did Tiberius Gracchus hope to get?

Plutarch's account of the mixture of motives and incentives behind Tiberius Gracchus' decision to initiate his agrarian reform in 133 exemplifies how aristocratic ambition and competition could serve as a powerful "popular" engine:[22]

> "Tiberius, however, on being elected tribune of the *plebs*, took the matter directly in hand. He was incited to this step, as most writers say, by Diophanes the rhetorician and Blossius the philosopher…But some put part of the blame upon Cornelia the mother of Tiberius, who often reproached her sons because the Romans still called her the mother-in-law of Scipio, but not yet the mother of the Gracchi. Others again say that a certain Spurius Postumius was to blame. He was of the same age as Tiberius, and a rival of his in reputation as an advocate; and when Tiberius came back from his campaign and found that his rival had far outstripped him in reputation and influence and was an object of public admiration, he determined, as it would seem, to outdo him by engaging in a bold political measure which would arouse great expectations among the people (ἄλλοι δὲ Σπόριόν τινα Ποστούμιον γενέσθαι λέγουσιν αἴτιον, ἡλικιώτην τοῦ Τιβερίου καὶ πρὸς δόξαν ἐφάμιλλον αὐτῷ περὶ τὰς συνηγορίας, ὃν ὡς ἐπανῆλθεν ἀπὸ τῆς στρατιᾶς εὑρὼν πολὺ τῇ δόξῃ καὶ τῇ δυνάμει παρηλλαχότα καὶ θαυμαζόμενον, ἠθέλησεν ὡς ἔοικεν ὑπερβαλέσθαι, πολιτεύματος παραβόλου καὶ μεγάλην προσδοκίαν ἔχοντος ἁψάμενος). But his brother Caius, in a certain pamphlet, has written that as Tiberius was passing through Tuscany on his way to Numantia, and observed the dearth of inhabitants in the country, and that those who tilled its soil or tended its flocks there were barbarian slaves, he then first conceived the public policy which was the cause of countless ills to the two brothers. However, the energy and ambition of Tiberius were most of all kindled by the people themselves, who posted writings on porticoes, house-walls, and monuments, calling upon him to recover for the poor the public land (τὴν δὲ πλείστην αὐτὸς ὁ δῆμος ὁρμὴν καὶ φιλοτιμίαν ἐξῆψε, προκαλούμενος διὰ γραμμάτων αὐτὸν ἐν στοαῖς καὶ τοίχοις καὶ μνήμασι καταγραφομένων, ἀναλαβεῖν τοῖς πένησι τὴν δημοσίαν χώραν)."

Plutarch's reconstruction of Tiberius' motivations, relying on previous discussions ("some say") presents a mixed picture. *Mutatis mutandis*, it seems similar to the motivations that might be expected to move an ambitious politician in a modern representative democracy – who, unlike Tiberius, will belong to an organized political movement that may be officially committed to a reformist or populist agenda. These include the perceived merits of the case and a notion of public good, as well as direct public pressure, expressed

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22   Plut. *Tib. Gracch* 8.4-7.

through channels of communication available at the time.[23] This pressure is described as coming from the "demos" – admittedly, a general term, but presumably to be taken here in a sense broad enough to fit the content of the message: an agrarian reform "recovering the public land for the poor". What interests us here, however, is the powerful popular impact of factors that are personal and competitive-aristocratic: Cornelia urging her sons to maintain and enhance the prestige and glory of their family, in competition with its other branch, so that she might be known as the mother of the Gracchi no less than the mother-in-law of Scipio Aemilianus; and a sense of personal rivalry, on the part of Tiberius, with a specific aristocrat, his age peer, who had "far outstripped him in reputation and influence and was an object of public admiration". Moreover, Tiberius' very responsiveness to the message from "the people" is naturally described in terms of aristocratic ambition: "the energy and ambition of Tiberius were most of all kindled by the people themselves (ὁ δῆμος ὁρμὴν καὶ φιλοτιμίαν ἐξῆψε)".

Tiberius' ambition – φιλοτιμία, "love of honour" – was surely not confined to reaching the highest offices of the Roman *cursus honorum*, the praetorship and the consulship, and perhaps also the censorship (repeating his father's feat), but its satisfaction was inconceivable without reaching them. The same applies to Cornelia's ambition to be called the mother of the Gracchi, that was in the end tragically realized in another way. For a man like Tiberius Gracchus, scion of a powerful aristocratic family, to complete his public career without having reached the praetorship and the consulship (a prerequisite, among other things, to military glory) would clearly count as a resounding failure. Not only failure to attain one's parental and ancestral honours, but even attaining them considerably later than one's peers and competitors, was hardly a prospect that a man like Tiberius Gracchus would face with equanimity.

This should also be taken into account when assessing the character of the assembly that awarded these prizes to Roman aristocrats: the *comitia centuriata*. This assembly should not be assumed to have been dominated by the Roman elite to an extent that would have made a "popular" tribunate an electorate dead end. While Roman elections are often described as essentially

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23 North 1990: 19: "We hear on occasion of slogan-daubing to put pressure on politicians, it may be that this whole side of political life has been seriously neglected"; cf. Yakobson 2022b on the various forms of "informal political initiative" from below under the Republican system.

apolitical, and were, at any rate, less political than typical modern ones,[24] an assembly dominated by the elite and the higher orders can be expected to weed out serious troublemakers. Embarking on his agrarian reform project which brought him into a confrontation with the senatorial majority and clashed with the interests of a much wider upper-class stratum than the senate, Tiberius Gracchus hardly expected to be murdered, but he certainly expected to face, in due course, the electorate of the centuriate assembly. He was presumably hoping that his accomplishments during the tribunate would help advance rather than hamper his subsequent political career.[25] Nor could he rely merely on the prospective support of the lower classes in the assembly that would be called to vote in case of a deep split in the vote of the higher ones. He knew well that, however frequent or infrequent such a scenario was, a unified vote of the *equites* and the first class (with the addition of several centuries of the second class) was in any case sufficient to reject a candidate. His aristocratic ambitions hinged on a very specific calculation and assessment: that the first 97 centuries to vote would include many voters who were not "oligarchic" enough, in social profile and attitude, to close ranks against him. Perhaps he was hoping that some of them would actually be "popular" enough to wish to reward him for his tribunate – which does not of course have to mean that they would have benefitted from the reform personally.

This stratum of the assembly, while certainly representing a wealthier minority of the citizen body, should not therefore be identified, as a whole, with "the upper class" in any narrowly-oligarchic sense.[26] It must have been

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24   Cf. notes 10 and 11 above.

25   Pina Polo 2021: 128-130 rejects (rightly, in my view) the tendency to present late-Republican *populares* merely as demagogues seeking to "gain power" and uninterested in anything else. He stresses that Roman elections could not "deliver power" in the (long-term) modern sense, and that since numerous radical *populares* had their careers and lives cut short by optimate violence, from the purely careerist perspective it was preferable to act "within the parameters accepted by the senatorial majority". He argues that the struggles between *populares* and *optimates* involved genuine differences of opinion on some of the issues troubling Roman society, rather than "simply personal confrontation" and *contentio dignitatis*. An element of genuine political conviction and reformist zeal, widely assumed in the case of Tiberius, should certainly not be ruled out in the case of (at least some) other *populares*. The best guess is probably that for the more public-spirited Roman (as well as other) politicians, genuine political conviction and φιλοτιμία usually went hand in hand.

26   Cf. note 4 above and text. Rosenstein 2016: 88-89 suggests, tentatively, that in the late 3rd century BCE the first class may have been as broad as to comprise a quarter of the citizen body. *Contra* Tatum 2003/2004: 210: "the first class represented a very small part of the overall population, however modest its humblest members".

diverse enough to give some hope to people like Tiberius. The composition of these centuries and the likely attitudes of their members could hardly have been far from Tiberius' mind when he was embarking on his campaign "to recover the public land for the poor" in 133. Later on, the dynamics of the conflict probably drove many of his original supporters and potential voters away from him.

Some tribunes may conceivably have been idealistic enough – or perhaps foolhardy enough, or simply uninterested in holding further offices – to have pursued a contentious reformist agenda regardless of, or even contrary to, their electoral considerations and ambitions after the tribunate. But no category of Roman politicians should, as a whole, be presumed to have acted consciously and systematically to the detriment of their prospects of advancement. This logic clearly applies to Sulla's ban on former tribunes holding magistracies: the scenario that he sought to prevent was obviously that of a radical tribunate paving one's way to higher offices. This scenario must then have been realistic enough, though of course not inevitable, since other factors would be involved.[27] The potential for translating competitive aristocratic ambition into a highly controversial "popular" policy was thus, in principle, considerable, and built into the fundamental logic of the system. What Tiberius and Gaius Gracchus must have hoped for regarding the continuation of their careers, Gaius Flaminius had been able to accomplish in an outstanding way, with two consulship and a censorship, still in the "harmonious" days of the middle Republic.[28]

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27 Cf. Mouritsen 2017: 156-159 for a long list of "controversial tribunes" (from the senate's point of view), some of them radical ones, who eventually reached higher office. The list includes tribunes who predated the Gracchi brothers and starts with C. Flaminius who carried his agrarian law in 232 BCE (apparently earning a lasting reputation of a demagogue: Polyb. 2.2) and went on to become praetor (227), consul (223), censor (220) and again consul (217; cf. next note). The historian concludes that "what used to be called the 'popularis' route... involved little risk" to one's political advancement (157). Mouritsen, who holds that elections in the centuriate assembly were both dominated by the higher orders and "apolitical" (150), regards this finding as proof that there was in fact no "sharp division between so-called populists and 'optimates'" (159). "The entire category of 'populists' might therefore be seen as yet another result of Cicero's strategy to isolate Clodius, which required clear demarcations to be drawn where none existed" (158). But this remark relates to the term *popularis* as a late-Republican "party" label, not to the phenomenon to which Mouritsen's list bears witness.

28 Cf. previous note and note 10. Flaminius' second consulship was won, according to Livy 21.63, thanks to the popularity with the *plebs* earned by his support, as senator, for the Claudian law banning senatorial participation in sea trade. The law was presumably welcome

Though enjoying the support of a group of influential fellow-aristocrats in his reform efforts, Tiberius, as a Roman politician, did not represent a political movement committed to the reform and willing to carry on the struggle over a long period of time. Such a movement can, in a free political system of a type known to us, hope to win a general election and come to power by legitimate means; and can persist over a long time and can sometimes take a temporarily defeat with a relative equanimity. In this sense Tiberius was in a weaker position, vis-à-vis the powerful conservative forces that he was challenging, than other historical leaders of populist reform movements (many of them aristocrats); so would be his younger brother. But it can easily be imagined that the intensely personal set of motivations described in Plutarch's passage lent a special potency and urgency to Tiberius' drive for reform in the year of his tribunate. It included personal conviction, personal aristocratic ambition and rivalry, and personal appeals to Tiberius by the citizens who had put their trust in him. This was the stuff of nightmares for any ruling aristocracy: a blue-blooded aristocrat, with a group of powerful supporters, turned a popular cause into a personal "crusade", becoming the people's champion and hero. Unwilling to accept what for a political movement might have presented merely a temporary setback, but for him would have been a bitter personal defeat, he rode the wave of popular support and enthusiasm and pushed the reform though the tribal assembly, seeping away the procedural restraint of a colleague's veto. Leaning on this support, he went on to defy traditional restrains and was seeking an irregular re-election. This explosive mixture of aristocratic prestige and popular appeal put to radical political use was perceived by Tiberius 'opponents as menacing enough to justify their wholly unprecedented murderous reaction.

It should of course be stressed that the degree to which aristocratic competition generated, in this case, a "popular" policy regarded by most of the ruling class as subversive, was highly uncharacteristic – even for the turbulent last century of the Republic. In the overwhelming majority of cases, Rome's elected officials did not act in this way. This certainly includes the tribunes of the *plebs*, the office with by far the greatest potential in this respect. Defending the rights of the *plebs* was the original *raison d'êt*re of

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to wealthy traders happy to get rid of senatorial competition in this field – though not necessarily just to them. But Flaminius' first consulship as well as the praetorship and the censorship, had all been won, presumably, with the help of the reputation earned by his tribunate and by the agrarian law.

this office, and at least in some measure always remained part of its ethos, as is attested by Polybius for the "harmonious" times of the middle Republic.[29] The existence of the tribunate as part of the system allowed ten relatively junior politicians elected every year by the more "democratic" tribal assembly to try to pave their way to higher offices by populist posturing and populist legislative initiatives. And this consideration was relevant precisely to the more ambitious among them. "On paper" this was a recipe for disaster. But disasters were in fact very rare,[30] and it is clear that the vast majority not only of elected officials generally, but also of tribunes of the *plebs* specifically, avoided major confrontations with the "powers that be", even when they did cause some annoyance. The logic of the system both created the potential for such disasters and made them rare.

The 'popular' impact, its scope and limitations

There were many good reasons for a Roman aristocrat pursuing a political career to avoid a serious confrontation with the senate and the *principes* – over and above the basic fact that this was his own class, and avoiding a confrontation with it was, in most cases, his natural default option. These reasons included the latter's well attested ability to settle accounts with troublemakers in various ways, including, since Tiberius Gracchus, not merely judicial reprisals but even the option of violence and bloodshed. And, of course, the senatorial establishment had also many ways of rewarding and benefitting those who earned its goodwill.

Thus, the most rational strategy for a typical Roman politician, throughout his *cursus honorum*, was to seek, indeed, popularity with the voters – this was indispensable[31] – but to do so using conventional "non-subversive" methods that characterized aristocratic ambition and competition, relating both to private and public behaviour. There were plenty of such methods, and in the later Republic they were more and more likely to include

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29 Polyb. 6.16.5.

30 Cf. Cic. *Leg.* 3.24, apparently listing only the Gracchi brothers as truly "pernicious" tribunes in Roman history, besides a greater number of trouble-makers of lesser degree. Minimizing the dangers of the tribunate suits Cicero's rhetorical purpose here, but the statement is still remarkable.

31 Ronald Syme, who described the Republican system as not only "oligarchic" but "feudal", still held that "popularity with the *plebs* was…essential" (Syme 1939: 12-13).

personal largesse to voters bordering on bribery or crossing that border. These traditional ways of courting popularity either did not contain an element of demagogy (in the eyes of most of the ruling class), or – especially in the case of tribunes – they might contain it only to a limited degree that did not provoke a serious political confrontation and could by regarded with indulgence. Even this moderate dose of populism that was routinely generated by the dynamics of aristocratic competition for votes could not help giving the voters significant leverage within the system, bearing in mind how fatefully important these electoral contests were for the very definition of the "oligarchs" standing in society.

This leverage related not solely, or (as a rule) even mainly, to significant political controversies or social tensions. The whole relationship, political and social, between the senatorial elite and the populace, the behaviour of its members while in office, the way they carried out their duties and treated the citizens, their behaviour during a campaign or close to it, but also, to some degree, their behaviour with an eye to some future campaign – all these things could not help being influenced by these people's short-range and long-range electoral considerations.

The weight of this factor was brought to bear in varying degrees, and alongside other, and often countervailing, considerations and influences. This is why the potential for disaster did not materialize in the great majority of cases. Cicero in *De Legibus* could argue, even with the experience of the turbulent late Republic behind him, that the tribunate of the *plebs* served, overall, as a safety valve that contributed to the stability of the system by enhancing its popular legitimacy; this must have been true a fortiori for the populist potential generated by aristocratic competition for other offices. At the same time, Cicero also makes it clear that the price that the ruling class had to pay for this "service" was quite considerable, and for some of its members unacceptably high. The latter view is voiced in the dialogue by Quintus Cicero, who remains unconvinced by his elder brother's arguments, and given additional weight by the fact that it is endorsed by Atticus (also as regards the secret ballot).[32]

The dependence of the people's votes was, for members of the Republican ruling class, personal as regards not only the chances of advancement, but

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32   Cic. *Leg*. 3.17; 19-26 (on the tribunate); 33-39 (on the ballot).

also the danger – inevitably attending aristocratic competition – of defeat, frustration and humiliation. A Roman aristocrat's failure at the polls meant that he, personally, was rejected by the voters – not that "our" party lost, "our" program" failed to convince the majority. It is more difficult to accept an electoral defeat as "the people's judgement" – as it has to be accepted – when this judgement was passed on "me" personally, rather than on "our" party and its politics; in a modern election, both elements are typically present, in varying degrees, but the latter may be felt as attenuating the former to some extent. In Rome, the entire burden of defeat fell on the defeated candidate personally, none of it shared by any collective entity; the Roman *dolor repulsae*[33] was an intensely personal matter, felt all the more keenly for that – all the more so because, as noted above, this defeat would be inflicted on a Roman aristocrat by people many of whom were, as he strongly felt, his inferiors.

Moreover, the absence of organized political structures also meant that there was no party that could shield a Roman politician from the consequences of personal unpopularity, in one of the ways that are available under a modern system. There were no safe seats or safe places on party lists, certainly no "rotten boroughs" as in Britain before the 1832 reform, no appointments outside the electoral system as a consolation for losing an election, or as a way to remove, or to "kick upstairs", an unpopular candidate. To this extent, personal unpopularity was more dangerous to a Roman politician than to a modern (or pre-modern) one – certainly compared with proportional systems under which candidates appear on a part list, but also compared with parliamentary elections in which a candidate is elected personally. As all Roman elections were "national" – as opposed to the great majority of modern elections – a Roman politician could not afford to be unpopular with the Roman people in general, relying on popularity, local social influence, or organized political support in a certain area or constituency. For all these reasons, Roman` aristocrats who pursued a political career competing personally with fellow-aristocrats were, in an important sense, more dependent on voters than politicians in modern or pre-modern open and competitive political systems. While the Roman ruling class as a whole could never be voted out of power, unlike a modern ruling party and the government it controls, individual aristocrats competing with their peers did not enjoy the

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33   Caes. *B Civ*. 1.4.2; see on this Russell 2019: 128; 132; 136-137. Hölkeskamp 2024: 145. The emphasis on the humiliation involved in losing an election is qualified by Pina Polo 2012: 82, who stresses that *repulsa* was an inevitable and routine part of Roman political life.

considerable advantages that a dominant political party in a fully open political system, and, a fortiori, in "hybrid" systems that are only partially free and open, confers on its representatives.

Aristocratic competition, with an emphasis on the adjective, also meant that those aristocrats who chose to play the popular card could not be easily dismissed or marginalized by the establishment when they challenged it in graver and usually infrequent cases, or merely vexed it somewhat, in order to win popularity, in the far more frequent cases that would not provoke a serious political confrontation. The limitation of legitimate political initiative to members of the governing, i.e. office-holding, class, is rightly described as an important elitist feature of the system.[34] Any call for a change or a redress of grievances had to be adopted and advanced by a member of the elite, and it was up to this elitist patron to finally shape and formulate the popular demand in question.[35] This set limits on what was politically conceivable – at least in the vast majority of cases. There be can be little doubt that this fact greatly contributed to the system's overall stability and served the common interests of the ruling class as a whole. But this also meant that when the potential for disruptive populism, from the viewpoint of the ruling class, was realized to any extent due to the intensity of the competition within the elite, the "disruptor" was formidable, and, in extreme cases, dangerous. The "internal" aristocratic nature of the competition, with its natural corollary, the limited choice presented to the voters (one of our main headings in this discussion) could thus sometimes also have, alongside its obvious elitist function in the system, the "perverse effect" of enhancing the potential for disruptive populism. The ruling elite's "collective claim to leadership and guidance, to rank, authority and prestige"[36] empowered these elitist trouble-makers too. When aristocrats compete for the votes of a wider electorate, i.e., of their social inferiors, and the competition is genuine and fierce, the fact that only aristocrats can take part in the game may sometimes become a mixed blessing for the ruling class.

In democratic Athens, famously, a smith or a shoemaker might get up in the Assembly and speak on issues of highest importance;[37] he could also try

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34 E.g. North 1990: 18.
35 Cf. Morstein-Marx 2004: 147.
36 Hölkeskamp 2010: 89.
37 Plat. *Prot.* 319 D.

to deal with those matters by initiating a popular decree. None of this was possible in Rome. "The assemblies were convoked, presided over, addressed and dismissed by elite members in their role as magistrates".[38] But a challenger or a disruptor holding such a position was more formidable than any smith or shoemaker could be. Of course, an aristocratic radical or revolutionary is a familiar figure not just in Roman – or Athenian – history. Such blue-blooded "traitors to their class" have always been particularly potent (and hated by fellow aristocrats). What distinguishes the Roman Republic is the degree to which this phenomenon was grounded in the fundamental logic of the system, in the routine career needs of the aristocrats. It is surely not accidental that the most disruptive populist tribunes of the *plebs* of the late Republic, from the Gracchi to Clodius, belonged not just to the office-holding class but to the highest Roman nobility. They enjoyed, in the eyes of their supporters, a potent combination of aristocratic authority and popular appeal; they, too, were empowered by the deference to a noble name fostered by the Republic's political culture, and by the ruling elite's "collective claim to leadership and guidance, to rank, authority and prestige".

But it seems probable that the dramas generated by such people, whom the ruling class found difficult to withstand, and with whom it sometimes managed to settle accounts in a rather robust way, were far from being the main source of the people's leverage in the system. It seems likely that the routine, undramatic impact of every Roman aristocrat's "chronical" need, actual and prospective, for the people's votes on his political and social behaviour throughout his political career – that is to say, to a large extent, throughout his adult life[39] – had a far greater accumulative effect. The fact that one's social inferiors might also be one's prospective voters, or people who could influence one's reputation with these voters, must have had a routine impact on the behaviour of the Republic's officials, military commanders, and judges, and of those aspiring to such positions. This impact was part of the texture of Roman civic and social life that would be directly reflected in the sources only on more "dramatic" occasions.

The sources make it clear that *petitio* was a very special season, governed by special rules, when candidates had to demonstrate a much higher than

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38   North 1990: 16.
39   For the dependence on the people's votes of those who had reached the consulship see Yakobson 2017.

usual degree of *comitas*, and even *blanditia*, as the author of the *Commentariolum Petitionis* stresses, in their dealings with humbler people.

> "You must make every effort to ensure that all those personally close to you, and above all members of your household love you and wish you to be as great a man as possible (*deinde ut quisque est intimus ac maxime domesticus, ut is amet et quam amplissimum esse te cupiat valde elaborandum est*). You must do the same with your fellow tribesmen, your neighbours, your clients, indeed, your freedmen, and finally, even your slaves (*ut denique liberi, postremo etiam servi tui*); for nearly every kind of talk that affects one's Forum reputation originates from sources within one's own household (*nam fere omnis sermo ad forensem famam a domesticis emant auctoribus)".*[40]

Without sliding into excessive optimism as to the possible impact of such considerations on the treatment of slaves in Rome's aristocratic households, one notes that the social level to which Cicero is advised to stoop, during his consular campaign, is humble indeed. What is said here to be highly relevant to Cicero's chances of winning the consulship is not his public reputation generally speaking, but more specifically, his *forensis fama*, shaped in the way described here; this seems to indicate that non-elitist elements could be of considerable importance in those elections. Admittedly, not every effort, on a candidate's part, to curry favour was a direct attempt to win votes. Goodwill of people below the level of the humblest prospective voters could "spill over" into the voting populace and might thus prove useful. But it was presumably not the votes of the Roman elite that one would mainly hope to influence in this way.

A candidate who failed to observe these rules risked losing the election, and this applied also to the highest nobility, as Scipio Nasica is said to have learned to his cost while campaigning for the aedileship.[41] But while the emphasis is on the difference between behaviour during *petitio* and the usual times, when there was surely no lack of aristocratic haughtiness towards the lower classes, it is hard to imagine that the thought of future campaigns, probably never far from a typical aristocrat's mind throughout his *cursus honorum*, would fail to exercise any influence at all on his social behaviour. Under conditions of aristocratic competition, an aristocrat's public reputation

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40   *Comment. Pet.* 17; cf.16; 25; 41-42; 45-48; see on this Tatum 2007.
41   Val. Max. 7.5.2; see on this Yakobson 2019.

was a long-time investment.[42] It is of course true that an aristocrat's posture of "joviality" towards the people entailed an "attitude of condescension, [an] emphasis on superiority of social rank and standing".[43] But we may safely assume that Roman aristocrats had enough haughtiness in them to have been haughtier yet, in their dealings with humbler citizens, if not for their short-term and long-term electoral considerations. Scipio Nasica, at any rate, surely meant to sound condescendingly "jovial", rather than downright insulting, in his remark to the peasant voter that is said to have wrecked his campaign for the aedileship. However, he failed to appreciate the strength of the leverage that the Roman electoral system gave to the voting public.

The different facets of the "paradox of an aristocracy selected [through a fiercely competitive process] by its inferiors"[44] at the heart of the Roman electoral system exemplify an important feature of Republican politics. This system was characterized not merely by a mixture of elitist and popular elements, but by a certain symbiosis between them. Polybius famously attributed the stability of the system to the fact that the mixture was balanced. Many have found it difficult to accept this, and argued that the aristocratic element was predominant – often to the dismissal of the popular aspect, something that has provoked the "popular" reaction launched by Fergus Millar. This debate usually assumes that the system was less popular to the extent that it was more elitist, and less elitist to the extent that it was more popular. This, no doubt, is true in some important ways. Tensions between the aristocratic and popular elements in the system were very real, and debates on their relative importance will continue. But it is also important to realize that in a significant sense, the popular and aristocratic features of the system were intertwined and mutually re-enforcing, rather than a zero-sum game.[45]

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42   See e.g. Polyb. 31.29.8: Scipio Aemilianus as a young man devoted to hunting the time that other young aristocrats "gave up to law affairs and greetings, spending the whole day in the forum and thus trying to court the favor of the populace".

43   Hölkeskamp 2010: 101 note 13; on "joviality" see Jehne 2000.

44   See note 16 above and text.

45   See on this Yakobson 2022c.

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QUI (ET COMBIEN DE PERSONNES) VOTAIENT À ROME ? DES PROCÉDURES À L'INTERPRÉTATION POLITIQUE DE LA PARTICIPATION ÉLECTORALE

Clément Chillet

Ce volume a été conçu par son éditrice comme une sorte de bilan dressé 25 années après la publication de l'ouvrage d'Alexander Yakobson sur les élections romaines, pour faire le point sur les avancées de la recherche rendues possibles par les idées proposées dans ce livre. Comme beaucoup de chercheurs qui ont travaillé sur les élections romaines, *Elections and electioneering in Rome* a été pour moi un objet de grand intérêt, d'autant plus que je suis issu de la tradition académique française marquée par l'attention que Claude Nicolet avait portée aux procédures et aux actions concrètes qui constituaient le « métier » de citoyen. Dans ce champ de la recherche, ce livre a apporté de nombreuses réponses tout en ouvrant de nouvelles pistes encore en cours d'exploration. Ce qui m'avait particulièrement intéressé lors de sa lecture effectuée dans le cadre d'une recherche collective sur l'étude comparée des processus de vote dans les mondes antiques à laquelle je participais alors,[1] était le problème du nombre d'électeurs qui est une question de premier ordre : selon la réponse qu'on lui donne, on est amené à tempérer ou non l'idée que l'on se fait de la vie politique de la république romaine.

Le débat sur la place de l'aristocratie dans le système politique a été, et reste, intense et, au cours des trente dernières années, un courant historiographique a insisté sur la place occupée par le peuple qui avait

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1   Borlenghi – Chillet – Hollard – Lopez-Rabatel – Moretti 2019.

développé sa propre culture politique, largement autonome de celle des aristocrates.[2] Le présent article peut s'inscrire dans ce débat entre deux écoles de pensée qui ont leurs champions respectifs,[3] en cherchant à restituer des pratiques quotidiennes de la vie politique. La république romaine était incontestablement une structure aristocratique sur le plan social. Mais sur le plan politique ? Il me semble que les sources permettent, en général, de parler d'un système politique de nature aristocratique. Mais est-ce à dire que les aristocrates dominaient parfaitement et absolument le jeu politique du fait même des institutions, jouant tous les rôles (seuls électeurs, seuls élus et seuls maîtres du jeu politique) ? Voilà qui est beaucoup plus incertain et le caractère aristocratique du système politique romain semble plutôt dû à la combinaison d'un mode de domination sociale aristocratique indéniable et d'un système qui, s'il favorise l'aristocratie, n'en est pas moins plus ouvert qu'il n'y paraît.

Puisque nous n'avons ni code électoral ni comptes-rendus chiffrés d'élections, il est difficile d'évaluer l'aspect numérique des électeurs et c'est pourtant l'un des moyens de répondre à la question de la nature du régime républicain, comme l'a suggéré Alexander Yakobson. C'est à travers la matérialité des élections, qui nous sont décrites toujours partiellement dans nos sources, que les historiens peuvent tenter d'apporter une réponse à ce problème. Plusieurs manières d'analyser les élections romaines de ce point de vue quantitatif s'offrent à l'historien, que nous allons brièvement passer en revue avant d'en venir au sujet que nous souhaitons aborder dans cet article.

La première façon de procéder consiste à mesurer les aires de vote. Cette approche a connu un regain d'intérêt depuis la publication des travaux de Yakobson,[4] même si aucune conclusion définitive n'a pu être dégagée sur le sujet, faute d'accord sur la manière dont les opérations de vote (qu'il faut ici clairement distinguer des opérations de dépouillement, dont on sait qu'elles étaient successives pour les votes législatifs et judiciaires et concomitantes

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2   Millar 1998 comme "initiateur" ; voir aussi Courrier 2014 et toutes les études récentes sur la communication politique, par exemple : Rosillo-López 2017. Ces références donnent seulement un aperçu d'un courant historiographique très fécond.

3   Respectivement : Millar champion de l'école "démocratique" et Hölkeskamp pour l'école "aristocratique" ; voir Hölkeskamp 2008 pour une rétrospective sur ce débat. Voir aussi Hurlet 2012.

4   Yakobson 1998: 49 n.78 rejette l'argument selon lequel le simple calcul de capacité des lieux de vote montrerait un faible taux de participation populaire aux élections, s'opposant en cela à MacMullen, le seul auteur qui s'était réellement intéressé au sujet en 1980.

pour le vote électoral)[5] étaient effectivement organisées dans les lieux réservés au vote dans la ville de Rome. Si l'on suppose qu'elles étaient organisées de manière contemporaine, cela signifie qu'une estimation de la capacité des sites peut donner une idée du nombre de votants ;[6] mais, malgré les images bien connues de la répartition des votants en rangées parallèles sur le Champ de Mars ou sur le forum,[7] il n'est pas du tout exclu que le vote ait pu être successif (mais sur la base de quelle unité de vote ?), ce qui multiplie évidemment le nombre de votants qui ont pu avoir accès aux urnes.[8]

Le professeur Yakobson a emprunté une autre voie : celle de la quantification de la répartition des individus dans les cinq classes de recensement. Dans son deuxième chapitre, il évoquait la possibilité que le nombre de citoyens recensés dans la première classe fût plus important que prévu.[9] Quelques mots à ce sujet : les sources antiques dressent un tableau des institutions déséquilibré en faveur de la première classe. Dans les comices centuriates, il est bien connu que les centuries équestres et celles de la première classe représentaient ensemble la quasi-majorité sur le nombre total des

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5   Ce point est établi depuis Fraccaro 1913-1914 pour les assemblées tributes.

6   MacMullen 1980 calcule une capacité du *Comitium* sur le forum de 15 000 à 20 000 électeurs, du Capitole autour de 25 000 et des *Saepta* sur le Champ de Mars d'autour de 55 000 électeurs ; Mouritsen 2001:18-37 donne des chiffres plus bas encore : 30 000 électeurs dans les *Saepta*. Voir aussi Morstein-Marx 2024: 147-148. Rafferty 2024 cherche pour sa part à calculer le "débit" possible d'électeurs sur les *pontes* tout en proposant une nouvelle interprétation de la localisation et de l'usage des ponts de vote sur le forum. Ces chiffres globaux sont à rapprocher des travaux menés en archéologie du son sur la capacité des foules à entendre les orateurs dans les espaces public : Muth – Kassung 2019 ; Holter – Muth – Schwesinger 2018: 44-60.

7   Voir le célèbre dessin de L. Cozza, régulièrement utilisé pour illustrer l'organisation des *Saepta*, par exemple dans Taylor 1966: 53, pl. XI. L'une des manifestations de l'incertitude sur l'organisation et l'utilisation des espaces publics est la féroce bataille bibliographique au sujet des 'pozzetti' : Mouritsen 2004 ; Coarelli 2005 ; Borlenghi 2019 et une mise à jour bibliographique générale dans Borlenghi 2024.

8   Comme le souligne C. Courrier, par exemple, insistant sur le fait que les élections étaient une opération dynamique, et qu'il faudrait pouvoir mesurer la capacité des espaces pour une foule en mouvement plutôt que pour une foule statique : Courrier 2014 : 437-439.

9   Yakobson 1998: 43-48. La question du calcul de la qualification censitaire des différentes classes héritées du système de Servius Tullius a fait l'objet de nombreuses publications, dans deux contextes historiographiques différents : soit dans des études discutant ou contestant l'idée de Toynbee ou de Brunt d'un déclin de la population et des *assidui* au cours du IIe siècle, soit dans des études sur les fluctuations de la valeur du denier depuis sa création. Voir : Rich 1983 ; Lo Cascio 1988, Rathbone 1993, Marchetti 1978: 273-302, mais aussi Lo Cascio 2008: 246-248.

centuries. La répartition des citoyens dans ces cinq classes aurait été si déséquilibrée que les *proletarii*, techniquement en dehors du système des classes,[10] auraient été aussi nombreux que tous les autres.[11] Cela signifie-t-il pour autant que les première et deuxième classes étaient « vides » parce que peuplées d'un très petit nombre de « riches » ? Rappelons que la répartition censitaire que nous donnent les auteurs à la fin de la République est une répartition en *asses*, et rien ne permet de penser que ces chiffres aient été transposés en sesterces à un moment quelconque de la fin de la République, même s'il est vrai que la qualification censitaire pour l'appartenance à l'ordre équestre et à l'ordre sénatorial étaient exprimées en sesterces dès la fin de la République,[12] et que, sous l'Empire, les seuils de qualification censitaire individuels étaient souvent exprimés en sesterces, comme l'indiquent les sources papyrologiques, par exemple.[13] Il reste que les deux auteurs qui se réfèrent au système servien, tout en mentionnant ses modifications dans le temps, ne font pas état d'un changement d'unité monétaire. D'autres ont exploré cette piste pour montrer qu'il devait être moins difficile pour les électeurs ruraux d'accéder à la première ou à la seconde classe qu'on ne le prétendait.[14] C'est également dans cet esprit que j'ai proposé il y a quelques années une interprétation d'un épisode des premières années du règne d'Auguste :[15] sa tentative d'introduire le vote par correspondance pour les vétérans des colonies italiennes lors des élections aux magistratures supérieures romaines.[16] Plusieurs conclusions peuvent être tirées de ce projet politique. Tout d'abord, cette mesure trouve son origine dans le fait que les soldats, à la fin de la République, avaient pris l'habitude de jouer un rôle actif qu'ils ne voulaient pas abandonner en se faisant inscrire dans une colonie italienne.[17]

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10   Sauf chez Dion. Hal. 4.18.2 qui mentionne 6 classes.
11   Cic. *Rep.* 2.40 ; voir aussi Dion. Hal. 4.18.2 ; 7.59.5.
12   Yakobson 1998: 44 et n. 62 et 64. *Contra*: Mattingly 1937: 106 (qui propose une conversion des 100 000 *asses* en sesterces au cours de la période syllanienne); Crawford 1985: 149-151 (qui propose une conversion à montant équivalent d'as en sesterces au milieu du deuxième siècle).
13   Les documents réunis par Christiansen montrent que le sesterce était régulièrement utilisé comme unité monétaire pour définir des seuils censitaires dans les sources papyrologiques. Christiansen 1984.
14   Rafferty 2021 et Morstein-Marx 2024, montrent que les électeurs ruraux se déplaçaient effectivement à Rome pour voter.
15   Suet. *Aug.* 46.1.
16   Chillet 2018b.
17   Chillet 2024 et Chillet à paraître.

Par ailleurs, la loi Munatia Aemilia de 42 rappelle le droit d'être inscrits dans une tribu, d'y être recensés et d'y voter pour les individus auxquels les triumvirs ont reçu le droit d'accorder la citoyenneté, comme en témoignent les deux édits d'application que nous connaissons (Séleucos de Rhosos et l'édit dit des vétérans).[18] Il est toujours possible de penser que ce point précis de la loi était un élément tralatice de lois plus anciennes d'octroi de la citoyenneté, mais je suis enclin à penser que cet élément avait une réelle actualité. Si l'on se souvient que 42, l'année de la loi Munatia Aemilia, était une année de censure, la disposition de la loi avait un but immédiat et bien réel. Tout concourt donc à faire des anciens combattants des citoyens actifs, même un fois qu'ils avaient quitté les rangs de l'armée.

De plus, cette mesure augustéenne peut facilement être reliée à un autre épisode de la période triumvirale : les récriminations des soldats qui voulaient recevoir la terre et l'argent promis plutôt que la promesse d'être des décurions dans leurs colonies.[19] Pourquoi ? Bien évidement pour maintenir un rang censitaire local (et ainsi éviter le déclassement des colons syllaniens de la génération précédente)[20], mais aussi pour éviter un déclassement de leur rôle politique romain. Il est évidemment illusoire de vouloir quantifier en termes monétaires le montant des terres distribuées aux vétérans, mais il s'agissait sans doute d'une somme non négligeable qui permettait de maintenir les vétérans à un niveau de cens acceptable et d'ouvrir les portes de la deuxième, voire de la première classe à leurs officiers de rang inférieur, avantagés dans les distributions. On comprend dès lors qu'Auguste ait pensé à faire voter « par correspondance » les décurions des colonies italiennes : il semble que la mesure soit clairement destinée à sa base politique que constituaient les vétérans.

Dans cet article, je voudrais explorer une troisième voie pour montrer que la République a connu une participation plus large qu'on ne le pense habituellement. Je considérerai un aspect purement mathématique et donc procédural : il convient de rappeler quelle était la majorité qui marquait la victoire d'un individu lors d'une élection. Cette approche nécessite, pour trouver des exemples, de remonter plus haut dans la République que les décennies tardives qui sont principalement considérées dans ce livre, mais

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18 Lignes 13-15. Pour le commentaire, voir : Raggi 2004; 2006; Chillet 2018a.
19 App. *B Civ.* 5. 531-532.
20 Sur lesquels Santangelo 2007: 183-188 qui admet qu'il ne peut expliquer la pauvreté (indice d'échec) des vétérans, particulièrement en Étrurie.

nous verrons quel éclairage ceux-ci peuvent apporter sur des pratiques républicaines encore valables à la fin de la période. Une fois encore, il s'agira d'étudier les procédures à l'œuvre, c'est-à-dire les actes électoraux tels qu'ils nous sont rapportés principalement par Tite-Live, afin d'ouvrir, dans un second temps, sur un niveau plus théorique de description du système politique romain. En effet, les procédures ne sont jamais neutres, jamais des éléments purement « techniques » et sont toujours des indices majeurs de la manière dont sont conçus les systèmes politiques. Si les Romains ont choisi l'une ou l'autre des options disponibles pour désigner les individus aux fonctions politiques, c'est parce que cela correspondait à leur mentalité, à la nature de leur système politique et à la manière évolutive dont ils le concevaient et non pas parce qu'il s'agissait d'un système naturel ou évident.

La détermination de la majorité requise pour élire un individu a un lien évident avec le nombre d'électeurs dans les élections romaines nous allons le voir. Les exemples dont nous disposons proviennent principalement de l'élection des hauts magistrats, c'est-à-dire de réunions électorales des comices centuriates.

Ce parcours commence avec le récit de Tite-Live de deux élections au cours desquelles un seul consul a été élu, ce qui a conduit à l'organisation d'une seconde élection. Ces deux cas sont particuliers, et les questions qui se posent à l'historien sont d'autant plus nombreuses que les informations données par Tite-Live sont plus étendues que pour d'autres élections « sans problème ». Mommsen lui-même n'avait relevé qu'un seul de ces deux cas et l'avait qualifié d'obscur.[21] Il nous appartient d'essayer d'y voir plus clair !

Le premier cas concerne les élections consulaires de 216.[22] La situation est particulière car l'élection est réalisée par un *interrex*.

Cette élection est le théâtre d'un affrontement dramatisé entre plébéiens et patriciens, les premiers accusant les seconds (ainsi que les plébéiens « nobles » – *nobiles plebeii* – qu'ils accusent de se ranger du côté des patriciens) de faire traîner la guerre contre Hannibal pour conserver le pouvoir. Les électeurs ont le choix entre deux candidats patriciens, deux candidats issus de familles plébéiennes « déjà nobles » (*nobilium jam familiorum plebeiis*) et un candidat

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21   Mommsen 1892: 248 n. 1 : l'élection de Fulvius Nobilior (voir *infra*) est décrite comme un "cas obscur".
22   Liv. 22.35.1.

considéré comme un « vrai » plébéien. À l'issue de la première élection, seul ce dernier, C. Terentius Varro , est élu « afin de pouvoir contrôler l'élection de son collègue ». La noblesse reconnaît l'échec de ses candidats (*parum fuisse virium in competitoribus eius*). Concrètement, que s'est-il passé dans cette élection (sans considérer les aspects idéologiques, mais seulement les aspects techniques) ?

Tout d'abord, il faut revenir sur la situation particulière qui a conduit à ce que l'élection soit menée par un *interrex*. A la fin de l'année 217, les consuls préférèrent rester sur le front des opérations militaires plutôt que de revenir à Rome présider les élections. Ils demandèrent donc au Sénat de nommer un *interrex*, ce que le Sénat refusa, préférant la solution d'un dictateur *comitiorum habendorum*. Ce dernier fut contraint de démissionner de son poste en raison d'un *vitium* dans sa *creatio*. Ce délai conduisit apparemment à la fin de l'année civile (14 mars), puisque Tite-Live mentionne à ce moment-là dans son récit la prorogation des consuls.[23] Compte tenu de la vacance des *auspicia*, un *interrex* fut désigné pour conduire les élections.[24] Cette circonstance particulière put avoir un impact sur l'interprétation du déroulement des élections, car certains auteurs ont cru pouvoir démontrer que l'*interrex* ne procédait à l'élection que d'un seul des consuls, limitant fortement le choix des électeurs, pour laisser ensuite le consul élu présider à l'élection de son collègue.[25]

Il semble cependant que les sources utilisées par J. Jahn pour étayer cette hypothèse soient très faibles et discutables. L'une d'entre elles est précisément notre passage de Tite Live, que nous interprétons différemment de lui.[26] En effet, rien dans le passage que nous commentons ne semble indiquer que l'*interrex* n'ait délibérément élu qu'un seul consul, laissant à ce dernier le soin

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23   Liv. 22.34.1.

24   Cette hésitation entre deux différentes manières de mener les élections de manière extra-ordinaire (normalement non-concurrentes, mais dépendant de conditions politiques différentes) peut être interprétée comme une des dernières manifestations de la lutte politique entre patriciens et plébéiens : Mazzotta 2016.

25   Jahn 1970: 26, 111. Aucune des études récentes sur l'*interregnum* ne revient sur ce point particulier: Mazzotta 2013; Koptek 2016.

26   Comme Ramsey 2016: 312 et n.53 qui donne la même interprétation que nous faisons ici, contre Jahn. L'autre source de Jahn est Plut. *Marc*. 6.1 qui indique qu'en 222 Marcellus fut choisi par des *interreges* puis dans un second temps nomma son propre collègue. Ce récit est trop bref pour que nous puissions comprendre le déroulé précis des élections et il est possible qu'un parallèle avec la situation de 216 puisse être établi.

d'élire son collègue.[27] Ce sont les circonstances qui ont conduit à l'échec de l'élection d'un second consul, et il ne semble y avoir aucune raison pour que les élections consulaires présidées par un *interrex* se soient déroulées différemment d'élections normales.

Sur cette base, il est possible de revenir à notre question initiale de la qualification d'un candidat. Dans quelle situation est-il possible qu'une personne n'ait *pas* été élue ? Si l'on considère comme invraisemblable dans ce cas que les candidats patriciens n'aient reçu *aucune* voix (cela impliquerait que l'ensemble du *populus* n'ait noté le nom d'aucun des candidats qui lui semblaient trop proches des intérêts de la noblesse ; mais cela paraît surprenant car cela ne prendrait pas en compte les votes de la noblesse, qui est habituellement considérée comme étant en mesure de bloquer les élections), il n'y a que deux possibilités :

— soit, comme c'est le cas dans certains codes électoraux modernes, le taux de participation fut considéré comme insuffisant. Or, on ne connaît pas de mesure de *quorum* dans les élections populaires romaines (contrairement aux votes internes du sénat).[28] Au contraire, à la fin de la République, il y avait des comices vides, attestés plus spécifiquement pour les votes législatifs.[29] De toute manière cette solution n'est pas à retenir puisqu'un consul fut bien élu.

— soit parce que les candidats n'avaient pas obtenu le nombre de voix requis pour atteindre un seuil jugé nécessaire. Dans ce cas, cela

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27   L'hypothèse de Staveley 1954 selon laquelle l'*interrex* proposait un nombre limité de candidats (deux) à l'approbation des comices est en effet invalidée par l'exemple des élections de 216 où plusieurs candidats étaient clairement présents (Ramsey 2016: 312 n.53). Ramsey montre que lors de l'élection consulaire de 52, mieux connue grâce à un nombre de textes plus important, c'est un décret du sénat, en réponse à une situation politique explosive, qui a conduit à l'élection de Pompée comme consul unique et a reporté de deux mois l'élection d'un collègue. Quant à l'hypothèse avancée par Briscoe et Hornblower d'un *interrex* qui proposerait successivement des noms un par un au peuple lequel déciderait de les accepter ou non, elle ne repose, à ma connaissance, sur aucune source connue : Briscoe et Hornblower 2020: 251 et 257. Si elle était valide, elle ne serait pas en contradiction avec les analyses proposées dans la suite de cet article dans la mesure où elle signifierait qu'aucun des candidats patriciens n'aurait reçu assez de voix pour se qualifier.

28   Le sénat sous la République eut des pratiques différentes concernant le quorum selon les époques et selon le sujet soumis à la discussion, avant que la pratique ne se généralise sous César puis Auguste. Voir Coudry 1989: 401-413.

29   L'exemple le plus fameux se trouve chez in Cic. *Fam.* 7.30.1-2.

signifierait qu'aucun candidat issu de la noblesse n'obtint suffisamment de voix (*parum virium*) pour être qualifié et retenu comme consul. Et de fait, le texte peut être interprété dans ce sens : l'ensemble du processus électoral, mené à son terme, n'a pas permis aux candidats patriciens d'atteindre ce seuil de qualification. En d'autres termes, et au regard du nombre d'électeurs (qui est l'objet de notre étude), cela signifie que le processus électoral a dû se poursuivre au-delà du vote des premières classes censitaires, et sans doute jusqu'à la fin de la liste des centuries sans parvenir à fournir un seuil de qualification suffisant à aucun des candidats patriciens.[30] Il s'agissait soit d'une manœuvre politique (Tite Live dit que la plèbe agit ainsi « pour contrôler l'élection » du collège), soit du résultat d'un rejet des candidats nobles par les électeurs populaires, qui profitèrent ainsi des désaccords de la noblesse, divisée entre 5 candidats. Cet épisode a fait l'objet de nombreuses interprétations politiques,[31] mais il n'en demeure pas moins que la difficulté d'élire le collège de Varron, L. Aemilius Paulus a marqué l'historiographie.[32]

Le second épisode relevé par Tite-Live se déroule lors des élections consulaires de 189.[33] Là encore, Tite-Live rapporte des dissensions et des débats houleux entre les candidats patriciens, qui aboutirent à l'élection d'un seul candidat plébéien, Fulvius Nobilior. Il fut seul consul élu et dut présider à l'élection de son collègue qui se déroula le lendemain. Il s'agit d'un des cas peu courants où l'on connaît un candidat battu (M. Aemilius Lepidus parce

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30 Sur cette question, voir aussi Rafferty 2021 qui étudie l'implication des électeurs ruraux issus des dernières classes de l'organisation centuriate.

31 Notamment parce qu'il s'agissait de dresser un portrait négatif du futur vaincu de Cannes, l'origine sociale de Varro est dénigrée par Tite-Live, qui en fait le fils d'un boucher (Liv. 25.18-26.4).

32 L. Aemilius Paulus avait été poursuivi avec son collègue au consulat à la fin de leur mandat en 219 et, s'il avait échappé à la condamnation contrairement à M. Livius Salinator, il en avait gardé rancune à la plèbe (Liv. 22.35.3 et Plut. *Fab.* 14.4).

33 Liv. 37.47.7 : *Petebant cum eo M. Fulvius Nobilior, Cn. Manlius, M. Valerius Messala. Fulvius consul unus creatur, cum ceteri centurias non explessent ; isque postero die Cn. Manlium, Lepido dejecto – nam Messala jacuit – collegam duxit* ("Étaient candidats avec lui [scil. M. Aemilius Lepidus] M. Fulvius Nobilior, Cn. Manlius et M. Valerius Messala. Fulvius fut seul créé consul, puisque les autres n'avaient pas atteint le nombre de centuries nécessaire ; et Fulvius, le lendemain, apporta son soutien à Cn. Manlius qui devint son collègue, Lepidus ayant été battu et Messala n'ayant aucune chance"). Pour la traduction de *ducere*, voir n. 35.

qu'il avait quitté sa province pour venir se présenter aux élections)[34] et un candidat qui s'était sans doute retiré de la compétition électorale (M. Valerius Messalla). Dans le texte relatant cette élection, s'est ajoutée une difficulté de lecture : la fin de l'opération a donné lieu à débat en raison de l'utilisation du verbe *ducere* dans les manuscrits, presque toujours corrigé en *dicere*. Valerie Warrior a néanmoins bien montré que cette substitution posait trop de problèmes de procédure,[35] notamment parce qu'elle impliquerait que ce soit le nouveau consul élu en premier lieu qui aurait dû procéder à l'élection de son successeur (sur le modèle de l'exemple précédent),[36] alors qu'en réalité rien ne contredit l'hypothèse d'une élection « normale » menée par l'un des consuls de l'année précédente. En tout état de cause, le texte de Tite-Live indique clairement qu'aucun candidat n'obtint suffisamment de centuries pour être élu second consul (*ceteri centurias non explessent*) et qu'il fallut procéder à un second vote sur cette base. L'emploi du verbe *explere* est à commenter. Le verbe signifie « remplir ou compléter, aller au bout de ce qu'il est normal d'attendre de quelque chose »,[37] et est utilisé dans un contexte électoral lorsqu'un candidat atteint le nombre d'unités de vote nécessaires pour être élu. Il est employé deux fois dans ce sens chez Tite-Live, dans le texte que nous commentons et dans le contexte des élections des tribuns de la plèbe en 448, dans un contexte où l'unité de vote est la tribu.[38]

Ce cas de figure d'un candidat n'obtenant pas le nombre requis d'unités de vote n'est explicité qu'une seule fois clairement par Tite-Live à l'occasion

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34   Pour une prosopographie des candidats battus aux élections dans cette partie de la République, voir Pina Polo 2012 avec bibliographie antérieure, 64 n. 1.

35   Warrior 1990.

36   Et l'on voit mal dans quel cas cela aurait été possible : pour que les consuls de l'année précédente n'aient pas pu présider la seconde élection, après avoir dirigé la première, il aurait fallu soit qu'ils soient décédés entre-temps, soit qu'ils se soient trouvés dans une situation institutionnelle les empêchant de présider les comices, par exemple l'expiration de leur charge consulaire entre les deux élections. Rien dans le texte n'indique que la première élection ait eu lieu *in extremis diebus* à la fin de l'année civile.

37   *OLD*, 1.a "to fill up", 2.a "To fill all the available space in or on, cover completely", 4.a "To bring up to full measure or strength, make up". Le sens électoral est le sens 4.d.

38   Liv. 3.64.4-10 (élection des tribuns). Voir en particulier Liv. 3.64.8 : *Et, quinque tribunis plebi creatis, cum prae studiis aperte petentium novem tribunorum alii candidati tribus non explerent, concilium dimisit nec deinde comitiorum causa habuit* ("Et, après que cinq tribuns eurent été créés, comme, à cause des manœuvres ouvertes des neuf tribuns qui faisaient campagne, les autres candidats ne pouvaient atteindre le nombre de tribus requis pour être élus, il [scil. Duilius qui préside l'assemblée électorale] renvoya l'assemblée et il ne la réunit plus ensuite dans le but de tenir des élections").

des élections à la censure pour 310 :[39] même si, dans ce passage, la mention de la loi instaurant la censure doit être une création historiographique,[40] Tite-Live se réfère sans doute à un élément de procédure valable.[41] On peut supposer qu'un certain seuil devait être franchi pour que l'élection soit déclarée valide.

Ces quatre cas mentionnés par la tradition livienne indiquent qu'il existait des situations dans lesquelles tous les candidats n'ont pas pu répondre aux critères d'élection d'un magistrat et atteindre ce que l'on peut appeler un seuil de qualification. Cela signifie qu'en dehors de ces cas *a fortiori* (où la tension patriciens/plébéiens semble ressurgir avec vigueur dans le récit de Tite Live) il dut y avoir d'autres cas où le vote des classes supérieures ne suffit pas à qualifier un individu. Ce n'est guère étonnant si l'on admet que la composition sociologique de ces classes devait être beaucoup plus variée que ce que l'on imagine en admettant un seuil censitaire relativement bas comme on l'a vu précédemment. De fait, il semble évident que, si l'on imagine que la rationalité de l'action politique (même si le point de vue est sans conteste réducteur) était en partie liée au niveau économique, le comportement d'un individu possédant les cent mille as formant le seuil de la première classe était très différent de celui d'un individu de l'ordre sénatorial qui pouvait posséder plusieurs millions de sesterces.

Ce point de procédure nous conduit évidemment à considérer un dernier point : celui de la détermination de ce seuil de qualification, évidemment de nature numérique, fixé par la loi.

Avant d'y arriver, il faut évoquer brièvement un autre point : celui du nombre d'individus inscrits par l'électeur sur le bulletin de vote. Nous ne réouvrirons pas ici la discussion[42] – je suis plutôt favorable à l'hypothèse selon laquelle le nombre de noms inscrits était égal au nombre de postes à pourvoir[43] – car elle est de

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39   Liv. 9.34.23-26 : …*cum ita comparatum a maioribus sit ut comitiis censoriis, nisi duo confecerint legitima suffragia, non renuntiato altero comitia differantur*… (" …de même qu'il a été établi par nos ancêtres que, dans les comices destinés à élire les censeurs, si deux individus n'atteignent pas le nombre de suffrage fixé par la loi, les comices sont reportés sans que l'on ne proclame officiellement l'un des deux vainqueurs…").

40   Flach 1994: 234-237.

41   Ici, le verbe employé est *conficere*, qui est utilisé en contexte électoral avec le sens de "remporter" dans Cic. *Planc.* 45 ; *Fam.* 11.16.3 ; Cicero, *Comment. Pet.* 18.

42   Mouritsen 2001: 102-107; Jehne 2009 ; Rafferty 2021 penchent pour l'hypothèse de plusieurs noms inscrits sur le bulletin. Nicolet est plus nuancé (Nicolet 1976a: 369-375).

43   Voir dans ce même volume la contribution de Catherine Steel.

peu d'importance pour notre problème. En effet, l'élection d'un individu repose sur un décompte au deuxième niveau de vote, c'est-à-dire au niveau des unités de vote (centuries dans le cadre des élections aux magistratures supérieures ici prises en considération). Or à ce niveau, il semble admis qu'à l'issue du vote individuel on prenait en compte autant de candidats individuels qu'il y avait de postes à pourvoir dans les résultats annoncés par les centuries.

Revenons à notre question : quel était le seuil numérique pour l'élection d'un magistrat ? Quelle était la majorité des unités de vote à obtenir ?

Pour aborder la question de la détermination de la majorité, un détour par le droit des cités latines d'Hispanie s'impose. Je suis bien conscient des difficultés liées à l'utilisation d'un texte d'époque impériale, destiné à régir la vie publique des *civitates* provinciales afin d'éclairer la situation électorale romaine et républicaine.[44] Néanmoins, sans prendre ces règlements comme une simple copie des dispositions électorales romaines, ils nous permettent de mieux comprendre l'esprit dans lequel la procédure électorale était envisagée. Dans les cités d'Hispanie comme à Rome, le décompte des voix se faisait à deux niveaux : le premier était celui des électeurs individuels, au sein de leur curie, correspondant en quelque sorte à la tribu ou à la centurie romaine. Dans ce cas, la majorité requise semble avoir été une majorité simple ou relative : *plura quam alii suffragia habent*.[45] Les candidats choisis par la curie étaient ceux qui arrivaient en tête, jusqu'à concurrence du nombre de magistrats requis.

Le deuxième niveau, celui du décompte des résultats des unités de vote, est décrit comme suit : *quisque prior maiorem partem numeri curiarum*

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44 Pour les différences existant entre la situation romaine et la situation des lois provinciales, même sous la République romaine, voir Russo 2018.

45 Malaca (col. 2, l. 27-48) : LVI – *Is qui ea comitia habebit, uti quisque curiae cuius plura quam alii suffragia habuerit, ita priorem ceteris eum pro ea curia factum creatumque esse renuntiat[o], donec is numerus, ad quem creari oportebit, expletus sit* (González – Crawford 1986). Cet élément correspond aux appellations modernes : suffrage uninominal majoritaire à un tour (en France), first-past-the-post (Royaume-Uni et pays anglo-saxons), sistema uninominale secco o sistema maggioritario uninominale a turno unico (Italie). Notons que ce système est majoritairement employé pour les élections parlementaires dans les pays de tradition politique anglo-saxone et résiduellement dans d'autres systèmes politiques (en Italie 37% des membres de deux chambres sont élus sur ce principe par exemple).

conficerit (...) factum creatumque renuntiato.[46] Le texte est extrêmement précis.[47] L'ensemble sur lequel la majorité sera calculée est le nombre total de curies et le seuil de qualification est décrit comme une majorité absolue : la « plus grande partie des curies » s'entend si les curies sont divisés en deux parties (*major* est un comparatif, pas un superlatif). La *major pars numeri curiarum* désigne littéralement « la partie du nombre de curies qui est plus grande (sous-entendu : que l'autre partie) ». C'est une manière de désigner la moitié du nombre de curies + 1, c'est-à-dire la majorité absolue en nombre d'unités de vote et pas seulement la majorité des voix par rapport aux autres candidats, contrairement à ce qui était requis lors de la première étape mentionnée ci-dessus.

Le texte hispanique éclaire donc le point fixé par la loi instaurant la censure dont parle Tite Live : cette majorité absolue par rapport au nombre d'unités de vote est requise sous peine de ne pas valider l'élection.

Ce point qui semble fondamental dans la mentalité romaine ne relève pas seulement d'un raisonnement mathématique et numérique (auquel cas un recours à la majorité simple aurait été suffisant).[48] Cela nous dit deux choses de la mentalité romaine en matière de politique.

D'abord, elle a une vocation universaliste, comme je l'ai récemment évoqué à propos de l'utilisation du tirage au sort dans un contexte comitial.[49] Certes, cette vision est très éloignée de notre vision du suffrage universel, tel que nous l'entendons aujourd'hui dans les démocraties occidentales, mais elle

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46 Malaca (col. 2, l. 49-65) : LVII – *et uti quisque prior maiorem partem numeri curiarum confecerit, eum, cum, h(ac) l(ege) iuraverit caveritque de pecunia communi, factum creatumque renuntiato, donec tot magistratus sint quod h(ac) l(ege) creari opportebit* (González – Crawford 1986).

47   Gardons à l'esprit que l'objectif de la loi municipale est double : définir la majorité et définir l'ordre dans lequel la majorité est obtenue. Le système romain est fondé sur l'ordre d'obtention de la majorité et non sur une simple majorité numérique. En d'autres termes, même s'ils n'obtiennent pas la majorité en premier, il n'est pas mathématiquement impossible pour d'autres candidats d'obtenir plus d'unités de vote que le premier à obtenir la majorité (voir n. 56). L'ordre d'élection des candidats est important pour déterminer leur rang de *dignitas*.

48   Peu d'auteurs se sont intéressés à la théorie mathématique et arithmétique qui imprégnait l'arrière-plan culturel et intellectuel des actions et des pratiques du système politique romain : Larsen 1949, Nicolet 1976b. Pour d'autres éléments de rationalité influant sur la vie publique romaine, en particulier la rationalité de l'impérialisme, voir Moatti 1997.

49   Chillet 2025.

permet de montrer comment les mentalités façonnent les discours sur les systèmes politiques sans que nous devions être liés par ces discours. Cette universalité du corps électoral, et la détermination de la majorité qui impose sa force à la décision prise (qu'elle soit électorale, législative ou judiciaire) sont deux points rappelés avec force par un autre texte du Ier siècle av. J.-C. : le discours de Cicéron sur la loi agraire. Certes, l'orateur s'est parfois emporté avec excès contre cette *rogatio* pour des raisons avant tout politiques. Mais pour être fiables et convaincants, les arguments qu'il utilise durent trouver un écho auprès de son auditoire.[50] La première critique de Cicéron porte sur le fait que les dix-sept tribus qui avaient pour rôle d'élire la commission chargée de distribuer les terres dans le cadre de la loi agraire de Rullus devaient être choisies par le hasard[51] alors que le tirage au sort était absolument impensable dans le système romain pour déterminer la taille (mais non pas la répartition) du corps électoral.[52] La deuxième critique de Cicéron porte sur le fait que ce système confiait le caractère décisif de l'élection à une majorité de neuf tribus seulement sur l'ensemble du corps civique.[53] Or, puisque le poids[54] de la

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50   Voir la récente très convaincante étude de Krostenko 2023.

51   Pour un aperçu des mécanismes d'élection des *decemviri*, voir Cic. *Leg. Agr.* 2.7.16-2.8.22. Sur ce passage du discours, voir le commentaire de Krostenko 2023: 98-104, 141-147, 200-209.

52   Chillet 2025.

53   Les deux aspects de la critique de Cicéron sont résumés dans le passage suivant : 2.7.16 (*Primum caput est legis agrariae, quo, ut illi putant, temptamini leviter, quo animo libertatis vestrae deminutionem ferre possitis. Iubet enim tribunum plebis, qui eam legem tulerit, creare decemviros per tribus septemdecim, ut, quem novem tribus fecerint, is decemvir sit. Hic quaero, quam ob causam initium rerum ac legum suarum hinc duxerit, ut populus Romanus suffragio privaretur* ; "Le premier chapitre de la loi agraire est le moyen, comme ces gens-là le pensent, de vous sonder doucement, pour savoir à quel point vous pouvez supporter que l'on diminue votre liberté. En effet, cet article ordonne que le tribun de la plèbe qui aura porté cette loi, crée un collège de dix hommes par l'intermédiaire de dix-sept tribus, si bien que, celui qui aura été choisi par neuf tribus, celui-là sera élu décemvir. Et moi je demande pour quelle raison cet homme, dès le début de son action et de ses lois, pousse à ce que le peuple romain soit privé de son suffrage") et 17 (…) *Hoc tribuno plebis potissimum venit in mentem populum Romanum universum privare suffragiis, paucas tribus non certa condicione iuris, sed sortis beneficio fortuito ad usurpandam libertatem vocare* ; "A ce tribun de la plèbe-là, il est venu l'idée avant toute chose de priver le peuple romain dans son entier de son suffrage, et d'appeler un petit nombre de tribus, non pas par un règlement juridiquement assuré, mais par le bénéfice incertain du sort, à exercer leur liberté"). Pour un commentaire de ce passage, voir, Krostenko 2023: 98-104, 141-147, 200-209.

54   Le terme utilisé par Cicéron est *vis*, le même qu'avait utilisé Tite Live pour décrire l'échec des patriciens aux élections de 216.

décision populaire est marqué par le passage de cette majorité absolue, il était impensable pour Cicéron que les décemvirs envisagés par Rullus soient élus par une majorité de neuf tribus qui était, pour lui, tout sauf une majorité.

Second point : comme on le sait, la simple majorité ne permet pas d'évaluer les rangs de dignité. Dans une logique purement numérique,[55] il s'agit seulement d'atteindre un nombre donné de curies, supérieur à celui atteint par les autres concurrents. Le système romain fonctionne différemment et prend en compte le premier candidat à atteindre une majorité pour lui conférer une *dignitas* supérieure.[56] Mais cette capacité à atteindre le premier une majorité dépendait de l'ordre de dépouillement, qui était fondé partiellement sur le tirage au sort. Cela montre que le sort jouait un rôle déterminant dans le système romain, pour réintroduire un lien entre le système politique (l'élection) et le système social (la *dignitas*).

Pour conclure, résumons quelques points tirés de ce passage en revue de quelques cas emblématiques. Tout d'abord, retenons que le système romain des centuries était sans doute plus ouvert qu'on ne le pense généralement. Ainsi, même lorsque seule la première classe était sollicitée, elle devait toucher un panel sociologiquement plus large qu'on ne le dit habituellement. Par ailleurs, la majorité de blocage qui était virtuellement accordée aux centuries de chevaliers et à celles de la première classe était parfois difficile à atteindre pour *tous* les candidats. Cependant, toutes les magistratures romaines étaient collégiales et l'équilibre entre patriciens et plébéiens jouait un rôle dans certaines d'entre elles. Pour certains élus, la majorité requise était difficile à atteindre précisément en raison de cette diversité sociologique comme le montre la résurgence de l'opposition entre patriciens et plébéiens et le débat

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55   Staveley 1972: 170, 179 explique cette singularité uniquement par la tradition : le fait que le premier à atteindre une majorité soit pris en compte serait un héritage de l'époque où les 193 centuries votaient l'une après l'autre. L'explication par la tradition ne nous semble pas suffire, car elle ne montre pas comment un fait hérité s'inscrit dans les mentalités d'un système social et politique.

56   Avec des élections fictives à neuf tribus ou curies et trois candidats (A, B, C) pour deux postes de magistrats, par exemple : si le dépouillement des votes individuels donne pour la tribu 1 : AB, pour la tribu 2 : AB, pour la tribu 3 : CB, pour la tribu 4 : CB, pour la tribu 5 : CB, pour la tribu 6 : AC, pour la tribu 7 : AC, pour la tribu 8 : AC, pour la tribu 9 : AC, dans les élections modernes, C remporte 7 tribus (élu), A remporte 6 tribus (élu), B remporte 5 (éliminé), alors que dans les élections anciennes, B atteint en premier la majorité fixée à 5 tribus, C atteint en second la majorité des 5 et A est éliminé.

autour de la définition d'un « vrai » plébéien en 216. En cas de dissensus, l'unité des premières centuries n'était pas atteignable. S'il est vrai que les deux cas rapportés par Tite Live concernent une opposition politique qui était une caractéristique de la première République (l'opposition entre plébéiens et patriciens) et qui disparut au cours du dernier siècle avant notre ère, il est tout à fait possible que d'autres cas de dissension politique se soient produits sur d'autres sujets, plus tard dans la République, et aient obligé les comices à aller au-delà du vote de la deuxième classe. Cela signifiait que davantage de centuries, celles de la deuxième classe et des classes suivantes, devaient voter.[57]

Enfin, la détermination d'une majorité suffisante contribue à l'idée que les Romains se faisaient du rôle du peuple dans la prise de décision au sein de leur système politique. Cela correspondait à l'idéal romain d'un corps civique universel. André Magdelain, en son temps,[58] avait étudié cette prétention à l'universalité. Cicéron en est un autre témoin, à la fin de la République. La détermination d'une majorité suffisante (c'est-à-dire la moitié des unités de vote plus une) permettait de créer le poids (*vis*) du peuple dans la décision en jeu. Certes, cette majorité était illusoire, puisque ce n'était pas le nombre de votants mais le nombre d'unités de vote qui était pris en compte. Il s'agissait donc de représentations, d'un idéal du corps civique votant, mais cela est essentiel car, révélées par les opérations techniques du vote, ces représentations montrent comment les Romains concevaient leur système : un système politique dans lequel le peuple occupait une place centrale et où le destin pouvait, à la marge, régler les degrés de dignité. D'où l'importance extraordinaire de dépasser l'étude du seul système politique pour étudier les mécanismes sociaux impliqués dans la structure de la société romaine, que j'ai qualifiée plus haut d'aristocratique.

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57 Comme l'a montré aussi Rafferty 2021.

58 Magdelain 1979. F. Millar, même s'il est un défenseur de la démocratie romaine, qu'il qualifie de « directe » (Millar 1995 : 94), n'a pas abordé la question de l'universalité du corps électoral, ou ne l'a fait que rarement (Millar 1998 : 205-206).

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ELECTION PROMISES IN ROME

Timothy Smith

Candidates for political office tended not to make political promises or pledges in the Roman republic. This statement is accepted to the extent that it becomes a truism in modern scholarship. The reasons are partly normative, partly systemic. On the one hand, candidates for office were dissuaded from making direct statements on policy and potentially contentious matters, as such declarations could jeopardize their chances of election. Better to be vague on matters of policy, and instead build one's campaign on one's innate and congenital qualities. Vote for me because I am the best, not because I have the best ideas. Magistracy, in some conservative configurations, was not actually meant to do anything beyond preserve the status quo. Proposing something new risked interpretation, and presentation by one's competitors, as dangerous and revolutionary. Cicero, when reflecting on Clodius' bid for the praetorship, which had abruptly ended by his murder in 52, expressed outrage by the idea that Clodius delayed his campaign so that he could hold the praetorship for a full year and pursue his legislative programme – or, in Cicero's framing, "to upend the republic".[1]

On the other hand, the limitations were structural. Candidates were private citizens, and lacked the legal capacity to convoke *contiones* and occupy the public stage in a way that a magistrate could. Unlike modern politicians,

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1 Cic. *Mil.* 24. Cf. Morrell 2023.

a Roman candidate did not, could not, give stump speeches or hold rallies in a way that might widely disseminate political positions.[2] There were, of course, plenty of means of communicating with the general public, which included deploying surrogates, imprecating people for votes directly, and sloganeering. The latter is particularly visible in the political culture of Pompeii, where campaign slogans were painted directly onto the walls.[3] The language of these graffiti seems quite similar, however, to what we know about Roman canvassing: candidates, or their surrogates, seldom make direct appeals to policy – or what specifically the candidate can do for the *res publica* – but simply beg for the people's vote on the basis that the candidate is *dignus rei publicae*, worthy of the republic. The language of *dignitas* is pervasive, both in imperial Pompeii and in republican Rome.[4]

But this is not to say that talking politics was completely absent from campaign rhetoric. It was not, or at least not always, purely a *contentio dignitatis* devoid of any discussion of what was best for the republic, or what potential candidates would do if they were elected. This perspective is both outdated and easily falsifiable.[5] And to do so would unnecessarily minimize (or ignore) the desires and aspirations of the Roman voter, who was not always (though no doubt sometimes was) voting purely on the basis of a man's famous name. In 1999, Alexander Yakobson provided an important corrective, exploding the notion that Roman elections were uninfluenced by politics.[6]

The notion that canvassing was an essentially apolitical activity derives in part from a misinterpretation of a passage of the *Commentariolum Petitionis*, which provides the following advice to Cicero:

> "This above all else: throughout this campaign you must make it absolutely
> clear that the republic reposes high hopes in you and that your reputation remains

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2   Tatum 2013: 135.

3   On the vexed question of graffiti in Roman canvassing, see Tatum 2018: 37-38 (and sources therein).

4   See e.g. Asc. 86C: Cicero's opponents had argued that he was unworthy of the consulship.

5   So, powerfully, North 1990: 278 against the "frozen waste" theory of Roman politics which presupposes that "voting behaviour in the assemblies could be regarded as completely divorced from the opinions, interests, and prejudices of the voters themselves".

6   Yakobson 1999: 148-183.

sound. However, during your canvass, you must avoid matters of state, both in the senate and in public meetings".[7]

The advice, as Yakobson has convincingly argued, is tailored chiefly to Cicero's situation.[8] He has to appeal to a range of constituencies, and as a new man must work harder to convince upper-class voters that he has the *auctoritas* of the senate at heart. Nor does this advice presuppose that Cicero's persona as candidate was apolitical. Rather, it would be counterproductive for a man like Cicero, who had to appeal to a range of groups with different interests, to foreground publicly one group's political interests over another's.

But we should be careful about taking these important conclusions too far. While Quintus' advice should not be taken as a guide to universal canvassing practice, it is still based on socio-political conventions which were common to all politicians. Talking politics was, for many candidates, completely unnecessary and decidedly risky. Well-connected *nobiles* imagined their congenital excellence and name recognition to be compelling factors in their favour, which matters of policy and legislation might complicate and obfuscate. Men from outside elite circles might risk alienating the equestrian and senatorial orders, or elements therewithin, if they adopted a particular stance on a contentious issue. Better, then, to be seen as the consensus candidate.

The obscurity of future policy and conduct is an essential feature of the conventional tribunician *volte-face* narratives that emerge in late-republican polemic: P. Sulpicius (*tr. pl.* 88) and C. Scribonius Curio (*tr. pl.* 50) are both alleged to have undergone a political shift while holding their magistracies, entering office with the expectation that they would conform to the expectations of their senatorial peers, but subverting these in the first few months of their office.[9] The same trope emerges in some consular elections, especially those who are later framed as being seditious, subversive, or abusive of their power. For the elections of both Cinna and Lepidus for the consulships of 87 and 78 respectively, Plutarch has Sulla harbour fears about their motives. He compelled Cinna to swear an oath to uphold the laws that he had carried after taking

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7   Cicero, *Comment. Pet.* 53: *atque etiam in hac petitione maxime uidendum est ut spes rei publicae bona de te sit et honesta opinio; nec tamen in petendo res publica capessenda est neque in senatu neque in contione.* Translation from Tatum 2018: 149.
8   Yakobson 1999: 152-155.
9   Sulpicius: Mitchell 1975; Curio: Logghe 2016.

Rome by force in 88.[10] And, although Sulla allegedly anticipated that Lepidus would act in a way contrary to Sulla's interests as consul in 78, our sources supply no evidence of Lepidan policy until he becomes consul.[11] In both instances, it is only when the men assume office months later that their intentions are made explicit. Now, these narratives are built on hostile retrospection, but they are based on the premise that candidates, revolutionary or politically banal, tend to hold their tongue during the campaign. And for those politicians whose political actions in office could be readily foreseen, there was seemingly little need for or value in direct statements concerning policy. Nevertheless, the senatorial aristocracy seemingly recognized the threat posed by Gaius Gracchus when he campaigned for the tribunate of 123.[12] Cicero, meanwhile, was under no illusions about Clodius' intent to weaponize the tribunate as a platform to attempt to prosecute him.[13] We are nowhere told if Clodius, when campaigning for the tribunate, used his *inimicitia* with Cicero as a campaigning strategy. But this did not have to be expressed in the form of a promise or pledge.

So where do promises fall in this? As important as Yakobson's contributions to our understanding of politics in canvassing have been, promises remain a missing piece of the puzzle. We know that aspiring magistrates, in certain circumstances, discussed political issues when campaigning for office. And promises are not altogether unattested in our evidence. A select few candidates at Pompeii did advertise some foreseen aspects of their potential future office. And embedded within Cicero's framing of Clodius' potential praetorship is the shared understanding that Clodius would have pursued a legislative programme as praetor, and had communicated this during his canvass.[14] It was, under some circumstances, proper – or at least not deemed inimical to one's chance – to make promises and shape the people's prior expectations about how the individual might conduct himself as magistrate.

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10   Plut. *Sull*. 10.6-7. Cf. in general Vervaet 2023: 144-146.
11   Plut. *Sull*. 34.4-5; *Pomp*. 15.1-2. Gran. Lic. 35C notes Lepidus' promises: to recall Sullan exiles, reverse Sulla's legislative programme, and to restore land to seized from the proscribed to their original owners. Although it is difficult to judge in Granius' truncated narrative, Lepidus seems to be making these promises as consul, or perhaps afterwards in 77 when rallying supporters to his rebellion.
12   Plut. *C Gracch*. 3.1-2.
13   Cic. *QFr*. 1.2.16
14   Tatum 1999: 236-239; Morrell 2023: 51-52.

This chapter, then, explores how promises featured in Roman canvassing practice: under what circumstances they were more likely to be deployed, the means by which these promises would be communicated, and whether a politician was expected to follow through on his promises. I will argue that promises varied between two extremes: very general developments of anticipation around one's future magistracy, expressed as *spes* or *exspectatio*; and specific promises to individuals to reciprocate the gift of the vote with a future favour (whether in his capacity as magistrate or otherwise). To conclude, this chapter explores a previously unacknowledged aspect of republican elections: the promise made by magistrates designate. I argue that it was much more normal for a man who had already achieved election to use the last few months of the previous year as a testing ground for his ideas (if he had any) or as a statement of intent. Promises as magistrate designate were far less risky.

Under what circumstances are promises made?

The first problem that we face is evidential. Our sources often jump straight to the magistracy, when things actually happened, at the expense of explaining how (or whether) the policies were foreshadowed, publicly disseminated, and expressed as promises. David Stockton, in his biography of the Gracchi, makes the perfectly reasonable assertion that "It is highly likely that [Tiberius Gracchus] had outlined his overall programme and plans while seeking election".[15] On this question, though, are sources are silent: Appian and Plutarch both leap straight into the opening days of Tiberius' tribunate without describing his canvass.[16]

But assumptions such as Stockton's are not unreasonable. Any kind of magisterial programme required planning, prior negotiation, and organization of manpower. Candidates for the aedileship could invest in their future magistracy long before the elections took place. M. Caelius Rufus repeatedly badgered Cicero, even before the elections for the curule aedileship, to use his proconsulship to assist in the trafficking of Anatolian leopards to be exploited and slaughtered at his aedilician games.[17] This itself could be a campaigning strategy, a means of advertising one's future munificence. Caelius may well

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15   Stockton 1979: 61.
16   Plut. *Ti Gracch*. 8.3-4; App. *B Civ*. 1.9.35.
17   Cic. *Fam*. 8.2.2, 8.4.5.

have foregrounded his connectedness across the Mediterranean, and his capacity to put on elaborate games, as a reason for voting for him. Cicero, in *De Domo Sua*, accuses Ap. Claudius Pulcher of failing to follow through on the investment that he had made towards his aedileship. It seems to have been common knowledge that Claudius had extracted an enormous quantity of artwork from the Greek east to embellish his aedileship. The artworks, displayed in his house, were no doubt displayed in his canvass, tantalizing visual manifestations of his capacity "to surpass all his predecessors in the splendour of his *munera*".[18] As it happened, Claudius ran for the praetorship of 57 instead, successfully.

A candidate, then, might tailor his campaign to cultivate a sense of expectation around the particular magistracy for which he was running. Professionals and contractors who might be in a position to take advantage of an individual's election might use the election campaign to shape their decisions around investment and projects. Clodius' campaign for the curule aedileship in early 56 offers a tantalizing example of voters' anticipation of an individual's performance of office even before they had been elected. Even Cicero had to admit that Clodius was a frontrunner at the forthcoming aedilician elections for 56, which had been repeatedly delayed owing to the waves of violence in 57.[19] Construction work had suddenly ground to a halt in January 56 on the reconstruction of Q. Cicero's house.[20] The realistic prospect of Clodius' election to the aedileship had caused an unexpected delay: "everything has been severely delayed out of anticipation of his deranged aedileship".[21] The architect, Vettius Cyrus, along with seemingly many others involved in the construction industry, had been waiting for election day. They perhaps did not want to overcommit their resources on small-scale building projects in the hope that they might pick up a lucrative contract. Clodius had not campaigned, presumably, on his building programme and his cosy relationship with Cyrus, but a sense of *exspectatio* had attended his campaign such that a prominent architect in Rome had reprioritized his work programme. Still, anecdotes such as this tell us little about promises per se. Clodius seemingly did not directly promise the people that he would undertake an extensive building programme as aedile. The promulgation of rumours of his

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18   Cic. *Dom.* 111: *omnes superiores muneris splendore superare.*
19   Cic. *QFr.* 2.2.2.
20   Work would apparently continue apace by March: Cic. *QFr.* 2.4.2.
21   Cic. *QFr.* 2.2.2: *omnia sunt tardiora propter furiosae aedilitatis exspectationem.*

negotiations with a prominent architect would be sufficient to bolster his campaign – and seemingly alter the economy of the construction industry in early 56. There is an eagerness to let rumours spread and for a sense of *spes* and *exspectatio* to develop organically – to plant the seeds of a promise.

But what can be said of direct promises? Electoral bribery is one area in which promises feature. The *Commentariolum Petitionis* dissuades Cicero from making irresponsible promises, but this is of course a moralistic text with an agenda: Cicero is above such underhanded tactics, according to the persona of his brother.[22] Others conducted their campaigns less unimpeachably. Both Caesar and Bibulus notoriously promised voters, and crowdfunded from fellow senators, enormous sums of money in their bid for the consulship of 59.[23] It should be obvious, however, that it was logistically challenging to fulfil one's promise. That is, if Caesar promised a voter money on the condition that he should carve Caesar's name on the wax tablet on election day, Caesar had no way of checking whether the voter had fulfilled his side of the bargain. The ballot was secret. There was nothing stopping the voter from casting a vote for two other candidates, or, from doing what most voters seem to have done: casting one vote for Caesar, and one for Bibulus. It is possible that *sequestres*, intermediary bribery agents, worked closely with voters and could promise or withhold money on behalf of the candidate.[24]

Promising money became so prevalent in late-republican canvassing that specific legislation was proposed to deal with it. In 61, the tribune (M. Aufidius?) Lurco proposed a law in which promises of money were themselves not forbidden, but any candidate who fulfilled his promise of money for votes would be liable for extreme financial penalties. The practice of promising would be allowed; fulfilling promises to bribe would be a crime. This law, ridiculed by Cicero, did not pass.[25] In any case, it suggests that it was increasingly standard (and normative) procedure for wealthier candidates to make elaborate promises, to the extent that abortive legislation accommodated their continuity. However, as Yakobson has shown, it was more common (and practical) to offer money in advance of the vote, rather than "based on

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22 Tatum 2007: 119.
23 Suet. *Iul.* 19.1.
24 Lintott 1990: 8.
25 It seems to have made it through the senate as a *rogatio*, but to no effect before the *concilium plebis*: Cic. *Att.* 1.18.3.

performance".[26] It is unlikely that bribery was commonly deployed as a conditional promise: it is much simpler to offer voters a gift upfront and hope – expect – that they reciprocate this gift at the ballot box.

Direct promises of money, however common that this may have been in practice, fell outside conventional and acceptable political discourse. Roman aristocrats moralized on this subject, and made an elaborate show of their aversion. The *Commentariolum Petitionis* provides a model for a more morally acceptable and normative form of electoral promise. Quintus draws on the example of C. Aurelius Cotta, the consul of 75, as a man who successfully weaponized electoral promises in a manner that was both expedient and inoffensive the sensibilities of the Roman elite. Cotta, Quintus writes, "would say that it was his custom to promise his assistance to everyone, insofar as what he was asked did not contradict his duty, and to bestow this assistance upon those among whom he considered most expediently positioned".[27] Quintus frames this as the correct means of negotiating the grubby business of canvassing without alienating one's aristocratic friends and deviating from aristocratic ideals.[28] For success, it is essential to promise "assistance" (*opera*) to the people one encounters during the canvass. Refusing to do so could be inimical to one's campaign. Within this configuration, there is a deeply cynical instrumentalization of the promise. One does not actually have to follow through, says Cotta: it is not usually damaging to over-promise and under-deliver, in part because the voter might forget the candidate's promise; and one is confronted only very rarely with men angry with a candidate's failure to fulfil his promise. It is better to cause the resentment of a handful of men for failing to fulfil promises than it is to alienate voters more broadly by building a reputation for refusing to make promises in the first place.[29]

It is important to view this, too, from the potential voter's perspective. Canvassing was a continuous activity in the city of Rome, which meant that it provided an opportunity for voters. A candidate would be under even greater pressure than usual to perform his openness to the requests and desires

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26 Yakobson 1999: 140. This practice is as underhand is it is widespread. Lurco's proposed item of legislation suggests that it was common practice to create an expectation that a transaction would take place: money promised in advance of the election.

27 Cicero, *Comment. Pet.* 47: *dicere solebat se operam suam, quod non contra officium rogaretur, polliceri solere omnibus, impertire iis apud quos optime poni arbitraretur.*

28 Tatum 2007: 128-129.

29 Cicero, *Comment. Pet.* 48.

of the urban *plebs*. Voters knew that Roman aristocrats were at their most insecure when canvassing, and they knew that a candidate would be socially compelled to make promises, a reality of which they could take advantage. Elections are conceived of as transaction, a promise given by the voter to support a candidate, who in turn will reciprocate with his own promise. The process is not thought of as unilateral. When Quintus advises Marcus about how to approach voters who affect to support a candidate, but instead support another (*fucum facere*), he takes it as a given that these people had previously made direct promises to the candidate to vote for him. A voter promises himself to the candidate (*eum qui tibi promiserit*); he, like the candidate, is at liberty to renege on this promise.[30] The secret ballot, Cicero laments in *Pro Plancio*, had given the people licence to promise their votes to anyone and everyone, and gives them full freedom to vote for anyone they like.[31] So there the canvass, through this lens, appears as a series of personal promises of *beneficia* granted by candidate to voter, and vice versa.

Personal promises, then, seem to be central to Roman canvassing. These promises are made between two individuals, with one party promising to reciprocate the promise of the vote with personal assistance. And, in the sources that we have, this has little to do with the powers of the magistracy. Cicero did not require the powers of the consul to reciprocate the kinds of favours that he was offering. He might make generic statements advertising his willingness to defend the *auctoritas* of the senate and look out for the interests of many of his equestrian friends. But this was not terribly distinctive. This gap may, of course, be a product of our patchy historical record. In any event, it is striking that in the surviving portions of Cicero's *In Toga Candida*, a speech that he delivered in the senate soon before the elections for 63 prompted by Q. Mucius Orestinus' veto of a proposed law circumscribing *ambitus*, Cicero does not explicitly promise to use his consulship to make another attempt to bring about a bribery law. A future *lex Tullia de ambitu* is not promised. This, of course, may have been implicit, but most of the language of the speech moralizes against his opponents' immorality and illicit conduct in their campaign. Cicero's main priority is to criticize his opponents before upper-class voters and to fashion himself as an upholder of good old-fashioned Roman morality and restraint.

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30 Cicero, *Comment. Pet.* 35.
31 Cic. *Planc.* 16: *datque eam libertatem, ut, quod uelint, faciant*.

In search of policy promises

There are scattered examples of explicit policy-related promises. When canvassing for the consulship of 107, C. Marius is said to have given a speech in which he promised to prosecute the war in Numidia swiftly and successfully, in contradistinction with the blundering and corrupt commanders who had thus far been in charge. In *De Officiis*, Cicero provides a swift summary of Marius' fall and rise in politics:

> "Before the Roman people, he accused Q. Metellus of prolonging the conflict. And he said that, if they elected him consul, he would bring Jugurtha under the power of the Roman people quick-speed – alive or dead".[32]

Friendly tribunes could provide a venue for the promulgation of such messages.[33] These circumstances, however, Cicero frames as extreme and unusual. Marius, although his strategy met with success, breached social norms by betraying the bonds of *fides* and *iustitia* that he had developed with his senior. Marius, and many of his peers, would have seen this differently. But the direct and affronting campaigning strategy was animated by these unique and fraught circumstances. Put simply, he made a direct promise to make himself stand out – to show that his campaign was highly distinctive and divergent. Even in other similarly perturbing circumstances pertaining to consular commands, it seems to have been more common to have intermediaries disseminate these messages on the candidate's behalf.[34]

During Cato's campaign for the censorship of 184 BCE, his opponents are said to have anticipated that he would conduct the *census* and *lectio senatus* in a severe and exacting manner. Indeed, Cato had been active in creating this expectation, according to Livy, threatening his opponents by claiming that their opposition was motivated by a fear of a "transparent and firm censorship"; and he indicated that he and his prospective colleague, L. Valerius, would use

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32 Cic. *Off.* 3.79: *apud populum Romanum criminatus est, bellum illum ducere, si se consulem fecissent, breui tempore aut uiuum aut mortuum Iugurtham se in potestatem populi Romani redacturum.*

33 Plut. *Mar.* 8.5. Cf. Tatum 2013: 137-138.

34 Even in Scipio's irregular campaign for the consulship of 147, which bears many similarities with that of Marius (Tatum 2013: 138), he seems to have relied on soldiers and intermediaries to promulgate the idea that he should be elected consul to prosecute the war in Africa (App. *B Civ.* 109.517, 112.528-532). On staged reluctance in canvassing, see Smith 2025.

the magistracy to check a new wave of immorality and to restore old-fashioned morals.[35] He promulgated these messages in *contiones*, presumably convoked by one of the tribunes of 185: "but he openly threatened immoral men from the *rostra*, and shouted that the city needed wholesale purification".[36] In his campaign, he characterized himself as a doctor who would cure the city of its ills. Rival candidates, meanwhile, are said to have promised to be mild, in the hope that this would persuade Rome's most influential voters. Cato's bombastic rhetoric won the day. One suspects that, in both Marius' and Cato's case, the direct promises had more of an effect because such a practice was abnormal and confronting. Articulating a policy platform immediately lay the groundwork for criticism and conflict; under certain circumstances, this conflict was desirable.

By and large, our sources tend only to mention electoral promises when they are unconventional and controversial. For instance, in 59, Caesar as consul infamously compelled tribunician candidates – and presumably all magistrates – to deliver public promises, in a *contio* convoked by the consul himself, to uphold his Campanian law.[37] The candidates were instructed to swear a solemn oath that they would uphold his legislation of 58. This is unprecedented in our evidential record. There are no other attestations of a *contio candidatorum*, a speech/informal assembly of candidates. It was highly irregular for the consul to round up all the candidates for each magistracy and make each of them deliver a short speech before the people. On rare occasions when individuals are compelled to swear an oath to uphold legislation, magistrates designate and senators are targeted.[38] But there are no other examples of candidates specifically being compelled by oath in such a way. We have only a truncated version of events in a letter of Cicero's from June 59, in which he expresses his displeasure at Caesar's actions. As Cicero remarks, Caesar's demands were interpreted as highly irregular, a symptom of the loss of magistrates' *libertas*. Although Cicero demonstrates that a *contio candidatorum* was possible, the circumstances were highly unusual.

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35 Livy 39.41.3-4. Cf. Nep. *Cat.* 2.3.

36 Plut. *Cat. Mai.* 16.5: ἀλλ᾽ ἄντικρυς ἀπειλῶν τε τοῖς πονηροῖς ἀπὸ τοῦ βήματος καὶ κεκραγὼς μεγάλου καθαρμοῦ χρῄζειν τὴν πόλιν.

37 Cic. *Att.* 2.18.2. Cf. Dio Cass. 38.7.1-2.

38 See e.g. Plut. *Sull.* 10.6-7 (consul designate, Cinna, compelled by Sulla to swear an oath in late 88); Plut. *Mar.* 29; App. *B Civ.* 1.29.131-140 (senators compelled to swear an oath to uphold Saturninus' legislation in 100).

Indeed, in Roman historiography, the promulgation of explicit policy pledges is framed as a both a cause for suspicion and an underhanded strategy of gaining public support. Following the restoration of the tribunate's full powers in 70, for instance, Sallust judged that "young men, having obtained enormous power … began to stir up the *plebs* by making accusations against the senate, after which they further stoked the fire with largesse and promises".[39] Sallust, of course, places these promises in the mouths of power-hungry tribunes, not prospective tribunes. But the trope remains that making promises to the *plebs* was emblematic of unsavoury political activity. Promises, in teleological narratives, are useful devices to show an individual's untrustworthiness and lack of moral scruple.[40] A promise along these lines works its way into Sallust's narrative of the so-called first Catilinarian conspiracy. Catiline is said, in 64, to have gathered a number of his supporters in his house, and directly promised the cancellation of debts, proscription of wealthy enemies, and rewards for his supporters.[41] There is no suggestion that any of these extreme measures featured in Catiline's campaign rhetoric: Sallust's narrative is almost certainly invented, reliant as it is on subsequent events. This may be the same speech as the one referred to in Cicero's *Pro Murena*, when Catiline was canvassing for the consulship of 62.[42] The imposition of invented revolutionary promises onto his campaign rhetoric served as a means of heightening the fear and suspicion of Catiline. *Tabulae nouae*, or anything new, for that matter, were dangerous slogans among an elected aristocracy who imagined their role to centre on the protection of the status quo.

Indeed, other examples suggest that it was usually deemed less polemical and affronting to develop a general sense of expectation, discharged by way of intermediaries, than to make bold and explicit promises. Pompey's election to the consulship of 70 is sometimes cited as an example of a candidate campaigning on a very particular platform – namely the restoration of most of the powers of the tribunate.[43] A fragment of Sallust seems to capture the

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39   Sall. *Cat*. 38.1: *summam potestatem nacti … coepere senatum criminando plebem exagitare, dein largiundo atque pollicitando magis incendere.*

40   Promises appear regularly, for instance, in Appian as a precursor to demagoguery or unfulfilled expectation: App. *B Civ*. 1.35.155, 1.55.242, 1.67.306, 1.70.321, 1.77.354, 1.86.393, 1.114.532, 2.28.109-110, 2.92.386-387, 5.17.68, 5.19.74, 5.30.115.

41   Sall. *Cat*. 21.2.

42   Pina Polo 1996: 44-45; Tatum 2017: 114 (with Cic. *Mur*. 50).

43   Meier 1966: 197; McDermott 1977: 49; Yakobson 1999: 156-157; Tatum 2018: 44.

sense of expectation around Pompey's programme: "and as a consequence of the circulation of many rumours, it was believed that he was going to act in accordance with the wishes of the *plebs*".[44] The other fragments of Sallust from this context can be paired with Plutarch's narrative to supply a reasonably coherent narrative. A *contio* was convoked, either by the tribune M. Lollius Palicanus or by Pompey himself, at which Pompey promised to restore full powers to the tribunate.[45] This speech, delivered outside the *pomerium* to an urban audience, allowed Pompey to articulate his consular policy. The difficulty here is that most of the evidence describing Pompey's direct and articulated promise to the people appears to come after his election. Cicero's first *Verrine* oration, for instance, mentions a *contio* speech given by Pompey when he was consul designate:

> "Indeed, when Cn. Pompeius himself, as consul elect, gave his first ever *contio* speech near the city, wherein he indicated that he would restore full powers to the tribunate (which seems to have been greatly anticipated), the people raised a great clamour in response, and there was much grateful conversation in the *contio*".[46]

In addition, Pompey advertised his willingness to clamp down on provincial mismanagement and judicial corruption.[47] There is no suggestion, however, that any of these policies were central to his campaign. The only direct statement we have for Pompey's campaigning strategy comes from Appian: "Pompey, on the other hand, had not been praetor or quaestor and was thirty-four years old; but he had promised the tribunes that he would restore the many of their original powers".[48] Appian implies that people were well aware of Pompey's intentions when canvassing for the consulship.

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44 Nonius 186.22 = Sall. *Hist*. 4.42M = 4.37McG (*multisque suspicionibus uolentia plebi facturus habebatur*).

45 Cic. *Verr*. 1.45; Sall. *Hist*. 4.43-44M = 4.38-39McG; Plut. *Pomp*. 21.4-5; Ps.-Asc. 220St. It is generally assumed that Palicanus convoked the *contio* for Pompey (based on Pseudo-Asconius' account). Pina Polo 2016: 66-67, however, uses this episode as evidence to support the argument that consuls elect had *potestas contionandi*. Cf. in general Hillman 1990: 452; van der Blom 2011: 560.

46 Cic. *Verr*. 1.45: *ipse denique Cn. Pompeius cum primum contionem ad urbem consul designatus habuit, ubi (id quod maxime exspectari uidebatur) ostendit se tribuniciam potestatem restituturum, factus est in eo strepitus et grata contionis admurmuratio*.

47 Cf. Morrell 2017: 22-24.

48 App. *B Civ*. 1.121.560: ὁ δὲ Πομπήιος οὔτε στρατηγήσας οὔτε ταμιεύσας ἔτος τε ἔχων τέταρτον ἐπὶ τοῖς τριάκοντα· τοῖς δὲ δημάρχοις ὑπέσχητο πολλὰ τῆς ἀρχῆς ἐς τὸ ἀρχαῖον ἐπανάξειν.

Interestingly, though, there was no public pronouncement until after his election. He made his promise to the tribunes, who thus would have campaigned on his behalf and communicated this expectation. This use of intermediaries was, in part, generated by necessity: Pompey was canvassing from outside Rome, still with his army, awaiting a triumph.[49] Pompey's canvass, then, appears to stay within the bounds of electoral norms. He fosters, by way of intermediaries and rumour, a general sense of expectation about his prospective consulship without explicitly campaigning on this platform.[50] In the otherwise unsubtle pageant of canvassing, there is something oddly coy about Pompey's campaign rhetoric. Others deliver the expectations and promises on one's behalf, in this case the influential and vocal tribunician college of 71. This was a regular strategy of Pompey's, each of whose elections to the consulship were irregular for different reasons. By characterizing the people's vote as a spontaneous manifestation of popular will, and not as a response to an articulated platform during the canvass, Pompey could insulate himself from accusations of overreach.[51]

But Pompey's strategy was not entirely unique. The recommendation of others was evidently thought to carry more weight with voters than explicit articulation of policy. This impression is reinforced by the tendency in Pompeian electoral *programmata* for intermediaries to play an active role in campaigning on another's behalf. It is conventional for slogans to be written in the first person by the individual or group canvassing on the candidate's behalf: "I beg you to vote for…" (*oro uos faciatis*) is a standardized formula on Pompeian graffiti.[52] The reason given for electing the candidate is also often generic: vote for him because he is "worthy of the republic" (*dignus rei publicae*). There are a few exceptions to this formula. A man named Genialis advocated for election of Bruttius Balbus for the duumvirate on the basis that "he will preserve the treasury".[53] C. Iulius Polybius, meanwhile, was recommended on the basis that "he provides good bread".[54] There is some suggestion, then, that a candidate had the option to deploy a particular set of expectations around his prospective magistracy. This candidate will be fiscally

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49   Pompey's manipulative and coercive strategies: Stockton 1973: 206-210; Vervaet 2009: 423-430.
50   Cf. Griffin 1973: 203-204.
51   See e.g. App. *B Civ.* 2.20.73, 28.107.
52   Cf. Chiavia 2002: 66-67.
53   *CIL* 4.3702 = *ILS* 6405: *hic aerarium conseruabit.*
54   *CIL* 4.429 = *ILS* 6412e: *panem bonum fert.*

responsible or ensure that there is good-quality food in the shops. Although these may appear as vague and generic slogans typical of campaign rhetoric ancient and modern, they nevertheless draw on popular anxieties and aspirations. In any event, the slogans are still made by intermediaries: none of these is expressed as a direct first-person promise.

A candidate, then, would often attempt to cultivate a general sense of expectation around his prospective magistracy, some of which would have been tailored to the particular office. Aediles, at Pompeii and beyond, were closely associated with market affairs and food provision, an association on which Polybius and his supporters founded their campaign strategy. This general campaigning strategy, reliant on the promulgation of stories and vague hopes, is implicit in a revealing anecdote in Petronius' *Satyrica*. The work, set in a southern Italian colony in the middle of the 1st century CE, features small talk about local politics by some of Trimalchio's guests, all of whom are freedmen. A lively debate takes place between the characters Ganymedes and Echion while Trimalchio has left the room to go to the toilet: Ganymedes expresses his pessimism about the current state of affairs, while Echion responds with crass sanguinity. Although the context is made deliberately unclear by the rambling nature of Echion's speech, he seems to be developing his expectation of T. Mammea's capacity to act as a good magistrate based on his generosity during his canvass.[55]

The development of a general sense of "hope" (*spes*) is prominent in the *Diuinatio in Caecilium*, the speech that Cicero gave in his bid to win the opportunity to act as C. Verres' prosecutor, which doubles as a piece of campaign rhetoric. Cicero was canvassing for the aedileship at the time. W. Jeffrey Tatum has observed how Cicero foregrounds and embeds aspects of his concurrent canvass within his rhetoric.[56] Cicero highlights, as a reason for preferring him to Caecilius, his experience, hard work, and affection among the Roman people – all of which he argues are superior to the qualities possessed by his opponent. Promises, however, are absent from his rhetoric. He gives no indication of what he would do as aedile.

By the time he was aedile elect, in August 70, he is much more explicit about his future office. Indeed, he chooses to frame his possible continuing dispute with Verres in distinctly promissory language when he describes

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55   Petron. *Sat*. 45.10-11. Cf. Ciaffi 1955: 133-134; Boyce 1991: 81-82.
56   Tatum 2013: 142-144, with esp. Cic. *Div. Caec*. 72.

what he will do as aedile should the trial drag on into 69. His conflict with Verres he frames as a kind of *munus*, a spectacle and a gift inherent in his aedileship. He unequivocally promises the Roman people that he will use his magisterial powers to root out judicial corruption: "promise this to the Roman people as the greatest and finest *munus* of my aedileship".[57] He concludes this part of his speech, comprising his magisterial promises, with a final summative promise: "I promise that I will carry all these things out with determination and relentlessness".[58] The way Cicero advertises his future *munera* seems to be characteristic of the language associated with an *aedilis designatus*, giving the people a clear idea of what they may expect from his year in office, of "what I will do as magistrate".[59] His promise is, of course, conditioned by its context. The threat of delay gives him the opportunity to integrate his forthcoming magistracy into his rhetoric, and to maintain the close bond that he would have to develop with the Roman people. But it is possible that he is drawing on a norm whereby magistrates designate could frame the expectations and the narrative around their future tenure.

In cities around the Roman empire, it would become normal and expected to make promises in advance of assuming office. The *pollicitatio* was a standard and legislated aspect of the practice of elites in the Latin-speaking west. Local elites, after election, regularly made official and public promises to high magistracy. And they were expected to announce this promise publicly and inscribe it on stone, which is why we have such a rich evidential record of *pollicitatio* inscriptions, especially in Roman Italy and Africa. Failure to meet these promises would have negative repercussions.[60] Ulpian, in *De officio proconsulis*, notes that promises when made by an incoming magistrate were legally binding: after delivering an official *pollicitatio* after winning election, presumably before the local *curia*, he would enter a contractual arrangement with the community.[61] At the municipal level, elections appear as a transaction between people and member of the elite. He thanks the people for his election

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57   Cic. *Verr*. 1.36: *hoc munus aedilitatis meae populo Romano amplissimum pulcherrimumque polliceor*. Cf. Vasaly 2009: 123-124.

58   Cic. *Verr*. 1.40: *haec omnia me diligenter seuereque acturum esse polliceor*.

59   Cic. *Verr*. 1.36: *quod agam in magistratu*.

60   In general, see Garnsey 1971; Jacques 1975.

61   Ulp. *Dig*. 50.12. Cf. Lepore 2017: 111: one was legally and morally obliged both to make and fulfil the promise, making the whole process unspontaneous and entrenched within euergetic norms. Cf. Lepore 2012 for a fuller discussion of attestations of *pollicitationes* in legal texts and epigraphic contexts.

with a solemn promise to reciprocate *ob honorem*; failure to fulfil his side of the bargain could end in a fine and public disgrace. And the very act of inscribing this *pollicitatio*, of thanking the individual in advance for their benefaction, was itself a means of holding them to their word. The practice, however, was not at all confined to elections. Promises were regularly made by both men and women as a means of establishing and reinforcing their standing within the community. A woman called Agusia Priscilla, who was a priestess of Spes and Salus Augusta at Gabii, was thanked by the local council with a statue for having promised the people (*promiserit populo*) the restoration of a portico of Spes from her own funds.[62] Seemingly, the project was still in its initial stages when the decurions made their dedication.

Examples like this make it difficult to tie the norms of *pollicitatio*, republican or imperial, to an exclusively electoral context. Agusia was already a *sacerdos*; her promise to the people was not motivated directly by her own political advancement.[63] And, in the *Digest*, the promise is often explicitly conceived of as a norm for a magistrate designate, new magistrate, or a private citizen not seeking office.[64] But there are few unambiguous examples of the deployment of *pollicitationes* in an electoral context. Paul Veyne, in a brief but important 1958 article, cites a handful of examples of men, chiefly in a north African context in the second and third centuries CE, who promise construction projects in the anticipation or hope of winning (*ob spem*) an honour.[65] Peter Garnsey makes the perfectly reasonable point that "we have to leave open the possibility that all or most pledges were circulated unofficially, as campaign promises, as it were, before they were formally made in a council-meeting by a successful candidate".[66]

Whether or not we allow for any normative connection between the *pollicitatio* in Cicero's *Verrines* and later imperial practice, it is clear that magistrates designate would have to spend the months prior to assuming office formulating policy (if they had any) and making preparations for games, building programmes, and edicts. Although much of this business

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62 *CIL* 14.2804 = *ILS* 6218.
63 On women and public promises, see Hemelrijk 2015: 113-15 (cf. p. 160 on Agusia Priscilla).
64 Ulp. *Dig.* 50.12.11. Cf. 50.12.6.2, 50.12.10 on women's promises.
65 Veyne 1958: 93 n. 3: *CIL* 8.14875, 14755, 20808.
66 Garnsey 1971: 116. Cf. Beschaouch 1967 on the estimation of the sum to spend (*taxatio*) as a form of election promise.

would not necessarily have been framed as a promise, it would be impossible to keep secret in Rome's intimate face-to-face society. Policy directions come to light more directly after election. Cicero, hostile as he is to the Rullan land reform bill, makes no mention of any nefarious canvassing activities by the tribunes in the elections for 63 (while Cicero was running for consul). Instead, it was when they were tribunes designate that the cat was let out of the bag: the tribunes designate were active, in late 64, in drafting their tribunician bill.[67] Although Cicero histrionically describes their refusal to let Cicero collaborate in the drafting of the bill, it is clear that the people were well aware, before the tribunes took office on 10 December 64, that something was afoot.

Conclusion

As this chapter has suggested, policy pledges in advance of election seem not to have been very common. This was in part pragmatic. Promises might serve to destabilize one's campaign. What is more, there was also the risk that one might be held to one's promise upon election. As some modern politicians have found, it is often thought to be a more effective campaigning strategy to avoid direct discussion of policy, and instead focus on a vague idea of one's fitness to rule in contrast with one's opponents.[68] Pledges give opponents ammunition during the campaign; and they engender a defined set of expectations among the voting public which may well be disappointed. Better, then, to keep expectations low and vague. But, under certain circumstances, it paid to be specific. In particularly fractious elections, it paid to advertise one's difference to one's opponents by making bold and polemical promises. These could be effective and noteworthy precisely because they were so uncommon.

The relative, but not complete, absence of electoral promises tells us something about Roman political culture in the late republic. A direct promise pertaining to conduct in office delivered by a candidate during his canvass would undoubtedly be seen as a stark and bold statement of intent amidst the otherwise more personal campaign rhetoric, which would focus on one's individual or familial fitness to lead, or the unfitness of one's opponents. Personal promises were far more common than political promises.

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67   Cic. *Agr.* 2.11-12.
68   See, e.g., Diamond, Richards, and Warner 2024 on the Labour Party's strategy in the 2024 UK General Election.

Incorporating political promises, then, into one's campaigning strategy would be risky but, under certain circumstances, expedient. By and large, however, Roman elites did not want their canvass to deviate from either electoral norms or the norms of their prospective magistracy. Even attested promises pertain to fairly uncontroversial and normative aspects of the magistracy. Marius promised to bring the Jugurthine War to a swift conclusion, a responsibility embedded within the ethos of the consulship; Cato promised to be austere and severe as a censor, which was deeply embedded in the ideals of the censorship; and it would be uncontroversial for an aedile to promise to give glorious games the following year, and for him to advertise his wherewithal.

But there are hints in the evidence that the voters deserve a little more agency in this transaction. Or, at the very least, their perspective and their role in influencing candidates' conduct deserves especial attention. Voters expected canvassing aristocrats to make promises to them personally. If we believe Cicero's ventriloquization of the Roman people in *Pro Plancio*, this was how they weighed up their voting decision. There is no need to boil their decision purely down to instrumental and base desires. Voters doubtless would be receptive to a candidate who successfully developed a sense of *spes* and *exspectatio* around his magistracy – even if he was inexplicit about his actual policies. But voters created an environment in which candidates felt compelled to meet (what they thought was) the people's expectations. Voter and candidate alike make promises because it is socially expected of them in the pageant of electioneering.

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NEW PERSPECTIVES ON POST-SULLAN ELECTIONS[1]

Eleonora Zampieri

During the Roman Republic ordinary magistracies had a duration of only one year, which means that, in the post-Sullan period, Roman citizens had to choose 44 magistrates, out of a pool of candidates which was probably slightly more numerous.[2] Particularly important and competitive, of course, were the elections for the consuls, which took place first (if one does not consider those for the tribunes of the *plebs*) and, according to the sources that we possess, attracted around 4 to 6 candidates each year.[3] These candidates canvassed among their peers, but also among the lower classes.

This chapter will deal with a particular aspect of the research that I carried out on late Republican consular canvassing and elections, which can potentially

2   All ancient dates are BCE.
3   Broughton 1991: 7-8, 14, 16-17 (for 65); 11-12, 16-17, 19 (for 64; plus, perhaps, a Thermus: Cic. *Att*. 1.1.2); 16-19 (for 62); 10, 23 (for 58; plus Ser. Sulpicius Rufus: Cic. *Att*. 2.5.2).

constitute a fruitful approach to the study of ancient elections. On the basis of the sources, it will consider the characteristics that made consular candidates most attractive, among the different factors that impacted on their chances to be elected. Starting from the assumption that electors actively took a decision on whom to give their vote, and that the aspect, behaviour and personality of the candidates were one of the factors that impacted on their choice, what were the features that helped the voters form an opinion and a judgement on candidates? It is clear that we only possess very little evidence of the citizens' opinions on politicians or reactions to their behaviour; however, as Yakobson noted years ago,[4] Roman politicians had first-hand and in-depth knowledge of the electoral system and the electorate. Therefore, by looking at the way in which politicians presented themselves, the features of their behaviour and character that they emphasised, the activities that they undertook while canvassing, it is possible to identify the aspects that most impressed the voters and that thus were thought to affect their opinions the most. It will become clear that it is possible to group these elements into four broader categories, which have to do with the acknowledgment of the culture, competence and prestige of the candidates; of their ability to curry favour, be proactive, and convince people of the fairness and effectiveness of their ideas and projects; of their generosity, helpfulness, sociability and attentiveness; of their morality, sincerity, honesty and trustworthiness.

The way in which electors form their impressions about candidates in contemporary politics is one of the aspects researched by the discipline of political psychology, which constitutes a branch of social psychology and has the purpose to investigate "the psychological bases, the roots and the consequences of political behaviour",[5] and the bidirectional interaction between psychological and political processes.[6] At the end of this paper I will thus try to cast a parallel between the parameters used by modern voters to form their opinion on a candidate and those used by Roman electors, and argue that a similar array of traits to evaluate candidates was used; it will be suggested that this might have constituted one of the factors that can help explain the success of some figures in Roman elections and might help us explore the impact of the people's choice on Roman politics.

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4   Yakobson 1999: 9.
5   Carraro – Bertolotti 2020: 329.
6   Deutsch – Kinnvall 2002: 17.

A famous source: the *Commentariolum Petitionis*

One of the most important sources about canvassing in the late Roman Republic is famously the *Commentariolum Petitionis*, the pamphlet allegedly written by Q. Tullius Cicero for the electoral campaign for the consulship of 63 BCE of his more famous brother. In relation to this debated issue, and to the reliability of this source, it is here enough to say that it seems well established in research that the author of the pamphlet, even in the case he cannot be identified with Quintus, was either a contemporary to the period of Marcus Cicero's election to the consulship, or was well acquainted with the workings of canvassing and politics of that period.[7]

As already pointed out by Yakobson,[8] it seems already clear from the beginning of the *Commentariolum* that popularity with the general public – and not only with the nobility – is presented as something of pivotal importance; furthermore, Cicero is advised to be very careful with his behaviour towards people – *of every social class* – who already support him, and to strive to maintain good relationships with them and have them understand how much he cares about their good opinion – which then, apparently, is not to be taken for granted.[9] Even *quisque est intimus ac maxime domesticus* needs to be wooed, together with *tribules*, *vicini*, *clientes*, *liberti* and *servi*.[10]

How should Cicero succeed in impressing these people, and promoting, encouraging and maintaining their support? First of all, the initial consideration that Quintus makes is that personal qualities have the greatest importance, but that, in any case, the short space of an electoral campaign implies that the ability of appearing rather than being has a larger bearing on the result.[11] Voters then elaborate their decision based on what they perceive from the candidate, which does not necessarily correspond to reality.

The first element of great importance for Cicero's campaign, according to Quintus, is his fame as orator; people who are well-versed in eloquence

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7 For the most recent discussions and surveys on the topic, see Tatum 2018: 67-76; Prost 2020: 52-82. For the sake of clarity, Quintus will here be referred to as the writer of the pamphlet.

8 Yakobson 1999: 84.

9 Cicero, *Comment. Pet.* 3-4.

10 Cicero, *Comment. Pet.* 17.

11 Cicero, *Comment. Pet.* 1.

enjoy the people's admiration and, since they were considered worthy of defending citizens of consular rank in the courts, they are consequently considered worthy of the consulship.[12] Quintus advises Cicero to show off his intellectual abilities at every trial, as if each time people had to be convinced anew of them. Through excellence in eloquence a candidate has thus to demonstrate to be clever; as a logical consequence, he also shows his knowledge (of laws, for example) and culture, and the ability to convince other people of the validity of one's arguments and aims – in the case of trials, he needs to persuade a court composed at least partly by people who on average have the same or a higher level of culture and intellectual abilities than the orator. This is a factor which, of course, reflects positively on him, if he succeeds in convincing them.

Other characteristics that are important for candidates emerge from the attacks against Cicero's competitors. Publius Galba and Lucius Cassius are described as *summo loco nati*, but *sine nervis*; nobility is thus highly valued, but similarly is determination, strength of character, vigour.[13] Antonius and Catilina, on the other hand, are vehemently attacked for being assassins, immoral, reduced to poverty.[14] Quintus underlines their dishonesty, cowardice (in the case of Antonius) or excessive boldness (in the case of Catiline); referring to Catiline, in particular, he devotes much attention to the description of his murder of Marius Gratidianus, underscoring Catiline's cruelty and sadism.[15] Cicero should be glad to have this kind of competitors, because in contrast to them he is *navus* (hard-working), *industrius* (diligent), *innocens* (honest), *disertus* (eloquent), *gratiosus apud eos qui res iudicant* (admired by the judges).[16] That Cicero is *disertus* and *innocens*, as well as a *fortis homo*, is also repeated shortly after.[17] Quintus adds that the circumstances of Cicero's candidacy are more favourable than those previously encountered by another *homo novus*, Gaius Coelius, *cos.* 94; he did become consul, but he was competing against two other candidates of outstanding calibre: they were not only *nobilissimi*, but they also possessed great intelligence (*summa ingenia*), *summus pudor*, *plurima beneficia* and *summa ratio ac diligentia petendi*, and

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12 Cicero, *Comment. Pet*. 2.
13 Cicero, *Comment. Pet*. 7.
14 Cicero, *Comment. Pet*. 8.
15 Cicero, *Comment. Pet*. 8-10.
16 Cicero, *Comment. Pet*. 8.
17 Cicero, *Comment. Pet*. 13.

were thus strong competitors.[18] Cicero's opponents do not possess these qualities outside of their *nobilitas*, and are thus much weaker.

From chapter 16 the *Commentariolum* deals with methods to curry support both from friends and, more in general, from the people. With friends, says Quintus, it is fundamental to show that one is worthy of their friendship and support because of previous merits, mutual respect, time spent together, but also *facilitate ac iucunditate naturae*, cordiality and friendliness:[19] therefore, honesty and sincerity in the relationships are pivotal, but equally important is to demonstrate that one cares about the other person, is kind and open. As far as new friends are concerned, Cicero needs to assure them that he will help them, or guarantee them some kind of benefit or favour, adapting his conversation to the listener; he has to show gratitude for favours he received; to remind people of the benefits and favours that they received from him, especially with reference to those he defended in trials, whose support for the candidacy is fundamental. This is also important when canvassing among the Roman Italians.[20] In doing this, he has to convince people that he is sincere, and reliable. Antonius Hybrida is criticised for not being able to remember the names of those he meets, which implies that having a good memory for names, and thus showing interest for people, was regarded as a positive feature for a candidate. One can be elected by people who do not know him, affirms Quintus, but, in that case, he needs to possess *eximiam gloriam et dignitatem ac rerum gestarum magnitudinem*. Antonius, on the contrary, is *nequam, iners, sine officio, sine ingenio, cum infamia*.[21]

The importance of showing interest for people, helpfulness, kindness, gratitude, is restated even in the case of relationships with sympathisers (*salutatores, deductores, adsectatores*), or with those who do not support or like the candidate; even towards adversaries one needs to show that he is charitable.[22]

When dealing with public consent in general, Quintus equally insists on the need to be helpful and take care that people know how much effort Cicero puts in trying to get to know everybody personally. Central here, as before, is the quality of *comitas*, which can be translated as friendliness, courtesy, often

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18 Cicero, *Comment. Pet*. 11.
19 Cicero, *Comment. Pet*. 16.
20 Cicero, *Comment. Pet*. 19-24; 31.
21 Cicero, *Comment. Pet*. 28.
22 Cicero, *Comment. Pet*. 40.

opposed to *severitas*. Generosity is also a quality which has to be displayed without restriction, through the use of one's fortune, but also in a more abstract sense, through promises, offers of help, by being always available, and, in case of being forced to refuse something, by showing regret in doing so, unless it is something that would have gone against one's sense of duty.[23]

To sum up, the qualities that, according to Quintus, Cicero must display to maximise his chances to be elected are the following, which also emerge in contrast to his opponents: excellence in eloquence, which implies intelligence, culture and ability to convince people of one's arguments and ideas; honesty and sincerity in his behaviour and in relationships; industry, hard work and diligence, both in personal relationships and in canvassing, which is something that emerges from the whole pamphlet; moral integrity; the ability to come across as pleasant, friendly, helpful, reliable, interested in others, kind; generosity, both in terms of money and of spirit. Some of these qualities were also attributed, as a sign of strong advantage, to Gaius Coelius' opponents. Testimony of the importance of these features also emerges from the criticism towards Cicero's opponents: they are accused of possessing all the opposite characteristics that a good candidate should have. The only advantage which Cicero, as *homo novus*, does not own is *nobilitas*, clearly considered as a strong asset – although, in the absence of other qualities, not sufficient. In any case, although not *nobilis*, Cicero has the support of many members of the *nobilitas*, as well as of consulars among them: Quintus affirms that it is fundamental that the people who own that rank and belong to that social class think that he is worthy of the same rank and social class.[24] Thus, the attributes that one owns reflect in some way on the person that they support: if they are thought of as worthy, their decision to support a candidate probably means that this person is also worthy of obtaining the same honours.

Other sources on candidacies

Quintus is clear, both at the beginning and at the end of the *Commentariolum*, in stating that what he laid out in the pamphlet is meant to be considered valid only for Cicero, and for that particular election.[25] So,

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23 Cicero, *Comment. Pet*. 44-47.
24 Cicero, *Comment. Pet*. 4.
25 Cicero, *Comment. Pet*. 2; 58.

were these qualities important even for other candidates, for different consular candidacies?

By looking at the characteristics attributed by the sources to other successful consular candidates of the late Republic, it seems that they were indeed, together with other ones. Let us consider, as an example, three of the most well-known consuls of the post-Sullan period. A small caveat needs to be kept in mind: in the sources, qualities or specific actions revealing personal features are seldom presented explicitly as an advantage while canvassing; sometimes it is said clearly that they attracted popular favour, and thus contributed to a positive public image of the individual.[26] In other instances, however, it is possible to consider that what is handed down by the sources constitutes (even when it is the expression of a personal opinion by a third party) the result of an effort of creation of a favourable public image on the part of the individual, or of its besmirching on the part of his adversaries. As stated above, candidates and politicians of the time knew the electorate and knew how to best present themselves and their friends, and how to most effectively attack the public image of their competitors. Even if some features were just the expression of natural disposition, the fact that they were remembered supports the idea that they had been highlighted because they contributed to a positive public image of that individual.

Q. Lutatius Catulus, one of the consuls of 78, was the son of the *cos.* 102, who had defeated the Cimbri, together with Marius.[27] He was not considered one of the best orators of his time, but Cicero conceded that he had a perfect use of Latin, a charming and clear elocution, and a pleasant voice;[28] he could thus be trusted to be able to convince people of his ideas. Although not a man of war (even though he had the occasion to prove his skills not long afterwards, fighting against his colleague Lepidus), he was considered a good statesman,[29] and consequently a person who had the competence to hold the highest office. Many qualities were ascribed to him: apart from *auctoritas*[30] – a feature that

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26 A well-known example is in Plut. *Caes*. 5.5: the fact that Caesar, as quaestor, pronounced for the first time a funerary eulogy for a young woman (his deceased wife Cornelia), granted him the favour of the people, who saw him as 'gentle and full of feeling'.
27 Cic. *Acad*. 2.148; *Arch*. 6; *Brut*. 133f.; 222; *Nat. D*. 1.79; *Off*. 1.109; 1.133; *Rab. Post*. 26; *Verr*. 2.3.209.
28 Cic. *Brut*. 133.
29 Plut. *Pomp*. 16.2 (in the context of Lepidus' revolt); Cic. *Off*. 1.76.
30 Cic. *Leg. Man*. 51; 59; *Verr*. 2.3.90.210; *Balb*. 35; Vell. Pat. 2.32.1; Val. Max. 6.9.5.

he might have gained throughout his life after the consulship, but that he arguably possessed even earlier, given the esteem that he enjoyed from Sulla, who considered him 'the best of all'[31] – he had *virtus*, *dignitas*, *integritas*, *verecundia*.[32] Plutarch described him as 'the mildest of the Romans',[33] a judgement of balance, temperance and moderation, even towards enemies, which is also testified by the fact that, according to Orosius, after the battle of Porta Collina Catulus had tried to curb the violence exercised by Sullan partisans.[34] That he had tried to promote this feature of himself as something that made him popular might be also inferred by what, according to Sallust, the tribune Macer said of him: that after Sulla's death, the much crueller Catulus had risen.[35] Finally, it is also very interesting to note that Catulus was thought to possess *comitas*: Cicero said that in social intercourse, even though an eminent person, he looked like being *unus de multis*, that is, an ordinary person.[36] Nothing certain can be said about his aedileship – and thus about his generosity towards the people before his consulship. Ammianus Marcellinus tells us that on that occasion Catulus set up awnings in the theatre for the first time; however, this innovation is attributed by Pliny to a later time, the games offered by Catulus on the occasion of the dedication of the newly-refurbished temple of Jupiter Capitolinus in 69. Therefore, it is doubtful whether Catulus was ever aedile.[37]

A dazzling aedileship is attributed to the brothers Luculli, consuls respectively in 74 and 73, and grandsons of the *cos*. 151; they organised spectacular games, featuring elephants fighting against bulls, and a moveable theatre stage.[38] Particularly in the case of the elder and most famous brother, L. Licinius Lucullus, generosity and lack of greed must have been one of his characteristics that he strove to emphasise. A good reputation in this respect must have been enjoyed by him even as a consequence of his marriage with Clodia, one of the daughters of Ap. Claudius Pulcher, the *cos*. 79: the

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31 Plut. *Sull*. 34.5; *Pomp*. 15.1.
32 Cic. *Leg. Man*. 59; Plut. *Cat. Min*. 16.4; *Caes*. 6.6; *Pomp*. 16.1; Vell. Pat. 2.32.1.
33 Plut. *Crass*. 13.1.
34 Oros. 5.21.2.
35 Sall. *Hist*. 3.48M.20: *ortus est longe saevior Catulus*.
36 Cic. *Off*. 1.109.
37 Amm. Marc. 14.6.25; Plin. *HN* 19.6.
38 Cic. *Off*. 2.57; Plin. *HN* 8.19; Val. Max. 2.4.6; Gran. Lic. 36.6

marriage must have taken place, according to Keaveney,[39] between mid-76 and mid-74, after the death of Ap. Pulcher *senior*, when Ap. Pulcher *iunior*, the *cos.* 54, found himself in financial difficulties. Lucullus thus accepted to marry Clodia without a dowry.[40] Aside from private reasons of political advantage provided by a marriage with a member of the *Claudii Pulchri*, such an act must have testified respect for an important noble family and disregard for money; accusations of greed for money, made especially after his Mithridatic campaigns,[41] must have had the purpose of attacking Lucullus on this particular point.

The sources about Lucullus' aedileship provide us with another interesting piece of information. Plutarch reports that he had waited past the minimum age to become aedile because he wanted to wait for his brother to have the minimum age for the office, in order to perform it together; this act of brotherly love, says the historian, had granted him the favour of the people, and was not an isolated instance: many other proofs of Lucullus' devotion for his brother were remembered by the Roman people.[42] Love towards relatives was clearly a factor that was highly valued: the two brothers had gained public admiration even when, as young men, they had brought to trial a certain *Servilius augur*, who some time earlier had had their father condemned for *repetundae* or *peculatus*.[43] This act had been perceived as one of great courage, a righteous one, which demonstrated their filial *pietas*.[44]

There were other qualities for which Lucullus was highly praised. On a more public level, he had given proof of courage and foresight as a *tribunus militum* during the social war, so much that Sulla wanted him first as quaestor and then as proquaestor in the Near East.[45] These duties gave Lucullus the occasion to demonstrate his outstanding diplomatic, strategic and military abilities, as well as his skills in provincial administration: many cities of Asia, that had been punished by Sulla and from which Lucullus had to collect taxes and indemnities, honoured him as their benefactor on account of his honesty

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39   Keaveney 1992: 48 and 218 n.46. Münzer dates it to 75: RE, s.v. Clodia (67), and Van Ooteghem (1959: 43-44) before the consulship.
40   Varro, *Rust.* 3.16.2; Dio Cass. 36.14.4.
41   Vell. Pat. 2.33.1; Plut. *Pomp.* 31.4.
42   Cic. *Acad.* 2.1; Plut. *Luc.* 1.6; *Mor.* 484D.
43   Plut. *Luc.* 1.1-2. On the trial, see Alexander 1990: 35-36 (nr. 69).
44   Cic. *Acad.* 2.1; *Off.* 2.50; cf. Quint. *Inst.* 12.7.4.
45   Plut. *Luc.* 2.1.

and understanding.[46] Later on, just before his consular campaign, he earned much praise for his governorship in Africa too.[47]

Cicero,[48] Sallust,[49] and Plutarch[50] described the many virtues of Lucullus: he possessed *magnum ingenium*; he was *fortissimus*, *sapientissimus*, honest, mild, of *maiore consilio ac virtute*, a good orator; he had sense of justice, and was a man of the highest repute in Rome. It is also interesting to note that Plutarch points out that, since he was in Asia in that period, he never took part to the cruelties of the proscriptions,[51] an aspect that, after Sulla's death, seems to have had importance in politics in Rome. All this is in strong contrast with the parallel picture of him as snobbish and unpopular equally handed down by the sources, and even more with the idea, particularly after the Mithridatic campaigns, of his moral decadence and inactivity.[52]

The last figure that will be taken into consideration is C. Aurelius Cotta, *cos.* 75. Grandson of L. Cotta, *cos.* 144,[53] he was one of the best orators of his time, and one of the most sought-after lawyers;[54] Cicero says that one of the characteristics of his oratorical style was that he was cogent in his reasonings, so that he did not need to resort to vehemence to convince his audience – his fragile constitution, in fact, did not allow him to.[55] He might have not been aedile, or, if he was, he did not offer any *munera*,[56] but equally reached the highest magistracy; it is possible that he had the occasion to show his generosity by means of the construction, attributed to him,[57] of the *tribunal*

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46 Plut. *Luc.* 4.1; Cic. *Acad.* 2.1; *Arch.* 11; inscriptions honouring Lucullus: *SEG* 1, 153; 29, 179; 39, 881; *IG* IX, 2, 38 = Syll.³ 743; *IG* XII, 1, 48; *IEph.* 2941; *TAM* V, 2, 918 = *IGRom*. IV, 1191; *MAMA* IV, 52; *IDélos* 1620 (pro quaestor); *IGRom*. IV, 701.

47 *De vir. ill.* 74.3.

48 Cic. *Acad.* 2.1-2; Cic. *Mur.* 20; 33; *Leg. Man.* 10; 20-21; *Off.* 1.140; *Clu.* 137; *Leg.* 3.30; *Arch.* 21; *Sest.* 58.

49 Sall. *Hist.* 4.70M.

50 Plut. *Luc.* 1.5; 4.1; 18.9; 33.3; 36.5; *Cato Min.* 24.3.

51 Plut. *Luc.* 4.4.

52 Tröster 2008: 77-78.

53 Badian 1990: 392.

54 Cic. *Brut.* 182; 201; 207; 215; 297; Asc. 66C; Vell. Pat. 2.36.2.

55 Cic. *Nat. D.* 3.8; *Brut.* 202.

56 Cic. *Off.* 2.59 informs us that C. Cotta, L. Marcius Philippus and C. Scribonius Curio were proud of having managed to attain the highest magistracies without offering *munera*. This is usually interpreted to affirm that they had not been aediles (although see Ryan 1995: 97-99).

57 Coarelli 1985: 194; Korhonen 1999: 86.

Aurelium and *gradus Aurelii* in the forum.[58] Cicero attributed *comitas*[59] to him, and affirmed that he was *summo ingenio praeditus*.[60] He must also have possessed a degree of *auctoritas*, as, together with Mam. Aemilius Lepidus and the Vestals, he had convinced Sulla to spare the life of the young Julius Caesar.[61] Most interesting is the fact that he is mentioned in the *Commentariolum Petitionis* as *in ambitione artifex*: Quintus affirms that he used to say that he had the habit of promising people his help, unless he was asked to go against his sense of duty; but he would actually offer his help only to those who could be of use to himself.[62] Sallust has him say that he would help anyone who needed his eloquence, advice, and money;[63] however, the historian also described him as a briber by ambition and disposition, who was eager for everyone's gratitude[64] – a confirmation, through disapproval, of Quintus' words.

The perfect candidate's profile

The analysis of these three consuls has shown that many of the features described as important for a consular candidate in the *Commentariolum Petitionis* were also possessed, or attributed, to other individuals who reached the highest magistracy. Nobility is confirmed as advantageous, although it has to be restated that it might not be sufficient nor essential: one might think, for example, that Asconius refers that M. Aemilius Scaurus, *cos.* 115, had to work for his canvass like a *novus homo*, as his family had not held any magistracy for three generations.[65] Similarly, in 77, Scribonius Curio, who did not have any consular ancestor, had to be asked to withdraw his candidacy in favour of the elder patrician Mam. Aemilius Lepidus, who had already

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58 *Tribunal Aurelium*: Cic. *Dom.* 54; *Red. Pop.* 13; *Sest.* 34; *Pis.* 11; *gradus Aurelii*: *Clu.* 93; *Flac.* 66. Coarelli (1985: 196) and Korhonen (1999: 87) date the intervention to Cotta's praetorship in 81 (which is here considered more plausible); Kondratieff (2010: 105-106) opts for the consulship, whereas Davies (2017: 210) hypothesises a chronology between 78 and 74.

59 Cic. *Nat. D.* 1.57.

60 Cic. *Pis.* 62.

61 Suet. *Iul.* 1.2.

62 Cicero, *Comment. Pet.* 47.

63 Sall. *Hist.* 2.47M.4.

64 Sall. *Hist.* 2.24M.

65 Asc. 23C.

suffered a *repulsa* probably in the previous year because of his avarice.[66] Clearly Mam. Lepidus' lineage was not enough to grant him an advantage over his younger competitor, in the light of other assets of the latter. In this respect, it is also worth mentioning that, in 62, Cicero affirmed that the peers of L. Manlius Torquatus, who was presenting his candidacy for the quaestorship, did not consider his patrician status to constitute an advantage over them.[67]

Excellence in eloquence, or at least a good use of Latin and delivery skills, seems to be a distinguishing feature of many consuls; it is enough to think not only of the other most famous orator of the late Republic apart from Cicero, that is Q. Hortensius Hortalus,[68] but also, for example, of L. Gellius, *cos.* 72, who, according to Cicero, had a facile and adequate diction, and had helped many of his friends by means of his skills.[69] This quality gave candidates the possibility not only to demonstrate that they could successfully convince people to approve their proposals and move them to action (Cicero affirmed that *multitudo movebatur* by Hortensius' rhetorical style[70]), but also to show their intellectual abilities and their grip of the necessary knowledge of laws and institutions that a politician should possess. Competence and ability to lead people were also testified by success in war: one only needs to think of the weight that this aspect had on the reputation of a Roman politician by considering Pompey's career. Generosity is clearly fundamental: generosity in terms of use of one's fortune for the benefit of others, for example during the aedileship through grain distribution (as Hortensius did in 75),[71] the offer of games, or by having sponsored public works[72] – wealth, in fact, was approved of only if one used it for the benefit of others;[73] generosity of spirit, in the sense of being ready to help those who are in need or expect some benefit. From this point of view, defending

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66 Sall. *Hist.* 1.86M.
67 Cic. *Sull.* 23.
68 Cic. *Brut.* 189; 302-303; 325-328; 330; 333; *Quinct.* 1; 7-8; *De or.* 3.229; *Leg. Man.* 52; *Sull.* 12; *Flac.* 41; Val. Max. 3.5.4; 5.9.2; Ps. Asc. 185 St.; *Schol. Bob.* 177 St.
69 Cic. *Brut.* 174.
70 Cic. *Brut.* 326.
71 Cic. *Verr.* 2.3.215.
72 See Cicero's worry regarding the possibility of having Thermus as competitor for the consulship; he considered him to have well-founded chances of success on the basis of his curatorship of the via Flaminia (Cic. *Att.* 1.1.2).
73 Cic. *Off.* 2.58 affirms that one must shun the suspect of avarice.

people in private trials was fundamental for one's popularity, as Cicero affirmed in the *De officiis*.[74]

Honesty and moral integrity – or the display of it – also gave an edge over competitors, and it is not surprising that one of the most common ways to attack a political opponent was to bring him to trial for *repetundae* or *ambitus*. However, the fleeting importance of this aspect emerges from the many cases of electoral corruption or of election of politicians who had not been completely transparent in their political affairs. Finally, the ability to come across as easy-going, kind, interested in other people's needs, friendly, seems to have been pivotal in a society where nobles were forced to rely on the approval of the people to gain access to magistracies. The importance of *comitas* and *facilitas* is stated by Cicero in the *De officiis*,[75] and many successful politicians possessed these qualities: for example, P. Cornelius Scipio Nasica, the *cos*. 191,[76] L. Marcius Philippus, the *cos*. 91,[77] but also Caesar[78] and Pompey.[79] Showing disrespect for people belonging to the lower classes or to other groups could be fatal for one's candidacy: famous is the example of Scipio Nasica, who lost the elections for the aedileship because he had mocked a farmer for his hands hardened by work in the fields;[80] but Cicero also warned Torquatus, the son of the *cos*. 65, not to call the members of the Italian elites *peregrini*, if he did not want to be buried under the votes of the Italians.[81]

As mentioned at the beginning, all the features listed up to now can be related to four main overarching qualities that seem to have been pivotal in a politician: the necessary knowledge and competence to carry out his duties during his year of office; the ability to lead people to action and influence their opinion; the sensibility to understand and devote attention to the problems and necessities of others; honesty and sincerity while carrying out one's official duties. It seems obvious, and, in spite of our incomplete knowledge of the details of each candidate, it seems to emerge from the

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74 Cic. *Off*. 2.70. Famous is also the example of Crassus, who offered his help in trials to as many people as possible, with the precise intent of gaining popularity (Plut. *Crass*. 3.2; 7.4).

75 Cic. *Off*. 2.32.

76 Cic. *Off*. 1.109.

77 Varro, *Rust*. 3.3.9; Hor. *Ep*. 1.7.46-95.

78 Sall. *Cat*. 54.3.

79 Cic. *Leg. Man*. 41.

80 Val. Max. 7.5.2. On the episode, see van der Blom's chapter in this volume.

81 Cic. *Sull*. 24.

analysis of the individual consular campaigns, that not all features had always the same weight in determining the victory of a candidate, and that much depended on the particular conditions (social, economic, political) in which an election took place. Interestingly, this type of situation seems to be mirrored by the picture outlined by the results of research in political psychology in relation to contemporary elections.

Modern elections and political psychology

Before explaining this point, it is necessary to reflect on the reasons for the adoption of the perspective of this discipline as a way to approach the study of Roman elections. Among the many areas of research of political psychology, the investigation of the motives for the choice of a particular candidate on the part of the voters has particular relevance for the present discourse, and it is here maintained that it is the one with the highest potential to explore Roman elections, taking into account all the cultural, political, institutional differences between the Roman society and modern democracies, as well as the state of our sources. Within the social studies many models have been elaborated in the last century in order to explain the electoral choices of people, but these models have always revealed themselves unsatisfactory, as they only partially clarified the reasons why people took a particular decision.[82] Since the models elaborated by political psychology focus on the vote based on the choice of a candidate (and not of a party), due to the ever increasing personalisation of politics in modern democracies,[83] and since this was a factor that had been overlooked by previous models, the use of it seems particularly apt for the investigation of Roman Republican politics. Furthermore, much research in political psychology has revealed that the voters' perception of candidate traits, together with political ideology, is a good predictor of voting choice in modern democracies.[84] This aspect might have had an even stronger impact in a society where electoral campaigns were centred on individuals, parties did not exist, and in which politics probably had a varying influence.

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82   Catellani 2011: 215-217; 222.
83   See Garzia 2011: 698-699, with bibliography. However, results from recent research seem to suggest that the personal characteristics of candidates have always been an important factor: Laustsen 2021: 111 n. 1.
84   Catellani – Alberici 2012: 620-621.

   In theory, when voting in modern democracies, people should examine all the information related to the different available parties, the profiles of the candidates, their programmes, their stances in relation to certain policies, their reputation. Research in political psychology has revealed that in the vast majority of cases electors take their decision on the basis of few criteria, ignoring those that are too complex or that they perceive as less relevant.[85] One of these criteria is the impression that candidates convey on voters, which is formed in various ways, similarly to how we form our opinion on other individuals. The traits attributed to people when we get to know them and create an opinion about them can be traced back to two *dimensions*, or factors, each of which can be further divided into two sub-dimensions: the dimension of agency includes the sub-dimensions of competence and leadership; the dimension of communion includes the sub-dimensions of empathy and morality.[86] As said, according to scholars of political psychology, the way in which we evaluate politicians works similarly,[87] although in this case some traits seem to be given more relevance than others. As opinions on modern politicians are not created in person, we tend to evaluate them more on the basis of the subdimensions of leadership and morality;[88] however, the salience of each sub-dimension depends on contingent situations.[89] In relation to Roman politics, where the personal character of it was more important, it might be possible that the relevance of the four subdimensions was more even, and that differences emerged only in the case of voters coming from outside of Rome, or of people of the lower classes that had less chances to get to know the candidate personally.[90]

   The dimension of competence includes personal traits such as being competent, clever, knowledgeable, sharp; leadership involves being active, determined, efficient, dynamic; empathy, being attentive to others, helpful, sociable, sensitive; morality, being sincere, honest, loyal, reliable.[91] It is here maintained that the traits attributed to successful consular candidates, and those considered as fundamental by the *Commentariolum Petitionis*, can be

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   85   Carraro – Bertolotti 2020: 339.
   86   Catellani 2011: 68-69; see also Falcão *et al.* 2023: 2 and the bibliography cited there.
   87   Laustsen 2021: 111, with bibliography.
   88   Catellani 2011: 70.
   89   Catellani 2011: 71-72; Laustsen – Bor 2017: 105; Laustsen 2021: 121.
   90   With the exception of those among whom late Republican candidates went to canvass in person: see, for example, Cic. *Att*. 1.1.2.
   91   Catellani 2011: 68.

traced back to these same dimensions. Being competent means being *magno ingenio*, *disertus*, *sapiens*, and is implied by one's *rerum gestarum magnitudo*; leadership involves being *navus*, *industrius*, *diligens*, *fortis*, and not *sine nervis*, and having *auctoritas*, *constantia*, *industria*, *gratia*; empathy includes *facilitas*, *iucunditas*, *comitas*, *benignitas*, *humanitas*, and being *mitis* and *suavis*; morality being *innocens*, *clarus*, possessing *pudor*, *plurima beneficia*, *virtus*, *integritas*, *fides*, and *agere ex animo*.

In relation to the salience of each sub-dimension – that is, the relative importance that we confer to each group of traits – research in political psychology says that leadership is more important than competence, as in some cases it would be more difficult for voters to have the necessary skills to evaluate the latter; in the case of empathy and morality, it seems that morality holds the priority over empathy, since, as voters, we consider that we do not need to interact with politicians personally, but our concern lies in the fact that they need to act in the interest of the community.[92] For some voters in late Republican Rome, though, the salience of these two dimensions might have been different, especially if one considers the much more personal character of politics at the time.

Another aspect needs to be highlighted: studies on the perception of people in general showed that individuals usually form their opinion on others firstly on the base of morality; however, studies on the perception of politicians yielded more varied results. In particular, leadership is perceived as more relevant for a 'conservative' candidate, and morality for a 'progressive' candidate.[93] There are, however, other factors that impact on the salience of these dimensions, such as in cases when the morality of candidates is taken for granted, thus lowering its salience, or when, on the contrary, corruption is perceived as widespread, or when elections take place in a historical phase characterised by uncertainty.[94] These considerations might constitute a useful instrument, together with the pondering of other factors, to attempt to better explain unexpected electoral results in the late Republic.

A very interesting study[95] on general elections in Italy between 2001 and 2008 highlighted that the center-right candidate, Silvio Berlusconi, was

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92 Catellani 2011: 70-71.
93 Laustsen 2017.
94 Catellani 2011: 71-72; Laustsen 2021: 117-118.
95 Barisione – Catellani 2008; see also Catellani 2011: 74.

perceived as possessing many traits related to leadership (a typical 'conservative' dimension), whereas the centre-left candidates (Francesco Rutelli, Romano Prodi and Walter Veltroni) were more highly valued in relation to empathy and morality (two typical 'progressive' dimensions). However, the authors of the study noted that Berlusconi was also considered to have many traits related to empathy; they interpreted these data as showing that Berlusconi was probably perceived by the majority of citizens as a more 'complete' leader, who possessed characteristics that are typical of both political fronts, and, in agreement with results of some studies related to other countries, thus more worthy of being elected at the head of the government.

How can all this be applied to the study of Roman elections? This approach can only be used as an additional tool, taking many caveats into account. Among them, first of all, one needs to be aware of the paucity of information that we possess even in relation to the candidates about whom we are better informed; thus, it will never be possible to outline a complete picture of their behaviour and personality, and, apart from very isolated instances, the opinion of the electorate about them is bound to elude us. Secondly, it is necessary to consider the different impact on the outcome of the polls of the Roman electoral system, that – in the case of *comitia centuriata* – conferred priority and greater weight to the decisions of the senior and wealthiest over those of the junior and the poorest, and in which the vote was expressed by century and not by individual. However, in spite of this, this type of perspective could push scholars to think more critically about electoral results, without taking for granted, for example, that the victory of a particular candidate was only due to his support for or to his connection to a powerful politician or an influential clique. As I hope to have shown, the results of research in political psychology provide us with a further, significant and stimulating instrument to think about the reasons for candidate behaviour during electoral campaigns and throughout the public life of politicians. This approach could also lead to open further perspectives on electoral results: a thought-provoking insinuation, for example, could be to point out that some of the consuls between 78 and 70, that is after the Sullan regime, were ascribed qualities related to empathy in connection to acts of mediation and help in favour of enemies of Sulla or of people who had been directly or indirectly negatively affected by his actions or political decisions – and whose situations

constituted potential factors of social instability and discontent.[96] From this point of view, therefore, an analysis which considers the personal features and story of candidates in the light of the particular context in which an election took place might reveal further insights into the workings of public opinion in the Republican period.

In conclusion, although the methodological framework sketched above is in need of further reflection and more detailed analysis, it appears that the adoption of a perspective informed by the results of research in political psychology, used as a working tool to underline not only the great differences with modern elections but also the similarities, has the potential to open up new paths of interpretation of Roman Republican elections, which take into account the point of view of the voters and the decisional power ascribed to the people by the ancient sources themselves.

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96   As mentioned, Q. Lutatius Catulus, *cos.* 78, had allegedly tried to curb the massacres after Sulla's victory at Porta Collina (see f. 33); Mam. Aemilius Lepidus (*cos.* 77) and C. Aurelius Cotta (*cos.* 75) had convinced Sulla to spare the life of Caesar (Suet. *Iul.* 1.2); Cn. Octavius (*cos.* 76), perhaps the author of the *formula Octaviana*, had been praised because, while he was presiding over the trials related to it, had let the accused and defendants talk as often and as long as they desired, and had tempered his *severitas* by means of his *humanitas* (Cic. *QFr.* 1.1.21); both C. Curio (*cos.* 76) and C. Cotta (*cos.* 75) had supported the conferral of Roman citizenship to the Italians, a factor that can be deduced by the fact that the former had risked an accusation following the *lex Varia* (Asc. 74C) and the latter had been accused and forced to go into exile (Cic. *De or.* 3.11; *Brut.* 205; 303; 305; App. *B Civ.* 1.37); L. Licinius Lucullus (*cos.* 74) had been praised for his honesty, justice and mildness towards the provincials in Asia during his quaestorship (Plut. *Luc.* 4.1); of Pompey, it was said that he had helped some proscribed to hide or to escape (Plut. *Pomp.* 10.10), and that he had burnt the letters of some Roman notables, addressed to Sertorius, given to him by Perperna (Plut. *Pomp.* 20.7-8).

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CONSTRUCTING THE *POPULUS* ON THE CAMPUS MARTIUS: ARCHITECTURE, IDEOLOGY, AND THE PEOPLE[1]

Tim Elliott

> "Architecture has always represented the prototype of a work of art the reception of which is consummated by a collectivity in a state of distraction. The laws of its reception are most instructive.
>
> Buildings have been man's companions since primeval times. Many art forms have developed and perished. … But the human need for shelter is lasting. Architecture has never been idle. Its history is more ancient than that of any other art, and its claim to being a living force has significance in every attempt to comprehend the relationship of the masses to art. Buildings are appropriated in a twofold manner: by use and by perception – or rather, by touch and sight."[2]

The question of who, or what, is 'The People' produces conflicting definitions. Either the entirety of a state, the 'masses', or a hegemonic 'moral majority' – the exclusive group that, once defined, legitimates a particular political stance. Claiming to represent it requires rhetorics that work in two directions – one presenting a political course of action as beneficial to 'The People', and one that shapes 'The People' to fit that course of action. It is, therefore, a discursively-produced category – an 'empty signifier', albeit a highly important one.[3] Like 'The People', depending on the rhetorical context, the Roman *populus* can be coded as elite or non-elite, symbolising the continuous community on the geopolitical stage, or the assembled crowd, expressing and enacting their *voluntas*. In either case, it is a statement about

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2   From Walter Benjamin's 1936 essay, *The Work of Art in the Age of Mechanical Reproduction*, trans. Harry Zohn.

3   Laclau 2005: 69, 104-106 sets out the function and formation of the empty signifier in collective subject formation.

legitimacy, and who can claim it.[4] As modern populist rhetoric shows us, claiming to represent the 'real People' necessitates a construction that excludes some in order to elevate others.[5] The corollary of this is that there are conflicting ideas of the membership, form, or role of the People, and where those conflicts occur, those statements are ideologically engaged in hegemonic discourse.[6] In this chapter, rather than on the exclusion and membership of the Roman political mass subject, the *populus*, I focus on the ways it is (or is not) framed as capable of political action – how the *populus* can be a subject and an agent, capable of activating its own sovereignty. The rhetorics that attempt to define this agency and subjectivity take many forms, such as oratory or political action,[7] but also the spatialisation and aestheticisation of land- and cityscape, through image, use, and access which alter the topography, and so reinscribe their messages over time.

Public spaces and the monuments which inhabit them are inherently ideological. A rhetoric of the *longue durée*, monumental architecture inevitably makes statements about power. This is clearest in the places and spaces where power is invested, wielded, or mediated – where gods are propitiated, where laws, edicts, and *consulta* are debated, enacted, or enforced, and where the everyday rhythms of public life are played out and legitimised by their publicity, coming together to define the shape and purpose of the political community. A key example of the interaction between the form and function of a place performing competing visions of collective ideology in the late Roman republic is in the reworking of spaces where an electorate, one instantiation of a synchronic *populus*, is created through the public act of voting. This chapter centres on the electorate-*populus* that invests magistrates with their authority, and how its monumentalisation can draw sharp distinctions with other kinds of *populus* being imagined in the 1ˢᵗ century BCE.

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4   To Zoran Oklopcic 2018: 43, "The People' is a social imaginary which must be conjured into being consciously: 'a sovereign people is the figurative ventriloquist of our aspirations, a security blanket for our aspirations, and a projectile that we launch against those who stand between us and the horizon of our aspirations".

5   On the exclusionary qualities of populist People-formation, see Ochoa Espejo 2017: 612-613; Canovan 2005: 122; Laclau 2005: 93-94.

6   Laclau 1977.

7   In a Roman context, see Lundgreen 2020 for a study into Cicero's rhetorical approach to shaping conceptions of the role, membership, will, and judgement of the *populus Romanus*.

Yet changes to the spaces of the *populus* were often enacted by individuals with competing ideas of the boundaries and role of the citizen body that comprised the legitimate political community. As Amy Russell has pointed out, spaces like the Forum Romanum were composed of different visions jockeying for attention – temples, *basilicae*, and other public buildings bore different names and different messages. While the framing of the architectural landscape was largely elite, competing forms of political publicity brought with them a plurality of voices, and so, too, a degree of anonymity – the Forum was largely an 'uncontrolled space'.[8] In the Campus Martius, however, changing attitudes in the growing city, along with new means of funding building projects, was opening the sacred Tiber plain to redefine public and political space under the singular visions of powerful, wealthy individuals. In the middle of the 1st century BCE, the individuals who made the greatest impact on the fabric of this space were Pompeius Magnus and Julius Caesar.

Recent monographs have examined the ideological and political content of republican public space and monumentality, including discussions of the relationship between Pompeius' theatre-complex and Caesar's building programme.[9] These studies have explored both the theoretical and ideological content of Pompeius and Caesars' monuments, but the statesmens' relationship to institutions, elite and non-elite, and alignment (or non-alignment) with political concepts like *popularis*. While this is valuable from a historical perspective, I avoid the contingencies of politics, rather limiting myself to a theoretical discussion of the discursive production of a collective subject and how its shape can point to different interpretations of legitimacy and participation within the *res publica*. The primary argument that differentiates this piece from the substantial and penetrating analyses in the works of Russell, Davies, and Zampieri is my focus on the formation of the collective subject, *populus*. This novel theoretical approach aims to look beyond questions of propaganda to the theoretical substance of ideological conflict in the late republic, by sketching two differently offered ideas of how the *populus* should understand itself, and considering how they impinge on one another in the wider political landscape.

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8   Russell 2016: 47-49.
9   Russell 2016, Davies 2017, and Zampieri 2023 are recent landmarks that interrogate the politics of public spaces in the late republic.

Pompeius' theatre-complex, I argue, fragments and depoliticises the idea of an agentive *populus* comprised as an immanent totality, toward a collection of individuals within a plural hierarchy. This greater whole is stripped of political unity: both a democratisation of public space on the one hand, but a neutering of democratic identity on the other. The *populus* is still central, but, under the auspices of Pompey himself and interpreted through the visual and spatial rhetoric of empire, it is a historical *populus* – the community as a symbol of global hegemony, realised by the actions of its best citizens. Caesar's great rebuilding of the *Ovile*, on the other hand, suggests a diametrically different conception. While a 'great general' looms over the Saepta, too, the structure monumentalises the conception of the *populus* that Pompeius' complex fragments. Though unfinished in Caesar's own time, the plan was a remarkable reworking of a fundamental political space. More radical than his extension of the Forum, the Saepta Iulia aimed to create an entirely new aesthetic and symbolic experience in the great liminal transformation and reaffirmation of the citizen body assembled as voters. This chapter compares Caesar's purpose-built space dedicated to the unifying act of the vote, to the depoliticising plurality of Pompey's complex, in order to demonstrate two directions in Roman political thought. These two ways of imagining the *populus* on the Campus Martius emerged through both the consequences of elite competition, and as radical solutions to the growing problems of empire.

The Campus Martius

The Campus Martius is, to *ager publicus*, what Amy Russell says the *Forum Romanum* is to Roman *fora*; both a theoretical archetype, and wholly unique.[10] Tied inextricably to the idea of the Roman citizen in his capacity as soldier–farmer–elector–legislator–juror, this largely open space on the east side of the Tiber,[11] beyond the northern section of the Servian Walls (and so outside the *pomerium*), was steeped in a long and complex mythology of citizenship, warfare, and the sacred act of voting. Through these traditional uses and historical significances, the site was also highly liminal, in the sense

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10   Russell 2016: 43-44.
11   Though, nevertheless, one which was becoming increasingly crowded; a number of temples are attested as being on the Campus Martius from as early the regal period, with the building of stone temples from the 3ʳᵈ century; Wiseman 1993: 220.

developed by Scottish anthropologist Victor Turner, from Arnold van Gennep:[12] it was, in short, one of the main sites of civic transformation and rites of passage – the symbolic factory that produced – or re-affirmed – the 'stuff' that made up the *populus* as it could be imaginatively constructed and performed. Centred at the Villa Publica was the censorship, the magistracy that determined a citizen's place in the community and were assigned their position within the centuries.[13] It was against this principle that the voting power of the citizen as part of the community was assessed and executed – where, while the centuries of wealthier citizens were more numerous than those of the poorer,[14] the community, thus configured as a whole, conferred authority onto the magistrates through the centuriate assembly. It was the centuries that assembled on the Campus during the *dilectus*, transforming *Quirites* into *milites*.[15] In these instances, as with the purifying and renewing *lustrum*,[16] *templa* were set out by the augurs – rectangular designations on the ground or the heavens, entry into which had a transformative effect, governed by law.[17] In a similar vein, the whole of the Campus Martius itself sat across the semi-permeable barrier of the *pomerium*, requiring those who crossed it to be transformed.[18] The censors, too, were responsible for the administration of entrance and transfer between tribes – a cornerstone of

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12   Turner 2011: 94-130.

13   Lintott 1999: 117-20; see Tuori – Heikonen 2022 on the Villa Publica, who examine the evolution of the symbolic imaginary of citizenship from the late republic to early empire as focus shifted toward the Atrium Libertatis. Indeed, their observation that the ideological content of citizenship itself gravitated from membership of the 'army and polity' to a question of 'rights and privileges' (2022: 1) demonstrates the flexibility and polysemy of construction of the *populus* as a subject.

14   It goes beyond the scope of this paper to discuss institutions in detail, but two points are worth mentioning: firstly, motions of the centuriate assembly were considered to be actions undertaken by the *populus* – indeed this is a tradition that appears to have been strengthened in the 1st century BCE by a re-elaboration, in the *popularis* tradition, of the figure of Servius Tullius, the sixth king of Rome and founder of the *comitia centuriata*, as a popular figure; cf. Zampieri 2023: 35. Secondly, caution is needed in ascertaining the arithmetical inequality of the centuries; Yakobson 1999: 43-64 argues for a potentially much larger first class than has often been proposed**.**

15   Livy 2.56.12 tells us the order to divide into centuries was, '*si vobis videtur, discedite, Quirites* [if it is seemly to you, depart, Quirites]'; the transformation from *Quirites to milites* (and vice-versa) was a meaningful one, as Caesar's (albeit perhaps imaginary; cf. Chrissanthos 2001) address to the mutiny of 47 demonstrates.

16   Dion. Hal. 4.22.1-2.

17   Gargola 2017: 160-163.

18   Gargola 2017: 190-201.

Roman citizen identity,[19] which was centred on the area of the Villa Publica, *extremo campo Martio*.[20]

The plain's status as '*publicus*' was reinforced by various mythical aetiologies that lent it a plebeian character. It was held to have been sacred to Mars as early as Romulus (whose apotheosis was thought to have occurred there),[21] but that it had been seized by the last king, Tarquinius Superbus, until it was appropriated by the *populus* from his family members and dedicated to Mars.[22] It is an episode which, in Livy, foreshadows many of the themes of division within the *populus* that are threaded through the work; the rapid seizure and executions in Livy 2.5 come in response to the first threat to the nascent liberty – an internal one, coming from the youths of various important families who already missed their 'less bounded wantonness [*libido solutior*]' under the monarchy.[23] Livy has the *iuvenes seditiones* making the anti-democratic argument, that 'now that everyone had equality in law [*tum aequato iure omnium*]… the freedom of everyone else had turned them into slaves [*libertatem aliorum in suam vertisse servitutem*]'.[24] Alongside its connection to the instantiated *populus* through the army, the *comitia*, and the *census*, the Circus Flaminius was itself an important political site, likely connected with plebeian ideological identity in part due its own mytho-historical background; it was, Livy tells us, on the site of the Flaminian Meadows [*prata Flaminia*],[25] where a *concilium plebis* – presented here as a kind of *contio*[26] – was supposedly organised in resistance to the tyrannical *decemviri*. Pliny records the Campus Martius as the site of the *Aesculetum*, the oak grove where the Hortensian law of 287 was passed.[27] It was seemingly ordained as the site of the Secular Games by the Sibyl,[28] and a celebrated area

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19   Gracchan *Lex rep.* 14, 18; Gargola 2017: 105-110.

20   Varro *rust.* 3.2.5; cf. Wiseman 1993*:* 220

21   Jacobs – Atnally Conlin 2014: 3-4 give an overview of the religious significance of the plain.

22   Livy 2.5.1-2; cf. the story of the creation of the Tiber island, 2.5.3-4.

23   Livy 2.3.2.

24   Livy 2.3.3; this is not to characterise Livy as a democrat – far from it; Livy's second book opens with a warning against the democracy that could have been in Rome, following the expulsion of Tarquin; Livy 2.1.4.

25   The odd coincidence of the site bearing the name Flaminius is nowhere explained, and Livy writes too distantly from Flaminius to be authoritative here; cf. Taylor 1966: 19.

26   Livy 3.54.15; cf. Taylor 1966: 20.

27   Plin. *NH* 16.37; D'Alessio 2017: 496.

28   *FGrH* 257 F 37.V.4; cf. Wiseman 1993: 220.

for exercise, including swimming in the Tiber.[29] By the mid-1st century, while still largely open, the Campus Martius had begun to fill up; across the plain – but particularly the southern area between the Circus Flaminius and the Servian Walls – a steady increase in temple construction had developed since the mid-2nd century.[30] At the same time, the space began to 'privatise'; *insulae*, *tabernae*, *domi*, and *horti* developed, often clustered around important sites such as the *ovile*, or along roads such as the *via Flaminia*, as early as 124.[31]

The Campus was perhaps the most important site on which the *populus* performed and re-performed its exclusive boundaries; whether as a multitude assembling for the *dilectus*, *census*, *lustrum* or vote, or as individuals negotiating their positions within the community, this site determined the limits of what the *populus* could be. As a liminal space, it was oriented toward the civic transformations which provided the vocabulary of citizenship, as its antiquity provided the strands of *exempla* that justified its legitimacy. This was the liminal context of both the sites I examine in this chapter – and one which was essential to the configuration of each site, albeit in different ways. Each monumental structure reflected a different aspect of the way the Campus Martius articulated what *publicus* could mean – both common spaces and activities undertaken as individuals at leisure undertaken in public, or in the symbolic process of performing the rituals that induct the citizen into the broader whole. This context lent the structures a shared symbolic vocabulary with which an idea of life in public could be described – although their statements were fundamentally different.

Pompeius' theatre

Pompeius' complex gave a solid boundary to its assembled *populus*, emphasising a kind of political capacity, but one under an overarching dual sovereignty of the senate on one hand, and on the other, in a remarkable assertion of authority, of his own person. Viewed through the architecture and adornment of the complex, the space crafts a personhood for Pompeius that goes beyond the ordinary human, flirting with connections to divinity, that reshapes the fabric

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29   Wiseman 1993. *LTUR I* 220; Hor. *carm.* 1.8.3-8.
30   Jacobs – Atnally Conlin 2014: 43-63 gives a detailed list of the known, speculative, and unattributed temples in the archaeological and textual record.
31   Plut. *C. Gracch.* 3.1; Wiseman 1993: 222.

of public space. At the same time, it was a space saturated with Hellenistic art – paintings and statues, particularly of gods, women, prodigies, and heroes – the interaction with which became a focal point of the site in its own right. The result, I argue, was a reorientation and aestheticisation of the *populus* that left it symbolically elevated, yet ultimately depoliticised.[32]

Zampieri's characterisation of Pompeius' theatre complex places the construction squarely in the realm of the political, arguing that the *cavea* can be understood as a comitial space.[33] Large enough to hold assemblies, from the new Pompeian *curia* to the east, to the theatre *cavea* to the west (through the original *scaenae frons*), there is a purposeful vision for the complex as something akin to a second forum – or at least a second civic focal point. Nevertheless, as Russell has articulated, it was also the construction of a political space that placed its visitors under a level of ideological control that could not be possible in the original Forum. Russell characterises this new kind of heavily-patronised space as inherently authoritarian, arguing that Pompeius looms over the complex like a *paterfamilias* looms over domestic space, exerting a level of control and expectation on the privilege of the attendees, that was in stark contrast to that which had existed in the 'proto-typical' public space of the republic, the *forum Romanum*,[34] in which any overall control could at most be asserted only temporarily.[35] The existence of choice amid the varying messages led to the polysemy of the *populus Romanus* being preserved; without uniformly prescribed messages and functions, inhabitants were relatively free to imagine subjectivity in a range of forms.

Pompeius' complex, on the other hand, emerged as a contained space that – in its political dimension – could present a *res publica* with a single vision, consecrated to Venus Victrix, and tied together through the person of Pompeius. As Russell points out, the complex, constructed on private land, blurred the distinction between public and private space.[36] Unlike the Forum, Pompeius' space both encompassed and went beyond the political; the temple that looked out over the theatre and the attendant shrines throughout the complex served

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32   Filippi *et al.* 2015: 323-368 provides an updated view of the archaeology of the theatre complex and its open questions, particularly on the arrangement of the *cavea*, the *ambulacra*, and the *scaenae frons*.
33   Zampieri 2023: 74ff.
34   Russell 2016: 43-95.
35   Russell 2016: 71-76.
36   Russell 2016: *passim,* esp. 168-178.

their religious and symbolic purpose,[37] but most of all, the space developed a reputation as a place of entertainment and *otium* – healthful leisure and relaxation. Tying into the position of the Campus Martius as a place for leisure, learning, and exercise, the shaded, porticoed space acted as a gymnasium, while leafy plane trees and channels created what Propertius paints as an Arcadian retreat from the city,[38] and the theatre itself had a large audience capacity.[39]

Again, the form of the theatre and quadriporticus were 'political'. Contemporary Romans would have seen the theatre itself as an inherently political space,[40] and empire and imperial spoils dominated the aesthetic experience of the complex. What was depoliticised was the *populus* as the sovereign political agent in its own right; while there were echoes of public politics throughout the complex, the sovereign *populus* that was elevated was the imperial *populus* acting as a geopolitical hegemon. More a projection of power by a polity across time than and immanent group of 'real people', Pompeius' theatre-complex placed the individuals who entered in it within overlapping its institutional hierarchies. Indeed, the uses of the space were set out from the beginning – and, in doing so, these uses imposed a shape and ideology onto the *populus* that came into being as it congregated to enact them. This was a *populus* that was instantiated by its presence within the boundaried space, flanked by two higher powers. To the east, the *curia* cemented the position of the senate at the head of the *populus*, but west, atop the apex of the curve of the auditorium *cavea*, was the temple to Venus Victrix, and by extension, the figure of Pompeius himself.[41]

The identification of Pompeius' theatre – the first stone (i.e. permanent)[42] theatre in Rome – as a manubial display was cemented in its inaugural

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37 Temelini 2006. See Santangelo 2007 for a discussion of the importance of religion to the overall Pompeian project.

38 Prop. 2.32.11-16.

39 Lower, most likely, than the capacity suggested by Pliny (*HN* 36.115) of 40,000 – but nonetheless high.

40 Indeed, public entertainment was one area that Cicero argues the *voluntas and iudicium populi can be ascertained; 'etenim tribus locis significari maxime de re publica populi Romani iudicium ac voluntas potest, contione, comitiis, ludorum gladiatorumque consessu* (Cic. *Sest.* 106).

41 Zampieri 2023: 16-17.

42 The conflation of stone with permanent and wood with temporary is, as Beacham (2007: 204) points out, a crude one – but nevertheless the *perception* of a dichotomy of permanent vs. temporary theatres in these terms is evident – even, Russell 2016: 171 argues, desirable for the 1ˢᵗ century BCE desire for conspicuous consumption.

re-performance of Pompeius' triple triumph in 61.[43] Accounts of the restaging show Pompeius deploying a range of symbolic self-characterisation, tying his campaigns to religious and mythic vocabulary. Erasmo has pointed out that the staging of Livius Andronicus' *Clytemnestra* and Naevius' *Trojan Horse* – a reference to dramatic booty-laden homecoming scenes – paints Pompeius as a returning Agamemnon – a 'king of kings'.[44] Appian, meanwhile, reports that Pompeius wore the supposed cloak of Alexander, plundered from Mithridates' belongings,[45] while the emphasis on Venus throughout was an important claim to ancestry that can be seen as directly responding to the same claim made by Sulla and Caesar.[46] After his triple triumph, Pompeius constructed a *delubrum* of Minerva – a choice which, as Davies notes, naturally tied in to the primary focus of Pompeius' cultivation of image: the preternatural general.[47] Both the driving force behind the building itself, and literally at centre-stage of the project, are spoils: the theatre-temple was almost certainly funded through *spolia*, and its decoration took the form of a vast manubial display.[48] The *scaenae frons* of the theatre was likely decorated with both *spolia* and newly commissioned works,[49] such as those which Cicero attempts to procure through Atticus.[50] Recovered statues, as the shape of the theatre itself, demonstrate a distinctly Hellenistic turn – the most striking example of a growing trend of the adoption of Hellenistic aesthetics connected to euergetism, *spolia*, and empire, that found its culmination in the Augustan project.[51]

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43 Kuttner 1999: 345; Welch 2006: 512.
44 Erasmo 2020; cf. Beard 2007: 26-27.
45 App. *Mith*. 17.117; Zampieri 2023: 15-16.
46 Santangelo 2007.
47 Davies 2017: 219; likewise, a symbol of both the triumph in 61 and the display in 55, was the elephant – an animal that evoked both the recent victory over the old enemy, Mithridates, and a past Alexander-like general in the Roman historical consciousness, Scipio Africanus; cf. Zampieri 2023: 24-27, 82-83 for a discussion of the importance of the Scipiones (particularly Aemilianus) in Pompeian image-making.
48 Indeed, Henriette van der Blom (2023: *passim,* esp. 380-384) has recently drawn attention to (following, e.g. Fox 2023 and Marzano 2022) the fact that even the trees and plants themselves were *spolia*, illustrated by Pliny in the case of balsam; *a Pompeio Magno in triumpho arbores quoque duximus. servit nunc haec ac tributa pendit cum sua gente* – "since Pompeius Magnus, we have led trees too [as captives] in the triumph. Now this [balsam] serves and pays tribute along with its people". *HN* 12.112.
49 That the theatre had a *scaenae frons* appears highly likely, see Davies 2017: 230, Zampieri 2023: 63.
50 Cic. *Att*. 1.6.2, 1.10.3.
51 Davies 2017: 230-232.

The proximity and single purpose of the *curia* makes the portico–garden–*comitium* politically subordinate to senatorial power – indeed, the *curia* was used for its intended purpose, while the portico and theatre develop a reputation for *otium*.[52] At the same time, the force of Pompeius' personal achievements is felt throughout the space that both *populus* and *senatus* were instantiated in – through manubial displays, symbolism, and reiterated connection to Venus – and perhaps most explicitly in the statue of Pompeius in the *curia*. It is tempting to connect the ideology of the complex with the wider and long-standing sense of monumentalism, triumphalism, and *honor* as a propaganda of the *nobilitas* – the systematic promotion of the accomplishments of the individual, elevated by the meritocracy to exercise their *virtus* on the frontier.[53] This seems true in a sense, but at the same time, it needs to be seen in view of both the contingencies of Pompeius himself, and in particular, the hegemonic struggle underway in the 1st century to define and understand what the *populus* represented.

The way that Pompeius' theatre complex constructs a *populus* from the multitude assembled there – and through the ideas and values that it evokes – is inextricably tied to Pompeius the individual. Functionally, as Zampieri has argued, the theatre-complex models republican political apparatus in miniature – the theatre's curve and relationship to the *curia* directly echoes the curved steps of the *comitium* and *curia Hostilia* – where *populus* and senate convened in the Forum.[54] Yet, this highly political architectural rhetoric threads a path between firm stances on the traditional *optimates*/*popularis* ideological ground, opting instead for a turn toward personal honour and achievement. Despite the potential threat of democracy posed by a permanent theatre, whose *cavea* lends itself to popular participation, it is a space dominated by the temple to Venus Victrix – and in a space that also contains a new *curia*, providing a sense of senatorial oversight. This ambiguity reflects a retrospective view of Pompeius' career that makes it so difficult to succinctly characterise, beyond one of opportunism. He was closely associated

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52 Note that Zampieri 2023: 78 disagrees – arguing that the scale of the *cavea* dwarfs that of *curia* which is *exedra*-like in comparison.

53 Zampieri 2023: 9-13 gives an account of recent discussions of the dangers and benefits of using the term 'propaganda', arguing for a broad definition of systematic attempts to influence.

54 Zampieri 2023: 74-78

with Sulla as the 'teenage butcher' (*carnifex aduluscentulus*),[55] and yet, with Crassus, brought about the restoration of full tribunician *potestas* during his consulship in 70.[56] In the following decades, Pompeius would of course shift his position, ultimately to become the chief figure of opposition to Caesar during the civil war. Nevertheless, despite his extraordinary career and the remarkable honours and achievements that were recognised, he never attained a position of consistently stable support in the senate or the *comitia*, and was frequently and variously transgressive toward both the *populares* and the senate.[57]

There is a risk to inserting a diachronic view of Pompeius' career into the synchronic statement of the theatre – but the parallel between Pompeius' ambivalence within the prevailing ideological struggles throughout his career and the ambiguity of his theatre complex demonstrates a way of re-rationalising the *populus* between the ongoing extensions of power by the either the *comitia* and tribunate, or the senate. The *populus* that was envisioned to inhabit Pompeius' theatre had the capacity to ape the voting multitude, but even in that role, it would have been continuously contextualised by the new *curia*, Pompeius' patronage, and by being in a space that was clearly defined by its relationship to art, *otium*, and entertainment. This permanent theatre and garden instantiated a *populus* that was decidedly more passive, whose role was more controlled, and whose sovereignty was framed by, facilitated by, and at the discretion of, acts of elite – and, particularly, Pompeian – benevolence.

The quotation at the beginning of this chapter refers to the way that architecture habituates its audience, through sight and use, into a collective mass. From exile in Paris in 1936, Walter Benjamin published his highly influential – and prescient – essay, *The Work of Art in the Age of Mechanical Reproduction*, reflecting on the historical production of art, the 'aura' that attends authenticity and originality, the way these changes create contingent changes to sense, experience, and politics, and the concomitant power of the politicisation of art. In the epilogue to this short piece, Benjamin interrogates the way that Fascism creates and aestheticises the masses:

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55   Val. Max. 6.2.8; cf. Steel 2013.

56   Plut. *Pomp.* 22

57   Cf. Davies 2017: 227 to Zampieri 2023: 83-84; there is a conciliatory aspect to the duality of Pompeius' theatre-complex – albeit one that positions himself as statesman and arbiter of a new kind of *concordia*.

> "Fascism attempts to organize the newly created proletarian masses without affecting the property structure which the masses strive to eliminate. Fascism sees its salvation in giving these masses not their right, but instead a chance to express themselves. The masses have a right to change property relations; Fascism seeks to give them an expression while preserving property. The logical result of Fascism is the introduction of aesthetics into political life. The violation of an apparatus which is pressed into the production of ritual values".[58]

Pompeius' project is, of course, a very different process to that which Benjamin saw in the ideology of Italian (and German) Fascism, understood in light of Futurist attempts to create new aesthetics – particularly of war[59] – through the mass production and consumption of art through, photograph, film, and the reconceptualisation of old media like painting, sculpture, and the magazine.[60] Nevertheless, it provides a lens to view a shift that is represented in the architecture – both in terms of its aesthetics, and its use – of the temple, theatre, and portico complex of Pompeius, and how it constructs an identity around, and through, the multitude that inhabits it. The aesthetics within the complex were opulent, yet highly "modern" to its contemporary audience – more than merely new, but a thesis on the present's relationship to the past as it moves into the future.[61] The Roman Hellenism of Pompeius' theatre was an aesthetic of imperial luxury, conquest, and mastery – not only over 'three continents',[62] but images of both Greek antiquity, and the Roman future. While Hellenistic art had been making its way into Rome (attracting both approval and opprobrium) since the 3rd century,[63] and was doing a brisk trade by the middle of the first,[64] the form of the temple-complex and its

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58   Benjamin 1969 [1936]: 29 trans. Harry Zohn.

59   Benjamin cites Marinetti's fascist manifesto on the Ethiopian colonial war; "War is beautiful because it establishes man's dominion over the subjugated machinery by means of gas masks, terrifying megaphones, flame throwers, and small tanks … it initiates the dreamt-of metalization of the human body".

60   Indeed, there is an irony in using Benjamin's reading of Marinetti to interpret Hellenistic art, who famously wrote in the Futurist manifesto that "A racing car … is more beautiful than the Victory of Samothrace".

61   Note that this is not a question of Greek art or culture being 'imported', but the discursive production of culture influenced by myriad factors; Veyne 1979; Gruen 1992; cf. Wallace-Hadrill 2008: 17ff.

62   Plut. *Pomp.* 45.5; cf. Vell. Pat. 20.40.4.

63   Gruen 1984: 252-253, 265-266; booty is especially emphasised cf. Pliny, pointing to Marcellus in Syracuse (211), Mummius in Corinth (146). Nicolaos the Peripatetic, Athenaeus tells us, places the coming of 'luxury' with Lucullus triumph in 63 (Athenaeus 6.274e-f).

64   Davies 2017: 6-38; Wallace-Hadrill 362-4 points to the contents of the Mahdia wreck (ca. 105-86 [Coarelli 1983]).

elaborate visual programme was evocative of conquest,[65] yet unparalleled in Rome at that scale. As a political statement, it was a social rationality that aestheticised a *populus* through the imagery of empire, novelty, and euergetism. Within the boundaries of the private-public complex, the potential for popular politics is there, but once assembled, the *populus* it constructs is flanked on all sides by expressions which compete with the political role of the subject. The *populus* is still here, assembled on the Campus Martius, but it is the symbolic, imperial sovereign, coalescing through its myriad institutional parts and virtuous best citizens to exert dominion over other nations.

If Benjamin's approach to 20th-century Fascism can be a lens, it shows that the aestheticisation of the masses is not unique to modern thought. The *populus* can be reframed, and the civic experience conditioned through the ways that it aesthetically understands itself in a state of distraction. As a global sovereignty, it is depoliticised into a diachronic subject – a conceptual polity of systemic domination whose fruits are to be enjoyed, rather than participated in. It speaks as one half of a conversation taking place throughout the 1st century republic, one of two ways of understanding the *populus* as the highest sovereignty, albeit through radically different interpretations. The contrast to this interpretation was another *populus* – still sovereign, still inarticulate, still represented by its foremost champions, but embodied synchonically in the citizen himself. Voting for magistrates was the means by which the multitude, understood as a collective subject, could attempt to choose its own voice; elevating that *populus*, often coded as a kind of 'heartland' ordinariness, gave powerful individuals the opportunity to appeal to it as an alternative and exclusive sovereignty, against the imagination of senatorial authority as the will of a great inclusive popular sovereignty as head of the body politic.[66]

The Saepta Iulia

The Saepta Iulia was not completed in Caesar's lifetime. Later completed by Lepidus, and only dedicated by Agrippa in 28 BCE,[67] the monumentalised assembly space came into use in what was a radically different political, and

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65 Beard 2007: 26-27 discusses the complex as a victory-monument; cf. Russell 2016: 162-166.
66 Cf. Elliott 2025.
67 Dio Cass. 53.23.

architectural, landscape. Moreover, little remains today of the enormous republican structure that carved its way up along the Via Lata on the east of the Campus Martius.[68] Under the Julio-Claudians it was used for games, including a Naumachia under Caligula,[69] and Tiberius made a popular address there.[70] While it was connected at various times with voting and participation, the seismic political changes that occurred from 44 BCE onward mean that Caesar's Saepta can never have been used the way that he envisioned it himself – regardless of what that vision was.

Nevertheless, some of that intent can be deduced – particularly when seen within the broader context of monumentalism on the Campus Martius. The project was intended to be the monumentalisation of a site that was, along with the Great Forum, the symbolic and practical location of where the power of the assembled multitude came into being. We have little evidence for how the *ovile* looked or functioned – though it was likely a series of temporary wooden structures, though designated a *templum* and an ideologically charged space, was not monumentalised. But we do know its importance in symbolising a central activity of the assembled *populus* – conferring *potestas* and *honores* through election.

Cicero emphasises that the *ovile* is sacred space – like the *comitium* in the Roman Forum, it was a *templum*, the sanctity of which Cicero links to a certain foundational primacy of the *populus Romanus*. The accusation in the *pro Rabirio*, that Labienus is erecting a cross (i.e. for the purposes of crucifixion or scourging) on or near the *ovile*, is an accusation of polluting the *maiestas* of popular agency.[71] Cicero, here – in one of his more *popularis*-coded speeches – evokes the centuriate assembly as a sanctified place in which the *populus* can be collectively harmed by pollution: both literally, by the miasma of torture and death, and juridically, through the imposition of an individual will onto the site of collective agency. It is an idea which helps us to clarify the perennial problem of quantifying *maiestas,* and indeed legislation *de maiestate*. From the *lex Iulia* to its use under emperor Tiberius and beyond, *maiestas* charges

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68   See Ten 2015: 41-75 for a recent archaeological survey of the central Campus around the Saepta. It remains 'perhaps the most comprehensively resolved sector' of the Campus Martius (Ten 2015: 41); the identification and location of the Saepta was decisively located by Gatti 1942; 1943-4 using the Severan Marble Plan.

69   Dio Cass. 55.10.

70   Suet. *Tib*. 17; Dio Cass. 56.1.

71   Cic. *Rab.* 11; cf. Plut. *Sull.* 30.2; Luc. 7.306.

have often been a juridically vague, or at least blunt, instruments to enforce hegemony.[72] In these earlier republican cases, however, a more tangible idea of harm against the civic subject is visible. Indeed, *maiestas* in the republican period can also be understood within the physical act of voting – as both a process and a right. The *Rhetorica ad Herennium* gives an example of a definition of *maiestas* used against Caepio in his destruction of the *pontes* leading up to Saturninus' vote,[73] and later states that "elements that constitute the *amplitudo civitatis* [greatness of the state] are *suffragia populi* [suffrage of the people] and the *magistratus consilium* [resolution of the magistrate]."[74]

These are not signs of radical popular sovereignty per se, but they are part of the inherent language of Roman politics which draws a boundary – however blurry, mediated, or qualified – around a collective imagined as the *populus Romanus*, instantiated directly and immanently through the act of voting. This was the ideological background to the site before its planned monumentalisation by Julius Caesar. Along with the rest of Caesar's radical – and highly political – building programme throughout the *urbs* (including rebuilding the Villa Publica, the *curia*, the *rostra*, the Circus Maximus, and the expansion to the Roman Forum), the collective civic subject was for the first time monumentalised in the political act of voting. The political focus of Caesar's wider project can be seen as an attempt to cement a leading position in the frame of *popularis* politics through its focus on areas where the *populus* acted politically, as well as an important claim to 'tradition';[75] as a social rationality of what the *populus* could be, however, it was a distinctive statement in its own right.

Monumentalisation goes beyond a restatement of the values of a site and the symbolism of its functions. Certainly, civic political memory is important for sites like the *ovile* and Forum – but the architecture filters, interprets, and transforms memory through the sensory experience of them. The way sites

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72 Hammer 2022; Lintott 1999: 159-160.
73 *Rhet. Her.* 1.12.
74 *Rhet. Her.* 2.12; cf. Sall. *Hist.* 1.62 McG.
75 Zampieri 2023: 168-169; although note that, as Zampieri emphasises, different aspects of Caesar's project were undertaken at different periods, under different pressures – the dialogue between the monuments of Caesar and Pompeius was materially altered by Pompeius' defeat; note, too, that – as García-Magán 2022: 244 has shown – claims to tradition and appeals to act in accordance with *mos maiorum*, could be used equally by both seemingly *popularis* and optimate speakers.

are passively inhabited – in a state of distraction – is foregrounded by the way their aesthetics exert a permanent influence. In the case of the Saepta Iulia, this was going to be (had the site existed in the frame likely imagined by Caesar) a heightened state of distraction – the moment of voting as the transformation of citizens into a *populus*. Much of that intended aesthetic reception is beyond our reach; the archaeological Saepta was Lepidus' and Agrippa's structure – but we can interrogate the territory of the discursive challenge it presented to Pompeius' theatre-complex, and postulate similarities and differences between three ideas of the *populus in campo*: Pompeius', Caesar's, and that which existed prior.

From what we can tell, the original purpose intended by Caesar was a constructed double portico and *diribitorium* to "enclose the enclosures" with a permanent marble structure to be used by the *comitia*.[76] Caesar's project likely expanded the original site of the *ovile*, mirroring his expansion of the Forum, as is implied by Cicero's letter. Nevertheless, the structure was clearly predicted to be a radical departure from where the assembly had met – a Roman mile in perimeter, it is to be both a 'lofty' and a 'covered' structure. The idea of *saepta* [enclosures] or *ovile* [sheepfold] already denote some idea of boundaried space – a necessary component of their function. Organisation and oversight go hand-in-hand in election processes, where a separated space with controlled access allows the community and presiding magistrate to guarantee that the right tribe or century votes at the right time, interference and fraud to be monitored, and voting to be enacted as a collective identity-forming event. Caepio's destruction of the *pontes* was more than symbolic – they were integral to the process of enabling a trustworthy vote. The characteristic length of the Saepta is functional, allowing long *pontes* to facilitate a great number of electors through at one time, but also make a ritual of the process of voting, evocative of the religious procession.

Like a temple to *suffragium,* the Saepta recentralises the sovereignty of the institution of the assembly, albeit under Caesar's patronage – not least when we look at the dialogue his building projects creates with Pompeius' complex. But also, I posit, this enclosed structure aimed to monumentalise one interpretation of the popular sovereign body that exercised it – where the privileged version of the *populus Romanus* is that which is present in the embodied, assembled crowd during the biopolitical act of voting. Physically

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76 Cic. *Att.* 4.16.8.

separated from the rest of the Campus Martius – though connected along the via Lata along its astronomical orientation to the Roman Forum – there must have been an effect on the phenomenological experience of entering this space. Entering the covered portico, the shift in sensory experience would have created a powerful transitional effect.

We can conjecture some facets of the experience. Filing through the small entrances, eyes adjusting to the darker space, voters would feel the cooler air, but also a closeness from the sudden proximity to the smells and sounds of their fellow citizens. Re-entering the (now muted) light for a vote, they would step into the throng – which, even in Seneca's time, felt like all of society: "the Saepta filled with all the gathered tumult (*saepta concursu omnis frequentiae plena*)".[77] The field of view would narrow, immediately drawing the eye to the far end some a few hundred metres ahead, as the view adjusted to the monumental internal scale of the structure.[78] Sunlight perhaps casting beams through gaps in the covering overhead, we can imagine the voter's approach to, and through, the voting *pontes* as a certain order emerging out of relative chaos; at first, the *concursus* of different voices, plenty of urban and suburban accents, but also from Italian *oppida,* perhaps recognisable, as well as snatches of Etruscan, Oscan, and Greek.[79] Clusters of men in the know might gossip about who spent what, and who had it in for whom, or to speculate if there might be trouble. First-time voters might hesitate, clutching their *tabellae* and looking to their fathers and brothers to interpret directions barked by *praecones*, while more experienced voters, faced with a long day of ballots, considered how best to spend the day elsewhere until their next preferred candidate came up. The high marble portico wall would both reverberate the clamour inside and exclude the usual sounds of the relatively open Campus Martius. Candidates might jovially call out to minor celebrities of the *vicus* by name, huddle to ask the presiding magistrate a question of procedure, or fret about how much money and effort it had taken to simply get this far.

Out of the tumult and plurality of the assembling crowd, however, the *populus* was performed into being. The act of exercising suffrage, forming a sovereign totality, had happened on the open space of the Campus Martius

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77   Sen. *Ira*. 2.8.1.
78   While undoubtedly much shorter in height (however 'lofty'), the internal dimensions of the Saepta were similar to that of St. Peter's Basilica (186m by 58m).
79   Rafferty 2021 and subsequently Morstein-Marx 2024 emphasise prevalence of extra-urban voters.

for centuries – but enclosing and monumentalising the space in which it occurred radically altered the experience of becoming that totality. The act of the vote is an inherently transformative one, as individual votes are translated through the collective process into votes of tribes and centuries, transforming private citizens into invested magistrates. To undergo these transformations within a marble, sheltered space akin to a great *cella* would intensify and even redraw the process by which the voting individual is, by performing the ritual, re-inducted into their role as citizen. Enclosing the *templum* would have heightened the liminality of the experience of the reperformance of individuals *qua* citizens – access to the area by non-citizen men could be policed, so that processional participation could be acted out like a civic mystery transforming immanent individuals into the collective sovereign.

At the same time, Caesar himself would have been inscribed into the architecture – by blocking out the rest of the Campus, other architectural rhetorics (including that of Pompeius' complex) would also be obscured. As in his consulship of 59, Caesar prioritised the assembly as sovereign above other authorities,[80] but in doing so, positioned himself as the conduit through which the immanent *voluntas populi* could be directed. This positioning helps to reconcile the complex nature of Caesar's leveraging of the assembled *populus*; Caesar both elevated its position, yet would later extensively override its prerogatives to elect magistrates. It would be teleological to view Caesar's vision of a monumentalised comitial *populus*, first alluded to in the mid-50s, as contiguous with his effective takeover of the Roman political apparatus from 49-44. Nevertheless, a *populus* acting as fully sovereign in its elective capacity while under the auspices of Caesar himself appears to rationalise the law brought by L. Antonius (tr. pl. 44), allowing for the 'dividing' of the magistracies between Caesar and the *populus*;[81] while exercising extraordinary powers, he did so acting both as, and alongside, the nominal *populus*. Again, however, this came only after an extraordinary change in circumstances for the republican institutions and Caesar's place within them – as a building envisioned and begun as a monumental response to Pompeius' project, the planned Saepta needs to be judged in its original context, rather than its dictatorial one.

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80 Which came to a head in the passage of his *lex agraria* directly, after attempts at filibuster by Cato and blocking by Bibulus (Dio Cass. 38.4) – senatorial opposition provided what Plutarch considered the 'pretext' for the move (Plut. *Caes*. 14.2).

81 Cic. *Phil*. 7.16; Suet. *Iul*. 41.2; Dio Cass. 43.51.3; see Jehne 1987: 110-130; Morstein-Marx (2021: 547-548)

There would have been no other space quite like this in Rome. While Pompeius' complex provided an idea of a set of state apparatus in miniature on the Campus, it was one constructed on private land and expressed through spaces that were not quite the real thing – the theatre that is actually a temple, which is actually a *comitium*, the *curia* that sits outside the *pomerium*. Pompey donated his land to the *populus*, but the rhetoric of Caesar's monumental *ovile* appears to claim that the *populus* gave the Saepta to itself. Within this immense, single-purpose, monumental space, that multitude could be imbued with a different sense of popular *maiestas* than that which was created through what Amy Russell describes as the 'uncontrolled' space of the Forum. The exclusive group of assembled electors manifested into a *populus* is the focal point of the space, rather than the *rostra*, statuary, *curia* or other competing sites for different interpretations of just what authority can look like. Voting in the Saepta was to occur under the presiding magistrate in a building that Caesar envisioned would bear his name and monumentalise his achievements; but the sights, soundscapes, and congregational political act, boundaried within one aggrandised space, is the act of creating a qualitatively different *populus* than that which emerged and assembled organically in the *ovile*, or was forced to atomise through different activities under different authorities in Pompeius' complex. The Saepta Iulia elevated the assembled multitude as something sanctifying – it had the biopolitical immanence of real citizens exercising real sovereignty, but, in its monumentalisation, both inhabited and challenged the symbolic sovereignty of Pompeius' eternal imperial sovereign.

Conclusion

In this chapter I have attempted to show that the building projects of the *campus Martius* contained materially different social rationalities of the Roman *populus* – differences, not only in terms of preferencing certain mechanisms by which popular sovereignty could be exercised, but between ontological conceptions of the *populus* itself. At the risk of applying undue hindsight, the *populus* was to go through radical reconfigurations in the decades following the construction of these monuments – culminating in the gradual erosion of the role of elections under the principate altogether. Nevertheless, even when *maiestas populi* had become the possession of the *princeps*, authority was still carried out by the now entirely symbolic *senatus populusque*. I have hoped to show in this chapter that the plasticity and heterogeneity of the *populus* was not just a facet of language but, as in modern democracies, the name of the People was one which could be consciously

claimed by different political projects – and its shape could determine radically different realities of power, authority, and representation.

Tonio Hölscher noted that late republican monumentality was a defined by a culture of 'provocation and transgression'.[82] Certainly, in one way, this is true – monuments could be radical departures from what came before, and although ambitious elites could face tangible opposition, the rewards offered by controversy could be routes to both political success a lasting legacy. Likewise, Hölscher is right to point out the dialogue between these sites as in part confrontational – indeed, provocational. But it is also important not to underplay the degree to which 'transgression' lies in the eye of the beholder. Beyond competition, beyond legacy, and beyond the desire of elite individuals to cement themselves as 'great men', the two monuments examined here are deeply rooted in the way Roman citizens were negotiating how to think of themselves at a time of profound change, both within and beyond their borders. Pompeius' theatre complex presented a polity as an imperial hegemon, whose leaders (most of all, Pompeius himself) could mete out the rewards of empire to grateful citizens. Attendance at the theatre or the gardens, where individuals at leisure themselves became part of the aesthetic landscape, redefined oneself as a passive member of the imperial core. In some ways mirroring the aesthetic project of Fascism, the symbolic *populus* was elevated as a geopolitical entity, while being depoliticised in terms of its role as an electing, legislating body. Caesar's vision of the *populus* on the Campus Martius shared some of these qualities but differed radically in others. Like Pompeius, his figure loomed like a *paterfamilias* over the crowd that assembled in a monumentalisation of an identity-building activity. What was monumentalised, however, was the process of the vote – the moment that an immanent multitude embodied and enacted the symbolic *populus*. This was the liminal transformation that had been present on the Campus Martius, sanctified and made exclusive by a boundaried structure and an entirely reimagined experience of becoming that group. Not knowing the way history would play out, Caesar could have envisioned pointing to the moment of investiture from *populus* to magistrate as an expression of the highest sovereignty – while keeping that sovereign in reserve for further political action. In Rome as it is today, the claim to channel and enact the popular will was a powerful legitimating tool – and the form and nature of that sovereign

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82   Hölscher 2004.

subject and its will continue to be sources of hegemonic conflict. Looking to Rome gives us a penetrating case study for how to interrogate these claims, and reflexively examine the claims and promises of our own politics.

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ELECTORAL CHOICE AND ELECTORAL CHANCE: ELECTIONS TO THE QUAESTORSHIP AFTER SULLA

Catherine Steel

In 54 BCE Cn. Plancius was prosecuted for offences under the *lex Licinia de sodaliciis*.[1] Improper use of *sodalicia* in relation to election campaigning was alleged in relation to Plancius' success in the aedilician elections, and the lead prosecutor was one of his defeated rivals, M. Iuventius Laterensis. Plancius was defended by Cicero, who disseminated a version of his speech, which survives.[2]

The *pro Plancio* appears to engage closely with the prosecution's arguments, and on that basis it indicates that a comparison between Laterensis and Plancius was central to the prosecution strategy. By showing Laterensis' superiority across a range of characteristics and attributes, the prosecution argued that Plancius' victory in the election for the aedileship was explicable only if bribery had taken place. Cicero claims (5-6) that he does not want to engage in such a comparison because of his friendship with Laterensis, and

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1   This was a new statute, passed in 55 BCE and proposed by Crassus, one of that year's consuls. It built on existing legislation on electoral bribery (*ambitus*) and despite its focus on the organisation of bribery at the level of tribes through *sodalicia* many of the activities it targeted could also be identified as transgressions under the existing *lex Tullia de ambitu*; its chief novelty was to introduce a restricted pool of jurors. The prosecution identified four tribes out of the thirty-five; the defence could reject one of the four; the jurors were all then taken from the remaining three tribes. On the legislation, Linderski 1961; Taylor 1964; De Robertis 1971: I.129-146; Karataş 2019: 60-103; Karataş 2024.

2   On the speech *pro Plancio*, Steel 2011; Grillo 2014; Karataş 2019a; 2019b; Steel 2021.

begins by arguing that it is not necessary to do so, as the Roman people can make surprising election choices, particularly for more junior positions (7). Nonetheless, he does return to relative merits of both men in the hope, he claims, of putting the issue definitively to one side:

> "If I can also defend the people's act, Laterensis, and show that Gnaeus Plancius did not 'slink into' office, but arrived there by that route which has always been open to men from this equestrian status of ours, can I remove from your speech that comparative approach, which cannot be addressed without offence, and somehow bring you back to the case and the charge?"[3]

Cicero's argument, then, is that there is no structural reason why an equestrian without senatorial parentage or ancestors cannot be victorious in Roman elections. It follows that any presumption of Plancius' illegal behaviour derived simply from the fact of his victory should be set aside, and the focus of the trial turn instead to specific actions that he was alleged to have taken.

Cicero's claim about equestrian status was perfectly reasonable as a comment on Roman elections, but Laterensis does not seem to have been making such a general claim. One word in particular stands out in the passage from Cicero's speech that was quoted above, namely *obrepere*. A compound of *repo*, the prefix here seems to indicate that something is done illicitly or secretly: its meaning is to creep in, in such a way that the approach is not observed.[4] Secrecy was not a commendable characteristic for a Roman in public life, and it seems unlikely that Cicero would have chosen this word of his own accord. It is more probably that he is here quoting Laterensis, and attempting to demolish the force of a jibe that he feared might being having an impact on their listeners.

If this interpretation is correct, what did Laterensis mean when he said that Plancius had crept into office? It might initially be assumed that he was referring to the position of aedile, the office in pursuit of which Plancius had allegedly engaged in illegal activities and which was the object of the trial at which Cicero and Laterensis were speaking. But that may not be correct. The

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3   Cic. *Planc.* 17: *si populi quoque factum defendo, Laterensis, et doceo, Cn. Plancium non obrepsisse ad honorem, sed eo venisse cursu, qui semper patuerit hominibus ortis hoc nostro equestri loco, possumne eripere orationi tuae contentionem vestrum, quae tractari sine contumelia non potest, et te ad causam aliquando crimenque deducere?*

4   *TLL* 9.2, 145-147. For the argument here see also my contribution on *obrepo* to the *Thesaurus Linguae Latinae* podcast, at https://tllpod.podbean.com/.

overall argument of the prosecution was not that Plancius' campaign for aedileship evaded attention. It is therefore appealing to conclude that Laterensis used the word *obrepere* in a background sketch of the circumstances which led to Plancius' aedilician campaign. Central to such a narrative was presumably the fact that Plancius met the conditions for standing for aedile under the framework for political careers established by Sulla. Sulla's *cursus* made tenure of the quaestorship an essential precondition for standing for any of the higher magistracies, and therefore Plancius was only able to stand for the aedileship because he had been previously been elected to the quaestorship and held that office.[5] Laterensis' point would then be that Plancius had evaded proper scrutiny (which would have put a stop to a public career) at the point at which he was elected quaestor; as a result he *was* elected and able later to launch a campaign for the aedileship.

The idea that Laterensis was singling out the quaestorian rather than aedilician elections in his suggestion that Plancius had been elected to office without undergoing proper scrutiny gains strength from a consideration of the nature of the quaestorian elections in this period. These had undergone a very substantial transformation between the pre- and the post-Sullan periods because the increase in the number of positions as a result of Sulla's changes to the *res publica*: whereas Sulla had left the numbers of consuls and aediles unchanged, and increased those of the praetorship by a third (from six positions to eight), the number of quaestors rose by two-thirds (if there had been twelve previously) or one and a half (had there been only eight).[6] The overall effect on Roman elections of increasing competition for higher positions as a result of an increase in the number of candidates qualified to stand by holding the position of quaestorship has been noted.[7] The effect of the changes on the quaestorian elections, however, has been less discussed. In part this is because information about these elections is very limited. However, some indications can be observed from a theoretical consideration of the nature of these elections.

Quaestors, like tribunes of the *plebs* and plebeian aediles (as well as more junior positions such as *triumviri capitales*) were elected by the thirty-five

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5   Pina Polo – Díaz Fernández 2019: 51-52.
6   On the number of quaestors before Sulla, Prag 2014; Pina Polo – Díaz Fernández 2019: 25-35.
7   Brennan 2000: 391-392.

tribes. Each tribe returned a vote in favour of as many candidates as there were positions available; so in the quaestorian elections post-Sulla, each tribe would record a vote for the twenty candidates who received the highest tallies of votes from members of that tribe.[8] The actual number of votes which each candidate received from members of a tribe did not affect the result from the tribe as a whole: all twenty men with the highest number of votes within a tribe received one equal declaration from that tribe. Once all the tribes had voted the results were read out, tribe by tribe, in an order determined by the lot.[9] A candidate was elected as soon as eighteen tribes had declared for him and the count was concluded as soon as twenty candidates had received support from at least eighteen tribes. It was entirely possible at the point at which twenty candidates were declared elected, and the election therefore came to an end, for there to be other candidates who had obtained the support of eighteen or more tribes.[10] They were unsuccessful because the tribes that supported them had not yet been called at the point at which the required number of positions had been filled; their existence in no way undermined the legitimacy of the candidates who had been elected. As a result of this procedure, the identity of the twenty successful candidates was potentially determined by the lot, and those who were not elected might well have received the support of more tribes than those who were elected. All quaestors needed to receive support from a majority of the tribes; but the group of candidates for whom that was true could be larger than twenty, and in years when that was the case the identification of the successful candidates from

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8   For the mechanics of elections, Staveley 1972. It is not clear whether each voter was compelled to vote for twenty men but on balance it seems unlikely that ballots containing fewer names than twenty were rejected. The corollary is that some candidates were likely, at least in some tribes, to be elected by a very small number of votes, and their margin of victory over those who were unsuccessful to be small. There was no requirement for a candidate to secure votes above a particular threshold in order to secure the support of a tribe and it is thus theoretically possible for some candidates to secure the support of a tribe on a level of support well below 50% of voters. Sortition was used if the tally of votes from a tribe for two candidates was the same (Cic. *Planc* 53) but this does not indicate that there was a minimum number of votes required (presumably sortition was only important when the tie occurred for the final position).

9   The first tribe to declare was certainly chosen by lot. As an order of tribes existed (Crawford 2002; Taylor 2013: 69-78) it is possible that the declaration then proceeded in that order; but each tribe may have been drawn by lot for the purpose of election declarations. On procedure, Fraccaro 1913-1914; on the lot, Chillet 2025.

10   Staveley 1972: 177-181.

among those who met the qualifying threshold was a matter of luck (or Jupiter's will, depending on one's perspective).[11]

Assessing the extent of this element of luck in practice is impossible given how little we know about quaestorian elections: it would require knowledge of the number of candidates and the degree to which votes skewed towards particular candidates, and little information is preserved on either point.[12] Quaestorian elections do not feature among the striking electoral defeats that Valerius Maximus discusses, and despite Cicero's reference to unexpected results in elections lower in the *cursus*, only one of his examples in *pro Plancio* relates to the quaestorship, and that is an incident prior to Sulla's dictatorship.[13] But unless we are prepared to posit a situation in which all thirty-five tribes generally voted in exactly the same way as each other, then the quaestorian elections would create a situation in which a larger number of candidates than twenty received the support of between eighteen and thirty-five tribes, and the identity of those who were actually elected depended on the order in which the tribes were called.[14]

There was an element of chance, then, in the quaestorian elections. Taylor puts it thus: "But in general the Romans let Jupiter decide through the

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11   The thirty-five tribes, between them, deployed 700 'electoral mandates' in the quaestorian elections after Sulla (20 x 35), and no single candidate could receive more than 35 of these mandates as a tribe could not cast two votes for a single candidate. Only 360 of these mandates were in theory necessary to generate 20 successful candidates (each receiving the minimum of 18 mandates) so it is easy to see that many more candidates than 20 could meet the minimum threshold for election. In fact up to 38 candidates could meet this threshold in the post-Sullan period (that is, 700/18), though there is not clear if there were generally that number of candidates; fewer candidates increased the number of configurations in which all could reach the threshold of electability (I use the term 'electoral mandate', which I owe to Sema Karataş, in distinction to the votes cast by individual voters).

12   If we can believe Cic. *Vat.* 11-12, Vatinius was elected last – that is, twentieth – in the quaestorian elections in 64, and Sestius, at the same election, had the support of every tribe; but even this rare reference to a quaestorian election does not indicate how many candidates stood.

13   Val. Max. 7.5. At 52 Cicero observes that the consul of 94, C. Coelius Caldus, was not elected to the quaestorship. But the quaestorship was not, it seems, an essential part of the *cursus* prior to Sulla; and it is always possible that Caldus was successful on a second attempt.

14   This system also made it possible for fewer candidates to be elected than the number of vacancies, since no candidate could be elected unless he received the support of just over half the units. This is known to have happened in consular elections, and became likely as soon as there were more than twice the number of candidates as vacancies. But more than forty candidates seems unlikely as a regular occurrence for the quaestorship.

lot which winners of the majority of the tribes were to take office".[15] It is perhaps possible to extend this train of thought: the prominence of the lot in the quaestorian elections meant that the holders of the position were, almost inevitably, lucky. The *res publica* thus ensured through its voting practices that its magistrates, and, following Sulla's changes, all its senators, were favoured by the gods.[16]

However, the unpredictability of elections for more junior positions to which Cicero draws attention in *pro Plancio* may not have been the result solely of the use of the lot to determine the order in which the tribes declared their votes. The differential extent to which voters knew about the candidates for whom they were voting is also likely to have been a generator of surprise. Candidates for the quaestorship, a junior position, had had relatively limited opportunities to become known to voters. Some candidates will have held the post of *tribuni militum* and have acquired some sort of a profile, particularly to those they had served with, as a result of this office; others will have had a year as *triumvir capitalis* or *monetalis*. A few may already have spoken in the courts.[17] But these were not mandatory preliminaries to the quaestorship, and the degree of prominence they gave their holders was, in most cases, limited. Quaestorian candidates approached the Roman *populus* largely as unknowns, at least in terms of their personal qualities.

One element that was, however, knowable was family. The bias among the Roman electorate towards men from families with a history of holding public office hardly needs discussion.[18] But the mechanism by which family prominence translated into votes remains less clear. Was it that the people believed that a family history of public service made a candidate better qualified to hold office, did *nobiles* in general have more effective means of getting out the vote, or was the phenomenon explained, at least to some extent, by name recognition? Conversely, how did voters deal with candidates whose name they did not recognise? This possibility became much more likely after Sulla, when there were twenty quaestorian vacancies to fill each

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15   Taylor 1966: 82.
16   It is possible, too, that the use of the lot in elections may have been seen as a counter to corruption, including electoral bribery, as it appears to have been seen in the post-Sullan period in other contexts: Bothorel 2024; see also Sintomer 2023.
17   Steel 2016.
18   Gruen 1974: 162-201; Hopkins 1983: 31-119; Yakobson 1999: 184-227; Hölkeskamp 2010: 76-97.

year. The additional quaestors were not all to be found in families which had been senatorial before Sulla. The Roman people were inevitably faced with many candidates for whose election the decision-making proxies of the pre-Sullan age were not available.

By the time men stood for higher offices, they had, to a certain extent, acquired some sort of profile. From *pro Plancio* it is clear that performance in earlier offices was an element in voters' decision-making: Cicero discusses Plancius' military tribunate, quaestorship and tribunate of the *plebs* in the section which counters Laterensis' attacks, and he also remarks explicitly on the support that Plancius obtained from equestrian voters because of "his outstanding services during his quaestorship and tribunate towards that order".[19] In the absence of much of that kind of information, though, voters at the quaestorian elections faced less guidance for their decision.

One hypothesis might be that a family history of public office played a role in quaestorian elections, and did so because it was information in a situation with limited other sources of data. Generally, too, we can assume that the effect of this information was positive, without ruling out instances where a voter's knowledge of an uncle or father or grandfather acted against the candidate's interest. But this factor of family reputation will have been relevant to only a proportion of quaestorian candidates, particularly after Sulla's reforms tasked the Roman people with creating a senatorial elite twice the size of its pre-Sullan incarnation. Each year, voters at quaestorian elections were faced with a list of candidates: in all likelihood, many voters recognised only some of the candidates' names, and the number they recognised was less than the number of vacancies. Some voters may have responded by identifying fewer than twenty names on their ballot; others will have looked for guidance from others present at the election. But the suspicion must remain that some candidates were the beneficiary of votes bestowed largely at random.

My suggestion, then, is that when Cicero described the *leuiora comitia* as unpredictable, he was thinking particularly of the quaestorian elections. In the context of the *pro Plancio* this was a sleight of hand: the aedilician elections, as I discuss below, involved a different framework of voter knowledge, and his claim of randomness, favourable as it was to Plancius

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19   Cic. *Planc.* 24: *in illum ordinem summa officia quaesturae tribunatusque*; the more extended account of Plancius' earlier career is at *Planc.* 28. On the unpredictability of Roman elections in general, Jehne 2009-2010.

as an alternative to bribery, was more difficult to sustain. Moreover, there are good grounds for thinking that Cicero was correct in his analysis of the quaestorian elections. But it is important to note that this unpredictability was the result of a combination of two rather different forms of randomness. One was voters' choices, and the ways in which individual voters exercised their choice in the face of incomplete knowledge. The other was the operation of the lot, which was the final determinant of success among a larger group of candidates who secured the support of at least eighteen tribes. As a result, the list of those elected as quaestor each year was likely to combine men with rather different paths to success. There were men who had the support of most or all of the tribes, whose election was therefore largely immune from the operation of the lot: this being a group likely to overlap substantially with those candidates who were *nobilis*, though not necessarily confined to them.[20] And then there were men who 'got lucky' in the elections, either because they unexpectedly picked up enough votes to feature among the twenty candidates a tribe supported, albeit with a low number of individual votes relative to the other candidates supported by that tribe, or because the lot favoured them by calling the tribes that supported them early, or through some combination of both factors.

An element of luck was present in all elections where voting was by tribe, both before and after Sulla's reforms, given that the lot determined the order that the tribes were called. And even before Sulla the quaestorian elections were probably more prone to inexplicable voting insofar as candidates for it were less well known to the electorate than those seeking higher office. But I suggest that the unpredictability of these elections became more pronounced after 80 BCE precisely because of the huge expansion in the number of quaestors. Eight or twelve additional quaestors needed to come from somewhere. Wealth remained the fundamental determinant of capacity to stand for office, so they came from the existing equestrian class and, as time passed, from the wealthiest members of the communities enfranchised after the Social War. This expansion, in itself, was to a certain extent inevitable: there was almost certainly not enough capacity within the families that had been involved in Roman politics, and whose members held elected office, in the period before Sulla's dictatorship, to sustain a doubling in the size of the political class. But

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20   So, for example, Sestius' success (Cic. *Vat*. 11-12), elected to the quaestorship with support from every tribe; the highest office his father held was the tribunate of the *plebs* (Cic. *Sest*. 6).

the degree of chance built into elections in the *comitia tributa* through the lot amplified this openness. It would only have taken one or two surprising results in the first half of the seventies for an extensive group of men to realise that the quaestorship – and with it, senatorial status, and the influence and prestige that came with jury service – was potentially within their grasp. Why would many of them not have taken that opportunity? And, if so, the result would be to increase the effects of chance, at the level of individual votes as well as in the calling of tribes, and that in turn may have encouraged more men to consider the quaestorship.

The second phenomenon which was arguably linked to this degree of unpredictability was the development of methods to manipulate the vote. The nature of Roman voting, by unit, made the *distribution* of the vote between units vitally important. In such systems it is not enough to gain more votes than one's rivals; the votes must be distributed between units in such a way that there is sufficient support at the level of the unit. It would always have been apparent that the margins between success and failure could be as slim as the support of one tribe or century, which in turn could come down to a handful of votes.[21] The increased number of positions and consequent widening in the pool of candidates for the quaestorian elections will have increased the importance of distribution, particularly if some unexpected quaestors were being elected, and on the basis of small margins of votes within tribes as well as small or no margins in the tally of tribes. In addition, the electorate itself was transformed through the enfranchisement of Italy.[22] In such circumstances, and given such an electoral system, the value of *organising* support was considerable. In part this was to ensure votes clustered in particular tribes, which might, with a bit of luck in the draw, deliver a win; at a more sophisticated level, it may also have meant calibrating one's investments. The man who came twentieth in a tribe's voting carried it just as much as the man who came first; over-concentration could be as damaging to success as scatter.

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21   This would be even more evident if all the results leaked out. Reconstructions of the *comitia tributa* suggest that all votes were counted, with counters working across all the tribes, before the results of each tribe were read out, with the lot which determined that order drawn only after all the results were ready for declaration. If that was the case, then the results existed for the tribes whose votes had not in the end played a part in the results, in cases when twenty candidates had already been elected before they were called.

22   It remains unclear how and to what extent the newly enfranchised exercised their votes in this period, particularly prior to the census of 70 BCE.

It is, after all, perfectly reasonable to claim that the kinds of activities which legislation *de ambitu* and later *de sodaliciis* attempted to counter were at least in part attempts to *manage* voters as well as to *recruit* them: to turn support into victory by ensuring that it was present where it would make a difference. This was an environment in which expertise in manipulating the vote by tribes was a valuable skill. By the end of the Republic there was a well-developed landscape of election agents, who operated through and with tribal organisations and structures to deliver a tribe's vote to the candidates who employed them.[23] These agents were, it seems, influential and organised, to the extent that in 67 they disrupted attempts to pass anti-bribery legislation.[24] Despite the coyness of the *Commentariolum* about such methods, it is clear, not least from Cicero's two surviving speeches in cases of electoral bribery, that they were widespread and effective. The Roman people succeeded in monetising its votes, at no risk to themselves. And although most attested criminal cases of bribery involved more senior positions, we should not assume that candidates did not attempt also affect the voting in quaestorian elections. The margins between success and failure were small; consequently, the support of just one or two additional tribes might make the difference between success and failure. Bribery, in this system, did not need to be extensive to be effective.

It remains to consider the extent to which quaestorian elections differed in their degree of unpredictability from other elections. It should be recognised that virtually no election at Rome could ever be regarded as a certainty. There could be untoward occurrences during the campaign period, and in all elections margins of victory could be extremely close.[25] Newly enfranchised citizens did not necessarily fit into existing social networks through which the vote might be managed. And all elections in which voting took place by tribe were subject to the randomizing effects of the lot. What made quaestorian elections even more unpredictable than other elections in the post-Sullan period was the combination of its being a position for which candidates tended to be little known, because they were at the start of their careers, with

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23   Lintott 1990; Yakobson 1999: 22-43; Rosillo-López 2010: 49-85; Karataş 2019: 25-145. The existence of this expertise may well have facilitated the openness of quaestorian elections in the post-Sullan period which I discussed above.

24   Asc. 75C.

25   Val. Max. 5.3 (*On electoral defeats*) records six particularly striking electoral losses (see van der Blom's chapter in this volume); for a close consular election (in 64), Asc. 94C.

the expansion of the pool of candidates as a result of the increase in numbers of positions and the integration of Italy into the Roman *res publica*. It was in this environment that a man like Plancius could 'sidle into' office.

None of these arguments, it should be stressed, undermine the importance of the Roman people's capacity to *choose* when they voted. I do not seek to argue that quaestorian elections as a whole did not reflect the wishes of the electorate, working in tandem with the will of the gods as it had done previously, but rather to suggest that the sudden increase of the size of the quaestorian elections in 80 outstripped the capacity of the Roman people to care about *all* of the results. Sulla forced the electorate to collaborate with him in maintaining the size of his Senate by choosing twenty quaestors every year; it is not perhaps surprising if not all citizens responded with much engagement to this demand. And if that was the case, we might envisage an electoral process for the quaestorship in which most voters were clear that there were some candidates they wanted or needed to vote for, whether because they liked what they knew about that candidate, or there was a personal or community connection, or because their tribe had been targeted by that candidate's electoral machine, or for some other reason. But in the quaestorian elections that number, the number of candidates whom a voter actively supported, will in many cases have been fewer than twenty, and our hypothetical voter may not then have engaged in extended additional consideration before finalising his ballot. It is this point, namely the sheer volume of information required for full exercise of voting capacity, that separates the quaestorian elections from practices in elections for the more senior positions. The number of aediles remained at four and the consuls at two; and even though there were eight praetors in the post-Sullan *res publica* rather than six, the candidates for that position had by the time they stood for the praetorship almost a decade's experience since their election to the quaestorship. It was much easier for the voter – who, after all, was one of the citizens who turned up to vote, and who therefore might be expected to have some degree of engagement with the life of the *res publica* – to have a view on the praetorship than on the quaestorship.[26]

The quaestorian elections in the post-Sullan period established the parameters of the ruling elite, that is the members of the Senate. The task of choosing the Senate continued to sit with the citizen body, mediated through

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26 On the proportion of citizens who voted, Rafferty 2021; Morstein-Marx 2024; Rafferty 2024.

the gate-keeping by the existing elite in terms of accepting candidacies, and the gods through the operation of the lot.[27] It was an annual demonstration of consensus, with each element in the *res publica* performing its appropriate role. That consensus, however, did not depend upon, or require, detailed assessment of the qualities of each successful candidate; the entire process was predicated on the idea that more men were potential quaestors than were in fact elected, and no conceptual difficulty was involved in that arrangement. Hence, therefore, the unexceptionable possibility of the quaestor Cn. Plancius.

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27   On *professio*, Baudry 2018: 62-63. To my knowledge there is no evidence directly about *professio* for the quaestorian elections.

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LOWER-RANKING ELECTED OFFICES UNDER THE REPUBLIC: THE CASE OF THE *TRESVIRI CAPITALES*

Andrea Angius

Before outlining the topic and aim of this paper, it is worth briefly introducing the main characters of the story. The definition used in the title, "lower-ranking elected offices", is a rough translation of the Latin expression *minores magistratus*, frequently used in the ancient sources to refer to the magistrates below the aedileship. The following passage from Cicero's *De legibus* is probably the most relevant evidence of this meaning:[1]

> "Let there be several minor magistrates [*minoris magistratus*] over the several areas of divided jurisdiction. On military service let there be tribunes in command

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1 In these chapters (3.5-11), Cicero discusses the magistrates and their powers, beginning with the minor magistrates and ending with the consuls – the tribunes are treated separately, as if they were not magistrates. The term *minores* appears here for the first time in a literary source, but it is also indirectly attested for the earlier period in the *Fasti*, where higher magistrates are referred to as *maiores*. This usage must have become established by the time of Valerius Messalla Rufus's *De auspiciis* (fr. 1-2 in Gell. 13.15), composed after Caesar's death (cf. Dyck 2004: 445), although in this work *minores magistratus* means all magistrates ranking below the praetors: *Patriciorum auspicia in duas sunt diuisa potestates. maxima sunt consulum, praetorum, censorum.* [...] *reliquorum magistratuum minora sunt auspicia. ideo illi minores, hi maiores magistratus appellantur.* Cf. Livy 25.1.10-11, who refers to *IIIviri capitales* and aediles as *magistratus minores*. Vishnia 1989: 170, referring to Mommsen 1876²: 19-20, stresses the flexible and relative use of the distinction *minores / maiores magistratus* in our sources (see also Bleicken 1981: 265 with reference to Gellius' passage). For the Messalla Rufus fragment, see Vervaet 2014: 304-310; for further evidence of the difference between *minores* and *maiores magistratus*, see Cascione 1999: 38-49.

of those whom they are ordered to command. In civilian affairs let them guard the public funds, let them supervise the chains of the guilty, let them inflict capital punishments, let them publicly coin bronze, silver, or gold, let them judge lawsuits that have been joined, and let them perform whatever the senate shall decree".[2]

In this paper I will not discuss all the minor magistrates listed in this passage, but will focus only on those ranking below the quaestorship: those referred to in inscriptions as *uigintisexuiri*, i.e. "the board of twenty-six magistrates".[3] Who were they and what were they called? Although Cicero does not give their titles in our passage, they can be reconstructed very easily by comparing Cicero's evidence with other literary sources, first of all the roster of Republican magistrates given by Pomponius:

> "Then, as a magistrate was necessary to preside over public sales, *Decemviri* were appointed for deciding cases. At the same time *Quattuorviri* also were appointed who had supervision of the highways, and *Triumviri*, who had control of the mint, who melted bronze, silver, and gold, and capital *Triumviri*, who had charge of the prisons, so that when it was necessary to inflict punishment it might be done by their agency".[4]

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2   Cic. *Leg.* 3.6: <u>*Minoris magistratus*</u> *partiti iuris plures in ploera sunto. Militiae quibus iussi erunt imperanto eorumque tribuni sunto: domi pecuniam publicam custodiunto, uincula sontium seruanto, capitalia uindicanto, aes argentum aurumue publice signanto, litis contractas iudicanto quodcumque senatus creuerit, agunto* (translation from Zetzel 1999). It is well known that in the dialogue Cicero describes an imaginary constitution, and it has been noted that ch. 5 paraphrases a Platonic passage. However, in ch. 12 Quintus states that the brief description just given by his brother actually corresponds to the existing situation, with few innovations, and Marcus replies that this is the description that Scipio praises in the *De re publica*. The quaestors are not explicitly named, but they seem to be referred to indirectly by mentioning their characteristic functions, especially the management of the treasury (on the treatment of the quaestors in the passage, see bibliography in Cascione 1999: 35 n.118; cf. Dyck 2004: 445-447 *ad l.*)

3   To my knowledge, no comprehensive study has been written that is specifically devoted to the vigintisexvirate (or rather to magistrates below the quaestorship). The main discussions of these offices can be found in broader studies on Republican institutions (in particular Mommsen 1874: 556-571; De Martino 1973²: 257-262; Kunkel – Witmann 1995: 532-551) or in works dedicated to individual vigintisexviral boards, some of which are cited in the following notes. The most recently published article (Daguet-Gagey – Ferriès – Suspène 2023) examines the triumviral and Augustan phase of its development. Interestingly, two studies have been devoted to the later substitute of the vigintisexvirate, the vigintivirate, which was instituted around 13 BCE (Dio Cass. 54.26.5-7): Steiner 1974 and Hillebrand 2006.

4   *Dig.* 1.2.2.29-30: *Deinde cum esset necessarius magistratus qui hastae praeessent, decemuiri in litibus iudicandis sunt constituti. Constituti sunt eodem tempore et quattuoruiri qui curam uiarum agerent, et triumuiri monetales aeris argenti auri flatores, et triumuiri capitales qui carceris custodiam haberent, ut cum animaduerti oporteret interuentu eorum fieret* (translation from Scott 1932).

The lower magistrates ranking below the quaestors listed here are the *Xuiri stlitibus iudicandis*, the *IIIuiri capitales*, the *IIIuiri monetales*, the *IVuiri uiis in urbe purgandis*. To these boards of magistrates must be added two others that belonged to the vigintisexvirate: the *IIuiri uiis extra urbem purgandis* and the four *praefecti Capuam Cumas* (the earliest evidence of whom is in the *tabula Heracleensis*).[5] Strictly speaking, when we are dealing with magistrates ranking below the quaestors, we should also add the *tribuni militum*, even though they did not belong to the vigintisexviral board: this is a somewhat hybrid office, since even if it had exclusively military powers, it was nevertheless elective, and for this reason, as we shall see, it could sometimes be equated with a civil magistracy.[6]

In any case, the term *uigintisexuiri* is problematic, especially from a chronological point of view, since its use to refer collectively to the aforementioned magisterial boards is first attested in inscriptions from the Augustan age and may not predate the Caesarian age.[7] It was evidently coined at a time when the offices ranking below the quaestors were united and placed on the same level, almost as if they formed a single magisterial board.[8] It is likely that until Caesar the Romans regarded the various offices later grouped together under the vigintisexvirate as more distinct than they

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5   *CIL* 1² 593, ll. 50-51, 68-69. Mommsen 1874: 564-565, 569-571. The absence of these magistrates in the Ciceronian passage has been attributed to the fact that they are peripheral figures, whereas Cicero is here speaking of urban magistrates.

6   Dyck 2004: 446 (based on Mommsen) doubts that the *tribuni militum* can be considered magistrates, especially on the basis that they were salaried; however, it should be remembered that they are undoubtedly considered magistrates in the *lex de repetundis* of the Gracchan period, which will be commented on later.

7   Cf. *RE* VIII, c. 2571 ll. 11-14. Wiseman 1971: 151 n. 1; Kunkel – Wittmann 1995: 532 n. 2. The merging of the offices mentioned in Cicero and Pomponius into one single board known as *uigintisexuiri* can be inferred comparing them with Dio Cass. 54.26.6-7 and Festus, *Gloss. Lat.* 262: cf. Daguet-Gagey – Ferriès – Suspène 2023: 141.

8   This may have been the case in Caesar's time, when all *uigintisexuiri* seem to have shared the same *apparitores: CIL* XI 4575: *[Ti(berio) 3]io Vibi f(ilio) Clu(stumina) patri / [...]lio Ti(beri) f(ilio) Clu(stumina) fratri / [...]iae matri / [...]lius Ti(beri) f(ilius) Pup(inia) Clemens scr(iba) XXVI/[uirum trib(unus) m]il(itum) a populo IIuir iure dicundo Carsulis sex(ies) / [dierum(?) circ(ensium) e]x s(enatus) c(onsulto?) hic primus munus gladiatorium municipio.* It has been suggested that even in earlier times some of these officers, being subordinate to the same magistrates, shared the same *apparitores* (cf. *RE* VIII c. 2574, ll. 22-27) but it is unlikely that they ever merged into one single magisterial board (Kunkel – Wittmann 1995: 532-533). Cf. Daguet-Gagey – Ferriès – Suspène 2023: 148-149 for a broader discussion.

would later be, and – as we shall see – there must also have been a clear hierarchy of importance between the offices. They were certainly created separately at different times, although the sources do not help us to establish a precise chronology. It is likely that some of them were originally created as auxiliary officers appointed by other magistrates and they only became elective at a later date. Be that as it may, it seems likely that they were all operating as elective offices by the end of the 2nd century BCE.[9]

In keeping with the main topic of this book, I will not deal with the functions and prerogatives of the vigintisexviral magistrates, but will focus mainly on issues relating to their elections. More specifically, I will deal with the entry of vigintisexviral magistrates into the senate as a result of their election to those offices. Whether or not vigintisexviral magistrates constituted – by custom or by force of law – a stage in the cursus leading to the senate is of paramount importance in understanding their social and political standing. To address this issue, we will concentrate on the case of the *tresuiri capitales*, with a particular focus on the 2nd century BCE: I will attempt to demonstrate that, during this

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9   The most ancient among them might have been the decemvirate *stlitibus iudicandis*, if one accepts that this is the magistracy referred to in Livy 3.55.7, a passage that deals with the Horatian law from 449 (this was already Mommsen's opinion, rejected by many on the base of Pomponius' *Encheiridion* – *Dig.* 1.2.2.29, whose chronological accuracy however has been rightly questioned): see Ogilvie 1965: 501; Cascione 1999: 5-24. According to Livy *Per.* 11, the *IIIuiri capitales* would have been created in the context of the conquest of Sabina, between 292 and 284; this notice is at variance with Pomponius (*Dig.* 1.2.2.30) but seems confirmed by other passages: Val. Max. 8.1 *damn.* 5-6; *Dig.* 1.15.1 (Paulus); the frame is complicated by a fragment from Licinius Macer preserved by Livy 9.46.3 (see Cornell 2013, F 24), which implies the existence of the triumvirate even before the Sabine war – this apparent discrepancy is explained by Lintott 1968: 105 with the fact that before the Sabine war the magistracy existed with a different name, *IIIuiri nocturni*. Cascione 1999: 273 links their transformation into a proper magistracy to the enacting of a *lex Papiria* (Festus, *Gloss. Lat.* 468 L) somewhere around 190 BCE. Livy 9.20.5 (on whose value see Linderski 1979: 248 n. 5, and Oakley 2005: 266-267 *ad l.*) attests that the *praefecti Capuam Cumas* were instituted in the year 318, although some believe that in that year they were just appointed for the first time as an extraordinary magistrature (see *RE* VIII, c. 2572 II. 31-35; Beltramini 2020: 207-208, who places the beginning of their annual appointment after 211). For the establishment of the *quattuoruiri uiis curandis*, *Dig.* 1.2.2.30 suggests the same period of *capitales* and *monetales*, although many prefer to date *quattuoruiri* and *duouiri* to the 1st century BCE: cf. Cascione 1999: 5 n. 10 (an exception is La Rosa 1958: 14, who dates them between 242 and 227). As for the *monetales*, their creation might date around the same time, although some doubt that they were a regular magistrature at the beginning: see Pink 1952: 53-54. The transformation of the *tribuni militum* into elective officers was accomplished gradually between 367 and 202 BCE: see Cascione 1999: 35-36.

period, they represented the lowest office in the magisterial cursus, granting their holders direct access to the senatorial elite. The focus of the study will not be the electoral process in itself, but the implications of being elected as *tresuiri capitales*: triumviral elections do not seem to have had any technical peculiarity, but they had a crucial importance in the articulation of Roman society, as in the 2nd century BCE they represented the threshold between the *plebs* and the élite.

<div align="center">I</div>

Scholars have often wondered whether there was a connection between holding vigintisexviral offices and entering the senate, and if so, how direct this link was. Our sources provide no straightforward evidence,[10] but it is generally believed that in the Republican period the holding of vigintisexvirate offices was unrelated to the career leading to the senate: for although these offices, being elective, were magistracies in a technical sense, they were not part of the *cursus honorum* that allowed politicians to obtain a seat in the senate. In other words, those who wished to obtain a seat in the senate were not required to hold any of the magistracies of the vigintisexvirate; these posts would then represent a sort of separate career which, according to many scholars, was pursued by individuals who had no particular political ambitions. By examining some of the sources, I hope to show that this reconstruction presents some problems and needs to be at least partly revised.[11]

First of all, it is worth briefly recalling the basic mechanisms that regulated access to the senate throughout the republican age. Festus testifies that, at the end of the 4th century BCE, the Ovinian plebiscite gave the censors responsibility for senatorial membership, making them responsible for the selection of new senators.[12]

The *lectio senatus* took place every five years, and the number of new members varied according to the seats that became vacant through the death

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10   Cf. Pina Polo – Díaz Fernández: 2019: 62 n. 61.

11   During the Principate Augustus would turn this around: our sources explicitly state that he introduced the propaedeuticity of vigintiviral offices to the holding of magistracies that gave access to the senate: Tac. *Ann.* 3.29.1.

12   Festus, *Gloss. Lat.* 290 L: *Consules quoque et tribuni militum consulari potestate coniunctissimos sibi quosque patriciorum, et deinde plebeiorum legebant; donec Ouinia tribunicia interuenit, qua sanctum est, ut censores ex omni ordine optimum quemque curiatim in senatum legerent.* Cf. most recently Clemente 2019.

of former members or by the expulsion of living ones. Our sources suggest that it became customary to admit to the senate magistrates that were elected between two *lectiones senatus* who were not already members of the senate;[13] as a rule, those elected to the curule magistracies (praetors, consuls and, in most cases, aediles) were already members of the senate, so that the censors usually chose the new senators from among the minor magistrates ranking below the praetors or the aediles.[14] In fact, although, as we have seen, the *uigintisexuiri* are technically to be counted among the minor magistrates, the general opinion of scholars is that the censors only chose new senators from among the minor magistrates ranking above the *uigintisexuiri*, i.e. from among ex-quaestors, ex-tribunes of the *plebs* and ex-aediles: according to this custom, as mentioned above, the *uigintisexuiri* would not be among the magistrates usually considered by the censors for the selection of new senators.

A much-debated issue is when exactly the new senators were granted the *ius sententiae dicendae*,[15] that is the right to attend and vote in the sessions of the senate. Ancient sources attest that the magistrates, from whom the censors would choose the future senators at the next *lectio*, had this right even before they were

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13   Livy 22.49.15-17, making a list of illustrious casualties at Cannae, suggests that this custom was so strong as to be perceived as mandatory: *ambo consulum quaestores, L. Atilius et L. Furius Bibaculus, et undetriginta tribuni militum, consulares quidam praetoriique et aedilicii* [...] *octoginta praeterea aut senatores aut* <u>*qui eos magistratus gessissent unde in senatum legi deberent*</u> *cum sua uoluntate milites in legionibus facti essent* ("They included both quaestors of the consuls, Lucius Atilius and Lucius Furius Bibaculus, as well as 29 military tribunes, some of whom were former consuls, praetors, and aediles. [...] There were also 80 senators, or men who had held offices that qualified them for selection for the senate – these had themselves chosen to serve as soldiers in the legions"; translation from Yardley 2019).

14   This also seems to me to be implied by Livy 36.3.3, which summarizes the provisions of a 191 consular edict (cf. *infra* n. 40). The edict forbade men in three specific categories – clearly connected with the procedures for voting in the senate – to leave the city in view of the war against Antiochus: the first two are *senatores* [...] *quibusque in senatu sententiam dicere liceret*, that is regular senators and all those who had been magistrates after the last *lectio*; the third are current minor magistrates ([*qui*] *minores magistratus essent*); curule magistrates are not specifically mentioned, since it is assumed that they are already senators or already enjoy the *ius sententiae dicendae* (and are therefore included in the above categories) because of previously held offices.

15   This is not the same as the *ius referendi cum senatu*, which was held by the tribunes in charge from the 3rd century BCE: see Mommsen 1876²: 202. On the origin of the phrase *ius sententiae dicendae*, see Ryan 1993 and 1998: 82-87, who argues that it was only in imperial times that it described the right of ex-magistrates to vote in the senate. For its meaning as "the right to vote" (as well as to speak) see, in general, Ryan 1998: 77-78, 84; Tatum 2010: 192-194.

formally appointed:[16] this must have been because their appointment was considered highly probable or even taken for granted. The key passage comes from Varro and is preserved by Gellius in the section devoted to the origin of the word *pedarius*. It is worth quoting it in full, since the granting of the *ius sententiae dicendae* to ex-officers will play a central role in our later discussion:

> "Marcus Varro, however, in the Menippean Satire entitled Ἱπποκύων, says that some *equites* were called *pedarii*, and he seems to mean those who, since they had not yet been enrolled in the senate by the censors, were not indeed senators, but because they had held offices by vote of the people, used to come into the senate and <u>had the right of voting</u> (*sententiae ius habebant*). In fact, even those who had filled curule magistracies, if they had not yet been added by the censors to the list of senators, were not senators, and as their names came among the last, they were not asked their opinions, but went to a division on the views given by the leading members. That was the meaning of the traditional proclamation, which even today the consuls, for the sake of following precedent, use in summoning the senators to the House. <u>The words of the edict are these: 'Senators and those who have the right to express their opinion in the senate'</u> (*Senatores quibusque in senatu sententiam dicere liceret*)".[17]

Gellius (or Varro) implied that even curule magistrates might be found among the senators-to-be endowed with the *ius sententiae dicendae* – this would be the case of those who made a relatively rapid career from a minor to a curule office in the five years between two successive censorial *lectiones*[18] – but most *pedarii* must have been former minor magistrates, as Festus explicitly states.[19]

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16   See Vishnia 1989: 168 commenting on Livy 22.49.17 (quoted in n. 13 above): "the words *in senatum legi deberent* may be changeable with *sententiae dicendae ius haberent*".

17   Gell. 3.18.5-8: *M. autem Varro in satira Menippea, quae Ἱπποκύων inscripta est, equites quosdam dicit 'pedarios' appellatos uideturque eos significare, qui nondum a censoribus in senatum lecti senatores quidem non erant, sed, quia honoribus populi usi erant, in senatum ueniebant et <u>sententiae ius habebant</u>. Nam et curulibus magistratibus functi, si nondum a censoribus in senatum lecti erant, senatores non erant et, quia in postremis scripti erant, non rogabantur sententias, sed, quas principes dixerant, in eas discedebant. Hoc significabat edictum, quo nunc quoque consules, cum senatores in curiam uocant, seruandae consuetudinis causa tralaticio utuntur. <u>Verba edicti haec sunt: 'Senatores quibusque in senatu sententiam dicere licet</u>*; translation from Rolfe 1946²).

18   The case of someone directly obtaining a curule magistracy without first holding a minor one must have been much rarer. Some give a different interpretation of this passage: see Tatum 2010: 200-201.

19   Festus, *Gloss. Lat.* 454 L: *hi, qui post lustrum conditum ex iunioribus magistratum ceperunt, et in senatu sententiam dicunt, et non vocantur senatores ante quam in senioribus sunt censi*. Wiseman 1971: 97 does not seem to take this passage into account, which leads him to wrongly attribute the *ius sententiae dicendae* only to former curule magistrates, thus aligning with Willems 1878: 225, whose views are also discussed in Tatum 2010: 193-194. Vishnia 1989: 168 notes that Livy's wording in 22.49.15-17 (see n. 13 above) is consistent with Festus and Varro (n. 17), who attests to the former *minores magistratus*' right to vote in the senate.

In the second half of the 2nd century BCE[20] a plebiscite promoted by an unknown tribune named Atinius established a privileged route to the senate for the tribunes of the *plebs*: the interpretation of the text is controversial, but taken at face value it seems to imply that the tribunes would become senators ex officio either upon taking or leaving office, without therefore having to wait for confirmation by the censors.[21] The tribunes famously lost this

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20   The dating is controversial (see Vishnia 1989: 174-176). Some have suggested the year 149 BCE (based on a conjectural reconstruction of Livy frg. Oxyr. 50.107-108: Rossenbach 1910: 132-133, *ad l.*; Niccolini 1934: 129; Gabba 1955: 221), others the year 131 BCE (Vishnia 1989: 176), but the evidence of the so called *lex Acilia repetundarum* from the late 2nd century (*CIL* I² 583, on which see later in this paper), where tribunes are treated as magistrates who must wait for the censorial *adlectio* before becoming senators, suggests that the *plebiscitum* had not yet been passed (see already Willems 1878: 230-231; cf. Tibiletti 1953: 68; Tatum 2010: 205, 208 suggests the year 102 as *terminus post quem*) – unless we are to think that it did not give them direct access, but only the *ius sententiae dicendae*: see the following note.

21   Gell. 14.8.2: *M. autem Varro in IIII epistolicarum quaestionum et Ateius Capito in coniectaneorum IIII ius esse praefecto senatus habendi dicunt; deque ea re adsensum esse <se> Capito Tuberoni contra sententiam Iunii refert: 'Nam et tribunis' inquit 'plebis senatus habendi ius erat, quamquam senatores non essent ante Atinium plebiscitum* ("Marcus Varro in the fourth book of his *Investigations in Epistolary Form* and Ateius Capito in the ninth of his *Miscellanies* assert that the prefect has the right to convene the senate, and Capito declares that Varro agrees on this point with Tubero, contrary to the view of Junius: 'For the tribunes of the commons also,' says Capito, 'had the right of convening the senate although before the bill of Atinius they were not senators'"; translation from Rolfe 1946²). The interpretation of the passage I have just presented has been defended by Vishnia 1989 (who argues that tribunes became senators upon leaving office). I agree with her, except that she dates the plebiscite before the *lex Acilia repetundarum* (see previous note). The key evidence is the censorial attempt to expel Appuleius Saturninus in 102, who of course had to be a senator to be expelled and could only have become one as a result of his tribunate in 103 (App. *B Civ.* 1.28.126; Cic. *Sest.* 101: see already Willems 1878: 232; *contra* Tatum 2010: 205-207). For Gabba 1955 and more recently Tatum 2010 the *plebiscitum* gave the tribunes only the *ius sententiae dicendae*. Wiseman 1971: 97 states that it made the tribunes' enrollment mandatory by the censors (while the other holders of the *i.s.d.* could be *praeteriti* – see Festus, *Gloss. Lat.* 290), but implies that they had to wait for their *lectio* before they actually became senators – a similar view in Badian 1996: 202-204. Develin 1978 has been shown to be misleading by Vishnia and Tatum. The principle of automatic access to the senate might seem at odds with the attested cases of ex-tribunes holding the quaestorship (on which see Pina Polo – Díaz Fernández 2019: 62), since in such a system the quaestorship would rank lower than the tribunate – but for people of low social status who wanted to hold other magistracies, the quaestorship would be the only option, since higher offices would be out of reach for them. A further problem arises from the fact that according to Varro's definition of the *pedarii* (or rather Gellius' interpretation of them), as we have seen, even former curule magistrates had to be confirmed by the censors: the exemption of the tribunes from confirmation by the censors would then raise their prestige even above that of the curule

privilege, along with many others, under Sulla's reforms in favour of the quaestors: indeed, after making the tribunate a non-senatorial office, Sulla seems to have made it automatic for quaestors to enter the senate when their year of office was over.[22] The Sullan laws also established the order in which the magistracies were to be filled from the quaestorship onwards, thus for the first time giving stability to the *cursus* of the senatorial offices: the offices of the vigintisexvirate were excluded from this *cursus*.[23]

II

The picture I have just outlined is convincing for the period going from the 4th to the 3rd century BCE and for the post-Sullan age. However, I think that a reassessment should be made of the 2nd century; in particular, I believe that at that time the minor magistracies that could give access to the senate must have been more than just the quaestorship and the tribunate of the *plebs*. The key piece of evidence lies in the *lex repetundarum* of the Gracchan age: I believe that a careful reading of this text allows us to show that election to one of the vigintisexviral offices, that of *IIIuir capitalis*, and to the military tribunate guaranteed to their holders the *ius sententiae dicendae* when their year of office was over.

The *lex repetundarum* in question is the first listed by Crawford in his *Roman Statutes*.[24] It is usually dated to the Gracchan era, mainly because it excludes senators from the jury of the *de repetundis* court, a measure famously introduced by C. Gracchus.[25] The relevant passages in the text are five in

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magistrates, and would also imply a diminished role for the censors in the selection of new senators, since most of them would enter the senate regardless of their *lectio* – which may have been precisely the scope of the *plebiscitum Atinium* (see Vishnia 1989: 174). In any case, the censors still had the right to expel unwelcome tribunes at the next census.

22   As Mommsen has long argued (1888: 862-863 n. 1), there is no clear evidence that this was made mandatory by Sulla, but just like him, also many scholars today tend to take it for granted due to the fact that many regular senators in the post-Sullan era hold the rank of *quaestorii* without having been *adlecti* by the censors: see e.g. Pina Polo – Díaz Fernández 2019: 51. See Gabba 1955: 220 for a much more doubtful position and Santangelo 2006: 9-10, 12-13, for a more nuanced perspective.

23   Cf. Hamilton 1969: 187-188.

24   *CIL* I² 583. Crawford 1996: 39-53, 65-112; see also Lintott 1992: 10-33, 73-169.

25   Many believe that it is the *lex Acilia repetundarum*, while others prefer to interpret it as the Gracchan judiciary law. In any case, most scholars propose the year 123 BCE for its enactment, although Ferrary 2014 dates it before the year 111 BCE.

number and can be divided into two groups: the first two, near the beginning of the text, are those in which the legislator lists the active subjects of the crime; the other three are those in which the legislator lists the subjects who cannot be part of the *de repetundis* jury. Let us examine the two cases in detail, starting with the first.[26]

> 1 *[--- quoi socium no]minisue Latini exter//arumue nationum, quoiue in arbitratu dicione potestate amicitiau[e populi Romani ---]*
>
> 2 *[--- ab eo quei dic(tator), co(n)s(ul), pr(aetor), mag(ister) eq(uitum), cens(or), aid(ilis), tr(ibunus) pl(ebis), q(uaestor), IIIuir cap(italis), IIIuir a(greis) d(andeis) a(dsignandeis), tr(ibunus) mi]l(itum) l(egionibus) (quattuor) primis aliqua earum fu//erit, queiue filius eorum quoius erit, quoius pater senator siet, in annos singolos pequniae quod siet amp[lius (sestertium) n(ummum) ??? ---]*
>
> [--- from whomever of the allies] or of the Latin name or of the foreign nations, or from whomever within the discretion, sway, power or friendship [of the Roman people --- by that person who] shall have been [dictator, consul, praetor, master of horse, censor, aedile, tribune of the *plebs*, *IIIvir capitalis*, *IIIvir* for the granting and assigning of lands, tribune of the soldiers] for any one of the first four legions, or whoever shall be the son of any one of these, provided that his father be a senator, in any one year whatever money may be more than [??? Sestertii …
>
> 8 *dic(tator), co(n)s(ul), pr(aetor), mag(ister) eq(uitum), [cens(or), aid(ilis), tr(ibunus) pl(ebis), q(uaestor), IIIuir cap(italis), IIIuir a(greis) d(andeis) a(dsignandeis), tr(ibunus) mil(itum) l(egionibus) (quattuor) primis aliqua earum quei erit, dum mag(istratum) aut inperium habebit, ioudicium ---]*[27]
>
> … [Whoever shall be] dictator, consul, praetor, master of horse, [censor, aedile, tribune of the *plebs*, quaestor, *IIIvir capitalis*, *IIIvir* for the granting and assigning of lands, tribune of the soldiers for any one of the first four legions, while he shall hold a magistracy or imperium, a trial is not to take place ---]

Lines 2 and 8, as can be seen, define the subjects who could be indicted under this law. Among them are the holders of the curule magistracies (dictator, consul, praetor and aedile),[28] but also other magistracies: four regular magistracies – that is quaestors, tribunes of the *plebs*, *IIIuiri capitales*, military tribunes – and one special magistracy, the *IIIuiri agris dandis*

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26   Text and translation from Crawford 1996: 65-94.

27   The first part of the line is omitted because it is not relevant to the problems discussed here.

28   It is not surprising that the law makes no distinction between plebeian and curule aediles: nor does Livy in 22.49.15-17 (see Vishnia 1989: 168).

adsignandis. In addition to these, the legislator also makes their children indictable, with one restriction: only those whose parents are senators may be indicted. We shall return to this particular provision shortly. It should be noted that both line 2 and line 8 have a lacuna where the names of the magistracies were listed, except for some curule officers mentioned at the beginning of line 8 (*dic(tator), co(n)s(ul), pr(aetor), mag(ister) eq(uitum)*) and for the final part of the title of the *tribuni militum* which survives in line 2 (*mi]l(itum) l(egionibus) (quattuor) primis*). However, the missing titles can be confidently reconstructed by comparing the surviving ones with the list of magistrates recalled later in the text, at lines 13, 16 and 22 – the comparison shows several matching points of agreement, making it highly likely that the lists were identical – and other legal texts (especially the *lex Latina tabulae Bantinae*, commented on later in this paper, and the fragmentary law of *CIL* 1² 605).[29]

The second group of relevant passages are at lines 12-13, 15-16 and 22.

12 … *pr(aetor), quei inter peregrinos ious deicet, is //* in diebus (decem) *proxum(eis), quibus h(ance) l(egem) populus plebesue iouserit, facito utei* (quadringentos quinquaginta) *uiros legat,* <u>*quei in hac ceiuit[ate ---, dum nei quem eorum legat, quei tr(ibunus) pl(ebis), q(uaestor), IIIuir cap(italis), tr(ibunus) mil(itum) l(egionibus) (quattuor) primis aliqua earum,]*</u>

13 *[III ui]rum a(gris) d(andis) a(dsignandis) siet fueriue, queiue in senatu siet fueri{n}t(u)e, quei[ue mercedem ceperit quaestioneue ioudicioque puplico conde]mnatus siet quod circa eum in senatum legei non liceat, // queiue minor anneis* (triginta) *maiorue annos* (sexaginta) *gnatus siet, queiue in urbem Romam propiusue u[rbem Romam p(assus) m(ille) domicilium non habeat, queiue eorum quoius mag(istratuum), queiue eius, quei in senatu siet fueriue, pater frater filiusue siet …*

The praetor, who shall have jurisdiction in relation to foreigners, within the ten days next after the people or *plebs* shall have passed this statute, is to see that he choose 450 men, who in this state [--- provided that he do not choose any of those, who] may be or may have been [<u>tribune of the *plebs*, quaestor, *IIIvir capitalis*, tribune of the soldiers for any one of the first four legions, *IIIvir*</u>] for the granting and assigning of lands, or who may be or may have been in the senate, [or] who [may have received a payment or] may have been condemned [in a *quaestio* and *iudicium publicum*,] in relation to (either of) which it may not be

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29   Mommsen's arrangement of these lines is generally accepted in modern editions: see Venturini 1979: 91-100, esp. 92: "Sull'opportunità di tale integrazione non possono sussistere dubbi sostanziali". Cf. Cascione 1999: 59. As for the very fragmentary evidence of *CIL* I² 605, the presence of a list of magistrates in this text and the fact that it is certainly a legal text leave very few options for the interpretation of *uir*[--- in c. II l. 7, which is most likely the remaining part of a magisterial title where *uir* was preceded by a number (II, III, IV etc.).

lawful for him to be enrolled in the senate, or who may be younger than 30 or older than 60 years, or who [may not have his domicile] in the city of Rome or nearer [the city of Rome than one mile, <u>or who may be the father, brother or son of any of those magistrates, or of a man who may be or may have been in the senate</u> = ll.15-16

21 … *dum nei quern eorum legat,*]

22 *[utei ioud]ex siet, quoi is queiue ei, quei petet, gener socer uitricus priuignusue siet, queiue ei sobrinus[siet propiusue eum ea cognatione atingat, <u>queiue e]i sodalis siet, queiue tr(ibunus) pl(ebis), q(uaestor), IIIuir cap(italis), IIIuir a(gris) d(andis a(dsignandis), tribun(us) mil(itum) l(egionibus) (quattuor) prim[is aliqu]a{e} earum siet fueritue, queiue {queiue} in senatu siet fueritue</u>…*

provided that he do not choose] to be [a juror any of those persons,] to whom the man who shall sue may be related, or who may be related to the man who shall sue, as father-in-law, son-in-law, stepfather, or stepson, or who [may be] a cousin to him, [or may be a closer blood-relative to him than that, or who] may be a sodalis [to him,] or <u>who may be or may have been tribune of the plebs, quaestor, *IIIvir capitalis*, *IIIvir* for the granting and assigning of lands, tribune of the soldiers [for any one] of the first four legions, or who may be or may have been in the senate.</u>

Here, as mentioned, the law specifies which subjects cannot be appointed as members of the juries of the *de repetundis* court: these are the tribunes of the *plebs*, the quaestors, the *IIIuiri capitales*, the *IIIuiri agris dandis adsignandis*, the military tribunes,[30] and also, among others, anyone who is or has been a senator, their children and even other close relatives. This last specification, 'anyone who is or has been a senator', clearly serves to indicate that the curule magistrates are also included in the group, since their holders are usually already senators when they take office[31]. It is therefore clear that the subjects referred to in the two groups of passages are the same. One might wonder why, if the subjects are the same, two different formulae are used to refer to the curule magistrates, named individually at line 8 (*dic*(tator), *co*(n)*s*(ul), *pr*(aetor), *mag*(ister) *eq*(uitum)) and collectively in line 22 (*queiue in senatu siet fueritue*): the reason may be that in the first case the characteristic of the subjects listed that is relevant

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30   Pina Polo – Díaz Fernández 2019: 51 n. 4 (based on Suolahti 1955) remind us that "in the first century it was not unusual, at least until 69, that some who were already senators became military tribunes, an office that usually was held at the beginning of a political career before becoming a senator".

31   This reading has been convincingly proposed by Gabba 1955: 220-221 and is now widely accepted, see e.g. Develin 1978: 142; Venturini 1979: 92 n. 85.

for the purposes of the law is that they are magistrates[32] (even if their membership of the senate is also relevant, as shown by the fact that their children are only concerned if their fathers are or will be senators), whereas in the second case it is their being senators that matters.

This begs the question: why are these people specifically affected? The most obvious thing these figures have in common is that they hold a magisterial office. However, this cannot be the only one reason, for although they are all magistrates, not all existing magistrates are actually mentioned here: in fact, all the vigintisexviral offices are missing, with the exception of the *IIIuiri capitales*.[33] Why? Mommsen suggested that the reason for their exclusion was that at the time of this law, at the end of the 2nd century BCE, these offices were not yet elective.[34] This hypothesis, shared by most scholars,[35] seems to be contradicted by irrefutable evidence that at least one of the vigintisexviral colleges was elective around the middle of that century: the *elogium* of Cn. Cornelius Scipio Hispanus mentions the decemvirate *stlitibus iudicandis* among the elective offices he held.[36]

In my view, the reason why some elective offices were not included in the list of the *lex repetundarum* was that they were unrelated to the issues the law was intended to regulate: what made them negligible in relation to the law's aims was, in particular, their lack of connection to the senate, whose membership appears to have been considered crucial in the commission of the crime *de repetundis*. To put it more clearly, the law was not intended to limit the abuse of specific public offices, but of the social group to which some of them belonged, embodied by the senate. This explanation has been rejected by some scholars, but it seems to me to be the only one that makes sense of

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32 In the preceding passage on the same line, the law states: *de heisce, dum mag*(*istratum*) *aut inperium habebunt, ioudicium non fiet*. "A trial shall not take place concerning these men, while they shall hold a magistracy or *imperium*".

33 Even assuming, as some scholars do (see e.g. Wieacker 1988: 425-426 with n. 73; Cascione 1999: 59-60), that the list of magistrates is a tralatician feature common to most laws of the late Republican period, we still need to explain why not all magistrates are mentioned.

34 See Mommsen 1860: 367 on *IIIuiri monetales*.

35 See e.g. Wiseman 1971: 147.

36 *CIL* I² 15. Some have argued that the *Xuiri*, although already in existence, were not yet elective (see e.g. De Martino 1973²: 262). But this hypothesis is based on a circular argument, since it assumes that no other magistracy could exist at the time of the Gracchan *lex repetundarum*, for otherwise it would have been listed.

the lines concerning the magistrates' families.[37] Indeed, at first glance it may seem obvious that the magistrates mentioned in the text are the ones most likely to commit extortion,[38] but the provision that the magistrates' sons could only be involved if their fathers were (to be) senators means that it was their being senators that mattered, not their being magistrates. I suggest, therefore, that the reason why only some magistrates are recalled here, is that their office was strictly connected with a senatorial career,[39] whereas the office of those who are not mentioned, was not.

In order to better explain this point, let me elaborate on the crucial passages of the text (line 2) where it is explicitly stated that among the active subjects and those excluded from juries are not only magistrates, but also their children, provided that their fathers are senators. This limitation is crucial: on the one hand, it implies that not all the magistrates mentioned in the text are senators at the present time; on the other hand, it suggests that even those who are not senators, are likely to enter the senate in the future (note the future tense: *queiue filius eorum quoius erit*). In other words, the law states that in the future the sons of the magistrates now in service will only be indictable if their father has entered the senate in the meantime. In this light, it becomes clear that being a member of the senate is the distinguishing factor at play here: it is not being the child of a magistrate that makes the difference, but rather being the child of a magistrate who sits in the senate, or who will sit in the senate if *adlectus* by the censors at the next *lectio*. It is at this point that the previously given definition of *ius sententiae dicendae* as the right of ex magistrates to vote in the senate comes into play: indeed, all the minor magistrates listed in the law must be those who receive the *ius sententiae dicendae* at the end of their term of office. This conception of the senatorial

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37 Venturini 1979: 100, on the contrary, states: "I senatori non erano […] contemplati, in quanto tali, tra i possibili soggetti attivi del reato". Cf. Mommsen 1905: 26: *Lex enim de repetundis nequaquam directa est contra senatores, sed contra magistratus*. Nicolet 1972: 260 comes close to the interpretation I am trying to defend here: "on cherche manifestement un milieu sans contacts direct avec le sénat".

38 It has been noted that the presence in the list of magistrates concerned only with civic administration (just like the *IIIuiri capitales*) is at odds with the nature of the *leges repetundarum* as laws regulating abuses against foreign subject communities; however, Venturini 1979: 91-104 has argued that also Roman citizens could be passive subjects of the crime *de repetundis*.

39 Hamilton 1969, 186 n. 15, has a similar view, but does not draw the necessary conclusions.

body as consisting of senators proper and senators-to-be is not unparalleled, as we shall see. For now, suffice it to recall an episode that occurred in 191 BCE, concerning a consular edict issued in view of the war against King Antiochus III:

> "So absorbed was the whole community in arrangements and careful preparation for the war that the consul Publius Cornelius issued a proclamation to all Senators, to all with the right to vote in the Senate (*quibusque in senatu sententiam dicere liceret*), and to all minor magistrates. None of these could go so far from the city of Rome that he could not return in one day, and no more than five Senators should be simultaneously absent from the city".[40]

Here too, the *minores magistratus* seem to be included in a measure according to their special relationship to the senate. The order in which they are mentioned seems to reproduce a hierarchy due precisely to their senatorial *dignitas*: first those who are proper senators, then those who have the *ius sententiae dicendae* and are likely to become senators, then those who do not have the *ius sententiae dicendae* but will have it when they leave office.[41] To sum up, it seems reasonable to infer that the magistracies referred to in the *lex repetundarum* are, on the one hand, those which imply membership in the senate of the person holding them (consuls, praetors and aediles), and, on the other, those magistracies whose holders are eligible to the senate and therefore have (or will have at the end of their magisterial term) the right to participate and vote in the sessions of the senate.

The interpretation I have just outlined tells us nothing new with respect to the quaestorship and the plebeian tribunate, since access to the senate for former holders of these offices is indeed commonly recognized, as we have seen. What is striking, however, is the involvement of the *IIIuiri capitales* and the military tribunes: indeed, on the basis of my interpretation, their holders would be listed among those who could hope to be promoted to the senate at

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40 Livy 36.3.2-3: *Adeoque in apparatum curamque eius belli ciuitas intenta fuit, ut P. Cornelius consul ediceret, qui senatores essent quibusque in senatu sententiam dicere liceret, quique minores magistratus essent, ne quis eorum longius ab urbe Roma abiret quam unde eo die redire posset, neue uno tempore quinque senatores ab urbe Roma abessent* (translation from Yardley 2018). Cf. Cic. *Clu.* 148, quoting the *lex Cornelia de ueneficiis*: '*Qui tribunus militum legionibus quattuor primis, quiue quaestor, tribunus plebis*' – deinceps omnes magistratus nominauit – '*quiue in senatu sententiam dixit, dixerit.* [...] '*deque eius capite quaerito qui magistratum habuerit inue senatu sententiam dixerit, qui eorum coit, coierit*.
41 Cf. Vishnia 1989: 169.

the next *lectio* (while the magistrates not mentioned in the *lex* must therefore be those who did not hold the *ius sententiae dicendae* at the end of their term of office, that is all vigintisexviral magistracies except the *IIIuiri capitales* and the *tribuni militum*, whose rank must therefore have been higher than the others).[42] Of course the large number of ex-military tribunes and ex-triumvirs, in addition to the ex-tribunes and ex-quaestors, meant that in each censorial *lectio* there would be many more ex-officials eligible than the positions left vacant by dead or expelled senators[43]. The discrepancy may not have been dramatic, however, if one assumes that in the five-year interval between two *lectiones* some men would hold more than one of these offices.[44]

III

The special distinction that the *IIIuiri capitales* enjoyed among the *uigintisexuiri* at the end of the 2nd century BCE, according to the *lex repetundarum*, is also attested by another law from roughly the same period: I am speaking of the *lex Latina tabulae Bantinae*, probably to be identified with the *lex Appuleia de maiestate*.[45] In this law, too, the *IIIuiri capitales* are in fact equated with other magistrates, major and minor, once again in a context in which membership of the senate appears to be crucial.[46]

> 15 … *dic(tator), co(n)s(ul), pr(aetor), mag(ister) eq(uitum), cen(sor),*
> *aid(ilis), tr(ibunus) pl(ebis), q(uaestor),* <u>*IIIuir cap(italis)*</u>*, IIIuir a(greis) d(andeis)*

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42 Nicolet 1974: 889 cautiously outlined this idea: "il est probable que la première catégorie, sans être formellement inscrite sur l'album, se confondait avec ceux que les textes juridiques appellent *quibusque in senatu sententiam dicere licet*". Cascione 1999: 57 n. 224, who believes that this magistracy could not give access to the senate, seems to think that their presence in the list was necessary to cover the case of possible recruitment by means of extraordinary *lectiones*, referring to Willems 1878: 289. In contrast, Vishnia 1989: 172 claims that all *minores magistratus* possessed the *ius sententiae dicendae*, but as I have tried to show, those ranking below the *IIIuiri capitales* did not, as their exclusion from the list of magistrates in the *lex repetundarum* and other laws seems to prove.

43 Willems 1878: 164 has suggested an average rate of 45-50 dead senators every five years.

44 See also n. 30.

45 *CIL* I² 582. Crawford 1996: 193-208.

46 It should be noted that the *tribuni militum* are missing from this list: their absence is explained by Mommsen (*CIL* I, p. 47) as neglect of the engraver, while Crawford 1996: 207 links it to these magistrates' exclusively military role and their consequent unrelatedness to "legal processes in Rome". They are mentioned again in the Sullan *lex Cornelia de ueneficiis* (see above n. 40), where instead the *IIIuiri capitales* are not listed.

a(dsignandeis), ioudex ex h(ace) l(ege) plebiue scito 16 *[factus --- c.5 --- queiquomque eorum p]osthac factus erit, eis in diebus (quinque) proxsumeis quibus quisque eorum mag(istratum) inperiumue inierit iouranto,* 17 *[ita utei i(nfra) s(criptum) est.*

19 *... qu]ei ex h(ace) l(ege) non iourauerit is magistratum inperiumue nei petito neiue gerito neiue habeto neiue in senatu* 20 *[posthac sententiam deicito ne]iue quis sinito neiue eum censor in senatum legito. quei ex h(ace) l(ege) (iourauerit), is facito apud q(uaestorem) urb(anum).*

24 *[quei senator est erit queiue in senatu sententi]am deixerit post hance legem rogatam, eis in diebus (decem) proxsumeis quibus quisque [eorum sciet] [hance legem populum plebemue iusisse i]ouranto apud quaestorem ad aerarium palam luci per Iouem deosque Penat[eis ...*

whatever] dictator, consul, praetor, *magister equitum*, censor, aedile, tribune of the *plebs*, quaestor, triumvir capitalis, triumvir for the granting and assigning of land, judge [chosen] according to this statute or plebiscite [—, whoever of them] shall be chosen hereafter, within the five days next after any of them shall have entered upon his magistracy or imperium, they are to swear, [just as is written down below.

Whoever shall not have sworn according to this statute, is not to stand for or hold or have any magistracy or imperium, nor [is he hereafter to speak his opinion] in the senate [nor] is anyone to allow (him) nor is a censor to enroll him in the senate.

[Whoever is or shall be a senator or whoever] shall have spoken [his opinion in the senate] after the (successful) proposal of this statute, in the ten days next after any [of them shall know that the people or *plebs* have passed this statute,] they are to swear in the presence of the quaestor at the treasury, openly, before the light of day, by Jupiter and the ancestral gods[47]

In a pattern that repeats itself, it is specified here that in addition to the magistrates listed and the judges, all senators are also required to swear an oath; moreover, when it comes to magistrates, it is stated that those who do not swear cannot be *lecti* (i.e. selected) to the senate by the censors.[48] This seems to be further evidence that the distinction these laws seek to make between the magistrates they recall is based on their relationship to the senate: some of the magistrates are already members, while others are members-to-be

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47   Text and translation from Crawford 1996: 200-204.
48   There are parallels for the swearing of magistrates and senators in some other attested laws, namely the *lex de prouinciis praetoriis* of 101 BCE (Delphi Copy, Block C, ll. 8-15: only magistrates are obliged to swear, apart from the tribunes – for an explanation see Crawford 1996: 267-268), the *lex Appuleia agraria* of 100 BCE (App. *B Civ.* 1.29.131, 137; Plut. *Mar.* 29.2; *Cat. Min.* 32.5; Livy *Per.* 69; Flor. 2.4; these sources mention only senators, but this may be a simplification: cf. Gabba 1958 *ad l.*) and the *fragmentum Tarentinum*, probably from the same period (ll. 20-23). See Crawford 1996: 197.

with the right to attend senatorial assemblies and vote *per discessionem*. Making these distinctions explicit allows the legislator to clarify which magistrates are *not* involved, that is, all those who are neither senators nor are likely to become such in the near future: a category that includes all *uigintisexuiri* except the *IIIuiri capitales*.

It is difficult to establish whether the attribution of the *ius sententiae dicendae* to certain categories of magistrates was regulated by law or was the result of custom.[49] It seems clear, however, that the *ius* was granted to different magisterial colleges at different times.[50] In this respect, the picture painted by the *lex repetundarum* and the *lex Latina* for the end of the 2nd century BCE differs from the situation we can reconstruct for the end of the 3rd century. For this period, we can indeed draw some evidence from the story of the *lectio* of the dictator Buteo, as told in the book 23 of Livy:[51] in this case, neither the *IIIuiri capitales* nor the *tribuni militum* were counted among the magistrates

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49 Gabba 1955: 224 suggests that the *lex Villia annalis* introduced the provision by law – although many have argued that the *lex Villia* can only serve as evidence for the regulation of consulship, praetorship and aedileship: see Hamilton 1969: 187. See further below n. 51.

50 See Gabba 1955: 220. Quaestors seem to have had this right before 191: pp. 221-224. Vishnia 1989: 172 thinks that all ex-magistrates already enjoyed it by the time of the Second Punic War. Val. Max. 2.2.1 has been taken as evidence that quaestors did not yet enjoy the *i.s.d.* as late as the Third Punic War (Tatum 2010: 199), since it tells the story of Q. Fabius Maximus (cos. 145, *RE* n. 109) ignoring that his friend P. Crassus (Dives Mucianus), elected quaestor three years earlier, had not yet been *adlectus* by the censors and therefore – so the story goes – was not allowed to attend the senate sessions. But the passage strikes me as highly problematic, since it implies that a current praetor (the year would be 149, at the outbreak of the Third Punic War) is unaware that no censorial *lectio* has taken place in the past three years. Also problematic is the fact that Fabius is supposed to be on duty in Sicily in that year (Polyb. 36.5.8).

51 Livy 23.23.4-6: *in demortuorum locum sublecturum ut ordo ordini, non homo homini praelatus uideretur. recitato uetere senatu, inde primos in demortuorum locum legit qui post L. Aemilium C. Flaminium censores curulem magistratum cepissent necdum in senatum lecti essent, ut quisque eorum primus creatus erat; tum legit qui aediles, tribuni plebis, quaestoresue fuerant; tum ex iis qui <non> magistratus cepissent, qui spolia ex hoste fixa domi haberent aut ciuicam coronam accepissent.* On this episode see Gruen 1971: 96; Vishnia 1989: 168-169; Tatum 2010: 191-192; Clemente 2018: 208-209. Barber 2020a makes a convincing case for expunging Sigonius' <non> from the text. Barber 2020b touches on this episode in a broader discussion of the generational vacuum produced in the senate by the loss of almost all junior senators in the crucial war years 218-216/215, which resulted in the dominance of elder senators in subsequent years. It is possible that this circumstance and the discontent it provoked led to the extension of the *ius sententiae dicendae* to lower (and younger) offices such as *the IIIuiri capitales*.

eligible to enter the senate. It also seems likely that the plebiscite of Atinius, which gave the tribunes of the *plebs* automatic membership to the senate, was not yet in effect when the *lex repetundarum* was promulgated: indeed, the *lex* seems to place the ex-tribunes on the same level as the other ex-magistrates, who are simply endowed with the *ius sententiae dicendae*.

IV

From what has been said so far, it seems reasonable to conclude that at the end of the 2nd century BCE the magistracy of the *IIIuiri capitales* was an office of particular prestige among those of the vigintisexvirate, probably the most prestigious: at that time, it seems to have been considered just as eminent as the tribunate of the *plebs* and the quaestorship, not only because of its general importance, but also because its ex-holders, like the ex-tribunes and ex-quaestors, were among those eligible to the senate in the next censorial *lectio*.

How does this affect our understanding of the sociopolitical structure of public careers in the Republic? It has been shown that the *IIIuiri capitales* were sometimes men of humble origins. This challenges the notion that only men of high standing could access the senate.[52] Indeed, these individuals would typically be seated in the senate after their year of office and at least some of them must have become full senators at the subsequent *lectio*. Of course, not all *IIIuiri capitales* came from obscure beginnings: members of families of senatorial rank also held this position. The social promiscuity of the office has an important implication: if elections to the capital triumvirate provided a space for electoral confrontation between individuals from opposite sides of Roman society, we should assume that members of the elite did not consider it degrading to compete for the people's approval with men of much lower lineage. This suggests the presence of egalitarian elements in the Roman conception of political participation.

In any event, it is likely that the privileges enjoyed by the triumvirate were reduced before the Sullan reforms, possibly in response to the promulgation of Atinius' plebiscite concerning the automatic *adlectio* of tribunes: this measure significantly reduced the number of former magistrates that the censors could select to fill the vacancies left by deceased or expelled senators.

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52   Cascione 1999: 274-280.

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ELECTIONS AND ARMY
IN MID-REPUBLICAN ROME

Michele Bellomo

The role played by the army in the political struggles that marked the Roman Republic has been repeatedly stressed by scholars. In addition to the classic analyses of the late Republican period by Emilio Gabba, Peter Brunt and Lukas de Blois (to which more recent works, such as Rita Mangiameli's study, should be added),[1] in recent years an increasing number of scholars, starting from the military field and the analysis of the development of political interactions between *milites* and *imperatores*, have provided new keys for reinterpreting the most archaic history of Rome.[2] In this very rich panorama, the mid-Republican army has generally been neglected: on the one hand, no longer an army of *clientes*, and therefore deprived of those ties that would have bound the original military formations of the Early Republic; on the other hand, not yet a 'proletarian' militia, or, in any case, subordinated to the will of individual commanders through new forms of economic and personal dependence.[3] If such an interpretation, which tended to exclude direct and active participation of the mid-Republican army in the political life of the

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1 Gabba 1973 (=Id. 1976); Brunt 1971; de Blois 1987; Mangiameli 2012. All dates, where not explicitly expressed, are BCE.

2 See e.g. Drogula 2015; Armstrong 2016.

3 Even though the proletarian nature of the late Republican army has been seriously challenged by Cadiou 2018. On his interpretation, see the chapter of Marco Rocco in this volume.

period, could be supported until a few years ago, recent research on the economic and social composition of the Roman citizenry, and therefore of the armies recruited during this period, calls, in my opinion, for a re-examination of the whole question.[4]

Studies on the economic conditions of Roman farmers throughout the 4th-2nd centuries have demonstrated their constant growth. At the same time, the tiny differences between the minimum burdens of the five *census* classes meant that enriched soldiers could move between classes and enhance their political valour.[5] Furthermore, the increasing duration of military service, especially during the Second Punic War, created the prerequisites for a personal affiliation between soldiers and commanders. These factors promoted political consciousness, as has been shown by Dominic Machado, whose work has demonstrated how the armies of this period thought of themselves as political communities, with space for collective thinking and collective action.[6] Here, I will bring Machado's conclusions, mostly centered on what happened in military camps, into the heart of Roman politics.

This chapter aims to give examples of soldiers playing a significant role in the consular elections for the 3rd-2nd centuries. In particular, I will deal with three categories of soldiers: 1) men encamped in the Campus Martius waiting for the celebration of a triumph; 2) men on furlough, that during the winter months could be found in the nearby of Rome; 3) men enrolled in the urban legions with garrison duties (e.g. patrolling the walls, or summoned to the City awaiting for being enrolled). I will proceed with analyzing some case studies showing that the army was not merely a passive instrument of political influence but an active body capable of shaping electoral results through direct and indirect means. The increasing duration of military service, the shifting economic conditions of the Roman citizenry, and the fluidity of social mobility among soldiers all contributed to their emerging political agency. This investigation contributes to broader discussions on the development of Roman political institutions, the dynamics of electoral participation, and the mechanisms through which military influence shaped

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4   I am manly referring to the works of Rich 1983; Rathbone 1993; Loreto 1993; Rosenstein 2004; de Ligt 2007, 2012.

5   On the burdens of the five *census* classes: Rathbone 1993. Sp. Ligustinus, the famous centurion of the 2nd century, earned more than 40.000 asses during his long service, meaning that he could advance from the fifth to the third class. See *infra*.

6   Machado 2023.

the workings of politics. By integrating military history with the evolving scholarship on Republican elections, this study offers a fresh perspective on the political landscape of Rome during the third and second centuries.

I

That the participation of soldiers could play a decisive role in the outcome of elections is explicitly attested for the late Republican period by Cicero, who recalls how Lucius Murena owed his election as consul for the year 62 to the support of the veterans of the army of L. Licinius Lucullus – of which Murena had been a military tribune – who were then encamped in the Campus Martius waiting for the celebration of a triumph.[7]

Unfortunately, we do not have such detailed or chronologically precise accounts for the mid-Republican period. In some cases, however, it is possible to postulate very similar situations. Livy, for example, recalls that in 206, during the triumph celebrated by M. Livius Salinator and C. Claudius Nero (*coss.* 207) for the victory over the Carthaginian Hasdrubal at the Metauro river:

> "The *equites* greatly praised the legates L. Veturius and Q. Caecilius and urged the people to create them consuls for the next year; their praises were renewed the following day by the consuls themselves during a public meeting, in

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7   Cic. *Mur.* 18.37-38: *Horum utrumque ei fortuna ad consulatus petitionem reservavit. Nam et L. Luculli exercitus qui ad triumphum convenerat idem comitiis L. Murenae praesto fuit... num tibi haec parva videntur adiumenta et subsidia consulatus, voluntas militum, quaeque cum per se valet multitudine, cum apud suos gratia, tum vero in consule declarando multum etiam apud universum populum Romanum auctoritatis habet, suffragatio militaris? Imperatores enim comitiis consularibus, non verborum interpretes deliguntur* ("Fortune provided him with the advantages of both the circumstances in the candidacy for the consulship. Because the army of Lucullus had come to Rome for the celebration of the triumph exactly at the time of the consular elections…Do you think that the will of the soldiers is of small help and advantage during these elections? Their vote, which is of great value due to their number and the influence they could play on their relatives, is also of great authority on the rest of the Roman people in the context of the consular elections: because in these elections they choose commanders and not men of law"). According to Plutarch, the army Lucullus brought back for the triumph consisted of only 1,600 soldiers, most of whom were angry with Lucullus for the long and hard service (*Pomp.* 31.9; *Luc.* 36.4). It should be noted, however, that a bad temper with the commander did not automatically mean a bad temper with one of the officers. See *infra* the case of L. Aemilius Paullus, and what Plutarch says about Murena's different attitude (*Luc.* 19.9). All translations, were not explicitly expressed, are mine.

which they mostly honoured the deeds of the two legates. When the time for the elections came, and it seemed right to hold them through a dictator, the consul C. Claudius named as dictator his colleague M. Livius, and Livius chose Q. Caecilius as his magister equitum. The dictator M. Livius proclaimed as consuls L. Veturius and Q. Caecilius, the same man who was his magister equitum. Then the praetorian elections took place. They created C. Servilius, M. Caecilius Metellus, Ti. Claudius Asellus, Q. Mamilius Turrinus, who at that time was plebeian aedile. Once the elections were completed, the dictator left his office, dismissed the army and went to Etruria, by order of the Senate, to conduct judicial investigations".[8]

The invitation was apparently accepted, as both men were duly elected. The most interesting aspect of the episode, however, is that the dictator in charge of the elections – none other than one of the two consuls of the previous year – did not dismiss the army that had just triumphed until *after* the results of the vote had been announced.

Similar cases of elections influenced by the vote of a triumphant army could be those which, at the beginning of the 2nd century, saw some proconsuls returning from the Iberian Peninsula elected to the consulship shortly after receiving some form of public recognition.[9] Apart from the famous case of P. Cornelius Scipio (Africanus) in 205, whose election as consul was due to many factors,[10] we can think of L. Cornelius Lentulus, proconsul in Hispania from 205 to 201, who was greeted with an *ovatio* on his arrival in Rome in

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8   Livy 28.9.19-10.4: *Equites L. Veturium et Q. Caecilium legatos magnis tulisse laudibus hortatosque esse plebem, ut eos consules in proxumum annum crearent; adiecisse equitum praerogativae auctoritatem consules postero die in contione, quam forti fidelique duorum praecipue legatorum opera usi essent, commemorantes. Cum comitiorum tempus adpeteret et per dictatorem comitia haberi placuisset, C. Claudius consul M. Livium conlegam dictatorem dixit, Livius Q. Caecilium magistrum equitum. A M. Livio dictatore creati consules L. Veturius Q. Caecilius, is ipse, qui tum erat magister equitum. Inde praetorum comitia habita. Creati C. Servilius M. Caecilius Metellus Ti. Claudius Asellus Q. Mamilius Turrinus, qui tum aedilis plebis erat. Comitiis perfectis dictator magistratu abdicato dimissoque exercitu in Etruriam provinciam ex senatus consulto est profectus ad quaestiones habendas.*

9   These cases have not been deeply analyzed by modern scholars. A brief exception is Rosenstein 2022, who, however, downplays the decisive role of soldiers as voters in these contexts.

10   Scipio represented the hopes and the interests of those who wished for a decisive change of strategy in the war against Hannibal. According to Livy, he won the elections with the highest number of votes ever recorded (Livy 28.38.6-7). An exaggeration, of course, but we may believe that after a successful five-year campaign in Hispania, he was seen as the right man to be elected as consul. The soldiers he brought back from Hispania certainly played a role, but not so decisive for the outcome of the elections.

200 and duly elected consul in the following elections.[11] Or we can consider the cases of Q. Fulvius Flaccus (*cos.* 179) and Ti. Sempronius Gracchus (*cos.* 177). The former was elected consul a few days before the celebration of his triumph (i.e. with the army encamped at the city gates);[12] the latter won his consulship shortly after the parade, which, according to the *Fasti triumphales*, took place on 3rd February, very close to the time of the elections, when the soldiers could be kept near the city to cast their votes before returning to their homes.[13]

Unfortunately, literary sources do not always provide sufficient clarity to establish a definitive temporal – and therefore causal – link between the celebration of a triumph and subsequent consular elections. Often, the only chronological data available come from the *Fasti Triumphales*. To this source, we owe evidence of what may have been one of the earliest political use of a triumphant army.[14]

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11 Livy 31.20.1-7, 49.12.

12 Livy 40.43.4-5: *Q. Fulvius Flaccus ex Hispania rediit Romam cum magna fama gestarum rerum; qui cum extra urbem triumphi causa esset, consul est creatus cum L. Manlio Acidino, et post paucos dies cum militibus, quos secum deduxerat, triumphans urbem est invectus* ("Q. Fulvius Flaccus came back to Rome from Hispania with great fame for his deeds; and while he was encamped outside the city for the celebration of the triumph, he was created consul with L. Manlius Acidinus. After a few days, he entered the city triumphantly with the soldiers he had brought back with him").

13 Livy 41.7.1-4, 8.1: *Triumphi deinde ex Hispania duo continui acti. Prior Sempronius Gracchus de Celtiberis sociisque eorum, postero die L. Postumius de Lusitanis aliisque eiusdem regionis Hispanis triumphavit. Quadraginta milia pondo argenti Ti. Gracchus transtulit, viginti milia Albinus. Militibus denarios quinos vicenos, duplex centurioni, triplex equiti ambo diviserunt, sociis tantumdem quantum Romanis. Per eosdem forte dies M. Iunius consul ex Histria comitiorum causa Romam venit... consules creati C. Claudius Pulcher Ti. Sempronius Gracchus* ("Then two triumphs for the victories reported in Hispania were celebrated. First, Ti. Sempronius Gracchus on the Celtiberians and their allies, then, on the following day, L. Postumius on the Lusitanians and other tribes of the same region. Gracchus brought back in the treasury forty thousand pounds of silver, Albinus twenty thousand. The soldiers received twenty-five denarii, the centurions the double, and the *equites* the triple of that sum; the allies were paid with the same sums. During the same days, the consul M. Iunius returned from Istria to hold the elections […] The elections were held. C. Claudius Pulcher and Ti. Sempronius Gracchus were created consuls"). For the date of the triumph Cfr. Inscr. Ital. 13.1.81: *[Ti. Sempronius P. f. T.]i. n. Grac[chus] a. DLX[XV] / [pro co(n)s(ule) de Celti]bereis Hispaneisq(ue) III non. F[ebr.].* (Tiberius Sempronius Gracchus, son of Publius and nephew of Tiberius, triumphed as proconsul on the Celtiberians and the Hispanic tribes on the third day before the Nonae of February, in the 575th year after the foundation of Rome).

14 On the reliability of the *Fasti Triumphales* see Rich 2014.

Following a prolonged period in which triumphs were predominantly celebrated at the end of summer or the beginning of autumn, the *Fasti* indicate that, from the 3rd century onwards, triumphs increasingly occurred between the end of winter and the beginning of spring. This shift has already been analyzed by Nathan Rosenstein, who interpreted it as evidence that military campaigns extended beyond the traditional summer months, with soldiers remaining under arms during the winter, well before the 2nd century.[15] However, I argue that this pattern also conceals significant political implications.

This series of spring triumphs was inaugurated by L. Postumius Megellus, who celebrated a triumph over the Samnites and Etruscans on 27 March 293.[16] As is well documented, this triumph faced considerable opposition from both the senate and a significant portion of the tribunician college. Megellus was ultimately able to celebrate the triumph only by appealing to the 'will of the people.'[17] While existing scholarship on the institutional nuances of this triumph has not sought to identify the specific segment of the populace Livy describes as the 'people',[18] I propose that this group can be identified as the men of Megellus' army, encamped in the Campus Martius, along with their likely accompanying relatives who had gathered in Rome for the anticipated celebration. The presence of these individuals, I argue, was strategically leveraged by the consul as a means of exerting pressure on both the senate and the dissenting members of the tribunician college.[19]

There may, however, be more to consider. In the following year, one of the newly elected tribunes of the *plebs* attempted to prosecute Megellus – likely due to his conduct during the triumph – but the case was dismissed following the intervention of one of the consuls, Sp. Carvilius Maximus, with whom Megellus had chosen to serve as *legatus*.[20] Although the sources are silent on this matter, I propose a particular interpretative framework for

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15   Rosenstein 2004: 31-35.

16   Livy 10.37.6-8. *Inscr. Ital.* 13.1.73: L. *Postumius L. f. Sp. n. Megell(us), an. CDLIX / co(n)s(ul) II, de Samnitib(us) et Etruscis VI k. Apr.* (Lucius Postumius Megellus, son of Lucius and nephew of Spurius, triumphed as consul for the second time on the Samnites and the Etruscans on the sixth day before the Calends of April, in the 459th year after the foundation of Rome).

17   Livy 10.37.9-12. *Voluntas ac favor consentientis populi* is the formula used by Livy to express the will of the people.

18   See especially Firpo 2007: 110-112 and Pittenger 2008: 43.

19   Cfr. Bellomo 2021: 75-78.

20   Livy 10.46.16.

understanding the broader implications of this episode. In my view, it is highly plausible that Sp. Carvilius Maximus entered into an agreement with L. Postumius Megellus in the spring of 293. In this hypothetical pact, Maximus may have sought the support of Megellus' troops for the upcoming consular elections (the triumph having been celebrated at the end of March, a period when consuls typically assumed office during this period).[21] In return, Maximus could have guaranteed Megellus a position within his *consilium* and thus protection from potential political retribution.[22]

If this reconstruction is accurate, it would challenge a common objection to the theory of the political use of a triumphant army: the claim that a consul celebrating a triumph would have neither the motive nor the opportunity to pursue office in the subsequent year. This objection overlooks the possibility that such an army might instead be mobilized to bolster the candidacy of allies and friends, particularly those who had served as legates or lieutenants under the triumphator.[23]

This appears to have been the case with L. Quinctius Flamininus, who was elected consul in 192, largely – if not primarily – due to the renown of his brother Titus, who had celebrated a remarkable triumph just over a year earlier, marking the end of the Second Macedonian War. This fraternal connection enabled L. Quinctius to prevail against formidable opposition, most notably P. Cornelius Scipio Nasica, who was himself closely related to another iconic military figure, P. Cornelius Scipio Africanus.[24]

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21   On the beginning of the consular year during this period see Pina Polo 2011: 13-20; Bellomo 2025.

22   Sp. Carvilius Maximus' role was decisive in the acquittal of Megellus. See Livy 10.46.16: *favor consulis tutatus ad populum est L. Postumium* ("The backing of the consul protected L. Postumius before the people").

23   As in the already analysed case of 206, but a very similar episode is found in 292, when Decimus Brutus Scaeva, also legatus of Sp. Carvilius Maximus - who celebrated a triumph in January - was elected consul for the year 292. See Livy 10.47.5.

24   Livy 35.10.1-9. See especially 7-9: *in Quinctio nova et recentia omnia ad gratiam erant; nihil nec petierat a populo post triumphum nec adeptus erat. pro fratre germano, non patruele se petere aiebat, pro legato et participe administrandi belli; se terra, fratrem mari rem gessisse. his obtinuit, ut praeferretur candidato, quem Africanus frater ducebat, quem Cornelia gens Cornelio consule comitia habente, quem tantum praeiudicium senatus, virum e civitate optimum iudicatum, qui matrem Idaeam Pessinunte venientem in urbem acciperet* ("In contrast, everything about Quinctius was new and fresh, appealing to the people's favor. He had neither sought nor obtained any office from the people after his triumph. He claimed to be seeking office on behalf of his full brother, not a cousin, and as a comrade and

In this context, Livy's juxtaposition of the recent (*recentior*) acclaim of T. Quinctius Flamininus with the more distant but enduring fame of Scipio Africanus (*maior gloria*) raises a critical question: given the pivotal role of the army in supporting candidates during the consular elections, how long could a Roman aristocrat depend on such allegiance? To what extent was it possible to secure and sustain the loyalty of the troops?

To address these questions fully, it would be necessary to reconstruct the histories of individual legions and legionaries – a task beyond the reach of our available sources. However, an invaluable insight comes from the testimony of the celebrated centurion Sp. Ligustinus, whose career Livy recounts in detail in Book 41, in the context of the preparations for the Third Macedonian War.[25] During his lengthy military career, Sp. Ligustinus served under several commanders. He first joined, apparently as a volunteer, the army of P. Sulpicius Galba (*cos.* 200), fought under him and T. Quinctius Flamininus (*cos.* 198) in Greece, and then served in Hispania with M. Porcius Cato (*cos.* 195). Subsequently, he participated in campaigns in Macedonia under M.' Acilius Glabrio (*cos.* 191) and in Italy (with unknown commanders). Finally, he returned to the Iberian Peninsula with Q. Fulvius Flaccus and Ti. Sempronius Gracchus.

The passage has been the subject of extensive study, including in recent scholarship.[26] It is objectively difficult to ascertain the historical accuracy of Ligustinus' profile. Even if we assume that Livy found this detailed account in a contemporary work – such as Cato's *Origines* – this would not automatically confirm its historicity, as Ligustinus could very well have been constructed as an *exemplum*. That said, it is entirely plausible that, in 171, there were several soldiers who had accumulated military experience similar to that of Ligustinus. The professionalization of the Roman army in the first part of the 2nd century

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participant in the conduct of the war: he himself had fought on land, while his brother had conducted operations at sea. These arguments won him the preference over the candidate whom Scipio Africanus, his brother, supported – despite the fact that the Cornelian family, with Cornelius serving as consul, held the elections, and despite the overwhelming endorsement of the senate, which had judged him the finest man in the state, worthy to receive the goddess Cybele (the Great Mother) as she came from Pessinus to Rome"). On the political conflicts of this period, see now Zanin 2024: 81-189.

25   Livy 42.34.1-11.
26   See Biglino 2020; Taylor 2020 and the comments of Gnoli 2023.

is extremely likely, corroborated above all by Polybius' account. What we can do is analyze the paradigmatic account of Ligustinus to draw broader reflections, including those of a political nature. Ligustinus recounts that he was among the soldiers selected by Q. Fulvius Flaccus in 179 to accompany him to Rome and participate in his triumph. This selection, as we have seen, must have been motivated by political considerations – specifically, to bolster Flaccus' electoral support in anticipation of his immediate candidacy for the consulship. However, Ligustinus' apparent political affiliation with Flaccus did not prevent him from subsequently enlisting in the army of Ti. Sempronius Gracchus. This might be striking given that, in 180, Gracchus had engaged in a protracted and acrimonious dispute with Flaccus over the latter's ability to repatriate troops from the Iberian Peninsula, indicating that the two men were certainly not allies.[27]

Ligustinus' case exemplifies how qualified soldiers of this period could transfer their services, both military and political, between different leaders. This dynamic underscores the importance of investigating the interplay between military and political spheres to better understand the nature of Roman political competition in the mid-Republican period.

The need to carefully cultivate and sustain soldiers' loyalty – and, consequently, their political support – is further demonstrated by the well-known case of the triumph of L. Aemilius Paullus (*cos.* 168), victor of the Third Macedonian War. On this occasion, Livy recounts how soldiers played a decisive role in the debate surrounding the triumph, which was jeopardized by the opposition of one of Paullus' military tribunes, Ser. Sulpicius Galba.[28] This episode provides clear evidence of the potential for soldiers' interventions to influence the outcome of critical votes.

However, the episode also reveals a deeper political dimension. In the consular elections following the triumph, celebrated in late November, M. Claudius Marcellus and C. Sulpicius Gallus were elected consuls. Gallus, notably, had served as a lieutenant under L. Aemilius Paullus in Greece only a few months earlier. Livy recounts an anecdote in which Gallus, left in charge of the winter camps by Paullus, was reprimanded by the proconsul for

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27   On the conflict between the two men see Livy 40.35.10-36.4.
28   Livy 45.35.4-9.

being overly lenient with the soldiers.[29] Given these two facts, it is difficult not to conclude that Gallus maintained this leniency deliberately, with an eye toward the upcoming consular elections. He likely capitalized on the soldiers' presence in Rome for L. Aemilius Paullus' triumph to convert his investment in their goodwill into electoral support, thereby securing his successful bid for the consulship.

II

Triumphs were not the only occasions when individuals aspiring to the consulship could bring soldiers to Rome, hoping to secure their votes. Another notable opportunity arose during the winter season, when soldiers on active duty were granted leave. Explicit evidence of this practice exists from the late Republican period. Both Plutarch and Cassius Dio recount that, following the conclusion of the so-called 'Lucca Agreements' in the winter of 56/55, Caesar dispatched some of his soldiers to the capital to facilitate the election of Crassus and Pompey as consuls.[30] Similar cases can also be identified – or reasonably hypothesized – during the mid-Republican period, when this option was arguably more feasible, particularly during campaigns conducted within the Italian peninsula.[31]

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29 Livy 45.28.10: *ceterum postquam in castra ad Amphipolim venit, graviter increpuisse traditur C. Sulpicium, primum quod Persea tam procul a se vagari per provinciam passus esset, deinde quod adeo indulsisset militibus, ut nudare tegulis muros urbis ad tegenda hibernacula sua pateretur.* ("Moreover, after he arrived at the camp near Amphipolis, he is said to have severely rebuked Gaius Sulpicius. First, because he had allowed Perseus to roam so far across the province without confronting him, and second, because he had so indulged the soldiers as to permit them to strip the city's walls of their tiles to cover their winter quarters").

30 Plut. *Pomp.* 51.4: Κράσσῳ δὲ καὶ Πομπηΐῳ πρὸς αὐτὸν ἐγένοντο συνθῆκαι, μετιέναι μὲν ὑπατείας ἐκείνους καὶ Καίσαρα συλλαμβάνειν αὐτοῖς, πέμποντα τῶν στρατιωτῶν συχνοὺς ἐπὶ τὴν ψῆφον ("Pompey and Crassus were to stand for the consulship, and Caesar was to assist their candidacy by sending large numbers of his soldiers home to vote for them"; Dio Cass. 39.31.2: οὔτ᾽ οὖν ἀντιστάντος τινὸς τὴν ἀρχήν, καὶ προσέτι τοῦ Πουπλίου Κράσσου, ὃς υἱός τε τοῦ Μάρκου ἦν καὶ τότε τῷ Καίσαρι ὑπεστρατήγει, στρατιώτας ἐπ᾽ αὐτὸ τοῦτο ἐς τὴν Ῥώμην ἀγαγόντος, οὐ χαλεπῶς ᾑρέθησαν ("Since no one opposed their power, and moreover, Publius Crassus, who was the son of Marcus and at that time serving under Caesar as a subordinate general, had brought soldiers to Rome for this purpose, they were elected without difficulty").

31 On the administration of the Mid-republican army see Pearson 2021. One of the most famous cases of furlough happened in 170/169, when the soldiers serving in Macedonia were granted a leave and were unwilling to come back to their service. Livy (43.11.10) highlights how the consul L. Aemilius Paullus accused the *tribuni militum* of his army of being too lenient with the soldiers, in an attempt to win their favour.

One of the most contentious and frequently debated electoral events of the Second Punic War – a period already rife with controversy – was the election of Q. Fabius Maximus and M. Claudius Marcellus during the winter of 215/214. As is well known, Livy reports that Q. Fabius Maximus, who had been elected consul the previous year and was responsible for organizing the new elections, leveraged his considerable influence and the authority of his office to exclude two candidates – T. Otacilius Crassus and M. Aemilius Regillus – who had already received the backing of the *centuria praerogativa*.[32] In their stead, Fabius 'advised' the centuries to nominate two commanders deemed capable of countering the Hannibalic threat. The voters, apparently amenable to his suggestions, elevated Fabius himself to the consulship and selected M. Claudius Marcellus as his colleague.

This episode has given rise to various interpretations. Some scholars view the outcome as the realization of a carefully orchestrated strategic plan by Fabius and Marcellus, both of whom were eager to secure the consulship to ensure continuity in the military operations already underway in Campania in 215.[33] Others interpret Marcellus' election as a potential affront to Fabius, suggesting that while the prospect of a second consulship may have enticed Fabius, he might have preferred a more pliable colleague.[34] Resolving this question definitively remains a challenging task.[35]

A previously underexplored passage in Livy may contribute a new perspective to this already intricate mosaic. In the concluding chapters of the twenty-third book, which detail the closing stages of military operations in 215/214, Livy recounts that Q. Fabius Maximus instructed M. Claudius Marcellus, then proconsul stationed at the winter camps in Suessula, "to retain only a small garrison sufficient to defend Nola and to send the remaining soldiers to Rome for winter quarters, so as not to impose on the allies".[36] Nathan Rosenstein, in a significant study published twenty years ago, provided a detailed chronological reconstruction of this episode, demonstrating

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32 Livy 24.7-9.
33 Münzer 1999: 72-73; Schur 1990: 214-218; Scullard 1951: 58; Cassola 1962: 314-330.
34 Lazenby 1978: 94; Johnson 2010; Vervaet 2012. Marcellus was Otacilius half-brother, so one may suppose that Fabius' exclusion of the latter might have prompted a hostile reaction from Marcellus.
35 Cfr. Bellomo 2018.
36 Livy 23.48.2: *M. Claudio proconsuli imperavit, ut retento Nolae necessario ad tuendam urbem praesidio ceteros milites dimitteret Romam, ne oneri sociis et sumptui rei publicae essent.*

that it likely occurred between January and February, ostensibly on the eve of the consular elections.[37] This raises the possibility that Fabius ordered Marcellus to send his soldiers to Rome not merely for furlough but also to bolster his position in the upcoming consular elections. Whether this move was coordinated with or contrary to the intentions of Marcellus remains an open question.[38] Nonetheless, the potential implications of this episode merit closer attention.

III

So far, I have discussed instances where soldiers were summoned to Rome specifically to influence the outcome of elections. However, we must not overlook the fact that armies capable of exerting a significant influence might already have been present in the city throughout the year. I refer here to the urban legions. The precise origins of the practice of recruiting two legions at the beginning of each year to garrison the city remain unclear. It is plausible – though not entirely certain – that this practice was introduced at the beginning of 217, following the catastrophic defeat suffered a few weeks earlier by the consul Ti. Sempronius Longus at the hands of Hannibal at the Trebbia.[39]

What can be determined with greater precision, thanks to Livy's account and the analyses of scholars such as De Sanctis, Brunt, and Toynbee, is how these city legions were employed in the following years.[40] Although this preliminary study does not establish a direct correlation between the recruitment of the urban legions and their political or military use during the Second Punic War, certain cases warrant closer examination. As previously mentioned, it is reasonable to assume that the initial enlistment of these urban legions occurred at the beginning of 217, when the consuls were instructed to raise these reserve forces to defend Rome from a prospected Carthaginian

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37   Rosenstein 2004: 36-37.

38   On the rivalry between Fabius and Marcellus see also McDonnell 2006: 53-64; Dart – Vervaet 2014: 53-64.

39   We hear of some kind of garrison forces even during the early period of the Roman Republic, and certainly the creation of the *praetor urbanus* in 367 was thought in order to have a magistrate with *imperium* at hand to command this force (see Brennan 2000: 58-73). However, its levy and its use appear to be the exception more than the rule until the outbreak of the Second Punic War (Bellomo 2019: 40-44).

40   De Sanctis 1916: 632-633; Toynbee 1965: 810-811; Brunt 1971: 416-422, 645-660.

assault. These legions subsequently became the core of the army with which the dictator Q. Fabius Maximus sought to contain Hannibal's movements during the latter half of the year, following the defeat of the consul C. Flaminius Nepos at Lake Trasimene.[41]

Q. Fabius Maximus's dictatorship is notable not only for its strategic approach but also for the extraordinary way it was conferred. Livy describes a centuriate election for this role, analogous in many respects to the election of other magistrates – a view I find compelling.[42] It is not unreasonable to suggest that the men enrolled in the city legions played a decisive role in the *comitia* from which Q. Fabius Maximus and M. Minucius Rufus emerged as dictator and *magister equitum*.[43] These soldiers, aware that their future commanders would be chosen through this process – and recognizing the critical importance of experienced leadership – may have sought to ensure the election of capable and seasoned commanders. Speculatively, one might also consider the possibility that Fabius and Minucius actively courted the support of these men. Livy, in a passage referring to 191, notes that urban legions typically consisted of men who had already completed their military service or just served in field armies.[44] It is conceivable that the legionaries

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41   Raise of new legions in 217: Livy 22.2.1; App. *Hann.* 8. Fabius' army: Polyb. 3.88.7; Livy 22.11.1-3.

42   Livy 22.8.5-6: *itaque ad remedium iam diu neque desideratum nec adhibitum, dictatorem dicendum, ciuitas confugit; et quia et consul aberat, a quo uno dici posse uidebatur, nec per occupatam armis Punicis Italiam facile erat aut nuntium aut litteras mitti [nec dictatorem populus creare poterat], quod nunquam ante eam diem factum erat, dictatorem populus creauit Q. Fabium Maximum et magistrum equitum M. Minucium Rufum* ("And so, the state turned to a remedy that had long been neither sought nor applied—the appointment of a dictator; and since the consul, the only one who seemed able to make such an appointment, was absent, and it was difficult to send either a message or a letter across Italy, occupied as it was by the Punic forces [nor could the people appoint a dictator], something that had never happened before that day, the people themselves appointed a dictator, Quintus Fabius Maximus, and a master of the horse, Marcus Minucius Rufus").

43   On this very debated election: Vervaet 2007, Milani 2018, Bellomo 2018.

44   Livy 36.1.9: *alter consul, cui Italia prouincia euenisset, cum Bois iussus bellum gerere utro exercitu mallet ex duobus, quos superiores consules habuissent, alterum ut mitteret Romam, eaeque urbanae legiones essent paratae quo senatus censuisset* ("The other consul, to whom the province of Italy had fallen, having been ordered to wage war against the Boii, was allowed to choose which of the two armies, those that the previous consuls had commanded, he preferred to keep, while the other was to be sent to Rome so that it might be ready as an urban legion wherever the senate might decide"). Cfr. Livy 34.56.9: *cum milites, qui in legionibus urbanis erant, frequentes tribunos plebei adissent, uti causas cognoscerent eorum,*

enlisted in 217 included individuals who had previously served under Fabius Maximus and Minucius Rufus during their earlier consulships (in 233 and 221 respectively), potentially fostering a sense of loyalty and trust that influenced the election's outcome.

Another intriguing case is that of 215. The urban legions recruited in 216 by the dictator M. Junius Pera were initially stationed to defend the city but were subsequently deployed by M. Claudius Marcellus in Campania at the beginning of the following year.[45] Marcellus himself played a pivotal role in a complex institutional process during the transitional weeks between the two consular years. Serving as a praetor in 216, he was later entrusted by the popular assembly with consular *imperium* to lead operations in Campania as a proconsul in 215.[46]

It is plausible that the extraordinary conferment of *imperium* to Marcellus at the close of 216 was influenced by the city legions, who likely anticipated their forthcoming deployment. Livy, moreover, underscores that Marcellus's popularity and military acumen were decisive factors in securing this extraordinary command. Further evidence of Marcellus's influence and the political dynamics surrounding this period emerges from subsequent events. A few weeks later, the death of one of the consuls designated for 215, L. Postumius Albinus, led to a contentious situation. The surviving consul, Ti. Sempronius Gracchus, provoked the wrath of Marcellus's supporters by attempting to conduct the elections for his new colleague while Marcellus, who appeared as the most suitable candidate, had already departed for Campania, having been tasked by the consul to transfer the city's legions to the region.[47]

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quibus aut emerita stipendia aut morbus causae essent, quo minus militarent, eam rem litterae Ti. Sempronii discusserunt ("When the soldiers in the urban legions, in large numbers, approached the tribunes of the *plebs* to request that they examine the cases of those who had either completed their terms of service or were unfit to serve due to illness, a letter from Tiberius Sempronius put an end to the matter.").

45   Enrollment: Livy 22.57.9. Employment with Marcellus: Livy 23.31.3.

46   Livy 23.30.19: *M. Marcello pro consule imperium esse populus iussit, quod post Cannensem cladem unus Romanorum imperatorum in Italia prospere rem gessisset* ("The people ordered that Marcus Marcellus should be entrusted with a proconsular command, because after the defeat of Cannae he had been the only Roman commander who had victoriously led military operations in Italy").

47   Livy 23.31.5. On this episode see Vervaet 2012.

It is conceivable that Sempronius Gracchus sought to exploit not only the physical absence of a politically formidable figure like Marcellus but also the absence of a significant contingent of men whose support could have bolstered Marcellus's candidacy. This episode highlights the intricate interplay of military, political, and institutional forces during this critical juncture of the Second Punic War.

IV

To conclude, the 3rd and 2nd centuries were marked by intense competition among members of the Roman elite, particularly in the context of consular elections. This was an era of military expansion, when new opportunities emerged, and the consulship became a crucial avenue for enhancing an individual status within the aristocracy.[48] Roman nobles were constantly in search of votes that could tip the scales in their favor, paying particular attention to soldiers already serving in the legions, who, on occasion, were uniquely positioned to influence electoral outcomes. Such instances included armies awaiting the celebration of a triumph, soldiers returning to Rome on furlough, or those enlisted in the urban legions. These groups could significantly impact elections, both quantitatively and qualitatively.

From a numerical perspective, a single legion could contribute a substantial bloc of voters, often nearing the majority of citizens who, under normal circumstances, actively participated in the polling stations.[49] Furthermore, their influence extended to a 'qualitative' dimension. Since recruitment was conducted on a tribal basis – as it surely happened from the early 3rd century onward – each legion comprised citizens evenly distributed across a wide array of tribes.[50] This distribution imbued their votes with

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48 For a thoughtful discussion on the use of terms like "aristocracy" to define the Roman nobility see now Zanin 2024.

49 On the numbers of voters in Roman elections see Mouritsen 2001. His conclusions have been challenged in the last years, with particular reference to the rural voters: Rafferty 2021; Morstein-Marx 2024. Notwithstanding the average numbers, it is clear that a compact block of 4.000-5.000 men could actually have an enormous impact on the vote, as is shown by the already discussed case of Aemilius Paullus' triumph.

50 On the tribal recruitment of the Roman Republican army see Ross Taylor 1957: 339-354 (with tribal organization from the beginning); Lo Cascio 2001; Nicolet 2014: 239-244; Gargola 2017: 106-117 (with tribal organization from the beginning of the 3rd century). Even distribution of *tribules* in the four legions enrolled every year: Polyb. 6.19.3.

considerable weight, not only in the *comitia tributa* but also in the *comitia centuriata*. The latter was particularly significant following the obscure reforms of the late 3rd century, which established a connection between the tribes and the centuries, amplifying the electoral impact of these soldiers.[51]

It is unsurprising, then, that Roman politicians of this period paid particular attention to the army. This focus is explicitly noted by Plutarch in a well-known passage from the *Life of Aemilius Paullus*, where the Greek biographer praises Paullus for refraining from demagogic behaviour during his command. Unlike many of his contemporaries, Paullus did not seek to secure the votes of his soldiers for a second command – a practice that, according to Plutarch or his source, appears to have been widespread among his peers.[52] This explicit observation is complemented by other evidence that I consider highly significant. From at least the early 3rd century, Roman commanders increasingly demonstrated an awareness of the political importance of the army beyond its purely military role. This is evident in their tendency to distribute generous rewards to their troops at the conclusion of military campaigns or, conversely, to allow soldiers the freedom to plunder conquered populations.[53] This more permissive stance suggests a recognition of the army's value as a political asset; indeed, it effectively served as a legal mechanism for securing votes. Additionally, it is notable that nobles and former commanders frequently served on agrarian commissions tasked with founding new colonies or distributing land in territories where they had previously

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51   On the reform: Cic. *Rep*. 2.22.39-40; *Phil*. 2.82-83; Livy 1.43.12; Dion. Hal. 4.20.2-21.3. We lack many of the details of this reform, but we can safely say that the number of centuries of the first class was reduced from 80 to 70, and that every voting *centuria* was formed by members of the same tribe (the 35 tribes were duplicated in centuries of *iuniores* and *seniors*). What else one has to say about what happened from the II to the V class is conjectural, if not speculative. For different reconstructions, see: Fraccaro 1930; Last 1945; Tibiletti 1949; Staveley 1953; Nicholls 1956; Ross Taylor 1957; Cassola 1962; Sumner 1964; Letta 1977; Grieve 1985; Yakobson 1993; Tan 2023.

52   Plut. *Aem*. 3.4: ὅμοιον δὲ καὶ τῶν στρατιωτικῶν ἐθῶν τε καὶ πατρίων ἐξεταστὴν καὶ φύλακα παρεῖχεν ἑαυτόν, οὐ δημαγωγῶν ἐν τῷ στρατηγεῖν, οὐδ᾽, ὥσπερ οἱ πλεῖστοι τότε, δευτέρας ἀρχὰς ταῖς πρώταις μνώμενος διὰ τοῦ χαρίζεσθαι καὶ πρᾷος εἶναι τοῖς ἀρχομένοις ("He also presented himself as an examiner and guardian of military customs and ancestral traditions, not pandering to the crowd in his generalship, nor, like most at that time, seeking a second command by currying favor and being gentle with those under his authority").

53   On this more permissive attitude by the commanders see especially Loreto 1993: esp. 89-92, who however does not seem to catch its political implications.

campaigned.[54] These distributions often rewarded veterans of those campaigns, functioning as a means of securing both immediate and future electoral support.[55] Plutarch, for instance, attributes T. Quinctius Flamininus' election as consul in 198 to the backing of colonists he had recently settled.[56]

Furthermore, the participation of these nobles and former commanders in subsequent military campaigns as *legati* or lieutenants is significant. This phenomenon cannot be attributed solely to the need for military expertise on the part of serving commanders; it also reflects the deliberate efforts of former *imperatores* to maintain active relationships with their troops.[57] Such ongoing ties likely strengthened their political networks and influence. We also observe an intention to utilize the army directly in the electoral process. Both the cases of Ligustinus and L. Quinctius Flamininus highlight the fluidity of soldiers' loyalties. Troops could transfer their allegiance to different commanders, including individuals who were bitter rivals.

This study has demonstrated that the interaction between the Roman army and the political sphere in the mid-Republican period was far more complex than previously assumed. While much scholarly attention has been devoted to the late Republic, when military figures wielded direct political influence, the role of soldiers in earlier elections has remained relatively

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54 Dionysius of Halicarnassus (17-18.5-12) records that in 291 the former consul L. Postumius Megellus was not allowed to take part in a triumviral commission for the distribution of a land he had himself conquered. The fact is presented as an exception to the rule, and we may argue that the purpose of this exclusion was to cut the ties Megellus has formed with his soldiers. See Cassola 1962: 16. The participation in a land commission was also recorded by Q. Caecilius Metellus in the funeral eulogy for his father, L. Caecilius Metellus (*cos.* 251, 247). See Plin. *HN* 7.139-140.

55 Colonists were usually accompanied to their new homes by their former officials and commanders. See Hyg. Grom. P. 176 Lachmann = 141 Thulin: *cum signis et aquila et primis ordinibus ac tribunis deducebantur*. Surely these men helped to build a solid consensus on their former generals in their new settlements, something that could be used in the future for electoral purposes. See the following note.

56 Plut. *Flam*. 2.1: τοῦτο δὲ αὐτὸν ἐπῆρε μάλιστα τὰς διὰ μέσου καὶ συνήθεις τοῖς νέοις ἀρχὰς ὑπερβάντα, δημαρχίαν καὶ στρατηγίαν καὶ ἀγορανομίαν, εὐθὺς αὐτὸν ὑπατείας ἀξιοῦν καὶ κατῄει τοὺς ἀπὸ τῶν κληρουχιῶν ἔχων προθύμους ("This success more than anything else so exalted his ambition that he ignored the intermediate offices which young men generally sought, the offices of tribune, praetor, and aedile, and thought himself ready to become consul; so he became a candidate for that office, with the eager support of his colonists").

57 Livy 37.42.5-6 records that many of the men who served with L. Cornelius Scipio (*cos.* 190) at Magnesia, had previously served with his brother Publius at Zama in 202. Publius himself, as is well known, was a legate of his brother Lucius in the campaign against Antiochus.

understudied.[58] By examining how soldiers—whether encamped near Rome, on furlough, or stationed in urban legions—were mobilized for consular elections, this analysis challenges traditional narratives that portray the mid-Republican army as politically passive.[59] Instead, the evidence suggests that soldiers were not only recipients of elite political maneuvering but also agents in shaping electoral outcomes.

Recent research on Roman Republican elections has increasingly emphasized the mechanisms of voter mobilization, the role of political elites in structuring electoral participation, and how different social groups engaged with the electoral process. This study contributes to this growing field by demonstrating how the military functioned as a significant electoral constituency. It underscores that the political allegiances of soldiers were often fluid, influenced by economic factors, campaign experiences, and personal affiliations with commanders. The findings align with broader discussions on the evolving nature of Roman political institutions, reinforcing the argument that mid-Republican elections were not merely dictated by aristocratic competition but were also shaped by the active engagement of various segments of society, including the army. Moreover, the study sheds light on the strategic awareness of the Roman elite, who increasingly recognized the importance of military votes. From the timing of triumphs to the deployment of soldiers in urban legions, political figures actively sought to cultivate and maintain military support. The parallels with later Republican electoral strategies suggest a continuity in the ways through which military influence was integrated into the political process, albeit in a less overtly factionalized manner than in the 1st century.

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58   See Mangiameli 2012: 371-375 and Livadiotti 2019: 576, 586-587, who seem to confine this phenomenon only to the last stage of Roman republican history.

59   On the (long) permanence of soldiers in military camps just outside the city gates, see the case of 266, when both the consuls campaigned together, celebrated a triumph in October, and then departed shortly afterwards for a new military campaign, for which they celebrated a second triumph in February. See *Inscr. Ital.* 13.1.74-75.

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SOLDIERS AND POLITICS IN THE LATE ROMAN REPUBLIC: EXPERIMENTS IN THE FORMATION OF A NEW CATEGORY OF CITIZENS

Marco Rocco

Introduction

This contribution, much like Michele Bellomo's concerning the Middle Republic within this volume, aims to explore how and to what extent the political participation of citizen-soldiers influenced electoral outcomes in the late Republic, until C. Iulius Caesar's (cos. 59 BCE) civil war.

The ideal *terminus post quem* for my research is Caius Marius (cos. 107 BCE): since at least the studies by Emilio Gabba and Jacques Harmand, Marius has been regarded by scholars for a long time as the one who, by enlisting all the volunteering *capite censi*, transformed (or, at least, laid the most important premise for transforming) the Roman armies in masses of poor and very poor citizens. Therefore, according to this theory, Marius welded soldiers' destinies to their most brilliant commanders. The latter, thanks largely to their military successes with those armies, became the absolute protagonists in the political arena. Then, driven by growing ambition and lack of scruples, commanders began to use these professional soldiers as *clientes*, also to move in arms against their political opponents and Rome itself. Accordingly, an escalating spiral of civil wars and institutional paralysis finally led to the violent death of the Republic.[1]

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1 Sall. *Iug.* 86; Val. Max. 2.3.1; Ps.-Quint. *decl.* 3.5: Plut. *Mar.* 9.1; Flor. 1.36.13; Gell. *NA* 16.10.14; Exup. 9-13. See Gabba 1951 = Gabba 1973: 47-174; Harmand 1967: 11-20; Giuffrè 1973. Cf. de Blois 1987; Brunt 1988; Steel 2013: 56-57; 122-123.

However, in the last decades a growing number of scholars, like Erich Gruen, John Rich, Robert Morstein-Marx, Nathan Rosenstein, and François Gauthier, have highlighted the virtual absence of clear evidence concerning the presence among the troops of *proletarii* or *capite censi*.[2] Most notably, in recent years François Cadiou has challenged the prevailing view by casting serious doubts not only on the qualification of true reforms for Marius' initiatives in military matters, but also on any formal abolition of recruitment based on census and on the existence of a prevailing proportion of proletarian volunteers in the armies of the 1st century BCE.[3] Cadiou has highlighted how some fundamental studies on these topics, especially those of Harmand, are biased by a superficial analysis of retrospective and ideological sources, and ultimately rest on teleological premises and historically weak arguments.

According to Cadiou, in the past scholars ignored or overlooked important passages in the sources, such as those attesting to the increasing use of levy of conscripts (not necessarily volunteers) in the period 83-44 BCE.[4] Ancient writers, particularly M. Tullius Cicero (cos. 63 BCE), provided ample evidence of property-owning soldiers in the late Republican armies. Still, this evidence has been ignored or minimized by scholars. Cadiou argues that contrary to the prevailing theory, these property-owning conscripts remained the majority until the end of the Republic, reflecting the continued importance of the census-based recruitment system.[5]

However, although Cadiou's *pars destruens* is compelling, this does not conclusively establish the alternative thesis: as the author himself acknowledges, his arguments cannot a priori exclude the validity of certain aspects of the prevailing view. In particular, his assertion that late Republican soldiers who owned property invariably belonged to the first census class, if not the equestrian order, rests on intriguing but far from certain foundations, especially since they are derived from sources strongly marked by rhetorical context or generalizing expressions.[6] Therefore, while Cadiou's important

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2 Gruen 1974: 365-381; Rich 1983; Morstein-Marx – Rosenstein 2006: 630-632; Morstein-Marx 2011; Gauthier 2020: 283.
3 Cadiou 2018. Marino 1982 already did not regard the enlistment of *proletarii* as a reform by Marius.
4 Cadiou 2018: 129-131; 285-286.
5 Cadiou 2018: 358-392.
6 *E.g.* Cadiou 2018: 358-374.

volume definitively demonstrates that late Republican soldiers were not necessarily *proletarii* or *capite censi*, it is equally difficult to argue, based on the available evidence, the exact opposite: that they belonged, in a majority or even a large number, to the wealthiest census classes.[7]

In fact, regarding this point, Cadiou himself acknowledges that scholars have long since nuanced the thesis of an army composed exclusively of volunteers without any property from Marius onward.[8] However, it must be borne in mind that the concept of 'property owner' remains rather vague in the sources cited by Cadiou (except in very few cases), thus lending itself to a wide range of possible placements within the Roman census system. Therefore, there is still room for attempting a formulation of a socio-political hypothesis to explain the undeniable, growing new role that the armies played in Roman politics from Marius' time to Caesar's. Cadiou's study calls for the utmost caution in identifying the crucial moments of this phenomenon.

In this contribution, I will focus on this period to examine whether Roman citizen-soldiers acquired a progressive collective awareness of belonging to a cohesive sub-group by seeking to have their economic and social interests satisfied through voting and other political actions. We know that this awareness became conspicuous in the triumviral period, as studies by Clément Chillet and Arthur Keaveney show, and was eventually channelled into institutional forms by Augustus' professionalization of the armies.[9] Two specific questions I would like to address regarding the period between Marius and Caesar: what can we say about the motivations of the citizen-soldiers in politics, and what can we say about their attitude towards their commanders?

In the past century, scholars focused on other two questions instead: were the voting soldiers of the late Republic politicized? And should we consider them as *clientes* of the powerful politicians under whom they served? A long debate on these issues has divided scholars: on the one hand, the concept of 'politicization' has proven to be fluid throughout the debate itself; on the other hand, it has proven difficult to state with certainty whether we can talk about military *clientelae*, considering that the loyalty of armies to

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7   Cf. Cadiou 2018: 339-355; 375-392.
8   Cadiou 2018: 55-70.
9   Keaveney 2007: 47-55; 82-90. Chillet 2016: 183-192.

their commanders, before Caesar, was often inconstant despite the bond of the *sacramentum*, and tended to cease after their discharge.[10]

To answer my questions, I will trace the episodes known to us in which citizen-soldiers played a particular role in Roman politics and I will analyze their motivations and attitudes towards the commanders to whom they were linked from time to time. I aim to explore how these motivations and attitudes changed over time, which will help shed light on the question I have proposed.

The role played in politics by citizen-soldiers in Marius' time

We have no record that the military element played a decisive role in the first election of Marius as consul. Sources concerning the electoral *comitia* in 108 BCE attest the compact support by the *plebs* or *populus*, by the δῆμος or πλῆθος, but do not specifically mention the soldiers.[11] Among these, a prominent role must have been played by the workers of the rural *plebs*, the *agrestes [...] omnes, quorum res fidesque in manibus sitae erant*, as Sallust says.[12]

We cannot exclude that already at this time a small percentage of Roman legionaries came from this social class, as a result of the gradual lowering of the census required to serve in the army, which occurred from the Second Punic War onwards.[13] It is also important to consider that the first certain extraordinary recruitment, the *tumultus*, dates back to 281-280 BCE: on that occasion, for the first time, the res publica paid for the weapons of the citizens of the lower classes.[14] And by the mid-3rd century BCE enlistment was hinged more on tribes than on census classes, according to Polybius.[15] It is true, on the

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10   See, among many others, Gabba 1951: 183-188 = Gabba 1973: 61-68; Harmand 1967: 445-451; Gruen 1974: 374-379; Nicolet 1980: 172-175; de Blois 2000: 17-21; Keaveney 2007: 37-42; Mangiameli 2012: 348-358; Rosenstein 2022: 242.

11   Sall. *Iug.* 84; 86; Plut. *Mar.* 8.9; Gell. *NA* 16.10.14; Exup. 7.

12   Sall. *Iug.* 73.6. See Gabba 1951: 178 = Gabba 1973: 56; Yakobson 1999: 16-19; Rafferty 2021; Morstein-Marx 2024: 122-123.

13   Polyb. 6.19.2; Cic. *Rep.* 2.40; Livy 1.43.8; Dion. Hal. 4.17-18; Gell. *NA* 16.10.10. See Gabba 1949 = Gabba 1973: 1-45; Lo Cascio 2001: 565-588; de Ligt 2007. Cadiou 2018: 286-293 presents a range of views that question the hypothesis of a declining *census* threshold, but these alternative interpretations do not provide a definitive resolution to the issue.

14   Enn. *Ann.* frg. 183 ed. Vahlen. Hem. *Hist.* frg. 21 ed. Peter. August. *c. D.* 3.17. Oros. 4.1.3. For other datings see Diod. Sic. 14.114 (390 BCE); Livy 8.20.4 (329 BCE).

15   Polyb. 6.20.2-3; Festus *Gloss. Lat.* p. 268 ed. Lindsay. See Gabba 1951: 172-174 = Gabba 1973: 48-51; Gruen 1974: 365-369; Sage 2023: 119-120.

other hand, that some of the soldiers who were fighting against Jugurtha were *equites*, and were among those *clientes* of Marius sending letters to their relatives in Rome in 108 BCE, to promote his candidacy for the consulship.[16] Moreover, it is likely that Marius' exploits on the battlefield were widely known due to the soldiers who disseminated them upon their return from the front.[17] Given that these soldiers would eventually participate in the assemblies and hold political sway, Marius' decision to relax military discipline in 108 BCE becomes more understandable: this may be why, according to Plutarch, the soldiers as a whole, not only *equites*, wrote to Rome to advocate for Marius' candidacy.[18]

It was, however, L. Appuleius Saturninus, the maverick tribune of the *plebs* in 103 BCE, who fully realized the political leverage that the new veterans could constitute. The magistrate, labelled as *seditiosus* by the uncertain author of *De viris illustribus*, proposed an agrarian law that assigned one hundred *iugera* of land in Africa to each veteran willing to become a settler there. Saturninus aimed to *gratiam Marianorum militum pararet*:[19] Marius' soldiers were in Rome to celebrate with their commander the triumph over Jugurtha, and favouring them meant cementing a valuable alliance with the most prominent *homo novus*.[20]

Two years later, in 101 BCE, Marius was the hero who had not only defeated Jugurtha but also saved Italy from the threat of *Cimbri* and *Teutones*. Once again, his veterans gathered in Rome to celebrate a deserved triumph. But this time some of them took center stage during the elections of the new tribunes of the plebeians, even if not as voting citizens: Livy's *periocha* 69 says that they took part in the assassination of Aulus Nunnius, the rival of Saturninus, who once again competed for the plebeian tribunate.[21] The information provided by the *periocha* is perhaps echoed by Paulus Orosius, who asserts that Marius was behind Nunnius' murder (*fraude C. Marii consulis occiderunt*).[22]

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16 Sall. *Iug.* 65.4-5; 73.3. See Gabba 1951: 178 = Gabba 1973: 56; Nicolet 1980: 176; Yakobson 1999: 13-16; Jehne 2006: 250-258.

17 Cf. Sall. *Iug.* 63.4. Plut. *Mor.* 202B.

18 Sall. *Iug.* 64.5; Plut. *Mar.* 7.4. Cf. Cadiou 2018: 362-364. It is well worth calling to mind that the first thing Marius did when he landed in Africa, was to allow his troops to plunder the countryside indiscriminately: Sall. *Iug.* 87.1.

19 *Vir. ill.* 73.1.

20 See Cavaggioni 1998: 39-47; Rosenstein 2022: 242.

21 Livy *Per.* 69.1. Also Val. Max. 9.7.3; Plut. *Mar.* 29.1; Flor. 2.4.1; App. *B. Civ.* 1.127-129; *Vir. ill.* 73.5. See Nicolet 1980: 176-177; Cavaggioni 1998: 87-99.

22 Oros. 5.17.3.

There is no doubt that Saturninus and Marius had previously made electoral agreements, as the events of the following year also show. In 100 BCE a new *lex Appuleia agraria*, which allotted lands in Gaul, was opposed by the urban *plebs*, according to Appian. At least part of the plebeians in Rome was manoeuvred by the conservative *nobilitas* against the interests of Latini and Italici, who were supposed to benefit from Saturninus' law. On the contrary, it was supported by the citizens of the rustic tribes, the rural *plebs*: they did not hesitate to use physical violence to prevail.[23]

These should be identified at least in part with Marius' veterans, who were among the main beneficiaries of the law: Appian explicitly states it, while Cicero and Plutarch affirm that Marius' soldiers mingled in the assembly with the citizens, to lend support to Saturninus' fellows.[24] According to Gabba and Yakobson, since the 2nd century BCE, the *conquisitores* sent from Rome for the levy recruited most of the soldiers from the rural plebeian class while trying not to disturb the higher classes of the local populations. The story of Marius and Saturninus demonstrates that, as a consequence of this situation, the country plebeians who served in the military realized they needed to turn to different types of political figures, and, if necessary, even to violence, to safeguard their social and economic interests.[25]

Following the granting of Roman citizenship to the Italici after the Social War, the socio-economic needs of the mass of new citizens enlisted in the army resembled those of the ancient rural plebeians.[26] Centurions and common soldiers were now mostly Italici, who were still seen as foreigners in Rome, where it was difficult (although not impossible) for them to attend the city assemblies, due to their restriction to a minority of tribes and the necessity

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23   Cic. *Sest*. 37; *Balb*. 48; Val. Max. 3.8.4; Vell. Pat. 2.15.4; Plut. *Mar*. 28.7; 29.2; Flor. 2.4.2; App. *B. Civ*. 1.129-136; *Vir. ill*. 73.5. See Gruen 1974: 358-365; Nicolet 1980: 177; Schneider 1982-83; Cavaggioni 1998: 39; 42-45; 101-115; 133-135; Morstein-Marx 2024: 123-125 (also considering Italians included in colonial settlements under a *lex Appuleia*). On the importance of plebeian agency in Roman politics see Logghe 2017; contra Morstein-Marx 2004 (see in particular 119-159).
24   See Gabba 1951: 178-180 = Gabba 1973: 56-58; Yakobson 1999: 116; Rosenstein 2022: 242.
25   Gabba 1951: 180-182 = Gabba 1973: 58-61; Yakobson 1999: 231; Makhlaiuk 2022: 462 and notes 27-28.
26   See Gabba 1951: 201-202; 237-238 = Gabba 1973: 83-84; 128-129; Gabba 1954: 106 = Gabba 1973: 193-345 (here 274); Cagniart 2007: 82; Keaveney 2007: 80.

of several days' travel to Rome.[27] It can be argued that this situation helped to forge a new political identity amongst Italici originating from various regions. This identity could prove stronger than other bonds among men who did not have many contacts with each other and with the Roman-born recruits, whom they increasingly outnumbered.[28]

Nevertheless, it was only over time that all of this became apparent. In 88 BCE, amidst the unstable political climate that characterized the immediate aftermath of the Social War, the six legions assigned to the consul L. Cornelius Sulla, the leading figure of the aristocratic oligarchy, decided to follow him on his march on Rome against the most prominent political figures who could champion the cause of Italici. According to Appian, only the officers (except for one quaestor) refused to accompany the consul, considering his act to be not solely illegal, but sacrilegious in nature.[29] Yet Cicero, writing to T. Pomponius Atticus in mid-March of 49 BCE, judged that Sulla perhaps acted rightfully (*iure fortasse*). And Diodorus Siculus goes so far as to accuse not Sulla, but his opponents of having acted unlawfully.[30] In any case, the actions of both officers and soldiers in this instance reveal a clear prioritization of legitimacy over personal loyalty and interests, as Morstein-Marx has pointed out.[31]

According to Appian, before setting out with the soldiers from Campania to march on Rome, Sulla deemed it appropriate to reinforce their spirit by delivering a *contio*. It should be noted that even if soldiers were eager for the war against king Mithridates just because it promised much plunder, and they feared that Marius would enlist other soldiers instead of themselves, Sulla preferred to convince them by talking of the indignity put upon him by P. Sulpicius Rufus (*tr. pl.* 88 BCE) and Marius: an argument firmly rooted in the tradition of republican politics. Moreover, as Morstein-Marx observed, beneath the surface of the consul's words lies a deeper meaning: the insult against Sulla was intended to undermine the authority of the magistracy as a

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27 *E.g.* Cic. *Sull.* 22-25; *Fin.* 62; *Phil.* 3.15-17. Discussion in Gabba 1951: 202-207 = Gabba 1973: 85-91; Nicolet 1980: 185-186; Scheidel 2006; Rees 2009; Steel 2013: 124; Roselaar 2019: 244-246. Rafferty 2021; Morstein-Marx 2024 (with further bibliography).

28 Vell. Pat. 2.15.2. Cf. Keaveney 2007: 23; Potter 2010: 319-321; Rosenstein 2012: 85-93; Dart 2014: 45-47; Gauthier 2016: 115-116. Roselaar 2019: 242; 248.

29 App. *B. Civ.* 1.253. Cf. Plut. *Sull.* 9.5; Oros. 5.19.4. See Vervaet 2023: 129-141.

30 Cic. *Att.* 9.10.3; Diod. Sic. 37.29.2.

31 Morstein-Marx 2011: 259-263; 271-276.

whole and, as a consequence, to harm the *maiestas* of the Roman people.[32] In response, Sulla's soldiers stoned to death the Marian military tribunes, who had been sent to take over the army there.[33]

After having occupied Rome, the soldiers were kept under tight discipline by the consul and maintained order in the streets. On the other hand, it was precisely the pressure exerted by the military presence in the city that led the senators to declare Marius and other prominent figures public enemies, and to summon the *comitia* to vote on emergency measures.[34] Two years later, during the siege of Athens, Sulla had to buy the loyalty of his troops by allowing them to rob and loot.[35]

Overall, however, despite violence, irregularities, marches on Rome, and bloodshed, in 88 BCE it was the assembly vote, not soldiers' actions, which constituted the starting point of the controversies: the Roman *plebs* and the *equites* endorsed the transfer of command from Marius to Sulla, despite some irregularities and violence. Regular assemblies remained the most suitable venue for the expression of popular will, and soldiers demonstrated a still high degree of civic consciousness in their behaviour.[36]

A similar, though not identical, episode occurred in 87 BCE, in the camp opposing that of Sulla. L. Cornelius Cinna (*cos.* 87 BCE) employed armed 'new citizens' to forcibly remove tribunes of the *plebs* from the rostra, where they were opposing his proposal to redistribute Italici across all tribes. Cinna's colleague, Gnaeus Octavius, leading a large armed mob, prevailed, forcing him to flee the city. Cinna then sought to incite uprisings among 'new citizens' in Latium and Campania. In response, the senate revoked his consulship and even stripped him of his citizenship.[37] But Cinna gained the support of the army of Capua, including officers, having asked them to defend legality against the senate's decision. It is significant that, on that occasion, according to Appian and to his source, Cinna addressed his soldiers calling them πολῖται, "citizens", and he concluded his speech with a rhetorical

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32   App. *B. Civ.* 1.250-254. See Morstein-Marx 2011: 264.
33   Plut. *Sull.* 8.4-9.1. See Morstein-Marx 2011: 273.
34   Val. Max. 9.7 *mil. Rom.* 1; App. *B. Civ.* 1.255-271.
35   Plut. *Sull.* 12.8-9. See de Blois 2000: 18-19; Keaveney 2007: 37; 47.
36   See Morstein-Marx 2011: 276; Rosenstein 2022: 243; Tatum 2022: 565.
37   App. *B. Civ.* 1.289-296. Cf. Vell. Pat. 2.20.3; Gran. Lic. 35.1-2; Livy *Per.* 79. See Lovano 2002: 32-38; Dart 2014: 191-193; 196-197; Vervaet 2023: 141-146. Morstein-Marx 2024: 103-107.

question aimed at pointing out to them that the senate acted without respecting their votes.[38]

As Morstein-Marx has aptly demonstrated, Cinna's speech draws upon key themes of the oratory of urban *contiones*, yet introduces a significant innovation: he explicitly articulates a point that is entirely unusual in this type of rhetoric, "that suffragia are how the people enjoy influence (*gratia*) over their leaders and a way of indirectly pursuing their own interests". But there is another, crucial point: in Cinna's words, the 'people' equated to the citizen-soldiers, both established and newly enfranchised. And the latter group subsequently enlisted *en masse* in the armies of Cinna and the Marians for the sake of equal suffrage, as the civil war progressed.[39]

The role played in politics by citizen-soldiers from 63 to 47 BCE

The unification of the different peoples of Italy under Roman hegemony occurred primarily within the army: the contribution of Latin and Italian allies to Roman wars was variously appreciated and often rewarded with the granting of citizenship.[40] In the middle 1st century BCE, this army did not oppose the traditional oligarchy on a theoretical level, but rather in addressing its own needs. Sometimes, soldiers openly revolted against their aristocratic commanders: for example, probably early in 79 BCE, during the siege of Volaterrae, the troops of the Sullan faction murdered (praetorian *legatus pro praetore*?) C. Papirius Carbo (*pr.*? 81 BCE) because he had sought to restore military discipline among them;[41] and in 72 BCE many deserters of the consular armies in Italy offered themselves to Spartacus.[42]

After the civil war between Marians and Sullans, the sources do not attest to the participation of soldiers in civic assemblies until 63 BCE. However, as Rosenstein argues, it is difficult to imagine that in 71 BCE, Cn. Pompeius Magnus and M. Licinius Crassus (*coss.* 70 BCE), camped at the gates of Rome

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38   App. *B. Civ.* 1.293-301. Cf. Vell. Pat. 2.20.2-4. See Nicolet 1980: 178; Keaveney 2007: 38-39; Morstein-Marx 2011: 264-271; Rosenstein 2022: 244. Vervaet 2023: 147-150.

39   See Morstein-Marx 2011: 270-271; Vervaet 2023: 150-151; 155-172.

40   Sis. *Hist.* frg. 120 Peter; Cic. *Balb.* 19-21; 32; 46-47; *Arch.* 25; Just. *Epit.* 43.5.11; Val. Max. 5.2.8; Plut. *Mar.* 28.2; App. *B. Civ.* 1.360. See Gabba 1951: 190-191; 207-208 = Gabba 1973: 70-71; 91-92.

41   Gran. Lic. 39B; Val. Max. 9.7 *mil. Rom.* 3. See Vervaet 2018: 64-65.

42   App. *B. Civ.* 1.542. See Harmand 1967: 448; cf. pp. 251-257; 263-265; 427.

with their armies awaiting the senate's grant of triumph over Q. Sertorius (*pr.* before 83 BCE) and Spartacus, did not urge the soldiers to participate in the elections that saw them both become consuls for 70 BCE.[43] Indeed, in 63 BCE, according to Cicero, L. Licinius Lucullus' (*cos.* 74 BCE) troops, while awaiting their commander's triumph, supported in the elections L. Licinius Murena (*cos.* 62 BCE), the candidate of the *optimates*. Cicero commented on the episode emphasizing the importance of military support, especially in consular elections.[44] Not only were the soldiers a formidable voting bloc, but they also wielded significant influence over the opinion of other voters, given that consuls were primarily generals.

Arguably, at least many of these soldiers were from lower strata. By the middle of the 1st century BCE, many passages in Cicero's works hint at increasing recruitment among rural backgrounds of those who served for extended periods: in 62 BCE Cicero, praising Pompey's soldiers, called them *nostri illi fortes viri, sed rustici ac milites*;[45] in *De re publica*, written around 50 BCE, Q. Aelius Tubero (*tr. pl.* 129 BCE) characterizes P. Cornelius Scipio Aemilianus' (*cos.* 147 BCE) soldiers as *homines paene agrestes, et […] imperitos*;[46] towards the end of 44 BCE, in a letter to M. Iunius Brutus (*pr.* 44 BCE), Cicero praised C. Iulius Caesar Octavianus' (*cos. suff.* 43 BCE) veterans and legionaries as *homines rusticos, sed fortissimos viros civesque optimos*;[47] and shortly after, in the Philippics, he referred to them as *rustici atque agrestes*, although in this case, he compared them to beasts, as they served under his mortal enemy, M. Antonius (*cos.* 44 BCE).[48]

According to Nicolet, the veterans who were most successful in enriching themselves in war could sway the vote of the richest centuries in the consular elections.[49] Morstein-Marx says that "soldiers could play a significant role as endorsers of candidates under whose military command they had served", and that groups of these "men *ex agris*" "must have been returning from the

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43 App. *B. Civ.* 1.561-564. See Rosenstein 2022: 241.
44 Cic. *Mur.* 37-38; cf. 41; 69. See Bellomo's chapter in this volume.
45 Cic. *Arch.* 24.
46 Cic. *Rep.* 1.23.
47 Cic. *Fam.* 11.7.2.
48 Cic. *Phil.* 8.9; 10.22; cf. *Cat.* 2.5; 2.20. See Nicolet 1980: 167-168. Cadiou 2018: 323-333 dismisses the terminology here employed by Cicero as essentially rhetorical in nature, judging that it simply reflects the typical patronizing attitude displayed by the elite towards social outsiders.
49 See Nicolet 1980: 180.

wars virtually all the time".[50] Yakobson, on the other hand, emphasizes how common soldiers could influence the vote of the lower strata by telling stories praising their commanders in war, more than through their individual vote.[51] In 63 BCE, L. Sergius Catilina (*pr.* 68 BCE) in Etruria recruited Sulla's veterans to form the core of his army. In our sources, the Sullani veteres appear as a separate group with collective interests, still many years after their discharge.[52] Shortly thereafter, despite two previous failed attempts by P. Servilius Rullus (*tr. pleb.* 63 BCE) and by L. Flavius (*pr.* 58 BCE) three years later, two agrarian laws were enacted by Caesar in 59 BCE. The *lex Iulia agraria* and the *lex Campana* were approved thanks to Pompey's (and maybe Caesar's) veterans, who gathered in Rome to vote: they were the main beneficiaries of the measures. The story recalls what had already happened in 100 BCE, although this time there was no street violence, except for some scuffles: Caesar's agrarian laws aimed at settlement onto the land not only of veterans but also of the urban plebeians.[53]

The decade of the so-called first triumvirate had begun. In 56 BCE, following the agreements of the Luca conference, Caesar discharged a large number of his soldiers from the Gallic wars and sent them to Rome, to ensure the election of Crassus and Pompey as consuls for the following year.[54]

In 54 BCE, it was Caius Memmius (*pr.* 58 BCE), made famous by some verses of Catullus and Lucretius, who had the support of Caesar and Pompey when he ran for the consulship for the following year.[55] Once again, Caesar was ready to send some veterans from Gallia to vote in the elections.[56] However, nothing came of it when Memmius was engulfed in a political corruption scandal. Two years later, according to Cassius Dio, Pompey was

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50 Morstein-Marx 2024: 135.

51 See Yakobson 1999: 93-94.

52 Sall. *Cat.* 11.4; 16.4; 37.6; App. *B. Civ.* 2.7. Cf. Dio Cass. 37.30.5. See de Blois 2000: 17; Morstein-Marx 2024: 134-136.

53 Plut. *Pomp.* 48.1-2; *Luc.* 42.6; *Cic.* 26.4; cf. *Caes.* 14.5-6; 14.8; App. *B. Civ.* 2.36-41; Dio Cass. 38.5.1-2. See Gruen 1974: 389-400; Morstein-Marx 2021: 134-135, 149, 157-158, 161–164; Rosenstein 2022: 242.

54 Plut. *Pomp.* 51.4-5; Dio Cass. 39.31.2. See Nicolet 1980: 180; Rosenstein 2022: 241-242. Cf. Bellomo's chapter in this volume.

55 Catull. 28.9; Lucr. 1.26; 1.42; 1.411; 1.1052; 2.143; 2.182; 5.8; 5.93; 5.164; 5.867; 5.1282.

56 Cic. *Att.* 4.16.6 (cf. 4.17.3); *QFr.* 3.1.12. See Nicolet 1980: 181; Morstein-Marx 2021: 233-234; Rosenstein 2022: 242.

concerned about the risk that the soldiers and the people would choose Caesar as his colleague in the consulate.[57]

Another episode it is useful to recall is Caesar's speech to his soldiers in Ariminum, in January 49 BCE, shortly after the fateful crossing of the Rubicon. Even on this occasion, just as Sulla and Cinna had done forty years earlier, the commander addressed his soldiers using the tools of civil political oratory to persuade them to unleash a civil war in Italy: Caesar lamented the repeated offences perpetrated by his political opponents against his *dignitas*, but he also denounced the violations of the *sacrosanctitas* of the tribunes of the *plebs*, that is, the suppression of the *libertas* of the Roman people.[58] But Caesar's soldiers had already taken the irreversible step of following him beyond the Rubicon. They had done so willingly, according to Caesar himself, without any need for political justifications.[59]

What, then, had convinced them? The answer is probably provided by an episode that would occur two years later: in 47 BCE, Caesar's legions mutinied, marched on Rome and camped in the Campus Martius, just outside the walls. They claimed that the dictator had never kept the promises of rewards he made on the eve of the battle of Pharsalus. To contain this dangerous revolt, Caesar once again resorted to his skillful oratory and leveraged the personal relationship established with the soldiers over many years of battles fought together. Most significantly, he addressed them as *Quirites*, "citizens", and not as *milites*, "soldiers", or *commilitones*, "comrades". Then, he bluntly threatened not to admit them to his triumph.

Something similar had already occurred at the end of 49 BCE, when near Placentia the soldiers of one legion mutinied because Caesar did not allow them to plunder the country. Cassius Dio says that they hoped to obtain from him anything they wanted because he was in great need of them. But Caesar rebuked them harshly, reminding them that they were not superior to other citizens (πολῖται) just because they carried weapons. In the end, he had

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57   Dio Cass. 40.51.1.
58   Cic. *Att.* 7.12.5; 7.13.1; *Fam.* 16.12.4; Caes. *BCiv.* 1.7 (cf. 3.91.3); Plut. *Caes.* 31.3; Suet. *Iul.* 33; Dio Cass. 41.4.2-4. See Canfora 1999: 162-163; Keaveney 2007: 42-43. Cf. Morstein-Marx 2021: 322-335. For a summary of some of Caesar's rhetoric as he harangued his troops, see Luc. 1.314-323. For other possible traces of Caesar's sharp criticism of Pompey's consecutive string of extraordinary privileges and commissions, see *e.g.* Vell. Pat. 2.30.2; Val. Max. 8.15.8.
59   Caes. *BCiv.* 1.8.1.

some of the most troublesome ones killed and the others dismissed.[60] In 47 BCE, instead, Caesar had to somehow meet the soldiers' demands: he promised that, when he returned from Africa, he would give them all that he had promised and, when the wars ended, he would give lands to all.[61] Then, eleven years later, after the battle of Naulochus, the army of Caesar's adoptive son, Octavian, also mutinied, claiming lands and money instead of military decorations: Octavian did not acquiesce to the soldiers' demands, but to restore order, he had to win over some and discharge approximately 20,000, promising to pay what had already been promised to those among them who had fought at Mutina in 43 BCE.[62]

Conclusive remarks

Going back to the two questions I posed at the beginning, we can now draw some conclusions. We can highlight two clear interrelated phenomena: first, the gradual detachment of citizen-soldiers' political participation from the civilian dimension, until they form an almost separate and autonomous social group among the other citizens; second, their increasing bargaining power towards their commanders.

As Nicolet argued, it seems that in the aftermath of the Social War, Roman armies became particularly undisciplined.[63] It is undeniable, as Dominic Machado observes, that instances of collective troop mutiny against officers were not unprecedented, particularly between the third and second centuries BCE; but it is equally clear that, notwithstanding the varying quality of the sources, such events became both more common and more serious from 90 BCE onward.[64] Furthermore, as Machado himself has previously shown, episodes of collective military resistance from 90 BCE to the end of the republic were politically charged events, carried out by men from non-elite groups, in particular, Italici.[65]

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60 Luc. 5.237-373; Suet. *Iul.* 69; Frontin. *Str.* 4.5.2; App. *B. Civ.* 2.191-195; Dio Cass. 41.26.1-35.5 (in particular 46.31.1).
61 Cic. *Att.* 11.21.2; 22.2; *BAfr.* 19; 28; 34; Suet. *Iul.* 70; cf. 67.1; App. *B. Civ.* 2.47; 2.92-94; Plut. *Caes.* 51.1; Dio Cass. 41.26-35; 42.52.1-55.4. See Keaveney 2007: 63; Rosenstein 2022: 242-243; 244-245.
62 App. *B. Civ.* 5.528-535.
63 See Nicolet 1980: 167-172; 173. Cf. Cagniart 2007: 83-84; Keaveney 2007: 77-82.
64 Cf. Machado 2023: 146-152; 298-299.
65 See Machado 2020.

In this period, the primary interest of soldiers was to become wealthier, which made them increasingly combative and bold, as many episodes demonstrate: among all, it suffices to recall the (in)famous Fimbrian soldiers.[66] At the same time, the experience and efficiency of these soldiers grew as their service extended. But after the end of the Sullan dictatorship, as Italici integrated, mutinies and revolts ceased until the second half of the 1st century BCE:[67] the armies became more manageable instruments in the hands of those commanders who knew how to be flexible and adaptable at the right moment, without ever giving up on basic discipline.

Nicolet is right to emphasize that, in the 1st century BCE, civil wars were never sparked by a military initiative from below, which aimed at establishing a "military power"; rather, the armies were always convinced by their commanders.[68] However, I think that most of the episodes in which soldiers had a decisive influence in the normal political arena, as we have seen, demonstrate the progressive emergence of a specific "category's consciousness" among men who devoted at least six or seven years of their lives to the military service.[69] For example, many of Sulla's veterans lost or sold their farms after being discharged, remaining with no alternative but to re-enlist.[70] Over time, the defence of peculiar interests such as booty, donatives, and discharge bonuses, led to soldiers distinguishing themselves even from the social strata from whom they originated.[71] In the end, a new military class emerged, a class whose actions marked the end of the Roman Republic during the Triumviral period, during which un unprecedented number of legions was raised.

This does not imply that, before this, Roman citizen-soldiers had not exerted any political role, as Dominic Machado highlights.[72] But in these cases, they aligned themselves with pre-existing political factions within Rome (for example, during the patrician-plebeian conflict), or took the initiative on

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66   *BAfr.* 54; Plut. *Pomp.* 11; *Sull.* 14.4-10; 25.3-4; 26.7; *Luc.* 7; 15; 32-35; 36.5; 45.3; App. *Mith.* 51-54; 90. Cf. Plut. *Sull.* 17.3; 27.1-5; App. *B. Civ.* 1.79; 1.104. Cadiou 2018: 334; 370 argues that the ancient sources' portrayal of the Fimbrians as undisciplined is significantly exaggerated.
67   Cf. Keaveney 2007: 82-90.
68   See Nicolet 1980: 172-173.
69   Cf. Nicolet 1980: 185-187. *Contra* Cadiou 2018: 148-269. On the debate regarding the professionalization of the Roman army before Augustus see Cadiou 2018: 66-68.
70   See Cagniart 2007: 83.
71   See *e.g.* Brunt 1962: 84; Gruen 1974: 369-374.
72   See Machado 2023: 252-289.

matters more typically military (such as the opposition to L. Aemilius Paullus Macedonicus' triumph in 167 BCE). Before the central years of the 1st century BCE, it appears difficult to argue that Roman legionaries openly pursued political goals narrowly focused on their particular interests.

By the middle of the 1st century BCE, the soldiers were bound together not only by common interests but also by esprit de corps, a bond that did not lose its cohesion even decades after their discharge, as demonstrated by the case of the *Sullani veteres* in 63 BCE. It seems to me that invoking passages from Cicero's orations of 55-43 BCE, in which he emphasizes the allegiance of legions and soldiers to the *res publica*, in order to argue that armies were still perceived as a defensive tool under the command of the Roman people and senate, and not as a place to pursue partisan interests, fails to consider the orator's polemical intent.[73] His words, in all likelihood, actually bear witness to a drastically changing reality. What I would like to emphasize is that Roman soldiers had ultimately carved their own space within Roman society. This can be inferred from the fact that Roman soldiers were first and foremost interested in achieving their personal goals, no matter the commander they were siding with, and from the fact that we can trace several instances of fraternization among soldiers from opposing factions.[74]

As de Blois rightly observes, this does not mean that the soldiers became completely estranged from the political culture of the Roman Republic: they remained citizens, even if citizens in arms. But when they were convinced that the legality of the government or the constitutional character of a measure was ambiguous, they felt authorized to violate the laws, following the commander who led them to do so, especially when the latter had been elected by the people.[75] This is supported by the fact that, as we have seen, the most skilled and charismatic commanders not only generously rewarded the soldiers, but also amid civil war continued to address them within the framework of republican political discourse, convincing them that their mission was to restore legality and freedom, on behalf of their country. In particular, Caesar's political appeals to his soldiers were centred around opposition to senatorial

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73   Cic. *Pis.,* 47-48; *Phil.*, 10.12. See Augier 2023: 153-154.
74   Caes. *BCiv.* 1.13; 1.27-35; 1.74-77; 1.84-87; 3.19; 3.60-61; 3.90; Luc. 4.174-262; App. *Mith.* 241-245; *B. Civ.* 2.170; Dio Cass. 41.23.1; 41.62.1. Cf. Gabba 1954: 98 = Gabba 1973: 264; Keaveney 2007: 42-43; 77-85.
75   Plut. *Luc.* 33.4-5; 35.3; App. *B. Civ.* 2.119-120; Dio Cass. 36.14.4. See de Blois 2000: 21-23.

dominance by common citizens, and they rested upon the assertion of the honour earned through fighting for the *res publica*.[76]

Over time, following the revolt of Caesar's legions in 47 BCE, even the loyalty of the soldiers to their general took a backseat to the protection of their interests. As Rosenstein asserts, the civil wars destroyed every residual aspect of republican political culture: while in 87 BCE Cinna called his *milites* "citizens" to obtain their support, now they considered it an insult to be called *Quirites*.[77] The soldiers, who often remained unpunished for serious acts of indiscipline, including the killing of their commanders, became increasingly audacious, until in the triumviral age the generals somehow were their hostages, as Appian says: "They knew that their authority over their armies depended on donatives rather than on law".[78]

From that moment on, and until the end of the Republic, soldiers would consider their "class interests" as superior to those of the *res publica* itself. Or, rather, superior to the interests of those who governed the *res publica*, whom they regarded as a "caste" of inadequate, factional individuals prone to abusing public resources for their ends. A stance that would be later reflected in the language adopted by Augustus in the incipit of his *Res Gestae*. A stance that is also shared by many voters in our present-day democracies.

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76   Cic. *Att.* 16.8-9; *Phil.* 1.19-20; 5.12-14; 6.14; 7.17; 13.3; Caes. *BCiv.* 1.86-87; Plut. *Cat. Min.* 54.5-6; *Pomp.* 45.4. App. *Mith.* 565; Suet. *Iul.* 26.3; 67.1-2; App. *B. Civ.* 2.205-211; 3.165; Dio Cass. 41.17.3; 41.57.1-2; 42.51.5 (cf. 41.49); 45.12; Macrob. *Sat.* 1.10.16. See de Blois 2000: 23-31; Cagniart 2007: 84-85; Keaveney 2007: 43-46; Rosenstein 2022: 242-244.

77   See Rosenstein 2022: 244-245.

78   App. *B. Civ.* 5.71. See Keaveney 2007: 82.

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(FORMER) TALES OF THE UNEXPECTED. WOMEN AND ELECTIONS IN THE ROMAN REPUBLIC[1]

Giulia Vettori

Introduction

The pre-Roman Veneto provides significant evidence of the potential interaction between women and the public sphere. In the very heart of the ancient urban centre of Padua, known as ancient *Patavium*, on San Biagio Street, two boundary stones made of local trachyte, dated to the mid-4th century BCE, were discovered in 2007. These *cippi* display the same Venetic inscription on all four sides, and both mention certain *mediai*, a term referring to female members of a *collegium* with a public function, for which no comparison can be found in other cultural contexts of ancient Italy, apart from priestly associations. As with their male counterparts, these *mediai* held authoritative functions in managing urban spaces, publicly installing a terminal stone (*termon*). They thus operated within the internal spatial definition of the city (*terminatio*), holding a public office.[2] The female public

2 *mediai // termon // teuters // [-]-vortei* (*cippus* Battisti); *medi[ai] // termon // teute[rs] // e[.* (*cippus* San Biagio): Gambacurta – Ruta Serafini – Marinetti – Prosdocimi 2014. The masculine plural noun *Medioi* is probably mentioned in another boundary stone from Padua, *Pa 14: *entollouki / termon // [-]edios / teuters*. On this text, see Fogolari – Prosdocimi 1988: 293-295.

role attested by these boundary stones remains unparalleled in both pre-Roman and Roman Italy, and we may never know how these women attained their positions: specifically, whether they were elective offices.

This remarkable epigraphic discovery serves as a methodological *caveat*. When dealing with the history of women in antiquity, we must consciously challenge our interpretative categories at every step, regardless of whether new evidence emerges or fresh sensitivities and research questions permit us to reinterpret what is already known.[3]

Given that the *ius suffragii* and the *ius honorum* were privileges reserved for Roman male citizens, women and elections appear to be two mutually exclusive concepts.[4] In this respect, at least until recently, the joint contemplation of these two elements could quite reasonably be labelled as "Tales of the Unexpected". However, in recent decades much work has been done to move beyond the narrow institutional perspective: the definition of politics and political participation has been significantly broadened. It now focuses on extra-institutional topography and practices, while also highlighting a wide range of agents, by no means limited to Roman senatorial and equestrian male elites, operating within and influencing Roman political culture.[5] This reassessment has also had major implications for women. The

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3 Ancona – Tsouvala 2021.

4 Livy 34.7.8: *non magistratus nec sacerdotia nec triumphi nec insignia nec dona aut spolia bellica iis contingere possunt* ("Magistracies, priesthoods, triumphs, insignia, prizes or spoils of war are not accessible to them"); Val. Max. 3.8.6: *Quid feminae cum contione?* ("What business has a woman with a public meeting?"; transl. by D.R. Shackleton Bailey); App. *B Civ.* 4.32.140: Τί δὲ ἐσφέρωμεν αἱ μήτε ἀρχῆς μήτε τιμῆς μήτε στρατηγίας μήτε τῆς πολιτείας ὅλως, τῆς ὑμῖν ἐς τοσοῦτον ἤδη κακοῦ περιμαχήτου, μετέχουσαι ("Why should we pay taxes when we have no access to the offices or the honors or the military commands or the entire political process, which you have now brought to such a sorry state by your rivalries?"; transl. by B. McGing)"; *Dig.* 50.17.2 pr. (Ulp. 1 ad Sab.): *Feminae ab omnibus officiis civilibus vel publicis remotae sunt et ideo nec iudices esse possunt nec magistratum gerere nec postulare nec pro alio intervenire nec procuratores existere* ("Women are debarred from all civil and public functions and therefore cannot be judges or hold a magistracy or bring a lawsuit or intervene on behalf of anyone else or act as procurators"; transl. by A. Watson)". Cfr. Lact. *ant. Div. inst.* 33.5. On the reasons invoked to justify women's exclusion from *virilia officia* see Dixon 1984.

5 The literature on these topics is so extensive that an exhaustive overview would be prohibitive. For the more useful contributions to this profound reconsideration see Yakobson 1999; Rosillo-López 2017; Angius 2018; Rosillo-López 2022. Also worthy of mention is Arena – Prag 2022, whose entire Section IV deals with various political agents involved in Republican political culture.

variety of patterns of their engagement within the public sphere and their general involvement in politics, along with the multifaceted dimensions of the citizenship of Roman women, and even their contribution to the process of legal change, have by now been firmly established in the scholarly debate.[6] A link between women and elections is therefore something we *ought* to expect, and is naturally corroborated by ancient sources.

Focusing particularly on the broader social dimension linked to Roman elections and elite women and drawing attention to the economic and financial issues at stake in canvassing, this paper seeks to explore how far and in what contexts women could influence electoral competition in the Roman Republic. The first section discusses cases in which women appear as the object of the electoral strategies of their kinsmen; the second addresses the circumstances in which a female agency can be traced.

Women as Objects of Political Strategies.
The Mourning Policy of Caesar and Others

Thanks to Polybius' memorable account, as well as so many other influential studies, the political significance of the Roman *funus*, and its value as a cornerstone of aristocratic republican ideology and self-promotion, has been thoroughly acknowledged.[7] One of the most distinctive features of the Roman *laudatio funebris*, which seems to have had no equivalent in the Greek world, was that these eulogies were delivered to commemorate women as well as men.[8]

One well-documented case vividly illustrates how a clever exploitation of the memory of female relatives could serve as a key element in gaining popular consent: this refers to Julius Caesar's funerary strategies. Caesar shrewdly utilised the social capital accumulated in the *funus publicum* and implemented a comprehensive mourning policy centred on the women of his family. In 69 BCE, at the outset of his political career, and just a few months

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6 See, for example, Hemelrijk 2015; Cenerini – Rohr Vio 2016; Rohr Vio 2019; 2022a; 2022b; Richlin 2021; Webb 2022; Rosillo-López – Lacorte 2024. On women and legal change see Morrell 2024. On female networks and the public sphere see also Setälä – Savunen 1999.

7 Polyb. 6.53.1-54.3; Flaig 1995; Flower 1996: esp. 91-127, 211-216; Bodel 1999; Hölkeskamp 2006; 2023: 272-340.

8 Plut. *De mul. vir.* 242e-f; Pepe 2018: 282-283.

after being appointed quaestor,[9] Caesar paid tribute to two deceased women of his family by delivering their eulogies. These were his aunt Julia, widow of Marius (*cos.* 107, 104-100, 86), and his wife Cornelia, daughter of L. Cornelius Cinna (*cos.* 87-84).[10] Both Suetonius and Plutarch emphasise that Caesar's rhetorical performance took place in the Forum, the quintessential public space, and was delivered from the *Rostra*, the platform from which Roman leaders typically spoke to gain political influence. Thus, the speeches were given in front of a significant crowd of people.[11] Public speaking was a key aspect of politics in Republican Rome, both in theory and in practice, and Caesar should have been as accomplished in epideictic oratory as he was in political oratory. These skills, which included eulogising the women of his family, worked as a real springboard for his career.[12]

Nonetheless, the effectiveness of these funerary performances depended not only on the orator's words. The funeral procession of Marius' widow, Julia, entailed the first public display of the Marian masks after the "memory sanction" decreed by L. Cornelius Sulla (*cos.* 88, 80). Caesar paraded the *imagines* of the two Marii, the general and his son (*cos.* 82), a symbolic and audacious choice of ultimate political relevance, according to Plutarch.[13] This choice aimed to celebrate Marius as a military hero, thereby enhancing the prestige of Caesar's own family through that kinship. At the same time, it triggered the rehabilitation of his political memory and symbolically ended a season bitterly shaped by the violent and divisive memories of the civil war.[14] As Plutarch notes, "some criticised Caesar fiercely, but the people shouted them down, greeting the sight with brilliant enthusiasm and applause".[15]

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9   Broughton 1952: 132 and 136 n. 7; cfr. Broughton 1986: 105-106; Caesar likely began his assignment in Hispania Ulterior during the spring-summer 69 BCE.

10   Suet. *Iul.* 6.1 (= ORF⁴ 121 F29–30); Plut. *Caes.* 5.1-5 (= ORF⁴ 121 F28 and 31). On this episode see Lincoln 1993: 387-393; Badian 2009: 20-21; Pepe 2015: 30-32; Zampieri 2023: 27-29; Rohr Vio 2022a: 63-64; Östenberg 2022: 44-49.

11   Pina Polo 2005: esp. 149-155.

12   van der Blom 2016: 146-180. On the effectiveness of the speech and its stylistic quality see Pepe 2018: 293-295.

13   Far-reaching political implications of the *pompa funebris* also emerge clearly in Cic. *de orat.* 2.225-226; Tac. *Ann.* 3.76 (with Pepe 2015: 27-28, 51-53).

14   It is generally assumed that Caesar's choice was a "a powerful political proclamation" that "laid the foundation of his career as a champion of the People" (see, for example, Lincoln 1993: 392-393), but the need to bridge divisions may perhaps have been the prevailing concern: Gruen 2009: 24-25; Morstein-Marx 2021: 46.

15   Plut. *Caes.* 5.3, transl. Pelling 2011: 80.

However, Caesar was not a pioneer in providing funeral honours for matrons: *laudationes* for older women were indeed traditional, though perhaps not particularly common, and the earliest can be traced back to the 2nd century BCE.[16] Conversely, eulogies for young women were uncommon in the final decades of the Republic.[17] Accordingly, Caesar's funerary speech for his young wife Cornelia in 69 BCE marked an innovative practice in this regard, earning him great popular favour: Plutarch expressly states: "this too brought him goodwill. Together with his grief, it was most effective in winning the favour of the ordinary people, who admired him as a man of tender and sensitive feeling".[18] Popular support was particularly crucial at that juncture because Caesar was about to leave Rome to fulfil his duties overseas as quaestor: after entering office on 5 December 70 BCE, he was due to depart for Hispania Ulterior, where he was to stay until 68 BCE.[19] Could he miss the opportunity to capitalise on the performative potential of the *funus* for his wife? The image of the grieving husband and the chance for the Roman *plebs* to sympathise with the family's grief over Cornelia's untimely death may, in this case, have imprinted an even more tangible mark in the collective memory than mere words.

Caesar exploited and leveraged the symbolic significance and political weight of the funerary honours for the women of his family throughout his political career as he resorted to even more complex and impressive arrangements. In the late 50s, two notable Julian funerals took place in the Forum: Caesar's daughter Julia died in childbirth in 54 BCE, followed, in late 52 or 51 BCE, by her aunt Julia, Caesar's younger sister and grandmother

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16   The very first known *laudatio* of a woman was that of a certain Popilia and was delivered by her husband, Q. Catulus the Elder (*cos.* 102 BCE), who was still alive: Cic. *De or.* 2.44; Flower 1996: 103, 122-123; Pepe 2018: 283-285. It is disputed whether the *laudatio Popiliae* was pronounced as part of a *funus publicum*. On the history of funeral eulogies (*laudationes funebres*) for women see Pepe 2015.
17   Plut. *Caes.* 5.4; Pepe 2015: 33.
18   Plut. *Caes.* 5.4 (transl. by C. Pelling 2011: 79). On the political meaning of the eulogy for Cornelia, which supposedly commemorated the deceased's father, L. Cornelius Cinna (*cos.* 87, 86, 85, 84 BCE), too, see Flower 2006: 105; Blasi 2012: 24, 37.
19   Caesar reached Hispania Ulterior in spring-summer 69 BCE, and his likely date of return was early 67 BCE (Taylor 1941, 122-124) or at the end of the year (Pina Polo – Díaz Fernández 2019). He seemed particularly eager to return to Rome and left Hispania before finishing his term, when the praetor Antistius Vetus was still in charge. Full discussion in Pina Polo – Díaz Fernández 2019: 265-266.

of Gaius Octavius.[20] Julia's funeral in 54 BCE[21] served as a means of consolidating popular favour with its leader; under popular pressure, and not without bitter opposition, particularly from the consul L. Domitius Ahenobarbus (*cos.* 54 BCE),[22] Julia was granted the exceptional honour of a public burial in the Campus Martius.[23] Her funeral also likely tempered Caesar's prolonged absence from the *Urbs*, given that he had been campaigning in Gaul since 58 BCE. Caesar's *Commentarii* are usually regarded as a means of disseminating information about his transalpine successes and gaining popularity. Equally intriguing is the idea that Julia's death provided an opportunity for his family, friends and partisans to publicise the military achievements of the absent conqueror of Gaul. Thus, it was not only Roman senators and a relatively small group of interested readers of his accounts who were well informed about the progress of his campaigns, but also the Roman People.[24]

Caesar's mourning policy for the women of his family undoubtedly represents an extraordinary phenomenon. This is due particularly to the extensive and popular mobilisation he achieved through the posthumous public honours granted to his aunt and daughter, and for the outstanding results in promoting his own political career. Nevertheless, two elements are worth emphasising.

Firstly, the selectivity of Caesar's mourning strategy, whereby he failed to feature the memory of his mother, Aurelia, who closely witnessed his political rise and lived well into his fifth decade, dying in 54 BCE.[25] Her active involvement as a witness in the trial against P. Clodius Pulcher (*tr. pl.* 58 BCE), a former tribune and then political ally of Caesar, was likely

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20 The funeral oration for Julia, Caesar's sister, was delivered by the young Gaius Octavius when he was just 12 years old: Suet. *Aug.* 8.1; Quint. *Inst.* 12.6.1; Nic. Dam. *VitCaes.* 4; Blasi 2012: 59-64, 181-185.

21 It is no coincidence that, in 54 BCE, Caesar commenced his building programme for a new Forum and the restoration of the Campus Martius: Cic. *Att.* 4.16.8. For an analysis of Julius Caesar's urban projects and their political implications see Zampieri 2023: esp. 93-109.

22 The opposition was probably an optimate linked to Pompey. See Blasi 2012: 78-81.

23 Livy *Per.* 106; Plut. *Caes.* 23.5-7, cfr. Dio Cass. 39.64. Wesch-Klein 1993: 12-13, 125 assumes that the statue for an anonymous imperial woman buried in the Campus Martius, mentioned in *CIL* 6.41025, was for Caesar's daughter, but the evidence is not conclusive: Hemelrijk 2015: 323 n. 153. Fontana 2021: 86-90.

24 Morstein-Marx 2021: 215.

25 Suet. *Caes.* 13 and 26.

problematic.[26] Female conduct could easily become a weapon to damage the reputation of a political enemy, as clearly demonstrated by the representation of many female figures in Republican oratory and historiography.[27] Interestingly, all references to women in the *Commentariolum Petitionis* are derogatory and seek to undermine electoral adversaries.[28] The good or bad qualities ascribed to women influenced the social and political standing of their male relatives, who were somehow held accountable for the actions and behaviour of those within the *domus*[29].

Secondly, despite their remarkable features and outcomes, Caesar's choices must be understood within the broader context of female funerary commemoration. This encompassed not only the *laudationes pro contione*, awarded to women from the most prominent Roman and provincial families with significant influence and extensive public engagement, but also private funeral orations, or eulogies intended solely for written dissemination, such as the *Laudatio Porciae* noted by Cicero.[30] The conventionality of the rhetorical structures and the qualities attributed to matrons illustrate that celebrating the individual personality of the deceased held less importance than exalting a system of shared social values. Consequently, "female eulogies were not merely a speech *in memoriam* delivered by a bereaved relative, but first and foremost a medium of political communication for the men delivering them".[31] In other words, these texts reveal the aspirations of the ruling elite – or those seeking to join it – presenting themselves as role models, thereby consolidating their authority and public standing.

The female protagonists of the tales recounted so far appear to be the objects of male funerary and political strategies. Of course, this does not take

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26   On this point see Blasi 2012: 62-65. For the Bona Dea scandal see Cic. *Att.* 1.12.3; 1.13.3; Plut. *Cic.* 28; *Caes.* 9-10, with Osgood 2024: esp. 144 for the crucial testimony of Aurelia and Julia.

27   See *e.g.* Cicero's Clodia or Sallust's Sempronia.

28   Cicero, *Comment. Pet.* 2.8: *[Antonius] in magistratu amicam quam domi palam haberet de machinis emit*; *Comment. Pet.* 2.9: *[Catilina] educatus in sororis stupris*. On the *Commentariolum* see Tatum 2018.

29   See *e.g.* Livy 34.7.13; Tac. *Ann.* 3.34.

30   Pepe 2015: 38-49; on the *Laudatio Porciae* see Cic. *Att.* 13.37.3 and 13.48.2; Caputo 2017; Pepe 2018: 291-292. The private *laudationes* are epigraphically attested by the *Laudatio Turiae* (*CIL* 6².41062), the *Laudatio Murdiae* (*CIL* 6.10230), and the public *laudatio* of Emperor Hadrian for his mother-in-law Matidia the Elder (*CIL* 14.3579). Cf. Vettori 2022: 17-59.

31   Pepe 2018: 290.

away from the active role that women may have played in supporting relatives throughout their lives.

Women's Agency in the Electoral Competition: from Striking Interventions…

In Book 40 of his *History of Rome*, Livy dwells on the tortuous yet surprisingly positive path that led Q. Fulvius Flaccus (*cos. suff.* 180 BCE) to achieve the consulship.[32] After three electoral defeats, he was ultimately elected suffect consul due to the untimely death of his stepfather, C. Calpurnius Piso (*cos.* 180 BCE).[33] A rumour arose that the consul had been poisoned by his wife, Quarta Hostilia; she had sought to create a vacancy to secure her son's success and was subsequently convicted of *veneficium*.[34] While the historicity of the episode is highly questionable,[35] the ambitious and unscrupulous maternal involvement attributed to Quarta Hostilia in promoting her son's political career serves as a somewhat sinister archetype for the extent to which female intervention could effectively influence electoral competition.[36] Indeed, the active participation of women in promoting the political careers of their male relatives is supported by ancient sources.

Despite varying levels of agency, women's social respectability is considered a significant factor in the campaigning efforts of their relatives. According to the fragmentary Book 24 of Cassius Dio's *Roman History*, as his first term as tribune approached its conclusion, Tiberius Gracchus (*tr. pl.* 133 BCE) employed numerous provocative strategies to secure re-election to the tribunate for 132 BCE, alongside his brother Gaius, and for his father-in-law to attain the consulship. He was quick to present his sons and his wife, Claudia, daughter of Appius Claudius Pulcher, before the people. In a desperate bid to garner public support, the tribune relied on the visible presence and appeals of his wife and children as key parts of his initiatives.[37]

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32   Livy 40.37.4-7.
33   Broughton 1951: 387.
34   On poisoning as a quintessential female crime see Cavaggioni 2004: 53-65.
35   Briscoe 2008: 503 argues that the plague was likely the cause of the death of C. Calpurnius Piso.
36   On this episode see Briscoe 2008: 503-504.
37   Dio Cass. 24 FR 83.7-8 = EV 72; cfr. Plut. *Ti. Gracch.* 13.6. For an extensive commentary on this passage and a persuasive interpretation of the identity of the μήτηρ mentioned in Cassius Dio see Urso 2013: 104-111.

Even more telling, not least due to the degree of female protagonism evident in the episode, and the success of the outcome, is what occurred during the electoral campaign of L. Licinius Murena (*cos.* 62 BCE). The Vestal Licinia literally exploited her privileged position to support her close relative in his bid for the consulate. During the gladiatorial games, she ceded her special seat to Murena – a blatant gesture aimed at publicly expressing her political sympathies and promoting his candidature.[38] While her Vestal status ensured greater visibility for Licinia's actions,[39] the direct involvement of a woman in Roman campaigning was certainly not exceptional.

To gain a true understanding of female agency in electoral competition, and perhaps extend our knowledge beyond the limited scope of the Roman elite, we must refer to an alternative and much-debated documentary source: namely, the Pompeian *programmata* – electoral advertisements from campaign posters that are still visible on the main streets of Pompeii.[40] Out of more than 3,000 texts available, among around 400 texts in which *rogatores* can be identified,[41] approximately 54 cases involve roughly 50 women supporting a candidate for a political office, namely that of aedilship or duumvirate.[42]

Despite the interpretative challenges characterising these concise and formulaic documents, as well as the relatively few *rogatrices* attested, the

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38 Cic. *Mur.* 73: *nec si virgo Vestalis, huius propinqua et necessaria, locum suum gladiatorium concessit huic, non et illa pie fecit et hic a culpa est remotus.* ("If a Vestal Virgin, a relative and friend, has given Murena her seat at the gladiatorial games, her gift is a mark of affection and his acceptance of it above reproach"; transl. by C. Macdonald). On Vestals and Roman politics see DiLuzio 2016: 223-239, esp. 231-232 regarding Licinia's campaign for Murena. On Licinia's career see Rüpke 2008: 765, no. 2218.

39 Cf. also the noteworthy case of Claudia, daughter of Ap. Claudius Pulcher (*cos.* 143 BCE), who used her personal inviolability as a Vestal to secure the triumph that her father was celebrating without the approval of the senate: Val. Max. 5.4.6; DiLuzio 2016: 225-228.

40 On the Pompeian electoral *tituli picti* see Mouritsen 1988; however, his interpretative model of the campaigns as an essentially ritualised reaffirmation by the broader population of the elite's right to rule has attracted some criticism: Biundo 1996; Chiavia 2002; Monteix 2018; Bruun 2024. For a *status quaestionis* and a balanced opinion see Tacoma 2020: 62-67.

41 For a recent edition of the *inscriptiones parietariae Pompeianae,* with extensive *addenda* and *corrigenda* on the graffiti and painted writing on the walls of the buildings in the ancient Vesuvian cities, see the second and third fascicles of the supplement to *CIL* 4 and the digital updating in EDR by M. Stefanile: Stefanile 2017.

42 Discrepancies in the data provided by scholars can be attributed to interpretative doubts. Sometimes, even ascertaining the supporters' sex is complex. On this point see Savunen 1995: 203, n. 4. 195; Biundo 1996: Chiavia 2002: 199: Akar 2016: 167-168.

electoral notices provide direct insight into female involvement in canvassing and electioneering, showcasing notable female activism in local electoral commendations across various social strata. Alongside a few matrons, likely of decidedly modest status, were tavern-keepers and numerous workers and servants, some of whom belonged to the lower strata.[43] Women often appeared as the sole endorsers, but they also participated in joint or collective initiatives, sometimes in a prominent position, even featuring alongside men.[44]

The inscriptions rarely provide precise information about the identity of these *rogatrices*, the exact motivations behind their electoral support or the effectiveness of their interventions; nor do they demonstrate anything specific about their engagement in political campaigning compared to men. Nonetheless, it is evident that *programmata*, especially for the office of aedile, constituted a far-from negligible tool in the Pompeian electoral competition and that women's expressions of support were deemed to have some influence on the electorate. In other words, this epigraphic dossier attests to the full engagement of women in the civic life of the local community.

Among the rare exceptions in which significant details can be inferred, the case of Taedia Secunda is undoubtedly worthy of mention. This is the only instance where the family tie between the female supporter and the candidate is made explicit.[45] In the electoral notice displayed at the entrance of a building belonging to her, the *rogatrix* declares herself to be the *avia* of L. Popidius Secundus, who was running for aedilship and was a member of the Popidii family – one of the most prominent and wealthy families in Pompeii during its final years. Given the woman's interest in real estate speculation, her support for her grandson was likely not entirely unselfish.[46]

Pompeian electoral posters were typically displayed on the outer façades of buildings along the busiest commercial streets, where crowds of voters were most likely to see them.[47] Yet, in 2023, excavations in Insula 10 of Regio IX

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43   On women's presence in the painted electoral notices see Chiavia 2002: 197-203; Savunen 1995: esp. 198-200 for social standing; Akar 2016. For an impressive and recent overview on female agency see Longfellow – Swetnam-Burland 2021.

44   See*,* for example, *CIL* 4.171; *CIL* 4.3678 mentions exceptionally two women, *Statia et Petronia*; Chiavia 2002: 201-202.

45   *CIL* 4.7469: *L(ucium) Popi[dium] S[ecun]d[u]m aed(ilem) o(ro) v(os) f(aciatis) | Taed[i]a Secunda cupiens avia rog(at) et fecit.*

46   On Taedia Secunda's economic activities see Gallo 2022.

47   Chiavia 2002: 91-94; Akar 2016: 168-169.

in Pompeii uncovered a series of electoral posters inside a private house, specifically in the room containing the *lararium*, the household shrine.[48] This is hardly surprising: following the guidelines expressed in the *Commentariolum Petitionis*, the *forum* and the *contiones*, which women could also attend from the age of Cato the Elder,[49] and the *domus* itself was an essential part of the canvassing areas. This could be either the household of the candidates themselves or those of their supporters who, evidently for profit, opened their doors and transformed their homes into instruments of propaganda.[50] Unfortunately, women are neither mentioned nor involved in this newly discovered *programmata*. However, as vividly illustrated by this recent Pompeian finding, domestic spaces and dynamics could play a decisive role in consensus-building processes and politics. In this domain, women had ample means to be influential.

… to more subtle, yet no less incisive, forms of influence

Beyond the opportunities for political engagement in the "public" sphere, private gatherings and domestic conversations provided women with equally significant and incisive political avenues.[51] Recent studies have highlighted well the extent of female involvement in the broad network of informal communication that animated Republican politics.[52] Some particularly striking examples include Sulpicia, the mother-in-law of Sp. Postumius Albinus (*cos.* 186 BCE), as well as Servilia and Terentia, whose political engagement is supported by an unusual amount of information.[53] However,

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48   Scappaticcio – Zuchtriegel 2023. This may be related to the custom of organising events and dinners to promote electoral campaigns in the homes of candidates and their friends.

49   Though in the early Republic their participation was forbidden as it was deemed contrary to the *mos*, women were progressively permitted to take part in *contiones*: Livy 34.2.11; cf. Livy 22.7 and 22, Savunen 1995: 195 and n. 19; Angius 2018: 258-259. The benchmark study for *contiones* is Pina Polo 1989, which stresses the exceptionality of female presence. Women could occasionally speak at *contiones,* as did Hortensia in 42 BCE: Dio Cass. 83.8; Val. Max. 3.8.6 and 8.3; App. *B Civ.* 4.32-34.

50   Cicero, *Comment. Pet.* 16, 17, 40, 44, 47, 49, 50. On the *salutatio* see also Vitr. 6.5.1-2.

51   On the meaning of the terms of *privatus* and *publicus* in Roman culture see Russell 2016b: 1-42. Osgood 2024.

52   Rosillo-López 2017; Flower 2024; Osgood 2024.

53   For Sulpicia see Livy 39.8-19 with Flower 2024; for Servilia see Cic. *Att.* 15.11.1-2 (44 BCE) with Flower 2018; Treggiari 2019: 191-192; for Terentia, see, among others, Plut. *Cic.* 20: ἡ δὲ Τερεντία […] φιλότιμος γυνὴ καὶ μᾶλλον, ὡς αὐτός φησιν ὁ Κικέρων, τῶν

this phenomenon was much more common and pervasive than can be ascertained from our scattered evidence. Most importantly, the presence of women in political discussions appears to have been widely accepted and not perceived as being subversive. A particularly eloquent reference is found in Cicero's letters: the anonymous mother of C. Cassius Longinus (*pr.* 44 BCE) and her views were publicly cited by the consul himself during the informal meeting held by the presiding magistrate before the voting – the *contio*.[54] Elite women, and occasionally women from lower strata in powerful positions, thus received visitors, cultivated relationships, forged alliances, and expressed opinions.[55] Elections and electioneering are unlikely to have been taboo subjects for them. On the contrary, given the frequency of elections in Rome, these topics would have sparked much daily gossip.

However, the houses and villas in which women hosted these informal gatherings and conversations were not necessarily owned by their husbands or male relatives.[56] In fact, with the spread of the so-called *sine manu* marriage that was prevalent in the late Republic, upon the death of their *paterfamilias*, women could become *dominae* in their own right.[57] Moreover, female affluence was a considerable element in electoral competition and could play a significant role in the political careers of many senators, particularly in their early stages.[58] Within the context of the progressive monetisation of politics noted from the 2nd century BCE onwards[59], two

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πολιτικῶν μεταλαμβάνουσα παρ᾽ ἐκείνου φροντίδων ἢ μεταδιδοῦσα τῶν οἰκιακῶν ἐκείνῳ) ταῦτά τε πρὸς αὐτὸν ἔφρασε καὶ παρώξυνεν ἐπὶ τοὺς ἄνδρας· ("So Terentia, who was […] an ambitious woman, and, as Cicero himself tells us, more inclined to make herself a partner in his political perplexities than to share with him her domestic concerns, gave him this message and incited him against the conspirators"; transl. by B. Perrin); Dixon 2007; Osgood 2024.

54 Cic. *Fam.* 12.7.1 (43 BCE): *In contione quidem Pansa dixit matrem quoque tuam et fratrem illam a me sententiam noluisse dici. Sed me haec non movebant, alia malebam; favebam et rei publicae, cui semper favi, et dignitati ac gloriae tuae* ("In fact Pansa told a public meeting that your mother and brother too had been against my making my motion. But all this did not affect me; I had other considerations more at heart. I was for the commonwealth, as always, and for your dignity and glory"; transl. by D.R. Shackleton Bailey).

55 See, for example, Verres' Chelidon and Tertia in or Mark Antony's Cytheris in Cic. *Phil.* 2.58, 2.62; *Fam.* 9.26.2. On female mediation in politics see Rohr Vio 2022a: 149-172.

56 Vettori 2022: 78-79; Flower 2024: 14-18.

57 Gardner 1986; Vettori 2022.

58 Hellegouarc'h 1963: 15: "il [était] indispensable d'être riche, non seulment pour réussir, mais même pour entamer une carrière politique".

59 Rosillo-López 2016; Ioannatou 2006: 175-226.

factors may assist in assessing – albeit approximately – the influence of women's wealth on political competition and progression in the *cursus honorum*: namely, matrimonial strategies and possible evidence of public games funded by female relatives.

Regarding the first point – marital customs among elite Roman males – the traditional marriage pattern encouraged young men to wed in their mid-twenties, coinciding with the onset of a potential political career.[60] The provision of a substantial dowry, despite progressively harsher restrictions being placed on husbands regarding its management, could undoubtedly supply a future candidate with significant liquidity, especially through the income derived from the *dos*.[61] Cicero married Terentia in 79 BCE, when he had enjoyed his first oratorical successes and had the prospect of running for the quaestorship. Her good lineage and large dowry made her the ideal match for the first marriage of a *homo novus*.[62]

At times, the prospect of financial improvement could prompt unions that were markedly different from those typical of the Roman elite. In general, senatorial unions were socially and geographically endogamous and isogamous, occurring between individuals of roughly equal status. Still, wealth could act as a compensatory mechanism for the modesty of family prestige, thus making unorthodox unions entirely acceptable, albeit less frequent.[63] Caesar's engagement to Cossutia at the tender age of 16, though it is unlikely that he actually married her,[64] underlines how a marital alliance with a family from the equestrian order might have been a suitable option and even a strategic choice for a young senatorial scion, particularly one in pursuit of a future political career.[65] Occasionally, a man could descend even further down the social ladder. For Antony, who grew up in a family that had belonged

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60   Saller 1994: 25-41.
61   Treggiari 1991: 323-364; Vettori 2022: 101-154; 2024: 133-134. A certain scepticism regarding the historical accuracy of the data reported by ancient authors may be justified, thus inevitably prompting questions about the potential significance of dowry assets in defining the patrimonial position of a citizen for his participation in public life.
62   Broughton 1952: 98; Treggiari 1991: 92-93; Terentia's dowry amounted to 400,000 sesterces – precisely the threshold for entering the senate: Plut. *Cic.* 8.2; Saller 1994: 214 and n. 31.
63   Treggiari 1991: 93-95; Canas 2019: 90.
64   Plut. *Caes.*1.1; 1.5; 5.3. Despite Suetonius' use of the term *dimissa* (Suet. *Caes.* 1.1), there had never been a marriage and the two were only engaged: Fezzi 2020: 51-69.
65   Suet. *Caes.* 1.1.

to the plebeian *nobilitas* for generations but was yet encumbered by debts, the union with Fadia, the daughter of the freedman Q. Fadius Gallus, may have been crucial in silencing his numerous creditors before he enlisted in the cavalry and began his successful military career.[66]

Shifting to the second element, alongside the dowry, donations – especially those intended to fund games and festivals – provided women a with way to participate, to some extent, in political competition. The *ludi*, which increased both in number and duration throughout the Republic, were exceedingly costly yet notably advantageous in terms of political capital.[67] During his tenure as aedile, Caesar organised extravagant games and thus incurred significant debts.[68] However, Plutarch clearly emphasises the public favour that these expenses garnered him.[69]

As a result, individuals often sought loans to mitigate the negative impacts of absent or inadequate resources for gaming expenses, relying on the support from their network of relatives, friends and allies, as well as professional assistance from moneylenders.[70] The involvement of women in this hectic exchange of loans and donations, shaped by late Republican political competition, is well documented, as is their financial backing in advancing the political careers of their male relatives, especially their sons.[71]

The tangible possibility of a woman contributing to the field of public games seems to emerge from Cicero's correspondence, which involves Servilia in her roles as both mother and wife. As an urban praetor in 44 BCE, Brutus would have been obliged to preside over the games in honour

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66   Cic. *Phil.* 2.3; 3.17; 13.12; *Att.* 16.11.1. Plut. *Ant.* 2 records the exorbitant debt of 6 million sestertii. On the historicity of the marriage, questioned by some scholars, see Huzar 1985-1986: 97-98; Canas 2019: 80-81.

67   Livy 7.2.13. On Roman life as a "culture of spectacles" see, among others, Flower 2004: 322-343; Hölkeskamp 2006; for a historical overview of *ludi* see Bernstein 1998; Bartz 2023.

68   Sall. *Cat.* 49.3; App. *B Civ.* 2.8.13; Plut. *Caes.* 5.4-5; Suet. *Iul.* 10.18.1; Cfr. Asc. *in Scaur.* 18; Suet. *Aug.* 10.

69   Plut. *Caes.* 5.8-9. The popularity linked to the *ludi* is also apparent in the Ciceronian law of 63 BCE, aimed at preventing candidates for offices from giving gladiatorial games for two years beforehand: Cic. *Sest.* 133-134.

70   Verboven 2002: 150-153; Cic. *Off.* 2.57.9; in 37 BCE the aedile M. Oppius was willing to resign from his aedileship, due to his inability to cover the associated expenses: App. *B Civ.* 4.41.172-174; Dio Cass. 48.53.4-5.

71   Vettori 2022: 255-257. Sen. *Dial.* 12.14.3; Plin. *Ep.* 7.24; 10.4.2-3.

of Apollo (*ludi Apollinares*), usually held from 6 to 13 July 44 BCE. Forced to leave Rome, he was anxious about these games, which were to be organised in his absence but in his name, to encourage demonstrations in his favour.[72] It appears that Servilia was expected to oversee the arrangements for the games, both in terms of the programme and finances, and it was specifically the financial aspects that may have prompted her contacts with Atticus, referred to by Cicero.[73]

Furthermore, Servilia may have already been able to contribute to the financial burden linked to the games, in this case, to the benefit of M. Iunius Brutus's stepfather. They were possibly married in 76 BCE: Servilia was the young widow of M. Junius Brutus (*tr. pl.* 83 BCE), and D. Junius Silanus (*cos.* 62 BCE) had just begun his senatorial career. The influence and wealth of his wife could then assist him in achieving a priesthood at a relatively early age, as well as in staging spectacular games as an aedile. According to Cicero, the games were comparable to those of the Lucullii (*aedd.* 79 BCE) and Q. Hortensius Hortalus (*aed.* 75 BCE), and presumably won him the electorate's favour, easing his path towards the praetorship, which he likely held in or before 67 BCE.[74]

While acknowledging that such an example may be little more than a hypothesis, it should be remembered that Republican sources are generally quite reticent about donations. Roman law prohibited gifts between husband

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72 Cic. *Att.* 15.12.1: *Noster vero* καὶ μάλα σεμνῶς *in Asiam, postea quae mihi est adsensus tuto se Romae esse non posse (ludos enim absens facere malebat); statim autem se iturum simul ac ludorum apparatum iis qui curaturi essent tradidisse* ("Our friend for his part declared with all solemnity that he would go to Asia, once he had agreed with me that Rome was no safe place for him (he prefers to give the games in his absence). He added that he would go at once as soon as he had handed over the wherewithal for the games to those who would look after them"; transl. by D.R. Shackleton Bailey). Cfr. Plut. *Brut.* 21.1.

73 Cic. *Att.* 15.17.2 (14 June 44 BCE): *tu vero facies ut omnia quod Serviliae non dees, id est Bruto* ("It's just like you not to fail Servilia, which is to say Brutus", with commentary by Shackleton Bailey 2004: 265; Treggiari 2019: 196-200; 250). When Brutus left Rome, C. Antonius assumed the duties of Urban Praetor and celebrated the games; they were delayed to the Nones of July and took place without the hoped-for popular unrest. Broughton 1952: 319. See App. *B Civ* 3.28 on the bribery of plebeians by Octavian to halt the demonstrations in favour of Brutus, funded by this latter's agents. Brutus' memories waned with the young Caesar's lavish games honouring Venus and his great-uncle's victory, held at the end of July: Cic. *Att.* 15.2.3; Suet. *Aug.* 10.1.

74 Cic. *Off.* 2.57. Broughton 1952: 577. The latest date for his praetorship is based on the fact that he could have stood for the consulship of 64: Broughton 1952: 143.

and wife and promoted a strict separation of property between spouses and their families.[75] Nonetheless, not only did the law contemplate numerous exceptions, but in the 2nd century CE, as expressly attested in a constitution of Antoninus Pius, *honoris causa* donations were explicitly envisaged if they aimed to enable husbands to qualify as *equites*, to embark on a senatorial career, or to hold games.[76] The emperor's official decision was motivated by contingent historical factors,[77] but the practice of drawing on the wealth of wives and mothers must already have been widespread to a degree that cannot be fully ascertained from the sources. In the 1st century CE, Seneca explicitly notes that his mother used her resources to help him and that his brother in succeeding in public life, covering the expenses they incurred as they advanced in their *cursus honorum*.[78]

In situations where they needed funds for games or, more broadly, required cash for other electoral necessities, men could arguably rely on their kinswomen. According to Susan Treggiari, this reliance stemmed from the peculiar status of female wealth, which included movable property such as

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75   Buongiorno 2018; on the strict separation of property between husband and wife see Treggiari 1991: 365-396.

76   *Dig.* 24.1.42 (Gai. 11 *ad ed. prov.*): *Nuper ex indulgentia principis Antonini recepta est alia causa donationis, quam dicimus honoris causa: ut ecce si uxor viro lati clavi<i> petenti gratia donet vel ut equestris ordinis fiat vel ludorum gratia* ("Another basis for a gift has been introduced recently by means of the indulgence of the Emperor Antoninus, which we call gifts for the sake of honor, for example, where a wife makes a gift to her husband to allow him to seek admission to the senatorial or equestrian orders or so that he can put on games"; transl. by A. Watson). Cfr. *Dig.* 24.1.40 (Ulp. 2 resp.).

77   There was indeed a need to replenish the ranks of the ruling class, compelled to bear ever-increasing costs for *munera* and weakened demographically and economically by the Antonine plague: Buongiorno 2018; 213-214. Canas 2019: 76.

78   Sen. *Dial.* 12.14.3: *Tu liberorum tuorum bonis plurimum gavisa es, minimum usa; tu liberalitati nostrae semper imposuisti modum, cum tuae non imponeres; tu filia familiae locupletibus filiis ultro contulisti; tu patrimonia nostra sic administrasti, ut tamquam in tuis laborares, tamquam alienis abstineres; tu gratiae nostrae, tamquam alienis rebus utereris, pepercisti et ex honoribus nostris nihil ad te nisi voluptas et impensa pertinuit* ("But you have always had the greatest joy in the blessings of your children, yet you have used them not at all; you have always set bounds to our generosity, though you set none to your own; you, though a daughter in your father's household, actually made presents to your wealthy sons; you managed our inheritances with such care that they might have been your own, with such scrupulousness that they might have been a stranger's; you were as sparing in the use of our influence as if you were using a stranger's property, and from our elections to office nothing accrued to you except your pleasure and the expense; transl. by J. W. Basore).

cash, jewellery, precious items and luxury furnishings that could be readily sold.[79] As kinswomen could effectively dispose of assets not tied up in real estate,[80] seeking assistance from them might have offered practical advantages in terms of easier access to resources and opportunities for negotiation in the transaction. After all, women benefited significantly from their relatives' political advancement, particularly in terms of their *dignitas.* It should therefore not be assumed that female generosity was entirely selfless, or that it occurred without consequences for the gender and family hierarchies both within and outside the *domus.* In 169 BCE, when warning of the potential risks posed by an excessive concentration of wealth in women's hands in his speech in support of the *lex Voconia*, Cato the Elder refers to a woman who, likely through inheritance, acquired a substantial sum of money that she subsequently lent to her husband.[81] The anonymous woman then sent a servant to bother her husband publicly in the forum to ensure that the loan was repaid. We may never know for sure if electoral motives drove this request for money, but the canvassing costs were hardly irrelevant in the patrimonial relationship between husband and wife, as was the case in the relationship between mothers and sons.

Concluding remarks

In a well-known passage from the speech that Livy attributed to him as part of the debate on the repeal of the *lex Oppia* in 195 BCE, Cato the Elder laments the interference of women in the affairs of the *res publica*, in the public space of the Forum, in informal meetings (*contiones*), and even in

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79   Treggiari 2019: 250. The wife in the so-called *Laudatio Turiae* was praised by her husband for using her jewellery to support him during the civil war: *CIL* 6².41062, II 2a-5a.

80   On women's various assets see Vettori 2026.

81   Gell. 17.6.1-2 (= ORF⁴ 158): *M. Cato Voconiam legem suadens verbis hisce usus est: principio vobis mulier magnam dotem adtulit; tum magnam pecuniam recipit, quam in viri potestatem non committit, eam pecuniam viro mutuam dat; postea, ubi irata facta est, servum recepticium sectari atque flagitare virum iubet* ("Marcus Cato, when recommending the Voconian law, spoke as follows: 'In the beginning the woman brought you a great dowry; then she holds back a large sum of money, which she does not entrust to the control of her husband, but lends it to her husband. Later, becoming angry with him, she orders a *servus recepticius,* or 'slave of her own,' to hound him and demand the money'"; transl. by J.C. Rolfe). On the *lex Voconia* see McClintock 2022.

electoral assemblies (*comitia*).[82] The historiographical complexities of Livy's narrative invite caution concerning the possibility of interpreting Cato's words literally, as a direct reflection of the political reality of the early 2nd century BCE.[83] Nevertheless, the scenario sketched by Cato offers some important elements. The potential for women to steer public opinion and in some way affect the outcomes of elections with their bodies, words and gestures was a matter of fact in Rome and seems to have been recognised and accepted even by the candidates themselves. This is perfectly demonstrated in the cases of Caesar and, even earlier, of Tiberius Gracchus.

However, such interference may not have historically always been as disruptive as Cato believed in Livy's account. For example, consider the role of women's assets in providing sufficient financial support for a candidacy or meeting census requirements. Although sources rarely mention this in normal circumstances, such a role had to be crucial during times of political and institutional crisis, when confiscations were used as a means to oust opponents from political life. Triumviral proscriptions provide an excellent case study in this respect: the political continuity enjoyed by some of the families targeted by the Triumvirs during the Augustan principate, among other factors, likely also depended significantly on women being able to preserve part of the household assets[84].

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   82   Livy 34.2.11: *Maiores nostri nullam, ne privatam quidem rem agere feminas sine tutore auctore voluerunt, in manu esse parentium, fratrum, virorum: nos, si diis placet, iam etiam rem publicam capessere eas patimur et foro prope et contionibus et comitiis immisceri* ("Our ancestors did not want women conducting business, even private business, without a guardian acting as their spokespersons; they were to remain under the protection of fathers, brothers or husbands. But we, for God's sake, are now allowing them even to engage in affairs of state and almost to involve themselves in the Forum, in our meetings and in our assemblies" (transl. by J.C. Yardley, with modifications).

   83   Vassiliades 2019; Vettori 2020a: 128-134.

   84   Vettori 2020b: 55-72. On political continuity after Sullan proscriptions see Pina Polo – Rosillo-López in this volume.

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ELECTIONS AND ELECTIONEERING
IN VALERIUS MAXIMUS

Henriette van der Blom

Valerius Maximus' *Facta et dicta memorabilia* – written in the period 27-31 CE under emperor Tiberius – offers rich material on elections and electioneering in the Roman republic:[1] candidates petitioning the people, candidates engaging with their peers, and candidates using the assembled people to manipulate the electoral process. We also hear extensively about the behaviours of defeated candidates, giving insights into expectations and disappointments. Finally, the interplay between elections and other political institutions, such as the popular assembly or the courts, are at times touched upon. In Valerius' perspective, elections offer valuable insights into the norms, emotions and behaviours of the Roman political elite and their electorate.

Ancient historians have appreciated this material for its richness and, at times, revealing details, and have used Valerius' many anecdotes exactly to better understand the nature, function and expectations around republican elections. However, Valerius' anecdotes are often used selectively, with only limited attempts to understand Valerius' choice, knowledge and employment of this material. Recent scholarship on the *Facta et dicta* has offered a

strong argument for this as a work of literature, worthy of reading in full and consideration as a sophisticated composition with its own programme and careful projections of republican-period figures.[2] With this in mind, it is methodologically problematic to select the anecdotes – however delicious or helpful they might be – without considering their function within the wider contexts of the work or indeed within the historiographical and historical traditions. The problem is that Valerius scholars are less interested in the historicity of Valerius' election stories than in his composition, while the ancient historians of Roman republican elections are less interested in Valerius' composition and programme of work.[3] This chapter therefore attempts to bridge this gap.

The scope of my chapter does not allow me to provide a full assessment of Valerius' work and his engagement with Roman elections. Rather, I offer a starting point for understanding Valerius' knowledge of elections in the republican period, how he uses this knowledge in his work, the sources he might have drawn upon and, in turn, how we can use his material as a source for history. Finally, the chapter briefly considers the possible implications of the changed electoral situation in contemporary Tiberian Rome on Valerius' electoral depictions.

I shall consider a very well-known anecdote – in fact the opening anecdote in Yakobson's *Elections and Electioneering* – of Scipio Nasica offending a voter from the farming community.[4] I shall consider this anecdote within the context of the chapter *de repulsis* (Val. Max. 7.5), the historiographical and historical contexts of Nasica, and the other election anecdotes in Valerius' work.

Nasica meets the voters

> P. autem Scipio Nasica, togatae potentiae clarissimum lumen, qui consul Iugurthae bellum indixit, qui Matrem Idaeam e Phrygiis sedibus ad nostras aras focosque migrantem sanctissimis manibus excepit, qui multas et pestiferas seditiones auctoritatis suae robore oppressit, quo principe senatus per aliquot

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    2   Langlands 2018; Murray – Wardle 2022.
    3   Exceptions include Helm 1955; Bloomer 1992; Wardle 1997, 1998, 2000, 2002, 2022, (forthcoming).
    4   Yakobson 1999.

annos gloriatus est, cum aedilitatem curulem adulescens peteret manumque cuiusdam rustico opere duratam more candidatorum tenacius adprehendisset, ioci gratia interrogauit eum num manibus solitus esset ambulare. quod dictum a circumstantibus exceptum ad populum manauit, causamque repulsae Scipioni attulit: omnes namque rusticae tribus, paupertatem sibi ab eo exprobratam iudicantes, iram suam adversus contumeliosam eius urbanitatem destrinxerunt. <u>igitur ciuitas nostra nobilium iuuenum ingenia ab insolentia reuocando magnos et utiles ciues fecit, honoribusque non patiendo eos a scurris peti debitum auctoritatis pondus adiecit</u>.[5]

"P. Scipio Nasica was a brilliant luminary of civilian power. As Consul he declared war on Jugurtha; he received in purest hands the Idaean Mother as she migrated from her Phrygian seat to our altars and hearths; by the strength of his authority he suppressed many noxious turmoils; for some years the senate gloried in him as their Leader. Standing for the Curule Aedileship as a young man, after the manner of candidates he gripped somebody's hand, which had been hardened by farm labour, rather tightly, and asked him as a joke whether he was by way of walking on his hands. Bystanders caught the remark and it spread to the public and caused Scipio's defeat. For all the rustic tribes thought he had taunted them with poverty and vented their anger against his insulting wit. So, our community by restraining the minds of young nobles from insolence made them great and useful citizens, and added to offices their due weight of authority by not letting election be taken for granted".

The Scipio Nasica of this anecdote is usually thought to be the consul of 138 BCE (*RE* 354).[6] Here, I am less interested in Valerius' conflation of four Scipiones Nasicae in the opening description of his subject,[7] or in Nasica's comment – whether "ill-advised", "arrogant" or it "mocked a *rusticus*"[8] – or,

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5   Val. Max. 7.5.2; text: Briscoe 1998; translation: Shackleton Bailey 2000.

6   Münzer, *RE* 7.1501-1502 (s.v. Cornelius); Broughton 1991: 40-41; Pina Polo 2012: 76, note 25. Cic. *Planc*. 51 offers the decisive evidence for this identification.

7   The four Scipiones Nasicae are: P. Cornelius Scipio Nasica (*RE* 350, *cos*. 191 BCE); P. Cornelius Scipio Nasica Corculum (*RE* 353, *cos*. 162, 155, *cens*. 159 BCE); P. Cornelius Scipio Nasica Serapio (*RE* 354, *cos*. 138 BCE); P. Cornelius Scipio Nasica Serapio (*RE* 355, *cos*. 111 BCE). Cf. Maslakov 1984: 444; Bloomer 1992: 19; Briscoe 1993: 406-407. J.-M. Kötter 'Roles and persons: familial paradigms in Valerius Maximus' (paper delivered at Valerius Maximus conference at Fribourg, December 2022) argues that Valerius' conflation of the four Scipiones Nasicae built on a republican tradition of family groupings also expressed in Cic. *Att*. 6.1.17-18; Asc. 12C and is therefore not ahistorical but showing another way of thinking about history.

8   Yakobson 1999: 216: "an ill-advised joke"; Morstein-Marx 1998: 267: "ill-judged or arrogant pleasantry"; Jehne 2020: 218 n. 28: "a member of the Scipiones mocked a *rusticus* in the forum"; Morstein-Marx 2024: 122: "ill-judged joke".

indeed, in the 'cancelling' of Nasica by the voters in the rustic tribes.[9] Rather, I want to understand Valerius' construction of this anecdote, within the chapter and the work overall as a way of assessing its value for historians.[10]

This anecdote is, in fact, atypical because it lacks what Valerian scholarship terms a "transition" passage,[11] usually a sentence which leads the reader from the previous *exemplum* to the present one and offers a suggestion to Valerius' reading of the story. In the Nasica anecdote, we are immediately presented by the description of the subject (even if a conflation of four different Scipiones Nasicae) and the reader instead has to rely on the preface's justification for the topic of *repulsae*, namely the didactic value of how famous men of the past dealt with their electoral defeats for any present-day candidate for office. After the opening description of Scipio Nasica (and his relatives), Valerius provides the story of the *repulsa* itself, followed by his *sententia* summing up his perspective on the story (underlined). The middle part – not underlined – is thus Valerius' retelling of the story which likely built on one or more sources.

Precisely which source(s), we do not know, because Valerius' account is unique. However, we can begin to understand his method of working by focusing on the element of speech. Valerius has Nasica address the farmer, in indirect speech (*ioci gratia interrogavit eum num manibus solitus esset ambulare*), and he explains that Nasica's *dictum* was spread by bystanders to the wider public. Given its wide reach and the detrimental effect on Nasica's electoral campaign, if we trust Valerius on this, the *dictum* might have been transmitted in both oral and, subsequently, written sources, whether historical works, collections of famous *dicta*, declamatory exercises or something else.

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9   For a full analysis of the episode, accepted as recounted by Valerius Maximus, see Yakobson 2019a, who convincingly argues against the interpretation of Mouritsen 2017: 97-98. For further scholarship on Roman elections and expectation of electoral behaviour in the republican political culture: e.g. Broughton 1991; Hölkeskamp 1995/2004; Konrad 1996; Morstein-Marx 1998; Yakobson 1999, 2019a; Farney 2004; Tatum 2007, 2015; Pina Polo 2012; Mouritsen 2017; Karataş 2019; Russell 2019.

10   Yakobson 2019a also analyses the reliability of Valerius' episode (question on p. 535: "How reliable is Valerius Maximus' account of the episode with Scipio's gaffe and his electoral defeat?"), but does so by testing it against what else we know about Roman political culture and the behaviour of electoral candidates and the electorate. Nowhere does he question the validity of Valerius' account in its essence.

11   Bloomer 1990: 17 on "transition".

In fact, Valerius engages frequently and in specific ways with public speech. My research shows that speech of some form is common across the *Facta et dicta*: 34% (223/644) of all Roman republican *exempla* in the work contain speech, according to my definition: any person performing a speech act in a public setting, whether formal, informal or with a public implication. Following this definition, the Nasica *dictum* counts as speech because although Valerius does not tell us precisely where Nasica addressed the farmer, it was evidently in a public place where bystanders could hear and share Nasica's words.[12]

My preliminary research also suggests that when Valerius engages with speech and where we can check it against earlier extant sources such as Cicero,[13] he often reproduces the central words and phrases faithfully, although sometimes in a new order or with interjected words, and he sometimes employs stylistic *variatio* for the contextual description around the speech itself.[14] Moreover, my research suggests that Valerius was unlikely to fabricate concrete details presented as facts, even if he was selective in material included, often reorganised and varied chronologies and phrasing, placed anecdotes within the context of other anecdotes to make a point, and offered his take on a story through his transition passages and *sententiae*. I therefore suggest that Valerius did not invent the story about Nasica, but found it in his source, reproduced the meaning and perhaps even (some of) the words of Nasica's remark, and presented the story in a way that suited his theme of *repulsae* and ways to deal with them. Indeed, the *sententia* about the *civitas* teaching the young *nobiles* not to be insolent but rather *utiles cives* may or may not have been Nasica's reaction, but evidently the lesson Valerius wanted his readers to take away. This angling of the story does not necessarily disqualify the historicity of Nasica's remark or its effect on his electoral canvas. Whether or not Valerius' source was correct about Nasica, we cannot know, and whether we would agree with Valerius' representation of the story he found, is also unclear.

Nasica in the chapter *de repulsis*

More clues to Valerius' take on the story can be detected in his positioning of it within the larger work. Scholarship has shown that Valerius was very

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12 Yakobson 2019a: 542 and Jehne 2020: 218 n. 28 assume the Roman Forum.
13 Van der Blom (forthcoming 1).
14 Van der Blom (forthcoming 2), (2025).

careful in his selection, positioning and composition of *exempla*, and that understanding these aspects for individual *exempla* helps to understand their purpose and message.[15] Moreover, in a work where chapters are the primary conceptual unit, it is necessary to understand each *exemplum* within its chapter.[16] The Nasica episode is the second out of six in a chapter devoted to stories about electoral defeats; unusually, there are no external *exempla* to complement the preface and Roman *exempla*. I provide an overview of the chapter here and the full text in the appendix below.

> Val. Max. 7.5
>
> 7.5 pref.: Examples of famous men suffering electoral defeats will demonstrate to present-day election candidates how to bear defeats with more fortitude, how to seek office with prudence, and how to be patient in electoral ambition because the electorate has the right to resist the popular choice.
>
> 7.5.1: Q. Aelius Tubero (*RE* 155) suffered a *repulsa* in a praetorian election (129 or 128 BCE) because he offended the electorate with his overly modest outfitting of a dining room for a feast held by Q. Fabius Maximus in honour of P. Africanus (Aemilianus). [Cf. Cic. *Mur.* 75-76]
>
> 7.5.2: P. Scipio Nasica (likely *RE* 354) suffered a *repulsa* in a curule aedilician election (*c.* 145 BCE) because he offended the members of the rustic tribes with his joking/denigrating remark about a voter's callused hands.
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> 7.5.3: L. Aemilius Paullus (*RE* 114) suffered several *repulsae* in consular elections (?185 BCE) before being elected twice to the consulship (for 182 and 168 BCE) and once to the censorship (164 BCE). [Cf. Livy 39.32.5-6]
>
> 7.5.4: Q. Caecilius Metellus (Macedonicus; *RE* 94) suffered two *repulsae* in consular elections (146, 145 BCE) before being elected in 144 (for 143) BCE. No reason for the *repulsae* given. [Cf. Val. Max. 7.1.1; [Aur. Vict.] *De vir. ill.* 61.3]
>
> 7.5.5: L. Sulla (*RE* 392) suffered a *repulsa* in a praetorian election (94 BCE) before becoming *dominus* of the *campus*.[17] No reason for the *repulsa* given. [Cf. Plut. *Sull.* 5]
>
> 7.5.6: M. Porcius Cato (Minor; *RE* 20) suffered a *repulsa* in a praetorian election (55 BCE) when Vatinius was elected in his stead. No reason for the *repulsa* given, no mention of Cato's praetorship in 54 BCE or his *repulsa* in the consular elections of 52 BCE. [Cf. Livy, *Per.* 105, Plut. *Cat. Min.* 42-45]

Looking over the summary of chapter 7.5, it immediately becomes clear that the order of *exempla de repulsis* is not chronological, not even if we think Nasica is not *RE* 354, the consul of 138 BCE, but rather his son, *RE* 355 and

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15 E.g. Bloomer 1992: 17-40; Wardle 1998: 6-15.

16 On the chapter as the primary conceptual unit in Valerius' work, see Langlands 2006: 125, 160, 170, 191; Lawrence 2015: 135.

17 Broughton, *MRR* 3.14-16 argues for 93 BCE, whereas Brennan 1992 argues for 97 BCE.

the consul of 111 BCE;[18] this lack of clear chronology is not unusual for Valerius' chapters. Neither is the order based on the level of office for which the protagonists suffered their *repulsae*.

But some patterns can be observed: Tubero in the opening anecdote (7.5.1) was famous for his Stoicism, and was both a nephew of Scipio Aemilianus (and thus a relation of Scipio Nasica of 7.5.2) and a grandson of L. Aemilius Paullus (the protagonist of 7.5.3). Tubero's Stoicism is showcased in his choice of modest furnishings for the banquet in honour of Scipio Aemilianus, which apparently led to his electoral defeat. Valerius has this story from Cicero's *Pro Murena*: not only is the story the same, but Valerius also uses many of the same words and phrases, explains the familial relationships with Aemilianus and Paullus (even if from the opposite view point), and employs the same points about the Roman people loving modesty in private and splendour in public and about the defeat in the praetorian elections (even if phrased differently).[19] The link to Cicero's version is further

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18 Scipio Nasica *RE* 354 (cos. 138 BCE): *RE* 7.1501-1502 (s.v. Cornelius); Broughton 1991: 40-41; Pina Polo 2012: 76, n. 25. See Cic. *Planc.* 51, on this Scipio Nasica, the future slayer of Tiberius Gracchus, losing his bid for the aedileship – Cicero thought it was this Scipio.

19 Cic. *Mur.* 75-76: *Fuit eodem ex studio vir eruditus apud patres nostros et honestus homo et nobilis, Q. Tubero. Is, cum epulum Q. Maximus P. Africani, patrui sui, nomine populo Romano daret, rogatus est a Maximo ut triclinium sterneret, cum esset Tubero eiusdem Africani sororis filius. Atque ille, homo eruditissimus ac Stoicus, stravit pelliculis haedinis lectulos Punicanos et exposuit vasa Samia, quasi vero esset Diogenes Cynicus mortuus et non divini hominis Africani mors honestaretur; quem cum supremo eius die Maximus laudaret, gratias egit dis immortalibus quod ille vir in hac re publica potissimum natus esset; necesse enim fuisse ibi esse terrarum imperium ubi ille esset. (76) Huius in morte celebranda graviter tulit populus Romanus hanc perversam sapientiam Tuberonis, itaque homo integerrimus, civis optimus, cum esset L. Pauli nepos, P. Africani, ut dixi, sororis filius, his haedinis pelliculis praetura deiectus est. Odit populus Romanus privatam luxuriam, publicam magnificentiam diligit; non amat profusas epulas, sordis et inhumanitatem multo minus; distinguit rationem officiorum ac temporum, vicissitudinem laboris ac voluptatis.*

Compare with Val. Max. 7.5.1 (underline indicating verbal overlap with Cic. Mur. passage): *Q. Aelius Tubero, a Q. Fabio Maximo epulum populo nomine P. Africani patrui sui dante rogatus ut triclinium sterneret, lectulos Punicanos pellibus haedinis stravit et pro argenteis vasis Samia exposuit. cuius rei deformitas sic homines offendit ut cum alioqui vir egregius haberetur, comitiisque praetoriis candidatus in campum L. Paullo avo et P. Africano avunculo nixus descendisset, repulsa inde abiret notatus: nam ut privatim semper continentiam probabant ita publice maxima cura splendoris habita est. quocirca urbs, non unius convivii numerum sed totam se in illis pelliculis iacuisse credens, ruborem epuli suffragiis suis vindicavit.* On the point about modesty in private and splendour in public, see Cic. *Off.* 1.68, 2.56-64 with Gildenhard 2020. On Tubero's defeat, see Yakobson 2024: 91-93.

strengthened by the fact that Valerius implicitly borrows Cicero's purpose with this passage, which was to point a finger at Murena's prosecutor, Cato Minor, and his Stoic principled behaviour. Valerius implicitly argues that Tubero – another Stoic – followed his principles and it got him into trouble. Valerius does not explicitly mention Tubero's Stoicism, but it was well-known, not least from Cicero's widely circulated speech, and the Stoic outlook explains Tubero's position as the opening anecdote: Tubero introduces the Scipiones and Stoicism relevant for the next anecdote about Nasica, introduces Paullus relevant for the anecdote after Nasica's, and Tubero's Stoic frugality sits in ring composition with the final anecdote on Cato Minor who figured in Valerius' source to the Tubero story and also emblematised the virtue of Roman frugality,[20] especially in the early-imperial reception of Valerius' time.

Although no formal "transition passage" is provided, the link to Nasica in the next anecdote thus appears to be the familial link – the Scipiones – and the shared philosophical outlook: Cicero tells us in the *Tusculan Disputations* that Nasica was a Stoic, too.[21] Valerius is fond of clustering, and especially around the Scipiones and their relatives.[22] The connection in terms of philosophical outlook is perhaps even stronger if we consider the wider perception of Nasica, based on other stories circulating: Valerius' story about Nasica's chastising of the *contio* audience by telling them that he knew better than them,[23] his frequent positive interpretations of Nasica's attack on Tiberius Gracchus,[24] and Cicero's description of Nasica as *vehemens*,[25] and having no gracious manner in social settings.[26] The lack of social skills would make

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20 Gildenhard 2020 on Roman frugality.

21 Cic. *Tusc.* 4.51.

22 E.g. these Scipionic clusters: 2.10.2a-b + 2.10.4, 2.7.13-14, 3.5.1a-b, 3.6.1-2, 3.7.1a-g + 3.7.2-3, 4.1.10a-b, 4.1.6a-b, 4.4.10a-b, 5.1.6-7, 6.4.2a-b, 8.15.1-3+8.15.4.

23 Val. Max. 3.7.3 with Hölkeskamp (1995/2004); Yakobson 2019a: 546-548.

24 Val. Max. 1.4.2 (struck down Ti. Gracchus), 2.8.7 (Nasica *maestus* = sorrowful with striking down Ti. Gracchus), 3.2.17 (the story of the lead up to and killing of Ti. Gracchus; direct speech by Nasica), 5.3.2e (among Scipionic *ex.*, Nasica's killing of Ti. Gracchus and the ungrateful people led him to withdraw to Pergamum). Yakobson 2019a, 546-551 discusses how Nasica was remembered as an oligarch.

25 Cic. *Brut.* 107: *cum omnibus in rebus vehementem tum acrem aiebat* ("a forceful character in general and a vigorous speaker").

26 Cic. *Off.* 1.109: *contraque patrem eius, illum qui Ti. Gracchi conatus perditos vindicavit, nullam comitatem habuisse sermonis* ("but his father, on the other hand – the man who punished Tiberius Gracchus for his nefarious undertakings – had no such gracious manner in social intercourse"). Cf. Dyck 1996, *ad loc.*

sense of his ill-advised joke about the farmer's hands, but his vehement behaviour could also be seen as part of his inflexible attitude, somewhat akin to Tubero's decision to stick with modest furnishings in spite of setting up for a honorific dinner.

That L. Paullus of 7.5.3 was already mentioned in the opening anecdote on Tubero suggests that the link is both with this anecdote and with the immediately preceding anecdote on Nasica, to which Valerius' transition passage refers back. The Paullus anecdote itself links to the following anecdote on Q. Caecilius Metellus Macedonicus: both were famous commanders who suffered *repulsa* in consular elections. That Valerius or his source massages the facts here by turning around the chronology of triumph followed by *repulsa* not only seems designed to fit with a cultural pattern of victory following defeat, as Russell has argued,[27] but also helps us to understand Valerius' patterning: Macedonicus fitted with Paullus and led onto the next anecdote.

Sulla of 7.5.5 seems the odd one out in the chapter, and is linked only implicitly to the previous anecdote because he, as Macedonicus, was a famous commander.[28] Sulla's *repulsa* is isolated from the rest of the anecdote which consists mainly of Valerius' judgement: the story part is just *hic quoque in eo campo cuius postea dominus exstitit repulsa praeturae suggillatus est* ("He too, in that Campus of which he later became lord, was affronted by a rejection for the Praetorship") – with a clearly pejorative flavour in the choice of the word *dominus*.[29] Sulla also stands out because Valerius does not suggest that

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27 Russell 2019: 130.

28 Plut. *Sull*. 5.1-2 mentions Sulla's *repulsa* and successful election the following year, seemingly building on Sulla's memoirs (φησὶ, "he says"). The dates of the *repulsa* and subsequent election is debated: Broughton, *MRR* 3.14-16 argues he held the office in 93 BCE, whereas Brennan 1992 argues for 97 BCE. Steel 2019: 20 and Yakobson 2024 (including Sulla's *repulsa* pp. 87-91) discuss the possible reasons for defeat followed by election.

29 *Sugillatus est*, perfect passive of *sugillo* (*avi*, *atum*) means "to mark (a person's eyes, etc.) with bruises" (*OLD*), with the figurative meaning of "to insult, affront, humiliate" (listing this passage as an example) or "to censure, castigate (conduct etc.)" (listing Val. Max. 3.2.ext.1 as an example). *Sugillo* may be a development on *sugo* ("to suck a liquid"), but this is unclear (*OLD*). Valerius uses forms of *sugillo* or the related noun *sugillatio* ("bruising" or figuratively "the action of insulting (a person)" or "a rebuke" *OLD*) seven times: apart from 7.5.5 and 3.2.ext.1 (*uoluit se Fuluii crudelitatem suggillare*, in the *sentential* part), also in 5.2.ext.4 (*nunc neglectum suggillandi gratia*, *sententia* on entire chapter), 5.3.4 (*inualidae ad hoc monstrum suggillandum litterae*, in *sententia*), 6.9.12 (*itaque qui amara suggillatione non*

any virtue was inculcated in Sulla in response to his *repulsa*, whereas all the other protagonists were claimed to have learnt or to have projected a moral lesson. It is only divine power, according to Valerius, which could have avoided Sulla's *repulsa*.

The inclusion and position of the final anecdote, on Cato Minor, I have already hinted at: with Cato we return to a Stoic ready to carry through on his principles to the detriment of his electoral success, and who provides closure to the chapter by an elegant ring composition with Tubero's opening anecdote.

Returning to Nasica's role and position in the chapter *de repulsis*, he was likely pulled in because he was a Scipio and a Stoic. But Valerius does not stress Nasica's inflexibility and arrogance here, likely because it did not fit the *sententia* about being taught humility. This therefore seems a slightly forced *exemplum*, shoe-horned in to make a point about humility, which led nicely to the next two *exempla* about Paullus and Macedonicus. The combination of Nasica – as arrogant – and Sulla – as powerful nasty – among all the good guys is significant too: Nasica's uncompromising conservative political beliefs resulted in his attack on Tiberius Gracchus, while Sulla's uncompromising ambition and conservative outlook led to a devastating civil war, proscriptions, curtailment of many political processes and a societal trauma.[30] Of course, none of this is mentioned by Valerius here, but it is mentioned elsewhere in his work,[31] which helps us to contextualise the two anecdotes in the *repulsa*-chapter: whereas Valerius praises Nasica's uncompromising beliefs and attacks on Gracchus, his perspective on Sulla's actions is much more damning.

The overarching themes of the chapter are set out in Valerius' preface: fortitude in the face of defeat and patience in electoral canvas. Alongside

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caruit, in *sententia*), 7.8.9 (*scurrili lusu suggillanda sibi desumpsit*, in *sententia*), 9.2.pr. (*si ne suggillationis quidem frenis fuerit reuocata?*, preface to chapter). Thus, in all passages apart from the Sulla episode is Valerius using variants of *sugill-* only in the part where he expresses his own interpretation and judgement. Does this suggest that his Sulla episode is more Valerian than Sullan?

30   On the trauma, see Eckert 2016; Rosenblitt 2019.

31   Val. Max. 1.2.3, 1.5.5, 1.6.4, 2.8.7, 2.10.6, 3.1.2b, 3.6.3, 3.8.5, 5.2.9, 5.3.5, 5.6.4, 6.4.4, 6.5.7, 6.9.6, 7.5.5, 7.6.4, 8.6.2, 8.14.4, 9.2.1, 9.3.8, 9.7.mil.Rom.1-2, 9.1.5 with Bloomer 1992: 48-54, 170-184.

these explicit themes, further themes emerge from Valerius' representation of the anecdotes: principle over practicality, humility versus arrogance, statesmen rejected by an unappreciative electorate yet still achieving success, in their careers or – in the case of Cato and Tubero – in their afterlives through Valerius' praise. These protagonists and their stories appear to have been selected because they had experienced *repulsae*, they were known to Valerius and his contemporary readership, and their stories could be used to teach a lesson about correct behaviour in the face of humiliating electoral defeat.

That Valerius was selective in his chapter *de repulsis* is clear from the fact that he includes more information about Cato's electoral activity in another chapter (4.1.14), mentions Marius' *repulsae* elsewhere, and avoids other famous *repulsae* of which he must have known. Indeed, Cato's defeat in the praetorian election of 55 (7.5.6) came after his rejection of the senate's offer of special honours in the praetorian elections of 56 thanks to his stellar service in his mission to Cyprus (4.1.14).[32] Valerius says that Cato rejected the special treatment because he was against an innovation applied to an individual and preferred to take his chances with the unpredictable electorate in a regular election.[33] Morrell has rightly pointed out the idealisation of Cato's Cypriotic mission and his behaviour upon return to Rome.[34] Valerius seems to reproduce this idealisation, which chimes in with Valerius' overall depiction of a virtuous Cato.[35] Reading the other story about Cato in an election and its idealisation of Cato's behaviour helps to explain Valerius' take on Cato's *repulsa* in 7.5.6: his electoral defeat had nothing to do with Cato's or indeed Vatinius' behaviour, only with the lunacy (*dementia*) of the electorate, resulting in Valerius' moral judgement that Cato was denied to the praetorship, which he would have brough distinction.

Marius' repeated *repulsae* were followed by his victories over Jugurtha, the Cimbri and Teutones, and his unprecedented seven consulships, as

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32 Whether the honorific measure was a late entry or the right to use praetorian *ornamenta* is unclear from the sources which give differing reports: Val. Max. 4.1.14; Plut. *Cat. Min.* 39.3; Dio Cass. 23.23.1, 4 with Brennan 2000: 429; Fehrle 1983: 159-161; Morrell 2017: 122-125.

33 On the unpredictability of the Roman republican electorate, see Pina Polo 2012; Tatum 2015.

34 Morrell 2017: 122-125.

35 Bloomer 1992: 188-191.

Valerius tells us in 6.9.14. Surely, such a track record could have been used to underline the moral lesson of triumph after defeat which ran through the chapter *de repulsis*, but Valerius decided instead to include it in a long chapter *de mutatione morum aut fortunae*. Whether Valerius wanted to avoid the otherwise classic juxtaposition of Marius and Sulla or some other issue,[36] the Marius anecdote in chapter 6.9 again shows how Valerius deselected known examples from his chapter on electoral defeat.

Thirdly, Valerius remains silent about the *repulsae* of L. Marcius Philippus (*cos*. 91 BCE; *repulsa* in 93 BC), Q. Lutatius Catulus (*cos*. 102 BCE, *repulsae* in 107, 106 and 105 BCE) and M. Aemilius Scaurus (*cos*. 115 BCE, *repulsa* in 117 BCE), even though Cicero mentions these in the *Pro Murena* which we know from Valerius' anecdote on Tubero's *repulsa* that he had read closely.[37] It is thus clear that Valerius knew about more *repulsae* than he included in the chapter *de repulsis* and that his selection of anecdotes was a conscious choice, taken from a larger pool of instances. The analysis has also shown that the order of anecdotes seems deliberate, linking protagonists, their *repulsae* and the lessons to be learnt in the face of defeat.

Finally, looking over the *repulsa*-anecdotes in 7.5, all – apart from the Nasica-story – figure in other sources and Valerius' account does not conflict with the historical facts presented in these. Indeed, Valerius seems not to change the core historical details but rather to tailor his presentation of them to his theme. And this suggests, alongside the analysis of Nasica's remark, that we should not necessarily reject Valerius' anecdotes as invented or ahistorical.

Fact-checking Valerius' election stories

This conclusion seems to hold if we extend the fact-checking to the other Valerian election stories. Apart from the *repulsa*-anecdotes in chapter 7.5, there are (at least) 11 other election anecdotes in the *Facta et dicta*. Of these, four are unique to Valerius' work and cannot be checked against other sources, while seven are found elsewhere which allows such a check:

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36   Valerius did not avoid making such Marius-Sulla connections elsewhere in his work: Bloomer 1992: 172-175.

37   On the *repulsae* of these three later consuls, see Pina Polo 2012.

Further election anecdotes in Valerius

3.8.3 (*de constantia*): consul C. Piso refusing to have M. Palicanus elected consul (67 BCE): not found elsewhere.

4.1.5 (*de moderatione*): Fabius Maximus tried to dissuade the electorate from electing his son consul because the Roman people needed a break from the Fabian clan: not found elsewhere.

4.1.14 (*de moderatione*): Cato Minor offered special honours to stand in praetorian elections, but rejected them (55 BCE): versions in Plut. *Cat. min.* 39; Dio Cass. 39.23.1.

4.5.3 (*de verecundia*): the scribe C. Cicereius stood alongside Scipio Africanus' son in the praetorian elections, but decided to cede his candidacy and instead canvass for Scipio (175 BCE): see Val. Max. 3.5.1b, but not found elsewhere.

4.5.4 (*de verecundia*): L. Crassus canvassed the voters in the consular elections of 96 BCE, and sent away his father-in-law Scaevola (Augur) to not appear *ineptus* ('foolish') in his flattery of the voters: most likely taken from Cic. *De or.* 1.112.

4.6.4 (*de amore coniugali*): Caesar's daughter Julia miscarried when seeing a bloodstained cloth belonging to her husband Pompey taken home from the aedilician elections (55 BCE): version in Plut. *Pomp.* 53.

5.2.7 (*de gratis*): Metellus Pius canvassed the voters on behalf of Q. Calidius (80 BCE), whose tribunician law had restored Pius' father to the *civitas* (recalled him from exile): most likely taken from Cic. *Planc.* 69-70.

6.9.14 (*de mutatione morum aut fortunae*): summary of Marius' political career including *repulsae* in quaestorian, aedilician and tribunician elections before elected praetor in the last place and, eventually, seven times consul: story was well known; Cic. *Planc.* 51 mentions Marius' double *repulsae* in the aedilician elections.

8.15.4 (*de cupiditate gloriae*): Scipio Aemilianus elected consul when standing for aedileship, elected consul a second time when supporting nephew in quaestorian elections (134 BCE), and sent on two commands without drawing lots, without ever seeking favour: story was well known, apart from Scipio originally canvassing for his nephew.

9.3.2 (*de ira aut odio*): C. Figulus bitterly hurt by his *repulsa* in the consular elections (date unknown), because his father had been consul twice and he was himself regularly consulted as a jurisconsult: not found elsewhere.

9.11.6 (*Dicta improba aut facta scelerata*): L. Villius Annalis learnt about his proscription when supporting his son's candidacy in quaestorian election (43 BCE), and was betrayed by this very son and killed: longer version in App. *B Civ.* 4.18.69-70, which does not conflict with Valerius' version.

I cannot discuss everything in detail here, but my analysis of these 11 anecdotes shows that:

1) Valerius used Cicero's *De oratore* and *Pro Plancio* for two if not three of the anecdotes as indicated by strong overlap in content and language: in 4.5.4, Valerius keeps the essence of the story on Crassus'

embarrassment about canvassing the voters, as told in *De oratore*, including the central term *ineptus*. In 5.2.7, the anecdote about Metellus Pius' canvas for Calidius overlaps substantially with Cicero's *Pro Plancio*, with some stylistic *variatio* although never losing the essence of the story or the historicity (if we trust Cicero's version, of course).

2) Valerius shares stories with some other imperial-period authors whose reports are often trusted: the story about Cato Minor's special honours in the praetorian elections of 55 BCE (4.1.14) differs in the specific honours, but not in the overall situation, from Plutarch's and Dio's versions. Valerius' angling is positive towards Cato which fits his general depiction of Cato. And Villius Annalis' story in 9.11.6 is repeated with more details in Appian without conflicting with Valerius' version.[38] Julia's fright and resulting miscarriage (4.6.4) is told very similarly in Appian.

3) Valerius reproduced two very well-known stories about Marius' *repulsae* and subsequent elections (6.9.14) and Scipio Aemilianus' election to his second consulship (8.15.4). Cicero's *Pro Plancio* mentions Marius' double *repulsae* in the aedilician elections, but Valerius seems to record just one; nevertheless, Valerius' version was more or less right, according to Carney, just presented selectively and in summary form.[39] That Scipio was supporting his nephew's canvas for the quaestorship cannot be found elsewhere and we therefore cannot know from where Valerius had this information.

Therefore, where we can check Valerius' account of Roman elections against other sources, his may be selective or geared towards his moral point, but the concrete details are generally correct if we consider the other sources as correct. That Valerius topped and tailed his anecdotes with a transition and a *sententia* means that we need to extract the 'story part' of Valerius' *exempla* to get closer to what he thought was historical fact, and also read the story part as potentially selected and angled to support his moral point. But I would venture to say that Valerius demonstrates in these election stories shared with other sources that he did not fabricate details to be presented as historical fact.

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38   See Tansey 2013 on Villius Annalis' status as praetor.
39   Carney 1962.

Conclusion

Does this analysis get us closer to the historicity of Nasica's encounter with the farming community or the nature of elections in Rome? We do not have positive proof that Nasica met with the farmer, uttered these words and offended the rural voters so much that they rejected him at the polls. Nevertheless, given Valerius' method of work in relation to public speech and events in general – as tested against other sources – he was likely to have it from a source he trusted. And he was likely to have trusted the story because it fitted the wider historiographical tradition of Nasica as an inflexible and arrogant elite Roman with conservative ideas. Valerius is therefore unlikely to have made up the story.

Indeed, the brief review of other election stories in Valerius suggests that not only the Nasica story but the other election stories, too, built on sources which were thought at the time of Valerius to reflect historical figures and events. Although I would not advocate taking Valerius at face value, I suggest that we cannot accuse him of inventing the entire stories which he tells about republican elections. Filtering through to what I have called the 'story part' of his *exempla*, siphoning off his moralising message, and focusing on what he reports as facts allows us a view into republican elections, and especially the behaviour and expectations of candidates and electorate.

And what can we then learn from this Nasica story and the other election anecdotes in Valerius? First of all, and this comes as no surprise, that electoral defeat was a topic of discussion in Rome and that certain *topoi* around candidate behaviour existed: the *topos* of *repulsa* followed by victory is one, but also that a *repulsa* <u>should</u> but did not always lead to humility in the candidate, that misjudging the situation or expectations (Tubero, Nasica) could backfire, and that a *repulsa* was not always clearly the candidate's fault yet still needed an explanation. This final point aligns with Rosenstein's point that military defeat needed an explanation.[40]

Valerius' strong interest in elections and especially defeats at the polls suggest that *repulsae* were a topic of interest to Valerius' readers. Although the political system changed under the emperors and was still developing under Tiberius, especially in terms of access to office and resulting

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40 Rosenstein 1990.

dynamics,[41] there was still room for politicking, canvassing and competition among the senators even as late as 100 CE,[42] because the emperor could only directly nominate a part of the candidate pool. The rest were discussed in the senate, after self-nomination (*professio*), and those who were not selected to go forward were seen to have suffered a *repulsa*.[43] Indeed, Pliny's letters show that canvassing, competition, defeats and disappointments in the elections were still very real prospects. Tacitus' presentation of Tiberius' reaction to a proposal of holding praetorian elections five years in advance is also telling: Tiberius justifies his flat refusal on the grounds of the sting of *repulsae*.[44] Moreover, Tacitus' comment that the electoral reforms were embraced by the senators because they were relieved of the sordid business of handouts and begging for votes (*largitionibus ac precibus sordidis*) may reflect a real sentiment even though the object of the canvas simply changed from the Roman people to fellow senators.[45] In this perspective, Valerius' selection and presentation of republican 'also-rans' taught his readers how to behave in the face of defeat.

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41   Talbert 1984: 341-53; Hollard 2010: 169-225.

42   Plin. *Ep.* 1.14.7 (need for canvassing), 2.9.5 (canvassing on behalf of others), 3.20.1-8 (procedure of election in senate), 6.6 (canvassing for another candidate), 6.19 (Senatus consultum regulating the conduct of candidates for office, c. 105 CE), 8.23.5-6 (canvassing for aedileship); Talbert 1984, 18-19 (competition for praetorship), 54-55 (canvassing and competition), 342-44 (canvassing, competition, election procedures, developments in 1st century CE). See also Hurlet 2018 on the introduction of suffect consuls under Augustus and the ways in which competition for office nevertheless continued, and Chillet 2023.

43   Lacey 1963 discusses especially the provisions under emperor Tiberius – Valerius' time of writing – but also traces the provisions long into the High Empire. Shotter 1966 takes of Lacey's discussion of the Trajanic provisions, as seen from Pliny's *Panegyricus* and letters, supporting the conclusion that *repulsae* were still possible.

44   Tac. *Ann.* 2.36: *vix per singulos annos offensiones vitari, quamvis repulsam propinqua spes soletur: quantum odii fore ab iis qui ultra quinquennium proiciantur?* ("scarcely was offense avoided from year to year, although the proximity of hope comforted rejection; how much hatred would come from those who were cast aside in suspense beyond a quinquennium!", trans. Jackson, Loeb). I should like to thank Panayotis Christoforou for alerting me to this passage. Lacey 1963 and Shotter 1966, along other scholars, interpret this passage to say that Gallus' reform was a snipe at Tiberius, but Satterfield 2020 presents a more plausible reading, which sees less intrigue and more pragmatic reform intentions.

45   Tac. *Ann.* 1.15.

Appendix

<u>Val. Max. 7.5</u> (Text: Briscoe 1998; transl. Shackleton Bailey 2000). Underline in 7.5.1-6 indicates Valerius' transition and *sententia*.

Praef.
Campi quoque repraesentata condicio ambitiosam ingredientes uiam ad fortius sustinendos parum prosperos comitiorum euentus utiliter instruxerit, quia propositis ante oculos clarissimorum uirorum repulsis ut non minore cum spe honores ita prudentiore cum animi iudicio petent, meminerintque nefas non esse aliquid ab omnibus uni negari, cum saepenumero singuli cunctorum uoluntatibus resistere fas esse duxerint, scientes etiam patientia quaeri debere quod gratia impetrari nequierit.

Pref.
"A presentation of what happens on the Campus will be a useful preparation for those entering on the path of public office. It will help them bear adverse election results with more fortitude, for when rejections of men of great renown are placed in front of them, they will seek offices not with less hope but with shrewder judgment. They will bear in mind that there is no sin in the denial of something to an individual by the community, since individuals have often thought it right to resist the wishes of the generality. They will know too that what cannot be won by favour should be sought by patience".

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1. Q. Aelius Tubero, a Q. Fabio Maximo epulum populo nomine P. Africani patrui sui dante rogatus ut triclinium sterneret, lectulos Punicanos pellibus haedinis strauit et pro argenteis uasis Samia exposuit. cuius rei deformitas sic homines offendit ut cum alioqui uir egregius haberetur, comitiisque praetoriis candidatus in campum L. Paullo auo et P. Africano auunculo nixus descendisset, repulsa inde abiret notatus: nam ut priuatim semper continentiam probabant ita publice maxima cura splendoris habita est. <u>quocirca urbs, non unius conuiuii numerum sed totam se in illis pelliculis iacuisse credens, ruborem epuli suffragiis suis uindicauit.</u>

1. "Q. Aelius Tubero was asked by Q. Fabius Maximus, who was giving a feast to the people in the name of his uncle P. Africanus, to fit out a dining room. He spread Punic couches with goatskins and put out Samian utensils instead of silver. This shabby proceeding gave such offence that although he otherwise passed for an excellent person and went down to the Campus as a candidate at the praetorian elections relying on his grandfather L. Paullus and his maternal uncle P. Africanus, he left it with the stigma of rejection. For while they always approved of private frugality, publicly they set much store on a handsome show. <u>So the city felt that its whole entity, not just the complement of one dinner party, had lain on those skins and by its votes took its revenge for the shame of the banquet</u>".

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2. P. autem Scipio Nasica, togatae potentiae clarissimum lumen, qui consul Iugurthae bellum indixit, qui Matrem Idaeam e Phrygiis sedibus ad nostras aras focosque migrantem sanctissimis manibus excepit, qui multas et pestiferas seditiones auctoritatis suae robore oppressit, quo principe senatus per aliquot annos gloriatus est, cum aedilitatem curulem adulescens peteret manumque cuiusdam rustico opere duratam more candidatorum tenacius adprehendisset, ioci gratia interrogauit eum num manibus solitus esset ambulare. quod dictum a circumstantibus exceptum ad populum manauit, causamque repulsae Scipioni attulit: omnes namque rusticae tribus, paupertatem sibi ab eo exprobratam iudicantes, iram suam adversus contumeliosam eius urbanitatem destrinxerunt. igitur ciuitas nostra nobilium iuuenum ingenia ab insolentia reuocando magnos et utiles ciues fecit, honoribusque non patiendo eos a scurris[46] peti debitum auctoritatis pondus adiecit.

2. "P. Scipio Nasica was a brilliant luminary of civilian power. As Consul he declared war on Jugurtha; he received in purest hands the Idaean Mother as she migrated from her Phrygian seat to our altars and hearths; by the strength of his authority he suppressed many noxious turmoils; for some years the senate gloried in him as their Leader. Standing for the Curule Aedileship as a young man, after the manner of candidates he gripped somebody's hand, which had been hardened by farm labour, rather tightly, and asked him as a joke whether he was by way of walking on his hands. Bystanders caught the remark and it spread to the public and caused Scipio's defeat. For all the rustic tribes thought he had taunted them with poverty and vented their anger against his insulting wit. So our community by restraining the minds of young nobles from insolence made them great and useful citizens, and added to offices their due weight of authority by not letting election be taken for granted".

3. Nullus error talis in L. Aemilio Paullo conspectus est, sed tamen aliquotiens frustra consulatum petiit, idemque, cum iam campum repulsis suis fatigasset, bis consul et censor factus amplissimum etiam dignitatis gradum obtinuit. cuius uirtutem iniuriae non fregerunt sed acuerunt, quoniam quidem ipsa nota accensam cupiditatem summi honoris ardentiorem ad comitia detulit, ut populum, quia nobilitatis splendore et animi bonis mouere non potuerat, pertinacia uinceret.

3. "No such blunder was seen in L. Aemilius Paullus' case and yet he several times stood for the Consulship without success. But after he had tired the Campus out with his rejections, he was elected Consul twice and Censor and enjoyed a standing second to none. Rebuffs did not break his manly spirit but sharpened it. He brought a more ardent desire for the highest office to the voters, fired by the very stigma, so that by pertinacity he vanquished the public since he had not been able to move them by splendour of birth and mental gifts".

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46   scurris *Oliuerius* : securis α.

4. *Q. autem Caecilium Metellum pauci et maesti amici consulatus repulsa adflictum, tristitia ac rubore plenum, domum reduxerunt. eundem de Pseudophilippo triumphantem uniuersus senatus laetum et alacrem in Capitolium prosecutus est. Achaici etiam belli, cui summam manum L. Mummius adiecit, maxima pars ab hoc uiro profligata est.* eine ergo populus consulatum negare potuit cui mox duas clarissimas provincias aut daturus erat aut debiturus, Achaiam ac Macedoniam? et quidem hoc facto meliore eo cive usus est: intellexit enim quam industrie sibi gerendus esset consulatus quem tanto labore impetrari senserat.

4. "A few sorrowful friends accompanied Q. Caecilius Metellus home, dashed by his defeat in an election for the Consulship, full of gloom and embarrassment; the same Metellus was escorted to the Capitol by the whole senate in joyous and cheerful mood at his triumph over False Philip. The greater part of the Achaean War, too, to which L. Mummius gave the finishing touch, was accomplished by the same personage. Could the people deny the Consulship to one to whom they were soon about either to give or to owe two splendid provinces, Achaea and Macedonia? And indeed by that action they made him a better citizen for their service; for he realised what diligence he had to show in his conduct of the Consulship, which he had found it so much trouble to procure".

5. *Quid tam excellens, quid tam opulentum quam L. Sulla? diuitias imperia largitus est, leges vetustas abrogavit, nouas tulit. hic quoque in eo campo cuius postea dominus exstitit repulsa praeturae suggillatus est, omnia loca petiti honoris,* si quis modo deorum formam et imaginem futurae eius potentiae populo Romano repraesentasset, impetraturus.

5. "Outstanding and powerful as none other was L. Sulla. He lavished riches and commands, abrogated old laws, carried new. He too, in that Campus of which he later became lord, was affronted by a rejection for the Praetorship. But if some god had shown the Roman people the shape and semblance of his future power, he would have gained all places for the office he sought".

6. *Sed ut comitiorum maximum crimen referam, M. Porcius Cato, plus moribus suis praeturae decoris adiecturus quam praetexto eius splendoris ipse laturus, consequi illam a populo aliquando non potuit. proxima dementiae suffragia, quae quidem satis graues poenas erroris sui pependerunt, quoniam quem honorem Catoni negauerant Vatinio dare coacti sunt.* ergo, si uere aestimare uolumus, non Catoni tunc praetura sed praeturae Cato negatus est.

6. "But to relate the worst blot on the elections, M. Porcius Cato, who by his character would have conferred more distinction on the Praetorship than he would himself have gained splendour by its glory, at one time failed to obtain it from the people. Those votes come close to lunacy, and they paid dearly enough for their blunder, since they were obliged to grant Vatinius the office they had denied to Cato. So if we want to reckon aright, the Praetorship was not denied to Cato on that occasion but Cato to the Praetorship".

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IUS LIBERTATIS INMINUTUM:
THE POLITICAL LIFE OF THE SONS
AND DAUGHTERS OF THE PROSCRIBED BY SULLA

Francisco Pina Polo – Cristina Rosillo-López

In 49, Caesar restored the right of the descendants (*liberi*) of those who had been proscribed by the dictator Sulla to stand for magistracies. As the *Digest* makes plain, the concept of *liberi* not only referred to the children of the proscribed but also to their grandchildren and great-grandchildren (*nepotes et pronepotes*): '*liberorum' appellatione nepotes et pronepotes ceterique qui ex his descendunt continentur.*[1] Although it has been conjectured that the measure was implemented following the passing of a law presented by the tribune of the *plebs* Marcus Antonius,[2] the sources clearly attribute the initiative to Caesar himself.[3] He seems to have made the decision on returning from Hispania in the autumn of 49, following his defeat of Pompey's legates, when he was appointed dictator.[4] During Caesar's eleven days in office, he presided

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1   *Dig.* 50.16.220.

2   Cf. Broughton *MRR* 2.258: "during Caesar's dictatorship (*Antonius) carried a law to restore the children of the proscribed"; Yavetz 1983: 62-63; Hinard 1985: 217-219.

3   Plut. *Caes.* 37.2: "Appointed dictator by the senate, Caesar brought home the exiles, restored the civic rights to the children of those who had suffered in the days of Sulla …" (καὶ τῶν ἐπὶ Σύλλα δυστυχησάντων τοὺς παῖδας ἐπιτίμους ἐποίησε). Cf. Dio Cass. 44.47.4; Suet. *Iul.* 41.2.

4   While Cassius Dio (41.18.2) establishes the lifting of the ban on the sons of the proscribed before Caesar's departure for Hispania in the first part of 49, Suetonius (*Iul.* 41.2) and Plutarch (*Caes.* 37.2) clearly date it to the elections presided over by Caesar as dictator in the autumn of 49.

over the elections for the following year, in which he was elected consul. Caesar, as president of the elections, "accepted" the sons of the proscribed as candidates, thus lifting de facto Sulla's ban. This is exactly what Suetonius states: "And he (*Caesar) admitted to the offices some descendants of the proscribed" (*Admisit ad honores et proscriptorum liberos*).[5]

This marked the end of a struggle lasting three decades which had deeply marked Roman political life. Sulla's extraordinary decision to curb the civic rights of the children of the proscribed and to decapitalise them had a profound impact on Roman elections. The hitherto unprecedented measure forced many elite Roman families to withdraw from the political contest. Accordingly, the intention here is to review the question of the offspring of the proscribed in order to analyse the effect of that unresolved political matter in the decades following Sulla's death. The focus is then placed on the children (both sons and daughters) of the proscribed, considering how the measure affected them and the strategies they implemented to cope (or even survive) under the circumstances. Lastly, an in-depth analysis is performed on how and why two sons of the proscribed were elected to magistracies despite the ongoing enforcement of Sulla's ban until 49.

Sullan proscriptions and the *liberi proscriptorum*

Before proceeding, it is necessary to return to 82-81, when this issue first emerged and took shape. After the battle of Porta Collina on 1 November 82, Sulla claimed victory in the civil war, entered Rome and shortly afterwards became dictator. Thenceforth, he went out of his way to wreak vengeance on his political adversaries, who became public enemies of Rome. When devising his reprisals, he showed a remarkable degree of originality, drawing up a proscription list that included several hundred people. In practice, the classification of these citizens as outlaws meant their death sentence without trial – their executioners were also granted immunity – or, at the very best, their exile, as well as the confiscation of their property, which Sulla's followers acquired at ridiculously low prices.[6] As a matter of fact, Appian emphasises

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5   Suet. *Iul.* 41.2. Drummond 1999: 121-167, esp. 135 and n. 50, already suggested that "the usual confident ascription of this to a tribunician *Lex Antonia* rests on no evidence".

6   Sall. *Hist.* 1.55.17; Val. Max. 9.2.1; App. *B Civ.* 1.96; Plut. *Sull.* 31. On the Sullan proscriptions, see Hinard 1985 and 1990; Ferriès 2016; Piacentin 2021: 137-152. On Sullan violence: Thein 2017.

that the proscriptions were aimed mainly at well-off citizens.[7] As a result, many of his cronies conveniently amassed huge fortunes, whereas the anti-Sullan elite was decapitalised in what must have been a significant transfer of wealth (see below).[8]

In order to eliminate any future political opposition as far as possible – but also to prevent the reclamation of confiscated property[9] – Sulla took an unprecedented step concerning the descendants of the proscribed,[10] who were deprived of their possessions and some of their rights, which Sallust later described as "a decrease of the right to liberty" (*ius libertatis inminutum*).[11] Ancient sources are unanimous on this point. According to Velleius Paterculus, "the property of the proscribed was sold, and their children were deprived not only of the property of their parents, but also of the right to aspire to public office".[12] This is confirmed in similar terms in Livy's *Periochae* ("he deprived the children of the proscribed from aspiring to public office and sold their possessions"), Plutarch ("and what seemed the greatest injustice of all, he took away civil rights of the children and grandchildren of the proscribed, and confiscated the property of all of them") and Seneca ("[Sulla] removed from the *res publica* the children of the proscribed").[13]

As a matter of fact, the two measures taken against the *liberi* of the proscribed were mutually compounding, since the pursuit of a political career

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7   App. *B Civ* 1.96.

8   There were people who were included on the proscription lists for the sole purpose of seizing their property, even after they had been killed. Cf. Plut. *Sull.* 31.1. Even the property of anti-Sullans killed during the civil war was confiscated and sold (Cic. *Rosc. amer.* 126).

9   Santangelo 2007: 81 has emphasised this point: "The *interdictio* was extended to the children of the proscribed, mainly to make any legal challenge to the confiscation impossible".

10   The political purge of adversaries, in many cases after the end of a war, has been relatively commonplace throughout history. The purging of their descendants is, however, a measure that, to our knowledge, neither had historical precedents nor was officially repeated at a later date. For Rome, see Rivière 2017: esp. 36-38.

11   Sall. *Cat.* 37.9. On the *liberi proscriptorum* in particular, see Vedaldi Iasbez 1981; Hinard 1984, 1985, esp. 207-219.

12   Vell. Pat. 2.28.4: *Adiectum etiam, ut bona proscriptorum venirent exclusique paternis opibus liberi etiam petendorum honorum iure prohiberentur simulque….*

13   Livy *Per.* 89: *proscriptorum liberis ius petendorum honorum eripuit et bona eorum vendidit*; Plut. *Sulla* 31.4: ὃ δὲ πάντων ἀδικώτατον ἔδοξε, τῶν γὰρ προγεγραμμένων ἠτίμωσε καὶ υἱοὺς καὶ υἱωνούς, καὶ τὰ χρήματα πάντων ἐδήμευσε (Plutarch uses ἠτίμωσε to refer to the prohibition of aspiring to public offices); Sen. *De ira* 2.34.3: *Ne irascamur inimicorum et hostium liberis: inter Sullanae crudelitatis exempla est quod ab re publica liberos proscriptorum summovit; nihil est iniquius quam aliquem heredem paterni odii fieri.* Cf. Dion. Hal. 8.80.

without a minimum of personal wealth was unthinkable. Therefore, neither did the descendants of the proscribed lose their status as Roman citizens nor were they obliged to go into exile, but were simply forbidden to run for any of the offices of the *cursus honorum* (*ius petendorum honorum*) and, consequently, to become senators: in practice, the purpose of the ban was the political (and social) ostracism of some families of the elite for generations.[14] The descendants of the proscribed, even those who had not yet been born, were stigmatised and somehow inherited the status of *hostes* from their fathers without being designated as such themselves.

All the ancient authors who refer to this Sullan measure describe it as unjust and unfair, for it ultimately involved the punishment of innocent people whose only crime was being descendants of Sulla's political enemies. In the following years, however, attempts to reverse the ban failed one after the other.

The consul of 78 M. Aemilius Lepidus promoted measures against some of Sulla's provisions, including the return of exiles. There is no evidence that Lepidus included among those measures the abrogation of the interdiction of the *ius petendorum honorum* for the *liberi* of the proscribed, although this cannot be ruled out.[15] Florus conveys an idea that must obviously have prevailed in the Sullan senate and which subsequently reappeared in the political debate: however unjust the proscriptions and their consequences might have been, they had given stability to the *res publica* and therefore the restitution of rights (and property) to the proscribed would only have led to confrontation between citizens.[16]

Once Lepidus had been defeated, some of those who had fought on his side departed for Hispania to join the rebel Sertorius in the war he waged there

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14   It is highly significant that both Seneca and Quintilian use the same expression when referring to the punishment imposed on the descendants of the proscribed: *a re publica summovere*, that is, "to remove from the *res publica*" (Sen. *De ira* 2.34.3; Quint. *Inst. orat.* 11.1.85).

15   Gran. Licin. 34: *(Et) legem frumentariam nullo resistente tulatus est, ut annonae quinque modii populo darentur et alia multa pollicehatur: exules reducere, res gestas a Sulla (rescindere) in quorum agros milites deduxerat, restituere.* Cf. Vedaldi Iasbez 1981: 181; Rosenblitt 2014.

16   Flor. 2.11: *Nam cum iure belli Sulla dictator proscripsisset inimicos, qui supererant revocante Lepido quid aliud quam ad bellum vocabantur? Cumque damnatorum civium bona addicente Sulla quamvis male capta iure tamen tenerentur, repetitio eorum procul dubio labefactabat compositae civitatis statum.*

during the 70s.[17] They probably included a number of the proscribed who were still alive and some of their descendants. Although the war in Hispania was largely fought by local peoples, the conflict should be seen primarily as an extension of the civil war in Italy in the 80s and the subsequent proscriptions, as Florus asserts: "What more was the Sertorian war than the legacy of the Sullan proscriptions?"[18] Sertorius' main aim was to put an end to the Sullan regime and, in this respect, it seems reasonable enough to assume that he wanted to compensate those who had been punished by the dictator. In any case, his defeat yet again brought the proscribed and their descendants to a dead end.

Perhaps in the context of the measures adopted in 70 during the first joint consulship of Pompey and Crassus, a tribune of the *plebs* called Plotius or Plautius may have succeeded in passing a *rogatio* allowing the return to Rome of those who had fought in the ranks of Lepidus' army and who had joined Sertorius after Lepidus' death.[19] According to Suetonius, Caesar supported the bill in a *contio* during the usual public discussion of the *rogatio*,[20] whereas Cassius Dio confirms that he pleaded for the amnesty for the followers of Lepidus and Sertorius in the same passage in which the Greek author claims that he accepted to grant "honours and offices" to the descendants of the proscribed.[21] The amnesty of *Lepidani* and Sertorians should be understood in the framework of a policy aimed at reconciling Roman citizens and reversing some of Sulla's measures. Even so, there was no clemency for the proscribed or their descendants.

There is further news of the *liberi proscriptorum* in 63, there being several pieces of evidence for that year that can be connected. When mentioning tribunician initiatives in 63, Cassius Dio states that one of the tribunes of the *plebs* "supported for office the sons of those who had been banned by Sulla".[22]

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17   Plut. *Sert.* 15.

18   Flor. 2.10: *Bellum Sertorianum quid amplius quam Sullanae proscriptionis hereditas fuit?*

19   The law, its date and its author have been much debated. See the debate in Mora 1992.

20   Suet. *Iul.* 5. Cf. Gell. 13.3.5. It is questionable, however, whether Caesar's support was decisive, given that in 70 he had not even held the quaestorship yet (he was elected in 70 for 69). In spite of (or precisely because of) the emphatic nature of the sources, it cannot be ruled out that it was a historical anticipation of Caesar's devolution of rights in 44. At any rate, it shows the extent to which clemency towards the children of the proscribed was linked to Caesar in ancient historiography.

21   Dio Cass. 44.47.4. Cf. Vedaldi Iasbez 1981: 182-183.

22   Dio Cass. 37.25.3: ὁ μέν τις τοὺς παῖδας τῶν ὑπὸ τοῦ Σύλλου ἐκπεσόντων πρὸς τὰς ἀρχὰς ἦγεν.

Given the context in which Cassius Dio refers to the matter, it could be understood that this tribune of the *plebs* tabled a bill whose aim was to restore to the sons of the proscribed their right to hold public office by withdrawing the prohibition. Yet it could also be interpreted as meaning that they ran for some or other office as a matter of course and that the aforementioned tribune of the *plebs* supported their right to be candidates without this necessarily implying the passing of a law overturning the Sullan ban. When referring to Cicero's consulship in 63, Plutarch mentions, as a significant problem, that those whom Sulla had forbidden to hold public office were attempting to curry favour with the people by levelling accusations against the erstwhile dictator. Remarkably, for Plutarch they were "neither weak nor few". As "fair and true" the accusations against Sulla might have been, the Greek historian goes on to claim that the activity of the descendants of the proscribed "was disturbing the government at an inappropriate and inopportune time".[23]

Plutarch's assessment thus connects directly with a speech delivered by the consul Cicero that same year. When listing his consular speeches, Cicero includes *de proscriptorum filiis*,[24] and when setting out his achievements as consul, he claims to have prevented "brave and courageous young men" from standing for election, clearly referring to the descendants of the proscribed. As a result, Cicero proudly proclaimed that he had acted personally against them without involving the senate.[25]

Although Cicero's speech has not come down to us,[26] Quintilian summarises the main arguments as follows. While it was certainly cruel that

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23   Plut. *Cic.* 12.1: τοῦτο μὲν γὰρ οἱ κεκωλυμένοι κατὰ τοὺς Σύλλα νόμους ἄρχειν, οὔτ᾽ ἀσθενεῖς ὄντες οὔτ᾽ ὀλίγοι, μετιόντες ἀρχὰς ἐδημαγώγουν, πολλὰ τῆς Σύλλα τυραννίδος ἀληθῆ μὲν καὶ δίκαια κατηγοροῦντες, οὐ μὴν ἐν δέοντι τὴν πολιτείαν οὐδὲ σὺν καιρῷ. Cf. Vedaldi Iasbez 1981: 179; Hinard 1985: 207-208. Gruen 1974: 414 underestimates the importance of this crusade, which he considers to be "another harmless attack on Sulla's ghost, an opportunity for demagogic posturing". In his opinion, "its potential beneficiaries were either too few or too impotent" (415).

24   Cic. *Att.* 2.1.3: *quarum una est in senatu Kal. Ianuariis, altera ad populum de lege agraria, tertia de Othone, quarta pro Rabirio, quinta de proscriptorum filiis, sexta cum provinciam in contione deposui, septima quom Catilinam emisi, octava quam habui ad populum postridie quam Catilina profugit, nona in contione quo die Allobroges indicarunt, decima in senatu Nonis Decembribus.*

25   Cic. *Pis.* 4: *Ego adulescentis bonos et fortis, sed usos ea condicione fortunae ut, si essent magistratus adepti, rei publicae statum convolsuri viderentur, meis inimicitiis, nulla senatus mala gratia comitiorum ratione privavi.* Cf. Plin. *HN* 7.117.

26   See Crawford 1994: 205-211.

the sons of men of good birth and the descendants of distinguished men should be excluded from participating in public life, the very stability of the *civitas* depended on the laws that Sulla had passed which their repeal would only undermine. Even though the measure adopted by the dictator could be regarded as unfair,[27] it was ultimately undesirable to revoke it for the sake of maintaining internal stability and perhaps, no less importantly, to avoid calling into question the economic privileges of those who had benefited from the confiscation of the property of the proscribed, a not unimportant economic argument.[28] In short, Cicero's main reasoning was that allowing the descendants of the proscribed to stand for election would have reopened old wounds and undermined the *res publica*.[29]

There are two different circumstances in which Cicero might have delivered this speech. If indeed a tribune of the *plebs* introduced a *rogatio* to restore the *ius petendorum honorum* to the descendants of the proscribed, as sometimes assumed, this Ciceronian *dissuasio* would have been delivered during the period in which the bill was discussed, as was mandatory, presumably before the people. The sources, however, by no means mention a tribunician bill in this respect.[30] The alternative is that the descendants of the proscribed ran for a magistracy of the *cursus honorum*, which must have been the quaestorship, since they could not have held any other office before. In fact, this is exactly what Plutarch claims, namely, that these people banned from holding public office canvassed for a magistracy: μετιόντες ἀρχὰς.[31]

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27 In a passage from the *De natura deorum*, Cicero asserts that it would be unacceptable for a community to condemn children or grandchildren for crimes committed by their parents or grandparents (Cic. *Nat. deor.* 3.90: *ferretne civitas ulla latorem istius modi legis, ut condemnaretur filius aut nepos, si pater aut avus deliquisset?*). Although Cicero defends this theoretical position in the case of the *liberi proscriptorum*, the fact is that, in practice, he is opposed to redressing the injustice.

28 Cf. Vedaldi Iasbez 1981: 179-180. Economic reasons might have been behind the reluctance to grant amnesty to those proscribed by Sulla, whereas there was a consensus on doing so to those who had fought under Lepidus in 78 and subsequently under Sertorius in Hispania.

29 Quint. *Inst. orat.* 11.1.85: *Mollienda est in plerisque aliquo colore asperitas orationis, ut Cicero de proscriptorum liberis fecit. Quid enim crudelius quam homines honestis parentibus ac maioribus natos a re publica summoveri? Itaque durum id esse summus ille tractandorum animorum artifex confitetur, sed ita legibus sullae cohaerere statum civitatis adfirmat ut iis solutis stare ipsa non possit.* Cf. Gruen 1974: 415; Hinard 1985: 210-211.

30 Drummond 1999: 134 has already suggested that there was no tribunician *rogatio* whatsoever.

31 Plut. *Cic.* 12.1 (see the text of the passage above).

If this reconstruction of Cassius Dio's and Plutarch's texts is correct, Cicero would have delivered his speech in the weeks preceding the elections, over which he, as consul, would preside. As consul, Cicero was legally entitled to summon a *contio* at any time and to deliver a speech to the people. Therefore, as president of the elections Cicero might have rejected the *professio* of the candidates who were descendants of the proscribed as illegal, according to the Sullan laws, as well as subsequently convening a popular assembly to justify his decision. In theory, the speech might have been delivered in the senate, but Cicero's claim that he personally assumed the *inimicitia* to which his decision might have given rise without involving the senate (*meis inimicitiis, nulla senatus mala gratia*) suggests that it must have been made before the people. Moreover, the *contio* could have been a response to other speeches that one or more tribunes of the *plebs* had also delivered to the people defending the rights of the *liberi proscriptorum*. Cicero's own evidence provides a possible clue to the relative chronology of the discourse. When Cicero lists his consular speeches to Atticus, he places the one delivered against the candidacy of the descendants of the proscribed in fifth place after the speeches *de lege agraria*, on L. Roscius Otho and in favour of Rabirius, and before the one he made to renounce his province. This indirectly supports the idea that the speech was delivered in the context of the electoral campaign. If the elections were held that year in July,[32] Cicero's speech against the candidacies of *liberi proscriptorum* could be dated to early summer.[33]

The second part of 63 was largely occupied by the Catilinarian conspiracy. Sallust paints a very negative picture of those who joined Catiline, describing them as impoverished people without morals who saw conspiracy as a means of survival.[34] Moreover, Sallust is the only ancient source that mentions the *liberi proscriptorum* as supporters of Catiline (Cicero does not name them either directly or indirectly at any point). The sentence in which Sallust refers

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32   On this issue, see esp. Benson 1986: 234-246.

33   There are differences of opinion on the date of the speech. For Crawford 1994: 205 n. 1, Cicero would have spoken out against a tribunician *rogatio*, which would have been presented late in 64, about the same time as the *rogatio agraria* of the tribune Rullus. Drummond 1999: 134-135 has argued convincingly against the existence of a joint legislative tribunician package at the end of 64 or at the beginning of 63, establishing Cicero's speech in relation to the elections, most likely at the beginning of the summer. This chronology was already proposed by Schettler 1961: 112, before the elections in early summer. Cf. Marinone 2004: 85.

34   Sall. *Cat.* 37.1-8.

to the *liberi proscriptorum* begins with the word *praeterea*, clearly in order to differentiate them from the other Catilinarians who he has just cast in a negative light: "Moreover, those for whom Sulla's victory had meant the proscription of their fathers, the loss of their property and the decrease of the right to liberty, awaited the outcome of a war in a similar spirit".[35] Sallust seems to sympathise with the *liberi proscriptorum*, whose involvement in the conspiracy he implicitly justifies because they were deprived – unjustly, it should be understood – of their property (*bona erepta*) and rights (*ius libertatis inminutum*): when referring to *ius libertatis*, Sallust is appealing to *libertas* as an essential aspect of the status of a Roman citizen.[36]

At first glance, Sallust's text is surprising, since Catiline fought on the Sullan side in the civil war. Moreover, as Catiline seems to have had blood on his hands in the repression following the proscriptions,[37] how is it possible that some *liberi proscriptorum* joined their fathers' executioner? The explanation could lie in the events of the past few weeks (or months) in 63. The refusal to reverse the ban and allow them to run for public office, on the strength of Cicero's argument that this would reopen old wounds among the Roman citizenry, might have made it clear to some that the members of the oligarchy remained firm in their convictions and that there was no other way out than sedition. Be that as it may, the events of 63 show that the issue of the *liberi proscriptorum* still persisted eighteen years after Sulla's dictatorship.

Survival/coping strategies of the children of the proscribed

Sulla's prohibition worked, for the children and grandchildren of the proscribed were banned from entering the *cursus honorum*. It warrants noting that, whereas quite a few of the dictator's reforms were dismantled in the years after his death, this ban, as has been seen, was not reconsidered. It is first necessary to review the consequences of this for the lives of those children and grandchildren, before analysing the strategies devised by some of them to circumvent that political exclusion.

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35 Sall. *Cat.* 37.9: *Praeterea, quorum victoria Sullae parentes proscripti, bona erepta, ius libertatis inminutum erat, haud sane alio animo belli eventum exspectabant.* Cf. Holwell 2018: 35-36.

36 Holwell 2018: 37.

37 Dio Cass. 37.10.3. See now, however, the clarifications offered by Urso 2019: 95-110 on the murders allegedly perpetrated by Catiline.

a) The sons of the proscribed

In order to bar the families of the proscribed from political life, Sulla implemented a double strategy: to the prohibition of running for office was added a straightforward policy of decapitalisation, that is, of stripping them of their financial and economic assets as a political weapon.

Sulla's policy regarding the property of the proscribed had several aims. First of all, it facilitated the transfer of huge sums of money from a certain group of families to others. Secondly, the ruined families could no longer afford to be included among the senatorial group and the highest centuries. Thirdly, it prevented the sons of the proscribed from entering the *cursus honorum*, since they were deprived of the financial means to defray the costs (legal or illegal) of conducting a successful political campaign. This policy, which affected the structural foundations of those families, had long-term consequences, for even when the political ban was lifted, the policy of decapitalisation had excluded (and still did) many of them from political life. By the same token, the few sources that touch on the matter reflect the dire financial straits of the members of that group before 49.

When Sulla first entered Rome, he had already seized and sold part of the assets of his enemies.[38] When the proscription lists were presented, Sulla made it crystal clear that all confiscations and sales *sub hasta*, at auction, would cease on the 1 June 81.[39] Property was sold to the highest bidder in a public auction in the forum, probably in many cases to *sectores*, that is, people who bought it *en bloc* and subsequently resold it in smaller parts.[40] The movable and immovable assets of the proscribed were sold at laughable prices, like, for example, Marius' fabulous villa in Campania which was bought by Sulla's daughter Cornelia for 75.000 denarii. Shortly afterwards, she resold it to Lucullus for 500,000 denarii, thus having paid only 15 per cent of its real market value.[41] In an attempt to offer a rough estimate for the total amount

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38 App. *B Civ.* 1.89.

39 Cic. *Rosc. Amer.* 128: *Opinor enim esse in lege quam ad diem proscriptiones venditionesque fiant, nimirum Kalendas Iunias.* Ferriès 2016. See Cicero's criticism of the sales *sub hasta*, qualifying the sold goods as *praeda*, as booty, in Cic. *Verr.* 2.3.81; *Leg. Agr.* 2.56; *Off.* 2.27. On the auctions, including those organised by Sulla: García Morcillo 2005. Regarding ancient and modern views on the proscriptions: Calore 1995.

40 Piacentin 2021: 141-143. Thus, Pliny calls Caecilia Metella, Sulla's wife, *sectrix proscriptorum* because of having benefited from the auctions (Plin. *HN* 36.116).

41 Plut. *Mar.* 34.3-4; Plin. *HN* 18.32. On profit margins, see Hinard 1984: 199-200. Marius' villa ended up in imperial hands (Suet. *Tib.* 72-74).

of assets expropriated, based on the figures provided by several sources (Appian, Valerius Maximus and Florus), Shatzman calculated that at least 470 million denarii were transferred from the proscribed into other hands.[42] Even though these figures are merely a guesstimation, they are indicative of the colossal transfer of property occurring in the 80s.[43] Furthermore, it is important not to forget that many members of the Roman elite became very rich (or richer) thanks to the proscriptions, including Sulla, Cornelia (Sulla's daughter) and Caecilia Metella (his wife), P. Sulla (his nephew), L. Domitius Ahenobarbus, C. Scribonius Curio, Catilina, Verres, Pompey, Crassus, Antonius (*cos.* 63) and Aemilius Lepidus, to name but a few.[44]

This is not a moot point, since it obliged those benefitting from the proscriptions to uphold the ban on the proscribed and their offspring. In the decades following Sulla's death, when the rights of the proscribed became a matter of public debate, many top magistrates of the *res publica* had directly benefited from the proscriptions, to wit, several consuls (in 81, 78, 76, 74, 70, 65, 63 and 55) and three praetors (in 74, 68 and 63). Given this state of affairs, Cicero's remark about the children of the proscribed should be seen under a different light, for the fear that they might use their newly restored rights to call for a financial restitution must have rattled the nerves of those beneficiaries. These people, who admittedly had not been paupers beforehand, had used that money to win elections, thus furthering their own *cursus honorum*. For instance, ill-gotten gains from the proscriptions allowed M. Aemilius Lepidus (*cos.* 78) to reconstruct the basilica Aemilia.[45] The huge fortune that P. Sulla, the dictator's nephew, amassed from the proscriptions allowed him to distribute bribes and to organise enough games to seal his election as consul in 65.[46] M. Aemilius Scaurus (*pr.* 56) built his political career on the assets that he inherited from three people – his eponymous father (*cos.* 115), his mother Caecilia Metella and his step-father Sulla – who

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42 Shatzman 1975: 474-475. Alternative estimates in Schneider 1974*:* 69-73 and Tan 2017: 11-12.

43 In 49, Faustus Cornelius Sulla, the dictator's son, longed for further proscriptions in order to pay off his debts (Cic. *Att.* 9.22.3-4).

44 For a full list, see Hinard 1984: 201-203; Shatzman 1975: 39-40.

45 Sall. *Hist.* 1.55.18; Plin. *HN* 35.13. He also built himself a lavish villa in Rome, the most magnificent of his time, worth more than 6 million HS (Plin. *HN* 36.109). Shatzman 1975: 262. When he revolted, Lepidus declared that he was willing to restore the money he had acquired during the proscriptions to its rightful owners.

46 Although he was convicted *de ambitu*.

had increased their fortunes during the proscriptions.[47] To this end, he spent a tremendous amount of money: the games he put on as aedile in 58 were by far the most lavish organised in Rome hitherto and thenceforth, including a theatre with 80,000 seats, made of marble, glass and gilded planks and featuring 3,000 statues.[48] The election campaign of 54 was notorious for the incredible amount of cash distributed and promised by the four candidates, including Aemilius Scaurus.[49]

On the other hand, there are several instances of sons of the proscribed who, having lost the family fortune (totally or at least partially), could not afford to enter the *cursus honorum* even when they were allowed to. The case of C. Curtius, whose eponymous father had been an *eques* executed in Rome by order of Sulla, is very telling.[50] In 45, Cicero wrote a letter of recommendation for Curtius in an attempt to obtain his exemption from Caesar's agrarian bills. Specifically, the politician requested that the agricultural property that Curtius *filius* owned in Volterra be exempt from expropriation by arguing that its owner, the son of a proscript, had just recently (four years before) been allowed to enter the *cursus honorum* and that if he lost that property, he would not be able to become a senator.[51] In 37, M. Oppius was elected as aedile but turned down the magistracy, contending that he had not recovered the family fortune after the proscription of his father (and maybe his own) and therefore could not afford the high expenditure that the office usually entailed.[52] Even though Oppius father and son were proscribed during the Triumvirate, and

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47   Shatzman 1975: 290-292.

48   Val. Max. 2.4.6; Asc. 18, 27; Plin. *HN* 8.64,96; 9.11. It was totally worthwhile: when accused *de repetundis* years afterwards, he was acquitted thanks to the reputation of his father and the memory of his games (Cic. *Att.* 4.17.4; Asc. 20, 28).

49   Cic. *Att.* 4.17.4. Rosillo-López 2010: 223-230.

50   Cic. *Rosc. Amer.* 89.

51   Cic. *Fam.* 13.5.2*: C. Curtio ab ineunte aetate familiarissime sum usus. Eius et Sullani temporis iniustissima calamitate dolui, et cum iis, qui similem iniuriam acceperant, amissis omnibus fortunis reditus tamen in patriam voluntate omnium concedi videretur, adiutor incolumitatis fui.* Hinard 1984: 347-348 rejects the idea that the man of 45 was the same as that of 82, since Cicero clearly states that the latter had been killed. Another possibility would be that both father and son were proscribed (Shatzman 1975: 147), but this does not affect the arguments deployed here.

52   App. *B Civ.* 4.41.173; Dio Cass. 48.53.4-6. Appian does not mention whether or not the son was proscribed as well, whereas Cassius Dio states that he was indeed. Their story was recorded because it became an *exemplum* of *pietas*, since Oppius' son carried his elderly father out of Rome towards Sicily on his own shoulders, as Aeneas had done with Anchises. He finally became aedile, since his expenses were covered by private contributions.

not during Sulla's dictatorship, they are a vivid example of the political consequences of decapitalisation,[53] which some individuals attempted to bypass to no avail. When the *eques* Publius Trebonius made his heirs swear to give half of their legacies to his own brother, Aulus, who was a proscript, most of them, except a freedman, denounced this clause.[54]

Unable to enter the senate because of the double strategy of legal impossibility and decapitalisation, some of the sons of the proscribed chose alternative lifestyles which were occasionally unusual for the offspring of the Roman political elite, like, for instance, P. Valerius Cato, who decided to become a *grammaticus*. Since most of them were slaves or former slaves, he felt compelled to write a work called *Indignatio*, in which he argued that Sulla's dictatorship had left him a penniless orphan.[55] Hinard suggested that he might have been the son of Q. Valerius Soranus, tribune of the *plebs* of 82 who was murdered by Pompey in Sicily.[56]

There were people who went out of their way to support the sons of the proscribed. Suetonius recounts how L. Staberius Eros, a freedman and grammarian who, in Sullan times, had taught the sons of the proscribed, including Brutus, for free.[57] Although the identity of his patron is unknown, Staberius Eros seemed to have felt strongly about the unjust situation of these young people. Considering that a suitable grammatical training was a requisite for any child of the elite and essential for those wanting to pursue a political career, the decision of Staberius Eros was not only a symbolic gesture but also highlighted the decapitalisation of many families of the proscribed.

This policy of decapitalising enemies so as to prevent them from participating in public and political life has been used at other historical

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53   Hinard 1984: 501 contemplated different possible identities for Oppius *pater*, albeit considering that none of them were satisfactory.

54   Cic. *Verr*. 2.1.123. Hinard 1984: 403.

55   Suet. *Gram. et rhet*. 11.1: *ingenuum se natum ait et pupillum relictum eoque facilius licentia Sultani temporis exutum patrimonio*. According to Suetonius, there was a rumour that he was a freedman from Gaul.

56   Plut. *Pomp*. 10.7-8.

57   When Staberius Eros arrived in Rome from Syria in 83, he was already a reputed grammarian. Suet. *Gram. et rhet*. 13: *Sunt qui tradant eum honestate praeditum ut temporibus sullanis proscriptorum liberos gratis et sine mercede ulla in disciplina receperit*. Cf. Pliny *HN* 35.199. Treggiari 2019: 146. See also Treggiari 1969: 115-116, and 246, who suggests that Staberius Eros might have been a Sullan captive.

moments. After the victory in the Spanish Civil War in 1939, the Francoist regime doggedly used decapitalisation in the following repression of Republicans of all credos and inclinations, from the extreme to the moderate left, including nationalists. Although the Andalusian politician Blas Infante was murdered in the summer of 1936, at the beginning of the war, he was subsequently prosecuted and fined 2,000 pesetas in 1940, to be paid by his family. Dolores Ibárruri, the Communist leader who managed to flee Spain after the war, was condemned *in absentia* to pay a fine of 25 million pesetas (even though her estate was valued at a mere 3,000 pesetas).[58] Franco's objective was to wipe out his enemies and their families through fines and confiscations, a policy very similar to that of Sulla.

The Triumvirate tried to avoid resuscitating the memory of Sulla by adopting only a partial policy of decapitalisation. Cassius Dio specifies that, in 43, in order to cast themselves in a favourable light the Triumvirs "announced, as if they were indeed just and humane rulers, that they would give to the widows of the slain their dowries, and to the male children a tenth and to the female children a twentieth of the property of each one's father".[59] The people involved and the measures taken to benefit them helped to offer the opposite image of what had happened in 81. First of all, the spouses of the proscribed recovered their dowries, sons received a tenth of the property of their fathers and daughters a twentieth. According to Cassius Dio, however, this measure was not respected.[60] The Pact of Misenum in 39 took into account this policy of confiscation and decapitalisation and attempted to redress it partially: one quarter of their fortune was to be returned to the proscribed of 43. The people who had been enriched by the proscriptions were afraid that those returning from exile would become their enemies, whose analogy with the arguments deployed by Cicero in 63 against the restoration of the rights of the children of the proscribed is striking.[61]

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58   Sesma 2024.

59   Dio Cass. 47.14.1: καίτοι ταῖς τε γυναιξὶ ταῖς τῶν φονευομένων τὰς προῖκας καὶ τοῖς τέκνοις τοῖς μὲν ἄρρεσι τὸ δέκατον ταῖς δὲ θηλείαις τὸ εἰκοστὸν τῆς ἑκάστου σφῶν οὐσίας δώσειν, ὡς καὶ δὴ δίκαιοι φιλάνθρωποί τε ὄντες, ἐπηγγείλαντο. Cf. App. *B Civ.* 4.16.

60   Dio Cass. 47.14.2. Concerning the confiscations relating to the proscriptions of 43, see Hinard 1984: 255-257. On how the Triumvirs presented the proscriptions to the Roman 'public': Welch 2019.

61   App. *B Civ.* 5.74. The case of Sextus Pompeius, one of the signatories of the agreement, was different in that he received 70 million sesterces as compensation for the loss of his father's estate (App. *B Civ.* 5.69).

b) The daughters of the proscribed

Although there are no instances of proscribed women,[62] the legal prohibition and the confiscations did not only affect the sons of the proscribed but also had consequences for their daughters. The law employed the term *liberi* in its legal sense, that is, children and grandchildren: *Liberorum appellatione nepotes et pronepotes ceterique qui ex his descendunt continentur.*[63] All scholars have focused on the sons of the proscribed, but it is important to remember that Roman law used the masculine plural to include both men and women.[64] Legal texts mentioned women specifically in the case of provisions which applied only to them. In this connection, the jurist Pomponius considered that employing a feminine term to include men was an undesirable practice.[65] Undoubtedly, the prohibition regarding the right to run for office did not apply to women, but they were indeed affected by the confiscations.

The decapitalisation of the families of the proscribed also affected women insofar as neither did their spouses recover their dowries, as occurred with Cornelia, Caesar's wife,[66] nor did their daughters receive their part of the inheritance when their fathers died, since the property of the latter had been confiscated. This situation had consequences not only for them, for they were deprived of their estates, but also for their children, who would not be able to count on the family fortune of their mothers later on in their lives. As already observed, in the second proscription the Triumvirs ordered that daughters should receive a twentieth of their legal inheritance, thus evincing that they had been affected by the first proscription.[67]

This can be deduced from the modus operandi of those who benefited from the proscriptions, on whom there is obviously more information in the sources. As noted above, two sons of women who amassed fortunes during the proscriptions, namely, Aemilius Scaurus who inherited from Caecilia Metella and Faustus Sulla from Cornelia, invested enormous sums of money

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62   Vettori 2022.
63   *Dig.* 50.16.220. Also (Iul. 81 *Dig.*) *Dig.* 50.16.201, stating that the term *filii* also included the daughters (*filiae*) of a *familia*.
64   Gardner 1995; Saller 1999.
65   Pomponius 8 *ad Quintum Mucium, Dig.* 31.45 pr; this quote also mentions that the masculine term included women, specifically in the case of legacies.
66   Plut. *Caes.* 1.1.
67   Dio Cass. 47.14.1; App. *B Civ.* 4.16.

in their political careers. For which reason, inheriting from a rich mother as the foundational basis for a *cursus honorum* should not be underestimated.

Furthermore, impoverished and with their direct family members prevented from entering the *cursus honorum*, their marriage chances were not as good as they might have been, as is clear from the sources. Those wanting to pursue a career under Sulla felt compelled to divorce wives from proscribed families. The case of Cornelia, daughter of L. Cornelius Cinna, the sister of a proscript and married to Caesar, who refused to divorce her, was not an isolated case. During Sulla's dictatorship, M. Pupius Piso Frugi Calpurnianus divorced Annia, the ex-wife of Cinna, in order to promote his career.[68] Was Cornelia, daughter of the proscript L. Cornelius Scipio Asiagenus, consul of 83 and a staunch enemy of Sulla, considered to have done well when in 57 she married Publius Sestius, who was a tribune of the *plebs* at the time?[69]

c) How did some of *liberi proscriptorum* circumvent Sulla's prohibition?

The fact that a small number of children of proscribed parents apparently pursued political careers before Caesar's measures has puzzled historians, who have put forward different hypothesis to explain this state of affairs. Was the rule sometimes not enforced or did its enforcement depend on who the family was? As regards this thorny question, some scholars have attempted to reassign magistracies to later years to comply with the proscription rule.[70] Although the evidence needs to be fully reviewed, it is contended here that at least two families devised a legal strategy to bypass Sulla's prohibition.

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68   Cornelia: Suet. *Iul*. 1; Plut. *Caes*. 1; Vell. Pat. 2.41.2. Annia: Vell. Pat. 2.41.2.

69   Hinard 1985: 344-346. Marriage between Cornelia and Sestius: Cic. *Sest*. 7; Schol. Bob. 126 Stangl. Proscription of Cornelius Scipio Asiagenus: Oros. 5.21.3; Scipio's name was the fourth on the list. He was still living in Massalia in 57, which conceivably suggests that he could not yet return to Rome. He might have been left undisturbed out of respect for his family name (Hinard 1985: 345). This should be contrasted with his colleague in the consulship, Norbanus, a *homo novus*, who escaped to Rhodes; Sulla demanded that the city hand him over. Norbanus committed a spectacular suicide in the middle of the agora of Rhodes when the city was about to discuss his case (Livy *Per*. 89; App. *B Civ*. 1.91; Hinard 1985: 385-386; Frizzera 2023).

70   As in the case of Vibius Pansa (see below).

For her part, Vedaldi Iasbez singled out two people who managed to enter the *cursus honorum* before 49 because the influence of their families helped them to remove the names of their fathers from the proscription lists or to circumvent the prohibition: to wit, Brutus and M. Plaetorius Cestianus.[71] Hinard warned against attempts of trying to relate people whose family ties are difficult to establish with certainty, as with Plaetorius Cestianus.[72] However, the case of Brutus does not fall into this category, since the filiation is clearly attested, to which should be added that of Vibius Pansa.

Brutus was the son of M. Iunius Brutus, who had married Servilia in 85 or earlier; the latter was tribune of the *plebs* in 83, while Sulla was in the East and Carbo in Rome.[73] Iunius Brutus proposed to found a colony in Capua, a clearly popular measure.[74] When Sulla entered Rome and the proscriptions started, Iunius Brutus was apparently absent from the city; although scholars have speculated about his whereabouts (Gaul?) there is still no consensus on the matter.[75] Was he proscribed? The sources are not explicit but it seems to have been the case considering the comments about his son (cf. Stabeius Eros) and the fact that other magistrates in 83 figured on the list.[76] In any case, Iunius Brutus took up arms in 77 together with Lepidus, who revolted against the Sullan status quo after the death of the retired dictator. Iunius Brutus, who had command in Northern Italy, was besieged in Mutina and, after surrendering and escaping, was recaptured and killed by the young Pompey, who had been sent by the senate to suppress the revolt.[77] His son

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71   Vedaldi Iasbez 1981: 210-211.

72   Hinard 1984: 393-394.

73   Brutus was born late 85 (Cic. *Brut.* 229).

74   Cic. *Leg. agr.* 2.89, 92, 98, criticising Iunius Brutus' memory and claiming that he had got his just deserts for such a crime.

75   On Gaul (based on Oros. 5.24.16), see Hinard 1984: 362; Treggiari 2019: 82, n. 89, who refutes his arguments.

76   The point of view of modern scholars regarding Iunius Brutus' proscription depends on whether they regard his son's career as ordinary (and, thus, not the son of a proscript, such as Treggiari 2019) or extraordinary (Hinard 1984: 361). His father's property might have been confiscated, although the jury is still out on this matter. Be that as it may, his mother Servilia, who had been *sui iuris* since she was a teenager, controlled a certain amount of wealth and remarried to D. Iunius Silanus in 76 or 75.

77   Oros. 5.22.17-18; Livy *Per.* 90. The circumstances surrounding his death were confusing, even for ancient historians: cf. RE s.v. Iunius Brutus 52 (Münzer). Brutus, his son, refused to address or even greet Pompey, the murderer of his father, at least until 49: Plut. *Pomp.* 64.3; *Brut.* 4.3. On the exceptionality of Brutus' choice, which went against all the foundations of Roman politics and conversations: Rosillo-López 2022: 106-107.

was just seven years old at the time. In theory, the young Brutus might not have entered political life until Caesar's measure of 49, but was indeed quaestor in 54 or 53.[78]

Brutus implemented a faultless strategy to circumvent the ban preventing the children of the proscribed from running for office: he was adopted when he became an adult. Although the exact identity of his adoptive father is unknown, he was a kinsman of his mother, a Q. Servilius Caepio. Thenceforth, he became Q. Servilius Caepio Brutus and thus the son of a man who had not been proscribed. Accordingly, he was completely free to embark on his *cursus honorum*, for no one could now deny his right to stand for election.[79] It is symptomatic that he was adopted by his mother's family, for it highlights the strength of family ties and the desire to get on in Roman political life. However, as his father was dead, the adoption would have taken the form of an *adrogatio,* through which a person *sui iuris* came under the *potestas* of another.[80] It was exactly the procedure used in the case of Clodius. This was not within everyone's reach, since the *adrogatio* was controlled by the *pontifex maximus* and was performed in the *comitia curiata*.[81] It should be recalled that the sentimental relationship between Servilia and Caesar, who was the *pontifex maximus*, and the high regard in which the latter held Brutus, together with his continuous involvement in the debate on the proscribed, all explain Brutus' adoption.[82]

Treggiari has refused to accept that Brutus' father had been proscribed, arguing that there is no other example of the use of this strategy to avoid the restrictions imposed by Sulla.[83] However, Brutus was not the only son of a proscript to implement this strategy, for there is a second similar case, that of Vibius Pansa Caetronianus, adopted son of the *monetalis* C. Vibius Pansa. As before, his case is symptomatic of scholarly scepticism about the sons of the proscribed. According to Cicero, Pansa was with Caesar in Gaul

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78   He had been *monetalis* before. On the year of his quaestorship, see Pina Polo – Díaz Fernández 2019: 268-269, who opt for 54. He was also consul designate for 41.

79   Hinard 1984: 361-363. His new name and adopted status are attested in 59 (Cic. *Att.* 2.24.2-4). Treggiari 2019: 147-149 enquires into the possible identities of the adopted father (Servilia's full brother or half-brother?).

80   Hinard 1984: 186.

81   Gell. 5.19.8-9; *Dig.* 1.7.2.

82   On the relationship between Caesar and Servilia and his regard for Brutus, see Treggiari 2019: 109-114.

83   Treggiari 2019: 149, n. 27.

in 53, following the typical *cursus honorum* of a young man of the elite.[84] In his unambiguous account, Cassius Dio asserts that Pansa had been elected consul even though his father had figured on Sulla's proscription lists.[85] Furthermore, Caelius informed Cicero of the election of Vibius Pansa to the tribunate in 51.[86] However, some scholars refuse to accept this: Willems suggested that the tribune of 51 and the consul of 43 were not one and the same;[87] Gundel speculated that Pansa might have somehow had his rights restored before 49;[88] Vedaldi Iasbez suggested that the tribunate of the *plebs* was not a magistracy like the rest, so Sulla's measures did not apply to it;[89] and Hinard rejected outright that he was tribune in 51.[90] Scholars have also questioned whether the proscript was Pansa's biological or adopted father, since Cassius Dio does not specify who exactly he was. However, Vibius Pansa's case is identical to that of Brutus', for both men were the sons of proscribed and managed to be adopted by someone else; their new status was unimpeachable and legally sound. When they approached the presiding consul to be included as candidates, the latter had no legal grounds to refuse them.

Clementia Caesaris and the political rehabilitation of the *liberi proscriptorum*

Returning to 49, it is necessary to offer a brief description of the effects of Caesar's decision to allow the descendants of the proscribed to run for office in the elections, which conveyed a powerful ideological message, since it clearly showed that he was against Sulla and all that he had stood for. Moreover, this doubtless coincided ideologically with what most of his followers defended, while personally satisfying the descendants of the proscribed who might have joined him in Gaul, after the repression that

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84   Cic. *Fam*. 7.12. As a comparison, Publius, the son of M. Licinius Crassus, also served under Caesar in Gaul as a young man (Caes. *BGall*. 1.52.7; 3.7.2; 3.11.3).

85   Dio Cass. 45.17.1.

86   Cic. *Fam*. 8.8.6-8. This reference is important, since Caelius includes in his letter a copy of the decree of the senate; in paragraphs 6 and 8, it recorded the veto on the motions of a certain number of tribunes, among whom C. Vibius Pansa is mentioned twice.

87   Willems 1885: 1.526.

88   Gundel, RE, s.v. Vibius Pansa 16.

89   Vedaldi Iasbez 1981: 196-197.

90   Hinard 1984.

followed the events of 52, being part of the motley group of followers with whom Caesar crossed the Rubicon at the beginning of 49.[91]

Even though Sulla's victory in the civil war and subsequent dictatorship had occurred more than thirty years earlier, the division within Roman society between victors and vanquished and the consequent political and social polarisation usually following such a bloody conflict, must have still been palpable.[92] In a passage from a letter Cicero sent to Atticus in March 45, at the beginning of the war, in which he states that Caesar, in a private conversation, had declared himself "the avenger of Cn. Carbo, M. Brutus and all those against whom Sulla had acted with cruelty in collaboration with Pompey", it is clear that he sided with Sulla's victims.[93] Just as Cn. Papirius Carbo, who had fought against Sulla, had been executed on Pompey's orders in 82, so too had M. Brutus been put to death in 77 by order of Pompey after joining the revolt of the consul Lepidus (see above). As a matter of fact, Pompey's direct involvement in the repression carried out by the dictator Sulla was a recurrent issue that must have dogged him throughout his life, at least in certain social circles. For example, in a trial in 55 the freedman Helvius Mancia had called Pompey *adulescentulus carnifex* for his crimes and spoke of the souls of those he had killed.[94] Similarly, at the end of the 50s Marcus Brutus accused Pompey of having his hands stained with citizens' blood (*civilis sanguis*).[95]

It is extremely remarkable that Chapter 25 of the *Tabula Heracleensis* mentions, among the many grounds on which a person could be banned from becoming a decurion in a *municipium*, *colonia*, *praefectura*, *forum* or

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91   Cf. Hinard 1985: 214-215. In her conclusions, Vedaldi Iasbez 1981: 212-213, considers that "Caesarian propaganda" overstated the battle over the rights of the descendants of the proscribed. As limited as the number of *liberi proscriptorum* still alive and with political aspirations might have been, who doubtless formed a relatively small group, the cause evidently was hugely symbolic and could have had ideological pulling power for the Caesarians.

92   Cf. Pina Polo 2025.

93   Cic. *Att.* 9.14.2: *atque eum loqui quidam αὐθεντικῶς narrabat Cn. Carbonis, M. Bruti se poenas persequi omniumque eorum in quos Sulla crudelis hoc socio fuisset.*

94   Val. Max. 6.2.8: *vidi eodem habitu et quiritatu praetorium virum Perpennam saevitiam tuam execrantem, omnesque eos una voce indignantes, quod indemnati sub te adulescentulo carnifice occidissent.*

95   Sen. *Controv.* 10.1.8: *M. Brutus atrocissima eum eloquentia lacerat, cum quidem eius civili sanguine non inquinatas solum manus sed infectas ait...*

conciliabulum, the receipt of money or any other reward for bringing in the head of a Roman citizen.[96] This prohibition must have had to do with the violent events taking place in the months following the Sullan proscriptions, when rewards were offered to those who had killed Roman citizens included among the proscribed.[97] Actually, the text is very similar to the passage from Suetonius, in which there is reference to assassins "who had received money from the public treasury during the proscriptions for bringing in the heads of Roman citizens".[98] According to Suetonius, these murderers (*sicarii*) were prosecuted in 64, with Caesar as president of the *quaestio de sicariis*.[99] In any case, this clause in the *Tabula Heracleensis* shows once again that the wounds opened during the civil war and Sulla's dictatorship were still festering and that Caesar was willing to punish those who had persecuted Roman citizens without trial or appeal in every possible way.

Caesar was therefore politically and ideologically committed to bringing action against the accomplices of the atrocities committed by Sulla and in favour of his victims, including the descendants of the proscribed. This is very clearly reflected in the terminology: while in his works he often uses the word *clementia*, which was to become a leitmotiv of his political action, Caesar never actually employs the word *concordia*. *Concordia* was a term with ideological connotations since the construction of the temple to *Concordia* in the Forum, after the assassination of the Gracchi brothers and the violent repression of their followers that ensued.[100] 'Concord' among citizens was therefore to be understood as the upholding of the established order, with anyone questioning it being accused of sedition.[101] Instead, the *clementia* Caesar claimed to defend implied accepting different political views and reconciliation between citizens.[102]

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96 Crawford 1996: vol. 1.367, l.122: *queiue ob caput c(iuis) R(omanei) referundum pecuniam praemium aliudue quid cepit ceperit.*

97 Crawford 1996: 1.362 (cf. 1.387): "it remains most natural to take this passage as a reference to killers in the Sullan proscriptions". Sisani 2016 has suggested, unconvincingly according to our opinion, to date the text during Cinnan times.

98 Suet. *Iul.* 11: *…in exercenda de sicaris quaestione eos quoque sicariorum numero habuit, qui proscriptione ob relata civium Romanorum capita pecunias ex aerario acceperant, quamquam exceptos Corneliis legibus.* Cf. Dio Cass. 37.10.2.

99 Hinard 1985: 204-207.

100 On *concordia*, see Akar 2013.

101 Marco Simón – Pina Polo 2000; Pina Polo 2017.

102 Regarding Caesar's leniency as opposed to Sulla's cruelty, see Morstein-Marx 2021: 459-462.

Restoring all the civic rights – albeit not their property, an item that does not seem to have been on Caesar's agenda – of the descendants of the proscribed – viz. their complete *ius libertatis* in the words of Sallust, clearly reinforced that message of *clementia* and in a way intended to close the wounds that Sulla's dictatorship had opened.[103]

Yet did Caesar's acts have practical consequences or more of a symbolic and propaganda purpose? The fact is that whereas between 80 and 50, as already seen, the *liberi proscriptorum* who managed to pursue a political career at one level or another were absolutely exceptional, from 49 onwards their number increased – their status as descendants of the proscribed is only probable in some cases – with some of them reaching the highest rung of the *cursus honorum*, namely, the consulship, in the years following Caesar's assassination: C. Vibius Pansa Caetronianus (*cos.* 43); C. Carrinas (*cos. suff.* 43); L. Marcius Censorinus (*cos.* 39); and C. Norbanus Flaccus (*cos.* 38).[104] The restoration of the *ius petendorum honorum* to the descendants of the proscribed in 49 therefore had practical effects, admittedly in limited numbers, with the reincorporation of families that had been banned from holding office for decades into the political contest.

In conclusion, Sulla's measure prohibiting the descendants of the proscribed from participating in politics was absolutely exceptional in all respects. In the 20th century, some authoritarian regimes slaughtered their enemies or banned them from political life, while also discriminating against their children at several levels, but to our knowledge none of them adopted a measure akin to Sulla's, and certainly never extended it to their grandchildren. The dictator's intention was to expunge certain families from public life by decapitalising them, thus making it impossible for them to present their candidacies or to defray the costs of election campaigns. These measures affected the descendants in varying degrees, while also depending on the family solidarity on which

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103   As Morstein-Marx 2021: 462 rightly poses, "Sulla's cruelty … had managed to sustain stability only by perpetuating the polarised division of civil war – in a sense, by *never ending* the war" (original emphasis).

104   Others only reached the praetorship (L. Cornelius Cinna, *pr.* 44), the aedileship (Critonius, *aed.* 44), the tribunate of the *plebs* (L. Decidius Saxa, *tr. pl.* 44) or the quaestorship (Granius Petro, *quaest. design.* 46; Decidius Saxa, *quaest.* 41). Some are known to have been senators, although it still is not clear which magistracies they held or whether they were directly appointed senators by Caesar. See the list in Vedaldi Iasbez 1981: 185 with the subsequent prosopography, but consider also Hinard's criticisms (1985: 9).

they could rely. At all events, some of them kept the issue alive, as evidenced by the fact that it continued to crop up in public discourses. When Sulla's measures were revoked or modified, the ban on the offspring of the proscribed remained in force. Understandably so, because many consuls of the period had directly benefited from the proscriptions and from the transfer of wealth that these entailed; they had invested in a system and had no intention of backtracking, fearing as they did, as Cicero mentions, the vengeance of the proscribed and their children. Sulla's ban meant that, for three decades, Roman elections were haunted by a spectre that many senators pretended to ignore.

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NON DIGNI HOMINES HONORE HONESTATI: LE ELEZIONI CONSOLARI DAL 68 AL 63 A.C.

Gianpaolo Urso

1. Nella sua ultima lettera all'amico[1] Q. Lutazio Catulo, redatta poco dopo l'8 novembre 63 a.C. e riprodotta da Sallustio,[2] Catilina scrisse di avere optato per "una nuova linea d'azione (*novum consilium*)", perché era stato "derubato dei frutti della sua fatica e del suo impegno (*fructu laboris industriaeque meae privatus*)", vedeva "persone indegne onorate di pubblici onori (*non dignos homines honore honestatos*)" e si sentiva "emarginato sulla base di sospetti infondati (*me falsa suspicione alienatum*)".[3] Queste parole sono per noi la più antica testimonianza sulle elezioni consolari del settembre 63.[4]

Nella seconda metà di novembre,[5] di queste elezioni parlò diffusamente Cicerone nel discorso *Pro Murena*, del quale ci è pervenuta una versione certo

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1 Urso 2023: 105 e n. 16.

2 Sull'autenticità della lettera rimando alla bibliografia citata in Urso 2023: n. 61.

3 Sall. *Cat.* 35.2-3.

4 Per questa cronologia (da me già accolta in Urso 2019: 174 e n. 44) si veda ora la convincente dimostrazione di Ramsey 2019. Più recentemente Canfora 2023: 226-234 ha proposto di datarle al 28 ottobre, riprendendo la ricostruzione di Drumann 1841: 449-451 e di Mommsen 1857 [1856]: 171-172; 1887 [1871]: 584-585 n. 5, senza però discutere la dimostrazione di Ramsey.

5 Per la cronologia del processo (ultimi dieci giorni di novembre) cfr. Ramsey 2019: 248-251.

rimaneggiata,[6] ma utile sotto molti aspetti. Soprattutto due affermazioni sembrano per noi rilevanti:

> "L'intera situazione cambia spesso quando si deve rimandare di un giorno o quando interviene la notte (*dies intermissus aut nox interposita saepe perturbat omnia*) e un minimo soffio di voce a volte cambia le opinioni di tutti (*totam opinionem parva non numquam commutat aura rumoris*). Spesso, poi, senza apparente motivo, succede diversamente da come ti aspettavi (*fit aliud atque existimaris*), al punto che a volte persino il popolo se ne stupisce, come se non fosse stata opera sua".[7]
>
> "Nelle elezioni consolari un improvviso mutamento delle volontà ha un grande peso (*magna est repentina voluntatum inclinatio*), in particolare quando favorisce un galantuomo la cui candidatura abbia molte altre fonti di sostegno".[8]

Ne emerge un quadro di sostanziale equilibrio tra i candidati, in cui il fattore sorpresa può rivelarsi determinante: l'elezione può essere il risultato di circostanze imprevedibili, se non addirittura 'casuali'. Gli esempi addotti da Cicerone sono anteriori di diversi decenni,[9] ma egli allude chiaramente alle controverse elezioni di settembre, che egli aveva presieduto e il cui esito inatteso[10] aveva pesantemente influenzato con le sue iniziative:[11] il rinvio delle votazioni e la convocazione del senato; l'accusa a Catilina di avere pronunciato discorsi 'rivoluzionari'; l'esibizione, il giorno del voto, di una guardia privata di amici pronti a tutto e di una corazza sul petto, per dare a intendere di essere in pericolo di vita:

> "Sfoggiai quell'ampia e vistosa corazza non per proteggermi (*non quae me tegeret*) (sapevo infatti che Catilina è solito colpire alla testa o al collo, non al fianco o al ventre), ma perché tutti i cittadini perbene facessero attenzione (*verum*

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6   Plutarco (*Cic.* 35.4) racconta che Cicerone, desiderando superare Ortensio, che faceva parte con lui e Crasso del collegio di difesa (cfr. Cic. *Mur.* 4.10, 23.48), non riuscì a dormire per tutta la notte: perciò, l'indomani, il suo discorso risultò meno efficace del consueto.

7   Cic. *Mur.* 17.35.

8   Cic. *Mur.* 26.53.

9   Cic. *Mur.* 17.36: sconfitte di M. Emilio Scauro alle elezioni consolari per il 116, di Q. Lutazio Catulo a quelle per il 105 e di L. Marcio Filippo a quelle per il 93.

10   Da Cic. *Mur.* 24.49 risulta che Catilina era sicuro di vincere.

11   Discussione e bibliografia in Urso 2019: 173-177. Cfr. Pina Polo 2011: 187 ("His purpose was, ultimately, to prevent Catiline from being elected as a consul"), 324. Il console che presiedeva le elezioni doveva gestire l'intero processo elettorale, dall'approvazione delle candidature alla proclamazione dei vincitori. Il fatto che, dopo Silla, i consoli trascorressero l'intero anno di carica a Roma consentiva loro, all'occorrenza, di esercitare un'influenza assai superiore rispetto al passato (*ibid.*, 288-289).

ut omnes boni animadverterent) e, vedendo la paura e il pericolo in cui si trovava il loro console, accorressero in suo aiuto e in sua difesa".[12]

Ma quello del 63 non era stato il primo caso di elezioni consolari caratterizzate da fatti inaspettati, controversie, irregolarità procedurali e candidature di basso profilo; era stato il momento culminante di una crisi manifestatasi già da alcuni anni.

2. La riforma sillana del *cursus honorum*, che aveva portato a venti il numero dei questori e a otto quello dei pretori, aveva aumentato i potenziali candidati al consolato, creando le condizioni per un inasprimento della competizione elettorale.[13] Questo rischio era stato inizialmente mitigato dal fatto che, secondo il nuovo ordinamento, i tribuni della plebe non avrebbero potuto proseguire la carriera politica; ma diversi fatti nuovi erano presto sopraggiunti. Già nel 75 la *lex Aurelia de tribunicia potestate* aveva alterato il nuovo equilibrio,[14] ripristinando il diritto degli ex-tribuni a candidarsi alla pretura e poi, eventualmente, al consolato.[15] Di lì a poco ne avrebbero beneficiato L. Quinzio, tribuno nel 74 e pretore nel 68; C. Licinio Macro, tribuno nel 73, pretore al più tardi nel 68, condannato per concussione nel 66 e morto poco dopo;[16] M. Lollio Palicano, tribuno nel 71, pretore nel 69 e candidato al consolato nel 67. E non furono certamente gli unici.

Nel 70, poi, era stata ripristinata la censura[17] e la nuova *lectio senatus* aveva escluso dalla lista 64 senatori, un dato senza precedenti.[18] Da quel

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12 Cic. *Mur.* 26.52. Cfr. Plut. *Cic.* 14.7-8; Dio Cass. 37.29.4-30.1.

13 Nadig 1997: 33-34.

14 Che di 'equilibrio' si possa parlare ha dubitato Rosenblitt 2019: 1-13, secondo cui l'ordinamento sillano "was never stable" (p. 1). Ma se nessuna fonte sugli anni 78-70 accenna alla difesa delle riforme di Silla come un argomento rilevante, vero è anche che la maggior parte di esse rimase in vigore anche dopo le misure del 70 sul tribunato della plebe e sulle corti giudicanti nelle *quaestiones perpetuae*, improntate a una chiara discontinuità (cfr. Santangelo 2014: 11-14; Santangelo 2022: 112).

15 Sall. *Hist.* 2 fr. 49 Maurenbrecher = 44 Ramsey; 3 fr. 48.8 M. = 15.8 R.; 3 fr. 48.11 M. = 15.11 R.; Asc. *Corn.* 66-67, 78 C.; ps.-Asc. *Div. Caec.* 189; *Verr.* 255 Stangl.

16 Cic. *Att.* 1.4.2; Plut. *Cic.* 9.2 (secondo Val. Max. 9.12.7, invece, egli si suicidò prima della sentenza).

17 Cic. *Div. Caec.* 3.8; *Verr.* 1.15.44-16.46, 2.5.68.175; *Leg.* 3.9.22, 3.11.26.

18 Santangelo 2014: 14. L'unico precedente paragonabile è quello della *lectio* del 115, in cui erano stati espulsi 32 senatori, in un senato che contava ancora circa 300 membri (Liv. *Per.* 62; cfr. Steel 2014: 336 n. 64).

momento gli ex magistrati espulsi dal senato avrebbero potuto ottenere la riammissione se fossero stati nuovamente eletti: fu questo il caso del 'catilinario' L. Cornelio Lentulo Sura, pretore nel 74, console nel 71 e poi espulso dal senato nel 70:[19] egli fu di nuovo pretore nel 63. Il ripristino della censura significava inoltre la ripresa della registrazione dei nuovi cittadini italici e quindi un potenziale allargamento del corpo elettorale.[20] D'altra parte l'elezione di Pompeo al consolato, contro tutti i criteri fissati dalla *lex Cornelia de magistratibus* (aveva solo 35 anni e non era ancora senatore), mostrava che le regole del gioco potevano essere disattese anche dopo Silla.

Le conseguenze di tutto ciò furono un incremento della tensione nelle campagne elettorali; un aumento dei casi di corruzione; una crescente incapacità della *nobilitas* di controllare le operazioni di voto; un ruolo potenzialmente maggiore delle ultime classi nell'assemblea centuriata: tutto questo, meno di 15 anni dopo le riforme di Silla. Un quadro molto fosco è presentato da Cassio Dione, che lo collega significativamente proprio alle misure del 70:[21]

> "Infatti, poiché il potere dei tribuni era tornato come quello di un tempo e molti di coloro i cui nomi erano stati cancellati dai censori cercavano di riconquistare il loro rango senatoriale in un modo o nell'altro, si moltiplicavano coalizioni e intrighi (συστάσεις καὶ παρακελευσμοί [= *coitiones*])[22] per tutte le magistrature".[23]

Dione sta qui parlando dell'approvazione, nel 67, della *lex Calpurnia Acilia de ambitu*. Essa "proibiva a quanti fossero stati condannati per corruzione elettorale (οἱ δεκασμοῦ περὶ τὰς ἀρχὰς ἁλισκόμενοι) di essere magistrati o senatori, infliggendo inoltre loro una multa".[24] Il voto di questa

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19   Plut. *Cic.* 17.1; Dio Cass. 37.30.4. Tra gli espulsi ci fu anche C. Antonio (Asc. *Corn.* 84 C.), in seguito console del 63 con Cicerone. Ma Antonio era ancora all'inizio del suo *cursus honorum*, che non ne fu significativamente alterato.

20   Santangelo 2014: 14-16.

21   Cfr. Schettino 2023: 169-171.

22   Sul significato di questi termini cfr. Lachenaud – Coudry 2014: 70-71 n. 167.

23   Dio Cass. 36.38.2, da confrontarsi con 53.21.7, secondo cui Augusto si assicurò "che non venissero eletti magistrati incompetenti, oppure attraverso intrighi o anche corruzione (ἐκ παρακελεύσεως ἢ καὶ δεκασμοῦ)", con la *lex Iulia de ambitu* del 18 a.C. (Bellissime – Hurlet 2018: 79 n. 148). Cfr. anche Cic. *Paradoxa stoicorum* 46: *intercessiones pecuniarum in coitionibus candidatorum*.

24   Dio Cass. 36.38.1.

legge, che sostituiva la *lex Cornelia* di quattordici anni prima,[25] implica che il problema fosse avvertito da qualche tempo.[26] Esso era divenuto pressante già durante le elezioni consolari del 68, quando ad essere accusato di *ambitus* era stato soprattutto uno dei *consules designati*: proprio quel C. Calpurnio Pisone in seguito promotore della *lex Calpurnia Acilia*. Stando a Dione, la corruzione gli servì non solo per essere eletto, ma anche per evitare un processo:

> "Gli stessi consoli [del 67, Pisone e M'. Acilio Glabrione] dovevano la loro nomina alla corruzione e Pisone, accusato di questo, sfuggì al processo solo corrompendo a destra e a manca".[27]

A questo contesto va riferito un breve frammento delle *Historiae* sallustiane: *sestertium tricies pepegit a C. Pisone*.[28]

È sempre Dione a riferire l'antefatto della *lex Calpurnia Acilia*.[29] I consoli la proposero su pressione del senato, per contrastare una proposta più severa avanzata in precedenza dal tribuno C. Cornelio. Una decisione apparentemente inusuale,[30] perché le proposte di un tribuno potevano essere neutralizzate dal veto di altri tribuni; ma non sorprendente, se teniamo conto delle vicende delle settimane precedenti.[31] Quando il tribuno A. Gabinio aveva esposto in senato la sua *rogatio de bello piratico*, aveva rischiato "di essere ucciso" (così Dione); secondo Plutarco era stato invece "un console" (certamente Pisone) a rischiare la morte, per aver minacciato Pompeo di fare "la stessa fine di

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25   Nota unicamente da uno scolio alla *Pro Sulla* (*Schol. Bob.* 78 Stangl). Cfr. Ferrary 2012 [2002]: 436-437.

26   Secondo Gruen 1991: 257, le leggi contro l'*ambitus* furono più un'operazione di facciata, "pious and moralistic pronouncements", che un autentico tentativo di risolvere il problema (cfr. anche Linderski 1985: 93-94 = 1995: 113-114). Certo, l'accusa di *ambitus* poteva anche essere utilizzata in mala fede, per colpire avversari politici (cfr. Tatum 2013: 147); ma il fatto stesso che "l'*ambitus* a fait l'objet, dans les dernières décennies de la République, de plus de lois qu'aucun autre crime" (Ferrary 2012 [2002]: 435; cfr. Lintott 1990: 8) implica che il fenomeno era diffuso e chiaramente percepito (Nicolet 1976: 402-403; Brunt 1988: 426; Yakobson 1999: 25-26 n. 12).

27   Dio Cass. 36.38.3: ...καὶ ὅ γε Πίσων καὶ γραφεὶς ἐπὶ τούτῳ καὶ πρὸς ἑνὸς καὶ πρὸς ἑτέρου τινὸς ἐξεπρίατο τὸ μὴ κατηγορηθῆναι. Cfr. Rosillo-López 2010: 161.

28   Sall. *Hist.* 4 fr. 81 Maurenbrecher = 71 Ramsey. Cfr. Nadig 1997: 155; Ramsey 2015: 377.

29   Dio Cass. 36.38-39.

30   Marino 2023: 123.

31   La sequenza degli avvenimenti si ricava dal confronto tra i passi di Dione citati alle nn. 29 e 33. Cfr. Marino 2023: 116 e n. 49.

Romolo", dilaniato dai senatori.[32] In conseguenza di questi fatti i senatori riuniti erano stati assaliti da una folla inferocita.[33] Quando il tribuno L. Trebellio aveva tentato di opporsi (insieme al collega L. Roscio Otone) al voto della *rogatio*, Gabinio, evidentemente memore di Tiberio Gracco, aveva proposto ai comizi la deposizione di Trebellio: dopo che le prime 17 tribù chiamate al voto si erano dichiarate favorevoli, quest'ultimo aveva desistito; quanto a Roscio, egli non aveva più osato parlare.[34] E ancora: quando Cornelio aveva presentato la sua prima *rogatio* sulla *solutio legibus*, il tribuno P. Servilio Globulo aveva vietato al banditore di leggerne il testo; allora Cornelio l'aveva letto lui stesso; Pisone aveva immediatamente protestato contro la violazione dell'*intercessio* tribunizia; ma la folla ne aveva fatto a pezzi i *fasces* e gli aveva lanciato pietre.[35] Dalle nostre fonti emerge insomma un quadro di forte divisione, anche all'interno dello stesso collegio tribunizio.[36]

Fu allora che venne discussa e votata la *lex Calpurnia Acilia de ambitu*. Come attesta ancora Dione, la data delle elezioni consolari era già stata annunciata e nessuna legge poteva essere proposta prima del loro svolgimento (in base alle *leges Aelia et Fufia*);[37] ma "poiché i candidati moltiplicavano le loro violenze, al punto che ci furono dei morti, [i senatori] decisero che la legge fosse proposta prima delle elezioni e che ai consoli fosse assegnata una guardia del corpo".[38] Poco prima, quando Pisone si era ripresentato al popolo per esporre la sua *rogatio de ambitu*, era stato violentemente contestato dalla massa dei *divisores* che l'avevano cacciato violentemente dal Foro,[39] memori

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32   Secondo la versione attestata da Dion. Hal. 2.56.4; Liv. 1.16.4; Plut. *Rom.* 27.6.

33   Plut. *Pomp.* 25.9; Dio Cass. 36.24.1-2. Cfr. Morstein-Marx 2004: 95; Fezzi 2019: 64.

34   Cic. *Corn.*, in Asc. 71-72 C.; Asc. *Corn.* 72 C.; Dio Cass. 36.24.4, 36.30.1-2.

35   Asc. *Corn.* 58 C. Una diversa sequenza dei fatti è proposta da Dio Cass. 36.39.2, secondo cui questa *rogatio* sarebbe stata la risposta di Cornelio all'iniziativa dei senatori contro la sua *rogatio de ambitu*. La successione qui accettata si basa sulla discussione di Griffin 1973: 196-202 (seguita tra gli altri da Marshall 1985: 215-217). La cronologia di Dione era ammessa da McDonald 1929: 200-203. Per un confronto tra Asconio e Dione (e ulteriore bibliografia), cfr. anche Nadig 1997: 35; Marino 2023: 111-112.

36   Cfr. Lintott 1999 [1968]: 70-71, 91; David 2013: 13-14.

37   Schol. Bob. 148 Stangl: *<de> legibus dicit Aelia et Fufia, quae non sinebant prius aliqua de re ad populum ferri quam comitia haberentur ad designandos magistratus*.

38   Dio Cass. 36.39.1. La notizia trova riscontro (per il solo Pisone) già in Asc. *Corn.* 75 C.

39   Asc. *Corn.* 75 C. L'unica clausola nota della *rogatio Cornelia* riguardava appunto le sanzioni contro i *divisores*, che ufficialmente si occupavano solo della distribuzione delle somme legalmente distribuite dai candidati alle tribù, ma potevano diventare strumento di elargizioni illecite (Cic. *Corn.*, in Asc. 74-75 C.; Lindersky 1985: 92-93 = 1995: 112-113; Ferrary 2012 [2002]: 438; Santalucia 2022: 307 n. 406).

forse dei servizi da essi accordati al console nella campagna elettorale dell'anno precedente. Pisone, dal canto suo, nel chiedere ai comizi di votare la *rogatio*, osò riecheggiare la formula della *evocatio*[40] con la quale Scipione Nasica aveva a suo tempo sollecitato l'uccisione Tiberio Gracco: *qui rem publicam salvam esse volunt me sequantur.*[41] Ancora una volta le regole procedurali venivano infrante e la violenza estrema tornava a caratterizzare il dibattito politico e la stessa campagna elettorale. Il tragico anno 133 veniva rievocato (anzi, preso a modello…) dagli uni e dagli altri: che ci siano stati dei morti, non sorprende affatto.

Naturalmente la necessità di discutere la *rogatio de ambitu* dovette determinare il rinvio delle elezioni.[42]

3. Questo è il contesto in cui presentò la sua candidatura al consolato il già citato M. Lollio Palicano. Egli era certamente un 'candidato di Pompeo',[43] che stava allora affrontando la guerra contro i pirati. Si trattava di un *homo novus* originario del Piceno, feudo della *gens Pompeia*, che Sallustio definisce causticamente *humili loco Picens, loquax magis quam facundus.*[44] Tribuno nel 71, si era dato molto da fare, dopo l'elezione di Pompeo, per ottenere il pieno ripristino dei poteri tribunizi.[45] Pisone, invece, di Pompeo era nemico: nel 67 fu tra i più accaniti avversari della *lex Gabinia de bello piratico.*[46] E fu proprio Pisone a opporsi risolutamente a Palicano: poiché era lui a presiedere le elezioni, egli poteva (e doveva) gestire in prima persona l'intera procedura.[47]

40　Serv. *Aen.* 7.614, 8.1. Cfr. Linderski 1984: 76 = 1995: 149; Kunkel – Wittmann 1995: 229; Golden 2013: 47.

41　Riportata da Val. Max. 3.2.17; Vell. Pat. 2.3.1. Essa fu riutilizzata dai consoli del 100 (C. Mario e L. Valerio Flacco) contro Saturnino e Glaucia (Cic. *Rab. perd.* 7.20). La formula utilizzata da Pisone è citata da Cic. *Corn.*, in Asc. 75 C.: *qui rem publicam salvam esse vellent, […] ad legem accipiendam adessent.* Cfr. Lintott 1999 [1968]: 91; Kunkel – Wittmann 1995: 229 n. 450.

42　Pina Polo 2011: 285.

43　Gruen 1974: 131-132.

44　Sall. *Hist.* 4 fr. 43 Maurenbrecher = 33 Ramsey. Il giudizio di Sallustio trova un autorevole riscontro in Cicerone, secondo cui Palicano era oratore adatto a un pubblico ignorante (*Brut.* 63.223: *aptior auribus imperitorum*).

45　Ps.-Asc. *Div. Caec.* 189, *Verr.* 220 Stangl; cfr. Cic. *Verr.* 1.15.45. Sul ruolo di Palicano e sulla sua intesa con Pompeo cfr. Gruen 1974: 25, 27-28, 63, 131-132; Seager 1979: 24 e n. 89; Santangelo 2014: 12; Fezzi 2019: 52.

46　Plut. *Pomp.* 27.1; Dio Cass. 36.37.2.

47　Cfr. *supra* n. 11.

Secondo Valerio Massimo,[48] nostra unica fonte, il console si dichiarò pronto a tutto pur di impedire a Palicano di conseguire l'obiettivo, poiché si trattava di "un individuo sediziosissimo",[49] il quale "si era guadagnato il favore del popolo (*favor populi*) con le sue nefaste lusinghe. […] Né mancava, alla folla eccitata, il forsennato incitamento tribunizio (*nec deerat consternatae multitudini furialis fax tribunicia*)". Fu allora che i tribuni, o meglio *alcuni* tribuni (tra cui certamente Gabinio),[50] trascinarono Pisone davanti ai *rostra* e gli chiesero

> "se egli avrebbe proclamato Palicano console, qualora i voti del popolo lo avessero eletto. In un primo tempo Pisone replicò che non riteneva la *res publica* così ottenebrata di mente da arrivare a tal punto di indegnità. Quindi, poiché quelli lo incalzavano insistentemente e dicevano: 'Suvvia, e se ci arrivasse?', rispose: 'Non lo proclamerò'".

Con questa risposta, Pisone "strappò via il consolato a Palicano prima ancora che lo avesse raggiunto (*consulatum Palicano prius quam illum adipisceretur eripuit*)".[51]

Valerio Massimo presenta l'iniziativa di Pisone come un esempio della "splendida inflessibilità del suo carattere", da lui già dimostrata nel dibattito pubblico sulla *lex de ambitu*. Si trattava però di quello stesso Pisone che, secondo Sallustio e Dione, era divenuto console attraverso generose elargizioni di denaro. È chiaro che siamo di fronte a due tradizioni contrapposte e non pare azzardato ritenere che sulla gestione delle elezioni del 67 da parte di Pisone l'opinione di Valerio Massimo non fosse condivisa da tutti.

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48 Val. Max. 3.8.3.

49 L'accenno a Palicano in Cic. *Att.* 1.18.5 (lettera del 20 gennaio 60) va nella stessa direzione.

50 I tribuni del 67 sicuramente noti sono i cinque sopra citati: C. Cornelio, A. Gabinio, L. Roscio Otone, P. Servilio Globulo e L. Trebellio, cui si può forse aggiungere C. Papirio Carbone (Broughton 1952, 144-145). Che Gabinio fosse tra i tribuni cui allude Valerio Massimo appare certo, sia per la sua vicinanza a Pompeo, sia per gli ostacoli frapposti da Pisone all'attuazione della sua *lex de bello piratico*, sia perché Palicano era suo suocero (cfr. Suet. *Iul.* 50.1; Münzer 1927a; Münzer 1927b).

51 Palicano non si ritirò dalla vita pubblica, ma le vicende del 67 dovettero comprometterne ogni futura speranza di successo. Il suo nome torna nella lettera ad Attico del luglio 65, in cui Cicerone elenca i possibili candidati alle elezioni del 64. A chiudere l'elenco ci sono due nomi, dei quali 'non vale la pena di parlare': *de Aufidio et de Palicano non puto te exspectare dum scribam* (Cic. *Att.* 1.1.1). Alla fine, comunque, Palicano non si ricandidò (cfr. Asc. *Tog cand.* 82 C.).

Di certo non doveva condividerla il grande assente, Pompeo.[52] Per come ce la presenta Valerio Massimo, l'opposizione di Pisone a Palicano non sembra motivata da impedimenti giuridici, ma da valutazioni di ordine esclusivamente politico (e morale…): qualcuno poteva ritenerla arbitraria. Pisone, infatti, non escluse *formalmente* la candidatura di Palicano né al momento di prenderla in considerazione (*rationem habere*), né in seguito.[53] Se non lo fece, fu perché di concrete motivazioni non ne aveva.[54] Pisone dovette limitarsi a preannunciare che, se Palicano fosse risultato eletto, non l'avrebbe proclamato vincitore (*renuntiatio*).

L'episodio è stato talvolta accostato[55] a quello delle elezioni del 19 a.C., quando il console C. Sentio Saturnino annunciò che avrebbe negato l'eventuale *renuntiatio* al candidato M. Egnazio Rufo.[56] Ma Velleio, nostra fonte, precisa che Saturnino gli aveva preliminarmente negato la candidatura, poiché nel 20 Egnazio ricopriva la carica di pretore: il che rendeva la sua richiesta palesemente inaccettabile.[57] Nel caso di Palicano impedimenti giuridici non ce n'erano. D'altra parte quello del console non fu un atto formale (al *non renuntiare* non si arrivò mai), ma una dichiarazione d'intenti mirante a influenzare l'esito del voto. Ci si può chiedere cosa sarebbe successo se Palicano fosse stato eletto e Pisone avesse *davvero* tentato di negargli la *renuntiatio*. Ma il problema non si pose.

Il racconto di Valerio Massimo ha un'implicazione precisa: l'atteggiamento del console e dei tribuni suggerisce che in quel momento Palicano aveva qualche possibilità di vincere; che cioè non sarebbe stato assurdo, per l'assemblea centuriata nel 67, decidere come l'assemblea plebea del 72 che lo aveva fatto tribuno. Se fosse altrimenti, non ci spiegheremmo l'atteggiamento di Pisone.[58] Del resto non mancavano precedenti di tribuni 'demagogici' (o *presentati* dagli avversari come tali), che avevano continuato la carriera fino

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52 Fezzi 2019: 86.
53 Sulla distinzione tra *rationem habere* e *nomen accipere* cfr. Rilinger 1976: 69-75.
54 Cfr. Nicolet 1976: 331 ("candidature […] tout à fait régulière"); Yakobson 1999: 163 ("there was no legal pretext for this"). Ben diversa è l'opinione di Cassola 1962: 15: "Il rifiuto era certamente motivato, e non arbitrario, come risulta sia dal resoconto di Valerio Massimo […] sia dall'accenno di un contemporaneo [Cicerone, cfr. *supra* n. 50] ai comizi del 63 [in realtà del 64], da cui risulta che Lollio non aveva, neppure in questo secondo caso, alcuna speranza d'essere eletto".
55 Per esempio da Staveley 1972: 250.
56 Vell. Pat. 2.92.4.
57 Cassola 1962: 15.
58 Yakobson 1999: 163.

alla carica di console, se non addirittura a quella di censore.[59] Valerio Massimo descrive qui delle elezioni in cui la *multitudo* gioca un ruolo da protagonista, eccitata dai tribuni della plebe. Gli elettori qui descritti non possono evidentemente essere quelli delle prime classi.

4. Neutralizzato in tal modo Palicano, le elezioni consolari del 67 furono vinte da M'. Emilio Lepido e da L. Volcacio Tullio (anche lui peraltro *homo novus*, come Palicano). Quelle del 66 se le aggiudicò trionfalmente[60] il patrizio P. Cornelio Silla, cognato di Pompeo,[61] che nel frattempo aveva assunto il comando della guerra mitridatica. Con lui fu eletto un altro *homo novus*, P. Autronio Peto. Ma prima ancora di assumere la carica essi furono accusati e condannati per *ambitus*, proprio sulla base della *lex Calpurnia Acilia* votata l'anno prima. Evidentemente il problema era tutt'altro che risolto.

Nei processi per *ambitus* la condanna era l'eccezione, non la regola; tanto più la condanna di *entrambi* i vincitori.[62] E si può forse dubitare che sarebbe finita così, se Pompeo fosse stato a Roma. Vennero comunque indette nuove elezioni, che furono vinte da due candidati precedentemente sconfitti: il patrizio L. Manlio Torquato (che, insieme col figlio, aveva denunciato Silla)[63] e L. Aurelio Cotta (che aveva denunciato Autronio). Anche L. Sergio Catilina (pretore nel 68, poi propretore in Africa) cercò di presentare la sua candidatura, ma fu indotto a rinunciare. Di questo episodio ho già trattato in altra sede:[64] qui mi limiterò ad alcune ulteriori considerazioni.

Catilina manifestò l'intenzione di candidarsi dopo la condanna di Silla e Autronio (quindi non alle prime elezioni del 66, ma alle seconde).[65] Aveva

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59   Il caso più celebre è quello di C. Flaminio, tribuno nel 232, console nel 223 e nel 217, censore nel 220, definito da Polibio (2.21.8) come colui che introdusse a Roma la "politica demagogica (δημαγωγία καὶ πολιτεία)".

60   Cic. *Sull.* 32.91: *consul omnibus centuriis P. Sulla renuntiatus est.*

61   Münzer 1931: 616 (sulla base di Cic. *QFr.* 3.3.2); Syme 1964: 102 n. 88; Gruen 1974: 132.

62   Marshall 1985: 262; Ferrary 2012 [2002]: 441; Lewis 2006: 281; Pina Polo 2011: 289 n. 186.

63   Da Cic. *Sull.* 17.49; *Fin.* 2.19.62 risulterebbe che l'accusatore di Silla sia stato il *figlio* di Torquato (Pina Polo 2011: 289 n. 186), ma la questione è controversa (bibliografia in Alexander 1990: 101; Nadig 1997: 150-151, 160-161).

64   Urso 2019: 136-139.

65   Sall. *Cat.* 18.3: *post paulo*. Così ora anche Fezzi 2025: 89 n. 108. Per l'ampia bibliografia precedente cfr. Urso 2019: 139 n. 20; per una discussione dell'ipotesi opposta (candidatura alle prime elezioni), *ibid.*: 138 n. 16.

lasciato l'Africa dopo che un'ambasceria di provinciali era stata ricevuta in senato e aveva formulato gravi accuse contro di lui.[66] Secondo Asconio, il console Volcacio, responsabile delle operazioni elettorali, decise di fare ricorso al *consilium publicum* (o a un *consilium publicum*),[67] per stabilire se doveva accettare l'eventuale candidatura di Catilina, "accusato di concussione": di conseguenza Catilina rinunciò.[68]

Che il problema fosse l'accusa di concussione, è lecito dubitare:[69] in quel momento essa non era stata ancora formalizzata e al processo si sarebbe giunti solo nell'estate del 65.[70] La questione era semmai un'altra: secondo Sallustio, Catilina non aveva presentato la sua candidatura "entro il prescritto numero di giorni (*intra legitumos dies profiteri nequiverat*)".[71] L'espressione allude al *trinundinum*: il periodo, fissato dalla *lex Caecilia Didia*, tra il giorno in cui erano convocati i comizi elettorali e quello in cui essi si tenevano.[72] Si trattava di un limite di tempo verificabile con facilità, che non avrebbe dovuto dare adito a contestazioni: ma nel caso specifico la questione non era così semplice.

Catilina non si era candidato alle elezioni 'regolari' del 66, probabilmente dissuaso dalla presenza di altri due candidati patrizi come lui (Silla e Torquato) e dalla norma che impediva di eleggere al consolato più di un patrizio. Quando seppe dell'ambasceria dei provinciali e della condanna di Silla, pensò di presentarsi alle seconde elezioni. Ma era opinione diffusa che queste avrebbero dovuto premiare Torquato e Cotta, le cui accuse erano state convalidate dalla sentenza della *quaestio de ambitu*. Lo dirà chiaramente Cicerone quattro anni dopo nel discorso *Pro Sulla*, rivolgendosi all'accusatore L. Manlio Torquato *iunior*:

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66 Asc. *Tog. cand.* 89 C.

67 Probabilmente un comitato consultivo costituito da senatori, designati dal console stesso. "A public advisory board", secondo Pina Polo 2011: 289. Ad esso presero parte *principes civitatis* (Cic. *Tog. cand.*, in Asc. 89 C.). Sulle diverse traduzioni proposte dai moderni cfr. Urso 2019: 137 n. 10.

68 Asc. *Tog. cand.* 89 C.: *L. Volcacius Tullus consul consilium publicum habuit an rationem Catilinae habere deberet, si peteret consulatum: nam quaerebatur repetundarum. Ob eam causam Catilina destitit a petitione.*

69 *Contra* Rilinger 1976: 63 n. 8.

70 Era in corso in luglio (Cic. *Att.* 1.1.1, 1.2.1).

71 Sall. *Cat.* 18.3.

72 Vi alludono anche Dio Cass. 39.27.3 (elezione di Crasso e Pompeo al consolato del 55); Cic. *Fam.* 16.12.3 (proposta di Cesare per l'elezione al consolato del 48: *se praesentem trinum nundinum petiturum*). Cfr. anche App. *B Civ.* 2.8.28.

"In quell'occasione, se Publio Silla fosse stato condannato, la tua famiglia avrebbe potuto assicurarsi il consolato e questo fu ciò che accadde. Era una lotta per la carica (*honoris erat certamen*). Andavate in giro a gridare che cercavate di riprendere per vie legali ciò che vi era stato rubato (*ereptum repetere*), per vincere nel Foro dopo la sconfitta al Campo Marzio (*ut victi in campo in foro vinceretis*)".[73]

Qui stava il nocciolo della questione: il danno non poteva dirsi riparato con la sola condanna di Silla e Autronio, ma con l'elezione di Torquato e Cotta. Fu allora che, di fronte all'iniziativa di Catilina (insidiosa soprattutto per Torquato) in un contesto senza precedenti (la condanna di due *consules designati*), si dovette precisare che il calcolo dei *legitumi dies* andava comunque riferito al giorno in cui erano state fissate le *prime* elezioni. Alla *professio* di Catilina non si arrivò nemmeno.[74]

Ancora una volta il console che presiedeva le elezioni intervenne in modo decisivo: nel 67 si era trattato di rendere inefficace la candidatura di Palicano; nel 66 si trattò di impedire la candidatura di Catilina. Ma l'iniziativa di Volcacio aveva una precisa motivazione giuridica e, soprattutto, non fu motivata da dissenso politico od ostilità personale (come quella di Pisone nell'anno precedente), ma da una questione procedurale: dal dubbio cioè se fosse possibile consentire la candidatura, in elezioni ripetute dopo la condanna per *ambitus* dei *consules designati*, a chi non avesse partecipato alla competizione sin dall'inizio: l'operato del console fu dunque ineccepibile. Restava semmai apertissimo il problema dell'*ambitus*. I più ottimisti speravano forse che le condanne di Silla e Autronio *ex lege Calpurnia Acilia* avrebbero costituito un deterrente efficace contro future iniziative in tal senso: ma la loro speranza sarebbe stata ben presto delusa.

5. Catilina non partecipò nemmeno alle elezioni del luglio 65, in quanto imputato *de repetundis* (venne poi assolto). Questa attesa forzata poteva essere una seccatura, ma non era certamente un dramma. Saltare una o più elezioni non era infrequente e, come vedremo, si poteva raggiungere il consolato anche diversi anni dopo la pretura. E poi nel 65 c'era un candidato patrizio forte, L. Giulio Cesare,[75] mentre nessun patrizio di rilievo si profilava tra i possibili

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73   Cic. *Sull.* 17.49.

74   Cfr. *supra* n. 68. Secondo Sumner 1965: 231 si trattò di un "gentlemen's agreement". In effetti, l'anno successivo, tra coloro che testimoniarono a favore di Catilina nel processo *de repetundis* ci fu anche il console Torquato (Cic. *Sull.* 29.81; cfr. Urso 2019: 139-141).

75   Cfr. Cic. *Att.* 1.1.2: *de iis qui nunc petunt Caesar certus putatur* (per il passo completo cfr. *infra* nel testo).

avversari del 64.[76] Insomma, Catilina apparentemente poteva aspettare senza troppi rimpianti.

Su queste elezioni, vinte da Cesare e da C. Marcio Figulo, abbiamo una preziosa testimonianza di Cicerone. Nella prima lettera ad Attico del luglio del 65, egli riflette sulla propria candidatura alle elezioni dell'anno successivo, ma aggiunge alcune considerazioni su quelle che si sarebbero svolte di lì a poco:

> "Tra quanti si candidano ora, Cesare è dato per certo. Per l'altro posto si pensa che Termo se la giochi con Silano. Entrambi sono così sprovvisti di amicizie e reputazione (*inopes et ab amicis et existimatione*) che non mi pare impossibile opporre loro Turio; ma a parte me non ci crede nessuno (*non esse* ἀδύνατον *Turium obducere; sed hoc praeter me nemini videtur*). A me sembra che per i miei obiettivi sarebbe molto meglio se con Cesare vincesse Termo. Tra quanti si candidano ora, mi pare che nessuno sarebbe più forte di lui se fosse rimandato al mio anno [*i.e.* alle elezioni del 64], dal momento che è il curatore della via Flaminia, che per allora sarà facilmente terminata. Sarei felice di vederlo ora affiancato al console Cesare".[77]

Questo passo è interessante per più di una ragione. È anzitutto significativo che i favoriti per l'elezione al fianco di Cesare siano due personaggi "sprovvisti di amicizie e reputazione". Che il livello dei candidati intorno alla metà degli anni 60 non fosse di prim'ordine, è fatto ben noto; ma Cicerone qui attesta che tale era anche la percezione dei contemporanei: ciò non poteva che accrescere ulteriormente l'equilibrio delle elezioni e l'incertezza sul loro esito. È poi interessante che Cicerone ragioni sulle candidature del momento in funzione della sua candidatura dell'anno successivo, auspicando la vittoria di *Thermus:* in quanto *curator viae Flaminiae*, se si fosse ripresentato nel 64 sarebbe stato il favorito.

Chi è questo *Thermus*, altrimenti sconosciuto? Si è proposto di identificarlo con il già menzionato Figulo, eletto console insieme a Cesare, ammettendo che si trattasse di un Minucio Termo adottato prima delle elezioni. Tale ipotesi potrebbe suscitare notevoli perplessità, se non fosse che in questa direzione porta il *Cronografo del 354*, secondo cui i consoli del 64 furono

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76   C'era P. Sulpicio Galba, ma non aveva grandi possibilità, tanto più che egli iniziò la sua campagna con eccessivo anticipo, fin dall'estate del 65 (Cic. *Att.* 1.1.1): "Solo Galba sta facendo propaganda (*prensat*) e ottiene come risposta un buon vecchio 'no' romano, chiaro e limpido". Sulle scarse possibilità di Galba cfr. Schietinger 2017: 166.

77   Cic. *Att.* 1.1.2.

Caesare et Turmo.[78] Che Cicerone abbia sbagliato il pronostico, va dunque con ogni probabilità escluso.[79]

Più interessante è però la menzione del quarto candidato, *Turius*. Di un *Lucius Turius* Cicerone parla brevemente nel *Brutus*:

> "Lucio Turio fu uomo di scarso talento, ma di grande operosità (*parvo ingenio sed multo labore*), parlava spesso in pubblico, come meglio poteva; perciò gli mancarono poche centurie per raggiungere al consolato (*itaque ei paucae centuriae ad consulatum defuerunt*)".[80]

Non si tratta soltanto dello stesso personaggio,[81] ma anche dello stesso contesto: le elezioni del 64. Inducono a crederlo sia la rarità del *nomen*, sia la

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78 Drumann 1841: 405; Shackleton Bailey 1965: 292; Broughton 1986: 144; 1991: 19. *Contra* Münzer 1965; Gruen 1974: 510; Gray 1979 (la cui ipotesi di un'elezione suppletiva non ha avuto seguito). Incerto Brunt 1988: 427 e n. 118. Se adozione vi fu, essa dovette comunque precedere le elezioni perché nella lettera successiva, scritta *paulo post superiorem*, Cicerone annuncia ad Attico la nascita del figlio con queste parole (*Att.* 1.2.1): *L. Iulio Caesare C. Marcio Figulo consulibus* [ossia: dopo l'*elezione* di Cesare e Figulo] *filiolo me auctum scito*. Naturalmente non è necessario ammettere che l'adozione sia avvenuta nel brevissimo intervallo tra le due lettere: nella seconda, Cicerone menziona i due *consules designati* secondo la formulazione ufficiale che sarebbe stata adottata a partire dal 1° gennaio successivo; nella prima, egli chiama Figulo col suo vecchio nome, com'era forse abituato a fare. Un noto caso analogo è quello di M. Terenzio Varrone Lucullo, *cos.* 73, che Cicerone nelle lettere chiama regolarmente *M. Lucullus* (*Att.* 1.18.3, 4.2.4, 13.6.4; *QFr.* 2.1.1) e più tardi soltanto *Lucullus* (*Fam.* 1.1.3, 1.6.2, 1.7.2).

79 Si tratterebbe in realtà un doppio errore: da un lato, la menzione di *Thermus* come uno dei favoriti per il secondo posto; dall'altro la mancata menzione di Figulo tra i possibili vincitori. Se di errore si trattasse, esso confermerebbe le affermazioni della *Pro Murena* citate all'inizio, sull'imprevedibilità della contesa elettorale. Ma la testimonianza del *Cronografo* sembra decisiva.

80 Cic. *Brut.* 67.237.

81 Broughton 1991: 19; Ryan 2001: 405 ("zweifelsohne […] identisch"). Non così Münzer, il quale identificava il personaggio della lettera ad Attico con un altrimenti sconosciuto 'Curio' (Münzer 1901; cfr. Münzer 1948). Probabilmente egli basava questa convinzione sulle edizioni teubneriane di Klotz [1880] e di Müller [1905], che optavano per la lezione *Curium* senza segnalare varianti. In realtà la lezione *Turium,* senz'altro *difficilior*, è ben attestata nella tradizione manoscritta ed è stata in seguito accolta in tutte le maggiori edizioni critiche (nella *Budé* di Constans [1934], nell'*Oxoniensis* di Watt [1965] e nella nuova *Teubneriana* di Shackleton Bailey [1987]), nonché dallo stesso Münzer 1965: 1965. Cfr. anche Marshall 1985: 317. – Più recentemente, Bur 2013: 45-49 è tornato a leggere *Curium*, identificando il personaggio in questione con quel Q. Curio, che Sallustio (*Cat.* 17.3, 23.1-4, 26.3, 28.2) descrive come sostenitore di Catilina prima e informatore di Cicerone poi (questa identificazione non è nuova: essa era respinta già da Constans 1934: 278; cfr. anche Marshall,

perfetta concordanza fra i due passi sopra riportati: nel primo, Cicerone lo presenta come un possibile vincitore a sorpresa; nel secondo, egli rivela che la sorpresa fu sul punto di realizzarsi. A dire il vero, c'è chi ha dubitato che la vittoria sfiorata di Turio risalga al 65: già pretore nel 75, egli si sarebbe candidato al consolato una prima volta poco dopo la pretura, mancando di poco il successo, e poi di nuovo nel 65.[82] Ma questa ipotesi non sembra convincente, anche perché in quegli stessi anni diversi personaggi si candidarono al consolato molto tempo dopo la pretura: C. Licinio Sacerdote, pretore nel 75 (e collega di Turio), si candidò senza successo nel 64 (un anno dopo Turio); L. Afranio, pretore nel 72 o nel 71,[83] si candidò nel 61 e fu eletto; L. Lucceio, pretore nel 67, si candidò con Cesare nel 60,[84] senza successo; Ser. Sulpicio Rufo, pretore nel 65, si candidò nel 63 e fu sconfitto, poi nel 52, undici anni dopo la prima candidatura, e venne eletto.

Tanto la lettera ad Attico quanto il *Brutus* si riferiscono dunque alla candidatura di Turio nel 65. Turio si classificò terzo (una sorpresa per quasi tutti, ma non per Cicerone), dietro a Figulo e davanti a Silano. Il fatto che un personaggio *parvo ingenio* abbia sfiorato l'elezione al consolato la dice lunga, una volta di più, sul livello della competizione:[85] d'altra parte Silano, *inops ab amicis et existimatione*, si sarebbe ricandidato nel 63[86] e sarebbe stato eletto. La differenza di centurie tra il secondo e il terzo classificato, tra Figulo e Turio, fu minima. È la conferma, questa volta esplicita, di un grande equilibrio, che doveva moltiplicare le tentazioni di ricorrere a mezzi non leciti, sia da parte

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loc. cit.). Il fatto però che nel 64, nel discorso *In toga candida* (93 C.), Cicerone definisse Curio come *homo quaestorius* esclude che egli potesse candidarsi al consolato nel 65. Per risolvere questo problema, Bur 2013: 50-51 accoglie la correzione *quaestuarius* ("qui se vend"), proposta nell'edizione *teubneriana* di Schoell [1918 – *non vidi*]: il termine è però rarissimo e riferito per lo più a prostitute. La congettura è stata perciò generalmente respinta, in particolare nelle edizioni critiche di Clark [1907], Giarratano [1920] e Puccioni [1972]; la ignorano i commenti di Marshall 1985: 316-317; Lewis 2006: 303; Santalucia 2022: 379. E non migliore fortuna ha avuto la lezione *quaestuosus*, suggerita da Clark (ma solo in apparato critico e con un prudente *fortasse*).

82 Ryan 2001: 405 (per il quale la candidatura di Turio nel 65 era "scheinbar aussichtslose"). A un anno compreso tra il 73 e il 71 pensava già Münzer 1948: 1388, che però si basava solo sul passo del *Brutus*. Propendono per il 65 Syme 1939: 81; Gruen 1974: 177 n. 58; Phillips 2004: 54; Pina Polo 2012: 72, 82. Non prende posizione Yakobson 1999: 51 n. 83.

83 Broughton 1952: 122; Broughton 1986: 13.

84 Cic. *Att.* 1.14.7, 1.17.11; Suet. *Iul.* 19.1.

85 Cfr. Syme 2016: 143.

86 Non è menzionato nella lista dei candidati del 64 fornita da Asc. *Tog. cand.* 82 C.

dei candidati (per assicurarsi i voti mancanti), sia da parte di chi presiedeva le elezioni (per impedire la vittoria di candidati non graditi).

6. Lo scarto di *paucae centuriae* tra Figulo e Turio implica che nel 65 le operazioni di voto si protrassero ben oltre le centurie della seconda classe:[87] la vittoria di Figulo fu decisa dal voto degli elettori meno ricchi. Questa situazione si ripeté nelle elezioni del 64, cui si presentarono ben sette candidati.[88] Il clima di tensione in cui esse si svolsero è ben testimoniato dai frammenti del discorso di Cicerone *In toga candida*: in realtà un'invettiva contro i suoi due maggiori avversari, C. Antonio e L. Sergio Catilina, pronunciata nel contesto di un dibattito in senato sull'ennesima *rogatio de ambitu*, bloccata dal veto del tribuno Q. Mucio Orestino.[89] Cicerone fu eletto *omnium consensu*, come Silla due anni prima. Antonio si classificò secondo, sopravanzando Catilina *pauculis centuriis*,[90] come Figulo aveva prevalso su Turio l'anno precedente. E ancora una volta era risultato decisivo il voto delle classi più popolari: la quarta almeno, se non anche la quinta.[91]

Ciò dovette indurre Catilina a tentare di riposizionarsi: quella certa svolta 'populista' da lui attuata nella campagna elettorale del 63 (di cui è espressione la celebre frase sui due corpi della *res publica*)[92] e la sua apertura verso gli interessi dei *miseri*[93] nascono da questa sconfitta, ma soprattutto da una riflessione sul modo in cui si erano svolte le ultime elezioni consolari degli anni precedenti.[94] Fin dal 68 il ricorso all'*ambitus* era stato massiccio: la *lex Calpurnia Acilia* non era valsa a frenarlo. Nel 65 e nel 64 il voto popolare era risultato decisivo proprio perché non c'erano candidati di spicco, le centurie delle prime classi non sempre bastavano a esprimere due vincitori e "un minimo soffio di voce" poteva bastare a sovvertire i pronostici, come abbiamo

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87   Yakobson 1999: 51; Phillips 2004: 55; Urso 2019: 159-160; Rafferty 2021: 130.

88   Asc. *Tog cand.* 82 C.

89   Asc. *Tog. cand.* 83 C.

90   Asc. *Tog. cand.* 94 C.

91   Su questo punto e sulla relativa bibliografia, cfr. Urso 2019: 159-160 n. 60 (con una critica della ricostruzione diversa di Ryan 2001: 403-405; Flaig 2013: 361-362). Che abbiano votato "almost all centuries" è anche l'opinione di Rafferty 2021: 130.

92   Cic. *Mur.* 25.51; Plut. *Cic.* 14.6.

93   Cic. *Mur.* 25.30 (*defensor miserorum*). Della causa dei *miseri* Catilina parlerà apertamente nella lettera a Catulo citata all'inizio (Sall. *Cat.* 35.3: *publicam miserorum causam pro mea consuetudine suscepi*).

94   Urso 2019: 160, 171, 210-211. Cfr. Schietinger 2017: 172-175.

letto nella *Pro Murena*.[95] Certo, qualche dubbio potrebbe suscitare l'affermazione, nello stesso discorso, che "se i poveri non hanno altro che il loro voto, allora, anche se votano (*etsi suffragantur*), il loro sostegno non ha alcun valore".[96] Ma queste parole non vanno intese nel senso che i poveri non votassero mai: non si capirebbe perché Cicerone in precedenza affermi che "le elezioni sono del popolo e della massa (*sunt enim populi ac multitudinis comitia*)"[97] – dove la parola-chiave è naturalmente *multitudo*, già evocata a più riprese nel *Commentariolum petitionis*[98] e già protagonista, come si è detto, del dibattito elettorale del 67. È vero che i voti dei meno abbienti, *singolarmente presi*, valevano meno, nella centuria d'appartenenza, di quelli dei concittadini più ricchi; è vero che soprattutto in quelle centurie sovraffollate le *clientelae* del candidato non potevano giocare un ruolo significativo:[99] ma la possibilità che le ultime classi fossero chiamate a esprimersi, per quanto *relativamente* rara,[100] poteva ben verificarsi – e si era verificata di recente. Lo svolgimento drammatico delle elezioni consolari del 63 si spiega anche alla luce di quanto era successo negli anni precedenti.

Abbiamo detto del mediocre Silano, quarto classificato nel 65. Nel 64 egli non si era candidato:[101] stava forse cercando "amici e reputazione"? Comunque sia, nel 63 si ripresentò e fu eletto con L. Licinio Murena. Su come ci sia riuscito, qualche dubbio rimane:

> "Catone fu tribuno insieme a Metello e ad altri, e vedendo che le elezioni consolari erano caratterizzate dalla corruzione, rimproverò il popolo e, concludendo il suo discorso, giurò che avrebbe perseguito i corruttori, chiunque essi fossero, ad eccezione del solo Silano, a causa della parentela: era infatti marito di Servilia, sorella di Catone. Perciò lo lasciò stare, ma citò Lucio Murena, accusandolo di essersi assicurato col denaro l'elezione insieme a Silano".[102]

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95 Cic. *Mur.* 17.35.

96 Cic. *Mur.* 34.71. Il testo è corrotto: *etsi* è lezione proposta nell'edizione Clark [1905]; l'edizione Kasten [1972] propone *si cui*, che non modifica il senso della frase.

97 Cic. *Mur.* 19.38.

98 Cicero *Comment. Pet.* 30 (*multitudinem facile tenebis*), 51 (*iam urbanam illam multitudinem […] adeptus es*), 53 (*te existimet […] multitudo*). Ma non sono questi i soli casi in cui *comitia* e *multitudo* sono associati (fonti e discussione in Pani 2002: 280).

99 Sono le interpretazioni della frase di Cicerone proposte, rispettivamente, da Yakobson 1992: 37-38; Yakobson 1999: 30-31 (*contra* Tatum 2003-2004: 208); Morstein-Marx 1998: 282.

100 Cfr., in tal senso, le precisazioni di Tatum 2003-2004: 207-208.

101 Cfr. *supra* n. 86.

102 Plut. *Cat. Min.* 21.3-4.

Non è il caso di insistere qui sul ruolo dell'*ambitus* nelle elezioni del 63, rivelato sia dal processo contro Murena, sia, ancor prima, dalla nuova legge sull'*ambitus*, la *lex Tullia Antonia*, fatta votare su insistita richiesta del candidato Ser. Sulpicio Rufo e da lui concepita per colpire, in primo luogo, Catilina, patrizio come lui.[103]

Il processo contro Murena fu l'atto conclusivo delle elezioni del 63: così almeno lo interpretò uno degli accusatori, appunto lo sconfitto Sulpicio Rufo,[104] quando rimproverò Cicerone, che ne aveva sostenuto la candidatura, di averlo abbandonato accettando di difendere Murena, dimenticandosi della loro *familiaritas et necessitudo*; così Cotta e Torquato avevano interpretato gli analoghi processi del 66 contro Silla e Autronio.[105] Si può certo discutere se in questi processi il compito della giuria fosse accertare la verità o stabilire chi fosse più degno di ricoprire la carica contesa.[106] È vero che Cicerone respinse con forza l'insinuazione di Sulpicio, sostenendo che il tempo delle elezioni era passato, la situazione era cambiata (*abiit illud tempus; mutata ratio est*);[107] ma è chiaro che su questo punto già i contemporanei si interrogavano e che la loro risposta non era unanime.[108] E non si può non constatare che il discorso *Pro Murena*, nella sua versione riveduta e pubblicata, appare concentrato più sullo svolgimento delle elezioni di due mesi prima (e sulla necessità di avere due consoli in carica, il 1° gennaio del 62), che sulle accuse contro il *consul designatus*.[109] Certo è possibile che la questione fosse stata affrontata più nel dettaglio da Ortensio, che aveva parlato prima di Cicerone:[110] ma resta la spiacevole sensazione che quelle accuse non fossero del tutto infondate.[111]

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103   Dio Cass. 37.29.2: "Catilina pensava che la decisione fosse stata presa a causa sua, il che era effettivamente vero". Sulla legge: Cic. *Mur.* 2.3, 23.47, 32.67; *Planc.* 34.83; *Vat.* 15.37; *Sest.* 64.133; Dio Cass. 37.29.1; *Schol. Bob.* 79, 140, 151, 166 Stangl. Cfr. Ferrary 2012 [2002]: 443-448.

104   Un "unpleasantly modern-sounding claim", secondo Tatum 2013: 139.

105   Cfr. Gruen 1974: 272: "Prosecutions *de ambitu* […] often represented efforts by defeated candidates to displace their conquerors in court and thereby to regain the magisterial posts themselves".

106   Di questo parere è Adamietz 1986: 117; *contra* Riggsby 1999: 47-48.

107   Cic. *Mur.* 3.7.

108   Tatum 2013: 140: "Roman sensibilities on this issue remained divided and contestable".

109   Cfr. Nadig 1997: 168.

110   Cic. *Mur.* 23.48.

111   Che Murena fosse colpevole, lo lascia chiaramente intendere Cic. *Flac.* 39.98. Cfr. Brunt 1988: 426: "Murena, for example, was pretty clearly guilty, yet he was acquitted".

Anche da questo punto di vista, nulla di nuovo. Ma c'è poi un ultimo segno di continuità: come è noto, Cicerone, in qualità di presidente della procedura elettorale, ricorse a ogni mezzo possibile per impedire la vittoria di Catilina. Il suo fu *sostanzialmente* un abuso di potere, anche se sul piano strettamente legale nulla poté essergli contestato, almeno per il momento.[112] Anche qui c'era evidentemente un precedente, quello di Pisone nel 67: di quel Pisone che, dopo il suo proconsolato nelle Gallie, nel 63 era stato processato *de repetundis*, era stato difeso da Cicerone e assolto *quia consul fortis constansque fuerat* (non perché fosse innocente…),[113] per poi divenire uno tra i più accesi sostenitori del console e della repressione anti-catilinaria.[114]

Che le elezioni consolari del 63 si fossero svolte in un clima di aperta tensione e non senza forzature, e che in seguito il *consul designatus* Murena fosse processato per *ambitus*, era la prova che i problemi manifestatisi subito dopo il 70, *e puntualmente ripetutisi ogni anno a partire dal 68*, erano ancora all'ordine del giorno. Che Murena alla fine venisse assolto, contro ogni evidenza del contrario, poteva far presagire che questi problemi non si sarebbero risolti tanto presto.

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112   Le accuse, peraltro, sarebbero arrivate ben presto e da più direzioni: cfr. Urso 2019: 15-30.

113   Cic. *Flac.* 39.98. Cfr. Sall. *Cat.* 49.2.

114   Cic. *Att.* 12.21.1; *Phil.* 2.5.12; Sall. *Cat.* 49.1; Plut. *Caes.* 7.5; *Cic.* 19.1.

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Elections constituted the core of the political system of the Roman Republic. Each year, Roman citizens elected numerous magistrates of varying rank, and the outcome of these elections played a decisive role in shaping the political trajectory of individual candidates within the *cursus honorum.* This volume examines the nature of Roman Republican elections, analysing their structures, complexities, and exceptions; the scope of political participation; the avenues of access to lower-ranking offices and minor magistracies; and the ways in which architectural space was employed to frame the *populus* as a voting body. It also considers the reliability of our sources for Republican electoral practices, the role of campaign promises and policy pledges, and the potential influence of both soldiers and women on electoral outcomes. Taken together, the contributions of this volume provide an essential intervention in the ongoing scholarly debate on the character and functioning of the Roman Republic.