

II

Res Publica Res Populi

Robert Morstein-Marx

Alexander Yakobson, *Elections and Electioneering in Rome. A Study in the Political System of the Late Republic*, *Historia Einzelschriften* 128, Stuttgart: Franz Steiner Verlag, 1999. 251 pp. ISBN 3-515-07481-3.

'*Est igitur*' inquit Africanus '*res publica res populi*' (Cic. *Rep.* 1.39). Scipio's definition appears progressively less paradoxical as the strange hold over Republican history, exercised especially in Anglophone scholarship by the patron-client model and the prosopographical school, has gradually come undone. The turning point was the appearance of F. Millar's groundbreaking studies in the mid-80s, followed by P.A. Brunt's devastating broadside of 1988 and, in 1992, Alexander Yakobson's own brilliant article on the *comitia centuriata*.¹ Momentum has picked up since,² while a note of skepticism has sounded in other quarters.³

¹ F. Millar, esp. 'The Political Character of the Classical Roman Republic, 200-151 B.C.', *JRS* 74 (1984) 1-19, and 'Politics, Persuasion and the People before the Social War (150-90 B.C.)', *JRS* 76 (1986) 1-11; P.A. Brunt, *The Fall of the Roman Republic* (Oxford 1988), esp. chs. 8-9; A. Yakobson, 'Petitio et largitio: Popular Participation in the centuriate assembly of the Late Republic', *JRS* 82 (1992) 32-52. Note also J.A. North, 'Democratic Politics in Republican Rome', *PP* 126 (1990) 3-21, and, somewhat in anticipation of the stirrings from Britain, L. Perelli's *Il movimento popolare nell'ultimo secolo delle Repubblica* (Torino 1982).

² E.g., F. Pina Polo, *Contra arma verbis. Der Redner vor dem Volk in der späten römischen Republik* (Stuttgart 1996); A.J.E. Bell, 'Cicero and the Spectacle of Power', *JRS* 87 (1997) 1-22; G. Laser's Bochum dissertation, published as *Populo et scaenae serviendum est. Die Bedeutung der städtischen Masse in der späten Römischen Republik* (Trier 1997); F. Millar, *The Crowd in Rome in the Late Republic* (Ann Arbor 1998); see Hölkeskamp's review above.

³ M. Jehne, ed., *Demokratie in Rom? Die Rolle des Volkes in der Politik der römischen Republik* (Stuttgart 1995). Jehne's introduction to the volume, with

The work here under review, a revision of Yakobson's (henceforth 'Y.') Hebrew University dissertation submitted in 1994, consists of a refutation of the formerly well-entrenched view that the voting citizenry, in particular the urban plebs of Rome, was effectively disfranchised, with all that this implies in a system in which popularly elected magistrates played a central role in initiating and carrying legislation, and in which popular election was the manner of recruitment into the great council of the Senate. It is not, therefore, a survey of the technical details of voting and canvassing, for which one will still need to look elsewhere,⁴ and it is rather polemical — though never contemptuous or merely dismissive. But that is inevitable, given the history of the question. It should be noted, also, that two of the chapters are expanded and somewhat revised versions of articles already published separately.⁵ However, the decision to incorporate them was clearly the right one, since they now stand at the core of a lucid and tightly argued thesis that could hardly be persuasively presented without them and likewise shows them to best advantage.

The first chapter is a kind of overture which establishes the major themes of the subsequent discussion and seeks to force acknowledgement from the outset that something is amiss with the traditional model. The consular election of 108 which brought Marius to his first consulship manifestly shows — at least if we take Sallust at his word — that the plebs possessed considerable electoral weight in thus bringing the 'new man' to the fore over strong objections from the nobility. Furthermore, the common notion that Roman elections were not seriously 'political' — that is, isolated from contemporary political controversies and focused merely on the personal, moral qualities of candidates — suffers a blow here from Sallust's mention of a flurry of *contiones* held by *seditioni magistratus* calling for Metellus' replacement by Marius (*BJ* 73.5). Equally noteworthy is the absence of patronage-networks from Sallust's account, indeed the apparent fact that they did *not* suffice to

contributions by K.-J. Hölkeskamp and E. Flaig as well as himself, is a useful orientation to the debate.

⁴ The well-known works of E.S. Staveley and L.R. Taylor provide the starting-point, supplemented by U. Hall, 'Voting Procedure in Roman Assemblies', *Historia* 13 (1964) 267-306, and, on canvassing, T.P. Wiseman, *New Men in the Roman Senate, 139 B.C.-A.D. 14* (Oxford 1971), esp. 95-142. Cf. R. Urban, 'Wahlkampf im spätrepublikanischen Rom. Der Kampf um das Konsulat', *Geschichte in Wissenschaft und Unterricht* 34 (1983) 607-22.

⁵ Viz., the piece cited above, n. 1, and 'Secret Ballot and its Effects in the Late Roman Republic', *Hermes* 123 (1995) 426-42, largely reproduced as chapters 2 and 5.

prevent the 'new man's' election to the highest office of state, which suggests that the variety of social bonds between superior and inferior (of which explicit and formal patronage is only one) so compellingly exposed by M. Gelzer in his classic work, *Die Nobilität der römischen Republik*, did not suffice to suppress the authentic expression of the popular will — at least in this instance.

Sallust, whose historical scholarship is rarely considered above reproach, may of course have misrepresented this election in service of his dominant aim to recount the first great challenge to the 'arrogance of the nobility' (*BJ* 5.1), and moderns, perhaps misguidedly, have rewritten key portions of this account.⁶ That does not really matter for Y., whose purpose here is simply to pry the door open to an alternative view, to be established in the following chapters, of the way Roman elections worked. His first real target is the traditional understanding of the nature of the *comitia centuriata* (ch. 2). In an expanded and updated version of his article of 1992, Y. turns the discussion of the popular element in the centuriate assembly elegantly on its head, away from the old controversies about its structure (too poorly known anyway) to the much better-attested facts of political behavior — specifically, the efforts candidates made to improve their chances by promiscuously showering electoral largesse among the urban plebs. It does indeed strain credibility that anyone would part with so much money without some practical end in view; and since the end of getting oneself elected is often explicit or clearly implicit in our sources, the conclusion seems unavoidable that the urban plebs had significant power in the centuriate assembly.

Y. might easily be misunderstood here. He does not claim that the centuriate assembly was a truly democratic organ: he readily acknowledges the 'marked advantage' of the wealthy (p. 206) and the 'timocratic structure' of the assembly (p. 207), though he rejects the descriptions 'oligarchic' and 'dominated by the rich' (p. 59). The point rather is that the 'popular element' in consular elections (and, *a fortiori*, even more so in lesser ones with more candidates or in the tribal assembly) could not be ignored by any candidate, no matter how *nobilis* or well-connected. Lurking just below the surface in the discussion is of course the great controversy over the degree to which specific forms of Roman social relations, in particular the patron-client relationship, actually 'determined the distribution of political power'

⁶ For example, powerful equestrian interests or division within the senatorial order itself have often been invoked: see G.M. Paul, *A Historical Commentary on Sallust's Bellum Jugurthinum* (Liverpool 1984) pp. 188-9.

(Gelzer).⁷ In his third chapter Y., very much in the vein of Brunt's counter-attack but closely focused, naturally, on the electoral arena, argues that elections were fundamentally a contest of personal worth in what Y. aptly calls the 'court of public opinion' (p. 85) rather than a matter of mobilizing networks of personal dependents. 'In the final analysis', setting aside simple bribery, 'the balance of popularity between the different candidates was the main factor which determined the outcome of elections' (p. 103) rather than any personal bonds between voters and patrons or 'friends'.

Y. has a real knack for turning old arguments on their head. In his fourth and fifth chapters he provocatively asks how 'the need ... to mobilize electoral support on a competitive basis' demonstrated so far may have influenced the nature of patron-client relations itself (p. 110). Using modern parallels of clientelistic political systems, Y. asserts that the freedom of the citizen's electoral choice between candidates courting his vote, as well as limited quantity of state resources available for electoral manipulation by the political élite, can only have tilted the 'balance of power' of social relations between members of the political élite and the mass in the latter's favor, particularly given that

[t]he entire social standing of a member of the Roman senatorial class — and not just his political power and influence — depended heavily on his ability to win elections. In this respect Roman senators were dependent on popular suffrage to a perhaps greater extent than any other traditional elite known to us from history (p. 117).

In the economic model which Y. repeatedly invokes (surely apt, given that the vote itself was a marketable commodity), 'the bargaining position of the Roman voter vis-à-vis the members of the elite who competed for his vote was relatively strong' (p. 123), loosening the rigor of clientelistic bonds and freeing his electoral choice. All of this is predicated, of course, on the actual secrecy of the ballot, which Y. champions stoutly against the scholarly tide in his fifth chapter. The secret ballot, introduced for elections by the *lex Gabinia* of 139, freed the 'electoral market' by 'pushing up the price — in its various forms — that members of the ruling class had to pay to the people for the offices that they sought' (p. 138); candidates 'had little choice but to pump material resources — not just money but other *largitiones* such as games and mass feasts — into the electorate, both at large and tribe by tribe

⁷ *The Roman Nobility*, tr. R. Seager (Oxford 1969) 139 ('bestimmen die Verteilung der politischen Macht'). Y.'s own comments on Gelzer's thesis are very fair (esp. p. 79).

... before the voting, sometimes long before elections, in the hope of earning genuine gratitude and popularity' (p. 141).

The patronal model of Republican politics has sat comfortably with the impression we get from our sources that the criteria of voters' electoral decisions were essentially personal and 'apolitical', in the sense that they normally lacked any significant aspect of ideological competition between opposing visions of political ends and means. Quintus Cicero, notoriously, advises his brother not to speak on high politics at all during his candidacy (*Comm. Pet.* 53). Y. shows, however, that the 'depoliticization' of Republican elections has been taken much too far (ch. 6). A whole series of elections from the Gracchi to the eve of the Caesarian civil war are shown to have been explicitly or otherwise clearly linked to contemporary political issues: recall Marius' election in 108, or the expectation Pompey put about in 71 that he would restore the powers of the tribunes (pp. 156-77).⁸ And after all — here again Y. nicely cuts through the fog — the consistent assumption of our sources that tribunes offered *popularis* proposals largely to pave their way to the higher magistracies must imply both that an oligarchical élite did not dominate those further elections and that they were indeed 'political', in being based on considerations of a candidate's commitment to political ideas and principles (pp. 172-6). Yet it is also true that

there seems to have been a social norm hostile to the gross politicization of elections This does not mean that any reference to a controversial issue of public policy during an electoral campaign was considered illegitimate; but the voters' choice was not supposed to be based primarily on such controversies. Above all, it was not to be based on considerations of 'party politics'. The election of Roman magistrates was supposed not to be based on *studium partium*, but on *bona aut mala sua* — on the candidates' personal worth (177).

There may be some tension between these ideas of the 'personal' and 'political' dimensions of candidacy which is not fully worked out here. But Y.'s main object is to refute the 'extreme version' of the old view (p. 149) according to which elections were considered unencumbered by real political choices and thus a sharply circumscribed form of popular participation in the guidance and control of the *res publica*.

⁸ Y. perhaps grasps at straws at times: I would not set much store by details of Cicero's rationale for Sulpicius Galba's rejection in 63 (p. 166), or his uncontrolled slanders against Clodius in 52 (p. 172). But the overall picture remains convincing.

The domination of the consular *fasti* by a fairly limited number of noble families over series of generations was Gelzer's starting-point, and has long been taken as *prima facie* evidence against the notion, which one might otherwise gain from the Republic's institutions, that popular electoral influence was strong. Recent argument about whether the consulship was indeed, as Sallust claimed (*BJ* 63.6-7), a preserve of the *nobilitas*,⁹ has not really altered the evident fact that an élite — albeit evolving and far from closed to cooptation or recruitment — kept a close hold on the highest magistracies of the Republic. Yet, as Y. points out (ch. 7), there is no reason why this should not have come about by the free exercise of the vote, as is implied, for example, by popular leaders' criticism of the People for perpetuating their 'slavery' by means of their own votes.¹⁰ The 'deference' and the 'social conservatism' of the Roman voter must be given their due: the great names exerted a powerful draw, and perhaps a reasonable expectation of excellence; a 'new man' was a risk, without a collection of family *imagines* to serve as pledges of quality. Yet Y. rightly points out that at the same time 'the distinctive feature of the Roman Republic was not that noble birth generated electoral success, but that electoral success generated nobility' (p. 199): thus the Roman noble's whole self-definition was founded on an ideal of open and free judgment by the citizenry.¹¹ The attainment of noble status, and then its proper maintenance, fundamentally depended on winning popular approbation in elections: the climb to the consulship by a noble, or ambitious *novus*, constituted a continual *petitio*, involving repeated submission to the judgment of the People. The 'Roman electoral carnival or saturnalia' dramatized the primacy of the *populus* and was no mere empty symbol (pp. 218-19).

Polybius, then, was right: 'oligarchic' and 'popular elements' coexisted in the Roman Republic; indeed, they reinforced each other (pp. 231-3). The urban plebs was no demoralized, disaffected mob, but embraced the system because, through the suffrage, it actually enjoyed an important stake in it

⁹ P.A. Brunt, 'Nobilitas and Novitas', *JRS* 72 (1982) 1-17; K. Hopkins and G. Burton, 'Political Succession in the Late Republic, 249-50 BC', in Hopkins, *Death and Renewal* (Cambridge 1983) 107-16; E. Badian, 'The Consuls, 179-49 BC', *Chiron* 20 (1990) 371-413.

¹⁰ A *topos* whose late Republican currency seems better proven by Sallust's Macer (*Hist.* 3.48.6) than Livy's imaginative recreation of the debates of the Struggle of the Orders (pp. 189-95).

¹¹ See the quotation from p. 117 above.

(p. 229).¹² A post-mortem for the Republic must look elsewhere: Y. would focus fairly narrowly on the effective disfranchisement of the rural peasantry which filled the ranks of the 'disciplined armies' that finally brought the Republic down (pp. 226, 230-1).¹³

In an article on the evidence of the *Commentariolum Petitionis* that appeared too recently for Y. to have made use of it, I myself have reached conclusions similar or complementary to a number of the central points of this exceptional work.¹⁴ I am therefore very much in sympathy with Y.'s argument, and it is simply in the hope of stimulating further debate, and perhaps refinement of Y.'s thesis, that I wish in conclusion to raise two critical points of some broad significance.¹⁵

Despite the vigor of Q. Cicero's complaints at Cic. *Leg.* 3.34ff. it is hard for me to share Y.'s great confidence in the secrecy of the late Republican ballot (esp. pp. 126-33) which is fundamental to his notion of the 'freedom of the electoral market'. We know too little about the precise details of the voting experience to be sure that it was *impossible* to tell how individuals, or even neighborhoods, voted (so p. 113). It is true that the efficacy of the legal

¹² Contrast Brunt (n. 1), pp. 68-81. G. Laser's conclusions in a recently-published dissertation (n. 2, esp. pp. 231-41) are closely comparable. Laser's treatment of the dependence of the nobility on popular acceptance (pp. 31-43), of clientage (pp. 110-26), and of canvassing (pp. 126-38) may also usefully be compared with portions of the present work.

¹³ Y. may overstate the exclusion of the rural plebs from the voting citizenry (pp. 21-22, 61, 116). As he himself acknowledges, according to Sallust *opifices agrestesque omnes* flocked to support Marius in 108 (*BJ* 73.6; p. 16); and if in other respects he wishes to see this election as illustrative of actual conditions in the Late Republic perhaps we should not assume that circumstances had changed radically by the first century. Note the significance for Cicero of Scaurus junior's support *apud rusticos* in 54 (*Att.* 4.16.6; pp. 105-106). And what might the weight supposedly given by the electorate to the soldiers' recommendations in 63 suggest about its makeup (p. 94)?

¹⁴ R. Morstein-Marx, 'Publicity, Popularity and Patronage in the *Commentariolum Petitionis*', *CA* 17 (1998) 260-88; with Y.'s discussion of the centrality of generalized mass appeals might be compared my pp. 262-74, including rejection of the 'apolitical' nature of elections (pp. 263-68); cf. also pp. 274-79 on the electoral advantages of the nobility. For a significant difference of opinion on the role of patronage, see however below.

¹⁵ This may be the place to note a few unfortunate typographical slips: the date of Cicero's aedileship and the coincident consulship of Q. Metellus is wrongly given on pp. 143 and 212; twice on p. 171, letters are transposed in the name Hypsaeus.

sanctions against certain methods of pressuring the voter seems implied by Cicero's whole discussion in the *De legibus* (p. 133); it is also true that the absence of any remarkable change in the character of the *fasti* after the introduction of the secret electoral ballot in 139 does not prove that it was inconsequential but only that, arguably because of ingrained voting preferences, it did not change the composition of the Republican nobility (pp. 137-8). Yet the crucial and momentous change in the style of vote-buying that Y. would attribute to the ballot law (from individual bribery to massive, anonymous largesse) is also less than salient in our evidence and essentially a hypothesis based on a possibly exaggerated notion of the confidentiality of the vote. Ultimately, I suspect, the vote was only as secret as a voter desired it to be, and 'voluntarily' revealing one's vote to interested parties may have brought greater, or more secure, benefits than having to pretend to have voted for everyone offering money or favors. Despite the élite's anxiety about the *latebra* thus given to the populace to cast irresponsible votes behind a deceptive *frons* (Cic. *Leg.* 3.34, *Planc.* 16), in a society regulated by *fides* — closely monitored, we might suppose, on the local or tribal level by *homines gratiosi* and *divisores* — a voter may not have been too likely to 'cheat' a patron, benefactor or briber, if he was lucky enough to have one. Let us recall that the ballot was officially secret as well in the clientelistic political systems of modern Italy cited by Y. for contrast with the Roman experience on other points (pp. 117-22).

Secondly, I think Y., like Millar and Brunt before him, does not really give patronage its due. What has been needed since Brunt's devastating assault on the prevailing doctrine is a more nuanced and positive consideration of the role patronage, in its various manifestations, *did* play, in a complex interrelationship with the more public aspects of politics that Y. so rightly emphasizes. For my taste Y. too often sets up the patron-client model as a straw man, insisting on an extreme view of patronal 'control' of clients and then, when he (rightly) finds this lacking, minimizing or dismissing patronage's significance.¹⁶ An extreme example is the assertion that 'even the influence of powerful *gratiosi* would not necessarily be enough to secure the vote of a tribe for an unpopular candidate' (p. 101) — a denial so hedged about by qualifications ('not necessarily', 'enough to secure', 'unpopular')

¹⁶ See, for example (my emphasis), pp. 73 ('public behaviour ... could not be controlled'), 74 ('by no means *guaranteed automatically*'), 87 ('*homines gratiosi* ... do not *fully control* the votes'), 88 ('not in *itself sufficient to ensure* that the mass of voters would support a candidate'), 99 ('the support of one's *tribules* is not presented as something *automatic*'), 103 ('it does not at all seem that personal ties *alone* could bring a victory at the polls').

that I suspect no devotee of the patron-client model would likely dispute it. In fact, clients are not serfs and some degree of choice is fundamental to the very concept of patronage¹⁷ — which is *not*, surely, a fruitless expansion of the idea to the point where it is devoid of content (p. 80). Since Y. allows that, even if personal bonds of patronage did not *control* voters, they influenced them (cf. p. 88), we should still like to know just how much weight to attribute to this factor. In the *Commentariolum Petitionis* we get suggestive glimpses (which Y. discounts) of *homines gratiosi* or *ambitiosi* who are supposed to be able to deliver the vote of their tribes, towns, regions, neighborhoods or clubs, even whole centuries.¹⁸ That tract certainly gives the impression that along with electoral largesse, public esteem and a popular political stance, individuals' personal control over the distribution of *beneficia* of various types played an important role in the outcome of any election.¹⁹

But it would give quite the wrong impression for me to end my review of this fine book on a critical note. This is doubtless not the final word on the subject of the nature of Republican elections, but Y.'s cogent and lucid

¹⁷ T. Johnson and C. Dandeker, 'Patronage: Relation and System', in *Patronage in Ancient Society* (London 1989) 219-42, esp. 228-31. Unfortunately, despite an unusually thoughtful discussion of the problems of definition that plague this whole subject (pp. 78-84), Y. refuses to be pinned down himself; this leaves the reader uncertain which version of the patron-client model, or indeed whether *any* current version, is actually being refuted. Despite appropriate criticism of Brunt's tendency to claim that patronage does not exist anywhere it is not *explicitly* referred to (pp. 70-71), Y. himself makes too much of the frequent absence of explicit use of the vocabulary of patrons and clients (e.g., pp. 73, 76, 77-78). There are more reasons than simply 'a reluctance to hurt people's feelings' (p. 73) why a writer or orator might eschew the explicit terminology: Cicero's avoidance of *cliens* in *Mur.* 70-71 and 68-69, for example, is apparently determined by his rhetorical strategy: to present his following as wholly *voluntary* and therefore solely attributable to Murena's many admirable qualities.

¹⁸ *Comm. Pet.* 18, 24, 29, 30, 32. I have argued that these men are to be seen as mid- to low-rank vote-brokers (n. 14, pp. 276-80). Plancius' generous services to the men of Atina (*Cic. Planc.* 47) are illuminating — and show that the limited ability of Roman candidates to manipulate scarce *state* resources (emphasized by Y. at pp. 120-23) cannot be the whole story. Of course the candidate could not *confine* himself to making deals with such men (Y., pp. 140-41), but that is far from showing that they were not an major element in a successful electoral strategy.

¹⁹ *Petitio magistratuum divisa est in duarum rationum diligentiam, quarum altera in amicorum studiis, altera in populari voluntate ponenda est* (*Comm. Pet.* 16).

presentation of a highly original interpretation, salted with many thought-provoking insights, may well be the most important and original contribution of the last decade to our continuing efforts to reveal the public character of the *res publica*. It should stimulate lively and fruitful debate.

University of California, Santa Barbara