

Dionysius of Halicarnassus on a Democratic Change in the Centuriate Assembly*

Alexander Yakobson

Dionysius of Halicarnassus speaks, in a brief and obscure passage, of a change in the character of the centuriate assembly. He does not say when the change took place, nor does he more than hint at its nature. Various interpretations of this passage have been offered. In this paper, I shall argue that the change in question was the third-century reform of the centuriate assembly, and that Dionysius' testimony should be taken to mean that in the reformed assembly the descending order of calling the property-classes to vote was no longer observed in the lower strata. I shall suggest that this change, which enhanced the voting power of the lower strata of the assembly, was a political compensation for an earlier change in the Roman method of levy which had imposed on the lower strata a heavier burden of military service.¹

Dionysius gives a detailed account of the "Servian constitution" — the original form in which the centuriate assembly was established. It is not necessary, for the purposes of this paper, to try to determine whether this description is wholly accurate, or to what period in early Roman history it refers. The centuriate assembly which Dionysius himself could see at work was, as he stresses, a changed one. If this change to which he refers is to be dated to the third century — as is suggested here — then understanding its nature would provide us with a clearer picture of the middle- and late-republican centuriate assembly.

I

After describing the organization of the centuriate assembly as established by Servius Tullius, Dionysius writes:

* The argument presented in this paper depends on a point of Greek grammar. I am indebted, for what Greek I know, to Prof. Ra'anana Meridor, and I am happy to take this opportunity to thank her most warmly.

¹ The argument in this paper has benefited from stimulating criticism and helpful comments by Prof. Erich Gruen on an earlier version.

οὗτος ὁ κόσμος τοῦ πολιτεύματος ἐπὶ πολλὰς διέμεινε γενεὰς φυλαττόμενος ὑπὸ Ῥωμαίων· ἐν δὲ τοῖς καθ' ἡμᾶς κεκίνηται χρόνοις καὶ μεταβέβληκεν εἰς τὸ δημοτικώτερον. ἀνάγκαις τισὶ βιασθεῖς ἰσχυραῖς, οὐ τῶν λόχων καταλυθέντων, ἀλλὰ τῆς κλήσεως (οἱ κρίσεως) αὐτῶν οὐκέτι τὴν ἀρχαίαν ἀκρίβειαν φυλαττοῦσης, ὡς ἔγνων ταῖς ἀρχαιρεσίαις αὐτῶν πολλάκις παρών. (4.21.3)

This form of government was maintained by the Romans for many generations, but in our times it has been altered and changed into a more democratic one, some strong necessity having forced the change, not by abolishing the centuries, but by no longer observing the ancient strictness of calling them — a fact that I myself have noted, having often been present at the elections of their magistrates.

What change is Dionysius referring to? Some scholars hold that he is referring to what is known as the third-century reform of the centuriate assembly.² This reform, probably carried out in the late third century, introduced some coordination between centuries and tribes, conferred the first vote on the *centuria praerogativa* chosen from the first class (whereas previously the 18 centuries of Equites were the first to vote) and reduced the number of centuries allotted to the first class from 80 to 70, thereby depriving the higher strata of the assembly (18 + 80) of their absolute majority.³ Others, including Tibiletti, Gabba and Staveley, hold that the change in question should be dated to the time of Augustus. According to Staveley, it was carried out “as a result of the apathy among voters which was induced by the new Augustan regime”.⁴

I find the latter view unconvincing, for a number of reasons. Dionysius is saying that the centuriate assembly which he could observe in his own time was different from the one established by Servius Tullius, but the perfect tense which he uses does not indicate when the change took place.⁵ Nevertheless, some scholars find it unnatural to take Dionysius' words as referring to a two-centuries-old reform when he speaks of ἐν τοῖς καθ' ἡμᾶς χρόνοι. Gabba remarks

² Thus P.A. Brunt, “The Lex Valeria Cornelia”, *JRS* 51 (1961), 82-83, and again P.A. Brunt, *Fall of the Roman Republic* (1988), 343; J.J. Nicholls, “The Reform of the Comitia Centuriata”, *AJP* 77 (1956), 234 and 252; L.R. Taylor, *Roman Voting Assemblies* (1966), 87; C. Nicolet, *Le métier de citoyen dans la Rome républicaine* (1976), 301.

³ For a review of the long dispute over the reform of the centuriate assembly, and a fresh contribution to it, see L.J. Grieve, “The Reform of the *Comitia Centuriata*”, *Historia* 34 (1985), 279-309.

⁴ E.S. Staveley, *Greek and Roman Voting and Elections* (1972), 129; G. Tibiletti, *Principe e magistrati repubblicani* (1953), 60ff; E. Gabba, “Studi su Dionigi da Alicarnasso. 2. Il regno di Servio Tullio”, *Athenaeum* 39 (1961), 110-111; cf. R. Develin, “The Third Century Reform of *Comitia Centuriata*”, *Athenaeum* 56 (1978), 351.

⁵ See on this Nicholls, *op.cit.* (above, n. 2), 234.

that on the assumption that κείνηται is merely a “perfetto resultativo”, ἐν τοῖς καθ’ ἡμᾶς χρόνοις sounds pleonastic if it is meant to indicate that the change in question was still in force.⁶ But Dionysius uses similar and almost identical language, including the perfect tense, in several other passages.⁷ His point in all of them is that ancient Roman institutions *are changed* “in our time”, *i.e.* no longer preserve their original character, while it is clear that the change itself had taken place long before Dionysius’ time. Dionysius’ language in 4.21.3 may be compared with what Livy says in the same context, following a detailed description of the Servian system: *Nec mirari oportet hunc ordinem qui nunc est post expletas quinque et triginta tribus duplicato earum numero centuriis iuniorum seniorumque ad institutam ab Servio Tullio summam non convenire* (1.43.12). Livy is clearly referring to the third-century reform (since he mentions the coordination between tribes and centuries), but the emphasis is on the fact that *hic ordo qui nunc est* is different from the one established by Servius Tullius. These passages of Dionysius and Livy are similar in context and tenor; it seems natural to assume that they both refer to the same ancient reform, the results of which could still be witnessed by contemporaries.⁸

Furthermore, any “democratic” reform by Augustus is in principle unlikely, and no satisfactory explanation has, to my knowledge, been offered as to why he should have wished to make the centuriate assembly more democratic.⁹ Elections in Augustus’ time had not yet become a formality to the extent that would have made such a step politically harmless. The “postal ballot” for the benefit of *decuriones* from Italian towns, instituted by Augustus (Suet. *Div. Aug.* 46.2), was obviously meant to strengthen the voting power of the wealthier elements throughout Italy. The *Lex Valeria Cornelia*, passed in 5 CE, which established ten mixed centuries of senators and Equites for the *destinatio* of consuls and praetors, was a step in the same direction, strengthening the influence of the higher strata in the centuriate assembly. It might perhaps be argued that this law reduced the importance of the rest of the assembly so drastically that timocratic distinctions prevailing in it could now be safely dispensed with¹⁰ — perhaps in

⁶ Gabba, *op.cit.* (above, n. 4), 110 n. 37; cf. E.S. Stavelly, “The Reform of the *Comitia Centuriata*”, *AJP* 74 (1953), 2-3 n. 8; Develin, *op.cit.* (above, n. 4), 351.

⁷ See Appendix.

⁸ Cf. n. 18 below and text. According to E. Gabba, “it is natural to assume” that Dionysius knew Livy’s work well enough, even though he does not cite it; “indeed, those books in Livy most related to Dionysius’ own undertaking had already been published when he set about writing his [*Antiquitates*]” — *Dionysius and the History of Archaic Rome* (1991), 95.

⁹ Cf. Brunt, “The *Lex Valeria Cornelia*”, *JRS* 51 (1961), 82 on the political improbability of any move by Augustus to equalize voting rights.

¹⁰ That this was so is by no means certain. According to A.H.M. Jones, popular election of higher magistrates had not become a formality until Tiberius — “The elec-

order to simplify the proceedings and speed them up. At some stage of the assembly's formal existence under the Principate all distinctions between property-classes would no doubt disappear. But Dionysius started publishing his 20 books "on Roman antiquities" in 7 BCE (1.3.4; 7.70.2). It is quite improbable that he could have referred to the events in or after 5 CE in his fourth book, and of course it would have been absurd to claim that the overall impact of this change was to make the assembly more democratic. Tibiletti, who takes the passage to mean that Augustus abolished the system of property-classes, believes that this reform was instituted much earlier — when Augustus restored the regular functioning of the *comitia* in 27 BCE, as part of his "restoration of the Republic".¹¹ On this theory, Augustus decided to entrust the election of higher magistrates in his "restored Republic" to a radically democratised electorate and removed the advantage, hallowed by ancient tradition, which men of substance from all over Italy had enjoyed in the centuriate assembly of the old Republic. Nothing could be less consonant with the whole tenor of the Augustan Principate.

Tibiletti holds that Augustus could dispense with the ancient property-classes because they had exhausted their function and lost all political and military value; the five classes had died a natural death and were now replaced by the threefold Augustan classification: *senatus*, *equester ordo*, and *populus* (or *plebs*).¹² But the system of property classes was still very much alive towards the end of the Republic, and the electoral advantage which it gave to the higher strata (the centuries of Equites and of the first class) must have been significant enough, for Cicero must have had a good reason to prefer the late-Republican centuriate assembly to the tribal one (e.g. *Leg.* 2.44). It is inconceivable that Augustus should have wished to remove this advantage. (On the other hand, I believe that Tibiletti's view is correct so far as the distinctions within the lower strata of the assembly are concerned.¹³)

The change εἰς τὸ δημοτικώτερον is described by Dionysius as affecting, through the organisation of the centuriate assembly, the entire Roman κόσμος πολιτεύματος. But is it likely that Dionysius thought that the Roman polity had become more democratic under Augustus? Tibiletti admits that by dating the "democratisation" in question to the time of Augustus one attributes to Dionysius a highly puzzling political judgement, but notes that many totalitarian regimes have adopted various specious appellations, including that of democ-

tions under Augustus", *JRS* 45 (1955), 19. This view seems to be supported by Tac. *Ann.* 1.15.

¹¹ Tibiletti, *op. cit.* (above, n. 4), 63. This date is accepted by Gabba, *op. cit.* (above, n. 4), 111.

¹² Tibiletti, *op. cit.* (above, n. 4), 64, 67.

¹³ Cf. n. 31 below and text.

racy.¹⁴ This, though true, is surely irrelevant here. There was no need for Dionysius to make such a claim out of deference to some “official ideology” of the regime: Augustus himself is not known to have posed as a democratic innovator. At most, he pretended to have restored the traditional republican form of government (of which the timocratic centuriate assembly had been a salient feature).

The change, according to Dionysius, was “forced by some strong necessity”. This can hardly refer to apathy among voters, to considerations of administrative convenience, or to any conceivable motive for a change in the structure of the assembly under Augustus.¹⁵ Even if, for some reason obscure to us, Augustus did decide to carry out a democratic reform of the centuriate assembly, this decision could not have been forced upon him and would certainly not have been presented by him to public opinion as a forced one. Dionysius’ words sound like an echo of the distant past when the composition of the centuriate assembly had a military as well as a political significance.

It is sometimes suggested that neglect and disorder, rather than any deliberate political decision, brought about the change in question. Develin takes Dionysius’ testimony to mean that “procedural regulations were ignored in the first century; [Dionysius] is concerned with contemporary lack of order”. Stavelly has suggested that “Dionysius must be referring to some less rigid system which was a development of his own day, resulting perhaps from the suspension of the censorship”.¹⁶ But by the time Dionysius was writing his history Augustus had long since “restored the Republic”, reviving, among other things, the census; there was no more “lack of order” in the state. Any irregularity that may have crept into the system during the preceding period must have been removed — unless the Princes had a good reason to retain it. Moreover, whereas Stavelly takes the passage to mean that the centuries were no longer called to vote “according to strict rotation of classes”,¹⁷ the first and the second classes still voted in succession as late as 44 BCE (Cic. *Phil.* 2.82); any change which may have happened later, during the period of civil wars and the rule of the Triumvirate, would hardly have been regarded by Dionysius as changing the Roman polity εἰς τὸ δημοτικώτερον.

¹⁴ Tibiletti, *op.cit.* (above, n. 4), 64-65 n. 1.

¹⁵ Gabba argues that “strong necessity” would be more appropriate to the time of Augustus (though he offers no explanation as to the nature of this particular necessity), while maintaining that it is unclear what necessity could have impelled the reform in the third century — Gabba, *op.cit.* (above, n. 4), 111. I shall use Gabba’s own theory on a change in the Roman system of levy in order to meet this objection, *infra*.

¹⁶ Develin, *op.cit.* (above, n. 4), 351; Stavelly, *op.cit.* (above, n. 6), 2-3, n. 8.

¹⁷ *Op.cit.* (above, n. 4), 129.

If the passage is interpreted as referring to a change carried out under Augustus, its opening would suggest that Dionysius was unaware of any earlier reform and thought that the Servian system remained unchanged, exactly as it had originally been established, until the Principate. This is an unattractive proposition. At least some of the numerous Roman historians whose works Dionysius used as a source (see 1.7.3; 4.15.1) may well have mentioned the reform after describing the Servian system, or at least referred to the results of the reform, as did Livy.¹⁸ Since the Servian system which Dionysius had described in the preceding passages was undoubtedly changed long before his time — probably in the late third century — in a direction which can be described as “more democratic”, it is safer to assume that Dionysius is referring to this change in the present passage than to postulate *praeter necessitatem* an otherwise unattested democratic reform by Augustus.

II

But how can we reconcile what we know about the third-century reform with what Dionysius is actually saying in this passage? The change εἰς τὸ δημοτικώτερον is said to have been effected by no longer observing the ancient exactness of the calling of the centuries (reading κλήσεως; for the reading κρίσεως see n. 21 below), *i.e.*, presumably, the ancient exact order of calling them to vote. This clearly seems to refer to the descending order of voting, from the higher to the lower classes, in the centuriate assembly. Indeed, both Tibiletti and Staveley, believing that this passage refers to the time of Augustus, take it to mean that the descending order of calling the property-classes to vote was no longer observed in the assembly. I believe that they are wrong regarding the date of the change, and not entirely right regarding its character (since the change was confined to the lower strata of the assembly); but they are right in one important sense: that the descending order of voting by property-classes was somehow interfered with is by far the most natural reading of this passage. If such was the character of the change described, it is more natural that Dionysius should have felt the need to stress that the centuries themselves were not abolished — a remark which any other interpretation of the reform in question may well render superfluous.¹⁹

Brunt, who believes that the passage refers to the third-century reform, suggests that the ancient order of voting was upset because the Equites were no

¹⁸ Cf. n. 8 above and text. This does not necessarily mean that Dionysius is writing with full knowledge of the third-century reform, its details and timing — he may only have been “vaguely conscious of a change occurring many generations after Servius” — Brunt, *op.cit.* (above, n. 2), 82.

¹⁹ Except perhaps for the one offered by J.J. Nicholls; see n. 24 below and text.

longer called first to vote.²⁰ This, in my view, is unlikely. In his descriptions of the Servian system, Dionysius quite explicitly and consistently puts the Equites and what the Romans called *prima classis* on the same level in the hierarchical structure of the assembly — as in fact was the case in his own time (though no Latin author speaks of the 18 centuries as belonging to the *prima classis*). For him the “first class” under the Servian system consisted of the 18 centuries of horse and 80 centuries of foot; these were the first to vote and could determine the issue, since they comprised more than a half of the centuries in the assembly (see 4.18.2-3; 4.20.3; 4.21.1; 7.59.3). Dionysius would hardly have described a change in the voting arrangements *within* what he called the first class in such a dramatic fashion (“assuring” the reader that the centuries were not abolished thereby).

Brunt raises another possibility: if κλησις is taken to mean, technically, *classis* rather than “calling”, then Dionysius must have had in mind “the change in the number of centuries in the first class and perhaps in other classes”.²¹ However, Dionysius speaks neither of the “classes” in plural, nor of the first class specifically. Reading the phrase as “the *classis* of them (the centuries) did not preserve its ancient strictness” and taking it to mean either “the first class lost ten centuries” or “the number of centuries in the several classes changed”, seems awkward and unsatisfactory.²² And again, Dionysius’ statement that the centuries themselves were not abolished strongly implies that the very essence of the Servian system was somehow interfered with,²³ so that the change might

²⁰ *Op. cit.* (above, n. 2), 82; cf. Grieve, *op. cit.* (above, n. 3), 309 n. 145 — an interpretation similar to Brunt’s, and open to the same objections.

²¹ Brunt, *op. cit.* (above, n. 2), 82. Brunt seems right in rejecting Nicholls’ assertion that κλησις never denotes *classis* in Dionysius (*ibid.*, with examples). The passage adduced by Nicholls as “clearly showing that κλησις is not *classis*” (4.18.2) shows rather that those two meanings — *classis* and “calling” — are interchangeable in Dionysius’ mind. Dionysius explains that the Latin *classis* is derived from *calo* and regards it as a variant of the Greek κλήσις derived from καλέω. On the other hand, Brunt’s rejection of the alternative reading κρίσεως, preferred by Nicholls, seems unsafe. κρίσεως is in fact based on better manuscript authority: κρίσεως A; κλήσεως B; κρίσεως R — see on this Nicholls, *op. cit.* (above, n. 2), 252. κλησις has appeared three times in 20.5; κρίσεως in 21.3 might perhaps be considered the *lectio difficilior*. I would take κρίσις here to mean “distinguishing” between the centuries belonging to the different classes; the “class distinctions” between centuries became less rigid.

²² The “order of calling” (of the centuries) is generally read into this passage by those who interpret or translate it, e.g. Grieve, *op. cit.* (above, n. 3), 309 n. 145; Nicolet, *op. cit.* (above, n. 2), 301; the Loeb edition (“the strict ancient manner of calling”); G. Tibiletti, “The Comitia during the Decline of the Roman Republic”, *SDHI* 25 (1959), 100 (“the order of summons”).

²³ Cf. Nicholls, *op. cit.* (above, n. 2), 252.

almost look like the abolition of centuries (and hence of the property-classes to which they were allotted). The loss of ten centuries by the first class, though significant enough, does not, in my view, sufficiently account for such a statement.

According to Nicholls, the ἀρχαία ἀκρίβεια in the calling (or selection, reading κρίσεως) of centuries was disturbed in the sense that the centuries of classes 2 to 5 were no longer the fixed Servian ones but the composite *ad hoc* centuries determined by lot (so as to reduce their number), as was first suggested by Mommsen in his famous theory which was later confirmed, as some historians believe, by the discovery of the Tabula Hebana.²⁴ Mommsen held that the coordination between tribes and centuries extended to all five classes, and that after the reform each class consisted of 70 centuries (2 for every tribe), but the number of centuries in the lower classes was artificially reduced for the purposes of voting. But such an arrangement, *by itself*, would not at all make the assembly more democratic. If indeed it was adopted, its purpose was clearly to prevent the lower classes from attaining a majority of votes in the reformed assembly. For Dionysius to say that the centuriate assembly became more democratic because the 280 centuries of classes 2 to 5 were artificially reduced to 100 voting units would have been rather absurd. Indeed, Nicholls denies that the third-century reform made the assembly more democratic. He holds that it was “purely an administrative reform” without serious political repercussions.²⁵ This is certainly not how Dionysius describes the change. Of course, one may accept Mommsen’s theory and still hold that the overall impact of the reform was democratic, because the first class lost 10 centuries. But it is hard to see how the assembly could have become more democratic *because the ancient exact order of calling the centuries to vote was no longer preserved* (which is what Dionysius is apparently saying), if this expression is interpreted in the way suggested by Nicholls.

If the arguments presented here are accepted, Dionysius appears to be saying that in the reformed centuriate assembly the strict descending order of calling the property-classes to vote was no longer observed. This evidence cannot be lightly dismissed as an anachronism or a misunderstanding — Dionysius claims to have personally observed what he is describing. Now we can be fairly positive, on the strength of Cic. *Rep.* 2.39 and Cic. *Phil.* 2.82, that in the reformed assembly the first class and the Equites voted first, and the second class voted after them. Therefore, the relaxation of the rigid descending order of voting can only refer to the lower classes — below the second one. This change could have seemed to Dionysius quite significant — provided that, as I believe, there would be nothing unusual in the voting going down below the second class.

²⁴ Nicholls, *op.cit.* (above, n. 2), 252-253. For Mommsen’s theory see *RStr.* III³ (1887), 270ff.

²⁵ Nicholls, *op.cit.* (above, n. 2), 249.

In fact I believe, and hope to have shown elsewhere, that Dionysius viewed the Servian assembly, even though it gave an absolute majority to “the first class” (18 + 80), as one in which it would be quite normal for the voting to reach the third class.²⁶ Of course, the result would then still be determined by the relatively “respectable” third class; the fourth one, says Dionysius, would only rarely be called to vote, so that the fifth and the last (the *proletarii*) were superfluous (4.20.5). After the reform, however, the situation changed considerably: a relatively minor split in the vote of the higher strata (now reduced by ten centuries) could bring the voting down below the second class; once this happened, the fourth and the fifth classes would have a much greater chance to vote than if the rigid descending order of voting had been preserved. The exact nature of the “relaxation” escapes us, but the general tendency seems quite clear. Under such a system no class of the *assidui* could have been superfluous. If the fifth class in the late Republic was virtually indistinguishable from the *proletarii*, as is commonly believed,²⁷ then the centuriate assembly which Dionysius could observe in his time had indeed changed εἰς τὸ δημοτικώτερον. The influence that the poor, including the very poor, could wield in the assembly was quite considerable.

In fact, however one interprets what Dionysius is saying in 4.21.3, the closing sentence of his description of the Servian system makes it highly unlikely that in his own time the lower orders still had no real power in the centuriate assembly. Dionysius relates how Servius Tullius established the census and the centuriate assembly which was based upon it (4.16 - 4.20). Throughout this description he uses, naturally and inevitably, the past tense (either aorist or imperfect). In 4.20 he describes the descending order in which the property-classes were called to vote by the king, and concludes by stating that in most cases the question was determined by calling the first class, and it rarely went as far as the fourth; so that the fifth and the last were superfluous — τὰ πολλὰ μὲν γὰρ ἐπὶ τῆς πρώτης κλήσεως τέλος ἐλάμβανεν, ὀλίγα δὲ μέχρι τῆς τετάρτης προὔβαινεν· ἡ δὲ πέμπτη κλήσις καὶ ἡ τελευταία παρείλοντο. Thus far, Dionysius is speaking specifically of the time of Servius Tullius. If what Dionysius says in his closing remark had still been true in his own time, we would expect him to say so, as he regularly does after describing the establishment and functioning of ancient Roman institutions that still survived when he was writing his history.²⁸ Instead, he goes on to indicate that the opposite was true, in the

²⁶ “*Petio et Largitio*: Popular Participation in the Centuriate Assembly of the Late Roman Republic”, *JRS* 82 (1992), 49-50. See there on the likelihood of a split vote in the upper strata of the assembly at the election of magistrates, when a choice between different upper-class candidates had to be made, 45ff.

²⁷ See, e.g., P.A. Brunt, *Italian Manpower* (1971), 406.

²⁸ There are numerous examples throughout the *Antiquitates*. The survival of ancient Roman institutions, customs and physical structures is obviously one of the central

passage on the change in the character of the assembly which is the basis of our discussion — 4.21.3 (in 4.21.1-2 he had explained that the timocratic system was accepted by the people because of the just balance of rights and duties on which it was based). This strongly implies that in his time the lower property-classes of the centuriate assembly were *no longer* superfluous. Elsewhere, in 7.59.8 and in 8.82.6, Dionysius uses similar language: the higher classes were called to vote first, the lower ones were rarely called to vote; there is no indication that this was still true when Dionysius was writing. The implication that the virtual disfranchisement of the lower property-classes was a thing of the past when Dionysius was writing is even stronger here than in 4.21.3, since he is describing not how the centuriate assembly was established but how it *functioned* — in former times, presumably. Unless one accepts the improbable theory of a democratic change under Augustus, Dionysius' testimony should be taken to mean that the lower classes were *not* superfluous in the middle- and late-Republican centuriate assembly. Livy's account (1.43) is structured in the same way as that of Dionysius in 4.21.3 and leads to the same conclusion. He relates how the census-classes and the centuriate assembly were established; then he points out that the centuries of the Equites and of the first class were called to vote first, *ibi si variaret, quod raro incidebat, ut secundae classis vocarentur; nec fere umquam infra ita descenderunt, ut ad infimos pervenirent*; then he says that the present organisation of the assembly is different from the one established by Servius Tullius, clearly referring to the third-century reform. L. Grieve comments on Livy's language in this passage: "All of what Livy has just said was no longer true for his readers. It was no longer true [as a result of the third-century reform] that *vis omnes omnis penes primores civitatis esset*. No longer true is the comment on the second class vote — *quod raro incidebat*."²⁹ Yet she refrains from taking the logical next step in her line of reasoning: it was also no longer true that the *infimi* were almost never called to vote.

The view that the descending order of voting was not preserved in the lower classes is not at all, by itself, contrary to the consensus of scholarly opinion. It is well known that the only evidence that we have on the organization of these classes is given by Livy and Dionysius in their respective descriptions of the Servian system. Scholars routinely profess ignorance as to the number of cen-

themes of Dionysius' work (cf. 7.70.2). This survival is indicated either by an express statement ("this is still so in our own times") or by the narrative "slipping" into the present tense. In the fourth book see 13.3-5; 14.4; 15.3; 22.2; 23.7; 26.5; 27.7; 40.7; 49.3; 58.4; 61.3-4; 62.5-6. For some of the outstanding examples in other books, cf. 1.32.5; 1.38.3; 2.7.2; 2.12.3; 2.67.1; 2.73.1ff; 3.22.10; 3.62.2; 3.69.6; 5.15.4; 5.17.5; 5.19.3; 5.47.3; 5.73.2-3; 6.89.4; 7.58.3; 8.87.7; 9.24.3; 9.49.5; 9.69.1; 9.71.4; 11.25.3; 11.54.3.

²⁹ *Op. cit.* (above, n. 3), 294. On Livy and Dionysius cf. note 8 above and text.

turies in the several lower classes after the reform.³⁰ Henderson argues that the distinctions within the lower strata of the assembly became virtually meaningless as the Servian structure ceased to correspond to the military and social realities of Roman society; the old property classes had lost their military significance and “their static *minima* could no longer reflect the real gradations of a society expanding in size and wealth”; “the inferior grades of census [may have been] confused or ignored”.³¹ Of course the whole question of the composition of lower strata of the assembly is generally assumed to be unimportant, since the lower classes are thought to have enjoyed no real influence in it.

The timocratic principle in the operation of the assembly was thus weakened — but it did not disappear. It was still true that the poor, the *proletarii* and the lower strata of the *assidui*, could never actually impose a candidate on the better-off whom they no doubt greatly outnumbered. A candidate had virtually no chance if the upper strata of the assembly were united against him. It must have often happened that when the voting descended below the second class, a candidate would lack only a few centuries for the required absolute majority. There is no reason to assume that such a candidate would generally find it difficult to receive those few remaining votes, even if he had to look for them throughout all the lower strata of the *assidui* called to vote at random, and not just in the third class. But neither could any candidate ignore the lower orders in his campaign; and a Roman senator would spend a good part of his adult life campaigning for office, or accumulating *gratia* with a view to future campaigns. A deeper split in the vote of the higher strata would mean that a candidate would be more dependent on the votes of the lower strata for his election. This, too, would not, in my view, have been exceptional in any way; and of course the results would not have been known to the candidate beforehand, and he could not have afforded to take chances.

III

What was the reason for the change in the centuriate assembly suggested here, and why would the the upper strata accept a reform which enhanced the voting power of the poor? I suggest that the reason was a military one. The centuriate assembly, according to Dionysius, was founded on the principle of a balance between voting rights and military — as well as financial — duties to the state. If the state had, for military reasons, to impose a heavier burden of service on the

³⁰ E.g. Taylor, *op.cit.* (above, n. 2), 84.

³¹ M.I. Henderson, “The Establishment of the Equester Ordo”, *JRS* 53 (1963), 64. Henderson refers to Dion.Hal. 4.21.3 in this context, taking the passage to mean that the classes “lost their ancient military precision, and therefore much of their former practical importance” — *ibid.* Dionysius speaks of “loss of precision” in voting, not in the military sphere — but see below on the connection between the two.

poor, a corresponding increase in their voting rights might have been feasible and perhaps necessary. Indeed, there is reason to believe that, by the late third century, a heavier burden of military service than that envisaged under the Servian system was imposed on the lower classes. How this came about is not described in the sources at our disposal, but the system of military service described by Dionysius is clearly more favourable to the lower property-classes than the system that must have obtained in the second century.

The rule that those registered in the higher property-classes had to serve more, and those in the lower ones less, is regarded by Dionysius, in his description of the Servian assembly, as a fundamental principle of the timocratic system (4.19.1-4), alongside the difference in the armour assigned to each class and the exemption of the *proletarii*. Serving in the army, as well as paying taxes (and accordingly, one's influence in the centuriate assembly), was supposed to be proportional to one's means. In the second century, the exemption of the *proletarii* from military service was, until Marius, generally observed, and when this caused difficulty, the census of the fifth class was lowered, according to the prevailing view.³² But the lowering of the census would have been of little use if the system of military service described by Dionysius had been preserved: those "upgraded" to the fifth class could have been called to serve with relative infrequency. That the lower property-classes had to serve less than the higher ones in the second century is not, to my knowledge, attested in any source; such an assumption is in fact virtually unthinkable, given the shortage of manpower from which the Roman army is generally thought to have suffered in the second century; and Polybius does not mention any such distinction between classes in his detailed description of the Roman military system in the sixth book of his *History*. The Roman levy is described by Polybius as based on tribes (6.20.3) rather than centuries (and hence property-classes), as in Dionysius' description of the Servian system.³³

³² See on this Brunt, *op.cit.* (above, n. 27), 403-405. For a criticism of the prevailing view see J.W. Rich, "The Supposed Roman Manpower Shortage of the Later Second Century BCE", *Historia* 32 (1983), 309ff.

³³ Some scholars have doubted Dionysius' testimony in 4.19 and assumed that the tribal method of levy, as described by Polybius, had been practiced from very early times — see F.A. Walbank, *A Historical Commentary on Polybius* I (1957), 699 on the controversy. Walbank accepts Dionysius' description, which well accords with the timocratic nature of the Servian assembly, and with the widely accepted military character of its organisation. According to Livy, Servius Tullius *censum ... instituit, ... ex quo belli pacisque munia non viritim, ut ante, sed pro habitu pecuniarum fierent* (1.42.5). *Belli munia* might conceivably refer merely to the different kinds of armour assigned to each property-class, but it seems more natural to interpret these words in a larger sense, consistent with Dionysius' explicit testimony. The first class can more readily be supposed to have been originally subjected to a considerably heavier burden of military service than the lower ones if, as in my view is

Dionysius attributes the democratic reform of the centuriate assembly to some ἀνάγκαι ἰσχυραί. These words have a military ring. It is tempting to conclude that the relaxation of the timocratic principle in the centuriate assembly was a political compensation to the lower classes for the virtual abandonment of the same principle³⁴ — as far as the *assidui* were concerned — in the area of military service, forced by military needs. Such a compensation would be significant enough, if we assume that the lower classes could reasonably have expected to take part in a vote, but of course it was only partial. Nor is it at all surprising that in Rome the timocratic principle should have been preserved in what concerned the privileges of the higher strata more than in what concerned their duties.

Indeed, a theory on the change from century to tribe as the basis for enrolment put forward by E. Gabba would seem to point quite strongly in the direction suggested here. According to Gabba, a new system of levy was introduced about the middle of the third century, “when the demands of the first overseas wars called for a more speedy and more profitable type of *dilectus*”. This system was based on tribes, rather than centuries, “with the requirement that the soldiers had to come *ex classibus*” (*i.e.* excluding the *proletarii*).³⁵ Gabba holds that “the origin of the levy by tribes ... (was) tumultuary enrolment. This speeded up the mechanism of the levy in moments of need and at the same time allowed a wider use of manpower” (this is how instances of the tribal levy at earlier times, attested in the sources, can be accounted for without rejecting the testimony of Dion. Hal. 14.19).³⁶ Now, however, a permanent change was introduced along those lines. “[It was] a response to the need, or wish, to lighten the burden of military service on the upper classes at Rome The levy by tribes ... permitted a fairer distribution of military burdens and thus achieved the object of sparing, at least in part, the wealthier Roman classes; it offered a better use than previously of the poorer citizens for military purposes”.³⁷

likely, it represented a substantial part of the citizen body. Gabba argues at length in favour of accepting the testimony of Dionysius in 4.19, despite the apparent contradiction with 4.14 — *Republican Rome. The Army and the Allies*, tr. P.J. Cuff (Oxford 1976), 53-56.

³⁴ Except for some remnants of the old distinctions in the armour assigned to the different classes — Polyb. 6.23.15 (apparently referring to soldiers with the census-rating of the first class); 21.7. See on this Gabba, *op.cit.* (above, n. 33), 20-21, 177 n. 67, 181 n. 7.

³⁵ Gabba *op.cit.* (above, n. 33), 55, 20.

³⁶ *Ibid.* 54-55.

³⁷ *Ibid.* 21. Walbank accepts this theory — *op.cit.* (above, n. 33), 699, while Brunt holds that it “cannot be proved” *op. cit.* (above, n. 27), 627 n. 3. It cannot be accepted by those who believe that the levy had always been based on tribes rather than centuries — *cf.* n. 33 above. But the tribal levy, too, may well have taken account of census-ratings; *cf.* Develin, *op.cit.* (above, n. 4), 374. Whether one accepts

The ἀνάγκαι ἰσχυραὶ referred to by Dionysius certainly seem better explained in some such way than by taking them to refer to apathy among voters under Augustus. Admittedly, Dionysius' language in 4.21.3 is, on this assumption, not entirely precise: what was "forced by strong necessity" was not the reform of the centuriate assembly but the change in the system of levy which led to this reform. But I believe that this imprecision can be allowed for in such a brief passage, especially since Dionysius (or his source) would probably regard the political reform as the natural outgrowth of the military one. This would well accord with the basic logic of the timocratic system, as Dionysius has just described it, which dictated a balance between military duties and political rights.

According to Gabba, no real adjustment of the voting powers to the new military system took place at the time of the late-third century reform of the centuriate assembly. "The Roman governing class displayed great aptitude" in avoiding the payment of the political price which it should have paid for this military reform, according to the timocratic concept of justice, although "[the political rights of the upper classes], in so far as they derived from more onerous military duties, ought to have suffered a substantial if not total reduction". From now on, the old timocratic principle of a balance between rights and duties gave way "to a totally different political concept: the census qualification *per se* gave a man the right to hold power".³⁸

It should not, however, be taken for granted that the higher classes could easily have managed to subvert the traditional balance of rights and duties in their favour in such a blatant way. Perhaps this is not what happened. I believe that in fact the political rights of the higher strata of the centuriate assembly (not identical with the "Roman governing class") did suffer a significant reduction as a result of the third-century reform, and that Dionysius had better reason to describe the reform as changing the assembly εἰς τὸ δημοτικώτερον than many historians are willing to concede. First, the higher strata lost their combined absolute majority in the assembly. It must be remembered that the centuriate assembly of that period not only elected magistrates but still tried capital cases and voted on war and peace; on some of the latter occasions the vote of the assembly might perhaps be more reasonably expected to be split horizontally rather than vertically, and the loss by the upper strata of their absolute majority could then be quite significant. Moreover, the lowest property-classes, the fourth and the fifth, now had a much greater chance to influence the results of a vote than pre-

Gabba's theory or not, there can be little doubt that the weakening of the timocratic principle in the field of military service had taken place by the second century; cf. G.V.Sumner, "The Legion and the Centuriate Organization", *JRS* 60 (1970), 67ff. At some stage of this process, a parallel relaxation of the rigid timocratic structure of the centuriate assembly would have been quite natural. Cf. Develin, *op.cit.* (above, n. 4), 373-375.

38

Gabba, *op.cit.* (above, n. 33), 21.

viously. In fact it would perhaps have seemed extremely unreasonable to deny the lower property-classes, now that they made a much greater contribution to the Roman military manpower, any effective say regarding questions of war and peace; the days of the Roman "professional army" still lay ahead.³⁹ And, of course, the second pillar of timocratic equity — "progressive" taxation — still remained; it would only disappear with the disappearance of the *tributum* itself. The abolition of the *tributum* was, no doubt, a highly popular measure; few, if any, would have been so perverse as to complain that it further undermined the timocratic balance of rights and duties. But the advantage enjoyed by the upper strata of the centuriate assembly could no longer be justified in traditional terms: they neither paid higher taxes nor were subjected to a heavier burden of military service than the rest of the *assidui* (except for some remnants of the old distinctions in the types of armour assigned to the different classes). Nevertheless, the higher strata still enjoyed this electoral advantage, though to a lesser extent than under the Servian system. The exemption of the *proletarii* from military service was still maintained, until Marius removed this last vestige of the timocratic system in the military sphere. This measure, far from causing discontent among the poor, won him popularity, for he took volunteers.⁴⁰ After Marius, it is likely that when the need for conscription arose, the rural *proletarii* were in practice liable to it; but the urban proletariat, the one that mattered politically (and, in fact, the urban plebs as a whole), was, except in grave emergencies, left alone.⁴¹ The link between voting rights and civic duties on which the centuriate system had been based was severed, and "census qualifications *per se*" did indeed come to determine the value of a man's vote in the centuriate assembly. But this happened gradually, and at no stage of this process could the lower orders complain of any obvious and flagrant injustice. Traditional notions of public equity in a society where public opinion is not politically powerless are more easily eroded and gradually undermined than openly trampled underfoot.

The Hebrew University of Jerusalem

³⁹ Sumner holds that, as a result of the third-century reform, "the voice of the *comitia centuriata* was now the voice of the modern army" — "Aspects of the History of the Comitia Centuriata in the Middle and the Late Republic", *Athenaeum* 40 (1962), 80. This would probably not have been the case unless the lower classes of the *assidui*, and not just the third class, as is supposed by Sumner (*ibid.* 79-80), had received a reasonable chance to take part in a vote.

⁴⁰ See Sall. *Iug.* 86.2-3; cf. *ibid.* 84.3-4.

⁴¹ See on this P.A. Brunt, *op. cit.* (above, n. 27), 408-413; *idem*, *The Fall of the Roman Republic* (1988), 253ff.

APPENDIX

κεκίνηται ἐν τοῖς καθ' ἡμᾶς χρόνοις and similar expressions in the *Antiquitates* of Dionysius from Halicarnassus

1. 2.6.1-2 (Romulus took auspices before assuming the royal office, accepting the flash of lightning which he saw as a favourable omen, and established it as a custom to be observed by his successors): διέμεινέ τε μέχρι πολλοῦ φυλαττόμενον ὑπὸ Ῥωμαίων τὸ περὶ τοὺς οἰωνισμοὺς νόμιμον. οὐ μόνον βασιλευσμένης τῆς πόλεως, ἀλλὰ καὶ μετὰ κατάλυσιν τῶν μονάρχων ἐν ὑπάτων καὶ στρατηγῶν καὶ τῶν ἄλλων τῶν κατὰ νόμους ἀρχόντων αἰρέσει. πέπαυται δ' ἐν τοῖς καθ' ἡμᾶς χρόνοις. πλὴν οἶον εἰκῶν τις αὐτοῦ λείπεται τῆς ὁσίας αὐτῆς ἔνεκα γινομένη· ἐπαυλιζονται μὲν γὰρ οἱ τὰς ἀρχὰς μέλλοντες λαμβάνειν καὶ περὶ τὸν ὄρθρον ἀνιστάμενοι ποιοῦνται τινὰς εὐχὰς ὑπαιθριοί. τῶν δὲ παρόντων τινὲς ὄρνιθοσκοπῶν μισθὸν ἐκ τοῦ δημοσίου φερόμενοι ἀστραπὴν αὐτοῖς σημαίνειν ἐκ τῶν ἀριστερῶν φασιν τὴν οὐ γενομένην.

πέπαυται δ' ἐν τοῖς καθ' ἡμᾶς χρόνοις does not of course mean that the change itself took place in Dionysius' time. The procedure described in the second part of the passage is the one that is known to us from the sources referring to the taking of auspices in historical times. It is described by Cicero as a well-established practice which had long since superseded the original system of augury established by Romulus, compared with which it was merely a *simulacrum auspicioꝝ* — *Div.* 2.71 (cf. *ibid.* 70, 72-73; *ibid.* 1.28; *Nat.D.* 2.9; *Leg.* 2.33; see on this J. Lindersky, "Augural Law", *ANRW* 2.16.3 (1986), 2153). That the magistrate taking the auspices relied on the reports of others rather than on personal observation was, according to Livy, the established doctrine already in the early third century (10.40.4-14); both Dionysius and Cicero stress the difference between this practice and the one established by Romulus (*Div.* 2.74). Following the passage quoted above, Dionysius speaks of the disasters that befell the Roman state because of neglect of auspices, and refers to the loss of armies and fleets; he quite probably has in mind the stock *exempla* in this field such as the defeat suffered by C. Flaminius in 217 and the naval disaster suffered by P. Claudius Pulcher in 249. The case of Crassus is mentioned by Dionysius as the most recent spectacular example, certainly not as the first or the only one — 2. 6.3-4.

2. 2.14.3 (Romulus conferred certain powers on the people voting by *curiae*; the validity of the people's vote had to be confirmed by the senate): ἐφ' ἡμῶν δὲ μετακείται τὸ ἔθος. οὐ γὰρ ἡ βουλὴ διαγινώσκει τὰ ψηφισθέντα ὑπὸ τοῦ δήμου. τῶν δ' ὑπὸ τῆς βουλῆς γνωσθέντων ὁ δῆμός ἐστι κύριος.

In this case we happen to know when the change (expressed by the verb μετακείμαι, which serves as a passive perfect of μετατίθημι) took place: in 287 BCE (*Lex Hortensia*).

3. 2.34.3 [Romulus celebrates the first Roman triumph, and Dionysius stresses its modest character]: ἐν δὲ τῷ καθ' ἡμᾶς βίῳ πολυτελεῆς γέγονε καὶ ἀλαζῶν εἰς πλοῦτου

μᾶλλον ἐπίδειξιν ἢ δόκησιν ἀρετῆς ἐπιτραγωδουμένη καὶ καθ' ἅπασαν ἰδέαν ἐκβέβηκε τὴν ἀρχαίαν εὐτέλειαν.

Dionysius is certainly not saying that Roman triumphs preserved their ancient simplicity until the time of Augustus, and only then became wasteful and ostentatious.

4. The structure of 4.24.4 is different, but perhaps not significantly so. Servius Tullius established the custom of conferring the citizenship on manumitted slaves. Roman slaves at that time obtained their freedom by good behaviour; 'Ἄλλ' οὐκ ἐν τοῖς καθ' ἡμᾶς χρόνοις οὕτω ταῦτ' ἔχει, ἀλλ' εἰς τοσαύτην σύγχυσιν ἦκει τὰ πράγματα καὶ τὰ καλὰ τῆς Ῥωμαίων πόλεως οὕτως ἄτομα καὶ ῥυπαρὰ γέγονεν [so that slaves get rich by robbery and prostitution and buy their freedom and Roman citizenship]. ἔχει is counterbalanced by ἦκει which has a perfect sense, and by the perfect γέγονεν. In Dionysius' days Augustus was actually taking steps to remedy the situation complained of in this passage; the deterioration which led to it had of course taken place much earlier. The perfect and the present tenses are virtually interchangeable in such a context. Closely similar to 4.24.4 are the passages where Dionysius describes ancient Roman institutions or customs, and then says that they are different in his time (using the present tense) while it is clear that the change took place long ago — 1.78.5; 6.90.3; 8.37.3; 10.7.6; cf. 2.74.4.

To sum up: in describing the customs and institutions of archaic Rome, Dionysius is constantly comparing them with contemporary practice. Whenever he can, he notes that the custom described "is still observed in our times" (cf. note 28 above). When contemporary practices are different from the ones established by Romulus, Numa Pompilius or Servius Tullius, Dionysius says that the institution in question is different/is changed/has changed (all those expressions are interchangeable) "in our times". The change is usually presented as a result of falling standards, as a relaxation of pristine strictness, discipline, severity or simplicity — this is perhaps how Dionysius regards the change referred to in 4.21.3. When the change took place is almost never indicated, since Dionysius is interested not in giving a survey of Roman history from ancient to modern times but in a comparison between ancient and contemporary Roman society; 2.11.3, referring to Gaius Gracchus, and perhaps 5.77.4, referring to Sulla (though not purporting to describe a permanent change) are exceptional. But in all the passages mentioned here it is obvious that the change had taken place long before Dionysius' time; and nowhere in the *Antiquitates* does Dionysius refer to a change that occurred under Augustus. κείνηται ἐν τοῖς καθ' ἡμᾶς χρόνοις may well refer to the results of the third-century reform of the centuriate assembly.