

## Roman reflections on Voting Practices: also a Pythagorean Affair

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### I

Throughout the greater part of the twentieth century, Roman elections have attracted scholarly attention mainly in regard of their technical functioning rather than the role they fulfilled in the political dynamics of the Republic.<sup>1</sup> In a political reality almost invariably understood as dominated by a close elite, Roman assemblies have been largely interpreted as a mere tool in the elite's struggle for power. However, since the 1980s when Fergus Millar initiated a revision of Roman political culture by proposing a democratic reading of the Republican political system, Roman assemblies have gained place of pride in scholarly investigations and have been subject of a very intense debate.<sup>2</sup>

My aim in this paper is to explore the theoretical justification the Romans provided to describe their voting practices in popular assemblies (the *comitia*) and in particular in the *comitia centuriata*, the assembly in charge of electing the highest magistrates of the Republic (the consuls, the praetors, and the censors), of enacting legislation, of deciding on matters of war and peace, and of acting as a jury court in cases of capital sentences. The main structure and underlying principles of this assembly, which, although subject to some alterations in the course of the Republic, in its original form coincided with the military organisation of the army, are discussed in three rather different texts dated to the first century BC: the second Book of Cicero's theoretical political treatise *de re publica*, the first Book of Livy's historical account of Rome from its foundations, and the fourth Book of Dionysius of Halicarnassus' *Roman Antiquities*.<sup>3</sup> Despite some differences, these texts all agree on one fundamental point, that is, that, according to the tradition available to them, the sixth king of Rome, Servius Tullius, created an elaborate military and political system which assigned the citizens' exercise of political and military power according to a timocratic criterion.<sup>4</sup> These works, written in the second half of the first century BC (the earliest, Cicero's *de re publica*, was composed between 54BC and 51BC while the

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<sup>1</sup> The greatest advancement in understanding the working of Roman assemblies is provided by L. Ross Taylor, *Roman voting assemblies from the Hannibalic War to the dictatorship of Caesar* (Ann Arbor: University of Michigan Press, 1966) and Ead. *The Voting Districts of the Roman Republic: the Thirty-Five Urban and Rural Tribes*, with updated material by Jerzy Linderski, (Ann Arbor: University of Michigan Press, c2013; 1<sup>st</sup> ed. 1960). For a review of past scholarly trends see J. North, 'Democratic Politics in republican Rome', *Past and Present* 135 (1990), 3-21.

<sup>2</sup> F. Millar, 'The Political Character of the Classical Roman Republic, 200-151 B.C.', *Journal of Roman Studies* 74 (1984), 1-19, Id. *The Crowd in the Late Republic* (Ann Arbor: University of Michigan Press, 1998). On this whole debate, see most recently A. Yakobson, 'The political culture of the Republic since 'Roman Revolution' - a story of a debate', in V. Arena and J. Prag (eds.), *Companion to the Political Culture of the Republic* (forthcoming).

<sup>3</sup> On the working of Roman assemblies see L. Ross Taylor, *Roman Voting Assemblies from the Hannibalic War to the Dictatorship of Caesar* (Ann Arbor: The University of Michigan Press, 1966); A. Lintott, *The Roman Constitution* (Oxford: Oxford University Press, 1999); R. Feig Vishnia, *Roman Elections in the Age of Cicero: Society, Government, and Voting* (New York-London: Routledge, 2012); L. Capogrossi Colognesi, *Law and Power in the Making of the Roman Commonwealth* (Cambridge: Cambridge University Press, 2014).

<sup>4</sup> Cic. *de rep.* 2.39-40; Liv. 1.42-3; Dion. Hal. *Rom. Ant.* 4.20-1.

latest, Dionysius of Halicarnassus' fourth book of *Roman Antiquities*, was most probably written in the very last decade of the first century BC), belong to a time when the political fight in Rome had reached the highest point and among the contemporaries it was widely perceived that the protagonists of the political scene were striving for their own power rather than the restoration of the proper (perhaps ideal) *res publica*. This commonwealth, they all (implicitly) claimed, was based on the proper functioning of the centuriate system, which guaranteed that the greatest political power was in the hands of the wealthiest members of the community. These authors sustain this point by adopting a number of subtle arguments, which are clearly informed by Greek philosophical precepts.

The prevailing scholarly trend is to analyse these texts for the information they may provide on this institution disregarding the conceptual framework in which its account is embedded. Based on the assumption that the Greek philosophical concepts, adopted to describe it, are part of a literary tradition, scholars tend to bypass them in their search of the historical truth concerning its functioning.

However, a new way of understanding the relation between philosophical thought and the actual working of politics in Rome has been put forward and seem well worth developing<sup>5</sup>. My principal aim in what follows is to expand on it, examining the justifications put forward by these authors and their philosophical models. By means of a close reading of these texts, it will become apparent that, according to these ancient authors, the structure of the *comitia centuriata* was essential to the success and prosperity of the commonwealth. This was the only system which, in their opinion, would guarantee the upholding of the most important Republican virtues: liberty, fairness (or justice), and concord, and thereby the flourishing of the community. The successful enactment of these virtues was enabled by the fact that the structure of the *comitia centuriata* was described and perceived as informed by the mathematical principle of proportion, arithmetical as well as geometrical, first applied to the political sphere by Archytas, a Pythagorean philosopher from Tarentum of the fourth century BC, whose work was well known in Rome in the first century BC. Only when the philosophical underpinning of the language used to describe the working of the *comitia centuriata* comes to the fore of our analysis, I argue, are we able to understand the Romans' perception of the crisis of the Republic and their attempts at reforming their own voting system. Behind the technical aspects concerning the reform of the voting order suggested by the so-called Ps-Sallustian Epistle to Caesar lies not so much an attempt at providing the Roman people rather straightforwardly with an effective (or less nominal) political power, but rather an attempt at redefining the notion of *dignitas*, traditionally the realm of the elite, by redesigning the premises on which the centuriate system was based and assigning centrality to the value of *virtus*.

## II

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<sup>5</sup> M. Griffin, 'Philosophy, Politics, and Politicians at Rome', in M. Griffin and J. Barnes (eds.), *Togata: Essays on Philosophy and Roman Society* (Oxford: Clarendon Press, 1989), 1-37; M. Fox, *Cicero's Philosophy of History* (Oxford: Oxford University Press, 2007), I. Gildenhard, *Paideia Romana: Cicero's Tusculan Disputations* (Cambridge: Cambridge Philological Society, 2007), 8-63, V. Arena, *Libertas and the Practice of Politics in the Late Roman Republic* (Cambridge: Cambridge University Press, 2012), S. McConnell, *Philosophical Life in Cicero's Letters* (Cambridge: Cambridge University Press, 2014).

Traditionally, in Rome there were many assemblies, distinguished by three different names: *comitia* (the singular *comitium* indicates the specifically built meeting place), which designated an assembly of all adult male citizens meeting in an appropriate place with the purpose of reaching a decision by voting (this might concern elections, the passing of legislation, or a judicial verdict); *concilium*, which identified the assembly of the plebs (as opposed to a gathering of the whole *populus Romanus*) or of the Latins, which, as a consequence of the *lex Hortensia* in 287BC, came to be used to indicate more generally Roman deliberative assemblies (with which it often was identified); and *contio*, the most informal of the Roman assemblies, with no restriction on venue nor participants, where no legally binding decisions were taken, but information on a variety of issues concerning the community, from the edict of a magistrate to a victory in the battlefield or the content of a law proposal, were communicated to those gathered there.

The *comitia* were divided in *comitia curiata* (with its further permutation in *comitia calata curiata*), *comitia tributa*, and *comitia centuriata*. All these assemblies were based not on the system of correspondence between one vote and one citizen, but rather on the system of the voting units. In all these assemblies where voting took place, the majority of individual votes within one unit constituted the vote of that unit, and the majority of units provided the final outcome. However, what they differed on was the nature of the voting units, respectively, the *curiae*, the most ancient divisions of the Roman people traditionally attributed to Romulus and perhaps based on kinship, the *tribus*, the territorial districts in which the Roman people were distributed, which by 241BC had reached the fixed number of thirty-five (four urban and thirty-one rural); and the *centuriae*, originally the smallest infantry units of the Roman army, on which the assembly was initially modelled. However, although the *comitia centuriata* still preserved some military traits (such as, for example, the *Campus Martius* as preferred meeting place), by the third century BC the *centuriae* in the assembly no longer corresponded to the *centuriae* in the army. By the first century BC, the period when the texts mentioned above were composed, the *comitia curiata* was effectively no longer in existence, being symbolically replaced by a gathering of thirty lictors, magisterial attendants, who represented the originally thirty *curiae*.<sup>6</sup> They oversaw the *adrogationes*, that is the adoption of a citizen *sui iuris*, that is a legally independent citizen, the making of testaments, the inauguration of priests, and passed the controversial and obscure *lex curiata de imperio*, which ratified or, perhaps, sanctioned the status of the elected magistrates.<sup>7</sup> The *comitia tributa* and the *comitia centuriata*, the two most important assemblies of the period, elected magistrates, passed legislation, and acted as a jury court for cases of capital punishment. From the second century BC onwards, however, their remits had been subjected to some alterations: the *comitia tributa* elected minor magistrates and enacted or rejected legislation, while the *comitia centuriata*, came

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<sup>6</sup> Cic. *de rep.* 2.14; Liv. 1.13.6; 9.38.15; Fest. 180-2 and 503L; Dion. Hal. *Ant. Rom.* 2.50.3; Cic. *Dom.* 77; on the lictors Cic. *leg. agr.* 2.31.

<sup>7</sup> On this controversial law see most recently H. Humm, 'The Curiate Law and the Religious Nature of the Power of Roman Magistrates', in O. Tellegen-Couperus (ed.), *Law and Religion in the Roman Republic* (Mnemosyne supplements, 336; Leiden-Boston: Brill, 2011), 55-84 and F. Van Haepere, 'Auspices d'investiture, loi curiata et investiture des magistrats romains', *Cahiers du Centre Gustave Glotz*, -23 (2013), 71-111 with ample discussion of previous bibliography.

to enact only one law (concerning the recall of Cicero from exile in 57BC)<sup>8</sup> and rarely acted as a judicial body, but continue to elect the highest officers of government, the censors, the consuls, and the praetors.

The three texts mentioned above, Cicero's *de re publica*, Livy's *ab Urbe condita*, and Dionysius of Halicarnassus' *Roman Antiquities*, although diverse in nature from one another, all describe the origin of the centuriate system giving accounts that, at times, differ on matters of technical detail, but are overall rather homogenous in terms of the ideological reasons they provide for such a structure. In fact, describing the working of this system, they all agree that Servius Tullius divided Roman citizens into five classes of census, whose men were enrolled in the infantry, and selected the principal men of the community to be part of the cavalry. To each class of census he assigned a number of *centuriae* (voting as well as military units), which was directly proportionate to the citizens' wealth: the higher the amount of property possessed, the larger the number of *centuriae* assigned to that class. In this manner, they all claim, Servius distributed military and civil duties according to the amount of wealth each man possessed. An important upshot of this voting configuration, which did not escape any of these writers, was that it was sufficient that the *centuriae* of the cavalry and those of the first class of the census agreed that a majority was reached and, as a consequence, there was no need to consult the other classes of the census.<sup>9</sup>

However, Livy's and Dionysius of Halicarnassus' accounts, differing from one another only on the total number of *centuriae* of the whole system (193/194 *centuriae*), seem to be based on a common historical and antiquarian source (most likely composed at the very beginning of the first century), which did not take into account the little-known reform of the third century BC (which somehow connected the *centuriae* to the tribes), but presented the whole system as built on the principle that in voting procedures the *centuriae* of the cavalry and those of the first class of census should have the majority.<sup>10</sup> In their system, most extensively described in Livy, alongside the eighteen *centuriae* of the cavalry and the one hundred and seventy of the infantry, there were six additional *centuriae* of military related personnel and attendants, subdivided between the first and the fifth class of census, and one final *centuria*, at the very bottom of the timocratic structure, to which were assigned those who did not own any property and were registered by the censors on the basis of the only thing they could provide the commonwealth with, that is their children (thereby their appellative as *proletarii*) or in case they did

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<sup>8</sup> G. Rotondi, *Leges publicae populi romani: elenco cronologico con una introduzione sull'attività legislativa dei comizi romani* (Milan: Società editrice libraria, 1912).

<sup>9</sup> It is, however, important to observe that in two very interesting studies A. Yakobson, 'Petitio et Largitio: Popular Participation in the Centuriate Assembly of the Late Republic', *Journal of Roman Studies* 82 (1992), 32-52 and Id. *Elections and Electioneering in Rome: A Study in the Political System of the Late Republic* (Historia Suppl. 1999), ch.2, has shown that the role of bribery and the social standing of candidates do not support the idea that the lower classes of census were never called upon and that the *centuriae* of the cavalry and of the first class always voted in accord.

<sup>10</sup> Liv. 1.42.12 and Dion.Hal. *Rom. Ant.* 4.20.3 and 21.3. On this see also H. Last, 'The Servian reform', *Journal of Roman Studies* 35 (1945), 30-48 and T.H. Ridley, 'The enigma of Servius Tullius', *Klio* 57 (1975), 147-77. On the third century reform see L. Ross Taylor, 'The *comitia centuria* before and after the reform', *American Journal of Philology* 78 (1957), 337-54.

not have any, but only their own person (hence *capite censi*).<sup>11</sup> Those registered in this last *centuria* were exempt from military levy (except in situations of state emergency) and from taxation. Although the basic structure of this system is analogous to the picture drawn by Cicero, it is apparent that in the *de re publica* the configuration of this assembly reflects a later development (to be dated after 241BC) which somehow connected the seventy *centuriae* of the first class with Rome's thirty-five tribes and echoed the progressive proletarianisation of the Roman army, eventually sanctioned by Marius' reform.<sup>12</sup> In Cicero's description, alongside the eighteen *centuriae* of cavalry, there were seventy *centuriae* assigned to the first class of the census, to which one *centuria* of carpenters was also associated (by virtue of their importance in military affairs) and the remaining one hundred and four *centuriae* distributed to the other classes of census. Here too one *centuria* was assigned to those who possessed less 'than 1500 denarii or nothing at all except their own person' (2.40), which, alongside those of the other ninety-six *centuriae*, almost outnumbered those registered in the first class of census.

However, despite these technical differences concerning the precise mechanisms of the working of these assemblies, describing the centuriate organisation and discussing its constitutive traits, these authors unanimously make three fundamental claims concerning the advantages that the structure of the *comitia centuriata* promotes. First, they claim that this structure is as such as to guarantee that the greatest power resides in the hands of those who, owing a greater amount of wealth, have more at stake in the commonwealth and thereby display a greater interest in its welfare; second, that, despite its timocratic structure, no member of the civic community is deprived of his political right of *suffragium*; third, that its components, the different socio-economic groups that make up the Roman citizen body, stand side by side, working together towards the common good, in a full and harmonic appreciation of each group's own role in the working of the commonwealth. In other words, what these authors all claim is that the Servian political organization embodies as well as ensures the implementation of three most fundamental Republican values: fairness, liberty, and concord, which, in turn, guarantee the stability of the political system and its flourishing.

In this system, they remark, no citizen is deprived of the right to vote, as, in the words of Cicero, this would be tyrannical, as it is would be tantamount to deprive someone of his liberty.<sup>13</sup> However, they all emphasise, in this system 'whilst no one was ostensibly deprived of his vote, all the voting power was in the hands of the principal men of the state.'<sup>14</sup> If, on the one hand, there is no doubt that holding the right to vote was not tantamount to the actual possibility to exercise it, what the Servian organization

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<sup>11</sup> On the difference between the *proletarii* and the *capite censi* see D.H. Rathbone, 'The census qualification of the *assidui* and the *prima classis*' in H.Sancisi-Weerdenburgin et al. (eds.), *De agricultura : in memoriam Pieter Willem de Neeve (1945-1990)* (Amsterdam : J.C. Gieben, 1993), 121-52

<sup>12</sup> Lintott, *Constitution*, 56-8 on the relation between *tribus* and *centuriae* in Cicero. *Contra* G.V. Sumner, 'Cicero on the *comitia centuriata: de re publica* II.22.39-40', *American Journal of Philology* 81 (1960), 113-35. E. Gabba, 'Sull'arruolamento dei *proletarii* nel 107 a. C.', *Athenaeum*, 51 (1973), 135-7 and E. Lo Cascio, 'Ancora sui *censi minimi* delle cinque classi serviane', *Athenaeum* 66 (1988), 273-304 on the progressive proletarianisation of the army in relation on the census requirements.

<sup>13</sup> For a full discussion of the connection between the right to *suffragium* and the Republican notion of liberty see Arena, *Libertas*, 54-7 and 60-2.

<sup>14</sup> Livy 1.42.10.

managed to achieve was that no member of the community could claim to be forced to conduct a life according to laws which he himself did not have the right to approve or reject, and to live under the leadership of people whom he could not have entrusted with the management of the commonwealth on his behalf and in his interests.<sup>15</sup> The charade put up by the Servian system did not escape these ancient authors. As Dionysius emphasised, the people happily relinquished their power almost by deception, since this specific institutional configuration made the citizens think ‘they all had an equal share in government because every man was asked his opinion, each in his own century,’ while the whole century, whether it consisted of a small or very large number of citizens, had but one vote’ and ‘the poor, who were very numerous, had but one vote and were the last called’ (4.21.1). Although in practice he deprived the people of any significant part in public affairs, in Dionysius’ opinion, Servius succeeded in providing them with the impression of having an equal share in government. This idea was ultimately conferred by the fact that all (adult male) members of the community held the right to vote and the legal possibility to exercise it, which ensured their status of liberty.

The second important principle which informed this institutional structure, on which all these authors remarked, was that ‘while no one was deprived of the suffrage, the majority of votes was in the hands of those to whom the highest welfare of the state was the most important’ (Cic. *de rep.* 2.40). What these authors are claiming is that one of the criteria behind this system was to ensure two important aims: first, to prevent the greatest political power being in the hands of the most numerous; second, to ensure that the greatest voting power resided in those with the greatest interest in the best possible administration of the commonwealth. It follows that, contrary to how it may appear at first sight, this organisation was not the expression of the most blinkered conservative thinking, which wishes to retain the power in the hands of a minority elite for its own sake, but rather was informed by and mirrored a distinctive principle of fairness. As Livy puts it, ‘just as Numa had been the author of religious laws and institutions, so posterity extols Servius as the founder of those divisions and classes in the state by which a clear distinction is drawn between the various grades of dignity and fortune (*gradus dignitatis fortunaeque*)’ (1.42.4). By instituting the census, he continues, as a criterion on the basis of which to distribute civic and military duties, Servius structured the voting system in such a way as to guarantee that although everyone was entitled to vote, actual political power was proportionate to the amount of property each man possessed. The way in which this *gradus dignitatis* (distinction of rank) can successfully be achieved, as argued by Scipio in Cicero’s *de re publica*, is in the best form of government, the mixed and balanced constitution. Such a constitution, he argues, that combines together the good simple forms of government (kingship, aristocracy, and democracy) and is based on the Servian centuriate system ‘offers, in a high degree a sort of equality, which is a thing free men can hardly do without for any considerable length of time (*aequabilitatem quondam magnam, qua carere diutius vix possunt liberi*), and, secondly, it has stability’ (Cic. *de rep.* 1.69). Distinct from *aequitas*, this idea of fairness embedded in the mixed and balanced constitution functions as a principle of

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<sup>15</sup> V. Arena, ‘Popular sovereignty in the late Roman republic: Cicero and the will of the people’ in R. Bourke and Q. Skinner (eds.), *Popular Sovereignty in Historical Perspective* (Cambridge: Cambridge University Press, 2016), 73-95.

governance and indicates a rather distinct notion of equality, which combines together the arithmetic idea of equality, according to which everyone is entitled to the same identical amount, with the proportionate concept of equality, which assigns everyone proportionally the same amount.<sup>16</sup> While allowing for the granting of a minimal amount of equality, necessary to make sure that none of the constituent parts of the community feel neglected, or, in Scipio's words, 'without which free men cannot live for any length of time', as its absence would abandon them to the mercy of those in power, the mixed and balanced constitution and the centuriate voting system which reproduces its main tenets also prevent the establishment of that *aequabilitas iuris*, 'equality of legal rights', of which, he claims, free people are so fond. This kind of fairness, the argument continues, lead to two main problems: the first is of a pragmatic nature and concerns the actual political inapplicability of this idea as proven by the very people who cherish this value since they found themselves conferring extraordinary powers on individuals to solve acute crises, thereby 'creating a distinction among men and the honours granted to them' (1.53); the second is of a more conceptual character, since as a result of granting the same honour to the highest and to the lowest members of the community, an alteration of the nature of this value occurs and 'what is called equality is really the most inequitable' (*aeque, quae appellatur aequabilitas, iniquissima est*) (1.53). The reason why the kind of *aequabilitas* that distributes arithmetically equal power to the people is most inequitable resides in the fact that, as mentioned above, 'it allows no distinctions of rank (*ipsa aequabilitas est iniqua, cum habet nullos gradus dignitatis*)' (1.43). It follows that, alongside the notion of liberty, which guaranteed that all Roman (adult male) citizens were accorded the same (in the sense of arithmetically equal) right to vote, the Servian configuration embodied and ensured the enactment of the value of fairness as it was construed in such a way as to preserve the *gradus dignitatis* by assigning political power according to the criterion of the census classification. By this system Servius brought about that 'the greatest number of votes belonged not to the common people, but to the rich, and put into effect the principle which ought always to be adhered to in the commonwealth that the greatest number should not have the greatest power' (Cic. *de rep.* 2.39).

The third important point that all these authors make is that, as a result of the embodiment of this idea of fairness, that combines a minimal equal distribution of rights with a proportionate assignation of actual power, this political and institutional system fostered *concordia* and, as a consequence, was characterised by a firm stability.<sup>17</sup> In the Servian organisation, as Dionysius of Halicarnassus put it, 'the rich, though paying out large sums and exposed without intermission to the dangers of war, were less inclined to feel aggrieved now that they had obtained control of the most important matters and had

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<sup>16</sup> On the idea of *aequabilitas* see E. Fantham, 'Aequabilitas in Cicero's Political Theory and the Greek Tradition of Proportional Justice', *Classical Quarterly* 23 (1973), 285–90; J. E. Zetzel (ed.), *Cicero De republica: Selections* (Cambridge: Cambridge University Press, 1995) *ad loc.*; A. R. Dyck, 'On the Interpretation of Cicero *De re publica*', *Classical Quarterly* 48 (1998), 564–8; F. Pagnotta, *Cicerone e l'ideale dell'aequabilitas: L'eredità di un antico concetto filosofico* (Cesena: Stilgraf, 2007); most recently J. Zarecki, *Cicero's Ideal Statesman in Theory and Practice* (London-New York: Bloomsbury Academic 2014), 85–6 interprets rather unconvincingly *aequabilitas* as 'impartiality.'

<sup>17</sup> On the idea of *concordia* see J.A.Lobur, *Consensus, Concordia and The Formation of Roman Imperial ideology* (London: Routledge, 2008) and most recently P. Akar, *Concordia: un idéal de la classe dirigeante romaine à la fin de la République* (Paris : Publications de la Sorbonne, 2013).

taken all the power out of the hands of those who were not performing the same services; and the poor, who had but the slightest share in government, finding themselves exempt both from taxes and from military service, prudently and quietly submitted to this diminution of their power' (4.21.2-9). In a system that rewarded the highest effort on behalf of the commonwealth with the highest powers as well as compensated the lack of true power with exemptions from the hardest toils,<sup>18</sup> everyone was satisfied with the station they held in the hierarchy of society. A sense of *concordia* was fostered amongst the members of society as not only did everyone think they were receiving their fair share, but they also felt that they were collaborating in a joint enterprise, promoting the welfare of the community. Even the names assigned to the two main groups of citizens, that is those who owned more or less than one thousand and five hundred denarii, had been created in such a way to foster a sense of common enterprise: the wealthy in fact were called *assidui*, "the 'money-givers', because they paid the expenses of the commonwealth (*ab asse dando*)," while the other group, who possessed little or nothing at all except their own persons, "'child-givers' thus showing that he [Servius] expected from them only children, that is, the offspring of the commonwealth."<sup>19</sup> By virtue of this idea of fairness, that combined the notion of arithmetic and proportionate equality, each member of society was content with their position within the community as they held the conviction that their amount of political and civic rights and duties corresponded exactly to what they deserved. It follows, these authors argue, that in any system where this kind of *aequabilitas* is implemented, the citizens do not see any reason for change, strife or revolution, but rather 'firmly established in his own station (*in suo quisque est gradu firmiter collocatus*)', as Scipio puts it, they conducted their life in harmony with one another.<sup>20</sup>

### III

Thus, at the foundation of the Servian system, ensuring the embodiment of these political principles lies the very important notion of a mathematical principle, that of proportion, as a criterion to structure the civic and political life of a community. This idea was first elaborated by Archytas, the Pythagorean from Tarentum who lived in the first half of the fourth century BC, in a fragment universally considered authentic from his 'On Things Scientific.'<sup>21</sup> There he claims that *logismos*, to be understood as calculation rather than rational thinking, should be adopted as the ordering principle of the civic community as it will enable to achieve two main aims: first, the distribution of resources in such a way as to avoid their concentration in the hands of those already wealthy; second, the unassailable clarity

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<sup>18</sup> Cf. Dion.Hal. *Rom. Ant.* 4.20.

<sup>19</sup> Cic. *de re pub.* 2. 40. For a different reading of these figures see Liv. 1.42.7-8.

<sup>20</sup> Cic. *de rep.* 1.69.

<sup>21</sup> Stobaeus 4.1.139 = Iamblichus, *On General Mathematical Science* II. The best edition of the work of Archytas is C. Huffman, *Archytas of Tarentum: Pythagorean, Philosopher and Mathematician King* (Cambridge: Cambridge University Press, 2005) on which I am very much indebted. For a reconstruction of this intellectual tradition and its applicability to the Roman political system see Arena, *Libertas*, 102-10. On Archytas see also more recently M. Schofield, 'Archytas', in C. Huffman (ed.), *A History of Pythagoreanism*, (Cambridge: Cambridge University Press 2014), 69-87. On the issue of authenticity see also M. Johnson, 'Sources for the Philosophy of Archytas', *Ancient Philosophy* 28 (2008), 1-29.

that only mathematics can provide that shows to each member of the community they have received their fair share.

Having asserted the importance of this new knowledge, Archytas claims that ‘once calculation (*logismos*) is discovered, it stopped discord (*stasis*) and increased concord (*homonoia*). For people do not want more than their share (*pleonexia*), and equality (*isotas*) exists, once this has come into being. For by means of calculation we will seek reconciliation in our dealings with others. Through this, then, the poor (*penētes*) receive from the powerful (*dunamenoī*), and the wealthy (*plousioi*) give to the needy (*deomenoi*), both in the confidence they will have what is fair (*to ison*) on account of this. It serves as a standard and a hindrance to the unjust. It stops those who know how to calculate, before they commit injustice, persuading them that they will not go undetected, whenever they appeal to it [sc. as a standard]. It hinders those who do not know how to calculate from committing injustice, having revealed them as unjust by means of it [i.e. calculation].’<sup>22</sup>

The most innovative feature of Archytas’ thinking is his attributing to *logismos* of the ability to produce agreement within a civic community. The general gist of his argument is that a new knowledge based on the function of calculation is needed to achieve the condition of a unified city-state free of any discord. The second point that Archytas makes is that by virtue of calculation those in need will be delighted to receive from those better off than them as much as those in power will be happy to share their wealth with the more disadvantaged people. In other words, according to Archytas, the main aim of the application of calculation to political life consists in the eradication of the *pleonexia*, wanting more than one’s share, even on the part of those more in need, as only this will be conducive to the establishment of concord. An upshot of the application of *logismos* to civic life is that the community will be free from injustice, as those able to calculate, even if they are tempted to commit a crime, will immediately realise that their crime would be easily brought to light, while, on the other hand, those unable to calculate will be easily caught and their behaviour immediately judged as unjust.

Plato, dear friend of Archytas, who had helped him during his troubles with Dionysius of Syracuse, built on this notion and in the *Laws* considered the necessity to combine an idea of equality, according to which each man should be regarded as having the same value as the next, with another notion of equality, in his opinion higher, based on virtue and education.<sup>23</sup> The latter, he states, ‘gives to the greater more and to the inferior less, and in proportion to the nature of each; and above all, greater honour always to the greater virtue, and to the less less; and to either in proportion to their respective measure of virtue and education. And this is justice, and is ever the true principle of states, at which we ought to aim.’<sup>24</sup>

Contrary to Plato, who appears to regard the adoption of arithmetical proportion as a necessary concession to a democratic principle to avoid political unrest, Aristotle, who too was familiar with

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<sup>22</sup> Archytas fr. 3 Huffman with an excellent commentary.

<sup>23</sup> More in general on the relation between Plato and Pythagoreanism see P. Horky, *Plato and Pythagoreanism* (Oxford: Oxford University Press, 2013).

<sup>24</sup> Pl. *Laws* 6.757b-c. For a full history of this concept of equality see F.D. Harvey, ‘Two kinds of Equality’, *Classica et Mediaevalia* 26 (1965), 101-46.

Archytas' work and had even composed three books on him, seems to consider the adoption of this notion of arithmetical proportion as an almost neutral means to achieve the best possible form of commonwealth. Building on and responding to Archytas' idea of *logismos* as an ordering criterion of the just commonwealth, Aristotle categorises two types of justice, distributive and corrective justice, each identified by a mathematical proportion. 'All men agree that what is just in distribution must be according to merit in some sense, though they do not all specify the same sort of merit, but democrats identify it with the status of freeman, supporters of oligarchy with wealth (or with noble birth)...For proportion is equality of ratios...Mathematicians call this kind of proportion geometrical; for it is in geometrical proportion that it follows that the whole is to the whole as either part is to the corresponding part...This, then, is what the just is – the proportional; the unjust is what violates the proportion.'<sup>25</sup> As Aristotle states in his *Politics*, all forms of government are based on the 'acknowledgment of justice and proportionate equality'. However, each kind of constitution privileges only one criterion as the determining factor in relations between men and abusively extends it to other domains. 'Democracy, for example, arises out of the notion that those who are equal in any respect are equal in all respects; because men are equally free, they claim to be absolutely equal. Oligarchy is based on the notion that those who are unequal in one respect are in all respects unequal; being unequal, that is, in property, they suppose themselves to be unequal absolutely. The democrats think that as they are equal they ought to be equal in all things; while the oligarchs, under the idea that they are unequal, claim too much, which is one form of inequality. All these forms of government have a kind of justice, but, tried by an absolute standard, they are faulty.'<sup>26</sup> For Aristotle, therefore, the best possible, even if not ideal, constitution (*politeia*) is a mixed form of government, which results from the fusion of two kinds of government, democracy and oligarchy, and of their respective notions of equality, arithmetic (or numerical) equality and geometric (or proportional) equality. For in a democracy everybody, being equally free, is a member of the citizenry (however different in wealth), in an oligarchy honours and offices are reserved for the wealthiest, and, since they are not all equally deserving, the most worthy are chosen thanks of the vigilance of the whole. It is this application of the mathematical criterion of proportionality in ordering the commonwealth that will favour the abolition of stasis.<sup>27</sup>

Although some commentators have emphasised Cicero's debt to Plato's understanding of equality in the *de re publica* - no doubt present in the overall argument of the treatise,<sup>28</sup> it seems that in the specific description of the Servian system Cicero, as well as Livy and Dionysius of Halicarnassus - or more precisely their sources – presents an understanding of fairness closer to the Aristotelian approach that focuses on the *gradus dignitatis* as a distinction primarily in wealth and honour rather than *virtus*.

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<sup>25</sup> Ar. *Eth. Nic.* 5.3.1131a–b.

<sup>26</sup> Ar. *Pol.* 5.1301a26–b4.

<sup>27</sup> For the application of these ideas to a tripartite or even quadripartite form of government see Arena, *Libertas*, 106-9 with cited bibliography.

<sup>28</sup> C. Nicolet, 'Cicéron, Platon et le vote secret', *Historia* 19 (1970), 39-66.; E. Asmis 'A new kind of model: Cicero's Roman constitution in *de re publica*', *American Journal of Philology* 126 (2005), 377-416; J. Atkins, *Cicero on Politics and the Limits of Reason: the Republic and Laws* (Cambridge: Cambridge University Press, 2013), 111-4.

Building on Archytas' idea of *logismos* as an ordering criterion of a society, these authors all highlight that by combining these two kinds of equality the Servian configuration achieves three main aims: first, every citizen, regardless of his riches, does not feel dominated by the wealthy, and the poorer is happy to be devoid of any meaningful political power as he is not burdened with any military and fiscal duty; second, the wealthy are content with their higher share of military and monetary contributions to the commonwealth as they hold political power and are in charge of making decisions and play a central part in defending their own properties; third, the community is stable as its members take part in the common enterprise, while being satisfied with the different ranks they hold in society.<sup>29</sup>

As recent scholarship has reminded us, Archytas, and Pythagoreanism more in general, held a prominent place in the intellectual landscape of late Republic.<sup>30</sup> Not only does Cicero mention Archytas several times in his works, but his biography composed by Aristoxenus was certainly known even down to the early empire. Most representative of all, perhaps, the famous ode by Horace, the so-called 'Archytas' Ode' (1.28), presents the corpse of a drowned sailor apostrophising Archytas to assert the point that no one can escape death regardless of the greatness of one's own achievement.<sup>31</sup> However, not only did the first century BC see a renaissance of interest in Archytas, acclaimed as an astronomer, cosmologist and mathematician, but also in Pythagoreanism - once of such importance in Rome that a statue of Pythagoras, alongside that of Alcibiades, had been erected in the third century BC in the Forum to represent the wisest and the bravest of the Greeks only to be destroyed by Sulla at the beginning of the first century BC.<sup>32</sup> In the last century of the Republic, the Pythagorean attestations of Nigidius Figulus, Varro, and Cicero himself all attest to the vitality of this trend of thought in Rome.<sup>33</sup> It would not be implausible to argue that the ideological framework of the Servian arrangements was, to a certain extent, an outcome of the pervasive role of Pythagorean thinking in the first century BC, or of what the Romans of the time considered as such. In fact, there is no doubt that the consistent references to Archytas and, more generally, to Pythagoras and the Pythagoreans, were part of an attempt by the intellectuals of the late Republic to claim Pythagoreanism as 'native Italian philosophy' and Archytas as one of his most illustrious representatives.

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<sup>29</sup> For a development of the notion of *concordia* in these authors see Arena, *Libertas*, 111-6.

<sup>30</sup> J.-J. Flinterman, 'Pythagoreans in Rome and Asia Minor around the turn of the Common Era' in C. Huffman (ed.) *History of Pythagoreanism* (Cambridge: Cambridge University Press 2014), 340-359; K. Volk, 'Roman Pythagoras', in G.D. Williams and K. Volk (eds.), *Roman reflections: Studies in Latin Philosophy* (Oxford: Oxford University Press 2015), 33-49, and P. Horkey 'Italic Philosophy in the Hellenistic Age', in W.S. Shearin and R. Fletcher, *The Oxford Handbook of Roman Philosophy* (Oxford: Oxford University Press forthcoming)

<sup>31</sup> For a collection of sources on the later fortune of Archytas see Huffman *Archytas*, 19-22. Specifically on Horace's ode 1.28 see L.A. Mackay 'Horatiana: Odes 1.9 and 1.28', *Classical Philology* 72.4 (1977), 316-8; B. Frischer, 'Horace and the Monuments: a New Interpretation of Archytas Ode (c. 1.28)', *Harvard Studies in Classical Philology* 88 (1984), 71-102).

<sup>32</sup> Plin.*HN* 34.26. See F. Russo, 'Genealogie numaiche e tradizioni pitagoriche', *Rivista di Cultura Classica e Medievale* 47 (2005), 265-90 and Id., 'Le statue di Alcibiade e Pitagora nel comitium', in *Annali della Scuola Normale Superiore di Pisa* 5, (2011), 105-134.

<sup>33</sup> for further discussion see Flinterman 2014 and Volk 2015.

Cicero's, Livy's, Dionysius' three descriptions of the *comitia centuriata*, in fact, have long been recognised a late Republican reconstruction of a more or less mythical past.<sup>34</sup> It will be sufficient to point out that in these texts the census figures are computed in *asses*, Roman bronze coins, which as a matter of fact has been introduced in Rome only in the first half of the third century BC and that the *clipeus*, the oval (or at times round) shield, adopted by Roman soldiers and associated with the first class of census by Livy, came to replace the *scutum*, the convex rectangular shield at about the same time.<sup>35</sup> There is a general consensus amongst scholars that Livy and Dionysius must have used the same source, often identified with Valerius Antias, whose main activities can be dated to the first half of the first century BC.<sup>36</sup> Even if Cicero might have adopted a different source, or at least might have adapted this same source to a more contemporary description of the Servian system,<sup>37</sup> it seems highly probable, as Emilio Gabba argued some time ago now, that the ideological construction of the centuriate system, homogeneously presented in the three authors, must find its origins in a reassessment of the archaic history of Rome, which took place between the 80s and 50sBC.<sup>38</sup> It was during this time that Rome went through a great number of institutional reforms and constitutional upheavals – from Sulla's dictatorship in 81BC, aimed at the institutional re-organisation of the commonwealth (the *dictatura de legibus constituendis*), to the election of Pompey as consul without a colleague (*consul sine collega*) in 52BC, subject of an intensive constitutional debate. It was these moments that were accompanied by a rethinking of the early history of Rome, in particular of the constitution of the first two kings Romulus and Numa as well as of Servius: informed by philosophical principles of Pythagorean origin which provided the conceptual language in which to express and think about it, they functioned as a foil for the needs of the contemporary political scene.

Alongside the image of an anti-senatorial Servius Tullius, who put forward tribunician reforms and acted in a demagogic manner (perhaps elaborate by the annalist Licinius Macer), there was the image of a Servius who consulted the senate, which he himself had renewed with worthy plebeian members.<sup>39</sup> Sulla himself had been inspired by Servius Tullius in reforming the voting system: not only, as Appian tells us, did he propose that 'no question should ever again be brought before the people which had not been previously considered by the Senate, an ancient practice which had been abandoned long ago, [but] also that the voting should not be by tribes, but by centuries, as King Servius Tullius had ordained.'

<sup>34</sup> On the debate over the historicity of Roman monarchy specifically focused on Servius Tullius see R. Thomsen, *King Servius Tullius: a Historical Synthesis* (Copenhagen: Gyldendal, 1980) and V.E. Vernole, *Servius Tullius* (Roma: L'Erma di Bretschneider 2002).

<sup>35</sup> See R.M. Ogilvie, *A Commentary on Livy: Books 1-5* (Oxford: Clarendon, 1965), ad loc.

<sup>36</sup> See most recently S. Marastoni, *Servio Tullio e l'ideologia sillana* (Roma: Bretschneider, 2009), 35-7. On Valerius Antias see G. Forsythe, 'Dating and Arranging the Roman History of Valerius Antias', in *Oikistes. Studies in Constitutions, Colonies, and Military Power in the Ancient World. Offered in honour of A.J. Graham* (Leiden-Boston-Köln, 2002), 9-112 and J. Rich, 'Valerius Antias and the Roman Past', *BICS* 48.1 (2005), 137-61, expanded with also the fragments and testimonia in T. Cornell (ed.), *The Fragments of the Roman Historians* (Oxford: Oxford University press, 2013), n. 25.

<sup>37</sup> Cic. *Phil.* 2. 82 seems to suggest so. On Cicero's sources E. Rawson, 'Cicero the Historian Cicero the Antiquarian', *Journal of Roman Studies* 62 (1972), 33-45.

<sup>38</sup> E. Gabba, 'Studi su Dionigi di Alicarnasso. I. La costituzione di Romolo', *Athenaeum* 38 (1960), 175-226.

<sup>39</sup> On the two traditions on Servius Tullius present in the first century BC see E. Gabba 'Studi su Dionigi da Alicarnasso II. Il regno di Servio Tullio', *Athenaeum* 39 (1961), 98-121.

In his opinion and in that of his colleague Pompeius Rufus, the introduction of these two reforms concerning voting procedures would have brought an end to civil discord, as the senate would have ensured that each law presented to the people would have been suitable and advantageous for the commonwealth, and that ‘the voting should be controlled by the well-to-do and sober-minded rather than by the pauper and reckless classes, so that there would no longer remain any starting point for civil discord’ (App. *bc* 1.59).<sup>40</sup>

Thus, in the turmoil of the first century BC, the political struggle over contemporary issues concerning the reforms of the commonwealth was also fought through a re-reading and re-elaboration of the Roman past, which was carried out adopting intellectual categories of the Pythagorean intellectual tradition. At the time when Sulla embarked on a programme of radical constitutional reforms, any recalling of Servius Tullius might have been ideologically construed as a powerful political weapon: to align oneself with Servius meant to support a political model that, within a framework that recognised political liberty to each citizen, preserved *gradus dignitatis fortunaeque* and distributed political and civic rights and duties according to the economic standing of each citizen.

#### IV

Although, as is often remarked, the Romans never attempted to establish a different political system to replace the decaying *res publica*, but rather endeavoured to recapture a mythical past of splendour which might never have existed, in second century BC they enacted (or so it appears) a reform of a democratic nature concerning the role of the *centuria praerogativa*, the first *centuria* to take the vote and announce its result in the *comitia centuriata*.<sup>41</sup>

The reform is explicitly attested only in the *Second Letter to Caesar on the Commonwealth*, an ‘open letter’ whose authorship is still a matter of contention amongst scholars - even if the current scholarly consensus gravitates around the rejection of Sallustian authorship and favours an interpretation of the text as an anonymous exercise of rhetoric (a *suasoria*) of the early empire.<sup>42</sup> In this letter the author suggests to Caesar a number of socio-economic as well as institutional reforms, the implementation of which, the author argues, should arrest the contemporary decline of the commonwealth and restore the *res publica* of old. Amongst these reforms, alongside the foundation of new colonies and the extension of Roman citizenship to members added to these new settlements, the author proposes a number of alterations concerning the deliberative process, specifically focusing on the working of the *comitia centuriata* and of the senate. ‘As regards the election of magistrates’, he says, ‘I for my part very naturally approve the law which Gaius Gracchus proposed in his tribunate, that the centuries should be called up by lot from the five classes without distinction (*quam C. Gracchus in tribunatu*

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<sup>40</sup> On this see Marastoni, 2009.

<sup>41</sup> ; C. Meyer, *RE* Suppl. 8, 567.44 (s.v. *praerogativa centuria*). Ross Taylor *Roman Assemblies*, 91-96; E.S. Staveley, *Greek and Roman Voting and Elections* (London: Thames & Hudson, 1972), 154-5.

<sup>42</sup> The strongest blow against the authenticity of the document was struck by R. Syme, *Sallust* (Berkeley: University of California Press, 1964) 314-51. For a review of the status quaestionis see, most recently, F. Santagelo, ‘Authoritative Forgeries: Late Republican History Re-Told in the Ps-Sallust’, *Histos* 6 (2012), 27-51.

*promulgaverat, ut ex confusis quinque classibus sorte centuriae vocarentur*)’ so that, he continues, ‘in this way money and worth are put on an equality and each man will strive to outdo his fellow in merit (*ita coaequantur, dignitate pecunia, virtute anteire alius alium properabit*)’ (Ps-Sall. *Ep. II.* 8.1-3).<sup>43</sup>

This reform, which some scholars claim was never enacted or, if passed, abrogated in 121BC, dealt with the order of voting:<sup>44</sup> on the day of election (the most probable occasion for this *comitia* to be convoked in the first century BC), after a short *contio* had been held for administrative purposes, an herald called the *comitia centuriata*, at times referred to in the sources as *exercitus*, to meet outside the *pomerium* on the Campus Martius. There the voting operations begun (by the second half of the second century by secret ballot): as a result of a third century reform, the first *centuria* to cast its vote, the so-called *centuria praerogativa*, was chosen by lot from those of the *iuniores* of the first class of census (rather than amongst the eighteen *centuriae* of knights) and its result immediately announced.<sup>45</sup> This had a great impact on the voting of the other *centuriae* of the same class, which were then called to cast their vote, so that it appears that the aim of its introduction was to make sure that there was a unanimous vote of the *centuriae* of the first class of census by which to ensure the prevalence of the wealthiest citizens. The reason why the vote of the *centuria praerogativa* was considered of great importance is that it exerted an influence that Lily Ross Taylor described as the bandwagon effect not dissimilar from that of the first state’s result affecting the US elections, to the extent that Cicero claimed that the *centuria praerogativa* functioned as omen since its choice ended up coinciding with the final decision of the *comitia*.<sup>46</sup> The other *centuriae* of the same class of census then followed suit each announcing their result as soon as known. However, C. Gracchus proposed (and most likely implemented) a reform according to which the *centuria praerogativa* had to be chosen by lot amongst all five classes of census<sup>47</sup>.

This reform was no doubt innovative: its distinctive trait lay first of all in breaking the monopoly of power of the first class of census as well as in potentially granting political voice to those registered in

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<sup>43</sup> On the emendation of the transmitted *coaequantur* with *coequatur* see C. Nicolet, ‘*Confusio suffragiorum*. A propos d’une réforme électorale de Caius Gracchus’, *MEFRA* 71 (1959), 156-7 and full discussion of possible variants in P. Cugusi, *Epistulae ad Caesarem: introduzione, testo critic e comment* (Cagliari: Annali della Facoltà di Lettere e Filosofia, 1968), *comm. ad loc.*

<sup>44</sup> On the abrogation of the law and its history throughout the Republic the most complete treatment, to my knowledge, is still Nicolet, ‘*confusio*’.

<sup>45</sup> Liv. 24.7.12; Cic. *Phil.* 2.82.

<sup>46</sup> Ross Taylor *Roman Assemblies*, 91. Interesting remarks in C. Nicolet, *The World of Citizen* (Engl. Trans. 1980), 336; On the *centuria praerogativa* and its role in securing success see Cic. *Plan.* 49. For its consideration as *omen comitorum* see Cic. *Div.* 1,103; 2, 83; cf. Cic. *Mur.* 38; on its importance see Cic. *Q. fr.* 2.14.4 and Plut. *Cat. Min.* 42. Its result was so important that it was at times contested: Liv. 24.9; 26.22; 27.6 with discussion in A.H. Lushkov, *Magistracy and the Historiography of the Roman Republic. Politics in Prose* (Cambridge: Cambridge University Press, 2015), 115-8.

<sup>47</sup> It is not entirely clear in what way C. Gracchus’ reform relate to the one perhaps proposed by Sulpicius Rufus in 63BC: Cic. *Mur.* 47 (see the occurrence of the expression *aequationem gratiae dignitatis suffragiorum*). Unfortunately Cicero’s text is corrupt, on which most recently the interesting restoration by A. Dyck in ‘Cicero *pro Murena* 47 and 85’, *Classical Quarterly* 64 (2014), 417-8: ‘you demanded a jumbling of the votes, a selection of the *praerogativa* by lot from the five classes, a reprise of the Manilian law, a levelling of influence, standing, votes (*confusionem suffragiorum flagitasti, praerogati < vae ex quinque classibus sortitionem, renovati > onem legis Maniliae, aequationem gratiae, dignitatis, suffragiorum*).’ The text would contain a reference to the *lex Manilia de libertinorum suffragiis* rather than to a *lex Manilia de suffragiorum confusione*.

the lower classes. However, in the reading of the author of the *Second Letter to Caesar*, its aim was to break the dependence of the notion of *dignitas* from *pecunia*, and anchor it firmly in *virtus*.<sup>48</sup> It follows that the point of the reform, according to the author of the letter, was not so much to equalise *dignitas*, as Nicolet claims, but rather to dissociate it from the value of money, while preserving its hierarchical function within society.<sup>49</sup> Its implementation will radically modify, but not annul, the relation between the economic condition of the citizens and their direct exercise of their voting rights. Those less affluent amongst the citizens, whose moral stamina, the author suggests, would be restored by a number of socio-economic reforms that he proposes, will have the opportunity to exercise their right to vote on the basis of their own *virtus*.<sup>50</sup> The true purpose of this reform as conceived by Ps-Sallust, in fact, was the disassociation of *decus* from *pecunia*, that is the eradication of the place of honour that men assign to wealth, since, the author argues, no one seeks riches for their own sake, but rather because society bestows importance upon them.<sup>51</sup> However, if all members of the civic community succeeded in replacing *avaritia* (the love for wealth) with *virtus* (virtue), it would be possible to restore that best form of commonwealth that belonged to the Romans of old.<sup>52</sup> In the opinion of the author, the institutional and political arrangements, which reached perfection after the struggle of the orders, were structured in such a way that the *nobiles* (to whom at times the author refers as *patres*), held a more prestigious position in the hierarchy of society not because of their ‘riches or ostentation, but rather because of ‘good repute and valiant deeds’ (*divitiis aut superbia, sed bona fama factisque fortibus*).<sup>53</sup> It is through their *virtus* that they have acquired their riches, respect, and renown, and thereby by virtue of this higher economic as well as ethical status they deserve a larger share of political power, as, the author argues, ‘a man who has in his own state a higher and more conspicuous position than his fellows ... takes a greater interest in the welfare of his country.’<sup>54</sup> When the commonwealth is secure, the whole citizen body is guaranteed its own freedom, but those who *per virtutem* have gained riches will prosper even more and will worry much more if the commonwealth begins to decline: ‘the more prosperous he was in prosperity, the more cruelly is he harried and worried in adversity.’<sup>55</sup> The *humillimi* (whom the author often qualifies as the *plebs*) gave their contribution in the running of the commonwealth by both working the fields and fighting in battles, fulfilling their military and civic duties. Their interests and most of all their *libertas* were ensured by those who governed the commonwealth, who by being virtuous could ensure that ‘no man’s power was superior to laws (*nullius potentia super leges erat*)’.<sup>56</sup>

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<sup>48</sup> Cf. Cic. *Att.* 4.15.7. For the value of *dignitas* J. Hellegouarc’h, *Le vocabulaire latin des relations et des partis politiques sous la République* (Paris: les Belles lettres, 1963), 388-411 and V. Pöschl, *Der Begriff der Würde im antiken Rom und später* (Heidelberg: Carl Winter, 1989).

<sup>49</sup> Nicolet, ‘Confusio’, 159.

<sup>50</sup> Ps. Sall. *Ep.*. 2.5.4-8. *Virtus* in Sallust refers to a personal quality, which spurs men into action. See most recently M. McDonnell, *Roman Manliness: Virtus and the Roman Republic* (Cambridge: Cambridge University Press, 2006), 356-84.

<sup>51</sup> This is a recurrent theme in the text, see, e.g. Ps-Sall. *Ep.* 2.5.4; 7.3; 7.10; 8.3-4.

<sup>52</sup> Ps-Sall. *Ep.*. 2.8.5.

<sup>53</sup> Ps-Sall. *Ep.* 2.5.3.

<sup>54</sup> Ps-Sall. *Ep.* 2.4.5.

<sup>55</sup> Ps-Sall. *Ep.* 2.10.5

<sup>56</sup> Ps-Sall. *Ep.* 2.5.3.

In the working of the commonwealth they obeyed the governing elite ‘as the body does to the soul’ and, carrying out its decrees, happily obliged to it.<sup>57</sup> As a result, in those days ‘the commonwealth was united; all citizens had regard for its welfare; leagues were formed only against the enemy; each man exerted body and mind for his country, not for his own power.’<sup>58</sup>

It follows that the ideological framework of the voting and political culture within which the author of the *Second Letter to Caesar* operates is, on the whole, not so dissimilar from the one described in Cicero, Livy, and Dionysius of Halicarnassus as discussed above. The political and institutional arrangements of the best *res publica* of old should, the author argues, be of such a nature as to ensure the liberty of all Roman citizens, so that no one should be above the law, and guarantee the harmonious functioning of the commonwealth, as all citizens work together for the common good rather than for their own power according to their different ranks in society.

However, what appears to be different is the role that the author of the *Letter* assigns to the idea of fairness. At first sight, it might appear that the notion of *gradus dignitatis fortunaequae*, embodying the mathematical principle of geometric proportionality and based on the economic status of Roman citizens, is replaced by a kind of *gradus virtutis*, where *virtus*, in the ideological framework of the author, should not entirely substitute riches, but should rather function as the primary engine of society, upon which a timocratic configuration should be built.<sup>59</sup> As the senate should be reinvigorated in its *virtus* by an increase in the number of its members and the introduction of the secret ballot in its voting procedures,<sup>60</sup> so the *comitia centuriata* should be reformed in such a way as to provide all Roman citizens with the opportunity to exercise their *virtus*.

The deliberative system as conceived by Ps-Sallust, therefore, preserves liberty, concord, and a notion of fairness, whose premises are, however, radically different from those in the texts of Cicero, Livy, and Dionysius. The political system as conceptually articulated by Ps-Sallust still maintains at its foundation a combination of geometric and arithmetic equality: on the one hand, everyone is entitled to liberty, on the other those in the position of power will be those with a higher degree of wealth, respect, and renown. However, for the commonwealth to flourish again, the author urges Caesar to enact a number of institutional reforms: amongst those he proposes the reorganisation of the *comitia centuriata*, which, in his opinion, will also ensure an arithmetic equality of *virtus*, without which the commonwealth is doomed to fail.

Despite some differences, the descriptions of the centuriate system by Cicero, Livy, and Dionysius of Halicarnassus are framed within an overall conceptually homogenous context informed by Pythagorean principles. Building on the role of mathematical proportion in political life, these authors claim that the Servian system successfully achieved the harmonious collaboration of all members of the

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<sup>57</sup> Ps-Sall. *Ep.* 2.10.6

<sup>58</sup> Ps-Sall. *Ep.* 2.10.8.

<sup>59</sup>This reading would echo Pl. *Laws* 6.757b-c and would be in line with the influence exercised by Plato on this letter. For a list of passages of Platonic derivation see Cugusi 1968, 34-5. According to Nicolet, ‘confusio’, 154-5 Sallust (whom he considers the author of the work) derives the idea of the combination of oligarchy and aristocracy from Aristotle’s *Politics* with which he became familiar through Panaetius of Rhodes and Posidonius.

<sup>60</sup> Ps. Sall. *Ep.* 2. 11.2 and 5.

community, who, all equally guaranteed of their liberty, were accorded political and civic rights and duties according to their standing in society. The criterion on the basis of which such a standing was valued became the issue at stake: this is what the Ps-Sallust's discussion of the voting order of the *comitia centuriata* is highlights.

Only by bearing in mind this intellectual tradition which, beginning with Archytas, applied the principle of calculation to civic life, it is possible to appreciate fully the ancient discourse of Roman voting practices and their (however fictitious) attempts at reforming it. By supplying these notions to talk about their political institutions, this intellectual tradition provided ancient authors with the key conceptual categories which allowed them to think about, modify and ultimately justify the political arrangements they privileged.