PLEBS AND POLITICS IN THE LATE ROMAN REPUBLIC

HENRIK MOURITSEN

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'Plebs' and Politics in the Late Roman Republic analyses the political role of the masses in a profoundly aristocratic society. Constitutionally the *populus Romanus* wielded almost unlimited powers, controlling legislation and the election of officials, a fact which has inspired 'democratic' readings of the Roman republic. In this book a distinction is drawn between the formal powers of the Roman people and the practical realisation of these powers, or in other words between the Roman people as a constitutional concept and the actual crowds which represented them in public meetings and assemblies. The question is approached from a quantitative as well as qualitative perspective, asking how large these crowds were, and how their size affected their social composition. Building on those investigations, the different types of meetings and assemblies are analysed with a view to reconstructing their practical functioning and locating them in their proper social context. The result is a new picture of the place of the masses in the running of the Roman state, which challenges the 'democratic' interpretation, and presents a society riven by social conflicts and a widening gap between rich and poor.

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Plebs and Politics in the Late Roman Republic

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1 Introduction: ideology and practice in Roman politics

After years of relative neglect the role of the people in Roman politics now attracts considerable interest among ancient historians. A wide range of new interpretations has been presented, and at the root of this interest lies a rediscovery of the fundamental paradox, which is the Roman political system itself. On the one hand, the Roman people wielded tremendous, almost unlimited powers. Their institutions controlled legislation, declarations of war and the appointment of all state officials; they were continuously consulted by their leaders and kept informed through public meetings. On the other hand, Rome was also an aristocratic society, where the elite controlled vast economic resources and monopolised public office, political, military and religious. The senate's influence was overwhelming. It embodied all political experience and religious authority in the Roman state, a position further boosted by its successful leadership during the conquest of Italy and the Mediterranean. This ambiguity has resulted in widely different assessments of the nature of Roman politics, some of which can be traced all the way back to ancient writers. Thus, according to Dio, 36.43.3, Caesar 'courted the good-will of the multitude, observing how much stronger they were than the senate . . .' Sallust, on the other hand, claimed that the affairs of the state were decided by 'paucorum arbitrio', because 'plebis vis soluta atque dispersa in multitudine minus poterat', *Iug*. 41.6. The question is therefore how these seemingly contradictory systems coexisted; or in other words how much real power the senate's ascendancy left the Roman people.

This book is thus an attempt to explore a familiar theme, and in this introductory chapter the main issues and problems will be briefly outlined. First, the recent surge in interest is placed in a wider historiographic context, followed by a short discussion of the ancient attempts at analysing the Roman 'constitution' and the conceptual problems they raise. The second part of this chapter looks at the question of ideology and the relationship between political discourse and political practice in ancient Rome.

Recent decades have seen a remarkable shift in academic interest from the politics of the elite to the people's involvement in this process. Radical new interpretations have been offered, also introducing the notion of democracy, a concept which historians have traditionally been careful to avoid in analyses of Roman politics. Historiographically this development may be seen as part of a much broader sea-change in the study of social structures and relations in republican Rome. Until the last generation Roman historians paid little attention to the social strata below the elite. Certainly in studies of Roman politics the masses were largely ignored, with an overall emphasis placed on the structure of the elite and its internal political manoeuvrings. Family alliances and political groupings, office-holding and careers were the main foci of scholarly attention. This preoccupation was firmly rooted in the Rankean tradition of the nineteenth century, which saw politics, diplomacy and warfare as the proper subjects of historical research. Roman social and economic history only developed slowly, and the study of Roman politics long remained unaffected by these new trends. To some extent that may have reflected the broadly conservative outlook of most historians, for whom Roman politics was often little more than a power game played out between members of a few noble families. In accordance with this concept, the existence of ideology in Roman politics was largely ruled out. Even the emergence of 'popular' politics in the second century, which openly challenged the senate's supremacy and championed the interests of the people, was – following a hostile ancient tradition – seen as a barely disguised quest for personal power and prestige; little more than an alternative way to advance one's career, using the *comitia* rather than the *curia* as a stepping stone.[1] At the core of this approach thus lay a somewhat cynical view of politics in general, bluntly expressed in Syme's dictum that behind any political system, whatever it calls itself, there always hides an oligarchy.[2] This detached and world-weary attitude has characterised much ancient history, and has also led to a general rejection of social issues as a significant factor of Roman politics, which some politicians might take up for other than selfish reasons.

The *plebs* itself was viewed with a certain disdain – until recently most ancient historians identified instinctively with the elite and readily adopted its outlook and prejudices.[3] The lower classes were dismissed as politically immature and entirely under the control of a few ruling

[1] Meier (1965); (1980), which devoted a chapter to 'die populare Methode'; Badian (1972); Gruen (1974).
[2] Syme (1939) 7.
[3] Ibid., 100: 'Debauched by demagogues and largess, the Roman people was ready for the empire and the dispensation of bread and games.'

families. A finely woven network of *clientela* kept them in place and reduced the popular assemblies to a political instrument in the hands of senatorial factions.[4] The powers of the people were thus neutralised through tight social control and the overriding aristocratic structure of society in general.

This model of Roman politics has been challenged in recent decades. The nature and extent of *clientela* have been questioned, and there is now a growing consensus that its importance may have been overestimated.[5] For a number of reasons, to which we shall return in the following chapters, it seems clear that the entire population cannot have been individually tied to members of the elite. There is little evidence to suggest the existence of a comprehensive network of social obligations, linking top and bottom of society. That conclusion has important implications for our picture of the people as a political agent; it opens up the issue to new interpretations and forces the historian to reconsider much received wisdom.

One response to this challenge has been the introduction of 'democracy' into the debate on Roman politics. This line has been most forcefully advocated by Millar, whose recent book on the masses in late republican politics represents a sustained attack on traditional positions.[6] Millar here presents the popular meetings and assemblies as genuinely democratic institutions, which offered the Roman people a crucial role in the political process and ample opportunity to make their voice heard. There is an overall emphasis in Millar's work on the centrality of these institutions to the workings of Roman politics. Far from being a mere sideshow to the proceedings of the senate, they were the focal point around which political life in Rome evolved. In public speeches politicians of all persuasions addressed the assembled people and put their case before them. In that respect the political system approached what could broadly be termed a 'democracy'. The opening paradox of a seemingly cohabiting aristocracy and democracy has thus been accepted as political reality, representing a genuine sharing of power between the elite and the masses.

Viewed in a wider historiographical perspective, this rethinking of Roman politics appears to be part of a more general development in the

[4] Thus, the fundamental study by Gelzer (1912), later followed by e.g. Scullard (1973); Meier (1980) 124; Bleicken (1974) 81; Gruen (1974) 365.

[5] Brunt (1988); Wallace-Hadrill (1989); Pani (1997) 132–40, 197.

[6] Millar (1984); (1986); (1989); (1995a); (1995b); (1998), followed by Wiseman (1999). Along the same lines also Lintott (1987); Purcell (1994); Laser (1997). This model has sparked considerable debate: North (1990); Harris (1990); Gabba (1997); Molho, Raaflaub, Emlen eds. (1991); Burckhardt (1990); Jehne (1995); Hölkeskamp (1995); Flaig (1995); Pani (1997) 140–55.

study of republican Rome, which also features the return of political ideologies and a rehabilitation of the urban *plebs*. Along with the 'faction' model of elite politics, the narrow focus on the office-holding class has largely been abandoned.[7] A growing number of historians also accepts that Roman politicians might have been devoted to social causes, which they pursued as part of a broader political agenda.[8] Our perception of what Roman politics was about has thus been expanded; it now seems to have dealt with real issues, which reached beyond the internal power struggles of the elite.[9]

Parallel to this development, the urban *plebs* has also been given a long overdue rehabilitation. Few groups in history have suffered worse in the hands of contemporary and later writers than the Roman *plebs*. In antiquity the lower classes of the capital were vilified as parasites on the state, fed by the public and overindulging in public entertainment. Until recently the condescension of the Roman writers was perpetuated by modern historians, who described the *plebs* in similar terms as a spoilt and degenerate *Lumpenproletariat*. This attitude has finally given way to a more balanced view.[10] Thus, historians have pointed out that the scale and extent of public entertainment were far more limited than the common stereotype would suggest.[11] Certainly under the republic it was a diversion only a small minority of the population could enjoy, and that just for a few days a year. Likewise public and private handouts were insufficient to support a family. Rome's was therefore a working population, which did not simply sponge off the state.[12] The result has been a new picture of the lower classes in Rome, which suggests that far from being overindulged, they suffered a precarious existence dominated by frequent food-shortages, poor housing, high mortality and a daily struggle for economic survival.

This rehabilitation of the plebeians, as we have seen, has been accompanied by a wish to upgrade their importance as political agents. Thus, the studies of, among others, Vanderbroeck, Yakobson and Millar may be seen as further attempts to restore the dignity of the common

[7] Against the faction model esp. Meier (1980), Brunt (1988).

[8] Perelli (1982); Doblhofer (1990); Mackie (1992) esp. 67–71.

[9] Beard and Crawford (1985) 67–8, cf. the survey of modern research in Lintott (1994). Brunt (1971b) is a fine example of this approach.

[10] Important Yavetz (1958); Brunt (1966); (1980). Later contributions include e.g. Kühnert (1991); Will (1991); Prell (1997). This line has also been promoted by Marxist historians, focused on class struggle in antiquity, e.g. Hahn (1975).

[11] Balsdon (1969a); (1969b), who noted that 'This army of unemployed idlers did not exist', (1969a) 268.

[12] Le Gall (1971); also Morel (1987) stressed Rome as a place of production, not just consumption. More literature on the living conditions of the lower classes is listed in ch. 6.

people and present them as serious players on the political scene.[13] They have presented an alternative to the traditional stereotype which tended to see them as mere voting fodder, easily corruptible, devoid of any serious political interests and therefore readily giving in to patronal pressure; that is, if they did not happen to be carried away by the rhetoric of 'popular' demagogues. Millar has demonstrated in detail how deeply involved the popular institutions were in the daily conduct of politics, and sees the meetings and speeches to the crowd as indicative of the independent and often decisive role played by the people, who were carriers of distinct political interests, actively pursued in these fora. The 'democratic' interpretation may thus be seen as one strand of a general – basically sympathetic – revaluation of the masses in history. As such it draws moral authority and justification from this wider project but, as I shall argue below, the social rehabilitation of the *plebs* as a 'respectable' working class may stand in the way of its political restoration. Material necessity and political engagement might very well have been mutually exclusive commitments. And what is interpreted as independence from the elite may also be seen as separation from the political class and the world it dominated, resulting in a general alienation of the *plebs* from official politics.

The picture of the Roman *plebs* as a responsible political agent, able to provide qualified opposition to the senate, has found ancient support in Polybius' description of the Roman political system as a 'mixed' constitution in which the popular assemblies represented the 'democratic' element.[14] This analysis is part of an ambitious attempt to explain the wonder of Rome's conquest of the Mediterranean during the second century. The focus is on the Roman 'constitution', whose remarkable strength is presented as one of the secrets behind Rome's success.[15] As a Greek, writing for a Greek audience, Polybius' intellectual framework was naturally that of traditional Greek political thinking. His main analytical tool was the familiar model of the three constitutional archetypes of monarchy, aristocracy and democracy, with their deviant forms of tyranny, oligarchy and ochlocracy. The Roman political institutions were fitted into this particular scheme and each interpreted as representing one of these archetypes: the consuls represented the monarchical aspect, the senate the aristocratic and the popular assemblies the democratic. Rome's was thus a 'mixed' constitution which combined

[13] Millar (1984); (1986); (1995a); (1998); Vanderbroeck (1987); Will (1991) 1ff.; Yakobson (1992); (1999); Purcell (1994) 678; Pina Polo (1996) 126–50.

[14] Millar (1998) 24.

[15] Polybius' discussion of the Roman 'constitution' is presented in book six. See in general Walbank (1972) 130–56; Nicolet (1973); Nippel (1980) 142–56.

elements of all three types, making it impossible to tell whether it was an oligarchy, monarchy or democracy, 6.11.[16] According to Polybius Rome had reached a balanced – and therefore stable – compromise, which accommodated different forces in society and allowed her to transcend the cycle of endemic constitutional change that was a feature of the 'pure' constitutional forms.[17] Thus, it was this 'mixed' constitution that gave Rome the strength and stability that enabled her to direct her energy outwards towards military expansion.

Some scholars have argued that since Polybius had first-hand experience of Roman politics, his description of the assemblies as a 'democratic' element which counterbalanced the aristocracy should be taken seriously, suggesting as it does that they in fact did function as effective 'democratic' institutions.[18] The terminological argument, however, seems to underestimate the influence exerted by Polybius' analytical framework. Given the limitations of his conceptual 'toolbox' it is difficult to see which other term he could have used to describe the popular assemblies. Polybius' application of his preconceived model to the situation encountered in second-century Rome is quite schematic, at times even crude. Strikingly so is his definition of the consulship as 'monarchical', which seems to ignore fundamental characteristics of this office; its collegiality, the short-term tenure, and its appointment by the *comitia*.[19] His approach to Roman politics is generally formalistic, emphasising institutional structures rather than the practical workings of politics. Polybius' analysis thus seems to owe more to Greek political theory than to personal observation, and the terminology he uses may therefore not be very helpful in determining the nature of popular involvement in Roman politics.

Polybius' stress on the people as a counterbalance to the senate and the consuls should be viewed in this perspective too. His aim was, as noted, to explain Rome's extraordinary success, and his analysis therefore had to point to unique features which distinguished Rome from other societies. The analysis followed conventional Greek patterns by focusing on the Roman 'constitution'; here Rome's superiority must be demonstrated in terms that made sense to his audience. It is therefore

[16] Generally, though, Polybius does recognise that the aristocracy carried the greater weight in the Roman 'constitution', cf. e.g. Pani (1997) 93–4.

[17] Rome had not, however, completely transcended the 'anacyclosis'. Polybius, 6.57, predicted that eventually also the Roman system would decline under the influence of the imperial expansion.

[18] Millar (1984) 3, followed by Walbank (1995), despite his more sceptical stance taken in (1972) 155. Critical North (1990); Cornell (1991) 61–2; Flaig (1995) 88, 96.

[19] This may be based on a Roman tradition, cf. Walbank (1995) 215. Still, such subsequent rationalisation of its historical origins says nothing about its later functioning.

hardly surprising to find Rome described as an approximation of the Aristotelian ideal of the 'middle constitution', which mixes aristocratic and democratic features. According to traditional Greek thinking only a state that had neutralised the conflict between these two was able to reach the equilibrium which was seen as an essential feature of the ideal constitution. The prominence accorded to the people in Polybius' Roman 'constitution' may therefore be seen as a product of the basic theoretical propositions which informed his analysis.[20] It would have served no purpose and made little explanatory sense to present Rome as a society ruled by a small, mainly hereditary, office-holding elite. Such a description would also, as we shall see, have been at variance with the prevailing ideology and self-perception of the senatorial elite itself, whose views Polybius had become deeply familiar with through his friendship with Scipio Aemilianus.

The case of Polybius underlines the conceptual problems we are faced with in trying to assess the scale of popular influence on Roman politics. The notion of 'democracy' is problematic, coming to us as it does with heavy historical and ideological baggage. Today 'democracy' is hailed as an almost universal *telos* and measure of human progress. As a political principle it has been appropriated by virtually every regime in the world, whatever its actual record. But not only is 'democracy' one of the most abused terms in the political vocabulary, modern notions of what in practice constitutes a proper 'democracy' are also very different from those held in antiquity. Most crucially, the concept of political representation was unknown; any form of democracy was necessarily direct.[21] For those and other reasons 'democracy' may not be very useful as an analytical tool. Thus, the simple question, 'Was Rome a democracy or not?' by definition defies a straight answer. For while it may be possible for autocratic regimes to eliminate – at least temporarily – most popular influence, probably no society can be totally democratic. The notion of extending power equally to all citizens is in the nature of things very difficult to realise in practice. 'Democracy' would seem to represent an ideal rather than an attainable goal. The question must be to what extent a given system approaches this ideal, and there seems to be no obvious way to proceed in such an investigation. A multiplicity of criteria may be applied: the formal powers held by the people, the level of direct popular participation, the equality of influence and access to public office, the accountability of officials to the people, the extent and quality of public debates and consultation processes, the scope for popular initiatives and policy-making, the influence of outside bodies,

[20] Walbank (1972) 155.
[21] Cf. Finley (1983) 119.

such as pressure groups, lobbyists, and so on. Applied to republican Rome each of them would lead to different conclusions, and none of them would be able to tell us whether Rome was a 'democracy' or not.

Instead of focusing narrowly on the concept of 'democracy', it may be more fruitful to follow the traditional Greek definition of the three standard constitutions as those controlled by the one, the few and the many. This is admittedly a very unsophisticated model, but the advantage of 'the rule of the many' over the abstract notion of 'democracy' lies in its implicit suggestion of a more practical approach to politics and decision-making. As an ancient definition it reflects the direct nature of all political participation and draws attention to the actual scale of politics. It shifts the overall emphasis away from the putative nature of a constitution, its underlying principles or historical origins, onto the practicalities of politics, thereby allowing us to ask more concrete and therefore perhaps more answerable questions. This quantitative approach also has a crucial social dimension. For as Aristotle observed, the few and the many are in fact the rich and the poor. 'Rather, it is a democracy when the free and the poor who are a majority have the authority to rule, and an oligarchy when the rich and well born, who are few, do', *Pol.* 1290^{b}18–20. The involvement of the poor would therefore be a significant indicator of the level of 'democracy' in the Roman republic. For 'what does distinguish democracy and oligarchy from one another is poverty and wealth', Aris. *Pol.* 1279^{b}39.[22] The question is therefore whether the popular institutions of Rome really did allow the masses a say in the running of the state, giving them an opportunity to pursue their own interests.

The practical definition of democracy as the 'rule of the many' may also help us to draw a clearer distinction between political ideal and reality, that is, between the democratic potential and capability of a political system and its actual functioning. There is no identity between the level of participation and influence a system theoretically – or ideally – offers and the power the masses in reality hold.

This distinction between the ideals of popular political institutions and their practical functioning has wide implication. We will have to consider as a separate issue the ways in which the Roman *res publica* was constructed ideologically. The popular institutions were part of a complex system of values and ideals, which informed their procedures and conventions. To understand the nature and functioning of these institutions we must therefore look at the way the Romans thought about themselves and their political system. What we find is an almost

[22] Ibid., 10–11.

'democratic' discourse where the people appear as by far the most important political body.

The centrality of the *populus Romanus* to the political debate is a striking feature of late republican politics, where at first glance it would seem that the interests of the people were the primary concern of anybody involved. The freedom of the Roman people, their *libertas*, appears as the fundamental concept around which their institutions and political practices were built.[23] This was the principle to which all public orators, political theorists and historians paid tribute. The idea of the *civis Romanus* as a free man in a free state is ever-present in the political discourse of the late republic. The *res publica* was, as Cicero maintained, really the *res populi*,[24] and the people were recognised as the foundation of the Roman state and the ultimate source of political legitimacy.

Libertas was invoked by all Roman politicians whatever their views and objectives. Political leaders otherwise fiercely opposed to each other were united in their common invocation of *libertas* as their guiding principle. It may be less surprising to find the Gracchi as champions of the people's interests, e.g. Plut. *Ti. Grac*. 15.5, but their aristocratic foes donned the same mantle and justified their actions as a defence of *libertas*.[25] Later the Catilinarians conspired under the banner of liberty, claiming to have the people's liberation from oppression and hardship at heart.[26] However, after crushing the sedition, it was Cicero's turn to present himself as the saviour of the *res publica* and its *libertas*.[27] Moreover, when he was exiled for his unlawful execution of the conspirators, Clodius celebrated it as a vindication of the people's freedom and built a shrine to Libertas on the site of Cicero's house.[28] On his return from exile, however, Cicero claimed that not just his own person but also the *libertas* of the Roman people had been restored.[29] Caesar went to war against the established order not only to defend his own *dignitas* but also to protect the *libertas* of the people.[30] Eventually he was killed by disaffected senators who also acted in the name of the *libertas populi Romani*.[31] Finally, when Augustus had established his personal

[23] On *libertas* see Wirszubski (1950); Hellegouarc'h (1972) 542–59; Stylow (1972); Fears (1981) esp. 869–75; Brunt (1988) 281–350; Perelli (1990); De Martino (1989); Ritter (1998).

[24] E.g. Cic. *Rep.* 1.38; 3.43. Cf. Schofield (1995) 69–77.

[25] Cic. *Phil.* 8.13; *Brut*. 212; *Pis.* 95; *Planc*. 70.

[26] Sall. *Cat*. 20.14; 33.4; 58.8,11.

[27] E.g. Cic. *Sest*. 123; *Cat*. 4.16.

[28] Cic. *Dom*. 108, 110; *Leg*. 2.42; Plut. *Cic*. 33.1; Dio 38.17.6. Cf. Picard (1965); Berg (1997).

[29] Cic. *Dom*. 110–11. Clodius is presented as an enemy of *libertas* in e.g. *Pis*. 15.

[30] Caes. *B. Civ.* 1.22. Coins were also struck celebrating *libertas*, Crawford (1974) no. 473. Both Caesar and Pompey claimed their allegiance to this ideal, Dio 41.57.2.

[31] Dio 47.42.3–43.1. Cf. Crawford (1974) nos. 498–502, 506.

monarchy, he too presented himself as the restorer of Rome's *libertas* from the domination of a political faction.[32]

The political discourse in Rome was dominated by an almost universal claim to be the true defender of the *libertas populi Romani*. It may come as no surprise therefore to find that there was little consensus about the actual content of this notion. Freedom, then as now, was an elastic concept, open to a variety of interpretations. There was in this period broad agreement that the liberty of the Roman citizen involved certain basic civil rights, among them the right to appeal, the *ius provocationis*, which offered some protection against magisterial coercion, and the right to tribunician assistance, *auxilium*. *Libertas* could in this sense be used almost synonymously with *civitas*, citizenship. On the other hand, the amount of political influence entailed in the *libertas* of the Roman citizen was – understandably – more controversial. On a basic level *libertas* simply meant freedom from oppression, *dominatio*, which again allowed for a range of interpretations, the most minimalist merely identifying it with the absence of kingship. On this view *libertas* was little more than *res publica*, a polity based on equality of citizenship and a formalised system of power-sharing. At the other end of the scale, however, *libertas* could be used to support calls for a much more egalitarian distribution of power and wealth. *Libertas* in this form represented the people's right to freedom, not just from kingship but also from oligarchy. As such it was central to the agenda of the *populares*, who applied a much wider interpretation than did traditional supporters of senatorial authority, whose strategy was to limit the political impact of *libertas* by reconciling it with the concept of *dignitas*.[33] For while *libertas* was equal for all, *dignitas* was not; it reflected your status in society.[34] Thus, while the historic right of Roman citizens to elect their own leaders went unchallenged, it was at the same time argued that political influence had to reflect the difference in *dignitas*. The two principles were ingenuously blended in the *comitia centuriata*, which combined equality of voting rights and disparity of influence.[35] Cicero even introduced a deviant form of *libertas*; the unrestrained rule of the people which he defined not as liberty but as *licentia*, a disorderly state which

[32] *Res Gestae* 1, cf. Syme (1939) 155; Ramage (1987) 66–72. Augustus also presented himself in his coinage as 'vindex libertatis populi Romani', *BMC* 1 no. 691, Scheer (1971).

[33] Cic. *Rep.* 1.43–4. In 1.53 Cicero describes the ideal situation in which each citizen is established in his proper station. For Cicero's concern about the *gradus dignitatis* see e.g. *Mur.* 48.

[34] This line was not new, cf. Cato maior, *ORF*[3] frg. 252: 'iure, lege, libertate, re publica communiter uti oportet; gloria atque honore, quomodo sibi quisque struxit'.

[35] Cf. Cic. *Rep.* 2.39–40. Cf. Di Gennaro (1993).

defied the *auctoritas* of the senate.[36] In the optimate discourse *libertas* was therefore essentially the nobles' right to compete over public office and influence in an open contest with other members of their class. Its antithesis was the *regnum*, the rule of one man. It was this particular *libertas* that was lost with Caesar's dictatorship, and which Augustus claimed to have formally restored.

Even from this brief sketch it is evident that *libertas* had no universally recognised meaning, but could assume a variety of forms and be used for very different purposes. We might draw the conclusion that it was an empty slogan with no real meaning. Nothing, however, could be further from the truth. The difficulty we have in defining the exact content of *libertas* is indicative not of its insignificance but of its fundamental importance as the key political concept of the Roman republic. It was central to the self-image of the Romans and at the heart of their political identity. *Libertas* was the common ideal invoked by all Romans who aspired to power, no matter what their political views and methods might otherwise have been. Its highly varied usage illustrates the fact that everyone involved in public life had to defend their position in relation to this concept. All political acts and arguments must be justified within the ideological framework of the liberty of the *res publica* and the *populus Romanus*. And precisely because it was such a fundamental tenet of the identity of the Roman state, all political agents could draw moral capital from it and exploit it for their own purposes.

The pervasiveness of *libertas* in the public discourse and its apparent flexibility are therefore indications of its overall importance; it was at the core of the political system as it had developed in the early and middle republic. When and how exactly that happened is not the issue here. But it is important to note that the institutions of the late republic had been shaped by an ideology which accepted that the entire citizen-body had a legitimate claim to a share in the state. Early on, soldiers elected their generals, and later the *plebs* appointed tribunes to protect its interests. Legislation became the prerogative of the popular assemblies, to which all citizens had access, and laws were passed to safeguard individuals against magisterial force. The political institutions and practices reflected this basic idea of the identity of the state and the people, which was further reinforced by a collective political mythology. The expulsion of the kings had laid the foundation of the people's freedom,[37] which

[36] Cic. *Rep.* 3.23: 'si vero populus plurimum potest, omniaque eius arbitrio geruntur, dicitur illa libertas, est vero licentia'. Also defined as 'immoderata libertas', Cic. *Q. Fr.* 1.1.22; *Flacc.* 16, which allowed Cicero to attack democratic principles without offending the universal ideal of *libertas*.

[37] Livy 2.1; 2.15.3; 8.34.3; Cic. *Parad.* 12; *Rep.* 1.62.

had later been developed and extended in the 'struggle of the orders' and by subsequent legislation, cf. e.g. Cic. *De or.* 2.199. *Libertas* had thus come to form a core element of the national identity of the Romans. As Cicero declared, 'It is to glory and to liberty we were born', and this liberty was defined as a specifically Roman value, which set them apart from other nations, when he concluded that: 'Other nations can endure slavery: the assured possession of the Roman people is liberty.'[38] This view was later echoed in Livy's comment that: 'only those who took no thought for anything save liberty were worthy of becoming Romans'.[39] The concept of *libertas* and the rights of the *populus* were thus deeply ingrained in the way the Romans thought about themselves and their society.[40] This value system structured the public discourse, providing the framework within which all actions and views had to be justified. But while the freedom of the Roman people could not be questioned, this concept was also so vague and malleable that it could be made to serve a multiplicity of purposes. In optimate discourses senators could claim the ideal of *libertas* for themselves and contrast it with *licentia*; even the term *popularis* was redefined and appropriated by politicians otherwise opposed to popular policies.[41] However, despite these artifices it is important to remember that the elite was not *per se* excluded from this particular construction of *romanitas*.

The senate had a direct stake in this ideology, and a strong interest in perpetuating it. To the senate there was no inherent contradiction between its own claim to leadership and the *libertas* of the Roman people. That was partly because of the limited interpretation applied and the attempts to reconcile it to the principle of the *gradus dignitatis*, which dissociated *libertas* from more radical democratic or egalitarian principles. But it was also because the structure and value system of the senatorial elite itself were compatible with this ideal. The senate's authority was born out of the libertarian myth of the expulsion of the kings, which had freed the people from the caprices of an individual – later the very essence of the senate's political creed. Subsequently the nobility was created out of the historic compromise which admitted rich plebeians to the ruling class. And even after the formation of the

[38] *Phil.* 3.36: 'Ad decus et ad libertatem nati sumus', and 6.19: 'Aliae nationes servitutem pati possunt, populi Romani est propria libertas.'

[39] 8.21.9: '. . . eos demum, qui nihil praeterquam de libertate cogitent, dignos esse qui Romani fiant'.

[40] *Libertas* also became closely linked to *imperium*; the freedom of Roman citizens was at the core of Rome's success abroad, cf. Sall. *Cat.* 7.3; Cic. *Phil.* 6.19. The Romans were, in short, destined to rule others, not to be ruled themselves, cf. Cic. *Phil.* 4.11–13.

[41] Cic. *Agr.* 2.6–10, 102; cf. Seager (1972).

nobility, membership of the *ordo senatorius* did not become an inherited privilege but was a status which had to be achieved personally in each new generation. Generally that happened through office-holding; after Sulla the quaestorate automatically gave access to the senate. The political class was therefore able to claim a formal popular mandate, which gave their position of power an element of meritocracy. In principle and to some extent in practice the senate was open to members of new families, and, as Hopkins and Burton have shown, a large proportion of senatorial families did not maintain a permanent seat in the Curia.[42] This meant that the senate was able to justify its pre-eminent position within the same ideological framework of *libertas* which provided the basis for the 'popular' attacks on its authority. The senate could draw no less legitimacy from the 'people' and their institutions, and was therefore more than willing to propagate the image of a sovereign Roman people.

It is in this perspective that we must view the public nature of Roman politics, which Millar has stressed as a 'democratic' feature of the republic. There was strong symbolic value attached to the appearance of politicians before the people, addressing the assembled citizens and gaining their formal consent. Such occasions were invested with a broader meaning and functioned as public manifestations of the people's *libertas*. Leaders of the state could publicly demonstrate their allegiance to this fundamental principle, acknowledge the majesty of the Roman people and claim their backing for themselves. Public meetings were manifestations of a – perhaps imaginary – community between the *senatus* and the *populus Romanus*. As such they may also have served a wider purpose in maintaining social peace and stability by offering the people a formal role in the political process, an aspect recently stressed by a number of scholars.[43]

Members of the senate actively promoted the ideological construction of a *res publica* founded on *libertas* and popular sovereignty. On public occasions leading senators and magistrates confirmed their devotion to this ideal, and as a ritualised re-enactment of this principle the official meetings, *contiones*, developed their own internal logic. *Contiones* were highly formalised occasions, on which the speakers by definition always addressed the entire Roman people, no matter how small the actual crowd may have been.[44] In this particular setting they automatically

42 Hopkins and Burton in Hopkins (1983) 31–119.

43 Hopkins (1991) esp. 492–5; Hölkeskamp (1995); Flaig (1995); Bell (1997).

44 Cicero for example claimed that at the last *contio* of his consulship in 62 he had been congratulated by 'populus Romanus universus', *Pis.* 7, cf. *Fam.* 5.2.7; *Rep.* 1.7; similarly the 'universus populus Romanus' was present in the Forum, when the *Lex Gabinia* was passed, *Manil.* 44.

represented the sovereign Roman people and embodied the ideal of their *libertas*.[45] In assemblies and *contiones* 'the people' were present as a political concept, and it was this concept, rather than a random gathering of individuals, which was addressed by the orators.[46]

A speech to the people was therefore almost by definition 'popular', respectful of the Roman people and their majesty, flattering and eulogistic in tone. The *contio* developed a set of rhetorical conventions, which makes it very difficult to judge from the preserved speeches how it functioned in practice. A good example is provided by Cicero's speech against Rullus' land distribution scheme in 63. Here Cicero claimed that Rullus had spoken disparagingly in the senate about the urban plebeians who were the prospective beneficiaries of his reform, and then took the opportunity to show his own profound respect for this group, *Agr.* 2.70–1.[47] We cannot, however, infer from these remarks in the published version of Cicero's speech that he had actually addressed a crowd of poor proletarians expecting to benefit from Rullus' scheme. As we shall see, that is rather unlikely in this instance, and Cicero probably just followed the conventions of the *contio*. Irrespective of actual attendance the orator always confronted the whole of the Roman people from senators and knights down to the poorest citizen. In this case the speech was also part of a concerted propaganda campaign against the bill, and the shape of the arguments was naturally dictated by the prevailing *libertas* ideology and focused on the best interests of the entire *populus Romanus*. Since such debates were essentially contests in the most skilful use of these concepts for the speaker's own advantage, public speeches represent an intricate web of symbolic meanings and propagandist effects, which may prevent any literal reading of their statements. They constitute a discourse level which had its own logic, rules and conventions. In principle, therefore, they may tell us very little about what actually went on at *contiones* and assemblies.

The question is where this leaves our opening paradox and the political influence of the Roman people. Two different lines of interpretation have developed in recent years. On the one hand, the 'democratic' version, proposed by Millar and others, suggests that the people's ideological importance was simply a reflection of their actual political powers; politicians paid tribute to the people because they recognised them as a dominant factor in the political life of the republic. On the

[45] This aspect was symbolically underlined by the lictors bowing their *fasces* in respect for the assembled *populus*, Cic. *Rep.* 1.62; 2.53; Livy 2.7.7.

[46] Cf. Hölkeskamp (1995) 38, who noted that the audience *was* the *populus Romanus*.

[47] Cicero's hypocrisy is incidentally exposed in his letter to Atticus, 1.19.4, where he himself describes the *plebs* as 'sentinam urbis', 'the dregs of the city'.

other hand, the people's involvement in politics might also be seen as almost entirely symbolic; little more than a ritualised affirmation of community, a view advocated by a number of scholars reacting to the 'democratic' school.[48]

The former view would seem to underestimate the complexity of the relationship between ideology and practice; a democratic discourse does not necessarily reflect a democratically functioning political system. Ideologies are not mirrors of reality, but may – and often do – have a life of their own, independent of the political practices at the time. In modern times non-democratic systems routinely hide behind a screen of populist rhetoric, obfuscation and *pro forma* elections. The separate nature of publicly stated ideals and the ways power is exercised in practice must be recognised; very often the former does not bear much resemblance to the latter.

This criticism, however, does not invalidate 'democratic' readings of Roman politics, although it does question some of the assumptions on which they have been based. A 'symbolic' or purely ideological approach to politics cannot disprove this model, since it operates on a different level of abstraction. Recent attempts to define *contiones* and assemblies as 'consensus rituals', merely serving to reinforce a symbolic community between leaders and masses, have been both stimulating and innovative.[49] But they are not a substitute for a practical analysis of the functioning of the assemblies as decision-making bodies. For the point is that these institutions had more than symbolic powers, and the wider social functions they may have had do not affect their political substance or potential impact. The application of a broader, sociological perspective, which recognises also the symbolic aspects of the political process, may in itself tell us little about the political influence of the masses. It may explain why politically insignificant institutions and procedures could still be socially important, but not why they were insignificant in the first place. We need to know exactly why they were mere rituals, and why the people failed to exercise the powers which were formally theirs. These questions have not been fully considered, and the model is therefore not a proper response to the 'democratic' challenge.

Thus, while the 'symbolic' model, as it has been formulated, may seem inadequate, the Roman republic clearly cannot be studied without taking this dimension into account. It may help broaden our perspective on the political process and raise awareness of the way in which the *res publica* was constructed ideologically. It is paramount that we distinguish the discourse on politics from the practice of politics. For while the

48 Most strongly argued in the volume edited by Jehne (1995).
49 See however the criticism in Pani (1997) 144.

populus may have held a crucial position in Roman political thinking and its *libertas* have shaped its popular institutions, these very same popular institutions were also based on the principle of direct participation. Political influence in Rome was never abstract but located very specifically in time and space. It could be exercised only by citizens appearing in a certain place at a certain moment. This primitive system created a paradox; it meant that 'the people', who formally represented the primary source of political legitimacy in the Roman state, bore little relation to the people who exercised these powers in the popular institutions. There were two 'peoples' in Roman politics: the ideal and the actual. The people as a political concept were distinct from the people as physical reality, and the direct nature of participation meant that the two were effectively separated. There was a stark contrast between the extensive powers of the *populus Romanus* as collective political agent and the restrictive way in which this role was performed in practice. The 'people' may have been the foundation of the *res publica*, but most citizens were in the nature of things prevented from taking part in the political process. The structure of the popular institutions thus takes us back to the simple distinction between the rule of the many and the rule of the few. To approach the question of the degree of 'democracy' in Rome we will have to reduce politics to its most basic components and consider the scale and capacity of the popular institutions. The present impasse may be resolved by looking at those who were present on these occasions, their numbers, composition, motivation and behavioural patterns.

The following chapters will therefore focus on precisely that aspect of Roman politics which Millar and others have deliberately avoided. While he concentrates on the political role of the crowds which 'had for whatever reason and in whatever numbers' convened for the meetings and assemblies,[50] this study argues that the failure to distinguish consistently between the 'people' as a political concept and the 'people' as the sum of individuals making up the citizen-body is the main weakness of the 'democratic' interpretation.[51] While the former held a central place in the political system, the latter were to a large extent excluded by the workings of the assemblies. The formal openness of these institutions to all citizens is in this perspective irrelevant. The level of 'democracy' must be judged by actual practice and not by an ideal or

50 Millar (1986) 4, cf. (1998) 45, 196, 212.

51 Millar is fully aware of the small numbers taking active part in Roman politics, e.g. (1998) 37, but seems to see this as immaterial to the issue of Roman 'democracy'. Thus, he generally adopts the concepts and perspective of the ancient sources, speaking in his opening paragraph of 'the Roman people', 'assembling in the Forum, listening to orators there, and responding to them' (1998) 1.

theoretical entitlement to influence. In Rome the people's institutions may have been powerful, but that does not mean that the people as a whole were. The seemingly contradictory statements by Dio and Sallust, quoted at the start of this chapter, may reflect this disparity, the former referring to the extensive formal powers of the people, the latter to the practical obstacles raised against their realisation.

This book is an attempt to explore the gap between the ideal and the reality of Roman politics, between the *populus Romanus* and the crowds which filled the Forum and the Saepta. The project faces obvious difficulties. Most scholars have considered it futile even to speculate on the composition or motives of the crowds.[52] Nevertheless, the issue seems too crucial to be ignored; it is, I believe, a key factor in understanding the political role of the popular institutions and the influence of the masses. One of the most serious problems is the patent lack of interest in the issue shown by the ancient writers. No detailed or objective discussion of this question exists. The sources either deal with the people as a generic concept or give biased descriptions of their own and their opponents' supporters, the latter evidently representing the *populus Romanus* in a flawed and deviant form.[53]

The result has been that in most ancient texts the people appear as a blank. In meetings and assemblies the *populus* was present as a constitutional concept, and any political crowd was therefore automatically 'the people'. And as we saw, the politicians by definition always addressed 'the Roman people' when speaking at a *contio*. Likewise, the crowds which passed laws or elected magistrates symbolically represented the entire Roman people, and were described as such in our sources.[54]

In order to assess the role of the 'actual' people we will have to go behind this ideological construction of the people as political agent, and ask who in fact were the people appearing on these occasions. The first step is a quantitative assessment, establishing the overall scale of popular participation. On that basis we will look in the next chapters at the ways in which participation worked in the *contiones*, the legislative assemblies and in the elective *comitia*. The aim is to present a picture of Roman politics where the crowds are more than a generic concept, but have been given individual features which reflect the social diversity of the Roman population as a whole.

[52] E.g. Millar (1998) 137, 148.

[53] Cicero, *Sest.* 126, claimed, for example, that the people supporting Ap. Claudius Pulcher in 57 were not the real *populus Romanus*.

[54] Thus, Cicero asserted that he had been elected consul by the entire Roman people, *Agr.* 2.4, 7, despite the fact that he owed his consulship only to the vote of a relatively small group of well-to-do citizens, registered in the first two property classes.

2 The scale of late republican politics

The scale of political participation in the late republic may be approached from several angles. The physical setting for the assemblies may provide an important indication as to the level of attendance possible in these meetings. Likewise, there are scattered literary references to the number of voters and the size of crowds; this evidence will also be evaluated in this chapter.

The people convened in a number of locations in Rome during the late republic: in the Comitium, the Forum Romanum, the Saepta, the Circus Flaminius and on the Capitol.[1] The first three venues will be discussed in some detail in the following. The old Comitium, located in the northwest corner of the Forum Romanum, was the traditional meeting place for the tribal assembly and for the *contiones*, non-decision-making meetings called by a magistrate. Little survives of the Comitium, and although modern reconstructions differ substantially, there is broad agreement on the overall scale of the site.

Coarelli reconstructed the Comitium as a circular area surrounded by a *cavea*.[2] Exactly to the north was located the senate building, the Curia Hostilia, which had access through the Comitium area. The entire structure measured 46 metres in diameter, the central area itself being 30 metres across. However, large sections of the *cavea*, which was approximately 8 metres wide were not available for the crowds who, standing, attended the assembly. The Curia would have intersected the *cavea*, dividing it into two wings, or *cornua* as the sources describe them.[3] On either side of the senate house were tribunals for the magistrates, in addition to a considerable number of statues. To the south were located the speaker's platform, the Rostra, and the platform reserved for foreign embassies, the Graecostasis. The entrance, or entrances, to the Comitium cannot be located, but they too would have reduced the space available for the assembled crowds. Altogether at least a third of the

[1] General summary in Thommen (1995).

[2] Coarelli (1983) 119–60; (1985) 11–21, with comments by Krause (1981); critical Vaathera (1993).

[3] Cf. the reconstruction in Coarelli (1985) 120 fig. 21.

cavea must have been taken up by other structures, the front of the Curia, statues, tribunals, monuments, platforms and entrances. That reduces the available space to about 1,300 square metres; tightly packed, this might accommodate a maximum of 4,800 people.[4]

This figure, however, may have borne no relation to the number of citizens who could actually participate in the votes taken at the Comitium. The system of corporate voting used by the Romans meant that separate enclosures were needed for each of the thirty-five tribal units into which the citizenry was divided. During the voting the people waited in their respective units, from which they were called forward to cast their votes. We have evidence that rope partitions supported by wooden poles were later used in the Forum.[5] Similar arrangements may be envisaged for the Comitium. It is impossible to say anything about the spatial organisation of these enclosures. However, since there was no fixed order of voting – lots were drawn before each *tribus* was called – there would have to be enough room between the enclosures to provide access to the 'bridges' where the votes were delivered. Realistically speaking, that would probably have reduced the effective waiting area by at least a quarter. It is therefore difficult to see how more than 3,600 voters could have been accommodated in the Comitium.

An alternative reconstruction of the Comitium has recently been suggested by Carafa, who envisages a roughly triangular structure, separated from the Curia by the Via Sacra and by long stairs leading up to the senate house, which was located on a low hill above the Comitium. The space of the meeting area is calculated as 960 square metres, allowing for a crowd of about 3,800.[6] How the corporate voting procedures would have been carried out in such an irregular space is not clear, and Carafa's model is also problematic in other respects.[7]

[4] Hansen (1995) 334 operates with 0.25 square metres per standing person, noting that in Obwalden in Switzerland an assembly space of 1,000 square metres was tightly packed when accommodating 4,000 voters.

[5] Livy, 5.30.4–7, on an election in 393, which he locates in the 'Forum', describes tribes waiting to vote in separate units presumably surrounded by ropes, cf. Dion. Hal. 7.59.1. Livy's account is probably influenced by later electoral practices. Cic. *Sest.* 79 mentions that the 'manus Clodiana' used 'fragmentis saeptorum et fustibus' as weapons. See Taylor (1966a) 62. For Livy's use of 'Forum' for 'Comitium' in the early books see ead. 120 n.21, 130 nn.27–8.

[6] Carafa (1998) 140. He puts the maximum capacity somewhat lower, assuming a crowd density of only three persons per square metre.

[7] For example the reconstruction leaves the *cornua* unexplained. Pliny, *NH* 34.26, indicates that they were located in the immediate vicinity of the Curia. The ancient sources generally insist on the close proximity between the Curia and the Comitium, e.g. Cic. *Q. Fr.* 2.1.3; Livy 6.15.1; Varro, *LL* 5.155. Also the integrated Curia and circular Comitium complexes found in the Latin colonies in Italy become very difficult to explain on Carafa's model.

However, for this purpose it suffices to note that in terms of overall capacity the two reconstructions are roughly in agreement.

These figures, of course, merely represents a maximum; the size of a location tells us nothing about the actual attendance, which may never, or rarely, have reached the full capacity of the venue. As we shall see, there is no indication that when the Comitium was eventually abandoned for voting in 145 and for *contiones* in 122, it happened because of growing difficulties in accommodating the crowds within the limited space available there.

In 145 the tribune C. Licinius Crassus proposed that the people be given influence over the co-optation of priests. The senate put up strong opposition to this 'popular' bill, and when it came to the vote Licinius 'was the first to begin the practice of facing towards the Forum in addressing the people', Cic. *Lael.* 96. Varro further explains that he 'was the first to lead the people, for the hearings of laws, from the Comitium to the voting area (or expanse) of the Forum', *RR* 1.2.9.[8] This move may not have been a practical solution to a spatial problem; rather it seems to have been closely linked to his general stance of defiance towards the senate. As a symbolic act it makes good sense in the architectural context of the Comitium, which on any interpretation would have been visually dominated by the Curia building; Livy, 45.24.12, could even describe it as the 'vestibulum' of the senate house.

With this improvised gesture Licinius set an important precedent, introducing the regular use of the Forum as a venue for legislative *comitia*. It was obviously much more convenient to arrange the *tribus* in the expanses of the Forum than in the Comitium. However, the initial incentive behind the transfer had been ideological rather than practical. It is therefore no indication that by 145 the crowds exceeded the capacity of the Comitium.

The Forum evidently offered room for much larger crowds than did

[8] 'Primus instituit in forum versus agere cum populo', and 'primus populum ad leges accipiendas in septem [saepta?] iugera forensia e comitio eduxit'. For the alternative reading of 'septem' see Coarelli (1985) 130–1. This passage undermines the claim by Vaathera (1993) 114 n.95, 116, that the voters left the Comitium after the *contio*, were lined up outside in the Forum, and then returned *tributim* to cast their vote in the Comitium. The fact that Licinius 'populum . . . e comitio eduxit' implies that people had convened for the vote inside the Comitium and obviously were expected to stay there. Moreover, even if the voters had left the Comitium, this space would still have set the limits for the number of people able to attend the *contio* which preceded the vote. The phrase used by the presiding magistrate ordering the *contio* to reform as a *comitia/concilium* was 'discedite', which does not indicate any spatial movement but the formation into tribal units, cf. Asconius 71C. For the voting procedures in the Latin colonies see Mouritsen, forthcoming.

the Comitium. In the first century political activity was generally concentrated around the Temple of Castor, where many meetings and *comitia* took place. In front of the temple was a fairly large open space; MacMullen estimates an area measuring 80 by 60 metres, able to hold a maximum of 15,000–20,000 people.[9] We may, however, obtain a more precise picture of the capacity of this venue by looking at the practical procedures for voting. The temple building itself was used for this purpose, and in 58 Clodius blocked access to the temple by tearing down the stairs. Cicero later claimed that Clodius had stored arms in the temple, but it would also have prevented any vote from being taken on the restoration of Cicero from his exile.[10] The Temple of Castor was rebuilt at some point in the second century when, among other alterations, the frontal stairs were transformed into a platform reached by a flight of stairs on either side.[11] The actual delivery of the vote took place on the *pontes*, raised wooden 'bridges' designed to prevent outside interference in the voting. A coin from 113–112 shows the use of such *pontes* in an election.[12] Taylor has made this reconstruction of the arrangement on the Temple of Castor: 'Since *pons* occurs in the plural in descriptions of legislative assemblies, I suggest that the voters from each tribe, called one by one into the precinct, marched to two pontes in two lines on either side of the temple, and that the *pontes* over which they walked to the voting basket were attached to the stairs on either side.'[13] This reconstruction is unsatisfactory, as it leaves unexplained how the voters left the temple. Did they descend the same stairs by which they had come up? – in which case there would be no separation of voters who had delivered their vote from those who had not. When looking at the design of the temple from a voting perspective it seems logical to assume that voters ascended by one set of stairs and descended – after

[9] MacMullen (1980) 456.

[10] Cic. *Pis.* 23; *Sest.* 34, 85; *Dom.* 54, 110. Taylor (1966a) 41. Cerutti (1998) has argued that the *gradus* in question was in fact a temporary wooden structure placed in front of the temple and used for the voting procedures. The existence of such a structure, though not impossible, is entirely hypothetical. Cerutti's theory is also difficult to reconcile with Cicero's reference to the 'gradus Castoris' and the 'gradus eiusdem templi', which clearly suggests that the stairs, destroyed by Clodius, were an integral part of the temple. Moreover, it makes no sense to say that the destruction of the stairs meant 'sublato aditu' and the blocking of 'aditu atque ascensu', if only a temporary wooden structure had been demolished, and the permanent lateral stairs on either side of the podium were left intact.

[11] Nielsen and Poulsen (1992) 80–6.

[12] Crawford (1974) 306–7, no. 292.

[13] Taylor (1966a) 41, expanding her theory on page 45: 'it is possible that at the temple of Castor and Divus Julius the *cistae* were on a lower step on which the *pontes* rested. In that case the voter would have descended the steps immediately without going to the tribunal.'

having voted – by the other. The *pontes* would on this reconstruction have been placed side by side on the central platform, which was about 7 metres deep. The space available here would probably not have allowed for more than four *pontes*, considering the need for proper separation and for officials to pass between them, handing out the ballots to the voters.[14]

On this basis some hypothetical calculations may be carried out with a view to establishing an order of magnitude for the attendance possible in this location. The basic framework is provided by the fact that legislation was passed in a single day. To my knowledge no vote ever lasted longer than one session. Some were interrupted or postponed for various reasons, but that is irrelevant to our purpose.[15] Moreover, we never hear of time being a critical element in the passing of laws; assemblies seem to have fitted easily into the time available.

Two more factors are needed: the speed of voting and the time for counting and for the drawing of lots before each tribal vote. Both must remain speculative.[16] Still, some cautious guesswork may be ventured. Thus, concerning the speed of voting it would seem that hardly more than four voters could have passed through a *pons* each minute. There was probably only one voter at a time on the *pons*. The coin mentioned above shows two people, one receiving the ballot, the other delivering it at the urn. Still, that may be a visual compression of two stages in a sequence. Consequently, a voter had to ascend the *pons*, receive the ballot, scratch out one letter on the tablet and drop it into the *cista*,

[14] This assumes that the *pontes* were placed next to each other parallel to the front of the temple, where the presiding magistrate would have overseen the vote from a tribunal. The *pontes* themselves would probably have been at least one metre wide, providing space for the voter to pass the ballot box, which Licinius' coin indicates was placed on the actual *pons*. The *pontes* would have been placed at some distance from each other, allowing officials to pass between them and hand out ballots to voters standing on the *pontes*. This arrangement may first have been introduced with Marius' narrowing of the *pontes* in 119, Cic. *Leg.* 3.38, which is the likely reference for Licinius' coin; before that time the officials probably stood on the *pontes*. Marshall (1997) esp. 60–1, 67–8. Cerutti (1998) has speculated that the vote took place on a landing of the wooden stairs, which he hypothetically places in front of the temple. That seems most unlikely, however, since the voting process had to be located in a formally inaugurated space, a *templum*. He invokes the coin of Licinius in support of the theory, interpreting the background as a tribunal with a *subsellium*. However, since the coin shows no stairs leading up to the tribunal, the scene cannot be the one envisaged in front of the Temple of Castor; also in the Saepta the presiding magistrate would have overseen the voting proceedings from a tribunal.

[15] In 133 at Ti. Gracchus' last (elective?) assembly he called off the voting, seeing that his followers had not turned up in sufficient numbers. In 55 Cato obstructed the vote on the *Lex de provinciis* by filibustering, putting the voting off until the following day, Plut. *Cato Min.* 43; Dio 39.34.

[16] See also the attempts made by Staveley (1972) 186–90.

before the next voter could receive his ballot.[17] The counting took place after each *tribus* had voted, and the time taken up by that would have varied according to the size and level of attendance of the tribe. Then the result was announced and lots were drawn to decide which *tribus* was the next one to be called forward. In general this procedure may have taken – as a minimum – five to ten minutes for each *tribus*.[18]

On the basis of these estimates it would have taken a crowd of 10,000 citizens fifteen hours to vote, provided that all tribes were called upon, in addition to the time which the opening *contio* and the reading of the law text would have lasted.[19] That probably brings us to a minimum duration for the assembly of hardly less than seventeen hours. This does not seem realistic. A more likely scenario would involve around 3,000 citizens who might have finished voting after six and a half hours. Most often a majority would have been found before all tribes had voted. Assuming that only two thirds or half the *tribus* were called upon, an assembly of 10,000 citizens would have lasted nine and a half hours and seven and a half hours, respectively, excluding the preceding *contio*.

These calculations, hypothetical as they are, merely serve to bring out the extremely time-consuming nature of Roman voting; they suggest that the voting facilities on the Temple of Castor could accommodate many fewer voters than the open space in front of it. The maximum of 20,000, estimated by MacMullen, is far too high. Even a level of attendance around 10,000 was possible only with a high degree of unanimity among the *tribus*, many of whom would never have come to vote. More realistically the average crowd would have fallen far below this figure.

This result is in broad accordance with the few indications we have of voter attendance in late republican assemblies. The sources tell us that Ti. Gracchus had a following of 3,000 in his last dramatic assembly, where it seems only his 'hard-core' supporters had turned up.[20] The reliability of such figures is of course compromised. However, a more specific reference is given in Cicero's *Pro Sestio* 109, where we are told

17 For the procedure see most recently Luisi (1995).

18 An average of 7.5 minutes is used as the basis for the following calculations.

19 The full text of new laws was read out by a herald, cf. e.g. Asc. 58C, a procedure which, given the length and detail of many bills, must have taken up considerable time. Also the debates could be very time-consuming. Thus, in 55 Favonius was granted one hour to argue the case against an extension of Caesar's command; Cato on the other hand was given two hours, Dio. 39.34.2, cf. Millar (1998) 171.

20 Plut. *Ti. Grac.* 20.2. According to Sempronius Asellio, Ti. Gracchus at the time of his death never went out with a following of fewer than 3,000–4,000 men, Gell. 2.13.4. This assembly may not have been legislative but elective, see Taylor (1963); (1966b); Earl (1965); Hall (1998) 22–6. Plut. *Sull.* 8.2, also mentions that Sulpicius, tr. 88, had with him a personal 'army' of 3,000 men.

that some laws were passed in *comitia* in which some tribes were not represented. In these cases five voters were transferred from other *tribus* in order to represent the missing ones.[21] It is entirely feasible, considering the maximum capacity of the Comitium and the Temple of Castor, that some tribes were completely absent. Given the huge difference in size of the *tribus*, an attendance of a few thousand voters meant that the smaller ones would regularly have fallen so far below the average that their units would have to be represented by members of other *tribus*.

After the transfer of the legislative *comitia* the Comitium continued to be used for *contiones*. The maximum capacity for meetings was, as we have seen, higher than for the assemblies. But there is no reason to assume a higher attendance in *contiones* than in the legislative *comitia*. On the contrary, because of their political importance the *comitia* would be expected to attract greater crowds than the *contiones*. The eventual abandonment of the Comitium for this purpose was not the result of capacity problems, either. Plutarch says that C. Gracchus, presumably in 122, for the first time turned his back on the Curia and addressed the people gathered in the Forum, *C. Grac*. 5.3. The story has until recently been dismissed as a repetition of Licinius' transfer in 145. That move, however, only applied to the *comitia*. Both Varro and Cicero are explicit in their references to the passing of laws, using the expressions 'ad leges accipiendas' and 'agere cum populo', the latter being a technical term indicating the proposal of laws.[22] Archaeologically Plutarch's information makes perfect sense. In Coarelli's reconstruction of the Comitium a speaker standing on the Rostra would face the Forum when he turned his back on the senate building. As in 145 this was a symbolic assertion of the tribune's independence of the senate, denouncing the senate's dominance over the people.

There is, in other words, no disagreement between Plutarch's story and the references to Licinius' transfer of the *comitia*. Moreover, no evidence suggests that *contiones* had been held in the Forum prior to C. Gracchus' initiative. As mentioned above, the Temple of Castor had been rebuilt at some stage in the second century – 168 has been tentatively suggested – when a platform was constructed in front of the *pronaos*. This was maintained when the temple was subsequently rebuilt in 119 and later became a frequent location for *contiones* and *comitia*. The original platform need not have been linked to any specific use for *contiones*, however.[23] If in fact predating the transfer of the *comitia*, it

[21] *Sest*. 109: 'Omitto eas [leges], quae feruntur ita, vix ut quini, et ii ex aliena tribu, qui suffragium ferant, reperiantur'. Cf. *Tab. Heb*. 33–4.

[22] Cf. Gell. 13.16.3; Coarelli (1985) 158.

could have been used at a number of public occasions when audiences were addressed, for example at funerals. In 142 Scipio spoke in front of the Temple of Castor, 'pro aede Castoris', but there is no reason to assume this was a *contio*; it may have been linked to his censorial functions that year.

In sum, the *contiones* were probably transferred to the Forum not because of spatial constraints, but for purely ideological reasons. Presumably the space available in the Comitium was still sufficient for *contiones* in the late second century. Indeed the maximum capacity of about 4,000–5,000 may rarely have been reached. Although specific evidence for the level of attendance at meetings is lacking, we do have some indications that very modest crowds may have convened on these occasions.[24]

Practical considerations would suggest natural limitations to the numbers who could take part in a *contio*. In an era without loudspeakers an orator's ability to address a mass audience was obviously limited. Thus, Hansen has recently argued that the classic battle exhortations by army generals may be a literary fiction.[25] In practice no commander could address an entire army lined up with their equipment. Moreover, open spaces like the Forum or the *area Capitolina* were acoustically far from ideal.[26] None of them were quiet secluded spaces. The Forum in particular would have been quite noisy and unruly, making it even more difficult for a speaker to make himself heard, cf. Asc. 41C. The Circus Flaminius was also used for *contiones* in the late republic. This was probably not, however, as the name might suggest, a built-up structure similar to the Circus Maximus. As Wiseman has argued, it may originally have been just an open space, which on rare occasions was used as a race course. In the late republic it became increasingly occupied by public buildings.[27] The situation here would therefore not have been different from that prevailing in the other venues. Here too there were natural limits to the numbers who could attend a meeting, imposed by

[23] According to Poulsen: 'there is no evidence against it having been used in connection with *contiones*' earlier than mid-second century, Nielsen and Poulsen (1992) 86. But that overlooks the evidence of Plutarch, who explicitly states that C. Gracchus was the first to address the people in the Forum. See also Ulrichs (1994) 92.

[24] Nowak (1973) 121, followed by Thommen (1989) 184, has calculated that Clodius mobilised between 6,000 and 10,000 men on the basis of Cic. *Dom.* 119, where his forces are compared to a consular army. That is obviously taking metaphors too literally. In *Dom.* 80 Cicero refers to the men of one of Clodius' assistants as 'Fidulii centum', and in *Sest.* 59 the supporters of Clodius are given as 'sescentas operas'. These are, however, non-specific terms.

[25] Hansen (1993).

[26] Earlier the *area Capitolina* had been used for elective *comitia tributa/concilia plebis*, cf. Taylor (1966a) 46, 132 n.38.

[27] Wiseman (1974), followed by e.g. La Rocca (1995). Contra Coarelli (1997) 363–74.

the practical problems of hearing the speaker.[28] For those reasons alone the political crowds at *contiones* may never have grown much beyond the capacity of the old Comitium.

Elections of magistrates in the late republic were held in the Saepta on the Campus Martius. This location had always been the meeting place for the *comitia centuriata*, which represented the Roman people as an army and therefore had to convene outside the Pomerium. The *comitia tributa/concilium plebis*, on the other hand, may only have been transferred there in the mid-second century – perhaps not until the introduction of the secret ballot in 139, or shortly afterwards.[29] Previously it may have taken place at the Comitium or on the Capitol (cf. Livy 34.53.2). The possibility that the Comitium may have been used for elections in the later second century suggests a very modest attendance in this period, the location allowing for only a few thousand voters.

As the name suggests, the Saepta was basically an enclosure with partitions for the voting units. It was also known as the 'ovile', referring to the sub-divisions which resembled sheep pens. In the late republic both the *comitia centuriata* and the *comitia tributa* used the same facilities, which provided separate enclosures for the thirty-five *tribus*; since the third century also the voting of – at least half of – the 193 centuries had been based on the tribal divisions.[30] In the period concerning us here the Saepta was probably a temporary structure built of wood. It was not until 54 that plans were first made for a monumental rebuilding of the Saepta. In a letter to Atticus, Cicero discusses current building projects in Rome, noting that: 'As for the Campus Martius, we are going to build covered marble booths for the Assembly of the tribes and to surround them with a high colonnade, a mile of it in all.'[31] The project, conceived by Caesar, was eventually realised under Augustus, Dio 53.23.2.

[28] On certain occasions more people might of course turn up than were able to hear the speaker, e.g. the *contio* preceding the passing of the *Lex Gabinia de imperio Cn. Pompei* in 67, Cic. *Manil.* 44; in these instances, however, we are no longer dealing with a political debate, intended to inform an audience of voters, but with a public demonstration of popular support which may have been only indirectly linked to the political proceedings. Thus, in the case of the *Lex Gabinia* we may doubt whether all the spectators could have taken part in the actual voting.

[29] Millar (1998) 25, 197, dates the transfer to the 140s, while Hall (1998) argues that it is unlikely to predate the introduction of the secret ballot, and perhaps first happened when the practical difficulties of the new, more time-consuming system became clear and the practice of successive tribal voting had to be abandoned. Simultaneous voting took up more space, thereby forcing a move to the much larger facilities of the Saepta. The first certain instance of a tribunal election held in the Saepta dates to 124, Plut. *C. Grac.* 3.1.

[30] Grieve (1985) has argued that only the first class was divided into both *centuriae* and *tribus*, but the fact that all classes used the same tribally organised voting facilities would suggest that they were all structured along those lines.

[31] 4.16.8: 'Iam in campo Martio saepta tributis comitiis marmorea sumus et tecta facturi

The location and shape of the Augustan Saepta have been identified on the basis of fragments of the Severan map of Rome, the Forma Urbis.[32] The relationship between this structure and the old Saepta is, however, entirely hypothetical. Nonetheless, it may be argued that, while its scale and details may differ, the overall shape was probably maintained. The Augustan Saepta was a vast structure measuring 310 by 120 metres, orientated north–south and located between the modern Via del Seminario and Via del Gesù.[33] The fragments of the marble plan show a large rectangular open space flanked by two porticos, the Porticus Meleagri and the Porticus Argonautici. Parts of the former, rebuilt under Hadrian, are still extant to the east of the Pantheon.[34] The north side, where the entrance lay, is known to have met the Aqua Virgo, traces of which has been found in the Via del Seminario. South of the Saepta a large hall, the Diribitorium, was built for the counting of votes. A wall found beneath the Via del Gesù has been identified as the south side of this building, thus indicating the total length of the Saepta–Diribitorium complex.[35]

In her book on the Roman assemblies Taylor, in collaboration with Cozza, attempted a reconstruction of the inner space of the Saepta, envisaging pens, measuring 260 by 2.5 metres, for each of the thirty-five tribes.[36] To the south they narrowed down as they led to a podium where the actual voting took place. The corners of this platform have been identified in some of the fragments. On the basis of this reconstruction Taylor calculated that the Saepta could hold a maximum of 70,000 voters.[37]

MacMullen has since reduced this figure, partly by revising Taylor's estimate of the crowd density, but most importantly by limiting the

eaque cingemus excelsa porticu, ut mille passuum conficiatur'. Grieve (1985) 308 seems to suggest on this basis that the *comitia centuriata* did not use the Saepta. That is beyond any doubt, however. The Saepta was the traditional location for the *comitia centuriata*, and Cicero indicates that it continued to meet 'in Campo' throughout the first century BC, cf. Cic. *Rab. Perd.* 11; *Cat.* 1.11; *Sull.* 51. Alternatively, the *comitia centuriata* would have moved to another, completely unknown location on the Campus Martius, when the *comitia tributa* and the *concilium plebis* were transferred to their old home in the late second century. Also the consular election of 45 (see below p. 30–1) suggests the identity of the electoral venues in the first century BC. Cicero's failure to mention the *comitia centuriata* in his letter to Atticus is of no real consequence – the *concilium plebis* is also ignored here, and the specific reference to the *comitia tributa* may be explained by the tribal voting enclosures, which provided the practical framework for all the elective assemblies.

32 Carettoni *et al.* (1963) 97–102; Rodriguez Almeida (1980) 129, pl. 27; Coarelli (1997).
33 The location is shown in Carettoni (1963) 98.
34 De Fine Licht (1966) 163–70.
35 Muzzioli (1995).
36 Taylor (1966a) 54.
37 Followed by e.g. Demougin (1987) 310; Hopkins (1991) 495.

space available.[38] He pointed to an important inconsistency in the two reconstructions of the fragments, presented in Cozza and Carrettoni's publication of the Forma Urbis. In one plan the – now lost – fragment, 36a, 'PORTIC[-]/ [-]AE[-]', is placed further to the north than in another reconstruction shown in the same volume.[39] The first solution, on which Cozza and Taylor based their reconstruction, is unsatisfactory. It not only entails a very odd spacing of 'SAEPTA JULIA' and 'PORTICUS MELEAGRI'; the northern end of the building also becomes peculiar. The lost fragment shows a wall with four openings, dividing the central area, while the Porticus Meleagri continues to the north of this wall.[40] The implication is that fragment 36a must be moved further south, thus creating a forecourt between the entrance along the Via del Seminario and the voting area south of the dividing wall. Thus, assuming a more natural spacing of 'SAEPTA JULIA' and 'PORTICUS MELEAGRI', MacMullen estimated a voting area measuring 250 by 95 metres with 'pens' covering 200 by 75 metres, able to hold a maximum of 55,000 voters.[41]

The significance of this forecourt, however, does not lie simply in the modification of the voting space which it entails. It is likely to have been an integral part of the functional design of the building, and as such it may provide a better indication of the crowds expected here than the voting space itself. The principle of separating voters was essential to Roman practice, cf. the rope partitions in the Forum. The procedures of the *comitia centuriata* entailed a need for a second large enclosure next to the voting precinct. The voting in the elective assemblies had been simultaneous at least since the introduction of the written ballot in 139. But in the *comitia centuriata* this principle could apply only within the individual property classes, which still voted successively.[42] It followed that only one class at a time could occupy the central voting area; those who had not yet

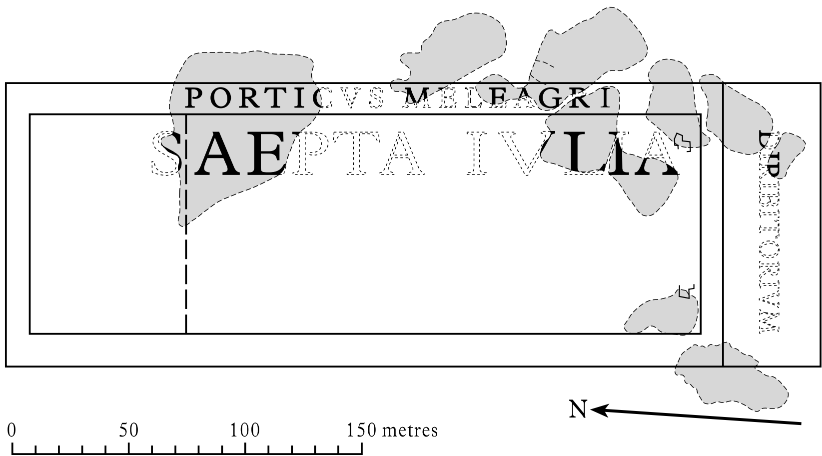
[38] MacMullen (1980) 454.

[39] In tav. 31 the length of the open space is given as *c*. 250 metres and on page 98 as *c*. 285 metres. Rodriguez Almeida's plans (1980) pl. 27 and fig. 36 are problematic too. To make space for the Temple of Matidia, hypothetically located to the north of the Saepta, the entire length of the Saepta is reduced from 310 to 285 metres, contrary to all our evidence on the size of this building. This in turn creates inconsistencies in Rodriguez Almeida's reconstructions of the slabs shown in figs. 34 and 36.

[40] Rodriguez Almeida's reconstruction (1980) pl. 27, where the partition wall shown in fragment 36a is identified as the facade, clearly demonstrates the problem of the Porticus Meleagri's continuation to the north. Assuming that Caesar's project bore any relation to the one eventually realised, this reconstruction is also called into question by Cicero's description, which indicates that a portico would surround the whole voting area, including the northern side.

[41] MacMullen (1980) 454. On this reconstruction the word 'PORTICUS' would have crossed a section of the marble slabs, but that is not an uncommon feature in the Forma Urbis.

[42] Taylor (1966a) 96.



Reconstruction of the Augustan Saepta. The central space is divided into two sections; a forecourt for the waiting crowds and a voting area with 'pens' for the electoral units.

voted would have to wait in a separate enclosure before they could be called forward. This separation of voters was crucial, in order to prevent those who had already voted from rejoining those still waiting.

These practical measures to prevent fraud were essential since there seems to have been no formal identity check or registration of voters.[43] This is suggested by the story about Marius' friend, Cassius Sabaco, who was implicated when Marius faced accusations of bribery after the praetorian election in 115, Plut. *Mar.* 5.3–4. One of Sabaco's slaves had been sighted among the voters inside the partitions during the election. Sabaco later explained that he had simply been thirsty and called for the slave to bring him water; the slave had brought a cup into the enclosure, and then had immediately left again. It is important to note that the slave was not caught entering the pen; the case was based on a sighting for which Sabaco was only later reproached. The implication is that no identity check was conducted on entering the enclosures – nor can this have been the case at the actual voting. Otherwise the logic of the story would be lost. If it was evident that the slave could not have voted anyway, the accusation of fraud and Sabaco's reassurance that the slave had immediately left the enclosure again, become meaningless.

The absence of any effective identity control made the separation of voting groups essential. The forecourt to the Saepta would fulfil this purpose, thus solving the hitherto overlooked question of where the

[43] Nicolet (1976) suggested that special voting *tesserae* were issued, but that theory has been convincingly refuted by Virlouvet (1996).

other classes stayed while the first class voted. In this respect the Augustan Saepta probably perpetuated previous structures, incorporating an existing enclosure for the waiting crowd in the monumental new scheme. It would also have been needed for the brief assembly which preceded the vote.[44] It may thus provide a better indication of the capacity of the Saepta than the pens themselves, which may have been particularly spacious due to the special requirements of the voting procedures. The maximum size of the forecourt allowed by the fragments is 107 by 70 metres, not including the flanking porticos, which may have functioned as exits from the voting area. We cannot tell whether this was a – slightly – expanded version of the previous design. But considering the ambitious nature of Caesar's project – he was in competition with Pompey's theatre complex – it is a possibility.[45] The Augustan forecourt might hold around 30,000 voters, but a somewhat lower maximum figure is probably more realistic. Otherwise the space would be packed tight, making it very difficult to move around when classes were called forward.[46] The Saepta Julia was clearly not supposed to be crammed, and the court would also have been expected to hold both senators and knights, waiting to deliver their vote.

Nicolet has drawn attention to the potential value of a rare reference in Cicero, *Fam.* 7.30, to the length of time which the consular election lasted in 45.[47] The circumstances were exceptional. The *comitia tributa* had assembled to elect the new quaestors, when the presiding magistrate decided to hold a consular election instead. Cicero tells how at the second hour the tribal assembly had convened and by the seventh hour the new consuls were announced. Consular elections were a formality at this time, when only one consul was elected in the *comitia*, and he

[44] For this *contio* see Taylor (1966a) 56–7, 136 n.64. Nicolet (1980) 250 has noted that in Taylor's reconstruction the 'pens' were too long, not leaving room for the *contio*. An ancient formula recorded in Varro, *LL* 6.88, (cf. 6.94; Festus 100L) suggests that the space for the *contio* was an enclosure especially designed for this purpose. The magistrates called the *contio* using the phrase 'in licium omnes Quirites huc ad me', 'in licium' referring to a precinct ritually roped in with strings, cf. ead. 56, 136 n.61, 156 n.41, Vaathera (1993). This primitive separation of the voting area from the meeting precinct is likely to have been incorporated into the later architectural designs of the Saepta complex. Virlouvet (1995) 120–1 suggests that the *contio* was held north of the Saepta.

[45] Coarelli (1997) 155–61 has shown that the orientation and overall scale of the Saepta cannot have changed substantially since the third century. But that does not mean that a minor expansion, for example to the north, may not have been possible in Caesar's time.

[46] Last-minute electioneering and political manoeuvring may also have taken place while people were waiting, which would also have been difficult in a tightly packed crowd, Val. Max. 4.5.3, Cic. ap. Asc. 85C, cf. Hall (1964) 289–90.

[47] '. . . hora secunda comitiis quaestoriis institutis . . . ille autem . . . centuriata habuit, consulem hora septima renuntiavit', cf. Nicolet (1980) 291.

already had Caesar's recommendation. On this basis Nicolet estimates an attendance of the first two classes, sufficient to carry a majority of the *centuriae*, of 16,800, assuming that the counting lasted one hour and that the thirty-five columns moved forward at the speed of two voters per minute. This calculation, however, overestimates the attendance. Firstly, the five Roman hours recorded by Cicero were the equivalent of only three hours and forty-five minutes.[48] Secondly, the reorganisation of the crowd following the magistrate's surprise decision to hold a consular election would obviously have taken some time, perhaps as much as twenty minutes. Thirdly, the process involved several time-consuming reorganisations of the crowd. The separate vote of the *centuria praerogativa*, the first class, the *equites* and the second class meant that new groups would have to be called forward and organised in tribal columns, thus reducing the effective voting time, perhaps by as much as twenty-five minutes.[49] Finally, Nicolet overlooks the huge difference in size of the *tribus*, which meant that the attendance in the thirty-five columns would have been highly uneven. The urban *tribus* would probably have been virtually empty in the first two classes.[50] Since the counting of one class and the voting of the following one could begin only when the longest columns had finished, the effective voting time for all the *tribus* would have been shorter. We have to deduct at least a quarter of the time. By this calculation we reach a figure for the attendance of the first two classes at the quaestorian election in 45 of around 6,000.

Another rare glimpse of the numbers involved in elections is given in Cicero's speech for Plancius, who stood accused of electoral bribery. Here we are told that the number of witnesses of the Voltinian *tribus*, produced by Plancius' prosecutor, the defeated candidate Laterensis, exceeded the votes he had received from this *tribus*.[51] The number of witnesses in Roman court cases might be fairly large, but a delegation of more than about ten witnesses would be highly unusual.[52] Laterensis may have been particularly unsuccessful in the tribus Voltinia because of the strong support Plancius enjoyed from Samnium. Still, Laterensis was a serious contender, who seems to have expected an easy victory. The fact that he only received single-digit returns from one of the large *tribus* would suggest popular participation on a very modest scale.

48 Cf. Shackleton Bailey (1965–70) II, 434.
49 For the order of the voting see Cic. *Phil.* 2.82, cf. Nicolet (1980) 266.
50 Cf. Taylor (1966a) 95.
51 *Planc.* 54: 'Nam quod questus es plures te testes habere de Voltinia quam quot in ea tribu puncta tuleris . . .'
52 David (1992) 483 lists the known figures, and estimates an average delegation to have numbered two to three persons.

The level of attendance was probably higher in elective than in legislative *comitia*. Still, it would have remained far below the estimates of Taylor and MacMullen. The attendance of a few hundreds from each *tribus* seems more realistic. That would agree with the procedures used. For the lack of formal identity check presupposes the possibility of informal checks. The small numbers involved, probably with a strong preponderance of the propertied classes, would have allowed the *curatores tribuum* to know many voters by sight.

To sum up, it would seem that only a tiny proportion of the citizenry ever took part in politics. Until 145 hardly more than 1 per cent of the citizens could take part in legislation and perhaps also in the elections of lower magistrates. This proportion must have fallen even further with the expansion of the citizenry in the first century, despite the change to a larger venue. For the higher offices the capacity of the Saepta could hardly have accommodated more than 3 per cent of the approximately 910,000 voters registered in 70/69. Most of the citizens obviously lived far from Rome, but even among those who had easy access to the assemblies attendance would have been rare. The male adult citizens of late republican Rome may have numbered about 200,000, a maximum of 12 per cent of whom could have attended elections – many fewer if people came in from the countryside.[53] The level of attendance in legislative assemblies and *contiones* would have been considerably lower.

We are, in short, dealing with a political process in which only a very small section of the population ever took part. That in itself may surprise few modern observers. Still, in the light of the extensive powers which the assembly wielded, the limited degree of participation becomes something of a paradox. The disproportionately small scale of the democratic institutions has been explained almost as a historical accident, the result of Rome's extraordinary expansion from the middle republic onwards combined with the prevailing self-perception as a traditional city-state.[54] Thus, while the citizen-body increased dramatically in this period, the political institutions continued to work on the premise of a small face-to-face society. Obviously, the growth of Rome created a huge gap between the size of the citizen-body and the capacity of the political institutions, but we may wonder whether that is the whole story. The powers of the assembly may originally have been created in an environment of 'democratic' struggle, but whatever the original character or purpose of the popular institutions it is clear that by the later republic no attempt was ever made to allow them to represent the political

[53] For the urban population see Hopkins (1978) 96–8.

[54] Bleicken (1975) 275, 281; MacMullen (1980). Along the same lines also Millar (1998) 211–12.

interests of the people as a whole. The political 'people', it seems, were not identified with the actual masses, a point underlined by the absence of any notion of numerical representation. Thus, there was no statutory quorum prescribing minimum levels of attendance required to pass laws or elect magistrates. Even the most far-reaching bills could be passed by any number of citizens, as long as the correct procedures were followed. The only regulation of this type we know of concerned the representation of all *tribus*. In case no *tribules* had turned up members of another *tribus* could, as we have seen, be transferred to the empty unit.

The political indifference as to the numbers of citizens passing a law or electing a magistrate is a striking feature of the Roman republic. Unlike the senate, whose attendance was a constant concern for the elite, we hardly ever hear of a well-attended assembly, 'comitia frequentia'.[55] In general politicians never claimed that their election or the passing of a proposal had been effected by large crowds of people.[56] The actual numbers were irrelevant to the authority of a law or election result, none of which were ever challenged on the grounds of poor attendance.

The case of Cicero's exile and restoration might seem to be an exception. Cicero often contrasted the small crowds who had sent him into exile with the overwhelming attendance at the assembly which recalled him.[57] But the numbers, though constantly emphasised, are secondary to the social composition of the crowds. Thus, the paucity of Clodius' supporters implied in, for example, *Sest.* 53, seems less important than their violent methods, servile origins and general depravity.[58] Likewise, Cicero's own following was not just numerous, it represented the better part of the citizenry, and in particular that backbone of the Roman state which Cicero identified as the local Italian elites. Cicero's comparison between the crowds condemning him to exile and those recalling him is therefore qualitative as much as quantitative.

Contrary to what might be expected, greater prestige or authority was never drawn from the numbers attending an assembly. In elections it was important to come out first, but actual numbers are never referred to. Large followings at public appearances were also a source of pride,

[55] Cicero for example refers to the senate as 'frequens' (in the sense of well-attended) no less than twenty-three times, cf. Bonnefond-Coudry (1989) 413–25, 420. A senatorial quorum also applied in certain cases, ibid. 401–13.

[56] References to the size of *comitia* are extremely rare. Among the examples are Livy 45.36.6; Cic. *Manil.* 44; *Fam.* 8.14.1, (Caelius). *Contiones* might be described as large or well-attended, e.g. Cic. *Phil.* 1.32; 4.1; 6.18; 14.5; 14.16; but here the implications are different from *comitia*, see below.

[57] *Sest.* 26; 53; 109; 131; *Dom.* 75; 90; *Post red. sen.* 18; 25; 28; *Pis.* 36; *Fam.* 1.9.13; *Att.* 4.1.4.

[58] 'lex erat lata vastato ac relicto foro et sicariis servisque tradito . . .', cf. *Leg.* 3.25, 45.

for example Cic. *Att.* 1.18.1, but that was distinct from the role of the crowds as voters. Altogether this seems to reflect a different concept of legitimacy, one which was not associated with citizens turning up in representative numbers to give their consent. The people's participation in politics had a strong symbolic aspect to it, clearly brought out by the rules laid down for tribal representation. Instead of an overall quorum the attendance of all *tribus* was prescribed; as we saw, five voters from another *tribus* were to be allocated to vacant units. This emphasis on symbolic, rather than real, representation is not far removed from the practice prevailing in the *comitia curiata*, where, by the late republic, the citizens did not turn up in person, but were represented by lictors, one for each *curia*. It seems as if the people as political agent were detached from the actual masses, with no clear perception of any direct link between the two.

In practice the people's role was heavily circumscribed, which also contributed to keeping participation down. That is particularly obvious in the *comitia centuriata*, where the influence of the votes was graduated according to social standing. In the *comitia tributa* and the *concilium plebis* the elite was stuck with a more democratic structure which gave all votes equal weight. But here too some steps had been taken towards limiting popular influence, for example by placing freedmen in a few urban tribes.

Still, in all types of assembly the classes outside the political elite could in principle bring crucial influence to bear on the Roman state. The senate responded to this situation by trying to reduce the size of crowds gathering for *contiones* and *comitia*. Thus, there are signs that large-scale attendance at the assemblies early on was found undesirable by the elite and actively discouraged.

Around 150 the *Leges Aelia et Fufia* imposed an interval of three market days, *nundinae*, before elections, where no *comitia* could be held. In effect that prevented extra-urban voters, who might have come for the annual elections, from exerting any influence on legislation.[59] And in 286 a law had already been passed prohibiting assemblies from meeting on market days.[60] Again, the obvious implication was the exclusion of citizens living outside Rome, who could no longer attend the *comitia* when they came in for the markets. Even earlier attempts had been made to reduce the attendance of extra-urban voters. Thus, the

[59] Taylor (1962) 23 ignores this implication, seeing it simply as a practical measure. Cicero, *Post red. sen.* 11, clearly saw it as a measure against popular mobilisation by the tribunes.

[60] Michels (1967) 105, De Ligt (1993) 112. According to Rutilius, cos. 105, the *nundinae* had originally been instituted to allow rural voters to take part in politics, Macr. *Sat.* 1.16.34.

first ambitus law, the *Lex Poetilia* from 358, banned campaigning by magisterial candidates in market places and settlements, *nundinas et conciliabula*, outside Rome, probably to curb the canvassing of *novi homines*.[61] It thus reflected the fundamental conflict in Roman politics between individual ambition, which aimed at the most effective mobilisation of personal supporters, and the overriding interest of the senate in limiting popular participation.

In line with this policy no serious attempt was ever made in Rome to accommodate the growing citizen-body in the assemblies. According to Coarelli, the Comitium had been rebuilt twice between the early fourth century and the mid-third century. In 338 the original square with 35.6 metre-long sides (1,267 square metres) had been expanded to 40 metres (1600 square metres).[62] Later, around the middle of the third century, it had been given its hellenistic circular form, which did not increase the overall capacity; on the contrary, it probably meant a slight reduction.[63] In the same period, according to the census figures, the citizen-body was almost doubled, as it grew from 165,000 in 340/39 to 297,797 in 252/1, finally reaching 322,000 in 147/6, shortly before the Forum was first used for assemblies.[64] It seems clear also that in these early periods no correlation was perceived between the number of citizens formally entitled to attend the *comitia* and the crowds actually able to do so.

In the late republic there was a stark contradiction between the formal powers of the assembly and the structural framework which discouraged mass participation. To achieve large-scale political participation active promotion was needed, on an ideological as well as a practical level. The constrast between the attitudes prevailing in Rome and in classical Athens is instructive on this issue. The popular institutions in Athens existed on a different scale. Even the fifth-century Pnyx I, measuring 2,400 square metres, was considerably larger than the Roman Comitium; around 400 it was further expanded to 3,400 square metres.[65] The capacities of Pnyx I and II have been estimated at 6,000 and 8,500 respectively.[66] Much higher figures have been

[61] Livy 7.15.12–3. Brunt (1988) 250 n.41 believes it to be anachronistic, in fact referring to Gracchan times. Contra Hölkeskamp (1987) 83–5; Cornell (1995) 469 n.33; Pani (1997) 180.

[62] Coarelli (1983) 119–38.

[63] Coarelli (1983) 150–1 dates the circular Comitium between 263 and 252 BC. In Carafa's reconstruction the space of the Comitium remained constant throughout the entire period.

[64] Brunt (1971a) 13.

[65] Hansen (1991) 128–9; Lotze (1995). The debate on the size and structure of the Pnyx has recently been reopened in the light of new investigations, Forsén and Stanton (1996).

[66] Hansen (1996) 27–8.

suggested, but they are based on the unlikely assumption that the Athenians stood rather than sat during the assemblies.[67] A quorum was prescribed for certain types of assembly decisions, like ostracism and grants of citizenship. This was set at 6,000. That figure, together with the overall capacity of the Pnyx, must be seen against a demographic background which was very different from the one obtaining in Rome. The citizen population of fifth-century Athens has been estimated at 40,000–60,000, falling to 20,000–30,000 in the fourth century.[68] To maintain a high level of participation remuneration was therefore introduced in 392, and it has been suggested that in the following century as many as one fifth of the citizens turned up for the *ecclesia*.[69] Evidently the rural population would have been relatively underrepresented, correspondingly increasing the level of participation among the urban citizens. Here the handouts also allowed the lower classes to turn up in great strength.[70]

In Rome, on the other hand, no effort was made to attract a representative number of voters. Here the lower classes would have had great practical difficulty in participating on a regular basis. Political activity in republican Rome was extremely time-consuming, and the urban *plebs* clearly had other more pressing concerns. As noted in the introduction, an important re-thinking has taken place in the study of the urban population, which has emerged as very different from the popular image of an idle proletariat, supported by the state.[71] Economically their lot was a precarious one. Free grain was not introduced until 58, and even then a family could not live entirely on the state dole.[72] In order to survive, the Roman *plebs* had to earn its own living.

Political activity was therefore an economic sacrifice for the working population of Rome. In Sallust's description of the *plebs*' support for Marius, this point is made explicitly: 'Finally the commons were so excited that all the craftsmen and farmers, whose prosperity and credit depended on the labour of their own hands, left their work and attended Marius, regarding their own necessities as less important than his

[67] Stanton (1996).
[68] Hansen (1991) 53–4, 90–4; Lotze (1995) 397–8. In the fifth century a considerable proportion of the citizens were, moreover, away from Athens on military service.
[69] Hansen (1991) 132.
[70] Cf. Marble (1985).
[71] See e.g. Purcell (1994).
[72] The plebeians' reliance on their own labour, even after the introduction of the dole, is underlined by Augustus' reorganisation of the grain distribution, which took into account the fact that the recipients had pressing economic obligations and could not take time off to queue for the handouts, Suet. *Div. Aug.* 40.2: 'Populi recensum vicatim egit, ac ne plebs frumentationum causa frequentius ab negotiis avocaretur, ter in annum quaternum mensium tesseras dare destinavit', cf. Brunt (1980) 95.

success.'[73] In other words, the lower-class citizens who relied on their own labour had abandoned their work and put Marius' career before their own subsistence – clearly an exceptional occurrence which deserved special comment.[74] The implication is that working-class citizens *de facto* would have been excluded from the political scene by the lack of public remuneration, which in effect left the *comitia* in the hands of the propertied classes for whom political activity did not entail any material sacrifices.[75]

The small scale of the popular political institutions meant that they, quite literally, represented the few rather than the many. Technically, however, they remained open to a wide section of the population, which held extensive formal powers in the Roman state. There was in other words a marked contrast between the 'democratic' potential of these institutions and their limited format, which in reality excluded the masses they formally represented. This peculiarity puts the focus on the practice of politics in the late republic. Who turned up for political events? What was their motivation? And how did they behave on these occasions? *Contiones* and legislative *comitia* were the scene of what might be called routine politics. In the next chapters these types of political gathering will be discussed, before we turn to the focal point of Roman politics, the annual elections of new magistrates.

[73] *Jug.* 73.6: 'Denique plebes sic adcensa uti opifices agrestesque omnes, quorum res fidesque in manibus sitae erant, relictis operibus frequentarent Marium et sua necessaria post illius honorem ducerent.'

[74] Cf. Cic. *Cat.* 4.16, noting that – exceptionally – even the poorest were present in the large crowd which had assembled in the Forum awaiting the decision on the Catilinarians: 'omnis ingenuorum adest multitudo, etiam tenuissimorum'.

[75] The introduction of the written ballot in Roman voting in the later second century automatically excluded the illiterate masses of Rome, especially from the elective *comitia*. Most likely, however, they would not have voted anyway. The fact that the measure was regarded as a 'democratic' reform would imply that it did not have negative consequences for existing levels of popular participation. See Harris (1989) 167–70, rightly critical of Best (1974).

3 The *contio*

A *contio* was a non-decision-making meeting called by a magistrate or priest with *ius contionandi*.[1] Within these very broad terms the institution appears to have been relatively flexible. Thus, *contiones* could be purely informative, communicating important news to the people, for example military events, Livy 10.45.1; or emergencies, as happened in 184, when the consul gave his famous address warning the people about the Bacchanalian conspiracy, Livy 39.15–6.[2] Some *contiones* had an official function in presenting new legislation, which had to be put before the people at least three market days before it could be voted on. These legislative assemblies were themselves preceded by a special *contio*, where the so-called *suasio/dissuasio* took place. This was a formal debate on the proposal held immediately before the vote was taken in the assembly. The two meetings were therefore intimately linked and their attendance virtually identical.[3] These *contiones* must be distinguished from those called *ad hoc* by a magistrate or priests, wishing to address the people on any topic. It is the latter type which is our main concern in this chapter.

The *contio* provided the only official setting for political leaders to meet the people, and the picture presented by the ancient sources is one of lively civic events, which played a significant part in the political life of the republic. In recent years the *contio* has attracted considerable scholarly interest, particularly among supporters of the 'democratic' model, for whom the institution represents an incontrovertible manifestation of the people's crucial role in the running of the *res publica*. The *contio* is identified as a focal point in the ongoing negotiation of power between elite and populace, and the image of politicians addressing an

[1] Thus the definitions in Gellius 13.16(15).3: 'contionem habere est verba facere ad populum sine ulla rogatione', and Festus, 34L: 'contio significat conventum non tamen alium quam eum qui a magistratu vel a sacerdote publico per praeconem convocatur'. Cf. Liebenam (1990), Taylor (1966a) 15–33; Pina Polo (1995); (1996) 48–52. For the *ius contionandi* see Thommen (1989) 171–9.

[2] Generals could also deliver their reports at a *contio*, Livy 36.40.14; 45.40.9.

[3] For the *suasio/dissuasio* see Mommsen (1887) III, 394.

assembled crowd of citizens, pleading their case and bringing all their rhetorical skills to bear in an attempt to win popular support, might indeed give the impression of a 'democratic' process which was more than a mere formality. In this chapter we shall therefore examine this institution in greater detail, looking both at the issue of attendance and at the wider function of these meetings in late republican politics.

The 'democratic' reading of the *contio* assumes identity between crowd and *populus*, that is between the people as a political body and the individuals who formally represented it on these occasions. In Rome, however, that equation is plainly untenable; as we have seen, only a tiny proportion of the population could ever take part. The Roman citizen-body could therefore produce an almost infinite number of potential audiences, which forces us to reconsider the composition of the crowds that did attend the *contiones*. Our sources are rarely of much help on this point. As noted above, they tend to refer to the audience in generic terms as the *populus* or the *multitudo*. More detailed descriptions of the composition of *contiones* are rare and, in the nature of things, often coloured by political bias. This discussion, while taking into account those few indications we do have, will therefore attempt a more structural approach, focusing on the practical aspects of conducting and attending *contiones* in the late republic.

The fact that *contiones* were open to all citizens, but able to accommodate only a fraction of the urban population, puts the spotlight on the small minority that did take part. Was the audience a miniature version of the *populus Romanus*, representing the views and moods of the populace as a whole? Did there, in other words, exist a particular *plebs contionalis*, a mixed group of citizens regularly turning up for meetings and assemblies, as has been suggested by some modern scholars?

Meier realised the implications of the small crowds involved in politics and distinguished a small active section of the *plebs*, the *plebs contionalis*, which he identified as a gathering of shopkeepers from around the Forum.[4] In taking this minimalist stance Meier may have been influenced by Mommsen, who believed the assemblies to have consisted of merely a few hundred or thousand individuals collected from the back alleys of the capital.[5] The idea of the *plebs contionalis* as a small topographically concentrated crowd of traders raises practical problems.

[4] Meier (1980) 114: '. . . kleinen Krämern aus dem Umkreis des Forums . . .' Although these traders were few in number and socially unrepresentative, Meier also held that the *plebs contionalis* rarely differed in its political views from the *plebs urbana* in general.

[5] Mommsen (1854–5) II, 94, 'eine Masse vor allem, in welcher, von seltenen Ausnahmefällen abgesehen, under dem Namen der Bürgerschaft ein Paar hundert oder tausend von den Gassen der Hauptstadt zufällig aufgegriffene Individuen handelten und stimmten'.

For how would these people be able to attend often very frequent meetings when they were supposed to earn a living for themselves? Moreover, the theory fails to accommodate the changing venues for the meetings. Thus, the *contiones* held on the Capitol or in the Circus Flaminius would, on this line of argument, have attracted quite different audiences.

Vanderbroeck, in his study of popular leadership in the late republic, accepted the idea of a small group of people regularly participating in meetings and assemblies. He described a *plebs contionalis*, which had a 'regularized behavioral pattern and anticipated collective behavior'.[6] And the membership of this *plebs contionalis*, with whom the 'popular' leaders 'made a coalition', he identified as 'independent freedmen', who worked as shopkeepers and craftsmen.[7]

An identification of the crowd as *tabernarii* and *opifices* is in itself not very illuminating; these professions remained the primary occupations of the urban *plebs*.[8] The theory of a politically active section of the *plebs* made up of independent freedmen is, on the other hand, based on a combination of a few scattered references to freedmen in the *contiones* (see p. 59 below) and a suggestion by Garnsey that some freedmen may have been free from patronal obligations; some because they had managed to buy off any remaining bonds, others due to their manumission *ex testamento*.[9] The existence of this category, likely as it may be, does not alter the fact that most freedmen probably had fairly close ties with their patron. Thus, the hypothesis does not lay claim to a general reinterpretation of the relationship between freedmen and patrons. Vanderbroeck's identification of politically independent plebeians with freedmen is therefore paradoxical. Although some participation of freedmen in meetings and assemblies may be plausible, an entirely libertine *plebs contionalis* is not feasible. Inscribed as they were in only four *tribus*, freedmen could not pass legislation. The implication is that the otherwise stable *plebs contionalis* would have been substituted by a completely different crowd when the *contio* was dissolved and the *comitia* assembled to take the vote.

These attempts to define a *plebs contionalis* illustrate the problematic nature of the concept, which is basically a modern one. Cicero in various contexts refers to 'contionalis plebecula', 'turba forensis' and 'populus contionarius', but a closer reading of these passages suggests that no permanent *plebs contionalis* was implied.

The 'contionalis plebecula', mentioned in *Att.* 1.16.11, appears in an embittered invective against groups who had heckled Cicero in the past

[6] Vanderbroeck (1987) 162. [7] Ibid., 161, 165.
[8] Cf. Purcell (1994) 659–73, and Treggiari (1980). [9] Garnsey (1981).

but now after his alignment with Pompey gave him a much more favourable reception in public meetings. Cicero describes them as the dregs of the city and a 'starveling rabble' that 'sucks the treasury dry'.[10] Clearly, therefore, the passage is not an objective description of a permanent politicised section of the *plebs*; there is plenty of evidence to suggest that *boni* often attended assemblies and public meetings. The tone of the letter is generally exaggerated and the specific attack on Pompey's supporters, invoking the recent restoration of the subsidised grain dole, far too rhetorical to be of much use in determining who attended *contiones*.

The 'turba forensis' mentioned in *De or.* 1.118 is part of a commonplace attack on crowds cheering 'popular' orators. He describes the audiences as 'barbaria' and the speakers as 'vitiosissimi', most faulty.[11] Cicero is therefore not referring to a permanent 'barbaric' crowd occupying the Forum; the remark was directly linked to his dismissal of 'bad' speakers and has no wider application outside this specific context.

In *Q. Fr.* 2.3.4, Cicero lists a series of groups opposed to Pompey in 56, including the 'contionarius populus'. As I shall argue below, they may not represent a 'politicised' section of the *plebs*, but rather those citizens, often of higher social standing, who regularly frequented the Forum and could be relied upon to turn up for a *contio* in support of the senate.

Finally a passage in Plautus, *Poen.* 584, mentions 'homines comitiales'. But it is evident from the context that it refers to people hanging out in the courts, not regular participants in legislative *comitia* or *contiones*.

The concept of the *plebs contionalis* therefore has no ancient pedigree,[12] and the question is whether it really helps us to better understand the late republican *contio*. One feature which seems to emerge from the sources is the seemingly erratic behaviour of the contional crowds, whose sympathies appear to vacillate from staunchly optimate to fiercely *popularis*. This pattern of behaviour does not fit easily into the picture of a regular crowd attending the meetings. Vanderbroeck, however, identified an inherent volatility in the *plebs contionalis*, whose 'loyalty . . . could shift from one leader to another or even to the senate'.[13] He thus ends up with a peculiar group of politically highly active, socially independent freedmen whose continuous participation was not driven by any stable loyalties or well-defined interests.

[10] 'sordem urbis et faecem', and 'illa contionalis hirudo aerari misera ac ieiuna plebecula'.
[11] '. . . haec turba et barbaria forensis dat locum vel vitiosissimis oratoribus . . .'
[12] Cf. Thommen (1989) 183 n.59.
[13] Vanderbroeck (1987) 171.

The concept of a *plebs contionalis* creates more problems than it solves. The main difficulty involved concerns the ability of its members to attend on a regular basis and their motivation for doing so. For why would a small section of the *plebs* regularly turn up for political meetings in which it had no voice – apart from cheering and jeering – and which took no decisions? Precisely because the overall scale appears to have been so modest, participation cannot have been part of their daily routines or embedded in any political culture among the *plebs*. The *plebs contionalis* would therefore have been a highly specialised sub-group of politically minded citizens, set off from a largely inactive – or depoliticised – majority of plebeians. Viewed in this perspective the theory clearly has more than a touch of anachronism; such a politically concerned public – outside the ruling circles – did not emerge until the rise of the bourgeoisie in the early modern period.

The social background of the participants raises yet another problem: how was it economically feasible for a working-class *plebs contionalis* to invest so much time in politics? As we have seen, the image of the plebeians as mere idlers living off the state dole and private benefactions has now been questioned. It seems that the large majority of the Roman population relied on their own work for their economic survival. Political participation, on the other hand, could be very time-consuming. There were few restrictions on which days could be used for *contiones*. And although direct evidence is lacking, it seems that *contiones* might be called with great frequency. Thus, in *Sest*. 39 and 42 we are told that Clodius held daily *contiones* against Cicero.[14] Meetings were often called a day in advance; formally it happened by *praecones* going round the *vici* announcing the *contio*. But it remains questionable how many *tabernarii* and *opifices* would have been able to leave their shops/workshops at such short notice. We know little about the duration of *contiones*. Presumably it might vary considerably. Some featured a number of speakers and would probably have lasted several hours, to which should be added also the time it would have taken to get to the venue from the residential areas of the city. Viewed in this perspective regular participation would not have been a realistic option for most plebeians. *Tabernarii* may on occasion have been able to close their shops, but for others, for example day-labourers, that was not an option. Given the economic sacrifices involved, the idea of some members of the *plebs* routinely leaving their work in order to listen to speeches by the elite seems less plausible.

[14] Cf. Cic. *Mil*. 12; *Cluent*. 93; 103 (Quinctius); *Marc*. 27; *Verr*. 2.3.223 (Cotta). Asc. 51C, who refers to 'cotidianis contionibus', held by the tribunes after Clodius' death in 52. In *Brutus* 305–6 Cicero mentions frequent *contiones* held in 91.

As a working hypothesis the *plebs contionalis* is not very useful. There is no firm evidence to suggest the existence of a group of 'politicised' plebeians. There are, moreover, numerous instances from the late republic which cannot possibly be fitted into a model of a more or less permanent *plebs contionalis*. However, before examining this evidence, it may be worth pursuing further the social implications of this discussion. For it follows logically from these considerations that the political crowd in Rome generally would represent the propertied classes rather than the working population. A system which offers no incentive for popular participation is naturally left to those with time and resources, both essential requirements for regular political participation at Rome. It would therefore not be surprising if the political *populus* addressed by the politicians turned out to be socially far superior to the mass of urban plebeians, and there are in fact indications that under normal circumstances public life was indeed dominated by the propertied classes.

We have already seen how Sallust noted the unusual turnout of lower-class citizens in support of Marius, and Diodorus describes Octavius' followers in 133 as 'not just recently assembled', but 'the most politically alert and the well-to-do segments of the populace', 34/35.6.2.[15] One notes that the 'active' element was also the wealthy one, and its support for the senate against Ti. Gracchus suggests where the natural interests of this group lay. For the point is that outside the office-holding class there were also people with considerable economic resources, who did not rely on their own labour but could dispose freely of their time. In this vital respect they represented the natural political crowd in republican Rome. They could command the attention of the office-holding class, and expect to be formally consulted on political issues. Given their social standing, they would presumably also have been well integrated into political circles and better informed about current affairs than was the mass of urban citizens.

The setting of *contiones* in the Forum may also have reflected – and further encouraged – regular participation by this group. The forum has sometimes been described as a popular space where Romans from all walks of life would come together, a picture heavily reliant on Plautus' vivid sketch of social types in the Forum, *Curc.* 455–82.[16] Here comic exaggeration is evident, however, and by the late republic the social reality of the Forum may have been less diverse than Plautus' fictional account would suggest. The sources give several hints that in this period

[15] 'alla to praktikotaton tou demou kai tois biois karpimou'. Diodorus' hostility towards the Gracchi is well known; still, that does not explain his description of their opponents.

[16] E.g. Rouland (1981) 113.

the Forum was dominated by men of substance. In the *Commentariolum* Cicero is advised to secure the *centuriae* through senators, knights and active and influential people from all other ranks, with the addition that: 'Many energetic city folk, many influential and active freedmen are about in the Forum.'[17] The forum crowd is here set apart from the urban *plebs* at large, briefly mentioned in the following paragraph, and their description as 'gratiosi' to be approached personally by the candidate suggests that they were men of means and influence. Cicero himself also described the Forum as a dignified space 'full of the best men and citizens', explicitly contrasted with the popular Greek *agora* and the unruly assemblies of the East.[18]

C. Gracchus warned against following Capua's example and excluding the *plebs* from her political centre, but not only was he then pursuing a very specific ideological point,[19] there is also evidence that the Forum was gradually 'cleaned up' during the later republic and turned into a monumentalised formal space.[20] Sordid trades were removed from the Forum, and forced into the side-streets or other parts of the city. What remained of commerce were bankers and luxury shops, catering for a wealthy clientele. In this period, therefore, we find little trace of the colourful social mix presented by Plautus. The Roman forum emerges as a dignified place for public affairs, where respectable citizens would come together to attend court cases, socialise, shop, conduct financial transactions, accompany important figures or friends running for high office.

The political stance taken by the Forum crowd points in the same direction. Thus, Cicero refers to the senate's champion Curio, who received 'hearty rounds of applause, a most flattering amount of general salutation in the Forum, and a great many other signs of good will from the *boni*', *Att.* 2.18.1.[21] Their senatorial stance and opposition to Caesar are further underlined by the eagerness with which the people in the

[17] *Comm. pet.* 29: 'Et primum, id quod ante oculos est, senatores equitesque Romanos ceterorum [ordinum] omnium navos homines et gratiosos complectere. Multi homines urbani industrii, multi libertini in foro gratiosi navique versantur.' In *Fam.* 5.15.2 Cicero notes that: 'forum commune sit', but he does so in a letter to Lucceius, suggesting that this was indeed the place where he would go to meet fellow senators.

[18] Cic. *Flacc.* 57: 'plenum optimorum virorum et civium'.

[19] Val. Max. 9.5 ext. 4. Purcell (1995) takes Gracchus' ideological point literally and distinguishes a 'plebeian' and a 'noble' forum in Rome. However, the evidence adduced for the former remains very limited and ambiguous.

[20] A process traced in Morel (1987) 135–7, who notes the gradual transformation of the Forum, which left only 'respectable' forms of commerce, cf. 145. Varro, *De vita pop. Rom.* 2 fr.72, for example, mentions the removal of the butchers' shops from the Forum.

[21] 'consalutatio forensis perhonorifica, signa praeterea benevolentiae permulta a bonis impertiuntur'.

Forum gathered to read Bibulus' decrees, Cic. *Att.* 2.21.4.[22] There are also other examples of the Forum crowd rallying to support the senate against 'popular' opponents (below pp. 51–2). The 'contionarius populus', mentioned by Cicero in *Q. Fr.* 2.3.4, becomes interesting in this context. They feature alongside the *nobilitas*, the senate and the *iuventus* (probably of good family, cf. *Comm. pet.* 6) in a list of groups opposed to Pompey in 56. These meeting-going citizens are clearly distinguished from the popular supporters of Clodius, who are mentioned separately in the same paragraph, and their association with the elite might suggest that they were respectable *boni* frequenting the Forum on a regular basis.

The notion of the Forum as a meeting place filled by a cross-section of the urban population may therefore be too idealised; more realistically the Forum belonged to the world of the elite rather than the populace in general. The small crowds gathered for the *contiones* may typically have been men of substance; attending the Forum and the public meetings held there probably formed part of the daily routines associated with the leisured lifestyle of a Roman gentleman.

Outsiders were not excluded from these occasions – that would have breached the basic principles underpinning the *contio* as an institution. Anyone interested in a political issue could turn up, but it remains an open question how many members of the lower classes would have done so.[23] Apart from the material disincentive, the nature of the issues brought up in public meetings would also have militated against regular plebeian participation. In general 'Roman politics' was firmly rooted in the world of the elite, and many issues were marginal to the lives of the masses. We may wonder, for example, how many shopkeepers would rush to the Forum to listen to speeches on aspects of foreign policy or regulations for office holding. How would members of the lower *plebs* acquire an interest in topics of this type, or gain any information about them?

On this interpretation the existence of the *contio* does not in itself represent a challenge to traditional readings of Roman politics as fundamentally aristocratic in nature. As argued above, the *contio* can be seen as a formal consultation of the people for whom politics mattered –

[22] Cf. the anti-triumviral feelings of the *boni* in the theatre, Cic. *Att.* 2.19.2–3 and 4. The fact that the Forum crowd was able to read Bibulus' decrees also suggests that they belonged to the literate classes.

[23] Nippel (1995) 47 seems to suggest a model of issue-driven participation, where people turned up for *contiones* on causes close to their heart or affecting them personally. Given the fact that it was the elite which formulated the political agenda in Rome, the implication of such a model is a political crowd heavily dominated by this very same elite.

and who mattered to the politicians. As such it may simply have extended the political process to a broader section of the elite outside the active political class of office-holders and senators, while at the same time paying tribute to the venerable ideals of citizenship and *libertas*. The fact that political proceedings are public does not in itself make them 'democratic'. That depends entirely on who attends them and, as we shall see, on the relationship between the meetings and the political decision-making.

The 'democratic' model presupposes a direct link between public debates and the political actions taken by the sovereign *populus*. But the connection between argumentation and decision-making is undermined by the scale of the meetings compared to the citizen population as a whole. For apart from the pre-comitial debates, *contiones* did not address the electorate in preparation for a forthcoming vote. Given the logistics of the meetings, the crowd turning up for the final vote might in principle be completely different from the one which had attended the preceding *contiones*. This situation raises the question of why these meetings were held at all, or, in other words, what their function was in late republican politics.

The most striking aspect of the Roman *contio* is the fact that, unlike the Athenian assemblies, it was not open for everyone to put forward their views. The *contio* remained under the control of the presiding magistrate, and only with his permission could others be allowed to address the meeting.[24] Thus, the possibility of excluding debate is illustrated by Cicero's description in *Pro Cluentio* of a *contio* in which no dissenting voices were allowed: 'The case was taken up at public meetings; and though it had never been heard, the same view of it was taken by the populace. No one had a chance to denounce that view; no one in fact exerted himself to urge the opposite view.'[25] The presiding magistrate was, in other words, free to exclude any opposition from his meeting.

The *contio* was not designed as a forum for open debate, not even between members of the political class. And certainly it did not provide a free exchange of arguments informing the sovereign Roman people. The *contio* was essentially an official platform for politicians to present themselves and their views to small, presumably influential audiences. As Gellius defined it, a *contio* was simply 'verba facere ad populum', and

[24] Cf. Hölkeskamp (1995) 35.
[25] *Cluent*. 130: 'Iactata res erat in contione . . . incognita causa probatum erat illud multitudini; nemini licitum est contra dicere, nemo denique ut defenderet contrariam partem laborabat.'

its remoteness from the liberal ideal of an open democratic discourse becomes even more apparent in the late republic, when traditional political structures collapsed under the pressures of increased elite competition and the emerging conflict between senate and *populares*. For in this increasingly anarchic period it becomes a real issue whether such a 'democratic' institution, if intended, would have been possible. In practical terms the question is whether a Roman orator would have been able to address a crowd which was hostile or even politically split. The simple fact that orators relied entirely on the power of their own voices, often in acoustically difficult locations, made them extremely vulnerable to noisy or unruly crowds. Many instances are on record which suggest that simply to be heard, orators to a large extent depended on the good will of their audience.

Hissing and shouting were common ways of showing disapproval on public occasions. Cicero notes that: 'Those "populares" have taught even decent people to hiss.'[26] But the problem was not new; already in 169 Livy, 43.16.8, reports a *contio* where the heckling of one particular speaker became so intense that he had to call the herald to bring the meeting to order.[27] At the *contio* preceding the passing of the *Lex Gabinia*, which granted the pirate command to Pompey, his senatorial opponents were harassed by the crowd; only when Catulus spoke was it 'quiet for some time', Plut. *Pomp.* 25. Pompey was shouted down when he tried to defend Milo in 56, Cic. *Fam.* 1.56.1; *Q. Fr.* 2.3.2; Plut. *Pomp.* 48.7.65, Cic. *Fam.* 1.5b.1; Plut. *Pomp.* 48.7; Cic. *Q. Fr.* 2.3.2. Cicero himself was jeered at the political trial of Rabirius, Cic. *Rab. perd.* 18. According to Appian *B. Civ.*, 2.131, Lepidus could not make himself heard against the shouting of a hired crowd. At the trial of Milo soldiers were called upon to secure a silent hearing, Cic. *Milo.* 3; Asconius explains that: 'This subdued the Clodians, and for two days they allowed the witnesses to be heard in silence.'[28] In 57 the senate made the consul call a *contio*, which explicitly excluded the followers of Clodius, so that 'no ears should be affronted by the voice of any hireling or scoundrel raised in bitterness or enmity against the *boni*'.[29] The haughty demand for silence made by P. Cornelius Scipio Nasica, consul

[26] *Att.* 2.19.2: 'Populares isti iam modestos homines sibilare docuerunt.' The fact that this type of behaviour was not limited to the 'lower classes' is underlined also by Cic. *Att.* 2.18.1, describing how the *boni* pursued Fufius 'with cat-calls and abuse and hisses', 'clamoribus et conviciis et sibilis consectantur'.

[27] 'Graccho dicente silentium fuit: cum Claudio obstreperetur, audientiam facere praeconem iussit.' Also Scipio Aemilianus was shouted down in a *contio*, Plut. *Mor.* 201F.

[28] 40C: 'Qua re territi Clodiani silentio verba testium per biduum audiri passi sunt'.

[29] Cic. *Post red. sen.* 26: 'ut nemo cuiusquam conducti aut perditi vocem acerbam atque inimicam bonis posset audire'.

138, also invokes the atmosphere of a Roman *contio*, where an irreverent crowd could prevent an unpopular speaker from being heard.[30]

The vulnerability of the orator also explains the stress on the silence of an audience as a sign of respect and approval. Thus, Cicero claimed that in the *contio* which preceded the vote to recall him from the exile: 'The silence and the approval of all present were so intense that it seemed as if nothing so popular had ever reached the ears of the Roman people', *Sest*. 107, and continued: 'What a silence there was, to hear the rest of the leading men of the state when they spoke of me!', 108.[31] Similarly in *Mil*. 91 Cicero stresses that in the *contio* following Clodius' death: 'the tribune M. Caelius had been given a silent hearing', before being violently interrupted by political opponents.[32]

Because of the absence of a disciplined political culture, or any effective reinforcement of public order, it was often impossible to conduct debates in public.[33] At the most extreme a speaker could be physically assaulted by a hostile crowd, as often happened in the late republic. Among the numerous instances are the brawl in 91, when supporters of Livius Drusus injured the consul Philippus at a precomitial *contio*.[34] Likewise, when the consul Piso challenged a *contio* called by Cornelius in 67 against the senate, his *fasces* were broken and stones were thrown at him, Asc. 58C.

Evidence such as this leaves us with the question of whether a genuinely 'democratic' institution could ever have functioned in the polarised political climate of the late republic. Since it would have been almost impossible to address a hostile crowd, let alone win them over, we will have to redefine the purpose and character of the *contio*. Having lost its potential as a 'democratic' forum, it appears to have been reduced to its most basic function, a public stage for office-holding politicians. That did not not diminish its importance. On the contrary, in a society without any other mass media than word of mouth, public meetings performed a vital function in disseminating political news and

[30] 'Tacete, quaeso, Quirites, plus ego quam vos quid rei publicae expediat intellego', Val. Max. 3.7.33.

[31] 107: '. . . tanto silentio, tanta adprobatione omnium, nihil ut umquam videretur tam populare ad populi Romani aures accidisse'; 108: 'Quo silentio sunt auditi de me ceteri principes civitatis.'

[32] 'vidistis . . . contionem gladiis disturbari, cum audiretur silentio M. Caelius, tribunus plebis'. Cf. Cic. *Cluent*. 93.

[33] Even in the senate debates were often so unruly that the speakers had difficulty making themselves heard, Cic. *Q. Fr.* 2.1.2; 3.2.2. The shouting might not be much different from that in the *contiones*, cf. Cic. *Q. Fr.* 2.5.1: 'clamore . . . prope contionali', and also in the senate complete silence was considered a sign of approval and respect, *Q. Fr.* 2.1.1, describing how Rutilius Lupus was listened to 'magno silentio.'

[34] Florus 2.5.8; *De vir. ill.* 66.9; Val. Max. 9.5.2.

propaganda. In the late republic we find *contiones* used for a variety of purposes: apart from presenting new proposals, magistrates could attack opponents or defend themselves against allegations. Cicero in *Agr.* 3.3 referred to accusations, which he wanted to counter in public. *Contiones* could also be used to spread rumours and launch slogans.[35] Thus in 52 T. Munatius Plancus took the opportunity to spread a story about Milo having abducted and imprisoned witnesses to the killing of Clodius, Asc. 37C. A *contio* could also be used to put pressure on opponents and faltering allies.

The *contio* obviously had a particular significance and value for 'popular' leaders. It offered them an opportunity to demonstrate the popular support on which they based their policies and claim to influence. As such they were effective symbolic manifestations of the sovereignty of the people over the senate; as illustrated for example by the gestures of Licinius Crassus and C. Gracchus, who abandoned the Comitium in 145 and 122 in favour of the Forum. Likewise, in 58 the consul Gabinius responded to the opposition of the senate by calling a *contio*, where he gave vent to his anger in a furious speech, Cic. *Sest.* 28. *Contiones* could also function as rallying-points for popular leaders, strengthening support by rousing speeches and mass gatherings. They might even be used to muster crowds in preparation for future action. Thus, Munatius urged the people at the *contio* to turn up in large numbers the following day when Milo was to be tried, 'ut postero die frequens adesset', Asc. 40C, cf. 52C. Such exhortations would probably reach a wider circle than the audiences actually present; the news launched on such occasions may have spread rapidly throughout the city.

The *contio* became a powerful political weapon in the late republic, used to attract favourable attention, put pressure on other politicians, and generally score political points against opponents. But this use also involved certain risks. Unpredictable as they were, *contiones* could backfire and damage your prospects and reputation. If the organiser failed to get a positive response, the whole purpose of the meeting would be defeated, and instead of demonstrating his *favor populi* it would provide his opponents with political ammunition. Thus in 59, when Caesar held a less successful *contio* against his colleague Bibulus, Cicero gleefully writes to Atticus that '. . . Caesar thought he might stir up a *contio* with a speech into attacking Bibulus. After a long inflammatory harangue he could not raise a murmur', *Att.* 2.21.5.[36] Likewise, in *Att.*

[35] Pina Polo (1996) 94–113.

[36] '. . . putarat Caesar oratione sua posse impelli contionem ut iret ad Bibulum. multa seditiosissime diceret, vocem exprimere non potuit'.

4.2.3 Cicero gives a scathing account of the *contio* where even the 'infimi' in a crowd addressed by Clodius failed to take him seriously when he claimed that he had the pontiffs' support on the issue of Cicero's house; they 'were astonished, while others laughed at his folly'.[37]

The nature and purpose of *contiones* meant that certainly by the late republic they were useful to a politician only if he could command a supportive audience. Since there was no identity between audience and voters, the whole point of calling a *contio* was to address a crowd which could propagate one's ideas and boost one's public standing. Thus, the internal logic of the institution was to develop into a stage-managed political demonstration. In the polarised climate of the late republic an effective *contio* required preparation, and it seems that politicians increasingly relied on sympathetic crowds mobilised in advance – which also explains the partisan crowds that become such a prominent feature in the last generation of the republic. In this period the crowds begin to take on distinctly different political colouration according to who had organised the meeting. The breakdown of the old political consensus naturally led to new patterns of political participation, and given the likely social bias of the traditional political crowd in the Forum, it is difficult to see how 'popular' leaders could conduct a successful *contio* without mobilising their supporters among the masses. Therefore, as the republic descended into anarchy, the *contio* naturally turned into a partisan gathering of loyal supporters.

Apart from showing the absence of any real discussion, the passage from *Pro Cluentio*, quoted above, also suggests the crowd's blank acceptance of the proposal put before it. Cicero links the apparent unanimity of the *contio* to the suppression of open debate, but the presence of a supportive crowd may have been a common feature of late republican *contiones*. There seems to have been a general expectation that the organiser of a *contio* would enjoy a sympathetic audience. In *Sest.* 105 Cicero contrasts the early popular leaders with Clodius; whereas the former could mobilise a crowd by means of policies attractive to the people, 'largitio' and 'spes commodi', Clodius, Cicero argues, had to pay supporters to fill his meetings. Apparently, the presence of a sympathetic crowd is taken for granted; only the means of achieving it is discussed. And Cicero's comment on the crowd of 'infimi' at a *contio* called by Clodius' brother Appius, *Att.* 4.2.3, which failed to accept Clodius' claim to pontifical backing, also gains its particular sting from

[37] 'Hic cum etiam illi infimi partim admirarentur partim irriderent hominis amentiam . . .'

the assumption that the audience at one's own *contiones* was there to provide support, not question your propositions.

It is therefore not surprising to find very few examples of failed *contiones* in the ancient record, despite the partisan nature of the sources and their delight in the misfortune of opponents. For that reason we should perhaps also be wary of stories suggesting *contiones* turning against the magistrate in charge, or radically shifting allegiances during a meeting; in some cases the interpretation leaves serious doubts about the identity of both organiser and crowd.

Thus Granius Licinianus, 36.33, discusses the tribunes' attempt in 78 to restore the powers of their office, which had been diminished by Sulla, stating that: 'When the popular tribunes suggested that the consuls should restore the tribunician powers, Lepidus was the first to refuse, and in a *contio* the majority agreed with his statement that there was no need to restore the powers of the tribunes.'[38] It is not clear from our text who had called the *contio*. We cannot automatically assume that the tribunes had organised the event. It would seem unlikely that a crowd assembled by the tribunes to put pressure on the consul could have sided against them on this crucial issue.[39] More likely the consul, in an attempt to counter the tribunes' motion, organised a *contio* to show that the *populus* did not endorse the claims made in its name.[40]

The impression of volatile crowds is very often the result of the ancient chroniclers' schematic descriptions of collective behaviour, referring to the 'people' or the 'crowd' without any qualifications. An example is Dio 39.28–9, which describes the dramatic events in 56 when the senate tried to prevent the consular candidatures of Pompey and Crassus. The consul Lentulus Marcellinus had first 'brought the multitude, which had thereupon rushed together, to a state of extreme sorrow; no one had a word to say against him'. After the senators had returned to the Curia, Clodius attacked Marcellinus before the people

[38] 'Verum ubi convenerant tribuni plebis, consules uti tribuniciam potestatem restituerent, negavit prior Lepidus, et in contione magna pars adsensa est dicenti non esse utile restitui tribuniciam potestatem.'

[39] There seems to have been considerable pressure for a restoration of the tribunician powers. Thus, Cic. *Cluent.* 110, *Leg.* 3.26; *Verr.* 1.45, cf. Meier (1980) 140; Millar (1998) 49–71. Pompey gained great popularity when he implemented the reform, cf. Gruen (1974) 25 n.57, and in 75 the tribunes' right to hold higher offices had been restored 'magno populi studio', Asc. 67C.

[40] Likewise, Sall. *Hist.* 3.48.8, on the tribune Sicinius from 76: 'primus de potestate tribunicia ausus, mussantibus vobis circumventus est . . .', does not, as recently claimed by Pina Polo (1996) 142, refer to a meeting where the crowd failed to support his endeavours on their behalf; it simply notes a general indifference among the people when Sicinius was unjustly prosecuted. Cf. McGoshin (1994) 91, 28, translating the passage: 'and even though L. Sicinius, the first to raise the question of the tribunician power, was circumvented while you only muttered about it'.

and tried – unsuccessfully – to get access to the senate house. Surrounded by knights, Clodius called for help, and 'many ran to the scene bringing fire and threatening to burn his oppressors'. The scenario is a most unlikely one; a crowd moved within minutes from complete agreement with the senate to violent support for Clodius. We are probably dealing with competing groups of followers.[41] Plausibly, the improvised meeting was first dominated by the *boni* and knights who were already present in the Forum; only later did Clodius' loyal supporters arrive to rescue their leader.

In general the character of a *contio* appears to have been closer to a partisan political manifestation than to a public debate. This is hardly surprising since, as we saw, *contiones* did not offer the opportunity for genuine discussion; as a rule politicians seem to have stayed away from meetings held by their opponents.[42] Thus, we have very little evidence for Roman politicians voluntarily attending or addressing hostile *contiones*. By turning up they merely risked abuse or even physical assault without having any real chance of making political gains. Thus, when C. Cato in 59 ascended the Rostra to attack Pompey – in a hostile *contio* – Cicero says that it was a wonder that he got away alive, *Q. Fr.* 1.2.15. Another exception was Clodius' appearance at the *contio* of the *boni*, organised by the senate in 57, Cic. *Sest.* 108. But that was clearly intended as a gesture of defiance, demonstrating his intransigence at the senate's attempt to restore Cicero by calling the *comitia centuriata*. Generally violent confrontations were a rare occurrence in *contiones*; there was no point in provoking unnecessary disturbances in what were essentially 'party'-meetings.

The pre-comitial *contiones*, on the other hand, had a somewhat different character. They were filled with voters about to attend the ensuing *comitia tributa* or *concilium plebis* and might be the scenes of open disagreements and confrontations. Livy, 34.1.4, gives a classic description of a heated exchange of arguments in front of the assembled people about to vote on the repeal of the *Lex Oppia*. Later the pre-comitial *contiones* turned into virtual battlegrounds; in post-Gracchan times the course of many meetings shows the impossibility of conducting proper debates in public. Thus, in 67 the senators railed against the *Lex Gabinia* to little avail since they could not even get a hearing, Plut. *Pomp.* 25.3–6.

[41] Val. Max. 6.2.6 simplistically states that Marcellinus addressed 'universus populus'.

[42] Thus, when Cicero turned up for the *contio* held by Flavius in 60, it was to lend – qualified – support for the proposed land bill, to which he suggested some modifications, *Att.* 1.19.4. Cicero could therefore claim the good will of the crowd 'secunda contionis voluntate', which – as a matter of course – had backed Flavius' scheme.

Cicero claims that riots and violence often broke out in *contiones*, *Sest.* 77, but that statement may be too general. A closer look at the evidence suggests that most clashes took place at the pre-comitial *contiones*, which were attended by political opponents and their respective followers. Thus, the *contio* before Minucius Rufus' attempt to have the *Lex Rubria* repealed in 121 ended in a clash with C. Gracchus, who had arrived with a large crowd. Likewise in 91, when Philippus opposed Drusus' laws and was injured by one of his supporters. Another example, also showing the absence of a *plebs contionalis*, is provided by Metellus' attempt to have Pompey entrusted with special powers to crush the Catalinarian conspiracy. Plutarch, *Cato Min.* 26–9, describes the assembly, which descended into an open brawl between the supporters brought along by Metellus and those raised by his opponent Cato on behalf of the senate. When Metellus' men had been routed, the 'people' suddenly appear in the story, strongly supporting Cato. But this is obviously a reference to Cato's victorious followers, as indicated by their definition as 'the better citizens' in 27.6. Therefore, in this meeting we find no trace of a 'political crowd', only the partisans mobilised by various political leaders.

Contiones called *ad hoc* generally seem to have been one-sided, organised events – masquerading as the assembled Roman people. The 'staged' character of the meetings offered magistrates an opportunity to pressurise and embarrass political opponents in public. An invitation to a hostile *contio* was a 'no-win' situation for the politician in question. Ignoring a challenge from a magistrate could be used against oneself, making one liable to accusations of personal cowardice and disrespect for the sovereign people. Thus, Cicero taunted Rullus for not turning up at his *contio*, *Agr.* 3.1. Attending, however, meant that one had to face a hostile crowd organised by an opponent who could thus attack from a much stronger position, supported by their shouts and jeers.

In 121 Cn. Carbo called Scipio Aemilianus before a *contio* to interrogate him about his stand on the killing of Ti. Gracchus. Defending the act, Scipio was abused by the audience and in return accused it of being the stepchildren of Italy.[43] Carbo, it seems, had organised a sympathetic crowd to put pressure on Scipio and underpin his claim of popular outrage. Scipio Nasica and other senators were put in a similar situation, when they were called before a hostile *contio* after Gracchus' death, Diod. 34/35.33.7.

In a letter to Atticus, 1.14.1, Cicero describes Pompey's –

[43] Cic. *Mil.* 8; Val. Max. 6.2.3; Vell. 2.4.4; *De vir. ill.* 58.8; Plut. *Mor.* 201F; Polyaenus *Strategemata* 8.16.5. According to Plut. *Ti. Grac.* 21.5, Flaccus and C. Gracchus interrogated Scipio Aemilianus in front of the people.

unsuccessful – appearance at a *contio* held on the issue of Clodius' prosecution after the Bona Dea scandal in 61. He had been summoned by the tribune Fufius who had mobilised a large crowd in the Circus Flaminius, including people from the market. Here Pompey was quizzed over the selection of jurors for Clodius' trial. In 56 the consul Marcellinus called Pompey and Crassus before an optimate *contio*, pressing them to reveal whether they intended to run for the consulship, Plut. *Pomp.* 51.5–6. Similar interrogations in front of hostile audiences took place before the exiling of Cicero, when: 'Clodius brought them [Hortensius and Curio] before the people, where they were soundly belaboured for their mission by some appointed agents', Dio 38.16.5.[44]

In this light it is hardly surprising that Rullus declined the invitation to appear at Cicero's *contio* and defend his land reform, preferring instead to challenge the consul to a debate in a *contio* of his own, Plut. *Cic.* 12.5. The manoeuvrings around this bill make little sense if *contiones* in general were held in front of a regular *plebs contionalis*: they suggest a particular 'homeground' advantage to those *contiones* you had called yourself.[45] The rules dealing with 'competing' *contiones* point in the same direction. Gellius, 13.16, tells us that in cases where several *contiones* had been called simultaneously, the first to be announced would take precedence. Again the rule underlines the political importance of calling one's own meetings, rather than appearing at others'.

The staged character of the *contio* throws doubt on the role of oratory as a political weapon. In itself the human voice is hardly an effective medium of mass communication; and as noted above, it may even have been practically impossible to address a crowd which was not already well disposed towards the speaker. *Contiones* were clearly important in terms of spreading news and slogans; but again this function also relied on a favourable crowd. Successful use of rhetoric as a means of swaying voters in one direction or another may therefore have been a rare occurrence.

Cicero's obstruction of the *rogatio Servilia* is interesting in this context. It is the only instance from the late republic where oratory applied in a contional address would appear to have prevented the passing of a 'popular' bill.[46] In 63 the tribune Servilius Rullus put forward a carefully prepared plan for the distribution of land to the

[44] Cf. Dio 38.16.6; Cic. *Dom.* 40; *Har. resp.* 48. In 59 Caesar used a similar strategy when he put Bibulus before a hostile *contio*, Dio 38.4.2–3, obviously involving a different audience from the one that had attended the *contio* recorded in Cic. *Att.* 2.21.5.

[45] Nor do they fit into a model of issue-driven participation in meetings; presumably those with a particular interest in Rullus' bill would have turned up to *contiones* held both for and against the reform, in which case the audiences would have been identical.

[46] E.g. Gruen (1974) 395, who suggested that the freeborn plebeians 'may well have been led astray by the obfuscating rhetoric of M. Cicero'.

poor. Cicero opposed it vigorously, delivering four speeches, two in the senate and two at *contiones*. He later claimed to have obstructed the bill by the powers of his oratory, turning popular opinion against the bill; a view which reappears in Plutarch, *Cic.* 12.5.[47] However, the bill was not defeated in the *comitia*, as Pliny claims, *NH* 7.117, since it never reached the assembly. The tribune Caecilius Rufus had threatened a veto, thus forcing Rullus to withdraw the proposal, Cic. *Sull.* 65.[48] Cicero's public speeches may therefore have had no direct influence on the failure of the bill.

Cicero's speeches against the *rogatio Servilia* obviously received a favourable response. But we should bear in mind that he was addressing *contiones* convened at his own initiative; presumably the audience was already on his side when the meeting began. We have no reason to believe that it represented a broad section of the *plebs*, including potential future beneficiaries of Rullus' bill. The meeting at which Cicero gave his longest speech was in fact the traditional opening *contio*, in which the new consul thanked the people for his election, cf. Cic. *Fin.* 2.74. Thus in *Agr.* 2.1–4 Cicero expresses his gratitude to the crowd for their support in the election. Since Cicero had been elected by the voters of the first two classes alone, the implication would be that the audience consisted of supportive *boni*, who had turned up to celebrate the new consul at this first public address. Evidently its composition was quite different from the supportive crowd to whom Rullus had first presented his bill; in 2.13 Cicero explicitly states that no one in that audience had understood what the law was really about.

The purpose of Cicero's speeches must be reconsidered. On one level they were a public demonstration against Rullus and his backers. They were also an attempt to manipulate public opinion in those quarters which mattered to Cicero, that is the *boni* or propertied classes, alerting them to the ominous threats of Rullus' seemingly moderate bill. Finally, we cannot exclude the possibility that the real target of Cicero's series of addresses may have been the tribunes, who had the power to block the proposal. They sat in the senate and would also have been susceptible to pressure from the *boni*, whom Cicero was trying to influence.

It seems that the practical role of oratory may have to be redefined. Public oratory would in the nature of things very often have been preaching to the converted. Its effect lay not in swaying the minds of the numerically quite insignificant audiences who could be reached in this way; its importance may have lain in the rousing effect it had on the faithful, who were encouraged to continue campaigning on one's

[47] Cic. *Rab. perd.* 32; *Pis.* 4; *Fam.* 13.4.2.
[48] Stockton (1971) 91; Pani (1997) 216–17.

behalf.[49] Indirectly public speeches may also have influenced broader sections of the population by providing soundbites and slogans which might become more widely known.[50]

The general tendency of the organisers to have the crowds behind them, whatever their political stance or affiliations, may explain why different meetings could take such radically contrasting positions on the same issues. The changing character of *contiones* – according to which politicians were responsible for organising them – is illustrated by the meetings concerned with Cicero's restoration from exile. In his speech for Sestius, Cicero sharply contrasts the *contiones* organised by Clodius and those held by his optimate supporters before his recall from exile:

> That villainous gladiator held many meetings about me to which nobody came unless bought and corrupt. No honest man could stand the sight of his ugly face or the sound of his madman's voice. Those meetings of blackguards had to be disorderly. Publius Lentulus as Consul held a meeting, likewise about me. The Roman People attended in force. All classes, the whole of Italy, took part in that meeting. He put the case very impressively and eloquently; and from the silence and universal approval it appeared that nothing so popular had ever fallen upon the ears of the Roman People.[51]

Cicero uses the fact that the participants were different at meetings organised by different political groupings to draw a distinction between real and distorted *contiones*. He condemns the *contiones* of his opponents as unrepresentative and attended merely by a hired rabble.[52] Those held in his favour, on the other hand, reflected the true feelings of the people, cf. e.g. *Mil.* 3: 'reliqua vero multitudine, quae quidem est civium, tota nostra est'. Likewise in *Sest.* 108, Cicero mentions the 'verum populum'. And in *Mil.* 91 the audience of an optimate *contio* is – logically – referred to as the 'populus Romanus'.[53]

[49] On a different level *contiones* held an important symbolic position as the official medium of communication between leaders of the state and the sovereign Roman people. As we have seen, the crowds by definition represented the entire *populus Romanus*, and any positive reaction received here therefore had considerable propaganda value to the politicians concerned.

[50] Speeches delivered at *contiones* might also be published and circulate outside Rome among the *municipales*, cf. Millar (1998) 29, 126, 145, 195.

[51] Shackleton Bailey (1991) 186–7, *Sest.* 106–7: 'Habitae sunt multae de me a gladiatore sceleratissimo, ad quas nemo adibat incorruptus, nemo integer; nemo illum foedum vultum aspicere, nemo furialem vocem bonus audire poterat. Erant illae contiones perditorum hominum necessario turbulentae. Habuit de eodem me P. Lentulus consul contionem; concursus est populi Romani factus, omnes ordines, tota illa contione Italia constitit. Egit causam summa cum gravitate copiaque dicendi tanto silentio, tanta adprobatione omnium, nihil ut umquam videretur tam populare ad populi Romani aures accidisse.'

[52] Cf. *Att.* 4.3.4: 'contiones turbulentae Metelli, temerariae Appi, furosissimae Publi', and *Sest.* 104.

[53] Cf. e.g. Cic. *Fam.* 1.4.2; *Q. Fr.* 2.4.6.

There were obvious differences in the social composition of the audiences. Thus, in *Dom.* 54–5 Cicero describes a 'conventu virorum bonorum', which was attacked by Clodius' people, and at Lentulus' meeting a large contingent had been called up in the municipalities. But there was probably no essential difference between what Cicero saw as the 'people's *contiones*' and the meetings of his enemies. The magistrate who organised them had decided the theme, selected the speakers – and, we may assume, made every effort to secure a supportive crowd in advance. Therefore, when Cicero revels in the positive response he or his cause had met in a *contio*, it was all part of the same transparent fiction of real and false *contiones*. Those held in his favour may have been no less planned and organised than those campaigning against him. In *contiones* the audience invariably applauded; that was the function of a public meeting, whatever its political colouring.

Since *contiones* increasingly became organised political events, the turnout could become a measure of success and the level of attendance a source of personal pride. Thus, Cicero boasts that 'contionem . . . maximam' had been held in his support, *Phil.* 14.16. Likewise in *Phil.* 4.1; 6.18; 7.22, the magnitude of the audience he was addressing is stressed with obvious delight. And in the published version of his second speech against Rullus, 2.103, Cicero carefully notes the large crowd he was able to command and how well it boded for his consulship.[54] On the other hand, small attendance at a *contio* could be used against an opponent. Thus, Cicero mocks the tiny audiences gathered by Clodius in his speech 'in Clodium et Curionem'.[55] These points, making little sense in the context of a permanent *plebs contionalis*, suggest that the turnout was not constant, but could be a sign of prestige. Turning up for someone's *contio* was probably not seen as a show of 'political interest' but of affiliation and support.

This line of argument takes us to the issue of mobilisation. How were crowds organised for *contiones* and who was called upon? First, however, we will have to recognise the serious limitations to our knowledge on this aspect of late republican politics. The sources leave us in almost complete darkness as to the composition of, for example, the crowds addressed by Ti. Gracchus in 133 or the audience backing the consul in 78. Likewise, we have no idea how the crowd had gathered which greeted Cicero so warmly in 63 at his first *contio* after taking office.

[54] '. . . Quirites, ut, qualis vos hodierno die maxima contione mihi pro salute vestra praebuistis . . .'

[55] 'Accesserunt ita pauci, ut eum non ad contionem, sed sponsum diceres advocasse', *Schol. Bob.* 88 (St) frg. 15.

Not least against this evidential background it seems paramount that we avoid a model of popular mobilisation, which assumes a single unified pattern. There were probably a variety of methods and strategies open to Roman politicians, ranging from the use of highly organised groups to a more improvised encouragement of people in a neighbourhood or social circle. A rare example of a less well-organised crowd has already been mentioned above; in 59 Caesar's *contio* against Bibulus did not go according to plan. Another example comes from *Brutus* 305, where Cicero says that in 90 the tribune C. Curio was deserted by the crowd in the Forum during a *contio* he had convened. These instances suggest that not all crowds may have been tightly disciplined bands of personal followers, while at the other end of the scale we find Clodius' mobilisation of crowds, which emerges from our – deeply hostile – sources as an extreme and unprecedented case of popular organisation.

Cicero describes in detail how Clodius drafted supporters by the Tribunal Aurelium in the Forum Romanum: 'And with the same consuls looking on, a levy of slaves was held in front of the Tribunal of Aurelius on the pretext of forming *collegia*; men were enlisted street by street, formed into squads, and incited to force, acts of violence, murder and robbery', *Sest.* 34.[56] This as well as other references to *collegia* and neighbourhoods suggests the existence of an effective network for mobilisation based on the associations of the *plebs*; an issue to which we shall return in the discussion of the *comitia*. Clodius was assisted by intermediate leaders, *duces*, who maintained direct contact with the *plebs*, e.g. Cic. *Dom.* 12; 89. A number of these assistants are named in our sources.[57] The existence of such professional organisers is already attested at the trial of Cornelius in 65. His accusers were surrounded by 'notis operarum ducibus', Asc. 59C, and Manilius disturbed the trial 'per operarum duces', Asc. 60C. Similarly in connection with the Catiline conspiracy Sallust, *Cat.* 50.1, mentions: 'leaders of crowds who were wont to cause public disturbances for hire', and Cicero, *Cat.* 4.17, refers to rumours that a 'pimp of Lentulus is making the rounds of the shops, hoping to buy the support of the poor and ignorant'.[58]

[56] 'Isdemque consulibus inspectantibus servorum dilectus habebatur pro tribunali Aurelio nomine collegiorum, cum vicatim homines conscriberentur, decuriarentur, ad vim, ad manus, ad caedem, ad direptionem incitarentur.' Cf. Cic. *Dom.* 54; *Post red. Quir.* 13.

[57] Favory (1976); Flambard (1977) 126–31; Benner (1987) 156–69.

[58] 'duces multitudinum qui pretio rem publicam vexare soliti sunt', and 'auditum est lenonem quendam Lentuli concursare circum tabernas pretio sperare sollicitari posse animos egentium atque imperitorum.' Note also the reference in *Comm. pet.* 51 to influential plebeians 'qui contiones tenent'.

Cicero employs a whole arsenal of insults against Clodius' *contiones*. The standard terms of abuse are 'infimi', 'perditi', 'egentes', and 'facinerosi', suggesting a disreputable crowd of the poor, the depraved and the criminal.[59] Whatever the reality of these allegations, it is evident that those attending Clodius' meetings were not men of property but visibly belonged to a lower – probably working-class – stratum of society.

Tabernarii and artisans have often been identified as the core supporters of Clodius and other 'popular' leaders.[60] Considering the fact that they made up a very large part of Rome's working population, this suggestion is hardly controversial. Explicit references are, however, remarkably rare, which may be due to their self-evident character. Catiline is reported to have mobilised artisans, App. *B. Civ.* 2.17, cf. Cic. *Cat.* 4.17, quoted above. Likewise, Sergius, an ally of Clodius, is labelled a 'concitator tabernariorum' by Cicero, *Dom.* 13. But there are also indications that raising a large crowd of shop-keepers was not that easy after all. Thus, the repeated *iustitium* and closure of the *tabernae*, issued by Clodius, was a radical measure which suggests that it took more than a little persuasion to make *tabernarii* leave their shops and take part in political events, no matter how important.[61]

The role of freedmen in 'popular' meetings has also, as we have seen, been emphasised by modern historians. Again this is a fairly safe assumption, since their share of the capital's population would have been quite considerable. And as was the case with the *tabernarii* explicit references to this category are not very common; perhaps their participation was also too obvious to attract much attention. Occasionally we find indirect suggestions of freedmen in the crowds. Thus, foreign origins and libertine status were implied in Scipio Aemilianus' accusation that the crowd were the stepchildren of Italy (see above p. 53). And Cicero, *Flacc.* 17, claimed that foreigners, that is freedmen of Greek extraction, often disturbed public meetings in Rome. But that was not part of the standard repertoire of insults against hostile *contiones*.

Most references to the legal status of members of the audience concern slaves. Thus, Cicero, *Sest.* 34, claims that Clodius conducted

[59] Cic. *Mil.* 36: 'servorum et egentium civium et facinerosorum armis'; 95: 'plebem et infimam multitudinem'; *Dom.* 89: 'multitudinem hominum ex servis, ex conductis, ex facinerosis, ex egentibus congregatam'; 96: 'perditi'; 45: 'conductos, sicarios, egentes, perditos'; *Post red. sen.* 26: 'conducti et perditi'; *Sest.* 95: 'carcerem totum in forum effudit'; 23: 'sicarii'; 76: 'latrones'; *Vat.* 21: 'vi perditorum hominum incitata'; 40: 'Clodianas operas et facinerosorum hominum et perditorum manum'; *Pis.* 26: 'vis latrocinii' and 11; 30; 64.

[60] Treggiari (1969) 175.

[61] Cic. *Dom.*; 54; 89–90; *Acad.* 2.144; Asc. 40–1C, 52C.

'servorum dilectus'.[62] We have no way of telling whether slaves really took part in the meetings. Some scholars believe it to be derogatory references to freedmen, but on several instances Cicero is quite unequivocal, e.g. *Mil.* 76 and *Dom.* 54, where he claims that Clodius mobilised 'not only free men but also slaves'.[63] On principle there is no cogent reason why slaves should have been completely absent from *contiones*; there was no identity check to exclude non-citizens from taking part. Small wonder, therefore, if the organiser or some of his followers should bring a few slaves along to boost attendance levels. The practice obviously invited censure and could be used to discredit opponents, thus explaining why slaves feature in our sources so much more often than freedmen.

The other main objection to the *contiones* of Clodius focused on the claimed involvement of money in his mobilisation of crowds. It recurs frequently in Cicero, who constantly refers to the hired *operae* of Clodius.[64] Modern observers have often followed Cicero's condemnation and seen the practice as an indication of the degree of political disintegration reached in the late republic. But by dismissing out of hand this practice simply as corruption we miss some important implications of Clodius' remuneration for political services. Modern views of the democratic process as ideally untainted by any involvement of money are misplaced in a Roman context. The absence of Greek-style remuneration provided by the state was crucial to the ability of the Roman people to take part in day-to-day politics. The implication was that a broader social representation in the assembly was possible only if economic compensation to the lower classes was provided by other sources. Or in other words, to achieve a regular attendance by members of the lower *plebs* the politicians would have to make the necessary outlay themselves.[65]

Clodius' great innovation thus lay in his mobilisation of a permanent crowd, which could be relied upon to turn up frequently and at short notice. This was of crucial importance if a *popularis* was to maintain a constant political presence and visibility in Rome. *Contiones* were only

[62] Cic. *Acad.* 2.144; *Sest.* 95; *Post. red. sen.* 33; *Dom.* 5; 89; *Mil.* 36, 37; *Pis.* 11; 23; 30; 57; *Att.* 1.16.5; 4.3.4, cf. Asc. 32C.

[63] 'non modo liberos sed etiam servos'. Cf. *Dom.* 79: 'concilio advocato, conductis operis non solum egentium, sed etiam servorum'. Treggiari (1969) 172–4, 265–6.

[64] Cic. *Sest.* 38; 106; 127; *Dom.* 45; 79; 89. Cf. Brunt (1966) 23–5.

[65] Brunt (1988) 434 has expressed doubts about Clodius' financial ability to hire crowds. Firstly, however, the crowds in question were not very large; secondly the pay rate was probably quite basic; and thirdly Clodius' personal fortune would have been one of the largest in Rome, also enabling him to expand his Palatine mansion several times. Treggiari (1969) 175 suggests that Crassus may have sponsored Clodius' crowds, cf. Cic. *Q. Fr.* 2.3.4.

one element in this type of campaigning, others were informal demonstrations and attacks on opponents, but they were important symbolically as the people's official stage and more practically as rallying points for loyal supporters.

The crowds of his senatorial opponents are more difficult to assess, hidden as they often are under the guise of the 'real people'. It is possible that the senate, on those occasions where it felt a need to manifest its position in public, relied simply on the people who were around in the Forum to provide a sympathetic audience. As we saw, the crowds mobilised in this way would not have been the small traders, identified by Mommsen and Meier. More likely they were *equites* and *boni*, like the respectable crowd which rushed from the Forum to the support of Marcellinus.

Despite the availability of sympathetic crowds in the Forum, the late republic saw a gradual change to the pro-senatorial meetings. In response to the still more efficient mobilisation conducted by the 'populares', crowds were increasingly organised in advance to support the senate's cause also. The optimate *contiones* may therefore have been less different from those of Clodius than Cicero is willing to admit. Leading politicians of every colour now had personal guards and a following ready to be called into action. Milo's gang of strong-arm men is well known, but may be part of a much more general mobilisation. As we saw, Cato mobilised men for the *comitia*, Plut. *Cato Min*. 26–8. And an indication that these senatorial bands were used also in *contiones* is found in Cic. *Att*. 2.16.1, which mentions that the 5 per cent tax could probably be 'swept away by the shouts of our footmen at a single scratch assembly'.[66] Likewise, Cicero refers to the use of 'nostris' in a clash with Clodius' *operae* at the trial of Milo in 56, Cic. *Q. Fr*. 2.3.2, and in *Sest*. 27 he mentions 'my own gang', 'operae meae'.

Private guards are well documented for many late republican politicians. Their composition may have varied, but nothing suggests they were temporary measures formed *ad hoc*. Cicero's guard can be traced over a period of more than five years. It was made up of knights and Reatines,[67] and according to Plut. *Cic*. 16, it was so large that 'a great part of the Forum was occupied when he entered with his escort'. Gladiators could also be enrolled in the guards of the nobles.[68]

Likewise, Clodius' private sponsorship of *contiones* may not have been as exceptional as Cicero would like us to believe; other politicians of

[66] 'contiuncula clamore pedisequorum nostrorum'.
[67] On the social background of Cicero's attendants, Cic. *Phil*. 2.16; *Cat*. 3.5; Sall. *Cat*. 26.2.
[68] Lintott (1968) 83–5.

different allegiances probably used this or similar strategies to some extent. Milo brought bribed people to Rome, App. *B. Civ.* 2.79, and an element of payment may also have been present in the maintenance of the private guards. Thus, Crassus' famous saying that: 'no one is rich enough who cannot feed an army out of his income', may be a reference to private guards rather than armies.[69] Household slaves were probably often raised for this purpose, as happened in 133 when they were used by Octavius, Plut. *Ti. Grac.* 18.2.

In conclusion, this discussion of the late republican *contio* would suggest that the institution underwent important changes during the period in question. Before the late second century the vast majority of citizens in the city probably never appeared in the *contiones*, which may traditionally have been gatherings of the *boni*, for whom participation in politics was a natural pursuit and pastime. With the emergence of the *populares* wider sections of the population would have been drawn into the world of politics. The meetings in turn acquired a new function and character. In the polarised political climate of the late second century a new type of *contio* developed: the planned 'party'-event. The result was a more frequent use of popular meetings, which were increasingly filled by pre-organised crowds. The 'politicisation' of the *contio* may have had a close parallel in contemporary developments of the legislative *comitia*, which will be investigated in the following chapter.

[69] Cic. *Parad.* 45, '. . . neminem satis esse divitem, nisi qui exercitum alere posset suis fructibus', cf. Cic. *Off.* 1.25; Pliny *NH* 33.134; Plut. *Crass.* 2.7. See Nowak (1973) 97.

4 Legislative assemblies

When the official debate, the *suasio/dissuasio*, drew to a close, the *contio* was dissolved and the *comitia tributa* or the *concilium plebis* was called.[1] The assembled crowd was divided into *tribus*, and after a short prayer by the presiding magistrate, the successive voting of the *tribus* could begin. When a majority of *tribus* had accepted the proposal, it became law and binding for the entire Roman people. In this process it is tempting to see a direct democracy at work, as scholars have increasingly done in recent years. But while the system was no doubt direct, the question remains of how democratic the republican assemblies were in reality.

There were important formal limitations to the people's influence. Thus, in a 'constitutional' perspective the passive, 'reflective' role of the assembly is conspicuous. The *comitia* could only reject or approve proposals put before it by a magistrate. It could take no initiatives of its own nor suggest emendations or additions to bills. Moreover, the principle of corporate voting, though in itself not undemocratic, offered a perfect means of reconciling the principle of equal political rights with the elite's *de facto* domination of the political process. Without violating the formal political equality of Roman *cives optimo iure* this peculiar form of voting enabled the elite to give different weight to individual votes. Thus, the tribal assembly was strongly biased against the urban *plebs*, which was inscribed in only four of the thirty-five *tribus*, and against freedmen who were also allocated to the urban *tribus*. As we shall see, this disparity in influence had a crucial impact on the workings of the assembly.

But despite the inequality built into the institutional framework, the *comitia tributa* and the *concilium plebis* did offer Roman citizens direct access to the political process and a chance to have the last word in any matter of legislation. The 'direct' element in ancient democracy, however, turns out to be crucial; in Rome it meant that only a very small part of the citizenry could exercise their political rights. This chapter,

[1] For the procedure see e.g. Cic. *Flacc.* 15; Asc. 71C.

therefore, will focus on the practical aspects of legislation, which are viewed in the context of the quantitative estimates made above. The specific issues to be discussed are (1) the patterns of voting in the assembly, (2) the question of *clientela* and elite control, (3) the rise of the *populares* and the emergence of popular mobilisation.

The degree of 'democracy' in the legislative process must be assessed against the actual voter behaviour observed in the assembly. Several scholars have made the important observation that the *comitia* never seems to reject any proposals put before it.[2] As Mommsen noted: 'In der Regel standen die Leute da und sagten ja zu allen Dingen'.[3] This apparent co-operativeness has in turn been seen as an indication of an impotent and tightly controlled assembly, which in effect was little more than a rubber stamp lending symbolic legitimacy to decisions made by the political class. As I shall argue below, other interpretations of this voting pattern are possible. First, however, let us briefly consider the validity of this claim.

Rejections by the assembly are not entirely unknown, although they remain extremely rare. Altogether five certain cases are documented from the last 150 years or so of the Roman republic.[4] In 167 a proposed triumph for Aemilius Paullus was about to be turned down in the *comitia*, when the consul intervened and persuaded the crowd to pass the bill. The situation was exceptional. Paullus had made himself unpopular with his soldiers, and one of the officers, the military tribune Ser. Sulpicius Galba, organised the opposition to his triumph. The mobilisation of the soldiers was so effective that they alone filled the entire Area Capitolina.[5] In other cases the bill was never passed. In 149 an investigation into the conduct of the very same Galba in Spain had been proposed by a tribune with the backing of the senate. The bill, however, was defeated in the *comitia* after a passionate plea from Galba.[6] A few years later, in 145, C. Licinius Crassus proposed that appointments to the major priesthoods be transferred to the *tribus*. The bill was rejected after a heated debate in front of the assembled voters.[7] In 130 a proposal by C. Papirius Carbo to allow tribunician iteration met a similar fate. The bill was faced with strong senatorial opposition and

2 Nippel (1981) 76; Burckhardt (1990); Eder (1991) 179; Flaig (1995) 80–1.

3 Mommsen (1854–5) I, 810.

4 Most famously in 200 BC the *comitia centuriata* refused to accept the war against Macedonia, advocated by the senate. Only the second time round, after renewed pressure had been applied, was the bill passed by the assembly.

5 Livy 45.35.8–36.6; Plut. *Aem. Paull.* 31.1–2.

6 Livy *Per.* 49; Cic. *Brut.* 80.

7 Cic. *Lael.* 96; *Brut.* 83.

eventually turned down by the *comitia*.[8] Finally, in 104 an agrarian bill put forward by L. Marcius Philippus was rejected in the assembly, Cic. *Off*. 2.73.

After 104 no legislative defeat is securely documented. Some cases have been interpreted in this way, but the evidence is weak. Thus, for example, Cato's failed attempt in 61 to make equestrian jurors in *repetundae* trials liable to prosecution for bribery. The bill may not have been rejected in the assembly. Cicero, *Att*. 1.18.3, simply states that 'nulla lex perlata'; it probably succumbed to combined opposition from the knights and parts of the senate.[9] Likewise, it has been suggested that the failed citizenship bill of C. Gracchus was turned down by the assembly.[10] But that overlooks the evidence of Appian, *B. Civ*. 1.101, who tells us that Livius Drusus vetoed the bill, thus preventing it from reaching a vote. Still, it cannot, of course, be ruled out that the alleged unpopularity of the proposal played a part in its eventual failure. Similarly, in 63 the *rogatio Servilia* probably never came before the *comitia*; as we have seen, the reported threat of a tribunician veto would imply that it was withdrawn before reaching a vote.

Since we know of a large number of proposals which failed to become law, it is still possible to construct a scenario which allows the people a certain input on legislation. In principle, the apparent tractability of the assembly may in fact have been due to the finely tuned political instincts of the magistrates who carefully considered the response of the people before putting a proposal forward for the final vote. Or, in other words, proposals which proved unpopular at the presentation may simply have been withdrawn or modified by their sponsors in order to avoid defeat and humiliation. On this interpretation the people would maintain a certain – albeit indirect – influence on legislation.[11]

The small scale of Roman politics represents a fundamental difficulty for this model. It means that a *contio* might not be representative of the general views held by the electorate. Given the scale and diversity of the urban masses, there was no homogeneous *populus Romanus* which could reply with one voice to a new proposal. Moreover, since several weeks would pass between the presentation of a bill and the final vote, the composition of the crowds attending on these occasions might be very different. The reception of a bill in the first *contio* would therefore not

[8] Cic. *Lael*. 96; Livy *Per*. 59. Cf. Broughton (1950–1) I, 502.
[9] Contra Gruen (1974) 241.
[10] Thommen (1989) 77.
[11] Thus, Flaig (1995) 93–6, followed by Pani (1997) 155, who claims that proposals were changed according to their reception at the first *contio*.

have given a reliable indication of its chances of eventually becoming law.

There are, moreover, very few certain cases on record where the public response forced the withdrawal of a bill between the *rogatio* and the vote, and often this happened under the threat of a tribunician veto. Again, the *rogatio Servilia* may serve as an illustration. The bill's failure has generally been attributed to its unpopularity among the *plebs*; a claim, however, which is based entirely on the testimony of Cicero himself and of later writers influenced by him. Cicero also reveals that Caecilius Rufus had threatened a veto; the mood of the people may therefore have been immaterial to its failure.[12] Indeed it does seem unlikely that Rullus' bill could be obstructed simply by two speeches delivered before a small crowd of Cicero's supporters. Another example is Cornelius' proposed ban on loans to foreign delegates. The bill was withdrawn, not because of its unpopularity but due to strong senatorial opposition, Asc. 57–8C.

Many other bills known to have failed were probably never formally proposed. They include, to mention but a few, the Gracchan measures concerning military conscription, C. Gracchus' and Manilius' reforms of the *comitia centuriata*, the proposed abolition of debt in 63, and Lepidus' demand for a grain law in 78, Gran. Lic. 36.34–5. Often such policy suggestions may have been mere kite-flying to test reactions in various quarters. If they caused an outcry from influential groups they were likely to be quietly dropped. Even if the opposition might not always have been insurmountable, it could still have been both controversial and potentially hazardous to ignore it. Senatorial opposition often played a key role. Thus, Laelius' agrarian reform from 140(?) probably failed because of lack of support in his own political hinterland, Plut. *Ti. Grac*. 8.4. 'Popular' proposals also frequently succumbed to senatorial pressure.

In some instances popular dislike may have played a part. That seems to have been the case with the enfranchisement plans of Fulvius Flaccus, C. Gracchus and the younger Drusus in 125, 122 and 91 respectively, of which only Gracchus' was formally proposed. But few if any of the decisions to ditch a proposal can be ascribed solely to a lack of popular support. Many factors contributed to bring a bill down; popular opinion may not always have been the most important one. As a rule the decisive pressure would have been applied by the senate or other magistrates.

[12] Cf. Pani (1997) 217. This crucial aspect has been overlooked by Bell (1997).

The *comitia* thus emerges from this brief survey as an acclamatory body, which hardly ever exercised the formal choices put before it.[13] Its stand on an issue may have had little impact on the fate of a bill – or even of informal proposals. The common strategy to explain this voting behaviour has involved the *clientela* model, which operates with a web of personal ties between the *plebs* and the senatorial elite. The strength and extent of these ties effectively reduced the 'democratic' element of the political system to little more than a formality. Since individual voters were not in a position to exert any independent choice, the passing of bills became a matter of routine.

This analysis is of course purely structural; when a chronological aspect is added to the model an entirely new picture appears. For with the emergence of the *populares* in the second half of the second century the political implications of the assembly's apparent co-operativeness are turned upside down. Laws which challenged the vital interests of the senate and the very foundations of its authority were now passed with almost the same regularity as those approved by the senate. It seems nothing if not paradoxical that while the nature of the proposed legislation was transformed, the assembly maintained its habit of passing virtually every bill put before it. We are therefore witnessing in this period a shift, almost overnight, from seemingly tight senatorial control to what appears almost as permanent revolution.

This change has been explained by a supposed weakening of elite patronage, in turn exploited by the 'popular' politicians. Typical is Bernstein's view that: 'As the bonds of clientela loosened, the voters of the *concilium plebis* exercised greater freedom, providing new scope for the ambitions of Roman politicians . . .'[14] Likewise, Wallace-Hadrill spoke of 'old structures of deference' breaking down, while Vanderbroeck claimed a 'relaxation of old vertical ties among a large group of the lower orders'.[15] However, the collapse of social ties on this

[13] Interesting in this context also is the fragment of Fannius' speech against C. Gracchus' citizenship bill, where the consul warned that: 'Si Latinis civitatem dederitis, credo, existimatis vos ita, ut nunc constitisse, in contione habituros locum aut ludis et festis diebus interfuturos. Nonne illos omnia occupaturos putatis', *ORF*[3] frg. 3. Notably, Fannius does not mention the *comitia* but the *contio*, which features in the context of games and festivals, i.e. as one among various other diversions open to the upper echelons of society. The *contio* thus appears from this passage less as a 'political' forum than as a form of public entertainment.

[14] Bernstein, (1978) 193.

[15] Wallace-Hadrill (1989) 66; Vanderbroeck (1987) 162, cf. 159. Similarly, Bleicken (1975) 278–9; Millar (1984) 17; Eder (1991) 192; Burckhardt (1988) 60; Linderski (1985) 90; Nippel (1995) 78. According to Brunt (1988) 32, cliental ties had already weakened in the third century.

interpretation becomes very abrupt indeed; that draws attention to the foundations of this theory.

There is in fact very little ancient evidence both for the functioning and for the disintegration of a comprehensive system of political *clientela* in the Roman republic. It is essentially a modern hypothesis to explain the domination of the elite, as observed not least in the assemblies. The argument supposes that for the formal powers of the *plebs* to have been so effectively neutralised each member must have been subjected to tight personal control. This logic, however, relies on the assumption of a 'politicised' *plebs*, which would otherwise have acted as an independent legislative body. That is a dubious supposition, not least in the light of the structural limitations imposed on popular participation. These limitations meant that the *comitia* could never represent 'the Roman people', only small sections of them. A tight, comprehensive system of personal control is therefore not needed to explain the acquiescence of the assembly before 133.

Something clearly happened in the later second century. Still, the patronage model may not be the best tool to explain it by. We have no compelling reasons to believe that the change was due to a more or less stable group of popular representatives changing its behaviour in this period. In this chapter I shall argue that it was the patterns of attendance – and perhaps also the level of attendance – which changed, not the ties and allegiances of the populace. Instead of a weakening of patronage we may be dealing with the involvement of new groups which had previously remained outside politics. Considering the small scale of Roman politics in general, that would seem a very realistic possibility. Thus, a quantitative approach to the passing of 'popular' laws and in particular the senate's response may put the working of the assembly and the underlying patterns of social control in a new light.

A long list of laws can be compiled which were passed against the fierce opposition of the senate. Ti. Gracchus' tribunate in 133 proved a turning point. Admittedly the *leges tabellariae* of Gabinius and Cassius and the *Lex Calpurnia de repetundis* had already been passed. Still, Gracchus' programme was not only far more ambitious, including laws on land distribution, the Attalos legacy, and involving the demotion of his colleague Octavius; it also led to a change in the basic rules of Roman politics. Ti. Gracchus left to his successors a range of political tools and methods which had previously been unimaginable. Whether by chance or intent he had pioneered a strategy which would be further developed in the following generations. Thus, already Caius Gracchus and his allies managed to implement an even more momentous programme against the opposition of the senate, including a broad variety

of bills, among them agrarian, colonial, frumentary and judiciary. In the following decades down to the late 50s agrarian bills were carried against the senate's authority by Appuleius, 103, 100, Sex. Titius, 99, P. Vatinius, 59; grain-distributions by Clodius, 58; judiciary laws by Appuleius, C. Servilius Glaucia, 104/101, Clodius, 58; on citizenship and tribal inscription by Sulpicius, 88, and C. Manilius, 67; voting by Marius, 119, C. Coelius Caldus, 107, Cn. Domitius Ahenobarbus, 104, (reinstated in 63 after its subsequent repeal). Sulpicius had Sulla's Asian command abrogated in 88, and commands were conferred on Marius in 107 and 88, Pompey in 67; provinces were allocated to Caesar in 59 and 55 and to Gabinius in 58. Other laws included C. Cornelius' on the praetorian edicts, 67, and Clodius' extension in 58 of the days that could be used for *comitia* and his modification of the use of *obnuntiatio*. Sulpicius also imposed limits on the debts of senators.

Many of these laws openly challenged vital interests of the senatorial class, and were opposed with great – though ineffectual – determination. The senate did manage to bring down a number of 'popular' bills. Generally, however, it concentrated its forces and energy on fronts other than the voting itself, resorting to a number of alternative methods of obstruction.[16]

Tribunician intercession was an obvious weapon in the hands of the senate. It worked on several occasions, e.g. in 122 against C. Gracchus' citizenship bill; in 67 when C. Cornelius challenged the senate's right to grant privileges; and in 63 the mere threat was effective against the *rogatio Servilia*. The method was not foolproof, however. Occasionally no willing tribune could be found. Moreover, a determined tribune could have his colleague deposed, as happened in 133. Likewise, in 67 Gabinius was about to demote Trebellius when the latter chose to withdraw his veto after seventeen tribes had voted for this demotion, Asc. 72C; Dio 36.30. Moreover, a veto could simply be ignored, as happened in 59, when Caesar's agrarian bill was forced through.

Legislation could also be prevented by the use of religious obstruction.[17] While a magistrate was observing the skies for omens no political proceedings could take place. Declaring *obnuntiatio* thus automatically stalled all activity in the *comitia*. The method was used against Caesar and Clodius, who responded by imposing restrictions on the use of *obnuntiatio*.[18] In 59 Caesar simply ignored his colleague's *obnuntiatio*.

Another strategy used with increasing frequency involved violence, occasionally given a touch of legitimacy by the so-called *senatus consultum ultimum*. By disrupting the assembly the senate could prevent a

[16] See De Libero (1992).
[17] See in general Taylor (1949) 78–90.
[18] Fezzi (1997).

vote from being taken. Senatorial leaders often turned up with bands of strong-arm men in an attempt to obstruct the political process. Among the best-known examples is the *lex frumentaria* of Appuleius Saturninus, which was obstructed by the armed intervention of the senate, *Rhet. Her.* 1.21.

Finally, if all other measures had failed, laws could be annulled by senatorial decree, usually claiming an infringement of existing rules.[19] The most famous case comes from 91 when M. Livius Drusus' entire legislation was declared null and void by the senate, using a number of excuses. Later the laws of Sulpicius were annulled by Sulla. The *lex agraria* of Sex. Titius, 99, was subsequently annulled, and an agrarian bill, which M. Junius Brutus may have passed in 83, would later have been rescinded by Sulla. In 67 C. Manilius' law to enrol freedmen in the rural tribes was immediately repealed by the senate.

When looking at the various strategies used by the senate to counter 'popular' legislation one is struck by the complete absence of any serious attempt to mobilise a popular crowd against the 'populares'. Whenever senatorial leaders turned up in the *comitia* with their bands of followers, the intention seems to have been to disrupt the process rather than to defeat the bills in the polls. We are left with the impression that the senate was unable to put up any effective opposition in the *comitia.*

This situation has drawn little attention, probably due to the obvious fact that 'popular' laws in the nature of things are supposed to have broad popular appeal. The senate, on this line of reasoning, would have had little choice but to seek other means of obstructing hostile bills. However, the capacity of the *comitia* allowed merely a small fraction of the citizenry to participate. The senate was therefore not confronted with crowds so huge they could not possibly have been taken on, let alone outnumbered. The level of participation feasible in the *comitia* puts the senate's inability to conduct an effective mobilisation in a new perspective. In order to present a realistic counter-force only a modest number of followers would have been required. Assuming for the moment an absolute maximum of comitial attendance in the Forum of around 10,000, the tables would have been turned if each senator had mobilised just twenty-five voters; and many fewer after Sulla had doubled the number of senators. Most often the attendance would have been considerably lower, as suggested, for example by the transfer of voters to empty *tribus*, thus putting the senate's impotence into even greater relief. Moreover, despite the very small numbers needed to put up a credible opposition to the *populares* we hardly ever hear of over-

[19] Heikkilä (1993).

crowded assemblies which reached – or exceeded – the limits of the assembly's capacity. In 167 Paullus' army, as we saw, filled the Capitol completely. But otherwise there is no legislative assembly on record which was too large for the venue, leaving voters struggling to get in.[20] The nobles' difficulty in getting access to the Capitol in 133, for example, was not caused by overcrowding but by deliberate obstruction by Ti. Gracchus' followers.

In sum, therefore, the senate does not seem to have tried in earnest to mobilise followers against the *populares*; from the first emergence of this opposition it relied on alternative methods of obstruction. The popular followings, by which the elite had hitherto controlled the *comitia* so effectively, would in other words have evaporated overnight as soon as the first *populares* appeared on the stage. Senatorial clients seem to have disappeared from the political scene almost without a trace. They do not feature prominently in any ancient source on late republican politics. Mentioned only in passing, most often in the context of elections, we rarely get the impression that particular importance was attached to this category. Thus, when Cicero describes the warm reception Murena received on his return to Rome, *clientes* are lumped together with groups like *vicini*, *tribules* and the army of Lucullus, *Mur.* 69. Likewise, when the senatorial forces used against the early *populares* are described, no lower-class clients are mentioned. The participants are listed as senators, knights, friends and servants/slaves, 'friends' being an unlikely reference to working-class dependants, Plut. *Ti. Grac*. 18.2. In 100 Caepio blocked Saturninus' *lex frumentaria* 'cum viris bonis', *Rhet. Her.* 1.21,[21] and later Marius also called up veterans from Picenum, Cic. *Rab. Perd.* 22. Likewise, the senate used regular troops against C. Gracchus in 121.[22] This all seems to suggest that the senate could barely raise an effective guard against 'popular' leaders out of their own personal followings. Even when successful the senate's forces remained quite small. Thus, in 133 they were outnumbered by Ti. Gracchus' men. Later senatorial leaders formed guards, but even then we have little evidence of the use of lower-class clients. As we have seen, Cicero's guard was made up of knights and Italians from Reate.[23] Likewise,

[20] The passing of the *Lex Gabinia* in 67 was, as we have seen, accompanied by a large public demonstration of popular support for Pompey, but the sources also present the event as highly exceptional.

[21] Cf. Cic. *Rab. perd.* 23, mentioning 'illa armata multitudine bonorum', which had met Saturninus in his final stand against the senate and the *boni*.

[22] Plut. *C. Grac*. 16.3; Oros. 5.12.7; Ampel. 26.2 (slaves).

[23] Cic. *Cat.* 3.5; *Phil.* 2.16. According to Sall. *Cat.* 26.2, Cicero's guard was made up of friends and clients. Still the social standing of the clients is not known. According to Val. Max. 9.5.2 the consul Philippus was injured by a *cliens* of the tribune Livius Drusus in 91.

Cicero's reference to the 'familiares' who assisted Curio in his violent actions, *Phil.* 2.4, does not suggest they were humble clients. The only reference to the employment of clients for political intimidation concerns a clash between C. Cato's clients and his prosecutor Asinius Pollio, Sen. *Contr.* 7.4.7. The mobilisation of household slaves – rather than clients – seems to have been the natural alternative to calling on the support of noble friends, which remained the primary option.[24]

The absence of clients on the senatorial side raises questions of a more general nature: for how could an apparently well-functioning network of social control break down in such an abrupt and definitive fashion? Vanderbroeck suggested that a section of the *plebs*, the 'independent freedmen', had broken loose: 'a differentiation had occurred within the Roman *plebs*. One group [i.e. the independent freedmen] became detached from existing ties of patronage and sought new ways for the articulation of demands. This void in the patron–client relationship was filled in by popular leaders.'[25] This theory, however, carries little conviction. Even if we accept that some plebeians broke away, that leaves unexplained the absence of the remaining plebeians supposedly still under elite control. Why were they not mobilised against the intractable crowd of 'independent freedmen'? The same objection would apply against attempts to explain the *populares* in terms of enfranchisement and immigration, ascribing the upheaval to an influx of 'independent' rustics who were not integrated into existing systems of patronage. For again, this model would not account for the stance taken by the old clients who seem to have completely deserted their patrons in their struggle with the *populares*.

The logical conclusion to the story of the missing clients would be to abandon the idea of political *clientela* as the *arcana imperii* of the republican elite. There is simply no evidence to suggest that the supremacy of the senate had ever been based on personal patronage. Since the large majority of the *plebs* could never have attended the assembly anyway, it might be more fruitful to operate with politically active and passive sections of the population – rather than trying to explain the 'popularis' phenomenon in terms of 'controlled' and 'independent' crowds.

The assumed decline of *clientela* was, as we have seen, derived from the political changes in the late republic, but there are many indications that the senate's unrivalled authority in previous periods was not based

[24] In *Phil.* 2.16, Cicero assured his audience that his guard in 63 had been knights and good citizens, and not, as it was alleged, armed slaves, which presumably was common practice, cf. Nowak (1973) 78.

[25] Vanderbroeck (1987) 139.

on personal control over plebeian voters. Thus, several laws opposed by the senate had been passed long before the emergence of the *populares* in 133. The most conspicuous example is Flaminius' legislation in the late third century. His *Lex agraria* from 232 was passed by the *concilium plebis*, for the first time making use of the *Lex Hortensia*, which granted law status to *plebiscita*. The bill met with the senate's disapproval and was unable to get through the *comitia centuriata*, Cic. *Inv.* 2.52. Also later there are signs that the *comitia* could not be relied upon to follow the senate's recommendations on every issue. That seems, for example, to be the implication of the row in 188 over the assembly's right to grant *suffragium* to the Volscian towns of Formiae, Fundi and Arpinum, Livy 38.36.7–8. The *rogatio* of the tribune Valerius Tappo was vetoed by four of his colleagues on the grounds that it did not have the senate's approval. They were then told that the people, and not the senate, had the right to grant full citizenship. The course of events suggests that the *comitia* were not completely in the hands of the senate but could pass bills on their own. Likewise in 189 or 188 the tribune Q. Terentius Culleo passed a law on tribal registration without senatorial sanction. As Plutarch, *Flam.* 18.1, says, Culleo 'wanted to spite the nobility and so persuaded the people to vote for the measure'. In 149 the aforementioned inquiry into the conduct of Galba in Spain, proposed by the senate, failed to pass the assembly. Later in 139 the *Lex Gabinia tabellaria* introduced the secret ballot in the election of magistrates, and a further extension followed in 137. Similarly, the first *quaestio de repetundis*, prosecuting senators for extortion, was set up by the *Lex Calpurnia* in 149.

It follows from these examples that it had also been possible earlier to overcome senatorial opposition in the *comitia*. Instances may have become more frequent in the latter half of the second century, but since the *comitia* were also able to act independently prior to this period, no general decline in social control can be inferred from this.

There can be little doubt that *clientela* was a significant feature of Roman society. As a social practice patronage pervaded all aspects of private and public life, which relied on personal relations negotiated through the constant exchange of favours and obligations. That, however, does not necessarily imply that we are also dealing with a socio-political structure which could form the basis for long-term political domination by a ruling nobility.

Objections to this idea have been raised increasingly in recent years.[26]

[26] Millar (1984); Develin (1985) 127–31, 325–8; Brunt (1988) 27–32, 382–442 esp. 414–24; Wallace-Hadrill (1989) 70; Gruen (1991) 253; Nippel (1995) 33; Pani (1997) 197–8; Morstein-Marx (1998).

Millar has summarised the criticism in three points: (1) the size of the city's population, (2) the internal competition within the elite, (3) the importance of rhetoric in the political process.[27] The size of the population is crucial. As Wallace-Hadrill noted, the *plebs* was: 'too numerous to enter into significant personal relations with the few hundred members of the political elite'.[28] It does indeed seem unrealistic that the entire population could have been tightly organised into stable vertical structures of dependence, each headed by a senatorial family. Moreover, since the city of Rome, simply to maintain its population, had to rely on a constant flow of immigration, the urban population was not only too large but also too fluid to fit this rigid model of personal control.

The importance of rhetoric, and the political independence of the audience which it presupposes, is more dubious. The argument forms part of Millar's democratic interpretation of Roman politics, which, as we have seen, pays little attention to the practical aspects of popular participation. It is, however, precisely these issues which must be considered if we are to understand the political impact of rhetoric. The size, composition and motivation of the audience become all-important: the rabble-rousing effect of popular oratory on a crowd of followers should not be confused with the power of argument.[29]

The elite's internal competition over public honours, influence and clients meant that political allegiances could never have been as clear-cut as is often assumed. This highlights an important aspect of *clientela*, one which has been brought out more clearly in modern studies of the Roman elite. Here traditional concepts of *clientela* as a stable structure are called into doubt, as historians start questioning the exclusive and long-term character ascribed to these relationships. A new consensus is developing around the view that patronage did not determine political groupings and alliances, which all appear to have been short-lived and generally focused on specific issues.[30] The old model of permanent family factions, often based on inherited patronage, will have to be

[27] Millar (1984) 2, 10.

[28] Wallace-Hadrill (1989) 69.

[29] Millar (1998) 150–5 argues, for example, that rhetorical persuasion was crucial even before the vote to recall Cicero from exile in 57. On this occasion, however, the assembly was filled with *boni* and Italian *municipales*, who had been mobilised for this particular purpose. It therefore seems highly unlikely that they would have considered opposing the bill. The speeches delivered by leading senators were part of a public demonstration of unity between the senate and the *boni*. As such it may also have served as a spectacle put on for the benefit of the *municipales* who would rarely have had the experience of seeing the legislative process at work.

[30] Fundamental is Meier (1980); see also Develin (1985) and Brunt (1988). The traditional position has recently been restated by Briscoe (1992).

abandoned; there are few, is any, certain traces of such long-term alliances in Roman politics.

These results tie in well with recent anthropological research which suggests that *clientela* is not typically an exclusive or permanent relationship.[31] In most societies *clientela* has been a fluid and competitive system, characterised by pluralism, choice and instability. The overall impression seems to be one of ambiguity and flexibility rather than rigidity and permanence. In Rome these qualities may have been obscured by a public ideology which glossed over internal contradiction in order to present a simple unified structure. They may, however, have surfaced in the social practices associated with *clientela*, and in particular the *salutatio*, the ritualised morning reception where clients turned up at their patron's house. Thus, Cicero, *Mur.* 44, spoke of 'this new practice of running in a crowd from house to house',[32] and in the *Commentariolum* we are told that: 'The callers are a more promiscuous crowd, and in the fashion of today visit more than one candidate.'[33] These references have been cited in support of the theory of a decline of *clientela* in this period.[34] It is more likely, however, that they simply reflect the inherently fluid nature of patronage. The habit of visiting more houses, here specifically linked to electioneering, may have been new, but it probably reflects an ongoing negotiation which may always have been present in client–patron relationships. Thus, the *Commentariolum* goes on to describe how candidates would compete over the loyalty of potential clients by dispensing flattery and attention.

The introduction of the secret ballot in the second century has been seen as a factor in the decline of patronal authority, while the senate's opposition to it is taken as an indication of its previous importance as a means of controlling the *comitia*. Cicero deplored the reform, claiming that the secret ballot had freed the people who had previously been 'oppressus dominatu ac potentia principum', *Leg.* 3.34, cf. *Sest.* 103. Notably, Cicero does not explicitly talk about clients; he simply contrasts the people with the *principes*, who were no longer able to check their voting in public. Moreover, we have no indication that the secret ballot had any influence on the emergence of 'popular' legislation.[35] Its primary importance lay in elections, where it was first introduced – for

[31] Johnson and Dandeker (1989).

[32] '. . . hoc novo more omnes fere domos omnium concursent . . .'

[33] *Comm. pet.* 35: 'In salutatoribus, qui magis vulgares sunt et hac consuetudine quae nunc est [ad] pluris veniunt . . .'

[34] E.g. Vanderbroeck (1987) 104–5, who identified these promiscuous clients as independent freedmen and members of the *plebs contionalis*.

[35] Gruen (1991) 259.

reasons which now escape us;[36] in 119, Marius narrowed the *pontes* to ensure further secrecy, again probably with a view to the elections.[37] Two years later, in 137, the secret ballot was also introduced in trials; but it was not until 131 that the new principle was applied to the legislative *comitia*. It follows that Ti. Gracchus' laws had all been passed by oral voting, as had the first *leges tabellariae* and the *Lex Calpurnia de repetundis*. Ti. Gracchus appears to have made no attempt to introduce the secret ballot here, suggesting that it was not seen as in any way vital to the promotion of 'popular' legislation.

One possible explanation might be that in order to pass their bills the *populares* relied on sections of the population which were not integrated into elite patronage. For it is not a given fact that *clientela* always formed a direct link between the top and bottom of society. The social and economic distance between the political class and the majority of the population was overwhelming. Doubts have rightly been expressed as to the comprehensive nature of *clientela*. Cloud noted that: 'Rome, like other societies, excluded the very poor from the client–patron relationship.'[38] And according to Tacitus, *Hist.* 1.4.3, the better part of the *plebs* was linked to noble houses, the implication being that the *plebs sordida* was not.

Thus, while there is no doubt that Cicero and other senators had clients, the question is to which social stratum they belonged. We cannot automatically assume that they would have included members of the working population. Thus, when Cicero for example, in the context of consular elections, mentions 'homines tenues' among a candidate's active supporters, *Mur.* 70, he may not refer strictly to the 'poor' in the literal sense of the word. Poverty is always relative, and Cicero obviously

[36] Important attempts to explain the secret ballot have been made by Hall (1990) 196–7, and Jehne (1993). The traditional view of the *Lex Gabinia* as a 'popular' attempt to give the people greater freedom in elections has been widely abandoned, although Marshall (1997) has recently restated this position. Some now prefer to see it as a measure against bribery, curbed by the inability to check individual votes cast by ballot, e.g. Thommen (1989) 82–3, Lintott (1990) 7. According to Hall it was an attempt by new families to break the dominance of the old elite which had controlled the elections through their patronal powers. Against this theory Jehne has argued that the records show no increase in new men reaching office after the introduction of the secret ballot. His own explanation is ingenious but ultimately unconvincing. It suggests that the aim was to cover up 'Loyalitätskonflikten' caused by multiple patronal links and obligations. Publicly exposed as they were by the oral vote, they threatened to bring down the whole ideology of patronage. However, if the point was to save the face of *clientela* as a unified and unambiguous system of loyalties, the bill would have been counter-productive. The passing of a law granting secrecy to the clients' vote would have been the most blatant admission of failure, more effectively undermining the system than any occasionally surfacing conflict of interest.

[37] Cic. *Leg.* 3.38, cf. Marshall (1997) and Crawford (1974) 306–7.

[38] Cloud (1989) 210.

approached the issue from a senatorial viewpoint.[39] Members of 'the great unwashed' are unlikely to have been appreciated in the personal following of consular candidates. In the electoral campaign for the censorship in 142 Scipio Aemilianus had been criticised for having people 'who were of low birth and had recently been slaves' in his entourage; two individuals were singled out: a herald, who was probably one of his own freedmen, and a freed *publicanus*.[40]

The 'tenuiorum amicorum et non occupatorum', mentioned by Cicero, were friends who joined a candidate's entourage because that was the only way they could pay their duties to him. But that simply means that they could lend no direct political favours, that is, they were not themselves members of the political class; only by their personal attendance could they show their respect. However, their sheer ability to do so would suggest that rather than being members of the working classes, they were men of means who could dispose freely of their own time.[41]

The case against *clientela* as a significant political factor, especially outside the propertied classes, is strongly reinforced by the logistics of late republican politics. The size of the popular institutions calls into question the idea of a comprehensive system of political *clientela*. At least until 145 the legislative assemblies, that is, those held in the old Comitium, had numbered fewer – perhaps considerably fewer – than 3,600 people. This level of attendance is not easily reconcilable with a model of general control and political exploitation of the entire citizen population. We are dealing with two radically different orders of magnitude: on the one hand, the number of clients in Rome who would be expected to provide political services and, on the other hand, the very limited turnout which was practically possible. Between the two there

[39] Cicero, for example, describes an aedilician *scriba*, D. Matrinius, as a 'homo tenuis', *Cluent.* 126, despite the fact that *scribae* held a relatively high status, forming an *ordo* of their own, cf. Badian (1989).

[40] Plut. *Aem. Paull.* 38.3–4; *Mor.* 810B.

[41] Vanderbroeck (1987) 83, describing them as 'poor people who had nothing else to do', seems to interpret 'non occupatorum' as 'unemployed'. But Cicero simply contrasts the senators and *equites*, who only had time to pay shorter visits and perhaps accompany candidates to the Forum (cf. Cic. *Att.* 2.1.5), with those lower ranking friends who could take the whole day off from other duties to follow their candidate. The evidence of Cicero's letters gives no hint that 'poor' people were involved in his morning receptions or present in the crowds which followed him to the Forum. Thus, in *Fam.* 7.28.2 he speaks of 'salutatio amicorum', and in *Att.* 1.18.1 the *sectatores*, who had first filled his house at the morning reception (*completa domus*), were clearly men of considerable social standing. *Fam.* 9.20.3 suggests that the *salutatio* was performed exclusively by people with an active hand in politics, falling into the categories of either *boni* or Caesarians. Likewise the Catilinarians who had turned up for Cicero's *salutatio* with the intention of assassinating him were senators and *equites*, Sall. *Cat.* 28.1.

seems to be no reasonable balance which could justify the maintenance of a comprehensive system of political control.

Any study of the relationship between politicians and voters must start from the fact that an assembly was the gathering of a very small section of the citizenry. As argued above, the notion of regular participation by a sub-group within the working classes, the *plebs contionalis*, seems implausible; the natural participants were men of means who, given the capacity of the assembly, could easily have filled the popular institutions on their own. The make-up of the crowd was mirrored in the social bias built into the assembly; the system deliberately favoured the landowners who lived in Rome, at the expense of the lower urban classes.

As we have seen above, Diodorus' description of Octavius' followers in 133 suggested that the traditional political crowd in Rome were well-to-do and naturally aligned themselves with the senate against a 'popular' threat. Occasionally they were supplemented by voters who came in from the countryside, as happened in 195 when the anti-luxury law, the *Lex Oppia*, was repealed.[42] Again, these voters clearly did not belong to the lower classes, who had neither the opportunity nor – in this case – the incentive to travel to Rome. The motives behind their participation can only be conjectured. However, since proposals were hardly ever rejected, it could rarely have been driven by a personal interest in particular issues. Most people probably came out of habit and for the prestige associated with the exercise of political rights – essentially a gentleman's pursuit. The sheer entertainment value should not be underestimated either.

Many participants would have enjoyed noble patronage. But whether this was significant for their voting is uncertain. The fluid and non-exclusive character of *clientela* would frequently have created conflicts of loyalty. When the elite was internally split, considerable scope was left for individual choice. Viewed in that perspective it is not inconceivable that on some occasions public debates might have had a real impact on the outcome. One such case was the debate over the inquiry into Galba's conduct in 149. Here his emotional plea was able to sway the assembly against the inquiry, which had been proposed by the senate. The implications of such instances should not be exaggerated, however; obviously no vital interests were at stake for the elite on this minor issue. Cicero – unsurprisingly – elevated the role of oratory, claiming that rhetoric on several occasions had prevented 'popular' legislation, for example the *Leges Licinia* and *Papiria*. But since the debate at pre-

[42] Livy 34.1.6: 'ex oppidis conciliabulisque conveniebant'.

comitial *contiones* in the nature of things could influence only those few who had decided to turn up, these defeats are probably better explained by a failure to mobilise popular supporters.

To summarise, before the rise of the *populares* legislative *comitia* may by and large have been a constitutional formality, attended by small groups of – probably well-to-do – citizens who only very rarely exercised the choice put before them, thus allowing the authority of the senate to prevail almost invariably. Many of the participants may have had personal links to the political class, but their compliance was most likely due to the overall community of interests enjoyed by the propertied classes. The *comitia* on this interpretation therefore appear as an extension of the political class itself – rather than a separate institution representing the people. It follows that in this period there was no political counterweight to the rule of the senate.

When this cosy arrangement broke down in the later second century it was probably not because the traditional participants in the *comitia* had for some reason turned against the senate. More likely it was a consequence of members of the lower classes now turning up for assemblies they had not previously attended. That happened at the initiative of magistrates who sought popular support to press through legislation against the opposition of the senate and the upper classes.

Mobilisation of these voters was a novelty; and one which left the elite with a sense of disgraceful anomaly. Their contempt for the *plebs sordida* exercising their citizens' rights surfaces in Scipio's stance at Carbo's *contio* in 131, and later in Cicero's indignant dismissal of the 'poor', who supported Clodius. It seems that in aristocratic Roman society politics was naturally considered the dignified preserve of men of means.

An early example of lower-class mobilisation secured the passing of Flaminius' *Lex agraria* in 232, a law which had had no chance in the centuriate assembly. Much later the *Leges tabellariae* were passed against the authority of the senate, although it remains uncertain whether that happened through popular mobilisation. The *Lex Gabinia* might have been passed in a traditional assembly by sections of the upper classes, hoping to break the nobility's hold over the elections.[43] This law was followed by the *Lex Cassia*, over which the elite appears to have been split; according to Cicero, Scipio Aemilianus recommended the bill, *Leg*. 3.37. These bills may be signs of the growing disunity within the elite, which fully erupted in 133, when for the first time since Flaminius popular mobilisation was organised on a serious scale. The strategy was new and untried, however, and the defeats of Papirius and Philippus,

[43] Cf. Hall (1990).

and the weakening of C. Gracchus' position during 122 all suggest that popular mobilisation was not yet fully reliable as a political tool. Later the 'popular' machine became more efficient, culminating in Clodius' organisation of the *plebs*. In the first century no 'popular' leader suffered legislative defeats against the authority of the senate.

The corporate structure of the assemblies would have been a significant factor in the mobilisation of popular support. The different weighting of electoral groups meant that for a crowd to be effective it would have to be raised with considerable care and circumspection. The distinction between rural and urban *tribus* was crucial; the inscription of the urban *plebs* in only four *tribus* had created a paradox. For while rural voters had great potential influence but little chance of exercising it, urban voters had easier access to assemblies but much reduced influence. That naturally left the *comitia* in the hands of urban – landowning – citizens inscribed in the rural *tribus*.

Viewed in this perspective the importance of immigration becomes obvious. In the second century the city of Rome grew substantially, as underlined for example by the need to build new aqueducts during the second half. This increase must be set against the relatively higher mortality rate in the metropolis, which meant that simply to keep its population constant a permanent supply of manpower was required.[44] The two main sources were the import of slaves, later to be enfranchised, and immigration, primarily from the Italian peninsula. The ratio between these two factors cannot be determined. Still, immigration from Italy may have reached a considerable level in this period. There are many signs of a flow of people from the interior regions to the highly urbanised areas along the Tyrrhenian coast and further to Rome itself. The immigration of Italian allies who had no claim to Roman citizenship obviously attracted most attention. Thus, foreigners were expelled in 124 by the bill of Pennus, while illegal usurpation of Roman citizenship by immigrants was prosecuted by the *Lex Licinia Mucia* in 95.[45] Most likely the influx of Roman citizens was even greater than that of foreigners, who faced a precarious existence with no rights and threatened by expulsion.

Thus, the number of rural *tribules* living in Rome may plausibly have multiplied in the late republic. No matter which view is taken of the extent of previous patronage, this development would have had signifi-

[44] Thus recently Scheidel (1994) who concludes that: '. . . a constant influx of immigrants would have been necessary to compensate for the effects of tuberculosis, hyperendemic malaria and other infectious diseases . . .', 166. See also Morley (1996) 44–54. Purcell (1994) 657–8 takes this argument too far, exaggerating the fluidity of the urban population.

[45] Cic. *Off*. 3.47; *Balb*. 54; *Brut*. 63.

cant consequences in terms of social control and civic cohesion. While the other main category of new urban citizens, the freedmen, generally maintained more or less close links to their former masters, the immigrants probably remained outside existing social networks for some time. We are therefore faced with yet another paradox of late republican politics: that the most marginal group in terms of social control was able to wield much greater influence in the assembly than the one most closely tied to the elite. During the first century the number of immigrants grew even further, boosted not least by the enfranchisement of the former Italian allies in the 80s.[46] Their tribal inscription was not remotely effective until 70, but those already living in Rome may have been covered by the limited registration carried out in 87.

The question remains of whether the emergence of the *populares* can be traced directly back to this development within the demographic basis. It is indeed tempting to see the immigrants' political power, low social status and relative independence as primary factors responsible for the collapse of the senate's authority in the legislative *comitia*. That explanation, however, runs the risks of monocausality. For although the numbers increased in the second century, there may always have been poor rural tribesmen living in Rome. Considering the small numbers involved in the passing of legislation, it would probably also have been possible to organise a sufficient turnout of rural tribesmen before the late second century crisis.[47]

In the early 'popular' phase some efforts were made to mobilise voters from the rural tribes in the countryside outside Rome. Thus, in 133 *rustici* helped Ti. Gracchus depose Octavius and also passed his agrarian reform.[48] Later they were again solicited when Ti. Gracchus prepared for what was to be his last assembly.[49] Also C. Gracchus used *rustici* to pass his legislation and campaigned in the countryside, delivering a speech 'de Popilio Laenate circum conciliabula'.[50] However, this type of mobilisation soon turned out to be unreliable, laborious and ultimately

46 Sall. *Cat.* 37.7–8, refers to the immigration of unruly elements from the countryside.

47 In principle immigrants would have been transferred to the urban *tribus* at the first available census. Whether that always happened in practice may be doubted. Many may have tried to avoid transfer to the low-status urban *tribus*, and for up to five years they would in any case have maintained their rural affiliation. The census was, moreover, highly irregular in the first century, the census of 70 being the last to be conducted under the republic. Brunt (1966) 6–7 believed many plebeians to have been inscribed in the rural *tribus*, cf. Last (1932) 7–9; Millar (1998) 16. Purcell (1994) 657–8; (1996) 797, denies the existence of poor *ingenui* in Rome, making the curious claim that the entire urban *plebs* consisted of freedmen, cf. Millar (1998) 36.

48 Diod. 34/35.6.1; App. *B. Civ.* 1.56–7.

49 App. *B. Civ.* 1.58–9.

50 Cic. *Cat.* 4.4; Plut. *C. Grac.* 3.1; 13.2; Gell. 1.7.7.

superfluous. It was simply not possible for *rustici* to maintain a constant political presence in Rome, and dispersed as they were they were also more difficult to address and mobilise than urban voters. Their absence from Ti. Gracchus' last assembly due to the harvest illustrates the problems involved. In that situation Ti. Gracchus had to improvise and quickly raise support among the urban *plebs*. Nevertheless, it seems that – after a day's delay – he was gaining the upper hand, when the senators intervened, App. *B. Civ.* 1.60. The early attempts at rural mobilisation do not imply, as has been claimed, that rural voters still represented the majority in the assemblies, nor that members of the urban *plebs* were tied to their patrons.[51] The Gracchi probably campaigned outside Rome because the strategy of popular mobilisation was new and virtually untested. The importance of the rural tribes was obvious to any Roman legislator; basic political instincts would have told the first *populares* to campaign among the poor rustics. However, it emerged in the process that there might be sufficient numbers of urban plebeians inscribed in the rural tribes to carry legislation through on their support alone. Thus, Appian, 1.60–3, also refers to Gracchus' poor urban supporters, and we have no indication that C. Gracchus' laws, or the *Lex Papiria tabellaria* for that matter, were all passed by *rustici*. Apparently none of the later 'popular' leaders saw any reason to campaign outside Rome. Saturninus' use of *agrestes* seems to have been atypical; the rural voters turning up in Rome were apparently veterans of Marius and prospective beneficiaries of the bills, Plut. *Mar.* 28.5. Later there appears to have been little need for rural voters. Increased immigration to Rome during the second century had already created a solid base of urban voters with an effective say in the *comitia tributa* and the *concilium plebis*. Once 'discovered' this resource was there to be exploited by a succession of 'popular' leaders.

We know very little about the way in which the Gracchi and other early *populares* in practice raised their crowds. But it does seem that in this period popular mobilisation was still in its infancy and its functioning somewhat erratic. Thus, at Ti. Gracchus' first attempt to pass the bill to allow tribunician iteration there was an insufficient turnout, and C. Gracchus' failed second re-election, albeit on grounds of manipulation, also suggests flagging voter support. The defeats of Papirius and Philippus in 130 and 104 point in the same direction, and also the near-defeat of one of C. Gracchus' bills, probably his judiciary reform, Diod. 34/35.27. Appian, *B. Civ.* 1.59, describes how Tiberius approached

[51] For the former view see Nicolet (1977) 356, for the latter Nippel (1981) 77. Taylor (1966a) 66–7 believed the Gracchi mobilised outside Rome, because the rural tribesmen in Rome all belonged to the propertied classes.

people at random in the Forum asking for their help in passing his last bill. As we saw, the attempts by the Gracchi to mobilise rustics also suggest that effective political networks had yet to be established among the urban *plebs*.

This conclusion might seem to be contradicted by Plutarch's description of the low-ranking men in Scipio Aemilianus' entourage who were 'frequenters of the Forum and able to gather a mob and for all issues by means of solicitations and shouting', *Aem. Paull.* 38.3–4. The story, however, is confused and fits badly into the context, which is the censorial election of 142. To make proper sense the people in question would have been electoral fixers in the timocratic *comitia centuriata*, and not organisers of popular crowds forcing bills through the tribal assembly; in this period we have no trace of such middlemen or regular use of popular crowds in legislation.

When popular mobilisation took off in the first century the *vici* seem to have become the basic unit.[52] They were the smallest unit in the urban divisions, focused on the cult of the *compitales*. Each neighbourhood had its own shrine and local organisation whose officials celebrated the annual festival of the *compitales*. The vicinal *collegia* may have been closely linked to the professional associations; they may even have overlapped, trades often being concentrated in particular streets and areas.[53] The *vici* first emerged as a political resource in the 80s, when M. Marius Gratidianus appears to have cultivated them.[54] Their activity in the 60s is indicated by the ban on *collegia* in 64(?), which also entailed the discontinuation of the *Compitalicia*, Asc. 7C; 75C.[55] But it is not until the time of Clodius that we get a somewhat clearer picture of the methods used in this type of mobilisation. In 58 he again allowed the Compital festival to be celebrated, putting his aide Cloelius in charge, Cic. *Pis.* 8. He also passed a bill 'on the restoration of *collegia* and the establishment of new ones', 'de collegiis restituendis novisque instituendis', Asc. 7C, cf. Cic. *Pis.* 9; *Sest.* 55. The local character of these new political clubs is indicated in Cicero's references to Clodius' mobilisation being conducted 'vicatim', *Sest.* 34, and his followers as 'ex omnibus vicis concitatos', *Dom.* 54. His local clubs were divided into smaller units, *decuriae*, which was a common form of collegial organisation.[56] And as

[52] On the political activities of the *vici* see (with caution) Flambard (1981), which has now been superseded by Fraschetti (1990) 192–250.
[53] Cf. Morel (1987) 143–4; Coarelli (1984) 467.
[54] Statues of him were erected 'in omnibus vicis', Cic. *Off.* 3.80; Sen. *De ira* 3.18.1; Pliny *NH* 33.132; 34.27.
[55] The date is not entirely certain; Fraschetti (1990) 216–17, puts the ban in the 60s.
[56] Cic. *Sest.* 34: 'cum vicatim homines conscriberentur, decuriarentur'; *Post red. Quir.* 13; *Dom.* 13.

the *Commentariolum* suggests, the officials of such organisations appear to have played a central role in the mobilisation of their members. Cicero is advised to gain the support of the *principes* of *collegia*, *montes*, *pagi* and *vicinitates*, since: 'through them you can easily secure the masses that remain'.[57]

For the crowds to be effective in the assemblies the rural tribesmen who lived in Rome had to be specifically targeted. How this was done must remain a matter of conjecture. 'Popular' leaders may have tried to establish contacts with the tribal organisations, which had their own headquarters and officials.[58] We know that magisterial candidates courted the tribal organisations; the possibility exists that the *populares* may have made similar overtures. Otherwise the *collegia* may have offered an opportunity to attract the rural tribesmen in Rome. Thus, Patterson has linked the growing importance of *collegia* in the first century with the influx of immigrants to Rome.[59] In the history of large cities associations of this type have often provided the initial social support network for newly arrived provincials. In that perspective it may not be too far-fetched to assume that immigrants to Rome would have been particularly attracted to Clodius' political clubs – and warmly welcomed there.

There has been a tendency among scholars to perceive the following of 'popular' leaders as a form of public *clientela*.[60] It is assumed that the *populares* had established a personalised relationship with plebeians otherwise deprived of noble patronage. That, however, means a further extension of a model which has itself come under increasing attack in recent years. Obviously, its application to the *populares* must also be questioned. Most 'popular' leaders had followers who were bound to them by a strong sense of personal loyalty. Ti. Gracchi allegedly never went out with fewer than 3,000–4,000 followers, many of whom stayed with him until the bitter end. Loyal supporters also surrounded Saturninus during his final showdown with the senate. Clodius commanded an effective force of devoted plebeians, who turned up for demonstra-

[57] *Comm. pet.* 30: '. . . urbis totius, conlegiorum, montium, pagorum, vicinitatum, ex his principes ad amicitiam tuam si adiunxeris per eos reliquam multitudinem facile tenebis'. Fraschetti (1990) 204–68 has argued convincingly that the *magistri vici* were an Augustan invention, linked to the reorganisation of the *regiones* and the new association of imperial and compital cult. He therefore sees the republican *vici* simply as neighbourhoods with no formal structure or officials. However, the formulation found in the *Commentariolum* suggests that the local neighbourhoods had some recognisable leadership, which could be identified and approached by electoral candidates. The *vicinitates* mentioned in Cic. *Mur.* 47: '. . . homines honesti atque in suis vicinitatibus et municipiis gratiosi . . .', probably refer to the countryside rather than the city of Rome.

[58] Taylor (1966a) 69. [59] Patterson (1994) 237.

[60] E.g. Vanderbroeck (1987) 81.

tions whenever called upon. But it is uncertain whether these groups are best understood in terms of *clientela*. The case of the Gracchi, in particular, seems no different from many other popular charismatic figures who have throughout history attracted dedicated bands of followers. There appears to be little to gain from forcing their personal popularity into a general model of *clientela*.

Moreover, these supporters should probably be – at least partly – distinguished from the crowds who passed the 'popular' bills in the assembly. A 'rapid reaction force' may have been relatively easy to mobilise among the *plebs*, especially if economic compensation was offered. But however useful freedmen and other urban tribesmen may have been in filling the *contiones*, they were much less effective in the *comitia*, where tribal allocation was all-important.

The 'popular' voters probably belonged to a different category of followers, although of course some overlap cannot be ruled out. Their support could not be taken for granted, nor does it seem to have been based on any sense of personal or political obligation. Their inconsistency is well illustrated by the power struggle between the elder Livius Drusus and C. Gracchus, the former easily gaining popular support for his blatant attempts to outbid his 'popular' opponent, whose position was so effectively undermined that his attempt to win a second re-election failed. It seems that when a proposal appeared to be beneficial to the *plebs*, the intentions behind it were deemed irrelevant.

No *popularis* enjoyed blanket popular support; bills might fail or have difficulty passing despite their sponsors' personal followings and 'popular' credentials. Thus, some of their proposals clearly did not strike a chord with the *plebs*, and were therefore never put before the assembly, for example Flaccus' enfranchisement bill from 125. Also the citizenship bill of the younger Drusus, proposed in 91, seems to have lacked popular support, despite his extensive 'popular' bribe of the *plebs*. Likewise, some judiciary laws may have had less popular appeal, explaining why C. Gracchus' reform of the judiciary seems to have just scraped through.

Other 'popular' laws had great difficulty getting through in a regular fashion. Cornelius' law on the libertine vote, an issue in which the freeborn *plebs* had little interest, was carried at an assembly which had not been properly called. The passing seems to have been something of a coup and was subsequently annulled by the senate. Likewise, Clodius was unable to prevent Pompey from taking charge of the *annona* in 57, a commission he had already entrusted to his friend Cloelius.[61] Apart

[61] Cic. *Att.* 4.1.6f, cf. Flambard (1977) 151; Garnsey (1988) 216.

from underlining the distinction between Clodius' personal followers and his voters, this failure also shows that despite his unprecedented level of popular organisation even Clodius had to present his case to his constituency on every single occasion.

The *plebs*, it seems, viewed bills individually and largely in isolation from their political context. The younger Drusus, though hardly a *popularis* himself, certainly took a leaf out of their book to promote the cause of the *optimates*. Land and grain bills were introduced to pave the way for a judiciary reform, which would restore the senate's control over the *repetundae* court. But it seems that for the bribes to be effective in promoting the – presumably less popular – judiciary bill, the measures had to be very closely linked. Thus, Cicero, *Dom*. 50, indicates that they were combined in a way that laid Drusus open to accusations of legislating 'per saturam'.[62] In other words, even after a display of almost unprecedented generosity, the *plebs* could not be relied upon to pass his judiciary reform in a separate bill. This was therefore tied directly to the more appealing 'popular' measures. Each bill thus had to be communicated persuasively to the *plebs*. This was done informally through assistants and local networks, although the *contio* also remained a focal point in this process. The stakes were high; if the mobilisation failed the voters might not be there on polling day. Therefore, the main problem in passing a controversial bill was probably to persuade ordinary Romans to turn up in the *comitia*.

When Gruen writes that Clodius 'successfully mobilised a large segment of the *plebs* with an attractive program that short-circuited the usual lines between humble clients and their noble patrons', the implication is that they would otherwise have voted with their patrons.[63] But *populares* do not appear to have struggled to break elite control over the electorate; there is no trace of such a conflict over popular loyalties. It is more likely that the voters would not have turned up at all. For it should be borne in mind that Gruen's 'large segment' in any case could not have included more than 3–4 per cent of the urban citizenry. The real challenge to 'popular' legislators lay in breaking the traditional political passivity of plebeian voters.

That would help to explain the packaging of Drusus' legislation in 91. The plebeians would probably not have directly opposed his judiciary bill, but since they had little interest in the composition of jurors' panels, he could not be sure they would be there for the vote. Likewise, Clodius' traditional supporters are unlikely to have turned against him on the issue of the grain commission. But with the free dole secured and

[62] Cf. Ryan (1994) 107–8.
[63] Gruen (1974) 438.

Pompey known as a safe pair of hands they had no real incentive to turn up in large numbers. While senatorial attacks were effectively neutralised, competing 'popular' bills might be more tricky to fend off.

It seems evident from these instances that the *plebs* had not gained a constant presence or influence in the assembly after the supposed weakening of elite patronage. The unstable nature of popular participation suggests that we are not dealing with a clear-cut transition from a controlled to an independent, active *plebs*; a point further underlined by the anti-'popular' laws which could still be passed after the Gracchan watershed in Roman politics.

After the death of C. Gracchus his murderer P. Popilius Laenas was recalled from exile by an assembly in 121/120; in the following years also the agrarian reforms were gradually dismantled. Likewise, the *Lex Servilia* of 106 restored some control to the senate over the *repetundae* court, which C. Gracchus had entrusted to the knights. In 104, as we have seen, Philippus' agrarian bill was rejected, and in 99/98 Q. Caecilius Metellus Numidicus, the nemesis of Saturninus, was recalled from his exile. Within the same decade C. Gracchus' *Lex frumentaria* was modified by the *Lex Octavia*, probably reducing the number of grain recipients. In 98 the *Lex Caecilia Didia* limited the ability of *populares* to carry legislation. And even during the most ruthless of senatorial restorations Sulla had laws passed in the *comitia*.[64]

This pattern of alternating 'popular' and senatorial legislation strongly suggests that no regular *plebs contionalis* or legislative crowd existed. An independent crowd, or in any case one which could now hide behind the secrecy of the written ballot, is unlikely to have first supported the Gracchi, Saturninus and Sulpicius, and then endorsed the senatorial backlashes following their defeats. We may be dealing with different crowds, backing different policies. Quite plausibly, the *plebs* was simply not present when the senate struck back. Mobilisation was crucial to the assertion of popular control over legislation; without leadership from members of the senatorial elite the people were effectively powerless.

When leadership was absent, and only when it was absent, as in the aftermath of the senatorial showdowns with 'popular' champions, could anti-'popular' laws be passed. That happened, as we have seen, after the crushing of C. Gracchus' and Saturninus' reform attempts, and when the Sullan victory in the civil war had eradicated all opposition.

When, on the other hand, popular leadership was effective, the people were able to rule supreme. Then the senate had virtually no chance of putting up any real opposition in the assembly. For example, Minucius'

[64] Gell. 2.24.11; App. *B. Civ.* 1.46–8.

attempt to repeal the *Lex Rubria* and abolish the Gracchan colony Junonia seems to have been futile while C. Gracchus was still alive. He managed to intervene in Minucius' assembly and probably no vote was taken. The senate's impotence is also illustrated by the *Lex Licinia de sodali tatibus*. Contrary to common opinion there is no evidence that it was directed against Clodius' political clubs.[65] We are therefore left with the telling fact that after the ban on *collegia* was scrapped in 58 apparently no attempt was ever made to curb Clodius' organisation by means of legislation; it was probably deemed pointless even to try.

Most suggestive, however, is the strategy used by the senate for the restoration of Cicero in 57. Clodius had successfully neutralised attempts to pass a bill in the *comitia tributa*, also using violence and physical obstruction. The senate's response was exceptional; for the first time since the third century the centuriate assembly was called to pass a legislative bill. The senate even issued a decree urging members of the Italian elite to turn up on this occasion, which many of them did.[66] The implication of this strategy has not been fully realised. The senate's initial failure to pass the bill was not simply due to Clodius' use of force: that could also have been applied in the *comitia centuriata*. This assembly was called because of its different social composition, which reduced the influence of Clodius' followers, Thus, even in this exceptional case where a bill was actively promoted by Pompey and the large majority of the senate, it was impossible for its backers to stump up sufficient support among the urban *plebs* to vote down the followers of Clodius.

In conclusion, it seems that the legislative *comitia* had never been directly controlled by the senate. Traditionally they had been frequented by small groups of people with an outlook and interests largely similar to those of the political class itself. The negligible attendance of the *plebs* is clearly brought out by the tiny scale of the political institutions themselves. It is also a question of whether the majority of the *plebs* was covered by any comprehensive system of social control and political exploitation; in a context of minimal popular participation, the elite had little incentive to create or maintain such a network. This situation had the potential for dramatic upheavals in the political order; simply by turning up in the assembly the *plebs* would be able to take control of the legislative process. However, the task of bringing representatives of the *plebs* into the domain of legislation would have to lie with members of the elite, which had long monopolised the political initiative. Because

65 See appendix pp. 149–51.

66 The alternative would, as Cicero suggests, *Att.* 3.23.1–4, have been bribery, the use of a 'comparata multitudo', cf. *Sest.* 127. In *Leg.* 3.45 Cicero implies that the *comitia centuriata* was called because the law dealt with an individual.

the *plebs* naturally remained outside the sphere of politics, it was dependent on members of this class to take the lead.

Therefore, what we are witnessing in the late republic is not so much the breakdown of social control as the growing disintegration of the internal cohesion and consensus which had traditionally prevailed within the elite. For as North has noted: 'The popular will of the Roman people found expression in the context, and only in the context, of divisions of the oligarchy.'[67] It was this development which in turn led to the partial mobilisation of the *plebs*. The process was greatly facilitated by the influx of rural tribesmen to Rome. But we should be cautious not to posit any direct causality between the two processes; mobilisation was not a result of immigration nor did it rely on it in order to succeed. The potential for 'popular' legislation had probably always existed; only the political will to exploit it had been absent. All that changed, however, when the senate's authority weakened in the late second century and it increasingly lost control over its own membership.

[67] (1990) 285.

5 Elections

The focal point of Roman politics was the annual elections of new magistrates.[1] The appointments of quaestors, aediles, praetors, consuls and censors, in addition to a large number of minor officials, were central events in the public calendar of the Roman republic. And judging from the scale of the electoral facilities in the Campus Martius they clearly attracted larger crowds than the legislative assemblies, which convened in the smaller venues of the Forum and the Capitol. Likewise the procedures used in the electoral assemblies were less time-consuming, thus allowing more people to vote in a single session.

Nevertheless, the overall level of participation remained low, and we may wonder what made a small section of the population take part in elections, while the large majority stayed away. The aim in this chapter is to investigate the nature of electoral participation and the different models which have been used to explain it. Our sources tend to convey the impression that elections were matters of general interest and concern among the Roman citizenry during the late republic. The sources, however, also reflect the views and preoccupations of the one group which was itself directly involved in office-holding and the exercise of power. The question is therefore whether these concerns

[1] Millar (1998) 204, 206, 217, has insisted that voting on legislation was the 'most important type of collective decision' and the central focus of Roman politics. It may seem futile to debate which aspect may have been the most important, especially since there are no agreed criteria by which to settle such a debate. But it is interesting to note how this perception is closely linked to the overall approach to the issue. Millar's analysis is structured as a dynamic narrative, which tells the story of the fall of the Roman republic and the crucial role played by the people therein. In this particular narrative the legislative process represents an important factor, whose discursive/rhetorical aspect also ties in well with the overall emphasis on 'democratic' participation. Elections, on the other hand, did not involve speeches to any significant extent, and do not offer any progressive narrative either. From a structural point of view, which looks at Roman politics as a continuous practice, it is clear that the main activity of the political class involving broader sections of the populace focused on the annual appointment of new magistrates. Vast amounts of time, energy and economic resources were invested in this collective project, which directly or indirectly affected all members of the propertied classes. Thus also Flaig (1995) 78.

were particular to this social group, or, in other words, whether the appointment of new magistrates attracted much attention outside the political class itself.

It was suggested above that these important events, to which all citizens had equal access, were attended by only a comparatively small number of voters. The capacity of the voting facilities allowed just a fraction of the citizen population to attend the elections. The Augustan Saepta could probably accommodate a maximum of about 25,000 voters, which may even have represented an expansion of the original republican structure. There are, moreover, virtually no reports of overcrowding having been a problem in Roman elections. A single, exceptional case is known from the late republic. In 122 rural voters who had come to support C. Gracchus could not gain access: instead they seem to have shouted into the Saepta from the surrounding rooftops, Plut. *C. Grac*. 3.1. The story leaves many questions open; their access might have been obstructed by Gracchus' opponents, or they were in fact not citizens with full voting rights; obviously they did not try to deliver their vote by shouting, since the written ballot had already been introduced. Later, as we saw, there are several indications of very small numbers attending the elections; for example the brevity of the voting and counting at the consular election in 45, and the small number of votes won by Laterensis in the *tribus* Voltinia in the aedilician elections of 54.

In a modern democracy such a low level of participation in a general election would call for an explanation. In a Roman context, however, it may be more appropriate to turn the question around and ask why anyone outside the narrow circles of the ruling elite ever took the trouble of turning up.

The question has rarely been asked, probably because the debate has followed the agenda found in sources produced by the political class. Moreover, the preoccupation with elections, expressed in the writings of the Roman aristocracy, may, somewhat ironically, have been reinforced by modern experiences and perceptions; the right to vote is now seen as a coveted privilege and its general extension a sign of democratic progress. Viewed in that perspective people who enjoy the vote are naturally expected to make good use of it and exploit any opportunity to influence the running of their state. It follows that participation, as opposed to abstention, does not require any specific explanation. That logic, however, is a modern one which cannot, for a number of reasons, be applied to Roman elections.

Firstly, the elected officials had a very different role from present-day politicians, who act as parliamentarians and legislators. Because a

parliament in the modern sense did not exist, Roman politicians had no legislative powers; that remained the prerogative of the assemblies, in this period the *comitia tributa* and the *concilium plebis*.[2] As magistrates they formed an executive body some of whom had a right to put new legislation before the assemblies.[3]

Secondly, the scope of politics was fundamentally different in ancient Rome. Simply because the scale of the state was so much smaller than in modern societies, politics concerned itself with many fewer aspects of the lives of ordinary citizens than is the case today. Needless to say, social and economic policies, as we know them, did not exist in Rome. Few political issues therefore had implications which reached much beyond the elite, or had any noticeable effect on the living conditions of the population as a whole. It follows that the relevance of politics, and elections in particular, would not have been self-evident to the large majority of voters.

Political apathy may be overcome by campaigning. In Rome, however, the canvassing efforts which preceded the elections would probably have done little to raise political interest among ordinary voters. They were fundamentally apolitical in their nature and hardly ever conducted on the basis of specified policies or an articulated ideological platform.[4] Despite the right of some officials to propose laws, very few legislative programmes or individual bills seem to have been presented in advance of an election. Differences in opinion

[2] On this and the following observations see also Brunt (1988) 35–6.

[3] It is important to note that the magistrates, unlike modern politicians, did not 'represent' the voters to whom they owed their office. Roman politicians therefore had no constituency in the modern sense. Ideally, popular tribunes may have been expected to protect and further the interests of the plebeians, but they did not represent them, nor were they directly responsible to them.

[4] Cf. Meier (1956) 598, noting that: '. . . in den römischen Wahlen die politische Gegensätze in der Regel keine Bedeutung hatten'; id. (1980) 11–23. A view also expressed by Veyne (1990) 223, who stated that: 'what was really at stake in elections was not anything of importance to the electors'. Cf. Syme (1939) 149; Taylor (1949) 8, 13, 15, 64; Pina Polo (1996) 105; Jehne (1995) 60. A possible exception may have been the elder Cato's campaign for the censorship in 184, Livy 39.41.1–4; Plut. *Cato Maior* 16. Millar (1998) 35, 191, has argued that electoral campaigning was often conducted on specific policies. The supporting evidence is very limited, however. Clodius, in case he really did announce policies in advance of the praetorian election of 52, is likely to have been an exception. Spielvogel (1997) argues that Clodius had revealed none of his 'popular' legislative programme in advance of his tribunician election. Pompey, as Millar notes (1998) 64, was already designate when he declared his intention to restore the tribunician powers. Similarly, Rullus only drew up his reform plans after his election, Cic. *Agr.* 2.12, cf. Millar, ibid. 103. Drummond (1999) has shown that the 'tribunician programme of 63', suggested by Dio 37.25.3–4, is a mirage. Dio 40.61.2 does not suggest that Curio had publicised his proposals before taking up his tribuneship. Yakobson (1999) has recently taken Millar's argument even further, but the evidence remains slight.

between candidates were not emphasised in the electoral contests either; to the extent that they existed they were generally not spelt out during the campaigns, in which only personal vices and allegations of bribery were used as political weapons, cf. *Comm. pet.* 52. 'Politics', it seems, was plainly avoided in the run-up to elections.[5] As Cicero was expressly advised in the *Commentariolum*: 'Yet, during your canvass, you must not deal with politics either in the senate or in the *contio*.'[6] The political conflicts of the late republic, often provoked by 'popular' tribunes, occasionally revolved around issues of interest to broader sections of the electorate. But even in these cases there are few signs of the issues having been raised in an electoral context. In general, 'popular' policies were presented only after the assumption of office. Campaigns for the tribunate were therefore not fought on what we would consider political issues either. The 'apolitical' character of elections is further suggested by the fact that the lower, largely administrative posts, e.g. quaestors and the *vigintisexviri*, which played practically no political role, were filled by the same 'democratic' procedure as the powerful, higher magistracies with the right to propose legislation. Altogether this serves to underline the important fact that Roman elections did not present the voters with a range of political options; issues that might cause dissent were generally banned from most electoral contests, as were specific pieces of legislation and even appeals to particular interest groups. The choice, it seems, was entirely one between different individuals, all drawn from the same social class.

Again a comparison with classical Athens may be helpful in putting the peculiarities of Roman elections into perspective. Thus, while most Athenian magistrates were chosen by drawing lots, in principle the most democratic method, other posts which required special skills were filled by a vote in the assembly.[7] These elections differed on crucial points from the Roman system. Most importantly it was open to any Athenian to put himself forward as a candidate, citizenship being the only

[5] Political positions were indicated only in relation to other leading politicians, e.g. Pompey, not on issues, cf. *Comm. pet.* 14; 51.

[6] *Comm. pet.* 53: 'nec tamen in petendo res publica capessenda est neque in senatu neque in contione'. In an attempt to demonstrate the profoundly political nature of elections, Yakobson (1999) 152–5, has tried to reinterpret this unequivocal piece of advice, arguing that it was directly linked to Cicero's vulnerable position as a *homo novus*, which forced him to tread more carefully. However, if elections were run and decided on political issues, it is difficult to see how it would improve Cicero's chances to remain outside this debate and appear apolitical. It is not clear why a new man should be particularly cautious – in fact the very concept of *novitas* becomes meaningless if officials were elected on the basis of policies rather than family prestige and personal connections.

[7] Hansen (1987) 120–3.

qualification required. Moreover, to ensure that the formal right to hold office was also a practical possibility, state officials received remuneration, thereby allowing men without property to stand. The contrast with Rome is striking. Here the official property qualifications meant that all magistrates belonged to the same social stratum of the very rich, in effect reducing the elections to a choice between one noble and another.

These limits to the popular choice were further accentuated by the practicalities of Roman voting. Firstly, the elective process was very time-consuming, and – unlike Athens – Rome offered no remuneration to plebeian voters. People could expect to spend a whole day at the Saepta. Occasionally the assembly even had to reconvene on the following day to complete the vote.[8] That happened when the statutory number of magistrates had not reached an absolute majority of the electoral units. The consular election of 45, as we have seen, lasted less than four hours, but that was clearly exceptional. On this occasion the assembly voted for only one candidate, nominated by Caesar; it was therefore already over when the first two classes had delivered their vote. The crowd had, moreover, originally convened as a *comitia tributa*, expecting to elect the quaestors, which may have affected its size and social composition.

Secondly, the workings of the assemblies contrasted sharply with the Athenian *ecclesia*, where all votes had equal weight. In Rome the system of corporate voting allowed the influence of individual voters to be carefully graduated. As we have seen, urban plebeians, and freedmen in general, were inscribed in only four *tribus*. The *comitia centuriata* was even more heavily tilted in favour of the propertied classes. While the senators, the knights and the first class held 88 out of 193 *centuriae*, the two lowest classes were squeezed into 30 *centuriae* and the *proletarii* into just a single one. Moreover, since the freedmen did not serve in the legions, their representation in the *comitia centuriata*, formally the Roman citizenry organised as an army, was minimal. They were probably all inscribed in the five non-armed *centuriae*.[9]

[8] Examples include Livy 22.35; 37.47.7; 40.59.4–5. In *Mur.* 35 Cicero refers in a more generalised way to 'dies intermissus aut nox interposita'.

[9] Apart from the *proletarii*, the non-armed *centuriae* also included two *centuriae* of artisans and two of musicians, trumpeters and horn players, cf. Taylor (1966a) 86, 155 n.38; Kühnert (1991) 21. Against freedmen's allocation to these units, Treggiari (1969) 166–7 refers to *Comm. pet.* 29, where Cicero is advised to seek urban support from: 'Multi homines urbani industrii, multi libertini in foro gratiosi navique versantur.' This is the only mention of freedmen in the context of consular elections – in the *Commentariolum* and elsewhere – and it probably refers to their usefulness in raising general support through their *gratia* and daily activity in the Forum. Cf. the anecdote about Scipio Aemilianus, Plut. *Aem. Paull.* 38.3, in which freed supporters feature, not as influential voters, but – perhaps anachronistically – as crowd fixers.

This hierarchy of voting not only meant severely restricted influence for some groups; the strict order of voting in the *comitia centuriata* also implied that the lower classes might not get to vote at all. Yakobson has recently tried to upgrade the influence of the *plebs* in this assembly, arguing that whenever there was a split in the vote of the elite, the lower *centuriae* had a real say.[10] He also points to the repeated sessions as cases where even the *proletarii* would have come to vote. That, however, was not a decisive vote, and for the voting to reach the *proletarii* a very profound split in the elite and the higher classes was required. Clearly these examples are not typical; Cicero explicitly noted that the lower classes had no certainty of being called to vote, *Mur.* 71. Cicero's own election to the consulship illustrates the limits to their influence; supported by all the propertied *centuriae*, he was elected when just ninety-seven *centuriae* had declared their vote, *Off.* 2.59. Incidentally, the voting continued until most *centuriae* had been called, though it finished before reaching the *proletarii*. But such a deep split in the vote of the elite was entirely a matter of chance: low-ranking citizens could never predict whether it would be worthwhile for them to turn up.

Thirdly, the geographical centralisation of the political process had obvious implications for people's ability to take part. More than anything this aspect serves to remind us just how far from modern democratic ideals were the realities – and underlying rationality – of the Roman assembly. The simple fact that the citizens of a sizeable territorial state could deliver their vote only in one topographical location illustrates the extent to which large-scale participation was deliberately precluded through the institutional framework. Also prior to the Social War many Romans had had to make long journeys in order to exercise their voting rights, for example the Roman colonists settled in Cisalpine Gaul. But with the enfranchisement of the Italian allies, which was implemented in 70, the situation plainly became absurd. By then the large majority of the citizens lived too far from the voting facilities ever to be able to participate. And since the elections of different magistrates were held at separate sessions, extra-urban voters had to travel to Rome not just once but several times over if they wanted to influence the electoral assemblies.

In sum, mass participation was discouraged by a number of factors. Quite fundamentally, the 'apolitical' nature of the elections would probably have made the whole exercise an irrelevance to the large majority of the population. Its alienation from the electoral process would have been further reinforced by the practicalities of delivering the

[10] Yakobson (1992).

vote: the laborious and time-consuming procedures and the lack of economic compensation offered, the graduation of votes and electoral influence, and the extreme centralisation of the voting procedure. These factors may easily explain the low level of attendance we find in Roman assemblies. Still, some voters did turn up. Their social and regional background cannot be specified, and although the elite obviously would have turned out in much greater strength, the *plebs* must to some extent also have been represented. The question is therefore why these voters, unlike most of their fellow citizens, chose to make this sacrifice.

Traditionally their participation has been explained by reference to the *clientela* model.[11] Although primarily designed to explain not so much why people turned up as how they behaved when voting in the assembly, this model does provides an answer to the former question. The *clientela* model puts overall emphasis on the ability of the elite to control the popular vote by the use of individual patronal powers. On this interpretation there was little room for personal choice; involvement in politics was neither voluntary nor independent. People turned up out of obligation in order to vote for their patron or a candidate who enjoyed his support. Thus, our picture of popular participation and voting becomes dominated by personal ties and obligations, which in effect reduced elections to a contest between noble factions and their armies of personal dependants. In this way the theory explains not only how the elite were able to control the electoral assemblies with such apparent ease but also why people were there in the first place.

As already noted in the previous chapters, important objections have now been raised against this model, whose evidential foundations seem to crumble when subjected to more detailed scrutiny. The harder one looks at the evidence the more difficult it has proved to find traces of this vertical division of society in the politics of the Roman republic. As a social category clients appear conspicuously absent from the political scene.[12] In the entire *Commentariolum petitionis* clients are mentioned only once; in a routine listing of relevant voter groups they feature after *tribules* and *vicini*, 17. This important text does not contain any allusions to tied voters either, and several passages clearly imply that clients were not considered a decisive factor. That is also the conclusion offered by Cicero's discussion of the candidates for the consular election in 54, *Att.*

[11] See above pp. 67–78.

[12] A rare statement as to the importance of *clientela* is found in Sall. *Iug*. 85.4: 'Ad hoc, alii si deliquere, vetus nobilitas, maiorum fortia facta, cognatorum et adfinium opes, multae clientelae, omnia haec praesidio adsunt.' The passage appears in a fictitious speech by Marius. As such it is highly tendentious and likely to exaggerate the aspect of inherited privilege. Moreover, the nature and social composition of these *clientelae* are not defined.

4.16.6. In his survey of their relative strengths and prospects Cicero never raises the issue of *clientela*. 'Friends' are noted in the case of Domitius, but that is hardly a reference to humble clients. In the same breath the electoral benefits Domitius might derive from his games are mentioned, again questioning the importance of personally tied voters. Other factors considered by Cicero are the candidates' wealth, previous munificence, paternal popularity, support from Caesar's troops and the endorsement of Pompey. Thus, Cicero gives no hint whatever that the consular election of 54 would have been a simple contest between alliances of the elite – with their personal dependants as mere voting fodder.

Two aspects of the elections themselves would seem to cast further doubt on the idea of *clientela* as a decisive factor in the electoral process: firstly, the methods and importance of campaigning, and secondly the patterns of voting observed in the elective assemblies.

The extent of campaigning in the run-up to elections and the seriousness with which it was conducted in the late republic square badly with a model of universally tied voters.[13] Electoral campaigning was a central feature of public life in the late republic, which in its scope and implication went far beyond a mere rounding up of personal dependants and allies. Canvassing took place at all levels and employed a wide range of tactics and devices. Voters were targeted individually, approached collectively, often through intermediaries, and broader sections of the population were courted by costly munificence, which became a vital component in electoral success.[14] Games were given at huge expense, public dinners held, and donations made to the tribes, leaving many politicians heavily in debt.[15] Candidates also showed great concern with their public image, which was perceived as a potential electoral asset – or liability; it was clearly important to be known as a generous and respectable character. This broad range of activities would seem to make sense only on the assumption that voters were sufficiently independent to be susceptible to personal or collective persuasion. That is also the implication of the widespread bribery which became a characteristic feature of late republican elections. Altogether this would suggest that cliental ties were not nearly as universal as has previously been assumed; or in any case not strong enough to prevent clients from

[13] Cf. Millar (1984) 10–14.

[14] E.g. Cic. *Fam.* 2.6.3, which lists the support won for Milo's consular candidature in 53: 'Habemus haec omnia, bonorum studium . . . vulgi ac multitudinis propter magnificentiam munerum liberalitatemque naturae . . .'

[15] Most famously Caesar incurred huge debts during his aedileship, cf. e.g. Plut. *Caes.* 5.3.

being otherwise persuaded or votes from becoming – in Brunt's expression – a 'marketable commodity'.[16]

Extensive campaigning was perceived as essential to electoral success. That is the obvious rationale behind the advice offered in the *Commentariolum*. And Cicero himself, in *Pro Plancio* 9, explained Laterensis' defeat by his reluctance to canvass, declaring that the *populus* 'elects those who court it most assiduously'.[17] The younger Cato may also have lost his bid for the consulship because of his refusal to campaign, Plut. *Cato Min*. 49.4.

A striking feature of late republican elections is the genuine uncertainty about the outcome of these events. The sources frequently refer to the unpredictable, even irrational nature of the electoral assemblies in this period. In *Pro Murena* Cicero exclaims that: 'Nothing is more fickle than the masses, nothing harder to discover than how men intend to vote, nothing trickier than the whole way in which elections work.'[18] This and similar statements, for example *Planc*. 12, 51–2; *Mur*. 35; 53, may be linked specifically to the argument Cicero was pursuing in these *ambitus* trials; in his attempt to explain the defeats of the prosecutors, Cicero had an obvious interest in stressing the erratic aspect of elective assemblies. Still, his assertions were probably not widely off the mark, intended as they were to influence a panel of judges familiar with Roman politics. And the same uncertainty also surfaces in his private correspondence, for example *Q. Fr*. 3.1.16, from 54, where he states that: 'So far it is extremely uncertain both when the elections will be held and who will be elected.'[19]

Certainly, the preferences of the elite did not always prevail. Noble grandees could lose to less prominent opponents, and there are examples which clearly demonstrate that the nobility was powerless to prevent the victory of a candidate who had gained wide popularity. Thus, in 148 Scipio Aemilianus was elected to the consulship before the prescribed minimum age – against the expressed wishes of the nobility.[20] Marius too overcame noble opposition to his consular candidature in 108.[21] Later, in 105, he even repeated the feat and was elected *in absentia* within a decade of his first consulship, Plut. *Mar*. 11.1. Cicero

[16] Brunt (1988) 127.

[17] '. . . facit eos, a quibus est maxime ambitus'.

[18] *Mur*. 36: 'Nihil est incertius volgo, nihil obscurius voluntate hominum, nihil fallacius ratione tota comitiorum.'

[19] 'Adhuc erat valde incertum et quando comitia, et qui consules futuri essent.'

[20] Livy *per*. 50; App. *Pun*. 530–33, cf. Astin (1967) 59–60; Develin (1978). Also the praetorian election of 184 illustrates the electorate's ability to defy the senate, Livy 39.39.

[21] Sall. *Jug*. 73.7: 'Ita perculsa nobilitate post multas tempestates novo homini consulatus mandatur.'

also lists several cases where quite unknown or far less prominent candidates defeated members of the nobility in consular elections, and gives examples of consuls who, at an earlier stage in their careers, had been passed over for lower offices.[22] The tight control over the electorate, assumed by the *clientela* model, is called into question by these instances. There are few signs in this period that elections were determined by the patronal powers of old senatorial families, or fixed in advance by internal horse-trading within the elite.

Other aspects of elections may suggest that the voters were not just independent-minded but downright volatile in their behaviour. The *centuria* which happened to open the poll was known to exercise a disproportionately strong influence on the outcome of the election. The *praerogativa centuria* was drawn by lots from amongst the *centuriae* of the first class *juniores* and voted separately before the rest.[23] The importance of its vote was widely recognised in antiquity. Thus Cicero claimed, probably exaggerating, that: 'the century which votes first carries of itself such weight that no candidate for the consulship has ever secured its vote without being ultimately declared first consul either at that very election or at any rate for the following year'.[24] The significance of winning here is further underlined by the bribery case from 54, when Memmius and Domitius Calvinus promised no less than 10 million sesterces to the *praerogativa centuria*, *Q. Fr.* 2.15b.4.[25] The vote of the first *centuria* was seen as an omen,[26] but the phenomenon may also be explained as a bandwagon effect, whereby people, eager to vote for a winner, tended to follow the example set by the influential first unit.[27] Still, whichever interpretation is favoured this pattern suggests a remarkable volatility among the voters, who appear to have cast their vote according to the chance outcome of the first *centuria*. This willingness of the crowd to follow any incidental lead that was offered seems a strong argument against the notion of the electorate as a mere puppet in the hands of noble patrons.[28]

Finally the case might be argued on the basis of numbers. For how do

[22] *Planc.* 12; 51–2; *Mur.* 36. Cf. the section in Val. Max. 7.5, on electoral defeats: 'de repulsis'.
[23] Meier (1956).
[24] *Planc.* 49: 'una centuria praerogativa tantum habet auctoritatis, ut nemo umquam prior eam tulerit, quin renuntiatus sit aut iis ipsis comitiis consul aut certe in illum annum'; cf. Livy 26.22.13: 'auctoritatem praerogativae omnes centuriae secutae sunt', Meier (1956) 593.
[25] Cf. Cic. *Verr.* 1.26; *Schol. Gronov.* 350 (St).
[26] Cic. *Mur.* 38; *Div.* 1.103.
[27] Meier (1956) 593; Taylor (1966a) 76.
[28] Meier (1956) 597–8 noted the difficulty of reconciling the importance of the *praerogativa centuria* with elite control over individual electoral units.

we explain that so few voters/clients turned up on occasions of such obvious importance to their patrons? Elections have traditionally been seen as the primary occasions on which clients could pay back favours received.[29] The notion of *clientela* as a reciprocal system of *beneficia* and *officia* naturally puts focus on the popular vote which stands as the clients' foremost resource in this mutual exchange. A decline in *clientela* is commonly posited after the fall of the republic when elective *comitia* became a formality and the votes of the *plebs* lost their value to the elite. However, it remains a fact that even at the very peak of elite competition in the late republic only a fraction of the citizenry ever attended the elections. That aspect has yet to be satisfactorily accommodated into those models which operate with individual voter control as a determinant factor in Roman elections.

In sum, it seems that the politically active citizens were not only too few, but also too volatile and open to persuasion; in short, too independent to fit into a conventional model of patronal control. This situation might on principle be linked to the supposed decline of political *clientela* in the late republic when the system is assumed to have been in a state of advanced disintegration, perhaps exacerbated by the introduction of the secret ballot which offered a cover against direct patronal control. But even on this explanation it remains an uncomfortable fact that the only period of the Roman republic for which we have more detailed evidence does not seem to fit the model. At the very moment when the sources allow us a more nuanced picture of participation, campaigning and voting behaviour, a situation emerges which is far too complex to be explained by a simple *clientela* model.

We are left with the conclusion that political participation in this period will have to be interpreted along different lines. The question is where we go from here. One option is to abandon completely the concept of patronage as a means of understanding Roman elections and instead interpret them as democratic processes in which people chose more or less freely between candidates according to their personal preferences. That model is based on the assumption that if voters were able to act independently of nobles and politicians, themselves reduced to courting popular favour, the process is automatically endowed with 'democratic' qualities; elections become a viable means of expressing genuine popular views and options. Popular participation on this view becomes the result of individual voters personally engaging in the political process.[30]

[29] Thus, Wallace-Hadrill (1989) 81 implies that during the republic the main pay-off for the patron was the client's vote.

[30] This is broadly the view taken by the 'democratic' school, cf. ch. 1.

However, the logic of this inference – from independent voters to a democratic process – hangs on the questionable notion of magisterial elections being inherently relevant to the mass of Roman citizens. But, as argued above, it is a big question whether elections were 'political' events in the sense that ordinary citizens would have perceived any personal interest to be at stake in the outcome. Most plebeians could have been rightly excused for seeing their participation as a pointless waste of time and effort. Our opening question is therefore left unanswered, and we still have to explain why members of the lower classes, however independent, would turn up for long exhausting sessions to make a – largely irrelevant – choice between different members of the elite, without even having any certainty of getting to deliver their vote.

The pattern of voting, and in particular the importance of the *praerogativa centuria*, throws further doubt on the democratic model. For again we may wonder why a small, supposedly more politically alert section of the *plebs* would turn up if their convictions were so weak that the omen of the first *centuria* was habitually followed. The notion of political engagement as the driving force behind their participation makes little sense if the active citizens decided how to vote only when they were already waiting inside the Saepta.

In sum, the independence of the voters does not in itself turn the elections into a 'democratic' process; there have to be issues involved of some basic interest and importance to the electorate.[31] If the outcome was largely irrelevant to the lives of most citizens, it seems futile to stress their independent choice. Popular participation, to the extent that it occurred, will therefore have to be explained by factors other than engagement in political issues; in general we have no reason to believe that the *plebs* had particular preferences in the elections. There are obvious exceptions to this rule. The popularity of victorious army generals like Scipio, Marius and, to some extent, Pompey is evident, and charismatic popular leaders like Clodius also managed to establish a personal power base among the urban *plebs*. Still, they remain exceptions, and their popularity was often fleeting and hard to sustain over longer periods, as C. Gracchus' failure to secure a second re-election in 121 well illustrates.

Any attempt to explain popular participation must in other words begin with the recognition that plebeians had no natural part in these events, at which their attendance was discouraged by a number of institutional and practical factors. Their patchy turnout is therefore

[31] By insisting that: '. . . the Roman voter . . . could thus feel free to exercise his suffrage freely', Yakobson (1995) 136 misses the point that no matter how free the vote was, the overwhelming majority of the citizens never bothered to turn up to deliver it.

most plausibly interpreted as a result of the lack of political incentives for the *plebs* to overcome these obstacles. On the other hand, it follows that those who did turn up must have had specific reasons for doing so. And since elections generally had little political substance, these reasons would have to be personal in nature. Logically their appearance would have been promoted by members of the political class, for whom the elections had a real urgency. For while the *plebs* had the formal powers to appoint the leaders of the state, it had little interest in exercising them. Popular participation would therefore seem to be a question of the latter persuading the former to turn up.

Putting overall emphasis on the aspect of elite mobilisation, this model of electoral participation ties in with the interpretation of the *contiones* and legislative assemblies suggested in the chapters above. Like the *clientela* theory it shifts the initiative away from the voters and onto the candidates; that in turn leaves it open to some of the same objections that were raised against this model.

For while the general turnout would suggest that the – few – active voters, unlike the large majority, were strongly motivated, they also appear to have cast their votes on sudden impulses and somewhat flimsy grounds. The importance of the vote of the first *centuria* has already been mentioned. And it was also an acknowledged fact that a prestigious family background represented a valuable electoral asset; the sheer grandeur of the name was supposed to attract the votes. Still, we might wonder whether people would really take the trouble to turn up simply because one of the candidates came from a famous family. Again we are faced with the problem of reconciling a general model of elite mobilisation with the apparent volatility and superficiality of the voters. The electoral campaigning contains similar paradoxes. Here we find both personal canvassing, targeting individuals in the Forum and among the social circles of the elite, and much more generalised campaigning which simply aimed at bringing a positive image across to the public. For it would be surprising if a superficial impression of a candidate's character, however positive, was sufficient to break the indifference of the electorate and make them turn up for the polls. We are faced with an apparent contradiction between the low level of participation and the seemingly frivolous way in which votes were cast.

Part of an answer to this problem may lie in an evaluation of the basic technicalities of voting. One issue seems crucial: the number of votes each voter had at his disposal. In principle the voter could either put forward as many names as there were posts to be filled, or he could support just a single candidate in each election. There has been little debate on this question and in general the former has been assumed to

be true. Hall was the first to raise the alternative possibility, but did not commit herself to it.[32] To my knowledge only Nicolet has opted for this solution.[33] Although these two options would seem to exhaust the possibilities, I shall argue that in practice a compromise is also viable, indeed persuasive.

In support of the one-vote model Nicolet has referred to Varro's *De re rustica*, which is set during an aedilician election, while people were waiting for the result to be announced by the Villa Publica next to the Saepta. The dialogue makes repeated reference to 'one's candidate'. First a participant mentions that they 'wished to be on hand to escort the candidate whom we were supporting, when he returned home', and later, when accusations of fraud were made, 'Pavo arose, as it was the attendant for his candidate who was reported to have been arrested.'[34] Thus, Varro suggests that his characters were associated with only one candidate; presumably they had delivered just a single vote in his favour. Nicolet's is a very important observation, but as we shall see, it may not necessarily indicate that voters could vote for just one candidate. In addition Nicolet notes that the occasional failure to elect a whole magisterial college in a single session is best explained if people only had one vote.[35] Supposedly some *centuriae* or *tribus* would in that case not always have been able to nominate sufficient candidates for all the posts.

The arguments against this model are cogent, however. Most unequivocal is the practice of *coitio*, whereby two candidates joined forces in order to share their supporters and mutually benefit from each other's mobilisation of voters.[36] The practice was not in itself illegal, but was considered unfair to the other candidates whom the arrangements were designed to keep out. A well-documented example comes from the aedilican election of 54, when Plancius was accused of having entered into an alliance with Plotius. Together they had allegedly bribed the voters from the tribes of Plancius' native region in central Italy. The argument seems to have revolved around the fact that the two had received an almost identical number of votes in these tribes. The logical

[32] Hall (1964) 297. In (1998) 27, Hall hesitantly rejects the idea.

[33] Nicolet (1970) 129–30; (1980) 274.

[34] 3.2.1: 'et candidato, cui studebamus, vellemus esse praesto cum domum rediret', and 3.5.18: 'Pavo surgit, quod eius candidati custos dicebatur deprensus.'

[35] Nicolet (1980) 274. The known instances of repeated voting sessions are listed in Hall (1972) 11 nn.17–18.

[36] Cic. *Att.* 1.17.11; 4.15.7; *Q. Fr.* 2.15b.4; 3.1.16; *Cluent.* 148; *Planc.* 53–4; *Parad.* 46 (involving common bribery), Asc. 83. Cicero may have entered into some kind of electoral pact with Antonius when they ran for the praetorship. Cicero claimed that Antonius came third due to 'concessione competitorum et collatione centuriarum et meo maxime beneficio', Cic. ap. Asc. 85C.

inference is that Plancius' supporters had voted for two candidates, not one. Alternative explanations, envisaging a division of the supporters into two separate groups, instructed to vote for different candidates, become excessively complicated. And even if it might have been possible in the case of Plancius' local supporters, it is inconceivable that *coitiones* could generally have worked along these lines. It is difficult to believe, for example, that in 64, when Catiline and Antonius joined forces, Asc. 83C, the former asked some of his supporters to cast their votes not for himself but for Antonius, merely on the expectation that Antonius would do the same for him. The more obvious explanation of *coitio* is plainly the multiple vote. It is also worth noting that later evidence from Pompeii clearly suggests that people voted for as many candidates as there were posts.[37] On this fundamental point municipal voting practices are unlikely to have differed radically from urban traditions; and a later change under the principate is hardly plausible.

Nicolet's argument from the repeated voting sessions carries little conviction. In principle a single vote would suffice to put a candidate's name on the list of nominees. It therefore seems unlikely that some units – even under a single-vote system – would not have been able to nominate the required number of candidates. At consular elections, where only two posts were to be filled, a failure to do so would presuppose the complete unanimity of a *centuria*.[38] When it came to the larger magisterial colleges, the quaestors in particular, problems might occur. But here the electoral units, that is the tribes, were also much larger, making it relatively easier for candidates to raise support in each unit. Even quaestorian candidates should have been able to mobilise a single voter in each *tribus*, which was all it took to get their name on the list; and usually we hear of repeated sessions only for the higher offices. The failure to conclude the vote in a single assembly was therefore not, as held by Nicolet, caused by insufficient numbers of votes cast in each unit, leading to a shortage of candidates nominated. The cause of the problem was the practice of electing magistrates by an absolute instead of a relative majority. Under this system a deep split in the vote would automatically prevent the required number of candidates from getting elected in the first round.

Further evidence for the multiple vote comes from *Comm. pet.* 12, where Q. Cicero assured his brother that his electoral prospects were

[37] On elections in Pompeii see Mouritsen (1988).

[38] Thus, Nicolet, (1980) 274, is mistaken in asserting that the failure to elect a full college 'could not happen on any other hypothesis' than the single vote, adding that 'if each citizen had had to vote for two candidates it is hard to imagine that a second nomination would not have emerged . . .'

very promising indeed.[39] Having stressed the unsuitability of his competitors and listed their incompetence and vices, Quintus asked rhetorically: 'quis enim reperiri potest tam improbus civis qui velit uno suffragio duas in rem publicam sicas destringere?' The voter's ability in 'uno suffragio' to strike 'duas sicas' against the public interest must clearly eliminate any remaining doubt about this question.[40] Quintus' point was that Cicero could expect support from most of the voters, since it seemed inconceivable that anyone would cast both his votes for Cicero's unworthy opponents.

Although the conclusion must be that voters had as many votes as there were posts to be filled, it does not necessarily follow that all voters nominated a whole college of magistrates on their ballots. The case of the quaestors illustrates the point. After the Sullan reform there were no fewer than twenty quaestors. Apart from the practical difficulties in fitting so many names, even when abbreviated, into the ballots,[41] the time it would have taken makes this scenario quite unrealistic. Even a cautious calculation suggests that the procedure would have been far too time-consuming.[42] It seems evident that voters could not have been expected to fill in a complete list of quaestors; more likely people voted for just a few candidates. Obviously that did not invalidate their votes. Since the electoral system did not rely on full lists being submitted, it was perfectly possible simply to add in the final count as many names as each voter had chosen to put down on his ballot.

A flexible system of this type would explain how people could dispose of several votes, while at the same time the participants in Varro's dialogue seem to support just one candidate. The assumption that a system of multiple votes automatically implied that all voters cast a full number of votes is formalistic and practically unfeasible – perhaps

[39] The *Commentariolum* is here accepted as an authentic essay written by Cicero's brother Quintus before the consular election in 64, cf. e.g. Nardo (1970) 129–37; Richardson (1971); Palmer (1971) 385–93; David *et al.* (1973); Jehne (1995) 58 n.41; Fraschetti (1990) 197; Pani (1997) 139.

[40] A very similar phrase occurs in Cic. *In toga cand.* ap. Asc. 93C: 'duas uno tempore conantur in rem publicam sicas destringere'. As suggested by Richardson, (1971) 441, Cicero may here have taken inspiration from his brother's essay, which is the more specific in its reference to the double vote. Rather than being an argument against the authenticity of the *Commentariolum*, this passage may therefore speak in its favour.

[41] In the *Lex repetundarum*, 51, the length of a ballot used by the juries is prescribed to be four digits = 7.5cm. Hall (1998) 29 argues that electoral ballots must have been considerably larger.

[42] Simply to write twenty sets of initials would have taken more than a minute for most voters. Assuming therefore that the delivery of each vote took about eighty seconds, the vote of a large *tribus* of say 500 voters would have lasted more than eleven hours. The counting would also have been both complicated and time-consuming – no fewer than 10,000 votes had been cast by a *tribus* of that size. The election could not possibly therefore have been concluded in one day.

influenced by modern perceptions of the vote as a democratic privilege which is there to be used to its full potential. However, the ability of voters to cast more than one vote, often many more, has wide implications for our understanding of electoral behaviour and voter mobilisation. The multiple vote may explain some of the curious features of the elections which were noted above.[43]

The level of attendance in elections and their lack of political substance would suggest that the plebeians who did take part did so for a specific reason, that is to vote for a particular candidate, to whom they had promised their support.[44] Such commitments, however, did not exclude eventual support for other candidates too.[45] Since voters had at their disposal at least one more vote, often many more, there was also room for an element of spontaneity. Thus, the secondary, uncommitted votes may explain how the *praerogativa centuria* was able to influence the voting of all the other *centuriae*. Voters could decide to cast an additional vote for a candidate, singled out by this omen, and still remain loyal to the candidate who was mainly responsible for their attendance. If second votes were often decided on the spot, that might also help to explain the importance of some of the other 'superficial' factors in Roman elections. Thus voters might choose to pay tribute to a prestigious name which featured in the list of candidates, or award a candidate who had made a favourable impression during his campaign. This model of voting thus combines specific motivation for turning up with considerable scope for free choice and last-minute impulses, when people were there.

In the final count, however, all votes had equal weight: those seriously considered in advance as well as the 'secondary' ones which might or might not be cast, often determined by a last-moment impulse. This situation may have been responsible for the somewhat heterogeneous form taken by the electoral campaigns which could narrowly target

[43] Another factor affecting the voting of the *comitia centuriata* relates to the practice of electing by simple majority of the *centuriae*, which meant that when a candidate had reached the required number of *centuriae* he was taken off the list and the following classes could no longer vote for him. Those voters who had turned up to support a particular, successful candidate would then have to cast their vote for someone else, perhaps chosen almost at random from among the remaining candidates.

[44] Brunt (1988) 29 speaks of uncommitted voters. That seems almost an oxymoron in a Roman context; citizens entirely without commitments were unlikely to turn up at all. Their voting rights would probably never have been realised. The same applies to Jehne's 'schwankende' voters, (1995) 63, who presumably would not have voted either.

[45] Political etiquette might in some quarters have entailed that voters committed themselves to only one candidate. Thus, Cic. *Att.* 1.1.1 mentions people who, when approached by Galba, excused themselves, referring to their obligations to Cicero: 'Nam illi ita negant vulgo ut mihi se debere dicant.'

individuals and aim broadly at the public in general. In the following, the campaigns will be interpreted in the light of this theory of 'primary' and 'secondary' votes, which – though equally important – had to be courted by different means and strategies.

Elective assemblies were, unlike the legislative *comitia*, annual events for which prospective candidates could prepare long in advance. This opportunity to conduct carefully planned, extensive campaigns is a distinctive feature of late republican elections. The importance ascribed to canvassing is illustrated by Cicero's campaign for the consulship, which he started planning more than one year before polling day, *Att.* 1.1.2. As we have seen, electioneering could take a variety of forms. A primary task was the mobilisation of people personally committed to your cause. By face-to-face canvassing personal contacts were established or reaffirmed.

Part of this networking took place in a public or semi-public environment. A prime opportunity to attract support was the daily *salutationes*, where friends and followers were received at the home of the candidate.[46] As the day proceeded this ceremony transformed itself into another social ritual when the candidate, followed by a large crowd of *assectatores*, made his way to the Forum. Here the point was to greet as many people as possible and establish some kind of personal rapport. The employment of *nomenclatores* was important to this purpose. They were assistants specialising in knowing people by name, discreetly passing the information on to the candidate who could then pretend to have remembered it himself.[47] The use of *nomenclatores* was banned at some point by the *Lex Fabia*, Plut. *Cato Min.* 8.2.[48] The practical usefulness of *nomenclatores* is curious considering the size of the Roman electorate. For however brilliant a knowledge of people the *nomenclatores* may have developed, they could not possibly have covered more than a small section of the urban population, let alone of the entire citizenry. It seems evident that those citizens who were approached in this direct manner all enjoyed a certain social standing and were influential in particular social circles.

The *Commentariolum*, 16, draws a distinction between the pursuit of 'amicorum studia' and of 'popularem voluntate', but the methods recommended to achieve the latter do not appear to have aimed very broadly. Even the 'populus' was approached personally in the Forum, received in private, and promised individual favours, 49. The people who could be found in the Forum, as I have argued above, may not have

[46] Cic. *Mur.* 44; *Comm. pet.* 34–5; 37.

[47] Cic. *Mur.* 77; *Comm. pet.* 28; 41–2.

[48] Bernert (1936) 817–20.

been ordinary workers and shopkeepers; more likely they belonged to a different social stratum. We have no indication that Cicero and other candidates ever had personal contact with *tabernarii* or craftsmen. It may be easy to read modern practices into Roman campaigning. But indiscriminate 'pressing the flesh' does not seem to have been part of the exercise; for all we know candidates did not make a point of publicly approaching people from all social levels.

Behind the public aspect of personal canvassing the candidates worked hectically to mobilise friends and acquaintances in Rome, and perhaps also their contacts in the *municipia*, persuading them all to further their cause within their respective circles. These negotiations behind the scenes revolved around the exchange of favours, past and future. People were moved 'ad studium navandum' by 'spe officiorum' and 'recentibus beneficiis', *Comm. pet.* 19. Some were clearly under a heavy moral obligation to support the candidate; in Cicero's case that applied particularly to those he had defended in court.[49] But in general the situation was more complicated; a subtle give and take in which future support was promised to those with ambitions of their own, while past beneficiaries were reminded of their debt. The overall picture of electioneering emerging from our sources would seem to confirm the view of patronage as an essentially fluid and unstable relationship, which was often established or revived for specific *ad hoc* purposes. Traditional *clientela* seems conspicuously absent from electoral campaigns. Instead we find an ongoing renegotiation of positions within the elite and a complex network of short-lived alliances.

Even more important in the context of popular participation is the fact that the support provided by other nobles was not measured in clients, but in their personal prestige and willingness to campaign on behalf of the candidate. Thus, in the *Commentariolum* the backing by 'homines inlustres honore ac nomine' is highly regarded, since they 'bring a candidate some prestige, even if they do not take an active interest in canvassing'.[50] That is, despite the importance of active campaigning, even their passive support would lend dignity and credibility to the candidature. No hint is given that these nobles commanded vast personal *clientelae* that might determine the outcome of an election; the value of nobility is measured in prestige – not in clients. Discussing the electoral prospects of Scaurus in 54, Cicero noted: 'his father's

[49] *Comm. pet.* 20–1; 38. In 65 Cicero had considered defending Catiline in court with that advantage in mind: 'Spero, si absolutus erit, coniunctiorem illum nobis fore in ratione petitionis', *Att.* 1.2.

[50] *Comm. pet.* 18: '. . . etiam si suffragandi studia non navant, tamen adferunt petitori aliquid dignitatis', cf. 4.

memory counts with the country voters'.[51] In this case the advantage he could expect from his ancestral background was directly bound up with the personal standing of his father. Nobles, it seems, could not simply deliver the vote by calling up their dependants. Votes had to be won, and that was primarily done by courting the *tribus*. We find no trace of large standing armies of loyal clients under the command of individual noble families. In fact lower-class clients are conspicuous by their absence from our sources on late republican politics. The *salutatio* was probably not a gathering of the poor and destitute. Neither were the *assectatores* necessarily from humble backgrounds.

That in turn takes us to another aspect of campaigning; for how were members of the lower classes activated in elections? The *Commentariolum* pays very little attention to this issue, suggesting few direct contacts between nobles and the lower strata of the *plebs*.[52] Indirect connections may have existed, although that will have to remain hypothetical. One way of targeting these groups was to influence the leaders of plebeian organisations; as we saw, Cicero is given this advice in his brother's essay: 'Then, reckon up the whole city – all the collegia, montes and pagi, neighbourhoods; if you strike up a friendship with the leading men from among their number, you will easily, through them, secure the masses that remain.'[53] We may doubt, however, whether their recommendations would really have been sufficient to make the members turn up for long exhausting days of – often futile – voting sessions. In general it seems that the *plebs* was canvassed along exactly the same lines as the elite, that is by granting favours which put the beneficiaries in one's personal debt. In the case of the *plebs* the favours were primarily of a material nature: donations of *sportulae*, dinners, games.[54]

The practice of making donations to one's *tribules* was elevated as a time-honoured tradition: as Cicero claimed, 'These are the rewards and bounties that poorer men receive from their fellow-tribesmen by ancient custom', also noting, 'There have always been "good men" who wanted

[51] *Att.* 4.16.6: 'est pondus apud rusticos in patris memoria'.

[52] The *plebs* is explicitly dealt with only in paragraphs 30 and 32, while in 51 and 54 the significance of taking a popular stance is noted as a means of ingratiating oneself with the *plebs*.

[53] *Comm. pet.* 30: 'Deinde habeto rationem urbis totius, collegiorum omnium, montium, pagorum, vicinitatum: ex his principes ad amicitiam tuam si adiunxeris, per eos reliquam multitudinem facile tenebis.' These organisations were used for political purposes on a few other occasions, e.g. the recall of Cicero from exile, Cic. *Dom.* 74, where the effect is likely to be grossly exaggerated.

[54] On occasion these favours might be more 'political' in nature. Thus Cicero in his consular campaign may have tried to cash in on his previous support for Pompey who was widely popular with the *plebs*, *Comm. pet.* 30; 51.

to be popular with their fellow-tribesmen.'[55] Special *divisores* were used by the elite to distribute the handouts.[56] They are first attested in the early first century, and soon became powerful players in Roman politics; in 67 they successfully opposed the *Lex Calpurnia* which tried to curb their activities. The influence which the donor obtained among his *tribules* by these means was an important trading object among the senators. Thus, Cicero argued against imposing strictures which 'will forbid [our children] to court the respect and affection of their fellow-tribesmen, or tell them that it is wrong for them to secure for their friends the votes of their tribe, or to look for a like service from their friends in their own elections'.[57] The value of nobles' support was to a large extent based on the position of influence they had established within their *tribus* and *centuria*.[58] Thus, in *Comm. pet.* 56 bribery is seen not as a threat to the bonds between patron and client but as a danger to the loyalty of a *tribus*/*centuria* to its benefactors, its *necessarii*.[59] More widely targeted distributions which reached outside one's own *tribus* also occurred but were regarded as bribery and banned. The offence, it seems, was not caused by the involvement of money in the electoral process. Thus, it was perfectly acceptable to cultivate small sections of the electorate, that is one's own *tribus*, and establish a powerful position here which could be used in support of others. The point was that despite the *de facto* purchase of votes, this practice remained within a framework of elite co-operation. By contrast, indiscriminate and immoderate munificence subverted the position of other nobles in their respective *tribus*, and thus ultimately the traditional system of power bargaining which ensured that no one rose to prominence without being morally indebted to large sections of the senatorial elite.

[55] *Mur.* 72: 'Haec homines tenuiores praemia commodaque a suis tribulibus vetere instituto adsequebantur'; *Planc.* 44: 'Semper fuerunt viri boni, qui apud tribulis suos gratiosi esse vellent.'

[56] Liebenam (1903) 1237.

[57] *Planc.* 45: '. . . ne observent tribules suos, ne diligant, ne conficere necessariis suis suam tribum possint, ne par ab iis munus in sua petitione respectent'. A glimpse of such tribal favours is found in Cic. *Att.* 2.1.9, from 60: 'Favonius meam tribum tulit honestius quam suam, Luccei perdidit.' Cicero had promised Favonius his *tribus*, the Cornelia, and takes pride in the fact that he carried it with an even greater majority than Favonius did his own. Lucceius, on the other hand, was apparently less influential in his *tribus*, which had turned Favonius down despite his endorsement.

[58] Prospective candidates would cultivate their *tribus* with particular zeal. *Comm. pet.* 32 mentions supporters 'propter suam ambitionem qui apud tribulis suos plurimum gratia possunt', and special *sodalitates* of hopefuls were formed in the 60s to develop and share tribal support, cf. *Comm. pet.* 18.

[59] 'Video nulla esse comitia tam inquinata largitione quibus non gratis aliquae centuriae renuntient suos magno opere necessarios.'

The scope of donations must in general have been quite limited, although the electoral impact might be considerable.[60] Banquets could be quite large; still they accommodated only a very small part of the *plebs*.[61] Deaths in the family were exploited to give lavish games, and the aedileship also became a golden opportunity to show one's generosity. These donations are often seen as a gesture towards the entire urban *plebs*, but the capacity was quite inadequate. Only a relatively small number could attend the games, and access was controlled through the issue of tickets.[62] In general we are not dealing with unfocused or indiscriminate munificence. All donations, dinners, games and *congiaria* could be carefully targeted at particular groups and tribes. Presumably the prime beneficiaries were the influential rural tribes;[63] few favours probably ever reached the bulk of the urban *plebs*, which had little say in the elections.

By these gifts the donor established a short-lived relationship with the recipients, focused on a specific issue: the immediate furthering of his career and bargaining power. It relied on the expectation of favours being repaid at the ballot box. However, after the introduction of the secret ballot there was no way of checking how individual votes were cast. Only the collective moral pressure on a *tribus* to endorse their benefactor was there to ensure their support. This uncertainty may have been instrumental in the emergence of another, more direct type of bribery which rewarded voters only after the poll had been taken. That may in fact have been one of the most important consequences of the written ballot. This type of bribery became a significant aspect of elections in the first century, when enormous sums were diverted into the purchase of votes, despite repeated attempts to curb the practice.[64]

Very little is known about the practicalities of bribery, but two types of

[60] Munificence, and games in particular, were often used to explain electoral success, cf. Cic. *Mur.* 37–8; 40; 53; *Fam.* 2.6.3; *Att.* 4.16.6. Some of the most famous were Caesar's in 65, Suet. *Jul.* 10–11; Plut. *Caes.* 5.5; Dio 37.8; and Scaurus' in 58, Pliny *NH* 36.113–15. On the importance of *munera* in general Cic. *Off.* 2.57–9. Cf. Veyne (1990) 212–33.

[61] In 70 Crassus gave an exceptionally large public dinner, served at 10,000 tables, Plut. *Crass.* 12.2. On public banquets see Deniaux (1987) 299–302.

[62] Cic. *Mur.* 72–3, cf. Lintott (1990) 8–9.

[63] Significantly the audiences at games are often described as *boni*, cf. Cic. *Pis.* 65; *Sest.* 115.

[64] See e.g. Linderski (1985); Deniaux (1987); Lintott (1990) 8–10; Wallinga (1994); on bribery in general see most recently Jehne (1995), who regards the practice simply as an aspect of traditional euergetism: the distribution of small, almost symbolic, tokens of the candidate's goodwill. That interpretation, while avoiding the moralisation of many modern scholars, fails to explain how bribery could have had any significant impact on Roman elections, and thus why candidates were willing to spend huge sums on these 'symbolic' gifts. Nadig (1997) adds little new.

donations can be distinguished. The tribal *congiaria* were made before the elections in the expectation that people would feel obliged to return the favour on polling day. This type was a natural extension of the other gifts made to one's *tribules*. The alternative form of bribery was more blatant: the money promised was to be paid only in the event of a successful outcome. It thus established a much more direct link between support and remuneration than did the other system, which still worked along the principles of patronage and the exchange of *beneficia* and *officia*.

None of these types of bribery could have included the entire urban electorate, let alone the whole citizen-population. For sheer economic – and practical – reasons that would have been unfeasible, and politically such indiscriminate generosity was pointless. It is inconceivable that more than 200,000 voters – the urban citizen-body plus those *rustici* and *municipales* who might have come in for the elections – could have been individually bribed. Moreover, considering the level of participation possible in the *comitia*, it would make no sense to bribe the entire electorate, the overwhelming majority of whom would not turn up anyway. And if they did, most of them would have little impact on the outcome. Thus, the idea of general bribery is effectively undermined by the lack of influence of the urban lower classes, the *proletarii* in particular.

Our sources often refer to bribery of the 'people' or the 'vulgus', but that is too unspecific to prove the *plebs* was bribed in its entirety.[65] In some cases this possibility can be positively ruled out. Asconius says that Milo, running for the consulship in 52, 'openly presented voters in the tribes with 1,000 asses each'.[66] Despite its seemingly general character, a quick calculation is enough to rule out this possibility. The expenditure involved in bribing the entire urban population would have amounted to more than HS 50 million. Not only are such outlays unrealistic, the political returns of the investment would have borne no reasonable relation to the expense involved. Yakobson has suggested that Milo's bribe was unusually high, comparing it with Caesar's posthumous gift of HS 300 to each member of the urban *plebs*, which may have accumulated a total cost of perhaps HS 60 million.[67] However, apart from leaving the political rationale unexplained, Yakobson's argument ignores the possibility that Caesar's donation may have been exceptionally generous precisely because it – in contrast with previous *sportulae* –

[65] E.g. Cic. *Att*. 4.17.4: 'populo tributim domi suae satis fecerat.'
[66] 33C: 'aperte quoque tributim in singulos milia assium dederat', cf. 35C: '. . . populoque tributim singula milia aeris ad defendendos de se rumores dedisse'.
[67] Yakobson (1992) 42; Millar (1998) 203.

included the entire urban population.[68] Milo's bribe must have targeted particular sections within the *plebs* in the same way as games tickets and presumably *congiaria* did, that is, with a strong focus on the rural tribes.

The most common practice of bribery appears to have taken the form of promises, whose fulfilment was made dependent on electoral success. The predominance of this type is indicated, for example, by the law proposed by the tribune Lurco in 61. According to Cicero, he suggested that 'any person promising money in a tribe shall not be punishable provided he does not pay it; but if he does, he shall be liable for HS 3,000 to every tribe for life'.[69] Several other passages also refer to the promise of bribes.[70] The use of *sequestri*, middlemen who kept the promised sums until the election was over, also appears to have been common.[71] It seems that bribes were usually promised at a specified rate in advance of the election; the money was deposited with *sequestri*, and in the case of a successful outcome it was then distributed by the *divisores*, who were attached to the individual tribes.

The promise cannot have covered voters in general. If it had, tens of thousands of citizens who had not taken part in the vote would have been able to turn up afterwards and claim a share of the reward. On the other hand, it is also difficult to see how it would have been possible to pay only those who had actually voted. There was no formal identity check of the voters and no register of their attendance. The *divisores*, if present at the assembly, might have kept an informal register. But that could hardly have been kept a secret, and would, if noticed, provide incriminating evidence in later *ambitus* trials, where we never hear of *divisores* checking the attendance of voters. Alternatively the *divisores* might simply have remembered who had turned up. Although that might have been possible in the first class or in very small *tribus*, that solution must be ruled out for the populous urban *tribus*. The sheer size of these tribes represents a fundamental obstacle to general bribery; for

[68] Caesar's distribution was organised by the *curatores tribuum*, not the *divisores*, App. *B. Civ.* 3.88. The *curatores* probably kept records of all the *tribules*, cf. Dion. Hal. 4.14. Possibly the networks maintained by the *divisores* were much less comprehensive. It seems unlikely, for example, that they should have been in direct contact with members of the urban proletariat. In 60 Balbus left HS 100 to each citizen in Rome, perhaps around HS 25 million, Dio 48.32.

[69] *Att.* 1.16.13: '. . . ut qui nummos in tribu pronuntiarit, si non dederit, impune sit, sin dederit ut quoad vivat singulis tribubus HS 3,000 debeat'.

[70] Suet. *Div. Jul.* 19.1; Cic. *Planc.* 45. Cic. *Cluent.* 75 does not, as claimed by Yakobson (1995) 439, show that bribes were generally paid in advance. The 'nummos suppressos' are more likely to be money promised but not paid, cf. *Cluent.* 71: '. . . pecuniam . . . polliceatur, deinde eam postea supprimat'.

[71] Cic. *Verr.* 1.36; 2.2.108; 2.44; *Cluent.* 25; 72; 87; *Planc.* 38; 47–8; *Cael.* 16; 30; *Comm. pet.* 57; Cic. ap. Asc. 83C.

how did one avoid the bulk of urban tribesmen turning up and completely draining the coffers of the campaign? The *comitia centuriata* presented particular problems. Here the lower classes were not organised in separate *tribus*, but voted mixed. Even if the tribal organisation also applied here, as seems likely, several tribes would combine in one *centuria*, making it difficult for the *divisores* to check who had turned up from their respective *tribus*.[72]

However, we know that promises could be made to all the tribes. One example comes from 69, when Verres tried to prevent Cicero from reaching the aedileship, Cic. *Verr.* 1.22–3. He invited *divisores* from all the *tribus* to his house, offering them the commission to distribute HS 500,000 to obstruct Cicero's election.[73] The involvement of all *tribus*, however, does not imply that all *tribules* were promised money. The rural *tribus* must have been favoured to the near exclusion of the mass of urban tribesmen. The question is how this was done in practice, bearing in mind that there was no way of keeping records of voters, and payments to the mass of urban *tribules* had to be avoided. The evidence from the case of Plancius may provide a clue.

He was charged with bribery after the aedilician election of 54. More specifically the trial revolved around the accusation that Plancius had been a member of a *sodalitas* and conducted 'decuriatio' and 'con/inscriptio tribulium', been a *sequester*, promised bribes and distributed them, Cic. *Planc.* 45; 47.[74] The 'conscriptio' and 'decuriatio' of *tribules* were explicitly linked to the bribery, and unrelated to the – spurious – clause on *vis* attributed to the *Lex Licinia de sodalitatibus*, under which Plancius stood accused.[75] 'Decuriare' simply means to divide into smaller groups, while 'conscribere' refers to the act of taking down names on a written list. This information thus offers a unique glimpse into the organisation of bribery. In Plancius' case the bribe was alleged to have been promised in advance, *Planc.* 45. The lists of tribal voters, indicated by Cicero, would therefore have been drawn up before the election by agents involved in the bribery scheme. By specifically targeting individual voters, who were personally enlisted, it was possible to organise bribes which were made dependent on the outcome of the

[72] Cf. Yakobson (1995) 435. On the practicalities of bribery see also Jehne (1995) 72–3.

[73] Cf. Cic. *Har. resp.* 42, also refers to 'divisores omnium tribuum'.

[74] The allegation against Plancius that he had been a *sequester* may seem surprising considering the fact that he was prosecuted for bribing voters at his own aedilician election. He was, however, charged with the *crimen sodalitatis* under the *Lex Licinia*, and not *ambitus* in general. Cicero is therefore not describing the specific acts linked to Plancius' own bribery of the tribes in 54, but the wider range of operations involved in the membership of a *sodalitas*.

[75] See appendix pp. 149–51.

election. The voters in question were promised a reward for their support, and if the candidate succeeded, their remuneration would be paid – presumably under the proviso that their particular electoral unit had come out in favour. This system did not rely on actually checking their vote or attendance, but on the voters' personal interest in the candidate winning in their *centuria* or *tribus*. The semi-contractual relationship between candidate and voter may explain the dissatisfaction which erupted in cases where the candidates did not fulfil their promises, or there were disputes over the exact terms, cf. *Cluent.* 75.[76]

By this practice the huge gap between the size of the citizenry and that of the active electorate could be overcome. By limiting the offer to particular voters whose unit could be checked, it was possible to promise bribes to an electorate whose vote or attendance could not be individually checked. It was a tight and rational way of organising tribal bribes, which also allowed the outlays to be effectively controlled; a candidate simply enlisted as many voters as he could afford at the chosen rate.

The importance and electoral impact of bribery in the late republic are indisputable. It was most widespread in the consular elections, which raises the classic problem of explaining how bribery could be of any consequence in the timocratic centuriate assembly where the poorer, supposedly more 'corruptible' voters had little influence and the propertied classes were able to carry the vote on their own. The lower classes may often have had a say in the elections, and they could obviously be bribed by relatively small outlays. But without strong support from the rich, the lower classes, no matter how effectively bribed, could not deliver the goods. Bribing the rich was obviously expensive, and the few reported sums may not indicate a 'standard level' of bribes. Presumably the 250 sesterces distributed by Milo would have had little impact on voters of the first class, where the rates paid must have been much higher. In 54, 10 million sesterces were promised to the *praerogativa centuria*. Assuming an attendance of, for example, 150 voters in a first-class *centuria*, that would make a donation of no less than HS 16,000 for each voter. The scale of expenditure was clearly enormous – that year it even led to a rise in interest rates – and by clever targeting the effect could be optimised.[77] The secret was to aim at first-class *centuriae* of very small or poor *tribus* which had only a few members in the first class.

[76] Problems might for example arise if a candidate, despite overall success, had lost in some units, where the bribed voters still insisted on receiving a share in the remuneration.

[77] Cic. *Verr.* 1.26, and *Schol. Gronov.* 350 (St), also suggest that promises to the *praerogativa centuria* were not uncommon.

In those cases even smaller sums might give considerable electoral returns. The advantage would be further enhanced if, as seems likely, the bribed voters only voted for one candidate, bringing him even further ahead than a vote for a full magisterial college would have done.

Parallel to these attempts to win the support of individual voters, candidates also canvassed the public in general. In this part of the campaign the objective was to create a favourable impression, raise one's public profile, and cultivate an image of personal success. In itself this would hardly have brought many voters to the ballot-boxes, but it might prove important in securing 'second' votes from people who were otherwise committed. Although the people who turned up for an election would have done so out of personal obligation to one of the candidates, the electoral importance ascribed to public appearance also suggests that voters were sufficiently independent to dispose freely of their remaining votes.

The public at large was courted by a variety of means. Carefully orchestrated public appearances played an important part. When a candidate went out, his personal popularity and social standing had to be emphasised by a large entourage, which would never leave his side. Extra *sectatores* might even be hired to enhance the effect, Cic. *Mur.* 70–1; 73. Candidates had to put on a show, as the *Commentariolum* advises: 'Lastly, see that your whole canvass is a fine show, brilliant, resplendent, and popular, with the utmost display and prestige.'[78] In presenting oneself to the public certain advantageous features, like military prowess, forensic fame or illustrious ancestry, would be duly stressed. Previous munificence would also have been invoked at this stage.[79] Personally the candidate had to guard his expressions very carefully in order to present both a serious and a forthcoming figure to the public, cf. *Comm. pet.* 44. A single ill-considered remark might travel and damage his campaign.[80]

That particular hazard brings us to another aspect of public campaigning: the attempts at gossip and news management.[81] In order to ensure that he was well spoken of, the candidate had to ingratiate himself with his neighbours, whose personal experience of him might

[78] *Comm. pet.* 52: 'Postremo tota petitio cura ut pompae plena sit, ut inlustris, ut splendida, ut popularis sit, ut habeat summam speciem ac dignitatem', cf. 41.

[79] Cf. Cicero's reference to Scaurus and Domitius in *Att.* 4.16.6.

[80] Thus the story in Val. Max. 7.5.2, about the failure of P. Scipio Nasica, cos. 111, to win the aedileship. Noticing the rough hands of an *agrestis*, he asked whether he walked on his hands. The joke was picked up by those standing around him and 'ad populum manavit causamque repulsae Scipioni attulit'.

[81] On the candidates' fear of rumours also Cic. *Mil.* 42: '. . . sed etiam quae obscure cogitari possunt timemus, rumorem, fabulam falsam, fictam, levem perhorrescimus, ora omnium atque oculos intuemur'.

influence public perception. For the same reasons his own household, including slaves, should be treated with great consideration in the run-up to an election. Otherwise hostility from those closest to the candidate might lead to details of his personal life being leaked and damaging his reputation. As Quintus Cicero reminded his brother: 'the talk which makes one's public reputation generally emanates from sources in one's own household'.[82]

The way the general campaigns were conducted further underlines the 'apolitical' nature of the elections. Though potentially the most 'political' type of campaigning, they were focused entirely on personal qualities – or vices. Political issues, it seems, were avoided at all costs; and not simply those that might cause controversy, but issues in general. Certain influential groups, like knights, *publicani* or Italian nobles, might be singled out for particular praise, but not as part of a specific policy or at the expense of other social categories. It follows that political speeches had no place in campaigning and were largely irrelevant to the pursuit of a public career. Cicero, for example, made his first public address in 66 when he was already high up on the magisterial ladder, holding the praetorship, *Manil.* 1–3. On this occasion he came out in support of Manilius' proposal to grant the Mithridatic command to Pompey. But however issue-related this speech might seem, it was above all an attempt at gaining Pompey's support for his consular candidature, incidentally also exploiting Pompey's popularity among the *plebs*, cf. *Comm. pet.* 5; 51.

This chapter has made an attempt to define the nature of popular participation in elections. The independence of the voters has been stressed as a crucial feature which must be taken into account in any reconstruction of social and political life in the later republic. This element is strongly suggested both by the extensive campaigning by the elite and by the erratic and spontaneous voting patterns observed in the assemblies. However, to construe this freedom of action as a 'democratic' quality misses the peculiar character of the Roman elective assembly. Firstly, the influence of the sovereign people was heavily circumscribed, and large-scale participation actively discouraged by a number of factors. Secondly, the elections had little political substance that might attract popular interest and persuade the *plebs* to overcome the obstacles raised against its participation. Thirdly, it follows from these points that plebeians had no natural presence in elections, where their – limited – attendance must be explained as a result of mobilisation by the elite. Finally, despite the importance of planning

[82] *Comm. pet.* 17: 'Nam fere omnis sermo ad forensem famam a domesticis emanat auctoribus.'

and organisation by the elite, the outcome remained unpredictable due to the size of the electorate, the political independence of the voters, and not least the multiple vote, which added even greater uncertainty to the process.

The conclusion, summarised here, applies almost exclusively to the last century BC, from which most of our source material derives. This period was in many respects an extreme age, characterised by social and political upheaval, and some scholars have identified the extension of the Roman citizenship to the Latins and Italian allies in the wake of the Social War as a prime factor behind the decline in the political culture during this time.

The enfranchisement of the Italians was the single most dramatic change to the Roman electorate in the late republic. When finally implemented by the census of 70, the result was a doubling of the citizenry, which rose to more than 900,000. Historically this was a change of tremendous importance, but its effect on the practice of politics in Rome is not altogether clear. The supposed Italian demand for Roman citizenship has been widely seen as an attempt to gain political influence in Rome, in which case the consequences might have been substantial.[83] Thus, it has been suggested that the entry of hundreds of thousands of uncommitted voters into the citizen-body seriously upset the traditional patterns of politics, also leading to an increase in bribery.[84]

First we will have to ask to what extent the new citizens participated in the assemblies. Since the communities closest to Rome with few exceptions had already been enfranchised before the Social War, most of the new citizens would have lived too far from the capital to be able to participate on any regular basis. Not surprisingly the evidence for extra-urban participation is very limited. Cicero mentions: 'these crowds of people from the whole of Italy . . . that have simultaneously assembled because of the elections, the games, and the census'.[85] The census of 70, to which Cicero refers, was the first one to be remotely effective since the formal enfranchisement of the Italians in the 80s, and the turnout that year may therefore have been exceptional.[86] The passage

[83] For a different interpretation of the Social War and its political and cultural background see Mouritsen (1998).

[84] Wiseman (1969) 65–7, cf. Paterson (1985), esp. 27; Millar (1998) 211.

[85] *Verr.* 1.54: 'haec frequentia totius Italiae . . . quae convenit uno tempore undique comitiorum, ludorum censendique causa'.

[86] It has been argued that for practical reasons the census in 70 must have been conducted locally. Cicero's formulation in *Verr.* 1.54 may also call into question the idea that all citizens had to turn up in Rome for the census. Thus, if all the 900,000 citizens registered in 70 had appeared personally before the censors in Rome (in itself involving quite unrealistic logistics of travel, accommodation and the actual registration), it

does not therefore in itself prove that large numbers of Italians regularly attended the assemblies. Murena received support from Umbria, Cic. *Mur.* 42, and so did Cicero from Volaterrae and Atella, *Fam.* 13.4.1; 13.7.4. Another case comes from 54 when Cn. Plancius' aedilician candidature apparently enjoyed strong support from his native Atina and the neighbouring towns of Arpinum, Sora, Casinum, Aquinum, Venafrum and Allifae, Cic. *Planc.* 22. In his speech for Plancius Cicero speaks of large numbers turning up, but we have no idea what constituted a large crowd in this context. Moreover, it remains a big question whether Plancius' local friends would otherwise have turned up for the vote.

Plancius' prosecutors seem to have used his background as an *eques* of Italian stock to substantiate the allegation of bribery, claiming that only by fraud and bribery could a man of his humble origins have beaten a Roman nobleman, *Planc.* 17–18. Cicero turns this argument around, arguing that it was precisely Plancius' Italian roots which had helped him secure the aedileship, 19–23. Thus, the victory is explained by the support he received from his local region in central Italy. However, if we look at the tribal allocation of the towns listed by Cicero, we find that apart from Sora's *tribus*, the Romilia, they were all quite large and often split into several geographical sections.[87] Cicero nevertheless argues that the support raised in Plancius' neighbouring towns was able to carry the tribes in his favour. The implication would be that the turnout from the other towns inscribed in these tribes had been negligible. One *tribus*, the Volturia, Plancius apparently controlled so effectively that at some point before the election he could promise it to Laterensis; eventually, however, he aligned himself with Plotius, with the result that Laterensis only received a handful of votes there. But while the Volturia may have included the neighbouring town of Aufidena, it also covered more remote parts of Samnium, Lucus Feroniae and perhaps Castrum

makes no sense to list the census simply as one among several other reasons for the influx – mentioned after the *comitia* and the games; the order of magnitude would have been entirely different. On the other hand, Cicero's reference to people arriving from all Italy 'censendi causa' is unequivocal. A possible explanation might be that the Italians in question had not come to register, but were local census officials presenting their figures to the censors in Rome. These magistrates would themselves have numbered almost a thousand, and assuming they were accompanied on this important mission by a substantial entourage of friends, relatives and servants, they would have made a strong contribution to the mixed 'frequentia', mentioned by Cicero, especially if their arrival had been timed to coincide with games and *comitia*. Thus also Millar (1998) 28.

[87] The *tribus* of Arpinum, the Cornelia, was split into numerous geographical parts, as was the Oufentina, the *tribus* of Aquinum. Casinum, Venafrum and Allifae all belonged to Plancius' own *tribus*, the Teretina.

Novum, in which Plancius would probably have had few or no direct contacts. The implication is that these towns had been very poorly represented in the aedilician election of 54.

It seems that the *tribules* from rural districts mentioned in the *Pro Plancio* had turned up for the election only because a local noble ran for office and had called on their support. Therefore, instead of showing the political importance of the new citizens, Plancius' case would tend to underline their general absence from at least minor Roman elections.[88]

The suggestion that Italians did not take part on any regular basis does not necessarily imply that they were politically unimportant. The overall scale of participation meant that even a limited turnout from the towns of Italy might have a real impact on the elections. Considering the number of towns, estimated at around 400, it would take little more than a few handfuls of decurions from each to carry the vote in the *comitia centuriata*.[89] It could therefore be argued that the disadvantage of geographical distance to some extent was compensated for by the scale and structure of the assemblies, which favoured rural and propertied voters. For those reasons campaigning in Italy might still have been a worthwhile effort. The question is whether Roman candidates exploited this opportunity to any significant extent.

The evidence for extra-urban canvassing is dominated by the example of Cicero, whose bid for the consulship in 63 remains the best-documented campaign from the late republic. As early as 65 he had planned a trip to Cisalpine Gaul; the purpose was to promote his candidature in a region about which he noted that it 'seems to be able to carry much weight in the polls'.[90]A later reference in *Phil.* 2.76 might suggest that Cicero actually went there. In the *Commentariolum* Cicero

[88] Cicero, *Vat.* 36, claimed that Vatinius had lost his own *tribus*, the Sergia, in the aedilician election of 58 because of the rejection by his rural tribesmen. His description of them, however, as 'severissimorum hominum Sabinorum, fortissimorum virorum Marsorum et Paelignorum, tribulium tuorum' suggests that Cicero's emphasis on the rural vote was an example of the common topos of the morally astute Italian peasant rather than a factual reference to their dominance in the *comitia*, cf. in general Dench (1995). Cicero simply seized the opportunity, offered by Vatinius' defeat, rhetorically to contrast the virtues of these idealised 'montani atque agrestes' with the depravity of Vatinius. It does not therefore prove that these voters maintained a regular presence in the elections. Taylor (1960) 263, suggested that Vatinius' family hailed from the Marsic region, which would of course have added extra poignancy to his failure to mobilise their support.

[89] Based on the figures of Beloch, Lo Cascio (1994) 37, puts the number of towns in Augustan Italy at 434, 380 of which were located in Cisalpine Gaul and the peninsula.

[90] *Att.* 1.1.2: '. . . videtur in suffragiis multum posse Gallia'. Shackleton Bailey (1965–70) I, 127 translates the passage: 'Gaul looks like counting heavily in the voting', but that does not express the potential element in Cicero's formulation, presenting as it does the influence of Cisalpine Gaul as a well-established fact in contemporary politics.

was famously advised to learn the tribal map of Italy by heart,[91] and the treatise also describes how the support of the *domi nobiles* could be won. As in Rome, it was a question of using favours and obligations, support being promised to ambitious *municipales* and demanded from those who had already received favours. Later Cicero triumphantly proclaimed that 'cuncta Italia' had turned out for his election, e.g. *Pis*. 3.

Cicero's case might suggest that the Italians had become important players in Roman elections and were courted with considerable energy by the candidates. The question is, however, whether Cicero was really a typical candidate from whose example general practice can be described. His municipal background obviously made him an exception among consular candidates; most likely it also forced him to campaign with much greater determination. There are signs that Cicero put unusual effort into courting the Italian constituency. It appears from the *Commentariolum* that he had come to know the *domi nobiles* much better than his competitors, and a special relationship with this group is suggested by his claim of general support from 'tota Italia' in the election,[92] and not least by the strategy used to bring him back from exile. Exceptionally, the *comitia centuriata* was called and Italian voters were mobilised to pass the bill. This Italian emphasis is apparent also in Cicero's frequent elevation of the virtues of the Italian peoples and their elites, which were presented as the moral bedrock on which the republic could be rebuilt. In these efforts we may distinguish the outline of a particular Italian agenda, by which Cicero tried to turn his inferior personal background to his advantage, using it as a platform on which an independent powerbase outside Rome could be founded.[93]

In that case it follows that his campaign may not have been at all typical, devoting an unusual level of attention to extra-urban voters. Generally we have conspicuously few traces of electoral canvassing outside the capital. The oft-mentioned instances of campaigning in Cisalpine Gaul are highly suspect as proof of regular canvassing in this region.[94] And

[91] *Comm. pet*. 30: 'Postea totam Italiam fac ut in animo ac memoria tributim discriptam comprehensamque habeas . . .'

[92] Although Sallust claimed that Cicero owed his consulship to the support of the nobility, *Cat*. 23.6, the Italian backing may well have been an important factor. Thus, in 59 Cicero anticipated strong Italian support in case Clodius took action against him, *Q. Fr*. 1.2.16: 'tota Italia concurret'.

[93] Thus, at the end of the *Commentariolum*, 58, Q. Cicero stressed that the advice given in the essay was not of general relevance but applied specifically to his brother's situation.

[94] Cicero probably went on a campaigning trip to Cisalpine Gaul but, as argued above, he may have been exceptional in his assiduous canvassing of the Italians. Moreover, his comment on the electoral influence of the northernmost Italian region, *Att*. 1.1.2, was probably linked to the favourable tribal allocation of the region – rather than a reference to crowds of Cisalpine Gauls regularly filling Roman assemblies.

According to Hirtius, *BG* 8.50, Caesar travelled to Cisalpine Gaul in 50 in order to

while Plancius simply mobilised support in his home region, Murena cashed in on past favours offered to the Umbrians – presumably he simply wrote to them and requested their attendance. The only known examples of candidates canvassing outside their home region come from the immediate surroundings of Rome. In 52 Clodius, then a praetorian candidate, was killed on his way back from an electoral meeting with the councillors of Aricia, Asc. 31C. We also know from Cicero that Plancius had given games in Praeneste, *Planc.* 63. This pattern of campaigning, concentrated in and around Rome, makes good sense considering the scale of the assemblies and the structure of the tribal map. Only a small number of voters was required to carry a *tribus* or *centuria*; if they could be found in the vicinity of Rome there was no point in extending the campaign much further, to areas where the electoral returns presumably would have been relatively much lower because of the geographical distance. Thus, for a candidate seeking support from, for example, the *tribus Horatia*, it would have been both easier and more profitable to campaign in Aricia than going all the way to Venusia in Apulia. Presumably these voters could be safely ignored since so few of them would turn up anyway. Their general absence could explain why Cicero's competitors for the consulship apparently had neglected the Italian constituency during the campaign of 64; Quintus notes of the Italians that 'To the rest, especially to your competitors, they are total strangers.'[95] The Italians, it seems, could be ignored for the simple reason that they, like most other Roman voters, had no regular presence in the assemblies. Later Cicero complains about the apathy of the Italian elites, who were more interested in their 'villulas' than in the fate of the republic.[96] Apparently the Italians did not become a political force

raise support for Antony's bid for the augurate. When he realised that this election had already been successfully fought, he decided to stay and canvass for the forthcoming consular election. The campaigning area was obviously determined by the limits of Caesar's province and the fact that he could not have canvassed anywhere else. The story is generally suspect. It seems unlikely that Cisalpine Gauls, or anyone else, would at their own initiative have gone to Rome simply to vote on the augurate, which was decided by only seventeen tribes selected by the drawing of lots. As suggested by Bleicken (1975) 256, Caesar may in fact have been mobilising veterans whom he provided with money for the journey to Rome, a method already used at the consular election in 55, Dio 39.31.2; Plut. *Caes.* 14.6; *Pomp.* 51.4.

In *Phil.* 2.76 Cicero implies that Antony canvassed in Cisalpine Gaul for the consular election in 45. That is quite implausible, given the fact that candidates were then brought forward by Caesar in numbers matching the posts to be filled. Therefore, whatever Antony was up to in Gaul, it cannot have been electoral campaigning in any traditional sense.

95 *Comm. pet.* 31: 'Hos ceteri et maxime tui competitores ne norunt quidem . . .'

96 *Att.* 8.13.2; 8.16.1. In *Att.* 2.6.2 Cicero also suggests that the burghers of Antium had little interest in urban politics.

which every Roman noble seeking office had to reckon with and pay due attention to.

We have therefore no compelling reason to believe that the Italian enfranchisement changed the pattern of elections or the nature of popular participation. The candidates probably tried to mobilise existing contacts outside the capital, urging friends and acquaintances to turn up for their election. But there are no traces of Roman candidates systematically canvassing this constituency. Italian enfranchisement meant an enlargement of the electoral pool which again opened up new opportunities for some candidates to explore, most notably Cicero who seems to have pioneered this alternative strategy. The sources do not allow us to say to what extent his example was followed by other candidates.[97] It seems clear, however, that Rome did not experience any substantial or instantaneous influx of new, volatile voters into the assemblies. The numbers were small and mobilisation from Rome remained essential.

The methods used to raise Italian support were no different from those employed in the capital. Again 'spe utilitatis' was a central feature, *Comm. pet.* 31–2. The ambitions of Italian nobles were exploited, and local backing traded against future support. Mobilisation probably worked selectively, targeting individual towns where a candidate had personal contacts, whom he urged to turn up with a loyal following. As noted, Cicero explicitly mentions support from Volaterrae and Atella, towns with which he had already established special links.[98] Therefore, although the numbers involved may have remained limited, the enfranchisement of the Italians is likely to have raised the general level of attendance in the elective assemblies.

In this respect the new Italian citizens may have contributed to a general trend in late republican politics, when popular participation was stimulated by a number of new factors. There was an obvious increase in bribery, and the methods used were constantly refined. The scale of munificence rose dramatically, and a new feature was introduced with the mobilisation of veterans as electoral backers.[99] They probably all had the effect of drawing more people into the electoral process. Viewed

[97] Remarkably few Italians seem to have entered the senate before the end of the republic, which might suggest a rather limited integration into the urban networks of patronage and electoral campaigning. Contra Wiseman (1971) 36, who appears to overestimate the representation and influence of the Italians.

[98] Cicero had defended Caecina, a member of the leading family in Volaterrae, and was the patron of Atella, *Q. Fr.* 2.13.3. Likewise, Murena in his consular election exploited the gratitude he had earned in Umbria by conducting a favourable levy there, Cic. *Mur.* 42.

[99] E.g. Cic. *Att.* 4.16.6; *Mur.* 37–8; Dio 39.31.2; Plut. *Crass.* 14.6; *Pomp.* 51.4.

in this perspective the most salient feature of first-century political participation may not be the supposed breakdown of traditional standards and loyalties but rather an overall increase in the scale of the process.

This development had already begun in the previous century, where we find the first signs of a new, more competitive form of electioneering. Livy, 37.57.11, refers to generous *congiaria* distributed by new men in 189, and the first half of the second century saw a spate of legislation, regulating electoral competition and office-holding. The *Lex Baebia de ambitu* was passed in 181 and the rules tightened again in 159, Livy 40.19.11; *per.* 47, before the *Lex Cornelia Fulvia de ambitu* was introduced in 149. The games organised by the aediles were also regulated in 179, Livy 40.44.10–12. Whether bribery and electoral malpractice were quite as rife as these initiatives might suggest is an open question, however; as Develin noted, they may have been attempts to nip an incipient problem in the bud.[100]

Still, there are distinct signs of a change in the political climate in this period. In 166 the elections were conducted 'ambitiosissime', Obs. 12, and Polybius described what was apparently a new form of canvassing. In a discussion of Scipio Aemilianus' early career he noted, 31.29.8–9, that: 'all the time that other young men gave up to law affairs and greetings, spending the whole day in the Forum and thus trying to court the favour of the populace', Scipio devoted to hunting, which was an occupation Polybius regarded as more fitting for a young noble than the demeaning pursuit of popular favour. The impression is one of a fairly recent development, which was looked upon with considerable unease among the ruling circles. After the Hannibalic War it seems that a more competitive political climate developed. The electoral campaigning described in book 31 may have been identified as the first signs of the inevitable political decline, which Polybius predicted would follow the expansion of any state. Thus, in 6.57.5–9 he envisaged that as life becomes more extravagant: 'citizens will become more fierce in their rivalry regarding office'. The struggle for high office naturally intensified, as these themselves grew in attraction and profitability. Ultimately, therefore, the changes to the elections reflected much broader historical processes, that is the growth of the Roman empire.

The Roman elite had probably always competed for public office.[101]

[100] Develin (1985) 314–15.

[101] Contra Develin (1985) 309–15, and Wiseman (1994) 329, who speaks of 'newly competitive, newly unpredictable elections' in the late republic. See however, Rosenstein (1993) and Pani (1997) 196–7, who demonstrates convincingly that already in the early second century no pattern or predictability can be traced.

But traditionally the collective ethos of the ruling class had been strong enough to ensure that office-holding – and thus recruitment to the senatorial order – was managed with a minimum of popular involvement. As we have seen, the Roman assemblies were never promoted as vehicles of 'democratic' representation. Viewed in that perspective the stable rule of the aristocracy – and its monopoly on high office – no longer presupposes a comprehensive system of personal control, which tied each voter to a member of the elite. The 'popular' element could be effectively sidelined by a consensually based code of conduct which restrained elite campaigning and limited popular mobilisation in the run-up to the elections.

It follows that the system did not break down due to popular demands for greater influence and choice. It did so when the elite could no longer contain the growing dynamics within its own ranks. Increased competition undermined the senate's ability to manage the fundamental conflict between, on the one hand, its collective interest in controlling an unpredictable and potentially disruptive popular institution and, on the other hand, the pressure on its individual members to raise greater personal support in order to reach ever more covetable and alluring public offices.

Vain attempts to reinforce a collective discipline were made through the introduction of stricter rules regulating campaigning practices and office-holding. Clearly, the aim was to contain the electoral competition and regulate access to public honours – rather than to ensure a democratically sound procedure. The senate obviously had no interest in allowing the will of the people to be expressed as freely and directly as possible, and *ambitus* laws were therefore not concerned with electoral malpractice in the modern sense. Roman legislation only targeted certain types of payment to voters; on a limited tribal level the distribution of favours and money remained fully acceptable. Likewise, the ban on other, seemingly innocent means of canvassing such as the use of *nomenclatores* and *sectatores*, suggests that the aim was to curb candidates' general ability to mobilise voters.[102] Evidently, bribery laws also sought to reduce the spiralling costs involved in electioneering, creating a more level playing-field for the nobles involved. Thus, the ultimate objective was to maintain a pluralistic system of elite co-operation, based on the exchange of favours and the sharing of influence under the collective authority of the senate.

[102] The *lex Tullia de ambitu* (63) also instituted a *biennium*, a two-year period in which candidates were barred from giving gladiatorial shows 'except in execution of a will or on a date fixed beforehand', Crawford (1996) 761–2.

Any attempt to halt the process was doomed, however. The senate was up against historical forces far beyond its control. The conquest of the Mediterranean world had raised the stakes of magisterial elections so high that the potential benefits from office-holding now outweighed any risk of sanctions. Sulla's expansion of the senate may for a period have eased the pressure to enter the highest order. But the increase in the number of lower offices merely narrowed the bottleneck to reach the higher, more lucrative and prestigious posts. Moreover, the censors' expulsion of sixty-four senators in 70 may have further increased competition at the lower levels, as those expelled tried to regain their status.[103] At this time the senate's authority had already weakened, and the collective interests of the elite could no longer be effectively safeguarded. The traditional strategies to limit popular participation were undermined by the internal dynamics within the elite, which forced its members to campaign harder and more widely than before. The increased efforts to mobilise voters broke the barrier which had traditionally existed between the electoral process and the daily lives of most citizens.

Republican Rome was in the grip of constant electioneering; every year was an election year with no fewer than forty-four 'political' posts up for reappointment, in addition to fifty lower officials.[104] The number of candidates for each of these is unknown, but already in the second century there were five to seven contestants for the consulship, and in 64 no fewer than ten.[105] Presumably every post was contested in this period, and for each candidate electoral success was crucial to his future career and prospects. As competition intensified, the rules imposed to regulate the process were increasingly flouted. The result was not a 'politicisation' of the elections, which remained deeply personalised contests rarely involving political issues of general interest. Still, the extensively conducted campaigns of the late republic, often planned years in advance, did have a profound effect on life in the capital; games were given more frequently and on an ever grander scale, tribal donations were made, bribes distributed, and individual voters approached and canvassed. The social stratum most affected was not, however, the broad population, which probably stayed on the margins of the electoral process. Those who felt the changes to the political climate were

[103] On expulsions from the senate in general see Evans (1997).

[104] 'Political' posts: 2 consuls, 8 praetors, 4 aediles, 10 *tribuni plebis*, 20 quaestors; lower officials: 24 *tribuni militum*, 26 *vigintisexviri*, including *tresviri capitales*, *tresviri monetales*, *decemviri stlitibus iudicandis*, *praefecti Capuam Cumas*, cf. Kunkel (1995) 532–51.

[105] Jehne (1995) 54.

primarily the propertied classes, the *boni*, who represented public opinion and had a real say in the assemblies. Occasionally wider circles of the urban population may have benefited, but those cases probably remained exceptional.

6 *Plebs* and politics

Having dealt with the scale of Roman politics and its implications for the individual institutions in Rome, in this final chapter we will focus on the connection between politics and society in general. The aim is to take a broader look at issues raised in the previous chapters and place them in their proper socio-economic context. The hope is to shed further light on the relationship between elite and masses, and the extent to which politics represented an integrative factor connecting the two.

A central theme in this study of Roman politics has been the scale of participation. It was argued that it remained very limited, not least when compared to the size of the city of Rome and with the Roman citizen-body as whole. Probably no more than a few per cent could attend the meetings and assemblies, and often the level of attendance would have been much lower. The implication is therefore that the large majority of the population never took part in the political process. The Roman system was, in other words, based on the few rather than the many.

This conclusion is in itself neither new nor surprising. A number of factors can be adduced, which would have contributed to keeping attendance down. There were practical difficulties posed by the amount of time taken up by meetings and the lack of remuneration for the lower classes. Moreover, the assemblies were deprived of any independent political initiative, and the socio-economic graduation of the influence accorded to individual votes left large sections of the urban *plebs* without any effective say. On a political level the limited scope of the issues dealt with in the assemblies would have meant that the proceedings rarely had much direct relevance to the lives of most citizens.

Even in modern democratic systems mass participation has been achieved only because the system now works on a representative, rather than direct, basis, thus reducing people's active involvement to an absolute minimum. And that despite the fact that politics now plays a far more pervasive role in society, and virtually every aspect of the lives of individual citizens may be affected by centrally made policy decisions.

In modern times participation has been further stimulated by the emergence of permanent political parties, which represent different interest groups and ideologies and add both clarity and continuity to the political process. Finally, and perhaps as importantly, the development of mass media, print as well as electronic, now offers a framework for a focused public debate on political issues, to which ordinary citizens can also have regular access.

The differences between modern representative democracies and republican Rome are too obvious to need much elaboration, and should merely serve to put our preconceptions about political participation into perspective. *A priori* assumptions about the natural character of popular involvement in politics may be misplaced in a Roman context. They are essentially projections of modern civic ideologies and practices and therefore likely to be of limited value in understanding the workings of Roman politics. The point is that because a system formally entitles all citizens to a share in the decision-making, we should not automatically expect to find mass participation. This is unlikely to be achieved without effective promotion by the political 'establishment', and that was conspicuously absent in the Roman republic.

The main obstacle to the realisation of the 'democratic' potential of the popular institutions remained the particular position of influence which the system reserved for the elite. The mere existence of a permanent body of nobles, who monopolised all political initiative, experience and authority in the Roman state, would inevitably have threatened the powers held by the *comitia*. It is a serious question whether democratic institutions can function properly within a 'mixed' system of government, since this by its very nature carries an implicit denial of the people's right to exercise their sovereignty without limitations.[1] For the result of the formal division of powers between the assembly, the senate and the magistrates would not have been a 'sharing' of influence, but rather the neutralisation of the popular element. As the Athenian experience showed, this could fulfil its purpose only if supported by practical initiatives, facilitating the implementation of the democratic ideal. In Rome, however, the underlying rationale behind the political system remained the aristocratic contention that the voice of the people must be tempered by the moderating influence of the senate and the propertied classes. No measures were therefore ever taken to stimulate large-scale participation, which is crucial in a system of 'direct' democracy based on personal attendance.

[1] Cf. the notion of *licentia* and 'immoderata libertas', cf. pp. 10–12. According to Cicero the underlying rationale of the Roman political system was to ensure that: '. . . semper in re publica tenendum est, ne plurimum valeant plurimi', *Rep.* 2.39.

It also allowed the arcane structures of the popular institutions to continue for centuries without any substantial changes; no attempts were made to adapt them to the new circumstances which followed from Rome's territorial expansion and the growth of her citizen-body.

Thus, the small scale and limited participation may be seen as the logical consequence of the political set-up in Rome, but it also raises the question of who made up the minority that did attend the meetings and assemblies. One of the main problems in dealing with this issue is the fact that formally these relatively small gatherings represented the entire Roman people. This was partly a rhetorical convention, but it also reflects a more fundamental split between discourse and reality which emerged with the expansion of the Roman polity. The problem was that the notion of the 'city-state' continued to define the Roman self-image long after the Roman state had outgrown this ideal. As a result the political identity of the Roman state no longer corresponded in any meaningful way to the realities of Roman society as it had developed in the middle and late republic. The last period, in particular, saw a growing disparity between the ideals and the practice of politics, and a central feature of this process was the separation of the 'people' as a political concept from the actual masses of Rome. As we have seen, any crowd convened according to certain procedures *was* the Roman people, a fact which affects any attempt to grasp the nature of late republican politics and makes it very difficult to gauge who was actually present on these occasions.

The practical – and political – obstacles to working-class participation have already been noted, and it follows logically that under normal circumstances there would be a strong social bias towards the propertied classes. A certain social mix was of course possible, but since the overall scale of participation was so limited, it becomes evident that political activity – certainly within the official fora – cannot have been a regular or habitual part of the everyday lives of the urban masses. As Aristotle noted, in politics the distinction between the few and the many is likely to be one between the rich and the poor. When only a small section of the population is politically active, the group in question is unlikely to be socially representative or to include many members of the lower classes.

It was therefore suggested above that the typical political crowd in Rome probably represented the rich rather than the poor. While there was no formal exclusion of the lower classes, the logic of the system naturally favoured people with time, resources, interest and a certain level of integration into the world of politics. The order and stability which traditionally characterised assemblies and meetings may therefore

be explained by the broad consensus which existed between the political class and the social stratum representing the 'people' in the popular institutions. To the extent that members of the lower classes did turn up for such occasions, they are likely to have followed established conventions and submitted to the authority of their social superiors.

The late republic saw the end of this consensual system; the popular institutions now frequently turned against the senate and became an effective vehicle for anti-senatorial legislation. The process has often been interpreted as a breakdown of social order and a decline in traditional bonds of loyalty between the classes. But the notion of the urban masses released from domination by the elite and rallying to support their 'popular' champions is not really convincing. More likely we are dealing with new sections of the population being drawn into the political scene by members of the elite, intent on defying the authority of the senate. The political upheavals in this period would therefore seem to reflect a breakdown of elite cohesion rather than of social control. The result of this polarisation was a growing 'politicisation' of the popular institutions.

The ideological importance of *contiones* made them the natural foci of 'popular' activity, but they might also be useful to their 'optimate' opponents, offering them an opportunity to claim the backing of the 'real people'. But they were effective only if a broadly sympathetic audience could be counted on, and there are signs that they gradually turned into more stage-managed 'party' events, for which audiences were mobilised in advance. Unpredictable and anarchic *contiones* may still have occurred, but the logic of the institution was to develop into organised manifestations, which served to demonstrate publicly the support of the *populus Romanus*. Viewed in that perspective the form and significance of the speeches delivered on these occasions may have to be reconsidered; informed by long-established rhetorical conventions and drawing on the traditional *libertas* ideology, they may have had only a tenuous connection with the realities of political decision-making in the late republic.

The collapse of the elite's ability to manage state affairs under the senate's collective authority also affected the elections, which became the focus of intense activity by individual nobles. As competition increased, new methods of campaigning and vote-rigging were introduced, which gradually changed the face of political life in Rome. However, given the built-in correlation between social standing and electoral influence, those most affected probably belonged to the elite.

This interpretation of political practices has repercussions for our general picture of the relationship between the elite and the masses of

Rome. Thus, the emergence of the 'populares' and their success in passing anti-senatorial bills would suggest that the senate's traditional political ascendancy had not been based on direct personal control over the citizen population. Moreover, the recorded events indicate that the senate was powerless to stop aberrant nobles who defied its authority and turned directly to the *comitia*. It appears to have been unable to put up any serious opposition in the assemblies and had to have recourse to violence, religious obstruction, tribunician intercession and subsequent annulment of 'popular' laws. The senate's failure to raise effective counter-crowds is a striking feature of late republican politics. In clashes between the senate and its opponents the ranks of the former often appear to have been filled by household slaves and members of the elite itself. And the difficulties faced by the senate whenever it tried to mobilise popular support are thrown into sharper relief by the limited scale of politics, which meant that even very small crowds would have been able to make a difference.

Such difficulties were not confined to the optimate elite. For the *populares* also, bringing ordinary citizens into politics appears to have been an up-hill struggle. Despite the size of the urban population they too had problems mobilising support among the *plebs*. The early *populares*, in particular, had to invest considerable efforts to succeed, and even suffered the occasional defeat. Moreover, when 'popular' leadership was absent from the political scene, the optimate backlashes suggest that so were the 'popular' supporters.

A similar paradox is apparent in the electoral campaigns of this period. Despite stiff competition between hundreds of candidates all struggling to raise electoral support by almost any means, the number of voters turning up for elections seems to have stayed fairly modest. We have no evidence for any logistical pressures in this period, and the capacity allowed by the venues and procedures never appears to have presented a problem. We are therefore left with the impression of a marked disparity between the efforts put into electioneering, the size of the urban population and the small scale on which participation nevertheless remained.

The social implications of this analysis of political practices in the late republic differ substantially from those of other current models. Where traditional scholarship has stressed the significance of social control and personal ties, and the recent 'democratic school' pointed to the freedom and influence of the *plebs*, the present reconstruction suggests a society with relatively limited political and social integration. Late republican Rome emerges from this inquiry as a place with little contact or communication between elite and populace, where the world of politics

remained largely separate from the one inhabited by the urban masses. To many that may seem an unduly negative assessment of Roman society, but we have to ask whether this model might not be in better agreement with our general knowledge of late republican Rome than any of its alternatives. For if we consider the size and structure of Rome in this period, it would seem more realistic to stress the distance between the classes than the close integration or the independence of the *plebs*.

Rome had by then developed into a very particular kind of society. Above all it had reached a quite unprecedented scale. Already in the late republic the population of Rome is likely to have been close to 1 million, a figure first reached again by London around 1800. This figure is based on the numbers of grain recipients recorded in the ancient sources. According to Suetonius, *Div. Jul.* 41.3, no fewer than 320,000 benefited from the Clodian scheme at the time of Caesar;[2] apparently slave-owners had exploited the system by freeing their slaves in order to make them eligible for the dole.[3] To this figure must be added women, children, slaves and foreigners. The proportion of slaves is unknown, but even a cautious estimate brings the total population to well above 800,000. An often overlooked passage from Livy confirms this estimate.[4] Referring to the late 60s, it mentions that Rome daily required 80,000 *modii* of grain, suggesting a population of about 1 million.[5] The sheer size of Rome thus puts the city in a category of its own; we are dealing with a kind of society which had no direct parallel in the ancient world and was largely unknown before the industrial revolution in the late eighteenth century.[6]

The social composition of this vast population remains conjectural; still, some basic features can be gleaned. At the top we find a small elite consisting of 300 senators, rising to 600 after the Sullan reform. They were drawn from the equestrian order, which itself could hardly have numbered more than a few thousands in the city of Rome. Below this absolute elite were the upper-income classes made up of men with at least a modest amount of property, which relieved them of manual

[2] See the detailed discussion in Lo Cascio (1997).

[3] Dio 39.24.1; Dion. Hal. 4.24.5.

[4] Schol. Vratisl. *ad* Lucan. 1.319.

[5] Garnsey (1988) 191–2, n.26, estimates an annual minimum consumption per capita of 22.5 *modii* and an average of 30 *modii*, cf. Forbes and Foxhall (1982). On this calculation the 29,200,000 *modii*, which Rome according to Livy needed annually, would have provided for 973,333 inhabitants.

[6] Arguing on the basis of a comparison with other pre-industrial cities, Storey (1997) has recently put the figure much lower. His treatment of the recorded figures for grain distributions and requirement seems superficial, however, and there is a general failure to appreciate the exceptional position of Rome among pre-industrial cities.

labour. Though technically plebeians,[7] they probably formed part of Cicero's *boni*, the pillars of society from whom the senate drew its primary support.[8] This group did not in any way represent a Roman equivalent to the modern middle classes; they were distinct from the political class primarily by their lesser wealth, not by any differences in economic background, aspirations or general outlook.[9] Outside these privileged circles we find the mass of urban citizens who had to work for a living, many as shopkeepers or craftsmen. At the bottom of this hierarchy were the day-labourers, who led an even more precarious existence. The lower classes did not represent a uniform mass; there were undoubtedly subtle distinctions of status between members of this group, but they were all set off from the upper echelons of society by their reliance on their own labour.

The social distance between the top and bottom of society must have increased in the late republic when enormous wealth poured into the private coffers of the nobles, the *equites* and the propertied classes in general.[10] Huge fortunes were amassed by the political class, which increasingly flouted the traditional codes of modesty and spent large sums on houses, luxuries and the pursuit of political careers. Their country and seaside villas mushroomed all over Italy,[11] and in Rome the

[7] Cf. Hoffmann (1951) 73–6; Kühnert (1991) 14–17.

[8] Millar (1998) 147 suggested that 'bonus' might have a broader social application, essentially denoting a particular political stance. There is no evidence, however, that the *boni* comprised anyone but the well-to-do, cf. Hellegouarc'h (1972) 484–93; Achard (1973). Cicero and others consistently present them as those with property to defend. His extraordinary attempt in *Sest.* 97 to give 'optimatus' a wider social definition, including anybody who supported the senate – *equites*, *municipales*, *negotiatores*, even freedmen – is itself pure obfuscation and has no bearing on the *boni*, who were never subject to similar reinterpretations. Possession of property was integral to the meaning of 'bonus', and the close affiliation with the senate associated with this group stemmed from their common political interests. Thus, Cicero can even complain in *Att.* 8.1.3 that not all *boni* behaved as *boni*, since some of them supported Caesar.

[9] Traditionally historians have seen Roman society as profoundly polarised, consisting almost exclusively of rich and poor. Thus, Taylor (1949) 5 noted that 'The population seems to have consisted primarily of the well-to-do and the poor, with a very small middle class', later followed by Brunt (1971a) 383, who saw 'no evidence for a middle class in the city, intervening between them [the *equites*] and the poor, except for some rich freedmen'. This picture has increasingly been questioned in recent decades. The concept of a 'middle class' is clearly a red herring in the discussion of ancient Rome, but the absence of a group with these particular social and ideological characteristics does not mean that there was no economic stratum situated between the equestrians and the manual workers and shopkeepers. *A priori* it seems implausible that the entire population should have fallen into two social and economic extremes, either rich or poor. A number of modern studies have accepted that in Rome there must also have existed a social category between the elite and the working classes; e.g. Christ (1980); Frier (1980) 42; Millar (1998) 203.

[10] See e.g. Shatzman (1975).

[11] Cf. D'Arms (1970).

level of domestic luxury grew rapidly in the first century BC, as illustrated by their spacious houses and large slave-holdings.[12]

By contrast, there are few signs of any improvement in the living conditions of the lower classes, which generally present a bleak picture dominated by economic uncertainty, poor housing, food shortages and debt.[13] The bulk of the urban population would have lived in multi-storey tenement blocks, which probably represented both a threat to their health and safety and a burden on their finances.[14] Rents thus seem to have been high, and the problem of debt, well documented in the late republic, may therefore have affected not only small traders and craftsmen (as is often assumed) but also the poorest sections of the *plebs*.[15] Simply making a living for themselves would have been a pressing concern for most members of the lower classes. In order to provide food and other necessities an income had to be earned on a daily basis. That might have been a challenge even under normal circumstances – unemployment was not an unknown phenomenon in ancient Rome. But food crises – whether naturally occurring or, in some cases, provoked deliberately – regularly drove up prices far beyond the means of ordinary plebeians.[16] These crises were unpredictable but seem to have struck the city with considerable frequency; in the late republic they are reported on average every four years. Large sections of

[12] An example of a noble *domus* from the late republic has been excavated on the northern slopes of the Palatine, Carandini (1986); (1988) 359–87. Only the basement, containing the bath and the slave quarters, is preserved, the latter providing sleeping space for fifty slaves. The total number of slaves in the house may of course have been even higher. Topographical allusions in the ancient sources might indicate that the *domus* belonged to Aemilius Scaurus, who was praetor in 56. He was well known for his extravagance; Pliny mentions that his atrium was supported by four 11-metre tall columns of 'Lucullean marble', *NH* 36.5–6.

[13] For the living conditions of the lower classes see Yavetz (1958); Bruhns (1981); Scobie (1986); Drexhage (1989); Whittaker (1993); Prell (1997).

[14] Examples of such tenement blocks are known from Ostia, but they may give a false impression of the quality of housing in late republican Rome, Packer (1967). Collapsing housing blocks are a commonplace in the late republican sources; together with the obvious fire hazards this represented one of the main risks involved in urban property investment. A single – imperial – tenement block from Rome has been preserved, the Casa di Via Giulio Romano, which offers an important corrective to the Ostian picture of safe and fairly comfortable accommodation for the lower classes, Packer (1968–9). Here the ground floor was occupied by *tabernae* with living space in the mezzanines above. The next floor was divided into flats with up to three rooms, while on the two top(?) floors there were single room units without natural light, reached by a corridor directly facing the bedrock of the Capitol. These rooms may have been occupied by entire families, and would presumably have been rented on a short-term basis, a practice which the legal sources suggest was not uncommon among the poorest. As Frier has argued (1980) 39–40, poor tenants probably enjoyed little legal protection.

[15] Cf. Yavetz (1958); Drexhage (1989) 127ff.; Giovannini (1995).

[16] Virlouvet (1985); Garnsey (1988) 198–206; Cherry (1993).

the urban population thus lived under the permanent threat of food shortages.

The evidence suggests that Rome had developed into a large society with sharp social contrasts and a widening gap between the elite and the populace. Nevertheless, we often find it presented as an integrated community, where the noble lived in harmony next door to the pauper.[17] Not only does this picture seem somewhat idealised, but the familiar pattern, known from Pompeii and other small towns, of fine *domus*, workshops and lower-class housing all within the same *insula*, cannot be traced in the Roman metropolis. Here there seems to have been a tendency towards social segregation in the urban fabric during the late republic. The elite concentrated their housing on the top and slopes of hills, especially the Palatine, where literary and archaeological evidence suggests a high density of noble houses with no admixture of plebeian dwellings. Extant information on the houses of the political elite in the late republic indicates that with very few exceptions they all lived on the Palatine and the neighbouring Velia.[18] Some nobles, including Pompey, had houses in the adjoining district of the Carinae, located at the top of the Via Sacra above the Subura.[19] Caesar, quite exceptionally, lived in the Subura itself, the popular neighbourhood east of the Forum traditionally associated with the lower *plebs*, until he became Pontifex Maximus and moved to the Domus Publica, Suet. *Div. Jul.* 46. Earlier C. Gracchus had transferred his domicile from the Palatine to the Subura, a move which went completely against the trend in the late republic, Plut. *C. Grac.* 12.1. In both cases the choice of neighbourhood is likely to have reflected a deliberate political stance.

These changes are hardly surprising. Rome represented a different order of magnitude and urban development followed a different logic there. With the growth of the city social segregation became a desirable as well as a feasible option for the elite, who had every reason to avoid the poorer neighbourhoods. Not only would these areas be smelly and noisy, there would also have been greater risks of fire, collapsing buildings, riots and violent crime. Logically, therefore, the elite concentrated their occupation on the attractive hilltops at a safe distance from the low-lying, frequently flooded areas which were left to the lower classes.

It would be tempting to see in these developments a reflection of a more general fragmentation of the social fabric, a translation of economic

[17] Thus Carcopino (1941) 27, who stated that '. . . high and low, patrician and plebeian, rubbed shoulders everywhere without coming into conflict'.

[18] Cf. Royo (1987); (1999) 9–117.

[19] Cf. Varro *LL* 5.47–8. Pompey: Cic. *Har. resp.* 49; Suet. *Tib.* 15.1; Octavian: *Serv. ad Aen.* 8.361. Cicero also lived there until he moved to the Palatine, Plut. *Cic.* 8.6. Cf. Ziolkowski (1996); Palombi (1997).

equality into physical distance. The growth of the urban population had brought an end to the traditional face-to-face society, and the economic differentiation led to a socially more articulated urban structure. Viewed in that perspective late republican Rome emerges as an increasingly divided society, where top and bottom were growing further apart. We may wonder what level of integration could be maintained under these conditions.

The issue of *clientela* has already been raised several times in the previous discussions of political practice. Suggesting as they did a very low level of popular participation and limited contact between politicians and the *plebs*, these investigations also questioned the existence of the complex networks of formalised links between nobles and plebeians. Given the size and structure of Roman society in this period, this conclusion is hardly surprising. Rome had by this time outgrown the natural limits within which a system of comprehensive, formalised *clientela* could be effectively maintained. Rome also experienced considerable immigration and many plebeians therefore had no urban ancestry or family networks. Since *plebs* and elite no longer seem to have inhabited the same social space, late republican Rome would have offered few opportunities for establishing direct personal contacts across the class barriers.

It has been suggested that the gap between the top and the bottom of society might have been bridged by brokers of patronage, middlemen who used their access to the rich and powerful to provide favours to those further down the social hierarchy.[20] This model would enable us to solve the problem of social and physical distance and keep the notion of *clientela* as one of the central pillars on which the political ascendancy of the nobility rested. The existence of brokerage is, however, hypothetical in the Roman republic and may well turn out to be a red herring.

Brokers of patronage are well attested in later European history, where they form an integral part of bureaucratic systems as distributors of favours and resources. As Saller has shown, the phenomenon was also common during the Roman empire.[21] But here it was intimately linked to the new political situation where one person had established himself as the supreme patron and ultimate fount of all public *beneficia*. It thus worked hand in hand with the centralised imperial bureaucracy, which had no parallel under the republic either. The imperial evidence also suggests that brokerage of this kind was located socially far above the common people and was focused primarily on official honours and

[20] E.g. Wallace-Hadrill (1989) 81–2; Johnson and Dandeker (1989); Flaig (1995) 104.
[21] Saller (1982) 74–5.

positions.[22] Therefore, even in this period brokerage did not represent a comprehensive system of social exchange connecting on a permanent basis the lower classes to the top of society; it was a system by which members of the elite gained access to individuals within the imperial bureaucracy who were able to influence the distribution of centrally controlled favours. As such it cannot be applied to the republic, which was characterised by a diffusion of political power and the absence of a centralised bureaucracy. Certainly, it would go too far to present brokerage as a significant cohesive factor, able to replace traditional cliental bonds between the classes.

There can be no doubt that *clientela* – in some form – existed in republican Rome, but it is a big question how many members of the lower classes would have been included in support networks of this type. We should not overlook the possibility that the system might have been inherently biased in favour of the better-off. Given the timocratic nature of the *comitia centuriata* and the relegation of the urban masses and the freedmen to only four tribes, the political benefits from wealthy clients would have been much more valuable. There were also lucrative favours in the form of gifts and legacies to be gained from clients with property.[23] Logically, patronage would have been extended to those who had something to offer in return, which automatically put the large majority at a disadvantage. The marginal role of the *plebs* meant that there was no political imperative for the elite to cultivate the lower classes.

The incentive to extend patronage to broader sections of the *plebs* would have to come, not from political expediency, but from traditional notions of community. The concept of the free citizenry, representing the solid foundations of the *res publica*, still informed the Roman self-image, and in the Roman mind the classes were still bound together by common citizenship and a shared heroic past. In principle such notions might have helped to maintain aristocratic ideals of civic responsibility and social obligation. But if we look at the evidence we find few signs of any paternalism among the nobles, or much concern for the lower classes in general. Again, it seems that the elite was able to dissociate the positive concept of the *populus Romanus* from the mass of ordinary people who surrounded them.

[22] Ibid., 134–5.

[23] There are indications that wealthy clients were more attractive to the elite. Plautus refers to the difficulties experienced by a poor man trying to find patronage. *Clientela* was not about *fides* but *res*, he complains; what mattered was 'not the client's value as a man and as a friend, but simply his assets', *Men.* 574–9. In 204 the *Lex Cincia* had tried to impose a limit to the 'gifts' presented by clients to patrons who had defended them in court, underlining the fact that these could expect their clients to express their gratitude in material terms.

The attitude of the upper classes to the common people seems largely to have been one of contempt. Like many other aristocracies throughout history, the Roman elite viewed the lower classes as morally and intellectually inferior. Thus, our sources from the late republic invariably promote the familiar stereotype of the poor as depraved and untrustworthy, poverty routinely being associated with crime and subversiveness.[24]

Historically these attitudes may not be exceptional, but in Rome they seem to have been taken further than in most other oligarchic societies. The automatic equation of penury with moral inferiority was so ingrained that in Rome 'egens', poor/needy, became a common term of abuse, which – somewhat paradoxically – could be used purely in its moral sense as a term of abuse against other well-to-do men.[25] Following the same logic 'locuples', rich, also took on a broader meaning and was used in aristocratic circles as a term of praise.[26] The basis for this elevation of wealth as a source of personal virtue lay in the aristocratic belief that only the rich man had freedom of choice and thus was able to act according to moral principles. The poor man was under the law of necessity, which imposed its own morality – or rather lack of morality. As Publilius Syrus stated, 'necessity makes the poor man a liar'.[27] It followed that a poor man could have no honour. By inclination and circumstances he was untrustworthy, 'audax' and 'perfidiosus', Cic. *Cluent.* 70. Poverty was thus akin to servitude, the ultimate state of necessity, where no morality was possible and neither integrity nor honesty could be expected. Logically the testimony of slaves was accepted in court only if given under torture. Similarly, witness statements provided by the poor were also considered suspect.[28]

Material necessity forced people to perform tasks which the elite considered to be demeaning for a man of honour. Most obviously it

[24] E.g. in the common connection of 'egens' and 'audax', 'facinerosus', 'perditus', 'imperitus', 'improbus', cf. Cic. *Mil.* 36; *Dom.* 45; *Att.* 9.7.5; *Agr.* 1.22. Cf. Wood (1988) 96; Prell (1997) 217–19.

[25] In *Verr.* 2.94 Pacilius is called 'egens et levis'; Sex. Cloelius 'egentissimus' and 'facinerossimus', *Dom.* 25, and a tribune of the *plebs* 'hominem nequam atque egentem', *Att.* 1.19.5. In *Flacc.* 52 Maeandrius from Tralles is described as 'homini egenti sordido, sine honore, sine existumatione, sine censu'. Likewise in *Comm. pet.* 8 Catiline and Antonius are described as: 'competitores ambo a pueritia sicarii, ambo libidinosi, ambo egentes'. Cf. Kühnert (1989) 437–8; Prell (1997) 44–9.

[26] Thus, Cicero, *Att.* 5.20.4, describes T. Gavius Caepio as a 'locuples et splendidus homo', and Q. Cicero makes the same connection in *Comm. pet.* 53, mentioning 'viri boni ac locupletes', cf. *Phil.* 13.23.

[27] *Sent.* N31: 'Necessitas egentem mendacem facit.' Cf. Sall. *Cat.* 37,8: 'homines egentis, malis moribus'.

[28] In his speech for Flaccus, 5 *frg. Mediol.*, Cicero thus refers to 'egentissimos testis', suggesting they were patently unreliable.

compelled people to sell their labour in return for wages, which in the eyes of the elite effectively reduced them to the level of slavery.[29] But similar opprobrium was attached also to retail and small-scale trading which was considered sordid, because it was unproductive and therefore involved deceit. The 'poor' were, in other words, not simply the completely destitute, but logically included all those who lived under the law of necessity, thus comprising also ordinary craftsmen and *tabernarii*. This point is made explicitly in Cicero's mention of Lentulus' 'leno', pimp, who 'is making the rounds of the shops, hoping to buy the support of the poor and the ignorant'.[30] The 'poor' were simply defined as those without (landed) property, which could give them freedom and preserve their dignity and honour. This category thus included the large majority of the urban *plebs*, who could therefore command no respect or trust, either individually or as a body.

The elite's contempt for the masses was often tinged with an element of fear. The poor were typically perceived as the natural opponents of the rich, even their enemies. In his speech to the senate on the *rogatio Servilia*, *Agr.* 1.22, Cicero invoked the spectre of an army of the poor and wretched mobilised against the established order, and in *De domo sua* one of Clodius' men, Sergius, is accused of: 'plotting a sudden onset upon the consuls, the senate, and the property and fortunes of the rich, in support of the destitute and ignorant'.[31] Similarly, in *Mil.* 95 Cicero warns his – imaginary – jury that the 'plebs et infima multitudo' under Clodius' leadership threatened 'fortunis vestris'. The fundamental dichotomy between the elite and the *plebs* is made quite explicit in *Pro Plancio*, where Cicero invoked the dreaded scenario of 'the poor being armed against the rich, *perditi* against *boni*, slaves against their

[29] In antiquity no clear distinction was drawn between selling your labour and selling yourself. Wage labour was therefore logically perceived as a form of short-term slavery. Thus, most famously Cic. *Off.* 1.150–1, following Arist. *Pol.* 1337^{b}4–21, cf. Joshel (1992) 67. Treggiari (1980) has argued that legally manual work was not placed on the level of servitude. Still, that does not imply that ideologically the elite did not make this connection, linked as the two seemed to be by a common lack of freedom. Slaves and workers were all at the mercy of external powers, bondage and material need, respectively. A slave was, according to Seneca, *Ben.* 3.22.1, a 'perpetuus mercennarius', cf. Möller (1993).

[30] *Cat.* 4.17: 'concursare circum tabernas, pretio sperare sollecitari posse animus egentium atque imperitorum . . .' Similarly in *Flacc.* 18 Cicero mentions 'opifices' and 'tabernarios' in the same breath as 'illam omnem faecem civitatum'. Cicero's celebration of social peace in *Cat.* 4.16–17, which includes a rather positive image of the *tabernarii*, is most untypical. Cf. Cicero's reference to *tabernarii* as 'inopes atque imperiti', *Dom.* 13, and invective against 'homines paene operarios', *Rosc. Am.* 120.

[31] *Dom.* 13: '. . . in consules, in senatum, in bona fortunasque locupletium per causam inopum atque imperitorum repentinos impetus comparares . . .'

masters'.[32] The lower classes are here clearly perceived as a latent threat to the elite. In this conflict Cicero identified the rich as his army, remarking to his friend Atticus that: 'this, as you know, is my army – the well-to-do'.[33]

The sources reveal little trace of aristocratic paternalism or any sense of community with the lower classes. Again, the profound respect for a notional *populus Romanus*, professed by all Roman politicians[34], went hand in hand with a disdain for the actual people, highlighting not only the ambiguous nature of this concept in Roman politics but also the distance between the elite and the populace. Given their attitude to the lower classes, it is difficult to imagine Roman nobles seeking a following of common people for their own sake. Logically we might therefore draw the conclusion that the large majority of them were most likely left to fend for themselves in their local neighbourhoods, away from the world of the elite and Roman politics.

Viewed in that perspective the acute crisis which confronted the senate in the late second century may appear in a different light. The vulnerability of the ruling order was highlighted for the first time by its 'popular' opponents, who used the plebeian vote to carry anti-senatorial legislation. The senate found itself without any effective political means of responding to this challenge and had to have recourse to obstruction, annulment and a spurious right to declare states of emergency in order to justify violent interventions. The fundamental problem seems to be that the elite had allowed itself to be increasingly separated from the masses, perhaps believing that its political monopoly was complete and unchallengeable. Eventually, however, the real threat came from within, and at that point it seems the senate had no effective way of reaching the *plebs*. Certainly the history of the late republic would suggest that it was no longer possible to mobilise them on behalf of the ruling class.

Their 'popular' opponents may not have been much better connected, but they gradually developed new strategies to overcome the distance between *plebs* and politicians. Their first attempts were understandably tentative and not altogether effective. Given the scale and fragmentation of the urban fabric, the approach had to be decentralised and concentrate on the local neighbourhoods, the *vici*. They represented the focus of the daily lives of the urban masses, and the local structures which already existed there in the form of associations and festivals could be

[32] *Planc*. 86: '. . . egentes in locupletes, perditi in bonos, servi in dominos armabantur'. The same vision of society is spelt out in Sall. *Cat*. 37.3: 'Nam semper in civitate quibus opes nullae sunt bonis invident, malos extollunt, vetera odere, nova exoptant, odio suarum rerum mutari omnia student . . .'

[33] *Att*. 1.19.4: 'is enim est noster exercitus hominum, ut tute scis, locupletium'.

[34] Aptly described as 'rhetorical genuflexions to the *Populus Romanus*', Wood (1988) 96.

used to reach the lower-class inhabitants in the area. Their importance for popular mobilisation is underlined by the senatorial ban on *collegia* and neighbourhood festivals, which must be seen as a deliberate attempt to ensure that the people's traditional absence from the political scene was maintained. The ban was overruled by Clodius who further refined the system by creating a proper command structure which involved both the local officials and his own personal assistants.[35] The centrality of the *vici* to Clodius' success is illustrated by the fact that his four main laws were passed immediately after his celebration of the Compitalicia in defiance of the senate's ban; apparently he had used the festival to gain popularity and prepare the mobilisation of the *plebs* two days later.[36]

His local network of contacts enabled Clodius not only to dominate the popular assemblies, but also to overcome the inherent short-termism of Roman politics, which posed yet another obstacle to an effective mobilisation – and 'politicisation' – of the lower classes. The fact that Roman politics was structured largely around one-man political 'machines', created *ad hoc* for specific electoral purposes, made it difficult to establish comprehensive networks or maintain lasting contacts with broad sections of the urban population. A Roman noble seeking office would remind his friends and acquaintances of past favours, approach potential new supporters within the elite and promise them future support; he would also arrange public appearances aimed at improving his public image and raising his profile. As the *Commentariolum* suggests, campaigning was about reactivating existing connections and creating new ones for the sole purpose of meeting the immediate challenge which lay ahead, that is the forthcoming election. This had two important consequences for the feasibility of popular mobilisation.

[35] Fraschetti (1990) 244, sees Clodius' mobilisation as a centralised operation, focused on the Forum. But the passages of Cicero used to support the argument may be more ambiguous. Thus, e.g. *Dom.* 54, where Cicero asks Clodius whether he was not preparing for violent action, when 'in tribunali Aurelio conscribebas palam non modo liberos sed etiam servos ex omnibus vicis concitatos'. The point here is that Clodius had brought his followers from the *vici* to the Forum in order to register them openly in what was clearly a deliberate provocation against the senate and the *boni*, whose space he and his followers invaded. Similarly, Clodius' demonstration in 56, when his force 'ex omnibus vicis collecta' burst into the Ludi Megalenses during their celebration on the Palatine, Cic. *Har. resp.* 22. Again people from the *vici* were mobilised locally and then thrown into action elsewhere in the city.

[36] The Compitalicia had been celebrated on 31 December 59, while Clodius' *leges frumentaria*, *de obnuntiatione*, *de collegiis* and *de censoria notione* were all passed on 2 January 58. As Fraschetti (1990) 210–17 has pointed out, the Compitalicia were foci of popular unrest and thus useful for political mobilisation. Earlier Manilius had used the same strategy; passing his controversial bill on the tribal inscription of freedmen during the celebration of the Compitalicia, Asc. 45C; Dio 36.42. According to Sallust, *Cat.* 18.5, the first Catilinarian conspiracy had also been planned to erupt on the first of January 65.

On the one hand, the personalised form of electioneering automatically limited the scope of the campaigns to the nobles and the upper classes; members of the *plebs* were apparently approached only indirectly through their local leaders. On the other hand, it implied a rather short time horizon and a decentralisation of the campaigning efforts of the political class as a whole. Since the focus was on specific electoral contests, many contacts may have become redundant after an election had been successfully fought, and would lie dormant until the next attempt was made to move up the career ladder. Moreover, the fact that each candidate worked alone – at least in principle – meant that, despite the enormous resources and energy invested in electoral campaigning in the late republic, the overall impact on the relationship between *plebs* and politicians was bound to be limited. For the implication was that most candidates would have approached the same narrow circles lying within reach of their campaigns. The fact that there were no permanent 'party-machines' working between elections also made it difficult to maintain or transfer any contacts which might have been established with representatives of the broad population during a campaign. It is a paradox of Roman politics that the personal networks which were pieced together with such painstaking effort during the campaigns may have functioned only at those particular moments in a politician's career when he was actively seeking office. There seems to have been a certain *ad hoc* aspect to Roman politics which made large-scale campaigning almost impossible and thus prevented its leaders from wielding continuous influence among the electorate.

The Roman politicians themselves recognised the problem and made various attempts to tackle it during the late republic – in response to the ever-increasing competition. Thus, a characteristic feature of this period was the strong emphasis which leading politicians placed on their personal tribes, whose most prominent members were courted through regular donations of *sportulae*, theatre tickets and so on. Cicero in his forensic speeches presents this practice as a time-honoured custom, but as always when Cicero uses that line of defence we have reason to be suspicious. In fact there are few traces of this practice before the late second century, and it is therefore likely to be a new departure in late republican politics.[37] For by cultivating close links with their *tribus* it was possible for politicians to maintain some electoral influence beyond the actual year in which they ran for office. It gave them vital bargaining power in dealings with other politicians, as clearly indicated by Cicero, who measured his own tribal influence against that of Lucceius; both

[37] *Divisores* are for example not documented before this time, cf. Lintott (1990) 7–8.

politicians had promised their tribes to a third party but only Cicero could deliver, *Att.* 2.1.9.

An even more blatant attempt to overcome the inherent short-termism and decentralisation of Roman networking was marked by the emergence of *sodalitates*, informal associations of politicians who worked together in order to further their individual careers. Eventually the *sodalitates* became synonymous with organised bribery and were banned in 56,[38] but this aspect should not distract us from the fact that these associations represented a radical innovation in Roman politics, which challenged fundamental principles of the aristocratic republic. Most crucially these organisations remained active between elections and included among their members both politicians currently running for office and prospective candidates who intended to do so in the future. This new structure made it possible to maintain networks over longer periods and thus provided an element of continuity which had previously been absent from Roman campaigning. This allowed politicians to pool their influence, which could be shared between several candidates taking part in the scheme or traded with outsiders. Thus, it appears that Cicero had been promised support from a number of *sodalitates* in the run-up to his consular election, *Comm. pet.* 19. If these associations had been allowed to develop further, they would almost certainly have transformed the nature of Roman politics. The senate, however, insisting on maintaining the traditionally low level of political organisation, came down heavily on the *sodalitates*, which went underground and specialised entirely in illicit bribery. The result was that the organisations needed to cultivate and maintain comprehensive political networks never came into existence in republican Rome. Popular mobilisation was therefore destined to be of limited extent and duration. Despite the manifest interest of the political class in raising their – occasional – support, the decentralised nature of Roman politics – and the entrenched opposition of the senate – prevented the creation of general networks which might have been able to bridge the widening gap between *plebs* and politicians in the late republic.

The conclusion offered by this analysis must be that – despite the polarised climate of the late republic – the people of Rome never became fully integrated into the political process. There was no formal exclusion but their participation was discouraged by a variety of institutional and practical factors, ultimately all rooted in the fundamentally aristocratic structure of Roman society. This assessment runs directly counter to the 'democratic' model espoused by a number of modern

[38] See appendix pp. 149–51.

scholars, and it may therefore be useful briefly to set out the main points of disagreement.

The 'democratic' interpretation has sprung from a growing realisation of the concrete nature of Roman politics and its rootedness in time and place. Thus, by focusing on the physical interaction between politicians and people, the practical procedures and the settings, the essentially public nature of the political process has become apparent. Roman politics took place in full public view, and the public clearly had a significant role to play in the proceedings.

This observation is itself uncontroversial, but the emphasis on the practice of politics then leads to the conclusion that the system had features which could reasonably be described as 'democratic'. It is this final syllogism which is problematic, for it neatly side-steps the crucial questions of who this 'public' was and how much influence the actual masses had on the running of the Roman state.

It is a paradoxical consequence of the 'democratic' interpretation that despite its insistence on broadening our understanding of Roman politics by accentuating physical and practical aspects, the result has in fact been a narrowing of the social perspective applied to the issue. What we find is an almost decontextualised vision of Roman politics. The image of a 'democratic' Rome has very much been achieved by isolating political practices from their demographic, social and economic context. We are presented with a scenario of a public actively engaged in the political process, but the composition of this public is never considered, probably because in principle all Roman citizens were entitled to join it. The Roman 'democracy' is thus founded on two – themselves indisputable – historical facts: the existence of a politically significant 'public' and the open access of all citizens to participate in this 'public'. These two facts do not, however, add up to a Roman 'democracy'. One crucial factor has been left out of the equation, which is the distinction between formal rights and their practical realisation. The model therefore sits uneasily between, on the one hand, a very practical hands-on approach to politics and, on the other hand, an idealistic, almost naive view of the relationship between constitutional principle and reality.

The present study has tried to explore the possible discrepancies between the two, departing from the simple question of scale, which immediately makes it clear that politics was an activity reserved for a very small minority in Rome. We are therefore forced to distinguish between the political 'public' and the 'people'. Simply assuming that the *populus* and masses were the same merely perpetuates a particular ideological construction of the 'people', first conceived by the Roman ruling class.

It would seem a truism that political rights do not exist in a vacuum, but are embedded in social and economic structures which determine the extent to which they can be realised in practice. If we accept that Rome was a society with stark social contrasts – between a small, immensely rich elite, controlling all political offices and religious authority, and a vast, impoverished under-class, the structural constraints this inequality imposed on popular participation become too obvious to ignore.

Moreover, as soon as we place politics in its proper social context it also becomes clear that the 'people' had interests distinct from those of the ruling class. We cannot simply assume that what constituted political issues to the elite did so to the mass of the urban population also; the sources, as we know, are conspicuously partial and one-sided on this point. Given the distance between politicians and the masses, the idea of a single unified political agenda is implausible. The interests of the masses would by necessity have been different, and there are many indications that they were focused on pressing material concerns, that is food supply, rents and housing, debts and so on. Their ability to promote these interests is crucial to any assessment of the level of 'democracy' at Rome. If political rights only involved responding to matters relating to the internal affairs of the elite, then they were obviously of little practical value. Just as the proof of the pudding is in the eating, so a democratic system must reveal itself in the opportunities it offers the masses for actively furthering their own interests.

The obvious test case is the grain provision for the city, and looking at the history of this issue the conclusion seems inescapable that the people had little power to set the agenda or enforce its implementation. For despite the enormous wealth which poured into the treasury in the second century and enabled the senate to suspend the *tributum* for the propertied classes in 167, nothing was done to alleviate the plight of the lower classes. That did not happen until 122 when the tribune C. Gracchus first introduced subsidised grain for sections of the urban *plebs* – against the will of the senate. His provisions were reduced by a *Lex Octavia* and completely abandoned by Sulla in 81, Sall. *Hist.* 1.55.11, only to be reintroduced – on a modest scale – in 73 under the *Lex Terentia Cassia*. In 63/62 when the senate tried to defuse the crisis after the conspiracy of Catiline, Cato again expanded the scheme, Plut. *Caes.* 8.4; *Cat. Min.* 26.1. Free grain was not made available until 58, when the *Lex Clodia* was finally passed; nevertheless, the dole was still not sufficient to support an entire family.[39]

[39] Garnsey (1988) 211–14.

Clearly this summary does not suggest a functioning 'democracy' at work; only late and with great reluctance did the senate agree to grant the people a – modest – share in the prosperity of the empire. Rather, it brings out the inherent limitations to the people's power; the system did not allow them to operate autonomously or formulate their own policies. Popular attempts to raise the grain issue were made, but that did not happen in the official fora and institutions. Instead they took place in open, uncontrolled public spaces; like most under-classes throughout history the Roman *plebs* took to the streets whenever it wanted to assert its interests.[40] Public demonstrations, often caused by food shortages, were a common occurrence in Rome, which in itself is a serious indictment of the ability of the assemblies to serve as outlets for popular grievances and concerns. There is, moreover, no indication that these measures were effective in promoting their interests. Yavetz noted: 'Democracy did not exist in Rome, but popular pressure did';[41] still, the course of events would suggest that the republican elite was well able to withstand it. Thus, the senate's only major concession, the *Lex Porcia*, was made in response to a much more serious threat than a common food riot, that is Catiline's attempt to overthrow the old order.

The voice of the *plebs* was muted by the fact that it had no representatives, elected on a political platform and obliged to serve their constituency. As a rule, popular concerns only entered the official agenda when 'popular' politicians happened to adopt their cause. The 'power of the people' was, in other words, realised only through internal dissent within the elite, which as a whole continued to monopolise political initiative. Aberrant nobles might promote the interests of the masses, but even then the elite often succeeded in nullifying or seriously modifying the measures.

The public nature of Roman politics represented no modification of the aristocratic system, either ideologically or practically. The internal structure of the elite, which extended beyond the active office-holding class, automatically opened the *curia* towards a wider public. Moreover, the position of the political class was itself justified in terms of a *libertas* ideology, which further strengthened the public aspect of politics. But the public who were recognised as legitimate partners in government were not the – generally despised – urban masses but a broader section of the propertied classes, the *boni*.[42] They represented the natural political class and it was from this social stratum that the elite sought

[40] See catalogue of documented instances in Vanderbroeck (1987) 220–67.

[41] Yavetz (1969) 39.

[42] Thus, in *Sest.* 140 Cicero identified the real political authority with the *boni*, rather than the 'imperita' and 'concitata multitudo'.

political legitimisation. Nothing illustrates the political mind-set better than the public justification of the so-called *Senatus Consultum ultimum*. On a number of occasions Cicero stressed that the moral authority behind the *SCU* was derived from the consent of the *equites* and the *boni*,[43] thus suggesting that the political order was based on a general consensus among the propertied classes. When the senate, the *equites* and the *boni* acted in unison, any established convention could be overruled.

[43] In *Rab. Perd.* 2, Cicero claimed that the prosecution of Rabirius for his part in the killing of Saturninus was an attack on 'auctoritas senatus . . . consulare imperium . . . consensio bonorum'. The same line of defence was used to justify his own execution of the Catilinarians, *Dom.* 94: '. . . quod ex auctoritate senatus consensu bonorum omnium pro salute patriae gessissem . . .' Thus, behind him in 63 had been: 'tanto studio senatus, consensu incredibili bonorum omnium', *Sest.* 36. The later attacks were therefore not merely targeted at himself, but: 'petita est auctoritas vestra . . . consensio bonorum omnium . . .', *Har. resp.* 45.

Appendix

THE 'LEX LICINIA DE SODALITATIBUS'

The *Lex Licinia* is central to the study of political participation in the late republic. It has attracted considerable debate and a range of different interpretations have been brought forward. It has been seen as a senatorial attempt to quash the political clubs of Clodius, an attempt to curb electoral malpractice among the elite, and as a combination of the two, targeting both *ambitus* and political violence in general.[1]

The senate first issued a decree on these matters on the tenth of February 57 – a week after Clodius' supporters had given Pompey a serious heckling at the trial of Milo. According to Cicero the *Senatus Consultum* obliged the consuls: 'ut sodalitates decuriatique discederent lexque de iis ferretur', *Q. Fr.* 2.3.5. And a year later Crassus passed his *Lex Licinia de sodalitatibus*. There are several ancient references to the selection of judges prescribed in the law, Cic. *Pis.* 94; *Phil.* 1.20; Asc. 21C. But the most important source on the subject is Cicero's speech for Plancius.

Plancius was accused of bribery according to the *Lex Licinia*: 'reus de sodaliciis petitus est lege Licinia, Schol. Bob. 152 (St)'. It is apparent that the law, for the first time, defined a *crimen sodalicium*: 'quos tu si sodalis vocas, officiosam amicitiam nomine inquinas criminoso', 46, and Plancius was formally prosecuted: 'nomine legis Liciniae quae est de sodaliciis', 36. Likewise, in *Cael.* 16 Cicero refers to the *Lex Licinia* as being: 'de ambitu et de criminibus istis sodalium ac sequestrium'.

The character of the *sodalitates* in question is a matter of contention. Cicero, *Planc.* 37, gives this description: 'cuiuscumque tribus largitor esset, et per hanc consensionem quae magis honeste quam vere sodalitas nominaretur quam quisque tribum turpi largitione corrumperet . . .' The scholiast further expands. '. . . in eos candidatos qui sibi conciliassent [sodales] ea potissimum de causa, ut per illos pecuniam tribulibus dispertirent ac sibi mutuo eadem suffragationis emptae praesidia communicarent', *Schol. Bob.* 152 (St). These passages clearly suggest that we are dealing with elite associations which organised electoral

[1] The second view goes back to Mommsen (1843) 41–2, 47, and Waltzing (1895–1900) I, 97, 112. Later Kornemann (1900) 390–1 suggested the first interpretation, followed by De Robertis (1938) 100–9; Treggiari (1969) 176–7; Flambard (1977) and (1981); Ausbüttel (1982) 91–2. Linderski (1961) formulated a compromise which was adopted by e.g. Shackleton Bailey (1981) 178; Lintott (1968) 219 and (1990) 9; Nadig (1997) 59–67. Another attempt to reconcile the two positions was made by Venturini (1984).

bribery. In the same direction also points Asconius' reference to the bribery case against Milo, 39C: '[Milo] postulatus autem erat et de sodaliciis et de ambitu', suggesting a similar connection between sodalitates and bribery. Another – earlier – reference to these associations comes from *Comm. pet.* 19, where Cicero is told by his brother that: 'quattuor sodalitates hominum ad ambitionem gratiosissimorum tibi obligasti . . .' At this stage the *sodalitates* merely appear as elite associations organising mutual electoral support without the direct involvement of bribery.[2] Later, however, this aspect became so common that membership of a *sodalitas* was legally defined as a 'crimen' and sufficient to justify public prosecution for bribery. Thus, Cicero argues that Plancius: 'habuisse in petitione multos cupidos sui gratiosos, quos tu si sodales vocas, officiosam amicitiam nomine inquinas criminoso' *Planc.* 46. The implication is that by then the *sodalitates* were so widely associated with electoral bribery that the words had become largely synonymous. The *Lex Licinia* therefore emerges unequivocally from these sources as an *ambitus* law, targeting electoral malpractice.[3]

The case for the *Lex Licinia* as a measure against Clodius' clubs remains weak. These particular associations are never described as *sodalitates*/*sodalicia*, but only as *collegia*, e.g. Cic. *Sest.* 55, or as travesties of *collegia*, 'simulatione collegiorum', *Post red. sen.* 33.

The *decuriati*, mentioned in both the *SC* and *Pro Plancio*, have been seen as a reference to Clodius' men who were also described in a similar way in Cic. *Dom.* 13: 'decuriatos ac discriptos haberes exercitus perditorum', and *Sest.* 34: 'cum vicatim homines conscriberentur, decuriarentur'.[4] Here, however, the context is entirely different from the one obtaining in Plancius' *ambitus* trial, since Clodius is accused of having organised street gangs, not electoral bribery. 'Decuriare' was a common term to describe the division of groups of people into smaller units. Later in *Phil.* 7.18, Cicero for example refers to the 'decuriatio' of 'improbi', and there is plenty of epigraphic evidence for *collegia* and other associations being subdivided into *decuriae*. It cannot therefore be taken as a technical term exclusively referring to Clodius' clubs.

The 'decuriatio' of which Plancius stood accused was clearly different from Clodius' mobilisation of strong-arm men. It was part of a bribery operation which Cicero describes in detail: 'Decuriatio tribulium, discriptio populi, suffragia largitione devincta severitatem senatus et bonorum omnium odium ac dolorem excitarunt', 45. Later Cicero asked the prosecutor to prove that Plancius 'decuriasse . . . conscripsisse, sequestrem fuisse, pronuntiasse, divisisse', ibid., and again in 47 that he '. . . sequestrem fuisse, largitum esse, conscripsisse, tribules decuriavisse'. 'Decuriatio' here emerges as a specific element in a complex bribery scheme, which involved enlisting *tribules*,

[2] Cf. *Comm. pet.* 18, describing members of *sodalitates*: 'nam per hos annos homines ambitiosi vehementer omni studio atque opera elaborarunt ut possent a tribulibus suis ea quae peterent impetrare', the emphasis on 'per hos annos' suggesting the relative novelty of the phenomenon.

[3] Cf. *Planc.* 36; *Cael.* 16; the fragment of *Pro Vatin.* IV 3 p. 285 Müller; *Schol. Bob.* 160 (St): 'Iam de sodaliciis causam dixerat P. Vatinius eodem defendente M. Cicerone'. Vatinius stood accused of bribery.

[4] Cf. *Post red. Quir.* 13: 'cum homines in tribunali Aurelio palam conscribi centuriarique vidissem'.

organising them into smaller groups, depositing funds, promising bribes and distributing them among those who had been enlisted. In the context of electoral bribery 'decuriatio' thus seems to have had a clearly defined meaning, which could be targeted by legislation.

This use of 'decuriatio' had nothing to do with the political street violence orchestrated by Clodius. Moreover, the 'decuriatio' associated with these gangs may not have been organised along tribal lines in the same way as Plancius' allegedly had been – linked as it was to the structure of the tribal assembly which elected the *aediles*. The mention of the *tribus Collina* in Cic. *Mil*. 25 is most likely a reference to the topographical area in which Clodius on this occasion mobilised his followers.[5] There are, in sum, no real points of resemblance between the clubs of Clodius and the 'decuriati' described in *Pro Plancio*. While the former were gangs used for political intimidation and demonstrations, the latter were *tribules* enlisted in bribery schemes organised by elite associations. 'Decuriati' are associated with the *Lex Licinia* only in the context of bribery and closely connected with the use of *sequestres* and *divisores*, cf. *Cael*. 16: 'criminibus istis sodalium ac sequestrium'. The coincidence in terminology is of no real import since 'decuriatio' was a common method of organising groups of any kind.[6]

The political circumstances surrounding the passing of the senate's decree 'de sodalitatibus' have been invoked as an argument for a 'Clodian' interpretation of the law.[7] That remains highly speculative. Cicero himself does not draw any connection between Clodius' attack on Pompey and the *SC de sodalitatibus*, both mentioned in the same long letter to Quintus. A final argument for this version has been drawn from the clause in the *SC*, which prescribed that the penalty should be the same as for *vis*, violence. That, however, does not necessarily imply that the *Lex Licinia* itself dealt with *vis*. The clause merely put the offence on the same level of seriousness as *vis*.

In *Planc*. 36 the *Lex Licinia* features as one among other laws which dealt with *ambitus*, and it is difficult to see how Clodian street gangs could be covered by the same piece of legislation. Political violence was not a common feature of electoral campaigning; most often it occurred in the context of legislative assemblies and court cases. The evidence therefore suggests that the *Lex Licinia* was concerned with a particular kind of electoral bribery, which was organised on a collective basis by groups of nobles who were themselves running for office or intended to do so in the near future. The idea that Clodius' bands might also have been affected by the law has no firm support in the ancient evidence.

[5] 'Clodius 'convocat tribus, se interponebat, Collinam novam [novo?] dilectu perditissimorum civium conscribebat', cf. Linderski (1961) 114–15.

[6] See e.g. *Diz. Epig*. 2,2 (1910) s.v. 'decuria', 1504–13.

[7] E.g. Treggiari (1969) 175.

Bibliography

Achard, G. (1973) 'L'emploi de *boni*, *boni viri*, *boni cives* et de leurs formes superlatives dans l'action politique de Cicéron', *Etudes Classiques* 4: 207–21.

Aigner, H. (1978) 'Gab es im republikanischen Rom Wahlbestechungen für Proletarier?', *Gymnasium* 85: 228–38.

Astin, A. (1967) *Scipio Aemilianus* (Oxford).

Ausbüttel, F. M. (1982) *Untersuchungen zu den Vereinen im Westen des römischen Reiches* (FAS 11: Kallmünz).

Badian, E. (1972) 'Tiberius Gracchus and the beginning of the Roman revolution', *ANRW* 1.1: 668–731.

(1989) 'The *scribae* of the Roman republic', *Klio* 71: 582–603.

Balsdon, J. P. V. D. (1969a) *Life and Leisure in Ancient Rome* (London).

(1969b) 'Panem and circensem', in *Homages Renard* (Brussels) II: 57–60.

Beard, M. and M. H. Crawford (1985) *Rome in the Late Republic* (London).

Bell, A. J. E. (1997) 'Cicero and the spectacle of power', *JRS* 87: 1–22.

Benner, H. (1987) *Die Politik des P. Clodius Pulcher: Untersuchungen zur Denaturierung des Clientelwesens in den ausgehenden römischen Republik* (Historia Einzelschriften 50: Stuttgart).

Berg, B. (1997) 'Cicero's Palatine home and Clodius' shrine of Liberty: alternative emblems of the republic in Cicero's *De domo sua*', in *Studies in Latin Literature and Roman History* VIII, ed. C. Deroux, (Collection Latomus 239: Brussels) 122–43.

Bernert, E. (1936) 'Nomenclator', *RE* 17,1: 817–20.

Bernstein, A. H. (1978) *Tiberius Gracchus: Tradition and Apostacy* (London).

Best, E. E. (1974) 'Literacy and Roman voting', *Historia* 23: 428–38.

Bleicken, J. (1974) *Staatliche Ordnung und Freiheit in der römischen Republik* (FAS 6: Kallmünz).

(1975) *Lex Publica: Gesetz und Recht in der römischen Republik* (Berlin–New York).

Bonnefond-Coudry, M. (1989) *Le sénat de la république romaine de la guerre d'Hannibal à Auguste* (BEFAR: 273: Paris–Rome).

Briscoe, J. (1992) 'Political groupings in the middle republic: a restatement', in *Studies in Latin Literature and Roman History* VI, ed. C. Deroux (Collection Latomus 217: Brussels) 70–83.

Broughton, T. R. S. (1950–1) *The Magistrates of the Roman Republic*, 2 vols. (New York).

Bruhns, H. (1981) 'Armut und Gesellschaft in Rom', in *Vom Elend der Handarbeit*, ed. H. Mommsen and W. Schulze (Stuttgart) 27–49.
Brunt, P. A. (1966) 'The Roman mob', *Past and Present* 35: 23–5.
(1971a) *Italian Manpower 225 BC–AD 14* (Oxford).
(1971b) *Social Conflicts in the Roman Republic* (London).
(1980) 'Free labour and public works at Rome', *JRS* 70: 81–100.
(1988) *The Fall of the Roman Republic and Related Essays* (Oxford).
Burckhardt, L. A. (1988) *Politische Strategien der Optimaten in der späten römischen Republik* (Historia Einzelschriften 57: Stuttgart).
(1990) 'The political elite of the Roman Republic: comments on recent discussion of the concepts *nobilitas* and *homo novus*', *Historia* 39: 77–99.
Carafa, P. (1998) *Il Comizio di Roma dalle origine all età di Augusto* (Rome).
Carandini, A. (1986) '*Domus* e *insulae* sulla pendice settentrionale del Palatino', *Bull. Com. Arch.* 91: 262–78.
(1988) *Schiavi in Italia: gli strumenti pensanti dei Romani fra tarda Repubblica e medio Impero* (Rome).
Carcopino, J. (1941) *Daily Life in Ancient Rome* (London).
Carettoni, G., and A. M. Colini, L. Cozza, G. Gatti (1963) *La pianta marmorea di Roma antica* (Rome).
Cerutti, S. M. (1998) 'P. Clodius and the stairs of the Temple of Castor', *Latomus* 57: 292–305.
Cherry, D. (1993) 'Hunger at Rome in the late Republic', *EMC* 37: 433–50.
Christ, K. (1980) 'Grundfragen der römischen Sozialstruktur', in *Studien zur antiken Sozialgeschichte: Festschrift Friedrich Vittinghoff*, ed. W. Eck, H. Galsterer, H. Wolff (Cologne) 199–228.
Cloud, D. (1989) 'The client–patron relationship: emblem and reality in Juvenal's first book', in *Patronage in Ancient Society*, ed. A. Wallace-Hadrill (London–New York) 205–18.
Coarelli, F. (1983) *Il foro romano*, vol. I (Rome).
(1984) 'Iside Capitolina, Clodio e i mercanti di schiavi', in *Alessandria e il mondo ellenistico-romano. Studi in onore di Achille Adriani*, ed. N. Bonacasa, A. Di Vita (Rome) 461–75.
(1985) *Il foro romano*, vol. II (Rome).
(1997) *Il Campo Marzio: dalle origini alla fine della repubblica* (Rome).
Cornell, T. J. (1991) 'Rome: the history of an anachronism', in *City States in Classical Antiquity and Medieval Italy*, ed. A. Molho, K. Raaflaub, J. Emlen (Ann Arbor–Stuttgart) 53–69.
(1995) *The Beginnings of Rome: Italy and Rome from the Bronze Age to the Punic Wars (c.1000–264 BC)* (London–New York).
Crawford, M. H. (1974) *Roman Republican Coinage* (Cambridge).
(1996) ed. *Roman Statutes* (BICS Suppl. 64: London 1996).
D'Arms, J. H. (1970) *Romans by the Bay of Naples* (Cambridge, Mass.).
David, J.-M. (1973) *et al.*, 'Le 'Commentariolum Petitionis' de Quintus Ciceron: état de la question et étude prosopographique', *ANRW* 1,3: 239–77.
(1992) *Le patronat judiciaire au dernier siècles de la république romaine* (Collection de l'école français de Rome 277: Paris–Rome).
De Fine Licht, K. (1966) *The Rotunda in Rome* (Aarhus).

De Libero, L. (1992) *Obstruktion: Politische Praktiken im Senat und in der Volksversammlung der ausgehenden römischen Republik* (Hermes Einzelschriften 59: Stuttgart).

De Ligt, L. (1993) *Fairs and Markets in the Roman Empire* (Amsterdam).

De Martino, F. (1989) 'Il modello della città-stato', *Storia di Roma* 4 (Turin) 933–58.

Demougin, S. (1987) 'Quo descendat in campo petitor: Elections et électeurs à la fin de la république et au début de l'empire', in *L'urbs: Espace urbain et histoire Ier avant J.-C. – IIIe siècle aprés J.-C.* (Collection de l'école français de Rome 98: Rome) 305–17.

Dench, E. (1995) *From Barbarians to New Men* (Oxford).

Deniaux, E. (1987) 'De l'ambitio à l'ambitus: Les lieux de la propagande et de la corruption électorale', in *L'urbs: Espace urbain et histoire Ier avant J.-C. – IIIe siècle après J.-C.* (Collection de l'école français de Rome 98: Rome) 279–304.

De Robertis, F. M. (1938) *Il diritto associativo romano* (Bari).

Develin, R. (1978) 'Scipio Aemilianus and the Consular elections of 148 BC', *Latomus* 37: 484–8.

(1985) *The Practice of Politics at Rome 366–167 BC* (Collection Latomus 188: Brussels).

Di Gennaro G. (1993) 'I comizi centuriati di Cic. *De re p.* II. 22.39–40: attribuzione, struttura, giudizio politico', *Athenaeum* 71: 545–65.

Doblhofer, G. (1990) *Die Popularen der Jahre 111–99 vor Christus* (Vienna).

Drexhage, R. (1989) '*Tabulae novae, frumentationes* und die stadtrömischen plebs', in *Migratio et commutatio: Studien zur alten Geschichte und deren Nachleben. Thomas Pekáry zum 60. Geburtstag* (St Katharinen) 119–35.

Drummond, A. (1999) 'Tribunes and tribunician programmes in 63 BC', *Athenaeum* 87: 121–67.

Earl, D. C. (1965) 'Tiberius Gracchus' last assembly', *Athenaeum* 43: 95–105.

Eder, W. (1991) 'Who rules? Power and participation in Athens and Rome', in *City States in Classical Antiquity and Medieval Italy*, ed. A. Molho, K. Raaflaub, J. Emlen (Ann Arbor–Stuttgart) 169–96.

Evans, R. J. (1997) 'The Augustan "purge" of the senate and the census of 86 BC', *Acta Classica* 40: 77–86.

Favory, F. (1976) 'Classes dangereuses et crise de l'état dans le discours cicéronien', in *Texte, Politique, Idéologie: Cicéron* (Paris) 111–233.

Fears, J. R. (1981) 'Cult of virtues and Roman imperial ideology', *ANRW* 2.17.2 (1981) 827–948.

Fezzi, L. (1997) 'Lex Clodia de iure et tempore legum rogandarum', *SCO* 45: 297–328.

Finley, M. I. (1983) *Politics in the Ancient World* (Cambridge).

Flambard, J.-M. (1977) 'Clodius, les collèges, la plèbe et les esclaves. Recherches sur la politique populaire au milieu du Ier siècle', *MEFRA* 89: 115–56.

(1981) 'Collegia Compitalicia: phénomène associatif, cadres territoriaux et cadres civiques dans le monde romain à l'époque républicaine', *Ktema* 6: 143–66.

Flaig, E. (1995) 'Entscheidung und Konsens: Zu den Feldern der politischen

Kommunikation zwischen Aristokratie und Plebs', in *Demokratie in Rom? Die Rolle des Volkes in der Politik der römischen Republik*, ed. M. Jehne (Historia Einzelschriften 96: Stuttgart) 77–127.

Forbes, H. and L. Foxhall (1982) 'Sitometreia: the role of grain as a staple food in classical antiquity', *Chiron* 12: 41–90.

Forsén, B. and G. Stanton, eds. (1996) *The Pnyx in the History of Athens* (Helsinki).

Fraschetti, A. (1990) *Roma e il principe* (Bari–Rome).

Frier, B. W. (1980) *Landlords and Tenants in Imperial Rome* (Princeton).

Gabba, E. (1997) 'Democrazia a Roma', *Athenaeum* 75: 266–71.

Garnsey, P. D. A. (1981) 'Independent freedmen and the economy of Roman Italy under the Principate', *Klio* 63: 359–71.

(1988) *Famine and Food Supply in the Graeco-Roman World* (Cambridge).

Gelzer, M. (1912) *Die Nobilitat der romischen Republik* (Leipzig–Berlin).

Giovannini, A. (1995) 'Catilina et le problème des dettes', in *Leaders and Masses in the Roman World. Studies in Honor of Zvi Yavetz*, ed I. Malkin and Z. W. Rubinsohn (Leiden–New York–Cologne) 15–32.

Grieve, L. J. (1985) 'The reform of the *comitia centuriata*', *Historia* 34: 278–309.

Gruen, E. S. (1974) *The Last Generation of the Roman Republic* (Berkeley).

(1991) 'The exercise of power in the Roman republic', in *City States in Classical Antiquity and Medieval Italy*, ed. A. Molho, K. Raaflaub, J. Emlen (Ann Arbor–Stuttgart) 252–67.

Hahn, I. (1975) 'Der Klassenkampf der plebs urbana in den letzten Jahrzehnten der römischen Republik', in *Die Rolle der Volksmassen in der Geschichte der vorkapitalistischen Gesellschaftsformationen*, ed. J. Herrmann and I. Sellow (Berlin) 435–50.

Hall, U. (1964) 'Voting procedure in Roman assemblies', *Historia* 13: 267–306.

(1972) 'Appian, Plutarch and the tribunician elections of 123 BC', *Athenaeum* 50: 3–35.

(1990) 'Greeks and Romans and the secret ballot', in *'Owls to Athens'. Essays on Classical Subjects Presented to Sir Kenneth Dover*, ed. E. M. Craik (Oxford) 191–9.

(1998) ' "Species libertatis": voting procedure in the late Roman republic', in *Modus Operandi: Essays in Honour of Geoffrey Rickman*, ed. M. Austin, J. Harries, C. Smith (*BICS* Suppl. 71: London) 15–30.

Hansen, M. H. (1987) *The Athenian Assembly in the Age of Demosthenes* (Oxford).

(1991) *The Athenian Democracy in the Age of Demosthenes* (Oxford).

(1993) 'The battle exhortations in ancient historiography: fact or fiction?', *Historia* 42: 161–80.

(1995) 'The Athenian ecclesia and the Swiss Landesgemeinde', in *Demokratia*, ed. K. H. Kinzl (Darmstadt) 324–49.

(1996) 'Reflections on the number of citizens accommodated in the assembly place of the Pnyx', in *The Pnyx in the History of Athens*, ed. B. Forsén and G. Stanton (Helsinki) 23–33.

Harris, W. V. (1989) *Ancient Literacy* (Cambridge, Mass.).

(1990) 'On defining the political culture of the Roman republic: some comments on Rosenstein, Williamson, and North', *CP* 85: 288–94.

Heikkilä, K. (1993) '*Lex non iure rogata*: senate and annulment of laws in the Late Republic', *AIRF* 13: 117–42.

Hellegouarc'h, J. (1972) *Le vocabulaire latin des relations et des partis politique sous la république* (Paris) 2nd edn.

Hoffman, W. (1951) 'Plebs', *RE* 21, 1: 73–103.

Hölkeskamp, K.-J. (1987) *Die Entstehung der Nobilität* (Stuttgart).

(1995) 'Oratoris maxima scaena: Reden vor dem Volk in der politischen Kultur der Republik', in *Demokratie in Rom? Die Rolle des Volkes in der Politik der römischen Republik*, ed. M. Jehne (Historia Einzelschriften 96: Stuttgart) 11–49.

Hopkins, K. (1978) *Conquerors and Slaves: Sociological Studies in Roman History*, vol. I (Cambridge).

(1983) *Death and Renewal: Sociological Studies in Roman History*, vol. II (Cambridge).

(1991) 'From violence to blessing: symbols and rituals in ancient Rome', in *City States in Classical Antiquity and Medieval Italy*, ed. A. Molho, K. Raaflaub, J. Emlen (Ann Arbor–Stuttgart) 479–98.

Jehne, M. (1993) 'Geheime Abstimmung und Bindungswesen in der römischen Republik', *HZ*: 593–613.

(1995) 'Die beeinfluss von Entscheidungen durch "Bestechung": zur Funktion des Ambitus in der römischen Republik', in *Demokratie in Rom? Die Rolle des Volkes in der Politik der römischen Republik*, ed. M. Jehne (Historia Einzelschriften 96: Stuttgart) 51–76.

Johnson, T. and C. Dandeker (1989) 'Patronage: relation and system', in *Patronage in Ancient Society*, ed. A. Wallace-Hadrill (London–New York) 219–42.

Joshel, S. R. (1992) *Work, Identity and Legal Status at Rome* (Oklahoma).

Kornemann, E. (1900) 'Collegium', *RE* 4,1: 380–480.

Krause, C. (1981) 'Per una riconstruzione grafica del Comizio', *PP* 36: 71–2.

Kunkel, W. (1995) *Staatsordnung und Staatspraxis der römischen Republik* (Munich).

Kühnert, B. (1989) '*Populus Romanus* und *sentina urbis*: zur Terminologie der *plebs urbana* der späten Republik bei Cicero', *Klio* 71: 432–41.

(1991) *Die plebs urbana der späten römischen Republik: Ihre ökonomischen Situation und soziale Struktur* (Berlin).

La Rocca, E. (1995) 'Sul Circo Flaminio', *Arch. Laz.* 12: 103–19.

Laser, G. (1997) *Populo et scaenae serviendum est: Die Bedeutung der städtischen Masse in der späten Römischen Republik* (Trier).

Last, H. (1932) 'Tiberius Gracchus', *CAH* IX: 1–39.

Le Gall, J. (1971) 'Rome, ville de fainéants?', *REL* 49: 266–77.

Liebenam, W. (1900) 'Contio', *RE* 4,1: 1149–53.

(1903) 'Divisor', *RE* 5: 1237–8.

Linderski, J. (1961) 'Ciceros Rede pro Caelio und die Ambitus- und Vereinsgesetzgebung der ausgehenden Republik', *Hermes* 89: 106–19.

(1985) 'Buying the vote: electoral corruption in the late republic', *Anc. World* 11: 87–94.

Lintott, A. W. (1968) *Violence in Republican Rome* (Oxford).

(1987) 'Democracy in the Middle Republic', *ZSSR* 104: 34–52.

(1990) 'Electoral bribery in the Roman republic', *JRS* 80: 1–16.

(1994) 'The crisis of the republic: sources and source-problems', *CAH* IX: 1–15.

Lo Cascio, E. (1994) 'The size of the Roman population: Beloch and the meaning of the Augustan census figures', *JRS* 84: 23–40.

(1997) 'Le procedure di *recensus* dalla tarda repubblica al tardo antico e il calcolo della popolazione di Roma', in *La Rome impériale. Démographie et logistique* (Collection de l'école français de Rome 230: Rome) 1–76.

Lotze, D. (1995) 'Die Teilhabe des Bürgers an Regierung und Rechtsprechung', in *Demokratia*, ed. K. H. Kinzl (Darmstadt).

Luisi, N. D. (1995) 'Sul problema delle tabelle di voto nelle votazioni legislative: contributo all'interpretazione di Cic. "ad Att." 1.14.5', *Index* 23: 419–51.

McGoshin, P. (1994) *Sallust: The Histories*, vol. II (Oxford).

Mackie, N. (1992) '*Popularis* ideology and popular politics at Rome in the first centuries BC', *RhM* 135: 49–73.

MacMullen, R. (1980) 'How many Romans voted?', *Athenaeum* 58: 454–7.

Marble, M. M. (1985) 'Jury pay and assembly pay at Athens', in *Crux: Essays presented to G. E. M. de Ste Croix on his 75th birthday*, ed. P. A. Cartledge, F. D. Harvey (Exeter) 265–97.

Marshall, B. A. (1997) '*Libertas populi*: the introduction of secret ballot in Rome and its depiction on coinage', *Antichthon* 31: 54–73.

Meier, C. (1956) 'Praerogativa centuria', *RE* Suppl. 8: 567–98.

(1965) 'Populares', *RE* Suppl. 10: 549–615.

(1980) *Res publica amissa* (Frankfurt am Main); 1st edn (Wiesbaden 1966).

Michels, A. K. (1967) *The Calendar of the Roman Republic* (Princeton).

Millar, F. (1984) 'The political character of the classical Roman republic', *JRS* 74: 1–19.

(1986) 'Politics, persuasion and the people before the Social War (150–90 BC)', *JRS* 76: 1–11.

(1989) 'Political power in mid-republican Rome: Curia or Comitium?', *JRS* 79: 138–50.

(1995a) 'Popular politics at Rome in the late republic', in *Leaders and Masses in the Roman World. Studies in Honor of Zvi Yavetz*, ed. I. Malkin and Z. W. Rubinsohn (Leiden–New York–Cologne) 91–113.

(1995b) 'The Roman *libertus* and civic freedom', *Arethusa* 28: 99–105.

(1998) *The Crowd in Rome in the Late Republic* (Michigan).

Molho, A., K. Raaflaub, J. Emlen, eds. (1991) *City States in Classical Antiquity and Medieval Italy* (Ann Arbor–Stuttgart).

Möller, C. (1993) 'Die Mecennarii in der römischen Arbeitswelt', *ZSSR* 110: 296–330.

Mommsen, Th. (1843) *De collegiis et sodaliciis Romanorum* (Kiel).

(1854–5) *Römische Geschichte*, 3 vols. (Leipzig).

(1887) *Römisches Staatsrecht*, 3 vols. (Leipzig).

Morel, J.-P. (1987) 'La topographie de l'artisanat et du commerce dans la Rome antique', in *L'urbs. Espace urbain et histoire Ier avant J.-C. – IIIe siècle après J.-C.* (Collection de l'école français de Rome 98: Rome) 127–55.

Morley, N. (1996) *Metropolis and Hinterland: Rome and the Economy of Italy* (Cambridge).

Morstein-Marx, R. (1998) 'Publicity, popularity and patronage in the *Commentariolum Petitionis*', *Class. Ant.* 17: 259–88.

Mouritsen, H. (1988) *Elections, Magistrates and Municipal Elite: Studies in Pompeian Epigraphy* (ARID Suppl. 15: Rome).
(1998) *Italian Unification: A Study in Ancient and Modern Historiography* (BICS Suppl. 70: London).
Muzzioli, M. P. (1995) 'I lavori per la Via Nazionale e il Diribitorium', *Riv. Ist. Naz. Arch. Stor. Arte* 18: 139–67.
Nadig, P. (1997) *Ardet Ambitus: Untersuchungen zum Phänomen der Wahlbestechungen in der römischen Republik* (Frankfurt am Main).
Nardo, D. (1970) *Il 'Commentariolum Petitionis'* (Padua).
Nicolet, C. (1970) 'Le livre III des Res Rusticae de Varron et les allusions au déroulement des comices tributes', *REA* 72: 129–30.
(1973) 'Polybe et les institutions romaines', *Entretiens sur l'antiquité classique* 20: 209–58.
(1976) 'Tessères frumentaires et tessères de vote', in *L'Italie Préromaine et la Rome Républicaine: Mélanges offerts à Jacques Heurgon* (Collection de l'ecole français de Rome 27) 708–16.
(1977) *Rome et la conquête du monde méditerranéen* (Paris).
(1980) *The World of the Citizen in Republican Rome* (London) 1st edn (Paris 1976).
(1983) 'Polybe et la "constitution" de Rome: aristocratie et démocratie', in *Demokratia et aristokratia* (Paris) 15–35.
Nielsen, I. and B. Poulsen (1992) *The Temple of Castor and Pollux*, vol. I (Rome).
Nippel, W. (1980) *Mischverfassungstheorie und Verfassungsrealität in antike und früher Neuzeit* (Stuttgart).
(1981) 'Die Plebs urbana und die Rolle der Gewalt in der späten römischen Republik', in *Von Elend der Handarbeit*, ed. H. Mommsen and W. Schulze (Stuttgart) 70–92.
(1995) *Public Order in Ancient Rome* (Cambridge).
North, J. A. (1990) 'Politics and aristocracy in the Roman republic', *Past and Present* 126: 3–21.
Nowak, K. J. (1973) 'Der Einsatz privater Garden in der späten römischen Republik' (Diss. Munich).
Packer, J. E. (1967) 'Housing and population in imperial Ostia and Rome', *JRS* 57: 80–9.
(1968–9) 'La Casa di Via Giulio Romano', *Bull.Com.* 81: 127–48.
Palmer, R. E. A. (1971) 'Tre lettere in cerca di storico', *RFIC* 99: 385–409.
Palombi, D. (1997) *Tra Palatino ed Esquilini: Velia, Carinae, Fagutal: storia urbana di tre quartiere di Roma antica* (Rome).
Pani, M. (1997) *La politica in Roma antica: cultura e prassi* (Rome).
Paterson, J. (1985) 'Politics in the late republic', in *Roman Political Life 90 BC–AD 69*, ed. T. P. Wiseman (Exeter) 21–43.
Patterson, J. R. (1994) 'The *collegia* and the transformation of the towns in the second century AD', in *L'Italie d'Auguste à Dioclétien* (Collection de l'école français de Rome 198: Rome) 227–38.
Perelli, L. (1982) *Il movimento popolare nell'ultimo secolo della repubblica* (Turin).
(1990) *Il pensiero politico di Cicerone* (Florence).
Picard, G.-Ch. (1965) 'L'aedes libertatis de Clodius au Palatin', *REL* 43: 220–37.

Pina Polo, F. (1995) 'Procedures and functions of civil and military contiones in Rome', *Klio* 77: 203–16.
(1996) *Contra arma verbis: Der Redner vor dem Volk in der späten römischen Republik* (HABES 22: Heidelberg).
Prell, M. (1997) *Armut im antiken Rom* (Stuttgart).
Purcell, N. (1994) 'The city of Rome and the *plebs urbana* in the late Republic', *CAH* IX: 644–88.
(1995) 'Forum Romanum', *Lex.Top.Urb.Rom*. 2: 325–36.
(1996) 'Rome and its development under Augustus and his successors', *CAH* X: 783–811.
Ramage, E. S. (1987) *The Nature and Purpose of Augustus' 'Res Gestae'*, (Historia Einzelschriften 54: Stuttgart).
Richardson, J. S. (1971) 'The "Commentariolum petitionis"', *Historia* 20: 436–42.
Ritter, H.-W. (1998) 'Zu Libertas und den Tabellargesetzen in der republikanischen Münzprägung', in *Imperium Romanum: Studien zu Geschichte und Rezeption. Festschrift für Karl Christ zum 75. Geburtstag* ed. P. Kneissl, V. Losemann (Stuttgart) 608–14.
Rodriguez Almeida, E. (1980) *Forma urbis marmorea: Aggiornamento generale* (Rome).
Rosenstein, N. (1993) 'Competition and crisis in mid-Republican Rome', *Phoenix* 47: 313–38.
Rouland, N. (1981) *Rome: Democratie impossible?*
Royo, M. (1987) 'Le quartier républicain du Palatin: nouvelles hypothèses de localisation', *REL* 65: 89ff.
(1999) *Domus Imperatoriae* (BEFAR 303: Rome).
Ryan, F. X. (1994) 'The reliability of Asconius In Cornelianam 69C', *Riv. It. Fil. Clas*. 12: 103–9.
Saller, R. (1982) *Personal Patronage under the Early Empire* (Cambridge).
Scheer, R. (1971) 'Vindex libertatis', *Gymnasium* 78:182–8.
Scheidel, W. (1994) 'Libitina's bitter gains: seasonal mortality and endemic disease in the ancient city of Rome', *Anc. Soc*. 25: 151–75.
Schofield, M. (1995) 'Cicero's definition of *Res Publica*', in *Cicero the Philosopher*, ed. J. G. F. Powell (Oxford) 63–83.
Scobie, A. (1986) 'Slum, sanitation, and mortality in the Roman world', *Klio* 68: 309–433.
Scullard, H. H. (1973) *Roman Politics, 220–150 BC* (Oxford) 2nd edn.
Seager, R. (1972) 'Cicero and the word *popularis*', *CQ* 22: 328–38.
Shackleton Bailey, D. R. (1965–70) *Letters to Atticus*, 7 vols. (Cambridge).
(1981) *Cicero. Epistulae ad Quintum Fratrem et M. Brutum* (Cambridge).
(1991) *Cicero. Back From Exile: Six Speeches upon His Return* (Chicago).
Shatzman, I. (1975) *Senatorial Wealth and Roman Politics* (Coll. Latomus 142: Brussels).
Spielvogel, J. (1997) 'P. Clodius Pulcher – eine politische Ausnahmeerscheinung der späten Republik?', *Hermes* 125: 58–74.
Stanton, G. (1996) 'The shape and size of the Athenian assembly place in its second phase', in *The Pnyx in the History of Athens*, ed. B. Forsén and G. Stanton (Helsinki) 7–21.

Staveley, E. S. (1972) *Greek and Roman Voting and Elections* (London).
Stockton, D. (1971) *Cicero: A Political Biography* (Oxford).
Storey, G. R. (1997) 'The population of ancient Rome', *Antiquity* 71: 966–78.
Stylow, U. A. (1972) 'Libertas und Liberalitas: Untersuchungen zur innenpolitischen Propaganda der Römer' (Diss. Munich).
Syme, R. (1939) *The Roman Revolution* (Oxford).
Taylor, L. R. (1949) *Party Politics in the Age of Caesar* (Berkeley).
(1960) *The Voting Districts of the Roman Republic* (Rome).
(1962) 'Forerunners of the Gracchi', *JRS* 52: 19–27.
(1963) 'Was Tiberius Gracchus' last assembly electoral or legislative?', *Athenaeum* 41: 39–69.
(1966a) *Roman Voting Assemblies* (Ann Arbor).
(1966b) 'Appian and Plutarch on Tiberius Gracchus' last assembly', *Athenaeum* 44: 238–50.
Thommen, L. (1989) *Das Volkstribunat der späten römischen Republik* (Historia Einzelschriften 59: Stuttgart).
(1995) 'Les lieux de la plèbe et de ses tribuns dans la Rome républicaine', *Klio* 77: 358–70.
Treggiari, S. (1969) *Roman Freedmen during the Late Republic* (Oxford).
(1980) 'Urban labour in Rome: *mercennarii* and *tabernarii*', in *Non-slave Labour in the Graeco-Roman World*, ed. P. Garnsey (PCPS Suppl. 6: Cambridge) 48–64.
Ulrichs, R. B. (1994) *The Roman Orator and the Sacred Stage* (Collection Latomus 222: Brussels).
Vaathera, J. (1993) 'On the religious nature of the place of assembly', *AIRF* 13: 97–116.
Vanderbroeck, P. J. J. (1987) *Popular Leadership and Collective Behavior in the Late Roman Republic (ca. 80–50 BC)* (Amsterdam).
Venturini, C. (1984) 'L'orazione pro Plancio e la lex Licinia', in *Studi in onore di Cesare Sanfilippo*, 8 vols. (1982–91), (Milan) 5: 789–804.
Veyne, P. (1990) *Bread and Circuses* (London), 1st edn (Paris 1976).
Virlouvet, C. (1985) *Famines et émeutes à Rome des origines de la république à la mort de Néron* (Collection de l'école français de Rome 87: Paris–Rome).
(1995) *Tessera Frumentaria: Les procédures de distribution du blé public à la fin de la république et au début de l'empire* (BEFAR 286: Rome).
(1996) 'Une allusion varronienne aux fraudes de Clodius? À propos de *res rusticae* III.5.18', *MEFRA* 108: 873–901.
Walbank, F. W. (1972) *Polybius* (Berkeley).
(1995) 'Polybius' perception of the one and the many', in *Leaders and Masses in the Roman World. Studies in Honor of Zvi Yavetz*, ed. I. Malkin and Z. W. Rubinsohn (Leiden–New York–Cologne) 201–22.
Wallace-Hadrill, A. (1989) 'Patronage in Roman society: from republic to empire', in *Patronage in the Ancient World*, ed. A. Wallace-Hadrill (London–New York) 63–87.
Wallinga, T. (1994) 'Ambitus in the Roman world', *Rev. Int. Dr. Ant.* 41: 411–42.
Waltzing, J.-P. (1895–1900) *Etude historique sur les corporations professionelles chez les Romains*, 4 vols. (Louvain).

Whittaker, C. R. (1993) 'The poor', in *The Romans*, ed. A. Giardina (Chicago–London) 282–99.
Will, W. (1991) *Der römische Mob* (Darmstadt).
Wirszubski, C. (1950) *Libertas as a Political Idea at Rome during the Late Republic and Early Principate* (Cambridge).
Wiseman, T. P. (1969) 'The census in the first century BC', *JRS* 59: 59–75.
(1971) *New Men in the Roman Senate 139 BC–AD 14* (Oxford).
(1974) 'The Circus Flaminius', *PBSR* 42: 2–26.
(1985) 'Competition and co-operation', in *Roman Political Life 90 BC–AD 69*, ed. T. P. Wiseman (Exeter) 3–19.
(1994) 'The senate and the *populares*', *CAH* IX: 327–67.
(1999) 'Democracy *alla romana*', *JRA* 12: 537–40.
Wood, N. (1988) *Cicero's Social and Political Thought* (Berkeley).
Yakobson, A. (1992) '*Petitio* and *largitio*: popular participation in the centuriate assembly of the late republic', *JRS* 82: 32–52.
(1995) 'Secret ballot and its effect in the late Roman republic', *Hermes* 123: 426–42.
(1999) *Elections and Electioneering in Rome: A Study in the Political System of the Late Republic* (Historia Einzelschriften 128: Stuttgart).
Yavetz, Z. (1958) 'The living conditions of the urban *plebs* in republican Rome', *Latomus* 17: 500–17.
(1969) *Plebs and Princeps* (Oxford).
Ziolkowski, A. (1996) 'Of streets and crossroads: the location of the Carinae', *MAAR* 41: 121–51.

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