



Mass Oratory
AND
Political Power
IN THE
Late Roman Republic

ROBERT MORSTEIN-MARX

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MASS ORATORY AND POLITICAL POWER IN THE LATE ROMAN REPUBLIC

This book highlights the role played by public political discourse in shaping the distribution of power between Senate and People in the late Roman Republic. Against the background of the current debate between “oligarchical” and “democratic” interpretations of Republican politics, Robert Morstein-Marx emphasizes the perpetual negotiation and reproduction of political power through mass communication. It is the first work to offer an extensive analysis of the ideology of Republican mass oratory and to situate its rhetoric fully within the institutional and historical context of the public meetings (*contiones*) in which these speeches were heard. Examples of contional orations, drawn chiefly from Cicero and Sallust, are subjected to an analysis that is influenced by contemporary political theory and empirical studies of public opinion and the media, rooted in a detailed examination of key events and institutional structures, and illuminated by a vivid sense of the urban space in which the *contio* was set.

ROBERT MORSTEIN-MARX is Professor of Classics at the University of California, Santa Barbara. He is the author of *Hegemony to Empire: the Development of the Roman Imperium in the Greek East, 149–62 BC* (Berkeley and Los Angeles, 1995).

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To Sara, Eric, and Matthew

Contents

<i>List of figures and maps</i>	page viii
<i>Acknowledgments</i>	ix
<i>Note on translations</i>	xii
<i>List of abbreviations</i>	xiii
1 Introduction	I
2 Setting the stage	34
3 Civic knowledge	68
4 The Voice of the People	119
5 Debate	160
6 Contional ideology: the invisible “optimate”	204
7 Contional ideology: the political drama	241
8 Conclusion	279
<i>References</i>	288
<i>Index</i>	306

Figures and maps

FIGURES

1 Plans of the Republican Rostra. From Gjerstad 1941: 125, fig. 6	<i>page</i> 46
2 Reconstruction of the late-Republican Rostra. From Gjerstad 1941: 143, fig. 10	49
3 Denarius of M. Lollius Palicanus, 45 BC (<i>RRC</i> 473/1). Given by Arthur W. Young. Fitzwilliam Museum, Y.507-1936	52
4 Reverse of denarius of Faustus Cornelius Sulla, 56 BC (<i>RRC</i> 426/1). Given by Arthur W. Young. Fitzwilliam Museum, Y.445-1936	84
5 Reverse of denarius of Ti. Minucius Augurinus, c. 134 BC (<i>RRC</i> 243/1). On loan from Trinity College 1937. Fitzwilliam Museum	91

MAPS

1 Rome in the late Republic	43
2 The area of the Forum in the late Republic	44

Acknowledgments

This project began more than a decade ago with a paper delivered to the annual meeting of the American Philological Association in December 1992, which contained in fifteen minutes' compass the kernel of the argument of this book. Many interruptions, professional and private, have slowed its progress, and it has at times been nerve-wracking to monitor the constant stream of new publications emerging from the very debates that gave rise to this book. In retrospect, I find that while some of my points have now been anticipated, at least in part, many others have been greatly enriched by work that has come out since 1992, and that there still seems to be room for my own synthesis of the material. I know well that this will be far from the last word on the *contio* and Republican mass oratory. My greatest hope for the book is that it might stimulate, rather than foreclose, further debate on some central, though relatively neglected, phenomena of Roman political life.

It is a real pleasure to recall how many colleagues and friends have assisted me in this project over the years. Constraints of space prevent me from expressing my gratitude to all as fully as I would like, yet the signal services of some must be publicly acknowledged. Andrew Dyck, Erich Gruen, Alexander Jakobson, and two anonymous readers for the Press took up the burden of reading the penultimate draft of the manuscript; their comments, corrections, and objections contributed immeasurably to the value of this work. (Of course, any slips and errors that remain are my own responsibility alone.) Nathan Rosenstein read and commented on an earlier draft and cheerfully answered many a query that I would have been too embarrassed to ask others. Fergus Millar generously allowed me to see a draft of *The Crowd in Rome* in advance of its publication, and over the whole course of this project has been most kind and supportive despite our numerous points of disagreement – which on my part, at least, seem to be rather fewer now than when I began. My thinking has been repeatedly stimulated by conversations with Anthony Corbeill, who also kindly showed me some of his

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Two important books that were published in 2002 and came into my hands too late to be integrated into the present argument are Peter Holliday's *Origins of Roman Historical Commemoration in the Visual Arts* (Cambridge: Cambridge University Press) and Fergus Millar's *Roman Republic in Political Thought* (Hanover, NH and London: University Press of New England); I urge readers to consult the first especially in connection with my third chapter and the second with my introduction and conclusion. I have tried to give due attention to all relevant works published through 2001. It would be unrealistic to assume that I have done so with fully equal success in all the fields and sub-disciplines represented in this book, ranging from Republican political history to Ciceronian oratory to Roman topography, monuments and coins, and I apologize in advance to any whose work has been unjustly overlooked. In this connection, I would like to thank especially Karl-Joachim Hölkeskamp, who very kindly shared some of his remarkable bibliographical knowledge and in particular offered guidance with recent German scholarship. Here at the University of California, Santa Barbara, my colleagues in the Political Science Department, Peter Digeser and Eric Smith, offered valuable and stimulating bibliographical suggestions in their field. I would also like to thank Michael Sharp, Commissioning Editor for Classics at Cambridge University Press, for the interest he took in this project and the efficiency with which he has seen it through. Readers, as well as I, owe thanks too to Jan Chapman, my indefatigable copy-editor, who

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Note on translations

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All other translations are by the author.

Abbreviations

- C A. C. Clark, ed., *Q. Asconii Pediani orationum Ciceronis quinque enarratio* (OCT), Oxford, 1907
- CIL* *Corpus Inscriptionum Latinarum*
- Cr J. W. Crawford, ed., *M. Tullius Cicero: the Fragmentary Speeches*, 2nd edn., Atlanta, 1994
- FGrH* F. Jacoby, *Fragmenta der griechischen Historiker*, Berlin and Leiden, 1923–
- Gordon A. E. Gordon, *Illustrated Introduction to Latin Epigraphy*, Berkeley, 1983
- Greenidge–Clay A. H. J. Greenidge and A. M. Clay, *Sources for Roman History, 133–70 BC*, rev. by E. W. Gray, Oxford, 1960
- IIt* *Inscriptiones Italiae*
- ILLRP* A. Degrassi, *Inscriptiones Latinae Liberae Rei Publicae*, 2 vols., Florence, 1965
- ILS* H. Dessau, *Inscriptiones Latinae Selectae*, 5 vols., Berlin, 1892–1916
- L W. M. Lindsay, ed., *Sextus Pompeius Festus: De verborum significatu quae supersunt cum Pauli epitome* (Teubner), Leipzig, 1913
- LTUR* *Lexicon Topographicum Urbis Romae*, 6 vols., Rome, 1993–2000
- M B. Maurenbrecher, ed., *C. Sallusti Crispi Historiarum reliquiae*, 2 vols., Leipzig, 1891–93
- MRR* T. R. S. Broughton, *Magistrates of the Roman Republic*, 3 vols., New York, 1951–86
- OLD* P. W. Glare, ed., *Oxford Latin Dictionary*, Oxford, 1982
- ORF* E. Malcovati, *Oratorum Romanorum Fragmenta*, 4th edn., Torino, 1976

- Peter H. Peter, *Historicorum Romanorum Reliquiae*, 2nd edn., 2 vols., Leipzig, 1906–14
- RE* A. Pauly, G. Wissowa, and W. Kroll, *Real-Encyclopädie der classischen Altertumswissenschaft*, Stuttgart and Munich, 1893–
- Roman Statutes* M. H. Crawford, ed., *Roman Statutes* (Bull. of the Institute of Classical Studies 64), 2 vols., London, 1996
- RRC* M. H. Crawford, *Roman Republican Coinage*, 2 vols., Cambridge, 1974
- St T. Stangl, ed., *Ciceronis Oratorum Scholiastae*, Vienna, 1912
- TLL* *Thesaurus Linguae Latinae*, Leipzig, 1900–

CHAPTER I

Introduction

MASS ORATORY AND POLITICAL ACTION

At around sundown on January 18, 52 BC, the battered corpse of the popular hero P. Clodius Pulcher, murdered earlier that day on the Appian Way on the orders of T. Annius Milo, was carried through the Porta Capena into Rome, borne on the litter of a senator who had passed by the scene of the crime and, after giving instructions for the conveyance of the body, prudently retraced his steps.¹ A huge crowd of the poorest inhabitants of the metropolis and slaves flocked in mourning and indignation to the impromptu cortège as it made its way to Clodius' house on the upper Sacred Way, on the lower slope of the northern Palatine (see maps 1 and 2, pp. 43–44);² there his widow set the body on display in the great atrium of the house, poured forth bitter lamentations, pointed out his wounds to the angry multitude. The crowd kept vigil through the night in the Forum,³ and next morning reassembled at Clodius' house in vengeful mood, joined now by two tribunes of the plebs, T. Munatius Plancus and Q. Pompeius Rufus. The tribunes called upon the gathering multitude to carry the corpse on its bier down to the Forum and onto the Rostra, the speakers' platform, where the wounds inflicted by Milo's cutthroats and gladiators could be seen by all. At that very spot, on the morning of the previous day, Pompeius Rufus and a third tribune, the future historian C. Sallustius Crispus, had harangued the People,⁴ no doubt inveighing against Milo's candidacy, against which they had been fighting a determined struggle for weeks in favor of protégés of the great Pompey. Now, a day later, the tribunes had better material: they unleashed a fiery discourse in place of a funeral eulogy, whipping up

¹ My narrative is largely a paraphrase of Asconius' introduction to Cicero's *Pro Milone* (32–33 C).

² For a plausible identification of the location and remains of the house (formerly that of M. Aemilius Scaurus at the corner of the Sacra Via and Clivus Palatinus, bought by Clodius in 53), see Carandini 1988: 359–73, esp. 369, n. 35; cf. E. Papi, *LTUR* II.85–86, 202–204.

³ App. *B Civ.* 2.21.

⁴ Asc. 49 C (cf. Cic. *Mil.* 27, 45, where a date of January 17 is intentionally and misleadingly suggested).

indignation against Milo over the corpse of his enemy. Afterwards, their audience, passionately stirred, needed little prompting from an old Clodian partisan, a civil servant (“scribe”) named Sex. Cloelius, to make a suitable pyre for their hero: carrying his corpse into the adjacent Senate-house, they heaped up benches, tables, and other unconventional fuel such as state documents, and set the whole building aflame. The Curia, a monument of the much-hated Sulla and the oligarchic régime he had installed, was consumed by the flames, which spread to the Basilica Porcia next door and damaged hallowed monuments in the Comitium in front, the focal point of the city. Flushed with consciousness of impunity, the roving mob turned to more pragmatic ends, attacking and ransacking the house of the *interrex* in an attempt to force an immediate election of consuls (thus to ensure Milo’s defeat), then Milo’s house, where it at last met some determined resistance. Deflected thence, this “Clodian mob” seized funerary replicas of the rods (*fusces*) that were the emblem of executive power (*imperium*) and offered them first to Milo’s consular competitors in what may have amounted to a symbolic popular election, then to Pompey in his suburban villa, calling on him variously as consul and as dictator.⁵

The burning of the Senate-house caused some revulsion of feeling among the urban populace. This encouraged Milo to return to the city that very night (January 19) and resume his candidacy. He distributed “gifts” to the tribes with extravagant generosity, and a few days afterwards a friendly tribune, M. Caelius Rufus, held a public meeting, probably at the Rostra itself, where he could make good rhetorical use of the burnt-out shell of the Curia at his back, and, no doubt, of a well-compensated audience, which he hoped (one source plausibly claims) could be induced to simulate a public acquittal.⁶ Caelius, together with his mentor, Cicero, and Milo himself, spoke in his defense, blending what was true – that Milo had not planned to ambush Clodius – with what was, in fact, false – that Clodius had lain in

⁵ The funerary riot has now been interestingly analyzed by Sumi 1997. On the *scriba* Cloelius, see Benner 1987: 156–58; Damon 1992. “Hallowed monuments” refers to the statue of Attus Navius (Plin. *HN* 34.21; see below, p. 96). Lambinus’ persuasive emendation of Cic. *Mil.* 91, printed in Clark’s OCT and defended by him at Clark 1895: 81–82, shows that the crowd brought the *fusces* to a *contio* before the Temple of Castor, perhaps as if assembling for a legislative vote of the *concilium plebis*. Of Milo’s two known houses, the one on the Clivus Capitolinus, which seems to have enjoyed a reputation as a kind of fortress (Cic. *Mil.* 64), seems a more obvious and immediate target for a mob in the Forum than his other house on the Cermalus (*pace* Sumi, pp. 85–86; on the houses, see Maslowski 1976; E. Papi, *LTUR* 11.32). Sumi, p. 86, believes the attack on Lepidus’ house followed two days afterwards (cf. Asc. 43 C); contra, Ruebel 1979: 234–36, and B. A. Marshall 1985: 169.

⁶ For this particular claim, see App. *B Civ.* 2.22; note the similar charge made by Q. Metellus Scipio in the Senate (Asc. 35 C: *ad defendendos de se rumores*). Ruebel’s date of c. Jan. 27 (Ruebel 1979: 237, n. 14) is only approximate.

wait for Milo on the Appian Way. The speeches were interrupted, however, by the attack of an armed mob led by the other tribunes.⁷ At about the same time, on January 23, one of these tribunes, Q. Pompeius Rufus, sought to stoke public indignation against Milo further by accusing him in another public meeting of trying, in addition, to assassinate Pompey.⁸

A chaotic struggle in the Forum and the streets of Rome now ensued, leading ultimately to Pompey's appointment as sole consul and (sometime in March, after an additional, intercalary month) the passage of legislation to deal with the violence of mid-January. It now becomes impossible to follow the events in sequence and full detail; but it is clear that the flurry of public meetings continued, and that the *contio* – the “informal,” that is, non-voting, form of popular assembly where public speeches were heard – remained a central stage of political action. Successfully turning the tables of public opinion after the *débauche* of the burning of the Senate-house, Munatius Plancus, Pompeius Rufus, and Sallust assiduously kindled and tended the flame of popular indignation against Milo with their “daily speeches” (or “meetings”):⁹ by turns they came before the People to assail senatorial schemes to fix the outcome of any trial by procedural maneuvers, to present (alleged) witnesses of Milo's suspicious actions after the event,¹⁰ to pour scorn on Milo's excuse for not turning over his slaves (who were acknowledged to have been the actual perpetrators) to give evidence under torture,¹¹ to arouse suspicion that he was making attempts on Pompey's life,¹² to incite popular anger against Milo's most prominent defenders, Cicero, Cato, and no doubt Caelius,¹³ and finally, on the day before the verdict was due, to urge the People “not to allow Milo to slip from their hands,” that is, to show up in force at the trial and display their anger to the jurors as they went to cast their vote.¹⁴ Certainly they won the battle for the hearts and minds of the People. According to our valuable source, Cicero's commentator Asconius, by the eve of the trial the urban populace generally,

⁷ Compare App. *B Civ.* 2.22 with Cic. *Mil.* 91. ⁸ Asc. 50–51 C.

⁹ *Cotidianae contiones*: see Asc. 51 C; cf. 37 C, Cic. *Mil.* 12. *Contio* can describe the meeting, the audience, or the speech delivered there: Gell. *NA* 18.7.5–8.

¹⁰ Asc. 37 C.

¹¹ This would be the occasion for the *turbulenta contio* calmed by Cato: Cic. *Mil.* 58 (see Pina Polo 1989: no. 330). For the practice of exposing opponents to popular anger, see below, pp. 161–72; for the controversy, see Asc. 34–35 C.

¹² Asc. 51–52 C; cf. 36, 38 C.

¹³ Asc. 37–38 C; Cic. *Mil.* 47, 58. For Caelius, see Asc. 36 C: his denunciation of Pompey's laws, and Pompey's response, almost certainly belong in *contiones* preceding the popular votes, since the senatorial decree had already been passed.

¹⁴ Asc. 40, 42, 52 C; cf. Cic. *Mil.* 3, 71. For the individual *contiones* of the first half of 52, see the catalog of Pina Polo 1989: 304–6, nos. 326–36.

not merely the *Clodiani*, was bitterly hostile to Milo and indeed to Cicero because of his unpopular defense of the man.¹⁵ Whether or not popular indignation actually was a leading factor in the outcome of the trial,¹⁶ it is tolerably clear that the tribunes' effective use of the contional stage to mobilize public opinion produced the circumstances in which Pompey's sole consulship became thinkable, ensured passage of the Pompeian laws which closed Milo's most promising escape route, and (along with Pompey as sole consul, of course) forced the Senate to acquiesce in endorsing that legislation as the basis for Milo's trial.¹⁷

Asconius' account of these events, which I have followed closely above, is exceptionally detailed by the standards of Roman Republican history – comparable in its density to some of the most vivid narratives in the letters of Cicero, but wider in perspective and far less partisan. Through it we see, with unusual clarity, the importance of the public sphere¹⁸ of Roman politics, which has until recently tended (at least in Anglophone scholarship) to be downplayed in favor of a substratum of personal and private connections of “friendship” and patronage, ostensibly the “real” field of power, cloaked by the clouds of political rhetoric. Following the lead of Ronald Syme's *Roman Revolution*, with its brilliant penetration of the “screen and sham” of the Roman constitution and masterly puncturing of rhetorical hypocrisy, we have tended to dismiss, and finally to overlook, public, political speech altogether.¹⁹ For Syme, famously, “as in its beginning, so in its last generation, the Roman Commonwealth, ‘res publica populi Romani,’ was a name; a feudal order of society still survived in a city-state and governed an empire”; moreover, “in all ages, whatever the form and name of government, be it monarchy, republic, or democracy, an oligarchy lurks behind the façade; and Roman history, Republican or Imperial, is the history of the governing class.”²⁰ It followed that the Roman historian's true business was to penetrate the façade, to get behind the speechifying and legislating that

¹⁵ Asc. 37–38 C. To his credit, Asconius implicitly distinguishes between the *infensa/inimica multitudo* discussed here and the *Clodiani* whose shouts ruined Cicero's performance (41–42 C). For the employment of prepared claqueurs and hecklers, see below, pp. 131–36.

¹⁶ See n. 15; Asconius, for what it is worth, believed, or assumed, that the verdict was determined by the key facts established in the case (53 C): cf. chap. 7, n. 66.

¹⁷ The tribunes foiled, or distorted, the will of the Senate by vetoing half of a divided motion: Cic. *Mil.* 12–14, with Asc. 43–45 C. On the nature of the division, see chap. 3, n. 219.

¹⁸ A phrase I am not using in the quasi-technical sense given it by Jürgen Habermas, but merely to denote the open, communal realm of speech and action.

¹⁹ For “Screen and a sham,” see Syme 1939: 15; “rhetorical hypocrisy,” *ibid.*, chap. II, “Political Catchwords.”

²⁰ Syme 1939: 11–12; 7.

garishly but superficially flashed across it, in order to lay bare the abiding reality of factional maneuver.

There is truth here, of course. Yet it has become increasingly clear that this model of Roman politics, whose core Syme adopted from his German predecessors, Matthias Gelzer and Friedrich Münzer, and brilliantly wedded to a compellingly dark vision and historiographical style drawn from Tacitus, simply leaves too much out of the picture. In 1986 Fergus Millar complained that “we have ceased to listen sufficiently to the actual content of oratory addressed to the people.”²¹ He was right. Just look at Syme’s own version – admittedly very brief, highly selective, but all the more telling for that – of the narrative of the prelude to Milo’s trial reviewed above:

When Milo killed Clodius, the populace in Rome, in grief for their patron and champion, displayed his body in the Forum, burned it on a pyre in the Curia, and destroyed that building in the conflagration. Then they streamed out of the city to the villa of Pompeius, clamouring for him to be consul or dictator.

The Senate was compelled to act. It declared a state of emergency and instructed Pompeius to hold military levies throughout Italy. The demands for a dictatorship went on: to counter and anticipate which, the *Optimates* were compelled to offer Pompeius the consulate, without colleague. The proposal came from Bibulus, the decision was Cato’s.

The pretext was a special mandate to heal and repair the Commonwealth. With armed men at his back Pompeius established order again and secured the conviction of notorious disturbers of the public peace, especially Milo, to the dismay and grief of the *Optimates*, who strove in vain to save him.²²

To be sure, the outraged populace is there: explicitly, in reference to its mourning for “their patron and champion,” and perhaps implicitly in the description of subsequent developments. (Or does Syme imply that it was in fact the invisible hand of Pompey which “compelled” the Senate to act, which orchestrated “demands” for a dictatorship and ultimately “compelled” the *optimates* to make him sole consul?) The remarkable feature, however, is the amazing disappearing act of the tribunes, “daily *contiones*” and all.²³ In this account there is no mediation, through political speech, between the levels of senatorial and popular action, and the *populus Romanus* (or at least the urban plebs), is reduced to a kind of arbitrary and mysterious automaton that on exceptional occasions such as this one trespasses upon the proper aristocratic business of politics. That is no accident, since it is presupposed by Syme’s model of Republican politics. Here, where a remarkably

²¹ Millar 1986: 1. ²² Syme 1939: 39. Compare Millar 1998: 181–85.

²³ Note, too, how it is Pompey – no mention of tribunes, *Clodiani*, the urban plebs or even the jurors – who “secured the conviction” of Milo and others.

informative source allows us an extraordinarily complete picture of a Republican crisis, the insidious occlusion of political speech becomes quite conspicuous. I say “insidious” because an appropriate skepticism toward the truth-value of political speech has here grown out of all proportion, to the point where it comes dangerously close to an *a priori* assumption, not susceptible of verification or refutation, applicable to any polity and thus hardly revelatory of anything peculiar to Rome. Hypocrisy is not uniquely Roman; but to the extent that it was indeed a salient characteristic of the political life of the Republic, it after all demonstrates fairly decisively the power of ideological speech. When Sallust writes that Republican politicians exploited “specious pretexts” such as “defending the rights of the People” or “upholding the authority of the Senate” in order to amass personal power under the pretext of the public good,²⁴ he evidently presumes that such ideas possessed real potency among his contemporaries.

On the other hand, to the extent that some historians’ bias against speech and symbol does not simply arise from, say, the attractions of a persona of skeptical cynicism or a personal inclination toward philosophical materialism, but seems to be founded on empirical judgments about the Romans themselves, this has been until recently manifestly the result of the unique prestige enjoyed by the “patron–client” model of Roman politics, especially in the English-speaking world, no doubt in good part because of the great influence of Syme’s work.²⁵ But recent studies have demonstrated that the increasingly exclusive (and sterile) emphasis on the patron–client model is misplaced and misleading.²⁶ Perhaps the jury is still out on the question of the precise explanatory force we are to give to patronage in Republican politics – a very real factor, surely, though not the fundamental one.²⁷ Yet what John North has harshly but aptly labelled the “frozen waste theory” of Republican politics, implying “that voting behaviour in the assemblies could be regarded as totally divorced from the opinions, interests and prejudices of the voters themselves,” is really no longer viable.²⁸

The king is dead, then, but we still linger in a conceptual and methodological interregnum. Alternative models of Republican politics have been

²⁴ Sall. *Cat.* 38.3.

²⁵ Note that Matthias Gelzer, whose youthful masterpiece of 1912, *Die römische Nobilität*, serves as a “foundation document” for the patron–client model, never took the possible implications of that brilliant study so far as did his intellectual descendants in the Anglophone “prosopographical school.”

²⁶ Especially Brunt 1988: 382–502; Morstein-Marx 1998; Yakobson 1999; Mouritsen 2001: esp. 67–79, 96–100.

²⁷ See Pani 1997: 132–40; Morstein-Marx 2000b; or Jehne’s observation (Jehne 1995a: 55–56) that patronage will often have been politically neutralized precisely because it was so all-pervasive.

²⁸ North 1990a: 6–7 (= North 1990b: 280).

adumbrated but have not yet been fully articulated, much less won generalized assent, although renewed interest in the ways in which the Roman People participated in what was after all called the *res publica* is strongly manifested in a rising torrent of recent studies.²⁹ Nearly two decades after the publication of Millar's seminal article calling upon us to "place in the centre of our conception the picture of an orator addressing a crowd in the Forum,"³⁰ we have learned much about the ubiquity and importance of the *contio* as a political institution but have only just begun to explore the nature, dynamics, and implications for the distribution of power of this vital point of contact between the two political entities of the Republic – *Senatus Populusque Romanus*.³¹ And Millar's increasingly provocative claims for the "democratic" status of the Roman Republic have sparked significant resistance, generally conceding his point about the importance of public speech in the *contio* but challenging his "optimistic" reading of its consequences.³² On the other hand, a new study of popular participation in the Republic now goes so far in the opposite direction as to conclude that "Late republican Rome emerges . . . 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."³³ Clearly there is work to be done.

I start with the premise that Millar was right to make the *contio*, with its crucial scenario of the orator "using the arts of rhetoric to persuade an anonymous crowd," the proper focus of investigation for those seeking to illuminate the nature of popular participation in the *res publica* and

²⁹ Besides works already listed in nn. 26–28, and others focused on the *contio* noted below (n. 31), see especially Millar 1984 and 1989; Yakobson 1992; Flaig 1995a; and Hölkeskamp 2000. Note too, the recent surveys of Pani 1997: esp. 140–69; and Lintott 1999: esp. 191–213.

³⁰ Millar 1986: 1.

³¹ Hölkeskamp 1995 and 2000 offers a stimulating challenge to Millar's views on the political effects of the *contio* (further elaborated in Millar 1995 and 1998), even while corroborating his claim for the central importance of this venue of élite-mass interaction. See also Bell 1997; Laser 1997: esp. 138–82; Mouritsen 2001: 38–62 (somewhat polemical); and, more generally, Fantham 1997. The most comprehensive recent studies of the *contio* specifically are Pina Polo 1989 and 1996; a convenient English summary of some of his findings appears in Pina Polo 1995.

³² In particular, Hölkeskamp 1995 and 2000, who emphasizes instead the importance of the *contio* for élite image-building, both individual and collective. Cf. Bell 1997; also Jehne 1995b. For the evolution of Millar's claims, note that in his earlier work on the subject he does not call the Republic a "democracy" *tout court*, but, borrowing explicitly from Polybius, speaks of a "democratic element" or "features" (Millar 1984: 14–19 is particularly illustrative), occasionally writing as if the Republic had a "proper place in the history of democratic values" (Millar 1986: 9). In Millar 1995, however, it became "undeniable that the constitution of the Roman republic was that of a direct democracy" (p. 94), and in Millar 1998 the assertion appears stronger, for example, "the constitution of the Roman *res publica* made it a variety of democracy" (p. 208; cf. p. 11). On all of this, see now Millar 2002.

³³ Mouritsen 2001: 132–33.

the ideological structure of the communal, civic world rather than Syme's "feudal order of society."³⁴ The unique importance of the *contio* lies in the fact that orators' attempts to win decisive public support in such meetings were the chief feature of the run-up to any vote on legislation, that most direct assertion of the Popular Will which, as Millar well shows, more or less covered the gamut of major political issues, foreign or "imperial" as well as domestic. (In the Republic, *all* legislation was passed by popular vote: in this sense, at least, Rome might be called a "direct democracy" in form.³⁵) Magistrates promulgated bills orally in a *contio*, at the same time posting up written copies of their proposals on whitened boards, and after 98 BC the passage of three successive market-days (thus a minimum of seventeen to twenty-five days), when the influx of people from outside the city would ensure maximum publicity, was required before the vote could be taken.³⁶ During this period a flurry of *contiones* will have taken place, mostly called by the proposer of the legislation, seeking to rally public enthusiasm for his bill.³⁷ Since successful legislation was at the same time one of the most important means by which the politician advanced his own "career," nursing the popular support necessary for continued success in the repeated electoral competitions that shaped a senator's life, or for pursuit of his own projects and interests, it will be obvious that the *contio* was a place where important convergences of interest were continually negotiated between the "élite" who supplied the speakers and the "mass" who made up the audience.³⁸

But the significance of the *contio* is hardly to be strictly limited to the legislative field, as crucial as that was in the actual practice of Roman politics.

³⁴ So too Hölkeskamp 1995: esp. 25–35, despite his divergent thesis. Quotation from Millar 1986: 1.

³⁵ Millar 1998: 209. Institutional peculiarities such as the system of group voting (rather like the American electoral-college system) and the bias toward wealth in the Centuriate Assembly (little used, however, for legislation by the late Republic), as well as the lack of any process of legislative initiative "from the floor," make the phrase somewhat misleading.

³⁶ On the length of the so-called *trinundinum*, I accept the conclusion of Lintott 1965 and 1968a, *pace* Mommsen 1887: III.376, n. 1, and Michels 1967: 191–206, who argue for a full three Roman weeks. The aim, obviously, was maximal publicity, for which the three market-days, not a set number of days, was what was important (see *ILLRP* 511 = *ILS* 18, lines 23–24; cf. Lintott 1965: 284; Pina Polo 1989: 96–99; and for *contiones* on market-days, see pp. 82–84); presumably the text was expected to be presented in three successive nundinal *contiones*. A herald read out the bill to the people at the time of promulgation (Plut. *Pomp.* 25.3: ἀναγνώσθέντων δὲ τοῦτων) and it was also publicly posted on *tabulae* or an *album* (πίνακτα or σανίδες): see Cass. Dio 42.22.4–23.1, 32.3; Cic. *Leg. agr.* 2.13, *Sest.* 72 (*tabulae*); Mommsen's claim that texts of promulgated bills were also filed in the *aerarium* before being voted into law is refuted by von Schwind 1940: 29–33. On promulgation generally, see Mommsen 1887: III.370–78, or more briefly, M. H. Crawford 1996: 9–11; Crawford 1988 argues that the reading of proposed laws in *contiones* was a highly effective means of publicizing the content of a law among the populace generally.

³⁷ See chap. 5.

³⁸ Millar frequently criticizes the use of the term "élite" to refer to those who "played a political role" in Rome (e.g. Millar 1998: 4–5), but his complaint that it is "circular" to do so seems to me to

Millar rightly stressed how much political activity took place directly under the gaze of the “Roman People in the Republic” according to what he calls an “ideology of publicity.”³⁹ The legislative, electoral, and somewhat vestigial judicial powers of the People presupposed continuous direct observation by the citizenry of their present and potential leaders and, on the part of the politicians, constant cultivation of a public image in speeches on a variety of occasions, including religious ritual, spectacles, and the various forms of public or private pageantry such as funerals, public banquets, or triumphs. Of all these venues, the ubiquitous *contiones* were perhaps the most important for the purposes of self-advertisement, communication, and ritualized communal action. No wonder, then, that in turbulent times magistrates virtually “lived on the Rostra” and held “daily *contiones*”; sometimes the same day saw more than one meeting, held by different officials.⁴⁰

The *contio* was, quite simply, center stage for the performance and observation of public, political acts in the Roman Republic. Even when legislation was not being explicitly mooted, an enormous variety of public meetings took place in the Forum in any given year. Most important for present purposes, it appears to have been standard practice for decrees of the Senate to be read out to the People in a *contio* called immediately afterwards, usually by the same magistrate who had presided over the senatorial meeting; he might then offer his own narrative and commentary (as does

have force only if it is used to *define* them. I see no tautology in using the word as fairly accurate descriptor to denote, quite literally, the “elect” – which anyone “worthy” (*dignus*) of the distinction of political office (*honor*) in Rome obviously was – without any necessary connotation of inherited status. (See now Millar 2002: 170–71.) The term has the advantage over “aristocracy” of leaving open the question of the advantages of birth: even if four out of five consuls had consular ancestors (Badian 1990a: 409–12), it is of course true that the Roman Senate, far from being closed to new blood, positively depended on it for its perpetuation (see, e.g., Hopkins and Burton, in Hopkins 1983: 107–16). Still, the élitist character of the criteria of *dignitas* (“worthiness”) for office-holding, the social and political aura surrounding *nobilitas*, and the practical requirement of wealth for election, also made the present and past magistrates who constituted the Senate an élite in the evaluative sense of the term: see, recently, Hölkeskamp 2000: 211–23 (cf. Morstein-Marx 1998: 260–88, and from a somewhat different perspective Yakobson 1999: 184–225). As for relative sizes of this “élite” and the “mass,” we may note that the Senate comprised roughly 600 men in the Ciceronian period (300 before Sulla), while the number of adult male citizens in Rome must have been roughly comparable to that of grain recipients in 46 BC, i.e. 320,000 (Suet. *Iul.* 41.3), out of a total urban population estimated as between 700,000 and 1,000,000 (Brunt 1971a: 376–83; Morley 1996: 33–39; Lo Cascio 1997: 24) and a total adult male citizenry numbering perhaps a few million (below, n. 51). For actual numbers in the *contio*, see below, chap. 2, n. 36.

³⁹ Millar 1984 and 1986: esp. 8. For the phrase, Millar 1998: 45. On publicity, and the dynamics of face-to-face interaction between mass and élite in the central spaces of Rome, see now Döbler 1999, who, however, gives surprisingly short shrift to the *contio* (pp. 136–41, 199–210).

⁴⁰ Cic. *Brut.* 305: *et hi quidem habitabant in rostris*; Tac. *Dial.* 36.3: *hinc contiones magistratuum paene pernoctantium in rostris*. For the phrase *contiones cotidianae*, see Cic. *Brut.* 305–6; *Clu.* 93, 103; *Mil.* 12; *Sest.* 39, 42; Asc. 51 C; cf. Tac. *Dial.* 40.1 (*contiones adsiduuae*). Pina Polo 1989: 86. Two *contiones*, see Asc. 49 C; note also that the informer Vettius was brought before two *contiones* in succession in 59, first by Caesar, then by Vatinius: Cic. *Att.* 2.24.3; *Vat.* 24, 26.

Cicero in the *Third Catilinarian*), or perhaps invite a leading ally to speak in addition (so Cicero in the *Fourth* and *Sixth Philippics*). It is clear that a crowd hungry for information often lurked about the Curia on these occasions.⁴¹ All other news and important announcements, from dispatches of generals from the battlefield to magisterial edicts, were delivered to the People *in contione*: Cicero's *Second Catilinarian* comes readily to mind, informing the People of Catiline's flight from the city while they watched the Senate being summoned.⁴² The *contio* was also the essential setting for major, public, illocutionary speech acts: Sulla abdicated the dictatorship in a *contio*;⁴³ in 63 Cicero declined a consular province in a *contio*;⁴⁴ Caesar's and Pompey's final offers of peace on the eve of civil war in 49 were read out in *contiones*;⁴⁵ in the run-up to another civil war, young Octavian promised to pay Caesar's legacy to the People in a *contio*.⁴⁶ At their first *contio* upon assuming office magistrates not only thanked the People for their election and praised their ancestors but indicated how they would administer their magistracy; praetors in particular would describe the principles by which they would dispense justice.⁴⁷ Then there were the *contiones* called in order for the People to witness an important legal act, and implicitly to enforce its execution: magistrates, senators, or even candidates for office were required by certain laws to swear obedience to them publicly, *in contione*;⁴⁸ immediately upon election, magistrates-designate swore in a *contio* that they would uphold the laws, and at the end of their term, consuls (perhaps all magistrates) swore in another *contio* that they had administered their office in accordance with the laws, perhaps often adding a justificatory account of their tenure of the office, as Cicero attempted to do.⁴⁹ To complete the picture we might add the *contiones* of victorious generals at the end of their triumphal procession; those of censors in connection with the

⁴¹ See pp. 246–48.

⁴² Pina Polo 1989: 139–46; Achard 1991: 207. Assembling: Cic. *Cat.* 2.26: *quem [sc. senatum] vocari videtis*.

⁴³ App. *B Civ.* 1.104; Quint. *Inst.* 3.8.53. ⁴⁴ Cic. *Pis.* 5; *Fam.* 5.2.3.

⁴⁵ Plut. *Pomp.* 59.2; *Caes.* 30.2; Cic. *Att.* 7.17.2, 18.1, 19; 8.9.2. Cf. other examples of letters from absent *principes* read out in the *contio*: Cic. *Dom.* 22; Cass. Dio 39.16.2, 63.5.

⁴⁶ Octavian: Cass. Dio 45.6.3. Decimus Brutus' edict barring Antony from his province was posted up on the day the *Fourth Philippic* was delivered (Cic. *Fam.* 11.6a.1; *Phil.* 4.7), December 20, 44; it was surely read out in the same or an earlier *contio*.

⁴⁷ Cic. *Fin.* 2.74; Suet. *Tib.* 32.1. Cf. Cic. *Leg. agr.* 2.5–10, esp. 6–7; Plut. *Aem.* 11. Sallust's speech of Marius (*Jug.* 85) is to be set against this background.

⁴⁸ *In contione*: Cic. *Att.* 2.18.2; App. *B Civ.* 1.29–31; Plut. *Mar.* 29.4–6 (note the pressure exerted by the crowd); *CIL* 1² 582 = *Roman Statutes* 7, Lives 16–24. Millar 1986: 8; Pina Polo 1989: 160–61.

⁴⁹ Oath upon election: Livy 31.50.7, with Mommsen 1887: 1.619–22. Cicero's "swearing-out": Cic. *Fam.* 5.2.7; *Pis.* 6–7; *Sull.* 33–34; *Rep.* 1.7; Cass. Dio 37.38. Similarly, Bibulus in 59 was prevented by Clodius from delivering a speech in addition to his oath: Cass. Dio 38.12.3. Mommsen 1887: 1.625; Pina Polo 1989: 157–59.

quinquennial revision of the citizen rolls and *lustrum*; the nomination of replacements to the augural college *in contione* (from 104); and the lottery in a *contio* among candidates for a place among the Vestals. Even noble funerals held at the Rostra took the form of a *contio*.⁵⁰ Even more than the more noteworthy sort of meeting that fuelled a legislative campaign or heated political controversy, the routine nature of some of these *contiones* demonstrates how central the institution was to the (urban) citizen's political experience, for they convey a strong sense that publicity and the flow of information to the citizenry were taken very seriously.

In a provocative recent study, however, Henrik Mouritsen rejects this view, chiefly on the grounds that the crowds that attended these meetings – perhaps numbering several thousand people at most – in fact constituted only a tiny proportion of the mass of eligible voters scattered the length of the Italian peninsula, or even just in Rome; further, they can often be shown to have been particular, highly variable, and sharply partisan in their makeup.⁵¹ For Mouritsen, the Roman People were largely sidelined – or apathetically stood apart – from a political process which actually had very little connection with their interests.⁵² The attack on the democratic credentials of such a system is well directed. Yet he clearly goes much too far in his zeal to counter Millar's emphasis on the *contio*. While on the whole he is eager to interpret public meetings as little more than political rallies,⁵³ there is unresolved tension, even conflict, between this view and other aspects of his argument, so that in the end a coherent picture of the function of the *contio* in the Republic fails to emerge. For example, if these meetings possessed great symbolic importance as a kind of ritual enactment of popular freedom, or the “effective symbolic manifestation of the sovereignty of the people over the senate,”⁵⁴ then it remains mysterious how such weighty significance could have accrued to smallish partisan demonstrations divorced from the real concerns of the populace. And as it happens, Mouritsen is indeed prepared at times to grant the *contio* what sounds like a fairly large role: for example, public meetings gave the “popular” leaders of the late Republic “an opportunity to demonstrate the *popular support*

⁵⁰ For the immense variety of such “minor *contiones*,” see Pina Polo 1989: 147–70. For augurs and Vestals, see *Rhet. Her.* 1.20; Gell. *NA* 1.12.11.

⁵¹ Mouritsen 2001: esp. 38–62. On the numbers and makeup of contional crowds, see chap. 2, n. 36 and chap. 4, pp. 128–36. The total male citizen population in the Ciceronian period may be variously estimated at 1–2 million (Brunt 1971a: 91–120), or, as seems increasingly plausible, something closer to 3 million (Lo Cascio 1994a, 1994b, 2001). See now Morley 2001.

⁵² Mouritsen 2001: e.g. 91–92: “Few political issues . . . had implications which reached much beyond the elite”; p. 144: “the people of Rome never became fully integrated into the political process.”

⁵³ Mouritsen 2001: 52: “essentially ‘party’-meetings.”

⁵⁴ Mouritsen 2001: 13–14, 49.

on which they based their policies and claim to influence.”⁵⁵ The great innovation of these “popular” leaders, as he persuasively maintains, was to mobilize the voting power of much wider sectors of the citizen population, especially from the lower class;⁵⁶ but if they got these people into the voting-pens, why not also to the Rostra? After all, “even Clodius had to present his case to his constituency on every single occasion” and “each bill . . . had to be communicated persuasively to the *plebs*.”⁵⁷ If public meetings in fact served the important function in late-Republican politics of binding “popular” politicians to a notably broadened base of support, then the connection between *populus* and contional audiences cannot be so remote as Mouritsen insists in his direct comments on the question.⁵⁸ When we add that the *contio* was *the* authorized locus of face-to-face communication between the Senate and the populace (as was first emphasized by Millar and will be demonstrated at length in this study), then its significance is clear for all those inquiring into how the dyadic system of the Republic – “the Senate and People of Rome” (*SPQR*) – actually worked, even though it is quite true that the *actual* audiences of *actual* public meetings in late-Republican Rome cannot remotely be equated with the *actual* collectivity of Roman citizens, and thus that such meetings do not remotely meet a modern standard of democratic legitimacy.

The importance of the *contio* is sufficiently established by the fact that it was the venue where political leaders sought to influence, in both the short and long term, that portion of the citizenry who actually exercised the sovereign right of the *populus Romanus* to decide by vote most of the fundamental matters of the Commonwealth: the fate of all laws, the results of all elections, and thus (indirectly, and subject to relatively limited censorial supervision) even the conscription of the august council of the Senate itself. The central act of Republican politics is, as Millar claimed, the “orator addressing a crowd in the Forum.” But this may not take us very far in the direction of democracy.

⁵⁵ Mouritsen 2001: 49 (my emphasis). Note also pp. 45–46: “formal consultation of the people for whom politics mattered – and who mattered for the politicians”; the people “who mattered” for Clodius were, however, admittedly “working-class” (p. 59).

⁵⁶ Mouritsen 2001: 79.

⁵⁷ Mouritsen 2001: 86. Note how here “local networks” of the *vici* and *collegia* are emphasized over public meetings as lines of communication. But earlier Mouritsen allows that the rhetorical influence of speeches in the *contio*, if only in the form of “soundbites and slogans,” extended beyond their immediate audience into “broader sections of the population” (pp. 55–56).

⁵⁸ Indeed, that there *was* felt to be a strong connection (see below, pp. 120–28) seems incomprehensible on this view. To my mind, any persuasive account of the *contio* will need to elucidate this connection.

DEMOCRATIC PERSUASION

The debate on the possible democratic effects of the *contio* has thus far been conducted without much explicit reflection on key concepts or the underlying theoretical framework. Millar himself eschewed explicit discussion of the meaning of such potentially problematic ideas as “persuasion” or “popular demands,” and others have not remedied the omission.⁵⁹ In my view, however, the distribution of power between speaker and audience is not an eternal “given” but a product of specific material and ideological circumstances. Only a more probing analysis of the communication-situation in the *contio* will yield progress in the debate about the democratic effects of public speech in Republican Rome. It is necessary, therefore, to preface this study with some theoretical considerations that complicate any attempt, such as Millar’s, to adopt a “democratic” interpretation of conational persuasion and communication. They will also usefully adumbrate the major themes of the argument of this book. The reflections that follow are non-dogmatic and highly eclectic, though I hope not arbitrarily so. On the whole, theoretical eclecticism in an empirical study may be a virtue rather than a vice, since for the examination of actual human society nothing seems more dubious than a single, totalizing perspective.

The association of persuasion with democracy is a very old and quite natural one. But that does not mean that it is unproblematic.⁶⁰ It is therefore unfortunate that Millar did not offer an explicit analysis of how, in his view, persuasion in the *contio* worked to produce the democratic effects he saw. In the absence of any such overt treatment of the communication-situation, we are left to infer an implicit model from the development of his arguments. To judge from Millar’s emphasis on speakers’ need, for success, to satisfy popular “demands” in an environment of “genuine,” open debate,⁶¹ his argument seems to presuppose what I would call a “common-sense” model of the conational speech situation, according to which, in order to be persuasive to his audience, a speaker is obliged to make his

⁵⁹ Mouritsen, for example, seems to distinguish between proper “persuasion” and “rabble-raising” (and interestingly takes the latter as inconsistent with democracy), but declines to clarify and defend the distinction (Mouritsen 2001: 74; cf. 54, 55–56).

⁶⁰ For the Athenian debate, see especially Yunis 1996; for modern theorists’ efforts to articulate a deliberative conception of democracy, see Bohman and Reh 1997.

⁶¹ This is sketched out most fully in Millar 1986, and applied to the period after the Social War in Millar 1995, and 1998: 217–26. For “genuine debate,” see Millar 1998: 84 (cf. pp. 46–47). The chief elements of Millar’s developed view are perhaps most crisply expressed in Millar 1995 (for the driving force of popular demands, see pp. 103–8). See Millar 1998: 225, for an explicit assertion of the democratic nature of the Republic’s “modes of persuasion” (viz., “by the delivery of speeches to those who turned up”). Cf. also Achard 1991: 89; Laser 1997: 142.

arguments conform closely to their values, beliefs, fundamental conceptions and wishes of the short or long term. Consequently, given the competitive rivalry among politicians seeking to tap the sources of popular power, the speaker is, to some undefined extent, influenced or even controlled by his *audience*, who oblige him to enunciate and satisfy their desires. Since Millar sees the Republic as “a political system based on popular power and directed to popular gratification,”⁶² it would seem that he presumes a relation between Roman orator and audience rather like the one Josiah Ober more explicitly employs in his important study of the function of rhetoric in Athenian democracy: “at the practical level of discourse in the courtroom and the Assembly, the orator had to conform to his audience’s ideology or face the consequences: losing votes or being ignored.”⁶³

On deeper consideration, however, this sort of model begins to look too simple to do the work required of it. Most striking to me are its deficiencies in three crucial areas:

(1) *The ideological effects of discourse.* *Contiones* were a persistent point of contact and face-to-face exchange between senators, who did the talking, and the (symbolically present) Roman People, who listened but might also reply, as we shall see. Inevitably, in such meetings the fundamental political conceptions of the audience, repeatedly invoked in the service of the immediate purpose, must have been defined, shaped, and revised in a complex and constantly reiterated interaction between listener, speaker, and the larger social and political contexts. Even when ostensibly *informing* the populace of current events, *contional* speech should not be assumed to have simply described relatively objective realities and contemporary circumstances, but should rather be seen as playing an important role in creating and perpetuating the perceived “truths” and “natural” parameters of action that conditioned citizens’ responses to political questions. So, for example, when in Cicero’s *Third Catilinarian Oration*, the orator-consul, even while describing the penetration of the urban conspiracy of 63 to the worried and news-hungry populace, casts himself as the near-omniscient agent of Jupiter, tirelessly defending the People, in their ignorance, from the inhuman plots of depraved aristocrats, and calls upon them to repay this debt by protecting him in the future, we can readily see how he is

⁶² Millar 1995: 100.

⁶³ Ober 1989: 43–44. From this fundamental premise eventually emerges Ober’s notion of “mass control of political ideology,” which alone permits the potential of a formally democratic constitution to be realized (p. 337). Ober cites Aristotelian paternity for the view that “an orator who wishes to persuade a mass audience must accommodate himself to the ethos – the ideology – of his audience” (p. 43), but the passages he cites (p. 43, n. 101: among the more significant, *Rh.* 2.13.16 [1390a25–27], 2.21.15 [1395b1–11], and 2.22.3 [1395b27–1396a3]) seem much more circumscribed.

seeking to shape *both* the audience's understanding of the situation *and* their consideration of appropriate responses, with reference to a wide shared background of moral and civic assumptions as well as beliefs about the natural order.

We should therefore view the oratory of the *contio* as a uniquely important political "discourse" (or "genre of discourse") – that is, an interrelated series of utterances and practices embedded in a specific political context and linked to a certain type of social action – with a heavy ideological content.⁶⁴ (Following most contemporary work on ideology, I reject the traditional Marxist sense of the word ["false consciousness"], which is always pejorative and bound to distinctly Marxist notions of "class" and "society," but find the word invaluable as a convenient designation for the collection of beliefs, values, and core concepts that contribute to the distribution of power in a society, typically implicitly or covertly.⁶⁵) Now, whatever one thinks of Louis Althusser's dark musings about "Ideological State Apparatuses," there can be little doubt that he hit upon something important when he observed that ideology "summons" or "interpellates" individuals to take up a position already defined through existing discourses, and thus constitutes them as ideological subjects.⁶⁶ Just so, I would say, the member of a contional crowd was again and again "hailed" to locate himself without critical reflection within the discourse and the ideology it perpetuated. To take a simple but pointed example, we may note how speakers in the assembly typically addressed whatever crowd stood in front of them as the actual embodiment of the *populus Romanus*, with all that the august title entailed – sometimes with paradoxical consequences, as when Cicero calls upon his audience for the *Pro lege Manilia* (*In Support of the Manilian Law*),

⁶⁴ I am using "discourse," therefore, not in the special Habermasian sense, but in the sense commonly employed in contemporary social and political criticism. For a lucid introduction to "discourse theory," particularly in the version promoted by the work of E. Laclau and C. Mouffe, see Howarth and Stavrakis 2000. See also Wodak et al. 1999 (esp. 7–48), an interesting, recent case study, in the "Critical Discourse Analysis" school, of the creation of modern Austrian national identity through speeches, media reporting, interviews, and so on.

⁶⁵ Eagleton 1991 provides an excellent critical history of the concept. Some object to the vagueness of the term, but as Teun van Dijk remarks (1998: 1), "ideology" is no "fuzzier" than other indispensable words of social analysis such as "society," "group," "action," "power," "discourse," "mind," and "knowledge." Indeed, I have doubts about an attempt such as van Dijk's to define "ideology" both more sharply and globally, since its usefulness seems to depend on specific contexts. With Eagleton (pp. 7–8), I do not share Michel Foucault's well-known aversion to the concept (Foucault 1980: 118).

⁶⁶ See the famous essay, "Ideology and Ideological State Apparatuses," in Althusser 1971: 121–73, esp. 162–63: "I shall then suggest that ideology 'acts' or 'functions' in such a way that it 'recruits' subjects among the individuals (it recruits them all), or 'transforms' the individuals into subjects (it transforms them all) by that very precise operation which I have called *interpellation* or hailing, and which can be imagined along the lines of the most commonplace everyday police (or other) hailing: 'Hey, you there!'"

probably a heterogeneous crowd of largely foreign, partly even Hellenic, descent, not to abandon the Imperial traditions of “our ancestors” who had destroyed the city of Corinth, defeated the great Hellenistic kings, and crushed Carthage.⁶⁷ Given the *contio*’s centrality in the political experience of the Roman community, it might be seen as a – perhaps *the* – major instrument of ideological production in the Republic.

If, then, we think of oratory in the *contio* as ideological discourse, and acknowledge the force of Althusser’s observation that individual subjects are produced by discourse and located thereby within ideology, then it follows that the *contio*-goer was by no means the autonomous agent implied by what I have called the “common-sense” model of persuasion: one, in short, capable and disposed to take up an independent, critical stance from which to assess a speaker’s arguments according to an independent perception of his interests and the public good. On the contrary, the conceptual framework through which he would interpret what he heard was itself the product of conational discourse. In the absence of alternative, powerful sources of communication, he could hardly be expected to “stand outside of” that discourse and its ideological content; indeed, if the discourse be relatively univocal, he might even be its prisoner.

Add to this the fact that, in the *contio*, the distinction between speaker and listener was also characterized by socio-political differentiation and a hierarchical relationship – with negligible exceptions, those who spoke were members of the political élite drawn from the higher echelons of society – and the potential for an élite hegemony over conational discourse rather than the opposite would appear, in principle, to be very great indeed.⁶⁸ Objections in a Foucauldian mode, such as that the speaker too cannot “stand outside” a perpetual discourse in which he too is located, or, more fundamentally, that power suffuses society like an electrical current and is not simply exerted from the top downward, have, of course, some weight. But, since it was an educated and trained élite that actually articulated conational discourse, while the audience was restricted to listening and vocally conferring or withholding approval of what that élite had brought before it, it would seem quite implausible to deny to the political élite of Republican Rome a high degree of agency in, and control over, the generation

⁶⁷ Cic. *Leg. Man.* 11–12, 14, 54–55. A few years later Cicero complains that *contiones* were now dominated by disruptive Phrygians, Mysians, and similarly decadent “Greeks” (*Flac.* 17), not to mention Jews (66–67).

⁶⁸ This evokes Antonio Gramsci’s concept of “cultural hegemony,” whose usefulness and problems for the historian are well examined by Lears 1985.

of conditional discourse, within the limits imposed by its own ideological perspective and the exigencies of the moment.

All of this might seem to be a rather abstract kind of objection to the “common-sense” model whereby speakers had to accommodate themselves to their audiences’ beliefs and wishes in order to succeed. A circumscribed illustration of the nature of the problem might be helpful. An angry Roman crowd, desperate at the soaring price of grain in the city, must have been about as demanding an audience as one could imagine. One would have been foolish indeed to address it in terms that were not in some real sense appropriate to its circumstances and beliefs. Yet, to judge from some surviving samples of conditional oratory, it is evident that, by exploiting certain dispositions (deference to authority and respect for elite traditions of public service, say) to counter others (hunger and social resentment, for example), a speaker might *suppress* what would seem to be the true Voice of the People rather than being driven by the requirements of the speech situation to express it. In a speech that Sallust (who, as we shall see, should be considered a good source for the nature of conditional rhetoric) puts in the mouth of a consul during a dangerous scarcity of grain in 75, Gaius Cotta assuages popular anger by directly evoking the semi-mythical tradition of self-immolation for the public good, rhetorically carrying out such a *devotio* himself and thereby in effect “proving” his total dedication to the interests of the Roman People at a time when that link between mass and elite had become dangerously frayed.⁶⁹ Two generations earlier, P. Scipio Nasica was supposedly blunter: his response – effective, we are told – to an audience’s outcry under similar circumstances was, “Silence, please, Citizens; for I know better than you what is good for the Republic.”⁷⁰ Setting aside for the present the question of the historical authenticity of either of these utterances,⁷¹ we may note that in both instances the speaker indeed appeals to certain elements of the pre-existing disposition of his audience, but in neither case would we say that he has become the people’s mouthpiece, or in any profound sense accommodated himself to popular demands and aspirations. In both cases, the speaker’s strategy is entirely predicated on the power of ideology; such appeals, I assume, would have been hopelessly counterproductive before audiences with a very different ideological makeup – say, one of modern European or North American voters. It doubtless remains true that a speaker could not (cannot) succeed

⁶⁹ Sall. *Hist.* 2.47.10–13. See chap. 7, n. 77, and p. 262 for further remarks on this example.

⁷⁰ Val. Max. 3.7.3 = *ORF* 38.3, pp. 157–58 (text at chap. 6, n. 111).

⁷¹ Note that the authors of the texts in which these speeches are embedded considered them plausible ways of addressing a *contio*.