

TRADITIONAL POLITICAL CULTURE AND THE PEOPLE'S ROLE IN THE ROMAN REPUBLIC

The people's role in the political system of the Roman Republic has been at the centre of scholarly debate since Millar's challenge to the traditional oligarchic interpretation of Republican politics.¹ Today, few would dismiss the significance of the popular element in the system altogether. However, many scholars strongly insist that in the final analysis, the Republic, whatever popular or pseudo-popular features it possessed, was a government of the elite, by the elite and for the elite. This has increasingly come to be attributed to the cultural hegemony of the Roman ruling class. Rather than excluding the common people from the political process, the elite, it is now argued, was able to make sure that the part they played in politics would be broadly positive from its point of view. What follows is a critical examination of this thesis.

I. Cultural factors and the power of the elite

The debate on Roman "democracy" is inevitably influenced by one's understanding of this loaded term, which is often strongly informed by modern democratic theory and experience. That modern political systems usually regarded as democratic include a considerable element of elite control and manipulation is of course a truism.² How far-reaching, and, indeed, "undemocratic" the influence of this elitist element is, and what room it leaves for genuine popular participation – these are debatable points, both analytically and ideologically. Hence there can be no full agreement as to what it is we are looking for when we inquire about "democratic" features in the Roman Republic.

- 1 See M. Jehne, "Methods, Models and Historiography", in N. Rosenstein and R. Morstein-Marx (eds.), *A Companion to the Roman Republic* (2006), 14–25 for a survey of the debate; the *Demokratie in Rom?* (1995) edited by Jehne is an important contribution to it, with his "Einführung: Zur Debatte um die Rolle des Volkes in der römischen Politik", 1–9. Millar's challenge to the old „orthodoxy“ was launched in three articles in 1984, 1986 and 1988; see now F. Millar, *Rome, the Greek World, and the East, 1: The Roman Republic and the Augustan Revolution*, eds. H. M. Cotton and G. M. Rogers (2002), Chapters 3, 4, 5. See also J. A. North, "Democratic Politics in Republican Rome", *Past and Present* 126 (1990), 3–21: a qualified acceptance of the importance of the democratic element in Republican politics (with references to earlier challenges to various aspects of the narrowly-oligarchic model).
- 2 Sometimes, however, this is not sufficiently taken into account by those who compare and contrast the Roman Republic with modern democracies. Thus, according to H. Mouritsen, "Modern views of the democratic process as ideally untainted by any involvement of money are misplaced in a Roman context." – *Plebs and Politics in the Late Roman Republic* (2001), 60 (discussing the 'involvement of money in [Clodius'] mobilization of crowds'). It would take a very idealized view of modern democracy indeed to describe it as untainted by any involvement of money.

Of course, some things about the Republican system were non-democratic in an uncontroversial sense, notably the wide powers of presiding magistrates in the assemblies, the absence of an equal and universal suffrage (among male citizens), and the practical impossibility for the great majority of citizens to attend the assemblies. Precisely in the Late Republic, when the assemblies were, as is widely acknowledged, more assertive and ready to defy the wishes of the senatorial elite (mainly in legislative votes), making, at least arguably, the system as a whole more “popular”, they also became less representative of the citizen body as a whole, only a small fraction of which, both in Italy and in the huge city population, had any chance to attend and to vote. In this sense they – and hence the system – can be said to have become even less “democratic” than before.³ But, while the well-known formal and quasi-formal constraints on popular participation are certainly noted and analyzed by scholars, the emphasis in the “oligarchic” argument seems to have shifted. Nowadays, there is a strong tendency to stress cultural and ideological factors when explaining the power of the Republican elite.

That the formal powers of the assemblies were wide-ranging has never been disputed. For all its power and influence, the senatorial elite could not govern the state without regular recourse to the assemblies; any oligarchic model of Republican politics must provide a convincing explanation as to how the elite could sway the people’s votes. The notion that patronage dominated the voting behaviour of the Roman populace has been largely discredited; the exaggerated claims for the centrality of patronage in Rome were comprehensively refuted by P. Brunt in the late 1980s.⁴ Of course, the huge economic and social resources of the Roman elite provided its members with ample opportunities to influence voters. Any description of Republican politics must take this circumstance into account. But it must also note that these resources were far from always sufficient to obtain the desirable political result.

However, while the governing class could not always have its way in the assemblies, it can still be argued that its will dominated them as a rule – to an extent sufficient to define the system as largely “oligarchic” with only modest qualifications. If the Roman voting populace did not consist of obedient armies of clients ready to march in any direction under patrons’ orders, it can still be argued that its will, ostensibly free and

3 See M. Jehne, “Who Attended Roman Assemblies? Some Remarks on Political Participation in the Roman Republic”, in Francisco Marco Simón, Francisco Pina Polo and José Remesal Rodríguez (eds.), *Repúblicas y ciudadanos: modelos de participación cívica en el mundo antiguo* (2006), esp. 225 n. 27; 234. On “how many Romans voted” see now Mouritsen, *op. cit.* (n. 2), 18–37, with calculations based on assessing the available space in the voting locations as well as the minimum time needed to complete the voting within a single day. Jehne (223–224) questions the latter calculation, while accepting the general picture presented by Mouritsen, with its emphasis on the limited scope of popular participation. Phillips suggests that, as regards the centuriate assembly in which property-classes voted consecutively, the available space in Campus Martius would need to accommodate only the voters of a single *classis* at a time, thus enabling a much greater number of people to vote than Mouritsen’s suggested figure of 30,000 (though she does not believe this is what actually happened) – “Voter Turnout in Consular Elections”, *Ancient History Bulletin* 18 (2004), 48–60. On the social composition of the voting assemblies and the *contiones* see below, note 11.

4 P. Brunt, *The Fall of the Roman Republic* (1988), Chapter 8: *Clientela*, 382–443. Even strongly “oligarchic” interpretations of Republican politics might today accept this view – see Mouritsen, *op. cit.* (n. 2), 3.

occasionally “allowed” to assert itself, was influenced, manipulated and in the final analysis largely shaped from above by other, more subtle means.

The older oligarchic model of Republican politics is thus increasingly giving way to a more flexible and sophisticated one which attributes the power of the elite mainly to its ability to shape, rather than ignore or frustrate, the popular will. The “democratic” challenge to the traditional oligarchic model has succeeded to the extent of placing the people and their role at the centre of the debate on Republican politics. This role, however, is often seen as strengthening rather than undermining a fundamentally oligarchic political system.

Those who adopt this approach turn the tables on Millar on the issue of the open-air, face-to-face nature of Roman public life and its effects on the balance of power between the common people and the elite. To Millar, the need to carry out public business “under the gaze of the Roman People” represented the accountability of all those engaged in politics and their dependence on public opinion.⁵ However, since the governing class was literally “running the show”, dominating the public discourse and the public sphere in general, it is argued that the natural effect of this “show” on the popular audience was to enhance the prestige of the elite. The “show” included both the ceremonial aspects of public meetings and the content of speeches from the Rostra. More broadly, it included the various rituals and spectacles, from triumphs to funeral processions and public speeches eulogizing Roman aristocrats, from games staged by magistrates to religious rites performed by priests belonging to the elite. All these fostered the prestige of the elite; so did the City's public architecture itself. Monuments in the Forum and elsewhere glorified the leading families of the Republic by recalling the heroic exploits of their previous generations; the images and legends on the Republic's coins conveyed the same message. The Roman citizen was thus systematically educated and conditioned to respect the authority of the Senate, to defer to nobility, to venerate the *mos maiorum* and to believe that the Roman state was in good hands when it was run by the descendants of those who had made it great.⁶

5 See e. g. F. Millar, *The Crowd in Rome in the Late Republic* (1998), 9ff.

6 What is defined here is a cultural and ideological model of elite domination, fully accepting the importance of popular participation, is presented in detail in K. J. Hölkeskamp, *Rekonstruktionen einer Republik. Die politische Kultur des antiken Rom und die Forschung der letzten Jahrzehnte* (2004) and R. Morstein-Marx, *Mass Oratory and Political Power in the Late Roman Republic* (2004). See also F. Pina Polo, *Contra Arma Verbis: Der Redner vor dem Volk in der späten römischen Republik*, trans. E. Liess (1996). E. Flaig, *Ritualisierte Politik. Zeichen, Gesten und Herrschaft im Alten Rom* (2003); A. Gorbeill, *Nature Embodied: Gesture in Ancient Rome* (2004), 112–113; Jehne, op. cit. (n. 1), 20–23; G. S. Sumi, *Ceremony and Power: Performing Politics in Rome between Republic and Empire* (2005), 1–46; Claudia Tiersch, “Politische Öffentlichkeit statt Mitbestimmung? Zur Bedeutung der *contiones* in der mittleren und späten römischen Republik“, *Klio* 91 (2009), 40–68 (contrasting between the Middle and the Late Republic, and stressing that the popular legitimacy of the elite in the former period was enhanced by its ability and readiness to bestow substantial material benefits on the common people). The cultural and ideological model is partially accepted by Mouritsen – op. cit. (n. 2), 12–15, though he puts greater emphasis on the limited scope of popular participation in the assemblies. Cf. also North, op. cit. (n. 1), 17, stressing the “entrenched authority” of the Roman elite, and in particular the power resulting from its control of the state religion.

There is, clearly, much truth in these arguments. Publicity, in and of itself, is not necessarily “democratic”. The public rituals of the Republic systematically fostered the prestige of the senatorial elite. Public professions of respect for the People’s rights and interests could serve to enhance the *auctoritas* of those enjoying privileged access to the speaker’s platform (either the presiding magistrate or those given the floor by him – nearly always senators). Ostensibly Popular rhetoric could serve pro-senatorial purposes.

However, the champions of the Senate’s authority had no monopoly on rhetorical manipulation. It was, by the same token, possible to profess allegiance to the *mos maiorum*, and even specifically to the authority of the Senate, in the service of *popularis* political goals. It is true that in both those cases the manipulative message came to the populace from above. But the fierce competition between members of the elite for the people’s votes – the very soul of Republican politics precisely in its aristocratic aspect – encouraged splits within the governing class and created incentives for some of Rome’s “oligarchs” to play the Popular card. In the Late Republic, this mechanism worked in a particularly powerful and often disruptive way; but in some measure it had been intrinsic to the system in earlier times as well.⁷ Whenever this potential was realized, the people’s champions enjoyed all the advantages that the Republican system bestowed on an “oligarch”.

Many of these “champions” must of course have been highly opportunistic in their motives. It was only through the agency of such spokesmen that popular demands could be translated into effective political action. Popular legislation had to be introduced by a higher magistrate or a tribune and could not be initiated, Athenian-style, “from the floor of the Assembly”. This indicates the limits of the people’s power. But it is precisely by assuming that the *popularis* politicians’ motives were often largely opportunistic that we can best appreciate the people’s clout in Republican politics.⁸ A genuine “people’s friend” may act contrary to his better political judgment; if a sober opportunist treats the “multitude” as worth pandering to, this is a sure sign that that the multitude was far from powerless.

II. The ambiguities of a traditional political culture

How did such conflicts within the elite look from the standpoint of the Roman populace – the target-audience of the Republic’s rituals and ceremonies, its public monuments and public rhetoric? The educational message of all these things was, it should be noted, by no means unambiguous. They fostered, indeed, the people’s respect for the traditional

7 On the Late Republic, cf. Morstein-Marx, *op. cit.* (n. 6), 283: “When, after 133, was the Roman elite not divided?” – with reference to North, *op. cit.* (n. 1), 18. For earlier and more “harmonious” times see Tiersch, *op. cit.* (n. 6), 52: divisions within the elite, creating an opening for the people to exercise their influence, were a realistic possibility (though their scope and frequency “are not to be overstated”). Cf. notes 21 and 22 below.

8 Cf. North’s criticism of those who ignore “the importance of issues as vote-winners” by dwelling excessively on “the motives of elite members” who initiated reforms – *op. cit.* (n. 1), 9–10. In fact, the more “oligarchically” egoistic we assume the motives of the reformist politicians to have been, the more “democratically” significant is the fact that they chose Popular issues as vote-winners.

values and the traditional elite – and, specifically, for the authority of the Senate. But they also celebrated – as part and parcel of the time-honoured Roman order of things – the majesty of the Roman People, its *libertas*, and, hence, the no-less-traditional power of its assemblies, as well as that of the people's traditional champions, the tribunes. Those who, for whatever reason, played the Popular card, did not have to leave, rhetorically, the safe harbour of *mos maiorum*. They could always claim that *mos maiorum*, with its powerful popular appeal, was on their side.

There were different ways of relating to the senatorial elite in addressing the People – all of them traditional and legitimate. It could be presented as **superior** to the common people in point of wisdom, experience, public service and *auctoritas*. Equally, however, it could be portrayed as an **integral part** of the people, as when the glorious deeds of “our (common) ancestors” were recalled, and appeals made to common values and common pride in Rome's glories. And, when occasion demanded, the elite could be presented as fully and rightly **subject** to the People's ultimate power and authority. All these themes were equally traditional and, in principle, uncontroversial. Each of them might be invoked, emphasised and manipulated at an opportune moment.

An optimate addressing the People was usually no less careful than a *popularis* to pay rhetorical homage to the rights and liberties of *Populus Romanus*. Indeed, Morstein-Marx notes, in his study of contional rhetoric, that “in the late Republic any discernibly distinct ‘optimate’ ideology [in the sense of putting the *auctoritas* of the Senate above the People's power] tended to be kept out of the *contio*”.⁹ Certainly, aristocratic homage to popular rights and interests might be hypocritical and manipulative; but this did not lessen its “educational” effect in shaping the popular audience's view of the People's exalted place in the traditional legitimate order of things.

Precisely because a public debate in Rome was a debate **within** the elite (in the broad sense of the term, comprising “seditious” tribunes no less than staunch optimates, “new men” as well as nobles¹⁰) **before** the People,¹¹ any controversial Popular claim voiced in public enjoyed some (often considerable) elitist support and legitimatiza-

9 Morstein-Marx, op. cit. (n. 6), 229; cf. Mouritsen, op. cit. (n. 2), 14. On rhetorical lengths to which a senior optimate senator might go in adopting a posture of subservience to the People see Cic. *De Or.* 1.225–226 (*senatum servire populo*).

10 It should be borne in mind that the Republican class of office-holders and office-seekers was considerably wider than the nobility with which it is sometimes identified; see e. g. Tiersch, op. cit. (n. 6), 52 (referring to disagreements within the political class as “innernobilitäre Differenzen”).

11 Mouritsen suggests that the audience of the *contiones* was upper-class rather than popular: “the Forum belonged to the world of the elite rather than the populace in general” – op. cit. (n. 2), 45. According to Morstein-Marx, “this remarkable conclusion flies in the face of virtually all our characterizations of contional crowds... [moreover], on Mouritsen's own account, it [does not] apply straightforwardly to the late Republic [when the poor were often ‘mobilized’ by popular politicians]” – op. cit. (n. 6), 42. n. 32; cf. 122–123. Cicero's famous characterisation of the late-Republican *plebs contionalis* – “this wretched starveling rabble that comes to *contiones* and sucks the treasury dry” (*Att.* 16.11) – even if exaggerated, cannot be pushed too far in the “elitist” direction. Jehne's conclusion is that the presence of the “ordinary plebs” in the assemblies was “more prominent than Mouritsen is willing to accept” – op. cit. (n. 3), 230; the *contiones* were dominated by “a relatively small group of ordinary plebeians living around the Forum”; while the “*comitia* attracted more and other participants than *contiones*” (232).

tion. The Republican politicians' dependence on the people's votes meant that strong popular demands tended to find powerful elitist champions. The people's very respect for authority and tradition, fostered by the prevailing political culture, would then turn into a double-edged sword in the hand of the governing class.

Cicero's speech *Pro Lege Manilia*, urging the People to confer on Pompey his wide-ranging imperium in the East, demonstrates how senatorial opposition to a Popular bill could be effectively countered while preserving every appearance of traditionally-required proper respect for the *principes*. Cicero faces a delicate task, as *homo novus* confronting men of the highest nobility. He treats both grand optimate nobles leading the opposition to the bill, Quintus Catulus and Quintus Hortensius, with the greatest courtesy, extolling their *virtus* and *dignitas*, *consilium* and *integritas* (51; 59). "I admit that the *auctoritas* of these men ... ought to have the greatest weight with you." On the present occasion, however, the people should consider the merits of the case, putting *auctoritas* aside (*omissis auctoritatibus* – 51). Cicero reminds his hearers that they had already, in the previous year (67) overruled a far more unanimous senatorial opposition by sending Pompey to his (brilliantly successful, as it turned out) campaign against pirates:

If you did this unadvisedly and with too little care for the interests of the Republic, those men are right in trying to temper your enthusiasm by their counsel; but if it was you, rather, who at that time better understood the public interest, you who, despite their opposition... brought honour to our Empire and safety to the whole world, then these great men (*isti principes*) should at last admit that they too, as well as all others, must bow to the authority of the Roman People (64).¹²

The speech is Popular, but Cicero was never a radical *popularis*. His assertion of popular supremacy here is not at all a subversive innovation; it is no less traditional than the respect and consideration with which he treats the "right honourable gentlemen opposite".¹³ However, having put the *principes*, politely but firmly, in their place, Cicero proceeds to assure his audience that his cause is not at all bereft of *auctoritas*:

But if you think that this cause needs the support of authority, you have the authority of one who is thoroughly experienced in all manner of wars and matters of highest importance, Publius Servilius... You have Gaius Curio, raised by your favour to the highest offices, a man of greatest achievements; Gnaeus Lentulus, known to all of you for his wisdom and *gravitas*, befitting the high offices which you bestowed upon him; Gaius Cassius, remarkable for his uprightness, *virtus* and constancy. See, then, whether we cannot answer the arguments of those who oppose us with the help of the *auctoritas* of these men. (68)

"Raised by your favour to the highest offices"; "wisdom and *gravitas*, befitting the high offices which you bestowed upon him" – is Cicero appealing to his audience's popular sentiment and civic pride, or to their deference to the *principes* and acceptance of hi-

12 English translations will usually follow the Loeb edition.

13 See C. E. W. Steel, *Cicero, Rhetoric and Empire* (2001), 174–181 on Cicero's "finely balanced" combination of *popularis* and conservative themes in the speech. Cf. Cicero's own description of the speech: *temperata oratione* (*Orat.* 102).

erarchy? To both, obviously. The Republican *principes* were, by definition, “raised by [the People’s] favour to the highest offices”; most of them could, as nobles, claim as much for their ancestors. Cicero, while defending a Popular cause opposed by powerful optimates, is addressing the people with the authority of a praetor (“now, since I possess such a measure of *auctoritas* as you ... have wished to be mine” – 2). He addresses the assembled people from a platform raised high above his audience, with all the trappings of high office: the insignia, the lictors, the curule chair. All these devices were designed to impress the common people and instil in them the proper respect for *principes civitatis*; but they might also serve to empower, symbolically, a mere Tullius Cicero facing a Catulus and a Hortensius and calling on the people to reject their advice.¹⁴ Those listening to Cicero see “the familiar landmarks of the Comitium and the Forum [that constituted] a source of cognitive and emotional orientation for every citizen of Rome”; the “expressive energy”¹⁵ of the venerable place from which members of the elite addressed the populace, adorned and surrounded by monuments recalling Rome’s glories, works for him. And, of course, Cicero is pleading the cause of Gnaeus Pompeius, with his immense authority and popularity at the time. In fact, his prestige after the successful campaign against pirates was so high that the senatorial opposition to the Manilian law was much weaker than the one that the Gabinian law had had to face the previous year (although, as Cicero recalls, the People felt sufficiently free to overrule the Senate in 67). It is sometimes suggested that Catulus and Hortensius were in fact rather isolated in the Senate at this point, being “the only significant opponents” of the Manilian bill.¹⁶ If so, it is remarkable that Cicero does not try to present them as a recalcitrant minority in the Senate. Perhaps the senatorial opposition was known to be much wider. Perhaps, on the other hand, the whole question of senatorial majority on this or that side of the argument was not quite as relevant, as far as the populace was concerned, as the notion of the elite’s collective ideological hegemony implies.¹⁷ Certainly, senatorial *auctoritas* mattered a lot to the common people. But one of the ways in which public opinion could be moulded and manipulated by members of the Republican elite was the ability of *popularis* politicians to claim that they enjoyed significant elitist support. Once this much could be asserted with any plausibility, it was not necessarily felt to be of decisive importance where the sympathies of most senators (whether or not formally expressed) lay.

Now let us try to look at this scene through the eyes of one of Cicero’s hearers – a citizen whose outlook has been successfully shaped by the educational process of Republican public life as perceived by those who attribute the power of the Roman elite to

14 Cf. Hölkeskamp’s justified insistence on a certain notional „oligarchic equality“ between different members of the senatorial elite: op. cit. (n. 6) 39; cf. 90.

15 A. Vasaly, *Representations: Images of the World in Ciceronian Oratory* (1993), 104; 61. Vasaly notes that in the second century the Rostra, with its symbolic power, “became the principal scene of tribunician challenges to the status quo” and speaks of “the transformation of the Rostra into a *locus popularis*” – 73–74.

16 Steel, op. cit. (n. 13), 117–118.

17 Note that Cicero, in his speech before the People against the agrarian bill of Rullus (see below), does not argue – as he no doubt could plausibly have done, even without a formal vote – that it was opposed by the majority of the Senate.

its cultural hegemony. Let us assume that he has been an exemplary pupil, and has fully accepted the elite's "kollektiver Anspruch auf Führung und Gehorsam, auf Anerkennung, Rang and Prestige".¹⁸ He is now being urged by a Roman praetor to vote for a measure enhancing the dignity of Gnaeus Pompeius Magnus – as well as, of course, serving the public interest; the bill is opposed by grand optimate nobles, but supported by some high-ranking senators. Who, exactly, is our citizen supposed to be "gehorsam" to, in this situation? He is facing, at this point, not a collective claim on his deference by the elite as a whole, but rival, conflicting claims. Moreover, respect for authority was not the only lesson that our citizen has learned in his civic school. He has, presumably, been taught enough about the People's liberty to give him a degree of inner psychological freedom to make his choice even when it was obvious that the weight of senatorial *auctoritas* was not evenly matched on both sides of the argument.

Most Popular speakers addressing the populace did not, it is true, do so with the authority of a higher magistracy behind them. They were tribunes of the plebs, possessing an authority less solemn in outward appearance, but powerful and traditional in its own way. Moreover, from Tiberius Gracchus on, the most prominent *popularis* tribunes were nobles. Part of their appeal must have been precisely this characteristically Roman-Republican combination of aristocratic authority and popular legitimacy. It made them doubly formidable. In democratic Athens, famously, a smith or a shoemaker might get up in the Assembly and speak on issues of highest importance (Plat. *Prot.* 319 D). Not so in Rome. But those who did get to speak before the Roman People, urging the adoption of Popular measures, were far more dangerous to the elite than any smith or shoemaker could be. Of course, an aristocratic radical or revolutionary is a familiar figure not just in Roman (or Athenian) history. Such high-born "traitors to their class" have always been particularly potent (and hated by fellow aristocrats). What distinguishes the Roman Republic is the degree to which this phenomenon was inherent in the fundamental logic of the system.

Our postulated common citizen – a "good pupil" of the system – must have been deeply impressed whenever he heard such people.¹⁹ He had been taught to respect a noble name – and to believe that nobles and senators had the People's best interests at heart. He could not, then, fail to be moved when Tiberius Sempronius Gracchus, the son of a

18 Hölkeskamp, op. cit. (n. 6), 79. Cf. Tiersch, op. cit. (n. 6), 45: the senatorial elite often united „gegenüber einem gehorsamen Volk“.

19 Corbeill, op. cit. (n. 6) 107–139 suggests that an important part of the elite's cultural hegemony was its "ideology of the body" dealing with proper aristocratic appearance, dress, comportment and style of speaking. This ideology served as "a powerful political tool, a way of ... proving ... who is naturally born to lead" (123) as opposed to *popularis* politicians who are portrayed (by Cicero, in particular) as vulgar and undignified, and thus untrustworthy. Appearance must have been important, but Corbeill is perhaps too willing to accept Cicero's far-from-unbiased descriptions at face value. It is a fact that in many cases *popularis* politicians did not "excite aesthetic revulsion" (132) among the voters – which is what mattered. Cicero himself admits, as Corbeill notes, that at any rate the *populares* of the past were admired, among other things, precisely for their appearance: the people "loved these men's name, speech, face ... and walk" (*Sest.* 105). Presumably, these people, many of them nobles, sought and often managed to strike the right balance between aristocratic *gravitas* and common touch.

twice-consul and censor and of Cornelia, the daughter of Scipio Africanus, came forward, supported by a group of illustrious nobles, to defend the People's rights – traditional, lawful, time-honoured rights. Such men could be relied on not to introduce pernicious innovations. It is true that their enemies accused them of doing just that – but, after all, what could be more traditional than the old law limiting private possession of *ager publicus*?²⁰ The popular cause of agrarian reform enjoyed both aristocratic support and traditional justification. This helps explain how, in a hierarchic and deferential society, the agrarian bill of Tiberius, strongly opposed as it was not just by most senators but also by numerous other wealthy possessors of public land, could be passed by open voting in the assembly – presumably, by an overwhelming majority (since the 18 tribes voting first had been unanimous in deposing Octavius).

This dramatic spectacle – “A True Noble Defending the People's Rights” – would be staged repeatedly in the Late Republic; but it is also attested for the more “harmonious” pre-Gracchan times.²¹ In 137 a law introducing the secret ballot in judicial assemblies was carried by a tribune against strong senatorial opposition (Cic. *Brut.* 97). Those who opposed the ballot must have claimed that it was an unwarranted innovation. Such an argument could not be lightly dismissed by the people of Rome. They must, therefore, have found it very reassuring that the bill was initiated by Lucius Cassius Longinus Ravilla (the famous jurist), and supported by Publius Cornelius Scipio Aemilianus Africanus.²² It is not hard to reconstruct the arguments used to rebut the charge of innovation: the people's traditional liberty was being infringed by *pauci potentes*, who were putting undue pressure on the humbler voters. The ballot was merely a technical device needed to enable the voters to preserve – or rather, restore – the free suffrage that was, since Romulus, their birthright as Roman citizens.

In fact, precisely this line of argument is reflected in an unlikely source – Quintus Cicero's attack on the ballot laws in *De Legibus* (3.34): “The people never asked for this law when they were free; they demanded it only when they were oppressed by the power and might of the *principes*.” This account paints pre-Gracchan political realities in distinctly late-Republican colours. There may be an element of anachronism here, but it is also possible that the difference between the largely-undocumented decades before 133 and what followed was, though significant (chiefly as regards political violence),

20 T. P. Wiseman argues that the tradition on Romulus distributing the territory of Rome to citizens in equal lots (Dion. Hal. 2.7.4; 2.28.3) is part of a broader the *popularis* tradition attributing the idea of civic equality, in particular regarding the distribution of land, to the founder of the City – *Remembering the Roman People: Essays on Late-Republican Politics and Literature* (2009), 81–98.

21 Cf. L. R. Taylor, “Forerunners of the Gracchi”, *JRS* 52 (1962), 19–27; A. W. Lintott, ‘Democracy in the Middle Republic’, *ZSSR* 104 (1987), 34–52; cf. next note. Claudia Tiersch stresses that the growing conflict of interests between the elite and the common people encouraged some members of the political class to play the Popular card “already before the Gracchi” – *op. cit.* (n. 6), 55 (with reference to Val. Max. 3.7.3). All in all, however, I believe that her account overstates the dichotomy between the Middle Republic and the later one. Competition for popular favour within the senatorial elite was robust enough in the former period; on the other hand, the elite's prestige and authority, though weakened, did not collapse during the Republic's last century – among other things, presumably, because “the people's friends” emerged from its own ranks.

22 For Scipio Aemilianus as a (pre-Gracchan) *popularis* see A. E. Astin, *Scipio Aemilianus* (1967), esp. 26–34.

less decisive than often thought. At any rate, the language of the passage is a curious example of radical Popular phraseology appropriated by a diehard optimate, as personified by Quintus Cicero, in a treatise aimed at a high-class audience. Such a thing could only happen because *popularis* rhetoric was a legitimate aspect of traditional Roman discourse.²³

The supporters of the Cassian law did not have to admit or to feel that they were acting in any way contrary to the lessons inculcated in them by their traditionalist “civic education”. The same holds true, in all probability, for every other piece of Popular legislation. Not that innovation, as such, could not be defended in terms of legitimate public discourse. It could be plausibly argued that it was a time-honoured Roman tradition to innovate when necessary: *maiores nostros ... semper ad novos casus temporum novorum consiliorum rationes accomodasse* – Cic. *Leg. Man.* 60. Even sedition could be justified by respectable historical precedents from the “struggle of the orders”.²⁴ The secessions of the plebs as a precedent for defending liberty were enough of a rhetorical commonplace to be invoked by the optimate leader Q. Catulus in his speech before the people opposing the Manilian law with the “unconstitutional” powers it conferred on Pompey. (Plut. *Pomp.* 30.4).

Even truly subversive and confrontational rhetoric, unlike anything we hear from Cicero wearing his Popular hat, or anything that is likely to have been said by Cassius Longinus and Scipio Aemilianus, did not have to step openly outside the bounds of traditional – hence legitimate – discourse. Sallust relates the speech by Gaius Memmius, tribune of 111, attacking the senatorial mishandling of the Numidian war (*Jug.* 31). Memmius speaks of *opes factionis* and *superbia paucorum* (31.1–2), dwells on the murder of the Gracchi (31.7–8) in a highly inflammatory manner (not at all to be compared to Cicero’s pseudo-*popularis* positive references to them²⁵), and describes the people as “enslaved” to the oligarchy. But, of course, the popular liberty he is defending is entirely traditional – a precious inheritance handed over to the present generation of Romans by “our ancestors” (5; 6; 8; 17 – the secessions of the plebs are repeatedly alluded to).

Moreover, when this upholder of popular rights mentions the authority of the Senate, he purports to defend it, decrying its betrayal by the corrupt clique in power (which he naturally refuses to identify with the Senate as a whole): *Hosti acerrumo prodita senatus auctoritas, proditum imperium vestrum est* (*Jug.* 31.25). Cicero speaks of *populares* who are in the habit of praising the Senate of the past in order to bring *invidia* on the present-day Senate (*Rab. perd.* 20). Those who used such tactics will have professed

23 Wiseman refers to “two rival ideologies, two mutually incompatible understandings of what the republic was” – op. cit. (n. 20), 9. Perhaps it is better to speak of different trends within the same widely avowed ideology – though policy differences between *optimates* and *populares* might be very sharp. Wiseman stresses, throughout his book, that the *popularis* ideology was no less grounded in Roman history and, in the eyes of its supporters, justified by tradition, than the optimate one.

24 See, e. g. Cic. *Acad.* 2.13 f.; *De Or.* 2.124; Asc. 76–78 C. (*Pro Cornelio*); Sall. *Hist.* 3.1–7; 15 (*Oratio Macri*). On the *popularis* tradition and the use of historical *exempla* see N. Mackie, “*Popularis* Ideology and Popular Politics at Rome in the First Century B.C.”, *Rheinisches Museum für Philologie* 135 (1992), 49–73.

25 *Leg. agr.* 2.10; *Rab. perd.* 14–15. See A. Robinson, “Cicero’s Use of the Gracchi in Two Speeches before the People”, *Athens and Rome* 39 (1994), 71–76.

great admiration for the true senatorial tradition – which, sadly, was being brought into disrepute by the *pauci*. Despite what Cicero says here, they did not have to identify these *pauci* with the contemporary Senate, and certainly not with the principle of senatorial authority. “Those who took up an oppositional stance against ‘the Senate’ did not, as a rule, decry the hallowed institution as much as its present corrupt leadership.”²⁶

Other traditional optimate themes, such as the need to protect the public treasury and the rights of Rome's allies (arguments often raised against measures benefitting the populace) could also be appropriated by *populares*. Gaius Gracchus is a case in point. Cicero notes, sarcastically, that Gaius spoke in public as if he were a guardian and watchdog of the treasury (*Tusc. Disp.* 3.48). The symbolic power of archaic procedures and religious rituals was likewise not a monopoly of the “oligarchy”: witness the proceedings against Rabirius in 63 with their elaborate archaisms and Clodius' dedication of the shrine to Liberty on the site of Cicero's destroyed house in 58.

If *populares* could manipulatively extol the Senate of the past in order to discredit contemporary oligarchs, Cicero was happy to return the compliment by contrasting contemporary *populares* with their altogether more respectable predecessors. He praised (*Leg. agr.* 2.10) before the People the agrarian – and other – laws of the Gracchi (not to be compared to Rullus's reckless and dangerous bill) and the genuine devotion of Gaius Gracchus to the cause of liberty and inviolability of Roman citizens (that should put to shame those cruelly seeking to execute Rabirius – *Rab. perd.* 12–15).²⁷ In *Pro Sestio*, addressing an upper-class jury, Cicero contrasts Clodius, who allegedly relied on hired mobs, with the *populares* of old who at any rate represented genuine popular demands, often based on the popular understanding of liberty (*Sest.* 103–105). Demands voiced in the name of liberty and enjoying authentic popular support were by definition legitimate – even if misguided, as Cicero argues. Accusing one's rivals of betraying what is best in their own tradition is a well-known rhetorical device – as when an American president's opponents make invidious comparisons between him and his distinguished predecessors of the same party. This form of reproach is only available when a certain fundamental legitimacy is conceded to the other side.²⁸

26 Morstein-Marx, op. cit. (n. 6), 231; see n. 119 on “Caesar's portrayal, at the beginning of the *Civil War* [1.2], of a Senate cowed by a truculent *factio* in 49”. Suggestions that the Late-Republican Senate lost its popular legitimacy – thus, e. g., Tiersch, op. cit. (n. 6), 65 – seem exaggerated. According to Mackie (n. 24 above), “some *populares* may have had no time at all for *senatus auctoritas*” (58). Tiberius Gracchus was alleged to have declared his wish to remove the Senate from the political arena: *interempto senatu omnia per plebem agi debere* – Val. Max. 3.2.17. This may well be a hostile tradition greatly overstating anything that Tiberius was ever likely to say in public (cf. Diod. 34/35.25.1; App. *B. Civ.* 1.22 for Gaius Gracchus). The sources do give the impression that the *optimates* were more committed, rhetorically, to the People's liberty than the *populares* to *auctoritas senatus*; but the evidence on optimate attitudes is also more copious, thanks mainly to Cicero.

27 Cf. *Leg. agr.* 2.18–19 – Rullus contrasted unfavourably with Cn. Domitius, the author of a *popularis* law introducing popular election of priests (104). On Cicero's appropriation of *popularis* (including pro-Gracchan) themes see R. W. Cape, Jr., “Cicero's Consular Speeches”, in J. M. May (ed.), *Brill's Companion to Cicero: Oratory and Rhetoric* (2002), 133–135.

28 Cf. *Dom.* 77 (Cicero is indignant over the violation of his civic rights): *est hoc tribunicium, est populare?*

Even contemporary *populares* could be complimented as such, in order to put more radical ones in a negative light. In *Cat.* 4.9 Cicero, noting Caesar's consistent Popular stance in politics, praises him as a "true *popularis*", contrasting him with irresponsible demagogues. A "true *popularis*" could thus, occasionally, denote a real *popularis* rather than a defender of senatorial authority trying to steal the popular mantle from the "opposition", a respectable political opponent expressing a legitimate aspect of Roman tradition (though this is not, admittedly, Cicero's usual way of employing the term²⁹). If this much was conceded by Cicero in the Senate, no radical politician addressing the People needed to suffer from a deficit of traditional legitimacy.

If the "*populares* [made] as much play with *mos maiorum* as their opponents"³⁰, it was because *mos maiorum* included elements which lent themselves to such uses. It has often been noted that the tribunate of the plebs was, after the "struggle of the orders", integrated into the system and largely "domesticated". But this also meant that the popular, and even revolutionary element of Roman tradition represented by the tribunate was likewise integrated and legitimized.

III. The Roman *contio*: the balance of power

The same broadly defined, though variously and flexibly interpreted, system of basic values, purporting to reflect the *mos maiorum*, was, for all we know, shared avowedly by all those engaged in Republican politics. But this very fact, which empowered critics of the status quo by allowing them to claim traditional legitimacy, can also be regarded as fundamentally favourable to the stability of the system and thus, to the collective interests of the elite (beyond any specific disagreements within it). Morstein-Marx, in an important study of the Roman *contio*, argues that the "ideological monotony" of the Republican public discourse – the fact that both *popularis* and *optimates* speakers regularly "pledged their allegiance to the same principles and goals" and relied on the same historical *exempla* – "posed a difficult problem of discernment" for their popular audience and left it largely dependent on elite speakers and their manipulations. Moreover, mainly because of the presiding magistrates' discretionary powers, "the distribution of power between speaker and audience" in a *contio*, was "so unequal" "that the latter was, to an extraordinary degree, at the mercy of speakers and their representations".³¹ This combination of cultural assets and procedural tools at the elite's disposal, re-enforcing each other and shaping the public discourse, leads him to conclude that the *contio* was

29 See R. Seager, "Cicero and the Word *Popularis*", *The Classical Quarterly* 66 (1972), 328–338. Mouritsen rightly stresses the ability of *optimates* to "appropriate" and manipulate popular catchwords such as *libertas*, and even the term "*popularis*" itself – op. cit. (n. 2), 12. But the parallel ability of *populares* to appropriate terms and themes enjoying traditional and even specifically elitist legitimacy also needs to be taken into account.

30 Brunt, op. cit. (n. 4), 330.

31 Morstein-Marx, op. cit. (n. 6), 240; 194. Morstein-Marx qualifies his acceptance of the picture of elite hegemony drawn by Hölkeskamp by stressing that the citizens were "active [though] disadvantaged co-constructors of contional discourse" rather than "passive consumers of elite ideology" (32 n. 115).

an essentially hierarchical and conservative institution. Its overall impact – for all its ostensibly popular aspects, and in large measure precisely because of them – was to strengthen the legitimacy and power of the governing class.

There is, of course, as Morstein-Marx notes, nothing uniquely Roman about rhetorical manipulations by politicians seeking to influence public opinion. The question is whether the Roman elite was in a uniquely strong position vis-à-vis the people in this respect.³² The modern-democratic manipulation is different in various ways; not all of them are necessarily weaker than those practiced in Rome. Modern politicians belong, formally, to a political party. It is certainly not unknown for them to steal their opponents' ideological and rhetorical clothes – indeed, brilliant political careers have been built on precisely this principle. But it is true that a Labour candidate in Britain will not present him – or herself to the electorate as “the true Tory”³³ in the same way that Cicero posed as a “true *popularis*” while opposing the agrarian bill of Rullus (*Leg. agr.* 2.6; 9); though on the other hand few Tories will fail to claim, not indeed that they are “true Labourites”, but that they have the true interests of working people at heart (the closer analogy to Cicero's “*vere popularis*”). In this sense, the possibilities of manipulation available to Roman politicians, who did not wear a formal political label, were greater.

But it is not obvious that, all in all, the opportunities for manipulating public opinion afforded by modern organized politics, modern techniques of PR, “spin” and campaigning, as well as the modern system of representative, as opposed to direct, democracy, are less far-reaching than those provided by the Roman *contio*. Nor is it obvious that, for all the flaws of the *contio* from the viewpoint of modern theories of fair and rational debate, “the distribution of power between speaker and audience” produced by modern mass media is invariably more equal than the one that prevailed in the Roman Forum.

Moreover, the *contio* as an institution was much less (procedurally) “undemocratic” than each particular *contio*, since competing *contiones* on controversial issues could be, and regularly were, held by rival magistrates and tribunes, with one procedural unfairness and political bias offsetting, as it were, another one. It stands to reason that even the “holder” of the individual *contio* would thus be encouraged to show some restraint in using his discretionary powers. A Roman politician failing to show such restraint knew that he might find himself, in the future, at the receiving end of similar treatment by a rival presiding magistrate. The system was certainly open to abuses, particularly when one felt that popular sentiment was strongly on one's side. Normally, however, a degree of “mutual deterrence” must have prevailed among politicians – though towards the end of the Republic, admittedly, it grew less and less effective.

Moreover, precisely those features of the *contio* that are rightly described as “undemocratic” in the sense of lacking procedural fairness often tended, at any rate in the Late Republic, to produce Popular political results. Reasoned opposition to proposals enjoying strong and vociferous popular support was often impossible. The widespread practice of “producing” an opponent and questioning him in public “was ... a form of political theatre designed to stampede opposition to popular measures by forcing opponents to confront the ostensibly manifest Will of the Roman People” (as in the case

32 Morstein-Marx, *op. cit.* (n. 6), 201.

33 Thus Morstein-Marx, *op. cit.* (n. 6), 230.

of Caesar “producing” his fellow-consul Bibulus in a turbulent *contio* in the hope of breaking his opposition to the agrarian law of 59).³⁴

Confronting an angry crowd while trying to prevent it from having its way on an issue close to its heart was, no doubt, a highly unpleasant experience.³⁵ This aspect of Roman *contio*, while it was indeed procedurally “undemocratic”, made it – and hence the entire system – more popular politically and, in an important sense, even procedurally, since it helped overcome not just reasoned opposition but also procedural obstruction. A tribune trying to veto a popular piece of legislation could not “send his veto” to the assembly the way an American president sends his veto to Congress: he had to come to the Forum and literally “face the music”. Moreover, the Republican elite could not rely on a police force to preserve public order and its individual members’ safety. Personal attendants were not always a sufficient protection against physical threats; much less could they shield one from the sheer unpleasantness of direct contact with hostile throngs. The speaker’s platform in the Forum, however elevated, was a far cry from the balcony overlooking the Piazza Venezia. Deferential though it might have been to social hierarchy, the Roman (particularly late-Republican) mob could be very tough on an individual “hierarchy” who had aroused its ire. He could take scant comfort from the fact that the mob was at the same time deferring to one of his rivals, fellow “hierarchs”. On a notorious occasion at the height of the street violence that plagued the Republic’s last years, the mob burned down the Senate-house itself (Asc. 32–33 C). Of course, it was thereby paying its last respects to Clodius, the great populist aristocrat, rather than rebelling against social hierarchy as such. The Roman mob could certainly go a long way without rebelling against social hierarchy as such.

The sheer weight of the people’s physical presence – potent enough even without violence or open threats – surely helped deter many of those who might consider using their powers in order to obstruct the popular will. During the last century of the Republic, with increased violence and intimidation in the assemblies, “a legislative veto will in practice have been nearly impossible to sustain against strong evidence of the Roman People’s overwhelming support for a law”.³⁶

It is true that the “manifest Will of the Roman People” could not assert itself directly but only in a mediated form, as formulated by those members of the elite who had the right to translate it into specific proposals. These people had ample opportunities to orchestrate and manipulate public expressions of popular sentiment. The popular will

34 Morstein-Marx, *op. cit.* (n. 6), 167. For a strong emphasis on the Popular character of the Late-Republican *contio* see Tiersch, *op. cit.* (n. 6), 57ff., esp. 64.

35 See, e. g., Dio 36.30.3–4; Plut. *Pomp.* 26.6; cf. Val. Max. 3.8.6; Cic. *Q. Fr.* 2.3.2. See Sall. *Jug.* 34.1 on the people’s threatening reaction in 111 to a tribune’s veto in the service of the oligarchy. For the mob assaulting Octavius after his deposition see Plut. *Tib.* 12.3. For violence and intimidation against people of rank *in contione* see e. g. Plut. *Pomp.* 25.6; Asc. 58 C; Dio 36.30.3–4; Val. Max. 3.8.3; Cic. *Dom.* 110; Plut. *Cat. Min.* 33; App. *B. Civ.* 2.11; Dio 36.24.1–4; 38.4.2; 38.6.2–3; 38.16.5; 39.33.4. The *Lex Manilia*, on which we have Cicero’s polite refutation of the opposition’s arguments, was, according to Plutarch, passed after most senators forbore to speak against it in public “for fear of the people” (*Pomp.* 30.4) – though the fear was not necessarily that of physical violence (cf. n. 16 and text).

36 Morstein-Marx, *op. cit.* (n. 6), 126.

was thus, in a certain sense, “created in the process of being articulated”.³⁷ The Roman politicians' ability to shape public discourse even as they were giving expression to popular demands must have been considerable – but not limitless. Tiberius Gracchus surely had all the resources of aristocratic manipulation at his disposal. But it should not be imagined that he could have mobilized popular sentiment on some other issue that would have suited his political purposes just as easily as he tapped it on the thorny issue of agrarian reform.

Cicero, defending Pompey's role in the restoration of tribunes' powers in 70 B.C., argues that strong popular pressure had made the reform unavoidable: “It was incumbent on a wise citizen not to leave to some dangerous demagogue a cause that was not vicious in itself and so popular that it could not be opposed” (*Leg.* 3.26). Pompey's career in the 60s was advanced by grateful tribunes using their restored legislative powers. Though the exact details of any bill were naturally formulated by the proposer, the popular demand for the restoration of the tribunate had existed for years prior to Pompey's decision to take it up;³⁸ it was not really, in this case, “created in the process of being articulated” by Pompey.

In the case of Tiberius Gracchus' agrarian bill, Plutarch tells us that, apart from other influences, he was urged on “by the people themselves, who posted writings on house-walls, and monuments, calling on him to recover for the poor the public land” (*Tib. Grac.* 9.7). If so, the popular demand for an agrarian reform pre-dated its articulation by Tiberius – though presumably only in a general form. The crucial details of the bill still had to be supplied by the tribune himself. However, as far as the general direction of the reform is concerned, the popular will seems to have manipulated him no less than the other way around. In both those cases, admittedly, the people needed a Sempronius Gracchus or a Pompey in order to translate their wishes into effective political action. But the fact that popular demands were espoused by such powerful individuals greatly benefitted the cause of reform.

The people, as we have seen, are said to have “demanded” (*flagitavit*) the introduction of the ballot (*Cic. Leg.* 3.34). We are not told how this demand was communicated, but Roman crowds had plenty of opportunities to voice their demands by the simple expedient of shouting, as happened in 57 when Cicero was induced by such calls addressed to him to make a motion in the Senate appointing Pompey to solve the grain crisis (*Dom.* 14–17; cf. *Leg. Man.* 44). Usually, it is true, we do not hear of a clearly articulated popular demand prior to a Popular legislative proposal. Sometimes, no doubt, such details failed to survive in the remaining sources. It does, however, appear that the popular spokesmen who, by definition, belonged to the political class, enjoyed in practice a wide “margin of appreciation” as to which popular wishes and grievances they chose to act upon, and how. This, indeed, reflects the power of the Roman elite. But when a tribune proposed one of the Late Republic's grain laws, it is a pretty safe guess that he was not “creating” a popular demand for cheap or free bread but voicing it.

37 Morstein-Marx (n. 6), 33. This, it should be noted, also applies to a modern representative democracy.

38 The first step had been taken, after prolonged agitation, in 75. Cf. *Cic. Verr.* 1. 44 on the strength of the popular sentiment on the issue (a reluctant admission by Q. Catulus).

As for the people's ability to make informed choices faced with the "ideological monotony" of the *contio* – this must often have been a challenge. But it is hard to believe that a regular *contio*-goer would be unable to distinguish between Cicero's perfunctory professions of respect for the Gracchi and Memmius' inflammatory references to them³⁹ – or between Memmius' pretended defence of senatorial authority and that of Cicero or other *optimates*. The difference in tone between Cicero's speeches at their most "Popular" and the genuinely *popularis* rhetoric that appears in Sallust (which surely reflects contemporary usage, whether or not it accurately relates what was said decades earlier) is immediately apparent even to us. The contemporary popular audience of contional speeches should not be conceived as lacking all political discernment and wholly at the mercy of elite manipulators.

IV. Cicero's *De Lege Agraria*: a limitless manipulation?

Cicero's speech to the People against the agrarian bill of Rullus is perhaps the most notorious example of successful elite manipulation of public opinion, cited to justify pessimistic evaluations of the *contio* as an institution providing the populace with significant leverage in the political system.⁴⁰ Here, according to this view, is a case of elite cultural hegemony with a vengeance. It should however be noted that having presented himself to his audience as *consul popularis* (2.6), Cicero goes on to interpret the term *popularis* in a thoroughly – and quite candidly – conservative fashion. A true friend of the people is someone who supports the preservation of the present form of government which guarantees the people's true interests: liberty, peace, repose, credit, finality of judicial decisions, avoidance of excessive personal powers (2.7–10; cf. 102–103). No true friend of the people could support the "proclaiming of some largesse which can be promised in words but cannot possibly in reality be given without draining the treasury" (10). Even if Gaius Gracchus sounded like a champion of the treasury in his speeches, their tenor must have been very different.

Conservatives of all ages would immediately recognize Cicero as their man upon reading these passages; many of them would not at all be surprised or taken aback by his professions of fidelity to the people's freedom and true interests. There is no reason to assume that the Roman populace was won over by Cicero because it mistook him for a *popularis* in some radical and subversive sense; moreover, by rhetorically asking for

39 See n. 25 above and text. While praising the Gracchi and their reforms, Cicero says nothing about their murder and certainly does not denounce their senatorial murderers – unlike Memmius (and other *populares*: *Rhet. Her.* 4.31; 4.68; *Cic. De Or.* 2. 170 ; *Sall. Jug.* 42 (not written in a radical *popularis* vein, but still very different in tone from Cicero).

40 Thus A. J. E. Bell, "Cicero and the Spectacle of Power", *JRS* 87 (1997), 16; G. Sumner, "Cicero, Pompeius and Rullus", *TAPhA* 97 (1966), 569–582; J.-L. Ferrary, "Rogatio Servilia Agraria", *Athenaeum* 66 (1988), 141–164; Morstein-Marx, *op. cit.* (n. 6), 194–202. Vasaly, while stressing the highly manipulative presentation of the agrarian bill by Cicero, also suggests that "the framers of the bill left the content vague in order to allow themselves the widest latitude in exercising their powers" – *op. cit.* (n. 15), 219. This will naturally have made easier Cicero's task of portraying the bill as conferring "regal" powers on the decemvirs.

his hearers' assistance in defining this term, saying he is in need of their wisdom (2.7), Cicero tacitly conceded that his use of it was controversial. Manipulation – certainly, but hardly outright deception. One may question how far Cicero was really trying to mislead his audience as to where, fundamentally, he stood in contemporary politics – though he was certainly disingenuous in his treatment of the bill and of the issue of agrarian legislation in general, and manipulative in his “co-optation” of the Gracchi (as “good *populares*” of old, so unlike Rullus). The degree of manipulation on Cicero's part involved in taking this line of argument at that particular point in his career was considerable – but hardly limitless. He did, after all, have a certain moderate Popular record when he was elected consul (*Com. Pet.* 53), and his optimate stance, adopted from then on, would be relatively moderate too. On a later occasion in 61, he would be willing, unlike the majority of the Senate, to accept a watered-down version of an agrarian bill (*Cic. Att.* 1.19.4).

Cicero's statement that he “is not one of those consuls who, like the majority, think it an abomination (*nefas*) to praise the Gracchi” (*Leg. agr.* 2.10) in fact strongly indicates that this degree of manipulation was not available to a typical optimate consul as far as public references to the Gracchi were concerned. Typical *optimates* would, naturally, claim to be defending the true interests of the people – as numerous other conservatives have argued, far from always unsuccessfully. However, most *optimates* would probably have found it less easy than Cicero in 63, with his Popular credentials, to play with the term *popularis* itself – something that he had done in the Senate as well (*Leg. agr.* 1.23). It should not be assumed that every Roman politician could afford, in addressing the populace, to adopt any rhetorical posture that suited the occasion and expect his audience to “buy” it.

If Cicero's popular audience was impressed when he urged it to reject the agrarian bill by stressing the advantages of urban life for citizens and voters (2.71), this does not necessarily prove that there was no limit to the ability of a Roman “oligarch”, posturing as a “true *popularis*”, to dupe the people into acting against their own interests. His call on the people to “keep possession of the influence you enjoy, of your liberty, your votes, your dignity, your city, your Forum, your games, your festivals, and all your other enjoyments”, and not to “abandon these privileges and this brilliant republic and to settle in the dry sands of Sipontum or in the pestilential swamps of Salapia”, however biased in its presentation of the alternatives, could not have been totally divorced from the realities known to his audience.⁴¹

Moreover, the opponents of the bill had no monopoly on persuasion and, presumably, demagogy: Rullus and other tribunes supporting it spoke in its defence before the people and vigorously attacked Cicero;⁴² he notes that the attacks have had some

41 See on this Yakobson, *Elections and Electioneering in Rome. A Study in the Political System of the Late Republic* (1999), 228–229. According to Tiersch, Cicero's arguments could never have persuaded “peasants or veterans really interested in land”, although the city populace (dominating the late-Republican tribal assemblies) “possibly accepted” them – op. cit. (n. 6), 62. Cicero's list of *commoda* enjoyed by the urban plebs should not then be dismissed out of hand.

42 *Leg. agr.* 2. 13; 3.1; 3.3; 3.10. It is uncertain whether the bill was eventually rejected by the vote of the tribes or perhaps withdrawn under threat of a veto (cf. *Cic. Sull.* 65) once it became clear that popular support for it had been undermined; see Morstein-Marx, op. cit. (n. 6), 192–193. Morstein-

effect (3.2). The populace had to choose which “friend of the people” to believe: a consul acknowledging that he had no illustrious ancestors to recommend him (2.1) or a tribune of the plebs who took pride in being a noble (2.20); the consul opposed the bill allegedly on its (de)merits, while acknowledging that there were perfectly respectable precedents for agrarian legislation (2.10). The people’s ingrained respect for tradition and deference to hierarchy could provide no clear guidance in this case; if they were brainwashed, as some modern scholars insist, at any rate they were free to choose whom to be brainwashed by.

The populace was not automatically swayed by fine words coming from “oligarchs”. It is described as decidedly unimpressed by the rhetoric of *concordia* used by Opimius after the murderous suppression of Gaius Gracchus and his followers (Plut. *C. Gracch.* 17). When “the multitude” is portrayed as troubled by the implications of Octavius’ deposition from the office of tribune (Plut. *Tib.* 15; App. *B. Civ.* 1.14; cf. Cic. *Leg.* 3.24; *Brut.* 95), this need not imply that it took Tiberius Gracchus’ senatorial opponents at face value when they pretended to be defending the tribunes’ rights: the precedent created by the deposition might well give cause for genuine concern from the people’s viewpoint. In a treatise addressed to a high-class audience Cicero makes Laelius note that while a *contio* is made of “most ignorant men”, it is nevertheless usually capable of distinguishing between a *popularis*, i. e. a demagogue, and a serious statesman; it is thus possible to persuade the people, with the help of *auctoritas* and good arguments, to vote down a Popular bill; two recent examples are cited (Cic. *Amic.* 95–97, dramatic date – 129 B.C.). “Laelius” naturally does not refer to the possibility of demagoguery coming from the opposite direction, but there seems to be no reason to assume that in such cases the Roman populace would be wholly incapable of seeing through the rhetorical smokescreen. Cicero’s Laelius speaks after the tribunate of Tiberius Gracchus, but his words purport to reflect middle-Republican realities – another indication that the often-stressed dichotomy between the Middle and the Late Republic may well be overstated.

“Ideological monotony” of the prevailing political discourse is by no means a uniquely Roman phenomenon. Relatively subtle nuances within the same broad rhetorical pattern that may be lost on an outsider are often obvious enough to insiders and contemporaries. Rival US politicians invoking “the American dream” and the various themes, symbols and historical examples traditionally associated with it may sound “ideologically monotonous” enough to an outsider; this does not mean that a meaningful debate is impossible within the broad confines of this discourse. The labels adopted by the rival American parties have, from the outset, belonged to a common ideological stock: “We are all Republicans – we are all Federalists” – said Thomas Jefferson in his first inaugural address. The same is of course true for Republicans and Democrats

Marx notes the people’s negative reaction at a *contio* might effectively doom a legislative proposal before it had a chance to be put to a vote, impelling the proposer to withdraw it, or “provoking” a veto (124). Hence the fact that a bill was only very rarely voted down need not imply that there was anything automatic about the voters’ eventual acquiescence and that the assemblies’ role was essentially ritualistic, as argued by E. Flaig in “Entscheidung und Konsens. Zu den Feldern der politischen Kommunikation zwischen Aristokratie und Plebs”, in M. Jehne (ed.), *Demokratie in Rom? Die Rolle des Volkes in der Politik der römischen Republik* (1995), 77–84. See on this also Jehne, *op. cit.* (n. 3), 232.

today. The American “ideological monotony” certainly contributes to the fundamental stability of the system. But it has also empowered critics and reformers and legitimized challenges to the status quo – some of them fairly radical – in the name of the commonly-acknowledged principles on which the system is avowedly based.

In Europe, fundamental ideological differences have traditionally been more pronounced, with correspondingly dissimilar party labels. However, a German voter today is presumed to be able to make significant political choices between parties and politicians all of whom are fully committed to “the free democratic order”, “the social market economy”, drawing the right lessons from Germany’s past, protecting the environment, ensuring gender equality, strengthening the European Union – as well as to NATO, world peace, international law, human rights, combating terrorism and many other good things. This, no doubt, gives rise to various manipulations – but the voters are, presumably, not entirely helpless in coping with them.

V. Conclusions

The cultural and ideological foundations of the power of the Roman elite are well worth looking into, now that most scholars no longer assume that the populace was either wholly marginalized or could somehow be forced to vote in a way that suited the oligarchy. There is room for a Roman version of Gramsci’s thought regarding the cultural hegemony of the ruling class. The political culture of the Republic was indeed traditional and hierarchical. Respect for tradition and hierarchy was constantly re-enforced by the Republic’s rituals and spectacles and by the rhetoric heard from the Rostra.

However, Republican tradition itself was far from being unambiguously “oligarchic”, just as the elite (defined in large measure by the outcome of popular elections) was far from always united in the face of popular wishes and demands. The more “oligarchic” elements were not alone in shaping Roman tradition throughout the Republic’s history, nor were they its sole legitimate interpreters. It lent itself to different and contradictory uses; it was drawn upon by conservatives and reformers alike.⁴³ If it required all upper-class speakers to proclaim their devotion to the people and their liberty, this both made the people more willing to put their trust in the elite, and, at the same time, validated their self-perception as the ultimate legitimate authority in the Republic. Whenever a prominent member of the elite, with all his prestige and authority, chose to seek political advancement by playing the Popular card, both bulwarks of the oligarchy – the people’s respect for tradition and hierarchy and the fact that popular demands could be translated into legitimate political action only by being taken up by members of the elite – became highly counterproductive from the hierarchy’s own point of view.

We should not, then, think in terms of a purely – or overwhelmingly – aristocratic culture largely neutralizing the (now widely conceded) popular aspect of the Republican system of government. The political culture of the Republic was, in its own way, “mixed”, in the Polybian sense, presenting a complicated symbiosis of elitist and popular elements – though it is likely, and hardly surprising, that the political culture was, all

43 Cf. Wiseman *op. cit.* (n. 20), 18: “Both ideologies were represented in the tradition.”

in all, more conservative than the constitutional structure. Nor should the interaction between those two aspects, the elitist and the popular, be seen, despite the obvious tensions between them, as a “zero-sum game” – either on the cultural-ideological level or on the structural-political one. They were inseparably intertwined and often re-enforced each other.

It remains nevertheless true that for all the Popular uses to which it could be put, the political culture of the Republic was, in the final analysis, far more conducive to preserving the existing social and political order – and hence the enormous benefits which the elite was reaping from it – than to subverting it. The very flexibility of the system, the fact that it allowed, and in a certain sense even encouraged, attacks from within, while making attacks from without nearly impossible, enhanced its overall stability. It served as a safety valve and greatly narrowed the range of conceivable changes, making any wholesale alternative to the existing system virtually unthinkable.⁴⁴ But when a system needs to be maintained with the help of such powerful safety valves, they can no longer be regarded as something peripheral to the system. They become one of its essential characteristics. The popular aspect of Republican politics can be perceived as ultimately serving the interests of the elite by legitimizing its rule.⁴⁵ But the elite had to pay a considerable price for this service.

That the Republican system served the Roman governing class well is beyond doubt. Did the common people too benefit from it to a significant – though of course far from equal – degree? It can be claimed that they benefitted so little that the system is not “entitled” to be defined as genuinely responsive to popular needs and demands – even in the Late Republic, for all its Popular agitation.⁴⁶ This is debatable. Different periods brought various benefits to the Roman populace. One should take into account not just legislative *largitiones* (the grain laws and the agrarian laws), but also private largesse of various kinds, from direct bribery to fully legitimate displays of generosity on the part of actual or prospective candidates. These are clearly attested as helping advance one’s political career; their huge and ever-increasing scale (tapping, in the Late Republic, the wealth of the Empire) was, in part, a result of the political and electoral clout of the Roman populace. From the early Republic up to the first decades of the second century, extensive land allotments in Italy were an important way of benefitting the people (without asking the Roman rich to give up “their” land, as Tiberius Gracchus had to do). As long as a typical Roman soldier was also a voter, this had to be taken into account by his commanders, especially when booty was distributed. The late-Republican city populace was virtually exempt from military service, and, since 167, Roman citizens

44 See on this Ch. Meier, *Res Publica Amissa* (1966); see Hölkeskamp, op. cit. (n. 6), 41–49; Morstein-Marx, op. cit. (n. 6), 277.

45 Both generally and as regards popular elections in particular; see Hölkeskamp, op. cit. (n. 6), 83.

46 See, e. g., Morstein-Marx, op. cit. (n. 6), 286. Tiersch, on the contrary, argues that Rome’s military successes brought tangible material benefits to the populace (mainly through the distribution of booty and colonization), greatly enhancing the popular legitimacy of the senatorial elite – op. cit. (n. 6), 48; in my view, she underestimates the extent to which similar, though not identical, factors continued to operate in the Late Republic. For an earlier period see K. J. Hölkeskamp, „Conquest, Competition and Consensus: Roman Expansion in Italy and the Rise of the *Nobilitas*”, *Historia* 42 (1993), 12–39.

did not pay direct taxes. These are significant benefits by any measure, and the latter is highly unusual for an imperial people under any system of government. In both cases, the system's responsiveness to popular (i. e., voters') needs was surely not irrelevant. The personal freedom and dignity of humbler citizens were better protected against official and upper-class abuse in the Roman Republic than in many other societies. It may be argued that all these things were, after all, merely crumbs from the oligarchs' table. Perhaps; that table was certainly sumptuous enough to make such a claim possible. But a similar claim can be made, and in modern times has repeatedly and powerfully been made, as regards other open and competitive political systems.

Different people will use the terms "oligarchy" and "democracy" in very different senses, which dooms any attempt to find a commonly accepted definition of the Republican political system in these terms. But it is fairly clear that a purely oligarchic model won't do. The Republican elite, with all its power, was not quite as all-powerful (and united) as to be able to manipulate and "educate" the people into accepting what was essentially a pure oligarchy. The popular legitimacy enjoyed by the Republican system should not be seen as proof that there was no limit to the elite's capacity for manipulation. Rather, it indicates that the people had a real stake in the system. When this system was eventually brought down, it was not with the help of the populace, in accordance with the aristocratic nightmare scenario of an aspirant to tyranny being voted into power by the unruly mob, but with the help of the semi-professional late-republican soldiery.⁴⁷ These people were not in the business of voting, and were thus, from the viewpoint of most Roman politicians, not worth courting, placating, bribing, manipulating, or "educating".

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47 See P. A. Brunt, "The Army and the Land in the Roman Revolution", *JRS* 52 (1962), 69–84.