CICERO AND THE SPECTACLE OF POWER*

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I. INTRODUCTION

On the second day of January 63 B.C. Cicero, with the full dignity of a consul, appeared in the Forum to address the Populus at a *contio* (assembly). This occasion, when he voiced his opposition to the agrarian legislation moved by the tribune Rullus and his colleagues, can be remembered because a text of the speech has survived as *De lege agararia II*. His words were apparently persuasive, since the bill was defeated in the subsequent voting of the tribal assembly.[1] Eloquence was Cicero's greatest political asset and the *De lege agraria II* might be read as testimony to the power of words alone. Yet while it might be tempting for a literary critic to imagine that 'when he stood before his audience, Cicero had at his disposal only words and the stylistic genius to construct from those words arguments that would shape men's opinions and move their hearts',[2] the words and genius, although powerful as political weapons, operated in conjunction with the physical presence and ideological pre-eminence that the consul brought to the Rostra. There Cicero engineered persuasiveness by presenting a congruence between his verbal argument and his dignity as speaker. Since knowledge of Rullus' legislation is wholly dependent upon Cicero's representation of it, Cicero's speech might best serve then to illustrate what this embodied rhetoric suggests about the relations between a political actor and those who heard and saw him. This paper accordingly emphasizes that an oratorical text is a partial record of a complex dynamic between actor and audience, neither of whom had the power to take legislative action independently of the other. Each needed the other, moreover, simply to have dignity.

This particular *contio* preceded voting in the Comitia Tributa but was also a significant event in itself. In establishing popular comprehension of Cicero's new dignity in the city, this was a precious moment for a man devoted to 'living in the light'.[3] For Cicero, to be in Rome meant to have opportunities for his person and activities to be illumined for the attention of fellow-citizens, fortunate outsiders and visitors, and even for the edification of posterity. He needed to be seen in the city.[4] Rome indeed was the stage of the world, where no man of worldly ambition could shun the crowds.[5] In any polity where citizens or subjects have some aesthetic contact with the comportment of their leaders, those leaders will find that some of their power is dependent upon the spectators' view of them; even the power of autocrats may be weakened if there is jeering not cheering in the streets.[6] Such dynamics of power are particularly complicated in republics where there is keen rivalry for admiration, which cannot simply be commanded. In Cicero's Rome, the competitive routines of civic visibility were particularly intense, as men strove to occupy positions of prominence before the attentions and judgements of crowds in houses and streets, at the games, or in the Forum. As a primary location 'for advertising political success' a *contio* was a crucial element in 'the dense

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[1] Pliny, *HN* 7.117.

[2] H. C. Gotoff, *Cicero's Elegant Style: An Analysis of the Pro Archia* (1979), 8.

[3] *Fam.* 2.12.2. The injunction would offer no great revelation to its addressee, M. Caelius Rufus.

[4] No eyes were directed upon Cicero when a scrupulous quaestor in Sicily: *Verr.* 2.5.35.

[5] cf. Tac., *Dial.* 36.6–7.

[6] e.g. J. C. Scott, *Domination and the Arts of Resistance* (1990). The impossibility of disentangling the substance of domination from its trappings has been much observed: e.g. B. Russell, *Power: A New Social Analysis* (1938), 9–10; C. Geertz, 'Centers, kings and charisma: reflections on the symbolics of power', in J. Ben-David and T. N. Clark (eds), *Culture and its Creators* (1977), 152. For the Principate, Z. Yavetz, *Plebs and Princeps* (rev. edn, 1988) provides a handsome analysis of the political significance of popular admiration.

network of communications between political actors and their technically sovereign audiences' in Rome.[7]

The complex denotations of the word *contio* suggest its important communicative role. It could refer to the event of civic assembly, the speeches delivered, and those attending.[8] It also implied the speaker's elevation upon the Rostra.[9] This latter consideration points specifically to how a *contio* ritually articulated relations between the political notability and the Populus. While 'ritual' is perhaps too protean a concept to render any analytical certainties, it nevertheless does allow emphasis to fall upon the routine processes by which a community's signal ideas and assumptions were articulated, and how in turn that articulation conditioned the relationships of individuals and groups both to one another and to the ideas and assumptions themselves.[10] A *contio*, by routinely acting upon and through the respective dispositions of the bodies of those participating, helped to normalize the relationships between different participants both doing different things and, of course, being seen to do them. People do indeed learn from what they see.[11] By virtue of his elevated physical station the Roman orator could be understood to belong to an order of political existence superior to that of the multitude constituting his audience. Most Romans did not have eloquent or self-important voices, did not ascend the Rostra, and did not enjoy significant individual power to influence their republic's history. A *contio* effectively dramatized the seeming naturalness of such distinct political statuses.[12]

Humbler Romans who gathered to hear lofty oratory beheld performers whose physical and ideological prominence habitually had the power to impress. Although the significance of the Populus has recently loomed larger in the history of the later Republic, this constituency must for the most part remain an anonymous and demographically ill-defined entity in the absence of specific information about the lives, hopes, and fears of individual citizens. Yet even if subjective idiosyncrasies are obscure, there nevertheless remains the possibility of adumbrating some of the habits of thought and action that informed popular participation in the history that all Romans saw unfolding before their eyes. Accordingly the historian's attentions should indeed be attracted to 'the picture of an orator addressing a crowd in the Forum; a picture of someone using the arts of rhetoric to persuade an anonymous crowd about something'.[13] Such a picture, however, does not readily support the notion that Republican Rome can be understood as strikingly more democratic in a constitutional sense than has often been assumed. Certainly the Populus and its sentiments were politically significant (and to a degree that still does not receive adequate scholarly emphasis). Much of what is nowadays hailed as political 'power' in the late Republic, however, is best apprehended in the visible, ritualized dialogues that invoked and thus defined the Populus as a political agent, whilst also dramatically articulating the fact that some citizens were more powerful than others. If then the Populus Romanus had any great power, it was qualified by how much it realized, when gazing up at the dignity and hearkening to the handsome words of a notable orator, its sovereign right to refuse to legitimate an 'existing order's uninterrupted discourse about itself, its laudatory monologue'.[14]

[7] F. Pina Polo, 'Procedures and functions of civil and military *contiones* in Rome', *Klio* 77 (1995), 216; C. Nicolet, *The World of the Citizen in Republican Rome* (1980), 388.

[8] Pina Polo, op. cit. (n. 7), 204.

[9] Cic., *Fin.* 2.74; Gell. 18.7.6–8 (quoting Cic., *Contra Contionem Q. Metelli* = Frag. 2 (J. W. Crawford)).

[10] S. Lukes, 'Political ritual and social integration', *Sociology* 9 (1975), 289–308. The term ritualization conveniently points, as glosssed by C. Bell (*Ritual Theory, Ritual Practice* (1992), 204–5), to the differentiation and privileging of particular activities which may use 'a delineated and structured space to which access is restricted; a special periodicity for the occurrence and internal orchestration of the activities; restricted codes of communication to heighten the formality of movement and speech; distinct and specialized personnel; objects, texts, and dress designated for use in these activities alone; verbal and gestural combinations that evoke or purport to be the way things have always been done; preparations that demand particular physical and mental states; and the involvement of a particular constituency not necessarily assembled for any other activities'.

[11] e.g. Pliny, *Ep.* 8.14.4.

[12] cf. M. W. Gleason, *Making Men: Sophists and Self-Presentation in Ancient Rome* (1995), xxiii.

[13] F. Millar, 'Politics, persuasion and the people before the Social War (150–90 B.C.)', *JRS* 76 (1986), 1.

[14] G. Debord, *Society of the Spectacle* (1983), 24.

If power in a polity involves more than merely constitutional rubrics and roles, analysis of the significance of the Populus Romanus must take full account of how the practical and aesthetic dimension of politics informed civic sensibilities. It is instructive that Polybius, who both saw how things worked in second-century Rome and employed a historiography particularly sensitive to the importance of visualization, vividly described not only a constitution but also the spectacle of ritualized élite prominence. Such a view of Rome, which will be the subject of the next section (II 'Looking at the Republic'), also serves to show how highly political visibility was prized by the Roman notability. Cicero wanted his glorious eminence as consul to be memorable both for its own sake and as an example of how his principled policies had obtained a deferential reception from the Populus (III 'Aliquid nostris rebus lucis'). The persuasive artifices of the *De lege agraria II* were founded upon Cicero's insistence that his conspicuous presence at the *contio* itself bespoke his credentials as a champion of the popular interest. Such conflation of visibility and *popularitas* was indicative of broader aspects of the political culture, in which candidates for popular esteem went to great lengths in advertising themselves. Cicero had won the consular dignity of which he was rightly so proud through elaborately specious canvassing (IV 'Visibility and Popularity'). Once elected, his dignity lent great weight to his attack upon the Rullan proposals.

Regardless of eloquence, a consul had power to persuade because his person ritually commanded especial attention. His position in the state was realized in ceremonial practices imparting what might be termed charisma (V 'Looking at the Consul'). Furthermore, much of Cicero's persuasiveness in the *De lege agraria II* was generated by vignettes that characterized the danger of Capua by allusion to its ceremonial life. Such animadversions also emphasized Cicero's own visible dignity, which could then be contrasted favourably with the appearance of Rullus (VI 'Powerful Pictures') in order to ridicule the tribune and condemn his legislation. Spectacle thus afforded power to an orator. Yet there were inevitably reciprocities in political relations. Cicero had no choice but to seek to impress a *contio*: not only was the outcome of legislation at issue but the Populus could also refuse, by denying its approbation, to validate the worthiness of the *virtus* of a *novus homo* ambitious for glory (VII 'The Power of the Populus'). It should not be forgotten, moreover, that emotions ultimately animated such an intricate ideological dialogue. Political dynamics, as my concluding remarks notice (VIII), had their physical expression in a great deal of noise: a crowd consisted of bodies with needs that Cicero seems never to have adequately acknowledged; popularity could be founded upon spectacles and promises more compelling than his *virtus*.

II. LOOKING AT THE REPUBLIC

Polybius offers great encouragement to an analysis of the power relations in the Republic by reference to a constitutional allocation of power: basing his empirical testimony upon Greek political theory, Polybius noted the existence of a democratic element in a mixed constitution. In his perception of democracy Polybius, according to Millar, 'was right and modern critics are wrong'.[15] The Populus indeed had significant power in this regard. Yet Millar, because he is interested chiefly in Polybius as a political scientist rather than as a guide to the visualization of the political culture of Rome, does not appear to be fully sensitive to the implications of his own focus upon the picture of

[15] F. Millar, 'The political character of the classical Roman Republic, 200–151 B.C.', *JRS* 74 (1984), 2. This passage continues: 'Polybius, it is claimed, failed to see the social structures which ensured the domination of the *nobiles*; that must mean the relationships of patronage and dependance which supposedly dominated Roman political decision-making and rendered popular participation passive and nominal. But the existence of these structures is itself a modern hypothesis, which has very little support in our evidence. It is time to turn to a different hypothesis, that Polybius did not see them because they were not there. Or rather, vertical links of obligation can of course be found in Roman society. But . . . they cannot serve as the key to the political process . . .' Cf. the most important essays on Republican history this century, by P. A. Brunt, conveniently gathered in *The Fall of the Roman Republic* (1988).

an orator.[16] Polybius does point in Book Six to the important constitutional role of the people, as the only legitimate bestower of honour and penalty within the polity:[17] the people elected and the people served as jurors. But, by calling attention to specific visible practices in the life of the city that now ruled his world, Polybius is also providing a phenomenology of political roles able to supplement any assessment of a simple predominance of either notables or people which is derived primarily from constitutional roles.

Polybius was acutely aware of the powerful impression made on both historical observers and Roman spectators by the visibility of significant political actors who deserved the attention. His historiography itself operates self-consciously as an act of spectatorship, in presenting the historian himself as a spectator of events described in his text and then in turn encouraging the reader's mind to gaze upon what his narrative reveals.[18] Ancient historiography had long placed an authoritative premium upon a writer's empirical visualization; and from the outset Polybius presents his narrative as founded upon the axiom that truth is to history as eyesight is to a living creature.[19] Although at times his description must speak only of hearing events, for the most part it expressly employs an idiom of visual perception to explain its presentation of information.[20] Polybius has in fact his own peculiar theoretic methodology. Although Aristotle made a distinction in θεωρεῖν between λογικῶς and φυσικῶς, Polybius does not seem so rigorous:[21] hence a comment such as μετὰ δὲ ταῦτα θέντες ὑπὸ τὴν ὄψιν serves to orient the reader's engagement with the narrative.[22] In regard to war, the reader is in the position of spectator, as at a sporting event, in order to see and to learn from the sight.[23] A battlefield, for instance, is a strange and marvellous spectacle not only for those actually present but also for τοῖς ποτε μετὰ ταῦτα δυναμένοις ὑπὸ τὴν ὄψιν λαμβάνειν ἐκ τῶν λεγομένων τὸ γεγονός.[24] Moreover, while such an historiographical trope makes an implicit commentary upon 'the processes of reading and representation', it is not perhaps merely fanciful: people did (and nowadays still do) sometimes watch

[16] The prefatory footnote of the article of 1986 (op. cit., n. 13) speaks a suggestive metaphorical language of vision: 'As will be equally obvious, [this article] pretends to be no more than an essay or sketch, recommending one way of seeing the politics of this period . . .'

[17] 6.14.4. The focus upon the election of officers and the law-courts is found in Plato, *Laws* 3.697a-b: F. W. Walbank, *A Historical Comentary on Polybius* I (1957), 682.

[18] cf. J. Davidson, 'The gaze in Polybius' *Histories*', *JRS* 81 (1991), 10–24.

[19] 1.14.6; quoted again at 12.12.3; cf. 34.4 if correctly ascribed to Polybius; Walbank, op. cit. (n. 17), 10. Note too the importance of *enargeia*, in particular at 15.36.2.

[20] The person actually present at events described is contrasted with the hearer of the narrated event (e.g. 1.26.8–9 and 15.36.4), although the activities contrasted do not seem meant to be entirely exclusive of each other. His grand purpose as a historian is to mimic the work of Tyche, who steers the affairs of the world in one direction: the historian must διὰ τῆς ἱστορίας ὑπὸ μίαν σύνοψιν ἀγαγεῖν τοῖς ἐντυγχάνουσι . . . ('through history bring into comprehensive view for his readers'), 1.4.1. The idea of a specific and single point of view also occurs at 14.1a.1. Rome is a 'fine spectacle' in history (θέαμα καλόν): 1.64.3; cf. 32.6.4.

[21] Arist., *A. Po.* 88 a19. In Plato, of course, mental contemplation is so assimilated to the model of seeing that epistemology is represented as the aesthetics of the soul: e.g. *Gorg.* 523a; cf. Arist., *Metaph.* 1003b15. Even in regard to Polybius' *anacyclosis* of recurring degenerations of various constitutions, inherited ultimately from Plato, the degeneration from monarchy to tyranny will be made evident in matters of visible, pompous distinction, such as dress: 6.7.7.

[22] 3.3.6 ('next bringing into view'). Events and individuals are obviously presented didactically as worthy of both attention and emulation: esp. 9.9.10, *re* war-leaders. (Note that in the following chapter (9.10.6–8) the narrative posits a spectator whose identity slips from one actually present to a hypothetical observer who, for all Polybius' strictures on avoidance of emotion in historiography, is merely gazing upon a vivid representation of events); cf. 16.8.8. On a vivid yet relatively trivial level the plight of the man who went mad when held in chains, refusing to eat or take care of his own person, provides a θέαμα θαυμάσιον (32.3.7 — a certain Isocrates, a particularly hapless grammarian).

[23] War can be compared to a boxing match in which generals gain an idea of respective strengths and weaknesses: 1.57.1. (Other comparisons with athletics: 2.65.11, 16.28.9, 27.9.2, 29.8.5, 8.9, 17.4, 39.18.8, 39.1.8; with fighting cocks, 1.58.7–8.) There is a lesson in Philopoemen's behaviour as a cavalry commander (10.24.3): he did not ride out in front of his troops; it might be more important to see than to be seen. A plain of battle (the Campanian) is turned into a theatre where the Carthaginians could stage an object lesson in their superiority (3.91.10). The reader can be presumed to learn from the events of history staged by Tyche (29.19; cf. Livy 45.3.3). Tyche is elsewhere dramatic: as a producer of plays (11.5.8 and 29.19.2), as an umpire (1.58.1), and as a stager of contests (2.66.4); on the image see Walbank, op. cit. (n. 17), 21, n. 6. My examples are only casually illustrative.

[24] 2.28.11 ('for all who could afterwards from the reports take the event into view').

battles just as they did boxing matches.[25] The ancient historian might put spectators in his texts not just because they reflect his own activity but because he is also replicating the very real business of watching and comprehending that shaped sensibilities in ancient polities.

Political matters are also historiographically visible. Polybius suggests the desirability of perceiving how in the living, breathing Roman constitution individual distinction impressed itself upon spectators.[26] Moreover, in explaining how various constituencies fitted together within the constitution as a whole, Polybius is also demonstrating (6.11.2) how respective roles are articulated for all to see. He is accordingly a well-placed witness of the advertisement of socio-political distinction to a popular audience at Rome. Just as the historian's knowledge is sensibly brought ὑπὸ τὴν ὄψιν of the reader, so too is the physical distinction of successful generals articulated before the gaze of the Roman people in triumphs, δι' ὧν ὑπὸ τὴν ὄψιν ἄγεται τοῖς πολίταις ὑπὸ τῶν στρατηγῶν ἡ τῶν κατειργασμένων πραγμάτων ἐνάργεια.[27] Funerals too make prestigious achievement sensible, since they are represented in Polybius as a regular (and thoroughly ritualized) set of practices at the heart of the republican community. Individuals can become immortal through recognition of their glory that will live on into posterity, because 'the many' are gathered to recollect and take the deeds of the dead ὑπὸ τὴν ὄψιν. Both the eulogized and eulogizer are conspicuous — the cadaver is manifest at the Rostra and the speaker is positioned above (6.53.1–2); the whole people stands about as the audience (6.53.2). The display of *imagines*, which were undoubtedly very important reminders of aristocratic accomplishment, is recounted in detail (6.53.4–9). In sum, the institution is a highly attractive spectacle (6.53.9–10) of aristocratic distinction.

The religious life of Rome also appears predicated upon a practical distinction between actors and audience. ἡ δεισιδαιμονία famously exerts power in the state. In Polybius' strikingly objectifying approach (6.56.8–11), the appetitive and emotional multitude is kept in its proper constitutional place. Religiosity (or howsoever ἡ δεισιδαιμονία is construed) was 'staged' (ἐκτετραγῴδηται) at Rome: as Polybius stands proudly aloof from any Phylarchan project of drawing a universal truth from events invested with emotion, the recurrence of τραγ- cognates points rather to an awareness of the importance of political theatricality. This could either be routinely familiar or somewhat melodramatically exceptional but was clearly in any event a manifestation of power.[28]

Polybius' analysis of the political culture of Rome indicates that important aspects of political power are located in the ritualized aesthetics of the Roman 'ceremonial script', which imposed an obvious distinction between acting and watching. Polybius' vivisection of a political culture is thus particularly valuable in directing attention to fall squarely upon men conspicuously presenting themselves to an audience with eyes, ears, bodies, emotional dispositions, and habitual expectations. Although there is no Polybius to admire the drama of a *contio* in the later Republic, there is a political actor quite willing to signal, and able to exploit, his conspicuousness as consular protagonist. Cicero took great pride in the spectacle he made of himself and how thereby he gloriously played his part in maintaining the authority of the senatorial order.

[25] A. D. Walker, 'Enargeia and the spectator in Greek historiography', *TAPA* 123 (1993), 353–77, at 354. Obviously, as much of my paper implicitly suggests, there is little that is modern about post-modernism.

[26] Polybius refuses comparison (6.47.7) between the Roman mixed constitution and the constitution of Plato's *Republic*, on the grounds that comparison of something not tested in action with actual constitutions would be like comparing a statue with living and breathing men (ibid., 10). Polybius may not have been particularly well-acquainted with Plato (cf. T. Cole, 'The sources and composition of Polybius VI', *Historia* 13 (1964), 484 n.113) but his analogy of a statue is a pertinent critique of the mimetic nature of the *Republic* itself.

[27] 6.15.8 ('through which the generals bring the vividness of their accomplishments into the view of the citizens').

[28] Apelles enters Corinth 'in pomp' (Walbank, op. cit. (n. 17), 559) at 5.26.9; 'melodramatic' (ibid., 579 ad 5.48.9).

III. 'ALIQUID NOSTRIS REBUS LUCIS'

In 60, Cicero was determined that his political prestige lose no lustre in the face of chronic turbulence in the politics of Rome. In a letter of June (*Att.* 2.1) he detailed to Atticus the problems he faced in 'Romulus' cesspool':[29] not only was his enemy Clodius intent on becoming a tribune, but Flavius' agrarian bill (*Att.* 2.6), which seems to have made provision for not only Pompeius' veterans but all needy citizens,[30] was (although fading) still very much a pressing issue: the consul Metellus Celer had been imprisoned by Flavius for his opposition; and there was rioting (*Att.* 2.8). Cicero was still seeking to protect the 'army of men of wealth' upon whom the state rested from 'that contional leech upon the treasury, the wretched and starving mob'.[31] In such a context he understood praise for himself, which reflected his achievements in his consulship, to be in the best interests of the *res publica*.[32] While leading optimates ('nostri principes') thought they touched heaven if their mullets ate from their hands, he was a pragmatic optimate capable of exerting beneficent influence even upon Caesar.[33] His political effectiveness demonstrated by his steadfastness as consul, Cicero now wished to maintain his authority by ensuring that the significance of his achievements was not forgotten. Hence he sought validation through comparison with eternal models of good statesmanship. The letter in which he describes to Atticus the increasingly hostile environment at Rome begins with animated consideration of the aggrandizement of his consular reputation: he has written an account in Greek, which he would like circulated in Athens and other towns: 'I think it may shed some light upon my achievements'.[34] He compared, moreover, his political stature with that of Demosthenes; and also sent to Atticus a selection of speeches that 'might be called consular'.[35]

This selection highlighted Cicero's oratorical effectiveness in dominating a *contio*. He included among the ten speeches (plus two *apospasmatia* on the Rullan legislation) a preponderance of speeches that evinced his ability to sway the Populus, including the defence of Rabirius, two speeches delivered in the Senate, and no less than seven

[29] Cato meanwhile, opposing concessions to Equites, spoke in the Senate as though he was living in Plato's Republic, jeopardizing Cicero's policies: in January of 60 it seemed (*Att.* 1.18.3) as though the two foundations of the *res publica* he alone had established, the *auctoritas* of the Senate and the *concordia* of the Senate and Equites, had been overturned.

[30] Dio 37.50.1; D. R. Shackleton Bailey, *Cicero's Letters to Atticus I* (1965), 333. In March, Cicero had told Atticus (*Att.* 1.19.4) that he was trying to satisfy the Populus and Pompeius but was insisting upon purchase rather than expropriation of land for 'draining the dregs of the city and repopulating Italy'; the rich after all were his army. 'Dregs' — cf. *leg. ag.* 2.70, supposedly Rullus' derogation (and of course duly criticized by Cicero).

[31] *Att.* 1.19.4; ibid., 16.11; cf. P. A. Brunt, *Social Conflicts in the Roman Republic* (1971), 124–6.

[32] He justified (*Att.* 2.1.6) his friendly relations with Pompeius by noting that Pompeius had become less inclined to court the Populus and had taken to eulogizing Cicero's achievements in saving the state; he did not know how much this praise helped his own cause but was certain it helped the *res publica*.

[33] ibid., 6–7, asking 'Don't you think I do service enough if I succeed in removing the desire to do harm from those who have the power?' 'nonne tibi satis prodesse videor si perficio ut ii nolint obesse qui possunt?' (Shackleton Bailey's translation).

[34] ibid., 2: 'videtur enim posse aliquid nostris rebus lucis adferre'. 'Achievements': Shackleton Bailey, op. cit. (n. 30), ad loc. This concern was uppermost in his mind after his receipt of his friend's own, less ornamented monograph (1). In March, Cicero recollected the 'immortal glory' he had won in the last month of his consulship and which Pompeius had acknowledged in the Senate and announced to Atticus that he was sending him a memoir in Greek of his consulship: *Att.* 1.19.6–7 and 10.

[35] ibid., 3. Since the speeches were intended to show Cicero's oratorical prowess, the published texts are hence likely to testify accurately to the persuasive tactics he adopted: cf. P. A. Brunt, '*Laus imperii*', in P. D. A. Garnsey and C. R. Whittaker (eds), *Imperialism in the Ancient World* (1978), 160–1. Although Cicero does sometimes impart to a text the illusion of being a real speech actually being delivered (G. Kennedy, *The Art of Rhetoric in the Roman World 300 B.C.–A.D. 300* (1972), 164, with the example of *Verr.* 2.3.167 and an allusion to Verres' countenance), the text of *De lege agraria II* is unlikely to offer a verbatim transcript of Cicero's oratorical performance. Cicero was not one to deliver his words with eyes downcast upon a script, unlike (a less compellingly eloquent) Pompeius: *Sest.* 129. It is possible that texts of consular speeches were already in some sort of public circulation: so W. C. McDermott, 'Cicero's publication of his consular orations', *Philologus* 116 (1972), 277–84.

speeches that had been delivered directly to the Populus.[36] With the possible exception of his declining a province, none of the positions he advocated in these speeches would seem inherently popular. In advertising his ability to prevail on unpopular issues, Cicero was establishing himself as a worthy successor to the roll-call of exemplary orators of the past.[37] The challenges facing such orators had ever increased: long gone were the days when Scipio Nasica (as consul in 138) could simply tell a restive audience that he knew best what was in the best interests of the *res publica* and they should keep quiet.[38] It was no routine matter for Cicero to address a *contio*: waiting until sure of both his oratorical ability and his authority, he did not speak from the Rostra before he was a praetor (in 66).[39] Such assets were essential to the glorious business of winning over the sympathies of the starveling rabble.

The *De lege agraria II* certainly provided an exemplary lesson in how to appear popular upon the Rostra when a land bill, a traditional staple of *populares*, might appeal as an idea to some in the Forum, even if actual soil would not.[40] Little is known for certain about the contents of the bill or those secretly supporting it: Cicero claims in Senate and *contio* that powerful figures lurk in the background; but nothing in his account of the bill is wholly trustworthy.[41] What is clear is that, even if the urban plebs had relatively little direct material interest in agrarian reform, this bill threatened to expose the incompatibility between optimate pilotage of the *res publica* and traditional popular concerns. The measure was, therefore, also a significant challenge to Cicero himself, who certainly hated the very idea of agrarian legislation and whose status as a *popularis* extended little beyond the public support of Pompeius that had helped ensure his ascent of the *cursus*.[42] Consequently, in his first *contio* Cicero had to show that a consul could be as much a popular champion as any tribune.[43]

At this point it should be admitted that the exact nature of Cicero's contribution to the demise of tribunal legislation can only be surmised: it is known only that Rullus' bill did not become law and so Cicero would face further battles against land-distribution proposals.[44] But it can be assumed that, if Cicero particularly wished the world to remember this speech at a *contio* in 60, when provision had still not been made for Pompeius' veterans (let alone the urban mob), the bill's failure was an achievement in which he had reason to take great pride. Through publication of this speech at a *contio* Cicero commemorated a glorious triumph for himself and his conception of a healthy *res publica* in his handling of the sympathies of a *contio*. His success in defeating the Rullan bill indeed was built upon his presentation of himself as a *popularis*.

Cicero bases his credentials as a popular champion upon respect for his audience: he begins his speech with a customary expression of gratitude for his election (1); he also

[36] Besides the *De lege agraria II*, there was the speech opposing repeal of Sulla's law that deprived the sons of the proscribed of their full citizen rights, the (sadly now lost) speech he had delivered to the people in a (surely tricky) defence of Otho, calming their anger (Pliny, *HN* 7.116) that had long festered at his bill (of 67) governing seating in the theatre; there were also two Catilinarian speeches delivered to the *populus*, and the speech he delivered to a *contio* in which he renounced his claim to a province.

[37] With these speeches Cicero satisfied the keen interest of younger contemporaries (*Att.* 2.1.3), offering presumably useful lessons.

[38] Val. Max. 3.7.3.

[39] *De imp. Pomp.* 2. Caesar perhaps addressed the same *contio*: Dio 36.43.2.

[40] *Leg. ag.* 2.71; cf. Brunt, op. cit. (n. 15), 245 and 250–1. Rullus presumably had made himself vulnerable to Cicero's charge that he planned 'to drain off' city dwellers: *supra*, n. 30.

[41] Modern scholarship has followed Cicero's lead (*leg. ag.* 1.11, 16, 22; 2.20, 23, 63, 98) in looking behind Rullus for ulterior powers. G. V. Sumner ('Cicero, Pompeius, and Rullus', *TAPA* 97 (1966), 569–82) provides a useful summary of various theories, whilst arguing for Pompeius' ultimate support of the bill. This is unconvincing: few senators in that case could have been expected to be influenced by Cicero's insistence that the bill attacked Pompeius (*leg. ag.* 1.13), since such a grand secret was unlikely to be kept in Roman political society. Tribunes, moreover, surely consulted their own political interests as well as powerful friends. Cicero's discussion of the bill's contents seems especially fanciful at *leg. ag.* 2.37 and 53.

[42] Besides the Rullan and Flavian schemes, Cicero opposed Caesar's legislation: *Att.* 2.16.1–2. Naturally Cicero publicly claims (*leg. ag.* 2.10) to support agrarian reform and to be sympathetic to the Gracchi and the tradition they and their popularly-prized memory generated. Pompeius: esp. *Comm. Pet.* 5, 14, and 51.

[43] *Leg. ag.* 2.14; he will further insist towards the close of the oration (ibid., 101–2) that he is not frightened of a *contio* and is indeed *popularis*. He so established the nature of his contest with Rullus in the Senate: *leg. ag.* 1.23.

[44] F. Millar, 'Popular politics in the late Republic', in I. Malkin and Z. W. Rubinsohn (eds), *Leaders and Masses in the Roman World: Studies in Honor of Zvi Yavetz* (1995), 91–113, at 104.

stresses (1–4) that he is a *novus homo*. Then he solemnly declares (6) his willingness to make appearances at the Rostra, in marked contrast with the habits of his predecessors:

> Mihi autem, Quirites, omnia potius perpetienda esse duco quam non ita gerendum consulatum, ut in omnibus meis factis atque consiliis vestrum de me factum consiliumque laudetur. Accedit etiam ille mihi summus labor ac difficillima ratio consulatus gerendi, quod non eadem mihi qua superioribus consulibus lege et condicione utendum esse decrevi, qui aditum huius loci conspectumque vestrum partim magnopere fugerunt, partim non vehementer secuti sunt.
>
> It is my belief, Quirites, that in my consulship endless endurance is preferable to failure to ensure that in my case your considered action finds praise in all my actions and counsels. In addition I am faced with a considerable challenge and a very difficult business in the conduct of the consulship: I have made it my policy not to employ the same law and provisions as previous consuls, who either hurried to shun or else only half-heartedly pursued the approach to this place and the view of you.

In his majestically wheedling play with legalistic vocabulary evoking constitutional *gravitas*, Cicero made his very visibility constitute a formal acknowledgement of the Quirites' entitlement to expect respect from those it elevated in dignity. Clearly there were protocols — as important as any constitutional rubrics — that informed political communication: Cicero knew well how to make a ritual show of deference in order to prevail. Nor did he find his visibility unwelcome. A dignified Cicero now had no hesitation about mounting the Rostra: there was no shortage of other men seeking the limelight and in a true republic no citizen monopolized the popular gaze.[45] Hitherto Cicero had worked hard to appear *popularis* in winning election. Once elected, he used his skills in speciousness to illuminate an optimate's credentials.

IV. VISIBILITY AND POPULARITY

Before examining just how Cicero actually used his conspicuousness upon the Rostra as the basis for his demolition of the Rullan bill, it will be useful to show in more detail the political necessity of Cicero's gestures of respect towards popular sensibilities. His career was built upon successful advertisement of qualities appealing to Romans of every social rank. Lowly citizens surely cherished the spectacle of notables deigning to recognize the existence of men whom they would rather disdain. 'Blessed state which brings all so nearly on a level . . . I wish it were election time always!' wrote an eighteenth-century American artisan, who frankly savoured 'a shake of the hand, a pleasing smile, and a little familiar chat with gentlemen; who have not for these seven years past condescended to look at them'.[46] In the absence of a lowly Roman's perspective, such comparative information can inform our picture of Roman socio-politics at election-time, when the Populus determined political destinies.

Although the votes of wealthier citizens counted for more in the Comitia Centuriata, elections involved more than a simple assaying of votes according to property-class. By analysis of electoral bribery in the late Republic, the work of Yakobson has shown that even in the Comitia Centuriata the urban plebs enjoyed influence greater than has often been supposed; and, furthermore, that the divide between rich and poor in Rome has

[45] That would be indicative of autocracy — the time of Sulla, for instance, was a time 'when all gaze upon one' — Cic., *Pro Rosc. Am.* 22. On this occasion Cicero remarks (*leg. ag.* 2.56) that Sulla acted outrageously but at least did not avoid the *conspectus* of those he outraged.

[46] From a letter submitted by an artisan reader to *The Pennsylvania Evening Post* on 27 April 1776 (quoted in J. Fliegelman, *Declaring Independence: Jefferson, Natural Language, and the Culture of Performance* (1993), 110–11).

too readily been overestimated.[47] The votes of the citizens of the lower centuries could be decisive in some elections; and there were men living far from poverty who would nevertheless welcome a material consideration for their vote.[48] Bribery need not be a simple purchasing of a constitutionalist's commodity.[49] Expenditure upon the *tenues* aimed to win their favour;[50] and their favour, when advertised, created a trend.

In no way was favour better advertised than by the sight of crowds attending a man of consequence, and making the occasion of their presence in his company a notable and memorable event. Escorts and entourages had always been an important part of the life of the *res publica* in signalling political consequence.[51] According to Sempronius Asellio, Tiberius Gracchus never left his house without the attendance of three or four thousand well-wishers.[52] Drusus (in 91) returned from the Forum 'surrounded by the huge and uncouth crowd that always accompanied him'.[53] Such popular demonstrations indicated support for a man and his course of action.[54] Thus an ambitious candidate tried to seem popular according to the terms of a communal script that placed a premium upon conspicuous popular approval. Escorts in public were, according to the evidence of the *Commentariolum Petitionis*, simply indispensable to the candidate.[55]

The *Commentariolum*'s systematic and rational discourse perhaps diminishes distaste for truckling and ingratiating, flattering and falsely promising, by making these techniques of candidacy seem quite natural.[56] In any event, the account makes explicit that impression-management must be orchestrated. Success is presented as dependent upon two 'partes': not just the need for friends but also a concern with popular strategy (16 and 41). It is important that Cicero advertise the number and variety of his friends (3). There are certainly some friends who can exert influence: if the *principes* in the *collegia*, the suburbs, the *pagi*, and the *vicinitates* and throughout Italy can be secured as friends, they can easily ensure the support of the 'rest of the multitude' (30); friends too

[47] A. Yakobson, 'Petitio et *largitio*: popular participation in the centuriate assembly of the late Republic', *JRS* 82 (1992), 32–52, remarking (at 43) that 'the social gap between the lower strata and many of those registered in the first class was less dramatic than is often assumed'. Sallust speaks (*BJ* 73.6) of the unusual presence of *opifices* and *agrestes* at the consular elections of 108.

[48] While details of this sociopolitical class are hard to reconstruct, the generosity of Caesar (though not in an electoral context), in giving rent relief of up to 2,000 sesterces, is suggestive: Suet., *DJ* 38.

[49] Yakobson acknowledges, op. cit. (n. 47), 32–3, that 'a Roman politician could have many reasons, personal as well as political, to practise and display generosity; not all of them had to do with elections'.

[50] A. Lintott, 'Electoral bribery in the Roman Republic', *JRS* 80 (1990), 11.

[51] As Nicolet has emphasized: op. cit. (n. 7), 356–61. Of course, escorts marked the fame and celebrity of some who are not obviously politically powerful or greatly consequential — at least in imperial times: Thessalus, a doctor in the time of Nero, had bigger escorts than any actor or any driver of three-horse chariots: Pliny, *HN* 29.9.

[52] Gell. 2.13.4. Also, 'the many' saw C. Gracchus surrounded by contractors, artisans, ambassadors, magistrates, soldiers, and *philologoi*: Plut., *C. Grac.* 6.

[53] Vell. 2.14.1 ('immensa illa et incondita, quae eum semper comitabatur, cinctus multitudine'). The crowd had to be dismissed when the assassins struck: App., *BC* 1.36. Even the infamous pseudo-Marius was a serious political force, for he drew a large crowd: e.g. Nic. Dam., F 128.32.

[54] e.g. for Caesar in 62: Suet., *DJ* 16.2. A passage of Nicolaos (F 130.127) also gives some idea of the audience attending a great notable at a crucial political moment: when Octavius was accused by Antonius of trying to have him murdered, Octavius made his protests to those who came to greet him at his *salutatio*. Senators, however, might have different favourites. Cato was escorted by senators when led off to prison on Caesar's orders in 59: Gell. 4.10.8. Cato again acted unexpectedly and thus memorably in remaining silent: Plut., *Caes.* 14. Cato had, it seems, a habit of being oblivious to grand receptions: e.g. Vell. 2.45.5. His extraordinary behaviour was none the less spectacular.

[55] 36–7.

[56] A summary of views on its authorship is provided by J. S. Richardson, 'The *Commentariolum Petitionis*', *Historia* 20 (1971), 436–42. Arguments for composition in the early Empire depend upon the silence over the supposed 'first Catilinarian conspiracy' of 65, parallels to speeches of M. Cicero, and puzzlement over the function of the work. It declares its aim (1) 'ut ea quae in re dispersa atque infinita viderentur esse ratione et distributione sub uno aspectu ponerentur' ('so that things which in practice seem scattered and limitless can be brought by rational classification into a single focus'). It is also tempting to believe that this is a conscious innovation: the epistolary form is often the medium for discourses that have as yet no appropriate generic home. *Ratio* lies, in the letters of M. Cicero himself, at the heart of a *petitio*, conveying a sense of system: *Att.* 1.1.1. The last *sententia* of the *Commentariolum* is an expression of a desire that 'hoc commentariolum petitionis haberi omni ratione perfectum' (that 'this handbook of candidacy be considered complete in every *ratio*'). The work's claim (58) to pertain to M. Cicero himself and not to all who seek honours does not preclude others from profiting from it. The solicitation of desired changes in the final paragraph need not prevent some circulation of the text in this form, although the absence of comment by ancient authors about this text would suggest 'non-publication' (Richardson, ibid., 439 n. 34). It can nevertheless be used as a guide to the practicalities of politics in the late Republic, since at worst an imperial writer still knew more about, or at least could better visualize, politics than any modern historian, while Quintus' authorship cannot certainly be disproved.

can somehow confirm the support of the centuries (29). Yet the category of 'friends' is also to be widened to include 'whoever shows some goodwill, cultivates you, or visits your house regularly'(16). Friends of different distinction can perform tasks appropriate to their status: at one extreme are *illustres* (18); at the other, freedmen or even slaves who have the power to affect the *fama* of the candidate (17). Some citizen friends can provide *adsectatio* (34) for the candidate at home, in moving from home to public spaces, and everywhere.

Those who are only potentially friends are, of course, the especial object of the *popularis ratio*, which 'needs knowledge of names, charm, constant attendance, generosity, publicity, show in the *res publica*' (41).[57] These aspects of the electoral environment shape the public behaviour of a consular candidate (41–53); and all depend upon a rhetoric of appearances rather than mechanisms of clientage. Cicero must show that he knows people's names; possession of what is missing in his nature must be simulated (42). *Blanditia* is necessary to solicit friendship; it is thus indispensable for a candidate whose 'countenance, expression, and conversation' ('et frons et vultus et sermo') must be made to suit those he meets (42). *Adsuitas* means leaving no voter able to say that he has not been canvassed. *Benignitas* means generosity to one's friends which will win praise pleasing to the *multitudo*; as well as wider expenditure on banquets organized by tribe (44); it also demands a general air of approachability day or night (44): *vultus* and *frons* (which is the 'gate of the mind') are of crucial importance. Likewise promises are to be made in an obviously easy way (46), since men are charmed more 'by looks and rhetoric than by any actual benefit'.[58] Since appearances determine how the candidate is interpreted, *fama* is ever at stake (49). *Rumor* is to be constructed upon Cicero's strong points as a candidate, from fame as an orator and as champion of the interests of the equites to the evidence of the crowds of supporters from the *municipia* (50); the *urbana multitudo* knew at first hand of Cicero's efforts on behalf of Pompeius and the tribunes Manilius and Cornelius (51). The last item in the list of essentials is *species*, which emphatically caps the list and implicitly subsumes many of the earlier points (52): 'finally, make sure that the whole candidacy is full of pomp, that it is brilliant, splendid, *popularis*, that it has supreme attractiveness and dignity . . .'[59] Obviously, electoral success depended upon a candidate's skills of showmanship as he busied himself about town and hid his true feelings about inferiors respectfully beneath his smile.

Cicero understood well that the logic behind such rituals of egalitarianism was that ultimately it preserved civic harmony.[60] So, like other ambitious men, he was to be seen looking disingenuously into the faces of the crowd, committed at election-time to satisfying emotional needs rather than studiously considered criteria.[61] The reciprocal relationship was unavoidable and hallowed by tradition. It also had its advantages for a man whose political prestige depended upon his ability to preserve the bulwark of the *res publica* through his own popularity in the Forum.[62] Cicero triumphed at his first *contio* of 63 because he presented a *conspectus* that was as awesome as it was pleasing.

V. LOOKING AT THE CONSUL

When Cicero, after all the hard work of the campaign, finally ascended the Rostra and issued with consular authority dire warnings of the threats contained in the

[57] 'desiderat nomenclationem, blanditiam, adsiduitatem, benignitatem, rumorem, speciem in re publica'.

[58] 'sic homines fronte et oratione magis quam ipso beneficio reque capiuntur'.

[59] 'postremo tota petitio cura ut pompae plena sit, ut inlustris, ut splendida, ut popularis sit, ut habeat summam speciem ac dignitatem . . .' The passage continues with the exhortation that the flaws of competitors be publicized.

[60] *Leg.* 3.24, so defending the tribunate's contribution to a sense of equality with senators. Such egalitarianism was still an important theme in the Principate. A. Wallace-Hadrill, '*Civilis princeps*: between citizen and king', *JRS* 72 (1982), 32–48, argues that for an emperor 'to be honoured in the same coin as his subjects ensured that the currency retained its value' (at 47).

[61] e.g. Cic., *Planc.* 9.

[62] Two thousand men of substance: Cic., *Off.* 2.73.

tribunician proposals, his speech drew great persuasive power from its vignettes, which seemed to offer 'objective proof for the stated and unstated contentions' of his words.[63] On this occasion his vignettes were particularly effective, because Cicero was now projecting the *maiestas* of his rank. If he knew how to intimate his deference to the Populus, he also certainly knew how to command the Populus' deference at a *contio* by virtue of the aesthetic impressiveness of his office. Polybius would have found nothing amiss in this aspect of Cicero's power. His person was embellished by the appurtenances of power — the fasces, lictors, and everything else that signified the distinction between holders of *imperium* and citizens who might be expected to obey orders — and respectful heed to admonishments about the welfare of the *res publica*.[64]

The Roman ceremonies of state are, as Marshall has remarked, not 'neutral clues in an investigation of constitutional theory which has as its aim precision of technicalities and recovery of the archaic origins of state-ceremonial rather than its significance in the life of the developed Republic and Principate'.[65] The significance here is that there was no mistaking the man who moved at the head of a small crowd of official lictors as merely one citizen among many, since such an escort immediately proclaimed his distinction.[66] Such dignity must have made a great impression on all who saw it, just as it did upon an alien observer such as Nicolaos.[67] Hence the realization of *dignitas* in the form of lictors was invariably prized highly by those who could claim them: C. Iulius Caesar, perhaps more concerned than most with physical displays of prominence, actually drew up legislation to make his consular retinue more impressive in the months when his colleague Bibulus held the fasces;[68] dictators traditionally were able to indicate their exceptional authority by keeping extra-large escorts;[69] even senators travelling in the provinces coveted the signs of their importance.[70]

This prize of office was valued for its own sake; it also made its possessor attractively emblematic of the *res publica* itself.[71] Lictors and fasces had the power to evoke two powerful emotions in those who beheld them: pride and fear.[72] Both of these were active in Cicero's *contio*. National pride was central to his persuasive strategy that day; so too was his insistence that his very presence bespoke his close relationship to the Populus. These affections were not over-awed by the sight of the consul: because the source of a magistrate's power was the Populus, protocol dictated that lictors dipped the fasces to pay respect to the consul's audience, just as they did to Vestals or to a magistrate of higher station than the man they escorted.[73] This gesture 'was a pleasing spectacle to the

[63] A. Vasaly, *Representations: Images of the World in Ciceronian Oratory* (1993), xi.

[64] As Plutarch (*Rom. Quaest.* 81) observes, pomp and circumstance befit magistracies with *imperium* but not the tribunate. Cicero had been elected consul *prior* or *maior* so he held the fasces in the first month of the year. For alternation of the fasces see Cic., *Rep.* 2.55, Livy 2.1.8, Dion., *Ant. Rom.* 5.2.1, Festus *Gloss. Lat.* p. 154 Lindsay; A. J. Marshall, 'Symbols and showmanship in Roman public life: the fasces', *Phoenix* 38 (1984), 120–41, at 131. On the Etruscan origin of lictors see Dion., *Ant. Rom.* 3.61; the consuls retained all the regalia except the crown and the embroidered robe (ibid., 62.2; cf. 4.74).

[65] Marshall, op. cit. (n. 64), 120. On the awe-inspiring aura surrounding higher magistracies throughout the Republic cf. K.-J. Hölkeskamp, 'Conquest, competition and consensus: Roman expansion in Italy and the rise of the *nobilitas*', *Historia* 42 (1993), 20.

[66] It is suggestive that in desperate times an official-looking escort might work well as a disguise for the proscribed: Val. Max. 7.3.9.

[67] F 130.78, describing the procession of lictors 'restraining the crowd on both sides' (ἔνθεν καὶ ἔνθεν τὸν ὄχλον ἀνείργοντες).

[68] Suet., *DJ* 20.1; cf. L. R. Taylor and T. R. S. Broughton, 'The order of the two consuls' names in the yearly lists', *MAAR* 19 (1949), 1–14.

[69] e.g. Q. Fabius had two dozen to show the μέγεθος and ὄγκος of the office: Plut., *Fab.* 4. Sulla had twenty-four axes and a big bodyguard: App., *BC* 1.100; Livy (*Ep.* 89) also found the display of Sulla's power worth attention great enough for the wretched epitomator to mention. The early dictator Larcius wished thus to show the might of his office: Dion., *Ant. Rom.* 5.75.2. In 47 Antonius as *magister equitum* was accompanied by six lictors: Dio 42.27.2.

[70] On this practice see esp. Cic., *Fam.* 12.21, commending the *dignitas* of C. Anicius (who was on a *legatio libera* to Africa). Verres as *legatus* had lictors; one was killed in Lampsacus, which caused quite an uproar: *Verr.* 2.1.67–8.

[71] Cicero reels off the prizes of office (*Cluent.* 154) as 'locus, auctoritas, domi splendor, apud exteras nationes nomen et gratia, toga praetexta, sella curulis, insignia, fasces, exercitus, imperia, provinciae' ('place, authority, splendour at home, name and influence abroad, trim on the toga, an official chair, decorations, fasces, armies, commands, provinces').

[72] Marshall, op. cit. (n. 64), 130, although perhaps with too much emphasis on fear — Dionysius describes (*Ant. Rom.* 7.35.5), with some consideration of what his own eyes told him, the power of the fasces to evoke rather αἰδώς.

[73] The gesture was made to the people when gathered in either comitial or contional assembly. Cic., *Rep.* 1.62, 2.53; Plut., *Public.* 10; Quint., *Inst.* 3.7.18; Florus 3.9.4; Dio 3.13.2.

multitude'.[74] Moreover, the magistrate could take personal credit for such ingratiation. Besides the requirements of etiquette, the official entourage was also the personal instrument, and almost an appendage, of the man they followed, going wherever he went and allowing nobody to step between them.[75] Because his power was symbolically understood as emblematic of the *res publica*, Cicero's assertion that there was tribunician contempt for his consular dignity gained great emotional force.[76] The other emotions aroused by the fasces also helped to increase Cicero's authority as spokesman for the whole community.[77]

Cicero's persuasiveness was also increased by the consul's pre-eminent role in the religious life of Rome which Polybius perceived as powerful. Before his *contio*, Cicero had already been seen charismatically involved in maintaining Rome's links to the gods. The ceremony in which consuls were installed in office seems to have started with an *auspicatio* and then, in a procession with lictors and an escort of friends, the new consul made his stately way to the Capitoline. There he sat upon a *sella curulis*. Then he sacrificed.[78] Consuls, and lesser magistrates too, sacrificed on behalf of the entire state. It is one thing to sacrifice as a priest or even as a *privatus*,[79] but quite another degree of spectacular prestige to do so as a consul. Magistrates setting out from the city sacrificed to carry the favour of the gods with them to their provinces and to advertise their splendour to the crowd; Antonius' neglect of this ritual, for instance, was cited as evidence of thorough unsuitability to hold *imperium*.[80] On the other hand, a splendid sacrifice made a man seem ideally suited to high office: when Octavius entered Rome as consul for the first time he promptly sacrificed.[81] Twelve ominous vultures were not the only spectators.

The practical ingredients of a sacrificial ceremony made it a striking civic spectacle. In Appian, a writer perennially interested in memorable sacrifices and religious outrages, there is a description of the terrible death of a praetor which strikingly conveys the aesthetic impression made by the ritual of magisterial sacrifice. Asellio was set upon and lynched (in 89 B.C.) by money-lenders whilst engaged in the preliminaries of sacrifice (to Castor and Pollux) in the Forum, with a crowd standing around him 'as was usual at a sacrifice'.[82] Then,

> οὕτω μὲν καὶ Ἀσελλίων στρατηγῶν τε καὶ σπένδων καὶ ἱερὰν καὶ ἐπίχρυσον ἐσθῆτα ὡς ἐν θυσίᾳ περικείμενος ἀμφὶ δευτέραν ὥραν ἐσφάζετο ἐν ἀγορᾷ μέσῃ παρὰ ἱεροῖς.
>
> Thus Asellio, whilst a praetor and pouring the libation, clad in the sacred and gilded vestment for sacrifice, was slaughtered about the second hour in the middle of the Forum amidst the rites.

The horror of the scene was all the greater because of the distinction afforded by the special clothing, the ceremony, and by the presence of an audience in the Forum. The legitimate sense of pre-eminence bestowed by a sacrificial occasion is conveyed in artistic monuments, in which the focal point for the observer is always the sacrificant: thus upon a third-century *cista* a triumphant general is the centre of interest; in the last years of the Republic the same prominence is to be found in L. Domitius Ahenobarbus'

[74] Livy 2.7.7; cf. Marshall, op. cit. (n. 64), 132.

[75] Val. Max. 2.2.4. There is evidence to suggest that magistrates actively order the fasces to be lowered before a superior; e.g. Coriolanus even orders this to be done before his mother: Dion., *Ant. Rom.* 8.44.4. Lictors were very conscious of protocol: Quadrigarius (F 59 Peter = Gell. 2.2.13) relates that lictors told Q. Fabius Maximus to dismount from his horse when he encountered his son, the consul: the consular *imperium* came directly from the Populus.

[76] Esp. *leg. ag.* 2.55.

[77] cf. the observation of Bell, op. cit. (n. 10), 221–2, that 'in terms of its scope, dependence, and legitimation, the type of authority formulated by ritualization tends to make ritual activities effective in grounding and displaying a sense of community without overriding the autonomy of individuals or subgroups'.

[78] Details of all such at H. S. Versnel, *Triumphus* (1970), 302.

[79] Caesarian 'charismatic' politics is an instructive example: when C. Iulius Caesar was sacrificing, his great-nephew stood close by him. Others too wished to be seen close to the most powerful man in the western world. But these Caesar ordered to yield to the young man — Nic. Dam. 90 F 127, 17–18: Octavius was everywhere to be seen with Caesar.

[80] Cic., *Phil.* 3.11; cf. 5.24.

[81] App., *BC* 3.94.

[82] *BC* 1.54. Regarding the distinctiveness of the clothing it is worth noticing how C. Iulius Caesar combined the associations of different roles in one ceremony when he obtained the right to sacrifice in triumphal dress: e.g. App., *BC* 2.106.

relief commemorating a *lustratio*.[83] This centrality might be understood as a form of power, if control of religious ceremonial was as 'fundamental to political power in Republican Rome' as really seems to be the case.[84]

Magistrates had in fact what might be termed charismatic power.[85] In their religious prominence men such as Domitius, or for that matter Cicero, were maintaining the community's link to its gods and upholding its place in the cosmos.[86] No sociological taxonomy of authority can identify possession of innate charisma, since to be perceived as a charismatic leader is to be such, regardless of whether the perception depends upon an individual's unprecedented status in the society or upon opportunities afforded by traditional routines and ritualized roles.[87] Roman magistrates were able to elicit awe as individuals even if their charisma originated in offices bestowed by the Populus.

Visual messages thus had an important place in Republican politics and in *contiones*.[88] To understand the full context of oratorical performance it is necessary to remember that the messages were constructed around specific vivid sights. So it should be assumed that a great deal of persuasion had taken place before Cicero began his speech, when the crowd had beheld a consul charismatically embellished by ritual drama. As Cicero unfolded his arguments about the dangers lurking in Rullus' legislation, no-one who listened could fail to be reminded of why the national leader was entitled to a respectful hearing, since Cicero's speech persistently alluded to emblematic national ceremony. The charismatic aspects of Cicero's visibility thus brought to bear a power beyond that of simple eloquence, beguiling cadences, or reasoned arguments about material interest.

VI. POWERFUL PICTURES

When Cicero wishes to explain the danger Rome will face from Capua if the Rullan bill is passed into law, he characterizes the threat primarily by reference to the central ceremonial practices of the state — and of course to the presently pre-eminent ritual actor in the state. He stresses that Capua can be seen (*leg. ag.* 2.90). He makes himself a direct witness of what was to be seen in Capua, at least when he was a young man, and offers a description (92) so that the Roman citizens may 'perceive and understand' the *superbia* inherent in the very place.[89] The Capuan magistrates, L. Considius and S. Saltius, who founded the colony, are brought dramatically to life so that the constitution can be grasped through reference to the rituals performed there by the officials. Sinister ambitions are imputed to the titles of the magistrates, who call themselves *praetores*, not *duumviri* as in other colonies: perhaps in a few years they will be eager for the name of *consules*. This point is reinforced by emphasis upon the similarity of Capuan and Roman lictors and sacrifice, which also implicitly invokes Cicero's personal impressiveness. The leading Capuans will obviously be a threat to Rome's security (93–4):

[83] I. S. Ryberg, *Rites of the State Religion in Roman Art*, MAAR 22 (1955), 20–2, 27–34, esp. 29: 'the composition is managed in such a way as to throw the emphasis upon the sacrificant . . .' The Ahenobarbus scene seems to have generic similarities to representations of sacrifice on official Roman monuments: O. Brendel, *Prolegomena to the Study of Roman Art* (repr. 1979), 133. R. Gordon stresses how the visual representation of Roman sacrifice 'summarily reproduces key aspects of the social and political system' in the Empire ('The veil of power', in M. Beard and J. North (eds), *Pagan Priests: Religion and Power in the Ancient World* (1990), 201–34, at 206).

[84] J. A. North, 'Democratic politics in Republican Rome', *Past and Present* 126 (1990), 3–21, at 17.

[85] After M. Weber, *The Theory of Social and Economic Organization* (ed. T. Parsons, 1947), 358–77. Weber's discussion is best taken as suggestive rather than prescriptive of the terms of analysis.

[86] cf. E. Shils, 'Charisma, order and status', *American Sociological Review* 30 (1965), 199–213.

[87] cf. R. C. Tucker, 'The theory of charismatic leadership', *Daedalus* 97 (1968), 731–56.

[88] cf. Millar, op. cit. (n. 44), 103 and 111.

[89] Although he treads carefully, he does this at some risk of reminding his audience that the M. Brutus (mentioned at 89 and 92), who proposed as tribune in 83 establishing a colony at Capua, had been a supporter of the popularly beloved young C. Marius killed by Sulla: Cic., *Quinct.* 65; Plut., *Sul.* 9; App., *BC* 1.88 and 95; Livy, *Ep.* 89. This event was perhaps too remote for popular memory or else inserted into the circulated text for optimate consumption.

> Deinde anteibant lictores non cum bacillis, sed, ut hic praetoribus urbanis anteeunt, cum fascibus. Erant hostiae maiores in foro constitutae, quae ab his praetoribus de tribunali sicut a nobis consulibus de consilii sententia probatae ad praeconem et ad tibicinem immolabantur. Deinde patres conscripti vocabantur. Iam vero vultum Considi videre ferundum vix erat. Quem hominem 'vegrandem ac retorridum' Romae contemptum, abiectum videbamus, hunc Capuae Campano supercilio ac regio spiritu cum videremus, Blossios mihi videbar illos videre ac Vibellios.
>
> Then lictors went before carrying not staffs but fasces, just as here they go before urban praetors. The full-grown sacrificial victims stood in the Forum; they were approved by the praetors on the tribunal in consultation with their panel, just as is done by us consuls, before being slaughtered to the accompaniment of herald and flute-player. Then the conscript fathers were summoned. The look of Considius was now scarcely bearable. We saw the 'stunted and wizened' man despised and abject at Rome; at Capua we saw him with Campanian haughtiness and regal airs — I seemed to be seeing those Blossii or Vibellii!

Imagine the ferocity that will come from Capuan soil if the bill strengthens the vernacular arrogance with Roman-ness in the form of five hundred colonists, a hundred *decuriones*, ten augurs, and six *pontifices*! Rome will be ridiculed and scorned (96). Capua is being painted luridly as dangerously and inappropriately potentially too much like Rome.[90] After representing the fundamental nature of both communities in aesthetic terms, Cicero, presumed to be the visible embodiment of Roman qualities, proceeds to guide his audience's reading of the person of Considius, who had visited Rome. In Cicero's verbal vignette the figure this man cut at Rome is depicted as a grotesque figure from the ludic stage, a far cry from the regal air he possessed at Capua. Cicero could count on those who are watching him to supply, in their own minds' eyes, details and connotations supplementary to his reading.[91]

Capua had lingered, moreover, safely and loyally in the depths of inertia and sloth ('inertissimum ac desidiosissimum otium') by virtue of the foresight of a wiser generation of Romans — precisely because there could be none of the lust for glory which by implication characterizes the powerful Rome (91): 'there can be no desire for glory where honour has no public existence; neither rivalry nor ambition breaks their harmony'.[92] This harmlessness was a result of the lack of power of the Capuan people: 'nobody had the power of holding a *contio* nor of taking public counsel'.[93] Strength lies in the practices and institutions of the *res publica* allied to its moral supremacy. The casting of Capua as an 'anti-Rome' attacks the content of the bill whilst also celebrating the people's consul. Rome's *otium* is also linked by Cicero to the cohesive fabric of political practice.[94] The consul, 'armed with your arms, and adorned with most honourable *insignia*, with *imperium*, with authority . . .' (101), is a spectacular emblem of the power and meaning of the *res publica*, and so is able to discredit a tribune's pretence of safeguarding the popular interest.

Rullus' own looks, demeanour, and behaviour had already been critiqued by the consul. Earlier in the oration (12–13), Cicero, already the self-proclaimed, visible *popularis*, told of his eagerness to learn of the tribunes' plans: he was shut out from their counsels, his offer to help in passing legislation useful to the people spurned. The tribunes met in secret at night.[95] Then they entered office:

> Ineunt tandem magistratus tribuni plebis; contio valde expectatur P. Rulli, quod et princeps erat agrariae legis et truculentius se gerebat quam ceteri. Iam designatus alio vultu, alio vocis sono, alio incessu esse meditabatur, vestitu obsoletiore, corpore inculto et horrido, capillatior

[90] E. J. Jonkers, *Social and Economic Commentary on Cicero's De Lege Agraria Orationes Tres* (1963), 128–31, seems genuinely outraged at Cicero's claims.

[91] cf. Quint., *Inst.* 8.3.64.

[92] 'ubi honos publice non est, ibi gloriae cupiditas esse non potest; non contentione, non ambitione discordes'.

[93] ibid.: 'contionandi potestas erat cuiquam nec consilii capiundi publici'.

[94] *Otium* is indeed a 'catch-word' of the oration, treated with 'astonishing variation' in 102–3: Vasaly, op. cit. (n. 63), 237.

[95] Secretiveness is clearly a topos for suggesting malevolent deliberation. Livy (3.38) casts Appius and the fifth-century decemvirs acting as supposedly does Rullus; the similarity is perhaps suggestive, especially given the proposed decemvirate, of the persistence of such themes in both oral and historiographical tradition.

quam ante barbaque maiore, ut oculis et adspectu denuntiare omnibus vim tribuniciam et minitari rei publicae videretur.

Finally the tribunes of the plebs enter the magistracies; the *contio* of P. Rullus is particularly awaited, both because he was the principal man behind the agrarian bill and because he carried himself more churlishly than the others. Once elected he studiously had a different expression, a different tone of voice, a different walk; more old-fashioned clothing, unfussy and shaggy grooming, with more hair and a bigger beard than before, so that with his eyes and his stare he seemed to all to announce tribunician violence and threaten the *res publica*.

Rullus was probably aiming at a guise replete with archaic and mournful associations to make him seem a graver proponent of public policy. Cicero urges his audience 'to put before their eyes' ('ponite ante oculos vobis') Rullus acting contemptibly, just as he imagines men of evil design themselves doing (53 and 59). These fancies are feasible because Rullus has been before the popular gaze (and presumably had tried to advertise a sense of distinctiveness). Cicero calls attention to Rullus' self-fashioning and dooms it to ridicule as the deviant mark of a man who was seditiously *levis*.

Laughter could be understood as an element of republican liberty.[96] Consequently it was the business of an orator to make mirth.[97] Individuals corporally distinctive, be it through deformity or a more common departure from the ideals of attractiveness such as baldness, were ready targets for orators who sought to effect a sense of complicity with their audience in a gale of laughter.[98] But if laughter was readily stirred by appearances that could be perceived as deviant in some way, orators also needed to attune their jibes to the sensibilities of the crowd, which might be prompted to notice and find oddities funny but yet, besides being quite able to see and interpret for itself, had definite affections.[99] A distinctive rhetoric of self was only effective if supported by other merits; without such a man was vulnerable to ridicule. Thus L. Quinctius found his character, as manifested by his *vultus* and his mode of wearing his *amictus*, the object of jurymen's scornful gaze, because Cicero, who was always deft in pointing such things out, knew that such a look was a liability in the absence of supporting claims to distinction.[100] Cicero noticed how a certain hapless Tuditanus' flamboyantly theatrical dress and comportment in the Forum made him memorable only as an object of ridicule.[101] On the other hand, the dress of Caesar notably failed to conform to prevailing norms at Rome but this seems never to have diminished his popularity.[102] Successful orators whom Cicero emulated had elicited mirth to memorable effect.[103] Cicero himself, a witty man after all, would have learned from experience how ridicule could best be conjured forth in the Forum. If he succeeded in making a mockery of Rullus, he had prevailed in a contest of political affections; and the victory could be cited as a popular

[96] Cic., *Planc.* 33. While it was remarkable and abnormal never to laugh, laughter had its proper time and place: the grandfather of M. Licinius Crassus was known for never laughing (Pliny, *HN* 7.79); a man was reduced to the status of a member of the *aerarii* by the censors for jocular levity (Gell. 4.20.3–6).

[97] Cic., *De or.* 2.236: 'it is plainly the orator's business to stir laughter'. On the politics of laughter in oratory see now A. Corbeill, *Controlling Laughter: Political Humor in the Late Roman Republic* (1996).

[98] A physical deformity might prevent a man from winning office: Shackleton Bailey, ad *Att.* 1.16.3. The XII Tables adjured that deformed infants were to be killed: Cic., *Leg.* 3.19. As for more mundane bodily issues, C. Iulius Caesar was particularly happy to wear wreaths because it saved elaborate combing to cover his baldness, which attracted jibes: Suet., *Dj* 45.2.

[99] *De or.* 2.237.

[100] *Cluent.* 111.

[101] It was his habit to scatter money to the populus from the Rostra while dressed in tragic garb: *Phil.* 3.16; cf. Val. Max. 7.8.1.

[102] Although when Caesar was a captive of the pirates he stuck relentlessly and uncomfortably to propriety, never taking off the toga and the shoes that respectively marked him as Roman and an important Roman: Suet., *Dj* 45.3; cf. (with embellishment) Dio 43.43.1–4; Macr., *Sat.* 2.3.9. Among the pirates, he carried himself so as to create 'equally terror and reverence' — Vell. 2.41.3. It can fairly be said that 'to wear one's toga fastened in a certain way was also to suggest something about one's political intentions and about one's sexual proclivities': C. Edwards, *The Politics of Immorality in Ancient Rome* (1993), 90. Standards of decorum in dress were articulated by the elder Cato, according to Aulus Gellius (11.2.5): e.g. it was the custom to dress *honeste* in the Forum, sufficiently at home; dress codes in Rome and Latium condemned tunic-sleeves that reached to the wrist or beyond and P. Africanus (son of Paullus) reproached P. Sulpicius Gallus for his long sleeves (ibid., 6.12.1 and 4).

[103] As can be imagined from the example of Crassus' comparison of an individual to a picture of a Gaul: Cic., *De or.* 2. 266. Physical, gestural mimicry might effectively accompany witty words in a *contio*: ibid., 242.

verdict upon both the individual and the political positions with which he was associated.[104]

Rullus perhaps played ill his own chosen part as hoary, hairy statesman. But because the benefits of consular prestige allowed Cicero to present himself as a stately model of the qualities the Populus should expect to see in a pre-eminently respectable person, the sight of Rullus was made a metonym for the legislation. Cicero's reading of Rullus seems to have prevailed in the Forum and in history. In the Forum, once the laughter subsided, the sinister intent of the legislation was exposed: nobody, Cicero claimed, could understand Rullus' first speech at a *contio* and its fancy language; nobody could say if its obscurity was due to insidious intent or to his delight in such eloquence.[105] Rullus' ultimate aim was as obscure as his use of language, his designs as unattractive to the popular standards as his physical appearance. Cicero made it impossible to disentangle the merits of Rullus' legislation from the political hermeneutics of his hairstyling.

The employment of such visual representations indeed constituted, as Vasaly has observed, an important part of the ensemble of techniques and presumptions underlying oratorical performance.[106] Capua, too much like Rome, and a tribune who was no true *popularis* might be perceived as perilous because they were described by a consul of majestic dignity. Yet persuasive techniques drew strength from the great practical and ideological gulf, maintained by the rituals of religious and civic ceremony, separating Cicero from most other citizens. Yet although belonging to an order stationed at great remove, the conspicuous orator had no choice but to expend great care and effort in making himself and the political programmes he favoured attractive, because the Populus elected, legislated, and had interests and affections of its own for which it expected respect. The various responses of the crowd at a *contio*, whether cheers, chortles, or even a stony silence or worse, naturally do not leave traces in the surviving script. Yet Cicero's power to doom a piece of (possibly worthy) legislation clearly speaks volumes on the question of where power lay in the late Republic. In political practice, 'democratic' constitutional prerogatives notwithstanding, it would seem that the notable big men had the capability to activate habits of deference in a free citizenry, even if Cicero had to impersonate a man of the people in order for his arguments and eloquence to accomplish their business.

VII. THE POWER OF THE POPULUS

Citizens could not be ignored and it was 'a normal political necessity' to flatter and persuade them.[107] But this necessity should not be understood exclusively in terms of popular sovereignty in the assemblies, however vital that may be to any understanding of the history of the late Republic. The Populus was also an important audience for senatorial orators eager to live in the light and there to win everlasting glory. Cicero was determined that history remember his triumph at the *contio* because he knew that great men were especially remembered in his nation's history when their prestigious prominence was validated by popular reception. No man provided a more unforgettable exemplar than Scipio Africanus, who one day in 187 appeared before the people amid

[104] Cicero claims (*Har.* 8) that when Clodius spoke about religious protocols, 'even his own *contio* laughed at the man'; the occurrence is cited to show that the whole *res publica* knew the hypocrisy of Clodius' show of religiosity and, by extension from the person, that Clodius' accusations were without foundation. Note too Cicero's citation of the laughter ('homines inridentes') at Numerius Quintius Rufus (tribune in 57?): *Sest.* 72. *Odium* too could be invoked as a stamp of deserved humiliation bestowed by the Populus upon individuals: Scipio Nasica was called accursed and a tyrant; over a century later Titius, the murderer of Sextus Pompeius, was driven out of Pompeius' theatre 'from the spectacle which he was providing, by the execrations of the Populus . . .': Vell. 2.79.6. Cicero reported (*Q. Fr.* 3.1.24) upon Gabinius' reception before a large crowd the day after his sneaky return from his province at night, when he suffered the *odium* of the *universus populus*. Ridicule could also have consequences in military operations: Livy 41.10.10.

[105] *Leg. ag.* 2.13–14.

[106] op. cit. (n. 63).

[107] North, op. cit. (n. 84), 13 n. 35.

accusations of wrong-doing. Scipio was able to sweep away any popular disgruntlement by his status as a charismatic national hero.[108] That day was, Scipio reminded his audience, the anniversary of Zama and thereupon he led the crowd to the Capitol to watch him sacrifice: the 'universa contio' became the great man's entourage.[109] To be sure, this episode is an example of the inability of the popular will to express itself in 'any significant sense' through judicial verdicts.[110] The ability of Scipio to induce a crowd to tramp away from its constitutional prerogatives is a lesson for modern observers in the poverty of any analysis that is too narrow in its theoretical comprehension of a polity's constitution. For ambitious Roman notables of later generations, it was a supreme model of the ritualized deference they might hope to elicit. Scipio's escort should be perceived as the verdict it was upon his historical significance.

After the heyday of triumphantly posturing Scipiones, a crowd was less likely to be told, as they had been by Scipio Nasica, to keep quiet and mind their own business. As the population of Rome grew, political participation became the business of more citizens. Particularly after the Gracchi, it was advantageous to the ambitious and the avaricious to claim a plausible affective allegiance with those who had sovereignty over their fates, including their memory. C. Marius, for instance, might be thought a clumsy man in domestic politics but he was ever to be commemorated as a *popularis* hero. His glory, although at its height after his Gallic triumph, easily survived Sulla's destruction of his monuments.[111] It is quite possible that such a potent and deathless status as popular and national hero was all that men such as Scipio, Marius or, indeed, Pompeius and Caesar, really craved. History can judge but cannot explain megalomania, except for the suspicion that the applause of a crowd might often really be all that much ambition sought.[112]

Occasions when prominence was validated by the verdict of the *populus Romanus universus* were treasured. Cicero explicated the legitimacy of Pompeius' pre-eminence by citing popular demonstrations of 'universal' sentiment of which the whole world must have heard.[113] Indeed, Cicero is always notable for his proud assertions, even before the prosperous occupants of judicial benches, that he had been elected consul 'by both the complete approval of the *universus populus Romanus* and the remarkable enthusiasm of all the best men — the most magnificent election in memory'.[114] Taking his stand upon the Rostra at that first consular *contio*, he proudly and repeatedly struck the same note, that his dignity was based upon a manifest unanimity of sentiment: 'the single voice of the entire Roman people announced me consul'.[115] Audible acclaim was clearly valued in this political culture; and men naturally liked to be able to claim that they had not merely been elected but were to be remembered for being elected well.[116] Furthermore, the ability to invoke unanimity was an asset in meeting various political challenges. It added strength to Cicero's demolition of pernicious agrarian reform, hope in the face of impending exile, and a sense of triumph on the day of joy for all when the

[108] E. S. Gruen treats ('The "fall" of the Scipios', in Malkin and Rubinsohn, op. cit. (n. 44), 59–90) the evidence lucidly, arguing for this date and that only L. Scipio was accused. The messiness in details of the testimony suggests how only the central event of the drama was truly memorable.

[109] Livy 38.51.12. It is difficult to tell how much of Livy's reporting of such popular receptions is anachronistic.

[110] E. S. Gruen, 'The exercise of power in the Roman Republic', in A. Molho, K. Raaflaub, and J. Emlen (eds), *City-States in Classical and Medieval Italy* (1991), 264–5.

[111] Val. Max. 8.15.7, Plut., *Mar.* 27. Survival: esp. Cic., *Acad.* 2.13; in general, T. F. Carney, 'Cicero's picture of Marius', *WS* 73 (1960), 83–122. Caesar's restoration of the monuments (e.g. Suet., *DJ* 11) made them conspicuous in the fabric of the Forum: Cic., *De or.* 2.266, Val. Max. 6. 9.14.

[112] Imagine, urged Velleius Paterculus (2.48.2), if Pompeius Magnus had died in his theatre at the height of *felicitas* when his dedicatory celebrations were taking place. Plutarch thinks much the same (*Pomp.* 46) had he died after his third triumph and also tells (ibid., 68; cf. *Caes.* 42) of Pompeius' dream before Pharsalus that he entered the theatre for its dedication and the people were clapping; cf. Millar, op. cit. (n. 44), 106. Caesar famously desired simply to be first in his community: e.g. Suet., *DJ* 29.1.

[113] *De imp. Pomp.* 44.

[114] *Vat.* 6. The crowd of spectators for forensic proceedings might be much the same as at *contiones*: e.g. *Flacc.* 66, *Cluent.* 93. There were some in the crowd who had the means to attend trials frequently and so escape historical anonymity, e.g. L. Valerius Heptachordo who positively loved trials: Val. Max. 7.8.7.

[115] *Leg. ag.* 2.4; also 7 and 17 (twice).

[116] Lesser magistrates too: e.g. Cic., *Planc.* 49 (an aedileship).

entire people welcomed him home.[117] Likewise, in 63, Cicero stressed to the Senate the commonality of sentiment of 'all orders, all men, the entire Roman Populus' in the face of a threat to the *res publica*; twenty years later he pointed, rather more hopefully this time, to a similar consensus.[118] The responses of a crowd could not be registered with precise nuance; nor were they subject, as were votes in the Comitia Centuriata, to the censors' rubrics. Still, approbation should be understood as both a tactical asset and a strategic prize.[119]

Approbation was valued as the verdict of the Roman nation. It did not matter that the entire population of citizens obviously could not fit into the Forum, theatre, or Comitia, for what was meant by the repeated emphasis upon the people in its entirety was nothing more than a synechdochical sense of unanimity.[120] But in such expressions of an imagined community the *res publica* had much of its meaning — and not least for its prominent men whose eyes fed hungrily on crowds of faces known only to the best *nomenclatores*. Popular expressions of feeling were carefully noted, whether they were registered at the Comitia, the *ludi*, or indeed a *contio*.[121] It is simple (if nevertheless ideologically revealing) pomposity to sniff at the *clamor* of the 'ignorant crowd', but nobody active in politics seems (ever) to have relished finding, in the emotions of his audience, his own unpopularity staring him in the face.[122] Cicero, of course, was not fully comfortable in his concern for popular sentiment: on one occasion he managed cannily to combine acknowledgement that the applause of the people is significant with an insistence that only a *levis* would really be concerned with his popular standing.[123]

But Cicero's interest in the validating power of popular judgement never can disappear. Great orators of steadfast and patriotic purpose had been able to win a nation's verdict upon their statesmanship from a *contio*. Cicero's discussion of hypocritical flattery in the *De Amicitia* (91–5) offers a train of thought that, after quotation of a passage of ludic drama (Terence), proceeds (95) to assume the existence of the same phenomenon in a more directly political context, namely, a *contio*: it is the *contio* 'which, though composed of very ignorant men, habitually discriminates between a *popularis*, namely a flatterer and an inconstant citizen, and one who is resolute, sincere, and weighty'.[124] Cicero had speciously played the *popularis* on the political stage, although he did not care to be thought fickle in his principles. After all, he could not avoid addressing the people in a polity with some formally democratic elements. Nor did he want to, since he took pride in his consular performances and confidence that

[117] *Dom.* 15. His return from exile was, of course, an event willed by the entire state, even though the bill for his recall was able to risk a vote only in the Comitia Centuriata: *Red. Sen.* 29: Pompeius' support for his recall was supposedly given in person before 'the entire people'.

[118] *Cat.* 4.19; *Fam.* 10.12.4, 12.5.3.

[119] cf. P. J. J. Vanderbroeck, *Popular Leadership and Collective Behavior in the Late Roman Republic (ca. 80–50 BC)* (1987), 163.

[120] This is effectively shown by Pliny the Elder's horror (*HN* 36.118–20) in visualizing Romans dangerously seated in revolving, temporary theatres to watch Curio's games in honour of his late father: an entire free nation was exposed to the danger.

[121] Cic., *Sest.* 106. A similar insistence that popular sentiment is palpably valid recurs in Cicero's attacks on Antonius in the *Philippics*: e.g. 1.36. Moreover, the weight that Cicero put upon demonstrations of feeling, especially at the theatre, is corroborated by the sort of news he wanted from his correspondents: e.g. *Fam.* 8.2.1, *Att.* 2.19.3, 14.3.2, *Q. Fr.* 2.15B.2. Cicero also supplies information about the *significationes* of popular feeling that he demanded of others: e.g. *Fam.* 10.5.3, 11.8.1, *Q. Fr.* 3.1.24.

[122] This pomposity ('imperita multitudo') is that of Valerius Maximus (3.8.6), describing the reception of Equitius, the attractive pseudo-Marius.

[123] *Sest.* 115.

[124] 'contio, quae ex imperitissimis constat, tamen iudicare solet, quid intersit popularem, id est assentatorem et levem civem, et inter constantem et verum et gravem'. Laelius had spoken against C. Papirius' bill to make tribunes eligible for re-election but now stresses instead, as the generous friend he is, Scipio's contribution to the downfall of the legislation (96): it was certainly as though he were their leader rather than their comrade! ('Quanta illi, di immortales, fuit gravitas, quanta in oratione maiestas! ut facile ducem populi Romani, non comitem diceres'). The train of thought continues into a directly stated and important correspondence between the political and the dramatic stage (97): 'Now if on the stage, I mean in a *contio*, where there is more than ample opportunity for deceptions and deceits' ('Quod si in scaena, id est in contione, in qua rebus fictis et adumbratis loci plurimum est'). Here too falls (96) mention of Crassus as the first man to begin the practice of facing towards the Forum in addressing the people (which Plutarch (*C. Grac.* 5) interestingly associates with C. Gracchus).

their commemoration would give him profound historical signification.[125] There was another issue too. Neither his sincerity nor his glory rested securely upon the personal qualities so apparent in national heroes like Scipio or Marius.[126]

Cicero lacked the most obvious claims to *virtus*. There were certainly few Romans who enjoyed the exalted condition of being regarded as a founder or preserver of their state — the achievement through which, Cicero said, a man's *virtus* brought him closest to the gods.[127] Cicero encouraged such regard for his actions in 63. In general, *virtus* had no easily articulated essential meaning except that it made Roman men distinctive.[128] It signified the ideal of manliness.[129] And it made men deserving of reward, particularly in dignity of office.[130] Scipio or Marius commanded popular adulation for enormous military accomplishments rather than just wearing a breastplate about the city. Although battlefields might be thought to be its best proving grounds, Cicero used the term to denote general excellence in other areas of activity, such as oratory or administration, all with the over-arching notion that it was something that existed only in action.[131] *Virtus* was a key ideological quality and, because his career was short of military indications that he possessed it, Cicero had no recourse but to performance at a *contio* in order to record the popular approbation that warranted his claim. The Populus, therefore, had the power to make Cicero the sort of man he could never be on solely his own merits.

It could be thought that *virtus* was whatever it was that Romans liked when they saw it, since Cicero depicted it as embodied in and in terms of physical illumination.[132] *Virtus* was eminently perceptible.[133] It had, moreover, the possibility of having *ornamenta*, *signa*, or *insignia*.[134] But these marks of *virtus*, Cicero warns, may be empty of genuine content or susceptible to hollow imitation and simulation;[135] many considered *virtus* to take the form of mere 'vaunting and display'.[136] Clearly *virtus* depended for much of its meaning in a highly rhetorical political culture upon its phenomenology. Marius, the most famous *novus homo* to advertise his *virtus* to the Populus, made his own self a political spectacle: 'I understand that the faces of all have been turned upon me'.[137] His *virtus* was assured because, rather than being identified by noble pedigree reflected in *imagines*, or a record of forefathers' triumphs and consulships, his scars of battle were his nobility.[138]

[125] Cicero was always greatly concerned for posterity's estimation of his service to the *res publica* in 63: e.g. *Att.* 2.5.1, fearing far more what history will say a thousand years hence than the 'rumusculi' of his contemporaries; there is particularly pointed contrast with the ambition of the men of the fish-ponds at 2.1.7. Throughout the rest of his life, Cicero believed he had established the *res publica* at its best in 63, in the *potestas* of the best men: the praise comes from 'Atticus' at *Leg.* 3.37.

[126] On nobles' pursuit of prestige as intrinsic to their conception of the *res publica*: esp. D. C. Earl, *The Moral and Political Tradition of Rome* (1967), 16 and T. P. Wiseman, 'Competition and co-operation', in T. P. Wiseman (ed.), *Roman Political Life 90 B.C.-A.D. 69* (1985), 3–20, esp. 4, discussing the epitaphs of the Scipiones.

[127] *Rep.* 1.12.

[128] Cic., *Phil.* 4.13. Likewise Milo suffers no exile wherever there is a place for *virtus*: *Mil.* 101.

[129] Cicero acknowledges the derivation at *Tusc.* 2.43; cf. Varro, *LL* 5.75. The inherent virility in *virtus* can, however, also be 'feminized': *Tusc.* 1.95, 2.21. As far as I know, Cicero finds it in three women: a Caecilia (*S. Rosc.* 147), Terentia (*Fam.* 14.1; cf. 14.3), and Tullia (*Fam.* 14.11, *Att.* 10.8.9, 11.17.1, and 14.11).

[130] *Cat.* 3.26, *Mil.* 97, *Brut.* 281, *Fam.* 10.10.2.

[131] *Rep.* 1.2; *Off.* 1.19, *re* praise for *virtus*; cf. *Part.* 76, *re virtus* manifest in oratory. The problem of a divergence in meanings between technical and popular usages is acknowledged at *Off.* 2.35.

[132] The *virtus* of the exemplary Cato 'shone forth as outstanding': *Mur.* 32; cf. *Mur.* 54, *Dom.* 23. Lucullus easily appears before Cicero's eyes as an example of general excellence: *Fin.* 3.8. Sestius' *virtus* 'shines in the darkness': *Sest.* 60. Plancius' 'memorable and divine *virtus* brings light to the *res publica*': *Phil.* 13.44. Milo's: *Sest.* 92. 'The light of *virtus* shines out': *Fam.* 12.5.3; cf. *Am.* 28 and 48, *Fin.* 3.10.

[133] *Balb.* 16; cf. *Pis.* 2, *Verr.* 2.2.4. *Virtus* may also be 'spectata': *Flacc.* 63, *Ad Brut.* 24.10. Piso, claims Cicero, would not know by sight the remarkable *virtus* of a C. Caesar: *Pis.* 81. That of Lucullus possessed *vis*: 'his vast power of *virtus* and talent was absent abroad, invisible to Forum and Senate, for longer than I might have wanted' ('diutius quam vellem tanta vis virtutis atque ingenii peregrinata afuit ab oculis et fori et curiae') — *Acad.* 2.3. *Virtus* can also have beauty: *Fam.* 9.14.4. The phrase is also found at *Att.* 14.17a.5; cf. *Fin.* 4.42. *Virtus* can also have *splendor*: *Off.* 1.20, *Fin.* 3.45 and 4.37, *Hort.* 46. *Virtus* can also be represented in an *effigies*, or a *monumentum* — *Arch.* 30, *Tusc.* 3.3, *Phil.* 9.12, *Dom.* 100.

[134] *Phil.* 13.24, *Fam.* 15.2.8, *Am.* 48; *Pis.* 63.

[135] *Fam.* 3.13.1. Imitation and simulation: *Acad.* 2.140, *Inv.* 1.3. *Off.* 1.46. Note too that *imitatio virtutis* is labelled aphoristically as *aemulatio* at *Tusc.* 4.17.

[136] *Am.* 86. Cicero was well aware (*Off.* 2.43) of the dictum attributed to Socrates (Xen., *Mem.* 2.6.39) that the quickest way to glory was through careful counterfeiting. Note too the 'species virtutis adsimulatae' of Catilina, at *Cael.* 14.

[137] Sall., *BJ* 85.5.

[138] ibid., 85.31: '*Virtus* shows itself well enough' ('ipsa se virtus satis ostendit'); Scars: ibid., 29–30; cf. Plut., *Mar.* 9.

Cicero had no such scars: the only bodily disfigurements he shared with the other new man from Arpinum were varicose veins.[139] Yet at the very beginning of the *De lege agraria II* Cicero echoes the theme of *novitas* that was the emotional premise of Marius' *contio* at the beginning of 107. Cicero has no *imagines*, his ancestors 'lacked the praise of the Populus and the light of the honour you bestow'.[140] But with himself as leader, he declares (3), the Populus has broken down the fortified position of privilege that the *nobilitas* guarded: 'you wanted it to be open to *virtus* for the future'.[141] The evocation of *virtus* thus conforms to a popular tradition yet all the while Cicero is soliciting a popular seal of approval for *virtus* unproven by scars or triumphs.

In this he was continuing a campaign dating from when he had proclaimed the merits of Pompeius to the Populus in 66. Cicero stressed then the range of an *imperator*'s virtues which were possessed by Pompeius and esteemed by the common people; thus perhaps he tried to shift emphasis away from preoccupation with *virtus* testified by military conquest.[142] In his first speech against the bill before the Senate, there are references to *virtus* that make its meaning dependent upon personal capability in military service but there is no reference to the intrinsic *virtus* of Cicero himself.[143] It was in his second speech to the Populus that Cicero showed a particular need to be accepted as virtuous. He associated his individual possession of it with its general existence in the *res publica*, both his at the start of the speech and the people's at the close together resting upon a presupposed consensus.[144] For the Republic at least, the Horatian idea of a pure *virtus* laying claim to fasces independently of the judgement of fickle populace and vulgar crowds was happy poetic fancy.[145] Only the people made Cicero what he wanted to be: a man whose election to a consulship gave him not only further authority to direct popular sentiment wheresoever his interests and ambitious inclinations pointed but also a valid entitlement to be deemed praiseworthy.[146]

VIII. CONCLUSIONS

An oratorical text of Cicero reveals the *populus Romanus* to be the repository of most of the ideological spoils of a Roman political career. Hence the Populus fully enjoys historical significance when attention turns, as it should, toward the sight of an orator with the power to persuade those who have little personal dignity. Individual identities in the crowd are, however, as obscure to history as they usually were to notables for whom humble citizens had names only at election time: political actors probably only ever saw the faces of lesser Romans as a single, mass entity quite distinct from their own class.[147] In the collective rituals of the Roman citizenry, senators (and often equites too) occupied elevated orders of socio-political existence, whether sitting remote in the theatre or talking tall upon the Rostra. A *contio* authorized the elevation of the orator but provided the Populus no power of political participation commensurate with his words and posturing. To be sure, senators were able to shout as well as anybody.[148] But, unlike senators, most Romans had no ritual opportunities to voice an

[139] Marius' veins: Plut., *Mar.* 6. Cicero's: Macrob., *Sat.* 2.3.5; Quint., *Inst.* 11.3.143; Sidon., *Epist.* 5.5.

[140] 'laude populari atque honoris vestri luce caruerunt'. Regrettably, little is known about the *novi homines* who held consulships between Marius and Cicero. T. Didius (in 98) was responsible for a bill that required a period of three *nundinae* between promulgation and voting upon legislation (see Cic., *Dom.* 41, *Sest.* 135, *Phil.* 5.3, *Schol. Bob.* 140 (Stangl)). He too prided himself upon his scars and an empty eye-socket as well: Sall., *Hist.* 1.88 (M) = Gell. 2.72.2. Though not a consul, Q. Sertorius had similar disfigurements which he advertised in the Marian tradition: Plut., *Sert.* 4.

[141] 'virtutique in posterum patere voluistis'. The expression also occurs at *Mur.* 17 and *Sest.* 137.

[142] *De imp. Pomp.* 29 and 36; cf. W. Eisenhut, *Virtus romana: ihre Stellung im römischen Wertsystem* (1973), 63.

[143] Rullus is proposing to sell assets acquired 'by arms and *virtus*' (4), including the royal territory in Macedonia conquered by T. Flamininus and L. Paullus and the Carthaginian lands in Spain acquired by the Scipiones — or rather by the *virtus* of these famous commanders (5).

[144] *Leg. ag.* 2.103.

[145] *O.* 3.2.17–24; cf. 3.5.29.

[146] *Honores*, one might say (Cic., *Am.* 22), existed 'ut laudere.'

[147] For the *voltus* of a crowd see Sall., *BJ* 34.1. There is clear expression of the distinctiveness of the *equites* from the *populus* at Cic., *Rab. Perd.* 38a (fr.1) = Servius *ad A.* 1.13.

[148] e.g. Cic., *Q. Fr.* 2.3.2.

eloquence other than that of a collective crush of bodies in public space.[149] When the crowd shouted, its noise was usually read without nuance as a single unanimous force, albeit one with the physical might to club a bird down from the city's skies.[150]

Shouting, not taking one's turn to orate or even ask careful questions, was a liberty fundamental to the meaning of the *res publica*.[151] There was always the further possibility of angry commotion and riot: Libertas was established in the ruins of Cicero's town-house.[152] Even when a greater precision was lent to the crowd's voice (particularly to register its hostility) the initiative came from above: Clodius took the organization of the popular voice to a new level of sophistication: the 'racy paragraphs' (through which Cicero gives Quintus 'and us a ringside seat from which to watch the show' of February 56) reveal that the questions were thrown down to the crowd.[153] Emotional expression was powerful in itself yet all too often it was directed by wilful actors who needed the crowd more than it needed them.

A noisy judgement was remembered, whether it was upon Scipio, triumphantly processing to the Capitoline, or L. Licinius Crassus, whose *contio* was unmatched in *clamores*.[154] We should, therefore, imagine Cicero hopeful in 60 for similar commemoration of his glory for both suppressing Catilina and showing his pre-eminence upon the Rostra. But despite in many respects a glorious consulship, his popularity was only temporarily embellished by the fasces, and there were few other opportunities to stand charismatically in the light of Rome.[155] His relations with those who worried as much as he about liberty but far more about the price of bread were unlikely to be persistently happy. His success as consul had only 'seduced him into entertaining ideas above his real station'.[156]

Rivals had firmer popularity and greater power. Cicero could not point to *virtus* confirmed in triumphant deeds, nor had he the funds to cut a fine figure as ludic *editor*. He rebuked Curio for taking a popular route to distinction through *munera*:[157] he cited Aristotle's assertion that memory of prodigiality was short-lived, but knew really that was not so.[158] In the years after Pompeius' return, great wealth was essential for popular preferment and memorability.[159] Consuls needed money as well as merit; and in the latter years of the Republic other sites for the solicitation of the citizen body's emotion

[149] Any public doings of the prominent could attract an attention that then became a judgement upon their value in and to the state. The ceremony of Pompeius' military discharge before the censors, for instance, had its accompaniment of shouting: Plut., *Pomp.* 22. Marius took Saturninus' oath and reaped a reward of noisy popular favour: ibid., *Mar.* 29. The desire to avoid the physicality of unpopularity seemed at least to Plutarch a plausible motive for Marius' behaviour: ibid., 28. Applause at trials was registered and pridefully retailed in correspondence: e.g. *Q. Fr.* 2.4.1 (*re* the trial of Sestius). Somebody wrote to Caesar to inform him 'about Milo's applause': *Q. Fr.* 3.1.13. Cicero carefully notes the reaction to Senatorial votes: e.g. *Q. Fr.* 2.8.1 (*re* the denial of a *supplicatio* for Gabinius). He claimed that the decree for his restoration was approved by extraordinary shouting and applause at a packed theatre: *Div.* 1.59; cf. *Pis.* 15; *Sest.* 55, 63, 69; *Fam.* 1.9; *Red. Sen.* 9. The extraordinary events of March 44 prompted all, not least Cicero, to read and use whatever signs of popular feeling could be discerned: *Phil.* 4.3; cf. the approval of Brutus though absent from the games, ibid., 1.36, 10.8. Caesar's rejection of the proferred diadem at the Lupercalia was, of course, part of a negotiated drama of power in which the applause of the crowd had its part to play: Plut., *Caes.* 61, cf. *Ant.* 12; the tribunes Flavius and Marullus were also applauded for arresting those responsible for putting diadems on the statues: Plut., *Cic.* 61.

[150] Livy 29.25.3–4; Plut., *Flam.* 10, *Pomp.* 25; Val. Max. 4.8.5; Dio 36.30.3.

[151] Marcellinus told the people at a *contio* (on the subject of Pompeius): 'shout, citizens, while you may' ('adclamate Quirites dum licet'): Val. Max. 6.2.6.

[152] Cic., *Dom.* 108–11; Brunt, op. cit. (n. 15), 334.

[153] D. Stockton, *Thirty-Five Letters of Cicero* (1969), 22, provides the spectacular characterization; *Q. Fr.* 2.3.2; cf. Plut., *Pomp.* 48; Dio 39.19. On the leadership and orchestration of gangs see Vanderbroeck, op. cit. (n. 119). More complex styles of applause too were chiefly orchestrated variations upon the traditional staple of political communication. Cicero remarked upon the new style, presumably rhythmical, that greeted the Senate's passing of Cicero's motion that Pompeius be placed in charge of the corn supply in September of 57: *Att.* 4.1.7.

[154] Crassus memorably defeated Cn. Domitius Ahenobarbus in 92: Cic., *Brut.* 162, *De or.* 2.227.

[155] An augurship was coveted, perhaps as both an honour and as a means to be seen at a solemn remove from other men: *Att.* 2.5.2, 8.3.1, *Phil.* 2.4.

[156] D. Stockton, *Cicero: A Political Biography* (1971), 334.

[157] *Fam.* 2.3.1–2 (in 53); cf. Pliny, *HN* 36.119–20.

[158] *Off.* 2.55–6. Cicero sketches the recent history of aedilician games that were spectacularly successful, ending the list with Pompeius' games of 55 (not aedilician): these games are in themselves indeed one of the most important events of the late Republic.

[159] Evident even in Pliny the Elder's record (*HN* 8.17) of 'firsts' in the arena. Others besides and before Pliny must have remembered the leopards, crocodiles, and hippopotamus.

competed with the Rostra. To be a prominent star of the Rostra was no longer proof of 'summa amplitudo'.[160]

More wistfulness than emulation was prompted in generations looking back to the days when men of the Republic 'had persuaded themselves that without eloquence nobody was able either to reach or to maintain a conspicuous or prominent position in the state'.[161] Inevitably so, because there was a great change in the nature of the *res publica* after 49, when an eloquent performer at *contiones* did not find it difficult to persuade an audience of legionaries to destroy *otium* in the cause of his *dignitas*.[162] *Sub specie aeternitatis*, perhaps then those days were glorious when rich Roman and hungry Roman shared harmonious unanimity in complicitous applause for *virtus* in the Forum.

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[160] Phrase at Cic., *Brut.* 281.

[161] Tac., *Dial.* 37.6: 'quin immo sibi ipsi persuaserant neminem sine eloquentia aut adsequi posse in civitate aut tueri conspicuum et eminentem locum'.

[162] Caes., *BC* 1.7.