

POPULARIS IDEOLOGY AND POPULAR POLITICS AT ROME IN THE FIRST CENTURY B.C.

The earliest recorded use of the epithet *popularis* to describe a Roman politician belongs to the year 66 B.C.¹). It is common knowledge nowadays that *populares* did not constitute a coherent political group or 'party' (even less so than their counterparts, *optimates*); in fact, the plural *populares* is itself relatively rare²). In this paper, I shall argue that, although we know what *populares* were not, we do not yet have an adequate account of what they were; and so neither do we have an adequate account of their place in, and impact on, Roman politics.

It is to Cicero that we owe the most explicit contemporary definition, given in the *Pro Sestio* of 56 B.C.: 'There have always, in this state, been two kinds of people devoted to political activity and achievement: those who have wanted to be thought, and to be, *optimates*, and those who have wanted to be thought, and to be, *populares*. The ones who wanted their actions and words to be pleasing to the multitude were considered *populares*; the ones who so conducted themselves as to gain the approval of the best people for their policies were considered *optimates*.' Cicero's definition has been recognised to be polemical: *populares* aim to *please* the *multitude*, *optimates* to *gain the approval* of the *best* people³).

1) Cic. Cluent. 77. See RE Supp. 10.550–615; J. Hellegouarc'h, *Le vocabulaire latin des relations et des partis politiques sous la République*, 2nd ed. (Paris 1972), 518 ff.; R. Seager, *Cicero and the Word Popularis*, CQ N.S. 22 (1972), 328–38; J. Martin, *Die Popularen in der Geschichte der Späten Republik* (Diss. Freiburg 1965), 20–1.

2) Cf. Seager, *Cicero and the Word*, 328 n. 1. For *optimates*, see RE 18,1. 773–98; Hellegouarc'h, 495 ff.; Ch. Wirszubski, *Libertas as a Political Idea at Rome during the Late Republic and Early Principate* (Cambridge 1950), 39 n. 1; W. K. Lacey, *Boni atque Improbi*, G&R 2nd ser. 17 (1970) 6–7. The term is first attested in application to Roman politics in (probably) the eighties B.C. (Rhet. ad Her. 4. 45; Cic. De inv. 2.52), although *optimus* may already have had political connotations in the time of C. Gracchus.

3) Sest. 96: *Duo genera semper in hac civitate fuerunt eorum qui versari in re publica atque in ea se excellentius gerere studuerunt; quibus ex generibus alteri se populares, alteri optimates et haberi et esse voluerunt. Qui ea quae faciebant quaeque dicebant multitudini iucunda volebant esse, populares, qui autem ita se gere-*

Equally suspect are Cicero's remarks, in speeches of the fifties, on why politicians become *populares*: because they distrust their ability to win support and respect from the senate; because of personal grievances against the senate; because they get carried away by a *popularis aura* (or, in Clodius' case, because of embarrassment at the revelation of his transvestism)⁴). But modern definitions of *popularis* bear a striking resemblance to Cicero's opinions: to be *popularis* was to adopt a certain method of political working, to use the populace, rather than the senate, as a means to an end; the end being, most likely, personal advantage for the politician concerned⁵). Like Cicero, modern scholars believe that *populares*

bant ut sua consilia optimo cuique probarent, optimates habebantur. Recognised to be polemical: Seager, Cicero and the Word, 328; J. Paterson, Politics in the Late Republic, in: T. P. Wiseman (ed.), Roman Political Life 90 B.C. – A.D. 69 (Exeter 1985), 37.

4) Prov. cons. 38 (*Sed homines aut propter indignitatem suam diffisi ipsi sibi, aut propter reliquorum obtreactionem ab huius ordinis coniunctione depulsi, saepe ex hoc portu se in illos fluctus prope necessario contulerunt; qui si ex illa iactatione cursuque populari bene gesta re publica referunt aspectum in curiam atque huic amplissimae dignitati esse commendati volunt, non modo non repellendi sunt verum etiam expetendi.*); Har. resp. 43–4 (*Nam Ti. Graccho invidia Numantini foederis ... et in eo foedere improbando senatus severitas dolori et timori fuit ... C. autem Gracchum mors fraterna, pietas, dolor ... Saturninum ... scimus dolore factum esse popularem; Sulpicium ab optima causa projectum ... longius quam voluit popularis aura provexit.* (44) ... *P. Clodius a crocota ... a stupro est factus repente popularis.*). Cf. Phil. 5.49 (43 B.C.): *Utinam C. Caesari, patri dico, contigisset adulescenti, ut esset senatui atque optimo cuique carissimus! Quod cum consequi neglexisset, omnem vim ingeni, quae summa fuit in illo, in populari levitate consumpsit. Itaque cum respectum ad senatum et ad bonos non haberet, eam sibi viam ipse patefecit ad opes suas amplificandas, quam virtus liberi populi ferre non posset.*

5) E.g. D. Earl, The Moral and Political Tradition of Rome (London 1967), 54–5 ('a particular method of propaganda and political working'); Lacey, Boni atque Improbi, 6 ('a group of nobles whose influence in the Senate was at the time too small for them to be able to secure their objectives, whether personal or political, through the Senate, and who therefore turned to the popular assembly to gain their ends'); Wirszubski, 39–40 ('the Populares on the whole thought of the People as a means, and not an end'); Paterson, 37–8 ('Some of the men who used these methods may have been disinterested reformers; but it was always assumed that their primary motive was the winning of widespread popular support for election to high office. ... *Popularis* techniques were open to any aspiring politician to use, particularly in the early stages of his career'); B. M. Levick, Antiquarian or Revolutionary? Claudius Caesar's Conception of his Principate, *AJPh* 99 (1978) 89 ('If by a *popularis* we mean a politician who appeals over the heads of the senate to the people for their support in carrying out measures for their immediate benefit – and often for his own ultimate advantage – Claudius was indeed a *popularis*'); G. Alföldy, The Social History of Rome (Eng. trans. London 1985), 82 ('It is of prime significance that not only the leaders of the *optimates* but also those of the *populares* were always senators, that is men who sought to realise their own aspirations in

treated the populace as means, not end; that they aimed to please it, not genuinely to consult its interests; and that they chose this means because they believed it would be more effective than senatorial support in securing their objectives.

There are phenomena that none of these definitions can accommodate. In the first place, the Romans themselves had a conception of a distinction between 'true' and 'false' *populares*. This distinction is mirrored in the ambiguity of the word *popularis* itself, which can mean either 'pleasing the populace' or 'in the interests of the populace'⁶). Cicero exploited the distinction, and the ambiguity, in his speeches of 63 against the Rullan bill; when he argued that he, Cicero, was truly *popularis* (acting in the interests of the populace), whereas the tribune Rullus was merely out to exploit the populace by a show of concern⁷). Yavetz has shown that this distinction was grasped by the populace itself. To gain popular support it was not enough to follow a set rule-book of sayings and doings: you had to contrive to convince the populace that you were genuinely concerned for its welfare⁸).

In the second place, Seager has shown that the *popularis ratio* contained substantial elements of ideological legislation and justification: *populares* politicians did not merely try to please the populace with corn bills and the like attending to its material welfare; they also argued on behalf of popular rights and powers, and proposed (and passed) legislation aimed at extending those rights and powers⁹). I suggest that these phenomena cannot be accounted for except on the hypothesis that there was a real debate between *populares* politicians and their opponents; meaning by that a debate based on shared values which made the arguments of each side worthy of serious consideration by the other, and a debate in which the popular assembly and its members actually played a significant part. On the ideological level, it was a debate

their struggle with the oligarchy'). Exceptions are K. Rübeling, *Untersuchungen zu den Popularen* (Düsseldorf 1958); F. Serrao, *I partiti politici nella repubblica romana*, in: *Classi, partiti e legge nella repubblica romana* (Pisa 1974), 163–203; L. Perelli, *Il movimento popolare nell'ultimo secolo della repubblica* (Turin 1982).

6) RE Supp. 10.568.

7) Leg. agr. 1.23; 2.7; cf. In Cat. 4.9; Seager, *Cicero and the Word*, 333 ff.

8) Z. Yavetz, *Plebs and Princeps* (Oxford 1969), ch. 3; Levitas *popularis*, *Atene e Roma* N.S.10 (1965) 97–110.

9) Seager, *Cicero and the Word*. 'Ideology' is here used to mean 'an action-oriented, more or less coherent set of ideas about society held, more or less firmly and more or less articulately, by some large group of people' (H. M. Drucker, *The Political Uses of Ideology* [London etc. 1974], 33).

about the rights and powers of populace versus senate, about what constituted legitimate government at Rome¹⁰).

1. The ideological debate

The Romans did not have a word equivalent to 'legitimacy', but they talked about legitimacy all the same: that is, about who should govern the *res publica*, and how. Two of the values they appealed to in the discussion were *lex* and *mos*: roughly, written law and custom, going together to make up *ius*, what was right¹¹). Other relevant values were *senatus auctoritas*, *libertas*; and the welfare of the *res publica* itself, the expression being understood in this context as meaning the 'common property', or 'common interests', of the Roman people¹²). Concepts of legitimacy were expressed, not just verbally through these and other value-loaded terms, but also through the institutions and adjuncts of power. 'Is' suggests 'ought', and the procedures of political meetings and law-courts simultaneously defined and validated them as instruments of power¹³). Religion endorsed the legitimacy of political institu-

10) On ideology, legitimacy, and consensus, see M. Duverger, *The Study of Politics* (Eng. trans. London 1972), 100–103; 'Legitimacy itself is, in the last analysis, a question of belief, depending strictly upon the ideologies and myths prevalent in the society. Every ideology seeks to depict the image of an ideal government; governments that resemble this image are considered legitimate and those that do not are regarded as illegitimate. ... There is "consensus" in a society when we can observe among its members a fairly general agreement on the form of government regarded as legitimate.'

11) F. Serrao, *La legge*, in: *Classi, partiti e legge*, 8 ff.; J. Bleicken, *Lex Publica: Gesetz und Recht in der römischen Republik* (Berlin 1975), 52–71, 347 ff. *Ius* could mean the content of a (written) *lex*, or law not based on *lex*, or *lex* and *mos* combined; nor was the distinction between custom-based and written law clearly articulated under the Republic.

12) For the meanings of the expression *res publica*, see E. A. Judge, "Res Publica Restituta": A Modern Illusion?, in: J. A. S. Evans (ed.), *Polis and Imperium* (Toronto 1974), 280–5; R. Stark, *Res Publica* (Diss. Göttingen 1937; rpt. with addenda in H. Oppermann [ed.], *Römische Wertbegriffe* [Darmstadt 1967]), 42–100; W. Suerbaum, *Vom antiken zum frühmittelalterlichen Staatsbegriff*, 3rd ed. (Münster/Westfalen 1977), 1 ff. Its primary meaning in the late Republic was 'the State', seen as an object (not as a collection of persons). The meaning (variable) 'constitution' or 'order' of a community is found e.g. in Cicero's *De re publica*; *res publica* is not used to designate a particular (lost) constitution of Rome until the end of the first century A.D. But links with specific values (and so a specific 'order') are already implied by *res publica* in the late Republic: e.g. *libertas*, Cic. *Ad Att.* 14.4.1 (44 B.C.); *leges*, Leg. agr. 3.5, cf. Q.F. 1.2.15 (59 B.C.).

13) For procedures, see C. Nicolet, *The World of the Citizen in Republican Rome* (Eng. trans., London 1980), chs. 7–8.

tions, as well as having a quasi-independent status of its own¹⁴). For example, the decisions of popular assemblies were endorsed by the correct performance of religious rituals before and during the meeting; magistrates derived authority in part from the fact that they had been elected in accordance with the auspices¹⁵).

In recent years, attention has focused on what has been called 'aggressive individualism' in Roman politics: the competitive pursuit of wealth, glory, and status by a few. This pursuit was openly advertised in public speeches and inscriptions: *dignitas* as a reward for individual achievement was an accepted value among other values at Rome, not something pursued under cover of other professed aims¹⁶). But aggressive individualism is not the whole story. *Dignitas* rewarded service to the *res publica* as well as personal achievement; and it was not just a reward, but could impose obligations for the future also. And other things mattered too: tradition, freedom, the rule of law, the *res publica* and its welfare. The argument between *optimates* and *populares* in the first century B.C. reveals, beneath their disagreements, a notable consensus on these and other values¹⁷).

Dignitas, according to Scipio Aemilianus, came from *innocentia*; which may seem to us a negative concept of public service¹⁸). But, more generally, *dignitas* came from *virtus*; and the military achievements which made up a large part of *virtus* were

14) Quasi-independent status: religion was not just a rubber-stamp on the status quo, since it had its own logic and could be used to challenge the status quo (e.g. Curio's intercalary month in 51-0); control of religion entailed political power, as well as vice versa (cf. E. Rawson, *Religion and Politics in the Late Second Century B.C. at Rome*, Phoenix 28 [1974] 193-212). It was also distinguishable, to a degree, from the strictly 'political' ideology of *lex*, *senatus auctoritas*, and so on (e.g. Cic. Har. resp. 43; Sall. Or. Phil. 11); not all Roman religion was linked to politics.

15) J. H. W. G. Liebeschuetz, *Continuity and Change in Roman Religion* (Oxford 1979), ch. 1, esp. pp. 7-29. For the relationship between 'politics' and 'religion', see also M. Beard and M. Crawford, *Rome in the Late Republic* (London 1985), ch. 3.

16) E.g. T. P. Wiseman (ed.), *Roman Political Life 90 B.C. - A.D. 69* (Exeter 1985).

17) For *optimates*, see above n. 2; G. Achard, *Pratique rhétorique et idéologie politique dans les discours "optimates" de Cicéron* (Mnemosyne Supp. 68, Leiden 1981), for some 'optimatus' concepts. Not that there was a single line of either 'optimatus' or 'popularis' thought. For divergent strands within each ideological tradition, see below, nn. 50-1.

18) Malcovati, ORF³ I. p. 134: *Ex innocentia nascitur dignitas, ex dignitate honor, ex honore imperium, ex imperio libertas*. *Dignitas* can mean public status itself, or (as here) worthiness to receive public status (Hellegouarc'h, 388 ff.).

valued not just in their own right but as a contribution to the public interests¹⁹). Caesar's *res gestae*, he claimed, were a service to the *res publica*²⁰). Caesar did not look beyond what the *res publica* owed him for his service to it. But, in the thinking of one Roman senator at least, *virtus* rewarded imposed obligations to the *res publica*: *noblesse oblige*. Cicero talked of his choice of sides in the Civil War as constrained by what *dignitas* demanded of him; and about Caesar in 49 he protested, 'Unhappy man ... he says he is doing all this for the sake of his *dignitas*, but what *dignitas* can there be without honour?'²¹).

More generally, the pursuit of *dignitas* did not blind people to the continuing duty of senators, as individuals and as a group, to see to the welfare of the *res publica*. The *auctoritas* of the senate was invoked as a value in its own right²²), but it also found justification in the idea that the senate knew best what was good for the *res publica*. In 138 Scipio Nasica opposed a corn distribution, and confronted popular rage, with the words, 'I know better than you what is in the interests of the *res publica*'²³). Five years later, he led the attack on Tiberius Gracchus with a cry to save the *res publica*²⁴); and this idea of the senate's concern for, and superior judgment about, the *res publica*'s welfare persisted into the first century (and was enshrined in the institution of the *senatus consul-*

19) On *dignitas* generally, see Hellegouarc'h, 388 ff. *Dignitas-virtus*-military achievement: Earl, Moral and Political Tradition, 31 ff.; P. A. Brunt, *Laus imperii*, in: P. D. A. Garnsey and C. R. Whittaker (eds.), *Imperialism in the Ancient World* (Cambridge 1978), 159-91; J. Bleicken, *Staatliche Ordnung und Freiheit in der römischen Republik* (Kallmünz 1972), 83-4.

20) BC 1.13.1: ... *neque se neque reliquos municipales pati posse C. Caesarem imperatorem, bene de re publica meritum, tantis rebus gestis oppido moenibusque prohiberi* ...; cf. 1.8-9.

21) Cic. Ad fam. 6.1.3 (46 B.C.) (*Nec enim nos arbitror victoriae praemiis ductos patriam olim et liberos et fortunas reliquisse; sed quoddam nobis officium iustum et pium et debitum rei p. nostraeque dignitati videbamus sequi nec, cum id faciebamus, tam eramus amentes, ut explorata nobis esset victoria*); Ad Att. 7.11.1 (*O hominem amentem et miserum, qui ne umbram quidem τοῦ καλοῦ viderit! Atque haec ait omnia facere se dignitatis causa. Ubi est autem dignitas nisi ubi honestas?*); cf. Cluent. 150; Phil. 1.14-15; De off. 1.86; Hellegouarc'h, 406-8; Wirszbuski, 86-7.

22) E.g. Sall. Or. Phil. 22; Cic. De dom. 130; cf. Bleicken, *Staatliche Ordnung*, 91.

23) ORF³ 1. pp. 157-8 = Val. Max. 3.7.3: *Obstrepenste deinde plebe, 'tacete, quaeos, Quirites', inquit: 'plus ego enim quam vos quid rei publicae expediat intellego.'*

24) ORF³ 1. pp. 158-9 = Val. Max. 3.2.17: ... *sublataque dextra proclamavit: 'qui rem publicam salvam esse volunt me sequantur.'* ...

tum ultimum itself²⁵). The *res publica* was sacred, *sacra*; the senate had never let the *res publica* down through lack of wisdom or concern²⁶); it was the *res publica* Cicero saved in 63²⁷); and in 49 the consul Lentulus declared that he would not desert the *res publica* if the senate supported him, but if they went over to Caesar he would disregard their *auctoritas*²⁸).

If the *res publica* was sacred, so (within limits) were the existing institutions of the *res publica*²⁹). Not even Sulla tried to abolish the popular assembly (although there may have been widespread approval, at the time and later, of his views on tribunician power)³⁰). *Mos maiorum* backed up the power of existing institutions, including *senatus auctoritas*³¹), and *leges* too supported the status quo against the violent methods of popular reformers³²).

So proponents of senatorial power could, and did, appeal to a variety of justifications, beyond the impressive justification consisting in the status quo itself. The values they appealed to included *res publica*, *mos maiorum*, and *leges*. These same values recur in the *popularis ratio*. *Popularis* politicians did a great deal more than

25) For the wording of the *senatus consultum ultimum*, and the debate about its weight as against *leges* and *libertas*, see A. W. Lintott, *Violence in Republican Rome* (Oxford 1968), ch. 11; C. Barbagallo, *Il senatus-consultum ultimum*, 2nd ed. (Naples 1980), chs. 2 ff.

26) ORF³ 1. p. 304 = Cic. Or. 213–4 (Carbo in 91–0 quoting the elder Drusus: O Marce Druse, *patrem appello: tu dicere solebas sacram esse rem publicam: quicumque eam violavissent, ab omnibus esse ei poenas persolutas. Patris dictum sapiens temeritas filii comprobavit*); ORF³ 1. pp. 252–3 = Cic. De or. 3.5 (Licinius Crassus in 91: ... *sententiamque eam, quam senatus frequens secutus est, ornatissimis et gravissimis verbis ut populo Romano satis fieret, numquam senatus neque consilium rei publicae neque fidem defuisse, ab eo dictam*...).

27) E.g. ORF³ 1. p. 341.

28) Caesar BC 1.1.2–3: ... *rei publicae se non defuturum pollicetur, si audacter ac fortiter sententias dicere velint; sin Caesarem respiciant atque eius gratiam sequantur, ut superioribus fecerint temporibus, se sibi consilium capturum neque senatus auctoritati obtemperaturum*. ...

29) Above n. 12.

30) Below n. 51.

31) E.g. Cic. Sest. 137: ... *nosse discriptionem civitatis a maioribus nostris sapientissime constitutam; qui cum regum potestatem non tulissent, ita magistratus annuos creaverunt ut consilium senatus rei publicae praeponerent sempiternum, deligerentur autem in id consilium ab universo populo aditusque in illum summum ordinem omnium civium industriae ac virtuti pateret. Senaturn rei publicae custodem, praesidem, propugnatorem conlocaverunt; huius ordinis auctoritate uti magistratus*. ... For *senatus auctoritas* down to the third century B.C., see V. Mannino, L'“*auctoritas patrum*” (Milan 1979); for its intensification in the late Republic, see Mommsen, *Staatsrecht*, 3. 1032–4.

32) E.g. Sall. Or. Phil. 11; Cic. Ad Att. 2.19.3.

provide material comforts for the Roman populace, or criticise the senate for failing to do so. Together and apart³³), they constructed ideological justifications for extending the rights and powers of the populace, justifications based on values which the proponents of senatorial power also shared³⁴).

One of the most cogent arguments in the *popularis* case was that the senate (or a group within it), contrary to its claims, neglected the 'common interests', and administered the *res publica* for its own benefit. This was the burden of the *popularis* accusation *factio*, in the collective sense of the word (*factio* also had overtones of secrecy and discord³⁵), and of Clodius' complaints about the *natio*, the tribe, of *optimates*³⁶). If the senate carried out its appointed duties badly, it followed that either the senate should clean up its act, or the populace should have more power to guide the *res publica* (and look after its own interests). *Populares* favoured the second alternative, and phrased their demands for popular power in terms of *libertas*, the freedom of the Roman people being a value that no Roman could deny³⁷). *Senatus*

33) There is considerable evidence for co-operation between *popularis* politicians (e.g. Cornelius and Manilius in 67–6, Caesar and Vatinius in 59); which does not in itself imply identity of views. The roll-call of past *populares* embodied a claim to a shared ideological tradition (Cic. Lucull. 13; Seager, Cicero and the Word, 331 ff.). For divergence within the tradition, see below n. 50.

34) Seager, Cicero and the Word. For *populares* and material comforts, see Seager, 332, 336. The *commoda* of the *plebs* which *populares* promoted did not consist only of agrarian laws, corn laws, and the like. The word means 'interests' (material or abstract); although material connotations come to the fore in references by Cicero and others to the *commoda* of the Roman populace (Hellegouarc'h, 556–7). See Cic. Rab. perd. 15, Leg. agr. 2. 71 for Cicero's including the rights and powers of the populace among its *commoda*.

35) On *factio*, see R. Seager, *Factio: Some Observations*, JRS 62 (1972) 53–8. Collective sense: Sall. Jug. 31.1 (*Multa me dehortantur a vobis, Quirites, ni studium rei publicae omnia superet: opes factionis* ...), cf. 31.9, 15–16 (... *aerarium expilari, reges et populos liberos paucis nobilibus vectigal pendere* ... *Sed haec inter bonos amicitia, inter malos factio est. Quodsi tam vos libertatis curam haberetis quam illi ad dominationem accensi sunt, profecto neque res publica, sicuti nunc, vastaretur et beneficia vostra penes optumos non audacissimos forent*); Or. Macr. 3 (*Neque me praeterit, quantas opes nobilitatis solus, impotens inani specie magistratus pellere dominatione incipiam, quantoque tutius factio noxiorum agat quam soli innocentes*.); Cic. De re p. 1. 68–9, cf. 3.23 (*Cum autem certi propter divitias aut genus aut aliquas opes rem publicam tenent, est factio, sed vocantur illi optimates*). Disapproval of dissension is relevant to the absence of formal parties in Roman politics.

36) Cic. Sest. 97; 132.

37) *Libertas* as popular power: e.g. Sall. Jug. 31.17 (*Maiores vestri parandi iuris et maiestatis constituendae gratia bis per secessionem armati Aventinum occupare. Vos pro libertate, quam ab illis accepistis, nonne summa ope nitemini?*); Cic.

auctoritas, *populi libertas* ideally summed up a harmonious relationship between senate and populace; it also summed up the conflict between *populares* and their opponents: how great ought the authority of the senate to be, and where should the line be drawn between *senatus auctoritas* and the rights and powers of the populace³⁸)?

Libertas referred to the power of popular assemblies, and to that exercised by the populace through its own magistrates, the tribunes³⁹). But it referred to individual rights also: the rights, that is, of individual citizens to protection against senate and magistrates⁴⁰). To infringe the right of *provocatio* was to infringe *libertas*⁴¹). It was also to break the law; and the same *leges* invoked by the opponents of popular reformers gave substantial support to *libertas* and the elements of which it was conceived to be made up. As Caesar pointed out in the senate in December 63, *leges* guaranteed the citizen's right of *provocatio* against the death penalty⁴²); and, generally speaking, respect for law safeguarded the populace against the arbitrary use (or usurpation) of power by the senate⁴³). If *mos maiorum* backed up *senatus auctoritas* and the status quo, it backed up *libertas*, and the overthrow of the status quo, as well. Tribunician power was 'established by the ancestors', 'a weapon devised by the ancestors for the sake of liberty'⁴⁴); and *populares* were able to describe their aim not as innovation but as a recovery of traditional liberties⁴⁵).

Leg. agr. 2.4. (... *quod meis comitiis non tabellam vindicem tacitae libertatis, sed vocem* ...); 17 (... *populum Romanum universum privare suffragiis, paucas tribus non certa condicione iuris, sed sortis beneficio fortuito ad usurpandam libertatem vocare*); 29 (*Si hoc fieri potest, ut in hac civitate, quae longe iure libertatis ceteris civitatibus antecellit, quisquam nullis comitiis imperium aut potestatem adsequi possit* ...); Sest. 103 (*Tabellaria lex ab L. Cassio ferebatur: populus libertatem agi putabat suam*).

38) *Senatus auctoritas, populi libertas*: e.g. Cic. De dom. 130; cf. Sest. 137; Wirszubski, 40–44.

39) Popular assemblies: above n. 37. Tribunician power: e.g. Sall. Or. Macr. 12 (*vis tribunicia, telum a maioribus libertati paratum*).

40) Wirszubski, 24–30.

41) E.g. Cic. 2 Verr. 5.163; Rab. perd. 12.

42) Cic. In Cat. 4.10; cf. Sall. Cat. 51.22.

43) Wirszubski, ch. 1. E.g. Cic. Cluent. 146 (*Legum ministri magistratus, legum interpretes iudices, legum denique idcirco omnes servi sumus, ut liberi esse possimus*); Sall. Or. Lep. 4 (*Nam quid a Pyrrho ... defensum est aliud quam libertas et suae cuique sedes, neu cui nisi legibus pareremus?*).

44) Sall. Or. Lep. 23 (*conditam a maioribus suis*); Or. Macr. 12 (quoted above n. 39).

45) Seager, Cicero and the Word, 337–8; and below Section 2.

These were some of the arguments used, and concepts verbally deployed, by both sides. But there were also non-verbal episodes in the debate. In so far as the status quo favoured senatorial over popular power, political and legal procedures, and religious ritual, were a form of symbolism that undermined *popularis* demands⁴⁶). But *populares* on occasion exploited the symbolism of procedures and ritual to challenge senatorial authority. The revival of trial by *comitia centuriata* for Rabirius in 63 was a symbolic reflection of verbal appeals by *populares* to the *mos maiorum*: one message of Rabirius' trial was that in former times it was the populace that had the power to condemn or excuse Rabirius for what he had done⁴⁷). In the fifties, Clodius used religious ritual to endorse his view that Cicero was the enemy of popular freedom: he dedicated the site of Cicero's house to *Libertas* (which made Cicero the enemy both of *libertas* and of the gods when he tried to recover his property)⁴⁸).

The extent of consensus on values has here been emphasised so as to show that *populares* and their opponents conducted much of their argument on shared ideological ground. It was not a situation where ideology had altogether failed as an instrument of negotiation, leaving violence as the only remedy⁴⁹). There were of course disagreements on values: for example, some *populares* may have had no time at all for *senatus auctoritas*, however restricted⁵⁰); and many of their opponents may have refused to accept tribunician power (however much justified by tradition) as an essential element in *populi libertas*⁵¹). But, much of the time, the

46) Above nn. 13–15.

47) Cic. Rab. perd.; Dio 37.26–8 etc. On the significance of the trial, and the earlier duumviral proceedings, see A. W. Lintott, *Provocatio*, ANRW 1.2 (1972), 261–2; W. B. Tyrrell, *The Trial of C. Rabirius in 63 B.C.*, *Latomus* 32 (1973) 285–300; E. J. Phillips, *The Prosecution of C. Rabirius in 63 B.C.*, *Klio* 56 (1974) 87–101.

48) Cic. *De dom.*; *Har. resp.*; Liebeschuetz, 1–2; W. Nippel, *Die plebs urbana* und die Rolle der Gewalt in der späten römischen Republik, in: H. Mommsen and W. Schulze (eds.), *Vom Elend der Handarbeit* (Stuttgart 1981), 85–6; Nippel, *Policing Rome*, *JRS* 74 (1984) 28.

49) Cf. above n. 10.

50) Tiberius Gracchus was allegedly in the habit of declaring *'interempto senatu omnia per plebem agi debere'* (ORF³ 1. p. 158 = Val. Max. 3.2.17); contrast Sall. *Jug.* 31.25, where C. Memmius is made to castigate the senate equally for betraying its own *auctoritas*, *imperium vostrum*, and the *res publica*.

51) For Cicero's 'liberalism' in defending tribunician power, see E. Rawson, *Cicero* (London 1975), 157, citing *De leg.* 3.19–26; cf. 1 Verr. 44 for the opinion of Q. Catulus (... *quodsi in rebus iudicandis populi Romani existimationi satis facere voluissent, non tanto opere homines fuisse tribuniciam potestatem desideraturos*). In

participants in the debate did not reject the arguments of the other side as worthless: they went to some trouble to circumvent them with equivalent or superior arguments of their own; and it is difficult, if not impossible, to say conclusively that either *optimates* or *populares*, in the terms in which the debate was conducted, were in the wrong. Thus, the enemies of *senatus auctoritas* in 59 were breaking the law⁵²), the welfare of the *res publica* was a consideration which overrode the laws⁵³), the laws of Sulla were contrary to *mos maiorum*⁵⁴), a vote of the popular assembly was worth nothing because it was not the true *populus Romanus* voting⁵⁵).

It is hard to believe that these arguments, aired in the senate, the law-courts, and in front of the populace at *contiones*⁵⁶), meant nothing at all to the speakers and their audience; that the symbolism of procedures and ritual had no impact on those who lived in the middle of it; and harder still to explain an insistence and consensus on values in a society with no respect for values. Even if one were to reject this evidence, and regard the ideological arguments as a mere game of words, one would still have to concede that *populares* did more than promote the material interests of the Roman populace. If material interests were the ultimate end, from the populace's point of view, the snag was that, to protect its interests, the populace needed powers as well as occasional doles. But, further, if material interests were the key to the relationship between *populares* and their followers, then there was massive overkill in terms of proposals, and accompanying arguments, about popular rights and powers. In what follows, I hope to show that the ideological issue was presented to the Roman populace in a way that suggests that many people (presenters and audience) must have cared about it; and also to show that there are adequate indications that popular reactions to this issue had a real impact on historical developments in the late Republic.

stripping tribunician power down to *ius auxilii*, Sulla could claim to be restoring the original 'pristine' character of the tribunate (Cic. De leg. 3.22 etc.; cf. J. Bleicken, *Das Volkstribunat der klassischen Republik* [Munich 1955], 5 ff.; G. Niccolini, *Il tribunato della plebe* [Milan 1932], 33–5).

52) Cic. Ad Att. 2.19.3.

53) Cic. In Cat. 4.24.

54) Sall. Or. Lep. 23–5.

55) Cic. Sest. 109 ff.; Seager, *Cicero and the Word*, 334.

56) For *contiones*, and popular audiences at law-courts, see Nicolet, ch. 7 and pp. 373 ff..

2. Ideology and Popular Power

Formally and informally, the Roman populace had power. In spite of the escalating political bribery and violence in the last three decades of the Republic, the formal decisions of popular assemblies carried real weight⁵⁷). There is no point in swaying decisions by bribery, or overturning them by violence, unless those same decisions are held to matter; even though progressive disruption of correct procedures may in the end detract from the respect in which decisions are held. And, so long as respect remains for political decisions and procedures, violence may be only a secondary method of obstruction, less effective than exploitation of the procedures themselves. To give an example from the late years of the Republic: in 57, Milo was anxious to prevent Clodius from being elected aedile. Milo gave notice of unfavourable omens, and occupied the Campus Martius, where the elections were to be held, with his armed followers. The next day, the consul Metellus tried to trick Milo into coming to the Forum first thing to report the omens, while he himself sneaked off to the Campus Martius to hold the elections. Milo caught up with him, reported the omens, and averted the elections just in time⁵⁸). Clodius was eventually elected aedile after an attempt to prosecute him for violence foundered on the obstacle that jurors to try him could not be appointed without quaestors, and quaestors could not be elected before the aedilician elections had been held⁵⁹). This episode shows that the outcome of the elections, the decision of the popular assembly, mattered (otherwise Milo would not have tried to stop the elections being held); that Milo was determined to justify his use of violence by appeal to religious propriety (the unfavourable omens); and that, in the end, procedural niceties prevailed over the physical forces Milo had at his command. The tribunes' habit of introducing reluctant senators to address the populace shows how popular opinion could intimidate politicians⁶⁰); and, in this context, one of Cicero's remarks on *popularis* politicians is revealing.

57) For the power of popular assemblies in the first half of the second century B.C., see F. Millar, *The Political Character of the Classical Roman Republic*, 200–151 B.C., JRS 74 (1984), 1–19; cf. Paterson, art. cit. (n. 3), 27–8.

58) Cic. *Ad Att.* 4.3.4–5.

59) Dio 39.7–8.

60) E.g. Cic. *Brut.* 217 (76 B.C.); Asc. 51C (52 B.C.); cf. ORF³ 1. pp. 157–8 (above n. 23); Vell. 2.4.4 (Scipio Aemilianus, who denied that he was frightened). Note also Cic. 1 *Verr.* 44 (quoted above n. 51) for senatorial concern about popular opinion.

Populares are people who, unable to win respect from the senate, are driven out of the *safe harbour* of the senate into the *rough sea* of popular politics⁶¹).

The power of the populace consisted in its sheer weight of numbers (its capacity to riot), as well as in the authority of its formal decisions; this aspect of popular power being especially formidable in the absence of effective police and military forces within the city of Rome⁶²). In December 63, Cicero urged the senate not to let its decision about the Catilinarian conspirators be influenced by rumours that their supporters were busy organising popular protests⁶³). Senatorial fear of riots was entirely justified, as is shown by attacks on individual senators, and repeated threats (eventually fulfilled after Clodius' death) to burn down the senate's meeting-place⁶⁴). Public riots have been explained, in more than one period of history, as the work of an unrepresentative 'criminal element' within the population⁶⁵). Interestingly, even Cicero, in his tirades against Clodius in the fifties, does not claim that Clodius' followers were a small group of society's outcasts. He says that they were solicited by Clodius, that they rioted for pay, and that many of them were not citizens but slaves; but he does not deny that they were drawn from a whole spectrum (including shopkeepers) of poorer people at Rome⁶⁶).

It was to the populace, which owned both political authority and force of numbers, that *populares* politicians appealed: they offered it land distribution, corn distribution, and debt relief, but also the power to protect its own interests, along with an ideology

61) Prov. cons. 38 (quoted above n. 4); cf. Har. resp. 43 (ibid.) with A. W. Lintott, *The Tribunate of P. Sulpicius Rufus*, CQ N.S. 21 (1971) 447–8.

62) For the 'cultural hegemony of the ruling class' as compensation for the absence of police and military forces (and its breakdown in the fifties B.C.), see Nippel, *Policing Rome*. For the informal power of the populace, under Republic and Principate, see Yavetz, *Plebs and Princes*.

63) In Cat. 4.17; cf. Sall. Cat. 50.

64) Attacks on individual senators: e.g. Dio 36.39 (67 B.C.); 38.6 (59 B.C.). Threats to burn the senate's meeting-place: Dio 39.9 (57 B.C.); 29 (56 B.C.); 40.49 (52 B.C.); cf. 44.50 (44 B.C.). The idea in 57 and 56 was to catch the senators in it.

65) For eighteenth-century England, see E. P. Thompson, *Whigs and Hunters* (London 1975), 194–5.

66) Lintott, *Violence*, ch. 6; P. Clodius Pulcher – *Felix Catilina?*, G&R 2nd series 14 (1967) 157–69; Nippel, *Die plebs urbana*, 83; cf. P. A. Brunt, *The Roman Mob, Past and Present* 35 (Dec. 1966), 21–5. *Operae*, e.g. De dom. 79; *duces*, e.g. De dom. 89, cf. 13, 79; for pay, e.g. De dom. 79, 89; slaves, e.g. De dom. 54, 79, In Pis. 9, 11; *tabernarii*, e.g. De dom. 13, 54. See e.g. Ad Att. 4.3.2–3; De dom. 13, for their weapons (sticks and stones).

supporting the transfer of power from senate to populace. Successive tribunes, in the seventies, argued for the restoration of tribunician power: that meant a restoration of popular *libertas*⁶⁷), and the case for it was enhanced by senatorial corruption in government at the time. According to Cicero (who admittedly had an axe to grind) Pompey in fact got much louder cheers, at a *contio* in 71, for his criticism of senatorial governors and jurors than for his promise to restore tribunician power⁶⁸). In 67, the tribune Cornelius carried two laws relating to the authority of senate and magistrates⁶⁹). The first law was about the granting of dispensations to individuals by the senate. The senate had got into the habit of granting *privilegia* on its own authority, although traditionally confirmation from the popular assembly was required. Cornelius proposed to restore popular control of *privilegia*, a proposal which, according to Asconius, diminished *senatus auctoritas*. In the ensuing row, conducted in front of the populace, the consul Piso accused Cornelius of infringing the powers of tribunes by ignoring the veto of a colleague; and got beaten up and stoned for his pains⁷⁰). Cornelius' second law was about the administration of justice by praetors: praetors were to stick to their edicts in judging cases, and not deliver personal favours to one or other of the litigants⁷¹). Despite Cornelius' law, this was still apparently an issue in 63: Sallust makes C. Manlius complain to Marcius Rex that the praetor is in league with the money-lenders; that debtors are being enslaved contrary to *mos maiorum*; and that he and his followers are seeking only to recover *libertas*⁷²).

In 63 (the year after the senate dissolved the *collegia*, so limiting the capacity of the populace to organise without magisterial

67) E.g. Sall. Or. Macr. 22; and above n. 39.

68) 1 Verr. 44–5 (cf. above n. 51).

69) Cf. M. Griffin, The Tribune C. Cornelius, JRS 63 (1973) 196–213; B. Marshall, The Tribunate of C. Cornelius, in: B. Marshall (ed.), Vindex Humanitatis: Essays in Honour of John Huntly Bishop (Armidale 1980), 84–92.

70) Asc. 58–9C; Dio 36.39. Piso's *fascēs* were broken: see Nippel, Policing Rome, 29, for the symbolism. Cornelius finally produced his bill in a revised form requiring a quorum of two hundred senators for *privilegia*, and banning intercession at the subsequent popular vote. It went through without further violence, 'because,' says Asconius, 'no one could deny that this was conducive to the *auctoritas* of the senate' (59C).

71) Asc. 59C; Dio 36.40.

72) Sall. Cat. 33; cf. M. W. Frederiksen, Caesar, Cicero and the Problem of Debt, JRS 56 (1966) 129.

supervision)⁷³), the issue of popular rights and powers versus senatorial authority was much in evidence (so were the issues of debt relief and land distribution)⁷⁴). The tribune Labienus re-enacted the *lex Domitia* of 104 prescribing that all priests, not just the *pontifex maximus*, be elected by seventeen of the thirty-five tribes, instead of by mutual agreement among existing members of the priesthood. That was about popular voting-power, about *libertas* in religious matters⁷⁵); and it was a certain L. Pinarius, elected under the new law, who officiated at the dedication of a shrine to Liberty on the site of Cicero's house in 58⁷⁶). Labienus also instituted the trial of Rabirius by the 'traditional' popular court of the *comitia centuriata*⁷⁷). The trial canvassed the issue of *libertas* in three senses at once: the judicial power of the popular assembly (as opposed to senatorial and equestrian jury-courts); the authority of the senate to let Rabirius off the hook for breaking the law; and the citizen's right to fair trial which had been denied to Saturninus and his followers thirty-seven years before. What the prosecution said at the trial can readily be gauged from Cicero's speech for the defence. Labienus, he said ironically, was truly a *popularis* tribune, a guardian of rights and liberties, proposing to flog and execute a poor old man⁷⁸). The populace would have condemned Rabirius, we are told, had Metellus Celer not averted a decision by pulling down the flag which indicated that the assembly was permitted to meet⁷⁹). The debate on the Catilinarians at the end of the year saw the senate, under Cicero's guidance, reasserting its authority to suspend the application of laws against summary capital punishment. Cicero came under attack almost at once; and Clodius, taking up the issue of *libertas*, got Cicero exiled by popular vote five years later, 'for killing Roman citizens without proper trial'⁸⁰).

73) Lintott, Violence, 77–83; Nippel, *Die plebs urbana*, 82 ff.; Brunt, *The Roman Mob*, 14–23. That is, those that were *adversus rem publicam* (Asc. 7C, cf. 75C).

74) See below n. 86.

75) Dio 37.37; cf. Cic. Leg. agr. 2.17–18 and above n. 37.

76) L. R. Taylor, *Caesar's Colleagues in the Pontifical College*, *AJPh* 63 (1942) 389 ff., citing esp. Cic. De dom. 118.

77) Above n. 47.

78) Rab. perd. 12 (*Popularis vero tribunus pl. custos defensorque iuris et libertatis!*); cf. 2, 10, 13; Seager, *Cicero and the Word*, 335.

79) Dio 37.27.

80) Broughton, *MRR* 2.174; Lintott, *P. Clodius Pulcher*, 163 ff.; Nippel, *Die plebs urbana*, 81 ff.. Cicero's offence: Vell. 2.45.

In 54, there was the episode of Gabinius' trial, an episode which again raised the issue of popular power (and which also reveals the continuing authority of religion in Roman politics). A year earlier, Gabinius, then governor of Syria, had taken an army to Egypt to restore Ptolemy Auletes as king. Thereby he offended against a Sibylline oracle which forbade the king's restoration 'with a multitude'⁸¹). He also offended against the prerogatives of the Roman populace, if it was true that, as rumour had it, Ptolemy's predecessor had left a will bequeathing his kingdom to the *populus Romanus*⁸²). The populace tried to lynch Gabinius in the court; and the jurors too, when they voted for acquittal on the charge of *maiestas*. Owing to popular pressure, Gabinius was convicted on subsidiary charges, and went into exile⁸³). At one stage a tribune, C. Memmius, set about prosecuting Gabinius in front of the *comitia centuriata*, this trial being abruptly terminated through the intervention of another tribune⁸⁴). The issue of popular control over foreign affairs went back at least as far as 133 B.C., when Tiberius Gracchus put the question of Attalus' will to a vote of the Roman people⁸⁵).

All this shows clearly enough that *popularis* activity was by no means confined to offering the populace corn bills and the like (although there is some evidence that bouts of effective *popularis* activity coincided with times of special economic distress among

81) Dio 39.55–63; cf. 15–16; Liebeschuetz, 18; E. Fantham, The Trials of Gabinius in 54 B.C., *Historia* 24 (1975) 425–43. There were floods in 54, which seemed to confirm the authority of the oracle, and also irritated the populace (Dio 39.61).

82) Cic. Leg. agr. 2.41–4 (*Quis enim vestrum hoc ignorat, dici illud regnum testamento regis Alexae populi Romani esse factum? ... Hac tanta de re P. Rullus cum ceteris decemviris collegis suis iudicabit ... iudicabit Alexandream regis esse, a populo Romano abiudicabit. ... Primum cur de populi Romani hereditate decemviri iudicent, cum vos volueritis de privatis hereditatibus centumviros iudicare?*); cf. D. Braund, Royal Wills and Rome, *PBSR* 51 (1983) 24–8 for Alexander I or II.

83) Dio 39.62–3 (diminishing the 'greatness' of the *populus Romanus*). See Fantham, 426 ff. for the subsidiary charges of *repetundae* and *ambitus*.

84) Val. Max. 8.1.3; Fantham, 433–4.

85) Braund, 22–3; Plut. Ti. Gr. 14 ('He said it was not the senate's business and that he would submit a proposal to the populace about it.'). Plut. Ti. Gr. 14 associates the issue of popular sovereignty with the populace's 'right' to economic rewards therefrom; compare C. Gracchus' *Dissuasio legis Aufeiae*, ORF³ 1. pp. 187–8, where the two issues are also associated, but sovereignty goes beyond the question of economic rewards (*Ego ipse, qui apud vos verba facio, ut vectigalia vestra augeatis, quo facilius vestra commoda et rempublicam administrare possitis ...*).

the poor at Rome)⁸⁶). *Populares* also, more or less successfully, proposed to extend (or redress senatorial encroachments on) the rights and powers of the Roman populace: this formed a substantial part of their activity, and was to some degree independent of offers of material assistance. Not only that, but their arguments on behalf of popular power were couched in a language which made the extension of popular power appear objectively right, in terms of the consensus of values at Rome at the time: *libertas*, *leges*, *mos maiorum*, and senatorial incompetence in governing the *res publica*. It is also clear enough that the Roman populace responded, sometimes violently, to proposals about popular power; and that, had it not been for this response, there would have been no Pompey, no Caesar, no Clodius (as we know them); no breakdown of public order (and perhaps no Civil War)⁸⁷). To what was the populace responding, and why?

One way of looking at the matter would be to say that *populares* harnessed material discontents in order to push through 'ideological' legislation that was to their own advantage (notably about tribunician power, which gave a boost to many political careers). But this cannot explain the sheer range of issues: *provocatio*, *privilegia*, praetorian and popular justice, election of priests, popular sovereignty in foreign affairs. One may say that such issues were relevant to the material interests of the populace; and this, to an extent, is true. For example, *provocatio* was about the personal life and liberty of the Roman citizen; foreign affairs were connected with questions of provincial revenues, and how they should be spent⁸⁸). But it would be a strained interpretation that could reduce everything described in this section to the issue of material well-being, and the marketability of votes⁸⁹). Taking a long view, one may say that all politics, all attempts to accumulate power, are ultimately about economic interests; but that (even if it is true) is 'ultimately' in too distant a sense to be more than a trivial explanation of Roman politics. Nor can popular self-interest, 'ultimately' economic or not, altogether explain the evidence. Suppose the

86) E. g. in 67–6 (pirates); 63 (debt etc.); 54 (floods, above n. 81); cf. Brunt, *The Roman Mob*, 25–6. The problem is in knowing if the populace was any *less* distressed outside the periods of *popularis* activity.

87) Cf. Brunt, *The Roman Mob*, 21 ff.

88) Above n. 85.

89) Cf. Brunt, *The Roman Mob*, 17.

Roman populace did want power, for whatever ends: why then did it not just grab power, and save *populares* all the rhetoric about *libertas*, *leges*, *mos maiorum*, and the *res publica*?

The underlying message of this paper is that ideology is itself an instrument of power, perhaps the most effective (and certainly the cheapest) one there is⁹⁰). It was common political and religious values that preserved the distribution of power at Rome, and the particular institutions through which power was exercised. And, in order to challenge the status quo, it was appropriate, and essential, to challenge the ideology on which the status quo depended. This *populares* did, so efficiently that one cannot even accuse them of introducing an 'alternative' set of values, and so efficiently as to win many (but not all) of the Roman populace over to their side of the argument⁹¹). This is not to say that ideological appeal was all the appeal *populares* had: economic distress, hatred of the rich⁹²), gratitude for displays of sympathy, a craving to exercise power, all helped to swell their following. But popular grievances alone do not explain their success. Just as it has been said of law that it is never merely an instrument of class interest, but to be so used has to be believed (and sometimes seen) to be just⁹³); so too with ideology. The effectiveness of ideology – what distinguishes it from 'propaganda' – lies in its capacity to appear as more than an instrument of naked class- or self-interest; its capacity, that is, to base itself on 'objective' moral standards, and so fire the enthusiasm of those in whose interest it is, and also convince (or at any rate disconcert) those in whose interest it is not. Only this conception of ideology can explain the role played by it in Roman politics in the late Republic.

90) Cf. Nippel, Policing Rome, for authority backing up mechanisms of social control (and social disruption). For a (perhaps exaggerated) picture of the *plebs*'s deception as to its 'class interest', see W. G. Runciman, Capitalism without classes: the case of classical Rome, Brit. Journ. Sociol. 34 (1983) 157–81.

91) For the 'decent' *plebs* in the late Republic, see Brunt, The Roman Mob, 21–2; cf. N. Rouland, Pouvoir politique et dépendance personnelle dans l'Antiquité romaine (Brussels 1979), 345 ff.

92) For *invidia*, see Brunt, The Roman Mob, 22.

93) Thompson, Whigs and Hunters, 262 ff. A similar point is made, with regard to religion, by Liebeschuetz, 17.

3. Popular leaders

Finally, what of *populares* themselves? Did they seriously believe the things they said; and what did the Romans really mean when they described a politician as *popularis*?

From one angle, whether *popularis* politicians believed their own ideology, or whether they were just hard-headed manipulators of a naive populace, hardly matters: what was historically important was how the populace reacted. But I want to suggest more than this: namely, that the question of *populares*' individual motivation is open, and complex.

The senatorial politicians we call, and Roman contemporaries called⁹⁴), *popularis* were not the only popular leaders there were. There were also the *duces* of Clodius' *operae* – a Fidulius, a Lollius, a Plaguleius, and so on – among them (or additional to them) being the *magistri* of *vici* and *collegia*, emerging into the open after Clodius' legalisation of the *collegia* in 58⁹⁵). These people may have been of low social standing on the whole; but Clodius' non-senatorial following included people of at least middling status, for example the scribe Cloelius⁹⁶). None of this was new, although Clodius evidently had a more efficient organisation than his predecessors. For example, there was Catiline's subordinate, the ex-centurion Manlius; the 'pimp' of Lentulus who turned to soliciting shopkeepers in 63; the *duces multitudinum* to whom Sallust refers in his description of the same episode; the *operarum duces* who intervened on behalf of Cornelius in 66; and whoever was in charge of the *manus* of C. Manilius⁹⁷). Sallust's *duces multitudinum* are floating rioters, ready to raise a mob for anyone who will pay them; others of these people will have been personal friends and clients of the politicians concerned⁹⁸). But can we assume that all these non-senatorial popular leaders worked only for money, or out of per-

94) Above n. 1.

95) See the works cited in n. 66. Fidulius, Lollius, Plaguleius: Cic. *De dom.* 79, 89.

96) Cic. In Pis. 8; Asc. 33C; cf. D. R. Shackleton-Bailey, *Ecce iterum Cloelius*, *Historia* 30 (1981) 383. For the social status of scribes, and the social range at Rome between 'upper-class' and 'mob', see N. Purcell, *The Apparitores: A Study in Social Mobility*, *PBSR* 51 (1983) 125–73.

97) Manlius' background: Dio 37.30. Lentulus' '*leno*': Cic. In Cat. 4.17 (a lower-class crony?). *Duces multitudinum*: Sall. Cat. 50. *Operarum duces* in 66: Asc. 59C. Manilius: Asc. 45C.

98) For Cicero's own support from friends, and clients and friends of friends, see Q.F. 1.2.16 (59 B.C.).

sonal loyalty to politicians; and not from political motives as well or instead? In the case of Manlius, the assumption is demonstrably wrong: Manlius was in debt, and had a grievance against the system of justice⁹⁹). In other words, there was no simple division between 'manipulative senators', on the one hand, and 'naïve populace', on the other: there was a whole range of more or less humble people in between, engaged in organising support for *popularis* senators. At what level did naïve trust end, and hard-headed manipulation begin?

Perhaps at the level of the senators themselves. So we are back with the problem of *populares*' own motivation, and with what has seemed to modern scholars an insuperable obstacle to the theory that *populares* were anything more than 'manipulators'. *Populares* were members of the senate, and so they must have been self-interested because they worked against the interests of the senate, that is, of their own group or class. Put clearly, this argument is breathtaking in the way it short-circuits the question of motivation. Self-interest is indeed a powerful motive for disregarding group or class interest, but often such self-interest happily combines with ideological conviction; for some people 'self-interest' takes the form of sacrificing oneself for a cause; and sometimes members of a group desert it because they judge its opinions and behaviour to be ultimately damaging to the interests of the group (including their own). It did not require much imagination to see that the extreme assertion of senatorial authority (by Sulla and 'optimates' politicians) was potentially harmful to senatorial authority itself. Popular figureheads are rarely drawn from the masses¹⁰⁰), and this was especially true of Rome, where the system of values instilled deep respect for wealth and nobility; a respect not necessarily incompatible with hatred and envy¹⁰¹). Although one popular leader, at least, is portrayed castigating the habit of deference¹⁰²), it is no accident that *popularis* ideology gained ground simultaneously with the rise of individual *popularitas*¹⁰³).

To the question what the motives of individual *populares*

99) Sall. Cat. 33 (above n. 72); which does not preclude personal ties with Catiline.

100) Cf. Perelli, op. cit. (n. 5), 13.

101) Hellegouarc'h, 223 ff. For envy, see above n. 92. Note Cicero's despair that the *vulgus* mistakenly values wealth and nobility over *virtutes* (De re p. 1.51).

102) Sall. Or. Macr. 24.

103) Nicolet, 343 ff.

were, the correct answer is surely that they varied, and can be estimated, with a greater or lesser degree of probability, in the particular case. Thus, for example, Cornelius' bill about *privilegia* was probably not a central enough issue to be much of a vote-catcher; and he was willing to compromise with the senate to get it passed, rather than create a stir (and lasting reputation for himself) by refusing to give way¹⁰⁴). By contrast, Caesar's well-attested contempt for religion and political values marks him out as a prime example of the *popularis* for whom ideology was little more than a route to personal power and status: an exploiter of a widespread respect for values, and of the credibility lent to *popularis* behaviour by less cynical politicians¹⁰⁵). It is sometimes suggested that inconsistency of political behaviour (in particular, the tendency of Roman politicians to be *popularis* in their youth and turn conservative later on) shows that there was no such thing as a genuinely committed *popularis*¹⁰⁶). But that once idealistic politicians grow conservative with age and opportunity is familiar enough: repetition of this pattern does not limit the capacity of politicians for changing their minds, or of observers for surprise. Roman politicians are apt to appear more unstable than British ones today; owing to the absence of a 'party' system, and to the fact that several issues (including the *popularis*/optimatus one) might collide on any occasion with one another, and with personal loyalties as well¹⁰⁷). But to throw in one's lot with a different issue, or a different loyalty, on different occasions (in the absence of a 'party' system co-ordinating issues and loyalties for one) is not to display inconsistency, or lack of committedness; only to select a certain ranking, on each occasion, for one's various commitments. The Romans could recognise real inconsistency when they saw it, and they considered it discreditable in a politician. Licinius Crassus was once seriously embarrassed by having passages from two of his speeches read out in succession: his speech of 118 promoting the colony at Narbo, in which he did his best to disparage the

104) Above nn. 69–70.

105) For religion, see Liebeschuetz, 18, 31–2. For political values, see e.g. Suet. Iul. 77–8.

106) See especially Lacey, Boni atque Improbi, (n. 2), 4 ff.

107) E.g. *popularis*/optimatus versus security in 63. Antagonism to Pompey may help to explain Curio's apparent instability; cf. Lacey, Boni atque Improbi, 5; The Tribune of Curio, *Historia* 10 (1961) 318–29. For the complications of friendships, see P. A. Brunt, "Amicitia" in the Late Roman Republic, *PCPhS N.S.* 11 (1965) 1–20 (rpt. in: R. Seager [ed.], *The Crisis of the Roman Republic* [Cambridge 1969], 199–218).

senate, and his speech in favour of the *lex Servilia Caepionis* twelve years later, in which he fulsomely sang the senate's praises¹⁰⁸).

The Romans, as was pointed out at the beginning of this paper, themselves had a conception of a distinction between 'true' and 'false' *populares*¹⁰⁹). They were also able to agree (polemic aside) on which politician counted objectively as *popularis*, and which did not¹¹⁰). If all *populares* were admitted to have ulterior ends, how can a distinction have arisen between the true *popularis*, genuinely committed to the popular interest, and the false *popularis* with ulterior motives? But, further, how can there have been any objective criteria for the use of the word *popularis* at all? To say that the criterion was a strategy of speaking and legislating so as to please and flatter to populace will not, in itself, do. There was a recognised *popularis* manner of addressing the popular assembly which it was open to politicians of all colours to use¹¹¹). This was the manner Licinius Crassus used in his famous speech in favour of the *lex Servilia Caepionis*, in which he beseeched the populace to rescue the senate from the jaws of the bloodthirsty *equites*; the speech that laid him open to a charge of inconsistency with what he had said in 118¹¹²). It was the manner Cicero used to defeat the Rullan bill of 63, when he thanked the Roman populace profusely for its *beneficia* towards himself, so reversing the normal relations of patronage between senator and populace¹¹³). That did not make Licinius Crassus, and Cicero, themselves *popularis* in any normal sense; only clever. Even concrete legislation in the people's favour, as opposed to a mere manner of speaking, was not enough to make one *popularis* either. When Cato passed a corn bill, at considerable expense to the state, in 62, that did not make

108) Cic. Cluent. 140; cf. Brut. 160.

109) Above nn. 6–8.

110) Above n. 1. E. g. Cic. Har. resp. 42 (*ut homo popularis fraudaret improbissime populum*); Ad Att. 2.20.4 (*populare nunc nihil tam est quam odium popularium*). Cicero's play on the word's ambiguity in his speeches *De lege agraria* (above n. 7) also depends on an understanding of an agreed objective usage. Cf. Cluent. 151, on Sulla (*homo a populi causa remotissimus*), with Yavetz, Plebs and Princeps, 41.

111) E. g. Cic. Brut. 136 (*populari genere dicendi*); 164 (*populariter tum dicendum fuit*); cf. Yavetz, Plebs and Princeps, 52; M. L. Clarke, *Rhetoric at Rome* (London 1953), 71.

112) ORF³ 1. pp. 243–5; cf. above n. 108.

113) Leg. agr. 2.1. ff.; cf. Pliny NH 7.117. See Leg. agr. 2.14 for a delicate description of the row between senate and populace. For the shades of meaning of *beneficium*, see R. P. Saller, *Personal Patronage under the Early Empire* (Cambridge 1982), 17–21.

him *popularis* as Rullus had been¹¹⁴). These considerations appear to lead to the conclusion that the Romans used the word *popularis* on the basis of an assessment of motives: who had ulterior motives (Licinius Crassus, Cicero and Cato), and who was genuinely committed to the people's interest. But given that then, as now, the estimation of motives was a matter of judgment (or prejudice), not certainty, it seems incredible that the Romans should ever have agreed on any objective use of the term at all.

If we want to understand the place in Roman politics of the people called *popularis*, we will have to look beyond their 'flattery' of the populace, beyond the fact that they legislated for the people's benefit, and beyond their motives as well. The missing criterion would appear to be their use of *popularis* ideology: the fact that they not only flattered the populace, or distributed material benefits, but also encouraged it to seek power, as of right, at the senate's expense¹¹⁵). This was what Licinius Crassus failed to do in 106 (in contrast to 118): in his speech for the *lex Servilia Caepionis*, he threw himself on the mercy of the populace, but at the same time sang the senate's praises; similarly, Cicero in 63 flattered the populace without attacking the senate's authority¹¹⁶). The key to the political role of *populares*, and what also gave substance to the notion of 'true' versus 'false' *populares*, is public commitment (from whatever hidden motives) to an ideological theme of popular rights and powers. In the absence of a coherent *popularis* group or 'party', it was public commitment to this abstract theme that gave the *popularis* politician his identity.

4. Conclusion

Although the phenomenon of the *popularis* politician can be traced back to the time of the Gracchi (and beyond)¹¹⁷), it is no accident that the word itself first emerges as a political term in the

114) Plut. Cat. Min. 26; Caes. 8: 1250 talents = HS 30,000,000.

115) Which is not to say that all such politicians were sincere, or succeeded (consider Rullus) in persuading the populace of their sincerity; only that this was the normal meaning of the epithet *popularis*. For affability and where one lived as credentials (not a strong enough basis for a clear usage), see Yavetz, *Levitas popularis* (n. 8), 103 ff..

116) Above nn. 112–13.

117) *Populares* themselves claimed the tradition went back to the expulsion of the kings (Cic. Lucull. 13, cited above n. 33). For the tradition (and its presentation) in Livy, see R. Seager, "Populares" in *Livy and the Livian Tradition*, CQ N.S. 27 (1977) 377–90.

years after Sulla: after, that is, his attempt to make the senate's authority more secure than it had been for centuries, by cutting short the powers of the populace and its representatives. Extreme measures led to reaction, and reaction to polarisation of opinion. In spite of the consensus of values to which attention has been drawn here, there was, after Sulla, a noticeable 'optimat' tendency to dismiss the rights or validity of the popular assembly; and it became paradoxical to uphold popular interests in the senate¹¹⁸). This polarisation of opinion, like the growth of bribery and violence, was part of the disintegration of the Republic: bribery and violence were symptoms of an increasing disrespect for all established values, in a situation where a breakdown in consensus seemed to challenge the authority of values themselves. Here is to be found the grain of truth underlying statements by ancient and modern writers that the period between Sulla and the Civil War (the heyday of the *popularis*) was a time when all expressions of political value were merely specious pretexts. But it took an invading general with an army to destroy the Republic; and even then the values on which the Republic had rested did not disappear from people's minds: it was the idea of liberty that killed Caesar, and Republican values were strong and lasting enough to continue to have an influence on the politics of the Principate.

The theory that political values did not matter in the late Republic: that few people paid more than lip-service to them, and that they had no significant influence on events, therefore has no more than a grain of truth in it. Roman politics were as a whole very different from our own; but what made them different is not that values were irrelevant, or that self-interest was all. What was 'different' about Roman politics was that self-interest was more openly recognised in the system of political values; that there were not political 'parties' (a very recent phenomenon¹¹⁹); that the 'political' and the 'personal' were less clearly distinguished than they are today, and so on. If we wish to say that all Roman politicians were self-interested, and that the Roman populace cared only about material benefits, we are entitled to state this, not on the basis of the ancient evidence, but as a comprehensive theory

118) E.g. Cicero on the 'unrepresentative' popular assembly, *Sest.* 109 ff. (above n. 55); the *sordes urbis et faex* and the 'degrading' pursuit of its good opinion, *Ad Att.* 1. 16.11 (61 B.C.), 20.2 (60 B.C.), *Planc.* 9–11. 'Deceiving' the populace (above n. 113) betrays contempt and a coming apart of 'senatorial' and 'popular' values. Paradoxical: *Cic. Leg. agr.* 2.6.

119) Cf. Serrao, *I partiti politici* (n. 5), 171.

for all societies; and it is a theory which the ancient evidence, even for the last years of the Republic, seems to undermine.

Sallust wrote that all politicians in the late Republic pursued personal advancement under the pretext of seeking the public welfare; Cicero, in the forties, described how the development of partisan groups in politics led to a situation where no one cared about the state as a whole. Like modern scholars, both Sallust and Cicero (from their different angles) finally reached the conclusion that *optimates* and *populares* were all bad¹²⁰). Retired politicians live on the sidelines of politics, and rake over events whose outcome has often been less than desirable. Disaster born out of good intentions hardly seems to make sense¹²¹). One can perhaps more easily come to terms with what has happened, and establish control over the past, by assuming that all the participants got what they deserved. But politics thrive on the ambiguous rightness of each side in a dispute, not on the admitted wrongness of both. If we want to understand the politics of the late Republic, we should look for evidence to what was said and done; not to the remarks of ex-politicians whose personal failures convinced them that politics had always been dead¹²²).

University of Aberdeen

Nicola Mackie †

120) Sall. Cat. 38; Cic. De off. 1.85. On Sallust, see further Seager, "Populares", 377.

121) Cf. Lintott, Violence, 207.

122) An earlier version of this paper was read to a seminar at the University of St. Andrews in November 1985. I am extremely grateful to those present for their criticisms, and also to Dr. B. M. Levick and Dr. A. W. Lintott. Responsibility for the views expressed is my own.