CHAPTER 1

Introduction

MASS ORATORY AND POLITICAL ACTION

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

[1] My narrative is largely a paraphrase of Asconius' introduction to Cicero's *Pro Milone* (32–33 C).
[2] For a plausible identification of the location and remains of the house (formerly that of M. Aemilius Scaurus at the corner of the Sacra Via and Clivus Palatinus, bought by Clodius in 53), see Carandini 1988: 359–73, esp. 369, n. 35; cf. E. Papi, *LTUR* II.85–86, 202–204.
[3] App. *B Civ.* 2.21.
[4] Asc. 49 C (cf. Cic. *Mil.* 27, 45, where a date of January 17 is intentionally and misleadingly suggested).

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

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

[5] The funerary riot has now been interestingly analyzed by Sumi 1997. On the *scriba* Cloelius, see Benner 1987: 156–58; Damon 1992. "Hallowed monuments" refers to the statue of Attus Navius (Plin. *HN* 34.21; see below, p. 96). Lambinus' persuasive emendation of Cic. *Mil.* 91, printed in Clark's OCT and defended by him at Clark 1895: 81–82, shows that the crowd brought the *fasces* to a *contio* before the Temple of Castor, perhaps as if assembling for a legislative vote of the *concilium plebis*. Of Milo's two known houses, the one on the Clivus Capitolinus, which seems to have enjoyed a reputation as a kind of fortress (Cic. *Mil.* 64), seems a more obvious and immediate target for a mob in the Forum than his other house on the Cermalus (*pace* Sumi, pp. 85–86; on the houses, see Maslowski 1976; E. Papi, *LTUR* II.32). Sumi, p. 86, believes the attack on Lepidus' house followed two days afterwards (cf. Asc. 43 C); contra, Ruebel 1979: 234–36, and B. A. Marshall 1985: 169.

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

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

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

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

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

[10] Asc. 37 C.

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

[12] Asc. 51–52 C; cf. 36, 38 C.

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

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

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

Asconius' account of these events, which I have followed closely above, is exceptionally detailed by the standards of Roman Republican history – comparable in its density to some of the most vivid narratives in the letters of Cicero, but wider in perspective and far less partisan. Through it we see, with unusual clarity, the importance of the public sphere[18] of Roman politics, which has until recently tended (at least in Anglophone scholarship) to be downplayed in favor of a substratum of personal and private connections of "friendship" and patronage, ostensibly the "real" field of power, cloaked by the clouds of political rhetoric. Following the lead of Ronald Syme's *Roman Revolution*, with its brilliant penetration of the "screen and sham" of the Roman constitution and masterly puncturing of rhetorical hypocrisy, we have tended to dismiss, and finally to overlook, public, political speech altogether.[19] For Syme, famously, "as in its beginning, so in its last generation, the Roman Commonwealth, 'res publica populi Romani,' was a name; a feudal order of society still survived in a city-state and governed an empire"; moreover, "in all ages, whatever the form and name of government, be it monarchy, republic, or democracy, an oligarchy lurks behind the façade; and Roman history, Republican or Imperial, is the history of the governing class."[20] It followed that the Roman historian's true business was to penetrate the façade, to get behind the speechifying and legislating that

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

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

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

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

[19] For "Screen and a sham," see Syme 1939: 15; "rhetorical hypocrisy," ibid., chap. 11, "Political Catchwords."

[20] Syme 1939: 11–12; 7.

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

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

> When Milo killed Clodius, the populace in Rome, in grief for their patron and champion, displayed his body in the Forum, burned it on a pyre in the Curia, and destroyed that building in the conflagration. Then they streamed out of the city to the villa of Pompeius, clamouring for him to be consul or dictator.
>
> The Senate was compelled to act. It declared a state of emergency and instructed Pompeius to hold military levies throughout Italy. The demands for a dictatorship went on: to counter and anticipate which, the *Optimates* were compelled to offer Pompeius the consulate, without colleague. The proposal came from Bibulus, the decision was Cato's.
>
> The pretext was a special mandate to heal and repair the Commonwealth. With armed men at his back Pompeius established order again and secured the conviction of notorious disturbers of the public peace, especially Milo, to the dismay and grief of the *Optimates*, who strove in vain to save him.[22]

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

[21] Millar 1986: 1. [22] Syme 1939: 39. Compare Millar 1998: 181–85.
[23] Note, too, how it is Pompey – no mention of tribunes, *Clodiani,* the urban plebs or even the jurors – who "secured the conviction" of Milo and others.

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

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

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

[24] Sall. *Cat.* 38.3.

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

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

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

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

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

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

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

[30] Millar 1986: 1.

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

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

[33] Mouritsen 2001: 132–33.

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

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

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

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

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

[37] See chap. 5.

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

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

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

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

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

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

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

[41] See pp. 246–48.

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

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

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

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

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

[48] *In contione*: Cic. *Att.* 2.18.2; App. *B Civ.* 1.29–31; Plut. *Mar.* 29.4–6 (note the pressure exerted by the crowd); *CIL* I^2 582 = *Roman Statutes* 7, Lives 16–24. Millar 1986: 8; Pina Polo 1989: 160–61.

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