

**THE TRIBUNATE AND PUBLIC OPINION IN THE ROMAN PUBLIC
SPHERE, c. 70-49 BC**

by

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Abstract

Over the last four decades, scholarly interest has grown in topics relating to the democratic nature of Rome's government in the late Republic (*c.* 133-49 BC), the relationships between Rome's governing elite and the city's inhabitants, the importance of space and movement to the functioning of politics and daily life at Rome, and the plebeian tribunate. Most recently, attention has turned to investigations of public opinion in Rome and to reassessments of the agency enjoyed by Rome's populace within Rome's political processes. This thesis advances the debate regarding the democratic nature of late Republican politics and the balance of power between Rome's inhabitants and governing elite by analysing the communication between the tribunes of the plebs and the population in Rome, in order to improve our understanding of the Roman public sphere and public opinion at Rome in the years *c.* 70-49 BC.

The thesis' main objective is achieved through the realisation of four sub-objectives, which correspond to the thesis' four chapters. Chapter 1 offers a new methodological framework for defining a Roman public sphere, by determining the limitations inflicted on communication within the city of Rome and thus the nature and quality of Rome's public sphere in the late Republic. Chapter 2 proposes a "Language of Public Opinion" – a collection of related words and phrases used by Rome's governing elite and inhabitants in order to describe and understand the constituent components of what we know today as public opinion. Chapter 3 situates tribunes of the plebs within Rome's public sphere in order to understand their role within it and the extent to which these men could participate in communication in Rome. Finally, Chapter 4 identifies the key characteristics of the discursive processes that occurred between tribunes of the plebs and Rome's inhabitants. Focussed on three case studies, Chapter 4 shows that factors such as continual assessments of public opinion, real-time decision making, and knowledge of

the parameters of Rome's public sphere were vital to and characteristic of the communication between Rome's politicians and inhabitants.

Ultimately, this thesis contends that tribunes of the plebs were paramount to the functioning of public opinion and to the character of Rome's public sphere during the period *c.* 70-49 BC and that the discursive processes between Rome's inhabitants and governing elite were dynamic and complex, and thus much more than simply ritualistic or symbolic.

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Abbreviations

Abbreviation	Item
<i>DPRR</i>	<i>Digital Prosopography of the Roman Republic</i> , (online database).
<i>FRL</i>	Manuwald, G. (2019), <i>Fragmentary Republican Latin</i> , 5 Vols, Cambridge, MA.
<i>OCD</i>	S. Hornblower, A. Spawforth & E. Eidinow (eds.), (2012), <i>The Oxford Classical Dictionary</i> , 4 th Edition, Oxford.

All abbreviated references to authors and texts from classical Antiquity, contemporary works and journals not listed here follow the *OCD* 4th Edition Abbreviations. Found here:

<https://oxfordre.com/classics/page/ocdabbreviations/abbreviations>.

INTRODUCTION

Studying the form and function of public opinion at Rome in the late Republic allows us to understand better the relationships between Rome's urban population and those who governed them, at a time when the balances of power within and between these entities were in flux.¹ As we shall see, the existence of public opinion relies on communication among the members of a society. Therefore, any thorough investigation of public opinion and those involved in its formation demands first an understanding of the given society's public sphere – a conceptual phrase used to describe the locations at and means by which public communication takes place – and the communicative experiences of that society's members within their public sphere. During the period with which this thesis is concerned, *c.* 70-49 BC, the public sphere at Rome was a spatially diverse, temporally restricted, rhythmic environment in which access to opportunities for communication was widespread but varied between individuals. At the forefront of many opportunities for communication at Rome were the *tribuni plebis* (tribunes of the plebs), who convened, spoke, and received manifestations of public opinion at the plebeian assembly (*concilium plebis*) and public meetings (*contiones*) in Rome. More than any other magistrates or officials, tribunes of the plebs entered into and facilitated discourses between Rome's politicians and public opinion. Through their comparatively frequent involvements in communication at Rome, tribunes interacted with and determined the parameters of Rome's public sphere. Thus, for the study of public opinion, the public sphere and ultimately the discursive processes that occurred between Rome's politicians and the city's urban population undertaken here, the tribunes of the late Republic, whose actions are often

¹ All translations in this thesis are taken from the Loeb Classical Library editions, unless stated otherwise. Where no translator is listed, the translation is my own.

well documented by the relatively abundant contemporary source material, are the ideal focal point.

This thesis is made necessary by and is a product of the conclusions of past scholarship concerned with the politics and topography of Rome, the tribunate of the plebs as well as theoretical considerations of public opinion and public spheres.

The main objective of the thesis is to improve our understanding of the Roman public sphere and public opinion at Rome in the years *c.* 70-49 BC, using the tribunate of the plebs as a vehicle for analysis. This represents a logical next step in the debate regarding the democratic nature of late Republican politics and the balance of power between Rome's inhabitants and its governing elite. The progression of this debate concerned with power and democracy, which stems from early evaluations of the functioning and character of Republican politics in general, has been outlined by Jehne, who provides a more thorough historiographical review of the relevant scholarship than is possible or necessary here.² For the purposes of this thesis, it will suffice to focus on scholarship produced in the wake of the 'communicative turn', realised in Roman studies in 1976 by the works of Nicolet and Veyne. As Jehne observed, together, Nicolet, whose focus on disparities in citizens' involvement in communal affairs saw that "personal presence and communication always play a large role", and Veyne, whose investigation of euergetism and the relationship between Rome's wealthy political class and the majority of its populace appreciated the "communicative investment that the Roman upper class made on behalf of the plebs", turned scholarly attention towards individuals and their experiences of communication with the political elite at Rome.³

² Jehne 2006b; 2020; most recently on this, see Morstein-Marx 2021: 3-6; for pioneering modern assessments of politics in the late Roman Republic, see for example, Mommsen 1887-1888; Syme 1939; Meier 1966; Gelzer 1969; Gruen 1974; with Jehne 2006a: 66-69; 2020: 1-3.

³ Nicolet 1976; Veyne 1976; with Jehne 2006b.

The advancement from a greater appreciation for the role of the individual and of the Roman citizenry to a concern with the actual power enjoyed by the *populus Romanus* and interrogations of the democratic nature of Roman governance was made by Millar in the 1980s and 1990s. Initially, Millar contended that the governance of the Roman Republic was in fact more akin to an Athenian-style democracy than previously imagined.⁴ Placing emphasis on the sovereignty of the *populus*, manifested especially in its right to elect and hold accountable its own magistrates (“internal regulation”), to hear and respond to (and thus direct) oratory at *contiones*, and its capacity to pass universally binding laws (*leges*), Millar presented an interpretation of the Roman Republic as a “direct democracy”.⁵ In foregrounding the importance of persuasive oratory as an indicator of popular sovereignty, Millar acknowledged *contiones* as the principal arena for public dialogues.⁶ Soon after, Pina Polo’s doctoral thesis contended that *contiones* served as the principal arena for communication at Rome between Rome’s citizens and those who governed them.⁷ From this point onwards, the institution of the *contio* became the focal point for discussions regarding democracy, the agency of the plebs and the structure of governance in the Republican Rome.⁸

Millar’s arguments in support of the power of the Roman *populus* were challenged directly by a trio of German scholars. In a collection of essays titled *Demokratie in Rom?*, and in several publications that followed, Jehne, Hölkeskamp and Flaig argued together and individually that while undeniably important, public oratory, elections, and *die Vorfelder* (pre-electoral exchanges between Rome’s inhabitants and governing elite) served in a ritualistic

⁴ Millar 1984: 2.

⁵ Millar 1984: 8-14, 1986: 1-2, 1989; 1995: 94; 1998: 1-12; with Jehne 1995: 1; 2006a: 81-82; Morstein-Marx 2004: 7, n. 32; 2021: 3.

⁶ Millar 1986: 1, 4, 11; 1998: 126-127.

⁷ Pina Polo 1989, summarised in English: 1995; see development of this hypothesis in 1996: 14; 2012: 49; 2018: 107; and most recently 2019: 77.

⁸ Mouritsen 2017: 61-67 examines the shift in focus from legislative assemblies to *contiones*, (esp. pp. 61-2, n. 18-19) citing the most recent scholarship to follow this trend; cf. Jehne 2006b: 90-95; 2020: 5.

manner to strengthen the position of the ruling elite and to encourage simultaneously the maintenance of consensus, especially in the *concilium plebis*.⁹ A further blow to Millar's democratic Roman Republic came soon afterwards from Mouritsen, who rightly drew attention to the relatively low and disproportionate levels of political participation in assemblies and *contiones*.¹⁰ Arriving at a conclusion similar to those of Jehne, Hölkeskamp and Flaig before him, Mouritsen argued that since the participants at Rome's assemblies and *contiones* were far from representative, these events could hardly have been consultative and therefore must have been ritualistic and symbolic.¹¹ Continuing the scholarly focus on *contiones*, Morstein-Marx followed Millar and Pina Polo in recognising the centrality and importance of *contiones* in Roman political culture.¹² However, Morstein-Marx's overall assessment of public speech was more in line with the viewpoints of Mouritsen and Hölkeskamp. For Morstein-Marx, the "common sense" model presupposed by Millar, in which a need to satisfy popular demands inevitably resulted in an obligation for orators to make their speeches conform to the existing beliefs and opinions of their audiences, is too simplistic and does not account for several obstacles, including the ideological effects of discourse and the "problem of public opinion". According to Morstein-Marx, the ideological effects of discourse in the late Republic were such that audiences of public speech were close to prisoners of a discursive process in which their role and decision-making capacity were pre-constructed by established practice and by the

⁹ Jehne 1995: 8-9; 1995a on elections as maintaining convention and the contribution of *ambitus* to this; against democracy due to disproportionate participation in politics: 2006; suggesting that the plebs attended *contiones* in order to acquire the honour and status achievable from participating in this ritual practice: 2013: 61-62; Hölkeskamp 1995; 2004a/2010 in English; 2004b; 2011a: 28-30; 2013; 2013a; Flaig 1995: 77-91 on consensus in the *concilium plebis*; 1995: 93-106 on *das Vorfeld*, understood here as arenas for pre-electoral exchanges between Rome's inhabitants and governing elite (in other words, *contiones* and games), as stages for further ritualised consensus construction; Flaig 2017 revisited the idea of consensus, this time concluding that consensus was reached in the *comitia* and decisions were made in *contiones*.

¹⁰ Mouritsen 2001: 18-37; 2017: 55-57, applying MacMullen 1980: 456.

¹¹ Mouritsen 2017: 54-74; on political participation, see also Jehne 2006a; 2013b; most recently on this reading of Republican assemblies: Cornell 2022: 230-231.

¹² Morstein-Marx 2004, see esp. p. 31-32, n. 115.

orator's orchestration. Moreover, public opinion could only be formed from ideas and information already delivered to audiences in *contiones* (since there was "no serious alternative source of political information to the Roman citizen other than what he heard in the *contio*") and the actual outcomes of legislative assemblies could only have been reductions of any popular will, simplified to a degree to allow for concrete adjudication.¹³ Focussing on the orator more than the audience, Morstein-Marx concluded that mass oratory served to perpetuate the elite's hegemony over politics and public discourse.¹⁴

Such was the cumulation of scholarship by the early 2000s that represented a seemingly insurmountable case against arguments in favour of popular sovereignty, common sense debate, public opinion and direct democracy having had any real presence in the governance of Republican Rome.

While this debate was developing, a new scholarly appreciation for space throughout history, referred to as the "spatial turn", took hold in studies of the ancient world.¹⁵ In 1994, Laurence's investigation of P. Clodius Pulcher's tribunician reforms of *collegia* and *vici* demonstrated a link between information exchange and the topography of Rome, thus tying political culture to urban space.¹⁶ Soon after, Favro reconstructed the urban images of late Republican and Augustan Rome, most notably in two chapters describing imagined walks through, and the entailing spatial experiences of, the city.¹⁷ An increased interest in socio-spatial scholarship manifested in considerations of populations and urban space, movement through space, and the visibility and performative actions of individuals within specific spaces. Notable progress was made by the contributors to the edited volumes *Mégapoles méditerranéennes*

¹³ Morstein-Marx 2004: 20.

¹⁴ Morstein-Marx 2004: 279-281.

¹⁵ On the spatial turn in studies of the ancient world, see Newsome 2009: 25-26; Russell 2016b: 16-21.

¹⁶ Laurence 1994.

¹⁷ Favro 1996: 24-41, 252-280.

(2000); *Rome, Ostia, Pompeii* (2011); and *The Moving City* (2015), as well as the work of Hölkeskamp on visibility and public performance, of O’Sullivan and Holleran on life in the streets of ancient Rome, and of Russell on the delineation of public space and importance of spatial control in Roman politics.¹⁸ Most recently, the edited volume of Caldelli and Ricci (2020) studied the city of Rome as a collection of spatial types conducive to interpersonal interactions, viewing spaces primarily as destinations within which certain people were present and specific activities occurred.¹⁹

Eventually, research into communication, space, movement, individuals’ experiences and the functioning of politics at Rome coalesced, as attention turned towards the potential for public spheres and public opinion to exist in the ancient world. To understand the studies of public opinion and the public sphere in the Roman Republic that have thus developed, it is necessary first to understand the theoretical models behind these concepts.

Although the phenomenon that is described by the term “public opinion” has existed for millennia, scholarly interest in the presence and function of public opinion in modern societies began in earnest the late nineteenth and early twentieth centuries.²⁰ French and German scholarship led the way, with significant anglophone research into public opinion coming later in the monographs of Lippmann and others.²¹ With the introduction of polling and pollsters in the early twentieth century, interest in public opinion grew rapidly, resulting in the proliferation

¹⁸ Nicolet, Illbert & Depaule (2000); Laurence & Newsome (2011); Östenberg, Malmberg & Bjørnebye (2015); Hölkeskamp 2004a; 2011; O’Sullivan 2011; Holleran 2011; Russell 2015; 2016; 2016a; 2016b.

¹⁹ See Salisbury 2021 on this volume.

²⁰ For a historiographical review of early scholarship on public opinion, see Palmer 1936; Berelson 1956; Price 2008: 11-15; Rosillo-López 2017: 18-21; early scholars were conscious of public opinion in the past: Berelson 1956: 300, citing Bauer (1914); Cf. Palmer 1936: 233, n. 8 citing Welcker & Rotteck (1845) *Das Staats-Lexikon*, Altona (*non vidi*).

²¹ For example, L. A. Lowell (1913), *Public Opinion and Popular Government*, New York (*non vidi*) & J. Dewey (1927), *The Public and its Problems*, New York (*non vidi*), both with Berelson 1956: 300-303; Palmer 1936: 230-231 reviews the progression of early scholarship on public opinion in French, German, and English; Rosillo-López 2017: 20; cf. below, p. 29 on Lippmann.

of scholarship on the subject.²² By 1965, Childs had collated around fifty definitions of the term public opinion.²³ Still today, there is no single accepted theoretical definition of public opinion. There is, however, a general consensus on four key criteria that must be satisfied in order for public opinion to occur. According to Davison, these are:

- 1) There must be an issue.
- 2) There must be a significant number of individuals who express opinions on the issue.
- 3) At least some of these opinions must reflect some kind of consensus.
- 4) This consensus must directly or indirectly exert influence.²⁴

Given that these four criteria are generally recognised as prerequisites of public opinion and that they have already been used effectively, and thus have been proven appropriate, to study public opinion in the late Roman Republic, I adopt these criteria as definitive of public opinion in a late Republican context from here on.²⁵

Analogous with the development of public opinion studies was the development of the concept of a public sphere, in which the opposing theories of two scholars in particular, Habermas and Noelle-Neumann, have been most influential.²⁶

²² Berelson 1956: 300.

²³ Childs 1965: 13-25; Noelle-Neumann 1993: 58; Rosillo-López 2017: 18.

²⁴ Davison 2020, s.v. 'public opinion', *Encyclopaedia Britannica*, <https://www.britannica.com/topic/public-opinion> (accessed 01/02/2021).

²⁵ Rosillo-López 2017: 18-19 also used Davison's four criteria. For Rosillo-López, the third criterion read: "there must be some kind of consensus among at least some of these opinions", but this was revised and republished online by Davison to read as above in November 2020.

²⁶ Additional interpretations of public spheres proposed by others, such as Negt, Kluge and Luhmann, are considered respectively and in detail in Chapter 1, p. 30.

In 1962, Habermas outlined a conceptual space, which he called *Öffentlichkeit*, in which rational public discourse could and did occur, free from state influence.²⁷ According to Habermas, *Öffentlichkeit* came into being in nineteenth-century Britain, with the emergence of a “state” and the rise of bourgeois society and its spatial and physical infrastructure, constituted by locations such as coffee shops, barbershops, and salons.²⁸ For Habermas, the term *Öffentlichkeit* described the physical and conceptual space(s) that facilitated communicative confrontation with the “above” and only eventuated when private citizens came together as a public and engaged in unrestricted, reasoned debate.²⁹ According to Habermas, “through the vehicle of the public opinion, it [*Öffentlichkeit*] put the state in touch with the needs of society”.³⁰ Habermas’ sphere was thus a medium for interaction, in which deliberation took place, characterised by rationality, elite control and a focus on policy.³¹

In contrast to Habermas’ *Öffentlichkeit*, which was based on rational and ideal discourse, Noelle-Neumann’s interpretation of public opinion is characterised by social control, value conflicts and overall integration.³² Noelle-Neumann’s’ main hypothesis, referred to in English as the “spiral of silence”, holds that within a society, an inevitable fear of isolation among some members leads to their opinions going uncommunicated, thus perpetuating and strengthening the opinions of vocal groups.³³ In Noelle-Neumann’s view, the public (and therefore public opinion and what we call the public sphere) included “not only the intellectual elite but every

²⁷ Habermas 1962/1999. *Öffentlichkeit* has since been translated into English as “public sphere” but here I retain the original German term for accuracy. See below, p. 10, for discussion of the problems of translation of this term.

²⁸ Habermas 1962/1999: 30.

²⁹ Habermas 1962/1999: 27.

³⁰ Habermas 1962/1999: 45, trans. T. Burger & F. Lawrence.

³¹ Habermas 1962/1999; explained and analysed in Wendelin & Meyen 2009: 31; Markey-Towler 2019: 35.

³² Noelle-Neumann 1993; Wendelin & Meyen 2009: 32.

³³ Noelle-Neumann 1993; Jakob 2008: 1-2.

single individual within a social collective” and thus too is the character of Noelle-Neumann’s public sphere implied.³⁴

Attention to public opinion in the ancient world came first from a classicist in 1963, when Hellegouarc’h, a professor of Latin literature, proposed that *existimatio* might best be understood as “opinion publique”.³⁵ Following Hellegouarc’h, Yavetz, after making some initial suggestions of equivalent terms, concluded that attempting to identify a single equivalent phrase was too simplistic and further consideration of the issue was required.³⁶ Such further consideration came from Habinek in 1998, whose examination of phrases such as *fama* and *existimatio* advised that it was better to let the “ancient concepts, practices, and institutions emerge from the texts that encode them” rather than to “read modern concepts of ‘public opinion’ into the evidence”.³⁷

In 2005, Jakob’s doctoral thesis, *Öffentliche Kommunikation bei Cicero*, was published. Applying Noelle-Neumann’s interpretation of public opinion and the public sphere, Jakob argued that social control and conformity characterised public opinion in the age of M. Tullius Cicero (106-43 BC).³⁸ Jakob’s understanding of communication at Rome as highly visible, ritualistic, and symbolic, holds to the viewpoints espoused over the previous decade in the aforementioned German scholarship.³⁹ In addition, Jakob identified three phrases, *existimatio*, *opinio*, and *iudicium*, used by Cicero to describe components of what we call public opinion, as well as a number of associated metaphors, synonyms, and paraphrases.⁴⁰ Thus, Jakob provided an excellent starting point and methodological platform for a more thorough analysis of

³⁴ Summarised by Jakob 2008: 1-2.

³⁵ Hellegouarc’h 1963: 363; see below *s.v. Existimatio*, p. 127.

³⁶ Yavetz 1969: 134 n. 1; Yavetz 1974: 36.

³⁷ Habinek 1998: 46, n. 44.

³⁸ Jakob 2005: 111-175; see also 2007: 298-302; 2012: 179.

³⁹ See above p. 3.

⁴⁰ Jakob 2005: 111- 175; 2007: 298-301; 2012: 10-11.

the language used by others, who lived in and around the time of Cicero and the late Republic, to the same effect.

In 2009, Winterling convincingly argued that modern terms such as “public/*pubblico*”, “private/*privé/privato*” and “public sphere”, although derived from Latin, differ in meaning across disciplines even in studies of modern societies and we cannot, therefore, expect them to map accurately onto studies of the ancient world.⁴¹ Moreover, the German adjective “*öffentliche*”, which carries connotations of manifest accessibility versus the associations with the state implied by the adjectives *public/pubblico*, and which characterised the Habermasian *Öffentlichkeit*, loses its appropriateness and applicability in translation. Therefore, as Ando would come to observe too, historians “speaking of ‘public spaces’ [which are in the state’s control] mean just about the opposite of what Habermas meant by “*öffentliche Räume*” [spaces free from state and individual influence].⁴² To remedy these problems, Winterling points towards Luhmann’s premise of distinction between “social structure” and “semantics”. For Winterling, Luhmann’s model acknowledges a fundamental difference between historical actuality and modern descriptions of it, meaning that semantic models such as “public/private” are neither right nor wrong, relating simply to “real” facts – and draw their plausibility from this relation – but describe these facts “in a simplifying manner that does not meet today’s scientific standards”.⁴³ Winterling goes on to note that once such semantic models are recognised, they affect the understanding of a given society and the experience of its members.⁴⁴ Winterling thus provides a promising means by which we might continue to study spaces at Rome during the Republic and the experiences of the those who populated them. For by following Luhmann, we might retain the semantic models described by phrases such as “public”

⁴¹ Winterling 2009 with pp. 58-66, nn. 26-27 there especially.

⁴² Winterling 2009: 62; Ando 2013: 221.

⁴³ Winterling 2009: 69.

⁴⁴ Winterling 2009: 68-69; citing Luhmann 1980-1995; 1990 *non vidi*.

and “public sphere”, and thereby continue to use them productively, so long as we appreciate that they relate conveniently to historical realities rather than describe them accurately. Moving forward in our studies of the Roman Republic, this demands a focus on the actual experiences of Rome’s inhabitants, and in the case of public opinion, specifically experiences of communication, which we might ultimately and usefully describe as having occurred within the Roman public sphere.

In 2012, Jakob reiterated his doctoral hypothesis in the edited volume *Politische Kommunikation und öffentliche Meinung in der antiken Welt*, where it was accompanied by contributions from Kuhn and Ando, among others.⁴⁵ Kuhn’s introduction as editor noted the difficulties inherent in applying the modern phrase public opinion to the ancient world and noted several possible related terms in Latin. Independently of Winterling, Ando argued to the same effect, adding that, as well as problems inherent in the translation of concepts, the nature of our evidence and tangible efforts by the Rome elite to restrict public speech prevent us from identifying anything like a Habermasian public sphere in Imperial Rome.⁴⁶ Further similar objections came soon after, though, like Ando, none except Russell heeded Winterling’s argument.⁴⁷

In 2013, Dardenay and Rosso’s volume, *Dialogues entre sphère publique et sphère privée dans l’espace de la cité romaine*, drew attention once more to the difficulties arising

⁴⁵ Jakob 2012; Kuhn 2012; Ando 2012; see also on communication at Rome in that volume: Morstein-Marx 2012; Ueding 2012.

⁴⁶ Ando 2012: 219-221.

⁴⁷ My thanks to Roman Frolov for bringing Winterling’s piece to my attention. Winterling’s 2009 argument is not noted by Kuhn 2012; Ando 2012; Estienne 2013; Rosillo-López 2017 or Hurllet 2019, all of which examine either the usefulness of “public and “private” and/or the potential for a public sphere in the Roman Republic. Russell 2016a: 25, n. 1 references part of Winterling’s conclusion – the terms “public” and “private” should “be dismissed as scientific terms of current analysis” but does not include Winterling’s next suggestion, which is that “at the same time, they [the terms] become an important object of historical analysis themselves” within the parameters of Luhmann’s model, outlined above: Winterling 2009: 74.

from differences between ancient and modern understandings of “public” and “private” and the implications of these differences for any prospective study of the Roman public sphere.⁴⁸ Like Winterling and Ando, Dardenay and Rosso noted that the modern connotations carried by these terms do not map accurately onto the spaces and viewpoints present in ancient Rome.⁴⁹ They argued that public and private cannot be studied as static, or as polar opposites but must be appreciated with a focus on their kinetic capacities, especially in so far as movement between the two areas, public and private, established “dialogues” and “interactions”.⁵⁰ Dardenay and Rosso’s methodology thus led to a focus on the dynamic, on contacts and exchanges, and in this way mirrored the growing appreciation for movement in spatial studies of Roman history, outlined above.⁵¹ In 2014, Hölkeskamp also drew attention to the complexity of communicative interactions at Rome, arguing that the complexity of communication in pre-modern societies, constituted in the late Roman Republic by a “Repertoire der Formen symbolisch vermittelter Kommunikation” and “Kommunikationskreise”, is not accounted for by Habermas’ relatively reductive model for a public sphere, which can only arise from rational conversations between informed citizens.⁵² Hölkeskamp concluded that any further attempts to appreciate a Roman public sphere must account for this complexity and reflect the progress made by recent studies of public spheres in alternate epochs.⁵³

Two years later, Russell readdressed the problem of semantic disparities between the modern English meanings of public and private and the Latin *publicus* and *privatus*, this time

⁴⁸ Most notably for Rome at Dardenay & Rosso 2013: 9-18; Estienne 2013: 55-56; Russell 2016d.

⁴⁹ Before Dardenay & Rosso 2013, see Riggsby 1997 (esp. p. 47) on the difficulty of applying public and private in our study of ancient Rome.

⁵⁰ Dardenay & Rosso 2013: 10.

⁵¹ See p. 5.

⁵² Hölkeskamp 2014: 382-383; “repertoire of forms of symbolically mediated communication”, “communication circles [of participants]”.

⁵³ Hölkeskamp 2014: 383.

in the context of space in the ancient city of Rome.⁵⁴ Russell lucidly made the case for the notions of public and private being just as contested and difficult to define in the ancient world as they are today.⁵⁵ While Riggsby explored practices associated with intimacy to determine public and private spaces in Rome, and Dardenay and Rosso's volume used notions of sacredness to the same end, Russell chose control as the most useful way of distinguishing spaces, since control was omnipresent and therefore a more universally appropriate analytical tool.⁵⁶ Thus, Russell showed that although thinking of spaces as public and private is often useful, many spaces can simultaneously be categorised in other ways; for example, spaces that accommodate multiple activities at the same time, such as the Forum Romanum or the *domus* of Rome's elite, might be considered public *and* political or semi-public. Like Winterling, Russell concluded that "we should not discard concepts of public and private when speaking of the ancient world. We should, though, recognise that they are not our own".⁵⁷ Most importantly for the present thesis, Russell also showed that public spaces in the Roman Republic offered "a variety of different spatial experiences and any individual public space was experienced differently by different people".⁵⁸ The success of Russell's analysis strongly indicates that any further study of a "public" space, such as the public sphere at Rome, should focus on individual experiences in order to allow for individualistic variations and multiplicities of experiences.

Simultaneous to the apparent deposition of the Habermasian public sphere and calls for change in the ways we apply the terms public and private in our studies of ancient Rome was the publication of Steel and Van der Blom (2013), *Community and Communication*, which

⁵⁴ Russell 2016a: 1-12 outlines the problem.

⁵⁵ Russell 2016a: 11.

⁵⁶ Riggsby 1997; Russell 2016a: *passim*. esp. pp. 21-23; 31-33; 47-50

⁵⁷ Russell 2016a: 187, a conclusion reached throughout the work but most obviously in chapter 2, pp. 25-42.

⁵⁸ Russell 2016a: 187, another conclusion reached throughout the book, but is demonstrated well in the case of the Forum Romanum, chapter 3, pp. 43-76.

included a significant development from Morstein-Marx. Going against the conclusion of his earlier 2004 monograph, outlined above, Morstein-Marx conceded that despite the communicative privileges and advantages enjoyed by the elite, the Roman plebs did not behave as the majority of the elite expected them to.⁵⁹ Here, Morstein-Marx collated instances in which the plebs had carried bills against significant senatorial opposition, and termed these instances “Successful Assertions of Popular Sovereignty” (SAPS).⁶⁰ Morstein-Marx demonstrated that SAPS occurred frequently in the Roman Republic, but most frequently in the years 70-58 BC, during which time there was an average of *c.* 1 per annum.⁶¹ Morstein-Marx grouped these SAPS by the topics with which each instance was concerned, showing that the plebs was politically engaged and equally, if not more, willing to engage with matters concerning senatorial powers as it was with issues of its own material benefit. The groups into which the SAPS were sorted were:

- 1) Laws that constrained the senate’s discretionary power (especially those that reassigned command of major wars or punished senatorial corruption, crimes, or incompetence).
- 2) Laws that created or (ostensibly) restored material benefits to the plebs.
- 3) Laws that defended fundamental popular rights and powers.⁶²

The idea of a politically engaged plebs with agency has since been strengthened. Courier and Tiersch presented similar categories of topics in which the plebeians were politically

⁵⁹ Morstein-Marx 2013: 38.

⁶⁰ Morstein-Marx 2013: 33-34.

⁶¹ Morstein-Marx 2013: 37.

⁶² Morstein-Marx 2013: 39-40.

interested and on which they took political action.⁶³ In 2019, Morstein-Marx revisited the idea of a “recognisable family of interrelated issues that prompted popular interest”, comparing his categorisations of these issues with Courier’s alternative but similar typology, *causes de mobilisation*.⁶⁴ Considerable overlap between the subjects identified in each typology led Morstein-Marx to conclude that the accumulating evidence for plebeian collective action concerning topics other than material benefits to themselves bespeaks a more self-consciously politicised urban plebs than previous scholars have allowed for.⁶⁵ It is precisely the presence of these recurring popular topics and the demonstrable recurring influence of Rome’s urban populace on the decision making process that satisfies the four prerequisites (listed above) for the existence of public opinion.

Recent advances made in our understanding of public opinion in the late Republic have been vital to progressing and indeed scrutinising the argument in favour of a politically engaged and informed Roman populace. While early scholarship on public opinion at Rome had concerned itself with possible semantic parallels and with the ultimate production of social control and conformity, the scholarship produced by Rosillo-López and Angius from 2016 onwards focussed instead on the means, methods, and importance of communication between the majority of Rome’s inhabitants.

In 2016, Rosillo-López began the project *Opinión pública y comunicación política en la República Romana*, which led to the publication of multiple articles, chapters, an edited volume, and, most important, the 2017 monograph, *Public Opinion and Politics in the late Roman*

⁶³ Courier 2014: 457-460 proposes six categories (translated from French): 1) Agrarian problems; 2) Food supply problems; 3) Remission of debts and other economic measures 4) Foreign policy 5) Senatorial powers; 6) Extension of citizenship or voting rights; Tiersch 2018: 45 proposes three categories: 1) Material facilitation of daily life; 2) Institutional regulations; 3) Stronger protections of citizens’ rights.

⁶⁴ Morstein-Marx 2019: 531; noted again in Morstein-Marx 2021: 4.

⁶⁵ Morstein-Marx 2019: 529-531.

Republic.⁶⁶ There, Rosillo-López set out to demonstrate the existence of public opinion and a public sphere at Rome. By demonstrating the ubiquity of sociability (the ability of humans to live in a society and their want to socialise and communicate with their fellows) at Rome in the late Republic, and the occasions and spaces that encouraged it, Rosillo-López was able to combine the seemingly paradoxical theoretical frameworks of Habermas (the idea of a public sphere upheld by rational and free discourse and comprised of spaces appropriate for such discourse) and Noelle-Neumann (universal participation in public opinion).⁶⁷ Thus, Rosillo-López produced a more fluid and unrestricted examination of public opinion in the ancient world than had previously been possible when scholars had preferred one framework or another. The manner in which Rosillo-López's undertook her investigation, focussing on the content of public opinion and the means by which it came to be and was communicated, thus came close to the simplified and experience-focussed methodology called for by Winterling.⁶⁸

Since Rosillo-López's primary objective in *Public Opinion and Politics* was an exploration of public opinion, it was only necessary to show that a public sphere existed in which public opinion could occur and it was unnecessary to investigate the character or limits of Rome's public sphere, so far as they governed the communicative experiences of the city's inhabitants.⁶⁹

In her work, Rosillo-López follows Jakob, Yavetz and Hellegouarc'h in identifying *existimatio* as a key component of public opinion at Rome and, like Jakob, Rosillo-López places *fama* and *iudicium* alongside *existimatio*, suggesting that these three terms describe best what we call public opinion.⁷⁰ Rosillo-López then adds to our understanding of the components

⁶⁶ Rosillo-López 2016; 2017; 2017a; 2017b; 2018; 2018a; 2019 (and contributions therein); 2019a; 2020.

⁶⁷ Rosillo-López 2017: 43, discussed in more detail below, p. 28, n. 102; on the spiral of silence, see, for example, Rosillo-López 2017: 165.

⁶⁸ See above n. 43.

⁶⁹ See above p. 16 for the public sphere in Rosillo-López 2017.

⁷⁰ Rosillo-López 2017: 6-9; 2019 on *iudicium*.

of public opinion by suggesting a typology, “Political Literature”, in which all materials of literary production connected to public opinion and its circulation can be categorised. Rosillo-López’s monograph, as well as her subsequent articles, show how public opinion during the Roman Republic was able to exist by virtue of contemporary sociability, enabled by an appropriate public sphere, how public opinion was composed – by elements such as *existimatio* and Political Literature –, and how public opinion played a central role in late Republican politics, facilitated by widespread participation.

Contributing to Rosillo-López’s 2019 edited volume, Hurlet built on the methodological progress made by Rosillo-López when combining the models of Habermas and Noelle-Neumann and advanced the case for the usefulness of Habermas’ model of *Öffentlichkeit* for the study of Roman history.⁷¹ Hurlet assessed five aspects of Roman society (the presence of reason in decision making, critiquing of power, the presence of public opinion, representation, and *auctoritas*) against Habermas’ criteria. Most important of Hurlet’s conclusions was that we cannot assess reason in the ancient world in the same way that we assess it today in our own, since beliefs and value systems then are drastically different to those that exist now.⁷² In this way, Hurlet’s sensible cautioning against the transposition of modern language onto the ancient world echoes the cautionary views already outlined here towards the use of the terms public and private. Hurlet recommends that we look elsewhere for criteria definitive of public opinion in Rome and points to the potential for Rome’s populace to critique those who governed them, to the presence of publicity and ultimately to a recognition among both politicians and the populace of spaces in which elite politicians could (re)present themselves and could in turn be supported or criticised; all elements that are in keeping with Habermas’ conception of

⁷¹ Hurlet 2019.

⁷² Hurlet 2019: 27-29.

Öffentlichkeit.⁷³ By deconstructing Habermas' *Öffentlichkeit* and focussing on definitive characteristics other than rationality, Hurllet shows that public opinion existed at Rome by virtue of a space, the Roman public sphere, that allowed for abstract political communication.⁷⁴ However, since his focus was a reassessment of the Habermasian model within Roman studies, Hurllet does not go into detail about the components of the space that constituted the Roman public sphere, mentioning only that communication occurred in the Forum Romanum in the form of conversations, rumours and judgements.⁷⁵

In 2018, Angius' monograph *La Repubblica delle opinioni*, provided further nuance to our understanding of communications among Rome's urban populace by structuring his analysis around two categories: 1) *la comunicazione interpersonale*; 2) *la comunicazione pubblica*.⁷⁶ Under the former, Angius places rumour, considering the ways in which rumours spread, the locations at which conversations might take place and the individuals who were most likely responsible for the dissemination of information at this level.⁷⁷ Perhaps the most important aspects of Angius' work here is his discussions of disseminators of public opinion. Angius suggests that overlapping groups, such as *homines mediocres* (average folk) and *homines gratiosi* (influential men), which themselves included identifiable subgroups, occupied privileged positions in communications at Rome and were instrumental in the functioning of public opinion.⁷⁸ Angius has since developed this research into the main demographics responsible for perpetuating public opinion, focussing on *homines mediocres* and the influence of *homines noti*

⁷³ Hurllet 2019: 23-36.

⁷⁴ Hurllet 2019: 38.

⁷⁵ Hurllet 2019: 33; see also Varro, *Ling.* 5.145 on *forum* and the idea that contentions (*controversiae*) are brought to forums; cf. Spencer 2015: 105-106.

⁷⁶ *La comunicazione interpersonale* (interpersonal communication) refers to unofficial "free" (*franca*) outlets of political information, whereas *la comunicazione pubblica* refers to "official" media of communication controlled exclusively by Rome's elite: Angius 2018a: 125.

⁷⁷ Angius 2018a: 125-245.

⁷⁸ On *homines mediocres* and *homines gratiosi*, see below, pp. 84, 110.

(well-known men).⁷⁹ Under *la comunicazione pubblica*, Angius examines *contiones* and contional participation to determine the overall value and meaning of the urban populace's political role. Arguing that past objections to contional participation have been overstated, Angius sees the *contio* as a formal space, the existence of which presupposes a universal recognition of the importance and role of genuine confrontation and discourse between politicians and populace at Rome.⁸⁰ Thus, through the careful study of public opinion, its participants, and categories of communication involved, Angius' monograph and subsequent articles have progressed the debates concerning popular participation in and the nature of late Republican politics.

This thesis is a direct continuation of and response to the several major scholarly debates outlined above. What follows is an investigation of the nature of the Roman public sphere and of the public opinion that existed within it, with particular foci on communication and on the relationship between the public sphere, public opinion and the tribunate of the plebs.

Given the scholarly consensus that the *contio* was the central medium for communication between Rome's politicians and urban populace and that, if manifested anywhere, the sovereignty of the *populus* appeared in the *concilium plebis* (or *comitia tributa*), the fact that it was *tribuni plebis* responsible more often than any other office holder for facilitating, speaking and listening at these occasions makes the extant source material concerning holders of that office the ideal tool with which to progress our studies of public opinion and the public sphere at Rome.

Despite the prominent position of the tribunate in the government of late Republican Rome, the majority of scholarship concerning the institution dates to the twentieth century. Even when Kondratieff produced his now oft-cited doctoral thesis on the tribunate (2003), Niccolini's (1932) *Il tribunato della plebe* remained the only published modern work to deal with the tribunate

⁷⁹ Angius 2018b; 2019; 2020; 2021; on *apparitores* (assistants), see below, pp. 245-249.

⁸⁰ Angius 2018a: 251-331.

comprehensively.⁸¹ There, and across the subsequent *I fasti dei tribuni della plebe*, Niccolini collated much of the extant source material regarding tribunes of the plebs and described the nature and purpose of the office, which, like Mommsen, he suggested existed in opposition to Rome's consuls, as well as the progression of the rights of those who held this office from 490-88 BC.⁸² Further examinations of the tribunate came from Bleicken and Thommen, whose monographs focussed, respectively, on the institution of the tribunate from the *lex Hortensia* (287 BC) until 'die Revolution der Gracchen' (133 BC) and from the tribunate of Ti. Gracchus (133 BC) to the aftermath of Caesar's assassination (43 BC).⁸³ Most relevant to this thesis is Thommen's study of the tribunate in the late Republic and the argument therein that the tribunate possessed no singular will that could be exercised and manifested to achieve concerted long-term actions.⁸⁴ In a similar manner to Mommsen and Niccolini, Thommen's perception of the tribunate was conveyed by positioning that institution relative to other institutions of Roman governance. For Thommen, the tribunate worked well with the senate and the *equites* as well as with individual leading politicians to carry legislation.⁸⁵

Although logical, Thommen's interpretation of tribunician action in the late Republic as individualistic and aimed at maintaining inter-elite relationships does not allow for the possibility of legislative initiatives having derived from the plebs as a result of several "unremitting and unresolved", and therefore consistent, issues.⁸⁶ Such is the contention made

⁸¹ Cf. Kondratieff 2003: 7.

⁸² Niccolini 1932 (*non vidi*); 1934 (*non vidi*); Kondratieff 2003: 7-13; on the tribunate before Niccolini, see Mommsen 1887-1888, II.1: 247-303.

⁸³ Bleicken 1968; Thommen 1989.

⁸⁴ Thommen 1989: 127-129. For this reason, Thommen saw the senate as the foremost governing power in late Republican Rome: 201; cf. Kondratieff 2003: 24.

⁸⁵ Thommen 1989: 130-135 on tribunes and the senate; 136-140 on tribunes and *equites*. Thommen argues that in the second century BC, tribunes of the plebs granted certain concessions, such as roles in courts, to the *equites* in order to acquire their political support; 140-147 on tribunes and influential individuals.

⁸⁶ Kondratieff 2003: 24.

first by Perelli, strengthened since by Kondratieff and the works of Morstein-Marx on SAPS and Courier on “causes de mobilisation”, and that is taken up henceforth in this thesis.⁸⁷

Since Thommen, the only thorough treatment of the tribunate has been Kondratieff’s doctoral thesis, which remains to be published. In that thesis, Kondratieff, like Niccolini and Badian before him, examined several key characteristics of the tribunate, offering new insights into the sorts of men who held the office (chapter 2), the spaces in which tribunes of the plebs operated, which together are described as “Tribunician Topographies” (chapter 3) and the manners in which they conducted themselves (chapter 4).⁸⁸ Perhaps most useful among Kondratieff’s work, certainly for the present thesis, has been the exploration of Tribunician Topographies and the “Chronology of Tribunes” – an appendix dating all known and potential *tribuni plebis* and detailing their legislation and actions in a format akin to Broughton’s *Magistrates of the Roman Republic*.⁸⁹

In its presentation of Tribunician Topographies, Kondratieff’s thesis provides much of the methodological groundwork necessary for an investigation of the interplay between tribunes of the plebs and public opinion that was made possible by the communicative spaces of Rome’s public sphere. In particular, Kondratieff’s use of the Topography of Punishment, descriptive of the spaces at Rome related to crime and tribunals, and his reckoning of the locations of tribunician domiciles informed the following analysis of tribunician presence and the potential for communication near to and beyond their usual site at the Basilica Porcia.⁹⁰ In subject matter,

⁸⁷ Perelli 1982; Kondratieff 2003; on Morstein-Marx, Courier, and Tiersch 2018, see above p. 14; issues being carried over tribunician colleges, described sometimes in this thesis as “baton passing” in Chapter 3 and observed in tribunes continuing to promote certain topics of legislation, appear throughout the case studies in Chapter 4.

⁸⁸ Badian 1996 is an essay addressing several disparate problems concerning the tribunate of the mid Republic.

⁸⁹ Kondratieff 2003: 347-507; Broughton *MRR*, 3 vols.

⁹⁰ See below pp. 230-237; on the concept of the topography of punishment, see Purcell 1995 in Steinby *LTUR* Vol. 2; Kondratieff 2009: 327; see Spencer 2018: 62-64 on Varro, *De lingua Latina* and the journey between the Capitoline and the Aventine (which passes through the sites comprising the topography of punishment; cf. below, p. 213).

the final chapter of Kondratieff's thesis is most similar to the present thesis. There, Kondratieff described a "tribunician style" – a set of tribunician-specific communicative behaviours – and determined how individual tribunes of the plebs varied in or shared stylistic traits and, most importantly, how tribunes could assess the effectiveness and success of their style. The usefulness and appropriateness of establishing such a behaviour typology is demonstrated in Chapter 4 of this thesis, in which several components of Kondratieff's tribunician style, such as daily public speaking, are contextualised in relation to tribunician discourses with public opinion. Although successful in achieving its objectives, Kondratieff's thesis preceded much of the aforementioned progress in our understanding of public opinion and the public sphere at Rome and, therefore, no explicit conclusions are offered on the relationship between tribunes and public opinion.

As indicated by the plenitude of scholarship discussed so far, studies of politics in the Roman Republic, especially the late Republic, taken here to refer loosely to the years including and between the tribunate of Ti. Sempronius Gracchus (133 BC) and the assassination of C. Iulius Caesar (44 BC), have been productive and have progressed much in recent years. As mentioned already, this thesis focuses on a specific period during the late Republic: the years 70-49 BC. For several reasons, this period of Roman history provides an exceptional view of the functioning of public opinion at Rome, of the communicative experiences of the city's inhabitants and of the actions of their politicians. Not only do we possess a relative abundance of literary source material for this particular period, due mainly to the preservation of much of the Ciceronian corpus as well as the works of C. Iulius Caesar, C. Sallustius Crispus and the commentaries of Q. Asconius Pedianus, but the years 70 BC and 49 BC are themselves significant. By 70 BC, the reforms enacted by L. Cornelius Sulla to diminish the tribunate had been undone, and *tribuni plebis* were

once more capable of independently initiating legislative proceedings.⁹¹ As Chapter 3 discusses in detail, the restoration of the tribunate heralded an increase in opportunities for communication at Rome, which in turn expanded Rome's public sphere and supported the creation and perpetuation of public opinion.⁹² Conversely, the onset of civil war in 49 BC meant substantial change to the character of Rome's public sphere. Communicative opportunities became fewer and were increasingly reliant on the presence and inclination of one man, C. Iulius Caesar. In addition, during the years 70-58, for one reason or another, SAPS appear to have been most frequent, which, if appreciated in the proper context of a study of popular activity in the years immediately prior to this, makes this particular period the ideal subject for an investigation of the communication between Rome's populace and its governing elite.

The main objective of this thesis, outlined above, will be achieved by realising in turn a sequence of sub-objectives, which are as follows: firstly, to define a public sphere as it existed at Rome in the period *c.* 70-49 BC; secondly, to appreciate how public opinion functioned at Rome by recognising levels of participation in its creation and perpetuation and the means by which it was described by contemporaries; thirdly, to determine the position of the tribunate within the Roman public sphere; and finally, to outline the main features of the discursive interactions that occurred between the tribunes of the plebs and Rome's populace and in which public opinion was manifest.⁹³ By achieving these objectives, I advance our knowledge of the functioning of Rome's government in the late Republic, and, especially, our understanding of popular agency and the importance of the tribunate of the plebs in facilitating it. This thesis comprises four main chapters, the order and content of which correspond to the sub-objectives just outlined.

⁹¹ See below, pp. 167-173.

⁹² See below pp. 167-173.

⁹³ For the main objective of the thesis see p. 2; on the position of the tribunate in the public sphere, see pp. 166-258.

Chapter 1 defines a Roman public sphere as it existed for the city of Rome in the late Republic, 70-49 BC. I take on board the sound suggestion of Winterling, which, as in Luhmann's model, is to appreciate the disparities between semantics and historical actuality rather than the appropriateness or accuracy of modern terms to describe these experiences. I focus instead on the communicative experiences of individuals and specific demographics, which is a method that has proven successful most recently in Caldelli and Ricci's volume.⁹⁴ The method by which I assess the communicative experiences of Rome's inhabitants derives from the theories of Habermas and Noelle-Neumann, so far as they concern, respectively, the availability of space to freely communicate and some universal participation in communication, and from other sociological theorists, including Luhmann, whose approaches to defining public spheres rely always on identifying limitations on communication. Specifically, I determine the extents to which factors such as government and religious practices, time and space facilitated or limited opportunities for communication at Rome. To individuals' experiences of the public sphere, I pay particular attention by exploring the ways in which wealth, status, age, and gender affected access to communication.

With the public sphere of the late Republic thus defined, Chapter 2 focuses on the occurrence of public opinion in Rome. Specifically, I assess levels of participation in public opinion (in its formation and perpetuation). In particular, I observe circumstances that may have mitigated disparities between the communicative experiences of individuals, such as information exchange happening at home and the habits of certain individuals at Rome, for example the *homines mediocres*, who appear as hyper-communicative. With a better understanding of participation in public opinion, and following on from Hellegouarc'h, Yavetz, Jakob and Rosillo-López, I set out a language of public opinion in the late Republic: the words and phrases

⁹⁴ Caldelli & Ricci (eds.) 2020; on the strengths of this volume, see Salisbury 2021.

that participants used to describe public opinion. I carry out a comprehensive qualitative analysis of words such as *existimatio*, *fama*, and *iudicium*, as well as others which have so far received little or no attention in this context, for example *voluntas*, *significatio*, and *favor*, to understand and delineate, where appropriate, the constituent components of public opinion in the late Republic, which are described by each term.

Chapter 3 introduces the tribunate of the plebs and identifies its position within the public sphere at Rome. By applying the same factors that were identified as governing communication in Chapter 1 (time, societal nature, space, age, gender, rank, and status), I assess the extent to which tribunes of the plebs could participate in public opinion and to which they could access and facilitate opportunities for communication. Particular attention is paid to the locations at which tribunes best interacted with Rome's inhabitants; specifically, I argue for the importance of the Basilica Porcia in sustaining the tribunate's central position within the Roman public sphere of the late Republic.

Bringing together the conclusions from Chapters 1-3, Chapter 4 breaks down the discursive processes that took place between the tribunes of the plebs and Rome's inhabitants, which occurred within the now clearly defined parameters of the late Republican public sphere, comprised of specific components, and which was largely possible by virtue of the tribunate's capacity for facilitating communication. Chapter 4 consists of three main case studies, each of which exemplifies a certain aspect of the regular interactions between tribunes and populace, such as the sustaining of popular topics as the subject of communications across multiple tribunician colleges, tribunes carrying out ongoing assessments of public opinion, and a tangible recognition by tribunes and the populace of the temporal and spatial parameters of the public sphere, of participation levels and of methods of communication.

By proposing a clearly defined model of a Roman public sphere, I provide a reproduceable methodological framework for future studies of communication and public opinion at Rome. By setting out a language of public opinion appropriate for the late Republic, I advance our understanding of the ways in which contemporaries thought about (what we call) public opinion and the ways in which they could engage with it and participate in it. By taking the tribunate of the plebs as the analytical vehicle for the overall study of Rome's public opinion and public sphere, I demonstrate the pre-eminence of this office to the functioning of communication, politics, and sociability, and ultimately to the sustainment of public opinion and the public sphere at Rome. The thesis produced in the simultaneous undertaking of these three endeavours will add weight to the argument in favour of popular agency in the late Republic and to the existence of political discourses that were more than ritualistic and symbolic.

CHAPTER 1: DEFINING A ROMAN PUBLIC SPHERE

Since the conception of Habermas' *Öffentlichkeit*, scholars across a range of disciplines have applied the idea of a non-physical space in which public discourse occurs to specific societies and epochs.⁹⁵ This has been particularly true for historians, and historians of the Roman world are no exception.⁹⁶ As mentioned above, Jakob, Kuhn, Ando, Hölkeskamp, Rosillo-López, and Hurllet have tested and scrutinised the idea of a public sphere at Rome in the late Republic.⁹⁷ Initial obstacles to determining a Roman public sphere were shown to be inaccuracies of the terminology we might use and the fact that no single model of a public sphere is appropriate for analysing the unique societal circumstances of the late Republic. However, the demand for nuance that came from Hölkeskamp, and the methodological advances made by Rosillo-López and Hurllet in the last ten years have provided a platform for a more in-depth and comprehensive examination of a Roman public sphere, of which the present thesis aims to take advantage.⁹⁸

In the Introduction, I noted that the works of Rosillo-López and Hurllet show that the foremost theories relating to public opinion and the public sphere – those of Habermas and Noelle-Neumann – can be combined to produce a fruitful analysis of Rome's public sphere.⁹⁹ One criterion that both models of a public sphere have in common is the presence of widespread communication. Indeed, communication, especially the means by which it occurs, the spaces

⁹⁵ For a review of this trend, cf. Mckee 2005.

⁹⁶ Most recently and, in this author's opinion, successfully: Rospocher 2012 on the public sphere in early modern Europe; cf. Hölkeskamp 2014: 383 on the benefits of learning from studies of public spheres in early modern Europe.

⁹⁷ See above p. 9.

⁹⁸ See above pp. 9-12, 15-18.

⁹⁹ See above p. 16 for Rosillo-López on Habermas and Noelle-Neumann; p. 17 for Hurllet on Habermas.

that facilitated it and the people who participated in it, has been a central element of many studies of public opinion and the public sphere in Rome mentioned already.¹⁰⁰

Most thorough and recent of these studies is Rosillo-Lopez's *Public Opinion and Politics*.¹⁰¹ There, as noted in the Introduction, Rosillo-López used the concept of sociability to argue for the existence of a public sphere at Rome in the late Republic. Rosillo-López demonstrated that the spaces of Rome, in particular the Forum Romanum and its surroundings, the houses of the elite, and the streets and their neighbourhoods were vital to the functioning of public opinion.¹⁰² Rosillo-López's method proved effective in the demonstration of a public sphere in the late Republic, since it described and explained the phenomena of widespread communications. Now, to progress in our study of politics and communication in Rome at this time, it is necessary to understand the parameters, character, and overall uniqueness of Rome's public sphere.

To do this, I adopt the main method used by the theorists Habermas, Noelle-Neumann, Lippmann, Luhmann and Negt and Kluge to define public opinion and public spheres, which is the identification of limitations on communication within a society, and I apply it to the city of Rome and its inhabitants in the late Republic. To ensure nuance in the following examination of the quality of communication, I supply the categories of "small-scale communication" and "large-scale communication". Such categorisation of communication by participants, publicness or medium has proven useful and effective before, in the similar studies of Rosillo-

¹⁰⁰ The bibliography for studies of communication in the Roman Republic is vast, but briefly, for example, on communication at *contiones*, see Morstein-Marx 2004; see on public speech and communication Steel & Van der Blom 2013: 1-5 with further relevant scholarship and further chapters therein; on communicating public opinion, see Rosillo-López 2019 and Angius 2018a; on spaces in which communication could occur, see Russell 2016a: 43-95 on the Forum Romanum; Angius 2020 on spaces of political communication.

¹⁰¹ Rosillo-López 2017.

¹⁰² Rosillo-López 2017: 47-74 see above n. 67.

López and Angius and, as outlined below, in Luhmann's *Social Systems* modelling.¹⁰³ Henceforth, 'large-scale communications' will denote events at Rome that usually involved a large number of people and that allowed these people to publicly enter into a discourse with one another or with the organiser(s) of the event. In this bracket I consider *comitia*, *concilia plebis*, *contiones*, festival gatherings and spectacular events such as gladiatorial and theatrical shows. 'Small-scale communications' will denote public discourses that typically involved fewer people and in this bracket I consider conversations between individuals and among small groups, such as we might find in the street or in taverns, commerce (as far as this required discourse between buyer and seller), and all forms of Political Literature, which is defined by Rosillo-López as any written form of public opinion with a level of immediacy and the potential for wide dissemination.¹⁰⁴ Thus it is not a specific number or cut-off point that differentiates between the two broad categories of communication at Rome, but rather it is the practical nature of the activities themselves.¹⁰⁵

Before the concept of a public sphere was properly formed, Lippmann proposed a model for public opinion formed primarily from observing contemporary wealth- and class-based distinctions. According to Lippmann, in the United States, it was the income of an individual and their community that dictated the amount of communication possible.¹⁰⁶ Income largely determined an individual's ability to devote time and interest to engaging with current affairs

¹⁰³ For example, Rosillo-López categories communication by medium 2017: 75-154; see above p. 18 on Angius' differentiation of communicative types; below, p. 30 for Luhmann's method.

¹⁰⁴ Rosillo-López 2017: 99; Rosillo-López 2022: 3, defines "conversations" thus: any speech that occurs between at least two people, in which people predominantly speak in turns, with the purpose of maintaining social and/or exchanging information". Unfortunately, I have not been able to make proper use of this recent publication at the time of writing this thesis, but it is worth noting that such a definition fits well the conversational elements of small-scale communications discussed throughout this thesis.

¹⁰⁵ I owe my thanks to Dr Roman Frolov and Prof. Karl Hölkeskamp for their helpful comments on this distinction, made at the 'Spaces of Roman Constitutionalism' conference held at the University of Helsinki (September 2019). It was at this conference that the framework for this chapter was first presented and developed.

¹⁰⁶ Lippmann 1922: 49.

and to travel to and within cities, where more opportunities for social interactions could be found.¹⁰⁷ Lippmann's analysis is based on a society in which keeping up-to-date with current affairs meant reading newspapers, frequenting cities and moving outside of one's own "social set".¹⁰⁸ Thus, Lippmann's construction of the spaces in which public opinion exists (in other words - of a public sphere) relies on the principle of communication taking place and being structured around certain factors, such as wealth, ability to travel, and social set, that might inflict limitations on that communication.

Like Lippmann, Negt and Kluge deconstructed experiences of communication in the public sphere, this time based on class. For Negt, a student of Habermas, and Kluge, a film producer, two public spheres existed: a bourgeois sphere and a proletarian sphere, the latter being created by a breakdown of opportunities for communication for the working classes.¹⁰⁹ Negt and Kluge describe the inability of the working classes to engage with matters outside of their daily lives, due to factors such as the bourgeois nature of public service television.¹¹⁰ For Negt and Kluge, this class-based differentiation in access to means of communication results in the isolation of the working classes and the creation of a separate, class-based public sphere: the proletarian sphere.

To considerations of limitations on communication inflicted by wealth and class, we can add the observations made by Luhmann's *Social Systems Theory*. Luhmann believed that certain societies, or "social systems", comprised three elements (interactions, organisations and function systems), which he delineated by communicative method and scale.¹¹¹ Interactions,

¹⁰⁷ Lippmann 1922: 51, 58-63.

¹⁰⁸ Lippmann 1922: 48-51, 58-63.

¹⁰⁹ Negt & Kluge 1993: xliii.

¹¹⁰ Negt & Kluge 1993: 49-53, 96-129.

¹¹¹ Luhmann 1995, summarised in Albert 2016: *interactions* - brief events such as conversations or meetings; *organisations* - defined by their duration, longer in comparison to events and interactions, and often by membership (for example a political party); *function systems* - distinguished from *organisations* by their ability to

what we might consider as small-scale communications, since they tend to involve fewer people, enable information exchange between individuals or groups at a basic level. Organisations, which could equate to large-scale communications, allow for information exchange at a potentially higher rate and involves a larger number of recipients.¹¹² The difference between Luhmann's model for a public sphere and the actuality of Roman society is that distinct function systems, which emerge over time via functional differentiation and eventually replace wealth or class-based stratification as the primary mode of social differentiation, were absent from Rome.¹¹³ Despite the existence of multiple entities in the late Republic, such as government and religious infrastructure, that could potentially meet the criteria of function systems, the fact that Rome remained a society stratified by wealth and class prevents the full application of an otherwise useful model for a public sphere.

So far, the availability of appropriate spaces, widespread participation, wealth, class, and governmental infrastructure have emerged as factors that can inflict limitations on communication within a given society. Of course, this short list of factors derives from theoretical studies of alternative epochs and societies. To assess comprehensively the availability and quality of communication at Rome, it is necessary to introduce additional avenues for investigation that pertain to Roman society specifically. Moreover, to understand in context how individualistic characteristics such as age and gender nuanced individuals' experiences of communication at Rome, it is necessary first to know the limitations on communication that were imposed at a macro level and often experienced universally.

reproduce and maintain themselves; *function systems*, such as the political system, dictate the entire communicative capabilities of a society – for example, without a judicial system, no legal communication could take place.

¹¹² Koller 2010: 275 uses the distinctions 'encounters' and organised gatherings. While these are sufficient typologies of communication, they do not appear to accurately encompass communications taking place via graffiti, *significationes*, and violence at uncoordinated events. Rosillo-López uses this same distinction, 2017: 46.

¹¹³ Gestrich 2012: 43; Albert 2016.

Therefore, I begin by considering governmental infrastructure, alongside which I assess religious practices, since, as is shown, the two so often were connected. Given that the primary form of communication at Rome was face-to-face verbal communication and that the Roman Republic predates lighting provided by gas or electricity, it is necessary to determine the impact that time had on limiting communicative opportunities in the city. Although class has already been identified as a potentially influential factor in communicative experiences, I instead use status, which, as Rothe has demonstrated, is less prescriptive and, more importantly, maps more accurately onto Roman distinctions such as free, freed, and unfree, patrician and plebeian, magistrate or *privatus*.¹¹⁴ I investigate how gender determined access to communication and thus produced differing experiences of the public sphere for men and women. Finally, to appreciate fully variations in experiences of communication, it is important to consider the impact that an individual's age had on their opportunities to participate in communication at Rome, since some social practices and appearances were only accessible at certain stages in one's lifespan.

Government and Religious Practices

Long before it was an empire, Rome was a city. In the sixth century BC, Rome was an agricultural society with a quasi-lunar calendar that revolved around the harvest, the raiding of neighbouring settlements and eventually on the waging of war. Therefore, although they developed over time, the institutions and apparatuses of Roman government, such as its voting bodies and magistracies, were initially designed to function at a localised level, within the spaces and immediate environs of the city, and to accommodate basic, inherent differences in status and wealth. Several key characteristics of Roman society that resulted from this agricultural and militaristic background pervaded the Republican period, and in some cases, as

¹¹⁴ Rothe 2019: 71; cf. below, s.v. Status and Wealth, p. 73.

Rome, its population and citizenry grew and diversified, inflicted significant limitations on access to opportunities for communication.

At its most basic level of organisation, Rome's citizenry was divided into tribes, which numbered thirty-five by the late Republic.¹¹⁵ Initially, these thirty-five tribes were based primarily on residence and were thus eventually further divided into urban and rustic tribes in the ratio of 4:31. Following the Social War (91-87 BC), however, and the gradual enfranchisement of the Italian allies, new voters were distributed among the tribes and tribal territories were redrawn.¹¹⁶ As Taylor pointed out, this resulted in many tribes comprising several unconnected tracts of land, dispersed throughout Italy, which created new and additional complications for those wishing to canvass on a tribal basis.¹¹⁷ Tribal divisions mattered because it was by tribe that votes were cast in the main legislative assembly of the late Republic, the *concilium plebis*, considered closely below. While all citizens were enrolled in one of thirty-five tribes, not all citizens had equal access to the opportunities for small- and large-scale communication (voting in the *concilium plebis* and being canvassed by candidates) that were the reason for the tribal organisation in the first instance.¹¹⁸

During the Republic, Rome's governance relied on the (usually) annual appointment of several individuals to magistracies invested with *imperium*, which meant that these men could propose, carry and sanction new laws, command legions in the field, and convene the elections necessary for the appointment of the next year's magistrates. By the late Republic, these

¹¹⁵ Cornell 2005: 114, 173.

¹¹⁶ For the enabling laws: Cic. *Balb.* 21; *Arch.* 7; Livy *Per.* 80; for the bill of P. Sulpicius Rufus seeking to distribute newly enfranchised allies among the existing tribes: App. *B Civ.* 1.55.56 repealed by Sulla and reintroduced by L. Cornelius Cinna: App. *B Civ.* 1.64; see Taylor 1960: 101-105 on the revocation of Sulla's laws and on the distribution process in general.

¹¹⁷ Taylor 1966: 66, 121.

¹¹⁸ See below, pp. 107-108.

magistrates were elected in one of two bodies: the *comitia centuriata* or the *concilium plebis*.¹¹⁹ The only differences between the assemblies were the magistrates eligible to preside over them and the voters eligible to participate in them.¹²⁰ As noted above, only *tribuni plebis* could convene *concilia plebis*, and only curule magistrates could convene *comitia centuriata*. Due to the nature of their office as one invested in the public interest, or at least one that must take particular note of public opinion, and the relatively large number (ten) elected each year, it is hardly surprising that tribunes of the plebs and their *concilia plebis* appear as dominant in the production of legislation during the late Republic. Williamson counted 234 attested legislative assemblies for the period 91-44 BC. Of these, 104 (~44%) are cited as *concilia plebis*, 6 (~3%) as *comitia tributa*, 2 (~1%) as *comitia centuriata*, 96 (~41%) as “not plebeian” and 26 (~11%) as unknown.¹²¹ Williamson shows the known sponsors of legislation passed during this same period to be divided thus: ~33% consuls; ~54% *tribuni plebis*; ~10% praetors; ~2% dictators; ~1% *interreges*.¹²² These assemblies Williamson further divided into quarter-century periods

¹¹⁹ Although a number of scholars have supposed that there were three distinct popular assemblies in the Roman Republic and include the *comitia tributa* – a tribal assembly in which the *populus* could participate, not just plebeians – alongside the two just named, Sandberg highlights multiple problems in accepting this reading and makes a strong case for equating the *comitia tributa* with the *concilium plebis*. Sandberg 2001: 105-110 gives a thorough overview of the debate and of the relevant bibliography. For Sandberg, one of the most significant obstacles to accepting the existence of two distinct tribal assemblies is the fact that the main piece of evidence for that hypothesis, which is an excerpt from Laelius Felix – a jurist under the Emperor Hadrian – delineating the difference between *comitia* and *concilium*, is inconsistent with the findings of Botsford 1904 and Farrell’s 1986 semantic and statistical analyses of the usage of these two terms by contemporary Latin authors. Sandberg 2001: 107; the excerpt from Laelius Felix is preserved in Gell. *NA*. 15.27. While Laelius differentiates between a *comitium* and a *concilium* on the basis of participants, Farrell, following Botsford, shows that authors such as Cicero and Livy show that *comitia* was used to “designate an assembly in respect of its specific structure” while *concilium* was used “to identify the participants in a meeting”; cf. Sandberg 2001: 107. The implication of Farrell’s study is that the two terms are not mutually exclusive, and therefore we need not suppose the existence of two distinct tribal assemblies. This, combined with the argument made by Develin (1975: 305) that the *concilium plebis* was capable of facilitating the elections of lower magistracies, and that a governmental structure based on only two popular assemblies better reflected by the prolific formula *populus plebesque*, is enough for Sandberg (2001: 109-110) to conclude that the *concilium plebis* was essentially the same entity as the *comitia tributa*. Following Sandberg for the remainder of this thesis, I accept that there was only one tribal assembly at Rome (henceforth, *concilium plebis*) during the period with which this thesis is concerned and that *tribuni plebis* alone could convene it.

¹²⁰ Following the *lex Hortensia* (287 BC), the resolutions of the plebs, *plebiscita*, carried in the *concilium plebis*, gained status equal to laws (properly *leges*) passed in the *comitia centuriata*. By the late Republic, legislation passed in these two assemblies was practically identical. On the status of *plebiscita*, Salisbury 2019.

¹²¹ Williamson 2005: Table 1.16.

¹²² Williamson 2005: Table 1.15.

to show that during the period 74-50, roughly the beginning of the post-Sullan restoration of the tribunate until the civil war, tribal assemblies counted for more than half of the total assemblies over these years (73/118 ~ 62%).¹²³

Opportunities for large-scale communication were also provided by the *comitia centuriata*, which comprised the *populus*, were organised by centuries and functioned primarily, by the late Republic, to facilitate the elections of consuls, praetors, and censors.¹²⁴ The composition of the centuries was originally wealth- and age-based and thus served as a means of assessing how individuals should serve in the army and the amount of tax they should pay.¹²⁵ Sometime between 241-220 BC, the *comitia centuriata* were reorganised.¹²⁶ The number of centuries remained the same (193) but were now sorted into five classes; the first of which consisted of 93 voting units and the other four, comprising 280 units in actuality, comprised 100 voting units through combinations of twos and threes.¹²⁷ This new organisation changed who voted first by replacing the centuries of *equites* with a unit from the first class to be selected by lot and to be known as the *praerogativa*.¹²⁸ In his *Pro Plancio*, Cicero notes that, as the first unit to vote, the *praerogativa* carried sufficient *auctoritas* to indicate and influence the remainder of the voting units and thus the outcome of entire elections.¹²⁹ Although in theory the *comitia centuriata* provided all male citizens the opportunity to engage formally in large-scale communication, its wealth-, status- and age-based organisation meant that the outcomes of elections were often decided before the lower classes had chance to cast their vote. In terms

¹²³ Williamson 2005: Table 1.17, *concilia plebis*: 69 (59%); *comitia tributa* 4 (3%). In addition to these, we must keep in mind Williamson's 'not plebeian' assemblies 34 (29%), which may also have been *comitia tributa*.

¹²⁴ There is only one known instance of the *comitia centuriata* passing legislation during the period 74-50 BC, cf. Williamson 2005: Table 1.16.

¹²⁵ Livy 1.42-43.

¹²⁶ Taylor 1966: 91, n. 15.

¹²⁷ For a thorough explanation of this complex system and the historiography of studies of the *comitia centuriata*, see Taylor 1966: 87-93 and most recently Cornell 2022: 224, with Fig. 16.1 there.

¹²⁸ Taylor 1966: 91; Festus 290 L.

¹²⁹ Cic. *Planc.* 49.

of its communicative contribution to Rome's public sphere, the important question to consider is: how did experiences of the communicative opportunities available through the *comitia* vary between individuals? I consider this question below in the examination of the factors wealth and status.¹³⁰

Although in theory *comitia* provided opportunities for delivering tangible and definitive manifestations of public opinion (*significationes*), through the popular votes (*suffragia*) delivered at them, large-scale communications were restricted to predetermined issues on which voters could only offer their approval, disapproval, indifference or their choice from a selection of candidates.¹³¹ However, Rome's populace could also engage in large-scale political communication at *contiones*, an institution for which scholarly appreciation grew significantly in the 1980s.¹³² Unlike *comitia* and *concilia*, *contiones* were not legislative or electoral assemblies, were not confined to *dies comitiales* and did not require the prior conduct of auspices.¹³³ By definition, they were occasions on which public orations and interrogations could be delivered publicly on any topic that the presiding magistrate desired.¹³⁴ As Pina Polo has repeatedly emphasised, *contiones* were the only opportunity for direct communicative contact between Rome's politicians and its populace, and therefore these meetings served several important functions in the predominantly visual and face-to-face society at Rome.¹³⁵ Besides providing an occasion for public, oral manifestations of the political competition inherent to Roman politics, the *contio* "served as the primary channel for communication",

¹³⁰ See below, p. 74.

¹³¹ On *suffragia* and *significationes*, see below pp. 150-155.

¹³² Cf. above nn. 6-8; see also: Laser 1997, esp. pp. 67-71, 138-182; Morstein-Marx 2004.

¹³³ On *comitia* and the limitations of day designation, see p. 45; on the communicative limitations inflicted by *obnuntiatio*, see p. 38.

¹³⁴ Gell. *NA*. 13.16.3 and Fest. 38 L. with Pina Polo 1989: 41; Pina Polo 1995: 204-205; 2018: 107; on the locations of *contiones* cf. Taylor 1966: 15-33; on the right to convoke *contiones* (*potestas contionandi*), see Pina Polo 1989: 43-53; 1995: 204-205.

¹³⁵ Pina Polo 1996: 14; 2012: 49; 2018: 107.

facilitating the dissemination of information on a variety of topics, such as corruption, bribery, land and grain distribution, wars and the assignment of commands, as well as the promulgation of legislation.¹³⁶ Before a legislative proposal (*rogatio*) could be put before the *populus* at a *comitium* or *concilium*, it was necessary for the proposer (*rogator*) and his supporters to promulgate the bill, and for its opponents to respond, at at least three *contiones* over a period of several weeks.¹³⁷ Thus, *contiones* not only provided opportunities for large-scale communication, they also facilitated it by allowing for the perpetuation, repetition, and thus further dissemination and scrutiny, of important information. As Chapter 4 demonstrates, the repetition of a topic at *contiones*, even over multiple years, was a common strategy for persuasion employed by tribunes of the plebs.¹³⁸

Whatever the topic at a given *contio*, communication took place on a large scale and was a two-way process. On the speaker's platform, the presiding magistrate and whomever he was permitting to speak instigated and, in theory, directed the communicative process while in front of them the assembled audience, whose membership was more diverse than at *comitia* or *concilia*, were able to deliver physical and oral responses individually or as a collective.¹³⁹ The two principal media of communication at *contiones* were *significationes* (physical manifestations of public opinion) and oratory, discussed in in Chapters 2 and 4 respectively.¹⁴⁰

¹³⁶ Pina Polo 2018: 107; for a discussion of the variety of issues on which *contiones* could focus, see Millar 1995: 98; and below, Chapter 2.

¹³⁷ For a more detailed outline of contional procedure, see Pina Polo 1995: 207-208, on the debate concerning the *trinundinum* (the length of time contional discussions were meant to take place over), cf. 208, n. 25.

¹³⁸ See below pp. 264-307; for example: Plut. *Ti. Gracch.* 9-10; *C. Gracch.* 3.3-4; Cic. *de Or.* 2.170; *Amic.* 39; *Asc.* 78C; cf. Russell 2013: 108.

¹³⁹ On the nature of contional exchanges, see Morstein-Marx 2002: 119-203; on attendance at *contiones*, see below p. 94 and n. 380.

¹⁴⁰ See below pp. 150-155, 279.

Often related to limitations inflicted on communication by the political structure of the Republic were religious practices.¹⁴¹ I argue that certain religious practices, especially the taking of the auspices (*auspicia*) and the frequent celebration of festivals, worked in tandem with governing apparatuses and time to produce a diverse but rhythmic public sphere at Rome.

The underpinning of political procedure by religious practice is perhaps best exemplified by the fact that before any legislative or electoral assembly could be convened, the auspices had to be conducted.¹⁴² Usually, *auspicia* were taken by magistrates under the guidance of the *augures* (priests) and were considered to indicate the approval or disapproval of the gods regarding the action that was about to take place.¹⁴³ Auspicious events originated from several locations: from the sky itself (*ex caelo*), from birds (*ex avibus*), from sacred chickens (*ex tripudiis*), from quadrupeds (*ex quadrupedibus*) and from ‘unusual, threatening occurrences’ (*ex diris*).¹⁴⁴ These auspices could be observed in two ways: casually met with (*oblative*) or purposefully watched for (*impetrative*).¹⁴⁵ The importance of the auspices in determining the communicative potential of Rome’s assemblies is twofold. First, *auspicia* were an additional external factor that had the potential to affect the likelihood of an opportunity for communication to occur. Second, since the interpretation of the auspices was incumbent on magistrates (in conjunction with the *augures*) and any reported errors or unfavourable auspices (*vitia*) meant that the action or event should be nullified or postponed, individual office holders

¹⁴¹ Many of these practices had begun during the first centuries of Rome’s existence and persisted, in one form or another, into the first century BC. On early Roman religions, see Cornell 1995: 160-163; the creation of religious practices was often attributed to Numa, for example: Livy 1.19.6-1.20.7, on this and for the religious practices supposedly introduced by other kings of Rome, see Beard, North & Price 1998: 1-3; see also Ando (ed.) 2003.

¹⁴² Cic. *Div.* 1.28-9; Beard, North & Price 1998: 1.23; Tatum 1999: 127; *contiones* do not appear have been subject to the same auspicial requirements as legislative and elective assemblies, cf. Livy 39.15.1; Pina Polo 1995: 207.

¹⁴³ If the magistrate was not an *augur*, Linderski 1986: 2190-2195; Driediger-Murphy 2018a: 191.

¹⁴⁴ Festus, *Gloss. Lat.* 367; Linderski 2015: *OCD*, s.v. *auspicium*; cf. Rüpke 2005: 224-225.

¹⁴⁵ Linderski 2015: *OCD*, s.v. *auspicium*; see Santangelo 2013: 274, noting Cicero’s reminder in his *Second Philippic* that *augures* could only report (*obnuntiatio*) what they observed in the sky, while consuls could observe the sky purposefully (*spectio*).

could manipulate the taking of the auspices to obstruct political proceedings, thus limiting opportunities for political communication. Such *vitia* were announced and such announcements were called *obnuntiationes*. Driediger-Murphy has shown that even in the late Republic, when political competition was particularly intense, the issuance of an *obnuntiatio* was still – for the most part – respected.¹⁴⁶ So too was the preliminary act of watching the skies, which also made the conduct of public business impossible.¹⁴⁷ Respect for these actions meant the cessation of the public activity or the nullification of the act to which an *obnuntiatio* pertained. Thus, under religious pretexts an *obnuntiatio* could become a political weapon used to impede large-scale communications.¹⁴⁸ Analysis of the conduct of M. Calpurnius Bibulus (cos. 59) and of the *leges Clodiae* demonstrates this fact.

In 59 BC, when attempting to impede consul C. Iulius Caesar's agrarian bill, consul M. Calpurnius Bibulus was chased from the Forum and his consular *fasces* destroyed.¹⁴⁹ Bibulus returned home and, alongside three tribunes of the plebs, announced that he was watching the skies for *vitia*.¹⁵⁰ Even if Tatum's interpretation of the events following Bibulus' perpetual issuing of edicts is correct – that there was no perfect understanding of auspicial liturgy by this time – it is still true that Bibulus considered recourse to religious practice and the issuance of *obnuntiatio* as a viable means of preventing, or at least impeding, large-scale communication taking place.¹⁵¹ Even though the large-scale communications necessary for Caesar to pass his

¹⁴⁶ Driediger-Murphy 2018: 128-129 (with nn. 5-6), 179-189; 2018a: 183-186, 187; Driediger-Murphy cites the *obnuntiatio* made by P. Sestius as *tribunus plebis* in 57 BC (Cic. *Sest.* 79, 83), although Cicero does not mention that the objection was heeded; Tatum 1999: 129, on the importance of *concordia* for the effective functioning of *obnuntiationes*.

¹⁴⁷ Driediger-Murphy 2018: 127-128 n. 7.

¹⁴⁸ Linderski 1971: 310; for all magistrates (tribunician and not) Tatum 1999: 127-129.

¹⁴⁹ Dio 38.6.1; App. *B Civ.* 2.2.10-11; Plut. *Pomp.* 48.1, *Caes.* 14.6; Cic. *Att.* 2.19.5.

¹⁵⁰ Cic. *Dom.* 40; Cic. *Har. Resp.* 48; Suet. *Iul.* 20.1: *per edicta obnuntiare*; for the tribunes, Dio 38.6.1.

¹⁵¹ Tatum 1999: 130; Bibulus was not alone in reaching such a conclusion. In 100 BC, the plebs *urbana* are said to have objected to the tribune L. Appuleius Saturninus' passing of an agrarian bill by pointing out that there was thunder in the sky: App. *B Civ.* 1.29. See also Driediger-Murphy 2018: 127 n.1 for a collection of evidence demonstrating a contemporary awareness of the obstructive potential of these actions.

agrarian bill occurred, the legitimacy of this bill and Caesar's other actions in the same year were eventually called into question.¹⁵²

If clarification of auspicial liturgy was needed, it came in 58 BC in the legislative programme of *tribunus plebis* P. Clodius Pulcher, in the *lex Clodia de agendo cum populo*.¹⁵³ From Tatum's attempt to reconstruct this piece of legislation from Cicero's criticisms of it, we learn that it provided a) that it be possible for *comitia* to be held on all *dies fasti*, not just *dies (fasti) comitiales*; b) that issuances of an *obnuntiatio* must be made in person.¹⁵⁴ As Tatum notes, the effects of Clodius' *lex Clodia* can be observed in the exchanges between T. Annius Milo and Q. Caecilius Metellus Nepos the following year.

In a letter to Atticus (November 57 BC), Cicero recounts an exchange between the tribune T. Annius Milo and consul Q. Caecilius Metellus Nepos that had taken place over several days, as the latter tried to convene the aedilician elections for the year while the former attempted to issue his *obnuntiatio*.¹⁵⁵ Cicero begins: If Milo had not issued his *obnuntiatio* in the Campus (Martius), the elections would have been held.¹⁵⁶ He continues:

On November 19th, before midnight, Milo arrived on the campus with a large group. Although Clodius had selected large gangs of runaways, he did not go onto the Campus. Milo stopped there until midday to everybody's great delight and his own infinite credit: the movement of the three brethren ended in their own disgrace; their violence was crushed, their madness made ridiculous. However, Metellus demands that the *obnuntiatio* be given the next day in the Forum: "there was no need to come to the

¹⁵² Cic. *Dom.* 40; *Har. Resp.* 48.

¹⁵³ For a thorough treatment of his legislative programme, see Tatum 1999: 114-149.

¹⁵⁴ Tatum 1999: 125-133, with Cic. *Sest.* 33; *Prov. cons.* 46. On this topic in general: McDonald 1929; Weinstock 1937; Mitchell 1986.

¹⁵⁵ Cic. *Att.* 4.3.4, trans. D.R. Shackleton Bailey, adapted.

¹⁵⁶ "nisi Milo in campo obnuntiasset, comitia futura."

campus before daybreak, he would be in the Comitium at the first hour of the day”. Accordingly, on the 10th, Milo came to the Forum before sunrise. Metellus at the first sign of dawn was stealthily hurrying to the Campus, I had almost said by by-lanes: Milo catches our friend up ‘between the groves’ and issues his *obnuntiatio*. The 21st was a market day. For two days, no *contiones*. I am writing this letter on the 23rd at three o’clock in the morning and Milo is already in possession of the Campus.

After further praising Milo’s efforts, Cicero finishes by telling Atticus that he does not think the election will go forward (*comitia fore non arbitror*). I present this account in full because it clearly demonstrates the effect *obnuntiationes* could have on certain occasions for large-scale communication and the possible compounding effects of contemporary temporal structures of Rome’s calendar. First, and in line with Driediger-Murphy’s hypothesis, this passage strongly suggests that *obnuntiationes* were respected.¹⁵⁷ Despite being adversaries, Metellus would not have needed to resort to trickery, speed, and stealth to avoid Milo if he thought it acceptable to ignore the tribune’s *obnuntiatio*.¹⁵⁸ Second, it demonstrates how observing *vitia* could be advantageous to magistrates who had the will to hinder the progress of a rival and limit their access to large-scale communication. Third, it shows the overall effect on large-scale political communication that adherence to religious practices could have: although November had the highest number of *dies comitiales*, Cicero believed that Milo’s persistence in delivering his *obnuntiatio* would ultimately prevent Metellus from convening the *comitia*.¹⁵⁹

¹⁵⁷ Driediger-Murphy 2018: 192, n.51 cites this passage while arguing the capability of tribunes to issue *obnuntiationes* to senior magistrates.

¹⁵⁸ Here, I refer to Metellus telling Milo that he will be in the Comitium at the first hour of the day (*se hora prima in comitio fore*) but instead making haste stealthily to the Campus (*Metellus cum prima luce furtim in campum itineribus prope deviiis currebat*).

¹⁵⁹ On the frequency of *dies comitiales* and their impact on opportunities for large-scale communication, see below p. 47.

Although adherence to tradition and conformity to religious practice had the potential to inhibit some occasions for large-scale communications, these behaviours also encouraged small- and large-scale communication at a city-wide level, by facilitating sociability at rituals, festivals, and games. In 2012, Rüpke hypothesised that changes in rituals over the course of the Republic can be explained by the developing role of the senate and the evolving notions of ‘public’ in the *res publica*.¹⁶⁰ These evolving notions of ‘publicness’, he noted, could be observed in the increasing frequency and heightened competition of rituals in the late Republic.¹⁶¹ Indeed, the city of Rome and its populace observed a substantial number of monthly rituals and festivals, the sum of which is too great to list in full here, but which included: *Ianuaris: Compitalia* (at *compita* throughout the city), *Carmentalia* (*porta Carmentalis*, South West foot of the Capitol); *Februarius: fauno in insula* (Fanus on Tiber Island), *fornicalia* (neighbourhoods’ *curiae* bases); *Martius: Ferae Martii* – (*Salii* dance throughout the city) and a few examples will serve to illustrate the fact.¹⁶²

Festivals such as the *Compitalia* provided regular opportunities for small-scale communications at a local and city-wide level.¹⁶³ The large number of geographically dispersed and sometimes coinciding festivals meant that the organising of these festivals gained a degree of competitiveness, as prospective attendees would have to decide which ones to attend (or

¹⁶⁰ Rüpke 2012: 305.

¹⁶¹ Rüpke 2012: 306-312.

¹⁶² On the differentiation between rituals, festivals, and games: Scullard 1981: 38-40; Rüpke 2012: 305; for a thorough treatment of rituals and festivals on a month-by-month basis, Scullard 1981: 51-212. *Ian*: Dion. Hal. 4.14, 1.32; *Feb*: Livy 33.42.10 Ov. *Fast.* 2.5.27; *Mar*: Livy 1.20; *Apr*: *Ludi Megalenses* (Circus Maximus), Livy 34.54; *Mai*: *Argeis* (Tiber bridge), Dion. Hal. 1.38; *Ides Mai* (Aventine, above Circus Maximus, Livy 2.27.5-7; *Iunius: Piscutorri Ludi* (Circus Maximus and Tiber), Ov. *Fast.* 6.235; *Quin*: *Ludi Apollinares* (theatres), Livy 25.12.1-15; *Sext: Volcanalia* (Area Volcani, foot of the Capitol), Scullard 1981: 179, n. 228; *Sept: Ludi Romani* (throughout the city), Dion. Hal. 7.71.2-7.73; *Oct: ludi victoriae Sullanae (circenses)*, *RRC* 421 (p. 445); *Nov*: Livy *Per.* 20, on the creation of the Circus Flaminius – the locations of the *ludi plebeii*; *Dec: Saturnalia* (Forum Romanum, throughout the city), Macrobian *Sat.* 1.10.2, Sen. *Ep.* 18.3.

¹⁶³ For the various types of *feriae*: Scullard 1981: 39; for the *compitalia* and opportunities for communication, see below n. 273.

whether they would attend at all) leading to what Rüpke calls “monopoly by procession”.¹⁶⁴ The importance and effect of competitive procession is perhaps best exemplified by the institution of the Roman triumph, which took place throughout the city. Östenberg’s view of triumphs as performances in which spectators were also active participants describes the spatial frame of the triumph as “both non-defined (the city as a community) and strictly defined (a more or less fixed route)”.¹⁶⁵ Throughout the city and all along the route, spectators were encouraged to participate via communicative media such as applause and laughter.¹⁶⁶ Like events held at *circenses* and *theatra*, triumphs attracted large crowds, whose leisurely observance and participation in triumphal celebration would be accommodated throughout the city by raised platforms, events in the Forum, in the streets and by all the city’s temples.¹⁶⁷ Triumphal crowds diverse in age and gender would have had the same opportunities to engage in small-scale communications as festival goers and spectators at games.¹⁶⁸

Time

Given that Roman society was built on face-to-face communication and visibility, it is hardly surprising that the Roman public sphere existed almost entirely during the hours of daylight.¹⁶⁹ Before the discovery of electricity, large spaces, particularly those outdoors, must have been difficult to illuminate. Artificial light in the form of torches and oil lamps existed but would have provided insufficient light to illuminate a space large enough to accommodate

¹⁶⁴ Rüpke 2012: 308-312.

¹⁶⁵ Östenberg 2009: 13.

¹⁶⁶ Östenberg 2009: 1, 201, 247, 250, 260 with App. *B Civ.* 2.101; Beard 2009: 33 on triumphal competition; Joseph. 7.123-57, with Beard 2009: 92-96 on the route and locations of the triumph.

¹⁶⁷ App. *B Civ.* 1.54; Plut. *Aem.* 32.2; Livy 3.29.6.

¹⁶⁸ Ov. *Ars Am.* 1.217-222.

¹⁶⁹ On the face-to-face nature of Roman society and the importance of visibility within it, see Hölkeskamp 2013, esp. 17-18; on daylight, day (*dies*) and designating time during hours of daylight, see Varro, *Ling.* 6.4 with discussion of this passage at Spencer 2019: 207, who notes that for Varro, “day” is a “measurable product of human calibration and a positive instance of technocracy”.

several thousand or even several hundred people for any extended period of time.¹⁷⁰ Although the spaces in which it was possible for large-scale communications to take place remained available constantly, this facilitative ability was restricted as soon as darkness fell.

Written materials, such as graffiti and pamphlets, are a possible exception to this rule, since they were communicative media that did not require a large physical space to accommodate them, merely a public one. Graffiti and pamphlets were often produced and distributed at night and received by Rome's inhabitants the following morning.¹⁷¹ In this way, it was possible for individuals or groups to initiate at night what would eventually become a large-scale communication by day. Perhaps the best-known example of popular communication occurring at night via graffiti is reported by Plutarch in his account of the aftermath of the murder of C. Gracchus and F. Flaccus (121 BC). Plutarch states that in retaliation to the erection of a temple to Concordia by consul L. Opimius, by night, a group of people inscribed the following graffiti beneath the temple's dedicatory inscription: "an act of madness made the temple of Concordia".¹⁷² As Morstein-Marx notes, graffiti that were created by night was a viable way in which plebeians could seize the initiative in discourses with the elite. It is worth noting that it was the arrival of daylight and the end of darkness that allowed a small-scale communication to transition from an "Hidden Transcript" into a large-scale "Public Transcript".¹⁷³

¹⁷⁰ Harris 1980: 134, on the sizes of Roman terracotta lamps.

¹⁷¹ For Rosillo-López's "Political Literature" see above p. 17; for example, the tribunes L. Caninus Gallus and A. Plautius (56 BC) were possibly behind the overnight scattering around the Forum of pamphlets concerning the restoration of Ptolemy: Plut. *Pomp.* 49.6.

¹⁷² Plut. *C. Gracch.* 17.9; Morstein-Marx 2004: 102-103, with n. 159 there; 2012: 197-198; for the graffiti that appeared regularly in 44 BC on the statues of L. Brutus and C. Iulius Caesar on the Capitol: Plut. *Brut.* 9.6; Dio 44.12.3; App. *B Civ.* 2.112, 469; Suet. *Iul.* 80.3, on these, see Morstein-Marx 2012: 205, n.44.

¹⁷³ Morstein-Marx 2012: 198 on Public Transcripts.

The pre-Julian quasi-lunar calendar of the Republic reflects the nature of Rome as an agricultural society. Lunar months, at least those that are now March-June, were named after processes associated with the lifecycle of crops and the harvest.¹⁷⁴ The designation of days such as F (*fastus*) and N (*nefastus*), C (*comitalis*), EN (*endotercisus*), and NP (*nefastus publicus*) on the *Fasti Antiates Miores* (Figure 1) suggests that it was necessary for those living outside of the city itself (and who were therefore likely concerned with farming) to know on which days they could (not) conduct business and on which days they might be expected to journey to Rome to vote or to participate in festivals.¹⁷⁵ Thus Natural time, which governed the planting and harvesting of crops, the cycle of day and night, and the seasons themselves, was required to work in conjunction with Civil time, which concerned the governing of Rome and the

¹⁷⁴ Forsythe 2005: 115.

¹⁷⁵ *ILLRP* 9 – a calendrical inscription from Antium, dated c. 85-55 BC; Cornell 2005: 105; Hannah 2005: 102-105. The accepted meanings of each designation are: *dies fastus* – “ordinary working days” on which officials were available to facilitate legal proceedings; *dies nefastus* – days on which legal proceedings could not be conducted; *dies comitiales* – days on which *comitia* could be held; *dies endotercisus* – days divided into two with the morning as *fastus* and the afternoon as *nefastus*; Michels 1967: 29-33; Cornell 2005: 105; Forsythe 2005: 180; Cornell’s suggestion that days designated as NP can be read as *dies nefastus publicus* and that these days were reserved for festivals seems to me to be a sensible one, given the corresponding festival abbreviations (as Cornell points out): 105.

business that took place there, was associated with the city itself.¹⁷⁶ For gatherings of the *comitia*, public meetings, and festivals, those living in the countryside had to journey to Rome.

FASTI ANTIATES MAIORES
(reconstitution)

JANV.	FÉV.	MARS	AVRIL	MAI	JUIN	JUILLET	AOÛT	SEPT.	OCT.	NOV.	DÉC.	INTERK.
1 AKIanF	FKFebN	BKMarNP	AKAprF	FKMaiF	EKIunN	BKQuiN	AKSexF	FKSepF	CKOctN	BKNouF	GKDecN	GKIntF
2 BF	GN	CF	BF	GF	FF	CN	BF	GF	DF	CF	HN	HF
3 CC	HN	DC	CC	HC	GC	DN	CC	HC	EC	DC	AN	AC
4 DC	AN	FC	DC	AC	HC	EN	DC	AC	FC	EC	BC	BC
5 ENonF	BNonF	FC	ENonF	BC	ANonF	FPoplNP	ENonF	BNonF	GC	FNonF	CNonF	CNonF
6 FF	CN	GC	FF	CC	BN	GN	FF	CF	HC	GF	DF	DF
7 GC	DN	HNonF	GC	DNonN	CN	HNonN	GC	DC	ANonF	HC	EC	EC
8 HC	EN	AF	HC	EF	DN	AN	HC	DC	BF	AC	FC	FC
9 AAgonNP	FN	BC	AC	FLemurN	EVestN	BN	ANP	FC	GC	DC	CC	HC
10 BEN	GN	CC	BC	GC	FN	CC	BC	HC	EMediNP	DC	AAGONNP	AC
11 CCarNP	HN	DC	CC	HLemurN	GMatrNP	DC	CC	AC	FC	EC	BEN	BC
12 DC	AN	EC	DC	AC	HN	EC	DC	GFontNP	FEidNP	FEidNP	CEidNP	CEidNP
13 EEidNP	BEidNP	FEN	EEidNP	BLemurN	AEidNP	FC	EEidNP	BEidNP	HEN	GF	DF	DF
14 FEN	CN	GEquirNP	FF	DEidNP	CQSTDF	HEidNP	GC	DC	AEidNP	HC	EConsEN	FC
15 GCarNP	DLupNP	HEidNP	GFordNP	DEidNP	CC	BN	GC	FF	CF	HEN	GF	DF
16 HC	EEN	AF	HC	EF	DC	AF	HC	EC	BEN	AC	FC	FC
17 AC	FQuirNP	BLEibNP	AC	FC	EC	BC	APortNP	FC	DC	CC	GSatEN	GC
18 BC	GC	CC	BC	GC	FC	CC	BC	GC	DC	CC	HC	HC
19 CC	HC	DQuinNP	CCerNP	HC	GC	DLucNP	CVinFP	HC	EArmiNP	DC	AOpaNP	AC
20 DC	AC	EC	DN	AC	HC	EC	DC	AC	FC	GC	FC	CC
21 EC	BFerF	FC	EParNP	BAGONNP	AC	FLucNP	EConsNP	BC	HC	GC	DC	DC
22 FC	CC	GN	FN	CN	BC	GC	FEN	CC	AC	HC	ELareNP	FC
23 GC	DTerNP	HTubiNP	GVinF	DTubiNP	CC	HNeptNP	GValkNP	DC	AC	HC	FC	FC
24 HC	ERegNP	AQRcf	HC	EQRCF	DC	AN	BFarNP	AOPicNP	FC	CC	BC	GEN
25 AC	FC	BC	ARobNP	FC	EC	CC	CC	GC	DC	CC	HC	HEquirNP
26 BC	GEN	CC	BC	GC	FC	CC	BC	GC	EC	DC	AC	AC
27 CC	HEquirNP	DC	DC	AC	HC	EC	DC	AC	FC	EC	BC	BC
28 DC	AC	EC	EC	BC	AC	FC	EC	BC	GC	FC	CC	CC
29 EC		GC	FC	CC	CC	GC	AC	AC	AC	AC		
30		AC	DC	DC	DC	HC						
31	XXXI	XXIIX	XXXI	XXIX	XXXI	XXIX	XXXI	XXIX	XXXI	XXIX	XXIX	XXVII

Figure 1: *Fasti Antiates Maiores*. Image taken from by Brind'Amour (1983: 29). The abbreviated month names in the top row are in French.

Regardless of which day they took place on, large-scale communications were legally and practically confined to the daytime.¹⁷⁷ *Contiones* and *comitia* could only occur during hours of daylight, though it was possible for the former to occur immediately after it was convoked by a magistrate.¹⁷⁸ *Contiones*, which ended by nightfall, could reconvene the next day and could take place on *any* day whereas *comitia* could only take place on certain days, specified below.¹⁷⁹ Pina Polo notes that the best days for the holding of *contiones* were market and festival days, since a considerable number of people would already be at Rome and on the streets.¹⁸⁰ This would mean that there were certain days on which the inhabitants of Rome, and anyone willing to make the journey, could expect to participate in increased occurrences of large- and small-

¹⁷⁶ For the division of Natural and Civil time, see Feeney 2007: 357-358.

¹⁷⁷ Porcius Latro *Declam. In Catil.* 19.

¹⁷⁸ Pina Polo 1995: 207.

¹⁷⁹ Pina Polo 1995: 207, with n. 22: Cicero's daily *contiones*, *Sest.* 38, *Cluent.* 93, 103; *Mil.* 3, 12; *Brut.* 305.

¹⁸⁰ Pina Polo 1989: 81-87; 1995: 207; for the recognition of this fact by politicians in the late Republic, see the case study of Q. Fufius Calenus, below pp. 284-295.

scale communications. At these peak times, communication at Rome would have had both more participants and a greater geographical reach, stretching beyond neighbourhood boundaries as the participants of city-wide festivals mixed and interacted with *contio*-goers.

In her monograph on Roman public laws, Williamson suggested that *comitia* were also most likely to occur on market days (*dies fasti*) for the same reason as noted for *contiones* by Pina Polo.¹⁸¹ Before the *lex Clodia de agendo cum populo* (January 58 BC), *comitia* could be held only on *dies (fasti) comitiales*, but afterwards, on all *dies fasti*.¹⁸² In a regular year of the pre-Julian calendar, each month had roughly seventeen *dies comitiales*, though a larger proportion of these days occurred in the latter half of the year.¹⁸³ A biennial intercalary month allowed for an additional eighteen *dies comitiales*, which were added between February and March.¹⁸⁴ After 4 January 58 BC, it was possible for *comitia* to be convened on all *dies fasti*.¹⁸⁵ If the day designations outlined in the *Fasti Antiates Maiores* pre-date the Clodian reforms, then the new bill meant at least an additional forty-three days per year on which it was possible to convene *comitia*, forty-eight in an intercalary year, and perhaps even more if assemblies could be convened in the morning of *dies endotercisus*. Following Caesar's calendar reform, implemented on 1 January 45 BC, an additional ten days were added to the calendar, onto the ends of *Ianuaris*, *Aprilis*, *Iunius*, *Sextilis*, *September*, *November*, and *December*. Although *comitia* were not permitted to meet on these days, the new days increased the number of

¹⁸¹ Williamson 2005: 102.

¹⁸² On the change in days eligible for the holding of *comitia* after 4 January 58 BC, see n. 154.

¹⁸³ Ian: 19; Feb: 6; Mar: 18; Apr: 16; Mai: 18; Iun: 16; Qui: 15; Sex: 15; Sep: 23; Oct: 21; Nov: 23; Dec: 18; Int: 18.

¹⁸⁴ Hannah 2005: 107, on the addition of an intercalary month.

¹⁸⁵ See above n. 154.

opportunities to pursue legal action, which in turn increased opportunities for large-scale communication.¹⁸⁶

Although all male Roman citizens had the right to participate in the large-scale communicative occasions that were the assemblies, these occasions were not perpetually available. Just because opportunities to convene *comitia* were frequent does not necessarily mean that *comitia* themselves were. Only certain magistrates could convoke *comitia*, meaning that, in theory, the ability to initiate large-scale communication in this particular way lay in the hands of Rome's political elite. For example, Williamson lists 114 laws and *rogationes* as having taken place between (but not including) 70 and 48 BC.¹⁸⁷ This number, which is relatively small compared to the number of days on which it was possible to convene a legislative assembly, is likely to be a reflection of the number of issues on which legislation was required or desired, rather than an indication of an unwillingness to convoke voting assemblies, as well as the fact that for some time, *dies fasti* could not be used for *comitia* between the announcement of an election and the election itself.¹⁸⁸

Thus, the designation of days as *dies comitiales* or *dies fasti* dictated the time and frequency of assemblies and so too, then, the opportunities for adult Roman males to participate in formal political communication. *Contiones* could and certainly did happen more frequently but, just as *comitia*, were limited to daylight hours. It is also worth noting that while Rome's calendar allowed for occasions for large-scale communication, a dependence on religious

¹⁸⁶ Macrob. *Sat.* 1.14.9, 12: *ut maiorem daret actionibus libertatem*; Feeney 2007: 152-153, on the reforms of the Julian calendar.

¹⁸⁷ Williamson 2005: 451-473, Appendix C.

¹⁸⁸ Passed sometime around 158-132 BC, the *leges Aelia et Fufia* prevented the obstruction of elections (by prohibiting the *promulgatio* and/or *rogatio* of new laws between the announcement and the holding of elections) and in some way confirmed the processes of *intercessio* and *obnuntiatio*: *Schol. Bob.* 148 Stangl; for further citations as well as the method by which we can differentiate the contents of the two laws (*lex Aelia* and *lex Fufia*), Sumner 1963: 337-345; see also: Astin 1964; with Clodius: McDonald 1929; Weinstock 1937; cf. Broughton 1951: *MRR* I, pp. 452-453; on the dating of these laws, see Tatum 1999: 126, n. 67.

traditions and face-to-face communication meant that each *contio* and meeting in the *comitium* that dealt with a given topic had to conform to legal temporal restrictions. For example, the *lex Caecilia Didia* (98 BC) stipulated that three *nundinae* (roughly 25 days) must pass between the announcement of a bill and its passage.¹⁸⁹ A *Lex Pupia* provided that the senate could not meet on *dies comitiales* in *Ianuarius* and that in *Februarius*, precedence must be given to foreign envoys visiting Rome over regular senatorial meetings.¹⁹⁰ Similarly, the *leges Aelia et Fufia*, mentioned above, allowed for the alteration of day designations, so that days between the announcement of an election and the election itself became *dies non comitiales*.¹⁹¹ In other words, no legislation could be passed once an election had been announced, until that election had been carried out.¹⁹² Until the partial rescinding of the *leges Aelia et Fufia* by Clodius in 58 BC, politicians could take advantage of the calendar to prevent *comitia* from meeting, and thus prevent communication from happening.¹⁹³

Voting assemblies and public meetings were not the only occasions at which large-scale communications could take place. As Rüpke notes:

“Political assemblies were neither the most frequent nor the most attractive occasions for convening large numbers of people in Rome. Holidays and large rituals more often provided such an opportunity.”¹⁹⁴

Public festivals and holidays were ideal opportunities for small- and large-scale communications. The frequency and distribution of these occasions, which consisted of games,

¹⁸⁹ Cic. *Dom.* 41; *Sest.* 135; *Schol. Bob.* 140 Stangl; *Phil.* 5.3; Broughton *MRR* 2.4.

¹⁹⁰ Gell. *NA* 14.7.8; cf. n. 318.

¹⁹¹ See above n. 188.

¹⁹² Cic. *Sest.* 33, 56; *Prov. Cons.* 46; *Vat.* 18; cf. Michels 1967: 42; Tatum 1999: 126-127.

¹⁹³ Michels 1967: 45-46; Cic. *QFr.* 2.5.2: preventing legislation of Cato in 56 BC. On Clodius and the *leges Aelia et Fufia*: Cic. *Red. sen.* 11; *Har. resp.* 58; *Sest.* 33, 56; *Vat.* 18; *Prov. Cons.* 46; *Pis.* 9-10; *Asc.* 8C; *Dio* 38.13; Broughton *MRR* 2.196; Michels 1967: 42; Tatum 1999: 126; Clodius is also said to have abolished the *obnuntiatio*.

¹⁹⁴ Rüpke 2009: 131.

gladiatorial shows, and theatrical performances, in addition to the locally celebrated *kalendae* and *nundinae*, allowed for communication that was not restricted by age, status, or gender to occur regularly.

Tuck combines inscriptions that provided a date relating to *munera* with agricultural advice from Cato and Columella, and the usual dates for the major public festivals and markets at Rome.¹⁹⁵ Tuck notes that along with the *Ludi Megalenses* (4-10 *Aprilis*), *Ludi Ceriales* (12-19 *Aprilis*), *Floralia* (27 April – 3 *Maius*), *Ludi Taurei* (25-26 *Iunius*), *Ludi Apolinales* (6-13 *Quintilis*), *mercatus Apollinares* (14-19 *Quintilis*), *Consualia in Circo Maximo* (21 *Sextilis*), *Ludi Romani* (4-19 *September*), *mercatus Romani* (20-23 *December*), *Ludi Plebeii* (4-17 *November*), *mercatus Plebeii* (18-20 *November*), *Consualia in Circo Maximo* (15 *December*) and *Saturnalia* (17-23 *December*), we must consider the likelihood that people travelled to and from the city to attend festivals elsewhere.¹⁹⁶ If we also accept that these major festivals and markets at Rome would have taken place alongside irregular *munera*, festivals specific to the inhabitants of Rome, such as the *Compitalia*, *kalendae* and *nundinae*, as well as *contiones* and *comitia*, two conclusions can be made. First, opportunities for large-scale communication at Rome were frequent and varied. Each festival would involve substantial numbers of people socialising and coming together in public spaces and could allow audiences at games and shows to engage in discourses directly with political figures. Second, the Roman calendar, based on religious traditions, agricultural needs, and the waging of war dictated the frequency of these opportunities for communication. The calendar itself must have facilitated communication by conveying to those living outside of Rome the days on which they should travel into the city.¹⁹⁷

¹⁹⁵ Tuck 2008: 135-136; on the expansion of Rome and the corresponding increase in number of festivals, see Orlin 2007: 96-107.

¹⁹⁶ Tuck 2008 shows that cities scheduled events around agricultural needs and the major events at Rome.

¹⁹⁷ For literacy and the Roman calendar: Cornell 2005: 103-105.

Beyond daylight hours, small-scale communications still occurred but were harder to access. Although *tabernae* remained open with torches hung near their entrances in the early evening, the darkness of Rome's streets at night made the city difficult to navigate.¹⁹⁸ Not all at Rome experienced nocturnal communication in the same way, however, and individuals' experiences varied according to their wealth and status.¹⁹⁹ Those who could afford it might enjoy the accompaniment of torch-bearing retinues while travelling by foot across the city at night, thus facilitating their access to opportunities for communication after daylight.²⁰⁰ Of course, the majority of Rome's inhabitants could not afford such retinues and engaging in communications by night required a troublesome and dangerous journey.

Since it was almost impossible for large-scale communications to occur at night and it was difficult for most individuals to reach locations that could facilitate small-scale communication, activities that took place at night were considered unusual and associated with inharmonious behaviour.²⁰¹ An early example of measures being taken to counteract discordant behaviour is found in the legislation of the Twelve Tables. Table 8 contains three pieces of legislation that make clear what henceforth would constitute illicit behaviour and the consequences perpetrators might expect. These included the cultivating and harvesting of another's crops, theft, and the conducting of public meetings by night.²⁰²

Four hundred years later, little had changed; criminal and secretive activity continued to take place at night. For example, in his speeches against C. Verres (70 BC) and L. Catilina (63 BC), Cicero creates and perpetuates an association between the illegal actions of Verres and

¹⁹⁸ Holleran 2011: 250; on the theft of such a torch: Alf. *Dig.* 9.2.52.1; Petron. *Sat.* 79.

¹⁹⁹ See below *s.v.* Status and Wealth, pp. 73-91.

²⁰⁰ Juv. *Sat.* 3.282-301.

²⁰¹ For example, Hor. *Carm.* 3.8.14-16.

²⁰² Plin. *HN* 18.12; Macrob. *Sat.* 1.4.19; Cic. *Mil.* 9; Porcius Latro *Declam. In Catil.* 19; Allen 2019.

Catilina and the fact that these actions were occurring nocturnally and in secret.²⁰³ In his *Pro Roscio Amerino* (80 BC), a speech delivered in defence of Sex. Roscius the younger, who stood accused of murdering his father, Sex. Roscius the elder, Cicero acknowledges that the murder of the elder Sex. Roscius happened after the first hour of the night; an important fact to consider when Mallius Glaucia, a freedman of the victim, delivered the news to T. Roscius Capito by daybreak the very next day.²⁰⁴ Cicero returns to this fact later on to query the actions of Glaucia – what drove him (Glaucia) to make a fifty-six-mile journey in such a hurry and in a single night? What necessity incited him to spend a night without sleep (*nullam partem noctis requiesceret*)?²⁰⁵ Not only is the nocturnal behaviour of Glaucia unusual, so too is that of Chrysogonus, the Sullan freedman who quickly purchased the victim’s property and who is said to have hosted raucous banquets by night.²⁰⁶ The theme of unusual and suspicious behaviour at night is continued by Cicero with an analogy between the prosecutors and the dogs that guard the Capitol. Cicero warns the prosecutors that they should not seek to provoke action against the innocent just as the guard dogs are not expected to bark during the day when there is no room for suspicion (*nulla suspicio est*).²⁰⁷

Cicero’s treatment of nocturnal activities indicates that while it was possible for communications to occur nocturnally, even over considerable distances, communications during hours of darkness were seen as subversive or exceptional. Similar negative associations between darkness and discordant behaviour are present in the works of Caesar, Livy, and

²⁰³ Cic. *Verr.* 1.1.22, 2.1.46, 2.1.67, 2.2.92, 2.4.93, 2.4.96, 2.4.99, 2.5.34, 2.5.64; *Cat.* 1.1, 1.3, 2.3, 4.9; Cicero uses this same association in other speeches, for example: *Agr.* 2.5; *Phil.* 2.18; 14.10.

²⁰⁴ Cic. *Rosc. Am.* 7.

²⁰⁵ Cic. *Rosc. Am.* 34, 35.

²⁰⁶ Cic. *Rosc. Am.* 46.

²⁰⁷ Cic. *Rosc. Am.* 20, the dogs are expected to bark when people enter the Capitol by night (*noctu*) because this looks suspicious *quia id est suspiciosum*.

Ovid.²⁰⁸ Allen argues that night-time was seen by the elite at Rome as a space and time for those of lower social standing, such as plebeians and slaves.²⁰⁹ This hypothesis supports the idea put forward by Morstein-Marx in 2012 that night-time offered plebeians and those of lower social status a means of entry into communications with those in positions of power, in particular via the discourses occurring through “Hidden Transcripts”, such as graffiti produced overnight.²¹⁰

Space

For Habermas, Britain’s public sphere came into existence once spaces that facilitated communications began to appear in London.²¹¹ Since, in pre-mass-media societies, the majority of communication occurred face-to-face, spaces capable of accommodating individuals and groups for the purpose of communication were a prerequisite for any functioning public sphere.²¹² This section examines the spaces available to facilitate public communication at Rome in the late Republic. I argue that the presence of spaces such as the Forum Romanum, *theatra*, *circenses*, and baths, which facilitated large-scale communications, alongside hundreds of distinct neighbourhoods that encouraged localised movement, and which facilitated small-scale communications, meant that a spatially diverse and dynamic public sphere existed at Rome. I do not offer new insights into the nature of each type of space mentioned above, but

²⁰⁸ Caesar’s references to actions taken by night are mostly concerning troop movements, but an interesting dichotomy of lawful versus unlawful is created at *BC* 3.30.3-4: Pompeius led his troops from Apsus *clam et noctu* while Caesar moved his *palam atque interdium*; Livy, for example, reports gatherings of groups by night, noises, murder and confusion: 2.28.1, 4.27.11, 4.37.4, 39.15.6-7; Ovid, in his *Ars amatoria*, mentions flatterers arriving at love interests’ doors by night and the possibility of disturbing them: 70-72, 523; see also the numerous references to night and its associations in his *Metamorphoses*: 1.224; 4.106-107, 4.452, 4.627; 5.590; 13.15; 14.404; 15.797. For further small-scale communications at night: Cic. *Verr.* 2.5.28 hosting parties; Sen. *Ep.* 51.12 noise at night at Baiae.

²⁰⁹ Allen 2019; cf. Livy 2.28.1; Plaut. *Rud.* 915-922.

²¹⁰ See above, p. 44.

²¹¹ Habermas 1962/1989: 27-30; in London in the 1700s.

²¹² Cf. p. 36.

rather I unite them within the framework of communication at Rome and thus demonstrate their place within the Roman public sphere.

Before beginning my discussion, it is worth noting once more the observations of Millar, Hölkeskamp, and Russell concerning Rome as a society based on visibility and publicity.²¹³ These scholars emphasise the importance of being seen in political and social life in Republican Rome. Quoting Millar, Russell argues that it was through an “ideology of publicity” that Rome was able to self-regulate and inflict some degree of control on its public spaces.²¹⁴ It is precisely because of their public nature that the spaces discussed below were able to facilitate a Roman public sphere. They required and ensured that politics and communication, for the most part, took place at locations that were visible to all.

Thanks to the work of scholars such as Newsome and Rosillo-López, the importance of the Forum Roman, its structures, access points and surroundings for the functioning of public and political life at Rome, is well understood.²¹⁵ Newsome demonstrates how the late Republican Forum served as both a destination and a liminal space within the *media urbs*, while Rosillo-López rightly emphasises the Forum as the principal locus of sociability – it was an area occupied daily by individuals and groups from all walks of life.²¹⁶ Face-to-face, small-scale communications occurred there frequently, so much so that the Forum was recognised as the place in which “rumours grew and public opinion was shown most clearly”.²¹⁷

²¹³ Millar 1998: 45; Hölkeskamp 2011: 162-163; Russell 2016a: 53-54; cf. n. 18.

²¹⁴ Russell 2016a: 52, citing Millar 1998: 45.

²¹⁵ Most recently and most thoroughly, Russell 2016a: 43-95; Davies 2017: 215-275. The importance of the Forum in the functioning of popular politics in the late Republic was first noted by Millar 1984: 5, 19; 1986: *passim*; 1989: 141, 1998; and Coarelli 1985. For the role of the Forum and its surroundings in facilitating public opinion, see Rosillo-López 2017: 52-63. Scholarship on the Forum Romanum is extensive, and I will not reproduce a full bibliography here; for a thorough account of recent works, see the bibliography in Russell 2016a. For now, in addition to the works already cited, it is worth noting, Newsome 2011; Fillipi 2012, esp. 165-167; Mouritsen 2001, 2018.

²¹⁶ Newsome 2011: 292-300; Rosillo-López 2017: 52-53, with Cic. *Fam.* 8.9.5.

²¹⁷ Rosillo-López 2017: 53; see above n. 75 on Varro, *Ling.* 5.145, and below n. 476.

The variety of activities happening in the Forum and the diversity of demographics present there would have made the Forum a “noisy, dirty, and chaotic” place.²¹⁸ The same is largely true of the Forum in the late Republic. Shops (*tabernae*) and their fronts still lined the Forum on its north and south sides and the roads approaching it, the *Argiletum* and the *via Tuscus*, though some early *tabernae*, such as butchers’ shops, had been replaced by premises concerned with finance.²¹⁹ The gradual development of the Forum as a public and political space contributed to the association of the area with news and gossip.²²⁰ In correspondence between Cicero and Caelius Rufus, we find groups such as *columnarii* and *subrostrani* (pavement gossips), who appear to have spent time loitering at the rostra in order to accumulate valuable political information as soon as it was available.²²¹ The large open space of the Forum meant that there was sufficient room also for leisurely activities and religious observances.²²²

As a space capable of hosting small-scale communications, the Forum was not unique; conversations were had, gossip was circulated, and trade was conducted all over the city.²²³ What made the Forum Romanum unique was its function as a nucleus for these small-scale communications and, at the same time, that it served as a focal point for large-scale communications. Newsome’s 2010 doctoral thesis examined Rome’s *loci celeberrimi* (busiest places) and how their locations altered over time, influenced by shifts in habitual movements of the city’s inhabitants and changes in the uses of space.²²⁴ Unsurprisingly, during the late

²¹⁸ Russell 2016a: 49, describing the Forum Romanum in the early Republic.

²¹⁹ Dennison 1908: 322-323, 325; Russell 2016a: 80, cites Varro *ap. Non. fr.* 853 Lindsay; cf. Livy 44.16.10; on the gradual change in the character of these shops, see Holleran 2012: 99-159.

²²⁰ For the Forum Romanum as a public, political space, see Russell 2016a: 44-45.

²²¹ Cic. *Fam.* 8.9.5, 8.1.4; cf. n. 476 below; Rosillo-López considers groups such as these, along with *circulatores* (street performers and salespeople who attracted crowds and disseminated information by virtue of their particular tendency towards sociability) and *nomenclatores* to have been disseminators of public opinion, 2017: 11, 151, and esp. 180-182; for further discussion of the level of participation in public opinion experienced by these groups, see below pp. 105-123.

²²² On game boards in *fora*, see Trifilò 2011: 315-316; for rituals and religion in the Forum: Russell 2016a: 56-57.

²²³ On the development of commercial activity in the Forum Romanum, see Andrews & Bernard 2020: 74-77.

²²⁴ Newsome 2010: 56-57.

Republic, several *loci celeberrimi* could be found within the Forum Romanum, with the phrase *locus celeberrimus* being applied (at one time or another, referring to the Republican period) to the Comitium, the *aedes Concordiae*, and the *aedes Castoris*.²²⁵ Newsome convincingly argues that the importance of these *loci celeberrimi* in the northwest and eastern corners of the Forum lies not in their individuality as definite locations but in their proximity to major road junctions and thus to high volumes of pedestrian traffic.²²⁶

Face-to-face communication relies on direct visibility and audibility, requiring that participants can see each other with their own eyes and hear each other with their own ears. Over the last decade, sensory experiences and soundscapes in Rome, have received increasing attention.²²⁷ Given that the Forum contained multiple *loci celeberrimi*, was an area of high footfall, that it facilitated a range of social activities, and was the principal locus of public speeches in the late Republic, particular attention has been paid to the soundscapes of that space and to the limits of audibility between orators and their audiences.

²²⁵ Newsome 2010: 56-57, 67-68, 72; Plin. *HN*. 34.26; Cic. *Sest.* 140; *Verr.* 2.1.129, 2.5.186.

²²⁶ Newsome 2010: 71-72; on the proximity of these *loci celeberrimi*, roads and the Basilica Porcia, see below, pp. 213.

²²⁷ Betts 2011: 122-132 defines soundscapes and examines the means by which we might study them.

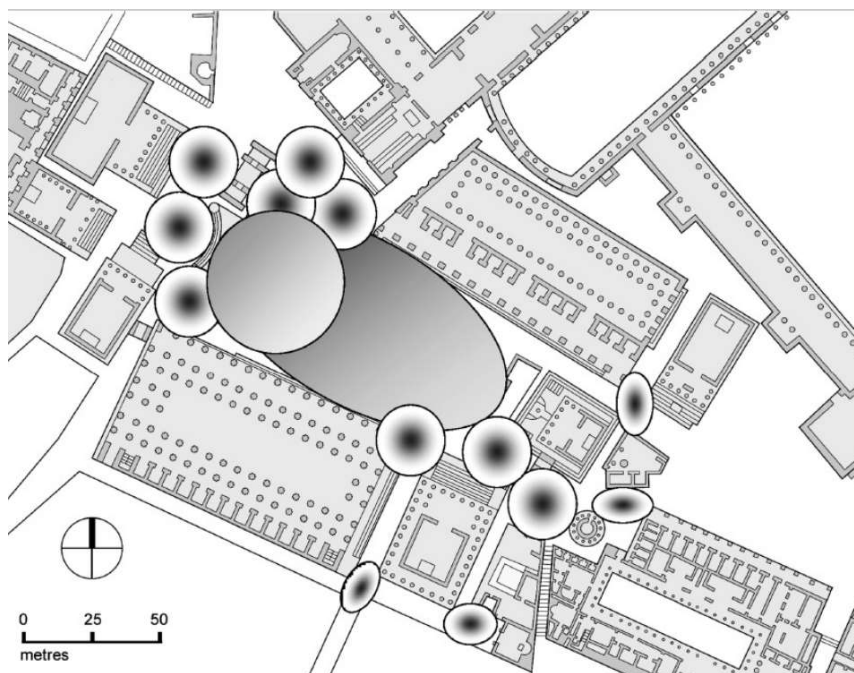


Figure 2: Soundscapes in the Forum Romanum. Image and image title taken from Betts 2011: 127-128. The Forum as pictured here represents the makeup of the area c. 46 BC. For an earlier Forum, the areas covered by the circles and ellipses here would map onto (most importantly) the areas of the *Aedes Concordiae*, *carcer*, *Basilica Porcia*, *Curia*, *rostra*, *Comitium*.

Figure 2 shows the soundscapes in the Forum Romanum as recognised by Betts, and these locations correspond to the *loci celeberrimi* identified by Newsome with origins of sound appearing most frequently, sometimes overlapping, in the northwest corner of the Forum.²²⁸ Applying the method of the present thesis to Betts' soundscape map of the Forum, the smaller spheres with darker centres could be understood as areas of small-scale communications at *loci celeberrimi*, while the two larger shaded areas, darkened at one end to indicate the source of a sound, correspond well to areas of large-scale communications.

By the late Republic, the Forum was the principal location for politics and public business at Rome, regularly facilitating political meetings on a large scale.²²⁹

²²⁸ Betts 2011: 127-128.

²²⁹ For the switch from *comitium* to Forum as the venue for *comitia* and *contiones*, see Russell 2016a: 66.

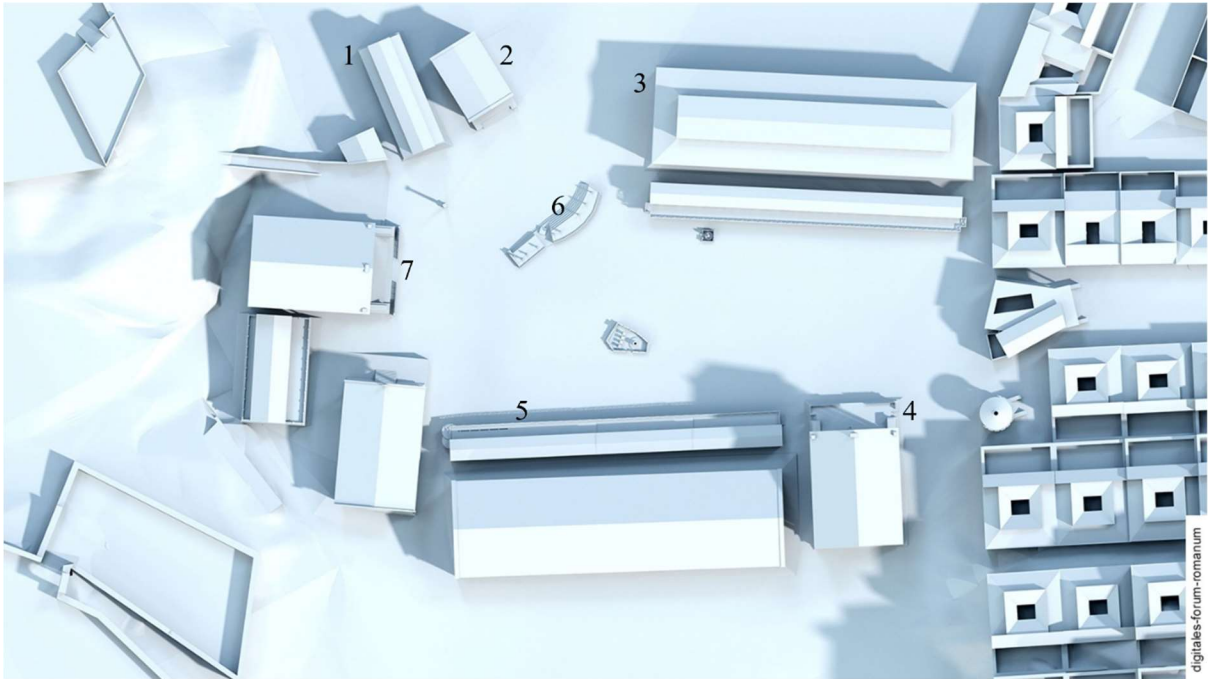


Figure 3: Birdseye view of the Forum Romanum, c.100 BC. Image taken from the *Digitales Forum Romanum Project*: <http://www.digitales-forum-romanum.de/epochen/spaete-republik-ii/?lang=en>. The buildings numbered are as follows: 1. Basilica Porcia 2. Curia 3. Basilica Fulvia 4. Temple of Castor and Pollux 5. Basilica Sempronia 6. Rostra 7. *Aedes Concordiae* (Temple of Concord).

As we have seen, the governing apparatuses of Rome relied on the face-to-face meetings (*comitia*, *concilia*, *contiones*, and *quaestiones*) to carry legislation and to hold elections and trials.²³⁰ Until 145 BC, the space designated as the Comitium was the primary locus of politics in Rome. However, following the actions of C. Licinius Crassus (tribune 145 BC), who turned his back on the Comitium, addresses from the rostra were directed to the Forum proper, which meant that orators delivered their speeches facing a much larger audience.²³¹ In theory, this change in practice would have helped the real-time dissemination of information and would have allowed audiences' *significationes* to be more easily received by orators.

²³⁰ On courts (*quaestiones*) in the Forum and public opinion, see below pp. 276-277, 283, 297-298.

²³¹ Cic. *Amic.* 96; Varro *Rust.* 1.2.9-10; Mouritsen 2017: 56. The ideological implications of this move have reasonably been privileged over any readings into the practical benefits of such a move, although these too have been acknowledged Mouritsen 2001: 20-25; Russell 2016a: 66. For the impact of this shift on audience's visual experience, see Favro & Johanson 2010: 19-23. For example, the consul Piso who, in 67 BC, was able to see fists shaken at him: below, p. 265; on *significationes*, see pp. 150-155.



Figure 4: Visualisations of the soundscapes centred on the rostra during public speeches. Images from Muth 2014: 308. Left image: first half of the 2nd century BC; Right image: second half of the 2nd century BC.

Figure 4 shows images developed by Muth to demonstrate changes to the audibility of public speeches in the Forum following Crassus' turn in 145 BC. Muth's earlier studies suggested that the new direction in which orators faced (southeast), ultimately allowed for a better realisation of the speeches, but came with new challenges in the form of a wider audience frontage and increased distances between orators and their audiences.²³² A more recent study by Muth, Holter and Schwesinger has shown that the number of people to which speeches would have been comprehensible in the Forum proper is in fact slightly less than the number that would have been able to understand speeches easily, if listening in the Comitium space.²³³ Moreover, the increased distances created by the move toward the Forum proper could complicate two-way communications by creating differing communicative experiences

²³² Muth 2014: 306-307.

²³³ Holter, Muth & Schwesinger 2018: 55-57.

concerning both visibility and audibility, for example, between those closer to the platform and those further away, as represented in Figure 5.²³⁴

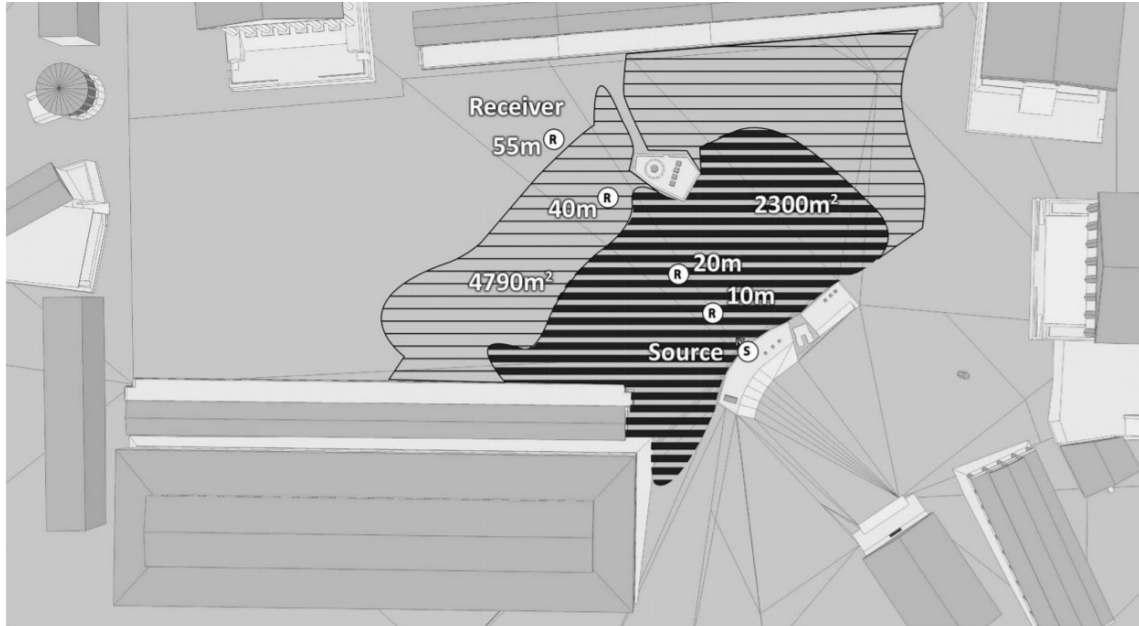


Figure 5: *Speech comprehensibility during public address from the rostra facing the Forum proper in the late Republic.* Image and title taken from Holter, Muth & Schwesinger 2018: 56. The following explanation accompanies this graphic there: “the darker area indicates the space in which a listener would have been able to understand very well; the lighter area includes the space in which the listener would still be able to understand, albeit only with intense concentration”. For orientation purposes, this map presented here is south-facing, with the Curia and Basilica Porcia at the bottom right of the figure.

Contiones and the *concilium plebis* were also convened at the Temple of Castor and Pollux, which, in its Metellan phase (post 117 BC) boasted a platform suitable for delivering orations, at a height conducive to performances facing outwards towards the Forum space.²³⁵

²³⁴ Examples of the problems caused by such differentiations in communicative experiences and speech comprehensibility are found in the cases of Ti. Gracchus in 133 BC and the consul Piso in 67 BC, see below nn. 1189 and 1029 respectively.

²³⁵ Ulrich 1993: 74-77; Sumi 2005: 53; Davies 2017: 250-251, with Fig. 7.4 there; Holter, Muth & Schwesinger 2018: 57-59 with Fig. 3.10 there; see also Russell 2021 on the suitability of temple podia for performances; on *contiones* at the Temple of Castor and Pollux, cf. n. 886; see Figure 6 and Figure 3.



Figure 6: *The Temple of Castor and Pollux, c. 100 BC.* Image taken from *The Digitales Forum Romanum Project*: http://www.digitales-forum-romanum.de/wp-content/uploads/2014/02/A-3-0504_H_Dioskurentempel_Kontext.jpg.

Holter, Muth and Schwesinger show that the area in front of the Temple of Castor was more “efficacious in terms of visual and acoustic communication”, allowing for ~28% increase in the number of people who could easily hear a speech delivered there, compared to speeches delivered from the rostra.²³⁶ Even if Mouritsen is correct in his argument that the Forum’s maximum capacity of c. 20,000 was not always reached, the Forum proper stood nonetheless as a space that inflicted relatively few limitations on large-scale communications at the centre of the city.²³⁷

One of these few limitations on communication was inflicted by the Forum’s topography. Noticing that places could be used by orators to “stimulate the imagination, the memory, and

²³⁶ Holter, Muth & Schwesinger 2018: 56 estimate 9,200 for the Forum proper and 11,800 for the area before the Temple of Castor.

²³⁷ Mouritsen 2001: 21; for the calculation of this figure, see MacMullen 1980: 456; Holter, Muth & Schwesinger 2018: 56 estimate a similar number (19,106) for the standing capacity of the Forum when the audience was facing the *rostra*.

the intellect” of their audiences, Vasaly encourages appreciating the importance of places, spaces, and objects within them.²³⁸ It was not just through orators that physical spaces took on meaning and influenced communication. If Russell’s argument is correct (as it seems to me), namely that the built spaces of the Forum, such as the temples, Curia and Comitium worked alongside the visible height of the Capitoline to remind those within that space that the gods and the senate were watching them, then it would have been impossible to achieve uninhibited communications there.²³⁹ Moreover, those in positions of power could partially restrict movement in the otherwise public Forum, thus potentially hindering uninhibited communication.²⁴⁰

Outside of the Forum, spaces sufficient for large-scale communications were most numerous in the Campus Martius. There, it was possible for large-scale communications to occur and to be shaped and facilitated by the Campus’ subspaces, which, in turn, became spaces of and for communication themselves. Most important in terms of shaping Rome’s public sphere was the Campus’ function as a venue for convening the *comitia centuriata*, thus allowing the casting of votes in the *Saepta* (or *ovile*) – a likely wooden structure that housed some means of partitioning and directing voters in *comitia*.²⁴¹ Although a relatively small expanse within a city by modern standards, the Campus Martius and its subspaces, including the Circus

²³⁸ Vasaly 1993: 30.

²³⁹ Russell 2016a: 54; for an additional reading of topographical inhibitions on communication in the Forum, see Ogilvie 1965: 75 for the idea that the Lacus Curtius was “revered as a *mundus* and regarded as one of the ports of communication with the underworld”; on this same idea and on the Lacus Curtius in detail, see Spencer 2007: 61-101.

²⁴⁰ Newsome 2010: 156-158; Russell 2016a: 43-96 for a discussion of such control exerted in the Forum Romanum; for example, at Cic. *Sest.* 124, we see the *significationes* directed towards P. Sestius in 56 BC were able to pass through the physical barriers (*cancelli*) placed in the Forum and thus communication still occurred. For a thorough discussion of *significationes* and this passage see below p. 144 and n. 887.

²⁴¹ Dio 37.28; Millar 1998: 242; Lintott 1999: 55; Conlin & Jacobs 2014: 22; on the *Saepta* and its voter capacity, see Mouritsen 2001: 26-34. Even the lower estimates for voter capacity allow for tens of thousands of voters to participate via this space.

Flaminius and *Saepta*, comprised an area of roughly 1.7 km², could accommodate tens of thousands of people.

During the Republic, the Campus Martius provided an ample space for routine erections of wooden *theatra*.²⁴² Although temporary, these *theatra* provided spaces for large-scale communication that largely transcended wealth- and status-based limitations. It was commonplace for audiences at *theatra* to express their feelings towards members of the elite who were present or associated with the event.²⁴³ For Cicero, these *theatra*, along with the Forum and his house, were key spaces from which public opinion was communicated.²⁴⁴ The absence of a permanent theatre at Rome until the 50s BC does not mean that a public sphere at Rome suffered in form compared to other Italian towns and cities, such as Sarno and Pompeii, and Segesta in Sicilia, many of which had seen permanent *theatra* erected long before as a result of Greek cultural presence and influence.²⁴⁵ As far as purely spatial limitations on communications are concerned, those imposed at wooden *theatra* on large-scale communications were minimal, being only their seating capacity and their longevity.²⁴⁶ In the late Republic, seating at *theatra* was partially segregated by wealth and status, and thus was subject to a some level of spatial and communicative control, just as the Forum Romanum. Laws passed in 194 BC and 67 BC reserved seats at the front for senators and the fourteen

²⁴² Conlin & Jacobs 2014: 19; Vitruvius, *De arch.* 5.5.7.

²⁴³ Holleran 2012: 50; Russell 2016a: 169.

²⁴⁴ Cicero, *QFr.* 2.14.2; on the importance of applause from the *populus* to the leading men: Cicero, *Sest.* 115; for communications at *theatra*: Cicero, *Phil.* 1.36; *Clu.* 79.12; *Fin.* 2.76; *Verr.* 2.106.

²⁴⁵ Sear 2006: 48-50.

²⁴⁶ The seating capacity of Pompeius' *theatrum* is estimated at c. 11,600 (low end), Marcellus' *theatrum*: 15,100, Bibulus' *theatrum*: 8,460, according to Sear 2006: 55-66. The wooden *theatrum* of M. Scaurus (58 BC) is reported by Pliny, *HN* 36.113-116 to have had a seating capacity of 80,000, although this is likely exaggerated. These figures, taken together with the wooden *theatrum* at Fidenae, which must have had a seating capacity approaching the reported death tolls from its collapse (even if they are exaggerated: Tacitus, *Ann.* 4.12.1-2: 50,000; Suetonius, *Tib.* 40: 20,000), suggest that wooden *theatra* at Rome could seat several thousand. See also, Sear 2006: 39-53 on the Republican theatres of Italy, their sizes and capacities. Contra: Schultze 2007: 129, argues that wooden *theatra* could not have had large seating capacities based on the support requirements for such structures and the (partially) excavated *theatrum* at Chester (c. 2,500 capacity).

succeeding rows for *equites*.²⁴⁷ Seating was not, however, segregated by gender, meaning that small-scale communications in these spaces were not inhibited according to gender.

At the southern end of the Campus Martius was the Circus Flaminius, a large multi-purpose space comprised of multiple sub-spaces that facilitated both small- and large-scale communications. Wiseman suggests that the variety of activities that occurred in the Circus Flaminius, such as markets, financial dealings, funerary orations, *contiones*, senate meetings, triumphal processions and even the temporary accommodation of soldiers, merit regarding it as a space similar in function (and therefore facilitative capability) to the Forum Romanum.²⁴⁸ Like much of the Campus Martius, the Circus Flaminius was surrounded by porticoes – covered, colonnaded spaces, which, by the late Republic, were prolific in Rome, lining streets and encompassing some of Rome’s most notable structures.²⁴⁹

Appearing first at Rome in 193 BC, in the area of the Campus Martius, porticoes were multifunctional structures that accommodated a variety of communicative experiences. Perhaps the best-known portico of the Republican period is the Porticus Pompeii, constructed in the late 50s BC as part of Pompeius’ grand theatre complex.²⁵⁰ The four-sided portico (*quadriporticus*) was substantial. It covered an area roughly 180x135m, enclosing a garden within and boasting a northern portico comprising 100 columns.²⁵¹ Attached to a *theatra*, the Porticus Pompeii provided shelter for audiences in bad weather, rehearsal and storage spaces and was recognised

²⁴⁷ Seats reserved for senators: Livy 34.44, 34.54.4-34.55; for equestrians: Cic. *Att.* 2.19.3; Livy *Per.* 99: these reservations did not carry over to *ludi* at *circenses* or gladiatorial spectacles according to Edmondson 2002: 10; 2020: 172-174; for seating as spatial control: Russell 2016a: 170. Cf. below *s.v.* Status and Wealth, below pp. 73-91.

²⁴⁸ Wiseman 1974: 4, cites for markets: Cic. *Att.* 1.14.1; for financial activity: *CIL* 6.9713; funerary orations: Dio 55.2.2; *contiones*: Livy 27.21.1; Plut. *Marc.* 27; Cic. *Att.* 1.14.1, *Sest.* 33, *red. Sen.* 13, 17; presence of soldiers: Livy 34.5.17; Plut. *Luc.* 37.

²⁴⁹ On the development of portico building in Rome, see Conlin & Jacobs 2014: 95-101.

²⁵⁰ On the construction dates for the Porticus Pompeii, see Sear 2006: 161.

²⁵¹ Vitruvius *De arch.* 5.9; Sear 2006: 61, nn. 161-162: the northern portico is labelled as [*Hecat*]ostylon (portico of a hundred columns) on the Severan Marble Plan; Davies 2017: 230.

as a place suitable for amorous relations.²⁵² Not only did porticoes like (but smaller than) Pompeius' provide spaces for inter-sex sociability, but they also often hosted markets and were frequented by individuals of various ages, including children.²⁵³

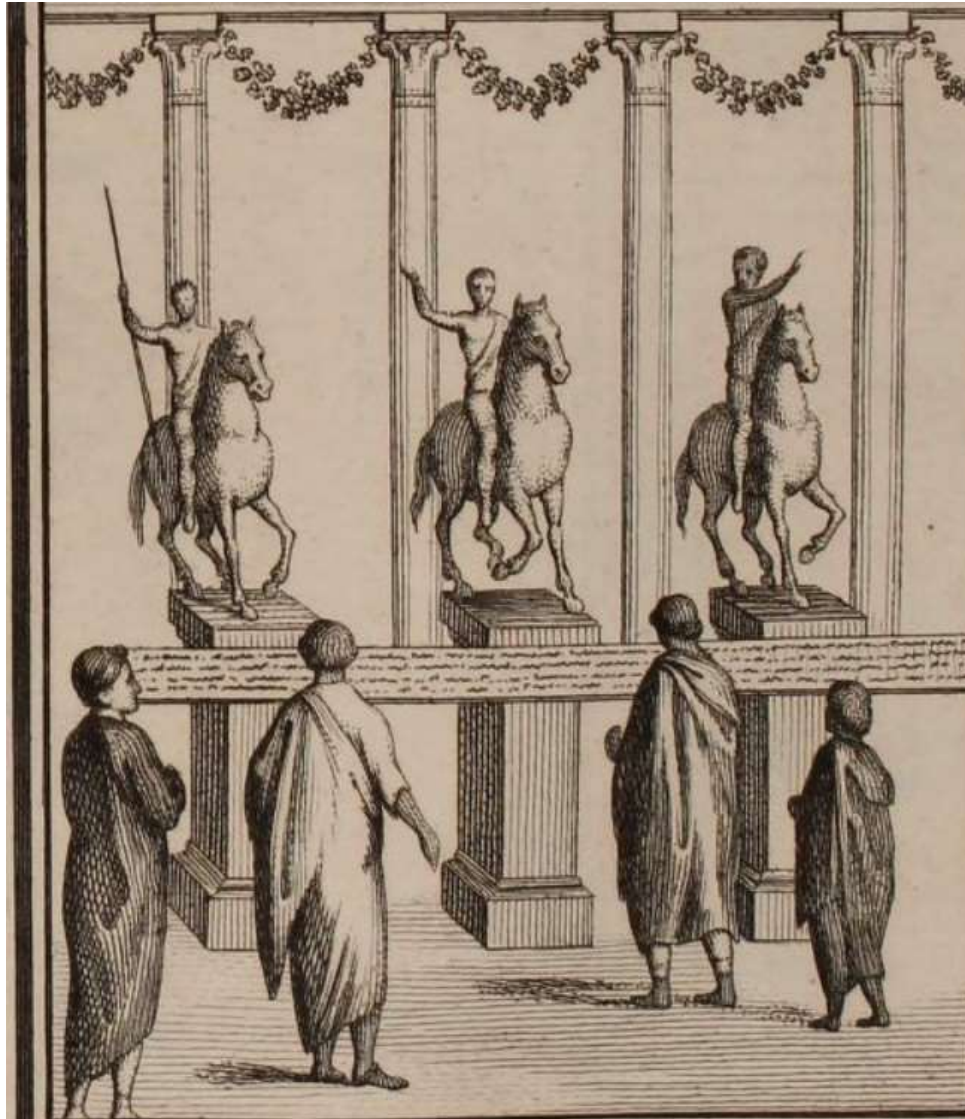


Figure 7: Fresco from the atrium of the house of Iulia Felix, Pompeii, Italy. Image taken from Wikicommons:

https://upload.wikimedia.org/wikipedia/commons/d/d3/Fresco_from_the_House_of_Julia_Felix%2C_Pompeii_depicting_scenes_from_the_Forum_market.JPG. The fresco is dated c. 50-79 AD, and is currently in the *Museo Archeologico Nazionale*, Naples, Italy.

²⁵² Vitr. *De arch.* 5.9.1; Catull. 55.6-14, with Conlin & Jacobs 2014: 99-100, n. 48-49.

²⁵³ On porticoes in the Campus Martius, see Conlin & Jacobs 2014: 95-111; cf. n. 389 below for Ovid's comments on amorous relations at Pompeius' theatre complex.



*Figure 8: A modern engraving of a fresco from the praedia of the house of Iulia Felix, Pompeii, Italy. Image courtesy of Andrea Angius (and see Angius 2021: 42 on this). The image shows people reading a public notice posted in front of colonnade. The original engraving can be found in *Le pitture antiche d'Ercolano e contorni incise con qualche spiegazione. Tomo terzo*, Naples, 1762, Plate XLIII, p. 227.*

Two fragments of a frieze from the house of Iulia Felix in Pompeii demonstrate well the diversity of small-scale communications within the context of colonnaded spaces. Figure 7 depicts a scene from the Forum in Pompeii, in which sellers and customers are engaging in commercial activity. Two children can be seen, one working with a hammer and the other holding a basket and the toga of an accompanying adult.²⁵⁴ Figure 8 shows three adults and an

²⁵⁴ Laurence 2016: 36-37, for a thorough analysis of this scene.

older child, standing closely behind one of the adults, reading a notice posted to the bases of (at least) three (equestrian) statues, which are set against a series of columns. Angius' recent analysis of places of political communication points to the dissemination of Political Literature evident in this scene, as well as to the presence of *circuli* (small groups of people conversing), associations between the colonnaded spaces and individuals known as *columnarii*, and legislative efforts to keep porticoes accessible to all as evidence for the recognised role of porticoes in facilitating sociability and political interaction in Rome.²⁵⁵ Moreover, Angius argues that one episode in particular, a *contio* convened purposefully by Q. Fufius Calenus to coincide with a market day in the Circus Flaminius, bespeaks a recognition by contemporaries of the communicative capacity of the Circus, its porticoes and the individuals who frequented these spaces.²⁵⁶ That occasion, discussed at length below, combined with the literary evidence and fresco scenes above show how porticoes were well-suited to and associated with sociability, offering opportunities for small-scale communications that were diverse and were impacted by few gender- or age-based restrictions.²⁵⁷

Unlike the ad hoc entertainment venues and seating arrangements of the Circus Flaminius, the Circus Maximus, located southeast of the Campus Martius, had occasional spectator stands as early as 204 BC and later, by the time of Augustus, permanent wooden seating.²⁵⁸ Dionysius of Halicarnassus' description of the origins of the Circus Maximus tells us that some seating was readily available but segregated tribally.²⁵⁹ Although the Circus

²⁵⁵ Angius 2020: 40-46; on social functions of porticoes: MacDonald 1986: 99, *non vidi*, quoted in Conlin & Jacobs 2014: 110; on *circuli*, see Knopf 2019, who argues that *circulatores*, who occupied a number of professions (cf. p. 622 there), functioned on the streets of Rome as disseminators (but not modifiers) of public opinion; cf. below, n. 472.

²⁵⁶ Angius 2020: 45.

²⁵⁷ On this *contio*, see below *s.v.* Q. Fufius Calenus (61 BC), pp. 284-295.

²⁵⁸ For our primary sources on seating in the Circus Maximus, see Wiseman 1974: 4, n. 5; Humphrey 1986: 73-74.

²⁵⁹ Dion. Hal. *Ant. Rom.* 3.68.1.

offered opportunities for large-scale communication through its capacity to host popular chariot races, as a venue, its canonical form and capacities were not reached until 46 BC, when Caesar carried out extensive renovations.²⁶⁰

Outside of the large open spaces of the Forum Romanum, Campus Martius, and *circenses*, spatial restrictions on communication were far more frequent. A dearth of open spaces within the city meant that Rome's marketspaces (*macella*), streets and neighbourhoods played a central role in facilitating communication and the public sphere.²⁶¹

In their examination of social interactions in Rome's commercial spaces, Andrews and Bernard argue that although the architecture of *macella* suggests that these spaces were the preserve of wealthy clientele, the commercial exchanges that occurred therein between market workers, slaves and wealthy patrons actually allowed for social interactions between individuals of disparate statuses.²⁶² According to Suetonius, it was with *macellarii*, the workers and supervisors of *macella*, that Caesar made arrangements for a city-wide banquet in 52 BC.²⁶³ The fact that Suetonius could speak of a specific demographic (*macellarii*) defined by these marketspaces and that it was plausible for Caesar to have arranged such a city-wide feast through this demographic suggests that particular groups of people frequented these places, and that established networks of information exchange existed within and between them, based on small-scale communications.²⁶⁴

²⁶⁰ For renovations to the Circus Maximus in 174 BC that improved it as venue suitable for holding races: Livy 41.27; on the Circus Maximus before Caesar's renovations: Humphrey 1986: 67-72; and after: Dion. Hal. *Ant. Rom.* 3.68.3-4; Humphrey 1986: 73-76; Henderson 2002: 42; Davies 2017: 139-140, 263.

²⁶¹ Holleran 2011: 231, on the lack of space at Rome and the importance of the City's streets.

²⁶² Andrews & Bernard 2020: 80-88.

²⁶³ Suet. *Iul.* 26.2.

²⁶⁴ On the association between *macella* and dinner parties, see Mart. *Ep.* 10.59 with Andrews & Bernard 2020: 81.

Outside of *macella*, many of Rome's streets experienced high footfall, driven by a shortage of adequate living space, the potential for economic gain and, according to Rosillo-López, the opportunity for sociability.²⁶⁵

Men and women occupied the streets around their homes and places of work in order to attract business or procure employment.²⁶⁶ The presence of busy streets within the city does not, however, presuppose the existence of flawless or city-wide communication. As Holleran acknowledges, the fact that the streets *were* so busy, meant that navigating them would have been a difficult task, made harder by a lack of street names (for smaller streets) and house numbers, as well as Rome's uncoordinated layout.²⁶⁷ Indeed, the majority of Rome's inhabitants in the late Republic would have lived, socialised, worked and sought work within their own neighbourhoods with limited access to the wider city.²⁶⁸ Courier demonstrates that Rome's plebs gathered at a handful of well-known streets, organised around the central activities of their daily lives.²⁶⁹ Evidence suggesting that *tabernae* (single-room commercial premises) constituted the majority of urban properties and that they played an important role in the daily lives of most people living at Rome, encourages the conclusion that the city of Rome comprised a series of neighbourhood micro-communities that were regularly connected by individuals such as shopkeepers and day labourers.²⁷⁰ Courier illustrates this point through Plutarch's anecdote of the plebeian who hid M. Antonius. Plutarch tells us that on the

²⁶⁵ Holleran 2011: 246-253; sociability: Rosillo-López 2017: 64-64, citing Hor. *Sat.* 2.6.51 and Dem. *Phil.* 1.10-11.

²⁶⁶ See below, pp. 98.

²⁶⁷ On these difficulties in general, see Holleran 2011: 247; for the lived experience of many at Rome in the first century BC being restricted to a local area: Dyson & Prior 1995: 246-247; Lott 2004: 4, 48.

²⁶⁸ Dyson & Prior 1995: 246; Holleran 2011: 261; for the Augustan period onward: Wallace-Hadrill 2003: 196-206.

²⁶⁹ Courier 2014: 127-191; 2017: 113-114; 2017: 113-115; see also Flower 2019.

²⁷⁰ On the form and function of *tabernae*, see Holleran 2012: 100-158; for evidence of a high number of *tabernae*: Reynolds 1996: 150-158; on daily interactions at *tabernae*: Purcell 1994: 659-673; cf. Courier 2017: 113-114; for individuals and groups that had cause to engage in regular communication outside of their neighbourhoods: McCarthy 2018: 79; 2019.

instruction of the plebeian host, a slave was sent to a neighbouring innkeeper to purchase wine; the innkeeper, noticing that the wine being purchased was of better quality and being chosen more carefully than usual, asked the slave what was going on; the slave told the trusted innkeeper that his master was hosting M. Antonius and thus the latter was eventually found.²⁷¹ In this anecdote we find evidence for the limited range of movement required for simple, daily tasks and for a high level of familiarity existing at a local level.²⁷² Neighbourhoods served as an excellent locus for sociability and small-scale communications but the localised nature of their social-networks and reliance on local infrastructure such as shops, cook-shops, inns, baths, and representatives meant that small-scale communications within these entities at a city-wide level (in other words, inter-neighbourhood small-scale communication) relied heavily on individuals whose work took them outside of the area in which they lived.²⁷³

Often found on street corners, inns and cook-shops (*popinae*) of various types were important spatial features of Rome's neighbourhoods.²⁷⁴ These taverns "were the primary locus for the everyday leisure of the mass of the Roman populace".²⁷⁵ There, Rome's poorer inhabitants could come into contact with one another; people from a variety of professions and backgrounds could congregate and engage in common activities, such as eating, drinking, gambling, prostitution, and gossip.²⁷⁶ Taverns provided ideal environments for small-scale communications for those willing to visit them.

²⁷¹ Plut. *Mar.* 44.1-3; Courier 2017: 115.

²⁷² Courier 2017: 115.

²⁷³ Courier 2017:115 concludes that it was likely for the individuals within a neighbourhood to have known each other. This argument finds support in Flower 2019: 166, describing the *compitalia*, which emphasises the importance and ritualization of the act of all individuals within a given neighbourhood coming together to hang woollen dolls and balls on the festival eve; for example, day-labourers - see the discussion above in the section on Wealth and Status, pp. 73-91; on *magistri vici*, see Lott 2004: 51-54.

²⁷⁴ Rosillo-López 2017: 50. For the different sorts of taverns, cf. Hermansen 1982: 125-205.

²⁷⁵ Toner 1995: 67.

²⁷⁶ Toner 1995: 65-69, outlines the place of taverns in a popular plebeian culture at Rome; eating at taverns: Juv. *Sat.* 3.294, 11.81; see also Toner 2022: 427-428; for gambling, eating, and prostitution: Plaut. *Poen.* 831-835; we

So too did meeting places of associations, found throughout Rome at a range of locations.²⁷⁷ Tran organises the meeting places of associations into three spatial types: buildings owned by associations for their exclusive use; spaces owned by private individuals that were closed off and used by associations in agreement with the owner; spaces that were part of a larger complex, such as a warehouse.²⁷⁸ Besides providing occasions for dining and socialising, many of these places provided space for these activities too. In particular, associations' *scholae*, the main room for meetings and socialising, allowed for regularly small-scale communications in a particularly leisurely setting.²⁷⁹

By the late Republic, bathhouses were prolific in Rome.²⁸⁰ Bathhouses were not segregated by age or gender and so provided locations for interactions between men, women, and families. Nor were baths segregated, in theory, on the basis of status or wealth, though the reality of visitor experiences was surely differentiated by these factors.²⁸¹ Noting the silence of our sources on the topic of status-based segregation, Fagan concludes that bathhouses must have remained open to “all manner of people from across the social spectrum”.²⁸² The popularity of baths, their cheap entry fees, and the desirability of the facility they offered meant that they were highly frequented spaces in which large numbers of individuals would have been able to meet and participate in small-scale communications.²⁸³ Although accessible throughout

have seen already in Plutarch's anecdote of M. Antonius the character of the innkeeper being the one who instigated the small-scale communication of information.

²⁷⁷ On the meeting places of associations throughout Rome, see Bollmann 1997: 211; Dunbabin & Slater 2011: 457-458; for a thorough review of the historiography of scholarship on *collegia*, see Perry 2011: 449-515; most recently Tran 2020; on *collegia* and sociability see below p. 86 and n. 346.

²⁷⁸ Tran 2020: 200-208.

²⁷⁹ Tran 2020: 210-211, on *otium* in these spaces.

²⁸⁰ Fagan 2002: 106-107, baths were present at Rome during the Republic but were smaller in size and fewer than in the Imperial period that followed.

²⁸¹ On experiences at bathhouses varying by status, see below p. 87; Bruun 2020: 113-130.

²⁸² Fagan 2011: 363; Fagan, 362, concedes that it was likely that factors such as location and entrance prices might have inflicted status- or wealth-based segregation in practice.

²⁸³ For high footfall at baths: Plin. *Ep.* 3.14.6-8.

the day, bathhouses were most frequented prior to evening meals.²⁸⁴ Thus, as a prelude to private dinners for the elite and as locations for similar evening activities to those found at taverns and cook-shops, bathhouses provided many of Rome's inhabitants extended access to small-scale communications.²⁸⁵ It was not until the imperial period that bathhouses began facilitating large-scale communications by hosting performances and providing seating for audiences.²⁸⁶

The last spatial type I consider is the homes of Rome's elite. As Rosillo-López notes, the extent of sociability within the homes of the majority of Rome's inhabitants is unattested and our ability to comment on the degree to which those living at Rome could engage in small-scale communications in a domestic context is largely limited to information we can glean from studying the practice of the morning *salutationes* and evening meals, which took place almost daily at the homes of the influential and wealthy.²⁸⁷ Here, I am interested specifically in the ways the locations of these houses impacted communications.

Given the importance of visibility in Roman culture, it is hardly surprising that many politicians during the late Republic wanted their homes to be conspicuous and accessible. For example, Cicero made sure that his Palatine home allowed him to live in the public eye and that neither his doorkeeper nor sleep prevented anyone from reaching him at home.²⁸⁸ In this instance, the limitations inflicted upon communication by the arrival of darkness, which we have come to expect, and which Cicero has acknowledged, are absent. Treggiari notes that the

²⁸⁴ Fagan 2011: 366.

²⁸⁵ Fagan 2011: 36-367, cites on sex and prostitution at bathhouses: *CIL* IV 10675, *Amm. Marc.* 28.4.9; *Dig.* 3.2.4.2; on sex and eating: *CIL* IV 10677; and on drinking: *Mart. Ep.* 12.70; *Petr.* 2.8; *Sen. Ep.* 122.6; *Plin. Nat.* 14.140.

²⁸⁶ Fagan 2011: 367, cites the baths of Trajan opened in AD 109 as an example of a bathhouse that boasted seating for crowds.

²⁸⁷ Rosillo-López 2017: 69-74, treats both of these practices and their implications for sociability at Rome in detail.

²⁸⁸ *Cic. Planc.* 66: lived in the public eye (*habitavi in oculis*), no one was prevented meeting with me by my doorkeeper or by sleep (*neminem a congressu meo, neque ianitor meus, neque somnus absterruit*).

site of Cicero's house was previously the site of M. Livius Drusus' (tribune 91 BC) house. According to Cicero, Drusus made clear to his architect, who had offered to build a home that could not be overlooked, that he *wanted* to be overlooked and inspected.²⁸⁹ Similarly, C. Gracchus is said to have relocated to a home that was closer to the Forum and in a more "democratic" area, as this allowed for increased proximity to the poorer inhabitants of Rome.²⁹⁰ The importance of these tribunician examples of the exploitation of space for communication is discussed in more detail below as are differences in individuals' experiences of these spaces at occasions such as *salutationes*.²⁹¹ The conclusion here is that the locations of the homes of Rome's elite appear to have had an effect on communicative processes.

Status and Wealth

Limitations imposed by wealth determined the communicative experiences of almost all Rome's citizens, for example, by preventing a substantial (and growing) number of them from regularly accessing the Roman public sphere's main opportunities for large-scale communication, which were only accessible in person at Rome.²⁹²

In Republican Rome, an individual's wealth was often, though not always, correlated with their status.²⁹³ Rothe defines status as relating to "a variety of social classifications", including formal positions of power within the Roman state, and the status these roles bestowed, as well as legal classifications, which denote, for example, whether an individual is free(d) or

²⁸⁹ Vell. 2.14.3, with Treggiari 1998: 4, esp. n. 8.

²⁹⁰ Plut. *C. Gracch.* 12.1: ὡς δημοτικώτερον.

²⁹¹ See below *s.v.* Tribunician homes, pp. 230-237; on *salutationes*, p. 231

²⁹² On the growing number of *cives* in the late Republic, see Brunt 1971: 100-112. As is discussed in the following chapter, participation in Rome's assemblies and *contiones*, although free to those entitled to it, often meant spending time away from work, which meant that such occasions favoured those who enjoyed some degree of financial security: see below p. 115; on the mitigation of these different experience of participation in information exchange, see below *s.v.* Participation in Public Opinion, p. 105.

²⁹³ For example, L. Sergius Catilina and his followers, many of whom were among Rome's socio-economic elite but who had amassed considerable debt: Cic. *Cat.* 2.2, 2.4, 2.8-9; Sall. *Cat.* 13, 16; on the monetisation of politics and the practice of moneylending between members of Rome's socio-political elite, see Rosillo-López 2016: 30-32.

enslaved.²⁹⁴ Rothe's effectively nuanced understanding of status, used successfully to differentiate experiences of toga wearing at Rome, can be applied here too, to examine the impact of several social classifications on communicative experiences. Although experiences of communication within and across status groups, such as members of the plebs, equestrians, and slaves, would have varied between individuals, depending on factors such as their age and gender, there are some general status-based limitations on communication for certain groups that can be identified. For example, *equites*, whose considerable wealth and status were directly linked and tangibly impacted their experience of large-scale communication at *theatra*, and slaves, whose lack of *libertas* meant that their freedom to access opportunities for communication was not their own, enjoyed markedly unique experiences of Rome's public sphere.²⁹⁵

In *comitia centuriata*, Rome's wealthiest citizens were enrolled in the first property class and therefore voted first (but after the *centuria praerogativa*).²⁹⁶ In the late Republic, the purpose of this wealth-based graduated voting system was understood as being to perpetuate the control of the assembly, which facilitated the election of *curule* (that is, higher) magistrates, by the wealthiest few at Rome.²⁹⁷ On first impression, *comitia centuriata* appear to have offered a narrow range of topics on which communication was possible and no real opportunity for the majority of eligible voters to communicate formally. For a long time, this was the view held by a significant majority of scholars.²⁹⁸

²⁹⁴ Rothe 2019: 71.

²⁹⁵ On *libertas* and the susceptibility of one person to another person's will, see Arena 2012: 45 esp. n. 3.

²⁹⁶ On the *centuria praerogativa* see above, n. 129; Mouritsen 2017: 45-50.

²⁹⁷ Cic. *Rep.* 2.39-40.

²⁹⁸ For a list of thirty scholars supporting this view, see Yakobson 1999: 20, n. 1; for example: Wiseman 1971: 125; Gruen 1974: 122; Brunt 1988: 429; Lintott 1990: 11.

Contrary to this reading, Jakobson argues convincingly that since electoral bribery and the transference of wealth from candidates to the urban plebs is so well attested, we should consider the possibility that politicians and aspirants deemed the votes of the majority of citizens at Rome to be worth accruing and therefore, that these voters and their votes were indeed worth something.²⁹⁹ Jakobson also points out that although it was possible for the lower classes within *comitia centuriata* to be effectively frozen out by a majority being reached during the voting of the second class centuries, this was highly unlikely since competition at elections was almost always “within the ruling class” and therefore the wealthier, elite members of the first two classes were unlikely to have cooperated and closed ranks for any common purpose.³⁰⁰

Although Jakobson’s cogent argument provides considerable grounds for rethinking the importance and accessibility of opportunities for communication in *comitia centuriata* and for imagining a more meaningful and inclusive political process, the actualities of voting value in this assembly expounded by Mouritsen are difficult to ignore.³⁰¹ Mouritsen rightly points out that occasions on which the lower property classes were called to vote, and thus to participate in large-scale communication, were irregular and never guaranteed.³⁰² As Taylor pointed out, if the first class voted unanimously, it would only require eight units of the second class centuries voting the same way to create a majority.³⁰³ It is worth noting that those waiting outside the *Saepta* at the Campus Martius, who might not yet have cast or their vote or who might not have been entitled to one, might still engage in collective demonstrations of approval, disapproval, or indifference as the results of the first classes were announced.³⁰⁴ Although

²⁹⁹ Jakobson 1992; 1999: 20-64.

³⁰⁰ Jakobson 1999: 48.

³⁰¹ Mouritsen 2001: 95

³⁰² Mouritsen 2001: 95; see Cic. *Mur.* 71; *Off.* 2.59.

³⁰³ Taylor 1966: 98; for an analysis of the property class requirements for each century grouping, see Lintott 1999: 55-63.

³⁰⁴ Taylor 1966: 96.

facilitative of large-scale communication at Rome, *comitia centuriata* do not appear as an occasion on which all who could attend were required to attend, and, even when the lower classes were called, equal access to participation in the communication taking place was not certain.

Besides the wealth-based limitations on travel and participation already noted, Rome's principal legislative assembly, the *concilium plebis*, imposed no such wealth-based graduated voting. Therefore, in the case of the *concilium plebis*, the importance of distributing *largitiones* (donatives) is perhaps easier to comprehend. That bribery was seen as a genuine problem in this assembly bespeaks the competitive character of Rome's elections and the fact that a feeling of uncertainty must have touched *candidati*, which can only have stemmed from a genuine recognition of voters' influence.³⁰⁵

One status-based limitation on communication at the *concilium plebis* may have been that participation in this assembly was the preserve of plebeian citizens though, by the late Republic, it seems that the *comitia tributa* and the *concilium plebis* functioned as one and the same and the distinction between plebeian and patrician status was largely irrelevant.³⁰⁶ Given that only fourteen patrician *gentes* remained by the late Republic, the practical differences between communicative opportunities for patricians and plebeians pertained mostly to the exclusive access of plebeians – and wealthy ones at that – to the plebeian offices of aedile and tribune and one consulship per annum and to particular priesthoods reserved for patricians.³⁰⁷ However, I would argue that there must have been some difference in experiences of communication between plebs and patricians, since *tribuni plebis* could and did invoke a common plebeian

³⁰⁵ See below n. 753.

³⁰⁶ See above n. 119. On the origins of these status groups see Cornell 1995: 242-268; Forsythe 2005: 157-166.

³⁰⁷ Taylor 1966: 62; Mignone 2016: 181; on the rank of *tribuni plebis* in the context of the public sphere at Rome, see below pp. 166-258; on patricians and priesthoods, see Duncan-Jones 2016: 8-21, esp. 16.

memory and culture when addressing *contiones*, which, as Chapter 3 argues, was a rhetorical weapon only plebeian orators could employ.³⁰⁸

For the wealthiest of Rome's occupants, opportunities for large-scale communication could be significantly different. Substantial wealth and distinguished lineage often facilitated the acquisition and accumulation of, as well as proximity to, *auctoritas* (political clout), which could allow for unique and privileged experience of large-scale communications.³⁰⁹ As Rosillo-López rightly points out, we must differentiate between the freedom to speak and the freedom of speech when considering communication in the late Roman Republic.³¹⁰

The freedom to speak publicly and to address contional audiences was the preserve of magistrates and officials who held *potestas contionandi* and anyone they invited to address their assembled audiences.³¹¹ In practice, the successful discourses between these politicians and their assembled audiences relied on the audience having respect for the speaker and his *auctoritas*, even if they did not agree with the speaker's words. Valerius Maximus' well-known anecdote of the exchange in 133 BC between a contional audience and the consul Scipio Nasica demonstrates this fact. After Nasica had spoken against popular entreaties to support proposals for state-purchased grain and had been met with great uproar from the assembled audience (*obstreperante deinde plebe*), Nasica responded, "be silent, citizens, if you please. I understand better than you what is for the public good", causing the crowd to become silent, perhaps owing to a general respect for his *auctoritas*.³¹² The *auctoritas* an individual enjoyed varied depending

³⁰⁸ See below pp. 245-257.

³⁰⁹ Pina Polo 2011a: 288 for *auctoritas* as "political clout"; on the definition of *auctoritas*: Hellegouarc'h 1963: 295-314; for the difficulties faced by *novi homines* ("new men", without senatorial or consular ancestry) at elections see Wiseman 1971: 100-107.

³¹⁰ Rosillo-López 2017: 27-30.

³¹¹ Aja Sánchez 1996: 299; on *potestas contionandi* see Pina Polo 1989: 43-53; Pina Polo & Díaz Fernández 2019: 120 for *quaestors* and the *potestas contionandi*; and below p. 179-188.

³¹² Val. Max. 3.7.3: '*tacete, quaeso, Quirites*' inquit, '*plus ego enim quam vos quid rei publicae expediat intellego*'; Hellegouarc'h 1963: 295; Pina Polo 2011a: 288; on this anecdote concerning Nasica: Hölkeskamp 2011: 29, n.

on the perceived success of their military, political and social undertakings and considerable *auctoritas* was not guaranteed by acquisition of rank or holding of status at all.³¹³ Indeed, Pina Polo draws attention to Cicero's unwillingness to speak at certain occasions, which Cicero ascribes to having possessed insufficient *auctoritas*.³¹⁴ The point to note is that *auctoritas* and the freedom to speak publicly at *contiones* were almost exclusively the preserve of Rome's (usually) popularly elected officials. Getting elected as a magistrate or official was often a costly and competitive undertaking, with substantial largess expected over several years leading up to and during a given election.³¹⁵ Therefore, although in theory any citizen who met the prerequisites of office could stand for election, in practice, limitations in wealth and status debarred the majority of citizens from entering politics and thus from ever acquiring the freedom to speak at occasions for large-scale communication.

For those who achieved election to political office, membership of the senate often followed. Although the senate was an exclusive institution, of which membership was only possible for those who were enrolled by the censors, the communicative experiences it created and afforded its members contributed significantly to the overall functioning of Rome's public sphere.

By 70 BC, the Roman senate comprised roughly 450-600 members, consisting of magistrates, past and present, a large number of former *equites* as well as tribunes of the plebs.³¹⁶

54; Yakobson 2018: 27-28; and most recently and thoroughly on this passage and Nasica's other, similar *repulsa*: Yakobson 2019 (esp. 546-547).

³¹³ Cic. *Top.* 73-74; see below *s.v.* C. Cornelius and P. Servilius Globulus (67 BC), pp. 264-284, for tribunes, who possessed *potestas contionandi* and *auctoritas* being ignored by their audiences; also, for example, C. Scribonius Curio (tribune, 90 BC), whose audience deserted his *contio*: Cic. *Brut.* 192, 305, on the Scribonii Curiones as orators, see Rosillo-López 2013.

³¹⁴ Pina Polo 2011a: 289, with Cic. *Leg. Man.* 1.

³¹⁵ See above n. 299; Morstein-Marx 1998: 261-265.

³¹⁶ On L. Cornelius Sulla's enlargement of the senate in 81 BC: App. *B Civ.* 1.100; Liv. *Per.* 89.4; Lintott 1999: 69-70 estimates 500-600 members; Santangelo 2006: 8-11 suggests a number just over 500, but closer to 450 than 600.

Members were enrolled via a *lectio* conducted by the censors, with selection based on a combination of factors including morals, status, wealth, and election.³¹⁷ These men had exclusive access to a number of opportunities for small- and large-scale communication, including chances to participate in the production of *senatus consulta*, which advised and informally directed the actions of magistrates. These unique communicative opportunities were frequent and locally geographically varied.

Under normal circumstances, the senate could meet at almost any time during daylight hours, except on *dies comitiales* after 61 BC, and at any *templum* (inaugurated space) within a mile of Rome.³¹⁸ The main senatorial meeting places in Rome included the Curia Hostilia and the Temple of Castor, in the north-west and south-east corners of the Forum respectively, the Curia Cornelia, the Capitoline temples of Jupiter Capitolinus and Concord, the Palatine temples of Stator and Magna Mater, the temples of Bellona and Apollo and the theatre of Pompeius in the Campus Martius area.³¹⁹ Although attendance at meetings was reserved for senators, the entranceways to these spaces remained open during meetings, thus allowing those waiting outside to see and hear the discussion taking place.³²⁰ During senate meetings, groups such as

³¹⁷ Cic. *Rep.* 4.2 suggesting that senators were among the *ordo equester*; on the prerequisites for membership to the senate in the late Republic, see Lintott 1999: 71, esp. nn. 24-26, who supposes that senators, like *equites*, must have had to possess a fortune of the 400,000 HS; Santangelo 2006: 11-13, and on Sulla's addition of *equites* to the senate, 2006: 13-14.

³¹⁸ Gell. *NA* 14.7.8; A *lex Pupia*, probably passed in 61 BC, prohibited senate meetings on *dies comitiales*: Cic. *Fam.* 1.4.1, *Q.Fr.* 2.2.3; *Sest.* 74; with Michels 1967: 42-45; Lintott 1999: 72.

³¹⁹ For a thorough discussion of these locations with source material, Taylor & Scott 1969: 535-536; Lintott 1999: 72-73; Bonnefond-Coudry 1989: 25-197 gives the most thorough account of senatorial meeting places, both within and without the *pomerium*. In addition to the locations mentioned already, Bonnefond-Coudry lists: the temple of *fides*, Jupiter Stator, *Honos et Virtus*, and *Tellus*, the atrium *libertatis*; cf. Figure 3 above.

³²⁰ In the early and middle Republic, before, and possibly after, a meeting, senators gathered outside of the *templum* in use, in spaces called *senacula*: see Mason 1987, who notes that *senacula* may also have referred to actual meetings of the senate; Bonnefond-Coudry 1989: 185-192, esp. 188-189 on *senacula* in the Forum Romanum. Most recently on *senacula*: Rosillo-López 2022: 115-118. These spaces, such as the one located west of the Comitium and southwest of the Curia Hostilia (above the *Graecostasis* – a raised area suitable for foreign embassies to gather and await entry into a senate meeting) were once settings for conversations between senators, dignitaries and their attendants, and thus they facilitated opportunities for small-scale communication, in theory, accessible only to Rome's political elite, but which in practice could likely have been observed, if not heard, by anyone passing by: Mason 1987: 40; Welch 2003: 29; Westall 2015: 31. On the *senaculum* above the *graecostasis*: Varro *Ling.* 5.155-156; Cic. *QFr.* 2.1.3; Plin. *HN.* 7.212; on the location, appearance, and functions of the

senators' sons, foreign embassies (especially during February after 67 BC), supporters of individual politicians and passers-by could be found waiting outside.³²¹ This allowed for the real time publicising of information that had originated in a relatively exclusive communicative context. For example, in 57 BC, Clodius' supporters were on hand outside the Curia to prevent the tribune L. Racilius from successfully persuading the senate on the subject of Clodius' trial.³²² The following year, the tribune M. Porcius Cato quickly alerted those immediately outside of the senate meeting to a proposal being made within, which concerned the adoption of mourning dress and which he wished to thwart, and encouraged anyone he could to enter the house and thus to prevent a vote being taken on the matter.³²³

From 59 BC, those unable to hear first-hand the proceedings of senate meetings could receive a summary of the information discussed and generated there via the *acta*, which were daily publications of senatorial proceedings.³²⁴ Rosillo-López notes that it was also possible for the *scribae* (clerks), who were *apparitores* (assistants) and potentially *homines mediocres*, drafting the *acta* to become involved in this particular small-scale communicative process.³²⁵ Those whose status allowed for Weak and Strong Ties within the senate could also receive information via these connections in person or by letter, just as Cicero did from contacts such

graeocostasis see Welch 2003: 27-30 and the review of previous scholarship therein; Westall 2015: 31-32. However, Rosillo-López has recently shown that by the first century BC, the role of *senacula* in facilitating conversations (small-scale communications) had become vestigial, since senatorial procedure no longer necessitated a waiting area and any “any place near the meeting was good enough for striking up a conversation”: Rosillo-López 2022: 115-118.

³²¹ On young men outside the Curia, see Taylor & Scott 1969: 533, with Cic. *Cat.* 4.3; for the *lex Gabinia* concerning foreign embassies in 67 BC, see Broughton *MRR* 3.97-98.

³²² Cic. *QFr.* 2.1.1-3; Ramsey 2007: 128.

³²³ Dio 39.28.2-3: καίτοι τοῦ Κάτωνος ἐκ τε τοῦ συνεδρίου, ἐπειδήπερ ἀντιλέγων οὐδὲν ἦνυσεν, ἐκπηδήσαντος . . ., ὅπως μηδὲν τελεσθεῖη; “in spite of the fact that Cato, when he gained nothing by speaking against the proposed step, rushed out of the gathering [and called in any one he met in the marketplace (?)] in order that no decision might be reached”, trans. E. Cary & H. B. Foster.

³²⁴ It is likely that Caesar introduced the *acta* as consul in 59 BC: Suet. *Iul.* 20; cf. Rosillo-López 2017: 147-148, n. 214.

³²⁵ For *apparitores* and *homines mediocres* and the functioning of public opinion at Rome, see below pp. 113, 246.

as Caelius Rufus.³²⁶ Pina Polo has also shown that for the period 80-49 BC, following Sulla's dictatorship, decisions made by the senate were often publicised by consuls in political *contiones*, thus further facilitating information exchange and occasions for large-scale communications.³²⁷

The uniqueness of senators' experiences of Rome's public sphere was due not only to their access to and responsibility for a distinct set of communicative opportunities, it was also fortified by their dress and accompanying retinues, especially in the case of consuls, which visibly distinguished them from the rest of Rome's inhabitants. Senators were entitled to sport a broad purple stripe (*latus clavus*) on their tunics and to wear a particular sort of shoe, and thus could be visibly distinguished from Rome's other inhabitants and non-senatorial members of the *ordo equester*.³²⁸ Like *equites*, senators sat apart at theatres and could thus appear and potentially communicate as a collective on occasions for large-scale communications.³²⁹

Senators were not all of equal status; magistrates, such as consuls and praetors, and ex-magistrates enjoyed and could create even more unique communicative experiences. By the late Republic, consuls-elect had the privilege of speaking first in senate meetings, with ex-consuls, specifically the *princeps senatus*, also being preferred to speak early on each topic for discussion.³³⁰ Consuls and praetors enjoyed *potestas contionandi*, which meant that they, like

³²⁶ For example, L. Piso and L. Roscius offered to convey in person the senate's disposition to Caesar: Cic. *BCiv.* 1.3; On information concerning senate proceedings that also concerns *acta*: Cic. *Fam.* 8.2.2; 8.11.4; 12.28.3; see Rosillo-López 2017: 149; A Weak Tie refers to the connection between an individual and a subject who interact infrequently. A Strong Tie refers to the connection between an individual and a subject who enjoy frequent contact, for example close friends and family. On Weak and Strong Ties: see Rosillo-López 2020 and below p. 117.

³²⁷ Pina Polo 2011: 282.

³²⁸ Rothe 2019: 72; against overemphasising the possibility for visible distinction of senators by dress, see Jehne 2011: 224, n. 61; see below, p. 85 on the *ordo equester*; on the importance of retinues for political success and how to use them: Cicero, *Comment. pet.* 34-35, with Morstein-Marx 1998: 270-274 and 260-261, esp. n. 10, on the authenticity of the *Commentariolum Petitionis*; Jakobson 1999: 71-78; O'Sullivan 2011: 59-64; and Holleran 2011 (n. 356 below).

³²⁹ See above, n. 247.

³³⁰ Lintott 1999: 78, n. 37 and the source material cited there. On consuls-elect speaking first, see Sall. *Cat.* 50.4; Gell. *NA.* 4.10.1; Pina Polo 2013: 420-423.

tribuni plebis, could convene *contiones* and *comitia*. Another reason for accepting that a unique public sphere existed at Rome in the period 70-49 BC, was that following Sulla's dictatorship, consuls, who before had left almost immediately upon entering office to assume command in their allocated province, regularly remained in Rome long into their tenure, marking a distinct change in magisterial practice and resulting in important alterations to Rome's political apparatus.³³¹ The reason for this shift in consular practice is unclear, but the prevailing scholarly consensus is that the increased and prolonged consular presence at Rome was ultimately to account for the simultaneous diminution of the tribunate, which was the institution of Rome's chief facilitators of legislation and large-scale communications.³³²

Pina Polo has set out and categorised the primary functions of the consuls at Rome, from 80-50 BC.³³³ Consuls created opportunities for communication by disseminating information to Rome's inhabitants directly via edicts and by participating in and presiding over occasions for large-scale communications such as *contiones*, *comitia centuriata*, the *ludi Romani*, and *feriae latinae*.³³⁴ Pointing to Cicero's multiple appearances at *contiones* as consul in 63 BC, Pina Polo is surely right to suggest that we can suppose a similar level of consular activity for other consuls in other years from 80-50 BC, even if their tenures as consuls are otherwise less

³³¹ Giovannini 1983: 83-90 catalogues the departures of consuls from Rome, year-by-year from 80-53 BC and notes that only Caesar, in 59 BC, remained in Rome for the duration of his consulship; Pina Polo 2011: 229; Rafferty 2016: 154-156.

³³² Pina Polo 2011: 225-247; Rafferty 2016: 153-156 suggests three reasons: 1) to deal with increasing unrest; 2) to accommodate increased involvement in law making; 3) to accommodate for the reduction of the tribunate – a hypothesis first suggested by Ferrary 2001: 104, n. 12; cf. Pina Polo 2011: 247-248 on this too; on the historiography of the debate concerning the increased consular presence at Rome, see Rafferty 2016: 12-22, who notes that the main contrary suggestion, proposed by Mommsen (1905-1913, 4.92-145) and disproved by Giovannini (1983: 83-90), is that a *lex Cornelia de provinciis ordinandis* carried by Sulla as dictator made it compulsory for consuls to remain in Rome during their consular year, exercising only *imperium domi* before moving to their assigned province, the following consular year, exercising *imperium militiae*; Pina Polo 2011: 229 for Giovannini versus Mommsen; on the decentering and recentring of the tribunate in period 80-70 BC, see below pp. 167-173; and on consular and tribunician visibility in the public sphere, see Chapter 3.

³³³ Pina Polo 2011: 249-315.

³³⁴ Pina Polo 2011: 254-257 on consuls and festivals in Rome, 276-282 for consuls at *contiones*; on consular edicts: 276-277, though few consular edicts are attested for this period.

well-attested in our sources than Cicero's.³³⁵ After *tribuni plebis*, then, consuls at Rome were the second most prolific providers of opportunities for large-scale communication in the all-important contional format.³³⁶ As noted earlier, *auctoritas* was a prerequisite for successful public speaking; due to their status, consuls tended to enjoy *auctoritas* in abundance, which meant that they were also often called upon to give their opinions at *contiones* convened by others, thus further enhancing communicative occasions at Rome.³³⁷

Indeed, it was common practice during the late Republic for contional convenors to invite or compel others to address their audiences on a given matter.³³⁸ In addition, proximity to holders of *potestas contionandi*, and thus to individuals who held *auctoritas*, also offered the potential for those who were unable to speak publicly to indirectly influence large-scale communications and for the convenors of the *contio* to benefit from the *auctoritas* of their guest.³³⁹ For example, Lange has recently suggested that Fulvia was able to influence the funerary proceedings of her husband, P. Clodius, partly via her proximity, established as member of Rome's socio-political elite and of the prominent *gens* Sempronia, to the tribunes T. Munatius Plancus Byrsa and Q. Pompeius Rufus.³⁴⁰

Although tribunes of the plebs continued to function as Rome's *rogatores* of legislation, there was an increase in consular legislation in the years following 80 BC.³⁴¹ Given that the drafting, sponsoring and proposing of bills was an arduous and lengthy process, which required

³³⁵ Pina Polo 2011: 280-281; for *contiones* convened by Cicero, see Pina Polo 1989: 291-293.

³³⁶ On the importance of the *contio*, see n. 7; on the number of *contiones* held during these years, see below p. 180.

³³⁷ Pina Polo 2011: 279; on the practice of producing guests to speak at *contiones* (*producere in contionem*), see below, p. 288.

³³⁸ See below for *producere in contionem* p. 288.

³³⁹ See below the case of Pompeius and Q. Fufius Calenus pp. 284-295.

³⁴⁰ Lange 2021, 'There Will be Blood: Fulvia and the Burial of Clodius', a paper given as part of the conference 'Women, Wealth, and Power in the Roman Republic'; on Fulvia and her role in Clodius' funerary proceedings, including her "domestic *contio*" and lamentations, and Milo's trial, Gladhill 2018; Rohr Vio 2019: 77-79; Schultz 2021: 43-48; on Fulvia in general see Bauman 1992: 83-84; on the funeral of Clodius and the tribunes' role in this, see below p. 296.

³⁴¹ Pina Polo 2011: 290, n. 194; with n. 122 below.

the convening of multiple *contiones* and a session of the *comitia*, it is reasonable to think that consuls made a significant contribution to the sum of occasions for large-scale communication at Rome, though their contribution remained subsidiary to that of the tribunes.³⁴²

Unlike the freedom *to* speak, the freedom *of* speech in the late Republic was not secured by law and was not governed by status or wealth. Scholars such as Morstein-Marx and Angius argue that subaltern communication was a vital component of Roman politics and one way in which the majority of Rome's occupants subverted elite cultural hegemony.³⁴³ Most recently, Angius has suggested that for an individual to be a *homo notus* (or *homo graciosus*), a person who was influential at a local level, who was listened to and therefore was integral to information exchange occurring in circumstances outside of the control of Rome's political elite, the only prerequisite was influence, not status.³⁴⁴ However, Angius does point out that a *homo graciosus* is most likely to be able to exert this influence, and thus to be *graciosus*, within a group with which they also belong, which may arise from a shared community or common status.³⁴⁵ For Angius, *homines noti* were thus responsible for creating opportunities for small-scale communication at a local level in *collegia* and *vici*.³⁴⁶ If Angius' hypothesis is correct, then the influence of these individuals could reasonably be thought of in somewhat equivalent terms to the *auctoritas* possessed by Rome's socio-political elite, so far as it allowed them to speak to, and be heard by, the communities to which they belonged.³⁴⁷

³⁴² On *trinundinum* and the process of passing legislation, see below p. 181; on assistance acquired in the drafting of legislation see below, n. 789.

³⁴³ On means of subaltern speech or "Hidden Transcripts" such as graffiti, see Morstein-Marx 2013; Angius 2018a: 32-57; 2021, 'Noti homines and the political participation of the *plebs*' – a paper presented at the conference, *Power, Coercion and Consent: Gramsci's Hegemony and the Roman Republic*; on popular verse: Rosillo-López 2017: 120-131; see also Toner 2009: 1-10.

³⁴⁴ Angius 2018a: 228-235; Angius 2021; cf. n. 78 above.

³⁴⁵ Angius 2018a: 228.

³⁴⁶ Angius 2018a: 228, 230; 2021, citing Cic. *Dom.* 74.

³⁴⁷ In the case study of T. Munatius Plancus Byrsa, we will see that *noti homines* appear alongside Rome's officials in the events unfolding in the wake of Clodius' murder. See below *s.v.* T. Munatius Plancus Byrsa (52 BC), p. 296. Unlike *noti homines*, *homines mediocres* (average folk) were a self-defined demographic, whose self-definition

In the late Republic, those whose fortunes exceeded 400,000 sesterces could satisfy the requirements of the equestrian census.³⁴⁸ Davenport's recent monograph on the equestrian order convincingly sets out the case for a distinct equestrian identity existing at Rome in the late Republic, despite the fact that those who belonged to this order had no formal meeting place or official leader.³⁴⁹ Equestrians shared a small number of symbols that granted them and strengthened a collective identity: a particular toga, the *trabea*, and a gold ring (*anulus aureus*).³⁵⁰ The substantial wealth of this group surely permitted access to certain opportunities for small-scale communications, such as those found at high-end commercial *macella* and through social networks maintained by actions such as letter writing, as well as, for *equites* living outside of Rome, access to occasions for large-scale communications.³⁵¹

In 67 BC, the tribune L. Roscius Otho carried a bill granting *equites* the exclusive privilege of sitting in the first fourteen rows (*XIV ordines*) of seats at theatres.³⁵² This bill, although initially unpopular with many of Rome's occupants, awarded *equites* a distinguished position at spectacles, from which, like senators, they could see and be seen as a collective demographic.³⁵³ Indeed, the *existimationes* (public images) Roscius experienced as *praetor urbanus* in 63 BC were clearly communicated at the theatre, when, according to Plutarch, the

relied to an extent on their status, which resulted from commonalities in wealth, ethics, and culture. On *homines mediocres* see below p. 110; specifically, Porph. Hor. *Ep.* 2.2.203 for Pompomius Porphyrio's comments on Horace's definition of *homines mediocres*: *Ingeniose descripsit, qu[i]d sit homo mediocris, dicens mediocrem esse, qui sit a summis minor, ab infimis maior*, with Angius 2019: 596-597. Chapter 2 argues that together, *noti homines* and *homines mediocres* largely mitigated disparities in levels of participation in the formation and perpetuation of public opinion at Rome.

³⁴⁸ On the census qualifications for *equites* and relevant bibliography on this topic, see Davenport 2018: 36-37.

³⁴⁹ Davenport 2018: 109-123.

³⁵⁰ Davenport 2018: 112-119; Rothe 2020: 79-81.

³⁵¹ See Tatum 2013: 137-139 on Marius' campaign for the consulship in 108 BC, which Sallust *BJ.* 64-65 reports was fed by a substantial letter writing campaign that relied heavily on Roman *equites* writing to their friends; Davenport 2018: 124-133; Andrews & Bernard 2020: 81-83.

³⁵² Asc. 78-79C; for comprehensive references to primary sources for this *lex Rosica theatralis* cf. Kondratieff 2003: 447; Broughton *MRR* 2.145.

³⁵³ On senators seating at the games, see above n. 247; on the unpopularity of the *lex Rosica theatralis*, see Davenport 2018: 119-121.

people (ὁ δῆμος) rose to hiss at Roscius as he entered, while the *equites* applauded and cheered.³⁵⁴ According to Plutarch, this exchange escalated with the people increasing their hisses, while the *equites*, who must have been easily identifiable, sat apart in their own fourteen rows of seats, increased their applause. Even allowing for some embellishment of the occasion by Plutarch, this exchange demonstrates well how public opinion at Rome during the Republic was understood to function, with difficult-to-discern *existimationes* translated into clear *significationes*, and it shows neatly the role played by status in determining individuals' experiences of public opinion and the public sphere.³⁵⁵

Not only did wealth determine the ability to travel to Rome but also travel within the city itself. The amount of wealth to which an individual had access could determine their social habits, which in turn determined the sorts of opportunities for small-scale communication to which they had access.³⁵⁶

For example, I have noted already that associations and their *scholae* provided regular access to small-scale communications for their members.³⁵⁷ However, Tran suggests that the seating in *scholae* was often arranged in rows to reflect and facilitate the notion of *ordines* and differing levels of status within *collegia*.³⁵⁸ Likewise, the practice of exchanging *sportulae* (gifts) within *collegia* was also governed by status, with *sportulae* being gifted commensurately to the receiver's status.³⁵⁹ Although we have seen that Rome's commercial spaces facilitated small-scale communications on a daily basis and that the people involved in the commercial

³⁵⁴ Plut. *Cic.* 13.3; for the possibility for multiplicities of *existimationes* and for the understanding of *existimatio* in this thesis, see below *s.v.* *Existimatio*, p. 127.

³⁵⁵ Plut. *Cic.* 13.3; on *significationes*, see below pp. 150-155.

³⁵⁶ Holleran 2011: 260 instantiates well the interdependent relationship between status, wealth and means available to an individual, specifically pertaining to travel and movement throughout the city, and to opportunities for small-scale communications.

³⁵⁷ See above p. 71 and below pp. 204-211.

³⁵⁸ Tran 2020: 217-223.

³⁵⁹ Tan 2020: 218-221.

processes therein were demographically diverse, it is true that these spaces were dominated by monied clientele.³⁶⁰

Even bathhouses, spaces understood by modern scholars as exceptional for their facilitation of social levelling, could offer slightly different experiences of small-scale communications depending on an individual's wealth and status.³⁶¹ In a recent chapter on social encounters in spaces of personal care at Rome, Bruun uses an excerpt from the late-antique *Colloquium Monacensia-Einsidlensia*, a passage used to assist in the teaching of Latin and Greek, to draw attention to the distinction between large public baths and smaller private baths in Imperial Rome, the presence of slaves (alone) in these places, and the range of activities and social interactions that could occur there.³⁶² The case for bathhouses functioning as socially levelling spaces is strengthened by Bruun's analysis of this passage and conclusive reaffirmation of the fact that in theory, any sort of social interaction (and therefore small-scale communication) *could* occur there.³⁶³ That said, we might note that the slaves of the free characters in the cited *colloquium* experienced the baths differently.

In the excerpt, although perhaps permitted to choose the destination, the slaves were ordered to go ahead of the main group, to secure a good spot at the bathhouses and to wait in the changing rooms.³⁶⁴ After helping the father and son undress, standing guard over their clothes, and assisting with the practicalities of bathing, the slaves were ordered to follow the party home, but to stop at the bathhouse shop on the way.³⁶⁵ The slaves in this *colloquium*, like

³⁶⁰ See above, pp. 68-69; Andrews & Bernard 2020: 80-82.

³⁶¹ On bathhouses, see above p. 71; Bruun 2020: 116-130 for bathhouses as socially levelling spaces.

³⁶² Bruun 2020: 115-116, citing passage 10 of the *Colloquium Monacensia-Einsidlensia*, trans. Dickey 2017: 88-89), 124, 128, see also Dickey 2012: 120, 9g, 9k; on the *Colloquium* of the *Hermeneuta Pseudodositheana* in general see Dickey 2012: 1-56, on the *Colloquium Monacensia-Einsidlensia* see Dickey 2012: 57-184.

³⁶³ Bruun 2020: 120.

³⁶⁴ Dickey 2012: 121-122 (10b-d), with commentary at 173; Dickey 2017: 88-89.

³⁶⁵ Dickey 2012: 122 (10g), 124-125 (10r-t).

their free companions, are exposed to several opportunities for small-scale communications. However, the amount of time spent at the baths, the actions performed whilst there and the route home from the baths were all different to those of the free father and son and accordingly created different experiences of small-scale communications.

It is important to recognise that although the slave population at Rome experienced opportunities for small- and large-scale communications differently, slaves were often more than capable of participating in the formation and perpetuation of public opinion. In the *Commentariolum Petitionis* (*Handbook on Electioneering*), it is advised that all those who are closest to the candidate must be brought to feel affection towards them. The list of examples of such close relations proceeds: tribesmen (*tribules*), neighbours (*vicini*), clients (*clientes*), freedman (*liberti*) and slaves (*servi*).³⁶⁶ The author continues by explaining the need for this drawing close of a candidate's inner circle, stating that nearly every conversation (*sermo*) emanating from sources within one's household affects a candidate's public reputation (*forensem famam*).³⁶⁷ Thus, it appears that no real difference in status-based limitations on communicative potential was perceived by those who took care to monitor the spread of information via small-scale communications, in this case *sermones*.

Rosillo-López and Toner have argued that the slaves of Rome's socio-political elite often enjoyed a higher level of physical mobility than their masters and were therefore well-placed to act as disseminators and bringers of information to and from elite households.³⁶⁸ However, a number of factors determined their access to such opportunities, including the nature of the occasion and the directions of their masters. For example, on the one hand, slaves, like women,

³⁶⁶ Cicero, *Comment. pet.* 17; Tatum 2018: 225-227.

³⁶⁷ Cicero, *Comment. pet.* 17; Tatum 2018: 124-125.

³⁶⁸ Toner 2009: 165-166; Rosillo-López 2017: 71; and see above for the additional mobility of the accompanying slaves at nn. 364, 365; on small-scale communications at and around elite households, see below p. 231.

children, and non-citizens, were not usually welcomed at morning *salutationes*, since they, like the other demographics mentioned, could not appear *togati* (wearing a toga) and therefore did little to enhance the *dignitas* of the host by their presence.³⁶⁹ On the other hand, in less ritualised and formal circumstances, slaves could act as intermediaries between Rome's political elite and those of lower standing. Goldbeck makes this point, noting the case of L. Marcus Philippus (consul 91 BC) and an exchange with the *apparitor* (and *homo mediocris*) Volteius Mena, in which Philippus' slave was sent to make preliminary enquiries of Mena's employment status.³⁷⁰ As we shall see, the ability of *homines mediocres* (average folk) such as Mena to communicate with individuals from a range of demographics denoted them as the backbone of information exchange at Rome. Although it was not permitted for slaves to be *apparitores*, a law passed in 38 BC concerning a colony at Urso, and reiterating that slaves could not serve as *lictores*, suggests that at some point in the late Republic, slaves were at least associated with, if not serving as, *lictores* and thus close to their communicative networks with which that profession was associated.³⁷¹

The list of Cicero's known servants (both freed and slaves) put forward by Treggiari gives us a good idea of the sorts of opportunities for small-scale communications that the favoured servants of Rome's political elite could encounter.³⁷² Treggiari notes multiple secretaries, including Cicero's freedmen Tiro and M. Tullius, the *scriba*, as well as several letter-bearers, an accountant and one freedman who engaged in commercial exchanges on behalf of his patron.³⁷³ Such occupations would have placed these relatively low-status individuals in spaces of commercial activity and in proximity to high-status contacts of Cicero. With the diversity of

³⁶⁹ Goldbeck 2010: 73-74, citing Cic. *Fam.* 10.7.2; Dio 56.26.3; Mart. *Ep.* 9.92.1-6.

³⁷⁰ Goldbeck 2010: 83; on this exchange and the *apparitor* Mena, see below p. 112.

³⁷¹ Purcell 1983: 131-132; Dio 48.43.3; see also David 2019: 72, 139-140.

³⁷² Treggiari 1969: 196.

³⁷³ Treggiari 1969: 196, nn. 9-12.

opportunities for small-scale communications available to the *servi* of Cicero in mind, the warning in the *Commentariolum Petitionis* to remain on good terms with those close to your *familia* becomes all the more understandable.³⁷⁴

Although an exceptional example, both in terms of the evidence we possess concerning his life and in terms of the positive relationships he enjoyed (as a slave and as a freedman) with Cicero's *familia*, Tiro's endeavours on behalf of Cicero demonstrate that status alone was not always an entirely limiting factor on small-scale communications and that deficiencies in status could be overcome by the presence of other valued personal characteristics, such as loyalty, hard work, and intelligence.³⁷⁵ Just as individuals' experiences of communication were determined largely by their status, there was certainly scope for further differentiation in communicative experiences within demographically broad status groups, arising from additional factors such as an individual's age and gender.³⁷⁶

In terms of access to occasions for large-scale communications, slaves, could attend games and the theatre along with their masters and could participate in festivals, such as the *compitalia*.³⁷⁷ We have seen already that at *theatra* at Rome in the late Republic, the wealth and status of certain groups (senators and equestrians) meant that they were distinguished by their allocated seating.³⁷⁸ For other spectacles and occasions for large-scale communication, such as gladiatorial displays, such status-based seating segregation was not in place.³⁷⁹

³⁷⁴ See above p. 88.

³⁷⁵ Treggiari 1969: 200-202; Bankston 2012 on Tiro's administrative services, esp. pp. 203-207 on Cicero's disposition towards slaves and to Tiro in particular.

³⁷⁶ See below, p. 91; acknowledged above p. 73.

³⁷⁷ For the seating of slaves at *theatra* after the *lex Iulia theatralis*, see Edmondson 2002: 13; 2020: 173; see above n. 273.

³⁷⁸ See above n. 247, p. 85.

³⁷⁹ Edmondson 2020: 177.

Like free(d) men and women, children and foreigners, slaves appear to have been able to attend and participate in *contiones* as audience members.³⁸⁰ In theory, there were no status-based limitations on attendance at *contiones*, which again reaffirms the central importance of these occasions for large-scale communication to the communicative capacity of Rome's public sphere. However, the participation of anyone besides male citizens at *contiones* and *comitia* was not formally recognised when orators addressed contional audiences as *populus Romanus*. In fact, a common trope of Republican oratory was to refer to one's own contional audiences as *populus Romanus* and to undermine the audiences of political rivals by identifying them as slaves and hirelings.³⁸¹ This fact contributes to what Russell describes as the "central fiction of Roman political culture" – the recognised, but then necessarily unacknowledged, fact that there was a real disparity between the abstract *populus Romanus* and the people who turned up to be addressed at *contiones* and *comitia* as such.³⁸²

Age and Gender

That it is often inappropriate to apply retrospectively modern theories of a public sphere in our studies of the past is evident when we consider the limitations inflicted upon communication by age and gender. Over the last century, and simultaneous to the development of the concept of the public sphere, women in 96% of self-governing countries have received the right to vote and to participate in government.³⁸³ Today, at least in theory, the majority of societies inflict no gender-based limitations on political communication. The restrictions on communication, outlined above and present in the theories of Habermas, Lippmann, Negt and Kluge, and Luhmann, do not consider the possibility of access to political communication being

³⁸⁰ Pina Polo 1989: 71-71, with below p. 94; Chatelard & Stevens 2016: 38.

³⁸¹ Russell 2016c: 188, esp. n. 11.

³⁸² Russell 2019: 43; see also Hölkeskamp 2013; on the topic of participation in politics and in the formation and perpetuation of public opinion, see below *s.v.* Participation in Public Opinion, p.105.

³⁸³ Ramirez, Soysal & Shanahan 1997: 735.

restricted by gender. Unlike gender-based limitations on communication, modern contemporary age-based restrictions resemble those in place during the late Roman Republic. However, such limitations on communication go similarly uncommented on by public-sphere theorists of the last century.

To participate formally in politics at Rome, an individual had to meet three criteria: first, they had to be male, second, they had to be a Roman citizen, and finally, they had to have received the *toga virilis*.³⁸⁴ The age at which a Roman boy received the *toga virilis* varied, but it was usually near their seventeenth birthday.³⁸⁵ Harlow and Laurence argue that the reception of the *toga virilis* and the accompanying trip to the Forum Romanum with one's father or guardian marked the beginning of the transitory period from childhood to adulthood and "served as an occasion to launch the new adult member of society into the public sphere".³⁸⁶ Not only did acquiring the *toga virilis* allow young Roman men to participate, and thus communicate, in politics, it also encouraged an increased degree of freedom to move around and interact with non-familiar areas of the city.³⁸⁷

Far from acquiring a new degree of individual freedom, when becoming a *virgo* (a woman of marriageable age), young women were subject to increased surveillance by a chaperone or *custos* and their behaviour became increasingly monitored.³⁸⁸ Unsurprisingly, the figure of chaperone and the difficulties that one might face appear in Ovid's *Ars amatoria* and are discussed in more detail below. Ovid lists several locations at which a young woman might evade her chaperone, which suggests that young women were able to access several public

³⁸⁴ Jehne 2006a: 223.

³⁸⁵ For a thorough discussion of this process, see: Gell. *NA*. 10.28; Val. Max. 5.4.4; for the festival of Liber: Ov. *Fast.* 3.771-90; Harlow & Laurence 2001: 67; Rothe 2019: 64.

³⁸⁶ Harlow & Laurence 2006: 65-68; see also Rothe 2019: 64, with n. 149 makes the same argument.

³⁸⁷ Harlow & Laurence 2001: 69; Pers. 5.30-33; Rothe 2019: 64 describes the route across the city taken by young men on these occasions.

³⁸⁸ Oribasius *Liber Incertus* 18.10, referenced and translated in Garnsey 1999: 101; Harlow & Laurence 2001: 57.

locations throughout the city and once there, engage in both large- and small-scale communications.³⁸⁹

Although political participation at Rome was limited to adult male citizens, in practice, this privilege was not lifelong. Harlow and Laurence have argued that once an adult male citizen reached the age at which they were no longer eligible for military service, they forfeited the citizen right of voting in *comitia centuriata*.³⁹⁰ While, at the outset of adulthood, we see a significant increase in the opportunities available to Roman males for communication, the opposite can be said of opportunities for men at the opposite end of their life course, *seniores* or *maiores*. According to Varro, once a Roman man reached sixty, he was excused from public duties.³⁹¹ For the majority of male citizens living within the city of Rome who reached this age, losing the ability to participate formally in politics would have constituted a substantial reduction in their ability to communicate and thus would have changed their experience of the Rome's public sphere. Even Rome's political elite, though often still capable and desirous of participating in politics, found that their ability to communicate diminished as they aged.³⁹² In the first century AD, Pliny wrote to Calvisius Rufus concerning an aged friend, T. Vestricius Spurinna. Pliny advised several long walks to be taken daily, ideally while conversing with a friend.³⁹³ Such leisurely pursuits and maintenance of opportunities for small-scale communications were perhaps more readily available to those who possessed substantial wealth

³⁸⁹ Ov. *Ars am.* 3.633-3.666; for more examples discussed here, see below, p. 100 and above, p. 65

³⁹⁰ Harlow & Laurence 2001: 117-118.

³⁹¹ Varro in Nonius 523.24; Harlow & Laurence 2001: 118; Williamson 2005: 101; comparable Augustan legislation governing senate attendance and retirement is attested: *lex Iulia de senatu habendo*: Gell. 4.10.1; Pliny *Ep.* 5.13.5, 8.14.19.

³⁹² Cic. *Sen.* 28; *Off.* 1.33.123, where Cicero also encouraged public service into old age; see Cokayne 2003: 95-104 on old age and public life, demonstrating that a handful of politicians were politically active and important in their old age, citing, for example, M. Porcius Cato, who Cicero chooses to be the mouthpiece for Cicero's own views on old age in his *De Senectute*: Val. Max. 8.7.1; Plut. *Cat. Mai.* 24; Rosillo-López 2020: 94, notes that "informal politics", which can be understood here within the parameters of small-scale communications, remained a possibility for retired senators.

³⁹³ Plin. *Ep.* 3.1; for further analysis of this passage in the context of old age, see Harlow & Laurence 2001: 123; Parkin 2003: 73-74.

compared to those who possessed little.³⁹⁴ As Cokayne notes, legal provision allowing for the transfer of property to a son prior to emancipation from their father, if the father was considered “worn out with old age”, suggests a general recognition of a deterioration of capability with age, which naturally involved a reduction in frequency or quality of small-scale communications.³⁹⁵

For women of advanced years, there appear to have been few opportunities for participating in small-scale communications. Realising the double-marginality of being old and female, previous analyses of women and their experience of life in old age have concluded that beyond the influence enjoyed within one’s own home and family, there was little expectation or desire to see women in public life.³⁹⁶ Although old age inflicted limitations on communication for all at Rome, the burdens of age were felt less by those of high status, significant wealth and resources.³⁹⁷

Unlike men, women did not acquire a garment (or equivalent) that signalled their entrance into Rome’s public sphere; instead, they remained as children until they became a *virgo* and eventually married.³⁹⁸ Female citizens did not enjoy the same privileges of citizenship as men and could not formally participate in legislative and electoral assemblies, which perpetuated perceptions of women as uninformed and unable to comprehend matters of state.³⁹⁹ However, recent scholarship has shown that for some women it was permissible or at least possible to

³⁹⁴ Cic. *Sen.* 8, where Cicero has Cato note the difference in experience of old age between those *in summa inopia* and those with great wealth, *in summa copia*.

³⁹⁵ Cokayne 2003: 158-159, n. 40, citing, for example, Ulp. *Dig.* 39.6.2-5: *aut aetate fessus*.

³⁹⁶ With the exception perhaps of involvement in midwifery: Parkin 2003: 81-86, 246-247; Harlow & Laurence 2001: 127-130.

³⁹⁷ Cic. *Sen.* 8.

³⁹⁸ For a detailed discussion of this process, see Harlow & Laurence 2001: 54-64.

³⁹⁹ Ulp. *Dig.* 11.1; *Iust. Dig.* 5.1.12.2 with Chatelard & Stevens 2016: 30-31; Ulp. *Dig.* 50.17.2, with Boatwright 2011: 108, n. 8; for further comment on female independence or rather arguments against it: Gai. *Inst.* 1.144, 1.145; Livy 34.2-7.

participate informally in large-scale political communications.⁴⁰⁰ A handful of examples demonstrate the point.

The usual place to begin is with the events following the tribunician proposal to repeal the *lex Oppia* in 195 BC.⁴⁰¹ Livy's account states that following the proposal of the tribunes L. Valerius and M. Fundanius to repeal the sumptuary Oppian law, the wives (*matronae*) of Rome blocked Rome's streets and the approaches to the Forum in numbers that increased daily as women arrived from outside of the city.⁴⁰² Livy continues by telling us that the crowds of women on the streets grew so large and bold that they dared to entreat and beseech the consuls, praetors and other magistrates.⁴⁰³ As Russell notes, the reactions attributed to M. Cato, who was opposing the abrogation of the law, by Livy were anger and, more importantly, embarrassment.⁴⁰⁴ Livy's Cato goes on to argue that this level of coordination among the women of Rome and the flouting of traditional behaviour sets a dangerous precedent. This argument puzzles Cato's opponent, L. Valerius, who answers Cato by calling attention to the regularity of recent events, citing several past examples of women acting in a similar, public manner.⁴⁰⁵

A second example of public female involvement in politics is provided by Claudia Pulchra, who used her *sacrosanctitas* as a Vestal Virgin to impede the attempts of hostile

⁴⁰⁰ The historiography of scholarship on the visibility of women in public is discussed in detail in Amy Russell 2016a, esp. p. 167, who also offers thorough comment on women in public space in the Roman Republic, pp. 169-170; see also: Hemelrijk 1999: 11-12, esp. n. 21; Boatwright 2011; Valentini 2012; Rohr Vio 2019: 167-197; on staying at home: Treggiari 2019: 20; Webb 2019; Rohr Vio 2019: 19-164, on women in the private sphere (*sfera privata*); on women acting and being involved in public business: Bauman 1992; Hallet 2002, 2018; Culham 2004: 138-146; Schultz 2006; Osgood 2014; Hopwood 2015; Flower 2018; Treggiari 2019; that anyone could participate in *contiones* is generally accepted: Pina Polo 1989: 70-73; Morstein-Marx 2004: 36.

⁴⁰¹ Arena 2011: 469; Valentini 2012: 8-21; Russell 2016b: 169; Chatelard & Stevens 2016: 35, all begin their discussions of women in public with this example; Livy 34.1-2; note the discord among the tribunician college; there are several examples of collective female action in public, which are collected by Webb 2019: Livy 25.12.15 (212 BC), 26.9.8 (211 BC), 27.37.7-10-15 (207 BC).

⁴⁰² Livy 34.1.6: *omnes vias urbis aditusque in forum obsidebant*.

⁴⁰³ Livy 34.1.7: *iam et consules praetoresque et alios magistratus adire et rogare audebant*.

⁴⁰⁴ Russell 2016c: 169; Livy 34.2.

⁴⁰⁵ Livy 34.5.

tribunes to prevent the triumph of her father, Appius Claudius Pulcher.⁴⁰⁶ A third comes from the work of Valerius Maximus, who prefaces his account of the actions of Sempronia (sister of the brothers Gracchi) with the rhetorical question: what business does a woman have with a public meeting (*quid feminae cum contione*)?⁴⁰⁷ According to Valerius, ancestral custom (*mos patrius*) was flouted, when a tribune of the plebs produced Sempronia at a *contio* in the Forum Romanum. In this instance, not only is a woman made to participate in politics but the location in which she is acting is, for all intents and purposes, a masculine space.⁴⁰⁸ As the principal locus of civic and public duty, the Forum Romanum was a space in which women might well have felt marginalised in their ability to communicate.⁴⁰⁹ As we will see below, the Forum was a space that imposed almost no limit on small-scale communications. For now, I note that although it was possible for women to enter into large-scale communications in the Forum space, it was not usual.⁴¹⁰

Participation in formal large-scale political communication or at least the ability to speak publicly in a political setting, although irregular, appears to have been a course of action available only to women of a certain status.⁴¹¹ Although the events cited here concerning the repeal of the *lex Oppia* appear, at first, as if it could be inclusive of women from a broader

⁴⁰⁶ Cic. *Cael.* 34; Val. Max. 5.4.6; cf. *DPRR s.v. CLAU1560 Claudia* (384).

⁴⁰⁷ Val. Max. 3.8.6.

⁴⁰⁸ Boatwright 2011: 110; for the suggestion that it was not Sempronia's choice to appear at the *contio*, inferred from her apparent lack of action at the meeting, see van der Blom (*forthcoming*), 'Elite and non-elite public speech in Rome'.

⁴⁰⁹ Ulp. *Dig.* 50.17.2 for the comment separating women from civic and public duty.

⁴¹⁰ The actions of Hortensia, daughter of Quintus Hortensius Hortalus (consul 69 BC), fall outside of the temporal parameters of this study (42 BC) but are worth noting. Not only did Hortensia lead a procession of elite women to the triumviral tribunal to contest a property tax but she delivered a speech there to the same end: App. *B. Civ.* 4.32-34; Hopwood 2015: 305. Appian has Hortensia begin her speech by justifying the actions of her and her followers. Hortensia claims that initial attempts were made to challenge the tax by approaching the wives of the triumvirs and that these attempts were in keeping with the rank and sex of the protestors. However, the efforts of the women represented by Hortensia made via the traditional avenue were rudely thwarted. This, Appian's Hortensia claims, left the women concerned no option but to journey to the Forum to make their case in person.

⁴¹¹ At *contiones* we have seen the actions of Sempronia and Hortensia, both members of elite Roman households. Participation at *contiones* is also attributed to Sempronia's mother, Cornelia, by Dio Cassius (24.83.8); cf. Pina Polo 1989: 71-73; 1995: 207; Chatelard & Stevens 2016: 37-39.

social spectrum, the matter at hand, the rescinding of a sumptuary law, suggests that only women who could afford to possess gold, wear dyed-purple clothing, or made regular use of a *vehiculo* would have been involved in the communications described.⁴¹²

This evidence, recent scholarship on female agency at Rome, and the fact that there were no gender-based restrictions on attendance at (and therefore on participation in, via *significationes*) *contiones*, suggests that female experiences of Rome's public sphere varied depending on status and could be almost as diverse, rhythmic and politically important as male citizens', and equal to that of non-citizen adult males, in terms of large-scale communicative opportunities.⁴¹³ Moreover, the matters at hand in the instances cited above may also be considered as representative of topics in which women at Rome, at least those of a certain level of wealth and status, took a particular interest.⁴¹⁴

Although Rome's female, citizen inhabitants could not realise a formal "Assertion of Popular Sovereignty" since, in theory, they were not part of the sovereign *populus Romanus*, the matters on which certain groups of women chose to take action, such as sumptuary reforms and property taxes, could be considered in a similar manner to the topics covered by the categories of Morstein-Marx, Courier and Tiersch, outlined earlier, and therefore as equally important in the process of defining the character of Rome's public sphere.⁴¹⁵ It must be said that issues concerning material benefits to the plebs, such as grain and land distribution, would also have mattered to and affected Rome's female population, who therefore probably would

⁴¹² The *lex* provided that no woman should have more than a *semuncia* (1/24 of an *as*) of gold, wear versicoloured clothes, or ride in a horse and carriage: Livy 38.1.3; cf. Culham 1982: 786.

⁴¹³ See above, n. 380 and below, nn. 416-424.

⁴¹⁴ In addition to protecting material possessions affected by sumptuary laws, many women were keen to participate in large-scale communications when their rights as property owners were threatened, a fact most evident in the case of Hortensia, just outlined; on women as property owners in the late Republic, see van Galen 2016: 109-122.

⁴¹⁵ See above, p. 14.

have contributed to the circulation of information concerning these matters at occasions for small- and large-scale communications.

Arena argues that similarities in the argumentation of women in 195 BC and 42 BC suggest a distinct “strand of ideas” in circulation in the first century BC; this distinct strand viewed female participation in large-scale communication as an increasingly plausible recourse to engaging in discourses with politicians over matters that concerned women but on which women had no formal means of decision-making power.⁴¹⁶

Rohr Vio demonstrates how developments in women’s ability to engage in communication extended beyond the assemblies (large-scale communications) to *gli spazi della comunità*, such as Rome’s streets, meeting places of associations, and courts.⁴¹⁷ Communication outside of the assemblies, was, for the most part, unrestricted by gender. As Culham notes, women could normally be found within festival crowds but there “were some rituals that assigned roles to one gender or the other”.⁴¹⁸ Contemporary perceptions of limitations to women’s experiences of communication appear to have developed over the course of the late Republic, contributing further to the definition of a unique Roman public sphere, in which women enjoyed opportunities to exercise communication agency.

Employment opportunities for women were scarcer than they were for men, who could procure work as day labourers, and so going out onto the street in their neighbourhoods allowed women to form and maintain vital networks, which might offer work and opportunities for

⁴¹⁶ Arena 2011: 467-471, esp. 470.

⁴¹⁷ Rohr Vio 2019: 168, “community spaces”; cf. above the discussion of similar public spaces in the Habermasian public sphere, p. 8.

⁴¹⁸ Culham 2004: 132; for a thorough examination of gender-based religious communication, see Schultz 2006, and her principal hypotheses that “not all opportunities... were available to all Romans: social status, marital status, and gender often determined who could, and who could not, take part in a particular observance” p. 2.

sociability.⁴¹⁹ In the streets, in political and commercial fora, and in *tabernae*, women could be found engaging in commerce and the general exchange of information.⁴²⁰ As day labourers and in the act of looking for work, men would often leave their *vicus* and travel through the city to recognised locations at which work might be distributed.⁴²¹ As Brunt and others have noted, the number of adults living and able to work in Rome surpassed the demand for labour in the city, and many individuals engaged in the business of casual labour were required to find employ outside of their *vicus*, along the Tiber, transporting goods to and from Ostia via large warehouses.⁴²² Given the gender-based restrictions on day labour and thus the potential and necessity for movement within the city and beyond, we might conclude that, because of their roles as moveable day labourers, men had greater access to opportunities for communication outside of familial and neighbourhood settings.⁴²³

During the late Republic, opportunities for communication at theatres and games were, in theory, similar for both men and women. Women and men could sit side-by-side and mix relatively freely at theatre performances and at *ludi*, occasions that are noted for being particularly good opportunities to meet members of the opposite sex.⁴²⁴ In this way, gender (and its accompanying sexual inclinations), far from inflicting limitations on communications,

⁴¹⁹ Holleran 2011: 256; on employment opportunities: Treggiari 1980; McGinn 2004: 67-70, notes the difference between employment opportunities within the city and without as well as the important fact that not all poor, working women engaged in prostitution – something that can be seen in the works referenced here.

⁴²⁰ Women can be seen in roles such as jewellers (*bratarii*) *CIL* VI 9210, 9211; spinners of fine materials, *CIL* VI 9435, and producers of clothing; sellers of dyes, *CIL* I² 1413; see Treggiari 1997 for a full discussion of the professions available to “lower class” women at Rome.

⁴²¹ Holleran 2011: 251-252.

⁴²² Brunt 1966: 14; 1980: 92; Holleran 2011: 252; McCarthy 2018: 99; evidence for day labour is scant and whether or not we can assume it constituted a significant or substantial part of employment of Rome has thrown up several problems, summarised in the exchanges of Brunt 1966 and (*contra*) Casson 1978, and again Brunt 1980.

⁴²³ The evidence for female labourers is even more scarce, but a good discussion of it is given by Scheidel’s two-part study *The Most Silent Women* 1995, 1996; The importance of day labourers and individuals in positions of influence for cross-neighbourhood communication is discussed in more detail below, p. 120.

⁴²⁴ It was said that L. Cornelius Sulla met his fourth wife, Valeria, at the gladiatorial games: Plut. *Sull.* 35.3-5; on the number and identity of Sulla’s wives, see Carney 1961: 71-75; for Ovid’s now well-known advice on meeting and courting at *circenses*: *Ars am.* 1.135-165, and for his slightly less optimistic advice on the Forum: *Ars am.* 1.165-170; Vit. *De arch.* 5.3.1; Rawson 1987: 90-91; Hemelrijk 1999: 240, n. 118; Edmondson 2002: 11; Brunet 2014: 487.

facilitated small-scale communications and encouraged sociability. As I demonstrate below, theatrical and gladiatorial performances were ideal occasions for the occurrence of *significationes*, which were regularly paid attention to by politicians and those concerned with public opinion.⁴²⁵ On these occasions, women and men would have enjoyed equal communicative abilities and chances for participation in large-scale communication.⁴²⁶

It is important to note that although, in theory, there were no gender-based limitations on communication at theatres or games, in practice, women were allocated a disproportionately smaller number of seats compared to men. Given that segregated seating in *theatra* was introduced by law for senators in 194 BC and for those of equestrian status in 67 BC and the fact that, in many cases, seating at such events was distributed via the (male) clientele of the individuals organising the event, it seems sensible to conclude that there was a larger number of men in attendance at these events than women.⁴²⁷

Opportunities for small-scale communication similar to those available at theatres and games during the Republic began to present themselves at public baths toward the end of the first century BC with the earliest evidence that we have for men and women bathing together found in Ovid's *Ars amatoria*.⁴²⁸ Ovid lists several locations at which a young woman can meet men (and engage in flirtatious activity), including theatres and *circenses*, and certain locations at which she might evade her *custos*, such as at *balnea*. Although the male *custos* here is seen

⁴²⁵ On *significationes* (manifestations of public opinion) see below, pp.150-155.

⁴²⁶ It was not until Augustus passed the *lex Iulia theatralis* that gender itself became a criterion for segregated seating at theatres and at gladiatorial spectacles and opportunities for women and men to engage in small-scale communications were altered: Suet. *Aug.* 44.2-3, Suetonius also mentions that Augustus prohibited women from spectating *athletae* at the *theatra* and from being present there before the fifth hour; Edmondson 2002: 11-18.

⁴²⁷ See above p. 85; for seating distributed by individuals and their clients: Cic. *Mur. passim*, but esp. 72, 73 with the comments and analysis of Futrell 1997: 162-163; Holleran 2011: 50.

⁴²⁸ Ward 1992: 134; Ov. *Ars am.* 3.639-40. Prior to this, public baths appear to have been subject to segregation by gender, Ward 1992: 127-134; Gell. *NA* 10.3.3 (for C. Gracchus' wife at Sidicunum); Ward notes that the Stabian and Forum baths at Pompeii and the Forum baths at Herculaneum all contained two separate bathing rooms and two separate entrances 1992: 128; Varr. *Ling.* 9.68; Vitruvius. *De arch.* 5.10.1.

to have to remain outside the *balnea*, the fact that Ovid includes it in a list of places at which a young woman might meet and communicate with men suggests that by the 40s BC, gender-based restrictions on bathing had lessened if not disappeared.⁴²⁹

Summary

Through a combination of proven methods for defining public spheres in alternative societies and epochs, I have set out the parameters of a Roman public sphere, as it existed in the late Republic, based on individuals' experiences of communicative limitations. This public sphere relied almost entirely on face-to-face communication, meaning that it was largely defined by limitations on visibility, audibility, and access to opportunities for large- and small-scale communications.

Multiple political apparatuses provided frequent opportunities for large-scale communication. The legislative and electoral capacities of the *comitia centuriata* and *concilium plebis* meant that politicians, primarily tribunes, could engage in meaningful discourses with Rome's inhabitants.⁴³⁰ However, these assemblies only facilitated large-scale communication up to a point. Their location at Rome meant variations in the communicative experiences of those eligible, and the complex wealth-, age- and status-based structure of the *comitia centuriata* could render the votes of the poorer classes redundant, even if this was not always the case.

⁴²⁹ By the first century AD, epigraphic, literary, and biological evidence strongly suggests that families, or at the very least couples, would visit the baths together as a unit. In his effort to identify the individuals and groups that attended the Roman baths, Fagan cited two inscriptions commemorating wives who were bathing partners to their husbands along with references to the teeth and drawings of children being found at bathhouses: Fagan 2002: 197; No. 263 = *AE* 1987.179 (Ostia); No. 264 = *CIL* 13.1983 (Lugdunum); a child's drawing at the baths: *CIL* 6.16740; the Elder Pliny contrasts the presence of women at baths in his time with the absence of them in the third century BC: *HN* 36.121.

⁴³⁰ On discourses between tribunes and the inhabitants of Rome see Chapter 4.

Regardless of intent, looking out for or witnessing and announcing ill omens or *vitia* was necessarily a common practice among magistrates with repercussions that prevented *comitia* from functioning. Beyond these potential limitations, religious practice at Rome made significant contributions to the high frequency, city-wide geographic coverage, recognisable rhythm, and to opportunities for engaging in small- and large-scale communications at festivals, rituals, and triumphs alike.

Face-to-face exchanges in the context of large-scale communications were largely limited practically and legally to daylight hours. However, it is important to recognise that, despite its associations with private, perhaps lower class, inharmonious activities, small-scale communication *could* occur at Rome nocturnally, granting a significant temporal breadth to Rome's public sphere. Rome's quasi-lunar calendar and practice of day designation provided a regulated temporal structure to communication at Rome, and thus imbued Rome's public sphere with a unique and characterising rhythm.

Those who could afford to travel to Rome and to participate in assemblies and meetings, senators and equestrians who sat apart at *theatra*, and the wealthiest at Rome, who were the most likely to receive a good education, achieve success in elections, if a *civis*, and accumulate the *auctoritas* necessary to enjoy the freedom to speak publicly, all enjoyed exceptional access to large-scale communication. Wealth and status determined the social habits of Rome's occupants, specifically the spaces they frequented and the opportunities for small-scale communications they could expect there. Although not always in control of their communicative experiences, slaves at Rome were far from excluded from the public sphere.

Only adult Roman males could formally participate in the large-scale communicative opportunities provided by the *comitia centuriata* and *concilium plebis*, though at a certain older

age, this privilege may have been lost and further limitations on their ability to engage in small-scale communications were likely experienced. Likewise, for elderly women, opportunities for communications were drastically limited. Age- and gender-based limitations were less substantial beyond large-scale communications at assemblies.

Young men and day-labourers were particularly likely to travel across the city and so were offered a higher number of opportunities for small-scale communications. Women were able to travel too but, while *virgines*, were subject to chaperonage. This did not prevent them from accessing large- and small-scale communications, such as *significationes*, commerce in their *vici* and at *tabernae* and in sociability altogether. Finally, since both men and women could be part of a crowd or an audience, they were equally able to participate in the delivery of *significationes* at gladiatorial games, festivals, theatrical performances and *contiones*. As Chapters 2 and 3 demonstrate, *significationes* served as a crucial medium for the communication of public opinion from the masses between themselves, and to those involved directly in the government of the state. The fact that participation in *significationes*, and thus the ability to engage in large-scale communications, was not limited on the basis of gender suggests the existence of a Roman public sphere that was enjoyed by and participated in by women to a much more substantial extent than we might previously have thought.

Thus defined, the Roman public sphere in the late Republic was well-developed, with spaces, apparatuses, and practices conducive to a range of opportunities for small- and large-scale communication. Although we might consider a single Roman public sphere, the experiences of Rome's inhabitants and visitors of this sphere varied from person to person, depending on a number of factors. The following chapter begins by investigating how variations in communicative experiences were mitigated and how participation in (the perpetuation and creation of) public opinion occurred at Rome.

CHAPTER 2: DEFINING PUBLIC OPINION AT ROME: PARTICIPATION AND LANGUAGE

Now that I have shown where and how communication and, by extension, public opinion occurred in Rome, the next step towards a better appreciation of the relationship between politicians – specifically, tribunes of the plebs – and the Roman populace is to understand what public opinion in Rome looked like to its contemporary observers and participants. This chapter defines Roman public opinion in two stages.

First, by assessing variations in levels of participation in (the creation and perpetuation of) public opinion between demographics, I determine whose opinions contemporary politicians are describing in our literary source material. Chapter 1 showed that opportunities for large-scale communication at Rome extended beyond the *comitia* and *concilia plebis*, which constituted formal political participation, and included *contiones*, festivals, games, and theatrical performances, though access to these occasions was determined individually by a number of factors. It follows that opportunities for participating in public opinion also extended beyond formal participation in politics. Therefore, determining who contributed to public opinion at Rome is not the same exercise as ascertaining who took part in formal political procedures at Rome. While investigating the demographic variations in participation in public opinion, I also hypothesise how these varying degrees of participation may have affected the recognition of each group within the language of public opinion. I argue that phrases that can describe demographics beyond the adult male citizen population most likely reflect the participation in public opinion of all men and women, free and unfree, but not those of the oldest and youngest in society, whose assumed physical and mental capabilities necessarily excluded them from many communicative occasions.

Second, I conduct a comprehensive qualitative semantic analysis of the words and phrases most often used by our sources to describe the multiple facets of public opinion. I argue that Latin speakers living in and around the time of the late Roman Republic recognised a distinct vocabulary and specific communicative actions, *significationes*, which they used to describe public opinion to one another. When appropriate and possible, this semantic analysis includes assessments of the constituent elements of public opinion, such as rumours, conversations, shouts and applause. Although the functions and contributions of some of these individual components of public opinion have been demonstrated successfully already, studying them together, in the context of a comprehensive qualitative analysis of a language of public opinion, will allow for further nuance, relevant specifically to the relationships between politicians, the public and public opinion.⁴³¹

Participation in Public Opinion

Across two substantial works, Mouritsen argues that political participation in the Roman Republic was limited to a relatively small proportion of the *populus*.⁴³² Mouritsen argues that those who did participate in politics were usually prepared to maintain a consensus with the governing elite, based on the fact that occasions on which *comitia* overturned proposals are relatively poorly attested, especially when we take into account the prolific practice of “counter” *contiones*.⁴³³ Mouritsen notes that this apparent tendency toward acquiescence cannot be explained by the existence of a single “‘popular opinion’ – if such a thing ever existed”, as such a phenomenon would have been the product of a plethora of messages and therefore,

⁴³¹ See below, pp. 123-127.

⁴³² Mouritsen 2001; 2017: 54-74; political participation here is to be read as voting in *comitia* and attending *contiones*.

⁴³³ Mouritsen 2017: 59-64; Mouritsen argues that the frequency of counter *contiones* – meetings convened by the opponents of a given bill – should mean that we also see a proportionately tangible level of resistance by comitial votes; however, we do not. Mouritsen is not alone in advocating for the existence of consensus-perpetuating practices in the Roman Republic, see also Hölkeskamp 2010. On this subject, see Morstein-Marx 2015; 2019: 529; 2021: 3-11.

cannot have been a clearly perceptible entity, likely to produce a single clear result.⁴³⁴ Thus, Mouritsen argues for a consensus-driven, ritualistic and symbolic character to popular politics in the late Republic, and rules out the possibility of a consultative political process.⁴³⁵

Much of Mouritsen's argumentation is beyond doubt; in particular, the fact that formal participation in politics was highly unrepresentative is certain. However, although structured around answering important questions, Mouritsen's uncompromising argument – that since Roman assemblies and meetings could not have been consultative, they must have been ritualistic and symbolic – precludes potentially useful appreciation of the consequences of varying degrees of political participation and indeed of widespread participation in informal information exchange (communication).⁴³⁶

Given that almost everyone at Rome had access to some form of communication, whether small- or large-scale, formal or informal, and that opportunities for communication, and so participation in public opinion, extended beyond formal large-scale political communication, an important difference between political participation and participation in public opinion emerges. Accepting this differentiation is a useful way of approaching the question of whose opinions contemporary and near-contemporary observers (and historians today) are describing.

Adult male citizens had the fewest limitations inflicted on their opportunities to communicate, enjoying the range of opportunities for small-scale communication outlined above and exclusive access to large-scale, formal political communication. Indeed, the only

⁴³⁴ Mouritsen 2017: 64-66.

⁴³⁵ On the possibility of consultative process and a reflection on growing scholarly attention awarded to *contiones*, see Mouritsen 2017: 61-67.

⁴³⁶ Mouritsen 2017: 55, approaches the topic of political participation entirely pragmatically by posing four key questions, which I paraphrase here: 1) How many people took part? 2) Who were they? 3) Why did they turn up? 4) How did they vote?

legitimate source of public opinion in Rome was the *populus Romanus*, which, in theory, was constituted by adult male citizens participating in large-scale communications.⁴³⁷

Attempts to discern further the individual, economic, professional and social identities that comprised this sovereign entity have usually occurred within the context of assessments of the democratic character of Republican governance and so have focussed on determining scale and representivity relative to political participation.⁴³⁸ A natural product of this line of enquiry has been to ask whether or not the same individuals or groups attended all *contiones* and *comitia*, and whether, therefore, we should imagine a group such as a *plebs contionalis*.⁴³⁹ Scholarship on this topic has examined factors that would facilitate habitual attendance at public meetings, such as the likelihood of an ever-present interest in certain political subjects, material and non-material motivations, proximity to opportunities, free time, and financial stability.⁴⁴⁰

Each assembly entailed a different method and subject of communication, which could affect the number of voters who participated.⁴⁴¹ For example, a legislative *concilium plebis* presented the opportunity to vote by tribe on a specific subject, with the impact of the outcome clear. As Jehne sensibly points out, subjects such as grain distribution mattered more to urban voters, who would be well-positioned to collect the distributions, whereas bills concerning land distribution and colonies are known to have drawn in rural voters.⁴⁴² A consular election in the *comitia centuriata* meant voting by century for a candidate, who, to those unfamiliar with the candidates, such as rural voters, was likely indistinguishable from his competitors and whose

⁴³⁷ Russell 2019: 42-55, on legitimate public opinion and the *populus Romanus* as its sole source; in practice, women, slaves, and non-citizens were also present at occasions on which *significationes* could be delivered, cf. above, n. 382.

⁴³⁸ Nippel 1995: 47; Jehne 2006a; 2013; Mouritsen 2001: 18-37; 2017: 55-57, 65-72.

⁴³⁹ On the concept of *plebs contionalis*, see Meier 1966: 114-115; Mouritsen 2001: 39-43; 53; 57; 78; 87; 130; 2017: 75-76; Jehne 2006a: 228, esp. n. 59; Tan 2008: 172-173; Appel 2021: 7-24 (*non vidi*); Cornell 2022: 229.

⁴⁴⁰ On reasons for contional attendance: Jehne 2013; Angius 2018a: 258-269.

⁴⁴¹ See below, pp. 150-155; Cornell 2022: 229-231 notes that legislative and electoral assemblies were different in the degree and type of participation they afforded their attendees.

⁴⁴² Jehne 2006a: 226-228.

actions once elected could not be guaranteed.⁴⁴³ Indeed, as part of his campaign for the consulship of 63 BC, Cicero made a point of travelling to meet rural voters in Gallia, who he expected could influence the election heavily, which suggests that while important, engaging with and informing rural voters was not commonplace.⁴⁴⁴

In addition to unfamiliarity with candidates, and possibly with subject matters in legislative assemblies, rural voters required advance notice of occasions for large-scale communication in order to allow for travel time. At the tribunician elections for 123 BC, C. Gracchus' supporters arrived at the *comitium* from the countryside, apparently informed and prepared to participate, despite being absent from the city during Gracchus' electoral campaign.⁴⁴⁵ That the financial security of these men was precarious is suggested by the inability of the same broad demographic to support C. Gracchus' brother, Tiberius, on the comitial day of his own re-election nine years earlier, because they could not afford to neglect their harvests.⁴⁴⁶ In the end, Tiberius sought recourse by soliciting the votes and influence of *vicomagistri*, who were well placed to coordinate the participation of others in public opinion.⁴⁴⁷

The tribune L. Appuleius Saturninus found himself in similar circumstances in 100 BC, relying on a rural demographic, whose financial security was seasonal at best, to attend a *comitium*, the date of which he circulated widely in advance.⁴⁴⁸ The fact that they did not know

⁴⁴³ Jehne 2006a: 228, uses Festus' quotation (Fest. 290L) of Varro and Verrius Flaccus, who suggest that the *centuria praerogativa* was implemented to assist the decision making of rural voters (*rustici*) in elections, who were ignorant of the candidates (*praerogativae centuriae dicuntur, ut docet Varro rerum humanarum Lib. VI., quo rustici Romani, qui ignorarent petitores, facilius eos animadvertere possent*), to evidence rural voter attendance and a possible lack of information available to them.

⁴⁴⁴ Cic. *Att.* 1.1.

⁴⁴⁵ Plut. *C. Gracch.* 2-3, with further references to his campaign as *candidatus* in Kondratieff 2003: 400.

⁴⁴⁶ App. *B Civ.* 14.1; Flower 2013: 96-97.

⁴⁴⁷ On Tiberius' turn towards the *vicomagistri* on this occasion, see Flower 2013: 96-97.

⁴⁴⁸ App. *B Civ.* 1.29: ὁ μὲν δὴ νόμος ὧδε εἶχεν, καὶ ὁ Ἀπουλήιος ἡμέραν αὐτοῦ τῇ δοκιμασίᾳ προτίθει καὶ περιέπεμπε τοὺς ἐξαγγέλλοντας τοῖς οὖσιν ἀνὰ τοὺς ἀγρούς, οἷς δὴ καὶ μάλιστ' ἐθάρρουν ὑπεστρατευμένοις Μαρίῳ; "With the contents of the law thus decided, Appuleius fixed the day for voting and sent messengers everywhere to inform those on the land. He and his colleagues had particular confidence in their vote as they had served in the army under Marius", trans. B. McGing.

the date and had to be informed in advance via messengers tells us that politicians could still expect a large number of people to participate formally in politics, without having attended the relevant preceding *contiones*.⁴⁴⁹

Of the adult male citizens in Rome, the social, economic and political elite were best positioned to participate in public opinion. These men, who, having won at least one election and thus acquired the right to speak publicly on their own initiative, participated in public opinion in a unique way. Chapters 3 and 4 examine the ways in which Rome's political elite could participate in public opinion via discourses with Rome's inhabitants in general; here, I focus on the communicative experiences between these men and their Weak and Strong Ties.

Although not always published, letters were a form of Political Literature that ultimately facilitated participation in public opinion.⁴⁵⁰ Using the Ciceronian epistolary corpus for 50 BC, Rosillo-López and Gilles provide network maps of M. Caelius Rufus' small-scale communications. Via Caelius, Rosillo-López demonstrates that those at the top of Roman society expanded their communicative networks to reach those economically and socially below them through strong Weak and Strong Ties.⁴⁵¹

Caelius was not alone in passing information between people of similar and lower status. The tribune L. Quinctius Rufus is said to have frequented the Forum, the same space occupied later by Caelius' *subrostrani*, acquiring rumours and gossip.⁴⁵² Along with his popular judicial and oratorical activities in the 70s BC, which exposed Rome's populace to Quinctius and

⁴⁴⁹ See above, n. 444 on rural voters and information access. Inconsistent rural voting is also suggested by Cicero at the beginning of his canvas for the consulship of 63 BC, when he notes that on this occasion, he expects the rural voters in Gallia to influence the election heavily: Cic. *Att.* 1.1 (SB 10).

⁴⁵⁰ See above, p. 17 on Political Literature.

⁴⁵¹ Rosillo-López 2020: 96-98: Rosillo-López notes how M. Caelius Rufus (tribune, 52 BC), who was praised by Cicero for his comprehension of current politics, had both direct access to politicians and indirect access to men such as *subrostrani*, citing Cic. *Fam.* 2.8, 8.12.2; on this practice, see below nn. 366, 473; on Strong Ties and senators keeping in touch via letter, see above, n. 326; Gilles 2020: 125-133.

⁴⁵² See below, p. 221.

Quinctius to multiple opportunities for assessing public opinion, Quinctius' frequent contact with Weak Ties in this area may have contributed to his later election to the praetorship for 68 BC.⁴⁵³ As Rosillo-López rightly points out, “an electoral campaign forced a candidate to mobilise all possible Ties, both Strong and Weak”.⁴⁵⁴ Although successful electoral campaigns and maintaining well-positioned Ties surely enhanced elite experiences of participation in public opinion, an exceptional inter-elite communicative experience could be had without them. For example, the *eques* and financier T. Pomponius Atticus enjoyed sufficient wealth early in his career to make him “important to everybody”.⁴⁵⁵ Indeed, Rosillo-López concludes that Atticus' communicative network was equal to, if not better than, Caelius Rufus', who, through election to a tribuneship and an aedileship in the 50s BC and through multiple *contiones*, had frequently participated in occasions for large-scale communication.⁴⁵⁶

Angius has identified a collective socially and economically below Rome's elite, referred to by contemporary sources as *homines mediocres*. Angius convincingly argues that these *homines mediocres* were the primary agents of public opinion at Rome. Thus, using modern delineations, Angius proposes a tripartite social hierarchy, which reaches beyond the “leisured” or “elite” strata of the plebs, and in which *homines mediocres* constitute the middling group.⁴⁵⁷ Therefore, Angius' hierarchy is particularly useful because it accounts for a more diverse social spectrum than Veyne and Courrier's plebs *media* and Mouritsen's “Roman gentleman”.⁴⁵⁸

⁴⁵³ Syme 1963: 58-59 discusses L. Quinctius Rufus' praetorship.

⁴⁵⁴ Rosillo-López 2020: 95.

⁴⁵⁵ Welch 1996: 453, names L. Cornelius Sulla, M. Tullius Cicero and Q. Hortensius Hortalus as important connections for Atticus.

⁴⁵⁶ Rosillo-López 2020: 99-101.

⁴⁵⁷ Angius 2018a; 2018b; 2019.

⁴⁵⁸ Veyne 2000; Courrier 2014: 297-346, esp. 305-341; Mouritsen 2001: 45, contra. Jehne 2006a: 228-230; on a tripartite social division, Angius 2018: 226; 2018a: 57, n. 6; the use of *homines mediocres* in ancient sources: Angius 2018a: 58.

Reconstructing the identity of *homines mediocres*, Angius demonstrates that Cicero believed the phrase *homines mediocres* sufficiently described a broad category of men, who regularly attended assemblies and *contiones* and who were familiar with eloquence and the nuances of oratory.⁴⁵⁹ Given that Cicero used the phrase in public speeches, it is reasonable to suppose that the phrase and demographic it described were broadly familiar to other politicians and contemporary listeners.⁴⁶⁰ The presence of *homines mediocres* at assemblies was facilitated by shared economic, social and ethical characteristics. *Homines mediocres* enjoyed financial security – though this did not necessarily mean they were wealthy –, took an interest in politics – though pursued no political office – and maintained a lifestyle of moderation.⁴⁶¹ The existence of a demographic who maintained an interest in politics through regular attendance at public meetings and whose main concerns were not necessarily material gains corresponds with Jehne’s hypothesis concerning reasons for attendance at assemblies and *contiones*. Jehne suggests that in addition to occasional material benefits, attendance was attractive because of the prospect of the orator recognising the collective *auctoritas* of those in attendance, *auctoritas* usually being the preserve of senators and something most individual audience members would not claim for themselves.⁴⁶² Again, such an outlook corresponds well with Angius’ ethically, economically and socially moderate demographic.

⁴⁵⁹ Angius 2019: 593-595; for example: Cic. *Balb.* 14 (trans. R. Gardner: “ordinary men”); *De or.* 1.94 (trans. H. Rackham “everyday audience”), 1.111 (trans. H. Rackham: *atque ex forensi usu homo mediocris, neque omnino rudis, videar, non ipse aliquid a me prompsisse*; “a man modestly qualified through experience of public affairs, and not altogether untrained”; see also Cic. *Rab. Post.* 23; *Flacc.* 77; *Nat. D.* 1.87 (trans. H. Rackham: “ordinary people”); on the similarities between *homines mediocres* and μέσος and the possibility that the idea of the former arose from Greek thought on the latter, see Angius 2018b: 59; 2019: 600-604.

⁴⁶⁰ In addition to the Ciceronian uses identified and cited by Angius, I add: Cic. *Prov. cons.* 38: *mediocri in homine* (trans. R. Gardner: “ordinary man”); *Inv. rhet.* 114.

⁴⁶¹ Veyne 2000: 1170-70 makes the argument for financial security for a plebs *moyenne*; Angius 2018b: 59, n. 15; 2019: 601-604.

⁴⁶² Jehne 2013: 58-59.

Angius best demonstrates the likely existence and characteristics of *homines mediocres* through Horace's tale of the *apparitor* Volteius Mena.⁴⁶³ Angius notes that through Mena, Horace, who identified himself as belonging to the *homines mediocres*, gives a comprehensive description of the lifestyle and characteristics of a *homo mediocris*:⁴⁶⁴

Volteius Mena, a crier at auctions, of modest fortune and blameless record, known to work hard and idle in season, to make money and spend it, taking pleasure in his humble friends and a home of his own and, when business is over, in the games and in the field of Mars.⁴⁶⁵

Mena is thus shown to be a man who works hard, but who owns his own home and is willing and able to spend what he earns. He has free time, and desire enough to attend games (opportunities for large-scale communication) which take him beyond his place of work, which is somewhere between the Forum and the Carinae to the West.⁴⁶⁶ Given Mena's role as a *praeco*, it is reasonable to think that his free time and interests would also have led him to frequent the nearby Forum and to not only formally participate in politics there but to participate informally too, perhaps in conversations with his friends.⁴⁶⁷ Moreover, working as a *praeco* implies a degree

⁴⁶³ Note also Cic. *Balb.* 14: Cicero includes or perhaps equates *librarioli* (copyists or scribes) alongside/to *homines mediocres* in his list of people who could be expected to have knowledge of a general topic (in this instance it was knowledge of the rights of Gades).

⁴⁶⁴ On Horace's self-identification and understanding of this group: Angius 2019: 596-597, with Porph. *Hor. Epist.* 2.2.203; *Hor. Carm.* 2.10.5.

⁴⁶⁵ *Hor. Epist.* 1.7.55-59: *Volteium nomine Menam, / praeconem, tenui censu, sine crimine, notum / et properare loco et cessare et quaerere et uti, / gaudentem parvisque sodalibus et lare certo / et ludis et post decisa negotia Campo*, trans. H. Rushton Fairclough.

⁴⁶⁶ *Hor. Epist.* 1.7.46-51 tells us that Philippus (a famous pleader) was travelling from the Forum to the Carinae when he saw Mena.

⁴⁶⁷ On the predominantly political roles of *praeco*s: David 2019: 45-56, 207-216; Kondratieff 2022: 299 also notes that these same *praeco*s also found work as salesmen, which is the role we see Mena fulfilling. On the employment practices of *apparitores*, see Purcell 1983: 127-130; on *apparitores* and sociability: Angius 2018b: 73.

of oratorical education, which corresponds with Cicero's assertion that *homines mediocres* were expected to be familiar with oratory.⁴⁶⁸

More recently, Angius has argued for the importance of *porticus* in facilitating sociability (via small-scale communications) and Andrews and Bernard have shown that *porticus* and *tabernae* lined the streets near the Forum, and that salesmen and traders, such as Mena, communicated along these avenues.⁴⁶⁹ The buildings belonging to apparitorial *decuriae* also served as training, work and social spaces in which communication could take place near to the Forum and throughout the city.⁴⁷⁰ Purcell demonstrated that the men who made up the apparitorial *decuriae* – the professional bodies of *praecones* (heralds), *scribae* and *viatores* (messengers) at Rome – were drawn from a broad social spectrum, with the only criteria being that they were free and plebeian.⁴⁷¹ Therefore, the social and economic backgrounds of those able to work in apparitorial roles was in theory hugely diverse. All this suggests that a large number of men had access to numerous and varied opportunities for small-scale communications with their colleagues, friends and acquaintances, and likewise had access to similarly diverse and prolific opportunities for large-scale communications in the Forum, Campus Martius and Circus Flaminius. Whether these opportunities were accessed through work or leisure, *homines mediocres* – especially *apparitores* – were well equipped for engaging with them and thus for participating in public opinion.

⁴⁶⁸ On the education of *homines mediocres*: Angius 2019: 608; Cicero on *homines mediocres* as principal receptors of oratory: *De or.* 1.94; 1.111, with Angius 2019: 593-595.

⁴⁶⁹ Angius 2020: 39-45; Andrews & Bernard 2020: 92.

⁴⁷⁰ Purcell 1983: 144; Angius 2018b: 72.

⁴⁷¹ Purcell 1983: 127-130; David 2019: 140-146 describes *apparitores* as “à la limite de l’aristocratie, au sommet en quelque sorte des milieux populaires”, p. 141. David is describing the position of men employed as *apparitores* rather than simply men belonging to the apparitorial *decuriae*. Nonetheless, those enjoying higher status as *apparitores* and those working in non-apparitorial roles but in scribal and heraldic positions elsewhere would have come into contact at *decuriae*.

As Angius points out, while *apparitores* are exemplary of *homines mediocres*, the social composition of that middling group is more diverse. Based on the shared characteristics outlined so far, we might consider *homines gratiosi* (influential men), such as leaders of *collegia* or geopolitical areas (*vicomagistri*), and groups referred to by phrases such as *columnarii*, *subrostrani*, *subbasilicanos* and *circulatores* within or near to the broad group that is *homines mediocres*.⁴⁷² The people belonging to these groups took an interest and participated regularly in politics. For example, the *Commentariolum petitionis* advises that every effort should be made by candidates to ingratiate themselves with *homines gratiosi*, whether in person or through mutual friends, precisely because they were industrious and influential in the Forum – a hub of small- and large-scale communication.⁴⁷³ This passage also bespeaks the important role of Weak Ties between politicians and *homines gratiosi*.⁴⁷⁴ Mutual friends establishing Weak Ties mitigated distinctly differing experiences of public opinion and facilitated the cycle of information acquisition and dissemination that was vital to political success.⁴⁷⁵

That such groups were viewed as important participants in public opinion at Rome is suggested by M. Caelius Rufus. Writing to Cicero in 51 BC, Caelius expressed his wish that the *columnarii* alone should not be credited with M. Favonius' defeat at the praetorian elections and

⁴⁷² On these groups: *homines gratiosi (noti)*: Angius 2018a: 228-235; 2021, 'Noti Homines and the political participation of the *plebs*', made the argument that the only requirement to be a *homo gratus/notus* was possessing influence over others, citing Cicero, *Comment. pet.* 29; *circulatores*: as influential relative to public opinion: Angius 2018a: 208-214; 2018a: 235-237; Knopf 2019: 614-630; see also O'Neill 2003; Rosillo-López 2017: 180-181; Logghe 2017: 68; *columnarii*, *subrostrani*, and *subbasilicanos*: Plut. *Capt.* 815; Pina Polo: 1997: 123-146; Courrier 2014: 515; Rosillo-López 2017: 182; 2020: 98; Angius 2018a: 155, 218, n. 251; 2018b: 73; 2019: 595; Knopf 2019: 625-626.

⁴⁷³ Cicero, *Comment. pet.* 29: There are many hard-working men living in the city, many freedmen, who are industrious and influential in the forum. You must take the greatest pains, on your own behalf and through common friends, to make as many of these men as you can into your eager partisans. Seek them out yourself. Send representatives to win them over. Make it plain to them how much you are touched by the great favour they do you. *Multi homines urbani industrii, multi libertini in foro gratiosi nauique uersantur; quos per te, quos per communis amicos poteris, summa cura ut cupidi tui sint elaborato, appetito, adlegato, summo beneficio te adfici ostendito*, trans. Tatum 2018; on the locales of the *subrostrani* and *columnari*, see above n. 221.

⁴⁷⁴ On Weak Ties, see above, n. 326.

⁴⁷⁵ Rosillo-López 2020: 92-93.

exhibited frustration at the influence of the *subrostrani* whom he claimed had spread a great rumour throughout the whole city and the Forum that Cicero had been murdered by Q. Pompeius.⁴⁷⁶

Although he had time to spend at leisure and likely loitered around the Forum space himself, engaging in small- and large-scale communications, Mena, the *homo mediocris*, is first encountered at work. Having some degree of financial security did not remove the necessity of work. Mouritsen rightly notes that owning and running a shop (or business) significantly inhibited one's ability to participate regularly and formally in politics.⁴⁷⁷ However, owning premises and providing a service from a fixed location did not prevent participation in large-scale political communication altogether and many individuals who regularly yet informally participated in politics were able to do so in and around their professional lives. After all, it was certainly possible to close shops and businesses or to leave them briefly in the care of employees or slaves in order to participate (formally or informally) in politics.⁴⁷⁸ Several scholars have highlighted that *tabernarii* (shop owners) came into contact regularly with information exchange (via small-scale communications) due to circumstances such as the high footfall outside (and therefore probably inside) their premises and familiarity with a neighbourhood-based clientele.⁴⁷⁹ As the previous chapter showed, shops, taverns and the streets they occupied made for vibrant and accessible spaces for small-scale communication and thus informal participation in politics. Thus, the locales

⁴⁷⁶ Cic. *Fam.* 8.1.4: On May 24th our pavement gossips (*subrostrani*) had spread it around that you were dead (their funeral, I hope!) All over town and in the Forum there was a great rumour that Q. Pompeius had murdered you on the road/*Te a.d. Kal. Iun. Subrostrani (quod illorum capiti sit!) dissiparant perisse. Urbe ac foro toto maximus rumor fuit te a Q. Pompeio in itinere occisum*, trans. D.R. Shackleton Bailey; Cic. *Fam.* 8.9.5.

⁴⁷⁷ Mouritsen 2017: 75.

⁴⁷⁸ For example, Clodius' decree that shops should close: Cic. *Dom.* 54, 89; on this episode and the symbolic importance of shutting the shops, Russell 2016c; at a *contio* on 6 April 52 BC, T. Munatius Plancius Byrsa asked that shops be closed the next day to allow greater numbers to attend Clodius' trial: Asc. 40-41C, and below, pp. 295-307; Mouritsen 2017: 75 acknowledges the possibility of leaving premises in the care of another.

⁴⁷⁹ For the inclusion of *tabernarii* among *homines mediocres*: Angius 2019: 604; for familiarity with patrons living locally: Plut. *Mar.* 44.1-3, with Courrier 2017: 114-115; on busy *tabernae* (in particular taverns): Laurence 1994: 81-87; Rosillo-López 2017: 50; on shops developing on routes of high footfall: Andrews & Bernard 2020: 95-98.

and professional lives of *tabernarii* would not prevent them from also maintaining a good level of participation in public opinion.

For men who fell below *homines mediocres* in the aforementioned ways, formal participation in politics, even if it occurred less regularly, could still contribute to an overall experience of participation in public opinion.⁴⁸⁰ Whenever feasible, or at least when it mattered, adult male citizens of lesser means could and did attend opportunities for large-scale political communications.⁴⁸¹ As the following section shows, political commentators distinguished between *significationes* that were delivered by all parts of Rome's *populus*, which included Rome's *infimi*, and public opinion that was manifested by only a portion of it.⁴⁸² Although there was disparity in adult male citizens' experiences of formal participation in politics, the fact is that participation in some form could be a reality for a significant proportion of those eligible.

From the mid-Republic onwards, the streets of Rome were ideal spaces for sociability and individuals from various demographics experienced few limitations on small-scale communication in these spaces.⁴⁸³ We know that the plebs – a word that describes the majority of Rome's populace, in which a vast amount of demographic diversity is present – was interested in politics and that it talked about it consistently.⁴⁸⁴ Social and professional interactions between men, women, children, free and unfree were commonplace, particularly along the city's main thoroughfares.⁴⁸⁵ In this context, small-scale communications would have allowed those who received information at occasions of large-scale formal communication to disseminate that

⁴⁸⁰ Mouritsen 2001: 38-127 argues against the regular attendance of Rome's poorest inhabitants at *contiones*, assemblies and elections; Cf. Briscoe 2003: 934 on Mouritsen's equating of plebs with Rome's poor inhabitants.

⁴⁸¹ Cicero mentions the *suffragiis vulgi* at *Sest.* 113; see also Plut. *Ti. Gracch.* 9.4-12, with Jehne 2006a: 225.

⁴⁸² See below, pp. 148, especially 153-153, noting Cicero's use of *infimi*. Mouritsen acknowledges that Cicero frequently used *infimi* to denote Rome's poorest inhabitants: 2001: 59.

⁴⁸³ See above n. 261 and p. 69.

⁴⁸⁴ On the plebeian interest in politics and the means by which this interest manifested communicatively: Logghe 2017: 67; see also Morstein-Marx 2012; Rosillo-López 2017: in particular, Chapters 2 & 3; Angius 2018a; Knopf 2019; cf. above p. 2 on scholarly recognition of the interest and role of individuals in politics at Rome.

⁴⁸⁵ Andrews & Bernard 2020: 95.

information throughout society, thus substantially mitigating the disparity in experiences of public opinion, which resulted from varying levels of formal participation in politics. Indeed, such a process of dissemination via small-scale communication between individuals from differing demographics was at the centre of T. Munatius Byrsa's political strategy.⁴⁸⁶ Although they might not have enjoyed the same financial security as those who owned or managed *tabernae*, individuals who worked from no fixed premises, such as *tonsores* (barbers) and day-labourers, could access geographically broad and socially varied small-scale communications.⁴⁸⁷ The regular mobility and sociability inherent to such professions encouraged the fostering of Weak Ties within Rome's communicative networks.⁴⁸⁸ Given that those who enjoyed mobile professions and frequent exposure to opportunities for sociability had ample opportunities for communicating with *homines mediocres*, who also had direct contact with politicians, it is easy to imagine how information exchange oscillated between many at the bottom of society, many at the top and many in between. Although formal participation in politics was largely the preserve of a disproportionately small group (on each occasion), I argue that small-scale communications somewhat mitigated any variations in experiences of participation in public opinion assumed by such a practical disproportionality.⁴⁸⁹

Beyond spaces of large-scale communication and Rome's streets and commercial spaces, disparities in experiences of participation in public opinion may have been mitigated in a domestic

⁴⁸⁶ See below, pp. 295-307.

⁴⁸⁷ On *tonsores*, see Rosillo-López 2017: 177-17, citing, for example, Plautus' *Truculentus* and the character, Syra, a well-known *tonstrix*, who is apparently readily recognised by several characters, since she often went around the households: Plaut. *Truc.* 400-410: "Phronesium: *tonstricem Syram nouisti nostram?* Diniarchus: *quaen erga aedis hasce habet? noui.* Phronesium: *haec, ut opera est, circumit per familias...* Phronesium: Do you know our hairdresser Syra? Diniarchus: The one who lives opposite to this house? I know her. Phronesium: As per her work, she went around the households..."", trans. Wolfgang de Melo.

⁴⁸⁸ On weak ties, see above, n. 326; on the mobility of Weak Ties at Rome: McCarthy 2019: 91-99.

⁴⁸⁹ Disproportionately small compared to the sum of eligible voters; for estimates of numbers of attendees at *comitia* and *contiones*, see MacMullen 1980: 456; Mouritsen 2001: 18-37; 2017: 55-57.

context. When men and women lived together, information may have been shared at home.⁴⁹⁰ Although such communications were beyond the public sphere, the information exchanged therein could have allowed for individuals to re-enter the public sphere more informed and prepared to participate in public opinion. A good example of domestic inter-sex communication, its resulting effect in the public sphere, and women's experience of public opinion, can be found in Plutarch's depiction of the Bona Dea affair (62 BC). Plutarch states that, upon learning of Clodius' presence at the rites, the women in attendance immediately went off by night, returning home to share the information with their husbands. By the next day, reports of the scandal had spread throughout the city.⁴⁹¹ Although these events were particularly shocking, due to the dramatic religious transgression involved, and were recorded precisely for that reason, Plutarch's account details what must otherwise have been a relatively commonplace practice of domestic exchange, since the anecdote relies on readers accepting that news was shared between men and women at home, and that women could also participate in public opinion.

Information exchange surely worked both ways, and men shared information with women in a domestic context too.⁴⁹² Perhaps one of the best-known examples of this, which directly impacted communication in the public sphere, occurred between Cicero and Servilia, Brutus' mother, in the presence of several other men and women.⁴⁹³ Writing to Atticus on 7 June 44 BC, Cicero recounts how he was asked to give his opinion on a decree concerning Brutus' care of the grain supply from Asia, in the presence of several women (Servilia, Tertulla and Porcia).⁴⁹⁴ Here,

⁴⁹⁰ On this idea, see Treggiari 2019: 252.

⁴⁹¹ Plut. *Caes.* 10.4-5.

⁴⁹² Tac. *Ann.* 12.5.5; on the capability of elite Roman women to influence politics one way or another, see Hillard 1989; 1992.

⁴⁹³ On this episode, see Flower 2018: 254-259; Treggiari 2019: 188-196; Cicero and a number of Rome's politicians communicated with Servilia on multiple occasions: Cic. *Fam.* 12.7; Flower 2018; Treggiari 2019: 194-196; such domestic inter-sex participation in public opinion and information exchange was prolific: between Cicero and his own wife, Terentia (e.g., Cic. *Fam.* 14.4, 14.2; with Osgood 2014: 30-31); for Cornelia's influence over her sons, the brothers Gracchi, see Rohr Vio 2019: 126-126, with Plut. *T. Gracch.* 1.4; *C. Gracch.* 4.1-4; for Clodia, sister of P. Clodius Pulcher, see Treggiari 2019: 264, esp. n. 82).

⁴⁹⁴ Cic. *Att.* 15.11; Tertulla, wife of C. Cassius Longinus and Porcia, wife of M. Iunius Brutus.

opinions were exchanged and participation in public opinion extended between demographics whose ability to participate in politics was vastly different.⁴⁹⁵ As well as noting Servilia's retort to his speech, Cicero writes in parentheses that the exchange concluded with Servilia promising to alter the decree.⁴⁹⁶ Drawing attention to the blasé manner in which Cicero reports Servilia's promise to affect a senatorial decree, Flower and Treggiari argue that Cicero's insouciance here can be explained by a familiarity with such an action, which was likely carried out through influential senatorial friends.⁴⁹⁷ This exchange evidences that among Rome's socio-political elite, at least, it was usual for women to play an active role in domestic information exchange, and that female participation in public opinion could be expected to manifest through small-scale communications with their own Weak and Strong Ties. Such instances of communication, like the actions of Sempronia, an adept conversationalist, and Fulvia, a well-connected regular informant, preceding the revelation of L. Sergius Catilina's conspiracy in 63 BC, show elite women at Rome acting regularly as information-gatherers and frequent participants in small-scale communications.⁴⁹⁸

It is possible that the realities of domestic inter-sex and inter-generational information exchange as depicted here at the top of Roman society were also present, *mutatis mutandis*, throughout Roman society. The implication of this is that female relations of *homines mediocres*, who themselves were well-connected and informed, could have enjoyed a correspondingly rich

⁴⁹⁵ Cicero quotes in the letter Servilia's response to his own thoughts. The exchange concludes with a promise from Servilia to influence the senate on the matter of the grain supply.

⁴⁹⁶ Cic. *Att.* 15.11.2: *sed et Cassius mihi videbatur iturus (etenim Servilia pollicebatur se curaturam ut illa frumenti curatio de senatus consulto tolleretur), et noster cito deiectus est de illo inani sermone velle esse dixerat.* "But it seemed to me that Cassius will go (indeed Servilia promised to get that grain-commission taken out of the senatorial decree) and our friend Brutus was rapidly forced to withdraw from his empty remark that he wanted <to be in Rome>"; trans. S. Treggiari; Cic. *Att.* 15.12.1; on Servilia's interjection, see Flower 2018: 257-258; Treggiari 2019: 191-192.

⁴⁹⁷ Flower 2018: 258; Treggiari 2019: 192-193, discusses three possible ways in which Servilia could have affected this change.

⁴⁹⁸ See *DPRR s.v. FULV3993 Fulvia* (111), on this Fulvia: Sall. *Cat.* 23.4, 26.3, 28.2; on Sempronia: Sall. *Cat.* 25, 40.5; see also the actions of Hortensia and the women who followed and supported her, pp. 94-98.

experience of public opinion, relative to the female relations of Rome's poorer inhabitants, such as day labourers, who were likely unable to frequent the *loci celeberrimi* in the Forum Romanum.⁴⁹⁹ So too could the more elderly relatives of these groups, whose primary outlets for small-scale communications likely occurred in a domestic context; the difference for those within this demographic being that they were less likely to re-enter the public sphere and to contribute to the creation and perpetuation of public opinion, despite being more informed.⁵⁰⁰

If women also contributed to public opinion at Rome, and their experiences of it were subject to the same degree of variation as their socio-economic male counterparts, should we assume that political observers took women into account when they used phrases such as *existimatio omnium* or *sermo omnium*?⁵⁰¹ In short, I think we should. We have seen already that when necessary, women were sometimes able to influence politics directly through participation in large-scale communications and indirectly through small-scale communications and Weak and Strong Ties.⁵⁰² If political observers, such as Cicero, included (and were included by) women in their own engagements with public opinion, and the participation of women in the spreading of information was well-recognised, there is no reason to doubt that politicians included the information and opinions held by women in their considerations of public opinion. That women were included within phrases such as *sermo omnium*, which was frequently used by Cicero in his private epistolary correspondences, is even more likely, since letter writers were less constricted than writers of speeches by the need to describe only legitimate public opinions.⁵⁰³

⁴⁹⁹ On the *loci celeberrimi* in the Forum Roman and communication there, see above, pp. 55-57 and below, p. 213.

⁵⁰⁰ Cf. above, p. 118.

⁵⁰¹ See below, pp. 127-130, 139-143.

⁵⁰² See above, pp. 94-98 on the *Lex Oppia* 195 BC, Clodia Pulchra and Sempronia, sister of the brothers Gracchi.

⁵⁰³ In the Ciceronian epistolary corpus, *sermo omnium* appears at: *Att.* 2.14, 12.28.2; *Fam.* 2.5.1; *QFr.* 1.1.24; and *sermo hominum* at: *Att.* 8.16, 9.19, 11.12; *Fam.* 3.8.1, 15.4.4; *QFr.* 1.1.38, 1.2.1, 3.2.2; Russell 2019 has shown that claiming the support of legitimate public opinion was a common feature of public speeches and that the sole source from which this legitimate public opinion could be acquired was the male-only *populus Romanus*.

Although the participation of men and women in public opinion was recognised by political observers and, as the second half of this chapter demonstrates, was often amalgamated into what we today call public opinion, politicians remained acutely aware that subgroups within demographics developed opinions well among themselves. This was particularly true, or at least more observable and of more interest, among subgroups at the top of society.⁵⁰⁴

Chapter 1 showed that the demographics for whom limitations on opportunities for communication were most prolific and for whom experiences of the public sphere were most restricted, were children and the elderly. While those belonging to these demographics would have had some opportunities to participate in small-scale communications, factors such as a perceived inability to engage critically with subject matter and small social circles meant that their participation in public opinion was correspondingly lesser.⁵⁰⁵ Although most children had opportunities for sociability in social and spatial environments such as *collegia*, it seems unlikely that their participation in that sociability and in public opinion would have been proactive or recognised by their elders, let alone by political observers.⁵⁰⁶

The case of older members of the Roman populace is more complicated and experiences of participation in public opinion varied significantly depending on an individual's social status. As we have seen, opportunities for small- and large-scale communication, and so for participation in public opinion, were certainly available to older men and women of the highest socio-economic statuses. Indeed, old age brought with it increased *auctoritas* or authority, which could potentially

⁵⁰⁴ Rosillo-López 2017: 159-163, on differentiation of opinion groups among the Roman populace by contemporary political observers.

⁵⁰⁵ On the ability to engage critically with information and thus with public opinion in ancient Rome, see Angius 2018a: 29-30; 2019: 607-608.

⁵⁰⁶ We have seen already that maturity was recognised as developing in young adulthood, sometime after the age of seventeen, p. 92. Most recently on this, see Rosillo-López 2022: 84-94, with nn. 11 & 13 there, who notes that even the male children of Rome's socio-political elite did not experience political "conversations" (small-scale communications) until they began their "apprenticeships", when they had donned the *toga virilis*.

facilitate an increased level of individual visibility for politicians, and which enhanced the influence of matrons within and around their *familia*.⁵⁰⁷

For the majority of Rome's older inhabitants, experiences of participation in public opinion would have changed noticeably towards the end of their lives. Although they may have retained the ability to engage critically with political topics and were still affected by measures passed in the *comitia*, the majority of those more advanced in years nonetheless experienced a marginalisation within the public sphere.⁵⁰⁸ If it is true that men over the age of sixty lost their right to participate in *comitia centuriata*, and that older men in general led lives more secluded from sociability, then we might reasonably surmise that at around the same time, they also stopped being thought of when politicians used phrases associated with the adult male citizenry, such as *iudicium populi Romani* or *opinio populi Romani*. Likewise, women, who in their youth and young adulthood frequented locations at which small- and large-scale communication could be found, are thought to have experienced a double-marginalisation as a result of their sex and age.⁵⁰⁹ Many older men and women likely still visited bathhouses and worked, which would have involved travel around the city, at least within their own neighbourhoods.⁵¹⁰ A gradual decrease in exposure to occasions for small- and large-scale communications would have meant a corresponding level of diminution in level of participation in public opinion for the majority of Rome's aged population.

As the following section shows, phrases such as *iudicium populi* and *studium hominum* carried connotations of physical action, or at least the expectation of it. Therefore, while the

⁵⁰⁷ On the socio-economic status-based differences in experience of the public sphere in relation to age, see above p. 93; cf. Treggiari 2019: 254.

⁵⁰⁸ See above for comments on older members of the elite remaining prominent in politics, p. 93.

⁵⁰⁹ Cf. above, *s.v.* Age and Gender, pp. 91-101 for women and space within the public sphere.

⁵¹⁰ On older men and women at leisure and in public, see Cokayne 2003: 41-44, with Cic. *Sen.* 10.34; Plin. *Ep.* 3.1; Cokayne notes that literary testimony to exercise and leisure for elderly women is scant but offers a small amount of evidence at p. 44, with nn. 52-53.

majority of Rome's oldest inhabitants might still have been able to participate in public opinion, albeit to a significantly diminished degree, I argue that this participation would have received a commensurately diminished recognition within the language of public opinion and that, outside of the socio-economic, political elite, we should not imagine the elderly as having an equal standing within an observer's perception of public opinion. Now that an assessment has been made of whose opinions – in practice – we and contemporary politicians are describing when we talk about public opinion at Rome, we can investigate *how* these opinions were talked about.

The Language of Public Opinion

While the processes and products described today by the phrase “public opinion” certainly existed and were recognised and thought about in the ancient world, no single (Latin) word or phrase was used to refer to them.⁵¹¹ This problem was recognised by Yavetz who initially suggested that public opinion might best be conveyed in Latin by the terms *consensus hominum* and *fama* but later realised that such a simplistic solution was inadequate, since, during the Republic, “*existimatio* was the relevant term”, and further consideration was required.⁵¹² Commenting on Yavetz' examination of *existimatio* and *fama* as public opinion, Habinek suggested that it was better to let the “ancient concepts, practices, and institutions emerge from the texts that encode them” than to “read modern concepts of “public opinion” into the evidence”.⁵¹³ Habinek's understanding of the problem of translating public opinion is entirely rational and raises the question of whether or not identifying the most appropriate translations into Latin for public opinion is appropriate or a problem at all.⁵¹⁴ The answer to this question comes readily, if we first acknowledge certain truths.

⁵¹¹ On the existence of public opinion in the ancient world, see the discussion of past scholarship in Introduction.

⁵¹² Yavetz 1969: 134 n. 1; Yavetz 1974: 36; see also Meier 1966.

⁵¹³ Habinek 1998: 46, n. 44.

⁵¹⁴ On this problem, see above, p. 10; see Varro, *Ling.* 9.5 for the idea that the people “*populus universus*” contribute significantly to the production of Latin as a popular discourse that self-regularises (with Spencer 2019:

1) Our sources' word-choice is often dictated by the need to refer to specific processes and concepts rather than to public opinion in general, and these lexical choices were, in some cases, products of their context and temporal period.⁵¹⁵ The fact that the Latin language contains multiple words connoting elements of what we describe as public opinion tells us this. 2) Rome's inhabitants possessed and circulated (via sociability) shared opinions and sentiments.⁵¹⁶ 3) Politicians, candidates and their Ties expended effort to discern and interact with these shared opinions and sentiments.

In light of these truths, the answer to the question posed above is simple: discerning the best translations for the term 'public opinion' is neither appropriate nor a problem. A better question is: how did contemporary Latin speakers at Rome and beyond think about, describe, and communicate the shared opinions, sentiments, and perceptions of the Rome's inhabitants? Some progress has been made to this end.

In 2005, Jakob presented a qualitative analysis of the use of *existimatio*, *opinio* and *iudicium* by Cicero, arguing that these three words were representative of public opinion in the late Republic.⁵¹⁷ Jakob showed how Cicero's use of these words, in each instance in conjunction with *omnium*, *hominum* and *populi Romani*, bespeaks an awareness of the socio-psychological character of contemporary public opinion, which was conceived of as an ever-

36-37, who suggests that Varro here is implying that a people "needs a systematised language in which shared meaning allows individuals to unite as a communicating entity.")

⁵¹⁵ For example, when referring to a 'good' collective opinion, Cicero - writing in the late Republic - more often employed *iudicium*, as opposed to *fama* or *existimatio*, because the recognised connotations of the word, explored below, provided more weight to the decision and thus Cicero's own judgement; on the semantic shift of *iudicium* over the late Republic, see Rosillo-López 2019; Yavetz 1974: 50-54 posited that *existimatio* scarcely appears in extant pre-Ciceronian Latin because very little of it consists of the typical medium of this word: the literary genre, specifically rhetoric (the same logic should be applied to *voluntas*); on the usage and meaning of *existimo* prior to Ciceronian Latin, see Habinek 1998: 47-48.

⁵¹⁶ On sociability see Rosillo-López 2017, Chapter 2; above, p. 28.

⁵¹⁷ Jakob 2005: 111-115 translates these words thus: *existimatio*, "Beurteilung" (judgement), "Meinung" (opinion) "Einschätzung" (assessment); *opinio*, "Meinung" (opinion); *iudicium*, "die allgemeine Meinung" (the general opinion); earlier than this was Yavetz 1983: 214-227, who conducted a brief examination of *existimatio* and *fama*.

present yardstick for the assessment and regulation of social behaviours.⁵¹⁸ Like Jakob, Rosillo-López suggested that *existimatio* and *iudicium* were definitive of public opinion in the late Republic, but, given that her monograph focussed on the form and function of public opinion, added *fama* too.⁵¹⁹ Although her initial comments on these phrases were brief, lasting only four pages, Rosillo-López has since investigated *iudicium* in detail, convincingly demonstrating that it experienced semantic change over the course of Cicero’s career, shifting in meaning from an “official collective decision”, such as the outcome of an election, to a “collective opinion” of groups, which could be communicated through media such as applause.⁵²⁰

Although Jakob and Rosillo-López have provided some important preliminary answers to the question just posed, Jakob’s study relies exclusively on Ciceronian writing and Rosillo-López’s treats only *iudicium* in detail. Moreover, both scholars rely on relatively few examples.⁵²¹ In the following, I conduct a comprehensive qualitative analysis of *existimatio*, *iudicium* and *fama* in the writings of Cicero, Caesar and Sallust. Where possible, I also consider the literary works of later authors, such as Suetonius, to test for semantic shift over time and thus to establish whether it is legitimate to speak of a stable language of public opinion. In addition, I examine *sermo*, *rumor*, *voluntas*, *studium*, *significatio*, *favor*, and *opinio*, which I argue described specific elements of public opinion for our ancient authors. For this reason, when we look to identify public opinions in the late Republic, we must avoid applying our modernising definitions to elements that contemporaries may not have perceived and thought about in the same way.⁵²²

⁵¹⁸ Jakob 2005: 111-125; 2007: 298-302; 2012: 174-182.

⁵¹⁹ Rosillo-López 2017: 6; on *fama* as a component of public opinion, see below *s.v. Fama*, pp. 130-136.

⁵²⁰ Initial comments: Rosillo-López 2017: 6-9; Rosillo-López 2019b: 502-513.

⁵²¹ Rosillo-López 2019b: 498 notes that Jakob’s discussion of *iudicium* relies on just two examples.

⁵²² Rosillo-López 2017: 9.

The proven importance of *existimatio* to public opinion at Rome makes it an ideal starting point for (re)constructing a language of public opinion.⁵²³ By showing first that *existimationes* were a vital but difficult-to-discern component of public opinion, I am able to contextualise the roles and importance of the more tangible facets of public opinion, such as *significationes*, and appreciate the relationship between these components. Due to their similar connotations, I analyse *fama*, *rumor*, and *sermo* together to highlight nuances and differentiations in their usage. I argue that while *fama* is similar to *existimatio* in its ability to describe the thoughts and feelings held towards an individual, it is perhaps closer in nature to *sermo* and *rumor* as a word that connotes the conveyance and circulation of information. For the same reason, I group together *iudicium*, *voluntas*, *studium*, and *significatio*. Although they are dissimilar in definition and usage, analysing *iudicium* alongside *voluntas* highlights the dependence of the abstract latter on the definitive former. Perceiving the wills and desires of large groups of people at Rome was an impossible task until those groups made their wants manifest, thus providing a tangible *iudicium*. The manifestation of these *iudicia* came in the form of *significationes*, such as applause, shouts, cheers, and votes, so that the *significationes* themselves could be considered *iudicia*.

Although I focus on the written language of public opinion, it is important to recognise that the language of public opinion in the late Republic extended beyond words and phrases and encompassed recognisable, physical actions such as those described by *plausus* (applause), *clamores* (shouts, cheers), and *suffragia* (votes). While the elite authors of our sources used the verbal language discussed in the following section to communicate public opinion and describe the perceived sentiments and opinions of Rome's populace, these elite perceptions were based

⁵²³ See Yavetz 1983: 215.

on regular manifestations of public opinion, *significationes*, which also constitute a part of the language of public opinion.

Existimatio

By itself, *existimatio* refers to the impression of an entity as it is received by someone else and the resulting social-standing in society of the considered individual.⁵²⁴ Habinek emphasises the etymological background of *existimatio* and the connected verbs *aestimare* and *existimare* to produce a reading of *existimatio* that carries connotations of estimation.⁵²⁵ For Habinek, *fama* is what people say (*fari*) about you and “*existimatio* is their evaluation (*ex* + *aestimare*) of you.”⁵²⁶ Given the subjective nature of *existimatio*, it is highly likely that multiplicities of *existimationes* were held by individuals and by groups towards well-known persons. The purpose of this subsection is not to explore the diversity and nature of *existimationes* that could exist but to demonstrate the importance awarded to *existimationes* by politicians and in doing so to highlight the usages of the word and characteristics of the concept.

Political observers paid close attention to *existimationes*, which described the perceived reputations of individuals, places, social orders and law courts.⁵²⁷ *Existimatio* often appears alongside *homo* (man) and *omnes* (all, everyone), in their respective genitive cases (*hominum* and *omnium*).⁵²⁸ Hellegouarc’h suggested that in these instances, *existimatio* can best be

⁵²⁴ See *TLL s.v. existimatio*, 2. 1512. 70 - 1517. 52; Hellegouarc’h 1963: 362-363; Rosillo- López 2017: 7; Yavetz 1974: 39, argues that only men who have already achieved a certain status may possess *existimatio*; for *existimatio* as “civil honour” Greenidge 1894: 1-2; as public opinion Hardie 2012: 240, esp. n. 38, notes the relatively understudied topic of public opinion in Roman history and cites Yavetz 1974, among others, who have begun a necessary discussion; as “human dignity” Giltaij 2016; for the idea that *existimatio* could be represented by an individual’s home, see below, n. 920 for Wiseman 1987.

⁵²⁵ Habinek 1998: 46, citing Festus *Gloss. Lat.* 72, draws out the definitions of *existimare* (to evaluate or assess) and *exemplum* (“something taken out of (*eximo*) a group” to serve as a standard against which similar things can be evaluated).

⁵²⁶ Habinek 1998: 46, n. 44.

⁵²⁷ Rosillo- López 2017: 7, n. 11; Yavetz 1974: 37; 1983: 215.

⁵²⁸ *existimatio hominum*: Cic. *Quinc.* 51; Cic. *Verr.* 2.1.87, 2.3.137, 2.3.210, 2.4.66, 2.4.101; Cic. *Caec.* 57.3; Cic. *Cael.* 6 (see also *hominum famam*); Cic. *Rep.* fr. 8.2; *existimatio omnium*: Cic. *Verr.* 2.1.148, 2.2.102, 2.3.133; Cicero, *Comment. Pet.* 28.10; Cic. *Rep.* 3.27; Caes. *Gall.* 5.44.

understood as *opinion publique*.⁵²⁹ Indeed, in these cases, *existimatio* acts much like *fama* to denote a collective reception and production of thought.⁵³⁰ That is not to say that by itself, *existimatio* cannot denote the general perception of an individual, only that it takes on a broader and more encompassing description of collective thought when accompanied by *hominum* or *omnium*.

The danger in reading *existimatio hominum* and *existimatio omnium*, and for that matter any of the Latin terms outlined in this section, as public opinion is that it is possible for us to attach unconsciously to the original text connotations that accompany this relatively modern phrase and thus distort the author's intended meaning. In the following instances in which *existimatio* is accompanied by a word denoting an agent, I suggest that the author's meaning is not best understood as public opinion in its modern, broad sense, but instead as the reception of an individual's image, and thus his standing in society, by the public, as it is understood by the observer. It is this combination (the reception of an individual and his resulting standing in society) that allowed *existimatio* to perform the socio-psychological role of social control, encouraging individuals to consider the possible social repercussions of their actions in advance.⁵³¹

Existimatio was difficult to discern.⁵³² For politicians and members of the elite, the *existimatio(nes)* of the multitudes could only be guessed at. Therefore, when we try to understand the *existimationes* described in our sources, we should begin our interpretations with the proviso that what we are in actuality receiving is an estimation of the general perception of an individual. This is particularly important to bear in mind when considering Cicero's

⁵²⁹ Hellegouarc'h 1963: 363.

⁵³⁰ For *fama* as collective reception of image, see below pp 130-136.

⁵³¹ Jakob 2005: 113-114; 2007: 299-300; Rosillo-López 2019b: 504, on the idea of social control through public opinion.

⁵³² For *tacita existimatio*, see below, n. 610; for the indiscernibility of *existimatio* and *voluntas*, see below, p. 150.

applications of *existimatio* in his *In Verrem*. This is a good starting point for our analysis, since besides being Ciceronian, it was produced in 70 BC at the beginning of the period examined by this thesis, and it has a significant focus on Verres' reputation.⁵³³

Throughout the undelivered *actio secunda*, Cicero calls attention to Verres' disregard for his own reputation and standing in society. Referring to Verres' sale of a ship belonging to the Roman people, Cicero writes "*Si te magnitudo maleficii, si te hominum existimatio non movebat...*".⁵³⁴ Later, discussing Verres' brazen dealings with his tax collectors, Cicero tells Verres that "*exspectant omnes quantae tibi ea res curae sit, quem ad modum hominum existimationi te atque innocentiam tuam probari velis.*"⁵³⁵ In both cases, Cicero emphasises the incomprehensible fact that Verres has shown no regard for the way he is publicly perceived. The argument presented against Verres concerning his knowledge of the reports that men such as Apronius were claiming to be in partnership with him, plays entirely on this notion.⁵³⁶

When qualifying *existimatio*, *hominum* and *omnium* can be used interchangeably.⁵³⁷ In formulating the impression that Verres does not care how he is perceived by Rome's populace, Cicero switches between *hominum* and *omnium* to produce the desired effect. Recounting the story of Verres' attempts to secure the maintenance contract for the temple of Castor, Cicero remarks "*praesertim cum iste aperte tota lege omnium sermonem atque existimationem*

⁵³³ Cicero's use of *existimatio* here should not be understood as a true indication of Verres' public image - in forensic speeches, in which the objective was to persuade or dissuade the audience (*iudices*) and the crowded observers (*corona*), overstatement for the sake of creating a more convincing argument was a certainty. Instead, I use Cicero's description of Verres' *existimatio* and his attitude towards it as an exemplary study of how *existimatio* could be talked about and to demonstrate how neglecting one's *existimatio* could be thought of as improper.

⁵³⁴ Cic. *Verr.* 2.1.87: "even though you were not concerned by the magnitude of the crime or everyone's perception of you."

⁵³⁵ Cic. *Verr.* 2.3.137: "Everyone is awaiting to see how much this will mean to you, and through what steps you intend to establish your innocence and public image".

⁵³⁶ Cic. *Verr.* 2.3.129-137.

⁵³⁷ Hellegouarc'h 1963: 363.

contempserit".⁵³⁸ *Existimatio omnium* is used in the same way by the author of the *Commentariolum Petitionis* when concluding that a man with a bad reputation cannot reasonably beat [in an election] a man that enjoys good standing among all (*omnium bona existimatione*).⁵³⁹ The pairing of *existimatio* with either *omnium* or *hominum* interchangeably was not exclusively Ciceronian, and its presence in Caesar's writing suggests a generally agreed usage: to comment on a particular facet of what we today call public opinion: public image and its reception.⁵⁴⁰

Stability in the accepted meaning of *existimatio* and therefore of its importance to public opinion at Rome is suggested by consistency in the use of *existimatio* by Cicero and Caesar, who also uses the term alongside a collective genitive noun (*vulgi*) to describe the public image of Dumnorix, leader of the Aedui.⁵⁴¹

Fama, Rumor and Sermo

Fama

Given the complexity of *fama*, which has numerous senses and uses, I focus only on the uses of *fama* that indicated shared thoughts and feelings, especially those pertaining to popular perceptions of individuals, and the processes through which these develop.⁵⁴² Like *existimatio*, *fama* could refer to the reputation of an individual or to the thoughts and feelings held towards

⁵³⁸ Cic. *Verr.* 2.1.148: "especially as by the whole wording of the contract he openly showed his contempt for what everyone would say or think", trans. L.H.G. Greenwood; *existimatio* also appears alongside *populi (Romani)* in *in Verrem* to the same effect: 1.1.20, 1.1.29, 1.1.44, 2.1.21, 2.4.54, 2.5.143, 2.5.176; and at *Phil.* 2.9.15; *Att.* 1.12.

⁵³⁹ Cicero, *Comment. pet.* 28.

⁵⁴⁰ Cicero using *omnium* with *existimatio*: *Verr.* 2.2.102, 2.3.133; *Rep.* 3.27; Caes. *BGall.* 5.44.5: Caesar identifies *existimatio omnium* as a motivating factor for Vorenus' disregard for his own safety; Vorenus had to follow Pullo over the rampart, lest the former see his good standing diminished and replaced with a lesser one.

⁵⁴¹ Caes. *BGall.* 1.20.4. As far as I can tell, *existimatio* in combination with *hominum*, *omnium*, *populi Romani*, or *vulgi* is unattested in the works of Suetonius and Sallust.

⁵⁴² For a comprehensive list of the senses of *fama*: *TLL* 6.1.206.63f; see also: Hardie 2012: 6-10; Guastella 2017: 58 (c.f. p. 64 there, too) argues that uses of *fama* mainly fall within two groups: "1. That which people say or tell, the common talk, a report, rumour, saying, tradition; 2. The voice or judgement of the many, public opinion; more frequently objectively, the fame character, reputation which a man has, either in general or in particular, as a good or bad reputation etc." Guastella 2017: 57 recognises that *fama* generally describes the "circulation process of news, hearsay, and opinions".

the individual.⁵⁴³ However, Hellegouarc’h and Neraudau both concluded that the difference between the two words, at least when they are used to denote reputation or thoughts, is that *fama* by itself connotes a collective opinion, whereas *existimatio*, when unaccompanied by a plural genitive, is better suited to describing the opinion held by an individual.⁵⁴⁴ This is unsurprising given that *fama* derives from *fando*, the ablative gerund of *fari* (to speak) that can be translated as ‘by speaking’.⁵⁴⁵ Bettini argues that since *fando* and *fama* can both refer to the passing on of information by word of mouth, they share an implied sense of dissemination.⁵⁴⁶ For *fama* to work in this sense, information must be shared between multiple persons.⁵⁴⁷

How, then, did ancients think about and engage with the concept of *fama* as a collective opinion? Cicero reveals contradictory feelings towards *fama*, when using it to describe the manner in which an individual or an entity is popularly perceived. When a popular perception is positive, *fama* should be cared for and thus maintained. Speaking favourably of Sex. Roscius’ *fama*, Cicero notes that it is now defended (*defenditur*) by his father’s connections and friends.⁵⁴⁸ In a similar way, prospective accusers can prevent damage being done to their own

⁵⁴³ TLL 6.1.211.36-6.1.212.86; for example: Cic. *Att.* 5.20.6; *Tusc.* 3.2.4; *Rhet. Her.* 11.12; Suet. *Iul.* 2; *Aug.* 3.

⁵⁴⁴ Hellegouarc’h 1963: 365; Neraudau 1993: 30; *existimatio* and *opinio* when qualified by *hominum* or *vulgi*, may take on a similar meaning to *fama*: TLL 6.1.211.36.

⁵⁴⁵ For *for* (*fari*): TLL 6.1.1028.65-6.1.1032.15; for an alternative reading of *fando*, see Bettini 2008: 350-352; cf. Festus, *Gloss. Lat.* 76; on the etymological connections between *fama*, *famosi* (much talked of, notorious), *falli* (to be deceived), *falsum* (false), *fallacia* (deceit) and *fari* and the resulting truth that “by *fando* (speaking) one misleads someone then does the opposite of what he has said”, see Varro, *Ling.* 6.55, trans. Roland G. Kent. On Varro, *Ling.* 6.55 and Varro’s perception of how, through the combination of careless or imprecise speech with notoriety, deception is reached in discourse, see Spencer 2019: 52-53.

⁵⁴⁶ *fando* as travelling and continual hearsay: Verg. *Aen.* 2.81, 361; Cic. *Tusc.* 4.63; for *fama*: Verg. *Aen.* 4.173-77; 181-183; Livy 45.1.1; Plut. *De Garr.* 10.506; Cic. *QFr.* 1.1.1; in this respect *fama* is also similar to *rumor*, with the difference being that the latter almost always carries negative connotations, cf. Bettini 2008: 358; poetically, *fama* flies (independently or as a winged personification): Verg. *Aen.* 1.457, 3.121, 4.173-77, 7.392, 8.554, and thus travels quickly and widely: 7.104 (cf. 9.473-4), on this see Bettini 2008: 352, and Scheuer, H.J. *BNP s.v. fama*; *fama* can also preserve *facta* and thus *gloria*, it encompasses both “process and product, flux and monument”, Dinter 2015: 127; on *fama* and *gloria*: Cic. *Inv. Rhet.* 2.166.

⁵⁴⁷ TLL 5.2.1518.3, 5.2.1518.61; see also Lewis & Short 1879: *s.v. existimo*; following Benveniste ((1973), *Indo-European Language and Society*, summaries, table, and index by Jean Lallot, (trans.) E. Palmer, London. *non vidi*), and Bettini (2008), Guastella 2017: 56-57 offers a similar conclusion, arguing that the communicatory process referred to by *fama* is impersonal.

⁵⁴⁸ Cic. *Rosc. Am.* 15.10.

fama by taking care when formulating their arguments and conducting their cases.⁵⁴⁹ Verres is said to have injured (*violaris*) the *fama* of Rome in the eyes of foreign nations through his crimes.⁵⁵⁰ *Fama*, then, when denoting popular perception, could be damaged and therefore should be protected. Cicero was certainly conscious of the state of his own *fama* in this respect and there is no reason to think that other politicians would not have approached popular perceptions of themselves with equal diligence.⁵⁵¹ However, when compared to *gloria*, the “*temeraria atque inconsiderata... fama popularis*” is depicted as a poor imitation.⁵⁵² The indiscriminate nature of *fama* (*popularis*) is criticised in a similar way to *rumor*, which is discussed in detail below.⁵⁵³ While *fama* can define the popular perception of an individual, it can also denote the passing on of information by word of mouth and is thus again similar to *rumor*.⁵⁵⁴ Yet, despite its inherent unreliability and the possible negative connotations that accompanied it, *fama*, and similarly *rumor*, could not be ignored and, in fact, had to be paid attention. When identifying the elements that constitute the received perception of Rome’s generals by their enemies, Cicero notes that *fama* (and *opinio*) carried as much weight as reliable reasoning, despite the former being less reliable.⁵⁵⁵

The importance and omnipresence of *fama* are perpetuated across time and literary genres. Although not pertaining to public opinions themselves, the poetic depictions of the goddess *Fama* given by Vergil in his *Aeneid* and Ovid in his *Metamorphoses* provide an important literary snapshot of contemporary attitudes towards and conceptions of *fama*.⁵⁵⁶

⁵⁴⁹ Cic. *Caec.* 71.3.

⁵⁵⁰ Cic. *Verr.* 2.1.81.

⁵⁵¹ Cic. *Att.* 5.20.6; on Cicero’s awareness of his popular perception, see Rosillo- López 2017: 9.

⁵⁵² Cic. *Tusc.* 3.2.4: thoughtless and reckless...popular reputation.

⁵⁵³ See Bettini 2008: 358; for example: Cic. *Fam.* 12.10.2

⁵⁵⁴ Cf. above, n. 542; on the similarities of *fama* and *rumor*, see Guastella 2017: 119-120.

⁵⁵⁵ Cic. *Leg. Man.* 43.

⁵⁵⁶ For literary analyses of the passages discussed, see: Hardie 2012; Gladhill 2013; Kelly 2014; Guastella 2017: 171-184.

Although Vergil's goddess *Fama* occupies no fixed location, she, like her Ovidian *domus*, remains open to receive all sights and sounds, by day (*luce*) and by night (*nocte*).⁵⁵⁷ Vergil describes *Fama* as having so many vigilant eyes (*tot vigiles oculi*), so many tongues (*tot linguae*), so many mouths and so many ears (*tot...ora...tot...auris*) and associates the goddess with the spreading of information both true and tainted (*infecta*) alike (*pariter*).⁵⁵⁸ Vergil also names a collective that is influenced by *Fama*: *populus*.⁵⁵⁹

Ovid introduces *Fama* through a description of her *domus*, which exists at the centre of the world, and thus both occupies and is a space that allows everything that is and all that is spoken to be seen and heard.⁵⁶⁰ The *domus* has innumerable entrances and a thousand doorways, none of which can be sealed by doors and so remain open night and day (*nocte dieque patet*).⁵⁶¹ Thus, all that can be seen and heard may enter this space in countless ways, resulting, as noted by both Gladhill and Kelly, in the production of a sound that is continually evolving, existing in a state of flux as each rumour coalesces to form "an indistinguishable whispering noise".⁵⁶² Yet, the chaos that results from the coming together of all the world's sights and sounds remains a quiet, never becoming a loud cry (*nec tamen est clamor*).⁵⁶³ The crowd holds the hall, the *vulgus* too is there.⁵⁶⁴ It is to these groups that Ovid attributes the perpetuation and conflation of the truth (*verus*), words (*verba*), fabrications (*commenta*) and thousands of *rumores*.⁵⁶⁵ While these lines do not comment on *Fama* herself, the characteristics associated with her offer

⁵⁵⁷ On *Fama* remaining in no fixed location: Hardie 2012: 152 with Verg. *Aen.* 4.173-4.177; *Fama*'s vigilance by day and by night: 4.184-4.188.

⁵⁵⁸ Verg. *Aen.* 4.182-183, 4.189-190.

⁵⁵⁹ Verg. *Aen.* 4.189.

⁵⁶⁰ Ov. *Met.* 12.39-63; cf. Kelly 2014: 68.

⁵⁶¹ Ov. *Met.* 12.43-44.

⁵⁶² Kelly 2014: 68; Gladhill 2013: 301; Ov. *Met.* 12.47-48; on the instability of rumours, see Guastella 2017: 108-109.

⁵⁶³ Ov. *Met.* 12.49.

⁵⁶⁴ Ov. *Met.* 12.53; see on this Kelly's argument that describing the *vulgus* as *levis* undermines its presence: 2014: 70.

⁵⁶⁵ Ov. *Met.* 54-55.

enough of an insight into contemporary views on *fama* to begin to formulate some initial conclusions.⁵⁶⁶

Both poets associate *fama* with the possibility of multiple sources of and for information. The innumerable entrances of the Ovidian *domus* of *Fama* correspond with the multitude of receptive facial apertures of the Vergilian personification, made clear by the repetition of *tot*. These numerous means of receiving information, said to operate by night and day, bespeak the perpetual and fluctuating nature of *fama* while also telling us more about the opportunities for sociability at Rome. The large number of eyes, mouths, and tongues and temporal versatility associated with *fama* are indicative of its accessible nature, suggesting that *fama* was a medium and a product of small-scale communications, which were available even nocturnally in Rome. Moreover, *fama* itself never becomes *clamor* – a tangible manifestation of public opinion – and therefore is never directly a medium of large-scale communication. However, the quality and reliability of the information conveyed as *fama* was evidently recognised as dubious.

Both poets include references to *Fama*'s association with the mixing of truth and falsehoods, thus, making the former indistinguishable. As we will see below, the fact that the information carried as *fama* was so abundant and potentially important, yet the truth was often undistinguishable, produced contrasting feelings towards it as a source of and for public opinion in the late Roman Republic. The popular nature of *fama* is also evident. Both Ovid and Vergil associate with *Fama* large groups of people (*turba*, *vulgus*, and *populus*) and place particular emphasis on the mutually influential relationship between the groups and the goddess. Perhaps the most significant element of these poetic descriptions is the implication that despite the amount of information, the number of sources, and the large groups of people involved, *fama*

⁵⁶⁶ For a thorough discussion of this passage of the *Metamorphoses* and a comparison with *Fama* in Vergil's *Aeneid*, see Hardie: 2012: 150-168.

never materialises as a tangible manifestation of public opinion (*significatio*). This is an important distinction. As is discussed below, *significationes* are usually easy to perceive and interpret. They have a clear source of origin and convey a single message. Ovid’s description of the whisperings associated with *Fama* never becoming a *clamor* demonstrates a contemporary awareness of the nature and limitations of sources of information and offers an insight into the potential problems that those attempting to utilise *fama* as a source of and for public opinion might have faced. The graphic descriptions of the coalescing of truth and untruth reveal anxieties that are not surprising. At a time where there was no centralised media output against which to check information, anxieties exhibited towards reliability should be expected.

In his *Institutio Oratoria*, a treatise on oratory written *c.* 100 AD, Quintilian acknowledges that there are many who believe *fama(m atque rumores)* to constitute the consensus of society (*consensum civitatis*) and the testimony of the public (*publicum testimonium*).⁵⁶⁷ However, he goes on to state that there are an equal number that consider *fama* to be untrustworthy due to the nature of its unidentifiable origins and the cruelty with which it develops (*incrementum credulitas*).⁵⁶⁸ Thus, *fama*, in terms of its value and function, was not a universally agreed concept with a singular clear way of being interpreted.⁵⁶⁹

Suetonius’ use of *fama* conforms to Ciceronian usage. For Suetonius, writing in the early second century AD, *fama* could describe the collective perception of an individual, refer to a piece of (not necessarily true) information circulating within a public sphere, and denote

⁵⁶⁷ Quint. 5.3: *Famam atque rumores pars altera consensum civitatis et velut publicum testimonium vocat, altera sermonem sine ullo certo auctore dispersum, cui malignitas initium dederit, incrementum credulitas, quod nulli non etiam innocentissimo possit accidere fraude inimicorum falsa vulgantium.* “Rumours and common talk are called “the consensus of society” and “the testimony of the public” by one party; to the other, they are “vague, unauthenticated talk”, started by malice and developed by credulity, something that can happen to the most innocent of men through the fraud of enemies who spread false tales.”, trans. D.A. Russell, adapted.

⁵⁶⁸ See also *Rhet. Her.* 11.12.

⁵⁶⁹ For both *bona* and *mala fama*: *TLL* 6.1.206.81. Neraudau 1993: 31-34; argues that in the principate, *fama* loses its pejorative sense – although Quintilian’s comments here suggest negative connotations remained attached, at least during the first century AD; see also Rosillo-López 2017: 8, n. 16, 17.

accepted interpretations of past events, while also placing emphasis on prevalence.⁵⁷⁰ Here, *fama* again defines, broadly speaking, information that is or was circulating, regardless of whether the information could be considered positive or pejorative and thus pertaining in every usage to what people may have been talking and thinking about.

Rumor

Rumor was an important facet of public opinion; it described current and popular conceptions, reports, rumours, and at the same time placed emphasis on the speed, area, and process of circulation through which these constituent elements of public opinion spread.⁵⁷¹

Bettini used the etymology of *rumor* to suggest that the word carried connotations of digestion (of information) and subsequent repetition, and that these connotations map directly onto the function of *rumor* as a form of conversational dissemination.⁵⁷² Dubourdieu and Lemirre argued that although rumours, which they translate as *fama*, and gossip both disseminate information, gossip is restricted to localised dissemination, whereas rumours are necessarily of interest to whole communities and are therefore disseminated on a larger scale.⁵⁷³ That *rumor* facilitated the functioning of the city-based public sphere at Rome is certain and Rosillo-López shows that *rumores* could transcend the geographical limits of city and country

⁵⁷⁰ Collective perception of an individual: *Iul.* 2; *Aug.* 3, 21; *Ner.* 28, 55; *Vesp.* 8; *Tit.* 4; information circulating: *Iul.* 33, 66 (both uses refer to information circulating within a military public sphere); *Calig.* 6, 60; *Galb.* 12; *Dom.* 22; reports of past events (not immediate): *Tib.* 3; *Calig.* 58; *Claud.* 44; *Ner.* 21; when emphasising prevalence: *Iul.* 6, 79; *Galb.* 12.

⁵⁷¹ Cf. Lewis & Short 1879: *s.v. rumor*; for the speed at which *rumor* travelled: *Cic. Leg. Man.* 9.25; *Clu.* 28; *rumor* is similar in this way to *fama*: *Plut. De garr.* 10.506f, with Bettini 2008: 352-353. At the time of writing, there is no entry yet in *TLL* for *rumor*.

⁵⁷² Bettini 2008: 358-361, citing: *Festus. Gloss. Lat.* 332.1, 2; *Paul. Fest.* 9.7, 33.8, demonstrates the connection between “ruminating” and *rumen* (oesophagus), and *rumores*; cf. Nettleship 2010: 48, *s.v. adrumavit*.

⁵⁷³ Dubourdieu & Lemirre 1997: 294-295, Rosillo-López 2017: 76-77 adopts this distinction; see also Guastella 2017: 93-99 for an alternative method of differentiating rumour from gossip (initially in modern societies). Guastella suggests that while mostly synonymous, gossip has the additional characteristics of “a strong relational function; marginal character of communication; “poor” contents and use of maliciousness; presumed association with gender”.

to influence politics at Rome.⁵⁷⁴ But what was the role of *rumor* relative to other constituent components of public opinion and how did political observers conceive of this role?

For Cicero, *rumor* represented an inevitable element of the political process at Rome; it was recognised as a source of and for information but was not considered as a credible basis on which to form judgements.⁵⁷⁵ Cicero's attitude towards *rumor* is exemplified in his *Pro Cluentio*, in which Cicero defends himself against an apparent conflation of his own opinions and *rumor*.⁵⁷⁶ Cicero makes clear that to excite the minds of both the jury and the people, it is necessary to engage with popular topical conversation matter (*hominum rumore*) and that it would be impossible to disregard *rumor* that was so generally acknowledged (*quae tam populariter esset*).⁵⁷⁷

Likewise, in the *actio secunda* of his *In Verrem*, Cicero calls attention to the popular nature of *rumor* (*populi*), thus implying the process of circulation it connotes: *tamen tum rumore populi et clamore et manifesto furto grandis pecuniae perturbatus est*.⁵⁷⁸

Cicero also provides an insight into *how* a rumour is created and subsequently circulated. Explaining Murena's successful campaign for the consulship, Cicero comments on the spreading of a *rumor* (*creverat*) which was facilitated *studiis sermonibusque competitorum*.⁵⁷⁹ Conversation

⁵⁷⁴ The importance of *rumor* for politics: Cic. *Att.* 5.5.1; *Fam.* 8.1.1; Cicero, *Comment. Pet.* 52-53, with the commentary of Tatum 2018: 279; for a detailed discussion of this argument: Rosillo-López 2017: 79-83; see also Yavetz 1983: 185-213; Rosillo-López 2017: 78-92; on *sermo* as describing the ideal conversation and its conduct (in which respect it differs from *rumor*): Cic. *Off.* 1.34.

⁵⁷⁵ Inevitability of *rumor*: Cic. *Att.* 5.5.1 anticipating that there will be *rumores* to accompany facts.

⁵⁷⁶ Cic. *Clu.* 139: *Cum enim accusarem et mihi initio proposuissem, ut animos et populi Romani et iudicum commoverem, cumque omnes offensiones iudiciorum non ex mea opinione, sed ex hominum rumore proferrem, istam rem, quae tam populariter esset agitata, praeterire non potui*; "In my capacity as prosecutor I had set out to stir the minds of the *populus Romanus* and the jurors, and I was quoting, not from my own belief, but from popular rumour, every case that told against the courts, and I was therefore unable to pass over the case of which you speak, as it was then a matter of general notoriety", trans. H. Grose Hodge, adapted.

⁵⁷⁷ Cf. n. 573 on the large-scale dissemination definitive of rumours.

⁵⁷⁸ Cic. *Verr.* 2.2.48: "Nevertheless, he was then confounded by the rumours circulated among the people, by popular outcry and by the (...) of concealing such a substantial amount of money."

⁵⁷⁹ Cic. *Mur.* 37: "by the zeal and conversations of his competitors..."

(*sermo*) appears to have been a common medium through which *rumores* could circulate and take effect.⁵⁸⁰ The Ciceronian usage of *rumor* suggests that the word was chosen to denote views that, through their inherent popular, topical, and widespread nature, could and had to serve as political information. Suetonius' use of *rumor* implies a similar definition and therefore reasoning behind lexical choice, which in turn suggests semantic stability.

Suetonius uses *rumor* exclusively in negative or neutral contexts and never to denote positive information or its dissemination. This is perhaps the principal nuance between *rumor* and *fama* when they were used to describe topical information.⁵⁸¹ For example, alternating between *rumor* and *fama*, Suetonius creates a contrast between the reception of Caesar's conduct at Bithynia and at Mytilene.⁵⁸² At Bithynia, Caesar's prolonged presence at the court of Nicomedes is said to have led to talk of licentious behaviour between Caesar and the Prince, which was compounded (*quem rumore auxit*) by the former's hasty return to Bithynia under an apparently suspicious pretence.⁵⁸³ The rest of Caesar's service, in particular his actions at Mytilene, earned him a more favourable popular reception (*reliqua militia secundiore fama fuit*).⁵⁸⁴ Suetonius' use of *rumor* to talk about shared information can roughly be defined by the following characteristics: 1) to refer to a pejorative rumour; 2) to refer to information that spread quickly (usually with a verb that adds weight to this emphasis); 3) to denote information of which the credibility is unclear.⁵⁸⁵ The slight difference between Ciceronian and Suetonian usage may suggest some semantic instability, but the fact that, for both authors, *rumores* were popularly received and circulated thoughts and collective perceptions that tended not to be positive in nature, indicates

⁵⁸⁰ Cic. *Leg. Man.* 9.25.

⁵⁸¹ Guastella 2017: 58 notes that *fama* itself has neither positive nor negative connotations.

⁵⁸² Suet. *Iul.* 2.

⁵⁸³ On the resulting insinuations levelled at Caesar in Rome, see Morstein-Marx 2021: 156, 183, n. 262.

⁵⁸⁴ For this reading of *secundiore*: Lewis & Short 1879: s.v. *secundus* I.B and s.v. *sequor* II.

⁵⁸⁵ Pejorative rumour: *Iul.* 2, 14, 45; the dissemination of information: *Aug.* 11; *Claud.* 10; *Vit.* 16; with emphasis on spreading: *Aug.* 11 (*rumor increbruit*), 14 (*rumore...dilato*), *Vesp.* 6.4 (*rumor dissipatus*); *Vit.* 16; *Vesp.* 6.2.

that we can understand *rumor* within the language of public opinion with some certainty. Similar to *fama*, *rumor* was the word on every street and as such was a highly accessible means of participating in public opinion.

Sermo

For a summative definition of *sermo* we need not look far beyond that offered by Marjorie O'Rourke:

“*Sermo* signifies a literary conversation, discourse, disputation or discussion that is more informal and unpretending than *oratio*. *Sermo* means ordinary speech, speaking, talking and the language or conversation, as opposed to *contentio*... *Sermo* is also common talk, synonymous with report or rumor, and extends in that meaning to slander and calumny.”⁵⁸⁶

Varro's comment on the etymology of *sermo* is often noted to call attention to the fact that *sermo* requires several voices responding to one another in a certain way in order to exist.⁵⁸⁷ Although O'Rourke is correct in pointing out that *sermo* is used synonymously with report (*fama*, in some senses) and rumour (*rumor*) to refer to information being shared orally between large groups of people, and it is also true that both *rumor* and *sermo* share certain undertones, *sermo* alone did not carry negative connotations.⁵⁸⁸ This fact should encourage us to seek some degree of semantic differentiation between the three terms.⁵⁸⁹

⁵⁸⁶ O'Rourke 1977: 164 with n. 26; see also Lewis & Short 1879: s.v. *sermo*, esp IB.3.

⁵⁸⁷ Varro, *Ling.* 6.64 states that *sermo* derives from *series* (succession) because an individual's speech must be joined by another's for *sermo* to take place; the most thorough consideration of this passage and of Varro's attitude towards *sermo* in general is Spencer 2019: 115-119; see also O'Rourke 1977: 164; Rosillo-López 2017: 77; on the etiquette of *sermo*: Cic. *Off.* 1.34.

⁵⁸⁸ O'Rourke 1977: 164, on *sermo* used synonymously with *fama* and *rumor*.

⁵⁸⁹ Rosillo-López 2017: 78, in her discussion of rumours, gossip and conversation, does not differentiate between *rumores* and *sermones* in her approach.

Sermo perpetuated and strengthened sociability for those living at Rome on a daily basis and was an accessible medium of small-scale communication and means of participating in public opinion.⁵⁹⁰ For politicians desirous of keeping up-to-date with current affairs, paying attention to the substance of *sermones hominum* was essential.⁵⁹¹ In his personal correspondence, Cicero uses *sermo omnium/hominum/vulgi* repeatedly when referring to common talk and its various topics.⁵⁹²

Like *fama* and *rumor*, Cicero uses *sermo* to refer to popular topics of conversation among “everyone”. Rosillo-López has shown that *sermo* is more regularly used together with *hominum* than it is with *populi* and that the former pairing is similar in usage to *rumor populi*.⁵⁹³ Two further observations can be made here to enhance the groundwork provided by Rosillo-López.

First, and perhaps most significant, is that Cicero used *sermo* in conjunction with *omnium*, *hominum* and *celebro* (*celebratus*) to place emphasis on the popularity of a given topic of conversation. For example, referring to Oppianicus’ alleged murder of Asuvius, Cicero remarks how widely the young man’s death was discussed at the time (*quam clara tum recenti re fuit, quam omnium sermone celebrata*).⁵⁹⁴ Likewise, alluding to a story concerning Clodia Metelli in his defence of M. Caelius Rufus, Cicero comments on the fact that this story has been heard and is the topic of common conversation (*audita et per celebrata sermonibus res est*) and continues to note that it could not have become so if it was not in keeping with Clodia’s character (*quod profecto numquam hominum sermo atque opinio comprabasset*).⁵⁹⁵ It is important to note that the

⁵⁹⁰ For a thorough analysis of conversations and sociability at Rome, see Rosillo-López 2017: 42-74.

⁵⁹¹ Cic. *Att.* 9.19; cf. p. 137.

⁵⁹² *Sermo omnium*: Cic. *Fam.* 2.5.1; 2.14; 12.28.2; *QFr.* 1.1.24; *sermo hominum*: *Fam.* 3.8.1; 15.14.4; *Att.* 8.16; 9.19; 11.12; *QFr.* 1.1.38; 1.2.1; 3.2.2; *sermo vulgi*: *Fam.* 3.11; 15.4; *Att.* 2.21; Spencer 2019: 116-117 notes the commonality intrinsic to Varro’s *sermo*, demonstrated by the association of *sermo* with *coniuncta* (Varro, *Ling.* 6.64) and *homines* (Varro, *Ling.* 8.3).

⁵⁹³ Rosillo-López 2017: 78, n. 23: for the 6 appearances of *sermo populi* in the extant Latin Corpus; see above, n. 592 for the Ciceronian uses of *sermo hominum*.

⁵⁹⁴ Cic. *Clu.* 36; on Cicero’s portrayal of all of the murders mentioned in *Pro Cluentio*, see Hoenigswald 1962.

⁵⁹⁵ Cic. *Cael.* 69.

tendentiousness of Cicero's statements, which are designed to undermine the credibility of Clodia, does not affect what appears to be an objective usage of *sermo* in this instance. A final example of this particular phraseology can be found in Cicero's *De Domo Sua*, as Cicero recounts the story of P. Clodius Pulcher's dedication of a shrine to *Libertas*, and the (allegedly) incorrect manner in which this dedication took place.⁵⁹⁶ Cicero says that the improper dedication soon became the subject of common conversation (*et post omnium sermone celebratum*).⁵⁹⁷ Just as *rumor* was modified by a verb that added emphasis to the widespread circulation of the rumour in Suetonius' writings, *sermo hominum/omnium* could also be used to describe topics of common conversation, when accompanied by *celebratus*.⁵⁹⁸

Second, Cicero's use of *sermo* in his *In Verrem* helps clarify the role of *sermo* within the language of public opinion more broadly. As we have seen, Cicero repeatedly called attention to Verres' disregard for how he would be perceived by the multitudes as a result of his scandalous actions.⁵⁹⁹ In tandem with these repeated references to what everyone would think of Verres are descriptions of what everyone was *already* saying about him, which denotes immediacy as a characteristic of *sermo*. Indeed, the *actio secunda* opens with Cicero calling attention to the current expectation and topic of conversation that Verres would not appear again at the trial.⁶⁰⁰ Cicero claims that this widespread expectation (*opinio populi Romani*) has been the subject of conversation (*sermo vulgi*) for several days already (*per hosce diem*). Later, Cicero again highlights the currency and frequency of the complaints and conversations of the *populus Romanus* concerning Verres' thefts from the temple of Castor (*nam quid ego de cotidiano*

⁵⁹⁶ For the shrine to *Libertas*: Cic. *Dom.* 116; Plut. *Cic.* 33; Dio Cass 38.17.6.

⁵⁹⁷ Cic. *Dom.* 140.

⁵⁹⁸ *Celebro* also appears at Cic. *QFr.* 1.1.24, when Cicero wants to emphasise the universality of the praise for his brother in Asia.

⁵⁹⁹ See p. 129.

⁶⁰⁰ Cic. *Verr.* 2.1.1.

sermone querimoniaque populi Romani loquar).⁶⁰¹ The incidence of the *populus Romanus* being reminded of Verres' theft at the temple is also said to have been daily (*quam populus Romanus cotidie...videbunt*).⁶⁰² At 2.1.148, Cicero uses *omnium* to qualify both *existimatio* and *sermo* to present a more comprehensive picture of the totality of Verres' disregard for what were clearly key facets of public opinion.⁶⁰³ From the usage of *sermo* in *In Verrem* alone, in particular the relationship between *existimatio* and *sermo* created by Cicero, it is evident that (aspiring) prominent individuals not only had to pay attention to what everyone thought about them but also what everyone said about them.⁶⁰⁴

Instances of *sermo* used in conjunction with nouns in the genitive case such as *hominum*, *omnium* or *populi Romani* are scarce in our (near) contemporary sources. While *sermo* often appears by itself to refer simply to conversation, I have found only four instances in the extant works of Caesar, Sallust, Virgil, Ovid, Suetonius, Quintilian and Tacitus that use the apparently Ciceronian formula.⁶⁰⁵ The fact that three of these instances date to the first century AD indicates a degree of semantic stability, thus, given Varro's relatively earlier assessment of *sermo*, legitimising through longevity the recognised role of *sermo* within the language of public opinion. This role saw *sermo* function as a means of gauging current opinions and sentiments due to its prolific and tangible nature. Like *fama* and *rumor*, it had to be paid attention to – perhaps even more so given that it lacked the negative connotations of its apparent synonyms.

⁶⁰¹ Cic. *Verr.* 2.1.129.

⁶⁰² Cic. *Verr.* 2.1.154; Jenkyns 2013: 36.

⁶⁰³ Cic. *Verr.* 2.1.148: *omnium sermonem atque existimationem contempserit*.

⁶⁰⁴ Two further instances of *sermo hominum/omnium*: *Verr.* 2.4.13, 2.5.46.

⁶⁰⁵ Caes. *BCiv.* 2.29; Suet. *Tib.* 39; Tac. *Ann.* 2.39.3; Quint. *Inst.* 9.4; this is based on a search of the Packard Humanities Institute's *Classical Latin Texts* online digital database.

Iudicium

Although *iudicium* has multiple definitions and its meaning often depends on the context in which it is used, each instance of the word refers to a judgement being passed or the capacity in which a judgement was passed.⁶⁰⁶ Here, I consider only uses of *iudicium* that refer to *iudicia* made by a collective. Moreover, a *iudicium* made by a collective (public judgement) differs from the thoughts and feelings of a collective in that the former is inherently decisive while the latter remains undefined and subject to change.

Rosillo-López argues that Cicero's use of *iudicium* changed over the course of his career, especially after 49 BC, developing from a way of describing an official judgement into a means of aggregating multiple individual opinions.⁶⁰⁷ While I agree with Rosillo-López that Cicero's use of *iudicium* evolved to refer to collective opinions of groups other than the *populus Romanus*, I suggest that this new usage did not replace the former but rather supplemented it. Cicero consistently used *iudicium* in conjunction with *hominum* or *populi (Romani)* to denote a judgement of the people that he considered to be good; that is, when he agreed with a decision or feeling expressed by the public.⁶⁰⁸ Used in this way by Cicero, *iudicium*, like *existimatio* and *fama*, is only descriptive of a specific facet of public opinion. Moreover, while *existimatio* and *fama* were difficult to discern, *iudicium* appears as an entirely tangible aspect of public opinion, describing judgements of the people made clear through collective physical manifestations (*significationes*).⁶⁰⁹

⁶⁰⁶ Cf. Lewis & Short 1897, *s.v. Iudicium*, the definitions here are divided into two broad categories: I. A *Lit.* A judgement II. *Transf.* a) a court of justice b) a judgement on any subject (extra-judicial) c) the power of judgement itself d) court speeches.

⁶⁰⁷ Rosillo-López 2019: 504-513.

⁶⁰⁸ Rosillo-López 2017: 8; with *hominum*: *Verr.* 2.1.111; *Mur.* 74; *Att.* 1.16; with *populi (Romani)*: (70s BC) *Verr.* 2.5.176; (60s BC) *Cluent.* 153; (50s BC) *Sest.* 106, 113, 119, 123; *Dom.* 69, 88, 95; (40s BC) *Phil.* 1.36; *ad Brut.* 1.4 (SB 10); an apparent exception to this rule, that *iudicium* describes a decision that Cicero deems good, can be found at *Planc.* 8-10. There, it is the *studium populi* that Cicero privileges. Rosillo-López 2019: 503 suggests that this instance should be considered as a forced rhetorical position, since it goes against the usual Ciceronian usage.

⁶⁰⁹ For example: *Cic. Sest.* 124, cf. nn. 240, 615, 616; *Cic. Phil.* 1.36, with Rosillo-López 2019: 511.

Cicero draws a distinct contrast between the inactive “*tacita existimatio*” and the active and definitive “*vehemens ac liberum populi Romani iudicium*”.⁶¹⁰ Even when a *iudicium* is described as silent, there was still a tangible action involved. For example, describing Catilina’s arrival at a senate meeting in 63 BC, Cicero claims that the silent ignoring of and retreating from Catilina was a condemning judgement in itself.⁶¹¹

The manifestation of collective opinions required collective actions, which in turn required an appropriate space for large-scale communication. In his *Pro Sestio*, Cicero claims that there are three locations at which *re publica populi Romani iudicium ac voluntas* can best be ascertained.⁶¹² Separating *iudicium* from *voluntas* (will, desire) suggests that Cicero, and, by implication his audience, recognised a distinction between the populace’s thoughts, perceptions, or feelings that could only be guessed at without a medium for their manifestation, from apparently unanimous displays of public judgement when thinking about what we would call public opinion.⁶¹³ In recounting Sestius’ entrance into the gladiatorial games, Cicero uses the language of public opinion to emphasise the positive feelings of the populace toward their *tribunus*. He tells us that the judgement of the entire Roman people (*populi Romani iudicium universi concessu*) was made clear when Sestius entered and moved among them.⁶¹⁴ Sestius did this, supposedly, *ut ipsi inimici nostri voluntatem universi populi viderent*.⁶¹⁵ *Iudicium* refers to the product, manifested in a tangible, physical capacity, resulting from a collective *voluntas*. However, *iudicium* can only occur if a significant number of people, comprised of several

⁶¹⁰ Cic. *Verr.* 2.5.176.

⁶¹¹ Cic. *Cat.* 1.17: *cum sis gravissimo iudicio taciturnitatis oppressus*; “although you have been convicted by the hostile verdict of their silence”; similarly, *Off.* 2.24 describing the way in which a people might reach freedom from tyranny; *Att.* 4.17, mentioning the instigation of a silent judgement process against the consular candidates for 54 BC, the details of which are unknown, but which must have involved action being taken by jurors.

⁶¹² Cic. *Sest.* 106; Cicero lists the three locations as *contiones*, assemblies, and gladiatorial games.

⁶¹³ On the difficulty of discerning *voluntas*, see below, pp. 145-148.

⁶¹⁴ Cic. *Sest.* 124.

⁶¹⁵ Cic. *Sest.* 124: So that our enemies could see the sentiment of the whole Roman people.

partes of the *populus*, came together to deliver it through a given medium.⁶¹⁶ Therefore, while being physical manifestations of *voluntas* and conduits for individuals' opinions, media encompassed within Political Literature cannot constitute *iudicia* due to the fact that it was produced by individuals or small groups of people.

Unlike Cicero, Caesar appears not to have used *iudicium* with the plural genitive nouns that we have come to see as typical of the language of public opinion. Nor does Suetonius. Livy, however, writing only two decades after Cicero (from 27 BC), uses the phrase *iudicium populi (Romani)* frequently throughout the early books of his *Ab Urbe Condita* to describe decisions made by the *populus*, primarily in a judicial capacity, thus conforming to one of the standard Ciceronian uses of the phrase.⁶¹⁷ As far as I can tell, only Cicero used *iudicium* to denote *any* collective actions of the *populus* that were substantial enough in unanimity and participants that they might be considered as definitive manifestations of public opinion.

Voluntas

Voluntas describes a desire or choice that has developed freely within an individual or collective and can denote the disposition of a subject towards an object or circumstance.⁶¹⁸ It represents the emotive aspect of individual and public opinion, describing individual and collective sentiments.

Unlike *iudicium*, *voluntas* was not easily discernible – a fact recognised by the author of the *Commentariolum Petitionis* – and usually required a medium, such as *verba*, through which it could be communicated.⁶¹⁹ Suetonius too comments on the indiscernible nature of *voluntas*

⁶¹⁶ Cic. *Sest.* 124; cf. Rosillo-López 2019: 505 on the combination of opinions to reach a sufficient apparent consensus.

⁶¹⁷ Livy 2.27.12; 3.56.10; 4.7.5; 4.42.7; 5.11.12; 8.34.7.

⁶¹⁸ Cf. Lewis & Short 1879: *s.v.* *voluntas*; Rosillo-López 2017: 128 acknowledges *voluntas* as a means of describing opinion but does not give it the same attention as *existimatio*, *fama*, or *iudicium*.

⁶¹⁹ Cicero, *Comment. Pet.* 42; for *verba* as a medium for *voluntas*: Cic. *Caecin.* 53; *voluntas, quae si tacitis nobis intelligi posset, verbis omnino non uteremur; quia non potest, verba reperta sunt, non quae impedirent, sed quae*

(*dubium eventu meliore an voluntate*) but notes that Augustus made this somewhat clear *quodam etiam edicto his verbis testatus est*.⁶²⁰ It was not just *verba* that could make *voluntas* manifest, so too could conduct. The *animus constans et egregius* of Cn. Domitius and the *fides ac fortitudo* of Q. Ancharius as *tribuni plebis* (59 BC) extenuated their lack of accomplishments by demonstrating their *voluntas* to the *populus Romanus*.⁶²¹ *Voluntas*, then, described the feelings and dispositions of individuals that without a physical medium were otherwise impossible for others to perceive.

Groups of people could also possess and convey *voluntas*. Caesar, unsurprisingly throughout his *Bellum Civile*, makes several references to the dispositions of various collectives towards his causes and actions.⁶²² Likewise, Livy repeatedly refers to the *voluntas* of the leading men in Rome and, in one extant instance, to that of the plebs in his narration of their conflicted history.⁶²³ But how does *voluntas* fit into a vocabulary of public opinion? How did contemporaries perceive and interact with popular *voluntas*?

Creating and maintaining the illusion, at least, of a universal sentiment could be achieved with the formulaic phrase *voluntas populi Romani*, which described the free will of the *populus Romanus* in the same way that the popular reception of an individual might be denoted by the phrase *existimatio omnium*, for example. Cicero uses this formula – *voluntas populi Romani* – frequently, although not exclusively, in his *In Verrem* to emphasise just how unacceptable Verres' actions have been, by describing them as contradictory to the will and interests of the *populus Romanus*. Meanwhile, Cicero acts on behalf of and in accordance with this universal

indicarent voluntatem; “Intention; for if our intention could be made clear without our speaking, we should not use words at all; but because it cannot, words have been invented, not to conceal but to reveal intention”, trans. H. Grose Hodge.

⁶²⁰ Suet. *Aug.* 28: “but published them on record as well in an edict in the following words”, trans. J.C. Rolfe, adapted.

⁶²¹ Cic. *Sest.* 113: “consistent and excellent courage”; “good faith and fortitude”.

⁶²² Caes. *BCiv.* 1.3 (*voluntatem senatus*); 1.8 (*militum voluntate*); 1.12 (*municipiorum voluntatibus*).

⁶²³ Livy 1.46.2, 10.18.8, 21.2.4, 23.15.7; for *voluntate plebis*: 1.46.1.

voluntas.⁶²⁴ For Cicero, *voluntas populi Romani* serves, in the same way as *iudicium*, to denote popular sentiments that he approved of.

Voluntas populi could also be communicated via a *significatio*. In his *Pro Plancio*, Cicero attempts to invalidate the accusations of corrupt electoral conduct brought against Cn. Plancius, by arguing that the *voluntas populi Romani* was made clear by the voting of the tribes and indeed by the unanimity of these votes (*in quo non exigua pars populi, sed universus populus voluntatem suam declaravit*).⁶²⁵ A similar phraseology appears in Cicero's first *Philippic* speech. At *Phil.* 1.36-1.37, it is the *plausus*, *clamores*, and the *populi versus* that Cicero claims are indicative of the feelings of the *populus Romanus* and thus that act as transformative media to develop the abstract *voluntas* into the tangible *iudicium*.

Cicero's use of *voluntas populi Romani* to describe the sentiments of the *populus* remains consistent across genres of Political Literature.⁶²⁶ In two letters to Atticus, Cicero uses the phrase *voluntas populi (Romani)* to refer to the approval or disapproval of the *populus* – in other words, to describe what Cicero perceived the *populus* to want or not want. In *Att.* 1.4.2 (66 BC), Cicero notes the incredible and unique level of support that his conduct in the case against C. Macer is receiving.⁶²⁷ While we should exercise caution when interpreting such hyperbolic claims, there is no reason to doubt that Cicero did indeed recognise, through some medium, a significant degree of support for his conduct during this case. In *Att.* 2.21.5 (59 BC), the letter in which Cicero deplores the current state of affairs at Rome with M. Calpurnius Bibulus

⁶²⁴ Cic. *Verr.* 1.1.2; 2.1.5, 2.1.10, 2.1.104, 2.5.35; Cicero supported by or supporting *voluntas populi Romani*: *Verr.* 1.1.2; 2.3.7; *Vat.* 6.

⁶²⁵ Charges brought under the *Lex Licinia de sodaliciis*, by his rival for the aedileship of 55 BC, Iuventius Laterensis Cic. *Planc.* 49, 54. Broughton *MRR* 2.223.

⁶²⁶ On Political Literature, see above, p. 17.

⁶²⁷ "Here in Rome my handling of C. Macer's case has won popular approval to really quite an extraordinary degree"; *nos hic incredibili ac singulari populi voluntate de C. Macro transegimus*, trans. J. Henderson; on this case, see below, p. 234.

enjoying a considerable level of popularity, Cicero uses *voluntas populi* to describe the unpopularity of postponing a comitial meeting – the *populus* did not *want* it postponed.⁶²⁸

Although *voluntas populi Romani* is only prolific in the Ciceronian corpus, the fact that he used the phrase frequently in his public speeches suggests that it was widely understood. Like *existimatio*, *voluntas* was an abstract concept that required a medium of communication to take shape. Therefore, the relationship between *voluntas* and *iudicium* was all important; the transformation of the former into the latter via *significationes* underpinned the functioning of public opinion at Rome.

Studium

Within the language of public opinion, *studium* lies somewhere between the definitive and tangible *iudicium* and the all-important but indecipherable *voluntas*. *Studium* best describes a desire, as does *voluntas*, or fondness for something, as does *favor*, while simultaneously connoting efforts being made to realise that desire or demonstrate that favour.⁶²⁹ The connotations of action suggest that *studium* was somewhat easier to discern than *voluntas*.

Cicero uses *studium* consistently across genres to describe the desires and efforts of specific groups. In his first public speech against the agrarian bill of P. Servilius Rullus (tribune 63 BC), Cicero claims that it was not *hominum potentium studio* that he was made consul, but *universi populi Romani iudicio*.⁶³⁰ Later, while decrying the tribunate itself and arguing that the best form of voting is constituted by the *populus Romanus*, not just part of it, Cicero notes how,

⁶²⁸ Cic. *Att.* 2.21.5: “*quod solet ea res populi voluntatem offendere*”. This letter possesses a relatively large variety and frequency of phrases to describe the popularity enjoyed by Bibulus, all of which are discussed in more detail by Pina Polo 2017: 93-94.

⁶²⁹ Lewis & Short 1879: *s.v. studium*, for several interpretations ranging from desire to exertion.

⁶³⁰ Cic. *Leg. agr.* 2.3: “by the efforts of influential men”, “by the universal judgement of the *populus Romanus*”, trans. J.H. Freese.

when the entire *populus* votes, each man is able to use his *studium* and his *suffragium* to attempt to obtain some benefit for himself.⁶³¹ Although *studium* suggests a more tangible form of desire than *voluntas*, it was still possible for *studium* to be conveyed by *significationes*, as the *populus Romanus* made known their *studium* towards Brutus in 44 BC via physical acts.⁶³² Like *existimatio* and *voluntas*, *studium* could require a medium such as *significatio* or *iudicium* for it to become interpretable.

A particularly notable use of *studium* in the Ciceronian epistolary corpus comes from Cicero's first letter to Atticus following the former's recall from exile (57 BC).⁶³³ Cicero writes that Quintus had informed him of the bill for his restoration being passed by the centuriate assembly with heightened enthusiasm from all orders and ages.⁶³⁴ The degree to which the voters' *studium* for Cicero's return was heightened is not relevant here, nor is whether or not the support was as widespread as Quintus appears to have claimed. What is important to our understanding of simply *how* Rome's socio-political elite thought and talked about the collective opinions of Rome's inhabitants is that Cicero chose to describe a universal desire, *and* the resulting effort to achieve that desire, with the phrase *studium omnium*.

Like Cicero, Caesar, Livy and Suetonius used *studium* in conjunction with *hominum*, *omnium*, *populi Romani*, and *plebis* to denote the exhibition of enthusiasm or support by the *populus Romanus* and its subgroups, which confirms that *studium* occupied an established and stable role within the language of public opinion.⁶³⁵

⁶³¹ Cic. *Leg. agr.* 2.17; on the possibility of dividing the *populus* and multiple public opinions, see Russell 2019.

⁶³² Cic. *Phil.* 1.36-37; cf. p. 35, n.154; for a discussion of *significationes* in this passage, see below, nn. 645-646.

⁶³³ See also Cic. *Fam.* 13.5, cf. Broughton *MRR* 2.312; Cic. *Fam.* 13.4; a similar use of *studium* can be found at Cic. *Fam.* 1.4.3.

⁶³⁴ Cic. *Att.* 4.1.4: *litteris Quinti mirifico studio omnium aetatum atque ordinum*.

⁶³⁵ Cicero: *Mur.* 23, *Pis.* 57, *Sull.* 3, *Planc.* 10, *Phil.* 7.27, *Vat.* 6, *Off.* 2.16-2.19; *studium hominum*: *Div. Caec.* 13, *Clu.* 39, *Cat.* 4.16, 4.18, *Verr.* 2.1.3, 2.2.133, 2.3.6; in letters: Cic. *Fam.* 1.7.4; *studium omnium*: *Leg. Man.* 21, *Clu.* 70, *Red. pop.* 18, *Dom.* 94, *Sest.* 49; in letters: *Att.* 4.1.4; *studium populi Romani*: *Rosc. Am.* 136, *Verr.* 1.1.44, *Mur.* 10, *Pis.* 57.10; Caesar: *BCiv.* 3.21, *BGal.* 5.2; Livy 10.15.10, 26.48.6, 39.39.12-14; Suet. *Cal.* 15, *Vit.* 15.

Iudicium, Voluntas, and Significatio

I have shown that the popular perceptions of individuals described by *existimatio* and the abstract, yet significant, *voluntas populi Romani* were, in some cases, considered *tacita* and were difficult to discern. Without a medium of communication, these components of public opinion would have been indecipherable to onlookers. Although *studium* shares an inherent abstract quality with *existimatio* and *voluntas*, it possesses connotations of action and therefore of tangibility.⁶³⁶

Although media such as *sermones*, *rumores* and *fama* were invaluable sources of and for information, they were not always reliable and could arrive in various forms and from various sources. Fortunately, the Roman public sphere comprised multiple opportunities for large-scale communication at which the opinions of Rome's populace could manifest. I have shown that *iudicium* was used, at least by Cicero, to refer to actions that displayed collective sentiments and were delivered by a significantly diverse and substantial portion of society.⁶³⁷ Tangible actions that indicated the conceptual elements of public opinion, *voluntas* in particular, were referred to as *significationes*.⁶³⁸ Thus, understood within the language of public opinion, *iudicium* and *significatio* are somewhat synonymous.⁶³⁹ While all actions that manifested

⁶³⁶ Cf. n. 634: it was possible for Quintus to discern the *studium* of the broad range of voters at the *comitia centuriata* in 57 BC.

⁶³⁷ *Iudicare* is contextualised by Varro at *Ling.* 6.61 within a linguistic nexus that interrelates words describing speech and words describing action – specifically the act of speaking out loud a decision (Varro begins with *dicere*, then, most important here, *iudicare*, followed by *dedicare*, *indicare* and *addicere*). Spencer 2019: 44-45 (cf. also pp. 100-101 there) notes that the sequencing with which Varro puts forward this particular nexus (from *dicere* to *addicere*, via *iudicare*) emphasises the close “relationship between communicative knowledge and the ability to act effectively and informedly”.

⁶³⁸ Jakob 2005: 123 notes that through verbal and non-verbal signals (*Signalen*), politicians were able to learn about opinion climates; Rosillo-López 2019b: 503 mentions *significationes* in the context of *Cic. Sest.* 105, but goes no further.

⁶³⁹ For *significatio* as an expression, and a synonym for *iudicium*: Lewis & Short 1879: s.v. *significatio*.

collective opinions could be considered *significationes*, whether or not an act was considered to constitute a *iudicium* depended on the interpretation and agenda of the act's interpreter.⁶⁴⁰

Cicero's opinion on the functioning of *significationes* is revealed in his *Pro Sestio*. Although Cicero acknowledges that it is possible for *significationes* to be false and corrupt, he is quick to point out that this does not matter since such cases are easy to tell:

*Comitiorum et contionum significationes sunt interdum verae, sunt non numquam vitatae atque corruptae; theatrales gladiatoriique consessus dicuntur omnino solere levitate non nullorum emptos plausus exiles et raros excitare; ac tamen facile est, cum id fit, quem ad modum et a quibus fiat, et quid integra multitudo faciat, videre.*⁶⁴¹

When read alongside a handful of similar passages, this excerpt provides two significant insights into the functioning and interpretation of public opinion.

1. A recognisable lexicon of public opinion was attached to certain places.

As the media of large-scale communications, *significationes* were associated with certain spaces.⁶⁴²

2. The form(s) *significationes* could take. Here, I discuss three: *plausus*, *clamores*, and *suffragia*.

⁶⁴⁰ For Cicero only referring to decisions that he thought were good as *iudicia*, see n. 608.

⁶⁴¹ Cic. *Sest.* 115: "Demonstrations of favour in assemblies where the people vote or hear a harangue are sometimes genuine, sometimes flawed and corrupt, but when the people gather for plays and gladiator shows it is said to be quite customary that the applause they give, when some irresponsible people have purchased it, is meagre and sporadic; still, when that happens it is easy to see how it has been arranged, and who is behind it, and what the upright mass of people is doing", trans. R. A. Kaster 2006; Cicero comments on the quality and sincerity of the shouts against him at *Sest.* 125-127; at *Sest.* 105, Cicero recalls how for opponents of past *populares*, it was difficult to interpret any applause they received and that they assumed it was conveying a negative message.

⁶⁴² For spaces of large-scale communication, see above, pp. 53-73, and above 202-237; see also Cic. *QFr.* 2.14.2; on the importance of the houses of the elite in the process of public opinion and the role of these house within the public sphere, see Rosillo-López 2017: 69-74.

I. *plausus*

The significance of *plausus* specifically is highlighted by Cicero a little further on in his *Pro Sestio*, when he comments on those who receive the most applause, the quality of people who receive applause and the fact that some politicians equate applause with political success.⁶⁴³ According to Cicero, *plausus* was the means by which *tribunus plebis* Publius Sestius roused a visual and audible manifestation of the *voluntas populi Romani* at the gladiatorial games hosted by Q. Metellus Scipio in 57 BC.⁶⁴⁴ Cicero describes a similar display in his *Philippics*, in this instance the manner in which the *populus Romanus* demonstrated their *studium* towards the absent Brutus was through *perpetuo plausu et clamore*.⁶⁴⁵ In his *Philippic* speeches, Cicero refers to three occasions at which *significationes* were delivered by the *populus Romanus* in the form of *plausus*, each time serving to convey their unanimous *voluntas* and thus delivering their *iudicium* to the consuls M. Antonius and P. Cornelius Dolabella.⁶⁴⁶ An absence of *plausus* for an individual was also a means of communicating collective opinions. In a letter to Atticus in 59 BC, Cicero describes the climate of public opinion made manifest at the theatre by Caesar receiving no applause upon his entry and C. Scribonius Curio, who entered immediately after, receiving a notable ovation.⁶⁴⁷

⁶⁴³ Cic. *Sest.* 115.

⁶⁴⁴ Cic. *Sest.* 124.

⁶⁴⁵ Cic. *Phil.* 1.36: “sustained clapping and shouting”.

⁶⁴⁶ Cic. *Phil.* 1. 36-37: the endless applause at the statue of Pompeius (*Quid Pompei statuae plausus infiniti*); and at the games of Apollo (*Apollinarium ludorum plausus vel testimonia potius et iudicia populi Romani parum magna vobis videbantur*); the endless applause and cheers by which the *populus Romanus* demonstrated their *studium* towards the absent Brutus (*desiderium liberatoris sui perpetuo plausu et clamore*).

⁶⁴⁷ Cic. *Att.* 2.19.3.

II. *clamores*

Clamor, was the production of a loud noise by a large group of people; most often this noise would be produced vocally as shouts and cheers rather than by hand through applause.⁶⁴⁸ In addition to the several instances of *plausus* mentioned above, Cicero calls attention to the shouts of innumerable voices and the popular verses, the point of his doing so is reiterated throughout: that these physical manifestations are indicative signals (*significationes*) of popular *voluntas* and therefore, are, in fact, instances of the *iudicium populi Romani*.⁶⁴⁹

While Cicero's comment on the universality of these *significationes* should be interpreted with the potential for exaggeration kept in mind, it suggests an awareness of the existence and implications of varying degrees of unanimity of feeling and thus of shared thoughts and sentiments.⁶⁵⁰ Moreover, it suggests that variations in types of (non-) constitutional makeup of the *populus* affected elite perceptions of the public opinion expressed within. Cicero's claim that the whole (*universus*) *populus* declared its *voluntas* towards Plancius, thus facilitating his election as aedile, and not just an inconsiderable portion thereof (*non exigua pars populi*), lends support to this idea; so too does the suggestion that while the conversations and votes of the common people (*vulgus*) were an indication of popular sentiment, the *populus Romanus* could express its will freely and explicitly through their votes (*suffragiis*).⁶⁵¹

⁶⁴⁸ See *TLL s.v. 'clamor'* 3.0.1254.80 – 3.0.1256.82; shouts and cheers in the context of public opinion: i) at games: *Cic. Phil.* 1.36; *Clu.* 79.12; *Fin.* 2.76; *Verr.* 2.106; ii) at *contiones*: *Flac.* 15; *Orat.* 214; *Livy* 27.51.6; *Asc.* 60C; on the limitations and communicative potential of vocal displays of opinions, see Rosillo-López 2017: 30-32, and Chapter 2 (below) for analysis of the locations and origins of *clamores*.

⁶⁴⁹ *Cic. Phil.* 1.36-1.37: the innumerable shouts of the citizens at the gladiatorial games (*Quid enim gladiatoribus clamores innumerabilium civium*); the popular verses (*Quid populi versus*); again, to demonstrate *studium* towards Brutus (above); Cicero considers these *significationes* as a *iudicium* (*non plausum illum, sed iudicium puto*).

⁶⁵⁰ *Cic. Phil.* 1. 37: *idemque cum a summis, mediis, infimis, cum denique ab universis hoc idem fit*; but when it comes from all ranks, from the highest to the lowest, from everybody present in fact; see also: *Cic. Planc.* 49.

⁶⁵¹ *Cic. Planc.* 49; *Cic. Sest.* 113; *Mur.* 1.

III. *suffragia*

Cicero often portrays the delivery of a vote, in other words the passing of a *iudicium*, as a *significatio*. Discussing *populares* of the past, Cicero notes how such men did not need to purchase support at *contiones* or at the theatre because their promises of *largitiones* and rewards brought them *omnes significationes*.⁶⁵² Cicero continues by providing a list of what we might safely suppose be the most sought after, or at least the most recognised, positive forms of *significationes*, which included applause at the theatre, achievement of whatever they wanted by popular votes, and the popular remembrance of names, speeches, faces, and bearings. The delivering of votes could clearly indicate an individual's *existimatio(nes)* and the *voluntas populi*.⁶⁵³ Indeed, there are several mentions within the Ciceronian corpus of the delivering of votes allowing Cicero to gauge the conceptual *existimatio* and *voluntas populi*.⁶⁵⁴

Rome's populace recognised a distinct lexicon for describing the form and meaning of collective manifestations of public opinion or *significationes*. Within the broader language of public opinion, *voluntas*, the wants and sentiments of the people, could only be accessed via *significationes*, which, if legitimate, decisive, and popular enough, could provide a *iudicium*.

⁶⁵² Cic. *Sest.* 105: *Ipsa enim largitio et spes commodi propositi sine mercede ulla multitudinem concitabat. Itaque temporibus illis qui populares erant, offendebant illi quidem apud graves et honestos homines, sed populi iudiciis atque omni significatione florebant.* "The largesse itself roused the masses with hopes for the proposed advantage; hiring them with wages was unnecessary. Consequently, though the 'men of the people' in those days found no favour with serious and respectable persons, they enjoyed the people's favourable judgement, which was displayed in any number of ways", trans. R.A. Kaster 2006; Rosillo-López 2019b: 503.

⁶⁵³ Cic. *Sest.* 105: *His in theatro plaudebatur, hi suffragiis, quod contenderant, consequantur, horum homines nomen, orationem, vultum, incessum amabant;* "they were applauded in the theatre, they got the votes to achieve their aims, people cherished their names, their ways of speaking, their looks, their very gaits.", trans. R.A. Kaster 2006; Cicero follows this by describing the opposite circumstances experienced by the opponents of those kind of politicians, noting that they had their ambitions thwarted by votes: *Qui autem adversabantur ei generi, graves et magni homines habebantur; sed valebant in senatu multum, apud bonos viros plurimum, multitudini iucundi non erant;* "the men who opposed that lot were considered serious people of great substance; but while they had much influence in the senate, and the most influence with real patriots, they were not to the masses' liking, their proposals often got voted down, and if ever any of them was applauded, he had to fear that he had done something wrong.", trans. R.A. Kaster 2006.

⁶⁵⁴ Cic. *Sest.* 113; *Mur.* 1; *Pis.* 57.

Favor

In definition, *favor* maps almost directly onto its modern English derivative, favour. *Favor* can describe the partiality and inclination shown towards an individual by another individual or, more commonly, a group.⁶⁵⁵ It can also refer to the *significationes* delivered at (official) public exhibitions and thus, in these cases, it can function as a synonym for *plausus*.⁶⁵⁶ The entry for *favor* in Lewis and Short's *A Latin Dictionary* notes that *favor* is rare in Ciceronian literature, absent from Caesar's works, and is found most often in prose and poetry from the Augustan period onwards.⁶⁵⁷ Quintilian offers an explanation for Cicero's apparent shunning of *favor*, a word which otherwise appears to be entirely appropriate for the contemporary language of public opinion. In a discussion of Latin terms that derived from Greek and have since remained in use, Quintilian cites a letter from Cicero to M. Brutus, noting that:

*'favorem' et 'urbanum' Cicero nova credit. Nam et in epistula ad Brutum 'eum' inquit 'amorem et eum, ut hoc verbo utar, favorem in consilium advocabo...'*⁶⁵⁸

Whether or not Quintilian is right to attribute Cicero's unease in using *favor* to the fact that the latter deemed the word *nova*, is unimportant here. That Cicero may have been reluctant to use *favor* in a letter likely written sometime between 44-43 BC, would explain the near absence of *favor* from earlier Ciceronian literature.⁶⁵⁹

Despite an apparent reluctance to use the word in private correspondence, Cicero nevertheless used *favor* on two occasions in the context of referring to the way in which an

⁶⁵⁵ *TLL s.v. favor*, 6.1.383.35 – 6.1.387.30; Lewis & Short 1897: *s.v. favor*.

⁶⁵⁶ Lewis & Short 1897: *s.v. favor* II; *TLL* 6.1.386.40-6.1.387.6.

⁶⁵⁷ Lewis & Short 1897: *s.v. favor* I; *favor* appears only five times in the extant Ciceronian corpus: *QRosc.* 29.6; *Sest.* 115; *Leg.* 2.11.8; *Off.* 1.157; *Fr. Epist.* 7.9; *favor* also appears only a handful of times in Suetonius to describe a collective sentiment: *Iul.* 11 (*populi*); *Tib.* 57, *Vit.* 15 (*hominum*); *Cal.* 4 (*vulgi*); *Tit.* 5 (*militum*).

⁶⁵⁸ Quint. *Inst.* 8.3.34: Cicero believes that '*favor*' and '*urbanus*' are new. For in a letter to Brutus he says I will call in to advise me that love and, if I can use the word, *favor*', trans. D.A. Russell, adapted.

⁶⁵⁹ On the extant correspondence between Cicero and M. Brutus, see Shackleton Bailey's Introduction (2002) in the Loeb Classical Library edition of *Epistulae ad Brutum*.

individual was received in front of an audience, once in his *Pro Roscio comoedo* (77 BC) and once more in his *Pro Sestio* (56 BC). In *Pro Roscio comoedo*, *favor* is used alongside *studium* to describe the favourable predispositions of audiences towards Panurgus as he began performing on stage.⁶⁶⁰ In *Pro Sestio*, Cicero uses *favor* within the context of a longer discussion concerning the legitimacy and nature of *significationes* at public occasions. Here, *favor populi* is one of the two governing influences, the other being *rumor*, of fickle politicians and thus is imbued with negative connotations.⁶⁶¹ This scant list of uses of *favor* by Cicero is hardly enough to draw any meaningful conclusions regarding the role and position of *favor* within the language of public opinion; the fact that the two most useful instances lend themselves to contrasting interpretations of the word only complicates this problem.

Writing shortly after Cicero, Livy uses *favor* (usually in conjunction with *populi*) throughout his *Ab Urbe Condita* to describe instances in which the support for a given individual was visible and thus manifested in some physical form, just as a *significatio*.⁶⁶² For example, writing of the year 410 BC, Livy narrates the return to Rome of the victorious consul, Caius Valerius Potitus and how upon his return to the city, the soldiers (who had been reluctant to fight) now exclaimed uncivilised verses and the *favor* of the gathered *populus* contended (*certaret*) with the voices and the applause of the consul's men.⁶⁶³ Livy's use of *favor* again denotes connotations of physical manifestations of favour in his description of Mamercus Aemilius' time as *dictator*. According to Livy, Aemilius' decision to decrease the tenure of the censors from five years to a year and a half resulted in *gratulatio ac favor ingens* during his

⁶⁶⁰ Cic. *QRosc.* 10: *Quam enim spem et expectationem, quod studium et quem favorem secum in scaenam attulit Panurgus.*

⁶⁶¹ Cic. *Sest.* 115: *qui pendet rebus levissimis, qui rumore et, ut ipsi loquuntur, favore populi tenetur et ducitur, plausum immortalitatem, sibilum mortem videri necesse est.*

⁶⁶² *Favor populi* in Livy: 4.24.7, 53.11; 7.26.12; 8.34.1; 10.37.11; 37.57.12; 39.39.10; *favor vulgi*: 29.22.8.

⁶⁶³ Livy 4.53.11-12: uncivilised verses (*versus inconditus*), *favor* contending with voices and applause (...*cum ad omnem mentionem tribuni favor circumstantis populi plausuque et adsensu cum vocibus militum certaret.*

escort home.⁶⁶⁴ Livy uses *favor* to denote support, in the same way Cicero uses *studium*, and to describe physical manifestations of that support. Cicero's remark concerning *favor*, labelling it *nova*, creates an unanswerable problem for the present attempt to set out a language of public opinion. We have seen that Cicero used *favor* decades prior to this remark, so perhaps we should not interpret *nova* too literally. Though the absence of *favor* from Caesar's *commentarii* suggests that the word had not been wholly adopted into the language of public opinion by the late Republic.

Opinio

Unsurprisingly, *opinio* is closest in meaning to opinion as it is defined in English today. Derived from *opinari* (to suppose, believe, or imagine), *opinio* possesses strong connotations of belief, expectation and estimation.⁶⁶⁵ By itself, *opinio* is used generally to refer to opinions, specifically the reception of individuals' public image (like *existimatio*) and concerning rumours and reports (like *fama*).⁶⁶⁶ Like the majority of the words discussed in this section, *opinio* is often accompanied by a collective noun in its genitive case to refer to shared or common beliefs.

Unlike *voluntas*, *opinio* rarely appears alongside *populi Romani* in our extant sources. On only two occasions do we find our sources using *opinio populi Romani* to refer to a common belief of the Roman populace. Referring to the common belief and topic of conversation that Verres would not appear at his trial again, Cicero writes:

⁶⁶⁴ Livy 4.24.7: "considerable congratulations and favour".

⁶⁶⁵ Just as *opinio* can describe an expected outcome or course of action, it can also signal an educated (or perhaps even hazarded) guess at an answer within the context of a shared knowledge. Varro uses *opinio* in this way at *Ling.* 5.8 (and *opinor* in a similar way at *Ling.* 6.64), when informing the reader that he intends to offer his best estimates, when he does not know for certain, of the origins of words within the fourth (and highest) level of explanation.

⁶⁶⁶ *TLL s.v. opinio*: reputation and public image: 9.2.714.35-9.2.721.62, Lewis & Short 1879: *s.v. opinio* IIA; reports and rumours: 9.2.721.83-9.2.722.32, Lewis & Short 1879: *s.v. opinio* IIB.

*Neminem vestrum ignorare arbitror, iudices, hunc per hosce dies sermonem vulgi
atque hanc opinionem populi Romani fuisse...*⁶⁶⁷

Quintilian uses this line to comment on the importance of one's ability to *feel* the completeness of rhythm in a sentence. According to Quintilian, "*sermonem vulgi fuisse*" would have sufficed to describe Cicero's intended subject and "*atque hanc opinionem populi Romani*" is simply a reduplication of the phrase for the purpose of fulfilling rhythmic requirements.⁶⁶⁸ What does the fact that Quintilian considers *sermo vulgi* and *opinio populi Romani* to be near synonymous tell us about contemporary understandings of these phrases? It could easily be argued that these phrases are simply close enough in meaning to merit Quintilian's comment and yet just different enough to allow Cicero to use one after the other. Perhaps Caesar's tendency to associate *fama*, (and so what people are saying) with *opinio* (what people believe and are expecting) might allow us to go one step further in our consideration of Cicero's apparently repetitive line. As demonstrated below, Caesar uses *fama* alongside *opinio (omnium)* to create a feeling of comprehensiveness.⁶⁶⁹ Given the close relationship between *fama* and *sermo*, Cicero's use of the latter here might be intended to create the same effect – that Verres would not appear again at his trial is not only what everyone is saying, it is also what everyone is expecting – thus granting the point force and legitimacy. Nevertheless, the conjectural hypothesis offered here should not undermine Quintilian's observation about the closeness in meaning of the two phrases; after all, they are both components within the language of public opinion.

⁶⁶⁷ Cic. *Verr.* 2.1.1: "You are probably none of you unaware that it has during these last few days been the common talk, and the belief of this nation, that Gaius Verres would make no defence at the second hearing, and would not appear in court.", trans. L. H. Greenwood; on this passage, see Guastella 2017: 112-113.

⁶⁶⁸ Quint. *Inst.* 9.4.118-119.

⁶⁶⁹ For Caesar's linking of *opinio omnium* and *fama* see below, p. on page 161.

Shortly after calling attention to this common belief about Verres, Cicero uses *opinio populi Romani* to refer to the potential general belief that the senatorial order has abandoned any regard for truth.⁶⁷⁰ As far as I can tell, these instances and one more, in a letter to P. Lentulus Spinther, are the only attested Ciceronian references to an *opinio populi Romani*.⁶⁷¹

In the extant Ciceronian corpus, *hominum* most often appears alongside *opinio* to describe a common belief or expectation that is marked out in some way. Unlike *vulgi*, *hominum* does not carry any negative connotations and thus it does not colour the *opinio* itself. Cicero uses *opinio hominum* to emphasise the hopelessness of Verres' position by creating the impression that the trial is all but over, since the accused has been condemned by the facts and by the common expectations of all.⁶⁷² In a similar way, *opinio hominum* conveys Cicero's apparent concern that the verdict has all but been delivered against his client, Aulus Cluentius Habitus, as a result of the rumours of corruption that overshadowed the trial of 74 BC (involving Cluentius and the current prosecutor's father).⁶⁷³ Indeed, the anxiety demonstrated by Cicero, encapsulated in *opinio hominum*, is prevalent throughout his *Pro Cluentio*.⁶⁷⁴ Within this context of attempting to dispel preconceived opinions and to deter the *iudices* and *corona* from taking them into account, Cicero employs *opinio hominum* again to refer to the marking out, by common expectation, of C. Iunius for the praetorship only to immediately follow this observation by stating how C. Iunius had been removed from his role by popular outcry (*clamore hominum*) for corrupt behaviour, thus subtly reiterating how *opinio hominum* (common beliefs and expectations) are again unreliable.⁶⁷⁵ Cicero uses *opinio hominum* to

⁶⁷⁰ Cic. *Verr.* 2.1.2.

⁶⁷¹ Cic. *Fam.* 1.4.

⁶⁷² Cic. *Verr.* 2.4.34.

⁶⁷³ Cic. *Clu.* 7.

⁶⁷⁴ Cic. *Clu.* 1-9.

⁶⁷⁵ Cic. *Clu.* 79; on this episode, see below, pp. 221, 278.

denote the marking out of an individual by popular expectation for a certain position; whether or not the popular expectation was well founded was another matter.⁶⁷⁶

Cicero's usage of *opinio hominum* is similar to Caesar's, as far as both authors use the phrase to refer to something commonly believed and the resulting expectations arising from that belief. In his *Bellum Gallicum* and *Bellum Civile*, Caesar uses *opinio omnium* to emphasise his achievements by describing them as contrary to common expectations.⁶⁷⁷

For example, to describe his arrival at the borders of the Belgae sooner than anyone expected, Caesar writes: *Eo cum de improviso celeriusque omnium opinione venisset*.⁶⁷⁸ Likewise, recalling his faster-than-anticipated arrival at the Loire: *celeriter contraque omnium opinionem confecto itinere*.⁶⁷⁹ The principal benefit to Caesar of emphasising his achievements contrary to common expectations are obvious – to increase and preserve for posterity the prestige of his deeds, particularly those which afford him the image of someone that in exceeding expectations, achieves the unachievable.⁶⁸⁰

⁶⁷⁶ For example, at Cic. *Sest.* 21-22 uses *opinio hominum* again to describe a common expectation that turned out to be incorrect (*falsa*). According to Cicero, L. Calpurnius Piso's noble birth and youth commended him to common expectation (*erat enim hominum opinioni nobilitate ipsa...commendatus*), which in turn endowed him with a favourable reputation that hid his true character; Cicero states outright: *falsa opinione hominum ab adolescentia commendatum sciebam*. *Opinio hominum* could also denote a well-considered marking out of an individual, as Cicero uses the phrase to refer to the common expectation that his brother Quintus succeeds him as governor of Cilicia in 51/50 BC: Cic. *Att.* 6.3; for a similar common expectation of an outcome: Cic. *Att.* 1.16.1.

⁶⁷⁷ Caes. *BGall.* 3.9 (noting that nothing currently being described turned out to be true); 6.3 (Basilus' march was carried out faster than anyone expected); *BCiv.* 3.82 (Pompeius' forces join Scipio's in Thessaly, thus confirming everyone's expectations of victory); for similar uses of *opinio omnium* by Cicero: *Rosc. Am.* 45; *Verr.* 1.1.2; *Cat.* 3.11; *Mur.* 35 (Rosillo- López 2017: 75); *Planc.* 49; *Brut.* 1; *Rep.* 3.27; *Par. Sto.* Pr. 4.2; Cic. *Nat. D.* 3.71 ; Cicero and M. Caelius Rufus, in epistolary correspondances, use the phrase *praeter opinionem* to denote events that ran counter to their own expectations, for example: Cic. *Fam.* 3.2 (SB 65), 3.10 (SB 73), 8.2 (SB 78), with Rosillo-López 2019: 65; Cic. *Fam.* 2.9 (85).

⁶⁷⁸ Caes. *BGall.* 2.3: "He arrived there unexpectedly, and with more speed than anyone had looked for", trans. H.J. Edwards.

⁶⁷⁹ Caes. *BGall.* 75.6: "He accomplished the march speedily, contrary, indeed, to the general expectation", trans. H.J. Edwards.

⁶⁸⁰ Caesar's penchant for emphasising the exceptional speed with which he accomplished tasks that would take others longer is typified by the well-known placard displayed in his Pontic triumph in 46 BC, which, according to Suetonius, read *veni, vidi, vici*, Suet. *Iul.* 37.2; Davies 2017: 261.

In his *De bello civili*, when describing the drawing up of his forces to face those of Afranius and Petreius at Ilerda, Caesar writes how he could not avoid a battle as to do so would have been contrary to the expectations of the soldiers and to what everyone was saying.⁶⁸¹ In this instance, Caesar places the *opinio* of his soldiers alongside the *fama omnium*. He achieves a similar effect using *opinio* and *fama* in conjunction at 3.36 and at 3.55.⁶⁸² Given the genre, purpose, and temporal context of Caesar's *De bello civili*, it is hardly surprising that we find *opinio*, a word which connotes belief in a particular outcome of a scenario or fact, being used alongside *fama* to convey the image of Caesar as a universally considered topic – the subject of everyone's thoughts and everyone's conversations.

In his monograph on *De bello civili*, Grillo notes the use of *celeritas* as a narratological device with which Caesar the narrator subtly conveys the image of Caesar the General as possessing a comprehensive understanding of the campaign and events as they unfold; an understanding which enables him to move speedily.⁶⁸³ Caesar alternates between his own viewpoint and that of his enemy to highlight the ignorance and stupidity of the latter, and in doing so reminds the reader of the dangers of interpretation.⁶⁸⁴ Grillo suggests that one way Caesar maintains a focus on the alternation of viewpoints, at least while recounting the events leading up to Ilerda, is through the repetition of the words *videor*, *iudicium*, and *opinio*.⁶⁸⁵ In the passages cited by Grillo to support this hypothesis, Caesar makes full use of the language of public opinion. *Opinio* is quickly followed by *existimo*, which in turn precedes *omnium iudicium*.⁶⁸⁶ If Grillo's reading of Caesar's narratological intention is correct – that Caesar wanted to create a focus on differing viewpoints – then the repetition of *opinio*, alongside

⁶⁸¹ Caes. *BCiv.* 1.82: *Contra opinionem enim militum famamque omnium.*

⁶⁸² For a comparison of possible translations see C. Damon's *Loeb* translation of *Bellum Civile*, n. 96.

⁶⁸³ Grillo 2012: 21.

⁶⁸⁴ Grillo 2012: 19-20.

⁶⁸⁵ Grillo 2012: 20-21.

⁶⁸⁶ Caes. *BCiv.* 1.47.1-2; 1.69.1-2.

existimo and *iudicium* bespeaks a recognised and understood means of communicating the common thoughts of groups.⁶⁸⁷

The use of *opinio* by Cicero and Caesar shows little variation, almost always referring to the common expectations of a group, sometimes with respect to an individual that has been marked out in some way. The frequency with and contexts in which *opinio* was used by Cicero and Caesar tell us that politicians were paying attention to what people expected to happen and were able to make comments and act depending on these perceivable expectations. This coincides with Rosillo-López's hypothesis that politicians were able to "measure" public opinion and gauge it in order to make necessary predictions about electoral outcomes.⁶⁸⁸

Summary

The first half of this chapter has shown that a much larger proportion of Rome's populace could participate in public opinion than could participate formally in politics, and that experiences of participation in public opinion varied by demographic. Variations in levels of participation in public opinion between demographics delineated by socio-economic status, profession and gender, were mitigated in a number of ways, such as by the social and spatial diversity of Rome's public sphere and by cultural practices such as high levels of inter-status and inter-sex sociability. Within these levels of varying experiences of participation in public opinion, adult male citizens, specifically Rome's socio-political elite and *homines mediocres*, were able to participate to the greatest extent while the majority of the youngest and oldest of Rome's inhabitants experienced significant marginalisation in this respect. Perhaps most importantly, I have suggested that adult women, who had not yet reached old age, were included and considered within phrases such as *sermo omnium* and thus contributed meaningfully to politicians' engagements with public opinion

⁶⁸⁷ It is possible that *rumor* also features within Caesar's vocabulary here, but the manuscripts at the possible point of its usage are variously corrupt, cf. Caes. *BCiv.* 1.53.1.

⁶⁸⁸ Rosillo-López 2019a: 57-79.

at Rome. In a similar manner, I have suggested that a lack of participation in public opinion likely meant that the oldest in society, in particular the men, were not included in phrases such as *iudicium populi Romani*, as these phrases, as the following section demonstrates, implied tangible actions.

For the socio-political elite during the late Republic, a distinct lexicon existed which was used to describe the opinions of Rome's populace. The communication of this lexicon, combined with the existence of the concepts and actions it described, constituted a language of public opinion, the main characteristics of which I have delineated here.

Existimatio, when qualified by *hominum* or *omnium*, has been shown to describe popular perceptions of an individual and thus serves a similar purpose to the phrase "public image". It is an inherently conceptual element of public opinion as it itself cannot be perceived without a physical act that makes the *existimatio* of an individual manifest. *Fama* functions in a similar way to *existimatio*, and therefore can be used synonymously in appropriate contexts. *Fama*, however, denotes a collective perception by itself and, while it can denote a positive popular perception, has the ability to convey negative connotations. The prolific and popular nature of *fama* in the late Republic, combined with the potential for multitudes of sources of information to operate without regulation meant that *fama* could not be ignored as a source of and for information, despite its questionable nature. Like *fama*, *rumor* describes popularly received and circulated thoughts and collective perceptions while simultaneously emphasising the speed at which they spread. *Rumor* may have undergone a semantic change between the late Republic and the end of the first century AD, as its usage by Suetonius is exclusively in negative or neutral contexts. It differs from its use by Cicero, who understood *rumores* as a weathervane for popular sentiments. Examining usages of *iudicium* alongside usages of *voluntas* has elucidated the connection between the two words, the former being an official decision of the *populus* or a definitive

physical manifestation of the latter. I have argued that of our contemporary sources, only Cicero used *iudicium* to describe actions that were substantial enough in unanimity and size that they could be considered as definitive manifestations of public opinion. *Iudicia populi Romani*, at least for Cicero, represented physical manifestations of the *voluntas populi*, which would otherwise have been indiscernible.⁶⁸⁹ *Voluntas populi (Romani)*, the desires of the Roman people, was, like *existimatio*, a conceptual facet of public opinion. It was possible to perceive the *voluntas populi* through *iudicia*, or *significationes*, which were a vital part of the functioning of public opinion in the late Republic. *Significationes* were actions performed by a collective that communicated abstract concepts such as their feelings towards an individual (thus a reflection of his *existimatio*) or a common approval for a decision (for example, as *voluntas* is expressed through votes, *suffragii*). The three principal forms of *significatio* were applause, shouts and cheers, and votes. Finally, *favor* and *opinio* have been shown to describe popular favour and popular expectations respectively. *Favor* was used by both Cicero and Livy, although scarcely by the former, to describe the support enjoyed by individuals, with some connotations of manifestations of this support. In this way, *favor* is similar to *studium*. The role of *opinio* within the language of public opinion was to outline an individual's perception of popular expectations. The best example of *opinio* functioning within the context of public opinion is surely Caesar's repeated use of the phrase *opinio omnium* to refer to the common expectations that he consistently exceeded.

Identifying the existence of a recognisable lexicon and establishing the function of a language of public opinion in the late Republic allows for a more nuanced interpretation of tribunician interactions with public opinion. Chapters 3 and 4 applies this linguistic typology throughout to analyse the spaces in which tribunes could interact with public opinion and the

⁶⁸⁹ See Varro, *Ling.* 6.61 on the etymology of *iudicare* and on awarding *iudicia*; cf. n. 637.

instances in which they did so. Which locations were the most conducive to receiving *significationes* and, more importantly, to responding to them? Can we see *tribuni plebis* interacting with media of communication such as *sermones* and *rumores*? It is only now possible to properly pose, understand and answer these questions, given our recognition of a language of public opinion.

CHAPTER 3: TRIBUNES OF THE PLEBS AND THE PUBLIC SPHERE

This chapter examines the interconnection between tribunes of the plebs and Rome's public sphere, which I defined in Chapter 1 by identifying limitations on communication in Rome. Applying this same methodological approach, I assess in turn the relationship between tribunes of the plebs and each aspect of Roman society that inflicted limitations on communication. The purpose of this chapter is to explain the centrality of the tribunate in Rome's public sphere, demonstrating the unique and vital role tribunes played in facilitating opportunities for communication, public opinion, and ultimately discourses between Rome's politicians and Rome's populace.

For any politician and for the functioning of Republican politics in general, interacting with public opinion was paramount to political success. The nature and quality of a politician's interactions with public opinion depended on the level and quality of visibility they achieved in public, which were determined, among other things, by their position within Rome's public sphere.⁶⁹⁰ To understand eventually the general character of the tribunate's relationship with public opinion, I pay particular attention here to the degree to which these officials achieved individual and institutional visibility.

This chapter proposes five main hypotheses: first, that in the 70s BC, the institution of the tribunate was gradually repositioned to the centre of Rome's public sphere; second, that tribunes of the plebs pushed against and expanded the traditional temporal limitations on communication and, by extension, on the existing boundaries of the public sphere in the years 70-49 BC; third, that the institution of the tribunate occupied a central physical space in Rome and that this space afforded an exceptional level of visibility and access to opportunities for small- and large-scale

⁶⁹⁰ On the importance of visibility, see above, pp. 6, 43.

communication; fourth, that the relative youthfulness of the majority of tribunes created a natural and visible dichotomy between young and old, tribunes and consuls, which influenced instances of large-scale communication and perhaps instilled associations between the tribunate, youth, information, communication and radical politics; finally, the exceptional level of individual and institutional visibility enjoyed by tribunes of the plebs was strengthened by the unique conditions afforded by the status of *tribunus plebis*, such as the right to proclaim veto, and, to an extent, through the ability of tribunes to utilise their plebeian status and the history of the tribunate to their advantage. Through their relatively large number, unique use of *apparitores* and enduring near year-round public presence, the tribunate maintained a position at the centre of the Roman public sphere throughout the 60s and 50s BC.

The Public Sphere in the 70s BC

Carried in 81 BC, L. Cornelius Sulla's reforms were likely intended to reduce conflict within the *res publica* and to allow the newly enlarged senate and modified judicial system the chance to become embedded.⁶⁹¹ That this attempt at conflict reduction took the form of a curtailment of tribunician rights seems logical enough, given that tribunician action had instigated every instance of domestic violence in the preceding half-century and that Sulla himself had experienced the effects of hostile tribunician power.⁶⁹² From 81-70 BC, the tribunate existed in a curtailed state; those who served as tribunes could not hold further political office, initiate legislation independently or interpose their veto on decrees made by the

⁶⁹¹ Cf. n. 91; Steel 2014: 658.

⁶⁹² Steel 2014: 658, with relevant citations at n. 6 there; in 88 BC, the tribune C. Herrenius had vetoed Sulla's proposal to allow P. Strabo to return home (Sall. *Hist.* 2.21M; here and throughout, I will refer to B. Maurenbrecher's (1891-1893) edition of Sallust's *Historiae*); also in 88 BC, the tribune P. Sulpicius Rufus had proposed the abrogation of Sulla's recently conferred mithridatic command (Livy, *Per.* 77, cf. Kondratieff 2003: 430) and Sulla's nephew, Sex. Nonius Sufenas, was rebuffed in the tribunician elections for 87 BC, due his familial association, see Plut. *Sull.* 10.2.4.

senate.⁶⁹³ These curtailments had significant implications for the quality and number of opportunities for large-scale communication.

The most significant impact on large-scale communications at this time resulted from the removal of the tribunician right to propose legislation to the Roman plebs and to have this legislation upheld as *lex*.⁶⁹⁴ While this restriction did not prevent tribunes from convening *contiones*, or perhaps even from carrying laws on behalf of others, it appears to have had a noticeable impact on the frequency and quality of the city's public meetings. Although Cn. Sicinius is said to have been the first tribune to speak from the Rostra in favour of fully restoring the tribunate, Cicero credits L. Quinctius Rufus with the revival of the Rostra and of tribunician-led contional communications, during his tribunate in 74 BC.⁶⁹⁵

The loss of the prospect of attaining higher office afterwards meant that the tribunate lost its appeal to the sort of ambitious young men who already enjoyed a degree of familial prestige and reputation.⁶⁹⁶ Given that *contiones* could still be convened by tribunes in the 70s BC, we might look to the deterrent of ambitious and talented young politicians and the removal of the prospect of initiating legislation as causes for the decline in contional frequency early on in the decade. This decline is apparent in the evidence collected by Pina Polo, who offers the following figures: for the 80s BC, we know of 10 *contiones*, only one of which was tribunician;

⁶⁹³ Cic. *Clu.* 110; App. *B Civ.* 1.100; Cic. *Leg.* 3.22 implies that Sulla left intact the tribunate's *ius auxilium* but removed the *ius intercessio*; Livy, *Per.* 97. The right to hold further office was restored by a *lex Aurelia* in 75 BC: Asc. 66-67C; Sall. *Hist.* 3.48M.

⁶⁹⁴ Livy *Per.* 89; Cic. *Leg.* 3.23-26; Kondratieff 2003: 436, notes the possibility that the loss of ability to initiate legislation might not have prevented them from carrying legislation *ex SCU*; cf. Rosenblitt 2019: 73.

⁶⁹⁵ Cic. *Cluent.* 110; Rosenblitt 2019: 67-68 notes the omission of reference to the tribunician college of 78 BC, who also agitated for the restoration of the tribunate, in the speech given to C. Licinius Macer (tribune, 73 BC) by Sallust.

⁶⁹⁶ App. *B Civ.* 1.100.

for the 70s BC we know of 13 *contiones*, 8 of which were convened by tribunes of the plebs; for the 60s BC, we have 41 attested *contiones*, 22 of which were tribunician.⁶⁹⁷

It is possible that the increase in the number of attested *contiones* from the 70s BC to the 60s BC is due to a corresponding diachronic increase in extant material from the Ciceronian corpus, which provides the majority of attestations of *contiones* cited by Pina Polo. Since our discussion is confined to extant primary source material, any analysis by frequency can only be considered indicative at best, and not wholly accurate and I argue here with that caveat in mind. In the extant Ciceronian corpus, there are 4 attestations of *contiones* in the 80s BC, 6 in the 70s BC and 29 in the 60s BC.⁶⁹⁸

While we cannot ignore the fact that our knowledge of *contiones* becomes increasingly dependent on and informed by Cicero as his career progressed, we must also concurrently consider contemporary depictions of contional practice. While a lack of attested *contiones* in the 70s BC may be attributable to the reality of less literary source material existing for that decade, it seems more likely that *contiones* were in fact scarce, since contemporary political observers state that fact. Cicero and Sallust both describe a Rome in the early 70s BC void of (tribunician-led) large-scale communications, specifically *contiones*.⁶⁹⁹ This should stand for just as much as figures which are only indicative at best. Cicero's *Pro Cluentio* depicts a Rome in which the popularly recognised rhythm of tribunician-led large-scale communication has for years gone on disrupted – only with the return of tribunes of the plebs to the Rostra could

⁶⁹⁷ Pina Polo 1989: 284-296; for the 80s BC, and the largest proportion of *contiones* were convened by Sulla as *dictator* (4).

⁶⁹⁸ Other authors: 80s: App. 1, Val. Max. 1, Plut. 3, Livy 1; 70s: App. 3, Quint. 2, Sall. 5, Flor. 2, Gran. Lic. 1, Ps-Asc. 1, Suet. 1, Aul. Gel. 1; 60s: Val. Max. 1, Plin. 1, Plut. 15, Schol. Bob. 1, Livy 2, Sen. 1, Quint. 4, Asc. 5, Suet. 3, Aul. Gel. 2, Oros. 1, Dio 8, Vell. Pat. 1, Front. 1; each unit assigned to an author represents one instance in which we learn of a specific *contio* from their work, not the total number of references they make to that *contio*. If we were to count total number of references, the count for Cicero would be much higher.

⁶⁹⁹ Cic. *Cluent.* 110, below, n. 700; Sall. *Hist.* 3.48.8M, below, n. 703.

Rome's populace be reintroduced to the familiar custom of such large-scale communications, and thus to a significant part of the rhythm of the Republican public sphere.⁷⁰⁰

In addition to fewer opportunities for large-scale communications in the early 70s BC, the temporary diminishment of the tribunate also meant that the tribunate as an institution, and the individuals and colleges that comprised it, suffered a reduction in visibility. Davies argues that since tribunes were unable (or perhaps unmotivated) to engage in the traditional contional forms of discourse, they turned to an alternative form of communication to achieve visibility: construction. Davies' hypothesis holds that tribunes at this time adhered to a "Gracchan mould" of constructive behaviour, which constituted an effort to subvert traditional channels of political communication.⁷⁰¹ Although I agree that tribunes at this time were, to an extent, acting collectively as an institution to increase their visibility, and that we can indeed expand on the actions of individual tribunes to draw wider conclusions about the institution itself, I propose that the tribunician effort to reacquire a pre-Sullan level of visibility and communicative prominence in the 70s BC was primarily achieved via a repositioning of the tribunate at an institutional level. By providing frequent opportunities for small- and large-scale communications, the actions of individual tribunes and (eventually) tribunician colleges reinitiated the practice of convening *contiones*, allowing the tribunate as an institution to resume a central role in Rome's public sphere. Moreover, by successfully working within the parameters of annual magistracies to ensure that a single topic was upheld over a period of several years, and through calculated attempts at improving their ability to view the political

⁷⁰⁰ Cic. *Cluent.* 110: "since the Rostra had long been unoccupied, nor had a tribune's voice been heard from that place since the coming of Sulla, (Quinctius) seized upon it and recalled the populace, now long unused to public meetings, to a semblance of its former practice.", trans. H. Grose Hodge.

⁷⁰¹ Davies 2017: 174, here Davies also notes that *tribuni plebis* had no mandate for construction; 177-179, 205, 213.

arenas of the Forum Romanum, the tribunate of the late 70s BC achieved as an institution an increased level of visibility.

The Repositioning of the Tribune

Although Sallust mentions tribunician activity in this period as early as 78 BC, Rosenblitt shows that the speech Sallust gives to C. Licinius Macer clearly refers to Cn. Sicinius, in 76 BC, being the first tribune to speak directly to the people on this matter.⁷⁰² Therefore, the repositioning of the tribunate at the centre of Rome's public sphere might be said to have begun in 76 BC.

By 74 BC, tribunician-led opportunities for large-scale communication, which originated at and were centred around the previously voiceless Rostra, were increasing in frequency. They continued unabated in 73 BC with the *contiones* hosted by Macer.⁷⁰³ Although Sicinius, Rufus and Macer appear to have acted alone in their colleges and with little support from the populace, their presence at the Rostra and their facilitation of opportunities for large-scale communication would no doubt have increased their individual visibility and the institutional visibility of the tribunate.⁷⁰⁴ However, individual actions were eventually replaced by collective ones. By 71 BC, the entire tribunician college was lobbying Cn. Pompeius to restore fully the *tribunicia potestas*.⁷⁰⁵

As Rufus refamiliarized Rome's populace with the habit of discoursing at *contiones* (and thus with an increase in the frequency of large-scale contional communications), the entire tribunician college was concerned with creating a better view of the Forum from their place of business, beneath the *Tabula Valeria*. According to Plutarch, the college of 74 BC desired that

⁷⁰² Cic. *Brut.* 217; Sall. *Hist.* 3.48.8M; Rosenblitt 2019: 67-68; Sall. *Hist.* 1.77.14M.

⁷⁰³ Sall. *Hist.* 3.48M.

⁷⁰⁴ See below, p. 182.

⁷⁰⁵ Cf. Kondratieff 2003: 440-441; see below, n. 733.

a single pillar be taken down (ύφελειν) or re-placed (μεταστήσαι) so that their seats were not blocked.⁷⁰⁶ The college's request did not hinge on the deconstruction of the pillar but on creating a seating arrangement that offered an unimpaired view.

Kondratieff argues that an increase in tribunician contional activity in the mid-70s BC resulted in a corresponding increase in the potential for noise contamination between these *contiones* and the nearby praetors' tribunals, which was mitigated by the relocation of the tribunals westward across the Forum.⁷⁰⁷ Kondratieff offers the plausible and convincing explanation that the new location of the tribunals was obscured from the tribunes' line-of-sight and the removal of a particular pillar was intended to address this issue, since, at this time, it was especially important that the tribunes maintained a good view of the Praetors' tribunals due to the growing prominence of Verres' oppressive behaviour.⁷⁰⁸

Thus, the tribunate in the mid-70s BC was not only achieving an increase in visibility, it was also making an effort to return to the two-way visual exchange inherent to Roman political culture and the proper functioning of Rome's political institutions; by the mid-70s BC, tribunes had affected the repositioning of their institution in a way that facilitated two-way visibility.

The recentring of the tribunate which began in the mid-70s BC and continued until the restoration of the tribunate in 70 BC resulted from and manifested itself in two undertakings. First, a move, initiated by Sicinius, emulated by Rufus and Macer and eventually by multiple tribunes within a single college, to speak publicly and regularly on the matter of restoring the *tribunicia potestas* meant that the frequency of large-scale communication at Rome increased, and was associated once more with tribunician instigation. This increase in opportunities for large-scale tribunician-led communication meant that the tribunate as an institution achieved a

⁷⁰⁶ Plut. *Cat. Min.* 5.1.

⁷⁰⁷ Kondratieff 2009.

⁷⁰⁸ Kondratieff 2009: 350-353; Cic. *Verr.* 2.1.122: a *tribunus plebis* witnesses a man being flogged by Verres as praetor in 74 BC.

higher level of visibility. Second, in 74 BC, an effort was made to enhance this visibility so that it could continue to work two ways, allowing Rome's populace to see their tribunes and vice versa.

Tribunes and the Public Sphere 70-49 BC

Time, Government and Religious Practices

As Chapter 1 noted, the practical difficulties of illuminating large open spaces and the necessary day-designated structure of the Republican calendar placed certain limitations on opportunities for small- and large-scale communications. So too did the form of Rome's governmental apparatuses and the religious practices inherent to Roman society. This section shows how tribunes of the plebs could circumvent some of these temporal and societal limitations on communication and, in doing so, how the tribunate of the late Republic contributed to the reshaping of the Roman public sphere. I begin by analysing tribunician interactions with daylight and nocturnal public actions, with the aim of realising a marked and inevitable tribunician-led turn towards overnight and pre-dawn political action. Then, I consider how tribunes used *contiones* in conjunction with the day-designated calendar of the Republic to uphold rhythms of information exchange and public discourse, which were vital to the successful functioning of the Roman public sphere. Lastly, I explore the implications that the annually based electoral system at Rome had on the rhythm and content of the public sphere, with the potential for prolonged and increased visibility of the tribunate.

Daylight and Night-time

Since almost all public business conducted at Rome had to take place in the light of day, it is hardly surprising that magistrates and officials fulfilled their official obligations during the

day too.⁷⁰⁹ Tribunes often began work at first light and ended their public duties at nightfall. In his reconstruction of the trial of P. Scipio Africanus (187 BC), Livy has the prosecuting tribunes arrive at the Rostra at first light (*tribuni in rostris prima luce consederunt*) and in his description of the events surrounding the arrival of Appius Herdonius (460 BC), he has them withdraw from the *templum* in the Forum at nightfall (*tribuni cessere nocti*).⁷¹⁰ Even the tribune M. Livius Drusus (91 BC), whom Vellius Paterculus reports as desiring his home to be particularly visible and open, was said to have been sending guests away as the light began to fade from his poorly lit atrium.⁷¹¹ Put simply, tribunes, like other magistrates and officials, limited their engagements with small- and large-scale communications to hours of daylight. The only legal exception to this practice may have been provided by a *senatus consultum*, passed in November 63 BC, that required the minor magistrates at Rome, including the tribunes of the plebs, to supervise night watches throughout the city.⁷¹² Although perhaps a temporary measure to counteract the civic unrest being caused by L. Sergius Catilina and C. Manlius, this may have facilitated an increase in tribunician visibility and accessibility by increasing their opportunities for small-scale communication beyond daylight hours.

As Russell has robustly demonstrated, an increase in competition between members of the elite, fostered by the politics of the late-second and first centuries BC, meant that frequent attempts were made to take control of the public spaces in which Roman politics existed and functioned, for the purpose of exerting some control over politics itself.⁷¹³ For some tribunes of the plebs, who remained the principal instigators of opportunities for large-scale

⁷⁰⁹ Cf. above, pp. 43-53; Porcius Latro, *Declam. In Catil.* 19; note the exception of the appointment of a *dictator*, which occurred by night: Livy 8.23.15; 9.38.14.

⁷¹⁰ Livy 38.51.6, 3.17.9.

⁷¹¹ Vell. Pat. 2.14.3, cf. below, p. 233; App. *B Civ.* 1.36; Livy *Per.* 71; Cic. *Mil.* 16, lists Drusus' murder in his own home immediately before the night-time attack made on Publius Africanus at his home.

⁷¹² App. *B Civ.* 30.7; cf. Gell. *NA.* 13.15, for an explanation of those officials considered *magistratus minores*.

⁷¹³ Russell 2016a: 43-76.

communication, and of legislation, and who were curating a physical presence at the centre of Roman politics, achieving spatial and thus political control was possible by expanding their operating hours beyond those that fell within the daylight. Two episodes of 57 BC illustrate this last point.

In a letter to Atticus dated 22 November, Cicero recounts an exchange between T. Annius Milo, then in the final weeks of his tribunate, and the consul, Q. Caecilius Metellus Nepos.⁷¹⁴ The exchange is based on Milo's desire and obligation to issue his *obnuntiatio* and Metellus' efforts to evade this issuance. Although the passage has already been provided in full to comment on the limitations inflicted on communications by religious practice, here we are concerned with Milo's behaviour as tribune and further examination is due.⁷¹⁵ The episode begins on 19 November with Milo arriving in the Campus Martius 'before midnight' (*ante mediam noctem*) and remaining there until noon the following day (*permansit ad meridiem*). Milo was not unaccompanied but surrounded by a large gathering (*cum manu magna*). Cicero notes how this initial nocturnal effort by Milo to take possession of an otherwise public space was met with great pleasure by the people and thus enhancing his public image. Flouted, Metellus supposedly told Milo that it was not necessary for him to go to the Campus by night when he (Metellus) could be found in the Forum at the first hour of the next day (*nihil esse quod in campum nocte veniretur; se hora prima in comitium fore*). Accordingly, Milo arrived at the Comitium while it was still dark (*in comitium Milo de nocte venit*) and only at the arrival of first light could Metellus be seen hurrying towards the Campus (*cum prima luce furtim in campum itineribus prope devius currebat*). Cicero concludes his account by informing Atticus that it is now, at the time of the letter's writing, between the second and third hour of the night

⁷¹⁴ Cic. *Att.* 4.3.4-5.

⁷¹⁵ Cf. p. 40.

of 22 November and Milo is once again in position in the Campus (*haec ego scribebam hora noctis nona Milo campum iam tenebat*). Nearby, the *candidatus* Marcellus can be heard still sleeping and Clodius' forecourt is relatively deserted – just a few ragamuffins without a lantern (*sine lanterna*).

The concluding lines of this episode highlight for Atticus' benefit just how unusual but brilliant Cicero deems Milo's behaviour to be. While everyone else, including others involved in politics, sleeps, Milo works on the precipices of night and day to gain advantageous positions over his opponent. Cicero's last words describing the followers of Clodius as *sine lanterna* draw our attention once more to the practical difficulties of moving and working by night, especially in a reasonably large open space (*vestibulum*); his words also, alongside the description of the forecourt itself as empty (*vacuum*), highlight the unpreparedness of Clodius and his followers to counter the night-time actions of the tribune, Milo. Just as Clodius and his followers were unprepared to answer Milo's nocturnal activities, so too was the consul, Metellus, who could only be seen to be moving at first light *cum prima luce*. Despite their occurrence overnight, news of Milo's actions reached the city's inhabitants quickly. Writing on 22 November, that is, on the same day, Cicero had had enough time to observe the people's astounding happiness (*mirifica hominum laetitia*). This is hardly surprising, given Cicero's apparently exceptional networks of communication.⁷¹⁶ Even acting overnight, the high frequency of small-scale communications at Rome and the communicative networks constituted by messengers of individuals such as Cicero, and no doubt Milo's own *magna manus*, meant that Milo was able to achieve a degree of visibility – significant enough, at least in Cicero's eyes to enhance his own *gloria*.

⁷¹⁶ On communicative networks, see pp. 68, 70, 85, 117, 118.

On consecutive days, Milo secured control of the Campus and Comitium by arriving before midnight while it was still dark. By acting outside of the accepted temporal limits of communication and public business at Rome, Milo temporarily altered the boundaries and rhythm of Rome's public sphere, thus continuing to enhance the central communicative role of the tribunate, just as the tribune Q. Fabricius had done, earlier that same year.

In his defence of P. Sestius (tribune, 57 BC) on 10 February 56 BC, Cicero recounts the nocturnal actions of Sestius and his tribunician colleagues, Q. Fabricius and M. Cispus on 23 January of their year in office.⁷¹⁷ At that time, Q. Fabricius had promulgated and been advocating for a bill to permit Cicero's return from exile and, when the day came for the proposition of the bill, Fabricius occupied before daybreak the inaugurated space from which the bill would be proposed (*templum aliquanto ante lucem occupavit*).⁷¹⁸ According to Cicero, Sestius chose not to take the same initiative and join his colleague (*nihil progreditur*). By now, many, including Milo, Cicero, Fabricius, Cispus and Fabricius' opponents, recognised the potential advantages to be gained from pushing back on the slowly reducing limitations on large-scale communication inflicted by temporal factors.

Unfortunately, precisely because of this widespread recognition of expanded opportunities for communication, Sestius' decision was a wise one. Cicero claims that those prosecuting Sestius were those who then had occupied the Forum, the Comitium and the Curia at night (*de nocte*) and who were already in position to attack Fabricius and his followers upon his occupation of the sacred space. Just as Milo later that year, Fabricius was not alone in this pre-dawn activities, and his attackers killed a number of his followers, and drove away Cispus

⁷¹⁷ Cic. *Sest.* 75-76.

⁷¹⁸ Q. Fabricius was not the only tribune to be working towards this end in 57 BC; cf. Cic. *Q. Fr.* 1.4.3 for Cicero's assessment of the tribunician college, with below, p. 194 on the assessment of *candidati* and *designati*.

who was then on his way into the Forum, most likely to join his colleague, Fabricius.⁷¹⁹ Cicero's description of the episode ends by noting that it was darkness and flight that had saved his brother, who had been caught in the affray, not law and justice (*noctis et fugae... non iuris iudiciumque defendit*).

Here again, tribunes of the plebs attempt to control a public political space for the purpose of pushing back against the temporal limitations on large-scale communication at Rome and, by doing so, of ultimately achieving some political advantage. By arriving early and first to the Forum, Fabricius would have been able to convene the legislative assembly at first light – the earliest possible time, thus achieving the maximum amount of time possible in which the large-scale communication could occur and the optimal position from which to engage with public opinion: as president of the *contio*. Further examples of pre-dawn activity in 55 and 54 BC bespeak a developing trend in contemporary tribunician behaviour and approaches and attitudes toward the functioning of large-scale communication.⁷²⁰ Here, multiple members of a

⁷¹⁹ See note above, Cispus was also advocating for Cicero's recall and so likely to have at least been on good terms with Fabricius.

⁷²⁰ 1) Dio 39.35.3-4: In 55 BC, the tribunes P. Aquillius Gallus and C. Ateius Captio sought to oppose the *rogatio* of their colleague C. Trebonius, which provided that the consuls Pompeius and Crassus receive the two Spanish provinces and Syria (respectively) for five years. Gallus' opposition and intent to speak against the *rogatio* were likely well known, and to ensure his safety and the opportunity to speak first against the bill, he spent the night in the Curia, next to the Basilica Porcia and near the Rostra. Dio claims that Gallus did this for fear of mishaps befalling him overnight. Unfortunately for Gallus, his designs were indeed known to Trebonius, who arrived and blocked the doors of the Curia, thus forcing Gallus to remain inside for a period of the following day (cf. Plut. *Cat. Min.* 43.4.). Ateius, along with M. Porcius Cato (tribune, 62 BC) and M. Favonius, were also kept from the Forum by Trebonius' supporters who, according to Dio, had arrived there by night (προκαταλαμβάνοντες τῆς νυκτὸς τὸ τοῦ συλλόγου χωρίον). Plutarch *Cat. Min.* 43.4 has only Cato being cast from the Forum, but Ateius is present also for the climbing atop others' shoulders to reach the crowd. 2) Cic. *Q. Fr.* 3.4; Dio 39.65.1: By 54 BC, C. Pomptinus had remained outside of the pomerium for seven years, awaiting a triumph for his efforts against the Allobroges as *propraetor* in 61 BC. Supported by the consul Ap. Claudius Pulcher, some praetors and some tribunes (*ille enim et Appium consulem secum habebit et praetores et tribunos pl.*), the praetor Serv. Galba convened by night an exclusive assembly for the purpose of approving by vote Pomptinus' triumph. The illegality of Galba's actions is noted by Dio, who reiterates that no public business can take place before the first hour: Dio 39.65.1: κρύφα καὶ ὑπὸ τὴν ἑὼ στρατηγῶν τὴν ψήφον τισι (καίπερ οὐκ ἐξὸν ἐκ τῶν νόμων πρὶν πρώτην ὥραν γενέσθαι ἐν τῷ δήμῳ τι χρηματισθῆναι) ἔδωκε; “granted as praetor to certain persons secretly and just before dawn the privilege of voting – this, in spite of the fact that it is not permitted by law for any business to be brought before the people before the first hour”, trans. E Cary. The involvement of some of the tribunes of the plebs seems highly likely, given that their earlier support is attested by Cicero and the fact that Dio states that only some of the tribunes subsequently hindered Pomptinus' procession: Dio 39.65.1-2: καὶ διὰ τοῦτο τῶν δημάρχων τινὲς ἀπολειφθέντες τῆς ἐκκλησίας ἐν γοῦν τῇ πομπῇ πράγματα αὐτῷ παρέσχον, ὥστε καὶ σφαγὰς συμβῆναι; “for this reason, some of the tribunes, who had been

tribunician college are competing for control of Rome's foremost public political space. Each member appears to have been aware of the competitive actions available to them, and each made efforts to ensure that they were the one who could initiate and dictate the form and content of the upcoming opportunity for large-scale communication. In the same way individual tribunes initiated a means of institutional progression and were soon imitated by multiple tribunes within given colleges in the 70s BC, multiple tribunes in the 50s began following the example set by Fabricius and his successors.

The necessity of ensuring that certain large-scale political communications took place was such in the late Republic that tribunes of the plebs, the primary instigators of discourses between the people at Rome and the elite in society, thought it viable to begin working in darkness, before dawn, to prepare for the facilitation of communication during daylight. Although the tribunes discussed above must have been moving around the city and acting in darkness, their actions did not go unnoticed by their colleagues, opponents, and eventually by the wider population.⁷²¹ Thus, not only was acting by night a measure taken repeatedly by tribunes to engage with opportunities for communication on their own terms, it was also a means of extending indirectly their visibility.

Contiones and Rhythm

As we have seen, *contiones* were the principal channel of communication between the populace of Rome and their political elite.⁷²² The fact that *contiones* were not subject to the same temporal restrictions as *comitia* and the *concilium plebis*, and therefore could take place as soon as the *praecones* (heralds) of an individual with *potestas contionandi* had announced

left out of the assembly, caused him trouble in the procession, at any rate, so that there was some bloodshed.”, trans. E. Cary.

⁷²¹ At least in Milo's case, the presence of *lanternae* among his group on their way to the Forum is implied by Cicero's comment that his enemies in Clodius' *vestibulum* were *sine lanterna*.

⁷²² See above, n. 7, and Chapter 1, p. 36.

them and on any day, meant that *contiones* were also ideal occasions for magistrates, officials, and invited *privati* to achieve a high level of visibility relatively quickly.⁷²³ The importance of the *contio* for the functioning of the public sphere in the late Republic is clear. It has been noted already that the quantity and quality of contional large-scale communications suffered during the early 70s BC, which surely also negatively affected the shape and quality of the public sphere. Upon the full and final restoration of the tribunate in 70 BC, and perhaps even as early as 74 BC, contional practice, tribunician visibility, and the quality and frequency of contional communication improved.

For the period 70-50 BC, Pina Polo has identified 98 attested *contiones*.⁷²⁴ Of these, 49 (50%) were convened by tribunes of the plebs, 36 (~37%) by other magistrates (including consuls, praetors and quaestors) and 13 (~13%) by individuals whose identities are unknown to us. Cicero, our main literary source for this period both in terms of quantity and quality (as a contemporaneous, well-positioned, and well-connected observer and participant) accounts for ~25% of the non-tribunician *contiones* during these years, with 9 attested *contiones* in his consular year (63 BC) alone.⁷²⁵ As Chapter 4 discusses, the fact that the individual who convened a *contio* also had the ability to determine the topic(s) of the meeting and who could speak on those topics, meant that tribunes in particular were well-positioned to take advantage of (but still competed among themselves for) prime opportunities to engage with public opinion. So, not only were tribunes of the plebs the primary instigators of large-scale discourses between the populace at Rome and its socio-political elite, they were also the officials most often responsible for choosing the topics that the attending crowds could communicate on (during

⁷²³ For the temporal limitations on *contiones* compared to *comitia*, see above, p. 36; on *praecones*, see below, p. 245; on the *potestas contionandi*: Pina Polo 1989: 43-53.

⁷²⁴ Pina Polo 1989: 288-307.

⁷²⁵ Pina Polo 1989: 291-293.

contiones themselves and via the small-scale communicative that preceded and followed them) – topics that constituted the substance of public opinion.⁷²⁶

The men who governed Rome throughout the Republic were conscious of the time it took for information to disseminate among the inhabitants of Rome and the Roman citizens living further afield. This is evident in the structure of the Republican calendar and the contional practices of the late Republic. Magistrates and officials were able to host multiple assemblies and meetings across a period of weeks, thus facilitating maximum information dissemination and potential discourse on a given topic. Since those who held tribunships were the linchpins of communications at Rome and more often than not, those who introduced the topics for discussion (either on their own initiative or in response to public opinions), it is no surprise that we find them taking advantage of the annual rhythm of their magistracy and the Roman year to reduce communicative limitations.

In the period 133-49 BC, tribunes habitually reintroduced given topics for discussion at multiple *contiones* throughout their tribunate and even across tribunician colleges.⁷²⁷ Bringing legislation and issues before an audience for large-scale communication was one of the main purposes of a *contio* and the convening of multiple *contiones* on a given topic was to be expected. This was particularly true for legislative *contiones* from 98 BC onward, at which new bills were promulgated and discussed on at least three occasions over a set period known as a *trinundinum*.⁷²⁸ Pina Polo estimates that the *trinundinum* lasted for at least 17 days and believes that this period, based around market days, *nundinae*, allowed for multiple *contiones* for and

⁷²⁶ For considerations of tribunician reactivity versus proactivity in topics of legislation and contional discourse, see Chapters 2 and 5; Pina Polo 1989: 51-53 notes the exceptional association of tribunes of the plebs with *contiones* and the contribution that this association had to the image of tribunes as *populares* politicians.

⁷²⁷ The effects of which on interactions with public opinion are discussed in Chapter 4.

⁷²⁸ Cic. *Dom.* 16.41 referencing the introduction of the *lex Caecilia Didia* in 98 BC; Lintott 1965: 281; Pina Polo 1989: 96-101; on the types of *contiones*, cf. Pina Polo 1989: 92-170.

against a bill to take place, thus facilitating the efforts of magistrates and officials to impress their viewpoint on public opinion.⁷²⁹

Tribunician use of the contional and rhythmic structures of the late Republican public sphere to interact with public opinion on a specific topic can be seen reappearing as early as 76 BC at the beginning of the institution's repositioning phase.⁷³⁰ According to Sallust, the tribune Cn. Sicinius (76 BC) was the first to raise and speak publicly on the topic of tribunician restoration and did so while receiving little popular support.⁷³¹ The matter continued to receive tribunician attention in the years that followed, from Q. Opimius (75 BC) and L. Quinctius Rufus (74 BC), with the latter credited by Cicero as the individual who reintroduced the practice of regular contional meetings and thus the familiar presence and effects of hearing tribunician voices.⁷³² The full restoration of *tribunicia potestas* was still a concern for at least one tribune in 73 BC, when C. Licinius Macer spoke on multiple occasions to this end, and remained so through 71 BC, for M. Lollius Palicanus and his colleagues, until the consuls for 70 BC passed definitive legislation on the matter.⁷³³ The persistence of tribunes throughout the 70s BC in maintaining as a topic of discussion the full restoration of *tribunicia potestas* tells us two things: first, that continually exposing contional audiences to and facilitating the discussion of the same topic over a long period of time was an effective method of interacting with public

⁷²⁹ Pina Polo 1989: 96-100; 1995: 208, esp. the discussion at nn. 25 and 26.

⁷³⁰ Prior to the *lex Cornelia de tribunitia potestate* (82 BC) and following the tribunate of Ti. Gracchus (133 BC), a similar pattern of behaviour is present: 133 BC – Ti. Gracchus and M. Octavius clashed almost daily on the topic of Gracchus' agrarian bill (Plut. *Ti. Gracch.* 10.4); 130 BC – C. Papirius Carbo would frequently mention the death of his friend Ti. Gracchus (Cic. *De or.* 2.170); 123 BC – C. Gracchus was the first of his college to introduce before the people at every occasion his brother's death (Plut. *C. Gracch.* 3.3-4); 112/111 BC – C. Memmius speaks in multiple *contiones* on the topic of Jugurtha and political corruption (Sall. *Iug.* 30.3-4); 108 BC – anonymous tribunes (cf. Kondratieff 2003: 410-411, with Sall. *BC.* 38.1) hosted pro-Marian/anti-Metellan *contiones* (Sall. *Iug.* 73.5-7).

⁷³¹ Sall. *Hist.* 3.48M: *et quamquam L. Sicinius, primus de potestate tribunicia loqui ausus, mussantibus uobis circumuent erat*; Cic. *Brut.* 217 refers to Sicinius as Gnaeus rather than Lucius); it seems likely that Sicinius spoke on this topic numerous times, mocking the consul C. Scribonius Curio in the process, Sall. *Hist.* 2.23-27M.

⁷³² Ps-Asc. 255 Stangl; Cic. *Cluent.* 110-112.

⁷³³ Sallust constructs a representative speech of C. Licinius Macer in full: *Hist.* 3.48M; Palicanus: Ps-Asc. 189, 220 Stangl; App. *B Civ.* 1.121.

opinion. It is worth noting that while Sicinius and Macer, who acted alone, were said to have received little support from the populace, by the end of the 70s BC, multiple tribunes were lobbying the popular incoming consuls toward the same end. This development in tribunician activity reflects a clear shift in public opinion, and likely encouraged this shift due, in part, to the ability of tribunes to remain persistent in topic. Second, that tribunes were able to pick up where their predecessors left off in a kind of “baton passing” and to continue convening *contiones* on a given issue, acknowledging and using as a reference point the efforts of those that came before them.⁷³⁴

70 BC saw the beginning of a tribunician-led anti-Lucullan sentiment that was to last several years, as anonymous tribunes were supposedly bribed to raise an outcry against Lucullus on behalf of Rome’s moneylenders.⁷³⁵ The sentiment is picked up by anonymous tribunes in 69 and 68 BC, A. Gabinius Capito in 67 BC, C. Manilius Crispus in 66 BC, and C. Memmius in 64 BC.⁷³⁶ On a regular basis for five consecutive years, Lucullus, his eastern command and Mithridates remained a topic for popular consideration and it was tribunes of the plebs making use of the Republican contional communicative apparatuses that facilitated these necessarily prolonged discussions.⁷³⁷

The same can be said for the actions of Q. Caecilius Metellus Nepos from his tribunician candidacy in 63 BC and throughout his tribuneship in 62 BC, and for the incoming tribunes of

⁷³⁴ Sallust, a former tribune himself, has C. Licinius Macer do this throughout his exemplary speech, *Hist.* 2.48M; Tiersch 2018: 44, notes that in 99 BC, the tribune Sex. Titius continued the work of L. Appuleius Saturninus (tribune, 103, 100 BC) without acknowledging that fact. His liking and following of Saturninus is well documented, though: *FRL* 67C, T1. *Cic. Brut.* 225; *Cic. Rab. Perd.* 24-25. See below, p. 195 on “baton passing”.

⁷³⁵ Plut. *Luc.* 20.5; Kondratieff 2003: 444 notes the tribunes whose actions connect them to this same sentiment; I highlight them here.

⁷³⁶ Plut. *Luc.* 24.3; Dio 36.2.1; Plut. *Luc.* 33.4-5; *Cic. Leg. Man. passim*; *Sest.* 93; Plut. *Luc.* 33.5, 37.1; *Cat. Min.* 29.3.

⁷³⁷ Griffin 1973: 203-211 notes that at this time, C. Cornelius (tribune, 67 BC) picked up on and continued to talk publicly about and legislate on several topics that had received attention in recently years, including praetorian corruption, opposition to the restoration of the *tribunicia potestas* and *ambitus*. On C. Cornelius, see below, pp. 264-284.

61 BC, who were able to communicate their anti- and pro-Cicero stances regularly on a large-scale through the medium of *contiones*.⁷³⁸

In each of these episodes, tribunes of the plebs capitalised on the temporal versatility of the *contio* for the purpose of engaging in prolonged discourses, sometimes lasting several years, that would over time ultimately achieve the stimulation and placation of specific public opinions.⁷³⁹

Not only did tribunes convene *contiones* regularly over long periods of time to interact with public opinion, they were also capable of convening them at short notice to react instantaneously to public opinions developing before them in real time.⁷⁴⁰

I have noted that in 55 BC, tribunician support for the *lex Trebonia* was far from unanimous – the efforts made by P. Aquillius Gallus to speak first on the morning of the bill’s proposal resulted in spending the night in the Curia, courtesy of his colleague Trebonius.⁷⁴¹ Trebonius’ bill was opposed by C. Aetius Capito who, along with Cato, arrived at the Forum early that same day, only to be driven away by Trebonius’ *viatores*.⁷⁴² However, once the law had been passed, Capito returned with his now bloodied tribunician colleague, P. Aquillius Gallus, and appropriated the dispersing crowd, repurposing them for his own ends. Capito’s tribunician *potestas contionandi* is the only means by which he could have legitimately

⁷³⁸ These examples are discussed in the following section, pp. 187-198.

⁷³⁹ For the idea that *contio* could be used to describe discourse itself, see Hölkeskamp 2013: 17-18.

⁷⁴⁰ For a further example of the convening of *contiones* regularly over a considerable period of time, see below, pp. 295-307, on the *contiones* of the tribunes T. Munatius Byrsa, Q. Pompeius Rufus and C. Sallustius Crispus begun on 18 Jan 52 BC and continued by their colleagues henceforth; Asc. 32-33C, 37C: *inter primos et Q. Pompeius et C. Sallustius et T. Munatius Plancus tribuni plebis inimicissimas contiones de Milone habebant, invidiosas etiam de Cicerone, quod Milonem tanto studio defenderet*, “Q. Pompeius, C. Sallustius, and T. Munatius Plancus, tribunes of the plebs, were among the first to hold contiones that were extremely hostile towards Milo and calculated also to arouse animosity against Cicero for his strenuous efforts to defend Milo”. “Among the first to hold hostile public meetings” suggests that others followed suit, and whoever followed would have had to possess *ius contionandi*, making it likely that they were *tribuni plebis* (though almost certainly not the pro-Cicero *tribuni*, Q. Manius Cumanus and M. Caelius Rufus); Byrsa alone: *Mil.* 12 in Asc. 42C, 40-41, 44-45C.

⁷⁴¹ See above, n. 720.

⁷⁴² Dio 39.35.5; Plut. *Cat. Min.* 43.4; on tribunician *viatores*, see below, p. 245.

ascended the Rostra to display his wounded colleague and address the people, whom Dio described as standing still on the spot, at such short notice.⁷⁴³

This quick appropriation of an audience by tribunes of the plebs was not a unique event. The same year, on the day of the long-awaited praetorian elections, Pompeius supposedly ejected those who did not support, and who had not been bribed to support, P. Vatinius from the Campus Martius.⁷⁴⁴ While those who had cast their votes were leaving, an anonymous tribune of the plebs gathered the rest of the citizens, who had remained nearby, and convened a *contio* for the purpose of allowing Cato, who at this time possessed no *potestas contionandi*, to speak publicly.⁷⁴⁵

Appropriation of crowds was not the only method available to tribunes aiming to capitalise on the presence of individuals who were already aware of and interested in a particular issue. The relatively large number of tribunes each year and the potential for collegial cooperation meant that tribunician colleagues were able to coordinate *contiones* to take place in sequence and on the same day, thus allowing a greater number of the populace to experience prolonged exposure to a given topic while each individual tribunician contional president received a good level of independent visibility. Such a cooperative endeavour was undertaken in 52 BC by Q. Pompeius and C. Sallustius. Commenting on Cicero's *Pro Milone*, Asconius pauses to speculate which tribune Cicero is referring to as the convenor of the most insane *contio* that took place on the day of Clodius' murder.⁷⁴⁶ Asconius notes that since both Q.

⁷⁴³ Dio 39.36.1.

⁷⁴⁴ Plut. *Cat. Min.* 42.4; for bribery and Vatinius, Cic. *Q. Fr.* 2.4.3; *Fam.* 1.9.19; cf. Broughton *MRR*: 2.216.

⁷⁴⁵ Plut. *Cat. Min.* 42.4-5; this anonymous tribune was likely to have been either Aquillius or Capito, given their closeness to Cato and their enmity towards Pompeius and Crassus: Dio 39.32.3.

⁷⁴⁶ Cic. *Mil.* 45 in Asc. 49C: *Quo, ut ante dixi, fuit insanissima contio ab ipsius mercenario tribuno plebis concitata*; "the day, as I said before, when there was the most insane *contio* summoned by that very man's hired tribune", trans. R. G. Lewis 2006, adapted.

Pompeius and Sallustius are recorded as having convened *contiones* that day and Cicero's description of the tribune in question could apply to either man (*ipsius mercannario tr.pl.*), the only way to determine which tribune Cicero is referring to is by the description of the *contio* itself; for Asconius, Q. Pompeius held the wilder *contio* and is therefore the man being discussed. Although Asconius wrote his commentaries a century after Cicero's *Pro Milone* was produced, to credit this problem of identity determination to the non-contemporaneous nature of his work would be selling the commentator short; after all, he had the *acta* at his disposal and was able to provide insightful commentaries on complex periods of legislative and contional activity.⁷⁴⁷ It seems more likely that the problem has arisen due to real similarities in character, behaviour and reported activity between Q. Pompeius and Sallustius. On 18 January 52 BC, the two tribunes must have announced *contiones* concurrently, and likely appeared together while presiding over consecutive public meetings.

The temporal versatility of *contiones* and the capacity of tribunes to capitalise on it allowed Q. Pompeius and Sallustius to create multiple opportunities for large-scale communication on the same day, on the same topic, and to the same end. By doing so, not only did they facilitate the occurrence of communication and thus the perpetuation of the public sphere itself, but in acting in apparent tandem, they fostered their individual public images, and an increased level of individual and united visibility, which Asconius would later have difficulty unpicking.

⁷⁴⁷ Noting his consultation of the *acta* for this particular problem, Asc. 49C; For example, his commentary on C. Cornelius' complex legislative timeline in 67 BC is treated favourably by modern scholars: McDonald 1929a: 201; Griffin 1973: 197-200; cf. Marshall in *OCD* s.v. 'Asconius Pedianus, Quintus'.

The ability of tribunes of the plebs to expose Rome's populace to their views and opportunities for discussion on given topics was further strengthened by the uniqueness of their office relative to the annual rhythmic cycle of elections.

Electoral Cycle and Visibility

As was the case for most magistracies and political posts in the first century BC, tribunician elections were expected to proceed in July, which meant candidates for the tribunate could be seen canvassing as early as April.⁷⁴⁸ In 59 BC, for example, it is likely that no more than a day had passed when on 19 April, Cicero, who was travelling away from Rome, received letters from Atticus stating that P. Clodius Pulcher had already announced his candidacy for the tribuneship of 58 BC.⁷⁴⁹ Likewise, C. Furnius must have announced his candidacy sometime before mid-May, possibly in late April, as his securing of a tribuneship for 51 BC was already being spoken of with some certainty by Cicero on 10 May.⁷⁵⁰

The period of canvassing for the tribunate was often strongly contested and success was by no means guaranteed.⁷⁵¹ Even C. Gracchus, whose supporters were so numerous that the *ovile* (voting area) at the Campus Martius could not accommodate them all, was returned in fourth position at the tribunician elections for 123 BC.⁷⁵² As Kondratieff points out, competition for political office, in this case the tribunate, had become so intense that in 54 BC, M. Cato (as *pr. repetundis*) established a process whereby each candidate for the tribuneship was required to put up a deposit of HS 500,000, which was to be forfeited if they were found to have engaged

⁷⁴⁸ Cic. *Att.* 1.1.1; for a discussion of the shifting dates of magisterial elections, Pina Polo & Diaz Fernández 2019: 64-65; Ramsey 2020: 213-224 demonstrates that although July was the month in which elections were expected, it was by no means the “usual” month.

⁷⁴⁹ Cic. *Att.* 2.12.1-2: on or shortly before this very day is implied by *de ruminatione cotidiana*.

⁷⁵⁰ Cic. *Att.* 5.2.1.

⁷⁵¹ Cic. *Planc.* 52 lists several individuals (P. Rutilius Rufus (candidate 122 BC), C. Fimbria (candidate 109 BC), C. Cassius Longinus and Cn. Aufidius Orestes (candidates 82 BC)) who stood for the tribunate but failed, only to go on to hold the consulship; for a list of unsuccessful tribunician candidates, see Kondratieff 2003: 81-82; 543.

⁷⁵² Plut. *C. Gracch.* 3.1-2; Kondratieff 2003: 84.

in electoral bribery.⁷⁵³ If strong competition existed for tribuneships, we might safely assume that from May-July, there were more than twenty individuals associated with the office of the tribunate itself.⁷⁵⁴ Such a level of institutional visibility catalysed by competition could not have re-emerged until the restoration of the tribunate and the subsequent reshaping of the public sphere in the 70s BC, because the requisite competitively-orientated individuals were fewer in number.⁷⁵⁵

Once elected, tribunician candidates were thenceforth known as *tribuni plebis designati*, until they entered office on 10 December the same year. In the period from July to December, *designati* could use their new position as a platform for continued interactions with public opinion via small- and large-scale communications – a fact I return to shortly.⁷⁵⁶ Therefore, for the majority of each year (April-December, around 8 months), at least twenty individuals were associated with the tribunate and were acting accordingly, either as *candidatus*, *designatus*, or *tribunus*, by promulgating legislation, convening *contiones* and generally making their current and upcoming standpoints known.

Pina Polo has recently proffered two connected hypotheses concerning consular *designati* that are relevant and applicable here. First, Pina Polo argues that *consules designati* were afforded privileged and influential positions in public and in political life, which perpetuated a “well-established institutional visibility that encouraged their collaboration with consuls in office and facilitated continuity in the management of the *res publica*”, due to their position as incoming consuls.⁷⁵⁷ Second, he argues that *consules designati* and, more importantly for our

⁷⁵³ Kondratieff 2003: 85; Cic. *Att.* 4.15.7, one candidate was caught, and the others forfeited their deposits rather than be caught out too.

⁷⁵⁴ This number does not include tribunician *appartiores*, who will be considered in detail below.

⁷⁵⁵ Cf. App. *B Civ.* 1.100.

⁷⁵⁶ E.g., Cic. *Leg. Agr.* 2.11; cf. Lewis & Short 1879, *s.v. designo*.

⁷⁵⁷ Pina Polo 2013: 434-447; Pina Polo 2016: 70.

present purpose, *tribuni plebis designati* possessed *potestas contionandi*.⁷⁵⁸ To proffer his second hypothesis, Pina Polo uses two instances in which a *tribunus plebis designatus* could be linked with reasonable certainty to the potential convening of a *contio*.⁷⁵⁹ Considering the attested actions of tribunician *candidati* and *designati* following the final restoration of the tribunate in 70 BC, I contend that tribunician *designati* contributed to the overall visibility and institutional rhythm of the tribunate, just as *consules designati* did for the consulship.⁷⁶⁰

The situation in late 64 BC, as described by Cicero in his *De Lege Agraria*, is a useful starting point. In his second speech, delivered *in contione*, Cicero sets the scene (for P. Servilius Rullus' rebuffing of the former's offer of assistance) by claiming that since both men were *designati*, cooperation between them seemed logical.⁷⁶¹ Not only does Cicero's purported motive for approaching Rullus suggest that Cicero may have been looking to form ties with Rullus for their upcoming year in office, it also suggests that it was ordinary for *tribuni plebis designati* and *consules designati* to cooperate and to assume similar work and responsibilities.⁷⁶² Moreover, Cicero's purported motive indicates that the legislative actions of *tribuni plebis designati*, who in this instance were working cooperatively, were known before they took up office on 10 December.⁷⁶³ But how could the upcoming legislation of Rullus and his colleagues have been expected in advance of 10 December? There are three ways this knowledge could have been disseminated: first, via *contiones* convened by *tribuni plebis designati*; second, by the promulgation (not rogation) of the bill by *tribuni plebis designati* at

⁷⁵⁸ Pina Polo 2016.

⁷⁵⁹ Pina Polo 2016: 69-71, these were the actions of C. Memmius in 112 BC as incoming tribune for 111 BC and M. Porcius Cato in 63 BC as incoming tribune for the year 62 BC.

⁷⁶⁰ I leave aside the lengthy tribunician campaign of C. Gracchus, noted above, and the actions of C. Memmius, discussed already by Pina Polo, see note above.

⁷⁶¹ Cic. *Leg. Agr.* 2.11, "Indeed, I thought that since we were both to act as magistrates in the same year, it was right that there should be some union between us for the purpose of governing the Republic wisely and successfully", trans. A. Clark.

⁷⁶² On the responsibilities of *tribuni plebis designati* and *consules designati*, see Rosillo-López 2022: 208-216.

⁷⁶³ On this episode, see Rosillo-López 2022: 210-212.

contiones convened by *tribuni plebis*; third, via the daily small-scale communications that *tribuni plebis designati* would have had as they went about their daily business and that resulted from their tribunician duties. There is no reason that the third possible means of information dissemination listed here could not have been used in tandem with the first or second, though it seems unlikely that a *tribunus plebis designatus* would need or want to speak at the *contio* of a *tribunus plebis* if he himself was capable of convening one as *designatus*. Although Cicero does not mention contional activity in his recounting of Rullus' behaviour as *tribunus plebis designatus*, he does describe the changes in Rullus' physical appearance and mannerisms. Rullus altered the way he walked, dressed and spoke, among other things, to such an extent that he appeared threatening to all as he went about.⁷⁶⁴ Perhaps such a public presence as *designatus* afforded Rullus the opportunity to informally address crowds of people, as M. Porcius Cato would do as *tribunus plebis designatus* in 63 BC. Plutarch tells us that as *candidatus*, Cato was surrounded by supporters who, upon being elected to the tribunate, he then berated for allowing electoral bribery to have taken place.⁷⁶⁵ In what capacity Cato was speaking is unclear, though if his opponent Metellus Nepos was addressing *contiones*, perhaps Cato was making use of this same large-scale communicative channel. In his *Pro Murena*, Cicero addresses Cato thus: *Iam enim in hesterna contione intonuit vox pernicioosa designati tribuni, conlegae tui.*⁷⁶⁶

Cicero uses the fact that the voice of a tribune-designate was heard at a *contio* as a prelude to acknowledging all the evil machinations aimed toward the state in the previous three years, since the conspiracy and thwarted revolt of L. Sergius Catilina.⁷⁶⁷ Hearing *tribuni plebis*

⁷⁶⁴ Cic. *Leg. Agr.* 2.13.

⁷⁶⁵ Plut. *Cat. Min.* 21.2; Pina Polo 2016: 69-70.

⁷⁶⁶ Cic. *Mur.* 81: "for in yesterday's public meeting there thundered the mischievous voice of a tribune-elect, a colleague of yours".

⁷⁶⁷ Cic. *Mur.* 81.

designati speak at *contiones* may indeed have been unusual, as this excerpt from Cicero and a general lack of supporting evidence suggests, though such occurrences happened, nonetheless.

Similar collegial cooperation contextualises the epistolary discussion between Cicero and Atticus in November 58 BC, regarding the upcoming legislation of the *tribuni plebis designati* for 57 BC.⁷⁶⁸ Once again, it is well known that the incoming tribunes are drafting a piece of legislation and that the contents of this legislation is the subject of public discussion. Cicero remarks to Atticus that in a *contio* held earlier that month (3 November), Clodius had acknowledged limitations on the ability of the *designati* to amend or repeal his existing legislation.⁷⁶⁹ If Clodius deemed it necessary to address *in contione* the topic of the actions of the *tribuni plebis designati*, then their potential actions can hardly have been or remained thenceforth a secret. In addition to the bill in question, which concerned Cicero's recall and was being proposed by eight of the *tribuni plebis designati* for 57 BC, three tribunes-elect, P. Sestius, T. Fadius Gallus and C. Messius, were known to be drafting their own bills to the same end. In each case, Cicero was aware of the upcoming legislation, drafts of the bills were available for circulation and in the case of C. Messius, public speeches were given.⁷⁷⁰ In his *Post reditum in senatu*, delivered on his return to the senate in September 57 BC, Cicero acknowledges the tribunician support he had received over the previous year and a half.⁷⁷¹

⁷⁶⁸ Cic. *Att.* 3.23.1-2.

⁷⁶⁹ Cic. *Att.* 3.23.4.

⁷⁷⁰ Cicero discusses drafts of bills presented by T. Fadius Gallus and P. Sestius in *Att.* 3.23. Given that other members of this college had shown Cicero and his friends their proposed bills for his reinstatement, it seems likely that the *lex* promulgated by C. Messius at *Red. Sen.* 21 was shown to Cicero first, especially since it was put forward 'from the start [of his tribunate]'.
⁷⁷¹ Cic. *Red. Sen.* 20: *qui [P. Sestius] me cum omnibus rebus, quibus tribunus plebis potuit defendit, tum reliquis officiis...sustentavit*; "he defended me with all matters by which a Tribune of the People could and also supported me with further beneficial acts", trans. G. Manuwald; Cic. *Red. Sen.* 21: *Iam T. Fadius, qui mihi quaestor fuit, M. Curtius, cuius ego patri quaestor fui, studio, amore, animo huic necessitudini non defuerunt. Multa de me C. Messius et amicitiae et rei publicae causa dixit: legem separatim initio de salute mea promulgavit*; Further, T. Fadius, who was my quaestor, M. Curtius, for whose father I was quaestor, did not fail in their duty to this bond by their effort, love and spirit. C. Messius said a lot about me for the sake of friendship and the Republic; at an early stage he separately promulgated a law about my well-being.", trans. G. Manuwald. Most recently on these passages, see the commentary provided by Manuwald 2021: 163-169.

When describing the efforts of P. Sestius, Cicero distinguishes between aid provided by Sestius in his capacity as tribune of the plebs and aid offered as *amicus*, suggesting that Sestius spoke publicly on the topic, as was his tribunician right (*ius agendi cum populo*) and something he could not do on his own initiative as a friendly *privatus*.⁷⁷² Cicero's letter to Atticus (discussed above) mentions the efforts of the *tribuni designati* to support Cicero (especially the bill of T. Fadius Gallus), which means that the support described at *Red. Sen.* 21 began while these men were tribunes elect. Therefore, accepting that C. Messius' speeches came when he too was *tribunus plebis designatus* does not seem too much of a stretch, especially since this piece of information comes before the mention of his official promulgation of a bill, which came at the start of his tribunate. The annual rhythm of incumbency that underpinned Rome's governing officials meant that the efforts of tribunes of the plebs to receive and perpetuate individual and institutional visibility while in office were strengthened and added to by the concurrent presence of the tribunes elect.

The result of a large tribunician presence created by a significant number of men operating simultaneously under the banner of *tribunus* was not the only way to achieve enhanced individual and institutional visibility. The process referred to earlier as "baton passing" was an important means of allowing and causing public opinion to develop over time, while facilitating visibility and opportunities for large-scale communication. The case just discussed illustrates this point: the following year, tribune-elect Cn. Plancius, who took office on 10 December 57 BC, was able to follow the example set by his immediate predecessors and was able to publicise his support of Cicero's recall to such an extent that the senate singled him out to offer special gratitude.⁷⁷³

⁷⁷² Manuwald 2021: 164 notes this difference, emphasised by Cicero through his use of *cum...tum*.

⁷⁷³ Cic. *Planc.* 78; a further seven of Plancius' tribunician colleagues eventually supported the consular bill to recall Cicero (Cic. *Pis.* 35 = Asc. 11C).

The fact that *tribuni plebis designati* could and did publicise their views in public speeches and while walking around the city with their entourages meant that not only did the repositioning of the tribunate in the 70s BC herald an increase in tribunician visibility and frequency of opportunities for communication, but it also meant that tribunician collegial alliances and enmities were prominent from the outset and thus almost all year round. Such early opposition can be seen in the candidacies of Q. Metellus Nepos and M. Cato in 63 BC. I have noted that Nepos was able to speak at *contiones* against his rivals and that Cato was also able to achieve a level of pre-tribunician publicity, possibly via the same means. According to Plutarch, Cato had no intention of pursuing a tribuneship until, on a road outside of Rome, he learned of Nepos' candidacy and decided to oppose him in the same office.⁷⁷⁴ To publicise his standpoint and announce his candidacy, Plutarch's Cato first informed his immediate companions of his intentions, returned to his estates to gather himself and no doubt to inform others, before heading to Rome and to the Forum.⁷⁷⁵ Plutarch notes that although Cato arrived at Rome while it was still light, it was evening and so the trip to the Forum was postponed until first light the following day. Cato, as an incoming *candidatus*, intended to achieve the maximum level of publicity for himself and his standpoint, by positioning himself relative to an existing and well-discussed *candidatus*, Nepos, and by announcing himself *in foro* at the earliest possible opportunity for small-scale communications to begin taking place at and *en route* to that location. Likewise, in 54 BC, the tribunes elect M. Coelius Vinicianus and C. Lucilius Hirrus were publicising their viewpoints and opposition to such an extent that Pompeius, whose prospective dictatorship was the matter at hand, requested Cicero involve himself and silence Coelius. The rivalry between Coelius and

⁷⁷⁴ Plut. *Cat. Min.* 20.2-3.

⁷⁷⁵ Plut. *Cat. Min.* 20.3.

Hirrus, publicised first while both were *tribuni plebis designati*, continued to be fought out and displayed publicly for several years.⁷⁷⁶

Often, the standpoints and disagreements therein of tribunician *designati* were so evident that Cicero was able to assess the likely inclination of an incoming college towards him. That candidates displayed their alliances and rivalries is not surprising and this approach to electioneering is advised in the *Commentariolum petitionis*.⁷⁷⁷ Rosillo-López has shown that by exchanging information verbally, through media such as letters, rumours and reports of fact, Cicero and his correspondents could gauge public opinion and estimate the (un)likely outcomes of elections.⁷⁷⁸

I argue that by these same means, the publicised views and standpoints of *tribuni plebis candidati* and, more importantly, *designati* were available for interpretation by all onlookers, not just political observers such as Cicero.⁷⁷⁹ In a letter to his brother, Quintus, written on 10 December 56 BC, Cicero gives an assessment of the new college based on his knowledge of their viewpoints publicised while *candidati* and *designati*: *de tribunis pl. longe optimum Racilius habemus. Videtur etiam Antistius amicus nobis fore, nam Plancius totus noster est*.⁷⁸⁰

To make such an assessment and to identify those who he believed would act favourably towards him or in line with his own interests, Cicero would have had to examine the entire college and discount those whom he believed would not offer support. Writing to Atticus in

⁷⁷⁶ Cic. *QFr.* 3.4.1; Cic. *Fam.* 8.4 (51 BC); Rosillo-López 2019: 66-67.

⁷⁷⁷ Cicero, *Comment. pet.* 50-53; Rosillo-López 2019: 57.

⁷⁷⁸ Rosillo-López 2019: 67, using Cicero's letters to Atticus (2.5.2, 2.7.3, 2.14.2, nn. 64-66 there) on the developments in Q. Arrius consular campaign in 58 BC as a case study example.

⁷⁷⁹ A request for such information on tribunician behaviour specifically: Cic. *Att.* 4.9.1.

⁷⁸⁰ Cic. *Q. Fr.* 1.14: Of the tribunes, (L.) Racilius is by far the best, but I think Antistius too will be friendly to us. Plancius, of course, is wholly ours. Note: 10 December was the day that these tribunes entered office.

October 50 BC, Cicero makes a similar assessment: *cum illo praetores designatos, Cassium tribunum pl. Lentulum consulem facere...*⁷⁸¹

To be able to say that of the magistrates-elect only Q. Cassius Longinus was on the side of Caesar, Cicero would have had to know the political leanings of Cassius' colleagues. As shown already, there were several ways in which *candidati* and *designati* could promulgate their views and standpoints in advance of their entry into office and these views and standpoints were picked up on and even enquired about by onlookers and political observers.

Earlier in this section, I introduced the idea of baton passing from outgoing *tribuni plebis* to *candidati* and *designati*. In this way, the annual rhythm of Roman government combined with the unique position of tribunes of the plebs as the state's foremost *rogatores* of legislation and public speakers to enable the development of an incoming tribune's public image via their continuation through association of an outgoing tribune's viewpoints and topics of discussion.⁷⁸²

The procedure of baton passing is exemplified by the actions of two tribunician colleagues in 66 BC. The outgoing tribune of the plebs, C. Cornelius, had just undertaken a particularly active tribuneship, proposing legislation on topics ranging from praetorian behaviour to the financial allowances and, in the latter part of the year, had encountered regular collegial opposition.⁷⁸³ During the annual *Compitalia* celebrations on 31 December, three weeks after the new tribunes had taken office and Cornelius had laid down his *tribunicia potestas*, C. Manilius Crispus passed a bill on the Capitol that allowed freedmen to cast their votes in the

⁷⁸¹ Cic. *Att.* 6.8.2: "Of the praetors and magistrates-elect, (Q.) Cassius Longinus, tribune of the plebs, and the consul Lentulus are with him [Caesar]".

⁷⁸² For tribunes of the plebs as the main sponsors of legislation in the late Republic, see Williamson 2005: 52, Table 1.11.

⁷⁸³ Cornelius' bill to ensure praetors adhered to the stipulations in their existing edicts when making judgements, Dio 36.40.4; Asc. 39C; to prohibit loans to visiting foreign ambassadors, Asc. 57-58C; collegial opposition: Asc. 59C.

tribes of their patrons – a bill which was supposedly given to him by Cornelius.⁷⁸⁴ The following day, the new consuls annulled the law because Manilius had not observed the proper *trinundinum*.⁷⁸⁵ Commenting on Cicero’s *Pro Cornelio*, Asconius writes:

*Legem, inquit [Cicero], de libertinorum suffragiis Cornelius C. Manilio dedit. Quid est hoc ‘dedit’? Attulit? An rogavit? An hortatus est? Attulisse ridiculum est, quasi legem aliquam aut ad scribendum difficilem aut ad excogitandum reconditam: quae lex paucis his annis non modo scripta sed etiam lata esset.*⁷⁸⁶

There are two things to note: first, the temporal crossover between the tribuneship of Cornelius and Manilius’ period as *designatus* and subsequent tribuneship allowed the former to cooperate with the latter for the purpose of continuing a specific topic of discussion. Such a seamless continuance would have had several noticeable effects. Not only would it have fostered a connection between the two tribunes in the minds of all onlookers, and through this association a degree of institutional continuity such as Pina Polo envisaged occurring between consuls and *designati*, but it meant that Manilius was ready and able to continue promulgating the bill, turning it into a formal *rogatio*, as soon as he entered office on 10 December.⁷⁸⁷ This second effect led Cicero to comment on the remarkable speed of Manilius’ legislative action.⁷⁸⁸ The second thing to note is the fact that Asconius could fathom several possible ways in which Cornelius could have given the bill to Manilius. Even though Asconius dismisses Cornelius helping Manilius draft the bill as absurd, this is only because of the simplicity of this particular

⁷⁸⁴ Asc. 45C.

⁷⁸⁵ See the discussion at Kondratieff 2003: 448.

⁷⁸⁶ Asc. 64C: “Cornelius, he says, ‘gave’ Manilius the law on suffrage for freedmen. What does he mean – ‘gave’ it? Presented him with a draft? Or passed it for him? Or urged its passage? That he presented a draft is absurd, as if it were some piece of legislation that was difficult to compose or an obscure matter to think out: indeed, this law for the last few years had not only been on written record but actually passed”, trans. R. G. Lewis 2006.

⁷⁸⁷ See the discussion above, p. 188; Pina Polo 2013: 434-447.

⁷⁸⁸ Asc. 65C, the swiftness of Manilius’ action earned him reproach; Kondratieff 2003: 446 suggests that Cornelius promulgated (but failed to pass) this bill. This seems sensible given that to give (*dare*) the bill to Manilius, in one way or another, it would have had to have existed already.

piece of legislation; indeed, on numerous occasions our sources for this period attest to aid being provided to a tribune in drafting a piece of legislation and Asconius notes that a *lex* with similar provisions already existed.⁷⁸⁹ We have seen already that *contiones* allowed tribunes to speak regularly on a given topic and sometimes for discourses to continue across tribunician colleges. So, Asconius' suggestion that Cornelius urged the bill's passage by Manilius is equally plausible. The most unlikely option is that Cornelius was the initial instigator of the bill (*rogator*) and that Manilius was the tribune who oversaw the vote to ratify it. This scenario does not fit well with Cicero's comment on Manilius' apparent speed, which, if Cornelius was widely known to have been the *rogator*, would have not been remarkable. Regardless, then, of which of the several possible manners Cornelius used to give the bill to Manilius, a continuity of topic discussion took place that was facilitated by the overlapping periods of time in which one man served as tribune and the other as *designatus*. Tribunes and *designati* were able to exploit this particular aspect of the temporal rhythm and shape of the public sphere to create an apparent continuation of association of public image and tribunician behaviour.⁷⁹⁰

In 50 BC, the outgoing tribune C. Scribonius Curio is said to have had M. Antonius elected as *tribunus plebis* by delivering multiple favourable speeches, making use of Caesar's extensive wealth, and by taking advantage of the networks and favour he had secured during

⁷⁸⁹ Asc. 64C; P. Sulpicius Rufus had previously passed a similar bill amid much violence during his tribunate in 88 BC, cf. App. *B Civ.* 1.55-56; Ti. Gracchus' agrarian bill was not drawn up alone (Plut. *Ti. Gracch.* 9.1); the entire tribunician college worked with P. Servilius Rullus to draft his agrarian bill in 64 BC (Cic. *Leg. Agr.* 2.11-13); C. Cosconius received help from Cicero when drafting numerous bills in 59 BC (Cic. *Vat.* 16-17); On Cicero's advice, Atticus consulted with L. Ninius Quadratus on a specific clause of his pro-Cicero bill in 58 BC (Cic. *Att.* 3.23.4), see also the discussion of (and therefore possible cooperation on) the similar bills of T. Fadius and C. Messius in the same letter; in 55 BC, A. Alienus authored the *Lex Mamilia Roscia Alliena Peducaea Fabia*, cf. *MRR* 2.217; Kondratieff 2003: 471.

⁷⁹⁰ The same ends may have been attempted in 100 BC: Val. Max. 9.7.1, 3.2.18; App. *B Civ.* 1.32. L. Appuleius Saturninus and C. Equitius 'Gracchus' as *candidatus* and as *designatus*, respectively. Equitius, who claimed to be a son of Ti. Gracchus, appeared in public alongside Saturninus during the latter's tribunate and third turn as *candidatus* and *designatus*. Their cooperation, along with A. Servilius Glaucia (tribune, 101 BC), and their seditious behaviour led the murder of both men in quick succession: App. *B Civ.* 1.33; Cic. *Rab. Perd.* 18-31; Cf. Kondratieff 2003: 419.

his tribuneship.⁷⁹¹ That contemporaries too recognised the potential for tribunes of the plebs to sustain a single issue, and thus to perpetuate a certain image of their institution is evident in Livy's work on the early Roman Republic. According to Livy, a battle for the passing of a *lex agraria* was fought between the consuls and the tribunes of the plebs over three successive years from 486 to 484 BC.⁷⁹²

The relatively large number of tribunician positions available, the length of the campaigning period – no doubt affected by the highly competitive nature of Republican politics – and the practice of continuing the policies of existing tribunes via baton passing or of publicising new ones early, meant that *tribuni plebis designati* contributed to the overall institutional visibility of the tribunate in the same way as consuls-elect did the consulship. Moreover, the practice of baton passing meant that discourses between tribunes and the populace were not necessarily restricted by the annual nature of Republican office holding, which in turn meant that the constituent elements of public opinion were able to develop over a longer period of time.

Religious Practices & Celebrations

The relationship between the institution of the tribunate and religious practices at Rome was in many ways unexceptional, besides the fact that *tribuni plebis* were themselves sacrosanct.⁷⁹³ Beyond a small number of bills that dealt specifically with matters such as the election of priests and the occasional issuance of an *obnuntiatio*, tribunes had few notable interactions with religious practice.⁷⁹⁴ However, one particular aspect of religious practice, the

⁷⁹¹ Cic. *Phil.* 2.4; Plut. *Ant.* 5.1; Cicero and Plutarch could be referring to Curio's help in acquiring Antonius a position as *augur* but even so, it would not be unreasonable to assume these, or similar efforts were also used to attain a tribuneship.

⁷⁹² Livy 2.41.1-2.24.9.

⁷⁹³ On tribunician *sacrosanctitas*, see Bauman 1981; Smith 2012: 103, 118-121.

⁷⁹⁴ Tribunician bills in the late Republic concerning some element of religious practice at Rome: Sex. Peducaeus (tribune, 113 BC) accused the *pontifex maximus* and *pontifices* of malpractice (Cic. *Nat. D.* 3.74); Cn. Domitius Ahenobarbus (tribune, 103 BC) co-opted as *pontifex* to replace his father. During his tribunate, prosecuted

issuance of *obnuntiationes*, and the effects that could have on a tribune's ability to facilitate opportunities for large-scale communication is worth noting. In Chapter 1, it was shown that all public business at Rome, which encompasses all occasions on which large-scale communication took place, depended first on the absence of unfavourable omens.⁷⁹⁵ Already we have seen that *obnuntiationes* could disturb the rhythm of the public sphere in general, as it did in November 57 BC.⁷⁹⁶

Given that there were more tribunes than consuls or praetors and that tribunes were the primary facilitators of *contiones* and *comitia*, and thus the principal instigators of large-scale communication and legislation, it seems logical that their actions would have been prevented by a proportionately higher frequency of *obnuntiationes*. So, while *obnuntiationes* could and did affect all public business, it is possible that their impact was felt most noticeably on tribunician endeavours.

Although perhaps an exceptional example, it is worth mentioning the legislative paralysis, experienced by several of the other tribunes in 59 BC, which resulted from the *vitia*-seeking of the consul Bibulus and three tribunes of the plebs. In recounting this particular episode, Cicero walks us through the divisions and actions of the entire tribunician college relative to the religious observances of Bibulus. Of Vatinius' nine colleagues, three joined Bibulus.⁷⁹⁷ Of the

Aemilius Scaurus for mishandling Lavinian Penates' ritual (Asc. 21C; Kondratieff 2003: 415), changed the way in which priests were elected (Cic. *Leg. Agr.* 216; *Auct. Ad Her.* 1.20; T. Labienus (tribune, 63 BC) restored the people's right to elect priests, which had previously been confirmed by Cn. Domitius Ahenobarbus (Dio 37.37.1-2; Kondratieff 2003: 452; P. Clodius Pulcher (tribune, 58 BC) altered the provisions of the *leges Aelia et Fufia*, and thus the issuance of *obnuntiationes* (on this, see above, Chapter 1), consecrated the ground of Cicero's demolished home and built a shrine to *Libertas* on the spot (cf. Arena 2013: 212-214; Davies 2017: 223); T. Annius Milo (tribune, 57 BC) persisted in his issuance of *obnuntiatio* (see above, pp. 40, 175; Cic. *Att.* 4.3.4, (SB 75); Anonymous tribunes (55 BC) prevented the census taking place by declaring *obnuntiationes* (Cic. *Att.* 4.9.1).

⁷⁹⁵ Cf. p. 38.

⁷⁹⁶ Cf. n. 794.

⁷⁹⁷ Cic. *Vat.* 16: *Ex iis tres erant, quos tu cotidie sciebas servare de caelo*; "Of these there were three whom you knew to be watching the heavens every day", trans. R. Gardner. These three men were: Q. Ancharius, Cn. Domitius Calvinus and C. Fannius, cf. Kondratieff 2003: 459.

other six tribunes, some sided with Vatinius while others maintained a sort of middle ground.⁷⁹⁸ While all seven of the tribunes who did not join Bibulus continued to promulgate their legislation, only Vatinius put his *rogatio* before the assembly.⁷⁹⁹ Cicero adds to the gravity of Vatinius' actions by asking Vatinius the rhetorical question of whether he knew of any tribunes of the plebs that had come before him, who had passed legislation while the skies were being observed.⁸⁰⁰ Cicero's account of tribunician behaviour here shows us that for the most part tribunes of the plebs upheld the requisite reduction in opportunities for large-scale communication demanded by the issuance of *obnuntiatio* and forewent the convocation of the *concilium plebis* for the purpose of putting their promulgated legislation to vote. This conclusion satisfies Driediger-Murphy's hypothesis – that *obnuntiationes* were respected in the late Republic.⁸⁰¹ While it is clear that some level of large-scale communication still took place, most likely at *contiones*, which were not subject to the auspices, in order for the tribunes' bills to be promulgated, a reduction in the quality and functioning of the public sphere is apparent from the change in tribunician behaviour.

As Sumi notes, public entertainments in the late Republic were “often a form of political communication”, which served as important opportunities for politicians to indulge in the all-important process of the self-publicising.⁸⁰² While the majority of festivals at Rome were organised by specific colleges of priests, games in the late Republic were sponsored by both the state's serving magistrates and by *privati*.⁸⁰³ With the exception of the tribunician college

⁷⁹⁸ Cic. *Vat.* 16: *Reliqui sex fuerunt, e quibus partim plane tecum sentiebant, partim medium quendam cursum tenebant*; “The six others were either entirely on your side or kept a sort of middle course”, trans. R. Gardner.

⁷⁹⁹ *Omnes habuerunt leges promulgatas*; All had laws proposed. Cicero even claims to have advised one tribune, C. Cosconius, in the drafting and/or promulgation process.

⁸⁰⁰ Cic. *Vat.* 17.

⁸⁰¹ Driediger-Murphy 2015: 183-186, 187.

⁸⁰² Sumi 2005: 142.

⁸⁰³ On festivals and games at Rome and their place in the public sphere, see above, p. 42; for a thorough examination of Rome's festivals: Scullard 1981. Even the *ludi Plebeii* were the preserve of the plebeian aediles and so offered no unique communicative benefit to the tribunes. Sumi 2005: 142.

of 53 BC, who organised the *ludi Apollonaris* on behalf of the praetors, the tribunate came with no mandate for the sponsoring of *ludi* and therefore, offered no opportunities to benefit from the self-publicising political communication that was enjoyed by praetors, aediles and consuls.⁸⁰⁴ For example, the unique relationship between aediles and the opportunities for communication afforded by a remit for sponsoring *ludi* was well known and so the office was considered by Cicero to have the ability to make or ruin a politician's career.⁸⁰⁵

Triumphs were available exclusively to representatives of Rome *cum imperio*, who were deemed by the senate to have achieved a substantial military victory. These ceremonies served simultaneously to reaffirm a Roman identity and to aggrandise the celebrated *imperator*.⁸⁰⁶ As Chapter 1 noted, they added a further element of rhythm to the Roman public sphere and, in the same way as *contiones* and *ludi*, were an opportunity for large-scale communication on which few limitations were inflicted by age, gender, or status.⁸⁰⁷ Tribunes of the plebs, who possessed no *imperium* could not hope to benefit from this particular aspect of the Roman public sphere. Though, it was possible, due to their right of *intercessio*, for them to disrupt these ceremonies.⁸⁰⁸

As shown below, magistrates and officials entered the Forum for occasions of entertainment from the direction of the Columna Maenia.⁸⁰⁹ All who entered from this direction did so against the backdrop of the Basilica Porcia, the tribunes' usual position under the *tabula Valeria*, and the *carcer*, all of which were spaces heavily associated with the institution of the tribunate and the responsibilities of that office. Thus, the Basilica Porcia provided a strikingly

⁸⁰⁴ For the college of 53 BC, Dio 40.45.4.

⁸⁰⁵ Cic. *Off.* 2.52-59, with Sumi 2005: 26-27, esp. n. 44.

⁸⁰⁶ On the impact of the triumph: Beard 2009: 42-71; and for the competition among politicians in the late Republic to receive one: Beard 2009: 187-218. See also, Sumi 2005: 29-35.

⁸⁰⁷ See the discussion in Chapter 1 on triumphs, p. 43.

⁸⁰⁸ Cicero and M. Caelius Rufus had expected C. Scribonius Curio's veto on the senate's decision regarding Cicero's triumph in 50 BC: Cic. *Fam.* 8.11, cf. Beard 2009: 192, 202. Some tribunes attempted to disrupt the triumphal procession of C. Pomptinus when it was already underway: Cic. *Att.* 4.18; Dio 39.65.1.

⁸⁰⁹ See p. 223 and below, Figure 9.

tribunician context for entry of officials and magistrates to games. When applied to Cicero's description of P. Sestius' entry into the games of Apollo in 56 BC, this tribunician context gives a new and significant image of the process through which the populace of Rome and *tribuni plebis* communicated, formed and understood public opinions.⁸¹⁰

Space

Like Rome's public sphere, tribunes of the plebs were largely confined to the city of Rome itself. By the second century AD, the necessity of an almost permanent access to tribunician *auxilium*, the provision of which was by then the "chief function" of the tribunate, was still apparent, understood and maintained.⁸¹¹ In the late Republic, the demand for the semi-permanent presence of tribunes at Rome, created by the need to remain accessible for the provision of *auxilium*, was increased by such tribunician responsibilities as convening *contiones*, public speaking, drafting legislation, appearing in court, and generally engaging with public opinion.⁸¹² Carrying out the duties and responsibilities of their office, the majority of which could not be done *extra pomerium*, meant that for tribunes of the plebs, opportunities for excursions far beyond the *pomerium* were rare and came about only once a year for the *feriae Latinae* festival, though occasions could arise more often if unique circumstances demanded it.⁸¹³

⁸¹⁰ See the discussion on the *columna Maenia* in the following section.

⁸¹¹ Lintott 1999: 124; from Gell. *NA*. 3.2, it appears to have been acceptable and common practice for tribunes of the plebs to leave the city after midnight and even for them to return after first light, so long as they were back in Rome before the following midnight.

⁸¹² For the principal purpose of tribunes of the plebs being the provision of *auxilium* to the *populus* at Rome, *ILS* 212 I 30 (Claudius); Cic. *Leg.* 3.9; Lintott 1999: 124, n. 12. Indeed, the tribunician responsibility of being permanently reachable by Roman citizens meant that the doors of their domiciles were required to remain open both night and day (at least in theory): see Drogula 2017: 109, n. 36; see above, n. 711 and the discussion of M. Livius Drusus, who was showing visitors away from his tribunician domicile as the light faded.

⁸¹³ Dion. Hal. 8.87.6; for tribunes acting outside of the *pomerium*, cf. Kondratieff 2003: 591; Livy 3.20.7: the right of appeal did not extend beyond a mile from the city. Although legislation and the procedure by which it was passed could take place in a number of locations (wherever the *templum* was designated by the presiding magistrate or official), eligible and spatially suitable locations for large-scale communications were all within close proximity to the *pomerium* and the city proper (the Comitium, the Forum Romanum, the Campus Martius). Although there were fewer limitations on locations at which contional large-scale communication could take place, like legislative

This section demonstrates how the newly repositioned tribunate of the late Republic continued to function within the Roman public sphere relative to the spaces that facilitated small- and large-scale communication, and thus public opinion, within the city. The fact that unlike other magistrates and officials, tribunes of the plebs were physically bound to the city contributed to their unique role in Rome's public sphere. I argue that through the maintenance of an almost permanent presence in the areas in and around the Forum, particularly in the northwest corner, tribunes of the late Republic could engage in small- and large-scale communications and remain highly visible in such a way that was not required or possible for other magistracies or offices. Alongside serving as a base from which the tribunes could fulfil their roles effectively, the Basilica Porcia provided a definite location, near to several of the city's *loci celeberrimi* (busiest places), the topography of punishment and suitable locations for small- and large-scale communication, which allowed tribunes access to frequent information exchange, discourses with public opinions and the overall mitigation of Rome's neighbourhood-based populace.⁸¹⁴

For most of Rome's inhabitants, the rhythms of daily life were experienced within and centred around their neighbourhood of residence.⁸¹⁵ The availability of local amenities, opportunities for sociability and the busy, commercial nature of many of Rome's streets meant that regular ventures far beyond one's own neighbourhood were often unnecessary. I have suggested that these potential limitations on city-wide communication inflicted by the localised lifestyles of the Roman populace were mitigated to an extent by the circulation of Weak Ties such as travelling workers and local officials, as well as by opportunities for large- and small-

and electoral assemblies, a magistrate or official with the necessary *ius agendi cum populo* was required, and for tribunes at least, this *ius* appears not to have extended beyond the city.

⁸¹⁴ See above, p. 21.

⁸¹⁵ See above, p. 69.

scale communication that merited travel further afield, such as games, festivals and attendance at *contiones* and *comitia*.⁸¹⁶ In a series of recent works on spatial theory, centrality and the cities of Rome and Pompeii, Newsome, following on from Lefebvre, has argued that cities, in this case Rome, should be understood as possessing a multiplicity of “centres” or “focal points”, rather than only one geographically central centre.⁸¹⁷ According to Newsome, for Rome, several of these centres were constituted by the fourteen *regiones* – and the collections of *vici* that comprised each of them – introduced by Augustus in 7 BC, who was well aware of the advantages offered by a polycentric approach to cultural permeation.⁸¹⁸ In Newsome’s example, Augustus chose to install the *Lares Augusti* at some of the newly formed centres of Rome, since these locations, which were at the centre of the daily lives of those who inhabited the *regiones* and *vici*, would allow for a more regular exposure to his new cult and thus a more successful integration process overall.⁸¹⁹ Indeed, integration with and proximity to multiple centres at Rome was an effective means of disseminating information throughout society and thus of influencing public opinion; this fact was demonstrated several decades prior to Augustus’ reformation of the city’s urban framework by Clodius, during his tribunate in 58 BC.

Clodius was not the first politician at Rome to recognise the potential advantages of personal integration with neighbourhood and collegial officials (*magistri*) at a local level.⁸²⁰ As Nippel and Morstein-Marx have noted, Scipio Aemilianus was known to have courted popular

⁸¹⁶ See above, pp. 81, 117.

⁸¹⁷ Newsome 2009: 28-34; 2010: 46; following Lefebvre 1991: 332; 1996: 208.

⁸¹⁸ Newsome 2009: 34; Suet. *Aug.* 30.2; Cass. Dio 55.8.6; on the neighbourhoods of Augustan Rome, see Lott 2004.

⁸¹⁹ Newsome 2009: 34.

⁸²⁰ An important comparand to Clodius’ neighbourhood-based approach to public opinion is Ti. Gracchus’ reliance on *vici* in 133 BC. On this, see Flower 2013: 97-100, who argues that Tiberius “made the rational and potentially even shrewd choice to call on the *vicomagistri* in an effort to mobilise support in the local neighbourhoods of the city”, (read with App. *B Civ.* 1.14). On the exemplarity of Clodius’ tribunate, see Russell 2016c: 186, n. 1; for the exemplarity of his contional practices, see Tan 2013; for a thorough discussion of the legislation carried by Clodius during his tribunate, see Fezzi 2001: 259- 315; the standard work on Clodius remains Tatum 1999; on the pre-Clodian use of local and collegial *magistri*: Morstein-Marx 2004: 133, nn. 74, 75; Harrison 2008: 109; Tan 2013: 117, 120.

favour in a similar manner in the second century BC.⁸²¹ Indeed, by the time the *Commentariolum Petitionis* was produced, the political manoeuvre of reaching and communicating with the majority of Rome's inhabitants in their *collegia*, neighbourhoods (*vici*) and districts (*pagi*) via the leading men of those entities appears to have been well established.⁸²² Nonetheless, the legislation and actions of Clodius during his tribunate merit particular consideration – not only because they are comparatively well preserved for us, but also because of the multifaceted neighbourhood-based method apparent in Clodius' approach to engaging with public opinion.

On 10 December 59 BC, Clodius proposed four bills, which would be carried only weeks later on 4 January 58 BC. As Tatum rightly observed, Clodius' bills were the product of “much thought, careful formulation, and a good deal of what we might call research”.⁸²³ Such careful premeditation of legislative activity by a tribunician candidate or tribune elect was not an endeavour unique to Clodius but was an integral component of discourses between incoming tribunes, tribunes in office and the populace. On this occasion, though, the product of the premeditation was so well-considered that the results of Clodius' bills, two in particular – the *Lex Clodius de collegiis* and the *Lex Clodia frumentaria* – functioned in tandem to address genuine problems experienced by Rome's inhabitants and thus to secure for Clodius long-lasting popularity.

⁸²¹ Nippel 1995: 72; Morstein-Marx 2004: 133, n. 74.

⁸²² Cicero, *Comment. Pet.* 30: *Deinde habeto rationem urbis totius, conlegiorum omnium, pagorum, vicinitatum; ex his principes ad amicitiam tuam si adiunxeris, per eos reliquam multitudinem facile tenebis*; “Next, consider the state of the whole city, of all the colleges, districts and neighbourhoods; if you attach yourself in friendship to the leading their leading men, through them, you will easily hold the rest of the people.”, trans. D R. Shackleton-Bailey; on Clodius' reformation of the *collegia*, even Cicero himself was at one point convinced that it would be advantageous for these reasons: *Att.* 3.15.4.

⁸²³ Tatum 1999: 114; the four bills proposed by Clodius on 4 January 58 BC are known as the *Lex Clodia de collegiis*, *lex Clodia frumentaria*, *Lex Clodia de agendo cum populo* and *Lex Clodia de censoria notione*.

By the time Clodius began his tribunate in December 59 BC, many *collegia* remained prohibited, thanks to a *senatus consultum* passed in 64 BC.⁸²⁴ This particular *SC* most likely came as a result of several disturbances, with which the collegial organisations were repeatedly associated.⁸²⁵ Modern commentators have pointed to a series of disruptive occurrences in the 60s BC, specifically the subversive legislative activity of the tribune C. Manilius during the *Ludi Compitalicii* of 67 BC, and disruption at assemblies in 66 BC, as having had the cumulative effect of increasing anxiety felt by Rome's governing elite over the potential for the infrastructure of *collegia* to be harnessed for political purposes.⁸²⁶ Even by the 60s BC, the potential usefulness of the localised communicative infrastructure available via the *collegia* was well-recognised.⁸²⁷ Whatever the thought process behind the *SC*, it seems that Clodius must have given serious thought to the issue of the prohibited *collegia* and indeed to the scarcity of grain in the city.⁸²⁸

A continual increase in the number of slaves being manumitted and the number of migrants arriving in Rome was placing additional strain on Rome's food supply, which was only partially subsidised, giving rise to widespread distress and dissatisfaction.⁸²⁹ The bleak mood at Rome in 59 BC was likely compounded by the continued absence of access to the outlets of sociability that had previously been made available via *collegia* and the neighbourhood-based social occasions that were the *Compitalia*. That access to sociability and,

⁸²⁴ Cic. *Pis.* 9; Asc. 7-8C, 75C; on the idea that the local events for the *Compitalia* were overseen by the leading men of each *vicus*: Gruen 1995: 228.

⁸²⁵ On the events leading up to the (partial) prohibition of *collegia*, see Nippel 1995: 72; Tatum 1999: 117.

⁸²⁶ Nippel 1995: 72; Tatum 1999: 117; Russell: 2016: 196.

⁸²⁷ Nippel 1995: 72.

⁸²⁸ Lintott 1999: 194 and Russell 2016: 196 also note the likelihood that Clodius considered *collegia* before his tribunate.

⁸²⁹ For a recent and thorough discussion of Rome's grain supplies in the late 60s and early 50s BC, and Cato's and Clodius' responses to the situation, see Rising 2019; on plebeian indignation, Nippel 1995: 73. It is likely that other demographics, such as freedmen, slaves, and children were also discontented by these measures, as they too were permitted to participate in *collegia* and benefitted from the neighbourhood-based sociability – for retired professionals and children at collegial events, Ausbüttel 1982; Lintott 1988: 250; for slaves and neighbourhood-based sociability during the *Compitalia*, see Flower 2017: 166.

in particular, to the unique aspects of *collegia* that enhanced social experiences, was important to those living at Rome is implied by the extent of Clodius' *lex de collegiis*, which probably made membership of *collegia* more accessible.

That some connection existed between the *collegia* and the Compitalian celebrations is clear, but the exact nature of the connection is not.⁸³⁰ Such a connection is implied by the temporary suspension of the Compitalian games beginning at the same time as the *SC* concerning *collegia* and the convening of the Compitalian games by Sex. Cloelius, Clodius' *scriba*, on 1 January 58 BC, just three days before Clodius' bill concerning *collegia* was to be voted on.⁸³¹ The fact that Cloelius convened the festival in a *toga praetexta* means that he could have been acting in his capacity *vicomagister* or as head of a *collegium*.⁸³² Some understanding of the rituals involved in the Compitalian festivities will allow for further appreciation of the link between Clodius' encouragement of Sex. Cloelius' on 1 January, Clodius' successes on 4 January and in the couple of days that followed, and ultimately of the quality of Clodius' calculations in 59 BC.

Compitalian festivities occurred throughout the city at *compita*, sacred spaces at the meeting points of multiple roads and multiple *vici*. Flower's detailed description of the preparations that accompanied the festival draws attention to practices such as the constructing and hanging of woollen images at *compita* the night before the festival. According to Festus, each woollen doll represented a citizen of a *vicus*, and each woollen ball represented a slave.⁸³³

⁸³⁰ Asconius links the two entities 7C; Tatum 1999: 118; Courrier 2014: 503-508; Flower 2017: 246.

⁸³¹ Cic. *Pis.* 8.; Flower 2017: 246-249 for the argument that the Compitalian games were only subject to a temporary ban, rather than permanent prohibition by law.

⁸³² Flower 2017: 246, goes on to conclude that the lack of mention or critique of *collegia* by Cicero when commenting on this episode suggests that the role of *vicomagister* was the more likely of the two in which Cloelius was acting.

⁸³³ Flower 2017: 166-167; Festus 237L, 108L; See Varro, *Ling.* 6.25 with Spencer 2019: 239-240, on the complexity of the Compitalian festival and the importance of including and appreciating slaves therein for the purpose of fostering community-wide bonds.

Thus, the inhabitants of multiple *vici* were represented at once, in the same location. Such comings together of neighbours and neighbourhoods, which were also facilitated by *collegia*, were intrinsic to the plebeian culture at Rome.⁸³⁴ Late in December 61 BC, an anonymous tribune authorised the Compitalian festival but was foiled by the consul elect, Q. Metellus Celer.⁸³⁵ That efforts were being made to circumvent the temporary ban on the Compitalian festival suggests that at least some demand for the return of neighbourhood-based sociability existed at Rome. Given that many *collegia* also remained prohibited by 1 January 58 BC, the celebration of the Compitalian festivities that year must have been particularly special.

Thus, the stage was set by Clodius for the imminent votes on his four bills. Three days later (4 January), in the wake of long-awaited neighbourhood-based celebrations and sociability, Clodius' proposal to restore many of Rome's *collegia* and to permit the establishment of new ones was passed.⁸³⁶ Not only did Clodius' bill mean that many of Rome's inhabitants were able to access important outlets for sociability locally once again, it also meant that these opportunities for communication and sociability were now available to those who had previously been unable to gain membership of *collegia*.⁸³⁷ As Tatum noted, the creation of new and more accessible *collegia*, whose patrons were likely to have been Clodius' associates, would have "bestowed on their members a sense of importance and significance", which in turn would have ingratiated them to Clodius.⁸³⁸ If at least some part of Rome's populace was not

⁸³⁴ Courier 2017: 114.

⁸³⁵ Cic. *Pis.* 8; Asc. 7C; cf. Kondratieff 2003: 458.

⁸³⁶ Cic. *Pis.* 9; Asc. 8; Fezzi 2001: 275.

⁸³⁷ Cicero made several verbal attacks the membership of Clodius' new *collegia*, often denouncing them in ways such as slaves (*Red. sen.* 33; *Dom.* 129; *Sest.* 34), scum and gladiators (*Sest.* 55); based on the financial requirements of *collegia* outlined by Ausbüttel 1982: 42; Tatum argues that those enrolling in the new *collegia* would have been "Romans of the poorest stamp", 1999: 118, with n. 27.

⁸³⁸ Tatum 1999: 119.

already well-disposed to Clodius for his association with Sex. Cloelius and the celebration of the *Compitalia*, it is likely that they were now.

To action his *lex Clodius de collegiis*, Clodius undertook a centralised registration process (*descriptio*) in the Forum Romanum.⁸³⁹ A small number of descriptions of this process are preserved for us in speeches made by Cicero over the following two years. On each occasion, Cicero chose militaristic language to describe Clodius' endeavour, calling the process *dilectus* (a levy) and claiming that those involved were sorted in *centuriae*.⁸⁴⁰ On two occasions though, Cicero is more specific about the manner in which the supposed levy was conducted. In his *de Domo Sua*, Cicero states that it was *vicatim*, or by streets, that Clodius had enrolled slaves in the Forum. Likewise, in his speech on behalf of P. Sestius, Cicero uses *vicatim* again to describe Clodius' method:

“And with these same consuls looking on, a levy of slaves was held in front of the Aurelian tribunal in the name of the *collegia* (in other words, ‘for the alleged purpose of forming clubs’), men were enrolled by neighbourhood (*vicatim*), organised into *decuriae* and incited to force, violence, fighting and pillaging.”⁸⁴¹

While Cicero's descriptions of this event are polemical and varied depending on the audience, we can talk of the basic components of the process by which Clodius enrolled people into the restored and new *collegia* with reasonable surety.⁸⁴² The “levy” was carried out at the Aurelian tribunal, a space almost certainly in the Forum Romanum but of which the precise

⁸³⁹ Cicero refers to the process as a conscription (*Red. sen. 33: conlegiorum nominatim esse conscriptus; Sest. 34, 55*); as a *descriptio* (*Dom. 129*); as a *dilectus* (*Sest. 34*); Tatum 1999: 118; on *libertas* and the *lex Clodia collegiis*, Arena 2013: 175-176.

⁸⁴⁰ Cic. *Red. pop.* 13, 33; *Dom.* 54, 129; *Sest.* 34; *Pis.* 11, 23; Kaster 2006: 198-199; Russell 2016b: 195-196.

⁸⁴¹ Cic. *Sest.* 34; trans. Kaster 2006: 56, see there 199 for the commentary on *nomine conlegiorum cum vicatim*.

⁸⁴² On differences in Cicero's description of this event, see Kaster 2006: 199-200.

location is unknown.⁸⁴³ At that time, tribunes of the plebs still maintained a semi-permanent presence in the northwest corner of the Forum Romanum, with a recognised presence outside of the Basilica Porcia, near the Curia Hostilia.⁸⁴⁴

To carry out what were in effect city-wide efforts to address infringements on civil liberties and sociability, to establish neighbourhood-based networks for small-scale communication during and after his tribunate and to ingratiate himself with Rome's inhabitants, Clodius undertook a centralised registration process (*descriptio*) in the Forum Romanum.⁸⁴⁵

Through a single process, carried out from a central location typical for tribunes of the plebs, Clodius was able to circumvent the potential communicative limitations of the localised living practices inherent to plebeian culture and extend his public image and communicative networks beyond the Forum in a manner that allowed for longevity.⁸⁴⁶ As we will see later on, *tribuni plebis* were accompanied and attended by a relatively large number of *apparitores* and associates, who would aid them in fulfilling their tribunician duties.⁸⁴⁷ For Clodius at least, a number of these associates operated within the *vici*, perhaps as patrons or leaders of specific *collegia*. Tatum attributes Clodius' exceptional ability to mobilise the urban populace throughout the 50s BC to his "distribution of local prestige", which, as Cicero tells us, was facilitated by Clodian leaders such as Lentidus, Lollius, Plaguleius and Sergius.⁸⁴⁸ It was likely

⁸⁴³ The Aurelian Tribunal is only mentioned by Cicero (*Red. pop.* 13, *Dom.* 54, *Pis.* 11), likewise the (possibly) associated Aurelian steps (*Clu.* 93, *Flacc.* 66), which, to satisfy Cic. *Cluent.* 93, must have been across the Forum from the rostra, which stood in the northwest corner, and so perhaps at the southeast end; cf. Kaster 2006: 199; *LTUR* 5. 86-87.

⁸⁴⁴ The Basilica Porcia and Curia Hostilia were lost in the conflagration caused by the burning of Clodius' body in 52 BC; Asc. 32-33C; for the tribunician presence at the Basilica Porcia (or *tabula Valeria*): Cic. *Fam.* 14.2; *Vat.* 21; Val. Max. 2.7; Zonar. 7.15; cf. Coarelli 1985: 53-55.

⁸⁴⁵ Cicero refers to the process as a conscription (*Red. sen.* 33: *conlegiorum nominatim esse conscriptus*; *Sest.* 34, 55); as a *descriptio* (*Dom.* 129); as a *dilectus* (*Sest.* 34); Tatum 1999: 118; on *libertas* and the *lex Clodia collegiis*, Arena 2013: 175-176.

⁸⁴⁶ For a discussion of this particular aspect of plebeian culture, see above, pp. 69-70.

⁸⁴⁷ See below, pp. 245-249.

⁸⁴⁸ Tatum 1999: 146, esp. nn. 76 & 77; in particular, Cic. *Dom.* 89 where Cicero refers to *duces populi*.

through influential individuals (*homines gratiosi*) such as these that Clodius was able to circulate information prior to *contiones*, thus lengthening the overall discourse between *tribunus plebis* and the public and thus enhancing the quality of small- and large-scale communications at Rome, albeit always in his favour.⁸⁴⁹

Clodius' *Lex frumentaria* provided that the monthly five *modii* of grain per eligible citizen should be entirely – rather than partially as it had been since 62 BC – paid for by the treasury.⁸⁵⁰ It is generally agreed that Clodius used his newly compiled *descriptio* for the *collegia* as a means of ascertaining eligibility and of organising the distribution of the now free grain.⁸⁵¹ If we accept that it was via this same collegial infrastructure and through the same *duces populi*, to use Cicero's description, that Clodius conducted the distribution of free grain, the overall effect of Clodius' neighbourhood-based approach to interacting with public opinion becomes clearer.⁸⁵² From his central position as *tribunus plebis*, not only did Clodius enhance and increase sociability throughout the city in a way that incorporated the local elements of plebeian culture, he also established the means to facilitate political contional discussions outside of *contiones* themselves. Using the same collegial apparatuses to alleviate the genuine day-to-day problems of food supply, Clodius further ingratiated himself to a significant portion of the city's inhabitants. Indeed, we might measure the success of Clodius' endeavours by the number and scale of the crowds that gathered upon the news of his murder in 52 BC, which began forming

⁸⁴⁹ Tan 2013: 120, in this way Clodius manipulated the boundaries of the *contio*.

⁸⁵⁰ Cic. *Dom.* 25; *Sest.* 55; Asc. 8C; for a good summary of frumentary problems and legislation in the late Republic leading up to Clodius' *Lex frumentaria*, see Tatum 1999: 119-125; for the hypothesis that Clodius' *Lex frumentaria* was connected to his annexation of Cyprus and the exemption of Delos for the purposes of solving further supply problems (namely piracy), see Rising 2019.

⁸⁵¹ Tatum 1999: 124, with n. 60, summarises this hypothesis and provides bibliography on the relevant scholarship; on the number of recipients, see Rising 2019: 190-192.

⁸⁵² Cf. n. 848.

at the ex-tribune's home only three hours after his death and which sustained overnight and grew the following day.⁸⁵³

As this Chapter goes on to discuss, for tribunes of the plebs, such as Clodius, it was necessary and desirable to maintain a “central” position in Rome, near to the *loci celeberrimi* located in and around the Forum.⁸⁵⁴ However, through legislation carried in the popular assembly and through a *descriptio* process conducted in the Forum, Clodius was able to reach out to the city's inhabitants and transcend the communicative boundaries established by the localised living behaviours inherent to plebeian culture. This neighbourhood-based means of extending opportunities for communication between Clodius and the city's inhabitants was advanced by Clodius' construction project, which, in full view of the busiest parts of the city, functioned for and was associated with Clodius, just as the Basilica Porcia served and represented the institution of the tribunate.

However, if, as was the case for the tribunes of the plebs, it was not practical to engage regularly in direct neighbourhood-based, multi-centred integration and exposure due to a need

⁸⁵³ Sumi 1997 gives a thorough discussion of the events leading up to and following Clodius' death, with a particular focus on the crowds that gathered. By Sumi's reckoning, only three hours had passed since Clodius had been killed when a crowd began assembling at his Palatine home: 84; cf. Asc. 31-34C. Clodius' neighbourhood-based approach to interactions with public opinion went beyond his legislation and his encouraging of extra-constitutional discourses. In full view of the Forum, Clodius cultivated his own image as *vicinus* (neighbour) and constructed a particular *vicinitas* (neighbourly relationship) for himself in his Palatine *vicus*. The *vicus* in which Clodius and many other prominent individuals lived was easily visible from the Forum, which meant that Clodius' interactions with his *vicini* and their properties were carried out in a public and conspicuous manner. While tribune in 58 BC, Clodius acquired the property of Q. Seius Postumus as well as Cicero's house on the Palatine and the *porticus Catuli*. According to Cicero the following year, Clodius had Seius poisoned in order to acquire his property, join together the two great properties (*voluit duasque et magnas et nobiles domos conuingere*) and create a space in which to construct a large portico and shrine (*aedes*) to *Libertas*: Cic. *Dom.* 115-116; Tatum 1999: 164; Arena 2012: 212-213. Arena 2012: 213 notes that the *aedes* also incorporated a statue of Clodius, accompanied by an inscription of his name – and likely his office of *tribunus plebis* – erected for him by a client, which faced outwards towards the city's busiest districts (*urbis celeberrimae et maximae partes adversum*); Cic. *Dom.* 146. Within this context of a neighbourhood-based problem-solving legislative programme, which improved opportunities for small- and large-scale communications throughout the city and redressed infringements on the civil liberties of the city's inhabitants, Clodius succeeded in constructing a large, exceptionally visible social space in his own neighbourhood, which further strengthened Clodius' ties with *libertas*.

⁸⁵⁴ See above on *loci celeberrimi* pp. 55-57.

to facilitate and participate in the formal, large-scale political communications of Roman governance, how could politicians best achieve the same level of city-wide societal permeation and regular interaction with public opinion? For tribunes specifically, whose responsibilities included convening and participating in daily *contiones*, judicial proceedings and providing immediate *auxilium* to those who needed it, duties which were almost exclusively discharged in the area of the Forum, the question of how these men might best achieve regular integration with public opinion and opportunities for small- and large-scale communications is even more pertinent.⁸⁵⁵ For the men whose tribunates began after 184 BC, an ideal location within sight of the Forum Romanum, which offered proximity to multiple ‘centres’, *loci celeberrimi*, the Curia, the Rostra, and the topography of punishment, was to be found in the Basilica Porcia.⁸⁵⁶

Basilica Porcia

Built by M. Porcius Cato while censor in 184 BC, the Basilica Porcia occupied a relatively small plot of land in the area immediately northwest of the Forum proper.⁸⁵⁷ Livy tells us that for the construction of his Basilica, Cato purchased “two atria, the *Maenium* and the *Titium*, in the region *Lautumae*, and bought four shops for the state and erected there the Basilica which is called Porcia”, information which the researchers behind the *Digitales Forum Romanum* project and the Winckelmann-Institut of the Humboldt-Universität of Berlin have used to estimate the dimensions of the Basilica as 39m (length) x 17m (width) x 16m (height).⁸⁵⁸ I return to the importance of the Basilica Porcia being erected on the site of two *atria*e shortly.⁸⁵⁹ It is generally thought that this early basilica was designed to facilitate the hosting of large

⁸⁵⁵ On the duties of the tribunes of the plebs and the necessity of their presence in the Forum, Kondratieff 2009: 326-327.

⁸⁵⁶ Cf. above, n. 90, on the topography of punishment in Varro.

⁸⁵⁷ Plut. *Cat. Min.* 5.1; See above, Figure 3 and below, Figure 10.

⁸⁵⁸ Livy 39.44.6-7, trans. K. Welch; Cf. Plut. *Cat. Mai.* 19.2; Welch 2003: 6; the actual dimensions of the Basilica remain unknown to us. For the historiography on this issue: Welch 2006: 19, n. 57; Davies 2017: 213; <http://www.digitales-forum-romanum.de/gebaeude/basilica-porcia/?lang=en>.

⁸⁵⁹ See below, nn. 865, 870.

banquets, with ample room for attendants and onlookers to move around and observe proceedings within, from the ground-floor space itself and from the ambulatory above, as well as offering a first-floor outdoor platform that granted a view of the Forum.⁸⁶⁰

Naturally, previous estimates of the size, location, and orientation of the Basilica have relied on reconciliations of the literary evidence and comparable archaeological evidence.⁸⁶¹ Although we must keep in mind the methodological problems inherent to understanding space through retrospective literary sources (problems addressed by Newsome in his doctoral thesis), in the case of the Basilica Porcia, I propose that practical considerations can be applied to a small number of contemporary (and admittedly, later) primary sources to estimate the orientation, and thus the potential visibility, of the tribunes' headquarters.⁸⁶²

In his book-length study of the Forum Romanum (1985), Coarelli argues that the location of the Basilica emerged with precision, once the literary trail had been followed and united with spatial practicalities.⁸⁶³ The end result of his step-by-step reconciliatory process was that the Basilica was located between the *carcer* (jail) and the Curia Hostilia, on the right hand side of the *clivus Lautumiarum* and with a south-facing entrance façade, thus orientated on a North-South axis.⁸⁶⁴ That the tribunes ended up using as their base a building situated opposite to the *carcer* and near the tribunals is entirely logical given their primary function of dispensing in-person *auxilium* to those in need of protection from magistrates. Logical too is that it was a

⁸⁶⁰ Welch 2003: 15-22, 33; 2016: 88-95, on the architectural trends of *basilicae*; Davies 2017: 133; <http://www.digitales-forum-romanum.de/gebaeude/basilica-porcia/?lang=en>.

⁸⁶¹ Coarelli 1985: 59-62; Welch 2003: 19-22; Davies 2017: 133-135.

⁸⁶² Newsome 2010: 56-57, 67-68, 72.

⁸⁶³ Coarelli 1985: 60: "La posizione della *basilica Porcia* emerge con notevole precisione da questi passi."

⁸⁶⁴ Coarelli 1985: 60-62. A lack of direct archaeological evidence for the Basilica Porcia, however, means uncertainty regarding its location remains. Welch 2003: 19-21, nn. 57-58, for example, expresses scepticism towards Coarelli's hypothesis on the grounds that his model does not include sufficient space for a round Comitium and a curved Rostra while still allowing room for comitial audiences and the Basilica Porcia. Instead, Welch proposes a smaller Basilica Porcia, closer in dimensions to the comparable Basilica at Cosa and therefore not as elongated; again, however, this interpretation has since met with scepticism: see Russell 2016a: 84.

basilica that the tribunate attached itself to, given the civic, public connotations of this building type. Russell has convincingly argued for the idea that *basilicae*, given they often physically replaced *atria*, were able to take on – via continuity of place and architectural consistency – both public, civic functions and connotations of individual control that *atria publica* had carried.⁸⁶⁵

To appreciate the capacity of this space to influence relationships between the tribunes and public opinion, as well as to understand better the local topography of this area, let us consider the whereabouts and relative spatial relationships of the *tabula Valeria* and the synonymous *subsellia tribunorum* (tribunes' benches). These objects, though the latter could be moved, constituted the definite positions or spaces at which the tribunes could be found.

Exactly what the *tabula Valeria* was is unclear. The generally accepted view, and the view I will adopt here, is that it was a painting hung on the wall of the Curia in 263 BC.⁸⁶⁶ If this is true, what happened to the painting during and after Sulla's repair work on the Curia, and exactly where was it re-hung or replicated to ensure continued visibility? Of course, an answer to the first of these questions would be speculation only.⁸⁶⁷ For the second question however, the spatial problems already acknowledged may help us, when considered alongside the fact that *ad tabulam Valeriam* denoted a definite space and was synonymous with *subsellia*

⁸⁶⁵ Russell 2016a: 77 (with Livy 39.44.7), 80; see also van der Blom 2016: 210-211, for the argument that Cato's opposition to the (re)moving of one of the Basilica Porcia's columns in 74 BC might be seen as a contribution to the contemporary debate over tribunician powers. If he was trying to uphold tradition, we might also view this as a natural move to protect the private aspect of the Basilica, since it was M. Porcius Cato (the elder) who had erected the building.

⁸⁶⁶ Plin. *HN*. 35.22, in his account of paintings and colours, specifies that the *tabula Valeria* was a painting, hung on the side of the Curia by M. Valerius Maximus Messala in 263 BC, depicting the battle in which he had defeated the Carthaginians and Hiero in Sicily: on this, see Richardson 1992: 376; Kondratieff 2003: 134, esp. n 26. Platner & Ashby 1929; 505-506 set out the various interpretations of the *tabula Valeria*, suggesting three potential identities for the *tabula Valeria*: 1) that it was a bank of an unknown Valerius; 2) that it was a painting, hung on the wall of the Curia, representing the victory of M. Valerius Messala in 246 BC; 3) that it was a bronze tablet on which were inscribed the Valerio-Horatian laws of 449 BC.

⁸⁶⁷ Richardson 1992: 376, supposes that a replica of the painting was hung in its place, since this seems more plausible.

tribunorum.⁸⁶⁸ Let us suppose that, following Sulla's restoration of the Curia, the painting was returned to its place on the same building. To allow for optimum visibility, the painting would have needed to hang at a reasonable height, so it could be viewed continually and uninhibited by the heads of passers-by and would have needed orientating so that it outwardly faced a reasonable amount of open space, to allow for viewing at a distance. As Coarelli notes, the picture must also have hung on the northwestern wall of the Curia, since it would have been this spot that Vatinius and Bibulus would have had to pass on their way to the *carcer* in 59 BC, and from this position (*a[b] tabula Valeria*) that Vatinius' tribunician colleagues issued their order of Bibulus' release.⁸⁶⁹ Noting the tribunician request to remove (or replace) a pillar from the Basilica in 74 BC and the likelihood of the *tabula* being rehung on the wall of the Curia could have meant that the tribunes had their (outdoor) headquarters *between* the Basilica Porcia and the Curia, Richardson suggests that the tribunes worked and could be found "in an ell between the two buildings".⁸⁷⁰

Additional references to an association between the tribunate and the definite space associated with the *tabula* confirm their regular presence there.⁸⁷¹ In a letter to his wife Terentia the following year (58 BC), Cicero laments that Terentia had to endure the humiliation of being dragged and led to the *tabula* by multiple persons.⁸⁷² The importance of this particular reference to tribunician activity for our consideration of the topography of this area is twofold, since it

⁸⁶⁸ Platner 1898: 410-412; Coarelli 1985: 53-59; Richardson 1992: 376.

⁸⁶⁹ Coarelli 1985: 55.

⁸⁷⁰ Richardson 1992: 376. Even after the Sullan restoration in 80 BC, the Curia is thought to have remained in the same location, constructed along the same lines, which means it likely remained smaller than the Basilica Porcia and would not, because of its reconstruction, have impaired the existing view of the Forum proper from the Basilica Porcia. For the debate on the potential enlargement of the Curia post-Sulla, see Coarelli 1985: 233-57; Favro 1996: 60-78; *contra* Carafa 1998: 151-155; Morstein-Marx 2004: 48; and most recently on this problem, Kondratieff 2009: 323, n. 10.

⁸⁷¹ Cic. *Fam.* 14.2; and if we include references to the seemingly synonymous *subsella tribunorum* (for the period prior to 49 BC): Cic. *Vat.* 21; Val. Max. 2.7; Zonar. 7.15; cf. Coarelli 1985: 53-55.

⁸⁷² Cic. *Fam.* 14.2: *ad tabulam Valeriam ducta esses*.

highlights that it was not just the tribunes who worked and could be found beneath the *tabula* but their *apparitores* and visitors too.⁸⁷³ If each tribune had several *apparitores* – a point that will be returned to later in this Chapter – and were visited by citizens of all sorts and for all purposes throughout the day, then we might reasonably assume that the area beneath the *tabula Valeria* would have had to have been sufficient enough in size to comfortably accommodate dozens of people, while allowing the tribunes on their *subsellia* an unimpaired view of proceedings in the Forum.

As noted already, sustained neighbourhood-based integration was not possible for tribunes of the plebs, whose presence and powers were regularly required in the vicinity of the Forum Romanum. However, with the Basilica Porcia and their *subsellia* under the *tabula Valeria* as their base in the northwest corner of the Forum, the tribunes of the plebs nonetheless were able to enjoy a significant physical presence among the political and communicative centres of Rome. Noted earlier, the major road junction near to the northwest corner of the Forum is constituted by the coming together of the *clivus lautumiarum* and *scalae Gemoniae* at a point immediately in front of the Basilica Porcia.⁸⁷⁴ Not only did the tribunes of the plebs working from their *subsellia* in the ell between the Basilica and the Curia (in good weather) or from their basilica's porticus (in bad weather) have excellent visibility over the Forum Romanum and the individual *loci celeberrimi* within (for example, the Comitium), they also had access to an area, a *locus celeberrimus* that served to connect the northwestern part of the Forum with the wider city.⁸⁷⁵

⁸⁷³ Although Cicero does not explicitly mention *apparitores* as the ones who dragged his wife, the phrase *ducta esset* is used to describe the leading of summoned persons by *viatores*, cf. David 2019: 193-206.

⁸⁷⁴ Newsome 2010: 70; see above, p. 56.

⁸⁷⁵ Davies 2017: 134-135, on the likelihood of a sheltered external ambulatory to facilitate year-round prosecutions at the Basilica Porcia.



Figure 9: View from the steps of the Basilica Porcia, c. 100 BC. Image taken from the *Digitales Forum Romanum Project*: <http://www.digitales-forum-romanum.de/gebaeudeliste/?lang=en#spaete-republik-ii>. Viewed from the Northwest corner of the Forum, the *Columna Maenia*, which served as the entry point into the Forum space during large events, is to the right of the picture, and the Rostra is at the centre with the Forum proper (and the eventual site of the praetors' tribunals) in the background.

Maintaining a semi-permanent presence at the Basilica Porcia and the *tabula Valeria* would have added to the already exceptional level of visibility enjoyed by their office. Not only did the Basilica Porcia allow for views of the Rostra, Comitium, Curia, Carcer, the open spaces of the Forum (including their *loci celeberrimi*) and the praetors' tribunals at the eastern end, it also stood behind the Rostra for those looking up to watch and listen to the speeches delivered there. In his discussion of the relationships between space, speech and hierarchy, Morstein-Marx made the following observation:

“the fronts of two buildings in particular constituted the backdrop for an orator speaking from the Rostra: the Senate-house...and the Temple of Concord”.⁸⁷⁶

⁸⁷⁶ Morstein-Marx 2004: 54; see also Vasaly 1993: 68, who describes the monumental background against which audiences would have viewed speakers on the *rostra*. Vasaly also focusses on the Curia.

Although by the late 60s BC the Temple of Concord had been somewhat usurped through association by the senate, in what (according to Morstein-Marx) was a sustained effort to remove the associations between that site and the memories of plebeian struggles, a connection is thought to have remained between plebeian cooperation and the site of the temple in the minds of many at Rome.⁸⁷⁷ Placed to the right (as one looked up to the Rostra from the south-east of the Forum) of this previously plebeian-associated site and to the left of the Curia, was the Basilica Porcia.

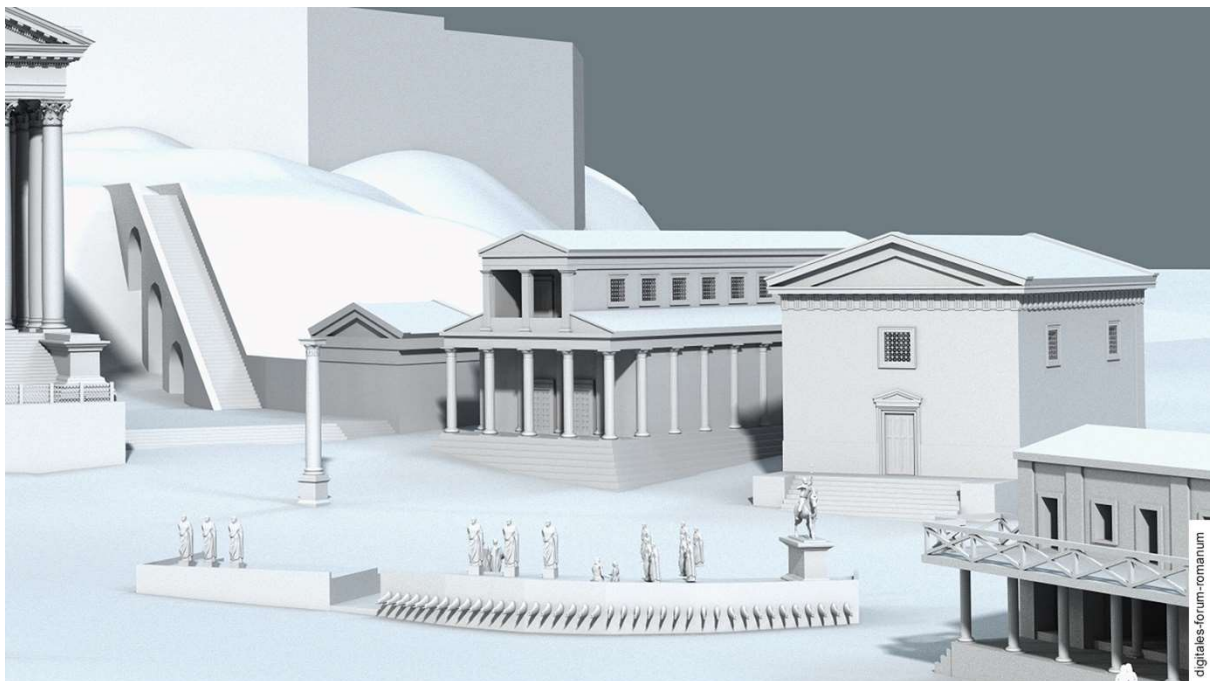


Figure 10: Basilica Porcia c. 100 BC. Image taken from the *Digitales Forum Romanum Project*: <http://www.digitales-forum-romanum.de/epochen/spaete-republik-ii/?lang=en>. Viewed from the Southeast corner of the Forum, The Basilica Porcia can be seen at the centre of the image, with the Curia to its right and the rostra in the foreground.

As Morstein-Marx goes on to note, there was a contemporary appreciation for the key relationship between the tribunate, the Rostra and the *contio* and this appreciation is evident in the pictorial manifestation of the relationship on the coinage of M. Lollius Palicanus (45 BC).⁸⁷⁸

⁸⁷⁷ Morstein-Marx 2004: 102-103; Rosillo-López 2017: 146.

⁸⁷⁸ Morstein-Marx 2004: 52-53; *RRC* 473/1.



Figure 11: Denarius of Lollius Palicanus, RRC 473/1, 45 BC. Obverse: diademed head of *LIBERTAS*, reverse: *PALIKANVS*, the tribunician *subsellia* above the Rostra.

Both Morstein-Marx and Russell highlight the importance of this coin in demonstrating the connection between tribunician oratory, the Rostra and *libertas*, as the coin depicts the tribunician *subsellia* atop the Rostra.⁸⁷⁹ The *subsellia tribunorum* would usually have been situated in roughly that location: appearing in the background above the Rostra, outside of the Basilica Porcia for those gathered to attend *contiones* and watching the Rostra.⁸⁸⁰

Just as cooperation between tribunes across colleges (baton passing) and having a large number of simultaneously active *tribuni plebis* and *designati* contribute to a consistently high level of institutional visibility, so too did the physical presence of the tribunate and the centrality of their *subsellia* and the Basilica Porcia, which lay always behind (after 145 BC) or nearby the speakers on the Rostra. The association between the tribunate, Rostra and *contiones*, noted by Morstein-Marx, thus extended beyond tribunician practice to tribunician topography – the result being that the tribunate took centre stage in the public’s perceptions of large-scale communications at Rome, and thus in the public sphere too.

In terms of small-scale communications, the semi-permanent presence of the tribunes at the Basilica Porcia meant that tribunes could access the information flowing into and out of the *locus celeberrimus* that was the north-west corner of the Forum via the roads which passed

⁸⁷⁹ Morstein-Marx 2004: 52-53; Russell 2013: 104.

⁸⁸⁰ Cf. Figure 12.

before their benches. We have seen already that certain types of people, such as *subrostrani*, stood around the Rostra waiting for information to reach them and ready to circulate it as soon as possible.⁸⁸¹ Opportunities for sociability and for engaging in small-scale communications were exceptionally high at *loci celeberrimi*, hence the phrase, and high levels of sociability and small-scale communications taking place on their doorstep meant that tribunes would have had ready access to plethora of information that may have been difficult to achieve elsewhere in the city.

Two instances of information exchange taking place in the *loci* around the Basilica Porcia show how tribunes could circumvent neighbourhood-based limitations on communication and access city-wide discourses.

First, the well-known graffito of a message left by night at the *aedes Concordiae* for L. Opimius, which, as we have noted already, evinces a popular perception of *loci celeberrimi* as optimal areas for display, and thus for small- and large-scale communication, and which demonstrates well how the informal discourses of public opinion could manifest themselves on the doorstep of the tribunate.⁸⁸²

Second, the practices and actions of the tribune L. Quinctius Rufus (74 BC) show us that there was a contemporary awareness of the benefits to be gained from maintaining a presence in and around the Forum and its *loci celeberrimi*. Rufus, who was credited with a key role in the repositioning of the tribunate in the 70s BC, was said by Cicero to have made a habit of seeking out every rumour and every word of the public meetings.⁸⁸³ Given the fact that information carried by rumours was awaited by others at the Rostra and that public meetings

⁸⁸¹ See above, pp. 55, 114.

⁸⁸² Plut. *CG*. 17.6; Newsome 2010: 69, with Livy 34.61.14; discussed above, p. 44.

⁸⁸³ Cic. *Cluent*. 77: *qui omnis rumorem et contionum ventos conligere consuesset*; on Rufus in detail, see below, pp. 221, 278-280.

took place primarily in the area of the Forum, it seems safe to assume that Rufus spent, or at least was thought to spend, a considerable amount of time and energy around the Forum gathering information.⁸⁸⁴

For visibility at and the facilitation of large-scale communications, the semi-permanent centric presence of the tribunate at the Basilica Porcia was significant. As noted throughout this thesis, the principal channel for large-scale communication at Rome, and thus one of the defining characteristics of the public sphere of the late Republic, was the *contio*. For the years that followed the final restoration of the tribunate at least, the primary location for *contiones* at Rome was before the Rostra.⁸⁸⁵ Other important contional locations, such as the Temple of Castor, the Campus Martius, and the Circus Flaminius were easily reached, by travelling across the Forum (as Rufus did) or via the roads that lay directly before the Basilica Porcia.⁸⁸⁶ So too were the opportunities for large-scale communications offered by games in the Forum proper, the Campus Martius and Circus Flaminius, which were easily accessed from the northwest corner of the Forum. For tribunes at the Basilica Porcia, the journey could begin at the junction before them and could continue along either the *clivus lautumiarum* or the *scalae Gemoniae*.

Spectacles often took place in the space of the Forum with the environs of the Basilica Porcia and, by extension, the tribunate itself, being easily visible on these occasions. I have considered already the language of public opinion used by Cicero to describe P. Sestius'

⁸⁸⁴ On Caelius Rufus and access to information, see Rosillo-López 2017: 10-12, 53, 80, 150-151-163, 183-184.

⁸⁸⁵ Of the *contiones* attested for the years 70-50 BC, 61 (~62%) the locations are listed by Pina Polo as: *Roma*: 22 (~22%); *Rostra*: 5 (~5%); *Foro*: 9 (~9%) and 2 each (~2%) for the Temple of Belona, Campus Martius, Temple of Castor, Circus Flaminius, and *extra urbis*.

⁸⁸⁶ Morstein-Marx 2004: 50, argues that the *aedes Castoris* was the “second-most-frequent” location for *contiones*, though for the late Republic (133-50 BC), this does not appear to have been the case, with only two attested *contiones* having taken place there (62 and 59 BC). Interestingly, these *contiones* are the only two examples cited by Sumi (2009: 171) while arguing for the importance of the *aedes Castoris* as a site for hosting *contiones* in the late Republic; cf. Pina Polo 1989: 276-307.

entrance to the games of Apollo in 57 BC but return to it now to examine the spatial contexts of the episode:

“He came, as you all know, from Maenius’ column: such great applause arose, from vantage points as far away as the Capitol and from the barriers in the forum, that the unanimity of the Roman people as a body was said to have been greater and more evident than in any case in history.”⁸⁸⁷

The location of the *Columna Maenia* on the border between the Forum and the Comitium, in front of the Basilica Porcia, can be spoken of with some certainty.⁸⁸⁸ The importance of the relationship between the *Columna Maenia*, which marked the spot at which magistrates would enter the Forum for such occasions, the Basilica Porcia, and the *subsellia tribunorum* was recognised first by Coarelli.⁸⁸⁹ Here, we might advance our understanding of the topographical and institutional relationship that existed between the tribunate and the northwestern corner of the Forum by foregrounding the impact it had on enhancing tribunician visibility and its facilitation of large-scale communication. In Cicero’s retelling of Sestius’ entry into the gladiatorial games, even though Cicero expects his audience to know (*ut scitis*) the point from which Sestius would have entered into the Forum proper, he still reminds them. From the *Columna Maenia*, Sestius entered and was visible to all throughout the Forum and from the Capitol.

⁸⁸⁷ Cic. *Sest.* 124: *Venit, ut scitis, a columna Maenia. Tantus est ex omnibus spectaculis usque a Capitolio, tantus ex fori cancellis plausus excitatus, ut numquam maior consensus aut apertior populi Romani universi fuisse ulla in causa diceretur*, trans. R.A. Kaster 2006; cf. above, p. 151-152.

⁸⁸⁸ On the origins of the Columna Maenia and the historiography of the arising debates, see Coarelli 1985: 39-53. On the position of the Column: Plin. *HN.* 7.60; Platner & Ashby 1929: 131; Coarelli 1985: 39-40; Richardson 1992: 94-95; cf. Figure 9, Figure 10.

⁸⁸⁹ Coarelli 1985: 52-53.



Figure 12: View from the south-east corner of the Forum, c. 100 BC. Image taken from the *Digitales Forum Romanum Project*: <http://www.digitales-forum-romanum.de/gebaeudeliste/?lang=en#spaete-republik-ii>. From left to right, in the centre of the image can be seen the *Aedes Concordiae* (Temple of Concord), the Basilica Porcia, the Curia, and (in front of these buildings) the Rostra.

For spectators gathered along the length of the Forum, the Basilica Porcia and the *subsellia tribunorum* (the latter were moved on such occasions) would together have constituted a tribunician backdrop to the view of Sestius' entry. We have seen already that this particular passage is heavily laden with the language of public opinion.⁸⁹⁰ The physical and architectural presence of the tribunate provided the spatial and visual context for the this seemingly unanimous *iudicium* of the *populus*, delivered via a *significatio* of an unprecedented scale in the form of *plausus*.

The tribunician presence in the northwest corner of the Forum was only *semi*-permanent. In addition to their perpetually open domiciles, tribunes of the plebs could be found elsewhere

⁸⁹⁰ See above, p. 144.

in the city, for example, travelling down to the Forum (*deductio*), travelling home, or overseeing construction projects.⁸⁹¹

Deductio

Tribunes, like all politicians during the Republic, could expect to glean information on their way to or from the Forum. According to Cicero, the journey from one's *domus* down to the Forum (*deductio*) for the afternoon, was a good opportunity for small-scale communications.⁸⁹² Such opportunities were readily available for Q. Minucius Thermus and M. Porcius Cato (tribunes in 62 BC) as they made their way to the Forum early on the morning of their colleague Q. Caecilius Metellus Nepos' comitial day.⁸⁹³ In Plutarch's version of events, Minucius and Cato, both of whom left Cato's home with only a modest number of followers, were met by many more people on the way to the Forum, who informed them of the danger that lay ahead and who offered to join their number.⁸⁹⁴ For Plutarch's account of this day to be plausible, the ideas that supporters would have known the tribunes' movements and that opportunities for interaction with the tribunes could have occurred on the journey to the Forum would have needed to be familiar. Indeed, Cicero, Cato, and Thermus were not the only ones said to have encountered gatherings on their way to or from the Forum.⁸⁹⁵

O'Sullivan observes that the phrase most often used in our primary sources to describe the process of travelling to the Forum is *deduci in forum*, from which the preposition *in* merits emphasis being placed on the act of arriving *into* the Forum space itself. The tribune C. Memmius' (112/111 BC) entry into the Forum did not go unnoticed since, according to Cicero,

⁸⁹¹ See Kondratieff 2003: 593-596 for a comprehensive list of tribunician presence in the Forum but not at the Basilica Porica, Rostra, or *tabula Valeria*.

⁸⁹² Cic. *Att.* 1.18.1; cf. O'Sullivan 2011: 54-55.

⁸⁹³ On this day, Nepos' proposal of recalling Pompeius to Italy to take command against L. Sergius Catilina's forces was being put to a vote, Dio 37.43.1; cf. Broughton *MRR* 2.174.

⁸⁹⁴ Plut. *Cat. Min.* 27.3-4; Dio 37.43.1, does not mention their physical meeting, only their joint efforts.

⁸⁹⁵ In 101 BC, the tribune A. Nonius was murdered on his way home from the Comitia: App. *B Civ.* 1.28; Liv. *Per.* 69; Val. Max. 9.7.3; cf. Kondratieff 2003: 417.

L. Crassus was able to quip that Memmius thought himself so great that he had to lower his head as he passed beneath the *fornix Fabianus*.⁸⁹⁶ Though the context in which Crassus' joke is mentioned is a discussion in Cicero's *De Oratore* of statements that are so exaggerated that they are clearly untrue, Crassus was still able to deliver the clearly untrue but nonetheless intentionally comedic comment in front of a *contio*.⁸⁹⁷ For the joke to be appreciated, the audience would not only have had to have been familiar with the arch itself, which at this point in time had stood for a decade at the eastern end of the Forum, but familiar too with the sight of a magistrate, in this case a tribune of the plebs, travelling into the Forum space.

Construction work

As already noted, a tribuneship carried no mandate for undertaking construction work. Davies interprets tribunician constructional undertakings, which we see beginning to occur towards the end of the second century BC, as individual efforts (albeit with an institutional feel) to go against the grain of the Republican status quo.⁸⁹⁸ This is an attractive hypothesis. In the late Republic in particular, we see a steady pattern of tribunes of the plebs undertaking a variety of construction or maintenance projects, which, regardless of their reasons for doing so, appears to have meant that they spent some time at the sites at which they were working. The first example of this, and so perhaps a precedent for tribunician building works, is the constructional activity of C. Gracchus during his tribuneships in 123 and 122 BC. According to Plutarch, Gracchus personally oversaw the laying of his roads and the erection of his granaries. So unusual was the sight of such magisterial involvement in these processes (for Gracchus' presence alongside a throng of contractors, ambassadors, literary men and magistrates was supposedly seen by many) that his personal presence around those who worked in construction

⁸⁹⁶ Cic. *De Or.* 2.267.

⁸⁹⁷ Cic. *De Or.* 2.267; on the *fornix Fabianus*, cf. Richardson 1992: 154.

⁸⁹⁸ Davies 2017: 174, 177-179.

as well as those who worked in politics won him great favour.⁸⁹⁹ At least Gracchus' granaries were realised and, although their exact locations are unknown, it seems likely that they would have been positioned on the western side of the city, perhaps near the docks or somewhere near the Campus Martius.⁹⁰⁰ If Gracchus was indeed accompanied by such a retinue and was frequently in public outside of the Forum, then not only was he establishing a tribunician precedent for building work but also for small-scale communications taking place between tribunes of the plebs and a demographic who likely constituted Weak Ties between Rome's neighbourhoods: construction workers.

Like Gracchus, L. Fabricius (tribune 62 BC) concerned himself during his tribunate with the maintenance of roads and, more importantly, with personally overseeing construction work. While serving as *curator viarum*, Fabricius also took up the construction of a bridge connecting the left bank of the Tiber with Insula Tiberina.⁹⁰¹ An inscription on the bridge, which still stands today, reads:

L(ucius) FABRICIUS C(aii) F(ilius) CVR(ator) VIAR(um)

FACIVNDVM COERAVIT

EIDEMQVE

PROBAVIT.⁹⁰²

⁸⁹⁹ Plut. *C. Gracch.* 6.3-4; Davies 2017: 179.

⁹⁰⁰ Davies 2017: 179, nn. 209-211.

⁹⁰¹ Dio 37.45.3; Hor. *Sat.* 2.3.35-36; Richardson 1992: 298.

⁹⁰² *CIL* I² 2.751 = *ILS* 5892: Lucius Fabricius, son of Gaius, Curator of roads, saw to the making of this bridge and he approved it.



*Figure 13: The Pons Fabricius, Rome, Italy. Image taken from Wikicommons:
https://upload.wikimedia.org/wikipedia/commons/6/6d/Pons_Fabricius.jpg.*

Like Gracchus before him, Fabricius must have created opportunities for small-scale communications between himself as tribune and Weak Ties (construction workers) while spending time away from the Forum and leaving a long-standing tangible testament to his tribuneship and thus the work of the tribunate.⁹⁰³ Moreover, by constructing this bridge, Fabricius facilitated travel across the Tiber, and thus to and from the Campus Martius and Circus Flaminius (for those travelling from the East bank) and to the Forum and the rest of Rome (for those travelling from the West). In doing so, Fabricius set up a permanent reminder

⁹⁰³ The bridge was repaired by consuls Q. Lepidus and M. Lollius following a flood in 23 BC: *CIL* I² 2.751 = *ILS* 5892; Dio 53.33.5; Richardson 1992: 298.

of the tribunate's and his own facilitation of access to opportunities for small- and large-scale communication.⁹⁰⁴

Similar tribunician engagement with construction works, specifically the road networks in and around Rome can be seen in the tribunates of L. Volcacius and his entire college (68 BC) and C. Curio (50 BC) as well as (possibly) V. Varro (69 BC) and (likely) some of the tribunes of 49 BC.⁹⁰⁵ Caring for roadworks and construction projects across the city allowed tribunes to erect or lay down tangible reminders of their presence and could serve to bring their names and their terms as tribunes of the plebs to the forefront of public opinion. This was the case for C. Scribonius Curio, who, according to the recent ex-tribune, Caelius Rufus, was having a notably dull tribunate until his proposal of a *lex via*, which gave Caelius enough reason to return to and update his letter to Cicero.⁹⁰⁶

Campus Martius and Circus Flaminius

Tribunes regularly facilitated (or prevented) large-scale communications in the Campus Martius and Circus Flaminius. Each year, a member of the tribunician college would have served as president for the elections of the tribunes for the following year; by the end of the Republic, these elections often took place in the Campus Martius.⁹⁰⁷ The tribunician elections, in which the supporters of C. Gracchus were forced to take to the rooftops because of their sheer

⁹⁰⁴ This point was brought to my attention in conversation with a Midlands4Cities colleague, Ben White (04/06/2020).

⁹⁰⁵ The names of C. Antonius Hybrida and two of his colleagues appear on the *Lex Antonia de Termessus* (*CIL* I² 2.589 = *ILS* 38), a law concerning Termessus Maior and reaffirming the rights of the city relative to Rome. Another inscription (*CIL* I² 2.744 = *ILLRP* 465a), bearing these same three names alongside several other tribunes, includes: L. Volcacijs Cur(ator) Viar(aum). For the problems in dating the *Lex Antonia* and this tribunician college to 68 BC, see Broughton *MMR* 2.138-139; Syme 1963; Mattingly 1997: esp. p. 68; Kondratieff 2003: 444-445.

⁹⁰⁶ Cic. *Fam.* 8.6.4: *Curioni nostros tribunatus congelat...* 8.6.5: *Quod tibi supra scripsi Curionem valde frigere, iam calet...coepit legemque viariam non dissimilem agrariae Rulli et alimentarium*; "Our friend Curio's tribunate is an utter frost...I wrote just above about Curio being frozen up, he's warm enough now...he has begun a road bill, like Rullus' agrarian bill, and a food bill.", trans. D. R. Shackleton Bailey, adapted.

⁹⁰⁷ Nicolet 1930/1980: 249; Varro, *Rust.* 3.2f. for the dialogue cited by Nicolet as evidence for elections, both centuriate and tribal, having moved to the Campus Martius by the late 50s BC; see also Cic. *Att.* 4.17.7 for the designs at this time to revamp the voting apparatus at the Campus.

numbers, were certainly held there, so too were the elections in 65 BC for 64 BC.⁹⁰⁸ *Contiones* were initiated at the Campus Martius in 55 BC by an anonymous tribune on behalf of M. Porcius Cato, and at the Circus Flaminius in 61, 58 and 49 BC.⁹⁰⁹ The aedilician elections in 57 BC for 56 BC were also prevented by a tribunician presence at the Campus, this time it was Milo intent on delivering his *obnuntiatio* that prevented large-scale communication taking place.⁹¹⁰

Tribunician homes

What of the tribunician domiciles that were, in theory, to remain open day and night for those who might be seeking *auxilium*? I determine the extent to which the location of a tribune's home could benefit or hinder their access to opportunities for small-scale communications by considering two factors: first, the amount of time tribunes might have spent at home; second, whether or not the locations of their homes offered any sort of spatial advantages to their engagements with public opinion, such as proximity to spaces that hosted large-scale communications.

As far as time spent at home goes, our evidence is limited. We have seen already that by the late Republic, tribunes, as well as other politicians, were willing to push against the accepted temporal limitations on large-scale communication by making their way to communicative spaces, such as the Forum and the Campus Martius, before first light, sometimes even remaining there overnight when necessary.⁹¹¹ Recalling the accounts of M. Livius Drusus' murder while serving as tribune in 91 BC, the impression we get is that it was not unusual for politicians, in this case a tribune, to show people away from their homes as night fell, which is exactly what Drusus was doing, in poorly lit conditions, when his attackers struck.⁹¹² While

⁹⁰⁸ Plut. *C. Gracch.* 3.1, on this episode, see above, Chapter 2; Cic. *Att.* 1.1.

⁹⁰⁹ (Q. Fufius Calenus) Cic. *Att.* 1.14.1; (P. Clodius Pulcher) Cic. *Att.* 3.4; Dio 38.17; (M. Antonius) Dio 41.15.2.

⁹¹⁰ Cic. *Att.* 4.3.4.

⁹¹¹ See above p. 174-179.

⁹¹² See above, p. 174.

tribunes' homes perhaps remained open at night to friends and colleagues, as they are likely to have done in 63 BC to facilitate the apparently nocturnal scheming and collaboration of Rullus and his fellow tribunes, it is unlikely that their homes were open to the sort of crowd one might expect to find at a morning *salutatio*.

Salutationes (formal, dawn greetings between eminent political figures and their clients and associates) were an important part of the political process at Rome. These morning gatherings took place only at the homes of those involved in politics, or hoping and likely to be, and were opportunities for small-scale communications, which varied in quality depending on the rank, status and wealth of the visitor.⁹¹³ As Goldbeck notes, it was tribunes of the plebs, specifically C. Sempronius Gracchus and M. Livius Drusus, who established the salutatory practices that allowed those hosting the *salutatio* to maximise the number and quality of opportunities for small-scale communications within their homes.⁹¹⁴ Goldbeck interprets Seneca's statement on Gracchus and Drusus being the first to segregate the crowds who attended them into groups that needed to be met in private, while others were present, or else in large groups in which many people were present, as evidence that these tribunes were the first to make use of various rooms in their houses for the purpose of communication management.⁹¹⁵ This seems a sensible conclusion, given that one's own home would satisfy the demands of the first two types of followers – those needing to be met in private and those in the company of a few others. However, such a segregation of visitors in the homes of tribunes meant that even if the tribune was at home, an opportunity for small-scale communication was not guaranteed. From this limited amount of evidence for tribunes of the plebs at home, the following domestic behavioural patterns emerge: 1) by the late Republic, there appears to have

⁹¹³ Goldbeck 2010: 60; see above, pp. 72, 89.

⁹¹⁴ Goldbeck 2010: 61-61; 217-219.

⁹¹⁵ Sen. *Ben.* 6.34.2; Goldbeck 2010: 217.

been a growing practice of tribunes of the plebs willing to leave their homes before first light to engage in some way in large-scale communications; 2) despite the requirement to remain available for the provision of *auxilium* both night and day, it seems likely that tribunes did not admit all visitors at all times of day; and 3) given that the *salutatio* was a practice conducted in the morning and that there was a semi-permanent tribunician presence in the Forum, it seems likely that tribunes were not often at home in the afternoons of *dies fasti*, *dies comitiales* or festival days.⁹¹⁶

In an assessment of whether the location of one's home could be advantageous for engagements with small- or large-scale communications, plenty of literary evidence points to politicians, including tribunes of the plebs, considering the quality of access to opportunities for communication when choosing where to live.

In addition to practising visitor segregation at his home, C. Gracchus also relocated to a new home somewhere near or below the Forum. According to Plutarch, whose account is possibly based on a surviving copy of an explanatory speech relating to the move, C. Gracchus moved down from his Palatine home so that he may live in a more democratic area (ὡς δημοτικώτερον), where he would be closer to a larger number of Rome's poorer inhabitants.⁹¹⁷ We do not know precisely to where Gracchus moved, but Flower has reasonably suggested the areas of the Suburra or the Velabrum with a preference for the latter given that it is lower than the former.⁹¹⁸ Whatever Gracchus' actual motives for moving, the important thing

⁹¹⁶ By the time Aulus Gellius was writing in the second century AD, it appears to have been common practice for tribunes of the plebs to leave Rome overnight, as long as they were back in Rome before the following midnight: Gell. *NA*. 3.2.

⁹¹⁷ Plut. *C. Gracch.* 12.1; on the reliability of Plutarch's testimony here and the hypothesis that an explanatory speech accompanied the move, see Flower 2017: 200-201; see also Jenkyns 2013:184-185, who likens Gracchus' move downwards into the Forum valley to a similar move made by Valerius Poplicola in the early sixth century BC. Jenkyns observes that Poplicola was also thought to be aspiring to kingship, cf. Livy 2.7.6; Platts 2018: 300.

⁹¹⁸ Flower 2017: 201, esp. n. 29.

to note is that it was possible for an association between the act of moving to an area closer to the homes of Rome's less-well-off inhabitants and a resulting enhanced integration and interaction, and thus opportunities for small-scale communication, to be popularly entertained.

Like Gracchus, Cicero's close friend M. Caelius Rufus (tribune 52 BC) supposedly moved from an area that was far from the Forum to an area much closer – on the Palatine hill – in order to facilitate opportunities for small-scale communication. Cicero argued the explicability of Rufus' move and renting of the Palatine property by pointing out that Rufus had recently reached an age appropriate for the pursuit of public office and the new property, which was closer to the Forum, would make visiting influential friends' homes easier.⁹¹⁹

It was not just opportunities for verbal and small-scale communication that those involved in politics considered when choosing where to live. The level of visibility, especially the view others would have of the house, afforded by the location and architecture of the house was also a factor that required some thought. M. Livius Drusus (tribune, 91 BC) is said to have asked his architect to build his new home on the Palatine in such a way that whatever Drusus did, his actions would be seen clearly by all.⁹²⁰ The visibility of this same house was later praised by another of its owners, M. Tullius Cicero, who remarked that the house could be seen by almost the entire city and that the entire city could be seen from it.⁹²¹ A good view of the Forum from his property's balcony (*maenianum*) not only likely helped C. Licinius Macer (tribune, 73 BC)

⁹¹⁹ Cic. *Cael.* 18: *Qui cum et ex publica causa iam esset mihi quidem molestam, sibi tamen gloriosam victoriam consecutus et per aetatem magistratus petere posset, non modo permittente patre, sed etiam suadente ab eo semigravit et cum domus patris a foro longe abesset, quo facilius et nostras domus obire et ipse a suis coli posset, conduxit in Palatio non magno domum.* “He had just won, in a political case, a victory that was annoying to me yet glorious to himself, and, besides, his age allowed him to aspire to public offices; then, not only with the permission of his father, but even with his advice, he separated from him, and since his father's house was a long way from the Forum, in order to be able to visit our houses more easily, and to keep in touch with his own friends, he took a house on the Palatine at a moderate rent”, trans. R. Gardner.

⁹²⁰ Vell. *Pat.* 2.14.3; for the idea that one's home could represent one's *existimatio* and thus could perpetuate (positively or negatively) the way in which an individual was perceived publicly, see Wiseman 1987, esp. pp. 393-397, who opens with a case study of Cicero's rebuilding of this Palatine home.

⁹²¹ Cic. *Dom.* 100.

maintain a good level of visibility over numerous court cases, conducted from the nearby tribunals, it also allowed him to witness M. Tullius Cicero passing judgment at his own extortion trial in 66 BC.⁹²² When considering a prospective location for a home, and subsequently maintaining a presence at that location, the opportunities it would offer for small-scale communication and for visibility mattered to those involved or aspiring to be involved in politics.

For the upper echelons of Roman society, not just those participating in politics, the choice of where to live was not based on practical benefits alone, which, besides prospective opportunities for communication, could include financial and familial advantages such as retaining a family home or acquiring property cheaply.⁹²³ Archaeological finds of larger domestic buildings (*domus*) on the northwest slope of the Palatine from the mid-second century BC possibly indicate a movement by Rome's socio-political elite away from the centre of the Forum valley and towards the more desirable, if slightly less democratic (in Plutarch's sense), summit of the Palatine hill.⁹²⁴ Platts suggests that this trend can be explained by a new appreciation for the lure of the Palatine's enduring historical presence, combined with fact that political rivalries and alliances were, especially in the last century BC, manifest in the form of neighbourhood-based communications.⁹²⁵ Several scholars have convincingly argued that it is possible to attribute the remains of *domus* on the Palatine to specific individuals and it is generally agreed that by the late Republic, the substantial majority of Rome's socio-political elite resided somewhere on the Palatine hill.⁹²⁶ Residencies on the northwest slope of the

⁹²² Val. Max. 9.12.7; Kondratieff 2003: 440.

⁹²³ Craver 2010: 137-38, on property speculation during the Sullan proscriptions, citing Cic. Att. 12.33; Plin. *HN* 36.116; For examples of politicians remaining in familial homes, note the upside-down triangles in Figure 14.

⁹²⁴ Coarelli 2007/2014: 200-201; Platts 2018: 299-300.

⁹²⁵ Platts 2018: 300.

⁹²⁶ Patterson 2000: 261; Coarelli 2007: 200-210; Welch 2010: 1067-1068; Jenkyns 2013: 184-185; Platts 2018: 299-300.

Palatine are particularly well attested in our literary sources with politicians, family members and rivals often living in neighbouring properties; this was certainly the case for the *domus* of P. Clodius Pulcher, his sister, Clodia Metelli, M. Tullius Cicero, M. Caelius Rufus, and Q. Seius in the 50s BC.⁹²⁷

Earlier, I drew attention to the fact that tribunes, like most politicians, could be found journeying to the Forum or from the Forum to their homes and that these journeys helped to offset somewhat the disadvantages of maintaining a semi-permanent presence in a single location. For candidates and politicians alike, the practice of *deductio*, of journeying *down* to the Forum from the slopes of the Palatine, was vital to the achievement and maintenance of social and political success, since it allowed for increased visibility and afforded precious opportunities for small-scale communications between officials and those desirous of an audience.⁹²⁸

⁹²⁷ On the neighbourhood-based approach to public opinion and the examination of these homes in particular, see the discussion above, p. 212; on the house of Clodia Metelli and Cicero's use of the *domus* motif, see Leen 2001.

⁹²⁸ On the practice of *deductio*, its etymology and hence the phrase *descendere ad forum*, see Jenkyns 2013: 181-183; contra: O'Sullivan 2011: 55-56; see Varro, *Ling.* 5.46 for the followers of Caeles Vibenna being brought down to the Forum from the Caelian hill; for *deducere* and the notion that people can be led from primitivism to civilisation through eloquence, see Cic. *De or.* 1.33.

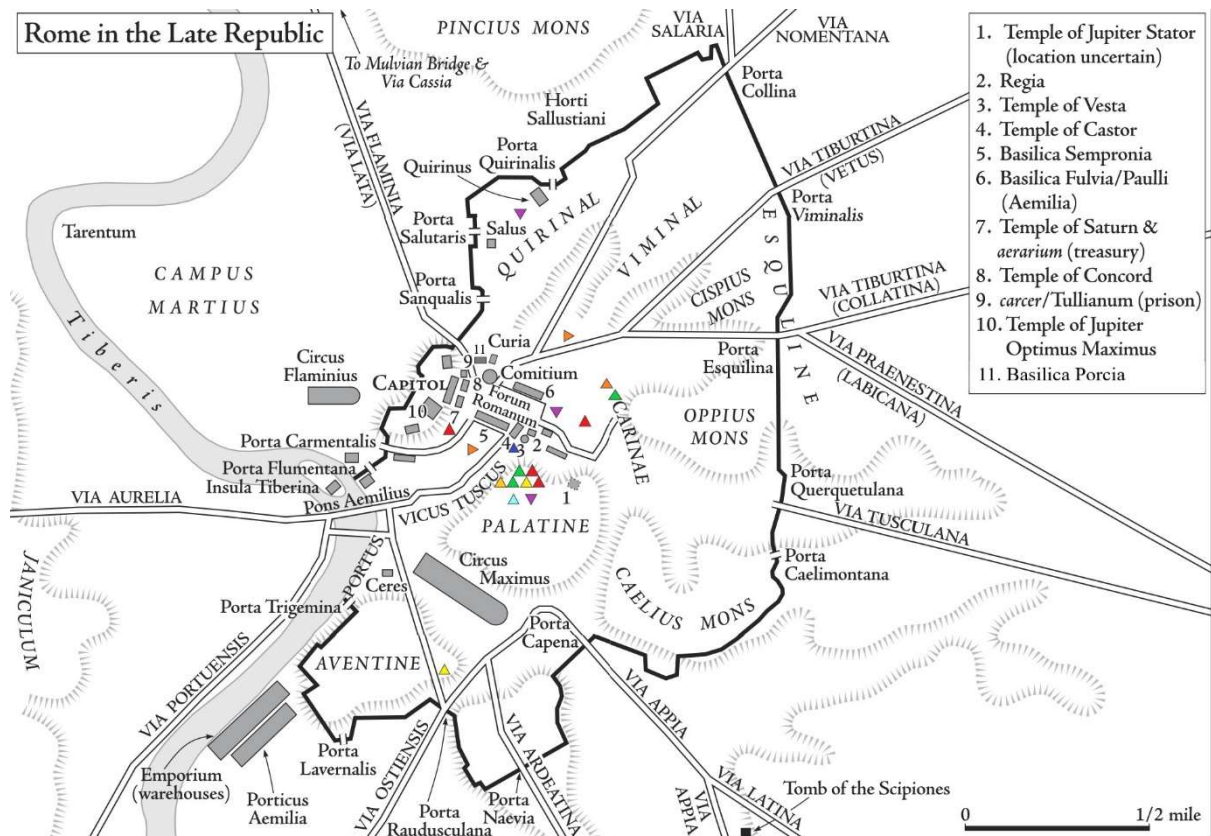


Figure 14: Locations of known tribunician *domus*. Key: Purple: Pre-133 BC; Orange: 133-100 BC; Yellow: 90s BC; Blue: 70s BC; Green: 60s BC; Red: 50s BC; triangle upright: single tribune known to have occupied a home in that area; triangle inverted: multiple tribunes known to have lived in the same property in that area; triangle pointed east: tribune possible lived in that area, based on the given locations of tribunician domiciles compiled by Kondratieff 2003: 597-598. The Map was originally produced by *Ancient World Mapping Centre*: <http://awmc.unc.edu/wordpress/free-maps/the-romans-from-village-to-empire-2nd-edition-2011/>.

As Kondratieff notes, the known locations of tribunician *domus* appear to adhere to the emerging late Republican, socio-political-elite practice of living on the slopes of the Palatine.⁹²⁹ This suggests that the tribunate as an office and institution exerted no influence on tribunes of the plebs when it came to places of residence. The map above (Figure 14) shows the locations of known tribunician *domus* differentiated by time period, number of tribune residencies in a given property and certainty of location. The map, on which I have plotted locations based on the evidence for ‘*Tribunorum Domi*’ collated in the comprehensive appendices of Kondratieff’s thesis, suggests that most often for tribunes of the plebs, factors such as the need or desire to

⁹²⁹ Kondratieff 2003: 262-263.

adhere to widespread socio-political elite practices (for example, performing *deductio* and living near one's allies and enemies) outweighed any potential advantages offered by living in a more "democratic" location.⁹³⁰ It is surprising that the communicative benefits of living closer to and on the same geographical level as a large number of Rome's inhabitants, just as C. Gracchus was said to have done, were passed over by the officials, who perhaps stood to benefit from them most. For example, living in the Forum valley – in areas such as the Suburra and Velabrum – would have allowed for quicker and easier access to and initial control over the spaces involved in large-scale communications. Instead, the forgoing of this particular advantage appears to have been compensated for when necessary by pushing back on the temporal boundaries of public discourse and arriving at the Forum before light or even by spending the night there.

Age and Gender

I determine the impact of age on the relationship between tribunes of the plebs and Rome's public sphere in two ways: first, I consider the ages at which tribuneships were held and whether or not this, in tandem with other image inspiring factors such as the popular nature of the office itself, affected public perceptions of the tribunate as an institution; second, I consider the visibility of tribunes relative to other officials and magistrates among various age-based demographics at Rome. Specifically, I assess whether tribunes could achieve a greater level of visibility among men *and* women compared to other officials and if so, whether this granted them a unique relationship with Rome's populace. Since all office holders in the Roman Republic were male, with the exception of some priestesses, we can safely assume that the tribunate enjoyed no special relationship with the public sphere that was based on the fact that tribunes of the plebs were male.

⁹³⁰ Kondratieff 2003: *s.v. Tribunorum domi*, pp. 597-598.

Age

In the late Republic, the tribunate was a junior office, usually held early on in one's political career.⁹³¹ Although the tribunate was not subject to the constraints outlined by the *Lex Villia annalis* or by Sulla's effective addenda to its provisions, the political careers of those who would hold a tribuneship were certainly affected by it. In combination, these two pieces of legislation are thought to have implemented the following criteria for magisterial-office-holding:

- i) A candidate for public office must have completed ten years of military service. As Kondratieff notes, since the minimum age for enrolment for military service at Rome was 17, the earliest age at which one could pursue a public office is thought to have been 27.⁹³²
- ii) The minimum ages for magistracies were: Quaestorship – 30; curule aedileship – 36; praetorship – 39; consulship – 42.⁹³³
- iii) Whether out of legal necessity or practicality, an interval of two years (*biennium*) was customary between a praetorship and consulship.⁹³⁴

From these criteria, Sumner and Develin both suggested that a successful candidate might reasonably expect to hold a tribunate in his early thirties (c.30-32).⁹³⁵ More recently, Kondratieff has shown that the average age range for the earliest age at which we see

⁹³¹ Develin 1979: 59; this was generally true throughout the republican period, though increased degrees of structure and uniformity of magisterial-office-holding practice were introduced by the *Lex Villia annalis* of 180 BC and by Sulla's legislation on the same topic in 81 BC: *Lex Villia annalis*, 180 BC: Livy 40.44.1; Sulla's reform of the *cursus honorum*: App. *B Civ.* 1.100.

⁹³² Polyb. 6.19.4 states that this was true in his time, cf. Mommsen 1887-1888, 1.505, 1.564; Astin 1957: 588-589; Develin 1979: 57-59, with 98-101 for changes after 80 BC; Kondratieff 2003: 72, though he lists some notable exceptions.

⁹³³ App. *B Civ.* 1.100; Sumner 1971: 246-247; Kondratieff 2003: 72; see also Develin 1979: 88-89, 96-97.

⁹³⁴ Astin 1957: 589; Sumner 1971: 247; Develin 1979: 86-88, 97, suggests periods of two years between praetorship and consulship were natural products and not statutory, since the *Lex Villia*, "as reported, concerned only ages".

⁹³⁵ Sumner 1971: 247; Develin 1979: 88.

tribuneships held is the mid-thirties and has suggested this might be due to factors such as electoral competition preventing securing office in one's "own year" (*suo anno*) or the status of one's family – whether the candidate was a *novus*, for example.⁹³⁶ Kondratieff's conclusions are empirical and based on a seemingly exhaustive dataset for tribunes of the plebs in the late Republic (180 – 50 BC). For these reasons, I move forward with the assumption that the most common age range for tribunes of the plebs in the late Republic was 32-38.⁹³⁷

Chapter 1 noted that adult male citizens usually assumed the *toga virilis* around their seventeenth birthday.⁹³⁸ Harlow and Laurence suggest that from then until their first marriage, often around the age of 25, male citizens experienced a period known as *iuventus* or *adulescentia*.⁹³⁹ Eyben believed that the young men who fell within this broad and loosely defined age range were not fully accepted as adults by their elders and were permitted to behave in a correspondingly youthful manner throughout this accepted period of *Jugendraum*.⁹⁴⁰ Indeed, Cicero suggested that *lex Villia annalis* and Sulla's associated law were necessary precisely because of youthful rashness (*adulescentiae temeritas*).⁹⁴¹ Given that the average age at which a tribuneship was held was in the mid-thirties, we might reasonably expect the negative connotations of youth, if separable to a degree from popular politics, to be absent from commentaries on the behaviour of individual tribunes, who were otherwise integrated members of Rome's political elite. Perhaps unsurprisingly, this does not appear to have been the case and the associations of rash youth and popular politics find their way into descriptions of tribunician activity.

⁹³⁶ Kondratieff 2003: 71-80, esp. Chart 2.1.

⁹³⁷ Kondratieff 2003: 80.

⁹³⁸ Cf. p. 92.

⁹³⁹ Brunt 1971: 140, 247; Harlow & Laurence 2006: 65-67: though whether or not marriage during service was possible or permitted for those serving with the intention of entering public office afterwards is unclear.

⁹⁴⁰ Eyben 1993: 7-9, 27 with evidence at nn. 14-20 there; cf. Laes & Strubbe 2014: 164-165.

⁹⁴¹ Cic. *Phil.* 5.47; Laes & Strubbe 2014: 165.

With some regularity, though perhaps not as often as previously thought, men who believed in and/or saw the benefits of realising popular reforms, which, as we saw in the Introduction, most often concerned the issues encompassed in Morstein-Marx's three broad categories of SAPS, acquired tribuneships and acted in such a way as to disturb the status quo.⁹⁴² The idea that the tribunate could be and sometimes was used as a means to harm the *res publica* was discussed in the late Republic, as was the fact that it was individuals rather than the institution itself that posed any threat.⁹⁴³ For Sallust, when reflecting on his own tribunate and the tribunician college of 63 BC, the connection between youthful rashness and radical actions is all too clear.

Born in 86 BC, Sallust reached the tribunate in 52 BC, aged 34, and so falls into our expected age range for the office.⁹⁴⁴ At 34, Sallust had surpassed the ages at which one might have been considered *adulescens* or *iuventas* or at least concluded the period of *Jugendraum* in which one was permitted a degree of freedom from the obligations of adulthood. In their study of youth in the Roman world, Laes and Strubbe note that despite his moralist disposition, the image of "jeunesse dorée" appears frequently in Sallust's work.⁹⁴⁵ The example Laes and Strubbe cite is Sallust's description of the young men whom Catilina sought to attract to his cause:

"Most of all, Catiline sought the friendships of the young (*adulescentes*). Their minds, still pliable and soft, were easily seduced by temptation. He carefully noted the passion that burnt inside each of them, according to his years."⁹⁴⁶

⁹⁴² On tribunician ideology and the common perception of tribunes as revolutionaries, see Russell 2022; on Morstein-Marx's categories of SAPS, see above, p. 14.

⁹⁴³ Cic. *Leg.* 3.8-14; modern scholars have tended to view the tribunate as an office for compromise, Russell 2022: 261.

⁹⁴⁴ Syme 1964: 13, n. 30.

⁹⁴⁵ Laes & Strubbe 2014: 48; also, on this, Harlow & Laurence 2001: 71-72, gilded youth.

⁹⁴⁶ Sall. *Cat.* 14, trans. Laes & Strubbe 2014: 48.

Sallust uses *adulescentes* to describe the sorts of young men whose minds could reasonably have been considered as impressionable and whose youth made them rash and susceptible to radical political actions. Further on, Sallust uses *adulescentes* again, this time to describe those young men who reached the tribunate in 63 BC and whose age and passions made them aggressive:

“For after the tribunician power had been restored in the consulship of Gnaeus Pompey and Marcus Crassus, young men (*homines adulescentes*), whose age and disposition made them aggressive (*quibus aetas animusque ferox erat*), attained that very great power and thereupon began to stir up the commons by criticizing the senate and then to inflame their passions still more by doles and promises, thus making themselves conspicuous and influential (*ita ipse clari potentesque fieri*).”⁹⁴⁷

Sallust maintains the contemporary perception of young men, *adulescentes*, as more inclined to radical politics, and introduces an association between these same young men and the institution of the newly restored tribunate. Sallust’s argument suggests that the tribunate in the late Republic was sought by young, politically aggressive men, who were able to use that office to achieve political visibility and influence.⁹⁴⁸ For Sallust, who held his tribunate before writing his *Bellum Catilinae*, to suggest such a connection between age and tribunician conduct is significant for our understanding of the position of the tribunate relative to the public sphere of the late Republic. If Sallust made the connection, it was likely that others did too. In the same body of work, Sallust reflects on his own tribunate, using *adulescentulus* to describe himself at

⁹⁴⁷ Sall. *Cat.* 38, trans. J.T. Ramsey.

⁹⁴⁸ While this may have been true in some cases, it is likely that such politicians were generally exceptions to the rule, Russell 2022: 261, 271. Not all tribunes were young men in their twenties and thirties. For example, tribunes of men such as M'. Acilius Glabrio (78 BC), M. Terpolius (77 BC) and M. Scribonius Curio (50 BC) were all noted for their dullness (Cic. *Brut.* 239; Asc. 81 C; Cic. *Fam.* 8.6.5; see Gruen’s comments on exceptionality being one of the possible reasons for the survival of only references to a small number of tribunes of the plebs, Gruen 1995: 188.

the time he held office and crediting his conduct (specifically his *audacia* (boldness), *largitio* (bribery) and *avaritia* (greed)) to the eagerness born of his youth.⁹⁴⁹ This admission, tellingly blunted somewhat by the emphasis on his relatively young age (created by the use of *adulescentulus* rather than *adulescens*), strongly implies the existence of a connection in the late Republic between youth, the tribunate, and tribunician political activity, regardless of whether or not such a connection reflected the actuality of the relationship (if any) between the tribunate and the ages of those who held the office.⁹⁵⁰

As far as institutional visibility is concerned, we might consider the tribunate, although it was a lesser office, to have enjoyed similar circumstances to those of the consulship. Both offices had associations with specific places in and around the *loci celeberrimi* in Rome and both offices afforded holders the opportunity to facilitate large-scale communications, and thus the ability to appear in public to disseminate information or engage with public opinions.⁹⁵¹ Given the similarities in institutional visibility shared by the tribunate and the consulship, it is perhaps worth considering the potential implications on the experience of Rome's inhabitants of the public sphere inflicted by a visible dichotomy between the apparently youthful tribunes of the plebs on the one hand and the older consuls on the other.⁹⁵² I make the comparison directly between the tribunate and the consulship because it was the holders of these offices that we see most often enacting legislation and convening *contiones*, the importance of which for large-scale

⁹⁴⁹ Sall. *Cat.* 3; Lewis & Short 1879, *s.v.* *adulescentulus* note that Sallust also used this word to describe C. Iulius Caesar, despite Caesar being in his mid-thirties at the time in question (*Cat.* 49).

⁹⁵⁰ Harlow & Laurence 2001: 71, reach a similar conclusion: "it is notable that prominent tribunes of the plebs, who pursued measures for the people, could have been perceived as idealists, rather than making calculated political judgements (Tiberius Gracchus is case and point)."; Ramsey 2007a: 64 suggests that *adulescentulus* is used to create a contrast between the "naïve simplicity of youth" and the "mature reflection".

⁹⁵¹ On the visibility enjoyed by consuls and consular functions in the late Republic in general, Pina Polo 2011: 223-328.

⁹⁵² On consular (and other curule magistracy) ages, and the idea of chronological peer grouping, Harlow & Laurence 2001: 104-110.

communication and the public sphere has been noted already.⁹⁵³ Although other magistracies, afforded significant opportunities for publicising one's name and image, for example, as a quaestor might by marking their names against the minting of coins or roadworks or an aedile might by sponsoring public games, these offices did not demand or permit the same level of public interaction and communication as did the tribunate and consulship.⁹⁵⁴

Chapter 1 showed that while large-scale political communications were mostly the reserve of adult male citizens, with the exception of *contiones*, opportunities for large-scale communications afforded by events such as festivals and games were open to a diverse set of demographics. Given the comparatively high level of visibility enjoyed by tribunes, it seems likely that those who held this office were more often seen by a larger cross-section of Rome's inhabitants, including women, and perhaps children too, at least in the early Republic, which in turn would have meant proportionally more exposure than more senior officials to individuals of varying ages throughout the city.⁹⁵⁵

Gender

Gender-based influences on the tribunate's position within the public sphere arise predominantly from the high level of visibility enjoyed by the institution and the notable frequency with which tribunes of the plebs facilitated *contiones*. Since *contiones* could, in practice, be attended by anyone, women could see and hear tribunician speeches and *rogationes*, aid in the delivery of *significationes* and participate in the overall creation and perpetuation of public opinion and the Roman public sphere. Chapter 1 demonstrated the presence of women at

⁹⁵³ See above in this chapter the discussion of Pina Polo's (1989: 288-307) contional figures.

⁹⁵⁴ For quaestors and the preservation of roads and minting of coins, Pina Polo & Fernández 2019: 105-112; nor did the praetorship, according to the numbers of surviving contional references, cf. p. 180.

⁹⁵⁵ On children, socialisation and moving around the city accompanied by chaperones, see Harlow & Laurence 2001: 43-45; Livy's account of Verginia (Harlow & Laurence 2001: 44), has the girl going to school in the Forum Romanum.

contiones.⁹⁵⁶ The proportionately high frequency of tribunician *contiones* and, as we will see shortly, relatively large number of tribunes and tribunician attendants, likely meant that women's experiences of political large-scale communication would have been predominantly tribunician.

The visibility of tribunes to both sexes in a primarily political context may have been influenced and offset by the visibility of other officials at sponsored events such as games and individual-orientated events such as triumphs, which women could attend and participate in the delivery of *significationes* therein.⁹⁵⁷ For men, engaging in large-scale political communication more regularly involved coming into contact with a broader range of officials, magistrates and men in positions of power, such as in the tribal voting divisions of the Campus Martius as politicians and candidates moved among them at *salutationes*.⁹⁵⁸ For women, participation in large-scale political communications would largely have consisted of contact with tribunes of the plebs only.⁹⁵⁹

Status and Wealth

The status-based privileges attached to the tribunate allowed tribunes to facilitate a range of opportunities for large-scale communication, propose and pass legislation, command state-employed *apparitores* to interact with the Roman populace and other officials, and prevent any other official or magistrate from acting. Moreover, tribunes appeared dressed differently to other officials, wearing a *toga virilis* rather than the *toga praetexta*, since they themselves were plebeians.⁹⁶⁰ Therefore, the institution carried with it natural associations with the history,

⁹⁵⁶ See above, pp. 94-98.

⁹⁵⁷ See above, pp. 91-101.

⁹⁵⁸ For moving between voting tribes, for example, as Lucullus and his prominent supporters did in 64 BC: Plut. *Luc.* 37.1-2; on status- and gender-based opportunities for communication at *salutationes*, see above, p. 89.

⁹⁵⁹ There is considerably more evidence for female members of the socio-political elite acting in the private sphere (so at home and in communications not accessible by the *populus*) though Russell has rightly cautioned accepting such a clear-cut dichotomy of associating the male gender with public space and the female with private. For a discussion of this evidence of this particular problem in scholarship, see Russell 2016c.

⁹⁶⁰ It was not necessary to have held plebeian status since birth; it was only necessary before announcing your candidacy. Most notably, Clodius' *transitio ad plebem*: Cic. *Att.* 8.3.3, 2.12.2; *Dom.* 37; Plut. *Caes.* 14; see

monuments and culture of the plebs at Rome. Tribunes who so wished could and did draw upon these associations to colour and add weight to their speeches as a means of engaging with public opinion. As members of Rome's socio-political elite and as elected officials, tribunes of the plebs were usually wealthy individuals, who in turn were members of wealthy families. However, the fact that their office carried no mandate for construction nor bestowed *imperium*, meant that tribunes of the plebs had comparatively few outlets for achieving visibility through displays of wealth.

Tribunician Status

In addition to convening *contiones* and the *concilium plebis*, engaging in small-scale communications outside of the Forum and pushing against the temporal boundaries of Rome's public sphere, tribunes may have sustained a high level of individual and institutional visibility via their wearing of the *toga virilis*. Pondering the difference between tribunician dress and magisterial dress, Plutarch prefers that the practice should be explained by the idea that tribunes conformed in manner, dress and lifestyle to the majority of Rome's citizenry, rather than by the fact that tribunes were not magistrates.⁹⁶¹ Status-based differences in tribunician visibility and action extended beyond the tribunes' persons and were affected also by the *apparitores* who accompanied them.

Tribunician apparitores

Apparitores were state-funded assistants, of which there were several types, appointed to officials and magistrates to aid them in the carrying out of their official and religious duties.⁹⁶² Tribunician *apparitores* – mainly *viatores* – were important in the processes involved in

Niccolini 1934: 293 (*non vidi*); Tatum 1999: 90-201; Kondratieff 2003: 461. For an inventory of politicians who transitioned to the plebs, see Mommsen 1864-1879, 1.124.

⁹⁶¹ Plut. *Quaest. Rom.* 81; cf. Edmondson 2018: 32; Rothe 2019: 103.

⁹⁶² Kondratieff 2022.

facilitating opportunities for large-scale communication.⁹⁶³ That the *scribae* and *praecones* assigned to tribunes were directly involved in the promulgation of tribunician legislation and the delivery of speeches at *contiones* – and so enjoyed a level of physical visibility commensurate with the visibility of their assigned tribunes – is evident from Asconius’ commentary on Cicero’s *Pro Cornelio*:

“This man [P. Servilius Globulus, tribune 67 BC], when the day came for passing the law and the herald (*praeco*), as the clerk (*scriba*) handed him the text, began to read it to the people, refused to allow either the clerk (*scriba*) to present the text, or the herald (*praeco*) to declare it.”⁹⁶⁴

Although not elected officials, C. Cornelius’ (tribune 67 BC) *praeco* and *scriba* were directly involved in the process of delivering information to the assembled contional audience and thus were seen to be responsible in this instant for the preparation (the *scriba* handing over the bill) and the reading of proposed legislation. While magistrates *cum imperium* enjoyed similar assistance from *praecones* and *scribae*, these magistrates convened large-scale communications far less often than tribunes did, meaning it was likely that their facilitative *apparitores* were less visible in frequency and in number.

Unlike magistrates *cum imperio* who were accompanied by a number of *lictors*, tribunes of the plebs were assigned *viatores*, who carried out a number of duties that enhanced information exchange and expanded opportunities for small- and large-scale

⁹⁶³ The amount of evidence we have that describes their positions and functions in society is reflected in the few items of scholarship on the subject. Purcell’s ‘The *apparitores*: a study in social mobility’ (1983), remains authoritative on the subject and clearly sets out – through extensive examinations of a good amount of epigraphic evidence – the shape and characteristics of a career as an *apparitor*. Since Purcell (1983), the only dedicated study to *apparitores* has been David’s 2019 monograph, *Au Service de l’honneur*, which provides a detailed analysis of all varieties of *apparitores*, based on literary and epigraphic evidence. Purcell 1983; Kondratieff 2022; Horster 2007: 357-359.

⁹⁶⁴ Asc. 58 C, trans. R. G. Lewis 2006, adapted.

communications.⁹⁶⁵ For example, the anecdotal evidence available from Cicero of an exchange between C. Gracchus and his lictor in 122 BC, tells us that *viatores* were dispatched by tribunes to summon required persons to *contiones* at short notice so that they may contribute to the communicative process in person.⁹⁶⁶ In 59 BC, P. Vatinius supposedly dispatched one of his *viatores* to extract the consul M. Bibulus from his home to end Bibulus' sustained period of augural observance.⁹⁶⁷ By encouraging the movement of persons from one location to another, *viatores* were able to aid the circulation of information while their tribunes remained in situ.⁹⁶⁸ In this way, *viatores* functioned as an extension of tribunician presence.

David argues that *lictores* were associated with violence and therefore carried with them a fear-inducing public image.⁹⁶⁹ Moreover, David argues convincingly that in function and position, *lictores* and *viatores* were notably similar.⁹⁷⁰ If we accept that *lictores* and their *fascēs* served as a visual and physical reminder of consular *imperium*, then we might also accept that the *viatores*, who accompanied tribunes and who engaged in acts of violence comparable to those of *lictores*, served in a similar manner as visual and physical symbols of their respective tribunes and of the tribunate as an institution.⁹⁷¹ As Purcell has noted, *apparitores* were likely

⁹⁶⁵ Kondratieff 2022: 298; Horster 2007: 258; David 2019: 40, esp. n. 68 for previous scholarship on *viatores*.

⁹⁶⁶ Cic. *Font.* 39: “When Gracchus ordered that he should be summoned before the assembled people, and when the attendant asked which Piso (for there were several who bore the name), he remarked, “You force me to say—My opponent, Piso the Honest”, trans. N.H. Watts; on this episode, see van der Blom 2016: 85-86; David 2019: 42.

⁹⁶⁷ Cic. *Vat.* 21-22.

⁹⁶⁸ This was particularly important when it came to issuing summonses for arrests. Gellius (*NA* 13.12) provides fragmentary evidence of an epistolary exchange between Ateius Captio and Antistius Labeo in which Labeo refused to answer the summons of a tribune. Ateius and Gellius believed that Labeo based his interpretation of the law on the historian M. Terentius Varro's distinction between those who possessed the right to summon and those who possessed the right to summon and arrest. David 2019: 42 suggests that *viatores* did – in practice – possess both abilities, since they functioned almost identically to *lictores*. Kondratieff 2022: 298 notes that the summons could take place, so long as the tribune was present for the actual arrest. In another similar example we have seen already, Cic. *Fam.* 14.2, tribunician assistants are sent to convey Cicero's wife Terentia from her home to the tribunes' usual spot beneath the *tabula Valeria*.

⁹⁶⁹ David 2019: 195-196.

⁹⁷⁰ David 2019: 42-43, 193-196; on the social positions of various *apparitores*, see Purcell 1983.

⁹⁷¹ For acts of violence committed by *lictores*, see David 2019: 193-206; for tribunician *viatores*: L. Appuleius Saturninus' *viator* drags Q. Metellus Numidicus from the senate house (100 BC) App. *B Civ.* 1.31; M. Livius Drusus has the consul L. Marcus Phillipus' neck twisted so severely that blood ran from his eyes and nose (91 BC)

personally attached to their respective official and, given that tribunes and their *apparitores* appeared atop the Rostra together, it is possible that *apparitores* were just as recognisable in their appearance as the tribunes themselves.⁹⁷² That it was at least plausible for *viatores* to acquire a degree of personal visibility is implied by Valerius Maximus' account of the *viator* Gemellus, who, in 52 BC, supposedly set up a temporary brothel, attended by the consul Metellus, a number of tribunes, Mucia and Fulvia.⁹⁷³ David takes Valerius Maximus' anecdote here as evidence for connections between *viatores* and non-tribunician members of Rome's socio-political elite. I am inclined to agree with this hypothesis, given that Cicero's story of C. Gracchus' exchange with his *viator* implies similar familiarity between *viatores* and Rome's socio-political elite; Gracchus must have assumed that his *viator* knew which Piso was meant!⁹⁷⁴

David establishes the useful equations of the *lictors* as the visual and physical embodiment of a magistrates' presence and of *praecones* as the corresponding aural and vocal aspects.⁹⁷⁵ Like all *apparitores*, *praecones* performed several roles for their magistrates, including the preparation and pronouncing of *rogationes*, the dissemination of information on behalf of a magistrate, and announcing the convocation of *contiones* and *comitia*.⁹⁷⁶ For tribunes of the plebs, who were the most numerous of the politicians capable of summoning *contiones* and *comitia*, the vocal and aural presence of their office would have been particularly prominent.

Flor. 2.5.17.8-9; Kondratieff 2003: 461, suggests that Caesar had a tribune and their *viator* rescue Cato from Caesar's own *lictors* (59 BC), citing Plut. *Cat. Min.* 33.2.

⁹⁷² Purcell 1983: 127-128, at least while in office.

⁹⁷³ Val. Max. 9.1.8.

⁹⁷⁴ See the footnote above on this piece of evidence (Cic. *Font.* 39).

⁹⁷⁵ David 2019: 45-46, 207-216.

⁹⁷⁶ David 2019: 50, nn. 122-126.

So long as there were ten tribunes in office annually, we can reasonably assume that there were ten *viatores*, ten *praecones* and ten *scribae* to aid the tribunes in their duties.⁹⁷⁷ With the twenty tribunes, I speculate that fifty men associated with the tribunate, and therefore with the process of information dissemination and large-scale communication, were regularly visible for the majority of each year. By the time of Augustus, tribunician *viatores* had earned a permanent prominent position in public, because they were awarded reserved seating at the games.⁹⁷⁸

Veto

The right to pronounce *veto*, and thus obstruct a given action, was not unique to tribunes of the plebs.⁹⁷⁹ What was unique to the tribunate, was the ability to interpose a veto against the proposed actions of a higher magistrate such as a consul or praetor, in addition to the capacity to veto their own tribunician colleagues. In terms of opportunities for large-scale communication, higher magistrates (those with *imperium*) could veto the *contiones* of lesser magistrates but could not interfere with assemblies convened by tribunes.⁹⁸⁰ This meant that tribunes of the plebs were free from communicative restriction when facilitating large-scale communications at Rome.

Tribunician vetoes occurred frequently in the late Republic and were exercised in a variety of circumstances, such as in *contiones*, at elections, at trials and concerning proposals of the senate.⁹⁸¹ Because a veto forbade a proposed action from being carried out, the tribunician veto, which could affect any official or magistrate, often determined the content and extent of opportunities for communication and, therefore, significantly contributed to the substance and quality of the public sphere at Rome. Perhaps the best-known examples of the tribunician veto

⁹⁷⁷ On the personal relationships between each magistrate or official and their *apparitores* before and after their appointments, see Purcell 1983: 127-128.

⁹⁷⁸ Tac. *Ann.* 16.2.

⁹⁷⁹ Mommsen 1887-1888 1.281-286 suggests that consuls could not impose vetoes in elections.

⁹⁸⁰ Pina Polo 1989: 65-68; Morstein-Marx 2004: 39.

⁹⁸¹ For a comprehensive list of tribunician vetoes by topic, see Kondratieff 2003: 608-611.

being used to obstruct certain communications from taking place are those provided by C. Porcius Cato during his tribunate in 56 BC. As we have seen already, late in 57 BC, Clodius was seeking election to the aedileship before he faced prosecution for his actions the previous year.⁹⁸² In an effort to help Clodius and hasten the elections, Cato and his tribunician colleague, L. Caninius Gallus, threatened to interpose their vetoes against any proposed legislation until the aedilician elections had taken place.⁹⁸³ Prior to this threat, these same tribunes had vetoed a senate proposal regarding popular assemblies. In a letter written shortly after those vetoes were issued, we learn that Cicero assumed his brother would have heard about the vetoes in his copy of the recorded *senatus auctoritas*, which bespeaks just one way in which news of tribunician vetoes could spread beyond the boundaries of non-public senatorial discourse.⁹⁸⁴ Later in 56 BC, following the meeting and reconciliation of Caesar, Pompeius and Crassus at Luca, Cato sought to aid Pompeius and Crassus in attaining consulships for the following year by delaying the consular elections. This was done by obstructing the prerequisite senatorial proceedings, which, given his previous tactics, likely included the interposition of his veto.⁹⁸⁵ Thus, through their tribunician vetoes, Cato and Caninius hindered integral opportunities for large-scale communication, the delivery of *significationes*, and reforms to the popular assemblies.

Like consuls and praetors, tribunes could veto the actions and proposals of their colleagues. In 67 BC, the tribune C. Cornelius, who had already carried several popular bills, is said to have had a significant portion of his tribunician year hindered by multiple vetoes from

⁹⁸² T. Annius Milo initially brought the charge against Clodius under the *lex Plautia de vi*, Cic. *Red. sen.* 19; *Mil.* 35; on the political context of these events, see Gruen 1995: 294-306.

⁹⁸³ Cic. *Fam.* 1.4.1; The threat alone of tribunician veto was not always effective. In 66 BC, several tribunes threatened to interpose their veto against A. Gabinius' appointment as legate to Cn. Pompeius (Cic. *Leg. Man.* 58) – Gabinius was appointed nonetheless (Dio 37.5.2; *MRR* 2.156, 160). In 63 BC, L. Caecilius Rufus threatened the use of his veto in a similar way against the agrarian proposal of his colleague P. Servilius Rullus, though on that occasion the threatened veto was not enough of a deterrent (Cic. *Sull.* 65).

⁹⁸⁴ Cic. *Fam.* 1.2.4; *senatus auctoritas* were recorded when a senatorial proposal did not make it past a tribunician veto, cf. Lintott 1999: 84; cf. above, p. 80.

⁹⁸⁵ Dio 39.27-28; cf. Kondratieff 2003: 469.

his colleagues.⁹⁸⁶ By interposing their vetoes against multiple bills, Cornelius' colleagues likely prevented meetings of the *concilium plebis* from taking place or else made the preliminary *contiones* count for little by nullifying the discourses that took place there.⁹⁸⁷

Tribunician vetoes were not always respected. In instances of vetoes among tribunician colleagues, the ignoring of a veto often reflected and compounded existing collegial competition and rivalry. Despite an apparent deference to the vetoes of his colleagues for the remainder of his tribunate, Cornelius had previously ignored the veto of his colleague, P. Servilius Globulus, who refused to allow Cornelius' *scriba* to present a text or his *praeco* to read it.⁹⁸⁸ To circumvent the veto, Cornelius himself read aloud the bill. Similar circumventions of vetoes occurred in the tribunates of C. Gracchus (133 BC) and A. Gabinius (67 BC). Faced with persistent resistance to their proposed measures, both tribunes sought to depose their obstructing colleagues – Gracchus succeeded, and M. Octavius was deposed; Gabinius' deposal of L. Trebellius was not realised, since Trebellius relented in the face of his potential removal from office.⁹⁸⁹ Although Ti. Gracchus', C. Cornelius' and A. Gabinius' avoidance of colleagues vetoes may have undermined their own tribunician *sacrosanctitas*, these tribunes are nonetheless recorded as carrying with them the support of their assemblies due to the fact that they were competing with individuals deemed to be acting against the interests of the *populus*.⁹⁹⁰ The importance and procedures of real-time tribunician responses to snapshots of

⁹⁸⁶ Asc. 59C: “Cornelius also promulgated several other laws, many of which his colleagues vetoed (*intercesserunt*); and through these contentions, the whole of his tribunician term was seen out”; trans. R. G. Lewis 2006.

⁹⁸⁷ On the laws and proposals of C. Cornelius, see McDonald 1929; Griffin 1973: 197-200, puts forward a pragmatic hypothesis for the discrepancies in our sources concerning Cornelius' *rogatio* on bribery, explaining Asconius' omission of it by suggesting it is included in the *leges* referred to in the passage cited above.

⁹⁸⁸ Asc. 58C; cf. the discussion of this episode below, pp. 264-284.

⁹⁸⁹ Plut. *Ti. Gracch.* 11.3-12.4; App. *B Civ.* 1.12; Asc. 72C; Dio 36.30.1-2.

⁹⁹⁰ In the case of Ti. Gracchus versus M. Octavius: Plutarch summarises the support bases at the beginning of the conflict by stating οὐδὲν γὰρ οἱ πολλοὶ κελεύοντες περαίνουσιν ἐνὸς ἐνισταμένου; “for the wishes of the majority count for nothing if one tribune is in opposition”, trans. B. Perrin; Plut. *TG.* 12.2, 12.5 and App. *B Civ.* 1.12 both present the same information about popular support against Octavius. For C. Cornelius, see Asc. 58C and the *grave convicium* received by consul C. Piso when he spoke against Cornelius' circumvention of Globulus' veto. For Gabinius and Trebellius, see Asc. 72C: *passus est plus unius collegae sui quam universae civitatis vocem valere*

public opinion, such as those manifested following the interposition of vetoes discussed here, are examined in the following chapter.

At this point, I offer three conclusions regarding tribunician vetoes and the tribunate's role in the public sphere. First, the comparatively strong tribunician veto meant that when it was considered necessary to obstruct an action or piece of legislation, *tribuni plebis* were best equipped to do so. Indeed, the idea that politicians in the late Republic recognised this fact and made efforts to seek out tribunes precisely for the obstructive force of their vetoes survives in our source material.⁹⁹¹ Second, the frequency with which tribunes interposed their vetoes meant that opportunities for large-scale communications, in particular legislative *comitia* which were announced in advance, could often be impeded.⁹⁹² Third, the circumvention of a tribunician veto not only fostered divisions between the tribunician college, it elicited on-the-spot snapshots of public opinion, which presented the opposed tribunes with opportunities to directly engage with the assembled audience or *populus*.⁹⁹³ Overall, the tribunician right to veto the actions and proposals of other politicians often proved to be a powerful and contentious obstacle for communication at Rome. While initially it may have been to aid the tribunes in protecting

et voluntatem (he (Gabinus) did not permit the voice and preference of one single colleague of his to prevail over those of the state as a whole); in C. Cornelius' case, the consul C. Piso did indeed make the argument that the tribunician veto was being subverted (Asc. 58C); see also the *furor* against L. Roscius Otho (tribune, 67 BC) on the same topic following his public opposition of Gabinus' bill by hand gestures: Dio 36.30.3; cf. below pp. 264–284.

⁹⁹¹ For example, Asconius provides the following explanation for P. Servilius Globulus' opposition of C. Cornelius: “this bill of Cornelius was met with indignation from the most powerful, and those senators whose influence was thus greatly to be reduced, and so a tribune was found (*inventus erat*), one P. Servilius Globulus, to obstruct (*obsisteret*) C. Cornelius”, trans. R. G. Lewis 2006.

⁹⁹² The list of extant vetoes compiled by Kondratieff 2003: 608–611 can only give us an indication of the true number and frequency of tribunician vetoes in the late Republic. It may be that regular opposition, such as that experienced by Cornelius in the latter part of his tribunate, was the norm. Given the particular necessity of competition between tribunes of the plebs (on this see Russell 2013), there is no reason to assume vetoes were more frequent than our sources suggest.

⁹⁹³ Collegial conflict was not necessarily long lasting. Once more in the case of Cornelius and Globulus, Asconius (61C) tells us that two years later in 65 BC, Globulus appeared as a witness *for* Cornelius in the latter's *maiestas* trial.

the persons and properties of the plebs, by the late Republic, it also served to direct the content and quality of Rome's public sphere.

Plebeian Status

For Romans living in the late Republic, the origin of the plebs and the liberties which they enjoyed, went hand-in-hand with the creation and growth of the plebeian tribunate.⁹⁹⁴ As an institution, the tribunate represented the process through which the plebeians and patricians in the early Republic had negotiated an uncodified constitution of sorts, which eventually resulted in (almost) equal access to certain privileges.⁹⁹⁵ Thus, those who served as tribunes of the plebs and who themselves were plebeian, shared a common status and cultural background with the plebs and a part of a collective memory of this patricio-plebeian negotiation. This notion differs slightly from Kondratieff's concept of tribunician "self-reference", since here we are concerned with references to a common cultural background based on plebeian status rather than the tribunician practice of referring to the actions of their predecessors and history of their institution.⁹⁹⁶

Tribunes of the plebs could draw upon and take advantage of their plebeian status to establish a commonality with and thus inspire action from largely plebeian audiences, in a way that was impossible for non-plebeians, and even for non-tribunes.⁹⁹⁷ An excellent example of such tribunician speeches that illustrates this point and clarifies the advantages only accessible

⁹⁹⁴ On the origins of the tribunate of the plebs, see Smith 2012; for example, see the conversation between the interlocutor 'Cicero' and his interlocutor brother, 'Quintus', at Cic. *Leg.* 3.20-26 for contemporary views on the association between the tribunate, the plebs and order in the state.

⁹⁹⁵ Privileges such as access to political office and the ability to carry legislation; on the "Struggle of the Orders" Cornell 1995 and Forsythe 1995 remain key works. More recently, see Forsythe 2015 *EAH*, s.v. "Struggle of the Orders" and the bibliography provided there.

⁹⁹⁶ Kondratieff 2003: 281-284.

⁹⁹⁷ For the idea of a distinctly plebeian culture, Courier 2011: 333-334; based on localised practices rather than wealth, Courier 2014; see also Toner 2009, esp. pp. 1-10, with n. 3 there, on "popular" culture. See, most recently, Toner 2022; on the ways in which the plebs could communicate politically, O'Neill 2003; Logghe 2017; for Cicero, who did not serve as tribune, and his use of the history of the tribunate, cf. Cic. *Corn. fr.* 48-54.

to tribunes of the plebs comes from Sallust, whose experience as tribune in 52 BC and the impact of this experience on his writing have already been noted.⁹⁹⁸

In the speech attributed by Sallust to C. Licinius Macer (tribune, 73 BC) concerning the restitution of the tribunate, Macer conforms to the rhetorical practices described by Hölkeskamp as constituting a “rhetoric of inclusion”, by addressing his audience first as *Quirites* (citizens).⁹⁹⁹ However, in the lines that immediately follow, Sallust’s Macer subtly clarifies that he is addressing the plebs specifically:

“If you did not realise, citizens (*Quirites*), what a difference there is between the rights left you by your forefathers (*ius a maioribus relictum uobis*) and this slavery imposed on you by Sulla, I should be obliged (*mihi disserundum*) to make a long speech and to inform you because of what wrongs, and how often, the plebeians (*plebes*) took up arms and seceded from the patricians; and how they won the tribunes of the plebs as the defenders (*vindices*) of their rights.”¹⁰⁰⁰

In this opening line, the addressed *Quirites* and the descendants of the *maiores* and plebs are one and the same: the plebs in front of Macer.¹⁰⁰¹ As a plebeian and *tribunus plebis*, Macer states his obligation (*mihi disserundum*) to inform at length any ignorant plebeians of their common history and culture. Macer continues this status-based means of communication by equating himself to the tribunician *vindices* of the past in likeness of deeds. By virtue of his empty shell of a magistracy (*inani specie magistratus*), Macer alone is facing the tyranny of those fighting against the restitution of the tribunate and of plebeian liberties.¹⁰⁰²

⁹⁹⁸ See above, p. 240.

⁹⁹⁹ Sall. *Hist.* 3.48.1M; Hölkeskamp 2013: 20-21; on *populus Romanus* and its similarly unifying effect but simultaneously excluding effect, Russell 2019; on the historicity of this speech, Steed 2017: 420, n. 84.

¹⁰⁰⁰ Sall. *Hist.* 3.48.1M, trans. J.C. Rolfe.

¹⁰⁰¹ And again, further on (3.48.6M): *qua maiores reliquere*; “(privileges) which your forefather left you”.

¹⁰⁰² Sall. *Hist.* 3.48.2M.

While on this occasion, Macer was the only tribune to take advantage of this specifically plebeian rhetorical strategy – though tribunes in previous and succeeding years who took up the same cause no doubt adopted the same line of argument – the rhetorical device itself was not unique to him.¹⁰⁰³ As Steed notes, Macer could make such statements without protest only by virtue of his status as plebeian and *tribunus plebis*.¹⁰⁰⁴ By the time Sallust had written and published his *Historiae*, he had already attributed in his *Bellum Iugurthinum* a speech to C. Memmius (tribune, 111 BC), which saw Memmius employ the same status-based appeal to a common plebeian struggle to conjure up a certain public image and instigate a certain sort of support.¹⁰⁰⁵

This status-based communication depended on the fact that they shared with the plebs the status of plebeian and they could, due to their rank as *tribuni plebis*, evoke past tribunician *exempla* for equation with themselves. Although it was possible for other orators to please

¹⁰⁰³ A key strand of Macer’s speech is devoted to this fact: 3.48.5-8; on other tribunes continuing to speak on the same topic and ‘baton passing’, see above the under ‘The Public Sphere in the 70s BC’.

¹⁰⁰⁴ Steed 2017: 417, with n. 70; see also on this speech, Rosenblitt 2019: 67-68.

¹⁰⁰⁵ Morstein-Marx 2004: 77; Although Memmius spoke on corruption and ambivalence to Jugurtha’s bribery in several *contiones*, Sallust provides a summary of Memmius’ arguments, and so demonstrates the means by which he made them, in a single representative speech: Sall. *Iug.* 30.4. Like his Macer, Sallust’s Memmius begins his speech with the inclusive address of *Quirites*, which is soon equated with *plebes*. Repeatedly using the plural forms of *tu* (you) (cf. Hölkeskamp 2013: 20-21, on the consensus-building effect of *tu*), Memmius creates a consensus spanning time and status, aligning the *Quirites* of the address with the *plebes* present and the injustices suffered by the *plebes* of the recent and distant past.¹⁰⁰⁵ The equation of *Quirites* with *plebes* and of Memmius with tribunician *defensores* of the past (in this instance Ti. and C. Gracchus) is established by the words: Sall. *Iug.* 31.2: how shamefully and without being avenged your defenders (*defensores*) have perished; Sall. *Iug.* 31.6-7: I do not urge you to resort to arms in response to the injuries done you, as your ancestors (*maiores vestri*) often did ...after the murder of Ti. Gracchus, trials were instituted against the common people of Rome (*in plebem*) ...and after the slaughter of C. Gracchus and M. Fulvius, many men of your order (*vestri ordines*) were put to death; Sall. *Iug.* 31.17: “Your forefathers, for the sake of gaining legal rights and establishing their sovereignty, twice seceded and took armed possession of the Aventine”, trans. J.C. Rolfe (adapted). The rhetorical strategy demonstrated by the former tribune Sallust via and on behalf of Macer and Memmius shows us that in certain circumstances – usually involving some infringement on the liberties of the plebs – tribunes were uniquely capable of accessing a status-based means of communication, for example: For example, Livy has the tribunes L. Sextius Lateranus and C. Licinius Stolo employing a similar status-based rhetorical strategy when urging the acceptance of their *rogationes* over several years (eventually carried in 367 BC): Livy 6.35.4-6.36.12; for the argument that the plebs would have been conscious of the themes of the “Struggle of the Orders” – in other words, of the ideas about their cultural past – see Morstein-Marx 2004: 76-77, 102.

audiences in popular assemblies by evoking tribunician *exempla*, just as Cicero did on such occasions, it was possible only for tribunes themselves to take this evocation one step further through equation.¹⁰⁰⁶

The topography of the city also played a significant role in constructing the common cultural background which *tribuni plebis* and the plebs shared. Just as the Basilica Porcia, the *tabula Valeria* and the *carcer* constituted a tribunician topography, monuments such as the *aedes Concordiae* might be considered as constituent parts of a plebeian topography. That at least some members of the Roman populace believed a relationship existed between plebeian topographical memory and contemporary events involving their *tribuni plebis* is clear from the response to the murder of C. Gracchus and M. Fulvius, involving L. Opimius and the *aedes Concordiae*. As Morstein-Marx pointed out, Opimius' reconstruction of the temple following the murder of C. Gracchus and M. Fulvius should be viewed as an effort to co-opt the plebeian associations carried by the building and its history.¹⁰⁰⁷ The overnight response taken by anonymous inhabitants of the city to Opimius' reconstruction of the temple and to his role in C. Gracchus' and M. Fulvius' murder, shows that contemporaries considered the spaces which conveyed status-based relationships to be suitable media for communications concerning status and ultimately as a legitimate location for manifestations of public opinion. The *aedes Concordiae* stood to the left of the Basilica Porcia and the *carcer*, as one faced West across the Forum, which means that it too would have contributed – at least until 63 BC – to the tribunician and plebeian backdrop that could be viewed when observing the Rostra, the settlement of debts at the Columna Maenia or the entry of magistrates and officials into games held in the Forum.

¹⁰⁰⁶ On Cicero's use of the Gracchi as *exempla*, see van der Blom 2010: 103-107.

¹⁰⁰⁷ Morstein-Marx 2004: 56, on the plebeian history of the monument: 55-56, 101-103.

Wealth

Although their status as *tribuni plebis*, membership of the senate and (likely) large, prominent domiciles stood as testament to their far-above-average fortunes, the relationship between tribunes of the plebs and the public sphere was impacted by wealth to a relatively limited extent in comparison to other magistrates.¹⁰⁰⁸ In reality, it is likely that possessing wealth was less important to engagements with public opinion for tribunes than it was for officials such as aediles or consuls.¹⁰⁰⁹ Those who served as tribunes were drawn from the same “leadership pool”, comprising the wealthier and well-connected families of Italy and Rome, as the city’s other officials.¹⁰¹⁰ Since these men had stood (successfully) in at least one election, it is reasonable to assume that even in this relatively junior office, they possessed an amount of wealth substantial enough to place them among Rome’s socio-political elite.¹⁰¹¹ As we saw earlier in our discussion of Clodius’ neighbourhood-based approach to engagements with public opinion, it was advisable to establish good relations with the leading men of the *vici*, *collegia* and *pagi*. As Lintott notes, these good relationships were often conceived by providing (sometimes through existing friends) elaborate free dinners and shows of a magnitude meriting discussion in public – all expenses that would have been covered by the *candidatus* in one way or another.¹⁰¹² Once in office, the opportunities for tribunes of the plebs to achieve visibility – specifically in their capacity as *tribuni plebis* – in the public sphere via their personal wealth, usually differed from the opportunities available to other magistrates and officials.¹⁰¹³ Most

¹⁰⁰⁸ See above, the section ‘Tribunician Homes’.

¹⁰⁰⁹ For example, aediles incurred costs from the arrangement of *ludi*, see above, p. 201.

¹⁰¹⁰ On the development of the “leadership pool”, see Williamson 2005: 289-291; a note on *novitas* in the leadership pool: of the 99 known tribunes from 70-49 BC, 34 are thought to have been *novi*, cf. Kondratieff 2003: Appendix 1.

¹⁰¹¹ For example, to qualify for *census equester*, it was necessary to possess 400,000 HS (Hor. *Epist.* 1.1.57-9, with Davenport 2018: 116, 122-123).

¹⁰¹² Lintott 1990: 10.

¹⁰¹³ Flower 2014: 379 sensibly argues that simply moving around the city as a member of Rome’s socio-political elite was a form of spectacle; this status and resulting spectacle can surely be attributed in large part to the possession of wealth and the public’s recognition of this fact. It was possible to hold a tribuneship while also

notably, since tribunes possessed no *imperium* and did not undertake military campaigns, their office afforded them no means of attaining military victories, which usually came with substantial manubial gains, allowed for large-scale communications and displays of wealth, and which were de facto a prerequisite for the building of commemorative structures in the city.¹⁰¹⁴

Summary

In the years 70 – 49 BC, tribunes of the plebs enjoyed an exceptional level of visibility due to their semi-permanent central presence in the Forum, their relatively large number, and the privileges of *apparitores* and veto afforded by their tribunician status. The unique position in Rome's public sphere that resulted from and perpetuated this level of visibility was achieved despite the tribunes sharing a number of functions with other officials and conforming to the wealth- and status-based behavioural trends of Rome's socio-political elite.¹⁰¹⁵

By pushing against the traditional temporal limitations on communication, tribunes set a reforming and counter-traditional precedent for the revision of limitations on communication more broadly. In particular, the broadening of the temporal parameters in which large-scale communication could occur led to further opportunities for tribunician competition, an increased institutional visibility and developments in the rhythm of Rome's public sphere.

For the majority of the year, *tribuni plebis*, *tribuni plebis designati*, and *candidati* were visible around the city. The upcoming rogations of *designati* were publicised and their stances towards certain topics, alliances and rivalries were made known before they entered office. Just as *designati* and *candidati* contributed to the visibility and public's perception of the tribunate,

holding another official post. For a comprehensive list of dual offices held while tribune, see Kondratieff 2003: 537.

¹⁰¹⁴ For the link between triumphing and building work, see Flower 2014: 388.

¹⁰¹⁵ Such as the ability to initiate *contiones* and *comitia* just as consuls and praetors could.

so too did the highly visible and active staff of *apparitores* that accompanied and assisted tribunes in their discourses with public opinion.

Institutional visibility was also strengthened by the central locations at which the tribunes of the plebs performed their duties. The recognised semi-permanent presence of the tribunes in the ell between the Curia and Basilica Porcia provided a means of centralised communication, mitigated the neighbourhood-based nature of small-scale communications, and offered a medium through which tribunes could receive, respond to, and discourse with public opinion. This location allowed for frequent contact with several of Rome's *loci celeberrimi*, which in turn meant seeing and being seen, hearing and being heard. Not only were tribunes highly visible in a space associated with their office on a day-to-day basis, the backdrop provided by the Basilica Porcia for magistrates and officials entering games and delivering *contiones* in the Forum added a specifically tribunician character to any large-scale communications held there.

The ability to veto the actions and proposals of colleagues and more senior magistrates while remaining exempt from the vetoes of others when it came to hosting *contiones*, meant that tribunes of the plebs benefitted from a comparatively powerful tool with which to shape the quality and content of Rome's public sphere. Competition between colleagues and disagreements over particular pieces of legislation could result in repeated vetoes, as was the case in Cornelius' tribunate, which in turn could stunt the frequency and quality of opportunities for large-scale communication. On the other hand, pronouncing *veto* at an assembly concerning a proposal for which popular support was present could mean reprisals for a tribune and the detriment of their public image or violation of their *sacrosanctitas*.

The unique position and institutional visibility enjoyed by the tribunate meant that tribunes of the plebs could and did discourse with Rome's populace in a correspondingly exceptional manner.

CHAPTER 4: DISCOURSES BETWEEN TRIBUNES AND THE POPULACE

I have argued that the tribunate's positions within Rome's public sphere, understood as the amalgamation of factors that determined the institution's relationship with communications in Rome, was ideal for achieving a level of visibility and interaction with public opinion often greater than was enjoyed by other officials and magistrates. Thus recognised, the position of the tribunate within Rome's public sphere is an appropriate context for evaluating tribunician discourses with Rome's populace. The novelty and scholarly contribution of this evaluation I establish by delineating the similarities and differences between it and chapter four of Kondratieff's (2003) study of the tribunate in the late Republic.¹⁰¹⁶

As noted in the Introduction, a key element of Kondratieff's study of tribunes in the late Republic is an investigation of "tribunician style".¹⁰¹⁷ For Kondratieff, a "style" is a set of communicative behaviours, relating to factors such as oratory, ideology (tendency toward demagoguery), theatricality, appearance, home and lifestyle, and *cognomina*.¹⁰¹⁸ Considering these factors alongside activities performable only by virtue of a tribunician prerogative, such as legislatively compelling magistrates, interrupting elections, and blocking triumphs, Kondratieff proposes a typology of actions definitive of tribunician style.¹⁰¹⁹ Tribunician style, or in other words a set of tribunician-specific communicative behaviours, included regularly convening and speaking at *contiones*, responding to the popular mood, harangues on popular topics, self-reference, interrogations on the rostra, public readings and pamphleteering.¹⁰²⁰ To

¹⁰¹⁶ See above, p. 21, Kondratieff's 2003 thesis is the most recent and comprehensive study of the tribunate in the Roman Republic and is therefore the most comparable forerunner to the present study.

¹⁰¹⁷ Cf. above, p. 22.

¹⁰¹⁸ Kondratieff 2003: 227-269.

¹⁰¹⁹ Kondratieff 2003: 271-321.

¹⁰²⁰ See Kondratieff 2003: on *contiones* and regular speaking: 271-274; responding to the popular mood or "reciprocity with the public": 272-275; harangues on popular topics: 276-281; these popular topics are largely in line with those outlined in the Introduction (pp. 14) and in this chapter, below, p. 266; self-reference: 281-284; cf. above, Chapter 3, 245; interrogations on the rostra: 284-287; public readings and pamphleteering: 287-293.

contextualise this analysis and to demonstrate the importance of tribunician styles, Kondratieff surveys means of “popular reception”, which he argued could be used as gauges for the relative success of a tribune’s (or, in theory, any politician’s) style. The components of popular reception identified were the acceptance of proposals at *comitia*, acclamations, imitations and *imagines*, *cognomina*, cults and commemorations, backlashes (including rejecting proposals and violent responses) and post-tribunate destructions.¹⁰²¹ Thus, Kondratieff investigates specifically tribunician behaviours and tests the success of these behaviours by assessing popular responses to them. The present work differs in method and objective. Here, I carry out a qualitative analysis based on three main case studies, which demonstrate the key characteristics of the discursive process between tribunes of the plebs and the Roman populace. My objective is to assess the process of information exchange between tribunes and the Roman people, while focussing in particular on the constituent elements of public opinion and the public sphere already identified in Chapters 1 and 2.

The three case studies for this chapter are: 1) C. Cornelius and P. Servilius Globulus on the comitial day for the former’s bill on the granting of exemptions (67 BC); 2) Q. Fufius Calenus and the aftermath of the Bona Dea scandal (61 BC); 3) T. Munatius Plancus Byrsa and the *contio* that followed the first day of T. Annius Milo’s trial for murder (52 BC). These case studies, which are supplemented by multiple sub-studies throughout, are appropriate and suitable as *exempla* of the discursive processes that took place between tribunes of the plebs and public opinion for several reasons. Perhaps most obvious and important is the fact that, for each case, we have sufficient context and evidence for carrying out a relatively detailed analysis. Moreover, these studies are evenly spread between this thesis’ temporal parameters,

¹⁰²¹ Kondratieff 2003: acceptance of proposals: 295; acclamations: 296-297; imitations and *imagines*: 297-300; *cognomina*: 300-308; cult and commemoration: 308-310; backlash (voter rejection): 310-312; backlash (violence and death): 312-321.

making it easier to identify procedural consistency or development over time. These cases also vary in subject matter. The first deals with proceedings at a legislative assembly, the second with the events leading up to a *contio* and the third with popular participation at a trial. Thus, these three case studies can be considered as representative of the three main “arenas” in which popular power was exerted and in which tribunes could engage in a two-way interaction with the assembled crowds.¹⁰²² Out of necessity, as the Introduction forewarned, I rely predominantly on the Ciceronian corpus for contemporary evidence. To negate as far as possible the potential for unrealistic conclusions resulting from in-depth analysis of source material that is too uniform in authorial viewpoint, each case study offers a different perspective on the functioning of public opinion and tribunician actions. It should also be noted that in each instance, the objective is not to determine historicity, though where necessary sources’ veracity will receive comment, but to extract from the events as they are reported the procedural elements of interactions between tribunes and Rome’s populace. Together, these case studies show how the defining characteristics of the tribunate’s position within the public sphere – geographical and oratorical prominence, relatively large collegial size (and corresponding numerous assistants), tendency to act at the temporal peripheries of the public sphere and the right of veto – shaped the methods through which tribunes engaged with public opinion and through which public opinion reached tribunes specifically.

In this final chapter, I show how multiple assessments of public opinion might have been carried out by tribunes of the plebs prior to and during occasions for large-scale communications. I set out how these assessments played an important part in the discursive process between tribunes of the plebs and Rome’s inhabitants by providing the information

¹⁰²² These three arenas were identified as the primary venues for collective plebeian action by Courier 2014: 277; on the use of “arena” to describe spaces of public communication, see Jehne 2020: 33.

necessary for tribunes to determine discursive components such as oratorical style and possible audience reactions. I also suggest that the maintenance of popular topics for discussion at large-scale communications could develop the discursive process to allow for more informed members of the public and to create emotionally invested audiences. In each case study, I demonstrate that discourses between tribunes of the plebs and the populace were as dynamic as the public sphere in which they occurred, since these discourses took place regularly over time, within multiple spatial contexts and across the breadth of Rome's governing apparatuses.¹⁰²³ Moreover, I note that discourses between tribunes and the populace could be expected to involve (on each occasion) multiple tribunes, invited guest speakers, and a substantial proportion of the city's populace. Indeed, many of the city's inhabitants involved in these discourses owed their ability to participate in public opinion to the mitigating factors outlined in Chapter 2 and to an almost constant transferal of information between large- and small-scale communications.¹⁰²⁴

C. Cornelius and P. Servilius Globulus (67 BC)

C. Cornelius was an industrious tribune, whose legislative programme, as far as we know it, comprised more than half a dozen bills.¹⁰²⁵ Here, I concentrate on the events surrounding one bill in particular: the proposal to make a popular vote the sole means of attaining an exemption from law. For the details of the promulgation and proposal of this bill, we rely on Asconius' commentary on Cicero's *Pro Cornelio* and on Cassius Dio's account. Given that the proposals and actions of Cornelius appear to us as a legislative programme – that is as a sequence of connected bills and responses – the chronology of Cornelius' tribunate has understandably been

¹⁰²³ On the governing apparatuses during the Republic, see above *s.v.* Government and Religious Practices.

¹⁰²⁴ On participation in public opinion and mitigating factors by demographic, see above p. 105.

¹⁰²⁵ For primary source material on C. Cornelius' tribunate, see Broughton *MRR* 2.144-145; Kondratieff 2003: 445-446; on the availability of source material on this topic, see Griffin 1973: 196, and throughout on his tribunate in general. Cornelius elsewhere in this thesis, see Chapter 3, pp. 195, 245.

discussed at length.¹⁰²⁶ Following Griffin, Asconius' account appears the more reliable of the two and therefore will provide the basis for our analysis.¹⁰²⁷ Fortunately, we may proceed on reasonably firm ground, since Asconius and Dio are in relative agreement on the order of events concerning the matter at hand.¹⁰²⁸ Here is Asconius' account:

“He was estranged from the senate for the following reason. He had made a motion before the senate ‘that since sums of money were being passed to the envoys of foreign peoples at huge rates of interest, and scandalously immoral profits were accruing from this, there should be a regulation to prevent the dispensation of funds to the envoys of foreign peoples’. The senate rejected his motion... Cornelius was annoyed over this matter and protested against the senate in a *contio*... He promulgated a law by which he reduced the authority of the senate, whereby ‘no one should be exempted from the laws except by vote of the people’... This bill of Cornelius was met with indignation from the most powerful, and those senators whose influence was thus greatly to be reduced, and so a tribune was found, one P. Servilius Globulus, to obstruct C. Cornelius. This man, when the day came for passing the law and the herald, as the *scriba* handed him the text, began to read it to the people, refused to allow either the *scriba* to present the text, or the herald to declare it. Then Cornelius himself recited the codex. The consul C. Piso, on vehemently protesting that this was an outrage, and asserting that the

¹⁰²⁶ On these discrepancies, see McDonald 1929: 201-202; Griffin 1973: 197-203.

¹⁰²⁷ On Asconius and Dio as sources for this episode, see Griffin 1973, esp. p. 119, n. 25. In favour of Asconius' account, Griffin notes Dio's omission of what is generally considered as Cornelius' first tribunician proposal (concerning loans to foreign envoys), the resulting implication that Cornelius would have begun his legislative activity relatively late in his tribunate, the allusion to the existence of this piece of legislation in the fragments of Cicero's speech and the fact that Asconius would have had copies of Cicero's speeches to hand; Broughton *MRR* 2.144 follows Asconius' order of events, as does Kondratieff 2003: 445-446.

¹⁰²⁸ Griffin 1973: 197, notes that both mention, with some similarity of detail (the breaking of the consul's *fasces*), a riot at the meeting called on the day for voting on Cornelius' original version of the first measure; in this riot the consul C. Calpurnius Piso was hurt, after which the tribune disbanded the meeting. Both explain this proposal as a retaliatory move by Cornelius against the senate which had thwarted his project; Asc. 58C; Dio 36.39.

tribunician right of veto was being subverted, was greeted with a torrent of abuse from the people. And when he ordered the arrest by his lictors of those who were shaking their fists at him, his fasces were broken, and stones were hurled at the consul even from the furthest fringes of the *contio*. Cornelius, greatly concerned at this disorder, dismissed the *concilium* forthwith.”¹⁰²⁹

Chapter 3 showed that tribunes of the plebs tended to uphold certain topics for discussion across tribunician colleges, facilitating the development of public opinion over time.¹⁰³⁰ In a similar manner, the practice and impact of topical continuity across a single tribuneship, in this instance continuity in the popular character of legislation being proposed, can be seen here.¹⁰³¹ Asconius presents Cornelius’ second bill as a direct response to the failure of an initial bill, and we can observe that the two bills are alike in their popular nature.¹⁰³² As noted in the Introduction and throughout this thesis, the issues for which popular support was most likely to manifest can be sorted into three broad categories.¹⁰³³ Morstein-Marx argues that the known legislation of Cornelius enjoyed significant popular support in the face of senatorial opposition and therefore represents multiple SAPS, falling into the groups of “Laws that constrained the senate’s discretionary power” and “Laws that defended fundamental popular rights and

¹⁰²⁹ Asc. 57-58C, trans. R. G. Lewis 2006; *Alienatus autem a senatu est ex hac causa... Rettulerat ad senatum ut, quoniam exterarum nationum legatis pecunia magna daretur usura turpiaque et famosa ex eo lucra fierent, ne quis legatis exterarum nationum pecuniam expensam ferret. Cuius relationem repudiavit senatus... Cornelius ea re offensus senatui questus est de ea in contione... promulgavitque legem qua auctoritatem senatus minuebat, ne quis nisi per populum legibus solveretur... Indigne eam Corneli rogationem tulerant potentissimi quique ex senatu quorum gratia magnopere minuebatur; itaque P. Servilius Globulus tribunus plebis inventus erat qui C. Cornelio obsisteret. Is, ubi legis ferundae dies venit et praeco subiciente scriba verba legis recitare populo coepit, et scribam subicere et praeconem pronuntiare passus non est. Tum Cornelius ipse codicem recitavit. Quod cum improbe fieri C. Piso consul vehementer quereretur tollique tribuniciam intercessionem diceret, gravi convicio a populo exceptus est; et cum ille eos qui sibi intentabant manus prendi a lictore iussisset, fracti eius fasces sunt lapidesque etiam ex ultima contione in consulem iacti: quo tumultu Cornelius perturbatus concilium dimisit actutum.*

¹⁰³⁰ Chapter 3, p. 181; see Williamson 2005: 52, Table 1.11.

¹⁰³¹ On this practice, see Tiersch 2018: 43-44.

¹⁰³² Asc. 58C: *promulgavitque legem qua auctoritatem senatus minuebat.*

¹⁰³³ See above, p. 14.

powers”.¹⁰³⁴ The topic of Cornelius’ bill, senatorial dispensations and the reiteration of popular sovereignty, much like the topics central to the actions of L. Quinctius Rufus (judicial malpractice) and Q. Fufius Calenus (jury makeup), which are discussed in detail below, is thematically typical of what Kondratieff refers to as “tribune speak” – topics on which tribunes could be expected to speak regularly.¹⁰³⁵ Whether Cornelius’ initial bill concerned financial and political exploitation, and so political malpractice (as in Asconius’ version), or bribery (as in Dio’s), is less important here than the fact that upon its failure, the next step for Cornelius was to convene a *contio*, condemn the senatorial opposition, and to propose an equally popular measure. Cornelius’ behaviour fits well with Kondratieff’s notion of tribune speak and it is certainly possible that a second popular proposal was expected as per such a behavioural trend. We cannot know whether Cornelius proposed the bill concerning the granting of exemptions from laws at the same *contio* he convened to criticise the obstruction of his first bill. However, as Griffin notes, since both Asconius and Dio understand the second bill’s proposal as a result of the first’s rejection, it seems sensible to suggest that little time passed between Cornelius’ promulgation of the two.¹⁰³⁶

What are the implications of Cornelius’ actions here for our understanding of methods of engaging with public opinion? Promulgating in quick succession two pieces of what can reasonably be considered as popular legislation was precisely what, according to Asconius, gave rise to Cornelius’ public image as a tenacious and determined politician.¹⁰³⁷ We have already seen the importance of a politician’s public image (*existimatio*) and the potential impact

¹⁰³⁴ Morstein-Marx 2013: 39; in Tiersch’s categorical schema (2018: 45-46), Cornelius’ legislation is covered by categories 2 (Institutional regulations) and 3 (The implementation of the people’s *maiestas* into law); as Chapter 3 noted, Cornelius attempted to pass several other pieces of legislation in the remainder of his tribunate, all of which were obstructed by his colleagues and their purposes we do not know.

¹⁰³⁵ Kondratieff 2003: 280.

¹⁰³⁶ See above n. 1028.

¹⁰³⁷ Asc. 57C: *In eo magistratu ita se gessit ut iusto pertinacior videretur*. “His conduct in that office (*tribunus plebis*) gave the impression of being somewhat over-persistent”, trans. R. G. Lewis 2006.

of one's image on their politics and political career.¹⁰³⁸ The conditions that afforded the tribunate as an institution and the tribunes themselves an exceptional level of visibility in the public sphere lend themselves to an explanation of how Cornelius' public image was disseminated and perpetuated.¹⁰³⁹ All of this points towards the likely existence of a widespread, familiar and popular public image, which may also explain the significant level of support present for what was supposedly a reactionary bill.¹⁰⁴⁰ Asconius and Dio both testify to the presence of a substantial group of supporters present on the comitial day of Cornelius' second bill, great enough in number to threaten a number of senators, throw stones and destroy the *fasces* held by Calpurnius Piso's *lictors* without answer.¹⁰⁴¹ Another indication of Cornelius' public image and its impact on discourses between the tribune and the populace is the respect and deference shown to Cornelius after violence broke out at his assembly. Cornelius was able to dismiss the assembly peaceably.¹⁰⁴²

Of course, Cornelius was not the only tribune to be assessing public opinion at this time and his tribunician colleagues were not idle in the discursive exchanges with the populace. The decrease of senatorial powers and independence was naturally an unpopular prospect for many within Rome's governing class. It is unsurprising that Cornelius' non-tribunician opponents approached the remaining tribunes to request that they obstruct the bill. It is telling that on this occasion, only one tribune could be found (*P. Servilius Globulus tribunus plebis inventus erat*) to assist those senators in their obstructive aims. Indeed, it appears that for bills supported by

¹⁰³⁸ On *existimatio*, see above, pp. 127-130.

¹⁰³⁹ Namely the topographically, politically, and socially central positions they occupied, oratorical prominence and access to city-wide large- and small-scale communications. Cf. Chapter 3, pp. 166-258.

¹⁰⁴⁰ Such a bill would not have enjoyed the same level of pre-promulgation expectation as, for example, Rullus' agrarian bill in 64 BC. On this, see Chapter 3, 189.

¹⁰⁴¹ Asc. 58C; Dio 36.39.3.

¹⁰⁴² Dio 36.39.4.

the populace, which were, for one reason or another, unpopular with an otherwise influential group, it was difficult to procure willing tribunician aid in obstruction.¹⁰⁴³

Although an argument from silence, it is at least interesting that Asconius, who we know researched tribunician actions diligently when necessary, does not mention any opposition from Globulus, or any other tribune for that matter, until the comitial day.¹⁰⁴⁴ If we take Asconius' silence at face value, Globulus' lack of conditional opposition could be explained by Cornelius' perceived popularity – after all, Globulus supported Cornelius during the latter's trial the following year – and the evident support the bill in question was receiving.¹⁰⁴⁵ Globulus, then, like Cornelius, was engaging with and assessing public opinion.

Although Globulus likely understood that opposing Cornelius' bill would prove to be unpopular, when the comitial day came, he interposed his veto nonetheless, and prevented Cornelius' *apparitores* from reciting the bill. Russell's detailed examination of P. Furius' and C. Appuleius Decianus' tribuneships (99 and 98 BC respectively) outlines well the problems of deciphering motivations behind tribunician actions and vetoes in particular.¹⁰⁴⁶ As Russell notes, Furius' obstinance in vetoing Q. Caecilius Metellus Numidicus' recall from exile proved to be so unpopular that, while being prosecuted the following year by the tribunes Decianus and C. Canuleius, Furius was lynched by members of the public.¹⁰⁴⁷ Similarly unpopular vetoes, which resulted in some detriment to their issuers' public image or person, were interposed by an anonymous tribune in 92 BC, L. Trebellius and Roscius Otho (67 BC), L. Ninnius Quadratus

¹⁰⁴³ See Chapter 3, 272, and below, pp. 271.

¹⁰⁴⁴ Asconius consulting the senatorial *Acta* to learn of tribunician conditional activity: 49C.

¹⁰⁴⁵ Asc. 61C.

¹⁰⁴⁶ Russell 2013.

¹⁰⁴⁷ Russell 2013: 110-111; Oros. 5.17.10; cf. App. *B Civ.* 1.33 for Furius' unpopular veto and lynching; Cic. *Rab. Post.* 24 for Furius' unpopularity following his tribunate.

(59/58 BC), Sex. Atilius Serranus Gavianus (57 BC) and C. Porcius Cato (56 BC).¹⁰⁴⁸ Indeed, unpopular vetoes on occasion were expected just as much as resulting unfavourable receptions were anticipated.¹⁰⁴⁹ Such a backlash was supposedly foreseen for Serranus' veto of the senatorial decree on the restoration of Cicero's property, that the senate also decreed that Serranus should be held responsible for any ensuing tumult, causing Serranus to withdraw his objection. Multiplicities of opinions meant multiplicities of support bases for politicians' actions, and often vetoes interposed and supported by some members of the populace were opposed by others.¹⁰⁵⁰ The bottom line is that opposition tempered by assessments of public opinion was recognised as part of the discursive process between tribunes and the public. Despite often being tempered and expected, obstruction in the form of vetoes or physical action, such as we see in the case of M. Porcius Cato and his obstruction of C. Iulius Caesar and Q. Caecilius Metellus Nepos, could elicit *significationes*, thus progressing the discourse.¹⁰⁵¹

Similar circumstances are present in an event described by Dio for the same year, 67 BC, and confirm the regularity of tempered tribunician opposition as part of the discursive process for the functioning of public opinion. Referring to a speech made in 67 BC by Q. Lutatius Catulus at a *contio* concerning the *rogatio* on a special command for Pompeius, Cicero states:

When he asked you [the *populus*], if you entrusted everything to Pompeius alone, on whom you would rely if something happened to him, he received a great reward for

¹⁰⁴⁸ Anonymous tribune: Cic. *Leg.* 3.9; L. Trebellius: Asc. 72C; and L. Roscius: Dio 36.24; Ninnius: Cic. *Pis.* 8; Serranus: Cic. *Att.* 4.2.4; C. Cato: Cic. *Fam.* 1.4.1, 1.2.4; *Att.* 4.15.4; Dio 39.28.

¹⁰⁴⁹ Cic. *Leg.* 3.4 on the responsibility of presiding magistrates at *contiones* to maintain order and to dismiss the *contio* should it become unwieldy.

¹⁰⁵⁰ M. Octavius (tr.pl. 133 BC): Plut. *TG.* 11.3-12.4; App. *B Civ.* 1.12; M. Porcius Cato and Q. Minucius Thermus (tr 62 BC): Plut. *Cat. Min.* 28.1-3; M. Caelius Rufus (tribune 52 BC): Gell. *NA.* 1.15.9.

¹⁰⁵¹ Plut. *Cat. Min.* 27.5-28.1.

his valour and standing when you all with practically one voice said you would place your hopes on him himself.¹⁰⁵²

Such an oral exchange, involving a question posed by Catulus and an apparently unanimous response from the contional audience, is also preserved by Sallust, Velleius Paterculus, Valerius Maximus and Dio.¹⁰⁵³ The outcome of the exchange is described by Velleius, who explains that Catulus yielded to a universal consensus (*consensu omnium*).¹⁰⁵⁴

Against this backdrop of a vocal and apparently unified audience, we learn of the actions of L. Trebellius and L. Roscius Otho, in so far as they had contributed to the real-time development of public opinion leading up to Catulus' speech. Dio tells us that the senate initially approached all nine tribunician colleagues of Gabinius but only Trebellius and Roscius dared to speak against Gabinius, due to their fear of the people (φοβηθέντες τὸ πλῆθος οὐδὲν ἀντεῖπον).¹⁰⁵⁵ Even if Dio is using the idea of a dissatisfied senate approaching reluctant tribunes to request their aid in opposition as a motif to propel his narrative, that he could consider such a motif to appropriate in this context is indicative of the likely historicity and frequency of such interactions between senators and tribunes. However, accepting my arguments above regarding the capacity of politicians to be able to interpret public opinion, it seems entirely plausible that seven tribunes perceived the popularity of the Gabinian proposal and its intended beneficiary and the

¹⁰⁵² Cic. *Leg. Man.* 59: *Qui cum ex vobis quaereret, si in uno Cn. Pompeio omnia poneretis, si quid eo factum esset, in quo spem essetis habituri, cepit magnum suae virtutis fructum ac dignitatis, cum omnes una prope voce in eo ipso vos spem habituros esse dixistis*; trans. B.S. Rodgers.

¹⁰⁵³ Sall. *Hist.* 5.24M, with Gerrish 2012: 203-205; Vell. Pat. 2.32.1-2; Val. Max. 8.15.9; Dio 36.31-36a; for a discussion of the historicity of events that took place at this *contio*, see Rodgers 2008, who focusses on Dio's account.

¹⁰⁵⁴ For *consensu omnium* indicating a universal agreement, see above p. 135.

¹⁰⁵⁵ Dio 36.24.4.

unpopularity of piracy in the Mediterranean and therefore made the decision to withhold their aid in opposing Gabinius.¹⁰⁵⁶

Prior to the unanimous oral *significatio* delivered to Catulus, the attending crowd had delivered as many as three *significationes* in response to the actions of Trebellius and Roscius, causing both tribunes to reassess public opinion and alter their contributions to the unfolding discourse. Public opinion concerning Trebellius' actions manifested at least in the form of votes delivered for his removal, for when Trebellius attempted to fulfil his promise to veto the bill, he was almost deposed from office via a popular vote convened by his colleague A. Gabinius (the bill's *rogator*). It is also possible that public opinion was made manifest via the aural *significatio* delivered by the crowd when they refused to remain silent and give Trebellius leave to speak.¹⁰⁵⁷ The fact that Asconius notes the similarity between Gabinius' reaction to Trebellius' veto and Ti. Gracchus' reaction to M. Octavius' in 133 BC (both men convoked the *concilium plebis* to have their tribunician colleagues removed) the parallel might also have occurred to those in attendance at the later *concilium*, thus informing popular expectations of the character and direction of the discursive process.¹⁰⁵⁸ According to Plutarch, Ti. Gracchus' actions were met, in the first instance, by support in the form of a plebs willing to attack the recently deposed Octavius as he left the rostra, but eventually also by popular disapproval at Ti. Gracchus' affront on the tribunate itself.¹⁰⁵⁹ Regardless of legitimacy, a prerequisite for an on-the-spot decision to convene the plebeian assembly must have been an assessment of the public opinion as it existed among the

¹⁰⁵⁶ On the growing unpopularity of piracy and contemporary mentions of the threats it posed: the earliest known anti-piracy measures: Livy 8.14.7-9; Dion. Hal. 7.37.3; Polyb. 2.12.6; M. Aurelius Cotta acknowledges the threat at a *contio* (75 BC): Sall. *Hist* 2.45M, 47M; M. Antonius Creticus is vested with *imperium* for combatting piracy (74 BC): Cic. *Verr.* 2.2.8; Livy *Per.* 97; Vell. Pat. 2.31.3-4; cf. Broughton (1951-) II. 101-102, 108; Drogula (2015) 119; on Cicero and public opinion, including piracy, in *In Verrem*, Rosillo-López 2017: 204-209.

¹⁰⁵⁷ Asc. 72C; Asconius, whose source material for tribunician actions has been mentioned, deduces that in the corresponding section of his *Pro Cornelio*, Cicero is referring to L. Trebellius when he refers in his speech to the veto of a tribune (unnamed), Cic. *Corn.* 1. fr. 30; cf. Dio 36.30.2.

¹⁰⁵⁸ Asc. 72C; on this, see above p. 251.

¹⁰⁵⁹ Plut. *Ti. Gracch.* 111-115.

majority of the attending crowd. That Ti. Gracchus and Gabinius did this – and did this well – is suggested by the relative success their motions enjoyed in their impromptu assemblies.¹⁰⁶⁰ Although Dio alone records the role of Roscius in this contional exchange between the tribunes, a *privatus* and the assembled crowd, his description of Roscius' actions, even if unhistorical, is not far-fetched. Dio presents an image of Roscius modifying his role in the discourse, from oral to physical, based on the manifestation of public opinion he had just observed.¹⁰⁶¹

Just as a tribunician veto or objection could elicit on-the-spot manifestations of public opinion, *significationes*, so too could other types of tribunician actions in large-scale communicative settings. Cornelius, who, as Williamson and Rosillo-López have noted, was an astute interpreter of public opinion, not only had to assess support for his measure before the comitial day but he also had to assess the potential popular repercussions before he committed to ignoring his colleague's veto. Chapters 2 and 3 showed that the information on which such assessments must have been based and which ultimately constituted public opinion, permeated the Roman populace and was readily available to politicians, and especially to tribunes of the plebs, due to their proximity to communicative centres and infrastructure, their auxiliary role for the plebs and their strong and weak social and professional ties.¹⁰⁶² As for Cornelius, it is evident that he made good use of his *apparitores*, who accompanied him on comitial day and were prepared to recite from his codex, and who we know belonged to a profession and social standing (as *homines mediocres*) that allowed them to function as Strong Ties for their officials, indirectly gathering information via their own Weak Ties and communicative networks.¹⁰⁶³

¹⁰⁶⁰ Sources for M. Octavius deposition: Broughton *MRR* 1.493; Kondratieff 2003: 394; Gabinius called an end to the vote when Trebellius withdrew his veto after 17 of the 35 tribes had voted for his removal, Asc. 72C.

¹⁰⁶¹ Dio 36.30.3: ἰδὼν δὲ τοῦτο ὁ Ῥώσκιος φθέγγασθαι μὲν οὐδὲν ἐτόλμησε, τὴν δὲ δὴ χεῖρα ἀνατείνων δύο ἄνδρας ἐκέλευέ σφας ἐλέσθαι... ταῦτ' οὖν αὐτοῦ χειρονομοῦντος ὁ ὄμιλος μέγα καὶ ἀπειλητικὸν ἀνέκραγεν; "Roscius, seeing this, did not dare to utter a word, but by a gesture of his raised hand urged them to choose two men... At this gesture of his, the crowd gave a great threatening shout", trans. E. Cary; Aldrete 1999: 82.

¹⁰⁶² On information spread throughout society and varying levels of participation in public opinion, see Chapter 2.

¹⁰⁶³ Above, Asc. 58C; on *apparitores*, see above, pp. 112, 245-249.

Given that an almost identical situation – in which tribunician *apparitores* attempt to read out a codex, are prevented from doing so, and have their task attempted instead by their assigned tribune – can be seen in the episode involving the tribunes Q. Metellus Nepos, M. Porcius Cato and Q. Minucius Thermus (62 BC), we could reasonably infer from this closeness between officials and assistants that information sent and received via *apparitores* was just one way Cornelius and other tribunes could judge the potential reception of their actions.¹⁰⁶⁴

Even if Cornelius' initial promulgation of the bill was reactionary and somewhat hasty, a period for pre-comitial-day information gathering would still have lasted several weeks (at least a *trinundinum*), and so allowed for ample dissemination of the bill's details and comitial date.¹⁰⁶⁵ Moreover, we have seen that in this case, support for Cornelius' second bill was likely bolstered by existing popular support for his first bill. It is not difficult to imagine how Cornelius reached the conclusion that it would be safe, for him at least, to ignore his colleague's veto, given the opportunities available to him for reading public opinion leading up to that moment. Cornelius guessed correctly, and the attending crowd supported him and his apparitorial colleagues when Piso protested against Cornelius' ignoring of Globulus' veto.

It matters less whether Piso opposed Cornelius on personal, ideological, political or constitutional grounds or, most likely, a combination of all of these grounds, than the decision itself to speak out at the *concilium*.¹⁰⁶⁶ Like Globulus, Piso, whose gender, age, wealth and status granted him an experience of the public sphere and information-gathering opportunities

¹⁰⁶⁴ Plut. *Cat. Min.* 28.1.

¹⁰⁶⁵ On the practice of *trinundinum*: 181.

¹⁰⁶⁶ McDonald 1929: 201, believed that Piso opposed Cornelius' bill because the former had recently received such a senatorial dispensation in order to pass a *lex de ambitu*, contrary to the provisions of the *leges Aelia et Fufia*; Griffin 1973: 200, suggests instead that Cornelius' bill was aimed at reducing the number of dispensations granted in order for candidates to pursue political offices out of turn and that Dio is mistaken in attributing the opposition to Cornelius' bill to Piso alone; for references to Piso's continued opposition to Gabinius and Cornelius, cf. Broughton *MRR* 2.142-143.

similar to those available to tribunes, chose to enter into open discourse with the assembled crowd and object to Cornelius' actions, despite likely being aware of the relative unpopularity of his objection. Unlike the tribunes present, Piso had no right of address at this *concilium plebis*, and his actions were as illegitimate as Cornelius' disregarding of Globulus' veto. As a result, Piso was subjected to a torrent of abuse from the public (*gravi convicio a populo exceptus est*).¹⁰⁶⁷ Here, public opinion manifested in real time. A substantial number of those in attendance, whom we should expect were primarily but not exclusively adult male citizens given that this was a *concilium*, responded instantaneously via legitimate, collective oral communications (*convicia*) and disapproving gestures (*eos qui sibi intentabant manus*). These legitimate *significationes* soon evolved into, or continued and were accompanied by, violent illegitimate *significationes*: widespread stone throwing (*lapidesque etiam ex ultima contione in consulem iacti*) and the breaking of consular *fasces* (*fracti eius fasces sunt*).¹⁰⁶⁸ As noted, the display of illegitimate *significationes* caused Cornelius to bring an end to this particular occasion for large-scale communication. Asconius' account continues by describing a subsequent modification to this bill, its passing and the passing of a *lex* concerning praetorian edicts, both of which were carried without uproar (*haec sine tumultu res acta est*) because, despite being unpopular among *optimates*, no one dared oppose them (*etsi nemo repugnare ausus est*).¹⁰⁶⁹ As Morstein-Marx's typology indicated, popular feeling on this matter was significant enough to ensure that these bills passed against senatorial opposition. We have seen here how and when this popular feeling might have been assessed, how decisions were taken in light of these assessments, and how this discursive process took place through multiple actors, over time, and via legitimate and illegitimate means of communication.

¹⁰⁶⁷ Asc. 58C.

¹⁰⁶⁸ Dio 36.39.3 mentions only an uproar and the breaking of Piso's consular *fasces*.

¹⁰⁶⁹ Asc. 59C: "*sed tamen eam tulit invitis optimatibus*".

Real-time discourses between *tribuni plebis* and assembled crowds could also concern and occur at elections. Rosillo-López has shown how politicians measured “snapshots” of public opinion in the build up to elections; for example, by cross referencing among friends’ predictions from various demographics.¹⁰⁷⁰ As Chapters 1 and 2 demonstrated, the elections themselves were occasions for the delivery of *significationes*, specifically *iudicia* through *suffragia*, manifestations of public opinion that had only been guessed at for months prior. Electoral predictions, public opinion and resulting *significationes* could and did initiate discourses between tribunes, magistrates and the populace. Valerius Maximus records how, during the consular elections for 66 BC, the consul Piso was placed upon the rostra almost by the hands of the tribunes themselves (*tantum non manibus tribunorum pro rostris Piso collectus*), to respond to tribunician enquiries regarding the well-liked M. Palicanus and his potential election as consul.¹⁰⁷¹ Thus, the supposedly agitated populace, whose mood in the build up to the election must have been at least guessable from the apparent *populi favor* with which Palicanus was received, communicated and had answered their collective opinions in real-time as the election transpired.¹⁰⁷² As with our Cornelian case study, we might also suppose that tribunician *apparitores* played some part in this discursive exchange, since Piso was placed (*collectus*) on the rostra, suggesting reluctance, invitation or summoning, the latter of these being a well-documented apparitorial duty.¹⁰⁷³

Many of the main procedural characteristics of tribunician engagements with public opinion seen so far also occurred naturally in a judicial context. As noted in Chapter 3, the Forum space was partially reorganised as a result of the recentring of the tribunate in the late 70s BC, and the praetors’ tribunal was relocated south-east, away from the tribunician-led contional noise

¹⁰⁷⁰ Rosillo-López 2019: 72-79.

¹⁰⁷¹ Val. Max. 3.8.3.

¹⁰⁷² On the tangibility of *favor populi*, see Chapter 2, p. 155; Val. Max. 3.8.3: *pestiferis blanditiis praereptus populi favor*.

¹⁰⁷³ On *apparitores*, see p. 246.

emitting from the north-eastern corner.¹⁰⁷⁴ While this move may have been significant enough to reduce noise interference, it was not far enough to prevent tribunes of the plebs, and indeed other politicians and members of the populace who frequented and passed through the commercial and political *loci* of the Forum, from interacting with the public opinion regularly displayed in the judicial context of the praetors' tribunal.¹⁰⁷⁵ Rosillo-López has shown how orators were expected and trained to interact with *coronae* at trials, and how they aimed to adapt their arguments and delivery to please and persuade the assembled crowd and the multiple audiences contained therein.¹⁰⁷⁶ In the same way *significationes* were delivered at *contiones* and *comitia*, the *corona* at a trial communicated its opinions back to the jury and the litigants and their teams in the form of shouts, applause or even silence.¹⁰⁷⁷ The semi-permanent presence of tribunes in the northeast corner of the Forum, near to the topography of punishment, meant that tribunes would often have been in close proximity to, and therefore able to glean information from, the delivery of these *significationes*.¹⁰⁷⁸

The case study of T. Munatius Plancus Byrsa, discussed in detail below, is an excellent example of how a tribune could engage with public opinion via the dispersing *corona* in a judicial context, and of the expectations held by politicians and the populace concerning the functioning of public opinion and the transmission of information via small-scale communications.¹⁰⁷⁹ So too is the tribunate of L. Quinctius Rufus (74 BC), whose contributions to the re-centring of the tribunate via revitalising contional habits within the *res publica* have been discussed.¹⁰⁸⁰

¹⁰⁷⁴ On the moving of the praetor's tribunal and the reorganisation of Forum space, see p. 171.

¹⁰⁷⁵ On the Forum and its sub-spaces facilitating small- and large-scale communications, see Chapter 1, p. 54 and below, n. 1078.

¹⁰⁷⁶ Rosillo-López 2017b: on contrary interpretations of the importance of *coronae* in past scholarship, pp. 106-107; on synonyms for *corona* and their differing connotations: 107, 111; and on the location of tribunals: 109-110.

¹⁰⁷⁷ Rosillo-López 2017b: 113, n. 47.

¹⁰⁷⁸ Kondratieff 2009: 327; on the tribunician presence in the Forum and public sphere, see above, p. 202.

¹⁰⁷⁹ See below p. 297.

¹⁰⁸⁰ On Rufus and the restoration of the tribunate, see above, p. 221.

On the tribunate of L. Quinctius Rufus we are relatively well informed, thanks to Cicero's *Pro Cluentio*. Delivered in 66 BC, this forensic speech is a defence of Aulus Cluentius against charges of poisoning, brought by the younger Oppianicus. The details of the trial and of those involved were already widely familiar, since this trial was largely a continuation of an earlier trial, which had taken place in 74 BC and had involved the elder Oppianicus being prosecuted by the same Cluentius and defended by the tribune L. Quinctius Rufus.¹⁰⁸¹ In his defence of Cluentius, Cicero attempts to overturn the public opinion of the past, which had largely supported Rufus and his client and had done so more fervently when Rufus and Oppianicus were defeated and Rufus prosecuted C. Iunius, the court's *iudex*, on charges of bribery.¹⁰⁸² Bearing Cicero's objective in mind, sifting the passages concerning Rufus' actions while tribune reveals considerable crossovers with the procedural methods of Cornelius already examined.¹⁰⁸³

One of the cornerstones of Cicero's efforts to undermine the defence and allegations of bribery in the trials of 74 BC is the accusation that Rufus exploited his communicative tribunician prerogatives in order to blur the lines between large-scale discourses at *contiones* and discourses in a judicial setting.¹⁰⁸⁴ Immediately (*statim*) after Oppianicus was convicted, Rufus began hosting daily *contiones*, delivering violent but impressive harangues against the outcome and the *iudex*, Iunius.¹⁰⁸⁵ As tribune, Rufus, like Ti. Gracchus, Cornelius, Gabinius and, as we shall see, Byrsa, could initiate occasions for large-scale communication swiftly for the purpose of strengthening and harnessing a public opinion favourable to his cause.¹⁰⁸⁶ Cicero professes that a

¹⁰⁸¹ For a synopsis of this complex case and a useful breakdown of the allegations and background involved, see the introduction to H. Grose Hodge's Loeb Classical Library edition, 1927: 208-219.

¹⁰⁸² For Cicero's engagement with public opinion in this case, see Rosillo-López 2017: 210-213.

¹⁰⁸³ For a comprehensive collection of references to the tribunate of L. Quinctius Rufus, see Broughton *MRR* 2.103; Kondratieff 2003: 440-439.

¹⁰⁸⁴ Cic. *Cluent.* 77, 93, 108, 110-111; cf. above, p. 221.

¹⁰⁸⁵ Cic. *Cluent.* 77.

¹⁰⁸⁶ On tribunician exploitation of the temporal versatility of *contiones*, see above, p. 184.

desire to capitalise on existing *invidia* before it abated was one of two reasons for Rufus' haste in convening public meetings and for quickly beginning proceedings against Iunius:

Quinctius [Rufus] should have waited a few days; but he was anxious to conduct his prosecution before either he resigned office, or the popular prejudice subsided (*invidia sedata*).¹⁰⁸⁷

Some comment has been made already on Cicero's use of the language of public opinion in this speech and the roles of *sermo omnium*, *opinio omnium*, and *clamor hominum* to emphasise widespread topics of conversation, expectations and manifestations of anti-Iunius public opinion.¹⁰⁸⁸ The popular nature of the measures with which Cornelius was concerned can also be seen here, as Rufus directs his audiences towards the topics of juries and of political and judicial malpractice. In turn, this roused a great number of people who began to speak out (*vocare*) in line with Rufus.

The exceptionally high level of visibility available to tribunes from the late 70s BC onwards was due in part, according to Cicero, to Rufus' revival of regular tribunician oratory at the rostra.¹⁰⁸⁹ Even if Cicero exaggerates the frequency with which Rufus spoke at *contiones*, the procedural and methodological structure for tribunician interactions with public opinion remains the same: persistent oratory on a consistent trend of popular topics allows for the development and consolidation of public opinion(s). The same successful approach to interacting with public opinion, which, in his discussion of tribunician style, Kondratieff considers to be characteristic of "tribunician demagogues", can also be seen in the tribunates of C. Papirius Carbo and Cn. Pomponius (90 BC), P. Sulpicius Rufus (88 BC), T. Munatius Plancus Byrsa (52 BC, in more

¹⁰⁸⁷ Cic. *Cluent.* 90-91: *Paucos dies exspectasset Quinctius. At neque privatus accusare nec sedata invidia volebat.*

¹⁰⁸⁸ See above, pp. 140, 159.

¹⁰⁸⁹ On this repositioning and Rufus' contribution, see above, p. 168.

detail below), Q. Pompeius Rufus and C. Sallustius Crispus (52 BC).¹⁰⁹⁰ The frequency with which most of these tribunes spoke is noted by Cicero, who, after excusing or ignoring an individual's politics where necessary, credits each as being effective orators, capable of engaging with their audiences and eliciting some form of popular response.¹⁰⁹¹ Just as the regular public orations of Cornelius and L. Quinctius Rufus appear to have encouraged the fervour and spread of public opinion in their favour, C. Papirius Carbo Arvina and Cn. Pomponius, who "all but lived on the rostra", are said to have incited *significationes (clamores)* and roused audiences (*incitans animos*) respectively.¹⁰⁹² P. Sulpicius Rufus spoke often enough that his speech was recognisable and his supporters responsive to his oratory, while Q. Pompeius and C. Sallustius Crispus spoke daily, giving rise to the most insane and hostile public meetings.¹⁰⁹³

It was just as necessary for tribunes to assess public opinion prior to and throughout their public speaking as it was for them to assess public opinion before promulgating bills or taking actions, such as interposing their veto. Such a multifaceted and continual assessment process allowed tribunes to determine not only what matters to speak publicly on and *when* to speak on them, but also *how* these matters should be spoken about.

Throughout his treatise on the orator, *Orator* (46 BC), Cicero emphasises that oratorical success relies in part on the speaker adapting their style and manner of delivery to the context and audience at hand.¹⁰⁹⁴ To ensure adaptability, orators must acquire a familiarity with multiple styles, and be ready to adopt their inherent rhythms, volumes, gesticulations and gravity

¹⁰⁹⁰ Kondratieff 2003: 273, n. 154, cites C. Papirius Carbo Arvina and Cn. Pomponius (90BC); for P. Sulpicius Rufus: Vell. Pat. 2.18.5; Cic. *Brut.* 203, 306; for Byrsa, Sallust and Pompeius Rufus speaking daily: Asc. 37C, 51C. On Byrsa, see below 295; cf.; on C. Gracchus and frequency of speechmaking, see van der Blom 2016: 71.

¹⁰⁹¹ On Cicero's approach to considering the oratory of politicians whose politics he does not agree with, see Steel 2003: 202-205.

¹⁰⁹² For the phrase *hi quidem habitabant in rostris*, Cic. *Brut.* 305, c.f. Kondratieff 2003: 272; Cic. *De. or.* 213-214; *Brut.* 221.

¹⁰⁹³ Cic. *Mil.* 45 in Asc. 49C, 51C; above, n. 1090.

¹⁰⁹⁴ Connolly 2007: 224, with Cic. *Orat.* 102-106, 108-111, 129-133.

interchangeably.¹⁰⁹⁵ Although in theory any orator could utilise any style, past scholarship concerned with tribunician oratory and definitions of *popularis* politics and oratory has shown that there is a clear link between tribunes of the plebs and the behaviours associated with speaking in a *popularis* way.¹⁰⁹⁶ In other words, while multiple stylistic variants were available for all orators to employ as they saw fit and tribunes of the plebs are known to have employed multiple styles, our sources show that tribunes of the plebs tended to utilise aspects of *popularis* oratorical behaviour.¹⁰⁹⁷ David's thorough survey of language used in association with orators considered to be *popularis* concluded that the main characteristic of *popularis* oratory was a notably vehement delivery, aimed specifically at engaging with hearers on an emotional level.¹⁰⁹⁸ Like David, Morstein-Marx highlights Cicero's implication that *popularis* oratory is a style that lends itself to vehemence and the arousal of indignation (*invidia*) at public meetings (*contiones*).¹⁰⁹⁹ If other late Republican orators were as aware as Cicero of the need to adapt one's oratorical style to the audience at hand, it is hardly surprising that we find tribunes of the plebs, who were the most frequent convenors of opportunities for large-scale communication and facilitators of discussions and legislation concerning topics that the *populus* are known to have been most invested in, speaking most often in a style suited to engaging with audiences' emotions and inciting *invidia*.

¹⁰⁹⁵ Cic. *Orat.* 71-100.

¹⁰⁹⁶ The term "*popularis* style" is a modern one, but for a recognition in the late Republic of a *popularis* way of speaking, see Van der Blom 2016: 36-37, 106, citing Cic. *Orat.* 13: *popularis eloquentia*; David 1980: 181-190; Kondratieff 2003: 231-245; on the notion of *popularis*, see first Rosillo-López (2018), *Oxford Bibliographies*, s.v. *optimates/populares*; see also: Mackie 1992; Morstein-Marx 2004; Robb 2010; Arena 2012; van der Blom 2016: 105-107, esp. n. 147.

¹⁰⁹⁷ David 1980: 173 tabulates orators that are labelled or considered as *popularis* and notes that the majority of these orators fall within the tribunician categories. David also notes that several of these orators are also attested as having spoken in a manner that could not be categorised as *popularis*, and thus he argues that the adoption of *popularis* oratorical behaviour need not be consistent; Kondratieff 2003: 236 rightly notes that not all tribunes were known for speaking in a *popularis* manner.

¹⁰⁹⁸ David 1980: 177, groups the primary words associated with *popularis* oratory in Cicero's *Brutus* into two groups: 1) *suavis, lepidus, urbanus*; 2) *acer, vehemens, acerbus, asper*; cf. van der Blom 2016: 106-107.

¹⁰⁹⁹ Morstein-Marx 2004: 238-239, esp. nn. 156-159.

For tribunes, the challenges of determining which oratorical style(s) to make use of in a public speech and of then delivering an effective, appropriate oration were made easier by the tribunate's central position in the public sphere. The assessments necessary to make these oratorical decisions constituted an important step in their multifaceted approach to engaging in discourse with public opinion. The benefits of carrying out these assessments successfully, making the appropriate oratorical choices and engaging in effective discourse with the public can be seen in actions of L. Quinctius Rufus (tribune, 74 BC).

As defendant first (of the elder Cluentius) and prosecutor second (of C. Iunius and Faustus), Quinctius must have paid close attention to the development of public opinion relating to his cases. With orators making decisions concerning their subjects and oratorical style based largely on their understanding of common expectations (*tractum ex vulgi opinionibus*), and given Quinctius' haste in taking up the prosecution of C. Iunius, it seems reasonable to infer that Quinctius had gauged successfully the popular mood as it existed and had anticipated the route along which public opinion might develop.¹¹⁰⁰ Quinctius wasted little time in adopting *popularis* oratorical behaviours by convening daily *contiones* and speaking in such a way as to arouse *invidia*.¹¹⁰¹ Quinctius' success in engaging with his audiences' emotions is evident from Cicero's repeated efforts in his *Pro Cluentio* to delegitimise the *invidia* of the previous trial, labelling it baseless (*falsum*).¹¹⁰² Setting up a hypothetical exchange between himself and a member of the *corona* from the earlier trial in 74 BC, Cicero quips that his direct question to the imaginary audience member is appropriate given the context, since the people were deferred to at that time. The answer given by the individual, who in Cicero's description serves as a representative for the

¹¹⁰⁰ Cic. *De Or.* 92.

¹¹⁰¹ Cic. *Cluent.* 93: *Quia tum in causa nihil erat praeter invidiam, errorem, suspicionem, contiones cotidianas seditiose ac populariter concitatas*. "The reason is that then the case was wholly at the mercy of prejudice, misunderstanding, suspicion, and the spirit of lawlessness and tumult which daily animated the mass meetings.", trans. H. Grose Hodge; see above, n. 1087.

¹¹⁰² Cic. *Cluent.* 1, 3, 5, 7-9, 61, 77, 80, 95.

corona and as a mouthpiece for contemporary public opinion, is predicted by Cicero.¹¹⁰³ The components of this imagined but necessarily plausible exchange (deference to an audience, the possibility of direct questions and responses, and an informed and engaged member of an audience) reveal some of the possible procedural structure of Quinctius' tribunician interactions with the public and public opinion. Ultimately, Cicero leaves little room for doubt that these circumstances (the spiteful character of public opinion and the tumultuous nature of large-scale communications during the trial in 74 BC) were only achievable due to Quinctius' position as tribune.¹¹⁰⁴

Earlier, I highlighted several tribunes of the plebs whose actions demonstrate the effectiveness of frequent and sustained contional oratory.¹¹⁰⁵ These same tribunes were also noted by Cicero for their emotive oratory and for their ability to elicit and facilitate emotive responses from their audiences.¹¹⁰⁶ The proximity and apparent relationship between contional frequency and effective emotive oratory in Cicero's discussions of these orators suggests that frequent exposure to *significationes* at opportunities for large-scale communications informed their ongoing assessments of public opinion. Thus, Quinctius assessed public opinion and affected it in a *popularis* manner, which he deemed most likely to be effective. This particular interaction appears to have been relatively one-sided. However, as we saw earlier, multiplicities of viewpoints and support bases meant opposition and competition existed within tribunician colleges and among members of the public.¹¹⁰⁷ The existence of multiple viewpoints surely

¹¹⁰³ Cic. *Cluent.* 90.

¹¹⁰⁴ Cic. *Cluent.* 95: *Quam quidem rationem vos, iudices, diligenter pro vestra sapientia [et humanitate] cogitare et penitus perspicere debetis, quid mali, quantum periculi uni cuique nostrum inferre possit vis tribunicia conflata praesertim invidia et contionibus seditiose concitatis*; "To this consideration then, gentlemen, it is your duty, as wise jurors, to give your careful attention, and to realize completely all the harm, all the danger to which every one of us may be exposed by the violence of the tribunate, especially in the heat of prejudice and the excitement of a lawless assembly.", trans. H. Grose Hodge.

¹¹⁰⁵ See above, p. 279.

¹¹⁰⁶ See above, n. 1090; see also on Pomponius: Cic. *Brut.* 221; Sulpicius: *De or.* 3.31; *Brut.* 203.

¹¹⁰⁷ See above, pp. 127, 270.

compounded the task of assessing public opinion and determining which style of oratory (hence the recommendation for a mastery of all styles, to mitigate this problem) and in what manner to act was most appropriate and likely to be best received.

Prospective contional presidents not only had to determine when and how to speak, but also whom they might invite to speak alongside them. Chapter 3 noted that tribunes of the plebs, as the principal convenors of *contiones*, were in a better position than any other type of official or magistrate to produce (*producere*) an invited speaker.¹¹⁰⁸ The following case study of Q. Fufius Calenus as tribune (62/61 BC) shows how tribunes combined considerations of popular topics, quick responses, common expectations, and real-time *significationes* (practices outlined in the foregoing case study) with considerations of guest speakers (*producti*) and small-scale communications to facilitate a dynamic and inclusive discourse between politicians and public opinion.

Q. Fufius Calenus (61 BC)

In Chapter 2, I outlined the most important features of Plutarch's compressed account of the immediate aftermath of the Bona Dea affair, so far as they conveyed information about variations by demographic in participation in public opinion.¹¹⁰⁹ Now, much more can be said about the aftermath of the scandal and about Fufius' actions specifically in the months that followed.¹¹¹⁰ The following analysis combines Plutarch's account with Cicero's observations of Fufius' actions, which were set out in a letter to Atticus, contemporaneously with the unfolding of the events in question.¹¹¹¹

¹¹⁰⁸ See above pp. 180, 184 and on *producere in contionem*, below p. 288.

¹¹⁰⁹ See above, p. 118.

¹¹¹⁰ On the *lex Fufia* (to which Plutarch is referring) see Tatum 1999: 80; Williamson 2005: 379, 467.

¹¹¹¹ Cic. *Att.* 1.14.

Just as in the preceding examination of Asconius' commentary on Cornelius' and Globulus' actions, the sifting of the following Ciceronian excerpt will focus on the procedural elements of the tribunician discourse with public opinion and will, as far as is possible, look past authorial partiality.¹¹¹²

Cicero wrote to Atticus in February 61 BC, a few weeks after a *contio* was convened by Fufius in opposition to the *rogatio Pupia Valeria* – a bill sponsored by the consuls M. Piso (reluctantly) and M. Valerius to try Clodius for *incestum* – and over a month after rumours of Clodius' deed had begun spreading throughout the city.¹¹¹³ Although brief, Cicero's comments to Atticus demonstrate Fufius' (and Cicero's) good understanding of how public opinion functioned while highlighting the potential pitfalls of certain steps in the discursive process between tribunes and the public:

“Then, an irresponsible Tribune, Fufius, egged on by Consul Piso, called Pompey out to address the *contio*. This took place in the Flaminian Circus, on market day just where the holiday crowd was gathered. Fufius asked him whether he thought it right for a jury to be selected by a praetor to serve under the same praetor's presidency, that being the procedure determined by the senate in the Clodius sacrilege case. Pompey then replied, in a particularly aristocratic fashion, that in all matters he held and had always held the senate's authority in the highest respect—at considerable length too.”¹¹¹⁴

¹¹¹² As Miączewska 2014: 164 highlights, modern scholarship on Fufius and his career is scant (see Miączewska 2014, esp. n. 6 on Fufius' tribunate). Tatum's monograph on Clodius offers the most thorough treatment of Fufius' role in this episode (1999: 62-86) and highlights well the substance and *popularis* character of Fufius' contributions to the development and facilitation of public opinion and will be referred to often henceforth.

¹¹¹³ See n. 1110; cf. Pina Polo 1989: 294; see above, n. 491; Plut. *Cic.* 28.3.

¹¹¹⁴ Cic. *Att.* 1.14.1: *tum Pisonis consulis impulsu levissimus tribunus pl. Fufius in contionem producit Pompeium. res agebatur in circo Flaminio, et erat in eo ipso loco illo die nundinarum πανήγυρις. quaesivit ex eo placeretne ei iudices a praetore legi, quo consilio idem praetor uteretur. id autem erat de Clodiana religione ab senatu constitutum. tum Pompeius μάλ' ἀριστοκρατικῶς locutus est senatusque auctoritatem sibi omnibus in rebus maximi videri semperque visam esse respondit, et id multis verbis*, trans. Shackleton Bailey, slightly adapted.

Fufius was allied to Clodius before news of the scandal became public – that much we can surmise from the former’s consistent support of the latter.¹¹¹⁵ According to Tatum, Fufius’ loyalty to Clodius was one reason why, when the senate pushed to try Clodius for *incestum*, thereby enabling the constitution of a select jury, Fufius grasped the opportunity to challenge the senate and the *rogatio Pupia Valeria*.¹¹¹⁶ Before convening his *contio*, Fufius, in consultation with Piso and probably others, such as the outgoing consul Murena, would have made several assessments of public opinion as it pervaded throughout the city.¹¹¹⁷ One way in which the information required for these initial assessments might have been gleaned is via the *sodalites*, that is, groups of young aristocrats, who were well positioned due to their wealth, status, gender and age to engage widely in opportunities for small-scale communication.¹¹¹⁸ However Fufius and Piso conducted their assessments, the necessary information and components of public opinion appear to have been readily available from the many small-scale communications that were taking place regarding this topic. Cicero’s expectation that Atticus will have heard about the whole Clodius affair and its proceedings – an expectation present in two more letters that predate the one cited above – implies that the topic remained ubiquitous in instances of small-scale communications throughout January 61 BC.¹¹¹⁹

The next step in this discursive process between tribune and populace was to establish a time and place at which to convene a *contio*, which could provide an occasion for the delivery of *significationes* and real-time tribunician responses to public opinion. Chapter 1 showed how

¹¹¹⁵ Tatum 1999: 70-72, esp. n. 53.

¹¹¹⁶ Tatum 1999: 76.

¹¹¹⁷ Tatum 1999: 70-71, notes that Murena was Clodius’ *amicus* and was responsible for the delay in discussing Clodius’ deeds throughout December, the final month of Murena’s consulship; Cicero notes Piso’s similarly friendly relationship with Clodius: *Cic. Att.* 1.13.3.

¹¹¹⁸ That such groups might have aided and provided information to Fufius and his allies is inferred from the latter’s support of Clodius at his trial: *Cic. Att.* 1.13.3; cf. Tatum 1999: 70, n. 54.

¹¹¹⁹ *Cic. Att.* 1.12.3 (1 January 61 BC) used the phrase *credo te audisse*, which appears again at 1.13.3 (25 January 61 BC); cf. *Plut. Cic.* 28.3.

contiones served as the cornerstone of large-scale communications at Rome and how, despite their temporal versatility, of which tribunes in particular made good use, the ideal time for hosting such meetings was on festival or market days.¹¹²⁰ Chapter 1 also noted how the Circus Flaminius served as one of Rome's main contional venues, while Chapters 2 and 3 highlighted respectively the likelihood of the presence of *homines mediocres* in the Circus and its surrounding environs and the proximity of the Circus to the tribunate's principal locus of influence.¹¹²¹ In line with these observations, we learn from Cicero's letter (above) that Fufius' *contio* was convened at the Circus Flaminius, on a market day (*nundinae*) at which a festal crowd (*πανήγυρις*) was present.

Fufius understood well the circumstances that would govern his interactions with public opinion. The issue of Clodius' deeds and the *rogatio* concerning his trial were well-known and fiercely supported by a considerable group of senators.¹¹²² Fufius' decision to focus the *contio* on the issue of the jury's makeup rather than on any discussion of Clodius' conduct sufficed to foreground a topic in which the plebs had previously demonstrated an ardent interest and willingness to assert popular sovereignty in the face of senatorial opposition.¹¹²³ Tatum suggests that this choice also likely contributed to Cicero's recognition of Fufius' tactics as *popularis* and his labelling of Fufius as *levissimus tribunus*.¹¹²⁴ Cicero's reaction here, and the possible similar reaction of the audience present – since we have already seen that parallels were drawn between past and present tribunes by onlookers – gives us some insight into the *existimatio* a tribune could expect to build up by acting in such a manner.¹¹²⁵

¹¹²⁰ See above on *contiones*, pp. 36, 47; for tribunes and *contiones*: pp. 179-187.

¹¹²¹ See above on the Circus Flaminius, p. 64; on *homines mediocres* there, p. 113; on tribunes nearby, p. 229.

¹¹²² On the supporters of the *rogatio Pupia Valeria*, see Balsdon 1966: 68-69; Tatum 1999: 73-75.

¹¹²³ The plebs had legislated on this topic in the face of senatorial opposition already in 122 BC: Cic. *Verr.* 1.38; *Leg.* 3.20; cf. Kondratieff 2003: 403; 70 BC: Asc. 78-79C; cf. Williamson 2005: 380-381; Morstein-Marx 2013: 35-37.

¹¹²⁴ Tatum 1999: 77.

¹¹²⁵ See above p. 272.

It was not just the topic of the *contio* that would have shaped Fufius' *existimatio* and interaction with public opinion, but also the time and the place of the meeting. Convening a *contio* on a busy market day in January at the Circus Flaminius meant that Fufius could facilitate the best opportunity for large-scale communication possible at Rome, the highest level of participation in public opinion, and an exceptionally good level of individual visibility; surely, an enticing prospect for Fufius, given the potential to enhance his *existimatio* via association with popular topics and an already popular politician.¹¹²⁶

Convening the *contio* at the Circus also enabled Cn. Pompeius, who had recently returned from his campaign against Mithridates in the East and was awaiting his triumph outside of the *pomerium*, to speak for Fufius as a guest.¹¹²⁷ As Tatum notes, Fufius could reasonably expect Pompeius to come forward as an ally in his efforts, since the latter was on good terms with Piso, had been opposed in the past by many of those now backing the *rogatio*, and had also shown an interest in regulating the makeup of juries.¹¹²⁸ In producing Pompeius, Fufius' priority was not to facilitate deliberation, as he might have done if he had invited an opponent to speak, but to demonstrate influential opposition to the *rogatio* and to harness Pompeius' popularity and history of engaging with the matter of jury composition at hand.¹¹²⁹

It is worth pausing to consider the practice of *producere in contionem*, which is now generally recognised as an important facet of debate in Republican politics. Following Millar's

¹¹²⁶ For the importance of *existimatio*, p. 127; on tribunician competition, pp. 187, 251; Russell 2013.

¹¹²⁷ On the popularity of the prospect of ending conflicts with Mithridates: (74-68 BC): Plut. *Luc.* 24.2-4; App. *Mith.* 84, 90; for Lucullus' inefficiency: Dio 36.2.1; 14.1-4; and the gradual popular reduction of his command: 15.2; Dio 36.2.2 (Asia & Cilicia); Cic. *Leg. Man.* 26; *Sest.* 93 (Bithynia & Pontus); Plut. *Luc.* 35.3; cf. Sherwin-White 1994: 143; note Manilius' popularity later in 66 BC following his *Lex Manilia de imperio Cn. Pompei*: Dio 36.44.1-2; Plut. *Cic.* 9.4.6; Logghe (2017) 76; the popularity of Pompeius' efforts are evident from the reception of his triumph later that year: Plut. *Pomp.* 45; Plin. *HN.* 37.6.

¹¹²⁸ Tatum 1999: 76-77, nn. 107-109.

¹¹²⁹ Cf. n. 1130 on Morstein-Marx 2004, for the idea that the practice of *producere in contionem* was primarily a means of crushing debate. On uses and frequency of *producere in contionem* in the late Republic, see Pina Polo 2018, esp. 111 on Fufius and Pompeius. On Pompeius at this *contio* and on his ability to navigate controversial topics publicly: van der Blom 2016: 113-145, esp. 113-128.

The Crowd in Rome (1998), appreciation for the practice of *producere in contionem* increased.¹¹³⁰ Most recently, Pina Polo, whose seminal thesis on *contiones* foregrounded the diversity afforded to contional functions by the practice of *producere in contionem*, demonstrated quantitatively that the practice was “almost exclusively” a tribunician one, which makes sense given that tribunes of the plebs were the most prolific convenors of *contiones*.¹¹³¹ Of the 44 instances of *producere in contionem* that we know of in the late Republic, at least 28 (~64%) involved a tribune of the plebs as the official producing a guest, while 10 instances (~22%) involved anonymous convenors and 6 involved non-tribunician hosts.¹¹³² For the period following the recentring of the tribunate (70-49 BC), which contains the majority of instances in which the contional convenor is unknown (8 ~ 32%), Pina Polo records 25 known occurrences of *producere*, 13 (~52%) of which involved tribunes. Assuming that Pina Polo’s survey is as exhaustive as possible, these figures suggest that just as the Roman populace could expect *contiones* to be convened at certain times and certain places, so too could they expect to find tribunes of the plebs hosting guest speakers there.

Fufius was following a recognised process for facilitating a discourse with public opinion. First, he and his allies had paid attention to the rumours that had spread throughout the city via small-scale communications. Once these rumours had been legitimised as a topic of formal political discussion and action (the *rogatio Pupia Valeria*), Fufius wasted little time in convening

¹¹³⁰ Millar 1998: 124-166, Millar highlighted the potential for the production of a supplementary speaker *in contionem* to serve as a means for tribunes of the plebs and other politicians to influence public opinion; Kondratieff 2003: 284-287, argued that the tribunician practice of inviting or summoning individuals who were relevant to the contional topic at hand constituted part of the tribunate’s institutional style and that in reality, *producere in contionem* was probably used as much for interrogative purposes as it was to demonstrate support and consolidate viewpoints; Morstein-Marx 2004: 161-172, produced a conservative reading, acknowledging the central role of *contiones* in Republican politics but arguing that the practice of permitting individuals to speak in *contiones* did more to crush debate and stifle public opinion than it did to foster them. More than others, Morstein-Marx stressed that this practice was integral to Roman politics because it satisfied the public’s expectation to hear multiple voices speak on a given topic, even if these multiple voices did not constitute an actual debate 2004: 162-163.

¹¹³¹ Pina Polo 2018: 123-127; Pina Polo had already reached this conclusion in his doctoral thesis (1989: 78) based on qualitative evidence, Cic. *Vat.* 24; cf. Kondratieff 2003: App. 3, *s.v.* *CONTIONES* – Debating, Interrogating, Questioning Individuals (mostly magistrates); for tribunician prominence as convenors of *contiones*, see above 180.

¹¹³² Pina Polo 2018: 125-127, defining the late Republic as 140-40 BC.

a textbook *contio*, designed to achieve a high level of participation and interest, via the time, space, subject matter and guest speaker, while also reflecting via large-scale communication the scale and importance of the topic already reached via small-scale communications.

The actions of M. Caelius Rufus exhibit the same discursive phenomenon: a tribune of the plebs contributes to the legitimisation of an issue that began as the content of small-scale communications by speaking on it in tandem with others at a *contio*. Just as they had been for Fufius in 61 BC, personal loyalties, an understanding of how public opinion functioned, and a need to address a topic which had begun as the content of small-scale communications and had quickly grown, were among the factors that motivated Rufus to host a *contio* and invite T. Annius Milo to speak at it in 52 BC.¹¹³³ As noted already, the differentiation between small-scale communications and large-scale communications is based on the number of people likely to have been involved in each single instance and on the types of discursive actions that characterised these exchanges.¹¹³⁴ It is also possible to read the tribune-facilitated transfer of content and discourse from small-scale communication to large-scale communication within Rosillo-López's typologies of informal and formal politics and within Angius' typologies of *la comunicazione interpersonale* and *la comunicazione pubblica*.¹¹³⁵ In these frameworks, emphasis would instead be on the transition of public opinion from being based predominantly on rumours and gossip to becoming an outright political matter; in other words, on the transition from unofficial, "Hidden Transcripts" to state-recognised information open to public scrutiny.¹¹³⁶ Taken together, the

¹¹³³ Asc. 33C; Cic. *Mil.* 91; and for the idea that Rufus' loyalty to Milo was bought: App. *B Civ.* 2.22; Gell. *NA.* 1.15.9; Indeed, in Rufus' case, inviting a guest speaker might have been desirable on occasion, given that he himself supposedly admitted that his oratorical style was not conducive to eliciting emotions: Cic. *Brut.* 237; Quint. *Inst.* 11.1.51.

¹¹³⁴ See above, p. 28.

¹¹³⁵ Rosillo-López 2017: 16-17; Angius 2018a is divided into three sections with the second focussing on *la comunicazione interpersonale* (125-250, esp. 125-128) and the third on *la comunicazione pubblica* (251-332, esp. 251-254), cf. above, p. 18.

¹¹³⁶ On the notion of "Hidden Transcripts", see above p. 44.

current study, which focusses on identifying the characteristics of discourse, and Rosillo-López and Angius' frameworks show how the phenomenon of information transferal from small- to large-scale communications, which was so prolific in the late Republic, is naturally linked with a progression from the difficult-to-discern, "hidden" elements of public opinion and the more tangible components, easily visibly in public.¹¹³⁷

Returning to Fufius' execution of a discursive process, we can appreciate now how an understanding of time, space, and the benefits of harnessing the presence and voices of others at *contiones* contributed to the multifaceted tribunician approaches to public opinion that we have discussed so far. The conclusion to Fufius' *contio* highlights one further feature of tribunician discourses with the populace: the possibility of unexpected outcomes.

Unexpected turns of events in discourses between politicians and public opinion could occur for several reasons. Through a case study of the information available to the conspirators in the weeks leading up to Caesar's murder, Rosillo-López demonstrates the difficulties faced by political observers in the late Republic, when attempting to interpret public opinion.¹¹³⁸ Rosillo-López shows how recognised avenues of small-scale communication, such as the graffiti on the bases of the statues of L. Brutus and possibly Caesar himself, and of large-scale communication, such as the mixed *significationes* delivered to Caesar at the *Lupercalia* festival, failed to convey a true reflection of public opinion at Rome.¹¹³⁹ The former *tribunus plebis* M. Antonius fared far better in his assessments of the same public opinion, and received favourable replies in his discourse with the populace at Caesar's funeral.¹¹⁴⁰ Although this instance occurred at a time

¹¹³⁷ On the constituent elements of public opinion and their visibility within the context of the language of public opinion, see above p. 123, *s.v.* The Language of Public Opinion.

¹¹³⁸ Rosillo-López 2017: 187-196.

¹¹³⁹ Rosillo-López 2017: 188, 190; see also Morstein-Marx 2012: 205-206; Angius 2018a: 42-47.

¹¹⁴⁰ Rosillo-López 2017: 193, with n. 242; cf. App. *B Civ.* 2.146.

when Rome's public sphere was significantly changed, it still encapsulates the reality faced by politicians of having to react to and withstand unexpected manifestations of public opinion.

An excellent example of the discursive process between a tribune of the plebs and the assembled populace being impacted by the unexpected can be found in the actions of M. Porcius Cato, Q. Minucius Thermus and Q. Metellus Nepos, tribunes in 62 BC.¹¹⁴¹ Plutarch records how, when Metellus had convened a *contio* for the purpose of reciting the bill concerning Cn. Pompeius' recall from Asia, Cato and Thermus arrived in the Forum and proceeded, with a small but growing number of supporters, to the tribunician *subsellia*, whereupon Cato sat himself between Nepos and C. Iulius Caesar.¹¹⁴² Upon seeing this and Cato and Thermus' veto of Nepos' bill, the crowd in attendance – for what was Nepos' *contio* – gradually withdrew their support from the convenor of the *contio*, and eventually dispersing altogether, when Nepos made the misjudged decision to order a violent response from his armed guards.¹¹⁴³ This episode, which culminated in Nepos fleeing Rome to join Pompeius after it became clear his cause was not well supported, not only highlights the potential for unpredictability in discourses between politicians and Rome's populace, but it foregrounds once more the centrality of tribunes within these discourses and the equally central role of Rome's inhabitants as interlocutors. After all, the contributions of Rome's inhabitants present, be they in the form of physical presence, actions, or vocal interjections, played a significant role in determining the outcome of the process. In this instance, the fact that an audience originally gathered by Nepos for an occasion of large-scale communication eventually turned out to support an alternative pair of tribunes, who travelled quickly to the Forum space as a result of small-scale communications conveying the necessary

¹¹⁴¹ On this episode and for Cato and Thermus owing their knowledge of this *contio* to small-scale communications reaching them elsewhere in the city, see above p. 225.

¹¹⁴² Plut. *Cat. Min.* 27.3-27.5; cf. Dio 37.43.1-2.

¹¹⁴³ Plut. *Cat. Min.* 28.1-28.3; cf. Dio 37.43.3-4.

information to them early in the morning, also reaffirms a number of the key characteristics of discourse identified by this chapter: the involvement of multiple voices, the transferal of information between small- and large-scale communications, and temporal and spatial versatility.

Not all politicians who received unfavourable responses in their discourses with public opinion can be said to have made erroneous or inaccurate readings of public opinion. For example, tribunes such as Trebellius, Globulus and Otho were aware of the likely responses to their actions, yet they interposed their vetoes nonetheless.¹¹⁴⁴

In Fufius' case, his discourse was not derailed by an unexpected popular response, but by an unexpected oration from his invited guest, Pompeius. Cicero relates to Atticus how, when Fufius posed his calculated question, which was meant to focus the discussion and prospective audience responses on the issue of jury composition, Pompeius' lengthy reply championed deference to *senatus auctoritas* rather than taking up Fufius' and Clodius' cause.¹¹⁴⁵ Given that Cicero had devoted some time in his letter to conveying Fufius' careful *popularis* preparations for Pompeius' address, Cicero's abrupt ending of the discussion of that topic following his mention of Pompeius' speech suggests that any momentum Fufius might have hoped for died at that point and that the assembled market day crowds offered no noteworthy response. The idea that Pompeius' unexpected response effectively stunted the momentum of Clodius and his allies' case against the makeup of the prospective jury is strengthened by fact that at a senate meeting convened by the consul M. Messalla, Pompeius was subjected to a similar line of questioning and gave similarly pro-senatorial responses, which were well received.¹¹⁴⁶ A similar conclusion was reached when, as discussed above, the consul C. Calpurnius Piso (67 BC) was produced at the

¹¹⁴⁴ See above, pp. 269-271.

¹¹⁴⁵ Cic. *Att.* 1.14.1; quoted above, p. 285.

¹¹⁴⁶ Cic. *Att.* 1.14.5; Tatum 1999: 77; though the reception of Pompeius' responses might have been reported to us more favourably, since on that occasion, Pompeius (and afterwards Crassus), both also praised Cicero, who is reporting the reception, and his actions two years prior; cf. van der Blom, above n. 1129.

rostra by multiple tribunes to address the topic of M. Palicanus' potential election as consul.¹¹⁴⁷ In line with Morstein-Marx's reading of the practice of *producere in contionem*, the tribunes appear to have anticipated that exposure to public opinion would encourage Piso to acquiesce to Palicanus' election, but in fact, this did not happen.¹¹⁴⁸

It is worth adding that *apparitores* could cause similar disruption to the flow of a tribune's discourse with public opinion. We saw earlier an exchange between C. Gracchus and his *viator* that resulted in a new voice (that of the *viator*) entering the discourse and in Gracchus having to make an unexpected public comment, which had the potential to undermine the effectiveness of his anti-Pisonian invective and, thus, Gracchus' contribution to that discourse.¹¹⁴⁹ Fortunately for Gracchus, his response appears to have been sufficiently witty, at least enough to merit its preservation.¹¹⁵⁰

The case of Fufius has exemplified several important facets of the discursive process between tribunes and the Roman populace. First, tribunes were able to assess public opinion as it developed through small-scale communications through time, space and society, since these small-scale communications pervaded an expansive geographical area and various demographics.¹¹⁵¹ Preliminary assessments such as Fufius' were not an undertaking unique to tribunes, as other politicians and political observers, in this case the consul Piso, were conducting similar research. However, tribunes were best equipped to act first following their initial assessments and to do so in a way that appeared most conducive to an effective discourse with

¹¹⁴⁷ See above, p. 276.

¹¹⁴⁸ Morstein-Marx 2004: 165-166.

¹¹⁴⁹ See above, p. 247, n. 966.

¹¹⁵⁰ On this see van der Blom 2016: 85-86, with n. 72, who also observes that even the best orators might not be in total control of a discourse; on the effectiveness and appropriateness of intelligence, theatricality, gestures and wit in tribunician oratory, see Kondratieff 2003: 231-240, 245-255.

¹¹⁵¹ See above 118; also note the likely involvement of young men in *sodalites* in the case of Fufius and Clodius, see n. 1118.

the populace, since they could reflect the scale of the developing public opinion by choosing a time, space, topic, and guest that would allow for the highest levels of participation, plebeian engagement and approval. To the predominantly tribunician practice of *producere in contionem* a considerable amount of thought was given by the presiding *tribunus plebis*, since the practice was expected to develop discourse, if not to facilitate exposure to multiple viewpoints and voices. Finally, tribunes could facilitate the transcendence of a topic from small-scale communications to large-scale communications by paying attention to present and past developments in public opinion. This transition of information from small- to large-scale communications worked simultaneously in reverse; indeed, tribunes and other politicians relied on that fact.

T. Munatius Plancus Byrsa (52 BC)

The final case study in this chapter brings together the themes of instantaneous responses, temporal limitations on communications and the ability of tribunes to alter the shape of the public sphere, and the relationship between small- and large-scale communications within the functioning of public opinion in general. The events surrounding a *contio* convened by T. Munatius Plancus Byrsa in 52 BC show how, through prescription and a good understanding of the Roman public sphere, discourses between tribunes and Rome's populace could encourage information to spread quickly from single-space large-scale communications to city-wide small-scale communications and elicit alternative forms of *significationes*. Our main source for this episode is Asconius' commentary on Cicero's *Pro Milone*, which summarises the relevant events from mid-January 52 BC (the time of Clodius' murder) until Milo's trial, early in April 52 BC. As in the preceding studies, I sift Asconius' and Cicero's accounts for the important procedural and logistical aspects of a tribune's interactions with public opinion, only commenting on authorial partiality and historical veracity where necessary.

On 18 January 52 BC, P. Clodius Pulcher, T. Annius Milo and their retinues met on *via Appia*, south of Rome, and Clodius was killed in an ensuing skirmish.¹¹⁵² Clodius' body arrived at Rome by nightfall the same day and news of his death spread quickly. Overnight, the information had travelled throughout the city and by dawn, a substantial crowd had gathered at Clodius' house.¹¹⁵³ Asconius tells us that the tribunes T. Munatius Plancus Byrsa and Q. Pompeius Rufus also arrived at Clodius' house with haste, joining several other well-known figures already present.¹¹⁵⁴ The efficiency of small-scale communications at Rome in spreading information overnight and in facilitating participation in public opinion across the social spectrum is evident here from the apparent diversity of the assembled crowd, which, at the end of 18 January, comprised slaves and the lowest of the plebs (*infimaeque plebis et servorum*) and, by dawn on 19 January, included officials and well-known (*noti homines*) figures. Asconius' chronological development of the crowd's makeup may reflect Cicero's attitudes towards those who were closest to Clodius, but it could also suggest that those of lower socio-economic standing were able to access information via small-scale communications as quickly as, if not faster than, Rome's well-known figures.

Byrsa and Q. Pompeius wasted little time in leading the assembled crowd to the Forum, convening a *contio* and encouraging, along with Clodius' scribe Sex. Cloelius, the cremation of Clodius' corpse, causing the conflagration that destroyed the Curia and Basilica Porcia.¹¹⁵⁵ From this day until Milo's trial, Byrsa, Q. Pompeius and their tribunician colleague, C. Sallustius Crispus, convened similarly provocative *contiones* regularly, speaking often against Milo and

¹¹⁵² Asc. 31-32C.

¹¹⁵³ Asc. 32C.

¹¹⁵⁴ Asc. 32C does not specify who these well-known figures were; on this episode and Asconius' account of it, see Flaig 2022: 574.

¹¹⁵⁵ Asc. 32-33C.

Cicero.¹¹⁵⁶ It is within this context – a topic of seemingly universal interest being talked about day and night by a substantial and diverse number of Rome’s populace, while simultaneously becoming the subject of large-scale communications convened regularly by cooperating tribunes – that we must understand Byrsa’s actions on the penultimate day of Milo’s trial (6 April 52 BC).¹¹⁵⁷

Asconius twice tells us that as the court adjourned on 6 April, Byrsa was on hand to convene a *contio* from the dispersing *corona*:

When the court was adjourned around the tenth hour T. Munatius in a *contio* urged the people to attend next day in large numbers and not allow Milo to escape, but to make clear their own view of the matter and their own feelings of outrage as the jurors went to cast their votes. On the next day, which was the last of the trial, on 8 April, shops were closed all over the city.¹¹⁵⁸

The same T. Munatius Plancus, as we have often said, after the words of the witnesses had been heard and sealed, and the jurors had been for the present dismissed, called a *contio* and urged the people that the shops should be closed the next day, and that they should attend the court and not allow Milo to escape.¹¹⁵⁹

That tribunes’ official prerogatives allowed them to take full advantage of the versatility of *contiones* has been noted already.¹¹⁶⁰ So too has the proximity of the tribunes’ semi-permanent

¹¹⁵⁶ See above, pp. 185, 279-280; For the precise dates, as far as precision is possible, on which each tribune spoke, cf. Reubel 1997.

¹¹⁵⁷ On the dates of Milo’s trial, cf. below, p. 298.

¹¹⁵⁸ Asc. 41C: *Dimisso circa horam decimam iudicio T. Munatius pro contione populum adhortatus est ut postero die frequens adesset et elabi Milonem non pateretur, iudiciumque et dolorem suum ostenderet euntibus ad tabellam ferendam. Postero die, qui fuit iudicii summus a. d. vii Idus Aprilis, clausae fuerunt tota urbe tabernae*, trans. R. G. Lewis 2006.

¹¹⁵⁹ Asc. 52C: *Idem T. Munatius Plancus, ut saepe diximus, post audita et obsignata testium verba dimissosque interim iudices vocata contione cohortatus erat populum ut clausis tabernis postero die ad iudicium adesset nec pateretur elabi Milonem*, trans. R. G. Lewis 2006.

¹¹⁶⁰ See above, p. 184.

base outside the Basilica Porcia to the tribunals at the southeast end of the Forum and the role of this proximity in facilitating tribunician engagements with the *coronae* attending court cases.¹¹⁶¹ Just as L. Quinctius Rufus did in 74 BC, when he led the audience of his *contio* from the rostra to the tribunals, Byrsa blurred the lines between forensic and contional communication to sustain popular engagement with the topic at hand. This allowed him to create an additional opportunity for large-scale communication and a prolonged discourse between a tribune and members of Rome's populace.¹¹⁶² Not only does Byrsa appear to have been acutely aware of the importance of large-scale communications for the functioning of public opinion and the discursive process between the tribunate and the populace, he also seems to have understood well the relationship between large-scale communications and small-scale communications within the unique parameters of the late Republican public sphere.

Asconius tells us that Byrsa convened his ad hoc *contio* to urge (*hortari*) those in attendance to shut the shops and attend the following (final) day of the trial en masse (*frequens*) for the purpose of delivering a clear manifestation of their collective judgement and grief (*iudiciumque et dolorem*). Byrsa was calling for delayed *significationes* to be delivered in a short but specific timeframe. The precise chronology of Milo's trial has been the subject of debate, with modern scholars unsure whether Byrsa's *contio* took place on 7 or 8 April 52 BC. Although Asconius records 8 April (*a. d. vii Idus Aprilis*), Reubel has argued that, since the trial began on 4 April and only lasted four days, the recording of 8 April by Asconius is likely due to a miscalculation on Cicero's part, which was copied, or else a corruption in the manuscript tradition, meaning that 7 April is the more likely of the two dates.¹¹⁶³ If we take 7 April as the final day of Milo's trial and therefore the day on which Byrsa had requested the shops to be closed and the city's

¹¹⁶¹ See above, p. 276.

¹¹⁶² See above p. 221.

¹¹⁶³ Reubel 1979: 245-247, with nn. 32-34, 37; cf. Pina Polo 1989: 306 also dates Byrsa's *contio* to 7 April.

inhabitants to be present in the Forum, then Byrsa was conducting his discourse under the assumption that such city-wide communication and cohesion could be achieved overnight. Indeed, the success of the delayed *significationes* for which Byrsa was calling depended on the information that was being exchanged there and then being relayed over a large geographical area and through hours of darkness. Given that the public sphere of the late Republic contracted during these night-time hours, the fact that Byrsa still believed his message would spread sufficiently widely is indicative of the sphere's substantial capacity to facilitate information exchange and the functioning of public opinion.¹¹⁶⁴

It seems reasonable to suppose that Byrsa was confident that his plan would be successful and that the small-scale communications necessary for his message to spread would occur sufficiently; after all, it was only six years earlier that his friend Clodius had performed the exact same feat while a tribune himself. Although conceding that the logistics of Clodius' edict to shut the shops in 58 BC are unclear, Russell has shown that Clodius' order to shut the shops and the subsequent shutting of the shops occurred in quick succession, in the couple of days following 4 January 58 BC, after Clodius had held his levy at the Aurelian Tribunal but before he occupied the Temple of Castor.¹¹⁶⁵ In a similarly short space of time, Clodius had succeeded in eliciting a delayed manifestation of public opinion. Given the prevalence of commercial spaces in Rome, especially along the city's busiest streets, and the role played by these spaces in facilitating small-scale communications, the tribunes Clodius and Byrsa effectively oversaw dramatic visual and spatial alterations to Rome's public sphere for a short period of time.¹¹⁶⁶ As Chapter 3 showed, actions such as these, which temporarily redefined the spatial and temporal parameters of Rome's

¹¹⁶⁴ On the public sphere at night, see above p. 51f.

¹¹⁶⁵ Russell 2016c: 187-188, 194-195; cf. Cic. *Dom.* 54, 89.

¹¹⁶⁶ On the role of commercial spaces in facilitating social interactions during the Republic, see above, p. 68; Andrews & Bernard 2020: 69-112.

public sphere for the purpose of facilitating favourable large-scale communications, were increasingly commonplace for tribunes of the plebs, in particular, during the late Republic.¹¹⁶⁷

Clodius made exceptional use of networks of small-scale communication at a local level.¹¹⁶⁸ As Russell notes, it is in this context – of establishing localised networks for communication from the socially, politically, and topographically central position of the Forum – that Clodius issued his successful proclamation to shut the shops.¹¹⁶⁹ Thus, we might also understand Byrsa’s order in a similar vein. Byrsa recognised the potential to increase participation in politics (from the day of his *contio* to the final day of Milo’s trial) via the much greater number of Rome’s inhabitants who could participate in public opinion. Byrsa transferred information from an occasion of large-scale communication to city-wide small-scale communications at a local level, relying on phenomena such as information exchange in shops, taverns, and between family members at home to mitigate variances in individuals’ abilities to participate in public opinion.¹¹⁷⁰

The relationship between the components of public opinion that were not so easy to perceive, such as *fama* and *sermones*, and the more tangible manifestations of public opinion, *significationes*, can also be seen here, this time, in the context of a discourse between a *tribunus plebis* and the populace. Asconius states that it was Byrsa’s intention to generate a *iudicium* the following day, which was to be delivered by and via the large number of people present, and likely also, as Russell suggests in Clodius’ case, through the visible alteration to the city’s appearance and state of security that was to be brought about by the closing of its shops.¹¹⁷¹ The

¹¹⁶⁷ See above, p. 177.

¹¹⁶⁸ See above, p. 204-211.

¹¹⁶⁹ Russell 2016c: 195.

¹¹⁷⁰ On the topic of mitigating variation in experiences of participation in public opinion and difference between participation in politics and participation in public opinion, see p. 116.

¹¹⁷¹ Russell 2016c.

apparent purpose of this *iudicium* was to make manifest a general feeling of despair (*dolor*) at Milo's actions and continued freedom.¹¹⁷² Byrsa's plan relied on *fama* and on *sermones*. As Chapter 2 showed, these constituent elements of public opinion at Rome travelled over substantial distances quickly, by day and night, and were passed on by many mouths, reaching many ears through small-scale communications.¹¹⁷³ *Fama* in particular could also convey popular perceptions of and widely held feelings towards an individual, which would suffice to transmit any feelings of *dolor* regarding Milo throughout the city. Thus, the harder-to-discern elements of public opinion advanced and transformed through the unique spatial and social vectors of the Roman public sphere to produce a quick and tangible manifestation of public opinion the following day.

As we have seen, tribunician *candidati* and *designati* could maintain a high level of visibility and activity at large-scale communications from as early as March each year.¹¹⁷⁴ Given that Byrsa had been hosting *contiones* daily for several months, it seems fair to suggest that his audiences, which were likely often comprised of the same people, and the individuals to whom their audiences relayed information about the *contiones*, would have enjoyed some level of familiarity with his oratorical style, views, and behavioural traits.¹¹⁷⁵ While this does not mean that the audience at Byrsa's *contio* on 7 April was expecting Byrsa to shut the shops, the

¹¹⁷² Asc. 40C.

¹¹⁷³ See above, s.v. *Fama, Rumor and Sermo*, pp. 130-143.

¹¹⁷⁴ See above, p. 187; Though, whether they enjoyed *potestas contionandi*, and thus the ability to convene *contiones* as regularly as they liked, is unclear, it is certain that as soon as the tribunician *designati* became *tribuni plebis* on 10 December following their election, they were able to convene *contiones* at will, which allowed onlookers to acquire a level of familiarity with their communicative methods. On the tribunician *potestas contionandi*, see above p. 188; on the idea that regular contional speaking gave audiences a familiarity with a speaker's oratorical style: see above, p. 279; Cic. *Brut.* 203, 305-306; *De Or.* 213-214.

¹¹⁷⁵ Asc. 37-38C, 44-45C, 49C; 51C; see above, pp. 278-280 and n. 730; on regular participants at *contiones* and in public opinion, see above, p. 106; Byrsa convened *contiones* in tandem with his colleagues, Q. Pompeius Rufus and C. Sallustius Crispus: see below, n. 1193.

likelihood of a high level of communicative familiarity between speaker, audience, and the wider populace would have meant that Rome's inhabitants were well-prepared to receive the order.

Not only did Byrsa allow for time and opportunity to prepare and relate to his audiences, but he took the time to prepare his invited speakers too. Unlike Fufius Calenus in 61 BC, Byrsa's pre-contional conversations with his intended guest speakers appear to have been productive, as Byrsa's invited speakers addressed their contional audiences to his desired end. March 52 BC also saw Byrsa and Pompeius Rufus produce guest speakers at two *contiones*: the first, M. Aemilius Philemon, was well-known (*homo notus*) and was presented as a witness to Clodius' murder.¹¹⁷⁶ Asconius' remark that regardless of whether Aemilius' account was true or false, the production and questioning of Aemilius succeeded in inciting great *invidia* against Milo, indicates just how effective the practice of *producere in contionem* could be as a means of developing the discursive process between tribunes and the populace, especially when the produced guest was well-known.¹¹⁷⁷ In the same way, Fufius, at his *contio* in 61 BC concerning the makeup of the jury for Clodius' trial, was relying on the public image (*existimatio*) of his guest, Cn. Pompeius, and the weight that *existimatio* would add to his and Clodius' cause.¹¹⁷⁸

We know that informal pre-contional conversations occurred between prospective guest speakers and the convenors of the *contio*.¹¹⁷⁹ Writing to Atticus in 59 BC, Cicero recounts how the consul C. Iulius Caesar and tribune P. Vatinius had worked privately with Cicero's former

¹¹⁷⁶ Asc. 37C.

¹¹⁷⁷ Asc. 37C: *eaque res seu vera seu falsa magnam invidiam Miloni contraxerat*; and this gambit, true or false, brought Milo a good deal of hatred, trans. R. G. Lewis 2006; For a similarly effective use of *producere in contionem*, see Dio 39.36.1: in 55 BC, the tribune C. Ateius Capito produced his bloodied colleague P. Aquillus Gallus at an ad hoc *contio*, convened from the dispersing participants of a *comitia*, which stirred those present mightily.

¹¹⁷⁸ See above p. 284; cf. above nn. 1129-1132 on recent scholarship on producing guests at *contiones* and the possible reasons, benefits and pitfalls of doing this.

¹¹⁷⁹ My thanks to Cristina Rosillo-López for her useful suggestions on this topic (personal correspondence: 02/03/21); see Rosillo-López 2022: 205-208 on "preparatory conversations" in a senatorial setting.

informer (*index*), Vettius, to incriminate C. Scribonius Curio in a plot to murder Pompeius.¹¹⁸⁰ Cicero tells Atticus that when Caesar and Vatinius convened *contiones* to publicise their version of the newly exposed plot, Vettius was evidently well prepped.¹¹⁸¹ Cicero elaborates on this apparent pre-contional conditioning by stating that it was obvious that, following the decree of the senate concerning Vettius' condemnation the previous day, some sort of intercession had been made overnight, cleverly altering Vettius' story so that certain persons were omitted.¹¹⁸² Three years later (March 56 BC), Cicero made comments to the same end, but this time he made them publicly, while cross-examining Vatinius during the trial of P. Sestius. At *Vat.* 24, Cicero contrasts Vatinius' invitation of an *index* to speak in a coordinated and preconceived manner at the *rostra* during a *contio* with the usual manner in which tribunes invite distinguished guests to voice their own opinions.¹¹⁸³ Cicero's description of what he believed to be the pre-contional process in this instance reaffirms the argument made above – that Rome's inhabitants could expect to see tribunes of the plebs producing guests at *contiones* – while also foregrounding the potential for falseness and insincerity to be associated with the practice.

¹¹⁸⁰ Cic. *Att.* 2.24.2-4.

¹¹⁸¹ Cic. *Att.* 2.24.3: *ut qui illuc factus institutusque venisset*; he had come prepared and schooled.

¹¹⁸² Cic. *Att.* 2.24.3: *ut appareret noctem et nocturnam deprecationem intercessisse*; "It was well seen that a night had intervened and that certain intercessions had taken place in the hours of darkness", trans. D.R. Shackelton-Bailey; see also Cic. *Mur.* 35 for the effect of a night passing on decision making.

¹¹⁸³ Cic. *Vat.* 24: *Fuerisne tanta crudelitate, ut delectos viros et principes civitatis tollere et delere tua rogatione conarere, cum L. Vettium, qui in senatu confessus esset se cum telo fuisse, mortem Cn. Pompeio, summo et clarissimo civi, suis manibus offerre voluisse, in contionem produxeris, indicem in rostris, in illo, inquam, augurato templo ac loco conlocaris, quo auctoritatis exquirendae causa ceteri tribuni pl. principes civitatis producere consuerunt, ibi tu indicem Vettium linguam et vocem suam sceleri et menti tuae praebere voluisti*; "When you brought up before a meeting (*contio*) Lucius Vettius, who had confessed before the Senate that he had armed himself with the intention of murdering with his own hand Gnaeus Pompeius, our greatest and most illustrious citizen; when you placed an informer on the Rostra, on that sacred spot and place, I say, consecrated by the augurs, where other tribunes of the commons were accustomed to bring forward leading men of the State in order to ask their advice, in that same place did you not desire that Vettius an informer should lend his tongue and voice for your crime and purpose?— and did not Lucius Vettius declare, when questioned by you at the meeting you had summoned, that the prime movers, instigators, and associates in that crime had been men on whose removal from the State, which you were then compassing, the State could not exist?", trans. R. Gardner; see also, *Vat.* 26; see above, p. 289.

Recently, Pina Polo has shown that the practice of spreading fake news and the challenge of determining the reliability of information were prominent in late Republican politics.¹¹⁸⁴ We have seen already that *rumores* were recognised by political observers in the late Republic as a central and necessary element of public opinion but that their inherent unreliability made them dubious foundations on which to base judgements.¹¹⁸⁵ Pina Polo argues that since it was almost impossible, in many cases, for the public to verify a piece of information, the most important factor in determining the acceptance of and belief in information was credibility – did the information being received seem plausible?¹¹⁸⁶ In the case of Vatinius and Vettius, Cicero alleges that it was precisely the incredibility of the information that Vatinius had so publicly appeared to extract from Vettius that led not only to changes in the difficult-to-perceive popular *voluntas* but also to tangible *significationes* of a changed public opinion.¹¹⁸⁷ According to Cicero, it was the general refusal to accept Vettius’ account that caused Vatinius to have Vettius murdered, so that the false information (*indicium corruptum*) could be investigated no further.¹¹⁸⁸

Even if a given piece of information was believable, it was not guaranteed universal acceptance. Pina Polo demonstrates this fact by noting that when Ti. Gracchus gestured towards his head at a *concilium plebis* in 133 BC, many understood the gesture as Tiberius had intended it, perhaps because they had heard the oral exchange preceding it, while those further away reasonably interpreted it as a call for a crown, in light of the recent accusations of Q. Pompeius concerning Tiberius’ apparent desire for a kingship.¹¹⁸⁹ Both interpretations (that Tiberius was

¹¹⁸⁴ Pina Polo 2019.

¹¹⁸⁵ See above, p. 136.

¹¹⁸⁶ Pina Polo 2019: 83-84, 87, shows that establishing credible contexts played a central role in the public’s acceptance of the information offered to them by Cicero (concerning Catilina’s plot to burn Rome) and Octavian (concerning Antonius’ will and his plans for Rome, Alexandria, and Cleopatra).

¹¹⁸⁷ Cic. *Vat.* 26: *quibus rebus omnium mortalium non voluntate, sed convicio repudiatis fregerisne in carcere cervices ipsi illi Vettio*; “And when these proceedings had been repudiated by the whole world, not merely in thought but in open reproaches, did you not cause this same Vettius to be strangled in prison?”, trans. R. Gardner.

¹¹⁸⁸ Cic. *Vat.* 26.

¹¹⁸⁹ Pina Polo 2019: 81-82; on this episode: Plut. *Ti. Gracch.* 19.

alerting the crowd to the imminent threat to his life or that Tiberius was calling for a crown) appeared to be credible, but neither was unanimously accepted. Dubious information could still be effective, so long as some part of Rome's populace perpetuated it.¹¹⁹⁰

Byrsa and his colleagues enjoyed notable success in their use of what could reasonably be considered questionable information. Asconius' suggestion that it did not matter whether Aemilius' account of Clodius' murder was true or false since it caused great *invidia* towards Milo regardless, shows again how effective unverifiable but plausible information could be to the discursive process between tribunes as contional hosts and the populace.¹¹⁹¹ Earlier, in March 52 BC, Byrsa appears to have begun the rumour that Milo was recruiting men for the purpose of killing Pompeius Magnus; these rumours were apparently effective, since Pompeius himself began speaking on the topic publicly and increased the size of his entourage.¹¹⁹² Asconius writes that at one of the daily *contiones* convened in tandem by Byrsa, Q. Pompeius and Sallustius for the purpose of inciting *invidia* against Milo, Cn. Pompeius was invited to speak and answer questions relating to the rumours of an imminent attempt on his life.¹¹⁹³ Once again, the content of small-scale communications can be seen to overlap and affect topics for large-scale communications, which bespeaks the nature and information hosting capacity of the Roman public sphere and a tribunician understanding of it. This episode also suggests that difficulty in verifying information was a problem that affected even Rome's best-connected politicians.¹¹⁹⁴

Similar tribunician efforts to affect change by initiating questionable information can be seen in the actions of several of the tribunes of 55 BC. C. Ateius Capito, perhaps with the cooperation of some of his colleagues, supposedly falsified the auspices (*ementitus auspicia*)

¹¹⁹⁰ Cic. *Mur.* 35, on the fickleness of the populace and factors that change outcomes of elections.

¹¹⁹¹ See above n. 1177.

¹¹⁹² Asc. 37-38C.

¹¹⁹³ Asc. 51C.

¹¹⁹⁴ On inter-elite information testing, see above, p. 162.

concerning M. Licinius Crassus' departure for a military campaign in Parthia.¹¹⁹⁵ The place of *obnuntiationes* in the public sphere has been noted already in the context of tribunician uses of the right.¹¹⁹⁶ Here, I focus on the reception of Ateius and his actions following the defeat of Crassus at Carrhae two years later (53 BC). As Driediger-Murphy lucidly argues, even though *obnuntiationes* had to be considered under any circumstances, the veracity of these announcements and the *auspicia* they conveyed *mattered* to the Roman people.¹¹⁹⁷ That Ateius was later reprimanded (*notatus*) by the censor Ap. Claudius Pulcher (50 BC) demonstrates this fact.¹¹⁹⁸ Given Vatinius' actions following his public interactions with Vettius, Byrsa and his colleagues' spreading of *rumores* and Ateius' downfall following his potentially baseless *obnuntiatio*, it seems reasonable to conclude that the prospect of tribunician misinformation was recognised as an established, potentially effective but unpopular aspect of the discursive process between tribunes and the populace.¹¹⁹⁹

Byrsa's actions, like those of L. Quinctius Rufus examined earlier, show that tribunes of the plebs were conscious of the communicative limits of Rome's public sphere and could make decisions and take actions based on an understanding of the ways in which the sphere functioned and its capacity for facilitating communication over time and space.¹²⁰⁰ Moreover, Byrsa's actions demonstrate further the phenomenon of fluid information transferral from small- to large-scale communications and the appreciation and understanding of this fluidity held by tribunes and the populace alike. The same phenomenon was observed earlier in the study of Q. Fufius Calenus,

¹¹⁹⁵ Cic. *Div.* 1.29-1.30; Dion. Hal. *Ant. Rom.* 2.6.4; Dio. 39.39.6 mentions that multiple tribunes were involved in the spreading of this reports; for the phrase and charge *ementitus auspicia*, see Cic. *Phil.* 2.83; cf. Driediger-Murphy 2018a: 184.

¹¹⁹⁶ See above p. 38f.

¹¹⁹⁷ Driediger-Murphy 2018a: *passim.*, esp. 197-201.

¹¹⁹⁸ Cic. *Div.* 1.29; Driediger-Murphy 2018a: 199-201.

¹¹⁹⁹ The potential for misinformation originating from the main source of large-scale communications at Rome appears to have continued in the imperial period: cf. Ando 2021: 222, citing Dio 53.19.3-53.19.6.

¹²⁰⁰ For L. Quinctius Rufus' understanding of the communicative limits of the public sphere, specifically his ad hoc *contiones*, the command of the Forum space and oratory, see above pp. 168, 221, 276, 278.

in which rumours of Clodius' festal transgression became the topic of large-scale communications and formal political procedures.¹²⁰¹ These case studies, and the supplementary evidence provided for them throughout, suggest that a well-understood and established process of information transferal from tribunes to, first, those who could attend large-scale communications and, then, those in Rome who could not, was a key characteristic of the discursive process between *tribuni plebis* and the Roman populace. This final case study has also reiterated the consistency of certain tribunician oratorical and contional behaviours, such as regular and vehement oratory for the purpose of harnessing, maintaining, and compounding an existing sentiment, over the course of the years 70-49 BC.¹²⁰²

Summary

The discursive processes that repeatedly occurred between tribunes of the plebs and the Roman populace had several recognisable characteristics and certain behaviours that both groups of participants (tribunes and populace) upheld within the parameters of the late Republican public sphere. The most striking characteristic of these discursive processes was the speed at which discourses could develop. All three case studies demonstrated tribunes and members of the populace contributing to discourses in relatively short spaces of time. In the case of Cornelius and Globulus, both tribunes made on-the-spot decisions about how to proceed when faced with popular *significationes*, as did the crowd in attendance, when it observed Globulus' and Piso's opposition. In Fufius and Byrsa's cases, it is clear that information from a single point of origin could flow overnight, throughout the city, and that tribunes were often integrated into this process. Within the context of fast-developing discourses, it was noted that tribunes, like other officials and magistrates, continually assessed public opinion. That these assessments were made prior to,

¹²⁰¹ See above pp. 284.

¹²⁰² See David 1980: 177-180 for a list of individuals who held tribunates prior to 70 BC and who were said to have spoken and acted in such a way.

during and after occasions for large-scale communications was perhaps most evident in the studies of Cornelius, Quinctius Rufus and Byrsa. Conducting ongoing assessments of public opinion enabled politicians to determine and decide upon discursive components such as oratorical style. For tribunes of the plebs, these assessments, which were facilitated by the high visibility, multi-centred position, and official prerogatives of the tribunate, also helped to determine elements such as the most favourable character and topic of legislation to propose and whether or not a veto should and could be interposed.

Discourses between tribunes and the populace were not confined to the primary locations of large-scale communications, as outlined in Chapter 1, but occurred all over the city, as the tribunate's high level of visibility – observed in Chapter 3 – suggested. This fact was clearest in the sub-study of Quinctius Rufus and in the main studies of Fufius and Byrsa. Rufus' case demonstrates how tribunes could utilise their position within the Forum and their right to convene *contiones* to blur spatial, political, and forensic boundaries. That tribunes understood well the importance of selecting the most suitable space (and time) for large-scale communications was shown in the case of Fufius, who saw the need to achieve the highest level of visibility and participation possible in one location (the Circus Flaminius) in order to engage with the content of such prolific and city-wide small-scale communications. Byrsa's faith in the process of information transferral at Rome, and his audiences' successful dissemination of his message, shows that tribunes could realistically count on the information disseminated by them at occasions for large-scale communication to be conveyed via small-scale communications – even during hours of darkness – throughout the city. Perhaps most important in this final case, is the fact that Byrsa, like Clodius (58 BC) and Milo (57 BC) before him, tangibly affected the shape of the

Roman public sphere and that a large number of Rome's inhabitants were willing to facilitate this change.¹²⁰³

Lastly, this chapter has shown that discourses between tribunes and Rome's inhabitants were not only characterised by temporal and spatial diversity, but also by diversity among participants. The studies of Cornelius and Globulus and of Fufius show that multiple tribunes, their *apparitores*, other politicians and the assembled populace could all make tangible contributions to discourses that could otherwise be between one tribune (responsible for convening the *contio* or *comitium*) and their audience. Cicero's imagined exchange at the trial of the *iudices* in 74 BC relies on the idea that it would be possible to engage with *any* member of the *corona* and to receive from them a well-informed and engaged response concerning proceedings.¹²⁰⁴ Fufius' introduction of Pompeius at a *contio* in 61 BC not only highlighted several factors that tribunes had to consider when inviting a guest to speak, but also that, as Morstein-Marx noted, multiple voices were expected as part of the political process at Rome.¹²⁰⁵ The sub-study of Vatinius and Vettius' actions drew attention to the role of pre-conditional informal conversations between tribunes and guest speakers; however, the fact that Cicero was later able to deride Vatinius for these pre-conditional conversations being conducted so blatantly and deceitfully, suggests that such preparatory exchanges were acknowledged as part of the discursive process between tribunes and the populace but one that should be conducted honestly and privately. In pre-conditional informal conversations, Byrsa was shown to have fared far better than his tribunician predecessors, and his and his colleagues' success in this area foregrounds the final characteristic of the discursive process between tribunes of the people of Rome considered here: the potential for deceit and misinformation.

¹²⁰³ On Milo and pushing the limits of the public sphere, see above p. 177.

¹²⁰⁴ See above p. 297.

¹²⁰⁵ See above n. 1130

CONCLUSION

As the Introduction noted, this thesis is a product and continuation of several strands of scholarship. Only because of recent advances in our knowledge of politics in the late Republic, our understanding of space and movement, and the ways we think about the concepts of public spheres and public opinion has it been possible to write here meaningfully of a Roman public sphere, of public opinion in Rome and of the central role of the tribunate therein. In writing this thesis, the main objective has been to improve our understanding of the Roman public sphere and public opinion at Rome in the years *c.* 70-49 BC, using the tribunate of the plebs as a vehicle for analysis. The method for achieving this overall objective was to realise in turn four sub-objectives, concerning the definition of a Roman public sphere, the functioning of public opinion at Rome, the position of the tribunate within the Roman public sphere, and the discursive interactions that occurred between the tribunes of the plebs and Rome's populace.

The first sub-objective was achieved in Chapter 1, which delineated the parameters of a Roman public sphere, as it existed in the late Republic, showing that Rome's public sphere was spatially and temporally diverse with an understood rhythm. The opportunities for communication that facilitated and comprised Rome's public sphere were recognised by the city's inhabitants. Perhaps the most pressing obstacle to realising a definition of a Roman public sphere was the notion that the ideas of Habermas and Noelle-Neumann, recognised as theories fundamental to defining public spheres and public opinion in alternative historical epochs, were incompatible and therefore unsuitable. In addition, differences in the meanings of terms such as *Öffentlichkeit*, public, and *pubblico* posed potential problems to the accurate application of the necessary vernacular. However, as Chapter 1 noted, the recent works of Winterling, Rosillo-López, Jakob, and Hurlet together have shown how the theories of Habermas and Noelle-

Neumann were compatible and how we might consider and use words such as public and private for their relation to “real” facts, rather than for their capacity to describe historical actuality. Following these scholars, I advanced the hypothesis that it is possible to use in conjunction proven methods for defining public spheres, since such methods share a common methodological aspect – the identification of factors that inflicted limitations on communication.

I synthesised and applied this methodology, which focussed on determining limitations on communication, in Chapter 1 to define Rome’s public sphere as it existed in the late Republic. I began with a necessarily broad overview of the communicative capacity of Roman society in the late Republic. In order to appreciate eventually the nuances in individuals’ experiences of Rome’s public sphere, I first established with broad strokes the opportunities that were available for Rome’s populace to communicate with one another. The complexity of Rome’s governing apparatuses and the diversity of the spaces available for communication meant that introducing the communicative typology of small- and large-scale communications was feasible and useful. Applying this typology allowed for a starker contrast between the sorts of communicative occasions that would take place by day versus those that were expected to occur overnight, which in turn bespeaks the temporal breadth and understood rhythm of Rome’s public sphere.

I argued that the *comitia* and *concilium plebis*, occasions open only to adult male citizens for formal participation in politics and large-scale communications, were supplemented by *contiones* and with regular festivals and religious practices, on which individualistic factors like gender and status imposed far fewer limitations. In the late Republic, these less communicatively restricted arenas for large-scale communication meant that demographics that were otherwise excluded from formal participation in politics and large-scale communications,

especially women and slaves, had access to opportunities for participation in public opinion and to a means of contributing to the delivery of *significationes*. Thus, the multifaceted nature of Rome's governmental apparatuses, and festivities and religious practices allowed demographics that were otherwise politically and economically marginalised to be part of the discursive processes that occurred between Rome's populace and politicians.

Occasions for large-scale communications were complemented by the omnipresence of sociability in Rome, which was encouraged and facilitated by the abundance and diversity of spaces, such as taverns, porticoes, and streets, which were suitable for small-scale communications. I suggest that it is accurate to speak of a temporally diverse Roman public sphere because small-scale communications, although often associated with subversive activities, could occur by night and allow information to travel throughout the city in forms such as *fama* and *rumores*.

In Chapter 2, I suggested that participation in public opinion differs from formal participation in politics and that, although the degree to which individuals could participate in public opinion varied, this variation could often be mitigated. Following Angius, I argued that *homines mediocres* likely performed a central role in this mitigative process, by participating regularly in large-scale communication in the Forum space and by subsequently disseminating this information through their strong and weak ties, via small-scale communication. While *homines mediocres* enjoyed a high level of participation in public opinion, demographic groupings such as (most) elderly men and women, and children, had the most inhibited experiences of participation in public opinion. Viewing participation in public opinion as a product of simply accessing opportunities for small- and large-scale communications allows for a complete reframing of our understanding of popular participation in politics during the Roman Republic and, by extension, of popular agency. As Chapter 4 showed, discourses between

tribunes and Rome's populace extended temporally and spatially beyond occasions for large-scale communications, reaching and involving a much more substantial proportion of Rome's populace than we might initially have imagined.

To achieve the second sub-objective, I proposed for the late Republic a Language of Public Opinion, which was used and understood by Rome's politicians and populace, and, by doing so, I identified the constituent elements of contemporary public opinion, how they were perceived and how they were thought to relate to one another. I suggested that varying levels between demographics of participation in public opinion are reflected in the lexical choices of political observers such as Cicero. Within this language, I demonstrated that difficult-to-discern elements, such as *voluntas*, were realised via *significationes*, which often ultimately served to deliver *iudicia*. I showed that *fama* and *rumores* were thought to function and convey information constantly, by night, over distances and through multiple persons. Despite the potential unreliability of these vehicles for information exchange, it is important that public opinion, and therefore Rome's public sphere, comprised elements that were conceived of in terms of their ability to relate information relative to temporal, spatial and social limitations. All of this points to a Roman populace that were distinctly conscious of and interested in the communicative parameters of the world in which they lived, and who could alter the methods by which they communicated to be effective depending on their need(s) and the context. As the case study of T. Munatius Plancus Byrsa in Chapter 4 showed, Rome's inhabitants were well prepared for and understood the reasoning behind switching quickly between diurnal and nocturnal communicative media.

My third sub-objective was achieved in Chapter 3, in which I delineated the position of the tribunate within Rome's public sphere, understood as the amalgamation of factors that

determined the institution's relationship with communications. I demonstrated that the tribunate as an institution and the individuals associated with it enjoyed a unique level of visibility and access to communicative opportunities, by virtue of the tribunate's geographically and politically central position, the relatively large number of tribunes in office each year and the prerogatives afforded by the *tribunicia potestas* and tribunician status. The process of realising the tribunate's position within Rome's public sphere ultimately allowed me to use the tribunate as an effective tool for analysing the ways in which politicians interacted with public opinion in Rome.

As the principal *rogatores* of legislation in the late Republic, *tribuni plebis*, who, among the types of magistrates and officials who possessed *potestas contionandi*, were the most numerous, had more reason and opportunity to engage in discursive processes with Rome's populace than any other of Rome's politicians.¹²⁰⁶ After a repositioning at an institutional level from the mid-70s BC, the tribunate and tribunes occupied a semi-permanent position at the Basilica Porcia, which allowed them an exceptional level of individual and institutional visibility, which extended to and was extended by their *apparitores*. Maintaining a recognised presence at the Basilica Porcia, which served as a tribunician backdrop for large-scale communications occurring at or near to the Rostra, may have also somewhat mitigated the effects of the localised living and communicative habits of Rome's populace. Such mitigation could easily have been achieved by virtue of the geographic centrality and proximity of this spot to many of Rome's *loci celeberrimi* and to the collectives, such as *homines mediocres*, who were largely responsible for mitigating disparities in participation in public opinion and thus of experiences of Rome's public sphere. The tribunate's institutional visibility was also

¹²⁰⁶ On quaestors and the *potestas contionandi*, see n. 311.

strengthened by the public participation of tribunician *candidati* and *designati* in small- and large-scale communications for the majority of each year. The fact that tribunes were the most frequent convenors of *contiones* meant that they, more than any other politician, were most likely to be engaged with and heard by the demographics who were otherwise marginalised from formal participation in politics.

Overall, the tribunate's position within Rome's public sphere can be characterised as highly visible, highly audible and highly engaged. Understanding of the tribunate's position in this way is only possible now due to the new methodological framework for defining a Roman public sphere, which was proposed in Chapter 1. Realised in this way, the tribunate and the actions of *tribuni plebis* can serve as a reference point for assessing, via the same methodological framework proposed herein, the quality of communicative positions occupied by other magistrates and officials at any given time.

The tribunate's position in Rome's public sphere meant that tribunes of the plebs could play their parts in the discursive processes between themselves, as politicians and members of Rome's governing elite, and Rome's populace in a unique way. In Chapter 4, I demonstrated that the discursive processes that occurred between tribunes of the plebs and Rome's populace had a recognised and understood set of components and characteristics, thus achieving the thesis' final sub-objective. The fact that the avenues, means and parameters of communication were recognised and understood by politicians and populace alike was evidenced in case studies discussed in Chapter 4, which saw interlocutors making informed decisions and taking actions based upon expectations of outcomes and assessments of public opinion. This common recognition and understanding of the parameters of the discursive process between populace and politicians shows that Rome's inhabitants thought about entities such as *fama*, *rumores*,

voluntas and *iudicia* and how, where and when they could interact with them. In other words, people at Rome in the late Republic thought carefully about public opinion and its functioning within Rome's public sphere, relative to themselves.

Most important among these components was the capacity of these discourses to facilitate real-time on-the-spot assessments and manifestations of public opinion and responses to it. In each of the main case studies in Chapter 4, I showed that tribunes repeatedly made on-the-spot decisions, such as to recontextualise spatially discourses, to convene *contiones* from dispersing audiences, or to respond to attendees' spontaneous verbal and physical communicative actions. These real-time decisions were informed by ongoing assessments of public opinion.

Attendees at occasions for large-scale communicative opportunities also understood the means by which they could deliver *significationes* at any time, and thus provoke or respond to tribunician actions. The fact that tribunes had to assess constantly public opinion and make on-the-spot decisions, often in reaction to *significationes* delivered in real-time before them, suggests that control of these discursive process never lay wholly with politicians and that Rome's populace enjoyed a regular and considerable degree of agency therein.

Although tribunes of the plebs and Rome's populace were the primary interlocutors, discourses between these groups were also characterised by the regular involvement of others, such as *apparitores* and invited guest speakers. Although *apparitores* enhanced the institutional and personal visibility and guest speakers could lend weight to a tribune's cause, the involvement of multiple interlocutors added an element of uncertainty and unpredictability, which presiding tribunes had to attempt to manage. Another element of uncertainty that characterised the discursive process was the prospect of tribunician misinformation. I suggest that the potential for unexpected outcomes and misinformation means that reluctance amongst

modern commentators to describe the interactions between politicians and populace as ritualistic is reasonable. Instead, it might be more accurate to describe them as processes in which a level of uncertainty was inherent; tribunes tried to manage this uncertainty within the understood parameters of Rome's public sphere.

The temporal breadth of Rome's public sphere and the presence of media and opportunities for nocturnal communication meant that discourses were not confined to large-scale communications and fixed locations but could occur overnight and throughout the city. Speed and temporal versatility characterised the discursive process. Rome's politicians and populace recognised the best times and spaces for communication, and opportunely capitalising on this common knowledge was just one way in which tribunes of the plebs could attempt to manage uncertainty.

Rome's public sphere was supported by, and public opinion functioned due to the interdependent relationship between small- and large-scale communications. Chapter 4 showed that Rome's politicians and populace were aware of the capacity for information to flow between small- and large-scale communicative occasions – a phenomenon that is a defining characteristic of the discursive process between tribunes and Rome's populace. The vital role played by small-scale communications in the discourses between tribunes and Rome's populace bespeaks a process that transcended the (possibly) ritualised boundaries of *comitia* and *concilia*, and thus which constituted a more accessible, dynamic, and meaningful line of communication between Rome's inhabitants and governing elite than might previously have been imagined.

In future, we can now consider information exchange and politics in Rome during the late Republic in a more structured way. The public sphere defined by this thesis provides us with parameters of understanding individuals' lived experiences in Rome and for contextualising

communicative processes relative to one another. The Language of Public Opinion offered here not only establishes a reference point for the components of contemporary public opinion and the language used to describe them, it also serves as a means for investigating how and to what extent different demographics were seen to be participating in public opinion, and, by extension, in politics. I suggest that a focus on *significationes* would be most fruitful for future research along these lines, given the few individualistic limitations on communication associated with that component of public opinion. Given the central position of the tribunate in Rome's public sphere demonstrated here, I suggest that future studies concerned with public opinion and communication should pay particular attention to this institution. Further attention in general to the tribunate during the Republic would also be invaluable, as it has been for other Republican magistracies.¹²⁰⁷ Finally, this thesis has shown that the discursive processes between tribunes of the plebs and Rome's populace, centred around public opinion and occurring within the understood parameters of a uniquely late-Republican public sphere, were more than ritualistic or symbolic. They were characterised by speed, temporal and spatial versatility and widespread participation. These characteristics suggest a more dynamic relationship between Rome's governing elite and populace, somewhat different to the rigid and clearly defined relationship espoused by some existing scholarship.¹²⁰⁸

¹²⁰⁷ For example, consuls: H. Beck, A. Duplá, M. Jehne, and F. Pina Polo (eds.) (2011), *Consuls and Res Publica: Holding High Office in the Roman Republic*, Cambridge; Pina Polo, F. (2011), *The Consul at Rome: The Civil Functions of the Consuls in the Roman Republic*; praetors: Brennan, T.C. (2000), *The Praetorship in the Roman Republic*, 2 Vols. Oxford; aediles: Daguet-Gagey, A. (2015), *Splendor aedilitatum: l'édilité à Rome (Ier s. avant J.-C.-IIIe siècle après J.-C.)*, Rome; quaestors: Pina Polo, F. & Díaz Fernández, A. (2019), *The Quaestorship in the Roman Republic*, Berlin.

¹²⁰⁸ See above, p. 4.

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