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The *plebs contionalis* – a perfect popular assembly participant?

Abstract: The writings of Cicero refer in various ways, often critically, to citizens who participated in *contiones*. Contemporary researchers refer to them as *plebs contionalis*, coined by Christian Meier. Although this term does not occur in the sources, many historians have concluded that it perfectly describes the citizens who regularly attended popular gatherings. The problem, however, is that the issues raised during the *contiones* were so varied, and these assemblies were held so often that it is hard to imagine that the average citizen could afford to attend them regularly. The author of the article analyses various aspects of this issue and confronts them with the views of other researchers, in order to reach a more general conclusion about the participants in these *contiones*.

Keywords: popular assembly, *plebs contionalis*, *contiones*

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Cicero makes reference to a number of references to popular assembly participants, which together comprise an interesting, though generally critical profile.¹ In their studies of Cicero's evidence, some modern historians conclude that while diverse descriptions were used by the orator, what he had in mind were specific bodies composed of citizens who, for various reasons, attended what was known as the *contiones*, possibly on a regular basis.

A new term was even coined by Christian Meier² in order to define the participants of such assemblies: the *plebs contionalis*.³ In fact nowhere to be found in the sources, Meier's term has been adopted by many historians,⁴ sharing his view that *plebs contionalis* was a perfect term with which to

¹ In his letter to Atticus dated July 61, Cicero presents a highly emotional account of the developments in the city: (*Att.* 1, 16, 11): 'Accedit illud, quod illa contionalis hirudo aerarii, misera ac ieiuna **plebecula**, me ab hoc Magno unice diligi putat'. Several years thereafter, in a letter to his brother describing Pompey's predicament of 56, the orator also mentions the participants of the assemblies, and this time he refers to them as the *contionarius populus* (*Qu. Fr.* 2, 3, 4): 'contionario illo populo a se prope alienato, nobilitate inimica, non aequo senatu, iuventute improba'. See H. Mouritsen, *From meeting to the text: The contio in the late Republic*, in: *Community and communication: Oratory and politics in republican Rome*, eds. C. Steel, H. van der Blom, Oxford 2013, p. 70. Elsewhere, Cicero calls the public assembly participants as follows: *turba et barbaria forensis* (*De orat.* 1, 118: 'haec turba et barbaria forensis dat locum vel vitiosissimis oratoribus'). See more on this topic in H. Mouritsen, *From meeting...*, p. 70, note 46. Cf. also Cic. *Flacc.* 17: 'Nostras contiones illarum nationum homines plerumque perturbant'. See F. Pina Polo, *Contra arma verbis: der Redner vor dem Volk in der späten römischen Republik*, Heidelberger althistorische Beiträge und epigraphische Studien 22, Stuttgart 1996, p. 129f. Cf. H. Benner, *Die Politik des P. Clodius Pulcher, Untersuchungen zur Denaturierung des Klientelwesens in der ausgehenden römischen Republik*, Stuttgart 1987, p. 79.

² Ch. Meier, *Populares*, in: *Real Encyclopedie Suppl.* X, 1965, col. 614, and idem, *Res publica amissa. Eine Studie zur Verfassung und Geschichte der späten römischen Republik*, Wiesbaden 1966, p. 114.

³ Rather than a detailed study on the sources, my purpose here is to provide a summary of the recently re-enlivened discussion among researchers on the topic of *contio* participants.

⁴ For instance P. J. J. Vanderbroeck, *Popular leadership and collective behavior in the late Roman Republic (ca. 80–50 B.C.)*, Amsterdam 1987, p. 86, and H. Mouritsen, *Plebs and politics in the late Roman Republic*, Cambridge 2001, pp. 40–41. See also J. Tan, *Contiones in the age of Cicero*, "Classical Antiquity" 2008, vol. 27, issue 1, p. 173.

profile those who participated in the *contiones*.⁵ So, it is worth readdressing this topic in an attempt to establish, if at all possible, who attended the popular assemblies. The role played by the *contiones* in the Roman Republic should be recalled as an important starting point, given that until recently they would not be studied in much detail by present-day historians,⁶ while a great deal of attention would be devoted to the *comitia* instead.

Naturally, there is a significant difference between the *comitia*⁷ assemblies and a *contio*. A *contio* – unlike the *comitia* – could be attended by any citizen (there, they would not be divided by *tribus* or *centuriae*). Interestingly enough, definitions provided by ancient writers⁸ show that

⁵ See F. Knopf, *Die Partizipationsmotive der plebs urbana im spätrepublikanischen Rom*, Berlin 2018, p. 255. As a *terminus technicus*, this description is used for instance by A. Jakobson, *Traditional political culture and the people's role in the Roman Republic*, "Historia" 2010, Bd. 30, p. 287.

⁶ Such studies were pioneered by F. Pina Polo in 1989, with more and more articles published on this topic ever since. For an overview of the key contributions see R. M. Frolov, *Sua sponte facere: The problem of legitimacy of the unauthorized contiones in Rome under the Republic*, in: *The traditional Mediterranean: Essays from the ancient to the early modern era*, eds. Jayoung Che, N. C. J. Pappas, Athens 2011, p. 188, note 1.

⁷ The *comitia* were popular assemblies where the people of Rome voted to elect magistrates; they also served as a legislative body, and as an appellate court in serious cases; also matters of war and peace were put to the vote there. A major difference lies in the fact that the *comitia* were attended according to a strict division, either by *tribus* (*comitia tributa*) or by *centuriae* (*comitia centuriata*). A *contio*, in turn, was an assembly convened by a magistrate. As it adopted no decisions, the participation of the entire *populus* was not required. For the *comitia* and elections in republican Rome see H. Appel, *Ite in suffragium. O wyborach w republikańskim Rzymie*, Toruń 2019.

⁸ For instance M. Valerius Messala Rufus, Verrius Flaccus, Sextus Pompeius Festus; for details, see R. M. Frolov, *Public meetings in ancient Rome: Definitions of the contiones in the sources*, "Graeco-Latina Brunensia" 2013, vol. 18, issue 1, pp. 75–84. The historian points out (p. 76) that the definitions come from different periods of Roman history and refer to different contexts in which assemblies were convened. At the same time, he emphasises (p. 77) that information provided by ancient writers must be treated with reserve as the nature of the *contiones* clearly evolved over time. He also draws attention to inaccuracies which may be found in some of the sources (p. 79). For the *contiones*, see in particular F. Pina Polo, *Procedures and functions of civil and military contiones in Rome*, "Klio" 1995, vol. 77, pp. 203–216, and *Las contiones civiles y militares en Roma*, Zaragoza

the term also meant a speech held there.⁹ There were no restrictive requirements concerning the participants of the *contiones*,¹⁰ and in fact the only precondition for a *contio* to take place was that a speech had to be given.¹¹ Such speeches would then be made public for those who were not present at the assembly.¹² Nevertheless, oral communications had the most significant role in the Roman Republic and the *contiones* were precisely the venue where many civic matters would be dealt with.¹³ Such matters were highly diverse in nature. For instance, this was where legislative bills (*rogationes*) were presented – first they were read, then magistrates were invited to the next assembly in order to defend or oppose the bill. This discussion (note that it was a discussion **among magistrates** who represented different views on the bills being presented) stretched over two debates during what was known as *trinundinum*.¹⁴ Then the bill could be put to the vote at the

1989. Of course, basic information may be found in the classic reference: W. Liebenam, *Contio*, in: *Real-Encyklopedie* 1900, Bd. 4, H. 1, pp. 1149–1153.

⁹ Gellius quotes Verius Flaccus in his argument (*NA*, 18, 7, 5–8): ‘Contionem autem tria significare: locum suggestumque, unde verba fierent, sicut M. Tullius in oratione, quae inscripta est contra contionem Q. Metelli: “escendi” inquit, “in contionem concursus est populi factus”; item significare coetum populi adsistentis, sicuti idem M. Tullius in oratore ait: “Contione saepe exclamare vidi, cum apte verba cecidissent. Etenim expectant aures, ut verbis conligetur sententia”; item orationem ipsam, quae ad populum diceretur’.

¹⁰ F. Pina Polo, *Procedures and functions...*, p. 207, emphasises that there was no control over who the *contiones* were attended by. Hence they could also include freedmen, slaves, foreigners, especially in the late republican period.

¹¹ See the definition of a *contio* according to R. M. Frolov, *Public meetings...*, p. 83.

¹² Cic. *Att.*, 7,8,5: *Habebamus autem in manibus Antoni contionem habitam X Kal. Ian.* For the ‘publication’ of such speeches, see H. Mouritsen, *From meeting...*, p. 64, note 5. Of course, not all speakers were interested in making their speeches public, and as far as we know, few of them did in the late republican period; see for instance Cic. *Or.* 132: ‘Sed Crassi perpauca sunt nec ea iudiciorum, nihil Antoni, nihil Cottae, nihil Sulpici; dicebat melius quam scripsit, Hortensius’.

¹³ F. Pina Polo, *Public speaking in Rome: A question of auctoritas*, in: *The oxford handbook of social relations in the Roman world*, ed. M. Peachin, Oxford 2011, p. 289; R. Morstein-Marx, *Mass oratory and political power in the late Roman Republic*, Cambridge 2004, p. 70, argues that the level of illiteracy among the citizenry was not so important as the *contiones* were mostly heard rather than read.

¹⁴ For the *trinundinum*, see A. W. Lintott, *Trinundinum*, “Classical Quarterly” 1965, vol. 15, pp. 281–285.

comitia held after the *trinundinum*.¹⁵ It could, but did not have to, be put to the vote, given that with no approval having been granted, a bill would not be voted on at all. Criminal cases were another reason for convening an assembly. According to the applicable procedure, a magistrate summoned the accused to appear at a *contio* (*iudicium populi*) where the case would be heard in a part of the proceedings known as the *anquisitio*, i.e. arguments ‘for and against’.¹⁶ Thus the citizenry could learn the details of the criminal case concerned and develop an opinion on the basis of the testimony presented. The *contiones* were also convened directly prior to the start of an electoral procedure at the *comitia tributa* or *centuriata*. Then, ‘the president of the assembly, instead of holding a speech as was the custom at assemblies convened for legislative or judicial purposes, merely recited a prayer formula and provided practical advice to the voters’.¹⁷ In a vast majority of cases, however, there was no link between the *contiones* and the *comitia*. Instead, the *contiones* were informative in nature; for instance, such assemblies served as a venue for presenting decisions adopted at the sessions of the senate (*senatus consulta*), to read drafts of edicts in public, and for censors to announce, for instance, the rules of the census.¹⁸ Triumphators, in turn, appeared before the people on the next day after their triumph in order to tell about their achievements.¹⁹ Also executions (other than those carried out at the Tullianum prison or executions of women) took place during the *contiones*.²⁰ This was where newly elected magistrates, on the next day after the election, thanked the people for their votes, and often used this opportunity to give *encomia* to their families in front of this particular audience.²¹ After one year in office, the same *magistrati* would also report on their activities at the *contiones*.²² Also augurs’ *nominatio* and

¹⁵ For more on this topic, see F. Pina Polo, *Procedures...*, p. 207.

¹⁶ For proceedings before a popular assembly, see W. Litewski, *Rzymski proces karny*, Kraków 2003, pp. 32–34. For the *iudicium populi*, see F. Pina Polo, *Procedures...*, p. 208f.

¹⁷ H. Appel, *Ite...*, p. 157.

¹⁸ Liv. 43, 14, 5.

¹⁹ Liv. 45, 40, 9.

²⁰ F. Pina Polo, *Procedures...*, p. 210.

²¹ Cic. *Lege Agr.* 2, 1. Plut. *Aem. Paul.* 11, 1.

²² Liv. 3, 54, 6; 7, 11, 9; App. *BC* 1, 104; Plut. *Cic.* 23, 2–3.

the selection of Vestal candidates took place at such assemblies organised for the people.²³ Furthermore, the *contio* was also used to hold *laudationes funebres*.²⁴

From the above it can be seen that matters addressed at the *contiones* were of most diverse nature, concerning the lives of the citizens, or politics. Interestingly, they even provided a stage for giving speeches to discredit political opponents.²⁵ Politicians were well aware of the fact that speaking at a *contio* would make them recognisable in the future.²⁶ Hence Fergus Millar is right to argue that a *contio* was a central element in Roman politics in the republican period, a venue of political debate and a key tool of communication with the people.²⁷ Of course, this tool could be used in a great variety of ways. In particular, this is clear in cases where the speakers were aware of the citizens' concerns and used this fact, for instance, in order to spread misinformation,²⁸ which would then be disseminated as gossip. Through their speeches, however, magistrates were also able to justify their political actions and thus strengthen their reputation.²⁹ It is worth noting that daily reports on the sessions of the senate, but also on the popular assemblies (*contiones*), were made public from 59 BC onwards when Gaius Julius Caesar acceded to the consulate.³⁰

²³ Gell. *NA*, 1, 12, 11.

²⁴ For more on such *laudationes*, see F. Pina Polo, *Procedures...*, p. 211.

²⁵ See for instance F. Pina Polo, *Contio, auctoritas and freedom of speech in republican Rome*, in: *Rome, a city and its empire in perspective: The impact of the Roman world through Fergus Millar's research*, ed. S. Benoist, Leiden–Boston 2012, pp. 45–58.

²⁶ See Ch. Rosillo-Lopez, *Political participation and the identification of politicians in the late Roman Republic*, in: *Institutions and ideology in republican Rome: Speech, audience and decision*, eds. H. van der Blom, Ch. Gray, C. Steel, Cambridge 2018, p. 72.

²⁷ F. Millar, *The crowd in Rome in the late Republic*, Ann Arbor 2002, pp. 219, 223. A similar argument is presented by R. Morstein-Marx, *Mass oratory and political power...* Cf. J. Tan, *Contiones...*, p. 164.

²⁸ See Cicero (*Leg. Agr.* 2, 10–19), who suggested that Rullus' bill would deprive the people of their liberty (*libertas*).

²⁹ Cic. *Leg. Agr.* 2, 1–10. Cf. R. Laurence, *Rumour and communication in Roman politics*, "Greece & Rome" 1994, vol. 41, p. 67.

³⁰ Suet. *Iul.* 20. Cf. Dio, 39, 21; Plut. *Cato* 40, *Cic.* 34.

Let us emphasise once again that speeches were what made the contiones the key information channel for the citizenry, but also a contact point between the senate and the people.³¹ What was undoubtedly most important about the contiones was the fact that even if bills were not put to the vote there, the purpose to organise such assemblies was precisely to persuade the people of the benefits of the proposed changes. Opponents, in turn, then had an opportunity to show how such changes did not benefit the people.³²

The contiones were usually convened by a magistrate, also a plebeian tribune, by using a power known as the *potestas contionandi*,³³ which included an absolute right to decide who could hold a speech during such assembly, and when.³⁴ The audience at the contiones was treated as a representation of the entire *populus Romanus*.³⁵ Present-day historians deliberate on who this *populus Romanus* was actually represented by, who this

³¹ F. Pina Polo, *Contio, auctoritas...*, p. 51.

³² For a discussion of how, after listening to one speaker, people would attend the opponent's assembly, see M. Jehne, *Feeding the plebs with words: The significance of senatorial public of oratory in the small world of Roman politics*, in: *Community and communication: Oratory and politics in republican Rome*, eds. C. Steel, H. van der Blom, Oxford 2013, p. 49f.

³³ F. Pina Polo, *Public speaking...*, p. 286, regards as unlikely the information provided by Festus (p. 38L) that the same powers were vested in priests. The summary presented by J. Tan, *Contiones...*, pp. 188–200, shows that in the late Roman Republic, the *contiones* were convened by consuls, plebeian tribunes, aediles, as well as by *privati*. F. Pina Polo, *Magistrates-elect and their potestas contionandi in the Late Roman Republic*, "Historia" 2016, Bd. 65, H. 1, pp. 66–72, argues that *magistri-designati* could also convene a *contio*, but seldom used that power.

³⁴ For a discussion of the terms (and origins thereof): *contionem dare, producere in contionem, ius contionandi* etc., see F. Pina Polo, *Procedures...*, p. 205; Ch. Rosillo-Lopez, *Popular public opinion in a nutshell: Nicknames and non-elite political culture in the late Republic*, in: *Popular culture in the ancient world*, ed. L. Grig, Cambridge 2017, p. 92: 'In Rome freedom of speech existed, but not freedom of public speaking, since magistrates controlled public discourse in the contiones [...]'.
³⁵ Sall., *Iug.*, 31, 20: 'Vos autem, hoc est *populus Romanus*'. See F. Pina Polo, *Contra arma verbis: der Redner vor dem Volk in der späten römischen Republik*, Heidelberger althistorische Beiträge und epigraphische Studien 22, Stuttgart 1996, p. 128. G. Laser, *Populo et scaenae serviendum est. Die Bedeutung der städtischen Masse in der späten römischen Republik*, Trier 1997, p. 139.

‘model citizen’ was, interested in Roman matters to the extent that they attended various contiones, possibly on a regular basis, and whether or not such ‘model’ existed at all.

As already pointed out, Ch. Meier concludes that there was a particular group of citizenry who attended the contiones, and calls it the *plebs contionalis*. In his view, it was mostly composed of the representatives of the urban plebs (plebs urbana), in particular of tabernarii and opifices, i.e. shopkeepers and craftsmen working near the Forum.³⁶ He believes it to have been typical for subversive (aufrührerische) plebeian tribunes to order the closure of taverns at key moments of political life. The *plebs contionalis* was therefore a section of the plebs urbana characterised by a particular interest in politics and participation therein.³⁷ What the German historian clearly has in mind is the particular period in the history of the Roman Republic when P. Clodius Pulcher sought support from the urban plebs and ordered taverns to be closed.³⁸ What Meier’s term seems to suggest is that there might have been, as such, a group which participated in the contiones on a regular basis and supported the political objectives of various politicians. Serious doubts concerning this matter were expressed by H. Mouritsen, who criticises Meier, not least for his failure to take account of the fact the contiones were held at various venues, not only at the Forum, but also at the Capitoline Hill or Circus Flaminius, which in his view might have been relevant, considering that different venues ‘attracted quite

³⁶ Ch. Meier, *Populares...*, pp. 560, 614. Cf. idem, *Res publica...*, pp. 114–115. Cf. P. J. J. Vanderbroeck, *Popular leadership...*, pp. 86–103.

³⁷ Ch. Meier, *Populares...*, p. 614: ‘In erster Linie aus diesen tabernarii... rekrutierte sich aller Wahrscheinlichkeit nach die *plebs contionalis*, d.h. der eigentliche Partner der p. (populares) innerhalb des Volkes’. Cic. *Acad.* 2, 144: ‘Quid me igitur, Luculle, in invidiam et tamquam in contionem vocas, et quidem, ut seditiosi tribuni solent, occludi tabernas iubes? Quo enim spectat illum cum artificia tolli quereris a nobis, nisi ut opifices concitentur?’. R. Morstein-Marx, *Mass oratory and political power...*, p. 129, emphasises that shop closures were relatively rare and most often happened in the context of a *iustitium* declaration.

³⁸ See M. Tröster, *Roman politics and the whims of the crowd: The plebs contionalis revisited*, “Latomus” 2013, vol. 72, issue 1, p. 129; cf. F. Knopf, *Die Partizipationsmotive...*, p. 251: ‘Die wesentlichen, als Beleg dienenden Berichte über die Schließung der Buden gehören allesamt in einen clodianischen Kontext’.

different audiences'.³⁹ Furthermore, 'the concept of a *plebs contionalis* creates more problems than it solves'⁴⁰ as it is unlikely that anyone would be willing to participate on a regular basis in an assembly where they would have no right to vote. Mouritsen believes that the factor of time and resources must have posed a yet more serious problem as the contiones were held very frequently, sometimes even on a daily basis, and it also happened that various magistrates convened their respective contiones on the same day.⁴¹ Working people could not afford such a 'waste' of time, especially that some assemblies would be convened just one day in advance and rearranging one's daily duties at such a short notice was difficult. According to Mouritsen, the conclusion is clear: the contiones were attended by those who had time and money, which in fact means that political life was simply dominated by the ruling classes. He also believes that the very nature of the matters addressed at the contiones showed that plebeians were not the key participants of such assemblies.⁴² Mouritsen believes it unlikely that the Roman elite, who disregarded this particular social stratum (plebeians), should have allowed it to control the legislative process⁴³. He further emphasises that the term *plebs contionalis* 'implies regular participation in events held almost daily over extended periods. In that case their political activity becomes a full-time occupation rather than an occasional pastime'.⁴⁴ Mouritsen clearly places attendance at the contiones in a much broader context than Meier did.

It needs to be emphasised that popular assemblies provided neither a place for free political debate or an opportunity to exchange views; they

³⁹ H. Mouritsen, *Plebs and politics...*, p. 40. R. Morstein-Marx, *Mass oratory and political power...*, p. 59, rightly argues that both venues lay at a distance of approx. one kilometre from the Forum, which makes Mouritsen's argument unconvincing.

⁴⁰ H. Mouritsen, *Plebs and politics...*, p. 42.

⁴¹ Cic., *Mil.* 12, *Cluent.* 93, 103; *Marc.* 27, *Verr.* 2, 3, 223. For a discussion of *cotidianis contionibus* held after Clodius' death in 52, see Asc. 51C; cf. Cic., *Brut.* 305–306. See H. Mouritsen, *Plebs and politics...*, p. 42; cf. R. Morstein-Marx, *Mass oratory and political power...*, p. 131.

⁴² H. Mouritsen *Plebs and politics...*, pp. 43–46.

⁴³ Idem, *Politics in the Roman Republic*, Cambridge, 2017, p. 63.

⁴⁴ Ibidem, p. 75.

are compared to a political rally rather than a discussion forum by contemporary historians.⁴⁵ One cannot forget, however, that no political event could take place without notifying the people at a *contio*,⁴⁶ which clearly strengthened its importance. There is evidence that, especially in the late Roman Republic, political leaders would seek the favour and support from the plebs, which is why through their speeches at the *contiones*, speakers strived to win over this particular audience. As emphasised by J. Tan, ‘there was a demonstrated tendency for some politicians to address the plebs more often than others, and this shows that [...] the involvement of the plebs urbana in Roman politics was not a matter of course but a matter of choice’.⁴⁷ Hence it is difficult to agree with Mouritsen’s view that the *contiones* were mostly attended by an upper-class audience, given that the representatives of various classes must have been involved.

What was it then that might have linked those citizens who chose to attend the *contiones* rather than spend their time attending to their business affairs or simply enjoying their *otium*? The speaker himself, who depended on his audience, may have been this factor.⁴⁸ Without microphones, it was only the audience’s discipline that allowed an assembly to be held effectively. Therefore, Mouritsen suggests that the assemblies were mostly frequented by the speaker’s supporters, whose presence made such discipline possible. And the speaker himself, or more precisely the special recognition which he enjoyed among citizens, might have been what linked the *contio* participants together.

In reference to some assemblies, such arguments are presumably right, and there is no way to doubt that the speaker’s personality played a considerable role in making a decision on whether or not to go to a specific *contio*. At the same time, however, let us recall that the *contiones* had a number of functions, and that in addition to those held for information

⁴⁵ H. Mouritsen, *Plebs and politics...*, p. 52: ‘In general the character of a *contio* appears to have been closer to a partisan political manifestation than to a public debate’. Cf. R. Morstein-Marx, *Mass oratory and political power...*, p. 185, note 108.

⁴⁶ For underestimation of this fact by Mouritsen, see M. Tröster, *Roman politics...*, p. 130.

⁴⁷ J. Tan, *Contiones...*, p. 172.

⁴⁸ H. Mouritsen, *Plebs and politics...*, p. 47f.

purposes, there were also assemblies at which bills were presented and subsequently put to the vote. The latter were presumably attended by citizens with a particular interest in matters pertaining to the bills proposed (rather than a specific speaker), which might have affected them directly. There, the main role of a magistrate was to figure out what people thought of the proposed solutions, monitor citizens' responses, and to keep track of any change in mood. This would be possible where the audience's reactions were emotional and their response spontaneous.⁴⁹ Where a specific proposal met with the disapproval of the assembly participants, the magistrate in charge had to catch on quickly and decide whether or not, how and at what cost any change of position was feasible. We know that many proposals were eventually withdrawn, most often those concerning agricultural laws or the granting of citizenship. That was why, from the point of view of the political elite, the contiones were an important place of interaction between the aristocracy and the people.⁵⁰

There is, however, no precise knowledge as to who the people were represented by at the contiones. Did the speakers address the same audience every time, or did the composition depend on the topic at hand? Morstein-Marx points out that, should the *plebs contionalis* be composed mostly of the representatives of the plebs urbana as proposed by Meier, they would have had rather little interest in the matters of land distribution, which was so often the reason for convening the contiones. For Morstein-Marx, 'this leads to the paradoxical conclusion that "a large part of the program of the popular leaders did not fit the needs and expectations of the *plebs contionalis*"'⁵¹.

Martin Jehne, in turn, is right in pointing out that, in addition to financial independence, so important for the 'upper-class audience' mentioned by Mouritsen, there might have been other relevant factors which were decisive for participation in the contiones. He also emphasises that

⁴⁹ See for instance Ch. Döbler, *Politische Agitation und Öffentlichkeit in der späten Republik*, Frankfurt 1999, p. 201.

⁵⁰ See E. Flaig, *Zrytualizowana polityka. Znaki, gesty i władza w starożytnym Rzymie*, Poznań 2013, p. 197ff.

⁵¹ R. Morstein-Marx, *Mass oratory and political power...*, p. 129.

‘Whoever went to the assemblies could not expect to unfold deep influence on the decision making because he would spend most of his time with applauding to others and expressing his consent with the proposals, and most people would accept this as an integrated part of their role. He did, however, participate of the final decision of the people and thereby the rule over the Roman world’.⁵² Like Mouritsen, he believes that the assemblies were attended primarily by those who lived close enough to the Forum (or another venue where a *contio* was held) to get there on foot. He takes the view that close proximity was a prerequisite for participating in a *contio*, and the participation itself might have become ‘a part of their life style’. They were not, however, the only audience; M. Jehne believes that specific assemblies were also attended by clients and followers of the magistrate who conducted the *contio*, regardless of how far they had to walk in order to get there. This group, he believes, might be referred to as ‘semi-professional *contionales*’, their key characteristic being friendliness and an ever-positive attitude towards the speaker. Thus in this matter, Jehne clearly agrees with Mouritsen.

Discipline was an extremely important issue, or even a ‘question of honour’ for the audience participating in an assembly. Jehne is convinced that the ‘*plebs contionalis* was the partner of the aristocratic politicians in producing legitimacy for their decisions and the hierarchical order of society’.⁵³ Interestingly, he even believes that the *plebs contionalis* was also an important group in the context of electioneering. And since the same citizens kept turning up, they were also well-known to the nomenclators, whose services were often used by magistrate candidates. It was therefore the group which the candidates sought to impress during the campaign, presumably because such citizens had a significant influence on shaping the views of those who (for various reasons) were absent from the assemblies. M. Jehne is convinced that there was a regular group of assembly participants which may be described as the *plebs contionalis*, not necessar-

⁵² M. Jehne, *Who attended Roman assemblies? Some remarks on political participation in the Roman Republic*, in: *Repúblicas y ciudadanos: modelos de participación cívica en el mundo antiguo*, eds. F. Marco Simón, F. Pina Polo, J. Remesal Rodríguez, Barcelona 2006, p. 230.

⁵³ Idem, *Who attended...*, p. 233.

ily with an upper-class representation. He emphasises, however, that the *contiones* had a predominantly ritual dimension, which might have been a relevant factor for participation. Furthermore, members of the people addressed by the speaker felt honoured, or flattered by his words.⁵⁴

Other present-day historians have also noticed that when speaking at the *contiones*, each speaker, regardless of his views, was (or became) a supporter of the people (*popularis*).⁵⁵ Morstein-Marx even regards this state of affairs as an ‘ideological monotony’, given that the assemblies were dominated by what might be described as a ‘popularis ideology’ or even ‘contional ideology’.⁵⁶ Politicians who wished to secure an influence over the general public might simply have availed themselves of rhetorical manipulation. Nevertheless, according to Yakobson, we should believe that ‘the contemporary popular audience of contional speeches should not be conceived as lacking all political discernment and wholly at the mercy of elite manipulators’.⁵⁷

Avoiding such manipulation, however, was not always possible, a perfect *exemplum* of which is present in those of Cicero’s speeches which were delivered in opposition to Rullus’ agrarian legislation. This issue, so difficult for the senators, was addressed by the orator at the onset of his term as a consul in 63 BC. According to Rullus’ bill, *ager publicus* was to be distributed among the people, and should there be shortage of land, additional purchases would be handled by decemvirs with special powers, appointed

⁵⁴ Idem, *Feeding the plebs...*, p. 59.

⁵⁵ R. Morstein-Marx, *Mass oratory and political power...*, pp. 206, 229–240; cf. J. Tan, *Contiones...*, pp. 164–172; A. Yakobson, *Traditional political...*, p. 293ff. Here, one should take note of the ongoing discussion among researchers ‘of the importance of the people as electorate and of oratory as a means of persuading the electorate’. For an overview of this discussion, see H. van der Blom, *Cicero’s role models*, Oxford 2010, p. 13.

⁵⁶ R. Morstein-Marx, *Mass oratory and political power...*, p. 239; J. Tan, *Contiones...*, p. 168, emphasises that there were as many as three *popularis contiones* for each *antipopularis contio*. Clearly, populares simply saw the need for a *contio* much more frequently.

⁵⁷ A. Yakobson, *Traditional political...*, p. 297. He quotes R. Morstein-Marx (*Mass oratory and political power...*, p. 210), who argued that there was nothing particularly Roman in politicians’ rhetorical manipulation; he, in turn, writes (p. 294) that ‘the possibilities of manipulation available to Roman politicians, who did not wear a formal political label, were greater’.

by 17 *tribus* chosen by lot. Such powers included the right to purchase arable land across Italy. Against this bill, Cicero held a brief speech before a popular audience at a *contio*, pointing out its damaging consequences, should it become law. Interestingly, the orator used various arguments with no direct reference to the bill itself. He emphasised repeatedly that he was a friend of the people⁵⁸ and argued that Rullus wished to deprive them of their liberty. He, in turn, as a consul, should be the one whom the people put their trust in. After Cicero, Rullus took the floor and presented the consul as a protector of the Sullans' interests, who opposed the agrarian reform. Cicero therefore spoke again and beat Rullus with his own weapons by resorting, like Rullus, to arguments *ad hominem*. Eventually, Rullus decided not to put his bill to the vote, and there is no doubt that the speeches held at the *contio* contributed to such an outcome, and no one other but Cicero convinced the people not to endorse Rullus' *lex agrari-an*.⁵⁹ One should note that the orator addressed this topic at the very first *contio*, where he was mainly expected to thank the people for his consulship. One may only speculate that the citizenry present for the occasion were very positively disposed towards the speaker, a newly elected consul. Among the arguments used by Cicero, special attention should be drawn to his references to liberty (*libertas*), and particularly to *auctoritas*⁶⁰ of the

⁵⁸ Cicero argued that he was a true supporter of the people (*popularis*) as he defended the fundamental rights of the Roman people, see C. Guido, *Democracy without the people: The impossible dream of the Roman oligarchs (and of some modern scholars)*, "Quaderni di storia" 2018, vol. 87, p. 106; A. Jakobson, *Traditional political...*, p. 297.

⁵⁹ For Cicero's tactics, see R. Morstein-Marx, *Mass oratory and political power...*, p. 191ff.

⁶⁰ Cic. Agr. 2,16: 'quae cum, Quirites, exposuero, si falsa vobis videbantur esse, sequar auctoritatem vestram, mutabo meam sententiam'. Cf. Cic., *Rab. Perd.* 5: 'Deinde vos, Quirites, quorum potestas proxime ad deorum immortalium numen accedit, oro atque obsecro, quoniam uno tempore vita C. Rabiri, hominis miserrimi atque innocentissimi, salus rei publicae vestris manibus suffragiisque permittitur, adhibeatis in hominis fortunis misericordiam, in rei publicae salute sapientiam quam soletis'. Cf. M. Jehne, *Feeding the plebs...*, p. 58f. See G. Laser, *Populo et scaenae serviendum est...*, p. 142. In his speeches, Cicero addressed the people with the following phrases: *vestrum imperium* (Cic. *Manil.* 10, 14, 41; *Leg. Agr.* 2, 35; *Cat.* 3, 26; *p. red. ad Quir.* 9) *vestra res publica* (Cic. *Leg. Agr.* 2, 87; *Flacc.* 3, 99) *vestra salus* (e.g. *Leg. Agr.* 2, 103; *Cat.* 4, 23).

people, which definitely must have made the latter feel flattered. And as M. Jehne points out, ‘the only chance for ordinary citizens to have *auctoritas* was by participating in the political rituals of the *populus Romanus*’.⁶¹ He takes the view that recurring emphasis on the importance of the voice of the people, without which no final decision could be made, must have been a sufficient reason or incentive to attend the *contiones*. At the same time, however, he emphasises that ‘...if someone from among the listeners wanted to extract from the collective *auctoritas* some personal *auctoritas* for himself, this was a threat for the whole system’.⁶² And in order to corroborate his observation, he quotes the story of P. Scaptius, who dared hold a speech of his own at a *contio* against the consuls’ will, after which the people voted in line with Scaptius’ position. The magistrates were outraged by his conduct⁶³ as it was a matter of course that the participants of the Roman *contiones* were expected to have the *salus rei publicae* rather than their own interest at heart.

Jehne’s observations, although right in general, seem a bit too idealist. From the image which he presents, the *plebs contionalis* appears to be a peaceful, balanced social group who knew their place, and the only incentive to participate in the *contiones* was a ritual which allegedly made the members of that group feel important and useful for Rome. In other words, they would be the model citizens. In practical terms, however, one cannot rule out that among regular assembly attendants, there were also people who, for want of something better to do, participated in the *contiones* simply to kill some time, and politics was not why they turned up, as Knopf rightly points out.⁶⁴ He also draws attention to one more category of regu-

⁶¹ M. Jehne, *Feeding the plebs...*, p. 60. Cf. idem, *Methods, models, and historiography*, in: *A companion to the Roman Republic*, eds. N. Rosenstein, R. Morstein-Marx, Malden, Mass. 2006, p. 21.

⁶² Idem, *Feeding the plebs...*, p. 60.

⁶³ For a full account of the story of 446, see Liv. 3, 71–72. Livy calls Scaptius a *contionalis senex* and *auctor cupiditatis*. See M. Jehne, *Scaptius oder der kleine Mann in der grössen Politik. Zur kommunikativen Struktur der contiones in der römischen Republik*, “*Politica Antica*” 2011, vol. 1, pp. 59–87. Cf. idem, *Feeding the plebs...*, pp. 60–61.

⁶⁴ F. Knopf, *Die Partizipationsmotive...*, p. 252; H. Benner, *Die Politik des P. Clodius Pulcher...*, p. 78f, shares this view. He believes that *tabernarii*, who are mentioned by

lars, namely young men (*iuvenes*), for whom participation in the *contiones* and listening to the speeches held there was a lesson in civic education of sorts. Another group of participants were *rustici*, who usually worked on their farms on a daily basis. It seems that they only participated in those assemblies where the topics were of direct concern to them.

It seems, therefore, that not only the number, but also the composition of the *contio* participants varied, depending on the circumstances, or the speaker's personality and commitment, and particularly on the topics addressed at the assembly. The sources show that a magistrate could expect a positive response particularly at those *contiones* which he himself had convened,⁶⁵ and therefore magistrates preferred convening their own assemblies to responding to an opponent's invitation.⁶⁶ For citizens, this factor must have been of great importance, as well.

Many contemporary historians use Meier's term *plebs contionalis* simply to describe the participants of the *contiones*, without necessary acknowledging that there was in fact a regular group (similar to Clodius' gangs of armed men) present at every assembly. It should be noted that *contio* attendance could range from several hundred up to several thousand participants, and it is difficult to imagine that they constituted a homogeneous group of citizens. An interesting fact, however, is pointed out by Pina Polo. In a *contio* scenario, 'selbst wenn der Redner einen besonderen Ruf genoss, konnte seine Botschaft nie so viele Empfänger erreichen, wie es heutige Medien vermögen', and its atmosphere provided the participants with a sense of group belonging and made it easier for them to embrace and pass on the message of the assembly. In particular, this was observable

Meier as regular participants of the *contiones*, were too occupied with their own affairs to give them up for the sake of issues dealt with at the assemblies. He takes the view that *homines non occupati*, referred to by Cicero as *homines venales* (*Sest.* 134), might have been the regular *contio* participants instead, cf. Cic., *Cael.* 21: 'Nam quae sit multitudo in foro, quae genera, quae studia, quae varietas hominum, videtis'.

⁶⁵ M. Tröster, *Roman politics...*, p. 133.

⁶⁶ This happened, for instance, in the above case of Rullus, who had prepared himself to refute Cicero's objections against his *lex agraria* and did not speak out against the latter until at the *contio* which he himself convened rather than directly after Cicero's speech during which his name turned up, see. Plut. *Cic.* 12, 6.

in the 50s when Clodius operated by mustering up groups from the lower walks of life. ‘Während dieser Zeit können wir vielleicht von einer *plebs contionalis* mit einem Gruppenbewusstsein sprechen’. Pina Polo emphasises that Clodius’ strategy was precisely to let the plebs think that their role was special. In this way, they could become an instrument of pressure on the political elites.⁶⁷

Nevertheless, in the world of the earlier Republic, such as the 70s, the *plebs contionalis*, or the ‘politicised part of the Roman *populus*’, could not, as Dzino rightly argues,⁶⁸ have been composed of the lower strata of the Roman society. He takes the view that ‘We should not overlook the power of public awareness amongst the Roman *populus*. They looked not only to gain personal benefits but also often had in mind the good of the state. This is additional reason why they supported decisions they regard as morally right, such as the fight against judicial corruption or more honest administration of the provinces’.

It is therefore obvious that both the nature of and the attendance at the popular assemblies changed over time and under various circumstances,⁶⁹ and with a limited body of evidence, we cannot afford to form clear-cut conclusions.⁷⁰ At the same time, one cannot rule out an argument that those participants who lived close to the place where the assemblies were held turned up there more frequently than others. Nevertheless, it is difficult to regard them as model citizens interested in politics and Roman

⁶⁷ F. Pina Polo, *Contra arma...*, p. 133.

⁶⁸ D. Dzino, *Annus mirabilis: 70 BC re-examined*, “Ancient History” 2002, vol. 32, issue 2, p. 107.

⁶⁹ This topic is discussed convincingly by C. Tiersch, *Politische Öffentlichkeit statt Mitbestimmung? Zur Bedeutung der contiones in der mittleren und späten römischen Republik*, “Klio” 2009, vol. 91, pp. 40–68. For problems in determining the share of new citizens after the Social War, see C. Guido, *Democracy without the people...*, p. 117. M. Tröster, *Roman politics...*, p. 134: ‘Roman politics was by no means a cosy world controlled by awe inspiring nobles and their coteries. Rather it was a dynamic and highly volatile business’.

⁷⁰ T. P. Wiseman, *Remembering the Roman people: Essays on late-republican politics and literature*, Oxford 2009, p. 3, is right to argue that ‘our vision of the Roman republic is disproportionately influenced by the works of Cicero, a man whose attitudes were largely unsympathetic to that tradition. If we are to do it justice, we have to work hard to find other sources of information’.

affairs. Thus Knopf is right to conclude⁷¹ that the problem lies in what motivated the people to participate in the *contiones* and what the expected role of regular assembly frequenters in Rome's political culture was rather than whether or not there was a *plebs contionalis*. That is why a well-motivated frequenter of the assembly could be its perfect participant.

⁷¹ F. Knopf, *Die Partizipationsmotive...*, p. 255.