

TWO NEW BOOKS ON ROMAN REPUBLICAN POLITICAL CULTURE

I

The Roman Republic: Government of the People, by the People, for the People?*

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Fergus Millar, *The Crowd in Rome in the Late Republic*, Thomas Spencer Jerome Lectures 22, Ann Arbor: The University of Michigan Press, 1998. xvi + 236 pp. ISBN 0-472-10892-1.

Is it altogether fitting and proper that a critical assessment of a book on the political system of the late Roman Republic should begin with an allusion to Abraham Lincoln, his Gettysburg Address and its famous final phrase? After all, Fergus Millar (M.) himself — in the second of a series of articles¹ which initiated a lively and still ongoing debate on the political culture of the *res publica*² — claimed that it was not his intention ‘to attempt to restore the Roman people to their proper place in the history of democratic values’ — although the ‘elements of a popular, even a democratic, tradition and

* I should like to thank Elke Stein-Hölkeskamp and Uwe Walter for valuable suggestions.

¹ ‘The Political Character of the Classical Roman Republic, 200-151 B.C.’, *JRS* 74 (1984), 1-19; ‘Politics, Persuasion and the People before the Social War (150-90 B.C.)’, *JRS* 76 (1986), 1-11; ‘Political Power in Mid-Republican Rome: Curia or Comitium?’ *JRS* 79 (1989), 138-50; ‘Popular Politics at Rome in the Late Republic’, in *Leaders and Masses in the Roman World. Studies in honor of Z. Yavetz*, ed. I. Malkin, W.Z. Rubinsohn, Leiden 1995, 91-113 (quoted as M. 1984; 1986; 1989; 1995); *id.*, ‘The Roman *Libertus* and Civic Freedom’, *Arethusa* 28 (1995), 99-104.

² Cf. most recently E. Flaig, ‘Repenser le politique dans la République romaine’, *Actes de la Recherche en Sciences Sociales* 105 (Dec. 1994), 13-25; A. Yakobson, ‘Mid-Republican Rome and Popular Politics’ (review article on R.F. Vishnia, *State, Society and Popular Leaders in Mid-Republican Rome 241-167 B.C.*, London 1996), *SCI* 16 (1997), 152-58; J. von Ungern-Sternberg, ‘Die Legitimitätskrise der römischen Republik’, *Hist. Zeitschrift* 266 (1998), 607-24.

ideology in a Roman context could easily be put together even from the evidence we have' (1986, 9). Still earlier, he seemed to be in doubt — rightly, in the opinion of the reviewer — whether it is at all 'worth trying to argue that Rome was a democracy' (1984, 2). However, M. has frequently returned to the problem of a suitable label for the Republican system³ — and now, in his new book under consideration here, he brings himself to the statement that this system at least deserves 'serious consideration ... as one of a relatively small group of historical examples of political systems that might deserve the label "democracy"' (11). This is the main recurrent theme of the book (125, 205, 208 sq., etc.), and M. devotes the whole final chapter to the question: 'What Sort of Democracy?' His answer is less than surprising: 'however hesitant we may be to allow the name of democracy to a system whose structural weaknesses and contradictions were so profound', it is his 'central argument' that 'any valid assessment of the Roman Republic must take account of the power of the crowd' (225), and that makes the *res publica*, as M. at least for once states unambiguously and without reservations, 'a direct democracy, not a representative one' (209; cf. 1995, 94).

Thus, M. returns to the well-known central argument that the (sort of) 'democratic' *res publica* and its 'constitution' were generally based on and practically geared to the 'sovereignty' of the *populus Romanus* (4, 69, 92, 188, 215 and *passim*). The people regularly and effectively exercised their power as 'sovereign body' in the various forms of voting assemblies — in the more 'egalitarian' *comitia tributa* as well as in the *comitia centuriata*, 'class-structured' though they were.⁴ M. keeps reminding us that the *populus Romanus* in the assemblies annually elected the holders of more than fifty public offices — not only consuls and praetors, aediles and quaestors, but also 24 *tribuni militum* as well as, occasionally, priests and the *pontifex maximus*, and above all, ten tribunes of the *plebs* (5, 46, 74 sq., etc.). Secondly, by the late Republic, even the residual role of the *comitia* to sit as criminal courts had not become entirely obsolete. M. once again emphasizes repeatedly that it was the people in legislative assemblies that had 'the formal and exclusive right' (41; cf. 11, 209 sq.) to pass binding decisions on an unlimited range of political issues, including not only *leges agrariae* and other practical matters, but also laws on extraordinary commands and on constitutional and other issues of momentous consequence. For M., it is this 'exclusive right' to pass legislation which 'is by far the strongest reason

³ 1984, 18f.; 1986, 5; 1995, 94, 100, 111.

⁴ Cf. also A.W. Lintott, 'Democracy in the Middle Republic', *ZSS* 104 (1987), 34-52.

why, in purely formal terms, the Roman *res publica* has to be characterized as a democracy' (210).

It is to be doubted, however, that this picture — and indeed the very question that it purports to answer — leads us anywhere. On the contrary, arbitrary decisions and declarations for or against a label for the 'constitutional' order of the *res publica*, together with the debate about concepts and their meanings, have tended to obscure rather than clarify the real issues. What should be put on the agenda now is a sort of 'thick description' of the political culture of the (late) Republic, its structures, 'weaknesses and contradictions'.⁵ It is only in such a context that it may eventually make sense to discuss the appropriate conceptualisation of this highly complex socio-political system. With regard to such a project,⁶ M.'s formalist and, in a way, reductionist definition of 'democracy' as a 'constitution' in a narrow, 'modern' sense of the concept may turn out to be a liability rather than an asset. Interestingly enough, M. is very critical — and rightly so — when it comes to questioning the applicability of concepts such as 'elite', 'governing class', 'oligarchy' and, particularly, 'aristocracy' with its spate of connotations from birth and blue blood to hereditary titles. Obviously, if only implicitly, he takes issue with Sir Ronald Syme who laid down the law with magisterial and indeed 'aristocratic' confidence: 'In all ages, whatever the form and name of government, be it monarchy, republic, or democracy, an oligarchy lurks behind the façade; and Roman history, Republican or Imperial, is the history of the governing class'.⁷ M. is less critical, however, when it comes to reflecting upon his own concepts such as 'democracy' and 'constitution'. He does not bother to consider the merits of 'constitutional history' in the Mommsenian tradition, its methods, aims and limits,⁸ nor does

⁵ Cf. for an interesting new approach A. Wallace-Hadrill, 'Mutatio morum: The Idea of a Cultural Revolution', in *The Roman Cultural Revolution*, eds. Th. Habinek and A. Schiesaro, Cambridge 1997, 3-22.

⁶ Cf. Nicolet, *Le métier de citoyen dans la Rome républicaine*, Paris 1976 (English ed.: *The World of the Citizen in Republican Rome*, London 1980), is the most important general contribution to such a project to date.

⁷ R. Syme, *The Roman Revolution*, Oxford 1939, 7; cf. also *id.*, 'Oligarchy at Rome: A Paradigm for Political Science', in *Roman Papers*, vol. VI, ed. by A.R. Birley, Oxford 1991, 323-37.

⁸ Cf. J. Bleicken, *Lex publica. Gesetz und Recht in der römischen Republik*, Berlin, etc. 1975, 16 sqq.; K.-J. Hölkeskamp, 'Zwischen "System" und "Geschichte"'. Theodor Mommsens *Staatsrecht* und die römische 'Verfassung' in Frankreich und Deutschland', in *Die späte römische Republik — La fin de la république romaine. Un débat franco-allemand d'histoire et d'historiographie*, ed. H. Bruhns et al., Rome 1997, 93-111, with further references.

he discuss the results or analytical potential for further research which the more modern variants of 'constitutional history' may have to offer.⁹

A 'thick description' needs to start from a more fundamental level and take a comprehensive view of all relevant factors, and in particular it needs to take their interdependence and interaction into account. Such a view must include not only the 'formal structures', institutions and procedures for decision-making, but also social conditions, informal hierarchies and other factors that determine the day-to-day working of politics as well as the actual subject matter of policies and politics, the issues at stake, the concrete conflicts, their results and repercussions. This is what was called a (descriptive) 'grammar of politics', defined and analysed by Chr. Meier in his classic book on the 'Republic lost' in the first century B.C.¹⁰ — one of the important contributions to the present debate which M. mentions only to dismiss it (ix, 5, 6). Above all, a 'thick description' of a political culture must include an analysis of its ideological foundations, its capacity to construct and maintain a collective identity; the underlying patterns of values, convictions, expectations and rules of behaviour as well as the specific means and media of their symbolic expression, the rituals of establishing and reproducing the legitimacy of the system as such.¹¹

⁹ See for such a modern view of the Roman people as 'Willensträger des Gesetzes' J. Bleicken, *Lex publica* (n. 8), 244 sqq. New attempts at comprehensive descriptions of the 'constitution' begin with, e.g., E. Täubler, 'Grundfragen der römischen Verfassungsgeschichte' (1926), and 'Der römische Staat' (1935), reprinted in: *id.*, *Der römische Staat*, ed. with an introduction by J. von Ungern-Sternberg, Stuttgart 1985, and include E. Meyer, *Römischer Staat und Staatsgedanke*, fourth ed., Zurich 1975; J. Bleicken, *Die Verfassung der römischen Republik*, seventh revised ed. Paderborn, etc. 1995, and recently *id.*, 'Im Schatten Mommsens', *Rechtshistorisches Journal* 15 (1996), 3-27 (= J. Bleicken, *Gesammelte Schriften*, vol. I, Stuttgart 1998, 526-550) (review article on W. Kunkel, *Staatsordnung und Staatspraxis der römischen Republik*, vol. II: *Die Magistratur*, Munich 1995), with a general discussion of the problems and further references.

¹⁰ *Res publica amissa. Eine Studie zu Verfassung und Geschichte der späten römischen Republik*, second ed. (with an important new introduction), Frankfurt 1980, 162 sqq. and *passim*. Cf. also *id.*, 'Fragen und Thesen zu einer Theorie historischer Prozesse', in *Historische Prozesse* (Beiträge zur Historik, Band 2), eds. K.-G. Faber and Chr. Meier, Munich 1978, 11-66, 34 sqq.; *id.*, *Introduction à l'anthropologie politique de l'Antiquité classique*, Paris 1984, 63 sqq.

¹¹ Cf. L.W. Pye, 'Political Culture', in *International Encyclopedia of the Social Sciences*, vol. 12, 1968, 218-24; L. Dittmer, 'Political Culture and Political

This is a momentous task and, theoretically as well as methodologically, an ambitious programme. Indeed, differences of opinion and approach and M.'s disinclination to engage in general debates on theories and models notwithstanding, his substantial contributions mentioned above and also the new book have led and will continue to lead us a long way towards fulfilling that programme by challenging old orthodoxies and proposing new ideas. That is why it is all the more to be regretted that in this book he refuses to take part in the debate on the 'political character' of the Republic that he himself did so much to initiate. He does not address his critics by taking up their questions and offering fresh answers. Important contributions are either dismissed with a few remarks, as friendly as they are non-committal,¹² or just referred to in passing in the introductory chapters, and some relevant recent publications are not mentioned at all.¹³ And although M. seems to feel

Symbolism: Toward a Theoretical Synthesis', *World Politics* 29 (1977), 552-83, and recently C. Lipp, 'Politische Kultur oder das Politische und Gesellschaftliche in der Kultur', in *Kulturgeschichte heute*, ed. W. Hardtwig, H.-U. Wehler, Göttingen 1996, 79-110, with full bibliography.

¹² G. Laser, *Populo et scaenae serviendum est. Die Bedeutung der städtischen Masse in der späten römischen Republik*, Trier 1997 (mentioned by M. at p. 11, n. 21). In the same note, M. simply refers to the volume by M. Jehne (ed.), *Demokratie in Rom? Die Rolle des Volkes in der Politik der römischen Republik*, Stuttgart 1995 — he doesn't even mention individual contributions in it, e.g. M. Jehne's important introduction ('Zur Debatte um die Rolle des Volkes in der römischen Politik', 1-9), which is a precise description and critique of M.'s concepts and basic assumptions developed in his articles and also underlying the present book.

¹³ J. North, 'Democratic Politics in Republican Rome', *Past and Present* 126 (1990), 3-21; *id.*, 'Politics and Aristocracy in the Roman Republic', *CPh* 85 (1990), 277-87 (mentioned by M. 1995, 93f.), with the comments by W.V. Harris, 'On Defining the Political Culture of the Roman Republic', *ibid.*, 288-94, esp. 291 sqq.; L.A. Burckhardt, 'The Political Elite of the Roman Republic: Comments on Recent Discussion of the Concepts *nobilitas* and *homo novus*', *Historia* 39 (1990), 77-99; W. Eder, 'Who Rules? Power and Participation in Athens and Rome', in *City States in Classical Antiquity and Medieval Italy*, ed. A. Molho *et al.*, Stuttgart 1991, 169-96; N. Mackie, 'Popularis Ideology and Popular Politics at Rome in the First Century B.C.', *RhMus* 135 (1992), 49-73; K.-J. Hölkeskamp, 'Conquest, Competition and Consensus. Roman Expansion in Italy and the Rise of the *Nobilitas*', *Historia* 42 (1993), 12-39; A.J.E. Bell, 'Cicero and the Spectacle of Power', *JRS* 87 (1997), 1-22. Although M. frequently refers to *Cambridge Ancient History*, Second edition, vol. IX, he does not mention the concise chapter by the late A.E. Astin, 'Roman Government and Politics, 200-134 B.C.', *CAH VIII*², 1989, 163-96. There are also a few

that this calls for a few explanatory and sometimes apologetic remarks about his purely text-based approach, his subjective and even biased way of reading the sources, he also makes clear implicitly that he believes this approach to be a sort of virtue (ix sq.; 4). The reader however cannot avoid the impression that M. does not really consider other people's work worth a serious discussion.

So, without much ado, M. sets out to describe his idea of the practice and everyday working of this 'direct democracy'. On the one hand, he insists on the vital importance of the *contio* as the form of assembly reserved for debate and deliberation before the formal act of decision-making (46 sqq.; 219 sq. and *passim*).¹⁴ It was on this 'stage' — *scaena*, as Cicero aptly called it¹⁵ — that *rogationes* were promoted (or attacked), politics and policies discussed, and controversies argued out. It was here that more or less prominent political figures acted as advocates for or against the issue on the agenda, thus also presenting and recommending their friends and themselves for new tasks, higher office or other prestigious appointments. It was in this arena that political figureheads were politely invited to give their opinions or witnesses presented to give evidence and be interrogated by prosecutors and defendant's counsel in popular trials. It was also in the *contio* that political adversaries or scapegoats could be 'produced', as the technical term had it, to be publicly attacked and humiliated.

On the other hand, and as a consequence, M. emphasizes the importance of *contiones* in the sense of speeches delivered before the people assembled *in contione* (13 sqq., 126, 181 and *passim*; 115 sqq. for the double meaning).

recent studies on legislation which should be mentioned here: U. Paananen, 'Legislation in the *comitia centuriata*', in *Senatus Populusque Romanus. Studies in Roman Republican Legislation*, ed. by U. Paananen et al., Helsinki 1993, 9-73; K. Sandberg, 'The *concilium plebis* as a Legislative Body during the Republic', *ibid.*, 74-96.

¹⁴ Even if the important book by F. Pina Polo, *Contra arma verbis. Der Redner vor dem Volk in der späten römischen Republik*, Stuttgart 1996, was published too late for M. to take into account (p. ix), there is, e.g., F. Pina Polo, *Las contiones civiles y militares en Roma*, Zaragoza 1989 (with a valuable list of *contiones* and actors/orators in them); *id.*, 'Procedures and Functions of Civil and Military *contiones* in Rome', *Klio* 77 (1995), 203-16. Cf. also L. Thommen, *Das Volkstribunat der späten römischen Republik*, Stuttgart 1989, 171 sqq.; K.-J. Hölkeskamp, 'Oratoris maxima *scaena*. Reden vor dem Volk in der politischen Kultur der Republik', in: M. Jehne (ed.), *Demokratie* (n. 12), 11-49, 26 sqq., with further references.

¹⁵ *De orat.* 2, 338; *Lael.* 97.

A close reading of such *contiones stricto sensu* and of a wide range of other types of more or less 'public' political and forensic oratory offers the main concrete topic of the book. A series of important speeches that have come down to us or are mentioned or reported in detail in other sources provides M. with the rather conventional chronological framework for his chapters III to VII: the speeches cover major political and judicial conflicts during the 'last generation of the Roman Republic'.¹⁶

M. presents us with detailed, interesting and sometimes brilliant analyses of speeches on the restoration of full tribunician powers — to mention but a few, Cicero's *Verrines*, *Catilinaria*, his speeches on *leges agrariae*, in the trials against Rabirius and in his own 'case' after his return from exile, as well as those on Pompey's and Caesar's commands.

As a matter of course, Cicero and his speeches provide the basis, but M. also makes good use of what other sources like Sallust and Cassius Dio have to offer, and he also frequently turns to Cicero's correspondence for what he has to say about his own and other people's *contiones* (126 sqq., 168 sqq., etc.). In principle, it is perfectly feasible to take the impressive Ciceronian corpus of speeches, the structure of their rhetoric, the contents and thrust of their argument,¹⁷ as evidence for the semantics of politics as well as for the forms and rituals, the character, different levels and actual contents of institutionalized communication in the Roman 'public'. The speeches in the form that has come down to us and even the invented speeches in Sallust or Livy had to be plausible — not only so far as their subject matter was concerned, but also with respect to their form as speeches, as a medium designed to convince and win over the addressees, senators, jurors and judges, or — most importantly, according to M. — the people in assembly.

¹⁶ The important book by that title is another item which M., however, mentions once, or possibly twice: E.S. Gruen, *The Last Generation of the Roman Republic*, Berkeley 1974, second ed. 1995, with a new introduction (pp. vii-xxi).

¹⁷ Relevant treatments of Cicero's rhetorical strategies (with pertinent interpretations of individual speeches) include D. Mack, *Senatsreden und Volksreden bei Cicero*, Würzburg 1937; G. Achard, *Pratique rhétorique et idéologie politique dans les discours 'optimates' de Cicéron*, Leiden 1981; C.J. Classen, *Recht — Rhetorik — Politik. Untersuchungen zu Ciceros rhetorischer Strategie*, Darmstadt 1985; J.M. May, *Trials of Character. The Eloquence of Ciceronian Ethos*, Chapel Hill, etc. 1988; J. Spielvogel, *Amicitia und res publica. Ciceros Maxime während der innenpolitischen Auseinandersetzungen der Jahre 59-50 v.Chr.*, Stuttgart 1993. Cf. also the introductory chapters to individual speeches in M. Fuhrmann's brilliant translation (M. Tullius Cicero, *Sämtliche Reden*, vols. I-VII, Zurich, etc. 1970-1982).

There is, however a whole set of methodological problems which go beyond the simple fact that there is a difference between what Cicero actually said in his speeches and what he wrote down and eventually published. The situation is more complicated: what Cicero actually saw, believed himself to see or wanted to see, what he heard from other people, and what he said or wrote he had seen or heard, are by no means the same thing: after all, his — to put it mildly — selective perception and his biased views of political and other ‘public’ events, of decisions and defeats, successes and scandals, of his personal role in all these are notorious. Only rarely does his ‘close reading’ of the texts lead M. to take at face value Cicero’s subjective, if not idiosyncratic and self-centred descriptions, evaluations, judgements and outright denunciations of the ‘rabble’, the *plebs contionalis*, on the one hand, and the true *populus Romanus, tota Italia* and all the *boni*, their actions and reactions, interests and emotions, on the other (119 sqq.). To be sure, M. knows these problems and their ramifications very well, frequently points them out and, moreover, takes them seriously by setting out their complex implications for any modern analysis of politics, policies and procedure, propaganda, claims and ideologies (e.g. 146 sqq.; 195 sq.; 202). Some of these passages are among the best and most stimulating of the book.

The general implications and results of M.’s detailed analysis are even more important. He frequently takes the opportunity to look into the vital functions of oratory in an ‘open-air political life’ characterized by direct interaction and a ‘constant dialogue’ (4, 19 sq., 59, 74 sq., 91 sqq., 126) in the literal sense of the concept as a dialogue between the orators as actors on the *scaena* of the *contio* and the people assembled there.¹⁸ The ‘archaic face-to-face political system’ of a ‘nuclear city-state’ (72, etc.) may seem an ‘anachronism’¹⁹ in the Rome of the imperial Republic of the first century B.C. However, its ‘inherited institutions’, ‘archaic rules’ and procedures remained unchanged and even unchallenged. Therefore, M. is certainly right to highlight what he frequently calls the pervasive principle or ‘ideology of publicity’ (45 sq., 55 sq.; cf. 71 sq., 83, 115 sq., 136), the actual ‘visibility’ and, one should add, the ‘audibility’ of politics and procedures of political decision-making.

¹⁸ K.-J. Hölkeskamp, *Oratoris maxima scaena* (n. 14), 16 sq., 27 sq. Cf. also E. Fantham, ‘The Context and Occasions of Roman Public Rhetoric’, in *Roman Eloquence. Rhetoric in Society and Literature*, ed. W.J. Dominik, London, etc. 1997, 111-28; A.J.E. Bell, ‘Cicero’ (n. 13), 3 sqq.

¹⁹ T.J. Cornell, ‘Rome: The History of an Anachronism’, in: *City States* (n. 13), 53-69.

This specific ‘publicity’ was firmly linked and indeed, again in the literal sense, firmly located in the political-religious landscape of the *urbs Roma*. It was above all the Forum Romanum where, in M.’s words, the *populus Romanus* ‘should see the actions performed in its name and have those actions justified to it in words’, and it was in this ‘physical space’ and in that of the Campus Martius that Roman citizens exercised ‘their sovereign rights as voters’ (45, 147, etc.). M. gives a vivid description of this ‘public’ or ‘civic space’ and the adjacent ‘archaic jurisdictional and constitutional centre of the *res publica*’, the Comitium, as well as of their ‘monumental context’ (38 sqq.):²⁰ *Curia, basilicae Aemilia, Fulvia and Sempronia; the Regia, temples and tabernae*. These buildings, the open spaces and the routes into them such as the *sacra via* form a closely-knit ensemble which M. in a suggestive term labels the ‘constitutional topography’ of Rome (158, cf. 56, etc.).

This is exactly the point where M.’s conceptual framework and analysis begin to fall short of the aims which have been discussed at length in recent debates on Roman political culture, as I have tried to map out above. What I call M.’s ‘constitutionalist’ approach in general — like his ‘formal’ concept of ‘democracy’ — rests on the questionable assumption that the Republican ‘constitution’ was a ‘system’ or, once again in M.’s own suggestive terms, a ‘machinery’ of institutions (in a narrow, political sense of the concept), ‘formal’ rules and procedures (15, 99, 208, cf. 1995, 102)²¹ — that is, as it were, an autonomous ‘system’ *sui iuris* as well as *sui generis*, independent of the social, religious and ideological setting.

It is only in passing that M. mentions the whole ‘complex of rituals’ beyond the institutions and procedures of voting and elections: processions, *ludi* and other spectacles,²² *pompae funebres* and *triumphales* (5 sq., 75 sq.,

²⁰ Cf. also J.R. Patterson, ‘The City of Rome: From Republic to Empire’, *JRS* 82 (1992), 186-215; F. Kolb, *Rom. Die Geschichte der Stadt in der Antike*, Munich 1995, with further references; J. Vaahtera, ‘On the Religious Nature of the Place of Assembly’, in *Senatus Populusque Romanus* (n. 13), 97-116.

²¹ For a recent critique cf. E. Flaig, ‘War die römische Volksversammlung ein Entscheidungsorgan? Institutionen und soziale Praxis’, in *Institution und Ereignis. Über historische Praktiken und Vorstellungen gesellschaftlichen Ordners*, ed. R. Blänkner and B. Jussen, Göttingen 1998, 49-73.

²² Cf. K. Hopkins, ‘From Violence to Blessing: Symbols and Rituals in Ancient Rome’, in *City States* (n. 13), 479-98, and now E. Flaig, ‘Entscheidung und Konsens. Zu den Feldern der politischen Kommunikation zwischen Adel und Plebs’, in M. Jehne (ed.), *Demokratie* (n. 14), 77-127, 100 sqq. and *passim*. Cf. also E.S. Gruen, *Culture and National Identity in Republican Rome*, London

217). Only occasionally does he refer to the many monuments which were also part of the urban landscape of Rome, such as the *columna Maenia* which served not only as the official seat of the *triumviri capitales* (41). Historical monuments such as this column with the statue of the consul of 338 B.C. and victorious commander in the Latin War on top, the *rostra* with the statues of Camillus and other great men, the *Fornix Fabianus* and also dedications in temples as well as the temples themselves, served a broad range of complex and interrelated functions in the urban landscape of the *caput orbis*.²³ They were memorials to the great men of a glorious past and their *res gestae* and, as such, media of the collective memory of the *populus Romanus* as well as representations and symbols of values, virtues and the claim to superiority and imperial rule — and these men and their monuments were omnipresent in the mentality, ideology and rhetoric of politicians and people in the late Republic. I shall return to this.

First of all, it is necessary to deal with the most obvious weakness of M.'s overall picture of Republican politics. Due to his 'constitutionalist' approach, M. fails to appreciate the political and social roles of the Senate as an institution and of the senators as a body and status group. What M. has to say about the Senate is for the most part only negative: the Senate, as he puts it, once again in suggestive terms, 'was not a parliament, cannot be seen as an example of "representative" government, and could not legislate' (7; cf. 51 sq., 133, 156 sq., 209, 219), and debates in the Senate house were 'a distinctive and anomalous feature of the Republican system' (213). Even so, M.

1992, 183 sqq. and recently F. Bernstein, *Ludi publici. Untersuchungen zur Entstehung und Entwicklung der öffentlichen Spiele im republikanischen Rom*, Stuttgart 1998, 227 sqq., 313 sqq. and *passim*.

²³ T. Hölscher, 'Die Anfänge römischer Repräsentationskunst', *MDAI (R)* 85 (1978), 315-57; *id.*, 'Die Geschichtsauffassung in der römischen Repräsentationskunst', *JDAI* 95 (1980), 265-321; *id.*, *Staatsdenkmal und Publikum. Vom Untergang der Republik bis zur Festigung des Kaisertums in Rom*, Konstanz 1984, 12 sqq.; *id.*, 'Römische Nobiles und hellenistische Herrscher', in *Akten des XIII. Internationalen Kongresses für Klassische Archäologie Berlin 1988*, Mainz 1990, 73-84; K.-J. Hölkeskamp, 'Exempla und mos maiorum: Überlegungen zum kollektiven Gedächtnis der Nobilität', in *Vergangenheit und Lebenswelt. Soziale Kommunikation, Traditionsbildung und historisches Bewusstsein*, ed. H.-J. Gehrke and A. Möller, Tübingen 1996, 301-38; and, most recently, M. Sehlmeier, *Stadrömische Ehrenstatuen der republikanischen Zeit. Historizität und Kontext von Symbolen nobilitären Standesbewußtseins*, Stuttgart 1999. Cf. also A. Wallace-Hadrill, 'Roman Arches and Greek Honours: The Language of Power at Rome', *PCPhS* 36 (1990), 143-81; E.S. Gruen, *Culture* (n. 22), 131 sqq. and M. himself: 1989, 141, 146 sq.

admits, if only reluctantly, that in the late Republic the Senate did have 'considerable scope for political and strategic decision making', and, in particular, it had important 'administrative decisions' to take (7, 51), such as the assignment of consular and praetorian provinces.

However, M. does not even consider the possibility that the central role and indeed the power of the Senate within the 'constitution' were not based on its few 'formal' competences, but rather on their absence. Senators were free to discuss and pass decisions on any political, administrative, judicial or strategic issue,²⁴ because this 'right' had never been 'formalized', but had remained informal, undefined and (therefore) unlimited. In practice, moreover, decisions in the shape of *senatus consulta* — though, with very few exceptions, they were not 'binding' in a legal sense — had always carried and continued to carry a considerable weight, not only with magistrates, but also with the people in assembly. Legislation — including *plebiscita* — *popularis* or not, without previous deliberation in the Senate had always been the exception rather than the rule. Even in the sixties and fifties of the first century, it was still hazardous to ignore, much less openly defy and act against, the explicit will of the majority of the Senate²⁵ — Caesar, for example, took the risk, and he knew well enough that it was high: in early 59, he would have taken another course, if he had had the chance.

Why ignore decisions of the Senate at all, if not in such special circumstances? Senior magistrates, consuls and praetors, as well as, by now, tribunes of the *plebs* — office-holders with the 'right' to convene the Senate, preside over assemblies and hold *contiones* — regularly had been members of the Senate before their year of office, and they returned to its ranks afterwards, with a higher status. It was precisely the set of informal rules and conventions that made the Senate powerful and guaranteed its overwhelming collective *auctoritas* as an institution.²⁶ The Senate was a permanent council

²⁴ On venue, procedure and agenda of Senate meetings cf. M. Bonnefond-Coudry, *Le Sénat de la république romaine de la guerre d'Hannibal à Auguste*, Rome 1989. Cf. now also the important (if somewhat idiosyncratic) study by F.X. Ryan, *Rank and Participation in the Republican Senate*, Stuttgart 1998. See again M. himself: 1984, 3 sqq., 7 sq., 15 sqq.

²⁵ Possible reactions are discussed by L.A. Burckhardt, *Politische Strategien der Optimaten in der späten römischen Republik*, Stuttgart 1988, 228 sqq.; K. Heikkilä, 'Lex non iure rogata: Senate and the Annulment of Laws in the Late Roman Republic', in *Senatus Populusque Romanus* (n. 13), 117-42.

²⁶ K.-J. Hölkeskamp, *Die Entstehung der Nobilität. Studien zur sozialen und politischen Geschichte der Römischen Republik im 4. Jhd. v.Chr.*, Stuttgart 1987, 184 sqq., 247 sq.; *id.*, 'Conquest' (n.13), 33 sqq. with further references.

consisting of all former (and indeed future) holders of offices and extraordinary commands, legates and governors of provinces, advocates and jurors and — last but not least — orators, and it thus monopolized the accumulated political, military, diplomatic, administrative, legal, as well as, once again, rhetorical expertise and experience which was indispensable for the everyday running of politics in the city for defending and advancing one's personal standing and the administration of an empire. Vice versa, there were concomitant objective criteria that determined the seniority and rank of every individual member of the Senate — not only in the Curia, but also in the Comitium. It was experience and success in office and, eventually, the *maximus honos* of the consulship and, possibly, a governorship and a proconsular *imperium* which conferred the *auctoritas* and *dignitas* of a *princeps civitatis*. None of these concepts, nor the underlying social realities of influence and power, play a major role in M.'s description of the political culture and 'ideology'. In particular, M. fails to appreciate — as did 'Polybius noster', as he chose to call him in 1984 — the consequence of the principle of rotating into and out of office, that is at the same time, out of and back into the Senate: the same people permanently faced each other in different roles of leadership and social and political prominence, and that, in turn, made them a 'political class' with a specific group identity.

The *principes* as the core group within this class could and did wield *auctoritas* in all sorts of formal and informal decision-making processes in the Senate and through the Senate,²⁷ and that was bound to have some impact on 'public opinion', that is, on the crowd outside the Curia. And the group of *principes* — and the Senate as a whole — did not easily, let alone regularly, yield to pressure from the crowd: in this case, as in a few others, M. is inclined to draw sweeping conclusions from rather exceptional events and circumstances — witness the younger Cato and other *exempla* of *fortitudo* in the face of popular discontent, such as P. Cornelius Scipio, consul 138 B.C., who told a *contio*: *tacete, quaeso, Quirites, plus ego quam vos quid rei publicae expediat intellego*.²⁸ This is not the kind of public pose that

²⁷ Chr. Meier, 'Die Ersten unter den Ersten des Senats. Beobachtungen zur Willensbildung im römischen Senat', in *Gedächtnisschrift für Wolfgang Kunke*, ed. D. Noerr and D. Simon, Frankfurt 1984, 185-204. Cf. also L. Wickert, *RE* 22,2 (1954) 1998-2296 s.v. *Princeps* (2014 sqq.: list of Republican figures considered *principes*; 2029 sqq.: use and meanings of the concept); M. Bonnefond-Coudry, *Sénat* (n. 24), 687 sqq.; F.X. Ryan, *Rank and Participation*, cit., 171 sqq.

²⁸ Frg. 3 ORF⁴, with the context Val. Max. 3,7,3. Cf. K.-J. Hölkeskamp, *Oratoris maxima scaena* (n. 14), 37 sq.; 40 sq.

fits in well with M.'s picture of a Republican 'government by the people'. I shall have to come back to this point.

First, in this context it seems most important to restate a simple and fundamental fact. The accumulation of the very same functions, achievements and *honores*, in both senses of the concept, which conferred high rank in the Senate, inseparably combined with some further roles and qualifications, also made a man a *nobilis*. This 'expression', never precisely defined nor really definable,²⁹ certainly was 'social and political, not constitutional', as M. typically puts it (4). This is indeed true, but nobody has ever said anything else. What Chr. Meier and I did say is that the Republican 'aristocrat' — in a very broad sense, broader than *nobilis* — was by definition politically active, and by the same token a Roman citizen actively involved in politics was bound to be or become an 'aristocrat' — again in a loose sense of this concept: 'wer Politik trieb, gehörte zum Adel, und wer zum Adel gehörte, trieb Politik'.³⁰ This may be 'circular' (M. 4 sq.), but it is deliberately expressed by means of such a formula, because it is this very 'circularity' which is the most precise way of characterising the complex and interlocking social, political and ideological foundations of the Republican 'meritocracy'.

What a *nobilis* is, and how to make yourself one, are made crystal clear in another famous public speech, the well-known *laudatio funebris* on L. Caecilius Metellus, consul 251, II 247, proconsul, dictator and *pontifex maximus*, delivered by his son Quintus, himself consul 206 B.C.³¹ A *laudatio* being what it is, namely a piece of pious praise, (self-)presentation and representation of a prominent family and its members past and present, it is also and above all a text that sums up a normative ideal of rank, reputation

²⁹ Cf. M. 1984, 11, 19; 1989, 141 sq., 148 sq. Treatments of the problem include J. Bleicken, 'Die Nobilität der römischen Republik', *Gymnasium* 88 (1981), 236-253 (= *id.*, *Gesammelte Schriften*, vol. I [n. 9], 466-83); P.A. Brunt, '*Nobilitas* and *Novitas*', *JRS* 72 (1982), 1-17; K.-J. Hölkeskamp, *Nobilität* (n. 26), 9 sqq., 241 sqq.; *id.*, 'Conquest' (n. 13), 14 sq.; L. A. Burckhardt, 'The Political Elite', *cit.*, 80 sqq.

³⁰ Chr. Meier, *Res publica amissa*, *cit.*, 47, quoted by K.-J. Hölkeskamp, *Nobilität* (n. 26), 248 sq., with some remarks on the problems with the concepts of 'Adel', 'Stand', etc. Cf. also Chr. Meier, *Geschichtliche Grundbegriffe*, vol. I, 1972, 8-11 s.v. 'Adel'.

³¹ *Plin. nat.* 7, 139-140. Cf. W. Kierdorf, *Laudatio funebris. Interpretationen und Untersuchungen zur Entwicklung der römischen Leichenrede*, Meisenheim 1980, 10 sqq.; K.-J. Hölkeskamp, *Oratoris maxima scaena* (n. 14), 11 sqq. with further references, and again M. himself: 1989, 149.

and status. And this ideal was not only shared by the ‘peers’ — again in a broad sense — of father and son, but also by the addressees of a *laudatio*, the public assembled in the Forum. Old Metellus is extolled as having achieved the typical combination of military and political successes, virtues and honours in his long and distinguished career: he wanted to be *primarius bellator* and *fortissimus imperator*, bent on *auspicio suo maximas res geri*, on the one hand; he had reached the *maximus honos* and become *summus senator* with *summa sapientia*, on the other, and all that had eventually been universally acknowledged — his achievements made him *clarissimus in civitate*. To put it in other words: as the *populus Romanus* ‘played a variety of roles’ in the public space of Forum and Comitium, so did the *nobilis*, by definition and by the very nature of his status. He was not only a high-ranking (ex-)magistrate, (ex-)commander and senator, but also a ‘well-known’ public figure with a high profile on the Forum and elsewhere. M. himself vividly describes ‘the senators’ progress from their houses to the Forum and then back again, before and after the conduct of public business’, which was ‘one of the most significant means for the demonstration of prestige, popularity, and political support’ (213). After all, his role as loyal friend and generous patron of large *clientelae* was also a public one,³² the sheer number of *amici* and *clientes* attending him being a visible indicator of his *fides* and *dignitas* and being taken notice of by ‘peers’ and the people at large.

It is exactly at this point that another achievement of old Metellus comes into the picture: typically enough, he was also praised as *optimus orator*. To be an accomplished speaker in the arenas of the law courts, the Curia and the *contio* had always been part and parcel of the rank and functions of a senator and *nobilis*, as we learn not only from Cicero and his contemporaries, but also from Ennius and the elder Cato.³³ It was his everyday business to be a witness in court, to defend his *amici* and sometimes, for the most part early on in his career, to prosecute his enemies, to speak up for or against a bill or any motion proposed in the Senate or, once again, discussed before the people *in contione*.

³² Cf. *Mos maiorum. Untersuchungen zu den Formen der Identitätsstiftung und Stabilisierung in der römischen Republik*, ed. B. Linke and M. Stemmler, Stuttgart 2000, 207-35.

³³ *Enn. ann.* 268 sqq. Vahlen = 248 sqq. Skutsch; Cato *ad Marcum filium* frg. 14 Jordan. Cf. M. 1984, 16; K.-J. Hölkeskamp, *Oratoris maxima scaena* (n. 14), 12 sqq. with further references; J.-M. David, ‘Compétence sociale et compétence oratoire à la fin de la République. Apprendre à ressembler’, in *La mobilité sociale dans le monde romain*, ed. E. Frézouls, Strasbourg 1992, 7-19.

There is, however, more to the public profile, poses and *persona* of a *nobilis*: a specific symbolic and representative dimension,³⁴ which also plays only a minor part in M.'s conception of the Republican 'ideology of publicity' and 'visibility of public life' (e.g. 5 sq., 75 sq., 175, 217). There is the very special situation in which a *nobilis* is — ideally by universal consent — allowed to pose as an epiphany of Jupiter and incarnation of Rome's greatness: as general, having *auspicio suo* achieved *maximas res* in a war now successfully brought to an end, leading a triumphal procession through the city to the Capitol, under the eyes of an awe-inspired crowd.³⁵ And at last, as once again old Metellus illustrates for us, the *nobilis* went, quite literally, to the hall of fame of his family as well as, in a metaphorical sense, of the *res publica*. It was in yet another highly public ritual, the *pompa funebris* with the *laudatio*, delivered from the *rostra* to the crowd in the Forum, as its impressive climax,³⁶ that the deceased *nobilis* was received among his ancestors, thus becoming himself one of the *maiores*. At the same time, however, he remained present in more than one respect: as a mask in the house of his descendants as well as in the form of a figure and, sometimes, as an *exemplum virtutis* in the collective memory of his peer group and the *populus Romanus* at large, remembered for his exploits and excellence by a statue or a temple that he once had dedicated.

At the same time, this was the last and most lasting service that a *nobilis* could render his *gens* and *familia*. After all, descent did matter in this society, if only in a specific, above all ideological sense,³⁷ or perhaps in the Weberian sense of 'Gentilcharisma'. M. would not deny this (4 sqq., 175), but

³⁴ Cf. recently E. Flaig, 'Politisierete Lebensführung und ästhetische Kultur. Eine semiotische Untersuchung am römischen Adel', *Historische Anthropologie* 1 (1993), 193-217; *id.*, 'Zwingende Gesten in der römischen Politik', in *Neue Blicke. Historische Anthropologie in der Praxis*, ed. R. van Dülmen *et al.*, Wien, etc. 1997, 33-50.

³⁵ K.-J. Hölkeskamp, *Nobilität* (n. 26), 236 sqq.

³⁶ H. Flower, *Ancestor Masks and Aristocratic Power in Roman Culture*, Oxford 1996 — again mentioned just once by M. (6, n. 10). Cf. K.-J. Hölkeskamp, *Exempla* (n. 23), 320 sqq.; E. Flaig, 'Die *pompa funebris*. Adlige Konkurrenz und annalistische Erinnerung in der römischen Republik', in *Memoria als Kultur*, ed. O.G. Oexle, Göttingen 1995, 115-148; E.S. Gruen, 'The Roman Oligarchy: Image and Perception', in: *Imperium Sine Fine: T. Robert S. Broughton and the Roman Republic*, ed. J. Linderski, Stuttgart 1996, 215-25.

³⁷ Cf. now K.-J. Hölkeskamp, 'Römische *gentes* und griechische Genealogien', in *Rezeption und Identität. Die kulturelle Auseinandersetzung Roms mit Griechenland als europäisches Paradigma*, ed. by G. Vogt-Spira, B. Rommel, Stuttgart 1999, 3-21.

again mentions it only casually and tends to play down the consequences by flogging dead horses: 'to be described as a *nobilis* was in no way like being a peer with inherited constitutional rights' (4). However, for a young *nobilis* of standing the 'symbolic capital' of the accumulated *res gestae* and *honores* was by no means a negligible 'inheritance', not least because, in the shape of *commendatio maiorum*, it was a valuable asset in electoral campaigns for high office. The 'hard' evidence of statistics confirms that: at least from the early second century B.C., the percentage of men of consular background in the consular colleges was never lower than 70% in any period, and during the last generation of the Republic it was about 80%³⁸ — a considerable rate of reproduction by all standards. The role as representative of a family with a glorious tradition and, as it were, trustee of its 'symbolic capital', expected to administer, enlarge and pass it on to the following generation, was thus also a public one, and very important at that. In this role, too, the *nobilis* regularly became a 'visible' figure and would gain profile and prominence — particularly, for example, as speaker of a *laudatio funebris*: M. himself (75) draws attention to Caesar's orations on his aunt Julia and his wife Cornelia, which earned him considerable public attention (and, in certain quarters, notoriety). Together with other feats and extravagances such as the organisation of magnificent *ludi* and other forms of public display of generosity, it was this sort of traditional 'aristocratic' prominence, even if ambiguous as in this particular case, that could make all the difference in elections to higher office.

It is the same social, cultural and ideological background which lends significance to, and provides the context for, the allusions to *exempla*, precedence and 'history', historical figures and their 'exemplary' conduct which are so prominent and indeed omnipresent in all kinds of speeches.³⁹ Again, M. takes notice of this characteristic of oratory (2, 6, 59 sq., 94, etc.)

³⁸ E. Badian, 'The Consuls, 179-49 B.C.', *Chiron* 20 (1990), 371-413, 411 sqq. and *passim*, with discussion by K. Hopkins and G. Burton, 'Political Succession in the Late Republic (249-50 B.C.)', in: K. Hopkins, *Death and Renewal*, Cambridge, etc. 1983, 31-117.

³⁹ Cf. J.-M. David, '*Maiorum exempla sequi*: L'*exemplum* historique dans les discours judiciaires de Cicéron', *MEFR* 92 (1980), 67-86; K.-J. Hölkamp, *Oratoris maxima scaena* (n. 14), 45 sqq.; *id.*, *Exempla* (n. 23), 312 sqq. Cf. also J.D. Evans, *The Art of Persuasion. Political Propaganda from Aeneas to Brutus*, Ann Arbor 1992; and now M. Stemmler, 'Auctoritas exempli. Zur Wechselwirkung von kanonisierten Vergangenheitsbildern und gesellschaftlicher Gegenwart in der spätrepublikanischen Rhetorik', *Mos maiorum* 32, 141-205.

without realizing its full implications for the basis of Roman political culture. Rhetorical reference to (and reverence for) the *maiores* and dramatic and suggestive gestures towards monuments or buildings visible from *rostra* and Forum⁴⁰ — the stock-in-trade of orators — were intended to evoke the glorious past of the Roman people. But this past was represented and personified by great men, from Brutus and Camillus to more recent figures, who were at the same time the ancestors of the members of the present political class, visible as statues and masks, called upon in speeches and demonstratively paraded in public on other occasions, such as the *pompa funebris*.

These rituals, the rules and rhetoric of public behaviour and political oratory itself all served a basic purpose: defence of position or preferably advancement in a highly competitive system. M. is certainly right to emphasize the importance of competition for rank and status (95, 105, 175, 190, etc.). Competition manifested itself in rituals of public display and self-representation of individuals and families as well as in rhetorical battles in the Senate and in *suasiones* and *dissuasiones* on laws⁴¹ as well as in dedications, monuments and buildings, where it assumed a new dimension through Sulla's, Pompey's and Caesar's ambitious building activities.⁴²

Competition was bound to be omnipresent. After all, not only the ideology and legitimacy of this system, but also the practical rules of ranking were based on achievement and acknowledgement of achievement in the shape of (relatively few) *honores*/magistracies which alone conferred rank in the Senate, *dignitas* and *auctoritas*, that tangible social and political (if not 'constitutional') influence in all sorts of affairs. In such a political culture, the principle of election was indeed absolutely indispensable — in a different sense, however, from the way M. would have it. Election was an institutionalized procedure for the distribution of *honores* and the concomitant ranks among the restricted 'class' of generally eligible candidates. This 'class' needed a decision-making body outside itself, in order to shift the burden of choice and neutralise conflicts among its members, thus upholding the minimum degree of coherence and internal stability necessary for its collective ascendancy and monopoly of power as a 'class'. It is in this socio-political context, by the way, that we have to understand attempts to

⁴⁰ A. Vasaly, *Representations. Images of the World in Ciceronian Oratory*, Berkeley, etc. 1993.

⁴¹ C. Williamson, 'The Roman Aristocracy and Positive Law', *CPh* 85 (1990), 266-76.

⁴² T. Hölscher, 'Römische Siegesdenkmäler der späten Republik', in *TAINIA. Roland Hampe zum 70. Geburtstag*, ed. H.A. Cahn, E. Simon, Mainz 1980, 351-71; F. Kolb, *Rom* (n. 20), 256 sqq., 261 sqq., etc. (cf. the Index).

formalise rules as in legislation against *ambitus* and *leges tabellariae*⁴³ — M. takes them at face value, as measures to guarantee free and honest voting and elections (25 sqq.; 222). What is more, against this backdrop, M.'s claim that legislation was (and had always been) the foremost activity of the *populus* in assembly — more important than elections (204, 206, 209 sq. and *passim*) — seems highly problematic.

The procedure of election according to a set of rules and criteria was not only accepted by the office-holding 'class' as a whole and enforced or, at times of need, informally suspended by their institutional centre, the Senate. For all we know, these rules and criteria, based on and intertwined with the ideological principles mentioned above, were also shared by the electorate. The inseparable connection of competition with consensus regarding an ideology of service and achievement for the benefit and in the name of *populus* and *res publica* is the basic reason why the principles of publicity of procedures and politics and of permanent 'visibility' of the members of the political class were indeed a cornerstone of this political culture — if only, once again, in a different sense from the way M. would have it. It did not make the Republic a 'democracy'. On the contrary, this dense network of mutually dependent social, institutional and ideological structures had engendered and stabilized a homogeneous and at the same time hierarchical 'political class' with deeply entrenched rules of ranking and precedence — even Pompey, Caesar and their careers at least up to the Civil War, their desire for commands and the resulting conflicts with their peers, had their roots in these structures.

Moreover, this 'political class' was the 'élite' of a *populus Romanus* whose institutional as well as social fabric was imbued with a complex and interdependent network of hierarchies. Relations of rank and *dignitas*, bonds of reciprocity — based on *officia* and *beneficia*, *fides* and, once again,

⁴³ E.S. Gruen, 'The Exercise of Power in the Roman Republic', in *City States* (n. 13), 251-67; M. Jehne, 'Die Beeinflussung von Entscheidungen durch 'Bestechung': Zur Funktion des *ambitus* in der römischen Republik', in *id.* (ed.), *Demokratie in Rom?* (n. 8), 51-76; *id.*, 'Geheime Abstimmung und Bindungswesen in der Römischen Republik', *Hist. Zeitschr.* 257 (1993), 593-613. Cf. also A. Yakobson, '*Petitio et Largitio*: Popular Participation in the Centuriate Assembly of the Late Republic', *JRS* 82 (1992), 32-52; *id.*, 'Secret Ballot and its Effects in the Late Roman Republic', *Hermes* 123 (1995), 426-42; *id.*, *Elections and Electioneering in Rome. A Study in the Political System of the Late Republic*, Stuttgart 1999 (an important general contribution to the debate on Republican politics); see Morstein-Marx's review below.

auctoritas — were by their very nature, as it were, socially asymmetrical. And they were omnipresent, not only between individuals of clearly unequal standing, but also between peers and, for that matter, between *nobiles* and the *populus*.⁴⁴ As the *principes civitatis* and *nobiles* ranked first within the 'political class' as a whole, far above junior senators of obscure families, so did magistrates and senators vis-à-vis ordinary citizens in civil life, holders of *imperium* and commanders vis-à-vis the rank and file in the army. The same was true for patrons and clients — this sort of unequal social relationship was also omnipresent,⁴⁵ a fact which M. fails to take into account in his polemic against a mechanical model of political retinues (7 sqq.) which has long gone out of fashion. And once again, in social reality the different roles of superiority were held by the same people in different functions — as were the social and military roles at the lower end of the ladder.

The system of 'constitutional' arrangements, in particular the institutions and procedures of voting and elections in the *comitia*, as well as other 'civic rituals', clearly corresponds to the pervasive hierarchies of society.⁴⁶ It was the consul who summoned the *comitia centuriata*, presided over them and finally announced the results of the vote — as did the tribune of the *plebs* in the *concilia plebis*.⁴⁷ Sometimes the presiding magistrates simply refused to

⁴⁴ K.-J. Hölkeskamp, 'Conquest' (n. 13), 30 sqq. Cf. also *id.*, 'Fides — *editio in fidem* — *dextra data et accepta*. Recht, Religion und Ritual in Rom', in *The Roman Middle Republic — Politics, Religion, and Historiography c. 400-133 B.C.*, ed. by Ch. Bruun, Rome 2000, 223-250.

⁴⁵ Modern and stimulating treatments of different aspects of patronage and *clientela* include A. Wallace-Hadrill, 'Patronage in Roman Society: From Republic to Empire', in *id.* (ed.), *Patronage in Ancient Society*, London, etc. 1989, 63-87, and the other relevant contributions in this volume as well as in *Parenté et stratégies familiales dans l'Antiquité romaine*, ed. J. Andreau and H. Bruhns, Rome 1990. Cf. more recently J.-M. David, *Le patronat judiciaire au dernier siècle de la république romaine*, Rome 1992; E. Deniaux, *Clientèles et pouvoir à l'époque de Cicéron*, Rome 1993; J. Spielvogel, *Amicitia* (cf. n. 17), 5 sqq. and *passim*.

⁴⁶ Cf. K. Hopkins, 'From Violence to Blessing' (n. 22), 484 sqq., 492 sqq.; E. Flaig, 'Entscheidung und Konsens' (n. 22), 77 sqq.; A.J.E. Bell, 'Cicero' (n. 13), 10 sqq.

⁴⁷ For different modern views of the tribunate cf. J. Bleicken, 'Das römische Volkstribunat. Versuch einer Analyse seiner politischen Funktion in republikanischer Zeit', *Chiron* 11 (1981), 87-108 (= *id.*, *Gesammelte Schriften*, vol. I [n. 9], 484-505); L. Thommen, *Volkstribunat* (n. 14), 21 sqq. and *passim*;

acknowledge results, even in the face of popular discontent. Occasionally, a consul explicitly told the assembly what he expected the 'sovereign people' to do: 'Go to vote, with the blessing of the gods, and ratify what the *patres* have proposed'.⁴⁸ This *exemplum* of censorious admonition (whether or not it is authentic in the narrow sense of the concept is immaterial) was not even altogether exceptional — neither was the arrogant rebuke attributed to Scipio Nasica, mentioned above, or Bibulus's famous outburst: 'You won't have this law this year, not even if you all want it'.⁴⁹ Once again, M. does mention the incident as such (126 sq.). However, he does not, in this context or anywhere else in his fine analyses of speeches, consider those arguments, *topoi*, semantics and their implicit messages which actually collide with his 'democratic' reading of the speeches — for example, the kind of oratory which I would call the rhetoric of reprimand. Magistrates or senators in their role as orators could and did address the 'sovereign people' in assembly in dismissive and sometimes insulting words, more often, however, in the equally patronising tone of condescending benevolence.

In the face of the crowd, orators regularly pointed out *labores* and *pericula* that they faced in the service of the *res publica*, but they also claimed superior knowledge and insight, and they explicitly demanded deference and obedience. And these attitudes were by no means confined to the *contiones* of consuls and other *principes*, but spilt over into the apparently 'democratic' institution of a *contio* convened, run and indeed lorded over by a tribune of the *plebs* in *popularis* pose:⁵⁰ the speech of Sallust's Licinius Macer (cf. M. 58 sqq.) is as good an *exemplum* of *cohortatio* or *admonitio* as any consular speech.⁵¹

Even speeches like these — let alone those playing out the rhetoric of reverence to the *populus Romanus*, its *maiestas*, wisdom, greatness — invariably appeal to a universal consensus between orator and crowd *in contione*. This was something different from what Cicero used to invoke as *consensus populi Romani* (or rather *omnium bonorum*). This fundamental

E. Badian, 'Tribuni Plebis and Res Publica', in *Imperium Sine Fine* (n. 36), 187-213.

⁴⁸ Liv. 31,7,14. Cf. K.-J. Hölkeskamp, *Oratoris maxima scaena* (n. 14), 36 sq. with further examples.

⁴⁹ Cass. Dio 38,4,2 sq.

⁵⁰ Cf. also J.-M. David, "Eloquentia popularis" et conduites symboliques des orateurs de la fin de la République: problèmes d'efficacité', *Quaderni di storia* 12 (1980), 171-98.

⁵¹ Sall. *hist.* frg. 3,48,8 sqq.; 26 sqq. and *passim*. Cf. on *cohortatio* and *admonitio* Cic. *de orat.* 2, 337, 339; *Muren.* 24.

consensus included not only the ideology of Roman excellence and superiority, generally held beliefs about Rome, her past and her mission, enshrined in *exempla*, but also firm convictions about the natural order of things, the proven, if not self-evident and god-given superiority of the members of old families and the political class in general. Above all, this must have been a consensus shared by all strata of Roman society, from the *nobiles* down to the despised *plebs contionalis*. The essentials of this consensus, including acceptance of social and institutionalized political inequality, were never called into question — not even implicitly or indirectly, and not even in the increasingly frequent outbreaks of civil disobedience and popular discontent during the sixties and fifties. At least until the final decade of the Republic, previous conflicts and civil wars notwithstanding, the *res publica* was a remarkably stable regime. It is not really important how we label it⁵² — ‘aristocracy’, ‘oligarchy’, or even, as I have done, ‘meritocracy’, by the standards of its dominant class, the core of which we still should call *nobiles*.

But let the words look after themselves, as Ernst Badian pertinently remarked,⁵³ and let us turn to the general picture that emerges from the facts. The Republic was not a ‘government of the people’ or ‘by the people’, and in light of all we know about social and economic structures, the distribution of wealth and the living conditions of the crowd in Rome, Italy and the provinces, it was not a ‘government for the people’. So, nothing to do with Abraham Lincoln and his Gettysburg Address? After all, that was more than a *laudatio funebris* of some sort, it was a brilliant piece of oratory, delivered on ‘hallowed ground’, and a landmark in the long history of eloquence. So it is altogether fitting and proper that I should end on a conciliatory note. It is M.’s interpretation of other speeches — some of them also landmarks — and his reflections on the semantics of Republican political oratory and on the *genius loci* of the most ‘hallowed’ public space of the Republic that are worth further discussion. The debate on the political culture of Republican Rome must and will continue, and this book should stimulate it considerably.

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⁵² M. attaches much attention to this problem: 4 sq., 10 sq., etc.

⁵³ E. Badian, ‘Consuls’ (n. 38), 412 sq.