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CHAPTER 28

Roman Republican Political Culture: Values and Ideology

Robert Morstein-Marx

28.1 Introduction

You do not have to be a Marxist anymore to invoke 'ideology'. The term is usefully flexible and employed in somewhat varying ways across disciplines; for our purposes it is enough to cite the definition by Michael Freeden, a contemporary specialist in political ideology:

Ideologies ... are clusters of ideas, beliefs, opinions, values, and attitudes usually held by identifiable groups, that provide directives, even plans, of action for public policy-making in an endeavour to uphold, justify, change or criticize the social and political arrangements of a state or other political community. (Freeden 2004: 6)

Importantly, in this sense the term is used neutrally, without the connotation of 'false consciousness' that marks its origins in Marxist social critique – and which still survives in most ordinary-language use, according to which one man's values and ideals are another's lamentably mistaken 'ideology' (consider 'Communist ideology', 'neo-con ideology', or more recently 'Islamist ideology'). Yet this equalising move does not deprive the term of critical heft, since that very step sets all such clusters of ideas, beliefs, value and attitudes on the same level, thereby denaturalising all of them equally and opening the way for investigators to trace their possible connection to structures of domination (or resistance). 'Values', be it noted, are subsumed by Freeden's definition under ideology; they constitute what a given social group regards as good and worthy of aspiring towards (or the reverse); the legitimacy of a given act depends in large part on its consistency with the salient values of that society (Beetham 1991, 2001). If 'willing obedience' in a political system depends on the legitimacy of certain actions rather than others (Weber 1968: 212–213), investigation of ideology promises to clarify the 'value-rational' considerations of agents both in upholding a given regime or institutions and in challenging them.

Since Fergus Millar, in 1984, opened our ears and eyes again to 'the voice of the orator and to the reactions of the crowd gathered in the comitium and Forum' (Millar 2002 [1984]: 112), Roman

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Republican historians have rediscovered the power of ideology in their debate about the nature of the political system itself (see Chapter 7 and Introduction to Part I). Some scholars have illuminated the verbal and symbolic systems that reinforced deference to aristocratic leadership despite the existence of apparently powerful democratic constitutional powers (most notably now Hölkeskamp 2010); others have given more emphasis to the ways in which ideology not only tolerated but actually legitimated popular assertiveness (most notably Yakobson 2010 and 2014); and some have tried to give both sides their due while seeking a way to make them cohere (e.g. Morstein-Marx 2012, 2013, 2015). Optimates and populares once again parade unashamedly across the historical stage (Wiseman 2009), though we continue to worry about what exactly those labels really meant (Robb 2010; Yakobson 2016) and there is disagreement about whether or not there was an open ideological contest in public debate, and if so, where the fault-lines were (see note 5). Debate is lively and ongoing. Be forewarned that what follows will be controversial in one quarter or another.

My account of republican ideology must necessarily be highly selective. It will focus not on the classic sources of republican political theory (Polybius, Book 6; Cicero's De re publica, De legibus and De officiis, see Chapter 8 on Polybius and Chapter 9 on Cicero) that are regularly invoked in modern discussions of republicanism (Pettit 1997; Skinner 1998; see also Introduction to Part I), but on what Roman citizens clustered around the rostra or in the voting-pens appear to have agreed upon as the governing ideals and principles of their political system. The study of political ideology, like that of political culture generally, focuses not so much on the philosophically rigorous examination of political ideas but in the loosely coherent commonplaces held by the mass of people. Naturally, this focus poses a problem of evidence, since Cicero's political thought is to us now much more accessible than that of the assembly-going, listening and voting crowd. But there are two ways to get past the problem. Speeches delivered even by Cicero in the contio (see Chapter 16), assemblies that constituted the central node of discursive exchange between Senate and People, convey a wealth of information about the commonplaces of Roman Republicanism. Combined with other authoritative samples of such speeches (especially those Sallust worked into his histories; see Chapter 10), these permit us to reconstruct the outlines of the political values and ideas to which any Roman politician had to pledge his allegiance in public, whatever he thought privately or committed to an elite readership, such as those who perused works like De re publica. Rare examples of bottom-up communication like graffiti (Morstein-Marx 2012) can also be illuminating (see Chapter 30). But for my purposes here, the other essential clue to what ordinary citizens thought derives from what they did: examination of the frequency and content of laws that were more or less forced by the People upon a recalcitrant Senate offers important clues about what they thought important and where their ideological preferences and emphases diverged most notably from those of the Senate (Morstein-Marx 2013).

A final caveat: only for the last few generations of the long history of the Republic do we have the kind of evidence we need to map out ideological relationships with some confidence. No well-authenticated, complete text of a speech delivered before the people before 66 BCE even survives, while those embedded in narrative histories written more than a century after the events they describe (such as all the extant books of Livy's history) cannot be treated as authoritative samples of actual political rhetoric (see Chapter 11). As we move back from the Ciceronian period we are thrown back on fewer, less complete and often anachronistic sources. I shall therefore devote most of my space to sketching public republican ideology in the late Republic – the only period for which we have copious evidence – and only then turn to consider, relatively briefly, how we might extrapolate back over the preceding century and a bit. 1

28.2 Cicero's Republicanism

Cicero's political thinking as revealed not only in his major works of political theory but also, more relevant for our purposes, in his speeches before the Senate (most notably the First and Fourth Catilinarians, most of the Philippics) or in lawcourts (see especially Pro Sestio and Pro Milone),

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tends to be internalised by most readers as the very epitome of Roman Republicanism. Only a brief summary can be offered here in order to clarify its relationship to the wider ideological consensus.

For Cicero, the collective wisdom of the Senate provides the thoughtful guidance (consilium) and authority (auctoritas) to which all, individual magistrates as well as the People, should defer while exercising their freedom and legitimate political rights (executive action in the case of magistrates, voting in elections and for legislation in the case of the People). In the De re publica (1.45-2.67) Cicero describes Rome's political system as a mixed, balanced one, like that described a century earlier by Polybius (6.3-18), but his vision of its proper functioning bears little resemblance to Polybius's structured competition between naturally aggrandising elements, using instead the language of harmony (concordia) in which each part is accorded its proper place and purpose (2.69a; cf. Leg. 3.28; see Arena 2012: 81-99). The freedom of the People (libertas populi Romani) is indeed a bedrock republican value for Cicero, but he is more inclined to maintain its plausible appearance (species libertatis) than insist on its full realisation. (On the secret ballot, see Leg. 3.39, pace 3.25; a similar move, though without the word libertas, at Rep. 2.39-40.) For Cicero, the main danger to concordia is the demagogic impulse of some magistrates, usually tribunes, to exploit populist legislative proposals (which he often dismisses as mere handouts, largitio) to angle for the support of the People and draw them away from the wiser counsel of the Senate (e.g. Leg. agr. 2.10, 16; Sest. 104-105, 139; Off. 2.21-22, 77-85; and the classic discussion by Seager 1972). For instance, in Cicero's view Tiberius Gracchus had grossly violated the sanctity of property rights, the basis of justice and therefore of society, in a bid for personal domination (Off. 2.77-80). In such cases it becomes incumbent on the principes civitatis to check popular passions and to instruct the People as to their true interest - what is truly good for the People rather than what they merely want (Sest. 103; cf. utilitas vs. voluntas populi, in Sull. 25). Some heroes of the recent past had managed successfully to do this, Cicero thought (Amic. 95-97; Malcovati 1976-1979: no. 66, frag. 22-26); and so Cicero himself did, or at least believed he had done, in the year of his consulship (Leg. agr. 2, with Pis. 4). Some, however, like the Gracchi brothers, Saturninus, P. Clodius and Julius Caesar, confused or seduced the People, and with their support raised themselves to the point where they could no longer be stopped by normal political methods. These men Cicero regarded as aspiring or actual tyrants who therefore merited assassination in order to free the state (esp. Off. 3.19, 32, 82-83 with Gildenhard 2011: 85-92) regardless of whether they enjoyed the support of the People (which was after all what made them so dangerous). The ideology of tyrannicide can be shown to have been fully developed in Cicero's thought well before its most famous application, the defence of Caesar's assassination in 44 (Cat. 1.1-4; Rep. 6.8; Mil. 77-82; cf. M. Brutus's denarius of 54, Crawford 1974: no. 433/2.)

But it is important to recognise that the citizenry as a whole surely did not share all aspects of this conception of the proper functioning of the Republic. On the contrary, it is illuminating to see what elements of that conception Cicero is careful to leave out of his speeches to the People and vouchsafes instead only to elite audiences or readers. For instance, despite his claim in the De officiis that the Roman People regarded Tiberius Gracchus as justly killed (iure caesus: Off. 2.43, 3.19), we happen to know that the popular audience to whom Scipio Aemilianus pronounced this judgement protested vigorously (Malcovati 1976-1979: no. 21, frag. 29). It is clear that men like the Gracchi brothers or Julius Caesar, popular heroes all, did not fit any ordinary-language definition of a tyrant and their bloody deaths under the cover of concordia or tyrannicide were the source of deep popular anger (see e.g. Morstein-Marx 2012: 197-204). Cicero's humiliating exile for the execution of the Catilinarians in his consulship reveals how weakly his views on extrajudicial killing in general resonated with the Roman People (consider Pina Polo 2006). He did not dare to voice his views on Tiberius Gracchus's supposed violation of property rights and justice in general before a crowd of citizens; on the contrary, when addressing the People, he took pains to praise the Gracchi to the skies (Leg. agr. 2.10-12; Rab. perd. 14-15). Even the key idea of senatorial leadership is quietly downplayed in Cicero's speeches to the citizenry: now Cicero describes the 'judgement and will of the Roman People' (Sest. 106) as definitive, defers to their wisdom and authority, and invites them to impose a political role for him to play (Leg. Man. 70-71; Leg. agr. 2.16, 49; Rab. perd. 5; Phil. 6.2). No Ciceronian (or any other extant) contio ventures to offer a candid defence of the principle of the collective rule of the elite, which is so often regarded by moderns as the real essence of the Roman Republic (Morstein-Marx 2009: 115-116). This is all strategically ingratiating language, of course, yet it evidently not only conforms to popular expectations but also corresponds to a significant political reality: a large number of popularis legislative proposals were actually carried by popular vote against strong senatorial opposition, which shows that the Roman People could not be counted on to defer automatically to the authority of their 'betters' (Morstein-Marx 2013). Further, the relative coherence of the main themes of those legislative proposals that broke through senatorial resistance by mobilising the necessary votes shows that voters were not mere dupes of demagogues, grasping at state-funded benefits dangled before their noses, but prepared to mobilise in sufficient numbers in the name of larger, essentially political goals and principles: senatorial restraint and accountability, or popular rights (iura populi). Reverence for the Senate's consilium - which indubitably was often strong - was largely conditioned on its being seen to be earned, while failures of senatorial leadership were apt to call forth dramatic course-corrections by the voters.

28.3 The Ideology of Freedom

Freedom (*libertus*) was the birthright of the Roman citizen, his fundamental right, its invocation a reliable clap-trap with which orators loved to close their speeches before the People. But what was really meant by the word? In a slave society, *libertus* must have meant above all not being a slave, that is, a state of non-domination in which one could not be arbitrarily subjected to slave-like treatment (Arena 2012): instrumental exploitation, and unconstrained and summary punishment including torture and death. Yet 'not being a slave' doubtless had different subjective connotations for individuals with different horizons of experience and expectation. A senator's *libertus* then presumably primarily suggested non-subjection to a tyrant or king (both were assimilated in Roman political discourse under the Latin term rex). In practice, since the last king of Rome had been expelled toward the end of the sixth century, the kind of rex senators tended to have in mind was another senator who was able to arrogate to himself power that put him beyond the restraint of the law or effective constraint by his peers (a situation described as regnum or dominatio). As we have already seen in our discussion of Cicero, in the political controversies of the late Republic, to brand an individual as a rex (or an aspiring one) was to attempt to strip him of all legitimacy and to make the claim that lethal violence against him should be given impunity (tyrannicide).

But this perception of freedom risks being over-emphasised because of the domination of Cicero's voice and a distinctively senatorial point of view in our sources. Ordinary citizens, who no less than the elite had taken in the story of Lucius Brutus's expulsion of the Tarquins with their mother's milk (Morstein-Marx 2012: 204–213; see Chapter 34), probably loathed regnum no less than did senators; but for them this concept of illegitimate power was not restricted to a single monarch and was probably most salient in their fear of oligarchical domination by the powerful few (pauci or pauci potentes: see e.g. Sall. Iug. 31.19–20, Hist. 3.48.6–7 M; for plurality of reges, see Cic. Leg. agr. 2.15, 2.29; note Sall. Hist. 1.11 M: servili imperio [...] regio more). A core element of plebeian historical consciousness was the long struggle of the plebeian order for legal and political equality (the so-called Struggle of the Orders from the fifth century to the third; for a summary, see Lintott 1999: 32–39), during which, against bitter patrician resistance, the Roman People had won key protections against arbitrary and summary punishment by Roman magistrates: in particular, the creation of the tribunes of the plebs and the basic Roman civil right of provocatio – 'two citadels for the defence of freedom' as a character in Livy calls them (3.45.8; see Chapter 19; Chapter 22). Provocatio, 'liberty's protector' (Cic. De or. 2.199; see denarius of P. Laeca: Crawford 1974: no.

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Figure 28.1 Denarius of P. Porcius Laeca, 110–109 BCE, Rome, silver. Obverse: ROMA P · LAECA X; helmeted head of Roma, right; border of dots. Reverse: PROVOCO; figure in military dress, left, with right hand raised; on left, figure in toga, gesturing with right hand; on right, attendant with one rod in right hand and two rods in left hand; border of dots. Crawford 1974: no. 301/1; image of HCR 55975. Courtesy of Ashmolean Museum, University of Oxford.

301 = Figure 28.1; Lintott 1972), may have its origins in very early custom but was given teeth by statute by 300 BCE at the latest (the *lex Valeria*); various further *leges de provocatione* passed henceforth by the Roman People made manifest the tight connection, even interdependence, of negative liberty (protection from slave-like treatment or domination) and a more positive emphasis on the capacity for collective self-rule (see Skinner 2002; cf. Shapiro 2009). The People's formal legal equality and access to the law (fully published only in 304 BCE, according to tradition) were of course essential for their negative freedom – but this depended as well on the positive right exclusively to pass legislation² and to choose by their votes the magistrates who would hold power over them – in the case of consuls and praetors, awesome power (*imperium*) represented by impressive symbols of authority (the *fasces* and *lictors*). By a tight chain of associations, then, the 'freedom of the Roman People' was linked to popular rights (*populi iura*) in whose defence the voting assemblies of the late Republic showed themselves alert and prepared to take decisive action (Morstein-Marx 2013).

28.4 The Ideology of Election

Although the People's rights and the authority of the Senate (senatus auctoritas) might sometimes be set in direct opposition (Sall. Cat. 38.3; cf. Ing. 41.5), the two concepts were not fundamentally incompatible, or the Republic would have been ungovernable. Close study of the rhetoric and practices of the contio show that in general, in fact, great respect was accorded to the auctoritas (here meaning something more like 'weighty counsel' than the ability to command obedience) of eminent senators, or of the Senate as a whole (see Chapter 1). At least from 98 BCE and probably by long-established custom, before the People cast their votes on proposed legislation public meetings would be held over a period of roughly three weeks at which leading senators (principes civitatis) could deliver their opinions, or auctoritates, to the assembled crowds (Cic. Vat. 24). Advocates of a law took care to advertise the auctoritates of senior senators on their side and compared them favourably to those lined up on the other (see Cic. Leg. Man. 51, 68). The People had the final word; but why was there such respect for auctoritas, the more or less exclusive preserve of the most senior senators?

With remarkable consistency, regardless of specific audience or readership, election to political office in the Roman Republic is construed in our texts as a beneficium or gift of the Roman People offered in recognition of an individual's moral excellence (e.g. Cic. Leg. Man. 1–2; Leg. agr. 2.2–5). This important point needs emphasis for it explains much else about the peculiar nature of Roman Republicanism. The construction of election as the community's judgement of an individual's moral quality contrasts strongly with the familiar modern conception of election in representative democracies as a choice of policy conferring a popular mandate on one who represents it. Although it would be a mistake to overlook entirely the emergence of real policy issues as we would understand them in some Roman elections (for example, the consular election of Marius in 108: Yakobson 1999: 13–19), it is also clear that this was not the norm (Caelius, Cic. Fam. 8.14.1 = 97.1 SB). In fact, candidates were advised against taking such stands for fear of unnecessarily alienating some important portion of voters (Comm. Pet. 53 with Morstein-Marx 1998; Yakobson 1999: 148–183; and Tatum 2013).

The qualities for which the Roman People conferred their gifts, also called 'honours' (honor is in fact standard Latin for high political office), may be summed up as virtus and dignitas. Virtus (literally: exemplary 'manliness') does not admit of easy definition or translation in many republican Latin texts. In the military contexts beloved of the ancient Roman historians it can often be translated simply as 'valour', yet in a more political sphere - even in a speech recommending to the People the appointment of a general for a difficult campaign - it tends to denote something much broader: 'excellence' in the various dimensions of political leadership, military or otherwise (e.g. Cic. Leg. Man. 28-42). Dignitas (worthiness) fundamentally relates this moral excellence to the People and their act of judgement: a man has dignitas to the extent that he is considered dignus (worthy) of the honores conferred upon him by the People in an ever more challenging sequence (Sall. Ing. 63.5) up to the consulship and conceivably beyond. Dignitas naturally accumulates among the ex-consuls (consulares) at the top of the senatorial hierarchy, but a rising mid-level senator like Caesar in 63 - elected in that year not only to the praetorship but also the High Pontificate - already had a considerable amount of it (Cic. Cat. 4.9). When Caesar, during the exchange of messages with Pompey that preceded the civil war, said that 'dignitas had always been his utmost concern and preferable to him to life itself' (Caes. BCiv. 1.9.2) this was probably an unimpeachable truism shared not just by Pompey but by all high-ranking senators. But it is crucial to recognise the underlying assumption that honores, and the dignitas that they produced, were only tokens of 'honour' because they were based on an authentic judgement of the Roman People, expressed by their free vote. Thus to tear away a beneficium of the Roman People from a worthy recipient, and correspondingly damage his dignitas, was not only a hardly tolerable blow to an aristocrat's amourpropre but could also be construed as an offence to the People's exclusive right to dispense honours (Polyb. 6.14.3). It was also an act of sabotage against the systemic driver of Roman excellence, incentivising the worthy to put their virtus to the service of the Republic: for 'excellence desires honour, as it were; and there is no other reward for excellence than this' (Cic. Rep. 3.28 P; cf. Brut. 281).

Here we observe the mutually dependent interplay between the aristocratic and democratic elements of the Roman Republican constitution (esp. Yakobson 1999: 231–233). Despite its strong moralistic emphasis on excellence as an entitlement to guide and lead the Republic, the distinctive Roman ideology of election still maintained a clear conception of accountability specifically to the People. If political office (honor) was a beneficium conferred by the Roman People, then it was embedded in the moral system of reciprocity that governed the exchange of services. A beneficium given by one party created a debt in the other which had to be requited by an equal or greater service (often now called officium) in return. According to the same conceptual framework, the gratia (gratitude) one inspired in others by serving their interests also means 'political influence'; likewise, by performing services to the Republic (merita in rem publicam) a public leader became one who deserves well from the Republic (bene meritus de re publica), for mereor contains simultaneously the ideas of serving and earning gratitude thereby. The recipient of the People's beneficium was expected to repay the debt by selfless and tireless vigilance on their behalf, single-mindedly

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pursuing their interests and resisting all behind-the-scenes machinations (Cic. Leg. Man. 69–71; Leg. agr. 2.6–7; Phil. 6.17–18; Red. pop. 24–25). Hence, as we have seen, even a Cicero could call on the People to impose a political role that he would dutifully carry out; more striking still, L. Crassus in 106 – seeking to undermine the People's faith in the public spirit of equites, who were not integrated into the system of reciprocity by this interpretation of election – could even figure the service to the People performed by all senators (who had as a general rule all received the People's beneficium at least once in order to qualify for the august council) as a kind of total self-subordination akin to slavery (Malcovati 1976–1979: no. 66, frag. 24).

It was of course morally imperative for a consul not to cheat on his debt to the People ('Marius' at Sall. *Iug.* 85.8) by failing to act in their interest, though in practice there was little that could be done about it other than wait out his one-year term of office, since after the consulship he had no further popular election in sight except the unlikely prospect of the censorship (but see Cic. *Verr.* 2.5.175–176). Moreover, since it was said that great nobles could obtain the Roman People's beneficia 'in their sleep' (*Verr.* 2.5.180) – that is, more because of their ancestors' achievements, the pledges of hereditary virtus (Sall. *Iug.* 85.29–30), than their own worthiness – there was a danger that such men might think that the Roman People were indebted to them from the cradle, and view their (almost) inevitable election as simply clearing the debt and incurring no further obligation (Sall. *Iug.* 85.37). Hence the immense pride taken by 'new men' such as Marius and Cicero in attaining by their own personal excellence the honours that nobles tended to view as their exclusive preserve (Sall. *Iug.* 85.29–34, cf. 63.6–7; Cic. *Leg. agr* 2.2–5).

Repeatedly passing the test of popular election by the citizenry as a whole gave a man auctoritas, which as we saw at the beginning of this section, mattered greatly when the People needed guidance – especially, as we shall see, before voting on any law of significance. It is undeniable that the understanding that the purpose of election was to select morally superior leaders is entirely consistent with the values of a partly hereditary aristocracy (for nobility, as well as patrician status, was inherited). As far back as Aristotle (Pol. 4.9.4, 1294b), election had been viewed as an aristocratic, not a democratic feature. At the same time this conception compelled that aristocracy both to prove its claims to excellence competitively before the citizenry, and also opened the ranks of the aristocracy to those currently below it in the social hierarchy who could successfully stake their own claims according to the same criteria – 'new men' (for the constant renewal of the senatorial aristocracy from below, see Hopkins and Burton 1983; see also Chapter 25). While the moralisation of election encouraged at least conditional deference to a political elite that had passed repeated, ever more competitive tests of popular judgement, it also imposed meritocratic values upon the Roman aristocracy.

Consideration of the ideology of election gets us to the heart of what Roman Republicanism would have meant in practice to most politically active citizens, who between the time of Sulla and Caesar were summoned to elections a minimum of seven times a year (Nicolet 1980: 235) in order to select some 44 magistrates and officials, not counting minor elected officials such as the 24 military tribunes and moneyers (see Chapter 21). One observes clearly in this domain the distinctive, and actually quite coherent, interplay of aristocratic and popular elements of the republican political system in the period for which its functioning is best attested. Aristocratic values (well surveyed by Rosenstein 2006), including such core ideas as auctoritas and dignitas, need to be anchored in the popular, citizens' role of judging, honouring and voting (Morstein-Marx 2009) in order for the aristocracy's remarkably focused orientation to the res publica to be fully understood (Hölkeskamp 2010: 76-97). And as Polybius had written in the second century, popular election was the jealously guarded preserve of the Roman People: they 'alone are the arbiters of honour (timē, i.e. political office) and punishment, the bonds by which alone monarchies and states are held together' and they alone 'give offices to the worthy - the finest prize of excellence in political life' (6.14.4, 9; see Chapter 8). When in 148 BCE, with a massive wave of enthusiasm, the People demanded to be allowed, despite the law, to elect Scipio Aemilianus consul, although he was then a candidate only for the aedileship, the consuls objected and showed them the law (presumably the lex Villia annalis); but they would have none of it, 'shouting that by the laws of Tullius and Romulus the People were masters of elections and could validate or invalidate whatever they wished among the laws'. When the tribunes threatened to take the election away from them, the consuls and the Senate threw in the towel and resorted to having the law repealed and then revived in the next year (App. Lib. 112; Elster 2003: no. 202).

28.5 Ideology of Legislation

As the second-century Greek observer Polybius saw (6.14.10), the People's exclusive right to pass laws was an essential constituent of the democratic element of the political system of the Roman Republic (see Chapter 8). This, taken together with the right to elect all magistrates (with the irregular exception of the Dictator) and the right to judge or authorise any court judging capital cases, constitutes the basis of the specific conception of popular sovereignty that is found in the

Roman Republic (see Chapter 31).3

Legislation was no rubber stamp for decisions actually taken elsewhere, such as in the Senate or by the magistrates. As we have seen, custom and eventually law imposed a requirement of public readings of proposed legislation over three successive market-days before the scheduled vote, and in these and other public meetings potential voters were expected to be instructed by the leading citizens about the advantages and disadvantages of the promulgated law; any attempt to pre-empt this process, as for instance by a premature tribunician veto, was apt to be rejected (Liv. 45.21). This constitutional norm implies both an expectation that voters would exercise judgement rather than simply functioning as tokens of patronage and that this judgement needed prior instruction by political leaders, whose authority (as we saw) was founded on the reiterated cycle of election and public service (cf. Chapter 29). Once again, the interplay of aristocratic values and popular ones is notable: leading citizens are assumed to possess superior knowledge and information, but the final decision (barring an unusual referral to the Senate for violence or religious infractions) rests on the audience's judgement of the arguments offered by their 'betters' and their eventual vote.

It was in fact entirely rational to attribute superior knowledge and information to senators since, given long-standing traditions that never appear to be questioned, even the politically active Roman citizen had only a very partial view of government and limited access to key information in comparison to senators in general, let alone principes. Not only did senior political leaders have experience and a record of election and service that served as a warrant of public trust, but they had a cognitive advantage as well due to the fact that the proceedings in the Senate, where all matters that concerned the Republic were discussed (usually first), were closed to the general public (see Chapter 15). This made senators' auctoritates indispensible for ordinary citizens preparing to cast a vote on matters that might well significantly affect their lives. A potential voter who did not belong to the senatorial or equestrian order might hope to catch some sense of what was going on through the open doors of a senatorial meeting, but he could not go inside and observe for himself. His chief source of information was probably rumour and, even if he did linger long enough to hear an announcement or a speech delivered at the rostra by one or more senators after the meeting was dismissed, he was still dependent on these intermediaries' selective and often partisan interpretations for authoritative information about what was really going on in that mysterious locus of power (see Chapter 34). Furthermore, this lack of transparency necessarily meant that voters knew they did not know as much as the senators addressing them about the sometimes complex, and certainly tendentiously presented, issues under debate; they will probably have felt much more secure judging the trustworthiness of the one delivering the message, most of whom had, after all, a record of service to the Republic. Speakers responded to this challenge by emphasising above all their personal relationship of trust with the People, founded on the system of exchange we examined in Section 28.4, or alternatively on a rhetorical ethos and symbols of office. They laws of Tullius and idate whatever they way from them, the led and then revived

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assimilated themselves to the ideal of the loyal 'friend of the People' while mostly (in a way that is reminiscent of the avoidance of issues in elections) suppressing candid ideological confrontation of alternatives that would only risk alienation and rejection in the speeches before the People as a whole. Hence the phenomenon I have dubbed 'ideological monotony', a somewhat controversial idea to be sure. The classic example is Cicero's complete avoidance of debate about the advisability of land distribution in his great *contio* against the Rullan land bill (*Leg. agr.* 2), indeed his astonishingly disingenuous claim (given what we know of his views) that he *favoured* land reform as a rule, while he opts instead exclusively for a strategy of discrediting the motives of the men behind the bill (but see now Yakobson 2010 for a more benign view).

Because of their direct and copious political experience, their privileged access to political knowledge and their dominance of authoritative communication in the form of speeches (see Chapter 32), the political elite could expect a good deal of deference most of the time from its audiences of potential voters. To dismiss this as a product of 'false consciousness' or an example of unconscious absorption of 'aristocratic ideology' by the unreflective masses (Brunt 1988: 51), however, is too redolent of the now-discredited 'dominant ideology thesis', with its trickle-down model of cultural production (Abercrombie et al. 1982; Scott 1992). Arguably, deference to auctoritas is explicable as a rational strategy in the face of the real challenges that confronted the politically engaged Roman citizen: first, distraction by the daily struggle for existence, lack of transparency the rest of the time. But deference is not the whole story either, for this turns out on careful examination of known late-Republican legislation to have been far from unlimited and heavily contingent on circumstances. For example, after the nobility's at worst incompetent and corrupt, at best indecisive leadership in the early phases of the Jugurthine War had created a wave of unstoppable public enthusiasm for the election of Marius to the consulship of 107, the first new man in 34 years (or perhaps 25; Badian 1990: 380-381), it was probably a foregone conclusion that a law of the Roman People would overturn the Senate's provincial assignments and put Marius in command of the war in place of the noble Q. Metellus. In somewhat comparable circumstances in 66, Cicero has an answer for those senior senators who were opposing a law overturning senatorial assignments to transfer the Mithridatic command to Pompey: they were just wrong. Experience had now shown that, in this instance, the judgement and wisdom of the Roman People were superior to theirs (Cic. Leg. Man. 63). Nor were such cases exactly rare. A recent study has shown that in the late Republic, the Roman People in their assemblies passed laws that faced significant senatorial opposition once every three years on average, while in certain intervals in which popular dissatisfaction peaked, the average goes up to once a year (Morstein-Marx 2013). This level of popular assertiveness seems to compare favourably with that of modern democracies, which tend to force comparable changes of course (in the modern case, elections that turn the ruling party out of office) rather less frequently than the rather indocile Romans did with their legislative votes.

The relative frequency of such powerful assertions of the popular will against significant senatorial resistance in the late Republic shows that the various procedural options open to magistrates and the Senate for obstructing popular legislation – e.g. announcement of contrary omens, watching the skies, violence or the allegation of violence, annulment of laws by the Senate, vetoes by pro-senatorial tribunes, all of which attract a good deal of attention by historians inclined to emphasise senatorial dominance – were actually not very effective in the face of strong popular enthusiasm. To some extent, the practical weakness of senatorial and magisterial checks on the assembly's power can be viewed as purely prudential: our sources not infrequently claim that on such occasions the Senate was compliant due to its 'fear of the People' (Morstein-Marx 2019). This alone is important, of course, but we should also note that republican values conduced to the same end and probably played a significant role as well. The tribunes' use of their right of veto was not subject to any serious legal constraints (Cic. *Corn.* frag. 30 Crawford); why, therefore, was a compliant tribune not found to veto every single piece of popular legislation disfavoured by the senate majority? The answer must be that a veto in the face of a strong popular impulse was simply unsustainable. And the crucial reason was one encoded in republican values: as famously

articulated by Tiberius Gracchus in a speech of 133, the tribunate, which had been created by the plebs to protect their interests and carry out their wishes (Polyb. 6.16.5); could not legitimately be used to subvert those interests and will (Plut. Ti. Gracch. 15.2–4; see Chapter 38). Even Cicero, even in a court dominated by the upper orders of society, could applaud a tribune for refusing to give way to a veto-attempt and who thus had not allowed 'the expressed will of a single colleague of his to have had more weight than that of the whole citizen body' (Corn. frag. 31 Cr.). The doctrine had actually been put to the test in 133 after the tribune M. Octavius tried to stop Gracchus's agrarian law with his veto. He was immediately removed by a popular vote, which the Senate did not even attempt to overturn. Thereafter the matter was more or less settled, and as a consequence, nearly all bills that had the requisite popular support to be carried successfully through the three-week discussion period before the vote, in the face of possible veto-threats, were bound to be passed by the vote in the assembly.⁵

The content of the perhaps 36 laws passed in the face of substantial senatorial objection during the late Republic offers invaluable insight into some distinguishing contours of the ideology of Roman voters, especially where these differed from that of the elite. Following the lead of Cicero – a highly unsympathetic source – scholars have often been tempted by the cynical (and rather undemocratic) view that the Roman *plebs* were chiefly interested in milking the state for various kinds of material handouts (*largitio*): agrarian distribution, the grain dole and so on. These sorts of *commoda* (benefits) certainly have their place among the laws passed in the teeth of senatorial resistance, but in fact they make up only a modest minority of them (about a third). Much more common among the popular proposals passed against the dominant will of the Senate, however, are the higher-order ideological topics of enhancing popular rights (*iura populi*) and limiting senatorial power. This bespeaks a voting population that was not the easy prey of populist, manipulative demagogues but was politically sophisticated enough to mobilise in support of longer-term principles and goals.

28.6 Ideology of Voting

This discussion of republican ideology has so far presumed that the vote, or *suffragium*, was taken seriously as an expression of the will of the Roman People in two key arenas of political life, that is, the choice of officials and the passage of laws. That the vote was understood to be an essential protection of freedom is clearly expressed in contional texts as well as some well-known coins (Crawford 1974: no. 266/1, 292/1 = Figures 28.2–28.3). Voting was the source of the People's *gratia*, their leverage to demand *beneficia* in return (Cic. *Leg. agr.* 2.16–17, 102); by their vote they determined whether to live as free citizens or to be treated like slaves (Sall. *Hist.* 3.48.6–7 M). Yet the emphasis given here to voting might seem to collide with two powerful nostrums of modern scholarship: that the very structure of the assemblies tended to subvert rather than express the popular will; and that proportionately very few Romans actually voted anyway.

Since this is a chapter on ideology, I shall offer only a brief outline of a response to these potential objections; readers will find the technical aspects of the assemblies addressed elsewhere in this volume (see Chapter 16; Chapter 22). First, while the assemblies indubitably manifest to varying degrees a conservative bias in favour of the wealthy, even the timocratically organised centuriate assembly, where high officials were elected, still elected the new man Marius consul over strong noble objections in 108 (and re-elected him four times between 104 and 100); and, as we have already seen, the assembly of tribes, which passed virtually all legislation in this period and also elected plebeian officials (most notably the tribunes), not infrequently in the late Republic rejected the consensus and sometimes vigorous opposition of the Senate to pass popular legislation. The second objection likewise has probably been given too much emphasis (esp. Mouritsen 2001). The evidence we have for significant numbers of voters who had come or were expected from quite far

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Figure 28.2 Denarius of C. Cassius, 126 BCE, Rome, silver. Obverse: X (crossed); helmeted head of Roma, right; behind, voting urn and denominational mark; border of dots. Reverse: C · CASSI; Libertas in quadriga, right, holding reins and rod (vindicta) in left hand and pileus in right hand; line border. Crawford 1974: no. 266/1; image of HCR 55578.

Courtesy of Ashmolean Museum, University of Oxford.



Figure 28.3 Denarius of P. Licinius Nerva, 113–112 BCE, Rome, silver. Obverse: ROMA; bust of Roma left, wearing helmet and holding shield in left hand and spear over shoulder in right hand; above, crescent; left, denomination mark; border of dots. Reverse: P · NERVA; voting scene; one figure on left of pons (bridge) receives ballot from attendant below, another figure on right of pons places ballot in cista (box). Crawford 1974: no. 292/1; image of HCR 55884.

Courtesy of Ashmolean Museum, University of Oxford.

away – for example, Ciceronian references to the anticipated importance of Cisalpine Gaul in the consular election in 64, to the turnout from Umbria to vote for L. Murena in 63, or from the whole region from Sora to Casinum and Aquinum to support local boy Cn. Plancius even in an aedilician election (Cic. Att. 1.1.2 = 10.2 SB; Mur. 42; Planc. 19–24) – is hard to reconcile with the assumption that the residents of the peninsula saw themselves as so detached from the political life of the city that they were unlikely ever to make their way into the voting-pens (see Chapter 23). A citizen who resided far outside Rome could be quite selective, miss the vast majority of votes but still manage to engage at least once every two or three years when his interests and those of his community were felt to be at stake, when the honour of a local figure or patron demanded it, or

when a journey to the city was otherwise attractive, such as during the great festivals (Cic. Verr. 1.54). This hardly amounts to disenfranchisement. Many a citizen of the modern democracies votes less often, in an environment in which the opportunity cost of voting is trivial.

Suffragium was surely not conceived in the individualistic terms that come naturally to most citizens of modern democracies. Romans always voted in groups, and like the electoral vote in US presidential elections, it was the tally of groups, not of individual votes, that ultimately counted. Solidarity with a voting-group was doubtless reinforced by the social process of voting, in which one stood in lines for hours with one's fellow tribe- or century-members, surely chatting all the while. Such circumstances must have tended to discourage a highly individualistic use of the vote and to submerge purely personal preferences within a larger group identity – fellow-townsmen or those from the same region. A Roman vote should not be seen as a market in which self-regarding individual preferences were aggregated (as a modern rational choice theorist might propose) but a forum in which the self was emphatically subordinated to a perception of the common good of some larger group – one's hometown, one's tribe, or indeed the Roman People as a whole (see Elster 1997 for the distinction).

For the ballot to be an instrument of freedom it was necessary for it to be truly free. Hence the leges tabellariae of the late second century securing the secrecy of the ballot (a fascinating discussion at Cic. Leg. 3.34-39),6 and Marius's narrowing of the voting bridges in 119, as well as everintensifying legislation against electoral bribery (ambitus) and the institution of a standing court devoted to these charges (see Chapter 29). But it is important to note that the aristocracy was at least as concerned with bribery as were the People (who were after all individually its beneficiaries). The outright purchase of votes violated a tenet of the ideology of Roman election in which senators happily colluded: that it was the verdict of the community in a competition of virtus and dignitas. Although individual aristocrats certainly cheated, and bribery in particular was difficult to define legally in a culture of gift-exchange, overall the honour-system required the popular vote to be free and reasonably fair; thus the political elite was willing to acquiesce in the bargain that the People - often likened to the storm-tossed seas or violent gales - might sometimes get it wrong and elect the worse rather than the better candidate (Cic. Mur. and esp. Plane.). The element of chance attributed to 'popular passions' provided a face-saving explanation to all defeated candidates that must have helped to soften the blows of rejection for losers in the aristocratic competition for election. Seen from a sociological perspective, the aristocracy needed an effectively neutral third party to serve as judge in their contests and thereby to maintain their own claims to moral superiority (Hölkeskamp 2010: esp. 99-101). With the end of free elections in the dictatorship of Caesar and the early Principate, the choice of magistrates was placed entirely in the hands of an all-powerful individual rather than the community as a whole. This undercut the honorific system at its very basis, deconstructing the conception of political office as honor and confusing the aristocracy's traditional claim to virtus. The link between public service and virtus was deeply compromised, provoking a crisis in the nobility's self-definition that is still evident in the writings of Tacitus a century after Augustus (Oakley 2009; Balmaceda 2017: 157-241).

28.7 A Look Back: The Middle Republic

How well does this picture, drawn from the copious and mostly contemporary surviving documentation of the late Republic, correspond to conditions of the second or third century BCE? Contemporary evidence now dwindles to a trickle: most notably for our purposes, Polybius's fragmentary history (especially the famous Sixth Book on the Roman constitution), the inscriptions on the family tomb of the Scipiones along the Appian Way (Flower 1996: 159–184, 326–329) and occasional, often tantalising, snippets of speeches and histories (such as L. Caecilius Metellus's eulogy, delivered in 221; Plin. HN 7.139-40 = Malcovati 1976-1979: no. 6, frag. 2). Nothing

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comparable to the harvest of late-Republican contiones offers itself for the earlier period, so unsurprisingly it is the aristocratic voice that dominates. But the evidence we have fits comfortably within the ideological system we have thus far described, encouraging the conclusion that any differences of republican ideology between the middle and late Republic were ones of emphasis and degree, not of kind.

The epitaphs on the tombs of the Scipiones, ranging from (probably) the 250s to the 130s BCE, are a favoured source of evidence for aristocratic values that seem entirely consistent with those found in the Ciceronian period: the primacy of leadership in war and political office, but also in wisdom (sapientia); emphasis on noble descent; and the pursuit of honor, fama and gloria in virtuous competition not only with their contemporaries but also with fathers and forebears (Flower 1996: 160–180, 326–328). But since the tomb-complex was closed to the public (Flower 1996: 160) these texts were hardly addressed to the populace as such (contra Flower 1996: 179–180) but, more likely, the living members of the family who were the tombs' anticipated visitors. Polybius's impressive description of the funeral pageantry that reinforced the power of eminent aristocratic families may then be better evidence of the ideological construction of noble prestige among the wider population, for here he lays stress not only on the effect of the spectacle upon young or aspiring aristocrats but also upon the People as a whole (ho demos, oi polloi: Polyb. 6.53.2-3, 6.54.2), who are thus made witness to the 'fame of those who have served their country well' (see Chapter 1). Noting that 'the People alone are the arbiters of honour (time, i.e. political office) and punishment, the bonds by which alone monarchies and states are held together' (6.14.4; cf. 6.14.9, quoted earlier in Section 28.4), Polybius appears to describe the same conception of political office as an honor and beneficium conferred by the populus Romanus we have already examined. Again, in his detailed dissection of the Roman political system Polybius describes it not as an aristocracy or oligarchy tout court, as do many modern interpreters, but as a mixture of monarchic, aristocratic and democratic elements in which aristocratic power is balanced by the more individualised authority of the consuls, who could after all sometimes break with the collective will of the Senate, and by the power of the People exerted both by their own officials, the tribunes and the voting assemblies. This, too, fits well with what we have seen. The tripartite schema indeed arguably suits the late Republic, with its assertive assemblies and renegade consuls, better than the middle; but as we shall see, these phenomena are not absent in the third and second centuries.

It is customary to follow more or less the grand narratives of decline and fall offered by Polybius (6.51, 6.57) and Sallust (Cat. 10-13; Iug. 41-42), and thus to trace the development of political culture from the middle to late Republic in a downward linear trajectory from a period of unquestioned dominance by the Senate and nobility during the Second Punic War to its catastrophic dissolution when, following the decisive defeat of all Rome's Mediterranean rivals, individual aristocrats began to exploit the relatively untapped power of the People in their now-intensified competition for personal aggrandisement and a greater share in the fruits of empire. We tend thus to sketch the period of the middle Republic as something close to the Ciceronian ideal of concordia and deference to the auctoritas of the Senate (Rosenstein 2012: 1-35). This may be broadly correct, but it can also mislead if qualifications and nuance are lost. Clearly, the outbreak of violence in 133 and its frequent reappearance thereafter constitute a milestone in the intensification of political struggle. Another concrete index of change may be found in the mid-century shift of the speakers' orientation on the rostra: in 145, the tribune C. Licinius Crassus was the first to turn away from the Senate House and towards the expansive space of the open Forum while conducting legislation (and probably in addressing the prior contio as well), which implies the mobilisation of larger crowds for political action than would have fit in the cramped space of the comitium used hitherto (Cic. Amic. 96; Varro, Rust. 1.2.10; cf. Plut. C. Gracch. 5.3, probably wrongly attributing the innovation to Gaius Gracchus). This must be linked to the steep growth (perhaps doubling) of the population of the city over the course of the second century (and continuing into the first: De Ligt 2012: 102, 218-219). Since Rome was the site not only of all voting and contiones but also

for the street politics that formed the base of much popular resistance to senatorial hegemony, this change must have produced a corresponding effect on the modalities of the relationship between Senatus and Populus. However, we must also take care not to overlook the significant current of popular politics even in this ostensibly golden age of senatorial hegemony. The historical memory (however accurate) of the Struggle of the Orders featured at its core a remarkable valorisation of productive sedition in almost Machiavellian terms ('Antonius' in Cic. De or. 2.198–200; Cic. Corn. frag. 31, 48–50, with Ascon. 76–78 C; cf. Machiavelli, Discorsi 1.4; cf. Chapter 2). In Cicero's political theory the overthrow of the Decemvirate by the Second Secession of the plebs in 449 BCE put an end to the period of senatorial dominance and introduced the mixed constitution in which the Senate's aristocratic power was restrained by the People (Rep. 2.61–3). Sallust, when he steps back to take a more sweeping view of Republican history in his Histories, describes the period of maxuma concordia (greatest harmony) as an unrepresentative interlude of some 50 years (between 218 and 146) out of the Republic's life of almost five centuries: the Second Punic War had temporarily put an end to discordiae (discords) and certamen (struggle) between Senate and plebs (Hist. 1.11 M), which manifestly returned in the time of the Gracchi (Iug. 42; see Chapter 10).

Were then the Roman People of the third or second centuries sometimes, or often, as insubordinate as they were in the first? The difference may not be so great as is often thought, for popular votes that overcame significant senatorial resistance were not exactly rare even in the middle Republic: before the highly irregular election of Scipio Aemilianus in 148 noted in Section 28.4 (immediately followed by the first documented case of the reassignment of a major command by tribunician legislation) there were the popular vote that triggered the First Punic War, Gaius Flaminius's agrarian law of 232 and the ban on senatorial ownership of large vessels (*lex Claudia*) of 218, as well as other examples of legislative assertiveness by the People. It is probably a misrepresentation to normalise the dominance of the Senate, as if the Republic can only be regarded as functioning properly when Cicero, the younger Cato, or other self-styled optimates would have been satisfied. The democratic element that Polybius discerned in Rome's mixed constitution was no merely theoretical construct, neutralised in practice by ideology and deferential social practices, but – so at least I have sought to demonstrate – was an essential and important part of republican ideology itself.

NOTES

- I cannot accept Flower's provocative argument that the last of the Roman 'Republics' she articulates ended in 60 BCE, which would make the Fifties the only period for which we have sufficient contemporary evidence 'no longer [...] a period of republican history' (Flower 2010: 149).
- 2 Some, on the whole relatively minor, decisions of the Senate were treated in practice as law (Arena 2012: 65 n. 101). But this does not really affect the larger picture.
- 3 The formula res publica res populi (Cic. Rep. 1.39.1) makes the point succinctly. Cf. Har. resp. 19: populus Romanus, cuius est summa potestas omnium rerum; Cic. Planc. 11. Occasions where the People's right to decide by their vote is explicitly vindicated over aristocratic objections (Liv. 25.2.7, 38.36.8; App. Pun. 112) reinforce these general expressions of principle.
- 4 'A nakedly optimate stance was in straightforward contradiction with the *contio* as a rhetorical setting' (Morstein-Marx 2004: 239). For criticism, see Tan 2008 and Arena 2012: 79, with responses in Morstein-Marx 2012: 42-43; 2014: 2-3.
- 5 This hardly shows that the assembly itself made no real decision but was merely 'ritualistic' (Flaig 1995 and now Mouritsen 2017: 58–72). On the contrary, it was precisely because a decisive result could be predicted from the preceding *contiones* that few bills limped all the way to certain defeat on voting-day. Morstein-Marx 2004: 124–126. For a somewhat different view, see Chapter 16 in this volume.
- 6 I am unpersuaded by Feig Vishnia's attempt to minimise the effects of the leges tabellariae (2008).
- 7 On 23.14.1, see Walbank 1998: 50.

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8 Elster 2003: nos. 66, 77, 83, 202, 203. Cf also nos. 80, 89, 99, 127, 129, 140, 141, 156, 157, 176. Given that our evidence for this period is so much thinner than for the late Republic, the frequency with which the People imposed its will upon the Senate may not be much lower than I have calculated for the later period (Morstein-Marx 2013).

FURTHER READING

This chapter is founded on Morstein-Marx 2004 and a series of interrelated papers (Morstein-Marx 1998, 2009, 2011, 2012, 2013, 2015), which the reader may consult for fuller presentation of the evidence and arguments. Among recent studies of central aspects of this chapter should be noted especially Arena 2012, Yakobson 2010 and 2014, Robb 2010, Hölkeskamp 2010 and many of the pieces contained in Hammer ed. 2015, especially those by Schofield, Mouritsen and Arena; these will lead one back to earlier literature. Mouritsen 2017 offers a sharply divergent view from the one articulated in this chapter about the possibilities of popular influence on the republican political system. On Cicero's works of political theory, see Nicgorski Chapter 9, this volume; for the implied political theory of the speeches, see esp. Achard 1981, Gildenhard 2011 and, on contiones, Morstein-Marx 2004. On virtus, Balmaceda 2017: 14–47 issues a corrective to the narrow perspective of McDonnell 2006; on dignitas, see Morstein-Marx 2009. Bleckmann 2002 and (in English) 2011 has effectively challenged the common, idealised notion of a republican golden age of concord in the middle Republic and the corresponding idea of political disintegration of that ideal from the third century on; Millar 1984 stressed the institutional importance of the mid-Republican populus. On the concept of political ideology itself, see Freeden 2004 and 2006, Maynard 2013 and the many contributions collected in Freeden, Sargent and Stears eds. 2013.

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