popularis: A Study in Usage.

Chapter I - popularis in Livy

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INTRODUCTION

The precise signification of the word *popularis* has long been a problem to historians of late Republican Rome. Not only is the ancient evidence limited in scope and very variable in nature, but the relationship between any one usage of *popularis* and its own particular context is generally overlooked by modern scholars. The question of who *populares* are is only contingent upon the question of primary importance, namely how the word is used. *Popularis* cannot simply be extracted from its context and ascribed *in uacuo* a single fixed validity and signification which might not apply in another context. This thesis attempts to show how *popularis* varies from context to context, within one given author and between different authors, and to relate this usage with political realities. The study is in effect 'semantic historiography': it aims at examining *popularis* not only in its immediate verbal context but also in its larger context of situation, personalities, underlying purpose, resultant effect and so on. By relating *popularis* to the thought and experience of individual

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of individual authors, we can determine not only the
significance of *popularis* but something of the 'historical
consciousness' of the authors themselves, that is, the
way in which writers saw themselves in relation to the
assumptions, values and realities of their own times.

Such a study presumes fairly exhaustive treatment.
Each author must be allowed every opportunity to speak
for himself and emerge in the round. I have omitted from
discussion only those instances of *popularis* which I am
convinced do not throw any light on the problem, either
accumulatively or singly.

To my knowledge, no similar study has been carried out
in connection with *popularis*. Christian Meier's recent
article on *populares* in RE¹ is concerned more with
historical details of *populares* and the empirical analysis
of their political method rather than with the complexities
and peculiarities of usage in any one author. I should
say that my own study has been written quite independently
of Meier; his article appeared only after my thesis was
well advanced. Similarly, Hellegouarc'h's study of late
Republican political vocabulary does not trace *popularis

¹ *populares* RE Suppl. 10 (1965) 550-615.
as it occurs in the works of a single author.¹ This work provides a useful and comprehensive volume for reference. Earlier studies, not primarily concerned with popularis, such as Taylor's Party Politics, Strasburger's optimates and Wirszubski's Libertas,² have not attempted to set popularis in its basic verbal and situation context. All of these works, however, have provided useful comparative references.

It should be noted that this study is concerned only with usages of popularis that have a 'political' relevance. popularis is also regularly used in Latin as a substantive signifying 'a fellow-citizen'. Reference will be made to the latter sense of the word whenever this is considered significant.


The political sense of *popularis* occurs less frequently in Livy than its other signification, *unus ex populo*, 'fellow-citizen, fellow-countryman'. In the latter sense *popularis* is used chiefly of peoples other than Romans, and is contrasted with foreigners (*externi*). Often too, within a single state, *popularis* is contrasted with *militares*. Generally, however, it signifies the local inhabitants as a whole without distinction. A telling example which shows the comprehensiveness of this sense of *popularis* is the following:

*Crotone nec consilium unum inter populares nec voluntas erat. unus uelut morbus inuaserat omnes Italiae ciuitates ut plebes ab optimatibus dissentirent, senatus Romanis faueret, plebs ad Poenos rem traheret.*

*populares* embraces both political elements, *plebs* and *optimates*. This usage, comparatively rare in Cicero, is very common in Livy.

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1 *eg.* 8.26.5.
2 *eg.* 24.27.2; 30.45.6; 39.7.3.
3 24.2.8.
4 See Table One for citations of all usages.
It is interesting that nearly all of the usages of this type occur in the later decades of the ab urbe condita, Books 21-44, where the bulk of the narrative concerns military strategy and the vicissitudes of war. Internal and political affairs at Rome are for the most part accorded perfunctory and annalistic-type treatment. popularis in its political sense on the other hand occurs mostly in the earlier Books, 1-10. The reason for this apparent division seems to be twofold. First, it was to the earliest period of Rome's history that Livy wished to trace the political and moral ideals and practices which were seen to constitute the Roman Republic. Because this period was the most obscure and most undocumented, it allowed great freedom for the subjective reconstruction of details and events so that they would form part of a continuing developing history. Moreover, it is consistent with Livy the moralist to represent political and social behaviour as firmly set before the Hannibalic Wars, and to see, as Sallust saw, domestic politics in its ideal condition between the second and third Punic Wars. The second reason is the corollary to the first: since the later period was better documented, Livy had less scope to elaborate freely. His interest was transferred to military affairs. In any case, the question of Livy's
accuracy is irrelevant to this enquiry: it is precisely within the framework he provides and with the details as he gives them that popularis can be seen to have any conceptual significance for Livy.

The first usage of popularis in a political sense occurs in Book 2,¹ the book in which Livy commences the history of the free Roman state. libertas populi is represented as the key concept:² the freedom for which the kings were expelled has to be maintained and strengthened.³ It is up to the liberators to prove the reality of the new libertas and to show that they themselves are not simply substituting a different form of despotism. However the state is already divided into two camps of conflicting interests, patres and plebs, the Haves and Havenots. Class hostility, which remained dormant under a common overriding authority imposed by a regnum, now openly erupts, once this authority is removed, into endless intestinae discordiae³ and ciuilia certamina.⁴ Amid this

¹ cf. Praefat. 2: 'liberi iam hinc populi Romani res... peragam.' and 2.2.2: '...libertas...prima cura....'

² 2.44.7.

³ 2.45.16 cf. 2.21.6 when news of the last remaining Tarquin's death reached Rome.
struggle for power the preservation of libertas becomes hazardous. Brutus made the people swear an oath neminem Romae passuros regnare, but this could not eradicate regni cupidō. Criticism of recurrent regni or imperii cupidō forms one of Livy's major moral themes. Livy's presentation shows that the charge of regni cupidō was quite arbitrarily thrown around. P. Valerius is the first to encounter it. The same man is the first political popularis. Valerius, '...quo adiutore reges (sc. Brutus) eicerat...', was elected consul suffectus in 509 after the voluntary exile of the consul, Tarquinius Collatinus. The mere name of the latter had been sufficient evidence of his regni cupidō. Valerius maintained for a time the popularity and respect he had won as uindex libertatis through his successful suppression of a conspiracy between

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1 2.1.9.
3 Fear of attempts at regnum are also expressed by Tarquinius Superbus who put to death leading senators who favoured Servius: '...conscius deinde male quaerendi regni ab se ipso duusurus se exemplum capi posse, armatis corpus circumsaepsit.' (1.49.2) Superbus knew his own method of obtaining regnum was a bad precedent.
4 2.2.11.
5 2.2.4, 7; 4.15.4.
a group of disaffected young nobles and the expelled Tarquins. 1 After the death of the heroic Brutus, however, the situation changed and Valerius' troubles began: '... ut sunt mutabiles uolgi animi, ex fauore non inuidia modo sed suspicio etiam cum atroci crimine orta. regnum eum adfectare fama ferebat.' 2 Livy implies contempt for the tenuous evidence behind the charge, namely that Valerius had not tried to fill the position vacated by Brutus, and that, fired by a lust for topographical supremacy as well, he was building himself a fortress on the summit of the Velia. 3 Valerius, greatly alarmed by these accusations, significantly lowered the rods in humble respect for the authority of the people. The people were pleased and Valerius bitterly declared he would build elsewhere lest his home jeopardize liberty: '... in Velia aedificent quibus melius quam P. Valerio creditur libertas.' 4 This act of capitulation was followed by the enactment of various laws'.

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2 2.7.5-6.

3 2.7.6.

4 2.7.11.
inde cognomen factum Publicolae est. Rumours of regnum were then forgotten and the remainder of Valerius' life was quite uneventful.

*popularis* clearly signifies 'favourable with the people, popular', but its narrower connotations are suggested by *sed quae adeo in contrarium*. The lowering of the rods and the resignation from the Velia were surely enough to restore Valerius' popularity. But he went further, introducing specific legislation in a calculated and positive political move to be the people's friend. Livy's own comment imputes this motive and somewhat tarnishes the picture of ideal highmindedness: 'quas cum solus pertulisset, ut sua unius in his gratia esset...'

However, this point is not emphasised; the effect of the legislation is the important thing. The chief measures were a law admitting the right of appeal to the people and a law against attempts to seize the kingship: 'gratae in uolgus leges fuere'. There is no mention by

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1 2.8.1. The etymology of Publicola is disputed. Livy traces it to *populi colendi cura* (3.18.6). R.M. Ogilvie *A Commentary on Livy*, Oxford 1965, p.253 makes the odd claim that 'the popular etymology can hardly be correct since the cognomen would be unique.'

2 2.8.3.

Livy of any ensuing class conflict or opposition to these measures by the patres. Valerius died in 505, omnium consensu princeps belli pacisque artibus...moritur, gloria ingenti, copiis familiaribus adeo exiguis ut funeri sumptus deesset; de publico est datus, luxere matronae ut Brutum. 1

Livy's final assessment is laudatory. princens, a word infrequently used by this author, 2 refutes the early image of regni cupidò and establishes Valerius beyond question as a true republican leader. 3 Valerius had won his position through unanimous recognition of merit and not the possession of power. The grief of the matrons connects and identifies him with Brutus, the glorified liberator. 4

It may be noted at this point that Brutus, the greatest republican of them all, is never popularis in Livy. 5

1 2.16.7.
2 Halle, op. cit., p.66.
3 The language is reminiscent of Augustan times.
4 cf. 2.7.4.
5 Cicero's portrait of Publicola is very similar in language and content and we may presume a common source was used. cf. de rep. 2.53 and 55: 'haud mediocris hic, ut ego quidem intellego, uir fuit, qui modica libertate populo data facilius tenuit auctoritatem principum.' See p.185 infra. In Acad.2.13, Valerius is a model popularis in contrast with the seditiosi of Cicero's own day. There is no implied comparison in Livy's account. cf. Cic. de leg. 2.57; har. resp.8.16.
The concern Valerius had shown populi colendi is passed on to his offspring. The second Publicola, cos. 460, successfully appealed to the hereditaria cura in an address to the people urging them to postpone grievances and co-operate in a united effort to restore the Capitol.\(^1\) This Valerius is not referred to directly as popularis, yet he consolidates the fame of his father as Publicola in knowing how effectively and diplomatically to handle the people. At the time of his death, he like his father was penurious: \(\ldots\)plebes quadrantes ut funere ampliore efferetur iactasse fertur.\(^2\) Livy makes a special point of the quality of poverty in these men, consistent with his general remarks in the first Preface: \(\ldots\)neq ubi tantus ac tam diu paupertati ac parsimoniae honos fuerit.\(^3\)

Poverty in the ideal ancient republic went hand in hand with greatness.

Third and more prominent in the Valerian gallery is L. Valerius Potitus, consul with M. Horatius Barbatus in 449. The consuls first appear in open outspoken opposition to the despotic decemviri. Valerius arouses

\(^{1}\) 3.17.8; 18.6.

\(^{2}\) 3.18.11. cf. 2.16.7.

\(^{3}\) Praefat. 11.
a tumultus¹ and Horatius a certamen.² The latter reminds the decemuirii that it is not so much the title of king that is offensive as the kingly attributes of superbia and violentia.³ He further charges them with subverting regular magisterial rule.⁴ The decemuiral tyranny continues, the plebs secede and the consuls as duces multitudo⁵ continue their attacks.⁶ Thanks to their efforts, the plebs finally return and the decemuirii abdicate. The consuls are received with laetitia⁷ as liberatos:⁸ concordia and libertas are restored.⁹

Not only this effort of the consuls but their whole consulship is popular: '...quorum consulatus popularis sine uilla patrum iniuria nec sine offensione fuit;

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¹ 3.39.2.
² 3.39.3.
³ 3.39.4.
⁴ 3.39.8.
⁵ 3.49.3.
⁶ 3.52.6-9.
⁷ 3.54.6. cf. 54.7.
⁸ 3.53.2.
⁹ 3.54.7.
a tumultus\textsuperscript{1} and Horatius a certamen.\textsuperscript{2} The latter reminds the decemuiri that it is not so much the title of king that is offensive as the kingly attributes of superbia and violentia.\textsuperscript{3} He further charges them with subverting regular magisterial rule.\textsuperscript{4} The decemuiral tyranny continues, the plebs secede and the consuls as duces multitudo\textsuperscript{5} nis continue their attacks.\textsuperscript{6} Thanks to their efforts, the plebs finally return and the decemuiri abdicate. The consuls are received with laetitia\textsuperscript{7} as liberatores\textsuperscript{8} concordia and libertas are restored.\textsuperscript{9}

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\begin{flushleft}
\textsuperscript{1} 3.39.2.
\textsuperscript{2} 3.39.3.
\textsuperscript{3} 3.39.4.
\textsuperscript{4} 3.39.8.
\textsuperscript{5} 3.49.3.
\textsuperscript{6} 3.52.6-9.
\textsuperscript{7} 3.54.6. cf. 54.7.
\textsuperscript{8} 3.53.2.
\textsuperscript{9} 3.54.7.
\end{flushleft}
quidquid enim libertati plebis caueretur id, suis
decedere opibus credebant.¹ Livy proceeds to outline
what precisely is popularis about their tenure of office.

Laws were passed ...

1) that any resolution passed by the popular
assembly should be binding on the whole
population;

2) that the right of appeal against the
election of magistrates should hold;

3) that the 'old' principle of sacrosanctity
of tribunes be revived.²

All of these measures offended the patres but were not
actively opposed:³ 'haec omnia ut inuitis, ita non
aduersantibus patriciis transacta quia nondum in quemquam
unum saeuiebatur.'⁴ Livy apparently thought popularis

¹ 3.55.1-2. cf. Cic. de rep. 2.54: 'Luciique Valerii Potiti
et M. Horatii Barbati, hominum concordiae causa sapienter
populararium consularis lex sanxit, ne qui magistratus sine
provincatione creatur.'_ cf. Brut. 54.

² 3.55.3.f. Law no.2 was a restoration of a former right
while no.3 is thought to derive from a tradition designed
to explain away the revolutionary nature of the tribunate.
For a useful discussion of the Valerian-Horatian laws see
Scullard, H.H. The Roman World from 753 to 146 B.C.
Methuen 1951, App.6. p.423. Many scholars have dismissed
the laws, especially that concerning the validity of
plebiscita, as a quite unhistorical anticipation of a later
law. Scullard presents a modified defence.

³ 3.55.1-2.

⁴ 3.55.15. It is difficult to see why the patres would not
have been hostile since the first measure would have given
the plebs the legal power to realise their aims and end the
struggle.
measures were usually associated with *patrum iniuria* and *offensio*. He does in fact identify his own with the *patres'* criticism of the excesses to which the consuls went in their regard for the people's interests:

> ea primum moderatio tribuni metum patribus dempsit eademque auxit consulum inuidiam, quod adeo toti plebis fuissent ut patrum salutis libertatisque prior plebeio magistratui quam patricio cura fuisse.¹

The same consuls again appear as *populares* when they refuse to be re-elected for a second term of office. This was the wily scheme of the tribunes of 449 who themselves desired re-election:

> conspiratione inter tribunos facta ut iidem tribuni reficerentur, et quo sua minus cupiditas emineret, consules quoque continuarent magistratum...non enim semper Valerios Horatiosque consules fore, qui libertati plebis suas opes postferrent.²

The attempt was undermined through the intervention of a dissident fellow-tribune, M. Duillius, who presided over the elections. During the past year Duillius had already once checked the immoderate behaviour of the tribunes:

> '...inhibito salubriter modo nimiae potestati...'³

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¹. 3.59.4.
². 3.64.1-3.
³. 3.59.1.
His moderatio was welcomed by the patres. At the time of the election, recognising the potential corruption of power retained in the same hands for more than one year, he asked the consuls whether they genuinely desired a second term: 'cum...respondissentque se nouos consules creaturos, auctores popularis sententiae haud popularis nactus in contionem cum iis processit.' This sentence is variously given in the MSS. The one here adopted seems best to satisfy the sense. auctores popularis presents no difficulty, but to whom is Duillius' policy haud popularis? There are two possibilities. The first is that to the people, the re-election of the popular consuls would in itself be popular, while even the re-election of the tribunes might not seem detrimental to their interests as they saw them. Furthermore, the patres seemed to want the consuls out of the way on the very ground of their regard for the people. The possibility then that the people's favourites might not be returned would make Duillius' policy haud popularis. The second possibility is that the proposal was haud popularis to the tribunes.

1 3.59.4.
2 3.64.6. The reading is that of the Loeb edition, vol.2, p.216; n.2.
This reading assumes a shift in the point of reference of the word from its normal etymological connection with the *populus* to a looser association with one section of the *populus*, namely the tribunes. Both interpretations are somewhat strained. Livy seems to have lost clarity in an attempt at paronomasia. At all events after the successful control of the elections, both Duillius and the consuls depart from office: Duillius, '...uicta collegarum cupiditate pariter patribus plebeique acceptus magistratu abiit.'¹, while the consuls were extolled for their *militiae res gestae* and restoration of *libertas*.²

The overall picture of Valerius and Horatius is one of judicious, progressive and disinterested statesmanship, and marks a further development of the Valerian tradition established by Publicola. In the military sphere this example is continued by M. Valerius Corvus, the archetype of the perfect military commander. Corvus attained early fame as a military tribune by defeating a Gaul in single combat with the aid of a heaven-sent raven.³ His election

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¹ 3.64.11.
² 3.64.7.
³ 7.26.2.f.
to the consulship in 348 was greeted summo fauore populi.¹ Four other consulships followed and a dictatorship in 342. During the Samnite War at Mt. Gaurus in 343 he reminded his men that he was a soldier, not a politician,² that his ancestors were liberatores patriae;³ and that the way to the consulship was through virtus not genus.⁴ Moreover, the people had given him and his ancestors the cognomen Publicola, the significance of which he had not forgotten: 'semper ego plebem Romanam...colo atque colui.'⁵ The popularis characteristic of the Valerii is thus directly connected with the plebs Romana. No other commander was ever more popular with his men than Corvus:⁶ 'et quo nihil popularius est, quibus artibus petierat magistratus iisdem gerebat'.⁷ Livy implies that these artes are usually dispensed with once the

¹ 7.26.12.
² 7.32.12.
³ 7.32.13.
⁴ 7.32.14.
⁵ 7.32.16. cf. 7.40.8.
⁶ 7.33.1f.
⁷ 7.33.3.
candidate is successfully entrenched in power. Nothing is more in the people's interests or popular with them than this manifestation of consistency and sincerity. Corvus' speech had its effect: 'itaque uniuersus exercitus incredibili alacritate adhortationem prosecutus ducis castris egreditur.' As dictator in 342 Corvus 'omnes caritate ciues praecipue milites, et ante alios suum exercitum complexus....' Corvus' achievement in the military sphere is equal to that of his ancestors in domestic politics.

Two other minor Valerian figures may be mentioned. M'. Valerius Maximus was chosen dictator in 494 on account of his mansuetum ingenium. He quickly won the confidence of the plebs. In a speech to the plebs in the middle of the current debt crisis he claimed to be auctor concordiae and warned 'optabitis...ut mei similes Romana plebes patronos habeat.' And although he failed to alleviate the problem

1 7.33.4.
2 7.40.3.
3 2.30.4.
4 2.31.9.
5 Ibid.
and resigned from office, the people accompanied him home *cum favore ac laudibus*. 1 L. Valerius Potitus, cos. 483 and 470, on the other hand does not follow the tradition at all. Instead he is caught up in the struggle for power on the side of the *patres*. Indeed his election to the consulship in 483 is represented as part of the senate's anti-tribunate campaign. 2 The very slightness of mention of this Valerius in Livy suggests not so much his anonymity as his aberration from the Publicolan standard. Of all the Valerii, he alone was *inuisus plebi*. 3

With this one exception the Valerii portrayed by Livy represent an ideal conception of statecraft, 4 a conception for which their later descendant and encomiast, Valerius Antias, was probably responsible. Antias' record of ancestral achievement is representative of the general tendency of leading Roman families to glorify their

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1 ibid. 2.31.11.
2 ibid. 2.42.7.
3 Ibid.
4 cf. 2.30.5: 'nihil ex ea familia triste nec superbum (sc. plebes) timebat' and 3.61.2., 10.9.3f.
beginnings.¹ Set in the context of the whole, however, this family does not receive undue emphasis in Livy. Nor does Livy reveal in relation to the gens any distinctive aristocratic bias. Indeed it is the Valerian concern for ordinary people that merits Livy's praise. concordia is his main theme, and it is only in so far as political figures promote or destroy concordia that they are accorded praise or censure.² The chief importance of the cumulative family account is that it crystallizes one of the notions behind popularis: fruitful, beneficent laws, untainted good-fellowship, and an altruistic concern for libertas of the people and concordia of the whole state. Cicero evinces the same qualities of the gens: '...cuius uirtute regibus exterminatis libertas in re publica constituta est, quae usque ad hoc tempus honoribus, imperiis, rerum gestarum gloria continuata permansit.'³ The portrait is idealised, its symbol the cognomen, Publicola.

The same eulogistic influences derived from the

² P. Walsh, Livy - His Historical Aims and Methods, Cambridge, 1961, p.9.
³ pro Flacc. 11.25; cf.1.1.
historian Fabius Pictor are at work in Livy's portrayal of another great family, the Fabii. In the earliest references, the Fabii are shown as strong senatorial supporters, vigorous opponents of the tribunate, skilful though hated commanders in the field, thoroughly disliked by the plebs. After holding the consulship in the family for the sixth successive year, the Fabii, notably the consul of the day, M. Fabius, decided, for reasons neither stated or implied by Livy, to end their long-standing enmity with the plebs. 'Fabium nomen maxime enituit; multis ciuilibus certaminibus infensos plebis animos illa pugna sibi reconciliare statuunt'. Brilliantly vindicating themselves on the field against Veii, they further demonstrated the integrity of their decision:

neque immemor eius quod initio consulatus imbiberat, reconciliandi animos plebis, saucios milites curandos dividit patribus. Fabiis plurimi dati, nec alibi maiore cura habiti. inde populares iam esse Fabii nec hoc ulla nisi salubri rei publicae arte.

It is obvious from the text that nec hoc ...arte is

1 2.43.6f; 2.42.8; 3.41.8f.
2 480 BC.
3 2.45.16.
4 2.46.4.
5 2.47.12.
intended to contain a pointed contrast between the Fabian ars and the artes of other populares which were not salubres rei publicae. The Fabian method was to fight on the field with pre-eminent distinction and together with other patres to shoulder the responsibility of caring for wounded soldiers.

Now the only other person of whom Livy has used the word in the preceding text is Valerius Publicola and an intended contrast with him is scarcely intelligible. But the point of the implication is not lost if it refers to events and people described later in the ab urbe condita. The allusion is prospective, an omen of what is to come.

The significant words of the statement are salubris and res publica. salubris belongs to the literary image of disease and health repeatedly employed by Livy to describe the condition of the Roman state.\(^1\) The implications are clear: non salubris would mean discordia, certamina, and neglect of the res publica as a whole.\(^2\) If popularis is to mean concern for concordia then the Fabii can certainly

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2. Q. Fabius is directly credited with the capacity to preserve concordia: '...atrox certamen aderat, ni Fabius consilio neutri parti acerbo rem expedisset...ciuitatem in concordia fore.' 3.1.4-5. cf. 9.41.14.
be described as populares. But if the Valerian paradigm is applied with its quite specific properties, the Fabii can not tenably be described as populares. Their history as recounted in Livy does not reveal any pronounced association with or predilection for the people. This argumentum ex silentio must be employed with reserve in view of the lost books, but it is fully substantiated by the extant text.

A closer examination of one of the later Fabii supports this view. Q. Fabius Maximus Cunctator is perhaps the most familiar and distinguished, but though accorded highest praise and respect, he never enjoys what might be called personal popularity. The books describing his consulships of 233 and 228 and his censorship of 230 are not extant, but it is reasonable to presume that if during these offices Fabius had featured notably as popularis, some suggestion of this or associated sentiment would show through in later references (in literary irony or contrast) to support Livy's claim inde populares... Fabii. Instead Fabius' policy is presented in turn as sollers cunctatio\(^1\) and contempta\(^2\). Elsewhere Livy speaks

\(^{1}\) 22.23.1.

\(^{2}\) 22.23.3.
of the inuidia dictatoris\(^1\) and the tacita inuidia\(^2\) of the plebs, and though these in the end turn to maxima laus and gloria, there is no suggestion of Fabius' personal affability or political popularity. In the popular assembly indeed a tribune, M. Metilius, charges Fabius with dragging out the war deliberately to prolong his term of office. Metilius urges a bill to provide Minucius, Fabius' Master of Horse, with a division of the general's command.\(^3\) Fabius himself met a cold reception in the senate and '...contionibus se abstinuit in actione minime populari',\(^4\) viz. he refrained from making a reply which in the circumstances could only have made him more unpopular. A contio was the place to make popular appeals, if any such appeal could be made.

This delicate situation was exploited politically by C. Terentius Varro, loco non humili solum sed etiam sordido ortus, who had been praetor in the previous year.\(^5\)

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1. 22.23.4.
2. 22.25.17.
3. 22.25.3. ff.
4. 22.25.12, cf. 4.11.6 for a similar usage of popularis in minime populare ministerium.
5. 22.25.18.
Now he was standing for the consulship for 216:

'...iam ad consulatus spem cum adtolleret animos, haud parum callide aurum fauor is popularis ex dictatoria inuidia petit scitique plebis unus gratiam tulit.'

Varro has a very bad press in Livy as the hotly disparaging tone of this passage would indicate. He was an ancestor of Terentius Varro Murena, a contemporary of Livy who was consul with Augustus in 23, later involved in a conspiracy, condemned and executed. This fact may have prejudiced Livy and Augustans against the gens and might help to explain the unnecessarily hostile references to the Varro of 217. This Varro though sordidus was possessed of sufficient political acumen to exploit the emotions of the plebs and pass a bill for the division of the military command. Its effect in the end was negligible as after signal setbacks in the field, Minucius surrendered his command to Fabius who was now the proven master of the war.

Varro is consistently represented by Livy as a radical impetuous demagogue. His performance at the consular

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1 22.26.3-4. Note the mock gravity of adtolleret animos, and the contempt of aura and fauor. On popularis fauor see 29.37.17; 30.4.5.6; 39.7.3; 42.30.4.

2 22.30.f.
election is contemptible:

C. Terentio Varroni, quem sui generis hominem, plebi insectatione principum popularibusque artibus conciliatum ab Q. Fabi opibus et dictatorio imperio concusso aliena invidia splendentem uolgos extrahere ad consulatum nitebatur, patres summa ope obstabant, ne se insectando sibi aequari adsuescerent homines.¹

Here is the other side of the contrast implied in relation to the ars of the Fabii: Varro's populares artes are indisputably haud salubres rei publicae.² The propaganda and harangues of Varro and a sympathetic tribune and kinsman, Q. Baebius Herennius, inflamed the plebs to elect a true plebeian to the consulship. Varro was duly elected with the patrician L. Aemilius Paullus as colleague. In office, Varro exhibited every characteristic of rabble-rousing demagoguery in his opposition to the senate and to Fabius: 'contiones, priusquam ab urbe signa mouerentur, consulis Varronis multae ac feroces fuere denuntiantis bellum arcessitum in Italian ab nobilibus mansurumque in uisceribus rei publicae, si plures Fabios imperatores

¹ 22.34.2.
² see p.19 supra.
Livy's language could not be more disparaging. The hostility between Varro and Fabius is explicit, and is seen for example in the address of Fabius to the moderate Paullus, comparing and likening Varro and Flaminius, the turbulent tribune of 232, later consul in 223, 217:

\[
\text{tamen ille (sc. Flaminius) consul demum et in provinciap et ad exercitum coepit furere; hic (sc. Varro) priusquam peteret consulatum, deinde in petendo consulatu, nunc quoque consul...insanit.}
\]

Once again the striking madness metaphor is employed.

Now the main account of Flaminius in 232 in Livy is lost but several isolated references and the tradition found in Cicero and Polybius suffice to make this comparison meaningful. We know from Livy of his uetera certamina cum patribus as tribune, his inuidia apud nobilitatem and fauorem apud plebem; also of his neglect of the auspices in 223, when he defied the senate's order to return to Rome and resign office. Cicero represents Flaminius

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1 22.38.6-7.
2 22.39.6.
3 21.63.3.
4 21.63.4.
5 Ibid.
6 21.63.7.f.
as on the one hand a prototype of the ideal popularis \(^1\) and on the other, a seditious tribune and dangerous consul \(^2\). To Polybius, Flamininus' agrarian bill of 232 was '...the first step in the demoralization of the populace.' \(^3\) This evidence from sources likely to share Livy's own attitude enables us to see the point of Fabius' comparison. Fabius Cunctator on the other hand belongs to the old patrician school of distinguished high-minded conduct. He is pre-eminently the military general who acts with the bonum publicum at heart. But by no means could Fabius be called a popularly inclined militarist. The reference to the Fabii as populares then is not borne out by any specific political sympathy or activity. populares in this context has only a marginal and moral resemblance to the Valerian populares while it is the direct antithesis of the Varronian popularis. Either Livy's usage is loosely conceived, without attention to his own facts or the actual history of the later Fabii, or the word popularis

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\(^1\) Acad. 2.13.

\(^2\) de inv. 2.52; Cato 4.11; cf. Brut. 57. see p. 187 infra.

itself is capable of a very wide range of application and force. The best sense that can be extracted in this application is negative: the Fabii are *populares* to the extent that they are no longer antagonistic to the *plebs*.

There is no doubt on the other hand of the force of *popularis* in connection with Varro. Paullus in his reply to Fabius speaks of him as *seditosus ac temerarius* while Livy himself rebukes his *ambitio* and *praeva indulgentia*. Fabius urges Paullus to do what he can to save the desperate situation brought about by Varro's *ambitio*. Paullus replies that he would make every effort but *se populare incendium priore consulatu semustum effugisse*. The previous consulship referred to is that of 219 with M. Livius Salinator. Livy does not mention this consulship in its chronological order. It appears, however,

1 22.40.2.
2 22.42.12.
3 22.40.3.
4 27.34.3-4: 'M. Livius erat, multis ante annis ex consulatu populi iudicio damnatus, quam ignominia adeo aegre tulerat ut rus migrarit et per multos annos et urbe et omni coetu careret hominum.'
that at the end of his term in 219, Livius was charged with misappropriating the spoils of the war with the Illyrians. Some of the resultant enmity of the people towards Livius apparently rubbed off onto Paullus:

'qui cum M. Liviu consul fuerat, ex damnatione collegae, ex qua prope ambustus euaserat, infestum plebei.'

Note the similarity of language and image in the two passages. It is unfortunate that we do not have a fuller reference to this incident. Polybius mentions no popular hostility against Paullus. On the contrary, Paullus is glorified as the experienced and trusted leader on whom the people depend for safety. On Livy's authority, however, it is understood that by alleged collusion with Livius, he was bitterly attacked by the plebs, while still remaining a responsible spokesman for the patres. In this latter role he is presented as a contrast with Varro, a contrast between decent moderation and turbulent offensive extremism. The contrast is neatly put by Livy as one of dignitas:

\[ \text{'ab hoc sermone profectum Paulum} \]

1 Frontinus, Strategemata 4.1.45.
2 22.35.3.
3 Polyb. 3.107.8. tr. Paton, (Loeb) vol. 2. pp. 263 and 265
So far we have encountered three different types of *populares*: the 'good' and constructive Valerii, the negative but distinguished Fabii, and the unequivocally 'bad' Varro. Livy's other *populares* tend to resemble either the Valerian or Varronian pattern. Let us consider the 'good' *populares* first.

The plebeian Q. Publilius Philo was consul in 339 with the patrician Ti. Aemilius Mamercinus. Livy bluntly criticises their consulship on the grounds that '...ipsi aut suarum rerum aut partium in re publica magis quam patriae memores', but his ultimate assessment of Philo is extremely favourable. Aemilius presents a contrasting picture of *imperii cupiditas*. He is greedy for a triumph he has not deserved, and when the displeased *patres* insist that the triumph depend on the actual capture

1 22.40.4.
2 8.12.5.
3 8.12.9.
of Pedum, he resorts to irregular behaviour:

'...alienatus ab senatu... seditiosis tribunatibus similem deinde consulatum gessit.' The senate orders a dictator to be named; Aemilius names Publilius Philo: 'dictatura popularis et orationibus in patres criminosis fuit, et quod tres leges secundissimas plebei aduersas nobilitati tuit.'

Here is a precise statement of what popularis signifies. First, open attacks on the patres; second, concrete legislation favourable to the plebs and unfavourable to the patres. The legislation provided that

1) plebiscites be binding on the whole population;
2) patrum auctoritas be given before the vote on laws in the comitia centuriata; and
3) one censor must always be a plebeian.

One of these laws had already been enacted, but the others can be considered significant contributions to the political power of the plebs.

Livy concludes the chapter

1 8.12.10.
2 Ibid.
4 cf. 3.55.3.
with the patres' evaluation of the year's events:

'*plus eo anno domi acceptum cladis ab consulibus ac dictatore quam ex uictoria eorum bellicisque rebus foris auctum imperium patres credebant.'

The clever word order with the subject and verb occurring last in the sentence leads his readers to believe the judgement is Livy's own, as in a sense it is. Why is Livy apparently hostile to Philo and not to Valerius and Horatius when one of their laws is exactly the same, and the other two similar in purpose and effect? The reason is not so much that Philo is a plebeian introducing partisan plebeian laws but that the whole chapter is coloured by the general moral hostility Livy feels for Aemilius' imperii cupiditas. Philo's laws are seen as the final result of Aemilius' cupiditas. This view is supported by every later reference to Philo in Livy, none of which is coloured by this apparent hostility. As consul in 327 he was the first to have his consulare imperium continued indefinitely, the wish of both senate and people. In 320 he was consul for the third time with L. Papirius Cursor: '...haud dubio consensu ciuitatis,

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1 8.12.17.
3 8.23.11-12.
quod nulli ea tempestate duces clariores essent.1

His exploits in the Samnite War are outstanding.2 Livy's final comment is the most instructive. In 314 the senate ordered investigations of alleged conspiracies in Campania.3 These investigations turned into a general persecution

...qui usquam coissent coniurassentue aduersus rem publicam quaeri senatum iussisse; et coitiones honorum adipiscendorum causa factas aduersus rem publicam esse.4

According to certain vindictive and unprincipled nobiles it was the novi homines who were the most suspect.5 The plebeian Philo was among those impeached by the nobiles:

"Publilius etiam Philo multiplicatis summis honoribus post res tot domi belloque gestas, ceterum inuisus nobilitati, causam dixit absolutusque est".6

Livy's criticism of the vindictiveness of the nobiles neutralizes any earlier implied criticism in relation to

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1 9.7.15.
3 9.26.5f.
5 9.26.11.
Philo's dictatura. We now have a total picture of Philo: his civil and military exploits (in that order) have made him in Livy's eyes unimpeachable. Significantly, his popular legislation is implicitly included under the general honorific heading *res tot domi...gestas*, and is accorded the same recognition as his outstanding military achievements. By remaining *inuisus nobilitati* Philo retains his integrity and stands in entirely honourable contrast with his enemies. Philo then is one of Livy's 'good' *populares*, of the same high order as a Valerius and Horatius.

His consular colleague in 320, L. Papirius Cursor, is one of Livy's most distinguished military generals; already in 325 he is '...longe clarissimum bello ea tempestate....'¹ As commanding officer in 324 in Samnium he found his men listless and indisposed to fighting:

> sensit peritus dux quae res victoriae obstaret: temperandum ingenium suum esse et seueritatem miscendam comitati. itaque adhibitis legatis ipse circuit saucios milites, inserens in tentoria caput, singulosque ut sese haberent rogitans curam eorum nominatim legatis tribunisque et praefectis demandabat. rem per se popolarem ita dextere egit ut medendis corporibus animi multo prius militum imperatori reconciliarentur.²

¹ 8.29.9.
² 8.36.5-7.
The careful detail of this description is reminiscent of a particular pattern of political behaviour (esp. in regard to election candidates) frequently criticised by Livy for its false camaraderie.\(^1\) To Livy it is the motive and end result of this behaviour that are the important things. Papirius' motive is entirely concordant with the interests of Rome and his intended effect, quite apart from its success, is fully praiseworthy. Papirius' *comitas* is *per se* *popularis*, that is, of general appeal to the people. The 'people' in this case is not the *populus* at Rome but the troops at Samnium. This example further illustrates the scope which Livy attaches to the word, applying it where no true relation with *populus* exists, but only with a part or member of it.\(^2\) The connection seems obvious as there is a direct resemblance between Papirius' *comitas* and that cultivated by certain politicians at Rome whom Livy elsewhere describes as *populares*.\(^3\) It is worth noting that Cicero does not use *popularis* in this absolute sense of 'popular', a sense which exactly parallels the English idiom.

\(^1\) See p. 52 infra.
\(^2\) cf. p. 13 supra.
\(^3\) See pp. 50-51 infra.
The rest of Livy's portrait of Papirius corroborates this early praise. As consul with Philo he was an outstanding dux;\(^1\) in 310 he was appointed dictator, an obvious choice since '...in quo tum summa rei bellicae ponebatur...';\(^2\) his gloria is passed on to his son.\(^3\) Papirius is not a popularis in a civil sense; he is responsible for no popular legislation. His closest resemblance is to the other great military generals, Valerius Corvus, Fabius Cunctator, and, to a less extent, Philo. Of a very different mould is L. Icilius, tr.pl. 456, 455 and 449. Icilius' main entry into the narrative is in the Appius-Verginia affair but already we have had an introduction to his career. In 456 he secured the passage of a lex Icilia de Aventino publicando.\(^4\) Furthermore, Appius in his attempt to win popular favour to gain re-election to the board of the decemuiρi fraternised publicly with Icilius to impress the plebs and appear popularis.\(^5\) The next reference is in relation to

\(^{1}\) 9.7.15. 
\(^{2}\) 9.38.9. 
\(^{3}\) 10.38.1. 
\(^{4}\) 3.31.1, 32.7. 
\(^{5}\) 3.35.5.
Verginia whose father 'desponderat filiam L. Icilio tribunicio uiro acri et pro causa plebis expertae uirtutis.'

Livy proceeds to relate Appius' passion for Verginia and his attempt to seize her, during which a nurse called for help of the passers-by. A huge crowd gathered since 'Vergini patris sponsique Icili populare nomen celebratur.'

The plebs believed their champion Icilius would influence Appius: 'cum multitudo Icili maxime interuentu resisti posse Appio crederet...'.

Icilius' usual placidum ingenium was inflamed by Appius' continuing insults and he accordingly launched into a defiant speech in defence of Verginia.

Appius in return declared Icilius was merely an agitator: '...inquietum nomen et tribunatum etiam nunc spirantem locum seditionis quaerere....'

There follows the death of Verginia, the public outcry, and Appius' pursuit of Icilius. The populares Valerius and Horatius take up Icilius' cause.

1 3.44.3.
2 3.44.7.
3 3.45.5.
4 3.46.1.
5 3.46.2. cf. 46.4. where those like Icilius are described as seditionis auctores, cf. 48.1.
6 3.49.4.
Next in the episode is the effort of Verginius and Icilius to stir up their troops against the decemuiiri. Verginius has ten military tribunes elected. Icilius, when he heard of this election, followed suit: '...ne comitiorum militarum praerogatiuam urbana comitia iisdem tribunis plebis creandis sequentur, peritus rerum popularium imminensque ei potestati et ipse...'. The res populares of which Icilius is peritus could signify one of two things. First, it could mean the 'ways of the people', or as de Sélincourt translates 'mob psychology'. Icilius' insight need not have been simply intuitive; he could well have acquired familiarity with the popular mind during his two previous tribunates. Moreover his knowledge was sharp. The plan to forestall the otherwise inevitable turn of events was successfully anticipated and executed. No civil election took place. Papirius Cursor possessed similar psychological insight: 'sensit peritus dux quae res victoriae obstaret...'.

The second possibility relates to Icilius' political

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1 3.51.1-6.
2 3.51.8-9.
4 8.36.5. See p.32 supra.
career. It is known he supported the *causa plebis*,
that his name was *populare*, and that he himself had
designs on the tribunate. *Res populares* may therefore
be read as the 'ways or methods of political *populares*',
and Icilius' action as a calculated political move to
foster his own (as well as the *plebs*') interests. This
interpretation is strongly supported by later references
in the narrative. Icilius continues to be the spokesman
for the *plebs*, urging dissolution of decemuiral power.
Moreover, later in the same year, he bore the full
responsibility, in the face of strong senatorial opposition,
for the triumph of the popular consuls, Valerius and
Horatius. This was an unprecedented move in the
direction of strengthening the power and authority of the
people. In 447 when the *plebs* had grown disillusioned
with the tribunes in power and no longer expected any
proper representation, they looked back at Icilius as their
model leader: *iamque plebs ita in tribunatu ponere
aliquid spei, se similes Icilio tribunos haberet: nomina
tantum se biennio habuisse.*

1
2
3
4
3.53.3.
3.36.8.f.
3.63.11.
3.65.9.
Icilius had become *seditiosissimus ex plebe*, whose election to the consulship would be ruinous to the state.¹ Icilius' qualities became hereditary and other Iciliii share his reputation. L. Icilius, tr.pl. 412 and 409, however, earns Livy's censure: 'is cum principio statim anni, uelut pensum nominis familiaeque seditiones agrariis legibus promulgandis cieret...'.² The nomen Icilium is now invoked to justify *seditiones*. Only to Appius and the jealous *patres* was the first Icilius *seditiosus*, not to Livy. In 409 three Icilli were tribunes and active antagonists of the *patres*, urging the people to elect quaestors from their own ranks: 'auctores fuisse tam liberi populo suffragii Iciliios accipio, ex familia infestissima patribus tres in eum annum tribunos plebis creatos.'³ Livy is clearly in sympathy with the Icilli and the *plebs*; *infestissima* is the opinion of the *patres*. The subsequent election of three plebian quaestors, an *ingens uictoria* for the *plebs*,⁴ incensed the *patres*.

¹ 4.2.7.
² 4.52.2.
³ 4.54.4. cf. 56.3.
⁴ 4.54.6.
'irritatis utriusque partis animis cum et spiritus plebs sumpsisset et tres ad popularem causam celeberrimi nominis haberet duces...'.

The allusion is to the Icili, '...omnes acerrimi uiri generosique iam, ut inter plebeios.'

The battle between plebs and patres continued; the Icili would not give in: '...non cessere nec publicae tempestati nec suae inuidiae....'

When finally the tribunes had prevailed and the patres were forced to accept the election of military tribunes, the senate expressly provided that no-one who had that year been tribune should be a candidate and that no tribune of the plebs should be re-elected for any second term of office.

It is evident, says Livy, that the senate wanted to stigmatize the Icili: '...quos mercedem seditiosi tribunatus petere consulatum insimulabant.'

The Icili as a whole merit Livy's approbation. Although on occasion he criticises their activities, he seems to prefer their progressive and apparently altruistic

1. 4.54.8.
2. 4.55.3.
3. 4.55.5.
4. 4.55.6.
5. 4.55.7.
approach to that of the jealous narrow-minded nobiles. But the Iciliii are not of the Valerian mould. For a start they are tribunes, not consuls, plebeians, not patricians. Moreover, the early Valerii are presented as ranging over and above the class struggle. Their legislation did not violently pit one side against the other. The patres were to some extent critical of Valerius and Horatius but this is represented only as an incidental side-effect. With the Iciliii on the other hand, the whole raison d'etre of their intervention is class domination, represented first by Appius' suppression of the plebs and later by the actions of the patres as a whole. The effect of their activities is to intensify and exacerbate the hostility of the patricians. But there are essential similarities between the Iciliii and early Valerii: first, the concern of both is generally for the people (plebs) and not for themselves. Second, the efforts of both in obtaining their ends are consistently constructive and non-violent. It is these similarities which make the Iciliii honourable populares.

Livy's other references to individuals who are or try to be populares are almost entirely pejorative. The earliest of these relates to the consulship of Sp. Cassius and Proculus Verginius in 486. After the defeat of the
Hernici, two-thirds of their land was taken of which Cassius proposed to distribute half to the Latins and half to the Roman plebs. ¹ Cassius further planned to distribute to the plebs state-owned land held in private hands by the patres. The latter objected to this move as a threat to private interests. Other senators were also concerned on 'public grounds' that '...largitione consulem periculosas libertati opes struere.'² This was the first proposal for agrarian change which Livy sees as a pernicious precedent: '...numquam deinde usque ad hanc memoriam sine maximis motibus rerum agitata.'³ Verginius, with the backing of the senate,⁴ vigorously opposed the schemes. Even the plebs supported him, resentful that the distribution had been extended to include allied communities. Furthermore, the plebs were influenced by Verginius' propaganda: '...saepe deinde et Verginium consulem in contionibus uelut uaticinantem audiebat, pestilens collegae munus esse, agros illos seruitutem iis qui acceperint laturos, regno uiam fieri.'⁵

¹ 2.41.1.
² 2.41.2.
³ 2.41.3. *hanc*, as Ogilvie points out, (op. cit. p.340) is a comment on the evils of more recent agrarian legislation, that of the Gracchi or of Caesar or even of Octavian in 30BC.
⁴ 2.41.4.
⁵ 2.41.5.
Verginius' double-talk was successful: 'popularis iam esse dissuasor et intercessor legis agrariae coeperat. uterque deinde consul, ut certatim, plebi indulgere.'

(popularis) is given special emphasis by its leading position in the sentence; we expect it to refer to Cassius but find it is Verginius who is now popularis. Livy's contempt for both men is plain. Cassius tried to reinstate himself in the people's favour by proposing that the money received from the sale of Sicilian grain should be paid back to the people. This was spurned as merces regni on account of the suspicio insita regni of the plebs after the expulsion of the Tarquins. In the interests of libertas Cassius was charged and executed. Livy implies that there were no sufficient rational grounds for the charge but does not make an explicit comment to this effect. Indeed he is quite offhand about Cassius!

1 2.41.7. The parallel with Cicero's tactics in 63 when he successfully defeated the lex agraria of Rullus is striking. Part of Cicero's method was to claim himself popularis. See p. 126f. infra.

2 2.41.8.

3 2.41.9.

4 Ibid.

5 Ibid. 2.41.2.
death. The connection between agrarian proposals and
regni cupido is meant to be presumptive. Livy obviously
wants to portray Cassius as an exemplum and prototype of
subversive agrarian agitation. His narrative, fumbling
for the proper facts, is thus deliberately elliptical.

In the next chapter Livy records that the plebs soon
forgot their anger towards Cassius,¹ and later in the
narrative, Cassius takes on the shape of a martyr, a
defensor plebis,² who was betrayed by the very ones he
was defending.³ The sentiment is voiced in popular
sympathy with the popularis Manlius, ending with the
apophthegm 'saginare plebem populares suos ut iugulentur.'⁴
Thus the popularis Cassius retrospectively attains the
status of a popular martyr, but to Livy and to Cicero,
the notion of regnum and of Cassius' guilt is predominant.⁵

¹ 2.42.1.
² 6.17.1.
³ 6.17.2.
⁴ 6.17.3.
⁵ cf. Cic. de rep. 2.60. '...Sp. Cassium de occupando regno
moliemtum, summa apud populum gratia florentem, quaeestor
accusavit...cedente populo morte mactuit.' cf. Phil.2.114.
and de rep. 2.49. where Cassius is grouped with Sp. Maelius
and M. Manlius as regnum appetentes, as they are in Livy's
reference, 6.17.2f.
In 467 hopes were again high for agrarian reform. Ti. Aemilius was consul who in his previous consulship had been dandi agri auctor. The tribunes and agrarii were confident a law would now be promulgated:

et consul manebat in sententia sua. possessorum et magna pars patrum, tribunicis se iactare actionibus principem ciuitatis et largiendo de alieno popularem fieri querentes, totius inuidiam rei a tribunis in consulem auerterant.

Here again is conflict induced by a lex agraria; the expectations of the plebs, hostility of the patres and propaganda from both sides. popularis and agrarian legislation are directly linked and it is certainly not the business of a princeps ciuitatis to be concerned with either.

atrox certamen aderat but the other consul of the day, Q. Fabius, intervened with a satisfactory compromise which did not offend the possessores. Thus a land law could be acceptable but only if it did not affect the patres and arouse class conflict. Aemilius provoked such conflict and Aemilius, like Cassius, is popularis.

1. 3.1.2.
2. 3.1.2-3.
3. 3.1.4.
The debt problem also increased bitter class antagonism. In 495 during the consulship of P. Servilius and Appius Claudius, Rome was not only threatened with imminent war from both the Volscians and the Sabines, but also with internal dissension between patres and plebs; '...maxime propter nexos ob aes alienum.' The plebs, claiming their libertas was no longer safe, refused to enlist for military service. A disturbance which broke out in the forum soon spread through the whole city. Appius, uehementis ingenii uir, was for settling the matter by force; Servilius, lenibus remediis aptior, believed it would be safer and easier to try to placate the plebs, not coerce them. With the news of the Volscian advance, tension heightened. The plebs were jubilant: '...ultores superbiae patrum adesse dicere deos.' The senate, maesta ac trepida ancipiti metu, begged Servilius cui ingenium magis populare erat to save the state. The

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1 2.23.1.
2 2.23.2.
3 2.23.7.
4 2.23.15.
5 Ibid.
6 2.24.2.
7 2.24.3.
need to raise troops was pressing; Servilius successfully appealed to the plebs by promising future redress for debt suppression\(^1\) and on the next day led a victorious sortie against the Volscians.\(^2\) The consul returned to Rome with maxima gloria.\(^3\) Then followed successful routes of the Sabines and Aurunci.\(^4\) Interest now shifts to a settlement of the debt question when Appius, '...et insita superbia animo et ut collegae uanam faceret fidem, quam asperrime poterat...' began with the utmost rigour to recover debts.\(^5\) The people protested loudly and flocked to Servilius: 'illius promissa iactabant.'\(^6\) Servilius prevaricated: '...adeo in alteram causam non collega solum praeceps erat sed omnis factio nobilium;'\(^7\) and as a result, '...nec plebis uituit odium nec apud patres gratiam iniit.'\(^8\) The patres

\(^1\) 2.24.4.f.
\(^2\) 2.25.1-5.
\(^3\) 2.25.6.
\(^4\) 2.26.1-6.
\(^5\) 2.27.1.
\(^6\) 2.27.2.
\(^7\) 2.27.3.
\(^8\) Ibid.
considered him mollis et ambitiosus, the plebs fallax. 'breuique apparuit adaequasse eum Appi odium'.

A new fear of a Sabine invasion arose and again no-one enlisted. Appius attacked and stormed at the ambitio of Servilius: '...qui populari silentio rem publicam proderet, et ad id quod de credita pecunia ius non dixisset, adiceret ut ne dilectum quidem ex senatus consulto haberet...'.

The disorder intensified but at last the inuisi consuls departed from office: '...Servilius neutris, Appius patribus mire gratus.'

There are two possible interpretations of Appius' reference populari silentio. Both rest on the rare but classical usage of silentium as 'inaction, inactivity'. The first, taking popularis as subjective, is 'the people's own inactivity'. This makes good sense as the people's refusal to volunteer for military service, a responsibility...

1 2.27.4.
2 2.27.10.
3 2.27.13.
4 de Sélincourt's translation, 'to keep the mob quiet' (op. cit. p.118), bears no contextual resemblance to the original Latin. True, the plebs' complaints had been stifled for a time by Servilius' first edict (2.24.6). Appius' jibe at this juncture would have been reasonable. Since then, however, Servilius had fallen foul of the plebs on the very ground that he had done nothing at all to quieten unrest. Appius' remark, as translated by de Sélincourt, would be meaningless.
5 cf. Cic. in Pis. 14.32; Liv.2.54.4.
which, in view of his past claims and efforts, lay
on the shoulders of Servilius. The second interpretation
is that the silentium is Servilius' own. He had refused
to pronounce sentence in cases of debt (an activity in
which Appius himself was so rigorously engaged) and was
doing nothing to stir the plebs into action for fear of
making himself unpopular. popularis would then mean
'popular with the people, calculated to win the favour
of the people'. This interpretation seems to fit the
context best. To Appius (and the patres) Servilius was
trying to be popularis, while his ingenium popolare led
the plebs to believe he would champion their interests.
But Servilius is not a popularis in the round like Icilius:
he has the animosity of the patres but not the concomitant
popularity with the plebs.

Appius' son continued his father's Big Stick policy
to the plebs. Indeed his election as consul in 471 was
calculated solely to crush the popular outbursts that
ensued from the promulgation of a law allowing for tribunes
to be elected in the tribal assembly.1 To the plebs,
Appius is carnufex,2 '...numquam ante tam inuisus plebei...'.3

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1 2.46.5.
2 3.46.8.
3 2.61.3.
his family, superbissima ac crudelissima in plebem Romanam. 1 To the patres on the other hand, he is propugnator senatus maiestatisque uindex. 2 According to Livy this Appius died in 470 during his trial 3 but the Fasti Capitolini record him as consul in 451 and decemuir in 451 or 450. 4 Various inconsistencies in Livy's own account of the Appius decemuir would suggest a conglomeration of two different Appii whose characters are practically identical. It will be assumed for the purposes of this study that Appius, the consul of 451, and Appius, the decemuir, are the same person.

Appius, consul elect in 451, was chosen as one of the decemuii appointed to codify Roman laws. 5 Appius, says Livy, was the guiding hand of the whole board, thanks to the fauor plebis: 6 "...adeoque nouum sibi ingenium induerat ut plebicola repente omnisque auroae popularis captator euaderet pro truci saeuoque insectatore plebis." 7 Livy's

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1 2.46.7.
2 2.61.4.
3 2.61.8.
4 Broughton, op. cit. vol. 1, p.31.
5 3.33.3.
6 3.33.7.
7 Ibid.
language is distinctly disparaging. The parody, Plebicola, recalls Valerius’ cognomen of 509. The change in the component part from populus to plebs was probably intended by Livy to convey the difference between a true popularis who looks to the whole people and a sham cultivator of the plebs urbana.

The consul T. Quinctius Capitolinus also uses the word in an address to the people in 446. The chief point of his speech is that the people’s tribunes are not promoting concordia viz. they are not genuinely representing the people’s interests:

...nisi forte adsentatores publicos, plebicolas istos, qui uos nec in armis nec in otio esse sinunt, uestra uos causa incitare et stimulare putatis. concitati aut honorì aut quaestui illis estis....

At the end of this speech, Livy feelingly comments:

'raro alias tribuni popularis oratio acceptior plebi quam tum seuerissimi consulis fuit.' It is clear that adsentatores publici and plebicolae are synonyms for populares or tribuni. Appius too for the time has become popularis.

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1 See p. 6 supra.
2 3.68.10.
3 3.69.1.
After the Ten Tables are prepared and approved, it is decided that two more are needed to complete the job. The people are keen to re-elect another similar board. comitia decemuiris creandis are declared; campaigning is heated; even the patres solicit:

'... metu... ne tanti possessio imperi uacuo ab se relictoc loco haud satis dignis pateret....' Appius courts favour openly:

criminari optimates, extollere candidatorum leuissimum quemque humillimumque, ipse medius inter tribunicios Duillios Iciliosque, in foro uolitare, per illos se plebi uenditare....

His colleagues are amazed: '...coniecere in eum oculos mirantes quid sibi uellet: apparere nihil sinceris esse; profecto haud gratuitam in tanta superbia comitatem fore.' comitas embraces all the ars and attitudes adopted to

1 3.34.1.
2 3.34.7.
3 3.34.8.
4 3.35.1.
5 3.35.2.
6 3.35.4-5.
7 3.35.6.
impress the plebs, what Appius himself later calls '...suum infelix erga plebem Romanam studium.' The decemuiiri as a whole (as it will be shown later) behave in exactly the same manner: both are trying to be popularis. The pose was successful and Appius elected: 'ille finis Appio alienae personae ferendae fuit. suo iam inde uiuere ingenio coepit nouosque collegas...in suos mores formare.' We know the rest of the story, of Appius' tyranny as decemuir, the attempted abduction of Verginia, and his deposition from office and suicide. His appearance as popularis is as one who hob-nobs with the plebs as a temporary political expediency.

Perhaps the most outstanding popularis in Livy is M. Manlius Capitolinus, military tribune with consular power in 385. Manlius begins well as vir bello egregius who saved Rome from the Gauls and whose virtus is highly praised. But despite his patricia gens and inclita fama, Manlius is consumed by jealousy of the pre-eminence of the populares, Publicola, Valerius and Horatius, the Fabii.

1 3.56.9. cf. 2.44.5 for a strikingly similar reference to the behaviour of Appius and the patres to appease the tribunes.
2 3.36.1.
3 5.47.4.
4 5.47.7.
5 6.11.3.
other great general of the day, M. Furius Camillus
eximius simul honoribus atque uirtutibus. Failing to
win what he considers proper acknowledgement for saving
the Capitol, Manlius proceeds to derogate from Camillus'
responsibility for the victory and triumph, claiming his
own contribution to be just as great:

his opinionibus inflato animo ad hoc uitio
quoque ingenii uehemens et impotens,
postquam inter patres non quantum aequum
censebat excellere suas opes animaduerit
primus omnium ex patribus popularis factus
cum plebeis magistratibus consilia
communicare; criminando patres, alliciendo
ad se plebem iam aura, non consilio ferri
famaeque magnae malle quam bona esse. et
non contentus agrariis legibus, quae
materia semper tribunis plebis seditionum
fuisset, fidem moliri coepit. From this important statement several points emerge.

First, Manlius was the first of the patres who became
popularis. Now if we are to understand a fairly fixed
meaning for popularis, this statement immediately discounts
all previously mentioned patres who are described as
populares, Publicola, Valerius and Horatius, the Fabii,
Appius. But such a drastic cancellation is not intended
by Livy. The distinction lies in Livy's narrower
definition of popularis. Each of the older populares,

1 6.11.3.
2 6.11.6-8.
at the time of the particular action or attitude which made him *popularis*, was in the highest civil or military position in the state. Each worked through regular channels and in the interests of *concordia*. Manlius on the other hand was a military tribune who turned to the people only because he could not further his ambitions within the framework of the senate and *patres*.\(^1\) It is clear from the context that being *popularis* and being a patrician are usually mutually exclusive conditions.\(^2\) This does not hold for the Valerii and the Fabii of course who were pre-eminently patrician. Livy has in mind a more concrete picture of a *popularis*, a particular type of political creature, one which, on the evidence of the tone of his language, he despises. The second significant point explains the first. Of the policies and issues which Manlius took up in his capacity as *popularis* two are specified. The first is the question of agrarian legislation, which, as it has already been shown, is closely bound up with the

\(^1\) This is the same reason Cicero attributes to Caesar for turning *popularis*. cf. *prov. cons.* 38. p.177 infra.

\(^2\) Just as being a *popularis* and a member of the *optimates* is to Cicero.
sort of popularis politics Livy dislikes.¹ The second is the debt question and the problem of nexum, 'free slavery'. The popular nature of this issue has already been illustrated in connection with Servilius.² The exploitation of both issues was a potentially powerful political weapon, one which Livy dislikes and implicitly fears.

Livy's definition of popularis in relation to Manlius is thus quite narrow and specific: it refers to his patrician birth, dissatisfaction with the Establishment and transference to the opposite side, and agitation for concrete causes. This picture is progressively substantiated. Manlius is soon accused of noua consilia;³

¹ cf. Aemilius and Cassius, pp. 41, 44. The election promises of a group of tribunes show that land distribution and new settlement are key popular planks: '...agri publici diuidendi coloniarumque deducendarum ostentae spes et uectigali possessoribus agrorum imposito in stipendium militum erogandi aeris.' (4.36.2)

² In Livy the debt question is a popular plank in other countries as well. He writes of the huge debt problem in Aetolia and Thessaly which led to seditiones (42.5.7f.). In 172 Eumenes II of Pergamum, in the role of ambassador at Rome, charged Perseus with creating turmoil and confusion in Thessaly and Perrhaebia by the prospect of abolition of debts '...ut manu debitorum obnoxia sibi optimates opprimeret'. (42.13.9) optimates are the aristocratic pro-Roman element. This is a direct reference to the popular nature of the debt question and the importance it acquired as a political instrument.

³ 6.11.10.
the senate appoints a dictator, A. Cornelius Cossus, to take the situation in hand.\(^1\) Manlius grows more and more revolutionary: 'non enim iam orationes modo M. Manlii sed facta, popularia in speciem, tumultuosa eadem qua mente fierent intenti erant.'\(^2\) Now Manlius' activities are not even genuinely popularia. In other words, he has now lost all interest in the people and any salutary agrarian and debt reform. His sole intent now is revolution. But the opinion of the plebs is quite different from Livy's. His defence of an indebted centurion against the superbia and crudelitas of the creditors wins him great popular favour;\(^3\) the centurion hails him as liberator suus\(^4\) and the plebs as uindex libertatis.\(^5\) Manlius, encouraged now ad omnia turbanda,\(^6\)

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\(^1\) The dictator observed that '...maior com dimicationem propositam domi quam foris.' (6.12.1) cf. 14.1: '...cum maior domi exorta moles coegit acciri Romam eum gliscente in dies seditione, quam solito magis metuendum auctor faciebat.'

\(^2\) 6.14.2.

\(^3\) 6.14.3.f.

\(^4\) 6.14.5.


delivers turbulent harangues against the patres:
'...omisso discrimine uera an uana iaceret...'.

After further disorders, Manlius is imprisoned. A public outcry ensues. Like Cassius, Manlius is now defensor plebis, leading the people to libertas and lux. He is soon released and threatens further certamina, hailing himself uindex and patronus plebis. The senate deliberates; two tribunes suggest that the best approach to Manlius is through the people. The plebs would recognize Manlius' true aims and condemn him:
'...nihil minus populare quam regnum.' The speaker puns on the double sense of popularis; he seems to have in mind a popularis ciuitas of the sort described by Cicero in de re publica where popularis signifies 'belonging to the people'. The second obvious signification is 'popular with the people'. Logically then no ciuitas is less

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1 6.14.11.
2 6.17.3.
3 6.18.3.
4 6.18.8, 14.
5 6.19.6.
6 6.19.7.
7 qv. p.183 infra.
popularis than a regnum and to the Romans no regnum could be popular with the people. The tribunes' recommendation was carried out and Manlius indicted. 1 He appeared before the people without any mourners, thereby provoking the sympathetic comment that 'consensu opprimi popularem uirum quod primus a patribus ad plebem defecisset.' 2 He is condemned and cast from the Tarpeian Rock. 'hunc exitium habuit uir nisi in libera ciuitate natus esset, memorabilis.' 3 The free expression of the will of the people in a libera ciuitas is responsible for the indictment of Manlius, though it is not clear how he would have been memorabilis in a regnum or any other un-free state. 4 Manlius, like Cassius, attains posthumous glory (Manlius as seruator of the Capitol). 5 Now that he is no longer a living periculum, the people echo his

1 6.20.1.
2 6.20.3.
4 6.20.16.
5 Livy frequently refers to liberae ciuitates in connection with their free speech and tolerance of popular harangues. cf. 31.44.3: 'nec umquam ibi desunt linguae promptae ad plebem concitandam quod genus cum in omnibus liberis ciuitatibus, tum praecipue Athenis, ubi oratio plurimum pollet, fauore multitudinis alitur.' cf. 27.31.4.
uirututes. 1 Livy himself emphasises his *eximia gloria.* 2 It is clear from the full and careful detail of the episode that Livy to some extent respected Manlius in a way that he did not respect, say, Cassius. The difference lies not only in the fact that Manlius was an outstanding military general, an achievement for which Livy has the highest recognition, regardless almost of any other qualities of the person concerned, but in the *exemplum* of which he is trying to make Manlius. This is two-fold. First he wants to illustrate his constant theme of the corrupting effect of *regni cupido,* and second, Livy is deliberately portraying Manlius as the prototype of a long line of patrician *populares.* This is evidenced from the careful and emphatic restatement of the fact that Manlius was the first to shift from the *patres* to the opposite camp. 3 Cicero's references to Manlius are concentrated solely on the *regnum* theme. 4 He does not mention that Manlius was the first patrician *popularis.*

1 6.20.15.
2 6.20.12.
3 6.20.3.
4 cf. *de rep.* 2.49; *Phil.* 2.114.
The same theme informs Livy's treatment of Sp. Maelius, the praediues eques who in the dire food scarcity of 440, distributed from his own pocket free supplies of grain to the plebs. Livy is hostile to Maelius from the start. He recognises that the action was res utilis\(^1\) but sees in it only pessimum exemplum and an even worse motive, peius consilium.\(^2\) The plebs were delenita by this munus and followed Maelius about with great favor and spes.\(^3\) But Maelius demanded greater reward for his effort: "...et quoniam consulatus quoque eripiendus inuitis patribus esset, de regno agitare..."\(^4\) and conceived sinister plans. At the current comitia consularia,\(^5\) T. Quinctius Capitolinus was elected, "...minime opportunus uir nouanti res",\(^6\) and L. Minucius was re-appointed praefectus annonae: "...eandem publice curationem agens quam Maelius priuatem agendam susceperat ..."\(^7\) Since the same grain dealers were visiting both

\(^1\) 4.13.1.
\(^2\) Ibid.
\(^3\) 4.13.3.
\(^4\) 4.13.4.
\(^5\) 4.13.5.
\(^6\) 4.13.6.
\(^7\) 4.13.8.
houses, Maelius' 'conspiracy' was soon uncovered: 
'tela in domum Maeli conferri, eumque contiones domi 
habere, ac non dubia regni consilia esse.'\(^1\) libertas 
is threatened; Quinctius is named dictator\(^{\text{adprobantibus}}\) 
cunctis, with Master of Horse, C. Servilius Ahala.\(^2\)

Maelius was summoned to trial but escaped: '...fugiensque 
fidem plebis Romanae implorare et opprimi se consensus 
patrum dicere, quod plebi benigne fecisset....'\(^3\) Ahala 
overtook and slew Maelius,\(^4\) and was hailed for liberating 
the res publica.\(^5\) The dictator then told the turbulent 
crowd that Maelius had been justly slain: '...etiam se 
regni crimine insons fuerit, qui uocatus a magistro 
equitum ad dictatorem non uenisset.'\(^6\) Maelius had 
planned uis and had been killed by uis.\(^7\) The Tarquins

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1. 4.13.9.
2. 4.13.14.
3. 4.14.5.
5. 4.14.7.
6. 4.15.1.
7. 4.15.2.
and Cassius had been killed for aspiring to **regnum**: why not Maelius? And anyway who was he? a rich nobody grain-dealer of **nulla nobilitas, nulli honores, nulla merita.**

Maelius would scarcely even have made the plebeian tribunate but flattered himself that a few pounds of free grain would buy **libertas** and deliver up the entire people in **seruitutem.** Such a **scelus** could not be tolerated.

This devastating speech contains Livy's as much as Quinctius' criticism of Maelius. We note the snobbery surrounding the man's social position, and the implication that immorality and criminality are inevitably born in the lower classes. Such open expressions of snobbery are comparatively rare in Livy and are thus all the more vivid and forcible when they do occur. We also note that the dictator is not at all convinced of the validity of the evidence behind the **regnum** charge but quickly glosses over the point by laying an alternative charge argued on purely spurious grounds. Obviously Maelius was to be found guilty no matter what degree of sophistry the dictator had to employ. To the people the evil mystique

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1. 4.15.5.
2. 4.15.6.
of the word *regnum* was in itself sufficient to establish Maelius' guilt, and Livy carefully avoids disagreement. His reason is clear: Maelius is to be a paradigm case of *regni cupidō*; although his action could have been *utilis*, its potentialities were corrupted by *cupido*. Posthumously, Maelius is a *popularis* martyr '...ab ore ciuium famem suis impensis propulsantem (oppressum)...'¹, one of the *populares* whom the *plebs* betray.² In the retrospective analogy, *popularis* parallels *uir nouans res*. Again the connection between *regnum* and *popularis* is presumptive. To Cicero, Maelius is a useful revolutionary and *popularis* prototype to invoke for different analogous situations of the late republic.

On the one hand he says it was only *suspicio regni* that caused his death, on the other, unequivocal *regnum*. Cicero's terse allusions give no suggestion of the potential worth of the man.³

The Italian Pacuvius Calavius, a senator from Capua, provides comparable parallels. In 216, with Hannibal

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¹ 6.17.2.

² 6.17.3.

³ cf. *pro Mil.* 27.72: '...quia nimis amplexet plebem putatur' cf. *in Cat.* 1.1.3; *de rep.* 2.49; *Phil.* 2.114; *Cato* 16.56.
heading for Capua, Calavius, at the time occupying the highest office at Capua, calculated that the plebs would exploit the opportunity of carrying out a daring coup against the nobles. If this was successful, the entire senate would be slaughtered and handed over to the Carthaginians. Calavius himself had other designs, namely to obtain dominatio, supreme personal power: 'senatum et sibi et plebi obnoxium Pacuuius Calauius fecerat, nobilis idem ac popularis homo, ceterum malis artibus nanctus opes.' In the interests of greater glory, he preferred that only the senate's political power be removed, and devised a subtle scheme to render the senate obnoxium sibi ac plebi. He persuaded the senators that they themselves would be assassinated by the plebs and advised them to lock themselves up in the senate house. The plebs, he hoped, would later formally deprive them of effective power. At the crucial moment, however the plebs

1 23.2.1.
2 23.2.3.
3 Ibid.
4 23.2.2,4. Calavius aspires to dominatio (23.2.4) and is astute enough to avoid immediate suspicion of regnum: '...quippe aut rex, quod abominandum...!' (23.3.5.)
5 23.2.4.
capitulated and left the senators alone. In their gratitude for this *uitae beneficium*, the senators became completely subservient to Calavius:

hinc senatores omissa dignitatis libertatisque memoria plebem adulari; salutare, benigne inuitare, ...eas causas suscipere, ei semper parti adesse, secundum eam litem judices dare quae magis popularis aptiorque in uolgus fauori conciliando esset.

Here is the familiar *popularis* behaviour with a new slant: the issue of juries and verdicts and their relation to popular opinion. Perhaps Livy is adumbrating the connection between later *populares* (eg. of the Gracchi) and laws relating to jury composition.

Yet despite his contemptible behaviour, Calavius does not merit Livy's full condemnation: 'improbis homo sed non ad extremum perditus.' He is seen more as a symptom of the over-all depravity of the *luxurians* Capua and the *licentia plebis sine modo libertatem exercentis*.
Moreover, though Livy does not give the later history of the man, Calavius is another exemplum of regni cupido. This and his courtship of the plebs are the only things which make him popularis. His faults are there but so are some, if corrupted, virtues. Thus Calavius is popularis and improbus but not perditus. Like Manlius, Calavius is both popularis and nobilis, a combination sufficiently unusual to warrant contrasting juxtaposition. We note that Livy's terms for Capuan politics are the same as those applied to Rome.

Nabis, the usurping tyrant of Sparta at the time of the Second Macedonian War is both rex and popularis. Two episodes relating to Nabis are relevant. The first concerns the speech Nabis made in a contio to the Argives after Argos had been handed over to him in 197. In this speech he proposed two revolutionary measures: '...unam de tabulis nouis, alteram de agro uiritim diuidendo, duas faces nouantibus res ad plebem in optimates accendendam.'¹ The second episode takes place during the negotiations for peace in 195 between the Roman Flamininus and Nabis. In the course of his defensive speech, Nabis claims that '...nomen tyranni et facta me premunt, quod seruos ad libertatem uoco, quod in agros inopem plebem deduco.'²

¹32.38.9.
²34.31.11.
Once you called me rex, he argues; now you apply the
disparaging tyrannus.\footnote{34.31.13.} The change in nomenclature
reflects your hostility, not mine. With reference to
the second charge, 'quod ad multitudinem seruis liberatis
auctam et egentibus divisum agrum attinet...',\footnote{34.31.14.} Nabis
replies that he has acted more atque instituto maiorum,\footnote{34.31.16.}
and urges the Roman not to apply his own yardstick to
Sparta's mores. The Romans believe in subjecting the
plebs to a privileged and wealthy few,\footnote{34.31.17.} whereas the Spartan
Lycurgus had ordained that '...nec excellere unum aut
alterum ordinem ciuitate...' and that there should be
aequatio fortunae ac dignitatis.\footnote{34.31.18.} Flamininus replied
first with an attack on Nabis' inconsistency\footnote{34.32.1-8.} and then with
an answer to his charges:

seruorum ad libertatem uocatorum et egentibus
hominibus agri divisum crimina tibi obici
dicebas, non quidem nec ipsa mediocria; sed
quid ista sunt praeterea quae a te tuisque,
cotidie alia super alia facinora eduntur?\footnote{34.32.9.}
After fully refuting Nabis' claims, Flamininus concludes his speech: 'proinde parce,sis,...omissa populari oratione tamquam tyrannus et hostis loquere.'

Several important points emerge from these passages. First, it is seen that the debt question and agrarian issue were regarded by Livy and supporters of Rome as tools for revolutionaries to use against the optimates. Second, to Nabis these same issues involved either libertas plebis or seruitus plebis. Third, in the context of the war these domestic crimina, while non mediocria, were trifling in comparison with Nabis' inconstantia and other more shocking facinora. Fourth, to Flamininus, Nabis in raising these questions was behaving like a political popularis, using popular planks and chicanery to confuse and divert the real issue. Now Nabis' speech is by no means a turbulent or emotional popular harangue. Its points are rationally argued and its tone controlled.

What makes a popularis oratio is simply the allusion to the debt and agrarian issues and the libertas of the people. These points of reference in themselves denote standard popularis behaviour. Such an association, based on two quite specific activities, illustrates that Livy is using

1 34.32.20.
popularis in the same restricted way in which he described Manlius Capitolinus. Both agitated for debt and agrarian reform; one is entrenched as a usurping rex, the other is killed regnum appetens. Both are populares.¹ populares orationes however do not always entail agitation for agrarian and debt reform. Two examples will serve to illustrate the looser and wider connotations of the phrase. The first concerns the antipathy between the consuls Appius Claudius and Volumnius Violens in 307. Volumnius, whom the senate liked, had proved himself a successful commander, first against the Sallentini and later in Samnium.² Appius on the other hand, whom the senate thoroughly disliked, had for a long time been left in Rome without a command. Livy builds up a favourable picture of Volumnius: he is a strong senatorial supporter and lover of peace and the rule of constitution, as shown

¹ Livy's portrait of another non-Roman ruler, Philip of Macedon, shows a similar prejudice. From the start he disapproves of Philip (cf. 24.40.10; 40.11-13) but reserves his main attack for the king's behaviour at the Nemean Games of 208 when the king openly cultivated popular favour: "...lastitiaque ingenti celebrati festi dies, eo magis etiam quod populariter dempto capitatis insigni purpuraque atque alto regio habitu aequaverat ceteris se in speciem, quo nihil gratius est ciuitatibus liberis." (27.31.4) Livy despises these depraved efforts at winning popularity by which libertas is debased to licentia.

² 9.42.5; 10.18.8.
by his suppression in Lucania of '... seditiones a
plebiis et egentibus ducibus ortas summa optimatium
uoluntate....'  
Moreover, Volumnius is highly popular
with his soldiers, 'quem aduentientem laeti omnes accepere.'
When he joined Appius in Etruria, a quarrel ensued
between the two consuls; the soldiers urged Volumnius
'...ne prauo cum collega certamine rem publicam prodat.'
A contio was called in which the consuls were to voice
their respective complaints.

et cum Volumnius, causa superior, ne
infacundus quidem aduersus eximiam
eloquentiam collegae uisus esset,
cauillansque Appius sibi acceptum
referre diceret debere, quod ex muto
atque elingui facundum etiam consulem
haberent; priore consulatu, primis
utique mensibus, his cere eum nequisse,
nunc iam populares orationes serere.

Volumnius retorts: 'quam mallem... tu a me strenue facere
quam ego abs te scite loqui didicisset.'

Livy's point in the reference to populares orationes
lies in the distinction between worthy and proper deeds and

1 10.18.8.
2 10.18.9.
3 10.19.2.
4 10.19.6-7.
5 10.19.8.
specious clever words. The one is associated with an upright and dignified consul, the other with the behaviour of a political popularis. Livy is not trying to show that either Appius or Volumnius is popularis: the reference rather is indirectly allusive. It is style rather than content that makes Volumnius' speech resemble that of a popularis. Both consuls and audience were intended to recognise the full and coloured implications of populares orationes.

The second example shows that a popularis oratio can signify the success of an ingratiating appeal on a particular type of audience. In 172 after Eumenes had laid charges at Rome against Perseus, a leading envoy from Rhodes responded in a violent personal attack on Eumenes. Livy reports the response of the audience to this harangue:

...popularem quidem neque Asiae ingratam populis – nam eo quoque iam faur Persei uenerat – orationem habuit, ceterum inuisam senatui inutilemque sibi et ciuitati suae.¹

The area of the envoy's appeal is strictly demarcated: it does not include the Roman senate or Romani in general. Indeed on these it has the opposite effect: 'Eumeni uero

¹ 42.14.8-9
conspiratio adversus eum fauorem maiorem apud Romanos fecit. 1 The speech impresses the Asian ambassadors but Livy makes it clear that he considers this audience inferior and the envoy's accomplishment therefore contemptible. The *notio* behind *popularis oratio* then is that the audience likely to be captivated is of a low and impressionable order, the sort appealed to by political *populares*.

*Popularis* is used not only of individuals but also in connection with particular groups and factions. The *senate* itself can become *popularis* as it did in 508 when Rome faced the menace of Porsena of Clusium. The senate feared that the *plebs* in their terror would submit to *seruitus* for the sake of peace. 2 Accordingly, 'multa igitur blandimenta plebi per id tempus ab senatus data.' 3 The grain supply received special attention and the salt monopoly was taken out of private hands and wholly transferred to the government; taxes and tribute were

1 42.14.10.
2 2.9.5.
3 2.9.6.
4 2.9.8; cf. 5.20.10; 22.3.
removed from the plebs...ut diuites conferrent, qui oneri ferendo essent. ¹ Thanks to this indulgentia of the patres, concordia and notional unity were preserved. regium nomen was detested as much by the infimi as by the summi. ² nec quisquam unus malis artibus postea tam popularis esset quam tum bene imperando uniuersus senatus fuit. ³ Livy's language in this statement is revealing: unus is paralleled with uniuersus, with the implication that typical populares were single individuals, not a collective group. It further reveals that it was only by malae artes that such individuals could become populares, whereas the senate acted in the interests of the concordia of the whole state. The same was said of the Fabii and their salubres artes. ⁴ The final point is that what makes the senate popularis is a series of essentially concrete strokes of policy, not only an attitude to the plebs of general benevolence and fellow-feeling.

In a different way and for different reasons, a group of young nobiles in 461 also becomes popularis. These

¹ 2.9.6.
² 2.9.7.
³ 2.9.8. cf. 5.20.10; 22.3.
⁴ qv.p. 19 supra.
Youths were bitter and angry with the tribunes and the plebs because of the treatment and enforced voluntary exile of their fellow-patrician, Caeso. At the same time, a tribunician law had been promulgated to regulate the consulare imperium and so reduce the power of the patres. Feeling ran high but the iuniores patrum schemed to curb their irae and impetus and adopt an insinuating attitude to the plebs and tribunes:

benigne salutare, adloqui plebis homines, domum inuitare, adesse in foro...tribunos ipsos cetera pati sine interpellatione consilia habere, numquam ulli neque publice neque priumatim truces esse, nisi cum de lege agi coeptum esset; alibi popularis iuuentus erat.

They avoided uis, displayed mansuetudo: his per totum annum artibus lex elusa est. Livy's description is strongly reminiscent of Appius Claudius' sham camaraderie in 450. Both worked through the tribunes to impress the plebs, and both for a temporary expedient became popularis.

The tribunate itself was in conception and function

1
3.14.3.
2
3.14.5.
3 Ibid.
4 Ibid.
5 qv. pp. 49-52 supra.
popularis. Tribunes were the obvious spokesmen for the plebs and the presumptive critics of the patres. Livy explicitly describes their power as popularis when apropos of the agrarian strife in 484 he writes 'tribuni plebi popularem potestatem lege populari celebrant'. Elsewhere he describes the potestas as munimentum libertatis: the connection between libertas and popularis is explicit.

The tribunate is usually seen, however, through the antipathetical eyes of the patres in their anti-popular propaganda: tribunes are turbatores uolgi who 'plebem agitare suo ueneno, agraria lege...' or who obiurgare multituddinem in contiones seditiosas. Though these references are incontrovertibly pejorative, Livy's attitude to the tribunate is not always so one-sided. Writing of the attacks against the senate by the tribune, Q. Baebius, in 200, he comments that the uia antiqua criminando patres

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1 2.42.6.
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3 3.37.5. cf. 3.11.7: 'impetus tribunicios popularesque procellas...'.
3 There seems to be some discrepancy in Livy's text since us 480 in his account tribunes had been converted to tools of the patres, cf. 2.44.2f., where Aemilius Claudius
4 4.48.1.
4 2.52.3. cf.2.54.2: 'agrariae legis tribuniciis stimulis plebs furebat.'
5 4.35.6.
was now restored. This is a terse allusion to the fact that tribunes over recent years had been gradually converted to agents and tools of the patres and senate. Baebius had resumed the original tribunician role of vigorous uncompromising opposition to, and obstruction of, senatorial measures. Livy seems to prefer tribunician turbulence and independence to tribunician complaisance. It is clear that the tribunicia potestas is popularis in two ways: first in its general representation of the plebs, second in its use as a weapon of agitation for more concrete reforms, especially agrarian reform.

My final example concerns the decemuiiri in 449. The board, popular in its first year of office because of its unica concordia and moderatio, later performed a remarkable volte-face, thanks largely to the tyrannous designs of Appius Claudius. At first indeed the decemuiiri had deliberately put on a popular front: ...primo tribunicios

1 31.6.4.
2 There seems to be some discrepancy in Livy's text since as early as 480 in his account tribunes had been converted to tools of the patres. cf.2.44.2f, where Appius Claudius exploits the inherent flexibility of the potestas in the interests of the patres. cf.4.48.5f.
3 3.33.8.
4 3.33.9.
Now they all exercised a blatant tyranny: libertas was lost. The popularis consul, Horatius Barbatus, intervened attacking their superbia and violentia and anomalous position in the state:

The first striking point of this passage is that populares constitute an identifiable political 'party' or group, and although Livy has once or twice implied the existence of such a group (for example in the reference to Manlius as the first patrician to 'turn popularis', and the emphasis on the point that Calavius was both nobilis and popularis),

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1 3.37.6.
2 3.38.2.
3 3.39.3f.
4 3.39.9.
5 qqv. pp. 53, 64 supra
he nowhere else explicitly acknowledges it. The second striking point is the polarization of *optimates* and *populares*. Once again it is only through indirect references that Livy elsewhere in the *ab urbe condita* draws the contrast between these two groups. It has been seen for example that Appius in his bid to be *popularis* attacked the *optimates* and that Nabis' debt and agrarian proposals, allegedly against the *optimates*, are what caused him to be labelled *popularis*. Usually in Livy *optimates* is used in opposition to *plebs*, indicating a sociological grouping synonymous with *senatus* and *patres*. Similarly in regard to the *decemviri*, *optimates* parallels *patricii magistratus* and *senatus*, connoting all that is essentially patrician, republican and constitutional. *Populares* on the other hand parallels *plebeios magistratus* and *populus*, and denotes those who work 'through' the assemblies and their tribunes. The composition of the group then is based on common political rather than class attitudes. Although the two are

1 3.35.4. *qv.* p.51 *supra.*
3 *cf.*3.35.9 24.2.11; 3.9; 23.10; 32.3 32.38.9 42.13.9.
intimately connected, it is this political rather than social division that is predominant in Horatius' typology.

In the context of 449, however, Livy's use of these words has a spurious ring. In the first place, there is nothing in the preceding text (i.e. before 3.39.9) to suggest such a political division. Indeed the first time *optimates* occurs is in connection with the *decemvir* Appius. *Popularis* in the preceding text has been employed in two ways, either as a term of praise (e.g. to the Valerii, Fabii) or as a term of disparagement because of its association with *regnum, leges agrariae* etc. (e.g. to Servilius, Aemilius). In neither sense does *popularis* denote a regular method of acting *per populum* or apply to a larger group or section than isolated individuals. Manlius was the first to turn *popularis*, but this occurs in 385, in Book Six. There is no hint that Manlian type *populares*, i.e. politicians of a recognizable identity and particular collective colour, existed in 449. It seems clear that Livy's usage in this context is an anachronism. He is using in *vacuo* terminology that belongs to a considerably later period, probably that of the late republic. Indeed the typology here presented is strongly reminiscent of Cicero's own in the *pro Sestio* of contemporary politics, even to the point of the hundred donation reference. (3.39.8)
and other works.¹ It is likely that Livy was familiar with Cicero's description: Cicero died in 43, Livy commenced no earlier than 30 or 29. But whereas Cicero consistently points the distinction and opposition between optimates and popularares Livy expresses it only on this occasion. We cannot validly claim that popularares and optimates were currently used in this way in Horatius' own day.² Livy himself in his own over-all usage provides the counter-evidence. Moreover, Horatius' rhetorically posed questions seem quite inappropriate to the situation in hand. The important question was not to which political grouping the decemuiiri belonged, but which constitutional magistracy they occupied. Horatius includes the point of constitutionalism in his questions but only obliquely and ambiguously. It would appear therefore that in describing Roman politics of 449 in these polarised terms, Livy is acting under an external influence, without regard for his own chronology or context.

¹ qv. p. 167f.
² J. Van Ootegehm, 'Optimates, Popularares' Études Classiques 31 (1963) 400-6 finds it difficult to accept that Livy could commit a deliberate anachronism. Of course he could; he does. Not so Ogilvie, op. cit., p.451.f., who argues that this speech is 'wrapped up in the full dress of contemporary politics', even to the point of the bonorum donatio reference. (3.37.8)
It is valid for Livy to speak of *discordia ordinum* of *patres* and *plebs* but it is most certainly not valid to speak of *partes* within the *patres*.

It is regrettable for the purposes of this study that the books describing the last century and a quarter of Republican history are lost, since it is the trends and events of this period which moulded Livy's 'historical consciousness' and in the light of which the remainder of his history is written. Moreover, it is in their description of this common period that Cicero and Livy could most validly be compared. The *Periochae* are a poor substitute but nevertheless provide some sort of guide as to the emphasis and mood of Livy's own writing.

I shall now give a brief discussion of the summaries concentrating on these two aspects, emphasis and mood.

The first obvious feature is the stress on Rome's domestic affairs. Detailed description of internal politics now comprises the key subject matter as it did in the early books of the *ab urbe condita*. The turn of Roman history and the fuller documentation of Livy's sources meant that such a stress was inevitable. The treatment of the period seems to resemble that found in Cicero; indeed the terminology is practically identical.
The Gracchi, Saturninus, Sulpicius, Drusus, Marius and others all follow the common pattern of behaviour of demagoguery and wilful opposition to the optimates and nobilitas. Tiberius Gracchus, possessed by furor, incitauerat the cupiditas of the plebs by proposing a lex agraria adversus uoluntatem senatus. His turbulence was an indignitas to the optimates. Gaius, eloquentior quam frater, stirred up seditiones and introduced perniciosas leges: a frumentaria lex, agraria lex and a law to seduce the equester ordo. He too was driven by furor. Saturninus, 'per uim creatus non minus violentia tribunatum, quam petierat, gessit... and Glaucia were socii eiusdem furoris. Drusus, sustinens causam senatus, concitauit the plebs with a perniciosa largitio. His schemes of citizenship made him inuisus senatui. Sulpicius

1 Per. 58.
2 Ibid.
3 Per. 60.
4 Per. 61.
5 Per. 69.
6 Ibid.
7 Per. 70.
8 Per. 71.
introduced perniciosas leges by uis,\(^1\) as did Cinna.\(^2\) Marius is auctor seditionis\(^3\) of whom '...si examinantur cum uirtutibus uitia, haud facile sit dictu utrum bello melior an pace perniciosior fuerit'.\(^4\) The tribune Manlius proposed a law magna indignatione nobilitatis.\(^5\) Caesar planned to inuadere rem publicam and formed a conspiratio with Crassus and Pompey.\(^6\)

These references, though baldly and summarily stated, may be presumed to represent a fairly faithful account of Livy's own text. We can see in the tone and terminology of the treatment a close resemblance between these late republican figures and those of earlier times, such as Manlius, Cassius, Aemilius, Servilius, Maelius. All are revolutionary or subversive in their designs and proposed legislation, and all are the opponents of the optimates or nobiles. But there is one omission in the Periochae:

\(^1\) Per. 77.
\(^2\) Per. 79.
\(^3\) Per. 69.
\(^4\) Per. 80.
\(^5\) Per. 100.
\(^6\) Per. 103.
the use of the word *popularis*. This omission is all the more surprising in view of the frequency with which *optimates* occurs and the fact that much of Livy's material for this period would have derived from Cicero. But the absence of *popularis* cannot be considered a guide to Livy's own usage since the word is not used in the summaries of the extant books either.¹

The *Periochae* serve to demonstrate one important point and to remind us that Livy is reconstructing the past under the compelling and inescapable influences of the present. It was inevitable not only that Livy should borrow freely from more recent history to fill in the details of the past, but that he should deliberately establish early prototypes for existing trends of behaviour. Livy's concept of history, outlined explicitly in the *Praefatio*, leads him to draw up categories of good and bad *exempla* of political behaviour. Both sorts interact to form a continuous and uniform line of events. Moreover history repeated itself: vague hints and

¹ eg. In *Per. 6* the Manlius incident is described thus: "M. Manlius, qui Capitolium a Gallis defenderat, cum obstrictos aere alieno liberaret, nexos exsolueret, crimed adfectati regni dannatus de saxo dejectus est." There is no mention of *popularis* in any of the *Periochae*. See Table 2 for a list of *popularis* occurrences in Livy.
and traditions concerning earliest figures that were found in the sources or that were continued by oral tradition led to a direct identification with later and more familiar figures whose actions could be seen in the round. Livy's sources too were presumably concerned with tracing and fixing different developments to a respectable antiquity and intelligibility.\(^1\) The events of the late Republic summarised by the Periochae exercised the most direct formative influence on Livy's political and moral attitudes.

In its political sense, popularis occurs infrequently in Livy. Its occurring usage, however, covers a very wide area of seemingly disparate behaviour and attitudes, ranging from a personal likeability and popularity to a detailed political program, both at Rome and abroad. Despite this disparity, a common thread does exist, namely a concern in some fairly precise and positive way for the interests of the people or plebs. On the one hand this is a mark of enlightened statesmanship, on the other, of debased political ambition.\(^2\)

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\(^2\) See Table 2 for a list of individual populares in Livy.
the latter destroy and corrupt **concordia** by aspiring to **regnum** and by proposing various a priori unsound agrarian and debt laws. The effect of these **populares** can only be deleterious to the **res publica**.

**popularis** does not have any consistent signification. It connotes an attitude, a style, an ambition, an accomplishment, a program. The reason for this inconsistency and variety seems to be two-fold: in the first place, it reflects a certain looseness and incoherence in Livy's own historical thinking; in the second, it reflects the defective nature of the Latin political vocabulary and the wide and shifting implications of the word **popularis** itself.

The year 70 B.C., the year of the consulship of Pompey and Crassus, was an important one for Cicero as it was for the whole Roman state. Cicero had been quartered in 71, a member of the senate for five years. He was now anxious to obtain another office... The prosecution of Verres provided him with an ideal opportunity to further his own career.
popularis in Cicero

The approach to Cicero's usage of *popularis* is very different from that adopted for Livy. Livy is concerned with the events of the past. Although his interpretation is conditioned by the realities of his own time, Livy is not directly involved with the events he is describing. Cicero's usage on the other hand directly relates to the realities of his own time, and must be investigated within the immediate context of his political career. It is necessary therefore to explore his usage in terms of the chronological progression of his political life.

In the extant speeches of the years 80-64 B.C. we see Cicero attacking both directly and indirectly the exclusiveness and corruption of the senatorial oligarchy, and attempting to ally himself with political friends. Cicero at the time was a very minor character on the political stage, trying hard to distinguish himself and impress his audience in the hope of winning a more significant role.

The year 70 B.C., the year of the consulships of Pompey and Crassus, was an important one for Cicero as it was for the whole Roman state. Cicero had been quaestor in 75, a member of the senate for five years. He was now anxious to obtain another office. The prosecution of Verres provided him with an ideal opportunity to further his own career.
The underlying themes of Cicero's prosecution, the corruption of power, the incompetence and malpractices of the courts and juries, were far more important for Cicero's audience than its ostensible causa, justice for the Sicilians. With their customary isolationism and apathy in regard to Italy and the provinces at this time, the ordinary citizens of Rome were not likely to be greatly excited about the affairs, however distressing, of the Sicilians. The trial of Verres was rather a test case against senatorial monopoly and irresponsibility. Its resounding success was a triumph for Cicero and the many less articulate sympathisers with his cause.¹

Cicero's tactics are shrewd. He represents the motive behind the prosecution "...non ut augerem inuidiam ordinis, sed ut infamiae communi succurrerem".² In other words he includes himself among the guilty senators. In so doing Cicero makes quite clear the ethical differences between them. This sort of double-talk reveals his purpose: on the one hand for reasons of political expediency he does not wish to alienate the nobility; on the other, he earnestly wants enlightenment in their

¹ cf. Verr. 2.5.173: 'splendida est illa causa, probabilis mihi et facilis, populo grata atque iucunda.'
² Verr. 1.2. cf. 1.46-49, 51.
ranks. \(^1\) We can gauge Cicero's political position and attitudes from passages in the text.

It is in the Verrine speeches that the earliest known Ciceronian usage of *popularis* occurs, and the first in a political sense in the whole *corpus* of Latin literature. The nature of Cicero's usage is evidence that the word belonged to current political vocabulary and had a topical significance:

...et me populariter agere atque inuidiam commouere, quod puerum producerem, clamitavit. quid erat, Hortensi, tandem in illo puero populare, quid invidiosum? Gracchi, credo, aut Saturnini aut alicuius hominis eius modi produxeram filium, ut nomine ipso et memoria patris animos imperitae multitudinis commouerem, ...itaque tibi, Hortensi, non illius aetas sed causa ...*popularis* uidebatur.\(^2\)

Hortensius, Cicero's redoubtable opposite number in the Verres case and a *nobilis* stalwart, has charged Cicero with acting like a *popularis*, with playing to the gallery and stirring up popular ill-feeling, which Cicero was undoubtedly doing. The charge stings and worries Cicero, and he immediately launches into a specious justification of his

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\(^1\) cf. Taylor, op. cit., p.104, remarks that the same reasons of caution led Cicero to stand for the aedileship rather than the tribunate, cf. Dio Cassius 36.43.5.

\(^2\) *Verr.* 2.1.151-2, see also 153.
actions and an attempt to unload the word of its political and invidious overtones. These overtones are apparent from the contextual associations of *inuidia*, of *animos imperitae multitudinis commouere*, and from the reference to Gracchus and Saturninus and *aliqui homines eius modi*. Gracchus and Saturninus are drawn as prototypes of a certain style and mode of political behaviour that had come to be associated with *popularis*.

Cicero counters this charge by claiming he is not simply a popular agitator stirring up the emotions of the *plebs urbana* against the senate, and by associating Hortensius, himself and the whole *populus Romanus* in their moral indignation at Verres' wrongdoings. The charge has come from a staunch *nobilis*. Cicero, anxious for political preferment, does not want the *nobiles* to credit him with any demagogic inclinations. 1

One of the most significant events of 70 was the restoration of the tribunate, the major achievement of the consuls, Crassus and Pompey, both of whom in either joint or individual efforts, had made expansive gestures in the late Republic where anything approaching an expansive gesture was used to win office.

1 Cicero is just as anxious to divest Verres of the right to the term as he is to rationalize its application to himself. Verres, he jibes, is driven by *improbitas* and *cupiditas gloriae* to inordinate and perverted lengths to win popularity (*Verr.* 2.3.48-49). The irony, says Cicero, is that his attempts have only won him popular hatred.
to the people. ¹ It is likely indeed that the consular election for 70 was fought on the single and very popular issue of the tribunate. ² Although no revolutionary or rabble-rousing methods were used by the consuls themselves, their association with vigorous outspoken tribunes like C. Licinius Macer and L. Quinctius, ³ as well as the strong popular trend of their legislation, aroused the collective suspicion and dislike of the senate. In the Verrine speeches, Cicero reveals a personal uncertainty in his attitude to the value of restoring the tribunicia potestas, an uncertainty which reflects to some extent his attitude to Pompey himself. I say 'to some extent' advisedly because throughout his life, quite regardless of particular personalities, Cicero regards the tribunate with considerable misgivings, ranging from open condemnation ⁴ to a reluctant

¹ As partners they were responsible for the restoration of the tribunicia potestas and the revival of the censorship (in Caec. 8; Verr. 1.41-46). As individuals, after personal estrangement, Pompey gave massive games (Verr. 1.31) and Crassus a huge and splendid banquet to the people. (Plut. Crass. 12.3.)

² Taylor, op. cit., p. 15 sees this election as one of the few in the late Republic where anything approaching a political program was used to win office.

³ tribuni plebis in 73 and 74 respectively. cf. Sall. Hist. 3.48.21f. and Cic. pro Cluent. 110-112.

⁴ cf. pro Cluent. 95; de leg. 3.19: 'nam mihi quidem pestifera videtur, quippe quae in seditione et ad seditionem nata sit.'
acknowledgement of the worth of the institution. Although in the Verrines he speaks of Pompey in the most respectful terms,\(^1\) he does not openly commit himself to Pompey's cause. Writing many years later in the de legibus, Cicero overtly praises Pompey for his effort in restoring the potestas. Pompey, he says, had to determine '...non solum, ...quid esset optimum...sed etiam quid necessarium.'\(^2\) The office, as Pompey realised, was indispensable in the Roman state: 'quippe quam tanto opere populus noster ignotam expetisset, qui posset carere cognita? sapientis autem ciuis fuit causam (tribuniciam) nec perniciosam et ita popularem ut non posset obsisti, perniciose populaire ciui non relinquere'.\(^3\) The tribunate, says Cicero, is not inherently perniciosa; it is only perniciose populares who exploit its power. Pompey is not a popularis of this sort but implicitly one who attends to the real interests of the people, to the true causa popularis.

\(^1\) eg. '...ad Cn. Pompeium, clarissimum uirum et fortissimum' (Verr. 2.5.153) Crassus is referred to only once, and then in association with Pompey. (2.5.5)

\(^2\) de leg. 3.26.

\(^3\) Ibid.
In 70 however Cicero was fully aware of Pompey's preference for popular politics and open opposition to the nobles. Indeed he gives a hint in his speech of a group of men in the state who cynically hoped Verres would be acquitted, not because they supported Verres, but because they wished to embarrass the senate.\(^1\) I agree with Professor Taylor who suggests that this is an allusion to Pompey and his politically ambitious anti-senatorial supporters.\(^2\) The tone of Cicero's allusion is angry: by no means is he wholly committed to Pompey.

In an illustrative digression in the fifth speech of the actio secunda Cicero reflects on the characteristic behaviour of states in times of dire emergency. One aspect of this behaviour is a general amnesty of prisoners and a rescinding of sentences of exile: 'atque haec sicubi facta sunt, ita facta sunt ut homines populares aut nobiles supplicio aut exsilio leuarentur.'\(^3\) Now Cicero must have worked on the assumption that the facts to which he refers were sufficiently familiar to his audience that the generalisations he draws could be understood. From

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\(^1\) Verr. 2.1.23.


\(^3\) Verr. 2.5.13.
Greek history several outstanding amnesties or acts of general reconciliation were, presumably, well-known at Rome. The earliest recorded amnesty is that of Solon who restored citizen rights to all who had lost them, excluding those who had been disenfranchised for murder or tyranny. In 405 B.C. a political amnesty was granted at Athens after the disaster of Aegospotami, and two years later, after the restoration of democracy, the Athenian Assembly issued a decree of reconciliation excluding only the Thirty Tyrants and their more prominent associates. 

Cicero's nobiles and populares then can reasonably be translated as oligarchs and democrats. In Roman history before 70 there is no record of any similar amnesty, no parallel for the Greek examples. Indeed in the most recent episode of turbulence (the Marius and Sulla contest) the opposite procedure was adopted: wholesale uncompromising proscriptions. It is clear that Cicero has in mind Greek rather than Roman instances. Only by the loosest and broadest association can populares refer to political figures at Rome.

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1 Plut. Sol. 19.
2 cf. de orat, 3.138 for Cicero's use of populares to refer to Greek democrats. cf. Nepos Phocion.3.1. and Taylor, op. cit., p.12.
In 70, Cicero was hypersensitive to his social inferiority and his enforced separateness from the area of political power and influence. In his prosecution he takes the opportunity to plead the rights of **noui homines** to political preferment: *'sed non idem licet mihi quod iis qui nobili genere nati sunt, quibus omnia populi Romani beneficia dormientibus deferuntur; longe alia mihi legi in hac ciuitate et condicione uiuendum est... uidemus quanta sit in inuidia quantoque in odio apud quosdam nobilis homines nouorum hominum virtus et industria.'*¹ This plea for **virtus** and not **genus** as the proper criterion of a man's worthiness for all state offices is a recurring theme in Cicero's speeches. His complaint in 70 is perhaps directed to the consuls in particular, both of whom were **nobiles** and both men of power and influence. Their friendship would be an invaluable political asset. The role of the self-conscious independent, however, was one Cicero retained all his political life, and one which dictated his political moderation. On the one hand, he was a conservative who believed passionately in the established constitution of the state and the rule of the senate; on the other, he was a brilliantly articulate

¹ *Verr.* 2.5.180-1.
liberal who because of the lack of distinction of his birth, his powerful intellect and commonsense, fought against the myopic and irrational elements among the oligarchic nobiles. At the beginning of his political career, as later, he could not immediately identify with one group or another. For a start he did not possess the requisite clique mentality. This is palpably borne out both by his own efforts to belong and by the efforts of others to attract him to their particular group. The success of the Verrine prosecution made him a valuable ally for other middle-of-the-road men. It also meant that he could expect solid opposition in the future from extreme nobiles.

Four years later as praetor Cicero made his first major political appearance by delivering in a contio his speech pro lege Manilia, supporting the appointment of Pompey to command in the Asian provinces. This is the first speech in which Cicero allied himself with any specific political cause, and the first in which he was motivated to a very large extent by self-interest.  

1 Caesar is said to have spoken for both the lex Gabinia (Plut. Pomp. 25) and the lex Manilia (Dio Cassius 36.43.2f.) It is suggested by Strasburger, Caesars Eintritt in die Geschichte, München, 1938, 100f., that these two references derive from a common source and that in fact only one speech was originally delivered. It is odd that Cicero never refers to this support of Caesar.
As praetor, he now impatiently awaited the consulship; support for his candidature was crucial. Pompey at the time was enormously popular at Rome. His command against the pirates in 67 had been highly successful; the Mediterranean was cleared, the grain supply stabilised. The equites too were pleased with Pompey: not only would they be glad to see Lucullus deposed, they also hopefully expected lucrative grains from new territories Pompey might conquer.¹ Negative support was also given to the general from a section of the senate. Lucullus, despite his blue blood and the fact that he had procured large numbers of Eastern slaves for many of the aristocrats' country estates, had become an object of displeasure and suspicion.²

Pompey's popularity was widespread. It is clear that Cicero, by allying himself to the hero's cause, hoped to obtain support not only of the general himself, but automatically of the equites, the people and even a year before had proved.

¹ Lucullus sense of fair play regarding the taxes in the East was more than irksome to the unscrupulous tax-gathering publicani. cf. Tenney Frank, Economic History of Rome, London, 1927, 175f. Pompey's policy generally seems to have been one of good will. cf. Jonkers, E.J., Social and Economic Commentary on Cicero's de Imperio Cn. Pompeii. Leiden, 1959, pp.41-42.

section of the senate. Though born in their ranks, Cicero had little natural sympathy with the materialistic equites who showed a remarkable indifference to politics except when their own interests were directly involved. It was expedient at the time, however, for Cicero to affect to champion their interests, and ironically in the pro lege Manilia, there is no criticism by Cicero of the extortionate practices of the publicani in the provinces of Asia, though a similar rapacity had been one of the chief targets in the in Verrem. The pressing interests of his political career point the difference in principle. In countering the arguments of the conservative opponents of the lex, Cicero is judiciously careful. He does not launch into anti-senatorial propaganda (which would certainly have had its effect in a contio), but rather forcibly and rationally hits home the point that the opposition is reactionary and shortsighted, as the example of the lex Gabinia the year before had proved.

1 In the pro lege Manilia the equites are homines honestissimi atque ornatissimi, firmamentum ceterorum ordinarum. (17) cf. Jonkers, op. cit., p.6.
2 Notably Hortensius, Catulus, M. Lucullus, Metellus Pius.
It is reasonable to expect that gossip and criticism of Cicero's stand circulated in opposition areas. In his speech Cicero attempts to justify himself and claim his disinterestedness in a way, as often with Cicero, that indicts him:

neque quo Cn. Pompei gratiam mihi per hanc causam conciliari putem, neque quo mihi ex cuiusquam amplitudine aut praesidia periculis aut adiumenta honoribus quaeram...si quid in hac causa mihi suscipient est...id ego omne me rei publicae causa suscepisse confirmo... 1

Cicero's plea is for altruistic politics so that the interests of the state as a whole might override greedy personal or sectional interests. As such, it was directed not only to the supporters of the bill but to the senate which was jealous and afraid that so much power should be handed to one man. 2 Jonkers has shown that Cicero himself understood very clearly the economic nature of the problem of the East and that in supporting the bill, Cicero was in fact supporting the interests of the state at large. 3 But this was only incidental to his

1 pro leg. Man. 70-71. In the same passage Cicero speaks of simulatates partim obscuras, partim apertas which he has incurred.
3 op. cit., passim.
his real aim was to attract Pompey's personal attention in the interests of his forthcoming candidature, a hope that is clearly reflected in Cicero's immoderate flattery of the general.\textsuperscript{1} Cicero's real purpose, without doubt, was to establish a point of political identification. That Cicero was thereby considered a sympathiser with the \textit{popularis causa} is shown explicitly in the \textit{commentariolum petitionis}:

\begin{quote}
hi rogandi omnes sunt diligententer et ad eos adlegandum est persuadendumque iis nos semper cum optimatis de re publica sensisse, minime popularis fuisse; si quid locuti populariter videamus, id nos eo consilio fecisse ut nobis Cn. Pompeium adiungeremus, ut eum qui plurimum posset aut amicum in nostra petitione haberemus aut certe non adversarium.\textsuperscript{2}
\end{quote}

The authorship of this manual does not concern us here. Suffice it to say that Cicero was considered by the author, either from first-hand observation or from an established tradition at Rome, to have been \textit{popularis} at the time of the \textit{pro lege Manilia}. And although the author suggests \textit{ex post facto} that Cicero might argue that his support for

\textsuperscript{1} eg. '... Cn. Pompeius, qui non modo eorum hominum qui nunc sunt, gloriem sed etiam antiquitatis memoriam uirtute superarit,' (\textit{pro leg. Man.} 27; cf. 10, 13, 49).

\textsuperscript{2} \textit{com. pet.} 5.
Pompey was politically expedient, it is clear that this was Cicero's conscious motive from the start. Cicero himself does not use the word *popularis* in the speech. This omission is, I think, significant and provides an *argumentum ex silentio*. It has been shown that *popularis* was a label which Cicero did not like, at least when applied to him by *nobiles* such as Hortensius. In the context of the *lex Manilia*, *popularis* would necessarily label Pompey and his friends, the nature of the *lex*, and hence Cicero himself. It follows that any use of the word by Cicero would invalidate his plea for his own disinterestedness and provoke undesirable hostility from an already suspicious senate. Although Cicero might take a positive stand against the senate, he intended to present it in as agreeable and inoffensive a manner as possible. On this occasion, the antagonistic connotations of *popularis* forbade its use.

In a judicial speech delivered in the same year, Cicero makes unequivocal use of *popularis*. This is the highly complicated and clever *pro Cluentio*, a criminal defence during the course of which Cicero introduces certain political discussion and references. The nature of *popularis* forbade its use.

How clever is shown by Gabriele S. Hoenigswald, 'The Murder Charges in Cicero's *pro Cluentio*'? *TAPA* 93 (1962) 109-123.
of these references leaves his audience in no doubt as
to what Cicero thinks of *popularis*. Those of whom he uses
it are first, L. Quinctius, *tr.* pl. 74, and second, the
censors of the same year. Cicero's description speaks
for itself:

> homo (sc. Quinctius) maxime popularis, qui omnes rumorum et contionum uentos
colligere consuessed, oblatam sibi
facultatem putauit ut ex inuidia senatoria
posset crescere, quod euis ordinis
iudicia minus iam probari populo arbitrabatur. 1

'L. Quinctius, homo cum summa potestate praeditus tum ad
inflammandos animos multituidinis accommodatus...' 2

'quia tum in causa nihil erat praeter inuidiam, errorem,
suspicionem, contiones cotidianas seditiose ac populariter
concitatas' 3 'illa igitur omnia Quinctiana iniqua, falsa,
turbulentas, popularia, seditiosa iudicia fuerunt.' 4

In the strikingly vitriolic tone of these references,*

*popularis* emerges as a term of distinct opprobrium,
connoting pernicious and contemptible demagoguery.  Even

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1 pro Cluent. 77.
2 Ibid., 79.
3 Ibid., 93.
if we might not know what *popularis* itself signifies, its force and overtones are picked up by the contextual words. As a *popularis*, Quinctius is completely blackened. Take for example the comparison drawn between his behaviour at C. Iunius' trial and that of the (unknown) tribune at the trial of Cornelius Sulla Faustus in 66:1 'hic tribunus (sc. at Sulla's trial) plebis modestus, pudens, non modo non seditiosus, sed etiam seditiosis adversarius; ille autem acerbus, criminosus, popularis homo ac turbulentus'.2 Cicero does not name this later tribune, but obviously the man would have been known to Cicero's audience.3 But this is not simply a contrast in the personalities of the prosecutors. It is rather an incisive argument against the tribunate itself. The jurors in the case of Faustus, says Cicero, decided that the accused was at an unfair disadvantage in having as

1 Son of the dictator. This trial was held before C. Orchiuius, Cicero's colleague in the praetorship (pro Cluent. 94 and 147).
2 pro Cluent. 94.
3 Neither C. Manilius nor C. Memmius, tr. pl. in 66 listed in Broughton, op. cit., vol2, p.153, appear likely possibilities, although Memmius failed in an attempt to prosecute M. Lucullus for his acts as quaestor under Sulla.
prosecutor a tribune wielding the full force of 
tribunicia potestas. Cicero develops the point in a 
general comment of the tribunate:

...quid mali, quantum periculi uni cuique 
nostrum inferre possit uis tribunicia, 
conflata praesertim inuidia et contionibus 
seditiose concitatis. optimis hercule 
temporibus, tum cum homines se non 
iiactatione populari, sed dignitate atque 
innoentia tuebantur, tamen nec P. Popilius 
neque Q. Metellus, clarissimi uiri atque 
amplissimi, uim tribuniciam sustinere 
potuerunt...

This passage is an open expression of the distaste hinted 
at in the in Verrem. But while Cicero vilifies the 
institution, he is careful to leave an outlet through 
which he can appease not only the tribunes who do not 
fit his description, but the people and tribunes of his 
day, such as Manilius, whose cause Cicero had himself 
supported. Cicero does this by drawing two types of 
tribunes: the first category, consisting of the digni and 
innoentes non in iiactatione populari, is dated with 
pessimistic restrospection to earlier and comparatively 
healthier periods of Rome's history, the time of C. Gracchus 
who was responsible for the exile of P. Popilius in 123 B.C. 
and the time of L. Saturninus and the exile of Q. Metellus

1 pro Cluent. 93.
2 Ibid., 95.
in 100 B.C. The second category contains all tribunes since the time of Gracchus. This reference is illustrative of one side of the ambiguous attitude Cicero displayed both to the idea and the reality of the tribunate, since it contains the assumption that the effects of the tribunate are *a priori mala* and *periculosa*, even regardless of the type of person in office. But given this assumption, Cicero then constructs illogical subdivisions of 'good' tribunes whose actions though *mala* lie nevertheless beyond their control (though they might be directly responsible for them), and of 'bad' tribunes whose motives and actions are equally and interdependently evil. The contradiction and hair-splitting in this basic assumption make his whole argument insupportable. In all fairness to Cicero, it must be remembered that this is a criminal defence, the immediate *ad hoc* purpose of which is to secure the acquittal of the client. The arguments adduced by the defence are presented for a particular purpose and take on a special complexion. The reference to the tribunate is an example of rhetorical misrepresentation carried to the point of incoherence. Hoenigswald has shown that Cicero's whole defence of Cluentius was a masterly stroke of confusion tactics and that Cluentius' bribery of the jury actually took place.\(^1\) All the more

\(^1\) *Op. cit.*, p.118 fn.23, and *passim*. 

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need then for adroit pleading and skilful tactics that would confound realities.

The other victims of Cicero's charge of *popularis* are the censors of 74.¹ These according to Cicero were influenced by malevolent rumour when they censured certain jurors at the trials of Oppianicus and Iunius. Their action was only a bid for popularity; they were uninformed; moreover, their censure was not technically valid:²

'uterum omnes intellegimus in istis subscriptionibus uentum quendam popularem esse quaesitum';³ '...facile illis ipsis iudicibus et falsae suspicioni et inuidiae populariter excitatae restitisset.'⁴ Here again with relentless vigour, Cicero condemns those who play upon the emotions of the populace and whose sole motive in any action is that of winning popularity.

In the same speech he himself attempts to explain the nature of the opinion and comment expressed by lawyers in *iudiciis*. Apparently he had been criticised by his legal opponent for referring in a disparaging way in the

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¹ Like the tribune in Faustus' trial, they are unknown.
² *pro Cluent*. 117f.
³ Ibid., 130. cf. 131.
⁴ Ibid., 134.
past to the use of bribery in the trial of Oppianicus before Iunius. 1 I had to mention it then, he says '...quod tam popularare esset.' 2 In my role as prosecutor I had to exploit the feelings of the public and had to use current rumour as my argument: '...istem rem quae tum populariter esset agitata, praeterire non potui.' 3 All barristers work this way: 'omnes (sc. orationes) enim illae causarum ac temporum sunt, non hominum ipsorum aut patrorum.' 4 Do not look to our forensic speeches for our personal and considered opinions. On the other hand, consistency (constantia) is expected in public orations. 5 At the end of this passage Cicero poses as a sudden afterthought the question that even if he did once share the popularis opinio, is it reprehensible to have changed his mind? 6 This argument has ironic relevance for a later period in Cicero's life.

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1 The earlier reference is probably that in Verr. 1. 38-40.
2 pro Cluent. 138.
3 Ibid., 139.
4 Ibid., 140.
5 Ibid., 141.
6 Ibid., 142 popularis is not used in a political sense but with the subjective force of 'of the people'.

\[ \text{Verr. 1. 38-40.} \]
Both by disclaiming responsibility for his forensic utterances and by the throw-in that changes of opinion anyhow are quite justifiable, Cicero adroitly covers himself at all points from criticism. But these statements, a reflection of the free speech of the forum, do not constitute an invitation to disregard everything Cicero says in the courts. This is plainly absurd and the last thing Cicero intended. His justification serves rather as a reminder of the dangers of accepting Cicero at face value.

In the pro Cluentio Cicero has indicated very clearly what he thinks of a popularis homo. The context in which the word is used is highly coloured and exaggerated: Quinctius and the censors must be completely blackened to serve the requirements of Cicero's legal defence. But for all the deliberate distortion, the sense of the word is indisputably pejorative. Even if it is not clear what precisely popularis signifies, Cicero sees to it that the word is swept along by its contextual associations of turbulentus, seditiosus, criminosus, acerbus, iniqua, falsa, inflammare, associations to which he hopes his audience will be hostile. popularis connotes a particular type of political person and behaviour, and in this very typification, Cicero is openly dissociating himself from
the label *popularis*. It is almost certain that this label had been applied to him after the *pro lege Manilia*. Cicero, at the risk of offending the supporters of Quinctius or tribunes in general, was anxious to refute the charge and point out what a real *popularis* was. He does this by working indirectly through Quinctius, his hope resting on the tenuous moral assumption that one cannot be what one condemns.

Cicero made it plain in the following months that his support for Pompey and the *popularis causa* did not automatically oblige him to support Pompey's popular tribunes. Manilius, for example, seems to have aroused considerable hostility among the *nobiles* through his disreputable actions in 66. At the close of his office, he was accused for *res repetundae* in Cicero's praetorian court.¹ It would appear from isolated references, though none from Cicero himself, that Cicero was expected by Pompey to secure Manilius' acquittal. The *commentariolum petitionis* links Cicero's participation in support of Pompey with Manilius' case: *iam urbanam illam multitūdinem et eorum studia qui contione tenent adeptus es in Pompeio ornando, Manili causa recipienda, Cornelio defendendo.*²

¹ Plutarch (Cic. 9.4-6) says it was a charge of theft. Cf. Dio 36.44.1-2, Asconius 65C.
² *com. pet.* 51.
Asconius records that riots were organized by pro-Pompeians in demonstration against the trial. There is no evidence that this case was ever held. It seems, however, that Cicero was extremely reluctant to undertake it. Manilius was convicted for maiestas in the following year before another praetor.

The references to Macer's trial provide more concrete evidence. C. Licinius Macer, tr.pl. in 73, had agitated for the restoration of the tribunicia potestas. His colourful speech to the people, as given by Sallust in the Histories, contains vigorous anti-senatorial propaganda and is presumably a representation of the type of popular harangue delivered in Sallust's own day. In 66 Macer was prosecuted before Cicero in quaestio de repetundis. Cicero speaks of the results of the trial in a letter to Atticus: 'nos hic incredibili ac singulari populi voluntate

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1 Ascon. 60.66C; Seager, 'The First Catilinarian Conspiracy', Historia 13 (1964) 338f., suggests that part of the legend of the First Conspiracy grew out of Catiline's appearance in the demonstrations at this trial. This view is based on the assumption that Catiline at the time was linked with Pompey. cf. pp.344-45.

2 Ascon. 63C.


4 Plut. Cic.9.1-2; Val. Max.9.12.7.
Although the facts of the case are vague, there is no evidence to show that Macer was treated badly by the judgement, though the result was unexpected in view of Macer's popularity as tribune in 73. Macer's speech in Sallust is given a pro-Pompeian line: 'mihi quidem satis spectatum est Pompeium, tantae gloriae adulescentem, malle principem uolentibus uobis esse quam illis dominationis socium auctoremque in primis fore tribuniciae potestatis.' These sentiments may of course be an ex post facto statement attributed to Macer by Sallust, but it is clear that their common cause, the restoration of the tribunate, would have drawn them together. I have adduced the cases of Macer and Manilius as evidence that Cicero was not simply toeing any popularis line dictated by his support for Pompey.

1 Att. 1.4.2. I adopt D.R. Shackleton Bailey's interpretation of 'cui cum aequi fuissemus' as 'though I was favourably disposed to him'. See his Cicero's Letters to Atticus, Cambridge 1965, vol.1., p.258, note ad loc.
2 Sall. Hist. 3.48.23.
3 Professor Taylor also makes this point, op. cit., p.20.
The next relevant text is the pro Cornelio delivered in 65 while Cicero was praetorius at Rome. Asconius preserves the fragments of this speech.

C. Cornelius, as tribune in 67, had carried several popular proposals which attacked the authority of the senate. ¹ Cornelius was promptly charged with maiestas by a group of hostile nobiles on the pretext that he refused to yield to the veto of a colleague. Such accusations were useful political weapons and a feature of Roman politics in the late Republic. ² There is no evidence that Cornelius was a turbulent demagogue; Cicero in 56 refers to him most respectfully as an old friend. ³ It appears that Cornelius had been a fairly close associate of Pompey ⁴ and that he was later pressed to Pompey's service. Five leading nobiles appeared as witnesses for the prosecution, ⁵ the same band in effect

¹ He confined to the people the authority for dispensations from laws; this was a challenge to the senate which had arrogated to itself the right of passing privi-legia without reference to the people. (Ascon. 58-59, 71-72C; Quintil. 4.48; 5.3.18 & 26). Another bill compelled praetors to follow their own edicta perpetua (Ascon.59C). cf. W.F. MacDonald, 'The Tribunate of Cornelius', CQ. 23 (1929) 201f.

² eg. the pro Rab. perd., an outstanding example.

³ in Vatin. 5-6. cf. Ascon.57C.

⁴ According to Asconius (57C) he served as quaestor under Pompey in Spain.

⁵ Hortensius, Catulus, Q. Metellus Pius, M. Lucullus, M'. Lepidus.
that opposed the *lex Manilia*. Asconius records that Cicero deliberately shaped his speech in a way that would give least personal offence to the five. Vatinius in 56 claims that Cicero's defence of Cornelius had displeased the *boni uiri*, i.e. the *nobiles*, to which Cicero quickly retorts that soon after the trial, he was elected consul with the unanimous approval of *optimi qui*ēque,\(^1\) incontrovertible proof of the regard in which the *nobiles* held him.

That Cicero was taking a popular and anti-senatorial line in his defence is self-evident. Asconius throws further light on the nature of the speech. Quoting from Cicero, Asconius reads:

> P. Africanus ille superior, ut dicitur, non solum a sapientissimis hominibus qui tum erant uerum etiam a se ipso saepe accusatus est quod, cum consul esset cum Ti. Longo, passus esset tum primum a populari consessu senatoria subsellia separari.\(^2\)

It is not the intrinsic significance of Cicero's statement as much as the comment *ad loc.* of Asconius that is noteworthy. According to Asconius, Cicero in this reference to Africanus is guilty of deliberate misrepresentation and double-talk. Asconius' argument

\(^1\)in Vatin. 6. This was a bad year for the *nobiles*: Caesar and Crassus made their abortive attempt to seize Egypt whereby they alienated both the *equites* and the *nobiles*. (cf. *de lege agraria passim*) Catulus was openly outspoken and hostile.

\(^2\) Ascon. 69C.
runs as follows: in Valerius Antias it is recorded that the decision a populari...separari took place at the Roman Games given by curule aediles, and that they had acted on the order of the censors. It appears that Cicero is following Antias here. But in the de haruspicum responso, argues Asconius, Cicero says that Scipio did not simply sanction the move but was personally responsible for it. Asconius' explanation of why Cicero makes this change is penetrating:

... quia causa (sc. Cornelii) popularis erat premebaturque senatus auctoritate atque ob id dignitatem eius ordinis quam posset maxime eleuari causae expediebat, paenituisse ait Scipionem quod passus esset id fieri; in ea uero de haruspicum responso, quia in senatu habebat cuius auribus erat blandiendum, et magnopere illum laudat et non auctorem fuisse dandi... nam id erat leuius...sed ipsum etiam dedisse dicit.

This is a keen observation of the commentator that mirrors the microscopic detail of his reading of Cicero. He sees through the veil of language so dexterously used by Cicero to suit his audience and purpose, and searches out the political reasons behind his approach. He is in effect answering Cicero's own injunctions in the pro Cluentio.

1 The passage alluded to is de har. resp. 12.24.
2 Ascon. 70C.
In the pro Cornelio Cicero was supporting a popular and anti-government cause (Asconius infers that Cicero himself did not say as much) and adapted his historical references accordingly. Quintilian also refers to the speech when writing of the rhetorical device of egressio or digression:

\[\text{pro C. Cornelio popularis illa uirtutum Cn. Pompei commemoratio, in quam ille diuinus orator, uelut nomine ipso ducis cursus dicendi teneretur, abrupto quem inchoauerat sermone deuertit actutum.}\]

The fact that Quintilian singles out this commemoratio indicates that Cicero had gone overboard in his expressed admiration for Pompey. Once again, then, Cicero has cleverly played to his audience. The speech provides abundant confirmation for the argument that Cicero was allied to the Pompei causa atque popularis. His speech was effective and, despite the line-up of nobiles heavies, Cornelius was acquitted.

Cicero was now in feverish haste to begin his canvass. The two most important things he had to secure were the

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1 Quintil. Inst. Orat. 4.3.13. The passage containing the commemoratio is not preserved in Asconius.
2 cf. Att. 1.1., where Cicero says he will start as early as July 65.
open support of Pompey\(^1\) and his followers and of as many nobiles as possible. Cicero was not quite sure that he deserved the support of the latter. He assumed that die-hards like Catulus, Hortensius and M. Lucullus would remain hostile but hoped that he could attract the more liberal and moderate elements in the senate by appeal to his own moderation and abilities. Elections after all were still fought on a very personal level. At the beginning of his canvass, the attitude of the nobiles was not calculable,\(^2\) but after a time it appeared distinctly unfavourable,\(^3\) a response that could hardly have surprised Cicero. The events of the years 65-64 are not clear but it is certain that electioneering consumed most of Cicero's time. He was trying to capture the votes of three electoral audiences, the moderate nobiles, the equites and middle-men, and the plebs urbana. This is

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1 Pompey was away at the time. His support, though remote, was crucial for Cicero, if only cultivated through his deputees.

2 cf. Att.1.1.2: 'cum perspexero uoluntates nobilum, scribam ad te.'

3 cf. Att.1.2.2: 'nam prorsus summa hominum est opinio tuos familiaris, nobiles homines, adversarios honorí nostro fore. ad eorum uoluntatem conciliandam maximó te mihi usui fore uideo.'
corroborated by the author of the commentariolum petitionis:

sed haec tibi sunt retinenda ut senatus te existimet ex eo quod ita uixeris defensorem auctoritatis suae fore, equites Romani et uiri boni ac locupletes ex uita acta te studiosum otiiac rerum tranquillarum, multitudo ex eo quod dumtaxat oratione in contionibus ac iudicio popularis fuisti te a suis commodis non alienum futurum.'

Now the substance of this document is general in its usefulness (sic) to candidates, but several passages, among them that quoted above, have peculiar relevance for Cicero. The author warns Cicero to remember his nouitas and not to adopt any definite political line or make any policy statement. If he did, he would inevitably alienate one or other section of the electoral community and this might be political suicide. This insistence upon remaining politically neutral (at least for election purposes) shows a keen understanding of Cicero's condition at the time, and is not simply a piece of cynical advice to any political candidate. Such advice would, after all, have been quite inappropriate to a nobilis. It is a reminder to Cicero that in fact he did not really belong

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1 com. pet. 53.
to any one or other 'party' or class in the state, that he must not rely too much on Pompey or lose sight of political realities. There were probably many at Rome who wanted to attach themselves to Pompey: Cicero was only a little fish, a New One at that. He must therefore use his common sense and present himself in the most favourable light to all. This is a sophisticated appraisal of Cicero's political position.

The question of authorship of the *commentariolum petitionis* is a vexed one. But as it has already been stated, the issue is not crucial for the purposes of this enquiry. The importance of the document is rather to illustrate the opinion of one writer regarding the association of *popularis* and Cicero in the years preceding his consulship. Even if the document is spurious, a tradition of Cicero's political position in 64 must have been firmly established at Rome. The fact that no certain date can be ascribed to the manual in no way attenuates

1 cf. in *Pis.* 2 for Cicero's realisation of the differences between him and the other candidates.
the validity of its description of Cicero's position.\textsuperscript{1}

In sum, the author confirms the already strong impression that Cicero was considered to have supported the *popularis causa* before 63.

The only speech of which there is record during the election campaign is the fragmentary *in toga candida*. In its preserved form, this is an almost continuous invective against Catiline and Antonius, Cicero's chief opponents. The speech was not simply a piece of mudslinging electioneering slander; a larger and vital issue was involved. The traditional election hazards of bribery and violence had apparently increased in virulence during the past few years and run completely out of hand in early 64.\textsuperscript{2}

The senate took up the matter and proposed that the law against electoral corruption be made


\textsuperscript{2} The consuls *designati* of 65, Autronius Paeta and Cornelius Sulla, were prosecuted for *ambitus* and deposed by fellow-candidates.
more strict. Asconius, the only source, records that both Antonius and Catiline had obstructed this proposal with the intention of manoeuvring Cicero out of the election. They were aided by Crassus and Caesar.¹

It has been shown that the Asconius 83C statements derive solely from Cicero's pamphlet de consiliis suis,² and that they constitute the only piece of evidence for Caesar's and Crassus' alleged support of Catiline in the election for 63. Cicero, in a citation in Asconius, refers to the domus cuiusdam hominis nobilis where Catiline and Antonius held secret meetings. Cicero does not in this reference say whose domus. Although the significance of Caesar's career at this time must be exaggerated, it is conceivable that he considered the consular election an opportune moment for political manoeuvre. He had after all nothing to lose by helping the nobiles Catiline and Antonius to office, while he may well have felt that Pompey's influence and popularity would hinder or prejudice his own political career.

He may also have felt, quite apart from any personal

¹ Ascon. 83C.
interest, that so much one-man military power was potentially injurious to the state.\(^1\) Cicero was demonstrably a Pompey man. It is quite feasible therefore to infer that Caesar (and Crassus) supported Catiline and Antonius to some extent, but it is most certainly insupportable to claim ipso facto that Catiline was a mere tool of Caesar.\(^2\) Moreover, it seems that the nobiles as a whole were opposed to Cicero and that their opposition was based as much on his pro-Pompey sympathies as his nouus homo status.

Cicero's blistering attack ruined the chances of his fellow-competitors. The matter of the obstruction of the bribery legislation alone was sufficient to win over the senate. The contest was now one of personality. According to Asconius, Cicero's opponents replied with a vituperative, though unavailing, blast on his nouitas.\(^3\)

A point of detail from the in toga candida, while not relevant to the mainstream of politics, further

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\(^1\) Caesar's early activities must not be read in the light of his later career. cf. Ronald Syme, 'The Allegiance of Labienus' \textit{JRS} 28 (1938) 115-6.

\(^2\) Seager, op. cit., passim.

\(^3\) Ascon. 93C remarks that in his day spurious works were circulating purporting to be these replies.
illuminates Cicero's usage of *popularis* prior to 63. Asconius quotes Cicero as saying of Catiline and his alleged cruelty that 'populum uero cum inspectante populo collum secuit hominis maxime popularis quanti faceret ostendit.' The man in question is M. Marius Gratidianus who had been killed in the Sullan proscriptions by Catiline. The same man, as praetor in 85, had issued an edict to establish an office to weed out debased coins which had been issued under the law of the senatorial tribune, Livius Drusus, in 91. Marius' edict won him great popularity and honour. The tone both of Cicero's statement and Asconius' comment, as well as of the emotional bias of the speech, suggests that Cicero was favourably disposed to Marius; he was indeed Cicero's kinsman. *popularis* does not tell us anything precise or concrete about the man, but it is clear that the word in this context is not pejorative. Indeed the fact that he was *maxime popularis* seems to make Catiline's deed more vile. Writing in 44 B.C. in the *de officiis*, Cicero reveals a very different attitude. The context presents the argument that although the point

1 Ascon. 87C. cf. 84C.
2 Broughton, op. cit., vol.2, pp.57 and 60.
in which justice is violated may not seem particularly
significant, the consequences of such violation are
morally profound:

\[\text{\ldots ut Mario propipere collegis et tribunis}
\text{plebi popularem gratiam non ita turpe}
\text{consulem ob eam rem fieri, quod sibi tum}
\text{proposuerat, valde utile uidebatur.}\]

Gratidianus, solus, had published a plan which had been
drawn up by his colleagues, communiter, and took all the
ensuing credit and honour: 'nemo umquam multitudini fuit
carior.'\(^1\) This to Cicero was moral prostitution. It is
now clear what Cicero signified by popularis in in toga
candida, Gratidianus' greed for popularity with the plebs
urbana. In the speech of 64 Cicero was attacking the
nobilis pro- Sullan Catiline, and was therefore not likely
to emphasise the more dubious aspects of Gratidianus'
character. The exigencies of the case determine what is
said and what not.

An interesting aspect of the reference is that the
phrase homo maxime popularis is exactly the same as that
used to describe the tribune Quinctius in the pro Cluentio.\(^3\)

\(^1\) de offic. 3.80-81.
\(^2\) Ibid., 80. cf. com. pet. 10.
\(^3\) qv. p. 102 supra
There it was unmistakeably disparaging. The use of this phrase in itself seems to sum up Cicero's opinion of Gratidianus. Accessory words of criticism are unnecessary since they would appear to detract from Cicero's charges against Catiline.

It has been shown that in the speeches belonging to the period before Cicero's consulship, *popularis* emerges as a loaded and pejorative word, and one which Cicero consciously tries to avoid in relation to himself, though his actions seemed to a very large extent to merit its application.

Cicero launched his year of glory by delivering a forthright attack on the *lex agraria* proposed by the tribune, P. Servilius Rullus. The speech, described as Cicero's greatest oratorical triumph,¹ is of enormous political and economic importance. In this study attention will be directed to its political consideration, based on the assumption that the people, especially the poor citizens and soldiers, stood to gain positively from

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its economic provisions. On this assumption, Cicero's opposition to the bill proved a challenging test of his oratorical ability. His task was to persuade the people to vote against their own interests. His tactics were shrewd: he represented the bill as an outrageous and revolutionary attack by the nonentity Rullus on Pompey in a bid for self-aggrandizement and tyranny over the state. This was a fairly safe approach since the cry of regnum was always effective with the plebs urbana. Further, Cicero posed as Pompey's

1 In viewing Cicero's stand on the bill, it is necessary to make several basic assumptions: first, that the bill was a sound and relatively mild measure (cf. Jonkers, E.J., Social and Economic Commentary on Cicero's de lege agraria orationes tres, Leiden 1963, pp. 34, 148, 11 and 35; Hardy op. cit. passim, esp. pp. 72, 93, 94, 100); second, that the lex was sponsored by Caesar who procured the services of a political nonentity and who preferred to wait for the right moment before emerging himself (Jonkers, 42; Hardy, 29); third, that while Caesar was genuinely interested in land reform (his 59 and later proposals bear witness to the seriousness of his intentions), he coolly calculated the power that the lex, if passed, would give him and his followers as decemuiral commissioners. Such power would constitute a direct threat to Pompey who at the time was in the East. (Jonkers, 2, 16; Hardy, 70, 83, 97); fourth, that while Cicero was naturally selective in his treatment of the bill (Hardy 71), he deliberately and unscrupulously misrepresented its nature and purpose.

2 Hardy, op. cit. 70.
protector and deputy. His speech can indeed be read as a restatement of the support he had demonstrated in the pro lege Manilia. Part also of the undeniable success of Cicero's tactics is due to his use of the word popularis.

Before the senate Cicero's task was easy. Historically agrarian laws had a bad and revolutionary smell to the property-owners and conservative landlords, as had the word popularis itself. a priori then the senate was right behind Cicero in his attack, regardless to a very large extent of the particular arguments he used to support the rejection. It must be remembered that Caesar and Crassus, the alleged associates of Rullus, were members of the senate also. To them, as much as to the other senators, Cicero addressed his remarks.

In the speech before the senate, Cicero maintains that Rullus and his friends are revolutionaries in disguise: terrastis, Rulle, vehementer et tu et nonnulli collegae tui qui sperastis uos contra consulem ueritate, non ostentatione popularem posse in euertenda re publica populares

1 Hardy, ibid., '...and it may even be doubted whether he had detected any policy in the proposal at all except the obvious intent to neutralize or undermine Pompey's commanding position.'

5 Though Cicero tried to make out before the people that it had been extremely difficult. cf. leg agr. 2.3.67.
existimari. It is apparent that Rullus and the spokesmen for the bill had claimed to be populares. Cicero attempts to beat them at their own game. Rullus and his friends, he says, are mere pseudo-populares and improbi, who put on a verbal show and Swagger of being populares. In reality they promote motus, perturbatio, scelera, fraus, insidiae. Cicero in contrast is the true popularis. His claim involves a complete white-wash of the word: 'etemini, ut circumspiciamus omnia quae populo grata atque iucunda sunt, nihil tam popolare quam pacem, quam concordiam, quam otium reperiemus'. By association with emotive and thoroughly acceptable abstracts like pax, Cicero attempts to re-establish popularis as an O.K. word in the political vocabulary. He then proceeds

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1 leg. agr. 1.7.23.
2 I think Jonkers has missed the point of the reference when he takes improbi to refer to the dispossessed farmers. (J. op. cit. 53) Surely improbi refers to the 'desperate' men behind the scenes who would rush at the opportunity to seize power and stir up trouble. improbi carries distinct connotations of demagoguery and sedition, similar to audaces and seditiosi, and is regularly found in association with populares. cf. de rep. 4.11. It cannot refer to the poor farmers who in this speech are optimi ciues. (cf. 2.26.70)
3 leg. agr. 1.8.24, 25.
4 Ibid., 1.8.23.
to identify his consulship with this reconstruction of popularis: '...nobis consulibus futuram summamque tranquillitatem pacis atque oti, uerendum, credo, nobis erit ne uestra ista praeclara lex agraria magis popularis esse uideatur.'¹ Jonkers² has well called this passage 'a perfect piece of sophistry': when all the dangers of the bill that is being forced on the people by Rullus have been averted by Cicero's influence, and peace returned, the bill will have had an even more favourable influence on the interests of the people than Cicero himself!

Before the people Cicero let his head go. After an ironic introduction in which he draws attention to his humble birth,³ thereby dissociating himself from the nobilis interest group, he makes a solemn declaration:

ego autem non solum hoc in loco dicam ubi est id dictu facillimum, sed in ipso senatu in quo esse locus huic uoci non uidebatur popularem me futurum esse consulem prima illa mea oratione Kalendis Ianuariis dixi. neque enim ullo modo facere possum ut, cum me intellegebam non hominum potentium studio, non excellentibus gratiis paucorum, sed uniueri populi Romani iudicio consulem ita factum ut nobilissimis hominibus longe praeponerer, non et in hoc magistratu et in omni uita uidear esse popularis.⁴

¹ Ibid., 1.8.24.
² op. cit. p.54.
³ Leg. agr. 2.1.1.
⁴ Ibid., 2.3.6-7.
Cicero is operating at several different levels. He maintains that it was extremely difficult for him to declare himself *popularis* in the senate. At first glance, this claim seems valid enough since many of the *nobles* in the recent past hotly opposed his allegiance to Pompey and the *popularis* *causa*. But whatever initial misgivings the senate might have had were immediately dispelled as Cicero substantiated his argument. It was palpably obvious to the senate that the 'new' definition of *popularis* threw Cicero into the same camp as the most avid of property-owners and the most conservative of aristocrats. How indeed did this new *popularis* approach to politics differ from that of the staunchest *nobilis*? There is a complete identity of interests as the usual qualities of *popularis*, demagogy and sedition, give place to their opposites. Thus it was not at all difficult for Cicero to assert that he was *popularis* in the senate. It is true that he does not reiterate his role in the senate, but this is surely because it is not the senate whom he has to convince.

Within the terms of his definition, the senate was well satisfied. The pragmatic Cicero did not easily allow himself to be straight-jacketed by definitions.

To the *plebs urbana* on the other hand Cicero might well have been expected to champion their interests. They
knew he supported their idol, Pompey; they also knew he was a **novus homo** who could provide valuable protection in the courts. Rullus had appeared before the people as a **popularis** with a popular law; Cicero now had the difficult task of disposing the people against Rullus and thereby to accept himself as **popularis**. By a double-twist, he embarkson his **blanditia**:

> sed mihi ad huius uerbi uim et interpretationem uehementer opus est uestra sapientia. uersatur enim magnus error propter insidiosas non nullorum simulationes qui, cum populi non solum commoda uerum etiam salutem oppugnant et impedient, oratione adsequi volupt ut populares esse uideantur.\(^1\)

Here Cicero gives away the secret of his method. It is you, the people, he says, who will have to be convinced of this new **uis et interpretatio** of **popularis**. At the moment you are labouring under the illusion that genuine populares are those who seem, like Rullus, to act in your own interests, when in fact they are like me and the senate. Cicero then defines for the people what the real **uis et interpretatio** is:

> ...dixi in senatu in hoc magistratu me popularem consulem futurum. quid enim est tam popolare quam pax?...quam libertas?...quam otium?... qua re qui possum non esse

\(^1\) leg. agr. 2.3.7.
This is the same list of abstracts that were pleaded in the senate with one notable change: *concordia* is replaced by *libertas*. In themselves, these words were vague and imprecise terms which acted as emotive slogans and shibboleths by which Cicero might express his opinion (and that of the senate) of the political morality of Rullus. By employing these terms, Cicero hopes to camouflage the real point of his hostility, namely a reactionary intolerance of any sort of agrarian legislation and legislators. He presents the promises and operations of the pseudo-populaires in contrastingly concrete terms: *largitio*, *iudiciorum perturbationes*, *rerum iudicatarum infirmationes*, *agros*. The effect of the contrast between these meretricious overtures with the resplendent abstracts is intended to bias the audience against Rullus. Cicero recapitulates his arguments for the new meaning of *popularis* at the end of *oratio secunda*: *ex quo intellegi, Quirites, potest nihil esse tam populare quam id quod*

1 Ibid. 2.4.9.
2 Ibid. 2.4.10.
ego uobis in hunc annum consul popularis adfero, pacem, tranquillicitatem, otium. ¹

So then Cicero is the true popularis, re non oratione,² ³ ueritate non ostentatione, with Rullus merely masquerading for regnum.⁴ In making this claim Cicero repeats that he is preserving the dignitas of the absent Pompey, and so implicitly attaches Pompey's endorsement to everything he says.⁵ To a very large extent, he used Pompey, the people's hero, to add conviction and weight to his sparse arguments.⁶ Consequently the dangers to Pompey's position as custos liberatatis are exaggerated and dramatically exploited, not of course in the senate where the general was still the

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¹ Ibid. 2.37.102.
² Ibid. 2.6.15.
³ Ibid. 1.7.23.
⁴ It is interesting to note that in the senate Cicero is very abusive of Rullus eg. '...impurus helluo turbet rem publicam' (1.1.2), but before the people Cicero carefully avoids direct abuse.
⁵ cf. leg. agr. 2.18.49.
⁶ I do not agree with Jonkers who claims that Caesar at this time was 'already leader of the popular party.' (pp.7-8) It is clear that Caesar was emerging with ambitions in this direction, but Pompey despite his absence was the most popular figure at Rome.
object for suspicion and resentment. In promoting Pompey's interests, this is the first known occasion on which Cicero openly declares himself popularis.

The most embarrassing aspect of Cicero's new role was his love-scene with the plebs urbane. Although Cicero had expressed a hesitation that mounted almost to open dislike of the plebs in the past, its members are now optimi et modestissimi ciues whose dignitas and salus he gallantly defends. Before the people, he abuses Rullus for using in the senate the word exhaurire of the plebs as if they were sentina. Three years later, Cicero in a private letter uses exactly the same phrase, exhaurire sentinam, in reference to the plebs, in a report to Atticus of his speech in the senate in support of Pompey's lex Flauia agraria. The irony is neat.

A second aspect was his feigned admiration for the great agrarian 'reformers', the Gracchi, and for leges

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1 In the senate it is only Pompey's army that is being insulted (1.2.6). cf. 2.19.52.
2 eg. pro Cluent. 138. cf. pro Mur. 17.35f.
3 leg. agr. 2.31.84.
4 Ibid. 2.26.70.
5 Att. 1.19.4; cf. Cat.1.5.12; 2.4.7 and Jonkers, op. cit. p.111.
agrariae in general. Before the people, he insists that he has no quarrel with the genus ipsum of Rullus' law,¹ and pretends that he himself had an interest in the proposal when it first was drawn up. Cicero is trying to impress upon the people a liberalism which in relation to agrarian laws he does not possess. He did not fool the sponsors of the law: 'negabant me adduci posse ut ullam largitionem probarem'.² The Gracchi are clarissimi, ingeniosissimi, amantissimi plebis.³ He praises their consilia, sapientia and leges.⁴ The merits of the Gracchan laws show up the deleterious nature of Rullus'.⁵

Significantly Cicero does not use popularis of the Gracchi: he cannot openly link himself and them under the same name when their purposes are directly contrary.

Cicero delivered a third speech in which there is no mention of popularis and only one reference to the cant of otium and concordia. Gossip had already circulated;

¹ leg. agr. 2.5.10.
² Ibid., 2.5.12.
³ Ibid., 2.5.10.
⁴ Ibid., 2.5.10. cf. 2.12.31.
⁵ Ibid., 2.29.81.
Cicero knew he had said enough. At the end the 
consul popularis became the less offensive oti et 
concordiae patronus. ¹

This then is Cicero's first consular act in which 
he reveals himself a masterful opinion-maker and a wily 
politician. The most outstanding feature of the speeches 
is his appropriation of popularis. There were two 
essential and interdependent reasons for this appropriation. 
The word was obviously of great topical significance at 
Rome; it meant a good deal to the people to say one was, 
or was not, a popularis. It was essential therefore for 
Cicero to retain the word in the light of Rullus' claim to 
be popularis. In retaining it, Cicero is forced to 
re-define it. After Cicero's appeal, popularis can now 
have an almost limitless area of interpretation. Until 
the de lege agraria speeches popularis seemed to connote a 
single idea of political behaviour; now it can be flexed 
to any use as a propaganda term. Cicero's economic 
arguments against the law were nugatory: it was the 
prestige of the consul popularis that won him the case. 
Pliny the Elder sums it up well: 'te dicente (sc. Cicero) 
legem agrariam, hoc est alimenta sua, abdicarunt tribus.' ²

¹ Ib. 3.2.4.
² NH. 7.117.
Cicero's next important speech, though of no great intrinsic significance, was the pro Rabirio perduellionis, delivered a few months after the de lege agraria. The reasons for, and nature of, the charge of perduellio are well known and do not need description here. The fundamental issue of the trial was political and only marginally legal. It was not the question of legality with which the prosecutor Labienus was basically in dispute with the senate. This is not of course the impression given by Cicero. Rabirius himself was only incidentally important to the trial and remains almost anonymous throughout Cicero's defence. Cicero made it quite clear that he was defending not the insignificant senator but the foundations of senatorial government.

...sed ut illud summum auxilium maiestatis atque imperi quod nobis a maioribus est traditum de re publica tolleretur, ut nihil posthac auctoritas senatus, nihil consulare imperium, nihil consensio bonorum contra pestem ac perniciem ciuitatis ualeret...  

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1 pro Rab. perd. 1.2; 2.4. cf. Hardy, op. cit., p.107f, and Heitland, W.E., pro Rabirio, Cambridge 1821, Introduction.

2 pro Rab. perd. 1.2 cf. 1.4.
The attack came from the tribune T. Labienus and behind the scenes, the newly-elected Pontifex Maximus, Julius Caesar. Neither intended that Rabirius should be put to death; their aim was more subtle, to attack and embarrass the senate. The main argument was that the senatus consultum ultimum had been and could be used irresponsibly as a political weapon and in-built safeguard for the ruling senate against 'trouble makers'. This could simply mean that the senate could with impunity condemn to death anyone it happened not to like. Whatever the soundness of their motives, the antiquated machinery adopted by the prosecutors was peculiarly sinister and inappropriate, and was probably the largest single factor contributing to Rabirius' acquittal. The anomaly of attempting to use in republican Rome precedents established in the age of hated kingly rule gave Cicero the breakthrough for his defence. He rose to the occasion as the consul popularis:

quam ob rem uter nostrum tandem, Labiene, popularis est, tune qui ciuibus Romanis in contione ipsa carnificem, qui uincla adhiberi putas oportere, ... an ego qui...

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1 On Labienus and Caesar see Syme, op. cit., (L). It is clear that at least two 'popular' figures accepted the legality of the S.C.U., Sallust (Cat. 29) and Caesar (BC 1.5, 1.7.)

inviolatum corpus omnium ciuium
Romanorum, integrum ius libertatis...
defendo servari oportere? popularis
uero tribunus pl. custos defensorque
iuris et libertatis. tu mihi...
cuiusquam denique hominis popularis
mentionem facis, qui...uiolare libertatem
huius populi...conatus est? namque haec
tua, quae te, hominem clementem popularemque,
delectant, ista sunt cruciatus carmina
quae tu, homo lenis ac popularis,
libentissime commemoras. 1

In this passage Cicero is using exactly the same
rhetorical tactics that he employed in the de lege agraria.
He attempts once more by means of a concentrated and
personal contrast with a tribune to explain and define the
true popularis. The parallels with the former speech are
obvious: Labienus and his colleagues are mere pseudo-
populares; C. Gracchus is introduced to add weight to
Cicero's argument. It is moreover evident that Labienus
in laying the charge had claimed to be popularis: 'hic se
popularem dicere audet, me alienum a commodis uestrís.' 2

It would appear that Cicero had suffered tribunician
derision after his emotional stand in the de lege agraria,
but not to be outdone, he once again asserts that he is the
rightful popularis. He is still very worried by the word,

1 pro Rab. perd. 4.11-13.
2 pro Rab. perd. 5.15.
and in the speech seems to be trying to work out a concept of a good popularis. He tests his tentative and implicit conclusions against the opinion and response of the people. A true popularis is custos defensorque iuris et libertatis; true libertas is contained in auctoritas senatus and consulare imperium. 1 popularis is thus used as senatorial propaganda. 2

Cicero's intervention was successful but Labienus and Caesar had little thereby to lose. The trial had gone far enough to make their influence felt and had been a sharp warning against any further 'misuse' of power by the senate. In the light of Catiline's conspiracy and its ironic repercussions, the move against Rabirius was singularly well-timed. The success of his defence seemed to have proved to Cicero that the plebs urbana were willing to accept him as the true popularis.

1 Ibid., 1.2, 1.3.

2 In the same speech Cicero uses the phrase actio popularis: (5.14) 'an uero, si actio ista popularis esset et si ullam partem aequitatis haberet aut iuris, C. Gracchus eam reliquisset?' According to F. Casavola, Studi sulla Azione Popolare Romane, Le 'Actiones Populares', Naples 1958, pp.1-22, actiones populares was a technical legal phrase describing actions which any member of the public could bring, acting exclusively to protect an individual interest. It is possible, as far as I can judge without a clear legal examination of Rabirius' case, that this is such an actio popularis. If the phrase is technical, Cicero is delighting in punning on the two senses of popularis used in the pro Rab., consistent with his claim that Labienus is not popularis.
Cicero's next major appearance of which there is record was in November when he delivered the famous orations against Catiline. It is not necessary here to discuss the details of the conspiracy; I propose rather to explore and tie up the themes of Cicero's political attitudes that have already appeared.

Cicero exploited the dramatic situation at Rome and the confidence shown him by the senate to formulate a grand political design: a working partnership between himself and Pompey: 'intellego... unoque tempore in hac re publica duos ciues exstississe quorum alter finis uestri imperi non terrae sed caeli regionibus terminaret, alter huius imperi domicilium sedisque seruaret'. This is the consul's first appeal both to Pompey and the imagination of his audience for a coalition between himself and the absent general, who as everybody knew, was due back soon from his Eastern command. How far Cicero could genuinely have believed in the possibility of this coalition is open to question. A meaner motive was his desire for state-wide acclaim and support for his actions, past and pending, against Catiline. His appeal for the latter was

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in Cat. 3.11.26.
successful: Sallust records that it was only after this speech that the plebs urbana came out in enthusiastic support of Cicero.  

popularis makes a brief and memorable appearance in the speeches. The context is the debate in the senate on the punishment of the conspirators:

si eritis secuti sententiam C. Caesaris, quoniam hanc is in re publica uiam quae popularis habebatur secutus est, fortasse minus erunt hoc auctore et cognitore huiusce sententiae mihi populares impetus pertimescendi...habemus enim a Caesare, sicut ipsius dignitas et maiorum eius amplitudo postulabat, sententiam tamquam obsidem perpetuae in rem publicam uoluntatis. inter intellectum est quid interesset inter leuitatem contionatorum et animum uere popularem saluti populi consulente... uideo de istis qui se populares haberi uolunt abesse non neminem...idem ipsum Lentulum, illum largitorem et prodigum, non putat, cum de pernicie populi Romani, exitio huius urbis tam acerbe, tam cruliter cogitarit, etiam appellari posse popularem. itaque homo mitissimus atque lenissimus non dubitat P. Lentulum aeternis tenebris uinculisque mandare et sancit in posterum ne quis huius supplicio leuando se iactare et in pernicie populi R. posthac popularis esse possit.

Several important points emerge from this passage.

First, popularis uia in re publica refers to Caesar's political style and mode. It reveals nothing about remark indeed may be a subtle hint to Caesar to remember

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1 Sall. Cat. 48.1.

2 Cic. in Cat. 4.5.9-10.
Caesar's actual political position or his political intentions. Second, Caesar is a very influential and popular popularis: if the senate (and Cicero) adopts his proposal the force of attacks from other populares will be considerably lessened. The main point of this and preceding passages is Cicero's fear of the people's reaction to whatever course of punishment is decided upon. The people's reaction would be exploited politically by populares politicians who would seize any opportunity to attack and embarrass the senate. popularis in the context thus covers both the people's outbursts and the actions of populares. Moreover, Cicero speaks of Caesar's dignitas et maiorum eius amplitudo, in view of which his proposal can be taken as proof of his perpetua in rem publicam uoluntas. This is the first time in referring to a popularis that Cicero has mentioned his dignitas and ancestry. It would appear that there is an underlying current of criticism at work here. It might well be argued from the suspicion provoked by Caesar's recent activities that his uoluntas in rem publicam was being seriously doubted by Cicero and the senate. Cicero's remark indeed may be a subtle hint to Caesar to remember

\[1\] cf. in Cat. 4.6.11: populo carus atque iucundus
his dignitas. Further, Cicero draws a distinction between leuitas contionatorum and the true popularis who is devoted to the safety of the whole state. Here is a crisp definition of the sort of popularis Cicero himself claimed to be both in the de lege agraria and the pro Rabirio. Caesar, says Cicero feelingly, has already given proof of his genuineness in this regard by voting thanks to Cicero and rewarding various witnesses. Cicero had previously demonstrated his belief in the loyalty of both Caesar and Crassus by entrusting two conspirators to their safe-keeping. This was an expedient move, as it was not in Cicero's best political interests to alienate Caesar or Crassus, nor was it in their interests to be implicated in the conspiracy with which they must have had little sympathy. Caesar's vote of thanks and Cicero's praise can best be taken as acts of reciprocal diplomacy.

Cicero differentiates between genuine and false populares. Some of the latter, he says, are absent from this debate; their absence proves that they are pretenders. It is not clear whom precisely Cicero has in mind here. It seems obvious however that Crassus is one.¹ Caesar's presence confirms his genuineness.

Again, Cicero pointedly rejects the idea that Caesar has any political connection with Catiline and his associates: 'idem...Lentulum ...non putat...appellari posse popularem.' This suggests that Lentulus, and by implication, Catiline also, had been described as populares, a description which is hardly surprising in view of the area of Catiline's initial appeal. Catiline, to the plebs urbana, as to his smaller group of dedicated supporters, at first appeared a popular hero. But, argues Cicero, Caesar is the true popularis and cannot consider Catiline a political ally. Moreover, Caesar has indicated that it would be treasonable for anyone ever to attempt to lighten the sentence of the conspirators in a bid for cheap popularity. Implicit in this statement is the suggestion that unscrupulous persons had behaved in this way before and had been hailed as populares. Caesar knows the difference between a true and sham popularis. This whole passage can be interpreted as a gentle reminder to Caesar to dissociate himself from the style and activities of demagogues and revolutionaries. Cicero was doing his best to absolve Caesar from suspicion; it was now up to Caesar to make good Cicero's recommendation.

It is significant that in the four orations Cicero has not once referred to himself as popularis. This
omission, after the insistent assertions in the two previous consular speeches only a few months before, is astonishing. It is the more so since it is now Caesar who is the true popularis. Indeed Cicero speaks of Caesar and other populares as though they belong to a completely different political camp and practise a completely different political mode, with which he makes no attempt to identify. Caesar, along with Rullus, had formerly been improbus and pseudo-popularis with whom Cicero had stood in righteous contrast. He was also one of the tyrannous duumviri who sentenced Rabirius. Why is Caesar metamorphosed? The reason seems to be one of political expediency. Cicero for reasons outlined wished to differentiate between Caesar and others, like Catiline and Crassus, all of whom were known generally as populares. Rather than try to ascribe other labels, Cicero chose to distinguish them by allotting a fixed scope to popularis. Cicero does not say there are good and bad populares; he says instead some are populares, some are not. Those who are, are honourably and altruistically concerned with salus rei publicae, the same definition, without the abstract fluff, that was evolved in the de lege agraria and pro Rabirio. Why does not Cicero openly declare himself popularis since he is most surely concerned with
the same end? He does not because he could not with any face unite himself and Caesar behind the same political banner, and so he keeps quiet about his own claim to be popularis. This might call into question the genuineness of his approval of Caesar. Anyway, the appellations of 'saviour of the state' and pater patriae that now caressed Cicero put the glory of consul popularis in the shade for the moment. Cicero had ascended beyond political differences and now ranged on the heights with Pompey. And so in effect Cicero lost nothing by calling Caesar popularis. By being any less tactful, he would have alienated a potentially powerful enemy. The Catilinarian speeches reflect a swing away from Cicero's interest in being popularis.

It is plain that the possibilities of popularis are kaleidoscopic. On the one hand his usage seems to be directed towards establishing a new concept of popularis, but by the end of his consulship his shifting of ground is still apparent. His political position at the end of 63 is unequivocally pro-senate. He had professed to be popularis, not by offering the people anything 'popular' but by supporting the interests of the conservatives. The most succinct statement of this is put into the mouth of Atticus in the dialogue of laws, written about seventeen
years later: 'mihi uero nihil umquam populare placuit, eamque optimam rem publicam esse dico, quam hic consul (sc. Cicero) constituerat, quae sit in potestate optimorum.' This tendentious comment by Cicero on Cicero reveals his purpose throughout 63. He had given power to the optimi and nobiles by his stand on every major issue. The consular achievement he himself considered greatest was the protection of the authority of the senate: 'ego... senatum et bonos omnis... liberam. ego... senatus auctoritatem sustinui... ego adulescentes... nulla senatus mala gratia... priuaui.' He claims moreover to have broken down old barriers of ignobilitas and nouitas, and to have laid open the road to the consulship for all men of ability and ambition. He no longer considers the objection to birth serious or relevant, but a triviality occupying small minds. Further, Cicero emerges with the same attitude towards the plebs urbana that he held long before his consulship.

He speaks of the populace with open contempt:

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1 de leg. 3.37.
2 in Pis. 4.
3 pro Mur. 17-18.
4 Ibid., 18.
nihil est incertius uolgo, nihil obscurius uoluntate hominum, nihil fallacius ratione tota comitiorum...

In no way could a man of such sentiments be considered a representative or friend of the people. Cicero is representing sectional interests only. His claim to be popularis was in effect only a propaganda guise to counter-effect the political influence of other populares.

About the years 62–58 little need be said. Cicero plunged from an exhilarating consciousness of being one of the greatest Romans to a disillusioned sense of defeat and betrayal. His intense optimism of a grand coalition between himself and Pompey had now shrunk away in the face of an all-powerful triumvirate in which he had no part or influence, while he personally lost his self-respect at the hands of Clodius. The cruel irony was that as soon as Pompey returned, Cicero lost the leading position in Roman affairs he had acquired in his consulship.

His main output of writing at this time was in the

pro Mur. 36. cf. pro Cluent. 138.
form of letters to his friends, to Atticus and Quintus, and a few forensic speeches.1 He played only a fringe role in politics. For the first time in his letters he uses *popularis*. The earliest letter is addressed to Atticus in 61 B.C. Pompey has returned to Italy; Cicero was full of highest hopes. In one part of the latter, Cicero mentions the incident of C. Antonius Hybrida’s impending recall from his province. Antonius, Cicero’s colleague in both 66 and 63, had received by default of Cicero the province of Macedonia for his proconsular governorship. Apparently his government was oppressive and he seems also to have suffered badly in a campaign in Thrace.2 Moves were made for his suspension, apparently at the instigation of Pompey. 

Cicero claims that he cannot defend Antonius, since neither the *boni* nor the *populares* would allow it. Who are the *populares*? The

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1 *pro Sulla*, *pro Archia* 62; *pro P. Scipione Nasica*, *pro C. Antonio* are lost.

2 Livy *Per.* 103.

3 *Att.* 1.12.1.
praetor Caesar was obviously one; this year he was actively supporting the tribune Metellus Nepos. Nepos, sent home by Pompey in late 63, commenced his tribunate by attacking Cicero for putting the conspirators to death, and vetoed his farewell speech at the close of his consulship. In January 62 he renewed his attack on Cicero and tried to pass two bills that Pompey should be elected consul in absentia or recalled to Italy to establish order. Another tribune, L. Calpurnius Bestia, a Catilinarian sympathiser, joined forces with Nepos in attacking Cicero. populares then is a generic term covering both pro-Pompeians and anti-Antonians; boni represent the Establishment.

Cicero's attitude during the next few months oscillated, though by March 60 he still wrote of Pompey and himself as the best of friends and political 'equals'. In 60 a new lex agraria was promulgated: 'agraria lex a Flauio tribuno pl. uehementer agitabatur auctore Pompeio, quae nihil populare habebat praeter auctorem'.

1 in Pis. 6-7.
2 Plut. Cic. 23.1-2; Cic. Fam. 5.1 and 2.
3 He was to have given the signal for action in the conspiracy by attacking Cicero. (ad Brut. 1.17.1)
4 Att. 1.19.4.
Cicero himself did not wholly oppose the scheme; his stand nonetheless was to protect private interests. The rest of the senate opposed it vigorously.\(^1\) Shackleton Bailey emends \textit{auctorem} of the MSS. to \textit{actorem} on the ground that the point is ruined with \textit{auctorem}.\(^2\) He argues that Cicero would not, at this stage, have referred to Pompey as \textit{popularis}, to the exclusion of the actual proposer of the law, the tribune Flavius. This objection seems to be inconsequential and the emendation makes no better sense of the passage or in any way relates to its essential difficulty. It is clear that \textit{popularis} is used ambiguously but the change of \textit{auctor} to \textit{actor} does not elucidate the central problem of why the law was not popular, only the \textit{auctor/actor}. Why indeed should not Cicero refer in his private letter to Pompey as \textit{popularis}? On each occasion in 63 that Cicero had claimed himself to be \textit{popularis} he had invoked the support of Pompey. And Flavius was only a very minor figure on the political stage, openly acting \textit{for} Pompey. Pompey was most decidedly the popular hero of the moment. Cicero says that the bill offended the senate and private interests and favoured

\(^{1}\) Ibid.

\(^{2}\) \textit{op. cit.}, vol.1. p.336. note \textit{ad loc.}
Pompey and the people. Why then was the bill not popularis with the people? It was obviously aimed at pleasing the lower orders: Dio records that Flavius offered assignments of land to the whole populace as well as to Pompey's veterans; many of the plebs urbana would be resettled. The reason for the lack of success of the bill remains undisclosed. 1

Cicero's interest in this lex agraria was far less vocal than that expressed in 63. There his major theme was the protection of Pompey's interests; here Pompey himself is behind the law. Cicero's middle-of-the-road position was intended not to antagonise Pompey, and hence the people. His interest in its economic and social aspects remained minimal, and he expressed no regret when in June it seemed the lex was blocked. 2

A few months later Cicero wrote to Atticus complaining about Pompey's character. Evidently Atticus had mentioned Pompey in a previous letter. Cicero's remarks

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1 Cicero had referred to the lex in an earlier letter to Atticus: 'agraria autem promulgata est a Flauio, sane leuis, eadem fere quae fuit Plotia'. (Att. 1.18.6) In Cicero's political vocabulary, leuis is generally interchangeable with popularis. cf. Att.1.14.1, 2.1.6; cf. Phil. 5.18.49; in Cat.45.9. Here it means simply 'trivial, not worth worrying about'.

2 Att.2.1.6.
appear an affirmation of Atticus' points: 'et is de quo scribis nihil habet amplum, nihil excelsum, nihil non submissum atque populare.' In the same context Cicero affirms the integrity of his continued support of Pompey, and speaks of the former fortuna, auctoritas, and gratia of the general. Now the general blatantly courted popularity.

In June 60, a month later, Atticus criticises Cicero for his familiaritas with Pompey. Cicero rejoins that he had not befriended Pompey simply for his own protection. It was crucial at the time to establish a friendship since otherwise there may have been a major political conflict. His own position as bonus had not changed: it was Pompey who had become less bonus and more popularis: 'non ut ego de optima illa mea ratione decederem sed ut ille esset melior et aliquid de populari leuitate deponeret.' Cicero sees Pompey's popularis leuitas and his own ratio as two distinct and opposing 'sides' or political approaches;

1 Att. 1.20.2.
2 Ibid.
3 Ibid. 2.1.6; yet Cicero had already confessed the opposite in Att. 1.17.10.
4 Ibid.
there is no affinity between them. Pompey is not a 'good' popularis of the sort Cicero had claimed to be; he is now like Caesar, Rullus, and Labienus. Indeed in the same letter, Cicero expresses a wish to reddere Caesarem meliorem in an attempt to persuade those who have power not to use it against the state.¹

The next few months killed any hopes Cicero had ever held. His one wish was to retire from politics completely.² By June 59 he wrote that there was no hope that the state would ever be free again.³ The regime of the triumviri is infame, turpe, offensum to everybody: 'populares isti iam etiam modestos homines sibilare docuerunt.'⁴ The so-called populares are no longer popular; Cicero puns savagely. Even the reputation and respect enjoyed by Pompey have changed to fear and hatred. I do not fight them openly, says Cicero, because of my regard for Pompey. I try to steer a middle course.⁵

¹ Att. 2.1.7.  ² Ibid., 2.4.4.  ³ Ibid., 2.18.2.  ⁴ Ibid., 2.19.2.  ⁵ Ibid., 2.19.2-3.
The same tone is found in the next letter:

'populare nunc nihil tam est quam odium popularium'.

Populares in this context has lost all relation to 'agreeability with the people' or 'working in the interests of the people', a relationship, Cicero implies, that usually exists. The word has become almost technical: the triumviri were now self-styled populares only, but not entirely technical as Cicero's heartfelt puns indicate. These populares are politicians who use, not represent, the people.

In August 58 in the course of his deeply regretted exile, Cicero wrote to Atticus concerning the proposal of the tribune, Q. Terentius Culleo, to declare invalid the privilegium that had been responsible for Cicero's formal banishment. In considering the merits of Culleo's proposal Cicero mentions the lex de capite ciuis Romani which had been responsible for his voluntary exile before the second lex was passed. Cicero laments that he acted so rashly since the lex had not really touched him. 'sed pergo praeterita, uerum tamen ob hanc causam, ut, si quid agetur, legem illam in qua popularia multa sunt ne tangatis.'

1 Ibid. 2.20.4.
2 cf. de orat. 3.138.
3 privilegia, or laws discriminating against individuals, were forbidden by the XII Tables. (de leg. 3.11)
4 Att. 3.15.5.
What was popularis about the lex Clodia? The general nature of the bill was 'popular' in its recognition of popular rights and fair play. Also the people at the time of his departure were openly hostile to Cicero: Clodius had inflamed their unrealised animosity and indignation over the treatment of the Catilinarians. Cicero had suffered the populares impetus he would have avoided had he adopted Caesar's suggestion for punishment. The lex then was too popular to meddle with: leave it alone, warns Cicero to Atticus.

The usage of popularis in the letters of this period is not extensive. Its most distinguished feature rather is its concreteness and directness. In almost all instances, it is perfectly clear to what and to whom Cicero refers by it: populares are the triumviri and their associates, the opponents of both senate and people.

Cicero returned to Rome on September 4 57, accompanied by the effusive enthusiasm of the people.

The next day he delivered in the senate a speech of thanks

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1 See p.142 supra.

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See p.142 supra.
for his recall. The style of this speech, as has been frequently observed, is unusually turgid and rhetorical. This can be quite reasonably attributed to the effect of Cicero's traumatic emotional experiences of the past eighteen months. His dignitas and auctoritas had been drastically undermined. In the speech Cicero singles out Pompey in superlative terms of praise, and only alludes, though feelingly, to Caesar. Cicero's other supporters receive warm praise, notably P. Sestius whom Cicero was so soon to defend:

> qui (sc. Sestius) causam senatus, exagitatum contionibus improborum, sic sua diligentia multitudini commendavit ut nihil tam populare quamuestrum nomen, nihil tam omnibus carum aliquando quam uestra auctoritas uideretur.

In reaction from the populares and improbi, the senate itself had now become popularis as had Cicero himself.

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1 The order of events immediately following Cicero's return is shown by two letters to Atticus, Att. 4.1 and 2. On the authenticity of the extant quattuor orationes see R.G. Nisbet, De Domo Sua, Oxford 1939, Introduction, pp.xxiv-xxxiv, and G. Peterson, Ciceronis orationes, vol.V. Oxford, 1911 and 57, Praefatio.  
2 eg. post red. in sen. 3.5; 2.29f. 
3 Ibid. 13.32. 
4 Ibid. 8.20. 
5 cf. Livy 2.9.8.
Indeed Cicero represents the two things as interdependently linked: the mere fact of his recall was a reassertion of the auctoritas senatus, while his own re-appearance established it beyond question. Cicero could not accept that his recall and the illusory restoration of senatorial power were possible only with the consent of the triumviri. Instead he paralleled salus Ciceronis with auctoritas senatus and dignitas populi Romani: all were the key features of the free republic.

The speech delivered to the pontiffs, de domo sua, presented Cicero with a splendid opportunity for political rehabilitation. Inevitably he connected his case with the general political situation; its wide scope allowed him to defend his own conduct, answer his detractors and reassert his political aspirations. The audience of pontiffs was not simply a priestly caste whose influence was limited to the sphere of religion; several were

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1 post red. in sen. 3.7.

consulars, the majority well-experienced in politics.\footnote{Nisbet, op. cit., p. 65 n.1-3.} They constituted a convenient setting for Cicero's appeal.

Clodius had claimed that the pontifices were angry with Cicero for proposing that Pompey should hold the extraordinary commission, \textit{procuratio annonae},\footnote{Cicero had moved the proposal on 7 Sept. and viewed his participation in the matter very seriously.} and charged Cicero with political inconsistency: "'fuisti', inquit (sc. Clodius), 'tum apud pontifices superior, sed iam, quoniam te ad populum contulisti, sis inferior necessitate est.'"\footnote{de dom. 4.} Clodius alleges that Cicero betrayed his professed support for the republic and the restoration of senatorial authority. The implications of this charge are that since Pompey was \textit{popularis}, Cicero's proposal was an appeal to the people for popularity.\footnote{cf. \textit{com. pet.} 5.} The senate for a long time had resented and distrusted Pompey, and his performance in recent years in collaboration with Caesar and Crassus only exacerbated their dislike. Clodius hoped that by preying on these fears, he would bring Cicero into \textit{odium} and disrepute. It is doubtful that any charges proceeding from the already suspect Clodius would have carried weight.
with the senate at this time. Cicero must have realised he had little to fear, and boldly exploited the opportunity of denouncing the allegations to restate his political ideals.

Cicero countered the charge by claiming he had acted with the full backing of consuls and senate. The desperate situation of exorbitant grain prices and the grim prospect of future famine had fully justified proposals for the procuratio. Others more unscrupulous, like Clodius and his gang, could easily have exploited the feelings of the people and stirred up riots. Cicero then identified himself with Pompey, and lavishly praised the general's qualities and experience: Pompey was clearly the man for an extraordinary command...he had held similar commands in the past with indubitable success. Furthermore

1 Though their hostility had been reawakened by the proposal of Messius to add an army, fleet and an imperium superior to that of all other provincial governors (Att. 4.1.7) to Pompey's command.
2 dom. 9.
3 Ibid.
4 Ibid., 12.
6 Ibid. 18f.
it was only natural in view of their intimate political and personal relationship that Cicero should promote Pompey. Everyone could perceive Pompey's merits, the pontifices as much as Cicero himself. This reply to Clodius was nothing more than an appeal to the boni to give their trust and allegiance to Pompey, and of course to Cicero, in an effort to restore constitutional order. Cicero hoped fervently that his hero would now make a final break with the populares and return to the bosom of the senate. Pompey is thus depicted as pro-senate, pro-republic, and pro-Cicero.

A point of detail in this section of the speech is illuminating. Cicero is criticising the deal made by Clodius with Piso and Gabinius, consuls of 58, whereby special provinces were unconstitutionally parcelled out, and contrasts the behaviour of C. Gracchus: "tu provincias consularis, quas C. Gracchus, qui unus maxime popularis fuit, non modo non abstulit a senatu, sed etiam ut necesse esset quotannis constitui per senatum lege..."

1 Ibid. 31.
2 Ibid. 23.
Gracchus was an anti-senatorial popularis yet he possessed sufficient foresight and statesmanship to realise that the senate should control the allotment of consular provinces. Moreover he was the greatest popularis of them all, unus maxime popularis; Clodius was paltry in comparison.

A second view of Gracchus, expressed towards the end of the same speech, describes him as homo seditiosissimus conspiring against the optimus ac fortissimus ciuis, Publius Popilius. The abrupt change in the tone of these two references reflects the basic ambivalence in Cicero's attitude to the popular tribunes of the previous century, especially the Gracchi. Neither reference however manifests the same glowing praise of the Gracchi expressed in the de lege agraria. As precursors of popular agitators, the Gracchi can be invoked according to Cicero's purpose either for praise or blame. In the present speech, despite the overt textual contradiction, mention of Gaius serves to vilify the uesanus ac furiosus Clodius.

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1 Ibid., 24. The lex Sempronia of 123 provided that the senate in each year before the consular elections should select the provinces which the consuls elect were to hold after their year of office at Rome.
2 Popilius was exiled in 123. cf. dom.82.
3 dom.3.
Clodius is only a pseudo-popularis:

hoc tu igitur, homo popularis, iure minitam
ciuitatem et libertatem nostram putas esse
oportere ut...possit unus quisque nostrum
amittere ciuitatem? tum igitur maiores
nostri populares non fuerunt, qui de ciuitate
et libertate ea iura sanxerunt... 1

No one, says Cicero, can lose his Roman citizenship
without his own consent. 2 Clodius however had to resort
to the hiring of gangs and slaves to secure Cicero's
deposition. If Clodius is popularis in this regard, then
Rome's ancestors could not have been since they laid down
rules that were inviolate: 'quia ius a maioribus nostris,
qui non ficte et fallaciter populares sed uere et sapienter
fuerunt, ita comparatum est ut ciuis Romanus libertatem
nemo possit inuitus amittere.' 3 So the ancients were true
populares; they possessed sapientia; they were concerned
not with 'party' divisions but with securing what was of
maximum benefit to all citizens. Clodius on the other hand
is a sham popularis: 'potest igitur damnati poenam

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1 dom. 80.
2 Ibid. 77.
3 Ibid. According to G. Crifo, Ricerche Sull 'Exilium' nel
periodo Repubblicano parte prima, Milan 1961, neither the
act of exilium nor interdictio automatically resulted in
the loss of citizenship. This was brought about only by
the voluntary act of the exile in adopting cliuitas of
another state.
sustinere indemnatus? est hoc tribunicium, est populare? quamquam ubi tu te popularem, nisi cum pro populo fecisti, potes dicere? ¹ Nothing Clodius has done is compatible with the humanitarian properties of the tribunician auxilium. Here Cicero admits that these properties do in fact exist: elsewhere, as has been shown, he condemns the very idea of the tribunate. ² His purpose in the present is to establish the illegality and arbitrariness of all Clodius' acts. He can thus well afford to present the tribunate as a worthy and humanitarian institution. Clodius has never acted in the people's interests, nisi cum pro populo fecit. This is a sardonic thrust by Cicero at Clodius' mysterious participation in the Bona Dea rites. These rites seem to have constituted a national sacrifice for the welfare of the people: ³ Clodius' violation would thus well qualify him for the designation popularis! Thus Clodius was neither well-liked nor truly popularis, since the

¹ Dom. 77.
² E.g. pro Cluent. 138.
³ C.f. Att. 1.12.3; 1.13.3; Har. resp. 37; de leg. 2.21; Sest. 66; and Nisbet, op. cit. p. 140, note ad loc.
latter involved the ancients' altruism and *sapientia:* he was a mere *scortum populare uolitans per medium forum.* Cicero himself had more claim to the title since the people had never expressed any ill-will towards him: 

'... contraque a populo Romano semper sim defensus, amplificatus, ornatus, quid est qua re quisquam mihi se ipsa populari ratione anteponat?'

*popularis ratio* is probably 'the people's estimation' rather than 'the popular side in politics,' since the main point of discussion is *judicium populi,* the expression of the will of the people towards Cicero. He makes use of the *double entendre* to suggest that he, rather than Clodius, is *popularis* in any sense.

The state of politics at Rome during 56 was confused. The leading question of the time was whether the triumvirate could maintain itself against the senate as the *de facto*...
government, or alternatively, how far its stability could hold against internal dissension. Cicero had now resumed his full political vigour and hoped the triumvirate would quickly destroy itself. He exploited every available opportunity to appeal to the better instinct of Pompey and the boni. On February 10, legal proceedings began against P. Sestius, the tribune of 57 who had worked so energetically to secure Cicero's recall from exile. Cicero's special task in the case was to wind up the arguments of the defence. He did so by delivering a political manifesto, examining the motives for the prosecution in the light of events which led to his own exile and recall. Closius, the real prosecutor, received a blistering attack. Cicero hotly denied his allegation that Pompey, Crassus and Caesar had supported Clodius against him in 59-58: 'illi autem aliquot timore perterriti quod acta illa atque omnis res anni superioris labefactari a praetoribus, infirmari a senatu atque a principibus ciuitatis putabant, tribunum popularem a se alienare nolebant....' The triumviri (whom Cicero has

1 The prosecution was formally brought in the names of P. Tullius Albinovanus and T. Claudius.
2 Sest. 18f.
3 Sest. 40.
in the past described as *populares*\(^1\) are now represented as wishing not to alienate a *popularis* tribune, in the interests of the state. Although he has used the same term to describe them, Cicero in the *pro Sestio* is trying to distinguish between the *triumviri* and Clodius. So Clodius becomes *popularis*, and the others become *boni*:

'\textit{deinde numquam iam, ut spero, quisquam improbus consilio et auxilio bonorum se oppugnare rem publicam dicet illis tacentibus nec armati exercitus terrem opponet togatis.}'\(^2\)

The main body of the *pro Sestio* is concerned with Cicero's typology of the Roman political scene. Cicero is asked by Vatinius, the witness for the prosecution, what *natio optimatum* is.\(^3\) Cicero gives the following reply:

\textit{duo genera semper in hac ciuitate fuerunt eorum, qui uersari in re publica atque in ea se excellentius gerere studuerunt; quibus ex generibus alteri se populares, alteri optimates et haberi et esse uoluerunt. qui ea, quae faciebant quaeque dicebant, multitutinini lucunda uolebant esse, populares, qui autem ita se gerebant, ut sua consilia optimo cuique probarent, optimates habebantur.}\(^4\)

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1. See p.154 *supra*.
2. *Sest.* 52.
3. *natio* is presumably Vatinius' own term, analogous to Cicero's own 'gens ista Clodia' (81), carrying the same invidious overtones as *factic*. On *optimates* in the *pro Sestio* see H. Strasburger, *optimates*, *RE* 18 773-798 and Wirszubski, op. cit., p.39 and n.3.
populares are all those who, at least in language and appearance, seem to follow 'popular' politics. optimates consist of all 'qui neque nocentes sunt nec natura improbi nec furiosi nec malis domesticis impediti'.

In other words those who practise popular politics are nocentes, improbi, and furiosi,

qui aut propter metum poenae, peccatorum suorum conscii, novos motus conversionesque rei publicae quaerant, aut qui propter insitum quendam animi furorem discordiis ciuium ac seditione pascentur, aut qui propter implicationem rei familiaris communi incendio malint quam suo deflagrare.

populares are audaces homines et perditi, entirely devoid of principles and scruples. Their methods are those of force and violence:

permanent illi soli atque omnis rei publicae causa perferunt, qui sunt tales, qualis pater tuus, M. Scaure, fuit, qui a C. Graccho usque ad Q. Varium seditiosis omnibus restitit, quem numquam ualla uis, ualla minae, ualla inuidia labefecit; aut qualis Q. Metellus, patruus matris tuae, qui cum florentem hominem in populari ratione, L. Saturninum...

1 Sest. 97.
2 Ibid. 99.
3 Ibid. 100.
4 Ibid. 101. M. Aemilius Scaurus was probably the presiding praetor at Sestius' trial.
In former times, says Cicero, the *optimates* had had far more to fear, 'cum multis in rebus multitudinis studium ac populi commodum ab utilitate rei publicae discrepabat'.  

In those days there used to be a distinction between the interests of the people and the interests of the state *i.e.* of the *optimates*; *populares* then represented the *pleb* *urbana* in their struggle against suppression by the *nobiles*. He uses the agrarian laws of the Gracchi to illustrate the point:

agrariam Ti. Gracchus ferebat: grata erat populo; fortunae constitui tenuiorum uidebantur; nitebantur contra optimates, quod et discordiam excitari uidebant et, cum locupletes possessionibus diuturnis mouerentur, spoliari rem publicam propugnatoribus arbitrabantur. frumentaria legem C. Gracchus ferebat: iucunda res plebei; uictus enim suppeditabatur large sine labore. repugnabant boni, quod et ab industria plebem ad desidiam auocari putabant et aerarium exhaurire uidebant.  

This passage reveals Cicero's basic anti-democratic bias and his extraordinary blindness to the need for even the most moderate economic and social 'reform'. His arguments justifying the actions of past *optimates* rest on purely reactionary and materialistic values.

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1 Ibid. 103.
2 Ibid.
The Gracchi could never be seen to have sound motives for their attempted legislation: their proposals by definition were subversive and insidious and therefore had to be stamped out immediately by the boni. Cicero's healthy society rests precariously on the silence or apathy of the people and their spokesmen.

But although in the past there was a natural antipathy between plebs and boni, in the present, in 56, the people and the rulers are at one: 'nunc iam nihil est, quod populus a delectis principibusque dissentiatur...'.

Cicero apparently did not mind how naive or absurd were the assumptions on which his propaganda rested. Despite the unanimity in the state, seditiosi ac turbulenti homines flourish wildly. In the past these men roused the plebs by largitiones; now they resort to corruption and bribery in contiones crammed with their own hirelings. Cicero now describes the difference between earlier populares and those of the present:

num uos existimatis Grachos aut Saturninum aut quemquam illorum ueterum, qui populares habebantur, ullam umquam in contione habuisse conductum? nemo habuit... itaque temporibus

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1 Sest. 104.
2 Ibid.
illis qui populares erant, offendebant
illi quidem apud graues et honestos
homines, sed populi iudiciis atque omni
significatione florebant.¹

Thus, though they practise the same political style,
there is a considerable difference between modern and
Gracchan populares: the latter had a genuine disinterested
concern for the interests of the people even though this
concern was at variance with the senate. And so although
he can condemn their legislation, Cicero can still claim
that the Gracchi are ideal populares. Clodius on the
other hand is not a true popularis, despite the current
belief to the contrary.² Neither is L. Gellius Poplicola,
for all that he was populo Romano deditus.³ Gellius
could not be popularis since he consumed all his wealth and
inheritance by himself! Not content with this trivial
non sequitur, Cicero uses sarcastic and irrelevant parody
to bolster up his thin arguments: Poplicola must be a
genuine popularis 'qui, ut credo, non libidinis causa, sed
ut plebicola uideretur, libertinam duxit uxorem'.⁴ Recently

¹ Ibid. 105.
² Ibid. 109.
³ Ibid. 110.
⁴ Ibid.
also three out of five tribunes were by no means *populares*,¹ unlike the other two, C. Alfius Flavus and P. Vatinius, who were *uehementer populares*. Yet of these three, two are now praetors of the Roman people, which proves that they, and not Flavus and Vatinius, are true *populares!* 'quid populares illi duo egerunt?' he asks of Flavus and Vatinius. The question seems peculiarly inane in the light of the following passages. Flavus, says Cicero, was quite respectable,

...qui tamen se continuerat, tulerat nihil, senserat tantum de re publica aliud atque homines exspectabant, uir et bonus et innocens et bonis uiris semper probatus, quod parum uidelicet intellexit in tribunatu, quid uero populo probaretur... non tenuit eum locum in quem, nisi popularis esse uoluisse, facillime peruenisset.²

Flavus' desire to be *popularis* ironically prevented him from obtaining the praetorship. Cicero's portrait of Flavus is curious: Flavus is not a revolutionary, nor *seditiosus*; he had no disgusting private life, as had Poplicola; he did not propose any popular laws and is represented as being sincerely devoted to the welfare of the

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¹ Cn. Domitius, Q. Ancharius, C. Fannius.
² Sest. 114.
people. How was he popularis? Perhaps because he had adopted some of the less obvious elements of the popularis style, ones that remain unknown to us; perhaps he was recognised as a 'Caesar man'. Whatever the reason, the example of Flavus hardly bears out Cicero's General criticism of populares. His argument is resting on very thin ice.

Vatinius is quite a different example: '...qui ita se in populari ratione iactarat,' Vatinius was certainly more active and hence more pernicious than Flavus; he too was not elected to the praetorship and therefore could not have been popularis either, unless the people themselves are no longer popularis when they so vigorously reject populares. A nice touch of sophistry. So to be a genuine popularis one must be successful at the polls.

Cicero implies in all these references that a 'good' popularis is essentially desirable for the res publica, provided he does not attempt to introduce agrarian laws.

1 cf. in Vat. 38.
2 in Vat. 38.
3 Sest. 114. cf. in Vat. 39.
5 Sest. 114.
He has said at the beginning that all *populares* are bad since they aim at pleasing the people. Now he claims that some only pretend to please the people, and forms a sub-category to contain them. He illustrates his point by reference to himself and the demonstration of popular feeling at the stage performance by the tragedian Claudius Aesopus: '...quae tum significatio fuerit omnium, quae declaratio voluntatis ab universo populo Romano in causa hominis non popularis, equidem audiebam: existimare facilius possunt, qui adferunt.'¹ The *homo non popularis* is Cicero himself. I did not behave in a recognizable *popularis* style, he implies, *neither* did I wish to. It just happened that I became a true *popularis*, not in style but in attitude and goal.

Cicero has tried to formulate a theoretical definition of *populares*. His purpose in so doing was clearly to appeal to his audience to identify themselves with the *optimates*, and thereby to provoke solidarity and loyalty against dissident political elements. But his definition does not stand close scrutiny: he begins by saying that *populares* are those who, in language and appearance at least, are popular politicians. He expands

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¹ Sest., 122.
this theme in a series of contradictions: on the one hand he vilifies all *populares* as dangerous and seditious demagogues, on the other he draws a distinction between *populares* who are in essence harmless and decent and *populares* who are demonstrably injurious. On the one hand he indicates that the concept of *populares* is anomalous in a healthy state such as Rome, on the other he implies that *populares* have a rightful place — but only when they are completely identifiable with *optimates*, and then of course they cease to be *populares*. Moreover, his definition operates at different levels. He explicitly excludes the *populares triumviri* from its terms; they for present purposes have become *boni*. But at a different level, the whole definition is directed towards them in a calculated insult. In its first expression, the definition is sufficiently broad to embrace the *triumviri*. Its elaborated detail on the other hand does not properly apply. Cicero implies an easy transition between the two.

In the context of early 56, Cicero's outspokenness at Sestius' trial appears a mark of considerable courage and independence. It was followed by an open attack of Caesar's *acta* of 59 at Vatinius' trial, the brilliant *pro Caelio* defence and his participation in the dangerous
question of the ager Campanus. Cicero rode on unrestrained until suddenly Caesar and Crassus had had enough. Thence followed Luca, the re-welding of the triumvirate and the end of Cicero's political freedom. Cicero was crushed once more and would gladly have retired completely from the political scene. But this was not to be. Soon after, he affirmed his friendship with Caesar and the triumviri and spoke openly in the senate of the necessity of retaining Caesar in Gaul. The speech delivered was de provinciis consularibus, Cicero's 'public demonstration of loyal acquiescence'. Its predominant theme is that personal feelings must be subordinated to the good of the state. Cicero admits his differences of opinion in the past with Caesar, and Caesar's responsibility for his banishment, but insists that the welfare of the state must override private feuds. It is in the same interests of the state that Caesar's command in Gaul must be prorogued.

Caesar, he says, has been restored to the good side in

1 See David Stockton, 'Cicero and the Ager Campanus', TAPA 93 (1962) 471-489.
2 Stockton, op. cit., p.479.
politics: 'nemo umquam hic potuit esse princeps, qui maluerit esse popularis'. Being princeps and popularis are mutually exclusive states. The princeps Caesar left the political straight-and-narrow because of insults at the hands of the optimates:

sed homines aut propter indignitatem suam diffisi ipsi sibi, aut propter reliquorum obtrectationem ab huius ordinis coniunctione depulsi, saepe ex hoc portu illa iactatione cursuque populari bene gesta re publica referunt aspectum in curiam atque huic amplissimae dignitati esse commendati volunt, non modo non repellendi sunt, uerum etiam expetendi.²

(It is to be recalled that in 63 Cicero had spoken of Caesar as a dedicated popularis.) According to the present line, Caesar has learned his lesson and returned to the optimates. Such a sojourn with the populares is implicitly quite acceptable to Cicero, part of a politician's development. Full maturity is reached when the popularis finally returns. Cicero reminds the senate of the warning of a distinguished senator³ that the lex Vatinia might enable any popularis to obtain Cisalpine Gaul: those qui hunc ordinem oppugnent might obtain the province

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¹ prov. cons. 38.
² Ibid.
³ perhaps Cn. Cornelius Lentulus, cos. 56.
Cicero then proceeds to defend his alleged inconstantia and volte face in relation to Caesar. Up until now, he says, I rejected Caesar's politics and advances, though at the time I appreciated his consideration of me. How far I acted wisely I will not discuss for there are many whom I shall not convince: 'constantem quidem et fortiter certe, qui cum me firmissimis opibus contra scelus inimicorum munire et populares impetus populari praesidio propulsare possem.' The populares impetus allude to two things: the outburst of the people after Cicero's treatment of the Catilinarians, and the attacks of the popularis Clodius. If Cicero had joined the triumviri, Clodius could hardly have kept up his onslaught since both he and Cicero would be allied in the same camp. Similarly by implication if Cicero had adopted the triumvir Caesar's less offensive proposal for punishment, he would have avoided the resentment of the plebs. Though he could not beat them, he refused to join the populares, and thus did not compromise his constantia. 

1 prov. cons. 41. 
2 cf. in Cat. 4.5.9. 
3 For Cicero's further attempts to cover up his alleged inconstantia, see in Pis. 32. 79f, esp.32.81; pro Marcello 22f; pro Lig. 46.
While it is quite clear what Cicero is doing with *popularis* in this speech, it is not entirely clear why he is doing it. Instead of trying to whitewash a thoroughly black word and make out that *populares* are after all responsible politicians, he recants by dissociating Caesar's present behaviour from *popularis* altogether. After the dogma of the *pro Sestio* this distinction between two phases of Caesar's life (however unreal) was perhaps the least embarrassing choice. It is plain that the description of politics and politicians in the *pro Sestio* was intended as a dramatic, if indirect, insult and condemnation of Caesar and Crassus. And after this insult, it was impossible for Cicero to apply *popularis* to the man he was now so forthrightly supporting. Moreover the polarization of the *pro Sestio* had made it impossible to avoid use of *popularis*. All politicians would be seen to fall into one or other of the two categories. Thus Cicero is forced to retract his past statements, and Caesar who was first praised as an exemplary *popularis* in 63, later vilified as a *popularis* triumvir (in the letters and covertly in the *pro Sestio*), has now become an optimate. But perhaps also there was an element of compulsion directed from Caesar and Crassus in the usage of *popularis*. After the *pro Sestio* it is
conceivable that they themselves no longer cared - as once they had - to be labelled *populares*, and thereby to be lumped together with Clodii and Catilinae and other disreputable elements. This would suggest - what the evidence does not exist to prove - that Caesar attached considerable importance to Cicero's speeches and their impact on the people.

In September Cicero delivered the *de haruspicis responsis*, a speech which reveals the absurd uses to which the national religion could be put in partisan politics. Most of the speech is a vicious attack on Clodius. He is nothing but a destructive rabble-rouser, *'ut homo popularis frauderet improbissime populum'*, and his career of *iactatio popularis* nothing but a disease preying upon the populace. Cicero contrasts him with other *populares*, the Gracchi, Saturninus, Sulpicius. The tone of Cicero's references to these men is one of utmost respect, almost sentimentality:

C. *autem Gracchum mors fraterna, pietas, dolor, magnitudo animi ad expetendas domestici sanguinis poenas excitauit;*  

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1 *har. resp. 42.*
2 *Ibid. 43.*
Saturninum, quod in annonae caritate quaestorem a sua frumentaria procuratone senatus amouit eique rei M. Scaurum praefecit, scimus dolore factum esse popularem.¹

Quite honourable motives are attributed to these populares: it was only external factors over which they had no real control that compelled them to adopt the popularis style. The role is one of personal or vicarious redress, even vengeance. Thus Cicero implicitly recognises - as he did explicitly in relation to Caesar -² that certain crises can fully justify a politician in leaving the boni. Such a step is quite regular in the imperfect course of politics, and serves to complement the deficiencies of the senate. These sentiments of Cicero show a remarkable objectivity. They attempt to separate means and motives: means of violence and disorder are, in the case of the Gracchi and Saturninus, only the result of the frustration of perfectly sound and sincere motives. Cicero's purpose is to vilify Clodius in contrast. Therefore the prototypes of popular politicians must be presented as attractively as possible.

¹ har. resp. 43. ² prov. cons. 38. See p. 177 supra.
In 52 Cicero delivered yet another invective on the furor of Clodius, the pro Milone. He appealed to precedent to justify Clodius' murder: the Gracchi, Sp. Maelius, Saturninus and recently the Catilinarians had all been scelerati who threatened public dignitas and salus.¹ Their violent deaths were therefore justified on good grounds. Here is a complete reversal of the expressed attitudes of the de haruspicium responsis. The two views are reconcilable only under the general principle that Cicero varied his viewpoint to suit his particular oratorical purpose. The Gracchi were useful exempla for either praise or blame.

Between the years 52 and 44 Cicero engaged himself, as a distraction from politics, in the prolific composition of philosophical and rhetorical works. It is possible and useful to consider these works as a whole since they possess a common tone of academic reflection rather than political urgency. Moreover, nearly all these works are to some extent autobiographical, partly because of Cicero's personality, partly because of the very personal and man-to-man basis on which his treatises were composed.

¹ pro Mil. 8f., 72f.
popularis appears in the de re publica with new dimensions to describe one of the three workable systems of government: 'illa autem est ciuitas popularis (sic enim appellant) in qua in populo sunt omnia,'¹ viz. a democracy as opposed to a regnum or ciuitas optimatium. Such a government, in the dialectic of the periodical change and courses of governmental forms, will inevitably be corrupted to ochlocracy, furor multitudinis licentiaque.²

Cicero's expressed objection to the form of democracy is that its libertas populi does not recognise degrees of worth.³ This attitude encounters the same intellectual stumbling-block as his attitude to populares and the tribunate. The tribunate, he says in the de legibus, is essentially seditiosa since it deprives the patres of omnis honos:⁴ it makes the lowest equal to the highest and creates confusion and disorder. All tribunes from earliest to most recent times have used the tribunicia

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¹ de rep. 1.42.
² Ibid. 2.41. Cicero cites Athens as an example of such corruption and concedes that Rhodes was a successful ciuitas popularis -- only because there the senate possessed as much power as the people. de rep. 3.47.
³ Ibid. 1.43.
⁴ de leg. 3.19.
potestas as a weapon against the boni. Yet on the other hand there are advantages; an ideal good can be derived. The people are very violent and cruel, and good tribunes can curb these tendencies. Moreover, its creation was an historical necessity to act as a safety valve in the duality of class interests. There are inherent contradictions in Cicero's attitude: while on the one hand he says the tribunate is in seditione et ad seditionem nata, on the other he says the restoration of the potestas by Pompey was popularis nec perniciosa. The same ambivalence is expressed towards the ciuitas popularis and populares. Indeed in the 'mixed constitution' of the Roman state, the tribunate and to no less extent the populares appeared the organic and representative elements of popularis ciuitas. The connection between the tribunate and populares is explicit. Thus populares are somehow mixed up in the vague notion of popular sovereignty. The hestitation and suspicion felt

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1 Deleg. 3.20-21.
2 Ibid. 3.23f.
3 Ibid. 3.24.
4 Ibid. 3.19.
5 Ibid. 3.26.
towards one unavoidably applied to the other. Both disturbed Cicero's conscience.

Libertas populi is not true libertas (which is defined within the framework of rule by the optimates), but licentia and libido. True libertas was a commodity of political expediency, to be given or taken away at will by the senate. Cicero sees the early period of the Republic in terms of a conflict between libertas as conceived by the people and libertas as conceived by the patres, viz. auctoritas principum. In order to preserve the latter, it was necessary for the patres to make concessions, however speciously, to the former. Thus the earliest statesmen are both optimates and populares, since they saw clearly the issues of class conflict and granted piecemeal liberties to the people, thereby providing the safeguards for the preservation of potestas optimatum. Cicero's attitude to traditional leaders of this period is identical with that of Livy. L. Valerius Publicola is the first: 'haud mediocris hic, ut ego quidem intellego, vir fuit, qui modica libertate populo data facilius tenuit auctoritatem principum.'

1. Cf. de orat. 3.2-4.
2. De rep. 2.55. Cf. 2.53; de leg. 3.39. See p. 7 supra.
the consuls Valerius Potitus and Horatius Barbatus, 'homines concordiae causa sapienter populares...'.

This aristocratic notion of motive behind popular actions is the only acceptable one to Cicero (as it is to Livy), and points the difference between his attitude to early and later populares. Early populares worked in the interests of concordia: later populares intended to overthrow the whole existing social and political order. Early populares established the constitution: later ones sought to destroy it. Because of his misapprehension of the activities of later populares, Cicero no longer accepts the principle of popular politics.

The moral and emotional associations that surround idealised characters like Publicola form the point of comparative reference in two opposing ways. First to antiquarian idealists like Cicero, they serve as models and standards of true political virtue from which all succeeding popular figures have deviated. Second, to later populares they serve as useful prototypes for the promotion of anti-senatorial agitation and reform. Cicero practises the first but condemns the latter. In a

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1 de rep. 2.54. See p.8f. supra.
digression in the Academica he claims that the New Academy perverts history in the same way as seditiosi politicians in their propaganda:

cum ueteres physicos nominatis, facere idem quod seditiosi ciues solent cum aliquos ex antiquis claros uiros proferunt quos dicant fuisse populares ut eorum ipsi similes esse uideantur.¹

The clari uiri whom the seditiosi are alleged to invoke are Publicola, C. Flaminius, L. Cassius, Q. Pompeius:

'horum nominibus tot uiorum atque tantorum expositis eorum se institutum sequi dicunt.'² Cicero claims that it is fallacious for the seditiosi to call upon these ancient examples. These men were clari uiri; nowadays it is inconceivable that a popularis could be a clarus uir.

Yet in other contexts Cicero reveals some discrepancy in his opinion of these early populares. L. Cassius for example has a mixed reception: in the Brutus the reference is favourable: '...non liberalitate ut alii, sed ipsa tristitia et seueritate...'³ seueritas is a quality not usually associated with populares.º But in

¹ Acad. 2.13. cf. 2.72.
² Ibid.
³ Brut. 97.
⁴ See p.259 infra.
the de legibus Cassius is 'dissidens a bonis atque omnis rumusculos populari ratione aucupans....'\(^1\) The tone of the contextual words makes popularis unmistakeably pejorative. The picture of Flamininus also varies from context to context, from a clarus uir to a seditious tribune and dangerous consul.\(^2\) It would appear that if Cicero thinks too closely even about such safe mummified figures as Cassius and Flamininus, his picture of distant ideal populares breaks down into the basic dislike and suspicion he has for any popular politics. The only real distinction he admits is the degree of baseness of results, for baseness of some sort is prerequisite for all popular politicians after Valerius and Horatius. Again and again he sounds this theme:

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\text{contio, quae imperitissimis constat, tamen iudicare solet, quid intersit inter popularem, id est assentatorem et leuem ciuem, et inter constantem et seuerum et grauem quibus blanditiis C. Papirius nuper influebat in auris contionis, cum ferret legem de tribunis plebis reficiendis. dissuasimus nos, sed nihil de me, de Scipione dicam libentius. quanta illa...fuit grauitas, quanta in oratione maiestas. ut facile ducem populi Romani, non comitem diceres.}\(^3\)
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\(^1\) de leg. 3.35.
\(^2\) cf. de inv. 2.52; Cato 4.11; cf. Brut. 57.
\(^3\) Lael. 95-96.
Here Cicero provides a thumbnail definition of a popularis: an assentator et leuis ciuis, who lacks grauitas, maiestas, the marks of a Scipio and a Cicero. The notion of comitas and its concomitant egalitarianism is repugnant to Cicero. The people have greater respect for a leader, not a brother. Hence the irony that leges populares instigated by men without sufficient prestige are often repudiated by the people.  

The chief planks of the populares are the agrarian and debt issues:

qui uero se populares uolunt ob eamque causam aut agrariam rem temptant, ut possessores pellantur suis sedibus, aut pecunias creditas debitoribus condonandas putant, labefactant fundamenta rei publicae concordiam primum, quae esse non potest, cum aliiis adimuntur, aliiis condonantur pecuniae, dein deaequitatem, quae tollitur omnis, si habere suum cuique non licet. id enim est proprium, ut supra dixi, ciuitatis atque urbis, ut sit libera et non sollicita suae rei cuiusque custodia.  

Cicero’s economic shortsightedness speaks for itself. populares are like monarchs since they make expansive gifts of what does not belong to them. populares subvert

1...itaque lex popularis suffragiis populi repudiata est.’ Ibid. 96.
2 de offic. 2.78. cf. p.54f.supta.
3 Ibid. 2.21.
the very fundamenta of the res publica and destroy both concordia and aequitas. Any attempt at economic or social reform or change Cicero impugns as political opportunism. For example, certain violent attempts towards tabulae nouae were made during his own consulship: Caesar and Catiline were responsible. Caesar, he says, was prevented in 63 from realising his plans but later after the success of the civil wars, he again asserted the same revolutionary policy, out of sheer peccandi libido.

No true statesman could possibly engage in such policies.¹

The same applies to agrarian proposals:

perniciose enim Philippus, in tribunatu cum legem agrarian ferret...et eo uhehenter se moderatum praebuit, sed cum in agendo multo populariter, tum illud male, 'non esse in ciuitate duo milia hominum, qui rem haberent' capitalis oratio est, ad aequationem bonorum pertinens. qua peste quae potest esse maior?²

In other contexts Cicero speaks quite charitably of Philippus.³ It is his proposed agrarian law that damns him in Cicero's eyes. No true statesman could indulge in such subversive activities.

¹ de offic. 2.84.
² Ibid. 2.73.
³ eg. prov. cons. 21. de orat. 3.2-4.
In practical terms, however, it is not only the *populares* who are self-seeking. Cicero claims that with very few exceptions, all politicians whatever their particular sympathies, are solely motivated by self-interest.

> omnino qui rei publicae praefuturi sunt, duo Platonis praecepta teneant unum, ut utilitatem ciuium sic tueantur, ut quaecumque agunt, ad eam referant oblii commodorum suorum, alterum ut totum corpus rei publicae curent, ne dum partem aliquam tuento, reliquas deserant...qui autem parti ciuium consulunt, partem neglegunt, rem perniciosissimam in ciuitatem inducunt, seditionem atque discordiam; ex quo euenit, ut alii populares, alii studiosi optimi cuiusque uideantur, pauci universorum...hinc apud Atheniensis magnae discordiae, in nostra re publica non solum seditiones, sed etiam pestifera bella ciuilia.  

In this passage Cicero is empirically validating Plato's tenets by reference to the historical facts of Athens and Rome. His terms are general but their application is pointed to the contemporary situation. The gloomy tone reflects the painful experience of over twenty years in politics and the bitter conclusion that Cicero had reached of the hopelessness of resuscitating the republic. His criticism is directed against all time-serving, factiousness and power consciousness, and the distortion of values that blinds people to more profound and important
issues. Two major interest groups establish themselves: the *populares* who support the exclusive interests of the populace, and the *optimates* who support the exclusive interests of the upper class. Each is equally responsible for the break-down of state unity and stability. Only a tiny minority is interested in the *totum corpus rei publicae*.

There is an enormous difference between this statement and the *pro Sestio* description of political groups. There *optimates* were the *boni*, primarily concerned with the welfare of the state as a whole. Disinterestedness was their alleged chief quality and highest goal. Only the *populares* were opportunists and these were numerically fewer since the whole of Rome and Italy, all classes and ages, poured its reserves into the ranks of the *optimates*. On the basis of Cicero's tendentious definition, the *optimates* then were what the *pauci universorum* are now.

Experience had battered Cicero's hopes in the *optimates*; they had simply become an avid interest group clinging to its own rights and property, no less narrowminded than the *populares*. By the time of the *de officiis* in 44 the moral

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1 cf. *Sall. Iug.* 42.4-5.

2 From as early as 60 on, Cicero despairs of the *nobiles* eg. *Att.* 1.18.6; 5.19.6. *Fam.* 12.4.3. After a time even Cato disappointed Cicero: *Att.* 2.1.8.
content of optimi quiōque has practically disappeared. The phrase is little more than a technical term for nobiles or aristocrats in the same sense as optimates is used of Greek oligarchs.

Most of the other occurring instances of popularis in the works of this period are not political. Frequently the word is a synonym for populi as in populares leges¹ (as opposed to caelestes leges) and popularis largitio,² a largess to the people. Often too it signifies 'national' or 'civil' and is synonymous with forensis and civilis, as in forenses atque populares artes³ and res populares⁴ (as opposed to res militares). Occasionally popularis carries connotations of ordinariness and popularity in relation to the style of oratory or writing that is suited to popular taste, as in populare genus librorum,⁵ the exoteric style of philosophical writing.

Apropos of this sense of the word it is useful to consider Cicero's attitude towards the oratory of populares.

1 de leg. 2.9.
2 de offic. 2.58; cf. Acad. 2.4; de leg. 2.22; Brut. 114.
3 de fin. 3.4.
4 de leg. 2.21.
5 de fin. 5.12.
His supreme understanding of the theory and practice of oratory gives him a professional integrity in which, almost without exception, political divisions play no part. Thus it is not surprising to find that populares rank very highly in Cicero's critical estimate of orators. Indeed he states that oratory is in essence a popular art: 'popularis est enim illa facultas et effectus eloquentiae est audientium approbatio.' The real test of the consummate orator is his ability to convince the people in a contio, not a handful of erudite judges in camera. Moreover in a free state such as the Roman republic, the unrestricted oratio popularis is vital to the preservation of political freedom. Cicero himself has delivered orationes populares, notably the pro lege Manilia and de lege agraria, where his purpose was predominantly to win the approbation of the populace. Every prominent politician whatever his viewpoint, and whether his purpose is to persuade or dissuade, must at some stage have recourse to a contio. This was a fact

1 Tusc. Disp. 2.3.
2 Brut. 184f.
3 de orat. 30f. cf. Tac. Dial. 36f. Liv. 31.44.3.
4 Tusc. Disp. 2.3.
of Roman political life. The contio indeed could separate the sheep from the goats: 'contio...tamen iudicare solet quid intersit inter popularem...et inter constantem....'\(^1\)

The form of an oratio popularis, then, does not of itself denote demagoguery or revolutionary tendencies.

The case of L. Licinius Crassus illustrates the point:

\[\text{mihi quidem a pueritia quasi magistra fuit, inquam, illa in legem Caepionis oratio; in qua et auctoritas ornatur senatus, quo pro ordine illa dicuntur, et inuidia concitatur in iudicium et in accusatorum factionem, contra quorum potentiam populariter tum dicendum fuit.}\(^2\)

This is a reference to Crassus’ unsuccessful defence of Servilius Caepio, whose lex Servilia iudiciaria sought to restore full judicial rights to the senate to the exclusion of the equites, and thereby to repeal the law of C. Gracchus in 122. The need for a popularis oratio was essential.\(^3\) Cicero’s own speech in a contio in 63 is pre-eminently pro-senatorial.

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\(^1\) Lael. 95.

\(^2\) Brut. 164.

\(^3\) Cicero represents Crassus as a popularis sympathiser in his youth: 'uoluit adulescens in colonia Narbonensi causae popularis aliquid attingere eamque coloniam ut fecit ipse deducere.' (Brut. 160) This settlement scheme resembled a project of Ti. Gracchus. (Livy Per.60)
Naturally the *popularis oratio* is the medium of the *populares*. The step to turbulence and demagoguery therefore might not be a long one. It is worthwhile to consider the descriptive outline of the oratory of various *populares* given by Cicero in the *Brutus*. The Gracchi and C. Carbo are the first mentioned: *utinam in Ti. Graccho Gaioque Carbone talis mens ad rem publicam bene gerendam fuisset, quale ingenium ad bene dicendum fuit; profecto nemo his uiris gloria praestitisset.*

Cicero bases his opinion on the evidence of tradition since the best speeches of both orators had not survived. Both, he claims, as *adulescentes ingeniosissimi et prope aequales* had learned from the great orator, M. Aemilius Lepidus. Tiberius, thanks to the early efforts of his mother, Cornelia, was thoroughly versed in Greek and had been instructed by some of the most outstanding Greek teachers of the day, notably Diophanes of Mytilene. His brother, Gaius, had also been taught by an Asiatic Greek, Menelaus of Marathus. It has been suggested that these

1 Brut. 103. cf. 333.
2 Ibid. 104.
3 Ibid. 96.
4 Ibid. 104.
5 Ibid. 100.
references are evidence for the connection between the politics of the *populares* and Greek philosophical theories and political practice. Cicero himself nowhere refers to the relationship between Greek teaching and the economic or political policies of the Gracchi in terms of cause and effect. It is probable, because of his historical proximity, that he never saw such a connection. Cicero reveals little interest in trying to establish the historical reasons for the emergence of the Gracchi. Neither does he ever critically assess the real nature of Greek influence on their oratory. He mentions their Greek-biased upbringing with no more emphasis than that of an incidental anecdote.

The chief objection to Tiberius and Carbo is moral and political. Tiberius was a *turbulentissimus* tribune while Carbo was irrevocably given over to *popularis leuitas*. The important thing is that Cicero does not let this bias colour his appreciation of their oratory: 'sed fuit uterque summus orator.' It is good to spell out this example of Cicero's capacity for objectivity.

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His admiration for the eloquence of Gaius Gracchus is superlative:

> sed ecce in manibus uir et praestantissimo ingenio et flagranti studio et doctus a puero C. Gracchus. noli enim putare quemquam, Brute, pleniorem aut uberiorem ad dicendum fuisse...damnnum enim illius immaturo interitu res·Romanae Latinaeque litterae fecerunt. utinam non tam fratri pietatem quam patriae praestare uoluisset. 1

The same level of admiration is found elsewhere in Cicero's works. 2 Indeed it might be said that this was the one quality of Gaius which Cicero could praise with clear conviction. The rest of the picture of the tribune only disturbed and confused Cicero. Unreserved appreciation of Gaius' oratory remains the single consistent element in an otherwise fluctuating and contradictory series of references. The Gracchi, whatever else they were, were outstanding orators.

Nearly all of the orators of the first century who spoke in *populare genus dicendi* are tribunes of the plebs, and, to Cicero, *seditiosi*. Cn. Carbo and Marius Gratidianus were well suited to the turbulent contiones, 3 as were

1 Brut. 125-6.
2 eg. pro Font. 39: 'nostrorum hominum longe ingeniosissimus atque eloquentissimus C. Gracchus'. cf. pro Rab. perd. 4.14-15; har. resp. 41.
3 tr.pl.92. cf. Brut. 223; Gratidianus, praetor 85. cf. Brut. 223
Quinctius and Lollius Palicanus to the *aures imperitorum*.\(^1\) Cicero disparages not the oratory but the politics of these men. *Sp.* Thorius on the other hand is quite acceptable.\(^2\) The most outstanding speaker after the Gracchi was Saturninus.\(^3\) His colleague Servilius Glauceia was likewise a clever and successful speaker, closely resembling the Athenian demagogue, Hyperbolus.\(^4\) The latter in *de re publica* is *popularis homo improbus in re publica seditiosus*.\(^5\) Considerably later the Metelli brothers adopted the popular style.\(^6\) It is clear that Cicero implies, or states explicitly, moral or political criticism of all these figures whom he brands as *improbi* and *populares*, but he manages nevertheless to remain reasonably detached in his appraisal of their rhetoric. Thus *popularis* in connection with oratory is far from being a pejorative word. It refers to style before a large audience, and the ability to mobilise public opinion, rather than to the content of the speeches themselves.

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1. On both *Brut.* 223.
2. *Brut.* 136; *de orat.* 2.284.
4. Ibid.
5. *de rep.* 4.11.
rather than to the content of the speech delivered. The final text under consideration is Cicero's last great series of speeches, the Philippics. Cicero at the time was the most prestigious consular alive and had resumed a position of active leadership in the senate against Antony. The optimism and self-confidence that inspired these attacks is reminiscent of the spirit of Cicero's consulship.

In the Seventh Philippic, delivered some time after January 4, 43, Cicero reiterates the theme already expounded in the first speech: the undesirability of the senate's capitulation to the truculent Antony. He charges the latter's pacifist friends in the senate with trying to manoeuvre senatorial opinion towards peace:

atque haec ei locuntur, qui quondam propter levitatem populares habebantur: ex quo intelligi potest animo illos abhorruisse semper ab optimo ciuitatis statu, non uoluntate fuisses populares. qui enim euenit ut, qui in rebus improbis populares fuerint, idem in re una maxime populari, quod eadem salutaris rei publicae sit, improbos se quam popularis esse malint? me quidem semper, ut scitis, aduersarium multitudinis temeritati haec fegit praeclarissima causa popularem.  

1 The date of the Sixth Philippic.

2 Phil. 7.2.4.
Cicero's argument runs as a quasi-paradox. The senatorial friends of Antony were formerly called populares. But their present behaviour shows that they were never true populares, but populares for all the wrong reasons and with all the wrong effects. At the present moment in a matter pre-eminently concerning the people's interests, they act as improbi. The peace they are advocating is in reality servitude.

Now it is clear that of the consular friends to whom Cicero here alludes Fufius Calenus (cos. 47) was the chief. It is also clear that leuitas and res improvae are specific allusions to the activities of Calenus as leuissimus tribunus plebis in 61, when he had encouraged and protected Clodius. Cicero is bitingly sarcastic on this point in the Eighth Philippic: 'excogitare quae tua ratio sit, Calene, non possum. antea deterrere te ne popularis esses non poteramus: exorare nunc ut sis popularis non possumus.' Again the paradox form: once Cicero tried to dissuade him from being popularis.

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1 Dolabella (cos. suff. 44) may also be included. Calenus is the target for some of Cicero's most violent abuse in the Philippics.
2 cf. Att. 1.14.1. Calenus had proposed the bill to constitute the court for the trial of Clodius for sacrilege. cf. Att. 1.16.2. Ascon. 45C.
3 Phil. 8.6.19. cf. 4.11f. cf. Phil. 1.9.21.
Now he cannot persuade Calenus to consider the real interests of the people and be a genuine popularis.

The logical underlying assumption of these passages is that the true popularis - not the double-dealing improbus - is high-principled and loyal to the state. Moreover, he is useful as a mediator in crises that involve the people. This distinction between improbi and populares is exactly the same as that expressed in the de lege agraria. Cicero is once more attempting to justify the role of the popularis in the body politic. And just as in the past, Cicero endorses the new concept by again proclaiming himself the ideal popularis. The reasoning is precisely the same: the fact that he is a dedicated supporter of the optimates and the enemy of a Calenus or an Antony verifies his integrity as a popularis. There are exuberant references to his re-adopted role: 'nihil est in me inane...neque enim debet...sed tamen omnium ordinum consensus, gratiarum actio gratulatioque me commouet propterea, quod popularem me esse in populi salute praeclarum est;'¹ and 'itaque ad me concurritur, factique iam in re salutari populares sumus.'² This is exactly

¹ ad Brut. 1.3.2.
² Fam. 12.4.1.
the same kind of exhilaration that found expression in 63. It is striking to realise the importance that after twenty years Cicero still attaches to the word and that leads him to want it for himself. His attitude to the normal concept of *popularis* and his reconstruction of the concept have persisted unmodified. Despite greatly changed political circumstances, he is still compelled to approach his audience via the calculated effect of a political word.

In the Fifth Philippic a noteworthy side-comment is made regarding Caesar's political career:

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utilam C. Caesari...contigisset adulescenti, ut esset senatui atque optimo cuique carissimus. quod cum consequi neglexisset, omnem uim ingenii, quae summa fuit in illo, in popularis levitate consumpsit. itaque cum respectum ad senatum et ad bonos non haberet, eam sibi uiam ipse patefacit ad opes suas amplificandas quam uirtus liberi populi ferre non posset. ¹
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Although in this statement Cicero begins by referring to Caesar's behaviour as *adulescens*, he implies that Caesar practised *popularis levitas* all his political life, even until the time of his assassination. Indeed, the full implication is that it was his continued wilful adherence to *popularis levitas* that caused his assassination.

¹ Phil. 5.18.49.
Cicero has thus come full circle in his application of *popularis* to Caesar, as he has also come in its application to himself.

Cicero's usage of *popularis* is almost the continuous story of his political career. Its application at key stages throughout his life reveals not only its significance for Cicero himself but its importance and currency in the political vocabulary at Rome in general. *popularis* was clearly a word that could not be ignored by anyone in the political arena. Moreover, the area and manner of Cicero's usage illustrate that the word possessed great propaganda force: it is this acquired connotative force that compelled Cicero to arrogate *popularis* to himself (both in 63 and 43) and to dislodge it from his opponents.

Cicero's attitude to *populares* contains two conflicting strands of thought. The first sees in the reality of *populares* evil, subversive demagogues, who do not observe the traditional rules of political conduct and who appeal to the *plebs urbana*. Sometimes, though rarely, this appeal is in the interests of the people; sometimes, usually, it is purely for the advantage of the opportunist *popularis*. In any case the ultimate effects of the appeal are deleterious to general *concordia*, and importantly to *auctoritas senatus*. In maintaining this view, Cicero
presents those who practise *popularis leuitas* in the worst possible light: they operate not to promote general welfare but to dislocate and overthrow the whole constitution and existing social and economic order of the state.

But Cicero's attitude to *populares* is by no means so clear-cut. Again and again he reveals a reluctant sympathy with the vague concept of the *popularis* as representative of the people. He intuitively feels that it is the special interests of the people that he himself should support. He cannot develop this notion to its fullest logical point since this would involve acceptance and approval of the very same *populares* whom he despises. In its place, he attempts to reconstruct a new image and ideal of the *popularis* as the optimates who works for the whole *populus Romanus*, not one section of it as opposed to another section. This is the sort of *popularis* that he himself tries to be, and that he sometimes claims Caesar is. Such a *popularis* no longer exhibits any of the typical characteristics of opposition and agitation but is fully identified with orthodoxy and the *optimates*. Thus on the one hand *populares* are dangerous and opportunist politicians; on the other they should be
statesmen of the highest order. Throughout his political life, Cicero is torn between these two irreconcilable attitudes. 1

The historian, G. Sallustius Crispus, shared with Cicero the bitter experience of seeing the republic destroy itself. Superficially the two men are alike; both were novi homines, both had been actively engaged in politics and public office; both had turned in disillusionment to literature and composition. Moreover, for each the Catilinarian conspiracy was of crucial importance, featuring large in their political and moral consciousness. Sallust's approach to the incident is quite different from Cicero's but, on the whole, their accounts reveal similar attitudes and the same level of indignation.

In the light of these similarities, it is striking to find in Sallust's writings the total absence of the word popularia in its political application. Neither does Sallust use optimus; the nearest is boni.

1 See Table Four, p.277 for a list of individual populares in Cicero.
III

popularis and other authors

The historian, C. Sallustius Crispus, shared with Cicero the bitter experience of seeing the republic destroy itself. Superficially the two men are alike; both were *noui homines*, both had been actively engaged in politics and public office; both had turned in disillusionment to literature and composition. Moreover, for each the Catilinarian conspiracy was of crucial importance, featuring large in their political and moral consciousness. Sallust's approach to the incident is quite different from Cicero's but, on the whole, their accounts reveal similar attitudes and the same level of indignation.

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¹ It should be remembered that in the Catilinarian speeches, Cicero uses *popularis* only sparingly and then with reference to Caesar. (see p.141f.supra) It is not, however, only on the basis of their respective treatment of the conspiracy that the usage of the two writers can be compared. ²Cat.19.2. I have not used the *suasoriae* or *inuectiua* in my discussion of Sallust. Syme's arguments against the authenticity of these works are convincing. See his *Sallust*, Berkeley 1964, App.11, 313-351. *popularis* is not used in a political sense in these works.
Cicero's usage would suggest that these two words were indispensable in describing late Republican politics. So much are they identifiable labels that Sallust's omission is like that of a modern historian who, in analysing contemporary Australian politics, did not use the words Liberal or Labour. We are further surprised to discover that Sallust uses no recognisable synonym for *populares*. This omission is significant. In it can be seen the fact of two independent minds writing in the same period about similar themes and obviously seeing Roman politics from very different points of view.

*popularis* does occur but in a restricted non-political sense. The most frequent usage is that found in the *bellum Iugurthinum* as a substantive signifying 'a member of a common nation, a fellow-citizen'.¹ In the *Catilinae coniuratio popularis* has a slightly different signification as 'an ally or partner in a common enterprise' eg. 'igitur comitiis habitis consules declarantur M. Tullius et C. Antonius. quod factum primo popularis coniurationis concusserat.'² This expression, occurring twice in...

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¹ eg. *Iug.* 3.2; 7.1; 35.9; 48.1; 58.4; 70.2; 74.1.
Sallust's narrative and once in a speech of Cato is a simple equivalent to *conscii coniurationis*. ¹ In Caesar's speech the conspirators are *illi, tales homines, parricidi.* ² The fact that Sallust does not dwell on *populares coniurationis* with any more emphasis than on these other expressions establishes that the phrase has no special significance. A corrupt reading in the *bellum Iugurthinum* admits the possibility of the political usage of *popularis*: 'ceterum mos partium popularium et senatus factionum ac deinde omnium malarum artium paucis ante annis Romae ortus est.' ³ The manuscript readings of this passage are as follows: ⁴ *senatus* (or *senatores*) occurs in all good MSS (except N); *popularium* occurs in all good MSS (except m'). Some editors bracket both *popularium* and *senatus* as glosses. ⁵ Lily Ross Taylor on the other hand brackets *senatus* but retains *popularium*, ⁶ on the grounds, as I see it, that the

¹ The expression used by Cato/Sallust, *Cat.* 37.1.
² *Cat.* 51.15, 16, 25.
³ *Lug.* 41.1.
⁴ These readings are extracted from the *apparatus criticus* of A. Kurfess’ Teubner edit. (Leipzig 1957), p.88. cf. Taylor, op. cit., p.191, n.44.
⁵ Kurfess brackets both.
⁶ See also Taylor’s review of Hellegouarc’h (op. cit.) in *AJF* 86 (1965) p.330.
word is necessary to explain partes. factio then must be self-explanatory as a recognizable synonym for senatus or nobles.

The words factio and partes are not used by Sallust exclusively to designate two distinct political groupings. partes is connected on one or two occasions with populi but is by no means so restricted. It is for example a general term of division covering in an abstract sense both senate and people without distinction. Similarly factio while most frequently employed in relation to nobles, also describes the conspiracy of Catiline, a citizen of Lepcis and a general tendency towards factiousness. Each word may have its own colour in so far as factio is most commonly associated with the nobles and partes with their opponents, but the loose and overlapping nature of their usage does not allow a clear-cut sense. Most scholars of Sallust indeed have given a

1 Iug. 43.1; 40.2.
2 Iug. 41.5; Cat. 37.10. cf. Cic. de rep. 1.31.
3 Cat. 22.2.
4 Iug. 77.1.
5 Cat. 18.4; 51.32, 40. On factio see Taylor op. cit. p.9f, and Wirszubski, Libertas, p.104: "...through excessive use this word also lost its original meaning of an oligarchical clique, and became a somewhat vague term of political abuse."
contrast to be made. It seems invalid therefore to interpret the \textit{Iug.} 41.1 reference in terms of specific groups. If, according to Professor Taylor, \textit{partes} needs \textit{popularium}, why does not \textit{factio} need a similar explanatory term of reference such as that found in the MSS? I prefer to read both as glosses and to suggest that Sallust is simply describing the general broad tendency of Roman politics towards schism and factiousness. \textit{factio} and \textit{partes} bolster up each other for repetitive effect, with the implication that the tendency towards schism came from both sides. If the reading of \textit{popularium} is accepted the pertinent question arises of why Sallust in this instance only felt it necessary to use a word which he does not use elsewhere in his works.

The investigation of Sallust must not end with the observation that he does not use \textit{popularis} in a political sense. Most scholars of Sallust indeed have given a statistical statement of usage without attempting to identify the possible factors that might have influenced Sallust's particular approach\textsuperscript{1} to this word. Although

\textsuperscript{1} As have Syme, \textit{op. cit.}(S) and Taylor, \textit{op. cit.}. The comments of the latter (pp. 13-14) touch the surface of the problem but by no means satisfactorily explain the omission of usage in Caesar and Sallust.
we can only conjecture, some attempt at diagnosis seems essential. Much of what will be said regarding Sallust's political viewpoint and purpose in writing is dependent upon the recent analyses of Earl and Syme. I propose simply to relate certain generalities to the specific issue of why Sallust does not use popularis.

Two strands of evidence are relevant: first, the external facts of Sallust's political career, and second, the political attitudes expressed in his historical works. Documentation of Sallust's life is slight but the essential facts emerge. In 52 as tribune of the plebs with Munatius Plancus and Pompeius Rufus, he supported Clodius against Milo and Cicero. After 52 Sallust followed a variegated career, being thrown out of the senate in 50 and re-emerging as an agent of Caesar in the African Campaign of 47. Demonstrably, then, Sallust was a vigorous tribune who fought against the optimates, and an adherent and friend, at least to some extent, of the popularis Caesar.

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2 Ascon. 37, 44-45, 49C.
3 To Cicero these tribunes were abiecti homines ac perditī (pro Mil. 47)
4 Syme, op. cit. (S) 36f.
The internal evidence is not so straightforward. In none of Sallust's works can the direction of political opinion be considered categorically pro-Caesar or categorically anti-nobles. The total impression is one of profound disillusionment with the whole of Roman politics, Caesarians and nobles alike. The portrait of Caesar, for example, is palpably ambiguous: on the one hand Sallust seems anxious to defend the dictator, on the other, it is Cato who emerges strongest in the comparison drawn in the *Catilinae coniuratio*. Sallust's implied justification of Caesar is that he overthrew a republic that was not worth saving. By no means does Sallust appear as Caesar's apologist.

We need not think solely in terms of Caesar and Caesarians as constituting opposition to the nobles. Sallust's attitude to traditional champions of the plebs is no more positive or enthusiastic. If Sallust is to be considered a popular propagandist, we should reasonably expect him to praise the popular leaders and to fly a popular flag. And this Sallust does not do. He

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1 Cat. 53. 6-54.6.
2 Syme, (S) 2, 121, 123.
advocates no political line, no party or policy. It is useful to compare the attitudes of Sallust and Cicero in regard to well-known popular figures of the past. First the Gracchi. References are few but memorable. One statement of central importance occurs in a digression in the bellum Iugurthinum on the state of political morality at Rome. The emotional tone is set for the introduction of the Gracchi in a passionate lament on the decline of pre-Third Punic War virtus and the exacerbation of ambitio, superbia and licentia under the selfish rule of oligarchic nobiles. The Gracchi, themselves nobiles of a distinguished family, appeared on this scene of corruption as progressive reformers: "...uindicare plebem in libertatem et paucorum scelera patefacere coepere." The nobiles resisted and the Gracchi, intent upon victory, were killed. In reaction the plebs were harshly oppressed.

Sallust's sympathies with the Gracchi are not, however, unqualified. Compared with the nobiles the Gracchi were boni but their methods revealed the extent to which they

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1 Iug. 41.10; 42.1.
2 Iug. 42.1.
3 Iug. 42.4-5. cf. 16.2.
too were affected by the *cupido* that pervaded the whole country. Sallust's axiomatic remark 'bono uinci satius est quam malo more iniuriam uincere'\(^1\) contains his criticism: the Gracchi were too reckless to achieve any profound or effective results. 'et sane Gracchis cupidine victoriae haud satis moderatus animus fuit.'\(^2\)

The same picture is painted in the inflammatory harangue of the tribune Memmius recreated in the *bellum Iugurthinum*. This speech is remarkably similar in tone, language and content, to Sallust's own digression on morality. A new aspect of the Gracchi is introduced: the charge of *regnum* levelled by their jealous *nobiles* opponents.\(^3\) Memmius is spiritedly sarcastic: 'sed sane fuerit regni paratio plebi sua restituere; quicquid sine sanguine ciuium ulcisci nequitur, iure factum sit.'\(^4\) To Memmius and to Sallust the charge *regnum* was no more than a useful

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1 \*Iug.* 42.3.
2 \*Iug.* 42.2. Sallust's conception of the corruptive force of *cupido* on initially sound intentions is very similar to Livy's. \(q.v.p.p.30, 59, 63 \textit{supra} \).
3 \*Iug.* 31.7: *regnum parare*
4 \*Iug.* 31.8.
propaganda weapon. In the same way Sallust makes the sole *causa agendi* of the Gracchi the assertion and recovery of *libertas plebis*. ¹

In this tendency to oversimplify and emphasize politics alone, Sallust is very like Cicero. Neither could perceive the social and economic factors that gave rise to the intervention of the Gracchi. Cicero saw the problem in opposite terms but his interpretation is limited in exactly the same way.² Moreover, both authors speak of the Gracchi as a single unit, thereby ignoring the important differences between the two.³

There is however one outstanding intellectual difference between Sallust and Cicero. As we have seen, Cicero, quite apart from the deliberate vacillation to suit his audience and immediate purpose, is confused by the fact of the Gracchi, and as we might expect, hostile. To him the Gracchi are more than anything else a crude symbol of

¹ *Iug.* 42.1; 30.3. *libertas* is invoked also by Catiline. (Cat. 20.7-8) On Sallust's use of *libertas* see Earl op. cit. pp. 55-57.

² Cicero speaks of the *dominatio* of Ti. Gracchus from which Scipio liberated the state. (in *libertatem uindicare*) Brut. 212. cf. *de offic.* 1.109: 'qui Ti. Gracchi conatus perditos uindicauit' and *har.* resp. 19.41.

³ Especially in regard to the area of opposition to the two. cf. Earl, op. cit. pp. 57-58; Syme (S) p. 171 and T. Carney, 'Rome in the Gracchan Age,' *Theoria* 15 (1960) 38-42.
destructive opposition and demagoguery. Cicero of course is not concerned with interpreting the broad sweep of history that fascinated Sallust. Sallust's interpretation of the Gracchi may be oversimplified and insufficient but in contrast, Cicero's random statements appear inadvertent clichés. Sallust is primarily concerned with historical cause and effect; Cicero would prefer to forget that the Gracchi had ever happened.

Sallust's portraits of other popular leaders are similarly balanced. Marius, for example, starts off well as a defender of virtus and novitas but in the end ambitio and cupidó destroy him. Cicero's portrait is different and unconvincing. It contains uncritical contradictions rather than considered qualifications. On the one hand Marius is diuinus uir, conservator patriae, parens libertatis, on the other he is omnium perfidiosissimus.

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1 Vig. 63.2, 3, 6.
2 Vig. 63.6: postea ambitione praeceps datu s est.
3 Cíc. Sest. 50, 37.
4 pro Rab. perd. 10.27.
5 nat. deor. 3.80 cf. Att. 10.8.7. Marius is never popularis in Cicero. Sallust's treatment of Memmius is similar to that of Marius: the ultimate impression is of a misguided demagogue. Cicero refers to Memmius without any enthusiasm. (Brut. 136) It is surprising that a tribune who takes such an anti-nobiles line in Sallust is not rated improbus or popularis by Cicero.
It is clear from his isolated references that Cicero had not fully thought out his estimate of Marius.

Sallust's appraisal of the tribunate shows a similar moderation. Though sympathetic with the popular function of the tribunate, he registers distinct dissatisfaction with the uses to which it was put after 70. A passage in the *Catilinae coniuratio* shows that to Sallust the tribunate formed the nucleus around which the people's opposition or 'party' assembled. 1 Tribunes are seditiosi; 2 they act not for the state but out of hatred of the nobiles or for self-aggrandizement. They compete with as much vigour and cynicism as the nobiles in the ruthless struggle for power.

It is clear from these remarks that Sallust is not a propagandist for any political cause. If we must, we could perhaps make him a champion of the noui homines, or at least of political moderation and the middle-of-the-road approach which noui homines might be presumed to follow. In the light of his deeply felt opposition to extremes of political behaviour, it is all the more surprising that he does not employ populares or optimates.

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1 Cat. 38.1f.
2 Lug. 73.5.
the two key words in a self-identified optimates's
description of contemporary politics. The argument
that usage implied identification with specific individuals
is unacceptable. On the strength of Cicero's presentation,
Sallust's own activities as tribune in 52 might well have
merited the description *popularis*. Cicero himself alludes
to Sallust as *perditus*, \(^1\) a term which in many contexts is
virtually synonymous with *popularis*. \(^2\) We may presume
that to Cicero, Sallust was in effect *popularis* at least
during his tribunate. Moreover, if *popularis* has quite
precise connotations of Caesarian sympathy, Sallust could
still be considered *popularis* as late as 47. It seems
unlikely, however, that at the time when Sallust wrote
(after both Caesar and Cicero were dead), he would still
have baulked at using a word which might have allusively
coloured or classified the past decade of his own career.
Again, *popularis* may have been an offensive word to Caesar,
but why would Sallust consciously avoid its usage long
after Caesar was dead, and when his expressed attitude to
Caesar is patently critical? What offence could he have
\(^1\) *pro Mil.* 47.
\(^2\) *qv.* p.258f. *infra.*
given by this one term that he did not give in the rest of his analysis? Furthermore, it would appear that the pretensions of both words would in themselves have presented excellent material for critical attack consistent with his whole general thesis. The moral and political superiority contained in *optimates* and the altruistic concern for the people presumed in *populares* both provided a richly exploitable field for Sallust's claim that all politicians of whatever sympathy acted under *honesta nomina*.\(^1\)

Cicero is a prominent example of such a politician. His *nomina* had reached the point of absurdity. Perhaps indeed it is this very dislike of political double-talk and equivocation that explains why Sallust does not attempt to redefine *popularis* (if he found it so distasteful) to suit himself and Caesar or adapt it to the genuine *causa plebis*.

Sallust must have been familiar with the words. Even if they were not as current as Cicero would have us believe, it seems highly unlikely that Sallust would not have read, or heard of, the *pro Sestio* for example, and Cicero's striking typological division of the state.

\(^1\) *Cat.* 38. 3.
Sallust's own typology consists of two immutably hostile units, nobiles and plebs, a formulation that at once breaks down since the factiones and partes of which he speaks were not composed on a sociological or class basis at all. He does recognize that the first critics of the nobiles, thereby recognising that political strife can originate from within the ranks of the nobiles, but he makes no allowance for this in his applied terminology. plebs is not a synonym for populares. There is more of an equation between nobiles and optimates since the central core of Cicero's optimates are the senators and aristocrats. On the whole Cicero's categories more closely approach reality: optimates (ideally) can include the plebs, while populares can be drawn (and usually are) from the nobiles. Cicero's optimates do not constitute an oligarchic factio. To this extent Cicero's description in the pro Sestio, for all its tendentiousness and inherent confusion, reveals a truer and more flexible understanding of political realities. If such a two-fold typology had to be made (and this was inevitable), Cicero's terminology is more useful.

The basic conceptual difference between the two writers is seen in their attitudes to the Republic.
Cicero has great faith in the Republic and is optimistic even, as in 56 and 43, when the odds seem hopelessly stacked against him and the survival of constitutional order. He uses the terms *optimates* and *populares* to express this optimism and to mobilise public opinion. Sallust on the other hand is profoundly pessimistic. The whole tenor of his histories shows that he believed the Republic was rotten at the core and not worth saving from final destruction. From the outset, then, terms such as *optimates* and *populares* do not have anything like the same significance for Sallust.

It is scarcely feasible to conclude that *popularis* was not a widely-known term in political circles of the late Republic. Nevertheless, while Sallust's omission does not prove that the word did not automatically spring to mind in connection with dissident or anti-senatorial elements or popular legislation, it does show that at least the usage of *popularis* was not indispensable to an historian's description of contemporary politics.

Caesar does not use the terms either. The omission in his case can perhaps be better explained since in the first place he does not attempt to present a descriptive political typology of the Roman state. His language
and terminology apply solely to himself and to his personal enemies; his writings are purposefully designed as propaganda for his own cause. His view is by nature partisan. But the method adopted is very different from that found in the tribunes' speeches in Sallust or the public speeches of Cicero. There is no emotional mudslinging or irrational political abuse. Contempt and indignation are there but their expression is pruned to its simplest and sharpest form. This quality of understatement and the light but firm touch have a powerfully trenchant effect in showing up his opponents to be petty, narrow-minded and vindictive. Rational factors like timing were more important than emotional invective. It has been shown for example that the publication in 51 of the seven books of the *Gallic War* was a deliberate manoeuvre to forestall hostile reports from the senate's *acta*.\(^1\) Caesar's appeal is to logic and reason. Loaded words thus occur only occasionally in Caesar. He uses *factio* of his enemies in the senate only once.\(^2\)

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1 Suet. *Iul.* 20.1. Barwick's 'Zum Bellum Gallum' *Philol.* (suppl.) 31 (1938) 100ff. was not available to me. cf. Taylor, op. cit. pp. 157, 234 n. 63.

2 Hirtius (who finished the *BG*) employs *factio* in connection with Roman politics only once (*BG*. 8.50.2). cf. Taylor, op. cit. p. 189 n. 35.
The passage is worth quoting as it illustrates Caesar's method:

cuius (sc. Lentulus Spinther) orationem Caesar interpellat: se non malefici causa ex provinciæ egressum sed uti se a contumeliis inimicorum defenderet, ut tribunos plebis in ea re ex ciuitate expulsos, in suam dignitatem restitueret ut se et populum Romanum factione paucorum oppressum in libertatem uindicaret.¹

All the tendentious language is there but it is presented without emotional involvement as a simple and detached statement of truth. It is not difficult to be sympathetic with a cause championed with such apparent objectivity.

Similarly Caesar uses partes rarely to describe political divisions. The word is put into the mouth of envoys of Marseilles who reported to Caesar

intellegere se divisum esse populum Romanum in partis duas. neque sui judicii neque suarum esse virum discernere, utra pars iustior em habeat causam. principes uero esse earum partium Cn. Pompeium et C. Caesarlem, patronos ciuitatis...²

 partes refers to the personal followings of the two military leaders.³ factio paucorum on the other hand

¹ BC. 1.22.5.
² BC. 1.35.3-4.
³ Cicero also uses the word in this way eg. Verr. 2.1.35; in Cat. 4.6.13.
denotes Caesar's enemies in the senate, the equivalent to Cicero's optimates and Sallust's nobiles. No word is specifically employed to describe Caesar's own following. The author is more subtle in designating his 'side': he identifies his own dignitas with the libertas of the populus Romanus. Caesar and the people are one in their complaint against the factio; the entry into Italy in 49 was aimed at liberating both. Only a few in the state (pauci) did not share his studium and iracundia.

Explicit statements such as these regarding political divisions are as rare as they are terse. There was no need for more elaborate description: the political conflict was the sine qua non of his work. Thus we are not too troubled by Caesar's omission of popularis and optimates. The latter term must always have been repugnant to him. His habit in his writings was not to lampoon and blast, and the usage of the term for any other purpose was out of the question. popularis presented a different problem. Evidence from Cicero is revealing.

1 cf. Cic. Att.7.9.4. where factio describes the triumviri.
2 Caesar describes the law of 52 which allowed him to stand for the consulship in absentia as beneficium populi (BC 1.9.2; 32.3)
3 BC 1.8.3.
His many references show quite clearly that Caesar was recognised publicly as a popularis. We recall the passage in the fourth Catilinarian speech where Caesar is named as a true popularis devoted to the interests of the people, unlike Crassus who only wanted to be popularis. Cicero by this remark was not being intentionally offensive. About a year later, however, and throughout the period 61-59, popularis in connection with the triumvirī became unequivocally opprobrious. There is no public expression, only the clandestine hostility of Cicero's letters to Atticus. The tenor of Cicero's allusions would indicate that Caesar (and Crassus and Pompey) had arrogated the name to himself, or at least acknowledged and exploited its application. There is certainly no suggestion at this time that Caesar objected to the label.

In 56 however in his speech de provinciis consularibus, Cicero publicly dissociated Caesar from popularis and transformed him into an optimāte. The reasons for this awkward and absurd reversal are not altogether clear. It has already been shown that after his pro Sestio analysis

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1 In Cat. 4.5.9-10 qv. p. 143 supra.
2 qv. p. 155 supra.
3 prov. cons. 38. qv. p. 178f. supra.
delivered a few months earlier in 56, it was impossible for Cicero to apply popularis to the man he was now openly supporting. A second though unsubstantiated explanation is that Caesar himself was anxious to shed the label. If Caesar attached the importance to Cicero's public speeches that this conjecture would presume, it is obvious that the deliberately hostile terms of the pro Sestio definition were detrimental to Caesar's public relations (and these Caesar by no means ignored as his own commentaries show). Thus a mild sort of revisionism was necessary, with Cicero acting as P.R. man. Only when the dictator was dead and the force of compulsion removed did Cicero in public again use popularis directly of Caesar. These threads drawn from Cicero help to explain the absence of popularis in Caesar. Clearly it was a word the acquired opprobrium of which he had come to dislike in reference to himself. Since no other application was admissible, he does not use it at all. The question of why Caesar did not trouble to justify popularis in relation to himself (as he had justified his whole political career) remains unanswered.

Another Republican document which I shall discuss briefly is the anonymous rhetorica ad Herennium (or
My reasons for including this work relate to its alleged *popularis* bias and authorship which, it is claimed, are evidenced by the author's frequent historical allusions. These allusions occur in the form of citations to illustrate declamatory method. All feature either as rhetorical commonplaces or as examples of some rhetorical device or figure. As such, they are mere stock-themes and cliches of history and politics. None are the product of the author's own thought and none receive any comment or elaboration. Let me illustrate.

The following is an example of *similitudo* or Analogy:

*'noli, Saturnine, nimium populi frequentia fretus esse. inulti iacent Gracci' and of *reduplicatio*: 'tumultus, Gai Gracce, tumultus domesticos et intestinos comparas.'

Every historical allusion occurs in this form.

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3 *rhet. ad. Her.* 4.67.

4 Ibid., 4.38.
The extrinsic significance of these examples, or their importance in relation to the auctor incertus, or to any political thinking whatever, is negligible. There is no over-all pattern in these references which might reflect deliberate choice by a popularis teacher or contemporary sectional opinion at Rome. What is reflected is a strong practical interest in Roman history, notably recent history, as opposed to the traditional interest in Greek history and mythology.¹

In view of the fact that few individuals are explicitly mentioned in the treatise, the names of popular figures like the Gracchi, Saturninus, Drusus and Sulpicius might seem to feature significantly. The entries on these figures, however, are not commensurate with a popularis biased line of thought. Their inclusion can best be explained on the grounds that the incidents and drama surrounding the popular tribunes of the late Republic provided excellent material for the situations required by rhetoric.

C. Gracchus is mentioned as a paragon of oratory² but

¹ cf. S.F. Bonner, Roman Declamation in the Late Republic and Early Empire, Liverpool 1949, p. 23.
² rhet. ad. Her. 4.2.
the same man is responsible for tumultus domestici et intestini, a decidedly disparaging reference. Tiberius is uir fortissimus, a man of insita uirtus. The death of both is lamented:

Tiberium Graccum rem publicam administratorem prohibitum indignum diutius in eo commorari. Calo Gracco similis occasio est obdata, quae uirum rei publicae amantissimum subito de sinu ciuitatis eripuit.

These references are largely favourable but are not prominent or significant in the context of the whole. Saturninus is malus acting adversus rem publicam, a threat to boni uiri. His death, contrariwise, is formally deplored as a crime. The same treatment is accorded the assassinations of Sulpicius and Drusus.

The citations of several distinguished nobiles on the other hand, while as brief, are extremely favourable

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1 rhet. ad. Her. 4.38.
2 Ibid., 4.68.
3 Ibid., 4.31. cf. 4.22.
4 Ibid., 2.17.
5 Ibid., 1.21.
6 Ibid., 4.31. cf. Cic. pro Mil. 8,72.
7 Ibid. cf. har. resp. 19.41 - 20.43 for a similar list of popular leaders.
(notably of Scipio Africanus Maior, ¹ Scipio Aemilianus, ² P. Decius Mus). ³ There is no apparent discrimination against either nobiles or Gracchans: the only criterion for inclusion is suitability for the author's rhetorical exempla.

Statements of a more general political nature directly conflict with each other. One, purporting to be a guide to pragmatic politics, is fiercely antagonistic to the nobiles:

ab adversariorum persona benuiolentia captabitur si eos in odium, in inuidiam, in contemptionem adducemus...in inuidiam trahemus si uim, si potentiam, si factionem, diuitias, incontinentiam, nobilitatem, clientelas, hospitium, sodalitatem adfinitates adversariorum, proferamus et his adiumentis magis quam veritate eos confidere aperiemus.... ⁴

This summary of the methods of anti-establishment propaganda is reminiscent conceptually of the commentariolium petitionis, while its terminology, especially the words potentia, factio, nobilitas, is very similar to Sallust's. This form of propaganda was obviously the current

¹ rhet. ad. Her. 4.22,34,42.
² Ibid., 4.19,43.
³ Ibid., 4.57.
⁴ Ibid., 1.8. cf. 2.17.
electioneering tactic of the political opponents of the nobiles.

But if this passage is written from a popularis point of view, the following tendentious prophecy is not: 'aliquando rei publicae rationes, quae malitia nocentium exaruerunt, uirtute optimatum reuirescent.' optimates shines with all its political and moral superiority, while nocentes deputises for Cicero's populares or improbi.

These few examples are sufficient to dispense with the claim that the author is an articulate popularis. Particular passages taken by themselves may suggest one or other line but do not add up to any coherent composite whole. This is not a deficiency on the part of the author; his sole concern is with the art of rhetoric and with practical illustrations of technique.

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rhet. ad. Her. 4.45. cf. 4.12 for similar sentiment.
These can be drawn from any relevant source whatever. 1

1 The importance of the *rhetorica* is often seen to be its connection with the *rhetores Latini* who were banned by an edict in 92. The author's teacher is conjectured to be L. Plotius Gallus who taught in Cicero's boyhood in the early years of the first century B.C. (de orat. 3.24.93; Tac. Dial. 35; Quintil. 11.4.42), and whose teaching of Latin in preference to Greek provoked official disfavour. There has been a tendency by modern scholars to ascribe a political background to this edict and to interpret for example the terms of Crassus' defence of the edict in the de orat. and Dial. as political as much as moral (eg. Leeman op. cit. p. 62.f). This view is based on the supposition that the school was a hot-bed of popular oratory. The argument of Leeman is that the adaptation of Greek rhetoric to the Latin language and Roman education is 'a token of professed Hellenism' (p. 63): with Greek taught as a separate language, the Romans would take from it only what they wanted to. According to this argument, then, the *rhetores Latini* were Hellenised. The second step is to see Hellenisation as part of the *populares* outlook. The Gracchi were Hellenised (they had Greek teachers) and they were also *populares*. The Scipionic Circle on the other hand was *nationalistic* and conservative and less open to Hellenising influences than we are led to believe (Leeman p. 69). So in suppressing the *rhetores Latini*, the *optimates* were suppressing the influence of Hellenism and, therefore, the *populares*. Marius tends to upset this balance but Leeman makes up a Procrustean bed: Marius hated Greek (and it would seem Latin also); Marius is therefore *populares* and a nationalist. The other Gracchan-type *populares* studied Greek (either through Latin or directly) and were cosmopolitan. This tenuous argument breaks down completely with Leeman's concluding remarks: 'As for Greek influence in general it seems that the lower classes were Hellenized to a far greater degree than the upper few, who adopted a nationalistic and conservative attitude, and that accordingly the oratory of the *populares* was more Greek in character than that of the *nobiles*'. (p. 66. The underlining is mine.) This sort of sociological division completely misunderstands the way the words *populares* and *optimates* are used in ancient sources. It suggests that *populares*
For a glance at the later history of the word popularis we must turn to the writers of the Empire. My discussion is by no means exhaustive but comprehends a wide span of time and a varied selection of authors. ¹ Livy, the most prolific of the Empire writers, is excluded from consideration here.

The biographer, Cornelius Nepos, belongs in life-span more perhaps to the Republic than to the Empire. Much of his work, however, (eg. the lives of Cicero, Cato, Atticus) was composed well after the fall of Republican order. Nepos and Livy are the historians closest to the actual events of the late Republic. They more than any other Imperial writers might be expected to show the strongest influences of Republican concepts and terminology.

In his chapter on Phocion in the de excellentibus ducibus exterarum gentium, Nepos describes the political situation at Athens in the early fourth century in familiar

rose up from the plebs or alternatively adapted their oratory to the strong Hellenistic tastes of the plebs. The one is as invalid as the other inconceivable. Who are Leeman's populares (apart from L. Marciius Philippus, p.64)? Who were the popular orators who were emerging from the schools of the rhetores Latini? Leeman's points may well be defensible but he has not presented enough documentation to validate them. cf. Bonner. op. cit. p.23.

¹ In relation to the writers of the Empire, I regret that the article on popularis in the Thesaurus Linguae Latinae has not yet appeared.
erant eo tempore Athenis duae factiones, quarum una populi causam agebat, altera optimatum. in hac erat Phocion et Demetrius Phalerus, harum utraque Macedonum patrociniiis utebatur; nam populares Polyperchonti fauebant, optimates cum Cassandro sentiebant.

Of the two opposing factiones, the populares are those who embrace the populi causa. Cicero uses the terms optimates and populares in connection with Greek politics in a similarly neutral sense without any of the colour usually associated with the terms in their Roman application.\(^2\)

In another extant biography (from the de historicis Latinis), Nepos describes the political attitudes and affiliations of Atticus, Cicero's renowned correspondent:

'\textit{in re publica ita est uersatus, ut semper optimarum partium et esset et existimaretur}.\(^3\) Later in Atticus' life, however, Atticus fell foul of the optimates: 'sed sensim is a nonnullis optimatibus reprehendebatur, quod parum odisse malos ciues uideretur.'\(^4\)

\(^1\) Phocion 3.1. In old age Phocion is represented as acting adversus populi commoda (4.1) and suffering odium multitudo-
\(^2\) cf. Cic. Ver. 2.5.13; de orat. 3.138.
\(^3\) Att. 6.1.
\(^4\) Ibid. 9.7.
Nepos' terminology and concepts are familiar:
the state is divided into two partes one of which consists
of optimates, the other of mali ciues. Nepos makes it
quite clear who the mali ciues are: M. Antony and his
followers, especially P. Volumnius.¹ The use of the
pejorative antithetical mali gives optimates a moral sense
which it does not have in relation to Phocion and Athens.
This is normal Ciceronian usage; we can reasonably infer
that mali ciues is equivalent to Cicero's populares or
improbi.

Velleius Paterculus in his compendium of Roman
history (written for 30 A.D.) does not use popularis at
all in connection with republican politics. The second
book of his history contains brief biographies of figures
such as the Gracchi, Sulpicius, Drusus, Marius and Caesar.
His treatment of all, especially the Gracchi, reflects
traditional stereotyped thinking. On the one hand he
praises the Gracchi's outstanding ancestry, ingenium and
oratory, and on the other he condemns their political
activities as the cause of the ensuing inexorable
disintegration of the Republic.² Tiberius, he writes,

¹ Volumnius was praef. fabr. 43-42 (Att.12.4.). Nepos
claims that Atticus was the chief assistant to Antony's
wife, Fulvia (Att.9.4-5).
² Vell. Pat. 2.3.3.
split with the boni, introduced harmful agrarian legislation and was opposed by the optimates i.e. the ‘senatus atque equestris ordinis pars melior et maior et intacta perniciosis consiliis plebis.’ Of Gaius he writes: ‘...idem Gaium fratrem eius occupauit furor, tam uirtutibus eius omnibus quam huic errori similem, ingenio etiam eloquentiaque longe praestantior.’ and suggests that Gaius may have hankered after regalis potentia. The same furor is seen to have possessed the homines exitiabiles, Glaucia and Saturninus. Sulpicius introduced perniciosae leges et exitiabiles. Clodius is audax and infamis, ‘quo nemo perniciosior rei publicae neque bonis inimicior uixerat.’ The audax

1 Vell. Pat. 2.2.1.
2 Ibid., 2.3.2. Vellius regularly uses partes to describe the personal followings of military leaders, eg. of Cinna (2.22.2), of Sulla (2.26.2.), of Pompey (2.48.4; 54.2; 62.1,6; 65.1), of Caesar (2.48.4; 55.1; 63.3), of M. Brutus (2.72.1; 74.1).
3 Ibid., 2.6.1.
4 Ibid., 2.6.2, 4; cf. 2.7.1.
5 Ibid., 2.12.6.
6 Ibid., 2.18.5.
7 Ibid., 2.45.1.
8 Ibid., 2.47.5.
9 Ibid., 2.48.3.
Cicero was 'primo pro Pompei partibus, id est, ut tunc habebatur, pro re publica, mox simulatione contra Pompeium et Caesarem sed animo pro Caesare stetit.' Velleius' political opinions and his repeated usage of words like *perniciosa* and *furor* reveal a pronounced similarity with the *Periochae* of Livy.

Annaeus Florus' *Epitome of Roman History*, written about a century later, (probably in the second half of Hadrian's reign), follows the same lines. His interpretation that Rome's moral, political and social degeneration derived directly from prosperity and military success in the second century B.C. seems to owe something to Sallust. The chief cause of revolution he attributes to the *tribunicia potestas*: 'seditio omnia causas tribunicia potestas excitavit quae specie quidem plebis tuendae; cuius in auxilium comparata est, re autem dominationem sibi adquirens, studium populi ac fauorem agrarii, frumentarii, iudicarii legibus aucupabatur.'

1 Vell. Pat. 2.48.4.
2 qv. p.282 supra. Apart from Cato (1.7.2f; 17.2) and Hortensius (2.16.3), Velleius does not specifically mention any of his sources. There seems no reason why he would not have used Livy. cf. F.W. Shipley, Loeb Introd. p.xiv n.1.
3 Flor. 1.47.8,11.
4 Ibid., 2.1.1.
Such measures led to self-perpetuating ruin; the state itself became mere *merces*, an object of bargaining.¹

Florus praises Ti. Gracchus' *genus, forma, eloquentia*.²

But Tiberius became *popularis*³ and was resisted by *nobilitas*.⁴

Gaius used similar methods of *tumultus atque terror*.⁵

The total effect of the Gracchi, in particular the law regarding jury composition, is seen as disastrous:

' *iudiciaria lege Gracchi diuiserant populum Romanum et bicipitem ex una fecerant ciuitatem.*'⁶

Saturninus is described as *nobilitati semper inimicus*,⁷ possessed by *furor*,⁸ (as was Glaucia his *satelles*⁹), seeking *dominatio*.¹⁰

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¹ Flor. 2.1.5. cf. Sall. Hist. 1.77.14; Cic. de leg. 3.19-22.
² Ibid., 2.1.1.
³ Ibid., 2.2.2.
⁴ Ibid., 2.2.4.
⁵ Ibid., 2.3.1-2.
⁶ Ibid., 2.5.3.
⁷ Ibid., 2.4.1.
⁸ Ibid., 2.4.3.
⁹ Ibid., 2.4.4.
¹⁰ Ibid., 2.4.3. Florus speaks of Drusus' *seditio* (2.5).
The language and classification of these references make it clear that Florus considered all the tribunes to be of the same mould, i.e. to be *populares*, though he uses the word directly only of Tiberius. His descriptions and explanations of particular historical situations are so predictable that they can only be read as faithful reproductions of earlier secondary material. It is inconceivable that a fresh approach made three centuries after the events Florus describes would have produced exactly the same conclusions and assessments, expressed in identical language, with the same amount of prejudice that we have seen in earlier writers. Indeed the work is described in the MSS as a direct epitome of Livy. The language and tone of the *Periochae* readily confirm this claim of the MSS.

A glance at Pliny the Elder's usage shows *popularis* applied in three different senses. In a context entirely unrelated to politics, he speaks of Livius Drusus as

"...tribunorum popularium clarissimus, cui ante omnis plebs astans plausit, optimates uero bellum Marsicum inputauere...."  

Pliny obviously sees an opposition between *tribuni populariores* and *optimates*. It is interesting

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1 NH. 25.52.
that Pliny considered Drusus clarissimus of the popular tribunes, rather than either of the Gracchi.

Pliny also uses the regular Ciceronian idiom of popularis ciuitas to signify a democracy as opposed to a regia ciuitas. A third type of usage is found in the sentence: 'nam in alia parte Phoenices Ciliciaeque populari etiam nomine a nobis appellantur balani.' popularis signifies 'local, in the idiom of the local inhabitants'. Pliny's usages, while not numerous, cover a wide area of signification.

The philosopher Seneca uses popularis in a striking way of Julius Caesar. The context is a discussion in the de beneficiis of those who are grati and ingrati to the state. Listed as ingrati, with a lightning switch from the legendary Coriolanus to Catiline, are Marius, Sulla, Pompey, Caesar, Antony. All of these men are directly named except Caesar who is '...Pompei hostis ac uictor' and 'ille plebicola, ille popularis'. In the context

1 NH. 7.200.
2 NH. 13.48.
3 Ibid. 5.16.1.
4 Ibid., 5.16.5. According to J.W. Basore, (Seneca's Moral Essays, Loeb vol. 3 p.356) the name Caesar is omitted because it had become an imperial title. Seneca is not always so fastidious. In the de ira, for example, he uses Caesar directly of Julius (2.23.4). There, however, the context is very favourable to Julius. Perhaps it depended on the tenor of Seneca's reference whether or not the term 'Caesar' implied indiscretion.
Seneca refers only to Caesar's warlike propensity, not to any political or legislative activities. This implies not so much a connection between *popularis* and military offensive (none of the other aggressors is necessarily *popularis*), but rather between *popularis* and violence and disorder. Seneca uses *popularis* to build up and colour his picture of Caesar as a troublesome and destructive element in the state. The absence from the list of *ingratia* of popular tribunes like the Gracchi, Saturninus, and others is marked. Seneca obviously did not consider their methods of violence and turbulence a mark of *ingratia*.

In Tacitus *popularis* is for the most part a substantive signifying 'a fellow-citizen, a subject'. The word is also used as an adjective to describe activities or efforts 'that are calculated to win the people's favour.' For example, certain speeches of Cluvius Rufus, a commander and ostensible supporter of Vitellius, were denounced by a freedman as '...contumeliosae in Vitellium et pro se ipso popularia.' Vitellius himself tried to win popularity:

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1 Hist. 3.21; 4.12, 18, 67. Ann. 1.57; 2.1, 10, 44; 3.38; 4.12, 24, 47; 6.31, 37; 11.9, 10; 12.16, 29, 44; 14.24. Germ. 10.

2 Hist. 2.65. cf. Juv. 3.37; Pliny Paneg. 77.4.
The sense of this adjective is essentially subjective; it describes efforts only, and not their success.

*popularitas* is the derivative noun. It is so used in connection with Tiberius' speech delivered in the senate in reply to the ingratiating Cornelius Dolabella. Tacitus presents the sentiment as a capricious desire of the sullen Emperor to please and flatter his subjects, concluding 'quanto rario apud Tiberium popularitas, tanto laetioribus animis accepta.' As it happened, Tiberius' conciliatory gesture met with warm approval; his *popularitas*, however, did not of itself imply objective success.

Suetonius also uses *popularitas* in this limited subjective way. The Emperor Gaius tried desperately to win popularity: 'incendebat et ipse studia hominum omni
genere popularitatis.'

Nero was crazy for popularity;

'maxime autem popularitate efferebatur, omnium aemulus qui quoque modo animum uulgi mouerent.'

Titus was over-indulgent: 'ne quid popularitatis praetermitteret, nonnumquam in thermis suis admissa plebe lauit.'

Popularitas in all these examples is employed to signify a conscious attempt to ingratiate oneself with the people. The Emperors may not in truth have been so motivated; they may have made a considered effort to break down barriers between 'throne' and subjects. But this is not the interpretation of Tacitus or Suetonius. In these authors popularitas contains all the contempt and derision that both felt towards Empire and Emperors in general, and towards a few Emperors in particular. Popularitas has nothing whatever to do with political groupings or political method in relation to tribunes, popular assemblies or popular legislation. It is in a loose way connected with method, to the extent that, on the

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1 Gai. 15.1 cf. 15.4 'pari popularitate damnatos relegatosque restituit'.
2 Nero 53.1.
3 Tit. 8.2. Popularia is also used by Suetonius to refer to the seats of the common people in the theatre (sc. subsellia), as opposed to the orchestra. cf. Claud. 25.4; Nero 43.1; Domit. 4.5; 17.3; Tib. 37.
interpretation of their prejudiced opponents, *populares* in the Republic courted the people's favour solely for their own ends.

Statius (A.D. 40-96) in his *Silvae* speaks of Pompey's *popularitas*:

\[\text{libertate (sc. detonabis) grauem pai Catonem, et gratum popularitate Magnum.}\]

This rather ambiguous usage might seem to suggest Pompey's political position and method. However, I think it is best read subjectively as a continued effort to win favour and approval. *gratus* proves the objective success of this effort. Other interpretations may perhaps be admitted but none makes satisfactory sense. The evidence of Suetonius and Tacitus seems to establish quite clearly what the word signified in the first two centuries of the Empire.

Tacitus uses *popularis* in a political connection only once; Suetonius not at all. In the *dialogus de oratoribus* one of Tacitus' interlocutors makes the point that outstanding and vital oratory could develop and flourish only in a free republic.¹ In such a state

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¹ *Silv.* 2.7.68-69.

oratory is the life-giving force of politics:

hinc leges adsiduae et populare nomen,
hinc contiones magistratuum paene
pernoctantium in rostris, hinc
accusationes potentium reorum et adsignatae
etiam domibus inimicitiae, hinc procерum
factiones et adsidua senatus aduersus
plebem certamina.¹

The order of these effects and symptoms is instructive:
the syntactic connection of populare nomen is also a sense
connection: the name of the populus was invoked for
leges adsiduae. Tacitus sees a clear relation between
populares and the legislative activity of the late Republic.
The magistrates mentioned are either the tribunes haranguing
contiones with popular proposals, or their senatorial
opponents haranguing against the proposals. Logical
consequences follow: accusationes against potentes, and
inimicitiae between former friends as political factiones
form and engage in continual certamina, senate against
plebs. The oratory that gives rise to this state of
affairs is contumax, temeraria, adrogans, 'quae in bene
constitutis ciuitatibus non oritur.'² Athens, Rhodes and
Republican Rome all produced great numbers of orators,
along with partes, dissensiones, discordiae, immoderatio,

¹ Dial. 36.
² Dial. 40.
Gracchus is a good example of such an orator, a brilliant and forceful speaker but a turbator plebis who involved the state in endless civil strife.  

From this selection of usage of Empire writers, several points emerge. The first is that there appear to be no references to contemporaries as populares. Several of the Emperors make an effort of popularitas but none is recorded as successfully winning his object and thereby becoming popularis. The second point is that the word in its particular contemporary application has lost all relation to politics. This was only to be expected since there was no sort of political activity possible in the totalitarian state which could approximate to the Republican notion of popularis with its vigorous anti-senatorial tendencies and emphasis on tribunes and popular legislation.  

\[\text{1 Dial. 40.} \]
\[\text{2 Ann. 3.2.7. Dial. 40.} \]
\[\text{3 Fronto in a badly preserved letter to the triumvirs and senators of Cirta mentions the need for the colony to have uirum popularem et uirum consularem ius publicum respondentem (ad amicos 2.11 0.W.200) popularis seems to signify 'well-known or well-liked' but could be read with equally good contextual sense as 'native citizen of Cirta'. The text is too corrupt to allow clear interpretation.} \]
conceivably have been used in relation to the Republic, to express the essence or habit of popular politics. Its only meaningful sense in the Empire was 'the attempt to win favour.' 

The third point is that *popularis* is sparingly used by Empire writers (especially the historians) when they refer to Republican politics. *Optimates* occurs much more frequently to describe either the early Roman aristocracy or nobility (as opposed to the plebs), or the particular senatorial *factio* that existed during the last century and a quarter of the Republic. The latter sense is more common, occurring in Nepos, Velleius, Suetonius, Tacitus, Pliny the Elder.

There seems to be no obvious reason for later writers to exclude *popularis* and include *optimates* in their descriptions of Republican politics.

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1 on *fauor* cf. Tac. *Ann.* 4.12; 2.36,44; Vell.*Pat.* 2.89.1; 91.3.


4 Nepos *Att.* 9.7; Vell.*Pat.* 2.3.2; Suet.*Jul.* 11.15; 19.1,2; 45.3; 13; *Aug.* 12; 10.2; *Tib.* 2.4; Tac. *Ann.* 4.44. Pliny *NH.* 25.52. In Suetonius (*Jul.* 11) *optimates* are Caesar's enemies; Caesar is not *popularis* but has the *fauor populi*. 
A circumspect explanation is that optimates represented something closer to home, a senatorial upper-class with which the writers were fully familiar. But the longer and more firmly established the forms and machinery of Empire, the more remote grew the notion of the reality of republican political practices. If the idea of libertas was artificial and academic, that of populares may well have been incomprehensible. Looking at the various usages of the word found in the sources, later writers were probably loath to use it.

Beyond these bare details, little can be ascertained of the factual reference of the word in this particular context. The emotional impact of popularia, however, is its striking feature. Put into the mouth of the habiles Mortulio, popularia is a term of distinct opprobrium. It is associated with other emotive and loaded words like incidia and imputa multitude. The appellation of popularia is thus very different from that of 'senatus', 'plebeian', or 'saeus' or nobilia. Cicero denies the charge with considerable passion. popularia clearly has front force of suggestion and evocation.

Verr. 2.1.151-2.
popularis and its contextual associations

The earliest known usage of popularis in its political application (in the Verrine speeches in 70 B.C.) shows that the emotional overtones of the word far outweigh its precise factual connotation. The factual connotation is that Cicero is playing to his audience in an attempt to win sympathy for his prosecution.¹ Such behaviour, not in itself strictly political, is considered to be associated with political populares like Saturninus and Gracchus. Beyond these bare details, little can be ascertained of the factual reference of the word in this particular context. The emotional impact of popularis, however, is its striking feature. Put into the mouth of the nobilis Hortensius, popularis is a term of distinct opprobrium. It is associated with other emotive and loaded words like inuidia and imperita multitude. The appellation of popularis is thus very different from that of 'senator', 'plebeian', or eques or nobilis. Cicero denies the charge with considerable passion. popularis clearly has great force of suggestion and evocation.

¹ Verr. 2.1.151-2.
The characteristics of *popularis* exhibited in this context are common to almost every usage of the word in Cicero and Livy: the specific facts denoted by the word are half-hidden by the strong emotional response it evokes. Rarely does *popularis* simply signify the fact of political identification as it does in the Fourth Catilinarian speech when Cicero refers to Caesar's *popularis via* as the 'other' political mode or style.\footnote{in Cat. 4.5.9.}

It is not immediately apparent from this context that Cicero considers this style questionable, misguided or injurious. Indeed he openly states that the *salus populi* could be well served by the followers of the real *popularis via*.\footnote{Ibid.} This example is exceptional in Cicero's usage.\footnote{cf. Hellegouarc'h, *op. cit.*, p. 526.}

It is unlikely that *popularis* itself originally wielded the emotional force it had acquired in 70. We are unable of course to trace the history of usage on account of the limited sources. A probable argumentum ex silentio is that *popularis* originally connoted some
fairly precise activity which evoked a positive response from both those who seemed to benefit the emotional force of the word became predominant and *popularis* came to be used more widely and loosely. By 70 at least its vituperative connotations were firmly established. *popularis* does not in itself define the particular and basic facts that prompt such vituperation.

*Popularis* is rarely used in Latin without accompanying emotive verbal associations. It all depends upon the particular contextual associations whether *popularis* is to be interpreted as 'good' or 'bad'. In other words, when Cicero wants to blacken his opponents with *popularis* he associates with it other emotive pejorative words. Conversely, when *popularis* is applied to himself as a term of recommendation, emotive and thoroughly acceptable words are employed to lend colour and force. Seldom do we find *popularis* in a context without either sort of verbal embellishment. This is true of writers as late as Tacitus and Florus.

Several outstanding examples of this technique come to mind. In the *pro Cluentio*, Cicero describes Quinctius
as '...acerbus, criminosus, popularis homo ac turbulentus'\(^1\) and his activities as '...iniqua, falsa, turbulenta, popularia, seditiosa....'\(^2\) It is perfectly clear what sort of response Cicero is attempting to evoke from his audience. Even though we may not know what popularis itself signifies, Cicero insures that the word is swept along with the other unequivocally pejorative terms. By grammatical juxtaposition and semantic colouring all of the words in this context become eiusdem generis: the hostility felt towards one or several is transferred to all. In other words, the terms are used in a cognate sense, taking their colour from each other. The more general word, popularis, is restricted to a sense analogous to the less general, like acerbus, turbulentus, falsa, iniqua, which can be pin-pointed to identifiable qualities and characteristics. popularis cannot be neutral; it becomes a symbol of these other attributes and activities. It represents something Cicero wishes his audience to despise.

In the de lege agraria where Cicero appropriates popularis for himself, the same method is used but the

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1. pro Cluent. 94.
2. Ibid., 113.
direction is different. Here pejorative and disparaging words are associated with the pseudo-populares, while perfectly 'good' words are associated with the new definition of popularis which Cicero hopes his audience will accept: 'quid est tam populare quam pax? ... quam libertas? ... quam otium? ... qua re qui possum non esse popularis, cum uideam haec omnia, Quirites...'

Vague emotive words like pax, libertas, which themselves elude precise definition, grace the new image of the true popularis. The reverse process is to associate the worst sorts of activities with the pseudo-populares: motus, perturbatic, fraus, insidia, scelera, and more concrete activities of the same order, largitiones, iudiciorum perturbationes, rerum iudicatarum infirmationes, agrariae leges. The use of popularis in the de lege agraria shows that the word is a propaganda term; it is used to propagate one cause against another. Cicero has to weaken and counter the usual responses and expectations aroused by popularis. He must define popularis in a way that will sway his audience's mood and attitude into accepting his own beliefs and values.

1 leg.agr. 2.4.9.
2 leg.agr. 1.8.24, 25.
3 leg.agr. 2.4.10.
The same technique is applied in Cicero's definition of *populares* in the *pro Sestio*. Here in its first statement, *populares* are all 'qui ea quae faciebant quaeque dicebant, multitudini iucunda uolebant esse....'¹

This statement is relatively neutral in its tone, though a touch of disparagement is evident in *multitudini iucunda*. Very soon in Cicero's discussion, however, *populares* becomes *nocentes, improbi, furiosi, audaces, perditi*.²

Cicero makes no concessions or allowances, and exploits every resource of rhetorical and emotionally charged language. *Populares* are completely devilized. Indeed the picture is so coloured and so sensational that it can only be considered a piece of gross propaganda and misrepresentation. The intended purpose of such polarization is emotional agitation, not rational information.³

The description of Manlius Capitolinus in Livy is

¹ *Sest*. 96.

² *Sest*. 97, 100. The description of the Catilinarians in 63 B.C. is almost identical with that of the *populares* in the *pro Sestio*. Compare for example the language of in Cat. 2.11.25 and *Sest*. 99. Not all of Cicero's *populares*, of course (as he himself well knew), would qualify for such description.

similarly infused with emotive contextual words. The following example will suffice to show Livy's skilful use of language:

his opinionibus inflato animo ad hoc uitio quoque ingenii uhexmens et impotens...
primus omnium ex patribus popularis factus cum plebiis magistratibus consilia communicare; criminando patres, alliciendo ad se plebem iam aura, non consilio ferri....

The factual connotation of popularis is 'cum plebiis magistratibus consilia communicare', an activity not essentially evil. It is made so, however, by the contextual associations. The language is carefully geared to show Manlius in the worst possible light. Nearly every clause contains disparaging insinuations or latent hostile criticism. The coloured overtones of inflato animo, uitio, uhexmens, impotens, criminando, alliciendo, pass judgment on popularis. Even the word aura, which is not intrinsically pejorative, acquired an unfavourable sense and reinforces the general opprobrium of the context. Livy intends his readers to endorse his own view that popularis fieri is a despicable act. popularis thus expresses a judgment of value and is not simply a statement of fact.  

1 Livy 6.11.6-7.  
2 cf. Hellegouarc'h, op. cit., p.534.
These few examples are representative of a general pattern of language used in association with popularis in its common pejorative sense. The most striking features of this language are its almost rigid uniformity over a long period and in many authors, and, within this uniformity, a marked richness and diversity.

It is astonishing that the same terms occur again and again to describe popularares, even as late as the second century A.D. Part of this recurrence can be explained by the apparent unquestioning acceptance of later writers of early formulae and traditions. The usage of words like perniciosae in connection with the legis of popularares became a convention and perniciosae legis a stock phrase. Cicero has the largest vocabulary, partly because he was by nature prolific and rhetorical, partly because we have a larger number of extant works of Cicero than of other authors, but chiefly because he was writing in direct relation to popularares. It would have been difficult for Livy or any writer of later times to recapture quite the same direct relation and full rhetorical flavour that is found in Cicero, above all in his speeches.

In looking at this language it is necessary to abstract words from their contexts. This is perhaps the most
satisfactory way of demonstrating the great variety and abundance of the vocabulary.¹

Three broad collateral ideas fertilize the vocabulary: immorality, insanity and subversion. Charges of immorality against opposition to the Establishment were inevitable in Roman politics where the inherited notion of proper public behaviour was so deeply informed with a narrow morality. The simple equation of non-conformity and immorality could be turned by the boni to obvious political advantage. It should be noted that the charge of immorality against populares refers to their social relations rather than their private lives.² It is, for example, the public manifestation, in the Bona Dea affair, of his vices that makes Clodius thoroughly reprehensible.

A great variety of words is employed to express this immorality. Many are used almost synonymously with popularis and are seen to have taken on a conglomerative

¹ On late Republican political vocabulary generally see Hellegouarch, op. cit., passim and esp. pp.526-534.
² See also Wirszubski, 'Audaces: A Study in Political Phraseology', JRS 51 (1961) p.14: '...it is not in the first place the moral character of the persons concerned, but rather their political disposition, that determines the choice of abusive or laudatory terms.' cf. Hellegouarch, op. cit., pp.566-569 for a discussion of the essentially social concept of the Roman politician.
force and colour. The following are the most common: improbi, audaces, mali, perditii, perriciosi, leues, and less frequently, inuidiosi, temerarii, nocentes. populares lack the qualities which Roman tradition valued most highly: uirtus, grauitas, seueritas, social qualities associated with the ancient offices of state and

The following are only selected examples. Cic. leg. agr. 1.8.24; Sest. 47, 97, 139; Brut. 224; de rep. 4.11; pro Mur. 37.80; Phil. 7.2.4; Livy 23.2.4.

Cic. Sest. 86, 92, 100, 139; Vell. Pat. 2.45.1; 48.3; cf. rhet. and Her. 4.16; Sall. Iug. 31.16; cf. Wirszubski, Audaces.

Cic. Sest. 97, Phil. 14.7.8; har. resp. 41; Livy 2.9.8; 4.13.1; 23.2.2; Vell. Pat. 2.19.1; Nepos Att. 9.7.

Cic. Sest. 100; Brut. 273. cf. Livy 23.2.4.

Cic. de offic. 2.73; de leg. 3.26; pro Mur. 37.80; Vell. Pat. 2.3.2; 18.5; 47.5; Livy Per. 60, 70, 77, 79, 80.

Cic. Lael. 95; Phil. 5.18.49; 7.2.4; Att. 2.1.6; in Cat. 4.5.9; Ascon. 7OC.

Cic. Verr. 2.1.151; pro Cluent. 77, 93; Sest. 101.

Livy 22.40.2; cf. 45.37.2; Tac. Dial. 40.

Cic. Sest. 97. Other words are exitiabilis (Vell. Pat. 2.12.6; 18.5), contumeliosa (Tac. Hist. 2.65).

Cic. Sest. 92.

Cic. Sest. 97, 105. Lael. 95, cf. on leues.

Cic. Sest. 97, 105. Lael. 95, cf. on leues.

Livy 3.69.1; 8.36.5. For a useful description of these qualities in association with optimates see Hellegouarc'h, op. cit. pp. 246-294, esp. 276, 279, 280.
appropriate presence and demeanour. Usually these qualities are mutually exclusive in their relation ie. a *popularis* can never possess *uitus* or *grauitas*. Only on rare occasions when he is affecting praise does Cicero allow *grauitas* of the Gracchi.¹ His statement in the *de haruspicium responsis* is revealing: 'nihil ut a patris auique Africani praestabili insignique uirtute, praeterquam quod a senatu descuerat, deflexisset.'² No one who *a senatu descuerat*, that is, who followed the *popularis uia*, could possess *uitus*.

Further, *populares* are said to be insane and mentally diseased. This sort of language belongs to the image of sickness and madness regularly found as a literary convention in the whole range of Latin literature. Wholesomeness is the desirable condition of the *res publica*, best summed up in the word *concordia*, a harmony between healthy working parts.³ The actions of *populares* destroy this harmony since they deliberately deviate from the path

¹ *har. resp.* 41 also 43, 44. Hellegouarc'h (p. 293) has apparently missed this reference.

² *har. resp.* 41.

³ cf. Halle, op. cit. 28ff. The carefully related apologue of Menenius Agrippa (2.32.8-12; 33.1) reveals how real this concept was to Livy.
of right reason. Their madness is wilfully self-imposed. Furor and its cognates furere and furiosi are the most frequently used terms.\(^1\) Saturninus is an outstanding furiosus: in Cicero he is effrenatus et saepe demens,\(^2\) in Florus uesanus.\(^3\) The popularis Varro is said to insanire.\(^4\) It is recalled that the Fabii became populares by salubres artes: usually, populares artes were not salubres rei publicae.\(^5\)

*Populares* are not only diseased dissenters, they are revolutionaries, responsible for impetus,\(^6\) seditiones,\(^7\)

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\(^1\) Cic. Sest. 97, 99; Livy 2.42.6; Per. 58, 61, 69; Florus 2.4.4; Vell. Pat. 2.6.1; 12.6. cf. pro rab. perd. (8.22) where Cicero contrasts tribunicius furor with consularis auctoritas.

\(^2\) har. resp. 41.

\(^3\) 2.4.3.

\(^4\) Livy 22.39.6.

\(^5\) Livy 2.47.12 cf. furor in relation to land legislation 2.54.2.

\(^6\) Cic. in Cat. 4.5.9 cf. Tac. Dial. 26.

\(^7\) Cic. Sest. 99; pro Cluent. 93; Brut. 224; de rep. 4.11; Livy 22.40.2; 4.35.5; Florus 2.5; Tac. Dial. 40.
discordia, 1 conversiones, motus, 2 incendium, 3 perturbatio, 4 insidiae, 5 scelera, 6 tumultus, 7 terror, 8 nova consilia. 9
They are nouantes res, 10 eversores rei publicae, 11 who
pax, concordia, otium, tranquillitas and true libertas.
Their methods are pernicious: malae artes, 12 ostentatio, 13
iactatio, 14 praua indulgentia, 15 uis, minae. 16

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1 Cic. Sest. 99.103.
2 Cic. Sest. 99.
3 Cic. Sest. 99.
4 Cic. leg.agr. 1.8.24; Tac. Dial.36; perturbatio ac licentia.
5 Cic. leg.agr. 1.8.25.
6 Cic. leg.agr. 1.8.25; Sest.86; pro Mil.8.
7 Vell. Pat.2.7.1; Florus 2.3.1-2.
8 Florus 2.3.1-2.
9 Livy 6.11.10.
10 Livy 4.13.6; 32.38.9.
11 Cic. leg.agr. 1.7.23; Sest.86.
12 Livy 2.9.8; 3.14.5; 22.34.2; 23.2.2.
13 Cic. leg.agr. 1.7.23.
14 Cic. pro Cluent. 95; Sest. 114; har.resp.43; Livy 3.1.3.
15 Livy 22.42.12; 2.41.7.
16 Cic. Sest. 101.
They stir up and beguile the imperita multitudine,\(^1\) alliciendo,\(^2\) insinuando,\(^3\) inflammando,\(^4\) and become mere publici adsentatores,\(^5\) plebicolaes,\(^6\) turbatores plebis.\(^7\) populares aim at regnum and dominatio.\(^8\)

All these terms belong to the vocabulary of political vilification, but only to describe the populares. Very rarely are the same terms employed in connection with the optimates or boni.\(^9\) The evidence is, however, limited to Caesar's commentarii, and the speeches of popular tribunes.

2. Livy 6.11.7.
3. Livy 3.15.2.
4. Cic. pro Cluent. 79.
5. Livy 3.68.10; 45.18.6; Cic. Lael.95.
6. Livy 3.68.10; Cic. Sest.110; Sen. de ben. 5.16.1.
8. Cic. leg. agr. 1.8.24; de rep. 2.49; Phil. 21.44.114; Vell. Pat. 2.6.2. Livy 23.2.4; Flor. 2.1.1; 4.3.
9. Sallust's speech of the tribune Memmius in Leg. 31.16 reverses the usual order: 'sed haec inter bonos amicitia, inter malos factio est. quod si tam uos libertatis curam habaretis, quam illi ad dominationem adcensi sunt, profecto neque res publica sicuti nunc uasteretur et beneficiuostrap enes optumos, non audacissumos forent.' This is the only instance of audax in connection with the nobiles. cf. Wirszubski, Audaces, p.20, and Libertas p.104.
in Sallust and of populares in Livy. In these authors, the usual words to describe the nobles and senatorial opposition are simply superbi or pauci. Livy of course presents the speeches of the populares he disliked in a light favourable to the patres. For example, Manlius Capitolinus in his harangues before the plebs refers to the fraus and dominatio of the patres and the seruitus imposed by the adversarii plebis. Livy makes it quite clear, however, that his reader should have no confidence in these sentiments: Manlius is only a rabble-rouser: iam per se accensos incitabit plebis animos. As a general rule, the above-mentioned vocabulary is the reserved property of the boni and nobles.

The influence of rhetoric is strong in the Roman political writers. Frequently the terms of vituperation are coupled together or piled up in a series: seditiosus ac temerarius, populares homines improbi in re publica seditiosi, popularis ac turbulentus, leues et audaces et

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1 Livy 6.15.12; 18.6; 14.4; 18.5.
2 6.18.5.
3 Livy 22.10.2.
4 Cic. de rep. 4.11.
5 Cic. prov. cons. 39.
mali et perniciosi.\textsuperscript{1} The fact that so many opprobrious words were needed for effect suggests that the individual force of each had become somewhat attenuated. Rhetorical combinations such as these were conventions of political recrimination.

The vocabulary used in connection with popularis is extremely rich and varied. Its intended effect, although this varies in degree from context to context, is clearly to evoke emotional response rather than rational consideration. The fact that the author's appeal depends for effect on other emotive words suggests that it is not the facts of popularis that are important, but simply the cumulative force of the contextual associations. Thus there is no limit to the colour, insinuation and misrepresentation that can be introduced into any context. The preponderance of emotive colour in different contexts is one of the reasons why popularis cannot easily be defined. It is almost impossible to separate the political vituperation from what popularis connotes as a political fact.

\textsuperscript{1} Cic. Sest. 139.
CONCLUSION

My study has been concerned with the usage of popularis in different contexts at different times and by different authors. The investigation has shown that there is no simple criterion for the usage of popularis; we cannot ascribe to the word a single or constant validity or signification. In itself popularis is neither intrinsically pejorative nor favourable. We observe that because of its etymological association with populus and its empirical association with plebs urbana, the word was a label of considerable political significance, one which the optimates, or opponents of those who claimed to be populares, could not ignore. As a slogan, popularis carries great emotive and propaganda force. The actual colour and signification of the word depends not only on its immediate verbal context, but on the larger context of situation and underlying theme.

In Livy we have seen that popularis covers a very wide area of reference, ranging from an appellation of praise, to a mild word of approval, to a heavily loaded term of reproach and opprobrium. The extent of Cicero's usage is not so wide: on the one hand, popularis is a term
of opprobrious political identification, and on the other, a symbol of an ideal political good. In Cicero *popularis* is never a mild term of approbation as it is in relation to the Fabii in Livy. There is no Ciceronian equivalent for the sense 'not antagonistic to the plebs'. The *populares* whom Cicero dislikes and criticises are men such as Manlius Capitolinus and Pacuvius Calavius in Livy, i.e. *nobiles* who 'become' *populares*, who follow a *popularis via*. Cicero's 'good' *populares*, (like Valerius, Horatius and Cicero himself), represent the same ideal of statesmanship and altruism as Livy's 'good' *populares*. The fact that such early and semi-legendary figures are described as *populares* proves how significant the word was at Rome. By presenting in them a 'true' criterion for the appellation *popularis* Livy and Cicero hoped to illustrate how far *populares* of their own day had deviated or how far they were political charlatans. In this way the past is interpreted in order to be more comfortable in the present.

In the writers of the Empire, *populares* constitute only the 'bad' opposition to the *boni* or *optimates*. What is the difference between 'good' and 'bad' *populares* in these authors? In Livy the former (such as Publicola, Valerius, the Icili, Philo) are usually
concerned with popular laws, but only of a political or constitutional nature. These <em>populares</em> are responsible for establishing practices and forms which were an integral part of the notion of the Roman Republic. Their actions are seen to be of enduring benefit to the whole state. <em>Populares</em> who are concerned with social and economic change, on the other hand, are treated as psychotic and pernicious elements. Their agrarian and debt agitation are the preludes to the disorder and upheavals of the last century and a quarter of the Republic. Thus these <em>populares</em> are associated with the ultimate expression of anti-Republicanism, <em>regni cupidus</em>. Cicero's concept of 'good' <em>populares</em>, which he could never satisfactorily evolve, has little relation to the political realities of his own time. Such <em>populares</em> are virtually indistinguishable from <em>optimates</em>. Again, in Cicero the agrarian and debt issues represent the two chief <em>populares</em> planks, both of which are <em>a priori</em> deleterious to the <em>res publica</em> and injurious to the <em>boni</em>. The most striking feature of Cicero's usage is its close parallel with his own political life. The problem of <em>populares</em> must surely rank as the most significant in Cicero's political consciousness.

Whereas Livy's usage remains consistent in its application to any one person, Cicero's is capable of
fluctuating violently from context to context. Part of this fluctuation must surely reflect the looseness of the word *popularis* itself. Its almost indiscriminate employment suggests a certain debasement of the original concept of *popularis*. Moreover, it is difficult to pinpoint exactly this primary concept. On the representation of Cicero and Livy, *popularis* has little to do with ideology or principle. 'Good' *populares* seem to be concerned with popular rights and fair-play for the *plebs* but this is the closest connection of *popularis* with basic principles. *Popularis* in relation to others, however, refers to their different political style and mode and program, not to a basic difference of principle. It is interesting that no appropriate '-ism' was ever evolved to denote the principles and intentions of *popularis* actions. The use in the Empire of the abstract noun *popularitas* refers only to the effort of attaining popularity. Phrases like *popularis iactatio* and *popularis leuitas* express style and mode only. No appropriate word exists to denote the essence or principles of the *optimates* either. The absence of such words reveals a truth of Roman politics: politics followed pragmatic lines, not ideological. *Popularis* refers to individual politicians, never to the
philosophical basis of their politics. The net is too wide for individuals to refer to a central point.

If popularis did not denote to the Romans a separate political ideology it can be seen retrospectively to have represented two broad trends. The first of these is open opposition to the Establishment; the second is social and economic change and positive legislation. 'Bad' populares, whatever else they were, represented a political challenge as a legitimate part of political procedure, or tolerate the idea of permanent opposition elements. The recognition and acceptance of opposition involved an enormous psychological revolution in the minds of those who (like Cicero and Livy) consistently identified motives and means, and who could not see that means of violence and disorder were very often only the result of frustration of perfectly sound and sincere motives. We need only consider the expressed attitude of all political writers to the Gracchi, Drusus and Caesar. Thus the study of popularis has revealed something of the 'historical consciousness' of our writers. It has revealed one of the basic political assumptions of Rome in the last century B.C.

Finally, it should be said that there is a curious gap in our extant evidence. Nowhere do we find popularis
used by a *popularis*. It is a great loss to our understanding of late Republican politics that we do not have the viewpoint of 'actual' *populares*.

The very variable volatile usage of *popularis* is evidence that the word was above all a political partisan catch-word. Thus, although it appears susceptible of definition we cannot ascribe to the word a fixed value or signification.
### TABLE ONE  
**popularis in Livy**

The following is the fullest list I was able to compile.

**A. popularis as 'fellow-countryman'**

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<th>27.1</th>
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<th>8.26.5</th>
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**B. Usages of popularis which have a political relevance.**

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**Gra Masilius, Quum 439.** Distributed true grain to the *blind; inquired to remain. (4.12.) f. 5.17. E)

**Gra Masilius of which three Lucii were tribunes of the Quum 107.** Openly antagonistic to the current usage as: the election of plebeians to the quaestorship was contrary to the election of military tribunes by... (4.5.4.9).

**W. Masilius Castigare.** (c. 1259). Activist for agrarian and debt relief aimed to regain 10.19.8.
TABLE TWO

Individual populares in Livy

P. Valerius Publicola, cos.suff.509; introduced various laws one of which admitted the right of appeal to the people, another made attempts to seize the kingship illegal. (2.2.f.)

P. Servilius, cos.495; sympathetic with plebeian agitation against debt laws. (2.21.5.f.)

Sp. Cassius, cos.486; plotted for regnum; proposed various agrarian laws. (2.41.f.)

Proculus Verginius, cos.486; opposed Cassius with the support of the plebs. (2.41.f.)

gens Fabia, especially Q. Fabius, cos.480; performed distinguished service as a military commander; benevolent to the plebs. (2.47.12.f.)

Ti. Aemilius, cos.467; proposed an unsuccessful agrarian law. (3.1.2.f.)

L. Icilius, tr.pl.456; secured the passage of lex de Auentino publicando (3.31.1.); tr.pl.449; actively opposed the decemuiiri, Appius Claudius. (3.44.3.f.)

L. Valerius and M. Horatius Barbatus, coss.449; opposed the extension of power of the decemuiiri; introduced various laws one of which gave the force of law to plebiscites; a second restored the right of appeal, a third restored the sacrosanctity of tribunes. (3.55.1.f.)

Sp. Maelius, eques 440; distributed free grain to the plebs; aspired to regnum. (4.13.f.; 6.17.3.)

gens Icilia of which three Icilli were tribunes of the plebs 409; openly antagonistic to the patres; forced the election of plebeians to the quaestorship and return to the election of military tribunes c.p. (4.54.4.f.)

M. Manlius Capitolinus, patrician 385; agitated for agrarian and debt reform; aspired to regnum (6.11.2.f.)
TABLE TWO (continued)

M. Valerius Corvus, cos. 343; achieved outstanding military success; treated his soldiers with utmost respect. (7.33.3)

Q. Publilius Philo, plebeian, cos. and dict. 339; carried a series of popular measures: one provided that plebiscites be binding on all citizens; a second that patrum auctoritas be given before the vote on laws in the comitia centuriata; a third that one censor must always be a plebeian. (8.12.12f.)

L. Papirius Cursor, dict. 325; performed distinguished military service. (8.36.5f.)

C. Terentius Varro, plebeian, cos. 216; hostile to the patres; portrayed by Livy as a demagogue. (22.26f.)

Pacuvius Calavius, a Capuan, in highest position in the community, 216; aimed at dominatio; won over plebs and senate. (23.2f.)

Nabis, usurping tyrant of Sparta, 197; agitated for agrarian and debt reform. (32.38.9; 34.31.11f.)
### TABLE THREE  
**popularis in Cicero**

H. Merguet's *Lexicon zu des Reden des Cicero*, vol. 3 (Hildesheim, 1873 and 1962) and Lexicon zu des Philosophischen Schriften, vol. 3 (Hildesheim, 1887 and 1961) and Oldfather, Canter and Abbott's *Index Verborum Ciceronis Epistularum* (Urbana, 1938) have been useful for checking references.

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TABLE FOUR

Individual populares in Cicero

I have listed only those of whom Cicero directly uses populares. Meier's full and detailed list of Republican populares is based largely on empirical criteria. (RE Suppl. 10 (1965) 573-583).

P. Valerius Publicola, cos. 509-507 (Acad. 2.13)
L. Valerius Potitus, cos. 449 (de rep. 2.54)
M. Horatius Barbatus, cos. 449 (de rep. 2.54)
C. Flaminius, tr. pl. 232 (Acad. 2.13)
Q. Pompeius, cos. 141 (Acad. 2.13)
L. Cassius Longinus, tr. pl. 137 (de leg. 3.35; Brut. 97)
Ti. Sempronius Gracchus, tr. pl. 133 (Sest. 105; har. resp. 43)
C. Papirius Carbo, tr. pl. 131-30. (Brut. 103)
C. Sempronius Gracchus, tr. pl. 123-22 (dom. 24; Sest. 105)
L. Licinius Crassus, aediles in 118 (Brut. 160)
L. Marcius Philippus, tr. pl. 104 (de offic. 2.73)
Ti. Appuleius Saturninus, tr. pl. 103, 100 (Sest. 101)
P. Sulpicius Rufus, tr. pl. 88 (har. resp. 43)
M. Marius Gratidianus, tr. pl. (?)87, praet. 85, 84 (in tog. cand. fr. Ascon. 87c)
L. Quinctius, tr. pl. 74 (pro Cluent. 77)
T. Labienus, tr. pl. 63 (pro Rab. Perd. 4.11-13)
P. Servilius Rullus, tr. pl. 63 (leg. agr. 1.7.23)
Q. Fufius Calenus, tr. pl. 61, cos. 47 (Phil. 8.6.19)
L. Flavius, tr. pl. 60 (Att. 1.18.6)
C. Alfinus Flavus, tr. pl. 59 (Sest. 113f.)
P. Vatinius, tr. pl. 59 (in Vatin. 39; Sest. 113f.)
P. Clodius Pulcher, tr. pl. 58 (dom. 49; har. resp. 44)
Gellius Poplicola, friend of Clodius, (Sest. 110)
Cn. Pompeius Magnus, triumvir (Att. 1.20.2; 2.19.2.)
C. Iulius Caesar, triumvir (in Cat. 4.5.9; Att. 2.19.2.)
M. Licinius Crassus, triumvir (in Cat. 4.5.9; Att. 2.19.2.)
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